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SENATE—Monday, May 24, 2010

The Senate met at 2 p.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, thank You for life's blessings. We praise You for calling us Your people and for choosing us to give You glory. We are grateful for the wonderful things You do for us: for life and health, for friends and family, for this splendid day. Thank You for blessings that lift our souls: worship and music, knowledge and prayer, meditation and praise. Lord, thank You for the blessings of this legislative branch: Senators and staffers, caring and courage, laws and deliberations. Today, cleanse our hearts and lives and guide us by Your Spirit.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 24, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, today there will be a period of morning business until 3 p.m., with Senators permitted to speak therein for 10 minutes each. At 3 p.m. today, the Senate will proceed to the consideration of H.R. 4899, the emergency supplemental appropriations bill. At approximately 4:45 p.m., the Senate will resume the motions with respect to H.R. 4173, the Wall Street reform legislation. It is in order that Senator BROWNBACK make a motion to instruct conferees with respect to auto dealers and Senator HUTCHISON with respect to proprietary trading. Each motion will have 20 minutes of debate prior to a vote. At approximately 5:30, the Senate will proceed to two consecutive votes in relation to the Brownback and Hutchison motions to instruct.

GULF OILSPILL

Mr. REID. Mr. President, it has been nearly 5 weeks since oil started spewing into the Gulf of Mexico and onto our shores. Millions of gallons, miles of polluted coastline, and more than a month later, the consequences of our oil addiction are as clear as the gulf's waters once were.

It has also become clear that the companies responsible for this spill were poorly prepared for this possibility. There is no question that they

failed to adequately invest in the technology necessary to respond to such a catastrophe. Days have turned into weeks, while the experts continue to experiment with ways to stop the spill. We still don't know when the end will come so cleanup can finally begin.

Every year, these companies rake in record profits. Then they turn and spend that money on trying to find more oil. It is time they also find safer ways to drill for it and handle it. The five top oil companies have made \$¾ trillion in profits—\$750 billion—over the past decade, but the amount they have invested in cleanup technologies is negligible.

They have invested embarrassingly little in alternative fuels that would make us more secure both at home and abroad. I don't mind oil companies or any other company making money, but these multibillion-dollar corporations are getting rich at the expense of our national security, our economy, and our environment. Every day we pay unfriendly regimes to feed our oil addiction is a day we are less safe.

Everyone who stands in the way of diversifying our economy makes it harder for businesses to recover, for the unemployed to find work, and for our communities to prosper. And every time we see precious water and wildlife coated in crude oil, the threat to our environment is impossible to ignore. Pelicans were on the endangered species list. We took them off. Now, by the hundreds, they are dying. Where they do their hatching is soaked in oil. We may lose our pelicans as a result of BP.

Weaning ourselves off oil is a hard fact for us to face. We consume more than 20 percent of the world's oil but produce less than 3 percent of the world's oil. It is not a change we can make overnight, but if we don't start, the next disaster could make the current one look like a drop in the bucket.

I am tired of waiting for oil companies to get the message. America needs clean alternatives more urgently than ever. In the meantime, those responsible for this terrible oilspill must foot the bill. I am going to do everything I can to make sure they do foot that bill. Taxpayers will not pick up that tab.

This is the final week of what has been a long and productive session. I know everybody is eager to return home to our States and meet with constituents and see our families and honor the sacrifice of our Nation's bravest this Memorial Day, which is 1 week from today.

We have a lot to accomplish between now and then.

One, we must pass a new jobs bill that cuts taxes for middle-class families and small businesses. It includes a host of tax credits, tax extenders, and tax incentives—all of which will help put people back to work. It is something Republicans and Democrats should come together to finish because it is something we can all be proud to support. More than that, it is something each of our States desperately needs.

Two, we have to finish the supplemental war appropriations bill. I have heard some on the other side vow they will stand in the way of this funding. I can think of no worse message to send our troops over Memorial Day than that. I hope Republicans will work with us, not for our sake or their own but for the sake of our Nation's security and all those whose service makes it strong.

Finally, scores of well-qualified nominees have been reported out of committee. They remain on the Senate calendar and are eager to fill these important, vacant positions. They should not be. At this time we have more than 100 nominations on the calendar. During the same period of time in the Bush administration, there were 13—that is 108 to 13. I hope we can confirm many of them this week so they can finally get to work.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Alabama is recognized.

KAGAN NOMINATION

Mr. SESSIONS. Mr. President, Americans cherish and respect their military. They support and celebrate those who wear the uniform and serve our Nation. When our Nation is at war, they understand that this obligation of support deepens. Indeed, just Friday, I got forwarded to me an e-mail from a mother whose son was being deployed

to Iraq, and she said that the one thing critical to them was to feel they had the support of the American people.

The American people understand that no matter what your ideology, no matter your view of the conflict we are engaged in, you have to support those whom we in Congress have deployed to execute policies that the President and the Congress have adopted. They didn't adopt the policies; we did. And when we send them, they deserve our support. The American people understand that it is not about politics but about the duty of citizenship—a duty to stand in solidarity with those in harm's way and those who defend our freedoms.

I believe these sentiments—shared by Americans overwhelmingly—are important as we evaluate the conduct of President Obama's Supreme Court nominee, Elena Kagan. They will raise serious questions that really must be answered before we have a final vote. I think it is just as important for me to say that.

Some people have suggested that the issue I am going to talk about is not significant. I think it is. I was involved in the debate of the Solomon amendment. I remember how it happened.

Ms. Kagan, who became the dean of Harvard Law in 2003, kicked the military off Harvard's campus and out of its campus recruitment office. She gave the big law firms full access to recruit bright young associates but obstructed the access of the military as it tried to recruit bright young JAG officers to support and represent our soldiers as they were risking their lives for our country. It was an unjustifiable decision. But rather than acknowledge that Ms. Kagan had acted inappropriately, the Obama administration has instead done something that, to me, is odd: it has tried to defend this indefensible activity—distorting the clear facts in the process. We need to get that straight. As we begin to think about this nomination, we need to understand the facts.

During a recent television interview, Vice President BIDEN actually said that Ms. Kagan was "right" to interfere with military recruitment. He then defended her conduct with the suggestion that she was somehow acting under a court order to keep the military people off campus. In reality—let's be correct—I misspoke—to keep the military from utilizing the normal recruitment offices available to every other law firm in America. In reality, the opposite situation is true. Ms. Kagan disregarded the law, really, in essence, in order to obstruct military recruitment during a time of war.

In 1995, Congress passed the Solomon amendment, which required universities to give equal access to military recruiters if they wished to continue to receive taxpayer funding for their university programs.

The passage of the Solomon amendment was a matter of a large national

debate. I suspect most Americans have a vivid recollection of those discussions. It was well known that certain law schools, such as Harvard, were blocking the military from going to their recruitment offices and utilizing the resources like any other entity could do.

Administrators at Harvard and other law schools had been restricting access of military recruiters to campuses for several years, citing as their reason their opposition to President Clinton's don't ask, don't tell policy about gays in the military. That was something on which Congress had voted. It is a matter of statutory law, and President Clinton had indicated his support in the way it would be enforced. It came to be fairly settled as a national policy in that regard.

It was Congress's hope that the Solomon amendment would put an end to this obstruction. It basically said: You cannot deny our military the right to come on campus if they are following U.S. law, and still get Federal money. But Harvard persisted nonetheless.

Finally, in 2002, I believe it was the Air Force that made an official complaint. The Department of Defense spoke up. It quoted the statute that had been passed in the U.S. Code, title 10. They quoted it to Harvard and said: If you continue to deny entrance of our military personnel to the recruiting centers, you get no more Federal money. At that point, the principle evaporated. This great principle on which they were standing, a little money dangled in front of them and they folded on this point.

Dean Clark, Ms. Kagan's predecessor at Harvard, got the message, and he complied. The restrictions on the military recruitment were lifted.

This means that when Ms. Kagan became dean of Harvard, the military had full, open, and equal access to campus facilities. That is the policy she inherited; that is the policy she deeply opposed; and that is the policy she set about to reverse.

Ms. Kagan began her efforts to reverse the policy when she joined 53 of her academic colleagues in filing a brief to challenge the Solomon amendment. This case had been filed in another circuit, not Harvard's. If their efforts in this legal attack were successful, they would again obstruct the military's access on campus, and they could do so without losing Federal funds. That is what she wanted, no doubt about that.

Initially, the Third Circuit Court of Appeals, not her circuit, heard the case, and they issued a 2 to 1 decision that ordered the district court in New Jersey to issue a preliminary injunction suspending enforcement of the Solomon amendment in that district in New Jersey. The injunction was to take effect after a certain time period. I believe 50 days. But that injunction

was never issued, even in that one district of New Jersey, because the Supreme Court of the United States undertook to hear the case, and the court of appeals, respecting the Supreme Court's view, eliminated their order staying the enforcement of the Solomon amendment.

I note, even if the Third Circuit's ruling had not been stayed, it would have applied only to the Third Circuit, not to Harvard. Remember, the Solomon amendment was a duly enacted law passed by the Congress.

Fully understanding all of this, as the trained and educated dean she was, Dean Kagan still used this ruling as a pretext to deny the enforceability of the Solomon amendment on the Harvard campus, again kicking the military out of the campus recruiting office. It did not apply. It was never made applicable and certainly not made applicable to the Harvard campus. But yet she used that as a pretext to carry out her desires about the don't ask, don't tell policy.

But I am told: Don't worry about that, JEFF. They could still talk to veterans groups on campus. They were not barred from campus. They just could not use the center for recruiting, but they could still talk to people on campus, and it is not so important. Well, if it is not so important, why did Dean Kagan go to such great lengths to have the law overturned, even risking Harvard's financial support? It was important.

Barred from institutional access, the military now had to work through a student group, the Harvard Law School Veterans Association. The veterans association, however, did not believe this was fair to them. They had courses to attend and school work to do. They wrote to their classmates about Dean Kagan's decision and explained they were unable to fill the role of the military recruiters that she had excluded. This is what they said:

Given our tiny membership, meager budget, and lack of any office space, we possess neither the time nor the resources to routinely schedule campus rooms or advertise extensively for outside organizations, as is the norm for most recruiting events.

But Dean Kagan still did not relent. Only when the military again threatened to cut off money to Harvard did she give in. This was the second time they had to make this threat. This statute says the Secretary of Defense shall notify them that they will no longer get Federal funds if they do not allow recruiters on campus.

Ms. Kagan reversed Harvard's existing policy in order to obstruct the access of the military recruiters. She disregarded a congressional statute. Eventually, her view was rejected by the Supreme Court.

So what happened when the Third Circuit case got to the Supreme Court? She filed a brief with a group of other

academics attacking the Solomon amendment. What happened? By an 8-to-0 vote, the U.S. Supreme Court rejected her brief.

According to Dean Kagan, actions she took against the military were motivated by her opposition to don't ask, don't tell. But somehow her fierce opposition was not enough to prevent her, I note parenthetically, from serving as a loyal aide to the man who created the policy, President Clinton. No, instead she directed her punishment to the military that had nothing to do with it. The soldiers, the recruiters who wanted to come on Harvard campus had nothing to do with establishing this don't ask, don't tell policy. It was Congress's law. It is statutory, and President Clinton endorsed it with his don't ask, don't tell enforcement strategy. It was the law of the land. It was not a policy dreamed up by some general somewhere. She knew that.

Ms. Kagan's conduct may have been applauded by some in the progressive circles of academia, but I think the American people would be uneasy about it. They are not sympathetic to the actions she took against the brave men and women who defend the rights and freedoms of Ms. Kagan, of Harvard professors, and of all Americans.

Dean Kagan has no judicial record to examine, and she has very little experience as a lawyer. One of the most prominent features of her legal experience and her tenure at Harvard is scarred by her open mistreatment of the military and her disregard for very clear law. I wish it were not so, but it is.

This matter does raise questions of whether Dean Kagan would be able to serve all Americans as a responsible, impartial jurist or whether she would bring her ideological agenda to the bench and attempt to get around the Constitution and the laws of the United States to effectuate what she thinks might be a better policy. That is the question I think is legitimate to ask, as well as to ask, in a serious way: What were you thinking when you punished our men and women in uniform because you did not like what Congress and your President—President Clinton—did with regard to their policies on gays in the military?

It is not a small matter. I believe this decision was clearly wrong. I believe it was not lawful. I believe it was not good policy. We will need to talk about that as we go forward and to hear a sincere explanation from the nominee.

This is not something from which we cannot learn. It is not necessarily the decisive matter in this person's nomination. But it is not correct to say it is an insignificant matter. It is a significant matter, a very significant matter. And it is a matter of significance such that whoever comments about it, even if it is the Vice President of the United

States, they should be accurate. They should not be inaccurate, as has happened repeatedly from my observation in the media, as well as my good friend, our former colleague, Senator BIDEN, who also served on the Judiciary Committee. It is time we get these facts straight.

I also wish to express a concern about one more matter. During her time in the Clinton White House, 1995 to 1999, Dean Kagan, now Solicitor General Kagan, served in the White House Counsel's Office and later as Director of Domestic Policy Council in the White House. That is one of the few extensive public records she has. We need to obtain the documents relating to that service in advance of the hearings that now have been set for June 28. I think it is a rush to get ready for June 28, but I told Senator LEAHY, our chairman, that he is the boss, and we will try to be ready by the 28th. But we both know it is important to have these documents in time to examine them before the committee hearing because so little other documents exist as to her record.

All the documents that have been requested I believe the committee is entitled to see. Senator LEAHY has joined with me. We worked together on this. It appears President Obama has decided not to assert any claims of Executive privilege that would block the production of any of these documents. We received a letter from the Clinton Library on Friday where these records are held indicating that they understand President Obama will not make any claims of privilege.

The White House recognizes these documents are an important part of Ms. Kagan's record. In fact, after she was nominated, the White House sent a public letter to the National Archives asking for release of documents relating to her service in the Clinton White House. They included all of her e-mail documents in their request. But the White House request and media requests under FOIA are different from the committee request.

So last week, Chairman LEAHY and I sent a letter to the Clinton Library requesting these documents.

I appreciate the leadership of Senator LEAHY, who has been through so many of these confirmation matters—this is consistent with our history—and I appreciate his efforts on the letter and to get this information. But I would note there are important distinctions between the Obama White House's request and the committee's request.

First, the restrictions that apply to run-of-the-mill Freedom of Information Act requests do not apply when the committee requests document. Second, under the Presidential Records Act, President Clinton would normally be able to block the release of certain documents for up to 12 years. But

under the PRA, the committee's request overrides any attempt by President Clinton to block the release of these records. Faced with a committee request, the only basis for withholding documents is executive privilege, and President Obama has apparently decided not to do that.

So the concern is that last week the director of the library was quoted in the Los Angeles Times as saying that it would be "very difficult" for them to comply by the June 28 hearing date. The director said, "there are just too many things here," and that "these are legal documents and they are presidential records, and they have to be read by an archivist and vetted for any legal restrictions. And they have to be read line by line."

In the letter we received on Friday, the library indicated they will start delivering documents by June 4—3 weeks before the hearing—and then they will make additional deliveries on a rolling basis. They did not tell us by when they will provide all the documents. I know they have a hard job. Maybe they have to do all these things, but the fact is we have a deadline that has been set by Chairman LEAHY to start the hearing on June 28, and we are not able to, in my view, conduct a good hearing if we don't have the documents.

So I am trying to make clear to my colleagues that we are heading toward what could be a train wreck. I don't believe this committee can go forward without these documents in the request and have an accurate hearing. The public record of a nominee to such a lifetime position as Justice on the Supreme Court is of such importance that we cannot go forward without these documents. I hope we will get those in a timely fashion. If not, I think we will have no choice but to ask for a delay in the beginning of the hearings.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

WALL STREET REFORM

Mr. LEVIN. Mr. President, among the most difficult issues we dealt with in the debate over the Wall Street reform bill we approved last week is that of proprietary trading and conflicts of interest in the financial system. This trading, often involving risky investments with large amounts of borrowed money, was a significant contributor to the financial crisis of 2008—a crisis from which we have yet to fully recover. The bill the Senate has approved includes important language dealing with proprietary trading and with conflicts of interest.

In the hope of strengthening that language, Senator MERKLEY and I introduced an amendment which would

have made Congress's intent clear: to end risky proprietary trading at commercial banks, to demand that the largest nonbank financial institutions maintain sufficient capital for their trades to prevent taxpayer bailouts, and to end the outrageous and destructive conflicts of interest which marked so much of Wall Street's behavior leading up to the crisis.

It is this last issue on which I have focused much of my attention. As we move toward negotiations between the House and Senate and final passage of a Wall Street reform bill, hopefully the final product will deal with these conflicts of interest. Failure to do so would accept the status quo under which Wall Street firms can assemble complex financial instruments, instruments they have financial incentives to see fail, sell those instruments to clients, and then profit by betting against the products they built and sold.

The hearings I chaired in the Permanent Subcommittee on Investigations probing the causes of the financial crisis exposed recklessness and greed up and down the financial system. In our last hearing, examining the role of investment bank Goldman Sachs in the crisis, we demonstrated how Goldman profited by betting against financial instruments it had assembled.

In late 2006, Goldman Sachs made a strategic decision to begin unloading mortgage-related holdings and to short the mortgage market; that is, to bet against the market and to profit from its fall. To do so, Goldman assembled a series of financial instruments it would profit from if there were a collapse of the mortgage market.

One e-mail chain from May 2007, for instance, shows how Goldman bet against certain mortgage-backed securities that it had assembled and sold to investors. In the e-mails, Goldman employees discussed how certain securities that Goldman had underwritten and were tied to mortgages issued by Washington Mutual Bank's subprime lender, Long Beach, were losing value. Reporting the wipeout of one security, a Goldman Sachs employee then reported the "good news"—that the failure would bring the firm \$5 million from a bet that it had placed against the very securities it had assembled and sold.

In addition to shorting existing mortgage-backed securities, Goldman constructed a series of even more complicated financial instruments to bet against the mortgage market. These were known as collateralized debt obligations or CDOs. One example is a synthetic CDO put together in late 2006 known as Hudson Mezzanine. A synthetic CDO is a financial instrument whose value is based on a collection of referenced assets, but it does not contain the assets themselves. It is essentially a bet on whether referred-to assets will rise or fall in value.

Goldman constructed this \$2 billion CDO to reflect the value of subprime mortgage securities similar to those that Goldman held in its own inventory. Goldman's sales force was told that Hudson Mezzanine was a top priority and it worked aggressively to sell Hudson securities to clients around the world. Internal e-mails released by our Permanent Subcommittee on Investigations showed that one Goldman client was unhappy that the firm was spending so much time on Hudson and not on a deal the client wanted to make. In the documents Goldman used to sell Hudson Mezzanine to clients, the firm even suggested to investors that Goldman stood to benefit if the investment performed well, telling those customers: "Goldman Sachs has aligned incentives with the Hudson project by investing in a portion of the equity."

In fact, that was not true. Goldman Sachs' interests were not aligned with its customers. They were in conflict. Goldman was the sole counterparty in the Hudson CDO and made a \$2 billion bet; that is, a \$2 billion bet, that the assets referenced in the CDO would fall in value. Goldman won that bet big time. The CDO, filled with toxic subprime assets that Goldman had selected, assembled, and sold, began losing value. When Goldman first sold the securities to its clients, more than 70 percent of Hudson Mezzanine had AAA ratings, but within 9 months those AAA ratings were downgraded, and within 18 months Hudson was downgraded to junk status, and Goldman cashed in at the expense of its clients.

To sum up, in late 2006, Goldman decided to bet against the housing market it had helped to create. It shorted mortgage-backed securities it had sold to investors, and designed and built CDOs that enabled it to make billions of dollars in bets against the housing market and its own CDOs, collecting money when the products it had peddled to its clients failed.

That kind of proprietary trading is not "market making." It is not matching buyers and sellers. It is one firm acting as a principal looking out for its own self-interest and making bets that were collected at the expense of its clients. Goldman served its own interests, and if clients got burned in the process, so be it.

But Goldman's actions did more than hurt its clients. It helped undermine an entire financial market which, in turn, damaged numerous financial institutions that ended up requiring a \$700 billion taxpayer bailout to stop the bleeding. Hudson Mezzanine and other synthetic vehicles Goldman used to bet against mortgages were particularly damaging because they were not constrained by the number of mortgages in the market. They contained no real assets but were strictly bets on whether referenced assets would fall in value.

The creation and sale of those synthetic instruments presented money-making opportunities for Goldman but magnified the risk in the financial system and made the crisis more severe when it hit.

It is time for Congress to put an end to the conflicts of interest that undermine our financial markets and pit investment banks against their clients.

The Merkley-Levin amendment contained a provision targeted at cleaning up this mess and preventing it from happening again. It would have barred any financial institution that underwrote an asset-backed security from placing bets against the securities it created. The amendment would have also imposed new limitations on proprietary trading, limitations which are also critical to repairing financial markets and which are contained in more limited form in the Dodd bill.

The Senate Parliamentarian ruled that the Merkley-Levin proprietary trading and conflicts of interest provisions were germane to the Dodd bill. That is because the Merkley-Levin conflicts provision targets the same problem as the Dodd proprietary trading section—stopping financial firms from putting their own interests ahead of their clients. Our proprietary trading provision and our ban on conflicts of interest are essential to restoring client confidence in U.S. markets. They are within the scope of the conference and ought to be included in the conference report.

The financial landscape today is littered with the damage done by financial firms which pursued short-term profit at the expense of their clients, U.S. taxpayers, and the economy as a whole. Those financial firms cannot be allowed to continue to sell securities to clients and then bet against them. It is essential to remove these schemes that have undermined U.S. financial markets. I urge my colleagues in both Chambers, as they discuss final Wall Street reform legislation, to keep in mind how damaging these schemes have been, to strengthen the Dodd proprietary trading provisions, and to include a ban on conflicts of interest.

I thank the Presiding Officer.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISCRETIONARY SPENDING CAPS

Mr. SESSIONS. Mr. President, when our colleagues arrive, I will be pleased to yield the floor to them, but I will be

offering, after 3 o'clock, along with Senator CLAIRE MCCASKILL, my Democratic colleague from Missouri, an amendment we voted on before in the Senate. It is an amendment that would establish 3-year discretionary spending caps, limits on how much we can spend, how much debt we can run up. To violate those limits, it would take a two-thirds vote of the Senate and the House to pass. So this is a spending limitation amendment that will have some teeth to it.

It will allow us to have in effect a budget because it looks like, even in light of the incredibly disastrous financial crisis we are in, we will not pass a budget this year. We need to do that. But the House has not even moved one. One has been moved out of committee on a straight party-line vote, but there are indications we may not move it in the Senate, and if the House does not move, we will not have a budget.

What our amendment would do is help fill that gap. That is another reason for it. It would set spending limits for 3 years. The limits we would set are the limits President Obama submitted as spending limits last time. I recall, of my colleagues, 59 Senators voted for it, 1 short of moving through the Senate, a few weeks ago. I will talk about that at 3.

I see my colleague is here, Senator JOHANNIS. I will be pleased to yield the floor. We will talk about this amendment later.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

THE HEALTH CARE PLAN

Mr. JOHANNIS. Mr. President, I rise to speak a little bit about the health care plan that was passed now a few months ago. Of course, there was a lot of buildup to that plan. One of the things that was said over and over again by President Obama was: "If you like your health care plan, you can keep your health care plan."

The White House, of course, has very vigorously defended that promise. In fact, the White House responded to an op-ed that was entitled "No, you can't keep your health care plan." That is what that op-ed was titled. The White House responded last week on the White House blog and they said this:

The 150 million Americans with employer-sponsored health insurance—who make up the vast majority of those with health insurance today—will not see major changes to their coverage.

The White House's Stephanie Cutter went on to say:

At the end of the day, employer-sponsored insurance will be improved but will look much the same as it does now.

The administration is continuing to try to convince the American people that, in fact, that is going to be the case. However, no matter how many

times they say it, study after study tells us the opposite. Less than 2 months ago, after the bill became law, clear evidence is now emerging that the promises are impossible to keep. Recently, certain companies were required by securities law to report the impact of the new health care law on those companies. The company reports so concerned supporters of the health care law that they said we are going to bring these companies in. We are going to do an investigation. We will have a hearing on this. However, when they reviewed these companies' internal documents, the supporters of the health care law, those demanding the hearing, immediately backed off. You see, they saw in black and white why so many Americans are going to lose the health care coverage they like under this legislation.

Companies with longstanding employer-sponsored health plans were legitimately, lawfully, legally contemplating just paying the fine instead of continuing the more expensive employee insurance programs. Yes, all of a sudden the hearing was canceled. There was no interest in the hearing. One can speculate it was canceled because the findings would have exposed a very serious policy flaw of the health care law.

Headlines are hard to defend when they shout: "Companies contemplate dropping employer-sponsored health insurance plans."

This is very worrisome, but it is not unexpected. Last July I spoke about this on the Senate floor, right at this spot. I and many others warned that the proposed penalties for businesses would create a very perverse incentive. I said this:

When you do all the math, this is no penalty at all compared to the cost of private insurance. It would encourage employers to dump their employees from their health insurance.

That is what I said a year ago. But supporters of health care reform denied it. They provided assurance to the American workers that they, in fact, would be able to keep their health insurance plan. Now, 10 months later, what is happening? Companies are, in fact, contemplating dropping their plans. Why? Because that perverse incentive is there.

To do so would significantly lower their costs and increase the costs for taxpayers and Medicare beneficiaries. Let's look at AT&T, for example. You see, for them, paying the Government fine instead of providing employee insurance would cut their annual health care expenses from \$2.4 billion annual expenses to \$600 million. That is a 75-percent savings.

Other companies, though, have sent similar signals. An official with John Deere has indicated they should look into, "just paying the fine." Caterpillar said this: They are giving this "serious consideration."

Another survey showed that these are not isolated cases. A Washington State University survey, published in the Puget Sound Business Journal, concluded this:

[A]bout a third of Seattle area executives said it may be cheaper for their businesses to stop offering health care benefits and pay fines.

If a major employer discontinues health insurance for its employees, brace yourself, because its competitors will do the same. The savings are just too dramatic, and that is not the only problem out there. The Congressional Budget Office cost estimate assumed that companies would be covering more employees in 10 years, not less. This optimistic view may have led to a very optimistic cost projection. If employees lose their employer-sponsored insurance plans, then they are going to be forced to get their health insurance elsewhere, likely through the health insurance exchanges. Then they would be eligible for government subsidies.

Let me state that another way: They would be eligible for taxpayer-paid subsidies to cover that cost. This will cause the actual cost of the bill to skyrocket. From almost a year ago until early this year, many of us warned that this law was built on the shakiest of policy grounds and even shakier projections relative to its financing. Yet proponents said don't worry. As we go forward, though, expect more bad news about this very flawed piece of policy.

The White House can do all it wants to try to convince Americans of the merits of this law. But you know what. When Americans lose the insurance they like and businesses struggle to grow and expand, Americans will wonder how Congress could have been so foolish to pass such poor policy.

Many warned this was coming. Unfortunately, the warnings were ignored in the effort to try to get this passed. I remember standing here on Christmas Eve, voting against this piece of legislation.

But this new law is far from reform. It spends \$2.6 trillion to take this great Nation in the wrong direction. Now, hopefully, I pray that in the near future more rational minds can agree on a more rational national policy. But until then, the adverse consequences will continue to fill the headlines and, more important and sadly, Americans will be hit by the realities of this flawed policy. They will have no recourse if one day their boss walks in and announces that it is more cost-efficient for this company to say to them: Go to the exchange. We will not be providing a health insurance plan. You see, in this country employees do not work by contract.

My hope is we can agree on a more efficient policy before we are left wondering why there are so many broken promises.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 4899, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment and an amendment to the title.

[Strike out all after the enacting clause and insert the part printed in italic.]

H.R. 4899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: guaranteed farm ownership loans, \$300,000,000; operating loans, \$650,000,000, of which \$250,000,000 shall be for unsubsidized guaranteed loans, \$50,000,000 shall be for subsidized guaranteed loans, and \$350,000,000 shall be for direct loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: guaranteed farm ownership loans, \$1,110,000; operating loans, \$29,470,000, of which \$5,850,000 shall be for unsubsidized guaranteed loans, \$7,030,000 shall be for subsidized guaranteed loans, and \$16,590,000 shall be for direct loans.

For an additional amount for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$1,000,000.

EMERGENCY FOREST RESTORATION PROGRAM

For implementation of the emergency forest restoration program established under section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206) for expenses resulting from natural disasters that occurred on or after January 1, 2010, and for other purposes, \$18,000,000, to remain available until expended: Provided, That the program: (1) shall be carried out without regard to chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act") and the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (2) with rules issued without a prior opportunity for notice and comment except, as determined to be appropriate by the Farm Service Agency, rules may be promulgated by an interim rule effective on publication with an opportunity for notice and comment: Provided further, That in carrying out this program, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code: Provided further, That to reduce Federal costs in administering this heading, the emergency forest restoration program shall be considered to have met the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for activities similar in nature and quantity to those of the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

FOREIGN AGRICULTURAL SERVICE

FOOD FOR PEACE TITLE II GRANTS

For an additional amount for "Food for Peace Title II Grants" for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, \$150,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SECTION 101. None of the funds appropriated or made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a biomass crop assistance program as authorized by section 9011 of Public Law 107-171 in excess of \$552,000,000 in fiscal year 2010 or \$432,000,000 in fiscal year 2011: Provided, That section 3002 shall not apply to the amount under this section.

SEC. 102. (a) Section 502(h)(8) of the Housing Act of 1949 (42 U.S.C. 1472(h)(8)) is amended to read as follows:

"(8) FEES.—Notwithstanding paragraph (14)(D), with respect to a guaranteed loan issued or modified under this subsection, the Secretary may collect from the lender—

"(A) at the time of issuance of the guarantee or modification, a fee not to exceed 3.5 percent of the principal obligation of the loan; and

"(B) an annual fee not to exceed 0.5 percent of the outstanding principal balance of the loan for the life of the loan."

(b) Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2001 (H.R. 5426 as enacted by Public Law 106-387, 115 Stat. 1549A-34) is repealed.

(c) For gross obligations for the principal amount of guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, an additional amount shall be for section 502 unsubsidized guaranteed loans sufficient to meet the remaining fiscal year 2010 demand, provided that existing program underwriting standards are maintained, and provided further that the Secretary may waive fees described herein for very low- and low-income borrowers, not to exceed \$697,000,000 in loan guarantees.

CHAPTER 2

DEPARTMENT OF COMMERCE
NATIONAL TELECOMMUNICATIONS AND
INFORMATION ADMINISTRATION
(RESCISSION)

Of the funds made available under the heading "National Telecommunications and Information Administration" for Digital-to-Analog Converter Box Program in prior years, \$111,500,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for "Economic Development Assistance Programs", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in States that experienced damage due to severe storms and flooding during March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, \$49,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", \$5,000,000, for necessary expenses related to commercial fishery failures as determined by the Secretary of Commerce in January 2010.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION
EXPLORATION

The matter contained in title III of division B of Public Law 111-117 regarding "National Aeronautics and Space Administration Exploration" is amended by inserting at the end of the last proviso ": Provided further, That notwithstanding any other provision of law or regulation, funds made available for Constellation in fiscal year 2010 for 'National Aeronautics and Space Administration Exploration' and from previous appropriations for 'National Aeronautics and Space Administration Exploration' shall be available to fund continued performance of Constellation contracts, and performance of such Constellation contracts may not be terminated for convenience by the National Aeronautics and Space Administration in fiscal year 2010".

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY
PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$1,429,809,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$40,478,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$145,499,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$94,068,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$5,722,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$2,637,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$34,758,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$1,292,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$33,184,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$11,719,927,000, of which \$218,300,000 shall be available to restore amounts transferred from this account to "Overseas Humanitarian, Disaster, and Civic Aid" for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$2,735,194,000, of which \$187,600,000 shall be available to restore amounts transferred from this account to "Overseas Humanitarian, Disaster, and Civic Aid" for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$829,326,000, of which \$30,700,000 shall be available to restore amounts transferred from this account to "Overseas Humanitarian, Disaster, and Civic Aid" for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$3,835,095,000, of which \$218,400,000 shall be available to restore amounts transferred from this account to "Overseas Humanitarian, Disaster, and Civic Aid" for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", \$1,236,727,000: Provided, That up to \$50,000,000, to remain available until expended, shall be available for transfer to the Port of Guam Improvement Enterprise Fund established by section 3512 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417): Provided further, That funds transferred under the previous proviso shall be merged with and available for obligation for the same time period and for the same purposes as the appropriation to which transferred: Provided further, That these funds may be transferred by the Secretary of Defense only if he determines such amounts are required to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That any amounts transferred pursuant to the previous three provisos shall be available to the Secretary of Transportation, acting through the Administrator of the Maritime Administration, to carry out under the Port of Guam Improvement Enterprise Program planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That the transfer authority in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than five days prior to making transfers

under this authority, notify the congressional defense committees in writing of the details of any such transfer.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$41,006,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$75,878,000.

OPERATION AND MAINTENANCE, MARINE CORPS
RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$857,000.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$124,039,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL
GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$180,960,000.

OPERATION AND MAINTENANCE, AIR NATIONAL
GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$203,287,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for "Afghanistan Security Forces Fund", \$2,604,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

IRAQ SECURITY FORCES FUND

For the "Iraq Security Forces Fund", \$1,000,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain

available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$219,470,000, to remain available until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$3,000,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$17,055,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$2,065,006,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$296,000,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$31,576,000, to remain available until September 30, 2012.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$162,927,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$174,766,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$672,741,000, to remain available until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$189,276,000, to remain available until September 30, 2012.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Mine Resistant Ambush Protected Vehicle Fund", \$1,123,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operations and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That the funds transferred shall be merged with and available for the same purposes and the same time period as the appropriation to which they are transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense:

Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$44,835,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$163,775,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$65,138,000, to remain available until September 30, 2011.

REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$1,134,887,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$33,367,000 for operation and maintenance: Provided, That language under this heading in title VI, division A of Public Law 111-118 is amended by striking "\$15,093,539,000" and inserting in lieu thereof "\$15,121,714,000".

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$94,000,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)): Provided, That section 8079 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118; 123 Stat. 3446) is amended by striking "fiscal year 2010 until" and all that follows and insert "fiscal year 2010."

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Section 8005 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111-118) is amended by striking "\$4,000,000,000" and inserting "\$4,500,000,000".

SEC. 303. Funds made available in this chapter to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

SEC. 304. Of the funds obligated or expended by any Federal agency in support of emergency humanitarian assistance services at the request of or in coordination with the Department of

Defense, the Department of State, or the U.S. Agency for International Development, on or after January 12, 2010 and before February 12, 2010, in support of the Haitian earthquake relief efforts not to exceed \$500,000 are deemed to be specifically authorized by the Congress.

SEC. 305. Section 8011 of the title VIII, division A of Public Law 111-118 is amended by striking "within 30 days of enactment of this Act" and inserting in lieu thereof "30 days prior to contract award".

(RESCISSIONS)

SEC. 306. (a) Of the funds appropriated in Department of Defense Appropriation Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Other Procurement, Air Force, 2009/2011", \$5,000,000; and

"Research, Development, Test and Evaluation, Army, 2009/2010", \$72,161,000.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 307. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2009 or 2010 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

HIGH-VALUE DETAINEE INTERROGATION GROUP CHARTER AND REPORT

SEC. 308. (a) SUBMISSION OF CHARTER AND PROCEDURES.—Not later than 30 days after the final approval of the charter and procedures for the interagency body established to carry out an interrogation pursuant to a recommendation of the report of the Special Task Force on interrogation and Transfer Policies submitted under section 5(g) of Executive Order 13491 (commonly known as the High-Value Detainee Interrogation Group), or not later than 30 days after the date of the enactment of this Act, whichever is later, the Director of National Intelligence shall submit to the congressional intelligence committees such charter and procedures.

(b) UPDATES.—Not later than 30 days after the final approval of any significant modification or revision to the charter or procedures referred to in subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees any such modification or revision.

(c) LESSONS LEARNED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report setting forth an analysis and assessment of the lessons learned as a result of the operations and activities of the High-Value Detainee Interrogation Group since the establishment of that group.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY CORPS OF ENGINEERS—CIVIL INVESTIGATIONS

For an additional amount for "Investigations", \$5,400,000: Provided, That funds provided under this heading in this chapter shall be used for studies in States affected by severe storms and flooding: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" to dredge eligible

projects in response to, and repair damages to Federal projects caused by, natural disasters, \$18,600,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" to dredge navigation projects in response to, and repair damages to Corps projects caused by, natural disasters, \$173,000,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use \$44,000,000 of the amount provided under this heading for nondisaster related emergency repairs to critical infrastructure: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to natural disasters as authorized by law, \$20,000,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 401. Funds made available in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85), under the account "Weapons Activities" shall be available for the purchase of not to exceed one aircraft.

RECLASSIFICATION OF CERTAIN APPROPRIATIONS FOR THE NATIONAL NUCLEAR SECURITY ADMINISTRATION

SEC. 402. (a) FISCAL YEAR 2009 APPROPRIATIONS.—The matter under the heading "Weapons Activities" under the heading "National Nuclear Security Administration" under the heading "Atomic Energy Defense Activities" under the heading "Department of Energy" under title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 621) is amended by striking "the 09-D-007 LANSCE Refurbishment, PED," and inserting "capital equipment acquisition, installation, and associated design funds for LANSCE,".

(b) FISCAL YEAR 2010 APPROPRIATIONS.—The amount appropriated under the heading "Weapons Activities" under the heading "National Nuclear Security Administration" under the heading "Atomic Energy Defense Activities" under the heading "Department of Energy" under title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85; 123 Stat. 2866) and made available for LANSCE Reinvestment, PED, Los Alamos National Laboratory, Los Alamos, New Mexico, shall be made available instead for capital equipment acquisition, installation, and associated design funds for LANSCE, Los Alamos National Laboratory, Los Alamos, New Mexico.

SEC. 403. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking "Sep-

tember 30, 2010" and inserting "September 30, 2012" in lieu thereof.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking "through 2010" and inserting "through 2012" in lieu thereof.

SEC. 404. (a) The Secretary of the Army shall not be required to make a determination under the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.) for the project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 [59 Stat. 18], as modified by section 5141 of the Water Resources Development Act of 2007 [121 Stat. 1253].

(b) The Federal Highway Administration is exempt from the requirements of 49 U.S.C. 303 and 23 U.S.C. 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas.

CHAPTER 5

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, \$690,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available for necessary expenses of the Office of Inspector General under this heading in Public Law 111-117, \$1,800,000 are rescinded: Provided, That section 3002 shall not apply to the amount under this heading.

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

(INCLUDING RESCISSION)

For an additional amount for "Federal Payment to the Public Defender Service for the District of Columbia", \$700,000, to remain available until September 30, 2012.

Of the funds provided under this heading for "Federal Payment to the District of Columbia Public Defender Service" in title IV of division D of Public Law 111-8, \$700,000 are rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

INDEPENDENT AGENCY

FINANCIAL CRISIS INQUIRY COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111-21), \$1,800,000, to remain available until February 15, 2011: Provided, That section 3002 shall not apply to the amount under this heading.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses" for necessary expenses and other disaster-response activities related to Haiti fol-

lowing the earthquake of January 12, 2010, \$50,000,000, to remain available until September 30, 2012.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements", \$15,500,000, to remain available until September 30, 2014, for aircraft replacement.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Relief", \$5,100,000,000, to remain available until expended, of which \$5,000,000 shall be transferred to the Department of Homeland Security Office of the Inspector General for audits and investigations related to disasters.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for "United States Citizenship and Immigration Services" for necessary expenses and other disaster response activities related to Haiti following the earthquake of January 12, 2010, \$10,600,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 601. Notwithstanding the 10 percent limitation contained in section 503(c) of Public Law 111-83, for fiscal year 2010, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to \$20,000,000, from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 5 days in advance of such transfer.

(RESCISSIONS)

SEC. 602. (a) The following unobligated balances made available pursuant to section 505 of Public Law 110-329 are rescinded: \$2,200,000 from Coast Guard "Operating Expenses"; \$1,800,000 from the "Office of the Secretary and Executive Management"; and \$489,152 from "Analysis and Operations".

(b) The third clause of the proviso directing the expenditure of funds under the heading "Alteration of Bridges" in the Department of Homeland Security Appropriations Act, 2009, is repealed, and from available balances made available for Coast Guard "Alteration of Bridges", \$5,910,848 are rescinded: Provided, That funds rescinded pursuant to this subsection shall exclude balances made available in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

(c) From the unobligated balances of prior year appropriations made available to the "Office of the Federal Coordinator for Gulf Coast Rebuilding", \$700,000 are rescinded.

(d) Section 3002 shall not apply to the amounts in this section.

SEC. 603. The Administrator of the Federal Emergency Management Agency shall consider satisfied for Hurricane Katrina the non-Federal match requirement for assistance provided by the Federal Emergency Management Agency pursuant to section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170c(a).

SEC. 604. Funds appropriated in Public Law 111-83 under the heading National Protection and Programs Directorate "Infrastructure Protection and Information Security" shall be available for facility upgrades and related costs to establish a United States Computer Emergency Readiness Team Operations Support Center/Continuity of Operations capability.

SEC. 605. Two C-130J aircraft funded elsewhere in this Act shall be transferred to the Coast Guard.

SEC. 606. Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5140b, 5172, and 5173), for damages resulting from FEMA-3311-EM-R1, FEMA-1894-DR, FEMA-1906-DR, FEMA-1909-DR, and all other areas Presidentially declared a disaster, prior to or following enactment, and resulting from the May 1 and 2, 2010 weather events that elicited FEMA-1909-DR, shall not be less than 90 percent of the eligible costs under such sections.

SEC. 607. (a) Not later than 30 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall issue a security directive that requires a commercial foreign air carrier who operates flights in and out of the United States to check the list of individuals that the Transportation Security Administration has prohibited from flying not later than 30 minutes after such list is modified and provided to such air carrier.

(b) The requirements of subsection (a) shall not apply to commercial foreign air carriers that operate flights in and out of the United States and that are enrolled in the Secure Flight program or that are Advance Passenger Information System Quick Query (AQQ) compliant.

CHAPTER 7

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Departmental Management" for mine safety activities and legal services related to the Department of Labor's caseload before the Federal Mine Safety and Health Review Commission ("FMSHRC"), \$18,200,000, which shall remain available for obligation through the date that is 12 months after the date of enactment of this Act: Provided, That the Secretary of Labor may transfer such sums as necessary to the "Mine Safety and Health Administration" for enforcement and mine safety activities, which may include conference litigation functions related to the FMSHRC caseload, investigation of the Upper Big Branch Mine disaster, standards and rule-making activities, emergency response equipment purchases and upgrades, and organizational improvements: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of any transfer.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund" for necessary expenses for emergency relief and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, \$220,000,000, to remain available until expended: Provided, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, shall be merged with the appropriation to which transferred, and shall be available only for the purposes provided herein: Provided further, That none of the funds provided in this paragraph may be transferred prior to notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the transfer authority provided in this paragraph is in addition

to any other transfer authority available in this or any other Act: Provided further, That funds appropriated in this paragraph may be used to reimburse agencies for obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds may be used for the non-Federal share of expenditures for medical assistance furnished under title XIX of the Social Security Act, and for child health assistance furnished under title XXI of such Act, that are related to earthquake response activities: Provided further, That funds may be used for services performed by the National Disaster Medical System in connection with such earthquake, for the return of evacuated Haitian citizens to Haiti, and for grants to States and other entities to reimburse payments made for otherwise uncompensated health and human services furnished in connection with individuals given permission by the United States Government to come from Haiti to the United States after such earthquake, and not eligible for assistance under such titles: Provided further, That the limitation in subsection (d) of section 1113 of the Social Security Act shall not apply with respect to any repatriation assistance provided in response to the Haiti earthquake of January 12, 2010: Provided further, That with respect to the previous proviso, such additional repatriation assistance shall only be available from the funds appropriated herein.

RELATED AGENCY

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Federal Mine Safety and Health Review Commission, Salaries and Expenses" \$3,800,000, to remain available for obligation for 12 months after enactment of this Act.

CHAPTER 8

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Joyce Murtha, widow of John P. Murtha, late a Representative from Pennsylvania, \$174,000: Provided, That section 3002 shall not apply to this appropriation.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for "Capitol Police, General Expenses" to purchase and install the indoor coverage portion of the new radio system for the Capitol Police, \$12,956,000, to remain available until September 30, 2012: Provided, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

CHAPTER 9

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", \$242,296,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", \$406,590,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Family Housing Operation and Maintenance, Air Force", \$7,953,000.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and Pensions", \$13,377,189,000, to remain available until expended: Provided, That section 3002 shall not apply to the amount under this heading.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 901. (a) Of the amounts made available to the Department of Veterans Affairs under the "Construction, Major Projects" account, in fiscal year 2010 or previous fiscal years, up to \$67,000,000 may be transferred to the "Filipino Veterans Equity Compensation Fund" account: Provided, That any amount transferred from "Construction, Major Projects" shall be derived from unobligated balances that are a direct result of bid savings: Provided further, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(b) Section 3002 shall not apply to the amount in this section.

CHAPTER 10

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", \$1,261,000,000, to remain available until September 30, 2011: Provided, That the Secretary of State may transfer up to \$149,500,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon concurrence of the head of such department or agency and after consultation with the Committees on Appropriations, to support operations in and assistance for Afghanistan and Pakistan and to carry out the provisions of the Foreign Assistance Act of 1961.

For an additional amount for "Diplomatic and Consular Programs" for necessary expenses for emergency relief, rehabilitation, and reconstruction support, and other expenses related to Haiti following the earthquake of January 12, 2010, \$65,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That up to \$3,700,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading "Emergencies in the Diplomatic and Consular Service": Provided further, That up to \$290,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading "Repatriation Loans Program Account".

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General" for necessary expenses for oversight of operations and programs in Afghanistan, Pakistan, and Iraq, \$3,600,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance" for necessary expenses for emergency needs in Haiti

following the earthquake of January 12, 2010, \$79,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL ORGANIZATIONS
CONTRIBUTIONS FOR INTERNATIONAL
PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities” for necessary expenses for emergency security related to Haiti following the earthquake of January 12, 2010, \$96,500,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS
INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for “International Broadcasting Operations” for necessary expenses for emergency broadcasting support and other expenses related to Haiti following the earthquake of January 12, 2010, \$3,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT
FUNDS APPROPRIATED TO THE PRESIDENT
OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General” for necessary expenses for oversight of operations and programs in Afghanistan and Pakistan, \$3,400,000, to remain available until September 30, 2013.

For an additional amount for “Office of Inspector General” for necessary expenses for oversight of emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, \$4,500,000, to remain available until September 30, 2012: Provided, That up to \$1,500,000 of the funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT
GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for “Global Health and Child Survival” for necessary expenses for pandemic preparedness and response, \$45,000,000, to remain available until September 30, 2011.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance” for necessary expenses for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, \$460,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

ECONOMIC SUPPORT FUND
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Economic Support Fund”, \$1,620,000,000, to remain available until September 30, 2012, of which not less than \$1,309,000,000 shall be made available for assistance for Afghanistan and not less than \$259,000,000 shall be made available for assistance for Pakistan: Provided, That funds appro-

priated under this heading in this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Afghanistan may be made available, after consultation with the Committees on Appropriations, for disarmament, demobilization and reintegration activities, subject to the requirements of section 904(e) in this chapter, and for a United States contribution to an internationally managed fund to support the reintegration into Afghan society of individuals who have renounced violence against the Government of Afghanistan.

For an additional amount for “Economic Support Fund” for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, \$770,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to \$120,000,000 may be transferred to the Department of the Treasury for United States contributions to a multi-donor trust fund for reconstruction and recovery efforts in Haiti: Provided further, That of the funds appropriated in this paragraph, up to \$10,000,000 may be transferred to, and merged with, funds made available under the heading “United States Agency for International Development, Funds Appropriated to the President, Operating Expenses” for administrative costs relating to the purposes provided herein and to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds appropriated in this paragraph may be transferred to, and merged with, funds available under the heading “Development Credit Authority” for the purposes provided herein: Provided further, That such transfer authority is in addition to any other transfer authority provided by this or any other Act: Provided further, That funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106-31, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean, shall also be available to the Comptroller General to monitor relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and shall remain available until expended: Provided further, That funds appropriated in this paragraph may be made available to the United States Agency for International Development and the Department of State to reimburse any accounts for obligations incurred for the purpose provided herein prior to enactment of this Act.

For an additional amount for “Economic Support Fund” for necessary expenses for assistance for Jordan, \$100,000,000, to remain available until September 30, 2012.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance” for necessary expenses for assistance for refugees and internally displaced persons, \$165,000,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for “International Affairs Technical Assistance” for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, \$7,100,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to \$60,000 may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL SECURITY ASSISTANCE
DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW
ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement”, \$1,034,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated under this heading, not less than \$650,000,000 shall be made available for assistance for Iraq of which \$450,000,000 is for one-time start up costs and limited operational costs of the Iraqi police program, and \$200,000,000 is for implementation, management, security, communications, and other expenses related to such program and may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the Government of Iraq supports and is cooperating with such program: Provided further, That funds appropriated in this chapter for assistance for Iraq shall not be subject to the limitation on assistance in section 7042(b)(1) of division F of Public Law 111-117: Provided further, That of the funds appropriated in this paragraph, not less than \$169,000,000 shall be made available for assistance for Afghanistan and not less than \$40,000,000 shall be made available for assistance for Pakistan: Provided further, That of the funds appropriated under this heading, \$175,000,000 shall be made available for assistance for Mexico for judicial reform, institution building, anti-corruption, and rule of law activities, and shall be available subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

For an additional amount for “International Narcotics Control and Law Enforcement” for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, \$147,660,000, to remain available until September 30, 2012: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, \$100,000,000, to remain available until September 30, 2012, of which not less than \$50,000,000 shall be made available for assistance for Pakistan and not less than \$50,000,000 shall be made available for assistance for Jordan.

GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1001. Funds appropriated in this chapter may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

ALLOCATIONS

SEC. 1002. (a) Funds appropriated in this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

- (1) “Diplomatic and Consular Programs”.
- (2) “Economic Support Fund”.
- (3) “International Narcotics Control and Law Enforcement”.

(b) For the purposes of implementing this section, and only with respect to the tables included in the report accompanying this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to

the amounts referred in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1003. (a) **SPENDING PLANS.**—Not later than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations detailing planned uses of funds appropriated in this chapter, except for funds appropriated under the headings “International Disaster Assistance” and “Migration and Refugee Assistance”.

(b) **OBLIGATION REPORTS.**—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations not later than 90 days after enactment of this Act, and every 180 days thereafter until September 30, 2012, on obligations, expenditures, and program outputs and outcomes.

(c) **NOTIFICATION.**—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except for funds appropriated under the headings “International Disaster Assistance” and “Migration and Refugee Assistance”.

AFGHANISTAN

SEC. 1004. (a) The terms and conditions of sections 1102(a), (b)(1), (c), and (d) of Public Law 111–32 shall apply to funds appropriated in this chapter that are available for assistance for Afghanistan.

(b) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” that are available for assistance for Afghanistan may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Afghan national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(c)(1) Funds appropriated in this chapter may be made available for assistance for the Government of Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Afghanistan is—

(A) cooperating with United States reconstruction and reform efforts;

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources; and

(C) respecting the internationally recognized human rights of Afghan women.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Afghan authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(d) Funds appropriated in this chapter and in prior Acts that are available for assistance for Afghanistan may be made available to support reconciliation with, or reintegration of, former combatants only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and women’s internationally recognized human rights are protected in such process; and

(2) such funds will not be used to support any pardon, immunity from prosecution or amnesty, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights.

(e) Funds appropriated in this chapter that are available for assistance for Afghanistan may be made available to support the work of the Independent Electoral Commission and the Electoral Complaints Commission in Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) the Independent Electoral Commission and Electoral Complaints Commission have independence from the executive branch and there are adequate checks and balances on Presidential appointments to such commissions; and

(2) the central Government of Afghanistan has taken steps to ensure that women are able to exercise their rights to political participation, whether as candidates or voters.

(f)(1) Not more than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a strategy to address the needs and protect the rights of Afghan women and girls, including planned expenditures of funds appropriated in this chapter, and detailed plans for implementing and monitoring such strategy.

(2) Such strategy shall be coordinated with and support the goals and objectives of the National Action Plan for Women of Afghanistan and the Afghan National Development Strategy and shall include a defined scope and methodology to measure the impact of such assistance.

PAKISTAN

SEC. 1005. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Foreign Military Financing Program” and “Pakistan Counterinsurgency Capability Fund” shall be made available—

(1) in a manner that promotes unimpeded access by humanitarian organizations to detainees, internally displaced persons, and other Pakistani civilians adversely affected by the conflict; and

(2) in accordance with section 620J of the Foreign Assistance Act of 1961, and the Secretary of State shall inform relevant Pakistani authorities of the requirements of section 620J and of its application, and regularly monitor units of Pakistani security forces that receive United States assistance and the performance of such units.

(b)(1) Of the funds appropriated in this chapter under the heading “Economic Support Fund” for assistance for Pakistan, \$5,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations.

(2) Not later than 90 days after enactment of this Act and prior to the obligation of funds

under this subsection, the Secretary of State shall submit to the Committees on Appropriations a human rights strategy in Pakistan including the proposed uses of funds.

(c) Of the funds appropriated in this chapter under the heading “Economic Support Fund” for assistance for Pakistan, up to \$1,500,000 should be made available to the Department of State and the United States Agency for International Development for the lease of aircraft to implement programs and conduct oversight in northwestern Pakistan, which shall be coordinated under the authority of the United States Chief of Mission in Pakistan.

IRAQ

SEC. 1006. (a) The uses of aircraft in Iraq purchased or leased with funds made available under the headings “International Narcotics Control and Law Enforcement” and “Diplomatic and Consular Affairs” in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the United States Chief of Mission in Iraq.

(b) The terms and conditions of section 1106(b) of Public Law 111–32 shall apply to funds made available in this chapter for assistance for Iraq under the heading “International Narcotics Control and Law Enforcement”.

HAITI

SEC. 1007. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” that are available for assistance for Haiti may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Haitian national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(b)(1) Funds appropriated in this chapter under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” may be made available for assistance for the Government of Haiti only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Haiti is—

(A) cooperating with United States reconstruction and reform efforts; and

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for making such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Haitian authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(c)(1) Funds appropriated in this chapter for bilateral assistance for Haiti may be provided as direct budget support to the central Government of Haiti only if the Secretary of State reports to the Committees on Appropriations that the Government of the United States and the Government of Haiti have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms

within each implementing agency to ensure that such funds are used for the purposes for which they were intended.

(2) The Secretary should suspend any such direct budget support to an implementing agency if the Secretary has credible evidence of misuse of such funds by any such agency.

(3) Any such direct budget support shall be subject to prior consultation with the Committees on Appropriations.

(d) Funds appropriated in this chapter that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation and leadership of Haitian women and directly improves the security, economic and social well-being, and political status of Haitian women and girls.

(e) Funds appropriated in this chapter may be made available for assistance for Haiti notwithstanding any other provision of law, except for section 620J of the Foreign Assistance Act of 1961 and provisions of this chapter.

HAITI DEBT RELIEF

SEC. 1008. (a) For an additional amount for "Contribution to the Inter-American Development Bank", "Contribution to the International Development Association", and "Contribution to the International Fund for Agricultural Development", to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank, to the extent separately authorized in this chapter, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, a total of \$212,000,000, to remain available until September 30, 2012.

(b) Up to \$40,000,000 of the amounts appropriated under the heading "Department of the Treasury, Debt Restructuring" in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, to the Inter-American Development Bank, the International Development Association, and the International Fund for Agricultural Development, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of providing debt relief to Haiti in view of the Cancun Declaration of March 21, 2010.

HAITI DEBT RELIEF AUTHORITY

SEC. 1009. The Inter-American Development Bank Act, Public Law 86-147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 40. AUTHORITY TO VOTE FOR AND CONTRIBUTE TO AN INCREASE IN RESOURCES OF THE FUND FOR SPECIAL OPERATIONS; PROVIDING DEBT RELIEF TO HAITI.

"(a) VOTE AUTHORIZED.—In accordance with section 5 of this Act, the United States Governor of the Bank is authorized to vote in favor of a resolution to increase the resources of the Fund for Special Operations up to \$479,000,000, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, which provides that:

"(1) Haiti's debts to the Fund for Special Operations are to be cancelled;

"(2) Haiti's remaining local currency conversion obligations to the Fund for Special Operations are to be cancelled;

"(3) undisbursed balances of existing loans of the Fund for Special Operations to Haiti are to be converted to grants; and

"(4) the Fund for Special Operations is to make available significant and immediate grant

financing to Haiti as well as appropriate resources to other countries remaining as borrowers within the Fund for Special Operations, consistent with paragraph 6 of the Cancun Declaration of March 21, 2010.

"(b) CONTRIBUTION AUTHORITY.—To the extent and in the amount provided in advance in appropriations Acts the United States Governor of the Bank may, on behalf of the United States and in accordance with section 5 of this Act, contribute up to \$252,000,000 to the Fund for Special Operations, which will provide for debt relief of:

"(1) up to \$240,000,000 to the Fund for Special Operations;

"(2) up to \$8,000,000 to the International Fund For Agricultural Development (IFAD); and

"(3) up to \$4,000,000 for the International Development Association (IDA).

"(c) AUTHORIZATION OF APPROPRIATIONS.—To pay for the contribution authorized under subsection (b), there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury \$212,000,000, for the United States contribution to the Fund for Special Operations."

MEXICO

SEC. 1010. (a) For purposes of funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "International Narcotics Control and Law Enforcement" that are made available for assistance for Mexico, the provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply and the report required in paragraph (1) shall be based on a determination by the Secretary of State of compliance with each of the requirements in paragraph (1)(A) through (D).

(b) Funds appropriated in this chapter under the heading "International Narcotics Control and Law Enforcement" that are available for assistance for Mexico may be made available only after the Secretary of State submits a report to the Committees on Appropriations detailing a coordinated, multi-year, interagency strategy to address the causes of drug-related violence and other organized criminal activity in Central and South America, Mexico, and the Caribbean, which shall describe—

(1) the United States multi-year strategy for the region, including a description of key challenges in the source, transit, and demand zones; the key objectives of the strategy; and a detailed description of outcome indicators for measuring progress toward such objectives;

(2) the integration of diplomatic, administration of justice, law enforcement, civil society, economic development, demand reduction, and other assistance to achieve such objectives;

(3) progress in phasing out law enforcement activities of the militaries of each recipient country, as applicable; and

(4) governmental efforts to investigate and prosecute violations of internationally recognized human rights.

(c) Of the funds appropriated in this chapter under the heading "Diplomatic and Consular Programs", up to \$5,000,000 may be made available for armored vehicles and other emergency diplomatic security support for United States Government personnel in Mexico.

EL SALVADOR

SEC. 1011. Of the funds appropriated in this chapter under the heading "Economic Support Fund", \$25,000,000 shall be made available for necessary expenses for emergency relief and reconstruction assistance for El Salvador related to Hurricane/Tropical Storm Ida.

DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 1012. Of the funds appropriated in this chapter under the heading "Economic Support Fund", \$15,000,000 shall be made available for necessary expenses for emergency security and humanitarian assistance for civilians, particularly women and girls, in the eastern region of the Democratic Republic of the Congo.

INTERNATIONAL SCIENTIFIC COOPERATION

SEC. 1013. Funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for science and technology centers in the former Soviet Union may be used to support productive, non-military activities that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, notwithstanding sections 503 and 504 of the FREEDOM Support Act (Public Law 102-511), and following consultation with the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

INTERNATIONAL RENEWABLE ENERGY AGENCY

SEC. 1014. For fiscal year 2011 and thereafter, the President is authorized to accept the statute of, and to maintain membership of the United States in, the International Renewable Energy Agency, and the United States' assessed contributions to maintain such membership may be paid from funds appropriated for "Contributions to International Organizations".

OFFICE OF INSPECTOR GENERAL PERSONNEL

SEC. 1015. (a) Funds appropriated in this chapter for the United States Agency for International Development Office of Inspector General (OIG) may be made available to contract with United States citizens for personal services when the Inspector General determines that the personnel resources of the OIG are otherwise insufficient.

(1) Not more than 5 percent of the OIG personnel (determined on a full-time equivalent basis), as of any given date, are serving under personal services contracts.

(2) Contracts under this paragraph shall not exceed a term of 2 years unless the Inspector General determines that exceptional circumstances justify an extension of up to 1 additional year, and contractors under this paragraph shall not be considered employees of the Federal Government for purposes of title 5, United States Code, or members of the Foreign Service for purposes of title 22, United States Code.

(b)(1) The Inspector General may waive subsections (a) through (d) of section 8344, and subsections (a) through (e) of section 8468 of title 5, United States Code, and subsections (a) through (d) of section 4064 of title 22, United States Code, on behalf of any re-employed annuitant serving in a position within the OIG to facilitate the assignment of persons to positions in Iraq, Pakistan, Afghanistan, and Haiti or to positions vacated by members of the Foreign Service assigned to those countries.

(2) The authority provided in paragraph (1) shall be exercised on a case-by-case basis for positions for which there is difficulty recruiting or retaining a qualified employee or to address a temporary emergency hiring need, individuals employed by the OIG under this paragraph shall not be considered employees for purposes of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title, and the authorities of the Inspector General under this paragraph shall terminate on October 1, 2012.

TECHNICAL CLARIFICATION

SEC. 1016. The second proviso of section 7081(d) of division F, Public Law 111-117, shall

be amended before “this Act” by inserting “title III of”, and by striking “, directly or indirectly,”.

AUTHORITY TO REPROGRAM FUNDS

SEC. 1017. Of the funds appropriated by this chapter for assistance for Afghanistan, Iraq and Pakistan, up to \$100,000,000 may be made available pursuant to the authority of section 451 of the Foreign Assistance Act of 1961, as amended, for assistance in the Middle East and South Asia regions if the President finds, in addition to the requirements of section 451 and certifies and reports to the Committees on Appropriations, that exercising the authority of this section is necessary to protect the national security interests of the United States: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the reprogramming of such funds, which shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the funding limitation otherwise applicable to section 451 of the Foreign Assistance Act of 1961 shall not apply to this section: Provided further, That the authority of this section shall expire upon enactment of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011.

SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION (INCLUDING RESCISSION)

SEC. 1018. (a) Of the funds appropriated under the heading “Department of State, Administration of Foreign Affairs, Office of Inspector General” and authorized to be transferred to the Special Inspector General for Afghanistan Reconstruction in title XI of Public Law 111–32, \$7,200,000 are rescinded.

(b) For an additional amount for “Department of State, Administration of Foreign Affairs, Office of Inspector General” which shall be available for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight in Afghanistan, \$7,200,000, and shall remain available until September 30, 2011.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

Of the amounts provided for Safety Belt Performance Grants in Public Law 111–117, \$15,000,000 shall be available to pay for expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, and for the planning or execution of programs authorized under section 403 of title 23, United States Code: Provided, That such funds shall be available until September 30, 2011, and shall be in addition to the amount of any limitation imposed on obligations in fiscal year 2011.

Of the amounts made available for Safety Belt Performance Grants under section 406 of title 23, United States Code, \$15,000,000 in unobligated balances are permanently rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM (RESCISSION)

Of the amounts made available for the Consumer Assistance to Recycle and Save Program, \$44,000,000 in unobligated balances are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT FUND

For an additional amount for the “Community Development Fund”, for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by severe storms and flooding from March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, \$100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): Provided, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Economic Development Assistance Programs”, to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related

to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$5,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, \$13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: Provided, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Office of the Secretary, Salaries and Expenses” for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, \$29,000,000, to remain available until expended: Provided, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of,

the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY
SCIENCE AND TECHNOLOGY

For an additional amount for "Science and Technology" for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, \$2,000,000, to remain available until expended: Provided, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: Provided further, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE

DEEPWATER HORIZON

SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting ":", (1)" before "may obtain an advance" and after "the Coast Guard";

(2) by striking "advance. Amounts" and inserting the following: "advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of \$100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts";

TITLE III

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 3001 No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 3002. Unless otherwise specified, each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 3003. (a) Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. §§1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

(b) Section 3002 shall not apply to this section.

SEC. 3004. (a) Public Law 111–88, the Interior, Environment, and Related Agencies Appropriations Act, 2010, is amended under the heading "Office of the Special Trustee for American Indians" by—

(1) striking "\$185,984,000" and inserting "\$176,984,000"; and

(2) striking "\$56,536,000" and inserting "\$47,536,000".

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 3005. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking "2008" and inserting "2011".

SEC. 3006. For fiscal years 2010 and 2011—

(1) the National Park Service Recreation Fee Program account may be available for the cost of adjustments and changes within the original scope of contracts for National Park Service projects funded by Public Law 111–5 and for associated administrative costs when no funds are otherwise available for such purposes;

(2) notwithstanding section 430 of division E of Public Law 111–8 and section 444 of Public Law 111–88, the Secretary of the Interior may utilize unobligated balances for adjustments and changes within the original scope of projects funded through division A, title VII, of Public Law 111–5 and for associated administrative costs when no funds are otherwise available;

(3) the Secretary of the Interior shall ensure that any unobligated balances utilized pursuant to paragraph (2) shall be derived from the bureau and account for which the project was funded in Public Law 111–5; and

(4) the Secretary of the Interior shall consult with the Committees on Appropriations prior to making any charges authorized by this section.

SEC. 3007. (a) Section 205(d) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2304(d)) is amended by striking "10 years" and inserting "11 years".

(b) Section 3002 shall not apply to this section.

This Act may be cited as the "Supplemental Appropriations Act, 2010".

Amend the title so as to read: "Making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes".

AMENDMENT NO. 4174

(Purpose: To provide collective bargaining rights for public safety officers employed by States or their political subdivisions)

Mr. REID. Mr. President, I have an amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4174.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, today the Senate will begin consideration of H.R. 4899, the FEMA supplemental as passed by the House on March 24 and marked up by the Senate Appropriations Committee on Thursday, May 13. As my colleagues may be aware, several attempts were made to proceed to the House-passed bill, but there were objections to proceeding.

Because of the delay in acting upon the House bill, the vice chairman and I

agreed that we should consider all of the supplemental provisions in the jurisdiction of the Appropriations Committee that are pending before the Congress instead of just the FEMA portion as proposed by the House. The committee concurred in this recommendation and forwarded the bill to the full Senate by a unanimous vote of 30 to 0.

This bill contains \$45.4 billion in discretionary spending and \$13.4 billion in spending on mandatory programs. This amount is the same as the amount requested by the President. I want to point out to all of my colleagues that the bill does not include funding for the settlements between the Federal Government and African American farmers and Native Americans.

While I am strongly in favor of funding these settlements, these items are, in fact not in the jurisdiction of the Appropriations Committee. We have been informed by the leadership that these matters will be addressed elsewhere. I understand and expect that funding for these two settlements will be approved by the Congress and forwarded to the White House before the Memorial Day recess.

The recommendations that Vice Chairman COCHRAN and I are presenting to you on behalf of the appropriations Committee reflect the collective efforts of each of our subcommittees. The main parts of the bill include \$33.5 billion in Department of Defense funding to cover the cost of the wars in Afghanistan and Iraq, combat terrorism, and respond to the earthquake in Haiti. An additional \$6.5 billion is provided for the State Department and other agencies in support of these and related efforts.

The bill also includes \$68 million in the first payment to cover Federal responsibilities resulting from the oil spill in the gulf. We recognize that additional funding and new legislative authorities are likely to be required in response to the oil spill. The amount we recommend results from our review of the budget amendment which was only submitted to the Administration the day before the committee markup. We are confident that the sums recommended are necessary but recognize more action will be needed in the coming months.

As requested, the committee is also recommending \$5.1 billion for FEMA's disaster relief efforts. Everyone should be aware that the Federal Emergency Management Agency is out of funding for disaster relief. Even this sum is below what we anticipate will be required before the end of this year. However, the recommended sum is the amount sought by the Administration. The committee was unable to identify additional offsets to increase the total funding for FEMA.

In addition to these, the committee has identified rescissions and other

savings within the Administration's request to address many natural disasters for which the Administration did not request assistance.

Two weeks ago, more than 40 counties in Tennessee were underwater. Rhode Island suffered through a once in a 500-year storm in March. A disaster was declared by the President in January for fisheries in Alaska. Tornadoes have tormented the Midwest and South. We have dams in need of emergency repair in the Northwest and an urgent requirement to address mine safety, but no funds have been requested to address these needs. Nothing has been offered to offset the enormous cost of clean-up and reconstruction for the States and communities which have suffered.

In total, the committee has provided more than \$425 million to address the disaster related shortfalls that were not requested by the Administration. This is a mere pittance when compared to the \$1 or \$2 billion that is needed now to meet these needs, but it was that we could identify so late in the fiscal year to help meet these legitimate emergency costs.

Some will say, "Well, surely there are other offsets." I do not deny there are unobligated funds, but unobligated does not mean unneeded. For example, last week we identified a program with \$8.3 billion unobligated, the Joint Strike Fighter. The contract award for the F-35 Joint Strike Fighter has been delayed by months. Accordingly, the funding remains unobligated. Surely those that want to cut unobligated balances to offset the cost of this bill do not want us to rescind funds for this new fighter.

We are told that some of our colleagues would like to send members of the National Guard to the border using unobligated balances to pay that cost.

Well, I would point out that we have more than \$2.6 billion in unobligated balances in funding that the Congress has appropriated over the past 3 years to purchase additional equipment for our National Guard and Reserve Forces. I suppose we could reallocate funds from that account to cover the cost of stationing additional National Guard troops on the border. But I doubt the proponents of such an amendment would support that. Moreover, like funding for the Joint Strike Fighter, the amount provided for National Guard equipment is needed even if it has not yet been spent.

In recent months the rhetoric on Federal spending has focused solely on how much money has been spent rather than on what was necessary and what is still required. Many Senators question why we bailed out Wall Street. Others ask why we used Federal funds to "prime the pump" of our economy through the Recovery Act. I, for one, believe both were necessary to forestall an economic depression. Over the past

few months as the stock market has rebounded and we have seen the beginnings of job creation, I am more confident than ever that the Congress acted wisely.

But I want to inform all my colleagues that this bill is neither a bailout nor a stimulus. Instead, it is the minimum necessary to support our troops in harm's way and to meet emergency domestic and international requirements. The vice chairman and I agreed that the bill recommended by the committee would stay within the amounts requested by the Administration, even though we know more could be justified for these purposes.

I recognize that many Senators on both sides of the aisle believe we simply should not spend more, but I say to you the Nation still has legitimate needs and a responsibility to act. We cannot stop investing in our Nation simply because of high deficits. This is a time for fiscal austerity but not for cutting legitimate spending needs. I can assure my colleagues this bill is both austere and responsible.

The items in this bill are all either fully offset or bona fide emergencies. Many items are both emergency and offset to stay within the budget request. As chairman of this committee, I believe there are many more items which could be justified; but, to maintain necessary support for this bill, Vice Chairman COCHRAN and I committed to holding the line on spending. The committee met that objective.

I want to thank Vice Chairman COCHRAN and his staff for their dedication and cooperation. This bill has been written in a completely bipartisan fashion, with input from all the chairmen and ranking members of our 12 subcommittees. I thank all members of the committee for their enormous contributions to this bill.

Let me be clear. FEMA is out of money. More than 40 States have been told that they must wait for funds to cover disaster bills. Communities throughout the Northeast and Southeast are waiting for funds in this bill to begin rebuilding after devastating floods. We have an urgent requirement to respond rapidly to the devastating effects of the oilspill in the gulf. Funding for all of these cannot wait while some might seek to delay action on this bill.

But most importantly, next week, the Nation will honor those who sacrificed their lives in defense of our country. As I have said on many occasions, my colleagues should be mindful that less than 1 percent of our population has volunteered to wear our country's uniform, to serve the rest of us. They defend our freedom, our way of life. They are called upon ever more frequently to leave their families behind and report to dangerous and inhospitable locations. Willingly, they do so.

The Senate owes them a debt of gratitude for their patriotism and sacrifice. I can think of no better way to honor those who serve today and those who have gone before than by passing this bill expeditiously so that it can be forwarded to the House for action.

I urge all Members to work with Vice Chairman COCHRAN and me to support this bill and secure its quick passage.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished Senator from Hawaii, chairman of the Appropriations Committee, in presenting this supplemental appropriations bill to the Senate. The central purposes of the bill are to fund the military and diplomatic surge in Afghanistan, to respond to natural disasters in this country and in Haiti, and to address the immediate challenges we face from the oilspill in the Gulf of Mexico.

It has been 5 months since the President announced his strategy to achieve stability in Afghanistan. Central to that strategy is the addition of some 30,000 troops into the theater, together with a significant increase in aid and diplomatic resources to the region. Congress has the responsibility and the duty to carefully review and consider the President's request for these supplemental appropriations and approve the expenditure of the funds that are necessary for a successful outcome, one that serves the interests of the United States.

We must be mindful, however, that more than half of the additional troops called for in the President's plan have already arrived in Afghanistan. Spring and summer offenses are being mounted now and in the coming months will become critical to our chances for success. It is also important that we act on the President's request in a timely manner. We should not procrastinate or drag our feet. We should not force the Pentagon to juggle accounts, delay procurements, and otherwise take actions that will detract from our efforts in the field.

The committee has spent several months, as the distinguished chairman pointed out, carefully examining the supplemental request made by the Department of Defense and the State Department. Secretary Gates and Secretary Clinton have testified before the committee in support of these requests. The committee members and staff have met with other government officials and outside groups to refine the committee's recommendations.

While this bill includes many of the supplemental requests made by the President, some of his proposals were deemed premature, unwarranted, or inappropriate for inclusion in an emergency supplemental appropriations bill. The committee also heard from

both Democratic and Republican Senators about urgent needs not addressed in the President's supplemental request. The chairman and I, as well as the various subcommittee chairmen and ranking members, have worked to address those needs. We have limited the total cost of the bill to the amount requested by the President, and we have kept the bill focused on its central purposes.

In some parts of the country, recent natural disasters have left communities in desperate need of Federal assistance, but with flood waters still receding and damage assessments not yet complete, it has been difficult to respond to all of the requests we have received. The chairman and I will continue to work with Senators representing those communities to see that the Federal response is appropriate and addresses the most critical needs.

For those of us who represent the gulf coast region, our States are dealing with a different kind of disaster. While it is not a natural disaster, it is a very serious event that will have very serious consequences for the natural environment as well as for local economies throughout the region. We cannot predict now and we cannot now know what the long-term impacts of this spill will be. While the Federal Government is intimately involved in the response and cleanup efforts, clearly the parties responsible for the spill must bear the ultimate cost of cleanup and associated damages. The President submitted an oilspill supplemental proposal 1 day prior to the committee's consideration of this bill. The proposal contained funding requests prompted by the spill but not directly tied to the Deepwater Horizon event. It also included broader policy proposals that would restructure the oilspill liability regime currently in place. The committee has had very little time to review these proposals. We have decided to recommend funding only items that are within the committee's jurisdiction that will address urgent needs.

We do not suggest that the committee has arrived at the perfect solution. There may be other proposals that should be included in this legislation. There may be recommendations included by the committee that should be reconsidered based on additional analysis. I look forward to working with our colleagues from the gulf coast and all Senators to address this unfortunate event.

During consideration of this bill in committee, several members identified additional funding needs or policy matters they intend to raise during floor debate. Members not on the committee will surely have amendments as well, and we look forward to working with all Senators to improve this bill where we can. But it is clear that adding additional costs to this bill will exacer-

bate our Nation's fiscal imbalance and potentially jeopardize our ability to rapidly get needed resources to our men and women in harm's way in Afghanistan, Iraq, and in other parts of the world. This bill recommends \$46 billion in discretionary appropriations and another \$13 billion in mandatory funds. No matter how important the purposes, that is a significant amount of money. I expect amendments will be offered to offset some or all of these costs.

The disaster relief fund of the Federal Emergency Management Agency is currently allocating funds for immediate needs only. The fund owes more than \$1.5 billion to States for projects already approved to assist communities recovering from disasters. Going into hurricane season, the fund has less than \$900 million available to respond to disasters. One way or the other, we must take action to capitalize the fund.

We also must act with a sense of urgency to provide the resources needed to succeed in Afghanistan and Iraq. We should consider those requirements carefully. But I believe we will poorly serve our men and women in the field if we allow internal tactical battles to unduly delay delivery of a bill to the President, or if we burden this bill with other costs or legislative matters that are unrelated and controversial.

I thank the distinguished Senator from Hawaii and able members of his staff for their work on this bill and moving it to this point through the committee. I hope our colleagues who have amendments will contact us so we can help arrange for consideration of those in a timely manner.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

AMENDMENT NO. 4173

(Purpose: To establish 3 year discretionary spending caps)

Mr. SESSIONS. Mr. President, I won't discuss any further the amendment I am going to call up. It was offered by Senator MCCASKILL and me 2 or 3 weeks ago. We reached as high as 59 votes for it, one short of passage. It is an amendment that would put a statutory limit on spending, making it more difficult to violate the limits we put by requiring a two-thirds vote to break that limit except in time of war and emergency.

I ask at this time to call up amendment No. 4173.

The ACTING PRESIDENT pro tempore. Does the Senator wish to set aside the pending amendment?

Mr. SESSIONS. I now ask unanimous consent to set aside the pending amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself and Mrs. MCCASKILL, proposes an amendment numbered 4173.

Mr. SESSIONS. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SESSIONS. Mr. President, I thank the Acting President pro tempore and yield the floor.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I ask unanimous consent to speak as in morning business but to extend the time to up to 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Thank you, Mr. President. I would say, since I do not see a Member of the majority on the floor, if there is a concern with that later, and somebody wishes to slip me a note, I would be happy to try to accommodate my schedule to the majority's schedule.

NEW START CONCERNS

Mr. President, what I wish to speak to today is the START treaty which has been submitted by the administration for consideration by the Senate.

The President signed the treaty on April 8 of this year, submitted it to the Senate for ratification on May 13, and 2 weeks ago the Foreign Relations Committee began hearings on the treaty.

In the consideration of past treaties, the Senate has taken great care to consider the entire record of relevant documents and to seek the views of a wide variety of experts, and I am sure that will be done in this case as well.

According to a report from Senator THUNE, who is the head of the Republican Policy Committee:

[On] the original START, almost 430 days passed between the time President George H.W. Bush signed it—

That was July 31, 1991—

and the U.S. Senate provided its consent to the treaty [on October 1, 1992]. As for the Treaty of Moscow, which is to terminate if New START is ratified, it was signed on May 24, 2002 and ratified by the Senate more than nine months later on March 6, 2003.

That treaty, by the way, is only three pages long. So it is not surprising

that it takes some time. What is surprising to me is that some have seemed intent on rushing the treaty that has been sent to us. According to Congressional Quarterly:

A congressional aide who briefed reporters on the treaty said Thursday that Senate Foreign Relations [Committee] Chairman John Kerry [of Massachusetts] intended to complete hearings "in time for the Senate to take up the treaty before the August recess, if it so chooses."

I am not aware of any similar precedent for so rushing such a treaty of this complexity, and I am not sure why the rush would be necessary. I wish to remind my colleagues, the White House assured us there would be no problem when it permitted the treaty to expire by not seeking its extension. The reason is expressed in a Joint Statement, which said as follows:

Recognizing our mutual determination to support strategic stability between the United States of America and the Russian Federation, we express our commitment, as a matter of principle, to continue to work together in the spirit of the START Treaty following its expiration, as well as our firm intention to ensure that a new treaty on strategic arms enter into force at the earliest possible date.

So what did these 65 words mean? Well, Deputy Secretary of Defense Lynn told us they meant that:

In this interim period of START's expiration earlier in the month, our two countries have agreed to continue observing the spirit of the treaty's terms.

Spokesman Kelly said they mean that "both sides pledged not to take any measures that would undermine the strategic stability that START has provided during this period between the expiration of the START treaty."

So the idea that we are potentially disadvantaged every day the treaty goes unratified seems to me to be untrue, unless the Joint Statement does not mean what we were told it means. Certainly, there is no reason the Senate should not take the time it needs to perform its due diligence. The Constitution did not, after all, entrust to this body the requirement to perform the process of advise and consent on treaties, and did not set the extraordinarily high threshold of 67 votes to achieve ratification because it intended the Senate to merely rubberstamp a treaty.

I remind my colleagues of the recommendation of Dr. James Schlesinger, who the chairman of the Foreign Relations Committee said in a recent hearing has been called "the former Secretary of Everything." Dr. Schlesinger said:

First, the Senate will wish to scrutinize the Treaty carefully, as it has previous arms control agreements. This reflects the many changes as compared to START I.

Of course, the treaty is more than just the treaty text, protocols, and annexes, which we have only recently received. There are other things we have

not yet received. Again, quoting from Senator THUNE's report:

For example, the Secretary of State is required by statute to submit a verifiability assessment of the treaty, and past practice has been for the intelligence community to submit a National Intelligence Estimate concerning the verifiability of such matters. These two documents will be critical to Senate evaluation of the treaty.

Another set of documents that will be critical to the Senate's evaluation of New START, particularly the verification issue, is the annual report the President is to complete assessing other nations' compliance with their arms control, nonproliferation, and disarmament commitments. This annual report is due on April 15 of each year, with the last one submitted in August 2005—meaning the White House is now five reports behind.

So in this case, the verifiability assessment will be prepared by the Assistant Secretary for Verification, Rose Gottemoeller, who also happened to be our lead negotiator on the treaty. I am not certain if she will recuse herself from drafting the document, due to the obvious conflict of interest, but Senators must surely understand this.

On the matter of the NIE, Senators must carefully review the record of the proceedings of the Senate Select Committee on Intelligence, which will file a report or submit a letter on the treaty. The NIE is important. It is not simply a statement on the verifiability of the treaty or at least it should not be. To be useful, it will provide an analysis of how the treaty informs our understanding of Russia's nuclear forces. It will analyze cheating scenarios and the likelihood we will detect them. This is an important document and one that will take time to put together.

Another document promised, but not yet sent to the Senate, is the nuclear force posture. Senators will, of course, want to know how the triad will be composed during the 10 years of the treaty before we consider it. It is not sufficient to merely trust that the 700 deployed launchers called for in the treaty will be sufficient. We need to see the force posture and we need to see the analysis that supports it.

I joined with my colleagues on the Foreign Relations Committee who have requested access to the treaty negotiating record. I remind my colleagues that 22 U.S.C. section 2578 requires the Secretary of State to maintain a negotiating record of treaties to which the United States is a party. Obviously, Congress did not enact this requirement merely for the sake of doing it. Congress, obviously, intended to be able to have access to the record.

There is a long history on this subject involving great disputes between the Senate, its committees, and its National Security Working Group—or its predecessor, the Arms Control Observer Group—which, incidentally, I cochair along with Senator BYRD, and the Executive on the INF and the START I treaty. I remind my colleagues of a

statement made by Sam Nunn, the former chairman of the Senate Armed Services Committee, when he was serving in this body in 1986:

Mr. President, in my opinion, the administration's rejection of our request for Senate access threatens a basic institutional interest of the U.S. Senate—its constitutional role in the treaty process.

I agree with the former chairman of the Armed Services Committee that it is important for the Senate to have access to this negotiating record.

Finally, let me say, I come to this very serious process with an open mind. I supported the START II treaty and the Moscow Treaty. I opposed the Chemical Weapons Convention and the Comprehensive Test Ban Treaty. Not all arms control agreements are the same. And just because they were negotiated, it does not follow they are in our best interest. So we need to examine the record and this treaty carefully.

Today, I want to identify some areas of concern I believe Senators will want to focus on as they begin to consider the treaty. These are not objections. They are matters of concern we will want to investigate:

One, the required nuclear modernization plan; two, limits on U.S. nuclear force levels and force structure; three, impact on U.S. missile defenses; four, verification under the new treaty; five, the impact of the treaty on the disparity between United States and Russian nuclear force levels, especially regarding tactical nuclear weapons; six, the Bilateral Consultative Commission; and, seven, the impact of the treaty on prompt global strike.

Perhaps we should consider an eighth category and a new metric by which to evaluate the treaty. Secretary Clinton stated on March 18 before the Senate Foreign Relations Committee:

I am not suggesting that this treaty alone will convince Iran or North Korea to change their behavior, but it does demonstrate our leadership and strengthens our hand as we seek to hold these and other governments accountable.

I suggest the administration may want to carefully consider whether it wants the Senate to evaluate the treaty on that basis. What real progress has been made on nonproliferation since the President signed the treaty? Is the latest Security Council resolution an indication of the value of the New START?

While the U.N. Security Council has not adopted a resolution yet with respect to Iran, the announcement by the administration on May 18 included no reference to any sanctions that would close the noose around the IRGC, around Iran's energy sector, especially refined petroleum products, and Iran's banking sector, and all the other revenue streams that feed Iran's illegal nuclear weapons program and its terrorism apparatus.

Most of what is in the draft resolution—for example, references to the Iranian Central Bank—are in the preamble. The administration has told us that preambles are not binding. So which is it? Are preambles binding or is the draft resolution a bunch of words with little effect?

Also very troubling is the disclosure that the resolution does not prohibit the sale to Iran by Russia of the S-300 anti-aircraft missile system. Not including the S-300 in the draft Security Council resolution is unfortunate confirmation that the administration has not “reset” relations with Russia in any meaningful way. In fact, the Moscow-based *Kommersant* Online reported this morning—and I quote—“Moreover, according to the terms of the deal, Washington is also lifting its objections to the sale to Iran of Russian S-300 anti-aircraft missile systems.” I cannot stress how important this issue is. Under no circumstances can the administration permit Russia to think the United States is not opposed to this transfer. If Russia proceeds with this transfer, not only will the Russian entities involved have to be sanctioned under U.S. law, but United States-Russia relations will be in a grave state of crisis.

It would appear the reason Russia agreed to the weak U.N. sanctions resolution is it will not affect any of its ties with Tehran. At the same time, it has announced it will embark on nuclear cooperation with Syria, as it announces, for example, the planned activation of the Bushehr reactor next August. What is the administration's reaction? We have learned it will roll back proliferation sanctions on Russian entities. Could this possibly be a quid pro quo for Russia's support for the draft resolution? I thought the START treaty was supposed to ensure their support. Nor has the President's “leading by example,” touted by Secretary Clinton, affected even NATO member Turkey and hemispheric member Brazil. The administration was obviously blindsided by Brazil and Turkey, working instead with Iran on an alternative plan.

So it is fair to ask: What progress has been made on nonproliferation that the administration can point to that suggests the START treaty is a meaningful tool in keeping States such as Iran and North Korea from violating their nuclear nonproliferation treaty obligations?

Let me turn back directly to START and begin the seven items I mentioned, beginning with the first: the modernization plan. This is the plan that section 1251 of last year's Defense Authorization Act required be submitted at the same time the treaty was sent to us for its ratification.

The key goal of most arms control agreements is to achieve strategic stability. The New START treaty was ne-

gotiated on the premise of numeric stability, but there are a number of underlying factors required, a foundation upon which to base that stability. For the United States, it is the confidence provided by both the current U.S. nuclear warheads and delivery systems and by the weapons complex and its capacity to sustain and modernize those nuclear warheads. For this reason, 41 Senators wrote to President Obama last December, highlighting the direct link between nuclear force reductions under the treaty and modernization of the U.S. nuclear weapons complex.

What are some of the factors that affect its strategic stability, beyond the treaty numbers? Well, first, the weapons we deploy must be safe, secure and, most critically, for stability they must be reliable. Given the age of our current weapons, averaging close to 30 years, we must be extremely diligent about monitoring those deployed weapons through our surveillance programs.

We also have warheads that require life extensions such as the W76, which is underway, and soon, I hope, the B61. Without life extension, these weapons will soon cease to be capable of protecting our country. We must be looking to the future stockpile with new approaches, including life extension, using a full spectrum of options responsive to future needs. To achieve this will require a strong science, technology, and engineering workforce in our national laboratories and military complex that maintains critical skills and is resolute in its determination to solve the complicated problems at hand.

We must make an intense, unified push to restore a viable production capacity for nuclear warheads. Herein lies the greatest chink in our armor. As former Secretary Schlesinger recently testified:

The Russians have a live production base. They turn over their inventory of nuclear weapons every 10 years. We do not.

Finally, we cannot neglect the delivery systems that carry these nuclear weapons. They are also aging and they also are prey to neglect and loss of critical capabilities.

The section 1251 plan was to address the issues I have just highlighted. We have received this classified report, and we are in the process of reviewing the statements of the administration to ensure that modernization is, in fact, adequately addressed.

The administration has outlined in this report a plan to provide, over the next decade, \$80 billion for nuclear weapon activities and about \$100 billion for delivery system activities. To be clear, most of this money is not new. In fact, the bulk of the money covers current spending levels plus inflation for the decade. While this is a needed improvement from the grossly inadequate fiscal year 2010 budget submission, we do not yet know how much the

administration intends to commit to modernization and how it will be spent.

It has been well advertised that there is a renewed emphasis by the administration on sustaining our stockpile and modernizing the infrastructure. Congress has long recognized the need for this extra attention, for example, calling for the Stockpile Management Program and the section 1251 plan requirement in the fiscal year 2010 National Defense Authorization Act. But after reviewing the fiscal year 2011 budget input, I am concerned the administration has not done all it should.

The fiscal year 2011 budget weapons activities part of the budget of \$7 billion is a 10-percent increase over fiscal year 2010, with a 26-percent increase in the category of Directed Stockpile Work. This looks good on paper. The question is the substance. The fiscal years 2007 through 2009 plans from NNSA predicted that the fiscal year 2011 budget should be, on average, \$7 billion—exactly what the administration asked for this year. What we need to know is how much in addition to the \$7 billion for NNSA weapon activities over the next 10 years.

A cursory review of the numbers recommended in the section 1251 plan shows the proposed funding is, in fact, barely keeping up with inflation. In fiscal year 2010, Congress provided roughly \$6.4 billion for the current nuclear weapons account at NNSA. If the fiscal year 2010 budget is assumed as a new 10-year baseline, that would be \$64 billion of the \$80 billion proposal for nuclear weapons activities at NNSA, assuming no increase for inflation or increased costs of modernization. If you assume a standard rate of inflation of 3 percent to cover cost-of-living adjustments in salaries and increased material costs using the fiscal year 2010 appropriations as the baseline, then holding that budget constant would require a total of \$75.6 billion over the 10-year period. If a 2-year rate of inflation is used, then the increase is about \$8 billion over the next 10 years.

Unfortunately, we know the fiscal year 2010 budget is not a sustainable baseline. The Senate Energy and Water Appropriations Subcommittee noted in its committee report last year that:

The committee does not believe this level of funding is adequate to support modernization of the complex including critical investment in infrastructure and scientific capabilities.

So our stockpile is aging, refurbishments are behind schedule, the Cold War infrastructure is falling apart, and the critical science and technology skills that underwrite our nuclear deterrence are atrophied. But rather than seeing a new commitment to this problem, the budget request and the 1251 plan seem to be based on a plan—the fiscal year 2010 budget—that wasn't making much progress as it was.

It appears to me this plan was based not so much on what is needed but

what funding the administration was willing to make available. In this case, it seems to be what funding Secretary Gates could sacrifice from his budget because that is how the additional money for this year came about. Why was the administration only willing to find funding authority in the DOD budget, the one department of the Federal Government engaged in fighting two wars? Secretary Gates had to transfer money from his budget over to the Energy Department budget.

As important as the amount of money available is the freedom to pursue all options available to ensure the safety, security, and reliability of our highly complex nuclear stockpile. The Nuclear Posture Review restricts options for modernizing existing warheads by stating:

In any decision to proceed to engineering development for warhead LEPs—

That is, life extension projects—the United States will give strong preference to options for refurbishment or reuse. Replacement of nuclear components would be undertaken only if critical Stockpile Management Program goals could not otherwise be met and if specifically authorized by the President and approved by Congress.

The 1251 plan tries to deal with this overly restrictive limitation by stating:

The Laboratory Directors will ensure that the full range of life extension program approaches, including refurbishment, reuse, and replacement of nuclear components are studied.

But it still reiterates that there is a “policy preference for refurbishment and reuse in decisions to proceed from study to engineering development.”

Why would our nuclear scientists spend time and limited resources and risk their careers studying the full range of options if, when they make their recommendations, the President requires that they prove the impossible; namely, that replacement must be the only choice? Why isn't the standard instead what is the best course of action?

The Perry-Schlesinger Commission noted the importance of flexibility when it reported to Congress last May. It stated there are:

... options along a spectrum ... in between are various options to utilize existing components and design solutions while mixing in new components and solutions as needed. Different warheads may lend themselves to different solutions along this spectrum. The decision on which approach is best should be made on a case-by-case basis as the existing stockpile of warheads ages.

The bipartisan commission of six Republicans and six Democrats determined that:

So long as modernization proceeds within the framework of existing U.S. policy, it should encounter minimum political difficulty.

Well, the NPR changes that policy, and the section 1251 plan reiterates the NPR language after initially sug-

gesting scientists will be given complete latitude. I believe this will have a chilling effect on the scientists' work and that this issue must be resolved.

Similarly, we have questions concerning the administration's commitment to maintaining and modernizing nuclear delivery systems. While the administration suggests in the Nuclear Posture Review and the 1251 plan that it will maintain a nuclear triad, there is no funding in that plan for follow-on strategic systems, other than a replacement for our aging nuclear ballistic missile submarines. In fact, the 1251 plan notes that the administration will not even make a decision regarding a next generation bomber and a follow-on ICBM until 2013 and 2015, respectively. Likewise, rather than commit to a new nuclear cruise missile, the administration instead announces that a study is being done to determine if it will be replaced. Finally, the 1251 plan is silent on funding needed to develop and deploy conventional prompt global strike capabilities which, according to the Nuclear Posture Review, are to play a larger role in our strategic posture.

The notional nuclear force structure under New START suggested in the 1251 plan lacks sufficient detail. It calls for up to 420 ICBMs, up to 60 strategic bombers, and no more than 240 SLBMs. It would be helpful to know exactly how U.S. forces will be configured, how we might expect Russia to configure its nuclear forces, both strategic and tactical, and then have a net assessment to determine whether the United States is still capable of carrying out its deterrence missions, especially providing nuclear security guarantees to allies and partners.

With regard to New START limitations and force structure, the New START treaty limits the number of deployed strategic delivery systems to 700. Since the United States today deploys approximately 800 delivery systems, this will require a reduction of some 180 ICBMs, SLBMs, and/or strategic bombers to reach the treaty limitations—more if we deploy conventional global strike missiles, since, by the terms of the treaty, these must be counted as nuclear as well.

The Russians, on the other hand, are already below the 700 figure. So this is the first time that at least I am aware the United States will agree to launcher limitations that will require the United States to reduce its forces but require no reductions by Russia. It is fair to ask what the United States got for this concession.

Moreover, because a bomber counts as only one delivery system and one warhead no matter how many bombs or cruise missiles are loaded on it, the Russians are able legally to field more than 1,150 warheads limited by the treaty. While this may appear to advantage both sides, I do not fear U.S.

cheating—we would not—but the Russians could, and because of weak verification tools in the treaty, I am not sure we will know. This is another reason to await the NIE before making a decision on the treaty.

Let me quote from the Heritage Foundation analysis on this point. It says:

In fact, despite Obama administration claims to the contrary, New START's counting rules and apparent lapses will permit increases in Russian strategic force levels above the 1,700 to 2,200 deployed warhead limit of the Moscow Treaty.

I am not going to quote the remainder of this analysis, but I would ask unanimous consent that the statement, as I submit it for the RECORD, contain the remainder of this analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

According to a Heritage Foundation analysis:

In fact, despite Obama Administration claims to the contrary, New START's counting rules and apparent lapses will permit increases in Russian strategic force levels above the 1,700-2,200 deployed warhead limit of the Moscow Treaty. RIA Novosti, an official news agency of the Russian Federation, already has reported that given New START's counting rules, Russia will be able to retain 2,100 strategic nuclear warheads under New START, not 1,550. Russia will be able to deploy even higher numbers under New START if it follows through on announced modernization programs, particularly the new heavy bomber. In addition Russia could deploy strategic nuclear systems that were limited or prohibited under START I, but appear not to be limited whatsoever under New START.

If Russia exploits the legal lapses in New START, there is no actual limit in the new Treaty on the number of strategic nuclear warheads that can be deployed. The number of Russia's strategic nuclear warheads would be limited only by the financial resources it is able to devote to strategic forces, not by New START warhead ceilings—which would be the case without this new Treaty.

Mr. KYL. The bottom line is, there were concessions by the United States. The Russian conventions are essentially strictly based on their financial situation, not by any New START warhead ceilings. So what I think we should ask is why did we agree to it and what did we get in return.

Additionally, what will the U.S. nuclear force structure look like after eliminating these 180 U.S. strategic delivery systems? I have already talked about it, but I wish to explain why this is an important requirement for Senators to consider before we vote on the treaty.

The administration has provided some initial information as a basis for future planning. It could retain up to 420 ICBMs, up to 60 strategic bombers, and deploy no more than 240 SLBMs at any time. We will require further details about where these reductions will be made and how this force structure

fares against our most likely prediction about how the Russians will design their nuclear forces.

An issue of concern is that while the United States intends to deploy only single-warhead ICBMs under the administration's new NPR, the treaty appears to be driving the Russians to deploy multiple-warhead missiles for their ICBM force. Land-based multiple-warhead missiles have long been considered destabilizing because they place a premium on striking first for fear of losing a large proportion of one's warheads by a preemptive strike by the other side. For this reason, MIRVs were to be banned by the START II treaty that never entered into force. Now, 80 percent of Russia's ICBM force will be road mobile and MIRVed. In light of this, it is curious to hear the administration now argue that New Start will increase strategic stability.

Assuming the U.S. nuclear force structure is survivable, the next question is whether it is sufficient for deterrence purposes—especially the more difficult mission of extending nuclear guarantees to allies and partners.

As I said, the New Start treaty limits deployed strategic delivery systems to 700. A September 2008 white paper by the Defense and Energy Departments suggests a force of approximately 900 delivery systems is necessary for deterrence purposes, and in congressional testimony last summer, Admiral Mullen and General Cartwright expressed concerns with force levels below 800. How, then, can 700 be the correct number? Again, Senators must see the analysis themselves to make a decision on this. I don't see how a mere assurance in an unclassified committee hearing can be sufficient on a matter like this.

As to missile defense, despite being told consistently from the very beginning of negotiations that missile defense will be addressed only in the preamble of the treaty, we now discover that article V contains a direct restriction on U.S. missile defense activities—i.e. neither party can convert ICBM or SLBM launchers into launchers for missile defense interceptors. In fact, just prior to the treaty's public release, Under Secretary of State Ellen Tauscher said the following: "But there is no limit or constraint on what the United States can do with its missile defense systems." Now, this begs two questions: 1, did Ms. Tauscher not know what was in the treaty her subordinates were negotiating; or 2, did whoever wrote Ms. Tauscher's talking points think Senators wouldn't notice an entire article of the treaty text?

Some administration officials have tried to explain this away by saying that, since this administration has no current plans to do so, it's not a constraint. That stands the English language on its head. This concession to

the Russian Federation will establish a dangerous precedent with respect to including missile defense limitations in future offensive arms control agreements. Why did the U.S. side feel it necessary to concede this point? What did we get in return? Again, this is why it is important to see the full negotiating record.

When viewed together, the treaty's preamble, the Russian unilateral statement on missile defense, and remarks by senior Russian officials provide the potential for Russia to essentially blackmail the U.S. against increasing its missile defense capabilities by threatening to withdraw from the treaty.

The preamble states that "current strategic defensive arms do not undermine the viability and effectiveness of the strategic offensive arms of the parties." Does this suggest that moving beyond "current" systems could provide grounds for withdrawal?

The Russians note in their unilateral statement that the treaty "can operate and be viable only if the United States of America refrains from developing its missile defense capabilities quantitatively or qualitatively," and also link American missile defense capabilities to the treaty's withdrawal clause. Shouldn't we read this as an attempt to exert political pressure to forestall continued development and deployment of U.S. missile defenses? The preamble doesn't have to be legally binding to be influential.

Even more disturbing is the administration's decision to limit U.S. missile defenses to be effective only against a "limited attack," thus exempting Russian capabilities from the reach of our missile defenses. Since the U.S. unilateral statement makes quite clear that the administration intends to deploy only "limited" missile defenses to deal with "limited attack," the administration has left itself no room to respond to strategic surprise or a disintegration of the current strategic relationship with key nuclear powers, let alone an accidental launch. Let me quote from the text of the U.S. unilateral statement:

The United States missile defense systems would be employed to defend the United States against limited missile launches, and to defend its deployed forces, allies and partners against regional threats. The United States intends to continue improving and deploying its missile defense systems in order to defend itself against limited attack and as part of our collaborative approach to strengthening stability in key regions.

Here is something else that's troubling. General Jones, in a May 12, 2010, letter to me wrote, "Russian unilateral statement is both beyond the control of the Administration and not binding or limiting in any way on current or planned U.S. missile defense programs." I will repeat that because it is important: "not binding or limiting in any way on current or planned U.S. missile defense programs."

What about a program that is not current or planned? Our unilateral statement must lead one to ask whether the Russian statement was answered by the U.S. statement, in effect saying, "you don't worry about our missile defense because we won't make it effective against you." What if a future administration decides to return to the concept of actually protecting America from any nuclear attack even from Russia?

The Russians will have the right to rely on these statements for at least the ten years of the treaty's operation. These statements may become the new baseline in future arms control negotiations between the United States and the Russian Federation. Ronald Reagan enunciated the vision of U.S. missile defense, which I believe is as true today as it was in 1983:

What if free people could live secure in the knowledge that their security did not rest upon the threat of instant U.S. retaliation to deter a Soviet attack, that we could intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies? But isn't it worth every investment necessary to free the world from the threat of nuclear war? We know it is."

I am concerned that when Russian Foreign Minister Lavrov warned, on March 28, that "the treaty and all the obligations it contains are valid only within the context of the levels which are now present in the sphere of strategic defensive systems," it means the Russians will threaten to pull out of START if we deploy additional ground-based interceptors in Alaska or if we deploy the SM-3 block IIB missile in Europe, as the administration promised.

There is something fundamentally disturbing about entering into a treaty with the Russians when we have such a divergence in view over a substantial issue like missile defense. At the very least this likely sets the stage for misunderstanding and confrontation as the United States continues its missile defense activities, particularly in Europe. Remember, the goal of the treaty was supposed to be stability from a common understanding and agreement on core principles.

Those who have rushed to embrace the treaty must confront this reality and the administration must be required to square the circle.

On verification, Secretary Gates testified that this treaty provides "a strong verification regime . . . which provides a firm basis for monitoring Russia's compliance with its treaty obligations." I certainly have a great deal respect for Secretary Gates, but I'm not sure how he can know that yet. Has he seen the NIE on the treaty? Or the State Department verifiability assessment? And, even if treaty non-compliance can be verified, what have we lost in intelligence as a result of the weakening of the verification compared to the START treaty?

Independent assessments of the treaty suggest important new gaps in monitoring. For example, the treaty no longer requires on-the-ground, continuous monitoring of Russia's missile manufacturing facility and permits Russia to withhold telemetry of many of its missile tests, undermining our ability to know how many missiles are being produced and, perhaps, limiting our ability to understand what new capabilities are being developed. The administration has blamed the Bush administration for this, and I have asked for the evidence in letters to the Secretary of State, including a December 4, 2009, letter. So far the administration has been unwilling to substantiate this allegation—which it could do by responding to my letters and inquiries on the matter.

The ability to monitor compliance with the terms of the treaty is important, but as important is whether our intelligence community can monitor the status of Russian strategic nuclear forces. What new capabilities is Russia developing? Is Russia building and stockpiling additional missiles and warheads that could provide it a breakout capability? Will we be able to maintain confidence in our assessment of Russian forces throughout the 10-year period of the treaty? According to Secretary Gates, "And I think what you are likely to hear from them [the Intelligence Community] is that they have high confidence in their ability to monitor this treaty until toward the end of the 10-year term, when their confidence level will go to moderate."

What is the impact of a judgment like that when we know Russia is increasing its reliance on its nuclear forces, conducting war games involving simulating raids against NATO allies like Poland, and modernizing almost every element of its strategic and tactical nuclear forces? For example, Russia is, in fact, deploying a new multipurpose attack submarine that can launch long range cruise missiles with nuclear warheads against land targets at a range of 5,000 kilometers—just barely missing the threshold to be considered a strategic weapon under the New START treaty. Of course, a tactical nuclear weapon has a strategic effect if it is detonated above a U.S. or allied city.

We will need the intelligence community to consider these important factors before we can fully evaluate the treaty; I look forward to a thorough NIE that rigorously analyzes our ability to monitor Russian nuclear forces. And, I am sure the Intelligence Committee will hold numerous hearings to flesh out these issues.

As to the impact the treaty has on U.S. and Russian nuclear force levels, especially regarding tactical nuclear weapons, the administration argues that New Start will "increase" or "provide" strategic stability, but has yet to

explain why the 10-1 disparity in tactical nuclear weapons doesn't upset that strategic stability, especially at lower levels of strategic nuclear forces. As former Secretary of Defense James Schlesinger recently testified, "the significance of tactical nuclear weapons rises steadily as strategic nuclear arms are reduced."

The Strategic Posture Commission estimates Russia may have approximately 3,800 operational tactical nuclear warheads, and that the combination of new warhead designs and precision delivery systems "opens up new possibilities for Russian efforts to threaten to use nuclear weapons to influence regional conflicts."

Likewise, Under Secretary of Defense for Policy, Michele Flournoy, has observed that the Russians are "actually increasing their reliance on nuclear weapons and the role of nuclear weapons in their strategy." There is a fine line—actually, no line at all except as to how they are delivered—between strategic and tactical weapons.

If the Russians intend to use nuclear weapons to influence regional conflicts, then shouldn't we try to understand the impact of their numbers in the context of declining U.S. strategic nuclear weapons required by the treaty? In other words, what will be the effect of Russian tactical nuclear weapons on strategic stability and our ability to extend deterrence into various regions? We should understand this before agreeing with the administration's contention that this treaty increases stability.

The administration's retort is that they understand the importance of dealing with the disparity in tactical nuclear weapons, but that we must first ratify New Start before getting to Russian tactical nuclear weapons in the next treaty. But what leverage will we have left? And why should we think a "next treaty" that further reduces our weapons will be in our rational interest?

And if tactical weapons are as important as most seem to believe, why didn't we make them a priority in this treaty? Because the Russians didn't want to talk about them? Why was that enough to demur? How hard did we push? Again, this is why Senators need to see the negotiating record, and why they shouldn't make up their minds on the treaty until they do.

BCC—Bilateral Consultative Commission

One of the matters the administration will have to address before the Senate could consider ratification is the role of the Bilateral Consultative Commission in the treaty. As Ambassadors Edelman and Joseph observe in their May 10th National Review Online article:

A preliminary reading of the Treaty Protocol suggests that the U.S. and Russian commissioners could reach secret agreement

on changes to ensure the 'viability and effectiveness' of the treaty. These changes could create additional limits on missile defense that would appear to be beyond the reach of the Senate's responsibility to advise and consent.

Obviously, that is not acceptable. This matter will have to be thoroughly vetted during the hearings and presumably be dealt with in the resolution of ratification. While there may have been similar provisions in past treaties, the Senate should insist on a reasonable check on such an open-ended provision in the resolution of ratification.

Now to the conventional prompt global strike or PGS. Although tactical nuclear weapons were not addressed in this treaty, the United States conceded to Russian demands to place limits on our conventional prompt global strike capabilities by counting conventionally armed strategic ballistic missiles under the limits for delivery systems. At the very least, this will require a one-for-one reduction in U.S.-deployed nuclear weapons for each conventional ICBM it intends to deploy. This is yet another reason Senators need to see the force posture before they can make up their minds on the treaty.

The treaty also sets the stage for further limitations on U.S. conventional strike capabilities in the preamble by noting that the parties are "mindful of the impact of conventionally armed ICBMs and SLBMs on strategic stability." Does any Senator imagine the Russians will not raise objections when the United States begins the serious development of prompt global strike capabilities, as called for by the Nuclear Posture Review?

Moreover, the administration must be candid when it testifies about issues such as PGS missile defense. It cannot continue to state that the treaty does not limit PGS or missile defenses when it clearly does.

In conclusion, Secretary Gates and Secretary Clinton have predicated their support for the treaty on their answer to the question: Are we better off with an agreement or without it? They suggest that without the agreement, we would lack the ability to limit and monitor Russian strategic forces.

My response is twofold:

First, the existing 2002 Moscow Treaty already limits Russian warheads. True, the Moscow Treaty relied on the now-expired START treaty's verification procedures, but these could have been extended by mutual consent. The Russians refused or the administration did not bother to ask. We will not know until the administration shares the negotiating record with us.

Second, I believe the better question is, Are we better off with this treaty or a treaty that did not include any references to missile defense or prompt global strike and which did contain limitations on Russian tactical nuclear

weapons? These are issues for Senators to consider when they debate the resolution of ratification and amendments to it, whether they be reservations or conditions or otherwise.

In her opening statement at the May 18 Foreign Relations Committee hearing on New START, Secretary Clinton asserted that “the choice before us is between this treaty and no treaty governing our nuclear security relationship with Russia.” This assertion is obviously a false choice. It reflects sort of an “our way or the highway” approach, completely inconsistent with the responsibilities of the Senate. Since the administration did not consult the Senate for its advice before making its negotiating concessions, it should not now argue that the Senate has only the choice of voting for the treaty that we cannot amend and therefore must vote yes and that it would be impossible to negotiate another agreement. After all, isn’t that what both sides did in walking away from the START II agreement? The Senate is not a rubberstamp.

We have the opportunity and responsibility to fully understand this treaty and understand whether it furthers the security of the American people. And we must consider it in the context of other considerations such as the nuclear modernization that goes hand-in-hand with consideration of the treaty. The administration will have to find a way, for example, to ensure the necessary funding for modernization before the Senate votes on the treaty.

Sergei Karagonov, chairman of the Russian Council on Defense and Foreign Policy, summarized the Russian view of the treaty saying:

In the course of the negotiations, Russia reached almost all of the objectives it could possibly set.

I think that is a pretty good metric by which to evaluate the outcome of the treaty. Are we able to say the same thing for the United States? That is a question which will need to be answered affirmatively for the Senate to ratify the treaty.

We have just begun the process of evaluation and potentially ratification. I urge all of my colleagues to refrain from judgments before our process is complete. I do not doubt there are arguments in support of the treaty. The recitation of my concerns today should be taken as just that—concerns—hopefully to make the point that there are reasons for us to be careful and thoughtful and not jump to conclusions. I look forward to an exercise worthy of the Senate in the consideration of this important submission.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO OFFICER THOMAS WORTHAM IV

Mr. BURRIS. Mr. President, I come before this august body with a very heavy heart this afternoon. Last Friday night, just a few blocks from my home in Chicago, a terrible act of violence claimed the life of a young police officer. Thomas Wortham IV was a distinguished Chicago police officer. He was off duty on Wednesday night, so he went to visit his parents in a nice neighborhood called Chatham—in which I live only 2½ blocks away—to show them his new motorcycle.

Officer Wortham was used to putting his life on the line. In addition to being one of Chicago’s finest, he recently served two tours in Iraq. He devoted himself to his community and to his country. He exhibited the same courage, valor, and selfless dedication wherever he went.

Thomas Wortham was a true American hero. He was the kind of person who keeps us safe and makes it possible for the rest of us to go about our lives free from fear; the kind of person who serves as an example to those around him and inspires others to give back.

But last Wednesday night, as he sat on his brandnew motorcycle outside of his parents’ home, this remarkable young man was violently taken from us. After two tours in Iraq and endless hours patrolling the mean streets, Officer Wortham was struck down practically in his own backyard. Several young men tried to rob him, and he was shot in the struggle. His father, who is also a military veteran and retired police sergeant, heroically rushed to his defense and returned fire on those who attacked his son. But it was too late. Gun violence had already claimed Officer Wortham’s life.

For all his heroism, for all the good he did for his community and his country, in the end Thomas Wortham IV was tragically killed where he should have been perfectly safe. There is no justice in this; there is no silver lining. This is just major outrage. It was a despicable, senseless act committed by dangerous people, all of whom must suffer the full consequences of the law.

Today, I ask my colleagues to join me in mourning Thomas Wortham IV, who was taken from us far before his time. Let us remember his selfless devotion to his community and to his country. Let us celebrate his heroism and honor his memory by living out his values in our daily lives.

I extend my deepest condolences to his family, whose pain far exceeds even the deep sense of loss felt by others in the Chicago community. This Nation stands with them today, just as their son stood with us in the sands of Iraq and the streets of Chicago.

As we lay this fallen hero to rest, let us do more than remember. Let us take action. This tragic murder reminds us of the gun violence pandemic that

holds cities and towns across America in a vice grip. It can strike anywhere at any time, and it is tearing apart families, communities, and our own sense of security.

It is time to reclaim our future. It is time to stop the shooting and start to invest in education, violence prevention, and afterschool programs so we can keep guns out of the hands of criminals and keep kids from turning down the wrong path in the first place. This means creating jobs and cracking down on those who should not be able to buy guns. It means challenging our young people to aspire to a better life and giving them the tools to make the right choices so they do not end up on the road to violence.

This is not a political issue or a matter of dollars and cents. This is about the place where we live, work, and go to church, the places where our children play and go to school. Officer Wortham lived and died for these folks, for his friends and his neighbors and his countrymen. Even in a moment of tragedy, as we grieve this devastating loss, I believe we must summon the courage to walk in this young man’s footsteps, to take up his cause as our own and lift up his noble example.

As I advised the parents when I met with them, let us take back our streets, our schools, our churches, and our children’s future. Where Thomas Wortham IV fell, let us all rise in his place to confront this challenge and end the scourge of gun violence once and for all. Let us do that.

His family is also in mourning because retired Sergeant Wortham killed one of the offenders and shot the second one, who is now in critical condition in the hospital. Thank goodness for the Chicago Police Department and good detective work because the other two offenders are now in custody.

What we must do is stand and be counted when it comes to guns and young people with guns in their hands and no jobs and no future and no hope. That is what we experience. In this legislation that is before this body, there is money that has to be provided for summer jobs for our youth.

Patrolman Wortham would not be the last person to expire through gun violence on our streets. I ask my colleagues to look at what we are doing and what we have to do and make sure we do our part to provide the resources and opportunity for our youth in these urban areas to have some hope, some direction, something on which to rely.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, the Department of State and Foreign Operations chapter of this supplemental totals \$6.17 billion, which is the same as the President’s request. The bulk of these funds are for emergency operations and programs in Afghanistan, Pakistan, Iraq and Haiti.

Senator GREGG and I supported most of the President’s requests, but we

could not support them all and there were other items, like pandemic flu and assistance for disaster victims and refugees in other parts of the world, which we could not ignore.

We also provide additional assistance for Mexico, where drug-related violence spilling into the United States is a growing concern of many Senators, and for Jordan, a key ally in the Middle East.

We include language requiring a determination by the Secretary of State that the governments of Afghanistan and Haiti are taking necessary steps concerning transparency and corruption. We require consultation with local communities and a central role for women in decisions about assistance programs.

The funds in the State and Foreign Operations chapter of this bill are for programs that are strongly supported by both the Department of State and the Department of Defense, in countries where the United States has important national security interests.

I very much appreciate the way Senator GREGG and his staff worked with me and my staff on our chapter of this bill. At a time when it is popular to complain that Washington is “broken,” the Appropriations Committee continues to do important and necessary work in its traditional, bipartisan manner and I think this bill is an example of that.

I want to thank Chairman INOUE and Vice Chairman COCHRAN for the support they have given us during this process. I would also ask that if Members have amendments to the State and Foreign Operations chapter that they inform Senator GREGG and me as soon as possible.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BORDER SECURITY

Mr. CORNYN. Mr. President, I would like to speak for a couple of minutes—I know the time at 4:45 is otherwise obligated; I will be briefer than that—about President Calderon’s visit to the United States, his joint session speech to Congress, and a border security amendment I intend to offer, hopefully, as soon as tomorrow.

As you know, Mr. President, President Calderon addressed a joint session of Congress, and I was fortunate enough to have a very brief conversation with him in the anteroom before he came to the floor of the House, during which time I told him I admire his commitment to fight the drug cartels in Mexico.

During his remarks before the Congress and to the American people, President Calderon said some things I thought were very important for all of us to hear.

First of all, he said Mexico has gone “all-in” against the cartels—with increased commitments and personnel and equipment—and, unfortunately, is suffering significant losses and casualties in the fight. There have indeed been 23,000 Mexicans, approximately, since 2006, who have lost their lives in Mexico during these drug wars.

President Calderon also reminded us that Mexico is one of our most important trading partners, primarily as a result of NAFTA—the North American Free Trade Agreement. He pointed out that Mexico has, notwithstanding its other challenges, managed to keep its budget deficit low relative to its GDP—a record of fiscal discipline that should give us some embarrassment in Washington.

President Calderon acknowledged—and I think this is very important—that the lack of economic opportunities available in Mexico are a primary cause of illegal immigration into the United States.

While I admire some of the things President Calderon said, I do think he crossed a line he should not have crossed when he used this setting—a speech to a joint session of Congress and to the American people—to lecture Americans on our own State and Federal laws. For example, he criticized America’s gun laws and seemed to suggest that we should somehow consider relinquishing our second amendment rights in order to help them disarm the cartels.

With all due respect to President Calderon, America’s second amendment rights are not a proper subject of international negotiation with Mexico or any other nation.

Then President Calderon went on to criticize Arizona’s immigration law last week on both ends of Pennsylvania Avenue—at the White House and at the Capitol—which I also believe was inappropriate under the circumstances.

There is no doubt there is fear and frustration all along the border—fear that the border violence that is raging just to the south is going to spill over into the United States, and frustration that Washington, DC—especially Congress and the President—is not doing enough about it. Arizona’s law was written in response to this fear and frustration.

It is important to note—and this is a key fact that needs to be corrected on the record—that the Arizona Legislature amended their law to make clear that ethnic and racial profiling by law enforcement officials is strictly prohibited. That was a necessary and important change. But it doesn’t appear President Calderon or many of the critics—including the President of the

United States, the Attorney General, or the Secretary of the Department of Homeland Security—have actually even read the 10-page bill, which you can read online if you have access to the Internet. I have found it always helps in any discussion to actually know what you are talking about, to have actually read the bill so that you can have an intelligent conversation and perhaps then differ about policies.

But to misrepresent the contents of the bill, not having read it, is simply inexcusable.

To be sure, a patchwork of State laws is not the optimal way to fix our broken immigration system. We need sensible reforms at the national level. I am prepared to work in good faith with anyone committed to immigration laws that make sense in terms of our national security, in terms of the restoration of the rule of law, in terms of our economy and our values.

But some of the criticism of Arizona’s law by the administration has been just simply misleading and counterproductive. Just last week we learned that a State Department representative—Michael Posner—actually apologized to China for the Arizona law, saying: “We brought it up early and often.” Early and often in talks with one of the most repressive regimes in the world? Unbelievable.

President Obama himself has set a bad example, repeatedly criticizing Arizonans for taking action while his own promises for immigration reform have gone unfulfilled.

The problem raging on our southern border is that the Federal Government needs to do more to improve our border security. That is something on which we can all agree and should all agree.

How bad is the situation? Well, this morning the El Paso Times reported:

Mexican Federal police were attacked by a drive-by shooting during the weekend as Juarez surpassed 1,000 homicides for the year.

Ciudad Juarez—within several hundred feet of the city of El Paso in the United States—has lost 1,000 people to the drug wars just this year.

As I mentioned, it is estimated that 23,000 Mexicans have lost their lives in the drug wars during the last 3 years.

The fear is palpable on this side of the border. I must tell you, I have never seen it quite this way. From Laredo, TX, to McAllen, TX, to El Paso—where people are accustomed to the novelty and the unique nature of our international border with Mexico, and they believe in maintaining those ties for economic and other reasons—people along the border in Texas, the longest section of the U.S.-Mexican border, are more apprehensive and concerned about what lurks just beyond the border. That fear ranges from cartels actively recruiting students in our public schools to gangs in order to help them with their drug-smuggling operations.

The Border Patrol has developed "Operation Detour" to show our students how the cartels treat the young people they recruit. The response to this video presentation has reportedly been powerful.

For example, in McAllen, TX, in the Rio Grande Valley, a 14-year-old girl made an emotional exit halfway during the presentation. She told the Border Patrol her father had recently been the victim of a cross-border abduction and her family was afraid to report the kidnapping to authorities for fear of retaliation from the cartel that took him.

In Rio Grande City, TX, another city in the Rio Grande Valley, kids were crying midway through the first video because the night before a classmate had died while running drugs.

Mr. President, our children are living in fear, but the White House's budget for border security shows it is living in denial. The President's budget request for fiscal year 2011 cuts the Secure Border Initiative by more than 25 percent, and we know the Department of Homeland Security is considering the elimination of the SBInet Program with no alternative or replacement in place.

The SBInet Program is a Secure Border Initiative. This is supposed to be the virtual fence that, along with boots on the ground and tactical infrastructure, are designed to help us contain and control movement of people across the border. Yet it has been cut by some 25 percent.

The President's budget also cuts the High Intensity Drug Trafficking Area Program—or the HIDA Program—by over 12 percent.

The White House even wanted to make cuts—albeit modest—to the Border Patrol by about 181 agents, before those of us in Congress made clear this was simply unacceptable. Rather than cutting, we need to be growing the size of the Border Patrol and the boots on the ground.

Mr. President, the amendment I intend to offer at the first opportunity—hopefully, tomorrow morning—says border security is a priority, not an afterthought. This amendment will fix six priorities to improve border security.

First, it will fund additional equipment that can help protect our border, including helicopters and Predator drones. We have been fighting with the Federal Aviation Administration to try to get them to quit dragging their feet in authorizing the use of unmanned aerial vehicles to patrol our southern border, to help the Border Patrol and other law enforcement officials do their job. We are just beginning to see some headway, but they are incredibly undersourced with the lack of helicopters and the lack of additional Predator drones.

Second, my amendment will fund additional personnel in several law enforcement agencies, including the Drug

Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; Immigrations and Customs Enforcement; Custom and Border Protection; and the Counterdrug units of the National Guard.

The third thing my amendment will do will be to fund improvements for task forces and fusion centers that enhance interagency cooperation.

Fourth, it will fund additional personnel and facilities to improve detention and removal activities under Federal law.

And, fifth, it will create a \$300 million grant program to assist State and local law enforcement officials who operate within 100 miles of the U.S.-Mexican border. Because the Federal Government simply hasn't done enough in terms of border security, local and State law enforcement have had to step up, and they need the additional help that this grant program will provide to those local and State law enforcement agencies operating within 100 miles of the border.

Finally, my amendment will provide \$100 million to fund infrastructure improvement at our ports of entry. This amendment is urgently needed, and I must add that it is fully funded. The total cost of my amendment is roughly \$2 billion. This cost is fully offset using unspent stimulus funds because we know the White House predictions about the uses of those stimulus funds have been discredited.

Remember, we were told if we voted for a \$787 billion unfunded—borrowed money—fund in order to get the economy moving again, unemployment would be kept to no more than 8 percent. Now, with unemployment at 9.9 percent, roughly, we know that stimulus program has been unsuccessful.

Two-thirds of the American people believe, according to Rasmussen—or I believe it is a Pew poll—the stimulus funds simply have not created or helped to retain jobs. We know during the period of time the White House predicted 3½ million jobs would be saved and created that 3 million jobs have been lost or destroyed by the recession.

This amendment represents a clear choice: a choice between funding the Nation's priorities, such as border security or funding the same failed stimulus strategy. It is a choice between paying for our Nation's priorities or adding more debt to our national credit card, already nearly maxed out at \$13 trillion.

I would urge all my colleagues to support this amendment and help send the message to our border communities and across our country that the Federal Government acknowledges and accepts and embraces its responsibility to help keep them and our Nation safe.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

MOTIONS TO INSTRUCT

Mr. BROWNBACK. Mr. President, under the previous agreement, I call up a motion to instruct conferees that I have at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Under the previous order, the Senate will resume the motions with respect to H.R. 4173, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

The PRESIDING OFFICER. The clerk will report the motion to instruct.

The legislative clerk read as follows:

MOTION TO INSTRUCT CONFEREES

The Senator from Kansas (Mr. BROWNBACK) moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on H.R. 4173 (the Restoring American Financial Stability Act) be instructed to insist that the final conference report include the House position relating to the exclusion for motor vehicle dealers from the rulemaking, supervisory, enforcement, or other authority granted to the Director of the Consumer Financial Protection Agency, as such exclusion is contained in section 4205 of H.R. 4173, as passed by the House, and that the final conference report preserves the additional provisions, definitions, and protections provided to such motor vehicle dealers and servicemembers and their families in Senate amendment 3789, as further modified, to S. 3217.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. BROWNBACK. Mr. President, I wanted the clerk to read the full motion to instruct conferees so my colleagues could understand the simplicity and directness of this motion. It is a very simple motion to instruct conferees to recede to the House position in regard to auto dealers in the Consumer Financial Protection Bureau. The House considered this in committee, and two-thirds of the committee members—half the Democrats, all the Republicans—voted to exclude the retail auto dealers from the Consumer Financial Protection Bureau. That is the way they voted. It came up on the House floor, and it was defeated as far as to put the auto dealers in the regulatory process, so it was excluded in the House—full consideration at the committee; at the full House level, excluded.

What we are asking, now that this bill has passed, is in the motion to instruct our conferees, the Senate conferees, in going with the financial regulatory reform bill, to recede to the House position regarding the auto dealers.

I think this is a good motion to instruct conferees. I think it is something we ought to do. I think it is something that will be very helpful. I make this simple point to my colleagues: Under the Consumer Financial Protection Bureau, 100 percent of all auto loans will still be covered. If you vote for the Brownback instruction, if we recede to the House position, 100 percent of the auto loans will still be covered. We are saying in this, and the House position says: If you actually loan the money—if you are GMAC, if you are some other financiers up the street, you are under the CFPB. If you are simply the retail storefront, which is what the auto dealers are, you are not covered under the Consumer Financial Protection Bureau. You are not covered if you are just the storefront arm of this, but 100 percent of the loans are covered.

If you are an auto dealer and you make the actual loan yourself and it is your money you are lending, you are covered under the Consumer Financial Protection Bureau. If you are simply the storefront operation out here doing this, you are not covered.

The auto dealers are asking for this. They do not want the additional cost and burden of this regulation on them. They are the quintessential Main Street business throughout the country. There is not a single auto dealer on Wall Street—none of them, not one. You can go up there today and try to buy a car and you cannot get one.

These are Main Street businesses, and they took it on the chin last year. We lost, last year alone, 1,700 dealerships across America resulting in the loss of approximately 88,000 jobs. Why would we want to put a duplicative set of regulations on top of them that are already covered upstream and they have already had these sorts of losses and difficulties in a Main Street business?

We need people to create 88,000 jobs, not to eliminate or lose 88,000 jobs. Franchised auto dealers are the retail outlets. They are the storefronts that process the paperwork for various well-known brands with large financial arms. Under the House provision that my motion instructs us to recede to, these financial arms would still be regulated, but the dealers who process the paperwork would not.

Additionally, even if my motion is agreed to, auto dealers would still be regulated by the FTC and various State laws, so consumers would still have protections to ensure the truth in lending still applies.

In fact, I have a couple of pages here of regs—excuse me, of regulatory enti-

ties that auto dealers still apply to. I ask unanimous consent this list be printed at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. I want to also point out what typically happens. This is a letter I am going to read from the Dale Willey auto dealership in Kansas. Dale Willey, the auto dealership in Kansas, said this about the financing that happens. I am reading from this:

Each month we have 3 to 5 buyers who tell our financial service members—

There are three to five people coming in, telling our financial service managers:

if our dealership can match or beat their bank's or credit union's interest rate, they will then finance through our dealership. To match the buyer's offer of rate terms simply provides a convenience to our buyers. To offer a better term and/or at a better rate enhances the buyer's savings by doing business with our dealership.

In other words, this is a competitive situation that typically people go into. I will read again from the letter:

We have buyers also who are unable to secure a loan through their normal bank, credit union or lender, and yet we are able to submit the buyer's application to several of our lenders with which we have agreements, discovering that one or more are willing to make these loans to this buyer. Not only does this provide a convenience to the buyer, but it truly allows the buyer to secure a better level and lower operating cost vehicle than provided by their older current vehicle.

This is a competitive situation. It also positions people so that sometimes they are able to get loans they could not get on their own.

I want to address as well another situation that has come up in this debate that people have raised: that this protection is needed for military personnel in particular. A couple of weeks ago the Senate adopted an amendment offered by Senator REED of Rhode Island and BROWN of Massachusetts that creates the Office of Service Member Affairs at the CFPB.

My motion that we are voting on today, instructs the current regulatory authorities to work with this office when they detect abuses by auto dealers. So we are saying, if you detect an abuse by auto dealers, then this should be worked on particularly by the CFPB and this office of servicemember affairs.

I recently received a letter from the Under Secretary of the Army for Personnel and Readiness, Clifford Stanley. In it he writes this:

DOD would welcome and encourage CFPB protection for servicemembers and their families with regard to unscrupulous automobile sales and financing practices, provided such protections would not limit access to legitimate products.

That is exactly what motion does. Military personnel would have strong

protections by the CFPB but without the adverse effect of limiting their access to credit. If you want to protect the military and maintain all their options for buying a car, you should vote in favor of this motion.

I point out these matters because there has been a lot of discussion and debate going on about the auto dealers amendment throughout the proceedings of this entire bill, which has gone on for some period of time. This makes sense to do this the way the House did it. It makes sense for us to move forward with this motion to recede to the House position.

The House has established this position. They have thought it through, and 100 percent of auto loans will still be covered. It is just the auto dealership will not be the one that is covered, the upstream financier will, unless the auto dealership is loaning their own money, and then they will be covered.

If you are concerned about military personnel, there is a particular direction in here regarding military personnel. Again, any loans are covered. It is the upstream position that is covered, and it is where it should be. That is the actual person or group that is making the loan. That is the one that should be covered.

Instead of putting an additional burden on dealerships that have already lost lots of jobs, we are saying: No, let us recede to the House position.

I reserve the remainder of my time. I urge my colleagues to vote yes on the Brownback motion to recede to the House position.

EXHIBIT 1

LEGAL & REGULATORY GROUP, NATIONAL AUTOMOBILE DEALERS ASSOCIATION, McLEAN, VA.

FEDERAL CONSUMER PROTECTION REGULATIONS APPLICABLE TO AUTOMOBILE DEALERS' FINANCIAL OPERATIONS

1. Anti-Discrimination

a. Equal Credit Opportunity Act—Federal Reserve Board (FRB) Reg B

Prohibits creditors from engaging in discriminatory practices against credit applicants; establishes guidelines for gathering, evaluating, and retaining credit information; and requires written notification when credit is denied.

b. Fair Credit Reporting Act (FCRA)—Medical Information Rule (FRB Reg FF)

Generally prohibits creditors from obtaining and using medical information when determining an applicant's eligibility for credit; also restricts sharing medical information with affiliates.

2. Unfair & Deceptive Acts or Practices

a. Federal Trade Commission (FTC) Act—FTC Credit Practices Rule

Requires creditors to provide written disclosures to cosigners before they sign a retail installment sales contract; also prohibits unfair credit practices, deceptive cosigner practices, and pyramiding late charges.

b. FTC Act—Unfair & Deceptive Acts & Practices

Generally prohibits businesses from engaging in unfair or deceptive acts or practices.

3. Credit Disclosures

- a. Truth In Lending Act (FRB Reg Z)
Imposes disclosure, advertising, and other requirements on consumer credit sales.
- b. Federal Consumer Leasing Act (FRB Reg M)
Imposes disclosure, advertising, and other requirements on consumer leasing.
- 4. Financial Privacy
 - a. FCRA—Obtaining Credit Reports
Requires that businesses have and certify a permissible purpose to obtain a consumer's credit report and imposes restrictions on a creditor's ability to purchase prescreened lists of customers from consumer reporting agencies for credit solicitation purposes.
 - b. FCRA—FTC Prescreen Opt-Out Disclosure Rule
Requires that creditors provide prescreened customers to whom they send credit solicitations with a long and short form notice with instructions on how to opt-out of future prescreened solicitations from creditors.
 - c. FCRA—Affiliate Information Sharing
Restricts the disclosure of credit report information.
 - d. FCRA—FTC Affiliate Marketing Rule
Restricts using credit report information to market to the customers of an affiliate.
 - e. Gramm Leach Bliley Act (GLB)—FTC Privacy Rule
Requires financial institutions to provide finance and lease customers with a notice that accurately describes the institution's privacy policy and restricts the disclosure of customers' personal information.
 - 5. Accuracy of Credit Reports
 - a. FCRA—FTC Address Discrepancy Rule
Requires users of credit reports to develop procedures to ensure that credit reports ordered from consumer reporting agencies that contain a "Notice of Address Discrepancy" pertain to the correct customer.
 - b. FCRA—Adverse Action Notices
Requires users of credit reports to notify customers in writing when adverse action is taken against them based in whole or in part on information contained in a credit report.
 - c. FCRA—Risk-based Pricing Notices
Requires users of credit reports to notify customers in writing when they obtain credit on unfavorable credit terms (relative to the user's other credit customers).
 - 6. Identity Theft
 - a. GLB Act—FTC Safeguards Rule
Requires financial institutions to develop a comprehensive written program to protect their customer information.
 - b. FCRA—FTC Disposal Rule
Requires users of credit reports to develop procedures to properly dispose of credit report information.
 - c. FCRA—FTC Red Flags Rule
Requires creditors and financial institutions to develop a written program that contains procedures to identify, detect, and respond to "red flags" indicating the possibility of identity theft.
 - d. FCRA—Fraud & Active Duty Alerts
Requires users of credit reports who receive a fraud or active duty alert on a credit report to develop procedures to verify the customer's identity before extending credit to the customer.
 - e. FCRA—Credit & Debit Card Truncation
Requires persons to truncate the expiration date and all but the last 5 numbers on electronically printed credit and debit card receipts given to cardholders at the point of sale.

Ms. MIKULSKI. Mr. President, the Restoring American Financial Stability Act is supposed to regulate Wall Street, not Main Street. It is Wall

Street whose greed brought us the economic crisis. That is why I am voting for the Brownback motion to instruct conferees to support the House provision regarding the regulation of auto dealers.

We need a tough financial reform bill that focuses on the abuses that led to the economic crash. This bill is intended to primarily regulate major institutions that deal nationally and globally and to improve government coordination to ensure that there is an early warning and an early response system in place to prevent a future crisis like the one we were faced with in 2008. Automobile dealers were not part of the problem that led us to where we are today and therefore should not be subject to this legislation.

We must make sure that laws that are already on the books are being implemented and enforced. Under current law, car dealers are subject to extensive Federal regulation. Dealers' retail financing activity is regulated by the Federal Reserve Board and the Federal Trade Commission, and car dealers are subject to tough Federal laws, including the Truth in Lending Act and the Fair Credit Reporting Act. Those laws must be enforced. Predatory lending practices must be stopped, and there are tools in place to do so.

I believe that auto dealers are best regulated by State and local consumer protection agencies. Main Street should be regulated by people who are closer to its daily activities. Governors and attorneys general must make sure that consumers are protected from bad actors. The Consumer Financial Protection Bureau should focus on Wall Street, not Main Street, and should not be used to increase unnecessary regulations on small businesses.

During debate on the Brownback amendment, it became clear that the men and women of our military have been targeted by unscrupulous auto dealers. This is an outrage. I never want to see our military personnel being taken advantage of. Our service men and women have dedicated their lives to this country, and we have a responsibility to make sure they, and their families, are treated with respect and that we do everything we can to reduce their increasing stress. That is why I voted to create an Office of Service Member Affairs within the Consumer Financial Protection Bureau to educate the men and women of our military, and their families, to make better informed financial decisions and to strengthen coordination of consumer protections for members of our military. We must crack down on those who are taking advantage of our military families and communities. However, I do not think we need a new regulatory structure to do so. A Washington regulatory agency is not the best suited to regulate outside of military bases in Maryland or North Carolina.

As I said on the floor when we began debate of this bill, now is our opportunity to pass real financial reform that puts in place the strongest consumer financial protections and ensures the greed of Wall Street doesn't trump the needs of Main Street. That is why I support the House provision on the regulation of auto dealers.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, how much time remains for my friend from Kansas?

The PRESIDING OFFICER. There is 1 minute 56 seconds.

Mr. DODD. Mr. President, let me begin by saying that SAM BROWNBACK and I are good friends. We have a different point of view in this matter. But that in no way at all should be reflected in our relationship with each other, as we have served together for many years. I fundamentally disagree with him about this.

Instructing conferees is an interesting motion in many ways. As we will be going to conference with the other body, I will be delighted to listen to these various ideas. But this is a matter which does deserve to be protected.

First of all, let me say that when it comes to automobile dealers, they are no different than community banks or other financial institutions; the overwhelming majority are good people and do a good job. But we do not pass laws in this country because a majority of the people commit crimes. We pass laws for the minority who can abuse their relationship with customers or with people. That is no different in this particular case at all.

So this is not about whether you like automobile dealers or do not like them. The simple question is: The second largest purchase that most Americans make is the purchase of an automobile. We do not buy stocks. We do not buy fancy institutions and so forth. We buy a home and we buy an automobile, and they are expensive undertakings.

So the question is very simply: We have established in our legislation, for the first time in the history of our country, a Consumer Financial Protection Bureau that will watch out for the average American citizen when it comes to financial practices. We have a Consumer Product Safety Commission. We have the Food and Drug Administration which protects you against products that you ingest, so you have some ability to respond if they do you harm.

If you buy a lawn mower or you buy any other consumer product, we have a place you can go to get a recall when that product does injury or could do injury to you. Yet we have no place in this country, where you can be ruined by a financial product, to get you any redress.

So this legislation, for the first time in our Nation's history, establishes a

Consumer Financial Protection Bureau to watch out for bad mortgages, car loans, watch out for other financial activities in which the average individual may engage.

As I said, one of the most principal activities that people engage in as consumers is the purchase of an automobile. So we are trying to protect people. If we are going to say to community banks and to credit unions and other financial institutions: You must comply with these rules, they will be enforced at the local level. But you have a community bank on one corner, a credit union on the other corner and a car dealer on the third corner and all three would like to compete for that business. To the credit union and the community bank we say: You have to comply with rules that protect consumers. But you, Mr. Auto Dealer over here, you do not have to do that. You can go off and do exactly as you want.

That is a mistake and why we have insisted that these provisions include automobile dealers. So I rise in opposition to this proposal.

A lot is said in this body about our men and women who serve in uniform. We all believe that, just as those heroes stand for us every single day, in bodies such as this we ought to stand for them. I wish to focus my remarks on what happens to men and women in uniform today because it is that constituency alone that ought to be reason to defeat this motion.

As we considered financial reform, then, we strove to heed the words of groups such as the Military Coalition, a consortium of over 30 nationally prominent military and veterans organizations, representing more than 5.5 million current and former servicemembers and their families, including such groups as the Veterans of Foreign Wars, the National Guard Association, the Military Officers Association, the Military Order of the Purple Heart, and many others.

All these groups have written a letter in which they say, in part: The most significant financial obligation for the majority of servicemembers is auto financing.

It is also the place where servicemembers are most likely to be taken advantage of. Recently, the New York Times reported on one case, that of Matthew Garcia, a 25-year-old Army specialist who was recently subjected to a trick called yo-yo financing by an unscrupulous car dealer, just as he was preparing to deploy for Afghanistan.

According to the story in the press, Specialist Garcia, stationed at Fort Hood, TX, bought an automobile at a used car lot, signed up for a loan at a 19.9 percent interest rate. That would be bad enough, but that is not the worst of it, the high rate of interest. The problem came when Specialist Garcia drove the car home.

The dealer called Specialist Garcia several days later to say the financing

contract had actually fallen through and demanded an additional \$2,500 in cash from Specialist Garcia. To make sure he paid up, the dealer blocked the soldier's car so no one could leave.

That is the way some—a few but some—auto dealers are treating our men and women in uniform. It is not enough that I tell you this story or one story in the press account. Under Secretary of Defense Stanley—in fact, my good friend, Senator BROWNBACK, quoted from the letter from Clifford Stanley. But listen to the operative sentence in the letter from Under Secretary Stanley:

The Department's position as stated in my letter to Assistant Secretary Barr remains unchanged. The Department of Defense would welcome and encourage the CFPB protections for Servicemembers and their families with regard to unscrupulous automobile sales and financing practices provided such protections would not limit access to legitimate products.

Which they do not at all. So we are hearing from Under Secretary of Defense Stanley, in which he says: "Bait and switch" financing, falsification of loan applications, failure to pay off liens on trade-in vehicles, "packing" loans with items whose price bears little, if any, relationship to their real cost, and discriminatory lending are the kinds of problems members of our Armed Forces and their families face when dealing with financing their cars with car dealers.

In fact, Secretary Stanley reports that 72 percent of military counselors and attorneys surveyed had cited problems with auto dealer abuses in just the past 6 months alone, 72 percent cited it as a major problem. The Department of Defense is telling us that our men and women in uniform are at risk of being ripped off, as they are every single day.

That is why, of course, we adopted, 98 to 1, by the way, the amendment offered by SCOTT BROWN, our colleague from Massachusetts, and JACK REED, our colleague from Rhode Island. That amendment said we must have an office of servicemember affairs in the consumer bureau. Why did we establish that office there? What is the principal obligation that these service men and women get into that causes so much difficulty? It is automobiles sales. That is why we put it in.

What an irony it would be that we vote 98 to 1 to say we ought to establish that office within the consumer financial bureau and then turn around and adopt the Brownback amendment or insist upon it in a conference report, which basically exempts every one of these auto dealers from having to comply with the consumer protection laws. That would be an irony beyond ironies in a way, to on one hand say: We want to help you and protect you and then, on the other hand, take away the major organizations out there that do the most damage to them.

The Brownback motion would steal away this protection from our Armed Forces by creating a loophole for the exact sector of the financial services industry in which servicemembers are most vulnerable, and that is in auto sales. Let me be clear. All of us have relationships with auto dealers. I have a wonderful relationship with the people in my State of Connecticut whom I have worked closely with over the years.

All of us support those businesses. As I said at the outset of these remarks, the overwhelming majority of them do a good job and do not engage in unscrupulous behavior. But the laws are not written for the many, they are written for the few out there who do take advantage of these young men and women.

As we know from the evidence supplied by our military organizations and others who have written, rarely do they ever get involved in a matter such as a Banking Committee matter, to have the Under Secretary of Defense, the Secretary of the Air Force, the Secretary of the Army, the Veterans of Foreign Wars, the Order of the Purple Heart, and the Officers Association, all of them, 30 organizations saying: Do not do this.

Yet we are about to turn around and undo the efforts we have made to see to it that these young men and women, whom we all talk about in Memorial Day speeches, and so forth—what a great job they do for our country, and then turn around, in the one area they get taken to the cleaners on day after day, which is in this one particular area, and to exempt them entirely from the consideration of the Consumer Financial Protection Bureau.

The community bankers oppose this. The credit unions oppose this as well. They want a level playing field. They would like to compete for that business. They have to comply with the rules. How can you turn around and say to that community bank or that credit union: You have to live with these rules, but the guy on the other corner does not have to do so. How is that fair when it comes to financing, as I said have said, the second largest purchase that anyone would make, that most people make in their lives?

So it is unfair, it seems to me, to have two sets of rules for the same product. That is what we would be doing if this amendment were adopted, and, of course, the conferees were required to insist upon supporting language in the House bill. Military leaders such as Michael Donley, the Secretary of the Air Force, support this approach because, in his words:

Protection from unprincipled automobile lending enables our Airmen to concentrate on their primary mission—to fly, fight and win in air, space, and cyberspace.

Advocates such as Holly Petraeus, wife of GEN David Petraeus, the director of the Better Business program for

military families, at a press conference, strongly supports the protections we have in this bill. They know the hardships military families face and believe it should not be compounded by shady lenders.

By the way, it is not just our servicemembers who suffer from lending abuse in this sector as well. There is a long and sad history of racial discrimination in auto lending. For example, African-American borrowers who are charged more than 2.5 times the amount in subjective rate—

The PRESIDING OFFICER. The Senator's time on the motion has expired.

Mr. DODD. I ask unanimous consent for 1 additional minute and provide 1 additional minute for my friend from Kansas as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Let me, if I can, because my friend from Kansas cited this, about separating out the financing from the lenders. There was a court case. Listen to what one of these witnesses, involved in that distinction, had to say. Some argue that auto dealer financing operations are not the lenders, they are merely processing the paperwork.

According to court testimony of a former finance and insurance manager from a Tennessee auto dealer:

The standard industry practice is to prepare the financing documents so that the customer is not alerted in any manner that the person with whom he is dealing has the ability to control the customer's price of credit. This allows the finance arranger to present himself as the ally of the customer, which further relaxes and disarms the customer. The nature of the transaction creates the perfect opportunity for a dealer to obtain a large kickback from an unsuspecting customer by subjectively inflating their interest rates.

This is not a time to do so much damage, in my view, to these young men and women in uniform.

I ask unanimous consent that several letters we have from the various military organizations in opposition to the Brownback amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INDEPENDENT COMMUNITY
BANKERS OF AMERICA®,
Washington, DC, May 11, 2010.

Hon. CHRISTOPHER DODD,
Chairman, Committee on Banking, Housing and
Urban Affairs, Washington, DC.

Hon. RICHARD C. SHELBY,
Ranking Member, Committee on Banking, Housing
and Urban Affairs, Washington, DC.

DEAR CHAIRMAN DODD AND SENATOR SHELBY: On behalf of the Independent Community Bankers of America and its nearly 5,000 member banks, I write to oppose Sen. Brownback's amendments SA 3789 and SA 3790 to the Restoring American Financial Stability Act of 2010 to exempt most automobile dealers from the jurisdiction of the proposed Consumer Financial Protection Bureau (CFPB).

ICBA believes the CFPB should be focused on the under-regulated financial services providers rather than highly-regulated community banks. When automobile dealers offer financing to customers—generally as a conduit for manufacturers' captive finance arms—the dealers provide consumers loans and leases that are second only to home mortgages in importance to most families. Yet, their financing activities are not subjected to the same level of regulatory scrutiny as the auto lending activities of community banks. Exempting automobile dealers would create a gaping loophole in the CFPB and would give automobile dealers—as well as the manufacturers' captive finance arms that provide financing through them—a competitive advantage over community banks and reduce consumer choice in auto loans.

I urge you to oppose exemptions to the CFPB for non-depository lenders, including automobile dealers.

Thank you for your consideration.

Sincerely,

CAMDEN R. FINE,
President & CEO.

THE MILITARY COALITION,
Alexandria, VA, April 15, 2010.

Hon. CHRISTOPHER J. DODD,
Chairman, Banking, Housing & Urban Affairs,
Washington, DC.

Hon. RICHARD C. SHELBY,
Ranking Member, Banking, Housing & Urban
Affairs, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: The Military Coalition, a consortium of nationally prominent military and veterans organizations, representing more than 5.5 million current and former servicemembers and their families and survivors, would like to express our opposition to Senator Brownback's amendment to the Restoring American Financial Stability Act of 2010. Senator Brownback's amendment would exclude auto dealers and their lending practices from the financial reform bill.

The most significant financial obligation for the majority of servicemembers is auto financing. Including the auto dealers financing and sales in the financial reform bill will provide greater protections for our servicemembers and their families.

Providing a "carve-out" for auto dealers does just the opposite—it will allow unscrupulous dealers to continue to take advantage of servicemembers and their families.

In a recent letter from the Under Secretary of Defense for Personnel and Readiness (USD P&R) to the Department of the Treasury's Assistant Secretary for Financial Institutions (attached), Dr. Clifford Stanley states that the Department of Defense would welcome protections provided to servicemembers and their families with regard to unscrupulous automobile sales and financing practices.

Additionally, Dr. Stanley highlights the extent of the problem in a recent informal polling of installation attorneys and personal financial managers/counselors. Of the 659 counselors and attorneys who responded, 72% stated that they counseled servicemembers in the past six months on one or more unscrupulous practices (e.g., "bait and switch" financing, falsification of loan documents, failure to pay-off liens, and "packing loans") when covering auto financing with their client.

Again, the Coalition wishes to reiterate our collective opposition to any "carve-out" of auto dealership financing from the financial reform bill and we thank you for your

attention to this important issue impacting military members and their families.

Sincerely,

Air Force Association, Air Force Sergeants Association, Air Force Women Officers Associated, American Logistics Association, AMVETS (American Veterans), Army Aviation Association of America, Association of Military Surgeons of the United States, Association of the United States Army, Association of the United States Navy, Chief Warrant Officer and Warrant Officer Association, U.S. Coast Guard, Commissioned Officers Association of the U.S. Public Health Service, Inc., Enlisted Association of the National Guard of the United States, Fleet Reserve Association, Gold Star Wives of America, Inc., Iraq & Afghanistan Veterans of America, Jewish War Veterans of the United States of America, Marine Corps League, Military Chaplains Association of the United States of America, Military Officers Association of America, Military Order of the Purple Heart, National Guard Association of the United States, National Military Family Association, National Order of Battlefield Commissions, Naval Enlisted Reserve Association, Non Commissioned Officers Association, Reserve Enlisted Association of the United States, Society of Medical Consultants to the Armed Forces, The Retired Enlisted Association, United States Army Warrant Officers Association, United States Coast Guard Chief Petty Officers Association, Veterans of Foreign Wars of the United States.

MAY 19, 2010.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: We are writing to voice our opposition to the modified version of Senator Brownback's Amendment #3789, which would exempt auto dealers from the Consumer Financial Protection Bureau. The changes made to the amendment do nothing to stop automobile dealers from engaging in fraudulent or abusive practices. Instead, the revised amendment provides financial education for military families who are targeted by unscrupulous dealers with these tactics.

While good financial counseling can help consumers make smart purchasing decisions, it is no substitute for vigorously enforcing the law to prevent unfair and deceptive practices. In fact, the modified Brownback Amendment #3789 would shift the burden onto the military and individual Service members to avoid being defrauded by car dealers, rather than protecting our troops and all Americans with a new consumer agency that polices auto dealer financing and enforces already existing consumer protection laws.

Senator Brownback's modification requires the Federal Reserve and the Federal Trade Commission—two agencies that to date have failed to adequately protect consumers from abusive auto lending practices—to work with the Office of Service Member Affairs to ensure that "Service members and their families are educated and empowered to make better informed decisions regarding consumer financial products and services offered by motor vehicle dealers." However, many of the scams perpetrated on our troops cannot be eliminated through education, since fraud by its very nature is designed to deceive and is often perpetrated without the consumer's knowledge or awareness. For example, some car dealers engage in

"powerbooking," a scam in which the victim does not have access to the documents the dealer submits to the finance company and therefore has no knowledge of the phantom add-ons the auto dealer claims are part of the vehicle. Some dealers falsify loan applications, in which case the victim does not have access to the loan documents that falsifies pay stubs and statements of income. In another scam, the auto dealer promises to pay off the lien on the victim's trade-in at the time of sale, but does not, so the consumer is unknowingly left with the responsibility to pay off the new car as well as the car that was traded in. There is no way for the victim to know in advance that the dealer doesn't intend to pay off the lien. Senator Brownback's modified amendment would do nothing to stop these abuses.

The modified Brownback Amendment maintains the status quo that has failed to adequately protect U.S. troops and the American consumer from auto scams up until now. The Office of Service Member Affairs would in no way have the authority to actually require the Federal Reserve to issue meaningful new rules and/or require the FTC to enforce the already existing rules.

We urge the Senate to vote no on the Brownback auto dealer exemption.

Sincerely,

FLEET RESERVE
ASSOCIATION.
MILITARY OFFICERS
ASSOCIATION OF AMERICA.
NAVY MARINE CORPS
RELIEF SOCIETY.
CENTER FOR RESPONSIBLE
LENDING.
CONSUMER FEDERATION OF
AMERICA.
NATIONAL ASSOCIATION OF
CONSUMER ADVOCATES.
NATIONAL CONSUMER LAW
CENTER (ON BEHALF OF
ITS LOW-INCOME CLIENTS).

—
CREDIT UNION
NATIONAL ASSOCIATION,
Washington, DC, May 10, 2010.

Hon. CHRISTOPHER DODD,
Chairman, Committee on Banking, Housing and
Urban Affairs, U.S. Senate, Washington,
DC.

Hon. RICHARD SHELBY,
Ranking Member, Committee on Banking, Housing
and Urban Affairs, U.S. Senate, Wash-
ington, DC.

DEAR CHAIRMAN DODD AND RANKING MEM-
BER SHELBY: On behalf of the Credit Union
National Association (CUNA), I am writing
in opposition to the Brownback amendments
(SA 3789 and SA 3790) to S. 3217, the Restoring
American Financial Stability Act, which
would exempt auto dealers from the bill. CUNA
is the largest credit union advocacy
organization in the United States, rep-
resenting nearly 90 percent of America's 7,800
state and federally chartered credit unions
and their 92 million members.

As we have said from the beginning of this
debate, consumers of financial products pro-
vided by unregulated entities need greater
protections. One of the ways that the legisla-
tion seeks to provide these greater protec-
tions is through the creation of the Bureau
of Consumer Financial Protection (BCFP),
which is intended to be the exclusive federal
rulemaking entity for laws designed to pro-
tect consumers of financial products. Ex-
cluding any non-depository institution pro-
vider of financial products, including auto
dealers, from the rules promulgated by the
BCFP would defeat the purpose of creating

the new consumer regulator, would put cred-
it unions at a competitive disadvantage in
the new regulatory regime, and could cause
confusion for consumers of financial prod-
ucts.

We encourage the Senate to reject amend-
ments, including the Brownback amend-
ments, which would upset the balance of the
consumer protection title by exempting any
currently unregulated providers of financial
services from the Bureau's rules.

On behalf of America's credit unions,
thank you very much for your consideration.

Sincerely,

DANIEL A. MICA,
President & CEO.

—
SECRETARY OF THE ARMY,
Washington, DC, May 12, 2010.

Hon. CHRISTOPHER DODD,
Chairman, Committee on Banking, Housing and
Urban Affairs, U.S. Senate, Washington,
DC.

DEAR MR. CHAIRMAN: I am writing regard-
ing the legislation before the Senate which
would establish the Consumer Financial Pro-
tection Agency (CFPA) and delineate the
limits of its authority.

I understand that an amendment may soon
be introduced that would exempt automobile
dealerships from any financial oversight
under the CFPA. The Army would have
strong concerns with any such amendments.

Over the years, many of our Soldiers have
fallen victim to predatory lending practices
and have entered into contracts for prohibi-
tively expensive financial products promoted
by some unscrupulous car dealerships and
lenders. Though the Army does educate our
Soldiers about buying cars in our normal fi-
nancial education curriculum, the fact re-
mains that junior enlisted Soldiers—many of
whom are drawing a regular paycheck for
the first time in their lives and are inexperi-
enced in financial matters—remain an easy
target for dishonest brokers. We owe them
the protection and oversight that would be
afforded by the CFPA.

In an era of persistent conflict and mul-
tiple deployments, our Soldiers and their
Families are under increasing stress. In sur-
veys conducted by the Department of De-
fense, finances rank among the primary
causes of stress for most military Families.
As auto loans are often the most significant
financial obligations of our Soldiers—par-
ticularly within the junior enlisted grades—we
believe that greater government over-
sight of auto financing and sales for our Sol-
diers will help protect them and reduce un-
necessary financial strain on our already
overburdened Army Families.

Soldiers who are distracted by financial
issues at home are not fully focused on fight-
ing the enemy, thereby decreasing mission
readiness. Protection from unprincipled auto
lending enables our Soldiers to concentrate
on their primary mission—protecting our
great Nation.

Thank you for your continued support of
our Soldiers and their Families.

Sincerely,

JOHN M. MCHUGH.

—
NATIONAL COUNCIL OF LA RAZA,
Washington, DC, May 12, 2010.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the National
Council of La Raza (NCLR)—the largest na-
tional Latino civil rights and advocacy orga-
nization in the United States—I urge you to
oppose Senator Carper's (D-DE) Amendment
#3949 to the "Restoring American Financial

Security Act of 2010" (S. 3217). Amendment
#3949 undermines sustainable and mean-
ingful consumer protection. We call on the Sen-
ate to vote for ordinary families who benefit
from having extra cops on the beat, rather
than for banks seeking to avoid enforcement
for violations of consumer protection, equal
credit, and fair lending laws.

Communities of color have been hit hard
by predatory lending in all forms. Now our
families are struggling with rising household
debt, record-high foreclosure rates, and the
erosion of their financial safety net. They
need a strong Consumer Financial Protec-
tion Bureau (CFPB) to level the playing field
by enforcing our nation's consumer protec-
tion laws. Moreover, since individuals will
not have a right to enforce the CFPB rules
themselves, they will need law enforcement,
including their state attorneys general, to
enforce the rules.

The Carper amendment raises two serious
concerns:

1. Attorney General Enforcement—The
amendment takes state cops off the preda-
tory lending beat, weakening the already
compromised enforcement provisions in the
bill. It would prevent state attorneys general
from enforcing CFPB rules against national
banks and federal thrifts and could weaken
their ability to enforce other laws. Under an-
other provision of the bill, the CFPB will
have no enforcement authority against 98%
of banks, making it that much more critical
that attorneys general be able to enforce the
federal rules on behalf of the state's resi-
dents. This amendment would leave enforce-
ment for most banks entirely up to bank reg-
ulators, whose lax enforcement led to this
crisis in the first place.

2. State Law Preemption—The amendment
would prevent states from addressing new
bank abuses not yet covered by federal pro-
tection before they spread nationally. It
would remove a critical provision that re-
quires the Office of the Comptroller of the
Currency (OCC) to consider whether a state
law addresses problems not covered by fed-
eral law before it gives banks a free pass to
ignore that law. The Senate compromise pro-
vision in the bill already gives the OCC, an
agency with a history of open hostility to
consumer protection, far too much power to
wipe out state consumer protection laws.
The provision should not be weakened fur-
ther.

States are first responders that can stop
local abuses from spreading to become a na-
tional problem. Their laws are most impor-
tant when there is a gap in federal law.
Moreover, before bringing an enforcement
action, attorneys general already must con-
sult with the CFPB and bank regulators, and
the CFPB may intervene or clarify its rules,
ensuring consistency in enforcement stand-
ards.

Anyone who violates the law should be
held accountable. Do not give banks that
violate specific CFPB rules a special pass
against vigilant enforcement. Should you
have any questions, please contact Graciela
Aponte, Wealth-Building Legislative Ana-
lyst.

Sincerely,

JANET MURGUÍA,
President and CEO.

The PRESIDING OFFICER. The Sen-
ator from Kansas.

Mr. BROWNBACK. Mr. President,
well, if this motion to instruct did
what Senator DODD had suggested, I
would probably vote against it as well.
It does not.

I appreciate my colleague from Connecticut, who is obviously a great persuader, does a great job, and whom I share a great friendship with and great admiration for and who has served this body very well.

The problem is, if we have three places sitting here—we have a community banker, we have a credit union, and we have an auto dealer—all three are still covered. They are all three still covered if they make the loan. If they originate, if they make the loan, they put the money out there, all three are covered.

What we are saying in this motion is, if it is your money that you are loaning, you are covered. But if you are simply writing paper or trying to help someone upstream and options for the person who is coming in and you are saying: We have option A, B or C, from this credit union, from that bank or from GMAC, whichever it may be, they are not covered.

The authors of the bill want to put belts and suspenders on auto financing. Why would we double regulate in this particular area when we are already going to have the cost and the burden of doing it? And on top of all that, we already have a set of regulations in this field.

My colleague talked about yo-yo and bait-and-switch financing. They are illegal at the State level now. State attorneys general are going after these people now, and they should, particularly if it targets military personnel. That person who walks into a dealership in my State or some other State will be covered by the Consumer Financial Protection Bureau. It is going to be at an upstream location, but it is covered. One hundred percent of them are covered. Why would we put this extra cost and expense on the retail operation that is not loaning the money? They are not doing this.

If my colleagues are concerned about this area, do this. If they are concerned about having overregulation and overreach by Washington, support my motion. The loan is still covered, and we are not having this double coverage of belts and suspenders on auto loans that is going to hurt the ability of people to get loans, and it is going to drive up the cost of auto financing. It is going to hurt Main Street businesses that we lost 1,700 of last year and that lost us 88,000 jobs. I thought this bill was targeted at Wall Street, not at Main Street where we didn't have this problem going on. We haven't had this problem within auto loans as far as causing the financial meltdown. The regulation is already there. The regulation will be there. This extra regulation is not needed.

I ask my colleagues to support Main Street on this one. Support the local auto dealers out there, those who are working with the community, trying to help the community thrive and sur-

vive, instead of putting a double dose of regulation on top of them that is going to hurt the business, hurt auto sales, hurt financing opportunities.

I urge support for the Brownback motion.

The PRESIDING OFFICER. The Senator from Texas.

Mr. DODD. All time has expired on BROWNBACK?

The PRESIDING OFFICER. All time has expired.

MOTION TO INSTRUCT CONFEREES

Mrs. HUTCHISON. I call up the Hutchison-Hagan motion to instruct conferees.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

MOTION TO INSTRUCT CONFEREES

The Senator from Texas (Mrs. HUTCHISON) moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on H.R. 4173 (the Restoring American Financial Stability Act) be instructed to insist that the final conference report ensure that proprietary trading restrictions do not prevent insurance company affiliates of depository institutions from engaging in such trading as part of the ordinary business of insurance, especially insurance company affiliates serving military service members and their families, as such restrictions would result in higher costs and significant inconveniences to those sacrificing in service to our country.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mrs. HUTCHISON. I ask to be notified at the end of 5 minutes so I may yield the floor to Senator HAGAN for the rest of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, the Hutchison-Hagan motion to instruct is trying to narrow the definition that falls under the Volcker rule and the underlying bill. I believe our amendment would have passed overwhelmingly if we had been able to get it up before cloture was invoked. I appreciate there was a lot going on last week, but this is the way we hope to be able to assure that our amendment is a part of the final bill. The Volcker rule contained in the measure before us seeks to restrict or ban risky proprietary trading at depository institutions. As currently written, the rule brings about some unintended consequences that could be disastrous for our financial system and to a special class of customers—American service men and women. The major problem with the current language is that its reach extends beyond the bounds of the depository institution to a bank's affiliates and subsidiaries, including insurance companies. For diversified financial institutions that serve as one-stop shops of banking and insurance products, especially those serving our military service men and women and their families, the extension of the

Volcker rule's proprietary trading restrictions to a depository institution's insurance company affiliates threatens their ability to address the special financial needs of the U.S. military community. The Hutchison-Hagan motion to instruct conferees seeks to ensure that the Volcker rule's proprietary trading restrictions do not extend to the normal operations of insurance affiliates of insured depository institutions so that we can preserve convenient access to the full spectrum of financial services for the U.S. military community.

It is important to note that the proprietary trading that insurance entities engage in is significantly different from the proprietary trading that is the target of the Volcker rule.

First, insurance companies use premiums to fund trades, not customer deposits. Thus, insurers are trading their own funds, not those of depositors. Insurance company trades are generally low risk, focus on long-term payment of claims and profitability, and are already heavily regulated by State insurance regulators. Simply put: Proprietary trading is essential to the life insurance and property and casualty insurance business. Proprietary trading is what allows insurers to offer annuities and other insurance products that can protect consumers in the long term.

The motion to instruct is narrowly drafted. We have worked with the majority staff as well as the minority staff of the Banking Committee to assure that the drafting is in line with what we all intend to do. It doesn't speak to the Volcker rule's impact on depository institutions at all. It merely seeks to allow regulated insurance entities to continue to operate as they currently do in a manner that ensures payment of claims and annuities for years to come.

I urge my colleagues to support the Hutchison-Hagan motion. We have worked on this for several weeks together. I believe this bipartisan motion to instruct will be overwhelmingly approved because so many people have heard from their constituents.

I ask unanimous consent to have printed in the RECORD a letter from the Non Commissioned Officers Association of the United States of America, the Air Force Sergeants Association, the Naval Enlisted Reserve Association, and the TIAA CREF, a national financial services organization dedicated to serving the financial needs of those who work in the academic, medical, and cultural fields, all in support of our amendment and our motion to instruct.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,

Selma, TX, May 3, 2010.

Hon. CHRISTOPHER DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

Hon. RICHARD C. SHELBY,
Ranking Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: I write on behalf of the Non Commissioned Officers Association of the United States of America (NCOA), representing active duty, enlisted service members of all military services, the United States Coast Guard, associated Guard and Reserve Forces, retirees and veterans of all components. NCOA has strong concerns regarding the impact of the Restoring American Financial Stability Act of 2010's (S. 3217) "Volcker Rule" provisions on NCOA members and for that matter, the entire U.S. military community.

NCOA is dedicated to providing for service members and their families through every stage of their military career from enlistment to eventual separation, retirement and continuing to provide services to veterans' surviving family members. We understand and respect the achievements and sacrifices made by all service members and their families and are committed to ensuring that the military community has access to the "one stop shop" providers of financial services necessary to address their unique banking and insurance needs. This ease of access to essential financial resources is crucial to minimize the financial stresses and other burdens accompanying military life.

S. 3217's Volcker Rule, as currently proposed, threatens this essential access to one stop shop providers of financial services for NCOA members and their families. Limiting the provision's proprietary trading restrictions by excluding the insurance affiliates of insured depository institutions is necessary to maintain access to financial products and services that meet the unique needs of the military community. Making this small change to the Volcker Rule language will ensure that the financial stability of enlisted service members and their families is not put in jeopardy. Thank you for your thoughtful consideration of this issue and its impact on NCOA members and the entire U.S. military community.

Sincerely,

H. GENE OVERSTREET,
12th Sergeant Major of the United States Marine Corps (Ret.), President.

AIR FORCE
SERGEANTS ASSOCIATION,
Temple Hills, MD, April 29, 2010.

Hon. CHRISTOPHER DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

Hon. RICHARD C. SHELBY,
Ranking Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: I am writing on behalf of the Air Force Sergeants Association (AFSA), the global, 120,000 member strong organization dedicated to all enlisted grades of Air Force Active Duty, Air National Guard, and Air Force Reserve Command, retired, veteran and family members. AFSA has strong concerns regarding the impact of the so called

"Volcker Rule" provisions in the American Financial Stability Act of 2010, S. 3217, on AFSA members and the entire enlisted military community.

AFSA members and their families have made many sacrifices in order to invest their lives in the cause of freedom. They require access to "one stop shop" providers of financial services to address their unique banking and insurance needs. Ease of access to essential financial resources is particularly crucial today as our American military community faces the financial stresses and other burdens accompanying multiple deployments and frequent and costly relocations during times of active conflict. S. 3217's Volcker Rule provisions, as currently drafted, will prevent financial services providers from offering both banking and insurance products to AFSA members and their families tailored to their specific financial needs.

Making a small change to the bill's current language to ensure the Volcker Rule's proprietary trading restrictions are not extended to the insurance affiliates of insured depository institutions would allow one stop shop providers of financial products and services to continue meeting the unique needs of the military community. If the language is not corrected, this ease of access to important financial resources by American servicemen, women and their families will be in jeopardy. Thank you for your thoughtful consideration of this issue and its impact on AFSA's membership and the entire U.S. military community.

Sincerely,

JOHN R. "DOC" MCCAUSLIN,
CMSgt, USAF, Retired, Chief Executive Officer.

NAVAL ENLISTED RESERVE ASSOCIATION,
Falls Church, VA, May 5, 2010.

Hon. CHRISTOPHER DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

Hon. RICHARD C. SHELBY,
Ranking Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: I am writing on behalf of the Naval Enlisted Reserve Association (NERA), a voluntary, nonprofit organization of active duty and retired enlisted reservists and other dedicated persons committed to promoting and maintaining the Navy Reserve, United States Marine Corps Reserve, and United States Coast Guard Reserve. NERA has strong concerns regarding the impact of the Restoring American Financial Stability Act of 2010's (S. 3217) "Volcker Rule" provisions on NERA members and the entire U.S. military community.

NERA is dedicated to protecting the individual rights, benefits, and privileges our American servicemen and women have earned through their commitment to military service and their access to "one stop shop" providers of financial services that understand their unique banking and insurance needs. Ease of access to essential financial resources for active duty and retired enlisted reservists and their families is crucial to minimizing the financial stresses and other burdens accompanying military life.

S. 3217's Volcker Rule provisions, as currently drafted, threaten this essential access to comprehensive financial services for NERA members and the entire enlisted community. Making a small change to the Volcker Rule language to ensure that the proprietary trading restrictions are not ex-

tended to the insurance affiliates of insured depository institutions would allow one stop shop providers of financial products and services to continue meeting the financial needs of NERA members and their families.

If the Volcker Rule language is not corrected, the entire military community's access to essential financial resources will be in jeopardy. Thank you for your thoughtful consideration of this issue.

Sincerely,

SENIOR CHIEF NICK MARINE,
*U.S. Navy (Ret.)
National President.*

TIAA-CREF,
Washington, DC, May 24, 2010.

Hon. KAY BAILEY HUTCHISON,
*U.S. Senate,
Washington DC.*

DEAR SENATOR HUTCHISON: On behalf of TIAA-CREF, a national financial services organization dedicated to serving the financial needs of those who work in the academic, medical, and cultural fields, I write to express our support for your amendment (SA 4055) to the financial services regulatory reform legislation, which is likely to be offered as a motion to instruct conferees on Monday, May 24th.

TIAA-CREF is pleased to serve 3.7 million individual participants, and we endeavor to assist them to and through retirement. Passage of your amendment will send a strong message that insurers should continue to be able to make appropriate investments on behalf of their participants to adequately provide for their retirement savings.

Thank you for proposing this significant improvement to the legislation. If our company can be of additional assistance to you or your staff in this endeavor, please do not hesitate to contact me or Langston Emerson, Director of Federal Government Relations.

Sincerely,

DANIEL J. KENIRY,
Senior Vice President, Government Relations.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I rise in support of the motion to instruct offered by my colleague from Texas, Senator HUTCHISON. I thank the Senator from Texas for her leadership on this issue of importance to members of the military in our States and across the country. Section 619 of the Restoring American Financial Stability Act of 2010 bans certain activities not only at depository institutions but also at bank affiliates, including insurance affiliates. In doing so, section 619 inadvertently jeopardizes access to the important financial resources offered by diversified financial institutions to service men and women and their families. Section 619 bans proprietary trading, but proprietary trading by insurance entities is significantly different than the risk that comes with banks' proprietary trading. Insurance companies use premiums to trade funds, not the consumer deposits that this provision targets. Insurance trades are generally low risk and focus on long-term payment of claims and are already heavily regulated by State insurance regulators.

Servicemembers and their families rely on the ability of diversified financial service firms to provide both insurance and banking services under one roof. I am concerned that section 619 may force military members to change their current financial service providers and possibly subject the service men and women to unnecessary cost and burdens. That is why Senator HUTCHISON and I have worked for several weeks to correct this oversight, and why I introduced amendment 3799 with Senators HUTCHISON, CARPER, CORNYN, BEGICH, WEBB, BURR, and ISAKSON. Amendment 3799 was a narrow change that addressed the issue. To my knowledge, it was not opposed by anyone. While amendment 3799 was not voted on, Senator HUTCHISON's motion to instruct provides clear guidance to the conferees to ensure that proprietary trading restrictions do not prevent insurance company affiliates of depository institutions from engaging in such trading as part of the ordinary business of insurance.

It is critical that we adopt this motion so that diversified financial institutions may continue to provide low-cost and convenient access to diversified financial services for those sacrificing in service to our country. I urge my colleagues to vote yes on this motion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I commend both of my colleagues, Senator HUTCHISON and Senator HAGAN, my good friends from Texas and North Carolina. They have done a great job and deserve our thanks for the work they have put into this proposal. I am supportive of the motion to instruct. As a conferee, I will have something to say about this, I presume, in the conference. I thank them for their efforts. They have laid this out pretty well. I don't need to take a lot of time. I have some further remarks that lay out why I think this is a good proposal. I appreciate very much their efforts in this regard.

I am prepared to yield back time on this matter and urge colleagues to support the Hutchison-Hagan motion to the financial reform package. It is a good proposal, one that deserves all of our support.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the committee. He has been supportive of this amendment from the beginning. Senator HAGAN and I can say that we have regularly communicated with the chairman, and maybe he would even consider that we have hounded him to death. But nevertheless, I know he was helping us all along. We worked on the drafting to assure that the language met both the minority and majority re-

quirements. I am pleased he has worked with us on this amendment. I thank Senator HAGAN as well for being such a staunch cosponsor of this amendment.

I yield back my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DODD. Have the yeas and nays been ordered on both motions?

The PRESIDING OFFICER. They have not.

Mr. DODD. I don't see my colleague from Kansas but I know he wants the yeas and nays.

I ask for the yeas and nays on the Brownback motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DODD. I ask for the yeas and nays on the Hutchison-Hagan motion.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Mr. President, I ask the distinguished chairman, when we start the vote at 5:30, it will be the Brownback motion first and then Hutchison-Hagan.

Mr. DODD. BROWNBACK would come first and then the Hutchison-Hagan motion.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the Brownback motion to instruct conferees.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Missouri (Mrs. McCASKILL), the Senator from Oregon (Mr. MERKLEY), the Senator from New York (Mr. SCHUMER), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 30, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—60

| | | |
|------------|------------|-------------|
| Alexander | Enzi | Menendez |
| Barrasso | Graham | Mikulski |
| Bayh | Grassley | Murkowski |
| Begich | Gregg | Murray |
| Bennett | Hagan | Nelson (NE) |
| Bond | Hatch | Nelson (FL) |
| Boxer | Hutchison | Pryor |
| Brown (MA) | Inhofe | Reid |
| Brownback | Johanns | Risch |
| Bunning | Kerry | Roberts |
| Burr | Klobuchar | Rockefeller |
| Cardin | Kohl | Sessions |
| Cochran | Kyl | Shaheen |
| Collins | Landrieu | Shelby |
| Conrad | Lautenberg | Snowe |
| Corker | LeMieux | Specter |
| Cornyn | Lieberman | Thune |
| Crapo | Lugar | Vitter |
| DeMint | McCaIn | Voinovich |
| Ensign | McConnell | Wyden |

NAYS—30

| | | |
|------------|------------|------------|
| Akaka | Dorgan | Leahy |
| Baucus | Durbin | Levin |
| Bennet | Feingold | Reed |
| Bingaman | Feinstein | Sanders |
| Brown (OH) | Franken | Stabenow |
| Burris | Gillibrand | Tester |
| Cantwell | Harkin | Udall (CO) |
| Carper | Inouye | Udall (NM) |
| Casey | Johnson | Webb |
| Dodd | Kaufman | Whitehouse |

NOT VOTING—10

| | | |
|-----------|-----------|--------|
| Byrd | Lincoln | Warner |
| Chambliss | McCaskill | Wicker |
| Coburn | Merkley | |
| Isakson | Schumer | |

The motion was agreed to.

Mr. BROWNBACK. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON HUTCHISON MOTION TO INSTRUCT

The PRESIDING OFFICER. The question is on agreeing to the motion to instruct, offered by the Senator from Texas. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Missouri (Mrs. McCASKILL), the Senator from New York (Mr. SCHUMER), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Georgia (Mr. ISAKSON), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 4, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—87

| | | |
|-----------|------------|---------|
| Akaka | Bennett | Burr |
| Alexander | Bingaman | Burris |
| Barrasso | Bond | Cardin |
| Baucus | Boxer | Carper |
| Bayh | Brown (MA) | Casey |
| Begich | Brown (OH) | Cochran |
| Bennet | Brownback | Collins |

| | | |
|------------|-------------|-------------|
| Conrad | Johanns | Nelson (FL) |
| Corker | Johnson | Pryor |
| Cornyn | Kaufman | Reed |
| Crapo | Kerry | Reid |
| DeMint | Klobuchar | Risch |
| Dodd | Kohl | Roberts |
| Dorgan | Kyl | Rockefeller |
| Durbin | Landrieu | Sessions |
| Ensign | Lautenberg | Shaheen |
| Enzi | Leahy | Shelby |
| Feinstein | LeMieux | Snowe |
| Franken | Levin | Specter |
| Gillibrand | Lieberman | Stabenow |
| Graham | Lugar | Tester |
| Grassley | McCain | Thune |
| Gregg | McConnell | Udall (CO) |
| Hagan | Menendez | Udall (NM) |
| Harkin | Merkley | Vitter |
| Hatch | Mikulski | Voinovich |
| Hutchison | Murkowski | Webb |
| Inhofe | Murray | Whitehouse |
| Inouye | Nelson (NE) | Wyden |

NAYS—4

| | |
|----------|----------|
| Bunning | Feingold |
| Cantwell | Sanders |

NOT VOTING—9

| | | |
|-----------|----------|---------|
| Byrd | Isakson | Schumer |
| Chambliss | Lincoln | Warner |
| Coburn | McCaskey | Wicker |

The motion was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Madam President, while I opposed the motion to instruct offered by the Senator from Kansas, Mr. BROWNBACK, I did so with reluctance. The vast majority of auto dealers in Wisconsin do not engage in the kinds of behavior that have been held up as a reason to oppose the Senator's motion, or the amendment he had previously offered to the financial regulatory reform bill. Our dealers are wonderful corporate citizens, who have contributed significantly to our communities and our State.

Some of that excellent track record stems from Wisconsin's tough consumer protection laws that not only safeguard consumers, but also protect those firms that treat their customers fairly from the fly-by-night operators who seek to gain a competitive advantage over honest dealers at the expense of the consumer. Had Wisconsin's consumer laws and history of vigorous enforcement been reflected in other States across the Nation, there would have been a stronger argument for carving out an exception in the bill for a specific set of firms, as is proposed by the motion to instruct.

Even though I opposed the motion to instruct, supporters of the motion are right when they note that auto dealers, who are almost uniformly small businesses, should not be treated the same as the large financial institutions that are the focus of much of this bill. That is why I supported the amendment offered by the Senator from Maine, Mr. SNOWE, to extend the Regulatory Flexibility Act provisions to the new Consumer Financial Protection Bureau. That approach will not only address some of the concerns of the Senator

from Kansas but also other small businesses that may fall under the oversight of that new bureau.

Mr. COCHRAN. Madam President, I would like to express my support for amendment No. 3809, which was offered by the Senator from Hawaii to the financial regulatory reform bill. His amendment would have stricken a provision in the financial reform legislation that allows the Securities and Exchange Commission to use fee revenues to fund its own operations without undergoing the annual appropriations process.

While the President's budget request does not endorse "self-funding" for the SEC, I understand the Commission itself supports the idea because it generally raises more fee revenue each year than Congress appropriates for the agency. Under self-funding, the SEC might receive more money without the challenges of the annual appropriations process by keeping all the fees it receives in the form of offsetting collections.

While I appreciate that the appropriations process subjects the Commission to competition from other government programs, it is precisely that process that imposes discipline on Federal agencies and helps distill needs from wants. Self-funding would effectively exempt the SEC from Congressional budgetary oversight. Congress has important constitutional responsibilities for directing Federal spending and providing necessary oversight over the executive branch. The Commission has offered no compelling evidence that it cannot perform its statutory functions under the current budget structure or that its performance warrants being exempted from that structure.

The Appropriations Committee has consistently responded to the resource requests of the SEC, recognizing its important enforcement role. Congress appropriated \$906 million for the SEC in fiscal year 2008, \$960.1 million in fiscal year 2009 and \$1.11 billion in fiscal year 2010. The fiscal year 2010 appropriation level provided by Congress was \$85 million over the President's budget request.

The President's appropriation request for the Commission for fiscal year 2011 is \$1.25 billion, an increase of \$139 million over the prior year's approved funding. As with all agencies, the chairman and I will carefully consider this request and work with the members of the committee to ensure that the funding provided to the Commission will enable it to carry out its important mission.

If the SEC were to self-fund using fee revenues, the Securities and Exchange Commission is on track to set fees at levels sufficient to raise \$1.7 billion in collections in fiscal year 2011, an increase of \$220 million over fee collections in fiscal year 2010. This change

would increase the SEC budget by \$590 million in fiscal year 2011, when compared with the appropriated funding level in fiscal year 2010. It also represents an increase of \$490 million over the President's appropriation request for the SEC for fiscal year 2011.

It seems to me that, now more than ever, congressional oversight is needed to regulate the regulators and to hold accountable those regulators who fail to do their jobs correctly. The SEC made many mistakes during the financial crisis, including failing to bring an enforcement action against Stanford Financial for over 12 years after learning about the Stanford scheme. Recent reports by the SEC inspector general and others show that these problems were caused by mismanagement at the SEC and not by any funding shortages. Shouldn't Congress demand even more accountability of the SEC, rather than allowing the SEC to freely spend a greatly expanded budget?

The financial downturn and its aftermath have highlighted the need for increased oversight and transparency throughout the financial system. They also have highlighted the need for increased congressional oversight. The annual budget and appropriations process ensures that Congress plays an active role in the oversight of important agencies, such as the SEC.

Under the financial reform bill, the SEC will face new challenges as it takes on additional responsibilities. I am committed in my role as vice chairman of the Appropriations Committee to work with the administration and the SEC to ensure that all resource requests receive appropriate consideration. The Appropriations Committee has a history of responding to such requests and at times has provided additional resources based on the committee's assessment of the agency's needs. In addition, if for some reason the fees that the SEC collects are insufficient to support its mission, it is likely that the SEC would be back before the Congress, requesting additional resources.

While the SEC may believe that the fees it collects provide a path to a dependable funding stream, I believe the appropriations process—which is grounded in the Constitution and subject to scrutiny not only by the Appropriations Committee but by extension by the entire Senate and the Congress—is the path to dependable funding with appropriate checks and balances to ensure that funding decisions are made in the best interest of the taxpayers. With our Nation's fiscal situation as precarious as it is, Congress should not be putting yet another Federal agency on auto-pilot.

Even though the Senator from Hawaii's amendment was not considered prior to the Senate's completing action on the financial reform bill, I hope the managers of the bill will duly consider the views of the amendment's sponsors

and drop the SEC self-funding provision from the bill in conference.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I wish to take a few minutes to express my views on the bill overall and also to express my appreciation to an awful lot of people who worked very hard on this legislation over the last year and a half, not just over the last 4 weeks this bill has been the subject of Senate debate.

Last week, the Senate voted to pass this historic and comprehensive Wall Street reform legislation. Over the weekend, the *New York Times* wrote:

With the Senate's passage of financial regulation, Congress and the White House have completed 16 months of activity that rival any other since the New Deal in scope or ambition.

I argue that it is not the scope of our mission that we will remember when we look back on this period in our Nation's history. Instead, I believe we will remember the scope of the challenge with which we have been confronted, the weight of the burden we have been asked to lift off the backs of the American people, and the difficult work we had to do to get the job done.

Our Nation was founded on principles of religious freedom and representative government, but our history reveals that one of the most truly American principles is that of self-determination. In America, if you work hard and play by the rules, there is no limit to what you can achieve. That idea is so central to our national character that it is tempting to take it for granted. We rarely think about the foundation upon which that promise rests, but that foundation is there. It is real. It is made up of laws and rules and regulations and institutions. It is the charge of human beings, and thus it can fail.

We all know what was lost when that foundation did fail 2 years ago—millions of jobs, millions of homes, trillions in household wealth and retirement savings. But what we very nearly lost was that principle of self-determination. Small business owners who turned a good idea into a real business that employs real people suddenly found that despite having done nothing wrong, they could no longer find the credit they needed to survive. Homeowners who had put their backs into earning enough to own a piece of this country suddenly found that, despite having done nothing wrong, they had been ripped off by an unscrupulous lender. And people across America who got up early every day to go do a job that barely put enough food on the table found that they were being let go, not because they had done something wrong but because of the mistakes of a banker they never met, a corporate hotshot who had never had any trouble feeding his family.

Over the many months, we looked at the foundation closely, and the closer

we looked, the more cracks we saw. And the American people, never quick to lose faith, began to doubt whether the promise of our free markets and abundant wealth would still hold for them and their children.

Our task in this institution, in writing and passing this bill, was not just to restore stability to our financial system or save our economy from further turmoil. Our task was to restore power to the uniquely American principle of self-determination. I believe that, in the view of history, we will be judged to have succeeded. And that effort means more to me and I presume more to this body than any political consideration ever could.

Of course, our work is not quite finished. We must now work with our colleagues in the other body in conference. In that conference, I will fight to make sure the strengths of the bill that came out of this institution are reflected in the legislation we will send to the President's desk.

At the heart of what makes our bill effective is its focus on the small business owners, investors, and consumers who are, in turn, at the heart of our prosperity. There is no interest more special than the public interest, and that is reflected in our legislation.

Our Consumer Financial Protection Bureau rejects the notion that individual lobbies should enjoy special protections. We took special precautions to ensure that small businesses are not unnecessarily pulled into the regulatory regime. And we listened carefully to concerns about creating an unfettered bureaucracy, ensuring that the powers it has are matched by strong oversight. But we rejected carve-outs and loopholes because the only special interests whose voice should be heard at this bureau is that of the American consumer. We took steps to ensure that the Consumer Financial Protection Bureau's funding will be independent and reliable so that its mission cannot be compromised by political maneuvering.

In conference, I will do what I can to defend these important principles. I will also fight for our bill's approach to ending too-big-to-fail bailouts, an approach that is the result of hard work and good, bipartisan compromise on the part of many Senators.

Further, our bill includes lasting and durable protections against more taxpayer bailouts and the possibility of yet another widespread economic crisis.

We have said all along that there needs to be a way for big firms to fail without incurring taxpayer expense or threatening the foundation of our economy. We have found that way, and we have ensured it will last for a long time. We have also included the Volcker rule to help ensure that the biggest firms are as stable as possible.

We also have found a way to bring into the sunlight an entire market sec-

tor that for too long has grown in the shadows. Our bill has very strong protections for the derivatives market, and, like the Consumer Financial Protection Bureau, we have rejected carve-outs for special interests because those carve-outs would weaken protections against economic instability.

Our bill also takes on the issue of Federal Reserve governance, mandating a General Accounting Office audit of the Fed's response to the financial crisis, changing the president of the New York Fed to a Presidential appointment, and making other improvements—increasing transparency at the Fed without threatening its independence or its ability to do important work of conducting monetary policy.

Our bill strengthens the Securities and Exchange Commission, improving whistleblower protections and empowering shareholders and investors.

Our bill, finally, reforms the credit rating agencies, allowing greater access to information, including an agency's track record, methodology, and the limitations of its ratings.

This is a very strong bill. If you want to call it ambitious, that is fine, but I think that is missing the point. Everything in this bill is a response to the pain we have seen in our Nation and to the worry Americans have that it could all happen again.

If the bill is comprehensive—and I believe it is—that is because the challenge was also comprehensive. We can no more let the principle of economic self-determination crumble than we can the principles of religious freedom or representative government on which our Nation has been founded and built. That is why I have fought as hard as I have, along with my colleagues on the Banking Committee and so many others in this Chamber—Democrats and Republicans—over the last month the legislation was on the floor of this body. That is why we will continue to fight for this strong legislation until it is signed into law by the President of the United States.

As I said at the outset of these remarks, obviously those who get to speak at these lecterns, to debate in this Hall, receive the notoriety for good or real as a piece of legislation such as this moves through the legislative process. There are literally dozens of people who work every day, over the weekends, long into the evening to make sure legislation is comprehensive, well thought out, balanced, and fair.

I ask unanimous consent to have printed in the RECORD a list of the people on our committee staff, legislative counsels, the floor staff, and the Republican floor staff, and thank them for their tremendous work over this last month. They do a tremendous job on behalf of the American public every single day, seeing to it that which we

conduct here is done in a fair, open process that reflects well on this institution. Along with Ed Silverman, Amy Friend, Jonathan Miller, Dean Shahinian, and Julie Chon—I hesitate to go down the whole list. I thank all of them for their tremendous work, and I want the record to reflect their names. It is the least we can do. I can literally cite paragraphs about every one of them, the work they conducted to bring us to this point in the legislative process. I am grateful to them and the floor staff, Republicans and Democrats, who make this place work all day. The American public owes them a great debt of gratitude for what they do.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THANK-YOU LIST

COMMITTEE STAFF

Ed Silverman, Amy Friend, Jonathan Miller, Dean Shahinian, Julie Chon, Charles Yi, Marc Jarsuliq, Lynsey Graham Rea, Catherine Galicia, Matthew Green, Deborah Katz, Mark Jickling, Donna Nordenberg, Levon Bagramian, Brian Filipowich, Drew Colbert, Misha Mintz-Roth, Lisa Frumin, William Fields, Beth Cooper, Colin McGinnis, Neal Orringer, Kirstin Brost, Peter Bondi, Sean Oblack, Erika Lee, Joslyn Hemler, Dawn Ratliff, And all of their families.

LEGISLATIVE COUNSELS

Laura Ayoud, Rob Grant, Allison Wright, and Kim Albrecht Taylor.

THE DEMOCRATIC FLOOR STAFF

Led by Lula Davis.

THE REPUBLICAN FLOOR STAFF

Led by David Schiappa.

LEADER REID'S STAFF

Randy DeValk, Gary Myrick, Mark Wetjen.

Mr. DODD. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

REMEMBERING SERGEANT BRANDON PAUDERT AND OFFICER BILL EVANS

• Mrs. LINCOLN. Madam President, I extend my heartfelt condolences to the

family and loved ones of Sergeant Brandon Paudert, 39, and Officer Bill Evans, 38, of West Memphis, who were tragically killed last week while protecting their community. Both officers were part of West Memphis' Crime Interdiction Unit, which regularly patrols 1-40 and where they eventually lost their lives during a routine traffic stop.

For these two men, law enforcement was a family affair. Paudert was the son of West Memphis Police Chief Bob Paudert. Officer Evans comes from a long line of police officers and was a third-generation policeman. He also has a brother in the West Memphis Police Department. Evans' father, father-in-law, and grandfather were also law enforcement officers.

I was honored to attend a visitation ceremony in West Memphis for Sergeant Paudert and Officer Evans. It was clear from the outpouring of emotion and condolences that these two officers were beloved members of the West Memphis community and will be greatly missed.

My heart goes out to the children and family members of these officers. Through their sadness, I pray that they can be proud knowing that these men made the ultimate sacrifice protecting their fellow Arkansans while in the line of duty.

Along with all Arkansans, I recognize the courage, bravery, and dedication of our Arkansas law enforcement officers, who risk their lives each day to keep our citizens safe. We must honor and remember these law enforcement officers who made the ultimate sacrifice in the line of duty, as well as the family members, friends and fellow officers they left behind. I thank these public servants for their service and sacrifice.●

EGYPT

Mr. FEINGOLD. Madam President, I would like to raise the important issue of human rights and democratic reform in our partnership with Egypt. I am very concerned by Egypt's recent extension of its emergency law—which has been in place continuously since 1981—yet again, for another 2 years. Since 2005, President Hosni Mubarak and his government have repeatedly pledged to end the use of the emergency law, but it continues to be extended. Although some changes were apparently announced with the extension, these were little more than cosmetic and will do nothing to improve the deeply repressive environment this law enables. Emergency laws, if they are ever appropriate, are intended for exceptional circumstances, not continuous application for decades.

Furthermore, numerous concerns have been raised about violations of human rights and civil liberties under Egypt's emergency law. The extension

also comes ahead of parliamentary and Presidential elections, which may see new challenges emerge to the leadership structure. As Amnesty International's deputy director for the Middle East and North Africa stated recently, "[w]e are particularly concerned that this extension comes as Egypt prepares for elections this year; the authorities are notorious for relying on the emergency powers to lock up their opponents."

In a report on his visit to Egypt last year, the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, acknowledged "the right of a State to proclaim a state of emergency as a temporary measure determined by the exigencies of the situation" but expressed his concern that "Egypt has been almost continuously governed by emergency law, which includes far-reaching restrictions on fundamental rights and freedoms, for more than 50 years." The dangers inherent in the law's continuing use are highlighted by its provisions and their apparent application.

Among other things, the law apparently allows preventive detention and enables individuals to be held indefinitely without being charged or brought to trial. Egyptian citizens do not enjoy the freedom to assemble or protest peacefully and, in fact, face arrest if they participate in such demonstrations. In fact, Mr. Scheinin has noted that special State Security Investigations officers "in practice enjoy carte blanche in deciding on whom to arrest" and have used the emergency law to arrest and detain human rights activists, journalists and internet bloggers who were critical of the government.

Human rights and civil liberties should not be sacrificed in the search for security, nor would doing so guarantee security. On the contrary, counterterrorism measures must ensure respect for political and civil rights and the rule of law if they are to be effective in the long term. Repression only yields more resentment, more opposition, and more alienation. As President Obama said during his 2009 Cairo speech, "Governments that protect these rights are ultimately more stable, successful and secure. Suppressing ideas never succeeds in making them go away."

I am pleased that the State Department and then the White House released public statements expressing regret at Egypt's extension of the emergency law, but they were insufficient in recognizing how critical political and democratic reform is both to security and stability within Egypt, as well as to the broader region. In order to genuinely address the very real concerns of radicalism, Egypt must expand its engagement with its citizens and

provide them with greater openings to voice their concerns. Stifling the public feeds rather than prevents the growth of radicalism. In contrast, reducing corruption, improving governance, and building democratic institutions will go a long way toward reducing the appeal of extremism. The historic partnership between the United States and Egypt means we have an active and critical role to play in pressing for these reforms. We should use every opportunity to bring them up.

Egypt is an incredibly important country and a vital strategic partner of the United States. It is a nation of 80 million people that sits at the strategic crossroads between Africa and Asia. Egypt is a leader among Arab States and has played an important role in matters of peace and security in the Middle East, particularly in the area of Arab-Israeli peace. At the same time, Egypt continues to be heavily involved in affairs in North and East Africa, not least because of its reliance on water resources from the Nile River, where ongoing negotiations over the Nile Basin Initiative have escalated regional tensions between Egypt and its neighboring countries at a time when Egypt's own internal dynamics are fluid. Egypt's long history with Sudan, the largest country in Africa, is also of critical importance given South Sudan's upcoming vote on self-determination set for January 2011. Without question, successful political reform in Cairo would significantly enhance Egypt's leadership role throughout the Middle East and Africa and could help ensure constructive political engagement in these regions for years to come.

For all these reasons, it is in our interest to continue to pursue a strong working relationship with the Egyptian Government. But it is also in our interest to ensure that relationship is sustainable and strategic over the long-term. To do this, I believe we must engage more broadly with the Egyptian people and support efforts in the country to push for human rights and democratic reform. This is especially important in the coming months as Egypt prepares to hold parliamentary elections, which will be followed next year by a Presidential election. This period could be one of transition, possibly one of tumult. The Obama administration should begin engaging now with the Egyptian government and other stakeholders to make clear that we support a fair, free, and peaceful process. Continuing to provide uncritical support to an authoritarian regime undermines our credibility as champions of political and civil rights and creates tensions, particularly in the Muslim world, which are ripe for exploitation. Those tensions, in turn, threaten our own national security.

As I have noted before in this forum, we must be strong and consistent in

advancing human rights, good governance, and the rule of law while also addressing security and economic concerns. And we should make sure that message is being reinforced by all U.S. Government officials and programs in Egypt.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the President Officer laid before the Senate message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

LEGISLATIVE PROPOSAL RELATIVE TO AN EXPEDITED PROCEDURE TO RESCIND UNNECESSARY SPENDING AND TO BROADLY SCALE BACK FUNDING LEVELS IF WARRANTED, TOGETHER WITH A SECTIONAL ANALYSIS—PM 57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Budget:

To the Congress of the United States:

Today, I am pleased to submit to the Congress the enclosed legislative proposal, the "Reduce Unnecessary Spending Act of 2010," along with a section-by-section analysis of the legislation.

This proposal will be another important step in restoring fiscal discipline and making sure that Washington spends taxpayer dollars responsibly. It will provide a new tool to streamline Government programs and operations, cut wasteful Government spending, and enhance transparency and accountability to the American people. The legislation will create an expedited procedure to rescind unnecessary spending and to broadly scale back funding levels if warranted. The legislation would require the Congress to vote up or down on legislation proposed by the President to rescind funding. This new, enhanced rescission authority will not only empower the President and the Congress to eliminate unnecessary spending, but also discourage waste in the first place.

Now more than ever, it's critical that taxpayer dollars are not wasted on programs that are ineffective, duplicative, or out-dated. In a time when American families and small business owners are

conscious of every dollar and make sure that they manage their budgets wisely, the Federal Government can do no less. The American people expect and demand that we spend their money with the same discipline. Allowing taxpayer dollars to be wasted is both an irresponsible use of taxpayer funds and an irresponsible abuse of the public trust.

Recently, the Congress has taken welcome steps to curb wasteful spending. In 2007, when I served in the Senate, a bipartisan group worked together to eliminate anonymous earmarks and brought new measures of transparency to the process so Americans can better follow how their tax dollars are being spent. Consequently, we have seen progress—with earmarks declining since these reforms were passed, including during this past fiscal year.

In addition, my administration undertook a line-by-line review of the Budget, and put forward approximately \$20 billion of terminations, reductions, and savings both for Fiscal Year 2010 and 2011. While recent administrations have seen between 15 to 20 percent of their proposed discretionary cuts approved by the Congress, for FY 2010, we worked with the Congress to enact 60 percent of proposed cuts.

Despite the progress we have made to reduce earmarks and other unnecessary spending, there is still more work to be done. The legislation I am sending to you today provides an important tool. The legislation allows the President to target spending policies that do not have a legitimate and worthy public purpose by providing the President with an additional authority to propose the elimination of wasteful or excessive funding. These proposals then receive expedited consideration in the Congress and a guaranteed up-or-down vote. This legislation would also allow the President to delay funding for these projects until the Congress has had the chance to consider the changes. In addition, this proposal has been crafted to preserve the constitutional balance of power between the President and the Congress.

Overall, the "Reduce Unnecessary Spending Act of 2010" provides a new way for the Congress and the President to manage taxpayer dollars wisely. That is why I urge the prompt and favorable consideration of this proposal, and look forward to working with the Congress on this matter in the coming weeks.

BARACK OBAMA,
THE WHITE HOUSE, May 24, 2010.

MESSAGE FROM THE HOUSE

At 3:54 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1177. An act to require the Secretary of the Treasury to mint coins in recognition of five United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

H.R. 5128. An act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the "Stewart Lee Udall Department of the Interior Building".

H.R. 5327. An act to authorize assistance to Israel for the Iron Dome anti-missile defense system.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1177. An act to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5327. An act to authorize assistance to Israel for the Iron Dome anti-missile defense system; to the Committee on Foreign Relations.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 21, 2010, she had presented to the President of the United States the following enrolled bill:

S. 1782. An act to provide improvements for the operations of the Federal courts, and for other purposes.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-120. A resolution adopted by the Senate of the State of Louisiana urging local, state, and federal governmental agencies to work in close coordination, in order to minimize damage to Louisiana's natural resources caused by the Deepwater Horizon oil spill, and to utilize all available resources to protect and support Louisiana residents and businesses affected by the spill; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 61

Whereas, on April 20, 2010, the Deepwater Horizon drilling rig exploded and later sank in the Gulf of Mexico; and

Whereas, the accident was reported to have been caused by a blowout, an uncontrolled release of gas or oil that forces its way up a well pipe and catches fire; and

Whereas, with fire still burning days later, Coast Guard officials continued the search for eleven missing crew members; and

Whereas, of the one hundred and fifteen crew members who were accounted for, seventeen suffered injuries that included burns, smoke inhalation, and broken bones; and

Whereas, since the explosion, approximately forty-two thousand gallons of oil per day have been leaking from the site into the Gulf of Mexico; and

Whereas, the oil spill is moving closer and closer to environmentally sensitive coastal areas; and

Whereas, President Obama's administration has launched a full investigation into the oil rig explosion, with Homeland Security Secretary Janet Napolitano and Interior Secretary Ken Salazar indicating devotion and every available resource to a comprehensive investigation of the explosion with assistance to be given by the U.S. Coast Guard and the Minerals Management Service which share in jurisdiction for the investigation; and

Whereas, British Petroleum, which owns the oil rig operated by the Swiss drilling company Transocean, dispatched more than thirty ships, capable of skimming in excess of one hundred and seventy thousand barrels of oil per day; and

Whereas, several oceanographers have claimed that the magnitude of the oil spill is huge and could have an impact on marine life and oyster beds; and

Whereas, the Coast Guard is keeping a watchful eye on underwater activity from the sunken rig; and

Whereas, the Coast Guard has prepared to set fire to portions of the growing oil slick to keep the crude away from sensitive ecological areas; and

Whereas, without prompt and carefully coordinated action, the oil spill has the potential to become one of the worst in U.S. history, as it is up to forty-two miles by eighty miles wide, and ranges in thickness from a couple of molecules to the equivalent of layers of paint; and

Whereas, with the Louisiana shrimp season due to open in less than a month, geologists say the oil spill has the potential to delay or affect the 2010 season; and

Whereas, Governor Jindal has authorized state agencies to continue monitoring the oil spill, while the federal government begins work to protect the Pass-A-Loutre Wildlife Management and Breton National Wildlife Refuge areas; and

Whereas, the Louisiana Department of Wildlife and Fisheries is working closely with state and federal agencies and British Petroleum to mitigate fish and wildlife resource impacts; and

Whereas, partners in the oil spill response effort include but are not limited to the U.S. Fish and Wildlife Service, the U.S. Coast Guard, the National Oceanic and Atmospheric Administration, the Louisiana Department of Environmental Quality, the Louisiana Department of Natural Resources, the Louisiana Department of Wildlife and Fisheries, the Louisiana Oil Spill Coordinators Office, the Governor's Office of Homeland Security and Emergency Preparedness, the Coastal Protection and Restoration Authority, and the Oiled Wildlife Care Network; Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby direct local, state, and federal governmental agencies to work in close coordination, in order to minimize damage to Louisiana's natural resources caused by the Deepwater Horizon oil spill, and to utilize all available resources to protect and support Louisiana residents and businesses affected by the spill; be it further

Resolved, That a copy of this Resolution be transmitted to the U.S. Fish and Wildlife Service, the U.S. Coast Guard, the National Oceanic and Atmospheric Administration, the Louisiana Department of Environmental Quality, the Louisiana Department of Natural Resources, the Louisiana Department of Wildlife and Fisheries, the Louisiana Oil Spill Coordinators Office, the Governor's Office of Homeland Security and Emergency Preparedness, the Coastal Protection and Restoration Authority, the Oiled Wildlife Care Network, the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1562. A bill to provide for a study and report on research on the United States Arctic Ocean and for other purposes (Rept. No. 111-193).

S. 2856. A bill to allow the United States-Canada Transboundary Resource Sharing Understanding to be considered an international agreement for the purposes of section 304(e)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (Rept. No. 111-194).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 3099. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir (Rept. No. 111-195).

S. 3100. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch (Rept. No. 111-196).

H.R. 934. A bill to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands (Rept. No. 111-197).

H.R. 3689. A bill to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes (Rept. No. 111-198).

By Mrs. FEINSTEIN, from the Select Committee on Intelligence:

Special Report entitled "Report on the Attempted Terrorist Attack on Northwest Airlines Flight 253" (Rept. No. 111-199). Additional views filed.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3066. A bill to correct the application of the Non-Foreign Area Retirement Equity Assurance Act of 2009 (5 U.S.C. 5304 note) to employees paid saved or retained rates.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Mr. PRYOR, Mrs. LINCOLN, and Mr. BROWN of Massachusetts):

S. 3396. A bill to amend the Energy Policy and Conservation Act to establish within the Department of Energy a Supply Star program to identify and promote practices, companies, and products that use highly efficient supply chains in a manner that conserves energy, water, and other resources; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself, Mr. CORNYN, Mr. GRASSLEY, and Mr. BROWN of Ohio):

S. 3397. A bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3398. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans; to the Committee on Finance.

By Ms. SNOWE (for herself and Mrs. GILLIBRAND):

S. 3399. A bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. GILLIBRAND:

S. 3400. A bill to ban the sale, manufacture, distribution, and use in public facilities of drop-side cribs in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURR (for himself and Mr. COBURN):

S. 3401. A bill to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program waiting lists and other cost containment measures impacting State ADAP programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEMIEUX:

S. 3402. A bill to encourage residential use of renewable energy systems by minimizing upfront costs and providing immediate utility cost savings to consumers through leasing of such systems to homeowners, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 3403. A bill to amend the Fish and Wildlife Improvement Act of 1978 to exempt subsistence users in the State of Alaska from the prohibition on taking; to the Committee on Environment and Public Works.

By Mr. UDALL of Colorado:

S. 3404. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself, Mr. NELSON of Florida, and Mr. MERKLEY):

S. 3405. A bill to amend the Internal Revenue Code of 1986 to eliminate oil and gas company preferences; to the Committee on Finance.

By Mrs. HAGAN:

S. 3406. A bill to amend title 10, United States Code, to eliminate the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum

age at which a member of a reserve component of the uniformed services may retire for non-regular service; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself and Mr. CASEY):

S. Res. 537. A resolution designating May 2010 as "National Brain Tumor Awareness Month"; to the Committee on the Judiciary.

By Mr. WEBB (for himself, Mr. KERRY, Mr. BOND, and Mr. DURBIN):

S. Res. 538. A resolution affirming the support of the United States for a strong and vital alliance with Thailand; considered and agreed to.

By Mr. CASEY (for himself, Mr. GRASSLEY, and Mr. KOHL):

S. Res. 539. A resolution designating May 24, 2010, as "Prescription Drug Disposal Awareness Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 504

At the request of Mr. ROBERTS, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Mrs. MURRAY), the Senator from Arkansas (Mr. PRYOR), the Senator from Louisiana (Mr. VITTER) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 504, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator

Paul Simon Water for the Poor Act of 2005.

S. 981

At the request of Mr. REID, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1395

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1395, a bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date on which the polar bear was determined to be a threatened species under the Endangered Species Act of 1973.

S. 1442

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1442, a bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service—learning opportunities on public lands, establish a grant program for Indian Youth Service Corps, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service.

S. 1445

At the request of Mr. LAUTENBERG, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr.

ENSIGN) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1610

At the request of Ms. CANTWELL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 1611

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1619

At the request of Mr. DODD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1802

At the request of Mr. BURRIS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1802, a bill to require a study of the feasibility of establishing the United States Civil Rights Trail System, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3059

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3059, a bill to improve energy efficiency of appliances, lighting, and buildings, and for other purposes.

S. 3078

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of S. 3078, a bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes.

S. 3079

At the request of Mr. MERKLEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3079, a bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials and for other purposes.

S. 3102

At the request of Mr. MERKLEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3102, a bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

S. 3171

At the request of Mrs. LINCOLN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3171, a bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program.

S. 3260

At the request of Mr. HARKIN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 3260, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 3329

At the request of Mr. LAUTENBERG, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3329, a bill to provide triple credits for renewable energy on brownfields, and for other purposes.

S. 3341

At the request of Mr. CARDIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3341, a bill to amend title 5, United States Code, to extend eligibility for coverage under the Federal Employees Health Benefits Program with respect to certain adult dependents of Federal employees and annuitants, in conformance with amendments made by the Patient Protection and Affordable Care Act.

S. 3371

At the request of Mrs. MCCASKILL, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3371, a bill to amend title 10, United States Code, to improve access to mental health care counselors under the TRICARE program, and for other purposes.

S. 3395

At the request of Mr. UDALL of Colorado, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3395, a bill to provide cost-sharing assistance to improve access to the markets of foreign countries for energy efficiency products and renewable energy products exported by small- and medium-sized businesses in the United States, and for other purposes.

S.J. RES. 29

At the request of Mr. MCCONNELL, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Missouri (Mr. BOND) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S.J. Res. 29, *supra*.

S. RES. 519

At the request of Mr. DEMINT, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Nevada (Mr. ENSIGN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 531

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 531, a resolution

supporting the goals and ideals of National Hepatitis Awareness Month and World Hepatitis Day.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself,
Mr. PRYOR, Mrs. LINCOLN, and
Mr. BROWN of Massachusetts):

S. 3396. A bill to amend the Energy Policy and Conservation Act to establish within the Department of Energy a Supply Star program to identify and promote practices, companies, and products that use highly efficient supply chains in a manner that conserves energy, water, and other resources; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing the Supply Star Act of 2010 to drive widespread improvements in supply chain energy efficiency.

Companies today are facing pressure on many fronts—from customers, stockholders, business partners, and regulators—to improve their energy performance in hopes of maximizing profit, minimizing environmental impact, and shielding themselves against the price volatility of fuels. Nearly 90 percent of a company's energy use can come from its supply chains, making supply chain energy efficiency—encompassing raw materials, manufacturing, packaging, transport, use, and disposal of goods—of significant importance in the transition to a more energy efficient marketplace.

For these reasons, many corporations are examining supply chain efficiency, not only in hopes of being better corporate citizens, but because it makes good business sense. Decreasing energy use in the supply chain can lead to significant cost reductions and increase competitiveness. However, these efforts face hurdles—especially in small companies—that limit their widespread implementation. Earlier this year, I attended the MIT Energy Conference in Boston, where these hurdles were discussed in some detail by an expert panel. The hurdles include a lack of information and analysis tools for important parts of far-flung supply chains, which often lie far upstream or downstream, and therefore out of sight, of a particular firm, as well as a lack of leverage with which to rive global suppliers toward more efficient practices. Overcoming these challenges requires significant resources and access to global information that is often not available to any one single firm. I was persuaded that efforts to address these challenges would have significant benefit to the country.

The Supply Star Act of 2010 would establish a Supply Star Program within the Department of Energy that builds on the Energy Star Program, as well as existing best practices in industry and

the U.S. and international research communities to give companies access to the resources and information they need to successfully drive supply chain efficiency improvements.

The Supply Star Program would provide all companies, particularly small and medium sized businesses, with financing, technical support, training, and sector-wide networks to help significantly improve their supply chain efficiency. The program would also provide public recognition to those businesses that achieve the highest supply chain efficiency standards, rewarding them with a tangible and credible tool to use in external communications about all of their good work and giving consumers and businesses an easy way of seeking out good actors as they make purchasing decisions.

I hope my colleagues will join me in supporting this bill and work to improve the energy efficiency of our economy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Supply Star Act of 2010”.

SEC. 2. SUPPLY STAR.

The Energy Policy and Conservation Act is amended by inserting after section 324A (42 U.S.C. 6294a) the following:

“SEC. 324B. SUPPLY STAR PROGRAM.

“(a) IN GENERAL.—There is established within the Department of Energy a Supply Star program to identify and promote practices, companies, and, as appropriate, products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

“(b) COORDINATION.—In carrying out the program described in subsection (a), the Secretary shall—

“(1) consult with other appropriate agencies; and

“(2) coordinate efforts with the Energy Star program established under section 324A.

“(c) DUTIES.—In carrying out the Supply Star program described in subsection (a), the Secretary shall—

“(1) promote practices, companies, and, as appropriate, products that comply with the Supply Star program as the preferred practices, companies, and products in the marketplace for maximizing supply chain efficiency;

“(2) work to enhance industry and public awareness of the Supply Star program;

“(3) collect and disseminate data on supply chain energy resource consumption;

“(4) develop and disseminate metrics, processes, and analytical tools (including software) for evaluating supply chain energy resource use;

“(5) develop guidance at the sector level for improving supply chain efficiency;

“(6) work with domestic and international organizations to harmonize approaches to analyzing supply chain efficiency, including

the development of a consistent set of tools, templates, calculators, and databases; and

“(7) work with industry, including small businesses, to improve supply chain efficiency through activities that include—

“(A) developing and sharing best practices; and

“(B) providing opportunities to benchmark supply chain efficiency.

“(d) EVALUATION.—In any evaluation of supply chain efficiency carried out by the Secretary, the Secretary shall consider energy and resource use throughout the entire lifecycle of a product, including production, transport, packaging, use, and disposal.

“(e) GRANTS AND INCENTIVES.—

“(1) IN GENERAL.—The Secretary may award grants or other forms of incentives on a competitive basis to eligible entities, as determined by the Secretary, for the purposes of—

“(A) studying supply chain energy resource efficiency; and

“(B) demonstrating and achieving reductions in the energy resource consumption of commercial products through changes and improvements to the production supply and distribution chain of the products.

“(2) USE OF INFORMATION.—Any information or data generated as a result of the grants or incentives described in paragraph (1) shall be used to inform the development of the Supply Star Program.

“(f) TRAINING.—The Secretary shall use funds to support professional training programs to develop and communicate methods, practices, and tools for improving supply chain efficiency.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.”.

By Mr. BAUCUS (for himself and
Mr. GRASSLEY):

S. 3398. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise to recognize the sacrifice of the thousands of men and women serving in harm's way overseas and to introduce legislation that will help these brave men and women when they return home.

I recently led a congressional delegation to Afghanistan. During my visit, I was deeply impressed by the service and dedication of our brave troops. These men and women work under the most difficult conditions.

They serve every day. Weekends, holidays, anniversaries, and birthdays. They serve 24 hours a days, seven days a week.

Our troops are some of the hardest working Americans. They patrol the mountains, fix trucks and fire artillery. They are not only warriors, but diplomats as well. They organize meetings known as shuras with local leaders and village elders. I was awestruck by our troops' professionalism, courage and tenacity.

Many of these troops are from Montana. Montanans volunteer for duty at among the highest rate in the country. Montana's military recruiting rates are roughly 50 percent higher than the

national average. Tragically, Montana has the highest per capita rate of service members killed or injured fighting overseas since 9/11.

While in Afghanistan I met a young Army captain named Casey Thoreen. Casey commands an infantry company that is working to improve security in the Maiwand district of Kandahar Province.

A reporter recently wrote a piece about Casey that described him as the "King of Maiwand" because of his important efforts to improve the lives of those that live there.

Casey has developed close working relationships with the local district leader and other important power brokers. We couldn't dream of succeeding in Afghanistan without dedicated talented officers like this young man. Skilled efforts such as his are the lynchpin of our mission in Afghanistan.

My congressional colleagues and I have worked hard to give our soldiers, sailors, airmen, and marines all the tools necessary to succeed in combat. Now, more than ever, it is imperative that we give our troops the tools to succeed upon their return home.

President George Washington once said "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their nation."

President Washington's words are a serious reminder of our obligation to Casey and all of the brave men and women serving our country overseas. We have a solemn obligation to our veterans when they return home. And recent suicide statistics and veteran unemployment data make it clear that we have a long way to go.

For veterans between the ages of 20 and 24, the suicide rate is roughly two to four times higher than non-veterans the same age.

A recent survey found that only 13 percent of Iraq and Afghanistan veterans "strongly agreed" that their transition home was going well. And just 9 percent "strongly agreed" the needs of their family were being met.

The unemployment rate among veterans who have served in the military since September 2001 far exceeds that of their peers. According to the American Legion, nearly 15 percent of post 9/11 veterans are unemployed.

The rate of unemployment for veterans aged 18 to 24 is over 30 percent—nearly double the rate for non-veterans the same age. These numbers are unacceptable.

I want to applaud my friend and colleague, Senator PATTY MURRAY, for the important work she has done to address this problem. She recently introduced the Comprehensive Veterans Employment Act of 2010.

The bill seeks to allow the GI Bill to pay for on-the-job training and apprenticeships. I strongly support her efforts.

Senator MURRAY held a roundtable discussion on veterans' employment earlier this year. During the discussion she learned that some veterans were deliberately taking their military service off their resumes when applying for work. These veterans feared employers might think they suffered from post-traumatic stress due to time in combat.

This discussion is a telling sign that we need to do a better job of welcoming our troops home from war. I can't think of anything more important to readjusting to life back home than having meaningful employment.

Our veterans are national assets. The skills veterans have learned in the military are valuable in the civilian workplace and in communities across America.

History has proven this to be true. Just look to the boom years in the late 1940s and 1950s. America welcomed back millions of World War Two veterans into the workforce. The leadership and strength of our veterans fueled the unprecedented growth and strength of our Nation. I expect nothing less from this generation of veterans as well.

That is why Senator GRASSLEY and I are introducing the Veteran Employment Transition Act of 2010. This legislation will reward employers that hire any veteran who has recently completed their service in the military with up to a \$6,000 tax credit.

The bill simplifies the administrative process that currently exists for the Work Opportunity Tax Credit for hiring a recently discharged veteran. Any recently discharged veteran with discharge paperwork is eligible. This includes those men and women who were activated by their states as members of the National Guard.

Enacting this legislation is just first step. I want to ensure all veterans understand the benefits of this tax credit. That is I am working with the Iraq and Afghanistan Veterans of America, Veterans of Foreign Wars, and other Veteran Service Organizations to help veterans use this tax benefit as a tool to find good paying jobs.

The day after this bill becomes law, the VFW will notify their members on how to use the credit. The Iraq and Afghanistan Veterans of America will post a webcast to their members to explain how best to take advantage of this benefit.

The Iraq and Afghanistan Veterans of America will also publish a document online that a veteran can print and hand in with a resume when applying for a job. This document will explain to employers how they can take advantage of the credit if they hire the veteran.

Briefly, I want to thank my first Defenders of Freedom Fellow, Iraq veteran and Montana-native Charlie Cromwell. As a legislative fellow in my office, Charlie worked hard to create and advance this bill.

I created the Defenders of Freedom Fellowship so that Montana veterans could work on legislation that helps their fellow veterans. The legislation I am introducing today is the perfect example of what this fellowship was intended to accomplish.

I encourage all interested Montana veterans to contact my office for more information. It will take this kind of team work to provide the support our veterans need when they come home from war. It is an honor to introduce this legislation and I look forward to its quick passage in the weeks to come.

By Ms. SNOWE (for herself and Mrs. GILLIBRAND):

S. 3399. A bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today, during National Small Business Week, along with my colleague Senator GILLIBRAND, to introduce the Fairness in Women-Owned Small Business Contracting Act. This vital piece of legislation builds upon a bill I introduced last summer, the Small Business Contracting Programs Parity Act, S. 1489. The purpose of the bill is to remove the inequities involved in the women-owned small business contracting program.

As former Chair and now Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I have long been a champion of women entrepreneurs and have urged both past and present administrations to implement the woman-owned small business, WOSB, Federal contracting program, which was enacted into law ten years ago. On March 4, 2010, the Small Business Administration, SBA, finally proposed a workable rule to implement the women's procurement program.

The SBA's new proposed rule clarifies that individual Federal agencies do not have to certify that they have engaged in past discrimination against women in order for their contracting officials to reserve contracts for WOSBs. The proposed rule also identifies 83 eligible industries under the program as those in which women-owned small businesses are underrepresented or substantially underrepresented. These initiatives will help increase opportunities and access by women to Federal procurement.

Although it is anticipated that the SBA will publish the final version of the women's procurement program by the end of the calendar year, the program will lack critical elements that

the SBA's 8(a), historically underutilized business zones, and the service-disabled veteran-owned government contracting programs include. To remedy this, our bill will help provide tools women need to compete fairly in the federal contracting arena by allowing for receipt of non-competitive contracts, when circumstances allow. Moreover, the legislation would eliminate a restriction on the dollar amount of a contract that a WOSB can compete for, thus putting them on a level playing field with the other socioeconomic contracting programs.

Women-owned small businesses have yet to receive their fair share of the Federal marketplace. As I have stated many times, I am dismayed that our Nation has repeatedly failed to meet all but one of its statutory small business contracting goals. In fiscal year 2008, the Federal Government missed meeting its overall goal for small business contracting by almost 2 percent. But not only did the Federal Government miss its overall small business goal, depriving small businesses of over \$10 billion, it has never achieved its goal of 5 percent for WOSB, achieving only 3.4 percent in fiscal year 2008. Our bill would greatly assist Federal agencies in achieving the small business goaling requirement for WOSBs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness in Women-Owned Small Business Contracting Act of 2010".

SEC. 2. PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.

Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "who are economically disadvantaged";

(B) in subparagraph (C), by striking "paragraph (3)" and inserting "paragraph (4)";

(C) by striking subparagraph (D); and

(D) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively; and

(2) by adding at the end the following:

"(7) **SOLE SOURCE CONTRACTS.**—A contracting officer may award a sole source contract under this subsection to a small business concern owned and controlled by women under the same conditions as a sole source contract may be awarded to a qualified HUBZone small business concern under section 31(b)(2)(A)."

SEC. 3. STUDY AND REPORT ON REPRESENTATION OF WOMEN.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(o) **STUDY AND REPORT ON REPRESENTATION OF WOMEN.**—

"(1) **STUDY.**—The Administrator shall periodically conduct a study to identify any

United States industry, as defined under the North American Industry Classification System, in which women are underrepresented.

"(2) **REPORT.**—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 537—DESIGNATING MAY 2010 AS "NATIONAL BRAIN TUMOR AWARENESS MONTH"

Ms. COLLINS (for herself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 537

Whereas 62,000 Americans are diagnosed with a primary brain tumor each year and 150,000 more are diagnosed with a metastatic brain tumor that results from cancer spreading from another part of the body to the brain;

Whereas brain tumors are the leading cause of death from solid tumors in children under the age of 20 and are the third leading cause of death from cancer in young adults ages between the ages of 20 and 39;

Whereas brain tumors may be malignant or benign, but can be life-threatening in either case;

Whereas 612,000 Americans have been diagnosed and are living with a brain tumor;

Whereas the treatment of brain tumors is complicated by the fact that more than 120 different types of brain tumors exist;

Whereas the treatment of brain tumors presents significant challenges because of—

(1) the location of brain tumors in an enclosed bony canal;

(2) the difficulty of delivering treatment across the blood-brain barrier;

(3) the obstacles to complete surgical removal of the tumors; and

(4) the serious edema that results when the blood-brain barrier is disrupted;

Whereas brain tumors have been described as a disease that affects the essence of "self";

Whereas brain tumor research is supported by a number of private nonprofit research foundations and by institutes at the National Institutes of Health, including the National Cancer Institute and the National Institute for Neurological Disorders and Stroke;

Whereas important advances have been made in understanding brain tumors, including the genetic characterization of glioblastoma multiforme, 1 of the deadliest forms of brain tumor;

Whereas advances in basic research may fuel the research and development of new treatments;

Whereas daunting obstacles still remain to the development of new treatments, and no strategies for the screening or early detection of brain tumors exist;

Whereas a need for greater public awareness of brain tumors exists, including awareness of the difficulties associated with research on brain tumors and the opportuni-

ties for advances in brain tumor research and treatment; and

Whereas May, when brain tumor advocates nationwide unite in awareness, outreach, and advocacy activities, would be an appropriate month to recognize as National Brain Tumor Awareness Month; Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2010 as "National Brain Tumor Awareness Month";

(2) encourages increased awareness of brain tumors to honor those individuals who have lost their lives to brain tumors, as well as those individuals who are living with brain tumors;

(3) supports efforts to develop better treatments for brain tumors that will improve the quality of life and their long-term prognosis of those individuals diagnosed with a brain tumor;

(4) expresses the support of the Senate for those individuals who are battling brain tumors, as well as the families, friends, and caregivers of those individuals; and

(5) urges a collaborative public-private approach to brain tumor research as the best means of advancing basic knowledge of, and treatments for, brain tumors.

Ms. COLLINS. Mr. President, I rise today to submit legislation with my colleague from Pennsylvania, Senator CASEY, to designate the month of May 2010 as National Brain Tumor Awareness Month.

An estimated 612,000 Americans have been diagnosed and are living with a brain tumor. Brain tumors do not discriminate. Primary brain tumors—those that begin in the brain and tend to stay in the brain—occur in people of all ages, but are statistically more frequent in children and adults. Metastatic brain tumors—those that begin as a cancer elsewhere in the body and spread to the brain—are more common in adults than in children.

Whether malignant or benign, brain tumors can be life threatening. They are the leading cause of death from solid tumors in children under the age of 20, and are the third leading cause of death from cancer in young adults between the ages of 20 and 39.

The treatment of brain tumors is complicated by the existence of more than 120 different types of brain tumors. Treatment is further complicated by the location of these tumors and other obstacles to their treatment or complete surgical removal.

While important advances have been made in understanding brain tumors, daunting obstacles remain to the development of new treatments. Moreover, there currently are no strategies for the screening or early detection of brain tumors.

Designation of the month of May 2010 as National Brain Tumor Awareness Month will help to increase awareness of the prevalence and nature of brain tumors and will also help to encourage efforts to develop better treatments that will improve the quality of life and long-term prognosis for those individuals who are affected. It also gives us the opportunity to show support for

all those individuals who may be battling a brain tumor, as well as for their families, friends and caregivers. I urge my colleagues to join me in cosponsoring this important resolution.

SENATE RESOLUTION 538—AFFIRMING THE SUPPORT OF THE UNITED STATES FOR A STRONG AND VITAL ALLIANCE WITH THAILAND

Mr. WEBB (for himself, Mr. KERRY, Mr. BOND, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 538

Whereas Thailand became the first treaty ally of the United States in the Asia-Pacific region with the Treaty of Amity and Commerce, signed at Sia-Yut'hia (Bangkok) March 20, 1833, between the United States and Siam, during the administration of President Andrew Jackson and the reign of King Rama III;

Whereas the United States and Thailand furthered their alliance with the Southeast Asia Collective Defense Treaty, (commonly known as the "Manila Pact of 1954") signed at Manila September 8, 1954, and the United States designated Thailand as a major non-North Atlantic Treaty Organization (NATO) ally in December 2003;

Whereas, through the Treaty of Amity and Economic Relations, signed at Bangkok May 26, 1966, along with a diverse and growing trading relationship, the United States and Thailand have developed critical economic ties;

Whereas Thailand is a key partner of the United States in Southeast Asia and has supported closer relations between the United States and the Association of Southeast Asian Nations (ASEAN);

Whereas Thailand has the longest-serving monarch in the world, His Majesty King Bhumibol Adulyadej, who is loved and respected for his dedication to the people of Thailand;

Whereas Prime Minister Abhisit Vejjajiva has issued a 5-point roadmap designed to promote the peaceful resolution of the current political crisis in Thailand;

Whereas approximately 500,000 people of Thai descent live in the United States and foster strong cultural ties between the 2 countries; and

Whereas Thailand remains a steadfast friend with shared values of freedom, democracy, and liberty: Now, therefore, be it

Resolved, That the Senate—

(1) affirms the support of the people and the Government of the United States for a strong and vital alliance with Thailand;

(2) calls for the restoration of peace and stability throughout Thailand;

(3) urges all parties involved in the political crisis in Thailand to renounce the use of violence and to resolve their differences peacefully through dialogue;

(4) supports the goals of the 5-point roadmap of the Government of Thailand for national reconciliation, which seeks to

(A) uphold and protect respect for and the institution of the constitutional monarchy;

(B) resolve fundamental problems of social justice systematically and with participation by all sectors of society;

(C) ensure that the media can operate freely and constructively;

(D) establish facts about the recent violence through investigation by an independent committee; and

(E) establish mutually acceptable political rules through the solicitation of views from all sides; and

(5) promotes the timely implementation of an agreed plan for national reconciliation in Thailand so that free and fair elections can be held.

SENATE RESOLUTION 539—DESIGNATING MAY 24, 2010, AS "PRESCRIPTION DRUG DISPOSAL AWARENESS DAY"

Mr. CASEY (for himself, Mr. GRASSLEY, and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 539

Whereas in 2008, pharmacies in the United States filled 3,649,468,866 retail drug prescriptions;

Whereas in 2008, approximately 15,200,000 Americans 12 years of age and older reported having taken a prescription drug that had not been prescribed to them for recreational purposes in the previous year;

Whereas in 2006, approximately 26,400 deaths occurred in the United States from an unintentional drug overdose;

Whereas prescription drugs are involved in more overdose deaths annually than illegal drugs;

Whereas in 2007 and 2008, 55.9 percent of individuals 12 years of age and older who used pain relievers nonmedically in the past year had obtained the pain relievers from a friend or relative for free;

Whereas in 2007 and 2008, of the individuals 12 years of age and older who obtained non-medical pain relievers from a friend or relative for free—

(1) 81.7 percent indicated that the friend or relative had obtained the drugs from just 1 doctor; and

(2) 1.6 percent reported that the friend or relative had bought the drugs from a drug dealer or other stranger;

Whereas the improper disposal of prescription drugs may result in chemicals contaminating the environment and water supply; and

Whereas collection programs may reduce the supply of unused, unwanted prescription drugs in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 24, 2010, as "Prescription Drug Disposal Awareness Day";

(2) recognizes the importance of prescription drug disposal programs to reduce the supply of unused, unwanted prescription drugs in the United States; and

(3) encourages each State to establish and promote a prescription drug collection program.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4173. Mr. SESSIONS (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

SA 4174. Mr. REID proposed an amendment to the bill H.R. 4899, supra.

SA 4175. Mr. LAUTENBERG submitted an amendment intended to be proposed by him

to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4176. Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4177. Mr. DEMINT (for himself, Mr. COBURN, Mr. MCCAIN, Mr. VITTER, and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4178. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4179. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4180. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4181. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. BEGICH, and Mr. SHELBY) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4182. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4183. Mr. WYDEN (for himself, Mr. GRASSLEY, Ms. COLLINS, Mr. MERKLEY, Mr. BENNET, Mr. UDALL of Colorado, Mr. BROWN of Ohio, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4184. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4185. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4186. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4187. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4188. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4189. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4190. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4191. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4192. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4193. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4194. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R.

4899, *supra*; which was ordered to lie on the table.

SA 4195. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, *supra*; which was ordered to lie on the table.

SA 4196. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, *supra*; which was ordered to lie on the table.

SA 4197. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, *supra*; which was ordered to lie on the table.

SA 4198. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, *supra*; which was ordered to lie on the table.

SA 4199. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 4899, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4173. Mr. SESSIONS (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end of the amendment, insert the following:

SEC. ____ . DISCRETIONARY SPENDING LIMITS.

(a) **POINT OF ORDER.**—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

(b) **LIMITS.**—In this section, the term “discretionary spending limits” has the following meaning subject to adjustments in subsection (c):

(1) For fiscal year 2011—

(A) for the defense category (budget function 050), \$564,293,000,000 in budget authority; and

(B) for the nondefense category, \$540,116,000,000 in budget authority.

(2) For fiscal year 2012—

(A) for the defense category (budget function 050), \$573,612,000,000 in budget authority; and

(B) for the nondefense category, \$543,790,000,000 in budget authority.

(3) For fiscal year 2013—

(A) for the defense category (budget function 050), \$584,421,000,000 in budget authority; and

(B) for the nondefense category, \$551,711,000,000 in budget authority.

(4) With respect to fiscal years following 2013, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

(c) **ADJUSTMENTS.**—

(1) **IN GENERAL.**—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in

the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) **MATTERS DESCRIBED.**—Matters referred to in paragraph (1) are as follows:

(A) **OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.**—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

(i) with respect to fiscal year 2011, \$50,000,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, \$50,000,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, \$50,000,000,000 in new budget authority.

(B) **INTERNAL REVENUE SERVICE TAX ENFORCEMENT.**—

(i) **IN GENERAL.**—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) **AMOUNTS.**—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, \$7,171,000,000, for fiscal year 2012, \$7,243,000,000, and for fiscal year 2013, \$7,315,000,000.

(II) For fiscal year 2011, \$899,000,000, for fiscal year 2012, and \$908,000,000, for fiscal year 2013, \$917,000,000.

(C) **CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.**—

(i) **IN GENERAL.**—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) **AMOUNTS.**—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, \$276,000,000, for fiscal year 2012, \$278,000,000, and for fiscal year 2013, \$281,000,000.

(II) For fiscal year 2011, \$490,000,000; for fiscal year 2012, and \$495,000,000; for fiscal year 2013, \$500,000,000.

(iii) **ASSET VERIFICATION.**—

(i) **IN GENERAL.**—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the ex-

tent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

(II) **AMOUNTS.**—For fiscal year 2011, \$34,340,000, for fiscal year 2012, \$34,683,000, and for fiscal year 2013, \$35,030,000.

(D) **HEALTH CARE FRAUD AND ABUSE.**—

(i) **IN GENERAL.**—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

(ii) **AMOUNT.**—The amount referred to in clause (i) is for fiscal year 2011, \$314,000,000, for fiscal year 2012, \$317,000,000, and for fiscal year 2013, \$320,000,000.

(E) **UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.**—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes \$10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

(i) with respect to fiscal year 2011, \$51,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, \$51,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, \$52,000,000 in new budget authority.

(F) **LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).**—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes \$3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to \$1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed \$1,900,000,000.

(d) **EMERGENCY SPENDING.**—

(1) **AUTHORITY TO DESIGNATE.**—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

(2) **EXEMPTION OF EMERGENCY PROVISIONS.**—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of this section, sections 302 and 311 of this Act, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress).

(3) **DESIGNATIONS.**—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

(4) **DEFINITIONS.**—In this subsection, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) **POINT OF ORDER.**—

(A) **IN GENERAL.**—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) **SUPERMAJORITY WAIVER AND APPEALS.**—

(i) **WAIVER.**—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(C) **DEFINITION OF AN EMERGENCY DESIGNATION.**—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

(D) **FORM OF THE POINT OF ORDER.**—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(E) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(6) **CRITERIA.**—

(A) **IN GENERAL.**—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(7) **UNFORESEEN.**—An emergency that is part of an aggregate level of anticipated

emergencies, particularly when normally estimated in advance, is not unforeseen.

(e) **LIMITATIONS ON CHANGES TO EXEMPTIONS.**—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

(f) **POINT OF ORDER IN THE SENATE.**—

(1) **WAIVER.**—The provisions of this section shall be waived or suspended in the Senate only—

(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

(2) **APPEAL.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(3) **LIMITATIONS ON CHANGES TO THIS SUBSECTION.**—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this subsection.

SA 4174. Mr. REID proposed an amendment to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE IV—PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2009

SECTION 4001. SHORT TITLE.

This title may be cited as the “Public Safety Employer-Employee Cooperation Act of 2009”.

SEC. 4002. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies, it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. State and local public safety officers, as first responders, are a component of our Nation's National Incident Management System, developed by the Department of Homeland Security to coordinate response to and recovery from terrorism, major natural disasters, and other major emergencies. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The Federal Government needs to encourage conciliation, mediation, and vol-

untary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(4) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

(5) Many States and localities already provide public safety officers with collective bargaining rights comparable to or greater than the rights and responsibilities set forth in this title, and such State and local laws should be respected.

SEC. 4003. DEFINITIONS.

In this title:

(1) **AUTHORITY.**—The term “Authority” means the Federal Labor Relations Authority.

(2) **CONFIDENTIAL EMPLOYEE.**—The term “confidential employee” has the meaning given such term under applicable State law on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) is designated as confidential; and

(B) is an individual who routinely assists, in a confidential capacity, supervisory employees and management employees.

(3) **EMERGENCY MEDICAL SERVICES PERSONNEL.**—The term “emergency medical services personnel” means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(4) **EMPLOYER; PUBLIC SAFETY AGENCY.**—The terms “employer” and “public safety officer” mean any State, or political subdivision of a State, that employs public safety officers.

(5) **FIREFIGHTER.**—The term “firefighter” has the meaning given the term “employee engaged in fire protection activities” in section 3(y) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(y)).

(6) **LABOR ORGANIZATION.**—The term “labor organization” means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment, and related matters.

(7) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(8) **MANAGEMENT EMPLOYEE.**—The term “management employee” has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a

public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(9) **PERSON.**—The term “person” means an individual or a labor organization.

(10) **PUBLIC SAFETY OFFICER.**—The term “public safety officer”

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory, management, or confidential employee.

(11) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, and any territory or possession of the United States.

(12) **SUBSTANTIALLY PROVIDES.**—The term “substantially provides”, when used with respect to the rights and responsibilities described in section 4004(b), means compliance with each right and responsibility described in such section.

(13) **SUPERVISORY EMPLOYEE.**—The term “supervisory employee” has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work to exercising such authority.

SEC. 4004. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) **DETERMINATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) **CONSIDERATION OF ADDITIONAL OPINIONS.**—In making the determination described in paragraph (1), the Authority shall consider the opinions of affected employers and labor organizations. In the case where the Authority is notified by an affected employer and labor organization that both parties agree that the law applicable to such employer and labor organization substantially provides for the rights and responsibilities described in subsection (b), the Authority shall give such agreement weight to the maximum extent practicable in making the Authority's determination under this subsection.

(3) **LIMITED CRITERIA.**—In making the determination described in paragraph (1), the Authority shall be limited to the application of the criteria described in subsection (b) and shall not require any additional criteria.

(4) **SUBSEQUENT DETERMINATIONS.**—

(A) **IN GENERAL.**—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) **PROCEDURES FOR SUBSEQUENT DETERMINATIONS.**—Upon establishing that a mate-

rial change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(5) **JUDICIAL REVIEW.**—Any person or employer aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person or employer resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) **RIGHTS AND RESPONSIBILITIES.**—In making a determination described in subsection (a), the Authority shall consider a State's law to substantially provide the required rights and responsibilities unless such law fails to provide rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management employees, supervisory employees, and confidential employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Providing for the right to bargain over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement of all rights, responsibilities, and protections provided by State law and enumerated in this section, and of any written contract or memorandum of understanding between a labor organization and a public safety employer, through—

(A) a State administrative agency, if the State so chooses; and

(B) at the election of an aggrieved party, the State courts.

(c) **COMPLIANCE WITH REQUIREMENTS.**—If the Authority determines, acting pursuant to its authority under subsection (a), that a State substantially provides rights and responsibilities described in subsection (b), then this title shall not preempt State law.

(d) **FAILURE TO MEET REQUIREMENTS.**—

(1) **IN GENERAL.**—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), then such State shall be subject to the regulations and procedures described in section 4005 beginning on the later of—

(A) the date that is 2 years after the date of enactment of this Act;

(B) the date that is the last day of the first regular session of the legislature of the State that begins after the date of the enactment of this Act; or

(C) in the case of a State receiving a subsequent determination under subsection (a)(4), the date that is the last day of the first regular session of the legislature of the State

that begins after the date the Authority made the determination.

(2) **PARTIAL FAILURE.**—If the Authority makes a determination that a State does not substantially provide for the rights and responsibilities described in subsection (b) solely because the State law substantially provides for such rights and responsibilities for certain categories of public safety officers covered by the title but not others, the Authority shall identify those categories of public safety officers that shall be subject to the regulations and procedures described in section 4005, pursuant to section 4008(b)(3) and beginning on the appropriate date described in paragraph (1), and those categories of public safety officers that shall remain subject to State law.

SEC. 4005. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4004(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section 4004(a), do not substantially provide for such rights and responsibilities.

(b) **ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.**—The Authority, to the extent provided in this title and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this title, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) **ENFORCEMENT.**—

(1) **AUTHORITY TO PETITION COURT.**—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) **PRIVATE RIGHT OF ACTION.**—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in any appropriate district court of the United States to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order

issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 4006. STRIKES AND LOCKOUTS PROHIBITED.

(a) IN GENERAL.—Subject to subsection (b), an employer, public safety officer, or labor organization may not engage in a lockout, sickout, work slowdown, strike, or any other organized job action that will measurably disrupt the delivery of emergency services and is designed to compel an employer, public safety officer, or labor organization to agree to the terms of a proposed contract.

(b) NO PREEMPTION.—Nothing in this section shall be construed to preempt any law of any State or political subdivision of any State with respect to strikes by public safety officers.

SEC. 4007. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) and is in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 4008. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this title shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State that provides greater or comparable rights and responsibilities than the rights and responsibilities described in section 4004(b);

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4004(b) solely because such State law permits an employee to appear on the employee's own behalf with respect to the employee's employment relations with the public safety agency involved;

(4) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4004(b) solely because such State law excludes from its coverage employees of a State militia or national guard;

(5) to permit parties in States subject to the regulations and procedures described in section 4005 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(6) to prohibit a State from exempting from coverage under this Act a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees; or

(7) to preempt or limit the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4004(b) solely because such law or ordinance does not require bargaining with respect to pension, retirement, or health benefits.

For purposes of paragraph (6), the term "employee" includes each and every individual

employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—

(1) ACTIONS OF STATES.—Nothing in this title or the regulations promulgated under this title shall be construed to require a State to rescind or preempt the laws or ordinances of any of the State's political subdivisions if such laws provide rights and responsibilities for public safety officers that are comparable to or greater than the rights and responsibilities described in section 4004(b).

(2) ACTIONS OF THE AUTHORITY.—Nothing in this title or the regulations promulgated under this title shall be construed to preempt—

(A) the laws or ordinances of any State or political subdivision of a State, if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights enumerated in section 4004(b);

(B) the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4004(b) with respect to certain categories of public safety officers covered by this title solely because such rights and responsibilities have not been extended to other categories of public safety officers covered by this title; or

(C) the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4004(b), solely because such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

(3) LIMITED ENFORCEMENT POWER.—In the case of a law described in paragraph (2)(B), the Authority shall only exercise the powers provided in section 4005 with respect to those categories of public safety officers who have not been afforded the rights and responsibilities described in section 4004(b).

(4) EXCLUSIVE ENFORCEMENT PROVISION.—Notwithstanding any other provision of this title, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this title with respect to employees of a State.

SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SA 4175. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

(b) REIMBURSEMENT.—

(1) DEFINITION OF RESPONSIBLE PARTY.—In this subsection, the term "responsible party" means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(2) LIABILITY AND REIMBURSEMENT.—Notwithstanding any limitation on liability

under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party—

(A) is liable for any costs incurred by the United States under this Act relating to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico; and

(B) shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the costs incurred under this Act relating to the discharge of oil described in subparagraph (A), as well as the costs incurred by the United States in administering responsibilities under this Act and other applicable Federal law relating to that discharge of oil.

(3) FAILURE TO PAY.—If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this Act, the Secretary of the Treasury shall request the Attorney General to bring a civil action against the responsible party (or a guarantor of the responsible party) in an appropriate United States district court to recover the amount of the demand, plus all costs incurred in obtaining payment, including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs.

SA 4176. Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 309. (a) LIMITATIONS ON TRANSFER OF C-130H AIRCRAFT FROM NATIONAL GUARD TO REGULAR AIR FORCE.—No funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended to transfer a C-130H aircraft from the National Guard to the regular Air Force unless each of the following is met:

(1) The aircraft shall be returned to the transferring unit at a date, not later than 18 months after the date of transfer, specified by the Secretary of the Air Force at the time of transfer.

(2) Not later than 180 days before the date of transfer, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the members of Congress of the State concerned, and the Chief Executive Officer and adjutant general of the National Guard of the State concerned the following:

(A) A written justification of the transfer.

(B) A description of the alternatives to transfer considered by the Air Force and, for each alternative considered, a justification for the decision not to utilize such alternative.

(3) If a C-130H aircraft has previously been transferred from any National Guard unit in the same State as the unit proposed to provide the C-130H aircraft for transfer, the transfer may not occur until the earlier of—

(A) the date following such previous transfer on which each other State with National Guard units with C-130H aircraft has transferred a C-130H aircraft to the regular Air Force; or

(B) the date that is 18 months after the date of such previous transfer.

(b) RETURN OF AIRCRAFT.—Any C-130H aircraft transferred from the National Guard to

the regular Air Force under subsection (a) shall be returned to the National Guard of the State concerned upon a written request by the Chief Executive Officer of such State for the return of such aircraft to assist the National Guard of such State in responding to a disaster or other emergency.

SA 4177. Mr. DEMINT (for himself, Mr. COBURN, Mr. MCCAIN, Mr. VITTER, and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . BORDER FENCE COMPLETION.

(a) **MINIMUM REQUIREMENTS.**—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: “Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) not later than 1 year after the date of the enactment of the Supplemental Appropriations Act, 2010, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).”;

(3) in subparagraph (C), by adding at the end the following:

“(iii) **FUNDING NOT CONTINGENT ON CONSULTATION.**—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).”.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of the Supplemental Appropriations Act, 2010, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by this section; and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

SA 4178. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

RIGHT-OF-WAY

SEC. ____ . (a) Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) not later than 30 days after the date of enactment of this Act, amend Right-of-Way

Grants No. NVN-49781/IDI-26446/NVN-85211/ NVN-85210 of the Bureau of Land Management to shift the 200-foot right-of-way for the 500-kilovolt transmission line project to the alignment depicted on the maps entitled “Southwest Intertie Project” and dated December 10, 2009, and May 21, 2010, and approve the construction, operation and maintenance plans of the project; and

(2) not later than 90 days after the date of enactment of this Act, issue a notice to proceed with construction of the project in accordance with the amended grants and approved plans described in paragraph (1).

(b) Notwithstanding any other provision of law, the Secretary of Energy may provide or facilitate federal financing for the project described in subsection (a) under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) or the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), based on the comprehensive reviews and consultations performed by the Secretary of the Interior.

SA 4179. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, between lines 12 and 13, insert the following:

CHAPTER 12

INDEPENDENT AGENCIES

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

From unobligated balances in the appropriations account appropriated under this heading, up to \$100,000,000 shall be available to the Administrator of the Small Business Administration to waive the payment, for a period of not more than 3 years, of not more than \$15,000 in interest on loans made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)): *Provided*, That funds made available under this heading may be used for any business located in an area affected by a hurricane occurring during 2005 or 2008 for which the President declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170): *Provided further*, That the Administrator shall, to the extent practicable, give priority to an application for a waiver of interest under the program established under this heading by a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) with not more than 50 employees or that the Administrator determines suffered a substantial economic injury as a result of the Deepwater Horizon oil spill of 2010: *Provided further*, That the Administrator may not approve an application under the program established under this heading after December 31, 2010: *Provided further*, That if a disaster is declared under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) during the period beginning on the date of enactment of this Act and ending on December 31, 2010, and to the extent there are inadequate funds in the appropriations account under this heading to provide assistance relating to the disaster under section 7(b) of the Small Business Act and waive the payment of interest under the program established under this heading, the Administrator shall give priority in using the funds to applications

under section 7(b) of the Small Business Act relating to the disaster: *Provided further*, That the amount made available under this heading is designated as an emergency for purposes of pay-as-you-go principles and, in the Senate, is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That the amount made available under this heading is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SA 4180. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

SEC. 2002. DISASTER LOANS.

For any loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) made as a result of the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, the Administrator of the Small Business Administration shall defer payments of principal and interest for not longer than 1 year after the date of disbursement of the loan. For a loan described in this section, the Administrator shall accept as collateral, where practicable, the interest of the applicant in a claim against British Petroleum relating to the discharge of oil.

SA 4181. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. BEGICH, and Mr. SHELBY) submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 30 ____ . COASTAL IMPACT ASSISTANCE.

Section 31(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(c)) is amended by adding at the end the following:

“(5) **APPLICATION REQUIREMENTS; AVAILABILITY OF FUNDING.**—On approval of a plan by the Secretary under this section, the producing State shall—

“(A) not be subject to any additional application or other requirements (other than notifying the Secretary of which projects are being carried out under the plan) to receive the payments; and

“(B) be immediately eligible to receive payments under this section.

“(6) **STATE REQUIREMENTS.**—

“(A) **IN GENERAL.**—In carrying out a plan approved by the Secretary under this subsection, the producing State shall comply with—

“(i) this section; and

“(ii) any other applicable Federal laws.

“(B) **SUBMISSION OF ADDITIONAL INFORMATION.**—

“(i) **IN GENERAL.**—Not later than 180 days after the date on which the producing State

receives payments for an approved plan, the producing State shall submit to the Secretary any additional information or amendments to the approved plan that the Secretary determines to be necessary to ensure compliance with subsection (d).

“(ii) FAILURE TO SUBMIT.—If a producing State or coastal political subdivision does not submit the additional information or any amendments to the plan required under clause (i) by the deadline specified in that clause, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivision until the date on which the additional information or amendments to the plan have been approved by the Secretary.”

SA 4182. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, between lines 6 and 7, insert the following:

SEC. 4. LOUISIANA COASTAL AREA.

Of the amounts appropriated or otherwise made available under this chapter, the Secretary of the Army shall use \$19,000,000 for the construction of authorized restoration projects under the Louisiana coastal area ecosystem restoration program authorized under title VII of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1270).’’

SA 4183. Mr. WYDEN (for himself, Mr. GRASSLEY, Ms. COLLINS, Mr. MERKLEY, Mr. BENNET, Mr. UDALL of Colorado, Mr. BROWN of Ohio, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. . ELIMINATING SECRET SENATE HOLDS.

(a) IN GENERAL.—

(1) COVERED REQUEST.—This standing order shall apply to a notice of intent to object to the following covered requests:

(A) A unanimous consent request to proceed to a bill, resolution, joint resolution, concurrent resolution, conference report, or amendment between the Houses.

(B) A unanimous consent request to pass a bill or joint resolution or adopt a resolution, concurrent resolution, conference report, or the disposition of an amendment between the Houses.

(C) A unanimous consent request for disposition of a nomination.

(2) RECOGNITION OF NOTICE OF INTENT.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent to object to a covered request of a Senator who is a member of their caucus if the Senator—

(A) submits the notice of intent to object in writing to the appropriate leader and grants in the notice of intent to object permission for the leader or designee to object in the Senator's name; and

(B) not later than 2 session days after submitting the notice of intent to object to the appropriate leader, submits a copy of the notice of intent to object to the Congressional Record and to the Legislative Clerk for inclusion in the applicable calendar section described in subsection (b).

(3) FORM OF NOTICE.—To be recognized by the appropriate leader a Senator shall submit the following notice of intent to object:

“I, Senator _____, intend to object to _____, dated _____. I will submit a copy of this notice to the Legislative Clerk and the Congressional Record within 2 session days and I give my permission to the objecting Senator to object in my name.” The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date that the notice of intent to object is submitted.

(b) CALENDAR.—Upon receiving the submission under subsection (a)(2)(B), the Legislative Clerk shall add the information from the notice of intent to object to the applicable Calendar section entitled “Notices of Intent to Object to Proceeding” created by Public Law 110-81. Each section shall include the name of each Senator filing a notice under subsection (a)(2)(B), the measure or matter covered by the calendar to which the notice of intent to object relates, and the date the notice of intent to object was filed.

(c) REMOVAL.—A Senator may have a notice of intent to object relating to that Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

“I, Senator _____, do not object to _____, dated _____. The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date of the submission to the Congressional Record under this subsection.

(d) OBJECTING ON BEHALF OF A MEMBER.—If a Senator who has notified his or her leader of an intent to object to a covered request fails to submit a notice of intent to object under subsection (a)(2)(B) within 2 session days following an objection to a covered request by the leader or his or her designee on that Senator's behalf, the Legislative Clerk shall list the Senator who made the objection to the covered request in the applicable “Notice of Intent to Object to Proceeding” calendar section.

SA 4184. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, between lines 6 and 7, insert the following:

SEC. 4. (a) The Secretary of the Army shall use funds made available under the heading “OPERATION AND MAINTENANCE” of this chapter to maximize the placement of dredged material available from maintenance dredging of existing navigation channels to mitigate the impacts of the Deep-

water Horizon Oil spill in the Gulf of Mexico at full Federal expense.

(b) The Secretary of the Army shall coordinate the placement of dredged material with appropriate Federal and Gulf Coast State agencies.

(c) The placement of dredged material pursuant to this section shall be executed under emergency permitting authorities and shall not be subject to a least-cost-disposal analysis or to the development of a Chief of Engineers report.

SA 4185. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, line 21, strike “\$15,000,000” and insert “\$99,700,000”.

On page 72, line 19, strike “\$100,000,000” and insert “\$184,700,000”.

SA 4186. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 9 through 22 and insert the following:

The Science Appropriations Act, 2010 (title III of division B of Public Law 111-117; 123 Stat. 3142) is amended by striking the heading and matter relating to “EXPLORATION”.

SA 4187. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 3008. (a)(1) Section 402(g)(6)(A) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(6)(A)) is amended by inserting “and section 411(h)(1)” after “paragraphs (1) and (5)”.

(2) Section 409(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1239(b)) is amended by inserting “and section 411(h)(1)” after “section 402(g)”.

(b) Section 411(h)(1)(D)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)(1)(D)(ii)) is amended by striking “section 403” and inserting “section 402(g)(6), 403, or 409”.

SA 4188. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

SEC. 2002. Section 11(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(c)) is amended—

(1) in the fourth sentence of paragraph (1), by striking “within thirty days of its submission” and inserting “by the deadline described in paragraph (5)”; and

(2) by adding at the end the following:

“(5) DEADLINE FOR APPROVAL.—

“(A) IN GENERAL.—The deadline for approval of an exploration plan referred to in the fourth sentence of paragraph (1) is—

“(i) the date that is 90 days after the date on which the plan or the modifications to the plan are submitted; or

“(ii) if the Secretary determines that additional time is necessary to complete any environmental, safety, or other reviews, an alternative date specified by the Secretary that provides such additional time as the Secretary determines is necessary to complete the reviews, subject to subparagraph (B).

“(B) EXISTING LEASES.—In the case of a lease issued under a sale held on or before March 17, 2010, the Secretary shall not extend the deadline under subparagraph (A)(ii) without the consent of the holder of the lease.”.

SA 4189. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, after line 19, add the following:

ECONOMIC SUPPORT FUND

SEC. 1019. (a) Congress finds that—

(1) even before the January 12, 2010 earthquake in Haiti, the people of Haiti faced many challenges, which were exacerbated by the devastating effects of the earthquake;

(2) one of the most underserved sectors in Haiti is children, of whom—

(A) more than ½ were not in school before the earthquake; and

(B) 76 percent of primary school students and 82 percent of secondary school students who were attending school before the earthquake attended nonpublic schools;

(3) there are fewer educational opportunities in the rural areas in Haiti, where only 23 percent were enrolled in schools before the earthquake;

(4) publicly funded schools can serve as the cornerstones for communities by providing—

(A) wrap-around services for children and adults; and

(B) much needed family support services, including health clinics, literacy, vocational training, and nutritional support; and

(5) schools can provide an important opportunity to register children and to provide them with life-saving immunizations.

(b) It is the sense of Congress that the Secretary of State should utilize a portion of the amounts appropriated for the Economic Support Fund under this chapter that is allocated for infrastructure, health services, or agriculture or food security in Haiti, to support a publicly funded education system in Haiti, in coordination with the Government of Haiti and other donors.

SA 4190. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for

disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 30 _____. None of the funds made available by this Act shall be used by the Secretary of the Interior to review or approve plans or permits for the exploration, development, or production of oil and natural gas in the outer Continental Shelf until such time as—

(1) the Secretary of the Interior and the Council on Environmental Quality have completed a joint review of applicable procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) any policy or procedural changes recommended by the Secretary of the Interior and the Council on Environmental Quality based on the joint review under paragraph (1) have been fully implemented; and

(3) the Secretary of the Interior has submitted a report that describes the changes implemented under paragraph (2) to—

(A) the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

SA 4191. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 30 _____. None of the funds made available by this Act shall be used by the Secretary of the Interior for the conduct of offshore preleasing, leasing, and related activities in the North Atlantic, Mid-Atlantic, South Atlantic, and Straits of Florida Planning Areas of the outer Continental Shelf described in the memorandum entitled “Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition”, 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998.

SA 4192. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 4 of the amendment, between lines 7 and 8, insert the following:

(6) Police, firefighters, and other first responders are responsible for the protection of life and property and the maintenance of civil order, all of which may be threatened in a labor dispute. Public safety officers covered by this title should not be subject to any conflict of interest, and the public should be confident that such officers’ duties will not be subject to any such conflict.

SEC. 4002A. PUBLIC SAFETY PROTECTIONS.

(a) IN GENERAL.—A State law described in section 4004(a) shall provide that no labor organization may serve as bargaining representative for any public safety officers if the labor organization admits to member-

ship, or is affiliated directly or indirectly with an organization that admits to membership, any employee other than a public safety officer.

(b) INTERACTION WITH OTHER LAWS.—Notwithstanding the Act entitled “An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes”, approved March 23, 1932 (commonly known as the “Norris-LaGuardia Act”), or any other provision of law, no Federal law that restricts the issuance of injunctions or restraining orders in labor disputes shall apply to labor disputes involving public safety officers covered under this title.

(c) APPLICATION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all States.

SA 4193. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 11 of the amendment, between lines 6 and 7, insert the following:

(6) Providing employers with the right to require random drug testing of its employees.

SA 4194. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 4 of the amendment, between lines 7 and 8, insert the following:

(6) Because of the critical role of public safety officers in law enforcement, and the high public regard for such employees, such employees should only be represented by organizations that demonstrate a similar regard for the law and inspire the same level of public trust and confidence.

SEC. 4002A. PUBLIC SAFETY PROTECTIONS.

(a) IN GENERAL.—A State law described in section 4004(a) shall—

(1) provide that no labor organization may serve, or continue to serve, as the representative of any unit of public safety officers if—

(A) any of the labor organization’s officers or agents are convicted of—

(i) a felony; or

(ii) a misdemeanor related to the organization’s representational responsibilities; or

(B) the organization, or the organization’s officers, agents, or employees, encourage, participate, or fail to take all steps necessary to prevent any unlawful work stoppage or disruption by any public safety officers represented by such labor organization; and

(2)(A) provide any political subdivision or individual with the right to bring a civil action in Federal court against any public safety officer that engages in a strike, slowdown, or other employment action that is unlawful under Federal or State law or contrary to the provisions of a collective bargaining agreement or a contract or memorandum of

understanding described in section 4004(b)(2); and

(B) provide that, in any civil action described in subparagraph (A), a public safety employer may receive damages relating to the strike, slowdown, or other employment action described in subparagraph (A), and that joint and several liability shall apply.

(b) **INTERACTION WITH OTHER LAWS.**—Notwithstanding the Act entitled “An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes”, approved March 23, 1932 (commonly known as the “Norris-LaGuardia Act”), or any other provision of law, no Federal law that restricts the issuance of injunctions or restraining orders in labor disputes shall apply to labor disputes involving public safety officers covered under this title.

(c) **APPLICATION.**—Notwithstanding any other provision of law, the provisions of this section shall apply to all States.

SA 4195. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 4 of the amendment, between lines 7 and 8, insert the following:

(6) Public safety officers frequently endanger their own lives to protect the rights of individuals in their communities. In return, each officer deserves the optimal protection of his or her own rights under the law

(7) The health and safety of the Nation and the best interests of public security are furthered when employees are assured that their collective bargaining representatives have been selected in a free, fair and democratic manner.

(8) An employee whose wages are subject to compulsory assessment for any purpose not supported or authorized by such employee is susceptible to job dissatisfaction. Job dissatisfaction negatively affects job performance, and, in the case of public safety officers, the welfare of the general public.

SEC. 4002A. PUBLIC SAFETY OFFICER BILL OF RIGHTS.

(a) **IN GENERAL.**—A State law described in section 4004(a) shall—

(1) provide for the selection of an exclusive bargaining representative by public safety officer employees only through the use of a democratic, government-supervised, secret ballot election upon the request of the employer or any affected employee;

(2) ensure that public safety employers recognize the employees' labor organization, freely chosen by a majority of the employees pursuant to a law that provides the democratic safeguards set forth in paragraph (1), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding; and

(3) provide that—

(A) no public safety officer shall, as a condition of employment, be required to pay any amount in dues or fees to any labor organization for any purpose other than the direct and demonstrable costs associated with collective bargaining; and

(B) a labor organization shall not collect from any public safety officer any additional amount without full disclosure of the in-

tended and actual use of such funds, and without the public safety officer's written consent.

(b) **APPLICABILITY OF DISCLOSURE REQUIREMENTS.**—Notwithstanding any other provision of law, any labor organization that represents or seeks to represent public safety officers under State law or this title, or in accordance with regulations promulgated by the Federal Labor Relations Authority, shall be subject to the requirements of title II of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 432 et seq.) as if such public safety labor organization was a labor organization defined in section 3(i) of such Act (29 U.S.C. 402(i)).

(c) **APPLICATION.**—Notwithstanding any other provision of law, the provisions of this section shall apply to all States.

SA 4196. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 15 of the amendment, strike lines 11 through 22, and insert the following:

SEC. 4006. STRIKES AND LOCKOUTS PROHIBITED.

Notwithstanding any rights or responsibilities provided under State law or pursuant to any regulations issued under section 4005, a labor organization may not call, encourage, condone, or fail to take all actions necessary to prevent or end, and a public safety employee may not engage in or otherwise support, any strike (including sympathy strikes), work slowdown, sick out, or any other job action or concerted, full or partial refusal to work against any public sector employer. A public safety employer may not engage in a lockout of public safety officers.

SA 4197. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 18 of the amendment, between lines 7 and 8, insert the following and redesignate accordingly:

(1) **HARMONIZING WITH FEDERAL LAW.**—

(A) **EXEMPTION.**—Notwithstanding any other provision of this title, a governor or the legislative body of a State, or a mayor or other chief executive officer or authority or the legislative body of a political subdivision, may exempt from the requirements established under this title or otherwise any group of public safety officers whose job function is similar to the job function performed by any group of Federal employees that is excluded from collective bargaining under Federal law or an Executive order.

(B) **TREATMENT OF CERTAIN EMPLOYEES.**—Notwithstanding any provision of State law, supervisory, managerial, and confidential employees employed by public safety employers shall be treated in the same manner for purposes of collective-bargaining as individuals employed in the same capacity by any employer covered under the provisions

of the National Labor Relations Act (29 U.S.C. 151 et seq.).

(C) **RULE OF CONSTRUCTION.**—Notwithstanding any provision of this title, nothing in this title shall be construed to require mandatory bargaining except to the extent, and with regard to the subjects, that mandatory bargaining is required between the Federal Government and any of its public safety employees.

SA 4198. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 4010. NONAPPLICATION OF PROVISIONS.

Notwithstanding any State law or regulation issued under section 4005, the rights and responsibilities set forth in section 4004(b) shall not apply to any political subdivision of any State having a population of less than 100,000, or that employs fewer than 150 uniformed public safety officers.

SA 4199. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 21, insert the following:

OFFICE OF REFUGEE RESETTLEMENT

REFUGEE SCHOOL IMPACT GRANT PROGRAM

For an additional amount for the Office of Refugee Resettlement, \$2,000,000, which shall be used for the Refugee School Impact Grant Program to help schools accommodate and provide services for Haitian refugee students following the earthquake in Port-au-Prince on January 12, 2010.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Subcommittee on Public Lands and Forests. The hearing will be held on Friday, June 4, 2010, at 1 p.m. in the Barnes Room of the Deschutes Public Services Center Building, 1300 NW Wall Street, Bend, Oregon.

The purpose of the hearing is to receive testimony on S. 2895, to restore forest landscapes, protect old growth forests, and manage national forests in the eastside forests of the State of Oregon, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony

for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to testimony@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224-5488 or Allison Seyferth at (202) 224-4905.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 26, 2010, at 10 a.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing on the President's Nomination of Tracie L. Stevens to serve as Chairman of the National Indian Gaming Commission.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

PRIVILEGES OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent that Jennifer Mitchell, a military fellow assigned to the Appropriations Committee, be allowed floor privileges for the period of time the war supplemental bill is on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I ask unanimous consent that Robin McLaughry, a detailee on Senator CONRAD's Budget Committee staff, be granted the privilege of the floor during the floor consideration of H.R. 4899.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELEWORK ENHANCEMENT ACT OF 2010

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 362, S. 707.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 707) to enhance the Federal Telework Program.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telework Enhancement Act of [2009] 2010".

SEC. 2. DEFINITIONS.

In this Act:

(1) **EMPLOYEE.**—The term "employee" has the meaning given that term under section 2105 of title 5, United States Code.

(2) **EXECUTIVE AGENCY.**—Except as provided in section 7, the term "executive agency" has the meaning given that term under section 105 of title 5, United States Code.

(3) **TELEWORK.**—The term "telework" means a work arrangement in which an employee performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee.

SEC. 3. EXECUTIVE AGENCIES TELEWORK REQUIREMENT.

(a) **TELEWORK ELIGIBILITY.**—Not later than 180 days after the date of enactment of this Act, the head of each executive agency shall—

(1) establish a policy under which eligible employees of the agency may be authorized to telework;

(2) determine the eligibility for all employees of the agency to participate in telework; and

(3) notify all employees of the agency of their eligibility to telework.

(b) **PARTICIPATION.**—The policy described under subsection (a) shall—

(1) ensure that telework does not diminish employee performance or agency operations;

(2) require a written agreement that—

(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

(B) is mandatory in order for any employee to participate in telework;

(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

(A) direct handling of secure materials; or

(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

SEC. 4. TRAINING AND MONITORING.

(a) **IN GENERAL.**—The head of each executive agency shall ensure that—

(1) an interactive telework training program is provided to—

(A) employees eligible to participate in the telework program of the agency; and

(B) all managers of teleworkers;

(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 3(b)(2);

(3) [no distinction is made between] teleworkers and nonteleworkers are treated the same for purposes of—

(A) periodic appraisals of job performance of employees;

(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

(C) work requirements; or

(D) other acts involving managerial discretion; and

(4) when determining what constitutes diminished employee performance, the agency shall consult the [established] performance management guidelines of the Office of Personnel Management.

(b) **TRAINING REQUIREMENT EXEMPTIONS.**—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of

that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this Act.

SEC. 5. POLICY AND SUPPORT.

(a) **AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.**—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

(b) **GUIDANCE AND CONSULTATION.**—The Office of Personnel Management shall—

(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

(3) consult with—

(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies; and

(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care.

(c) **CONTINUITY OF OPERATIONS PLANS.**—

(1) **INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.**—Each executive agency shall incorporate telework into the continuity of operations plan of that agency.

(2) **CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.**—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

(d) **TELEWORK WEBSITE.**—The Office of Personnel Management shall—

(1) maintain a central telework website; and

(2) include on that website related—

(A) telework links;

(B) announcements;

(C) guidance developed by the Office of Personnel Management; and

(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

SEC. 6. TELEWORK MANAGING OFFICER.

(a) **IN GENERAL.**—

(1) **DESIGNATION.**—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

(2) **TELEWORK COORDINATORS.**—

(A) **APPROPRIATIONS ACT, 2003.**—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 103) is amended by striking "designate a 'Telework Coordinator' to be" and inserting "designate a Telework Managing Officer to be".

[(A)](B) **APPROPRIATIONS ACT, 2004.**—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 99) is amended by striking "designate a 'Telework Coordinator' to be" and inserting "designate a Telework Managing Officer to be".

[(B)](C) **APPROPRIATIONS ACT, 2005.**—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public

Law 108-447; 118 Stat. 2919) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a Telework Managing Officer to be”.

(D) *APPROPRIATIONS ACT, 2006.—Section 617 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2340) is amended by striking “maintain a ‘Telework Coordinator’ to be” and inserting “maintain a Telework Managing Officer to be”.*

(b) **DUTIES.**—The Telework Managing Officer shall—

(1) be devoted to policy development and implementation related to agency telework programs;

(2) serve as—

(A) an advisor for agency leadership, including the Chief Human Capital Officer;

(B) a resource for managers and employees; and

(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

(3) perform other duties as the applicable delegating authority may assign.

SEC. 7. REPORTS.

(a) **DEFINITION.**—In this section, the term “executive agency” shall not include the Government Accountability Office.

(b) **REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.**—

(1) **SUBMISSION OF REPORTS.**—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

(A) submit a report addressing the telework programs of each executive agency to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

(2) **CONTENTS.**—Each report submitted under this subsection shall include—

(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report (and for each executive agency whose head is referred to under section 5312 of title 5, United States Code, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

(i) the total number of employees in the agency;

(ii) the number and percent of employees in the agency who are eligible to telework; and

(iii) the number and percent of eligible employees in the agency who are teleworking—

(I) 3 or more days per pay period;

(II) 1 or 2 days per pay period;

(III) once per month; and

(IV) on an occasional, episodic, or short-term basis;

(B) the method for gathering telework data in each agency;

(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

(E) an explanation of whether or not the agency met the goals for the last reporting

period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

(i) emergency readiness;

(ii) energy use;

(iii) recruitment and retention;

(iv) performance;

(v) productivity; and

(vi) employee attitudes and opinions regarding telework; and

(G) the best practices in agency telework programs.

(c) **COMPTROLLER GENERAL REPORTS.**—

(1) **REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.**—

(A) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) **CONTENTS.**—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

(2) **REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.**—Not later than 6 months after the submission of the first report to Congress required under subsection (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 5(b)(2).

(d) **CHIEF HUMAN CAPITAL OFFICER REPORTS.**—

(1) **IN GENERAL.**—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

(2) **REVIEW AND INCLUSION OF RELEVANT INFORMATION.**—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

(A) review the reports submitted under paragraph (1);

(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

(C) use that relevant information for other purposes related to the strategic management of human capital.

SEC. 8. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) **IN GENERAL.**—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

“§5711. Authority for telework travel expenses test programs

“(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or re-

quired under this subchapter for employees participating in a telework program. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

“(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

“(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

“(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

“(c)(1) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

“(2) The results in a report described under paragraph (1) may include—

“(A) the number of visits an employee makes to the pre-existing duty station of that employee;

“(B) the travel expenses paid by the agency;

“(C) the travel expenses paid by the employee; or

“(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

“(d) No more than 10 test programs under this section may be conducted simultaneously.

“(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of [2009] 2010.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

“5711. Authority for telework travel expenses test programs.”.

SEC. 9. PATENT AND TRADEMARK OFFICE TRAVEL EXPENSES TEST PROGRAM.

(a) **IN GENERAL.**—Section 5710 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking “for a period not to exceed 24 months”; and

(2) by striking subsection (e) and inserting the following:

“(e)(1) The Patent and Trademark Office shall conduct a test program under this section.

“(2) In conducting the program under this subsection, the Patent and Trademark Office may pay any travel expenses of an employee for travel to and from a Patent and Trademark Office worksite, if—

“(A) the employee is employed at a Patent and Trademark Office worksite and enters into an approved telework arrangement;

“(B) the employee requests to telework from a location beyond the local commuting area of the Patent and Trademark Office worksite; and

“(C) the Patent and Trademark Office approves the requested arrangement for reasons of employee convenience instead of an agency need for the employee to relocate in order to perform duties specific to the new location.

“(3)(A) The Patent and Trademark Office shall establish an oversight committee comprising an equal number of members representing management and labor, including representatives from each collective bargaining unit.

“(B) The oversight committee shall develop the operating procedures for the program under this subsection to—

“(i) provide for the effective and appropriate functioning of the program; and

“(ii) ensure that—

“(I) reasonable technological or other alternatives to employee travel are used before requiring employee travel, including teleconferencing, videoconferencing or internet-based technologies;

“(II) the program is applied consistently and equitably throughout the Patent and Trademark Office; and

“(III) an optimal operating standard is developed and implemented for maximizing the use of the telework arrangement described under paragraph (2) while minimizing agency travel expenses and employee travel requirements.

“(4)(A) The test program under this subsection shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(B) The Director of the Patent and Trademark Office shall—

“(i) prepare an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program; and

“(ii) before the test program is implemented, submit the analysis and criteria to the Administrator of General Services and to the appropriate committees of Congress.

“(C) With respect to an employee of the Patent and Trademark Office who voluntarily relocates from the pre-existing duty station of that employee, the operating procedures of the program may include a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by the Office.

“(D)(i) Not later than 3 months after completion of the test program under this subsection, the Director of the Patent and Trademark Office shall provide a report on the results of the program to the Administrator of General Services and to the appropriate committees of Congress.

“(ii) The results in the report described under paragraph (1) may include—

“(I) the number of visits an employee makes to the pre-existing duty station of that employee;

“(II) the travel expenses paid by the Office;

“(III) the travel expenses paid by the employee; or

“(IV) any other information that the Director determines may be useful to aid the Administrator and Congress in understanding the test program and the impact of the program.

“(E) In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committees on Homeland Security and Governmental Affairs and on the Judiciary of the Senate; and

“(ii) the Committees on Government Oversight and Reform and on the Judiciary of the House of Representatives.

“(f)(1) Except as provided under paragraph (2), the authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Travel and Transportation Reform Act of 1998.

“(2) The authority to conduct a test program by the Patent and Trademark Office under this

section shall expire 20 years after the date of the enactment of the Travel and Transportation Reform Act of 1998.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as though enacted as part of the Travel and Transportation Reform Act of 1998 (Public Law 105-264; 112 Stat. 2350).

Mr. DURBIN. Madam President, I ask unanimous consent that the committee-reported amendments be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The bill (S. 707), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Telework Enhancement Act of 2010”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **EMPLOYEE.**—The term “employee” has the meaning given that term under section 2105 of title 5, United States Code.

(2) **EXECUTIVE AGENCY.**—Except as provided in section 7, the term “executive agency” has the meaning given that term under section 105 of title 5, United States Code.

(3) **TELEWORK.**—The term “telework” means a work arrangement in which an employee performs officially assigned duties at home or other work sites geographically convenient to the residence of the employee.

SEC. 3. EXECUTIVE AGENCIES TELEWORK REQUIREMENT.

(a) **TELEWORK ELIGIBILITY.**—Not later than 180 days after the date of enactment of this Act, the head of each executive agency shall—

(1) establish a policy under which eligible employees of the agency may be authorized to telework;

(2) determine the eligibility for all employees of the agency to participate in telework; and

(3) notify all employees of the agency of their eligibility to telework.

(b) **PARTICIPATION.**—The policy described under subsection (a) shall—

(1) ensure that telework does not diminish employee performance or agency operations;

(2) require a written agreement that—

(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

(B) is mandatory in order for any employee to participate in telework;

(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

(A) direct handling of secure materials; or

(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

SEC. 4. TRAINING AND MONITORING.

(a) **IN GENERAL.**—The head of each executive agency shall ensure that—

(1) an interactive telework training program is provided to—

(A) employees eligible to participate in the telework program of the agency; and

(B) all managers of teleworkers;

(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 3(b)(2);

(3) teleworkers and nonteleworkers are treated the same for purposes of—

(A) periodic appraisals of job performance of employees;

(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

(C) work requirements; or

(D) other acts involving managerial discretion; and

(4) when determining what constitutes diminished employee performance, the agency shall consult the performance management guidelines of the Office of Personnel Management.

(b) **TRAINING REQUIREMENT EXEMPTIONS.**—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this Act.

SEC. 5. POLICY AND SUPPORT.

(a) **AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.**—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

(b) **GUIDANCE AND CONSULTATION.**—The Office of Personnel Management shall—

(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

(3) consult with—

(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies; and

(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care.

(c) **CONTINUITY OF OPERATIONS PLANS.**—

(1) **INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.**—Each executive agency shall incorporate telework into the continuity of operations plan of that agency.

(2) **CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.**—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

(d) **TELEWORK WEBSITE.**—The Office of Personnel Management shall—

(1) maintain a central telework website; and

(2) include on that website related—
 (A) telework links;
 (B) announcements;
 (C) guidance developed by the Office of Personnel Management; and
 (D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

SEC. 6. TELEWORK MANAGING OFFICER.

(a) IN GENERAL.—
 (1) DESIGNATION.—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

(2) TELEWORK COORDINATORS.—
 (A) APPROPRIATIONS ACT, 2003.—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 103) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a Telework Managing Officer to be”.

(B) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 99) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a Telework Managing Officer to be”.

(C) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2919) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a Telework Managing Officer to be”.

(D) APPROPRIATIONS ACT, 2006.—Section 617 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2340) is amended by striking “maintain a ‘Telework Coordinator’ to be” and inserting “maintain a Telework Managing Officer to be”.

(b) DUTIES.—The Telework Managing Officer shall—

(1) be devoted to policy development and implementation related to agency telework programs;

(2) serve as—

(A) an advisor for agency leadership, including the Chief Human Capital Officer;

(B) a resource for managers and employees; and

(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

(3) perform other duties as the applicable delegating authority may assign.

SEC. 7. REPORTS.

(a) DEFINITION.—In this section, the term “executive agency” shall not include the Government Accountability Office.

(b) REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.—

(1) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

(A) submit a report addressing the telework programs of each executive agency to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

(2) CONTENTS.—Each report submitted under this subsection shall include—

(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report (and for each executive agency whose head is referred to under section 5312 of title 5, United States Code, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

(i) the total number of employees in the agency;

(ii) the number and percent of employees in the agency who are eligible to telework; and

(iii) the number and percent of eligible employees in the agency who are teleworking—

(I) 3 or more days per pay period;

(II) 1 or 2 days per pay period;

(III) once per month; and

(IV) on an occasional, episodic, or short-term basis;

(B) the method for gathering telework data in each agency;

(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

(E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

(i) emergency readiness;

(ii) energy use;

(iii) recruitment and retention;

(iv) performance;

(v) productivity; and

(vi) employee attitudes and opinions regarding telework; and

(G) the best practices in agency telework programs.

(c) COMPTROLLER GENERAL REPORTS.—

(1) REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) CONTENTS.—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

(2) REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.—Not later than 6 months after the submission of the first report to Congress required under sub-

section (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 5(b)(2).

(d) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

(1) IN GENERAL.—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

(A) review the reports submitted under paragraph (1);

(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

(C) use that relevant information for other purposes related to the strategic management of human capital.

SEC. 8. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

“§5711. Authority for telework travel expenses test programs

“(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

“(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

“(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

“(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

“(c)(1) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

“(2) The results in a report described under paragraph (1) may include—

“(A) the number of visits an employee makes to the pre-existing duty station of that employee;

“(B) the travel expenses paid by the agency;

“(C) the travel expenses paid by the employee; or

“(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

“(d) No more than 10 test programs under this section may be conducted simultaneously.

“(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2010.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

“5711. Authority for telework travel expenses test programs.”.

SEC. 9. PATENT AND TRADEMARK OFFICE TRAVEL EXPENSES TEST PROGRAM.

(a) **IN GENERAL.**—Section 5710 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking “for a period not to exceed 24 months”; and

(2) by striking subsection (e) and inserting the following:

“(e)(1) The Patent and Trademark Office shall conduct a test program under this section.

“(2) In conducting the program under this subsection, the Patent and Trademark Office may pay any travel expenses of an employee for travel to and from a Patent and Trademark Office worksite, if—

“(A) the employee is employed at a Patent and Trademark Office worksite and enters into an approved telework arrangement;

“(B) the employee requests to telework from a location beyond the local commuting area of the Patent and Trademark Office worksite; and

“(C) the Patent and Trademark Office approves the requested arrangement for reasons of employee convenience instead of an agency need for the employee to relocate in order to perform duties specific to the new location.

“(3)(A) The Patent and Trademark Office shall establish an oversight committee comprising an equal number of members representing management and labor, including representatives from each collective bargaining unit.

“(B) The oversight committee shall develop the operating procedures for the program under this subsection to—

“(i) provide for the effective and appropriate functioning of the program; and

“(ii) ensure that—

“(I) reasonable technological or other alternatives to employee travel are used before requiring employee travel, including teleconferencing, videoconferencing or internet-based technologies;

“(II) the program is applied consistently and equitably throughout the Patent and Trademark Office; and

“(III) an optimal operating standard is developed and implemented for maximizing the use of the telework arrangement described under paragraph (2) while minimizing agency travel expenses and employee travel requirements.

“(4)(A) The test program under this subsection shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(B) The Director of the Patent and Trademark Office shall—

“(i) prepare an analysis of the expected costs and benefits and a set of criteria for

evaluating the effectiveness of the program; and

“(ii) before the test program is implemented, submit the analysis and criteria to the Administrator of General Services and to the appropriate committees of Congress.

“(C) With respect to an employee of the Patent and Trademark Office who voluntarily relocates from the pre-existing duty station of that employee, the operating procedures of the program may include a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by the Office.

“(D)(i) Not later than 3 months after completion of the test program under this subsection, the Director of the Patent and Trademark Office shall provide a report on the results of the program to the Administrator of General Services and to the appropriate committees of Congress.

“(ii) The results in the report described under paragraph (1) may include—

“(I) the number of visits an employee makes to the pre-existing duty station of that employee;

“(II) the travel expenses paid by the Office;

“(III) the travel expenses paid by the employee; or

“(IV) any other information that the Director determines may be useful to aid the Administrator and Congress in understanding the test program and the impact of the program.

“(E) In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committees on Homeland Security and Governmental Affairs and on the Judiciary of the Senate; and

“(ii) the Committees on Government Oversight and Reform and on the Judiciary of the House of Representatives.

“(f)(1) Except as provided under paragraph (2), the authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Travel and Transportation Reform Act of 1998.

“(2) The authority to conduct a test program by the Patent and Trademark Office under this section shall expire 20 years after the date of the enactment of the Travel and Transportation Reform Act of 1998.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as though enacted as part of the Travel and Transportation Reform Act of 1998 (Public Law 105-264; 112 Stat. 2350).

FEDERAL SUPPLY SCHEDULES USAGE ACT

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 379, S. 2868.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2868) to provide increased access to the General Services Administration's Schedules Program by the American Red Cross and State and local governments.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2868) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Supply Schedules Usage Act of 2009”.

SEC. 2. AUTHORITY OF THE AMERICAN RED CROSS TO USE FEDERAL SUPPLY SCHEDULES FOR CERTAIN GOODS AND SERVICES.

Section 502 of title 40, United States Code, is amended by adding at the end the following new subsection:

“(e) **USE OF SUPPLY SCHEDULES BY THE RED CROSS.**—

“(1) **IN GENERAL.**—The Administrator may provide for the use by the American National Red Cross of Federal supply schedules. Purchases under this authority shall be used in furtherance of the purposes of the American National Red Cross set forth in section 300102 of title 36, United States Code.

“(2) **LIMITATION.**—The authority under this subsection may not be used to purchase supplies for resale.”.

SEC. 3. DUTY OF USERS REGARDING USE OF FEDERAL SUPPLY SCHEDULES.

Section 502 of title 40, United States Code, as amended by section 2, is further amended by adding at the end the following new subsection:

“(f) **DUTY OF USERS REGARDING USE OF SUPPLY SCHEDULES.**—All users of Federal supply schedules, including non-Federal users, shall use the schedules in accordance with the ordering guidance provided by the Administrator of General Services.”.

SEC. 4. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO USE SUPPLY SCHEDULES FOR CERTAIN GOODS AND SERVICES.

Subsection (d)(1) of section 502 of title 40, United States Code, is amended by inserting “, to facilitate disaster preparedness or response,” after “Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)”.

SUPPORTING U.S. ALLIANCE WITH THAILAND

Mr. DURBIN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 538, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 538) affirming the support of the United States for a strong and vital alliance with Thailand.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Madam President, I ask unanimous consent my name be added as a cosponsor of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and

any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 538) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 538

Whereas Thailand became the first treaty ally of the United States in the Asia-Pacific region with the Treaty of Amity and Commerce, signed at Sia-Yut'hia (Bangkok) March 20, 1833, between the United States and Siam, during the administration of President Andrew Jackson and the reign of King Rama III;

Whereas the United States and Thailand furthered their alliance with the Southeast Asia Collective Defense Treaty, (commonly known as the "Manila Pact of 1954") signed at Manila September 8, 1954, and the United States designated Thailand as a major non-North Atlantic Treaty Organization (NATO) ally in December 2003;

Whereas, through the Treaty of Amity and Economic Relations, signed at Bangkok May 26, 1966, along with a diverse and growing trading relationship, the United States and Thailand have developed critical economic ties;

Whereas Thailand is a key partner of the United States in Southeast Asia and has supported closer relations between the United States and the Association of Southeast Asian Nations (ASEAN);

Whereas Thailand has the longest-serving monarch in the world, His Majesty King Bhumibol Adulyadej, who is loved and respected for his dedication to the people of Thailand;

Whereas Prime Minister Abhisit Vejjajiva has issued a 5-point roadmap designed to promote the peaceful resolution of the current political crisis in Thailand;

Whereas approximately 500,000 people of Thai descent live in the United States and foster strong cultural ties between the 2 countries; and

Whereas Thailand remains a steadfast friend with shared values of freedom, democracy, and liberty; Now, therefore, be it

Resolved, That the Senate—

(1) affirms the support of the people and the Government of the United States for a strong and vital alliance with Thailand;

(2) calls for the restoration of peace and stability throughout Thailand;

(3) urges all parties involved in the political crisis in Thailand to renounce the use of violence and to resolve their differences peacefully through dialogue;

(4) supports the goals of the 5-point roadmap of the Government of Thailand for national reconciliation, which seeks to

(A) uphold and protect respect for and the institution of the constitutional monarchy;

(B) resolve fundamental problems of social justice systematically and with participation by all sectors of society;

(C) ensure that the media can operate freely and constructively;

(D) establish facts about the recent violence through investigation by an independent committee; and

(E) establish mutually acceptable political rules through the solicitation of views from all sides; and

(5) promotes the timely implementation of an agreed plan for national reconciliation in Thailand so that free and fair elections can be held.

PREScription DRUG DISPOSAL AWARENESS DAY

Mr. DURBIN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 539, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 539) designating May 24, 2010, as "Prescription Drug Disposal Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Madam President, today I submitted a resolution designating May 24, 2010, as "Prescription Drug Disposal Awareness Day." May 24 would be Timothy Michael Strain's birthday. Timmy, as his family called him, died last year when he was given two painkillers that had not been prescribed for him. Through their grief, his parents Bernie and Beverly Strain have taken up the cause of safe drug disposal to make sure what happened to their son does not happen to others.

In recent years, recreational prescription drug use has grown at an alarming rate. In 2008, approximately 15,200,000 Americans 12 years of age and older reported having taken a prescription drug that had not been prescribed to them for recreational purposes in the previous year. Our children are finding these drugs in our medicine cabinets and the results can be deadly.

Apart from the tragic impact on our children, the lack of a safe place to dispose of prescription drugs is harming the environment and infiltrating our water sources. Without a place to turn in prescription drugs people are washing them down the drain where they end up in our rivers and in our drinking water.

We must work to find a safe way to dispose of prescription drugs and help make sure that what happened to Timmy Strain does not happen to any other child. I thank Senator GRASSLEY and Senator KOHL for joining me in introducing this resolution and I encourage all my colleagues to work to ensure safe methods of prescription drug disposal are available in their States.

Mr. GRASSLEY. Madam President, I am pleased to join my colleagues, Senator CASEY and Senator KOHL, in submitting a resolution to designate May 24, 2010 as the "Prescription Drug Disposal Awareness Day."

The abuse of prescription narcotics such as pain relievers, tranquilizers, stimulants, and sedatives is currently the fastest growing drug abuse trend in the country. According to the most recent National Survey of Drug Use and Health, NSDUH, nearly 7 million people have admitted to using controlled substances without a doctor's prescription. People between the ages of 12 and 25 are the most common group to abuse these drugs. However, more and more

people are dying because of this abuse. The Centers for Disease Control and Prevention report that the unintentional deaths involving prescription narcotics increased 117 percent from the years 2001 to 2005. These are statistics that can no longer be ignored and tolerated.

Regretfully, we read about children dying as a result of prescription and over-the-counter drug abuse. An article from February 2009 in the Des Moines Register reports on the death of a 14-year-old Brody Middle School Student who was found dead at his home from an apparent overdose of prescription drugs. The same article reports that 85 percent of drug and alcohol overdoses at the children's emergency center at Mercy Medical Center in Des Moines are from prescription or over-the-counter medicines.

Millions of Americans are prescribed controlled substances every year to treat a variety of symptoms due to injury, depression, insomnia, and other conditions. Many legitimate users of these drugs often do not finish their prescriptions. As a result, these drugs remain in the family medicine cabinet for months or years because people forget about them or do not know how to properly dispose of them. However, these drugs, when not properly used or administered, are just as addictive and deadly as street drugs like methamphetamine or cocaine.

According to the NSDUH, more than half of the people who abuse prescription narcotics reported that they obtained controlled substances from a friend or relative or from the family medicine cabinet. As a result, most community antidrug coalitions, public health officials, and law enforcement officials have been encouraging people within their communities to dispose of old or unused medications in an effort to combat this growing trend.

This is also why I have cosponsored the Secure and Responsible Drug Disposal Act of 2010. This legislation will enable the Attorney General of the United States to issue guidelines to help States and communities establish prescription drug take-back programs. Current law makes efforts to establish these programs difficult and time consuming. However, efforts to get old and unwanted medicines out of the home have shown signs of great promise to be successful if widely adopted. For example, the town of Clinton, IA, has held an annual "Clean Out Your Medicine Cabinet" day that has collected over 300 pounds of old or unwanted medicine from the community. This is medicine that will not fall into the hands of a child or stranger or cause potential harm to any user.

It is important that we encourage people to dispose of their old or unwanted medicines so that they will not fall into the wrong hands. This is why I am pleased to be submitting this resolution and why I encourage all my

colleagues to join us in raising public awareness of this important issue.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The resolution (S. Res. 539) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 539

Whereas in 2008, pharmacies in the United States filled 3,649,468,866 retail drug prescriptions;

Whereas in 2008, approximately 15,200,000 Americans 12 years of age and older reported having taken a prescription drug that had not been prescribed to them for recreational purposes in the previous year;

Whereas in 2006, approximately 26,400 deaths occurred in the United States from an unintentional drug overdose;

Whereas prescription drugs are involved in more overdose deaths annually than illegal drugs;

Whereas in 2007 and 2008, 55.9 percent of individuals 12 years of age and older who used pain relievers nonmedically in the past year had obtained the pain relievers from a friend or relative for free;

Whereas in 2007 and 2008, of the individuals 12 years of age and older who obtained non-medical pain relievers from a friend or relative for free—

(1) 81.7 percent indicated that the friend or relative had obtained the drugs from just 1 doctor; and

(2) 1.6 percent reported that the friend or relative had bought the drugs from a drug dealer or other stranger;

Whereas the improper disposal of prescription drugs may result in chemicals contaminating the environment and water supply; and

Whereas collection programs may reduce the supply of unused, unwanted prescription drugs in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 24, 2010, as “Prescription Drug Disposal Awareness Day”;

(2) recognizes the importance of prescription drug disposal programs to reduce the supply of unused, unwanted prescription drugs in the United States; and

(3) encourages each State to establish and promote a prescription drug collection program.

ORDERS FOR TUESDAY, MAY 25, 2010

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, May 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4899, the emergency supplemental appropriations bill; finally, I ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Tuesday, May 25, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF JUSTICE

JAMES MICHAEL COLE, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ATTORNEY GENERAL, VICE DAVID W. OGDEN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. RAYMOND T. ODIERNO

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) SCOTT A. WEIKERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) PATRICIA E. WOLFE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) DONALD R. GINTZIG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) STEVEN M. TALSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) LOTHROP S. LITTLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) GARRY J. BONELLI
REAR ADM. (LH) SCOTT E. SANDERS
REAR ADM. (LH) ROBERT O. WRAY, JR.

HOUSE OF REPRESENTATIVES—Monday, May 24, 2010

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 24, 2010.

I hereby appoint the Honorable MAZIE HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. ROYBAL-ALLARD) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, help us in our weakness.

Send forth Your Spirit, for we do not know how to pray for what we really need.

Your spirit within us will make intercessions through groanings and longings that cannot always be expressed in speech.

Because You alone search human hearts, You know how easily we are

distracted or drawn toward false desires. Help us to find what is truly meaningful by seeking to do Your holy will.

Show us how we can follow Your inspiration and accomplish what You want us to do, both now and for ages to come.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Mrs. NAPOLITANO) come forward and lead the House in the Pledge of Allegiance.

Mrs. NAPOLITANO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

YOU CUT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, it is clear the American people are tired of business as usual in Washington, particularly when it comes to out-of-control spending. The images of the riots in Greece caused in part by overspending that led to an economic collapse should concern every single American. Between the \$1 trillion government health care takeover, the \$789 billion so-called stimulus, and the bankrupt cash-for-clunkers programs, America could be headed down the same path.

There is clearly no better time to get serious about the spending spree in Washington. I applaud Republican Whip ERIC CANTOR for launching YouCut, an easy, interactive way for all Americans to vote, both online and via cell phone on spending cuts they want Congress to enact. In the first week of this program, over 280,000 people cast their votes to cut the new Non-Reformed Welfare Program that cost \$2.5 billion a year.

Please visit JoeWilson.house.gov or RepublicanWhip.house.gov to see this

week's new options and cast your votes.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

MENTAL HEALTH MONTH

Ms. MATSUI. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1258) expressing support for designation of May 2010 as Mental Health Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1258

Whereas the mental health and well-being of people in the United States is a critical issue that affects not only quality of life, but also the health of communities, families, and economic stability;

Whereas the stigma associated with mental health continues to persist;

Whereas more than 57,000,000 people in the United States suffer from mental illness;

Whereas approximately 1 in 5 children and adolescents may have a diagnosable mental disorder;

Whereas more than a quarter of the members of the United States Armed Forces suffer from psychological or neurological injuries sustained from combat, including major depression and post-traumatic stress disorder;

Whereas more than half of all prison and jail inmates suffer from mental illness;

Whereas mental illness is the leading cause of disability in the Nation;

Whereas major mental illness costs businesses and the United States economy over \$193,000,000,000 per year in lost earnings;

Whereas untreated mental illness is a leading cause of absenteeism and lost productivity in the workplace;

Whereas, in 2006, over 33,300 individuals died by suicide in the United States, nearly twice the rate of homicide;

Whereas suicide is the third leading cause of death among youth between the ages of 15 and 24;

Whereas, in 2006, individuals age 65 and older comprised only 12.4 percent of the population but accounted for 15.9 percent of all suicides;

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Whereas 1 in 4 Latina adolescents report seriously contemplating suicide, a rate higher than any other demographic;

Whereas Native Americans currently rank as the top ethnicity for suicide rates nationwide;

Whereas studies report that people with serious mental illness die, on average, 25 years earlier than the general population; and

Whereas it would be appropriate to observe May 2010 as Mental Health Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of Mental Health Month in order to place emphasis on scientific facts and findings regarding mental health and to remove the stigma associated with mental illness;

(2) recognizes that mental well-being is as important as physical well-being for citizens, communities, businesses, and the economy in the United States;

(3) applauds the coalescing of national and community organizations in working to promote public awareness of mental health and providing critical information and support to the people and families affected by mental illness;

(4) supports the finding of the President's Commission on Mental Health that recovery from mental illness is a real possibility and steps can be taken to improve the lives of those living with mental illnesses, which will benefit American families, communities, schools, and workplaces; and

(5) encourages organizations and health practitioners to use Mental Health Month as an opportunity to promote mental well-being and awareness, ensure access to appropriate services, and support overall quality of life for those living with mental illness.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. MATSUI) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. MATSUI. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution 1258. This resolution expresses support for the designation of this month, the month of May, as Mental Health Month.

We all know it, but sometimes we forget that mental health is absolutely essential to the overall health of every single person in this country. Mental health is an important contributor to the health of our communities, our families and even to our economy.

Mental illness affects 57 million people in the United States, Madam Speaker. The people impacted by men-

tal illness are workers, their bosses, their employees, their mothers and fathers, sisters and brothers and close friends.

And increasingly, they are children. One in every five children and adolescents may have a diagnosable mental disorder.

Mental illnesses are clinically indicated, and they range from bipolar disorder to bulimia and other eating disorders to anxiety-related conditions like post-traumatic stress disorder. These illnesses affect all racial, ethnic and socioeconomic groups. They can strike at any place and at any time.

However, certain groups in our country appear to be more vulnerable to mental illness than others. For example, Latina adolescents have a higher suicide rate than any other demographic. And one-quarter of the members of our Armed Forces suffer from psychological or neurological injuries sustained during combat. This is a problem that we cannot and we must not ignore.

Madam Speaker, we know that mental illness is becoming more and more common in the United States and around the world. We know that mental illnesses have biological causes, and we know that the vast majority of mental illnesses can be treated. And yet people with mental illness continue to live under a stigma that surrounds those who fight diseases of the mind.

Today's resolution gives this House a valuable opportunity to help our constituents understand the biological basis for many mental disorders. It salutes the important work of national and community organizations who promote public awareness of mental illness and who help fight the unfair stigma associated with mental disease.

House Resolution 1258 also encourages health providers and organizations to promote mental well-being and to ensure that people with mental illness have access to the services that can literally save their lives.

This and previous Congresses have taken important and necessary steps to improve access to mental health services. Personally, I look forward to working with my colleagues to increase access to community-based mental health services.

In my hometown of Sacramento, the community-based mental health system is crumbling under the weight of severe budget cuts and ever-increasing demand for services.

We here in Washington cannot sit idly by as vital community services are slashed. Those whose very lives depend on a trained and understanding mental health provider are counting on us, and this resolution honors those who have dedicated their lives to treating others with mental illness.

I want to commend Representative NAPOLITANO, the sponsor of this resolution and co-chair of the Congressional

Mental Health Caucus, for her leadership on this important health issue.

I would also like to commend my Energy and Commerce Committee colleague, Representative TIM MURPHY of Pennsylvania, for working so closely with Mrs. NAPOLITANO on the Mental Health Caucus.

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Speaker, I rise in support of House Resolution 1258, acknowledging the month of May as National Mental Health Month because it has helped raise awareness in our communities, which has contributed to removing the stigma associated with mental illness.

I would like to express my thanks to the organizations working to promote awareness of mental health and to educate families affected by mental illness. As a former president myself of the Mid Carolina Mental Health Association, I know firsthand of its success and significance.

I also appreciate my oldest son, Alan Wilson, has served on the Mental Health Association State Board. Your work is critical to increasing the quality of life for those with mental illness.

I am grateful to also work with Hidden Wounds, founded by Ann Bigham, a volunteer organization in Columbia, South Carolina, which provides services for our military and veterans who are successfully defeating terrorism overseas.

I would like to thank the author of the resolution, Congresswoman GRACE NAPOLITANO of California, for her leadership in helping Americans' well-being and addressing mental disorders.

I encourage all of my colleagues to vote in favor of this resolution.

I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. NAPOLITANO), the sponsor of this resolution.

Mrs. NAPOLITANO. Madam Speaker, I would like to thank both the congresswoman from California (Ms. MATSUI) and the congressman from South Carolina (Mr. WILSON) for talking about H. Res. 1258, recognizing May as Mental Health Month.

As you've heard, there are many instances where we ignore this fact, and we are currently trying to erase the stigma. That's the biggest issue that we have in the United States.

Today we must continue to shed light on those who suffer in silence with mental illness. It knows no boundaries. As you've heard, it goes into any race, any gender, any class, any religion, any political party, everywhere. It does not discriminate.

Every day our children, our soldiers, our veterans, our family members, our coworkers and friends carry their wounds and pain on the inside. It is an

invisible illness that often goes unseen and unmentioned, even as it leaves a trail of devastation in its wake.

Recent reports show that military suicide has claimed more lives of our servicemen and -women than the Afghan war, and that approximately one in five servicemembers suffer from major depression or post-traumatic syndrome. It is now recognized by military leaders that there is a great big issue, and they're trying to provide services to those men and women so that they can return to semi-normal life when they return to their respective residences.

Also, findings by the National Alliance of Mental Illness, NAMI, show that most mental illnesses are highly treatable, yet only one in three individuals suffering from mental illness seek or receive treatment. We must protect our soldiers' and their families' right to effective mental health services. They have earned it protecting our freedom.

Today, suicide is the third leading cause of death for youth ages 15-24. Again, third leading cause of death for youth ages 15-24. With each young life lost to suicide, we lose some of our Nation's future. We must continue to destigmatize mental illness so that all individuals, including our youth, know that it is okay, it's not shameful to ask for help and receive the treatment needed, because no child should ever feel this world would be a better place without them.

The mental health and well-being of all Americans are critical issues that affect not only the quality of life and health of our communities, but as importantly, our national economic stability.

According to the National Institute of Mental Health, serious illnesses cost Americans at least \$193 billion, with a "b," billion a year in lost earnings alone, never mind what businesses lose in over \$500 billion a year.

□ 1415

Mental illness is also the leading cause of absenteeism and lost productivity in the workplace. We need to learn how to prevent suicide. We must take those classes, and we must learn what those signs are so that we can begin to at least address those issues with our own, if not those near us.

I respectfully encourage all my colleagues to support this resolution and thereby recognize May as Mental Health Month. Knowledge and prevention are key to continue eradicating the myths and stigma behind mental illness. If allowed to go ignored and untreated, this will only pass on to our future generations. We must unite on this critical issue and recognize the scientific facts and findings of mental illness to ensure access to professional help, including early detection and intervention.

In closing, I leave you with words from two young women from my district whose lives have been saved by a suicide prevention program we started in 2001. From Patty, 15 years old: "Thank God we have this program, because if I didn't have this treatment, I would be dead at this time." From Ofelia, 17 years old: "After my mom and dad died in an accident, I wanted to die. This program and my therapist helped me to go off my depression and two suicide attempts." These are just more reminders of who we must represent and who we must continue to try to help and why we were elected to serve everybody.

Mr. WILSON of South Carolina. Madam Speaker, as we are recognizing Mental Health Month, I would also like to commend the National Alliance for Mentally Ill, NAMI. I was honored earlier this month to participate in the Mental Health Walk at the Riverwalk in West Columbia in the Midlands of south Carolina. The walk itself was organized by Buddy Wier. It was amazing to see hundreds of persons participate. There was competition between different businesses and the businesses participating. It was just really heartwarming to see such an outpouring of community support.

I look forward in October. The Mental Health Walk by NAMI will be on the beaches at Hilton Head Island, South Carolina; and I look forward to participating at that time, again raising awareness of mental health issues and how communities and civic organizations and individuals can help persons who have mental health issues.

I yield back the balance of my time.

Ms. MATSUI. Madam Speaker, I want to thank my colleagues, Representative NAPOLITANO, Representative MURPHY, for their work on this resolution and mental health issues in general. And I would like to thank my colleague from South Carolina (Mr. WILSON).

This resolution represents one small step toward a future where the serious burden of mental illness is but a thing of the past. I urge my colleagues to support this resolution.

Mr. CONYERS. Madam Speaker, I rise today to express my support for designation of May 2010 as Mental Health Month. Designating May 2010 as Mental Health Month in America is a much needed step to help bring attention to the various challenges that the mentally ill face on a day to day basis which include not having access to appropriate medical care, affordable housing, job opportunities, and over-all economic security.

More than 57,000,000 people in the United States suffer from mental illness. Approximately 1 in 5 children and adolescents has a diagnosable mental disorder. A quarter of the members of the United States Armed Forces suffer from psychological or neurological injuries sustained from combat, including major depression and post-traumatic stress disorder. Tragically, more than half of all prison and jail

inmates suffer from mental illness. It is also the leading cause of disability in the America. In 2005, over 32,000 individuals died by suicide in the United States, nearly twice the rate of homicide. Suicide is the third leading cause of death among youth between the ages of 15 and 24. In 2004, individuals age 65 and older comprised only 12.4 percent of the population, but accounted for 16.6 percent of all suicides.

Sadly, there are too many Americans with serious mental illness who do not have access to high quality and long-term mental health treatment, and fall through the cracks of our fragmented and underfunded mental health system. This is because the U.S. does not yet have a comprehensive and effective federal mental health system that can provide a single standard of high quality mental health treatment for all of our Nation's mentally ill—regardless of one's income or employment status.

The uninsured, underinsured, or Americans with low-incomes often receive their mental health services in emergency rooms, or in hospitals where they are "stabilized," and then released with little or no follow-up care, medication, or housing services. This creates a "revolving door" cycle of hospitalizations, homelessness, unemployment, arrests, and incarceration that is the result of having an underfunded mental health system where mental health professionals do not have the optimal resources they need to provide medically appropriate care for the mentally ill and their families.

Many of our Nation's mentally ill become homeless, or are forced to live with family members or friends, because they can not afford housing due to skimpy Social Security Disability Checks, or the inability to maintain employment. Clearly, America must have a robust Federal affordable housing and employment program for the mentally ill, so those with mental illnesses have access to affordable housing, a job, and the respect and dignity that goes with being self-sufficient and productive.

Tragically, there are many uninsured or underinsured mentally ill Americans who can not afford to take medications for such debilitating illnesses as bipolar manic depression. This creates untold stress on families and friends who must deal with the unpredictable and often inappropriate behaviors of the mentally ill who can become a danger to themselves or others if they do not take their medication on a regular basis.

I also urge my colleagues to support H.R. 676, "The United States National Health Care Act," which would create a universal health care system where all mental health services would be fully covered, and there would be optimal funding for mental health facilities so the mentally ill could receive the long term and appropriate care needed to get well, and have a better quality of life.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H. Res. 1258, in expressing support for designation of May 2010 as Mental Health Month.

The time has come to pay special recognition to the needs and shortfalls that are associated with mental health in the United States. Mental health and the well-being of people of the United States is a critical issue that affects

not only quality of life, but also the health of communities, families, and economic stability. Often it is the youngest among us, our children, which suffer from the lingering stigma of mental illness. Words, that make fun of those diagnosed with mental health can sometimes create a sense of shame, feelings of guilt, and loss of self esteem.

Statistically, the figures associated with mental health are quite staggering. It is estimated that more than 57 million people in the United States suffer from mental illness. Furthermore, 1 in 5 children and adolescents have a diagnosable mental order. And in 2005 alone, over 32,000 individuals died by suicide in the United States, nearly twice the rate of homicide. The goals of Mental Health Month are to bring these figures to light in order to draw more attention and support for addressing this health crisis.

From my time as a psychiatric nurse in the Dallas Veteran Affairs Hospital, I know firsthand the burden placed upon those who serve in our armed forces suffering from mental illness. More than a quarter of the members of the United States Armed Forces suffer from psychological or neurological injuries sustained from combat, including major depression and post-traumatic stress disorder. For far too long the disparities of taking care of our veterans in regards to mental health went unaddressed, and too many suffered because of it.

In closing, I encourage all organizations and health practitioners to use Mental Health Month as an opportunity to promote mental well-being and awareness, ensure access to appropriate services, and support overall quality of life for those living with mental illness.

Mr. PAUL. Madam Speaker, I voted against H. Res. 1258 designating the month of May as National Mental Health Month to draw attention to the threat to liberty posed by proposals to perform mandatory mental evaluations of all schoolchildren without parental consent.

The New Freedom Commission on Mental Health has recommended that the federal and state governments work toward the implementation of a comprehensive system of mental-health screening for all Americans. The commission recommends that universal or mandatory mental-health screening first be implemented in public schools as a prelude to expanding it to the general public. However, neither the commission's report nor any related mental-health screening proposal requires parental consent before a child is subjected to mental-health screening. Federally-funded universal or mandatory mental-health screening in schools without parental consent could lead to labeling more children as "ADD" or "hyperactive" and thus force more children to take psychotropic drugs, such as Ritalin, against their parents' wishes.

Too many children are suffering from being prescribed psychotropic drugs for nothing more than children's typical rambunctious behavior. According to Medco Health Solutions, more than 2.2 million children are receiving more than one psychotropic drug at one time. In fact, according to Medco Trends, in 2003, total spending on psychiatric drugs for children exceeded spending on antibiotics or asthma medication.

Many children have suffered harmful side effects from using psychotropic drugs. Some

of the possible side effects include mania, violence, dependence, and weight gain. Yet, parents are already being threatened with child abuse charges if they resist efforts to drug their children. Imagine how much easier it will be to drug children against their parents' wishes if a federally-funded mental-health screener makes the recommendation.

Universal or mandatory mental-health screening could also provide a justification for stigmatizing children from families that support traditional values. Even the authors of mental-health diagnosis manuals admit that mental-health diagnoses are subjective and based on social constructions. Therefore, it is all too easy for a psychiatrist to label a person's disagreement with the psychiatrist's political beliefs a mental disorder. For example, a federally-funded school violence prevention program lists "intolerance" as a mental problem that may lead to school violence. Because "intolerance" is often a code word for believing in traditional values, children who share their parents' values could be labeled as having mental problems and a risk of causing violence. If the mandatory mental-health screening program applies to adults, everyone who believes in traditional values could have his or her beliefs stigmatized as a sign of a mental disorder. Taxpayer dollars should not support programs that may label those who adhere to traditional values as having a "mental disorder."

In order to protect our nation's children from mandatory mental health screening, I have introduced the Parental Consent Act, H.R. 2218. This bill forbids federal funds from being used for any universal or mandatory mental-health screening of students without the express, written, voluntary, informed consent of their parents or legal guardians. This bill protects the fundamental right of parents to direct and control the upbringing and education of their children. I hope all my colleagues will co-sponsor H.R. 2218.

Mr. HONDA. Madam Speaker, I rise today to express my support for H. Res. 1258, Supporting the goals and ideals of Mental Health Month.

I commend my good friend Representative GRACE NAPOLITANO, sponsor of the resolution, and the House Energy and Commerce Committee for recognizing that mental health and well-being is a critical issue that affects not only the quality of life, health of our communities and our economic stability.

According to the National Alliance on Mental Illness, each year approximately 25% of Americans are impacted by mental health conditions, and no gender, age, race, religion or socioeconomic status is immune. Through the combination of psychosocial and pharmacological treatments and support, 70% to 90% of individuals with mental health issues experience significant reduction of symptoms and improved quality of life.

As Chair of the Congressional Asian Pacific American Caucus, CAPAC, also, I recognize that there is a significant need for enhancing awareness of mental illness within the Asian American and Pacific Islander, AAPI, community. AAPIs are among the fastest growing and most diverse racial group in the United States. Despite this, our community's use of mental health services is the lowest among ethnic

populations. As such, there is a critical need to raise awareness about mental health within the AAPI community to de-stigmatize seeking help and enhance access to culturally competent community services.

The Patient Protection and Affordable Care Act, which Congress passed and the President signed into law earlier this year, will greatly expand access to mental health care and additional treatment for millions of uninsured individuals, including AAPIs. In addition, the law supports equity in coverage and will extend the Mental Health Parity and Addiction Equity Act, which prohibits discriminatory limits on mental health and substance use conditions beyond current law to health insurance plans offered to small businesses and individuals. These principles are also reflected in the expansion of Medicaid, which would require those newly eligible to receive mental health and substance use services at parity with other benefits.

I urge all of my colleagues to support the goals and ideals of Mental Health Month. Through education, we can help remove the stigma around mental health and encourage organizations and health practitioners to continue to promote mental well-being and awareness so that people can access appropriate services and support.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 1258, "Expressing support for designation of May 2010 as Mental Health Month."

Mental health issues pose a serious problem for the people of this nation. Roughly 57 million people in the U.S. suffer from some form of mental illness. These illnesses affect not only the quality of life of the individual, but also the health of our communities, families, and our economic stability. Untreated mental illness is the leading cause of lost productivity and absenteeism in the workplace, resulting in an estimated \$193 billion per year in lost earnings.

In addition to lost time and productivity, untreated mental illnesses far too frequently result in lost lives. In recent years, the suicide rate has been double the homicide rate; suicide is the third leading cause of death for people between 15 and 24. While the problem of mental illness and depression knows no demographic boundaries, suicide rates are particularly high among the elderly and Native Americans.

The challenges of mental illness impact our military as well. Roughly a quarter of our service members suffer either psychological or neurological disorders, including depression and PTSD.

I support the designation of May as Mental Health Month, and urge my colleagues to join me. We need to recognize that mental well-being is as important as physical well-being for our citizens, families, and communities, and that our failure, as a nation, to prioritize mental health care is a tragedy. We need to remove the stigma from mental illness and encourage people to seek assistance, promote public awareness of the problem, and improve access to appropriate services for our citizens.

Ms. MATSUI. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from California (Ms. MATSUI) that the House suspend the rules and agree to the resolution, H. Res. 1258, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. MATSUI. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

EXPRESSING SYMPATHY TO FAMILIES OF SOUTH KOREAN SEAMEN KILLED BY NORTH KOREA

Mr. FALEOMAVAEGA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1382) expressing sympathy to the families of those killed by North Korea in the sinking of the Republic of Korea Ship *Cheonan*, and solidarity with the Republic of Korea in the aftermath of this tragic incident.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1382

Whereas, on March 26, 2010, the Republic of Korea Ship (ROKS) *Cheonan* was sunk by an external explosion in the vicinity of Baengnyeong Island, Republic of Korea;

Whereas of the 104 members of the crew of the ROKS *Cheonan*, 46 were killed in this incident, including 6 lost at sea;

Whereas, on April 25, 2010, the Government of the Republic of Korea commenced a 5-day period of mourning for these 46 sailors;

Whereas, on May 20, 2010, the Government of the Republic of Korea released an international investigation report on the circumstances surrounding the sinking of the ROKS *Cheonan*;

Whereas the report, conducted by 74 experts, including 24 from the international community and 50 from the Republic of Korea, found conclusive evidence that the sinking of the ROKS *Cheonan* was the result of a torpedo attack made by North Korea, in clear violation of the Korean War Armistice Agreement;

Whereas the alliance between the United States and the Republic of Korea has been a vital anchor for security and stability in Asia for more than 50 years; and

Whereas the United States and the Republic of Korea are bound together by the shared values of democracy and the rule of law: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its sympathy and condolences to the families and loved ones of the sailors of the Republic of Korea Ship (ROKS)

Cheonan who were killed in action on March 26, 2010;

(2) stands in solidarity with the people and the Government of the Republic of Korea in the aftermath of this tragic incident;

(3) reaffirms its enduring commitment to the alliance between the Republic of Korea and the United States and to the security of the Republic of Korea;

(4) supports the findings and conclusions of the investigation report released by the Government of the Republic of Korea on May 20, 2010;

(5) condemns North Korea in the strongest terms for sinking the ROKS *Cheonan*;

(6) calls for an apology by North Korea for its hostile acts and a commitment by North Korea never to violate the Korean War Armistice Agreement again;

(7) urges the international community to provide all necessary support to the Republic of Korea as the Government of the Republic of Korea prepares to respond to the actions committed by North Korea, which led to sinking of the ROKS *Cheonan*;

(8) urges the international community to fully and faithfully implement all United Nations Security Council Resolutions pertaining to security on the Korean Peninsula, including United Nations Security Council Resolution 1695 (2006), United Nations Security Council Resolution 1718 (2006), and United Nations Security Council Resolution 1874 (2009); and

(9) further urges the United States, in coordination with its allies and partners, to take other appropriate actions in response to the sinking of the ROKS *Cheonan* and other hostile acts of North Korea.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from California (Mr. ROYCE) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Madam Speaker, on March 26, 2010, a South Korean naval ship, the *Cheonan*, was on a routine mission in waters off the west coast of South Korea. At 9:22 p.m., an explosion ripped through the *Cheonan*'s hull. The ship tilted 90 degrees to starboard and it sank. Of the 104 members of the crew on board, 46 sailors died that evening.

Madam Speaker, our hearts go out for the 46 brave Korean soldiers who lost their lives in this tragedy. Again, we express our deepest sympathies and condolences to the families and loved ones of these 46 brave sailors, and may their families be comforted with the fact that my colleagues here in this

Chamber share their pain and sorrow. And we remember well what the Lord said in his Sermon on the Mount: "Blessed are they who mourn, for they shall be comforted."

Madam Speaker, despite the immediate suspicion that North Korea was responsible for the attack and the shocking loss of life, the Republic of South Korea reacted calmly and deliberately. As the country mourned its dead, the government formed a Joint Civilian-Military Investigation Group to assess the cause of the explosion. The 74-member team, which included 24 experts from the United States, Sweden, the United Kingdom, and Australia, spent several weeks examining the evidence as objectively and scientifically as possible.

On May 20, 2010, Madam Speaker, the group released its final report, concluding unanimously that "the *Cheonan* was attacked and sunk by a torpedo that was launched from a small North Korean submarine." On the day of the report's release, chairman of the House Foreign Affairs Committee, Congressman HOWARD BERMAN; and the committee's ranking member, Congresswoman ILEANA ROS-LEHTINEN; chairman of the Foreign Affairs Subcommittee on the Middle East and South Asia, Congressman GARY ACKERMAN; and the ranking member of the Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment, Congressman Don Manzullo; and I introduced House Resolution 1382, the legislation which is now before us.

We did so to demonstrate America's strong solidarity with the Republic of Korea and to call for an appropriate and coordinated international response to North Korea's unprovoked and deadly attack. We also sought to express our condolences to the families and loved ones of those killed, to reaffirm our enduring commitment to the U.S.-Republic of Korea alliance, and to the security of all good people of the Republic of Korea.

In addition, Madam Speaker, our resolution calls for an apology from North Korea for its actions and a commitment by Pyongyang never to violate the Korean War Armistice Agreement again. It urges the international community to fully implement all United Nations Security Council resolutions pertaining to security on the Korean Peninsula, including Resolutions 1695, 1718, and 1874. Finally, the resolution calls for the United States, in coordination with its allies and partners, to take appropriate steps in response to other hostile acts perpetrated by North Korea.

The sinking of the *Cheonan* was one of the worst violations of the Korean war armistice since the end of the Korean war. It took place in the wake of other recent North Korean provocations, such as an attempted sale of weapons to Hamas and Hezbollah late

last year. Fortunately, our close friend and strong ally, Thailand, seized the plane containing the arms shipment to the Middle East. Last month, South Korea also arrested two North Korean agents sent to Seoul to assassinate Hwang Jang-yop, the highest ranking North Korean official who defected to South Korea.

Today, South Korea's President Lee Myung-bak said in an address to his nation that in responding to the sinking of the *Cheonan*: "The overriding goal of the Republic of Korea is not military confrontation. Our goal has always been the attainment of real peace and stability of the Korean Peninsula." The President went on to say that "North Korea will pay a price corresponding to its provocative acts." That price will include stopping all trade and most investments with North Korea, as well as closing South Korea's sea lanes to North Korean ships.

Madam Speaker, House Resolution 1382 shares President Lee's goals and his call for a calibrated response to North Korea's provocations. No one wants tensions to escalate to the point where another Korean war breaks out, but North Korea must understand that its actions have consequences, that it cannot violate the armistice, break international law, and kill innocent people with impunity. That is why my colleagues and I introduced the resolution, and why we now call on all Members of this body to join us in supporting it.

Madam Speaker, I strongly support this resolution, and I urge my colleagues to do the same.

I reserve the balance of my time.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this legislation, which expresses condolences to the families of the 46 South Korean sailors who recently lost their lives to a North Korea torpedo attack. And this resolution appropriately stands in solidarity with our South Korean ally in the wake of this assault.

Last week, South Korea unveiled the results of an international investigation, a quite methodical one, into the cause of the sinking of this South Korean naval vessel; and the evidence overwhelmingly showed what many were all but certain occurred on March 26. It showed that the ship was indeed sunk by a North Korean torpedo attack, in clear violation of the Korean war armistice.

Madam Speaker, this incident is offering at long last clarity across Asia, after years of delusions about North Korea. Reality is now setting in. In Seoul, it is offering clarity about the brutal nature of the Stalinist regime that operates in the north. Earlier today, South Korea's President Lee Myung-bak addressed the nation, and he announced that North Korean vessels will be blocked from South Korean

waters. He announced also the resumption of radio broadcasts into the north, and he announced that cooperative activity with North Korea is meaningless.

Importantly, he recognized that now is the time for the North Korean regime to change. Seoul is coming to grips with a failed sunshine policy of previous administrations that hoped against hope that North Korea could be dealt with as a normal state. In Tokyo, the attack is offering clarity about the role of U.S. forces in the region. Largely because of North Korea's provocation, Japan's new government seems poised to accept a relocation of U.S. forces on Okinawa.

□ 1430

This isn't just an issue for the U.S. and Japan but has regional implications as U.S. forces there provide breathing space for others in the region, including South Korea, which has been alarmed by the dispute.

This crisis is also offering clarity about Beijing's role in northeast Asia and beyond because, despite an international investigation which included cooperation from Australian and British and Swedish and U.S. investigators working with their South Korean counterparts, China has now announced that it will complete its own assessment of the sinking of the ship.

Beijing merely called the murder of these 46 sailors "unfortunate." Beijing's meek reply came days after it rolled out the red carpet for Kim Jung Il and reportedly showered him with 100,000 tons of food and 100 million in other aid. Today, with senior U.S. officials in China for talks, there are reports that China and the U.S. still are not on the same page with respect to U.N. sanctions on Iran. So much for a responsible China.

The U.S. should support the efforts of South Korea to take their evidence to the U.N. Security Council. That should be the next step.

I had the opportunity to read accounts in which some have said, well, this might be futile, given the fact that Beijing could veto such an act. Well, why not press and make them show the world where Beijing stands? Does Beijing stand with Kim Jung Il and his recklessness or with order and peace, not to mention standing with the grieving families of the victims of Kim Jung Il in this case?

This House is right to stand in solidarity with our South Korean ally. This torpedo attack should offer clarity for U.S. policy toward North Korea as well. It should wake us up to the nature of the North Korean regime and the possibility of dealing diplomatically with that government in North Korea.

This morning, Secretary of State Clinton offered a statement that "we ask North Korea to stop its provoca-

tive behavior . . . take irreversible steps to fulfill its denuclearization commitments and comply with international law." Well, Madam Speaker, anyone who has been watching North Korea over the last 2 months, or the last 2 years, knows that statement has no bearing on reality.

U.S. officials have said that it can no longer be business as usual with respect to North Korea, but that statement is business as usual. North Korea won't take such steps until there is a fundamental change in the government there. And those who have pushed fruitless nuclear negotiations with North Korea in this administration and in the last administration and ignored the type of regime we're dealing with have to ask themselves why North Korea's only definitive response to that engagement has come on top of a torpedo.

Madam Speaker, today we rightly condemn this attack and show solidarity with our South Korean allies, but we can and should be doing more in the days and weeks ahead to show resolve in the face of North Korean aggression. There is a long list of steps that Washington and Seoul can and should take in lockstep to strengthen deterrence in the region and to show that 46 deaths will not go unanswered. We could be relisting North Korea as a state sponsor of terrorism. We could be speeding defense sales and targeting North Korea's illicit activities, like counterfeiting of hundred-dollar U.S. bills and drug running. Congress could also pass the U.S.-Korea Free Trade Agreement, demonstrating that there will be no retreat by the U.S. from northeast Asia.

I look forward to working with my colleagues to strengthen the U.S.-South Korean alliance, which has been a vital anchor for security in Asia for more than 50 years, and I look forward to hopefully doing that in the immediate weeks to come.

I reserve the balance of my time.

Mr. FALCONE. Madam Speaker, I do want to compliment my good friend from California for his most eloquent statement, most insightful. And I could not agree better with the gentleman's suggestion that we should take this matter directly to the Security Council of the United Nations with such evidence to show—not to embarrass anybody, but to bear the facts out that, I think, this is an act—it's an act of war, Madam Speaker. There's no other way that you can look at this. And I want to commend my good friend from California for making this suggestion.

It should be brought before the Security Council. There should be full deliberations, and let the nations of the world see and witness for themselves what this conduct has become. The killing of 46 sailors, just unbelievable.

Mr. ROYCE. Will the gentleman yield?

Mr. FALEOMAVAEGA. I gladly yield to my good friend from California.

Mr. ROYCE. I concur, and with Adlai Stevenson, we took that tack with our Ambassador to the United Nations during the time of the Cuban Missile Crisis. He was able to show the hard evidence. South Korea can take these same steps, show that hard evidence. I'm in agreement. I thank the gentleman for yielding.

I yield back the balance of my time.

Mr. LARSEN of Washington. Madam Speaker, I rise today to express my support for H. Res. 1382, a resolution expressing sympathy to the families of those killed by North Korea in the sinking of the South Korean ship *Cheonan*, and solidarity with South Korea in the aftermath of this tragic incident.

On March 26, the South Korean ship *Cheonan* sank in the Yellow Sea following an explosion, killing 46 sailors. I offer my condolences to the families, friends, and loved ones of those killed in this tragic incident.

In the two months following the sinking of the *Cheonan*, the South Korean government has undertaken extensive forensic work with a team of impartial international investigators to determine the cause of the explosion. Their work leaves no doubt that the sinking of the *Cheonan* and the death of 46 sailors was the direct result of a torpedo fired by North Korea.

The United States stands with President Lee Myung-bak and fully supports the measures he has taken to respond to the sinking of the *Cheonan*. President Lee's decision to close sea lanes and cut off trade with North Korea sends a strong message that South Korea will not tolerate unprovoked aggression.

South Korea is a strong ally of the United States, and as the President has made clear, our commitment to supporting their defense is unequivocal.

I urge the international community to join with South Korea and the United States to condemn North Korea's unacceptable, belligerent behavior.

And I urge my colleagues to support H. Res. 1382 and send a strong message that the United States Congress stands with South Korea during this difficult time.

Mr. PAUL. Madam Speaker I rise in opposition to this legislation not because I do not wish to express sympathy to those killed in the recent sinking of a South Korean naval vessel near the border with North Korea, but rather because I object strongly to the threatening and militaristic language in this resolution. I do not believe Congressional expressions of sympathy for those who have lost their lives should include language that further escalates an already volatile situation on the Korean peninsula. At a time when the United States maintains nearly 30,000 troops in South Korea, serving as a tripwire for an American response should hostilities break out between North and South, this resolution should, if anything, counsel caution and diplomacy rather than urge the U.S. government "to take other appropriate actions in response to the sinking of the ROKS *Cheonan* and other hostile acts of North Korea." Further, in reaffirming the United States' "enduring commitment to the . . . security of the Republic of Korea," this resolution signals a U.S. willingness to commit

military force should the current escalation in tensions continue between North and South.

It is difficult to imagine a more dangerous or inappropriate time for such statements. I believe this unfortunate incident should instead serve as a wake-up call for the United States to re-assess its military presence in South Korea in particular and Asia in general. Maintaining the U.S. global empire is costing us one trillion dollars per year and is undermining rather than contributing to peace and stability. The North and South Koreans have all the incentive to reach a peaceful solution to their long-standing conflict and have made strides recently in that direction. The U.S. military presence in South Korea some 50 years after the Korean War is an impediment to that progress and should be ended immediately.

Mr. POMEROY. Madam Speaker, I rise today in support of House Resolution 1382.

The March 26 torpedo attack on the *Cheonan* represents one of the most horrific acts of aggression in the long and all too often fraught history of the Korean peninsula. As a longstanding friend of the Korean people, I condemn the attack and fully support the steps taken to bring this matter before the U.N. Security Council and President Lee Myung-bak's decision to cut trade ties with North Korea.

The Republic of Korea is one of the United States strongest and most steadfast allies—and just as the Korean people have stood by us in our times of need—we will continue to stand shoulder to shoulder with our Korean friends during these trying times. Our shared history has closely united our two nations with respect to not only our security but also our fundamental values, principles, and ideals. I share a particularly strong personal bond with Korea as the father of two adopted Korean American children.

To the families of the 46 sailors who died as a result of the attack, I offer my most heartfelt prayers. Your grief and loss is shared by millions of Americans whose thoughts are with you and your countrymen.

This condemnable attack must be met with a strong response from the international community and existing U.N. Security Council sanctions should be fully enforced. I am proud to be a cosponsor of this resolution, and I know that the American people will continue to stand by and support the Republic of Korea. I call on my colleagues to demonstrate this support by voting to pass this resolution.

Mr. KUCINICH. Madam Speaker, I rise in sympathy with the families of those killed in the sinking of the Republic of Korean ship (ROKS) *Cheonan*. I stand in solidarity with the people of the Republic of Korea in the aftermath of this tragic incident. However, I have serious concerns with language in H. Res. 1382. While it appropriately expresses sympathy to the families of those killed in the attack, it also appears to express support for possible military action against North Korea.

North Korea announced yesterday that it is severing all relations with South Korea, further exasperating an already contentious relationship. This resolution "urges the United States" and "its allies . . . to take appropriate actions in response to the sinking of the ROKS *Cheonan* and other hostile acts of North Korea." The resolution also "urges the inter-

national community to provide all necessary support to the Republic of Korea as the Government of the Republic of Korea prepares to respond to the actions committed by North Korea, which led to the sinking of the ROKS *Cheonan*." State Department officials, including Secretary of State Hillary Clinton, have also made public statements vowing that the attack will not go unanswered.

Congress and the Administration can better express support for the people of the Republic of Korea by recommitting to promoting dialogue between the two nations. The expression of congressional support for a possible military response to North Korea's actions can only serve to heighten the likelihood of a military confrontation. Military action in retaliation to North Korea's attack on the South Korean ship can only result in the further loss of life. I believe strongly in the power and necessity of diplomacy. The United States has a responsibility to utilize its unique role as an ally of South Korea to bring the nation closer to resolution with North Korea.

Mr. RANGEL. Madam Speaker, I rise to convey my deepest condolences for the people of South Korea following the tragic sinking of the naval ship, *Cheonan*, which has severely traumatized the nation and disrupted peace and stability in the Land of the Morning Calm.

As a longtime friend of the Korean people, I fully support the resolution introduced by my colleagues, Representatives FALEOMAVAEGA, ROS-LEHTINEN, ACKERMAN, MANZULLO, and BERMAN, that expresses sympathy to the families of the 46 sailors killed as a result of North Korea's aggression, and demonstrates our solidarity with the Republic of Korea in the aftermath of this tragedy.

For me in particular, this incident is very personal and excruciatingly painful. As a veteran who fought in the Battle of Kunuri during the Korean War, I have witnessed the anguish and the suffering inflicted on the Peninsula as a result of North Korea's invasion of the South on June 25, 1950. In fact this year marks the 60th anniversary of the outbreak of the Korean War, which evidently has yet to end.

The Korean people have lived in a state of division and instability in the Peninsula for sixty years. The recent disaster is clearly a somber reminder that the United States must reaffirm our alliance with the Republic of Korea to help bring closure to the first and last conflict of the Cold War and ultimately build a path toward reconciliation between the two Koreas.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in strong support of H. Res. 1382, expressing sympathy for the families of those killed by North Korea in the sinking of the Republic of Korea Ship *Cheonan*, and solidarity with the Republic of Korea in the aftermath of this tragic incident. I would like to thank Mr. FALEOMAVAEGA for introducing this resolution reaffirming our long-standing friendship with the people of South Korea.

Madam Speaker, South Korea has suffered a senseless and tragic loss due to a vicious attack from their northern neighbor. On May 20, 2010 a group of 74 experts, 50 from South Korea and 24 from the international community, published a report containing conclusive evidence that North Korea, in clear violation of

the Korean War Armistice Agreement, sank the Ship *Cheonan* without provocation. The *Cheonan* lost 46 of its 104 sailors in the attack, and the people of South Korea still mourn their loss.

The Republic of South Korea has been a steadfast ally to the United States for over 50 years, providing a vital foothold for security and stability in Asia; moreover, the United States is bound to South Korea through a shared belief in the values of democracy and the rule of law. We must not stand idly by while our allies overseas are attacked. Foreign aggression is a threat to international stability, and as such also threatens the security of the United States and its people. Secretary of State Clinton has already called out to the rest of the world, showing unwavering conviction that "we cannot allow this attack on South Korea to go unanswered by the international community." Nor can we in the U.S. Congress remain silent.

I urge my colleagues to support this resolution to reaffirm the United States' commitment to our alliance with the Republic of South Korea. We condemn in the strongest terms the actions of North Korea for their attack and demand a full apology for their aggression, along with a commitment to never again violate the terms of the Korean War Armistice Agreement. The United States must coordinate with our allies to take appropriate action in response to the hostility of the North Korean Government. We also strongly urge the international community to faithfully implement all United Nations Security Council Resolutions pertaining to security on the Korean Peninsula.

I support this resolution not only out of sympathy for our South Korean allies, but also because of the message it sends to potential aggressors abroad. It says we understand that stability around the world is necessary for security at home; it says that we will not remain silent in the face of violations of international treaties; it says that hostility towards peaceful democratic nations will not go unanswered. The safety of the people of the United States depends on our ability to work with the international community to stand by our allies and respond to aggressors.

Mr. FALEOMAVAEGA. Madam Speaker, I just want to note also that over the years it has been my privilege in dealing and working with the good people and the leaders of South Korea, and I, for one, over the years have always said that the principles underlying the Sunshine Policy, as it was enunciated and tried, I believe, thankfully, by the late President Kim Dae Jung in his efforts to see about bettering relationships between North and South Korea.

I know that there were flaws and shortcomings of the Sunshine Policy. And it's to the point now, how much further do we need to show our friendship and goodwill to the people and to the leaders of North Korea? This act of conduct on the part of North Korea is, no question, without excuse.

I gladly thank my good friend from California for his statement.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 1382.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FALEOMAVAEGA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING THE IMPORTANCE OF MANUFACTURED AND MODULAR HOUSING

Mr. DONNELLY of Indiana. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 584) recognizing the importance of manufactured and modular housing in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 584

Whereas manufactured and modular housing play a vital role in meeting the housing needs of the people of the United States and are an important source of quality, affordable housing, including both homeownership and rental housing;

Whereas the manufactured and modular housing industries in the United States have approximately \$6,000,000,000 annually in sales and employ approximately 70,000 people in factories and retail centers alone;

Whereas 18,000,000 people in the United States, representing all segments of the population, including emerging demographics, live in manufactured or modular homes;

Whereas because they are important sources of affordable housing, manufactured and modular housing are a critical part of the solution to the ongoing crisis in the housing market in this Nation;

Whereas the factory production process provides manufactured and modular housing with technological advantages, value, and customization options for consumers seeking quality housing and sustainable homeownership;

Whereas manufactured homes are built to a national standard under the National Manufactured Housing Construction and Safety Standards Act of 1974, which governs construction, engineering, quality, safety, and systems performance;

Whereas that Act supports innovation, consumer safety, efficiency, and quality while preserving the affordability and customization of manufactured housing;

Whereas creating affordable homeownership opportunities helps build communities and requires the cooperation of the private and public sectors, including the Federal Government and State and local governments;

Whereas the laws of the United States, such as the Manufactured Housing Improvement Act of 2000, encourage manufactured housing homeownership and should continue to do so in the future;

Whereas June is designated as National Homeownership Month; and

Whereas the third week of June is recognized as Manufactured and Modular Housing Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of manufactured and modular housing in providing decent, sustainable, and affordable housing;

(2) recognizes the importance of manufactured and modular housing in contributing to homeownership in the United States;

(3) recognizes the importance of homeownership, including homeownership of manufactured and modular homes, in building strong communities and families; and

(4) recognizes and fully supports the goals and ideals of Manufactured and Modular Housing Week and National Homeownership Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. DONNELLY) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. DONNELLY of Indiana. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DONNELLY of Indiana. I yield myself such time as I may consume.

Madam Speaker, today I rise in strong support of House Resolution 584, a resolution honoring the importance of manufactured housing to our country. As we celebrate home ownership during the month of June, we also honor the third week of June as "Manufactured Housing Week." This recognizes that manufactured homes offer hardworking American families the option to purchase quality homes at an affordable price. This \$8 billion-a-year industry provides jobs for people not only in the Second district of Indiana, which I am proud to represent, but throughout.

More than 18 million people live in over 10½ million manufactured homes. I have seen firsthand how these homes have continued a tradition of quality and safe construction over the years. They present the high quality, affordable housing option for all families.

Madam Speaker, manufactured housing has come a long way over the years, and people can often not tell the difference between a modular home and a site-built home. Manufactured homes have a factory production process which provides technological advantages, value, and customization options for consumers seeking quality housing and sustainable home ownership.

Additionally, manufactured homes are built to a national standard under the HUD Code, which governs the construction, engineering, quality, safety, and systems performance. The HUD Code supports innovation, consumer safety, efficiency, and quality while preserving manufactured housing's affordability and customization.

We have all witnessed the ongoing turmoil in the housing market. I believe it is essential that we look to affordable manufactured housing as a viable solution to this problem. Creating affordable home ownership is one of the building blocks of our society and it plays a fundamental role in achieving the American Dream. It helps to provide families with economic security and build strong communities.

I urge my colleagues to support House Resolution 584.

Madam Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Speaker, today I rise in support of House Resolution 584, recognizing the importance of manufactured and modular housing in the United States.

Manufactured housing is a good source of affordable housing in this country not only for home ownership but for rental housing as well. Currently, the manufactured housing and modular housing industries generate over \$6 billion in annual revenues and employ over 70,000 people. As a result of this extensive industry, approximately 18 million people in the United States, representing all segments of the population, live in manufactured or modular homes.

I was educated on the importance of manufactured housing in South Carolina by Tom Lloyd of the Manufactured Housing Association. I know firsthand of the housing opportunities made possible by Leonard Sanford in Orangeburg, South Carolina.

Manufactured and modular housing provides a critical solution to our country's supply of affordable housing. And due to the factory production process involved, manufactured and modular housing brings technological advances, value, and customization options for consumers seeking quality housing and sustainable home ownership.

The legislation before us recognizes and fully supports the goals and ideals of Manufactured Housing Week, and I urge my colleagues to support the resolution.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ADERHOLT. Madam Speaker, I would like to thank the Gentleman from Indiana for introducing H. Res. 584, "Recognizing the importance of manufactured and modular housing in the United States."

Manufactured and modular housing play an important role in meeting the housing needs of

the people of my home state of Alabama and the United States of America.

Over the past two decades, the quality of manufactured housing has become essentially equivalent to that of conventional housing and manufactured housing has grown in popularity as an affordable alternative to conventional site-built housing.

A Harvard University Joint Center for Housing Studies reported that manufactured housing has no impact on the appreciation rates of surrounding properties, putting an end to the myth of negative property value impacts.

It is also good to know that the manufactured and modular housing industry continues to be an important part of our nation's economy. Manufactured and modular housing has produced approximately \$6 billion annually in sales and employs approximately 70,000 people in factories and retail centers alone.

These factories are an important contributor to the economy in the district I represent, as there are more than ten manufacturers in the 4th Congressional District of Alabama.

During a recession, I would encourage any Americans to consider a manufactured or modular house as an option. According to the Manufactured Housing Institute, construction costs per square foot for a new manufactured home average anywhere from 10 to 35 percent less than a comparable site-built home, excluding the cost of land, depending on the region of the country.

Home ownership is part of the American Dream and I am pleased to encourage affordable home ownership opportunities through manufactured and modular housing for so many Americans who can benefit from this type of home ownership.

Mr. DONNELLY of Indiana. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. DONNELLY) that the House suspend the rules and agree to the resolution, H. Res. 584.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DONNELLY of Indiana. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1445

SENSE OF HOUSE REGARDING HOUSING FUNDING TO COMBAT AIDS

Mr. DONNELLY of Indiana. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution

(H. Con. Res. 137) expressing the sense of the Congress that the lack of adequate housing must be addressed as a barrier to effective HIV prevention, treatment, and care, and that the United States should make a commitment to providing adequate funding for developing housing as a response to the AIDS pandemic.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 137

Whereas adequate and secure housing for people with human immunodeficiency virus or acquired immunodeficiency syndrome (HIV/AIDS) is a challenge with global dimensions and adequate housing is one of the greatest unmet needs of persons in the United States with HIV/AIDS;

Whereas growing empirical evidence shows that the socioeconomic circumstances of individuals and groups and structural factors such as housing status are of equal importance, or even greater importance, to health status than medical care and personal health behaviors;

Whereas the link between poverty and disparities in HIV risk and health outcomes is well established, and new research findings demonstrate the direct relationship between inadequate housing and greater risk of HIV infection, poor health outcomes, and early death;

Whereas rates of HIV infection are 3 to 16 times higher among persons who are homeless or unstably housed, 70 percent of all persons living with HIV/AIDS report a lifetime experience of homelessness or housing instability, and the HIV/AIDS death rate is 7 to 9 times higher for homeless adults than for the general population;

Whereas poor living conditions, including overcrowding and homelessness, undermine safety, privacy, and efforts to promote self-respect, human dignity, and responsible sexual behavior;

Whereas homeless and unstably housed persons are 2 to 6 times more likely to use hard drugs, share needles, or exchange sex for money and housing than similar persons with stable housing, as the lack of stable housing directly impacts the ability of people living in poverty to reduce HIV risk behaviors;

Whereas in spite of the evidence indicating that adequate housing has a direct positive effect on HIV prevention, treatment, and health outcomes, the housing resources devoted to the national response to HIV/AIDS have been inadequate and housing has been largely ignored in policy discussions at the international level; and

Whereas the Congress recognized the housing needs of people with HIV/AIDS in enacting the Housing Opportunities for Persons with AIDS (HOPWA) program in 1990 as part of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) and the HOPWA program currently serves 70,000 households: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) stable and affordable housing is an essential component of an effective strategy for HIV prevention, treatment, and care; and
(2) the United States should make a commitment to providing adequate funding for developing housing as a response to the AIDS pandemic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. DONNELLY) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. DONNELLY of Indiana. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DONNELLY of Indiana. Madam Speaker, I yield such time as he may consume to the sponsor of this concurrent resolution, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. I thank the gentleman from Indiana for yielding.

Madam Speaker, I rise today in support of my resolution, H. Con. Res. 137, which expresses the sense of Congress that housing is a key component of combating the war against HIV and AIDS.

I want to thank Chairman FRANK and my colleagues, both parties on the Financial Services Committee, for bringing this resolution to the floor, and I call on my colleagues to join me in supporting this important resolution.

It is remarkable how far we have come as a society in our understanding of the HIV virus. In the early 1980s and well into the 1990s, an HIV-positive diagnosis was seen as a death sentence.

But nearly three decades after the launch of a global campaign to study the disease, to develop and disseminate treatment, and to teach prevention, those who contract HIV now have more than just an elusive hope for the future. They have a natural reality of living healthy and productive lives for decades.

Today we have an entire medical, organizational, and legislative foundation from which we can provide information, medication, and health care to those who have contracted the disease. Yet, just as advances are being made to extend and enhance the lives of those living with HIV and AIDS, we still have a long way to go in the United States in order to make sure that everyone benefits.

While we now have effective HIV medications, there are still many complicating factors in making sure that everyone can get and successfully use those medications. These drugs can be very expensive, forcing people to choose between lifesaving drugs and other essentials such as food, clothing, and housing. In addition, these complex medications often require refrigeration and precise daily routines and mealtimes for their administration.

Successfully integrating these drugs into anyone's life has its complications. For those who are homeless, or who don't know where they will be sleeping day to day or month to month, the situation is extremely difficult and often, sadly, life threatening.

Study after study has confirmed the connection between the ability to remain healthy after being diagnosed with HIV and access to stable housing.

Here are just a few statistics. According to a 2007 study in the American Journal of Public Health, housing status is a more significant predictor of health care access and outcomes than individual characteristics, insurance status, substance abuse, and mental health comorbidities, or even service utilization.

Up to 70 percent of all people living with HIV report a lifetime experience of homelessness or housing instability.

Rates of HIV infection are 16 times higher, 16 times higher, among those who are homeless or unstably housed compared to similarly situated people with stable housing.

Up to 14 percent of all homeless people are HIV positive, 10 times the rate in the general population.

The death rate due to HIV or AIDS among homeless people living with HIV is seven to nine times the death rate due to HIV/AIDS among the general population.

The studies are equally clear that ensuring access to stable housing is cost-effective. According to economic evaluation studies done by Johns Hopkins Bloomberg School of Public Health, providing housing to those who are HIV positive either helps to save costs associated with treating these patients, or has similar effects such as those associated with kidney dialysis and screening for breast and colon cancer.

If we are to tackle the spread and treatment of HIV and AIDS in our society, we absolutely must address the need for stable housing for people with HIV and AIDS. Housing is not a luxury; it's a necessity. And with stable, safe housing comes better health and healthier habits, especially for those living with HIV/AIDS.

So I ask my colleagues in both parties to support this resolution so that we can move toward a sound and comprehensive policy for the prevention and treatment of HIV/AIDS.

Mr. WILSON of South Carolina. Madam Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 137 expresses the sense of Congress regarding adequate housing options for persons with HIV/AIDS. Studies show that the rates of HIV infection are 3 to 16 times higher among persons who are homeless or unstably housed, and 70 percent of all persons living with HIV/AIDS report a lifetime experience of homelessness.

Currently, the U.S. Department of Housing and Urban Development, through its Housing Opportunities for Persons with AIDS, HOPWA, provides grants to eligible States and cities to provide housing assistance and related supportive services to meet the housing needs of low-income persons with HIV/AIDS and their families.

I have no further requests for time, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H. Con. Res. 137, "Expressing the sense of the Congress that the lack of adequate housing must be addressed as a barrier to effective HIV prevention, treatment, and care, and that the United States should make a commitment to providing adequate funding for developing housing as a response to the AIDS pandemic," as introduced by my distinguished colleague from New York, Representative NADLER.

The HIV/AIDS pandemic continues to be a serious issue in the United States. A growing body of empirical research shows that HIV patients' housing and other socioeconomic factors are of equal or even greater importance than their medical care or personal health behavior in determining their long term health status. 70% of all persons with HIV or AIDS have reported periods of homelessness or unstable housing in their lives, the rates of HIV infection are 3–16 times higher for those who are homeless or have unstable housing, and the HIV/AIDS death rate is 7–9 times higher for homeless adults than the general population.

The link between poverty and HIV risk and outcomes is well established. Poor living conditions such as homelessness and overcrowding undermine safety and efforts to promote responsible sexual behavior. A lack of stable housing greatly reduces people's ability to reduce their risk of HIV, as people who are homeless or have unstable housing are 2–6 times more likely than the general population to use hard drugs, exchange needles, or trade sex for money or shelter.

Despite this evidence that adequate housing is an important effect on HIV prevention, the housing resources devoted to the national response to HIV/AIDS have been inadequate and housing has been largely ignored in policy discussions at the international level.

H. Con. Res. 137 recognizes that stable, affordable housing is a key component of any effective strategy to prevent the spread of HIV/AIDS, as well as its treatment and care. It further recognizes that the United States should make a serious commitment to providing adequate funding for developing housing as a response to the AIDS pandemic. I am proud to support this resolution, and strongly urge my colleagues to join me.

Mr. DONNELLY of Indiana. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. DONNELLY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 137.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM EXTENSION ACT

Mr. NADLER of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5330) to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act for a 5-year period ending June 22, 2015, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DELAY OF SUNSET.

Section 211(a) of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (Public Law 108-237; 15 U.S.C. 1 note) is amended—

(1) in subsection (a)—

(A) by inserting “of this subtitle” after “214”, and

(B) by striking “6 years” and inserting “16 years”, and

(2) by amending subsection (b) to read as follows:

“(b) EXCEPTIONS.—With respect to—

“(1) a person who receives a marker on or before the date on which the provisions of section 211 through 214 of this subtitle shall cease to have effect that later results in the execution of an antitrust leniency agreement, or

“(2) an applicant who has entered into an antitrust leniency agreement on or before the date on which the provisions of sections 211 through 214 of this subtitle shall cease to have effect, the provisions of sections 211 through 214 of this subtitle shall continue in effect.”.

SEC. 2. DEFINITIONS.

Section 212 of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (Public Law 108-237; 15 U.S.C. 1 note) is amended—

(1) by redesignating paragraph (6) as paragraph (7), and

(2) by inserting after paragraph (5) the following:

“(6) **MARKER.**—The term ‘marker’ means an assurance given by the Antitrust Division to a candidate for corporate leniency that no other company will be considered for leniency, for some finite period of time, while the candidate is given an opportunity to perfect its leniency application.”.

SEC. 3. TIMELINESS; COOPERATION AFTER TERMINATION OF STAY OR PROTECTIVE ORDER.

(a) **TIMELINESS.**—Section 213(c) of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (Public Law 108-237; 15 U.S.C. 1 note) is amended to read as follows:

“(c) **TIMELINESS.**—The court shall consider, in making the determination concerning satisfactory cooperation described in subsection (b), the timeliness of the applicant’s or cooperating individual’s cooperation with the claimant.”.

(b) **COOPERATION AFTER TERMINATION OF STAY OR PROTECTIVE ORDER.**—Section 213 of

the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (Public Law 108-237; 15 U.S.C. 1 note) is amended by adding at the end the following—

(1) by redesignating subsection (d) as subsection (e), and

(2) by inserting after subsection (c) the following:

“(d) **COOPERATION AFTER EXPIRATION OF STAY OR PROTECTIVE ORDER.**—If the Antitrust Division does obtain a stay or protective order in a civil action based on conduct covered by an antitrust leniency agreement, once the stay or protective order, or a portion thereof, expires or is terminated, the antitrust leniency applicant and cooperating individuals shall provide without unreasonable delay any cooperation described in paragraphs (1) and (2) of subsection (b) that was prohibited by the expired or terminated stay or protective order, or the expired or terminated portion thereof, in order for the cooperation to be deemed satisfactory under such paragraphs.”.

SEC. 4. TECHNICAL CORRECTIONS.

Section 214 of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (Public Law 108-237; 15 U.S.C. 1 note) is amended—

(1) in paragraph (1) by inserting “of this subtitle” after “213(b)”, and

(2) in paragraph (3)—

(A) by inserting “of this subtitle” after “213(a)” the 1st place it appears, and

(B) by striking “title” and inserting “subtitle”.

SEC. 5. GAO REPORT.

Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit, to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the effectiveness of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004, both in criminal investigation and enforcement by the Department of Justice, and in private civil actions. Such report should include study of, inter alia—

(1) the appropriateness of the addition of qui tam proceedings to the antitrust leniency program; and

(2) the appropriateness of creating anti-retaliatory protection for employees who report illegal anticompetitive conduct.

SEC. 6. EFFECTIVE DATE OF AMENDMENTS.

The amendments made by section 1 shall take effect immediately before June 22, 2010.

SEC. 7. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER of New York. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER of New York. I yield myself such time as I may consume.

Madam Speaker, H.R. 5330 extends by 10 years the Antitrust Criminal Penalty Enhancement and Reform Extension Act of 2004, an important tool in combating illegal cartel behavior.

Set to expire next month, the 2004 act promotes the detection and prosecution of illegal cartel behavior by giving participants in a price-fixing cartel powerful incentives to report the cartel to the Justice Department’s Antitrust Division and to cooperate in the investigation and prosecution.

Criminal cartel enforcement targets some of the worst crimes perpetrated on American consumers, but these crimes are not easily detected because the actual criminal activity takes place in secret meetings, behind closed doors among willing coconspirators. So even with the hard work of the Antitrust Division, price-fixing cartels can often go undetected. With hundreds of millions, or even billions, of dollars of unlawful profits at stake, these criminals work hard to keep their actions secret.

In August 1993, the Antitrust Division revised its existing program to destabilize cartels by giving cartel participants a strong incentive to break the code of silence and report the cartel. This program offers amnesty from criminal prosecution for the first company to report the cartel.

The company cannot have been the ringleader, and it has to continue cooperating fully with the criminal investigation and prosecution. The company’s executives also receive amnesty if they give full cooperation. But there was still a disincentive for cartel participants to come forward because they remained subject to treble damages and joint and several liability in accompanying civil litigation.

Six years ago, this Congress gave the Antitrust Division a new weapon to attack this disincentive head on. ACPERA, the bill we are talking about, addressed this shortcoming in the criminal leniency program by also eliminating the cooperating party’s exposure to civil liability. ACPERA limits the civil liability of the cooperating party to single damages.

The remaining conspirators in the cartel, however, remain jointly and severally liable for all damages and treble damages. In this way the act strikes a carefully crafted balance, encouraging the cartel members to turn on each other while ensuring full compensation to the victims.

The positive impact of this law cannot be overstated. ACPERA aided the Antitrust Division in obtaining \$1 billion in criminal fines in fiscal year 2009 alone. Last year, confronted with the

expiration of key provisions of ACPERA, we sponsored a bipartisan 1-year extension of the statute.

We have since solicited input from a number of parties, including the Department of Justice, the American Bar Association, noted academics such as William Kovacic, and representatives of civil litigants, leniency applicants, and cartel whistleblowers. I want to ensure that the Justice Department has all the tools that it needs to continue its excellent work protecting consumers from price-fixing cartels.

The legislation before us today extends the law for 10 years and incorporates a number of smaller findings based on other suggestions that have been made. Specifically, it makes minor changes to the law to ensure that companies provide timely cooperation to victims of the cartel in the related civil action in order to receive the reduced damages liability. It also ensures that no one in the amnesty process in the future will be adversely affected if this law were to sunset in the future.

Finally, it commissions the Government Accountability Office, the GAO, to perform a 1-year study to examine several other suggestions that have been made to further improve the law.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to support H.R. 5330, a bill to extend the Antitrust Criminal Penalty Enhancement and Reform Act for 10 years. Portions of title II of Public Law 108-237, the Antitrust Criminal Penalty Enhancement and Reform Act of 2004, called ACPERA—now that's not a drug or a disease, it is just the acronym for this law—are set to expire on the 22nd of June. The expiring sections relate to incentives for companies to participate in the Antitrust Division's corporate leniency program.

Specifically, the expiring provisions allow a company that's entered into the leniency program to request that it be held liable only for the full compensatory damages in a follow-on civil suit. Normally, as was mentioned by the gentleman from New York, defendants are required to pay treble damages in an antitrust action. This program has proven to be successful in allowing the Antitrust Division to pursue criminal price-fixing cases in recent years.

Last year, Congress approved a 1-year extension of ACPERA so that the Judiciary Committee could study the issue further. After months of discussions with the stakeholders, we have made some changes to ACPERA to require defendants to disclose more information to plaintiffs in the follow-on class action suits.

These additional cooperation requirements apply only if, one, the defendant has pleaded guilty to a criminal price-fixing conspiracy and, two, seeks the liability limitations that ACPERA provides. Most importantly, the changes in this bill will not affect the Justice Department's ability to prosecute these cases. So for this reason, the Department does not oppose these additional disclosure requirements.

This bill provides a 10-year extension of ACPERA. Given the success that the program has had in uncovering criminal price-fixing schemes, a 10-year extension appears to be quite appropriate. It is crucial that we continue to provide the Justice Department with the tools it needs to ensure that it can protect consumers against price-fixing schemes.

With that in mind, I am happy to support this legislation. I hope that my colleagues will support this measure and the Senate will take it up in a timely manner so as to ensure that this authority does not expire next month.

I yield back the balance of my time. Mr. NADLER of New York. Madam Speaker, I urge my colleagues to support this legislation.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the bill, H.R. 5330, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. NADLER of New York. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1500

CHIROPRACTIC CARE AVAILABLE TO ALL VETERANS ACT

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1017) to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chiropractic Care Available to All Veterans Act".

SEC. 2. PROGRAM FOR PROVISION OF CHIROPRACTIC CARE AND SERVICES TO VETERANS.

Section 204(c) of the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 (38 U.S.C. 1710 note) is amended—

(1) by inserting "(1)" before "The program"; and

(2) by adding at the end the following new paragraph:

"(2) The program shall be carried out at not fewer than 75 medical centers by not later than December 31, 2011, and at all medical centers by not later than December 31, 2013."

SEC. 3. EXPANDED CHIROPRACTOR SERVICES AVAILABLE TO VETERANS.

(a) MEDICAL SERVICES.—Paragraph (6) of section 1701 of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(H) Chiropractic services."

(b) REHABILITATIVE SERVICES.—Paragraph (8) of such section is amended by inserting "chiropractic," after "counseling."

(c) PREVENTIVE HEALTH SERVICES.—Paragraph (9) of such section is amended—

(1) by redesignating subparagraphs (F) through (K) as subparagraphs (G) through (L), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph (F):

"(F) periodic and preventative chiropractic examinations and services;"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of the Chiropractic Care Available to All Veterans Act, H.R. 1017, as amended, which emphasizes the critical need for robust chiropractic services within the Department of Veterans Affairs.

In the theater today, Madam Speaker, servicemembers may carry up to 55 pounds of combat equipment and armor. Consistently supporting such a heavy load places a serious strain on the backs and joints of our servicemembers, thereby causing musculoskeletal injuries. In fact, the VA reports that musculoskeletal disorders are the single most common ailment facing returning veterans. Among veterans of Operation Enduring Freedom and Operation Iraqi Freedom who have received treatment from the VA, over 52 percent have been diagnosed with such a disorder; however, the VA is not presently equipped to serve this clear need.

Current law specifies that the VA must have at least one chiropractic care program in each of the 21 Veterans Integrated Service Networks, or VISNs. Today, in-house chiropractic care is available at just 32 major VA facilities. This leaves veterans living near the remaining 121 centers without access to chiropractic care at a VA facility.

Madam Speaker, H.R. 1017 would make chiropractic care available to all veterans at all VA medical centers by phasing in the establishment of such chiropractic care programs. The VA would be required to offer chiropractic care at 75 medical centers by the end of 2011 and at all VA medical centers by the end of 2013. This bill provides an opportunity to significantly expand access to chiropractic care for one of the most prevalent disorders facing veterans returning from Iraq and Afghanistan.

I urge the support of my colleagues and reserve the balance of my time.

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1017, as amended, the Chiropractic Care Available to All Veterans Act, to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38 United States Code to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand such care and services.

Musculoskeletal injuries cause problems not only for veterans of past conflicts, but are also one of the leading health concerns for veterans returning from Iraq and Afghanistan. This committee has a long history of taking action to ensure that the VA provides quality and accessible chiropractic care, and I would like to thank the chairman for introducing legislation once again.

I also want to thank my good friend and colleague from Kansas, JERRY MORAN, for his strong advocacy of the need to provide quality chiropractic care within the VA. It was legislation that JERRY MORAN introduced in the 108th Congress that initially provided the VA with the authority to hire and employ chiropractors.

The VA provides chiropractic care at 32 VA medical centers using hired or contracted staff. Chiropractic services are also available to veterans who live in areas distant from facilities through its fee basis program, which uses local non-VA providers.

Given the prevalence of back, neck, and joint pain in the veteran population, there is a need to expand access to chiropractic care within the VA medical facilities. This bill would do that by mandating such care at 75 VA medical centers by the end of next year and at each VA medical center by the end of 2013. However, I want to point

out that it is also important that the VA continues to ensure chiropractic care remains available as an option through the VA's fee basis program.

Oftentimes, the fee basis program is needed or would benefit the health status of an eligible veteran. For instance, multiple treatments with some frequency may be required to receive the full benefits of chiropractic care. If a veteran lives some distance from a VA medical center requiring that veteran to make multiple trips, it creates an undue travel burden. In such cases, the use of the VA's fee basis program is in the best interest of the veteran. Therefore, it must always remain a mechanism for accessing care to ensure system-wide availability regardless of whether a VA medical center has a chiropractor on staff.

As always, I believe it is our duty to do all we can to help our veteran warriors heal from the injuries incurred through service to our Nation. Providing them with readily-accessible, widely-available, and highly skilled chiropractic care I believe will go a long way towards increasing the health and well-being of our veteran population. As such, I encourage all my colleagues to join with me in supporting H.R. 1017, as amended.

I would also like to extend special recognition to Chairman MICHAUD and Ranking Member BROWN of the Health Subcommittee for their work on this bill and that of the staff.

Madam Speaker, I yield back the balance of my time.

Mr. FILNER. Madam Speaker, I just want to point out that we are approaching the Memorial Day recess. Probably all of us will be at veterans memorials and parades, saluting them on Memorial Day, and we will all say, of course, that we support our veterans.

What we are doing today, as we have done throughout the year, is to say we have a series of bills that will in fact add to the benefits and the well-being of our veterans, and that is the best way to celebrate Memorial Day.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1017, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SALUTING SONS AND DAUGHTERS IN TOUCH ON ITS 20TH ANNIVERSARY

Mr. FILNER. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 278) expressing the sense of Congress that a grateful Nation supports and salutes Sons and Daughters in Touch on its 20th Anniversary that is being held on Father's Day, 2010, at the Vietnam Veterans Memorial in Washington, the District of Columbia.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 278

Whereas there is virtue in remembering and honoring the service and sacrifice of those who died or remain missing as a result of the war in Southeast Asia and the families and children they left behind;

Whereas an estimated 20,000 American children lost fathers in the war in Southeast Asia;

Whereas Father's Day is a fitting day to recognize the sacrifice and service of these fallen heroes and their families;

Whereas the Vietnam Veterans Memorial Wall in the Nation's capital symbolically and literally represents the men and women who gave their lives in the war in Southeast Asia;

Whereas Sons and Daughters in Touch (SDIT) is the only national organization formed specifically to bring together and support the children and families of these American heroes;

Whereas SDIT locates, unites, and supports sons, daughters, and other family members of those who died or remain missing as a result of the Vietnam War and promotes healing through various outreach and education efforts;

Whereas SDIT has held regular Father's Day gatherings for the past 20 years to bring together such sons, daughters, wives, and other family members in a spirit of honor, remembrance, and learning;

Whereas America's current military campaigns have produced a new generation of Gold Star sons and daughters who have lost parents in war;

Whereas Sons and Daughters in Touch is in a unique position to serve as an example to current and future generations of Gold Star families as they bear the painful burden resulting from the selfless sacrifices made by their fathers and mothers in wartime service to the Nation, and SDIT can also serve as a resilient example to all nations affected by war;

Whereas Sons and Daughters in Touch will celebrate its 20th anniversary, which is being held on Father's Day, 2010, at the Vietnam Veterans Memorial in Washington, the District of Columbia; and

Whereas there is triumph, comfort, and honor in healing: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that a grateful Nation supports and salutes Sons and Daughters in Touch on its 20th Anniversary that is being held at the Vietnam Veterans Memorial in Washington, the District of Columbia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 278.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Con. Res. 278 is a resolution expressing the sense of Congress that a grateful Nation supports and salutes the Sons and Daughters in Touch on its 20th anniversary being held on Father's Day at the Vietnam Veterans Memorial in Washington, DC.

I rise in strong support of H. Con. Res. 278, a concurrent resolution expressing the Sense of Congress that a grateful Nation supports and salutes the Sons and Daughters in Touch on its 20th Anniversary being held on Father's Day at the Vietnam Veterans Memorial in Washington, DC. This is very important legislation that I would like to bring to your attention today.

I want to recognize and applaud the outstanding efforts of the sponsor of this legislation, my colleague Representative DEBORAH HALVORSON a stellar member of the House Committee on Veterans' Affairs.

Sons and Daughters in Touch is a national organization consisting of 3,000 Americans whose fathers were killed or went missing during the Vietnam War. Throughout the Vietnam War 58,236 Americans were killed, 153,452 were wounded and 2,489 of these brave servicemen still remain missing. These numbers are mind-boggling and we owe it to these families to continue to support and recognize those that served and gave their lives to protect this Nation.

It has been estimated that among the 58,236 Americans lost in Southeast Asia, that more than one-third were fathers. It has been noted that more than 20,000 American children were left fatherless during this time.

This Father's Day weekend, Sons and Daughters in Touch will celebrate its 20th anniversary. Hundreds of sons and daughters who lost their fathers in the Vietnam War will join together on the Nation's Capitol to hold a series of remembrance ceremonies to continue the healing process for these families.

The sponsor of this resolution is one of our new Members, Mrs. HALVORSON of Illinois, who has taken such a very dynamic part in our deliberations on the Veterans' Affairs Committee, and I yield such time as she may consume to the gentlewoman for an explanation of the bill.

Mrs. HALVORSON. Madam Speaker, I rise today in support of H. Con. Res. 278, a resolution honoring the 20th anniversary of the founding of the Sons and Daughters in Touch.

For the last two decades, this organization has provided support to those sons and daughters who lost a parent fighting during the Vietnam War. During the war in Southeast Asia, we lost over 58,000 men and women in uniform; of those, it is estimated that more than one-third were fathers. That means that more than 20,000 children were lost without a father to help raise them. This means that thousands of children missed out on the memories of growing up with a parent or, in some cases, even the opportunity to meet them.

Founded by a son who helped bury his father after being shot down over Vietnam, Sons and Daughters in Touch was founded by Tony Cordero, who simply wanted to find others like him who had lost a parent in battle. Working with members of other organizations that connected and supported those left behind at home, Tony worked to create an organization that continues to benefit 3,000 people every day.

Next Monday, those of us here will return home to honor the lives of those who sacrificed everything to keep our country safe. Today, we can honor those who were left waiting. Today, we can honor those who fought the battle of moving on without that loved one by their side. I ask my colleagues to stand here with me as we stand up for our military families. I ask my colleagues to stand with me and with those who have joined us today as we honor the loss and sacrifice they have endured. I ask that my colleagues join me in supporting H. Con. Res 278, honoring the 20th anniversary of the founding of the Sons and Daughters in Touch.

I would also like to take a moment to recognize Chairman FILNER for his dedication and hard work on behalf of our veterans, as well as for his help in bringing this resolution to the floor in such a timely manner.

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Con. Res 278, and I want to thank DEBORAH HALVORSON, a member of the committee, for introducing the legislation. It expresses a sense of the Congress that a grateful Nation supports and salutes the Sons and Daughters in Touch on its 20th anniversary that is being held on Father's Day, 2010 at the Vietnam Veterans Memorial here in Washington, DC, the District of Columbia.

During the conflict in Vietnam, more than 20,000 children lost a parent. These children suffered a profound loss and deserve the gratitude and appreciation of the Nation for the sacrifice made by their families. Founded in 1990 to join together the children of those who lost their fathers during this conflict, the Sons and Daughters in Touch work to locate, unite, and provide support to other sons and daughters and other family members with regard to

those who died and remain missing as a result of the Vietnam War.

□ 1515

The organization works to promote healing through networking and special projects, and it regularly addresses high schools and college classes in the hopes of providing education on the historical and emotional legacies of war. Today, through local chapters' events, this organization has reunions and partnerships with the veterans' community.

These sons and daughters have become examples of America's resilience. It is fitting that we remember the contributions and the legacies left behind by those who served and who made the ultimate sacrifice for their Nation. These young men and women left their homelands to fight on foreign soil, answering their Nation's call to duty. They served honorably and often with merit and honor.

This Father's Day, the Sons and Daughters in Touch will be honoring their fathers on their 20th-year reunion. With a new generation of children who recently suffered the loss of parents in current conflicts, the members of the Sons and Daughters in Touch will be able to provide them with support and encouragement for years to come. In honoring the children of those lost during the Vietnam War, we honor the men and women who served during that conflict, and we remember their sacrifices to a grateful Nation.

It is always very, very important to tell the story, not only by those who served in war but also with regard to those who kept the watch fires burning and remained home—not only by the wives but also by the widows and by the children. It is important to tell their stories, to actually convey their stories.

At times, those of us who have served this Nation in war have come back home and have gotten upset with individuals who may not share the same dimension of our experience, and we can get upset with them just as easily as they can get upset with regard to whatever conflict we participated in. Sometimes we judge the world through our own prism and our own dimensions, and we have our own value systems. Yet, unless we are able to convey the stories, how can we even hope that someone would be able to understand? So, when the widows and, in fact, the orphans of those who lost their lives in service to this country tell their stories, it helps others to understand the sacrifice.

Madam Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. FILNER. Madam Speaker, again, I thank the gentlewoman from Illinois (Mrs. HALVORSON), who put together this important resolution that we are considering.

I urge my colleagues to unanimously support H. Con. Res. 278, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 278.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

VETERANS DOG TRAINING THERAPY ACT

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3885) to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Dog Training Therapy Act".

SEC. 2. DEPARTMENT OF VETERANS AFFAIRS PILOT PROGRAM ON DOG TRAINING THERAPY.

(a) IN GENERAL.—Commencing not later than 120 days after the date of the enactment of the Act, the Secretary of Veterans Affairs shall carry out a pilot program for the purpose of assessing the effectiveness of addressing post-deployment mental health and post-traumatic stress disorder symptoms through a therapeutic medium of training service dogs for veterans with disabilities.

(b) DURATION OF PILOT PROGRAM.—The pilot program required by subsection (a) shall be carried out at least three and not more than five Department of Veterans Affairs medical centers during the five-year period beginning on the date of the commencement of the pilot program.

(c) LOCATIONS OF PILOT PROGRAM.—In selecting medical centers for the pilot program required under subsection (a), the Secretary shall ensure that each medical center selected provides a training area for educating veterans with mental health conditions in the art and science of assistance dog training and handling. Such training area shall—

- (1) include a dedicated space that is suitable for grooming and training dogs indoors;
- (2) be wheelchair accessible;
- (3) include classroom or lecture space;
- (4) include office space for staff;
- (5) include a suitable space for storing training equipment;
- (6) provide for periodic use of other training areas for training the dogs with wheelchairs and conducting other exercises;
- (7) include outdoor exercise and toileting space for dogs; and
- (8) provide transportation for weekly field trips to train dogs in other environments.

(d) DESIGN OF PILOT PROGRAM.—In carrying out the pilot program under this section, the Secretary shall—

(1) administer the program through the Recreation Therapy Service of the Department of Veterans Affairs under the direction of a certified recreational therapist with sufficient administrative experience to oversee all pilot program sites;

(2) establish, for purposes of overseeing the training of dogs at medical centers selected for the pilot program, a director of service dog training with a background working in social services, experience in teaching others to train service dogs in a vocational setting, and at least one year of experience working with veterans or active duty service members with post-traumatic stress disorder in a clinical setting;

(3) ensure that each pilot program site has certified dog trainers;

(4) ensure that each assistance dog used in the program is purpose-bred for assistance dog work and has adequate temperament and health clearances;

(5) ensure that each assistance dog participating in the pilot program is taught 90 commands pertaining to assistance dog skills;

(6) ensure that each assistance dog live at the pilot program site or a volunteer foster home in the vicinity of such site while receiving training;

(7) ensure that the pilot program involves both lecture of assistance dog training methodologies and practical hands-on training and grooming of assistance dogs; and

(8) ensure that the pilot program is designed to—

- (A) maximize the therapeutic benefits to veteran participating in the program; and
- (B) provide well-trained assistance dogs to veterans with disabilities.

(e) VETERAN ELIGIBILITY.—A veteran with post-traumatic stress disorder or other post-deployment mental health condition may volunteer to participate in the pilot program under subsection (a) if the Secretary determines that there are adequate program resources available for such veteran at the pilot program site.

(f) HIRING PREFERENCE.—In hiring service dog training instructors under the pilot program under subsection (a), the Secretary shall give a preference to veterans who have successfully graduated from post-traumatic stress disorder or other residential treatment programs and who have received adequate certification in assistance dog training.

(g) COLLECTION OF DATA.—The Secretary shall collect data on the pilot program required under subsection (a) to determine how effective the program is for the veterans participating in the program. Such data shall include data to determine how effectively the program assists veterans in—

- (1) reducing stigma associated with post-traumatic stress disorder or other post-deployment mental health condition;
- (2) improving emotional regulation;
- (3) improving patience;
- (4) instilling or re-establishing a sense of purpose;
- (5) providing an opportunity to help fellow veterans;
- (6) reintegrating into the community;
- (7) exposing the dog to new environments and in doing so, helping the veteran reduce social isolation and withdrawal and increase their sense of safety;
- (8) building relationship skills;
- (9) relaxing the hyper-vigilant survival state;
- (10) improving sleep patterns; and

(11) enabling veterans to decrease the use of pain medication.

(h) REPORTS TO CONGRESS.—Not later than one year after the date of the commencement of the pilot program under subsection (a), and each year thereafter for the duration of the pilot program, the Secretary shall submit to Congress a report on the pilot program. Each such report shall include—

(1) the number of veterans participating in the pilot program;

(2) a description of the services carried out by the Secretary under the pilot program;

(3) the effects that participating in the pilot program has on the following—

(A) symptoms of post-traumatic stress disorder and post-deployment adjustment difficulties, including depression, maintenance of sobriety, suicidal ideations, and homelessness;

(B) potentially relevant physiological markers that possibly relate to the interactions with the service dogs;

(C) family dynamics;

(D) insomnia and pain management; and

(E) overall well being; and

(4) the recommendations of the Secretary with respect to the extension or expansion of the pilot program.

(i) DEFINITION.—For the purposes of this section, the term "service dog training instructor" means an instructor who provides the direct training of veterans with post-traumatic stress disorder and other post-deployment issues in the art and science of assistance dog training and handling.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3885.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 3885, the Veterans Dog Training Therapy Act.

I want to thank the ranking member of the Health Subcommittee, Congressman BROWN from South Carolina, for bringing us this legislation.

Madam Speaker, we all recognize how damaging the invisible wounds of war can be. The need for effective treatments for posttraumatic stress disorder and for other conditions, such as depression and substance abuse, is apparent, I think, to all Americans. This act recognizes and meets this need by exploring an innovative and promising new form of treatment, using the training of service dogs as a therapeutic medium.

The bill would require the VA to establish a pilot program where veterans with PTSD, or with other postdeployment mental health conditions, would help train service dogs.

Through this pilot program, we can test the potential therapeutic benefits to participating veterans. Similar programs are already in existence within the Palo Alto VA Health Care System and at Walter Reed Army Medical Center.

There is a lot of anecdotal evidence of participants who have reported improved emotional regulation, regular sleep patterns, feelings of personal safety, and reduced levels of anxiety and social isolation. Moreover, these participants tout a strong sense of purpose that they derive from their participation in the program.

Madam Speaker, this bill will allow us to further study this innovative new treatment modality beyond the existing anecdotal evidence, and it will help us assess its place in the VA health care system.

I urge the support of all of my colleagues, and I reserve the balance of my time.

Mr. BUYER. I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3885, to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy.

This bill would require the Department of Veterans Affairs to establish a 5-year pilot program in at least three medical centers for assessing the effectiveness of treating postdeployment mental illness, such as PTSD, through assistance dog training.

The pilot would allow veterans battling these invisible wounds to assist certified dog trainers in training assistance animals. The veterans will work with their dogs in their care, the trainers who are guiding the curriculum and with other wounded warriors to train dogs to become valuable therapy animals, with the animals having learned some 90 different commands. At the same time, the veterans learn valuable lessons about themselves and their world, which they need to learn so they can recover and reintegrate into society.

Once trained, the therapy dogs will be provided to other disabled veterans to aid them in daily activities, like opening doors, retrieving fallen items, et cetera. As an added benefit, the veteran dog trainers are provided vocational experience should they choose to pursue service dog training as a career path.

Just as Chairman FILNER said, there are similar programs that are very successful at Palo Alto and at Walter Reed, and trying to replicate this, I think, is extremely important. These veterans who are participating are seeing great improvements, not only in their sleep but in their social interaction, in their emotional regulation, patience, trust, sense of purpose, and personal meaning. All of these things are extremely important for veterans to be able to reintegrate into society.

Some of them have even been able to reduce their medications as a result of lowering their anxiety levels, which, I think, is extremely important. As we continue to hear these stories of healing and hope, I think this bill goes a long way toward giving the necessary assurances to these veterans.

Madam Speaker, I know there are few things we take as seriously as our commitment to serving those who have served us in combat, especially when they return home with physical and mental scars. So, if there is anything that we can do to be helpful to them, we would like to do that. You know, sometimes the obvious can be right in front of us. We all know that cherished feeling of having a pet—we learned it as children—and if there is anything that we can do to touch the heart of a veteran which can help him in the healing process, it is a good thing.

So I want to thank my colleague, former Chairman and now Ranking Member BROWN, for bringing this bill. This pilot will provide much-needed scientific grounding into these dynamics and into the efficacy of a therapeutic model that will help these veterans. I think this is a wonderful bill.

I want to thank Chairman FILNER and subcommittee Chairman MIKE MICHAUD for their leadership and for their assistance in moving this bill forward.

Once again, I know HENRY BROWN is going to be retiring, and we are going to miss his leadership on the Veterans' Affairs Committee. It is only fitting that HENRY would bring a bill such as this. His own daughter was diagnosed with systemic lupus erythematosus, so he knows the need of having not only compassion for people but also compassion for animals. He knows how it can touch people and promote their healing. HENRY's deep commitment to helping others in need and, in particular, our veterans is unparalleled, so I want to thank HENRY BROWN for bringing this bill to the floor for consideration today.

I encourage all of my colleagues to support the bill.

I yield back the balance of my time.

Mr. FILNER. Madam Speaker, I have no further requests for time. I would urge unanimous support for the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3885.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

ASSURING QUALITY CARE FOR VETERANS ACT

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5145) to amend title 38, United States Code, to improve the continuing professional education reimbursement provided to health professionals employed by the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assuring Quality Care for Veterans Act".

SECTION 1. IMPROVEMENT OF CONTINUING PROFESSIONAL EDUCATION REIMBURSEMENT FOR HEALTH PROFESSIONALS EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 7411 of title 38, United States Code, is amended—

(1) by striking "shall" and inserting "may";

(2) by striking "board-certified physician or dentist appointed under section 7401(1) of this title" and inserting "health professional appointed under paragraph (1) or (3) of section 7401 of this title";

(3) by striking "\$1,000" and inserting "\$1,600";

(4) by inserting "required to maintain licensure" after "professional education"; and

(5) by adding at the end the following new sentence: "No such health professional may receive reimbursement under this section and reimbursement for the same expenses incurred for continuing professional education provided by a Department medical center."

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for such section is amended to read as follows:

"§ 7411. Full-time health professionals: reimbursement of continuing professional education expenses".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 74 of such title is amended by striking the item relating to section 7411 and inserting the following new item:

"7411. Full-time health professionals: reimbursement of continuing professional education expenses."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5145, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 5145, the Assuring Quality Care for Veterans Act.

I thank my colleague from California (Mr. MCNERNEY) for his diligent advocacy on behalf of our veterans. His talent and hard work have culminated in this important piece of legislation.

Many key health care professionals require continuing professional education in order to maintain their licensure. Such education can be costly, and the VA has long reimbursed up to \$1,000 annually to physicians and dentists. This reimbursement program has been an important part of the VA's efforts to recruit and to retain high-quality health care personnel. Moreover, it ensures that the VA employees are well-informed and knowledgeable about advances or new information in their chosen fields.

Organizational efforts to improve access to knowledge and opportunities have been shown to improve job satisfaction. However, since its inception, this program has only been open to physicians and dentists. It unfairly excludes many key health care providers who face similar licensing requirements. This act would correct this inequity by expanding the program to such key health care personnel as nurses, pharmacists, and physical therapists.

This legislation would recognize that the maximum reimbursement rate of \$1,000 is outdated, its having been unchanged for nearly two decades. H.R. 5145 would reflect inflationary increases since the last update by increasing the cap to \$1,600 annually.

Madam Speaker, I am proud to support this legislation. Not only does it recognize the hard work of health care providers in the VA system, but it also empowers the VA to hire and retain talented health care personnel and to offer them the tools they need to remain extremely skilled and knowledgeable.

I would urge the support of all of my colleagues, and I reserve the balance of my time.

Mr. BUYER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I rise in support of H.R. 5145, as amended, the Assuring Quality Care for Veterans Act.

It would amend title 38 of the United States Code to improve continuing professional education reimbursements provided to health care professionals employed at the Department of Veterans Affairs. This legislation increases by \$600 the continuing professional education reimbursement for VA's health professionals. It would also expand those eligible to receive such reimbursements to include health professionals from a wide range of medical specialties, and it would clarify that

reimbursements may only be provided for such continuing education expenses that the VA does not offer, itself.

While we can all be proud of the quality of care provided to veterans at VA facilities, we should always be looking for ways to improve the VA's provision of medical services, ensuring that the VA's health professionals are continually kept on the cutting edge of modern medical advances. It is important to ensure high-quality medical care continues to thrive at the VA. H.R. 5145, as amended, would provide VA employees with more opportunities to improve their knowledge base and skill sets, and it would provide veterans with superiority when it comes to care that they, I believe, deserve.

Madam Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. SCALISE).

□ 1530

Mr. SCALISE. I thank the gentleman from Indiana for yielding.

Madam Speaker, I rise in support of this bill dealing with professional education, but I just arrived from New Orleans and landed in D.C. a little while ago, and I am angry.

The people back in my State are very angry right now about what is happening in the Gulf of Mexico. We have got a crisis right now that is probably the largest environmental disaster in this Nation's history, and we are not getting the adequate response we need from this Federal Government.

Now, our governor for over 2 weeks has been asking for the Federal Government to approve a barrier plan to actually protect our marsh from the oil, and we are not getting an answer from the Federal Government. All we are getting is excuses. We have got letters from the Corps of Engineers and others that are saying they need to do studies, they need to look at the environmental impact. Well, the environmental impact is right there in our marsh. Here is a dead pelican from just the other day.

We have got oil coming up into our marshes in globs, thick globs, every single day, and we don't have one ounce of action from the President. Now, the law is very clear. The Oil Pollution Act says the President shall ensure effective and immediate removal of discharge. Instead, he is just pointing fingers at everybody. We know BP is responsible for this.

Madam Speaker, I understand we are talking about veterans issues, but right now we are talking about the livelihood of the people of the gulf coast whose livelihood is threatened, and all we are asking is the President to fulfill his duties under the law, which he is not doing.

We don't need a finger-pointer-in-chief. We need somebody who is going to step up to the plate and actually follow the law, take charge of this and

stop not only the oil from flowing, but let our local leaders do what they said they need to do. And they have gotten no response from the White House. They are not getting the help they need.

The President has paid a lot of lip-service, but we have had oil coming into our marsh every day now for days. It has been going on for a month now, and all we see is ceding of power to BP. We know they are going to pay the cost, but the President under the law is responsible for actually taking charge. We need a quarterback on the field, like the law says the President is supposed to be. He is not supposed to be the commentator in the booth.

So all we are doing is saying we are tired of the excuses, Mr. President. It is time to live up to your obligation under the law. Help us protect our marsh. If you don't have a plan, we do, but you are not letting us implement our plan. Get out of our way and approve our plan. Otherwise, you come up with your own. But this is inexcusable.

Mr. BUYER. I want to thank the gentleman for coming to the floor today. The issue before us deals with increasing the reimbursement on professional education with regard to VA's health professionals.

I understand the gentleman has every reason to be upset with regard to what is occurring in the Gulf with regard to the oil spill. This oil should almost be treated as an invasion of our country. I understand why he is upset.

The legislation before us deals with veterans issues. It deals with making sure that the professionals that work in the VA are able to be reimbursed for their continuing professional education.

I want to thank Chairman FILNER right now for his patience. I want to thank you for that. I think we can feel for Mr. SCALISE as he just returned from Louisiana, how upset and how high the emotions are in New Orleans and Louisiana, not only from Katrina but also the oil spill, and I can understand where he is coming from. But I want to bring us back to the issue of the bill itself. So I want to thank Mr. FILNER for being very patient with our colleague from Louisiana.

One point that we probably haven't talked about with regard to this is the challenge, Chairman FILNER, that we have in front of us with regard to nursing and the nursing shortage. So many of the nurses are going to be retiring now over the next 12 years, and as we look at the ability for us to replenish that hole that is going to be created, there is going to be a dynamic shift within our health professions. So a lot of jobs and responsibilities that the nurse corps would be providing today, they are not going to be providing 10 years from now.

Actually, there will be a dynamic shift within health care itself and their

profession. Their skill sets are actually going to get higher and even better and more improved, and jobs which they are doing today are going to have to be back-filled by nursing assistants. So for us to step forward and do this type of reimbursement to increase the quality of what they are about to provide, this is extremely important.

I want to thank the majority for bringing this type of bill, because we are going to have to help them increase the standards. It is the only way we are going to be able to actually deal with this hole that we are going to have in our health system and the increased demand that it is going to be placing upon the health system itself, because we don't have all the nursing slots in the education system to be able to do this.

I want to thank you for stepping into the breach. This is the right thing for us to do, especially when I look back at the years in which I served as a legal advisor for a hospital with regard to quality assurance and risk management. These are always extremely important issues. So I want to thank the chairman.

I yield back the balance of my time.

Mr. FILNER. Madam Speaker, I do urge my colleagues to support H.R. 5145, as amended.

Like the gentleman from Indiana, I understand the outrage and anger of the gentleman from Louisiana as we are facing probably the biggest environmental disaster of this century. And yet, Madam Speaker, I find it more than ironic, I find it irresponsible, that the very same people who say "drill, baby, drill," the very same people who are always against government interference, the very same people who are always against Big Government, all of a sudden, when it is their district, they want Big Government, and they want regulation, and they want government to clean up the environmental disaster.

Well, we all have to get in there, and BP had better recognize its corporate responsibility for this. But, Madam Speaker, these people always scream against Big Government, but they are the first who want Big Government to come in and save them. So, let us understand the irony and the irresponsibility of those who keep yelling against government regulation, and government interference, but when it affects their district, they want it.

I ask for unanimous agreement on this measure.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H.R. 5145, which will increase the reimbursement amount for Veterans Administration, VA, health professionals who continue their professional education. It will also expand the VA's authority to offer education reimbursements by allowing all health professionals employed by the VA to qualify, including optometrists, nurses, chiropractors, and other vital health care providers

who are currently ineligible. This important measure will ensure that the VA community has up-to-date training so that they can best treat our veterans who so selflessly serve our country.

I thank Chairman FILNER for his leadership in bringing this bill to the floor. I would also like to thank the sponsor of this legislation, Congressman MCNERNEY, for his dedication to ensuring that we offer our veterans the highest quality health care.

Madam Speaker, our brave men and women in uniform have assumed the responsibility of protecting us and the values that we cherish as American citizens. We, then, have a solemn obligation to provide them with the resources and services that they need. This includes the best available medical treatment for our veterans who return home wounded or with disabilities. With a new generation of veterans coming home from Iraq and Afghanistan, it is as important as ever that the VA medical staff is fully equipped to treat traumatic brain injuries, post traumatic stress syndrome, and other health complications that are increasingly prevalent due to the new threats of 21st century warfare.

As the representative of a district that is home to over 24,000 veterans and the VA Medical Center of Long Beach, I am sensitive to the health care needs of our servicemen and servicewomen returning home from overseas. These young men and women in uniform risk their lives on our behalf and ask little in return. The least we can do to repay their sacrifice is ensure that they have access to the most modern and effective treatments and a comprehensive array of services. This bill will do just that.

Madam Speaker, I urge my colleagues to join me in supporting H.R. 5145.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5145, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REDUCE UNNECESSARY SPENDING ACT OF 2010—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-117)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Rules and the Committee on the Budget and ordered to be printed:

To the Congress of the United States:

Today, I am pleased to submit to the Congress the enclosed legislative proposal, the "Reduce Unnecessary Spending Act of 2010," along with a section-by-section analysis of the legislation.

This proposal will be another important step in restoring fiscal discipline and making sure that Washington spends taxpayer dollars responsibly. It will provide a new tool to streamline Government programs and operations, cut wasteful Government spending, and enhance transparency and accountability to the American people. The legislation will create an expedited procedure to rescind unnecessary spending and to broadly scale back funding levels if warranted. The legislation would require the Congress to vote up or down on legislation proposed by the President to rescind funding. This new, enhanced rescission authority will not only empower the President and the Congress to eliminate unnecessary spending, but also discourage waste in the first place.

Now more than ever, it's critical that taxpayer dollars are not wasted on programs that are ineffective, duplicative, or out-dated. In a time when American families and small business owners are conscious of every dollar and make sure that they manage their budgets wisely, the Federal Government can do no less. The American people expect and demand that we spend their money with the same discipline. Allowing taxpayer dollars to be wasted is both an irresponsible use of taxpayer funds and an irresponsible abuse of the public trust.

Recently, the Congress has taken welcome steps to curb wasteful spending. In 2007, when I served in the Senate, a bipartisan group worked together to eliminate anonymous earmarks and brought new measures of transparency to the process so Americans can better follow how their tax dollars are being spent. Consequently, we have seen progress—with earmarks declining since these reforms were passed, including during this past fiscal year.

In addition, my Administration undertook a line-by-line review of the Budget, and put forward approximately \$20 billion of terminations, reductions, and savings both for Fiscal Year 2010 and 2011. While recent administrations have seen between 15 to 20 percent of their proposed discretionary cuts approved by the Congress, for FY 2010, we worked with the Congress to enact 60 percent of proposed cuts.

Despite the progress we have made to reduce earmarks and other unnecessary spending, there is still more work to be done. The legislation I am sending to you today provides an important tool. The legislation allows the President to target spending policies that do not have a legitimate and worthy public purpose by providing the President

with an additional authority to propose the elimination of wasteful or excessive funding. These proposals then receive expedited consideration in the Congress and a guaranteed up-or-down vote. This legislation would also allow the President to delay funding for these projects until the Congress has had the chance to consider the changes. In addition, this proposal has been crafted to preserve the constitutional balance of power between the President and the Congress.

Overall, the "Reduce Unnecessary Spending Act of 2010" provides a new way for the Congress and the President to manage taxpayer dollars wisely. That is why I urge the prompt and favorable consideration of this proposal, and look forward to working with the Congress on this matter in the coming weeks.

BARACK OBAMA,
THE WHITE HOUSE, May 24, 2010.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 24, 2010 at 9:38 a.m.:

That the Senate passed without amendment H.R. 5139.

Appointments:

Congressional Oversight Panel.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
By Robert F. Reeves, Deputy Clerk.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 43 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BRIGHT) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 278, by the yeas and nays;

H.R. 1017, by the yeas and nays; and
H.R. 5330, de novo.

Remaining postponed votes will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SALUTING SONS AND DAUGHTERS IN TOUCH ON ITS 20TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 278, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 278.

The vote was taken by electronic device, and there were—yeas 371, nays 0, not voting 59, as follows:

[Roll No. 291]

YEAS—371

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp

Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, M.

Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filmer
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie

Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inlee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall

Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney

Roskam
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Stark
Stearns
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Petri
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—59

Alexander
Arcuri
Barrett (SC)
Berry
Bishop (NY)
Blumenauer
Blunt
Bocciari
Bono Mack
Boucher
Brown-Waite,
Ginny
Cao
Cassidy
Childers
Conyers
Davis (AL)
Delahunt
Diaz-Balart, L.
Fallin
Graves
Griffith
Gutierrez
Hall (NY)
Higgins
Hinojosa
Hodes
Hoekstra
Inglis
Jackson Lee
(TX)
Johnson (IL)
Kirk
Lamborn
Lipinski
Maffei
Manzullo
Matheson
McNerney
Melancon
Mollohan
Murphy, Patrick

Ortiz Ryan (OH)
Payne Ryan (WI)
Pingree (ME) Sánchez, Linda
Rohrabacher T.
Ros-Lehtinen Schiff
Ross Simpson
Rush Space

Spratt
Stupak
Taylor
Tiahrt
Towns
Wamp

Hensarling
Herger
Herseeth Sandlin
Hill
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter

McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perrillo
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Rothman (NJ)
Roybal-Allard
Royce

Ruppersberger
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Stark
Stearns
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velazquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

Ortiz Ryan (OH)
Payne Ryan (WI)
Pingree (ME) Sánchez, Linda
Rohrabacher T.
Ros-Lehtinen Schiff
Ross Simpson
Rush Space

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains in this vote.

□ 1912

Messrs. CHAFFETZ and ISSA changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CASSIDY. Mr. Speaker, on rollcall Nos. 291 and 292. My plane was delayed. Had I been present, I would have voted "yes."

ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM EXTENSION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5330, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the bill, H.R. 5330, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 366, noes 4, not voting 60, as follows:

[Roll No. 293]

AYES—366

| | | |
|-------------|-------------|----------------|
| Ackerman | Berkley | Bright |
| Aderholt | Berman | Brown (SC) |
| Adler (NJ) | Biggert | Brown, Corrine |
| Akin | Bilbray | Buchanan |
| Altmire | Bilirakis | Burton (IN) |
| Andrews | Bishop (GA) | Butterfield |
| Arcuri | Bishop (UT) | Buyer |
| Austria | Blackburn | Calvert |
| Baca | Boehner | Camp |
| Bachmann | Bonner | Campbell |
| Bachus | Boozman | Cantor |
| Baird | Boren | Capito |
| Baldwin | Boucher | Capps |
| Barrow | Boustany | Capuano |
| Bartlett | Boyd | Cardoza |
| Barton (TX) | Brady (PA) | Carnahan |
| Bean | Brady (TX) | Carney |
| Becerra | Braley (IA) | Carson (IN) |

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHIROPRACTIC CARE AVAILABLE TO ALL VETERANS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1017, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FULNER) that the House suspend the rules and pass the bill, H.R. 1017, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 365, nays 6, not voting 59, as follows:

[Roll No. 292]

YEAS—365

| | | |
|----------------|-----------------|---------------|
| Ackerman | Capps | Driehaus |
| Aderholt | Capuano | Duncan |
| Adler (NJ) | Cardoza | Edwards (MD) |
| Akin | Carnahan | Edwards (TX) |
| Altmire | Carney | Ehlers |
| Andrews | Carson (IN) | Ellison |
| Arcuri | Carter | Ellsworth |
| Austria | Castle | Emerson |
| Baca | Castor (FL) | Engel |
| Bachmann | Chandler | Eshoo |
| Bachus | Chu | Etheridge |
| Baird | Clarke | Farr |
| Baldwin | Clay | Fattah |
| Barrow | Cleaver | Filner |
| Bartlett | Clyburn | Fleming |
| Barton (TX) | Coble | Forbes |
| Bean | Coffman (CO) | Fortenberry |
| Becerra | Cohen | Foster |
| Berkley | Cole | Fox |
| Berman | Conaway | Frank (MA) |
| Biggart | Connolly (VA) | Franks (AZ) |
| Bilbray | Cooper | Frelighuysen |
| Bilirakis | Costa | Fudge |
| Bishop (GA) | Costello | Gallegly |
| Bishop (UT) | Courtney | Garamendi |
| Blackburn | Crenshaw | Garrett (NJ) |
| Boehner | Critz | Gerlach |
| Bonner | Crowley | Giffords |
| Boozman | Cuellar | Gingrey (GA) |
| Boren | Culberson | Gohmert |
| Boucher | Cummings | Gonzalez |
| Boustany | Dahlkemper | Goodlatte |
| Boyd | Davis (CA) | Gordon (TN) |
| Brady (PA) | Davis (IL) | Granger |
| Brady (TX) | Davis (KY) | Grayson |
| Braley (IA) | Davis (TN) | Green, Al |
| Bright | DeFazio | Green, Gene |
| Brown (GA) | DeGette | Grijalva |
| Brown (SC) | DeLauro | Guthrie |
| Brown, Corrine | Dent | Hall (TX) |
| Buchanan | Deutch | Halvorson |
| Burton (IN) | Diaz-Balart, M. | Hare |
| Butterfield | Dicks | Harman |
| Buyer | Dingell | Harper |
| Calvert | Doggett | Hastings (FL) |
| Camp | Donnelly (IN) | Hastings (WA) |
| Cantor | Doyle | Heinrich |
| Capito | Dreier | Heller |

Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter

Mitchell
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perrillo
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Rothman (NJ)
Roybal-Allard
Royce

NAYS—6

| | | |
|----------|-------|--------------|
| Campbell | Flake | Johnson, Sam |
| Chaffetz | Issa | Lummis |

NOT VOTING—59

| | | |
|--------------|-----------------|-----------------|
| Alexander | Childers | Inglis |
| Barrett (SC) | Conyers | Jackson Lee |
| Berry | Davis (AL) | (TX) |
| Bishop (NY) | Delahunt | Johnson (IL) |
| Blumenauer | Diaz-Balart, L. | Kirk |
| Blunt | Fallin | Lamborn |
| Bocieri | Graves | Lipinski |
| Bono Mack | Griffith | Manzullo |
| Boswell | Gutierrez | Matheson |
| Brown-Waite, | Hall (NY) | McNerney |
| Ginny | Higgins | Melancon |
| Burgess | Hinojosa | Mollohan |
| Cao | Hodes | Moore (KS) |
| Cassidy | Hoekstra | Murphy, Patrick |

| | | | | | |
|-----------------|------------------|------------------|-----------------|-----------------|----------------|
| Carter | Himes | Murphy, Tim | Tsongas | Waters | Wittman |
| Cassidy | Hinchev | Myrick | Turner | Watson | Wolf |
| Castle | Hirono | Nadler (NY) | Upton | Watt | Woolsey |
| Castor (FL) | Holden | Napolitano | Van Hollen | Waxman | Wu |
| Chaffetz | Holt | Neal (MA) | Velázquez | Weiner | Yarmuth |
| Chandler | Honda | Neugebauer | Visclosky | Welch | Young (AK) |
| Chu | Hoyer | Nunes | Walden | Westmoreland | Young (FL) |
| Clarke | Hunter | Nye | Walz | Whitfield | |
| Clay | Inslee | Oberstar | Wasserman | Wilson (OH) | |
| Cleaver | Israel | Obey | Schultz | Wilson (SC) | |
| Clyburn | Issa | Olson | | | |
| Coble | Jackson (IL) | Olver | | | |
| Coffman (CO) | Jenkins | Owens | Broun (GA) | McClintock | |
| Cohen | Johnson (GA) | Pallone | Burgess | Paul | |
| Cole | Johnson, E. B. | Pascarell | | | |
| Conaway | Johnson, Sam | Pastor (AZ) | | | |
| Connolly (VA) | Jones | Paulsen | | | |
| Cooper | Jordan (OH) | Pence | Alexander | Gutierrez | Ortiz |
| Costa | Kagen | Perlmutter | Barrett (SC) | Hall (NY) | Payne |
| Costello | Kanjorski | Perriello | Berry | Higgins | Ringree (ME) |
| Courtney | Kaptur | Peters | Bishop (NY) | Hinojosa | Rohrabacher |
| Crenshaw | Kennedy | Peterson | Blumenauer | Hodes | Ros-Lehtinen |
| Critz | Kildee | Petri | Blunt | Hoekstra | Ross |
| Crowley | Kilpatrick (MI) | Pitts | Boccheri | Inglis | Rush |
| Cuellar | Kilroy | Platts | Bono Mack | Jackson Lee | Ryan (OH) |
| Culberson | Kind | Poe (TX) | Boswell | (TX) | Ryan (WI) |
| Cummings | King (IA) | Polis (CO) | Brown-Waite, | Johnson (IL) | Sanchez, Linda |
| Dahlkemper | King (NY) | Pomeroy | Ginny | Kirk | T. |
| Davis (CA) | Kingston | Posey | Cao | Lamborn | Schiff |
| Davis (IL) | Kirkpatrick (AZ) | Price (GA) | Childers | Lipinski | Simpson |
| Davis (KY) | Kissell | Price (NC) | Conyers | Manzullo | Space |
| DeFazio | Klein (FL) | Putnam | Davis (AL) | Matheson | Spratt |
| DeGette | Kline (MN) | Quigley | Davis (TN) | McMahon | Stupak |
| DeLauro | Kosmas | Radanovich | Delahunt | McNerney | Taylor |
| Dent | Kratovil | Rahall | Diaz-Balart, L. | Melancon | Tiaht |
| Deutch | Kucinich | Rangel | Fallin | Miller, George | Tonko |
| Diaz-Balart, M. | Lance | Rehberg | Graves | Mollohan | Towns |
| Dicks | Langevin | Reichert | Griffith | Murphy, Patrick | Wamp |
| Dingell | Larsen (WA) | Reyes | | | |
| Doggett | Larson (CT) | Richardson | | | |
| Donnelly (IN) | Latham | Rodriguez | | | |
| Doyle | LaTourette | Roe (TN) | | | |
| Dreier | Latta | Rogers (AL) | | | |
| Driehaus | Lee (CA) | Rogers (KY) | | | |
| Duncan | Lee (NY) | Rogers (MI) | | | |
| Edwards (MD) | Levin | Rooney | | | |
| Edwards (TX) | Lewis (CA) | Roskam | | | |
| Ehlers | Lewis (GA) | Rothman (NJ) | | | |
| Ellison | Linder | Roybal-Allard | | | |
| Ellsworth | LoBiondo | Royce | | | |
| Emerson | Loeback | Ruppersberger | | | |
| Engel | Lofgren, Zoe | Salazar | | | |
| Eshoo | Lowe | Sanchez, Loretta | | | |
| Etheridge | Lucas | Sarbanes | | | |
| Farr | Luetkemeyer | Scalise | | | |
| Fattah | Luján | Schakowsky | | | |
| Filner | Lummis | Schauer | | | |
| Flake | Lungren, Daniel | Schmidt | | | |
| Fleming | E. | Schock | | | |
| Forbes | Lynch | Schrader | | | |
| Fortenberry | Mack | Schwartz | | | |
| Foster | Maffei | Scott (GA) | | | |
| Fox | Maloney | Scott (VA) | | | |
| Frank (MA) | Marchant | Sensenbrenner | | | |
| Franks (AZ) | Markey (CO) | Serrano | | | |
| Frelinghuysen | Markey (MA) | Sessions | | | |
| Fudge | Marshall | Sestak | | | |
| Gallegly | Matsui | Shadegg | | | |
| Garamendi | McCarthy (CA) | Shea-Porter | | | |
| Garrett (NJ) | McCarthy (NY) | Sherman | | | |
| Gerlach | McCaul | Shimkus | | | |
| Giffords | McCollum | Shuler | | | |
| Gingrey (GA) | McCotter | Shuster | | | |
| Gohmert | McDermott | Sires | | | |
| Gonzalez | McGovern | Skelton | | | |
| Goodlatte | McHenry | Slaughter | | | |
| Gordon (TN) | McIntyre | Smith (NE) | | | |
| Granger | McKeon | Smith (NJ) | | | |
| Grayson | McMorris | Smith (TX) | | | |
| Green, Al | Rodgers | Smith (WA) | | | |
| Green, Gene | Meek (FL) | Snyder | | | |
| Grijalva | Meeks (NY) | Speier | | | |
| Guthrie | Mica | Stark | | | |
| Hall (TX) | Michaud | Stearns | | | |
| Halvorson | Miller (FL) | Sullivan | | | |
| Hare | Miller (MI) | Sutton | | | |
| Harman | Miller (NC) | Tanner | | | |
| Harper | Miller, Gary | Teague | | | |
| Hastings (FL) | Minnick | Terry | | | |
| Hastings (WA) | Mitchell | Thompson (CA) | | | |
| Heinrich | Moore (KS) | Thompson (MS) | | | |
| Heller | Moore (WI) | Thompson (PA) | | | |
| Hensarling | Moran (KS) | Thornberry | | | |
| Herger | Moran (VA) | Tiberius | | | |
| Herseth Sandlin | Murphy (CT) | Tierney | | | |
| Hill | Murphy (NY) | Titus | | | |

NOES—4

NOT VOTING—60

□ 1922

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent for votes in the House Chamber today. Had I been present, I would have voted "yea" on rollcall votes 291, 292 and 293.

HONORING VOLUNTEER
FIREFIGHTER HERM SUPLIZIO

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to speak about a volunteer firefighter from DuBois, Pennsylvania, in my district.

Herm Suplizio hates ladders and says, "I avoid them at all costs." Luckily that was not true back in December when fire erupted in a multi-story building and people were trapped on the upper floors.

Suplizio arrived with the fire trucks and was among the first on the ladder to a window where survivors had been seen. Visibility was a problem through all of the smoke.

Suplizio first was handed a 2½-year-old boy, Gavin Zawrotny, and carried

him to another firefighter on the ladder, Greg Vida, while the boy protested leaving his parents. He climbed back up the ladder to take 7-month-old Sarah Havrilla from her parents. "When I got her, she was not breathing. It scared me. I was blowing in her face, shaking her, and after what seemed to be minutes but probably was seconds, she started crying."

Again, Sarah was handed to Vida, and he returned to bring down James and Amanda Havrilla, the parents of the children.

One person died in this terrible fire, but thanks to Herm Suplizio and the rest of the DuBois firefighters, the Havrilla family survived.

RECOGNIZING NATIONAL SMALL
BUSINESS WEEK

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, I'm pleased to recognize National Small Business Week. This week, we recognize the millions of entrepreneurs across America for their innovation, their spirit and the enormous contributions that they make to America's economy.

Small business is the engine of job growth in our country. It always has been. More than half of all Americans either own or work for a small business, and two of every three net new jobs are created from this sector.

Given our current economic situation, it goes without saying that Congress should be focusing all of its efforts to spur job creation on small businesses first and foremost.

I have toured dozens of small businesses over the past few months in my district, and I have witnessed the many remarkable things they are accomplishing. Despite the challenges they face, they continue to embody the entrepreneurial spirit and the innovation that has made America great.

So this week, let's not only recognize small businesses for their contributions, but let's work hard to redouble our efforts and refocus our efforts to actually create an environment where they're able to continue to create more jobs and grow.

MAYBE THE IRS SHOULD GIVE
ARIZONA BACK ITS TAXES

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Immigration and Customs Enforcement Director John Morton said of his agency that they would "not necessarily process illegal immigrants referred to them by Arizona officials." Homeland Security Secretary Napolitano said the government is not obligated to deport illegals captured by Arizona law enforcement.

So let's get this straight: The government doesn't adequately enforce border security laws and now won't allow Arizona to help do it either. It looks like the administration is AWOL on this national security issue.

Now, isn't that lovely? It seems like the Feds need all the help they can get. The administration keeps saying Arizona law is not the answer; comprehensive immigration reform is the answer. What that means is the administration would rather give out amnesty than secure the border.

If ICE won't answer law enforcement calls from Arizona, maybe the IRS shouldn't collect taxes from Arizona either. Give the people of Arizona their Federal taxes back and let them do the job the administration refuses to do. But we can't do that. That might make President Calderon unhappy.

And that's just the way it is.

HONORING THE SACRIFICE OF LANCE CORPORAL RICHARD PENNY

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, Lance Corporal Richard Penny, who sacrificed his life in support of Operation Enduring Freedom.

Lance Corporal Penny graduated from Greenland High in 2006 where he was a standout football player. His hard work earned him the title of all-conference defensive tackle his senior year. Besides being a great athlete, he had an infectious personality that was loved by all who knew him.

Those who knew him best say he always had a special place in his heart for his country, and they knew that he would make a great Marine, fighting for liberty and defending freedom. Joining the Marine Corps in 2009, Lance Corporal Penny was a machine gunner assigned to the 1st Battalion, 2nd Marine Division, II Marine Expeditionary Force, based at Camp Lejeune, North Carolina. He deployed to Afghanistan in March. Last month he was honored with a promotion to lance corporal.

Lance Corporal Richard Penny made the ultimate sacrifice for his country. He is a true American hero. I ask my colleagues to keep his family and friends in their thoughts and prayers during these very difficult times, and I humbly offer my appreciation and gratitude to this Marine for his selfless service to the security and well-being of all Americans.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WE BROKE IT . . . DO WE KNOW HOW TO OWN IT?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the United States' troops will be on the front lines of the surge in Kandahar, and they are just now deploying, and they are learning the lay of the land. But, ironically, the cloud of smoke over Iceland is delaying many arrivals, according to an article in The Washington Post last week, an inauspicious beginning of the most important battle of this war.

The task at hand in Kandahar, however, is less intensive militarily. Frank Ruggiero, our top civilian official in Afghanistan, has said that "Kandahar is a political problem. And the campaign in Kandahar will be led by governance." While it's a comfort to know our troops may not face the gravest possible danger, Mr. Ruggiero's assessment is very troubling because political and governance problems are exactly the ones that this mission has failed miserably.

This campaign is called Operation Enduring Freedom, but the only way we can help the Afghan people enjoy enduring freedom is if we help them build durable, sustainable, democratic governing institutions that will thrive long after our military occupation is over. By neglecting that critical task, Mr. Speaker, we are creating a power vacuum that the Taliban and other warlords and strongmen are only too eager to fill.

If the Taliban has proved resilient in Marja, and they definitely have after we supposedly drove them out a few months ago, then just imagine how hard it will be to vanquish them completely from Kandahar, their spiritual home.

We have proven our military muscle. We have shown that we can invade and conquer. But, Mr. Speaker, that can't be the end game. What are we leaving behind that will actually allow Afghanistan to thrive and its people to prosper? To paraphrase the old Pottery Barn rule from the run-up to the Iraq war, we're good at breaking it, we just don't know what to do once we own it. Or to use the vocabulary of counterinsurgency doctrine, we know how to clear; it's the holding, and especially the building, that we are botching.

Things don't look promising, Mr. Speaker. Even General McChrystal conceded last week that we're not currently winning the war. Gilles Dorronsoro, an expert at the Carnegie Endowment for International Peace, is even more frank. He says, "Nothing is

working. All the information is that the military campaign against the Taliban in Kandahar is not working and it's not going to work."

What I believe, Mr. Speaker, will work is the one thing we haven't tried in the last 8½ years, ending this war once and for all. Of course we won't abandon Afghanistan, far from it. In fact, to address the enormous governance challenges we ought to launch a new kind of surge, a civilian surge. That would mean devoting the energy and the investment to development—democracy-building and other humanitarian efforts—that we have invested in the war, because our continued military presence cannot solve Afghanistan's problems. It can only exacerbate them.

It's time, it's time, it's time to bring our troops home.

PRESIDENT CALDERON'S RANT ON AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, Mexican President Felipe Calderon spoke to this House Chamber this last week as our guest, but I heard about it nonstop when I went back home to my district in Texas. My office has received hundreds of calls, almost as many as those during the health care debate. To say my constituents were not happy with Calderon's speech would be an understatement.

When I went out to get gas, go to a restaurant, or even wash my car, I got an animated earful from my neighbors. People in southeast Texas thought he was disrespectful and ungrateful to America. My friend Sammy Mahan, who owns a wrecker service, said a lot of things, some of which I cannot repeat, but he did say, "Calderon lives in a lawless country and doesn't want the United States to enforce our laws either. It was like we invited a guest over for supper, he brought along all of his friends and his family, complained about the food, griped about our neighborhood, then drove off in our pickup truck."

Calderon spoke in Spanish directly to the Mexican nationals in America illegally, encouraging them to keep breaking our laws so they can send money back to Mexico. Remittances from the United States are Mexico's second largest source of foreign funds. Calderon told the illegals in Spanish right here in the people's House right up here from this podium, "I want to tell the migrant, to whom they are working here by the greatness of this country, that we admire them, that we miss them, that we are fighting for their rights, and that we are working hard for Mexico and their families." He came across as encouraging defiance of American law.

Exactly what rights would he be fighting for in America for the people in the United States illegally from Mexico? Would that be the so-called right to come here illegally, to work here illegally, and then send the money back to Mexico? That right doesn't exist, Mr. President. Would that be the right to illegally come to America then demand citizenship? That right doesn't exist either, Mr. President.

My constituents weren't very happy that the President of Mexico would come here as our guest, then arrogantly lecture the American people on what American laws he likes and which ones he doesn't like, then have the unmitigated nerve to blame Mexico's problems on America.

Calderon said he doesn't like our right to keep and bear arms. Perhaps if Mexico honored the second amendment philosophy of the right to defend themselves, the people of Mexico wouldn't be held hostage by the drug cartels. He blamed America for the violence in Mexico. He blamed America for illegal guns going south and illegal immigration and drugs going north. Well, I have a solution for him: Americans should just seal the border frontier. We will put the National Guard troops on the border to light up the criminal cartels. We have been protecting the borders of other nations like Iraq and Afghanistan and other places around the world. Our troops have been taking out the narcoterrorists worldwide. It's time we took care of business here at home because the Federal Government has been AWOL at the border.

And the people, the everyday Mexican people, are wonderful and hard-working people who love their own country, but their country is corrupt and cannot take care of them or provide them safety or jobs or an education. So the people flee to the United States. Their own country has failed the people of Mexico.

The people in Mexico are paying in blood and treasure for the lawlessness of the drug cartels. Instead of coming to America to tell us what laws we should and should not have, why not focus on making Mexico a place that the Mexican people aren't literally dying to leave? Mexicans risk rape, robbery, murder, and a horrible death by succumbing to the harsh desert elements when they try to come here illegally and cross the border. They are at the mercy of Mexico's criminal cartels. These people risk life and limb and are literally dying to leave Mexico, their native country.

So instead of trying to Balkanize America, President Calderon should concentrate on fixing his own problems instead of continuing to make Mexico's problems America's problems. They have the resources to build a country that will keep people in Mexico so they don't have to flee. The United States cannot and should not continue to be

an ATM machine for Mexico and bail them out of their problems.

President Calderon should deal with Mexico's issues and solve Mexico's economic problems, human rights problems, organized crime problems, violence problems, kidnapping problems, government corruption problems, illegal immigration problems, and the abandonment of Mexico by Mexicans before he lectures anybody about anything else.

And that's just the way it is.

RIGHT TO RENT ACT, H.R. 5028

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, in each of the last 14 years, Ohio has set a record for the number of foreclosures, and this year is on track to be no exception. Every year a new record. That is hard to imagine, and not what I want to say about my home State.

Over the last 2 years, Congress has passed what I call hollow legislation that looks like it might stem the tide of foreclosures, but clearly the programs were not intended to work. Then, next, Treasury decided to make homes affordable, they say, by using some of the TARP bailout money, the Troubled Asset Relief Program that was passed back in the fall of 2008 to bail out the Wall Street speculative banks. According to The Wall Street Journal last week, of the handful of homeowners who have now been so-called "helped" by Treasury out of the millions and millions that are in trouble, even Treasury's reported that only one in four of the few helped to try to get their mortgage payment to be affordable have now been even more weeded out of that program. This is like the great shrinking blimp. You sort of promise them everything, but give them nothing, and the gas just drains right out of the balloon.

The overall program in fact is voluntary and aimed to protect the investor, not the homeowner. People today who are in the program and trying to save their homes are depleting their savings so when they get kicked out of the administration's programs, they are more poor and assured of losing their homes and with little, if anything, to survive on. People are still losing their homes. We are not stemming the tide of foreclosures. You think somebody here in Washington would notice that.

That's why I joined with my esteemed colleague, Representative RAUL GRIJALVA, and introduced the Right to Rent Act of 2010, H.R. 5028. And we invite our colleagues to join us. This bill creates a right to rent for homeowners facing foreclosure. The bill is going to help a good portion of those 6 million delinquent homeowners transition

from foreclosure to renting a home. And if communities are wise and adopt the old turnkey program, kind of resurrect that, then after 5 years if your payments are good you can end up owning your home, help to save our neighborhoods, save our communities by saving the families who don't deserve to be thrown out.

Right to Rent would allow families to stay in their home and keep their family stable, while lowering the family's monthly housing costs by extending the term. In the meantime, the mortgage holder receives a fair market rent on their property. Keeping both families and mortgages stable strengthens communities rather than leaving homes barren and families on the street.

In some communities in Ohio, entire neighborhoods are now vacant. Who does that help? Aiming relief directly at middle income homeowners, not speculators or people living in unaffordable mansions, the Right to Rent Act of 2010 allows homeowners facing foreclosure to stay in their homes at a fair market rent for 5 years.

Specifically, to be eligible, the home must be a single-family property, a condominium with an undivided interest in common areas, or a similar dwelling in a multi-unit project that has been occupied for at least 2 years. The mortgage must have been originated before July 1, 2007. Furthermore, the home must have been purchased at or below a median purchase price for the local metropolitan area as measured by the National Association of Realtors.

The homeowner, upon receiving notice of foreclosure on an eligible property, has 25 business days to petition the court to exercise his or her right to rent the home for up to 5 years at a fair market rate as determined by a court-appointed independent appraiser. The bill does not change existing State foreclosure laws or landlord-tenant laws.

In addition, the Secretary of Housing and Urban Development will monitor compliance with the program. In addition, this right to rent sunsets 5 years after date of enactment. It's not meant to be around forever.

□ 1945

Judges can transition middle-income family home foreclosures to rental agreements in a manner consistent with common sense and justice.

Right to Rent is but one tool, a workable one, to address our Nation's housing crisis and help stabilize not only our community but also our Nation's mortgage economy.

The Right to Rent provides a strong incentive for lenders to modify mortgages, including principal write-downs, to avoid becoming landlords. If the lender chooses to pursue foreclosure, the family can go to court to rent their

home, thus preventing the spiral of vacancy, social problems, crime, and lower property values in neighborhoods that follow mass vacancies.

Right to Rent is backed by real world results. A model similar to H.R. 5028 is currently used on a limited basis by Fannie Mae and Freddie Mac.

Mr. Speaker, I urge my colleagues to join me and RAÚL GRIJALVA in cosponsoring H.R. 5028 to stem the tide of foreclosures still sweeping across this country.

[From the Wall Street Journal, May 18, 2010]

LOAN AID LEAVES SOME WORSE OFF

ONE IN FOUR IN GOVERNMENT'S MORTGAGE PROGRAM IS DROPPED; TALES OF EXHAUSTED SAVINGS

(By James R. Hagerty)

The government's mortgage-modification program has left some struggling homeowners worse off than they were before.

The Treasury reported Monday that nearly one in four homeowners who were offered lower payments under the Obama administration's 15-month-old effort have been weeded out of the program. Many people were removed from the trials because they failed to make payments, didn't provide all the financial documents needed to qualify or were found to be ineligible.

Homeowners are first offered trial modifications under the program, which provides incentive payments to loan servicers, investors and the homeowners. If borrowers make the payments and satisfy other criteria, those trials are made permanent, ensuring a cut in payments for five years.

While awaiting answers, some borrowers keep making payments, exhausting their savings in what may be a futile effort to save their homes. They also incur fees from the banks and delay taking action that might give them a fresh start in a more affordable home.

Some borrowers had unrealistic expectations about loan-relief programs, which were never designed to prevent all foreclosures. Another big problem is that banks often take six to 12 months to determine whether applicants are eligible.

"I had to learn the hard way and deplete my savings doing it," said Mia Parry, a manager at a mortgage brokerage in Scottsdale, Ariz., who has spent nearly two years seeking a loan modification. She now wishes she had put her home on the market.

Most struggling borrowers do benefit from seeking help, said Aaron Horvath, a senior vice president at Springboard Inc., a nonprofit counseling service based in Riverside, Calif.

Some win modifications, cutting monthly payments by hundreds of dollars. Others who ultimately can't get modifications at least are allowed to stay in their homes for months, making either no payments or reduced payments.

But "if you're draining your savings" in a vain effort to hang onto a home, he said, you may end up worse off.

Eager for quick results, the Obama administration last year prodded banks to start people on trials without first obtaining documents proving they were eligible. That has led to many crushed hopes. The Treasury earlier this year changed its rules and told banks to start trials only after getting documents that proved borrowers qualified.

The Treasury said in a monthly report on the government's \$50 billion Home Affordable Modification Program, or HAMP, that

about 1.2 million trial modifications had been started under the plan, and about 281,000 borrowers had washed out by the end of April.

Only about 30 percent of borrowers who seek help from the main foreclosure-prevention counseling program at Neighborhood Housing Services of South Florida end up with modifications, said LeeAnn Robinson, chief operating officer of the Miami-based nonprofit. Many borrowers don't have enough income to support even reduced loan payments; others give up before completing the paperwork.

On average, it takes seven months to resolve a borrower's situation, up from four months a year ago, Ms. Robinson said. Banks and other loan servicers can't keep up with the demand for help, she said.

Ms. Parry bought a home in Phoenix in 2005 for \$535,000, but she believes it now would sell for around \$250,000. She has been seeking a modification from a unit of Citigroup Inc., the servicer of her two mortgage loans, since June 2008.

Ms. Parry's application was turned down in late 2008, but President Obama's announcement of HAMP in February 2009 rekindled her hopes. Ms. Parry decided to keep making payments on her loans because she expected to qualify for this new program.

Citigroup started her on a HAMP trial in June 2009, and she made three payments. Then Citigroup told her there had been a mistake and she would need to go through another three-month trial.

At the end of that second trial, Ms. Parry said, Citigroup told her the investor that owned her first mortgage wasn't participating in HAMP, so she couldn't get a modification under that plan. During her trial period, Citigroup charged her more than \$1,300 of "late charges" and "delinquency expenses," she said.

Ms. Parry said Citigroup should have been able to determine that the investor wasn't participating before she went through the trial. Citigroup recently offered her another type of modification that she said fell short of the HAMP formula and wouldn't lower her costs enough to make keeping the home worthwhile. Unless Citigroup improves the offer, she will try to sell the home.

A Citigroup spokesman said: "We have worked diligently with the borrower and the investor in an effort to find a solution that meets both the borrower's needs and the investor's requirements."

Martha Wright, a marketing executive whose income has dropped in recent years, has been trying since February 2009 to work out a deal with J.P. Morgan Chase & Co., the bank that services the \$1.1 million mortgage on her Avalon, N.J. home.

The bank denied her request last summer, but Ms. Wright said she kept trying because the responses from the bank were unclear and inconsistent, and she believed she still might qualify. Meanwhile, she said, by continuing to make payments, she cut her non-retirement savings to about \$500 from \$63,000 in early 2009.

A spokesman for J.P. Morgan said the bank told Ms. Wright on three occasions that she didn't qualify for a modification. "Modifying the loan would produce less value to the loan's owner than foreclosing," he said.

TELLING AMY'S STORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rarely have time to go to the movies, or to watch television, for that matter, but I saw a movie the other night that will forever be etched in my memory. It was a simple documentary entitled, "Telling Amy's Story." And it just so happens that Joe Myers, a 1998 graduate of Penn State, and a constituent, is the producer/director of the film.

The film is a time line of a domestic violence homicide that took place back in November 2001 in State College, Pennsylvania, in my district. Police Detective Deirdri Fishel talks about the city where Penn State is located and how it has come to be called Happy Valley. And nothing ever goes wrong in a place called Happy Valley, right?

But she goes on to explain that in the last 2 years, her unit has handled more than 500 domestic violence cases. And she says in the film that all homicides in Centre County in that period were domestic violence related. She even comments that, if you are not in a domestic violence situation, you are extremely safe in Happy Valley.

According to the National Domestic Violence Web site, domestic violence is defined as a pattern of behavior in any intimate relationship where one partner seeks to gain or maintain power and control over the other. The abuse can be physical, sexual, emotional, economic, and psychological. The abuser acts or makes threats against the other person in order to keep them in line. The behavior includes anything that frightens, intimidates, terrorizes, manipulates, hurts, humiliates, blames, injures, or wounds someone. The abuse is not limited to economic, racial, education, or social levels, nor does it have anything to do with geography or ethnicity.

The numbers are staggering. According to a 2008 study by the Centers for Disease Control and Prevention, about one quarter of all women in the United States report that they've experienced domestic violence. One in five female high school students report being physically and/or sexually abused by a dating partner. Worst of all, on average, more than three women are murdered by their husbands or boyfriends in this country every day. That is what happened to Amy.

The film chronicles the events that led up to her murder. Amy's parents and coworkers, law enforcement officers and court personnel share their perspectives on what happened to Amy in the weeks, months, and years leading to her death. The signs were there. The people knew what to look for.

The people who produced the film say, While we will never be able to change the ending to Amy's story, we hope that its telling can change outcomes for millions of victims, survivors, and loved ones affected by domestic violence every day.

The signs of domestic violence are physical signs of injury, anxiety and fear, emotional distress, isolation, changes in appearance and self-esteem, restricted transportation, clothing inappropriate for the season, attempts to hide activities or interactions from partner, and minimization or denial of harassment or injuries.

The message of the film is that there is help out there and that if you recognize the signs, encourage the person to seek professional resources, such as the Centre County Resource Center in my district and, nationally, the National Domestic Violence Hotline.

Amy's story should end with the fact that she did not die in vain. Her story is designed to help others, and, I believe if you see it, it will.

THE WAR'S MAKING YOU POOR ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Mr. Speaker, I'd like to address my comments not only to you tonight but also to the one-third of America that makes less than \$35,000 a year. Some people call you lower middle class; some people call you poor. There are those among you who are retired. There are those among you who are working poor Americans. Some of you make the minimum wage. There are those among you who also are handicapped, people who have no ability to enter the workforce and have to rely upon charity in one form or another.

In any event, there is one-third of America, one-third, that makes less than \$35,000 a year, and my comments are addressed to you tonight. You are the ones who Jesse Jackson used to refer to as "dispossessed," "the despised," and in our political system, the damned. And you are sometimes treated that way, but more commonly, you are treated by our political system as disregarded.

There are over 5,000 bills that have been introduced in the House of Representatives since I was sworn in last year. Only a tiny fraction of them offer you any relief. And tonight, I want to point out to you one that does. It's my bill, H.R. 5353, The War's Making You Poor Act. Now, I could talk to you a little bit tonight about various aspects of this bill, but there's one aspect in particular that I want to tell you about; the one that that relates to you directly.

What this bill does is, for you, it eliminates Federal income tax entirely. This bill makes the first \$35,000 of every American's income tax-free, and in your case, since you make less than \$35,000, it eliminates Federal taxation on you.

And to illustrate that, we have this chart here, and as the chart does indi-

cate, as you can see for yourself, your taxes under H.R. 5353 are a big fat zero. Zilch. Nada. Gornish. Nothing. And I hope that that will become permanent.

This is the biggest tax cut bill that you are going to see this year. It would have been the biggest tax cut bill if we'd introduced it last year. And I could tell you this bill gives us a nudge towards peace. I could tell you that this bill helps us to eliminate wasteful defense spending. I could tell you also that this bill reduces the deficit by \$16 billion and puts us back on the track to eliminate our deficit and our debt. I could tell you all of that, but what I am telling you now is this: It eliminates taxes on you.

Now, you may not participate very much in the political system. Certainly, the political system does very little for you, so I can understand that. You don't have the ability to contribute to candidates because you have no money. You don't have the ability to, in many cases, vote because voting takes place on Tuesdays, and you work on Tuesdays.

So you have to ask yourself, what do you have to do to get this bill, H.R. 5353, passed? And I'm going to give you some hints. I'm going to tell you what you might be able to do to get this bill passed to eliminate taxation on you.

Let's see. You can call the main number here at the House of Representatives. It's 202-224-3121, and you, as an American, can ask to speak to your Congressman. I suggest that you do that, and I suggest that you tell your Congressman that you want your Congressman to vote for H.R. 5353. Or, if you have an Internet connection, you can go to the Web site here at the House, www.house.gov. And at that Web site, you can find out how to get in touch with your Congressman and tell your Congressman that you want to support H.R. 5353 and you want him or her to do the same.

And maybe somehow, in some conceivable way, if all of America—or at least the one-third that this bill would eliminate taxation for—got together and demanded justice, demanded that this yoke be tossed off your back and that you be free of Federal taxation, and if this bill passed, then you can say at that point: Free at last; Free at last; Thank God Almighty, I am free at last.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to direct their remarks to the Chair and not to the television-viewing audience.

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60

minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to enter remarks into the RECORD on this topic.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. Mr. Speaker, the Congressional Black Caucus, the CBC, is proud to anchor this hour on jobs and the economy. Currently, the CBC is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California. My name is Congresswoman MARCIA FUDGE, representing the 11th Congressional District of Ohio.

CBC members are advocates for the human family, nationally and internationally, and have played a significant role as local and regional advocates. We continue to work diligently to be the conscience of the Congress, but we understand that all politics are local. Therefore, we provide dedicated and focused service to the citizens and congressional districts we serve.

The vision of the founding members of the Congressional Black Caucus, which was to promote the public welfare through legislation designed to meet the needs of millions of neglected citizens, continues to be a focal point for the legislative work and political activities of the Congressional Black Caucus today.

When I first became a Member of the Congress, in the fall of 2008 when I joined Congress, our economy was at its worst since the Great Depression. Predatory and subprime lending were at an all-time high. The housing bubble had just burst, and many of our largest financial institutions had gone bankrupt. Retirement and savings accounts were cut in half, forcing many of us to hold off retirement and continue working well into our golden years.

Over 200,000 American workers were being laid off each month. In the State of Ohio, unemployment was growing rapidly, quickly approaching double-digit numbers. The 11th Congressional District's unemployment rate was even greater, already at double digits and growing.

In October of 2008, when I arrived in Congress, my number one priority was promoting policies that created jobs, spurred economic development, and helped struggling Americans. I have consistently advocated for these policies.

In early 2009, one of my first and most important votes in this Congress infused more than \$787 billion into the U.S. economy through the American Recovery and Reinvestment Act. This legislation was desperately needed to create and save millions of jobs. It focused on rebuilding America using green technologies and LEED-certified

construction, making the United States more energy independent. It invested billions of dollars in research and emerging technologies to make our Nation more globally competitive.

It also gave 95 percent of all American workers an immediate tax cut through the Making Work Pay tax credit. It invested billions of dollars in infrastructure needs, including roads, bridges, mass transit, and energy-efficient buildings.

Finally, it invested dollars quickly into our economy. In Cuyahoga County, which is where I live, this legislation meant over 4,500 jobs and it provided salaries for teachers and firefighters. It also paid for construction workers to make critical improvements to our roads and our bridges.

Members of the Congressional Black Caucus continue to support policies that create jobs, that provide career training and improve our economy. In the American Clean Energy Act, Representative BOBBY RUSH offered an amendment requiring that jobs created from the legislation go to the residents of impacted communities.

□ 2000

In the 2010 budget, Congressman BOBBY SCOTT and Congresswoman GWEN MOORE fought for and secured more dollars for job training and block grants. Congresswoman CORRINE BROWN, with the support of her CBC colleagues, authored a letter to the White House to promote funding for surface transportation projects.

Tomorrow, the Congressional Black Caucus, along with the Congressional Progressive Caucus, the Congressional Asian Pacific American Caucus and the Jobs Task Force will lead a timely and necessary forum titled "Putting Americans Back to Work: Direct Job Creation in Local Communities."

This is only a sample of the important legislation my colleagues in the CBC have created. We are beginning to see more growth in our economy. Even *The Wall Street Journal* reported that the economist from the National Association for Business Economics predicts solid growth and employment gains through 2011. This growth would not have happened without the Recovery Act and other Democratic-led legislation putting Americans back to work.

We have done a great deal in a short period of time, but there is still much work to be done. There has been much improvement in the job outlook since I first came to Washington. The number of job losses each month, as well as the unemployment rate, have begun to fall.

In April, the Federal Reserve Bank noted that economic activity has continued to strengthen and the labor market is improving. While we have a better outlook than when I first came to Congress during the height of the financial crisis, there is still more to be done.

The Nation's unemployment rate is alarming—9.5 percent of the population is without a job. In northeast Ohio, the rate is 12 percent. Unfortunately, African Americans across the Nation have been hit hardest by this recession.

We see the devastating effects of unemployment in all of our communities. The most recent data shows 16.2 percent of African Americans are unemployed. Many parts of the greater Cleveland area suffer from abject poverty and unemployment.

Nearly one in every four Cuyahoga County residents live below the poverty line. These statistics demonstrate that Americans need and deserve a more concerted Federal effort to reduce poverty and create jobs among struggling populations.

We must do more to curb our Nation's unemployment problem. We must do more to create jobs for our people.

Yet there is still much work to be done.

I cosponsored the Local Jobs for America Act. The Education and Labor Committee on which I serve recognizes we are going through one of the most difficult economic times in our history. The recession is forcing States and municipalities to cut critical jobs, those of teachers, police officers, and firefighters.

I recently spoke with Mayor Clinton Hall of Warrensville Heights, Ohio. His community desperately needs money to keep its firefighters. Mayor Joe Cicero of Lyndhurst, Ohio, has been struggling to keep his police force. The city of Cleveland has had massive layoffs in the public school workforce.

The Local Jobs for America Act will provide our economy a big boost by putting 1 million people to work by restoring services to local communities. The legislation will create and save public and private jobs in local communities this year. It will help ensure these communities have the ability to provide essential services.

Finally, the legislation will help teachers by providing \$23 billion this year to help States support 250,000 education jobs, \$1.18 billion to put law enforcement officers back to work, and \$500 million to retain and hire firefighters.

Mr. Speaker, I have been joined by the chair of the Congressional Black Caucus. I now yield to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Thank you very much. Let me begin my thanking my friend and colleague, the gentlewoman from Ohio, Congresswoman FUDGE, for anchoring once again tonight's Congressional Black Caucus' special hour.

We are talking tonight about job creation and the economy. Every Monday the House of Representatives is in session, we hold Special Orders so that we can bring attention to some of the

most pressing issues confronting our country that often really don't make headlines. And so I have to thank Congresswoman FUDGE once again for her leadership and for leading these Special Orders, because this continues to keep our caucus and the entire country focused on the critical issues that sometimes do not receive the type of attention, really, that they should receive and, also, really puts forth what the agenda is of the Congressional Black Caucus.

As chair of the CBC, I rise once again this evening sounding the alarm for the urgent and vital need to create jobs in America. We have to create jobs in our communities that have disproportionately suffered the brunt of this economic crisis and who, as a result, are in desperate need of targeted, concrete, and meaningful relief.

For many months now, members of the Congressional Black Caucus have been and continue to be laser focused on stimulating the economy and creating jobs, particularly for the chronically unemployed. We have sought to engage the Obama administration, our House and Senate leadership, committee chairs, and our coalition partners to develop a legislative strategy to address the needs of millions of Americans who are struggling in this tough, economic environment.

Last week we tried but this week I hope we will pass H.R. 4213, the American Jobs and Closing Tax Loopholes Act. This includes funding for summer youth jobs and emergency assistance for needy families. These provisions will target resources to communities with the most urgent need for help.

Over the past several months, we have worked to develop a job creation strategy that will address needs of the chronically unemployed, and one of our top priorities has been the creation of a summer youth jobs program for America's youth.

The Congressional Black Caucus met with President Obama, and we raised the importance of the summer jobs program to address the huge unemployment rate among young people. We need this targeted assistance to help put our young people to work and to teach them an array of valuable job skills that they can use throughout their life but, even more importantly at this point, in many of our communities and in our districts, many of our young people have to help their families just survive. They have to help pay the rent and put food on the table.

While the most recent job reports issued at the beginning of May show the overall teen unemployment rate dropping significantly, African American and Latino teens remain unemployed at significantly higher rates than their white peers. African American and Latino teens are unemployed at 37.3 percent and 29.2 percent respectively, compared to an overall national

rate of 23.5 percent. These figures underscore the urgent need for this legislation and for the United States Senate to quickly follow. We know that these jobs and the jobs initiative provisions in these bills will help all young people.

Due to this recession and due to parents being unemployed, again, our young people have a critical role to play now in terms of just the stability of their families. Studies have shown also that teenage joblessness has many long-term consequences. Young people who fail to find early jobs are more likely to be unemployed, are underemployed into their 20s and permanently, mind you, trapped at the margins of the economy.

So I urge all of us to support H.R. 4213 and get this passed. This bill will also provide critical tax cuts and support for American workers through the end of this year. Some of the other provisions included in this legislation would provide tax relief to businesses and State and local governments to help them invest and to create jobs, provide important tax cuts to put money back into the pockets of working families, and help restore the flow of credit to enable small businesses to expand and hire new workers by extending small business loan programs. This bill also expands career training for Americans who are looking for work. It extends eligibility for the unemployed who need the unemployment insurance benefits, also COBRA, the health care tax credits, and other critical programs that families and communities depend on through these hard economic times. This, and sometimes I call it the survival package, which is what it is, helps families maintain and only maintain until they can get back on their feet and also until we can do more in terms of creating some real good paying and sustainable jobs.

This bill also ensures that seniors and military servicemembers and Americans with disabilities continue to have access to doctors that they know and trust. Also, it closes tax loopholes for wealthy investment fund managers and foreign operations of multinational corporations.

So we need to consider this bill quickly. We also need to look at Chairman MILLER's bill, which is called the Local Jobs for America Act, because many of the provisions that the Congressional Black Caucus has been championing are included in that bill also.

In the Miller bill we target funding to community-based organizations serving communities with poverty rates of 12 percent and-or unemployment rates that are 2 percent or more than the national average. We provide for on-the-job training for thousands seeking new skills for a new economy. In many of our districts throughout the country, even if we created jobs,

our workforce may or may not have the requisite skills and may not have the preparation and the job training for those jobs because they have been undereducated, they have not had the type of resources, and have been chronically unemployed for many, many years. And so we need to have on-the-job training and workforce training as part of any comprehensive jobs package.

Also in the Miller bill we target communities that are hit hardest by the recession, and we support programs that train, retrain, and hire teachers, law enforcement officers, and firefighters. So this bill that we are working on and talking about tonight, H.R. 4213, is building a foundation. It is an excellent first step, but we must move forward and have a comprehensive jobs bill to invest in people, invest in our workers, provide for worker training and retraining, apprenticeship, pre-apprenticeship programs, but also direct investment in job creation efforts.

I want to thank once again my colleague from Ohio for sounding the alarm. Certainly in Ohio we have witnessed an economic downturn that is hard to imagine with the foreclosure crisis, the loss of jobs, outsourcing, the lack of health care. I know Ohio has really gone through some very difficult times.

In my own State of California we are facing a huge budget deficit. People are being cut. Of course, unfortunately, the safety net is being cut. And so what we need to do here is provide Federal investment in job creation, because this ultimately will help us reduce our deficit, put people back to work, and allow American men and women and families to finally regroup and be part of the American dream.

Ms. FUDGE. Thank you, Madam Chair.

Mr. Speaker, I just wanted to say that our chair is involved in so many things, but one of the things that I can always say is that she has been a tireless advocate for jobs programs, especially summer jobs programs for our young people, and has always made sure that we kept at the top of our agenda what we need to do for those who are most in need. I just appreciate that, and I appreciate her leadership and her friendship.

And I think that under her leadership the caucus has made great strides in making our communities aware of the work we do and how hard we work on their behalf. I thank you so much, Madam Chair.

Mr. Speaker, as we in Congress have worked to ensure that all Americans have access to affordable health care, I thought to include an important provision in the health care legislation. This provision requires the Advisory Committee on Health Workforce Evaluation and Assessment to monitor the retention and expansion of the health

workforce and to maintain quality and adequate staff levels in the wake of reform.

This legislation will create job opportunities for my constituents. It provides a rapid response to the current shortages in the health care workforce.

Recently, I, along with Chairman TOWNS of New York, introduced H.R. 5055, the College Debt Swap Act of 2010. This proposal allows college graduates to exchange a portion of their private college student loan debt for Federal loans.

As a result of the conversion, the Federal Government would earn about \$9 billion, and this would improve funding for the Pell Grant program and provide opportunities for learning and training in various jobs that are available right now.

Finally, I am introducing CAREER, Career Attainment Remedial Education and Resources Act of 2010.

□ 2015

This act is for dropouts and adjudicated youth. With the help of the National Urban League, I crafted this legislation to help those most in need of career training services. This bill will provide grants to communities and organizations helping young people find jobs.

We must retrain workers in expanding industries. Instead of those industries that are shrinking, we must provide financial support for students to complete their trade certifications and their college degrees. Education is the only way to end the cycle of poverty. We must demand innovation in lending so small businesses and those in minority communities have access to capital. We must aggressively advocate for loan modifications to reduce foreclosures and keep Americans in their homes. In short, Mr. Speaker, we need a concerted effort from the Federal Government to expand critical services and resources in minority communities. Targeted assistance to those Americans who have been disproportionately suffering from the recession is crucial to reducing the unemployment rate for all.

Mr. Speaker, I just want to make sure that the American people understand that even though we know that we need jobs and we know that we need them badly, we understand that there are many issues in this country, but jobs will solve a lot of the problems. In fact, we have done more in the short time that Mr. Obama has been the President of the United States than has been done in recent history. We have done more for our military; we have increased and provided better pay and better benefits. Taxes are lower than they have been in recent history. Business policies have been put in place that encourage growth of small businesses.

Mr. Speaker, we have been mayors. We know what difficulties cities are

having today. We understand that our cities can no longer provide fire service, police service, trash pick-up, trash removal. Times are tough. When you live in communities that survive by property taxes and people are losing their homes every day, people are losing their jobs every day, these communities cannot survive. It is our job as a government—and I say this to anyone—the only job the government has is to take care of the people it serves. And so it is important for us to make sure that we do our part to pass legislation that is going to make life better for the citizens we serve.

Jobs do more than just put money in your pocket. Jobs can change our whole attitude, and they can change the attitude of an entire community, an entire class of students, an entire street. When you have a job, you start to feel good about yourself, Mr. Speaker. You start to feel that you can do things that are going to contribute not only to your household, but to society. So jobs are of significant importance.

I would just ask that we continue to keep jobs in the forefront; but as well, that we continue to help those who can't find a job because we are in tough, difficult times. We want to make sure that we do extend the unemployment benefits, and we want to make sure that we do continue to assist people with COBRA payments. We want to make sure that we can keep people living in their homes at least until they can find a way to better their situation.

So I would ask all of my colleagues, those being on either side of the aisle, Mr. Speaker, that we work very, very

hard to ensure that we pass the kind of legislation that is going to be something that is good for this country so that people will understand that we do know their pain, we do understand that America is hurting, we do understand that these are difficult times. And we certainly do want to encourage people to go to work. We want to encourage the small businesses to hire more people. We want to make people understand that we are doing the very best we can.

And with that, Mr. Speaker, I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RYAN of Wisconsin (at the request of Mr. BOEHNER) for today and the balance of the week on account of the death of his mother-in-law.

Mr. MANZULLO (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and

extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, May 25, 26, and 27.

Mr. BISHOP of Utah, for 5 minutes, today and May 25.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, May 25.

Mr. POE of Texas, for 5 minutes, May 28.

Mr. JONES, for 5 minutes, May 28.

Mr. BURGESS, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, May 25 and 26.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 21, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 5014. To clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

ADJOURNMENT

Ms. FUDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 25, 2010, at 10:30 a.m., for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2009 and the first quarter of 2010 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED ON MAR. 26, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|-------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Barbara Lee | 3/26 | 3/26 | Haiti ..... | ..... | ..... | ..... | (3) | ..... | ..... | ..... | ..... |
| Hon. Joseph Crowley | 3/26 | 3/26 | Haiti ..... | ..... | ..... | ..... | (3) | ..... | ..... | ..... | ..... |
| David Barnes | 3/26 | 3/26 | Haiti ..... | ..... | ..... | ..... | (3) | ..... | ..... | ..... | ..... |
| Tim McClees | 3/26 | 3/26 | Haiti ..... | ..... | ..... | ..... | (3) | ..... | ..... | ..... | ..... |
| Committee total ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. NANCY PELOSI, Speaker of the House, Apr. 6, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THAILAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 28 AND MAR. 30, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|----------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Jim McDermott | 3/28 | 3/30 | Thailand ..... | ..... | 244.00 | ..... | ..... | ..... | 244.00 | ..... | 244.00 |
| Committee total ..... | ..... | ..... | ..... | ..... | 244.00 | ..... | ..... | ..... | 244.00 | ..... | 244.00 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JIM McDERMOTT, Chairman, Apr. 30, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR 31, 2010.

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|----------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Cynthia Lummis | 1/2 | 1/4 | Egypt | | 267.00 | | (³) | | | | 267.00 |
| | 1/4 | 1/7 | Israel | | 1,142.33 | | (³) | | | | 1,142.33 |
| | 1/7 | 1/8 | Turkey | | 658.00 | | (³) | | | | 658.00 |
| | 1/8 | 1/9 | United Kingdom | | 816.57 | | (³) | | | | 816.57 |
| | 1/9 | 1/10 | Iceland | | 250.80 | | (³) | | | | 250.80 |
| Hon. Bob Goodlatte | 2/15 | 2/16 | Nigeria | | 918.00 | | (³) | | | | 918.00 |
| | 2/16 | 2/17 | Ethiopia | | 323.00 | | (³) | | | | 323.00 |
| | 2/17 | 2/19 | Zimbabwe | | 591.00 | | (³) | | | | 591.00 |
| | 2/19 | 2/20 | Botswana | | 136.56 | | (³) | | | | 136.56 |
| | 2/20 | 2/21 | The Gambia | | 191.00 | | (³) | | | | 191.00 |
| Committee total | | | | | 5,294.26 | | | | | | 5,294.26 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. COLLIN C. PETERSON, Chairman, Apr. 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|-----------------------------------|---------|-----------|----------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Robert Aderholt | 1/2 | 1/4 | Egypt | | 634.00 | | | | | | 634.00 |
| | 1/4 | 1/7 | Israel | | 1,446.00 | | | | | | 1,446.00 |
| | 1/7 | 1/8 | Turkey | | 417.00 | | | | | | 417.00 |
| | 1/8 | 1/9 | United Kingdom | | 491.53 | | | | | | 491.53 |
| | 1/9 | 1/10 | Iceland | | 300.80 | | | | | | 300.80 |
| Misc. Embassy Costs | | | | | | | 4,089.35 | | | | 4,089.35 |
| Clelia Alvarado | 2/13 | 2/14 | Cyprus | | 311.00 | | (³) | | | | 311.00 |
| | 2/14 | 2/16 | Saudi Arabia | | 885.00 | | (³) | | | | 885.00 |
| | 2/16 | 2/17 | Oman | | 392.64 | | (³) | | | | 392.64 |
| | 2/17 | 2/18 | U.A.E. | | 546.00 | | (³) | | | | 546.00 |
| | 2/18 | 2/19 | England | | 203.00 | | (³) | | 2,017.35 | | 2,017.35 |
| Misc. Embassy Costs | | | | | | | | | | | |
| Local Ground Transportation | | | | | | | 661.22 | | | | 661.22 |
| John Bartrum | 1/11 | 1/16 | Thailand | | 889.78 | | | | 123.00 | | 1,012.78 |
| Commercial Airfare | | | | | | | 13,229.52 | | | | 13,229.52 |
| Taunja Berquam | 1/2 | 1/4 | Egypt | | 634.00 | | (³) | | | | 634.00 |
| | 1/4 | 1/7 | Israel | | 1,446.00 | | (³) | | | | 1,446.00 |
| | 1/7 | 1/8 | Turkey | | 417.00 | | (³) | | | | 417.00 |
| | 1/8 | 1/9 | United Kingdom | | 491.53 | | (³) | | | | 491.53 |
| | 1/9 | 1/10 | Iceland | | 300.80 | | (³) | | | | 300.80 |
| Commercial Airfare | | | | | | | 4,200.00 | | | | 4,200.00 |
| Misc. Embassy Costs | | | | | | | | | 4,089.35 | | 4,089.35 |
| John Blazey | 1/14 | 1/20 | Cuba | | 1,134.00 | | | | | | 1,134.00 |
| Commercial Airfare | | | | | | | 874.40 | | | | 874.40 |
| Hon. Jo Bonner | 3/4 | 3/7 | Germany | | 507.75 | | (³) | | | | 507.75 |
| | 3/7 | 3/8 | Afghanistan | | 78.00 | | (³) | | | | 78.00 |
| Anne Marie Chotvacs | 2/13 | 2/14 | Cyprus | | 311.00 | | (³) | | | | 311.00 |
| | 2/14 | 2/16 | Saudi Arabia | | 977.00 | | (³) | | | | 977.00 |
| | 2/16 | 2/17 | Oman | | 392.64 | | (³) | | | | 392.64 |
| | 2/17 | 2/18 | U.A.E. | | 546.00 | | (³) | | | | 546.00 |
| | 2/18 | 2/19 | England | | 203.00 | | (³) | | 2,017.35 | | 2,017.35 |
| Misc. Embassy Costs | | | | | | | | | | | |
| Local Ground Transportation | | | | | | | 661.22 | | | | 661.22 |
| Hon. Tom Cole | 2/13 | 2/14 | Cyprus | | 311.00 | | (³) | | | | 311.00 |
| | 2/14 | 2/16 | Saudi Arabia | | 977.00 | | (³) | | | | 977.00 |
| | 2/16 | 2/17 | Oman | | 392.64 | | (³) | | | | 392.64 |
| | 2/17 | 2/18 | U.A.E. | | 546.00 | | (³) | | | | 546.00 |
| | 2/18 | 2/19 | England | | 203.00 | | (³) | | | | 203.00 |
| Misc. Embassy Costs | | | | | | | 2,017.35 | | | | 2,017.35 |
| Local Ground Transportation | | | | | | | 661.22 | | | | 661.22 |
| Hon. Ander Crenshaw | 3/4 | 3/7 | Germany | | 507.75 | | (³) | | | | 507.75 |
| | 3/7 | 3/8 | Afghanistan | | 78.00 | | (³) | | | | 78.00 |
| Elizabeth Dawson | 2/15 | 2/17 | Belgium | | 927.44 | | | | | | 927.44 |
| | 2/17 | 2/18 | Luxembourg | | 459.00 | | | | | | 459.00 |
| | 2/18 | 2/20 | Belgium | | 927.44 | | | | | | 927.44 |
| Commercial Airfare | | | | | | | 6,687.00 | | | | 6,687.00 |
| Hon. Norm Dicks | 3/5 | 3/6 | Germany | | 280.50 | | (³) | | | | 280.50 |
| | 3/6 | 3/7 | Afghanistan | | 78.00 | | (³) | | | | 78.00 |
| | 3/7 | 3/8 | Germany | | 227.25 | | (³) | | | | 227.25 |
| Laura Hogshead | 1/2 | 1/4 | Egypt | | 634.00 | | (³) | | | | 634.00 |
| | 1/4 | 1/7 | Israel | | 1,446.00 | | (³) | | | | 1,446.00 |
| | 1/7 | 1/8 | Turkey | | 417.00 | | (³) | | | | 417.00 |
| | 1/8 | 1/9 | United Kingdom | | 491.53 | | (³) | | | | 491.53 |
| | 1/9 | 1/10 | Iceland | | 300.80 | | (³) | | | | 300.80 |
| Commercial Airfare | | | | | | | 4,200.00 | | | | 4,200.00 |
| Misc. Embassy Costs | | | | | | | | | 4,089.35 | | 4,089.35 |
| Jim Holm | 1/6 | 1/9 | Colombia | | 796.50 | | | | | | 796.50 |
| Commercial Airfare | | | | | | | 531.50 | | | | 531.50 |
| Hon. Michael Honda | 1/3 | 1/5 | Vietnam | | 584.00 | | | | | | 584.00 |
| | 1/5 | 1/7 | Cambodia | | 439.00 | | | | | | 439.00 |
| | 1/7 | 1/9 | Laos | | 400.00 | | | | | | 400.00 |
| | 1/10 | 1/12 | Japan | | 920.00 | | | | | | 920.00 |
| Commercial Airfare | | | | | | | 12,931.10 | | | | 12,931.10 |
| Craig Higgins | 2/13 | 2/14 | Cyprus | | 311.00 | | (³) | | | | 311.00 |
| | 2/14 | 2/16 | Saudi Arabia | | 885.00 | | (³) | | | | 885.00 |
| | 2/16 | 2/17 | Oman | | 392.64 | | (³) | | | | 392.64 |
| | 2/17 | 2/18 | U.A.E. | | 546.00 | | (³) | | | | 546.00 |
| | 2/18 | 2/19 | England | | 203.00 | | (³) | | | | 203.00 |
| Misc. Embassy Costs | | | | | | | | | 2,017.35 | | 2,017.35 |
| Local Ground Transportation | | | | | | | 661.22 | | | | 661.22 |
| Paul Juola | 3/5 | 3/6 | Germany | | 280.50 | | (³) | | | | 280.50 |

May 24, 2010

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010—

Continued

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|-------------------------------|---------|-----------|----------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Jack Kingston | 3/6 | 3/7 | Afghanistan | | 78.00 | | (³) | | | | 78.00 |
| | 3/7 | 3/8 | Germany | | 227.25 | | (³) | | | | 227.25 |
| | 2/14 | 2/16 | Nigeria | | 918.00 | | (³) | | | | 918.00 |
| | 2/16 | 2/19 | Botswana | | 672.00 | | (³) | | | | 672.00 |
| Hon. Jack Kingston | 2/19 | 2/20 | Botswana | | 650.00 | | (³) | | | | 650.00 |
| | 2/20 | 2/21 | Gambia | | 211.00 | | (³) | | | | 211.00 |
| | 3/4 | 3/7 | Germany | | 507.75 | | (³) | | | | 507.75 |
| | 3/7 | 3/8 | Afghanistan | | 78.00 | | (³) | | | | 78.00 |
| Nicole Kunko | 1/11 | 1/16 | Thailand | | 1,015.78 | | | | 49.02 | | 1,064.80 |
| Commercial Airfare | | | | | | | 15,548.80 | | | | 15,548.80 |
| Hon. Barbara Lee | 2/13 | 2/14 | Cyprus | | 311.00 | | (³) | | | | 311.00 |
| | 2/14 | 2/16 | Saudi Arabia | | 977.00 | | (³) | | | | 977.00 |
| | 2/16 | 2/17 | Oman | | 392.64 | | (³) | | | | 392.64 |
| | 2/17 | 2/18 | U.A.E. | | 546.00 | | (³) | | | | 546.00 |
| | 2/18 | 2/19 | England | | 203.00 | | (³) | | | | 203.00 |
| Misc. Embassy Costs | | | | | | | | | 2,017.35 | | 2,017.35 |
| Local Ground Transportation | | | | | | | 661.22 | | | | 661.22 |
| Hon. Nita Lowey | 2/13 | 2/14 | Cyprus | | 311.00 | | (³) | | | | 311.00 |
| | 2/14 | 2/16 | Saudi Arabia | | 977.00 | | (³) | | | | 977.00 |
| | 2/16 | 2/17 | Oman | | 392.64 | | (³) | | | | 392.64 |
| | 2/17 | 2/18 | U.A.E. | | 546.00 | | (³) | | | | 546.00 |
| | 2/18 | 2/19 | England | | 203.00 | | (³) | | | | 203.00 |
| Misc. Embassy Costs | | | | | | | | | 2,017.35 | | 2,017.35 |
| Local Ground Transportation | | | | | | | 661.22 | | | | 661.22 |
| Celes Hughes | 3/5 | 3/6 | Germany | | 280.50 | | (³) | | | | 280.50 |
| | 3/6 | 3/7 | Afghanistan | | 78.00 | | (³) | | | | 78.00 |
| | 3/7 | 3/8 | Germany | | 227.25 | | (³) | | | | 227.25 |
| | 2/13 | 2/14 | Cyprus | | 311.00 | | (³) | | | | 311.00 |
| Steve Marchese | 2/14 | 2/16 | Saudi Arabia | | 885.00 | | (³) | | | | 885.00 |
| | 2/16 | 2/17 | Oman | | 392.64 | | (³) | | | | 392.64 |
| | 2/17 | 2/18 | U.A.E. | | 546.00 | | (³) | | | | 546.00 |
| | 2/18 | 2/19 | England | | 203.00 | | (³) | | | | 203.00 |
| Misc. Embassy Costs | | | | | | | | | 2,017.35 | | 2,017.35 |
| Local Ground Transportation | | | | | | | 661.22 | | | | 661.22 |
| Tom McLemore | 3/4 | 3/7 | Germany | | 507.75 | | (³) | | | | 507.75 |
| | 3/7 | 3/8 | Afghanistan | | 78.00 | | (³) | | | | 78.00 |
| | 3/5 | 3/6 | Germany | | 280.50 | | (³) | | | | 280.50 |
| | 3/6 | 3/7 | Afghanistan | | 78.00 | | (³) | | | | 78.00 |
| Hon. Steven Rothman | 3/7 | 3/8 | Germany | | 227.25 | | (³) | | | | 227.25 |
| | 3/5 | 3/6 | Germany | | 280.50 | | (³) | | | | 280.50 |
| | 3/6 | 3/7 | Afghanistan | | 78.00 | | (³) | | | | 78.00 |
| | 3/7 | 3/8 | Germany | | 227.25 | | (³) | | | | 227.25 |
| Donna Shahbaz | 1/11 | 1/16 | Thailand | | 889.78 | | | | | | 889.78 |
| Commercial Airfare | | | | | | | 13,236.80 | | | | 13,236.80 |
| Jeff Shockey | 3/4 | 3/7 | Germany | | 507.75 | | (³) | | | | 507.75 |
| Stephen Steigleder | 3/7 | 3/8 | Afghanistan | | 78.00 | | (³) | | | | 78.00 |
| | 1/11 | 1/13 | Cambodia | | | | | | | | |
| | 1/13 | 1/16 | Thailand | | 654.00 | | | | | | 654.00 |
| Commercial Airfare | | | | | | | 15,698.40 | | | | 15,698.40 |
| Hon. Debbie Wasserman Schultz | 1/2 | 1/4 | Egypt | | 634.00 | | (³) | | | | 634.00 |
| | 1/4 | 1/7 | Israel | | 1,446.00 | | (³) | | | | 1,446.00 |
| | 1/7 | 1/8 | Turkey | | 417.00 | | (³) | | | | 417.00 |
| | 1/8 | 1/9 | United Kingdom | | 491.53 | | (³) | | | | 491.53 |
| | 1/9 | 1/10 | Iceland | | 300.80 | | (³) | | | | 300.80 |
| Misc. Embassy Costs | | | | | | | | | 4,089.35 | | 4,089.35 |
| Sarah Young | 1/10 | 1/13 | Korea | | 600.00 | | | | | | 600.00 |
| | 1/13 | 1/16 | Japan | | 1,882.00 | | | | | | 1,882.00 |
| | 1/16 | 1/20 | Thailand | | 1,072.00 | | | | | | 1,072.00 |
| Commercial Airfare | | | | | | | 17,757.00 | | | | 17,757.00 |
| Shalanda Young | 1/2 | 1/4 | Egypt | | 634.00 | | (³) | | | | 634.00 |
| | 1/4 | 1/7 | Israel | | 1,446.00 | | (³) | | | | 1,446.00 |
| | 1/7 | 1/8 | Turkey | | 417.00 | | (³) | | | | 417.00 |
| | 1/8 | 1/9 | United Kingdom | | 491.53 | | (³) | | | | 491.53 |
| | 1/9 | 1/10 | Iceland | | 300.80 | | (³) | | | | 300.80 |
| Misc. Embassy Costs | | | | | | | | | 4,089.35 | | 4,089.35 |
| Committee total | | | | | 55,077.35 | | 109,523.06 | | 34,740.22 | | 199,340.63 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. DAVID R. OBEY, Chairman, May 3, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|--|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Visit to Belgium, January 5–8, 2010 with STAFFDEL Lewis: | | | | | | | | | | | |
| Mark Lewis | 1/6 | 1/8 | Belgium ..... | ..... | 976.24 | ..... | ..... | ..... | ..... | ..... | 976.24 |
| Commercial Transportation ..... | ..... | ..... | ..... | ..... | ..... | ..... | 6,669.60 | ..... | ..... | ..... | 6,669.60 |
| Roger Zakheim | 1/6 | 1/8 | Belgium ..... | ..... | 976.24 | ..... | ..... | ..... | ..... | ..... | 976.24 |
| Commercial Transportation ..... | ..... | ..... | ..... | ..... | ..... | ..... | 6,669.60 | ..... | ..... | ..... | 6,669.60 |
| Visit to Germany, January 10–15, 2010 with STAFFDEL Laughlin: | | | | | | | | | | | |
| David Sienicki | 1/11 | 1/15 | Germany ..... | ..... | 1,376.00 | ..... | ..... | ..... | ..... | ..... | 1,376.00 |
| Commercial Transportation ..... | ..... | ..... | ..... | ..... | ..... | ..... | 7,231.00 | ..... | ..... | ..... | 7,231.00 |
| Tom Hawley | 1/11 | 1/15 | Germany ..... | ..... | 1,376.00 | ..... | ..... | ..... | ..... | ..... | 1,376.00 |
| Commercial Transportation ..... | ..... | ..... | ..... | ..... | ..... | ..... | 7,231.00 | ..... | ..... | ..... | 7,231.00 |
| Visit to Afghanistan and UAE, January 22–26, 2010 with CODEL Spratt: | | | | | | | | | | | |
| Hon. Gene Taylor | 1/23 | 1/24 | United Arab Emirates ..... | ..... | 142.92 | ..... | ..... | ..... | ..... | ..... | 142.92 |
| ..... | 1/24 | 1/25 | Afghanistan ..... | ..... | 28.00 | ..... | ..... | ..... | ..... | ..... | 28.00 |
| ..... | 1/25 | 1/26 | United Arab Emirates ..... | ..... | 142.93 | ..... | ..... | ..... | ..... | ..... | 142.93 |
| Commercial Transportation ..... | ..... | ..... | ..... | ..... | ..... | ..... | 8,204.10 | ..... | ..... | ..... | 8,204.10 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010—
Continued

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|---|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Visit to Israel, January 24–28, 2010 with STAFFDEL Bush: | | | | | | | | | | | |
| Doug Bush | 1/24 | 1/28 | Israel | | 872.00 | | | | | | 872.00 |
| Commercial Transportation | | | | | | | 9,371.69 | | | | 9,371.69 |
| Jesse Tolleson | 1/24 | 1/28 | Israel | | 872.00 | | | | | | 872.00 |
| Commercial Transportation | | | | | | | 9,251.69 | | | | 9,251.69 |
| John Wason | 1/24 | 1/28 | Israel | | 872.00 | | | | | | 872.00 |
| Commercial Transportation | | | | | | | 9,371.69 | | | | 9,371.69 |
| Visit to Afghanistan, Pakistan, Romania, and Tunisia, January 27–February 2, 2010 with CODEL Lynch: | | | | | | | | | | | |
| Hon. Todd Platts | 1/27 | 1/28 | Romania | | 78.00 | | | | | | 78.00 |
| | 1/28 | 1/29 | Pakistan | | 78.00 | | | | | | 78.00 |
| | 1/29 | 1/30 | Afghanistan | | 19.00 | | | | | | 19.00 |
| | 1/30 | 2/2 | Tunisia | | 73.00 | | | | | | 73.00 |
| Visit to Germany, February 4–February 7, 2010 with CODEL McCain: | | | | | | | | | | | |
| Hon. Loretta Sanchez | 2/5 | 2/5 | Bosnia | | | | | | | | |
| | 2/5 | 2/7 | Germany | | 324.00 | | | | | | 324.00 |
| Visit to Afghanistan, Oman, United Arab Emirates, February 14–February 18, 2010 with CODEL Nye: | | | | | | | | | | | |
| Hon. Glenn Nye | 2/15 | 2/16 | Oman | | 369.85 | | | | | | 369.85 |
| | 2/16 | 2/17 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 2/17 | 2/18 | United Arab Emirates | | | | | | | | |
| Commercial Transportation | | | | | | | 7,233.60 | | | | 7,233.60 |
| Hon. Scott Murphy | 2/15 | 2/16 | Oman | | 369.85 | | | | | | 369.85 |
| | 2/16 | 2/17 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 2/17 | 2/18 | United Arab Emirates | | | | | | | | |
| Commercial Transportation | | | | | | | 7,233.60 | | | | 7,233.60 |
| Michael Casey | 2/15 | 2/16 | Oman | | 369.85 | | | | | | 369.85 |
| | 2/16 | 2/17 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 2/17 | 2/18 | United Arab Emirates | | | | | | | | |
| Commercial Transportation | | | | | | | 7,233.60 | | | | 7,233.60 |
| Joshua Holly | 2/15 | 2/16 | Oman | | 369.85 | | | | | | 369.85 |
| | 2/16 | 2/17 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 2/17 | 2/18 | United Arab Emirates | | | | | | | | |
| Commercial Transportation | | | | | | | 7,233.60 | | | | 7,233.60 |
| Visit to Belgium, Austria, March 25–March 30, 2010 with CODEL Casey: | | | | | | | | | | | |
| Hon. Michael Turner | 3/26 | 3/28 | Belgium | | 750.00 | | | | | | 750.00 |
| Commercial Transportation | 3/28 | 3/30 | Austria | | 322.00 | | 4,169.10 | | | | 4,491.10 |
| Committee total | | | | | 10,869.73 | | 97,103.87 | | | | 107,973.60 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. IKE SKELTON, Chairman, Apr. 30, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|--------------------------------|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. John M. Spratt, Jr. | 1/22 | 1/24 | United Arab Emirates | | 1,050.00 | | | | | | 1,050.00 |
| | 1/24 | 1/25 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 1/25 | 1/25 | United Arab Emirates | | 525.00 | | 8,204.10 | | | | 8,729.10 |
| Hon. Paul Ryan | 1/22 | 1/24 | United Arab Emirates | | 1,050.00 | | | | | | 1,050.00 |
| | 1/24 | 1/25 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 1/25 | 1/25 | United Arab Emirates | | 525.00 | | 8,204.10 | | | | 8,729.10 |
| Hon. Xavier Becerra | 1/22 | 1/24 | United Arab Emirates | | 1,050.00 | | | | | | 1,050.00 |
| | 1/24 | 1/25 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 1/25 | 1/25 | United Arab Emirates | | 525.00 | | 8,204.10 | | | | 8,729.10 |
| Hon. Bobby Ray Etheridge | 1/22 | 1/24 | United Arab Emirates | | 1,050.00 | | | | | | 1,050.00 |
| | 1/24 | 1/25 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 1/25 | 1/25 | United Arab Emirates | | 525.00 | | 8,204.10 | | | | 8,729.10 |
| Committee total | | | | | 6,412.00 | | 32,916.40 | | | | 39,228.40 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN M. SPRATT, Jr., May 3, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Scott Russell | 1/22 | 1/24 | United Arab Emirates | | 1,050.00 | | | | | | 1,050.00 |
| | 1/24 | 1/25 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 1/25 | 1/25 | United Arab Emirates | | 525.00 | | 8,204.00 | | | | 8,729.10 |
| Chauncey Goss | 1/22 | 1/24 | United Arab Emirates | | 1,050.00 | | | | | | 1,050.00 |
| | 1/24 | 1/25 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 1/25 | 1/25 | United Arab Emirates | | 525.00 | | 8,204.10 | | | | 8,729.10 |
| Committee total | | | | | 3,206.00 | | 16,408.20 | | | | 19,614.20 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN M. SPRATT, Jr., May 3, 2010.

May 24, 2010

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|--|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| CODEL McConnell: Hon. Michael Castle, Jan. 6–11, 2010. | 1/7 | 1/8 | Kuwait | | 109.00 | | (³) | | 305.08 | | 414.08 |
| | 1/8 | 1/9 | Pakistan | | 90.00 | | (³) | | 70.00 | | 160.00 |
| | 1/9 | 1/10 | Afghanistan | | 156.00 | | (³) | | | | 156.00 |
| | 1/10 | 1/11 | England | | | | | | 39.00 | | 39.00 |
| Committee total | | | | | 355.00 | | | | 414.08 | | 769.08 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. GEORGE MILLER, Chairman, May 3, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|-----------------------------------|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Jim Matheson | 1/2 | 1/4 | Egypt | | 534.00 | | | | | | 534.00 |
| | 1/4 | 1/7 | Israel | | 1,296.00 | | (³) | | | | 1,296.00 |
| | 1/7 | 1/8 | Turkey | | 367.00 | | (³) | | | | 367.00 |
| | 1/8 | 1/9 | United Kingdom | | 441.53 | | (³) | | | | 441.53 |
| Hon. Anthony Weiner | 1/9 | 1/10 | Iceland | | 250.80 | | (³) | | | | 250.80 |
| | 1/2 | 1/4 | Egypt | | 534.00 | | | | | | 534.00 |
| | 1/4 | 1/7 | Israel | | 1,296.00 | | (³) | | | | 1,296.00 |
| | 1/7 | 1/8 | Turkey | | 367.00 | | | | | | 367.00 |
| Commercial Air from Iceland | 1/8 | 1/9 | United Kingdom | | 441.53 | | | | | | 441.53 |
| | 1/9 | 1/9 | Iceland | | | | 721.00 | | | | 721.00 |
| | 1/28 | 1/29 | Romania | | 283.44 | | | | | | 283.44 |
| | 1/29 | 1/30 | Pakistan | | 303.22 | | (³) | | | | 303.22 |
| Hon. Betty Sutton | 1/30 | 1/31 | Afghanistan | | 28.00 | | (³) | | | | 28.00 |
| | 1/31 | 2/2 | Tunisia | | 375.69 | | (³) | | | | 375.69 |
| | 2/13 | 2/14 | Cyprus | | 311.00 | | | | | | 311.00 |
| | 2/14 | 2/16 | Saudi Arabia | | 977.00 | | (³) | | | | 977.00 |
| Hon. Ed Whitfield | 2/16 | 2/17 | Oman | | 392.64 | | (³) | | | | 392.64 |
| | 2/17 | 2/18 | United Arab Emirates | | 546.00 | | (³) | | | | 546.00 |
| | 2/18 | 2/19 | United Kingdom | | 203.00 | | (³) | | | | 203.00 |
| | 2/13 | 2/14 | Cyprus | | 311.00 | | | | | | 311.00 |
| Hon. Cliff Stearns | 2/14 | 2/16 | Saudi Arabia | | 977.00 | | (³) | | | | 977.00 |
| | 2/16 | 2/17 | Oman | | 392.64 | | (³) | | | | 392.64 |
| | 2/17 | 2/18 | United Arab Emirates | | 546.00 | | (³) | | | | 546.00 |
| | 2/18 | 2/19 | United Kingdom | | 203.00 | | (³) | | | | 203.00 |
| Hon. Baron Hill | 2/13 | 2/14 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 2/14 | 2/15 | Pakistan | | 410.00 | | (³) | | | | 410.00 |
| | 2/16 | 2/17 | India | | 312.00 | | (³) | | | | 312.00 |
| | 2/18 | 2/19 | Belgium | | 223.00 | | (³) | | | | 223.00 |
| Committee total | | | | | 12,350.49 | | 721.00 | | | | 13,071.49 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. HENRY A. WAXMAN, Chairman, Apr. 28, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 21, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|-----------------------------|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Barney Frank | 1/26 | 1/31 | Switzerland | | 2,836.81 | | 9,297.50 | | | | |
| | 2/15 | 2/16 | Nigeria | | 918.00 | | (³) | | | | |
| | 2/16 | 2/17 | Ethiopia | | 323.00 | | (³) | | | | |
| | 2/17 | 2/19 | Zimbabwe | | 634.00 | | (³) | | | | |
| Sanders Adu | 2/19 | 2/20 | Botswana | | 136.56 | | (³) | | | | |
| | 2/20 | 2/21 | The Gambia | | 191.00 | | (³) | | | | |
| | 2/15 | 2/16 | Nigeria | | 918.00 | | (³) | | | | |
| | 2/16 | 2/17 | Ethiopia | | 323.00 | | (³) | | | | |
| Anthony Cimino | 2/17 | 2/19 | Zimbabwe | | 634.00 | | (³) | | | | |
| | 2/19 | 2/20 | Botswana | | 137.00 | | (³) | | | | |
| | 2/20 | 2/21 | The Gambia | | 191.00 | | (³) | | | | |
| | 2/15 | 2/16 | Nigeria | | 918.00 | | (³) | | | | |
| Flavio Campiano | 2/16 | 2/17 | Ethiopia | | 323.00 | | (³) | | | | |
| | 2/17 | 2/19 | Zimbabwe | | 634.00 | | (³) | | | | |
| | 2/19 | 2/20 | Botswana | | 136.56 | | (³) | | | | |
| | 2/20 | 2/21 | The Gambia | | 191.00 | | (³) | | | | |
| Stephane LeBouder | 2/15 | 2/16 | Nigeria | | 918.00 | | (³) | | | | |
| | 2/16 | 2/17 | Ethiopia | | 323.00 | | (³) | | | | |
| | 2/17 | 2/19 | Zimbabwe | | 634.00 | | (³) | | | | |
| | 2/19 | 2/20 | Botswana | | 136.56 | | (³) | | | | |
| Hon. Gregory W. Meeks | 2/20 | 2/21 | The Gambia | | 191.00 | | (³) | | | | |
| | 2/15 | 2/16 | Nigeria | | 918.00 | | (³) | | | | |
| | 2/16 | 2/17 | Ethiopia | | 323.00 | | (³) | | | | |
| | 2/17 | 2/19 | Zimbabwe | | 634.00 | | (³) | | | | |
| David J. Oxner | 2/19 | 2/20 | Botswana | | 136.56 | | (³) | | | | |
| | 2/20 | 2/21 | The Gambia | | 191.00 | | (³) | | | | |
| | 2/15 | 2/16 | Nigeria | | 918.00 | | (³) | | | | |
| | 2/16 | 2/17 | Ethiopia | | 323.00 | | (³) | | | | |
| Allison Thigpen | 2/17 | 2/19 | Zimbabwe | | 634.00 | | (³) | | | | |
| | 2/19 | 2/20 | Botswana | | 137.00 | | (³) | | | | |
| | 2/20 | 2/21 | The Gambia | | 191.00 | | (³) | | | | |
| | 2/15 | 2/16 | Nigeria | | 918.00 | | (³) | | | | |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 21, 2010—
Continued

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Melvin L. Watt | 2/16 | 2/17 | Ethiopia | | 323.00 | | (³) | | | | |
| | 2/17 | 2/19 | Zimbabwe | | 634.00 | | (³) | | | | |
| | 2/19 | 2/20 | Botswana | | 136.56 | | (³) | | | | |
| | 2/20 | 2/21 | The Gambia | | 191.00 | | (³) | | | | |
| | 2/15 | 2/16 | Nigeria | | 918.00 | | (³) | | | | |
| | 2/16 | 2/17 | Ethiopia | | 323.00 | | (³) | | | | |
| | 2/17 | 2/19 | Zimbabwe | | 634.00 | | (³) | | | | |
| Hon. Spencer Bachus | 2/19 | 2/20 | Botswana | | 136.56 | | (³) | | | | |
| | 2/20 | 2/21 | The Gambia | | 191.00 | | (³) | | | | |
| | 2/15 | 2/16 | Oman | | 342.00 | | 9,962.70 | | | | |
| | 2/16 | 2/17 | Afghanistan | | 28.00 | | (³) | | | | |
| Hon. Gary C. Peters | 2/15 | 2/16 | Oman | | 342.66 | | 9,483.70 | | | | |
| | 2/16 | 2/17 | Afghanistan | | 28.00 | | (³) | | | | |
| Committee total | | | | | | | | | | | |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

Hon. BARNEY FRANK, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------------|---------|-----------|--------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Jasmeet Ahuja | 1/5 | 1/8 | Pakistan | | 100.00 | | | | | | 100.00 |
| | 1/8 | 1/12 | India | | 1,394.00 | | | | | | 1,394.00 |
| | 1/12 | 1/14 | Bangladesh | | 394.00 | | | | | | 394.00 |
| | | | Round-trip Airfare | | | | 12,258.00 | | | | 12,258.00 |
| | 2/14 | 2/18 | Sri Lanka | | 808.00 | | | | 34.58 | | 842.58 |
| Hon. Shelley Berkley | 2/18 | 2/20 | India | | 600.00 | | | | | | 600.00 |
| | | | | | | | 4,125.10 | | | | 4,125.10 |
| | 1/3 | 1/5 | Panama | | 677.00 | | (³) | | | | 677.00 |
| | 1/5 | 1/7 | Argentina | | 706.38 | | (³) | | | | 706.38 |
| Paul Berkowitz | 1/7 | 1/10 | Columbia | | 1,233.57 | | (³) | | | | |
| | 1/31 | 2/2 | Honduras | | 606.00 | | | | | | 606.00 |
| Daniel Bob | | | | | | | 4,313.70 | | | | 4,313.70 |
| | 1/7 | 1/16 | Japan | | 4,500.00 | | | | | | 4,500.00 |
| Hon. Gerald E. Connolly | 1/17 | 1/19 | Singapore | | 1,262.00 | | 9,503.00 | | | | 9,503.00 |
| | 1/2 | 1/4 | Egypt | | 634.00 | | (³) | | 329.54 | | 963.54 |
| | 1/4 | 1/7 | Israel | | 1,446.00 | | | | 3,416.27 | | 4,862.27 |
| | 1/7 | 1/8 | Turkey | | 417.00 | | (³) | | 604.79 | | 1,021.79 |
| Howard Diamond | 1/8 | 1/9 | United Kingdom | | 491.53 | | (³) | | 588.74 | | 1,080.27 |
| | 1/9 | 1/10 | Iceland | | 300.80 | | (³) | | 497.10 | | 797.90 |
| | 2/13 | 2/18 | Israel | | 2,160.00 | | | | 6,159.77 | | 8,319.77 |
| | 2/18 | 1/20 | Lebanon | | 259.80 | | | | | | 259.00 |
| | | | | | | | 4,725.70 | | | | 4,725.70 |
| Marissa Doran | 1/7 | 1/10 | Syria | | 910.79 | | | | | | 910.79 |
| | 1/10 | 1/13 | Jordan | | 826.69 | | | | | | 826.69 |
| | 1/11 | 1/11 | Lebanon | | | | | | | | |
| | | | | | | | 4,746.90 | | | | 4,746.90 |
| Hon. Eliot L. Engel | 3/31 | 4/3 | Nepal | | 576.76 | | | | | | 576.76 |
| | 4/3 | 4/6 | Bangladesh | | 529.85 | | | | | | 529.85 |
| | 4/6 | 4/9 | Vietnam | | 726.00 | | | | | | 726.00 |
| | | | | | | | 4,110.82 | | | | 4,110.82 |
| Hon. Eni F.H. Faleomavaega | 1/3 | 1/5 | Panama | | 677.00 | | (³) | | | | 677.00 |
| | 1/5 | 1/7 | Argentina | | 706.38 | | (³) | | | | 706.38 |
| | 1/7 | 1/10 | Colombia | | 1,233.57 | | (³) | | | | 1,233.57 |
| | 2/14 | 2/19 | Israel | | 2,410.00 | | | | 12,590.71 | | 15,000.71 |
| | | | | | | | 4,495.69 | | | | 4,495.69 |
| David Fite | 1/1 | 1/2 | Samoa | | 316.00 | | (³) | | | | 316.00 |
| | 1/3 | 1/3 | New Zealand | | 330.00 | | | | | | 330.00 |
| | 1/4 | 1/5 | Vietnam | | 328.00 | | | | | | 328.00 |
| | 1/5 | 1/7 | Cambodia | | 539.00 | | | | | | 539.00 |
| | 1/7 | 1/9 | Laos | | 500.00 | | | | | | 500.00 |
| | 1/10 | 1/12 | Japan | | 1,000.00 | | | | | | 1,000.00 |
| | | | | | | | 4,121.80 | | | | 4,121.80 |
| | 3/26 | 3/29 | Korea | | 1,200.00 | | | | | | 1,200.00 |
| | 3/29 | 2/30 | Beijing | | 366.00 | | | | | | 366.00 |
| | 3/30 | 3/31 | Taiwan | | 353.00 | | | | 86.06 | | 439.06 |
| Guillermina Garcia | 3/31 | 4/1 | Singapore | | 410.00 | | | | | | 410.00 |
| | 4/2 | 4/2 | Malaysia | | 222.00 | | | | 140.13 | | 362.13 |
| | 4/2 | 4/2 | Indonesia | | 112.00 | | | | | | 112.00 |
| | 4/3 | 4/5 | Tonga | | 867.00 | | | | | | 867.00 |
| | 4/5 | 4/5 | Samoa | | 316.00 | | | | | | 316.00 |
| | | | | | | | 4,103.50 | | | | 4,103.50 |
| | | | | | | | 8,763.60 | | | | 8,763.60 |
| Hon. Jeff Flake | 1/3 | 1/5 | United Kingdom | | 906.00 | | | | | | 906.00 |
| | 1/5 | 1/7 | Germany | | 867.00 | | | | | | 867.00 |
| | 1/7 | 1/10 | Italy | | 1,087.50 | | | | | | 1,087.50 |
| Hon. Jeff Flake | 2/5 | 2/5 | Bosnia | | 0.00 | | | | | | |
| | 2/5 | 2/7 | Germany | | 659.00 | | | | | | 659.00 |
| Brian Forni | 3/25 | 3/30 | Belgium | | 1,528.00 | | | | | | 1,528.00 |
| | | | | | | | 6,722.20 | | | | 6,722.20 |
| Guillermina Garcia | 3/31 | 4/3 | Nepal | | 576.76 | | | | | | 576.76 |
| | 4/3 | 4/6 | Bangladesh | | 558.85 | | | | | | 558.85 |
| | 4/6 | 4/9 | Vietnam | | 698.00 | | | | | | 698.00 |
| Lindsay Gilchrist | | | | | | | 9,307.42 | | | | 9,307.42 |
| | 2/15 | 2/16 | South Africa | | 384.00 | | | | | | 384.00 |
| | 2/16 | 2/18 | Botswana | | 384.00 | | | | | | 384.00 |
| | | | | | | | 8,533.60 | | | | 8,533.60 |
| | 3/28 | 3/30 | Mozambique | | 382.00 | | | | | | 382.00 |
| Lindsay Gilchrist | 3/30 | 3/31 | Malawi | | 233.00 | | | | | | 233.00 |
| | 3/31 | 4/1 | Zambia | | 468.00 | | | | | | 468.00 |
| | | | | | | | 11,713.50 | | | | 11,713.50 |

May 24, 2010

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010—

Continued

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|-----------------------------|-------------|--------------|-----------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Alan Goldsmith | 1/9 1/11 | 1/13 1/11 | Jordan | | 819.69 | | | | | | 819.69 |
| | | | Lebanon | | | | 6,968.40 | | | | 6,968.40 |
| Jeremy Johnson | 3/28 | 3/30 | Thailand | | 361.00 | | | | | | 361.00 |
| | 3/30 | 4/3 | Nepal | | 695.19 | | | | | | 695.19 |
| | 4/3 | 4/6 | Bangladesh | | 558.85 | | | | | | 558.85 |
| | 4/6 | 4/9 | Vietnam | | 703.00 | | | | | | 703.00 |
| | | | | | | | 11,229.12 | | | | 11,229.12 |
| Dennis Halpin | 1/13 | 1/17 | Japan | | 1,800.00 | | | | | | 1,800.00 |
| | | | | | | | 12,037.10 | | | | 12,037.10 |
| Daniel Harsha | 1/7 | 1/10 | Syria | | 956.79 | | | | | | 956.79 |
| | 1/10 | 1/13 | Jordan | | 864.69 | | | | | | 864.69 |
| | 1/11 | 1/11 | Lebanon | | 0.00 | | | | | | |
| | | | | | | | 7,464.90 | | | | 7,464.90 |
| Margaret Hawthorne | 3/25 | 3/30 | Belgium | | 1,528.00 | | | | | | 1,528.00 |
| | 3/30 | 4/1 | Greece | | 631.00 | | | | | | 631.00 |
| | 4/1 | 4/3 | Cyprus | | 654.00 | | | | | | 654.00 |
| | | | | | | | 8,741.20 | | | | 8,741.20 |
| Hon. Bob Inglis | 1/28 | 1/29 | Romania | | 283.44 | | | | | | 283.44 |
| | 1/29 | 1/30 | Pakistan | | 303.22 | | | | | | 303.22 |
| | 1/30 | 1/31 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 1/31 | 2/2 | Tunisia | | 215.69 | | | | | | 215.69 |
| Eric Jacobstein | 1/3 | 1/5 | Panama | | 677.00 | | | | | | 677.00 |
| | 1/5 | 1/7 | Argentina | | 706.38 | | | | | | 706.38 |
| | 1/7 | 1/10 | Colombia | | 1,233.57 | | | (3) | | | 1,233.57 |
| Richard Kessler | 1/3 | 1/5 | United Kingdom | | 758.12 | | | | | | 758.12 |
| | 1/5 | 1/7 | Germany | | 796.12 | | | | | | 796.12 |
| | 1/7 | 1/10 | Italy | | 1,087.50 | | | | | | 1,087.50 |
| | 1/10 | 1/12 | Spain | | 920.00 | | | | | | 920.00 |
| | 1/12 | 1/14 | France | | 270.20 | | | | | | 270.20 |
| | | | | | | | 13,226.70 | | | | 13,226.70 |
| Jessica Lapenn | 2/13 | 2/18 | Israel | | 2,160.00 | | | | | | 2,160.00 |
| | 2/18 | 2/20 | Lebanon | | 259.00 | | | | | | 259.00 |
| | | | | | | | 7,743.70 | | | | 7,743.70 |
| Jessica Lee | 1/13 | 1/16 | Japan | | 1,350.00 | | | | | | 1,350.00 |
| | 1/17 | 1/20 | Singapore | | 2,240.40 | | | | | | 2,240.40 |
| | | | | | | | 11,910.50 | | | | 11,910.50 |
| Vili Lei | 1/3 | 1/5 | Vietnam | | 684.00 | | | | | | 684.00 |
| | 1/5 | 1/7 | Cambodia | | 539.00 | | | | | | 539.00 |
| | 1/7 | 1/9 | Laos | | 500.00 | | | | | | 500.00 |
| | 1/10 | 1/12 | Japan | | 1,000.00 | | | | | | 1,000.00 |
| | | | | | | | 13,439.10 | | | | 13,439.10 |
| | 3/26 | 3/29 | Korea | | 1,200.00 | | | | | | 1,200.00 |
| | 3/29 | 3/30 | Beijing | | 366.00 | | | | | | 366.00 |
| | 3/30 | 3/31 | Taiwan | | 353.00 | | | | | | 353.00 |
| | 3/31 | 4/1 | Singapore | | 410.00 | | | | | | 410.00 |
| | 4/1 | 4/2 | Malaysia | | 222.00 | | | | | | 222.00 |
| | 4/2 | 4/2 | Indonesia | | 112.00 | | | | | | 112.00 |
| | 4/3 | 4/7 | Tonga | | 1,156.00 | | | | | | 1,156.00 |
| | 4/7 | 4/11 | New Zealand | | 1,120.00 | | | | | | 1,120.00 |
| | | | | | | | 16,789.50 | | | | 16,789.50 |
| John Lis | 1/23 | 1/28 | Georgia | | 1,690.00 | | | | | | 1,690.00 |
| | | | | | | | 10,793.50 | | | | 10,793.50 |
| John Long | 3/26 | 3/29 | UAE | | 1,202.00 | | | | | | 1,202.00 |
| | 3/29 | 3/30 | Yemen | | 182.86 | | | | | | 182.86 |
| | 3/30 | 4/2 | Saudi Arabia | | 787.74 | | | | | | 787.74 |
| | 4/2 | 4/5 | Israel | | 798.00 | | | | | | 798.00 |
| | | | | | | | 10,165.39 | | | | 10,165.39 |
| Noelle Lusane | 2/15 | 2/16 | South Africa | | 384.00 | | | | | | 384.00 |
| | 2/16 | 2/18 | Botswana | | 384.00 | | | | | | 384.00 |
| | | | | | | | 9,324.60 | | | | 9,324.60 |
| Alan Makovsky | 1/3 | 1/5 | United Kingdom | | 906.00 | | | | | | 906.00 |
| | 1/5 | 1/7 | Germany | | 922.00 | | | | | | 922.00 |
| | 1/7 | 1/10 | Italy | | 1,087.50 | | | | | | 1,087.50 |
| | 1/10 | 1/12 | Spain | | 920.00 | | | | | | 920.00 |
| | 1/12 | 1/16 | France | | 1,034.00 | | | | | | 1,034.00 |
| | | | | | | | 13,327.50 | | | | 13,327.50 |
| | 1/27 | 1/31 | Sweden | | 1,058.00 | | | | | | 1,058.00 |
| | | | | | | | 9,051.90 | | | | 9,051.90 |
| Robert Marcus | 1/7 | 1/10 | Syria | | 906.79 | | | | | | 906.79 |
| | 1/10 | 1/13 | Jordan | | 647.69 | | | | | | 647.69 |
| | 1/11 | 1/11 | Lebanon | | | | | | | | |
| | | | | | | | 7,464.90 | | | | 7,464.90 |
| Pearl Alice Marsh | 3/28 | 4/1 | Liberia | | 890.00 | | | 332.67 | | | 1,222.67 |
| | 4/1 | 4/3 | Ghana | | 446.28 | | | | | | 446.28 |
| | 4/4 | 4/6 | Tunisia | | 396.00 | | | | | | 396.00 |
| | | | | | | | 17,532.20 | | | | 17,532.20 |
| Greg McCarthy | 1/5 | 1/7 | Pakistan | | 120.00 | | | | | | 120.00 |
| | 1/8 | 1/13 | India | | 2,430.00 | | | | | | 2,430.00 |
| | | | | | | | 9,684.10 | | | | 9,684.10 |
| Joo-Jin Ong | 1/13 | 1/16 | Japan | | 1,350.00 | | | | | | 1,350.00 |
| | 1/17 | 1/20 | Singapore | | 2,240.40 | | | | | | 2,240.40 |
| | | | | | | | 11,910.50 | | | | 11,910.50 |
| Hon. Ted Poe | 3/28 | 3/31 | Colombia | | 1,165.12 | | | | 1,142.00 | | 2,307.12 |
| | | | | | | | 2,954.00 | | | | 2,954.00 |
| Peter Quilter | 1/3 | 1/5 | Panama | | 677.00 | | | (3) | | | 677.00 |
| | 1/5 | 1/7 | Argentina | | 706.38 | | | (3) | | | 706.38 |
| | 1/7 | 1/10 | Colombia | | 1,233.57 | | | (3) | | | 1,233.57 |
| Hon. Dana Rohrabacher | 1/31 | 2/2 | Honduras | | 606.00 | | | | 593.00 | | 1,199.00 |
| | | | | | | | 3,103.70 | | | | 3,103.70 |
| Daniel Silverberg | 2/15 | 2/17 | Ethiopia | | 833.00 | | | | | | 833.00 |
| | 2/17 | 2/18 | Djibouti | | 342.00 | | | | | | 342.00 |
| | | | | | | | 10,009.20 | | | | 10,009.20 |
| Amanda Sloat | 1/3 | 1/5 | United Kingdom | | 906.00 | | | | | | 906.00 |
| | 1/5 | 1/7 | Germany | | 922.00 | | | | | | 922.00 |
| | 1/7 | 1/9 | Italy | | 1,087.50 | | | | | | 1,087.50 |
| | 1/9 | 1/12 | Spain | | 920.00 | | | | | | 920.00 |
| | 1/12 | 1/14 | France | | 1,034.00 | | | | | | 1,034.00 |
| | | | | | | | 13,292.50 | | | | 13,292.50 |
| | 2/4 | 2/7 | Germany | | 1,539.48 | | | 3,596.90 | | | 1,539.48 |
| | | | One-way Airfare | | | | | | | | 3,596.90 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010—
Continued

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Clifford Stammerman | 3/25 | 3/30 | Belgium | | 1,528.00 | | | | | | 1,528.00 |
| | 3/30 | 4/1 | Greece | | 631.00 | | | | | | 631.00 |
| | 4/1 | 4/3 | Cyprus | | 654.00 | | | | | | 654.00 |
| | | | | | | | 4 8,741.20 | | | | 8,741.20 |
| | 3/25 | 3/30 | Belgium | | 1,528.00 | | | | | | 1,528.00 |
| Jason Steinbaum | 3/30 | 4/1 | Greece | | 631.00 | | | | | | 631.00 |
| | 4/1 | 4/3 | Cyprus | | 654.00 | | | | | | 654.00 |
| | | | | | | | 8,741.20 | | | | 8,741.20 |
| | 1/3 | 1/5 | Panama | | 67.00 | | (³) | | | | 677.00 |
| | 1/5 | 1/7 | Argentina | | 706.38 | | (³) | | | | 706.38 |
| Lynne Weil | 1/7 | 1/10 | Colombia | | 1,233.57 | | (³) | | | | 1,233.57 |
| | 2/14 | 2/19 | Israel | | 2,110.00 | | | | | | 2,110.00 |
| | | | | | | | 4 6,597.69 | | | | 6,597.69 |
| | 1/5 | 1/12 | India | | 2,228.00 | | | | | | 2,228.00 |
| | | | | | | | 4 10,086.00 | | | | 10,086.00 |
| Lisa Williams | 1/3 | 1/5 | Vietnam | | 684.00 | | | | | | 684.00 |
| | 1/5 | 1/7 | Cambodia | | 539.00 | | | | | | 539.00 |
| | 1/7 | 1/9 | Laos | | 500.00 | | | | | | 500.00 |
| | 1/10 | 1/12 | Japan | | 1,000.00 | | | | | | 1,000.00 |
| | | | | | | | 4 13,439.10 | | | | 13,439.10 |
| Hon Lynn C. Woolsey | 3/26 | 3/29 | Korea | | 1,200.00 | | | | | | 1,200.00 |
| | 3/29 | 3/30 | Beijing | | 366.00 | | | | | | 366.00 |
| | 3/30 | 3/31 | Taiwan | | 353.00 | | | | | | 353.00 |
| | 3/31 | 4/1 | Singapore | | 410.00 | | | | | | 410.00 |
| | 4/1 | 4/2 | Malaysia | | 222.00 | | | | | | 222.00 |
| | 4/2 | 4/2 | Indonesia | | 112.00 | | | | | | 112.00 |
| | 4/3 | 4/7 | Tonga | | 1,156.00 | | | | | | 1,156.00 |
| | 4/7 | 4/11 | New Zealand | | 1,120.00 | | | | | | 1,120.00 |
| | | | | | | | 4 16,783.40 | | | | 16,783.40 |
| | 1/3 | 1/5 | Panama | | 677.00 | | (³) | | | | 677.00 |
| | 1/5 | 1/7 | Argentina | | 706.38 | | (³) | | | | 706.38 |
| | 1/7 | 1/10 | Colombia | | 1,233.57 | | (³) | | | | 1,233.57 |
| | | | | | | | | | | | |
| Committee total | | | | | 128,315.37 | | 440,888.83 | | 26,515.36 | | 595,719.56 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

⁴ Round-trip airfare.

HON. HOWARD L. BERMAN, Chairman, May 3, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|-----------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Issac Lanier Avant | 1/15 | 1/16 | United Kingdom | | 202.00 | | 7,641.00 | | | | 7,843.00 |
| | 1/16 | 1/17 | The Netherlands | | 235.00 | | | | | | |
| Michael Russell | 1/15 | 1/16 | United Kingdom | | 202.00 | | 7,641.00 | | | | 7,843.00 |
| | 1/16 | 1/17 | The Netherlands | | 235.00 | | | | | | |
| Marisela Salayandia | 1/15 | 1/16 | United Kingdom | | 202.00 | | 7,848.00 | | | | 8,050.00 |
| | 1/16 | 1/17 | The Netherlands | | 235.00 | | | | | | |
| Cory Horton | 1/15 | 1/16 | United Kingdom | | 202.00 | | 7,641.00 | | | | 7,843.00 |
| | 1/16 | 1/17 | The Netherlands | | 235.00 | | | | | | |
| Jennifer Arangio | 1/15 | 1/16 | United Kingdom | | 202.00 | | 7,641.00 | | | | 7,843.00 |
| | 1/16 | 1/17 | The Netherlands | | 235.00 | | | | | | |
| Thomas McDaniels | 1/15 | 1/16 | United Kingdom | | 202.00 | | 7,641.00 | | | | 7,843.00 |
| | 1/16 | 1/17 | The Netherlands | | 235.00 | | | | | | |
| Matthew McCabe | 1/15 | 1/16 | United Kingdom | | 202.00 | | 7,848.00 | | | | 8,050.00 |
| | 1/16 | 1/17 | The Netherlands | | 235.00 | | | | | | |
| Mike Beland | 1/15 | 1/16 | United Kingdom | | 202.00 | | 7,641.00 | | | | 7,843.00 |
| | 1/16 | 1/17 | The Netherlands | | 235.00 | | | | | | |
| Alison Northrop | 1/15 | 1/16 | United Kingdom | | 202.00 | | 7,641.00 | | | | 7,843.00 |
| | 1/16 | 1/17 | The Netherlands | | 235.00 | | | | | | 235.00 |
| Michael Blinde | 1/15 | 1/16 | United Kingdom | | 202.00 | | 7,641.00 | | | | 7,843.00 |
| | 1/16 | 1/17 | The Netherlands | | 235.00 | | | | | | 235.00 |
| Committee total | | | | | 4,370.00 | | 22,923.00 | | | | 27,293.00 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BENNIE G. THOMPSON, Chairman, May 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|---------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Thomas Hicks | 3/17 | 3/21 | Germany | 1,025.65 | 1,394.85 | 1,009.28 | 1,342.40 | | | 2,034.93 | 2,737.25 |
| Peter Shalestock | 3/17 | 3/21 | Germany | 1,025.65 | 1,394.85 | 1,009.28 | 1,342.40 | | | 2,034.93 | 2,737.25 |
| Committee total | | | | | | | | | | 4,069.86 | 5,474.50 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ROBERT A. BRADY, Chairman, Apr. 30, 2010.

May 24, 2010

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|-------------------------------|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Pedro R. Pierluisi | 1/3 | 1/5 | Panama | | 677.00 | | | | | | 677.00 |
| | 1/5 | 1/7 | Argentina | | 706.38 | | | | | | 706.38 |
| | 1/7 | 1/10 | Columbia | | 1,233.57 | | | | | | 1,233.57 |
| | 2/14 | 2/16 | Oman | | 369.85 | | 9,685.70 | | | | 10,055.55 |
| | 2/16 | 2/18 | Afghanistan | | 28.00 | | | | | | 28.00 |
| Committee total | | | | | 3,014.80 | | 9,685.70 | | | | 12,700.50 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN CONYERS, Jr., Chairman, Apr. 28, 2010.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|---------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Jason Chaffetz | 10/2 | 10/3 | Antigua | | 113.00 | | | | | | 113.00 |
| Committee total | | | | | 113.00 | | | | | | 113.00 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. EDOLPHUS TOWNS, Chairman, May 3, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|-------------------------------|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Scott Lindsay | 1/28 | 1/29 | Romania | | 283.44 | | (³) | | | | 283.44 |
| | 1/29 | 1/30 | Pakistan | | 303.22 | | (³) | | | | 303.22 |
| | 1/30 | 1/31 | Afghanistan | | 28.00 | | (³) | | | | 28.00 |
| | 1/31 | 2/2 | Tunisia | | 375.68 | | (³) | | | | 375.68 |
| Bruce Fernandez | 1/28 | 1/29 | Romania | | 283.44 | | (³) | | | | 283.44 |
| | 1/29 | 1/30 | Pakistan | | 303.22 | | (³) | | | | 303.22 |
| | 1/30 | 1/31 | Afghanistan | | 28.00 | | (³) | | | | 28.00 |
| | 1/31 | 2/2 | Tunisia | | 375.68 | | (³) | | | | 375.68 |
| Adam Fromm | 1/28 | 1/29 | Romania | | 283.44 | | (³) | | | | 283.44 |
| | 1/29 | 1/30 | Pakistan | | 303.22 | | (³) | | | | 303.22 |
| | 1/30 | 1/31 | Afghanistan | | 28.00 | | (³) | | | | 28.00 |
| | 1/31 | 2/2 | Tunisia | | 375.68 | | (³) | | | | 375.68 |
| Hon. Stephen Lynch | 1/28 | 1/29 | Romania | | 283.44 | | (³) | | 834.50 | | 1,117.94 |
| | 1/29 | 1/30 | Pakistan | | 303.22 | | (³) | | 2,081.89 | | 2,385.11 |
| | 1/30 | 1/31 | Afghanistan | | 28.00 | | (³) | | | | 28.00 |
| | 1/31 | 2/2 | Tunisia | | 375.69 | | (³) | | 5,112.55 | | 5,488.24 |
| Hon. Jackie Speier | 2/15 | 2/17 | Kuwait | | 109.00 | | (³) | | | | 109.00 |
| | 2/17 | 2/18 | Pakistan | | 80.00 | | (³) | | | | 80.00 |
| | 2/18 | 2/19 | Afghanistan | | 0.00 | | (³) | | | | |
| | 2/20 | 2/21 | Germany | | 310.00 | | (³) | | | | 310.00 |
| Hon. Christopher Murphy | 1/2 | 1/4 | Cairo | | 534.00 | | (³) | | | | 534.00 |
| | 1/4 | 1/7 | Israel | | 1,296.00 | | (³) | | | | 1,296.00 |
| | 1/7 | 1/8 | Turkey | | 367.00 | | (³) | | | | 367.00 |
| | 1/8 | 1/9 | London | | 441.53 | | (³) | | | | 441.53 |
| | 1/9 | 1/10 | Iceland | | 250.80 | | (³) | | | | 250.80 |
| Ryan Dwyer | 3/26 | 3/28 | Belgium | | 495.00 | | 4,134.10 | | | | 4,629.10 |
| | 3/28 | 3/30 | Austria | | 422.00 | | (³) | | | | 422.00 |
| Committee total | | | | | 8,266.70 | | 4,134.10 | | 8,028.94 | | 20,429.74 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. EDOLPHUS TOWNS, Chairman, May 3, 2010.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|--------------------------------|---------|-----------|--------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Amendment to 4th Quarter 2009: | | | | | | | | | | | |
| Hon. Alan Grayson | 12/12 | 12/13 | Kuwait | | 722.07 | | 65.96 | | 260.13 | | 1,048.16 |
| | 12/13 | 12/14 | Iraq | | 11.00 | | | | | | 11.00 |
| | 12/14 | 12/15 | Kuwait | | | | | | | | |
| | | | | | | | 7,138.60 | | | | 7,138.60 |
| Committee total | | | | | 733.07 | | 7,204.56 | | 260.13 | | 8,197.76 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BART GORDON, Chairman, Apr. 30, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|----------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Adrian Smith | 1/2 | 1/4 | Egypt | | 534.00 | | (³) | | 329.54 | | 863.54 |
| | 1/4 | 1/7 | Israel | | 1,296.00 | | (³) | | 2,069.18 | | 3,365.18 |
| | 1/7 | 1/8 | Turkey | | 367.00 | | (³) | | 604.79 | | 971.79 |
| | 1/8 | 1/9 | United Kingdom | | 441.53 | | (³) | | 588.74 | | 1,030.27 |
| | 1/9 | 1/10 | Iceland | | 250.80 | | (³) | | 497.10 | | 747.90 |
| Hon. Brian Baird | 1/28 | 1/31 | Switzerland | | 1,700.28 | | 4 3,941.50 | | | | 5,641.78 |
| Hon. Alan Grayson | 2/12 | 2/14 | Chad | | 859.81 | | | | 2,297.83 | | 3,157.64 |
| | 2/14 | 2/17 | Sudan | | 1,055.74 | | | | 4,144.46 | | 5,180.20 |
| | 2/17 | 2/19 | Niger | | 398.99 | | | | 971.27 | | 1,370.26 |
| | | | | | | | 4 27,279.70 | | | | 27,279.70 |
| Hon. Brian Baird | 2/13 | 2/14 | Egypt | | 342.50 | | | | 1,601.50 | | 1,944.00 |
| | 2/14 | 2/15 | Gaza | | 326.50 | | | | | | 326.50 |
| | 2/15 | 2/18 | Egypt | | 995.50 | | | | | | 995.50 |
| | 2/18 | 2/19 | Israel | | 431.00 | | | | 1,727.23 | | 2,158.23 |
| R. Nicholas Palarino | 2/13 | 2/14 | Egypt | | 342.50 | | | | 1,601.50 | | 1,944.00 |
| | 2/14 | 2/15 | Gaza | | 326.50 | | | | | | 326.50 |
| | 2/15 | 2/18 | Egypt | | 995.50 | | | | | | 995.50 |
| | 2/18 | 2/19 | Israel | | 431.00 | | | | 1,727.23 | | 2,158.23 |
| | | | | | | | 4 6,364.39 | | | | 6,364.39 |
| Hon. Bart Gordon | 2/13 | 2/19 | France | | 3,630.00 | | 10,095.10 | | 187.66 | | 13,912.76 |
| Leigh Ann Brown | 2/15 | 2/19 | France | | 2,994.00 | | 7,287.10 | | 187.66 | | 10,468.76 |
| Adam Rosenberg | 2/15 | 2/19 | France | | 2,994.00 | | 7,287.10 | | 187.66 | | 10,468.76 |
| Committee total | | | | | 20,693.15 | | 70,753.28 | | 18,723.35 | | 110,169.78 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.⁴ Commercial airfare.

HON. BART GORDON, Chairman, May 3, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------------|---------|-----------|--------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Anh "Joseph" Cao | 1/3 | 1/5 | Vietnam | | 584.00 | | | | | | 584.00 |
| | 1/5 | 1/7 | Cambodia | | 439.00 | | | | | | 439.00 |
| | 1/7 | 1/9 | Laos | | 400.00 | | | | | | 400.00 |
| | 1/10 | 1/12 | Japan | | 920.00 | | 13,404.10 | | | | 14,234.10 |
| Hon. Donna Edwards | 2/13 | 2/14 | Cyprus | | 311.00 | | (³) | | | | 311.00 |
| | 2/14 | 2/16 | Saudi Arabia | | 977.00 | | | | | | 977.00 |
| | 2/16 | 2/17 | Oman | | 392.64 | | (³) | | | | 392.64 |
| | 2/17 | 2/18 | UAE | | 546.00 | | (³) | | | | 546.00 |
| | 2/18 | 2/19 | England | | 203.00 | | (³) | | | | 203.00 |
| Hon. Eleanor Holmes Norton | 4/5 | 4/5 | Haiti | | | | (³) | | | | 0.00 |
| Hon. Corrine Brown | 2/17 | 2/17 | Germany | | 137.00 | | (³) | | | | 137.00 |
| | 2/18 | 2/19 | Austria | | 716.00 | | (³) | | | | 716.00 |
| | 2/19 | 2/22 | Italy | | 1,494.00 | | 9,949.70 | | | | 11,443.70 |
| Committee total | | | | | 7,119.64 | | 23,353.80 | | | | 30,473.44 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. JAMES L. OBERSTAR, Chairman, Apr. 30, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Joe Donnelly | 1/28 | 1/29 | Romania | | 118.00 | | | | ³ 165.44 | | 283.44 |
| | 1/29 | 1/30 | Pakistan | | 81.00 | | | | ³ 222.22 | | 303.22 |
| | 1/30 | 1/31 | Afghanistan | | 28.00 | | | | | | 28.00 |
| | 1/31 | 2/2 | Tunisia | | 194.00 | | | | ³ 181.69 | | 375.69 |
| Committee total | | | | | 421.00 | | | | 569.35 | | 990.35 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Lodging.

HON. BOB FILNER, Chairman, Apr. 30, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|--------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Paul Ryan | 2/13 | 2/14 | Cyprus | | 223.10 | | | | | | 223.10 |
| | 2/14 | 2/16 | Saudi Arabia | | 488.80 | | | | | | 488.80 |
| | 2/16 | 2/17 | Oman | | 392.64 | | | | | | 392.64 |
| | 2/17 | 2/18 | Abu Dhabi | | 992.00 | | | | | | 992.00 |

May 24, 2010

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010—
Continued

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|---------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| | 2/18 | 2/19 | England | | 503.00 | | | | | | 503.00 |
| Committee total | | | | | 2,599.54 | | | | | | 2,599.54 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SANDER M. LEVIN, Acting Chairman, Apr. 26, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|---------------------------------------|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Linda Cohen | 1/3 | 1/4 | Europe | | 197.00 | | | | | | |
| | 1/4 | 1/6 | Middle East | | 344.00 | | | | | | |
| | 1/6 | 1/7 | Middle East | | 308.00 | | | | | | |
| | 1/8 | 1/8 | Middle East | | | | | | | | |
| | 1/8 | 1/9 | Africa | | 135.00 | | | | | | |
| | 1/9 | 1/10 | Africa | | 284.00 | | | | | | |
| | 1/11 | 1/12 | Middle East | | 177.00 | | | | | | |
| | 1/12 | 1/14 | Middle East | | 364.00 | | | | | | |
| | 1/14 | 1/18 | Europe | | 704.00 | | | | | | |
| Military and Commercial airfare | | | | | | | 7,254.80 | | | | 9,767.80 |
| Hon. William Thornberry | 2/14 | 2/15 | Middle East | | 348.62 | | | | | | |
| | 2/15 | 2/17 | Middle East | | 158.00 | | | | | | |
| | 2/17 | 2/19 | Middle East | | 254.00 | | | | | | |
| Commercial airfare | | | | | | | 11,889.80 | | | | 12,650.42 |
| James Lewis | 2/14 | 2/15 | Middle East | | 348.62 | | | | | | |
| | 2/15 | 2/17 | Middle East | | 158.00 | | | | | | |
| | 2/17 | 2/19 | Middle East | | 254.00 | | | | | | |
| Commercial airfare | | | | | | | 11,889.80 | | | | 12,650.42 |
| Harry Hulings | 2/14 | 2/15 | Middle East | | 348.62 | | | | | | |
| | 2/15 | 2/17 | Middle East | | 158.00 | | | | | | |
| | 2/17 | 2/19 | Middle East | | 254.00 | | | | | | |
| Commercial airfare | | | | | | | 11,889.80 | | | | 12,650.42 |
| Hon. Adam Schiff | 2/15 | 2/17 | Middle East | | 109.00 | | | | | | |
| | 2/17 | 2/18 | Middle East | | 80.00 | | | | | | |
| | 2/19 | 2/19 | Middle East | | | | | | | | |
| | 2/20 | 2/21 | Europe | | 310.00 | | | | | | |
| Military airfare | | | | | | | | | | | 499.00 |
| Hon. Mike Thompson | 2/15 | 2/17 | Middle East | | 109.00 | | | | | | |
| | 2/17 | 2/18 | Middle East | | 80.00 | | | | | | |
| | 2/19 | 2/19 | Middle East | | | | | | | | |
| | 2/20 | 2/21 | Europe | | 310.00 | | | | | | |
| Military airfare | | | | | | | | | | | 499.00 |
| Brian Morrison | 2/15 | 2/17 | Middle East | | 109.00 | | | | | | |
| | 2/17 | 2/18 | Middle East | | 80.00 | | | | | | |
| | 2/19 | 2/19 | Middle East | | | | | | | | |
| | 2/20 | 2/21 | Europe | | 310.00 | | | | | | |
| Military airfare | | | | | | | | | | | 499.00 |
| Iram Ali | 2/15 | 2/17 | Middle East | | 109.00 | | | | | | |
| | 2/17 | 2/18 | Middle East | | 80.00 | | | | | | |
| | 2/19 | 2/19 | Middle East | | | | | | | | |
| | 2/20 | 2/21 | Europe | | 310.00 | | | | | | |
| Military airfare | | | | | | | | | | | 499.00 |
| Jamal Ware | 2/15 | 2/17 | Middle East | | 109.00 | | | | | | |
| | 2/17 | 2/18 | Middle East | | 80.00 | | | | | | |
| | 2/19 | 2/19 | Middle East | | | | | | | | |
| | 2/20 | 2/21 | Europe | | 310.00 | | | | | | |
| Military airfare | | | | | | | | | | | 499.00 |
| Hon. Jeff Miller | 3/5 | 3/6 | Middle East | | | | | | | | |
| | 3/6 | 3/8 | Middle East | | | | | | | | |
| | 3/8 | 3/9 | Middle East | | | | | | | | |
| Commercial airfare | | | | | | | 9,542.30 | | | | 9,542.30 |
| Hon. K. Michael Conaway | 3/5 | 3/6 | Middle East | | | | | | | | |
| | 3/6 | 3/8 | Middle East | | | | | | | | |
| | 3/8 | 3/9 | Middle East | | | | | | | | |
| Commercial airfare | | | | | | | 9,542.30 | | | | 9,542.30 |
| Adam Lurie | 3/5 | 3/6 | Middle East | | | | | | | | |
| | 3/6 | 3/8 | Middle East | | | | | | | | |
| | 3/8 | 3/9 | Middle East | | | | | | | | |
| Commercial airfare | | | | | | | 10,501.70 | | | | 10,501.70 |
| Nathan Hauser | 3/5 | 3/6 | Middle East | | | | | | | | |
| | 3/6 | 3/8 | Middle East | | | | | | | | |
| | 3/8 | 3/9 | Middle East | | | | | | | | |
| Commercial airfare | | | | | | | 10,441.70 | | | | 10,441.70 |
| Hon. William Thornberry | 3/25 | 3/27 | Middle East | | 328.00 | | | | | | |
| | 3/27 | 3/28 | Middle East | | | | | | | | |
| | 3/28 | 3/29 | Europe | | 212.00 | | | | | | |
| | 3/29 | 3/31 | Europe | | 211.00 | | | | | | |
| | 3/31 | 4/2 | Europe | | 228.00 | | | | | | |
| | 4/2 | 4/3 | Europe | | 194.00 | | | | | | |
| Military airfare | | | | | | | | | | | 1,173.00 |
| Committee total | | | | | | | | | | | |

PLEASE NOTE:

In accordance with title 22, United States Code, Section 1754 (b)(2), information as would identify the foreign countries in which the Committee Members and staff have traveled is omitted.

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SILVESTRE REYES, Chairman, Apr. 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Alcee Hastings | 1/3 | 1/4 | Germany | | 197.00 | | 10,883.50 | | | | 11,080.50 |
| | 1/4 | 1/6 | Turkey | | 344.00 | | | | | | 344.00 |
| | 1/6 | 1/8 | Syria | | 308.00 | | | | | | 308.00 |
| | 1/8 | 1/11 | Egypt | | 419.00 | | | | | | 419.00 |
| | 1/11 | 1/12 | Jordan | | 542.82 | | | | | | 542.82 |
| | 1/12 | 1/14 | Israel | | 364.00 | | | | | | 364.00 |
| | 1/14 | 1/18 | Ukraine | | 1,664.00 | | | | | | 1,664.00 |
| | 2/13 | 2/14 | Cyprus | | 155.00 | | | | | | 155.00 |
| | 2/14 | 2/15 | Saudi Arabia | | 153.00 | | | | | | 153.00 |
| | 2/15 | 2/17 | United Arab Emirates | | 435.00 | | 4,927.90 | | | | 5,362.90 |
| | 2/17 | 2/20 | Austria | | 1,198.86 | | | | | | 1,198.86 |
| Alex Johnson | 1/4 | 1/6 | Turkey | | 344.00 | | 7,220.40 | | | | 7,564.40 |
| | 1/6 | 1/8 | Syria | | 308.00 | | | | | | 308.00 |
| | 1/8 | 1/11 | Egypt | | 419.00 | | | | | | 419.00 |
| | 1/11 | 1/12 | Jordan | | 542.82 | | | | | | 542.82 |
| | 1/12 | 1/14 | Israel | | 364.00 | | | | | | 364.00 |
| | 1/14 | 1/18 | Ukraine | | 1,664.00 | | | | | | 1,664.00 |
| | 2/13 | 2/14 | Cyprus | | 155.00 | | | | | | 155.00 |
| | 2/14 | 2/15 | Saudi Arabia | | 153.00 | | | | | | 153.00 |
| | 2/15 | 2/17 | United Arab Emirates | | 435.00 | | 3,317.30 | | | | 3,752.30 |
| | 2/17 | 2/20 | Austria | | 1,198.86 | | | | | | 1,198.86 |
| | 3/26 | 3/29 | Belgium | | 645.00 | | 6,687.20 | | | | 7,332.20 |
| Neil Simon | 1/14 | 1/18 | Ukraine | | 1,664.00 | | 6,527.00 | | | | 8,191.00 |
| Committee total | | | | | 13,673.36 | | 39,563.30 | | | | 53,236.66 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the

vote on passage, the attached estimate of the costs of the bill H.R. 5330, To amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004

to extend the operation of such act for a 5-year period ending June 22, 2015, and for other purposes, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5330, A BILL TO AMEND THE ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2004 TO EXTEND THE OPERATION OF SUCH ACT FOR A 5-YEAR PERIOD ENDING JUNE 22, 2015, AND FOR OTHER PURPOSES, WITH PROPOSED AMENDMENT, PROVIDED TO CBO ON MAY 24, 2010 ^a

| | By fiscal year in millions of dollars— | | | | | | | | | | | | |
|--------------------------------------|---|------|------|------|------|------|------|------|------|------|------|-----------|-----------|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 |
| | NET INCREASE OR DECREASE (–) IN THE DEFICIT | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

^a H.R. 5330 would extend a Department of Justice (DOJ) program that permits companies that have violated certain antitrust laws to admit guilt and assist in DOJ prosecution of other companies alleged to have violated such laws. This program could increase the number of successful prosecutions and thus the amount of fines collected. CBO expects that any such additional fines would not be significant in any year.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7628. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Defense Advanced Research Projects Agency, Army Case Number 06-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7629. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-08, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7630. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-040, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7631. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-041, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7632. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the seventh quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229; to the Committee on Foreign Affairs.

7633. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Group-er Fishery of the South Atlantic; Closure [Docket No.: 040205043-4043-01] (RIN: 0648-XU96) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7634. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule —

Fisheries of the Northeastern United States; Black Sea Bass Recreational Fishery; Emergency Rule Correction and Extension [Docket No.: 0909101271-91272-01] (RIN: 0648-AY23) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7635. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2010 Sector Operations Plans and Contracts, and Allocation of Northeast Multispecies Annual Catch Entitlements [Docket No.: 0912081429-0114-02] (RIN: 0648-XS55) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7636. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 44 [Docket No.: 0910051338-0151-02] (RIN: 0648-AY29) received April 26, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Natural Resources.

7637. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 09101313653-0087-02] (RIN: 0648-XV62) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. NORTON:

H.R. 5367. A bill to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service; to the Committee on Oversight and Government Reform.

By Mr. LYNCH:

H.R. 5368. A bill to amend titles 5 and 39 of the United States Code to make Postal Inspectors eligible for availability pay for criminal investigators; to the Committee on Oversight and Government Reform.

By Mr. DONNELLY of Indiana (for himself and Mr. POSEY):

H.R. 5369. A bill to amend the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 to exempt manufactured and modular housing retailers from the requirements of such Act, and for other purposes; to the Committee on Financial Services.

By Mr. HELLER:

H.R. 5370. A bill to provide for the conveyance of certain public land in and around historic mining townsites located in the State of Nevada, and for other purposes; to the Committee on Natural Resources.

By Mr. LUETKEMEYER (for himself, Mr. CANTOR, Mr. DEUTCH, and Mr. CROWLEY):

H.R. 5371. A bill to direct the Secretary of the Army and the Secretary of the Navy to conduct a review of military service records of Jewish American veterans of World War I, including those previously awarded a military decoration, to determine whether any of the veterans should be posthumously awarded the Medal of Honor, and for other purposes; to the Committee on Armed Services.

By Mr. MEEK of Florida (for himself, Mr. POMEROY, and Mr. NUNES):

H.R. 5372. A bill to amend the Internal Revenue Code of 1986 to treat any business credit attributable to wind, solar, or biomass electricity production and investment in solar energy property as refundable to the extent the taxpayer makes new wind, solar, and other renewable energy investments; to the Committee on Ways and Means.

By Mr. FOSTER:

H. Res. 1386. A resolution amending the Rules of the House of Representatives to prohibit Members from negotiating for a job involving lobbying activities; to the Committee on Rules.

By Mr. FARR (for himself, Mr. HONDA, Mr. FATTAH, Mr. MORAN of Virginia,

Mr. KENNEDY, Ms. HIRONO, Ms. WATSON, Mr. THOMPSON of Mississippi, Ms. EDWARDS of Maryland, Ms. CHU, Ms. HARMAN, Ms. MATSUI, Mr. THOMPSON of California, Mr. STARK, Mr. FILNER, Ms. GIFFORDS, Mr. CARTER, Mr. UPTON, Mr. THORNBERRY, Mr. GALLEGLY, Mr. MCCLINTOCK, Mr. CALVERT, Mr. LEWIS of California, Mr. COLE, Mr. YOUNG of Alaska, Mr. FRELINGHUYSEN, Mr. YOUNG of Florida, Mr. KUCINICH, Mr. CAPUANO, Mr. TIERNEY, Mr. GEORGE MILLER of California, Mr. CARDOZA, Mr. PETERSON, Mrs. CAPPs, Mr. REYES, Mr. GARAMENDI, Mr. COSTA, Mr. SNYDER, Mr. HOLT, Mr. SHERMAN, and Mr. McDERMOTT):

H. Res. 1387. A resolution recognizing the heroic contributions of Japanese-Americans who served in the Military Intelligence Service during and after World War II; to the Committee on Armed Services.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. ROONEY, Mr. OLSON, Mr. WILSON of South Carolina, Mr. POSEY, Ms. BORDALLO, Mr. CAO, Mr. EHLERS, Mr. MEEK of Florida, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. MACK, Mr. BOYD, Mr. JONES, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. KLEIN of Florida):

H. Res. 1388. A resolution supporting the goals and ideals of National Hurricane Preparedness Week; to the Committee on Science and Technology.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

293. The SPEAKER presented a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2002 urging the Congress to ensure that any federal Health Care Reform legislation has minimal fiscal impact on the states; to the Committee on Energy and Commerce.

294. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 256 urging Congress to enact H.R. 4542, the "Stopping Criminal Trials for Guantanamo Terrorists Act of 2010"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WAXMAN introduced A bill (H.R. 5373) for the relief of Allan Bolar Kelley; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 571: Mr. POE of Texas.
H.R. 673: Mr. GERLACH.
H.R. 745: Mr. HARE and Mr. SHUSTER.
H.R. 832: Mr. HONDA.
H.R. 886: Mr. DRIEHAUS.
H.R. 1024: Mr. DEUTCH.
H.R. 1030: Mr. HIMES.
H.R. 1074: Mr. MCCARTHY of California and Mr. SCHRADER.
H.R. 1193: Ms. SCHAKOWSKY.

H.R. 1210: Ms. FUDGE.
H.R. 1339: Mr. HEINRICH.
H.R. 1340: Ms. LEE of California.
H.R. 1347: Mr. GEORGE MILLER of California and Ms. WOOLSEY.
H.R. 1409: Mr. CRITZ.
H.R. 1596: Mr. TANNER, Mr. WEINER, and Mr. CAO.
H.R. 1646: Ms. SPEIER.
H.R. 1670: Mrs. MCCARTHY of New York.
H.R. 1791: Mr. POLIS.
H.R. 1866: Mr. NADLER of New York.
H.R. 2054: Ms. LINDA T. SANCHEZ of California, Ms. RICHARDSON, and Ms. NORTON.
H.R. 2067: Ms. EDWARDS of Maryland, Mr. BERMAN, Ms. MCCOLLUM, Mr. HONDA, Mr. PASCRELL, and Mrs. LOWEY.
H.R. 2149: Mr. CONNOLLY of Virginia.
H.R. 2296: Mr. MCCARTHY of California.
H.R. 2305: Ms. JENKINS.
H.R. 2363: Ms. JACKSON LEE of Texas.
H.R. 2382: Mr. HONDA.
H.R. 2401: Mr. ROTHMAN of New Jersey.
H.R. 2579: Ms. MCCOLLUM.
H.R. 2846: Mr. MICA.
H.R. 2866: Ms. SUTTON.
H.R. 2906: Ms. LINDA T. SANCHEZ of California.
H.R. 3006: Ms. PINGREE of Maine.
H.R. 3035: Ms. NORTON.
H.R. 3156: Ms. CLARKE.
H.R. 3181: Ms. NORTON.
H.R. 3267: Mr. MCNERNEY.
H.R. 3286: Mr. ALTMIRE.
H.R. 3375: Mr. BRIGHT and Ms. HERSETH SANDLIN.
H.R. 3567: Ms. JACKSON LEE of Texas.
H.R. 3615: Mr. COFFMAN of Colorado.
H.R. 3721: Mr. WU.
H.R. 3749: Mrs. BIGGERT.
H.R. 3752: Mr. SMITH of Texas.
H.R. 3839: Mr. MICHAUD, Mr. GARAMENDI, and Mr. LUJÁN.
H.R. 3974: Ms. RICHARDSON.
H.R. 3995: Ms. SUTTON.
H.R. 4021: Mr. KUCINICH.
H.R. 4054: Ms. MARKEY of Colorado.
H.R. 4065: Mr. SPRATT and Ms. NORTON.
H.R. 4068: Mr. DONNELLY of Indiana.
H.R. 4114: Mr. HASTINGS of Florida and Mr. PASTOR of Arizona.
H.R. 4115: Mr. JOHNSON of Illinois.
H.R. 4190: Ms. RICHARDSON.
H.R. 4197: Mrs. DAVIS of California and Mr. BACHUS.
H.R. 4264: Ms. RICHARDSON and Mr. KUCINICH.
H.R. 4308: Mr. LEE of New York.
H.R. 4318: Ms. CASTOR of Florida and Mr. CONYERS.
H.R. 4351: Mr. WILSON of Ohio.
H.R. 4509: Ms. SCHWARTZ and Mr. FARR.
H.R. 4530: Mr. HIMES.
H.R. 4534: Ms. NORTON.
H.R. 4544: Mr. TOWNS, Ms. LEE of California, Ms. JACKSON LEE of Texas, and Ms. KILPATRICK of Michigan.
H.R. 4568: Mr. THORNBERRY.
H.R. 4599: Mr. WU.
H.R. 4601: Mr. OLVER.
H.R. 4671: Mr. KUCINICH, Mr. CASTLE, and Mr. DRIEHAUS.
H.R. 4678: Mr. DRIEHAUS.
H.R. 4684: Mr. AUSTRIA, Mr. CAO, Mr. ISSA, Mr. SCHIFF, and Mr. MCNERNEY.
H.R. 4689: Mr. CASTLE, Mr. ALTMIRE, and Mr. SNYDER.
H.R. 4713: Mr. DEFazio.
H.R. 4722: Mr. KUCINICH, Mr. TIERNEY, and Ms. ZOE LOFGREN of California.
H.R. 4733: Mr. ROTHMAN of New Jersey.
H.R. 4755: Ms. MOORE of Wisconsin.
H.R. 4788: Ms. TITUS, Ms. FUDGE, Mr. PERLMUTTER, and Mr. COSTA.

H.R. 4806: Mr. HONDA.
H.R. 4812: Mr. MOORE of Kansas.
H.R. 4830: Mr. HASTINGS of Florida.
H.R. 4832: Mr. LUJÁN.
H.R. 4836: Mr. SERRANO, Ms. RICHARDSON, Mr. KAGEN, Mr. COHEN, and Mr. CONNOLLY of Virginia.
H.R. 4844: Mr. THOMPSON of California and Mr. POE of Texas.
H.R. 4846: Ms. NORTON.
H.R. 4868: Ms. NORTON.
H.R. 4870: Mr. RUSH, Ms. LORETTA SANCHEZ of California, and Mr. ARCURI.
H.R. 4903: Mr. CHAFFETZ and Mr. STEARNS.
H.R. 4914: Mr. MCNERNEY.
H.R. 4921: Mr. DONNELLY of Indiana and Mr. ALTMIRE.
H.R. 4923: Mr. CHANDLER, Mr. ARCURI, and Mr. HOLT.
H.R. 4958: Ms. RICHARDSON.
H.R. 4959: Mr. HODES, Ms. LEE of California, and Mr. POLIS.
H.R. 5034: Mr. ADLER of New Jersey, Mr. OLSON, Mr. JORDAN of Ohio, and Mr. GINGREY of Georgia.
H.R. 5035: Mr. COURTNEY.
H.R. 5040: Mr. KAGEN.
H.R. 5092: Mr. CARNEY, Mr. DRIEHAUS, Mr. GONZALEZ, Mr. KRATOVIL, Mr. MILLER of North Carolina, Ms. TSONGAS, Mr. AKIN, Mr. CANTOR, Ms. TITUS, and Mr. HALL of Texas.
H.R. 5120: Mr. KAGEN, Mr. ISRAEL, Mr. LUJÁN, Mr. GARAMENDI, Mr. SCHIFF, and Mr. HINCHAY.
H.R. 5122: Mr. GARAMENDI.
H.R. 5141: Mr. KLINE of Minnesota, Mr. MCCOTTER, Mr. FORTENBERRY, and Mr. BACHUS.
H.R. 5143: Mr. JOHNSON of Georgia and Mr. SMITH of Texas.
H.R. 5159: Mr. GRIJALVA and Ms. NORTON.
H.R. 5175: Ms. CLARKE and Ms. MOORE of Wisconsin.
H.R. 5206: Ms. CORRINE BROWN of Florida and Mr. PERRIELLO.
H.R. 5207: Mr. PLATTS.
H.R. 5211: Ms. CORRINE BROWN of Florida.
H.R. 5213: Mr. INSLEE.
H.R. 5214: Mr. DINGELL, Ms. WATERS, Mrs. MALONEY, Mr. NADLER of New York, Mr. VAN HOLLEN, and Mr. FARR.
H.R. 5235: Mr. ROSS.
H.R. 5248: Ms. WATERS.
H.R. 5258: Mr. CAO.
H.R. 5268: Mr. MORAN of Virginia.
H.R. 5270: Mr. BARTLETT.
H.R. 5293: Mr. MCNERNEY and Mr. STARK.
H.R. 5297: Ms. CLARKE.
H.R. 5298: Ms. RICHARDSON and Mr. LYNCH.
H.R. 5299: Mr. FLAKE, Mr. LATHAM, Mr. ROGERS of Kentucky, and Ms. FOXX.
H.R. 5301: Mr. HASTINGS of Washington, Mr. DEFazio, and Mr. LARSEN of Washington.

H.R. 5302: Mrs. LOWEY.
H.R. 5319: Mr. LAMBORN.
H.R. 5323: Mr. CALVERT.
H.R. 5353: Mr. FILNER.
H.R. 5354: Mr. NADLER of New York and Mr. GORDON of Tennessee.
H.R. 5355: Mrs. MALONEY.
H.R. 5357: Mr. JONES.
H. Con. Res. 110: Mr. WU, Mr. HOLT, Mr. MARCHANT, and Mr. MANZULLO.
H. Con. Res. 226: Mr. PETRI.
H. Con. Res. 266: Mr. PETRI, Mrs. MYRICK, Mr. POE of Texas, and Mrs. CHRISTENSEN.
H. Con. Res. 271: Mr. CALVERT.
H. Con. Res. 273: Mr. MCCAUL and Mr. COBLE.
H. Res. 173: Ms. KOSMAS, Mr. COSTA, Mr. OLVER, Mr. CLEAVER, Mr. ENGEL, Mr. FARR, Mr. LUJÁN, and Ms. LINDA T. SÁNCHEZ of California.
H. Res. 937: Mr. BURTON of Indiana, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SCHOCK, Mr. PENCE, Mr. MARIO DIAZ-BALART of Florida, Mr. ROYCE, and Mr. RYAN of Wisconsin.
H. Res. 1073: Mr. MINNICK and Mr. MELANCON.
H. Res. 1161: Mr. PETERS.
H. Res. 1219: Mr. DUNCAN, Ms. CASTOR of Florida, Mr. HALL of Texas, Ms. BERKLEY, Mr. BOSWELL, Mr. KENNEDY, Ms. BORDALLO, Mr. LATHAM, and Mr. COBLE.
H. Res. 1229: Mr. DENT.
H. Res. 1234: Mrs. MALONEY, Mr. OWENS, Mr. MCMAHON, Mr. RANGEL, Mrs. MCCARTHY of New York, Mr. ISRAEL, and Mr. MURPHY of New York.
H. Res. 1241: Mr. CARTER and Mr. POE of Texas.
H. Res. 1251: Mr. ROGERS of Alabama, Mr. SHUSTER, Ms. SHEA-PORTER, Mr. KISSELL, Mr. WITTMAN, Mr. JONES, and Mr. WILSON of South Carolina.
H. Res. 1277: Ms. HARMAN.
H. Res. 1302: Mrs. BLACKBURN, Ms. SCHAKOWSKY, and Mr. TOWNS.
H. Res. 1318: Mr. ARCURI, Mr. LEE of New York, Mrs. MALONEY, Mr. OWENS, Mr. MCMAHON, Mr. RANGEL, Mr. MURPHY of New York, Mr. ISRAEL, and Mrs. MCCARTHY of New York.
H. Res. 1322: Mr. SIREs, Mr. WU, and Mr. HINCHAY.
H. Res. 1346: Mr. LUCAS, Mr. ROGERS of Michigan, Mr. AKIN, Mr. MILLER of Florida, and Mr. ADERHOLT.
H. Res. 1348: Mr. HODES.
H. Res. 1351: Mr. POLIS.
H. Res. 1366: Mr. KAGEN.
H. Res. 1370: Mr. FILNER.
H. Res. 1372: Mr. DAVIS of Kentucky and Mr. LINDER.

H. Res. 1378: Mr. SKELTON, Mrs. MYRICK, and Mr. PENCE.

H. Res. 1379: Mr. BURTON of Indiana, Mr. HASTINGS of Florida, Mr. MOORE of Kansas, Mr. SABLÁN, Ms. SCHAKOWSKY, and Ms. TITUS.

H. Res. 1382: Ms. BORDALLO, Mr. GARRETT of New Jersey, Mr. TANNER, and Mr. POMEROY.

H. Res. 1384: Mr. KING of Iowa, Mr. CULBERSON, Mr. TIAHRT, Mr. BACHUS, Mr. BURTON of Indiana, and Mr. POE of Texas.

H. Res. 1385: Mr. TAYLOR, Mr. REYES, Mr. LARSEN of Washington, Ms. GIFFORDS, Mr. SHUSTER, Mr. NYE, Mr. WITTMAN, Mr. BRIGHT, Mr. SESTAK, Mr. JONES, Mr. COURTNEY, Mr. WILSON of South Carolina, Ms. BORDALLO, Mr. MILLER of Florida, Mr. ANDREWS, Mr. ELLSWORTH, Mr. SPRATT, Ms. TSONGAS, Mr. BOREN, Mr. COOPER, Mr. BRADY of Pennsylvania, Mr. SNYDER, Mr. SMITH of Washington, Mr. JOHNSON of Georgia, Mr. HEINRICH, Mr. BOSWELL, Mr. LOBIONDO, Mr. LOEBSACK, Ms. SHEA-PORTER, Mr. FORBES, Mr. ROONEY, Mr. AKIN, Mr. CRENSHAW, Mr. BARTLETT, Mr. BERMAN, Mr. DEUTCH, Mr. BOYD, Mr. MURPHY of New York, Mr. CHILDERS, Mr. SHULER, Mr. KRATOVIL, Mr. HOYER, Mr. COSTA, Mr. CARDOZA, Mr. TANNER, Ms. HERSETH SANDLIN, Mr. WALZ, Mr. BRALEY of Iowa, Mr. MEEK of Florida, Mr. GINGREY of Georgia, Mr. LARSON of Connecticut, Mr. OWENS, Mr. CONAWAY, Mr. LAMBORN, Mr. GARAMENDI, Mr. ORTIZ, Mr. CARNAHAN, Ms. PINGREE of Maine, Mrs. EMERSON, Mr. THORNBERRY, and Mr. KLINE of Minnesota.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

135. The SPEAKER presented a petition of Sedgwick County, Kansas, relative to Resolution 66-2010 urging the Congress to select the Boeing NewGen Tanker; to the Committee on Armed Services.

136. Also, a petition of American Bar Association, Illinois, relative to Resolution 115 urging the Congress to re-authorize and fully fund the Violence Against Women Act; to the Committee on the Judiciary.

137. Also, a petition of American Bar Association, Illinois, relative to Resolution 111B supporting the Uniform Collateral Consequences of Conviction Act; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A MEMORIAL DAY TRIBUTE

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. ADLER of New Jersey. Madam Speaker, I wish to honor our fallen veterans this Memorial Day on May 31, 2010. On Memorial Day, we pay homage to the thousands and thousands of individual acts of bravery and sacrifice that stretch back to the battlefields of our revolution and to those taking place today in the deserts of Iraq and the mountains of Afghanistan.

Today we honor and remember four brave soldiers from Moorestown, NJ who lost their lives in combat. Mr. Walter Seel Jr., Mr. Howard Mayer, Mr. George Yohnson, and Mr. Roger Ross were all killed in action during the Vietnam War. They are our Nation's heroes who fought so bravely and made the ultimate sacrifice to defend the American Dream.

I will never stop fighting to ensure we do right by the men and women who serve our Nation and defend our freedom. As we observe Memorial Day this year, I ask all of my colleagues and fellow Americans to pause and reflect on the centuries of sacrifice by the many men and women that this day represents. And let us make sure that all who served with honor are honored in return.

IN HONOR OF CHASE THOMPSON
PHILLIPS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. SESSIONS. Madam Speaker, I rise today to honor Chase Thompson Phillips, a young man that I have known for sixteen years.

In June, he will graduate from Mexia High School as a Distinguished Honor Graduate. Chase is a member of the National Honor Society and the baseball team. This year, he and his doubles partner, Blake Dornak, competed in the State Tennis Tournament in Austin, Texas. They are the first duo from Mexia High School to qualify for the state competition and they made it to the quarterfinal round of the 3A State Tennis Tournament. This feat is particularly impressive since Chase and Blake did not have the guidance of tennis coaches or benefit from any practice matches. It speaks loudly of Chase's work ethic and dedication.

This year, he received the Dallas Safari Club's Colin Caruthers Younger Hunger Award for his passion for hunting and commitment to community service. Started in 1991, this prestigious award honors young member hunters for their significant accomplishments, aca-

demic excellence, and civic involvement. He was previously honored with the International Youth Hunting and Conservation Award from Dallas Safari Club and has also done anti-poaching work for black rhinoceros in Zimbabwe. Chase was also selected to represent Limestone County at the American Legion Boys State Conference in Austin, Texas.

Over the years, I have watched Chase grow up into a mature, responsible young man. He is selflessly committed to serving his local community, giving generously of his time and effort to make our world a better place. Madam Speaker, I ask my esteemed colleagues to join me in honoring this fine young man. I wish him all the best in his future endeavors.

HONORING THE BIRMINGHAM
CIVIL RIGHTS INSTITUTE

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. DAVIS of Alabama. Madam Speaker, I rise today to recognize the Birmingham Civil Rights Institute as a recipient of the prestigious Museums and Community Collaborations Abroad Award for 2009–2011.

Fewer than ten museums in the United States are selected for the Museums and Community Collaborations Abroad Award and I am delighted and proud that the Birmingham Civil Rights Institute, located in the Seventh Congressional District, is among the chosen. This honor is both an outstanding achievement and a source of great pride for the Birmingham Civil Rights Institute and the Birmingham community.

Museums and Community Collaborations Abroad, which is administered by the American Association of Museums (AAM) and receives financial support from the U.S. Department of State's Bureau of Educational and Cultural Affairs, connects U.S. communities with communities abroad through innovative, museum-based projects that reflect each museum's unique collections, capabilities, and expertise. Museums and Community Collaborations Abroad increases the cultural competency of two communities and also helps museums connect with local underserved populations.

The Museums and Community Collaborations Abroad Award will enable the Birmingham Civil Rights Institute to partner with the Mandela House Museum in Soweto, South Africa in the development of a joint project of cultural significance. The obvious parallels between the U.S. and South Africa related to their historic struggles against malevolent systems of racial segregation and oppression make this a natural partnership.

Through this collaboration, not only will the communities of Birmingham and Soweto be

united, but cultural diplomacy as a whole between the U.S. and South Africa will be strengthened. It is an honor to recognize the Birmingham Civil Rights Institute for this outstanding accomplishment. I ask my colleagues to join me in celebrating Birmingham Civil Rights Institute for this significant achievement.

HONORING MR. GARY SARGENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Gary Sargent. Mr. Sargent served his constituency faithfully and justly during his tenure as the Supervisor for the Town of Charlotte.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Sargent served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Sargent is one of those people and that is why, Madam Speaker, I rise to pay tribute to him today.

HONORING THOSE LIVING WITH
AND AFFECTED BY HUNTING-
TON'S DISEASE

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. BILBRAY. Madam Speaker, today I rise to honor the thousands of Americans living with and affected by Huntington's disease. As you know, May is Huntington's disease awareness month. HD affects over 250,000 Americans, 117,000 in my great state of California.

According to the National Institutes of Health, NIH, "Huntington's disease results from genetically programmed degeneration of brain cells, called neurons, in certain areas of the brain. This degeneration causes uncontrolled movements, loss of intellectual faculties, and emotional disturbance. HD is a familial disease, passed from parent to child through a mutation in the normal gene. Each child of an HD parent has a 50–50 chance of inheriting the HD gene. If a child does not inherit the HD gene, he or she will not develop the disease and cannot pass it to subsequent

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

generations. A person who inherits the HD gene will sooner or later develop the disease. As a Cochair of the Congressional Biomedical Research Caucus, I urge my colleagues to support efforts by the NIH to eradicate this horrible condition.

Not only are people with HD living with constant discomfort, they are also shortchanged when it comes to receiving social security disability benefits. Individuals living with HD are continually denied disability social security benefits because of outdated medical guidelines that require a 2-year waiting period before the accrual of benefits can begin. These fine Americans have paid into the system and they should have access to these benefits. For most people a 2-year wait is nothing, for patients suffering with HD it is a death sentence.

In an effort to end this discrimination, I have joined with my colleague BOB FILNER (D-CA) in sponsoring H.R. 678 The Huntington's Disease Parity Act of 2009. This legislation will revise the outdated social security benefit formula and allow people living with HD to begin receiving their benefits immediately.

I would be remiss if I did not mention the yeoman's work of Mr. Allan Rappaport and Ms. Misty Oto. These wonderful, dedicated Americans are fighting hard every day to make sure one day HD is nothing more than a footnote in a medical school text book.

Finally, I would like to thank the Huntington's Disease Society of America, HDSA. HDSA is a national, voluntary health organization dedicated to improving the lives of people with HD and their families. This wonderful group promotes and supports research and medical efforts to eradicate Huntington's disease as well as assists families dealing with HD all the while educating the public and health professionals about this condition.

Colleagues of the House of Representatives, I urge you to support H.R. 678 and work with me to end the discrimination of HD patients.

HONORING THE REPUBLIC OF
AZERBAIJAN ON "REPUBLIC DAY"

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. SHUSTER. Madam Speaker, I ask my colleagues to join me in honoring the Republic of Azerbaijan in celebration of the 92nd anniversary of Republic Day on May 28.

Located in a geopolitically dynamic region between Europe and Asia and sandwiched between Russia and Iran, Azerbaijan is a secular country with a predominantly Muslim population that has also been home for more than a millennia for vibrant Christian and Jewish communities.

Azerbaijan first gained independence in 1918, which led to an explosion of the arts, education, and economic growth. That independence was suspended in 1920 by Soviet invasion, not to be restored until 1991 with the fall of the Soviet Union.

Azerbaijan has opened Caspian energy resources to development by U.S. companies and has emerged as a key player for global

energy security. The Baku-Tbilisi-Ceyhan pipeline project, supported by both the Clinton and George W. Bush administrations, is the most successful project contributing to the development of the South Caucasus region and has become the main artery delivering Caspian Sea hydrocarbons to the United States and our partners in Europe. Notably, in 2009 Azerbaijan provided nearly one-quarter of all crude oil supplies to Israel and is considered a leading potential natural gas provider for the U.S. supported Nabucco pipeline.

On the security front, immediately after 9/11 Azerbaijan was among the first to offer strong support and assistance to the United States. Azerbaijan participated in operations in Kosovo and Iraq and is actively engaged in Afghanistan, having recently doubled its military presence there. Azerbaijan has extended important over-flight clearances for U.S. and NATO flights to support ISAF and has regularly provided landing and refueling operations at its airports for U.S. and NATO forces. Also, Azerbaijan plays an important role in the Northern Distribution Network, a supply route to Afghanistan by making available its ground and Caspian naval transportation facilities.

Additionally, Azerbaijan provides specialized training for Afghan police, border guard officers and de-miners, education and training of Afghan civilian and military medical doctors, and medical treatment of Afghan citizens at Azeri hospitals. Azerbaijan has provided medical equipment and supplies to Afghanistan as well as assisting in the construction of schools and hospitals there.

Azerbaijan remains a reliable partner of NATO and the EU in the South Caucasus through its consistent and effective contribution to common goals and objectives. Azerbaijan is also an active partner of the United States in efforts regarding the nonproliferation of weapons of mass destruction through its participation in programs such as Caspian Guard and Cooperative Threat Reduction.

Against this backdrop, Section 907 of the Freedom Support Act of 1992, which prohibits direct U.S. government assistance to Azerbaijan, remains a serious obstacle to expanding the strategic partnership between our two countries and is contrary to U.S. national interest in the region. Furthermore, the absence of a U.S. Ambassador to Baku since July 2009 creates unnecessary uncertainties. Finally, as one of the cochairs of the OSCE Minsk Group charged with resolving the Armenia-Azerbaijan Nagorno-Karabakh conflict, the United States must engage more actively in mediation efforts, as is the case with Moscow and Paris.

Regarding the Armenia-Azerbaijan Nagorno-Karabakh conflict, I applaud the European Parliament for adopting a resolution on May 20, 2010 urging the EU to pursue a strategy in the South Caucasus to promote stability, prosperity, and conflict resolution and demanding "the withdrawal of Armenian forces from all occupied territories of Azerbaijan, accompanied by deployment of international forces to be organized with respect of the UN Charter in order to provide the necessary security guarantees in a period of transition, which will ensure the security of the population of Nagorno-Karabakh and allow the displaced persons to return to their homes and further conflicts caused by homelessness to be prevented."

Again, as the Cochairman of the Congressional Azerbaijan Caucus, it is my distinct pleasure to honor the Republic of Azerbaijan in celebration of the 92th anniversary of Republic Day and to recognize the valuable bilateral relationship between the United States and Azerbaijan. I also encourage my colleagues who are interested in supporting Azerbaijan to join me as a member of the Congressional Azerbaijan Caucus.

CONGRATULATING BRIGITTE
LAVEY FOR WINNING FAIRFAX
COUNTY TEACHER OF THE YEAR
AWARD

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. WOLF. Madam Speaker, it is my privilege to congratulate my constituent, Brigitte Lavey, a teacher at Langley High School, as the Fairfax County "Teacher of the Year." She has demonstrated extraordinary leadership and character that has benefited many students.

Additionally Brigitte, who teaches advanced placement world history, world studies, and geography, also was recently honored by The Washington Post with the Agnes Meyer Outstanding Teacher Award for educational excellence. This award is presented annually to a teacher from each school division in the Washington metropolitan area.

Brigitte was hired by Fairfax County Public Schools in 1968 to teach English and history at Frost Middle School. She moved to Langley High School in 1975, where she has taught English, history, and art history. She earned bachelor's degrees in English and history from St. Louis University.

Brigitte runs a student-centered classroom. On any given day, students might run a Socratic seminar, give a presentation, run a student-led discussion, or participate in a writing workshop. She implores students to see the significances of history on their own, modern lives; to compare their contemporary world with the times they study, and to use the knowledge they gain to carry our culture and country forward. As the sponsor of the History Honor Society, she continues the learning process by having members adopt a human rights issue and learn how history affects life today.

She is usually first in line to volunteer for training to learn new technology and software. She also organizes an annual gift certificate for Langley custodians and food service employees and dedicates time outside classes to help students who may be struggling and she can frequently be found spending one-on-one time with students in the afternoons and on Saturdays.

Her sense of humor, a commitment to scholarship, learning, empathy, flexibility, and an ability to bring her infectious passion into the classroom are what makes Brigitte Lavey such a dedicated teacher. She has also received Langley's DeBusk Award and Human Relations Award and Fairfax County's History Teacher of the Year award. She was named

a Fulbright Scholar for China and has twice been a National Endowment for the Humanities fellow.

Madam Speaker, I congratulate Brigitte Lavey for her dedication to her students and wish her continued success as she mentors and teaches our next generations.

IN RECOGNITION OF JOSEPH
COTCHETT

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Ms. SPEIER. Madam Speaker, I rise to honor of a remarkable American, Joseph Cotchett, of San Mateo, CA who is on everyone's list of the top 100 most influential lawyers in the nation, a distinction that I believe understates his achievements in the area of law and social justice.

Twenty years ago Joe was the lead trial lawyer for 23,000 plaintiffs defrauded in the Charles Keating/Lincoln Savings and Loan scandal, initially winning at that time one of the nation's largest jury verdicts, \$3.3 billion. Fast forward to 2009 and he is again representing consumers, this time investors victimized by Bernie Madoff's financial wrongdoings. During his 40-year legal career, he has tried more than 100 cases and settled hundreds more, but this is not the thrust of what I would like to say about him today. Throughout his career he has done extensive pro bono work for the disadvantaged, establishing himself as a true champion of social justice. He lends his skills and talent when it is needed, not when it is convenient.

His giving is not restricted to legal work. At the local level, he has been on the board of directors for the San Mateo County Heart Association; the San Mateo Boys & Girls Clubs; the Peninsula Association of Retarded Children and Adults; the Bay Meadows Foundation and the Disability Rights Advocates. Joe and his family have been active in supporting organizations helping children, women, ethnic minorities and animals. The Cotchett Family Foundation was specifically created to aid individuals and groups in need of assistance. In 2004, Joe endowed a \$7 million fund to support science and mathematics teacher education at California State Polytechnic University, a program aimed at serving inner city and rural minority children.

He is an accomplished author, lecturer and keynote speaker. His titles include The Ethics Gap and California Courtroom Evidence Foundations. Although he has focused on legal matters, in 2002 he co-authored and published, *The Coast Time Forgot*, a historic guide to the San Mateo County coast.

Joe Cotchett truly loves the community in which he lives and works and it is only fitting, Madam Speaker, that on May 21, 2010, Notre Dame De Namur University presented him with the Community Spirit Award in honor of his work in promoting social justice through community engagement.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,987,796,841,336.51.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,349,371,095,042.70 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

THE UNITED STATES POSTAL
SERVICE, POSTAL INSPECTORS
EQUITY ACT

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. LYNCH. Madam Speaker, the United States Postal Service, Postal Inspectors Equity Act, is intended to allow postal inspectors to receive full law enforcement availability pay (LEAP) comparable to criminal investigators of other executive branch agencies. Postal inspectors protect the U.S. Postal Service, its employees and its customers from criminal attack, and protect the nation's mail system from criminal misuse.

Under current law, compensation and benefits for postal inspectors are required to "be maintained on a standard of comparability to the compensation and benefits paid for comparable levels of work in the executive branch of the Government outside of the Postal Service." See Title 39, U.S.C. 1003(c). Currently, the Postal Service is paying postal inspectors LEAP, but such payments are not statutorily required.

As written, the bill will require the Postal Service to pay postal inspectors LEAP pursuant to statute. The United States Postal Service, Postal Inspectors Equity Act will amend Title 5, U.S.C. 5545a to define postal inspectors as law enforcement officers eligible to receive LEAP. The bill will preserve and protect postal inspectors' law enforcement availability pay and ensure that the Postal Inspection Service will be able to recruit and retain highly qualified postal inspectors.

HONORING MAJOR GENERAL JOHN
L. FUGH

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. HONDA. Madam Speaker, I rise today to honor the life of MG John L. Fugh, who suddenly passed away on May 11th of this

year. General Fugh was the first Chinese American general officer in the United States Army and became Judge Advocate General of the Army in the period following the Persian Gulf War. His distinguished service in the U.S. Army and career with the Judge Advocate General's Corps. spanned 33 years. Today, I honor his contributions to our country.

John L. Fugh was born in Beijing and after the Communist Revolution in 1949, moved with his family to Washington, DC. As the son of a public servant, he graduated from Georgetown's School of Foreign Service and attained a law degree from George Washington before entering the JAG Corps. He has served America overseas during the Cold War, doing a tour of duty through wartime Vietnam, and as a staff judge advocate for the 3rd Armored Division in Frankfurt, Germany.

Returning home, he rose up the JAG leadership and was promoted to brigadier general, undertaking non-criminal legal matters, and created the Army's first environmental law practice. Achieving the position of Judge Advocate General, the Army's top legal official, he provided strong leadership in navigating the Army's complex legal matters in the aftermath of the Persian Gulf War, such as the reconstruction of Kuwait.

After retirement from the army, General Fugh continued to serve his country with respect to Sino-American relations by acting as liaison to China for several manufacturing and aerospace firms like Boeing. He also served as chairman of the Committee of 100, a non-partisan membership organization of over 150 prominent Chinese Americans.

A recipient of the Distinguished Service Medal, the Defense Superior Service Medal, and two awards of the Legion of Merit, it is my honor, Madam Speaker, to recognize the life achievements and contributions to our country of the distinguished General John L. Fugh.

CONGRATULATING THE SAINT JOSEPH
HIGH SCHOOL ECONOMICS
TEAM ON WINNING THE NA-
TIONAL FED CHALLENGE

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. DONNELLY of Indiana. Madam Speaker, today I wish to highlight the accomplishments of the Saint Joseph High School Economics Team. On May 18, 2010, this team outscored other excellent teams from across the country in the National Fed Challenge and went on to represent Indiana as one of only four teams nationwide that qualified for the final competition at the Federal Reserve Building in Washington, DC.

The Economics Team then faced tough competition from Boston, New York, and Richmond, Virginia. Following their 15 minute presentation about the economy they were asked questions by a panel of judges consisting of Federal Reserve staff members, professional economists, and educators. After the judges weighed in, the St. Joseph High School economics team of South Bend, Indiana, captured the national championship. These St. Joseph

students demonstrated their unmatched knowledge of federal monetary policy and the economy, and for the first time in their school's history, after three previous trips to the national tournament, they triumphed. The team consisted of five students: Elizabeth Everett, Theodora Hannan, Donny MacDonell, Angela Watkins, and Joe Watkins. These outstanding students were coached by their teachers, Julie Chismar and Phil DePauw.

I offer my congratulations to the St. Joseph High School Economics Team and all those affiliated with their success in the National Fed Challenge. These students serve as a model of commitment and dedication to educational excellence, and I am certain that their winning tradition will continue.

HONORING MRS. IVALITA JACKSON

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Ms. LEE of California. Madam Speaker, I rise today on behalf of the Congressional Black Caucus, CBC, to offer our deepest condolences as we pay tribute to the extraordinary life of Mrs. Ivalita Jackson, beloved mother of our friend and CBC colleague, Congresswoman SHEILA JACKSON LEE and her brother, Michael. With Mrs. Jackson's passing on May 18, 2010, at the age of 84, we are reminded of her life's journey, the joyful legacy she inspired, and her bold commitment to selfless care for others.

Ivalita Jackson, affectionately known as "Ivy," was born on January 15, 1926, in St. Petersburg, Florida, to Mr. and Mrs. Shepherd and Vannie Bennett. Mr. Bennett worked as a Pullman porter and Mrs. Bennett was both a homemaker and businesswoman. When Ivalita was 16, she and her sister Valerie moved to Queens, New York, to seek greater opportunities and to help their family back in Florida.

The two set a course marked by self-reliance, strong work ethic and personal responsibility that continues to inspire their loved ones to this day. It was in New York that Ivalita began a life of service by seeking training in vocational nursing. And, she soon met the love of her life, New York native and comic book artist, Ezra Clyde Jackson, to whom she was married for 47 years.

Known for her expertise in the care of infants and premature babies, Ivalita Jackson was one of the first African American nurses to work at the Salvation Army Booth Memorial Hospital (now the New York Hospital Queens) and was a pioneer for other African American women in her field. "Jackie," as her colleagues called her, was loved and respected by patients and coworkers alike.

Mrs. Jackson cared for others' children during the graveyard shift so that in the morning she could walk her own small children to school. Her role as a mother was one of the guiding principles in her life and she made every effort to be involved in her children's school activities.

She also took great joy in her active leadership roles at Linden Seventh-day Adventist Church, where she was a dedicated charter

member and part of the gospel choir. In addition, Mrs. Jackson made sure that her children were involved in church activities and instilled with a sense of spiritual and public service.

A dedicated wife, sister, mother and grandmother, Mrs. Jackson was known by many as a true "renaissance woman." She was a talented flower arranger, a wise mentor, a compassionate spirit and a woman who commanded an enormous amount of respect. With wit and wisdom, she reminded others to show love in spite of hardship and to love themselves so that they might love others that much more.

Though preceded in death by her husband, Mrs. Jackson is survived by son, Mr. Michael Jackson, daughter, Congresswoman SHEILA JACKSON LEE, grandchildren, Jason Lee and Erika Lee, and a sister, Mrs. Vivian Smith.

Members of the Congressional Black Caucus join family and friends in mourning the loss and celebrating the life of Mrs. Ivalita "Ivy" Jackson. On behalf of those whose lives she touched in magnificent ways, we honor and salute her. Ivalita was truly a great woman and she will be deeply missed. The contributions she made to others throughout her life are countless and precious. Our thoughts and prayers are with Congresswoman JACKSON LEE, the entire family and Mrs. Jackson's extended group of loved ones and friends. May her soul rest in peace.

CONGRATULATING CHIHUAHUA DESERT RESEARCH INSTITUTE

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. RODRIGUEZ. Madam Speaker, it is with great pride that I congratulate the Chihuahuan Desert Research Institute, which I am excited to announce is in the 23rd district of Texas, on its recent nomination to participate in the Museum Assessment Program, MAP. The program has served over 5,800 museums since 1981 and is administered through the American Association of Museums in a cooperative agreement with the Institute of Museum and Library Services, IMIS. The program will help the museum, beyond its current success, identify through peer review, how to improve programming and operations to address current and future challenges.

The Chihuahuan Desert Research Institute is located within the scenic Davis Mountain range near Fort Davis. Through research and education, including its proximity to Sul Ross State University, the non-profit institute promotes public appreciation and awareness for the natural diversity of the Chihuahuan Desert. Highlights include a 1400-sq.-ft. cactus and succulent greenhouse, a desert botanical garden, over 3 miles of hiking trails, and interpretive exhibits.

The institute offers opportunities for visitors of all ages to learn through the Life-Long Learning Program. This program features workshops, fieldtrips, and lectures on a variety of topics related to the natural history of the desert region. Other programs for school and youth groups help parents and teachers rein-

force scientific concepts by offering exciting, interactive activities. Teachers can continue their professional education with interesting classes that emphasize outdoor learning and hands-on activities to use as demonstrations for their students.

Exhibits include "Our Dynamic Landscape: Geology, Culture, History," the "Chihuahuan Desert Mining Heritage Exhibit," a "Geological Timeline," and constant changing interactive "Atrium Exhibits."

Again I would like to extend my sincere congratulations on the recognition of the Chihuahuan Desert Research Institute by the Museum Assessment Program for its outstanding efforts on educating the community about regional and ecological awareness. This continuous hard work has a positive impact on visitors and students alike who in turn will appreciate preservation of the earth's natural history, regional habitats, and more importantly, the importance of preservation for future generations.

FAITH AND FOREIGN POLICY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. WOLF. Madam Speaker, I submit for the RECORD a piece by Tom Farr, former American diplomat and senior fellow at the Berkley Center for Religion, Peace and World Affairs which recently ran in The Washington Post.

Farr highlights several of the more alarming findings outlined in the recently released annual report of the U.S. Commission on International Religious Freedom.

Whether it is the persecution endured by Tibetan Buddhist monks or the violence perpetrated against the ancient Christian community in Iraq—religious freedom is under assault around the world.

Farr points out that the commission makes a host of policy recommendations which should prove invaluable to the U.S. State Department as it seeks to advocate for those whose voices have been silenced around the world.

However, Farr also rightly notes that "one could easily conclude that Obama Administration officials have no intention of giving priority to religious freedom in U.S. foreign policy, if for no other reason than the President's extreme lassitude in nominating an official to head the IRF (International Religious Freedom) operation—the ambassador at large for international religious freedom required by the IRF act."

I commend this piece to my colleagues. It is a sobering but realistic assessment of the diminished state of religious freedom advocacy in U.S. foreign policy. It ought to be cause of great concern for all Americans who cherish this first freedom.

OBAMA AT THE CROSSROADS ON RELIGIOUS
LIBERTY

FAITH AND FOREIGN POLICY

(By Thomas Farr)

The U.S. Commission on International Religious Freedom (IRF) has come down hard

on the Obama administration for its failure to promote international religious liberty. "U.S. foreign policy on religious freedom," said Commission chairman Leonard Leo, "is missing the mark."

The Commission, established by the 1998 IRF Act, is a bipartisan group of nine men and women drawn from across the American political and religious landscape, and it includes Obama supporters. To its credit, the group's annual report, released last week, is raising the right issues at the right time.

The report reminds us of a primary reason the United States seeks to advance religious freedom. It recounts in disturbing detail the cruelties practiced worldwide on human beings because of their religious beliefs and practices, or those of their tormentors. A small sampling: Rape victims still languish in Pakistani prisons because religious laws require women to produce four male witnesses to the act of rape. Unable to do so, many rape victims have been accused of "adultery," found guilty, and imprisoned.

In March 2009 Chinese security forces literally beat to death a Tibetan Buddhist monk for passing out leaflets supporting the Dalai Lama. In China, the torture and "disappearance" of Buddhist monks and nuns, and of disfavored Muslims, Christians, and adherents of Falun Gong, occur with inhuman regularity.

In Saudi Arabia a senior cleric recently issued a fatwa calling for the death of anyone arguing that men and women could work together professionally. Such edicts emerge from a Saudi interpretation of Islam called Wahhabism, a malevolent political theology that continues to be exported from the desert kingdom worldwide—including to the United States.

In Iran, Shi'a Muslims critical of the regime's brand of Shi'ism were executed for "waging war against God." Iranian Baha'is live in constant fear of imprisonment, torture and death.

All this makes for a dismaying reading, but the section on Iraq is particularly wrenching. In a country whose opportunity for ordered liberty has been purchased with American blood, Christians are being targeted and murdered. Thousands among this ancient but rapidly shrinking Iraqi minority have been forced to flee their homes and villages.

The slow death of Christianity in Iraq is a tragedy about which most Americans know very little. Had this story gotten the attention it deserved from the mainstream press, perhaps public opinion would have brought more pressure on the Bush administration to do something about it. The Commission, long a leader in this area, has provided powerful reasons for the Obama administration to act.

These and other tragic stories in the report provide a human face to the alarming trends published by the Pew Forum in its December 2009 analysis, *Global Restrictions on Religion*. It found that 70 percent of the world's population live in regimes where citizens are vulnerable to religious persecution. As a humanitarian matter alone, surely this is unacceptable to the American people and their elected representatives.

Of course, no one supports persecution. The question is what can, and what ought, the United States do about it? Most Americans want their government to try and relieve the suffering of innocent human beings. But are there other reasons for action, reasons that might lead to U.S. IRF strategies that both reduce human suffering and further American interests? More on this below.

The Commission provides a host of practical, country-specific recommendations, for

example, linking the substantial U.S. economic assistance to Egypt to improvements in that country's respect for religious freedom, or taking steps to ensure that the Chinese hear a consistent message on this issue from all U.S. officials (which is not now, nor ever has been, the case).

The report urges more pressure on the Saudi government to do what it has already pledged to do—reform the religiously-bigoted text books that teach Saudi children the wrong lessons, and make their "religion and morals police" more accountable. This is the same Wahhabi-inspired "police" agency that a few years ago prevented Saudi schoolgirls from fleeing a burning school building because they were not sufficiently covered. Fourteen girls perished in the flames.

Importantly, the report adds to the Commission's "watch list" two key Muslim democracies—Indonesia and Turkey. The commissioners judge, quite accurately, that those nations, while making strides in other areas critical to democracy, are lagging in religious freedom. This matter is important to the United States, not only because we want to help the victims, but also because the success of democracy in these countries is vital to our own security.

This brings us to the "other" reasons for advancing religious freedom in U.S. foreign policy. The Commission's findings tend to confirm what scholarship in International relations and sociology are strongly suggesting: democracy in highly religious nations cannot consolidate and yield its benefits—including economic opportunity, security, low levels of religious extremism, and peace with other democracies—without religious freedom. That is a lesson our foreign policy elites must learn, not only that we may help influence the democratic consolidation of allies Turkey and Indonesia, but also to ensure that our investments of blood and treasure in Iraq and Afghanistan succeed.

Commission chairman Leonard Leo highlighted the connection between religious freedom and national security in his remarks: "If the United States cares about human rights, if we value international stability, if we are concerned about countering extremism, freedom of religion . . . must be a critical component of our nation's diplomacy, national security and economic development objectives."

The Obama administration should pay close attention to these words as it decides how to position its own religious freedom policy. Whether it will do so or not is still unclear. The report acknowledges that some good things are beginning to happen inside the State Department. But it also points to signs that IRF policy is being sidelined and may assume an even lesser role than it has in previous administrations.

Decisions over the next several weeks will likely tell us which path this President will take. Will he and Secretary Hillary Clinton decide to retool and upgrade an IRF policy that was neglected by prior administrations of both parties? With proper leadership and training, U.S. religious freedom strategies will not only help alleviate human suffering far more effectively than they have to date, but they can also help achieve the national security goals emphasized by Chairman Leo.

On the plus side, there are a few reasons for hope. Within Foggy Bottom, a handful of officials are working hard to convince skeptical senior Department leaders of what ought to be obvious: the global resurgence of religion warrants systemic training for foreign service officers in religions and reli-

gious freedom. Our embassies abroad need expertise in this area, just as they possess expertise in politics, economics, or military affairs. This case has recently been made by, among others, the Chicago Council on Global Affairs in a series of recommendations to the administration.

Unfortunately, as the Commission's report makes clear, many within the administration are resisting the obvious. One could easily conclude that Obama officials have no intention of given priority to religious freedom in U.S. foreign policy, if for no other reason than the President's extreme lassitude in nominating an official to head the IRF operation—the ambassador at large for international religious freedom required by the IRF Act. Sixteen months into the Obama presidency, with a bevy of envoys on issues from outreach to Muslim communities to the closure of Guantanamo long in place, the administration has not seen fit to move on the IRF position.

What the report does not mention is that the White House is said to be on the verge of announcing the President's nominee for ambassador at large. That person is reported to be a pastor rather than a diplomat, and someone with no experience in either foreign policy or religious freedom. Would the President nominate someone to head his programs on Muslim outreach, women's rights, disabilities, energy policy, climate change, or any of the other issues that are represented by senior envoys under his administration, if he or she were not a seasoned expert in the field? Why would he do so in the field of religious freedom?

If this were not enough, the Commission also notes reports that when the new IRF ambassador shows up for work, she will have even less authority and less support than is the norm at Foggy Bottom, and less than is required by the IRF Act itself. Other ambassadors at large, such as the official in charge of Global Women's Issues, work directly under Secretary Clinton. The IRF ambassador, on the other hand, will reportedly have four other officials between her and the Secretary. And the office that has for 12 years served the IRF ambassador (as required by the IRF Act) will now report to someone else.

Is the Democratic-controlled Congress paying attention? Does it care that a law it passed unanimously under one Democratic President is apparently being set aside by another?

One final point. The Commission report worries, correctly in my view, that both the President and the Secretary of State have taken to speaking publicly of "freedom of worship" rather than "religious freedom." Why should that matter? Because "worship" is essentially a private activity, far less threatening to authoritarian governments or powerful majority religious communities than is religious freedom. The latter encompasses both private worship and public practice. It means protection for all religious communities on an equal basis, including the right to engage in the political life of a nation.

If the Obama administration wanted to downgrade U.S. international religious freedom policy, it might prepare the way by rhetorical shift such as this.

Is that what the administration is doing? It is too soon to tell, but there are reasons to be concerned. In a follow-up post I will explore why the President and Secretary of State might in fact be acting to move IRF to the obscure margins of U.S. foreign policy,

and, if they are, why their actions would reduce our nation's capacity to undermine religious persecution, and harm the interests of the American people.

HONORING THE MEMORY OF
ERNIE HARWELL

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. QUIGLEY. Madam Speaker, in Ernie Harwell's famous definition of baseball, he wrote that it was "just a game, as simple as a ball and bat; yet as complex as the American spirit it symbolizes." There was nothing complex, however, about what one of baseball's most iconic broadcasters meant to us all. Ernie lent his voice to one of America's deepest loves for more than 50 years, most of them calling games for his beloved Detroit Tigers. He passed away a few short weeks ago at the age of 92.

Ernie brought Tiger Stadium into Michigan living rooms from Hamtramck to Bloomfield, and made the old ballpark at the corner of Michigan and Trumbull feel like a neighborhood sandlot. He'd call out the hometowns of fans who caught foul balls as if he knew all 35,000 of them by name. The beauty of his commentary was in its understated grace—simple, earnest, and full of insight. Ernie was the rare broadcaster who made you feel like you were in the stadium. He'd tell you the score at least once a minute, but never fell victim to the need to hear himself speak. A silence filled with the hum of the crowd and the call of a vendor was almost as important to his broadcast style as the vignettes from every era of the game that peppered his play-by-play.

For Ernie's faithful listeners spring was a time of hope and rebirth, as he welcomed four decades of spring training seasons with a familiar Psalm: "For, lo, the winter is past, the rain is over and gone; the flowers appear on the earth; the time of the singing of birds is come, and the voice of the turtle is heard in our land." It is the kind of hope we can all relate to, especially fans of a certain team in my district who believe that every year might just be "next year."

When Ernie retired from broadcasting in a moving on-field ceremony in 2002, he told us "rather than say good-bye, please allow me to say thank you." Today, it's our turn. Thank you, Ernie, for all the memories. You will be missed.

HONORING SUSAN LAFFERTY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Susan Lafferty upon being named as a 2010 Common Threads honoree. Mrs. Lafferty will be honored by California State University, Fresno at the 2010 Common Threads Award luncheon to be held on Friday, April 16, 2010.

Mrs. Sue Lafferty was born and raised in Los Angeles, California; away from farmland and agriculture. Mrs. Lafferty married Dave in 1976, and they moved to the Hanford-Lemoore area to begin their farming adventure.

Today, Mrs. Lafferty spends many volunteer hours working with the youth and agricultural education programs. She became involved with the Kings County 4-H Program while her daughter, Katie, was involved with the program. Although Katie is an adult, Mrs. Lafferty continues to spend countless hours with the group. Within the Kings County 4-H she has served as project leader, community leader, council secretary, council director and department chair for the Dairy Show 4-H Fair. Mrs. Lafferty is also the co-founder of Kings Harvest 4-H.

In 2009, Mrs. Lafferty encouraged eight 4-H members to develop a farm gleaning program to help them earn their Emerald Star and to supply fresh fruits and vegetables to the local food banks. Through her leadership and direction, the members were able to donate almost fifteen hundred pounds of tomatoes, nine hundred pounds of cantaloupes, seven hundred and fifty pounds of onions and two thousand pounds of sweet corn to Kings Community Action food pantry.

Beyond 4-H, Mrs. Lafferty volunteers for the Kings Fair Boosters, where she has served as President, Vice-President and secretary while also working on special events and fundraisers for the fair. Over the years, she has served in various positions for the Kings Fair Junior Fair Board, Kings Lamb Feed Committee, Hanford Future Farmers of America Parents' Club, Beef Educational Enhancement Fund (BEEF), Tulare County Fair and Great Western Livestock Show as well as the Dance Guild. Mrs. Lafferty is a lifetime member of Hanford Future Farmers of America.

Madam Speaker, I rise today to commend and congratulate Susan Lafferty upon her achievements. I invite my colleagues to join me in wishing Mrs. Lafferty many years of continued success.

PAYING TRIBUTE TO LARGO,
FLORIDA, POLICE CHIEF LESTER
ARADI

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. YOUNG of Florida. Madam Speaker, the people of Largo, Florida, I have the privilege to represent, will turn out Friday to honor their police chief, Lester Aradi, as he retires after 9 years of leading the force and a 37-year law enforcement career.

Chief Aradi has been a strong and compassionate leader who has earned the respect of the people he serves, the city's leaders under whom he works, and most importantly the men and women he leads on the Largo police force. Integrity and ethics are the words most often mentioned when people speak of Chief Aradi.

He has had a clear impact on making Largo's streets safer. Part of the reason is that he

did not lead from behind a desk. He was always out in the field.

It was my privilege to work with Chief Aradi on a number of initiatives during his tenure. These include introducing new technologies into the police force to help make sure his officers had the latest equipment to do their jobs more safely and effectively. We also teamed up with the community on a project he spearheaded to create a local Silver Alert program to put out notices when senior citizens were reported lost or missing. Chief Aradi took the program state-wide and it is now a model national program.

Chief Aradi also had a special place in his heart for the families of his officers. My wife Beverly and the Chief worked together on a number of heartrending situations involving families who faced difficult times related to illness, injury, and even the death of an officer with a young family.

St. Petersburg Times reporter Lorri Helfand recently featured the life and career of Chief Aradi. Following my remarks, I would like to include her story for the benefit of my colleagues. Also, I will include an editorial from the same publication which speaks for the community in saying that Chief Aradi "will be remembered and will be missed."

Madam Speaker, serving in law enforcement is a thankless job. The officers put their lives on the line every day to protect our homes, our schools and our communities. As their leader, serving 24 hours a day 7 days a week, Chief Aradi has been the consummate professional—leading his force by example.

The people of Largo will miss Chief Aradi and we all wish him and his wife Diane the best in their well-deserved retirement years. Thank you Chief for a job well done.

[From the St. Petersburg Times, May 23, 2010]

THANKS, CHIEF ARADI, FOR YOUR SERVICE TO
LARGO.

Lester Aradi left a good job in Illinois almost 10 years ago to come to Pinellas County because he had read a book, *Who Moved My Cheese?* and learned that change is good. Now, he's ready for another change. On June 1, Aradi will retire from his job as Largo's chief of police, and while the change may be good for Aradi, it will be a real loss for Largo.

Aradi, who lives in Clearwater, took over a police department that had been scarred by scandal and disrupted by having three chiefs in seven years. It desperately needed a steady hand at the helm. He brought discipline, direction and a closer bond between the department and the community.

Aradi was not Largo's first choice to replace retiring chief Jerry Bloechle in 2000. City officials initially preferred Vail, Colo., police Chief Greg Morrison, but after a visit to Vail, then-City Manager Steve Stanton cooled on Morrison and instead chose Aradi, the deputy chief in Buffalo Grove, Ill.

Aradi had risen through the ranks of the Buffalo Grove department for 25 years and was being groomed to take over as chief there—until he read that book about cheese. Aradi was familiar with the Tampa Bay area, having vacationed here often and even purchased a house in Clearwater. In the Largo job, he saw a challenge—a police department with a young, well-educated rank and file, but problems with leadership, discipline and profile in the community.

It was a risk for Aradi. He had never even lived outside of Illinois. He had never been

chief of a police department. And the Largo department he wanted to lead had seen one chief forced out because he interfered in a criminal investigation of his 15-year-old son, and another chief retired after a scandal involving sexual activity between Largo police officers and girls in the department's Explorers post.

But Aradi took the risk. Almost 10 years later, the department and city are better for his having been here.

Whatever people needed from Aradi, he seemed able to deliver it. While his officers were careful to toe the line, they also knew their chief as a man concerned about them, their career advancement and their families. To the community, he was warm, approachable, respectful and always looking for ways to connect with them, whether it was through his Coffee with the Chief series, his community walks or his visits to their neighborhood meetings. Local nonprofits knew him as a compassionate person who helped others, especially children and the elderly.

His bosses in City Hall were grateful because he ran a good department and kept it free of scandal. Other chiefs in Pinellas County admired Aradi for his eagerness to try new techniques and his high ethical standards.

Aradi admits to being tired and ready to retire to some place serene, perhaps to a plot of land in the mountains where he can ride horses and spend long, leisurely hours with his family. It is no surprise that in making his decision to leave his job, he also was thinking of the man he trained to be ready to take over, Deputy Chief John Carroll. Staying longer would be selfish, Aradi said, and would deny Carroll an opportunity he deserves.

So Aradi is making a change, again. But in Largo, he will be remembered and he will be missed.

[From the St. Petersburg Times, May 2, 2010]

DEPARTING LARGO POLICE CHIEF LESTER
ARADI LEAVES LEGACY OF LEADERSHIP

(By Lorri Helfand)

After 36 years in law enforcement, police Chief Lester Aradi is ready to move on.

Aradi, 58, wants to give his second-in-command, John Carroll, a chance to lead. And he wants to spend more time with his wife, Diane, and family.

If Aradi stuck around, it would be for selfish reasons, he said.

"It would deny (Carroll) an opportunity to become police chief and deny someone else an opportunity to be deputy chief," said Aradi, who announced Wednesday he will leave at the end of May.

City Manager Mac Craig, who has lived in the community since 1983, said he's never seen another police chief contribute so much.

He praised Aradi for having coffee sit-downs with residents, for having a major hand in the state's Silver Alert program and for working with numerous nonprofits.

"And he did all that while running a great department," Craig said.

Aradi's law enforcement career began during the Nixon administration. He came to Largo in 2001, after 25 years in the Buffalo Grove Police Department in Illinois, where he worked his way up to deputy chief.

As Largo's chief, he earned a reputation as a warm-hearted, approachable leader.

Joseph Stefko, who lives and works in downtown Largo, said the chief attended Old Northwest neighborhood meetings and was always willing to listen to his concerns.

"You can go right up to him and talk to him," Stefko said.

He credits the chief with helping clean up his neighborhood.

"He definitely changed the crime rate," Stefko said. "When I lived here 15 years ago it was pretty bad."

But Aradi said his accessibility, coupled with his responsibilities, came with some drawbacks.

"No matter where I am, the BlackBerry is constantly going off day and night," Aradi said.

Messages range from residents telling him that their cars were stolen to announcements about the community garden getting manure.

Other law enforcement leaders say they've enjoyed working with Aradi and consider him a friend.

"It's clear Lester is a man of integrity and maintains high ethical standards," said Pinellas County Sheriff Jim Coats. "That is reflected in the staff that works underneath him."

"Lester's always been on the cutting edge," said recently retired Clearwater police Chief Sid Klein. "He's not afraid to take chances. He's just a real top-notch professional."

When Aradi came to the department, its image had been tarnished by a sexual misconduct scandal involving officers. There were tensions between the former city manager and the officers.

"I think he brought the community and the Police Department closer together by being visible himself, by being conscious of the officers, and by being respectful and doing good customer service," Mayor Pat Gerard said.

Last year, Craig ran into friction with the chief over Aradi's choice to suspend, rather than fire, an officer who fixed a ticket. Some have speculated that Craig's decision to suspend Aradi led to his departure.

"I'm not surprised because of the incident a year ago where he was publicly reprimanded by the manager," said former Mayor Bob Jackson.

But Aradi adamantly denies that.

"That's water so far under the bridge it's out there in the Caribbean Sea," Aradi said.

There were no major controversies in the department during Aradi's tenure. But that's not to say that Aradi avoided controversial issues.

Three years ago, he received flak for his support of former City Manager Steve Stanton's personal choice to become a woman. Some called for an investigation of Aradi and all officials who knew of Stanton's choice but didn't make that information public.

He tackled the issue head-on, choosing to talk about it at a local Rotary meeting.

He also took strong positions, defending his officers even when his opinions clashed with city administrators.

Last year, during budget talks, he told Craig and other city leaders he couldn't agree to furloughs, which would remove more officers from the streets.

Aradi's influence also extended beyond the community.

Last year, Aradi was recognized by the Area Agency on Aging for his efforts that helped create the statewide Silver Alert program.

Aradi says he's done with law enforcement and is not sure what he'll do down the road.

"I want to go fly-fishing again," Aradi said. "I want to ride my horse."

He's ready to live on 10 acres of land in the Blue Ridge Mountains, visit his children and

new grandson, and take a permanent vacation from his BlackBerry.

About a year ago, Aradi and his wife adopted a former racehorse, Haggis Hanover, who had been neglected. They hope to adopt one or two more and move to Tennessee, Georgia or North Carolina, where one of his daughters lives.

"We've made good friends here," Aradi said. "I'm going to miss the people of this community."

But he'll be fine not being chief, anymore.

"I don't need the title," Aradi said. "My family is much more important."

HONORING SUSIE SNEDDEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Susie Snedden upon being named as a 2010 Common Threads honoree. Mrs. Snedden will be honored by California State University, Fresno at the 2010 Common Threads Award luncheon to be held on Friday, April 16, 2010.

Mrs. Susie Snedden grew up on the family farm in Maricopa, California. She graduated from the University of California, Los Angeles with a Bachelors Degree in political science. While in school, she interned for then-Congressman William Ketchum in his Washington, DC, office, the Republican State Central Committee and was the first intern for the California Cattleman's Association in Sacramento. As a young adult she returned to the family cow-calf operation that she now co-owns with her husband, Richard.

Mrs. Snedden is very active in the Kern County community. She has served as president and director for the Kern County CattleWomen and as a state director for the Kern County Cattlemen's Association. She and her husband served as state membership co-chairs for R-CALF, USA, a national cattle producer's organization. Mrs. Snedden operates an educational booth at, and assists with, the annual Farm Day in the City, has been involved at Maricopa School on the School Site Council and School Bond Committee. She often gives presentations about beef, its by-products and the cattle ranching business to classrooms and organizations.

Mr. and Mrs. Snedden have hosted visitors from around the world, providing them with a taste of ranch life. Mrs. Snedden is active member of her church, where she has led mission trips to Mexico, and has opened her home to Vacation Bible Schools and women's retreats. For her efforts, Mrs. Snedden was named "Kern County Cattle Princess" in 1972 and "Kern County CattleWoman of the Year" in 2001.

Madam Speaker, I rise today to commend and congratulate Susie Snedden upon her achievements. I invite my colleagues to join me in wishing Mrs. Snedden many years of continued success.

IN HONOR OF WILLIAM AND
MARTHA MANNING

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to William and Martha Manning, two individuals who have been major advocates for education in my home State of Delaware.

Bill was born and raised in Wilmington and is currently the co-managing partner of the Wilmington office of Saul Ewing LLP. He and his wife, Martha, herself a former public school teacher, are known in Delaware for their passionate support of education. In 1988, Bill was elected to the Red Clay School District board, where, serving as board president for 13 years, he led the effort for supporting school choice options. Bill currently serves on the boards of the Delaware Charter Schools Network and the MOT Charter School.

Martha Manning was instrumental in the founding of the Cab Calloway School of the Arts, a choice school located in Delaware's Red Clay School District. She served on its Advisory Board for 11 years, and, as a founder of the Delaware Charter Schools Network, Martha has been vital in the efforts to advocate for and expand the reach of charter schools in our State. She served as the Network's first Executive Director, and currently serves on local foundation and non-profit boards, all of which are related to education.

This year, Bill and Martha are being honored by the Delaware Charter Schools Network with the 2010 Catalyst in Education Award, given to individuals who have proven to be true agents for change in our public education community. Charter schools play a critical and significant role in the public education community of Delaware, and I applaud and support the Network's choice to honor Bill and Martha; this award is a testament to their ceaseless dedication and longtime commitment in championing improvements in education in our State.

It is because of the efforts and strong advocacy of individuals like Bill and Martha Manning that our schools are able to grow and our children are able to flourish. I am proud not only to call them two of Delaware's most active education advocates but to also call them my friends, and I am happy to have the opportunity to recognize and honor them today for their tireless efforts and immeasurable contributions.

HONORING JUSTICE STEVEN
VARTABEDIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Justice Steven Vartabedian upon his retirement from the California Fifth District Court of Appeal. After serving for twenty-nine years as a judge, Justice

Vartabedian will officially retire on May 31, 2010.

Justice Steven Vartabedian is a native of the San Joaquin Valley. He attended, and graduated with honors, from California State University, Fresno in 1972. Upon graduation he studied at Santa Clara University, School of Law, where he graduated magna cum laude in 1975. He passed both the state and federal bar in 1975. Early in his career, Justice Vartabedian returned to the Valley to practice family law and real estate litigation with, now former State Senator, and current justice on the Fifth District Court, Charles Poochigian.

Justice Vartabedian began serving on the Sanger Justice Court in 1981 and moved to the Fresno Municipal Court in 1983, where he served for four years, two of which he was a presiding judge. He joined the Fresno County Superior Court in 1987, serving as presiding criminal judge. In September 1989, Justice Vartabedian was appointed as an associate justice of the Court of Appeal by Governor George Deukmejian. While serving on the state judiciary, he participated on the planning committee of the Appellate Justice Institute and on a committee studying weighted case-loads. Justice Vartabedian's most recent participation was with the Appellate Court Legacy Project Committee. He has authored articles on the topics of sentencing, court delays and sex abuse cases, all of which have been published in the Pacific Law Journal and the Judges' Journal.

While busy with his practice and serving with the various courts, Justice Vartabedian found time to teach. He taught business law at California State University, Fresno from 1976 to 1981. In 1992 he was a symposium speaker and panelist at the University of the Pacific, McGeorge School of Law, for the "Victims Rights in California" program. In 1995, Justice Vartabedian moderated a state bar program entitled "To Appeal or Not to Appeal," and has lectured on the subject of the appellate process to county bar associations and community groups on numerous occasions.

Justice Vartabedian and his wife, Marilyn, have three adult daughters, all engaged in careers in law. The family is active in symphonic activities, as his daughters are all musicians. He has served in the community as a past founding member of the local board of directors of World Impact, an organization that focuses on inner-city youth ministry. He is a former trustee of the Armenian Community School of Fresno and is an elder and bass soloist in his church. For his service, Justice Vartabedian received Sanger Unified School District's Outstanding Contribution to Education Award in 1982 and the Armenian Community School Outstanding Service Award in 2004.

Madam Speaker, I rise today to commend and congratulate Justice Steven Vartabedian upon his retirement from the Fifth District Court of Appeal. I invite my colleagues to join me in wishing Justice Vartabedian many years of continued success.

REMARKS ON CHIPS BARRY

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Ms. DEGETTE. Madam Speaker, Hamlet "Chips" Barry, the nearly 20-year head of Denver Water, was a dynamic man and a true visionary for Denver and the West. Throughout his tenure at Denver Water, he not only transformed the agency but taught legions of legislators, myself included, the elements of water law and its fundamental importance to Denver and the West.

Chips grew up in the Montclair section of east Denver and attended Denver Public Schools. In 1966, he graduated cum laude from Yale College, where he majored in American Studies and was a member of the tennis team. In 1969, he earned a law degree from Columbia University Law School.

After law school, Chips worked as a VISTA volunteer lawyer in rural Alaska, served as a law clerk to Judge Robert McWilliams on the 10th Circuit Court of Appeals in Denver, and was a legal services lawyer in Micronesia.

Upon his return to Colorado, he became heavily involved in civic activities, including work on the first statewide water plan under Governor Dick Lamm and serving as a member of the Board of Governors for the Colorado Bar Association. He then served as the Executive Director of the Colorado Department of Natural Resources for Governor Roy Romer from 1987 to 1990, after which he was named manager of Denver Water in January 1991.

At Denver Water, Chips' open-door policy made him accessible to employees throughout the organization. He was well respected for his willingness to negotiate and his ability to avoid conflict. Through his personal efforts, Denver Water also improved relationships with many entities on Colorado's Western Slope.

During his tenure at Denver Water, the utility implemented a conservation program that is nationally and internationally recognized as a model of success. He built a recycled water distribution system, invested millions of dollars in treatment facility improvements, monitored recovery from several devastating wildfires in Denver Water's watershed, and was the leader in the recovery work from one of the worst droughts in the city's history. His "Use Only What You Need" campaign has helped Denver residents cut their use of water by 33 percent, easily below the national average.

Chips was the creator and founder of the Western Urban Water Coalition, which represents all the major water utilities in the semi-arid West and has become a respected voice in Washington on such issues as endangered species and federal regulation of water. In 2009, he won the President's Award from the Association of Metropolitan Water Agencies for his leadership on local and national levels regarding the drinking water industry.

Chips owned a macadamia nut farm in Hawaii and planned to retire and work his farm. He enjoyed tennis, squash, skiing, and golf. He collected old Saabs, foreign paper money, and books about Micronesia and Alaska. Chips was famous for his boundless sense of humor and never-ending joke supply, and his

bushy moustache. He occasionally dressed as Teddy Roosevelt to entertain friends. His immense personality and remarkable vision for Western water will be deeply missed, but never forgotten.

CONGRATULATING JEREMY R.
STEVENS

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. SMITH of Nebraska. Madam Speaker, I rise today to congratulate Jeremy Stevens of Sidney, Nebraska on becoming a member of USA TODAY's All-USA Community College Academic Team.

The All-USA Academic Team honors a prestigious group of 20 community college students from across the nation for outstanding intellectual achievement and leadership.

Jeremy, an Army Veteran of the 82nd Airborne Division, attended Western Nebraska Community College, WNCC, in Sydney prior to transferring to Creighton University. At WNCC, Jeremy earned a spot on the president's list, the Dean's List, and was an active member of the TRIO Upward Bound Program. His military honors include the Combat Infantryman's Award, the Afghanistan Campaign Medal, the Army Commendation Medal, and the Army Achievement Award.

Jeremy was the President of his hometown's PTK Alpha Rho Omicron Chapter and served on the Sidney Endowment Association Board where he was an integral part of extending benefits to his fellow veterans. Jeremy also deserves recognition for the scholarship program he implemented for veterans who joined the military after the terrorist attacks on September 11, 2001.

Jeremy's dedication to public service is evident as he prepares for a career as a history teacher, where he hopes to translate his ability for helping others to a classroom setting.

Once again, I congratulate Jeremy on his tremendous achievement and I wish him luck in his future endeavors.

HONORING NISEI DIPLOMA
PROJECT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate all of the 2010 Honorary Bachelor of Humane Letters degree recipients through the Nisei Diploma Project. All honorees will be recognized on Thursday, May 20, 2010 at a special awards ceremony to be held at California State University, Fresno.

During World War II, an estimated two hundred and fifty Japanese-American and Japanese immigrant students from California State University, CSU, campuses across the state had their education abruptly interrupted when Executive Order 9066 was executed in 1942. These students were forcefully removed from

the west coast and incarcerated for the duration of the war. Once released many of these former students went to work and did not return to school.

On September 23, 2009 the California State University Board of Trustees unanimously voted to award Special Honorary Bachelor of Humane Letters degrees to the CSU students that were affected by the Executive Order, known as the Nisei Diploma Project. Through the passage of this project, CSU strives to heal the wounds of the Japanese-Americans living in California during World War II. By identifying the former students enrolled in the CSU system when the order was initially passed, they will honor the academic intentions of the Japanese-American students enrolled at the time by presenting an honorary degree to the former students or their families and welcoming the former students back to the campus.

California State University, Fresno has determined that there are eighty-seven eligible students through the Nisei Diploma Project. Today, they are honoring all eighty-seven students and presenting a Special Honorary Bachelor of Humane Letters degree to nineteen of those students.

Madam Speaker, I rise today to commend and congratulate the 2010 Honorary Bachelor of Humane Letters degree recipients through the Nisei Diploma Project. I invite my colleagues to join me in congratulating all of the honorees.

RECOGNIZING BYRON BJORKLUND
AND SHORT STOP CUSTOM
CATERING OF ST. CLOUD, MIN-
NESOTA AS THE U.S. SBA MIN-
NESOTA SMALL BUSINESS OF
THE YEAR

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mrs. BACHMANN. Madam Speaker, I rise today to recognize the U.S. Small Business Administration Minnesota Business of the Year, Short Stop Custom Catering, owned by Byron Bjorklund of St. Cloud, Minnesota. Bjorklund was inspired by a college class assignment to write a paper on running a business. From that paper, Bjorklund opened Short Stop restaurant in east St. Cloud and three years later, a second location in west St. Cloud.

Bjorklund was only a senior in college when he opened his first business, and a growing business coupled with a growing family had Bjorklund looking for options that would keep him in an industry and business he loved, while also allowing him to enjoy his family life. Opening up Short Stop Custom Catering in 1995 provided him with the freedom and security that so many entrepreneurs and business owners appreciate.

But, Bjorklund's story does not end there. Bjorklund opened his restaurant as a training facility for students with special needs. Bjorklund was particularly touched by one student with Down syndrome who returned to work at the place he loved so much even after

graduating high school. Later, Bjorklund and his wife would discover their fifth child had Down syndrome and the circumstances ignited a passion for working with the Down Syndrome Association of Minnesota. Since 1999, Short Stop Custom Catering has catered the annual Buddy Walk while Bjorklund recruited donations to make the event free to the participants; over 5,000 people last year alone.

Today, Short Stop Custom Catering is a staple in the St. Cloud community, serving as an exclusive caterer to many local businesses for events and daily meals. Small businesses are the backbone and lifeblood of our neighborhoods and business owners like Byron Bjorklund remind us all of the difference one individual can make in a community.

Madam Speaker, I rise to honor Byron Bjorklund not just for the innovation and entrepreneurial spirit he displays, but also to ask that this body also recognize his commendable service to the St. Cloud community and the Down Syndrome Association of Minnesota.

HONORING HAROLD MCINTYRE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Harold McIntyre. Mr. McIntyre passed away on December 4, 2009 and will be honored at the 2010 Valley Area Agency on Aging Senior Power Day for his work with the veterans of Genesee County. Senior Power Day will be held tomorrow at Crossroads Village in my hometown of Flint, Michigan.

Harold McIntyre worked as a Surgical Assistant at Flint General Hospital and in the Public Relations Department of The Flint Journal prior to his retirement. He served on the Westwood Heights District Board of Education and was the past commander of the Leo P. Crow VFW Post. A veteran of the Vietnam War he formed the McFarlan Park Veterans Committee to ensure the names of service personnel killed during their service were added to the monument. He was committed to renovating McFarlan Park as a veterans' memorial. Harold was instrumental in organizing the Downtown Small Business Association's Annual Memorial Day veterans march. In 2009 he planned the first Veterans March for the Valley Area Agency on Aging Senior Power Day. The theme was "A Tribute to World War II Veterans."

Madam Speaker, I ask the House of Representatives to join me in honoring the memory to Harold McIntyre. His work on behalf of veterans reminds us of the great debt we owe to those that sacrificed so much so we could have freedom and I commend Valley Area Agency on Aging for keeping his memory and work alive.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. PUTNAM. Madam Speaker, on Tuesday, May 18, 2010, and Wednesday, May 19, 2010, I was not present for 11 recorded votes. Had I been present, I would have voted the following way: Roll No. 273—"nay"; roll No. 274—"yea"; roll No. 275—"yea"; roll No. 276—"yea"; roll No. 277—"nay"; roll No. 278—"yea"; roll No. 279—"yea"; roll No. 280—"yea"; roll No. 281—"yea"; roll No. 282—"yea"; roll No. 283—"yea."

HONORING VETERANS HOME OF CALIFORNIA, FRESNO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. RADANOVICH. Madam Speaker, my colleague from California, Mr. COSTA, and I rise today to commend and congratulate the Central California Veterans Home Support Foundation upon the groundbreaking ceremony of the Veterans Home of California in Fresno. The ceremony is to be held on Wednesday, May 19, 2010 at the future site of the home and is a true testament of the hard work and dedication of the California Department of Veterans Affairs, the U.S. Department of Veterans Affairs and the Central California Veterans Home Support Foundation.

Having a home dedicated to serving the needs of the veterans in the San Joaquin Valley has been a long time goal of the Central California Veterans Home Foundation, CCVHF. This goal became achievable when the Millennial Healthcare Act of 2000 through the U.S. Department of Veterans Affairs, USDVA, was placed into effect, changing the way projects were evaluated for State Home Grant funding. Under the new rules, new Veterans Homes receiving grant funds would have to be located near veteran population centers; California has been listed by the USDVA as one of two states in "great need" for additional Veterans Homes, and Fresno is a region with a large veteran population and healthcare hub.

In response to the federal recognition, the state legislature and then California Governor Gray Davis, responded by passing the Veterans Home Bond Act of 2000 and Assembly Bill 1077 of 2004. This state legislation made funds available to develop and construct new Veterans Homes in Lancaster, Ventura, West Los Angeles, Fresno and Redding, and met the matching requirements of the federal funding.

CCVHF was formed and conversations were held with the California Department of Veterans Affairs, as well as local elected officials, to insure the Fresno project would happen. In 2003, funding was cut short due to budget issues within the state. The board members of the foundation took many trips to Sacramento to fight for the funding they were initially prom-

ised. After a six-year struggle, the state and federal government signed off on construction of the new Veterans Home in southwest Fresno. The twenty-seven acre site in West Fresno will be the site of a three-hundred bed facility for veterans, offering complete medical and dental care amidst the amenities of a small town atmosphere. CCVHF envisions a home where residents can participate in on and off campus activities, civic affairs and attend veteran service organization meetings. Residents will also have the option of participating in the Therapeutic Employment Program, visiting the on-site libraries, or attending events such as dances, social gatherings, special programs, arts and crafts, as well as staying active while gardening or swimming. The goal of the facility and CCVHF is to enable residents to achieve their highest quality of life in an atmosphere of dignity and respect.

Madam Speaker, Mr. COSTA and I rise today to commend and congratulate all of the organizations and individuals that have made the groundbreaking of the Veterans Home of California in Fresno possible. I invite my colleagues to join us in wishing the home and future residents great success.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 25, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 26

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Elisabeth Ann Hagen, of Virginia, to be Under Secretary for Food Safety, and Catherine E. Woteki, of the District of Columbia, to be Under Secretary for Research, Education, and Economics, both of the Department of Agriculture, and Sara Louise Faivre-Davis, of Texas, Lowell Lee Junkins, of Iowa, and Myles J. Watts, of Montana, all to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration.

SR-328A

Armed Services

SeaPower Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2011.

SR-222

10 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine the legality and efficacy of line-item veto proposals.

SD-226

Finance

To hold hearings to examine certain nominations; to be immediately followed by a business meeting to consider the nomination of Sherry Glied, of New York, to be Assistant Secretary of Health and Human Services.

SD-215

Health, Education, Labor, and Pensions

Business meeting to consider S. 2781, to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability, and the nominations of David K. Mineta, of California, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy, and Adam Gamoran, of Wisconsin, Deborah Loewenberg Ball, of Michigan, Margaret R. McLeod, of the District of Columbia, and Bridget Terry Long, of Massachusetts, all to be a Member of the Board of Directors of the National Board for Education Sciences.

SD-430

Indian Affairs

To hold hearings to examine the nomination of Tracie Stevens, of Washington, to be Chairman of the National Indian Gaming Commission.

SD-628

Appropriations

Interior, Environment, and Related Agencies Subcommittee

To hold hearings to examine firefighting policy with the U.S. Forest Service and the Department of the Interior.

SD-124

Joint Economic Committee

To hold hearings to examine how to minimize the impact of the great recession on young workers.

210, Cannon Building

2 p.m.

Aging

To hold hearings to examine dietary supplements, focusing on what seniors need to know.

SD-562

2:30 p.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine assessing challenges and opportunities for peace in Sudan.

SD-419

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2011.

SR-222

Commerce, Science, and Transportation
Communications and Technology Sub-
committee

To hold hearings to examine innovation
and inclusion, focusing on the Ameri-
cans with Disabilities Act at 20.

SR-253

MAY 27

Time to be announced

Small Business and Entrepreneurship

To resume hearings to examine the im-
pact of the Deepwater Horizon oil spill
on small businesses.

SR-428A

9:30 a.m.

Armed Services

Closed business meeting to markup the
proposed National Defense Authoriza-
tion Act for fiscal year 2011.

SR-222

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the finan-
cial state of the airline industry and
the implications of consolidation.

SR-253

Environment and Public Works

To hold hearings to examine an original
bill entitled, "Water Resources Devel-
opment Act of 2010", focusing on legis-
lative issues.

SD-406

Health, Education, Labor, and Pensions

To hold hearings to examine building a
secure future for multiemployer pen-
sion plans.

SD-430

Judiciary

Business meeting to consider S. 193, to
create and extend certain temporary
district court judgeships, H.R. 4506, to
authorize the appointment of addi-
tional bankruptcy judges, H.R. 1933, to
direct the Attorney General to make
an annual grant to the A Child Is Miss-
ing Alert and Recovery Center to assist
law enforcement agencies in the rapid
recovery of missing children, H.R. 908,

to amend the Violent Crime Control
and Law Enforcement Act of 1994 to re-
authorize the Missing Alzheimer's Dis-
ease Patient Alert Program, S. 258, to
amend the Controlled Substances Act
to provide enhanced penalties for mar-
keting controlled substances to mi-
nors, and the nominations of Robert
Neil Chatigny, of Connecticut, to be
United States Circuit Judge for the
Second Circuit, Scott M. Matheson,
Jr., of Utah, to be United States Cir-
cuit Judge for the Tenth Circuit, John
A. Gibney, Jr., to be United States Dis-
trict Judge for the Eastern District of
Virginia, John J. McConnell, Jr., to be
United States District Judge for the
District of Rhode Island, James
Kelleher Bredar, and Ellen Lipton Hol-
lander, both to be a United States Dis-
trict Judge for the District of Mary-
land, Susan Richard Nelson, to be
United States District Judge for the
District of Minnesota, and Stephanie
A. Finley, to be United States Attor-
ney for the Western District of Lou-
isiana, Laura E. Duffy, to be United
States Attorney for the Southern Dis-
trict of California, Scott Jerome
Parker, to be United States Marshal
for the Eastern District of North Caro-
lina, Darryl Keith McPherson, to be
United States Marshal for the North-
ern District of Illinois, and Gervin
Kazumi Miyamoto, to be United States
Marshal for the District of Hawaii, all
of the Department of Justice, and Dan-
iel J. Becker, of Utah, James R. Han-
nah, of Arkansas, Gayle A. Nachtigal,
of Oregon, John B. Nalbandian, of Ken-
tucky, Marsha J. Rabiteau, of Con-
necticut, and Hern n D. Vera, of Cali-
fornia, all to be a Member of the Board
of Directors of the State Justice Insti-
tute.

SD-226

2:15 p.m.

Judiciary

Antitrust, Competition Policy and Con-
sumer Rights Subcommittee

To hold hearings to examine the United/
Continental Airlines merger, focusing
on how consumers will fare.

SD-226

2:30 p.m.

Intelligence

To hold closed hearings to consider cer-
tain intelligence matters.

SH-219

MAY 28

9:30 a.m.

Armed Services

Closed business meeting to markup the
proposed National Defense Authoriza-
tion Act for fiscal year 2011.

SR-222

JUNE 8

10 a.m.

Health, Education, Labor, and Pensions
Children and Families Subcommittee

To hold hearings to examine the state of
American children.

SD-430

JUNE 10

10 a.m.

Homeland Security and Governmental Af-
fairs

State, Local, and Private Sector Prepared-
ness and Integration Subcommittee

To hold hearings to examine assessing
the effects of the Deepwater Horizon
oil spill on states, localities and the
private sector.

SD-342

JUNE 16

9:30 a.m.

Veterans' Affairs

To hold hearings to examine veterans'
claims processing, focusing on if cur-
rent efforts are working.

SR-418

SENATE—Tuesday, May 25, 2010

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of infinite goodness, confirm Your past mercies by empowering us to be faithful to Your commands. Help our lawmakers this day to use their understanding, affection, health, time, and talent to do what You desire. May the desire to please You with faithful service rule their hearts without a rival, guiding their thoughts, words, and works. By living to honor You, enable them to fulfill their duty to love You with all their heart, mind, soul, and strength. Lord, take possession of their hearts and order their steps by the power of Your loving providence.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate

will resume consideration of H.R. 4899, the emergency supplemental appropriations bill. The Senate will recess from 12:30 until 2:15 to allow for the weekly caucus luncheons. Rollcall votes are expected to occur throughout the day in relation to amendments to the supplemental appropriations bill.

SENATE WORKLOAD

Mr. REID. Madam President, as we look around the world, we have lots of issues that are extremely difficult ones. We have the Korean Peninsula situation that has drawn so much attention and rightfully so. We now have our Secretary of State in China working on this and other issues, and the Secretary of the Treasury is there. We have a situation where it appears a South Korean Navy ship was sunk for no reason; that dealt with the security of North Korea. We have the oil spewing into the gulf—thousands and thousands of barrels every day.

We have two wars we are watching closely, of course, in Iraq and Afghanistan. We have the situation in Europe, where governments are staggering because of financial problems. We have our own economy, which is doing better but certainly far from being where we want it to be. Then, on the floor this week we have two extremely important issues to deal with. One is the supplemental appropriations bill that we have combined with one given to us by the White House. We have the war spending, and then we have all the emergencies that came up during this year. Every year, this is something we always do.

We have to figure out a way to get through these in the next couple days. The House is going to act either tonight or tomorrow on an extenders bill—doing a lot of good things that our country and our economy needs very badly. We realize the efforts we have to undertake on the floor today, recognizing, of course, that we are not going to be dealing with all the issues I outlined, but we have important things to do this week. It will take the cooperation of both sides to get it done. I appreciate everybody's attention to the issues at hand but especially during this week.

I hope it is not necessary that we are going to be in session during the Memorial Day recess. There are a lot of issues we all have to take care of at home. When we go home, it is not a question of sitting around the pool, sipping cold drinks. We have a lot of work to do. The people we represent need to see us. Not everybody can come to

Washington and meet with us. There are people out there whom we are fortunate to be able to meet with during the break. When we are stuck in Washington, many times they simply cannot afford to come here. We also have the Memorial Day observances that are important to everybody, including the families of those who have lost loved ones. I hope everyone recognizes we have to try to get a lot of things done in the next few days.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. BEGICH). The Republican leader is recognized.

MEETING WITH THE PRESIDENT

Mr. MCCONNELL. Mr. President, I remind our Republican colleagues that the President will be meeting with us at noon. We look forward to seeing him. He is, of course, always welcome here. I am sure we will have a lively discussion.

HEALTH CARE

Mr. MCCONNELL. Mr. President, I wish to say a word about the administration's health care plan. Along with most Americans, the entire Republican conference opposed this legislation. We listened to the public and argued strenuously against its passage at every opportunity.

We also offered detailed reasons for our opposition, along with common-sense alternative reforms aimed at lowering the cost of health care without undermining the system we already have.

Since its passage, our arguments against the bill have been repeatedly vindicated, even as the administration's many promises about the bill have been called into question again and again. So Democrats may have passed this bill, but the debate is far from over. It is important that Americans know the ways in which the promises they heard aren't adding up.

The supporters of the bill said it would lower costs for families, taxpayers and small businesses and that the President would not support any plan that "adds one dime to the deficit."

As it turned out, Medicare's own experts say the bill will actually increase costs by more than \$300 billion.

The pricetag Democrats used to sell the bill is dramatically lower than the revised estimates that are now coming

in. Sometime in the next several days, Democrats in Congress plan to add tens of billions of dollars more in health care spending on top of that, which, if they had been honest about it, would have been included in the original bill.

Needless to say, all this extra spending is money we don't have, and it goes straight to the deficit.

Take all this together, and it is no wonder that an overwhelming majority of Americans continue to oppose this new law.

Tomorrow, Senator BARRASSO will be on the floor offering what he calls a second opinion on the bill. This is an important effort that I think deserves and will continue to receive considerable attention. Dr. BARRASSO is holding the supporters of the bill accountable for the assurances they gave the American people, who deserve to know the real effects and the real impact of this bill.

Related to all this, of course, are the methods the administration and its allies in Congress used to pass the bill. The cornhusker kickback may be a household phrase, but it is just one of the questionable methods that were used to force it through against the will of the public.

Another method was the stifling of critics, as was done by the Department of Health and Human Services.

I have spoken out repeatedly on the gag order HHS issued against private companies for doing nothing more than informing seniors about provisions of the bill that could affect their benefits.

Well, now you can add another layer of outrage to that unfortunate chapter in this debate because, just yesterday, I came across a recent flyer from the Department of Health and Human Services, which I am holding up, that does the very thing the administration didn't want private companies to do. They sent out a gag order against private companies saying you cannot express yourself about how this law would affect your beneficiaries. Now the government, at taxpayer's expense, is sending out—with our tax money—exactly the same thing to seniors that they would not let a private company do.

This flyer purports to inform seniors about what the health care bill would mean for them. Much of it directly contradicts what the administration's own experts have said about the law. This flyer—printed at taxpayers' expense and distributed to seniors—contradicts what the administration's own experts are saying about the health care bill. All this, as I said earlier, is bought and paid for by the American taxpayer.

This is a complete outrage. It is an absolute outrage. It is precisely the kind of thing that Americans are so angry about at the moment.

Here is the Federal Government telling a private business it can't communicate with its clients about important

legislation and then doing the very same thing itself, paid for with our tax money.

The administration's own Actuary at the Centers for Medicare and Medicaid Services says seniors who use Medicare Advantage will lose benefits as a result of this bill. Yet the flyer they are putting out says absolutely nothing about that. Instead, it implies that nothing will change for seniors.

But perhaps most egregious is the claim that a bill which cuts Medicare by \$½ trillion will actually "preserve and strengthen" Medicare. What nonsense.

This is nothing short of government propaganda, paid for by the taxpayer. I am sure Dr. BARRASSO will have more to say about this in the weeks ahead.

I commend to my colleagues a brochure that was put out by the Centers for Medicare and Medicaid Services and the message therein by the Secretary of Health and Human Services, Kathleen Sebelius—"Medicare and the New Health Care Law—What it Means for You."

SUPPLEMENTAL APPROPRIATIONS

Mr. MCCONNELL. Mr. President, yesterday, the Senate began consideration of the supplemental spending bill to fund the surge of forces into Afghanistan and our ongoing efforts in Iraq.

President Karzai was recently here to talk about the situation in Afghanistan, and during that same week General McChrystal briefed the Armed Services Committee on the conduct of the overall campaign.

One message that came through from both visits is that the surge in Afghanistan is not yet complete and the counterinsurgency strategy General McChrystal has developed is still in its early stages. So it is impossible to overstate the importance of supporting our troops in the field.

In the coming year, the resolve of NATO forces in Afghanistan will be tested by the Taliban fighters. The Taliban leadership in Pakistan will be watching with interest to see if this Congress and our country stand firmly behind the counterinsurgency strategy and so will our Pakistani partners, elected governments in European capitals, and average citizens in Afghanistan.

Low-level Taliban fighters in Afghanistan will ultimately have to decide whether to side with a government that has yet to earn their trust or Taliban leaders. They will be watching our efforts as they weigh whether to side with the Taliban leaders or their current government in this fight. This is why we must keep up the pressure.

The stakes are as high as ever. We have seen that in recent weeks as the Pakistani Taliban has attempted to strike us here at home and as the Afghan Taliban has launched high visi-

bility strikes at military installations in Kandahar and at Bagram. Afghan leaders who attend the coming peace talks will be waiting to see if the United States can be trusted to stay long enough to fulfill our promises of helping the security forces of Afghanistan become operationally effective.

American forces have brought great pressure on the Taliban in Afghanistan. That must continue if General McChrystal's strategy is to succeed. We must work together to help him ensure that the Taliban do not return to power in Afghanistan and that Afghanistan does not again become a sanctuary for terrorists.

In short, we must pass this bill with bipartisan support and resist the urge to slow it down or to use it as a mere vehicle for deficit spending on pet domestic projects that will only bog us down in a partisan fight.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4899, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 4174, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Sessions/McCaskill amendment No. 4173, to establish 3-year discretionary spending caps.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have conferred with the distinguished chairman of the Appropriations Committee, Senator INOUE. There is no objection that I ask unanimous consent to continue for a few minutes as in morning business. I make such a request.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENDING DISCRIMINATION

Mr. LEAHY. Mr. President, I support congressional action to move past the policies that discriminated on the basis of sexual orientation against men and women serving and wanting to serve in our Nation's military.

I commend Admiral Mullen, the Chairman of the Joint Chiefs of Staff, Defense Secretary Gates, and the President for their leadership on this important issue. America is defended by the finest military in the world.

There should be no place in America, including in our military, for discrimination.

While the country and Congress work to move the country forward and open the doors of opportunity to all Americans, some still choose to sow division and partisan conflict. How ironic that the policy of nondiscrimination that Elena Kagan sought to encourage while serving as the Dean of Harvard Law School is poised to become the law of the land, while those who oppose her nomination continue to distort her lawful actions to ensure that the school followed its nondiscrimination policy.

I support the reversal of the don't ask, don't tell policy. I hope all Senators will.

Two weeks ago, President Obama nominated Elena Kagan to succeed Justice John Paul Stevens as Associate Justice of the Supreme Court of the United States. Much has been written and said about this nomination during the last 2 weeks and more will be said over the next month, as we prepare for the Judiciary Committee's hearing, which will begin on June 28. So far, there has been far too much talk about the process and too much partisanship surrounding this important matter. Among the most serious constitutional duties entrusted to the Senate is the confirmation of Supreme Court Justices. So let us refocus on the qualifications of this extraordinary nominee, remembering that a Supreme Court Justice is there not to serve a Republican or a Democratic administration but all 300 million Americans.

When the President announced his choice back on May 10, he talked about Solicitor General Kagan's legal mind, her intellect, her record of achievement, her temperament, her fair-mindedness. No one can question the intelligence or the achievements of this woman. She is at the top of the legal profession. She is no stranger to breaking glass ceilings. She was the first woman to be dean of the prestigious Harvard Law School. It was from Harvard Law School that she earned her law degree magna cum laude. Previously, she earned a degree summa cum laude from Princeton University. She clerked for two leading judicial figures—Judge Abner Mikva on the Court of Appeals for the District of Columbia Circuit and then on the Supreme Court for one of the most extraordinary lawyers and judges in American history, Justice Thurgood Marshall.

As an advocate, Thurgood Marshall helped change America for the better by bringing cases that challenged racial discrimination. He won an extraordinary 29 of the 32 cases he argued before the Court, one of the most outstanding records of advocacy before the Court, including the landmark case of

Brown v. Board of Education which helped bring an end to racial segregation in education in America, a blot on our country that was finally removed by that case.

Despite his obvious legal qualifications, when Thurgood Marshall was nominated to the Second Circuit Court of Appeals by President Kennedy in 1961, his nomination was stalled by opponents in the Senate before he was eventually confirmed by a bipartisan vote of 54 to 16. He gave up that lifetime appointment when called upon by President Johnson to serve as Solicitor General of the United States, the top legal advocate for the United States. Now, 40 years later, it is Elena Kagan who is serving as the Solicitor General of the United States, the first woman in America's history to serve as Solicitor General.

Two score and 3 years ago, President Johnson nominated Thurgood Marshall to be the first African American to serve on the U.S. Supreme Court. President Johnson said that it was "the right thing to do, the right time to do it, the right man and the right place." President Johnson was right, and that nomination helped move the country forward. The nomination was confirmed by a bipartisan Senate vote of 69–11.

The American people have now elected our first African-American President, a leader who is committed to the Constitution and rule of law. With his first selection to the Supreme Court, he named Justice Sonia Sotomayor, the first Hispanic to serve on the high Court. She was confirmed last year and has been a welcome addition to the Supreme Court. Now he has nominated only the fourth woman in the Court's history, a nominee who when confirmed will bring the Court to a new high water mark of three women serving as Justices. Yet Senate Republicans seem to want to shift the standard from when the Senate was considering President Bush's nominees to the Supreme Court—John Roberts and Samuel Alito—and to apply a new standard to President Obama's nomination of Elena Kagan.

I have long urged Presidents from both political parties to look outside what I have called the judicial monastery and not to feel restricted to considering only Federal appellate judges as potential Supreme Court nominees. When confirmed, Elena Kagan will be the only member of the Supreme Court who did not serve as a Federal appeals court judge. When confirmed, she will be the first nonsitting Federal judge to be confirmed to the Supreme Court in almost 30 years, since the appointment of Justice Sandra Day O'Connor.

When the President introduced Elena Kagan to the country, I was interested in him talking about learning from Justice Marshall that "behind law, there are stories—stories of people's

lives as shaped by the law, stories of people's lives as might be changed by the law." The President said that her understanding of law is not merely intellectual or ideological but how it affects the lives of people.

We heard Solicitor General Kagan earlier this month talk about the importance of upholding the rule of law and enabling all Americans to get a fair hearing. She said, "law matters; because it keeps us safe, because it protects our most fundamental . . . freedoms; and because it is the foundation of our democracy." Like her, I believe law matters and matters in people's lives. The Constitution is our protection.

Since her nomination, Solicitor General Kagan has met with dozens of Senators. I understand she will conclude her meetings with the Senators serving on the Judiciary Committee in the coming weeks. We have each had a chance to meet with her, speak with her, ask her questions, and learn more about her. At our Judiciary Committee hearing next month, the American people will have the chance to see her, hear her, and get to know her.

Fourteen months ago, the Senate considered Elena Kagan's impressive legal credentials when we confirmed her in a bipartisan vote to be the Solicitor General of the United States, the Nation's top lawyer. The person filling that vital post is informally referred to as the "tenth Justice," because the Solicitor General works so closely on significant cases before the Supreme Court. Solicitor General Kagan has now argued a broad range of issues, including her successful defense of Congress's ability to protect children from pedophiles.

With this nomination, Elena Kagan follows in the footsteps of her mentor, Thurgood Marshall, who also was nominated to the Supreme Court from the position of Solicitor General. She broke the glass ceiling when she was appointed as the first woman to serve as Solicitor General, as she did when she was named the first woman to serve as dean of the Harvard Law School. They are historic accomplishments. In fact, as dean, Elena Kagan worked well with all ideological components of the faculty at Harvard. She took action to bring more conservative viewpoints to the institution and encouraged civil discourse. Those are skills that will be useful in what often appears to be a sharply divided Supreme Court.

Having counseled the President to look outside the judicial monastery, a recommendation I have made to every President since I have been here, beginning with President Ford, I was struck that the first wave of attacks by Senate Republicans to this nomination was that she lacked judicial experience. These attacks ignored Senate Republicans' own recent statements

praising President Bush's nomination of Harriet Miers for being someone who had not served a judge, calling her a "wonderful choice" who would "fill very important gaps in the Supreme Court." Now that a Democratic President is nominating, they reverse themselves to contend that lack of judicial experience is a matter for "concern," is "troubling," and a matter that "warrants great scrutiny." Ralph Waldo Emerson once said that a foolish consistency is the hobgoblin of little minds. They are not suffering hobgoblins, but the Senate Republicans are moving the goalposts, and shifting the standard from when the Senate considered the Roberts and Alito nominations. Republicans should not apply a double standard to the nomination of this qualified woman.

Of course this Republican criticism ignores another key fact: They are themselves responsible for her lack of judicial experience. President Clinton nominated her to the DC Circuit in 1999 and it was Senate Republicans who refused to consider her nomination. Had they done so she would have more than 10 years of judicial experience.

Republican Senate leadership staff was recently quoted as admitting that these early attacks on Solicitor General Kagan's experience were really just a ploy in what they view as a partisan game. "'The lack of experience isn't the put-away shot,' the aide said. 'It's the door we use to get into her record.'" This is from Roll Call, May 12, 2010. I wish Senate Republicans would not approach our constitutional responsibilities with respect to judicial confirmations as a partisan game.

This feigned criticism of her that somehow she is unqualified because she lacks judicial experience is ignorant of our history and constitutional government. It is very recently that the path to the Supreme Court has become so narrow. Indeed, nearly half of our Supreme Court Justices were nominated to the Court from a position other than a judgeship. Fifty-four of our 110 Supreme Court Justices were not serving as judges when nominated. Forty-one justices had no judicial experience at all. Let me mention a few of the distinguished Justices without prior judicial experience: Chief Justice John Marshall, Justice Louis Brandeis, Justice Felix Frankfurter, Justice Byron White, Justice Robert Jackson, and Justice William Rehnquist.

Chastened after having been reminded of their recent support for President Bush's nomination of Harriet Miers, who had not been a judge, Senate Republicans abandoned this poll-driven line of attack. They are now trying a different tack. They contend that the President should not be nominating someone who has served in the government or his administration.

Of course, Senate Republicans did not voice any such concern before the

American people elected President Obama. The most obvious example is, again, that of President Bush's nomination of Harriet Miers. Senate Republicans did not object to Ms. Miers' nomination because she had served in the government or because she was serving as counsel to the President. They did not object that she was too close to the President and could not be independent. To the contrary, they objected and joined with extreme right-wing activists to force the President to withdraw that nomination because they feared they could not count on her enough. She did not pass their ideological litmus test. They could not be certain how she would vote and whether she would carry out their judicial agenda.

Nor did Senate Republicans express any concern when President Bush made other nominations to the Federal courts from his close advisers and team. Senate Republicans supported his nominations of Brett Kavanaugh, who was serving as his Cabinet Secretary, Jim Haynes, the loyal general counsel of the Defense Department, and Jay Bybee from his Office of Legal Counsel. The issue I raised in connection with the nomination of Alberto Gonzales to be Attorney General was his unfettered loyalty to President Bush and his lack of independence. No Republican joined in my concern then, but most soon after had to acknowledge that many of us had been right when we investigated White House influence in the firing of U.S. attorneys for political reasons. I hope that Senate Republicans will not apply a new standard to Elena Kagan's nomination that was not applied when the Senate considered the nominations of those men.

Unlike these Republican critics, I have always championed judicial independence. I think it is important the judicial nominees understand that as judges they are not members of an administration, but they are judicial officers. They should not be political partisans but judges who uphold the Constitution and the rule of law for all Americans. That is what Justice Stevens did in *Hamdan*, which held the Bush administration's military tribunals unconstitutional, and tried to do in *Citizens United*, the Supreme Court's recent narrow decision in which five Justices opened the door for massive corporate spending on elections. That is why the Supreme Court's intervention in the 2000 presidential election in *Bush v. Gore* was so jarring and wrong.

I welcome questions to the Solicitor General about judicial independence. But let us be fair. Let us listen to her answers. Let us set this overheated rhetoric aside. Let us be fair to Solicitor General Kagan, fair to her distinguished record. There is no basis to question her integrity, no reason to presume she would not be independent.

Thurgood Marshall was the Solicitor General of the United States when President Johnson nominated him to the Supreme Court. Does anyone think Justice Marshall lacked independence? Earl Warren had been designated to be Solicitor General when President Eisenhower nominated him to be Chief Justice. Does anyone contend that Chief Justice Warren lacked independence? Robert Jackson was serving as Attorney General when President Franklin Roosevelt nominated him. Does anyone contend that Justice Jackson lacked independence? Justice Byron White was serving as the Deputy Attorney General when President Kennedy nominated him. Does anyone contend that Justice White lacked independence? And, of course, John Marshall was serving as Secretary of State when President Adams nominated him to be Chief Justice. Does anyone contend that Chief Justice Marshall, the person who established the principal of judicial review, lacked independence? Chief Justice Roberts, Justice Alito and Justice Scalia all had significant experience working in the Justice Department but no Republican questioned their independence. In fact, Solicitor General Kagan is the 19th Supreme Court nominee to be named directly from a significant executive branch position.

Before someone questions the independence of this nominee, they should have a basis. I know of none. No one should presume that this intelligent woman who has excelled during every part of her varied and distinguished career lacks independence. I know of no basis for such contention.

I look forward to the beginning of the Judiciary Committee hearings. I was amazed, flabbergasted to hear concerns about the schedule I set for her nomination. I tried to set the same schedule as that I agreed on for Justice Roberts during the Bush administration and Justice Sotomayor during the Obama administration.

I have to admit, I did not hit it exactly. We are taking a day longer to begin hearings for Elena Kagan than for John Roberts or Sonia Sotomayor. To do it exactly on the same day, we would have to start on a Sunday, and I did not think that would be fair. So we are adding a day, and we are starting on a Monday.

I only note that when a Republican President nominated a man to the Supreme Court, the schedule was fine. When a Democratic President nominated women to the Supreme Court with exactly the same schedule, suddenly it is not a fair schedule. Maybe I am old fashioned. Maybe I am influenced by my wife, my daughter, my three granddaughters. But I think the rules ought to be the same for men and for women. That is why her schedule is the same.

Let us stop the crocodile tears on the other side about schedules. They did

not complain when it was a Republican man being nominated with that schedule. Do not complain when a Democratic President nominates a woman and it is the same schedule.

I look forward to these hearings. That is when Solicitor General Kagan will finally be given the opportunity to answer questions and will, based on all I know about her, give the American people and open-minded Senators confidence in her legal knowledge and abilities. I expect that after reviewing her record and hearing from her during the Judiciary Committee's hearing, Senators on both sides of the aisle and the American people will conclude that the President has nominated an outstanding future Justice.

Mr. LEAHY. Mr. President, I appreciate the never-ending courtesy of the Senator from Hawaii to a more junior Senator.

Mr. INOUE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Sessions amendment is the pending question on the Supplemental Appropriations Act.

The Senator from Hawaii.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4173

Mr. INOUE. Mr. President, this will be the fourth time this year the Senate has faced an amendment from the Senator from Alabama which seeks to constrain discretionary spending. Each one of the amendments has been similar.

The Senator from Alabama uses last year's budget resolution as his starting point. He argues that since Congress agreed to this level last year that we should stick with it.

His goal is to mandate that the Congress hold the line on discretionary spending at these levels.

I would remind my colleagues that the Budget Committee had the ability to make these caps binding when they passed this resolution last year, but they chose not to.

Instead they put these notional targets in the resolution.

However, since the last time the Senate defeated the amendment, one important change has occurred. The Budget Committee has now reviewed the President's budget request for fiscal year 2011 and has marked up a new budget resolution. They have changed their recommendation.

Since the committee has determined the levels that it believes should be adhered to, I am not sure what benefit

the Senate would have in agreeing to the notional targets in last year's resolution.

Moreover, like the last three times, there simply is no justification for the rest of the amendment.

We all understand that discretionary spending is likely to be frozen this year as the President has proposed. Our Budget Committee recommends it be cut by an additional \$4 billion.

This proposal goes way beyond what the President or the Senate Budget Committee recommends.

The President has proposed a modified spending freeze which caps non-security related spending.

The president's proposal allows growth in Homeland Security; this amendment does not assume growth.

The President has requested more than \$732 billion in his budget for national defense for fiscal year 2011, including the cost of war. This amendment only allocates \$614 billion.

While the proponents of this amendment note that it waives the \$50 billion war allowance, why does the amendment not support the full request? Some interpret the provision to mean if we want to support our men and women deployed overseas we would need to get 60 votes.

Does the Senate really want national defense to be hostage to a 60-vote threshold?

This is not the same as President Obama's plan.

Over the three years in the Sessions amendment, the caps he would put into place are \$141 billion below President Obama's 3-year plan, \$50 billion below defense and \$91 billion below non-defense spending. Moreover, this is not the Budget Committee's plan.

The Sessions amendment is \$82 billion below the budget resolution which the committee adopted—including a cut of \$50 billion from Defense over 3 years.

There can be no argument about this point.

The level in the Sessions amendment will require the Appropriations Committee to cut defense spending in fiscal year 2011 by \$9.5 billion and nondefense spending by about \$11 billion.

If you vote for this measure while seeking program increases this year, you can forget about such increases. Instead, in a budget that already freezes nondefense spending, we will cut another \$20 billion.

If we adopt the Sessions caps we will not be able to fund the priorities of our colleagues, and we will have to gut the President's agenda for discretionary spending, including education, green jobs, and homeland security.

As I have said now several times before, the critical flaw in this amendment is it fails to do anything serious about deficits. It fails to address the two principal reasons why our fiscal house is out of balance.

It is a fact that the growth in the debt has resulted primarily from unchecked mandatory spending and massive tax cuts for the rich. This amendment fails to respond to either of those two problems. In short, this amendment is shooting at the wrong target.

Moreover, this amendment also wants to raise the threshold on discretionary spending increases to a 67-vote approval, allowing one-third of the Senate to dictate to the majority.

We already have a threshold of 60 votes required to increase discretionary spending above the budget resolution.

I, for one, cannot believe the Senate wants to let a mere one-third of the Senate dictate to the other two-thirds whether there is a bona fide need for increased spending.

This is the wrong direction for this institution. Mandatory spending has increased substantially the last few years.

Tax cuts for the rich have constrained revenues, but neither tax cuts nor mandatory spending increases would be subject to the 67-vote threshold.

The Senator from Alabama says this approach worked to help balance the budget in the 1990s; Well, that is only partially correct, and here is the difference.

In the 1990s our budget summits produced agreements to cap discretionary spending, but they also decreased mandatory spending and increased revenues at the same time.

It was only by getting an agreement on all three areas of the budget at the same time that we were able to achieve a balanced budget.

Let's be clear. Many of our colleagues on the other side of the aisle are happy to put a cap on discretionary spending, but they do not want to put policies in place to make sure we have enough revenues to reduce the deficit.

Any honest budget analyst can tell you we will never achieve a balanced budget just by freezing discretionary spending. We could eliminate all discretionary spending increases for defense, other security spending, and nondefense spending and still not balance the budget.

Moreover, if we cut discretionary spending without reaching an agreement on mandatory spending and taxes, we will find it very hard to get those who do not want to address revenues to compromise.

I want to remind my colleagues that the deficit reduction commission is tasked with helping us get our financial house in order. They will look at both revenue and spending and find the right balance to restore fiscal discipline.

They will make their recommendations to the Congress, and the Majority Leader has committed to bringing the recommendations of that Commission to the Senate for a vote.

Rather than rushing to address only one small portion of the issue, the Senate should await the judgment of the Deficit Reduction Commission, which will cover all aspects of the problem.

As chairman of the Appropriations Committee, I agree that everyone should tighten their belts.

The problem with this amendment is that all the tightening will be done on a small portion of spending, while revenues and mandatory spending will still be unchecked.

The Senate has already rejected this flawed plan three times this year. This amendment has not gotten any better in the intervening period.

However, we know that it is not only out of step with the administration, but it is also out of step with our Budget Committee.

It is still shooting at the wrong target. It still fails to address the real causes of our deficits and national debt. It would provide far less funding than either the President or the Senate Budget Committee.

I urge my colleagues once again to vote no.

I yield the floor.

APPOINTMENT OF CONFEREES—H.R. 4173

The PRESIDING OFFICER. Pursuant to the order of May 20, 2010, the Chair appoints Mr. DODD, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. SHELBY, Mr. CRAPO, Mr. CORKER, Mr. GREGG; from the Committee on Agriculture, Nutrition and Forestry, Mrs. LINCOLN, Mr. LEAHY, Mr. HARKIN, and Mr. CHAMBLISS, conferees on the part of the Senate.

The Senator from Hawaii.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRANKEN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

START TREATY

Mr. FRANKEN. I rise today to speak about the New START treaty that President Obama and President Medvedev signed in Prague on April 8. In fulfilling the Senate's constitutional responsibility to offer our advice and consent on the treaty, we must give it our diligent and timely consideration.

I have previously spoken about the fundamental justification for the New START treaty. It serves our national security interests. What I want to address in this and succeeding statements are some of the more significant specifics of the treaty and the arguments we are likely to hear about them. Today, I am going to focus on the strength of the treaty's monitoring and verification regime, which is established in the treaty itself, given more detail in the Protocol, and even more detail in the annexes.

The verification regime in the New START treaty is extensive, elaborate, and appropriate to the treaty's central limits and today's world. Secretary Gates has testified that when we hear from the intelligence community, they will tell us they are confident they can monitor it. The verification regime speaks strongly for ratification, and sooner rather than later.

Ronald Reagan once said, "Trust but verify." The verification regime established by the treaty is the means for ensuring that Russia is complying with the limits on strategic nuclear arms in the treaty: 800 deployed or nondeployed intercontinental ballistic missile launchers, submarine-launched ballistic missile launchers, and heavy bombers equipped for nuclear weapons.

Within that limit, each side can have 700 deployed ICBM missiles, SLBMs, which are, again, the submarine-launched ballistic missiles, and heavy bombers. We can each have 1,550 total warheads on the deployed delivery vehicles.

The original START treaty, which expired in December, was widely valued for its verification regime. It effectively ensured that military significant violations of the treaty would be detected in a timely way, and therefore be deterred.

It also gave us real insight into the Russians' strategic forces and helped to establish a relationship of greater trust, transparency, cooperation, and confidence between our two nations.

The verification regime established by the New START treaty is modeled on the original one, but it is updated because the central limits of the treaty are different and because we are in different times. Our relationship with Russia is different. We are less suspicious of Russian intentions and much less uncertain about Russian capabilities.

But the bottom line is the same: the verification regime under the new treaty will ensure compliance and sustain a more stable, transparent, and cooperative relationship with the world's other great nuclear power.

A very strong foundation for monitoring and verification of the treaty limits is established by the provision on the use of and non-interference with National Technical Means of Verification, such as satellites and remote sensing equipment. The provision in the New START is virtually identical to that of the original START Treaty. Without the new treaty, we lose a major obstacle to Russian interference with National Technical Means of Verification; without this check, they might attempt to conceal their forces.

The New START treaty also provides for extensive exchanges of data on the numbers, locations, and technical features of weapons systems and facilities—including telemetry on up to five

ICBM and SLBM launches per year. The U.S. and Russia will have to share large amounts of information on treaty-limited items, which has to be updated regularly. In addition, the Russians will be obligated to provide us notifications on the movements and production of their long-range missiles and launchers.

For the first time, Russia and the U.S. will also record and share unique identifiers on all ICBMs, SLBMs, and heavy bombers covered by the treaty—not just mobile missiles, as in the original START treaty. These unique identifiers—in effect, serial numbers—will go a long way toward enabling us to track both deployed and nondeployed Russian missiles. They also serve as a deterrent against treaty violation.

All the information we will receive forms the basis for further verification through on-site, short-notice inspections at Russian operating bases, storage facilities, test ranges, and conversion and elimination facilities. The treaty provides for 18 inspections per year.

If the inspections don't match the information that has been shared, that is a violation of the treaty. For instance, if we were to find a deployed missile that had been identified by the Russians as nondeployed, that would be a violation. Thus, the inspections can serve as a deterrent against cheating, as well as providing yet another, continuously updated source of information on Russian forces.

Finally, the Bilateral Consultative Commission set up by the treaty is a forum for the two nations to raise and address issues of compliance as well as implementation.

There can be little question that without these extensive verification measures, we will be less safe. To be sure, thanks to the verification regime of the original START treaty, we have extensive knowledge of Russian nuclear forces, and that will not disappear. We know far more than we did in 1991. But that knowledge will degrade much faster and more completely without the successor treaty's verification regime. Without the new treaty's verification regime in place, a major source of strategic stability, transparency and communication with Russia would be lost.

Some critics, however, have suggested that there are monitoring gaps in the verification regime that call the New START treaty into question. Two issues in particular have been raised: the limitation on telemetry, and the loss of portal and perimeter monitoring at the Votkinsk missile assembly facility in Russia. I want to say a little about each of these. Both criticisms are, in my mind, misguided, though for different reasons.

The criticism of the treaty's provisions on telemetry appears to neglect

relevant differences between the New START treaty and the old START treaty. Telemetry is the information generated and transmitted during missile test flights. In the original START treaty, each side was prohibited from encrypting or otherwise denying access to its telemetry. The telemetric data helped us understand, for verification purposes, the capabilities of the missiles tested. The article-by-article analysis of the original START treaty singled out missiles' throw-weight and the number of reentry vehicles as central items telemetry helped verify.

The New START treaty allows for a more limited exchange of telemetry, on no more than five ICBM and SLBM launches each year. Critics have seized on this reduction. The limited telemetric exchanges under the new treaty are an important source of ongoing transparency and confidence-building between our two countries.

However, the simple fact is, as Secretary Gates and Admiral Mullen have both testified, we don't need telemetry to monitor compliance with this treaty. Unlike the original START, the new treaty has no limits on missile throw-weight. Hence, we don't need to verify compliance with such limits. We also don't need telemetry to help attribute a number of warheads to a missile type. The new treaty doesn't use such an attribution rule the way the old treaty did. Instead, we actually count the number of warheads on a missile. This is both more precise and eliminates a problem we had run into with the old treaty's rule, which forced us to overcount the number of warheads that are actually on our missiles.

The other alleged monitoring gap has to do with the loss of the perimeter-portal continuous monitoring system—or PPCMS—at Russia's Votkinsk missile production facility. That loss is unfortunate, but probably inevitable after our previous administration expressed to the Russians its intention to bring the monitoring at Votkinsk to an end.

However, thanks to our existing knowledge of Russian missiles and launchers, the verification measures in the treaty, and our National Technical Means, the treaty makes up for the loss of the Votkinsk portal monitoring. In particular, the new treaty requires the Russians to notify us 48 hours in advance of any missile leaving the Votkinsk facility, which allows us to cue our National Technical Means.

They also must notify us when the missile arrives for deployment or storage. In this way, we can in fact achieve birth-to-death insight into their missiles. The unique identifiers and inspection system will also deter cheating. Finally, the Russians are producing few enough missiles, and their existing ones are few enough in number, that it is hard to envision a realistic breakout scenario.

The loss of the Votkinsk portal monitoring is thus unfortunate, but compensated for by other provisions of the treaty. And if Members are concerned about the loss of Votkinsk, think about how much worse it would be if we didn't ratify the New START treaty—that is, the loss of all monitoring and verification measures and the treaty's central limits themselves.

To sum up, our negotiators got a very good deal on verification, and I commend them. There simply are not monitoring gaps opened up by the treaty. On the contrary, the verification regime established by the treaty is a significant reason to support it. It serves to ensure compliance with the central limits in the treaty. It also will pay off by boosting transparency and confidence in our relationship with Russia and sustaining our insight into Russian forces.

What would open up a significant monitoring gap over time would be the failure to bring this treaty into force. For the same reason, we should move without delay in our consideration of the treaty. The old treaty expired last December. The longer we go before we establish the new verification regime, the more our insight into Russian forces will degrade. We need to diligently consider all the materials the administration has furnished us. We also need to do it without unnecessary delay. There is no question we are better off with the verification regime under the new treaty than without it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. WYDEN. I ask unanimous consent that the Senate proceed to the following postal naming bills en bloc: Calendar Nos. 380, 384 through 387, and 389 through 395, and 397; S. 2874, S. 3200, H.R. 3250, H.R. 3634, H.R. 3892, H.R. 4017, H.R. 4095, H.R. 4139, H.R. 4214, H.R. 4238, H.R. 4425, H.R. 4547, H.R. 4628.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. WYDEN. Mr. President, I ask unanimous consent that the bills be read the third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROY RONDENO, SR. POST OFFICE BUILDING

The bill (S. 2874) to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building," was ordered to be engrossed for a third reading, was read the third time, as passed, as follows:

S. 2874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROY RONDENO, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, shall be known and designated as the "Roy Rondeno, Sr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Roy Rondeno, Sr. Post Office Building".

ZACHARY SMITH POST OFFICE BUILDING

The bill (S. 3200) to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the "Zachary Smith Post Office Building," was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ZACHARY SMITH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, shall be known and designated as the "Zachary Smith Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Zachary Smith Post Office Building".

PRIVATE FIRST CLASS GARFIELD M. LANGHORN POST OFFICE BUILDING

The bill (H.R. 3250) to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building," was ordered to a third reading, was read the third time, and passed.

GEORGE KELL POST OFFICE

The bill (H.R. 3634) to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the "George Kell Post Office," was ordered to a third

reading, was read the third time, and passed.

E.V. WILKINS POST OFFICE

The bill (H.R. 3892) to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office," was ordered to a third reading, was read the third time, and passed.

ANN MARIE BLUTE POST OFFICE

The bill (H.R. 4017) to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the "Ann Marie Blute Post Office," was ordered to a third reading, was read the third time, and passed.

CONGRESSWOMAN JAN MEYERS POST OFFICE BUILDING

The bill (H.R. 4095) to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building," was ordered to a third reading, was read the third time, and passed.

SERGEANT MATTHEW L. INGRAM POST OFFICE

The bill (H.R. 4139) to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the "Sergeant Matthew L. Ingram Post Office," was ordered to a third reading, was read the third time, and passed.

ROY WILSON POST OFFICE

The bill (H.R. 4214) to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office," was ordered to a third reading, was read the third time, and passed.

W.D. FARR POST OFFICE BUILDING

The bill (H.R. 4238) to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building," was ordered to a third reading, was read the third time, and passed.

MARTIN G. 'MARTY' MAHAR POST OFFICE

The bill (H.R. 4425) to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office," was or-

dered to a third reading, was read the third time, and passed.

CAPTAIN LUTHER H. SMITH, U.S. ARMY AIR FORCES POST OFFICE

The bill (H.R. 4547) to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the "Captain Luther H. Smith, U.S. Army Air Forces Post Office," was ordered to a third reading, was read the third time, and passed.

SERGEANT CHRISTOPHER R. HRBEK POST OFFICE BUILDING

The bill (H.R. 4628) to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the "Sergeant Christopher R. Hrbek Post Office Building," was ordered to a third reading, was read the third time, and passed.

CLARENCE D. LUMPKIN POST OFFICE BUILDING

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 398, H.R. 4840.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4840) to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the "Clarence D. Lumpkin" Post Office.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment and an amendment to the title.

[Strike the part shown in black brackets and insert the part printed in italic.]

H.R. 4840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARENCE D. LUMPKIN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at [1979]1981 Cleveland Avenue in Columbus, Ohio, shall be known and designated as the "Clarence D. Lumpkin Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Clarence D. Lumpkin Post Office".

Amend the title so as to read: "An Act to designate the facility of the United States Postal Service located at 1981 Cleveland Avenue in Columbus, Ohio, as the 'Clarence D. Lumpkin Post Office'.".

Mr. WYDEN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; the bill, as amended, be read the

third time and passed; the title amendment be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The title amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 4840), as amended, was passed.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010—Continued

AMENDMENT NO. 4183

Mr. WYDEN. Mr. President, at this time I ask unanimous consent to set aside the pending amendment and call up amendment No. 4183, the Wyden-Grassley amendment to end secret holds in the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mr. GRASSLEY, proposes an amendment numbered 4183.

Mr. WYDEN. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to object to any measure or matter)

At the end of the amendment, insert the following:

SEC. . ELIMINATING SECRET SENATE HOLDS.

(a) IN GENERAL.—

(1) COVERED REQUEST.—This standing order shall apply to a notice of intent to object to the following covered requests:

(A) A unanimous consent request to proceed to a bill, resolution, joint resolution, concurrent resolution, conference report, or amendment between the Houses.

(B) A unanimous consent request to pass a bill or joint resolution or adopt a resolution, concurrent resolution, conference report, or the disposition of an amendment between the Houses.

(C) A unanimous consent request for disposition of a nomination.

(2) RECOGNITION OF NOTICE OF INTENT.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent to object to a covered request of a Senator who is a member of their caucus if the Senator—

(A) submits the notice of intent to object in writing to the appropriate leader and grants in the notice of intent to object permission for the leader or designee to object in the Senator's name; and

(B) not later than 2 session days after submitting the notice of intent to object to the

appropriate leader, submits a copy of the notice of intent to object to the Congressional Record and to the Legislative Clerk for inclusion in the applicable calendar section described in subsection (b).

(3) **FORM OF NOTICE.**—To be recognized by the appropriate leader a Senator shall submit the following notice of intent to object:

"I, Senator _____, intend to object to _____, dated _____. I will submit a copy of this notice to the Legislative Clerk and the Congressional Record within 2 session days and I give my permission to the objecting Senator to object in my name." The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date that the notice of intent to object is submitted.

(b) **CALENDAR.**—Upon receiving the submission under subsection (a)(2)(B), the Legislative Clerk shall add the information from the notice of intent to object to the applicable Calendar section entitled "Notices of Intent to Object to Proceeding" created by Public Law 110-81. Each section shall include the name of each Senator filing a notice under subsection (a)(2)(B), the measure or matter covered by the calendar to which the notice of intent to object relates, and the date the notice of intent to object was filed.

(c) **REMOVAL.**—A Senator may have a notice of intent to object relating to that Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

"I, Senator _____, do not object to _____, dated _____." The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date of the submission to the Congressional Record under this subsection.

(d) **OBJECTING ON BEHALF OF A MEMBER.**—If a Senator who has notified his or her leader of an intent to object to a covered request fails to submit a notice of intent to object under subsection (a)(2)(B) within 2 session days following an objection to a covered request by the leader or his or her designee on that Senator's behalf, the Legislative Clerk shall list the Senator who made the objection to the covered request in the applicable "Notice of Intent to Object to Proceeding" calendar section.

Mr. WYDEN. Mr. President, this is the fourth time in under 2 weeks that Senator GRASSLEY and I, with a large bipartisan coalition of Senators in the Senate—a coalition that spans the philosophical spectrum of membership in the Senate—has sought to pass this legislation to finally end the stranglehold of secret holds.

The American people want accountability from their elected officials, but there is simply no accountability when the Senate operates in secret. The fact is, this has gone on for years and years, and it has been done on a bipartisan basis. Right now there are scores of qualified nominees for important positions in the administration and the Federal courts who can't get a vote on the Senate floor—and it has also taken

place on a bipartisan basis for years and years—as Senator GRASSLEY and I have tried to make the point over this decade that we have been attacking secrecy in the Senate and that this has gone on in a bipartisan fashion.

The fact is a secret hold is one of the most powerful tools a Member of the Senate has today. I would be the first to grant that the American people have no idea what secret holds are. The fact is a secret hold can effectively kill a nomination or piece of legislation, and it can be done without anyone—colleagues in the Senate or the public—knowing who did it or why.

One of the points I also wish to make—and it hasn't been explored in the discussion of secret holds—is a secret hold is a very powerful weapon that is also available to lobbyists. My guess is practically every Senator has gotten a request from a lobbyist asking if the Senator would put a secret hold on a bill or a nomination in order to kill it without getting any public debate and without the lobbyist's fingerprints appearing anywhere. In fact, if you can get a Senator to put an anonymous hold on a bill, it is almost like hitting the lobbyist jackpot. Not only is the Senator protected by a cloak of anonymity but so is the lobbyist. A secret hold can let lobbyists also play both sides of the street and can give lobbyists a victory for their clients without alienating potential future clients. Given the number of instances where I have heard of a lobbyist asking for secret holds, I am of the view that secret holds are a stealth extension of the lobbying world in Washington, DC.

In the Senate there has been an effort to improve the rules and have stricter ethics requirements with respect to lobbyists. It is something of an irony if the Senate—which it has in the past—adopts a variety of changes to curtail lobbying without doing away with what, in my view, is one of the most powerful tools that is available to lobbyists, and that is the secret hold. So what Senator GRASSLEY and I have been working on over the past decade—and with this bipartisan coalition we have been able to assemble in the Senate—is the desire, once and for all, to permanently eliminate the use of secret holds.

I also believe that given the Wall Street reform bill that was just passed in the Senate to bring greater openness and accountability to financial institutions, it seems to me for the Senate to be telling Wall Street it has to operate in a more transparent, open way, this is a pretty darn good time for the Senate to reform the way the Senate does its business. If we are going to set about the task of telling folks on Wall Street to be more open and more accountable, certainly the rules in the Senate ought to be changed to abolish the secret hold.

Under current Senate rules, it is still possible for Senators to use a secret

hold to block legislation or a nomination from coming to the floor without having to give any reason. There is no openness or accountability to anybody when a Senator places a secret hold. My view is the Senate shouldn't have a double standard where we are passing laws and rules to require greater openness and accountability of others, and particularly American institutions such as Wall Street, while tolerating a practice that keeps both the public and colleagues in the Senate in the dark without accountability to anyone.

Under the proposal Senator GRASSLEY and I have sought to pass—and I see my good friend from Iowa here, and I noted that this is our fourth such effort in about 2 weeks to finally bring some sunlight to the way the Senate does business—under our proposal, somebody—a Senator—is going to have to own a hold publicly within 2 days. That is a key change because we have looked at the Executive Calendar, we have looked at all of the places where we might see someone actually publicly own up to having a hold, and Senator GRASSLEY and I haven't seen that kind of transparency and accountability.

So under our proposal which we are seeking to pass this morning, every hold—every hold—is going to have to have a public owner within 2 days.

Let me give an example of how this would work. Let's say a Senator objects to bringing up a nomination on behalf of a colleague. If the Senator behind the hold who, in effect, is kind of the culprit in all of this secrecy doesn't go public by putting a notice in the CONGRESSIONAL RECORD within 2 days, then the Senator who objected on the floor on behalf of this culprit is going to be listed in the Executive Calendar as having placed the hold. The Senator who is in effect covering up for the colleague will get the blame if the real culprit—the real Senator who is trying to protect secrecy—would not come clean.

So, in effect, what Senator GRASSLEY and I are seeking to do is put public pressure and peer pressure to get Senators to reveal their hold. If Senators keep objecting to legislation or nominations on behalf of other colleagues, pretty soon that Senator can get identified as responsible for dozens of holds. We think—Senator GRASSLEY and I and Senators INHOFE, COLLINS, UDALL, BENNET and MERKLEY, a big group that is involved in this on a bipartisan basis—with this approach we are going to create public pressure because nobody here in the Senate is going to want to go down in history as being "Senator hold."

In my view, it will also create peer pressure on Senators to come clean about their holds. Let's say Senator GRASSLEY is on the floor or I am on the floor when a unanimous consent is made and one of us has to object on behalf of a colleague. We will go tell that

colleague that he or she better come clean because we are not interested in having our names put on the Executive Calendar as the one who is supporting this secret hold.

I also believe the Grassley-Wyden approach cures other problems with the current holds policy by shortening the time period before a hold must be made public from the current 6 session days to 2 days. Our view is that 2 days is plenty of time for a Senator to determine whether to continue objecting and make the objection public or to withdraw the objection.

Our bipartisan proposal also includes reforms that make it harder for Senators to place revolving holds on a nomination or bill. Senator GRASSLEY and I have seen this problem, over this decade we have been involved in this. Senator GRASSLEY mentioned the fact that we have always said this is being done in a bipartisan way that there is a very serious problem of revolving holds, where in effect a hold is passed on to another Member of the Senate. First, we eliminate the ability of a Senator to lift a hold before the current 6-day period expires and never has to disclose it. Under our proposal, if a Senator places a hold—even for 1 day, even for just a minute—that hold would have to be disclosed. Second, by shortening the time period, it will be even more difficult to keep finding new Senators to place new holds every 48 hours.

I want to close by expressing my appreciation to Senator GRASSLEY, Senators INHOFE, COLLINS, and others on the other side who have worked for this badly needed reform, to bring sunshine to the Senate. Senator GRASSLEY and I have put more than a decade into this effort.

I also thank my colleagues on this side of the aisle, particularly Senators BENNET, UDALL, and MCCASKILL, who have brought a tremendous amount of new energy and passion to this cause.

Finally, after all this time, let us eliminate secret holds. Let's require public disclosure of all holds and ensure that there will be consequences if the Senator fails to disclose secret holds. I ask for our colleagues' support. It is a bipartisan effort that Senator GRASSLEY and I have pursued for many years to bring greater transparency and accountability to the Senate by eliminating secret holds once and for all.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I thank my colleague from Oregon for keeping up the fight. We have been at it for a long period of time. There has been a dry spell recently when this has not been a major issue. So we didn't feel, when there wasn't an interest in getting rid of secrecy within the Senate, like bringing this up. But now

there is all this concern about what is going on with so many holds in the Senate—either bills or nominations—and that it is influencing the productivity of the Senate.

There has been a lot of discussion on the floor of the Senate about this issue, so the opportunity is ripe once again. This is the fourth or fifth time in the last couple weeks we have been at it. I thank my colleague from Oregon for keeping up the fight. I am glad to work with him as a Republican, and a lot of other Republicans who support this effort of making the public's business more public, the Senate's business more public.

Senator WYDEN went into the details of the legislation, so I am not going to repeat that. But I want people to know that, from my side of the aisle, he has given an accurate representation, through his explanation, of the intent of our amendment. Without repeating that, I have made it a practice for a long period of time—I don't know, it has been 10 or 12 years—that when I put a hold on a bill or put a hold on a nomination, I have put a statement in the public record so that they know the Senator from Iowa has done this and my reason for doing it.

I want to tell my colleagues who think we ought to maintain the adjective before the word "hold," it hasn't done any harm to me. There has been no retribution because of it. It has given people on a different side of the fence on the issue that I am—with my having a hold on—the opportunity to know it is me, and they can come to me for whatever reasons they want, and see whatever arrangements we can make, or whatever compromises were necessary to move things along; and they knew it was this Senator from Iowa and my rationale behind it. It gives us an opportunity to work out differences. That is what the Senate, being a deliberative body, is all about.

On the other hand, when this Senator from Iowa finds that somebody puts a hold on a nominee or a bill I have an interest in, and it is secret, then this Senator can't go to the other Senator and say, what is the problem? What can we do to work out our differences? Then that impedes the deliberative work of the Senate.

We feel there is nothing wrong with the process of a hold, except for the adjective "secret," which can legitimately be put in front of the word "hold." We want to preserve the deliberative aspect of the Senate. We don't want anybody to pull a quick one on anybody. The hold prevents that from happening. But we ought to know who you are and why you are doing it.

This legislation the Senator from Oregon and I have put forth will do exactly that. It is all about transparency and, with transparency, I think you get accountability. That is what representative government is all about—ac-

countability. The public ought to have a right to know where Senators take a stand. This legislation will permit that.

In the final analysis, if you are a Senator who has guts enough to put a hold on a bill, you ought to have guts enough to let us know who you are. I hope that from now on the word "secret" is never anything that is used in the Senate except on things dealing with privacy or national security. Beyond that, the other 99.5 percent of the Senate's business ought to be totally open to the public.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I commend my colleagues Senators GRASSLEY and WYDEN for wanting to solve a problem. I appreciate them being willing to put some solutions forth.

I think it is important that we talk about the bigger picture when we talk about secret holds. I want to make it clear that I am not interested in holding anything in secret. As a matter of fact, whenever we do it as part of Steering, we let the cloakroom know we are holding a bill.

I think it is important that America knows what we are talking about here. At this point in the Senate, 94 percent of all of the bills are passed by unanimous consent. So this is hardly a lack of productivity. What this means is that 94 percent of the bills that pass the Senate have no debate, no vote, no amendments, no reading of the bill, no online disclosure and, very often, no score from the Congressional Budget Office.

When I first took over the Steering Committee, one of the things I learned quickly is that whenever we are having a break—if we are going for a week, such as we are after this week—on my way to the airport I would get a call from staff telling me there were dozens of requests to pass bills by unanimous consent. They knew we were going out of town. A lot of them had pretty big price tags on them. You don't get \$13 trillion in debt when you are doing things right. Part of the problem is that 94 percent of the bills that pass the Senate pass in secret. The problem is not secret holds; it is the secret passing of bills, when often we don't even know who is requesting passage. If we didn't have staff available at night when they run their so-called hotlines—which means the phone in your office rings and they ask if you will agree to pass a bill, and you have not read it and you don't know what it costs, but if you don't agree to pass it by unanimous consent, you are holding the bill.

If you ask to read it for a day or so, it is likely that some association is getting e-mails from either the Republican or Democrat side saying that

Senator DEMINT is holding this desperately needed piece of legislation, which nobody else has read.

I would be glad to work with my colleagues on dealing with this issue if they believe secret holds are a problem. I think that passing 94 percent of the bills without anybody reading them or knowing they are being passed is not a good way to do business. I think it is fair to have some system where, first, you cannot secretly ask for a bill to be passed by unanimous consent. That is what goes on today.

We should look at the Coburn-McCaskill measure where, if you want something passed by unanimous consent in the dark of night, you have to put it on the Internet for at least 3 days, with a cost from the Congressional Budget Office, so that we know what we are getting into.

Again, I remind you that we don't have a problem in Washington of not passing enough bills or spending enough money. The problem we have is we are passing bills that we don't even read that have pricetags that are running our country into a crushing debt. Again, I want to work with my colleagues. But if you are opposed to secret holds, which are really not a problem—and I am not aware of one where we don't know who is holding it. I have a problem with people asking that bills be passed in secret, and that 94 percent of the bills in this place get passed that way.

There are a lot of pressing issues we face as a country, but one of them is not secret holds. If we want to spend floor time debating it, I want to be involved with that debate. We have no problem here with things that are being slowed down. The problem we have is that every week—like this week—we are adding to our spending and borrowing more money as a country, increasing our national debt, and we are expanding the Federal Government. This is not something we need to speed up. We need Members of the Senate to read bills. We don't need to be talking about holding a bill when someone innocently asks to read a bill and to let you know tomorrow.

Let's work on this. If you want bills to go through quickly, let's get rid of the secret passing of bills that have never been on the Internet or seen the light of day. This is something where I know my colleagues are well intended, but the real problem is the secret bills and Members secretly asking to pass them. I will be glad to let you know I am holding them.

Mr. WYDEN. Will the Senator yield for a question, without losing his right to the floor?

Mr. DEMINT. I will in a moment.

I will ask this: Could we include in your legislation the idea that whenever somebody wants to pass a bill by unanimous consent, they have to come to the floor and say: I, Senator JIM

DEMINT, want to pass this bill, a bill I have not read, which has not been online for 3 days, which has no score from the CBO, and I desire to pass this bill with no debate and no rollcall vote? If we would do that as individuals, I will be glad to give up my right to any secret hold.

I will yield to the Senator.

Mr. WYDEN. Mr. President, I think the Senator and I are making some progress because I was about to pose almost the same question to my colleague.

I believe the Senator from South Carolina is talking about the Coburn-McCaskill proposal. To make sure Senators have actually read legislation, I have already indicated to Senators COBURN and MCCASKILL that I am interested in being a cosponsor of this legislation. I think it is a constructive idea.

In effect, we are asking each other the same questions. I think the measure the Senator from South Carolina is talking about, the Coburn-McCaskill measure, is an important one. I have indicated I will be a cosponsor.

By way of saving some time, would my colleague be willing now to let Senator GRASSLEY and me advance our proposal to eliminate secret holds today, given the fact that we have gotten more than a decade's worth of work, now that I have publicly acknowledged that I think the point the Senator from South Carolina has made, which is very much in line with the Coburn-McCaskill measure, is a valid one? My hope would be that, after putting more than a decade into this effort, the Senator from South Carolina would let us finally get a vote on this bipartisan effort to eliminate secret holds, with this public acknowledgment, at least on my part, that I think the Senator's point is valid with respect to Senators reading bills and I intend to be a cosponsor of the Coburn-McCaskill legislation.

Mr. DEMINT. Mr. President, I thank the Senator for being willing to work with colleagues. It is unfortunate that he has spent a decade on this bill and missed the main point. The main problem is secret bills, not secret holds. But if the Senator is willing to modify his amendment with the Coburn-McCaskill language and if it includes revealing who is trying to pass the bill, along with putting it online with a Congressional Budget Office score, I will be glad to support the Senator's efforts for this amendment. But I will not support the adoption of his amendment *a la carte* without the language being modified to include the Coburn-McCaskill language and the revealing of whoever is asking that bill be passed.

Again, I will enjoy working with my colleagues if this is important to them to get this amendment adopted. Again, I think there are certainly more press-

ing issues, but I am not interested in holding anything secretly. If the Senator will work with us on modifying his language, I think we can get this adopted and maybe even by unanimous consent.

Mr. WYDEN. Mr. President, will the Senator yield again without giving up his right to the floor?

Mr. DEMINT. Yes, I will.

Mr. WYDEN. My understanding from the sponsors—Senators COBURN and MCCASKILL is they are not yet ready. In other words, we have been talking with them. I have already indicated to Senator COBURN that I would be a cosponsor of his proposal. We now have what amounts to not just a private acknowledgment that the point of the Senator from South Carolina is valid but a public one on the floor of the Senate.

I say to my colleague, my understanding from the sponsors is that they are not yet ready to bring this before the Senate, and that is why I am hopeful that—given the acknowledgment that the Senator from South Carolina has a valid point with respect to making sure bills are actually read, my hope would be that the Senator from South Carolina would let Senator GRASSLEY and me go forward, finally have that vote, given the fact we have spent more than a decade laying the groundwork, and that we could at least make some progress today in the Senate.

Mr. DEMINT. Mr. President, I thank the Senator. I think if we waited a decade for this amendment, we can spend another day or two to get it right. If the Senator is certainly supportive of their language, I know their legislative staff well enough that we can get this incorporated with the language of the Senator from Oregon probably in a few hours and get this amendment done. I will be happy to help with that effort.

I thank the Senator for his interest in cooperating. I thank the Presiding Officer. I yield the floor.

Mr. INOUE. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withdraw his request?

Mr. INOUE. I do.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I find myself agreeing with the Senator from South Carolina. I find myself agreeing—I am glad my colleague Senator WYDEN also agrees. I raise this point, and I raise it for a point of discussion and consideration, not to challenge the purpose of the Senator from South Carolina.

It seems to me that if we all agree the Wyden-Grassley amendment is a good approach and at least Senator WYDEN and I and Senator MCCASKILL and Senator COBURN and Senator DEMINT believe the McCaskill-Coburn measure is a good measure, why would

you want to hold up the Grassley-Wyden amendment? Is there a feeling that maybe the McCaskill-Coburn measure cannot rise and fall on its own? Then I think you might leave the impression that there is some subterfuge to see that the Wyden-Grassley bill does not get adopted.

Since there is a consensus on all these points, I think we ought to be able to move forward in a separate way and not use one good idea to leverage another good idea because if they are both good ideas, they can stand on their own. In the process, we do not have to then raise any questions about the legitimacy of the second idea, which would be the McCaskill-Coburn idea on reading legislation and making sure we have a score and making sure it is brought up in an environment where there is not secrecy. Again, what I said about secrecy in this body, it should only affect national security and people's personal privacy. Everything else ought to be the public's business. It is the public's business, and it ought to be public.

I raise the point that each item ought to stand by itself and that the five of us—and there are more than five of us, but at least on the Wyden-Grassley amendment, there seem to be at least three people in this body speaking this morning who think it ought to move forward, and there are at least three in this body, plus two others who are not here, MCCASKILL and COBURN, who feel the other idea ought to move forward. We ought to move forward separately with the help of everybody involved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, let me speak very briefly on secret holds and then make a unanimous-consent request.

I express again my appreciation to the distinguished Senator from Iowa, Mr. GRASSLEY. He very often seems too logical for some of these debates. I very much share his view.

The point is, we do have a great deal of consensus. We have had three Senators, in effect, talking over the last 20 minutes with no substantive disagreement. The reality is, eliminating secret holds and shining some sunlight in the Senate on how we do business, it is ready to go. It has been ready to go now four times in the last 10 days.

I very much appreciate Senator GRASSLEY's comments today. We ought to have a vote on it. I have tried to show my good will, as the distinguished Senator from Iowa has this morning, in saying that we happen to think Senators COBURN and MCCASKILL and Senator DEMINT's comments reflect this—have a very good idea as well. I have told them privately and again I state publicly this morning that it is my intent to be a cosponsor

of the legislation. It is not yet ready to go, which is, in effect, what Senator GRASSLEY has touched on.

Efforts to reform the Senate and do our business in public when the American people are as angry as they are at the way Washington, DC, does business—one ought to have, as Senator GRASSLEY says, the guts to go public when one is trying to object to a bill or nomination.

My thanks to Senator GRASSLEY for our decade-long push—10 years-plus in trying to do it—and also for the very constructive way he has tried to reach out to colleagues on both sides of the aisle. That is what I have tried to do again this morning with my comments to Senator DEMINT.

I note that the chairman of the Appropriations Committee is also in support of the effort to get rid of secret holds. I thank him for his indulgence and for giving us this opportunity to speak on the floor of the Senate this morning.

Senator GRASSLEY and I are going to come back again and again until this secret hold, which is an indefensible violation of the public's right to know, is finally buried. I thank him.

RECESS

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. this afternoon.

There being no objection, the Senate, at 12:11 p.m., recessed until 2:15 p.m., when called to order by the Presiding Officer (Mrs. GILLIBRAND).

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS-CONSENT REQUEST—S. 3305

Mr. MENENDEZ. Madam President, I rise to talk about the oilspill in the gulf and the continuing challenges it presents to us. I know some of my colleagues are going to be joining me in a few moments to talk about this. I will ask consent for a colloquy. But I am going to make a few comments about it and then, in recognition of Senator INHOFE's need to move to another commitment, I will ask unanimous consent at that time.

I want to make absolutely certain that big oil polluters pay for oilspills and not the taxpayers—not small business owners, not States or the Federal Government, which means the Federal taxpayers.

We have seen things get worse on the spill over the weekend. Unfortunately, things are, frankly, getting much worse than we would have imagined when we first introduced this legislation. Today the United States declared

a fishing disaster in three gulf States—in Louisiana, Mississippi, and Alabama. Louisiana's fishing industry alone is \$2.4 billion of seafood and supplies up to 40 percent of all the U.S. seafood in our country. It is, in my mind, a growing and continuing environmental and economic disaster.

Tragically, it seems to me, a \$10 billion cap—we originally thought, based upon the Exxon Valdez experience, where there were close to \$4 billion in claims 20 years ago, that was a cap that may have been an appropriate one. But in fact it seems to me the only way to ensure that oil companies are held accountable for all of their potential damages, for the proposition that a polluter pays at the end of the day, is to agree with the administration's statement and to raise from a cap of \$75 million to an unlimited cap. I will be asking that in my unanimous consent motion in a few minutes.

We heard already the objections to our legislation. We have even heard some claim that it is "un-American" to hold a multibillion dollar corporation accountable for the very disaster it caused. It boggles my mind, at least as one Senator, that there are those who believe that holding BP accountable for the disaster they created in the gulf is un-American.

This is a chance to show if we stand with big oil companies or with small businesses, with fisheries, with coastal communities, with tourism, with hotels—with all of those individuals, fellow Americans who are being hurt by this disaster. It is an opportunity to say do we stand with the American taxpayer or with corporate shareholders.

It seems to me the choice is pretty clear. Miles of coastline have already been affected. Environmentally sensitive wetlands are increasingly being under threat. We have seen that, despite the fact that the rig was "state of the art," it obviously was not too safe to fail.

Now the damage to the environment, to the economy of the gulf, to the fishermen, to the small businesses, to the Nation is mounting. I hope my colleagues are ready to act, especially when we have the statements of BP, that have been reiterated, that they are going to subject themselves—even though there is a legal cap of \$75 million—not for the cleanup, not for all the efforts that are underway—yes, that clearly is their responsibility—but a legal cap of \$75 million for all of the liability, for all of those coastal communities and fishermen and seafood fishermen, shrimp fishermen, and commercial seafood processing plants, tourism, and a whole host of other elements that may be affected, that they be limited to \$75 million—less than 1 day of BP's profit. BP was making at the rate of \$94 million a day. Seventy-five million dollars would be less than 1 day of BP's profits.

If they say they are going to be responsible—and any companies similarly situated should be fully responsible, accountable and subject to that liability—what is the objection to raising the cap?

I hope everyone in the Chamber will do the right thing to hold big oil accountable for the damages they caused. Damages are mounting. They still have not stopped the leak. While BP says they will pay all “legitimate claims,” their word is not legally binding. As a matter of fact, when they were before the Energy Committee, colleagues of mine asked them, clearly, questions and they began to equivocate as to what is a legitimate claim.

Today I asked the Assistant Attorney General of the United States, who was before the Energy Committee, is there a consent agreement between the government and BP, that holds them—legally binding—to the proposition that they will be subject to all the liabilities they have caused? And the answer was no. There is some letter, but even that letter is rather amorphous.

When I hear they are equivocating before the committee, and when I see the experience we already had with Exxon—that made all similar types of statements and then litigated for 20 years—it seems to me this clearly raises concerns that they will try to find a convenient loophole, a convenient way out once the public relations nightmare is over, a way to say no, as many of my colleagues seem to want to say no and stand on the side of big oil companies and stand in the way of legislation that would raise the liability caps to ensure that big oil polluters pay for the damage they caused.

I see, by example, one company, BP, made nearly \$6 billion in profits—not proceeds, profits—in 3 months of this year; when the top 5 oil companies made nearly \$25 billion in profits—not proceeds, profits—in 3 months, and that somehow we are worried about them even when they caused the type of potentially enormous consequences that BP has actually caused in this case, and we are not worried about those communities, our taxpayers, and our fragile ecosystem. It is a failure that now threatens the entire gulf coast. It could go all the way to the Florida Keys.

I appreciate the administration earlier today embraced the idea of unlimited liability. I commend them for that. I want to make sure BP ends up committing to pay for this disaster, not by their words but by a legal obligation to do so, and that is what we can create today. There should be no legal wiggle room for oil companies that devastate coastal businesses and communities now or in the future.

In view of that goal, I now ask unanimous consent that the Environment and Public Works Committee be discharged of S. 3305, the Big Oil Bailout

Prevention Unlimited Liability Act of 2010, that the Senate proceed to its consideration, that the only amendment in order be the substitute amendment that is at the desk, that the substitute amendment be agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table.

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. Is there an objection?

The Senator from Oklahoma.

Mr. INHOFE. Reserving the right to object, first let me say I agree with most of what the Senator from New Jersey is saying. He mentioned the profits of the top five oil companies—Shell, BP, ConocoPhillips, ExxonMobil, and Chevron. They are the giants.

If we will recall, last week when I objected to the arbitrary figure, the cap of \$10 billion, it was because it was arbitrary. I quoted a lot of people in the administration saying we do not want to have—it should not be an arbitrary cap. One of the complaints I had was, if you do have an arbitrary cap and that was at \$10 billion, that would mean only the big five plus the national oil companies—Venezuela, China, certainly—would be in a position to do this work offshore.

It is my feeling if you take the \$10 billion off and make it totally unlimited, that could very well shut out even the five and leave nothing but national oil companies in a position to be doing it.

I believe we should increase the cap. I know there is unanimity in that notion. We have to do it. The Secretary of Interior said this about the \$10 billion cap:

[I]t is important that we be thoughtful relative to that, what that cap will be, because you don't want only the BP's of the world essentially to be the ones that are involved in these efforts.

I agree with 90 percent of what the Senator says, and with the Secretary of Interior, what he has said about this—that we need to determine how high that cap should be. It should be much higher. We have plenty of time to do that. Let me emphasize there is no cap in terms of the cleanup damages. We are only talking about economic damages here. There is no cap on cleanup damages. I think there should be. At some point we have to arrive at a cap. A lot of people are working on it. The administration is working on it, the Department of Interior is working on it, and we are working on it. I think we need to increase that. For that reason we need to have the time to get that done, and I do object.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, first, I am disappointed because I appreciate what the distinguished Senator from Oklahoma said, but the reality is, the administration has been thoughtful. They have thought about it. Today they announced, as well as was verified by the Assistant Attorney General at a hearing, that it is their view that in fact there should be an unlimited cap. So they have not equivocated about an amount. They have now said it should be an unlimited cap; unlimited, just as BP has suggested that they are going to accept unlimited responsibility for the liability they have created as a result of the spill in the gulf.

I have difficulties understanding, when we begin to talk about sizes—that if you are smaller but conduct yourself with the same potential risky consequences that end up polluting the gulf or anyplace else as it is being polluted right now—that simply because you are smaller but you take the same risks that you should have less liability, which means that then all of us as taxpayers—and I know a lot of people here do not want to see the Federal Government more involved. They want to see the Federal Government less involved until they need the Federal Government and then they come clamoring to this Chamber for money.

It seems to me if these companies—and the Senator only mentioned the top five, but there are more that have good profits, but certainly the top five. If they made \$25 billion in 3 months, why in God's name should I give them any of the taxpayers' money when they mess up, when they pollute?

What Representative of what State is going to come here and say give us money because, by the way, we were harmed in this way or that way or the other when in fact they are unwilling to hold the oil companies responsible—with record profits? It is not acceptable.

If we say if you are not one of the big 5 but we are worried about the next 10—they may be smaller but some of these entities that get referred to as independents—you know, there is one that actually owns a 25-percent stake in the well that is spilling in the gulf. They are valued at \$40 billion. I don't think for the average American that is a mom-or-pop.

The reality is, regardless of the size, the fundamental public policy question, if you take an activity that is risky, shouldn't you be responsible for the consequences of your risky activity or do we shift the responsibility to the general public and the taxpayer?

It is like what we just went through in the Wall Street debate. So when they hit it big on the oil well and everything goes well, they keep the money. But when something goes wrong, the rest of us pay for the consequences. I do not think the American

taxpayers want to see that. That is not what they have in mind as being responsive to their interests.

So I know my colleague from New Jersey wanted to enter into a colloquy with me. I would be happy to yield to him now.

Mr. LAUTENBERG. I thank my friend and colleague from New Jersey. When we hear the objection, as we have heard it, we have now three times offered legislation to lift the \$75 million liability cap for oil companies, and I have to shake my head as I hear what is being said. The land that is drilled on is Federal land. It is land that everybody owns. It is our land. It is not their land. If you come into my yard and destroy my house, you pay for it because it is not the person who did the damage who owns it.

It is shocking when I hear things such as “arbitrary test”—arbitrary. Whatever damage is caused ought to be paid for, very simply. So we on this side, our side of the aisle, are united that we need to do away with this cap. The liability is extensive. It ought to be paid for, especially by people who can afford to pay.

When you think about it, these companies have to be reminded they are not selling lawnmowers; they are extracting oil from our property. They are making billions and billions of dollars on it, almost shamefully. I look at it and I remember that one time there was an excess profits tax in America. It was during World War II. It said companies that profited as a result of the war, as a result of the crisis, had to pay an extra tax on the profits they made. That is what we ought to be doing now. These profits they make and the damage they create are an unconscionable twosome.

So those on the other side object each time we try to do something that enables our country, the people, to recover the damage that was put upon them by either careless or reckless behavior by three companies united: BP, Transocean, Halliburton.

So there is no doubt about it. Shamelessly, they want to stick with big oil while people across the country suffer from either damage or costs that are moved over to them. Evidence continues to mount that big oil cannot be trusted. BP's CEO said this spill is not very serious, a very tiny amount, and the environmental impact would be very modest. He said it publicly.

Well, they want to downplay the damage, but they cannot hold it. They cannot make the public believe, they cannot make those who are responsible for the measurement believe it. They do not want to pay the full cost even though they are responsible for the full damage.

Transocean—it is amazing—tried to go to court citing an 1851 maritime law to limit their liability. At the same time, we face billions in monetary

damages, far more than the Exxon Valdez spill, and damage to industry is growing as tourism suffers. Twenty-two percent of gulf fisheries have been closed. Those responsible for messing it up must be responsible fully for cleaning up—just like families do, just like neighborhoods do, just like communities do.

With billions and billions of profits, we know big oil can afford to bail itself out, and they ought to pay for it, period. So we are standing here once again asking our Republican colleagues a simple question: Whose side are you on? I think it is pretty evident. They are on the side of big oil while we stand up for ordinary Americans trying to eke out a living in these very difficult times.

I hope there will be a reconsideration, and they will agree those who do the damage ought to pay for the damage they created.

Mr. MENENDEZ. Reclaiming my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. I appreciate my distinguished colleague from New Jersey who has been a stalwart on this issue, as well as in the past, on the whole question of the environment. The Senator is a member of the Environment and Public Works Committee. I appreciate his comments.

I know the Senator from Florida wanted to join us in a colloquy, as well as the Senator from Illinois. So let me ask unanimous consent to continue the colloquy with first Senator NELSON, then Senator DURBIN, and then I will yield the floor.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. I object.

Mr. MENENDEZ. I still have the floor?

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. MENENDEZ. Let me ask the Chair if, as I have the floor, if I yield to a colleague for a question, is that not permissible?

The PRESIDING OFFICER. It is permissible to yield for a question.

Mr. MENENDEZ. I would be happy to yield to my colleague from Florida for a question.

Mr. NELSON of Florida. If I may ask the Senator from New Jersey a question, can the Senator believe once we got up the live feed, 5,000 feet below the surface of the Gulf of Mexico, that once experts, specialists, professors, were able to see what, in fact, had been told to us was only 1,000 barrels a day, was revised to 5,000; that many experts in the country revised upwards, that it may be up as much as ten times as much as 5,000 barrels a day?

Would the Senator acknowledge that those statements have been made?

Mr. MENENDEZ. I not only acknowledge that those statements have been

made, but I know the Senator and others, including myself, have raised the fact that BP's credibility in this respect is not credible. In fact, scientists have gone into the gulf and made the determination that at the rate that spill is taking place, it is far beyond what BP told us. As a matter of fact, we have an interest in this regard not only, of course, because of the environmental consequences but also because of the royalties we should be claiming on all of that oil that is being let out.

So the Senator is correct. This is one of the issues we are facing.

Mr. NELSON of Florida. If the Senator would yield for a further question.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, my question additionally to the Senator from New Jersey would be, given the fact of the pictures we now see of the devastation occurring in some of the marshlands in Louisiana, along with the shots of the few beaches that are now covered and the effect upon the wildlife, as well as the marine life—would the Senator say there is a great deal of concern among people all along the gulf coast, as well as the eastern seaboard of the United States, of what possibilities there are if there is that much oil in the gulf and what that could do to the economies of these coastal communities?

Mr. MENENDEZ. Well, I appreciate the Senator's question. The Senator himself has at various times informed this body of something that he has referred to as the loop current, which is, in essence, a natural current that could very well take the oilspill from the region of the gulf and move it along the Senator's State in Florida and beyond.

This is an enormous concern. Already, as I said earlier, the U.S. Government has banned fishing products from three States, and the consequences of that just in one dimension in terms of the seafood that part of the country generates for us domestically, both in terms of the billions of dollars as well as the consumption of seafood is now one that has been barred by the U.S. Government.

So we are increasingly seeing the consequences of this damage. There is real concern this could move in a direction that would be consequential to other States as well.

Mr. NELSON of Florida. One final question, Madam President, if I may—

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. To the Senator from New Jersey.

Can the Senator from New Jersey believe the fact that we hear people being apologist for BP? It is clear we hope and pray this “kill” of the well that is going to be attempted in the morning is going to be successful. But on all the safety devices that did not work—and

why was the well not attempted to be killed 5 weeks ago? Yet would the Senator believe there are people out there who are actually being an apologist for BP with the threat to the economy of the Southeastern United States as it is now?

Mr. MENENDEZ. Well, I appreciate the Senator's question and his concern. I think it is the concern of many. The reality is, I have heard comments that to hold BP accountable is un-American. Well, I think it is un-American to allow BP to go ahead, pollute the natural resources of the United States and not be held accountable in an unlimited fashion, which is the administration's position because they have created enormous consequences which we have yet to fully understand—we have yet to fully understand.

I know the Senator from Illinois was just on a trip to the gulf.

Mr. DURBIN. If the Senator would yield for a question.

Mr. MENENDEZ. I would be happy to yield for a question.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I would like to ask a question of the Senator from New Jersey through the Chair. I know the Senator from New Jersey has been a leader on the whole question of liability and the damages that should be paid by BP for what they have done as a result of this Deepwater Horizon rig blowing up, 11 innocent people killed. We should always remember that as the first casualty and now the ongoing damage.

I would ask the Senator from New Jersey, having just gone to the Gulf of Mexico yesterday with five of our Senate colleagues on a bipartisan trip—the Secretary of the Interior, Ken Salazar; Secretary of Homeland Security, Janet Napolitano—is it not true that in the first 3 months of this year, British Petroleum reported profits of \$5½ billion, up 135 percent over the first quarter of last year?

Mr. MENENDEZ. Yes. British Petroleum made about \$5.6 billion in the first 3 months in profits—not proceeds, profits. Right now the liability cap that exists under the law is \$75 million, 1 day of BP's profits, based on the first quarter's \$94 million. So it is less than 1 day's profit.

Mr. DURBIN. If I can ask another question through the chair of the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Yesterday, during the course of this visit to Louisiana, there was a very compelling moment when we met with those oystermen and fishermen and shrimpers and charter boat proprietors who were directly affected by the BP oil spill.

I would like to ask the Senator from New Jersey if he would comment or reflect on the following: There are approximately 20,000 shrimpers, crab and

oyster fishermen in Louisiana alone. If the \$75 million in damages were dedicated only to those seafood industry workers in that one State, it would equate to roughly \$3,500 per person.

I would like to ask the Senator from New Jersey, can there be any justice in that outcome; that BP would be limited in the amount they would pay out, the \$75 million, when we look at the fact that there are those in similar professions in Alabama, in Mississippi, in Florida, and other States who are not even included in this calculation, if such a small amount was all that was paid to those who have clearly been directly damaged by this spill?

Mr. MENENDEZ. Well, the Senator's question is well put. Justice could not be achieved under the present cap. As a matter of fact, as I said earlier, today the United States declared a fishing disaster in three Gulf States: Louisiana, Mississippi, and Alabama. Louisiana itself has a \$2.4 billion seafood industry, and it supplies up to 40 percent of all of the U.S. seafood.

Clearly, just that figure alone gives us a sense that all of those individuals and communities and entities would not receive justice.

Mr. DURBIN. My last question to the Senator from New Jersey: How much should the taxpayers of America pay for the negligence and wrongdoing of British Petroleum, this multibillion-dollar corporation?

Mr. MENENDEZ. Absolutely nothing. The only way to ensure the U.S. taxpayer pays absolutely nothing, not just for the cleanup but in terms of consequences to communities that would exceed the liability cap that exists right now under the law and for which BP has made statements but no commitment, such as a consent agreement, which would be binding upon BP—the taxpayers should pay absolutely nothing—the way to do that is to raise it to an unlimited cap.

I yield the floor.

Mr. MCCAIN. I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. What is the parliamentary situation at the moment?

The PRESIDING OFFICER. The pending question is the Wyden amendment No. 4183.

Mr. MCCAIN. I understand the Senator from Louisiana wants to speak and then the Senator from Wisconsin. I ask unanimous consent that following the Senator from Louisiana, following the Senator from Wisconsin, that I be put in line to speak for purposes of offering an amendment.

Mr. LAUTENBERG. Reserving the right to object, Madam President, I ask my colleague from New Jersey, was the floor relinquished?

The PRESIDING OFFICER. The Senator from New Jersey relinquished the floor.

Is there objection to the unanimous-consent request of the Senator from Arizona?

Mr. CORNYN. Reserving the right to object, I would propound a slight modification and ask to be recognized for purposes of offering an amendment following the Senator from Arizona.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. MENENDEZ. Reserving the right to object, I do not believe I will object, if there is a unanimous-consent request pending, any of the Members who are going to speak in the following order, as the Senator from Arizona suggested, it would be appropriate then to be recognized to object, would it not?

The PRESIDING OFFICER. Could the Senator restate his question?

Mr. MENENDEZ. The Senator has propounded a series of Members to speak or offer amendments. If one of those Members offers a unanimous-consent request during their presentation, then there would be an opportunity to object notwithstanding the unanimous-consent request before us?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Reserving the right to object, I want to clarify, Senator INOUE just left the floor and said he would return shortly. Before we set aside any pending amendment, I would like to have his assent to that happening. If the Senator from Arizona would like to ask for recognition and each of the Members to speak to their amendments, I have no objection. But if that includes setting aside the pending amendment and filing a new amendment, I would like to have Senator INOUE on the floor before that decision is made.

Mr. MCCAIN. I amend my unanimous-consent request that the Senator from Louisiana, followed by the Senator from Wisconsin, followed by me, followed by the Senator from Texas, all to speak, and if the Senator from Hawaii agrees, for purposes of proposing amendments which requires setting aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, they would be speaking for debate only until Senator INOUE returns on the question of offering amendments. Will the Senator accept that language?

Mr. FEINGOLD. Reserving the right to object, if the Senator from Hawaii consents to having the pending business set aside so that one of the speakers can offer an amendment, I assume that would be acceptable.

Mr. DURBIN. Absolutely.

Mr. FEINGOLD. Then I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

Without objection, it is so ordered.

The Senator from Louisiana.

UNANIMOUS-CONSENT REQUEST—S. 3410

Mr. VITTER. Madam President, I am overjoyed that I have been let into this discussion considering that heavy oil is now getting into Louisiana marshland and is impacting my State and the State of Senator LANDRIEU more than any other in the country. It is an ongoing crisis. I would like to spend a few minutes to get us out of Washington politics and back into focus on that real and ongoing crisis. Those fishermen from south Louisiana Senator DURBIN talked about, that is what they are focused on, that is what they are dealing with. Their way of life and their livelihood is absolutely threatened. That is what I would like us to focus on and deal with in a constructive way.

I agree with Senator MENENDEZ and Senator LAUTENBERG and others that the liability cap for economic damages which was set decades ago is way outdated. I have offered a permanent change to that to go into the future. In fact, my bill would set a cap for BP in this instance of \$20 billion because it is based on the last four quarters of the responsible party's profits. For this instance, that is double the liability cap of the Menendez original bill.

Talking about UCing a permanent change of the law is, quite frankly, politics. That isn't going to pass the Senate by unanimous consent. I would like my version to pass by unanimous consent. I think it is a better approach, with all due respect, than the approach of the Senator from New Jersey. It would double the cap on BP than his original version would. But that is going to get objected to as well.

In light of that, I have what I think is a constructive alternative which is to propose something to address this ongoing crisis. Oil is still flowing in the gulf, more and more heavy oil getting beyond the Louisiana barrier islands, infiltrating the Louisiana marsh. How about trying to deal with this ongoing crisis that the people of Louisiana face?

With that in mind, I have introduced a liability proposal that is at the desk, that has been introduced, that could and should garner unanimous consent support. Let me outline what it is.

Several of the speakers—Senators DURBIN, LAUTENBERG, and others—alleged that somehow there are folks in this Chamber who are being shrills for BP, who are defending BP. Personally, I didn't hear that. Certainly, that is not me. I represent the State of Louisiana, and we are dealing with this ongoing crisis and disaster much more than any other State in the Union. But let's attack this directly and try to address—and I think we could and should be able to do it by unanimous consent—this particular event.

My bill, S. 3410, does that. My bill mandates that the cap on economic

damages for BP for this event be lifted and that there be no cap. BP has said publicly that not once, not twice, but on numerous occasions, and has even put it in writing that they will disregard any cap. My bill would say: Fine, that is a contract offer, and we are going to accept it. That will be binding under legislation, under the law. Under S. 3410, we would remove any cap on BP for this incident.

In addition, the other half of this bill establishes an expedited claims process because in this ongoing crisis in Louisiana, where people continue to hurt because of this ongoing spill, ongoing flow, they not only need their claim eventually paid in full, they need it to begin to be paid immediately. In this bill we establish an administrator to quickly and fairly resolve claims for economic damages. We establish an office of deepwater claims compensation to expedite that consideration. We set up offices within the gulf region to allow that claimant assistance, to advise people how to properly file their claim and expedite getting a claim. The other half of the bill, besides lifting the liability cap for economic damages on BP for this incident, expedites that claim process.

With that in mind, in the spirit of actually trying to act with regard to this ongoing crisis in the gulf that certainly affects my State, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3410, my acceptance of liability and expedited claims bill; that the bill be read a third time and passed and that the motion to reconsider be laid upon the table.

Ms. MURKOWSKI. Will the Senator yield for a question before the ruling is made?

Mr. VITTER. Certainly.

Ms. MURKOWSKI. I wanted to tell the Senator from Louisiana, because we had an opportunity yesterday when we went to his home State, traveled there with the Secretary of the Interior and the Secretary of Homeland Security, we saw the spill from the air. We were at Port Fourchon. We heard the testimony from fishermen. We heard the testimony from those who are in the charter business. We heard testimony from the oystermen. We heard from parish mayors and heard their concerns about what will happen to them, their futures, their economic futures and that of their families. The concerns that were raised, of course, were that they be fully and fairly compensated.

Is it the Senator's intention, then, that the statements that have been made by the executives from British Petroleum, the sworn testimonies we have had in the Energy Committee, and I know they have testified in other committees, that the commitments from British Petroleum would be codified as waivers of the liability caps

which the Senators from New Jersey have talked about? Is it correct, then, that it is the intention of the Senator from Louisiana that these commitments would then be made enforceable under law so that the heart of this debate is understandably about not whether BP will pay but how long it will take for the victims to be compensated?

Mr. VITTER. That is absolutely my intention. That is what this bill would do. Several Senators on the other side correctly pointed out that we should not depend on the goodwill of BP. So let's not depend on the goodwill of BP. Let's fix it here. Let's fix it now. BP has made this offer. They have even put it in writing. My bill would direct the Secretary of the Interior to accept that offer and codify this in the law so that with regard to BP and with regard to this ongoing crisis, there is no cap on economic damages.

The second half of the bill would set up an expedited claims process to ensure that the folks hurting on the ground in Louisiana and perhaps eventually elsewhere are helped in a timely way.

Ms. MURKOWSKI. If I may follow up with the Senator from Louisiana on the expedited claims process, this is something we heard yesterday, the concerns from those saying they don't believe the claims process is transparent, is efficient, is easy enough. Are there the translators necessary to help those, for instance, Vietnamese shrimpers? Do we have the processes in place? If I understand the intention of the Senator from Louisiana with the expedited claims process, it is designed to not only make it more transparent but make it more readily accessible in terms of multiple resource centers; also establishes an advisory committee that consists of representatives of claimants of the responsible parties. We heard yesterday that people who have been affected want to know they are dealing with somebody in a position of authority to answer their questions, address their concerns. We understand that within this advisory committee on Deepwater Horizon compensation, these individuals will advise the administrator.

There are also other provisions that are designed to protect the interests of the claimants, one of which I think is very important; that is, that those who may have filed incomplete claims because they simply were not aware of all the information that is needed, are notified by the administrator and allow the administrator to conduct hearings in a manner that best determines the rights of the parties.

I think it is critically important that these processes be put in place. I stand with my colleague from Louisiana in supporting this effort, this measure, and ensuring that through this, BP is held directly accountable, and to make

sure there is an accelerated path to recovery for the growing number of victims in the gulf.

The PRESIDING OFFICER. Does the Senator from Louisiana wish to renew his unanimous-consent request?

Mr. VITTER. Yes. I renew my unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I appreciate the Senator came up with a proposal. It is 40 pages. I just saw it. I look forward to reading it and seeing whether it truly achieves the goal we mutually have. We are moving the ball forward because both the Senator from Louisiana and the Senator from Alaska, who I understood originally opposed lifting the cap to an unlimited amount, now both believe the cap, at least in this instance, should be lifted to an unlimited amount.

But reading the last 2 pages of the proposal we just got, and listening to the words of the Senator from Louisiana, there is a suggestion here that BP has, in essence, made a commitment or a contract, yet we have nothing before us other than testimony about a supposed willingness to pay all legitimate claims. They have equivocated when they have been asked before the committee. What does "legitimate" mean, and several members asked them a series of different elements of "legitimate," and they would not commit to that.

Secondly, the letter the Senator has in his legislation that he wants to propound to pass right now says BP is "prepared" to pay above \$75 million. It does not say it "shall" pay above \$75 million. It does not say "will" pay. There is no legal obligation for them to do it. So to consume that and say that is the basis under which we are making some contractual relationship is a problem.

Finally, I think there is a problem between having legislation on a specific incident versus raising the cap in general. What happens when, God forbid, the next oilspill comes and a company is not taking the same position? It seems to me what we want to do is raise the cap in an unlimited fashion against any major oil company so we do not simply have to listen to their allegations that they are willing to pay any claims but that, in fact, they have a legal obligation to do so.

So for all these reasons, and the fact that we just got this legislation, and because of the concerns that I do not think it reaches what we need to accomplish, I will have to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Mr. VITTER. Madam President, reclaiming my time, I am obviously dis-

appointed. I think we are seeing that maybe there is a difference when your State is in the nexus of this and your State is under attack from this oil. I want to fix a problem, not just make a speech. We are not going to pass by unanimous consent a permanent change to the liability cap. I have a version that I think should pass, and I am going to keep fighting for it. Senator MENENDEZ has a different version, and I am sure he will keep doing the same. I think mine is superior, but we can have that debate.

But as oil continues to gush from this well, as heavy oil continues to get behind the barrier islands of Louisiana and starts to infiltrate our marsh—which is an ecosystem issue 100 times worse than simply hitting our barrier islands and beaches—I would actually like to solve the problem and not just come here to the floor and give a speech. My bill does that by focusing on this event and this company, BP, in a way that we should all be able to agree on.

I commend the details of the bill to my colleagues. It does not depend on the language of any BP letter. It takes that as a starting point, and it removes all caps on economic damages for this event for this company. Why don't we do that by UC? We should be able to.

In addition, it fixes a real ongoing problem by establishing an expedited claims process. That is necessary too. Because it is great to tell these fishermen that your full claim will be paid eventually in the long run, but as the old saying goes: We are all dead in the long run. And they are looking to their next month's boat payment, their next month's house payment.

So I commend this serious legislation, which we should pass immediately, to my colleagues. Let's solve a problem. It is an ongoing problem. It is an ongoing crisis that sure as heck affects my State. Let's just not make a speech.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, what is the pending business?

The PRESIDING OFFICER. The Wyden amendment.

AMENDMENT NO. 4204

Mr. FEINGOLD. Madam President, I ask unanimous consent to set aside that amendment for the purpose of calling up an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Sorry. I was hoping Senator INOUE would give consent to this. As I said, I am filling in. He left the floor. If the Senator could withhold offering his amendment until he comes back.

Mr. FEINGOLD. Madam President, if I can respond to the Senator from Illinois, I will make my remarks, but I spoke to the Senator from Hawaii prior to this, and I believe there is no objection. If I could, I will proceed and then at the conclusion I will renew my request.

Mr. DURBIN. I object at this moment, but I hope we can work it out very shortly.

I just received word from staff that Senator INOUE approves of the Senator offering his amendment, so I withdraw my objection.

Mr. FEINGOLD. Then, Madam President, I renew my unanimous-consent request to set aside the pending amendment for the purpose of calling up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. It is amendment No. 4204, which is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mrs. BOXER, Mr. DURBIN, and Mr. MERKLEY, proposes an amendment numbered 4204.

Mr. FEINGOLD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a plan for the safe, orderly, and expeditious redeployment of the United States Armed Forces from Afghanistan)

At the end of chapter 10 of title I, add the following:

PLAN FOR SAFE, ORDERLY, AND EXPEDITIOUS REDEPLOYMENT OF THE UNITED STATES ARMED FORCES FROM AFGHANISTAN

SEC. 1019. (a) PLAN REQUIRED.—Not later than December 31, 2010, the President shall submit to Congress a report setting forth a plan for the safe, orderly, and expeditious redeployment of United States Armed Forces and non-Afghan military contractors from Afghanistan, together with a timetable for the completion of that redeployment and information regarding variables that could alter that timetable.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Mr. FEINGOLD. Madam President, I rise to offer an amendment on behalf of myself, Senator BOXER, Senator DURBIN, and Senator MERKLEY, that would require the President to provide a flexible timetable for the responsible drawdown of U.S. troops from Afghanistan. The amendment is based on legislation I have introduced in the Senate, as I mentioned, with Senator BOXER, and also that Representative MCGOVERN and Representative JONES have introduced in the House.

Our amendment would require the President to be clear about his timeframe in Afghanistan. The President

has already indicated that his surge strategy in Afghanistan is time limited and he will begin redeploying troops in July 2011. All we are asking is that the President provide further details about how long he intends to leave our troops in Afghanistan, and about what variables could lead him to change his mind about this timetable.

Before I go on, I want to explain what my amendment does not do. It does not set a specific date for the withdrawal of U.S. troops. It does not require the President to actually redeploy troops. And it does not place any restrictions on funding.

Rather, it simply requires the President to provide a timeline for the redeployment of U.S. troops. That timeline is not binding. In fact, the amendment directs the President to identify, as I said, what variables, if any, would warrant the alteration of that timeline. Secretary Clinton has already testified that she anticipates it will take 3 to 5 years to transition control to Afghan security forces.

My bill would simply require the President to lay this out clearly and specifically, and to spell out what, if any, conditions would warrant a longer U.S. military presence. It allows him to provide some of this information in a classified annex, if that is appropriate.

Congress needs information about expected troop levels in order to properly plan and pay for the war and to avoid future unpaid-for supplemental spending bills such as the one we are now considering. Frankly, I had hoped the days of budget-busting supplemental war spending bills were in the past. We have already spent hundreds of billions of dollars on this war and hundreds of billions more on Iraq. At a time of massive deficits, economic upheaval, and major domestic needs going unfilled, that level of deficit spending is simply unsustainable.

In fairness, unlike his predecessor, President Obama has attempted to provide realistic budget estimates for war costs in the current and next fiscal years. But beyond fiscal year 2011, the President's budget numbers are unrealistically low. It would likely cost the American taxpayer \$300 billion to \$500 billion to conduct the President's strategy over and above the \$300 billion we have already spent in Afghanistan.

I have serious concerns about this strategy, and I would be more than happy to discuss those concerns with my colleagues on the floor. It is about time we had a real debate in the Senate about this war. But I hope even those who support the administration's surge agree it should be paid for. We cannot continue to do what the last administration did and add this massive cost to the national credit card.

Al-Qaida's stated goal is to bankrupt the United States of America. If we keep running up debt to pay for the

war, al-Qaida may well achieve its goal. If Congress cannot provide the will to pay for this war, then we need to seriously ask ourselves, How much longer can we keep fighting it?

By requiring the administration to provide its exit strategy, we can also help to provide our men and women in uniform with greater certainty about their deployments. After almost a decade of war, our servicemembers deserve to know how much longer our military operations in Afghanistan are expected to continue and, frankly, so do the American people.

We have many priorities and many pressing needs, both domestically and abroad. The American people deserve more information about the administration's plans in Afghanistan so they can evaluate those plans and weigh them against other priorities, including and especially the need to target growing al-Qaida affiliates around the world.

Moreover, a timetable will help make clear to our partners in Afghanistan that our support is not unconditional and that we will not continue to bear the burden of our current military deployment indefinitely. That is an important message that the current flawed Afghan leadership needs to hear.

While I am disappointed by his decision to expand our military involvement in Afghanistan, I commend the President for setting a start date for redeployment, namely, July 2011. Our allies have stated that it has helped "focus the minds" of our partners in Afghanistan and around the world. Having a start date is essential, but alone it is insufficient. It should be accompanied by an end date too.

The President should convey to the American and Afghan people how long he anticipates it will take to complete his military objectives. So long as our large-scale military presence remains open-ended, al-Qaida will have a valuable recruiting tool and our partners in Afghanistan will have an incentive to take a back seat, leaving U.S. troops and U.S. taxpayers on the hook.

Again, my amendment is not about whether one of us supports the President or the troops. All of us support the troops and hope and wish the President has success in Afghanistan. But no matter how we feel about the President or about his approach in Afghanistan, I hope we can agree on the need for an exit strategy, as we approach the 9-year anniversary of a war that is showing no signs of winding down.

As I said before, I, for one, have serious doubts about the administration's approach. In light of our own domestic needs, rising casualty rates in Afghanistan, and the emergence of al-Qaida safe havens around the world, an expensive, troop-intensive, nation-building campaign just does not add up for me. But my amendment does not dictate a particular strategy for Afghani-

stan. All it does is require the President to inform Congress and the American people about how long his military strategy is expected to take.

I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 4214

Mr. MCCAIN. Madam President, I ask unanimous consent that the pending amendment be set aside and call up amendment No. 4214. And I thank the distinguished managers of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. CORNYN, proposes an amendment numbered 4214.

Mr. MCCAIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for National Guard support to secure the southern land border of the United States)

At the end of chapter 3 of title I, add the following:

NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN LAND BORDER OF THE UNITED STATES

SEC. 309. (a) ADDITIONAL AMOUNT.—For an additional amount under this chapter for the deployment of not fewer than 6,000 National Guard personnel to perform operations and missions under section 502(f) of title 32, United States Code, in the States along the southern land border of the United States for the purposes of assisting U.S. Customs and Border Protection in securing such border, \$250,000,000.

(b) OFFSETTING RESCISSION.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals \$250,000,000 in order to offset the amount appropriated by subsection (a).

Mr. MCCAIN. Madam President, the amendment would fund the immediate deployment of 6,000 National Guard troops to the U.S.-Mexico border to provide additional security since the situation on the border has greatly deteriorated during the last 18 months. The National Guard troops would remain on the border until the Secretary of Defense, in consultation with the Governors of Arizona, California, New Mexico, and Texas, determines that the Federal Government has achieved "operational control" of the border.

Since I put this amendment together, we have been informed that the President will be asking for an additional \$500 million to support border security and up to 1,200 National Guard to be sent to the border. I appreciate that. I

think it is a recognition of the violence on the border which has been really beyond description in some respects, particularly on the Mexico side.

I appreciate the additional 1,200 Guard being sent, as well as an additional \$500 million, but it is simply not enough. We need 6,000. We need 3,000 across the border and an additional 3,000 National Guard troops on the Arizona-Mexico border. I say that because of my many visits to the border, my conversations with the Border Patrol, and the time it will take to train an additional 3,000 troops just for the Arizona-Mexico border.

I have colleagues waiting with other amendments, but I hope my colleagues appreciate the extent of the violence on the Mexican border and the dramatic increase in that violence that has taken place over the last several years. There was a time not that long ago that someone who wanted to come across our border illegally could do so if they were fortunate and would come across by themselves. That is no longer possible. We now have highly organized human smuggling rings and drug cartels that are working together. They are using the same routes, and unfortunately the so-called central corridor, the Arizona-Mexico border, has been where a great degree of violence and certainly a preponderance or a majority of human smuggling and drug smuggling has taken place.

I would refer two numbers to my colleagues. Last year, in the Tucson sector of the Arizona-Mexico border, there were over 1.2 million pounds of marijuana intercepted on that border, to the point where I was told that the U.S. attorney didn't prosecute anything less than 500 pounds of marijuana intercepted. One other number: Last year on the Tucson sector of the Arizona-Mexico border, 241,000 illegal immigrants were apprehended trying to cross the Mexico-Arizona border. If you figure we catch one out of four, one out of five illegal immigrants who are coming across, that is about a million people, a million illegal immigrants coming across the Tucson sector, destroying people's property, destroying our wildlife refuges, and causing an environment of total insecurity amongst the citizens who live in the southern part of my State.

I understand the controversy associated with the legislation that was passed by the Arizona Legislature and signed by the Governor. By the way, that legislation is less severe than Federal law—certainly nothing like the Mexican law regarding treatment of illegal immigrants—and it has been badly mischaracterized by administration officials who have admitted they haven't even read the bill. But the important aspect here is that I support that legislation because the Arizona Governor and Legislature acted in frustration because of the Federal Govern-

ment's failure to carry out its responsibilities to secure our border.

Again, 1.2 million pounds of marijuana, 241,000 illegal immigrants, and then the situation is compounded by the incredible violence—22,000 Mexican citizens have been murdered on the Mexican side of the border in the last 3 years in the struggle between the Mexican Government and the drug cartels. It was predicted by many of us, as we saw this violence increase, that sooner or later it was going to spill over the border or affect American citizens. Three American citizens were killed on the Mexican side of the border as they made their way home to the United States. In March, a third-generation Arizona rancher was found dead on his property near the Mexican border, reportedly shot by a suspect who may have illegally entered our country. So the point is, this violence is at such a level that it makes a compelling argument for us to secure our border.

I understand the liberal media and the mainstream media who have talked about our situation in Arizona. Most of them have never been within about 100 miles of the border. But the point is that the citizens in my State deserve the right to live a secure existence—not to be threatened, not to have their property overrun, not to have their homes broken into. A mother came to me at a townhall meeting and said: I am afraid to drop my children off at the school bus stop.

This violence on the border is unspeakable. It is one of the least reported aspects of this whole issue, and I still am puzzled as to why. People are beheaded and their bodies hung at the overpass in Tijuana. A wedding took place not long ago, and the drug people came in and took the groom, his brother, and a nephew, and their bodies were found a few hours later. A young man who was part of the capture of one of these drug lords was lionized by the Mexican Government, and his whole family was murdered. This is a degree of brutality that threatens the very existence of the Mexican Government.

I am proud we are working with the Mexican Government. I hope all of our colleagues understand we have spent over \$1 billion. The corruption level that exists in Mexico today reaches to the highest levels of government. So really the only institution the government can rely on is the army.

When we send the Guard to the border, we are told the presence of the Guard has an effect on these drug cartels. By the way, the drug cartels are watching everything on the border. They have the most sophisticated communications. They have sophisticated intelligence capability, and they are very efficient in their organization. So the Guard troops on the border in the past have had a very salutary effect. That is why we need 6,000 of them until such time as we can train additional

Border Patrol and customs people to address this issue.

So I wish to emphasize to my colleagues that we should not forget, to start with, that it is the United States of America that is creating the demand for these drugs, and at some point we have to address that issue too. But in the meantime, this violence that is taking place in Mexico on the Mexican side of the border, which has spilled over on our side, can only get worse until these drug cartels are brought under control and the human smugglers are brought under control, and that will only take place when our border is secure.

We can secure the border. The Yuma sector, as my colleague from Arizona has pointed out, has taken measures, including incarceration of illegal immigrants, including increased fencing and surveillance. By the way, UAVs are a very important part of this equation. So we have been able to drastically reduce the illegal activity, both drug and human smuggling, in the Yuma sector of the border. My colleague from Texas will testify that in, I believe it is the McAllen sector of Texas, there has been significant and dramatic improvement. In San Diego, there is dramatic improvement. So those who feel we can't secure our border, there are great examples of our ability to do so with people, with fences, and with technology. We can do these things.

We have to get an additional 6,000 troops to the border before there are more tragedies such as happened with Rob Prince, the rancher from Arizona, or the deputy all the way up in Pinal County, some 50 miles from the border, who was shot in the stomach, in pursuit of one of these drug people, with an AK-47.

So I urge my colleagues and I urge all Americans to understand that we in Arizona didn't want to have this law passed by the legislature. It was done out of frustration because of the Federal Government's failure to exercise its responsibility. It is a Federal responsibility, something that the Secretary of Homeland Security emphasized in a letter, when she was Governor of the State of Arizona, on March 11, 2008. It says: Clearly, Operation Jump Start has been highly effective—on and on about how important the help in insuring the border and bringing the Guard to the border has been. That is true today.

So the Arizona Legislature and Governor did not wish to pass this legislation. It was enacted because the people of Arizona had an insecure border and live, in many cases, in an insecure environment. An obligation we have to all of our citizens is to allow them to live in a secure environment.

By the way, this law the Arizona Legislature passed is far less severe in many respects than the Federal law and certainly far different from the law

in Mexico, which is very stringent in its provisions and penalties for illegal immigration.

So we need relief in our State. We need relief in many places across the border. The drug cartels have to be stopped. Working with Mexico, I believe we can, over time, bring the border under control and rid the scourge of these drug cartels and these human smugglers.

Let me finally say, because I know my colleagues are waiting, that the treatment of human beings by these coyotes, these human smugglers, is atrocious, unspeakable. They take them and they pack them into—well, the other day, a U-Haul rental truck was apprehended. Sixty-seven human beings were packed inside. They take them to these drop houses. They hold them for ransom, and then after they are ransomed, sometimes they mistreat them even further. The human rights abuses that are taking place in these human smuggling rings is atrocious beyond description. That alone should compel us to get our borders secure and to provide for a legal system of immigration into our country.

We welcome immigrants. We welcome our Hispanic heritage. We cherish it. Spanish was spoken in our State of Arizona before English. But we have to get the human smuggling and drug cartels under control because the security of our citizens and our Nation depends on it. So I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent, I believe with the approval of the bill managers, to call up my amendment No. 4202, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, I have not seen this amendment and I am not familiar with what it would do, so for the moment I would object until I have that opportunity.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Madam President, this has been cleared by the majority bill manager, by Senator INOUE and his staff, I believe. Certainly the ranking member has no objection. I didn't know I had to clear amendments with all 100 Members of the Senate before I could even get them called up. I am prepared to call it up so we can then consider it and then we can debate it and vote on it. But this does not seem like a way to make any progress on this important underlying legislation.

Well, I guess I will talk about it for a while.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I once more ask unanimous consent to

call up my amendment No. 4202, as modified, for consideration, and I ask that the pending amendment be set aside for that purpose.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, I will state the same objection. I have not seen the amendment, and while I appreciate that the bill managers may have agreed to it, the reality is, as I understand it, any Member of the Senate can rise to object.

I hope not to be compelled to object. But at this point, I will object.

Mr. MCCAIN. Madam President, I reserve the right to object too. I have been here a long time. That is the first time I have seen that from the Senator from New Jersey. If that is the way we are going to do business here, this place will grind to a halt. I think it is discourteous of the Senator from New Jersey to do that. This place exists and runs mostly on comity. I hope that does not become a practice here or it will be practiced on this side as well.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, as you have heard, the President came to speak to Republicans at lunch. We have talked about a lot of issues, including immigration reform and the like. Subsequent to that meeting, we were informed by e-mail that the President has made a major announcement with regard to the deployment of National Guard along the border.

This amendment, which deals with border security and will help the Federal Government live up to its responsibility for border security, is exactly the kind of response I think the President and certainly all of us who care about border security would find helpful.

Let me tell you what this amendment does. I know the Senator from New Jersey is looking through the amendment, and perhaps we can have a further consideration of the amendment when he is through.

This amendment would strengthen border security along our southwest border. While I appreciate the needs of States such as Arizona, we have a number of States that share a common border with Mexico. We have to make sure we have the human resources, tactical infrastructure, and technology employed in order to protect Americans along the border and help contain the terrible drug violence—drug war, literally—that is being fought within a short distance of American cities.

According to the El Paso Times, two young men were shot over the weekend in Juarez, one a nursing student at the University of Texas at El Paso, and another was a former student—an engineering major—from that same institution. Some news reports indicated that the two young men were returning from a Boy Scout camp when they were

confronted by a shooter with an AK-47, who shot both of them multiple times, killing one of them.

I am really not sure my colleagues understand how close these killings in Juarez are to the United States. It is like Minneapolis being across the river from St. Paul or Manhattan being across the river from Brooklyn. That is the proximity of the 1,000 deaths that have occurred so far this year in Juarez, on the Mexican side of the common border with El Paso. This may not capture headlines like those of other college campuses, but these deaths represent a terrible loss to our families, our communities, and our Nation. That is a reminder of just how dangerous this war is that is going on just across our border.

It also raises the issue of what is going to be necessary in order for us to deal with our broken immigration system. I think the problem we have with our immigration system is that it is simply not credible when it comes to border security. We know that last year the Department of Homeland Security reported that some 540,000 people were detained coming across our border. We don't know how many made it across without being stopped and detained. All we can tell you is how many people actually were detained. It is commonly thought that between two and three people are missed for every one who is caught and detained. That is not anyone's definition of border security.

What we need is more resources deployed along the border. The President's 2011 budget, for example, is a flat-line budget when it comes to actually providing more boots on the ground, when it comes to adding to the Border Patrol and the various Federal agencies whose job it is to protect our country and secure the border.

The first thing my amendment does is it provides some help in the form of grants to State and local law enforcement, especially to those areas within 100 miles of the border. When the Federal Government doesn't do its job, when they fail to employ sufficient resources in order to secure the border, that burden falls on State and local law enforcement officials, particularly those within 100 miles of the border who feel the brunt of that absence of the Federal Government.

Under this \$300 million grant program, these funds could be used to purchase equipment, particularly so they can have interoperable communications, hire additional investigators, detectives, and other law enforcement personnel, and they could be used to cover salaries and expenses associated with border enforcement for the State and local officials who are stepping up and doing the job the Federal Government is not doing.

Second, my amendment supports the southwest border task forces. It provides \$140 million to increase personnel

and funding for the so-called HIDTA Program, or the High Intensity Drug Trafficking Area Program, mainly in southwest border States. It also provides \$44.7 million to the National Guard Counterdrug Program in the southwest border States.

Third, my amendment provides additional support for U.S. Customs and Border Protection. It provides \$144 million for the purchase of six additional Predator B unmanned aerial vehicles and ground control stations and funding for UAV pilots and support staff. It provides \$49.4 million to allow Customs and Border Protection to purchase 10 additional helicopters for border enforcement. It allocates \$180 million for border surveillance equipment and vehicles. It provides \$200 million to hire 500 Customs and Border Patrol officers to staff southwest border ports of entry, as well as to fund infrastructure improvements at high-volume ports of entry.

Fourth, my amendment provides additional support to the Drug Enforcement Administration. I had the opportunity the other day to have a classified briefing from the DEA which I will not go into here, but suffice it to say the Drug Enforcement Administration is fighting the good fight both here and in Mexico trying to help fight and beat the cartels. But they need more help. This amendment provides \$30.4 million to hire an additional 180 intelligence analysts and support personnel for the DEA, and it would create four additional special investigative units.

It provides \$72 million to hire 281 special agents and investigators at the Bureau of Alcohol, Tobacco, Firearms and Explosives to help investigate and track illegal firearms. One of the things you will recall we heard from President Calderon is his concern about the weapons that are purchased in the United States and then bundled and trafficked south of the border into Mexico and used by the cartels. These ATF agents need additional help, and this amendment would provide the money to hire 281 additional ATF agents in order to help prevent the flow of weapons to the cartels south of the border.

Finally, my amendment supports U.S. Immigration and Customs Enforcement. It provides \$375 million to fund 500 additional investigators, 400 additional intelligence analysts, and 500 additional detention and removal officers. It provides \$151 million to increase detention capacity by 3,300 beds. It allocates \$180 million for equipment and border enforcement technology. It provides \$89 million to expand repatriation programs that return illegal aliens to their home countries.

The total pricetag for this amendment, which, as you can see, is rather detailed and breaks down into six different areas, is \$2 billion. That is a lot of money. But the first responsibility

of the Federal Government is to keep our Nation safe, protect it. That is the No. 1 job of the Federal Government. The Federal Government is not getting the job done now. The brave men and women who, day-in and day-out, fight the cartels, the human smugglers, people who smuggle weapons illegally, need help. They need technology, training, and equipment, so they can get the job done.

So that it is not necessary for other States to take matters into their own hands in the absence of the Federal Government living up to its responsibilities, I believe it is absolutely imperative that we spend this money for the security of our country, for the security of our border.

The good news is that, unlike a lot of spending that has happened here in recent months and years, this is not deficit spending. I am not proposing that we spend it using borrowed money; rather, that we use funds that were already appropriated by the stimulus package early in 2009 in order to pay for this amendment. This is not spending our children's inheritance.

I believe this is acting responsibly in responding to the first obligation of the Federal Government, which is to keep our people safe, to protect our borders and our national sovereignty.

I thank my colleagues who signed on as original cosponsors, including Senators HUTCHISON, KYL, and MCCAIN. I hope all of my colleagues will support this amendment.

I see both the bill manager and the Senator from New Jersey. I don't know whether he has had an opportunity to review the amendment. There is nothing particularly exotic or complex about it. It is rather straightforward and deals with a real problem.

Mr. MENENDEZ. Will the Senator yield before he offers the request?

Mr. CORNYN. I will yield for a question.

Mr. MENENDEZ. I appreciate that. I look at the Senator's proposed amendment, and am I to understand that the Senator has \$3.1 billion of rescissions to cover what he wants to do in his amendment?

Mr. CORNYN. Responding to my colleague through the Chair, we were told that it would take \$3.1 billion in rescission authority to come up with the \$2 billion that would pay for the various provisions of the bill. I would be happy to explain that further, with our staffers present, to further satisfy the Senator from New Jersey.

Mr. MENENDEZ. If my colleague will further yield, I understand what he just said. There is \$3.1 billion in rescission in the amendment; is that fair to say?

Mr. CORNYN. Madam President, that is correct.

Mr. MENENDEZ. I thank my colleague for yielding.

AMENDMENT NO. 4202, AS MODIFIED

Mr. CORNYN. At this time, I ask unanimous consent to set aside the

pending amendment, and I call up my amendment No. 4202, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Texas [Mr. CORNYN], for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. MCCAIN, proposes an amendment numbered 4202, as modified.

Mr. CORNYN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make appropriations to improve border security, with an offset from unobligated appropriations under division A of Public Law 111-5)

At the appropriate place, insert the following:

SEC. ____ BORDER SECURITY ENHANCEMENTS.

(a) ADDITIONAL AMOUNT FOR COUNTERDRUG ENFORCEMENT.—For an additional amount for “Salaries and Expenses” of the Drug Enforcement Administration, \$30,440,000, of which—

(1) \$15,640,000 shall be available for 180 intelligence analysts and technical support personnel;

(2) \$10,800,000 shall be available for equipment and operational costs of Special Investigative Units to target Mexican cartels; and

(3) \$4,000,000 shall be available for equipment and technology for investigators on the Southwest border.

(b) FIREARMS TRAFFICKING ENFORCEMENT.—For an additional amount for “Salaries and Expenses” of the Bureau of Alcohol, Tobacco, Firearms and Explosives, \$72,000,000, of which—

(1) \$68,000,000 shall be available for 281 special agents, investigators, and officers along the Southwest border; and

(2) \$4,000,000 shall be available for equipment and technology necessary to support border enforcement and investigations.

(c) NATIONAL GUARD COUNTERDRUG ACTIVITIES.—For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense” for high priority National Guard Counterdrug Programs in Southwest border states, \$44,700,000.

(d) HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.—For an additional amount for Federal Drug Control Programs, “High Intensity Drug Trafficking Areas Program” for Southwest border states, \$140,000,000.

(e) LAND PORTS OF ENTRY.—For an additional amount to be deposited in the Federal Buildings Fund, for construction, infrastructure improvements and expansion at high-volume land ports of entry located on the Southwest border, \$100,000,000.

(f) BORDER ENFORCEMENT PERSONNEL.—For an additional amount for “Salaries and Expenses” of U.S. Customs and Border Protection, \$334,000,000, of which—

(1) \$100,000,000 shall be available for 500 U.S. Customs and Border Protection officers at Southwest land ports of entry for northbound and southbound inspections;

(2) \$180,000,000 shall be available for equipment and technology to support border enforcement, surveillance, and investigations;

(3) \$24,000,000 shall be available for 120 pilots, vessel commanders, and support staff for Air and Marine Operations; and

(4) \$30,000,000 shall be available for additional unmanned aircraft systems pilots and support staff.

(g) UNMANNED AIRCRAFT SYSTEMS AND HELICOPTERS.—For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement” of U.S. Customs and Border Protection, \$169,400,000, of which—

(1) \$120,000,000 shall be available for the procurement, operations, and maintenance of at least 6 unmanned aircraft systems; and

(2) \$49,400,000 shall be available for helicopters.

(h) IMMIGRATION ENFORCEMENT PERSONNEL.—For an additional amount for “Salaries and Expenses” of U.S. Immigration and Customs Enforcement, \$795,000,000, of which—

(1) \$175,000,000 shall be available for 500 investigator positions;

(2) \$75,000,000 shall be available for 400 intelligence analyst positions;

(3) \$125,000,000 shall be available for 500 detention and deportation positions;

(4) \$151,000,000 shall be available for 3,300 detention beds;

(5) \$180,000,000 shall be available for equipment and technology to support border enforcement; and

(6) \$89,000,000 shall be available for expansion of interior repatriation programs.

(i) STATE AND LOCAL GRANTS.—For an additional amount for “State and Local Programs” administered by the Federal Emergency Management Agency, \$300,000,000, which shall be used for—

(1) State and local law enforcement agencies or entities operating within 100 miles of the Southwest border; and

(2) additional detectives, criminal investigators, law enforcement personnel, equipment, salaries, and technology in counties in the Southwest border region.

(j) OFFSETTING RESCISSION.—

(1) IN GENERAL.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), \$3,100,000,000 of the amounts appropriated or made available under division A of such Act that remain unobligated as of the date of the enactment of this Act are hereby rescinded.

Mr. CORNYN. Madam President, I yield the floor at this time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 4175

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the pending amendment be set aside and I be permitted to call up amendment No. 4175.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 4175.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that parties responsible for the Deepwater Horizon oil spill in the Gulf of Mexico shall reimburse the general fund of the Treasury for costs incurred in responding to that oil spill)

On page 79, between lines 3 and 4, insert the following:

(b) REIMBURSEMENT.—

(1) DEFINITION OF RESPONSIBLE PARTY.—In this subsection, the term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(2) LIABILITY AND REIMBURSEMENT.—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party—

(A) is liable for any costs incurred by the United States under this Act relating to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico; and

(B) shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the costs incurred under this Act relating to the discharge of oil described in subparagraph (A), as well as the costs incurred by the United States in administering responsibilities under this Act and other applicable Federal law relating to that discharge of oil.

(3) FAILURE TO PAY.—If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this Act, the Secretary of the Treasury shall request the Attorney General to bring a civil action against the responsible party (or a guarantor of the responsible party) in an appropriate United States district court to recover the amount of the demand, plus all costs incurred in obtaining payment, including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs.

Mr. LAUTENBERG. Madam President, this amendment is simple. It says that the parties responsible for the gulf oilspill must reimburse the government for every Federal dollar in this bill that goes to the oilspill response. To me, it is just a statement of pure logic. I thank Senator MURRAY for joining me in cosponsoring this amendment.

It has been 36 days since BP’s blown-out well began spewing damage from hundreds of thousands of barrels of oil uncontrollably into the Gulf of Mexico, and there is no end in sight. The spill is causing unimaginable devastation to wetlands, wildlife, and the way of life across the gulf. The prospect of oil entering the Loop Current in Florida, hitting the east coast of Florida, is becoming more likely.

Now, President Obama—in addition to the funding provided for the wars in the supplemental and the Haiti disaster—has dispatched the Coast Guard, the Interior Department, the EPA, the Defense Department, and NOAA to the gulf to contain and clean up this disaster. Now we are about to provide millions of dollars in emergency supplemental funding for these efforts.

The question for us today is simple: Who should pay for this effort? Should the American taxpayers be asked to pay for it or should big oil, the companies that caused this disaster, pay for it? I say it is the responsibility of these companies. They were unprepared to deal with this catastrophe. It was not our taxpayers. Therefore, the companies should pay all the bills, as expected.

In the emergency supplemental, we often provide funds to deal with natural disasters. When a flood, hurricane, or tornado hits, Americans are accustomed to lending a hand to their neighbors, whether in their State or other States. But the oilspill in the gulf is not a natural disaster. It was caused either by neglect, recklessness, or otherwise by BP, Transocean, and Halliburton, all of which worked or had a large part of that drilling effort in the gulf. That is why my amendment requires reimbursements by the oil companies, the parties responsible, for any and all taxpayer funds spent on this response. It allows us to respond in the gulf without delay while making clear that the money in the bill is an advance, not a handout, for the oil companies.

The oil companies can afford to pay the taxpayers back. BP made more than a \$5 billion profit—more than \$5 billion—in the first quarter of this year alone. Although BP first avowed to pay all claims, they then added a modifier, “legitimate claims,” and they are the ones who will determine the legitimacy of these claims.

Every single day it becomes clearer that BP stands for “broken promises.” If the taxpayers are left with the tab for cleaning up BP’s, Transocean’s, and Halliburton’s mess, funds for other vital services will simply dry up. It is common sense: Polluters must pay for their damage, not American taxpayers.

I urge my colleagues to support this amendment.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4173

Mr. LEAHY. Madam President, I wish to speak about the Sessions amendment to the supplemental appropriations bill. This is the amendment that would cap discretionary spending this year and for future years, irrespective of the needs of the government and the American people.

I know our distinguished chairman, Senator INOUE, has already spoken about it. I note this is the fourth time the Senate has been asked to vote on

this amendment. The last three times it was defeated. Now we have to vote on it again. Perhaps we should have a rule here that after three strikes you are out.

The amendment uses last year's budget resolution as its starting point. It will cut over \$20 billion from the President's fiscal year 2011 budget request.

I share the goal of the sponsors of this amendment to limit Federal spending. Since I have been in the Senate, I have voted for billions of dollars in cuts in Federal spending. But the way this amendment is done, using a sledgehammer instead of a scalpel, it arbitrarily affects every Federal program in ways that most certainly will come back to haunt us.

Not only will critical programs from defense to education to foreign policy be cut, the amendment requires a vote of three-fifths of the Senate for emergency spending, and in a mere 14 pages it seeks to basically do away with the role of the Budget Committee.

I would hate to see a situation where, if we have a flood in Mississippi, and for some reason or another a minority of Senators say: Our states didn't have a flood, so why should we vote for this? Or if there were an earthquake in California and they need three-fifths, but a minority of Senators has other priorities. That's not the way it should work.

I must admit, I take a somewhat long view of it. I have not been here as long as our distinguished chairman has or our distinguished former chairman, Senator BYRD. But I have been here longer than everybody else in this body. I urge people to be careful what they wish for. It appears that requiring 60 votes and the gridlock we are currently experiencing is not enough. The sponsors of this amendment want the body to be held hostage to a minority of two-fifths. As the chairman of the Appropriations Committee said earlier, it is the wrong direction for the Senate to be going.

Let me focus my brief remarks specifically on the effect the Sessions amendment would have on important national security programs funded in the State and foreign operations budget for fiscal year 2011 which begins on October 1.

The amendment would cut \$1.1 billion from the President's State and foreign operations budget request. A cut of that size would have significant and, I suspect, unintended consequences.

I hope the proponents of this amendment or their constituents are not among those who want travel overseas and want their passports processed in a timely manner.

I hope they do not mind that our embassies are not fully staffed and cannot properly represent Americans abroad. I hope if something happens to them or their constituents in Mexico, Kenya,

Turkey, or any other foreign place and there is not an American consular officer who can help them in an emergency, that they will not complain because their amendment cut the funding for that consular officer's salary.

I hope it does not matter that we would only be able to fund a portion of the global health and food security initiatives which, among other things, provide funds for maternal and child health and to prevent and respond to outbreaks of deadly contagious diseases, such as cholera, Ebola, and the Asian flu.

I point out that these are not just threats in places halfway around the world, they are only a plane trip away from our shores.

I hope the sponsors of this amendment are not concerned that it may mean we have to cut funding for exchange programs for students of predominantly Muslim countries where we are trying to show a different face of America, or democracy programs in the former Soviet Union or training programs for Iraqi police officers. There is a price for everything, and the funding for State and foreign operations is one of the best bargains in the Federal budget.

Contrary to what some may believe, it consists of barely 1 percent of the entire budget. Aside from the U.S. military, it is how the United States exerts its influence around the globe. As we are trying to show in many parts of the globe, it is not just our military might that defines America, it is our global reach in humanitarian emergencies and diplomacy.

At a time when China is sharply increasing its spending for these same types of activities and extending its sphere of influence to our hemisphere and around the world because they know it is in their Nation's best interest to do so, do we really want to cut the funding that enables the United States to compete? It makes no sense.

I note that even though it is in the State Department budget, top officials at the Pentagon understand this very well. Secretary Gates and Admiral Mullen, Chairman of the Joint Chiefs of Staff, have both urged the Congress to fully fund the State and foreign operations budget. They know these are areas where our diplomats can handle things better at far less cost and with longer lasting effects.

The sponsors of this amendment have supported the deployment of our troops in Afghanistan and Iraq. They have voted to borrow the money—the only time, certainly, in my lifetime, that we have gone to war anywhere and not paid for it. But military force alone, even though it is exerted through great sacrifice by the very brave men and women in our military, can only provide the conditions for longer term economic and political stability in those countries. The State and Foreign

Operations budget provides the funds to build that economic growth and political stability.

I ask unanimous consent the letters from both Secretary Gates and Admiral Mullen be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. No one disagrees that we need to control spending. The distinguished chairman of the Senate Appropriations Committee and the distinguished ranking member of the Senate Appropriations Committee work very hard to control spending. As a member of that committee I know the votes I have cast to substantially cut spending. We need to eliminate programs that are wasteful or can no longer be justified. We need to be frugal about what new programs we fund.

But just as we are in a different world today than when I came to the Senate 35 years ago, the things we need to do to respond to the challenges of today are different than they were 35 years ago. The way we respond to those challenges is different than when the distinguished Appropriations chairman was gallantly fighting to protect our Nation in World War II—something which we all honor and the Nation has honored when he received the Congressional Medal of Honor. But he, like so many others, tried to make the world safe for democracy, but I think he also wanted to make it a world where America could achieve its goals through the strength of its ideas and not just through its military might.

This amendment is not going to make a dent in the Federal deficit by cutting \$1.1 billion from the State and Foreign Operations budget. The amendment, however well intentioned, would permit a small minority of the Senate to dictate to the majority. It would limit the global influence of the United States. It would cede more of our influence to China. It would diminish our ability to develop and access export markets that are vital to our economy and vital to increasing jobs here in the United States. At worst of all, it would weaken our security alliances.

I urge Senators to reject it.

I yield the floor.

EXHIBIT 1

SECRETARY OF DEFENSE,
PENTAGON,

Washington, DC, Apr 21, 2010.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my strong support for full funding of the President's FY 2011 foreign affairs budget request (the 150 account) which, along with defense, is a critical component of an integrated and effective national security program.

I understand this year presents a challenging budget environment, with competing

domestic and international pressures. However, I strongly believe a robust civilian foreign affairs capability, coupled with a strong defense capability, is essential to preserving U.S. national security interests around the world.

State and USAID partners are critical to success in Afghanistan, Pakistan and Iraq. Our military and civilian missions are integrated, and we depend upon our civilian counterparts to help stabilize and rebuild after the fight. As U.S. forces transition out of war zones, the U.S. government needs our civilian agencies to be able to assume critical functions. This allows us, for example, to draw down U.S. forces in Iraq responsibly while ensuring hard-fought gains are secured. Cuts to the 150 account will almost certainly impact our efforts in these critical frontline states.

In other parts of the world, the work performed by diplomatic and development professionals helps build the foundation for more stable, democratic and prosperous societies. These are places where the potential for conflict can be minimized, if not completely avoided, by State and USAID programs—thereby lowering the likely need for deployment of U.S. military assets.

In formulating his request for FY 2011, the President carefully considered funding needs for the budget accounts for both foreign affairs and national defense, taking into account overall national security requirements as well as economic conditions. I believe that full funding of these two budget accounts is necessary for our national security and for ensuring our continued leadership in the world. I hope you will take this into account when acting upon the President's FY 2011 budget request.

Sincerely,

ROBERT M. GATES.

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, May 21, 2010.

Hon. HARRY REID,
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. MAJORITY LEADER: As the Congress moves to finalize the budget for FY 2011, I want to offer my strong support for fully funding the Department of Defense and related agencies. I also want to reinforce the views expressed in Secretary Gates' letter of April 21 and Secretary Clinton's letter of April 20 (copies attached) to Senator Kent Conrad, requesting full funding of the Department of State and USAID. We are living in times that require an integrated national security program with budgets that fund the full spectrum of national security efforts, including vitally important pre-conflict and post-conflict civilian stabilization programs.

Diplomatic programs are critical to our long-term security. I have been on record many times since 2005 expressing my views of the importance of fully funding our diplomatic efforts. As Chief of Naval Operations, I said that I would hand over part of my budget to the State Department, "in a heartbeat, assuming it was spent in the right place." Diplomatic efforts should always lead and shape our international relationships, and I believe that our foreign policy is still too dominated by our military. The diplomatic and developmental capabilities of the United States have a direct bearing on our ability to shape threats and reduce the need for military action. It is my firm belief that diplomatic programs as part of a coordinated strategy will save money by reducing the likelihood of active military conflict involving U.S. forces.

I am told that the Senate Budget Committee reduced the international affairs budget by \$4 billion, and I respect and appreciate the tough choices the committee had to make. I would ask that as you finalize the spending outlines for FY 2011, you underscore the importance of our civilian efforts to the work of the Defense Department, and ultimately, to our Nation's security. Because of the increasingly integrated nature of our operations, a \$4 billion decrement in State and USAID budgets will have a negative impact on ongoing U.S. military efforts, leading to higher costs through missed diplomatic and developmental needs and opportunities. A fully-integrated foreign policy requires a fully-resourced approach. Our troops, Foreign Service officers and development experts work side-by-side in unprecedented and ever-increasing cooperation as they execute our strategic programs. We need to continue to grow the important capabilities that are unique to our non-military assets, ensuring they have the resources to enhance our security and advance our national interests, in both ongoing conflicts as well as in preventative efforts.

As always, I appreciate your strong support of our men and women in uniform, and appreciate your considering my perspective as you finalize the FY 2011 budget.

The more significant the cuts, the longer military operation will take and more and more lives are at risk.

M. G. MULLEN
Admiral, U.S. Navy.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent I be added as a cosponsor of amendment No. 4179, offered by the distinguished Senator from Louisiana, Ms. LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Ms. COLLINS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending amendment is 4175 offered by the Senator from New Jersey.

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? The Senator from Hawaii.

Mr. INOUE. Mr. President, reluctantly I object. I suggest the absence of a quorum so I may discuss this matter with Senator COLLINS.

The PRESIDING OFFICER. The Senator does not have the floor.

Objection is heard.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4218

Ms. COLLINS. Mr. President, I am not going to call up my amendment at this time because I understand there is an objection on the other side. But I

am going to take advantage of this opportunity to discuss my amendment, which is No. 4218. This is an amendment I have offered on behalf of myself and Senators INHOFE, ALEXANDER, BROWN, BROWNBACK, GREGG, SNOWE, COBURN, BOND, MURKOWSKI, VOINOVICH, BURR, BEGICH, and CORKER.

On April 22, a new Environmental Protection Agency regulation regarding lead paint abatement went into effect. Lead paint has been of great concern to me for a number of years. I actually joined with the Senator from Rhode Island, Senator REED, in holding field hearings on the dangers of lead paint in older houses several years ago. It has long been a concern of mine. I support the purpose of this rule because we want to continue our efforts to rid toxic lead-based paint from our homes.

I am deeply concerned, however, as are many of my colleagues, that the EPA has completely botched the implementation of this rule. The rule requires that contractors who were hired to do work in homes that have lead paint must first be certified to perform this work. We put the cart before the horse with this rule and the result is that the EPA has not ensured that there is a sufficient number of trainers to provide the training and the certification for these contractors. That means many contractors simply cannot get the necessary certification in most States.

The result is that small business men and women are losing out on jobs at a time when many of them are in desperate need of work. Ironically, it also means that lead paint that homeowners want removed or mitigated will not be.

In my State of Maine, for example, as of last week we have only three EPA trainers in the entire State to certify contractors. Just over 10 percent of the State's contractors have been certified. Hundreds of Maine's contractors have signed up for the training but they have been forced to wait. Their names are languishing on waiting lists, some for as long as 2 months.

It is hard to envision how much worse a job EPA could have done in rolling out this regulation and it is not as if EPA did not know this was coming. EPA has had years to plan for the proper implementation of this regulation. Unfortunately, the EPA's rule carries a big penalty for contractors who do not get the required training. If contractors who perform work in homes built before 1978 are not EPA certified, they face fines of up to \$37,500 per violation per day. Many of the painters in my State doing this work don't earn \$37,000 in an entire year. How unfair it is when it is the EPA's fault in many cases that they are not certified. The lack of training and the EPA fines are creating a no-win situation. If contractors who have not received the EPA training work in these

older homes, they face the possibility of literally losing their businesses, of being fined out of existence, due to the severity of the EPA fines. Meanwhile, the lead paint remains, raising the threat of lead poisoning and its significant health impacts.

I have been trying to work with EPA officials since this problem first became evident to me in early March, but they have offered absolutely no reasonable accommodations, no reasonable solutions. In fact, it took the EPA 7 weeks to even offer any ideas for getting more trainers to the State of Maine—and even then the EPA's proposals were unworkable.

I come to the floor to offer a common sense solution to a problem created by Washington's poor planning. My bipartisan amendment, which is cosponsored by so many of my colleagues—and let me give the list again. Senators ALEXANDER, INHOFE, BROWN, BROWNBACK, GREGG, SNOWE, COBURN, BOND, MURKOWSKI, VOINOVICH, BURR, BEGICH, and CORKER—would prohibit the EPA from imposing fines against contractors who have signed up for the required training classes by September 30 of this year. This delay will allow, I hope, adequate time for contractors to comply with the law and to get the required training without fear of a fine that could well put them out of business.

To be clear, our amendment does not stop the EPA from punishing those who willingly break the law and endanger a child's well-being. It simply gives the EPA more time to ensure that there is a sufficient number of trainers in each State, and it simply protects that small painter, that small businessman, that small contractor, from unfairly being fined when it is the EPA's fault he or she cannot get the required training.

Inconceivably, I have heard the EPA say it has trained an adequate number of people in Maine, so let me give you the statistics for my State, because they are typical of many States. First, EPA estimates that there are only 1,400 contractors in Maine. In fact, however, there are more than 20,000 contractors in our State; not 1,400, but 20,000 people who need to be trained.

EPA makes another erroneous assumption. It assumes that all of these people are part of large businesses and that only one person at each business needs to be certified.

EPA also assumes that contractors specialize in doing just old homes or new homes. Completely false. That makes no sense at all in a rural State such as Maine, which has some of the oldest housing stock in the country and most painters are small shops, usually just an individual who is self-employed. At most, he might be part of a small business where there are two or three people who are doing the work. In addition, these individuals work in mixed communities which have older

homes and newer homes. This is typical of every community in my State.

We cannot ask them to give up working in older homes simply because an economist at the EPA does not understand what our housing stock looks like in Maine. Furthermore, most of the EPA's classes have been held in the southern part of the State. It is not feasible for people to have to travel hundreds of miles in order to obtain this training. I have heard that criticism and that problem from my colleagues in other States as well, that the EPA is offering the classes only in cities and has completely neglected the rural parts of their states.

My home State of Maine is not the only State trapped in this bureaucratic dilemma. An EPA evaluation from early May shows, for example, that Hawaii only has two trainers. I cannot imagine how that can work in Hawaii given the islands. That is not feasible. Mississippi has only one trainer in the entire State. Three States—Louisiana, Wyoming, and South Dakota—do not have a single EPA-certified trainer.

This is just not fair. It is not fair that these small contractors live under the threat of these onerous fines that would put many of them out of business, when it is not their fault they cannot obtain the training—it is EPA's fault.

All of us understand that lead is a dangerous toxin and we must work to do whatever we can to keep our homes and our children safe. But the burden should not fall upon the shoulders of small contractors and construction professionals, painters and others, who are trying their best to comply with EPA's rule.

Spring is home renovation season in most States. The small business men and women of Maine are just gearing up for the spring and summer months, and they are trying to recover from the great recession which has been so hard on their businesses. The onerous and unfair fines of more than \$37,000 per day could put many of them out of business even as they wait for an EPA training class to become available.

As they are waiting, if they choose not to do this work, they are losing income as well, and that is unfair. All I am attempting to do with this amendment is provide the EPA with more time in order to increase the number of certified trainers and the offering of these classes.

With enough trainers, we can eventually ensure the success of this program. But without enough trainers, we are guaranteeing its failure and penalizing innocent contractors who are simply trying to make a living and who have been unable to secure the training required by the EPA.

I urge my colleagues to support my amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KAGAN NOMINATION

Ms. KLOBUCHAR. I rise today to discuss the President's nomination of Solicitor General Elena Kagan to be an Associate Justice on the U.S. Supreme Court. The Supreme Court confirmation hearing for Solicitor General Kagan will begin on June 28. But my consideration of her will not begin then. As so many of my colleagues, I began considering her the day her nomination was announced because I want to learn as much as I can about President Obama's choice to fill one of the most important jobs in the land, a job as a Supreme Court Justice.

Even though there are many questions we all still need to ask this nominee, and we do that in the hearings, I would like to speak today on how she appears to me based on her initial job interview, the interview I had in my office, and the work that has been done so far to gather information about this nominee.

After meeting with her and hearing about her, I can tell you that I am very positive about her nomination. Solicitor General Kagan is an intellectual heavyweight who brings an incredibly broad variety of legal experiences to this nomination. In so many of the legal jobs that she has had, she has been a trailblazer.

In 2003 Kagan became the first woman in Harvard Law School's 186-year history to serve as dean. It is hard enough to manage lawyers, as I know from my former job as county attorney, much less manage law professors. She did it with much aplomb.

In 2009 she became the first woman to serve as Solicitor General, the chief lawyer representing the interests of the American people before the Supreme Court. One particularly interesting aspect of her background is that she has worked in all three branches of government. She served as a Supreme Court clerk, as an adviser to then-Senator BIDEN when he was the chairman of the Senate Judiciary Committee, and, of course, she has worked in two different Presidential administrations: in the White House Counsel's Office as a domestic policy adviser and now as Solicitor General.

When I look at her resume, I notice two things: One, she has an appreciation of how the law impacts the lives of ordinary Americans. When you are involved in considering the nitty-gritty details of different policies, when you have to figure out where to compromise to protect Americans, and where to hold firm on a piece of legislation or a position you take, you have to know exactly what the consequences of your recommendations will be. You have to think about the lives that will be impacted.

The second thing I notice is she has a track record of listening to different viewpoints and bringing people together, whether it was her track record of recruiting law talents while dean, whether it was conservative law professors or liberal law professors, or working with Senators from both parties on tobacco legislation. She has practical experience reaching out to and working with people who have very different beliefs and views than she does. That is increasingly important on a very divided Supreme Court.

Some of my colleagues have questioned whether she is fit to be a Supreme Court Justice because she has never been a judge. First, I have to wonder whether these same colleagues would have objected to putting, say, Chief Justice Rehnquist on the Supreme Court—he was not a judge before—or Justice Brandeis or Justice Frankfurter because they did not have any judicial experience. Would that have been the excuse, because they were not nominated?

In fact, more than one-third of all Supreme Court Justices in the history of this great country were not judges before. If we think about the Court right now, every single one of them came from what has been called the judicial monastery.

I think it is great that we actually have a nominated candidate that came from a different part of the world, someone who was in the private sector, someone who has worked in the U.S. Government, who has managed people, who has had to make tough decisions. I think that is a good thing. But, additionally, I think it is important that we bring someone with that kind of perspective.

Solicitor General Kagan brings so many interesting legal experiences to the table. Beyond that, her current job, Solicitor General, is actually referred to as “the Tenth Justice” because it is such an important position. She represents the American people before the Supreme Court. That is incredibly important training for an individual nominated to serve on the Court.

It is worth noting that the last Solicitor General who subsequently became a Supreme Court Justice was no other than Thurgood Marshall, Elena Kagan’s mentor and former boss. So I hope we can put to rest this idea that only judges are qualified to be Justices because if that were the rule in this country, one-third of our Justices, so many of them great ones, as noted by people from both sides of the aisle, would never have gotten to the Court.

I also want to talk about one other issue that has come up in the 2 weeks since Elena Kagan was nominated. I wish I did not have to talk about this issue because it is not worthy of discussion in this great Chamber. It is not something we would be normally talking about with a Supreme Court Justice.

But I learned last year, during Justice Sotomayor’s hearings, that Supreme Court nominations truly bring out the “silly season” in Washington, DC. Last year, for example, there were stories and comments, mostly anonymous it is worth noting, that questioned Justice Sotomayor’s judicial temperament.

According to one news story about the topic, “[Judge Sotomayor] develop[ed] a reputation for asking tough questions at oral arguments and for being sometimes brusque and curt with lawyers who were not prepared to answer them.” As I said last year, where I come from asking tough questions and having very little patience for unprepared lawyers is the very definition of being a judge. As a lawyer, you owe it to the bench and to your clients to be as well prepared as you can be.

As Nina Totenberg said on National Public Radio:

If Sonia Sotomayor sometimes dominates oral argument at her court—if she’s feisty, even pushy—then she should fit right in at the U.S. Supreme Court!

I think it was Justice Ginsburg during that time who commented: Well, look at Breyer. Look at Scalia. She will fit right in.

This became an issue at our hearings and she was questioned about this. I thought we had come to a time in our country where we could confirm as many gruff, to-the-point female judges as we have confirmed male judges.

Well, this year is no different. There was a lengthy article this weekend in one of our major newspapers about Elena Kagan’s clothing, describing it as—I will say in rather critical terms, it talked about at length her leg-crossing style. Now I have to say, I took note of this since it was compared to my leg-crossing style.

I have to say I never thought I would be discussing this in this Chamber. But, in fact, this was a major article that stirred much commentary all over the blogs. I do not think such an article was ever written about Chief Justice Roberts. I am trying to picture this, if he was in a meeting with Senator HATCH, if there was a major article written about the two of them and who was crossing their legs and who was crossing their ankles and how they were facing each other. I do not think that happened.

Was such an article written about Justice Alito or was such an article written about Justice Rehnquist when he was being considered by this great body? It is my 50th birthday today, and I must admit, I thought we were somewhat beyond what happened to me when I was 10 years old in Beacon Heights Elementary School and decided one day to wear bell-bottom pants, flowered bell-bottom pants to fourth grade, and was kicked out of my class by Mrs. Quady. I was told: At

Beacon Heights Elementary School girls only wear dresses. I had to go home and change my clothes.

Well, a lot has happened since those days in fourth grade. Now on my 50th birthday, it is my hope that as we consider the Solicitor General of the United States, Elena Kagan, she will be considered on her merits, she will be asked tough but fair questions; the questions should not be where does she shop, but, rather, does she have the first-rate intellect, unimpeachable character, and judicial temperament to join the highest Court in the land.

That should be what we are talking about at the hearing. That should be what the press is focused on. That should be what my colleagues are to decide on. Just think about how far we have come. When Sandra Day O’Connor graduated from law school 50-plus years ago, the only offer she got from a law firm was for a position as a legal secretary.

Justice Ginsburg faced similar obstacles. When she entered Harvard in the 1950s, she was one of only 9 women in a class of more than 500, and one professor actually asked her to justify taking a place that could have gone to a man. Later she was passed over for a prestigious clerkship despite her impressive credentials. In the course of more than two centuries, 111 Justices have served on the Supreme Court. Only three have been women. If confirmed, Elena Kagan would be the fourth and, for the first time in its history, three women would take places on the bench when arguments are heard this fall. Let’s focus on what matters. Let’s focus on the credentials, on the qualifications, on how she answers the questions, not on how she crosses her legs.

I yield the floor.

AMENDMENT NO. 4175, AS MODIFIED

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. I ask unanimous consent the Lautenberg amendment No. 4175 be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

On page 79, between lines 3 and 4, insert the following:

(b) REIMBURSEMENT.—

(1) DEFINITION OF RESPONSIBLE PARTY.—In this subsection, the term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(2) LIABILITY AND REIMBURSEMENT.—Each responsible party—

(A) is liable for any costs incurred by the United States under this Act relating to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of,

the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico; and

(B) shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the costs incurred under this Act relating to the discharge of oil described in subparagraph (A), as well as the costs incurred by the United States in administering responsibilities under this Act.

(3) FAILURE TO PAY.—If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this Act, the Secretary of the Treasury shall request the Attorney General to bring a civil action against the responsible party (or a guarantor of the responsible party) in an appropriate United States district court to recover the amount of the demand, plus all costs incurred in obtaining payment, including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I had intended to ask unanimous consent to set aside an amendment in order to offer amendment 4191, but I understand there are certain Senators who want to review that amendment before that request is made. That is certainly a reasonable suggestion. I will withhold my request to offer the amendment. I hope I will have a chance to offer it later. I want to let my colleagues know what I intend to do.

This amendment would reestablish the moratorium on offshore oil and gas drilling in the North Atlantic, Mid-Atlantic, the South Atlantic and the Straits of Florida Planning Areas. As I am sure colleagues are aware, several weeks ago the President indicated he would lift the moratorium on offshore drilling along the Atlantic from the New Jersey-Delaware border south all the way to the Florida Keys, that he would also lift the moratorium on parts of Alaska, but that he would maintain a moratorium on the Pacific coast and on the North Atlantic. Since that announcement has been made we all know what has happened in the Gulf of Mexico. We have seen what happened with the BP oil spill—the loss of life and the horrific impact it has had on the environment.

When the President announced his policy of additional offshore drilling sites, he stated, through the Secretary of the Interior, that there are places in the United States that are environmentally too sensitive to consider for new oil and gas exploration and production. He cited the entire west coast of the continental United States and the North Atlantic. Those who are familiar with the mid-Atlantic know it is also too sensitive an area from an environmental point of view to take the risk on new offshore drilling. I mention this specifically because there is a lease sale site—220—50 miles off the Virginia coast and 50 miles due east of the entrance to the Chesapeake Bay, and just 60 miles from the border of the Assateague Island National Seashore

that is actively being considered for oil exploration. Recently, the Department of Defense weighed in with objections to that because naval operations use a large part of that area. It is about 2.9 million acres.

My point is that expected reserves there are minuscule compared to our national needs and the risk factors are significant. If we were to have anywhere near the type of spill that happened in the gulf 50 miles off the entrance to the Chesapeake Bay, it would have a catastrophic impact for generations to come on the Chesapeake Bay and on the beaches not only in Maryland and Virginia but in Delaware and New Jersey. According to the National Oceanic and Atmospheric Administration, the prevailing winds in our region blow toward the shore or along the shore 72 percent of the time, making it much more likely that any spill that short a distance from the shore would end up affecting our coastal areas. I say that knowing full well there is not much oil to drill for out there.

It is interesting to point out that 79 percent of our recoverable offshore oil and 82 percent of our recoverable offshore natural gas is already open to drilling. The mineral companies already have significant areas where they can drill. There is only a small amount left. More important, if we go after all of our known oil reserves we have in this country, we have less than 3 percent of the world's oil reserves, known reserves. But we consume 25 percent of the world's oil. It is clear to all of us that we need to develop an energy policy that makes us energy secure, that helps us create and save jobs in America and is friendly toward the environment. The best investment we can make is in conservation, alternative and renewable energy sources, and safely developing resources on existing leases in order to accomplish that.

For many years, there was a moratorium on offshore drilling. That moratorium was imposed by Congress and by Executive Orders. But we were unable to extend the Congressional moratorium in 2008 and because of the actions of the previous administration, that moratorium no longer exists. The purpose of this amendment is to say that none of the funds made available in this act—and there are funds made available in this bill to deal with the oil spill issue—can be used for pre-leasing, leasing or any other activity off the Atlantic coast or the Straits of Florida. The west coast is protected; the administration did not propose drilling there. So, too, is the North Atlantic. But to be as emphatic as possible, I included the North Atlantic Planning Area in my amendment to send a message that we don't want drilling anywhere from Maine to the Florida Keys. Alaskans have their opinions on the way that they believe

drilling should be handled there. We can get to that legislation separately. Certainly, with BP Oil currently under investigation, I hope it will be the unanimous view of this body that we don't want to see any new areas drilled until after we have had a full investigation into what happened in the Gulf of Mexico, to find out why we didn't have the regulatory system in place to protect our environment and protect public safety, to protect small businesses and property owners, and to protect taxpayers, why that regulatory system was not in place.

Before we consider new areas, we certainly want to make sure we have reviewed the regulatory structure that is in place and taken the steps necessary to fix it. This amendment would express our intention that until that is done, we don't want to see any new offshore drilling sites along the Atlantic coast.

I hope we go further. Quite frankly, I hope we go further and say we should not be doing any new drilling anywhere in this country until we find out what went wrong so that we have corrected that. I am talking about offshore drilling. We should at least be able to correct what was the mistake with regard to BP Oil and the Deepwater Horizon rig. But at a minimum, these areas along the Atlantic coast where we currently don't drill should be off limits until we have completed the full review. That is the purpose of my amendment. I hope the chairman and ranking member will give me an opportunity to offer this amendment. I have heard from the Parliamentarian's Office that it would not be subject to a Rule XVI point of order and I believe it is germane. I believe we have a responsibility to act on this issue on this supplemental appropriations bill, because this truly is an urgent issue that has become much more urgent as a result of the spill in the gulf.

Mr. INHOFE. Will the Senator yield for a question?

Mr. CARDIN. I am glad to yield.

Mr. INHOFE. For clarification, I know he expressed his sentiment that he wishes to stop all drilling offshore. But for the purpose of this amendment, it is confined to two areas, and it is only until such time as the investigations underway are completed; is that correct?

Mr. CARDIN. This amendment deals with the three Atlantic Planning Areas (North, Mid, and South) and the Straits of Florida Planning Area only, and it only becomes operational as long as this supplemental appropriations bill is in effect—through the end of the current fiscal year.

Mr. INHOFE. It is a 1-year moratorium. It is not tied to the investigation?

Mr. CARDIN. No, it is not tied to the investigation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Let me make a couple comments about the comments of my friend from Maryland concerning the opportunities we might have to exploit our resources in the United States. I hear quite often people say that we only have 3 percent of the world's reserves. The only reason that figure is so low is because we can't go ahead and go after and define our recoverable reserves. CRS came out about 2 months ago with a report that we are No. 1 in the world in recoverable reserves of gas, oil, and coal. We have done a study, not a part of any formal study, but to determine where we would be if we, like every other country in the world, would exploit our own resources, where we would be in terms of our dependency on the Middle East for the ability to provide the energy we need. In a short period, just on this North American continent, Mexico, Canada, and ourselves, if we would lift all restrictions we currently have, we would be able to be independent of the Middle East.

A lot of people who are concerned about the national security ramifications of our dependency on the Middle East are concerned about the Middle East. They are not concerned about Canada or Mexico. They are not concerned about the North American continent.

For those people who don't want to drill offshore, certainly now is the time to stand up and say: Look what happened down here, a horrible disaster. But those people who have never wanted, at least in the 20 years I have been here, to drill offshore or even in some of the other areas that are now off limits are people who don't think fossil fuels have a place in our energy mix. Quite frankly, I am glad President Obama has changed his position and is now recognizing that fossil fuels, more clean coal technology and therefore more coal, more gas, more oil is something he would support. It is nice to talk about renewables. It is wonderful. We have more windmills in Oklahoma than any State right now. But until technology gets to the point where we can efficiently produce energy from renewables, we still have to run this machine called America. We can't do it without fossil fuels.

I am a little bit prejudiced. I come from Oklahoma. We are one of the largest producing States. Ours are mostly marginal wells, shallow wells. They are not the giant ones. That is the reason I have been on the floor several times objecting to the Menendez limits or caps they are talking about putting on something that would be unrealistic, that would shut down any opportunities for independents and confine all offshore drilling to the five majors plus the NOCs. That is the national oil companies, mostly talking about China.

I am concerned about that. I know right now we would be in a position to do something, and we could become energy sufficient in the North American continent within 5 years, if we would exploit our own energy resources.

AMENDMENT NO. 4218

That is not the reason I am here this afternoon. I just happened to come in. I wish to comment on amendment No. 4218 by Senator COLLINS. She was here a little while ago. I had an amendment that would do essentially the same thing. It was the Inhofe-Collins amendment. This is the Collins-Inhofe amendment. It takes a slightly different approach. I support both amendments, although I am withdrawing mine in her favor.

This is the problem we have. On April 22, the EPA came out with a rule that made the statement that in the event you disturb any 6 square feet of a building structure that is older than 1978, then you have to have a permit from the EPA to become certified to work on such a building. If you don't do it, there is a penalty provision of some \$37,500 a day. Realistically, we know they would not fine somebody \$37,500 a day. But unfortunately, a lot of the contractors who do that kind of work are individuals who don't know that is nothing but a bluff to keep people from doing things. We very much want to participate in this dialog.

I think there may be a procedural problem that someone is whispering about here; is that correct? OK, I am sorry. I forgot to ask to be considered as in morning business. I ask unanimous consent at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. This is a problem. I used to be in this business on some scale. The smaller contractors are the ones who do the renovation business. That means if they try to go out there and even replace one window, you can't replace the window without disturbing 6 square feet. Therefore, you would come under the provisions of this new rule, and you would be subjecting yourself to a fine of \$37,500.

So my bill that would have resolved the problem was not quite as good as the Collins bill, but it would have merely said that until such time as there are adequate numbers of people who are certified to do this work, we would not enforce the law.

Well, the problem we are having right now is—and I have a list of the different States—in my State of Oklahoma, there is only one certified instructor. We have all these people wanting to take the course but they cannot get in, and they cannot do the work because of the heavy fine provisions.

So what Senator COLLINS has done in her amendment is say that the penalty provision—the \$37,500 a day—would be waived until September 30. That would

allow the EPA to get certified instructors into all the States so the people who want to become certified can become certified—in the meantime, not miss this summer's construction season. It is a very simple thing. I can assure you, this is a huge jobs bill because right now these people are not working. We are talking about thousands and thousands, in just my State of Oklahoma, of subcontractors who do this kind of work.

I strongly support the Collins-Inhofe amendment No. 4318. It is a jobs bill. It is a bill of fairness.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, for clarification, I knew people were walking around talking. I apologize to Senator CARDIN. I have no objection to him offering his amendment. I would say, I was wanting to get clarification on the amendment so I would know how I wanted to vote. That is all.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REGULATORY REFORM

Mr. KAUFMAN. Mr. President, we are about to go to a conference on the financial reform bill for Wall Street reform. I want to spend a few minutes to talk about some of the provisions that I think are extremely important to survive in conference.

What brought my attention to speak today is what is going on in Europe right now. You will hear people talk about this bill, and they will say: Well, there is no problem anymore. We have straightened out the mortgage problem. This all happened. Some kind of a typhoon came through here and wrecked the housing business. If we get that straightened out, we can move right on.

I do not see it that way. I do not look at it as some kind of natural disaster. Clearly, the housing bubble was a big part of it, but there were still systemic problems in our financial system which have been around for quite a while. If

you go back and look at the 1929 Depression, in 1933, the Senate of the United States and the House and the President got together and we made rules and we made laws to correct it so it would never happen again. We passed a bill such as Glass-Steagall which basically said if you want to be a commercial bank, that is fine. But if you want to be a commercial bank, you cannot be an investment bank. We put in the uptick rule on short selling. We put in margin requirements. We created the FDIC. The Congress of the United States legislated because it was such a serious problem.

For 50, 60 years we did not have a major problem. We had problems, but not major problems. Think about before 1929. The 19th century was full of bank panics. What happened? Why did we go through 50 or 60 years without a problem?

I think when you look at it, you have to say we made some major mistakes during the late 1990s and into the 2000s in the way we carried on our business in the financial market. One by one, we stripped away these protections. It culminated in 1999 with the Graham-Leach-Bliley Act, which did away with Glass-Steagall. We allowed commercial banks to get into all kinds of businesses, all kinds of risky businesses. We allowed them to get into derivatives. Our regulators went home and said: Hey, look, we didn't need regulation. Let the free market work it out. Alan Greenspan and others were saying: Let the market work it out.

This was not just about housing. Housing is what set it off, but what really set it off was we basically said, we do not need any regulators. We decided to do play football, and we said: Do you know what. Those referees on our football field keep blowing the whistle. How can we keep playing when we have the referees blowing the whistle all the time, closing things down? Let's get these referees off the field and let the people play. We all know what happens in football, and we all saw what happened here.

What concerns me the most is—I think we have done some good things to deal with the housing market and eliminating the housing bubble—what we see happening in Europe should send a real chill through the spine of everyone in this body. We have seen the EU and the IMF scramble to put together an almost \$1 trillion emergency package to forestall a full-blown series of sovereign debt crises in one country after another. Sound familiar? Lehman Brothers, Bear Stearns, AIG, and on. Greece, Spain, Portugal. Sound familiar? We see what is happening there.

German and French banks alone have more than \$900 billion in exposure to Greece and other vulnerable Euro countries, including Ireland, Portugal, and Spain. Meanwhile, our top five

banks have an estimated \$2.5 trillion in exposures to Europe.

On the front page of today's Wall Street Journal there is an article on how European banks are saddled with higher funding costs because of skepticism on whether the EU-IMF bailout plan will work.

I am a person who believes in the market. Look at what the market is saying. The market is saying: You are going to have to pay a higher funding cost. Do you know why? Because we are at risk. That is a sign. It is not for people to sit around. We are at risk. Just like right now, our major banks borrow at lower rates than every other bank in America because people believe 75 basis points or 80 basis points—because people believe the market sends a clear message that they think those banks are still too big to fail. So this is an example of what is going on in Europe and why we must make sure the bill that comes out of conference is strong and why we must make sure we have done away with too big to fail.

There are five issues I wish to talk about on the floor and go over them. No. 1 is Merkley-Levin. People on the floor know that is a good amendment, the President of the United States. The Volcker rule: Folks have come to this floor and said the Volcker rule is already in this bill. Well, this bill says the Rocker rule is in here. The Volcker rule, as you will remember, says that commercial banks, banks, should not be involved in proprietary trading.

If you want to be a commercial bank, be a commercial bank. That is what we set up when we set up Glass-Steagall. We said be a commercial bank. That is going to be a low-risk business. You may not get as high a return if that is what you want to do, but do not get into these risky things, do not get into this investment banking. Basically, what this says is, do not get into the proprietary trading because proprietary trading can be risky. If you want to be a commercial bank, be a commercial bank. So what the present bill says is that it supports the Volcker rule. It says you can do proprietary trading, but then it sends it to the regulators, and says to the regulators, you can modify this.

First of all, what is the Congress of the United States doing saying to regulators, you can modify this? The buck stops here with us. We should lay down what the rules are. That is what we did in 1929. We passed laws. We made what the laws were. We do not turn them over to regulators. By the way, many of these regulators—not the people but the people who were in those positions—were the reason why we got to where we are today, because they are the ones who pulled the referees off the field.

So one of the things we should look at clearly coming out of this conference is a strong Volcker rule, not

one that can be modified by the regulators, and that is basically the Merkley-Levin amendment.

The second thing is the provision by Senator LINCOLN, the provision on swaps dealers. The conference report should include Senator LINCOLN's provision to prohibit banks with swap dealers from receiving emergency Federal loans. Again, if you want to be a bank, be a bank. Do not get into these high-risk businesses.

By forcing megabanks to spin off their swap dealer into an affiliate or separate company, section 716 of the Senate bill would help restore the wall between the government-guaranteed part—the FDIC-insured part—of the financial system and those financial institutions, entities, that remain free to take on greater risk.

If you want to have risk, become an investment bank. Go into risky business. Do not do that with commercial banks. Do not be luring our commercial banks with up to, potentially, \$2.5 trillion in exposure to Europe. How many derivatives? How much are they still in derivatives? That is what this is about. Let's get them out of the risky business of derivatives.

Allowing massive derivatives dealers to be housed within banks creates a moral hazard. Forcing banks to spin off large derivatives dealers would end this moral hazard and force swaps dealers to adequately price and capitalize the risks associated with these activities. Again, commercial banks should be commercial banks. They should not be in high-risk businesses.

Senator COLLINS' capital standards amendment. The conference report should include some form of the Collins amendment to ensure that bank holding companies and systemically significant nonbank financial institutions are subject to capital and leverage requirements as stringent as those that insured depository institutions face under existing prompt corrective action regulations. That just makes good sense. Set up the same regulations.

This amendment would, therefore, raise the capital bar for our largest financial institutions, requiring them to hold more committed and reliable forms of capital, namely, common equity and retained earnings. This makes good sense.

Representative KANJORSKI's systemic risk amendment. The conference report should include Representative KANJORSKI's amendment to require the council, following consultation with applicable prudential regulators, to take action against a financial institution that poses a "grave threat" to U.S. financial stability. This just makes good sense.

These actions might include the imposition of enhanced capital and other prudential standards, activity restrictions, and the sale of assets or business lines, among others. This is what the

regulators should be doing. Hence, this amendment gives regulators added tools and authority to impose strict standards and take preemptive actions against financial institutions that pose outsized risks to the overall system before a full-blown financial crisis occurs.

We cannot do what we have done before. We cannot say: Oh, everything is going great, and then one day wake up with this incredible hangover. We cannot wait for a full-blown financial crisis. That is key. Resolution is one thing—how to resolve it once you get there—but we have to spend our time on prevention to make sure this never happens again, we never get to that point.

Finally, Representative SPEIER's leverage amendment. The conference report should include Representative SPEIER's amendment to require the Federal Reserve to set a minimum leverage level of 15 to 1 on all systemically significant financial institutions. This is good financial practice.

A statutory leverage limit of this kind will ensure a capital floor for our largest banks and help ensure that regulators do not miss the forest for the trees as they calibrate risk-based capital standards.

These are five important pieces to the puzzle that we should include in this financial regulatory reform when it comes back from the conference. This is our way to assure that never again do millions of Americans find themselves out of work, millions of Americans find themselves without a house, and that American taxpayers never again—never again—will have to bail out the large banks.

I yield the floor.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4191

Mr. CARDIN. Madam President, I ask unanimous consent that the pending amendment be set aside so that I may offer amendment No. 4191.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 4191.

Mr. CARDIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for leasing activities in certain areas of the outer Continental Shelf)

On page 81, between lines 23 and 24, insert the following:

SEC. 30 _____. None of the funds made available by this Act shall be used by the Secretary of the Interior for the conduct of offshore preleasing, leasing, and related activities in the North Atlantic, Mid-Atlantic, South Atlantic, and Straits of Florida Planning Areas of the outer Continental Shelf described in the memorandum entitled "Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition", 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998.

Mr. CARDIN. Madam President, first, I thank the chairman and ranking member for allowing me the opportunity to offer this amendment. It imposes a moratorium on offshore drilling along the Atlantic coast and the Straits of Florida. I have already talked about the amendment. I thank my colleagues for allowing it to be introduced.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, in a moment, I am going to ask for the regular order with respect to the Cornyn amendment for the purpose of offering a second-degree amendment to the Cornyn amendment with one additional request for appropriations—namely, about \$200 million for some court personnel and related facilities to accommodate taking illegal immigrants who have violated the law by coming into the country illegally and, after processing through the court system with lawyers available, incarcerating those people for 2 weeks or, if it is multiple offenses coming into the country illegally, for 30 days in most cases.

Where this has been done on the border, illegal immigration has already come to a stop because going to jail represents a real deterrent. To illustrate the difference between two sectors of the border in Arizona, we can see how we could really make a difference for a relatively small amount of money in controlling the border. It can be done.

Arizona is divided into two halves. The eastern half is the Tucson sector; the western half, going into California for about 30 or 40 miles, is the Yuma sector. Both have had huge problems with illegal immigration.

In the last 5 years, illegal immigration in the Yuma sector has been cut by 94 percent. That is huge. There is one other sector on the border somewhat similar, the Del Rio, TX, sector, where this Operation Streamline is

also in effect. It has been cut dramatically there as well.

In the other Arizona sector, Tucson, where Operation Streamline has not been fully implemented, there are still about a quarter of a million people per year crossing the border who are apprehended. Nobody knows how many get across and are not apprehended. Estimates range from three to four to five times as many. So in all likelihood, there are about 1 million people crossing the border every year in the Tucson sector, about a quarter of whom are apprehended. We need to provide a deterrent for those people so they realize they should not cross.

About 17 percent of the people who are apprehended when they try to cross illegally we find are criminals in the United States. They have criminal records in the United States or are wanted for crimes here. Obviously, those people do not want to be incarcerated when they are caught. The remainder, the 83 percent, want to come here to work. They just want jobs. But they cannot be providing for their families back in Mexico, El Salvador, or wherever they might be from if they are in jail.

The Yuma sector experience has found that as a result, if they know for a certainty that they are going to go to jail if they are caught, they stop trying because it is simply not worth it to them, and they go someplace else on the border to try to come across. The number in Yuma is staggering. Five years ago, we were apprehending 118,500 immigrants. So far this year, it is about 5,000.

I was there about 6 weeks ago. I talked with the head of the Border Patrol.

I said: What is it like just today?

He said: There is no activity.

I said: There has to be some.

He said: No. Most days, nobody tries to cross.

I said: That is pretty remarkable. Why?

He said: Three factors. We have 11 miles of double fencing in the Yuma urban area, we have enough Border Patrol, and we have Operation Streamline.

There are some other assets. They have cameras. There are lights. The Marine Corps, which helps in the far eastern part of this sector near the Barry Goldwater gunnery range, a place where jet airplanes fly and drop bombs for practice, takes care of that. They have had pretty good luck there. But there are no pedestrian fences. It is all vehicle barriers in that area. And there is some radar out there.

The bottom line is, with a combination of these things, what they have found is they can secure the border. It is relatively inexpensive—I say "relatively." You do have to have a defense lawyer, a prosecuting lawyer, a court clerk, a judge, a courtroom, and then

you have to lease the jail space. Those things can be done.

What we are hoping is that we can begin to apply this same concept to other sectors of the border and that in a relatively short period of time, we can demonstrate that we can secure the border. When we do that, not only will we have done what we are supposed to do as the people who are in charge of enforcing the law, but then I think people will have a much more open mind to consider other issues, such as elements of comprehensive immigration reform. As I have said, we do not need comprehensive reform to secure the border, but we do need to secure the border to get comprehensive immigration reform. And this is a good-faith effort to do it.

We have provided the funding. I will read it. It is very brief. This is an additional amount to fully fund—it is called multiagency law enforcement initiatives; “multi” because it is both the Department of Homeland Security and Department of Justice.

These are already authorized under title II of the public law, but this would be \$200 million, \$155 million available for the Department of Justice and the remainder, \$45 million, available for the judiciary. That is for courthouse renovation, administrative support, including hiring additional judges. The first part is hiring additional deputy U.S. marshals, constructing or leasing temporary detention space, and related needs of the Department of Homeland Security or Attorney General.

At this time let me ask unanimous consent to return to regular order for the Cornyn amendment, if that is the appropriate procedure for offering my amendment as a second-degree thereto.

AMENDMENT NO. 4202

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 4228 TO AMENDMENT NO. 4202

Mr. KYL. Madam President, I then send to the desk amendment No. 4228. This is a Kyl-McCain amendment that would be offered as a second-degree amendment to the Cornyn amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from Arizona [Mr. KYL] for himself and Mr. MCCAIN, proposes an amendment numbered 4228 to amendment No. 4202.

Mr. KYL. I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate \$200,000,000 for a law enforcement initiative to address illegal crossings of the Southwest border, with an offset)

At the end of the amendment, add the following:

(j) OPERATION STREAMLINE.—For an additional amount to fully fund multi-agency

law enforcement initiatives that address illegal crossings of the Southwest border, including those in the Tucson Sector, as authorized under title II of Division B and title III of Division C of Public Law 111-117, \$200,000,000, of which—

(1) \$155,000,000 shall be available for the Department of Justice for—

(A) hiring additional Deputy United States Marshals;

(B) constructing additional permanent and temporary detention space; and

(C) established and other related needs of the Secretary of Homeland Security and the Attorney General; and

(2) \$45,000,000 shall be available for the Judiciary for—

(A) courthouse renovation;

(B) administrative support, including hiring additional clerks for each District to process additional criminal cases; and

(C) hiring additional judges.

(k) OFFSETTING RESCISSION.—

(1) IN GENERAL.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$200 million of the amounts appropriated or made available under Division A of such Act that remain unobligated as of the date of the enactment of this Act are hereby rescinded.

Mr. KYL. I see another colleague here wishing to speak. I have already explained the amendment, but I will summarize it by saying we need to control the border. I believe it can be done. The Yuma sector represents a good example of how it can be done.

I understand the President will be requesting some additional funding for some additional personnel and so on. The Cornyn amendment would provide funding specifically for some of the personnel who are needed on the border and some of the related activity, both Federal and State. Our second-degree amendment, offered for Senator MCCAIN and myself, would simply add the funding necessary to implement the Operation Streamline portion of this that would provide the deterrent so people would not want to cross the border illegally because if they got caught, there would be a virtual certainty they would be incarcerated for a relatively short period of time but more, obviously, than any of them want to spend in jail.

For this deterrent to work we need this additional funding. I hope when we have an opportunity to vote my colleagues will ask any questions. I am willing to discuss this on the Senate floor or privately if they like. There is a lot of other information we can provide that describes this. I think it is a reasonable approach and certainly on this supplemental appropriation legislation—which helps to fund the military needs of our country, even the National Guard if that is to be funded. This is a complement to that which I think is totally appropriate in this particular legislation.

I appreciate my colleagues' indulgence and yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

IN PRAISE OF STEVE SHACKLETON

Mr. KAUFMAN. Madam President, I rise once again to recognize one of our Nation's great Federal employees.

This weekend, Americans will be observing Memorial Day, which also marks the unofficial start of summer. It is a tradition for families to gather at picnics and spend time together outdoors. Many will be visiting parks, trails, and historical sites administered by the National Park Service.

Every year, when Americans travel to our national parks—as many will do this weekend they often take for granted the outstanding work performed by National Park Service rangers.

The men and women who protect our National Park System and watch over the safety of its visitors come from diverse backgrounds, yet they share a dedication to public service and an abiding love for the land we all so cherish.

The parks they administer on our behalf showcase the diversity of our country's splendid natural geography. From Yellowstone to the Shenandoah, from the gates of the Arctic to the Great Smoky Mountains, these parks provide a refuge for wildlife and preserve our natural and cultural heritage.

The experience of visiting these parks is often awe-inspiring. Surely all who have ever stood at the rim of the Grand Canyon or at the foot of a giant California Redwood felt their majesty and the stirrings of tranquility they inspire.

These parks, trails, and historic sites are an excellent place to take children, where they can learn firsthand about nature and the importance of conservation.

This is why I have been working with Senator CARPER to establish the first State national historical park in Delaware, which would preserve sites important to our State's colonial history. Currently, Delaware is the only State without a national park.

Indeed, our great national parks, with their pristine natural beauty and vast expanses of solitude, have stirred their souls of millions.

We have so much to learn from these parks, and so much to experience. True remain the words from Shakespeare, who wrote of the wilderness that in it we may “find tongues in trees, books in running brooks, sermons in stones, and good in every thing.”

Today, as my great Federal employee of the week, I have chosen to honor one of the dedicated rangers who keep visitors to our national parks safe, informed, and able to experience the parks' wonders.

Steve Shackleton has been a national park ranger for over a quarter-century. He began his service in the 1980s at the Grand Teton National Park in Wyoming, where he worked in the areas of search and rescue, emergency medicine, and law enforcement. During that

time, he spent six summers fighting fires in California's Sierra National Forest.

Steve spent 14 years in Hawaii and Alaska working on resource protection management. He holds bachelor's and master's of science degrees in criminology from California State University in Fresno and a master's of public administration from the University of Alaska, Anchorage.

In the late 1990s, Steve came to Washington, where he spent 3 years working in the National Park Service's legislative office and undertaking a fellowship right here in the U.S. Senate. Afterward, Steve became the superintendent of the Pinnacles National Monument in California's central coast region.

From 2004–2005, he participated in the OPM's Federal Senior Executive Candidate Development Program, which included study at Harvard's Kennedy School of Government and Stanford's Graduate School of Business.

For the last 7 years, Steve served as the chief ranger at Yosemite National Park. In that role, he directed the park's programs in law enforcement, wilderness management, fire prevention, search and rescue, and remote medicine.

This February, Steve was asked to return to Washington, where he now serves as the National Park Service's Associate Director for Visitors and Resource Protection.

Steve's love of nature and America's natural heritage can be traced to his father, Lee Shackleton, who himself had a long career as a park ranger. Steve and his wife, Jane, have passed along this tradition of caring for nature to their daughter, Dana, who is studying veterinary medicine at the University of California, Davis.

I hope my colleagues will join me in recognizing the great work of Steve Shackleton and all of America's national park rangers. This summer, they will continue to watch over the safety of visitors and serve as their guides to the splendor of our national parks.

The men and women of the National Park Service are all truly great Federal employees.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) Without objection, it is so ordered.

AMENDMENT NO. 4232

Mr. COBURN. Mr. President, I wanted to spend a few minutes talking about the bill before us and also call up two amendments. I will call up the amendments first and get that out of the way.

I ask unanimous consent that the pending amendment be set aside and that amendment No. 4232 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 4232.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To pay for the costs of supplemental spending by reducing Congress' own budget and disposing of unneeded Federal property and uncommitted Federal funds)

At the end of the bill, add the following:

TITLE IV—PAYMENT OF COSTS OF SUPPLEMENTAL APPROPRIATIONS

SEC. 4001. REDUCING BUDGETS OF MEMBERS OF CONGRESS.

Of the funds made available under Public Law 111–68 for the legislative branch, \$100,000,000 in unobligated balances are permanently rescinded: *Provided*, That the rescissions made by the section shall not apply to funds made available to the Capitol Police.

SEC. 4002. DISCLOSING COST OF CONGRESSIONAL BORROWING AND SPENDING.

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (<http://www.senate.gov/>) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

SEC. 4003. DISPOSING OF UNNEEDED AND UNUSED GOVERNMENT PROPERTY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“§ 621. Definitions

“In this subchapter:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(2) EXPEDITED DISPOSAL OF A REAL PROPERTY.—The term ‘expedited disposal of a real property’ means a demolition of real prop-

erty or a sale of real property for cash that is conducted under the requirements of section 545.

“(3) LANDHOLDING AGENCY.—The term ‘landholding agency’ means a landholding agency as defined under section 501(i)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)(3)).

“(4) REAL PROPERTY.—

“(A) IN GENERAL.—The term ‘real property’ means—

“(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

“(I) excess;

“(II) surplus;

“(III) underperforming; or

“(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

“(ii) a building or other structure located on real property described under clause (i).

“(B) EXCLUSION.—The term ‘real property’ excludes any parcel of real property or building or other structure located on such real property that is to be closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

“§ 622. Disposal program

“(a) The Director of the Office of Management and Budget shall dispose of by sale or auction not less than \$15,000,000,000 worth of real property that is not meeting Federal Government from fiscal year 2010 to fiscal year 2015.

“(b) Agencies shall recommend candidate disposition real properties to the Director for participation in the pilot program established under section 622.

“(c) The Director, with the concurrence of the head of the executive agency concerned and consistent with the criteria established in this subchapter, may then select such candidate real properties for participation in the program and notify the recommending agency accordingly.

“(d) The Director shall ensure that all real properties selected for disposition under this section are listed on a website that shall—

“(1) be updated routinely; and

“(2) include the functionality to allow members of the public, at their option, to receive such updates through electronic mail.

“(e) The Director may transfer real property identified in the enactment of this section to the Department of Housing and Urban Development if the Secretary of Housing and Urban Development has determined such properties are suitable for use to assist the homeless.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“Sec. 621. Definitions.

“Sec. 622. Disposal program.”.

SEC. 4004. AUCTIONING AND SELLING OF UNUSED AND UNNEEDED EQUIPMENT.

(a) Notwithstanding section 1033 of the National Defense Authorization Act of 1997 or any other provision of law, the Secretary of Defense shall auction or sell unused, unnecessary, or surplus supplies and equipment without providing preference to State or local governments.

(b) The Secretary may make exceptions to the sale or auction of such equipment for transfers of excess military property to state and local law enforcement agencies related

to counter-drug efforts, counter-terrorism activities, or other efforts determined to be related to national defense or homeland security. The Secretary of Defense may sell such equipment to State and local agencies at fair market value.

SEC. 4005. RESCINDING UNSPENT AND UNCOMMITTED FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available uncommitted unobligated Federal funds, \$80,000,000,000 in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

(c) EXCEPTION.—This section shall not apply to the unobligated Federal funds of the Department of Defense or the Department of Veterans Affairs.

AMENDMENT NO. 4231

(Purpose: To pay for the costs of supplemental spending by reducing waste, inefficiency, and unnecessary spending within the Federal Government)

Mr. COBURN. I ask unanimous consent that the pending amendment be set aside and amendment No. 4231 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 4231.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. COBURN. We have before us almost a \$60 billion emergency supplemental appropriations bill. This is about the eighth supplemental bill we have discussed since I have been in the Senate—some appropriate, some not.

But the thing that I think the American people need to know, given the fact that this week our debt will be \$13 trillion—this week—and that does not count what we owe trust funds inside the government, account money we have stolen from Social Security that will have to be paid back; it does not count money that has been taken from the oil recovery fund that will have to be paid back; it does not count the money from the inland waterway trust fund and all of these other trust funds. That is \$13 trillion outside of what we have borrowed from ourselves—\$13 trillion.

So we have before us a bill that is an emergency supplemental appropriations bill, and I thought it would be interesting for the American people to see what the rules of the Senate say about what is an "emergency" because

nobody can say the war is an emergency. Since September 11, 2001, there has been no emergency other than the fact that we knew we were going to war. And the fact is, we have known that at least for the last 5 or 6 years. Nobody can say that.

But when you look at the definition we are supposed to follow—our own rules—about emergency designations, there are five characteristics, and those five characteristics are, one, it is necessary, it is essential, and it is vital. Well, some of this bill is necessary, some of it is essential, and some of it is vital—not all of it is by any means.

No. 2: Sudden, quickly coming into being, and not building up over time. Well, this bill certainly does not meet that requirement, except for a very small section of it.

An urgent, pressing, and compelling need requiring immediate action. There is no immediate action here on anything, except maybe the FEMA portion for both the upper Northeast and the flooding and Nashville, TN, and its flooding. But we have \$900 million sitting in FEMA right now that has not been spent that we can start spending, so we don't have to pass \$5 billion right now.

Unforeseen, unpredictable, and unanticipated. Well, the war certainly wasn't unforeseen, it certainly wasn't unpredictable, and it certainly wasn't unanticipated. We have known it. So it certainly doesn't meet that definition. It is not permanent, it is not temporary in nature.

So we have what we are supposed to be following, and I would portend that 98 percent of this bill doesn't meet the requirements of being an emergency designation. Yet why are we calling it an emergency designation? There is one real reason for that; that is, we don't have to confine it in with the total amount we are authorized to spend. This is outside of what we are going to spend. It is \$60 billion that we are going to borrow. We are going to borrow it. We are going to borrow it from the children of the people who are in Afghanistan and Iraq who are fighting this war. The people in this body aren't going to pay it back. We are going to kiss it goodbye and we are going to say: Here is your present, grandchildren. Here is a present for the kids of the warfighter who is over there today, who is sacrificing, his family is sacrificing, her family is sacrificing. But we are going to borrow it from them.

And it is not that we haven't done it. We made a big fanfare about that we were going to institute pay-go; that we were not going to violate pay-go; that pay-go was going to force discipline on us. So we passed a statute, and the President had a big signing—except here is what has happened since we have signed it.

It was signed into law on February 12.

On February 24, we violated pay-go. We said the rule doesn't apply; we have a need; we are going to spend \$46 billion. So we spent \$46 billion outside of the budget. We borrowed \$46 billion. Oops.

March 2. We don't have the courage to eliminate lower priority parts of the government. We borrowed another \$10 billion.

All of a sudden, on March 3, then we borrowed \$99 billion. Pay-go didn't count. We just said: We waive pay-go. Sixty votes of the Senate. We have no fiscal discipline—\$99 billion.

April 14. We borrowed \$18 billion. Did it again.

So if you add those up—and that doesn't count the last one we did. I will bring a more accurate chart tomorrow when I talk about the rest of these amendments. But so far, we have borrowed \$173 billion, when we said we are not going to borrow money anymore because we are going to have pay-go that says that will force the discipline on us to put lower priorities off the spending line, to put higher priorities on.

So just since February 12—it is now late May—we have borrowed \$173 billion. We are going to add \$60 billion here, and we have a tax extender package that is coming with another \$230 billion. That is \$563 billion since February 12 that we are going to spend money—I understand the majority leader is on the floor. Would you like time, Mr. Leader?

Mr. REID. I appreciate my friend yielding. I am here. Why don't you proceed, and when I get the necessary—

Mr. COBURN. I will be happy to yield to the leader.

Mr. REID. Thank you very much.

Mr. COBURN. So \$½ trillion since we famously passed pay-go, and we are going to waive it six times, and when we haven't waived it, we have declared something an "emergency" so we do not have pay-go law applying. The budget rules go out the window because it is an emergency—except we do not meet the criteria for emergencies by our own definition.

So what is this all about? Is it about playing a shell game with the American people, to say we are going to do one thing and then turn around and, before July 1, in 5 months—less than 5 months—we are going to borrow another \$½ trillion after we tell the American people: Oh, no, we are not going to do that anymore.

We have an emergency. There is no question this country has an emergency. Do you know what it is? It is a \$13 trillion debt we have today that is going to be \$23 trillion 8 years from now. We have a debt that is going to suppress our GDP by 1½ to 2 percent in what we could normally grow because the government's debt is such a burgeoning hangover on the capital markets. Yet we don't have the ability to

do what we promised the American people we would do.

You know, I feel as if I ought to read the signing statement of President Obama when he signed pay-go and the statements of all of my colleagues that said: This is the answer. Except that will not do any good. The only answer is for the American people to hold us accountable. I obviously can't. For 5½ years, I have been trying to tamp down spending, to have us make a position that we are going to go to the lowest priority, cut the lowest priority out so we can fund the highest priority, and we have refused to do that.

So does it have real consequences, what we are doing today? There is no question this bill is going to pass. There are votes in this body to pass and add another \$60 billion. What are the consequences? Well, the consequences come about to our children.

You have seen this sign before. This is Madeline. This photo was shot of Madeline as she walked around Capitol Hill. I actually had a visit with her and her parents. When we first put this up here, she was only \$38,000 in debt. That was less than 6 months ago. Less than 6 months ago, she only owed \$38,000—per man, woman, and child in this country. She is at \$42,000 now. When we finish what we do before July 1, she will be close to \$50,000—per person in this country. If you extrapolate what the budgets are going to be over the next 8 years, she is going to be close to \$200,000 in debt. And that does not count the unfunded liability.

When this little lady is 28 years old, her responsibility, both in terms of debt and unfunded liability, will be \$1,113,000. We never think about it in terms of young lives and how we are impacting them. We can always rationalize away the ability to make hard choices. That is what we are doing. Does anybody in this body not think we couldn't squeeze \$60 billion out of \$3 trillion? Could we not do that? Are there things less important than fighting the war? Are there things that are more important about our future and less important about irritating some special interest group because their program did not get funded? Which is it? I vote with the kids and the grandkids. They supposedly have a voice, except we routinely ignore it. That is what we are doing with this bill.

I am not saying we should not fund the war. I am not saying we should not create the money for FEMA for the projects we need. I am not even saying we should not help Haiti where we can. What I am saying is that we ought to pay for it by making hard choices that every family right now is making. They are having to make choices between what is an absolute must and everything else that is not. They don't have the luxury of an unlimited debt service because their credit card com-

pany has already said: You can't have any more. Their bank has already said: No, you can't borrow any more. Their house and its equity has been maxed out. They don't have any other choices. So they make the hard choices.

We are kidding ourselves if we think we have another choice. We don't have another choice. We are just delaying the time at which we make the choice. The pain associated with delay is going to be twice as great as the pain of doing it now.

JOHN MCCAIN and I are offering two amendments. The whole purpose of the amendments is to give the body a couple of choices on how to pay for this. It is not easy, it is not fun. But is it necessary? Is it necessary for the health of our Nation? Is it necessary that we start acting in the way the American people expect us to, which means we are going to get rid of the things that are not as important as the things in this bill?

I understand that is novel because the Congress has only had one net rescission in the last 16 years. It occurred with the 1996 appropriations bill where we actually cut total government spending in 1996. We had the will to do it. The appropriators had the will to do it. But we don't have that will anymore. The environment we face as a country is three or four times more severe for our future than it was in 1996.

So what is the disconnect? What is the disconnect that we would not make hard choices? I am not going to say my choices are the best choices; they are just my choices. But it ought to be rolled back to the appropriators that this bill should have never come to the floor unpaid for. They know more about spending than anybody in this body. They are more qualified to make the cuts. But they chose not to make the cuts in lower priority items to pay for this bill.

What is the choice? The choice is to indenture our children and grandchildren. That is the choice we are making. When we choose not to do it, we are choosing proactively to indenture our children and grandchildren. We are better than that.

What is so sacrosanct? Do you realize in 2 weeks in December we found 640 instances of duplicate programs that had exactly the same goals with multiple sets, 70 programs for food and nutrition for hungry people. Why do we have 70 programs to help poor people get food? Nobody can rationally explain why. We just have it. The reason we have 70 is because we used to have 40. We didn't have any metrics on it so somebody thought we ought to have another program for feeding hungry people. So we put another program together. Then we funded it. But we didn't have any metrics on it. So then we did it again, and we continue to do it.

There are 640 different instances just like that, 70 programs to feed the hun-

gry across 6 different agencies—not just 1 but 6, none of them with metrics, none of them working to see if they actually work, no oversight hearings by the Appropriations Committee to see if they work or the authorizing committee to see if they work. We have 70.

There are 105 to incentivize kids to go into math, engineering, science, and technology, 105 programs across 9 agencies. That is just 2 examples out of the 640 sets of duplication we found.

Where are we going to eliminate some of that? When are we going to accomplish what the American people are asking us to do? It is not about eliminating food for the hungry. It is not about eliminating incentives. It is about eliminating the management structure for 70 programs or 105 programs so we can have one or two good ones, and we can have metrics on them.

I yield to the majority leader.

CLOTURE MOTIONS

Mr. REID. Mr. President, I have two cloture motions at the desk. I ask that they be reported.

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the clerk will report the motions to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to H.R. 4899, an act making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010.

Harry Reid, Richard Durbin, John D. Rockefeller, IV, Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Sherrod Brown, Kirsten E. Gillibrand, Mark Begich, Robert P. Casey, Jr., Jack Reed, Patrick J. Leahy, Carl Levin, Amy Klobuchar, Kay R. Hagan, Roland W. Burris, Charles E. Schumer.

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The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. We now have cloture filed on a \$60 billion bill. I don't know what the intentions of the majority leader are but the fact is, we are going to limit debate. We have been on this bill about a day or a day and a half, \$60 billion. We are going to cut off debate. We are going to attempt to limit amendments and limit the debate. This is a debate this country ought to be

having. This is an opportunity for us to do what the American people want us to do.

So 30 hours from now we will have a vote on cloture on this bill. We also have cloture to end debate filed as well. What does that mean? That means the American people are not going to get to hear everything that is in the bill, No. 1. That means there will be a very limited number of amendments that will be actually voted on.

By rule, we are going to close off our responsibility to Madeline. We are going to say: Madeline, you don't count. We have to get out of here. Don't you know Memorial Day vacation is coming? So we don't want to be here. We have codels leaving Saturday morning. That has to be more important than saving the Republic so we don't end up like Greece.

We are only about 4 or 5 years behind them. We are only 4 or 5 years behind Greece. We are going to see this tremendous money flow come into this country because people are worried about Europe. We are going to see it come in from Japan because people will be worried about Japan being able to pay their debts. We will feel all good and fuzzy for about 2 years. After they inflate their currency or debase it or default, the money is going to flow right back out. Guess who is going to be looking over the abyss. The United States of America. We will be at the same point. What is the problem? The problem is their spending as a percentage of their GDP creates an environment where they can't pay for their debt. That is where we are going to be.

My first degree was in accounting. I had a business career for 9 years before medical school. I can tell my colleagues, if we truly accounted for the liabilities of this government, including Fannie Mae and Freddie Mac—we refuse to recognize their liability—our debt would be far in excess of \$13 trillion. So what we are going to do is say Senators' comfort is much more important than Madeline's future.

Let's talk for a minute about what the word "indentured" means. That means you are under the control of somebody else. Your ability to have free choice becomes limited because you are indentured. Is there any wonder why we have trouble bringing hard core sanctions against Iran, when the Chinese own \$900 billion of our debt and the Russians have \$800 billion? Our debt affects our foreign policy. Our ability to support our military is jeopardized by the very fact that we are making a decision today to pay \$33 billion for the war effort in Afghanistan by not paying for it. We are jeopardizing our long-term future.

The other ironic thing in this bill, this body just passed a financial regulatory reform bill, but we created a commission called the Financial Inquiry Commission. In this bill we are

appropriating on an emergency basis \$1.8 million for that inquiry commission that is going to give us what went wrong and what we need to do about it in December. We have already figured out we don't need them; We passed a bill without that knowledge, without that look, without that in-depth analysis of what went wrong because we had to get it done. Yet we are going to continue to fund a Financial Inquiry Commission that we are not going to do anything with the results of, and we are going to call it an emergency.

How ludicrous is that? The whole purpose of the Financial Inquiry Commission was to guide Congress in what to do. We have already ignored them. We have already decided what we are going to do. That bill is in conference. We are going to pass a financial regulatory reform bill ultimately that is devoid of the recommendations of that commission. But we are going to do the typical Washington thing. We are going to continue to fund the commission, even though we are not going to use its results. Why is that?

What does just \$1.8 million out of a \$60 billion bill, what does that mean for her? Multiply that times thousands of times every year, the stuff that we are doing that isn't a priority. Nobody can agree it is still a priority that we ought to borrow \$1.8 million to fund that commission. You can't argue that is still a priority because we have already made up our minds on financial regulation reform. But that happens thousands of times a year, billions and billions of dollars.

These two amendments are tough amendments. I am not deceiving myself to think that all of a sudden grown-ups are going to show up in the Senate. They are not. Let me tell my colleagues what they do. The first amendment will reduce our own budget. We gave ourselves a nice stellar raise, not salarywise but for our own budgets. We are going to reduce that budget for Members of Congress.

We are going to disclose on the Senate Web site the cost of borrowing money and how many times we violate our own rules, pay-go. There should be nobody who voted for pay-go who votes against that because if it is good enough for us to use, it is good enough for the American people to see.

We are going to dispose of unneeded and unused Federal Government property, whether it is military, whether it is buildings, whether it is lands—things we do not use, do not need but we are spending \$8 billion a year taking care of. We can get tremendous savings from that. That is what any other right-minded person would do. They would get rid of the stuff they are not using so they do not continue to send money down a rat hole.

We are going to rescind uncommitted and unspent Federal funds. We have hundreds of billions of dollars setting

that are not even in the pipeline, and we are going to borrow more rather than more efficiently use money we have. That is the first amendment; it is \$60 billion, \$60.5 billion.

The second amendment is \$59.6 billion. It is a 1-year freeze on bonuses and raises and other salary increases for Federal employees. They make 45 percent more than everybody else in this country doing exactly the same thing, on average. We are going to cap the total number of Federal employees. We have added 180,000 Federal employees in the last 18 months—180,000.

We are going to collect unpaid taxes from Federal employees. We have Federal employees who are working today who owe the Federal Government \$3 billion. We ought to collect that money. It ought to come out of their paychecks. That is undisputed debt; that is not the disputed portion. That is the undisputed portion of what they owe the IRS. For everything except DOD we are going to ask for a 5-percent efficiency gain in administration. Do more with less. Everybody else in this country is doing more with less, except the Federal Government. We are going to say: No, we cannot do that? Why not? It is interesting, on the Debt Commission we had a good discussion with Dave Cote, who is the CEO of Honeywell, explaining that every year they do more with less. They spend less dollars to get more out. They have less people to produce the same amount. It is called efficiency. It is called productivity—except we will not apply that to our own government employees.

We are going to reduce nonessential government travel. It is billions of dollars a year. If we are in a financial pinch—and I would love for somebody to debate me that we are not—why would we not limit travel to that which is only essential?

We are going to rescind money that Chairman OBEY in the House recognized on the WIC Program is not being used. We are going to strike \$68 million in U.N. emergency funding for the next fiscal year. Most of the Members of this body voted for an amendment that required transparency in the U.N. We give them over \$6 billion a year. Twenty-six percent of the budget for U.N. peacekeeping is ours; we pay for it. Yet with an audit of their moneys, half of their moneys—over 60 percent of it—was found to be fraudulent. So we passed an amendment out of the Senate, unanimously, that required transparency from the U.N., except when it got to the conference committee it was not there anymore.

I will tell you, the American people deserve to know where their money is being wasted at the U.N. So we ought to clip that. We ought to cut that back. We ought to say: You give us transparency; we will give you money. You do not give us transparency; we will not give you money.

We are going to eliminate bonuses for poor contractor performance. Do you realize the Federal Government pays bonuses for companies that never complete their contracts? Two years ago, the Pentagon paid out \$4 billion in bonuses to contractors who did not meet the standards for the bonus, but they paid them anyway. Well, that makes a joke of the contracting process. It also makes a joke out of us that we would allow that to continue to happen.

So on these two amendments you will have plenty of opportunity with which to make a decision on whether you want to be on the side of Madeline or on the side of the elitism in Washington—the group that does not care what America thinks. We know better. The group that says: We are not in an emergency. We are not in a problem. We can continue to spend money and not make hard choices.

There is an emergency, and the emergency is our very survival, our economic survival, our survival as a republic.

I will close with the following: If you study the Roman Empire or if you study the Athenian Empire, you will find common threads among both. The No. 1 common thread is they fell after they became indentured in their own fiscal policies. They could no longer support their military. Their elected bodies refused to make tough choices.

We are sitting here saying: Europe, you have to make tough choices. You have to get your spending in line with your productivity. We are talking with a hollow ring to our voice because if there is anybody who needs to get their spending in priority, it is us. I am not against paying for the war. I am not against supporting our troops. I am not against the FEMA money we need. I am against us not paying for it, and I am very disappointed we have cloture filed this evening because what that means is the American people are not going to see how we as individual Members vote on tough choices.

I am going to have two tough choices out there. It remains to be seen whether we get a chance to vote on them through the majority's ability to cut off debate. But we ought to. We ought to do what is the best, right thing for the country. We ought to be able to come together and agree we should not abuse the emergency designation; that we should not abuse pay-go; that, in fact, we should not delay making the hard choices because the choices are just going to get harder. They are going to get harder every year we do not do this.

Now is the time to start doing it. If we choose not to, then what we are saying is: Madeline, as to your future, we are going to steal it from you. We are going to steal opportunities for a future like we have had. We are going to take those, and we are going to indenture her to an economy that does

not grow, with opportunities for an education that will be limited, including the ability to own her own home. All those things will come around.

We only have three ways to get out of the problem we are in. The first way is we can default. Everybody says: Oh, no, you cannot say that. You cannot talk about that. Well, when Moody's is getting ready to downgrade our bonds from AAA, that is the first sign we are moving in that direction.

The second thing we can do is have the Federal Reserve inflate our way out of it to where that means the life savings of everybody are going to be debased, and their purchasing power is going to go away or markedly be reduced.

Or we can do the third thing: Not let either of those two bad things happen by making hard choices ourselves on what we need to be doing—by eliminating the junk, the waste, the duplication, and the fraud in the Federal Government. It is there. It is there to the tune of \$300 billion a year.

So when this extender package comes—whether it comes this week or next week or the week when we come back—there is plenty of money to pay for it, too, if we will just stand and be counted, not as Senators but as Americans who would like to see the future bright for their Madelines.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIG OIL BAILOUT PREVENTION ACT

Mrs. MURRAY. Mr. President, I come to the floor today to strongly support the legislation called the Big Oil Bailout Prevention Act. With all we have seen in the gulf coast over the past several weeks, I have to say I am more committed than ever in moving forward on three fronts to protect our taxpayers, our families, and all of our workers across the country.

First of all, I am going to keep working to hold BP accountable and make sure taxpayers in Washington State and across the country are not left holding the bag for this devastation. This is exactly what the Big Oil Bailout Prevention Act is going to do.

Secondly, I am going to fight to guarantee that what we are seeing in the gulf coast is never allowed to happen on the west coast.

Third, I am going to make sure BP, Transocean, and all industry owners and operators are doing everything possible to protect their workers and make sure tragedies like this do not ever happen again. Here are the facts:

On April 20, 2010, there was a massive blowout and explosion on a BP oil platform in the Gulf of Mexico. Eleven

workers are still missing and presumed dead, and 17 more were injured. That explosion caused a gushing spill that has now poured hundreds of thousands of barrels of oil into the gulf and threatens still to spill millions more. It has, as we all know, created an environmental and economic tragedy the magnitude of which we are only just beginning to comprehend.

It is threatening entire communities and industry, and now the oil and chemical dispersants that are being sprayed into the gulf have the potential to kill underwater wildlife and create underwater "dead zones" for decades to come.

Those are the facts. Now, the questions are: Who should be responsible for this cleanup? Who should bear the burden for big oil's mistakes? Should it be the taxpayers, families, and small business owners who are already being asked to bear so much today or should it be the companies responsible for this spill, including BP—a company, by the way, that made \$6.1 billion in profit in the first 3 months of 2010 alone.

I cosponsored the Big Oil Bailout Prevention Act because, to me, the answer is pretty clear: I believe BP needs to be held accountable for the environmental and economic damage of this spill. I am going to fight to make sure taxpayers do not end up losing a single dime to pay for the mess this big oil company created.

To me, this is an issue of fundamental fairness. If an oil company causes a spill, they should be the one to clean it up and pay for it—not taxpayers. This bill I am talking about this evening eliminates the current \$75 million cap on oil company liability so taxpayers will never be left holding the bag for big oil's mistakes.

This is straightforward, it is common sense, and it is fair. I have to say, I am extremely disappointed this commonsense bill continues to be blocked by some Republicans every time we bring it up. But I want you to know, I am going to keep fighting for the Big Oil Bailout Prevention Act to pass, and I am going to keep fighting so families and taxpayers in Washington State and across the country do not end up holding the bag.

The bottom line is this: If oil companies are going to make billions of dollars in profits when times are good, they should not be allowed to leave taxpayers hanging when they create a problem.

The Big Oil Bailout Prevention Act writes this commonsense policy into law, and I urge every Senator to side with our taxpayers and support this important legislation. But I do not think that is enough. I have always been opposed to drilling off the coast of my home State of Washington, and this tragedy is just one more very painful reminder of the potential consequences of opening up our west coast to drilling.

The economic and environmental devastation that was caused by the Exxon Valdez disaster 20 years ago is now still impacting industry in my home State of Washington. Our coastal region supports over 150,000 jobs, and it generates almost \$10 billion in economic activity, all of which would be threatened if drilling were to happen off our west coast.

That is why I am going to keep fighting for legislation that bans drilling off the west coast and makes sure big oil companies are never allowed to roll the dice with Washington State's economy and our environment.

We need to hold big oil accountable and we need to make sure that disasters such as this never happen again, but we also have to remember the workers who were killed and injured in this horrible tragedy. We cannot forget this is an issue that is larger than this one tragedy. The entire oil and gas industry has a deplorable record of worker and workplace safety. We have to make sure every worker is treated properly and protected, and that companies that mistreat their workers are held accountable.

We know the oil industry is able to operate under stricter safety standards and regulations because they are already doing just that in Europe and in Australia, and even in Contra Costa County, CA, where the county has a set of stricter guidelines that have now reduced injuries and fatality rates. But we also know that worker safety should not be measured just by injury rates. We should be looking at reducing dangerous conditions—conditions such as fires or hazardous spills or releases of toxic gases. Then when accidents do happen, we have to record them, we need to learn from them, and we need to build on a program to prevent them from ever happening again; and we need to make sure our workers are treated with respect and their rights are protected.

That is exactly why I am so concerned about the recent reports of very callous and unacceptable treatment of Transocean workers in the hours following that April 20 explosion. Those reports suggest that Transocean put their bottom line above safety standards, above environmental impact, and the well-being of their workers. I have called on the company to release copies of legal waivers that surviving crew members of the Deepwater Horizon were reportedly forced to sign following that oil rig explosion. I am going to stay on top of this to make sure that Transocean produces those requested documents so we can get to the bottom of exactly how this situation was handled.

Workers everywhere ought to be confident that their employers are putting their safety first, and companies that betray that trust have to be held accountable. So I am going to work to

make sure that happens, and I am going to continue fighting to keep drilling away from the Washington State coastline. I am going to keep pushing for this bill to make sure taxpayers don't have to pay for big oil's mistakes.

Anyone deciding whether to support this legislation ought to ask themselves a few simple questions: Who are you fighting for? Who are you trying to help? Are you here to protect and shield big oil companies or are you going to fight for our families and our taxpayers? I support this legislation because, to me, the answer is pretty clear. I urge all of our colleagues to allow this bill to pass so our taxpayers in my home State of Washington and across the country can be protected.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Senate Daily Digest proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4179

Ms. LANDRIEU. Mr. President, I come to the floor to offer some amendments and to call up several amendments regarding the emergency disaster loan program and SBA disaster loan relief on the underlying bill.

I ask unanimous consent that the pending amendment be temporarily set aside to call up amendment No. 4179, which should be at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4179.

Ms. LANDRIEU. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 Gulf Coast hurricanes or the 2008 Gulf Coast hurricanes)

On page 74, between lines 12 and 13, insert the following:

CHAPTER 12

INDEPENDENT AGENCIES

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

From unobligated balances in the appropriations account appropriated under this heading, up to \$100,000,000 shall be available to the Administrator of the Small Business Administration to waive the payment, for a

period of not more than 3 years, of not more than \$15,000 in interest on loans made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)): *Provided*, That funds made available under this heading may be used for any business located in an area affected by a hurricane occurring during 2005 or 2008 for which the President declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170): *Provided further*, That the Administrator shall, to the extent practicable, give priority to an application for a waiver of interest under the program established under this heading by a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) with not more than 50 employees or that the Administrator determines suffered a substantial economic injury as a result of the Deepwater Horizon oil spill of 2010: *Provided further*, That the Administrator may not approve an application under the program established under this heading after December 31, 2010: *Provided further*, That if a disaster is declared under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) during the period beginning on the date of enactment of this Act and ending on December 31, 2010, and to the extent there are inadequate funds in the appropriations account under this heading to provide assistance relating to the disaster under section 7(b) of the Small Business Act and waive the payment of interest under the program established under this heading, the Administrator shall give priority in using the funds to applications under section 7(b) of the Small Business Act relating to the disaster: *Provided further*, That the amount made available under this heading is designated as an emergency for purposes of pay-as-you-go principles and, in the Senate, is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That the amount made available under this heading is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

Ms. LANDRIEU. Mr. President, I have a series of amendments that will, I believe, give some direct relief and support to individuals and businesses that are struggling with the disaster that is going on in the gulf area, as the Presiding Officer and everyone is aware. We have a terrible situation on our hands. I know the Federal Government, particularly the Coast Guard and the Department of the Interior, the Department of Homeland Security, and others are doing everything they can to stop the flow of this oil and to cap this well. While it is BP's responsibility, it is also our responsibility to make sure it gets done as soon as possible, and I know that is being worked on at many different levels.

But in the meantime, as the Presiding Officer can imagine, there is a tremendous amount of angst on behalf of the families and businesses along the gulf coast. Many have already, unfortunately, been directly affected in a very negative way.

So many of us have been working now for weeks thinking about what things we could do that could give

some direct relief and support and help that didn't cost the Federal Government a huge amount of money, because we understand we are in fiscal times of constraint, but we also need to give help to people, and some confidence, now knowing that BP has said, and under the law will be required, to pick up the full tab on this.

The first amendment will allow the Small Business Administration—and they already have funding to do this and are supportive of this amendment—to provide relief of up to \$15,000 of interest on current loans that are outstanding from previous disasters. Because when we think about it, one of the most troubling aspects of this is that this emergency is happening in the same place that Katrina and Rita took place—along the gulf coast—so businesses that are still trying to pay off loans from the last disaster are now, unfortunately, having to contemplate the idea that they may have to take out additional economic injury loans to help them through this. What I think we can do is allocate some money we already have allocated in that budget for this purpose, and it would be a tremendous help.

That is what the first amendment does. It would also require the SBA to prioritize applications for businesses with fewer than 50 employees or less, and businesses impacted by this recent Deepwater Horizon spill. It gives some targeted relief, and it could be significant. Some of these businesses could waive basically almost all of their interest associated with their loans which could cut their payments either in half or by three-quarters. According to some of the analyses we have done, there are about 11,700 loans outstanding in the gulf, so that would be a great help.

AMENDMENT NO. 4180

Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside to call up another amendment that is at the desk, amendment No. 4180, disaster loan referral.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4180.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To defer payments of principal and interest on disaster loans relating to the Deepwater Horizon oil spill)

On page 79, between lines 3 and 4, insert the following:

SEC. 2002. DISASTER LOANS.

For any loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) made as

a result of the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, the Administrator of the Small Business Administration shall defer payments of principal and interest for not longer than 1 year after the date of disbursement of the loan. For a loan described in this section, the Administrator shall accept as collateral, where practicable, the interest of the applicant in a claim against British Petroleum relating to the discharge of oil.

Ms. LANDRIEU. Mr. President, this amendment is another tool we can use to give help to these businesses along the gulf coast. It would actually set up a relatively new procedure but based on past action.

This procedure would allow the SBA, in giving out an economic damage loan, to substitute the collateral that is normally required, which would be a house or some asset—a boat or something else—to substitute that for the pending BP claim, so that it is technically a loan, but it is acting as a cash advance, to keep businesses in business, to keep lights on, to keep mortgages being paid. I understand the SBA is looking closely at this and may very well want to do it, and this would authorize it.

That is the essence of this amendment, which is to give up to \$2 million in what would be technically a loan, but with these changes I am proposing would actually act as more of an advance, because no interest or principle would be due for a year. Then, of course, we hope that by then, and maybe even before then, BP meets all of its obligations and all of its claims. A year may be enough time and, if not, we have language that would extend it.

AMENDMENT NO. 4184, AS MODIFIED

With that, I ask unanimous consent that the pending amendment be temporarily set aside to call up amendment No. 4184.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I ask unanimous consent that my amendment No. 4184 be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4184, as modified.

Ms. LANDRIEU. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To require the Secretary of the Army to maximize the placement of dredged material available from maintenance dredging of existing navigation channels to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico at full Federal expense)

On page 30, between lines 6 and 7, insert the following:

SEC. 4 _____. (a) The Secretary of the Army may use funds made available under the heading "OPERATION AND MAINTENANCE" of this chapter to place, at full Federal expense, dredged material available from maintenance dredging of existing Federal navigation channels located in the Gulf coast region to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico.

(b) The Secretary of the Army shall coordinate the placement of dredged material with appropriate Federal and Gulf Coast State agencies.

(c) The placement of dredged material pursuant to this section shall not be subject to a least-cost-disposal analysis or to the development of a Chief of Engineers report.

Ms. LANDRIEU. Mr. President, this is a very important amendment, and it is something that our delegation has actually been working on for quite some time, and we have actually passed it before in the Senate, which is a happy circumstance.

This language has been unfortunately taken out in conference on several occasions by the Corps of Engineers, so I am thinking now that this disaster has maybe helped them to rethink the worthiness of this amendment, because, again, it doesn't add any money to the Federal budget. This amendment will allow beneficial use of dredged material, so when the Corps of Engineers spends the \$170 million we give it every year to dredge our channels, to keep our navigation channels open, they can take that dredged material and use it for a beneficial use. That might be restoring a marsh. It might be building a levee, and it might be stopping oil from hitting the coastline, which would be a very good use, in my mind, of that beneficial dredge material.

Right now, our State has a pending request to the Corps of Engineers to try to help us build—not provide—well, we want them to provide boom, but the boom isn't working very well, to be honest. We need them to do some dredging, potentially a long number of miles, but strategic dredging and building sand barriers to keep that oil from these precious marshlands and estuary areas. This does not meet that full request, but it does allow the Corps of Engineers in the budget authority they already have to use some of that dredge material in a very strategic way, and if we can pass this bill this week and get this language to the President's desk very soon, which I hope we can, within a few weeks it is possible this could go right to work in the gulf.

That is the essence of that amendment. It will help protect our wetlands, again, within the budget constraints already in the President's budget.

AMENDMENT NO. 4213

Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside to call up amendment No. 4213.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4213.

Ms. LANDRIEU. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide authority to the Secretary of the Interior to immediately fund projects under the Coastal Impact Assistance Program on an emergency basis)

On page 81, between lines 23 and 24, insert the following:

SEC. 30. COASTAL IMPACT ASSISTANCE.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended by adding at the end the following:

“(e) EMERGENCY FUNDING.—

“(1) IN GENERAL.—In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

“(A) consistent with subsection (d); and

“(B) specifically designed to respond to the spill of national significance.

“(2) APPROVAL BY SECRETARY.—The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursement of the funds under paragraph (1).

“(3) STATE REQUIREMENTS.—

“(A) ADDITIONAL INFORMATION.—If the Secretary approves a project for funding under this subsection that is included in a plan previously approved under subsection (c), not later than 180 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure compliance with subsection (d).

“(B) AMENDMENT TO PLAN.—If the Secretary approves a project for funding under this subsection that is not included in a plan previously approved under subsection (c), not later than 180 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an amendment to the plan that includes any projects funded under paragraph (1).

“(C) LIMITATION.—If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.”.

Ms. LANDRIEU. Mr. President, this is another I think smart action this

Congress could take to help the gulf coast and particularly the State of Louisiana.

Before the Presiding Officer got to the Senate, in one of our last energy bills we were able to fund a very important program called the Coastal Impact Assistance Program. It is a precursor to the revenue-sharing program I helped to implement some years ago, although the money from that program hasn't yet started to flow. This was almost like a downpayment. It took some money from the Federal budget that we had made available, actually quite a bit—\$1 billion—and divided it on a formula based on production and miles of coastline to the four gulf coast States that are bearing the brunt of this production, which is very obvious, painfully obvious today.

The happy news is we got that program passed and the money has been funded to the agency. The sad news is, it is still tied up in red tape. So my amendment would expedite the dispersal of these funds, particularly to States where programs have already been approved by the Federal agencies in charge and when these programs can be shown to be of use in fighting this current oilspill. The Presiding Officer knows, because he has heard me give this speech 10 times in committee and at least 25 times on the floor, if Louisiana and Mississippi and Alabama and Texas had had some of this money from offshore oil and gas that has gone almost all to the Treasury of the United States, we could have before now done some things to build up our barrier islands, protect our coastlines, protect our marshes, but we have been shortchanged year after year after year. This amendment is not going to fix that problem, but it will say that for the money Congress has already appropriated for this program, it could be expedited to the States that have their programs already approved, and that would be the State of Louisiana which is in, unfortunately, the eye of this storm as well.

AMENDMENT NO. 4182

Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I may call up an amendment No. 4182.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4182.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Purpose: To require the Secretary of the Army to use certain funds for the construction of authorized restoration projects in the Louisiana coastal area ecosystem restoration program)

On page 30, between lines 6 and 7, insert the following:

SEC. 4. LOUISIANA COASTAL AREA.

Of the amounts appropriated or otherwise made available under this chapter, the Secretary of the Army shall use \$19,000,000 for the construction of authorized restoration projects under the Louisiana coastal area ecosystem restoration program authorized under title VII of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1270).

Ms. LANDRIEU. This amendment will cost \$19 million, but in some ways it is simply advancing what the President already has in his budget for these very important projects. President Obama should get a tremendous amount of credit for being the first President in the last decade or more—actually, the last 15 or 16 years—to actually fund a construction project on Louisiana's coast—a wetlands construction project. All we have been doing for the last 35 years is studying the situation. It has been very difficult for our delegation, and maybe it won't be so difficult, now that people have watched us go through Katrina and Rita, and now the oilspill, to understand the impact we have been talking about.

It is hard to even say this, but neither President Clinton nor President Bush—although we had many plans that had been approved—ever sent any money for construction and for new programs for the wetlands. We finally got President Obama, to his credit, to send in his budget to us this year \$19 million for the purpose of protecting vulnerable coastal wetlands and strengthening the resiliency of that coast. So while we have a score of \$19 million—and I know we are trying to keep the bill to a minimum—it is almost as if we might spend it now, and save it later, as long as we don't respend the \$19 million. It is in the President's budget. It would be good to get that signal now from the Congress that these programs can go forward.

I hope the administration will take a strong look at this. They have already gotten a tremendous amount of credit, as they deserve, from the people of Louisiana for even putting in the President's budget this \$19 million, because we definitely need it. This would help us accelerate that. I hope we can get that done.

AMENDMENT NO. 4234

Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may call up a final amendment, No. 4234.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4234.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a program, and to make available funds, to provide technical assistance grants for use by organizations in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico)

Beginning on page 74, strike line 13 and all that follows through page 79, line 3, and insert the following:

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Economic Development Assistance Programs”, to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$10,000,000, to remain available until expended, of which not less than \$5,000,000 shall be used to provide technical assistance grants in accordance with section 202.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, \$13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: *Provided*, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, Food and Drug Administra-

tion, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Office of the Secretary, Salaries and Expenses” for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, \$29,000,000, to remain available until expended: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY SCIENCE AND TECHNOLOGY

For an additional amount for “Science and Technology” for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, \$2,000,000, to remain available until expended: *Provided*, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: *Provided further*, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE

DEEPWATER HORIZON

SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting “: (1)” before “may obtain an advance” and after “the Coast Guard”;

(2) by striking “advance. Amounts” and inserting the following: “advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of \$100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts”.

SEC. 2002. OIL SPILL CLAIMS ASSISTANCE AND RECOVERY.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary of Commerce (referred to in this section as the “Secretary”) shall establish a grant program to provide to eligible (as determined by the Secretary) organizations technical assistance grants for use in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico (referred to in this section as the “oil spill”).

(b) APPLICATION.—An organization that seeks to receive a grant under this section shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary shall require.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds from a grant provided under this section may be used by an eligible organization—

- (A) to support—
 - (i) education;
 - (ii) outreach;
 - (iii) intake;
 - (iv) language services;
 - (v) accounting services;
 - (vi) legal services offered pro bono or by a nonprofit organization;
 - (vii) damage assessments;
 - (viii) economic loss analysis;
 - (ix) collecting and preparing documentation; and

(x) assistance in the preparation and filing of claims or appeals;

(B) to provide assistance to individuals or businesses seeking assistance from or under—

- (i) a party responsible for the oil spill;
- (ii) the Oil Spill Liability Trust Fund;
- (iii) an insurance policy; or
- (iv) any other program administered by the Federal Government or a State or local government;

(C) to pay for salaries, training, and appropriate expenses relating to the purchase or lease of property to support operations, equipment (including computers and telecommunications), and travel expenses;

(D) to assist other organizations in—

- (i) assisting specific business sectors;
 - (ii) providing services;
 - (iii) assisting specific jurisdictions; or
 - (iv) otherwise supporting operations; and
- (E) to establish an advisory board of service providers and technical experts—

(i) to monitor the claims process relating to the oil spill; and

(ii) to provide recommendations to the parties responsible for the oil spill, the National Pollution Funds Center, other appropriate agencies, and Congress to improve fairness and efficiency in the claims process.

(2) PROHIBITION ON USE OF FUNDS.—Funds from a grant provided under this section may not be used to provide compensation for damages or removal costs relating to the oil spill.

(d) PROVISION OF GRANTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall provide grants under this section.

(2) NETWORKED ORGANIZATIONS.—The Secretary is encouraged to consider applications for grants under this section from organizations that have established networks with affected business sectors, including—

- (A) the fishery and aquaculture industries;
- (B) the restaurant, grocery, food processing, and food delivery industries; and
- (C) the hotel and tourism industries.

(3) TRAINING.—Not later than 30 days after the date on which an eligible organization

receives a grant under this section, the Director of the National Pollution Funds Center and the parties responsible for the oil spill shall provide training to the organization regarding the applicable rules and procedures for the claims process relating to the oil spill.

(4) AVAILABILITY OF FUNDS.—Funds from a grant provided under this section shall be available until the later of, as determined by the Secretary—

(A) the date that is 6 years after the date on which the oil spill occurred; and

(B) the date on which all claims relating to the oil spill have been satisfied.

Ms. LANDRIEU. Mr. President, this is an amendment that will provide some additional funding for technical assistance grants—disaster assistance—for the gulf coast. The President had a fairly robust package represented in this bill—I think \$118 million. I hope I am correct about that. It was a good package of aid. I think it needs to be made more robust.

In one section in particular, the President suggested that we spend \$5 million along the gulf coast giving technical assistance to organizations and nonprofits to help these individuals, many who cannot afford, as you know, to hire a lawyer to process paperwork or hire an accountant to process the paperwork. After Katrina and Rita, we found it was very helpful to spend a little bit of money and give grants to some of these nonprofit groups that can work with large communities of people who are affected—the Vietnamese fishing community is a good example—so that each of the 100 fishermen don't have to go out—I am not trying to put lawyers out of business, and I don't want to get in trouble with them, but it is not necessary, and it can be a waste of money to hire lawyers and accountants to process what should be a simple claim. Even simple claims can be complicated in some of these situations. That is basically what this amendment does. I think it would provide more funding for claims across the gulf coast. I think we can use \$5 million across Louisiana alone. My amendment would raise that number to \$20 million.

Those are basically what these four or five amendments will do.

I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAITI

Ms. LANDRIEU. Mr. President, I know my good friend BOB CASEY is here to speak, so I will be just a few more minutes. This is on a separate subject, but one that is very important.

We have several disasters going on in this country and around the world. One is the one I just spoke about—most important to me and the one that has captured the world's attention as oil continues to flow in the gulf. We have to do more and we have to be more focused. We have to hold BP's feet to the

fire to get this well shut off. The best scientists in the world need to be working on this. I have assurances from Secretary Salazar that they are.

New technologies need to be deployed quickly, and the cleaning process needs to be expedited and streamlined so that not one person, one boat owner, or one business goes out of business, or one fisherman goes broke because of this situation.

Across the ocean, in Haiti, a great disaster occurred not that long ago, as you will remember. So many things have happened since then, and sometimes the world's attention gets turned. I wish to turn it back for a minute. The people of Haiti live in one of the poorest countries in the world and the Western Hemisphere. It is a country that is close culturally to many of us in the United States—particularly people I represent in Louisiana. We have many Haitian families in New Orleans. We have a close tie with Haiti. We are not a Caribbean state, but we feel a little Caribbean and tropical at times, since we are in the South. We have a lot of business with Haiti and with many of our southern neighbors. We have longstanding musical and art connections. Our heart has gone out to Haiti, plus the people of Louisiana and the gulf coast, who have experienced tremendous disasters. We can empathize with what they are going through in the aftermath of the earthquake.

I will make three points about this Haiti rebuilding. In New Orleans, when my brother was sworn in as mayor a few weeks ago, he said: Ladies and gentlemen, citizens of New Orleans, the day of recovery and restoration needs to be over. The day of creating needs to begin. We need to create a new city—a new city that is more fair, just, and open. He said that we have to think about using the opportunity of the revenues that have come to create something new and better that wasn't here before for the people who deserve it. I think that is a great call of a very visionary leader.

The same is true for Haiti. While Haiti, for a time, will recover and try to stabilize itself, at some point it needs to think about creating a new kind of Haiti. In my view, and in the view of many Senators and Members of Congress, many NGOs and many members of the Haitian Diaspora, one of the most important cornerstones that should be laid down is a free, universal, publicly funded school system for the children of Haiti, which represents 50 percent of its population today and 100 percent of its future. I will repeat that. Fifty percent of the population today—one of the youngest nations on Earth—and 100 percent of Haiti's future. The shame of it is, before the earthquake, less than 50 percent of the children went to school. They didn't have an opportunity to go to school. Of that 50

percent who were enrolled in school, the shame of it is that the enrollment fees and the tuition fees ate up anywhere from 50 percent to 60 percent of the household income.

So when people say where is the capital in Haiti, the capital was being spent on poorly run, poorly licensed, nonquality schools that were too expensive and not doing the job. We need to help them create a new Haiti with the money the Americans have already given and donors have pledged. We are not required or expected to fund it and our taxpayers cannot do that. But we can put up our support and voice and use a portion of the money we are going to give and say if you are going to spend American taxpayer dollars, spend it well, creating a new, more just Haiti and begin by building a school system.

That is what one of my amendments tomorrow will do—when I lay it down—for Haiti and what some of us are working on.

The second thing is a little more sensitive and maybe not as popular a subject. I will say a word about it anyway. In Haiti, there is a terrible and very unjust system that exists. I am not an expert, but I have learned a lot in the last few weeks as I have studied it. It is called the *restavec* system. It is a system of domestic servitude, where poor children are basically given up by their families to go work for a slightly wealthier family. *Restavec* children have no rights. They are forced to work very long hours. Most *restavec* children have never seen the front door of a school. It is a system that has gone on in Haiti for too long, and it needs to come to an end. I hope that the Senate of the United States will not pass up the opportunity to express a strong voice to the Government of Haiti, to our partners around the world, to good people of good will everywhere, to put pressure on the Haitian government. To some, it may not be that necessary. Many people there want this to change. It is a system that people are not comfortable talking about, but it exists. There are a lot of studies on it, and we will talk about it in the days to come. We must make a strong statement on that while this bill is on the floor.

I see my colleague, the Senator from Pennsylvania, here. I yield the floor and look forward to discussing and offering these amendments on the disaster in New Orleans, in Louisiana, and the Gulf Coast, and on the disaster in Haiti tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, first, I commend the work of Senator LANDRIEU, who always brings passion and commitment to so many issues. Of course, those that relate to our State of Louisiana are always at the top of the list. We are grateful for that and

for her speaking out on the people of Haiti. We are honored to be able to hear that tonight.

I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

POTENTIAL OF CHILDREN

Mr. CASEY. Mr. President, I think if there is one way to describe, summarize, or encapsulate the feelings that are not only I think prevalent in the Senate or in the Congress but throughout the country, when we think of our children and all children, I think we have a basic belief that every single child in America is born with a light inside them. For some children, of course, because of their circumstance, the family they come from, the situation into which they are born, that light is as bright as it can be; it is incandescent. You cannot see the limits of it. It is blinding that they are so full of potential and ability and they don't need as much help. They are going to be fine because of the brightness of that light—the measure of their potential.

For other children, they are born with a bright light, but it doesn't shine quite as brightly, because of all kinds of circumstances. We have all experienced this in our lives and in our own families and with people we have encountered. Many elected officials have talked to their constituents about this. I have always believed that the obligation of a public official, no matter where you are, no matter what level of government, or no matter what degree of responsibility you have, has a basic obligation to make sure that the light inside of every child is realized, or the potential that that light indicates is realized. We have to do that every day one way or another.

We had a hearing today in the Health, Education, Labor, and Pensions Committee on early education. As a country, we have not met the obligation I believe we should meet to provide children with learning at the early stages of their lives. First grade and second grade are really too late. They need to be exposed to early learning opportunities earlier.

A lot of States are doing this. There are a lot of good examples out there. But we have not made a national commitment to providing early learning opportunities. That is one thing we should do for a child to make sure the light of his or her potential is realized, to make sure they learn at a young age. It is determinative of their whole life. It actually has an impact on the skill of our workforce many years later.

Secondly—not in this order—we should make sure they have enough to eat and get proper nutrition. Again, this happens to be what we are working on. The Child Nutrition Act is up for reauthorization. We are going to have a

chance to enact another piece of legislation that will continue that commitment to making sure more and more of our children have access to nutritious foods in school and otherwise.

We have made a lot of progress. Among the three I just mentioned, maybe the one we made the most progress on is health care for children. You cannot say the light inside a child will reach its potential if that child does not have health care.

Fortunately, we are at a point now where we not only have 7 million children covered under the children's health insurance program, but that is going to grow to 14 million in just a couple of years. That is a remarkable achievement, but it is not enough if we cover 14 million. There still will be millions more, depending on what estimate is out there, but many millions more who will not be covered even as a result of the health care bill we passed. We have more work to do on health care.

If we are doing the right things as public officials, no matter where we are, whether it is at the level of the Federal Government or all the way down to local, county, and State governments, we should make sure we are doing the job on health care for children. We are not there, but we have made a lot of progress.

Make sure we are providing children with enough to eat, nutrition—we have a long way to go on that issue, but we have made progress.

Thirdly, we will make sure every child has early learning opportunities. We have made a lot of progress and still have a ways to go.

There actually is a fourth, at least the way I analyze it. The fourth is so fundamental that we sometimes forget about it. It is not just health care and nutrition and early learning; the fourth is basic safety, protecting children from the horrors of this Earth, from people who prey upon them in so many different ways, from the so many horrific ways children are abused and neglected and left behind and are victims of violence.

Unfortunately and increasingly, that degree of violence, as it relates to children or young people, even through the high school years, is becoming more and more apparent and more and more egregious in our schools. We are talking about this whole concept of bullying about which we are hearing a lot. I realize some will say: That has been happening for years. Every generation has had kids picked on in school. So why is this any different?

It is different today. The numbers are up, but the degree of cruelty and violence, in my judgment, is way up. We had a terrible example of that in Massachusetts a couple of months ago. I can point to several other States and many examples. It is true in my home State of Pennsylvania as well. In Penn-

sylvania and throughout the country, violence, bullying, and harassment in schools is a growing problem for all children. It is not restricted to one State or one locality or one situation.

It is true for all children but especially—and the evidence on this part of the problem is overwhelming and really disturbing—the violence and bullying as it relates to children who happen to be gay, lesbian, bisexual, or transgender. We all know about the acronym GLBT. That is happening in greater numbers. We cannot just lament it and say: That is too bad, but it happens over time. It has been happening for generations. It is too bad there is not a lot we can do about it.

The adults—and especially the adults who happen to be public officials who have the opportunity to vote or appropriate dollars or take action—have to do something.

Some would say: That is a State and local school district issue. The Federal Government does not need to get involved.

We have seen in the past where sometimes, if we do not take action or at least demonstrate leadership or at least create conditions where we diminish the likelihood that a child, especially a child who happens to be gay or lesbian, for example—they will not be the victims of violence if we do something about it. There is no one bill we can pass that will eliminate it. I understand that. But I think the idea that we can't do anything about it is really dishonest, at best. We ought to do something about it.

According to the Department of Education—just listen to these numbers—one in three schoolchildren is affected by bullying or harassment in grades 6 through 10. That is one number.

According to a separate study by the Gay, Lesbian, and Straight Education Network—known by the acronym GLSEN—less than half—and this relates to Pennsylvania only—less than half of Pennsylvania students said they felt safe in school. It is a problem across the board for all children but especially and most disturbingly for children who happen to be gay, lesbian, bisexual, or transgender.

Relentless bullying results in long-term consequences for the well-being of its victims. Just as before when I talked about the long-term impact of no health care or no nutrition or no early learning, this, too, has long-term consequences for that child, for that school, for that child's family, for that community, and, guess what, long term for all of us because it will affect whether that child reaches their potential, whether they have a skill level that is commensurate with their ability and their potential or whether they fall short of that because they were beaten or bullied when they were a child and they could not learn, and because they could not learn they did not

do as well in school, and because they did not do well in school, they did not get the job or have the skill level they could have had. If only we had acted and tried to do something about this situation.

Here are some of the long-term consequences for that child:

Students who are bullied have a decreased interest in school. Some of these are self-evident, but we need to remind ourselves what they are. That is obvious, but it is a big problem.

Students who are bullied may be absent from school. It makes sense. Why would you want to go to school if you are getting beaten up and harassed every day and nobody is helping? That is part of the problem.

When they are in the classroom, they have a harder time concentrating. I cannot even imagine. We talk about how hard it is to concentrate when a child does not have enough to eat. The pain of not having enough to eat prevents them from learning and growing as a student. If you are a victim of violence, you are literally in pain at just the anticipation of when you leave that classroom to walk down the hallway, that same guy or group of people is going to make you the victim, yet again, of harassment or bullying. It does not even have to be physical. Just the verbal abuse, just the intimidation is enough to have an impact on that child.

We know bullying and the threat of violence is a common experience for young people who identify themselves as gay, lesbian, bisexual, or transgender, or who are perceived to be by their peers. People make comments about someone, and then they attack them, and then they become a victim.

These are not just children or young people who are someone else's child or someone else's problem; these are God's children. No matter who they are, they are God's children.

It is the ultimate form of betrayal—just like domestic violence is—when someone who lives in a home and is supposed to love the person is beating them up. That is an easy example to remember about what betrayal means.

Even in the context of a school, a child goes to school to learn. The implication is that while they are learning, they will be safe and actually nurtured, especially if they are very young, that they will be surrounded by people who will help them and educate them but also protect them. Yet they go into that environment to learn and to grow, and they are the victims of violence, and no one in that institution helps them or they help them too late or they say: It is not my problem or it is the parents' problem or the school district's problem or someone else's problem. That would be one of my definitions of betrayal of a child in that circumstance.

A recent study of LGBT teens reported that 9 in 10 reported harassment

in the last year. Mr. President, 9 in 10. I don't care if it was 1 in 10 or if it was 5 in 10 or 6 in 10—that would be bad enough. But 9 in 10 in this one survey. And 3 out of 5 students reported feeling unsafe in school. When I was a kid, I never felt unsafe in school. I have no recollection of ever having that feeling in my life. These kids feel it every day. One-third of students said they skipped school in the last month because they felt unsafe coming to school. Talk about consequences—missing school because they feel they are going to be beaten up or harassed.

Perhaps one of the most disturbing statistics is a third of all students said teachers and administrators rarely intervened in these cases. Some will say it is a generalization. I understand it is a generalization, but apparently it is happening out there in far too many cases. Of course, one case is enough. It is one thing to feel intimidated, scared, and fearful. It is another one to feel that no one around you in positions of authority will help you.

We often talk in this country—and, of course, in Washington as well—about freedom, the great freedoms we have in America: the freedom to make your own way, to be an entrepreneur, to find your way in life, to start your own business, to make your own money, to travel where you want, to say what you want, freedom of speech—all these great freedoms we have, and thank goodness we have them. Thank goodness people were willing to die for those freedoms in our history and up to the present day. Men and women are serving in combat to preserve our freedoms.

We talk about freedom, but sometimes we forget another element of the issue of freedom. Just like adults have the right to free speech and the right to assembly and all the constitutional rights we celebrate, young people have rights, too, or at least they should. One of the rights, one of the freedoms they should be allowed to enjoy is the freedom from fear. We have heard that expression before, "the freedom from fear." These children I just described do not have that freedom. They are not free, even in this land where we celebrate freedom every day of the week. We have an obligation to take action to make sure that basic right is protected against those who would deny them that freedom—the freedom to be free from fear.

We have to do something about this problem. We cannot do everything. Not one bill will solve this problem. But I think we can enact a couple pieces of legislation which will have a positive impact.

Tomorrow, I will be introducing the Safe Schools Improvement Act. It will do a couple of things for this problem. It will give schools and districts the resources to do at least three things. They ought to do a lot more than this,

but we are going to try to help them with at least these three:

First, develop comprehensive student conduct policies that prohibit bullying and harassment. If you do not have a conduct policy in place, you have to do it if we pass this Federal legislation.

Secondly, it will help to implement prevention strategies and professional development. We have to do more in prevention, and we have to make sure those in charge, those who have authority are, in fact, trained to identify and to deal with and then to punish those who are guilty of this kind of bullying and harassment.

Thirdly, the Safe Schools Improvement Act will require that schools and districts maintain and report data regarding incidents of bullying and harassment. It is very important to document this, to keep good records so we know exactly what is happening, so when a parent shows up at a school and says: Well, before my child was beaten and harassed, was it happening before? We shouldn't have the school saying: Well, we are not sure. We had some reports. They should document those incidents and there should be a uniform way of documenting what is an example or a reportable act of violence.

There is other legislation as well that many others and I are cosponsoring—the Student Nondiscrimination Act. That is a bill introduced last week by Senator FRANKEN to expand Federal civil rights statutes to include a right for students against discrimination in school on the basis of sexual orientation or gender identity.

It is almost hard to believe that we would have to enact either of these bills, that we would have to even introduce them, but we need both. We need to insist that schools do a better job, and adults at the local level do a better job, and that we are all working on this problem.

We also need to make sure that discrimination laws are enforced as it relates to children and young people—students—in our schools. We have to do this because it is a real problem.

Young people who happen to be gay or lesbian or bisexual or transgender need help from all of us. They need our support. I, and I know many others, will continue to work to protect every child so that at a minimum they feel safe and supported while they are in school, a place where they should have a reasonable expectation of safety and security. We are not talking about every moment of their life. We are not talking about when they are on the street alone. Those are situations where we worry as well. But at least—at least—we ought to be able to say that when a child or a young person is in school they will be protected from bullying or harassment or violence. That is the least we ought to be able to say, and we are a long way from saying that.

Again, I will conclude by saying that I will go back to the original point I made, which was that every child born in this country has a light inside them, and there is no way the light of that child can shine to its full potential if they do not have the basic protections and the basic freedom from fear we are talking about here. No child should have to go through their day, no matter who they are, to being a victim of this kind of bullying and harassment and violence. It is the ultimate, or certainly one of the ways our society betrays children.

We can put a stop to it. We can raise awareness, we can put a spotlight on this issue and do all we can to protect our children—our young people in grade school and in high schools—across America.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REGULATORY REFORM

Mr. LEVIN. Mr. President, a year and a half ago, the Permanent Subcommittee on Investigations began a review of the causes of the financial crisis. The subcommittee, which I chair, sought to answer a fundamental question about a crisis that was, at that moment, threatening to bring on a second Great Depression, and that has cost millions of Americans their jobs, their homes, their businesses and their savings. The question we sought to answer: How did this happen? And we asked that question so that we could inform our colleagues and the public on steps we might take to protect ourselves from the danger of future crises.

The subcommittee examined millions of pages of documents, interviewed hundreds of witnesses, and conducted four hearings with more than 30 hours of testimony. What we learned was sobering:

We learned that mortgage lenders such as Washington Mutual Bank sought to boost their short-term profits by making increasingly risky mortgage loans to borrowers increasingly

unlikely to be able to repay them. WaMu, as it was known, made hundreds of billions of dollars of loans, many of which were laced with fraudulent borrower information, and then packaged and sold these loans, dumping toxic assets into the financial system like a polluter dumping poison into a river.

We learned that regulators such as the Office of Thrift Supervision identified problems at WaMu on many occasions but failed to act against them, and in fact hindered other Federal regulators like the Federal Deposit Insurance Corporation from taking action.

We learned that credit rating agencies, institutions that investors depended upon to make accurate, impartial assessments of the risks that assets carried, failed completely in this task. This failure was caused by faulty risk models and inadequate data, and by competitive pressures as the credit rating agencies sought to obtain or enlarge their market share and please the investment banks that were paying them for their credit ratings. Because credit rating agencies were paid by the financial institutions selling the financial products being rated, conflicts of interest undermined the ratings process and led to a slew of inflated AAA ratings for high-risk products whose ratings were later downgraded, many to junk status.

We also learned that investment banks such as Goldman Sachs helped feed the conveyor belt of toxic assets that nearly brought economic ruin. Goldman Sachs repeatedly put its own interests and profits ahead of the interests of its clients and our communities. Its misuse of exotic and complex financial structures helped spread toxic mortgages throughout the financial system. And when the system finally collapsed under the weight of those toxic mortgages, Goldman profited from the collapse.

The lesson of our findings is that this disaster was manmade. And yet perhaps the most stunning finding came from our hearings themselves, when top executives from institutions that collectively destroyed millions of jobs and billions of dollars' of wealth repeatedly dodged responsibility, saying the mistakes were someone else's, that they had done nothing wrong, that those who questioned their actions simply failed to understand how the financial system worked. Mr. President, if Wall Street refuses to take responsibility for its actions, it is incumbent on us to take responsibility for putting a cop back on the beat on Wall Street.

The bill we approved last week contains many important provisions that directly address the problems revealed in our investigation. Begin with the lenders. The Consumer Financial Protection Bureau this legislation will create is an important tool to protect borrowers and the financial system

from the abusive lending at banks such as WaMu that helped bring about the crisis. Thanks to an amendment offered by Senator MERKLEY, which I was proud to cosponsor, lenders will no longer be able to pocket a quick profit by selling a "liar loan," requiring no documentation of wages or the ability to repay. Under Senator MERKLEY's amendment, borrowers will be required to provide reliable evidence of their income, either through a W-2, tax return, or other such record. The amendment would also require lenders to verify borrower income.

Together, those provisions essentially impose a ban on so-called stated-income loans, which is exactly what is needed. Negative amortization loans, in which borrowers can spend years making payments so small that they end up owing thousands of dollars more than the original loan amount, should also become rare. Putting a cop on the beat means protecting all of us from the consequences of reckless behavior by those who seek short-term gain at the expense of financial stability.

It is also significant that lenders will be required to retain some of the risk they create by keeping a portion of the mortgages they securitize on their own books, ending the current situation in which lenders can make risky loans and then dump all that risk into the financial system. Under the Senate bill, securitizers of high-risk mortgages will have to retain at least a 5 percent interest in any mortgage-backed securities they issue. Mortgages that are very safe—such as 30-year, fixed-rate mortgages with a historical default rate of 1 to 2 percent—will be exempted from this credit risk retention requirement. Securitizers using mortgages with a credit risk that is above the 1- to 2-percent default rate for traditional mortgages, but below the 5-percent or more default rate associated with high-risk mortgages, will have some risk retention requirement but one that is less than the 5-percent requirement for high-risk mortgages. These risk retention requirements are essential to rebuild investor confidence in our mortgage-backed securities markets. This bill also addresses many of the regulatory failures our investigation identified. The Office of Thrift Supervision, which failed so badly in its oversight responsibilities, is dissolved under this bill. The Federal Reserve would be given important authority to oversee the largest financial institutions, regardless of their legal status as bank holding companies, investment banks or other entities, offering powerful protection against risks to the stability of the financial system that went unrecognized through the web of Federal regulation during this crisis. The Consumer Financial Protection Bureau would be charged with ending high-risk mortgages that not only hurt consumers, but undermined the safety and

soundness of U.S. banks and mortgage lenders.

This legislation includes substantial reform of credit rating agencies. These agencies will now be liable to civil suits by private parties for the quality of their analytical process, and required to institute internal controls, devote sufficient resources, and improve training and competence to improve the accuracy of their ratings. The Securities and Exchange Commission will establish a new office to oversee the agencies, another example of how we would put a cop back on the beat. And thanks to the amendment offered by Senator FRANKEN, which I cosponsored, the bill has addressed the dangerous conflict of interest under which the supposedly impartial analysis of financial instruments is paid for by the issuers of those financial instruments. While it would have been cleaner also to strike the existing statutory ban on SEC oversight of the substance of ratings and the procedures and methodologies used to produce those ratings, the Senate bill as written essentially overrides that ban and enables the SEC to exercise the oversight needed to ensure credit ratings are derived in a reasonable and impartial manner.

We had an opportunity as well to address the issues identified in our investigation with the actions of investment banks such as Goldman Sachs. This legislation makes some progress there. Importantly, the legislation will bring the shadowy derivatives market into the light, requiring virtually all derivatives to be disclosed to regulators, that most undergo a standardized clearing process, and that derivatives dealers meet capital requirements that ensure, if their risky bets fail, they can cover the losses from their own accounts, and not—as, for instance, AIG did—come to taxpayers for a bailout.

One major failing during the debate on the bill was the Senate's failure to approve Senator DORGAN's amendment to ban "naked" credit default swaps, the ultimate gamble in the casino that Wall Street has constructed in recent years. That amendment included a provision I had sought to ban synthetic asset backed securities that magnify risk without providing any economic benefit. The Dorgan amendment would have reduced the high-risk, conflicts-ridden practices that too often are a part of Wall Street today and would have rebuilt investor confidence in our markets. I regret that the Senate did not see fit to add that provision to the bill.

Of course, I wish the Senate had been allowed to consider the amendment that Senator MERKLEY and I offered to rein in proprietary trading and address the conflicts of interest that have become business as usual on Wall Street. We had offered our amendment to a Brownback amendment that was al-

ready pending on the floor. I am very disappointed that Senator BROWNBACK decided to withdraw his amendment, which meant the Merkley-Levin amendment could not get a vote. The Dodd bill includes a provision requiring regulators to study and implement restrictions on proprietary trading, which is a step in the right direction. But we have missed an opportunity to strengthen that provision by putting in a statute, without the ability of agencies to modify, prohibitions on risky trading by banks, and strict limits on such trading by nonbanks. Of prime importance, our amendment would have ended the conflicts of interest that now allow financial institutions to assemble and sell complex financial instruments—even instruments with a significant possibility of failure—and then bet that those instruments will fail, profiting from bets against the very instruments they constructed and from the clients they convinced to purchase those products.

Mr. President, I do not understand how Senators can be shown the damaging conflicts of interest identified by our investigation and not see the need to address those conflicts. If we do not address them, we will have poorly served our constituents and missed a chance to make a future financial crisis less likely.

I have some additional regrets about the legislation. Amendments I had drafted to impose a 1-year cooling off period before financial regulators can take jobs at the financial institutions they regulated, and to repair damage from a Supreme Court decision known as *Gustafson* had been included in a planned managers' amendment, but that amendment never received a vote. Important amendments to strengthen the authority of the FDIC, close the London loophole that allows foreign trading terminals to be established in the United States to trade U.S. commodities without complying with U.S. trading rules, require registration of private equity and venture capital funds, reverse the Stoneridge decision barring shareholder suits against those who aid and abet financial fraud, and other important issues were also not acted upon or given a vote. I hope these issues will be addressed in conference.

Still, taken as a whole, the legislation we approved is an important step toward policing Wall Street and rebuilding Main Street's defenses from Wall Street's excesses. The millions of pages of documents and long hours of testimony gathered by the Permanent Subcommittee on Investigations present a detailed history of the financial crisis. But all that complexity tells a pretty simple story, really, one of unbridled greed that created unheeded risk, risk that exploded into the worst recession in decades. Wall Street may not have learned the lessons of that story, but the rest of the

country has. We must act. We must put the cop back on the Wall Street beat, or once again suffer the consequences of Wall Street's greed. Hopefully, the Senate-House conference will get us closer to that goal.

Mr. VOINOVICH. Mr. President, I rise today to explain my opposition to the Restoring America's Financial Stability Act, which the Senate passed last week. It is now clear that over the past decade or so, certain factors played a critical role in leading our Nation into the financial crisis that first reached critical mass and arrested the credit markets in 2007, subsequently leading to the collapse of some of our largest financial services firms, and culminated with a crash of the stock market in late 2008 and again in early 2009. These underlying factors and resulting events produced a widespread crisis and a devastating recession with massive job loss and sustained record unemployment, all of which continue to be felt by families throughout Ohio and States across America. In response, we in Congress have taken up legislation that supposedly aims to correct what went wrong and restore safety, soundness, and stability to our financial markets to foster recovery and fortify the foundation for a strong economy.

Why, then, have I opposed the passage of this legislation? Simply put, because it does not get the job done. This legislation fails to address the root causes of our current crisis, while severely overreaching in its expanded regulation of businesses large and small throughout the economy. While I was disappointed that a bill this large, technical, and consequential was not properly and carefully vetted through the committee process, and was then subject to political abuse by the majority, I voted to bring the bill to the Senate floor because I believe the American people wanted us to debate the issues surrounding the financial collapse and bring forth legislation that would work to minimize the possibility of a future collapse caused by the same weaknesses. Although I was pleased with the debate process on the Senate floor—Senators were allotted time to offer amendments, debate was substantial, and amendments were germane—this reform legislation ignores the root causes of the collapse and ultimately fails to repair and strengthen our financial system.

First, the bill fails to address the main catalysts of the financial meltdown, Fannie Mae and Freddie Mac, whose push to acquire subprime mortgages—spurred by Congress—helped produce a bubble that burst and sent shockwaves across global financial markets, sending the U.S. and global economies into a tailspin. These now-government-owned institutions, which failed in the midst of the financial crisis, continue to drain taxpayers for billions of dollars. Just this month,

Fannie and Freddie requested an additional \$19 billion of taxpayer moneys to fund operations, bringing the total government assistance to roughly \$145 billion, or an average of \$7.6 billion per month. Moreover, the nonpartisan Congressional Budget Office recently estimated that over the next decade, Fannie and Freddie could cost taxpayers almost \$400 billion. Yet these two giant, systemically risky institutions, whose bailouts far outsize any of those given to other financial institutions, are ignored in this bill.

Second, at the heart of this crisis were residential home loans written to borrowers who did not have the ability to pay their mortgages. When these borrowers defaulted on a massive scale, widespread investment securities based on their mortgages lost significant value, sending investors panicking and retreating while portfolios collapsed and credit froze. These loans were made in large part because of poor underwriting standards and a failure by many lenders and brokers to ensure that buyers had the means to repay their loans. During the debate on this bill, my colleague Senator BOB CORKER offered a commonsense amendment to establish sound underwriting standards, including a minimum down payment, full documentation, and proof of income and ability to pay back the mortgage. Amazingly, my colleagues rejected this amendment, and thus virtually nothing in this bill addresses this problem.

Third, the new consumer protection bureau created by this bill is too wide in its regulatory scope and I believe it will saddle businesses with new and often unnecessary burdens. It is granted authority to reach its tentacles like an octopus into various sectors of the economy and pull businesses that were not part of the problem under new government regulation. Attempts by some of my colleagues to curtail the largely unchecked reach of this new regulator were rejected.

Finally, new regulations related to over-the-counter derivatives fail to adequately protect businesses across Ohio and other States that use these risk management tools. Some of these businesses could be forced to divert capital away from investments and job creation and instead post margins with the clearinghouses that will oversee these contracts. I have also heard many of these companies complain that they will now be forced to use less customized derivative products, which would result in more—rather than less—risk to these companies. As businesses sideline more capital, they become less liquid; as they face more risk, they become less creditworthy, and in turn have less access to credit. I am fearful that these new burdens on businesses will do little or nothing to prevent future collapses, and serve only to slow any eventual economic re-

covery. In addition, under the Senate bill, banks that commonly provide these financial products for businesses would be prohibited from doing so any longer, and I am concerned that the unintended consequence of this ban could be that businesses will seek these products from foreign financial firms, which operate beyond the scope of U.S. regulation.

In sum, not only does the Restoring America's Financial Stability Act fail to address the root causes of the problem, it also overreaches in its regulation, which will cost Ohioans jobs, hurt businesses that are not connected with the meltdown, and harm credit at a time when job recovery is still just inching forward. I am disappointed that many of the amendments offered by my colleagues that would have addressed these issues, as well as my other concerns with the bill, were not adopted. I hope that this Senate bill will be improved in the conference committee before it is returned to the Senate.

REMEMBERING COLONEL JOHN KELLEY SPRINGER

Mr. GREGG. Mr. President, today I wish to honor a resident of the Granite State who was respected by his friends and family for his devotion to service, his devotion to country, and his devotion to his fellow citizens. Kathy and I wish to express our deepest sympathies to those who knew COL John Kelley Springer. Our thoughts and prayers are with those that are mourning this loss.

John Kelley Springer passed on February 4, 2010, at the age of 78, and today, in Rollins Chapel at Dartmouth College, his friends and family will gather to conduct a memorial service in his honor. I hope that memories of John and his efforts to advance the health and safety of this Nation can provide comfort during this difficult time.

A resident of Sunapee, New Hampshire, John was the President of the Dartmouth Class of 1953. Upon graduation, he joined the U.S. Marine Corps, serving 5 years on Active Duty as a jet and helicopter pilot, and many more in the Marine Corps Reserve before retiring with the rank of colonel.

John was also a longtime contributor in the health care field. Serving in various capacities—from hospital administrator to chief executive—John left his indelible mark throughout New England. For his outstanding community involvement, John was presented with the Award of Honor from the American Hospital Association and the Tree of Life Award from the Jewish National Fund. And as if these contributions to country and community weren't already enough, John was also a diligent philanthropist and genuinely good-hearted person, dedicating time and energy to various church boards and com-

mittees, and making everyone he encountered feel appreciated.

John Kelley Springer is survived by his beloved wife Jane; his daughters Kelley, Dana, Susan, and Nellie; his brother Wilbur; his sister Elizabeth; and 10 grandchildren. May his memory and devotion live on in each of them.

REMEMBERING SERGEANT BRANDON PAUDERT AND OFFICER BILL EVANS

Mr. PRYOR. Mr. President, it is with a heavy heart that today I honor two brave policemen from West Memphis, Sergeant Brandon Paudert and Officer Bill Evans, and pay tribute to their lives and service to their community.

Sergeant Paudert and Officer Evans lost their lives in the line of duty doing what they loved most: protecting their community. They were both part of the West Memphis Police Department's drug interdiction team, a specialized unit that fought drug trafficking on Arkansas's highways. They were on the front lines in the war against drugs, fighting to keep our streets clean and our children safe.

Sergeant Paudert's sense of duty was in his blood—his father, Bob Paudert, is West Memphis's police chief. Sergeant Paudert's loved ones described him as a kind, honorable man, devoted to his family and the force. He married his high school sweetheart, Kim, whom he had dated since they were just 14 years old, and had three children whom he loved dearly. He was always there for friends and fellow officers, lifting up their spirits and lending a hand when one was needed.

Officer Evans shared Sergeant Paudert's call to serve; he was a fourth-generation law enforcement official, with both his father and his grandfather serving in the Crittenden County Sheriff's Department. He was the team's "maintenance man" with an ability to fix anything he encountered, and had a wonderful sense of humor, always able to get a laugh out of his colleagues and friends. A father of two with a fiancé, those who knew him said Evans lived his life by a simple code: "Enjoy your life. Love your family. Enjoy your work."

I join all Arkansans in lifting up the family and friends of Sergeant Paudert and Officer Evans during this difficult time. In a fitting tribute, a sign on the fence of the West Memphis High School's football field says: "Fallen, so we can stand." These two heroes may have fallen, but we will continue to stand for the values and principles for which they so selflessly gave their lives.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. MORRIS W. SELF
• Mr. BENNET. Mr. President, today I wish to honor the heroic service of Dr.

Morris W. Self of Pagosa Springs, CO. Dr. Self, a retired civil engineer, was recently honored by France for his brave service during World War II. This past month, the French Consul General in Los Angeles bestowed on him the National Order of the Legion of Honor, France's highest award, in the rank of Chevalier, or Knight, in appreciation for his distinguished service.

Morris was born in St. Paul, MN, in December 1921. During high school, he was active in several sports and served as president of the student government. At 18, Morris joined the Minnesota National Guard and trained with the 101st Coast Artillery Unit. After the U.S. entered the war in 1941, he enrolled in the Engineer Officer Candidate School. He was commissioned as a combat engineer with the rank of 2nd lieutenant in July 1942. Lieutenant Self was deployed to the United Kingdom in November 1943 with the 348th Combat Engineering Battalion to prepare for the Normandy landings.

On D-day, Lieutenant Self's unit landed on Omaha Beach at 7:30 a.m. under intense enemy fire. He was 23 years old at the time. Lieutenant Self led an infantry unit in clearing beach areas of enemy fortifications. His reconnaissance patrol cleared mines and located booby traps under enemy fire.

On June 7, Lieutenant Self continued to clear the beach of mines. That day, he saw several landing crafts hit by enemy fire begin to sink. After quickly assessing the situation, Lieutenant Self swam 200 yards from shore to look for survivors. On this first trip, he helped three men to shore with life-jackets and by creating a makeshift raft. Then he went back to save more. After finding a long rope and attaching it to shore, Lieutenant Self and Lieutenant Walter Sidlowksi of Brooklyn, NY, found a rubber raft and ferried three more groups of survivors to safety. They were in the frigid water of the English Channel for about 2 hours.

Lieutenant Self and his unit continued to clear beach areas for the next several months. In December 1944, the 348th was moved to the Ardennes area in Belgium to fight back against the German offensive during the Battle of the Bulge and to help rebuild the community. He returned to the U.S. in September 1945 and was discharged that December.

Prior to this most recent award, Lieutenant Self was awarded the Bronze Star Medal for heroic actions at Omaha Beach, the French Croix de Guerre with Bronze Star, and the Presidential Unit Citation. Lieutenant Self later attended the University of Minnesota and earned a civil engineering degree, a master's, and a doctorate in civil engineering. He was married to Ruth Mar in 1947, and they have three children: Ted Alan, Douglas, and Jenann.

I would like again to congratulate Dr. Self on his receipt of the esteemed Legion of Honor award and thank him for his selfless service to our country. His bravery, on D-day, and for months after, is a testament to the courage and conviction that American soldiers brought to a dreadful war. We are humbled by his service.●

RECOGNIZING HOWE MILITARY SCHOOL CLASS OF 2010

● Mr. LUGAR. Mr. President, I am pleased to take the opportunity today to congratulate the Class of 2010 at Howe Military School upon this week-end's commencement ceremonies. This class has achieved the remarkable result of having each cadet gain acceptance to college an achievement in which all cadets and their families can take great pride.

The Class of 2010 also has the distinction of being the final class to graduate as alumni of the Howe Military School. The board of trustees has chosen to change the school's name to The Howe School beginning in the fall. Throughout the school's distinguished 126 year history it has prepared young men, and since 1988 young women, for academic excellence and leadership. This tradition will continue in the years to come as the school embarks upon a new chapter as The Howe School.

I am privileged to recognize the faculty and staff of the Howe Military School and the cadets who are graduating to pursue new challenges in college and beyond. I look forward to opportunities to learn about the many achievements of the Howe Military School Class of 2010 in the years ahead.●

MESSAGE FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1017. An act to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services.

H.R. 5330. An act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 137. Concurrent resolution expressing the sense of the Congress that the lack of adequate housing must be addressed as a barrier to effective HIV prevention, treatment, and care, and that the United States should make a commitment to pro-

viding adequate funding for developing housing as a response to the AIDS pandemic.

H. Con. Res. 278. Concurrent resolution expressing the sense of Congress that a grateful Nation supports and salutes Sons and Daughters in Touch on its 20th Anniversary that is being held on Father's Day, 2010, at the Vietnam Veterans Memorial in Washington, the District of Columbia.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1017. An act to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 137. Concurrent resolution expressing the sense of the Congress that the lack of adequate housing must be addressed as a barrier to effective HIV prevention, treatment, and care, and that the United States should make a commitment to providing adequate funding for developing housing as a response to the AIDS pandemic; to the Committee on Banking, Housing, and Urban Affairs.

H. Con. Res. 278. Concurrent resolution expressing the sense of Congress that a grateful Nation supports and salutes Sons and Daughters in Touch on its 20th Anniversary that is being held on Father's Day, 2010, at the Vietnam Veterans Memorial in Washington, the District of Columbia; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3410. A bill to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as "Mississippi Canyon 252" with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations.

S. 3421. A bill to provide a temporary extension of certain programs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5905. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Silver Nitrate; Exemption from the Requirement of a Tolerance" (FRL No. 8824-9) received in the Office of the President of the Senate on May 19, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5906. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (75 FR 24820)" ((44 CFR Part 64)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on May 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5907. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Antarctic Marine Living Resources; Use of Centralized-Vessel Monitoring System and Importation of Toothfish; Re-export and Export of Toothfish; Applications for Krill Fishing; Regulatory Framework for Annual Conservation Measures" (RIN0648-AX80) received in the Office of the President of the Senate on May 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5908. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Correction" (RIN0648-AY37) received in the Office of the President of the Senate on May 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5909. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; West Coast Salmon Fisheries; 2010 Management Measures" (RIN0648-AY60) received in the Office of the President of the Senate on May 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5910. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska" (RIN0648-XV80) received in the Office of the President of the Senate on May 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5911. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments; Pacific Halibut Fisheries" (RIN0648-AY82) received in the Office of the President of the Senate on May 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5912. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Virginia Graeme Baker Pool and Spa Safety Act; Interpretation of Unblockable Drain" (16 CFR Part 1450) received in the Office of the President of the Senate on May 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5913. A communication from the Assistant General Counsel for Legislation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the re-

port of a rule entitled "Energy Conservation Program: Web-Based Compliance and Certification Management System" (RIN1904-AC10) received in the Office of the President of the Senate on May 19, 2010; to the Committee on Energy and Natural Resources.

EC-5914. A communication from the Assistant General Counsel for Legislation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Determination Concerning the Potential for Energy Conservation Standards for Non-Class A External Power Supplies" (RIN1904-AB80) received in the Office of the President of the Senate on May 19, 2010; to the Committee on Energy and Natural Resources.

EC-5915. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Determination of Attainment for the Coso Junction Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements" (FRL No. 9153-3) received in the Office of the President of the Senate on May 19, 2010; to the Committee on Environment and Public Works.

EC-5916. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule" (FRL No. 9152-8) received in the Office of the President of the Senate on May 19, 2010; to the Committee on Environment and Public Works.

EC-5917. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Nonpersonal Use Vehicles" (RIN1545-BH65) received in the Office of the President of the Senate on May 19, 2010; to the Committee on Finance.

EC-5918. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tidewater, Inc., and Subsidiaries v. United States" (AOD 2010-22) received in the Office of the President of the Senate on May 20, 2010; to the Committee on Finance.

EC-5919. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sections 7701(a) and 7805—Definition of Foreign Partnership" (Notice No. 2010-41) received in the Office of the President of the Senate on May 20, 2010; to the Committee on Finance.

EC-5920. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "James R. Thompson v. United States Court of Federal Claims No. 06-211 T" (AOD 2010-14) received in the Office of the President of the Senate on May 20, 2010; to the Committee on Finance.

EC-5921. A communication from the Assistant Secretary for Special Education and Re-

habilitation Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—Employer Practices Related to Employment Outcomes Among Individuals with Disabilities Catalog of Federal Domestic Assistance (CFDA) Number: 84.133B-3" received in the Office of the President of the Senate on May 19, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5922. A communication from the Assistant Secretary for Special Education and Rehabilitation Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Capacity Building Program for Traditionally Underserved Populations—Technical Assistance for American Indian Vocational Rehabilitation Services Projects Catalog of Federal Domestic Assistance (CFDA) Number: 84.406" received in the Office of the President of the Senate on May 19, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5923. A communication from the Secretary of the Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Annual Report to Congress on Targeted Grants to Increase the Well-Being of, and to Improve the Permanency Outcomes for, Children Affected by Methamphetamine or Other Substance Abuse"; to the Committee on Health, Education, Labor, and Pensions.

EC-5924. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Canoga Avenue Facility, Los Angeles County, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-5925. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the 2009 Annual Report of the Pension Benefit Guaranty Corporation; to the Committee on Health, Education, Labor, and Pensions.

EC-5926. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Auditor's Review of Compliance with Certified Business Enterprises Requirements Pursuant to the Compliance Unit Establishment Act of 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC-5927. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Auditor's Review of Environmental Standards Requirements Pursuant to the Compliance Unit Establishment Act of 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC-5928. A communication from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the Commission's financial statement for the period of October 1, 2008, to September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 469. A resolution recognizing the 60th Anniversary of the Fulbright Program in Thailand.

S. Res. 532. A resolution recognizing Expo 2010 Shanghai China and the USA Pavilion at the Expo.

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

S. 3248. A bill to designate the Department of the Interior Building in Washington, District of Columbia, as the "Stewart Lee Udall Department of the Interior Building".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Michael P. Meehan, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2010.

*Dana M. Perino, of the District of Columbia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2012.

*Michael James Warren, of the District of Columbia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2011.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning with Judith Hinshaw Semilota and ending with Gregory S. Stanford, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2010.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*S. Leslie Ireland, of Massachusetts, to be Assistant Secretary for Intelligence and Analysis, Department of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD:

S. 3407. A bill to improve the quality of care in nursing homes, help families make informed decisions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3408. A bill to provide for the conveyance of certain public land in and around historic mining townsites located in the State of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 3409. A bill to make certain adjustments to the price analysis of propane prepared by the Secretary of Commerce; to the Committee on Energy and Natural Resources.

By Mr. VITTER (for himself, Ms. MURKOWSKI, and Mr. LEMIEUX):

S. 3410. A bill to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as "Mississippi Canyon 252" with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations; read the first time.

By Mrs. GILLIBRAND (for herself, Mr. INHOFE, and Ms. LANDRIEU):

S. 3411. A bill to provide for the adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. MENENDEZ, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, Mr. REED, and Mrs. GILLIBRAND):

S. 3412. A bill to provide emergency operating funds for public transportation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD:

S. 3413. A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. HATCH):

S. 3414. A bill to ensure that the Dietary Supplement Health and Education Act of 1994 and other requirements for dietary supplements under the jurisdiction of the Food and Drug Administration are fully implemented and enforced, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 3415. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs and to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE (for himself and Mr. BEGICH):

S. 3416. A bill to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S. 3417. A bill to prohibit offshore aquaculture until 3 years after the submission of a report on the impacts of offshore aquaculture and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MERKLEY (for himself, Mr. JOHANNES, Mr. CASEY, and Mr. BROWN of Ohio):

S. 3418. A bill to amend the Public Health Service Act to specifically include, in programs of the Substance Abuse and Mental Health Services Administration, programs to research, prevent, and address the harmful consequences of pathological and other problem gambling, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. DORGAN, Mr. SCHUMER, Mr. MENENDEZ, Mr. DURBIN, and Mr. HARKIN):

S. 3419. A bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY:

S. 3420. A bill to provide a temporary extension of certain programs, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 3421. A bill to provide a temporary extension of certain programs, and for other purposes; read the first time.

By Mr. WYDEN:

S. 3422. A bill to require the provision to members of the reserve components of the Armed Forces upon their mobilization and demobilization of a comprehensive statement of the medical care to which they are entitled as a result of mobilization; to the Committee on Armed Services.

By Mr. KERRY:

S. 3423. A bill to provide the President with expedited consideration of proposals for cancellation of certain budget items; to the Committee on the Budget.

By Mr. DURBIN (for himself and Mr. VITTER):

S. 3424. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 491

At the request of Mr. WEBB, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 504

At the request of Mr. ROBERTS, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from Pennsylvania (Mr. CASEY), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Nebraska (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 504, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 769

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1567

At the request of Mr. BROWNBAC, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1567, a bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 1740

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1740, a bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes.

S. 1770

At the request of Mr. ENSIGN, his name was added as a cosponsor of S. 1770, a bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities.

S. 2737

At the request of Mr. BROWNBAC, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2737, a bill to relocate to Jerusalem the United States Embassy in Israel, and for other purposes.

S. 2755

At the request of Mr. MENENDEZ, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2755, a bill to amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, and for other purposes.

S. 2781

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cospon-

sor of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2858

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2858, a bill to amend the Public Health Service Act to establish an Office of Mitochondrial Disease at the National Institutes of Health, and for other purposes.

S. 2885

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2885, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes.

S. 2913

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2913, a bill to establish a national mercury monitoring program, and for other purposes.

S. 2947

At the request of Mr. CARPER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2947, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 3197

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3197, a bill to require a plan for the safe, orderly, and expeditious redeployment of United States Armed Forces from Afghanistan.

S. 3206

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3206, a bill to establish an Education Jobs Fund.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3262

At the request of Mr. MENENDEZ, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 3262, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity

bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 3296

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was withdrawn as a cosponsor of S. 3296, a bill to delay the implementation of certain final rules of the Environmental Protection Agency in States until accreditation classes are held in the States for a period of at least 1 year.

S. 3305

At the request of Mr. MENENDEZ, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Vermont (Mr. LEAHY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 3305, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 3306

At the request of Mr. MENENDEZ, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3306, a bill to amend the Internal Revenue Code of 1986 to require polluters to pay the full cost of oil spills, and for other purposes.

S. 3326

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 3326, a bill to provide grants to States for low-income housing projects in lieu of low-income housing credits, and to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of the low-income housing credit, and for other purposes.

S. 3341

At the request of Mr. CARDIN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 3341, a bill to amend title 5, United States Code, to extend eligibility for coverage under the Federal Employees Health Benefits Program with respect to certain adult dependents of Federal employees and annuitants, in conformance with amendments made by the Patient Protection and Affordable Care Act.

S. 3393

At the request of Mr. BROWN of Ohio, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 3393, a bill to provide for extension of COBRA continuation coverage until coverage is available otherwise under either an employment-based health plan or through an American Health Benefit Exchange under the Patient Protection and Affordable Care Act.

S.J. RES. 29

At the request of Mr. MCCONNELL, the names of the Senator from Texas

(Mrs. HUTCHISON), the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

AMENDMENT NO. 4174

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4174 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4175

At the request of Mr. LAUTENBERG, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Nebraska (Mr. NELSON), the Senator from California (Mrs. BOXER), the Senator from Oregon (Mr. MERKLEY), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of amendment No. 4175 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4179

At the request of Mr. COCHRAN, his name was added as a cosponsor of amendment No. 4179 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4181

At the request of Ms. LANDRIEU, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 4181 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4183

At the request of Mr. WYDEN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 4183 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4190

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 4190 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 3408. A bill to provide for the conveyance of certain public land in and around historic mining townsites located in the State of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, today I rise with my good friend Senator ENSIGN to introduce the Nevada Mining Townsite Conveyance Act of 2010. The residents of the towns Ione and Gold Point in Nevada have asked for our help in settling longstanding trespass issues that have seriously affected these communities for decades. This bill would convey 682 acres managed by the Bureau of Land Management's, BLM, Tonopah Field Office to clear up decades old confusion over property ownership in these two historic mining towns.

Ione and Gold Point were founded in central Nevada during the last half of the nineteenth century. Like other early towns in Nevada, they endured the boom and bust cycle so common to mining camps. A very long time ago both of these towns were surveyed and approved for townships, but through some misfortune the proof of patent was never recorded by the U.S. Government Land Office and title for the land was never transferred. Nevertheless, these towns have been continuously occupied for over 100 years.

Many residents in Ione and Gold Point live on the same land that their families settled on decades earlier. These citizens have paid their property taxes and made improvements to their properties. They have rehabilitated historic structures and built new ones. Regrettably, the historical documents by which these citizens claim possession do not satisfy modern requirements for demonstrating lawful ownership of their properties. Because these documents are legally insufficient and have been deemed invalid, the BLM retains legal ownership of the land. Thus, the BLM has determined that these residents of Ione and Gold Point and their homes are in trespass on Federal land.

This situation is untenable. Local residents, the counties, and the BLM recognize that many of these citizens have substantial rights to the lands in question; however, there is no readily available procedure by which the BLM can adjudicate their claims. This puts the BLM at odds with the local residents and the county governments. It also impedes efforts to improve basic community services such as fire protection, and water supply and treatment facilities.

In the simplest terms, our legislation will convey any unencumbered property rights in the contested townsites to the counties and in turn the counties will use the procedures outlined in

the 2001 state mining townsite law to consider residents' property claims and pass these lands to the rightful owners. In order to accomplish the transfer of the townsites, this bill establishes a process for the BLM to determine the validity of any existing mining claims in Ione and Gold Point and to convey to the counties all surface ownership rights and any subsurface rights not subject to valid mining claims. Valid mining claims will not be conveyed to the counties, but they will be subject to various restrictions designed to protect the home owners in Ione and Gold Point.

I would like to thank Nye and Esmeralda counties, the Nevada State Legislature, the Bureau of Land Management, and the residents of Ione and Gold Point for their cooperation and hard work in resolving this complex problem. We are pleased to bring this legislation to the committee and we look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished members to move this bill through the legislative process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Mining Townsite Conveyance Act".

SEC. 2. DISPOSAL OF PUBLIC LAND IN MINING TOWNSITES, ESMERALDA AND NYE COUNTIES, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government owns real property in and around historic mining townsites in the counties of Esmeralda and Nye in the State of Nevada;

(2) while the real property described in paragraph (1) is under the jurisdiction of the Secretary, some of the real property has been occupied for decades by individuals—

(A) who took possession by purchase or other documented and putatively legal transactions; and

(B) the continued occupation by whom constitutes a trespass on the title held by the Federal Government;

(3) as a result of the confused and conflicting ownership claims, the real property described in paragraph (1)—

(A) is difficult to manage under multiple use policies; and

(B) creates a continuing source of friction and unease between the Federal Government and local residents;

(4)(A) all of the real property described in paragraph (1) is appropriate for disposal for the purpose of promoting administrative efficiency and effectiveness; and

(B) as of the date of enactment of this Act, the Bureau of Land Management has identified the mining townsites for disposal; and

(5) to promote the responsible resource management of the real property described in paragraph (1), certain parcels should be conveyed to the county in which the property is situated in accordance with land use

management plans of the Bureau of Land Management so that the county may, in addition to other actions, dispose of the property to individuals residing on or otherwise occupying the real property.

(b) DEFINITIONS.—In this Act:

(1) CONVEYANCE MAPS.—The term “conveyance maps” means—

(A) the map entitled “Original Mining Townsite Ione Nevada” and dated October 17, 2005; and

(B) the map entitled “Original Mining Townsite Gold Point” and dated October 17, 2005.

(2) MINING TOWNSITE.—The term “mining townsite” means real property—

(A) located in the Gold Point and Ione townsites within the counties of Esmeralda and Nye, Nevada, as depicted on the conveyance maps;

(B) that is owned by the Federal Government; and

(C) on which improvements were constructed based on the belief that—

(i) the property had been or would be acquired from the Federal Government by the entity that operated the mine; or

(ii) the individual or entity that made the improvement had a valid claim for acquiring the property from the Federal Government.

(D) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

(c) MINING CLAIM VALIDITY REVIEW.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall carry out an expedited program to examine each unpatented mining claim (including each unpatented mining claim for which a patent application has been filed) within each mining townsite.

(2) DETERMINATION OF VALIDITY.—With respect to a mining claim, if the Secretary determines that the elements of a contest are present, the Secretary shall immediately determine the validity of the mining claim.

(3) DECLARATION BY SECRETARY.—If the Secretary determines a mining claim to be invalid, as soon as practicable after the date of the determination, the Secretary shall declare the mining claim to be null and void.

(4) TREATMENT OF VALID MINING CLAIMS.—

(A) IN GENERAL.—Each mining claim that the Secretary determines to be valid shall be maintained in compliance with the general mining laws and subsection (d)(2)(B).

(B) EFFECT ON HOLDERS.—A holder of a mining claim described in subparagraph (A) shall not be entitled to a patent.

(5) ABANDONMENT OF CLAIM.—The Secretary shall provide—

(A) public notice that each mining claim holder may affirmatively abandon the claim of the mining claim holder prior to the validity review; and

(B) to each mining claim holder an opportunity to abandon the claim of the mining claim holder before the date on which the land that is subject to the mining claim is conveyed.

(d) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—After completing a validity review under subsection (c) and notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the appropriate county, without consideration, all right, title, and interest of the United States in and to mining townsites (including improvements on the mining townsites)—

(A) identified for conveyance on the conveyance maps; and

(B) that are not subject to valid mining claims.

(2) VALID MINING CLAIMS.—

(A) IN GENERAL.—With respect to each parcel of land located in a mining townsite subject to a valid mining claim, the Secretary shall reserve the mineral rights and otherwise convey, without consideration, the remaining right, title, and interest of the United States in and to the mining townsite (including improvements on the mining townsite) that is identified for conveyance on a conveyance map.

(B) PROCEDURES AND REQUIREMENTS.—Each valid mining claim shall be subject to each procedure and requirement described in section 9 of the Act of December 29, 1916 (43 U.S.C. 299) (commonly known as the “Stockraising Homestead Act of 1916”) (including regulations).

(3) AVAILABILITY OF CONVEYANCE MAPS.—The conveyance maps shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(e) RECIPIENTS.—

(1) ORIGINAL RECIPIENT.—Subject to paragraph (2), the conveyance of a mining townsite under subsection (d) shall be made to the county in which the mining townsite is situated.

(2) RECONVEYANCE TO OCCUPANTS.—

(A) IN GENERAL.—In the case of a mining townsite conveyed under subsection (d) for which a valid interest is proven by 1 or more individuals, under the provisions of Nevada Revised Statutes Chapter 244, the county that receives the mining townsite under paragraph (1) shall reconvey the property to the 1 or more individuals by appropriate deed or other legal conveyance as provided in that chapter.

(B) AUTHORITY OF COUNTY.—A county described in subparagraph (A) is not required to recognize a claim under this paragraph that is submitted on a date that is later than 5 years after the date of enactment of this Act.

(f) VALID EXISTING RIGHTS.—The conveyance of a mining townsite under subsection (d) shall be subject to valid existing rights, including any easement or other right-of-way or lease in existence as of the date of the conveyance.

(g) WITHDRAWALS.—Subject to valid rights in existence on the date of enactment of this Act, and except as otherwise provided in this Act, the mining townsites are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(h) SURVEY.—A mining townsite to be conveyed by the United States under subsection (d) shall be sufficiently surveyed as a whole to legally describe the land for patent conveyance.

(i) CONVEYANCE OF TERMINATED MINING CLAIMS.—If a mining claim determined by the Secretary to be valid under subsection (c) is abandoned, invalidated, or otherwise returned to the Bureau of Land Management, the mining claim shall be—

(1) withdrawn in accordance with subsection (g); and

(2) conveyed to the owner of the surface rights covered by the mining claim.

(j) RELEASE.—On completion of the conveyance of a mining townsite under subsection (d), the United States shall be relieved from liability for, and shall be held harmless from, any and all claims arising from the presence

of improvements and materials on the conveyed property.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

By Mr. DODD (for himself, Mr. MENENDEZ, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, Mr. REED, and Mrs. GILLIBRAND):

S. 3412. A bill to provide emergency operating funds for public transportation; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, millions of Americans rely on transit to go about their daily lives.

Many of them are poor, elderly, or disabled.

For some, transit is more than a convenience—it is absolutely vital.

Unfortunately, in communities across the Nation, transit has become a casualty of the economic downturn.

Service cuts, fare increases, and layoffs—the result of tight budgets nationwide—have become an epidemic, disconnecting people from their jobs, placing huge burdens on already disadvantaged populations, and reducing quality of life for millions of American families.

The American Public Transportation Association recently found that 84 percent of transit systems either have enacted or are contemplating fare hikes or reductions in service.

The transit crisis is having an impact on the American people.

In 2008, transit ridership reached 10.7 billion riders, the highest level since 1956 and a 38 percent increase since 1995.

But last year, ridership fell by half a billion.

This has serious implications for national priorities like reducing traffic congestion, addressing climate change, enhancing our energy security, and restoring our economic competitiveness.

Of course, it has serious implications on the lives of ordinary Americans.

Young people are finding it harder to get to school.

Low-income families, forced to pay more for less service, are losing what is often their only option for getting to work.

The elderly and disabled, robbed of their mobility, can't access health care facilities.

Many who have long relied on transit are being forced to purchase cars, adding to congestion on our roads, pollution in our skies, and the economic burden already weighing heavy on working families.

We need more transit service, not less.

Now, my preference would be to pass a significant infrastructure and jobs bill, one that would invest billions in our infrastructure, our roadways, and our transit systems.

That approach would create hundreds of thousands of good construction jobs while simultaneously making critical long-term investments in our nation's future productivity and economic growth.

But even if we can't do that, we can't afford to turn our backs on the transit crisis.

Therefore, today I rise to introduce the Public Transportation Preservation Act of 2010.

This legislation will provide \$2 billion in emergency funding to transit agencies across the nation so that we can minimize disruptions in service, fare increases, and layoffs.

It is not nearly enough money to give America the transit system it needs and deserves.

But I hope it will be enough to stop the bleeding and allow millions of Americans who rely on transit to maintain their ability to go to work, get to the doctor, and go about their daily lives without significant disruption.

Senators MENENDEZ, DURBIN, SCHUMER, LAUTENBERG, BROWN of Ohio, REED, and GILLIBRAND have joined this bill as original co-sponsors.

I thank them for their commitment to public transportation.

I urge my colleagues to join us on behalf of those who rely on transit.

By Mr. HARKIN (for himself and Mr. HATCH):

S. 3414. A bill to ensure that the Dietary Supplement Health and Education Act of 1994 and other requirements for dietary supplements under the jurisdiction of the Food and Drug Administration are fully implemented and enforced, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am joining with the distinguished senior Senator from Utah, Senator HATCH, to introduce the Dietary Supplement Full Implementation and Enforcement Act of 2010. Forty percent of Americans regularly take supplements—and I am one of them. We are taking charge of our own health. We are developing healthier habits. We are waking up to the fact that we don't live to eat, we eat to live—and we need to be mindful of what we put into our bodies.

Countless people have told me how they have been helped by dietary supplements. Consumers want alternatives. They want less invasive, less expensive options. They don't want to just cure disease, they want to prevent disease. They want to feel good—and to look good.

As you know, I have long championed the cause of health prevention, and I strongly believe that safe, properly labeled dietary supplements can be an important part of a healthy lifestyle. In 1994, I introduced the Dietary Supplement Health and Education Act—

DSHEA—along with my good friend Senator HATCH, and we revolutionized the way that supplements are regulated and sold in the United States.

DSHEA struck an important balance. On the one hand, it recognized the importance of enhancing consumer access to vitamins, minerals, and other dietary supplements, and it recognized the virtues of scientific research and education on the benefits and risk of supplements. On the other hand, it recognized the need for important regulatory safeguards to protect consumer health, including new safety standards, penalties for mislabeling or adulterating dietary supplements, and rules to ensure the scientific substantiation of claims regarding dietary supplements. As a result, over the last 15 years, Americans have enjoyed unprecedented access to a range of safe products that help improve their health.

In 2006, Congress identified a need for additional regulatory safeguards, and we passed a law that requires manufacturers, packers, and distributors of dietary supplements to report to FDA serious adverse events associated with the use of supplements. Dietary supplement manufacturers are also now required to register their businesses with FDA under the BioTerrorism law we passed in 2002. S. 510, the food safety legislation approved by the Senate HELP Committee last year, which I hope will soon be considered on the Senate floor, contains additional provisions that apply to dietary supplements. The legislation gives FDA the authority to revoke the registration of a dietary supplement facility in certain instances, and it authorizes FDA to initiate a mandatory recall of any food, including a dietary supplement, that will cause serious adverse health consequences or death.

In short, Congress has been active in passing laws that promote access to dietary supplements, but also ensure those products are safe for their intended uses. I am proud of our record on this issue, and I believe we have established a regulatory framework that is in the best interest of the American people and their long term health.

I am concerned, however, that not enough is being done to fully implement and enforce these dietary supplement laws. I am very pleased that FDA recently issued final regulations on current Good Manufacturing Practice for dietary supplements, but it took them nearly 15 years to get those rules on the books. In the fall of 2004, FDA opened a docket and held a public meeting on new dietary ingredients, but it has still not produced guidance on that issue. Perhaps most alarming, there are still scores of illegal products being sold in this country that masquerade as dietary supplements. Some bad actors simply slap a dietary supplement label on illegal products in the hopes that the supplement label will

help those products evade notice by FDA or the label will help promote sales. These products are clearly not dietary supplements and both consumers and the legitimate dietary supplement industry have a right to be upset about their sale. I am encouraged that President Obama's FDA has been sending Warning Letters on some of these illegal products, but more needs to be done. Part of the problem is that FDA's dietary supplement program has been under-resourced. But part of the problem is that enforcement of DSHEA has not been made a priority.

That is why I am proud to introduce the Dietary Supplement Full Implementation and Enforcement Act of 2010. This is an updated version of a bill that Senator HATCH and I introduced in the 108th Congress. I am grateful that the Senator from Utah joins me again today in introducing this important legislation. Its basic goal is to give FDA the resources it needs to fully implement and enforce our dietary supplement laws, but also to hold FDA accountable for what it does with those resources.

According to FDA, full implementation of the laws governing the regulation of dietary supplement will require substantial additional resources. My bill authorizes FDA to receive the necessary sums to implement and enforce the law. It also authorizes the Office of Dietary Supplements at NIH to receive additional sums to expand research and development of consumer information on dietary supplements.

On the implementation front, the bill requires FDA to issue guidance that clarifies for consumers and industry FDA's expectations with regard to its new dietary ingredient premarket notification program.

On the enforcement front, the bill directs FDA to inspect facilities to ensure compliance with the new dietary supplement good manufacturing practice regulations; to use the authority under DSHEA to protect the public from unsafe dietary supplements; and to ensure that claims made for dietary supplements are truthful, non-misleading and substantiated. It also requires FDA to notify the Drug Enforcement Administration if FDA objects to a new dietary ingredient notification because the product may contain an anabolic steroid or an analogue of an anabolic steroid.

On the accountability front, the bill requires the Secretary of the Health and Human Services to submit an annual report to Congress that lists, among other things, how many people at FDA worked on supplement-related issues in the prior years; the number of times FDA inspected dietary supplement facilities; the number of times FDA issued a warning letter or initiated an enforcement action because a manufacturer was not in compliance; the number of times FDA objected to

the marketing of a new dietary ingredient; and the number of dietary supplement claims the FDA determined to be false, misleading, or not substantiated.

The bottom line is that dietary supplements offer tremendous health benefits to Americans, but it is not fair to consumers, the FDA, or the people who make supplements if we don't take action to clarify our current regulatory requirements, to better inform everyone about the benefits and risk of these products, and to clear the market of the clearly illegal or spiked products that masquerade as supplements. The bill that Senator HATCH and I have developed is an important and measured response to these challenges. I am heartened that a number of organizations that are deeply concerned about these issues have endorsed our bill, including, among others, the United Natural Products Alliance, the Natural Products Association, the Council for Responsible Nutrition, the Consumer Healthcare Products Association, the American Herbal Products Association, the Major League Baseball Players Association, and the NFL Players Association. The bill recognizes the need to implement and enforce current law in this area rather than simply discard the important balance we struck in 1994. And it is grounded in the firm belief that safe, properly labeled dietary supplements remain a vital part of our collective effort to help all Americans improve their health.

Mr. HATCH. Mr. President, today Senator TOM HARKIN, Chairman of the Senate Health, Education, Labor and Pensions Committee and I are introducing the Dietary Supplement Full Implementation and Enforcement Act of 2010, which is similar to the legislation we introduced in the 108th Congress.

Our goal in introducing this commonsense bill is to ensure that the Food and Drug Administration properly implements and enforces existing dietary supplement laws—namely the 1994 Dietary Supplement Health Education Act, DSHEA, and the Dietary Supplement and Nonprescription Drug Consumer Protection Act of 2006. This is important to protect the 150,000,000 Americans who regularly take dietary supplements and to remove “bad actor” companies from the marketplace.

This issue is extremely important because the laws already on the books are sufficient if the FDA has the resources and the will to fully enforce them. Indeed, previous FDA commissioners—Dr. Jane Henney, Dr. Mark McClellan, Dr. Lester Crawford and Dr. Andy von Eschenbach—have all stated as much in Senate hearings and in my meetings with them. Moreover, current FDA Commissioner Dr. Margaret Hamburg has assured me that she will work with me to ensure these laws are enforced.

Bottom line: the FDA already has the regulatory authority it needs under current law.

That is why I will not support any changes to existing dietary supplement laws until the legislation we are introducing today has been approved by both the House and the Senate and signed into law by the President. We also need to ensure this legislation is fully funded by this Congress and enforced by the FDA with the full backing of this Administration. It is important to give FDA the resources it needs to accomplish both tasks. The legislation that we are introducing today will do just that.

Senator HARKIN and I have asked our colleagues on the Senate Appropriations Committee to provide the FDA with the funds it needs to fully implement DSHEA. We will continue to work diligently to help them succeed in that task.

As you know, DSHEA clarified the FDA's regulatory authority over dietary supplements while ensuring that Americans will continue to have access to safe dietary supplements and helpful information about these products. It passed the Senate twice by unanimous consent. The legislation we are introducing today includes a Sense of the Congress and outlines the methods the FDA should use to better implement and enforce laws related to dietary supplements. It further requires the dietary supplement industry to redouble its efforts to comply with the law and cooperate with the FDA.

To provide the FDA with the resources necessary to regulate compliance with dietary supplement laws, this bill directs the agency to use part of its 2010 Fiscal Year Budget for that purpose. It also authorizes the National Institutes of Health's Office of Dietary Supplements to expand research and develop more consumer information on dietary supplements.

Furthermore, the legislation requires the Secretary of Health and Human Services (HHS) to submit an annual report to Congress, starting no later than January 31, 2011, regarding HHS activities on dietary supplements. Finally, it directs the FDA to issue its New Dietary Ingredient (NDI) guidance, as recommended by the General Accountability Office, within 180 days and requires the FDA to share any information on tainted NDI with the Drug Enforcement Agency.

It is my sincere hope that all my colleagues will support this effort to ensure that dietary supplement consumers and manufacturers are protected and properly regulated. Our constituents deserve no less.

This legislation is supported by the Major League Baseball and NFL players associations, the Natural Products Association, the United Natural Products Alliance, Council for Responsible Nutrition, American Herbal Products

Association and the Consumer Health Care Products Association.

I hope that each of you will see the wisdom in supporting this measure.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NFL PLAYERS ASSOCIATION,
Washington, DC, May 24, 2010.

Hon. TOM HARKIN, *Chairman,*

Hon. ORRIN G. HATCH,

Committee on Health, Education, Labor & Pensions, Washington, DC.

DEAR CHAIRMAN HARKIN AND SENATOR HATCH: The issue of the public disclosure—and regulation—of dietary supplements remains a critically important concern to the NFLPA. As for all professional athletes, professional football players rely on supplement label information to educate themselves on the nature of the ingredients contained therein. Without complete and precise label disclosure of all ingredients contained in a particular supplement, players can face sanctions—and even career-ending sanctions—if unlisted ingredients would violate League-Player drug-testing regimes.

Thus, the Association welcomes the introduction of the Dietary Supplement full implementation and enforcement act of 2010, which focuses on providing the FDA with sufficient resources to play its role in overseeing the supplement marketplace.

We endorse your legislation, salute your leadership, and will work with you to realize enactment of this important measure.

Sincerely,

DEMAURICE F. SMITH,
Executive Director.

MAJOR LEAGUE BASEBALL
PLAYERS ASSOCIATION,
New York, NY, May 24, 2010.

Hon. TOM HARKIN, *Chairman,*

Hon. ORRIN HATCH,

Committee on Health, Education, Labor and Pensions, U.S. Senate, 428 Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN HARKIN AND SENATOR HATCH: Over the last several years, the Major League Baseball Players Association has shared with you our concerns about the federal government's regulation of dietary supplements. There are still far too many supplements available in the United States that contain pharmaceuticals, steroids and other dangerous ingredients. And, too often, what is actually inside the bottle is not listed on the label. This unfortunate reality is especially problematic for professional athletes. Players have been suspended, their careers jeopardized, for doing nothing more than taking a supplement purchased at a national nutrition store, only to learn later that the product contained an ingredient not listed on the label that violated drug testing protocols.

The Dietary Supplement Full Implementation and Enforcement Act of 2010 will address one of the biggest obstacles to improved safety—an overall lack of enforcement. We understand your concern that imposing new obligations and requirements on legitimate supplement companies alone will not rid the marketplace of adulterated products. By providing the FDA with both additional resources and increased accountability, your legislation should help make possible a goal we all share—a reliable supplement marketplace.

The Association endorses the bill, and we look forward to working with you throughout the legislative process on additional measures to improve enforcement and ensure product safety and label accuracy. Users of dietary supplements, be they professional athletes or not, deserve the same promise made to those who consume traditional food—the assurance that the products they take, that are sold without restriction to adults and children throughout the country, are safe and the products' labels can be trusted.

Sincerely,

MICHAEL S. WEINER.

NATURAL PRODUCTS ASSOCIATION™,
Washington, DC, May 25, 2010.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND HATCH: On behalf of the Natural Products Association (NPA), I commend your leadership and bipartisan efforts to craft sensible legislation that will strengthen the Food and Drug Administration's (FDA) ability to fully enforce the current laws governing the regulation of dietary supplements. Founded in 1936, NPA is the nation's largest and oldest trade association dedicated to the natural products industry, representing more than 10,000 retail, manufacturing, wholesaler, and distribution outlets of natural products, including dietary supplements, foods, and health/beauty aids.

NPA supports the Dietary Supplement Full Implementation and Enforcement Act of 2010 as it appropriately recognizes that the Dietary Supplement Health and Education Act (DSHEA) of 1994 grants the FDA more than adequate statutory authority to regulate supplements. While some have called for new regulations on supplements, you understand that the real need to fully enforce the statutes already on the books.

Historically, concurrent with the passage of DSHEA, the FDA experienced budget cuts, and lacked the resources to effectively regulate all the industries under its watch. To ensure that the FDA is able to carry out the law as Congress intended, this legislation authorizes an increase in funding for FDA to implement DSHEA. The Dietary Supplement Full Implementation and Enforcement Act of 2010 strengthens FDA's ability to enforce DSHEA, tightens product-specific enforcement, requires the release of the long-awaited New Dietary Ingredient (NDI) guidance, and holds the FDA accountable for filing annual reports to Congress about how they are regulating dietary supplements.

Additionally we are supportive of the doubling of funding given to the Office of Dietary Supplements (ODS) to expand research and consumer information about dietary supplements. An increase in funding for ODS is especially important because dietary supplements come from natural ingredients and cannot be patented. While this ensures that these products are readily and affordably available, it takes away the ability of manufacturers to recoup research costs.

Again, we applaud your introduction of the Dietary Supplement Full Implementation and Enforcement Act of 2010, and look forward to working with you in enacting this important piece of legislation.

Sincerely,

JOHN GAY,
Executive Director and
Chief Executive Officer.

UNITED NATURAL PRODUCTS
ALLIANCE,
Salt Lake City, UT, May 24, 2010.

Hon. TOM HARKIN,
Chairman, Committee on Health, Education,
Labor, and Pensions, U.S. Senate, Wash-
ington, DC.

Hon. ORRIN G. HATCH,
Member, Committee on Health, Education,
Labor, and Pensions, U.S. Senate, Wash-
ington, DC.

DEAR CHAIRMAN HARKIN AND SENATOR HATCH: The United Natural Products Alliance (UNPA), an association of dietary supplement and functional food companies that share a commitment to providing consumers with natural health products of superior quality, benefit, and reliability, wishes to express its appreciation to you for your work to develop the Dietary Supplement Full Implementation and Enforcement Act of 2010. We are very supportive of this legislation and of your continued hard work to ensure that consumers have access to safe, high-quality dietary supplements and information about those products.

In 1994, you both led the effort to enact legislation that would establish in law a rational and transparent framework for the regulation of dietary supplements. As documented by the Committee on Labor and Human Resources in the report accompanying your bill, the Dietary Supplement Health and Education Act (DSHEA) (S. 784), the Food and Drug Administration had shown an animosity toward supplement products through a series of divergent regulatory actions and unpublished policies that consumers rightly concluded threatened their access to supplement products. The tremendous citizen reaction to those policies supported your conclusion that the Federal Food, Drug and Cosmetic Act needed to be amended.

DSHEA was passed, not once, but twice, by the Senate, and once by the House of Representatives, all by unanimous consent—testimony to the significance of this legislation. In fact, when President Clinton signed DSHEA into law in 1994, he noted that “In an era of greater consciousness among people about the impact of what they eat on how they live, indeed, how long they live, it is appropriate that we have finally reformed the way government treats consumers and these supplements in a way that encourages good health.”

DSHEA had several important components, a few of which I will mention in the context of your new legislation. First, it established the simple principle that all dietary supplements on the market in the United States at the time of enactment would be presumed to be dietary supplements in the future, unless there were violations of other parts of the law. For new ingredients sold after that date, a manufacturer was required to submit a “New Dietary Ingredient” (NDI) notification to the FDA in advance of marketing. Second, as part of DSHEA's numerous provisions to ensure the safety of supplement products, the law authorized issuance of current Good Manufacturing Practice (cGMPs) regulations specific to supplements. The law established the requirements for labeling, product claims and supporting substantiation. And, it established at the National Institutes of Health an Office of Dietary Supplements (ODS) to conduct research, provide consumer information on supplements and act as an advisor to other federal agencies.

In the years following enactment of DSHEA, by any objective measure, FDA was

slow to implement the law. Very few warning letters were issued. Very few enforcement actions were taken—despite the fact that for many years you worked together to provide FDA with additional resources to act against products that were clearly violations of the law. The cGMPs were not issued for 13 years—resulting in unwarranted criticism that dietary supplements are “not regulated”. Likewise, uncertainty arose whether some products contained old or new ingredients under the law, and guidance on New Dietary Ingredients has not been forthcoming from FDA. This must change.

It has become clear that there has been a lack of enforcement against clear violations of the law and that this is largely due to two factors: a lack of focus by the agency; and a competition for resources that has drained funding into other areas. Your bill would rectify that situation and return needed attention to appropriate implementation of DSHEA and successor laws such as the 2006 Dietary Supplement and Non-Prescription Drug Consumer Protection Act. Specifically, we find beneficial the provisions that would provide Congress with a professional judgment estimate of the costs to implement the laws addressing dietary supplement regulation. This will allow Congress, and specifically the Appropriations Committees, the ability to evaluate the adequacy of the agency's funding and that of the Office of Dietary Supplements. We also highlight the need for provisions urging increased FDA efforts to conduct inspections under the new cGMPs, evaluate claims (prioritizing with those that are clear violations of the law), promptly issuing guidance on NDIs, and notifying the Drug Enforcement Administration if NDI notification suggests that the substance may contain anabolic steroids or their analogues which by definition are not dietary supplements. In addition, the Annual Accountability Report on the Regulation of Dietary Supplements which your bill would require will yield valuable information showing the adequacy of dietary supplement regulatory efforts.

Finally, we recognize our responsibility as representatives of the regulated industry to comply fully with the laws regulating dietary supplements, and we pledge to continue our efforts to work cooperatively with the government to develop and implement rational policies that will assure American consumers the safe products upon which they have come to rely. As a central part of our mission, UNPA has made efforts to educate ingredient suppliers, manufacturers and retailers about key components of the dietary supplement laws and how they should be implemented. We always strive to partner with the government (including both the FDA and the Federal Trade Commission) in these activities. Good examples of these efforts are the numerous seminars we conduct, including five focused specifically on the new cGMP regulations. We invite you to review this in more detail at www.UNPA.org.

Thank you for your leadership role on behalf of the 150 million Americans who regularly use dietary supplement products.

Sincerely,

LOREN D. ISRAELSEN,
Executive Director.

COUNCIL FOR RESPONSIBLE NUTRITION,
Washington, DC, May 25, 2010.

Re S. 3414—Dietary Supplement Full Implementation and Enforcement Act

Hon. TOM HARKIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

Hon. ORRIN HATCH,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATORS HARKIN AND HATCH: On behalf of the Council for Responsible Nutrition (CRN) and its members, I am writing to express our support for S. 3414, the Dietary Supplement Full Implementation and Enforcement Act of 2010 (DSFIEA). We want to thank you for your commitment to legislative and regulatory initiatives that would help to fully fund, implement and enforce the Dietary Supplement Health and Education Act (DSHEA) of 1994, and this legislation is an example of your commitment to consumers and the dietary supplement industry to assure access to safe and beneficial supplement products. The work that you and your colleagues have devoted to providing FDA with tools and resources to reinforce its authority in regulating the supplement industry under DSHEA is commendable and CRN stands in support of your efforts.

This legislation will help to ensure that the agency has sufficient focus and resources at its disposal to implement a law—DSHEA—which already provides FDA with ample authority to ensure consumer safety, while still providing consumers access to the products they seek. It will provide increased funding for FDA, and in particular to the dietary supplement programs within the Center for Food Safety & Applied Nutrition (CFSAN). The legislation also directs the agency to provide annual reports to Congress making itself accountable for enforcing key provisions of the law, just as the industry is responsible for complying with them. While some critics of the dietary supplement industry have called for new laws to change the way dietary supplements are regulated, this legislation acknowledges that DSHEA carefully balanced consumer access with consumer protection and seeks to make the existing law work through real efforts to implement it. Having more laws, without enforcement, only disadvantages the responsible members of industry who do comply with the law because it is the law and because it's the right thing to do for their consumers, and gives rogue companies more laws to violate. The better approach is to have a robust and accountable FDA empowered and staffed to enforce the current law that will level the playing field for all members of the marketplace. As previous FDA Commissioners have testified to Congress, DSHEA provides more than adequate authority for government while still allowing consumers appropriate access to the products and health information they demand.

More than 150 million Americans use dietary supplements, and these consumers demand a strong industry that is appropriately regulated. We hope Congress will give this legislation expedient and thoughtful consideration on its way to passage. CRN stands ready to work with you and Congressional leadership to deliver a strong bill to the President.

Please don't hesitate to contact me at SMister@crnusa.org or 202.204.7676 if CRN can be of any assistance in your endeavors.

Best regards,

STEVE MISTER,
President and CEO.

AMERICAN HERBAL PRODUCTS
ASSOCIATION,
Silver Spring, MD, May 25, 2010.

Senator ORRIN HATCH,
Hart Office Building,
Washington, DC.

Senator TOM HARKIN,
Hart Office Building,
Washington, DC.

DEAR SENATORS HATCH AND HARKIN: This letter is to thank you for introducing the Dietary Supplement Full Implementation and Enforcement Act of 2010 and to express the support of the American Herbal Products Association (AHPA) for this important legislation.

AHPA recognizes that this bill will protect consumer access to dietary supplements by providing the Food and Drug Administration (FDA) with better resources to enforce the many regulations that govern this class of goods. The bill will also instruct FDA to provide guidance on existing rules that apply to new ingredients, and AHPA has long supported full implementation of this section of the law so that consumers are assured that all dietary supplements contain only safe ingredients.

Thank you again for your efforts in protecting the important health care choices now enjoyed by the millions of Americans who use dietary supplements.

Sincerely,

MICHAEL MCGUFFIN,
President.

CONSUMER HEALTHCARE PRODUCTS
ASSOCIATION (CHPA),
May 25, 2010.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.
Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND HATCH: On behalf of the Consumer Healthcare Products Association (CHPA), representing the leading manufacturers of over-the-counter medicines and nutritional supplements, I am pleased to express our support for the "Dietary Supplement Full Implementation and Enforcement Act of 2010." This bill is the most recent example of your continued leadership in support of dietary supplements.

The "Dietary Supplement Full Implementation and Enforcement Act of 2010" strengthens FDA's ability to enforce the Dietary Supplement Health and Education Act (DSHEA), expands research, calls for the release of the long-awaited New Dietary Ingredient (NDI) guidance, and requires the filing of an annual report to Congress on the implementation and enforcement of DSHEA.

Critically, your bill also authorizes the funds needed for the full implementation of DSHEA. In the years following passage of the act, chronic budget shortfalls took a toll on FDA, including funding for the Office of Dietary Supplements (ODS). Authorizing these funds is an important step in making sure ODS has the resources it needs.

Again, we applaud your introduction of the Dietary Supplement Full Implementation and Enforcement Act of 2010, and look forward to working with you to enact this important legislation.

Sincerely,

LINDA A. SUYDAM,
President.

By Mr. FEINGOLD:
S. 3415. A bill to amend the Federal Food, Drug, and Cosmetic Act with re-

spect to the importation of prescription drugs and to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing the Fair Pricing for Prescription Drugs Act to help make prescription drugs more affordable for all Americans. This legislation endorses the excellent work that my colleague Senator DORGAN of North Dakota has done to promote importing prescription drugs from other industrialized countries. And it includes companion language to Congressman WELCH's bill to call on the Secretary of Health and Human Services to negotiate drug prices on behalf of Medicare Part D beneficiaries. Here in the Senate, several of my colleagues, most recently Senator BILL NELSON of Florida, have tirelessly pushed the need for negotiation of drug prices. I am proud to have stood with my colleagues on these issues over the last decade—and feel strongly that Congress must move quickly to ensure that all Americans—whether they purchase private health insurance or are enrolled in Medicare—have fairly priced prescription drugs.

Allowing for importation of prescription drugs and price negotiation for Medicare Part D are common sense policies. These are changes that Congress can make to drastically improve the affordability of prescription drugs for our constituents, save the government money, and further enhance the health reform law passed earlier this year. I was pleased to be a part of that historic effort, but the health reform law was not perfect and did not go as far as it could have to reduce prescription drug prices for consumers. I have heard from thousands of Wisconsinites about the need for health reform during my time in the Senate. The health reform law empowers consumers and small businesses for the first time in our history to demand more for their health care dollar. These changes will improve the affordability of health insurance and medical care for individuals and families. But I also continue to hear from Wisconsinites about the burden of rising prescription drug costs. They need our help.

One of the fastest ways to reduce prescription drug costs is to allow for importation of FDA-approved prescription drugs from other industrialized nations like Canada, Japan, Australia, New Zealand, and European countries. Americans pay some of the highest prices for the same prescription drugs that are sold 33 to 55 percent less in other countries. Americans are now importing more than \$1 billion in prescription drugs from Canada alone. In these tough economic times, and with

equally safe but more affordable drugs just over the border, it is no wonder that Americans are going to such lengths to buy the prescriptions they need.

The Congressional Budget Office estimated in 2007 that allowing importation of prescription drugs would save consumers upwards of \$50 billion. Just last year, the CBO reviewed their original estimate of government savings as a result of this policy, concluding that the government would nearly double its expected savings to over \$19 billion.

We do a lot of things in Congress that leave our constituents scratching their heads. Well, now we have a chance to show them we are listening to them, that we understand their concerns, and that we want to bring down Federal spending while ensuring the prescriptions drugs they need are more affordable.

We can also do more to ensure affordable prescription drugs for Medicare beneficiaries by calling on the Secretary of Health and Human Services to negotiate drug prices for Medicare Part D enrollees. Mr. President, I opposed the legislation that created the Medicare Part D drug benefit because I did not believe the program would provide adequate financial relief for Medicare beneficiaries facing high prescription drug costs. This legislation actually included a provision which explicitly forbade the Secretary from negotiating with drug manufacturers on behalf of seniors' interests. We should have done better for our seniors. And they are living with the consequence of that decision today—with ever-rising prescription drug costs.

The health reform law will provide some relief, particularly for the dreaded "donut hole" of Medicare Part D. But health reform does not speak to the other glaring shortfall of the Medicare Part D program—that the government is prohibited from negotiating for better drug prices for beneficiaries.

Negotiating on behalf of beneficiaries is hardly a radical idea, Mr. President. The Department of Veterans Affairs, VA, negotiates on drug prices and spends considerably less than the Medicare program on the same drugs. The National Committee to Preserve Social Security and Medicare released a study that found that VA drug prices are, on average, 48 percent lower than Medicare Part D prices for the top 10 prescribed drugs. NCPSSM estimates that billions could be saved annually by requiring the Secretary to negotiate drug prices for Medicare Part D. With the government on the hook for over \$50 billion in drug costs for Part D alone, it is simply irresponsible to not aggressively seek new savings from negotiating prices. Focusing on lowering the price of prescription drugs rather than subsidizing insurance and pharmaceutical companies will not only provide relief for the sick, but will save taxpayer dollars.

Changing how we purchase prescription drugs by allowing importation from industrialized countries and negotiation on pricing for Medicare Part D is a clear and simple way to reduce prescription drug costs, reduce government spending, and keep Americans healthier. I am thankful for the leadership that my colleagues have shown in introducing legislation on these topics, and add my voice, and my bill, to theirs in our combined effort to answer the demands of our constituents.

By Mr. MERKLEY (for himself, Mr. JOHANNIS, Mr. CASEY, and Mr. BROWN of Ohio):

S. 3418. A bill to amend the Public Health Service Act to specifically include, in programs of the Substance Abuse and Mental Health Services Administration, programs to research, prevent, and address the harmful consequences of pathological and other problem gambling, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MERKLEY. Mr. President, I rise today to discuss the Comprehensive Problem Gambling Act, a bill I introduced just moments ago with Senator MIKE JOHANNIS. This bill would establish and implement programs targeted at preventing, treating, and researching problem gambling.

Currently, the Federal Government provides millions of dollars to treat alcohol and drug addiction, but does not dedicate resources to treat the effects of problem gambling, which can destroy a person's career and financial standing, disrupt marriages and personal relationships, and encourage participation in criminal activity.

Over the past decade, gaming and gambling has grown significantly in the United States. According to the National Council on Problem Gambling, approximately 6 to 9 million American adults are problem gamblers.

The recent economic downturn only compounds this situation as many States consider relaxing gaming laws in an effort to raise state revenues. At the same time, the Federal Government and most states have devoted very little, if any, resources to the prevention and treatment of compulsive gambling. In fact, no Federal agency is currently responsible for coordinating efforts for treatment and prevention. Prevention and treatment programs have been proven to save money by decreasing the severity and prevalence of problem gambling, but cash-strapped states are struggling just to maintain funding for pre-existing programs.

I believe that if State governments benefit from gambling and lottery proceeds, then those governments have an obligation to provide assistance to those suffering from a gambling addiction. I am proud that the State of Oregon understands this concept and has one of the most comprehensive treatment systems in the country.

Through Oregon's Gambling Treatment Fund, one percent of Oregon Lottery revenues are transferred to the Oregon Department of Human Services for the administration of problem gambling services. However, decreasing lottery revenues has resulted in reduced treatment dollars.

I'd like to share the story of one of my constituents. For Toni, gambling started out as a fun trip to Reno or Las Vegas. She began playing video poker on occasion, and when she ran out of money, she would simply go home. But then the casinos brought in ATM machines, and she no longer had to leave the facility to access money. She could stay for hours, and did. Gambling quickly went from being a fun activity to an escape from problems and stresses in her life.

Before long, gambling had consumed Toni's life. She gambled away her life savings and went through credit card after credit card, racking up the cash advance limits and borrowing money from family members to pay it off. She tried to quit numerous times, but, as she describes it, the urge to gamble was much stronger than she was. Eventually, she couldn't do it anymore. She couldn't stop thinking about how she was going to get her next "fix". She "felt about as low as you can go." She knew she had to get help.

Toni sought treatment in May 2009, and will soon reach the one year goal she set with her counselor to be gambling-free. However, she continues to face the long-term impacts of her gambling. Toni and her family live paycheck to paycheck and she worries that the debt she has accrued could cause her family to lose their house if the bank decides to raise interest on their mortgage. But Toni sees hope in her future because she had access to treatment and critical support services. While Toni has been able to start her own recovery, thousands of individuals across the country continue to struggle with their gambling addictions because there are so few prevention and treatment resources in place.

Unfortunately, the lack of education and research surrounding this issue has made it difficult to allot the appropriate resources to address these problems. The Comprehensive Problem Gambling Act would provide \$14.2 million in competitive grants annually for 5 years to non-profits, universities, state agencies, and tribal governments for prevention, research, and treatment of problem gambling.

Recent studies show conclusively that every \$1 spent on treatment saves more than \$2 in social costs. This legislation is a minimal investment with life-changing returns.

I urge my colleagues to join me in supporting Toni and the countless other individuals who struggle without supports by cosponsoring the Comprehensive Problem Gambling Act of 2010.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Problem Gambling Act of 2010".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Problem gambling is a public health disorder characterized by increasing preoccupation with gambling, loss of control, restlessness or irritability when attempting to stop gambling, and continuation of the gambling behavior in spite of mounting, serious, negative consequences.

(2) Over 6,000,000 adults met criteria for a gambling problem last year.

(3) The estimated social cost to families and communities from bankruptcy, divorce, job loss, and criminal justice costs associated with problem gambling was \$6,700,000,000 last year.

(4) Problem gambling is associated with higher incidences of bankruptcy, domestic abuse, and suicide.

(5) People who engage in problem gambling have high rates of co-occurring substance abuse and mental health disorders.

(6) In response to current budget shortfalls, many States are considering enacting or have enacted legislation to expand legal gambling activities with the intent of raising State revenues.

(7) The Substance Abuse and Mental Health Services Administration is the lead Federal agency for substance abuse and mental health services.

(8) There are no agencies or individuals in the Federal Government with formal responsibility for problem gambling.

SEC. 3. INCLUSION OF AUTHORITY TO ADDRESS GAMBLING IN SAMHSA AUTHORITIES.

Section 501(d) of the Public Health Service Act (42 U.S.C. 290aa(d)) is amended—

(1) by striking "and" at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) and inserting "; and"; and

(3) by adding at the end the following: "(19) establish and implement programs for the identification, prevention, and treatment of pathological and other problem gambling."

SEC. 4. PROGRAMS TO RESEARCH, PREVENT, AND ADDRESS PROBLEM GAMBLING.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) by redesignating part G (42 U.S.C. 290kk et seq.), relating to services provided through religious organizations and added by section 144 of the Community Renewal Tax Relief Act of 2000 (114 Stat. 2763A-619), as enacted into law by section 1(a)(7) of Public Law 106-554, as part J;

(2) by redesignating sections 581 through 584 of that part J as sections 596 through 596C, respectively; and

(3) by adding at the end the following:

"PART K—PROGRAMS TO RESEARCH, PREVENT, AND ADDRESS PROBLEM GAMBLING

"SEC. 597. PUBLIC AWARENESS.

"(a) IN GENERAL.—The Secretary, acting through the Administrator, shall carry out a

national campaign to increase knowledge and raise awareness within the general public with respect to problem gambling issues. In carrying out the campaign, the Secretary shall carry out activities that include augmenting and supporting existing (as of the date of the support) national campaigns and producing and placing public service announcements.

"(b) VOLUNTARY DONATIONS.—In carrying out subsection (a), the Secretary may—

"(1) coordinate the voluntary donation of, and administer, resources to assist in the implementation of new programs and the augmentation and support of existing national campaigns to provide national strategies for dissemination of information, intended to address problem gambling, from—

"(A) television, radio, motion pictures, cable communications, and the print media;

"(B) the advertising industry;

"(C) the business sector of the United States; and

"(D) professional sports organizations and associations; and

"(2) encourage media outlets throughout the country to provide information, aimed at preventing problem gambling, including public service announcements, documentary films, and advertisements.

"(c) FOCUS.—In carrying out subsection (a), the Secretary shall target radio and television audiences of events including sporting and gambling events.

"(d) EVALUATION.—In carrying out subsection (a), the Secretary shall evaluate the effectiveness of activities under this section. The Secretary shall submit a report to the President and Congress containing the results of the evaluation.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated \$200,000 for each of fiscal years 2011 through 2015.

"SEC. 597A. RESEARCH.

"(a) IN GENERAL.—The Secretary, acting through the Administrator, shall establish and implement a national program of research on problem gambling.

"(b) NATIONAL GAMBLING IMPACT STUDY COMMISSION REPORT.—In carrying out this section, the Secretary shall consider the recommendations that appear in chapter 8 of the June 18, 1999, report of the National Gambling Impact Study Commission.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated \$4,000,000 for each of fiscal years 2011 through 2015.

"SEC. 597B. PREVENTION AND TREATMENT.

"(a) GRANTS.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator, shall make grants to States, local and tribal governments, and nonprofit agencies to provide comprehensive services with respect to treatment and prevention of problem gambling issues and education about problem gambling issues.

"(2) APPLICATION FOR GRANT.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary in such form, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subsection.

"(b) TREATMENT IMPROVEMENT PROTOCOL.—The Secretary shall develop a treatment improvement protocol specific to problem gambling.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section,

there is authorized to be appropriated \$10,000,000 for each of fiscal years 2011 through 2015."

By Mr. MERKLEY (for himself, Mr. DORGAN, Mr. SCHUMER, Mr. MENENDEZ, Mr. DURBIN, and Mr. HARKIN):

S. 3419. A bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MERKLEY. Mr. President, I rise today to propose legislation to address the problem of medical debt and credit scores. While historic health reform legislation enacted this year sets us on a path towards ending the crushing problem of Americans who lack health insurance, the challenges of our health care billing system remain a work in progress. One of those problems arises when our system of third-party payment leads to errors in billing and payments that, through no fault of the borrower, nevertheless undermine a borrower's credit scores. The borrower then must pay more for a home, a car, or his or her credit card, and in some cases, cannot at all get the loan he or she needs and deserves. To address this unfair burden, I have introduced the Medical Debt Relief Act.

Unlike consumer debt, Americans do not get to choose when accidents or medical emergencies happen. Medical debt is not the result of irresponsible consumer spending and is a not an indicator of poor credit. According to the Commonwealth Fund, accrued medical debt plagued nearly 72 million adults in 2007, and over 28 million American consumers were harassed by collection agencies for unpaid medical bills that same year. Research done by the Federal Reserve has found that medical bills make up the majority of non-credit card related accounts in collection and found on credit reports.

Nor is the problem of medical debt in relation to credit scores simply a question of whether one has insurance or not. Rather, medical debt credit challenges are a direct function of the nature of our insurance system. Because of the third-party payment system of insurance, medical debt is far more likely to be in dispute, inconsistently reported, mired in the complex medical payment bureaucracy, or transferred to collections without the consumer's knowledge. It can often take months, if not years, to adjudicate these claims. Unfortunately, even one negative medical collection mark can damage a consumer's credit score, thereby costing the consumer higher interest rates on automobile loans, home loans, and credit cards. It can even block the consumer from making purchases entirely. Sadly, even after the consumer has paid off or settled delinquent medical debt, the negative mark on the credit report continues to plague the consumer for years.

The Medical Debt Relief Act is a straight forward solution to this problem. It would require the removal from a consumer's credit report those medical-related debts that have been fully paid. Companion legislation has already been introduced in the House by Rep. MARY JO KILROY and presently enjoys the support of 70 cosponsors. This legislation is also supported by the Consumer's Union, National Consumer Law Center and the National Association of Consumer Advocates.

I am honored today to be joined by Senators DORGAN, SCHUMER, MENENDEZ, and HARKIN in this effort to fix this important problem in how Americans access credit. This is common sense legislation that will offer tangible relief to the ordinary Americans who work hard, pay their bills, and want to borrow money at reasonable rates to finance the next step in their American dream. I urge my colleagues to join us in the effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medical Debt Relief Act of 2010".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) medical debt is unique, and Americans do not choose when accidents happen or when illness strikes;

(2) medical debt collection issues affect both insured and uninsured consumers;

(3) according to credit evaluators, medical debt collections are more likely to be in dispute, inconsistently reported, and of questionable value in predicting future payment performance because it is atypical and non-predictive;

(4) nevertheless, medical debt that has been completely paid off or settled can significantly damage the credit score of a consumer for years;

(5) as a result, consumers may be denied credit or pay higher interest rates when buying a home or obtaining a credit card;

(6) healthcare providers are increasingly turning to outside collection agencies to help secure payment from patients, coming at the expense of the consumer, because medical debts are not typically reported unless they become assigned to collections;

(7) in fact, medical bills account for more than half of all non-credit related collection actions reported to consumer credit reporting agencies;

(8) the issue of medical debt affects millions of consumers;

(9) according to the Commonwealth Fund, medical bill problems or accrued medical debt affects roughly 72,000,000 working-age adults in America; and

(10) in 2007, 28,000,000 working-age American adults were contacted by a collection agency for unpaid medical bills.

(b) PURPOSE.—It is the purpose of this Act to exclude from consumer credit reports medical debt that had been characterized as

debt in collection for credit reporting purposes and has been fully paid or settled.

SEC. 3. AMENDMENTS TO FAIR CREDIT REPORTING ACT.

(a) MEDICAL DEBT DEFINED.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following:

"(y) MEDICAL DEBT.—The term 'medical debt' means a debt described in section 604(g)(1)(C)."

(b) EXCLUSION FOR PAID OR SETTLED MEDICAL DEBT.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by adding at the end the following:

"(7) Any information related to a fully paid or settled medical debt that had been characterized as delinquent, charged off, or in collection which, from the date of payment or settlement, antedates the report by more than 45 days."

By Mr. GRASSLEY:

S. 3420. A bill to provide a temporary extension of certain programs, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Against Indebting our Descendants through Fully Offset Relief (PAID FOR) Temporary Extension Act of 2010".

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "June 2, 2010" each place it appears and inserting "July 7, 2010";

(B) in the heading for subsection (b)(2), by striking "JUNE 2, 2010" and inserting "JULY 7, 2010"; and

(C) in subsection (b)(3), by striking "November 6, 2010" and inserting "December 11, 2010".

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking "June 2, 2010" and inserting "July 7, 2010";

(B) in the heading for paragraph (2), by striking "JUNE 2, 2010" and inserting "JULY 7, 2010"; and

(C) in paragraph (3), by striking "December 7, 2010" and inserting "January 11, 2011".

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "June 2, 2010" each place it appears and inserting "July 7, 2010"; and

(B) in subsection (c), by striking "November 6, 2010" and inserting "December 11, 2010".

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "November 6, 2010" and inserting "December 11, 2010".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking "and" at the end; and

(2) by inserting after subparagraph (E) the following:

"(F) the amendments made by section 2(a)(1) of the Protecting Against Indebting our Descendants through Fully Offset Relief (PAID FOR) Temporary Extension Act of 2010; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111-157).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Continuing Extension Act of 2010 (Public Law 111-157), is amended by striking "May 31, 2010" and inserting "June 30, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144) and section 4 of the Continuing Extension Act of 2010 (Public Law 111-157), is amended—

(1) in subparagraph (A), by striking "May 31, 2010" and inserting "June 30, 2010"; and

(2) in subparagraph (B), by striking "June 1, 2010" and inserting "July 1, 2010".

SEC. 5. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111-157), is amended by striking "May 31, 2010" and inserting "June 30, 2010".

SEC. 6. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 7 of the Continuing Extension Act of 2010 (Public Law 111-157), is amended by striking "by substituting" and all that follows through the period at the end and inserting "by substituting June 30, 2010, for the date specified in each such section."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 7. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, \$60,000,000, for an additional amount for "Small Business Administration—Business Loans Program Account", to remain available until expended, for the cost of fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) and loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF SUNSET DATE.—Section 502(f) of division A of the American Recovery

and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking “May 31, 2010” and inserting “June 30, 2010”.

SEC. 8. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals \$13,000,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, sections 2 through 7. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SEC. 9. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—In the House of Representatives, this Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

By Mr. GRASSLEY:

S. 3421. A bill to provide a temporary extension of certain programs, and for other purposes; read the first time.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Against Indebting our Descendants through Fully Offset Relief (PAID FOR) Temporary Extension Act of 2010”.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “July 7, 2010”;

(B) in the heading for subsection (b)(2), by striking “JUNE 2, 2010” and inserting “JULY 7, 2010”; and

(C) in subsection (b)(3), by striking “November 6, 2010” and inserting “December 11, 2010”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families

Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “June 2, 2010” and inserting “July 7, 2010”;

(B) in the heading for paragraph (2), by striking “JUNE 2, 2010” and inserting “JULY 7, 2010”; and

(C) in paragraph (3), by striking “December 7, 2010” and inserting “January 11, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “July 7, 2010”; and

(B) in subsection (c), by striking “November 6, 2010” and inserting “December 11, 2010”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “November 6, 2010” and inserting “December 11, 2010”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking “and” at the end; and

(2) by inserting after subparagraph (E) the following:

“(F) the amendments made by section 2(a)(1) of the Protecting Against Indebting our Descendants through Fully Offset Relief (PAID FOR) Temporary Extension Act of 2010; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111-157).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Continuing Extension Act of 2010 (Public Law 111-157), is amended by striking “May 31, 2010” and inserting “June 30, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111-118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111-144) and section 4 of the Continuing Extension Act of 2010 (Public Law 111-157), is amended—

(1) in subparagraph (A), by striking “May 31, 2010” and inserting “June 30, 2010”; and

(2) in subparagraph (B), by striking “June 1, 2010” and inserting “July 1, 2010”.

SEC. 5. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111-157), is amended by striking “May 31, 2010” and inserting “June 30, 2010”.

SEC. 6. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 7 of the Continuing Extension Act of 2010 (Public Law 111-157), is amended by striking

“by substituting” and all that follows through the period at the end and inserting “by substituting June 30, 2010, for the date specified in each such section.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 7. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, \$60,000,000, for an additional amount for “Small Business Administration—Business Loans Program Account”, to remain available until expended, for the cost of fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) and loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF SUNSET DATE.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking “May 31, 2010” and inserting “June 30, 2010”.

SEC. 8. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals \$13,000,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, sections 2 through 7. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SEC. 9. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—In the House of Representatives, this Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

By Mr. KERRY:

S. 3423. A bill to provide the President with expedited consideration of proposals for cancellation of certain budget items; to the Committee on the Budget.

Mr. KERRY. Mr. President, today I am introducing the Veto Wasteful

Spending and Protect Taxpayers Act of 2010 which establishes a constitutional line-item veto by creating an expedited rescissions process.

Yesterday, the Obama administration unveiled the Reduce Unnecessary Spending Act of 2010. This legislation is very similar to my proposal which I first introduced in 2006. They both provide for an expedited rescission process. The line-item veto is not a panacea for record level deficits, but it will provide the President with the necessary tool to reduce wasteful spending.

Both bills will give the President the ability to target projects that have been added in spending bills that benefit special interests or are not necessary. I applaud President Obama for addressing this issue.

I have been a long-time advocate of the line-item veto. It has been a successful tool at the state level and I think it can effectively reduce spending on the Federal level. We have made progress with earmark reform and I think expedited rescission would result in further spending reductions.

The major difference between my legislation and the Administration's proposal is that the Veto Wasteful Spending and Protect Taxpayers Act of 2010 would allow the President to suspend and propose cancellation for discretionary spending, new direct spending, and limited tax benefits. The Reduce Unnecessary Spending Act of 2010 focuses on discretionary spending. If we really want to tackle wasteful spending, I think we need to look at new entitlement spending and limited tax benefits, not just discretionary spending.

In 1996, the Congress passed and President Clinton signed into law the Line Item Veto Act, P.L. 104-130. Two years later, however, in *Clinton v. City of New York* the Supreme Court concluded that the method used to give the President line-item veto authority was unconstitutional. The Court noted that presidents may only sign or veto entire acts of Congress. The Constitution does not authorize presidents to enact, to amend or to repeal statutes.

We can restore the line item veto and be consistent with the Constitution. The key difference between what I am proposing and what the Supreme Court struck down is the legal effect of the President's actions. The Line Item Veto Act allowed the President to cancel provisions in their entirety, but the Supreme Court rejected this arrangement. My legislation will empower the President to suspend provisions until the Congress decides to approve or disapprove the suspension of that provision with an up or down vote. The provisions are not cancelled out of the legislation. I believe this change addresses the Supreme Court's concerns. My legislation also does not include a mechanism which allows a provision to be suspended for a lengthy time period.

Under the Veto Wasteful Spending and Protect Taxpayers Act of 2010, the President has 10 calendar days to submit to Congress a special message. The President may transmit two messages per bill, but a provision may only be proposed for suspension or cancellation one time. The House and Senate would consider the special message under a special process which does not allow for amendments or motions to strike.

I believe that the line-item veto is a valuable tool that should be made available to any President regardless of political party. For this reason, the Veto Wasteful Spending and Protect Taxpayers Act of 2010 is permanent, rather than sunset after a few years.

It is time to reinstate the line-item veto. I look forward to working with my colleagues on both sides of the aisle to return to the President the authority to rein in wasteful spending.

By Mr. DURBIN (for himself and Mr. VITTER):

S. 3424. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Puppy Uniform Protection and Safety Act".

SEC. 2. PROTECTION OF PUPPIES UNDER THE ANIMAL WELFARE ACT.

(a) HIGH VOLUME RETAIL BREEDER DEFINED.—Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is amended—

(1) in subsection (l), by striking "research." and inserting "research;";

(2) in subsection (m), by striking "members." and inserting "members;";

(3) in subsection (n), by striking "section 13(b); and" and inserting "section 13(b);";

(4) in subsection (o), by striking "experimentation." and inserting "experimentation; and"; and

(5) by adding at the end the following:

"(p) HIGH VOLUME RETAIL BREEDER.—

"(1) DEFINITIONS.—In this subsection:

"(A) BREEDING FEMALE DOG.—The term 'breeding female dog' means an intact female dog aged 4 months or older.

"(B) HIGH VOLUME RETAIL BREEDER.—The term 'high volume retail breeder' means a person who, in commerce, for compensation or profit—

"(i) has an ownership interest in or custody of 1 or more breeding female dogs; and

"(ii) sells or offers for sale, via any means of conveyance (including the Internet, telephone, or newspaper), more than 50 of the offspring of such breeding female dogs for use as pets in any 1-year period.

"(2) RELATIONSHIP TO DEALERS.—

"(A) IN GENERAL.—For purposes of this Act, a high volume retail breeder shall be considered to be a dealer and subject to all provisions of this Act applicable to a dealer.

"(B) EXCEPTION.—The retail pet store exemption in subsection (f)(i) shall not apply to a high volume retail breeder."

(b) LICENSES.—Section 3 of the Animal Welfare Act (7 U.S.C. 2133) is amended—

(1) by striking "The Secretary" and inserting "(a) IN GENERAL.—The Secretary";

(2) in subsection (a) (as so designated), in the second proviso of the first sentence, by inserting "(other than a high volume retail breeder)" after "any retail pet store or other person"; and

(3) by adding at the end the following:

"(b) DEALERS.—A dealer (including a high volume retail breeder) applying for a license under subsection (a) (including annual renewals) shall include on the license application the total number of dogs exempted from exercise on the premises of the dealer in the preceding year by a licensed veterinarian under section 13(j)(2)."

(c) EXERCISE REQUIREMENTS.—Section 13 of the Animal Welfare Act (7 U.S.C. 2143) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(2) by redesignating the second subsection (f) (as redesignated by section 1752(a)(1) of Public Law 99-198 (99 Stat. 1645)) as subsection (g); and

(3) by adding at the end the following:

"(j) EXERCISE REQUIREMENTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate standards covering dealers that include requirements for the exercise of dogs at facilities owned or operated by a dealer, including exercise regulations that ensure that—

"(A) each dog that is at least 12 weeks old (other than a female dog with unweaned puppies) has daily access to exercise that—

"(i) allows the dog—

"(I) to move sufficiently to develop or maintain normal muscle tone and mass as appropriate for the age, breed, sex, and reproductive status of the dog; and

"(II) the ability to achieve a running stride; and

"(ii) is not a forced activity (other than a forced activity used for veterinary treatment) or other physical activity that is repetitive, restrictive of other activities, solitary, and goal-oriented;

"(B) the provided area for exercise—

"(i) is separate from the primary enclosure if the primary enclosure does not provide sufficient space to achieve a running stride;

"(ii) has flooring that—

"(I) is sufficient to allow for the type of activity described in subparagraph (A); and

"(II)(aa) is solid flooring; or

"(bb) is nonsolid, nonwire flooring, if the nonsolid, nonwire flooring—

"(AA) is safe for the breed, size, and age of the dog;

"(BB) is free from protruding sharp edges; and

"(CC) is designed so that the paw of the dog is unable to extend through or become caught in the flooring;

"(iii) is cleaned at least once each day;

"(iv) is free of infestation by pests or vermin; and

"(v) is designed in a manner to prevent escape of the dogs.

"(2) EXEMPTION.—

"(A) IN GENERAL.—If a licensed veterinarian determines that a dog should not exercise because of the health, condition, or well-being of the dog, this subsection shall not apply to that dog.

"(B) DOCUMENTATION.—A determination described in subparagraph (A) shall be—

“(i) documented by the veterinarian;
“(ii) subject to review and approval by the Secretary; and

“(iii) unless the basis for the determination is a permanent condition, reviewed and updated at least once every 30 days by the veterinarian.

“(C) REPORTS.—A determination described in subparagraph (A) shall be maintained by the dealer.”.

SEC. 3. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall promulgate any regulations that the Secretary determines to be necessary to implement this Act and the amendments made by this Act.

SEC. 4. EFFECT ON STATE LAW.

Nothing in this Act or the amendments made by this Act preempt any law (including a regulation) of a State, or a political subdivision of a State, containing requirements that provide equivalent or greater protection for animals than the requirements of this Act or the amendments made by this Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4200. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4201. Mr. FRANKEN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4202. Mr. CORNYN (for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra.

SA 4203. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4204. Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra.

SA 4205. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4206. Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. KYL, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4207. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4208. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4209. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4210. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4211. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4212. Mr. SANDERS submitted an amendment intended to be proposed by him

to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4213. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra.

SA 4214. Mr. MCCAIN (for himself, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. GRAHAM, Mr. ISAKSON, Mr. ROBERTS, Mr. CHAMBLISS, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra.

SA 4215. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4216. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4217. Mr. MCCAIN (for himself, Mr. LEVIN, Ms. COLLINS, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4218. Ms. COLLINS (for herself, Mr. INHOFE, Mr. ALEXANDER, Mr. BROWNBACK, Mr. BROWN of Massachusetts, Mr. GREGG, Ms. SNOWE, Mr. COBURN, Mr. BOND, Ms. MURKOWSKI, Mr. VOINOVICH, Mr. BURR, Mr. BEGICH, and Mr. CORKER) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4219. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4220. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4221. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4222. Mr. WEBB submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4223. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4224. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4225. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4226. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4227. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4228. Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 4202 submitted by Mr. CORNYN (for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. MCCAIN) to the bill H.R. 4899, supra.

SA 4229. Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4230. Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4231. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra.

SA 4232. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra.

SA 4233. Ms. CANTWELL (for herself and Mr. HATCH) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4234. Ms. LANDRIEU proposed an amendment to the bill H.R. 4899, supra.

SA 4235. Mr. DODD (for himself, Mr. MENENDEZ, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, Mr. REED, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4200. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 5, strike “prior” and all through page 34, line 7, and insert the following: appropriations made available in Public Law 111-83 to the “Office of the Federal Coordinator for Gulf Coast Rebuilding”, \$700,000 are rescinded.

SA 4201. Mr. FRANKEN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle —Office of the Homeowner Advocate

SEC. 1091. OFFICE OF THE HOMEOWNER ADVOCATE.

(a) ESTABLISHMENT.—There is established in the Department of the Treasury an office to be known as the “Office of the Homeowner Advocate” (in this subtitle referred to as the “Office”).

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Office of the Homeowner Advocate (in this subtitle referred to as the “Director”) shall report directly to the Assistant Secretary of the Treasury for Financial Stability, and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) APPOINTMENT.—The Director shall be appointed by the Secretary, after consultation with the Secretary of the Department of Housing and Urban Development, and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

(3) **QUALIFICATIONS.**—An individual appointed under paragraph (2) shall have—

(A) experience as an advocate for homeowners; and

(B) experience dealing with mortgage servicers.

(4) **RESTRICTION ON EMPLOYMENT.**—An individual may be appointed as Director only if such individual was not an officer or employee of either a mortgage servicer or the Department of the Treasury during the 4-year period preceding the date of such appointment.

(5) **HIRING AUTHORITY.**—The Director shall have the authority to hire staff, obtain support by contract, and manage the budget of the Office of the Homeowner Advocate.

SEC. 1092. FUNCTIONS OF THE OFFICE.

(a) **IN GENERAL.**—It shall be the function of the Office—

(1) to assist homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary, authorized under the Emergency Economic Stabilization Act of 2008 (in this subtitle referred to as the “Home Affordable Modification Program”);

(2) to identify areas, both individual and systematic, in which homeowners, housing counselors, and housing lawyers have problems in dealings with the Home Affordable Modification Program;

(3) to the extent possible, to propose changes in the administrative practices of the Home Affordable Modification Program, to mitigate problems identified under paragraph (2);

(4) to identify potential legislative changes which may be appropriate to mitigate such problems; and

(5) to implement other programs and initiatives that the Director deems important to assisting homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program, which may include—

(A) running a triage hotline for homeowners at risk of foreclosure;

(B) providing homeowners with access to housing counseling programs of the Department of Housing and Urban Development at no cost to the homeowner;

(C) developing Internet tools related to the Home Affordable Modification Program; and

(D) developing training and educational materials.

(b) **AUTHORITY.**—

(1) **IN GENERAL.**—Staff designated by the Director shall have the authority to implement servicer remedies, on a case-by-case basis, subject to the approval of the Assistant Secretary of the Treasury for Financial Stability.

(2) **LIMITATIONS ON FORECLOSURES.**—No homeowner may be taken to a foreclosure sale, until the earlier of the date on which the Office of the Homeowner Advocate case involving the homeowner is closed, or 60 days since the opening of the Office of the Homeowner Advocate case involving the homeowner have passed, except that nothing in this section may be construed to relieve any loan servicers from any otherwise applicable rules, directives, or similar guidance under the Home Affordable Modification Program relating to the continuation or completion of foreclosure proceedings.

(3) **RESOLUTION OF HOMEOWNER CONCERNS.**—The Office shall, to the extent possible, resolve all homeowner concerns not later than 30 days after the opening of a case with such homeowner.

(c) **COMMENCEMENT OF OPERATIONS.**—The Office shall commence its operations, as required by this subtitle, not later than 3 months after the date of enactment of this Act.

(d) **SUNSET.**—The Office shall cease operations as of the date on which the Home Affordable Modification Program ceases to operate.

SEC. 1093. RELATIONSHIP WITH EXISTING ENTITIES.

(a) **TRANSFER.**—The Office shall coordinate and centralize all complaint escalations relating to the Home Affordable Modification Program.

(b) **HOTLINE.**—The HOPE hotline (or any successor triage hotline) shall reroute all complaints relating to the Home Affordable Modification Program to the Office.

(c) **COORDINATION.**—The Office shall coordinate with the compliance office of the Office of Financial Stability of the Department of the Treasury and the Homeownership Preservation Office of the Department of the Treasury.

SEC. 1094. REPORTS TO CONGRESS.

(a) **TESTIMONY.**—The Director shall be available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not less frequently than 4 times a year, or at any time at the request of the Chairs of either committee.

(b) **REPORTS.**—Once annually, the Director shall provide a detailed report to Congress on the Home Affordable Modification Program. Such report shall contain full and substantive analysis, in addition to statistical information, including, at a minimum—

(1) data and analysis of the types and volume of complaints received from homeowners, housing counselors, and housing lawyers, broken down by category of servicer, except that servicers may not be identified by name in the report;

(2) a summary of not fewer than 20 of the most serious problems encountered by Home Affordable Modification Program participants, including a description of the nature of such problems;

(3) to the extent known, identification of the 10 most litigated issues for Home Affordable Modification Program participants, including recommendations for mitigating such disputes;

(4) data and analysis on the resolutions of the complaints received from homeowners, housing counselors, and housing lawyers;

(5) identification of any programs or initiatives that the Office has taken to improve the Home Affordable Modification Program;

(6) recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by Home Affordable Modification Program participants; and

(7) such other information as the Director may deem advisable.

SEC. 1095. FUNDING.

Amounts made available for the costs of administration of the Home Affordable Modification Program that are not otherwise obligated shall be available to carry out the duties of the Office. Funding shall be maintained at levels adequate to reasonably carry out the functions of the Office.

SA 4202. Mr. CORNYN (for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency sup-

plemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . . . BORDER SECURITY ENHANCEMENTS.

(a) **ADDITIONAL AMOUNT FOR COUNTERDRUG ENFORCEMENT.**—For an additional amount for “Salaries and Expenses” of the Drug Enforcement Administration, \$30,440,000, to remain available until September 30, 2011, of which—

(1) \$15,640,000 shall be available for 180 intelligence analysts and technical support personnel;

(2) \$10,800,000 shall be available for equipment and operational costs of Special Investigative Units to target Mexican cartels; and

(3) \$4,000,000 shall be available for equipment and technology for investigators on the Southwest border.

(b) **FIREARMS TRAFFICKING ENFORCEMENT.**—For an additional amount for “Salaries and Expenses” of the Bureau of Alcohol, Tobacco, Firearms and Explosives, \$72,000,000, to remain available until September 30, 2011, of which—

(1) \$68,000,000 shall be available for 281 special agents, investigators, and officers along the Southwest border; and

(2) \$4,000,000 shall be available for equipment and technology necessary to support border enforcement and investigations.

(c) **NATIONAL GUARD COUNTERDRUG ACTIVITIES.**—For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense” for high priority National Guard Counterdrug Programs in Southwest border states, \$44,700,000, to remain available until September 30, 2011.

(d) **HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.**—For an additional amount for Federal Drug Control Programs, “High Intensity Drug Trafficking Areas Program” for Southwest border states, \$140,000,000, to remain available until September 30, 2012.

(e) **LAND PORTS OF ENTRY.**—For an additional amount to be deposited in the Federal Buildings Fund, for construction, infrastructure improvements and expansion at high-volume land ports of entry located on the Southwest border, \$100,000,000, to remain available until September 30, 2011.

(f) **BORDER ENFORCEMENT PERSONNEL.**—For an additional amount for “Salaries and Expenses” of U.S. Customs and Border Protection, \$334,000,000, to remain available until September 30, 2011, of which—

(1) \$100,000,000 shall be available for 500 U.S. Customs and Border Protection officers at Southwest land ports of entry for northbound and southbound inspections;

(2) \$180,000,000 shall be available for equipment and technology to support border enforcement, surveillance, and investigations;

(3) \$24,000,000 shall be available for 120 pilots, vessel commanders, and support staff for Air and Marine Operations; and

(4) \$30,000,000 shall be available for additional unmanned aircraft systems pilots and support staff.

(g) **UNMANNED AIRCRAFT SYSTEMS AND HELICOPTERS.**—For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement” of U.S. Customs and Border Protection, \$169,400,000, to remain available until expended, of which—

(1) \$120,000,000 shall be available for the procurement, operations, and maintenance of at least 6 unmanned aircraft systems to allow for expanded operations of unmanned aircraft systems in Texas, New Mexico, Arizona, and California on a 7-day-a-week basis; and

(2) \$49,400,000 shall be available for helicopters.

(h) IMMIGRATION ENFORCEMENT PERSONNEL.—For an additional amount for “Salaries and Expenses” of U.S. Immigration and Customs Enforcement, \$795,000,000, to remain available until September 30, 2012, of which—

(1) \$175,000,000 shall be available for 500 investigator positions;

(2) \$75,000,000 shall be available for 400 intelligence analyst positions;

(3) \$125,000,000 shall be available for 500 detention and deportation positions;

(4) \$151,000,000 shall be available for 3,300 detention beds;

(5) \$180,000,000 shall be available for equipment and technology to support border enforcement; and

(6) \$89,000,000 shall be available for expansion of interior repatriation programs.

(i) STATE AND LOCAL GRANTS.—For an additional amount for “State and Local Programs” administered by the Federal Emergency Management Agency, \$300,000,000, to remain available until September 30, 2011, which shall be used for—

(1) State and local law enforcement agencies or entities operating within 100 miles of the Southwest border; and

(2) additional detectives, criminal investigators, law enforcement personnel, equipment, salaries, and technology in counties in the Southwest border region.

(j) OFFSETTING RESCISSION.—

(1) IN GENERAL.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$1,986,000,000 of the amounts appropriated or made available under division A of such Act that remain unobligated as of the date of the enactment of this Act are hereby rescinded.

(2) ADMINISTRATION.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(A) administer the reduction specified in paragraph (1); and

(B) submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that specifies the account and the amount of each reduction made pursuant to paragraph (1).

SA 4203. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 33, between lines 3 and 4, insert the following:

FEDERAL EMERGENCY MANAGEMENT AGENCY
STATE AND LOCAL PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Transportation Security Assistance” and “Railroad Security Assistance”, authorized under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135 and 1163), \$100,000,000, to remain available until expended.

On page 36, between lines 2 and 3, insert the following:

SEC. 608. LIMITATION OF EMPLOYER DEDUCTION FOR CERTAIN ENTERTAINMENT EXPENSES.

(a) IN GENERAL.—Paragraph (2) of section 274(e) of the Internal Revenue Code of 1986

(relating to expenses treated as compensation) is amended to read as follows:

“(2) EXPENSES TREATED AS COMPENSATION.—Expenses for goods, services, and facilities, to the extent that the expenses do not exceed the amount of the expenses which are treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to an employee on the taxpayer’s return of tax under this chapter and as wages to such employee for purposes of chapter 24 (relating to withholding of income tax at source on wages).”.

(b) PERSONS NOT EMPLOYEES.—Paragraph (9) of section 274(e) of such Code is amended by striking “to the extent that the expenses are includible in the gross income” and inserting “to the extent that the expenses do not exceed the amount of the expenses which are includible in the gross income”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred after the date of the enactment of this Act.

SA 4204. Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes;

At the end of chapter 10 of title I, add the following:

PLAN FOR SAFE, ORDERLY, AND EXPEDITIOUS
REDEPLOYMENT OF THE UNITED STATES
ARMED FORCES FROM AFGHANISTAN

SEC. 1019. (a) PLAN REQUIRED.—Not later than December 31, 2010, the President shall submit to Congress a report setting forth a plan for the safe, orderly, and expeditious redeployment of United States Armed Forces and non-Afghan military contractors from Afghanistan, together with a timetable for the completion of that redeployment and information regarding variables that could alter that timetable.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 4205. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 3008. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under the heading “STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES” under title II of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act may be made available to My Brother’s Keeper of Genesee

County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

SA 4206. Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. KYL, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) ADDITIONAL AMOUNT FOR UNMANNED AIRCRAFT SYSTEM.—For an additional amount for U.S. Customs and Border Protection, “AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT” for the procurement, operations, and maintenance of at least 6 unmanned aircraft systems to allow for expanded operations of unmanned aircraft systems in Texas, New Mexico, Arizona, and California on a 7-day-a-week basis, \$110,000,000, to remain available until expended.

(b) ADDITIONAL AMOUNT FOR PERSONNEL.—For an additional amount for U.S. Customs and Border Protection “SALARIES AND EXPENSES” for additional unmanned aircraft systems pilots and support staff, \$24,000,000, to remain available until September 30, 2011.

(c) BASE AGREEMENTS.—For an additional amount for U.S. Customs and Border Protection “AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT” for additional unmanned aircraft systems maintenance, base agreements, and surge operations, \$10,000,000, to remain available until September 30, 2011.

(d) OFFSETTING RESCISSION.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals \$144,000,000 in order to offset the amount appropriated for border security under subsections (a), (b), and (c). The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 4207. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE ____—RETURNING SPENDING LEVELS TO 2007 LEVELS

SEC. ____01. EXPEDITED CONSIDERATION.

(a) 2007 SPENDING BILL.—For purposes of this title, the term “2007 spending bill” means a bill that reduces outlays for the fiscal year beginning in the year in which the bill is considered to levels not exceeding the levels for fiscal year 2007. The bill may not increase revenues.

(b) EXPEDITED CONSIDERATION OF 2007 SPENDING BILL.—

(1) INTRODUCTION OF 2007 SPENDING BILL.—A 2007 spending bill may be introduced in the House of Representatives and in the Senate

not later than July 12, 2010, or any time after the first day of a session for any year thereafter by the majority leader of each House of Congress. If 5 session days after July 12 in 2010 or after the first day of session any year thereafter the majority leader has not introduced a bill, the minority leader of each House of Congress may introduce a 2007 spending bill (during this time the majority leader may not introduce a 2007 spending bill). If a 2007 spending bill is not introduced in accordance with the preceding sentence in either House of Congress within 5 session days, then any Member of that House may introduce a 2007 spending bill on any day thereafter. Upon introduction, the 2007 spending bill shall be referred to the relevant committees of jurisdiction.

(2) COMMITTEE CONSIDERATION.—The committees to which the 2007 spending bill is referred shall report the 2007 spending bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 30 calendar days after the date of introduction of the bill in that House, or the first day thereafter on which that House is in session. If any committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(3) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(A) PROCEEDING TO CONSIDERATION.—It shall be in order, not later than 7 days of session after the date on which an 2007 spending bill is reported or discharged from all committees to which it was referred, for the majority leader of the House of Representatives or the majority leader's designee, to move to proceed to the consideration of the 2007 spending bill. It shall also be in order for any Member of the House of Representatives to move to proceed to the consideration of the 2007 spending bill at any time after the conclusion of such 7-day period. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the 2007 spending bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(B) CONSIDERATION.—The 2007 spending bill shall be considered as read. The previous question shall be considered as ordered on the 2007 spending bill to its passage without intervening motion except 50 hours of debate, equally divided and controlled by the proponent and an opponent. A motion to limit debate shall be in order during such debate. A motion to reconsider the vote on passage of the 2007 spending bill shall not be in order.

(C) APPEALS.—Appeals from decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to the 2007 spending bill shall be decided without debate.

(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this paragraph, consideration of an 2007 spending bill shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any 2007 spending bill introduced pursuant to the provisions of this subsection under a suspension of the rules pursuant to clause 1 of House Rule XV, or under a special rule reported by the House Committee on Rules.

(E) AMENDMENTS.—It shall be in order to offer amendments to the 2007 spending bill, provided that any such amendment is relevant and would not result in an overall outlay level exceeding the level included in the 2007 spending bill.

(F) VOTE ON PASSAGE.—Immediately following the conclusion of consideration of the 2007 spending bill, the vote on passage of the 2007 spending bill shall occur without any intervening action or motion and shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn. If the 2007 spending bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House.

(4) FAST TRACK CONSIDERATION IN SENATE.—

(A) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 7 days of session after the date on which an 2007 spending bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader's designee to move to proceed to the consideration of the 2007 spending bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the 2007 spending bill at any time after the conclusion of such 7-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the 2007 spending bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the 2007 spending bill is agreed to, the 2007 spending bill shall remain the unfinished business until disposed of.

(B) DEBATE.—Consideration of an 2007 spending bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 50 hours. Debate shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate on the 2007 spending bill is in order. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the 2007 spending bill, including time used for quorum calls and voting, shall be counted against the total 50 hours of consideration.

(C) AMENDMENTS.—It shall be in order to offer amendments to the 2007 spending bill, provided that any such amendment is relevant and would not result in an overall outlay level exceeding the level included in the 2007 spending bill.

(D) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the 2007 spending bill and a single quorum call at the conclusion of the debate if requested. Passage shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(E) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a 2007 spending bill shall be decided without debate.

(5) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

(A) REFERRAL.—If, before the passage by 1 House of an 2007 spending bill of that House, that House receives from the other House an 2007 spending bill, then such proposal from

the other House shall not be referred to a committee and shall immediately be placed on the calendar.

(B) TREATMENT OF 2007 SPENDING BILL OF OTHER HOUSE.—If 1 House fails to introduce or consider a 2007 spending bill under this section, the 2007 spending bill of the other House shall be entitled to expedited floor procedures under this section.

(C) PROCEDURE.—

(i) 2007 SPENDING BILL IN THE SENATE.—If prior to passage of the 2007 spending bill in the Senate, the Senate receives an 2007 spending bill from the House, the procedure in the Senate shall be the same as if no 2007 spending bill had been received from the House except that—

(I) the vote on final passage shall be on the 2007 spending bill of the House if it is identical to the 2007 spending bill then pending for passage in the Senate; or

(II) if the 2007 spending bill from the House is not identical to the 2007 spending bill then pending for passage in the Senate and the Senate then passes the Senate 2007 spending bill, the Senate shall be considered to have passed the House 2007 spending bill as amended by the text of the Senate 2007 spending bill.

(ii) DISPOSITION OF THE 2007 SPENDING BILL.—Upon disposition of the 2007 spending bill received from the House, it shall no longer be in order to consider the 2007 spending bill originated in the Senate.

(D) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If following passage of the 2007 spending bill in the Senate, the Senate then receives an 2007 spending bill from the House of Representatives that is the same as the 2007 spending bill passed by the House, the House-passed 2007 spending bill shall not be debatable. If the House-passed 2007 spending bill is identical to the Senate-passed 2007 spending bill, the vote on passage of the 2007 spending bill in the Senate shall be considered to be the vote on passage of the 2007 spending bill received from the House of Representatives. If it is not identical to the House-passed 2007 spending bill, then the Senate shall be considered to have passed the 2007 spending bill of the House as amended by the text of the Senate 2007 spending bill.

(E) CONSIDERATION IN CONFERENCE.—Upon passage of the 2007 spending bill, the Senate shall be deemed to have insisted on its amendment and requested a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, without any intervening action.

(F) ACTION ON CONFERENCE REPORTS IN SENATE.—

(i) MOTION TO PROCEED.—A motion to proceed to the consideration of the conference report on the 2007 spending bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) CONSIDERATION.—During the consideration in the Senate of the conference report (or a message between Houses) on the 2007 spending bill, and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith, debate (or consideration) shall be limited to 30 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) **DEBATE IF DEFEATED.**—If the conference report is defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(iv) **AMENDMENTS IN DISAGREEMENT.**—If there are amendments in disagreement to a conference report on the 2007 spending bill, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(G) **VOTE ON CONFERENCE REPORT IN EACH HOUSE.**—Passage of the conference in each House shall be by an affirmative vote of three-fifths of the Members of that House, duly chosen and sworn.

(H) **VETO.**—If the President vetoes the bill debate on a veto message in the Senate under this subsection shall be 1 hour equally divided between the majority and minority leaders or their designees.

(6) **RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.**—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively but applicable only with respect to the procedure to be followed in that House in the case of bill under this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 2. EFFECTIVE PERIOD.

This title shall be effective until fiscal year 2020 or the fiscal year spending levels are returned to fiscal year 2007 levels whichever date first occurs.

SA 4208. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 16, after “this Act” insert “: Provided further, That, in addition to any other amounts made available for the same purpose, the Secretary of the Army shall use \$1,000,000 of the amount provided under this heading for Atlantic coast of Maryland shore protection”.

SA 4209. Mr. CARDIN submitted an amendment intended to be proposed by

him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 30. None of the funds made available by this Act or any other law shall be used by the Secretary of the Interior—

(1) for the conduct of offshore preleasing, leasing, and related activities in the North Atlantic, Mid-Atlantic, South Atlantic, and Straits of Florida Planning Areas of the outer Continental Shelf described in the memorandum entitled “Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition”, 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998; or

(2) to review or approve plans or permits for the exploration, development, or production of oil and natural gas in the outer Continental Shelf until such time as—

(A) the Secretary of the Interior and the Council on Environmental Quality have completed a joint review of applicable procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) any policy or procedural changes recommended by the Secretary of the Interior and the Council on Environmental Quality based on the joint review under subparagraph (A) have been fully implemented; and

(C) the Secretary of the Interior has submitted a report that describes the changes implemented under subparagraph (B) to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

SA 4210. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 21, insert the following:

OFFICE OF REFUGEE RESETTLEMENT REFUGEE SCHOOL IMPACT GRANT PROGRAM

For an additional amount for the Office of Refugee Resettlement, \$2,000,000, which shall be used for the Refugee School Impact Grant Program to help schools accommodate and provide services for Haitian refugee students following the earthquake in Port-au-Prince on January 12, 2010.

On page 39, between lines 8 and 9, insert the following:

GENERAL PROVISIONS—THIS CHAPTER SEC. 701. APPLICATION OF PROHIBITED TRANSACTION RULES TO CERTAIN TRANSACTIONS INVOLVING OWNERS OF IRAS.

(a) **IN GENERAL.**—Section 4975(c) of the Internal Revenue Code of 1986 (defining prohibited transaction) is amended by adding at the end the following new paragraph:

“(7) **SPECIAL RULES FOR TRANSACTIONS INVOLVING OWNERS OF INDIVIDUAL RETIREMENT PLANS.**—

“(A) **IN GENERAL.**—In the case of a plan described in subparagraph (B) or (C) of subsection (e)(1), any transaction between such plan (or any controlled entity of such plan)

and the owner of such plan (or any controlled entity of such owner) shall be treated as a prohibited transaction for purposes of this section if not otherwise so treated.

“(B) **CONTROLLED ENTITY.**—For purposes of this paragraph, the term ‘controlled entity’ means, with respect to any person, a corporation, partnership, or trust or estate of which (or in which) 50 percent or more of—

“(i) the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of such corporation,

“(ii) the capital interest or profits interest of such partnership, or

“(iii) the beneficial interest of such trust or estate,

is owned or held directly or indirectly by such person or any related person. The Secretary may by regulation expand the application of this paragraph to other pass-thru entities.

“(C) **OWNER.**—For purposes of this paragraph, the term ‘owner’ means, with respect to any plan, the individual for whose benefit the plan is maintained.”.

(b) EFFECTIVE DATE.—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendment made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) **EXCEPTION FOR CERTAIN BINDING CONTRACTS.**—The amendment made by this subsection shall not apply to any transaction occurring after the date of the enactment of this Act pursuant to a written binding contract in effect on such date and at all times thereafter.

SA 4211. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3008. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110-417; 41 U.S.C. 417b(e)(1)) is amended by striking “Administrator shall ensure that the information” and all that follows through the period at the end and inserting “Administrator shall post the database on a publicly available Internet website.”.

SA 4212. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, between lines 2 and 3, insert the following:

YELLOW RIBBON REINTEGRATION PROGRAM

SEC. 309. (a) The amount appropriated or otherwise made available by this title under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE” is hereby increased by \$20,000,000.

(b) Of the amount appropriated or otherwise made available by this title under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, as increased by subsection (a),

\$20,000,000 shall be made available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 125; 10 U.S.C. 10101 note).

(c) The amount made available by this section for the services described in subsection (a) is in addition to any other amounts made available by this Act for such services.

(d) The amount made available by this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4213. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 30. COASTAL IMPACT ASSISTANCE.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended by adding at the end the following:

“(e) EMERGENCY FUNDING.—

“(1) IN GENERAL.—In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

“(A) consistent with subsection (d); and

“(B) specifically designed to respond to the spill of national significance.

“(2) APPROVAL BY SECRETARY.—The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursement of the funds under paragraph (1).

“(3) STATE REQUIREMENTS.—

“(A) ADDITIONAL INFORMATION.—If the Secretary approves a project for funding under this subsection that is included in a plan previously approved under subsection (c), not later than 180 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure compliance with subsection (d).

“(B) AMENDMENT TO PLAN.—If the Secretary approves a project for funding under this subsection that is not included in a plan previously approved under subsection (c), not later than 180 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an amendment to the plan that includes any projects funded under paragraph (1).

“(C) LIMITATION.—If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to

the plan has been approved by the Secretary.”.

SA 4214. Mr. MCCAIN (for himself, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. GRAHAM, Mr. ISAKSON, Mr. ROBERTS, Mr. CHAMBLISS, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end of chapter 3 of title I, add the following:

NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN LAND BORDER OF THE UNITED STATES

SEC. 309. (a) ADDITIONAL AMOUNT.—For an additional amount under this chapter for the deployment of not fewer than 6,000 National Guard personnel to perform operations and missions under section 502(f) of title 32, United States Code, in the States along the southern land border of the United States for the purposes of assisting U.S. Customs and Border Protection in securing such border, \$250,000,000.

(b) OFFSETTING RESCISSION.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals \$250,000,000 in order to offset the amount appropriated by subsection (a).

SA 4215. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 20 of the amendment, between lines 4 and 5, insert the following:

(c) PARTIAL EXEMPTION.—A State may exempt from its State law, or from the requirements established under this title, individuals employed by the office of the sheriff in States that do not provide the rights and responsibilities described in section 4004(b) for law enforcement officers prior to the date of enactment of this Act or a political subdivision of the State that has a population of less than 5,000 or that employs fewer than 25 full time employees. For purposes of this subsection, the term ‘employees’ includes each individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

SA 4216. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 20 of the amendment, after line 8, add the following:

SEC. 4010. GUARANTEEING PUBLIC SAFETY AND LOCAL CONTROL OF TAXES AND SPENDING.

Notwithstanding any State law or regulation issued under section 4005, no collective-bargaining obligation may be imposed on any political subdivision or any public safety employer, and no contractual provision may be imposed on any political subdivision or public safety employer, if either the principal administrative officer of such public safety employer, or the chief elected official of such political subdivision certifies that the obligation, or any provision would be contrary to the best interests of public safety; or would result in any increase in local taxes, or would result in any decrease in the level of public safety or other municipal services.

SA 4217. Mr. MCCAIN (for himself, Mr. LEVIN, Ms. COLLINS, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, between lines 2 and 3, insert the following:

(d) SUBMITTAL OF CHARTER AND REPORTS TO ADDITIONAL COMMITTEES OF CONGRESS.—At the same time the Director of National Intelligence submits the charter and procedures referred to in subsection (a), any modification or revision to the charter or procedures under subsection (b), and any report under subsection (c) to the congressional intelligence committees, the Director shall also submit such matter to—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, the Judiciary, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, the Judiciary, and Appropriations of the House of Representatives.

SA 4218. Ms. COLLINS (for herself, Mr. INHOFE, Mr. ALEXANDER, Mr. BROWNBACK, Mr. BROWN of Massachusetts, Mr. GREGG, Ms. SNOWE, Mr. COBURN, Mr. BOND, Ms. MURKOWSKI, Mr. VOINOVICH, Mr. BURR, Mr. BEGICH, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

PROHIBITION ON FINES AND LIABILITY

SEC. 20. None of the funds made available by this Act or any other provision of law shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled “Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule” (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled “Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program”, signed by the Administrator on April

22, 2010, if the person has applied to enroll in, or has enrolled in, by not later than September 30, 2010, a certified renovator class to train contractors in practices necessary for compliance with the final rules, as determined by the Administrator.

SA 4219. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

UNITED STATES CUSTOMS AND BORDER
PROTECTION
SOUTHWEST BORDER SECURITY

For an additional amount for hiring, training, and supporting additional border patrol agents to protect the Southwest border, \$603,940,000, to remain available until September 30, 2011: *Provided*, That the Secretary of Homeland Security shall ensure that there are 6,000 more border patrol agents serving on the Southwest border on January 1, 2015 than the number of such agents serving on such border as of the date of the enactment of this Act.

(RESCISSION)

Of the amounts appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) that remain unobligated as of the date of the enactment of this Act, \$603,940,000 is hereby rescinded.

SA 4220. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 2 and 3, insert the following:

SEC. 608. None of the amounts appropriated under the heading "Border Security Fencing, Infrastructure, and Technology" in title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) that are unobligated as of the date of the enactment of this Act may be expended on the Secure Border Initiative Network (commonly known as "SBInet").

SA 4221. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 7, insert "FEMA-1858-DR," before "FEMA-1894-DR,".

SA 4222. Mr. WEBB submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 9 of title I, add the following:

LIMITATION ON USE OF FUNDS AVAILABLE TO
THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 902. The amount made available to the Department of Veterans Affairs by this chapter under the heading "VETERANS BENEFITS ADMINISTRATION" under the heading "COMPENSATION AND PENSIONS" may not be obligated or expended until the expiration of the period for Congressional disapproval under chapter 8 of title 5, United States Code (commonly referred to as the "Congressional Review Act"), of the regulations prescribed by the Secretary of Veterans Affairs pursuant to section 1116 of title 38, United States Code, to establish a service connection between exposure of veterans to Agent Orange during service in the Republic of Vietnam during the Vietnam era and hairy cell leukemia and other chronic B cell leukemias, Parkinson's disease, and ischemic heart disease.

SA 4223. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 9 through 22 and insert the following:

The Science Appropriations Act, 2010 (title III of division B of Public Law 111-117; 123 Stat. 3142) is amended under the heading relating to "EXPLORATION" by striking "*Provided*," and all that follows and inserting a period.

SA 4224. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 3008. Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010 (49 U.S.C. 24305 note) is amended by striking clauses (i) and (ii) and inserting the following:

"(i) requiring inspections of any container containing a firearm or ammunition; and

"(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains."

SA 4225. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 2 and 3, insert the following:

SEC. 608. None of the amounts made available for fiscal year 2010 or 2011 in any Act for Community Oriented Policing Services may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immi-

grant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

SA 4226. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 18 of the amendment, line 2, strike "benefits." and insert the following: "benefits; or

"(8) to apply to a public safety agency that is established prior to the date of enactment of this Act under applicable State law that has a chief law enforcement officer who has the authority to, in a manner independent of other State and local entities, establish and maintain its own budget and levy taxes for the operation of such agency.

For purposes of paragraph (8), the term 'chief law enforcement officer' means an elected sheriff who is identified in State law as the ex-officio Chief Law Enforcement Officer of a law enforcement district."

SA 4227. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) For an additional amount for the Office of Refugee Resettlement, \$2,000,000, which shall be used for the Refugee School Impact Grant Program to help schools accommodate and provide services for Haitian refugee students following the earthquake in Port-au-Prince on January 12, 2010.

(b) The amount appropriated under subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c)(1) Section 4975(c) of the Internal Revenue Code of 1986 (defining prohibited transaction) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULES FOR TRANSACTIONS INVOLVING OWNERS OF INDIVIDUAL RETIREMENT PLANS.—

"(A) IN GENERAL.—In the case of a plan described in subparagraph (B) or (C) of subsection (e)(1), any transaction between such plan (or any controlled entity of such plan) and the owner of such plan (or any controlled entity of such owner) shall be treated as a prohibited transaction for purposes of this section if not otherwise so treated.

"(B) CONTROLLED ENTITY.—For purposes of this paragraph, the term 'controlled entity' means, with respect to any person, a corporation, partnership, or trust or estate of which (or in which) 50 percent or more of—

"(i) the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of such corporation,

"(ii) the capital interest or profits interest of such partnership, or

“(iii) the beneficial interest of such trust or estate,

is owned or held directly or indirectly by such person or any related person. The Secretary may by regulation expand the application of this paragraph to other pass-thru entities.

“(C) OWNER.—For purposes of this paragraph, the term ‘owner’ means, with respect to any plan, the individual for whose benefit the plan is maintained.”.

(d)(1) Except as provided in paragraph (2), the amendment made by subsection (c) shall apply to transactions occurring after the date of the enactment of this Act.

(2) The amendment made by subsection (c) shall not apply to any transaction occurring after the date of the enactment of this Act pursuant to a written binding contract in effect on such date and at all times thereafter.

SA 4228. Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 4202 submitted by Mr. CORNYN (for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. MCCAIN) to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(j) OPERATION STREAMLINE.—For an additional amount to fully fund multi-agency law enforcement initiatives that address illegal crossings of the Southwest border, including those in the Tucson Sector, as authorized under title II of Division B and title III of Division C of Public Law 111-117, \$200,000,000, of which—

(1) \$155,000,000 shall be available for the Department of Justice for—

(A) hiring additional Deputy United States Marshals;

(B) constructing additional permanent and temporary detention space; and

(C) other established and related needs of the Secretary of Homeland Security and the Attorney General; and

(2) \$45,000,000 shall be available for the Judiciary for—

(A) courthouse renovation;

(B) administrative support, including hiring additional clerks for each District to process additional criminal cases; and

(C) hiring additional judges.

(k) OFFSETTING RESCISSION.—

(1) IN GENERAL.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$200 million of the amounts appropriated or made available under Division A of such Act that remain unobligated as of the date of the enactment of this Act are hereby rescinded.

SA 4229. Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 309. No funds appropriated or otherwise made available by this Act may be obli-

gated or expended to transfer a C-130 aircraft from a unit of the National Guard in a State to a unit of the Air Force, whether a regular unit or a unit of a reserve component, in another State.

SA 4230. Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 309. (a) LIMITATIONS ON TRANSFER OF C-130H AIRCRAFT FROM NATIONAL GUARD TO AIR FORCE UNITS IN ANOTHER STATE.—No funds appropriated or otherwise made available by this Act may be obligated or expended to transfer a C-130H aircraft from a unit of the National Guard in a State to a unit of the Air Force, whether a regular unit or a unit of a reserve component, in another State unless each of the following is met:

(1) The aircraft shall be returned to the transferring unit at a date, not later than 18 months after the date of transfer, specified by the Secretary of the Air Force at the time of transfer.

(2) Not later than 180 days before the date of transfer, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the members of Congress of the State concerned, and the Chief Executive Officer and adjutant general of the National Guard of the State concerned the following:

(A) A written justification of the transfer.

(B) A description of the alternatives to transfer considered by the Air Force and, for each alternative considered, a justification for the decision not to utilize such alternative.

(3) If a C-130H aircraft has previously been transferred from any National Guard unit in the same State as the unit proposed to provide the C-130H aircraft for transfer, the transfer may not occur until the earlier of—

(A) the date following such previous transfer on which each other State with National Guard units with C-130H aircraft has transferred a C-130H aircraft to a unit of the Air Force in another State; or

(B) the date that is 18 months after the date of such previous transfer.

(b) RETURN OF AIRCRAFT.—Any C-130H aircraft transferred from the National Guard to a unit of the Air Force under subsection (a) shall be returned to the National Guard of the State concerned upon a written request by the Chief Executive Officer of such State for the return of such aircraft to assist the National Guard of such State in responding to a disaster or other emergency.

SA 4231. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE IV—PAYMENT OF COSTS OF SUPPLEMENTAL APPROPRIATIONS

SEC. 4001. TEMPORARY ONE-YEAR FREEZE ON RAISES, BONUSES, AND OTHER SALARY INCREASES FOR FEDERAL EMPLOYEES.

Notwithstanding any other provision of law, civilian employees of the Federal Government in fiscal year 2011 shall not receive a cost of living adjustment or other salary increase, including a bonus. The salaries of members of the armed forces are exempt from the provisions of this section.

SEC. 4002. CAPPING THE TOTAL NUMBER OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the head of each relevant Federal department or agency shall collaborate with the Director of the Office of Management and Budget to determine how many full-time employees the department or agency employs. For each new full-time employee added to any Federal department or agency for any purpose, the head of such department or agency shall ensure that the addition of such new employee is offset by a reduction of one existing full-time employee at such department or agency.

(b) INFORMATION ON TOTAL EMPLOYEES.—The Director of the Office of Management and Budget shall publicly disclose the total number of Federal employees, as well as a breakdown of Federal employees by agency and the annual salary by title of each Federal employee at an agency and update such information not less than once a year.

SEC. 4003. COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

“§ 7381. Collection of unpaid taxes from employees of the Federal Government

“(a) DEFINITION.—For purposes of this section—

“(1) the term ‘seriously delinquent tax debt’ means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

“(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

“(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending; and

“(2) the term ‘Federal employee’ means—

“(A) an employee, as defined by section 2105; and

“(B) an employee of the United States Congress, including Members of the House of Representatives and Senators.

“(b) COLLECTION OF UNPAID TAXES.—The Internal Revenue Service shall coordinate with the Department of Treasury and the hiring agency of a Federal employee who has a seriously delinquent tax debt to collect such taxes by withholding a portion of the employee’s salary over a period set by the hiring agency to ensure prompt payment.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

"Sec. 7381. Collection of unpaid taxes from employees of the Federal Government."

SEC. 4004. REDUCING PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Within 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs by no less than a total of \$4,600,000 over the 10-year period beginning with fiscal year 2010. The Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available.

SEC. 4005. REDUCING EXCESSIVE DUPLICATION, OVERHEAD AND SPENDING WITHIN THE FEDERAL GOVERNMENT.

(a) **REDUCING DUPLICATION.**—The Director of the Office of Management Budget and the Secretary of each department (or head of each independent agency) shall work with the Chairman and ranking member of the relevant congressional appropriations subcommittees and the congressional authorizing committees and the Director of the Office of Management Budget to consolidate programs with duplicative goals, missions, and initiatives.

(b) **CONTROLLING BUREAUCRATIC OVERHEAD COSTS.**—Each Federal department and agency shall reduce annual administrative expenses by at least five percent in fiscal year 2011.

(c) **RESCISSIONS OF EXCESSIVE SPENDING.**—There is hereby rescinded an amount equal to 5 percent of—

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2010 for any discretionary account in any other fiscal year 2010 appropriation Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2010 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2010 for any program subject to limitation contained in any fiscal year 2010 appropriation Act.

(d) **PROPORTIONATE APPLICATION.**—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget)

(e) **EXCEPTIONS.**—This section shall not apply to discretionary authority appropriated or otherwise made available to the Department of Veterans Affairs.

(f) **OMB REPORT.**—Within 30 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the ac-

count and amount of each rescission made pursuant to this section and the report shall be posted on the public website of the Office of Management and Budget.

SEC. 4006. ELIMINATING NONESSENTIAL GOVERNMENT TRAVEL.

Within 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the heads of the Federal departments and agencies, shall establish a definition of "non-essential travel" and criteria to determine if travel-related expenses and requests by Federal employees meet the definition of "non-essential travel". No travel expenses paid for, in whole or in part, with Federal funds shall be paid by the Federal Government unless a request is made prior to the travel and the requested travel meets the criteria established by this section. Any travel request that does not meet the definition and criteria shall be disallowed, including reimbursement for air flights, automobile rentals, train tickets, lodging, per diem, and other travel-related costs. The definition established by the Director of the Office of Management and Budget may include exemptions in the definition, including travel related to national defense, homeland security, border security, national disasters, and other emergencies. The Director of the Office of Management and Budget shall ensure that all travel costs paid for in part or whole by the Federal Government not related to national defense, homeland security, border security, national disasters, and other emergencies do not exceed \$5,000,000,000 annually.

SEC. 4007. ELIMINATING BONUSES FOR POOR PERFORMANCE BY GOVERNMENT CONTRACTORS.

(a) **GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO OUTCOMES.**—Not later than 180 days after the date of enactment of this Act, each Federal department or agency shall issue guidance, with detailed implementation instructions (including definitions), on the appropriate use of award and incentive fees in department or agency programs.

(b) **ELEMENTS.**—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be excellent or superior and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be acceptable, average, expected, good, or satisfactory;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure that the Department or agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis; and

(8) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes.

(c) **RETURN OF UNEARNED BONUSES.**—Any funds intended to be awarded as incentive fees that are not paid due to contractors inability to meet the criteria established by this section shall be returned to the Treasury.

SEC. 4008. ELIMINATING GOVERNMENT WASTE AND INEFFICIENCY.

Within 30 days after the date of enactment of this Act, the Energy Star program administered by the United States Environmental Protection Agency shall be terminated and no Federal tax rebates or tax credits related to the Energy Star program shall be any longer available.

SEC. 4009. STRIKING INCREASE IN FOREIGN AID FOR INTERNATIONAL ORGANIZATIONS.

Notwithstanding any other provision of this Act, the total amount appropriated under the heading "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES" under the heading "INTERNATIONAL ORGANIZATIONS" under chapter 10 of title I of this Act is hereby reduced by \$68,000,000 and no more than \$28,500,000 may be made available by this section, *Provided That*, this section does not prohibit additional funds otherwise appropriated to be spent for emergency security in Haiti in accordance with law.

SEC. 4010. \$1,000,000,000 LIMITATION ON VOLUNTARY PAYMENTS TO THE UNITED NATIONS.

Notwithstanding any other provision of law, the Secretary of State shall ensure no more than \$1,000,000,000 is provided to the United Nations each year in excess of the United States' annual assessed contributions.

SEC. 4011. RETURNING EXCESSIVE FUNDS FROM AN UNNECESSARY, UNNEEDED, UNREQUESTED, DUPLICATIVE RESERVE FUND THAT MAY NEVER BE SPENT.

Notwithstanding any other provision of law, unobligated funds for the Women, Infants and Children special supplemental nutrition program appropriated and placed in reserve by Public Law 111-5 are rescinded.

SEC. 4012. STRIKING AN UNNECESSARY APPROPRIATION FOR SALARIES AND EXPENSES OF A GOVERNMENT COMMISSION.

Notwithstanding any other provision of this Act, no funds shall be appropriated or otherwise made available for salaries or any other expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111-21).

SEC. 4013. RESCINDING A STATE DEPARTMENT TRAINING FACILITY UNWANTED BY RESIDENTS OF THE COMMUNITY IN WHICH IT IS IT IS PLANNED TO BE CONSTRUCTED.

Notwithstanding any other provision of law, no Federal funds may be spent to construct a State Department training facility in Ruthsburg, Maryland, and any funding obligated for the facility by Public Law 111-5 are rescinded, *Provided That*, this section does not prohibit funds otherwise appropriated to be spent by the State Department for training facilities in other jurisdictions in accordance with law.

SA 4232. Mr. COBURN (for himself and Mr. McCain) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for

disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE IV—PAYMENT OF COSTS OF SUPPLEMENTAL APPROPRIATIONS

SEC. 4001. REDUCING BUDGETS OF MEMBERS OF CONGRESS.

Of the funds made available under Public Law 111-68 for the legislative branch, \$100,000,000 in unobligated balances are permanently rescinded: *Provided*, That the rescissions made by the section shall not apply to funds made available to the Capitol Police.

SEC. 4002. DISCLOSING COST OF CONGRESSIONAL BORROWING AND SPENDING.

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (<http://www.senate.gov/>) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

SEC. 4003. DISPOSING OF UNNEEDED AND UNUSED GOVERNMENT PROPERTY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“§ 621. Definitions

“In this subchapter:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(2) EXPEDITED DISPOSAL OF A REAL PROPERTY.—The term ‘expedited disposal of a real property’ means a demolition of real property or a sale of real property for cash that is conducted under the requirements of section 545.

“(3) LANDHOLDING AGENCY.—The term ‘landholding agency’ means a landholding agency as defined under section 501(i)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)(3)).

“(4) REAL PROPERTY.—

“(A) IN GENERAL.—The term ‘real property’ means—

“(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

“(I) excess;

“(II) surplus;

“(III) underperforming; or

“(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

“(ii) a building or other structure located on real property described under clause (i).

“(B) EXCLUSION.—The term ‘real property’ excludes any parcel of real property or building or other structure located on such real property that is to be closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

“§ 622. Disposal program

“(a) The Director of the Office of Management and Budget shall dispose of by sale or auction not less than \$15,000,000,000 worth of real property that is not meeting Federal Government from fiscal year 2010 to fiscal year 2015.

“(b) Agencies shall recommend candidate disposition real properties to the Director for participation in the pilot program established under section 622.

“(c) The Director, with the concurrence of the head of the executive agency concerned and consistent with the criteria established in this subchapter, may then select such candidate real properties for participation in the program and notify the recommending agency accordingly.

“(d) The Director shall ensure that all real properties selected for disposition under this section are listed on a website that shall—

“(1) be updated routinely; and

“(2) include the functionality to allow members of the public, at their option, to receive such updates through electronic mail.

“(e) The Director may transfer real property identified in the enactment of this section to the Department of Housing and Urban Development if the Secretary of Housing and Urban Development has determined such properties are suitable for use to assist the homeless.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“Sec. 621. Definitions.

“Sec. 622. Disposal program.”.

SEC. 4004. AUCTIONING AND SELLING OF UNUSED AND UNNEEDED EQUIPMENT.

(a) Notwithstanding section 1033 of the National Defense Authorization Act of 1997 or any other provision of law, the Secretary of Defense shall auction or sell unused, unnecessary, or surplus supplies and equipment without providing preference to State or local governments.

(b) The Secretary may make exceptions to the sale or auction of such equipment for transfers of excess military property to state and local law enforcement agencies related to counter-drug efforts, counter-terrorism activities, or other efforts determined to be related to national defense or homeland security. The Secretary of Defense may sell such equipment to State and local agencies at fair market value.

SEC. 4005. RESCINDING UNSPENT AND UNCOMMITTED FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available uncommitted unobligated Federal funds, \$80,000,000,000 in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and

amounts identified under paragraph (1) for rescission.

(c) EXCEPTION.—This section shall not apply to the unobligated Federal funds of the Department of Defense or the Department of Veterans Affairs.

SA 4233. Ms. CANTWELL (for herself and Mr. HATCH) submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

DIVISION —RECONSTRUCTION OPPORTUNITY ZONES

SEC. 01. SHORT TITLE.

This division may be cited as the “Afghanistan and Pakistan Reconstruction Opportunity Zones Act of 2010”.

SEC. 02. DEFINITIONS; PURPOSES.

(a) DEFINITIONS.—In this division:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term “Agreement on Textiles and Clothing” means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) CATEGORY; TEXTILE AND APPAREL CATEGORY NUMBER.—The terms “category” and “textile and apparel category number” mean the number assigned under the U.S. Textile and Apparel Category System of the Office of Textiles and Apparel of the Department of Commerce, as listed in the HTS under the applicable heading or subheading (as in effect on September 1, 2007).

(3) ENTERED.—The term “entered” means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(4) ENTITY.—The term “entity” means—

(A) a natural person, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, whether or not for profit;

(B) any governmental entity or instrumentality of a government; and

(C) any successor, subunit, or subsidiary of any entity described in subparagraph (A) or (B).

(5) HTS.—The term “HTS” means the Harmonized Tariff Schedule of the United States.

(6) NAFTA.—The term “NAFTA” means the North American Free Trade Agreement concluded between the United States, Mexico, and Canada on December 17, 1992.

(7) RECONSTRUCTION OPPORTUNITY ZONE.—The term “Reconstruction Opportunity Zone” means any area that—

(A) encompasses portions of the territory of—

(i) Afghanistan; or

(ii) 1 or more of the following areas of Pakistan:

(I) the Federally Administered Tribal Areas;

(II) areas of Pakistan-administered Kashmir that the President determines were harmed by the earthquake of October 8, 2005;

(III) areas of Baluchistan that are within 100 miles of Pakistan’s border with Afghanistan; and

(IV) the North West Frontier Province;

(B) has been designated by the competent authorities in Afghanistan or Pakistan, as

the case may be, as an area in which merchandise may be introduced without payment of duty or excise tax; and

(C) has been designated by the President as a Reconstruction Opportunity Zone pursuant to section 503(a).

(b) PURPOSES.—The purposes of this division are—

(1) to stimulate economic activity and development in Afghanistan and the border region of Pakistan, critical fronts in the struggle against violent extremism;

(2) to reflect the strong support that the United States has pledged to Afghanistan and Pakistan for their sustained commitment in the global war on terrorism;

(3) to support the 3-pronged United States strategy in Afghanistan and the border region of Pakistan that leverages political, military, and economic tools, with Reconstruction Opportunity Zones as a critical part of the economic component of that strategy; and

(4) to offer a vital opportunity to improve livelihoods, promote good governance, and extend and strengthen the Governments of Afghanistan and Pakistan.

SEC. 503. DESIGNATION OF RECONSTRUCTION OPPORTUNITY ZONES.

(a) AUTHORITY TO DESIGNATE.—The President is authorized to designate an area within Afghanistan or Pakistan described in section 502(a)(7) (A) and (B) as a Reconstruction Opportunity Zone if the President determines that—

(1) Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in subsection (b);

(2) Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in subsection (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462(c)) for designation as a beneficiary developing country under that section and is not ineligible under subsection (b) of such section; and

(3) designation of the area as a Reconstruction Opportunity Zone is appropriate taking into account the factors listed in subsection (c).

(b) ELIGIBILITY CRITERIA.—Afghanistan or Pakistan, as the case may be, meets the eligibility criteria set forth in this subsection if that country—

(1) has established, or is making continual progress toward establishing—

(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

(C) economic policies to—

(i) reduce poverty;

(ii) increase the availability of health care and educational opportunities;

(iii) expand physical infrastructure;

(iv) promote the development of private enterprise; and

(v) encourage the formation of capital markets through microcredit or other programs;

(D) a system to combat corruption and bribery, such as ratifying and implementing the United Nations Convention Against Corruption; and

(E) protection of internationally recognized worker rights, as defined in section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4));

(2) is eliminating or has eliminated barriers to trade and investment, including by—

(A) providing national treatment and measures to create an environment conducive to domestic and foreign investment;

(B) protecting intellectual property; and

(C) resolving bilateral trade and investment disputes;

(3) does not engage in activities that undermine United States national security or foreign policy interests;

(4) does not engage in gross violations of internationally recognized human rights;

(5) does not provide support for acts of international terrorism; and

(6) cooperates in international efforts to eliminate human rights violations and terrorist activities.

(c) ADDITIONAL FACTORS.—In determining whether to designate an area in Afghanistan or Pakistan as a Reconstruction Opportunity Zone, the President shall take into account—

(1) an expression by the government of the country of its desire to have a particular area designated as a Reconstruction Opportunity Zone under this division;

(2) whether the government of the country has provided the United States with a monitoring and enforcement plan outlining specific steps the country will take to cooperate with the United States to—

(A) facilitate legitimate cross-border commerce;

(B) ensure that articles for which duty-free treatment is sought pursuant to this division satisfy the applicable rules of origin described in section 504 (c) and (d) or section 505 (c) and (d), whichever is applicable;

(C) prevent unlawful transshipment, as described in section 506(b)(3); and

(D) protect internationally recognized worker rights, as defined in section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4));

(3) the potential for such designation to create local employment and to promote local and regional economic development;

(4) the physical security of the proposed Reconstruction Opportunity Zone;

(5) the economic viability of the proposed Reconstruction Opportunity Zone, including—

(A) whether there are commitments to finance economic activity proposed for the Reconstruction Opportunity Zone; and

(B) whether there is existing or planned infrastructure for power, water, transportation, and communications in the area;

(6) whether such designation would be compatible with and contribute to the foreign policy and national security objectives of the United States, taking into account the information provided under subsection (d); and

(7) the views of interested persons submitted pursuant to subsection (e).

(d) INFORMATION RELATING TO COMPATIBILITY WITH AND CONTRIBUTION TO FOREIGN POLICY AND NATIONAL SECURITY OBJECTIVES OF THE UNITED STATES.—In determining whether designation of a Reconstruction Opportunity Zone would be compatible with and contribute to the foreign policy and national security objectives of the United States in accordance with subsection (c)(6), the President shall take into account whether Afghanistan or Pakistan, as the case may be, has provided the United States with a plan outlining specific steps it will take to verify the ownership and nature of the activities of entities to be located in the proposed Reconstruction Opportunity Zone. The specific steps outlined in a country's plan shall include a mechanism by which a competent authority of the country—

(1) collects from each entity operating in, or proposing to operate in, a Reconstruction Opportunity Zone, information including—

(A) the name and address of the entity;

(B) the name and location of all facilities owned or operated by the entity that are operating in or proposed to be operating in a Reconstruction Opportunity Zone;

(C) the name, nationality, date and place of birth, and position title of each person who is an owner, director, or officer of the entity; and

(D) the nature of the activities of each entity;

(2) updates the information required under paragraph (1) as changes occur; and

(3) provides such information promptly to the Secretary of State.

(e) OPPORTUNITY FOR PUBLIC COMMENT.—Before the President designates an area as a Reconstruction Opportunity Zone pursuant to subsection (a), the President shall afford an opportunity for interested persons to submit their views concerning the designation.

(f) NOTIFICATION TO CONGRESS.—Before the President designates an area as a Reconstruction Opportunity Zone pursuant to subsection (a), the President shall notify Congress of the President's intention to make the designation, together with the reasons for making the designation.

SEC. 504. DUTY-FREE TREATMENT FOR CERTAIN NONTEXTILE AND NON-APPAREL ARTICLES.

(a) IN GENERAL.—The President is authorized to proclaim duty-free treatment for—

(1) any article from a Reconstruction Opportunity Zone that the President has designated as an eligible article under section 503(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)(A));

(2) any article from a Reconstruction Opportunity Zone located in Afghanistan that the President has designated as an eligible article under section 503(a)(1)(B) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)(B)); or

(3) any article from a Reconstruction Opportunity Zone that is not a textile or apparel article, regardless of whether the article has been designated as an eligible article under section 503(a)(1)(A) or (B) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)(A) or (B)), if, after receiving the advice of the International Trade Commission pursuant to subsection (b), the President determines that such article is not import-sensitive in the context of imports from a Reconstruction Opportunity Zone.

(b) ADVICE CONCERNING CERTAIN ELIGIBLE ARTICLES.—Before proclaiming duty-free treatment for an article pursuant to subsection (a)(3), the President shall publish in the Federal Register and provide the International Trade Commission a list of articles which may be considered for such treatment. The provisions of sections 131 through 134 of the Trade Act of 1974 (19 U.S.C. 2151 through 2154) shall apply to any designation under subsection (a)(3) in the same manner as such sections apply to action taken under section 123 of the Trade Act of 1974 (19 U.S.C. 2133) regarding a proposed trade agreement.

(c) GENERAL RULES OF ORIGIN.—

(1) IN GENERAL.—The duty-free treatment proclaimed with respect to an article described in paragraph (1) or (3) of subsection (a) shall apply to any article subject to such proclamation which is the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones if—

(A) that article is imported directly from a Reconstruction Opportunity Zone into the customs territory of the United States; and

(B)(i) with respect to an article that is an article of a Reconstruction Opportunity Zone in Pakistan, the sum of—

(I) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan,

(II) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan, and

(III) the cost or value of materials produced in the United States, determined in accordance with paragraph (2),

is not less than 35 percent of the appraised value of the article at the time it is entered into the United States; or

(ii) with respect to an article that is an article of a Reconstruction Opportunity Zone in Afghanistan, the sum of—

(I) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan,

(II) the cost or value of the materials produced in 1 or more countries that are members of the South Asian Association for Regional Cooperation,

(III) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Pakistan or Afghanistan, and

(IV) the cost or value of materials produced in the United States, determined in accordance with paragraph (2),

is not less than 35 percent of the appraised value of the article at the time it is entered into the United States.

(2) DETERMINATION OF 35 PERCENT FOR ARTICLES FROM RECONSTRUCTION OPPORTUNITY ZONES IN PAKISTAN AND AFGHANISTAN.—If the cost or value of materials produced in the customs territory of the United States is included with respect to an article described in paragraph (1)(B), for purposes of determining the 35 percent appraised value requirement under clause (i) or (ii) of paragraph (1)(B), not more than 15 percent of the appraised value of the article at the time the article is entered into the United States may be attributable to the cost or value of such United States materials.

(d) RULES OF ORIGIN FOR CERTAIN ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN.—

(1) IN GENERAL.—The duty-free treatment proclaimed with respect to an article described in paragraph (2) of subsection (a) shall apply to any article subject to such proclamation which is the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones in Afghanistan if—

(A) that article is imported directly from a Reconstruction Opportunity Zone in Afghanistan into the customs territory of the United States; and

(B) with respect to that article, the sum of—

(i) the cost or value of the materials produced in 1 or more Reconstruction Opportunity Zones in Afghanistan,

(ii) the cost or value of the materials produced in 1 or more countries that are members of the South Asian Association for Regional Cooperation,

(iii) the direct costs of processing operations performed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and

(iv) the cost or value of materials produced in the United States, determined in accordance with paragraph (2),

is not less than 35 percent of the appraised value of the product at the time it is entered into the United States.

(2) DETERMINATION OF 35 PERCENT FOR ARTICLES FROM RECONSTRUCTION OPPORTUNITY

ZONES IN PAKISTAN AND AFGHANISTAN.—If the cost or value of materials produced in the customs territory of the United States is included with respect to an article described in paragraph (1)(B), for purposes of determining the 35 percent appraised value requirement under paragraph (1)(B), not more than 15 percent of the appraised value of the article at the time the article is entered into the United States may be attributable to the cost or value of such United States materials.

(e) EXCLUSIONS.—An article shall not be treated as the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones, and no material shall be included for purposes of determining the 35 percent appraised value requirement under subsection (c)(1) or (d)(1), by virtue of having merely undergone—

(1) simple combining or packaging operations; or

(2) mere dilution with water or with another substance that does not materially alter the characteristics of the article or material.

(f) DIRECT COSTS OF PROCESSING OPERATIONS.—

(1) IN GENERAL.—As used in subsections (c)(1)(B)(i)(II), (c)(1)(B)(ii)(III), and (d)(1)(B)(iii), the term “direct costs of processing operations” includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the article, including—

(i) fringe benefits;

(ii) on-the-job training; and

(iii) costs of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the article.

(2) EXCLUDED COSTS.—As used in subsections (c)(1)(B)(i)(II), (c)(1)(B)(ii)(III), and (d)(1)(B)(iii), the term “direct costs of processing operations” does not include costs which are not directly attributable to the article or are not costs of manufacturing the article, such as—

(A) profit; and

(B) general expenses of doing business which are either not allocable to the article or are not related to the growth, production, manufacture, or assembly of the article, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions, or expenses.

(g) REGULATIONS.—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this section. The regulations may provide that, in order for an article to be eligible for duty-free treatment under this section, the article—

(1) shall be wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones; or

(2) shall be a new or different article of commerce which has been grown, produced, or manufactured in 1 or more Reconstruction Opportunity Zones.

SEC. 55. DUTY-FREE TREATMENT FOR CERTAIN TEXTILE AND APPAREL ARTICLES.

(a) DUTY-FREE TREATMENT.—The President is authorized to proclaim duty-free treatment for any textile or apparel article described in subsection (b), if—(1) the article is a covered article described in subsection (b); and

(2) the President determines that the country in which the Reconstruction Opportunity

Zone is located has satisfied the requirements set forth in section 06.

(b) COVERED ARTICLES.—A covered article described in this subsection is an article in 1 of the following categories:

(1) ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES.—An article that is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following textile and apparel category numbers, as set forth in the HTS (as in effect on September 1, 2007):

| | | |
|-----|-----|-----|
| 237 | 641 | 751 |
| 330 | 642 | 752 |
| 331 | 643 | 758 |
| 333 | 644 | 759 |
| 334 | 650 | 831 |
| 335 | 651 | 832 |
| 336 | 653 | 833 |
| 341 | 654 | 834 |
| 342 | 665 | 835 |
| 350 | 669 | 836 |
| 351 | 733 | 838 |
| 353 | 734 | 839 |
| 354 | 735 | 840 |
| 360 | 736 | 842 |
| 361 | 738 | 843 |
| 362 | 739 | 844 |
| 363 | 740 | 845 |
| 369 | 741 | 846 |
| 465 | 742 | 850 |
| 469 | 743 | 851 |
| 630 | 744 | 852 |
| 631 | 745 | 858 |
| 633 | 746 | 859 |
| 634 | 747 | 863 |
| 635 | 748 | 899 |
| 636 | 750 | |

(2) ARTICLES OF RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN.—The article is the product of 1 or more Reconstruction Opportunity Zones in Afghanistan and falls within the scope of 1 of the following textile and apparel category numbers, as set forth in the HTS (as in effect on September 1, 2007):

| | | |
|-----|-----|-----|
| 201 | 439 | 459 |
| 414 | 440 | 464 |
| 431 | 442 | 670 |
| 433 | 444 | 800 |
| 434 | 445 | 810 |
| 435 | 446 | 870 |
| 436 | 448 | 871 |
| 438 | | |

(3) CERTAIN OTHER TEXTILE AND APPAREL ARTICLES.—The article is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following textile and apparel category numbers as set forth in the HTS (as in effect on September 1, 2007) and is covered by the corresponding description for such category:

(A) CATEGORY 239.—An article in category 239 (relating to cotton and man-made fiber babies' garments) except for baby socks and baby booties described in subheading 6111.20.6050, 6111.30.5050, or 6111.90.5050 of the HTS.

(B) CATEGORY 338.—An article in category 338 (relating to men's and boys' cotton knit shirts) if the article is a certain knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.20.1026, 6110.20.2067 or 6110.90.9067 of the HTS.

(C) CATEGORY 339.—An article in category 339 (relating to women's and girls' cotton knit shirts and blouses) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.20.1031, 6110.20.2077, or 6110.90.9071 of the HTS.

(D) CATEGORY 359.—An article in category 359 (relating to other cotton apparel) except swimwear provided for in subheading

6112.39.0010, 6112.49.0010, 6211.11.8010, 6211.11.8020, 6211.12.8010, or 6211.12.8020 of the HTS.

(E) CATEGORY 632.—An article in category 632 (relating to man-made fiber hosiery) if the article is panty hose provided for in subheading 6115.21.0020 of the HTS.

(F) CATEGORY 638.—An article in category 638 (relating to men's and boys' man-made fiber knit shirts) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.30.2051, 6110.30.3051, or 6110.90.9079 of the HTS.

(G) CATEGORY 639.—An article in category 639 (relating to women's and girls' man-made fiber knit shirts and blouses) if the article is a knit-to-shape garment that meets the definition included in Statistical Note 6 to Chapter 61 of the HTS, and is provided for in subheading 6110.30.2061, 6110.30.3057, or 6110.90.9081 of the HTS.

(H) CATEGORY 647.—An article in category 647 (relating to men's and boys' man-made fiber trousers) if the article is ski/snowboard pants that meets the definition included in Statistical Note 4 to Chapter 62 of the HTS, and is provided for in subheading 6203.43.3510, 6210.40.5031, or 6211.20.1525 of the HTS.

(I) CATEGORY 648.—An article in category 648 (relating to women's and girls' man-made fiber trousers) if the article is ski/snowboard pants that meets the definition included in Statistical Note 4 to Chapter 62 of the HTS, and is provided for in subheading 6204.63.3010, 6210.50.5031, or 6211.20.1555 of the HTS.

(J) CATEGORY 659.—An article in category 659 (relating to other man-made fiber apparel) except for swimwear provided for in subheading 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, or 6211.12.1020 of the HTS.

(K) CATEGORY 666.—An article in category 666 (relating to other man-made fiber furnishings) if the article is window shades and window blinds provided for in subheading 6303.12.0010 or 6303.92.2030 of the HTS.

(4) CERTAIN OTHER ARTICLES.—The article is the product of 1 or more Reconstruction Opportunity Zones and falls within the scope of 1 of the following statistical reporting numbers of the HTS (as in effect on September 1, 2007):

| | | |
|--------------------|--------------------|--------------|
| 4202.12.8010 | 6210.20.3000 | 6304.99.1000 |
| 4202.12.8050 | 6210.20.7000 | 6304.99.2500 |
| 4202.22.4010 | 6210.30.3000 | 6304.99.4000 |
| 4202.22.7000 | 6210.30.7000 | 6304.99.6030 |
| 4202.22.8070 | 6210.40.3000 | 6306.22.9010 |
| 4202.92.3010 | 6210.40.7000 | 6306.29.1100 |
| 4202.92.6010 | 6210.50.3000 | 6306.29.2100 |
| 4202.92.9010 | 6210.50.7000 | 6306.40.4100 |
| 4202.92.9015 | 6211.20.0810 | 6306.40.4900 |
| 5601.29.0010 | 6211.20.0820 | 6306.91.0000 |
| 5702.39.2090 | 6211.32.0003 | 6306.99.0000 |
| 5702.49.2000 | 6211.33.0003 | 6307.10.2030 |
| 5702.50.5900 | 6211.42.0003 | 6307.20.0000 |
| 5702.99.2000 | 6211.43.0003 | 6307.90.7200 |
| 5703.00.0000 | 6212.10.3000 | 6307.90.7500 |
| 5705.00.2090 | 6212.10.7000 | 6307.90.8500 |
| 6108.22.1000 | 6212.90.0050 | 6307.90.8950 |
| 6111.90.7000 | 6213.90.0500 | 6307.90.8985 |
| 6113.00.1005 | 6214.10.1000 | 6310.90.1000 |
| 6113.00.1010 | 6216.00.0800 | 6406.99.1580 |
| 6113.00.1012 | 6216.00.1300 | 6501.00.6000 |
| 6115.29.4000 | 6216.00.1900 | 6502.00.2000 |
| 6115.30.1000 | 6216.00.2600 | 6502.00.4000 |
| 6115.99.4000 | 6216.00.3100 | 6502.00.9060 |
| 6116.10.0800 | 6216.00.3500 | 6504.00.3000 |
| 6116.10.1300 | 6216.00.4600 | 6504.00.6000 |
| 6116.10.4400 | 6217.10.1010 | 6504.00.9045 |
| 6116.10.6500 | 6217.10.8500 | 6504.00.9075 |
| 6116.10.9500 | 6301.90.0020 | 6505.10.0000 |
| 6116.92.0800 | 6302.29.0010 | 6505.90.8015 |
| 6116.93.0800 | 6302.39.0020 | 6505.90.9050 |
| 6116.99.3500 | 6302.59.3010 | 6505.90.9076 |
| 6117.10.4000 | 6302.99.1000 | 9404.90.2000 |
| 6117.80.3010 | 6303.99.0030 | 9404.90.8523 |
| 6117.80.8500 | 6304.19.3030 | 9404.90.9523 |
| 6210.10.2000 | 6304.91.0060 | 9404.90.9570 |

6210.10.7000

(c) RULES OF ORIGIN FOR CERTAIN COVERED ARTICLES.—

(1) GENERAL RULES.—Except with respect to an article listed in paragraph (2) of subsection (b), duty-free treatment may be proclaimed for an article listed in subsection (b) only if the article is imported directly into the customs territory of the United States from a Reconstruction Opportunity Zone and—

(A) the article is wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones;

(B) the article is a yarn, thread, twine, cordage, rope, cable, or braiding, and—

(i) the constituent staple fibers are spun in, or

(ii) the continuous filament fiber is extruded in,

1 or more Reconstruction Opportunity Zones;

(C) the article is a fabric, including a fabric classifiable under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in 1 or more Reconstruction Opportunity Zones; or

(D) the article is any other textile or apparel article that is cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more Reconstruction Opportunity Zones from its component pieces.

(2) SPECIAL RULES.—

(A) CERTAIN MADE-UP ARTICLES, TEXTILE ARTICLES IN THE PIECE, AND CERTAIN OTHER TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, subparagraph (A), (B), or (C) of paragraph (1), as appropriate, shall determine whether a good that is classifiable under 1 of the following headings or subheadings of the HTS shall be considered to meet the rules of origin of this subsection: 5609, 5807, 5811, 6209.20.50.40, 6213, 6214, 6301, 6302, 6303, 6304, 6305, 6306, 6307.10, 6307.90, 6308, and 9404.90.

(B) CERTAIN KNIT-TO-SHAPE TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, a textile or apparel article that is wholly formed on seamless knitting machines or by hand-knitting in 1 or more Reconstruction Opportunity Zones shall be considered to meet the rules of origin of this subsection.

(C) CERTAIN DYED AND PRINTED TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D), an article classifiable under subheading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95 of the HTS, except for an article classifiable under 1 of such subheadings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to meet the rules of origin of this subsection if the fabric in the article is both dyed and printed in 1 or more Reconstruction Opportunity Zones, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(D) FABRICS OF SILK, COTTON, MAN-MADE FIBER, OR VEGETABLE FIBER.—Notwithstanding paragraph (1)(C), a fabric classifiable under the HTS as of silk, cotton, man-

made fiber, or vegetable fiber shall be considered to meet the rules of origin of this subsection if the fabric is both dyed and printed in 1 or more Reconstruction Opportunity Zones, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(d) RULES OF ORIGIN FOR COVERED ARTICLES THAT ARE PRODUCTS OF 1 OR MORE RECONSTRUCTION OPPORTUNITY ZONES IN AFGHANISTAN.—

(1) GENERAL RULES.—Duty-free treatment may be proclaimed for an article listed in paragraph (2) of subsection (b) only if the article is imported directly into the customs territory of the United States from a Reconstruction Opportunity Zone in Afghanistan and—

(A) the article is wholly the growth, product, or manufacture of 1 or more Reconstruction Opportunity Zones in Afghanistan,

(B) the article is a yarn, thread, twine, cordage, rope, cable, or braiding, and—

(i) the constituent staple fibers are spun in, or

(ii) the continuous filament fiber is extruded in,

1 or more Reconstruction Opportunity Zones in Afghanistan;

(C) the article is a fabric, including a fabric classifiable under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in 1 or more Reconstruction Opportunity Zones in Afghanistan; or

(D) the article is any other textile or apparel article that is cut (or knit-to-shape) and sewn or otherwise assembled in 1 or more Reconstruction Opportunity Zones in Afghanistan from its component pieces.

(2) SPECIAL RULES.—

(A) CERTAIN MADE-UP ARTICLES, TEXTILE ARTICLES IN THE PIECE, AND CERTAIN OTHER TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, subparagraph (A), (B), or (C) of paragraph (1), as appropriate, shall determine whether a good that is classifiable under 1 of the following headings or subheadings of the HTS shall be considered to meet the rules of origin of this subsection: 5609, 5807, 5811, 6209.20.50.40, 6213, 6214, 6301, 6302, 6303, 6304, 6305, 6306, 6307.10, 6307.90, 6308, and 9404.90.

(B) CERTAIN KNIT-TO-SHAPE TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, a textile or apparel article that is wholly formed on seamless knitting machines or by hand-knitting in 1 or more Reconstruction Opportunity Zones in Afghanistan shall be considered to meet the rules of origin of this subsection.

(C) CERTAIN DYED AND PRINTED TEXTILES AND TEXTILE ARTICLES.—Notwithstanding paragraph (1)(D), an article classifiable under subheading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95 of the HTS, except for an article classifiable under 1 of such subheadings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to meet the rules of origin of this subsection if the fabric in the article is both

dyed and printed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(D) **FABRICS OF SILK, COTTON, MAN-MADE FIBER OR VEGETABLE FIBER.**—Notwithstanding paragraph (1)(C), a fabric classifiable under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to meet the rules of origin of this subsection if the fabric is both dyed and printed in 1 or more Reconstruction Opportunity Zones in Afghanistan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(e) **REGULATIONS.**—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this section.

SEC. 06. PROTECTIONS AGAINST UNLAWFUL TRANSSHIPMENT.

(a) **DUTY-FREE TREATMENT CONDITIONED ON ENFORCEMENT MEASURES.**—

(1) **IN GENERAL.**—The duty-free treatment described in section 05 shall not be provided to covered articles that are imported from a Reconstruction Opportunity Zone in a country unless the President determines that country meets the following criteria:

(A) The country has adopted effective domestic law and enforcement procedures applicable to covered articles to prevent unlawful transshipment of the articles and the use of false documents relating to the importation of the articles into the United States.

(B) The country has enacted legislation or promulgated regulations that would permit U.S. Customs and Border Protection verification teams to have the access necessary to investigate thoroughly allegations of unlawful transshipment through such country.

(C) The country agrees to provide U.S. Customs and Border Protection with a monthly report on shipments of covered articles from each facility engaged in the production of those articles in a Reconstruction Opportunity Zone in that country.

(D) The country will cooperate fully with the United States to address and take action necessary to prevent circumvention, as described in article 5 of the Agreement on Textiles and Clothing.

(E) The country agrees to require each entity engaged in the production or manufacture of a covered article in a Reconstruction Opportunity Zone in that country to register with the competent government authority, to provide that authority with the following information, and to update that information as changes occur:

(i) The name and address of the entity, including the location of all textile or apparel facilities owned or operated by that entity in Afghanistan or Pakistan.

(ii) The telephone number, facsimile number, and electronic mail address of the entity.

(iii) The names and nationalities of the owners, directors, and corporate officers, and their positions within the entity.

(iv) The number of employees the entity employs and their occupations.

(v) A general description of the covered articles the entity produces and the entity's production capacity.

(vi) The number and type of machines the entity uses to produce textile or apparel articles at each facility.

(vii) The approximate number of hours the machines operate per week.

(viii) The identity of any supplier to the entity of textile or apparel goods, or fabrics, yarns, or fibers used in the production of those goods.

(ix) The name of, and contact information for, each of the entity's customers in the United States.

(F) The country agrees to provide to U.S. Customs and Border Protection on a timely basis all of the information received by the competent government authority in accordance with subparagraph (E) and to provide U.S. Customs and Border Protection with an annual update of that information.

(G) The country agrees to require that all producers and exporters of covered articles in a Reconstruction Opportunity Zone in that country maintain complete records of the production and the export of covered articles, including materials used in the production, for at least 5 years after the production or export (as the case may be).

(H) The country agrees to provide, on a timely basis, at the request of U.S. Customs and Border Protection, documentation establishing the eligibility of covered articles for duty-free treatment under section 05.

(2) **DOCUMENTATION ESTABLISHING ELIGIBILITY OF ARTICLES FOR DUTY-FREE TREATMENT.**—For purposes of paragraph (1)(H), documentation establishing the eligibility of a covered article for duty-free treatment under section 05 includes documentation such as production records, information relating to the place of production, the number and identification of the types of machinery used in production, and the number of workers employed in production.

(b) **CUSTOMS PROCEDURES AND ENFORCEMENT.**—

(1) **IN GENERAL.**—

(A) **REGULATIONS.**—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall promulgate regulations setting forth customs procedures similar in all material respects to the requirements of article 502(1) of the NAFTA as implemented pursuant to United States law, which shall apply to any importer that claims duty-free treatment for an article under section 05.

(B) **DETERMINATION.**—In order for articles produced in a Reconstruction Opportunity Zone to qualify for the duty-free treatment under section 05, there shall be in effect a determination by the President that Afghanistan or Pakistan, as the case may be—

(i) has implemented and follows, or

(ii) is making substantial progress toward implementing and following, procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

(2) **PENALTIES.**—If the President determines, based on sufficient evidence, that an entity has engaged in unlawful transshipment described in paragraph (3), the President shall deny for a period of 5 years beginning on the date of the determination all benefits under section 05 to the entity, any successor of the entity, and any other entity owned or operated by the principals of the entity.

(3) **UNLAWFUL TRANSSHIPMENT DESCRIBED.**—For purposes of this section, unlawful transshipment occurs when duty-free treatment for a covered article has been claimed on the basis of material false information con-

cerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for duty-free treatment under section 05.

SEC. 07. LIMITATIONS ON PROVIDING DUTY-FREE TREATMENT.

(a) **IN GENERAL.**—

(1) **PROCLAMATION.**—Except as provided in paragraph (2), and subject to subsection (b) and the conditions described in sections 03 through 06, the President shall exercise the President's authority under this division, and the President shall proclaim any duty-free treatment pursuant to that authority.

(2) **WAIVER.**—The President may waive the application of duty-free treatment under this division if the President determines that providing such treatment is inconsistent with the national interests of the United States. In making such determination, the President shall consider—

(A) obligations of the United States under international agreements;

(B) the national economic interests of the United States; and

(C) the foreign policy interests of the United States, including the economic development of Afghanistan and the border region of Pakistan.

(b) **WITHDRAWAL, SUSPENSION, OR LIMITATION OF DUTY-FREE TREATMENT.**—

(1) **IN GENERAL.**—The President may withdraw, suspend, or limit the application of the duty-free treatment proclaimed under this division. In taking any action to withdraw, suspend, or limit duty-free treatment, the President shall consider the factors set forth in section 03 (b) and (c) of this division, and section 502 (b) and (c) of the Trade Act of 1974 (19 U.S.C. 2462 (b) and (c)).

(2) **NOTICE TO CONGRESS.**—The President shall advise Congress—

(A) of any action the President takes to withdraw, suspend, or limit the application of duty-free treatment with respect to Reconstruction Opportunity Zones in Afghanistan or Pakistan; and

(B) if either Afghanistan or Pakistan fails to adequately take the actions described in section 03 (b) and (c) of this division or section 502 (b) and (c) of the Trade Act of 1974.

SEC. 08. TERMINATION OF BENEFITS.

Duty-free treatment provided under this division shall remain in effect through September 30, 2023.

SA 4234. Ms. LANDRIEU proposed an amendment to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Beginning on page 74, strike line 13 and all that follows through page 79, line 3, and insert the following:

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for "Economic Development Assistance Programs", to carry out planning, technical assistance and other assistance under section

209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$10,000,000, to remain available until expended, of which not less than \$5,000,000 shall be used to provide technical assistance grants in accordance with section 2002.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for "Operations, Research, and Facilities", \$13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: *Provided*, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

For an additional amount, in addition to amounts provided elsewhere in this Act, for "Operations, Research, and Facilities", for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

FOOD AND DRUG ADMINISTRATION
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES
OFFICE OF THE SECRETARY
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of the Secretary, Salaries and Expenses" for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, \$29,000,000, to remain available until expended: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL
ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", \$10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY
SCIENCE AND TECHNOLOGY

For an additional amount for "Science and Technology" for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, \$2,000,000, to remain available until expended: *Provided*, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: *Provided further*, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE

DEEPWATER HORIZON

SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting ":(1)" before "may obtain an advance" and after "the Coast Guard";

(2) by striking "advance. Amounts" and inserting the following: "advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of \$100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts".

SEC. 2002. OIL SPILL CLAIMS ASSISTANCE AND RECOVERY.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary of Commerce (referred to in this section as the "Secretary") shall establish a grant program to provide to eligible (as determined by the Secretary) organizations technical assistance grants for use in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico (referred to in this section as the "oil spill").

(b) APPLICATION.—An organization that seeks to receive a grant under this section shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary shall require.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds from a grant provided under this section may be used by an eligible organization—

(A) to support—

- (i) education;
- (ii) outreach;
- (iii) intake;

- (iv) language services;
- (v) accounting services;
- (vi) legal services offered pro bono or by a nonprofit organization;
- (vii) damage assessments;
- (viii) economic loss analysis;
- (ix) collecting and preparing documentation; and
- (x) assistance in the preparation and filing of claims or appeals;

(B) to provide assistance to individuals or businesses seeking assistance from or under—

- (i) a party responsible for the oil spill;
- (ii) the Oil Spill Liability Trust Fund;
- (iii) an insurance policy; or
- (iv) any other program administered by the Federal Government or a State or local government;

(C) to pay for salaries, training, and appropriate expenses relating to the purchase or lease of property to support operations, equipment (including computers and telecommunications), and travel expenses;

(D) to assist other organizations in—

- (i) assisting specific business sectors;
 - (ii) providing services;
 - (iii) assisting specific jurisdictions; or
 - (iv) otherwise supporting operations; and
- (E) to establish an advisory board of service providers and technical experts—

(i) to monitor the claims process relating to the oil spill; and

(ii) to provide recommendations to the parties responsible for the oil spill, the National Pollution Funds Center, other appropriate agencies, and Congress to improve fairness and efficiency in the claims process.

(2) PROHIBITION ON USE OF FUNDS.—Funds from a grant provided under this section may not be used to provide compensation for damages or removal costs relating to the oil spill.

(d) PROVISION OF GRANTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall provide grants under this section.

(2) NETWORKED ORGANIZATIONS.—The Secretary is encouraged to consider applications for grants under this section from organizations that have established networks with affected business sectors, including—

- (A) the fishery and aquaculture industries;
- (B) the restaurant, grocery, food processing, and food delivery industries; and
- (C) the hotel and tourism industries.

(3) TRAINING.—Not later than 30 days after the date on which an eligible organization receives a grant under this section, the Director of the National Pollution Funds Center and the parties responsible for the oil spill shall provide training to the organization regarding the applicable rules and procedures for the claims process relating to the oil spill.

(4) AVAILABILITY OF FUNDS.—Funds from a grant provided under this section shall be available until the later of, as determined by the Secretary—

- (A) the date that is 6 years after the date on which the oil spill occurred; and
- (B) the date on which all claims relating to the oil spill have been satisfied.

SA 4235. Mr. DODD (for himself, Mr. MENENDEZ, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, Mr. REED, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending

September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, after line 23, insert the following:

FEDERAL TRANSIT ADMINISTRATION
EMERGENCY PUBLIC TRANSPORTATION
OPERATING ASSISTANCE

For an additional amount for transit assistance grants authorized under sections 5307 and 5311 of title 49, United States Code, \$2,000,000,000, for the operating costs of equipment and facilities for use in public transportation, as defined under section 5302(a)(10) of title 49, United States Code, to remain available through September 30, 2011: *Provided*, That funds shall be expended no later than July 1, 2012: *Provided further*, That the Secretary of Transportation shall provide 80 percent of the funds appropriated under this heading for grants under section 5307 of title 49, United States Code, and apportion such funds in accordance with section 5336 of such title: *Provided further*, That the Secretary shall apportion 10 percent of the funds appropriated under this heading in accordance with section 5340 of such title: *Provided further*, That the Secretary shall provide 10 percent of the funds appropriated under this heading for grants under section 5311 of such title, and apportion such funds in accordance with such section: *Provided further*, That of the funds provided for section 5311 of such title, 2.5 percent shall be made available for section 5311(c)(1): *Provided further*, That funds appropriated under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: *Provided further*, That the amounts apportioned shall be used for operating expenses necessary to restore a reduction in public transportation service and related workforce reductions or to rescind all or a portion of a fare increase, if such reduction or increase was due to decreased State or local funding or farebox revenue that occurred on or after January 1, 2009, and to prevent reductions of service or increases in fares through September 30, 2011: *Provided further*, That if a recipient submits a certification to the Secretary that the recipient has not had a major reduction in public transportation service, as described in section 5307(d)(1)(I) of title 49, United States Code, or a fare increase as a result of decreased State or local operating funding, and will be able to avoid such reductions or increases through September 30, 2011, without the funds made available by this section, a recipient may use the funds to replace, rehabilitate, or repair existing transit capital assets used in public transportation: *Provided further*, That a recipient may use any remaining funds made available by this section to replace, rehabilitate, or repair existing transit capital assets used in public transportation if that recipient has restored a major reduction in public transportation service or rescinded a fare increase; and is able to avoid such reductions or increases: *Provided further*, That applicable chapter 53 requirements shall apply to funding provided under this heading, except that the Federal share of the costs for which any grant is made under this heading shall be, at the option of the recipient, up to 100 percent: *Provided further*, That section 1101(b) of Public Law 109-59 shall apply to funds appropriated under this heading: *Provided further*, That three-quarters of 1 percent of the funds provided for grants under section 5307 and section 5340, and one-half of 1 percent of the funds provided for grants under section 5311,

shall be available for administrative expenses and program management oversight, and such funds shall be available through September 30, 2013.

AUTHORITY FOR COMMITTEES TO
MEET

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on May 25, 2010, at 10 a.m., in room SR-325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 25, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Reducing Overpayments and Increasing Quality in the Unemployment System."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 25, 2010, at 9:30 a.m. to conduct a hearing entitled "The Role of Strategic Arms Control in a Post-Cold War World."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 25, 2010, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "ESEA Reauthorization: Early Childhood Education" on May 25, 2010. The hearing will commence at 2 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on May 25, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WYDEN. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on May 25, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. WYDEN. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on May 25, 2010, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND
CAPABILITIES

Mr. WYDEN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats of Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on May 25, 2010, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. WYDEN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on May 25, 2010, at 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND
MANAGEMENT SUPPORT

Mr. WYDEN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on May 25, 2010, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. WYDEN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on May 25, 2010, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that Ramona L. McGee on my staff be granted floor privileges for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESTORING AMERICAN FINANCIAL
STABILITY ACT OF 2010

On Thursday, May 20, 2010, the Senate passed H.R. 4173, as amended, as follows:

H.R. 4173

Resolved, That the bill from the House of Representatives (H.R. 4173) entitled "An Act

to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.”, do pass with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Restoring American Financial Stability Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Severability.
- Sec. 4. Effective date.

TITLE I—FINANCIAL STABILITY

- Sec. 101. Short title.
- Sec. 102. Definitions.

Subtitle A—Financial Stability Oversight Council

- Sec. 111. Financial Stability Oversight Council established.
- Sec. 112. Council authority.
- Sec. 113. Authority to require supervision and regulation of certain nonbank financial companies.
- Sec. 114. Registration of nonbank financial companies supervised by the Board of Governors.
- Sec. 115. Enhanced supervision and prudential standards for nonbank financial companies supervised by the Board of Governors and certain bank holding companies.
- Sec. 116. Reports.
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SEC. 2. DEFINITIONS.

As used in this Act, the following definitions shall apply, except as the context otherwise requires or as otherwise specifically provided in this Act:

(1) **AFFILIATE.**—The term “affiliate” means any company that controls, is controlled by, or is under common control with another company.

(2) **APPROPRIATE FEDERAL BANKING AGENCY.**—On and after the transfer date, the term “appropriate Federal banking agency” has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), as amended by title III.

(3) **BOARD OF GOVERNORS.**—The term “Board of Governors” means the Board of Governors of the Federal Reserve System.

(4) **BUREAU.**—The term “Bureau” means the Bureau of Consumer Financial Protection established under title X.

(5) **COMMISSION.**—The term “Commission” means the Securities and Exchange Commission, except in the context of the Commodity Futures Trading Commission.

(6) **CORPORATION.**—The term “Corporation” means the Federal Deposit Insurance Corporation.

(7) **COUNCIL.**—The term “Council” means the Financial Stability Oversight Council established under title I.

(8) **CREDIT UNION.**—The term “credit union” means a Federal credit union, State credit union, or State-chartered credit union, as those terms are defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(9) **FEDERAL BANKING AGENCY.**—The term—

(A) “Federal banking agency” means, individually, the Board of Governors, the Office of the Comptroller of the Currency, and the Corporation; and

(B) “Federal banking agencies” means all of the agencies referred to in subparagraph (A), collectively.

(10) **FUNCTIONALLY REGULATED SUBSIDIARY.**—The term “functionally regulated subsidiary” has the same meaning as in section 5(c)(5) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(5)).

(11) **PRIMARY FINANCIAL REGULATORY AGENCY.**—The term “primary financial regulatory agency” means—

(A) the appropriate Federal banking agency, with respect to institutions described in section 3(q) of the Federal Deposit Insurance Act, except to the extent that an institution is or the activities of an institution are otherwise subject to the jurisdiction of an agency listed in subparagraph (B), (C), (D), or (E);

(B) the Securities and Exchange Commission, with respect to—

(i) any broker or dealer that is registered with the Commission under the Securities Exchange Act of 1934;

(ii) any investment company that is registered with the Commission under the Investment Company Act of 1940;

(iii) any investment adviser that is registered with the Commission under the Investment Advisers Act of 1940, with respect to the investment advisory activities of such company and activities that are incidental to such advisory activities; and

(iv) any clearing agency registered with the Commission under the Securities Exchange Act of 1934;

(C) the Commodity Futures Trading Commission, with respect to any futures commission merchant, any commodity trading adviser, and any commodity pool operator registered with the Commodity Futures Trading Commission under the Commodity Exchange Act, with respect to the commodities activities of such entity and activities that are incidental to such commodities activities;

(D) the State insurance authority of the State in which an insurance company is domiciled, with respect to the insurance activities and activities that are incidental to such insurance activities of an insurance company that is subject to supervision by the State insurance authority under State insurance law; and

(E) the Federal Housing Finance Agency, with respect to Federal Home Loan Banks or the Federal Home Loan Bank System, and with respect to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(12) **PRUDENTIAL STANDARDS.**—The term “prudential standards” means enhanced supervision and regulatory standards developed by the Board of Governors under section 115 or 165.

(13) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury.

(14) **SECURITIES TERMS.**—The—

(A) terms “broker”, “dealer”, “issuer”, “nationally recognized statistical ratings organization”, “security”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c);

(B) term “investment adviser” has the same meaning as in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2); and

(C) term “investment company” has the same meaning as in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3).

(15) **STATE.**—The term “State” means any State, commonwealth, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, or the United States Virgin Islands.

(16) **TRANSFER DATE.**—The term “transfer date” means the date established under section 311.

(17) **OTHER INCORPORATED DEFINITIONS.**—

(A) **FEDERAL DEPOSIT INSURANCE ACT.**—The terms “affiliate”, “bank”, “bank holding company”, “control” (when used with respect to a depository institution), “deposit”, “depository institution”, “Federal depository institution”, “Federal savings association”, “foreign bank”, “including”, “insured branch”, “insured depository institution”, “national member bank”, “national nonmember bank”, “savings association”, “State bank”, “State depository institution”, “State member bank”, “State nonmember bank”, “State savings association”, and “subsidiary” have the same meanings as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(B) **HOLDING COMPANIES.**—The term—

(i) “bank holding company” has the same meaning as in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841);

(ii) “financial holding company” has the same meaning as in section 2(p) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(p)); and

(iii) “savings and loan holding company” has the same meaning as in section 10 of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)).

SEC. 3. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 4. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act or the amendments made by this Act, this Act and such amendments shall take effect 1 day after the date of enactment of this Act.

TITLE I—FINANCIAL STABILITY

SEC. 101. SHORT TITLE.

This title may be cited as the “Financial Stability Act of 2010”.

SEC. 102. DEFINITIONS.

(a) **IN GENERAL.**—For purposes of this title, unless the context otherwise requires, the following definitions shall apply:

(1) **BANK HOLDING COMPANY.**—The term “bank holding company” has the same meaning as in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841). A foreign bank or company that is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956, pursuant to section 8(a) of the International Banking Act of 1978 (12 U.S.C. 3106(a)), shall be treated as a bank holding company for purposes of this title.

(2) **CHAIRPERSON.**—The term “Chairperson” means the Chairperson of the Council.

(3) **MEMBER AGENCY.**—The term “member agency” means an agency represented by a voting member of the Council.

(4) **NONBANK FINANCIAL COMPANY DEFINITIONS.**—

(A) **FOREIGN NONBANK FINANCIAL COMPANY.**—The term “foreign nonbank financial company” means a company (other than a company that is, or is treated in the United States as, a bank holding company or a subsidiary thereof) that is—

(i) incorporated or organized in a country other than the United States; and

(ii) predominantly engaged in, including through a branch in the United States, financial activities, as defined in paragraph (6).

(B) **U.S. NONBANK FINANCIAL COMPANY.**—The term “U.S. nonbank financial company” means a company (other than a bank holding company or a subsidiary thereof, or a Farm Credit System institution chartered and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.)) that is—

(i) incorporated or organized under the laws of the United States or any State; and

(ii) predominantly engaged in financial activities as defined in paragraph (6).

(C) **NONBANK FINANCIAL COMPANY.**—The term “nonbank financial company” means a U.S. nonbank financial company and a foreign nonbank financial company.

(D) **NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD OF GOVERNORS.**—The term “nonbank financial company supervised by the Board of Governors” means a nonbank financial company that the Council has determined under section 113 shall be supervised by the Board of Governors.

(5) **OFFICE OF FINANCIAL RESEARCH.**—The term “Office of Financial Research” means the office established under section 152.

(6) **PREDOMINANTLY ENGAGED.**—A company is “predominantly engaged in financial activities” if—

(A) the annual gross revenues derived by the company and all of its subsidiaries from activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) and, if applicable, from the ownership or control of one or more insured depository institutions, represents 85 percent or more of the consolidated annual gross revenues of the company; or

(B) the consolidated assets of the company and all of its subsidiaries related to activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) and, if applicable, related to the ownership or control of one or more insured depository institutions, represents 85 percent or more of the consolidated assets of the company.

(7) **SIGNIFICANT INSTITUTIONS.**—The terms “significant nonbank financial company” and “significant bank holding company” have the meanings given those terms by rule of the Board of Governors.

(b) **DEFINITIONAL CRITERIA.**—The Board of Governors shall establish, by regulation, the requirements for determining if a company is predominantly engaged in financial activities, as defined in subsection (a)(6).

(c) **FOREIGN NONBANK FINANCIAL COMPANIES.**—For purposes of the authority of the Board of Governors under this title with respect to foreign nonbank financial companies, references in this title to “company” or “subsidiary” include only the United States activities and subsidiaries of such foreign company.

Subtitle A—Financial Stability Oversight Council

SEC. 111. FINANCIAL STABILITY OVERSIGHT COUNCIL ESTABLISHED.

(a) **ESTABLISHMENT.**—Effective on the date of enactment of this Act, there is established the Financial Stability Oversight Council.

(b) **MEMBERSHIP.**—The Council shall consist of the following members:

(1) **VOTING MEMBERS.**—The voting members, who shall each have 1 vote on the Council shall be—

(A) the Secretary of the Treasury, who shall serve as Chairperson of the Council;

(B) the Chairman of the Board of Governors;

(C) the Comptroller of the Currency;

(D) the Director of the Bureau;

(E) the Chairman of the Commission;

(F) the Chairperson of the Corporation;

(G) the Chairperson of the Commodity Futures Trading Commission;

(H) the Director of the Federal Housing Finance Agency; and

(I) an independent member appointed by the President, by and with the advice and consent of the Senate, having insurance expertise.

(2) **NONVOTING MEMBERS.**—The Director of the Office of Financial Research—

(A) shall serve in an advisory capacity as a nonvoting member of the Council; and

(B) may not be excluded from any of the proceedings, meetings, discussions, or deliberations of the Council.

(c) **TERMS; VACANCY.**—

(1) **TERMS.**—The independent member of the Council shall serve for a term of 6 years.

(2) **VACANCY.**—Any vacancy on the Council shall be filled in the manner in which the original appointment was made.

(3) **ACTING OFFICIALS MAY SERVE.**—In the event of a vacancy in the office of the head of a member agency or department, and pending the appointment of a successor, or during the absence or disability of the head of a member agency or department, the acting head of the member agency or department shall serve as a member of the Council in the place of that agency or department head.

(d) **TECHNICAL AND PROFESSIONAL ADVISORY COMMITTEES.**—The Council may appoint such special advisory, technical, or professional committees as may be useful in carrying out the functions of the Council, including an advisory committee consisting of State regulators, and the members of such committees may be members of the Council, or other persons, or both.

(e) **MEETINGS.**—

(1) **TIMING.**—The Council shall meet at the call of the Chairperson or a majority of the members then serving, but not less frequently than quarterly.

(2) **RULES FOR CONDUCTING BUSINESS.**—The Council shall adopt such rules as may be necessary for the conduct of the business of the Council. Such rules shall be rules of agency organization, procedure, or practice for purposes of section 553 of title 5, United States Code.

(f) **VOTING.**—Unless otherwise specified, the Council shall make all decisions that it is authorized or required to make by a majority vote of the members then serving.

(g) **NONAPPLICABILITY OF FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council, or to any special advisory, technical, or professional committee appointed by the Council, except that, if an advisory, technical, or professional committee has one or more members who are not employees of or affiliated with the United States Government, the Council shall publish a list of the names of the members of such committee.

(h) **ASSISTANCE FROM FEDERAL AGENCIES.**—Any department or agency of the United States may provide to the Council and any special advisory, technical, or professional committee appointed by the Council, such services, funds, facilities, staff, and other support services as the Council may determine advisable.

(i) **COMPENSATION OF MEMBERS.**—

(1) **FEDERAL EMPLOYEE MEMBERS.**—All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) **COMPENSATION FOR NON-FEDERAL MEMBER.**—Section 5314 of title 5, United States Code, is amended by adding at the end the following: “Independent Member of the Financial Stability Oversight Council (1).”.

(j) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any employee of the Federal Government may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. An employee of the Federal Government detailed to the Council shall report to and be subject to oversight by the Council during the assignment to the Council, and shall be compensated by the department or agency from which the employee was detailed.

SEC. 112. COUNCIL AUTHORITY.

(a) **PURPOSES AND DUTIES OF THE COUNCIL.**—

(1) **IN GENERAL.**—The purposes of the Council are—

(A) to identify risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected bank holding companies or nonbank financial companies;

(B) to promote market discipline, by eliminating expectations on the part of shareholders, creditors, and counterparties of such companies that the Government will shield them from losses in the event of failure; and

(C) to respond to emerging threats to the stability of the United States financial markets.

(2) **DUTIES.**—The Council shall, in accordance with this title—

(A) collect information from member agencies and other Federal and State financial regulatory agencies and, if necessary to assess risks

to the United States financial system, direct the Office of Financial Research to collect information from bank holding companies and nonbank financial companies;

(B) provide direction to, and request data and analyses from, the Office of Financial Research to support the work of the Council;

(C) monitor the financial services marketplace in order to identify potential threats to the financial stability of the United States;

(D) facilitate information sharing and coordination among the member agencies and other Federal and State agencies regarding domestic financial services policy development, rule-making, examinations, reporting requirements, and enforcement actions;

(E) recommend to the member agencies general supervisory priorities and principles reflecting the outcome of discussions among the member agencies;

(F) identify gaps in regulation that could pose risks to the financial stability of the United States;

(G) require supervision by the Board of Governors for nonbank financial companies that may pose risks to the financial stability of the United States in the event of their material financial distress or failure, pursuant to section 113;

(H) make recommendations to the Board of Governors concerning the establishment of heightened prudential standards for risk-based capital, leverage, liquidity, contingent capital, resolution plans and credit exposure reports, concentration limits, enhanced public disclosures, and overall risk management for nonbank financial companies and large, interconnected bank holding companies supervised by the Board of Governors;

(I) identify systemically important financial market utilities and payment, clearing, and settlement activities (as that term is defined in title VIII), and require such utilities and activities to be subject to standards established by the Board of Governors;

(J) make recommendations to primary financial regulatory agencies to apply new or heightened standards and safeguards for financial activities or practices that could create or increase risks of significant liquidity, credit, or other problems spreading among bank holding companies, nonbank financial companies, and United States financial markets;

(K) make determinations regarding exemptions in title VII, where necessary;

(L) provide a forum for—

(i) discussion and analysis of emerging market developments and financial regulatory issues; and

(ii) resolution of jurisdictional disputes among the members of the Council; and

(M) annually report to and testify before Congress on—

(i) the activities of the Council;

(ii) significant financial market developments and potential emerging threats to the financial stability of the United States;

(iii) all determinations made under section 113 or title VIII, and the basis for such determinations; and

(iv) recommendations—

(I) to enhance the integrity, efficiency, competitiveness, and stability of United States financial markets;

(II) to promote market discipline; and

(III) to maintain investor confidence.

(b) **AUTHORITY TO OBTAIN INFORMATION.**—

(1) **IN GENERAL.**—The Council may receive, and may request the submission of, any data or information from the Office of Financial Research and member agencies, as necessary—

(A) to monitor the financial services marketplace to identify potential risks to the financial stability of the United States; or

(B) to otherwise carry out any of the provisions of this title.

(2) **SUBMISSIONS BY THE OFFICE AND MEMBER AGENCIES.**—Notwithstanding any other provision of law, the Office of Financial Research and any member agency are authorized to submit information to the Council.

(3) **FINANCIAL DATA COLLECTION.**—

(A) **IN GENERAL.**—The Council, acting through the Office of Financial Research, may require the submission of periodic and other reports from any nonbank financial company or bank holding company for the purpose of assessing the extent to which a financial activity or financial market in which the nonbank financial company or bank holding company participates, or the nonbank financial company or bank holding company itself, poses a threat to the financial stability of the United States.

(B) **MITIGATION OF REPORT BURDEN.**—Before requiring the submission of reports from any nonbank financial company or bank holding company that is regulated by a member agency or any primary financial regulatory agency, the Council, acting through the Office of Financial Research, shall coordinate with such agencies and shall, whenever possible, rely on information available from the Office of Financial Research or such agencies.

(4) **BACK-UP EXAMINATION BY THE BOARD OF GOVERNORS.**—If the Council is unable to determine whether the financial activities of a nonbank financial company pose a threat to the financial stability of the United States, based on information or reports obtained under paragraph (3), discussions with management, and publicly available information, the Council may request the Board of Governors, and the Board of Governors is authorized, to conduct an examination of the nonbank financial company for the sole purpose of determining whether the nonbank financial company should be supervised by the Board of Governors for purposes of this title.

(5) **CONFIDENTIALITY.**—

(A) **IN GENERAL.**—The Council, the Office of Financial Research, and the other member agencies shall maintain the confidentiality of any data, information, and reports submitted under this subsection and subtitle B.

(B) **RETENTION OF PRIVILEGE.**—The submission of any nonpublicly available data or information under this subsection and subtitle B shall not constitute a waiver of, or otherwise affect, any privilege arising under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

(C) **FREEDOM OF INFORMATION ACT.**—Section 552 of title 5, United States Code, including the exceptions thereunder, shall apply to any data or information submitted under this subsection and subtitle B.

SEC. 113. AUTHORITY TO REQUIRE SUPERVISION AND REGULATION OF CERTAIN NONBANK FINANCIAL COMPANIES.

(a) **U.S. NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.**—

(1) **DETERMINATION.**—The Council, on a non-delegable basis and by a vote of not fewer than $\frac{2}{3}$ of the members then serving, including an affirmative vote by the Chairperson, may determine that a U.S. nonbank financial company shall be supervised by the Board of Governors and shall be subject to prudential standards, in accordance with this title, if the Council determines that material financial distress at the U.S. nonbank financial company would pose a threat to the financial stability of the United States.

(2) **CONSIDERATIONS.**—Each determination under paragraph (1) shall be based on a consideration by the Council of—

(A) the degree of leverage of the company;

(B) the amount and nature of the financial assets of the company;

(C) the amount and types of the liabilities of the company, including the degree of reliance on short-term funding;

(D) the extent and types of the off-balance-sheet exposures of the company;

(E) the extent and types of the transactions and relationships of the company with other significant nonbank financial companies and significant bank holding companies;

(F) the importance of the company as a source of credit for households, businesses, and State and local governments and as a source of liquidity for the United States financial system;

(G) the recommendation, if any, of a member of the Council;

(H) the operation of, or ownership interest in, any clearing, settlement, or payment business of the company;

(I) the extent to which—

(i) assets are managed rather than owned by the company; and

(ii) ownership of assets under management is diffuse; and

(J) any other factors that the Council deems appropriate.

(b) **FOREIGN NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.**—

(1) **DETERMINATION.**—The Council, on a non-delegable basis and by a vote of not fewer than $\frac{2}{3}$ of the members then serving, including an affirmative vote by the Chairperson, may determine that a foreign nonbank financial company that has substantial assets or operations in the United States shall be supervised by the Board of Governors and shall be subject to prudential standards in accordance with this title, if the Council determines that material financial distress at the foreign nonbank financial company would pose a threat to the financial stability of the United States.

(2) **CONSIDERATIONS.**—Each determination under paragraph (1) shall be based on a consideration by the Council of—

(A) the degree of leverage of the company;

(B) the amount and nature of the United States financial assets of the company;

(C) the amount and types of the liabilities of the company used to fund activities and operations in the United States, including the degree of reliance on short-term funding;

(D) the extent of the United States-related off-balance-sheet exposure of the company;

(E) the extent and type of the transactions and relationships of the company with other significant nonbank financial companies and bank holding companies;

(F) the importance of the company as a source of credit for United States households, businesses, and State and local governments, and as a source of liquidity for the United States financial system;

(G) the recommendation, if any, of a member of the Council;

(H) the extent to which—

(i) assets are managed rather than owned by the company; and

(ii) ownership of assets under management is diffuse; and

(I) any other factors that the Council deems appropriate.

(c) **ANTI-EVASION.**—

(1) **DETERMINATIONS.**—In order to avoid evasion of this Act, the Council, on its own initiative or at the request of the Board of Governors, may determine, on a nondelegable basis and by a vote of not fewer than $\frac{2}{3}$ of the members then serving, including an affirmative vote by the Chairperson, that—

(A) material financial distress related to financial activities conducted directly or indirectly by a company incorporated or organized under the laws of the United States or any State or the financial activities in the United States of a company incorporated or organized in a coun-

try other than the United States would pose a threat to the financial stability of the United States based on consideration of the factors in subsection (b)(2);

(B) the company is organized or operates in such a manner as to evade the application of this title;

(C) such financial activities of the company shall be supervised by the Board of Governors and subject to prudential standards in accordance with this title consistent with paragraph (2); and

(D) upon making a determination under subsection (c)(1), the Council shall submit a report to the appropriate committees of Congress detailing the reasons for making such determination under this subsection.

(2) **Consolidated supervision of only financial activities; Establishment of an intermediate holding company.**

(A) **ESTABLISHMENT OF AN INTERMEDIATE HOLDING COMPANY.**—Upon a determination under paragraph (1), the company may establish an intermediate holding company in which the financial activities of such company and its subsidiaries will be conducted (other than the activities described in section 167(b)(2) in compliance with any regulations or guidance provided by the Board of Governors). Such intermediate holding company shall be subject to the supervision of the Board of Governors and to prudential standards under this title as if the intermediate holding company is a nonbank financial company supervised by the Board of Governors.

(B) **ACTION OF THE BOARD OF GOVERNORS.**—To facilitate the supervision of the financial activities subject to the determination in paragraph (1), the Board of Governors may require a company to establish an intermediate holding company, as provided for in section 167, which would be subject to the supervision of the Board of Governors and to prudential standards under this title as if the intermediate holding company is a nonbank financial company supervised by the Board of Governors.

(3) **NOTICE AND OPPORTUNITY FOR HEARING AND FINAL DETERMINATION; JUDICIAL REVIEW.**—Subsections (d), (f), and (g) shall apply to determinations made by the Council pursuant to paragraph (1) in the same manner as such subsections apply to nonbank financial companies.

(4) **COVERED FINANCIAL ACTIVITIES.**—For purposes of this subsection, the term “financial activities” means activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) and include the ownership or control of one or more insured depository institutions and shall not include internal financial activities conducted for the company or any affiliates thereof including internal treasury, investment, and employee benefit functions.

(5) **ONLY FINANCIAL ACTIVITIES SUBJECT TO PRUDENTIAL SUPERVISION.**—Nonfinancial activities of the company shall not be subject to supervision by the Board of Governors and prudential standards of the Board. For purposes of this Act, the financial activities that are the subject of the determination in paragraph (1) shall be subject to the same requirements as a nonbank financial company. Nothing in this paragraph shall prohibit or limit the authority of the Board of Governors to apply prudential standards under this title to the financial activities that are subject to the determination in paragraph (1).

(d) **REEVALUATION AND RESCISSION.**—The Council shall—

(1) not less frequently than annually, reevaluate each determination made under subsections (a) and (b) with respect to each nonbank financial company supervised by the Board of Governors; and

(2) rescind any such determination, if the Council, by a vote of not fewer than $\frac{2}{3}$ of the members then serving, including an affirmative vote by the Chairperson, determines that the nonbank financial company no longer meets the standards under subsection (a) or (b), as applicable.

(e) NOTICE AND OPPORTUNITY FOR HEARING AND FINAL DETERMINATION.—

(1) IN GENERAL.—The Council shall provide to a nonbank financial company written notice of a proposed determination of the Council, including an explanation of the basis of the proposed determination of the Council, that such nonbank financial company shall be supervised by the Board of Governors and shall be subject to prudential standards in accordance with this title.

(2) HEARING.—Not later than 30 days after the date of receipt of any notice of a proposed determination under paragraph (1), the nonbank financial company may request, in writing, an opportunity for a written or oral hearing before the Council to contest the proposed determination. Upon receipt of a timely request, the Council shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such company may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(3) FINAL DETERMINATION.—Not later than 60 days after the date of a hearing under paragraph (2), the Council shall notify the nonbank financial company of the final determination of the Council, which shall contain a statement of the basis for the decision of the Council.

(4) NO HEARING REQUESTED.—If a nonbank financial company does not make a timely request for a hearing, the Council shall notify the nonbank financial company, in writing, of the final determination of the Council under subsection (a) or (b), as applicable, not later than 10 days after the date by which the company may request a hearing under paragraph (2).

(f) EMERGENCY EXCEPTION.—

(1) IN GENERAL.—The Council may waive or modify the requirements of subsection (d) with respect to a nonbank financial company, if the Council determines, by a vote of not fewer than $\frac{2}{3}$ of the members then serving, including an affirmative vote by the Chairperson, that such waiver or modification is necessary or appropriate to prevent or mitigate threats posed by the nonbank financial company to the financial stability of the United States.

(2) NOTICE.—The Council shall provide notice of a waiver or modification under this paragraph to the nonbank financial company concerned as soon as practicable, but not later than 24 hours after the waiver or modification is granted.

(3) OPPORTUNITY FOR HEARING.—The Council shall allow a nonbank financial company to request, in writing, an opportunity for a written or oral hearing before the Council to contest a waiver or modification under this paragraph, not later than 10 days after the date of receipt of notice of the waiver or modification by the company. Upon receipt of a timely request, the Council shall fix a time (not later than 15 days after the date of receipt of the request) and place at which the nonbank financial company may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(4) NOTICE OF FINAL DETERMINATION.—Not later than 30 days after the date of any hearing under paragraph (3), the Council shall notify the subject nonbank financial company of the final determination of the Council under this paragraph, which shall contain a statement of the basis for the decision of the Council.

(g) CONSULTATION.—The Council shall consult with the primary financial regulatory agency, if any, for each nonbank financial company or subsidiary of a nonbank financial company that is being considered for supervision by the Board of Governors under this section before the Council makes any final determination with respect to such nonbank financial company under subsection (a), (b), or (c).

(h) JUDICIAL REVIEW.—If the Council makes a final determination under this section with respect to a nonbank financial company, such nonbank financial company may, not later than 30 days after the date of receipt of the notice of final determination under subsection (d)(3) or (e)(4), bring an action in the United States district court for the judicial district in which the home office of such nonbank financial company is located, or in the United States District Court for the District of Columbia, for an order requiring that the final determination be rescinded, and the court shall, upon review, dismiss such action or direct the final determination to be rescinded. Review of such an action shall be limited to whether the final determination made under this section was arbitrary and capricious.

SEC. 114. REGISTRATION OF NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.

Not later than 180 days after the date of a final Council determination under section 113 that a nonbank financial company is to be supervised by the Board of Governors, such company shall register with the Board of Governors, on forms prescribed by the Board of Governors, which shall include such information as the Board of Governors, in consultation with the Council, may deem necessary or appropriate to carry out this title.

SEC. 115. ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS FOR NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS AND CERTAIN BANK HOLDING COMPANIES.

(a) IN GENERAL.—

(1) PURPOSE.—In order to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected financial institutions, the Council may make recommendations to the Board of Governors concerning the establishment and refinement of prudential standards and reporting and disclosure requirements applicable to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies, that—

(A) are more stringent than those applicable to other nonbank financial companies and bank holding companies that do not present similar risks to the financial stability of the United States; and

(B) increase in stringency, based on the considerations identified in subsection (b)(3).

(2) LIMITATION ON BANK HOLDING COMPANIES.—Any standards recommended under subsections (b) through (f) shall not apply to any bank holding company with total consolidated assets of less than \$50,000,000,000. The Council may recommend an asset threshold greater than \$50,000,000,000 for the applicability of any particular standard under those subsections.

(b) DEVELOPMENT OF PRUDENTIAL STANDARDS.—

(1) IN GENERAL.—The recommendations of the Council under subsection (a) may include—

- (A) risk-based capital requirements;
- (B) leverage limits;
- (C) liquidity requirements;
- (D) resolution plan and credit exposure report requirements;
- (E) concentration limits;
- (F) a contingent capital requirement;
- (G) enhanced public disclosures; and

(H) overall risk management requirements.

(2) PRUDENTIAL STANDARDS FOR FOREIGN FINANCIAL COMPANIES.—In making recommendations concerning the standards set forth in paragraph (1) that would apply to foreign nonbank financial companies supervised by the Board of Governors or foreign-based bank holding companies, the Council shall give due regard to the principle of national treatment and competitive equity.

(3) CONSIDERATIONS.—In making recommendations concerning prudential standards under paragraph (1), the Council shall—

(A) take into account differences among nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), based on—

- (i) the factors described in subsections (a) and (b) of section 113;
- (ii) whether the company owns an insured depository institution;
- (iii) nonfinancial activities and affiliations of the company; and
- (iv) any other factors that the Council determines appropriate; and

(B) to the extent possible, ensure that small changes in the factors listed in subsections (a) and (b) of section 113 would not result in sharp, discontinuous changes in the prudential standards established under paragraph (1).

(c) CONTINGENT CAPITAL.—

(1) STUDY REQUIRED.—The Council shall conduct a study of the feasibility, benefits, costs, and structure of a contingent capital requirement for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), which study shall include—

(A) an evaluation of the degree to which such requirement would enhance the safety and soundness of companies subject to the requirement, promote the financial stability of the United States, and reduce risks to United States taxpayers;

(B) an evaluation of the characteristics and amounts of convertible debt that should be required;

(C) an analysis of potential prudential standards that should be used to determine whether the contingent capital of a company would be converted to equity in times of financial stress;

(D) an evaluation of the costs to companies, the effects on the structure and operation of credit and other financial markets, and other economic effects of requiring contingent capital;

(E) an evaluation of the effects of such requirement on the international competitiveness of companies subject to the requirement and the prospects for international coordination in establishing such requirement; and

(F) recommendations for implementing regulations.

(2) REPORT.—The Council shall submit a report to Congress regarding the study required by paragraph (1) not later than 2 years after the date of enactment of this Act.

(3) RECOMMENDATIONS.—

(A) IN GENERAL.—Subsequent to submitting a report to Congress under paragraph (2), the Council may make recommendations to the Board of Governors to require any nonbank financial company supervised by the Board of Governors and any bank holding company described in subsection (a) to maintain a minimum amount of long-term hybrid debt that is convertible to equity in times of financial stress.

(B) FACTORS TO CONSIDER.—In making recommendations under this subsection, the Council shall consider—

- (i) an appropriate transition period for implementation of a conversion under this subsection;
- (ii) the factors described in subsection (b)(3);
- (iii) capital requirements applicable to a nonbank financial company supervised by the

Board of Governors or a bank holding company described in subsection (a), and subsidiaries thereof;

(iv) results of the study required by paragraph (1); and

(v) any other factor that the Council deems appropriate.

(d) **RESOLUTION PLAN AND CREDIT EXPOSURE REPORTS.**—

(1) **RESOLUTION PLAN.**—The Council may make recommendations to the Board of Governors concerning the requirement that each nonbank financial company supervised by the Board of Governors and each bank holding company described in subsection (a) report periodically to the Council, the Board of Governors, and the Corporation, the plan of such company for rapid and orderly resolution in the event of material financial distress or failure.

(2) **CREDIT EXPOSURE REPORT.**—The Council may make recommendations to the Board of Governors concerning the advisability of requiring each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a) to report periodically to the Council, the Board of Governors, and the Corporation on—

(A) the nature and extent to which the company has credit exposure to other significant nonbank financial companies and significant bank holding companies; and

(B) the nature and extent to which other such significant nonbank financial companies and significant bank holding companies have credit exposure to that company.

(e) **CONCENTRATION LIMITS.**—In order to limit the risks that the failure of any individual company could pose to nonbank financial companies supervised by the Board of Governors or bank holding companies described in subsection (a), the Council may make recommendations to the Board of Governors to prescribe standards to limit such risks, as set forth in section 165.

(f) **ENHANCED PUBLIC DISCLOSURES.**—The Council may make recommendations to the Board of Governors to require periodic public disclosures by bank holding companies described in subsection (a) and by nonbank financial companies supervised by the Board of Governors, in order to support market evaluation of the risk profile, capital adequacy, and risk management capabilities thereof.

SEC. 116. REPORTS.

(a) **IN GENERAL.**—Subject to subsection (b), the Council, acting through the Office of Financial Research, may require a bank holding company with total consolidated assets of \$50,000,000,000 or greater or a nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, to submit certified reports to keep the Council informed as to—

(1) the financial condition of the company;

(2) systems for monitoring and controlling financial, operating, and other risks;

(3) transactions with any subsidiary that is a depository institution; and

(4) the extent to which the activities and operations of the company and any subsidiary thereof, could, under adverse circumstances, have the potential to disrupt financial markets or affect the overall financial stability of the United States.

(b) **USE OF EXISTING REPORTS.**—

(1) **IN GENERAL.**—For purposes of compliance with subsection (a), the Council, acting through the Office of Financial Research, shall, to the fullest extent possible, use—

(A) reports that a bank holding company, nonbank financial company supervised by the Board of Governors, or any functionally regulated subsidiary of such company has been required to provide to other Federal or State regulatory agencies;

(B) information that is otherwise required to be reported publicly; and

(C) externally audited financial statements.

(2) **AVAILABILITY.**—Each bank holding company described in subsection (a) and nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, shall provide to the Council, at the request of the Council, copies of all reports referred to in paragraph (1).

(3) **CONFIDENTIALITY.**—The Council shall maintain the confidentiality of the reports obtained under subsection (a) and paragraph (1)(A) of this subsection.

SEC. 117. TREATMENT OF CERTAIN COMPANIES THAT CEASE TO BE BANK HOLDING COMPANIES.

(a) **APPLICABILITY.**—This section shall apply to any entity or a successor entity that—

(1) was a bank holding company having total consolidated assets equal to or greater than \$50,000,000,000 as of January 1, 2010; and

(2) received financial assistance under or participated in the Capital Purchase Program established under the Troubled Asset Relief Program authorized by the Emergency Economic Stabilization Act of 2008.

(b) **TREATMENT.**—If an entity described in subsection (a) ceases to be a bank holding company at any time after January 1, 2010, then such entity shall be treated as a nonbank financial company supervised by the Board of Governors, as if the Council had made a determination under section 113 with respect to that entity.

(c) **APPEAL.**—

(1) **REQUEST FOR HEARING.**—An entity may request, in writing, an opportunity for a written or oral hearing before the Council to appeal its treatment as a nonbank financial company supervised by the Board of Governors in accordance with this section. Upon receipt of the request, the Council shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such entity may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(2) **DECISION.**—

(A) **PROPOSED DECISION.**—Not later than 60 days after the date of a hearing under paragraph (1), the Council shall submit a report to, and may testify before, the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the proposed decision of the Council regarding an appeal under paragraph (1), which report shall include a statement of the basis for the proposed decision of the Council.

(B) **NOTICE OF FINAL DECISION.**—The Council shall notify the subject entity of the final decision of the Council regarding an appeal under paragraph (1), which notice shall contain a statement of the basis for the final decision of the Council, not later than 60 days after the later of—

(i) the date of the submission of the report under subparagraph (A); or

(ii) if the Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Financial Services of the House of Representatives holds one or more hearings regarding such report, the date of the last such hearing.

(C) **CONSIDERATIONS.**—In making a decision regarding an appeal under paragraph (1), the Council shall consider whether the company meets the standards under section 113(a) or 113(b), as applicable, and the definition of the term “nonbank financial company” under section 102. The decision of the Council shall be final, subject to the review under paragraph (3).

(3) **REVIEW.**—If the Council denies an appeal under this subsection, the Council shall, not less frequently than annually, review and reevaluate the decision.

SEC. 118. COUNCIL FUNDING.

Any expenses of the Council shall be treated as expenses of, and paid by, the Office of Financial Research.

SEC. 119. RESOLUTION OF SUPERVISORY JURISDICTIONAL DISPUTES AMONG MEMBER AGENCIES.

(a) **REQUEST FOR DISPUTE RESOLUTION.**—The Council shall resolve a dispute among 2 or more member agencies, if—

(1) a member agency has a dispute with another member agency about the respective jurisdiction over a particular bank holding company, nonbank financial company, or financial activity or product (excluding matters for which another dispute mechanism specifically has been provided under Federal law);

(2) the Council determines that the disputing agencies cannot, after a demonstrated good faith effort, resolve the dispute without the intervention of the Council; and

(3) any of the member agencies involved in the dispute—

(A) provides all other disputants prior notice of the intent to request dispute resolution by the Council; and

(B) requests in writing, not earlier than 14 days after providing the notice described in subparagraph (A), that the Council resolve the dispute.

(b) **COUNCIL DECISION.**—The Council shall resolve each dispute described in subsection (a)—

(1) within a reasonable time after receiving the dispute resolution request;

(2) after consideration of relevant information provided by each agency party to the dispute; and

(3) by agreeing with 1 of the disputants regarding the entirety of the matter, or by determining a compromise position.

(c) **FORM AND BINDING EFFECT.**—A Council decision under this section shall—

(1) be in writing;

(2) include an explanation of the reasons therefor; and

(3) be binding on all Federal agencies that are parties to the dispute.

SEC. 120. ADDITIONAL STANDARDS APPLICABLE TO ACTIVITIES OR PRACTICES FOR FINANCIAL STABILITY PURPOSES.

(a) **IN GENERAL.**—The Council may issue recommendations to the primary financial regulatory agencies to apply new or heightened standards and safeguards, including standards enumerated in section 115, for a financial activity or practice conducted by bank holding companies or nonbank financial companies under their respective jurisdictions, if the Council determines that the conduct of such activity or practice could create or increase the risk of significant liquidity, credit, or other problems spreading among bank holding companies and nonbank financial companies or the financial markets of the United States.

(b) **PROCEDURE FOR RECOMMENDATIONS TO REGULATORS.**—

(1) **NOTICE AND OPPORTUNITY FOR COMMENT.**—The Council shall consult with the primary financial regulatory agencies and provide notice to the public and opportunity for comment for any proposed recommendation that the primary financial regulatory agencies apply new or heightened standards and safeguards for a financial activity or practice.

(2) **CRITERIA.**—The new or heightened standards and safeguards for a financial activity or practice recommended under paragraph (1)—

(A) shall take costs to long-term economic growth into account; and

(B) may include prescribing the conduct of the activity or practice in specific ways (such as by limiting its scope, or applying particular capital or risk management requirements to the conduct of the activity) or prohibiting the activity or practice.

(c) **IMPLEMENTATION OF RECOMMENDED STANDARDS.**—

(1) **ROLE OF PRIMARY FINANCIAL REGULATORY AGENCY.**—

(A) **IN GENERAL.**—Each primary financial regulatory agency may impose, require reports regarding, examine for compliance with, and enforce standards in accordance with this section with respect to those entities for which it is the primary financial regulatory agency.

(B) **RULE OF CONSTRUCTION.**—The authority under this paragraph is in addition to, and does not limit, any other authority of a primary financial regulatory agency. Compliance by an entity with actions taken by a primary financial regulatory agency under this section shall be enforceable in accordance with the statutes governing the respective jurisdiction of the primary financial regulatory agency over the entity, as if the agency action were taken under those statutes.

(2) **IMPOSITION OF STANDARDS.**—The primary financial regulatory agency shall impose the standards recommended by the Council in accordance with subsection (a), or similar standards that the Council deems acceptable, or shall explain in writing to the Council, not later than 90 days after the date on which the Council issues the recommendation, why the agency has determined not to follow the recommendation of the Council.

(d) **REPORT TO CONGRESS.**—The Council shall report to Congress on—

(1) any recommendations issued by the Council under this section;

(2) the implementation of, or failure to implement such recommendation on the part of a primary financial regulatory agency; and

(3) in any case in which no primary financial regulatory agency exists for the nonbank financial company conducting financial activities or practices referred to in subsection (a), recommendations for legislation that would prevent such activities or practices from threatening the stability of the financial system of the United States.

(e) **EFFECT OF RESCISSION OF IDENTIFICATION.**—

(1) **NOTICE.**—The Council may recommend to the relevant primary financial regulatory agency that a financial activity or practice no longer requires any standards or safeguards implemented under this section.

(2) **DETERMINATION OF PRIMARY FINANCIAL REGULATORY AGENCY TO CONTINUE.**—

(A) **IN GENERAL.**—Upon receipt of a recommendation under paragraph (1), a primary financial regulatory agency that has imposed standards under this section shall determine whether standards that it has imposed under this section should remain in effect.

(B) **APPEAL PROCESS.**—Each primary financial regulatory agency that has imposed standards under this section shall promulgate regulations to establish a procedure under which entities under its jurisdiction may appeal a determination by such agency under this paragraph that standards imposed under this section should remain in effect.

SEC. 121. MITIGATION OF RISKS TO FINANCIAL STABILITY.

(a) **MITIGATORY ACTIONS.**—If the Board of Governors determines that a bank holding company with total consolidated assets of \$50,000,000,000 or more, or a nonbank financial company supervised by the Board of Governors, poses a grave threat to the financial stability of the United States, the Board of Governors, upon an affirmative vote of not fewer than ¾ of the Council members then serving, shall require the subject company—

(1) to terminate one or more activities;

(2) to impose conditions on the manner in which the company conducts one or more activities; or

(3) if the Board of Governors determines that such action is inadequate to mitigate a threat to the financial stability of the United States in its recommendation, to sell or otherwise transfer assets or off-balance-sheet items to unaffiliated entities.

(b) **NOTICE AND HEARING.**—

(1) **IN GENERAL.**—The Board of Governors, in consultation with the Council, shall provide to a company described in subsection (a) written notice that such company is being considered for mitigatory action pursuant to this section, including an explanation of the basis for, and description of, the proposed mitigatory action.

(2) **HEARING.**—Not later than 30 days after the date of receipt of notice under paragraph (1), the company may request, in writing, an opportunity for a written or oral hearing before the Board of Governors to contest the proposed mitigatory action. Upon receipt of a timely request, the Board of Governors shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such company may appear, personally or through counsel, to submit written materials (or, at the discretion of the Board of Governors, in consultation with the Council, oral testimony and oral argument).

(3) **DECISION.**—Not later than 60 days after the date of a hearing under paragraph (2), or not later than 60 days after the provision of a notice under paragraph (1) if no hearing was held, the Board of Governors shall notify the company of the final decision of the Board of Governors, including the results of the vote of the Council, as described in subsection (a).

(c) **FACTORS FOR CONSIDERATION.**—The Board of Governors and the Council shall take into consideration the factors set forth in subsection (a) or (b) of section 113, as applicable, in a determination described in subsection (a) and in a decision described in subsection (b).

(d) **APPLICATION TO FOREIGN FINANCIAL COMPANIES.**—The Board of Governors may prescribe regulations regarding the application of this section to foreign nonbank financial companies supervised by the Board of Governors and foreign-based bank holding companies, giving due regard to the principle of national treatment and competitive equity.

Subtitle B—Office of Financial Research

SEC. 151. DEFINITIONS.

For purposes of this subtitle—

(1) the terms “Office” and “Director” mean the Office of Financial Research established under this subtitle and the Director thereof, respectively;

(2) the term “financial company” has the same meaning as in title II, and includes an insured depository institution and an insurance company;

(3) the term “Data Center” means the data center established under section 154;

(4) the term “Research and Analysis Center” means the research and analysis center established under section 154;

(5) the term “financial transaction data” means the structure and legal description of a financial contract, with sufficient detail to describe the rights and obligations between counterparties and make possible an independent valuation;

(6) the term “position data”—

(A) means data on financial assets or liabilities held on the balance sheet of a financial company, where positions are created or changed by the execution of a financial transaction; and

(B) includes information that identifies counterparties, the valuation by the financial company of the position, and information that makes possible an independent valuation of the position;

(7) the term “financial contract” means a legally binding agreement between 2 or more

counterparties, describing rights and obligations relating to the future delivery of items of intrinsic or extrinsic value among the counterparties; and

(8) the term “financial instrument” means a financial contract in which the terms and conditions are publicly available, and the roles of one or more of the counterparties are assignable without the consent of any of the other counterparties (including common stock of a publicly traded company, government bonds, or exchange traded futures and options contracts).

SEC. 152. OFFICE OF FINANCIAL RESEARCH ESTABLISHED.

(a) **ESTABLISHMENT.**—There is established within the Department of the Treasury the Office of Financial Research.

(b) **DIRECTOR.**—

(1) **IN GENERAL.**—The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) **TERM OF SERVICE.**—The Director shall serve for a term of 6 years, except that, in the event that a successor is not nominated and confirmed by the end of the term of service of a Director, the Director may continue to serve until such time as the next Director is appointed and confirmed.

(3) **EXECUTIVE LEVEL.**—The Director shall be compensated at level III of the Executive Schedule.

(4) **PROHIBITION ON DUAL SERVICE.**—The individual serving in the position of Director may not, during such service, also serve as the head of any financial regulatory agency.

(5) **RESPONSIBILITIES, DUTIES, AND AUTHORITY.**—The Director shall have sole discretion in the manner in which the Director fulfills the responsibilities and duties and exercises the authorities described in this subtitle.

(c) **BUDGET.**—The Director, in consultation with the Chairperson, shall establish the annual budget of the Office.

(d) **OFFICE PERSONNEL.**—

(1) **IN GENERAL.**—The Director, in consultation with the Chairperson, may fix the number of, and appoint and direct, all employees of the Office.

(2) **COMPENSATION.**—The Director, in consultation with the Chairperson, shall fix, adjust, and administer the pay for all employees of the Office, without regard to chapter 51 or subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(3) **COMPARABILITY.**—Section 1206(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b(a)) is amended—

(A) by striking “Finance Board,” and inserting “Finance Board, the Office of Financial Research, and the Bureau of Consumer Financial Protection”; and

(B) by striking “and the Office of Thrift Supervision.”

(e) **ASSISTANCE FROM FEDERAL AGENCIES.**—Any department or agency of the United States may provide to the Office and any special advisory, technical, or professional committees appointed by the Office, such services, funds, facilities, staff, and other support services as the Office may determine advisable. Any Federal Government employee may be detailed to the Office without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) **CONTRACTING AND LEASING AUTHORITY.**—Notwithstanding the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or any other provision of law, the Director may—

(1) enter into and perform contracts, execute instruments, and acquire, in any lawful manner, such goods and services, or personal or real property (or property interest), as the Director deems necessary to carry out the duties and responsibilities of the Office; and

(2) hold, maintain, sell, lease, or otherwise dispose of the property (or property interest) acquired under paragraph (1).

(h) **NON-COMPETE.**—The Director and any staff of the Office who has had access to the transaction or position data maintained by the Data Center or other business confidential information about financial entities required to report to the Office, may not, for a period of 1 year after last having access to such transaction or position data or business confidential information, be employed by or provide advice or consulting services to a financial company, regardless of whether that entity is required to report to the Office. For staff whose access to business confidential information was limited, the Director may provide, on a case-by-case basis, for a shorter period of post-employment prohibition, provided that the shorter period does not compromise business confidential information.

(i) **TECHNICAL AND PROFESSIONAL ADVISORY COMMITTEES.**—The Office, in consultation with the Chairperson, may appoint such special advisory, technical, or professional committees as may be useful in carrying out the functions of the Office, and the members of such committees may be staff of the Office, or other persons, or both.

(j) **FELLOWSHIP PROGRAM.**—The Office, in consultation with the Chairperson, may establish and maintain an academic and professional fellowship program, under which qualified academics and professionals shall be invited to spend not longer than 2 years at the Office, to perform research and to provide advanced training for Office personnel.

(k) **EXECUTIVE SCHEDULE COMPENSATION.**—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

“Director of the Office of Financial Research.”.

SEC. 153. PURPOSE AND DUTIES OF THE OFFICE.

(a) **PURPOSE AND DUTIES.**—The purpose of the Office is to support the Council in fulfilling the purposes and duties of the Council, as set forth in subtitle A, and to support member agencies, by—

(1) collecting data on behalf of the Council, and providing such data to the Council and member agencies;

(2) standardizing the types and formats of data reported and collected;

(3) performing applied research and essential long-term research;

(4) developing tools for risk measurement and monitoring;

(5) performing other related services;

(6) making the results of the activities of the Office available to financial regulatory agencies; and

(7) assisting such member agencies in determining the types and formats of data authorized by this Act to be collected by such member agencies.

(b) **ADMINISTRATIVE AUTHORITY.**—The Office may—

(1) share data and information, including software developed by the Office, with the Council and member agencies, which shared data, information, and software—

(A) shall be maintained with at least the same level of security as is used by the Office; and

(B) may not be shared with any individual or entity without the permission of the Council;

(2) sponsor and conduct research projects; and

(3) assist, on a reimbursable basis, with financial analyses undertaken at the request of other Federal agencies that are not member agencies.

(c) **RULEMAKING AUTHORITY.**—

(1) **SCOPE.**—The Office, in consultation with the Chairperson, shall issue rules, regulations, and orders only to the extent necessary to carry out the purposes and duties described in paragraphs (1), (2), and (7) of subsection (a).

(2) **STANDARDIZATION.**—Member agencies, in consultation with the Office, shall implement regulations promulgated by the Office under paragraph (1) to standardize the types and formats of data reported and collected on behalf of the Council, as described in subsection (a)(2). If a member agency fails to implement such regulations prior to the expiration of the 3-year period following the date of publication of final regulations, the Office, in consultation with the Chairperson, may implement such regulations with respect to the financial entities under the jurisdiction of the member agency.

(d) **TESTIMONY.**—

(1) **IN GENERAL.**—The Director of the Office shall report to and testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives annually on the activities of the Office, including the work of the Data Center and the Research and Analysis Center, and the assessment of the Office of significant financial market developments and potential emerging threats to the financial stability of the United States.

(2) **NO PRIOR REVIEW.**—No officer or agency of the United States shall have any authority to require the Director to submit the testimony required under paragraph (1) or other Congressional testimony to any officer or agency of the United States for approval, comment, or review prior to the submission of such testimony. Any such testimony to Congress shall include a statement that the views expressed therein are those of the Director and do not necessarily represent the views of the President.

(e) **ADDITIONAL REPORTS.**—The Director may provide additional reports to Congress concerning the financial stability of the United States. The Director shall notify the Council of any such additional reports provided to Congress.

(f) **SUBPOENA.**—

(1) **IN GENERAL.**—The Director may require, by subpoena, the production of the data requested under subsection (a)(1) and section 154(b)(1), but only upon a written finding by the Director that—

(A) such data is required to carry out the functions described under this subtitle; and

(B) the Office has coordinated with such agency, as required under section 154(b)(1)(B)(ii).

(2) **FORMAT.**—Subpoenas under paragraph (1) shall bear the signature of the Director, and shall be served by any person or class of persons designated by the Director for that purpose.

(3) **ENFORCEMENT.**—In the case of contumacy or failure to obey a subpoena, the subpoena shall be enforceable by order of any appropriate district court of the United States. Any failure to obey the order of the court may be punished by the court as a contempt of court.

SEC. 154. ORGANIZATIONAL STRUCTURE; RESPONSIBILITIES OF PRIMARY PROGRAMMATIC UNITS.

(a) **IN GENERAL.**—There are established within the Office, to carry out the programmatic responsibilities of the Office—

(1) the Data Center; and

(2) the Research and Analysis Center.

(b) **DATA CENTER.**—

(1) **GENERAL DUTIES.**—

(A) **DATA COLLECTION.**—The Data Center, on behalf of the Council, shall collect, validate, and maintain all data necessary to carry out the duties of the Data Center, as described in this subtitle. The data assembled shall be obtained from member agencies, commercial data providers, publicly available data sources, and financial entities under subparagraph (B).

(B) **AUTHORITY.**—

(i) **IN GENERAL.**—The Office may, as determined by the Council or by the Director in consultation with the Council, require the submission of periodic and other reports from any financial company for the purpose of assessing the extent to which a financial activity or financial market in which the financial company participates, or the financial company itself, poses a threat to the financial stability of the United States.

(ii) **MITIGATION OF REPORT BURDEN.**—Before requiring the submission of a report from any financial company that is regulated by a member agency or any primary financial regulatory agency, the Office shall coordinate with such agencies and shall, whenever possible, rely on information available from such agencies.

(C) **RULEMAKING.**—The Office shall promulgate regulations pursuant to subsections (a)(1), (a)(2), (a)(7), and (c)(1) of section 153 regarding the type and scope of the data to be collected by the Data Center under this paragraph.

(2) **RESPONSIBILITIES.**—

(A) **PUBLICATION.**—The Data Center shall prepare and publish, in a manner that is easily accessible to the public—

(i) a financial company reference database; and
(ii) a financial instrument reference database;

(iii) formats and standards for Office data, including standards for reporting financial transaction and position data to the Office.

(B) **CONFIDENTIALITY.**—The Data Center shall not publish any confidential data under subparagraph (A).

(3) **INFORMATION SECURITY.**—The Director shall ensure that data collected and maintained by the Data Center are kept secure and protected against unauthorized disclosure.

(4) **CATALOG OF FINANCIAL ENTITIES AND INSTRUMENTS.**—The Data Center shall maintain a catalog of the financial entities and instruments reported to the Office.

(5) **AVAILABILITY TO THE COUNCIL AND MEMBER AGENCIES.**—The Data Center shall make data collected and maintained by the Data Center available to the Council and member agencies, as necessary to support their regulatory responsibilities.

(6) **OTHER AUTHORITY.**—The Office shall, after consultation with the member agencies, provide certain data to financial industry participants and to the general public to increase market transparency and facilitate research on the financial system, to the extent that intellectual property rights are not violated, business confidential information is properly protected, and the sharing of such information poses no significant threats to the financial system of the United States.

(c) **RESEARCH AND ANALYSIS CENTER.**—

(1) **GENERAL DUTIES.**—The Research and Analysis Center, on behalf of the Council, shall develop and maintain independent analytical capabilities and computing resources—

(A) to develop and maintain metrics and reporting systems for risks to the financial stability of the United States;

(B) to monitor, investigate, and report on changes in system-wide risk levels and patterns to the Council and Congress;

(C) to conduct, coordinate, and sponsor research to support and improve regulation of financial entities and markets;

(D) to evaluate and report on stress tests or other stability-related evaluations of financial entities overseen by the member agencies;

(E) to maintain expertise in such areas as may be necessary to support specific requests for advice and assistance from financial regulators;

(F) to investigate disruptions and failures in the financial markets, report findings, and make recommendations to the Council based on those findings;

(G) to conduct studies and provide advice on the impact of policies related to systemic risk; and

(H) to promote best practices for financial risk management.

(d) **REPORTING RESPONSIBILITIES.**—

(1) **REQUIRED REPORTS.**—Not later than 2 years after the date of enactment of this Act, and not later than 120 days after the end of each fiscal year thereafter, the Office shall prepare and submit a report to Congress.

(2) **CONTENT.**—Each report required by this subsection shall assess the state of the United States financial system, including—

(A) an analysis of any threats to the financial stability of the United States;

(B) the status of the efforts of the Office in meeting the mission of the Office; and

(C) key findings from the research and analysis of the financial system by the Office.

SEC. 155. FUNDING.

(a) **FINANCIAL RESEARCH FUND.**—

(1) **FUND ESTABLISHED.**—There is established in the Treasury of the United States a separate fund to be known as the “Financial Research Fund”.

(2) **FUND RECEIPTS.**—All amounts provided to the Office under subsection (c), and all assessments that the Office receives under subsection (d) shall be deposited into the Financial Research Fund.

(3) **INVESTMENTS AUTHORIZED.**—

(A) **AMOUNTS IN FUND MAY BE INVESTED.**—The Director may request the Secretary to invest the portion of the Financial Research Fund that is not, in the judgment of the Director, required to meet the needs of the Office.

(B) **ELIGIBLE INVESTMENTS.**—Investments shall be made by the Secretary in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Financial Research Fund, as determined by the Director.

(4) **INTEREST AND PROCEEDS CREDITED.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Financial Research Fund shall be credited to and form a part of the Financial Research Fund.

(b) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Funds obtained by, transferred to, or credited to the Financial Research Fund shall be immediately available to the Office, and shall remain available until expended, to pay the expenses of the Office in carrying out the duties and responsibilities of the Office.

(2) **FEES, ASSESSMENTS, AND OTHER FUNDS NOT GOVERNMENT FUNDS.**—Funds obtained by, transferred to, or credited to the Financial Research Fund shall not be construed to be Government funds or appropriated monies.

(3) **AMOUNTS NOT SUBJECT TO APPORTIONMENT.**—Notwithstanding any other provision of law, amounts in the Financial Research Fund shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or under any other authority, or for any other purpose.

(c) **INTERIM FUNDING.**—During the 2-year period following the date of enactment of this Act, the Board of Governors shall provide to the Office an amount sufficient to cover the expenses of the Office.

(d) **PERMANENT SELF-FUNDING.**—

(1) **IN GENERAL.**—Beginning 2 years after the date of enactment of this Act, the Secretary shall establish, by regulation, and with the approval of the Council, an assessment schedule, including the assessment base and rates, applicable to bank holding companies with total consolidated assets of \$50,000,000,000 or greater and nonbank financial companies supervised by the Board of Governors, that takes into account differences among such companies, based on the considerations for establishing the prudential standards under section 115, to collect assessments equal to the estimated total expenses of the Office.

(2) **SHORTFALL.**—To the extent that the assessments under paragraph (1) do not fully cover the total expenses of the Office, the Board of Governors shall provide to the Office an amount sufficient to cover the difference.

SEC. 156. TRANSITION OVERSIGHT.

(a) **PURPOSE.**—The purpose of this section is to ensure that the Office—

(1) has an orderly and organized startup;

(2) attracts and retains a qualified workforce; and

(3) establishes comprehensive employee training and benefits programs.

(b) **REPORTING REQUIREMENT.**—

(1) **IN GENERAL.**—The Office shall submit an annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that includes the plans described in paragraph (2).

(2) **PLANS.**—The plans described in this paragraph are as follows:

(A) **TRAINING AND WORKFORCE DEVELOPMENT PLAN.**—The Office shall submit a training and workforce development plan that includes, to the extent practicable—

(i) identification of skill and technical expertise needs and actions taken to meet those requirements;

(ii) steps taken to foster innovation and creativity;

(iii) leadership development and succession planning; and

(iv) effective use of technology by employees.

(B) **WORKPLACE FLEXIBILITY PLAN.**—The Office shall submit a workforce flexibility plan that includes, to the extent practicable—

(i) telework;

(ii) flexible work schedules;

(iii) phased retirement;

(iv) reemployed annuitants;

(v) part-time work;

(vi) job sharing;

(vii) parental leave benefits and childcare assistance;

(viii) domestic partner benefits;

(ix) other workplace flexibilities; or

(x) any combination of the items described in clauses (i) through (ix).

(C) **RECRUITMENT AND RETENTION PLAN.**—The Office shall submit a recruitment and retention plan that includes, to the extent practicable, provisions relating to—

(i) the steps necessary to target highly qualified applicant pools with diverse backgrounds;

(ii) streamlined employment application processes;

(iii) the provision of timely notification of the status of employment applications to applicants; and

(iv) the collection of information to measure indicators of hiring effectiveness.

(c) **EXPIRATION.**—The reporting requirement under subsection (b) shall terminate 5 years after the date of enactment of this Act.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to affect—

(1) a collective bargaining agreement, as that term is defined in section 7103(a)(8) of title 5, United States Code, that is in effect on the date of enactment of this Act; or

(2) the rights of employees under chapter 71 of title 5, United States Code.

Subtitle C—Additional Board of Governors Authority for Certain Nonbank Financial Companies and Bank Holding Companies

SEC. 161. REPORTS BY AND EXAMINATIONS OF NONBANK FINANCIAL COMPANIES BY THE BOARD OF GOVERNORS.

(a) **REPORTS.**—

(1) **IN GENERAL.**—The Board of Governors may require each nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, to submit reports under oath, to keep the Board of Governors informed as to—

(A) the financial condition of the company or subsidiary, systems of the company or subsidiary for monitoring and controlling financial, operating, and other risks, and the extent to which the activities and operations of the company or subsidiary pose a threat to the financial stability of the United States; and

(B) compliance by the company or subsidiary with the requirements of this subtitle.

(2) **USE OF EXISTING REPORTS AND INFORMATION.**—In carrying out subsection (a), the Board of Governors shall, to the fullest extent possible, use—

(A) reports and supervisory information that a nonbank financial company or subsidiary thereof has been required to provide to other Federal or State regulatory agencies;

(B) information otherwise obtainable from Federal or State regulatory agencies;

(C) information that is otherwise required to be reported publicly; and

(D) externally audited financial statements of such company or subsidiary.

(3) **AVAILABILITY.**—Upon the request of the Board of Governors, a nonbank financial company supervised by the Board of Governors, or a subsidiary thereof, shall promptly provide to the Board of Governors any information described in paragraph (2).

(b) **EXAMINATIONS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Board of Governors may examine any nonbank financial company supervised by the Board of Governors and any subsidiary of such company, to determine—

(A) the nature of the operations and financial condition of the company and such subsidiary;

(B) the financial, operational, and other risks within the company that may pose a threat to the safety and soundness of such company or to the financial stability of the United States;

(C) the systems for monitoring and controlling such risks; and

(D) compliance by the company with the requirements of this subtitle.

(2) **USE OF EXAMINATION REPORTS AND INFORMATION.**—For purposes of this subsection, the Board of Governors shall, to the fullest extent possible, rely on reports of examination of any depository institution subsidiary or functionally regulated subsidiary made by the primary financial regulatory agency for that subsidiary, and on information described in subsection (a)(2).

(c) **COORDINATION WITH PRIMARY FINANCIAL REGULATORY AGENCY.**—The Board of Governors shall—

(1) provide to the primary financial regulatory agency for any company or subsidiary, reasonable notice before requiring a report, requesting information, or commencing an examination of such subsidiary under this section; and

(2) avoid duplication of examination activities, reporting requirements, and requests for information, to the extent possible.

SEC. 162. ENFORCEMENT.

(a) **IN GENERAL.**—Except as provided in subsection (b), a nonbank financial company supervised by the Board of Governors and any subsidiaries of such company (other than any depository institution subsidiary) shall be subject

to the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the same manner and to the same extent as if the company were a bank holding company, as provided in section 8(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)(3)).

(b) **ENFORCEMENT AUTHORITY FOR FUNCTIONALLY REGULATED SUBSIDIARIES.**—

(1) **REFERRAL.**—If the Board of Governors determines that a condition, practice, or activity of a depository institution subsidiary or functionally regulated subsidiary of a nonbank financial company supervised by the Board of Governors does not comply with the regulations or orders prescribed by the Board of Governors under this Act, or otherwise poses a threat to the financial stability of the United States, the Board of Governors may recommend, in writing, to the primary financial regulatory agency for the subsidiary that such agency initiate a supervisory action or enforcement proceeding. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

(2) **BACK-UP AUTHORITY OF THE BOARD OF GOVERNORS.**—If, during the 60-day period beginning on the date on which the primary financial regulatory agency receives a recommendation under paragraph (1), the primary financial regulatory agency does not take supervisory or enforcement action against a subsidiary that is acceptable to the Board of Governors, the Board of Governors (upon a vote of its members) may take the recommended supervisory or enforcement action, as if the subsidiary were a bank holding company subject to supervision by the Board of Governors.

SEC. 163. ACQUISITIONS.

(a) **ACQUISITIONS OF BANKS; TREATMENT AS A BANK HOLDING COMPANY.**—For purposes of section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), a nonbank financial company supervised by the Board of Governors shall be deemed to be, and shall be treated as, a bank holding company.

(b) **ACQUISITION OF NONBANK COMPANIES.**—

(1) **PRIOR NOTICE FOR LARGE ACQUISITIONS.**—Notwithstanding section 4(k)(6)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)(6)(B)), a bank holding company with total consolidated assets equal to or greater than \$50,000,000,000 or a nonbank financial company supervised by the Board of Governors shall not acquire direct or indirect ownership or control of any voting shares of any company (other than an insured depository institution) that is engaged in activities described in section 4(k) of the Bank Holding Company Act of 1956 having total consolidated assets of \$10,000,000,000 or more, without providing written notice to the Board of Governors in advance of the transaction.

(2) **EXEMPTIONS.**—The prior notice requirement in paragraph (1) shall not apply with regard to the acquisition of shares that would qualify for the exemptions in section 4(c) or section 4(k)(4)(E) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c) and (k)(4)(E)).

(3) **NOTICE PROCEDURES.**—The notice procedures set forth in section 4(j)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)(1)), without regard to section 4(j)(3) of that Act, shall apply to an acquisition of any company (other than an insured depository institution) by a bank holding company with total consolidated assets equal to or greater than \$50,000,000,000 or a nonbank financial company supervised by the Board of Governors, as described in paragraph (1), including any such company engaged in activities described in section 4(k) of that Act.

(4) **STANDARDS FOR REVIEW.**—In addition to the standards provided in section 4(j)(2) of the

Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)(2)), the Board of Governors shall consider the extent to which the proposed acquisition would result in greater or more concentrated risks to global or United States financial stability or the United States economy.

SEC. 164. PROHIBITION AGAINST MANAGEMENT INTERLOCKS BETWEEN CERTAIN FINANCIAL COMPANIES.

A nonbank financial company supervised by the Board of Governors shall be treated as a bank holding company for purposes of the Depository Institutions Management Interlocks Act (12 U.S.C. 3201 et seq.), except that the Board of Governors shall not exercise the authority provided in section 7 of that Act (12 U.S.C. 3207) to permit service by a management official of a nonbank financial company supervised by the Board of Governors as a management official of any bank holding company with total consolidated assets equal to or greater than \$50,000,000,000, or other nonaffiliated nonbank financial company supervised by the Board of Governors (other than to provide a temporary exemption for interlocks resulting from a merger, acquisition, or consolidation).

SEC. 165. ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS FOR NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS AND CERTAIN BANK HOLDING COMPANIES.

(a) **IN GENERAL.**—

(1) **PURPOSE.**—In order to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure of large, interconnected financial institutions, the Board of Governors shall, on its own or pursuant to recommendations by the Council under section 115, establish prudential standards and reporting and disclosure requirements applicable to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies that—

(A) are more stringent than the standards and requirements applicable to nonbank financial companies and bank holding companies that do not present similar risks to the financial stability of the United States; and

(B) increase in stringency, based on the considerations identified in subsection (b)(3).

(2) **LIMITATION ON BANK HOLDING COMPANIES.**—Any standards established under subsections (b) through (f) shall not apply to any bank holding company with total consolidated assets of less than \$50,000,000,000, but the Board of Governors may establish an asset threshold greater than \$50,000,000,000 for the applicability of any particular standard under subsections (b) through (f).

(b) **DEVELOPMENT OF PRUDENTIAL STANDARDS.**—

(1) **IN GENERAL.**—

(A) **REQUIRED STANDARDS.**—The Board of Governors shall, by regulation or order, establish prudential standards for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), that shall include—

- (i) risk-based capital requirements;
- (ii) leverage limits;
- (iii) liquidity requirements;
- (iv) resolution plan and credit exposure report requirements; and
- (v) concentration limits.

(B) **ADDITIONAL STANDARDS AUTHORIZED.**—The Board of Governors may, by regulation or order, establish prudential standards for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), that include—

- (i) a contingent capital requirement;
- (ii) enhanced public disclosures; and
- (iii) overall risk management requirements.

(2) **PRUDENTIAL STANDARDS FOR FOREIGN FINANCIAL COMPANIES.**—In applying the standards set forth in paragraph (1) to foreign nonbank financial companies supervised by the Board of Governors and to foreign-based bank holding companies, the Board of Governors shall give due regard to the principle of national treatment and competitive equity.

(3) **CONSIDERATIONS.**—In prescribing prudential standards under paragraph (1), the Board of Governors shall—

(A) take into account differences among nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), based on—

- (i) the factors described in subsections (a) and (b) of section 113;
- (ii) whether the company owns an insured depository institution;
- (iii) nonfinancial activities and affiliations of the company; and
- (iv) any other factors that the Board of Governors determines appropriate;

(B) to the extent possible, ensure that small changes in the factors listed in subsections (a) and (b) of section 113 would not result in sharp, discontinuous changes in the prudential standards established under paragraph (1) of this subsection; and

(C) take into account any recommendations of the Council under section 115.

(4) **REPORT.**—The Board of Governors shall submit an annual report to Congress regarding the implementation of the prudential standards required pursuant to paragraph (1), including the use of such standards to mitigate risks to the financial stability of the United States.

(c) **CONTINGENT CAPITAL.**—

(1) **IN GENERAL.**—Subsequent to submission by the Council of a report to Congress under section 115(c), the Board of Governors may promulgate regulations that require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to maintain a minimum amount of long-term hybrid debt that is convertible to equity in times of financial stress.

(2) **FACTORS TO CONSIDER.**—In establishing regulations under this subsection, the Board of Governors shall consider—

(A) the results of the study undertaken by the Council, and any recommendations of the Council, under section 115(c);

(B) an appropriate transition period for implementation of a conversion under this subsection;

(C) the factors described in subsection (b)(3)(A);

(D) capital requirements applicable to the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), and subsidiaries thereof; and

(E) any other factor that the Board of Governors deems appropriate.

(d) **RESOLUTION PLAN AND CREDIT EXPOSURE REPORTS.**—

(1) **RESOLUTION PLAN.**—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to report periodically to the Board of Governors, the Council, and the Corporation the plan of such company for rapid and orderly resolution in the event of material financial distress or failure.

(2) **CREDIT EXPOSURE REPORT.**—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to report periodically to the Board of Governors, the Council, and the Corporation on—

(A) the nature and extent to which the company has credit exposure to other significant

nonbank financial companies and significant bank holding companies; and

(B) the nature and extent to which other significant nonbank financial companies and significant bank holding companies have credit exposure to that company.

(3) REVIEW.—The Board of Governors and the Corporation shall review the information provided in accordance with this section by each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a).

(4) NOTICE OF DEFICIENCIES.—If the Board of Governors and the Corporation jointly determine, based on their review under paragraph (3), that the resolution plan of a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) is not credible or would not facilitate an orderly resolution of the company under title 11, United States Code—

(A) the Board of Governors and the Corporation shall notify the company, as applicable, of the deficiencies in the resolution plan; and

(B) the company shall resubmit the resolution plan within a time frame determined by the Board of Governors and the Corporation, with revisions demonstrating that the plan is credible and would result in an orderly resolution under title 11, United States Code, including any proposed changes in business operations and corporate structure to facilitate implementation of the plan.

(5) FAILURE TO RESUBMIT CREDIBLE PLAN.—

(A) IN GENERAL.—If a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) fails to timely resubmit the resolution plan as required under paragraph (4), with such revisions as are required under subparagraph (B), the Board of Governors and the Corporation may jointly impose more stringent capital, leverage, or liquidity requirements, or restrictions on the growth, activities, or operations of the company, or any subsidiary thereof, until such time as the company resubmits a plan that remedies the deficiencies.

(B) DIVESTITURE.—The Board of Governors and the Corporation, in consultation with the Council, may direct a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), by order, to divest certain assets or operations identified by the Board of Governors and the Corporation, to facilitate an orderly resolution of such company under title 11, United States Code, in the event of the failure of such company, in any case in which—

(i) the Board of Governors and the Corporation have jointly imposed more stringent requirements on the company pursuant to subparagraph (A); and

(ii) the company has failed, within the 2-year period beginning on the date of the imposition of such requirements under subparagraph (A), to resubmit the resolution plan with such revisions as were required under paragraph (4)(B).

(6) RULES.—Not later than 18 months after the date of enactment of this Act, the Board of Governors and the Corporation shall jointly issue final rules implementing this subsection.

(e) CONCENTRATION LIMITS.—

(1) STANDARDS.—In order to limit the risks that the failure of any individual company could pose to a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), the Board of Governors, by regulation, shall prescribe standards that limit such risks.

(2) LIMITATION ON CREDIT EXPOSURE.—The regulations prescribed by the Board of Governors under paragraph (1) shall prohibit each nonbank financial company supervised by the Board of Governors and bank holding company

described in subsection (a) from having credit exposure to any unaffiliated company that exceeds 25 percent of the capital stock and surplus (or such lower amount as the Board of Governors may determine by regulation to be necessary to mitigate risks to the financial stability of the United States) of the company.

(3) CREDIT EXPOSURE.—For purposes of paragraph (2), “credit exposure” to a company means—

(A) all extensions of credit to the company, including loans, deposits, and lines of credit;

(B) all repurchase agreements and reverse repurchase agreements with the company;

(C) all securities borrowing and lending transactions with the company, to the extent that such transactions create credit exposure for the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a);

(D) all guarantees, acceptances, or letters of credit (including endorsement or standby letters of credit) issued on behalf of the company;

(E) all purchases of or investment in securities issued by the company;

(F) counterparty credit exposure to the company in connection with a derivative transaction between the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) and the company; and

(G) any other similar transactions that the Board of Governors, by regulation, determines to be a credit exposure for purposes of this section.

(4) ATTRIBUTION RULE.—For purposes of this subsection, any transaction by a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) with any person is a transaction with a company, to the extent that the proceeds of the transaction are used for the benefit of, or transferred to, that company.

(5) RULEMAKING.—The Board of Governors may issue such regulations and orders, including definitions consistent with this section, as may be necessary to administer and carry out this subsection.

(6) EXEMPTIONS.—The Board of Governors may, by regulation or order, exempt transactions, in whole or in part, from the definition of “credit exposure” for purposes of this subsection, if the Board of Governors finds that the exemption is in the public interest and is consistent with the purpose of this subsection.

(7) TRANSITION PERIOD.—

(A) IN GENERAL.—This subsection and any regulations and orders of the Board of Governors under this subsection shall not be effective until 3 years after the date of enactment of this Act.

(B) EXTENSION AUTHORIZED.—The Board of Governors may extend the period specified in subparagraph (A) for not longer than an additional 2 years.

(f) ENHANCED PUBLIC DISCLOSURES.—The Board of Governors may prescribe, by regulation, periodic public disclosures by nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a) in order to support market evaluation of the risk profile, capital adequacy, and risk management capabilities thereof.

(g) RISK COMMITTEE.—

(1) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors that is a publicly traded company to establish a risk committee, as set forth in paragraph (3), not later than 1 year after the date of receipt of a notice of final determination under section 113(d)(3) with respect to such nonbank

financial company supervised by the Board of Governors.

(2) CERTAIN BANK HOLDING COMPANIES.—

(A) MANDATORY REGULATIONS.—The Board of Governors shall issue regulations requiring each bank holding company that is a publicly traded company and that has total consolidated assets of not less than \$10,000,000,000 to establish a risk committee, as set forth in paragraph (3).

(B) PERMISSIVE REGULATIONS.—The Board of Governors may require each bank holding company that is a publicly traded company and that has total consolidated assets of less than \$10,000,000,000 to establish a risk committee, as set forth in paragraph (3), as determined necessary or appropriate by the Board of Governors to promote sound risk management practices.

(3) RISK COMMITTEE.—A risk committee required by this subsection shall—

(A) be responsible for the oversight of the enterprise-wide risk management practices of the nonbank financial company supervised by the Board of Governors or bank holding company described in subsection (a), as applicable;

(B) include such number of independent directors as the Board of Governors may determine appropriate, based on the nature of operations, size of assets, and other appropriate criteria related to the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), as applicable; and

(C) include at least 1 risk management expert having experience in identifying, assessing, and managing risk exposures of large, complex firms.

(4) RULEMAKING.—The Board of Governors shall issue final rules to carry out this subsection, not later than 1 year after the transfer date, to take effect not later than 15 months after the transfer date.

(h) STRESS TESTS.—The Board of Governors shall conduct analyses in which nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a) are subject to evaluation of whether the companies have the capital, on a total consolidated basis, necessary to absorb losses as a result of adverse economic conditions. The Board of Governors may develop and apply such other analytic techniques as are necessary to identify, measure, and monitor risks to the financial stability of the United States.

SEC. 166. EARLY REMEDIATION REQUIREMENTS.

(a) IN GENERAL.—The Board of Governors, in consultation with the Council and the Corporation, shall prescribe regulations establishing requirements to provide for the early remediation of financial distress of a nonbank financial company supervised by the Board of Governors or a bank holding company described in section 165(a), except that nothing in this subsection authorizes the provision of financial assistance from the Federal Government.

(b) PURPOSE OF THE EARLY REMEDIATION REQUIREMENTS.—The purpose of the early remediation requirements under subsection (a) shall be to establish a series of specific remedial actions to be taken by a nonbank financial company supervised by the Board of Governors or a bank holding company described in section 165(a) that is experiencing increasing financial distress, in order to minimize the probability that the company will become insolvent and the potential harm of such insolvency to the financial stability of the United States.

(c) REMEDIATION REQUIREMENTS.—The regulations prescribed by the Board of Governors under subsection (a) shall—

(1) define measures of the financial condition of the company, including regulatory capital, liquidity measures, and other forward-looking indicators; and

(2) establish requirements that increase in stringency as the financial condition of the company declines, including—

(A) requirements in the initial stages of financial decline, including limits on capital distributions, acquisitions, and asset growth; and

(B) requirements at later stages of financial decline, including a capital restoration plan and capital-raising requirements, limits on transactions with affiliates, management changes, and asset sales.

SEC. 167. AFFILIATIONS.

(a) **AFFILIATIONS.**—Nothing in this subtitle shall be construed to require a nonbank financial company supervised by the Board of Governors, or a company that controls a nonbank financial company supervised by the Board of Governors, to conform to the activities thereof to the requirements of section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843).

(b) REQUIREMENT.—

(1) **IN GENERAL.**—If a nonbank financial company supervised by the Board of Governors conducts activities other than those that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act of 1956, the Board of Governors may require such company to establish and conduct such activities that are determined to be financial in nature or incidental thereto in an intermediate holding company established pursuant to regulation of the Board of Governors, not later than 90 days after the date on which the nonbank financial company supervised by the Board of Governors was notified of the determination under section 113(a).

(2) **INTERNAL FINANCIAL ACTIVITIES.**—For purposes of this subsection, activities that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act of 1956, as described in paragraph (1), shall not include internal financial activities conducted for a nonbank financial company supervised by the Board of Governors or any affiliate, including internal treasury, investment, and employee benefit functions. With respect to any internal financial activity of such company during the year prior to the date of enactment of this Act, such company may continue to engage in such activity as long as at least $\frac{2}{3}$ of the assets or $\frac{2}{3}$ of the revenues generated from the activity are from or attributable to such company, subject to review by the Board of Governors, to determine whether engaging in such activity presents undue risk to such company or to the financial stability of the United States.

(c) REGULATIONS.—The Board of Governors—

(1) shall promulgate regulations to establish the criteria for determining whether to require a nonbank financial company supervised by the Board of Governors to establish an intermediate holding company under subsection (a); and

(2) may promulgate regulations to establish any restrictions or limitations on transactions between an intermediate holding company or a nonbank financial company supervised by the Board of Governors and its affiliates, as necessary to prevent unsafe and unsound practices in connection with transactions between such company, or any subsidiary thereof, and its parent company or affiliates that are not subsidiaries of such company, except that such regulations shall not restrict or limit any transaction in connection with the bona fide acquisition or lease by an unaffiliated person of assets, goods, or services.

SEC. 168. REGULATIONS.

Except as otherwise specified in this subtitle, not later than 18 months after the transfer date, the Board of Governors shall issue final regulations to implement this subtitle and the amendments made by this subtitle.

SEC. 169. AVOIDING DUPLICATION.

The Board of Governors shall take any action that the Board of Governors deems appropriate to avoid imposing requirements under this subtitle that are duplicative of requirements appli-

cable to bank holding companies and nonbank financial companies under other provisions of law.

SEC. 170. SAFE HARBOR.

(a) **REGULATIONS.**—The Board of Governors shall promulgate regulations on behalf of, and in consultation with, the Council setting forth the criteria for exempting certain types or classes of U.S. nonbank financial companies or foreign nonbank financial companies from supervision by the Board of Governors.

(b) **CONSIDERATIONS.**—In developing the criteria under subsection (a), the Board of Governors shall take into account the factors for consideration described in subsections (a) and (b) of section 113 in determining whether a U.S. nonbank financial company or foreign nonbank financial company shall be supervised by the Board of Governors.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to require supervision by the Board of Governors of a U.S. nonbank financial company or foreign nonbank financial company, if such company does not meet the criteria for exemption established under subsection (a).

(d) **UPDATE.**—The Board of Governors shall, in consultation with the Council, review the regulations promulgated under subsection (a), not less frequently than every 5 years, and based upon the review, the Board of Governors may revise such regulations on behalf of, and in consultation with, the Council to update as necessary the criteria set forth in such regulations.

(e) **TRANSITION PERIOD.**—No revisions under subsection (d) shall take effect before the end of the 2-year period after the date of publication of such revisions in final form.

(f) **REPORT.**—The Chairperson of the Board of Governors and the Chairperson of the Council shall submit a joint report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 30 days after the date of the issuance in final form of the regulations under subsection (a), or any subsequent revision to such regulations under subsection (d), as applicable. Such report shall include, at a minimum, the rationale for exemption and empirical evidence to support the criteria for exemption.

SEC. 171. LEVERAGE AND RISK-BASED CAPITAL REQUIREMENTS.

(a) DEFINITIONS.—

(1) **GENERALLY APPLICABLE LEVERAGE CAPITAL REQUIREMENTS.**—The term “generally applicable leverage capital requirements” means—

(A) the minimum ratios of tier 1 capital to average total assets, as established by the appropriate Federal banking agencies to apply to insured depository institutions under the prompt corrective action regulations implementing section 38 of the Federal Deposit Insurance Act, regardless of total consolidated asset size or foreign financial exposure; and

(B) includes the regulatory capital components in the numerator of that capital requirement, average total assets in the denominator of that capital requirement, and the required ratio of the numerator to the denominator.

(2) **GENERALLY APPLICABLE RISK-BASED CAPITAL REQUIREMENTS.**—The term “generally applicable risk-based capital requirements” means—

(A) the risk-based capital requirements as established by the appropriate Federal banking agencies to apply to insured depository institutions under the agency’s Prompt Corrective Action regulations that implement section 38 of the Federal Deposit Insurance Act, regardless of total consolidated asset size or foreign financial exposure; and

(B) includes the regulatory capital components in the numerator of those capital require-

ments, the risk-weighted assets in the denominator of those capital requirements, and the required ratio of the numerator to the denominator.

(b) MINIMUM CAPITAL REQUIREMENTS.—

(1) **MINIMUM LEVERAGE CAPITAL REQUIREMENTS.**—The appropriate Federal banking agencies shall establish minimum leverage capital requirements on a consolidated basis for insured depository institutions, depository institution holding companies, and nonbank financial companies identified under section 113. The minimum leverage capital requirements established under this paragraph shall not be less than the generally applicable leverage capital requirements, which shall serve as a floor for any capital requirements the agency may require, nor quantitatively lower than the generally applicable leverage capital requirements that were in effect for insured depository institutions as of the date of enactment of this Act.

(2) **MINIMUM RISK-BASED CAPITAL REQUIREMENTS.**—The appropriate Federal banking agencies shall establish minimum risk-based capital requirements on a consolidated basis for insured depository institutions, depository institution holding companies, and nonbank financial companies identified under section 113. The minimum risk-based capital requirements established under this paragraph shall not be less than the generally applicable risk-based capital requirements, which shall serve as a floor for any capital requirements the agency may require, nor quantitatively lower than the generally applicable risk-based capital requirements that were in effect for insured depository institutions as of the date of enactment of this Act.

(3) CAPITAL REQUIREMENTS TO ADDRESS ACTIVITIES THAT POSE RISKS TO THE FINANCIAL SYSTEM.—

(A) **IN GENERAL.**—Subject to the recommendations of the Council, in accordance with section 120, the Federal banking agencies shall develop capital requirements applicable to all institutions covered by this section that address the risks that the activities of such institutions pose, not only to the institution engaging in the activity, but to other public and private stakeholders in the event of adverse performance, disruption, or failure of the institution or the activity.

(B) **CONTENT.**—Such rules shall address, at a minimum, the risks arising from—

(i) significant volumes of activity in derivatives, securitized products purchased and sold, financial guarantees purchased and sold, securities borrowing and lending, and repurchase agreements and reverse repurchase agreements;

(ii) concentrations in assets for which the values presented in financial reports are based on models rather than historical cost or prices deriving from deep and liquid 2-way markets; and

(iii) concentrations in market share for any activity that would substantially disrupt financial markets if the institution is forced to unexpectedly cease the activity.

TITLE II—ORDERLY LIQUIDATION

AUTHORITY

SEC. 201. DEFINITIONS.

(a) **IN GENERAL.**—In this title, the following definitions shall apply:

(1) **ADMINISTRATIVE EXPENSES OF THE RECEIVER.**—The term “administrative expenses of the receiver” includes—

(A) the actual, necessary costs and expenses incurred by the Corporation as receiver for a covered financial company in liquidating a covered financial company; and

(B) any obligations that the Corporation as receiver for a covered financial company determines are necessary and appropriate to facilitate the smooth and orderly liquidation of the covered financial company.

(2) **BANKRUPTCY CODE.**—The term “Bankruptcy Code” means title 11, United States Code.

(3) **BRIDGE FINANCIAL COMPANY.**—The term “bridge financial company” means a new financial company organized by the Corporation in accordance with section 210(h) for the purpose of resolving a covered financial company.

(4) **CLAIM.**—The term “claim” means any right of payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(5) **COMPANY.**—The term “company” has the same meaning as in section 2(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(b)), except that such term includes any company described in paragraph (11), the majority of the securities of which are owned by the United States or any State.

(6) **COVERED BROKER OR DEALER.**—The term “covered broker or dealer” means a covered financial company that is a broker or dealer that—

(A) is registered with the Commission under section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)); and

(B) is a member of SIPC.

(7) **COVERED FINANCIAL COMPANY.**—The term “covered financial company”—

(A) means a financial company for which a determination has been made under section 203(b); and

(B) does not include an insured depository institution.

(8) **COVERED SUBSIDIARY.**—The term “covered subsidiary” means a subsidiary of a covered financial company, other than—

(A) an insured depository institution;

(B) an insurance company; or

(C) a covered broker or dealer.

(9) **DEFINITIONS RELATING TO COVERED BROKERS AND DEALERS.**—The terms “customer”, “customer name securities”, “customer property”, and “net equity” in the context of a covered broker or dealer, have the same meanings as in section 16 of the Securities Investor Protection Act of 1970 (15 U.S.C. 78lll).

(10) **FINANCIAL COMPANY.**—The term “financial company” means any company that—

(A) is incorporated or organized under any provision of Federal law or the laws of any State;

(B) is—

(i) a bank holding company, as defined in section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)), and including any company described in paragraph (5);

(ii) a nonbank financial company supervised by the Board of Governors;

(iii) any company that is predominantly engaged in activities that the Board of Governors has determined are financial in nature or incidental thereto for purposes of section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)) other than a company described in clause (i) or (ii); or

(iv) any subsidiary of any company described in any of clauses (i) through (iii) that is predominantly engaged in activities that the Board of Governors has determined are financial in nature or incidental thereto for purposes of section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)) (other than a subsidiary that is an insured depository institution or an insurance company); and

(C) is not a Farm Credit System institution chartered under and subject to the provisions of the Farm Credit Act of 1971, as amended (12 U.S.C. 2001 et seq.), a governmental entity, or a regulated entity, as defined under section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502(20)).

(11) **FUND.**—The term “Fund” means the Orderly Liquidation Fund established under section 210(n).

(12) **INSURANCE COMPANY.**—The term “insurance company” means any entity that is—

(A) engaged in the business of insurance;

(B) subject to regulation by a State insurance regulator; and

(C) covered by a State law that is designed to specifically deal with the rehabilitation, liquidation, or insolvency of an insurance company.

(13) **NONBANK FINANCIAL COMPANY.**—The term “nonbank financial company” has the same meaning as in section 102(a)(4)(C).

(14) **NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD OF GOVERNORS.**—The term “nonbank financial company supervised by the Board of Governors” has the same meaning as in section 102(a)(3)(D).

(15) **COURT.**—The term “Court” means the United States District Court for the District of Columbia.

(16) **SIPC.**—The term “SIPC” means the Securities Investor Protection Corporation.

(b) **DEFINITIONAL CRITERIA.**—For purpose of the definition of the term “financial company” under subsection (a)(10), no company shall be deemed to be predominantly engaged in activities that the Board of Governors has determined are financial in nature or incidental thereto for purposes of section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)), if the consolidated revenues of such company from such activities constitute less than 85 percent of the total consolidated revenues of such company, as the Corporation, in consultation with the Secretary, shall establish by regulation. In determining whether a company is a financial company under this title, the consolidated revenues derived from the ownership or control of a depository institution shall be included.

SEC. 202. JUDICIAL REVIEW.

(a) **COMMENCEMENT OF ORDERLY LIQUIDATION.**—

(1) **PETITION TO DISTRICT COURT.**—

(A) **DISTRICT COURT REVIEW.**—

(i) **PETITION TO DISTRICT COURT.**—Subsequent to a determination by the Secretary under section 203 that a financial company satisfies the criteria in section 203(b), the Secretary shall notify the Corporation and the covered financial company. If the board of directors (or body performing similar functions) of the covered financial company acquiesces or consents to the appointment of the Corporation as a receiver, the Secretary shall appoint the Corporation as a receiver. If the board of directors (or body performing similar functions) of the covered financial company does not acquiesce or consent to the appointment of the Corporation as receiver, the Secretary shall petition the United States District Court for the District of Columbia for an order authorizing the Secretary to appoint the Corporation as a receiver.

(ii) **FORM AND CONTENT OF ORDER.**—The Secretary shall present all relevant findings and the recommendation made pursuant to section 203(a) to the Court. The petition shall be filed under seal.

(iii) **DETERMINATION.**—On a strictly confidential basis, and without any prior public disclosure, the Court, after notice to the covered financial company and a hearing in which the covered financial company may oppose the petition, shall determine whether the determination of the Secretary that the covered financial company is in default or in danger of default and satisfies the definition of a financial company under section 201(10) is arbitrary and capricious.

(iv) **ISSUANCE OF ORDER.**—If the Court determines that the determination of the Secretary that the covered financial company is in default or in danger of default and satisfies the definition of a financial company under section 201(10)—

(I) is not arbitrary and capricious, the Court shall issue an order immediately authorizing the

Secretary to appoint the Corporation as receiver of the covered financial company; or

(II) is arbitrary and capricious, the Court shall immediately provide to the Secretary a written statement of each reason supporting its determination, and afford the Secretary an immediate opportunity to amend and refile the petition under clause (i).

(v) **PETITION GRANTED BY OPERATION OF LAW.**—If the Court does not make a determination within 24 hours of receipt of the petition—

(I) the petition shall be granted by operation of law;

(II) the Secretary shall appoint the Corporation as receiver; and

(III) liquidation under this title shall automatically and without further notice or action be commenced and the Corporation may immediately take all actions authorized under this title.

(B) **EFFECT OF DETERMINATION.**—The determination of the Court under subparagraph (A) shall be final, and shall be subject to appeal only in accordance with paragraph (2). The decision shall not be subject to any stay or injunction pending appeal. Upon conclusion of its proceedings under subparagraph (A), the Court shall provide immediately for the record a written statement of each reason supporting the decision of the Court, and shall provide copies thereof to the Secretary and the covered financial company.

(C) **CRIMINAL PENALTIES.**—A person who recklessly discloses a determination of the Secretary under section 203(b) or a petition of the Secretary under subparagraph (A), or the pendency of court proceedings as provided for under subparagraph (A), shall be fined not more than \$250,000, or imprisoned for not more than 5 years, or both.

(2) **APPEAL OF DECISIONS OF THE DISTRICT COURT.**—

(A) **APPEAL TO COURT OF APPEALS.**—

(i) **IN GENERAL.**—Subject to clause (ii), the United States Court of Appeals for the District of Columbia Circuit shall have jurisdiction of an appeal of a final decision of the Court filed by the Secretary or a covered financial company, through its board of directors, notwithstanding section 210(a)(1)(A)(i), not later than 30 days after the date on which the decision of the Court is rendered or deemed rendered under this subsection.

(ii) **CONDITION OF JURISDICTION.**—The Court of Appeals shall have jurisdiction of an appeal by a covered financial company only if the covered financial company did not acquiesce or consent to the appointment of a receiver by the Secretary under paragraph (1)(A).

(iii) **EXPEDITION.**—The Court of Appeals shall consider any appeal under this subparagraph on an expedited basis.

(iv) **SCOPE OF REVIEW.**—For an appeal taken under this subparagraph, review shall be limited to whether the determination of the Secretary that a covered financial company is in default or in danger of default and satisfies the definition of a financial company under section 201(10) is arbitrary and capricious.

(B) **APPEAL TO THE SUPREME COURT.**—

(i) **IN GENERAL.**—A petition for a writ of certiorari to review a decision of the Court of Appeals under subparagraph (A) may be filed by the Secretary or the covered financial company, through its board of directors, notwithstanding section 210(a)(1)(A)(i), with the Supreme Court of the United States, not later than 30 days after the date of the final decision of the Court of Appeals, and the Supreme Court shall have discretionary jurisdiction to review such decision.

(ii) **WRITTEN STATEMENT.**—In the event of a petition under clause (i), the Court of Appeals shall immediately provide for the record a written statement of each reason for its decision.

(iii) **EXPEDITION.**—The Supreme Court shall consider any petition under this subparagraph on an expedited basis.

(iv) **SCOPE OF REVIEW.**—Review by the Supreme Court under this subparagraph shall be limited to whether the determination of the Secretary that the covered financial company is in default or in danger of default and satisfies the definition of a financial company under section 201(10) is arbitrary and capricious.

(b) **ESTABLISHMENT AND TRANSMITTAL OF RULES AND PROCEDURES.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Court shall establish such rules and procedures as may be necessary to ensure the orderly conduct of proceedings, including rules and procedures to ensure that the 24-hour deadline is met and that the Secretary shall have an ongoing opportunity to amend and refile petitions under subsection (a)(1).

(2) **PUBLICATION OF RULES.**—The rules and procedures established under paragraph (1), and any modifications of such rules and procedures, shall be recorded and shall be transmitted to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Financial Services of the House of Representatives.

(c) **PROVISIONS APPLICABLE TO FINANCIAL COMPANIES.**—

(1) **BANKRUPTCY CODE.**—Except as provided in this subsection, the provisions of the Bankruptcy Code and rules issued thereunder, and not the provisions of this title, shall apply to financial companies that are not covered financial companies for which the Corporation has been appointed as receiver.

(2) **THIS TITLE.**—The provisions of this title shall exclusively apply to and govern all matters relating to covered financial companies for which the Corporation is appointed as receiver, and no provisions of the Bankruptcy Code or the rules issued thereunder shall apply in such cases.

(d) **TIME LIMIT ON RECEIVERSHIP AUTHORITY.**—

(1) **BASELINE PERIOD.**—Any appointment of the Corporation as receiver under this section shall terminate at the end of the 3-year period beginning on the date on which such appointment is made.

(2) **EXTENSION OF TIME LIMIT.**—The time limit established in paragraph (1) may be extended by the Corporation for up to 1 additional year, if the Chairperson of the Corporation determines and certifies in writing to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that continuation of the receivership is necessary—

(A) to—

(i) maximize the net present value return from the sale or other disposition of the assets of the covered financial company; or

(ii) minimize the amount of loss realized upon the sale or other disposition of the assets of the covered financial company; and

(B) to protect the stability of the financial system of the United States.

(3) **SECOND EXTENSION OF TIME LIMIT.**—

(A) **IN GENERAL.**—The time limit under this subsection, as extended under paragraph (2), may be extended for up to 1 additional year, if the Chairperson of the Corporation, with the concurrence of the Secretary, submits the certifications described in paragraph (2).

(B) **ADDITIONAL REPORT REQUIRED.**—Not later than 30 days after the date of commencement of the extension under subparagraph (A), the Cor-

poration shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the need for the extension and the specific plan of the Corporation to conclude the receivership before the end of the second extension.

(4) **ONGOING LITIGATION.**—The time limit under this subsection, as extended under paragraph (3), may be further extended solely for the purpose of completing ongoing litigation in which the Corporation as receiver is a party, provided that the appointment of the Corporation as receiver shall terminate not later than 90 days after the date of completion of such litigation, if—

(A) the Council determines that the Corporation used its best efforts to conclude the receivership in accordance with its plan before the end of the time limit described in paragraph (3);

(B) the Council determines that the completion of longer-term responsibilities in the form of ongoing litigation justifies the need for an extension; and

(C) the Corporation submits a report approved by the Council not later than 30 days after the date of the determinations by the Council under subparagraphs (A) and (B) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, describing—

(i) the ongoing litigation justifying the need for an extension; and

(ii) the specific plan of the Corporation to complete the litigation and conclude the receivership.

(5) **REGULATIONS.**—The Corporation may issue regulations governing the termination of receiverships under this title.

(6) **NO LIABILITY.**—The Corporation and the Deposit Insurance Fund shall not be liable for unresolved claims arising from the receivership after the termination of the receivership.

(e) **STUDY OF BANKRUPTCY AND ORDERLY LIQUIDATION PROCESS FOR FINANCIAL COMPANIES.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—The Administrative Office of the United States Courts and the Comptroller General of the United States shall each monitor the activities of the Court, and each such Office shall conduct separate studies regarding the bankruptcy and orderly liquidation process for financial companies under the Bankruptcy Code.

(B) **ISSUES TO BE STUDIED.**—In conducting the study under subparagraph (A), the Administrative Office of the United States Courts and the Comptroller General of the United States each shall evaluate—

(i) the effectiveness of chapter 7 or chapter 11 of the Bankruptcy Code in facilitating the orderly liquidation or reorganization of financial companies;

(ii) ways to maximize the efficiency and effectiveness of the Court; and

(iii) ways to make the orderly liquidation process under the Bankruptcy Code for financial companies more effective.

(2) **REPORTS.**—Not later than 1 year after the date of enactment of this Act, in each successive year until the third year, and every fifth year after that date of enactment, the Administrative Office of the United States Courts and the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on the Judiciary of the Senate and the Committee on Financial Services and the Committee on the Judiciary of the House of Representatives separate reports summarizing the results of the studies conducted under paragraph (1).

(f) **STUDY OF INTERNATIONAL COORDINATION RELATING TO BANKRUPTCY PROCESS FOR FINANCIAL COMPANIES.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study regarding international coordination relating to the orderly liquidation of financial companies under the Bankruptcy Code.

(B) **ISSUES TO BE STUDIED.**—In conducting the study under subparagraph (A), the Comptroller General of the United States shall evaluate, with respect to the bankruptcy process for financial companies—

(i) the extent to which international coordination currently exists;

(ii) current mechanisms and structures for facilitating international cooperation;

(iii) barriers to effective international coordination; and

(iv) ways to increase and make more effective international coordination.

(2) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on the Judiciary of the Senate and the Committee on Financial Services and the Committee on the Judiciary of the House of Representatives and the Secretary a report summarizing the results of the study conducted under paragraph (1).

(g) **STUDY OF PROMPT CORRECTIVE ACTION IMPLEMENTATION BY THE APPROPRIATE FEDERAL AGENCIES.**—

(1) **STUDY.**—The Comptroller General of the United States shall conduct a study regarding the implementation of prompt corrective action by the appropriate Federal banking agencies.

(2) **ISSUES TO BE STUDIED.**—In conducting the study under paragraph (1), the Comptroller General shall evaluate—

(A) the effectiveness of implementation of prompt corrective action by the appropriate Federal banking agencies and the resolution of insured depository institutions by the Corporation; and

(B) ways to make prompt corrective action a more effective tool to resolve the insured depository institutions at the least possible long-term cost to the Deposit Insurance Fund.

(3) **REPORT TO COUNCIL.**—Not later than 1 years after the date of enactment of this Act, the Comptroller General shall submit a report to the Council on the results of the study conducted under this subsection.

(4) **COUNCIL REPORT OF ACTION.**—Not later than 6 months after the date of receipt of the report from the Comptroller General under paragraph (3), the Council shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on actions taken in response to the report, including any recommendations made to the Federal primary financial regulatory agencies under section 120.

SEC. 203. SYSTEMIC RISK DETERMINATION.

(a) **WRITTEN RECOMMENDATION AND DETERMINATION.**—

(1) **VOTE REQUIRED.**—

(A) **IN GENERAL.**—On their own initiative, or at the request of the Secretary, the Corporation and the Board of Governors shall consider whether to make a written recommendation described in paragraph (2) with respect to whether the Secretary should appoint the Corporation as receiver for a financial company. Such recommendation shall be made upon a vote of not fewer than $\frac{2}{3}$ of the members of the Board of Governors then serving and $\frac{2}{3}$ of the members of the board of directors of the Corporation then serving.

(B) **CASES INVOLVING COVERED BROKERS OR DEALERS.**—In the case of a covered broker or dealer, or in which the largest United States subsidiary (as measured by total assets as of the

end of the previous calendar quarter) of a financial company is a covered broker or dealer, the Commission and the Board of Governors, at the request of the Secretary, or on their own initiative, shall consider whether to make the written recommendation described in paragraph (2) with respect to the financial company. Subject to the requirements in paragraph (2), such recommendation shall be made upon a vote of not fewer than $\frac{2}{3}$ of the members of the Board of Governors then serving and the members of the Commission then serving, and in consultation with the Corporation.

(2) **RECOMMENDATION REQUIRED.**—Any written recommendation pursuant to paragraph (1) shall contain—

(A) an evaluation of whether the financial company is in default or in danger of default;

(B) a description of the effect that the default of the financial company would have on financial stability in the United States;

(C) a recommendation regarding the nature and the extent of actions to be taken under this title regarding the financial company;

(D) an evaluation of the likelihood of a private sector alternative to prevent the default of the financial company;

(E) an evaluation of why a case under the Bankruptcy Code is not appropriate for the financial company;

(F) an evaluation of the effects on creditors, counterparties, and shareholders of the financial company and other market participants; and

(G) an evaluation of whether the company satisfies the definition of a financial company under section 201.

(b) **DETERMINATION BY THE SECRETARY.**—Notwithstanding any other provision of Federal or State law, the Secretary shall take action in accordance with section 202(a)(1)(A), if, upon the written recommendation under subsection (a), the Secretary (in consultation with the President) determines that—

(1) the financial company is in default or in danger of default;

(2) the failure of the financial company and its resolution under otherwise applicable Federal or State law would have serious adverse effects on financial stability in the United States;

(3) no viable private sector alternative is available to prevent the default of the financial company;

(4) any effect on the claims or interests of creditors, counterparties, and shareholders of the financial company and other market participants as a result of actions to be taken under this title is appropriate, given the impact that any action taken under this title would have on financial stability in the United States;

(5) any action under section 204 would avoid or mitigate such adverse effects, taking into consideration the effectiveness of the action in mitigating potential adverse effects on the financial system, the cost to the general fund of the Treasury, and the potential to increase excessive risk taking on the part of creditors, counterparties, and shareholders in the financial company;

(6) a Federal regulatory agency has ordered the financial company to convert all of its convertible debt instruments that are subject to the regulatory order; and

(7) the company satisfies the definition of a financial company under section 201.

(c) **DOCUMENTATION AND REVIEW.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) document any determination under subsection (b);

(B) retain the documentation for review under paragraph (2); and

(C) notify the covered financial company and the Corporation of such determination.

(2) **REPORT TO CONGRESS.**—Not later than 24 hours after the date of appointment of the Cor-

poration as receiver for a covered financial company, the Secretary shall provide written notice of the recommendations and determinations reached in accordance with subsections (a) and (b) to the Majority Leader and the Minority Leader of the Senate and the Speaker and the Minority Leader of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, which shall consist of a summary of the basis for the determination, including, to the extent available at the time of the determination—

(A) the size and financial condition of the covered financial company;

(B) the sources of capital and credit support that were available to the covered financial company;

(C) the operations of the covered financial company that could have had a significant impact on financial stability, markets, or both;

(D) identification of the banks and financial companies which may be able to provide the services offered by the covered financial company;

(E) any potential international ramifications of resolution of the covered financial company under other applicable insolvency law;

(F) an estimate of the potential effect of the resolution of the covered financial company under other applicable insolvency law on the financial stability of the United States;

(G) the potential effect of the appointment of a receiver by the Secretary on consumers;

(H) the potential effect of the appointment of a receiver by the Secretary on the financial system, financial markets, and banks and other financial companies; and

(I) whether resolution of the covered financial company under other applicable insolvency law would cause banks or other financial companies to experience severe liquidity distress.

(3) **REPORTS TO CONGRESS AND THE PUBLIC.**—

(A) **IN GENERAL.**—Not later than 60 days after the date of appointment of the Corporation as receiver for a covered financial company, the Corporation shall file a report with the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

(i) setting forth information on the financial condition of the covered financial company as of the date of the appointment, including a description of its assets and liabilities;

(ii) describing the plan of, and actions taken by, the Corporation to wind down the covered financial company;

(iii) explaining each instance in which the Corporation waived any applicable requirements of part 366 of title 12, Code of Federal Regulations (or any successor thereto) with respect to conflicts of interest by any person in the private sector who was retained to provide services to the Corporation in connection with such receivership;

(iv) describing the reasons for the provision of any funding to the receivership out of the Fund;

(v) setting forth the expected costs of the orderly liquidation of the covered financial company;

(vi) setting forth the identity of any claimant that is treated in a manner different from other similarly situated claimants under subsection (b)(4), (d)(4), or (h)(5)(E), the amount of any additional payment to such claimant under subsection (d)(4), and the reason for any such action; and

(vii) which report the Corporation shall publish on an online website maintained by the Corporation, subject to maintaining appropriate confidentiality.

(B) **AMENDMENTS.**—The Corporation shall, on a timely basis, not less frequently than quarterly, amend or revise and resubmit the reports prepared under this paragraph, as necessary.

(C) **CONGRESSIONAL TESTIMONY.**—The Corporation and the primary financial regulatory agency, if any, of the financial company for which the Corporation was appointed receiver under this title shall appear before Congress, if requested, not later than 30 days after the date on which the Corporation first files the reports required under subparagraph (A).

(4) **DEFAULT OR IN DANGER OF DEFAULT.**—For purposes of this title, a financial company shall be considered to be in default or in danger of default if, as determined in accordance with subsection (b)—

(A) a case has been, or likely will promptly be, commenced with respect to the financial company under the Bankruptcy Code;

(B) the financial company has incurred, or is likely to incur, losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the company to avoid such depletion;

(C) the assets of the financial company are, or are likely to be, less than its obligations to creditors and others; or

(D) the financial company is, or is likely to be, unable to pay its obligations (other than those subject to a bona fide dispute) in the normal course of business.

(5) **GAO REVIEW.**—The Comptroller General of the United States shall review and report to Congress on any determination under subsection (b), that results in the appointment of the Corporation as receiver, including—

(A) the basis for the determination;

(B) the purpose for which any action was taken pursuant thereto;

(C) the likely effect of the determination and such action on the incentives and conduct of financial companies and their creditors, counterparties, and shareholders; and

(D) the likely disruptive effect of the determination and such action on the reasonable expectations of creditors, counterparties, and shareholders, taking into account the impact any action under this title would have on financial stability in the United States, including whether the rights of such parties will be disrupted.

(d) **CORPORATION POLICIES AND PROCEDURES.**—As soon as is practicable after the date of enactment of this Act, the Corporation shall establish policies and procedures that are acceptable to the Secretary governing the use of funds available to the Corporation to carry out this title, including the terms and conditions for the provision and use of funds under sections 204(d), 210(h)(2)(G)(iv), and 210(h)(9).

(e) **TREATMENT OF INSURANCE COMPANIES AND INSURANCE COMPANY SUBSIDIARIES.**—

(1) **IN GENERAL.**—Notwithstanding subsection (b), if an insurance company is a covered financial company or a subsidiary or affiliate of a covered financial company, the liquidation or rehabilitation of such insurance company, and any subsidiary or affiliate of such company that is not excepted under paragraph (2), shall be conducted as provided under such State law.

(2) **EXCEPTION FOR SUBSIDIARIES AND AFFILIATES.**—The requirement of paragraph (1) shall not apply with respect to any subsidiary or affiliate of an insurance company that is not itself an insurance company.

(3) **BACKUP AUTHORITY.**—Notwithstanding paragraph (1), with respect to a covered financial company described in paragraph (1), if, after the end of the 60-day period beginning on the date on which a determination is made under section 202(a) with respect to such company, the appropriate regulatory agency has not filed the appropriate judicial action in the appropriate State court to place such company into orderly liquidation under the laws and requirements of the State, the Corporation shall have the authority to stand in the place of the

appropriate regulatory agency and file the appropriate judicial action in the appropriate State court to place such company into orderly liquidation under the laws and requirements of the State.

SEC. 204. ORDERLY LIQUIDATION.

(a) **PURPOSE OF ORDERLY LIQUIDATION AUTHORITY.**—It is the purpose of this title to provide the necessary authority to liquidate failing financial companies that pose a significant risk to the financial stability of the United States in a manner that mitigates such risk and minimizes moral hazard. The authority provided in this title shall be exercised in the manner that best fulfills such purpose, so that—

(1) creditors and shareholders will bear the losses of the financial company;

(2) management responsible for the condition of the financial company will not be retained; and

(3) the Corporation and other appropriate agencies will take all steps necessary and appropriate to assure that all parties, including management and third parties, having responsibility for the condition of the financial company bear losses consistent with their responsibility, including actions for damages, restitution, and recoupment of compensation and other gains not compatible with such responsibility.

(b) **CORPORATION AS RECEIVER.**—Upon the appointment of the Corporation under section 202, the Corporation shall act as the receiver for the covered financial company, with all of the rights and obligations set forth in this title.

(c) **CONSULTATION.**—The Corporation, as receiver—

(1) shall consult with the primary financial regulatory agency or agencies of the covered financial company and its covered subsidiaries for purposes of ensuring an orderly liquidation of the covered financial company;

(2) may consult with, or under subsection (a)(1)(B)(v) or (a)(1)(L) of section 210, acquire the services of, any outside experts, as appropriate to inform and aid the Corporation in the orderly liquidation process;

(3) shall consult with the primary financial regulatory agency or agencies of any subsidiaries of the covered financial company that are not covered subsidiaries, and coordinate with such regulators regarding the treatment of such solvent subsidiaries and the separate resolution of any such insolvent subsidiaries under other governmental authority, as appropriate; and

(4) shall consult with the Commission and the Securities Investor Protection Corporation in the case of any covered financial company for which the Corporation has been appointed as receiver that is a broker or dealer registered with the Commission under section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) and is a member of the Securities Investor Protection Corporation, for the purpose of determining whether to transfer to a bridge financial company organized by the Corporation as receiver, without consent of any customer, customer accounts of the covered financial company.

(d) **FUNDING FOR ORDERLY LIQUIDATION.**—Upon its appointment as receiver for a covered financial company, and thereafter as the Corporation may, in its discretion, determine to be necessary or appropriate, the Corporation may make available to the receivership, subject to the conditions set forth in section 206 and subject to the plan described in section 210(n)(11), funds for the orderly liquidation of the covered financial company. All funds provided by the Corporation under this subsection shall have a priority of claims under subparagraph (A) or (B) of section 210(b)(1), as applicable, including funds used for—

(1) making loans to, or purchasing any debt obligation of, the covered financial company or any covered subsidiary;

(2) purchasing or guaranteeing against loss the assets of the covered financial company or any covered subsidiary, directly or through an entity established by the Corporation for such purpose;

(3) assuming or guaranteeing the obligations of the covered financial company or any covered subsidiary to 1 or more third parties;

(4) taking a lien on any or all assets of the covered financial company or any covered subsidiary, including a first priority lien on all unencumbered assets of the covered financial company or any covered subsidiary to secure repayment of any transactions conducted under this subsection;

(5) selling or transferring all, or any part, of such acquired assets, liabilities, or obligations of the covered financial company or any covered subsidiary; and

(6) making payments pursuant to subsections (b)(4), (d)(4), and (h)(5)(E) of section 210.

SEC. 205. ORDERLY LIQUIDATION OF COVERED BROKERS AND DEALERS.

(a) **APPOINTMENT OF SIPC AS TRUSTEE FOR PROTECTION OF CUSTOMER SECURITIES AND PROPERTY.**—Upon the appointment of the Corporation as receiver for any covered broker or dealer, the Corporation shall appoint, without any need for court approval, the Securities Investor Protection Corporation to act as trustee for liquidation under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) of the covered broker or dealer.

(b) **POWERS AND DUTIES OF SIPC.**—

(1) **IN GENERAL.**—Except as provided in this section, upon its appointment as trustee for the liquidation of a covered broker or dealer, SIPC shall have all of the powers and duties provided by the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), including, without limitation, all rights of action against third parties, but shall have no powers or duties with respect to assets and liabilities transferred by the Corporation from the covered broker or dealer to any bridge financial company established in accordance with this title.

(2) **LIMITATION OF POWERS.**—The exercise by SIPC of powers and functions as trustee under subsection (a) shall not impair or impede the exercise of the powers and duties of the Corporation with regard to—

(A) any action, except as otherwise provided in this title—

(i) to make funds available under section 204(d);

(ii) to organize, establish, operate, or terminate any bridge financial company;

(iii) to transfer assets and liabilities;

(iv) to enforce or repudiate contracts; or

(v) to take any other action relating to such bridge financial company under section 210; or

(B) determining claims under subsection (d).

(3) **QUALIFIED FINANCIAL CONTRACTS.**—Notwithstanding any provision of the Securities Investor Protection Act of 1970 to the contrary (including section 5(b)(2)(C) of that Act (15 U.S.C. 78eee(b)(2)(C))), the rights and obligations of any party to a qualified financial contract (as that term is defined in section 210(c)(8)) to which a covered broker or dealer described in subsection (a) is a party shall be governed exclusively by section 210, including the limitations and restrictions contained in section 210(c)(10)(B).

(c) **LIMITATION ON COURT ACTION.**—Except as otherwise provided in this title, no court may take any action, including any action pursuant to the Securities Investor Protection Act of 1970 or the Bankruptcy Code, to restrain or affect the exercise of powers or functions of the Corporation as receiver for a covered broker or dealer and any claims against the Corporation as such receiver shall be determined in accordance with subsection (e) and such claims shall be limited to money damages.

(d) **ACTIONS BY CORPORATION AS RECEIVER.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of this title, no action taken by the Corporation, as receiver with respect to a covered broker or dealer, shall—

(A) adversely affect the rights of a customer to customer property or customer name securities;

(B) diminish the amount or timely payment of net equity claims of customers; or

(C) otherwise impair the recoveries provided to a customer under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.).

(2) **NET PROCEEDS.**—The net proceeds from any transfer, sale, or disposition of assets by the Corporation as receiver for the covered broker or dealer shall be for the benefit of the estate of the covered broker or dealer, as provided in this title.

(e) **CLAIMS AGAINST THE CORPORATION AS RECEIVER.**—Any claim against the Corporation as receiver for a covered broker or dealer for assets transferred to a bridge financial company established with respect to such covered broker or dealer—

(1) shall be determined in accordance with section 210(a)(2); and

(2) may be reviewed by the appropriate district or territorial court of the United States in accordance with section 210(a)(5).

(f) **SATISFACTION OF CUSTOMER CLAIMS.**—

(1) **OBLIGATIONS TO CUSTOMERS.**—Notwithstanding any other provision of this title, all obligations of a covered broker or dealer or of any bridge financial company established with respect to such covered broker or dealer to a customer relating to, or net equity claims based upon, customer property shall be promptly discharged by the delivery of securities or the making of payments to or for the account of such customer, in a manner and in an amount at least as beneficial to the customer as would have been the case had the covered broker or dealer been subject to a proceeding under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) without the appointment of the Corporation as receiver, and with a filing date as of the date on which the Corporation is appointed as receiver.

(2) **SATISFACTION OF CLAIMS BY SIPC.**—SIPC, as trustee for a covered broker or dealer, shall satisfy customer claims in the manner and amount provided under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), as if the appointment of the Corporation as receiver had not occurred, and with a filing date as of the date on which the Corporation is appointed as receiver. The Corporation shall satisfy customer claims, to the extent that a customer would have received more securities or cash with respect to the allocation of customer property had the covered financial company been subject to a proceeding under the Securities Investor Protection Act (15 U.S.C. 78aaa et seq.) without the appointment of the Corporation as receiver, and with a filing date as of the date on which the Corporation is appointed as receiver.

(g) **PRIORITIES.**—

(1) **CUSTOMER PROPERTY.**—As trustee for a covered broker or dealer, SIPC shall allocate customer property and deliver customer name securities in accordance with section 8(c) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff-2(c)).

(2) **OTHER CLAIMS.**—All claims other than those described in paragraph (1) (including any unpaid claim by a customer for the allowed net equity claim of such customer from customer property) shall be paid in accordance with the priorities in section 210(b).

(h) **RULEMAKING.**—The Commission and the Corporation, after consultation with SIPC, shall jointly issue rules to implement this section.

SEC. 206. MANDATORY TERMS AND CONDITIONS FOR ALL ORDERLY LIQUIDATION ACTIONS.

In taking action under this title, the Corporation shall—

(1) determine that such action is necessary for purposes of the financial stability of the United States, and not for the purpose of preserving the covered financial company;

(2) ensure that the shareholders of a covered financial company do not receive payment until after all other claims and the Fund are fully paid;

(3) ensure that unsecured creditors bear losses in accordance with the priority of claim provisions in section 210;

(4) ensure that management responsible for the failed condition of the covered financial company is removed (if such management has not already been removed at the time at which the Corporation is appointed receiver); and

(5) not take an equity interest in or become a shareholder of any covered financial company or any covered subsidiary.

SEC. 207. DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF RECEIVER.

The members of the board of directors (or body performing similar functions) of a covered financial company shall not be liable to the shareholders or creditors thereof for acquiescing in or consenting in good faith to the appointment of the Corporation as receiver for the covered financial company under section 203.

SEC. 208. DISMISSAL AND EXCLUSION OF OTHER ACTIONS.

(a) **IN GENERAL.**—Effective as of the date of the appointment of the Corporation as receiver for the covered financial company under section 202 or the appointment of SIPC as trustee for a covered broker or dealer under section 205, as applicable, any case or proceeding commenced with respect to the covered financial company under the Bankruptcy Code or the Securities Investor Protection Act of 1970 shall be dismissed, upon notice to the Bankruptcy Court (with respect to a case commenced under the Bankruptcy Code), and upon notice to SIPC (with respect to a covered broker or dealer) and no such case or proceeding may be commenced with respect to a covered financial company at any time while the orderly liquidation is pending.

(b) **REVESTING OF ASSETS.**—Effective as of the date of appointment of the Corporation as receiver, the assets of a covered financial company shall, to the extent they have vested in any entity other than the covered financial company as a result of any case or proceeding commenced with respect to the covered financial company under the Bankruptcy Code, the Securities Investor Protection Act of 1970, or any similar provision of State liquidation or insolvency law applicable to the covered financial company, revert in the covered financial company.

(c) **LIMITATION.**—Notwithstanding subsections (a) and (b), any order entered or other relief granted by a bankruptcy court prior to the date of appointment of the Corporation as receiver shall continue with the same validity as if an orderly liquidation had not been commenced.

SEC. 209. RULEMAKING; NON-CONFLICTING LAW.

The Corporation shall, in consultation with the Council, prescribe such rules or regulations as the Corporation considers necessary or appropriate to implement this title, including rules and regulations with respect to the rights, interests, and priorities of creditors, counterparties, security entitlement holders, or other persons with respect to any covered financial company or any assets or other property of or held by such covered financial company, and address the potential for conflicts of interest between or among individual receiverships established

under this title or under the Federal Deposit Insurance Act. To the extent possible, the Corporation shall seek to harmonize applicable rules and regulations promulgated under this section with the insolvency laws that would otherwise apply to a covered financial company.

SEC. 210. POWERS AND DUTIES OF THE CORPORATION.

(a) **POWERS AND AUTHORITIES.**—

(1) **GENERAL POWERS.**—

(A) **SUCCESSOR TO COVERED FINANCIAL COMPANY.**—The Corporation shall, upon appointment as receiver for a covered financial company under this title, succeed to—

(i) all rights, titles, powers, and privileges of the covered financial company and its assets, and of any stockholder, member, officer, or director of such company; and

(ii) title to the books, records, and assets of any previous receiver or other legal custodian of such covered financial company.

(B) **OPERATION OF THE COVERED FINANCIAL COMPANY DURING THE PERIOD OF ORDERLY LIQUIDATION.**—The Corporation, as receiver for a covered financial company, may—

(i) take over the assets of and operate the covered financial company with all of the powers of the members or shareholders, the directors, and the officers of the covered financial company, and conduct all business of the covered financial company;

(ii) collect all obligations and money owed to the covered financial company;

(iii) perform all functions of the covered financial company, in the name of the covered financial company;

(iv) manage the assets and property of the covered financial company, consistent with maximization of the value of the assets in the context of the orderly liquidation; and

(v) provide by contract for assistance in fulfilling any function, activity, action, or duty of the Corporation as receiver.

(C) **FUNCTIONS OF COVERED FINANCIAL COMPANY OFFICERS, DIRECTORS, AND SHAREHOLDERS.**—

(i) **IN GENERAL.**—The Corporation may provide for the exercise of any function by any member or stockholder, director, or officer of any covered financial company for which the Corporation has been appointed as receiver under this title.

(ii) **PRESUMPTION.**—There shall be a strong presumption that the Corporation, as receiver for a covered financial company, will remove management responsible for the failed condition of the covered financial company.

(D) **ADDITIONAL POWERS AS RECEIVER.**—The Corporation shall, as receiver for a covered financial company, and subject to all legally enforceable and perfected security interests and all legally enforceable security entitlements in respect of assets held by the covered financial company, liquidate, and wind-up the affairs of a covered financial company, including taking steps to realize upon the assets of the covered financial company, in such manner as the Corporation deems appropriate, including through the sale of assets, the transfer of assets to a bridge financial company established under subsection (h), or the exercise of any other rights or privileges granted to the receiver under this section.

(E) **ADDITIONAL POWERS WITH RESPECT TO FAILING SUBSIDIARIES OF A COVERED FINANCIAL COMPANY.**—

(i) **IN GENERAL.**—In any case in which a receiver is appointed for a covered financial company under section 202, the Corporation may appoint itself as receiver of any subsidiary (other than an insured depository institution, any covered broker or dealer, or an insurance company) of the covered financial company that is organized under Federal law or the laws of

any State, if the Corporation and the Secretary jointly determine that—

(I) the subsidiary is in default or in danger of default;

(II) such action would avoid or mitigate serious adverse effects on the financial stability or economic conditions of the United States; and

(III) such action would facilitate the orderly liquidation of the covered financial company.

(ii) **TREATMENT AS COVERED FINANCIAL COMPANY.**—If the Corporation is appointed as receiver of a subsidiary of a covered financial company under clause (i), the subsidiary shall thereafter be considered a covered financial company under this title, and the Corporation shall thereafter have all the powers and rights with respect to that subsidiary as it has with respect to a covered financial company under this title.

(F) **ORGANIZATION OF BRIDGE COMPANIES.**—The Corporation, as receiver for a covered financial company, may organize a bridge financial company under subsection (h).

(G) **MERGER; TRANSFER OF ASSETS AND LIABILITIES.**—

(i) **IN GENERAL.**—Subject to clauses (ii) and (iii), the Corporation, as receiver for a covered financial company, may—

(I) merge the covered financial company with another company; or

(II) transfer any asset or liability of the covered financial company (including any assets and liabilities held by the covered financial company for security entitlement holders, any customer property, or any assets and liabilities associated with any trust or custody business) without obtaining any approval, assignment, or consent with respect to such transfer.

(ii) **FEDERAL AGENCY APPROVAL; ANTITRUST REVIEW.**—With respect to a transaction described in clause (i)(I) that requires approval by a Federal agency—

(I) the transaction may not be consummated before the 5th calendar day after the date of approval by the Federal agency responsible for such approval;

(II) if, in connection with any such approval, a report on competitive factors is required, the Federal agency responsible for such approval shall promptly notify the Attorney General of the United States of the proposed transaction, and the Attorney General shall provide the required report not later than 10 days after the date of the request; and

(III) if notification under section 7A of the Clayton Act is required with respect to such transaction, then the required waiting period shall end on the 15th day after the date on which the Attorney General and the Federal Trade Commission receive such notification, unless the waiting period is terminated earlier under subsection (b)(2) of such section 7A, or is extended pursuant to subsection (e)(2) of such section 7A.

(iii) **SETOFF.**—Subject to the other provisions of this title, any transferee of assets from a receiver, including a bridge financial company, shall be subject to such claims or rights as would prevail over the rights of such transferee in such assets under applicable noninsolvency law.

(H) **PAYMENT OF VALID OBLIGATIONS.**—The Corporation, as receiver for a covered financial company, shall, to the extent that funds are available, pay all valid obligations of the covered financial company that are due and payable at the time of the appointment of the Corporation as receiver, in accordance with the prescriptions and limitations of this title.

(I) **APPLICABLE NONINSOLVENCY LAW.**—Except as may otherwise be provided in this title, the applicable noninsolvency law shall be determined by the noninsolvency choice of law rules otherwise applicable to the claims, rights, titles, persons, or entities at issue.

(J) SUBPOENA AUTHORITY.—

(i) **IN GENERAL.**—The Corporation, as receiver for a covered financial company, may, for purposes of carrying out any power, authority, or duty with respect to the covered financial company (including determining any claim against the covered financial company and determining and realizing upon any asset of any person in the course of collecting money due the covered financial company), exercise any power established under section 8(n) of the Federal Deposit Insurance Act, as if the Corporation were the appropriate Federal banking agency for the covered financial company, and the covered financial company were an insured depository institution.

(ii) **RULE OF CONSTRUCTION.**—This subparagraph may not be construed as limiting any rights that the Corporation, in any capacity, might otherwise have to exercise any powers described in clause (i) or under any other provision of law.

(K) **INCIDENTAL POWERS.**—The Corporation, as receiver for a covered financial company, may exercise all powers and authorities specifically granted to receivers under this title, and such incidental powers as shall be necessary to carry out such powers under this title.

(L) **UTILIZATION OF PRIVATE SECTOR.**—In carrying out its responsibilities in the management and disposition of assets from the covered financial company, the Corporation, as receiver for a covered financial company, may utilize the services of private persons, including real estate and loan portfolio asset management, property management, auction marketing, legal, and brokerage services, if such services are available in the private sector, and the Corporation determines that utilization of such services is practicable, efficient, and cost effective.

(M) **SHAREHOLDERS AND CREDITORS OF COVERED FINANCIAL COMPANY.**—Notwithstanding any other provision of law, the Corporation, as receiver for a covered financial company, shall succeed by operation of law to the rights, titles, powers, and privileges described in subparagraph (A), and shall terminate all rights and claims that the stockholders and creditors of the covered financial company may have against the assets of the covered financial company or the Corporation arising out of their status as stockholders or creditors, except for their right to payment, resolution, or other satisfaction of their claims, as permitted under this section. The Corporation shall ensure that shareholders and unsecured creditors bear losses, consistent with the priority of claims provisions under this section.

(N) **COORDINATION WITH FOREIGN FINANCIAL AUTHORITIES.**—The Corporation, as receiver for a covered financial company, shall coordinate, to the maximum extent possible, with the appropriate foreign financial authorities regarding the orderly liquidation of any covered financial company that has assets or operations in a country other than the United States.

(O) **RESTRICTION ON TRANSFERS TO BRIDGE FINANCIAL COMPANY.**—

(i) **SECTION OF ACCOUNTS FOR TRANSFER.**—If the Corporation establishes one or more bridge financial companies with respect to a covered broker or dealer, the Corporation shall transfer to a bridge financial company, all customer accounts of the covered financial company, unless the Corporation, after consulting with the Commission and SIPC, determines that—

(I) the customer accounts are likely to be promptly transferred to another covered broker or dealer; or

(II) the transfer of the accounts to a bridge financial company would materially interfere with the ability of the Corporation to avoid or mitigate serious adverse effects on financial stability or economic conditions in the United States.

(ii) **TRANSFER OF PROPERTY.**—SIPC, as trustee for the liquidation of the covered broker or dealer, and the Commission, shall provide any and all reasonable assistance necessary to complete such transfers by the Corporation.

(iii) **CUSTOMER CONSENT AND COURT APPROVAL NOT REQUIRED.**—Neither customer consent nor court approval shall be required to transfer any customer accounts and associated customer property to a bridge financial company in accordance with this section.

(iv) **NOTIFICATION OF SIPC AND SHARING OF INFORMATION.**—The Corporation shall identify to SIPC the customer accounts and associated customer property transferred to the bridge financial company. The Corporation and SIPC shall cooperate in the sharing of any information necessary for each entity to discharge its obligations under this title and under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) including by providing access to the books and records of the covered financial company and any bridge financial company established in accordance with this title.

(2) **DETERMINATION OF CLAIMS.**—

(A) **IN GENERAL.**—The Corporation, as receiver for a covered financial company, shall report on claims, as set forth in section 203(c)(3). Subject to paragraph (4) of this subsection, the Corporation, as receiver for a covered financial company, shall determine claims in accordance with the requirements of this subsection and regulations prescribed under section 209.

(B) **NOTICE REQUIREMENTS.**—The Corporation, as receiver for a covered financial company, in any case involving the liquidation or winding up of the affairs of a covered financial company, shall—

(i) promptly publish a notice to the creditors of the covered financial company to present their claims, together with proof, to the receiver by a date specified in the notice, which shall be not earlier than 90 days after the date of publication of such notice; and

(ii) republish such notice 1 month and 2 months, respectively, after the date of publication under clause (i).

(C) **MAILING REQUIRED.**—The Corporation as receiver shall mail a notice similar to the notice published under clause (i) or (ii) of subparagraph (B), at the time of such publication, to any creditor shown on the books and records of the covered financial company—

(i) at the last address of the creditor appearing in such books;

(ii) in any claim filed by the claimant; or

(iii) upon discovery of the name and address of a claimant not appearing on the books and records of the covered financial company, not later than 30 days after the date of the discovery of such name and address.

(3) **PROCEDURES FOR RESOLUTION OF CLAIMS.**—(A) **DECISION PERIOD.**—

(i) **IN GENERAL.**—Prior to the 180th day after the date on which a claim against a covered financial company is filed with the Corporation as receiver, or such later date as may be agreed as provided in clause (ii), the Corporation shall notify the claimant whether it accepts or objects to the claim, in accordance with subparagraphs (B), (C), and (D).

(ii) **EXTENSION OF TIME.**—By written agreement executed not later than 180 days after the date on which a claim against a covered financial company is filed with the Corporation, the period described in clause (i) may be extended by written agreement between the claimant and the Corporation. Failure to notify the claimant of any disallowance within the time period set forth in clause (i), as it may be extended by agreement under this clause, shall be deemed to be a disallowance of such claim, and the claimant may file or continue an action in court, as provided in paragraph (4).

(iii) **MAILING OF NOTICE SUFFICIENT.**—The requirements of clause (i) shall be deemed to be satisfied if the notice of any decision with respect to any claim is mailed to the last address of the claimant which appears—

(I) on the books, records, or both of the covered financial company;

(II) in the claim filed by the claimant; or

(III) in documents submitted in proof of the claim.

(iv) **CONTENTS OF NOTICE OF DISALLOWANCE.**—If the Corporation as receiver objects to any claim filed under clause (i), the notice to the claimant shall contain—

(I) a statement of each reason for the disallowance; and

(II) the procedures required to file or continue an action in court, as provided in paragraph (4).

(B) **ALLOWANCE OF PROVEN CLAIM.**—The receiver shall allow any claim received by the receiver on or before the date specified in the notice under paragraph (2)(B)(i), which is proved to the satisfaction of the receiver.

(C) **DISALLOWANCE OF CLAIMS FILED AFTER END OF FILING PERIOD.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), claims filed after the date specified in the notice published under paragraph (2)(B)(i) shall be disallowed, and such disallowance shall be final.

(ii) **CERTAIN EXCEPTIONS.**—Clause (i) shall not apply with respect to any claim filed by a claimant after the date specified in the notice published under paragraph (2)(B)(i), and such claim may be considered by the receiver under subparagraph (B), if—

(I) the claimant did not receive notice of the appointment of the receiver in time to file such claim before such date; and

(II) such claim is filed in time to permit payment of such claim.

(D) **AUTHORITY TO DISALLOW CLAIMS.**—

(i) **IN GENERAL.**—The Corporation may object to any portion of any claim by a creditor or claim of a security, preference, setoff, or priority which is not proved to the satisfaction of the Corporation.

(ii) **PAYMENTS TO UNDERSECURED CREDITORS.**—In the case of a claim against a covered financial company that is secured by any property or other asset of such covered financial company, the receiver—

(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim; and

(II) may not make any payment with respect to such unsecured portion of the claim, other than in connection with the disposition of all claims of unsecured creditors of the covered financial company.

(iii) **EXCEPTIONS.**—No provision of this paragraph shall apply with respect to—

(I) any extension of credit from any Federal reserve bank, or the Corporation, to any covered financial company; or

(II) subject to clause (ii), any legally enforceable and perfected security interest in the assets of the covered financial company securing any such extension of credit.

(E) **LEGAL EFFECT OF FILING.**—

(i) **STATUTE OF LIMITATIONS TOLLED.**—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

(ii) **NO PREJUDICE TO OTHER ACTIONS.**—Subject to paragraph (8), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of appointment of the receiver for the covered financial company.

(4) **JUDICIAL DETERMINATION OF CLAIMS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), a claimant may file suit on a claim (or continue an action commenced before the date of

appointment of the Corporation as receiver) in the district or territorial court of the United States for the district within which the principal place of business of the covered financial company is located (and such court shall have jurisdiction to hear such claim).

(B) **TIMING.**—A claim under subparagraph (A) may be filed before the end of the 60-day period beginning on the earlier of—

(i) the end of the period described in paragraph (3)(A)(i) (or, if extended by agreement of the Corporation and the claimant, the period described in paragraph (3)(A)(ii)) with respect to any claim against a covered financial company for which the Corporation is receiver; or

(ii) the date of any notice of disallowance of such claim pursuant to paragraph (3)(A)(i).

(C) **STATUTE OF LIMITATIONS.**—If any claimant fails to file suit on such claim (or to continue an action on such claim commenced before the date of appointment of the Corporation as receiver) prior to the end of the 60-day period described in subparagraph (B), the claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver) as of the end of such period, such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

(5) **EXPEDITED DETERMINATION OF CLAIMS.**—

(A) **PROCEDURE REQUIRED.**—The Corporation shall establish a procedure for expedited relief outside of the claims process established under paragraph (3), for any claimant that alleges—

(i) the existence of a legally valid and enforceable or perfected security interest in property of a covered financial company, or is an entitlement holder that has obtained control of any legally valid and enforceable security entitlement in respect of any asset held by the covered financial company for which the Corporation has been appointed receiver; and

(ii) that irreparable injury will occur if the claims procedure established under paragraph (3) is followed.

(B) **DETERMINATION PERIOD.**—Prior to the end of the 90-day period beginning on the date on which a claim is filed in accordance with the procedures established pursuant to subparagraph (A), the Corporation shall—

(i) determine—

(I) whether to allow or disallow such claim, or any portion thereof; or

(II) whether such claim should be determined pursuant to the procedures established pursuant to paragraph (3);

(ii) notify the claimant of the determination; and

(iii) if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining a judicial determination.

(C) **PERIOD FOR FILING OR RENEWING SUIT.**—Any claimant who files a request for expedited relief shall be permitted to file suit (or continue a suit filed before the date of appointment of the Corporation as receiver seeking a determination of the rights of the claimant with respect to such security interest (or such security entitlement) after the earlier of—

(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

(ii) the date on which the Corporation denies the claim or a portion thereof.

(D) **STATUTE OF LIMITATIONS.**—If an action described in subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed in accordance with subparagraph (C), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by

the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

(E) **LEGAL EFFECT OF FILING.**—

(i) **STATUTE OF LIMITATIONS TOLLED.**—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

(ii) **NO PREJUDICE TO OTHER ACTIONS.**—Subject to paragraph (8), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the appointment of the Corporation as receiver for the covered financial company.

(6) **AGREEMENTS AGAINST INTEREST OF THE RECEIVER.**—No agreement that tends to diminish or defeat the interest of the Corporation as receiver in any asset acquired by the receiver under this section shall be valid against the receiver, unless such agreement—

(A) is in writing;

(B) was executed by an authorized officer or representative of the covered financial company, or confirmed in the ordinary course of business by the covered financial company; and

(C) has been, since the time of its execution, an official record of the company or the party claiming under the agreement provides documentation, acceptable to the receiver, of such agreement and its authorized execution or confirmation by the covered financial company.

(7) **PAYMENT OF CLAIMS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Corporation as receiver may, in its discretion and to the extent that funds are available, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

(i) allowed by the receiver;

(ii) approved by the receiver pursuant to a final determination pursuant to paragraph (3) or (5), as applicable; or

(iii) determined by the final judgment of a court of competent jurisdiction.

(B) **LIMITATION.**—A creditor shall, in no event, receive less than the amount that the creditor is entitled to receive under paragraphs (2) and (3) of subsection (d), as applicable.

(C) **PAYMENT OF DIVIDENDS ON CLAIMS.**—The Corporation as receiver may, in its sole discretion, and to the extent otherwise permitted by this section, pay dividends on proven claims at any time, and no liability shall attach to the Corporation as receiver, by reason of any such payment or for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

(D) **RULEMAKING BY THE CORPORATION.**—The Corporation may prescribe such rules, including definitions of terms, as the Corporation deems appropriate to establish an interest rate for or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estate of a covered financial company, except that no such interest shall be paid until the Corporation as receiver has satisfied the principal amount of all creditor claims.

(8) **SUSPENSION OF LEGAL ACTIONS.**—

(A) **IN GENERAL.**—After the appointment of the Corporation as receiver for a covered financial company, the Corporation may request a stay in any judicial action or proceeding in which such covered financial company is or becomes a party, for a period of not to exceed 90 days.

(B) **GRANT OF STAY BY ALL COURTS REQUIRED.**—Upon receipt of a request by the Corporation pursuant to subparagraph (A), the court shall grant such stay as to all parties.

(9) **ADDITIONAL RIGHTS AND DUTIES.**—

(A) **PRIOR FINAL ADJUDICATION.**—The Corporation shall abide by any final, non-appealable judgment of any court of competent jurisdiction that was rendered before the appointment of the Corporation as receiver.

(B) **RIGHTS AND REMEDIES OF RECEIVER.**—In the event of any appealable judgment, the Corporation as receiver shall—

(i) have all the rights and remedies available to the covered financial company (before the date of appointment of the Corporation as receiver under section 202) and the Corporation, including removal to Federal court and all appellate rights; and

(ii) not be required to post any bond in order to pursue such remedies.

(C) **NO ATTACHMENT OR EXECUTION.**—No attachment or execution may be issued by any court upon assets in the possession of the Corporation as receiver for a covered financial company.

(D) **LIMITATION ON JUDICIAL REVIEW.**—Except as otherwise provided in this title, no court shall have jurisdiction over—

(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets of any covered financial company for which the Corporation has been appointed receiver, including any assets which the Corporation may acquire from itself as such receiver; or

(ii) any claim relating to any act or omission of such covered financial company or the Corporation as receiver.

(E) **DISPOSITION OF ASSETS.**—In exercising any right, power, privilege, or authority as receiver in connection with any covered financial company for which the Corporation is acting as receiver under this section, the Corporation shall, to the greatest extent practicable, conduct its operations in a manner that—

(i) maximizes the net present value return from the sale or disposition of such assets;

(ii) minimizes the amount of any loss realized in the resolution of cases;

(iii) mitigates the potential for serious adverse effects to the financial system;

(iv) ensures timely and adequate competition and fair and consistent treatment of offerors; and

(v) prohibits discrimination on the basis of race, sex, or ethnic group in the solicitation and consideration of offers.

(10) **STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY RECEIVER.**—

(A) **IN GENERAL.**—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Corporation as receiver for a covered financial company shall be—

(i) in the case of any contract claim, the longer of—

(I) the 6-year period beginning on the date on which the claim accrues; or

(II) the period applicable under State law; and

(ii) in the case of any tort claim, the longer of—

(I) the 3-year period beginning on the date on which the claim accrues; or

(II) the period applicable under State law.

(B) **DATE ON WHICH A CLAIM ACCRUES.**—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in subparagraph (A) shall be the later of—

(i) the date of the appointment of the Corporation as receiver under this title; or

(ii) the date on which the cause of action accrues.

(C) **REVIVAL OF EXPIRED STATE CAUSES OF ACTION.**—

(i) **IN GENERAL.**—In the case of any tort claim described in clause (ii) for which the applicable statute of limitations under State law has expired not more than 5 years before the date of appointment of the Corporation as receiver for a covered financial company, the Corporation may bring an action as receiver on such claim

without regard to the expiration of the statute of limitations.

(ii) **CLAIMS DESCRIBED.**—A tort claim referred to in clause (i) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the covered financial company.

(11) **AVOIDABLE TRANSFERS.**—

(A) **FRAUDULENT TRANSFERS.**—The Corporation, as receiver for any covered financial company, may avoid a transfer of any interest of the covered financial company in property, or any obligation incurred by the covered financial company, that was made or incurred at or within 2 years before the time of commencement, if—

(i) the covered financial company voluntarily or involuntarily—

(I) made such transfer or incurred such obligation with actual intent to hinder, delay, or defraud any entity to which the covered financial company was or became, on or after the date on which such transfer was made or such obligation was incurred, indebted; or

(II) received less than a reasonably equivalent value in exchange for such transferor obligation; and

(ii) the covered financial company voluntarily or involuntarily—

(I) was insolvent on the date that such transfer was made or such obligation was incurred, or became insolvent as a result of such transfer or obligation;

(II) was engaged in business or a transaction, or was about to engage in business or a transaction, for which any property remaining with the covered financial company was an unreasonably small capital;

(III) intended to incur, or believed that the covered financial company would incur, debts that would be beyond the ability of the covered financial company to pay as such debts matured; or

(IV) made such transfer to or for the benefit of an insider, or incurred such obligation to or for the benefit of an insider, under an employment contract and not in the ordinary course of business.

(B) **PREFERENTIAL TRANSFERS.**—The Corporation as receiver for any covered financial company may avoid a transfer of an interest of the covered financial company in property—

(i) to or for the benefit of a creditor;

(ii) for or on account of an antecedent debt that was owed by the covered financial company before the transfer was made;

(iii) that was made while the covered financial company was insolvent;

(iv) that was made—

(I) 90 days or less before the date on which the Corporation was appointed receiver; or

(II) more than 90 days, but less than 1 year before the date on which the Corporation was appointed receiver, if such creditor at the time of the transfer was an insider; and

(v) that enables the creditor to receive more than the creditor would receive if—

(I) the covered financial company had been liquidated under chapter 7 of the Bankruptcy Code;

(II) the transfer had not been made; and

(III) the creditor received payment of such debt to the extent provided by the provisions of chapter 7 of the Bankruptcy Code.

(C) **POST-RECEIVERSHIP TRANSACTIONS.**—The Corporation as receiver for any covered financial company may avoid a transfer of property of the receivership that occurred after the Corporation was appointed receiver that was not authorized under this title by the Corporation as receiver.

(D) **RIGHT OF RECOVERY.**—To the extent that a transfer is avoided under subparagraph (A), (B), or (C), the Corporation may recover, for the

benefit of the covered financial company, the property transferred or, if a court so orders, the value of such property (at the time of such transfer) from—

(i) the initial transferee of such transfer or the person for whose benefit such transfer was made; or

(ii) any immediate or mediate transferee of any such initial transferee.

(E) **RIGHTS OF TRANSFEREE OR OBLIGEE.**—The Corporation may not recover under subparagraph (D)(ii) from—

(i) any transferee that takes for value, including in satisfaction of or to secure a present or antecedent debt, in good faith, and without knowledge of the voidability of the transfer avoided; or

(ii) any immediate or mediate good faith transferee of such transferee.

(F) **DEFENSES.**—Subject to the other provisions of this title—

(i) a transferee or obligee from which the Corporation seeks to recover a transfer or to avoid an obligation under subparagraph (A), (B), (C), or (D) shall have the same defenses available to a transferee or obligee from which a trustee seeks to recover a transfer or avoid an obligation under; and

(ii) the authority of the Corporation to recover a transfer or avoid an obligation shall be subject to subsections (b) and (c) of section 546, section 547(c), and section 548(c) of the Bankruptcy Code.

(G) **RIGHTS UNDER THIS SECTION.**—The rights of the Corporation as receiver under this section shall be superior to any rights of a trustee or any other party (other than a Federal agency) under the Bankruptcy Code.

(H) **RULES OF CONSTRUCTION; DEFINITIONS.**—For purposes of—

(i) subparagraphs (A) and (B)—

(I) the term “insider” has the same meaning as in section 101(31) of the Bankruptcy Code;

(II) a transfer is made when such transfer is so perfected that a bona fide purchaser from the covered financial company against whom applicable law permits such transfer to be perfected cannot acquire an interest in the property transferred that is superior to the interest in such property of the transferee, but if such transfer is not so perfected before the date on which the Corporation is appointed as receiver for the covered financial company, such transfer is made immediately before the date of such appointment; and

(III) the term “value” means property, or satisfaction or securing of a present or antecedent debt of the covered financial company, but does not include an unperformed promise to furnish support to the covered financial company; and

(ii) subparagraph (B)—

(I) the covered financial company is presumed to have been insolvent on and during the 90-day period immediately preceding the date of appointment of the Corporation as receiver; and

(II) the term “insolvent” has the same meaning as in section 101(32) of the Bankruptcy Code.

(12) **SETOFF.**—

(A) **GENERALLY.**—Except as otherwise provided in this title, any right of a creditor to offset a mutual debt owed by the creditor to any covered financial company that arose before the Corporation was appointed as receiver for the covered financial company against a claim of such creditor may be asserted if enforceable under applicable noninsolvency law, except to the extent that—

(i) the claim of the creditor against the covered financial company is disallowed;

(ii) the claim was transferred, by an entity other than the covered financial company, to the creditor—

(I) after the Corporation was appointed as receiver of the covered financial company; or

(II)(aa) after the 90-day period preceding the date on which the Corporation was appointed as receiver for the covered financial company; and

(bb) while the covered financial company was insolvent (except for a setoff in connection with a qualified financial contract); or

(iii) the debt owed to the covered financial company was incurred by the covered financial company—

(I) after the 90-day period preceding the date on which the Corporation was appointed as receiver for the covered financial company;

(II) while the covered financial company was insolvent; and

(III) for the purpose of obtaining a right of setoff against the covered financial company (except for a setoff in connection with a qualified financial contract).

(B) **INSUFFICIENCY.**—

(i) **IN GENERAL.**—Except with respect to a setoff in connection with a qualified financial contract, if a creditor offsets a mutual debt owed to the covered financial company against a claim of the covered financial company on or within the 90-day period preceding the date on which the Corporation is appointed as receiver for the covered financial company, the Corporation may recover from the creditor the amount so offset, to the extent that any insufficiency on the date of such setoff is less than the insufficiency on the later of—

(I) the date that is 90 days before the date on which the Corporation is appointed as receiver for the covered financial company; or

(II) the first day on which there is an insufficiency during the 90-day period preceding the date on which the Corporation is appointed as receiver for the covered financial company.

(ii) **DEFINITION OF INSUFFICIENCY.**—In this subparagraph, the term “insufficiency” means the amount, if any, by which a claim against the covered financial company exceeds a mutual debt owed to the covered financial company by the holder of such claim.

(C) **INSOLVENCY.**—The term “insolvent” has the same meaning as in section 101(32) of the Bankruptcy Code.

(D) **PRESUMPTION OF INSOLVENCY.**—For purposes of this paragraph, the covered financial company is presumed to have been insolvent on and during the 90-day period preceding the date of appointment of the Corporation as receiver.

(E) **LIMITATION.**—Nothing in this paragraph (12) shall be the basis for any right of setoff where no such right exists under applicable noninsolvency law.

(F) **PRIORITY CLAIM.**—Except as otherwise provided in this title, the Corporation as receiver for the covered financial company may sell or transfer any assets free and clear of the setoff rights of any party, except that such party shall be entitled to a claim, subordinate to the claims payable under subparagraphs (A), (B), (C), and (D) of subsection (b)(1), but senior to all other unsecured liabilities defined in subsection (b)(1)(E), in an amount equal to the value of such setoff rights.

(13) **ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.**—Subject to paragraph (14), any court of competent jurisdiction may, at the request of the Corporation as receiver for a covered financial company, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the Corporation under the control of the court and appointing a trustee to hold such assets.

(14) **STANDARDS.**—

(A) **SHOWING.**—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (13), without regard to the requirement that the applicant show that the injury, loss, or damage is irreparable and immediate.

(B) *STATE PROCEEDING.*—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of the State provide substantially similar protections of the right of the parties to due process as provided under Rule 65 (as modified with respect to such proceeding by subparagraph (A)), the relief sought by the Corporation pursuant to paragraph (14) may be requested under the laws of such State.

(15) *TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE CORPORATION AS RECEIVER.*—Notwithstanding any other provision of this title, any final and nonappealable judgment for monetary damages entered against the Corporation as receiver for a covered financial company for the breach of an agreement executed or approved by the Corporation after the date of its appointment shall be paid as an administrative expense of the receiver. Nothing in this paragraph shall be construed to limit the power of a receiver to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

(16) *ACCOUNTING AND RECORDKEEPING REQUIREMENTS.*—

(A) *IN GENERAL.*—The Corporation as receiver for a covered financial company shall, consistent with the accounting and reporting practices and procedures established by the Corporation, maintain a full accounting of each receivership or other disposition of any covered financial company.

(B) *ANNUAL ACCOUNTING OR REPORT.*—With respect to each receivership to which the Corporation is appointed, the Corporation shall make an annual accounting or report, as appropriate, available to the Secretary and the Comptroller General of the United States.

(C) *AVAILABILITY OF REPORTS.*—Any report prepared pursuant to subparagraph (B) and section 203(c)(3) shall be made available to the public by the Corporation.

(D) *RECORDKEEPING REQUIREMENT.*—

(i) *IN GENERAL.*—The Corporation shall prescribe such regulations and establish such retention schedules as are necessary to maintain the documents and records of the Corporation generated in exercising the authorities of this title and the records of a covered financial company for which the Corporation is appointed receiver, with due regard for—

(I) the avoidance of duplicative record retention; and

(II) the expected evidentiary needs of the Corporation as receiver for a covered financial company and the public regarding the records of covered financial companies.

(ii) *RETENTION OF RECORDS.*—Unless otherwise required by applicable Federal law or court order, the Corporation may not, at any time, destroy any records that are subject to clause (i).

(iii) *RECORDS DEFINED.*—As used in this subparagraph, the terms “records” and “records of a covered financial company” mean any document, book, paper, map, photograph, microfiche, microfilm, computer or electronically-created record generated or maintained by the covered financial company in the course of and necessary to its transaction of business.

(b) *PRIORITY OF EXPENSES AND UNSECURED CLAIMS.*—

(I) *IN GENERAL.*—Unsecured claims against a covered financial company, or the Corporation as receiver for such covered financial company under this section, that are proven to the satisfaction of the receiver shall have priority in the following order:

(A) Administrative expenses of the receiver.

(B) Any amounts owed to the United States, unless the United States agrees or consents otherwise.

(C) Wages, salaries, or commissions, including vacation, severance, and sick leave pay earned

by an individual (other than an individual described in subparagraph (G)), but only to the extent of \$11,725 for each individual (as indexed for inflation, by regulation of the Corporation) earned not later than 180 days before the date of appointment of the Corporation as receiver.

(D) Contributions owed to employee benefit plans arising from services rendered not later than 180 days before the date of appointment of the Corporation as receiver, to the extent of the number of employees covered by each such plan, multiplied by \$11,725 (as indexed for inflation, by regulation of the Corporation), less the aggregate amount paid to such employees under subparagraph (C), plus the aggregate amount paid by the receivership on behalf of such employees to any other employee benefit plan.

(E) Any other general or senior liability of the covered financial company (which is not a liability described under subparagraph (F), (G), or (H)).

(F) Any obligation subordinated to general creditors (which is not an obligation described under subparagraph (G) or (H)).

(G) Any wages, salaries, or commissions including vacation, severance, and sick leave pay earned, owed to senior executives and directors of the covered financial company.

(H) Any obligation to shareholders, members, general partners, limited partners, or other persons, with interests in the equity of the covered financial company arising as a result of their status as shareholders, members, general partners, limited partners, or other persons with interests in the equity of the covered financial company.

(2) *POST-RECEIVERSHIP FINANCING PRIORITY.*—In the event that the Corporation, as receiver for a covered financial company, is unable to obtain unsecured credit for the covered financial company from commercial sources, the Corporation as receiver may obtain credit or incur debt on the part of the covered financial company, which shall have priority over any or all administrative expenses of the receiver under paragraph (1)(A).

(3) *CLAIMS OF THE UNITED STATES.*—Unsecured claims of the United States shall, at a minimum, have a higher priority than liabilities of the covered financial company that count as regulatory capital.

(4) *CREDITORS SIMILARLY SITUATED.*—All claimants of a covered financial company that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the Corporation as receiver may take any action (including making payments, subject to subsection (o)(1)(E)(ii)) that does not comply with this subsection, if—

(A) the Corporation determines that such action is necessary—

(i) to maximize the value of the assets of the covered financial company;

(ii) to initiate and continue operations essential to implementation of the receivership or any bridge financial company;

(iii) to maximize the present value return from the sale or other disposition of the assets of the covered financial company; or

(iv) to minimize the amount of any loss realized upon the sale or other disposition of the assets of the covered financial company; and

(B) all claimants that are similarly situated under paragraph (1) receive not less than the amount provided in paragraphs (2) and (3) of subsection (d).

(5) *SECURED CLAIMS UNAFFECTED.*—This section shall not affect secured claims or security entitlements in respect of assets or property held by the covered financial company, except to the extent that the security is insufficient to satisfy the claim, and then only with regard to the difference between the claim and the amount realized from the security.

(6) *PRIORITY OF EXPENSES AND UNSECURED CLAIMS IN THE ORDERLY LIQUIDATION OF SIPC MEMBER.*—Where the Corporation is appointed as receiver for a covered broker or dealer, unsecured claims against such covered broker or dealer, or the Corporation as receiver for such covered broker or dealer under this section, that are proven to the satisfaction of the receiver under section 205(e), shall have the priority prescribed in paragraph (1), except that—

(A) SIPC shall be entitled to recover administrative expenses incurred in performing its responsibilities under section 205 on an equal basis with the Corporation, in accordance with paragraph (1)(A);

(B) the Corporation shall be entitled to recover any amounts paid to customers or to SIPC pursuant to section 205(f), in accordance with paragraph (1)(B);

(C) SIPC shall be entitled to recover any amounts paid out of the SIPC Fund to meet its obligations under section 205 and under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), which claim shall be subordinate to the claims payable under subparagraphs (A) and (B) of paragraph (1), but senior to all other claims; and

(D) the Corporation may, after paying any proven claims to customers under section 205 and the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), and as provided above, pay dividends on other proven claims, in its discretion, and to the extent that funds are available, in accordance with the priorities set forth in paragraph (1).

(c) *PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF RECEIVER.*—

(1) *AUTHORITY TO REPUDIATE CONTRACTS.*—In addition to any other rights that a receiver may have, the Corporation as receiver for any covered financial company may disaffirm or repudiate any contract or lease—

(A) to which the covered financial company is a party;

(B) the performance of which the Corporation as receiver, in the discretion of the Corporation, determines to be burdensome; and

(C) the disaffirmance or repudiation of which the Corporation as receiver determines, in the discretion of the Corporation, will promote the orderly administration of the affairs of the covered financial company.

(2) *TIMING OF REPUDIATION.*—The Corporation, as receiver for any covered financial company, shall determine whether or not to exercise the rights of repudiation under this section within a reasonable period of time.

(3) *CLAIMS FOR DAMAGES FOR REPUDIATION.*—

(A) *IN GENERAL.*—Except as provided in paragraphs (4), (5), and (6) and in subparagraphs (C), (D), and (E) of this paragraph, the liability of the Corporation as receiver for a covered financial company for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

(i) limited to actual direct compensatory damages; and

(ii) determined as of—

(I) the date of the appointment of the Corporation as receiver; or

(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

(B) *NO LIABILITY FOR OTHER DAMAGES.*—For purposes of subparagraph (A), the term “actual direct compensatory damages” does not include—

(i) punitive or exemplary damages;

(ii) damages for lost profits or opportunity; or

(iii) damages for pain and suffering.

(C) *MEASURE OF DAMAGES FOR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.*—In the

case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

(ii) paid in accordance with this paragraph and subsection (d), except as otherwise specifically provided in this subsection.

(D) MEASURE OF DAMAGES FOR REPUDIATION OR DISAFFIRMANCE OF DEBT OBLIGATION.—In the case of any debt for borrowed money or evidenced by a security, actual direct compensatory damages shall be no less than the amount lent plus accrued interest plus any accreted original issue discount as of the date the Corporation was appointed receiver of the covered financial company and, to the extent that an allowed secured claim is secured by property the value of which is greater than the amount of such claim and any accrued interest through the date of repudiation or disaffirmance, such accrued interest pursuant to paragraph (1).

(E) MEASURE OF DAMAGES FOR REPUDIATION OR DISAFFIRMANCE OF CONTINGENT OBLIGATION.—In the case of any contingent obligation of a covered financial company consisting of any obligation under a guarantee, letter of credit, loan commitment, or similar credit obligation, the Corporation may, by rule or regulation, prescribe that actual direct compensatory damages shall be no less than the estimated value of the claim as of the date the Corporation was appointed receiver of the covered financial company, as such value is measured based on the likelihood that such contingent claim would become fixed and the probable magnitude thereof.

(4) LEASES UNDER WHICH THE COVERED FINANCIAL COMPANY IS THE LESSEE.—

(A) IN GENERAL.—If the Corporation as receiver disaffirms or repudiates a lease under which the covered financial company is the lessee, the receiver shall not be liable for any damages (other than damages determined pursuant to subparagraph (B)) for the disaffirmance or repudiation of such lease.

(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which subparagraph (A) would otherwise apply shall—

(i) be entitled to the contractual rent accruing before the later of the date on which—

(I) the notice of disaffirmance or repudiation is mailed; or

(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment which shall be paid in accordance with this paragraph and subsection (d).

(5) LEASES UNDER WHICH THE COVERED FINANCIAL COMPANY IS THE LESSOR.—

(A) IN GENERAL.—If the Corporation as receiver for a covered financial company repudiates an unexpired written lease of real property of the covered financial company under which the covered financial company is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

(i) treat the lease as terminated by such repudiation; or

(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a

lease described in subparagraph (A) remains in possession of a leasehold interest pursuant to clause (ii) of subparagraph (A)—

(i) the lessee—

(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, any damages which accrue after such date due to the nonperformance of any obligation of the covered financial company under the lease after such date; and

(ii) the Corporation as receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II).

(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

(A) IN GENERAL.—If the receiver repudiates any contract (which meets the requirements of subsection (a)(6)) for the sale of real property, and the purchaser of such real property under such contract is in possession and is not, as of the date of such repudiation, in default, such purchaser may either—

(i) treat the contract as terminated by such repudiation; or

(ii) remain in possession of such real property.

(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described in subparagraph (A) remains in possession of such property pursuant to clause (ii) of subparagraph (A)—

(i) the purchaser—

(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the covered financial company under the contract; and

(ii) the Corporation as receiver shall—

(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II);

(II) deliver title to the purchaser in accordance with the provisions of the contract; and

(III) have no obligation under the contract other than the performance required under subsection (II).

(C) ASSIGNMENT AND SALE ALLOWED.—

(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the Corporation as receiver to assign the contract described in subparagraph (A) and sell the property, subject to the contract and the provisions of this paragraph.

(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described in clause (i) is consummated, the Corporation as receiver shall have no further liability under the contract described in subparagraph (A) or with respect to the real property which was the subject of such contract.

(7) PROVISIONS APPLICABLE TO SERVICE CONTRACTS.—

(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any covered financial company for which the Corporation has been appointed receiver, any claim of such person for services performed before the date of appointment shall be—

(i) a claim to be paid in accordance with subsections (a), (b), and (d); and

(ii) deemed to have arisen as of the date on which the receiver was appointed.

(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of

any contract for services described in subparagraph (A), the Corporation as receiver accepts performance by the other person before making any determination to exercise the right of repudiation of such contract under this section—

(i) the other party shall be paid under the terms of the contract for the services performed; and

(ii) the amount of such payment shall be treated as an administrative expense of the receivership.

(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by the Corporation as receiver for services referred to in subparagraph (B) in connection with a contract described in subparagraph (B) shall not affect the right of the Corporation as receiver to repudiate such contract under this section at any time after such performance.

(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to subsection (a)(8) and paragraphs (9) and (10) of this subsection, and notwithstanding any other provision of this section, any other provision of Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

(i) any right that such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a covered financial company which arises upon the date of appointment of the Corporation as receiver for such covered financial company at any time after such appointment;

(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i); or

(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts or agreements described in clause (i), including any master agreement for such contracts or agreements.

(B) APPLICABILITY OF OTHER PROVISIONS.—Subsection (a)(8) shall apply in the case of any judicial action or proceeding brought against the Corporation as receiver referred to in subparagraph (A), or the subject covered financial company, by any party to a contract or agreement described in subparagraph (A)(i) with such covered financial company.

(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

(i) IN GENERAL.—Notwithstanding subsection (a)(11), (a)(12), or (c)(12), section 542 of the Revised Statutes of the United States, or any other provision of Federal or State law relating to the avoidance of preferential or fraudulent transfers, the Corporation, whether acting as the Corporation or as receiver for a covered financial company, may not avoid any transfer of money or other property in connection with any qualified financial contract with a covered financial company.

(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a covered financial company if the transferee had actual intent to hinder, delay, or defraud such company, the creditors of such company, or the Corporation as receiver appointed for such company.

(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—For purposes of this subsection, the following definitions shall apply:

(i) QUALIFIED FINANCIAL CONTRACT.—The term “qualified financial contract” means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Corporation determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

(ii) **SECURITIES CONTRACT.**—The term “securities contract” means—

(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option (whether or not such repurchase or reverse repurchase transaction is a “repurchase agreement”, as defined in clause (v));

(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

(III) means any option entered into on a national securities exchange relating to foreign currencies;

(IV) means the guarantee (including by novation) by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit or mortgage loans or interests therein (including any interest therein or based on the value thereof) or an option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option (whether or not such settlement is in connection with any agreement or transaction referred to in subclauses (I) through (XII) (other than subclause (II)));

(V) means any margin loan;

(VI) means any extension of credit for the clearance or settlement of securities transactions;

(VII) means any loan transaction coupled with a securities collar transaction, any prepaid securities forward transaction, or any total return swap transaction coupled with a securities sale transaction;

(VIII) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

(IX) means any combination of the agreements or transactions referred to in this clause;

(X) means any option to enter into any agreement or transaction referred to in this clause;

(XI) means a master agreement that provides for an agreement or transaction referred to in any of subclauses (I) through (X), other than subclause (II), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in any of subclauses (I) through (X), other than subclause (II); and

(XII) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

(iii) **COMMODITY CONTRACT.**—The term “commodity contract” means—

(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

(II) with respect to a foreign futures commission merchant, a foreign future;

(III) with respect to a leverage transaction merchant, a leverage transaction;

(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

(V) with respect to a commodity options dealer, a commodity option;

(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

(VII) any combination of the agreements or transactions referred to in this clause;

(VIII) any option to enter into any agreement or transaction referred to in this clause;

(IX) a master agreement that provides for an agreement or transaction referred to in any of subclauses (I) through (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in any of subclauses (I) through (VIII); or

(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

(iv) **FORWARD CONTRACT.**—The term “forward contract” means—

(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date that is more than 10 days after the date on which the contract is entered into, including a repurchase or reverse repurchase transaction (whether or not such repurchase or reverse repurchase transaction is a “repurchase agreement”, as defined in clause (v)), consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

(IV) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

(v) **REPURCHASE AGREEMENT.**—The term “repurchase agreement” (which definition also applies to a reverse repurchase agreement)—

(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage related securities (as such term is defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (which, for purposes of this clause, means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development, as determined by regulation or order adopted by the Board of Governors), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

(II) does not include any repurchase obligation under a participation in a commercial mortgage loan, unless the Corporation determines, by regulation, resolution, or order to include any such participation within the meaning of such term;

(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

(vi) **SWAP AGREEMENT.**—The term “swap agreement” means—

(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-to-morrow, tomorrow-next, forward, or other foreign exchange, precious metals, or other commodity agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; weather swap, option, future, or forward agreement; an emissions swap, option, future, or forward agreement; or an inflation swap, option, future, or forward agreement;

(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that

has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap or other derivatives markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, option, or spot transaction on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

(III) any combination of agreements or transactions referred to in this clause;

(IV) any option to enter into any agreement or transaction referred to in this clause;

(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

(VI) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in any of clauses (I) through (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such clause.

(vii) **DEFINITIONS RELATING TO DEFAULT.**—When used in this paragraph and paragraph (10)—

(I) the term “default” means, with respect to a covered financial company, any adjudication or other official decision by any court of competent jurisdiction, or other public authority pursuant to which the Corporation has been appointed receiver; and

(II) the term “in danger of default” means a covered financial company with respect to which the Corporation or appropriate State authority has determined that—

(aa) in the opinion of the Corporation or such authority—

(AA) the covered financial company is not likely to be able to pay its obligations in the normal course of business; and

(BB) there is no reasonable prospect that the covered financial company will be able to pay such obligations without Federal assistance; or

(bb) in the opinion of the Corporation or such authority—

(AA) the covered financial company has incurred or is likely to incur losses that will deplete all or substantially all of its capital; and

(BB) there is no reasonable prospect that the capital will be replenished without Federal assistance.

(viii) **TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.**—Any master agreement for any contract or agreement described in any of clauses (i) through (vi) (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

(ix) **TRANSFER.**—The term “transfer” means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of

or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the equity of redemption of the covered financial company.

(x) **PERSON.**—The term “person” includes any governmental entity in addition to any entity included in the definition of such term in section 1, title 1, United States Code.

(E) **CLARIFICATION.**—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (c)(1).

(F) **WALKAWAY CLAUSES NOT EFFECTIVE.**—

(i) **IN GENERAL.**—Notwithstanding the provisions of subparagraph (A) of this paragraph and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a covered financial company in default.

(ii) **LIMITED SUSPENSION OF CERTAIN OBLIGATIONS.**—In the case of a qualified financial contract referred to in clause (i), any payment or delivery obligations otherwise due from a party pursuant to the qualified financial contract shall be suspended from the time at which the Corporation is appointed as receiver until the earlier of—

(I) the time at which such party receives notice that such contract has been transferred pursuant to paragraph (10)(A); or

(II) 5:00 p.m. (eastern time) on the 3rd business day following the date of the appointment of the Corporation as receiver.

(iii) **WALKAWAY CLAUSE DEFINED.**—For purposes of this subparagraph, the term “walkaway clause” means any provision in a qualified financial contract that suspends, conditions, or extinguishes a payment obligation of a party, in whole or in part, or does not create a payment obligation of a party that would otherwise exist, solely because of the status of such party as a nondefaulting party in connection with the insolvency of a covered financial company that is a party to the contract or the appointment of or the exercise of rights or powers by the Corporation as receiver for such covered financial company, and not as a result of the exercise by a party of any right to offset, setoff, or net obligations that exist under the contract, any other contract between those parties, or applicable law.

(iv) **CERTAIN OBLIGATIONS TO CLEARING ORGANIZATIONS.**—In the event that the Corporation has been appointed as receiver for a covered financial company which is a party to any qualified financial contract cleared by or subject to the rules of a clearing organization (as defined in subsection (c)(9)(D)), the receiver shall use its best efforts to meet all margin, collateral, and settlement obligations of the covered financial company that arise under qualified financial contracts (other than any margin, collateral, or settlement obligation that is not enforceable against the receiver under paragraph (8)(F)(i) or paragraph (10)(B)), as required by the rules of the clearing organization when due, and such obligations shall not be suspended pursuant to paragraph (8)(F)(ii). Notwithstanding paragraph (8)(F)(ii) or (10)(B), if the receiver fails to satisfy any such margin, collateral, or settlement obligations under the rules of the clearing organization, the clearing organization shall have the immediate right to exercise, and shall not be stayed from exercising, all of its rights and remedies under its rules and applicable law with respect to any qualified financial contract of the covered financial company, including, without limitation, the right to liquidate all po-

sitions and collateral of such covered financial company under the company's qualified financial contracts, and suspend or cease to act for such covered financial company, all in accordance with the rules of the clearing organization.

(G) **RECORDKEEPING.**—

(i) **JOINT RULEMAKING.**—The Federal primary financial regulatory agencies shall jointly prescribe regulations requiring that financial companies maintain such records with respect to qualified financial contracts (including market valuations) that the Federal primary financial regulatory agencies determine to be necessary or appropriate in order to assist the Corporation as receiver for a covered financial company in being able to exercise its rights and fulfill its obligations under this paragraph or paragraph (9) or (10).

(ii) **TIMEFRAME.**—The Federal primary financial regulatory agencies shall prescribe joint final or interim final regulations not later than 24 months after the date of enactment of this Act.

(iii) **BACK-UP RULEMAKING AUTHORITY.**—If the Federal primary financial regulatory agencies do not prescribe joint final or interim final regulations within the time frame in clause (ii), the Chairperson of the Council shall prescribe, in consultation with the Corporation, the regulations required by clause (i).

(iv) **CATEGORIZATION AND TIERING.**—The joint regulations prescribed under clause (i) shall, as appropriate, differentiate among financial companies by taking into consideration their size, risk, complexity, leverage, frequency and dollar amount of qualified financial contracts, interconnectedness to the financial system, and any other factors deemed appropriate.

(9) **TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.**—

(A) **IN GENERAL.**—In making any transfer of assets or liabilities of a covered financial company in default, which includes any qualified financial contract, the Corporation as receiver for such covered financial company shall either—

(i) transfer to one financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

(I) all qualified financial contracts between any person or any affiliate of such person and the covered financial company in default;

(II) all claims of such person or any affiliate of such person against such covered financial company under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such company);

(III) all claims of such covered financial company against such person or any affiliate of such person under any such contract; and

(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

(B) **TRANSFER TO FOREIGN BANK, FINANCIAL INSTITUTION, OR BRANCH OR AGENCY THEREOF.**—In transferring any qualified financial contracts and related claims and property under subparagraph (A)(i), the Corporation as receiver for the covered financial company shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch

or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

(C) **TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.**—In the event that the Corporation as receiver for a financial institution transfers any qualified financial contract and related claims, property, or credit enhancement pursuant to subparagraph (A)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

(D) **DEFINITIONS.**—For purposes of this paragraph—

(i) the term “financial institution” means a broker or dealer, a depository institution, a futures commission merchant, a bridge financial company, or any other institution determined by the Corporation, by regulation, to be a financial institution; and

(ii) the term “clearing organization” has the same meaning as in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991.

(10) **NOTIFICATION OF TRANSFER.**—

(A) **IN GENERAL.**—

(i) **NOTICE.**—The Corporation shall provide notice in accordance with clause (ii), if—

(I) the Corporation as receiver for a covered financial company in default or in danger of default transfers any assets or liabilities of the covered financial company; and

(II) the transfer includes any qualified financial contract.

(ii) **TIMING.**—The Corporation as receiver for a covered financial company shall notify any person who is a party to any contract described in clause (i) of such transfer not later than 5:00 p.m. (eastern time) on the 3rd business day following the date of the appointment of the Corporation as receiver.

(B) **CERTAIN RIGHTS NOT ENFORCEABLE.**—

(i) **RECEIVERSHIP.**—A person who is a party to a qualified financial contract with a covered financial company may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) solely by reason of or incidental to the appointment under this section of the Corporation as receiver for the covered financial company (or the insolvency or financial condition of the covered financial company for which the Corporation has been appointed as receiver)—

(I) until 5:00 p.m. (eastern time) on the 3rd business day following the date of the appointment; or

(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

(ii) **NOTICE.**—For purposes of this paragraph, the Corporation as receiver for a covered financial company shall be deemed to have notified a person who is a party to a qualified financial contract with such covered financial company, if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

(C) **TREATMENT OF BRIDGE FINANCIAL COMPANY.**—For purposes of paragraph (9), a bridge financial company shall not be considered to be a covered financial company for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed, or which is otherwise the subject of a bankruptcy or insolvency proceeding.

(D) **BUSINESS DAY DEFINED.**—For purposes of this paragraph, the term “business day” means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

(11) **DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.**—In exercising the rights of disaffirmance or repudiation of the Corporation as receiver with respect to any qualified financial contract to which a covered financial company is a party, the Corporation shall either—

(A) disaffirm or repudiate all qualified financial contracts between—

(i) any person or any affiliate of such person; and

(ii) the covered financial company in default; or

(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

(12) **CERTAIN SECURITY AND CUSTOMER INTERESTS NOT AVOIDABLE.**—No provision of this subsection shall be construed as permitting the avoidance of any—

(A) legally enforceable or perfected security interest in any of the assets of any covered financial company, except in accordance with subsection (a)(11); or

(B) legally enforceable interest in customer property, security entitlements in respect of assets or property held by the covered financial company for any security entitlement holder.

(13) **AUTHORITY TO ENFORCE CONTRACTS.**—

(A) **IN GENERAL.**—The Corporation, as receiver for a covered financial company, may enforce any contract, other than a liability insurance contract of a director or officer, a financial institution bond entered into by the covered financial company, notwithstanding any provision of the contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency, the appointment of or the exercise of rights or powers by the Corporation as receiver, the filing of the petition pursuant to section 202(a)(1), or the issuance of the recommendations or determination, or any actions or events occurring in connection therewith or as a result thereof, pursuant to section 203.

(B) **CERTAIN RIGHTS NOT AFFECTED.**—No provision of this paragraph may be construed as impairing or affecting any right of the Corporation as receiver to enforce or recover under a liability insurance contract of a director or officer or financial institution bond under other applicable law.

(C) **CONSENT REQUIREMENT AND IPSO FACTO CLAUSES.**—

(i) **IN GENERAL.**—Except as otherwise provided by this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which the covered financial company is a party (and no provision in any such contract providing for such default, termination, or acceleration shall be enforceable), or to obtain possession of or exercise control over any property of the covered financial company or affect any contractual rights of the covered financial company, without the consent of the Corporation as receiver for the covered financial company during the 90 day period beginning from the appointment of the Corporation as receiver.

(ii) **EXCEPTIONS.**—No provision of this subparagraph shall apply to a director or officer liability insurance contract or a financial institution bond, to the rights of parties to certain qualified financial contracts pursuant to paragraph (8), or to the rights of parties to netting contracts pursuant to subtitle A of title IV of the Federal Deposit Insurance Corporation Im-

provement Act of 1991 (12 U.S.C. 4401 et seq.), or shall be construed as permitting the Corporation as receiver to fail to comply with otherwise enforceable provisions of such contract.

(D) **CONTRACTS TO EXTEND CREDIT.**—Notwithstanding any other provision in this title, if the Corporation as receiver enforces any contract to extend credit to the covered financial company or bridge financial company, any valid and enforceable obligation to repay such debt shall be paid by the Corporation as receiver, as an administrative expense of the receivership.

(14) **EXCEPTION FOR FEDERAL RESERVE BANKS AND CORPORATION SECURITY INTEREST.**—No provision of this subsection shall apply with respect to—

(A) any extension of credit from any Federal reserve bank or the Corporation to any covered financial company; or

(B) any security interest in the assets of the covered financial company securing any such extension of credit.

(15) **SAVINGS CLAUSE.**—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

(16) **ENFORCEMENT OF CONTRACTS GUARANTEED BY THE COVERED FINANCIAL COMPANY.**—

(A) **IN GENERAL.**—The Corporation, as receiver for a covered financial company or as receiver for a subsidiary of a covered financial company (including an insured depository institution) shall have the power to enforce contracts of subsidiaries or affiliates of the covered financial company, the obligations under which are guaranteed or otherwise supported by or linked to the covered financial company, notwithstanding any contractual right to cause the termination, liquidation, or acceleration of such contracts based solely on the insolvency, financial condition, or receivership of the covered financial company, if—

(i) such guaranty or other support and all related assets and liabilities are transferred to and assumed by a bridge financial company or a third party (other than a third party for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed, or which is otherwise the subject of a bankruptcy or insolvency proceeding) within the same period of time as the Corporation is entitled to transfer the qualified financial contracts of such covered financial company; or

(ii) the Corporation, as receiver, otherwise provides adequate protection with respect to such obligations.

(B) **RULE OF CONSTRUCTION.**—For purposes of this paragraph, a bridge financial company shall not be considered to be a third party for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed, or which is otherwise the subject of a bankruptcy or insolvency proceeding.

(d) **VALUATION OF CLAIMS IN DEFAULT.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method utilized by the Corporation for a covered financial company, including transactions authorized under subsection (h), this subsection shall govern the rights of the creditors of any such covered financial company.

(2) **MAXIMUM LIABILITY.**—The maximum liability of the Corporation, acting as receiver for a covered financial company or in any other capacity, to any person having a claim against the

Corporation as receiver or the covered financial company for which the Corporation is appointed shall equal the amount that such claimant would have received if—

(A) the Corporation had not been appointed receiver with respect to the covered financial company; and

(B) the covered financial company had been liquidated under chapter 7 of the Bankruptcy Code, or any similar provision of State insolvency law applicable to the covered financial company.

(3) SPECIAL PROVISION FOR ORDERLY LIQUIDATION BY SIPC.—The maximum liability of the Corporation, acting as receiver or in its corporate capacity for any covered broker or dealer to any customer of such covered broker or dealer, with respect to customer property of such customer, shall be—

(A) equal to the amount that such customer would have received with respect to such customer property in a case initiated by SIPC under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaaa et seq.); and

(B) determined as of the close of business on the date on which the Corporation is appointed as receiver.

(4) ADDITIONAL PAYMENTS AUTHORIZED.—

(A) IN GENERAL.—Subject to subsection (o)(1)(E)(ii), the Corporation, with the approval of the Secretary, may make additional payments or credit additional amounts to or with respect to or for the account of any claimant or category of claimants of the covered financial company, if the Corporation determines that such payments or credits are necessary or appropriate to minimize losses to the Corporation as receiver from the orderly liquidation of the covered financial company under this section.

(B) LIMITATIONS.—

(i) PROHIBITION.—The Corporation shall not make any payments or credit amounts to any claimant or category of claimants that would result in any claimant receiving more than the face value amount of any claim that is proven to the satisfaction of the Corporation.

(ii) NO OBLIGATION.—Notwithstanding any other provision of Federal or State law, or the Constitution of any State, the Corporation shall not be obligated, as a result of having made any payment under subparagraph (A) or credited any amount described in subparagraph (A) to or with respect to, or for the account of, any claimant or category of claimants, to make payments to any other claimant or category of claimants.

(C) MANNER OF PAYMENT.—The Corporation may make payments or credit amounts under subparagraph (A) directly to the claimants or may make such payments or credit such amounts to a company other than a covered financial company or a bridge financial company established with respect thereto in order to induce such other company to accept liability for such claims.

(e) LIMITATION ON COURT ACTION.—Except as provided in this title, no court may take any action to restrain or affect the exercise of powers or functions of the receiver hereunder, and any remedy against the Corporation or receiver shall be limited to money damages determined in accordance with this title.

(f) LIABILITY OF DIRECTORS AND OFFICERS.—

(1) IN GENERAL.—A director or officer of a covered financial company may be held personally liable for monetary damages in any civil action described in paragraph (2) by, on behalf of, or at the request or direction of the Corporation, which action is prosecuted wholly or partially for the benefit of the Corporation—

(A) acting as receiver for such covered financial company;

(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by the Corporation as receiver; or

(C) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed in whole or in part by a covered financial company or its affiliate in connection with assistance provided under this title.

(2) ACTIONS COVERED.—Paragraph (1) shall apply with respect to actions for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care (than gross negligence) including intentional tortious conduct, as such terms are defined and determined under applicable State law.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall impair or affect any right of the Corporation under other applicable law.

(g) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, or appraiser of a covered financial company, or any other party employed by or providing services to a covered financial company, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the covered financial company shall include principal losses and appropriate interest.

(h) BRIDGE FINANCIAL COMPANIES.—

(1) ORGANIZATION.—

(A) PURPOSE.—The Corporation, as receiver for one or more covered financial companies or in anticipation of being appointed receiver for one or more covered financial companies, may organize one or more bridge financial companies in accordance with this subsection.

(B) AUTHORITIES.—Upon the creation of a bridge financial company under subparagraph (A) with respect to a covered financial company, such bridge financial company may—

(i) assume such liabilities (including liabilities associated with any trust or custody business, but excluding any liabilities that count as regulatory capital) of such covered financial company as the Corporation may, in its discretion, determine to be appropriate;

(ii) purchase such assets (including assets associated with any trust or custody business) of such covered financial company as the Corporation may, in its discretion, determine to be appropriate; and

(iii) perform any other temporary function which the Corporation may, in its discretion, prescribe in accordance with this section.

(2) CHARTER AND ESTABLISHMENT.—

(A) ESTABLISHMENT.—Except as provided in subparagraph (H), where the covered financial company is a covered broker or dealer, the Corporation, as receiver for a covered financial company, may grant a Federal charter to and approve articles of association for one or more bridge financial company or companies, with respect to such covered financial company which shall, by operation of law and immediately upon issuance of its charter and approval of its articles of association, be established and operate in accordance with, and subject to, such charter, articles, and this section.

(B) MANAGEMENT.—Upon its establishment, a bridge financial company shall be under the management of a board of directors appointed by the Corporation.

(C) ARTICLES OF ASSOCIATION.—The articles of association and organization certificate of a bridge financial company shall have such terms as the Corporation may provide, and shall be executed by such representatives as the Corporation may designate.

(D) TERMS OF CHARTER; RIGHTS AND PRIVILEGES.—Subject to and in accordance with the provisions of this subsection, the Corporation shall—

(i) establish the terms of the charter of a bridge financial company and the rights, powers, authorities, and privileges of a bridge financial company granted by the charter or as an incident thereto; and

(ii) provide for, and establish the terms and conditions governing, the management (including the bylaws and the number of directors of the board of directors) and operations of the bridge financial company.

(E) TRANSFER OF RIGHTS AND PRIVILEGES OF COVERED FINANCIAL COMPANY.—

(i) IN GENERAL.—Notwithstanding any other provision of Federal or State law, the Corporation may provide for a bridge financial company to succeed to and assume any rights, powers, authorities, or privileges of the covered financial company with respect to which the bridge financial company was established and, upon such determination by the Corporation, the bridge financial company shall immediately and by operation of law succeed to and assume such rights, powers, authorities, and privileges.

(ii) EFFECTIVE WITHOUT APPROVAL.—Any succession to or assumption by a bridge financial company of rights, powers, authorities, or privileges of a covered financial company under clause (i) or otherwise shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

(F) CORPORATE GOVERNANCE AND ELECTION AND DESIGNATION OF BODY OF LAW.—To the extent permitted by the Corporation and consistent with this section and any rules, regulations, or directives issued by the Corporation under this section, a bridge financial company may elect to follow the corporate governance practices and procedures that are applicable to a corporation incorporated under the general corporation law of the State of Delaware, or the State of incorporation or organization of the covered financial company with respect to which the bridge financial company was established, as such law may be amended from time to time.

(G) CAPITAL.—

(i) CAPITAL NOT REQUIRED.—Notwithstanding any other provision of Federal or State law, a bridge financial company may, if permitted by the Corporation, operate without any capital or surplus, or with such capital or surplus as the Corporation may in its discretion determine to be appropriate.

(ii) NO CONTRIBUTION BY THE CORPORATION REQUIRED.—The Corporation is not required to pay capital into a bridge financial company or to issue any capital stock on behalf of a bridge financial company established under this subsection.

(iii) AUTHORITY.—If the Corporation determines that such action is advisable, the Corporation may cause capital stock or other securities of a bridge financial company established with respect to a covered financial company to be issued and offered for sale in such amounts and on such terms and conditions as the Corporation may, in its discretion, determine.

(iv) OPERATING FUNDS IN LIEU OF CAPITAL AND IMPLEMENTATION PLAN.—Upon the organization of a bridge financial company, and thereafter as the Corporation may, in its discretion, determine to be necessary or advisable, the Corporation may make available to the bridge financial company, subject to the plan described in subsection (n)(11), funds for the operation of the bridge financial company in lieu of capital.

(H) BRIDGE BROKERS OR DEALERS.—

(i) IN GENERAL.—The Corporation, as receiver for a covered broker or dealer, may approve articles of association for one or more bridge financial companies with respect to such covered broker or dealer, which bridge financial company or companies shall, by operation of law and immediately upon approval of its articles of association—

(I) be established and deemed registered with the Commission under the Securities Exchange Act of 1934 and a member of SIPC;

(II) operate in accordance with such articles and this section; and

(III) succeed to any and all registrations and memberships of the covered financial company with or in any self-regulatory organizations.

(ii) OTHER REQUIREMENTS.—Except as provided in clause (i), and notwithstanding any other provision of this section, the bridge financial company shall be subject to the Federal securities laws and all requirements with respect to being a member of a self-regulatory organization, unless exempted from any such requirements by the Commission, as is necessary or appropriate in the public interest or for the protection of investors.

(iii) TREATMENT OF CUSTOMERS.—Except as otherwise provided by this title, any customer of the covered broker or dealer whose account is transferred to a bridge financial company shall have all the rights, privileges, and protections under section 205(f) and under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), that such customer would have had if the account were not transferred from the covered financial company under this subparagraph.

(iv) OPERATION OF BRIDGE BROKERS OR DEALERS.—Notwithstanding any other provision of this title, the Corporation shall not operate any bridge financial company created by the Corporation under this title with respect to a covered broker or dealer in such a manner as to adversely affect the ability of customers to promptly access their customer property in accordance with applicable law.

(3) INTERESTS IN AND ASSETS AND OBLIGATIONS OF COVERED FINANCIAL COMPANY.—Notwithstanding paragraph (1) or (2) or any other provision of law—

(A) a bridge financial company shall assume, acquire, or succeed to the assets or liabilities of a covered financial company (including the assets or liabilities associated with any trust or custody business) only to the extent that such assets or liabilities are transferred by the Corporation to the bridge financial company in accordance with, and subject to the restrictions set forth in, paragraph (1)(B); and

(B) a bridge financial company shall not assume, acquire, or succeed to any obligation that a covered financial company for which the Corporation has been appointed receiver may have to any shareholder, member, general partner, limited partner, or other person with an interest in the equity of the covered financial company that arises as a result of the status of that person having an equity claim in the covered financial company.

(4) BRIDGE FINANCIAL COMPANY TREATED AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A bridge financial company shall be treated as a covered financial company in default at such times and for such purposes as the Corporation may, in its discretion, determine.

(5) TRANSFER OF ASSETS AND LIABILITIES.—

(A) AUTHORITY OF CORPORATION.—The Corporation, as receiver for a covered financial company, may transfer any assets and liabilities of a covered financial company (including any assets or liabilities associated with any trust or custody business) to one or more bridge financial companies, in accordance with and subject to the restrictions of paragraph (1).

(B) SUBSEQUENT TRANSFERS.—At any time after the establishment of a bridge financial company with respect to a covered financial company, the Corporation, as receiver, may transfer any assets and liabilities of such covered financial company as the Corporation may, in its discretion, determine to be appropriate in accordance with and subject to the restrictions of paragraph (1).

(C) TREATMENT OF TRUST OR CUSTODY BUSINESS.—For purposes of this paragraph, the trust or custody business, including fiduciary ap-

pointments, held by any covered financial company is included among its assets and liabilities.

(D) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities, including those associated with any trust or custody business of a covered financial company, to a bridge financial company shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

(E) EQUITABLE TREATMENT OF SIMILARLY SITUATED CREDITORS.—The Corporation shall treat all creditors of a covered financial company that are similarly situated under subsection (b)(1), in a similar manner in exercising the authority of the Corporation under this subsection to transfer any assets or liabilities of the covered financial company to one or more bridge financial companies established with respect to such covered financial company, except that the Corporation may take any action (including making payments, subject to subsection (o)(1)(D)(ii)) that does not comply with this subparagraph, if—

(i) the Corporation determines that such action is necessary—

(I) to maximize the value of the assets of the covered financial company;

(II) to maximize the present value return from the sale or other disposition of the assets of the covered financial company; or

(III) to minimize the amount of any loss realized upon the sale or other disposition of the assets of the covered financial company; and

(ii) all creditors that are similarly situated under subsection (b)(1) receive not less than the amount provided under paragraphs (2) and (3) of subsection (d).

(F) LIMITATION ON TRANSFER OF LIABILITIES.—Notwithstanding any other provision of law, the aggregate amount of liabilities of a covered financial company that are transferred to, or assumed by, a bridge financial company from a covered financial company may not exceed the aggregate amount of the assets of the covered financial company that are transferred to, or purchased by, the bridge financial company from the covered financial company.

(6) STAY OF JUDICIAL ACTION.—Any judicial action to which a bridge financial company becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a covered financial company shall be stayed from further proceedings for a period of not longer than 45 days (or such longer period as may be agreed to upon the consent of all parties) at the request of the bridge financial company.

(7) AGREEMENTS AGAINST INTEREST OF THE BRIDGE FINANCIAL COMPANY.—No agreement that tends to diminish or defeat the interest of the bridge financial company in any asset of a covered financial company acquired by the bridge financial company shall be valid against the bridge financial company, unless such agreement—

(A) is in writing;

(B) was executed by an authorized officer or representative of the covered financial company or confirmed in the ordinary course of business by the covered financial company; and

(C) has been on the official record of the company, since the time of its execution, or with which, the party claiming under the agreement provides documentation of such agreement and its authorized execution or confirmation by the covered financial company that is acceptable to the receiver.

(8) NO FEDERAL STATUS.—

(A) AGENCY STATUS.—A bridge financial company is not an agency, establishment, or instrumentality of the United States.

(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), directors, officers, employees, or agents of a bridge financial com-

pany are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Corporation or of any Federal instrumentality who serves at the request of the Corporation as a representative for purposes of paragraph (1)(B), director, officer, employee, or agent of a bridge financial company shall not—

(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

(ii) receive any salary or benefits for service in any such capacity with respect to a bridge financial company in addition to such salary or benefits as are obtained through employment with the Corporation or such Federal instrumentality.

(9) FUNDING AUTHORIZED.—The Corporation may, subject to the plan described in subsection (n)(11), provide funding to facilitate any transaction described in subparagraph (A), (B), (C), or (D) of paragraph (13) with respect to any bridge financial company, or facilitate the acquisition by a bridge financial company of any assets, or the assumption of any liabilities, of a covered financial company for which the Corporation has been appointed receiver.

(10) EXEMPT TAX STATUS.—Notwithstanding any other provision of Federal or State law, a bridge financial company, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

(11) FEDERAL AGENCY APPROVAL; ANTITRUST REVIEW.—If a transaction involving the merger or sale of a bridge financial company requires approval by a Federal agency, the transaction may not be consummated before the 5th calendar day after the date of approval by the Federal agency responsible for such approval with respect thereto. If, in connection with any such approval a report on competitive factors from the Attorney General is required, the Federal agency responsible for such approval shall promptly notify the Attorney General of the proposed transaction and the Attorney General shall provide the required report within 10 days of the request. If a notification is required under section 7A of the Clayton Act with respect to such transaction, the required waiting period shall end on the 15th day after the date on which the Attorney General and the Federal Trade Commission receive such notification, unless the waiting period is terminated earlier under section 7A(b)(2) of the Clayton Act, or extended under section 7A(e)(2) of that Act.

(12) DURATION OF BRIDGE FINANCIAL COMPANY.—Subject to paragraphs (13) and (14), the status of a bridge financial company as such shall terminate at the end of the 2-year period following the date on which it was granted a charter. The Corporation may, in its discretion, extend the status of the bridge financial company as such for no more than 3 additional 1-year periods.

(13) TERMINATION OF BRIDGE FINANCIAL COMPANY STATUS.—The status of any bridge financial company as such shall terminate upon the earliest of—

(A) the date of the merger or consolidation of the bridge financial company with a company that is not a bridge financial company;

(B) at the election of the Corporation, the sale of a majority of the capital stock of the bridge financial company to a company other than the Corporation and other than another bridge financial company;

(C) the sale of 80 percent, or more, of the capital stock of the bridge financial company to a person other than the Corporation and other than another bridge financial company;

(D) at the election of the Corporation, either the assumption of all or substantially all of the liabilities of the bridge financial company by a company that is not a bridge financial company, or the acquisition of all or substantially all of the assets of the bridge financial company by a company that is not a bridge financial company, or other entity as permitted under applicable law; and

(E) the expiration of the period provided in paragraph (12), or the earlier dissolution of the bridge financial company, as provided in paragraph (15).

(14) EFFECT OF TERMINATION EVENTS.—

(A) MERGER OR CONSOLIDATION.—A merger or consolidation, described in paragraph (12)(A) shall be conducted in accordance with, and shall have the effect provided in, the provisions of applicable law. For the purpose of effecting such a merger or consolidation, the bridge financial company shall be treated as a corporation organized under the laws of the State of Delaware (unless the law of another State has been selected by the bridge financial company in accordance with paragraph (2)(F)), and the Corporation shall be treated as the sole shareholder thereof, notwithstanding any other provision of State or Federal law.

(B) CHARTER CONVERSION.—Following the sale of a majority of the capital stock of the bridge financial company, as provided in paragraph (13)(B), the Corporation may amend the charter of the bridge financial company to reflect the termination of the status of the bridge financial company as such, whereupon the company shall have all of the rights, powers, and privileges under its constituent documents and applicable Federal or State law. In connection therewith, the Corporation may take such steps as may be necessary or convenient to reincorporate the bridge financial company under the laws of a State and, notwithstanding any provisions of Federal or State law, such State-chartered corporation shall be deemed to succeed by operation of law to such rights, titles, powers, and interests of the bridge financial company as the Corporation may provide, with the same effect as if the bridge financial company had merged with the State-chartered corporation under provisions of the corporate laws of such State.

(C) SALE OF STOCK.—Following the sale of 80 percent or more of the capital stock of a bridge financial company, as provided in paragraph (13)(C), the company shall have all of the rights, powers, and privileges under its constituent documents and applicable Federal or State law. In connection therewith, the Corporation may take such steps as may be necessary or convenient to reincorporate the bridge financial company under the laws of a State and, notwithstanding any provisions of Federal or State law, the State-chartered corporation shall be deemed to succeed by operation of law to such rights, titles, powers and interests of the bridge financial company as the Corporation may provide, with the same effect as if the bridge financial company had merged with the State-chartered corporation under provisions of the corporate laws of such State.

(D) ASSUMPTION OF LIABILITIES AND SALE OF ASSETS.—Following the assumption of all or substantially all of the liabilities of the bridge financial company, or the sale of all or substantially all of the assets of the bridge financial company, as provided in paragraph (13)(D), at the election of the Corporation, the bridge financial company may retain its status as such for the period provided in paragraph (12) or may be dissolved at the election of the Corporation.

(E) AMENDMENTS TO CHARTER.—Following the consummation of a transaction described in subparagraph (A), (B), (C), or (D) of paragraph (13), the charter of the resulting company shall be amended to reflect the termination of bridge financial company status, if appropriate.

(15) DISSOLUTION OF BRIDGE FINANCIAL COMPANY.—

(A) IN GENERAL.—Notwithstanding any other provision of Federal or State law, if the status of a bridge financial company as such has not previously been terminated by the occurrence of an event specified in subparagraph (A), (B), (C), or (D) of paragraph (13)–

(i) the Corporation may, in its discretion, dissolve the bridge financial company in accordance with this paragraph at any time; and

(ii) the Corporation shall promptly commence dissolution proceedings in accordance with this paragraph upon the expiration of the 2-year period following the date on which the bridge financial company was chartered, or any extension thereof, as provided in paragraph (12).

(B) PROCEDURES.—The Corporation shall remain the receiver for a bridge financial company for the purpose of dissolving the bridge financial company. The Corporation as receiver for a bridge financial company shall wind up the affairs of the bridge financial company in conformity with the provisions of law relating to the liquidation of covered financial companies under this title. With respect to any such bridge financial company, the Corporation as receiver shall have all the rights, powers, and privileges and shall perform the duties related to the exercise of such rights, powers, or privileges granted by law to the Corporation as receiver for a covered financial company under this title and, notwithstanding any other provision of law, in the exercise of such rights, powers, and privileges, the Corporation shall not be subject to the direction or supervision of any State agency or other Federal agency.

(16) AUTHORITY TO OBTAIN CREDIT.—

(A) IN GENERAL.—A bridge financial company may obtain unsecured credit and issue unsecured debt.

(B) INABILITY TO OBTAIN CREDIT.—If a bridge financial company is unable to obtain unsecured credit or issue unsecured debt, the Corporation may authorize the obtaining of credit or the issuance of debt by the bridge financial company—

(i) with priority over any or all of the obligations of the bridge financial company;

(ii) secured by a lien on property of the bridge financial company that is not otherwise subject to a lien; or

(iii) secured by a junior lien on property of the bridge financial company that is subject to a lien.

(C) LIMITATIONS.—

(I) IN GENERAL.—The Corporation, after notice and a hearing, may authorize the obtaining of credit or the issuance of debt by a bridge financial company that is secured by a senior or equal lien on property of the bridge financial company that is subject to a lien, only if—

(I) the bridge financial company is unable to otherwise obtain such credit or issue such debt; and

(II) there is adequate protection of the interest of the holder of the lien on the property with respect to which such senior or equal lien is proposed to be granted.

(ii) HEARING.—The hearing required pursuant to this subparagraph shall be before a court of the United States, which shall have jurisdiction to conduct such hearing.

(D) BURDEN OF PROOF.—In any hearing under this paragraph, the Corporation has the burden of proof on the issue of adequate protection.

(E) QUALIFIED FINANCIAL CONTRACTS.—No credit or debt obtained or issued by a bridge financial company may contain terms that impair the rights of a counterparty to a qualified financial contract upon a default by the bridge financial company, other than the priority of such counterparty's unsecured claim (after the exercise of rights) relative to the priority of the

bridge financial company's obligations in respect of such credit or debt, unless such counterparty consents in writing to any such impairment.

(17) EFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this subsection to obtain credit or issue debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so issued, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the issuance of such debt, or the granting of such priority or lien, were stayed pending appeal.

(i) SHARING RECORDS.—If the Corporation has been appointed as receiver for a covered financial company, other Federal regulators shall make all records relating to the covered financial company available to the Corporation, which may be used by the Corporation in any manner that the Corporation determines to be appropriate.

(j) EXPEDITED PROCEDURES FOR CERTAIN CLAIMS.—

(1) TIME FOR FILING NOTICE OF APPEAL.—The notice of appeal of any order, whether interlocutory or final, entered in any case brought by the Corporation against a director, officer, employee, agent, attorney, accountant, or appraiser of the covered financial company, or any other person employed by or providing services to a covered financial company, shall be filed not later than 30 days after the date of entry of the order. The hearing of the appeal shall be held not later than 120 days after the date of the notice of appeal. The appeal shall be decided not later than 180 days after the date of the notice of appeal.

(2) SCHEDULING.—The court shall expedite the consideration of any case brought by the Corporation against a director, officer, employee, agent, attorney, accountant, or appraiser of a covered financial company or any other person employed by or providing services to a covered financial company. As far as practicable, the court shall give such case priority on its docket.

(3) JUDICIAL DISCRETION.—The court may modify the schedule and limitations stated in paragraphs (1) and (2) in a particular case, based on a specific finding that the ends of justice that would be served by making such a modification would outweigh the best interest of the public in having the case resolved expeditiously.

(k) FOREIGN INVESTIGATIONS.—The Corporation, as receiver for any covered financial company, and for purposes of carrying out any power, authority, or duty with respect to a covered financial company—

(1) may request the assistance of any foreign financial authority and provide assistance to any foreign financial authority in accordance with section 8(v) of the Federal Deposit Insurance Act, as if the covered financial company were an insured depository institution, the Corporation were the appropriate Federal banking agency for the company, and any foreign financial authority were the foreign banking authority; and

(2) may maintain an office to coordinate foreign investigations or investigations on behalf of foreign financial authorities.

(l) PROHIBITION ON ENTERING SECRECY AGREEMENTS AND PROTECTIVE ORDERS.—The Corporation may not enter into any agreement or approve any protective order which prohibits the Corporation from disclosing the terms of any settlement of an administrative or other action for damages or restitution brought by the Corporation in its capacity as receiver for a covered financial company.

(m) LIQUIDATION OF CERTAIN COVERED FINANCIAL COMPANIES OR BRIDGE FINANCIAL COMPANIES.—

(1) *IN GENERAL.*—Except as specifically provided in this section, and notwithstanding any other provision of law, the Corporation, in connection with the liquidation of any covered financial company or bridge financial company with respect to which the Corporation has been appointed as receiver, shall—

(A) in the case of any covered financial company or bridge financial company that is or has a subsidiary that is a stockbroker, but is not a member of the Securities Investor Protection Corporation, apply the provisions of subchapter III of chapter 7 of the Bankruptcy Code, in respect of the distribution to any customer of all customer name securities and customer property, as if such covered financial company or bridge financial company were a debtor for purposes of such subchapter; or

(B) in the case of any covered financial company or bridge financial company that is a commodity broker, apply the provisions of subchapter IV of chapter 7 the Bankruptcy Code, in respect of the distribution to any customer of all customer property, as if such covered financial company or bridge financial company were a debtor for purposes of such subchapter.

(2) *DEFINITIONS.*—For purposes of this subsection—

(A) the terms “customer”, “customer name securities”, and “customer property” have the same meanings as in section 741 of title 11, United States Code; and

(B) the terms “commodity broker” and “stockbroker” have the same meanings as in section 101 of the Bankruptcy Code.

(n) *ORDERLY LIQUIDATION FUND.*—

(1) *ESTABLISHMENT.*—There is established in the Treasury of the United States a separate fund to be known as the “Orderly Liquidation Fund”, which shall be available to the Corporation to carry out the authorities contained in this title, for the cost of actions authorized by this title, including the orderly liquidation of covered financial companies, payment of administrative expenses, the payment of principal and interest by the Corporation on obligations issued under paragraph (6), and the exercise of the authorities of the Corporation under this title.

(2) *PROCEEDS.*—Amounts received by the Corporation, including assessments received under subsection (o), proceeds of obligations issued under paragraph (6), interest and other earnings from investments, and repayments to the Corporation by covered financial companies, shall be deposited into the Fund.

(3) *MANAGEMENT.*—The Corporation shall manage the Fund in accordance with this subsection and the policies and procedures established under section 203(d).

(4) *INVESTMENTS.*—At the request of the Corporation, the Secretary may invest such portion of amounts held in the Fund that are not, in the judgment of the Corporation, required to meet the current needs of the Corporation, in obligations of the United States having suitable maturities, as determined by the Corporation. The interest on and the proceeds from the sale or redemption of such obligations shall be credited to the Fund.

(5) *AUTHORITY TO ISSUE OBLIGATIONS.*—

(A) *CORPORATION AUTHORIZED TO ISSUE OBLIGATIONS.*—Upon appointment by the Secretary of the Corporation as receiver for a covered financial company, the Corporation is authorized to issue obligations to the Secretary.

(B) *SECRETARY AUTHORIZED TO PURCHASE OBLIGATIONS.*—The Secretary may, under such terms and conditions as the Secretary may require, purchase or agree to purchase any obligations issued under subparagraph (A), and for such purpose, the Secretary is authorized to use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes

for which securities may be issued under chapter 31 of title 31, United States Code, are extended to include such purchases.

(C) *INTEREST RATE.*—Each purchase of obligations by the Secretary under this paragraph shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity, plus an interest rate surcharge to be determined by the Secretary, which shall be greater than the difference between—

(i) the current average rate on an index of corporate obligations of comparable maturity; and

(ii) the current average rate on outstanding marketable obligations of the United States of comparable maturity.

(D) *SECRETARY AUTHORIZED TO SELL OBLIGATIONS.*—The Secretary may sell, upon such terms and conditions as the Secretary shall determine, any of the obligations acquired under this paragraph.

(E) *PUBLIC DEBT TRANSACTIONS.*—All purchases and sales by the Secretary of such obligations under this paragraph shall be treated as public debt transactions of the United States, and the proceeds from the sale of any obligations acquired by the Secretary under this paragraph shall be deposited into the Treasury of the United States as miscellaneous receipts.

(6) *MAXIMUM OBLIGATION LIMITATION.*—The Corporation may not, in connection with the orderly liquidation of a covered financial company, issue or incur any obligation, if, after issuing or incurring the obligation, the aggregate amount of such obligations outstanding under this subsection for each covered financial company would exceed—

(A) an amount that is equal to 10 percent of the total consolidated assets of the covered financial company, based on the most recent financial statement available, during the 30-day period immediately following the date of appointment of the Corporation as receiver (or a shorter time period if the Corporation has calculated the amount described under subparagraph (B)); and

(B) the amount that is equal to 90 percent of the fair value of the total consolidated assets of each covered financial company that are available for repayment, after the time period described in subparagraph (A).

(7) *RULEMAKING.*—The Corporation and the Secretary shall jointly, in consultation with the Council, prescribe regulations governing the calculation of the maximum obligation limitation defined in this paragraph.

(8) *RULE OF CONSTRUCTION.*—

(A) *IN GENERAL.*—Nothing in this section shall be construed to affect the authority of the Corporation under subsection (a) or (b) of section 14 or section 15(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1824, 1825(c)(5)), the management of the Deposit Insurance Fund by the Corporation, or the resolution of insured depository institutions, provided that—

(i) the authorities of the Corporation contained in this title shall not be used to assist the Deposit Insurance Fund or to assist any financial company under applicable law other than this Act;

(ii) the authorities of the Corporation relating to the Deposit Insurance Fund, or any other responsibilities of the Corporation under applicable law other than this title, shall not be used to assist a covered financial company pursuant to this title; and

(iii) the Deposit Insurance Fund may not be used in any manner to otherwise circumvent the purposes of this title.

(B) *VALUATION.*—For purposes of determining the amount of obligations under this subsection—

(i) the Corporation shall include as an obligation any contingent liability of the Corporation pursuant to this title; and

(ii) the Corporation shall value any contingent liability at its expected cost to the Corporation.

(9) *ORDERLY LIQUIDATION PLAN.*—Amounts in the Fund shall be available to the Corporation with regard to a covered financial company for which the Corporation is appointed receiver after the Corporation has developed an orderly liquidation plan that is acceptable to the Secretary with regard to such covered financial company, including the provision and use of funds, including taking any actions specified under section 204(d) and subsection (h)(2)(G)(iv) and (h)(9) of this section, and payments to third parties. The Corporation may, at any time, amend any orderly liquidation plan approved by the Secretary with the concurrence of the Secretary.

(10) *IMPLEMENTATION EXPENSES.*—

(A) *IN GENERAL.*—Reasonable implementation expenses of the Corporation incurred after the date of enactment of this Act shall be treated as expenses of the Council.

(B) *REQUESTS FOR REIMBURSEMENT.*—The Corporation shall periodically submit a request for reimbursement for implementation expenses to the Chairperson of the Council, who shall arrange for prompt reimbursement to the Corporation of reasonable implementation expenses.

(C) *DEFINITION.*—As used in this paragraph, the term “implementation expenses”—

(i) means costs incurred by the Corporation beginning on the date of enactment of this Act, as part of its efforts to implement this title that do not relate to a particular covered financial company; and

(ii) includes the costs incurred in connection with the development of policies, procedures, rules, and regulations and other planning activities of the Corporation consistent with carrying out this title.

(o) *ASSESSMENTS.*—

(1) *RISK-BASED ASSESSMENTS.*—

(A) *ELIGIBLE FINANCIAL COMPANIES DEFINED.*—For purposes of this subsection, the term “eligible financial company” means any bank holding company with total consolidated assets equal to or greater than \$50,000,000,000 and any nonbank financial company supervised by the Board of Governors.

(B) *ASSESSMENTS.*—The Corporation shall charge one or more risk-based assessments in accordance with the provisions of subparagraph (D), if such assessments are necessary to pay in full the obligations issued by the Corporation to the Secretary within 60 months of the date of issuance of such obligations.

(C) *EXTENSIONS AUTHORIZED.*—The Corporation may, with the approval of the Secretary, extend the time period under subparagraph (C)(iii), if the Corporation determines that an extension is necessary to avoid a serious adverse effect on the financial system of the United States.

(D) *APPLICATION OF ASSESSMENTS.*—To meet the requirements of subparagraph (C), the Corporation shall—

(i) impose assessments, as soon as practicable, on any claimant that received additional payments or amounts from the Corporation pursuant to subsection (b)(4), (d)(4), or (h)(5)(E), except for payments or amounts necessary to initiate and continue operations essential to implementation of the receivership or any bridge financial company, to recover on a cumulative basis, the entire difference between—

(I) the aggregate value the claimant received from the Corporation on a claim pursuant to this title (including pursuant to subsection (b)(4), (d)(4), and (h)(5)(E)), as of the date on which such value was received; and

(II) the value the claimant was entitled to receive from the Corporation on such claim solely from the proceeds of the liquidation of the covered financial company under this title; and

(ii) if the amounts to be recovered on a cumulative basis under clause (i) are insufficient to meet the requirements of subparagraph (C), after taking into account the considerations set forth in paragraph (4), impose assessments on—

(I) eligible financial companies; and

(II) financial companies with total consolidated assets equal to or greater than \$50,000,000,000 that are not eligible financial companies.

(E) PROVISION OF FINANCING.—Payments or amounts necessary to initiate and continue operations essential to implementation of the receivership or any bridge financial company described in subparagraph (E)(i) shall not include the provision of financing, as defined by rule of the Corporation, to third parties.

(2) GRADUATED ASSESSMENT RATE.—The Corporation shall impose assessments on a graduated basis, with financial companies having greater assets being assessed at a higher rate.

(3) NOTIFICATION AND PAYMENT.—The Corporation shall notify each financial company of that company's assessment under this subsection. Any financial company subject to assessment under this subsection shall pay such assessment in accordance with the regulations prescribed pursuant to paragraph (6).

(4) RISK-BASED ASSESSMENT CONSIDERATIONS.—In imposing assessments under this subsection, the Corporation shall—

(A) take into account economic conditions generally affecting financial companies, so as to allow assessments to be lower during less favorable economic conditions;

(B) take into account any assessments imposed on—

(i) an insured depository institution subsidiary of a financial company pursuant to section 7 or section 13(c)(4)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1817, 1823(c)(4)(G));

(ii) a financial company or subsidiary of such company that is a member of SIPC pursuant to section 4 of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ddd); and

(iii) a financial company or subsidiary of such company that is an insurance company pursuant to applicable State law to cover (or reimburse payments made to cover) the costs of rehabilitation, liquidation, or other State insolvency proceeding with respect to one or more insurance companies;

(C) take into account the financial condition of the financial company, including the extent and type of off-balance-sheet exposures of the financial company;

(D) take into account the risks presented by the financial company to the financial stability of the United States economy;

(E) take into account the extent to which the financial company or group of financial companies has benefitted, or likely would benefit, from the orderly liquidation of a covered financial company and the use of the Fund under this title;

(F) distinguish among different classes of assets or different types of financial companies (including distinguishing among different types of financial companies, based on their levels of capital and leverage) in order to establish comparable assessment bases among financial companies subject to this subsection;

(G) establish the parameters for the graduated assessment requirement in paragraph (2); and

(H) take into account such other factors as the Corporation, in consultation with the Secretary, deems appropriate.

(5) COLLECTION OF INFORMATION.—The Corporation may impose on covered financial com-

panies such collection of information requirements as the Corporation deems necessary to carry out this subsection after the appointment of the Corporation as receiver under this title.

(6) RULEMAKING.—

(A) IN GENERAL.—The Corporation shall prescribe regulations to carry out this subsection. The Corporation shall consult with the Secretary in the development and finalization of such regulations.

(B) EQUITABLE TREATMENT.—The regulations prescribed under subparagraph (A) shall take into account the differences in risks posed to the financial stability of the United States by financial companies, the differences in the liability structures of financial companies, and the different bases for other assessments that such financial companies may be required to pay, to ensure that assessed financial companies are treated equitably and that assessments under this subsection reflect such differences.

(p) UNENFORCEABILITY OF CERTAIN AGREEMENTS.—

(1) IN GENERAL.—No provision described in paragraph (2) shall be enforceable against or impose any liability on any person, as such enforcement or liability shall be contrary to public policy.

(2) PROHIBITED PROVISIONS.—A provision described in this paragraph is any term contained in any existing or future standstill, confidentiality, or other agreement that, directly or indirectly—

(A) affects, restricts, or limits the ability of any person to offer to acquire or acquire;

(B) prohibits any person from offering to acquire or acquiring; or

(C) prohibits any person from using any previously disclosed information in connection with any such offer to acquire or acquisition of, all or part of any covered financial company, including any liabilities, assets, or interest therein, in connection with any transaction in which the Corporation exercises its authority under this title.

(g) OTHER EXEMPTIONS.—

(1) IN GENERAL.—When acting as a receiver under this title—

(A) the Corporation, including its franchise, its capital, reserves and surplus, and its income, shall be exempt from all taxation imposed by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, such value, and the tax thereon, shall be determined as of the period for which such tax is imposed;

(B) no property of the Corporation shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Corporation, nor shall any involuntary lien attach to the property of the Corporation; and

(C) the Corporation shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due; and

(D) the Corporation shall be exempt from all prosecution by the United States or any State, county, municipality, or local authority for any criminal offense arising under Federal, State, county, municipal, or local law, which was allegedly committed by the covered financial company, or persons acting on behalf of the covered financial company, prior to the appointment of the Corporation as receiver.

(2) LIMITATION.—Paragraph (1) shall not apply with respect to any tax imposed (or other

amount arising) under the Internal Revenue Code of 1986.

(r) CERTAIN SALES OF ASSETS PROHIBITED.—

(1) PERSONS WHO ENGAGED IN IMPROPER CONDUCT WITH, OR CAUSED LOSSES TO, COVERED FINANCIAL COMPANIES.—The Corporation shall prescribe regulations which, at a minimum, shall prohibit the sale of assets of a covered financial company by the Corporation to—

(A) any person who—

(i) has defaulted, or was a member of a partnership or an officer or director of a corporation that has defaulted, on 1 or more obligations, the aggregate amount of which exceeds \$1,000,000, to such covered financial company;

(ii) has been found to have engaged in fraudulent activity in connection with any obligation referred to in clause (i); and

(iii) proposes to purchase any such asset in whole or in part through the use of the proceeds of a loan or advance of credit from the Corporation or from any covered financial company;

(B) any person who participated, as an officer or director of such covered financial company or of any affiliate of such company, in a material way in any transaction that resulted in a substantial loss to such covered financial company; or

(C) any person who has demonstrated a pattern or practice of defalcation regarding obligations to such covered financial company.

(2) CONVICTED DEBTORS.—Except as provided in paragraph (3), a person may not purchase any asset of such institution from the receiver, if that person—

(A) has been convicted of an offense under section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1341, 1343, or 1344 of title 18, United States Code, or of conspiring to commit such an offense, affecting any covered financial company; and

(B) is in default on any loan or other extension of credit from such covered financial company which, if not paid, will cause substantial loss to the Fund or the Corporation.

(3) SETTLEMENT OF CLAIMS.—Paragraphs (1) and (2) shall not apply to the sale or transfer by the Corporation of any asset of any covered financial company to any person, if the sale or transfer of the asset resolves or settles, or is part of the resolution or settlement, of 1 or more claims that have been, or could have been, asserted by the Corporation against the person.

(4) DEFINITION OF DEFAULT.—For purposes of this subsection, the term “default” means a failure to comply with the terms of a loan or other obligation to such an extent that the property securing the obligation is foreclosed upon.

(s) RECOUPMENT OF COMPENSATION FROM SENIOR EXECUTIVES AND DIRECTORS.—

(1) IN GENERAL.—The Corporation, as receiver of a covered financial company, may recover from any current or former senior executive or director substantially responsible for the failed condition of the covered financial company any compensation received during the 2-year period preceding the date on which the Corporation was appointed as the receiver of the covered financial company, except that, in the case of fraud, no time limit shall apply.

(2) COST CONSIDERATIONS.—In seeking to recover any such compensation, the Corporation shall weigh the financial and deterrent benefits of such recovery against the cost of executing the recovery.

(3) RULEMAKING.—The Corporation shall promulgate regulations to implement the requirements of this subsection, including defining the term “compensation” to mean any financial remuneration, including salary, bonuses, incentives, benefits, severance, deferred compensation, or golden parachute benefits, and any profits realized from the sale of the securities of the covered financial company.

SEC. 211. MISCELLANEOUS PROVISIONS.

(a) **CLARIFICATION OF PROHIBITION REGARDING CONCEALMENT OF ASSETS FROM RECEIVER OR LIQUIDATING AGENT.**—Section 1032(1) of title 18, United States Code, is amended by inserting “the Federal Deposit Insurance Corporation acting as receiver for a covered financial company, in accordance with title II of the Restoring American Financial Stability Act of 2010,” before “or the National Credit”.

(b) **CONFORMING AMENDMENT.**—Section 1032 of title 18, United States Code, is amended in the section heading, by striking “of financial institution”.

(c) **FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.**—Section 403(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403(a)) is amended by inserting “section 210(c) of the Restoring American Financial Stability Act of 2010, section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(d)),” after “section 11(e) of the Federal Deposit Insurance Act.”

(d) **FDIC INSPECTOR GENERAL REVIEWS.**—

(1) **SCOPE.**—The Inspector General of the Corporation shall conduct, supervise, and coordinate audits and investigations of the liquidation of any covered financial company by the Corporation as receiver under this title, including collecting and summarizing—

(A) a description of actions taken by the Corporation as receiver;

(B) a description of any material sales, transfers, mergers, obligations, purchases, and other material transactions entered into by the Corporation;

(C) an evaluation of the adequacy of the policies and procedures of the Corporation under section 203(d) and orderly liquidation plan under section 210(n)(14);

(D) an evaluation of the utilization by the Corporation of the private sector in carrying out its functions, including the adequacy of any conflict-of-interest reviews; and

(E) an evaluation of the overall performance of the Corporation in liquidating the covered financial company, including administrative costs, timeliness of liquidation process, and impact on the financial system.

(2) **FREQUENCY.**—Not later than 6 months after the date of appointment of the Corporation as receiver under this title and every 6 months thereafter, the Inspector General of the Corporation shall conduct the audit and investigation described in paragraph (1).

(3) **REPORTS AND TESTIMONY.**—The Inspector General of the Corporation shall include in the semiannual reports required by section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.), a summary of the findings and evaluations under paragraph (1), and shall appear before the appropriate committees of Congress, if requested, to present each such report.

(4) **FUNDING.**—

(A) **INITIAL FUNDING.**—The expenses of the Inspector General of the Corporation in carrying out this subsection shall be considered administrative expenses of the receivership.

(B) **ADDITIONAL FUNDING.**—If the maximum amount available to the Corporation as receiver under this title is insufficient to enable the Inspector General of the Corporation to carry out the duties under this subsection, the Corporation shall pay such additional amounts from assessments imposed under section 210.

(5) **TERMINATION OF RESPONSIBILITIES.**—The duties and responsibilities of the Inspector General of the Corporation under this subsection shall terminate 1 year after the date of termination of the receivership under this title.

(e) **TREASURY INSPECTOR GENERAL REVIEWS.**—

(1) **SCOPE.**—The Inspector General of the Department of the Treasury shall conduct, super-

vise, and coordinate audits and investigations of actions taken by the Secretary related to the liquidation of any covered financial company under this title, including collecting and summarizing—

(A) a description of actions taken by the Secretary under this title;

(B) an analysis of the approval by the Secretary of the policies and procedures of the Corporation under section 203 and acceptance of the orderly liquidation plan of the Corporation under section 210; and

(C) an assessment of the terms and conditions underlying the purchase by the Secretary of obligations of the Corporation under section 210.

(2) **FREQUENCY.**—Not later than 6 months after the date of appointment of the Corporation as receiver under this title and every 6 months thereafter, the Inspector General of the Department of the Treasury shall conduct the audit and investigation described in paragraph (1).

(3) **REPORTS AND TESTIMONY.**—The Inspector General of the Department of the Treasury shall include in the semiannual reports required by section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.), a summary of the findings and assessments under paragraph (1), and shall appear before the appropriate committees of Congress, if requested, to present each such report.

(4) **TERMINATION OF RESPONSIBILITIES.**—The duties and responsibilities of the Inspector General of the Department of the Treasury under this subsection shall terminate 1 year after the date on which the obligations purchased by the Secretary from the Corporation under section 210 are fully redeemed.

(f) **PRIMARY FINANCIAL REGULATORY AGENCY INSPECTOR GENERAL REVIEWS.**—

(1) **SCOPE.**—Upon the appointment of the Corporation as receiver for a covered financial company supervised by a Federal primary financial regulatory agency or the Board of Governors under section 165, the Inspector General of the agency or the Board of Governors shall make a written report reviewing the supervision by the agency or the Board of Governors of the covered financial company, which shall—

(A) evaluate the effectiveness of the agency or the Board of Governors in carrying out its supervisory responsibilities with respect to the covered financial company;

(B) identify any acts or omissions on the part of agency or Board of Governors officials that contributed to the covered financial company being in default or in danger of default;

(C) identify any actions that could have been taken by the agency or the Board of Governors that would have prevented the company from being in default or in danger of default; and

(D) recommend appropriate administrative or legislative action.

(2) **REPORTS AND TESTIMONY.**—Not later than 1 year after the date of appointment of the Corporation as receiver under this title, the Inspector General of the Federal primary financial regulatory agency or the Board of Governors shall provide the report required by paragraph (1) to such agency or the Board of Governors, and along with such agency or the Board of Governors, as applicable, shall appear before the appropriate committees of Congress, if requested, to present the report required by paragraph (1). Not later than 90 days after the date of receipt of the report required by paragraph (1), such agency or the Board of Governors, as applicable, shall provide a written report to Congress describing any actions taken in response to the recommendations in the report, and if no such actions were taken, describing the reasons why no actions were taken.

SEC. 212. PROHIBITION OF CIRCUMVENTION AND PREVENTION OF CONFLICTS OF INTEREST.

(a) **NO OTHER FUNDING.**—Funds for the orderly liquidation of any covered financial com-

pany under this title shall only be provided as specified under this title.

(b) **LIMIT ON GOVERNMENTAL ACTIONS.**—No governmental entity may take any action to circumvent the purposes of this title.

(c) **CONFLICT OF INTEREST.**—In the event that the Corporation is appointed receiver for more than 1 covered financial company or is appointed receiver for a covered financial company and receiver for any insured depository institution that is an affiliate of such covered financial company, the Corporation shall take appropriate action, as necessary to avoid any conflicts of interest that may arise in connection with multiple receiverships.

SEC. 213. BAN ON SENIOR EXECUTIVES AND DIRECTORS.

(a) **PROHIBITION AUTHORITY.**—The Board of Governors or, if the covered financial company was not supervised by the Board of Governors, the Corporation, may exercise the authority provided by this section.

(b) **AUTHORITY TO ISSUE ORDER.**—The appropriate agency described in subsection (a) may take any action authorized by subsection (c), if the agency determines that—

(1) a senior executive or a director of the covered financial company, prior to the appointment of the Corporation as receiver, has, directly or indirectly—

(A) violated—

(i) any law or regulation;

(ii) any cease-and-desist order which has become final;

(iii) any condition imposed in writing by a Federal agency in connection with any action on any application, notice, or request by such company or senior executive; or

(iv) any written agreement between such company and such agency;

(B) engaged or participated in any unsafe or unsound practice in connection with any financial company; or

(C) committed or engaged in any act, omission, or practice which constitutes a breach of the fiduciary duty of such senior executive or director;

(2) by reason of the violation, practice, or breach described in any clause of paragraph (1), such senior executive or director has received financial gain or other benefit by reason of such violation, practice, or breach and such violation, practice, or breach contributed to the failure of the company; and

(3) such violation, practice, or breach—

(A) involves personal dishonesty on the part of such senior executive or director; or

(B) demonstrates willful or continuing disregard by such senior executive or director for the safety or soundness of such company.

(c) **AUTHORIZED ACTIONS.**—

(1) **IN GENERAL.**—The appropriate agency for a financial company, as described in subsection (a), may serve upon a senior executive or director described in subsection (b) a written notice of the intention of the agency to prohibit any further participation by such person, in any manner, in the conduct of the affairs of any financial company for a period of time determined by the appropriate agency to be commensurate with such violation, practice, or breach, provided such period shall be not less than 2 years.

(2) **PROCEDURES.**—The due process requirements and other procedures under section 8(e) of the Federal Deposit Insurance Act shall apply to actions under this section as if the covered financial company were an insured depository institution and the senior executive or director were an institution-affiliated party, as those terms are defined in that Act.

(d) **REGULATIONS.**—The Corporation and the Board of Governors, in consultation with the Council, shall jointly prescribe rules or regulations to administer and carry out this section,

including rules, regulations, or guidelines to further define the term senior executive for the purposes of this section.

SEC. 214. PROHIBITION ON TAXPAYER FUNDING.

(a) **LIQUIDATION REQUIRED.**—All financial companies put into receivership under this title shall be liquidated. No taxpayer funds shall be used to prevent the liquidation of any financial company under this title.

(b) **RECOVERY OF FUNDS.**—All funds expended in the liquidation of a financial company under this title shall be recovered from the disposition of assets of such financial company, or shall be the responsibility of the financial sector, through assessments.

(c) **NO LOSSES TO TAXPAYERS.**—Taxpayers shall bear no losses from the exercise of any authority under this title.

TITLE III—TRANSFER OF POWERS TO THE COMPTROLLER OF THE CURRENCY, THE CORPORATION, AND THE BOARD OF GOVERNORS

SEC. 300. SHORT TITLE.

This title may be cited as the “Enhancing Financial Institution Safety and Soundness Act of 2010”.

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to provide for the safe and sound operation of the banking system of the United States;

(2) to preserve and protect the dual system of Federal and State-chartered depository institutions;

(3) to ensure the fair and appropriate supervision of each depository institution, regardless of the size or type of charter of the depository institution; and

(4) to streamline and rationalize the supervision of depository institutions and the holding companies of depository institutions.

SEC. 302. DEFINITION.

In this title, the term “transferred employee” means, as the context requires, an employee transferred to the Office of the Comptroller of the Currency or the Corporation under section 322.

Subtitle A—Transfer of Powers and Duties

SEC. 311. TRANSFER DATE.

(a) **TRANSFER DATE.**—Except as provided in subsection (b), the term “transfer date” means the date that is 1 year after the date of enactment of this Act.

(b) **EXTENSION PERMITTED.**—

(1) **NOTICE REQUIRED.**—The Secretary, in consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Chairman of the Board of Governors, and the Chairperson of the Corporation, may extend the period under subsection (a) and designate a transfer date that is not later than 18 months after the date of enactment of this Act, if the Secretary transmits to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

(A) a written determination that commencement of the orderly process to implement this title is not feasible by the date that is 1 year after the date of enactment of this Act;

(B) an explanation of why an extension is necessary to commence the process of orderly implementation of this title;

(C) the transfer date designated under this subsection; and

(D) a description of the steps that will be taken to initiate the process of an orderly and timely implementation of this title within the extended time period.

(2) **PUBLICATION OF NOTICE.**—Not later than 270 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register notice of any transfer date designated under paragraph (1).

SEC. 312. POWERS AND DUTIES TRANSFERRED.

(a) **EFFECTIVE DATE.**—This section, and the amendments made by this section, shall take effect on the transfer date.

(b) **FUNCTIONS OF THE OFFICE OF THRIFT SUPERVISION.**—

(1) **SAVINGS AND LOAN HOLDING COMPANY FUNCTIONS TRANSFERRED.**—There are transferred to the Board of Governors all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision (including the authority to issue orders) relating to—

(A) the supervision of—

(i) any savings and loan holding company; and

(ii) any subsidiary (other than a depository institution) of a savings and loan holding company; and

(B) all rulemaking authority of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to savings and loan holding companies.

(2) **ALL OTHER FUNCTIONS TRANSFERRED.**—

(A) **BOARD OF GOVERNORS.**—All rulemaking authority of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision under section 11 of the Home Owners’ Loan Act (12 U.S.C. 1468) relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders and under section 5(q) of such Act relating to tying arrangements is transferred to the Board of Governors.

(B) **COMPTROLLER OF THE CURRENCY.**—Except as provided in paragraph (1) and subparagraph (A), there are transferred to the Comptroller of the Currency all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to Federal savings associations.

(C) **CORPORATION.**—Except as provided in paragraph (1) and subparagraph (A), all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to State savings associations are transferred to the Corporation.

(D) **COMPTROLLER OF THE CURRENCY AND THE CORPORATION.**—Except as provided in paragraph (1) and subparagraph (A), all rulemaking authority of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to savings associations is transferred to the Office of the Comptroller of the Currency.

(e) **CONFORMING AMENDMENTS.**—

(1) **FEDERAL DEPOSIT INSURANCE ACT.**—Section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) is amended by striking paragraphs (1) through (4) and inserting the following:

“(1) the Office of the Comptroller of the Currency, in the case of—

“(A) any national banking association;

“(B) any Federal branch or agency of a foreign bank; and

“(C) any Federal savings association;

“(2) the Federal Deposit Insurance Corporation, in the case of—

“(A) any insured State nonmember bank;

“(B) any foreign bank having an insured branch; and

“(C) any State savings association;

“(3) the Board of Governors of the Federal Reserve System, in the case of—

“(A) any State member bank;

“(B) any branch or agency of a foreign bank with respect to any provision of the Federal Reserve Act which is made applicable under the International Banking Act of 1978;

“(C) any foreign bank which does not operate an insured branch;

“(D) any agency or commercial lending company other than a Federal agency;

“(E) supervisory or regulatory proceedings arising from the authority given to the Board of

Governors under section 7(c)(1) of the International Banking Act of 1978, including such proceedings under the Financial Institutions Supervisory Act of 1966;

“(F) any bank holding company and any subsidiary (other than a depository institution) of a bank holding company; and

“(G) any savings and loan holding company and any subsidiary (other than a depository institution) of a savings and loan holding company.”.

(2) **FEDERAL DEPOSIT INSURANCE ACT.**—

(A) **APPLICATION.**—Section 8(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)(3)) is amended to read as follows:

“(3) **APPLICATION TO BANK HOLDING COMPANIES, SAVINGS AND LOAN HOLDING COMPANIES, AND EDGE AND AGREEMENT CORPORATIONS.**—

“(A) **APPLICATION.**—This subsection, subsections (c) through (s) and subsection (u) of this section, and section 50 shall apply to—

“(i) any bank holding company, and any subsidiary (other than a bank) of a bank holding company, as those terms are defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), as if such company or subsidiary was an insured depository institution for which the appropriate Federal banking agency for the bank holding company was the appropriate Federal banking agency;

“(ii) any savings and loan holding company, and any subsidiary (other than a depository institution) of a savings and loan holding company, as those terms are defined in section 10 of the Home Owners’ Loan Act (12 U.S.C. 1467a), as if such company or subsidiary was an insured depository institution for which the appropriate Federal banking agency for the savings and loan holding company was the appropriate Federal banking agency; and

“(iii) any organization organized and operated under section 25A of the Federal Reserve Act (12 U.S.C. 611 et seq.) or operating under section 25 of the Federal Reserve Act (12 U.S.C. 601 et seq.) and any noninsured State member bank, as if such organization or bank was a bank holding company.

“(B) **RULES OF CONSTRUCTION.**—

“(i) **EFFECT ON OTHER AUTHORITY.**—Nothing in this paragraph may be construed to alter or affect the authority of an appropriate Federal banking agency to initiate enforcement proceedings, issue directives, or take other remedial action under any other provision of law.

“(ii) **HOLDING COMPANIES.**—Nothing in this paragraph or subsection (c) may be construed as authorizing any Federal banking agency other than the appropriate Federal banking agency for a bank holding company or a savings and loan holding company to initiate enforcement proceedings, issue directives, or take other remedial action against a bank holding company, a savings and loan holding company, or any subsidiary thereof (other than a depository institution).”.

(B) **CONFORMING AMENDMENT.**—Section 8(b)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)(9)) is amended to read as follows:

“(9) [Reserved].”.

(d) **CONSUMER PROTECTION.**—Nothing in this section may be construed to limit or otherwise affect the transfer of powers under title X.

SEC. 313. ABOLISHMENT.

Effective 90 days after the transfer date, the Office of Thrift Supervision and the position of Director of the Office of Thrift Supervision are abolished.

SEC. 314. AMENDMENTS TO THE REVISED STATUTES.

(a) **AMENDMENT TO SECTION 324.**—Section 324 of the Revised Statutes of the United States (12 U.S.C. 1) is amended to read as follows:

“SEC. 324. COMPTROLLER OF THE CURRENCY.

“(a) **OFFICE OF THE COMPTROLLER OF THE CURRENCY ESTABLISHED.**—There is established

in the Department of the Treasury a bureau to be known as the 'Office of the Comptroller of the Currency' which is charged with assuring the safety and soundness of, and compliance with laws and regulations, fair access to financial services, and fair treatment of customers by, the institutions and other persons subject to its jurisdiction.

“(b) COMPTROLLER OF THE CURRENCY.—

“(1) IN GENERAL.—The chief officer of the Office of the Comptroller of the Currency shall be known as the Comptroller of the Currency. The Comptroller of the Currency shall perform the duties of the Comptroller of the Currency under the general direction of the Secretary of the Treasury. The Secretary of the Treasury may not delay or prevent the issuance of any rule or the promulgation of any regulation by the Comptroller of the Currency, and may not intervene in any matter or proceeding before the Comptroller of the Currency (including agency enforcement actions), unless otherwise specifically provided by law.

“(2) ADDITIONAL AUTHORITY.—The Comptroller of the Currency shall have the same authority with respect to functions transferred to the Comptroller of the Currency under the Enhancing Financial Institution Safety and Soundness Act of 2010 (including matters that were within the jurisdiction of the Director of the Office of Thrift Supervision or the Office of Thrift Supervision on the day before the transfer date under that Act) as was vested in the Director of the Office of Thrift Supervision on the transfer date under that Act.”

(b) AMENDMENT TO SECTION 329.—Section 329 of the Revised Statutes of the United States (12 U.S.C. 11) is amended by inserting before the period at the end the following: “or any Federal savings association”.

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the transfer date.

SEC. 315. FEDERAL INFORMATION POLICY.

Section 3502(5) of title 44, United States Code, is amended by inserting “Office of the Comptroller of the Currency,” after “the Securities and Exchange Commission.”

SEC. 316. SAVINGS PROVISIONS.

(a) OFFICE OF THRIFT SUPERVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Sections 312(b) and 313 shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Thrift Supervision, the Office of Thrift Supervision, or any other person, that existed on the day before the transfer date.

(2) CONTINUATION OF SUITS.—This title shall not abate any action or proceeding commenced by or against the Director of the Office of Thrift Supervision or the Office of Thrift Supervision before the transfer date, except that, for any action or proceeding arising out of a function of the Director of the Office of Thrift Supervision or the Office of Thrift Supervision that is transferred to the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Chairperson of the Corporation, the Corporation, the Chairman of the Board of Governors, or the Board of Governors by this subtitle, the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Chairperson of the Corporation, the Corporation, the Chairman of the Board of Governors, or the Board of Governors shall be substituted for the Director of the Office of Thrift Supervision or the Office of Thrift Supervision, as appropriate, as a party to the action or proceeding as of the transfer date.

(b) CONTINUATION OF EXISTING ORDERS, RESOLUTIONS, DETERMINATIONS, AGREEMENTS, REGULATIONS, AND OTHER MATERIALS.—All orders, resolutions, determinations, agreements, regulations, interpretative rules, other interpretations, guidelines, procedures, and other advisory mate-

rials that have been issued, made, prescribed, or allowed to become effective by the Office of Thrift Supervision, or by a court of competent jurisdiction, in the performance of functions of the Office of Thrift Supervision that are transferred by this subtitle and that are in effect on the day before the transfer date, shall continue in effect according to the terms of those materials, and shall be enforceable by or against the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as appropriate, until modified, terminated, set aside, or superseded in accordance with applicable law by the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as appropriate, by any court of competent jurisdiction, or by operation of law.

(c) IDENTIFICATION OF REGULATIONS CONTINUED.—

(1) BY THE OFFICE OF THE COMPTROLLER OF THE CURRENCY.—Not later than the transfer date, the Office of the Comptroller of the Currency shall—

(A) in consultation with the Corporation, identify the regulations continued under subsection (b) that will be enforced by the Office of the Comptroller of the Currency; and

(B) publish a list of such regulations in the Federal Register.

(2) BY THE CORPORATION.—Not later than the transfer date, the Corporation shall—

(A) in consultation with the Office of the Comptroller of the Currency, identify the regulations continued under subsection (b) that will be enforced by the Corporation; and

(B) publish a list of such regulations in the Federal Register.

(3) BY THE BOARD OF GOVERNORS.—Not later than the transfer date, the Board of Governors shall—

(A) in consultation with the Office of the Comptroller of the Currency and the Corporation, identify the regulations continued under subsection (b) that will be enforced by the Board of Governors; and

(B) publish a list of such regulations in the Federal Register.

(d) STATUS OF REGULATIONS PROPOSED OR NOT YET EFFECTIVE.—

(1) PROPOSED REGULATIONS.—Any proposed regulation of the Office of Thrift Supervision that the Office of Thrift Supervision, in performing functions transferred by this subtitle, has proposed before the transfer date, but has not published as a final regulation before that date, shall be deemed to be a proposed regulation of the Office of the Comptroller of the Currency or the Board of Governors, as appropriate, according to its terms.

(2) REGULATIONS NOT YET EFFECTIVE.—Any interim or final regulation of the Office of Thrift Supervision that the Office of Thrift Supervision, in performing functions transferred by this subtitle, has published before the transfer date, but which has not become effective before that date, shall become effective as a regulation of the Office of the Comptroller of the Currency or the Board of Governors, as appropriate, according to its terms.

SEC. 317. REFERENCES IN FEDERAL LAW TO FEDERAL BANKING AGENCIES.

Except as provided in section 312(d)(2), on and after the transfer date, any reference in Federal law to the Director of the Office of Thrift Supervision or the Office of Thrift Supervision, in connection with any function of the Director of the Office of Thrift Supervision or the Office of Thrift Supervision transferred under section 312(b) or any other provision of this subtitle, shall be deemed to be a reference to the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Chairperson of the Corporation, the Corporation, the Chairman of the Board of Governors, or the Board of Governors, as appropriate.

SEC. 318. FUNDING.

(a) FUNDING OF OFFICE OF THE COMPTROLLER OF THE CURRENCY.—Chapter 4 of title LXII of the Revised Statutes is amended by inserting after section 5240 (12 U.S.C. 481, 482) the following:

“SEC. 5240A. The Comptroller of the Currency may collect an assessment, fee, or other charge from any entity described in section 3(q)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)(1)), as the Comptroller determines is necessary or appropriate to carry out the responsibilities of the Office of the Comptroller of the Currency. In establishing the amount of an assessment, fee, or charge collected from an entity under this section, the Comptroller of the Currency may take into account the funds transferred to the Office of the Comptroller of the Currency under this section, the nature and scope of the activities of the entity, the amount and type of assets that the entity holds, the financial and managerial condition of the entity, and any other factor, as the Comptroller of the Currency determines is appropriate. Funds derived from any assessment, fee, or charge collected or payment made pursuant to this section may be deposited by the Comptroller of the Currency in accordance with the provisions of section 5234. Such funds shall not be construed to be Government funds or appropriated monies, and shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or any other provision of law. The authority of the Comptroller of the Currency under this section shall be in addition to the authority under section 5240.

“The Comptroller of the Currency shall have sole authority to determine the manner in which the obligations of the Office of the Comptroller of the Currency shall be incurred and its disbursements and expenses allowed and paid, in accordance with this section.”

(b) FUNDING OF BOARD OF GOVERNORS.—Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by adding at the end the following:

“(s) ASSESSMENTS, FEES, AND OTHER CHARGES FOR CERTAIN COMPANIES.—

“(1) IN GENERAL.—The Board shall collect a total amount of assessments, fees, or other charges from the companies described in paragraph (2) that is equal to the total expenses the Board estimates are necessary or appropriate to carry out the responsibilities of the Board with respect to such companies.

“(2) COMPANIES.—The companies described in this paragraph are—

“(A) all bank holding companies having total consolidated assets of \$50,000,000,000 or more;

“(B) all savings and loan holding companies having total consolidated assets of \$50,000,000,000 or more; and

“(C) all nonbank financial companies supervised by the Board under section 113 of the Restoring American Financial Stability Act of 2010.”

(c) CORPORATION EXAMINATION FEES.—Section 10(e) of the Federal Deposit Insurance Act (12 U.S.C. 1820(e)) is amended by striking paragraph (1) and inserting the following:

“(1) REGULAR AND SPECIAL EXAMINATIONS OF DEPOSITORY INSTITUTIONS.—The cost of conducting any regular examination or special examination of any depository institution under subsection (b)(2), (b)(3), or (d) or of any entity described in section 3(q)(2) may be assessed by the Corporation against the institution or entity to meet the expenses of the Corporation in carrying out such examinations, or as the Corporation determines is necessary or appropriate to carry out the responsibilities of the Corporation.”

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the transfer date.

SEC. 319. CONTRACTING AND LEASING AUTHORITY.

Notwithstanding the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or any other provision of law, the Office of the Comptroller of the Currency may—

(1) enter into and perform contracts, execute instruments, and acquire, in any lawful manner, such goods and services, or personal or real property (or property interest) as the Comptroller deems necessary to carry out the duties and responsibilities of the Office of the Comptroller of the Currency; and

(2) hold, maintain, sell, lease, or otherwise dispose of the property (or property interest) acquired under paragraph (1).

Subtitle B—Transitional Provisions**SEC. 321. INTERIM USE OF FUNDS, PERSONNEL, AND PROPERTY OF THE OFFICE OF THRIFT SUPERVISION.**

(a) IN GENERAL.—Before the transfer date, the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors shall—

(1) consult and cooperate with the Office of Thrift Supervision to facilitate the orderly transfer of functions to the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors in accordance with this title;

(2) determine jointly, from time to time—

(A) the amount of funds necessary to pay any expenses associated with the transfer of functions (including expenses for personnel, property, and administrative services) during the period beginning on the date of enactment of this Act and ending on the transfer date;

(B) which personnel are appropriate to facilitate the orderly transfer of functions by this title; and

(C) what property and administrative services are necessary to support the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors during the period beginning on the date of enactment of this Act and ending on the transfer date; and

(3) take such actions as may be necessary to provide for the orderly implementation of this title.

(b) AGENCY CONSULTATION.—When requested jointly by the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors to do so before the transfer date, the Office of Thrift Supervision shall—

(1) pay to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, from funds obtained by the Office of Thrift Supervision through assessments, fees, or other charges that the Office of Thrift Supervision is authorized by law to impose, such amounts as the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly determine to be necessary under subsection (a);

(2) detail to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, such personnel as the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly determine to be appropriate under subsection (a); and

(3) make available to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, such property and provide to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, such administrative services as the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly determine to be necessary under subsection (a).

(c) NOTICE REQUIRED.—The Office of the Comptroller of the Currency, the Corporation, and the Board of Governors shall jointly give

the Office of Thrift Supervision reasonable prior notice of any request that the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly intend to make under subsection (b).

SEC. 322. TRANSFER OF EMPLOYEES.

(a) IN GENERAL.—

(1) OFFICE OF THRIFT SUPERVISION EMPLOYEES.—

(A) IN GENERAL.—All employees of the Office of Thrift Supervision shall be transferred to the Office of the Comptroller of the Currency or the Corporation for employment in accordance with this section.

(B) ALLOCATING EMPLOYEES FOR TRANSFER TO RECEIVING AGENCIES.—The Director of the Office of Thrift Supervision, the Comptroller of the Currency, and the Chairperson of the Corporation shall—

(i) jointly determine the number of employees of the Office of Thrift Supervision necessary to perform or support the functions that are transferred to the Office of the Comptroller of the Currency or the Corporation by this title; and

(ii) consistent with the determination under clause (i), jointly identify employees of the Office of Thrift Supervision for transfer to the Office of the Comptroller of the Currency or the Corporation.

(2) EMPLOYEES TRANSFERRED; SERVICE PERIODS CREDITED.—For purposes of this section, periods of service with a Federal home loan bank, a joint office of Federal home loan banks, or a Federal reserve bank shall be credited as periods of service with a Federal agency.

(3) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE TRANSFERRED.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any appointment authority of the Office of Thrift Supervision under Federal law that relates to the functions transferred under section 312, including the regulations of the Office of Personnel Management, for filling the positions of employees in the excepted service shall be transferred to the Comptroller of the Currency or the Chairperson of the Corporation, as appropriate.

(B) DECLINING TRANSFERS ALLOWED.—The Office of the Comptroller of the Currency or the Chairperson of the Corporation may decline to accept a transfer of authority under subparagraph (A) (and the employees appointed under that authority) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character.

(4) ADDITIONAL APPOINTMENT AUTHORITY.—Notwithstanding any other provision of law, the Office of the Comptroller of the Currency and the Corporation may appoint transferred employees to positions in the Office of the Comptroller of the Currency or the Corporation, respectively.

(b) TIMING OF TRANSFERS AND POSITION ASSIGNMENTS.—Each employee to be transferred under subsection (a)(1) shall—

(1) be transferred not later than 90 days after the transfer date; and

(2) receive notice of the position assignment of the employee not later than 120 days after the effective date of the transfer of the employee.

(c) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the transfer of employees under this subtitle shall be deemed a transfer of functions for the purpose of section 3503 of title 5, United States Code.

(2) PRIORITY.—If any provision of this subtitle conflicts with any protection provided to a transferred employee under section 3503 of title 5, United States Code, the provisions of this subtitle shall control.

(d) EMPLOYEE STATUS AND ELIGIBILITY.—The transfer of functions and employees under this

subtitle, and the abolishment of the Office of Thrift Supervision under section 313, shall not affect the status of the transferred employees as employees of an agency of the United States under any provision of law.

(e) EQUAL STATUS AND TENURE POSITIONS.—

(1) STATUS AND TENURE.—Each transferred employee from the Office of Thrift Supervision shall be placed in a position at the Office of the Comptroller of the Currency or the Corporation with the same status and tenure as the transferred employee held on the day before the date on which the employee was transferred.

(2) FUNCTIONS.—To the extent practicable, each transferred employee shall be placed in a position at the Office of the Comptroller of the Currency or the Corporation, as applicable, responsible for the same functions and duties as the transferred employee had on the day before the date on which the employee was transferred, in accordance with the expertise and preferences of the transferred employee.

(f) NO ADDITIONAL CERTIFICATION REQUIREMENTS.—An examiner who is a transferred employee shall not be subject to any additional certification requirements before being placed in a comparable position at the Office of the Comptroller of the Currency or the Corporation, if the examiner carries out examinations of the same type of institutions as an employee of the Office of the Comptroller of the Currency or the Corporation as the employee was responsible for carrying out before the date on which the employee was transferred.

(g) PERSONNEL ACTIONS LIMITED.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), during the 2-year period beginning on the transfer date, an employee holding a permanent position on the day before the date on which the employee was transferred shall not be involuntarily separated or involuntarily reassigned outside the locality pay area (as defined by the Office of Personnel Management) of the employee.

(2) EXCEPTIONS.—The Comptroller of the Currency and the Chairperson of the Corporation, as applicable, may—

(A) separate a transferred employee for cause, including for unacceptable performance; or

(B) terminate an appointment to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character.

(h) PAY.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), during the 2-year period beginning on the date on which the employee was transferred under this subtitle, a transferred employee shall be paid at a rate that is not less than the basic rate of pay, including any geographic differential, that the transferred employee received during the pay period immediately preceding the date on which the employee was transferred.

(2) EXCEPTIONS.—The Comptroller of the Currency or the Chairman of the Board of Governors may reduce the rate of basic pay of a transferred employee—

(A) for cause, including for unacceptable performance; or

(B) with the consent of the transferred employee.

(3) PROTECTION ONLY WHILE EMPLOYED.—This subsection shall apply to a transferred employee only during the period that the transferred employee remains employed by Office of the Comptroller of the Currency or the Corporation.

(4) PAY INCREASES PERMITTED.—Nothing in this subsection shall limit the authority of the Comptroller of the Currency or the Chairperson of the Corporation to increase the pay of a transferred employee.

(i) BENEFITS.—

(1) RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.—

(A) IN GENERAL.—

(i) CONTINUATION OF EXISTING RETIREMENT PLAN.—Each transferred employee shall remain enrolled in the retirement plan of the transferred employee, for as long as the transferred employee is employed by the Office of the Comptroller of the Currency or the Corporation.

(ii) EMPLOYER'S CONTRIBUTION.—The Comptroller of the Currency or the Chairperson of the Corporation, as appropriate, shall pay any employer contributions to the existing retirement plan of each transferred employee, as required under each such existing retirement plan.

(B) DEFINITION.—In this paragraph, the term "existing retirement plan" means, with respect to a transferred employee, the retirement plan (including the Financial Institutions Retirement Fund), and any associated thrift savings plan, of the agency from which the employee was transferred in which the employee was enrolled on the day before the date on which the employee was transferred.

(2) BENEFITS OTHER THAN RETIREMENT BENEFITS.—

(A) DURING FIRST YEAR.—

(i) EXISTING PLANS CONTINUE.—During the 1-year period following the transfer date, each transferred employee may retain membership in any employee benefit program (other than a retirement benefit program) of the agency from which the employee was transferred under this title, including any dental, vision, long term care, or life insurance program to which the employee belonged on the day before the transfer date.

(ii) EMPLOYER'S CONTRIBUTION.—The Office of the Comptroller of the Currency or the Corporation, as appropriate, shall pay any employer cost required to extend coverage in the benefit program to the transferred employee as required under that program or negotiated agreements.

(B) DENTAL, VISION, OR LIFE INSURANCE AFTER FIRST YEAR.—If, after the 1-year period beginning on the transfer date, the Office of the Comptroller of the Currency or the Corporation determines that the Office of the Comptroller of the Currency or the Corporation, as the case may be, will not continue to participate in any dental, vision, or life insurance program of an agency from which an employee was transferred, a transferred employee who is a member of the program may, before the decision takes effect and without regard to any regularly scheduled open season, elect to enroll in—

(i) the enhanced dental benefits program established under chapter 89A of title 5, United States Code;

(ii) the enhanced vision benefits established under chapter 89B of title 5, United States Code; and

(iii) the Federal Employees' Group Life Insurance Program established under chapter 87 of title 5, United States Code, without regard to any requirement of insurability.

(C) LONG TERM CARE INSURANCE AFTER 1ST YEAR.—If, after the 1-year period beginning on the transfer date, the Office of the Comptroller of the Currency or the Corporation determines that the Office of the Comptroller of the Currency or the Corporation, as appropriate, will not continue to participate in any long term care insurance program of an agency from which an employee transferred, a transferred employee who is a member of such a program may, before the decision takes effect, elect to apply for coverage under the Federal Long Term Care Insurance Program established under chapter 90 of title 5, United States Code, under the underwriting requirements applicable to a new active workforce member, as described in part 875 of title 5, Code of Federal Regulations (or any successor thereto).

(D) CONTRIBUTION OF TRANSFERRED EMPLOYEE.—

(i) IN GENERAL.—Subject to clause (ii), a transferred employee who is enrolled in a plan under the Federal Employees Health Benefits Program shall pay any employee contribution required under the plan.

(ii) COST DIFFERENTIAL.—The Office of the Comptroller of the Currency or the Corporation, as applicable, shall pay any difference in cost between the employee contribution required under the plan provided to transferred employees by the agency from which the employee transferred on the date of enactment of this Act and the plan provided by the Office of the Comptroller of the Currency or the Corporation, as the case may be, under this section.

(iii) FUNDS TRANSFER.—The Office of the Comptroller of the Currency or the Corporation, as the case may be, shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Comptroller of the Currency or the Chairperson of the Corporation, as the case may be, and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing any benefits under this subparagraph that are not otherwise paid for by a transferred employee under clause (i).

(E) SPECIAL PROVISIONS TO ENSURE CONTINUATION OF LIFE INSURANCE BENEFITS.—

(i) IN GENERAL.—An annuitant, as defined in section 8901 of title 5, United States Code, who is enrolled in a life insurance plan administered by an agency from which employees are transferred under this title on the day before the transfer date shall be eligible for coverage by a life insurance plan under sections 8706(b), 8714a, 8714b, or 8714c of title 5, United States Code, or by a life insurance plan established by the Office of the Comptroller of the Currency or the Corporation, as applicable, without regard to any regularly scheduled open season or any requirement of insurability.

(ii) CONTRIBUTION OF TRANSFERRED EMPLOYEE.—

(I) IN GENERAL.—Subject to subclause (II), a transferred employee enrolled in a life insurance plan under this subparagraph shall pay any employee contribution required by the plan.

(II) COST DIFFERENTIAL.—The Office of the Comptroller of the Currency or the Corporation, as the case may be, shall pay any difference in cost between the benefits provided by the agency from which the employee transferred on the date of enactment of this Act and the benefits provided under this section.

(III) FUNDS TRANSFER.—The Office of the Comptroller of the Currency or the Corporation, as the case may be, shall transfer to the Federal Employees' Group Life Insurance Fund established under section 8714 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Comptroller of the Currency or the Chairperson of the Corporation, as the case may be, and the Office of Management and Budget, to be necessary to reimburse the Federal Employees' Group Life Insurance Fund for the cost to the Federal Employees' Group Life Insurance Fund of providing benefits under this subparagraph not otherwise paid for by a transferred employee under subclause (I).

(IV) CREDIT FOR TIME ENROLLED IN OTHER PLANS.—For any transferred employee, enrollment in a life insurance plan administered by the agency from which the employee transferred, immediately before enrollment in a life insurance plan under chapter 87 of title 5, United States Code, shall be considered as enrollment in a life insurance plan under that chapter for purposes of section 8706(b)(1)(A) of title 5, United States Code.

(j) INCORPORATION INTO AGENCY PAY SYSTEM.—Not later than 2 years after the transfer

date, the Comptroller of the Currency and the Chairperson of the Corporation shall place each transferred employee into the established pay system and structure of the appropriate employing agency.

(k) EQUITABLE TREATMENT.—In administering the provisions of this section, the Comptroller of the Currency and the Chairperson of the Corporation—

(1) may not take any action that would unfairly disadvantage a transferred employee relative to any other employee of the Office of the Comptroller of the Currency or the Corporation on the basis of prior employment by the Office of Thrift Supervision; and

(2) may take such action as is appropriate in an individual case to ensure that a transferred employee receives equitable treatment, with respect to the status, tenure, pay, benefits (other than benefits under programs administered by the Office of Personnel Management), and accrued leave or vacation time for prior periods of service with any Federal agency of the transferred employee.

(l) REORGANIZATION.—

(I) IN GENERAL.—If the Comptroller of the Currency or the Chairperson of the Corporation determines, during the 2-year period beginning 1 year after the transfer date, that a reorganization of the staff of the Office of the Comptroller of the Currency or the Corporation, respectively, is required, the reorganization shall be deemed a "major reorganization" for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(2) SERVICE CREDIT.—For purposes of this subsection, periods of service with a Federal home loan bank or a joint office of Federal home loan banks shall be credited as periods of service with a Federal agency.

SEC. 323. PROPERTY TRANSFERRED.

(a) PROPERTY DEFINED.—For purposes of this section, the term "property" includes all real property (including leaseholds) and all personal property, including computers, furniture, fixtures, equipment, books, accounts, records, reports, files, memoranda, paper, reports of examination, work papers, and correspondence related to such reports, and any other information or materials.

(b) PROPERTY OF THE OFFICE OF THRIFT SUPERVISION.—Not later than 90 days after the transfer date, all property of the Office of Thrift Supervision that the Comptroller of the Currency and the Chairperson of the Corporation jointly determine is used, on the day before the transfer date, to perform or support the functions of the Office of Thrift Supervision transferred to the Office of the Comptroller of the Currency or the Corporation under this title, shall be transferred to the Office of the Comptroller of the Currency or the Corporation in a manner consistent with the transfer of employees under this subtitle.

(c) CONTRACTS RELATED TO PROPERTY TRANSFERRED.—Each contract, agreement, lease, license, permit, and similar arrangement relating to property transferred to the Office of the Comptroller of the Currency or the Corporation by this section shall be transferred to the Office of the Comptroller of the Currency or the Corporation, as appropriate, together with the property to which it relates.

(d) PRESERVATION OF PROPERTY.—Property identified for transfer under this section shall not be altered, destroyed, or deleted before transfer under this section.

SEC. 324. FUNDS TRANSFERRED.

The funds that, on the day before the transfer date, the Director of the Office of Thrift Supervision (in consultation with the Comptroller of the Currency, the Chairperson of the Corporation, and the Chairman of the Board of Governors) determines are not necessary to dispose

of the affairs of the Office of Thrift Supervision under section 325 and are available to the Office of Thrift Supervision to pay the expenses of the Office of Thrift Supervision—

(1) relating to the functions of the Office of Thrift Supervision transferred under section 312(b)(1)(B), shall be transferred to the Office of the Comptroller of the Currency on the transfer date;

(2) relating to the functions of the Office of Thrift Supervision transferred under section 312(b)(1)(C), shall be transferred to the Corporation on the transfer date; and

(3) relating to the functions of the Office of Thrift Supervision transferred under section 312(b)(1)(A), shall be transferred to the Board of Governors on the transfer date.

SEC. 325. DISPOSITION OF AFFAIRS.

(a) **AUTHORITY OF DIRECTOR.**—During the 90-day period beginning on the transfer date, the Director of the Office of Thrift Supervision—

(1) shall, solely for the purpose of winding up the affairs of the Office of Thrift Supervision relating to any function transferred to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors under this title—

(A) manage the employees of the Office of Thrift Supervision who have not yet been transferred and provide for the payment of the compensation and benefits of the employees that accrue before the date on which the employees are transferred under this title; and

(B) manage any property of the Office of Thrift Supervision, until the date on which the property is transferred under section 323; and

(2) may take any other action necessary to wind up the affairs of the Office of Thrift Supervision.

(b) **STATUS OF DIRECTOR.**—

(1) **IN GENERAL.**—Notwithstanding the transfer of functions under this subtitle, during the 90-day period beginning on the transfer date, the Director of the Office of Thrift Supervision shall retain and may exercise any authority vested in the Director of the Office of Thrift Supervision on the day before the transfer date, only to the extent necessary—

(A) to wind up the Office of Thrift Supervision; and

(B) to carry out the transfer under this subtitle during such 90-day period.

(2) **OTHER PROVISIONS.**—For purposes of paragraph (1), the Director of the Office of Thrift Supervision shall, during the 90-day period beginning on the transfer date, continue to be—

(A) treated as an officer of the United States; and

(B) entitled to receive compensation at the same annual rate of basic pay that the Director of the Office of Thrift Supervision received on the day before the transfer date.

SEC. 326. CONTINUATION OF SERVICES.

Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, that was, before the transfer date, providing support services to the Office of Thrift Supervision in connection with functions transferred to the Office of the Comptroller of the Currency, the Corporation or the Board of Governors under this title, shall—

(1) continue to provide such services, subject to reimbursement by the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, until the transfer of functions under this title is complete; and

(2) consult with the Comptroller of the Currency, the Chairperson of the Corporation, or the Chairman of the Board of Governors, as appropriate, to coordinate and facilitate a prompt and orderly transition.

Subtitle C—Federal Deposit Insurance Corporation

SEC. 331. DEPOSIT INSURANCE REFORMS.

(a) **SIZE DISTINCTIONS.**—Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(1) by striking subparagraph (D); and

(2) by redesignating subparagraph (C) as subparagraph (D).

(b) **ASSESSMENT BASE.**—The Corporation shall amend the regulations issued by the Corporation under section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) to define the term “assessment base” with respect to an insured depository institution for purposes of that section 7(b)(2), as an amount equal to—

(1) the average consolidated total assets of the insured depository institution during the assessment period; minus

(2) the sum of—

(A) the average tangible equity of the insured depository institution during the assessment period; and

(B) in the case of an insured depository institution that is a custodial bank (as defined by the Corporation, based on factors including the percentage of total revenues generated by custodial businesses and the level of assets under custody) or a banker's bank (as that term is used in section 5136 of the Revised Statutes (12 U.S.C. 24)), an amount that the Corporation determines is necessary to establish assessments consistent with the definition under section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) for a custodial bank or a banker's bank.

SEC. 332. MANAGEMENT OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.

(a) **IN GENERAL.**—Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812) is amended—

(1) in subsection (a)(1)(B), by striking “Director of the Office of Thrift Supervision” and inserting “Director of the Consumer Financial Protection Bureau”; and

(2) by amending subsection (d)(2) to read as follows:

“(2) **ACTING OFFICIALS MAY SERVE.**—In the event of a vacancy in the Office of the Comptroller of the Currency and pending the appointment of a successor, or during the absence or disability of the Comptroller of the Currency, the acting Comptroller of the Currency shall be a member of the Board of Directors in the place of the Comptroller of the Currency.”; and

(3) in subsection (f)(2), by striking “or of the Office of Thrift Supervision”.

(b) **EFFECTIVE DATE.**—This section, and the amendments made by this section, shall take effect on the transfer date.

Subtitle D—Termination of Federal Thrift Charter

SEC. 341. TERMINATION OF FEDERAL SAVINGS ASSOCIATIONS.

(a) **IN GENERAL.**—Beginning on the date of enactment of this Act, the Director of the Office of Thrift Supervision, or the Comptroller of the Currency, may not issue a charter for a Federal savings association under section 5 of the Home Owners' Loan Act (12 U.S.C. 1464).

(b) **CONFORMING AMENDMENT.**—Section 5(a) of the Home Owner's Loan Act (12 U.S.C. 1464(a)) is amended to read as follows:

“(a) **IN GENERAL.**—In order to provide thrift institutions for the deposit of funds and for the extension of credit for homes and other goods and services, the Comptroller of the Currency is authorized, under such regulations as the Comptroller of the Currency may prescribe, to provide for the examination, operation, and regulation of associations to be known as ‘Federal savings associations’ (including Federal savings banks), giving primary consideration to the best

practices of thrift institutions in the United States. The lending and investment powers conferred by this section are intended to encourage such institutions to provide credit for housing safely and soundly.”.

(c) **PROSPECTIVE REPEAL.**—Effective on the date on which the Comptroller of the Currency determines that no Federal savings associations exist, section 5 of the Home Owner's Loan Act (12 U.S.C. 1464) is repealed.

SEC. 342. BRANCHING.

Notwithstanding the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or any other provision of Federal or State law, a savings association that becomes a bank may continue to operate any branch or agency that the savings association operated immediately before the savings association became a bank.

TITLE IV—REGULATION OF ADVISERS TO HEDGE FUNDS AND OTHERS

SEC. 401. SHORT TITLE.

This title may be cited as the “Private Fund Investment Advisers Registration Act of 2010”.

SEC. 402. DEFINITIONS.

(a) **INVESTMENT ADVISERS ACT OF 1940 DEFINITIONS.**—Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended by adding at the end the following:

“(29) The term ‘private fund’ means an issuer that would be an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3), but for section 3(c)(1) or 3(c)(7) of that Act.

“(30) The term ‘foreign private adviser’ means any investment adviser who—

“(A) has no place of business in the United States;

“(B) has, in total, fewer than 15 clients who are domiciled in or residents of the United States;

“(C) has aggregate assets under management attributable to clients in the United States and investors in the United States in private funds advised by the investment adviser of less than \$25,000,000, or such higher amount as the Commission may, by rule, deem appropriate in accordance with the purposes of this title; and

“(D) neither—

“(i) holds itself out generally to the public in the United States as an investment adviser; nor

“(ii) acts as—

“(I) an investment adviser to any investment company registered under the Investment Company Act of 1940; or

“(II) a company that has elected to be a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a-53), and has not withdrawn its election.”.

(b) **OTHER DEFINITIONS.**—As used in this title, the terms “investment adviser” and “private fund” have the same meanings as in section 202 of the Investment Advisers Act of 1940, as amended by this title.

SEC. 403. ELIMINATION OF PRIVATE ADVISER EXEMPTION; LIMITED EXEMPTION FOR FOREIGN PRIVATE ADVISERS; LIMITED INTRASTATE EXEMPTION.

Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(b)) is amended—

(1) in paragraph (1), by inserting “, other than an investment adviser who acts as an investment adviser to any private fund,” before “all of whose”;

(2) by striking paragraph (3) and inserting the following:

“(3) any investment adviser that is a foreign private adviser;”; and

(3) in paragraph (5), by striking “or” at the end;

(4) in paragraph (6), by striking the period at the end and inserting “; or”; and

(5) by adding at the end the following:

“(7) any investment adviser, other than any entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a–54), who solely advises—

“(A) small business investment companies that are licensees under the Small Business Investment Act of 1958;

“(B) entities that have received from the Small Business Administration notice to proceed to qualify for a license as a small business investment company under the Small Business Investment Act of 1958, which notice or license has not been revoked; or

“(C) applicants that are affiliated with 1 or more licensed small business investment companies described in subparagraph (A) and that have applied for another license under the Small Business Investment Act of 1958, which application remains pending.”.

SEC. 404. COLLECTION OF SYSTEMIC RISK DATA; REPORTS; EXAMINATIONS; DISCLOSURES.

Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) RECORDS AND REPORTS OF PRIVATE FUNDS.—

“(1) IN GENERAL.—The Commission may require any investment adviser registered under this title—

“(A) to maintain such records of, and file with the Commission such reports regarding, private funds advised by the investment adviser, as necessary and appropriate in the public interest and for the protection of investors, or for the assessment of systemic risk by the Financial Stability Oversight Council (in this subsection referred to as the ‘Council’); and

“(B) to provide or make available to the Council those reports or records or the information contained therein.

“(2) TREATMENT OF RECORDS.—The records and reports of any private fund to which an investment adviser registered under this title provides investment advice shall be deemed to be the records and reports of the investment adviser.

“(3) REQUIRED INFORMATION.—The records and reports required to be maintained by a private fund and subject to inspection by the Commission under this subsection shall include, for each private fund advised by the investment adviser, a description of—

“(A) the amount of assets under management and use of leverage;

“(B) counterparty credit risk exposure;

“(C) trading and investment positions;

“(D) valuation policies and practices of the fund;

“(E) types of assets held;

“(F) side arrangements or side letters, whereby certain investors in a fund obtain more favorable rights or entitlements than other investors;

“(G) trading practices; and

“(H) such other information as the Commission, in consultation with the Council, determines is necessary and appropriate in the public interest and for the protection of investors or for the assessment of systemic risk, which may include the establishment of different reporting requirements for different classes of fund advisers, based on the type or size of private fund being advised.

“(4) MAINTENANCE OF RECORDS.—An investment adviser registered under this title shall maintain such records of private funds advised by the investment adviser for such period or pe-

riods as the Commission, by rule, may prescribe as necessary and appropriate in the public interest and for the protection of investors, or for the assessment of systemic risk.

“(5) FILING OF RECORDS.—The Commission shall issue rules requiring each investment adviser to a private fund to file reports containing such information as the Commission deems necessary and appropriate in the public interest and for the protection of investors or for the assessment of systemic risk.

“(6) EXAMINATION OF RECORDS.—

“(A) PERIODIC AND SPECIAL EXAMINATIONS.—The Commission—

“(i) shall conduct periodic inspections of all records of private funds maintained by an investment adviser registered under this title in accordance with a schedule established by the Commission; and

“(ii) may conduct at any time and from time to time such additional, special, and other examinations as the Commission may prescribe as necessary and appropriate in the public interest and for the protection of investors, or for the assessment of systemic risk.

“(B) AVAILABILITY OF RECORDS.—An investment adviser registered under this title shall make available to the Commission any copies or extracts from such records as may be prepared without undue effort, expense, or delay, as the Commission or its representatives may reasonably request.

“(7) INFORMATION SHARING.—

“(A) IN GENERAL.—The Commission shall make available to the Council copies of all reports, documents, records, and information filed with or provided to the Commission by an investment adviser under this subsection as the Council may consider necessary for the purpose of assessing the systemic risk posed by a private fund.

“(B) CONFIDENTIALITY.—The Council shall maintain the confidentiality of information received under this paragraph in all such reports, documents, records, and information, in a manner consistent with the level of confidentiality established by the Commission pursuant to paragraph (8). The Council shall be exempt from section 552 of title 5, United States Code, with respect to any information in any report, document, record, or information made available, to the Council under this subsection.”.

“(8) COMMISSION CONFIDENTIALITY OF REPORTS.—Notwithstanding any other provision of law, the Commission may not be compelled to disclose any report or information contained therein required to be filed with the Commission under this subsection, except that nothing in this subsection authorizes the Commission—

“(A) to withhold information from Congress, upon an agreement of confidentiality; or

“(B) prevent the Commission from complying with—

“(i) a request for information from any other Federal department or agency or any self-regulatory organization requesting the report or information for purposes within the scope of its jurisdiction; or

“(ii) an order of a court of the United States in an action brought by the United States or the Commission.

“(9) OTHER RECIPIENTS CONFIDENTIALITY.—Any department, agency, or self-regulatory organization that receives reports or information from the Commission under this subsection shall maintain the confidentiality of such reports, documents, records, and information in a manner consistent with the level of confidentiality established for the Commission under paragraph (8).

“(10) PUBLIC INFORMATION EXCEPTION.—

“(A) IN GENERAL.—The Commission, the Council, and any other department, agency, or self-regulatory organization that receives infor-

mation, reports, documents, records, or information from the Commission under this subsection, shall be exempt from the provisions of section 552 of title 5, United States Code, with respect to any such report, document, record, or information. Any proprietary information of an investment adviser ascertained by the Commission from any report required to be filed with the Commission pursuant to this subsection shall be subject to the same limitations on public disclosure as any facts ascertained during an examination, as provided by section 210(b) of this title.

“(B) PROPRIETARY INFORMATION.—For purposes of this paragraph, proprietary information includes—

“(i) sensitive, non-public information regarding the investment or trading strategies of the investment adviser;

“(ii) analytical or research methodologies;

“(iii) trading data;

“(iv) computer hardware or software containing intellectual property; and

“(v) any additional information that the Commission determines to be proprietary.

“(11) ANNUAL REPORT TO CONGRESS.—The Commission shall report annually to Congress on how the Commission has used the data collected pursuant to this subsection to monitor the markets for the protection of investors and the integrity of the markets.”.

SEC. 405. DISCLOSURE PROVISION ELIMINATED.

Section 210(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–10(c)) is amended by inserting before the period at the end the following: “or for purposes of assessment of potential systemic risk”.

SEC. 406. CLARIFICATION OF RULEMAKING AUTHORITY.

Section 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–11) is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: “, including rules and regulations defining technical, trade, and other terms used in this title, except that the Commission may not define the term ‘client’ for purposes of paragraphs (1) and (2) of section 206 to include an investor in a private fund managed by an investment adviser, if such private fund has entered into an advisory contract with such adviser”; and

(2) by adding at the end the following:

“(e) DISCLOSURE RULES ON PRIVATE FUNDS.—The Commission and the Commodity Futures Trading Commission shall, after consultation with the Council but not later than 12 months after the date of enactment of the Private Fund Investment Advisers Registration Act of 2010, jointly promulgate rules to establish the form and content of the reports required to be filed with the Commission under subsection 204(b) and with the Commodity Futures Trading Commission by investment advisers that are registered both under this title and the Commodity Exchange Act (7 U.S.C. 1a et seq.).”.

SEC. 407. EXEMPTION OF VENTURE CAPITAL FUND ADVISERS.

Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3) is amended by adding at the end the following:

“(1) EXEMPTION OF VENTURE CAPITAL FUND ADVISERS.—No investment adviser shall be subject to the registration requirements of this title with respect to the provision of investment advice relating to a venture capital fund. Not later than 6 months after the date of enactment of this subsection, the Commission shall issue final rules to define the term ‘venture capital fund’ for purposes of this subsection.”.

SEC. 408. EXEMPTION OF AND RECORD KEEPING BY PRIVATE EQUITY FUND ADVISERS.

Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3) is amended by adding at the end the following:

“(m) EXEMPTION OF AND REPORTING BY PRIVATE EQUITY FUND ADVISERS.—

“(1) IN GENERAL.—Except as provided in this subsection, no investment adviser shall be subject to the registration or reporting requirements of this title with respect to the provision of investment advice relating to a private equity fund or funds.

“(2) MAINTENANCE OF RECORDS AND ACCESS BY COMMISSION.—Not later than 6 months after the date of enactment of this subsection, the Commission shall issue final rules—

“(A) to require investment advisers described in paragraph (1) to maintain such records and provide to the Commission such annual or other reports as the Commission taking into account fund size, governance, investment strategy, risk, and other factors, as the Commission determines necessary and appropriate in the public interest and for the protection of investors; and

“(B) to define the term ‘private equity fund’ for purposes of this subsection.”.

SEC. 409. FAMILY OFFICES.

(a) IN GENERAL.—Section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11)) is amended by striking “or (G)” and inserting the following: “; (G) any family office, as defined by rule, regulation, or order of the Commission, in accordance with the purposes of this title; or (H)”.

(b) RULEMAKING.—The rules, regulations, or orders issued by the Commission pursuant to section 202(a)(11)(G) of the Investment Advisers Act of 1940, as added by this section, regarding the definition of the term “family office” shall provide for an exemption that—

(1) is consistent with the previous exemptive policy of the Commission, as reflected in exemptive orders for family offices in effect on the date of enactment of this Act; and

(2) recognizes the range of organizational, management, and employment structures and arrangements employed by family offices.

SEC. 410. STATE AND FEDERAL RESPONSIBILITIES; ASSET THRESHOLD FOR FEDERAL REGISTRATION OF INVESTMENT ADVISERS.

Section 203A(a)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3a(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking “\$25,000,000” and inserting “\$100,000,000”; and

(B) by striking “or” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C) is an adviser to a company that has elected to be a business development company pursuant to section 54 of the Investment Company Act of 1940, and has not withdrawn its election.”.

SEC. 411. CUSTODY OF CLIENT ASSETS.

The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended by adding at the end the following new section:

“SEC. 223. CUSTODY OF CLIENT ACCOUNTS.

“An investment adviser registered under this title shall take such steps to safeguard client assets over which such adviser has custody, including, without limitation, verification of such assets by an independent public accountant, as the Commission may, by rule, prescribe.”.

SEC. 412. ADJUSTING THE ACCREDITED INVESTOR STANDARD.

(a) IN GENERAL.—The Commission shall adjust any net worth standard for an accredited investor, as set forth in the rules of the Commission under the Securities Act of 1933, so that the individual net worth of any natural person, or joint net worth with the spouse of that person, at the time of purchase, is more than \$1,000,000 (as such amount is adjusted periodically by rule of the Commission), excluding the value of the primary residence of such natural person, except that during the 4-year period that begins on the date of enactment of this Act, any net worth standard shall be \$1,000,000, excluding the value of the primary residence of such natural person.

(b) REVIEW AND ADJUSTMENT.—

(1) INITIAL REVIEW AND ADJUSTMENT.—

(A) INITIAL REVIEW.—The Commission may undertake a review of the definition of the term “accredited investor”, as such term applies to natural persons, to determine whether the requirements of the definition, excluding the requirement relating to the net worth standard described in subsection (a), should be adjusted or modified for the protection of investors, in the public interest, and in light of the economy.

(B) ADJUSTMENT OR MODIFICATION.—Upon completion of a review under subparagraph (A), the Commission may, by notice and comment rulemaking, make such adjustments to the definition of the term “accredited investor”, excluding adjusting or modifying the requirement relating to the net worth standard described in subsection (a), as such term applies to natural persons, as the Commission may deem appropriate for the protection of investors, in the public interest, and in light of the economy.

(2) SUBSEQUENT REVIEWS AND ADJUSTMENT.—

(A) SUBSEQUENT REVIEWS.—Not earlier than 4 years after the date of enactment of this Act, and not less frequently than once every 4 years thereafter, the Commission shall undertake a review of the definition, in its entirety, of the term “accredited investor”, as defined in section 230.215 of title 17, Code of Federal Regulations, or any successor thereto, as such term applies to natural persons, to determine whether the requirements of the definition should be adjusted or modified for the protection of investors, in the public interest, and in light of the economy.

(B) ADJUSTMENT OR MODIFICATION.—Upon completion of a review under subparagraph (A), the Commission may, by notice and comment rulemaking, make such adjustments to the definition of the term “accredited investor”, as defined in section 230.215 of title 17, Code of Federal Regulations, or any successor thereto, as such term applies to natural persons, as the Commission may deem appropriate for the protection of investors, in the public interest, and in light of the economy.

SEC. 413. GAO STUDY AND REPORT ON ACCREDITED INVESTORS.

The Comptroller General of the United States shall conduct a study on the appropriate criteria for determining the financial thresholds or other criteria needed to qualify for accredited investor status and eligibility to invest in private funds, and shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of such study not later than 3 years after the date of enactment of this Act.

SEC. 414. GAO STUDY ON SELF-REGULATORY ORGANIZATION FOR PRIVATE FUNDS.

The Comptroller General of the United States shall—

(1) conduct a study of the feasibility of forming a self-regulatory organization to oversee private funds; and

(2) submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of such study, not later than 1 year after the date of enactment of this Act.

SEC. 415. COMMISSION STUDY AND REPORT ON SHORT SELLING.

(a) STUDY.—The Division of Risk, Strategy, and Financial Innovation of the Commission shall conduct a study, taking into account current scholarship, on the state of short selling on national securities exchanges and in the over-

the-counter markets, with particular attention to the impact of recent rule changes and the incidence of—

(1) the failure to deliver shares sold short; or

(2) delivery of shares on the fourth day following the short sale transaction.

(b) REPORT.—The Division of Risk, Strategy, and Financial Innovation shall submit a report, together with any recommendations for market improvements, including consideration of real time reporting of short sale positions, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of the study conducted under subsection (a), not later than 2 years after the date of enactment of this Act.

SEC. 416. TRANSITION PERIOD.

Except as otherwise provided in this title, this title and the amendments made by this title shall become effective 1 year after the date of enactment of this Act, except that any investment adviser may, at the discretion of the investment adviser, register with the Commission under the Investment Advisers Act of 1940 during that 1-year period, subject to the rules of the Commission.

TITLE V—INSURANCE

Subtitle A—Office of National Insurance

SEC. 501. SHORT TITLE.

This subtitle may be cited as the “Office of National Insurance Act of 2010”.

SEC. 502. ESTABLISHMENT OF OFFICE OF NATIONAL INSURANCE.

(a) ESTABLISHMENT OF OFFICE.—Subchapter I of chapter 3 of subtitle 1 of title 31, United States Code, is amended—

(1) by redesignating section 312 as section 315;

(2) by redesignating section 313 as section 312; and

(3) by inserting after section 312 (as so redesignated) the following new sections:

“SEC. 313. OFFICE OF NATIONAL INSURANCE.

“(a) ESTABLISHMENT.—There is established within the Department of the Treasury the Office of National Insurance.

“(b) LEADERSHIP.—The Office shall be headed by a Director, who shall be appointed by the Secretary of the Treasury. The position of Director shall be a career reserved position in the Senior Executive Service, as that position is defined under section 3132 of title 5, United States Code.

“(c) FUNCTIONS.—

“(1) AUTHORITY PURSUANT TO DIRECTION OF SECRETARY.—The Office, pursuant to the direction of the Secretary, shall have the authority—

“(A) to monitor all aspects of the insurance industry, including identifying issues or gaps in the regulation of insurers that could contribute to a systemic crisis in the insurance industry or the United States financial system;

“(B) to recommend to the Financial Stability Oversight Council that it designate an insurer, including the affiliates of such insurer, as an entity subject to regulation as a nonbank financial company supervised by the Board of Governors pursuant to title I of the Restoring American Financial Stability Act of 2010;

“(C) to assist the Secretary in administering the Terrorism Insurance Program established in the Department of the Treasury under the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note);

“(D) to coordinate Federal efforts and develop Federal policy on prudential aspects of international insurance matters, including representing the United States, as appropriate, in the International Association of Insurance Supervisors (or a successor entity) and assisting the Secretary in negotiating International Insurance Agreements on Prudential Measures;

“(E) to determine, in accordance with subsection (f), whether State insurance measures

are preempted by International Insurance Agreements on Prudential Measures;

“(F) to consult with the States (including State insurance regulators) regarding insurance matters of national importance and prudential insurance matters of international importance; and

“(G) to perform such other related duties and authorities as may be assigned to the Office by the Secretary.

“(2) ADVISORY FUNCTIONS.—The Office shall advise the Secretary on major domestic and prudential international insurance policy issues.

“(d) SCOPE.—The authority of the Office shall extend to all lines of insurance except health insurance, as such insurance is determined by the Secretary based on section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91), and crop insurance, as established by the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

“(e) GATHERING OF INFORMATION.—

“(1) IN GENERAL.—In carrying out the functions required under subsection (c), the Office may—

“(A) receive and collect data and information on and from the insurance industry and insurers;

“(B) enter into information-sharing agreements;

“(C) analyze and disseminate data and information; and

“(D) issue reports regarding all lines of insurance except health insurance.

“(2) COLLECTION OF INFORMATION FROM INSURERS AND AFFILIATES.—

“(A) IN GENERAL.—Except as provided in paragraph (3), the Office may require an insurer, or any affiliate of an insurer, to submit such data or information as the Office may reasonably require in carrying out the functions described under subsection (c).

“(B) RULE OF CONSTRUCTION.—Notwithstanding any other provision of this section, for purposes of subparagraph (A), the term ‘insurer’ means any person that is authorized to write insurance or reinsure risks and issue contracts or policies in 1 or more States.

“(3) EXCEPTION FOR SMALL INSURERS.—Paragraph (2) shall not apply with respect to any insurer or affiliate thereof that meets a minimum size threshold that the Office may establish, whether by order or rule.

“(4) ADVANCE COORDINATION.—Before collecting any data or information under paragraph (2) from an insurer, or any affiliate of an insurer, the Office shall coordinate with each relevant State insurance regulator (or other relevant Federal or State regulatory agency, if any, in the case of an affiliate of an insurer) to determine if the information to be collected is available from, or may be obtained in a timely manner by, such State insurance regulator, individually or collectively, another regulatory agency, or publicly available sources. Notwithstanding any other provision of law, each such relevant State insurance regulator or other Federal or State regulatory agency is authorized to provide to the Office such data or information.

“(5) CONFIDENTIALITY.—

“(A) RETENTION OF PRIVILEGE.—The submission of any nonpublicly available data and information to the Office under this subsection shall not constitute a waiver of, or otherwise affect, any privilege arising under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

“(B) CONTINUED APPLICATION OF PRIOR CONFIDENTIALITY AGREEMENTS.—Any requirement under Federal or State law to the extent otherwise applicable, or any requirement pursuant to a written agreement in effect between the original source of any nonpublicly available data or information and the source of such data or in-

formation to the Office, regarding the privacy or confidentiality of any data or information in the possession of the source to the Office, shall continue to apply to such data or information after the data or information has been provided pursuant to this subsection to the Office.

“(C) INFORMATION SHARING AGREEMENT.—Any data or information obtained by the Office may be made available to State insurance regulators, individually or collectively, through an information sharing agreement that—

“(i) shall comply with applicable Federal law; and

“(ii) shall not constitute a waiver of, or otherwise affect, any privilege under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

“(D) AGENCY DISCLOSURE REQUIREMENTS.—Section 552 of title 5, United States Code, shall apply to any data or information submitted to the Office by an insurer or an affiliate of an insurer.

“(6) SUBPOENAS AND ENFORCEMENT.—The Director shall have the power to require by subpoena the production of the data or information requested under paragraph (2), but only upon a written finding by the Director that such data or information is required to carry out the functions described under subsection (c) and that the Office has coordinated with such regulator or agency as required under paragraph (4). Subpoenas shall bear the signature of the Director and shall be served by any person or class of persons designated by the Director for that purpose. In the case of contumacy or failure to obey a subpoena, the subpoena shall be enforceable by order of any appropriate district court of the United States. Any failure to obey the order of the court may be punished by the court as a contempt of court.

“(f) PREEMPTION OF STATE INSURANCE MEASURES.—

“(1) STANDARD.—A State insurance measure shall be preempted if, and only to the extent that the Director determines, in accordance with this subsection, that the measure—

“(A) results in less favorable treatment of a non-United States insurer domiciled in a foreign jurisdiction that is subject to an international insurance agreement on prudential measures than a United States insurer domiciled, licensed, or otherwise admitted in that State; and

“(B) is inconsistent with an International Insurance Agreement on Prudential Measures.

“(2) DETERMINATION.—

“(A) NOTICE OF POTENTIAL INCONSISTENCY.—Before making any determination under paragraph (1), the Director shall—

“(i) notify and consult with the appropriate State regarding any potential inconsistency or preemption;

“(ii) cause to be published in the Federal Register notice of the issue regarding the potential inconsistency or preemption, including a description of each State insurance measure at issue and any applicable International Insurance Agreement on Prudential Measures;

“(iii) provide interested parties a reasonable opportunity to submit written comments to the Office; and

“(iv) consider any comments received.

“(B) SCOPE OF REVIEW.—For purposes of this subsection, the determination of the Director regarding State insurance measures shall be limited to the subject matter contained within the international insurance agreement on prudential measure involved.

“(C) NOTICE OF DETERMINATION OF INCONSISTENCY.—Upon making any determination under paragraph (1), the Director shall—

“(i) notify the appropriate State of the determination and the extent of the inconsistency;

“(ii) establish a reasonable period of time, which shall not be less than 30 days, before the determination shall become effective; and

“(iii) notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of the inconsistency.

“(3) NOTICE OF EFFECTIVENESS.—Upon the conclusion of the period referred to in paragraph (2)(C)(ii), if the basis for such determination still exists, the determination shall become effective and the Director shall—

“(A) cause to be published a notice in the Federal Register that the preemption has become effective, as well as the effective date; and

“(B) notify the appropriate State.

“(4) LIMITATION.—No State may enforce a State insurance measure to the extent that such measure has been preempted under this subsection.

“(g) APPLICABILITY OF ADMINISTRATIVE PROCEDURES ACT.—Determinations of inconsistency made pursuant to subsection (f)(2) shall be subject to the applicable provisions of subchapter II of chapter 5 of title 5, United States Code (relating to administrative procedure), and chapter 7 of such title (relating to judicial review).

“(h) REGULATIONS, POLICIES, AND PROCEDURES.—The Secretary may issue orders, regulations, policies, and procedures to implement this section.

“(i) CONSULTATION.—The Director shall consult with State insurance regulators, individually or collectively, to the extent the Director determines appropriate, in carrying out the functions of the Office.

“(j) SAVINGS PROVISIONS.—Nothing in this section shall—

“(1) preempt—

“(A) any State insurance measure that governs any insurer's rates, premiums, underwriting, or sales practices;

“(B) any State coverage requirements for insurance;

“(C) the application of the antitrust laws of any State to the business of insurance; or

“(D) any State insurance measure governing the capital or solvency of an insurer, except to the extent that such State insurance measure results in less favorable treatment of a non-United States insurer than a United States insurer;

“(2) be construed to alter, amend, or limit any provision of the Consumer Financial Protection Agency Act of 2010; or

“(3) affect the preemption of any State insurance measure otherwise inconsistent with and preempted by Federal law.

“(k) RETENTION OF EXISTING STATE REGULATORY AUTHORITY.—Nothing in this section or section 314 shall be construed to establish or provide the Office or the Department of the Treasury with general supervisory or regulatory authority over the business of insurance.

“(l) ANNUAL REPORT TO CONGRESS.—Beginning September 30, 2011, the Director shall submit a report on or before September 30 of each calendar year to the President and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the insurance industry, any actions taken by the Office pursuant to subsection (f) (regarding preemption of inconsistent State insurance measures), and any other information as deemed relevant by the Director or as requested by such Committees.

“(m) STUDY AND REPORT ON REGULATION OF INSURANCE.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Director shall conduct a study and submit a report to Congress on how to modernize and improve the system of insurance regulation in the United States.

“(2) CONSIDERATIONS.—The study and report required under paragraph (1) shall be based on and guided by the following considerations:

“(A) Systemic risk regulation with respect to insurance.

“(B) Capital standards and the relationship between capital allocation and liabilities, including standards relating to liquidity and duration risk.

“(C) Consumer protection for insurance products and practices, including gaps in state regulation.

“(D) The degree of national uniformity of state insurance regulation.

“(E) The regulation of insurance companies and affiliates on a consolidated basis.

“(F) International coordination of insurance regulation.

“(3) ADDITIONAL FACTORS.—The study and report required under paragraph (1) shall also examine the following factors:

“(A) The costs and benefits of potential Federal regulation of insurance across various lines of insurance (except health insurance).

“(B) The feasibility of regulating only certain lines of insurance at the Federal level, while leaving other lines of insurance to be regulated at the State level.

“(C) The ability of any potential Federal regulation or Federal regulators to eliminate or minimize regulatory arbitrage.

“(D) The impact that developments in the regulation of insurance in foreign jurisdictions might have on the potential Federal regulation of insurance.

“(E) The ability of any potential Federal regulation or Federal regulator to provide robust consumer protection for policyholders.

“(F) The potential consequences of subjecting insurance companies to a Federal resolution authority, including the effects of any Federal resolution authority—

“(i) on the operation of State insurance guaranty fund systems, including the loss of guaranty fund coverage if an insurance company is subject to a Federal resolution authority;

“(ii) on policyholder protection, including the loss of the priority status of policyholder claims over other unsecured general creditor claims;

“(iii) in the case of life insurance companies, the loss of the special status of separate account assets and separate account liabilities; and

“(iv) on the international competitiveness of insurance companies.

“(G) Such other factors as the Director determines necessary or appropriate, consistent with the principles set forth in paragraph (2).

“(4) REQUIRED RECOMMENDATIONS.—The study and report required under paragraph (1) shall also contain any legislative, administrative, or regulatory recommendations, as the Director determines appropriate, to carry out or effectuate the findings set forth in such report.

“(5) CONSULTATION.—With respect to the study and report required under paragraph (1), the Director shall consult with the National Association of Insurance Commissioners, consumer organizations, representatives of the insurance industry and policyholders, and other organizations and experts, as appropriate.

“(n) USE OF EXISTING RESOURCES.—To carry out this section, the Office may employ personnel, facilities, and any other resource of the Department of the Treasury available to the Secretary.

“(o) DEFINITIONS.—In this section and section 314, the following definitions shall apply:

“(1) AFFILIATE.—The term ‘affiliate’ means, with respect to an insurer, any person who controls, is controlled by, or is under common control with the insurer.

“(2) INSURER.—The term ‘insurer’ means any person engaged in the business of insurance, including reinsurance.

“(3) INTERNATIONAL INSURANCE AGREEMENT ON PRUDENTIAL MEASURES.—The term ‘International Insurance Agreement on Prudential

Measures’ means a written bilateral or multilateral agreement entered into between the United States and a foreign government, authority, or regulatory entity regarding prudential measures applicable to the business of insurance or reinsurance.

“(4) NON-UNITED STATES INSURER.—The term ‘non-United States insurer’ means an insurer that is organized under the laws of a jurisdiction other than a State, but does not include any United States branch of such an insurer.

“(5) OFFICE.—The term ‘Office’ means the Office of National Insurance established by this section.

“(6) STATE INSURANCE MEASURE.—The term ‘State insurance measure’ means any State law, regulation, administrative ruling, bulletin, guideline, or practice relating to or affecting prudential measures applicable to insurance or reinsurance.

“(7) STATE INSURANCE REGULATOR.—The term ‘State insurance regulator’ means any State regulatory authority responsible for the supervision of insurers.

“(8) UNITED STATES INSURER.—The term ‘United States insurer’ means—

“(A) an insurer that is organized under the laws of a State; or

“(B) a United States branch of a non-United States insurer.

“(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Office for each fiscal year such sums as may be necessary.

“SEC. 314. INTERNATIONAL INSURANCE AGREEMENTS ON PRUDENTIAL MEASURES.

“(a) IN GENERAL.—The Secretary of the Treasury is authorized to negotiate and enter into International Insurance Agreements on Prudential Measures on behalf of the United States.

“(b) SAVINGS PROVISION.—Nothing in this section or section 313 shall be construed to affect the development and coordination of United States international trade policy or the administration of the United States trade agreements program. It is to be understood that the negotiation of International Insurance Agreements on Prudential Measures under such sections is consistent with the requirement of this subsection.

“(c) CONSULTATION.—The Secretary shall consult with the United States Trade Representative on the negotiation of International Insurance Agreements on Prudential Measures, including prior to initiating and concluding any such agreements.”.

“(b) DUTIES OF SECRETARY.—Section 321(a) of title 31, United States Code, is amended—

(1) in paragraph (7), by striking “; and” and inserting a semicolon;

(2) in paragraph (8)(C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) advise the President on major domestic and international prudential policy issues in connection with all lines of insurance except health insurance.”.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 3 of title 31, United States Code, is amended by striking the item relating to section 312 and inserting the following new items:

“Sec. 312. Terrorism and financial intelligence.

“Sec. 313. Office of National Insurance.

“Sec. 314. International insurance agreements on prudential measures.

“Sec. 315. Continuing in office.”.

Subtitle B—State-based Insurance Reform

SEC. 511. SHORT TITLE.

This subtitle may be cited as the “Non-admitted and Reinsurance Reform Act of 2010”.

SEC. 512. EFFECTIVE DATE.

Except as otherwise specifically provided in this subtitle, this subtitle shall take effect upon

the expiration of the 12-month period beginning on the date of the enactment of this subtitle.

PART I—NONADMITTED INSURANCE

SEC. 521. REPORTING, PAYMENT, AND ALLOCATION OF PREMIUM TAXES.

(a) HOME STATE’S EXCLUSIVE AUTHORITY.—No State other than the home State of an insured may require any premium tax payment for non-admitted insurance.

(b) ALLOCATION OF NONADMITTED PREMIUM TAXES.—

(1) IN GENERAL.—The States may enter into a compact or otherwise establish procedures to allocate among the States the premium taxes paid to an insured’s home State described in subsection (a).

(2) EFFECTIVE DATE.—Except as expressly otherwise provided in such compact or other procedures, any such compact or other procedures—

(A) if adopted on or before the expiration of the 330-day period that begins on the date of the enactment of this subtitle, shall apply to any premium taxes that, on or after such date of enactment, are required to be paid to any State that is subject to such compact or procedures; and

(B) if adopted after the expiration of such 330-day period, shall apply to any premium taxes that, on or after January 1 of the first calendar year that begins after the expiration of such 330-day period, are required to be paid to any State that is subject to such compact or procedures.

(3) REPORT.—Upon the expiration of the 330-day period referred to in paragraph (2), the NAIC may submit a report to the Committee on Financial Services and Committee on the Judiciary of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate identifying and describing any compact or other procedures for allocation among the States of premium taxes that have been adopted during such period by any States.

(4) NATIONWIDE SYSTEM.—The Congress intends that each State adopt nationwide uniform requirements, forms, and procedures, such as an interstate compact, that provides for the reporting, payment, collection, and allocation of premium taxes for nonadmitted insurance consistent with this section.

(c) ALLOCATION BASED ON TAX ALLOCATION REPORT.—To facilitate the payment of premium taxes among the States, an insured’s home State may require surplus lines brokers and insureds who have independently procured insurance to annually file tax allocation reports with the insured’s home State detailing the portion of the nonadmitted insurance policy premium or premiums attributable to properties, risks, or exposures located in each State. The filing of a non-admitted insurance tax allocation report and the payment of tax may be made by a person authorized by the insured to act as its agent.

SEC. 522. REGULATION OF NONADMITTED INSURANCE BY INSURED’S HOME STATE.

(a) HOME STATE AUTHORITY.—Except as otherwise provided in this section, the placement of nonadmitted insurance shall be subject to the statutory and regulatory requirements solely of the insured’s home State.

(b) BROKER LICENSING.—No State other than an insured’s home State may require a surplus lines broker to be licensed in order to sell, solicit, or negotiate nonadmitted insurance with respect to such insured.

(c) ENFORCEMENT PROVISION.—With respect to section 521 and subsections (a) and (b) of this section, any law, regulation, provision, or action of any State that applies or purports to apply to nonadmitted insurance sold to, solicited by, or negotiated with an insured whose home State is another State shall be preempted with respect to such application.

(d) WORKERS’ COMPENSATION EXCEPTION.—This section may not be construed to preempt

any State law, rule, or regulation that restricts the placement of workers' compensation insurance or excess insurance for self-funded workers' compensation plans with a nonadmitted insurer.

SEC. 523. PARTICIPATION IN NATIONAL PRODUCER DATABASE.

After the expiration of the 2-year period beginning on the date of the enactment of this subtitle, a State may not collect any fees relating to licensing of an individual or entity as a surplus lines broker in the State unless the State has in effect at such time laws or regulations that provide for participation by the State in the national insurance producer database of the NAIC, or any other equivalent uniform national database, for the licensure of surplus lines brokers and the renewal of such licenses.

SEC. 524. UNIFORM STANDARDS FOR SURPLUS LINES ELIGIBILITY.

A State may not—

(1) impose eligibility requirements on, or otherwise establish eligibility criteria for, nonadmitted insurers domiciled in a United States jurisdiction, except in conformance with such requirements and criteria in sections 5A(2) and 5C(2)(a) of the Non-Admitted Insurance Model Act, unless the State has adopted nationwide uniform requirements, forms, and procedures developed in accordance with section 521(b) of this subtitle that include alternative nationwide uniform eligibility requirements; or

(2) prohibit a surplus lines broker from placing nonadmitted insurance with, or procuring nonadmitted insurance from, a nonadmitted insurer domiciled outside the United States that is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the NAIC.

SEC. 525. STREAMLINED APPLICATION FOR COMMERCIAL PURCHASERS.

A surplus lines broker seeking to procure or place nonadmitted insurance in a State for an exempt commercial purchaser shall not be required to satisfy any State requirement to make a due diligence search to determine whether the full amount or type of insurance sought by such exempt commercial purchaser can be obtained from admitted insurers if—

(1) the broker procuring or placing the surplus lines insurance has disclosed to the exempt commercial purchaser that such insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and

(2) the exempt commercial purchaser has subsequently requested in writing the broker to procure or place such insurance from a nonadmitted insurer.

SEC. 526. GAO STUDY OF NONADMITTED INSURANCE MARKET.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the nonadmitted insurance market to determine the effect of the enactment of this part on the size and market share of the nonadmitted insurance market for providing coverage typically provided by the admitted insurance market.

(b) **CONTENTS.**—The study shall determine and analyze—

(1) the change in the size and market share of the nonadmitted insurance market and in the number of insurance companies and insurance holding companies providing such business in the 18-month period that begins upon the effective date of this subtitle;

(2) the extent to which insurance coverage typically provided by the admitted insurance market has shifted to the nonadmitted insurance market;

(3) the consequences of any change in the size and market share of the nonadmitted insurance market, including differences in the price and availability of coverage available in both the admitted and nonadmitted insurance markets;

(4) the extent to which insurance companies and insurance holding companies that provide both admitted and nonadmitted insurance have experienced shifts in the volume of business between admitted and nonadmitted insurance; and

(5) the extent to which there has been a change in the number of individuals who have nonadmitted insurance policies, the type of coverage provided under such policies, and whether such coverage is available in the admitted insurance market.

(c) **CONSULTATION WITH NAIC.**—In conducting the study under this section, the Comptroller General shall consult with the NAIC.

(d) **REPORT.**—The Comptroller General shall complete the study under this section and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the findings of the study not later than 30 months after the effective date of this subtitle.

SEC. 527. DEFINITIONS.

For purposes of this part, the following definitions shall apply:

(1) **ADMITTED INSURER.**—The term “admitted insurer” means, with respect to a State, an insurer licensed to engage in the business of insurance in such State.

(2) **AFFILIATE.**—The term “affiliate” means, with respect to an insured, any entity that controls, is controlled by, or is under common control with the insured.

(3) **AFFILIATED GROUP.**—The term “affiliated group” means any group of entities that are all affiliated.

(4) **CONTROL.**—An entity has “control” over another entity if—

(A) the entity directly or indirectly or acting through 1 or more other persons owns, controls, or has the power to vote 25 percent or more of any class of voting securities of the other entity; or

(B) the entity controls in any manner the election of a majority of the directors or trustees of the other entity.

(5) **EXEMPT COMMERCIAL PURCHASER.**—The term “exempt commercial purchaser” means any person purchasing commercial insurance that, at the time of placement, meets the following requirements:

(A) The person employs or retains a qualified risk manager to negotiate insurance coverage.

(B) The person has paid aggregate nationwide commercial property and casualty insurance premiums in excess of \$100,000 in the immediately preceding 12 months.

(C)(i) The person meets at least 1 of the following criteria:

(I) The person possesses a net worth in excess of \$20,000,000, as such amount is adjusted pursuant to clause (ii).

(II) The person generates annual revenues in excess of \$50,000,000, as such amount is adjusted pursuant to clause (ii).

(III) The person employs more than 500 full-time or full-time equivalent employees per individual insured or is a member of an affiliated group employing more than 1,000 employees in the aggregate.

(IV) The person is a not-for-profit organization or public entity generating annual budgeted expenditures of at least \$30,000,000, as such amount is adjusted pursuant to clause (ii).

(V) The person is a municipality with a population in excess of 50,000 persons.

(ii) Effective on the fifth January 1 occurring after the date of the enactment of this subtitle and each fifth January 1 occurring thereafter, the amounts in subclauses (I), (II), and (IV) of clause (i) shall be adjusted to reflect the percentage change for such 5-year period in the Consumer Price Index for All Urban Consumers

published by the Bureau of Labor Statistics of the Department of Labor.

(6) **HOME STATE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “home State” means, with respect to an insured—

(i) the State in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or

(ii) if 100 percent of the insured risk is located out of the State referred to in subparagraph (A), the State to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

(B) **AFFILIATED GROUPS.**—If more than 1 insured from an affiliated group are named insureds on a single nonadmitted insurance contract, the term “home State” means the home State, as determined pursuant to subparagraph (A), of the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract.

(7) **INDEPENDENTLY PROCURED INSURANCE.**—The term “independently procured insurance” means insurance procured directly by an insured from a nonadmitted insurer.

(8) **NAIC.**—The term “NAIC” means the National Association of Insurance Commissioners or any successor entity.

(9) **NONADMITTED INSURANCE.**—The term “nonadmitted insurance” means any property and casualty insurance permitted to be placed directly or through a surplus lines broker with a nonadmitted insurer eligible to accept such insurance.

(10) **NON-ADMITTED INSURANCE MODEL ACT.**—The term “Non-Admitted Insurance Model Act” means the provisions of the Non-Admitted Insurance Model Act, as adopted by the NAIC on August 3, 1994, and amended on September 30, 1996, December 6, 1997, October 2, 1999, and June 8, 2002.

(11) **NONADMITTED INSURER.**—The term “nonadmitted insurer”—

(A) means, with respect to a State, an insurer not licensed to engage in the business of insurance in such State; but

(B) does not include a risk retention group, as that term is defined in section 2(a)(4) of the Liability Risk Retention Act of 1986 (15 U.S.C. 3901(a)(4)).

(12) **QUALIFIED RISK MANAGER.**—The term “qualified risk manager” means, with respect to a policyholder of commercial insurance, a person who meets all of the following requirements:

(A) The person is an employee of, or third party consultant retained by, the commercial policyholder.

(B) The person provides skilled services in loss prevention, loss reduction, or risk and insurance coverage analysis, and purchase of insurance.

(C) The person—

(i)(I) has a bachelor's degree or higher from an accredited college or university in risk management, business administration, finance, economics, or any other field determined by a State insurance commissioner or other State regulatory official or entity to demonstrate minimum competence in risk management; and

(II)(aa) has 3 years of experience in risk financing, claims administration, loss prevention, risk and insurance analysis, or purchasing commercial lines of insurance; or

(bb) has 1 of the following designations:

(AA) a designation as a Chartered Property and Casualty Underwriter (in this subparagraph referred to as “CPCU”) issued by the American Institute for CPCU/Insurance Institute of America;

(BB) a designation as an Associate in Risk Management (ARM) issued by the American Institute for CPCU/Insurance Institute of America;

(CC) a designation as Certified Risk Manager (CRM) issued by the National Alliance for Insurance Education & Research;

(DD) a designation as a RIMS Fellow (RF) issued by the Global Risk Management Institute; or

(EE) any other designation, certification, or license determined by a State insurance commissioner or other State insurance regulatory official or entity to demonstrate minimum competency in risk management;

(ii)(I) has at least 7 years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance; and

(II) has any 1 of the designations specified in subitems (AA) through (EE) of clause (i)(II)(bb);

(iii) has at least 10 years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance; or

(iv) has a graduate degree from an accredited college or university in risk management, business administration, finance, economics, or any other field determined by a State insurance commissioner or other State regulatory official or entity to demonstrate minimum competence in risk management.

(13) **PREMIUM TAX.**—The term “premium tax” means, with respect to surplus lines or independently procured insurance coverage, any tax, fee, assessment, or other charge imposed by a government entity directly or indirectly based on any payment made as consideration for an insurance contract for such insurance, including premium deposits, assessments, registration fees, and any other compensation given in consideration for a contract of insurance.

(14) **SURPLUS LINES BROKER.**—The term “surplus lines broker” means an individual, firm, or corporation which is licensed in a State to sell, solicit, or negotiate insurance on properties, risks, or exposures located or to be performed in a State with nonadmitted insurers.

PART II—REINSURANCE

SEC. 531. REGULATION OF CREDIT FOR REINSURANCE AND REINSURANCE AGREEMENTS.

(a) **CREDIT FOR REINSURANCE.**—If the State of domicile of a ceding insurer is an NAIC-accredited State, or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, and recognizes credit for reinsurance for the insurer's ceded risk, then no other State may deny such credit for reinsurance.

(b) **ADDITIONAL PREEMPTION OF EXTRATERRITORIAL APPLICATION OF STATE LAW.**—In addition to the application of subsection (a), all laws, regulations, provisions, or other actions of a State that is not the domiciliary State of the ceding insurer, except those with respect to taxes and assessments on insurance companies or insurance income, are preempted to the extent that they—

(1) restrict or eliminate the rights of the ceding insurer or the assuming insurer to resolve disputes pursuant to contractual arbitration to the extent such contractual provision is not inconsistent with the provisions of title 9, United States Code;

(2) require that a certain State's law shall govern the reinsurance contract, disputes arising from the reinsurance contract, or requirements of the reinsurance contract;

(3) attempt to enforce a reinsurance contract on terms different than those set forth in the reinsurance contract, to the extent that the terms are not inconsistent with this part; or

(4) otherwise apply the laws of the State to reinsurance agreements of ceding insurers not domiciled in that State.

SEC. 532. REGULATION OF REINSURER SOLVENCY.

(a) **DOMICILIARY STATE REGULATION.**—If the State of domicile of a reinsurer is an NAIC-accredited State or has financial solvency require-

ments substantially similar to the requirements necessary for NAIC accreditation, such State shall be solely responsible for regulating the financial solvency of the reinsurer.

(b) **NONDOMICILIARY STATES.**—

(1) **LIMITATION ON FINANCIAL INFORMATION REQUIREMENTS.**—If the State of domicile of a reinsurer is an NAIC-accredited State or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, no other State may require the reinsurer to provide any additional financial information other than the information the reinsurer is required to file with its domiciliary State.

(2) **RECEIPT OF INFORMATION.**—No provision of this section shall be construed as preventing or prohibiting a State that is not the State of domicile of a reinsurer from receiving a copy of any financial statement filed with its domiciliary State.

SEC. 533. DEFINITIONS.

For purposes of this part, the following definitions shall apply:

(1) **CEDING INSURER.**—The term “ceding insurer” means an insurer that purchases reinsurance.

(2) **DOMICILIARY STATE.**—The terms “State of domicile” and “domiciliary State” mean, with respect to an insurer or reinsurer, the State in which the insurer or reinsurer is incorporated or entered through, and licensed.

(3) **REINSURANCE.**—The term “reinsurance” means the assumption by an insurer of all or part of a risk undertaken originally by another insurer.

(4) **REINSURER.**—

(A) **IN GENERAL.**—The term “reinsurer” means an insurer to the extent that the insurer—

(i) is principally engaged in the business of reinsurance;

(ii) does not conduct significant amounts of direct insurance as a percentage of its net premiums; and

(iii) is not engaged in an ongoing basis in the business of soliciting direct insurance.

(B) **DETERMINATION.**—A determination of whether an insurer is a reinsurer shall be made under the laws of the State of domicile in accordance with this paragraph.

PART III—RULE OF CONSTRUCTION

SEC. 541. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to modify, impair, or supersede the application of the antitrust laws. Any implied or actual conflict between this subtitle and any amendments to this subtitle and the antitrust laws shall be resolved in favor of the operation of the antitrust laws.

SEC. 542. SEVERABILITY.

If any section or subsection of this subtitle, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this subtitle, and the application of the provision to any other person or circumstance, shall not be affected.

TITLE VI—IMPROVEMENTS TO REGULATION OF BANK AND SAVINGS ASSOCIATION HOLDING COMPANIES AND DEPOSITORY INSTITUTIONS

SEC. 601. SHORT TITLE.

This title may be cited as the “Bank and Savings Association Holding Company and Depository Institution Regulatory Improvements Act of 2010”.

SEC. 602. DEFINITION.

In this title, the term “commercial firm” means any entity that derives not less than 15 percent of the consolidated annual gross revenues of the entity, including all affiliates of the entity, from engaging in activities that are not financial in nature or incidental to activities

that are financial in nature, as provided in section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

SEC. 603. MORATORIUM AND STUDY ON TREATMENT OF CREDIT CARD BANKS, INDUSTRIAL LOAN COMPANIES, AND CERTAIN OTHER COMPANIES UNDER THE BANK HOLDING COMPANY ACT OF 1956.

(a) **MORATORIUM.**—

(1) **DEFINITIONS.**—In this subsection—

(A) the term “credit card bank” means an institution described in section 2(c)(2)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(F));

(B) the term “industrial bank” means an institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(H)); and

(C) the term “trust bank” means an institution described in section 2(c)(2)(D) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(D)).

(2) **MORATORIUM ON PROVISION OF DEPOSIT INSURANCE.**—The Corporation may not approve an application for deposit insurance under section 5 of the Federal Deposit Insurance Act (12 U.S.C. 1815) that is received after November 10, 2009, for an industrial bank, a credit card bank, or a trust bank that is directly or indirectly owned or controlled by a commercial firm.

(3) **CHANGE IN CONTROL.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the appropriate Federal banking agency shall disapprove a change in control, as provided in section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)), of an industrial bank, a credit card bank, or a trust bank if the change in control would result in direct or indirect control of the industrial bank, credit card bank, or trust bank by a commercial firm.

(B) **EXCEPTIONS.**—Subparagraph (A) shall not apply to a change in control of an industrial bank, credit card bank, or trust bank that—

(i) is in danger of default, as determined by the appropriate Federal banking agency; or

(ii) results from the merger or whole acquisition of a commercial firm that directly or indirectly controls the industrial bank, credit card bank, or trust bank in a bona fide merger with or acquisition by another commercial firm, as determined by the appropriate Federal banking agency.

(4) **SUNSET.**—This subsection shall cease to have effect 3 years after the date of enactment of this Act.

(b) **GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF EXCEPTIONS UNDER THE BANK HOLDING COMPANY ACT OF 1956.**—

(1) **STUDY REQUIRED.**—The Comptroller General of the United States shall carry out a study to determine whether it is necessary, in order to strengthen the safety and soundness of institutions or the stability of the financial system, to eliminate the exceptions under section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) for institutions described in—

(A) section 2(a)(5)(E) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)(5)(E));

(B) section 2(a)(5)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)(5)(F));

(C) section 2(c)(2)(D) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(D));

(D) section 2(c)(2)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(F));

(E) section 2(c)(2)(H) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(H)); and

(F) section 2(c)(2)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(B)).

(2) **CONTENT OF STUDY.**—

(A) **IN GENERAL.**—The study required under paragraph (1), with respect to the institutions referenced in each of subparagraphs (A) through (E) of paragraph (1), shall, to the extent feasible be based on information provided to

the Comptroller General by the appropriate Federal or State regulator, and shall—

(i) identify the types and number of institutions excepted from section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) under each of the subparagraphs described in subparagraphs (A) through (E) of paragraph (1);

(ii) generally describe the size and geographic locations of the institutions described in clause (i);

(iii) determine the extent to which the institutions described in clause (i) are held by holding companies that are commercial firms;

(iv) determine whether the institutions described in clause (i) have any affiliates that are commercial firms;

(v) identify the Federal banking agency responsible for the supervision of the institutions described in clause (i) on and after the transfer date;

(vi) determine the adequacy of the Federal bank regulatory framework applicable to each category of institution described in clause (i), including any restrictions (including limitations on affiliate transactions or cross-marketing) that apply to transactions between an institution, the holding company of the institution, and any other affiliate of the institution; and

(vii) evaluate the potential consequences of subjecting the institutions described in clause (i) to the requirements of the Bank Holding Company Act of 1956, including with respect to the availability and allocation of credit, the stability of the financial system and the economy, the safe and sound operation of each category of institution, and the impact on the types of activities in which such institutions, and the holding companies of such institutions, may engage.

(B) SAVINGS ASSOCIATIONS.—With respect to institutions described in paragraph (1)(F), the study required under paragraph (1) shall—

(i) determine the adequacy of the Federal bank regulatory framework applicable to such institutions, including any restrictions (including limitations on affiliate transactions or cross-marketing) that apply to transactions between an institution, the holding company of the institution, and any other affiliate of the institution; and

(ii) evaluate the potential consequences of subjecting the institutions described in paragraph (1)(F) to the requirements of the Bank Holding Company Act of 1956, including with respect to the availability and allocation of credit, the stability of the financial system and the economy, the safe and sound operation of such institutions, and the impact on the types of activities in which such institutions, and the holding companies of such institutions, may engage.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the study required under paragraph (1).

SEC. 604. REPORTS AND EXAMINATIONS OF HOLDING COMPANIES; REGULATION OF FUNCTIONALLY REGULATED SUBSIDIARIES.

(a) REPORTS BY BANK HOLDING COMPANIES.—Sections 5(c)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(1)) is amended—

(1) by striking subparagraph (B) and inserting the following:

“(B) USE OF EXISTING REPORTS AND OTHER SUPERVISORY INFORMATION.—The appropriate Federal banking agency for a bank holding company shall, to the fullest extent possible, use—

“(i) reports and other supervisory information that the bank holding company or any subsidiary thereof has been required to provide to other Federal or State regulatory agencies;

“(ii) externally audited financial statements of the bank holding company or subsidiary;

“(iii) information otherwise available from Federal or State regulatory agencies; and

“(iv) information that is otherwise required to be reported publicly.”; and

(2) by adding at the end the following:

“(C) AVAILABILITY.—Upon the request of the appropriate Federal banking agency for a bank holding company, the bank holding company or a subsidiary of the bank holding company shall promptly provide to the appropriate Federal banking agency any information described in clauses (i) through (iii) of subparagraph (B).”.

(b) EXAMINATIONS OF BANK HOLDING COMPANIES.—Section 5(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(2)) is amended to read as follows:

“(2) EXAMINATIONS.—

“(A) IN GENERAL.—The appropriate Federal banking agency for a bank holding company may make examinations of the bank holding company and each subsidiary of the bank holding company in order to—

“(i) inform such appropriate Federal banking agency of—

“(I) the nature of the operations and financial condition of the bank holding company and the subsidiary;

“(II) the financial, operational, and other risks within the bank holding company system that may pose a threat to—

“(aa) the safety and soundness of the bank holding company or of any depository institution subsidiary of the bank holding company; or

“(bb) the stability of the financial system of the United States; and

“(III) the systems of the bank holding company for monitoring and controlling the risks described in subclause (II); and

“(ii) enforce the compliance of the bank holding company and the subsidiary with this Act and any other Federal law that such appropriate Federal banking agency has specific jurisdiction to enforce against the bank holding company or subsidiary.

“(B) USE OF REPORTS TO REDUCE EXAMINATIONS.—For purposes of this paragraph, the appropriate Federal banking agency for a bank holding company shall, to the fullest extent possible, rely on—

“(i) examination reports made by other Federal or State regulatory agencies relating to the bank holding company and any subsidiary of the bank holding company; and

“(ii) the reports and other information required under paragraph (1).

“(C) COORDINATION WITH OTHER REGULATORS.—The appropriate Federal banking agency for a bank holding company shall—

“(i) provide reasonable notice to, and consult with, the appropriate Federal banking agency or State regulatory agency of a subsidiary that is a depository institution or a functionally regulated subsidiary before commencing an examination of the subsidiary under this section; and

“(ii) to the fullest extent possible, avoid duplication of examination activities, reporting requirements, and requests for information.”.

(c) AUTHORITY TO REGULATE FUNCTIONALLY REGULATED SUBSIDIARIES OF BANK HOLDING COMPANIES.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended—

(1) in section 5(c) (12 U.S.C. 1844(c)), by striking paragraphs (3) and (4) and inserting the following:

“(3) [Reserved]

“(4) [Reserved]”; and

(2) by striking section 10A (12 U.S.C. 1848a).

(d) ACQUISITIONS OF BANKS.—Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) is amended by adding at the end the following:

“(7) FINANCIAL STABILITY.—In every case, the appropriate Federal banking agency of a bank

holding company shall take into consideration the extent to which a proposed acquisition, merger, or consolidation would result in greater or more concentrated risks to the stability of the United States banking or financial system.”.

(e) ACQUISITIONS OF NONBANKS.—

(1) NOTICE PROCEDURES.—Section 4(j)(2)(A) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)(2)(A)) is amended by striking “or unsound banking practices” and inserting “unsound banking practices, or risk to the stability of the United States banking or financial system”.

(2) ACTIVITIES THAT ARE FINANCIAL IN NATURE.—Section 4(k)(6)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)(6)(B)) is amended to read as follows:

“(B) APPROVAL NOT REQUIRED FOR CERTAIN FINANCIAL ACTIVITIES.—

“(i) IN GENERAL.—Except as provided in clause (ii), a financial holding company may commence any activity or acquire any company, pursuant to paragraph (4) or any regulation prescribed or order issued under paragraph (5), without prior approval of the appropriate Federal banking agency for the financial holding company.

“(ii) EXCEPTION.—A financial holding company may not acquire a company, without the prior approval of the appropriate Federal banking agency for the financial holding company, in a transaction in which the total consolidated assets to be acquired by the financial holding company exceed \$25,000,000,000.”.

(f) BANK MERGER ACT TRANSACTIONS.—Section 18(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(5)) is amended, in the matter immediately following subparagraph (B), by striking “and the convenience and needs of the community to be served” and inserting “the convenience and needs of the community to be served, and the risk to the stability of the United States banking or financial system”.

(g) REPORTS BY SAVINGS AND LOAN HOLDING COMPANIES.—Section 10(b)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(b)(2)) is amended—

(1) by striking “Each savings” and inserting the following:

“(A) IN GENERAL.—Each savings”; and

(2) by adding at the end the following:

“(B) USE OF EXISTING REPORTS AND OTHER SUPERVISORY INFORMATION.—The appropriate Federal banking agency for a savings and loan holding company shall, to the fullest extent possible, use—

“(i) reports and other supervisory information that the savings and loan holding company or any subsidiary thereof has been required to provide to other Federal or State regulatory agencies;

“(ii) externally audited financial statements of the savings and loan holding company or subsidiary;

“(iii) information that is otherwise available from Federal or State regulatory agencies; and

“(iv) information that is otherwise required to be reported publicly.

“(C) AVAILABILITY.—Upon the request of the appropriate Federal banking agency for a savings and loan holding company, the savings and loan holding company or a subsidiary of the savings and loan holding company shall promptly provide to the appropriate Federal banking agency any information described in clauses (i) through (iii) of subparagraph (B).”.

(h) EXAMINATION OF SAVINGS AND LOAN HOLDING COMPANIES.—

(1) DEFINITIONS.—Section 2 of the Home Owners' Loan Act (12 U.S.C. 1462) is amended by adding at the end the following:

“(10) APPROPRIATE FEDERAL BANKING AGENCY.—The term ‘appropriate Federal banking agency’ has the same meaning as in section 3(q)

of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

“(11) **FUNCTIONALLY REGULATED SUBSIDIARY.**—The term ‘functionally regulated subsidiary’ has the same meaning as in section 5(c)(5) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(5)).”

(2) **EXAMINATION.**—Section 10(b) of the Home Owners’ Loan Act (12 U.S.C. 1467a(b)) is amended by striking paragraph (4) and inserting the following:

“(4) **EXAMINATIONS.**—

“(A) **IN GENERAL.**—The appropriate Federal banking agency for a savings and loan holding company may make examinations of the savings and loan holding company and each subsidiary of the savings and loan holding company system, in order to—

“(i) inform such appropriate Federal banking agency of—

“(I) the nature of the operations and financial condition of the savings and loan holding company and the subsidiary;

“(II) the financial, operational, and other risks within the savings and loan holding company that may pose a threat to—

“(aa) the safety and soundness of the savings and loan holding company or of any depository institution subsidiary of the savings and loan holding company; or

“(bb) the stability of the financial system of the United States; and

“(III) the systems of the savings and loan holding company for monitoring and controlling the risks described in subclause (II); and

“(ii) enforce the compliance of the savings and loan holding company and the subsidiary with this Act and any other Federal law that such appropriate Federal banking agency has specific jurisdiction to enforce against the savings and loan holding company or subsidiary.

“(B) **USE OF REPORTS TO REDUCE EXAMINATIONS.**—For purposes of this subsection, the appropriate Federal banking agency for a savings and loan holding company shall, to the fullest extent possible, rely on—

“(i) the examination reports made by other Federal or State regulatory agencies relating to the savings and loan holding company and any subsidiary; and

“(ii) the reports and other information required under paragraph (2).

“(C) **COORDINATION WITH OTHER REGULATORS.**—The appropriate Federal banking agency for a savings and loan holding company shall—

“(i) provide reasonable notice to, and consult with, the appropriate Federal banking agency or State regulatory agency of a subsidiary that is a depository institution or a functionally regulated subsidiary before commencing an examination of the subsidiary under this section; and

“(ii) to the fullest extent possible, avoid duplication of examination activities, reporting requirements, and requests for information.”

(i) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the transfer date.

SEC. 605. ASSURING CONSISTENT OVERSIGHT OF PERMISSIBLE ACTIVITIES OF DEPOSITORY INSTITUTION SUBSIDIARIES OF HOLDING COMPANIES.

Section 6 of the Bank Holding Company Act of 1956 (12 U.S.C. 1845) is amended to read as follows:

“SEC. 6. ASSURING CONSISTENT OVERSIGHT OF PERMISSIBLE ACTIVITIES OF DEPOSITORY INSTITUTION SUBSIDIARIES OF HOLDING COMPANIES.

“(a) **DEFINITIONS.**—

“(1) **DEFINITIONS.**—In this section—

“(A) the term ‘depository institution holding company’ has the same meaning as in section 3(w) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w));

“(B) the term ‘functionally regulated subsidiary’ has the same meaning as in section 5(c)(5); and

“(C) the term ‘lead Federal banking agency’ means—

“(i) the Office of the Comptroller of the Currency, in the case of any depository institution holding company having—

“(I) a subsidiary that is an insured depository institution, if all such insured depository institutions are Federal depository institutions; or

“(II) a subsidiary that is a Federal depository institution and a subsidiary that is a State depository institution, if the total consolidated assets of all subsidiaries that are Federal depository institutions exceed the total consolidated assets of all subsidiaries that are State depository institutions; and

“(ii) the Federal Deposit Insurance Corporation, in the case of any depository institution holding company having—

“(I) a subsidiary that is an insured depository institution, if all such insured depository institutions are State depository institutions; or

“(II) a subsidiary that is a Federal depository institution and a subsidiary that is a State depository institution, if the total consolidated assets of all subsidiaries that are State depository institutions exceed the total consolidated assets of all subsidiaries that are Federal depository institutions.

“(2) **DETERMINATION OF TOTAL CONSOLIDATED ASSETS.**—For purposes of paragraph (1)(A), the total consolidated assets of a depository institution shall be determined in the same manner that total consolidated assets of depository institutions are determined for purposes of section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

“(b) **LEAD AGENCY SUPERVISION.**—

“(1) **IN GENERAL.**—The lead Federal banking agency for each depository institution holding company shall make examinations of the activities of each nondepository institution subsidiary (other than a functionally regulated subsidiary) of the depository institution holding company that are permissible for depository institution subsidiaries of the depository institution holding company, to determine whether the activities—

“(A) present safety and soundness risks to any depository institution subsidiary of the depository institution holding company;

“(B) are conducted in accordance with applicable law; and

“(C) are subject to appropriate systems for monitoring and controlling the financial, operating, and other risks of the activity and protecting the depository institution subsidiaries of the holding company.

“(2) **PROCESS FOR EXAMINATION.**—An examination under paragraph (1) shall be carried out under the authority of the lead Federal banking agency, as if the nondepository institution subsidiary were an insured depository institution for which the lead Federal banking agency is the appropriate Federal banking agency.

“(c) **COORDINATION.**—For each depository institution holding company for which the Board of Governors is the appropriate Federal banking agency, the lead Federal banking agency of the depository institution holding company shall coordinate the supervision of the activities of subsidiaries described in subsection (b) with the Board of Governors, in a manner that—

“(1) avoids duplication;

“(2) shares information relevant to the supervision of the depository institution holding company by each agency;

“(3) achieves the objectives of subsection (b); and

“(4) ensures that the depository institution holding company and the subsidiaries of the depository institution holding company are not subject to conflicting supervisory demands by the 2 agencies.

“(d) **REFERRALS FOR ENFORCEMENT.**—

“(1) **RECOMMENDATION OF ACTION BY BOARD OF GOVERNORS.**—The lead Federal banking agency for a depository institution holding company, based on information obtained pursuant to the responsibilities of the agency under subsection (b), may submit to the Board of Governors, in writing, a recommendation that the Board of Governors take enforcement action against a nondepository institution subsidiary (other than a functionally regulated subsidiary) of the depository institution holding company, together with an explanation of the concerns giving rise to the recommendation.

“(2) **BACK-UP AUTHORITY OF THE LEAD FEDERAL BANKING AGENCY.**—If, within the 60-day period beginning on the date on which the Board of Governors receives a recommendation under paragraph (1), the Board of Governors does not take enforcement action against a nondepository institution subsidiary or provide a plan for enforcement action that is acceptable to the lead Federal banking agency, the lead Federal banking agency (upon the authorization of the Comptroller, or the Federal Deposit Insurance Corporation, upon a vote of its members, as applicable) may take the recommended enforcement action, in the same manner as if the subsidiary were an insured depository institution for which the lead Federal banking agency is the appropriate Federal banking agency.”

SEC. 606. REQUIREMENTS FOR FINANCIAL HOLDING COMPANIES TO REMAIN WELL CAPITALIZED AND WELL MANAGED.

(a) **AMENDMENT.**—Section 4(l)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(l)(1)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) by redesignating subparagraph (C) as subparagraph (D);

(3) by inserting after subparagraph (B) the following:

“(C) the bank holding company is well capitalized and well managed; and”; and

(4) in subparagraph (D)(ii), as so redesignated, by striking “subparagraphs (A) and (B)” and inserting “subparagraphs (A), (B), and (C)”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the transfer date.

SEC. 607. STANDARDS FOR INTERSTATE ACQUISITIONS.

(a) **ACQUISITION OF BANKS.**—Section 3(d)(1)(A) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(d)(1)(A)) is amended by striking “adequately capitalized and adequately managed” and inserting “well capitalized and well managed”.

(b) **INTERSTATE BANK MERGERS.**—Section 44(b)(4)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(b)(4)(B)) is amended by striking “will continue to be adequately capitalized and adequately managed” and inserting “will be well capitalized and well managed”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the transfer date.

SEC. 608. ENHANCING EXISTING RESTRICTIONS ON BANK TRANSACTIONS WITH AFFILIATES.

(a) **AFFILIATE TRANSACTIONS.**—Section 23A of the Federal Reserve Act (12 U.S.C. 371e) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following:

“(D) any investment fund with respect to which a member bank or affiliate thereof is an investment adviser; and”; and

(B) in paragraph (7)—

(i) in subparagraph (A), by inserting before the semicolon at the end the following: “, including a purchase of assets subject to an agreement to repurchase”;

(ii) in subparagraph (C), by striking “, including assets subject to an agreement to repurchase,”;

(iii) in subparagraph (D)—

(I) by inserting “or other debt obligations” after “acceptance of securities”; and

(II) by striking “or” at the end; and

(iv) by adding at the end the following:

“(F) a transaction with an affiliate that involves the borrowing or lending of securities, to the extent that the transaction causes a member bank or a subsidiary to have credit exposure to the affiliate; or

“(G) a derivative transaction, as defined in paragraph (3) of section 5200(b) of the Revised Statutes of the United States (12 U.S.C. 84(b)), with an affiliate, to the extent that the transaction causes a member bank or a subsidiary to have credit exposure to the affiliate;”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “subsidiary” and all that follows through “time of the transaction” and inserting “subsidiary, and any credit exposure of a member bank or a subsidiary to an affiliate resulting from a securities borrowing or lending transaction, or a derivative transaction, shall be secured at all times”; and

(ii) in each of subparagraphs (A) through (D), by striking “or letter of credit” and inserting “letter of credit, or credit exposure”;

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(D) in paragraph (2), as so redesignated, by inserting before the period at the end “, or credit exposure to an affiliate resulting from a securities borrowing or lending transaction, or derivative transaction”; and

(E) in paragraph (3), as so redesignated—

(i) by inserting “or other debt obligations” after “securities”; and

(ii) by striking “or guarantee” and all that follows through “behalf of,” and inserting “guarantee, acceptance, or letter of credit issued on behalf of, or credit exposure from a securities borrowing or lending transaction, or derivative transaction to,”;

(3) in subsection (d)(4), in the matter preceding subparagraph (A), by striking “or issuing” and all that follows through “behalf of,” and inserting “issuing a guarantee, acceptance, or letter of credit on behalf of, or having credit exposure resulting from a securities borrowing or lending transaction, or derivative transaction to,”; and

(4) in subsection (f)—

(A) in paragraph (2)—

(i) by striking “or order”;

(ii) by striking “if it finds” and all that follows through the end of the paragraph and inserting the following: “if—

“(i) the Board finds the exemption to be in the public interest and consistent with the purposes of this section, and notifies the Federal Deposit Insurance Corporation of such finding; and

“(ii) before the end of the 60-day period beginning on the date on which the Federal Deposit Insurance Corporation receives notice of the finding under clause (i), the Federal Deposit Insurance Corporation does not object, in writing, to the finding, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.”;

(iii) by striking the Board and inserting the following:

“(A) IN GENERAL.—The Board”; and

(iv) by adding at the end the following:

“(B) ADDITIONAL EXEMPTIONS.—

“(i) NATIONAL BANKS.—The Comptroller of the Currency may, by order, exempt a transaction of a national bank from the requirements of this section if—

“(I) the Board and the Office of the Comptroller of the Currency jointly find the exemption to be in the public interest and consistent with the purposes of this section and notify the Federal Deposit Insurance Corporation of such finding; and

“(II) before the end of the 60-day period beginning on the date on which the Federal Deposit Insurance Corporation receives notice of the finding under subclause (I), the Federal Deposit Insurance Corporation does not object, in writing, to the finding, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.

“(ii) STATE BANKS.—The Federal Deposit Insurance Corporation may, by order, exempt a transaction of a State nonmember bank, and the Board may, by order, exempt a transaction of a State member bank, from the requirements of this section if—

“(I) the Board and the Federal Deposit Insurance Corporation jointly find that the exemption is in the public interest and consistent with the purposes of this section; and

“(II) the Federal Deposit Insurance Corporation finds that the exemption does not present an unacceptable risk to the Deposit Insurance Fund.”; and

(B) by adding at the end the following:

“(4) AMOUNTS OF COVERED TRANSACTIONS.—The Board may issue such regulations or interpretations as the Board determines are necessary or appropriate with respect to the manner in which a netting agreement may be taken into account in determining the amount of a covered transaction between a member bank or a subsidiary and an affiliate, including the extent to which netting agreements between a member bank or a subsidiary and an affiliate may be taken into account in determining whether a covered transaction is fully secured for purposes of subsection (d)(4). An interpretation under this paragraph with respect to a specific member bank, subsidiary, or affiliate shall be issued jointly with the appropriate Federal banking agency for such member bank, subsidiary, or affiliate.”.

(b) TRANSACTIONS WITH AFFILIATES.—Section 23B(e) of the Federal Reserve Act (12 U.S.C. 371c-1(e)) is amended—

(1) by striking the undesignated matter following subparagraph (B);

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the clause margins accordingly;

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the subparagraph margins accordingly;

(4) by striking “The Board” and inserting the following:

“(1) IN GENERAL.—The Board”;

(5) in paragraph (1)(B), as so redesignated—

(A) in the matter preceding clause (i), by inserting before “regulations” the following: “subject to paragraph (2), if the Board finds that an exemption or exclusion is in the public interest and is consistent with the purposes of this section, and notifies the Federal Deposit Insurance Corporation of such finding.”; and

(B) in clause (ii), by striking the comma at the end and inserting a period; and

(6) by adding at the end the following:

“(2) EXCEPTION.—The Board may grant an exemption or exclusion under this subsection only if, during the 60-day period beginning on the date of receipt of notice of the finding from the Board under paragraph (1)(B), the Federal Deposit Insurance Corporation does not object, in writing, to such exemption or exclusion, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.”.

(c) HOME OWNERS’ LOAN ACT.—Section 11 of the Home Owners’ Loan Act (12 U.S.C. 1468) is amended by adding at the end the following:

“(d) EXEMPTIONS.—

“(1) FEDERAL SAVINGS ASSOCIATIONS.—The Comptroller of the Currency may, by order, exempt a transaction of a Federal savings association from the requirements of this section if—

“(A) the Board and the Office of the Comptroller of the Currency jointly find the exemption to be in the public interest and consistent with the purposes of this section and notify the Federal Deposit Insurance Corporation of such finding; and

“(B) before the end of the 60-day period beginning on the date on which the Federal Deposit Insurance Corporation receives notice of the finding under subparagraph (A), the Federal Deposit Insurance Corporation does not object, in writing, to the finding, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.

“(2) STATE SAVINGS ASSOCIATION.—The Federal Deposit Insurance Corporation may, by order, exempt a transaction of a State savings association from the requirements of this section if the Board and the Federal Deposit Insurance Corporation jointly find that—

“(A) the exemption is in the public interest and consistent with the purposes of this section; and

“(B) the exemption does not present an unacceptable risk to the Deposit Insurance Fund.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the transfer date.

SEC. 609. ELIMINATING EXCEPTIONS FOR TRANSACTIONS WITH FINANCIAL SUBSIDIARIES.

(a) AMENDMENT.—Section 23A(e) of the Federal Reserve Act (12 U.S.C. 371c(e)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(b) PROSPECTIVE APPLICATION OF AMENDMENT.—The amendments made by this section shall apply with respect to any covered transaction between a bank and a subsidiary of the bank, as those terms are defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c), that is entered into on or after the date of enactment of this Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the transfer date.

SEC. 610. LENDING LIMITS APPLICABLE TO CREDIT EXPOSURE ON DERIVATIVE TRANSACTIONS, REPURCHASE AGREEMENTS, REVERSE REPURCHASE AGREEMENTS, AND SECURITIES LENDING AND BORROWING TRANSACTIONS.

(a) NATIONAL BANKS.—Section 5200(b) of the Revised Statutes of the United States (12 U.S.C. 84(b)) is amended—

(1) in paragraph (1), by striking “shall include” and all that follows through the end of the paragraph and inserting the following: “shall include—

“(A) all direct or indirect advances of funds to a person made on the basis of any obligation of that person to repay the funds or repayable from specific property pledged by or on behalf of the person;

“(B) to the extent specified by the Comptroller of the Currency, any liability of a national banking association to advance funds to or on behalf of a person pursuant to a contractual commitment; and

“(C) any credit exposure to a person arising from a derivative transaction, repurchase agreement, reverse repurchase agreement, securities lending transaction, or securities borrowing transaction between the national banking association and the person.”;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) the term ‘derivative transaction’ includes any transaction that is a contract, agreement, swap, warrant, note, or option that is based, in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one or more commodities, securities, currencies, interest or other rates, indices, or other assets.”.

(b) SAVINGS ASSOCIATIONS.—Section 5(u)(3) of the Home Owners’ Loan Act (12 U.S.C. 1464(u)(3)) is amended by striking “Director” each place that term appears and inserting “Comptroller of the Currency”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the transfer date.

SEC. 611. APPLICATION OF NATIONAL BANK LENDING LIMITS TO INSURED STATE BANKS.

(a) AMENDMENT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

“(y) APPLICATION OF LENDING LIMITS TO INSURED STATE BANKS.—Section 5200 of the Revised Statutes of the United States (12 U.S.C. 84) shall apply to each insured State bank, in the same manner and to the same extent as if the insured State bank were a national banking association.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the transfer date.

SEC. 612. RESTRICTION ON CONVERSIONS OF TROUBLED BANKS.

(a) CONVERSION OF A NATIONAL BANKING ASSOCIATION TO A STATE BANK.—The Act entitled “An Act to provide for the conversion of national banking associations into and their merger or consolidation with State banks, and for other purposes.” (12 U.S.C. 214 et seq.) is amended by adding at the end the following:

“SEC. 10. PROHIBITION ON CONVERSION.

“A national banking association may not convert to a State bank or State savings association during any period in which the national banking association is subject to a cease and desist order (or other formal enforcement order) issued by, or a memorandum of understanding entered into with, the Comptroller of the Currency with respect to a significant supervisory matter.”.

(b) CONVERSION OF A STATE BANK TO A NATIONAL BANK.—Section 5154 of the Revised Statutes of the United States (12 U.S.C. 35) is amended by adding at the end the following: “The Comptroller of the Currency may not approve the conversion of a State bank or State savings association to a national banking association during any period in which the State bank or State savings association is subject to a cease and desist order (or other formal enforcement order) issued by, or a memorandum of understanding entered into with, a State bank supervisor or the appropriate Federal banking agency with respect to a significant supervisory matter.”.

(c) CONVERSION OF A FEDERAL SAVINGS ASSOCIATION TO A NATIONAL OR STATE BANK OR STATE SAVINGS ASSOCIATION.—Section 5(i) of the Home Owners’ Loan Act (12 U.S.C. 1464(i)) is amended by adding at the end the following:

“(6) LIMITATION ON CERTAIN CONVERSIONS BY FEDERAL SAVINGS ASSOCIATIONS.—A Federal savings association may not convert to a national bank or State bank or State savings association during any period in which the Federal savings association is subject to a cease and desist order (or other formal enforcement order) issued by, or a memorandum of understanding entered into with, the Office of Thrift Supervision or the Comptroller of the Currency with respect to a significant supervisory matter.”.

SEC. 613. DE NOVO BRANCHING INTO STATES.

(a) NATIONAL BANKS.—Section 5155(g)(1)(A) of the Revised Statutes of the United States (12

U.S.C. 36(g)(1)(A)) is amended to read as follows:

“(A) the law of the State in which the branch is located, or is to be located, would permit establishment of the branch, if the national bank were a State bank chartered by such State; and”.

(b) STATE INSURED BANKS.—Section 18(d)(4)(A)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(4)(A)(i)) is amended to read as follows:

“(i) the law of the State in which the branch is located, or is to be located, would permit establishment of the branch, if the bank were a State bank chartered by such State; and”.

SEC. 614. LENDING LIMITS TO INSIDERS.

(a) EXTENSIONS OF CREDIT.—Section 22(h)(9)(D)(i) of the Federal Reserve Act (12 U.S.C. 375b(9)(D)(i)) is amended—

(1) by striking the period at the end and inserting “; or”;

(2) by striking “a person” and inserting “the person”;

(3) by striking “extends credit by making” and inserting the following: “extends credit to a person by—

“(1) making”; and

(4) by adding at the end the following:

“(11) having credit exposure to the person arising from a derivative transaction (as defined in section 5200(b) of the Revised Statutes of the United States (12 U.S.C. 84(b))), repurchase agreement, reverse repurchase agreement, securities lending transaction, or securities borrowing transaction between the member bank and the person.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the transfer date.

SEC. 615. LIMITATIONS ON PURCHASES OF ASSETS FROM INSIDERS.

(a) AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

“(2) GENERAL PROHIBITION ON SALE OF ASSETS.—

“(1) IN GENERAL.—An insured depository institution may not purchase an asset from, or sell an asset to, an executive officer, director, or principal shareholder of the insured depository institution, or any related interest of such person (as such terms are defined in section 22(h) of Federal Reserve Act), unless—

“(A) the transaction is on market terms; and

“(B) if the transaction represents more than 10 percent of the capital stock and surplus of the insured depository institution, the transaction has been approved in advance by a majority of the members of the board of directors of the insured depository institution who do not have an interest in the transaction.

“(2) RULEMAKING.—The Board of Governors of the Federal Reserve System may issue such rules as may be necessary to define terms and to carry out the purposes this subsection. Before proposing or adopting a rule under this paragraph, the Board of Governors of the Federal Reserve System shall consult with the Comptroller of the Currency and the Corporation as to the terms of the rule.”.

(b) AMENDMENTS TO THE FEDERAL RESERVE ACT.—Section 22(d) of the Federal Reserve Act (12 U.S.C. 375) is amended to read as follows:

“(d) [Reserved].”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

SEC. 616. REGULATIONS REGARDING CAPITAL LEVELS OF HOLDING COMPANIES.

(a) CAPITAL LEVELS OF BANK HOLDING COMPANIES.—Section 5(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(b)) is amended by inserting after “regulations” the following:

“(including regulations relating to the capital requirements of bank holding companies)”.

(b) CAPITAL LEVELS OF SAVINGS AND LOAN HOLDING COMPANIES.—Section 10(g)(1) of the Home Owners’ Loan Act (12 U.S.C. 1467a(g)(1)) is amended by inserting after “orders” the following: “(including regulations relating to capital requirements for savings and loan holding companies)”.

(c) SOURCE OF STRENGTH.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 38 (12 U.S.C. 1831o) the following:

“SEC. 38A. SOURCE OF STRENGTH.

“(a) HOLDING COMPANIES.—The appropriate Federal banking agency for a bank holding company or savings and loan holding company shall require the bank holding company or savings and loan holding company to serve as a source of financial strength for any subsidiary of the bank holding company or savings and loan holding company that is a depository institution.

“(b) OTHER COMPANIES.—If an insured depository institution is not the subsidiary of a bank holding company or savings and loan holding company, the appropriate Federal banking agency for the insured depository institution shall require any company that directly or indirectly controls the insured depository institution to serve as a source of financial strength for such institution.

“(c) REPORTS.—The appropriate Federal banking agency for an insured depository institution described in subsection (b) may, from time to time, require the company, or a company that directly or indirectly controls the insured depository institution to submit a report, under oath, for the purposes of—

“(1) assessing the ability of such company to comply with the requirement under subsection (b); and

“(2) enforcing the compliance of such company with the requirement under subsection (b).

“(d) RULES.—Not later than 1 year after the transfer date, as defined in section 311 of the Enhancing Financial Institution Safety and Soundness Act of 2010, the appropriate Federal banking agencies shall jointly issue final rules to carry out this section.

“(e) DEFINITION.—In this section, the term ‘source of financial strength’ means the ability of a company that directly or indirectly owns or controls an insured depository institution to provide financial assistance to such insured depository institution in the event of the financial distress of the insured depository institution.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

SEC. 617. ELIMINATION OF ELECTIVE INVESTMENT BANK HOLDING COMPANY FRAMEWORK.

(a) AMENDMENT.—Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended—

(1) by striking subsection (i); and

(2) by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

SEC. 618. SECURITIES HOLDING COMPANIES.

(a) DEFINITIONS.—In this section—

(1) the term “associated person of a securities holding company” means a person directly or indirectly controlling, controlled by, or under common control with, a securities holding company;

(2) the term “foreign bank” has the same meaning as in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(b)(7));

(3) the term “insured bank” has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(4) the term “securities holding company”—
(A) means—
(i) a person (other than a natural person) that owns or controls 1 or more brokers or dealers registered with the Commission; and

(ii) the associated persons of a person described in clause (i); and

(B) does not include a person that is—
(i) a nonbank financial company supervised by the Board under title I;

(ii) an affiliate of an insured bank (other than an institution described in subparagraphs (D), (F), or (H) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)) or an affiliate of a savings association;

(iii) a foreign bank, foreign company, or company that is described in section 8(a) of the International Banking Act of 1978 (12 U.S.C. 3106(a));

(iv) a foreign bank that controls, directly or indirectly, a corporation chartered under section 25A of the Federal Reserve Act (12 U.S.C. 611 et seq.); or

(v) subject to comprehensive consolidated supervision by a foreign regulator;

(5) the term “supervised securities holding company” means a securities holding company that is supervised by the Board of Governors under this section; and

(6) the terms “affiliate”, “bank”, “bank holding company”, “company”, “control”, “savings association”, and “subsidiary” have the same meanings as in section 2 of the Bank Holding Company Act of 1956.

(b) SUPERVISION OF A SECURITIES HOLDING COMPANY NOT HAVING A BANK OR SAVINGS ASSOCIATION AFFILIATE.—

(1) IN GENERAL.—A securities holding company that is required by a foreign regulator or provision of foreign law to be subject to comprehensive consolidated supervision may register with the Board of Governors under paragraph (2) to become a supervised securities holding company. Any securities holding company filing such a registration shall be supervised in accordance with this section, and shall comply with the rules and orders prescribed by the Board of Governors applicable to supervised securities holding companies.

(2) REGISTRATION AS A SUPERVISED SECURITIES HOLDING COMPANY.—

(A) REGISTRATION.—A securities holding company that elects to be subject to comprehensive consolidated supervision shall register by filing with the Board of Governors such information and documents as the Board of Governors, by regulation, may prescribe as necessary or appropriate in furtherance of the purposes of this section.

(B) EFFECTIVE DATE.—A securities holding company that registers under subparagraph (A) shall be deemed to be a supervised securities holding company, effective on the date that is 45 days after the date of receipt of the registration information and documents under subparagraph (A) by the Board of Governors, or within such shorter period as the Board of Governors, by rule or order, may determine.

(c) SUPERVISION OF SECURITIES HOLDING COMPANIES.—

(1) RECORDKEEPING AND REPORTING.—

(A) RECORDKEEPING AND REPORTING REQUIRED.—Each supervised securities holding company and each affiliate of a supervised securities holding company shall make and keep for periods determined by the Board of Governors such records, furnish copies of such records, and make such reports, as the Board of Governors determines to be necessary or appropriate to carry out this section, to prevent evasions thereof, and to monitor compliance by the supervised securities holding company or affiliate with applicable provisions of law.

(B) FORM AND CONTENTS.—

(i) IN GENERAL.—Any record or report required to be made, furnished, or kept under this paragraph shall—

(I) be prepared in such form and according to such specifications (including certification by a registered public accounting firm), as the Board of Governors may require; and

(II) be provided promptly to the Board of Governors at any time, upon request by the Board of Governors.

(ii) CONTENTS.—Records and reports required to be made, furnished, or kept under this paragraph may include—

(I) a balance sheet or income statement of the supervised securities holding company or an affiliate of a supervised securities holding company;

(II) an assessment of the consolidated capital and liquidity of the supervised securities holding company;

(III) a report by an independent auditor attesting to the compliance of the supervised securities holding company with the internal risk management and internal control objectives of the supervised securities holding company; and

(IV) a report concerning the extent to which the supervised securities holding company or affiliate has complied with the provisions of this section and any regulations prescribed and orders issued under this section.

(2) USE OF EXISTING REPORTS.—

(A) IN GENERAL.—The Board of Governors shall, to the fullest extent possible, accept reports in fulfillment of the requirements of this paragraph that a supervised securities holding company or an affiliate of a supervised securities holding company has been required to provide to another regulatory agency or a self-regulatory organization.

(B) AVAILABILITY.—A supervised securities holding company or an affiliate of a supervised securities holding company shall promptly provide to the Board of Governors, at the request of the Board of Governors, any report described in subparagraph (A), as permitted by law.

(3) EXAMINATION AUTHORITY.—

(A) FOCUS OF EXAMINATION AUTHORITY.—The Board of Governors may make examinations of any supervised securities holding company and any affiliate of a supervised securities holding company to carry out this subsection, to prevent evasions thereof, and to monitor compliance by the supervised securities holding company or affiliate with applicable provisions of law.

(B) DEFERENCE TO OTHER EXAMINATIONS.—For purposes of this subparagraph, the Board of Governors shall, to the fullest extent possible, use the reports of examination made by other appropriate Federal or State regulatory authorities with respect to any functionally regulated subsidiary or any institution described in subparagraph (D), (F), or (H) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)).

(d) CAPITAL AND RISK MANAGEMENT.—

(1) IN GENERAL.—The Board of Governors shall, by regulation or order, prescribe capital adequacy and other risk management standards for supervised securities holding companies that are appropriate to protect the safety and soundness of the supervised securities holding companies and address the risks posed to financial stability by supervised securities holding companies.

(2) DIFFERENTIATION.—In imposing standards under this subsection, the Board of Governors may differentiate among supervised securities holding companies on an individual basis, or by category, taking into consideration the requirements under paragraph (3).

(3) CONTENT.—Any standards imposed on a supervised securities holding company under this subsection shall take into account—

(A) the differences among types of business activities carried out by the supervised securities holding company;

(B) the amount and nature of the financial assets of the supervised securities holding company;

(C) the amount and nature of the liabilities of the supervised securities holding company, including the degree of reliance on short-term funding;

(D) the extent and nature of the off-balance sheet exposures of the supervised securities holding company;

(E) the extent and nature of the transactions and relationships of the supervised securities holding company with other financial companies;

(F) the importance of the supervised securities holding company as a source of credit for households, businesses, and State and local governments, and as a source of liquidity for the financial system; and

(G) the nature, scope, and mix of the activities of the supervised securities holding company.

(4) NOTICE.—A capital requirement imposed under this subsection may not take effect earlier than 180 days after the date on which a supervised securities holding company is provided notice of the capital requirement.

(e) EXCEPTION FOR BANKS.—No bank shall be subject to any of the requirements set forth in subsections (c) and (d).

(f) OTHER PROVISIONS OF LAW APPLICABLE TO SUPERVISED SECURITIES HOLDING COMPANIES.—

(1) FEDERAL DEPOSIT INSURANCE ACT.—Subsections (b), (c) through (s), and (u) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) shall apply to any supervised securities holding company, and to any subsidiary (other than a bank or an institution described in subparagraph (D), (F), or (H) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2))) of a supervised securities holding company, in the same manner as such subsections apply to a bank holding company for which the Board of Governors is the appropriate Federal banking agency. For purposes of applying such subsections to a supervised securities holding company or a subsidiary (other than a bank or an institution described in subparagraph (D), (F), or (H) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2))) of a supervised securities holding company, the Board of Governors shall be deemed the appropriate Federal banking agency for the supervised securities holding company or subsidiary.

(2) BANK HOLDING COMPANY ACT OF 1956.—Except as the Board of Governors may otherwise provide by regulation or order, a supervised securities holding company shall be subject to the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) in the same manner and to the same extent a bank holding company is subject to such provisions, except that a supervised securities holding company may not, by reason of this paragraph, be deemed to be a bank holding company for purposes of section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843).

SEC. 619. RESTRICTIONS ON CAPITAL MARKET ACTIVITY BY BANKS AND BANK HOLDING COMPANIES.

(a) DEFINITIONS.—In this section—

(1) the terms “hedge fund” and “private equity fund” mean a company or other entity that is exempt from registration as an investment company pursuant to section 3(c)(1) or 3(c)(7) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(1) or 80a-3(c)(7)), or a similar fund, as jointly determined by the appropriate Federal banking agencies;

(2) the term “proprietary trading”—

(A) means purchasing or selling, or otherwise acquiring or disposing of, stocks, bonds, options, commodities, derivatives, or other financial instruments by an insured depository institution,

a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company, for the trading book (or such other portfolio as the Federal banking agencies may determine) of such institution, company, or subsidiary; and

(B) subject to such restrictions as the Federal banking agencies may determine, does not include purchasing or selling, or otherwise acquiring or disposing of, stocks, bonds, options, commodities, derivatives, or other financial instruments on behalf of a customer, as part of market making activities, or otherwise in connection with or in facilitation of customer relationships, including risk-mitigating hedging activities related to such a purchase, sale, acquisition, or disposal; and

(3) the term "sponsoring", when used with respect to a hedge fund or private equity fund, means—

(A) serving as a general partner, managing member, or trustee of the fund;

(B) in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund; or

(C) sharing with the fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

(b) PROHIBITION ON PROPRIETARY TRADING.—

(1) IN GENERAL.—Subject to the recommendations and modifications of the Council under subsection (g), and except as provided in paragraph (2) or (3), the appropriate Federal banking agencies shall, through a rulemaking under subsection (g), jointly prohibit proprietary trading by an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company.

(2) EXCEPTED OBLIGATIONS.—

(A) IN GENERAL.—The prohibition under this subsection shall not apply with respect to an investment that is otherwise authorized by Federal law in—

(i) obligations of the United States or any agency of the United States, including obligations fully guaranteed as to principal and interest by the United States or an agency of the United States;

(ii) obligations, participations, or other instruments of, or issued by, the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, including obligations fully guaranteed as to principal and interest by such entities; and

(iii) obligations of any State or any political subdivision of a State.

(B) CONDITIONS.—The appropriate Federal banking agencies may impose conditions on the conduct of investments described in subparagraph (A).

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) may be construed to grant any authority to any person that is not otherwise provided in Federal law.

(3) FOREIGN ACTIVITIES.—An investment or activity conducted by a company pursuant to paragraph (9) or (13) of section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) solely outside of the United States shall not be subject to the prohibition under paragraph (1), provided that the company is not directly or indirectly controlled by a company that is organized under the laws of the United States or of a State.

(c) PROHIBITION ON SPONSORING AND INVESTING IN HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to the recommendations and modifications of the Council under subsection (g), the appropriate Federal banking agencies shall, through a rulemaking under subsection (g), jointly prohibit an insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or any subsidiary of such institution or company, from sponsoring or investing in a hedge fund or a private equity fund.

(2) APPLICATION TO FOREIGN ACTIVITIES OF FOREIGN FIRMS.—An investment or activity conducted by a company pursuant to paragraph (9) or (13) of section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) solely outside of the United States shall not be subject to the prohibitions and restrictions under paragraph (1), provided that the company is not directly or indirectly controlled by a company that is organized under the laws of the United States or of a State.

(d) INVESTMENTS IN SMALL BUSINESS INVESTMENT COMPANIES AND INVESTMENTS DESIGNED TO PROMOTE THE PUBLIC WELFARE.—

(1) IN GENERAL.—A prohibition imposed by the appropriate Federal banking agencies under subsection (c) shall not apply with respect to an investment otherwise authorized under Federal law that is—

(A) an investment in a small business investment company, as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); or

(B) designed primarily to promote the public welfare, as provided in the 11th paragraph of section 5136 of the Revised Statutes (12 U.S.C. 24).

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed to grant any authority to any person that is not otherwise provided in Federal law.

(e) LIMITATIONS ON RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

(1) COVERED TRANSACTIONS.—An insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund may not enter into a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c) with such hedge fund or private equity fund.

(2) AFFILIATION.—An insured depository institution, a company that controls, directly or indirectly, an insured depository institution or is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), and any subsidiary of such institution or company that serves, directly or indirectly, as the investment manager or investment adviser to a hedge fund or private equity fund shall be subject to section 23B of the Federal Reserve Act (12 U.S.C. 371c–1) as if such institution, company, or subsidiary were a member bank and such hedge fund or private equity fund were an affiliate.

(f) CAPITAL AND QUANTITATIVE LIMITATIONS FOR CERTAIN NONBANK FINANCIAL COMPANIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to the recommendations and modifications of the Council under subsection (g), the Board of Governors shall adopt rules imposing additional capital requirements and specifying additional quantitative limits for nonbank financial companies supervised by the Board of Governors under section 113 that en-

gage in proprietary trading or sponsoring and investing in hedge funds and private equity funds.

(2) EXCEPTIONS.—The rules under this subsection shall not apply with respect to the trading of an investment that is otherwise authorized by Federal law—

(A) in obligations of the United States or any agency of the United States, including obligations fully guaranteed as to principal and interest by the United States or an agency of the United States;

(B) in obligations, participations, or other instruments of, or issued by, the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, including obligations fully guaranteed as to principal and interest by such entities;

(C) in obligations of any State or any political subdivision of a State;

(D) in a small business investment company, as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); or

(E) that is designed primarily to promote the public welfare, as provided in the 11th paragraph of section 5136 of the Revised Statutes (12 U.S.C. 24).

(g) COUNCIL STUDY AND RULEMAKING.—

(1) STUDY AND RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this Act, the Council—

(A) shall complete a study of the definitions under subsection (a) and the other provisions under subsections (b) through (f), to assess the extent to which the definitions under subsection (a) and the implementation of subsections (a) through (f) would—

(i) promote and enhance the safety and soundness of depository institutions and the affiliates of depository institutions;

(ii) protect taxpayers and enhance financial stability by minimizing the risk that depository institutions and the affiliates of depository institutions will engage in unsafe and unsound activities;

(iii) limit the inappropriate transfer of Federal subsidies from institutions that benefit from deposit insurance and liquidity facilities of the Federal Government to unregulated entities;

(iv) reduce inappropriate conflicts of interest between the self-interest of depository institutions, affiliates of depository institutions, and financial companies supervised by the Board, and the interests of the customers of such institutions and companies;

(v) raise the cost of credit or other financial services, reduce the availability of credit or other financial services, or impose other costs on households and businesses in the United States;

(vi) limit activities that have caused undue risk or loss in depository institutions, affiliates of depository institutions, and financial companies supervised by the Board of Governors, or that might reasonably be expected to create undue risk or loss in such institutions, affiliates, and companies; and

(vii) appropriately accommodates the business of insurance within an insurance company subject to regulation in accordance with State insurance company investment laws;

(B) shall make recommendations regarding the definitions under subsection (a) and the implementation of other provisions under subsections (b) through (f), including any modifications to the definitions, prohibitions, requirements, and limitations contained therein that the Council determines would more effectively implement the purposes of this section; and

(C) may make recommendations for prohibiting the conduct of the activities described in subsections (b) and (c) above a specific threshold amount and imposing additional capital requirements on activities conducted below such threshold amount.

(2) **RULEMAKING.**—Not earlier than the date of completion of the study required under paragraph (1), and not later than 9 months after the date of completion of such study—

(A) the appropriate Federal banking agencies shall jointly issue final regulations implementing subsections (b) through (e), which shall reflect any recommendations or modifications made by the Council pursuant to paragraph (1)(B); and

(B) the Board of Governors shall issue final regulations implementing subsection (f), which shall reflect any recommendations or modifications made by the Council pursuant to paragraph (1)(B).

(h) **TRANSITION.**—

(1) **IN GENERAL.**—The final regulations issued by the appropriate Federal banking agencies and the Board of Governors under subsection (g)(2) shall provide that, effective 2 years after the date on which such final regulations are issued, no insured depository institution, company that controls, directly or indirectly, an insured depository institution, company that is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or subsidiary of such institution or company, may retain any investment or relationship prohibited under such regulations.

(2) **EXTENSION.**—

(A) **IN GENERAL.**—The appropriate Federal banking agency for an insured depository institution or a company described in paragraph (1) may, upon the application of any such company, extend the 2-year period under paragraph (1) with respect to such company, if the appropriate Federal banking agency determines that an extension would not be detrimental to the public interest.

(B) **TIME PERIOD FOR EXTENSION.**—An extension granted under subparagraph (A) may not exceed—

(i) 1 year for each determination made by the appropriate Federal banking agency under subparagraph (A); and

(ii) a total of 3 years with respect to any 1 company.

SEC. 620. CONCENTRATION LIMITS ON LARGE FINANCIAL FIRMS.

The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

“SEC. 13. CONCENTRATION LIMITS ON LARGE FINANCIAL FIRMS.

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘Council’ means the Financial Stability Oversight Council;

“(2) the term ‘financial company’ means—

“(A) an insured depository institution;

“(B) a bank holding company;

“(C) a savings and loan holding company;

“(D) a company that controls an insured depository institution;

“(E) a nonbank financial company supervised by the Board under title I of the Restoring American Financial Stability Act of 2010; and

“(F) a foreign bank or company that is treated as a bank holding company for purposes of this Act; and

“(3) the term ‘liabilities’ means—

“(A) with respect to a United States financial company—

“(i) the total risk-weighted assets of the financial company, as determined under the risk-based capital rules applicable to bank holding companies, as adjusted to reflect exposures that are deducted from regulatory capital; less

“(ii) the total regulatory capital of the financial company under the risk-based capital rules applicable to bank holding companies;

“(B) with respect to a foreign-based financial company—

“(i) the total risk-weighted assets of the United States operations of the financial com-

pany, as determined under the applicable risk-based capital rules, as adjusted to reflect exposures that are deducted from regulatory capital; less

“(ii) the total regulatory capital of the United States operations of the financial company, as determined under the applicable risk-based capital rules; and

“(C) with respect to an insurance company or other nonbank financial company supervised by the Board, such assets of the company as the Board shall specify by rule, in order to provide for consistent and equitable treatment of such companies.

“(b) **CONCENTRATION LIMIT.**—Subject to the recommendations by the Council under subsection (e), a financial company may not merge or consolidate with, acquire all or substantially all of the assets of, or otherwise acquire control of, another company, if the total consolidated liabilities of the acquiring financial company upon consummation of the transaction would exceed 10 percent of the aggregate consolidated liabilities of all financial companies at the end of the calendar year preceding the transaction.

“(c) **EXCEPTION TO CONCENTRATION LIMIT.**—With the prior written consent of the Board, the concentration limit under subsection (b) shall not apply to an acquisition—

“(1) of a bank in default or in danger of default;

“(2) with respect to which assistance is provided by the Federal Deposit Insurance Corporation under section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)); or

“(3) that would result only in a de minimis increase in the liabilities of the financial company.

“(d) **RULEMAKING AND GUIDANCE.**—The Board shall issue regulations implementing this section in accordance with the recommendations of the Council under subsection (e), including the definition of terms, as necessary. The Board may issue interpretations or guidance regarding the application of this section to an individual financial company or to financial companies in general.

“(e) **COUNCIL STUDY AND RULEMAKING.**—

“(1) **STUDY AND RECOMMENDATIONS.**—Not later than 6 months after the date of enactment of this section, the Council shall—

“(A) complete a study of the extent to which the concentration limit under this section would affect financial stability, moral hazard in the financial system, the efficiency and competitiveness of United States financial firms and financial markets, and the cost and availability of credit and other financial services to households and businesses in the United States; and

“(B) make recommendations regarding any modifications to the concentration limit that the Council determines would more effectively implement this section.

“(2) **RULEMAKING.**—Not later than 9 months after the date of completion of the study under paragraph (1), and notwithstanding subsections (b) and (d), the Board shall issue final regulations implementing this section, which shall reflect any recommendations by the Council under paragraph (1)(B).”

TITLE VII—WALL STREET TRANSPARENCY AND ACCOUNTABILITY

SEC. 701. SHORT TITLE.

This title may be cited as the “Wall Street Transparency and Accountability Act of 2010”.

Subtitle A—Regulation of Over-the-Counter Swaps Markets

PART I—REGULATORY AUTHORITY

SEC. 711. DEFINITIONS.

In this subtitle, the terms “prudential regulator”, “swap”, “swap dealer”, “major swap participant”, “swap data repository”, “associated person of a swap dealer or major swap par-

ticipant”, “eligible contract participant”, “swap execution facility”, “security-based swap”, “security-based swap dealer”, “major security-based swap participant”, “swap data repository”, and “associated person of a security-based swap dealer or major security-based swap participant” have the meanings given the terms in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

SEC. 712. REVIEW OF REGULATORY AUTHORITY.

(a) **REGULATORY AUTHORITY.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (4) and (8), the Commodity Futures Trading Commission and the Securities and Exchange Commission shall each prescribe such regulations as may be necessary to carry out the purposes of this title.

(2) **COORDINATION, CONSISTENCY, AND COMPARABILITY.**—Both Commissions required under paragraph (1) to prescribe regulations shall consult and coordinate with each other for the purposes of assuring, to the extent possible, that the regulations prescribed by each such Commission are consistent and comparable with the regulations prescribed by the other.

(3) **PROCEDURES AND DEADLINE.**—Such regulations shall be prescribed in accordance with applicable requirements of title 5, United States Code, and, shall be issued in final form not later than 180 days after the date of enactment of this Act.

(4) **APPLICABILITY.**—The requirements of paragraph (1) shall not apply to an order issued—

(A) in connection with or arising from a violation or potential violation of any provision of the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) in connection with or arising from a violation or potential violation of any provision of the securities laws; or

(C) in any proceeding that is conducted on the record in accordance with sections 556 and 557 of title 5, United States Code.

(5) **EFFECT.**—Nothing in this subsection authorizes any consultation or procedure for consultation that is not consistent with the requirements of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(6) **RULES; ORDERS.**—In developing and promulgating rules or orders pursuant to this subsection, each Commission shall consider the views of the prudential regulators.

(7) **TREATMENT OF SIMILAR PRODUCTS AND ENTITIES.**—

(A) **IN GENERAL.**—In adopting rules and orders under this subsection, the Commodity Futures Trading Commission and the Securities and Exchange Commission shall treat functionally or economically similar products or entities described in paragraphs (1) and (2) in a similar manner.

(B) **EFFECT.**—Nothing in this subtitle requires the Commodity Futures Trading Commission or the Securities and Exchange Commission to adopt joint rules or orders that treat functionally or economically similar products or entities described in paragraphs (1) and (2) in an identical manner.

(8) **MIXED SWAPS.**—The Commodity Futures Trading Commission and the Securities and Exchange Commission shall jointly prescribe such regulations regarding mixed swaps, as described in section 1a(47)(D) of the Commodity Exchange Act (7 U.S.C. 1a(47)(D)) and in section (68)(D) of the Securities Exchange Act of 1934 (15 U.S.C. (68)(D)), as may be necessary to carry out the purposes of this title.

(b) **LIMITATION.**—

(1) **COMMODITY FUTURES TRADING COMMISSION.**—Nothing in this title, unless specifically provided, confers jurisdiction on the Commodity Futures Trading Commission to issue a rule,

regulation, or order providing for oversight or regulation of—

(A) security-based swaps; or
(B) with regard to its activities or functions concerning security-based swaps—

- (i) security-based swap dealers;
- (ii) major security-based swap participants;
- (iii) security-based swap data repositories;
- (iv) persons associated with a security-based swap dealer or major security-based swap participant;
- (v) eligible contract participants with respect to security-based swaps; or
- (vi) swap execution facilities with respect to security-based swaps.

(2) SECURITIES AND EXCHANGE COMMISSION.—Nothing in this title, unless specifically provided, confers jurisdiction on the Securities and Exchange Commission or State securities regulators to issue a rule, regulation, or order providing for oversight or regulation of—

- (A) swaps; or
- (B) with regard to its activities or functions concerning swaps—
 - (i) swap dealers;
 - (ii) major swap participants;
 - (iii) swap data repositories;
 - (iv) persons associated with a swap dealer or major swap participant;
 - (v) eligible contract participants with respect to swaps; or
 - (vi) swap execution facilities with respect to swaps.

(3) PROHIBITION ON CERTAIN FUTURES ASSOCIATIONS AND NATIONAL SECURITIES ASSOCIATIONS.—

(A) FUTURES ASSOCIATIONS.—Notwithstanding any other provision of law (including regulations), unless otherwise authorized by this title, no futures association registered under section 17 of the Commodity Exchange Act (7 U.S.C. 21) may issue a rule, regulation, or order for the oversight or regulation of, or otherwise assert jurisdiction over, for any purpose, any security-based swap, except that this shall not limit the authority of a national futures association to examine for compliance with and enforce its rules on advertising and capital adequacy.

(B) NATIONAL SECURITIES ASSOCIATIONS.—Notwithstanding any other provision of law (including regulations), unless otherwise authorized by this title, no national securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) may issue a rule, regulation, or order for the oversight or regulation of, or otherwise assert jurisdiction over, for any purpose, any swap, except that this shall not limit the authority of a national securities association to examine for compliance with and enforce its rules on advertising and capital adequacy.

(c) OBJECTION TO COMMISSION REGULATION.—

(1) FILING OF PETITION FOR REVIEW.—

(A) IN GENERAL.—If either Commission referred to in this section determines that a final rule, regulation, or order of the other Commission conflicts with subsection (a)(4) or (b), then the complaining Commission may obtain review of the final rule, regulation, or order in the United States Court of Appeals for the District of Columbia Circuit by filing in the court, not later than 60 days after the date of publication of the final rule, regulation, or order, a written petition requesting that the rule, regulation, or order be set aside.

(B) EXPEDITED PROCEEDING.—A proceeding described in subparagraph (A) shall be expedited by the United States Court of Appeals for the District of Columbia Circuit.

(2) TRANSMITTAL OF PETITION AND RECORD.—

(A) IN GENERAL.—A copy of a petition described in paragraph (1) shall be transmitted not later than 1 business day after the date of filing by the complaining Commission to the Secretary of the responding Commission.

(B) DUTY OF RESPONDING COMMISSION.—On receipt of the copy of a petition described in paragraph (1), the responding Commission shall file with the United States Court of Appeals for the District of Columbia Circuit—

- (i) a copy of the rule, regulation, or order under review (including any documents referred to therein); and
- (ii) any other materials prescribed by the United States Court of Appeals for the District of Columbia Circuit.

(3) STANDARD OF REVIEW.—The United States Court of Appeals for the District of Columbia Circuit shall—

- (A) give deference to the views of neither Commission; and
- (B) determine to affirm or set aside a rule, regulation, or order of the responding Commission under this subsection, based on the determination of the court as to whether the rule, regulation, or order is in conflict with subsection (a)(4) or (b), as applicable.

(4) JUDICIAL STAY.—The filing of a petition by the complaining Commission pursuant to paragraph (1) shall operate as a stay of the rule, regulation, or order until the date on which the determination of the United States Court of Appeals for the District of Columbia Circuit is final (including any appeal of the determination).

(d) ADOPTION OF RULES ON UNCLEARED SWAPS.—Notwithstanding subsections (b) and (c), the Commodity Futures Trading Commission and the Securities and Exchange Commission shall, after consulting with each other Commission, adopt rules—

(1) to require the maintenance of records of all activities relating to transactions in swaps and security-based swaps under the respective jurisdictions of the Commodity Futures Trading Commission and the Securities and Exchange Commission that are uncleared;

(2) to make available, consistent with section 8 of the Commodity Exchange Act (7 U.S.C. 12), to the Securities and Exchange Commission information relating to swaps transactions that are uncleared; and

(3) to make available to the Commodity Futures Trading Commission information relating to security-based swaps transactions that are uncleared.

(e) DEFINITIONS.—Notwithstanding subsections (b) and (c), the Commodity Futures Trading Commission and the Securities and Exchange Commission shall jointly adopt rules to define the term “security-based swap agreement” in section 1a(47)(A)(v) of the Commodity Exchange Act (7 U.S.C. 1a(47)(A)(v)) and in section 3(a)(78) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(78)).

(f) GLOBAL RULEMAKING TIMEFRAME.—Unless otherwise provided in a particular provision of this title, or an amendment made by this title, the Commodity Futures Trading Commission or the Securities and Exchange Commission, or both, shall individually, and not jointly, promulgate rules and regulations required of each Commission under this title or an amendment made by this title not later than 180 days after the date of enactment of this Act.

(g) EXPEDITED RULEMAKING PROCESS.—The Commodity Futures Trading Commission or the Securities and Exchange Commission, or both, may use emergency and expedited procedures (including any administrative or other procedure as appropriate) to carry out this title and the amendments made by this title if, in either of the Commissions’ discretion, it considers it necessary to do so.

SEC. 713. RECOMMENDATIONS FOR CHANGES TO PORTFOLIO MARGINING LAWS.

Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the prudential regu-

lators shall submit to the appropriate committees of Congress recommendations for legislative changes to the Federal laws to facilitate the portfolio margining of securities and commodity futures and options, commodity options, swaps, and other financial instrument positions.

SEC. 714. ABUSIVE SWAPS.

The Commodity Futures Trading Commission or the Securities and Exchange Commission, or both, individually may, by rule or order—

(1) collect information as may be necessary concerning the markets for any types of—

(A) swap (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)); or

(B) security-based swap (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)); and

(2) issue a report with respect to any types of swaps or security-based swaps that the Commodity Futures Trading Commission or the Securities and Exchange Commission determines to be detrimental to—

(A) the stability of a financial market; or

(B) participants in a financial market.

SEC. 715. AUTHORITY TO PROHIBIT PARTICIPATION IN SWAP ACTIVITIES.

Except as provided in section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 738), if the Commodity Futures Trading Commission or the Securities and Exchange Commission determines that the regulation of swaps or security-based swaps markets in a foreign country undermines the stability of the United States financial system, either Commission, in consultation with the Secretary of the Treasury, may prohibit an entity domiciled in the foreign country from participating in the United States in any swap or security-based swap activities.

SEC. 716. PROHIBITION AGAINST FEDERAL GOVERNMENT BAILOUTS OF SWAPS ENTITIES.

(a) PROHIBITION ON FEDERAL ASSISTANCE.—Notwithstanding any other provision of law (including regulations), no Federal assistance may be provided to any swaps entity with respect to any swap, security-based swap, or other activity of the swaps entity.

(b) DEFINITIONS.—In this section:

(1) FEDERAL ASSISTANCE.—The term “Federal assistance” means the use of any funds, including advances from any Federal Reserve credit facility, discount window, or pursuant to the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343) (relating to emergency lending authority), Federal Deposit Insurance Corporation insurance, or guarantees for the purpose of—

(A) making any loan to, or purchasing any stock, equity interest, or debt obligation of, any swaps entity;

(B) purchasing the assets of any swaps entity;

(C) guaranteeing any loan or debt issuance of any swaps entity; or

(D) entering into any assistance arrangement (including tax breaks), loss sharing, or profit sharing with any swaps entity.

(2) SWAPS ENTITY.—The term “swaps entity” means any swap dealer, security-based swap dealer, major swap participant, major security-based swap participant, swap execution facility, designated contract market, national securities exchange, central counterparty, clearing house, clearing agency, or derivatives clearing organization that is registered under—

(A) the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.); or

(C) any other Federal or State law (including regulations).

SEC. 717. NEW PRODUCT APPROVAL—CFTC—SEC PROCESS.

(a) AMENDMENTS TO THE COMMODITY EXCHANGE ACT.—Section 2(a)(1)(C) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(C)) is amended—

(1) in clause (i) by striking “This” and inserting “(I) Except as provided in subclause (II), this”; and

(2) by adding at the end of clause (i) the following:

“(II) This Act shall apply to and the Commission shall have jurisdiction with respect to accounts, agreements, and transactions involving, and may permit the listing for trading pursuant to section 5c(c) of, a put, call, or other option on 1 or more securities (as defined in section 2(a)(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934 on the date of enactment of the Futures Trading Act of 1982), including any group or index of such securities, or any interest therein or based on the value thereof, that is exempted by the Securities and Exchange Commission pursuant to section 36(a)(1) of the Securities Exchange Act of 1934 with the condition that the Commission exercise concurrent jurisdiction over such put, call, or other option; provided, however, that nothing in this paragraph shall be construed to affect the jurisdiction and authority of the Securities and Exchange Commission over such put, call, or other option.”

(b) AMENDMENT TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 is amended by adding the following section after section 3A (15 U.S.C. 78c-1):

“SEC. 3B. SECURITIES-RELATED DERIVATIVES.

“(a) Any agreement, contract, or transaction (or class thereof) that is exempted by the Commodity Futures Trading Commission pursuant to section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) with the condition that the Commission exercise concurrent jurisdiction over such agreement, contract, or transaction (or class thereof) shall be deemed a security for purposes of the securities laws.

“(b) With respect to any agreement, contract, or transaction (or class thereof) that is exempted by the Commodity Futures Trading Commission pursuant to section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) with the condition that the Commission exercise concurrent jurisdiction over such agreement, contract, or transaction (or class thereof), references in the securities laws to the ‘purchase’ or ‘sale’ of a security shall be deemed to include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under such agreement, contract, or transaction, as the context may require.”

(c) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

“(10) Notwithstanding the provisions of paragraph (2), the time period within which the Commission is required by order to approve a proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved is stayed pending a determination by the Commission upon the request of the Commodity Futures Trading Commission or its Chairman that the Commission issue a determination as to whether a product that is the subject of such proposed rule change is a security pursuant to section 718 of the Wall Street Transparency and Accountability Act of 2010.”

(d) AMENDMENT TO COMMODITY EXCHANGE ACT.—Section 5c(c)(1) of the Commodity Exchange Act (7 U.S.C. 7a-2(c)(1)) is amended—

(1) by striking “Subject to paragraph (2)” and inserting the following:

“(A) ELECTION.—Subject to paragraph (2)”; and

(2) by adding at the end the following:

“(B) CERTIFICATION.—The certification of a product pursuant to this paragraph shall be stayed pending a determination by the Commission upon the request of the Securities and Exchange Commission or its Chairman that the Commission issue a determination as to whether the product that is the subject of such certification is a contract of sale of a commodity for future delivery, an option on such a contract, or an option on a commodity pursuant to section 718 of the Wall Street Transparency and Accountability Act of 2010.”

SEC. 718. DETERMINING STATUS OF NOVEL DERIVATIVE PRODUCTS.

(a) PROCESS FOR DETERMINING THE STATUS OF A NOVEL DERIVATIVE PRODUCT.—

(1) NOTICE.—

(A) IN GENERAL.—Any person filing a proposal to list or trade a novel derivative product that may have elements of both securities and contracts of sale of a commodity for future delivery (or options on such contracts or options on commodities) may concurrently provide notice and furnish a copy of such filing with both the Securities and Exchange Commission and the Commodity Futures Trading Commission. Any such notice shall state that notice has been made with both Commissions.

(B) NOTIFICATION.—If no concurrent notice is made pursuant to subparagraph (A), within 5 business days after determining that a proposal that seeks to list or trade a novel derivative product may have elements of both securities and contracts of sale of a commodity for future delivery (or options on such contracts or options on commodities), the Securities and Exchange Commission or the Commodity Futures Trading Commission, as applicable, shall notify the other Commission and provide a copy of such filing to the other Commission.

(2) REQUEST FOR DETERMINATION.—

(A) IN GENERAL.—No later than 21 days after receipt of a notice under paragraph (1), or upon its own initiative if no such notice is received, the Commodity Futures Trading Commission may request that the Securities and Exchange Commission issue a determination as to whether a product is a security, as defined in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)).

(B) REQUEST.—No later than 21 days after receipt of a notice under paragraph (1), or upon its own initiative if no such notice is received, the Securities and Exchange Commission may request that the Commodity Futures Trading Commission issue a determination as to whether a product is a contract of sale of a commodity for future delivery, an option on such a contract, or an option on a commodity subject to the Commodity Futures Trading Commission's exclusive jurisdiction under section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(A)).

(C) REQUIREMENT RELATING TO REQUEST.—A request under subparagraph (A) or (B) shall be made by submitting such request, in writing, to the Securities and Exchange Commission or the Commodity Futures Trading Commission, as applicable.

(D) EFFECT.—Nothing in this paragraph shall be construed to prevent—

(i) the Commodity Futures Trading Commission from requesting that the Securities and Exchange Commission grant an exemption pursuant to section 36(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78mm(a)(1)) with respect to a product that is the subject of a filing under paragraph (1); or

(ii) the Securities and Exchange Commission from requesting that the Commodity Futures Trading Commission grant an exemption pursuant to section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) with respect to a

product that is the subject of a filing under paragraph (1).

Provided, however, that nothing in this subparagraph shall be construed to require the Commodity Futures Trading Commission or the Securities and Exchange Commission to issue an exemption requested pursuant to this subparagraph; provided further, That an order granting or denying an exemption described in this subparagraph and issued under paragraph (3)(B) shall not be subject to judicial review pursuant to subsection (b).

(E) WITHDRAWAL OF REQUEST.—A request under subparagraph (A) or (B) may be withdrawn by the Commission making the request at any time prior to a determination being made pursuant to paragraph (3) for any reason by providing written notice to the head of the other Commission.

(3) DETERMINATION.—Notwithstanding any other provision of law, no later than 120 days after the date of receipt of a request—

(A) under subparagraph (A) or (B) of paragraph (2), unless such request has been withdrawn pursuant to paragraph (2)(E), the Securities and Exchange Commission or the Commodity Futures Trading Commission, as applicable, shall, by order, issue the determination requested in subparagraph (A) or (B) of paragraph (2), as applicable, and the reasons therefore; or

(B) under paragraph (2)(D), unless such request has been withdrawn, the Securities and Exchange Commission or the Commodity Futures Trading Commission, as applicable, shall grant an exemption or provide reasons for not granting such exemption, provided that any decision by the Securities and Exchange Commission not to grant such exemption shall not be reviewable under section 25 of the Securities Exchange Act of 1934 (15 U.S.C. 78y).

(b) JUDICIAL RESOLUTION.—

(1) IN GENERAL.—The Commodity Futures Trading Commission or the Securities and Exchange Commission may petition the United States Court of Appeals for the District of Columbia Circuit for review of a final order of the other Commission, with respect to a novel derivative product that may have elements of both securities and contracts of sale of a commodity for future delivery (or options on such contracts or options on commodities) that it believes affects its statutory jurisdiction, including an order or orders issued under subsection (a)(3)(A), by filing in such court, within 60 days after the date of entry of such order, a written petition requesting a review of the order. Any such proceeding shall be expedited by the Court of Appeals.

(2) TRANSMITTAL OF PETITION AND RECORD.—A copy of a petition described in paragraph (1) shall be transmitted not later than 1 business day after filing by the complaining Commission to the responding Commission. On receipt of the petition, the responding Commission shall file with the court a copy of the order under review and any documents referred to therein, and any other materials prescribed by the court.

(3) STANDARD OF REVIEW.—The court, in considering a petition filed pursuant to paragraph (1), shall give no deference to, or presumption in favor of, the views of either Commission.

(4) JUDICIAL STAY.—The filing of a petition by the complaining Commission pursuant to paragraph (1) shall operate as a stay of the order, until the date on which the determination of the court is final (including any appeal of the determination).

PART II—REGULATION OF SWAP MARKETS**SEC. 721. DEFINITIONS.**

(a) IN GENERAL.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (2), (3) and (4), (5) through (17), (18) through (23), (24)

through (28), (29), (30), (31) through (33), and (34) as paragraphs (6), (8) and (9), (11) through (23), (26) through (31), (34) through (38), (40), (41), (44) through (46), and (51), respectively;

(2) by inserting after paragraph (1) the following:

“(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term ‘appropriate Federal banking agency’ has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

“(3) ASSOCIATED PERSON OF A SECURITY-BASED SWAP DEALER OR MAJOR SECURITY-BASED SWAP PARTICIPANT.—The term ‘associated person of a security-based swap dealer or major security-based swap participant’ has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

“(4) ASSOCIATED PERSON OF A SWAP DEALER OR MAJOR SWAP PARTICIPANT.—

“(A) IN GENERAL.—The term ‘associated person of a swap dealer or major swap participant’ means—

“(i) any partner, officer, director, or branch manager of a swap dealer or major swap participant (including any individual who holds a similar status or performs a similar function with respect to any partner, officer, director, or branch manager of a swap dealer or major swap participant);

“(ii) any person that directly or indirectly controls, is controlled by, or is under common control with, a swap dealer or major swap participant; and

“(iii) any employee of a swap dealer or major swap participant.

“(B) EXCLUSION.—Other than for purposes of section 4s(b)(6), the term ‘associated person of a swap dealer or major swap participant’ does not include any person associated with a swap dealer or major swap participant the functions of which are solely clerical or ministerial.

“(5) BOARD.—The term ‘Board’ means the Board of Governors of the Federal Reserve System.”;

(3) by inserting after paragraph (6) (as redesignated by paragraph (1)) the following:

“(7) CLEARED SWAP.—The term ‘cleared swap’ means any swap that is, directly or indirectly, submitted to and cleared by a derivatives clearing organization registered with the Commission.”;

(4) in paragraph (9) (as redesignated by paragraph (1)), by striking “except onions” and all that follows through the period at the end and inserting the following: “except onions (as provided in section 13–1) and motion picture box office receipts (or any index, measure, value, or data related to such receipts), and all services, rights, and interests (except motion picture box office receipts, or any index, measure, value or data related to such receipts) in which contracts for future delivery are presently or in the future dealt in.”;

(5) by inserting after paragraph (9) (as redesignated by paragraph (1)) the following:

“(10) COMMODITY POOL.—

“(A) IN GENERAL.—The term ‘commodity pool’ means any investment trust, syndicate, or similar form of enterprise operated for the purpose of trading in commodity interests, including any—

“(i) commodity for future delivery, security futures product, or swap;

“(ii) agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

“(iii) commodity option authorized under section 4c; or

“(iv) leverage transaction authorized under section 19.

“(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term ‘commodity pool’ any in-

vestment trust, syndicate, or similar form of enterprise if the Commission determines that the rule or regulation will effectuate the purposes of this Act.”;

(6) by striking paragraph (11) (as redesignated by paragraph (1)) and inserting the following:

“(11) COMMODITY POOL OPERATOR.—

“(A) IN GENERAL.—The term ‘commodity pool operator’ means any person—

“(i) engaged in a business that is of the nature of a commodity pool, investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in commodity interest, including any—

“(I) commodity for future delivery, security futures product, or swap;

“(II) agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

“(III) commodity option authorized under section 4c; or

“(IV) leverage transaction authorized under section 19; or

“(ii) who is registered with the Commission as a commodity pool operator.

“(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term ‘commodity pool operator’ any person engaged in a business that is of the nature of a commodity pool, investment trust, syndicate, or similar form of enterprise if the Commission determines that the rule or regulation will effectuate the purposes of this Act.”;

(7) in paragraph (12) (as redesignated by paragraph (1)), in subparagraph (A)—

(A) in clause (i)—

(i) in subclause (I), by striking “made or to be made on or subject to the rules of a contract market or derivatives transaction execution facility” and inserting “, security futures product, or swap”;

(ii) by redesignating subclauses (II) and (III) as subclauses (III) and (IV);

(iii) by inserting after subclause (I) the following:

“(II) any agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i)”;

(iv) in subclause (IV) (as so redesignated), by striking “or”;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(iii) is registered with the Commission as a commodity trading advisor; or

“(iv) the Commission, by rule or regulation, may include if the Commission determines that the rule or regulation will effectuate the purposes of this Act.”;

(8) in paragraph (17) (as redesignated by paragraph (1)), in subparagraph (A), in the matter preceding clause (i), by striking “paragraph (12)(A)” and inserting “paragraph (18)(A)”;

(9) in paragraph (18) (as redesignated by paragraph (1))—

(A) in subparagraph (A)—

(i) in the matter following clause (vii)(III)—

(I) by striking “section 1a (11)(A)” and inserting “paragraph (17)(A)”;

(II) by striking “\$25,000,000” and inserting “\$50,000,000”; and

(ii) in clause (xi), in the matter preceding subclause (I), by striking “total assets in an amount” and inserting “amounts invested on a discretionary basis, the aggregate of which is”;

(10) by striking paragraph (22) (as redesignated by paragraph (1)) and inserting the following:

“(22) FLOOR BROKER.—

“(A) IN GENERAL.—The term ‘floor broker’ means any person—

“(i) who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, shall purchase or sell for any other person—

“(I) any commodity for future delivery, security futures product, or swap; or

“(II) any commodity option authorized under section 4c; or

“(ii) who is registered with the Commission as a floor broker.

“(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term ‘floor broker’ any person in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged who trades for any other person if the Commission determines that the rule or regulation will effectuate the purposes of this Act.”;

(11) by striking paragraph (23) (as redesignated by paragraph (1)) and inserting the following:

“(23) FLOOR TRADER.—

“(A) IN GENERAL.—The term ‘floor trader’ means any person—

“(i) who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, purchases, or sells solely for such person’s own account—

“(I) any commodity for future delivery, security futures product, or swap; or

“(II) any commodity option authorized under section 4c; or

“(ii) who is registered with the Commission as a floor trader.

“(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term ‘floor trader’ any person in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged who trades solely for such person’s own account if the Commission determines that the rule or regulation will effectuate the purposes of this Act.”;

(12) by inserting after paragraph (23) (as redesignated by paragraph (1)) the following:

“(24) FOREIGN EXCHANGE FORWARD.—The term ‘foreign exchange forward’ means a transaction that solely involves the exchange of 2 different currencies on a specific future date at a fixed rate agreed upon on the inception of the contract covering the exchange.

“(25) FOREIGN EXCHANGE SWAP.—The term ‘foreign exchange swap’ means a transaction that solely involves—

“(A) an exchange of 2 different currencies on a specific date at a fixed rate that is agreed upon on the inception of the contract covering the exchange; and

“(B) a reverse exchange of the 2 currencies described in subparagraph (A) at a later date and at a fixed rate that is agreed upon on the inception of the contract covering the exchange.”;

(13) by striking paragraph (28) (as redesignated by paragraph (1)) and inserting the following:

“(28) FUTURES COMMISSION MERCHANT.—

“(A) IN GENERAL.—The term ‘futures commission merchant’ means an individual, association, partnership, corporation, or trust—

“(i) that—

“(I) is engaged in soliciting or in accepting orders for—

“(aa) the purchase or sale of a commodity for future delivery;

“(bb) a security futures product;

“(cc) a swap;

“(dd) any agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

“(ee) any commodity option authorized under section 4c; or

“(ff) any leverage transaction authorized under section 19; or

“(II) is acting as a counterparty in any agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i); and

“(III) in or in connection with the activities described in subclause (I) or (II), accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom; or

“(ii) that is registered with the Commission as a futures commission merchant.

“(B) **FURTHER DEFINITION.**—The Commission, by rule or regulation, may include within, or exclude from, the term ‘futures commission merchant’ any person who engages in soliciting or accepting orders for, or acting as a counterparty in, any agreement, contract, or transaction subject to this Act, and who accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom, if the Commission determines that the rule or regulation will effectuate the purposes of this Act.”;

(14) in paragraph (30) (as redesignated by paragraph (1)), in subparagraph (B), by striking “state” and inserting “State”;

(15) by striking paragraph (31) (as redesignated by paragraph (1)) and inserting the following:

“(31) **INTRODUCING BROKER.**—

“(A) **IN GENERAL.**—The term ‘introducing broker’ means any person (except an individual who elects to be and is registered as an associated person of a futures commission merchant)—

“(i) who—

“(I) is engaged in soliciting or in accepting orders for—

“(aa) the purchase or sale of any commodity for future delivery, security futures product, or swap;

“(bb) any agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

“(cc) any commodity option authorized under section 4c; or

“(dd) any leverage transaction authorized under section 19; and

“(II) does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom; or

“(ii) who is registered with the Commission as an introducing broker.

“(B) **FURTHER DEFINITION.**—The Commission, by rule or regulation, may include within, or exclude from, the term ‘introducing broker’ any person who engages in soliciting or accepting orders for any agreement, contract, or transaction subject to this Act, and who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom, if the Commission determines that the rule or regulation will effectuate the purposes of this Act.”;

(16) by inserting after paragraph (31) (as redesignated by paragraph (1)) the following:

“(32) **MAJOR SECURITY-BASED SWAP PARTICIPANT.**—The term ‘major security-based swap participant’ has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

“(33) **MAJOR SWAP PARTICIPANT.**—

“(A) **IN GENERAL.**—The term ‘major swap participant’ means any person who is not a swap dealer, and—

“(i) maintains a substantial position in swaps for any of the major swap categories as determined by the Commission, excluding—

“(I) positions held for hedging or mitigating commercial risk; and

“(II) positions maintained by any employee benefit plan (or any contract held by such a plan) as defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) for the primary purpose of hedging or mitigating any risk directly associated with the operation of the plan; or

“(ii) whose outstanding swaps create substantial counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets; or

“(iii) (I) is a financial entity, other than an entity predominantly engaged in providing financing for the purchase of an affiliate’s merchandise or manufactured goods, that is highly leveraged relative to the amount of capital it holds; and

“(II) maintains a substantial position in outstanding swaps in any major swap category as determined by the Commission.

“(B) **DEFINITION OF SUBSTANTIAL POSITION.**—For purposes of subparagraph (A), the Commission shall define by rule or regulation the term ‘substantial position’ at the threshold that the Commission determines to be prudent for the effective monitoring, management, and oversight of entities that are systemically important or can significantly impact the financial system of the United States.

“(C) **SCOPE OF DESIGNATION.**—For purposes of subparagraph (A), a person may be designated as a major swap participant for 1 or more categories of swaps without being classified as a major swap participant for all classes of swaps.

“(D) **CAPITAL.**—In setting capital requirements for a person that is designated as a major swap participant for a single type or single class or category of swaps or activities, the prudential regulator and the Commission shall take into account the risks associated with other types of swaps or classes of swaps or categories of swaps engaged in and the other activities conducted by that person that are not otherwise subject to regulation applicable to that person by virtue of the status of the person as a major swap participant.”;

(17) by inserting after paragraph (38) (as redesignated by paragraph (1)) the following:

“(39) **PRUDENTIAL REGULATOR.**—The term ‘prudential regulator’ means—

“(A) the Office of the Comptroller of the Currency, in the case of—

“(i) any national banking association;

“(ii) any Federal branch or agency of a foreign bank; or

“(iii) any Federal savings association;

“(B) the Federal Deposit Insurance Corporation, in the case of—

“(i) any insured State bank;

“(ii) any foreign bank having an insured branch; or

“(iii) any State savings association;

“(C) the Board of Governors of the Federal Reserve System, in the case of—

“(i) any noninsured State member bank;

“(ii) any branch or agency of a foreign bank with respect to any provision of the Federal Reserve Act (12 U.S.C. 221 et seq.) which is made applicable under the International Banking Act of 1978 (12 U.S.C. 3101 et seq.);

“(iii) any foreign bank which does not operate an insured branch;

“(iv) any agency or commercial lending company other than a Federal agency; or

“(v) supervisory or regulatory proceedings arising from the authority given to the Board of Governors under section 7(c)(1) of the International Banking Act of 1978 (12 U.S.C. 3105(c)(1)), including such proceedings under the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1464 et seq.); and

“(D) the Farm Credit Administration, in the case of a swap dealer, major swap participant,

security-based swap dealer, or major security-based swap participant that is an institution chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).”;

(18) in paragraph (40) (as redesignated by paragraph (1))—

(A) by striking subparagraph (B);

(B) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (F), respectively;

(C) in subparagraph (C) (as so redesignated), by striking “and”;

(D) by inserting after subparagraph (C) (as so redesignated) the following:

“(D) a swap execution facility registered under section 5h;

“(E) a swap data repository; and”;

(19) by inserting after paragraph (41) (as redesignated by paragraph (1)) the following:

“(42) **SECURITY-BASED SWAP.**—The term ‘security-based swap’ has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

“(43) **SECURITY-BASED SWAP DEALER.**—The term ‘security-based swap dealer’ has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).”;

(20) in paragraph (46) (as redesignated by paragraph (1)), by striking “subject to section 2(h)(7)” and inserting “subject to section 2(h)(5)”;

(21) by inserting after paragraph (46) (as redesignated by paragraph (1)) the following:

“(47) **SWAP.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term ‘swap’ means any agreement, contract, or transaction—

“(i) that is a put, call, cap, floor, collar, or similar option of any kind that is for the purchase or sale, or based on the value, of 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind;

“(ii) that provides for any purchase, sale, payment, or delivery (other than a dividend on an equity security) that is dependent on the occurrence, nonoccurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence;

“(iii) that provides on an executory basis for the exchange, on a fixed or contingent basis, of 1 or more payments based on the value or level of 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind, or any interest therein or based on the value thereof, and that transfers, as between the parties to the transaction, in whole or in part, the financial risk associated with a future change in any such value or level without also conveying a current or future direct or indirect ownership interest in an asset (including any enterprise or investment pool) or liability that incorporates the financial risk so transferred, including any agreement, contract, or transaction commonly known as—

“(I) an interest rate swap;

“(II) a rate floor;

“(III) a rate cap;

“(IV) a rate collar;

“(V) a cross-currency rate swap;

“(VI) a basis swap;

“(VII) a currency swap;

“(VIII) a foreign exchange swap;

“(IX) a total return swap;

“(X) an equity index swap;

“(XI) an equity swap;

“(XII) a debt index swap;

“(XIII) a debt swap;

“(XIV) a credit spread;

“(XV) a credit default swap;

“(XVI) a credit swap;
 “(XVII) a weather swap;
 “(XVIII) an energy swap;
 “(XIX) a metal swap;
 “(XX) an agricultural swap;
 “(XXI) an emissions swap; and
 “(XXII) a commodity swap;

“(iv) that is an agreement, contract, or transaction that is, or in the future becomes commonly known to the trade as a swap;

“(v) including any security-based swap agreement which meets the definition of ‘swap agreement’ as defined in section 206A of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) of which a material term is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein; or

“(vi) that is any combination or permutation of, or option on, any agreement, contract, or transaction described in any of clauses (i) through (v).

“(B) EXCLUSIONS.—The term ‘swap’ does not include—

“(i) any contract of sale of a commodity for future delivery (or option on such a contract), leverage contract authorized under section 19, security futures product, or agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

“(ii) any sale of a nonfinancial commodity or security for deferred shipment or delivery, so long as the transaction is intended to be physically settled;

“(iii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof, that is subject to—

“(I) the Securities Act of 1933 (15 U.S.C. 77a et seq.); and

“(II) the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

“(iv) any put, call, straddle, option, or privilege relating to a foreign currency entered into on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a));

“(v) any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a fixed basis that is subject to—

“(I) the Securities Act of 1933 (15 U.S.C. 77a et seq.); and

“(II) the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

“(vi) any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a contingent basis that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), unless the agreement, contract, or transaction predicates the purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction;

“(vii) any note, bond, or evidence of indebtedness that is a security, as defined in section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a));

“(viii) any agreement, contract, or transaction that is—

“(I) based on a security; and

“(II) entered into directly or through an underwriter (as defined in section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a))) by the issuer of such security for the purposes of raising capital, unless the agreement, contract, or transaction is entered into to manage a risk associated with capital raising;

“(ix) any agreement, contract, or transaction a counterparty of which is a Federal Reserve bank, the Federal Government, or a Federal agency that is expressly backed by the full faith and credit of the United States; and

“(x) any security-based swap, other than a security-based swap as described in subparagraph (D).

“(C) RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘swap’ includes a master agreement that provides for an agreement, contract, or transaction that is a swap under subparagraph (A), together with each supplement to any master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a swap pursuant to subparagraph (A).

“(ii) EXCEPTION.—For purposes of clause (i), the master agreement shall be considered to be a swap only with respect to each agreement, contract, or transaction covered by the master agreement that is a swap pursuant to subparagraph (A).

“(D) MIXED SWAP.—The term ‘security-based swap’ includes any agreement, contract, or transaction that is as described in section 3(a)(68)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(68)(A)) and also is based on the value of 1 or more interest or other rates, currencies, commodities, instruments of indebtedness, indices, quantitative measures, other financial or economic interest or property of any kind (other than a single security or a narrow-based security index), or the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence (other than an event described in subparagraph (A)(iii)).

“(E) TREATMENT OF FOREIGN EXCHANGE SWAPS AND FORWARDS.—

“(i) IN GENERAL.—Foreign exchange swaps and foreign exchange forwards shall be considered swaps under this paragraph unless the Secretary makes a written determination that either foreign exchange swaps or foreign exchange forwards or both—

“(I) should be not be regulated as swaps under this Act; and

“(II) are not structured to evade the Wall Street Transparency and Accountability Act of 2010 in violation of any rule promulgated by the Commission pursuant to section 111(c) of that Act.

“(ii) CONGRESSIONAL NOTICE; EFFECTIVENESS.—The Secretary shall submit any written determination under clause (i) to the appropriate committees of Congress, including the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. Any such written determination by the Secretary shall not be effective until it is submitted to the appropriate committees of Congress.

“(iii) REPORTING.—Notwithstanding a written determination by the Secretary under clause (i), all foreign exchange swaps and foreign exchange forwards shall be reported to either a swap data repository, or, if there is no swap data repository that would accept such swaps or forwards, to the Commission pursuant to section 4r within such time period as the Commission may by rule or regulation prescribe.

“(iv) BUSINESS STANDARDS.—Notwithstanding clauses (ix) and (x) of subparagraph (B) and clause (ii), any party to a foreign exchange swap or forward that is a swap dealer or major swap participant shall conform to the business conduct standards contained in section 4s(h).

“(v) SECRETARY.—For purposes of this subparagraph only, the term ‘Secretary’ means the Secretary of the Treasury.

“(F) EXCEPTION FOR CERTAIN FOREIGN EXCHANGE SWAPS AND FORWARDS.—

“(i) REGISTERED ENTITIES.—Any foreign exchange swap and any foreign exchange forward that is listed and traded on or subject to the

rules of a designated contract market or a swap execution facility, or that is cleared by a derivatives clearing organization shall not be exempt from any provision of this Act or amendments made by the Wall Street Transparency and Accountability Act of 2010 prohibiting fraud or manipulation.

“(ii) RETAIL TRANSACTIONS.—Nothing in subparagraph (E) shall affect, or be construed to affect, the applicability of this Act or the jurisdiction of the Commission with respect to agreements, contracts, or transactions in foreign currency pursuant to section 2(c)(2).

“(48) SWAP DATA REPOSITORY.—The term ‘swap data repository’ means any person that collects, calculates, prepares, or maintains information or records with respect to transactions or positions in, or the terms and conditions of, swaps entered into by third parties.

“(49) SWAP DEALER.—

“(A) IN GENERAL.—The term ‘swap dealer’ means any person who—

“(i) holds itself out as a dealer in swaps;

“(ii) makes a market in swaps;

“(iii) regularly engages in the purchase and sale of swaps in the ordinary course of business; or

“(iv) engages in any activity causing the person to be commonly known in the trade as a dealer or market maker in swaps.

“(B) INCLUSION.—A person may be designated as a swap dealer for a single type or single class or category of swap or activities and considered not to be a swap dealer for other types, classes, or categories of swaps or activities.

“(C) CAPITAL.—In setting capital requirements for a person that is designated as a swap dealer for a single type or single class or category of swap or activities, the prudential regulator and the Commission shall take into account the risks associated with other types of swaps or classes of swaps or categories of swaps engaged in and the other activities conducted by that person that are not otherwise subject to regulation applicable to that person by virtue of the status of the person as a swap dealer.

“(D) EXCEPTION.—The term ‘swap dealer’ does not include a person that buys or sells swaps for such person’s own account, either individually or in a fiduciary capacity, but not as a part of a regular business.

“(50) SWAP EXECUTION FACILITY.—The term ‘swap execution facility’ means a facility in which multiple participants have the ability to execute or trade swaps by accepting bids and offers made by other participants that are open to multiple participants in the facility or system, through any means of interstate commerce, including any trading facility, that—

“(A) facilitates the execution of swaps between persons; and

“(B) is not a designated contract market.”; and

(22) in paragraph (51) (as redesignated by paragraph (1)), in subparagraph (A)(i), by striking “participants” and inserting “participants”.

(b) AUTHORITY TO DEFINE TERMS.—The Commodity Futures Trading Commission may adopt a rule to define—

(1) the term “commercial risk”; and

(2) any other term included in an amendment to the Commodity Exchange Act (7 U.S.C. 1 et seq.) made by this subtitle.

(c) MODIFICATION OF DEFINITIONS.—To include transactions and entities that have been structured to evade this subtitle (or an amendment made by this subtitle), the Commodity Futures Trading Commission shall adopt a rule to further define the terms “swap”, “swap dealer”, “major swap participant”, and “eligible contract participant”.

(d) EXEMPTIONS.—Section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) is amended by striking “except that” and all that

follows through the period at the end and inserting the following: “except that—

“(A) unless the Commission is expressly authorized by any provision described in this subparagraph to grant exemptions, with respect to amendments made by subtitle A of the Wall Street Transparency and Accountability Act of 2010—

“(i) with respect to—

“(I) paragraphs (2), (3), (4), (5), and (7), clause (vii)(III) of paragraph (17), paragraphs (23), (24), (31), (32), (38), (39), (41), (42), (46), (47), (48), and (49) of section 1a, and sections 2(a)(13), 2(c)(D), 4a(a), 4a(b), 4d(c), 4d(d), 4r, 4s, 5b(a), 5b(b), 5(d), 5(g), 5(h), 5b(c), 5b(i), 8e, and 21; and

“(II) section 206(e) of the Gramm-Leach-Bliley Act (Public Law 106-102; 15 U.S.C. 78c note); and

“(ii) in subsection (c) of section 111 and section 132; and

“(B) the Commission and the Securities and Exchange Commission may by rule, regulation, or order jointly exclude any agreement, contract, or transaction from section 2(a)(1)(D) if the Commission determines that the exemption would be consistent with the public interest.”.

(e) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)) is amended—

(A) in item (cc)—

(i) in subitem (AA), by striking “section 1a(20)” and inserting “section 1a”; and

(ii) in subitem (BB), by striking “section 1a(20)” and inserting “section 1a”; and

(B) in item (dd), by striking “section 1a(12)(A)(ii)” and inserting “section 1a(18)(A)(ii)”.

(2) Section 4m(3) of the Commodity Exchange Act (7 U.S.C. 6m(3)) is amended by striking “section 1a(6)” and inserting “section 1a”.

(3) Section 4q(a)(1) of the Commodity Exchange Act (7 U.S.C. 6o-1(a)(1)) is amended by striking “section 1a(4)” and inserting “section 1a(9)”.

(4) Section 5(e)(1) of the Commodity Exchange Act (7 U.S.C. 7(e)(1)) is amended by striking “section 1a(4)” and inserting “section 1a(9)”.

(5) Section 5a(b)(2)(F) of the Commodity Exchange Act (7 U.S.C. 7a(b)(2)(F)) is amended by striking “section 1a(4)” and inserting “section 1a(9)”.

(6) Section 5b(a) of the Commodity Exchange Act (7 U.S.C. 7a-1(a)) is amended, in the matter preceding paragraph (1), by striking “section 1a(9)” and inserting “section 1a”.

(7) Section 5c(c)(2)(B) of the Commodity Exchange Act (7 U.S.C. 7a-2(c)(2)(B)) is amended by striking “section 1a(4)” and inserting “section 1a(9)”.

(8) Section 6(g)(5)(B)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(g)(5)(B)(i)) is amended—

(A) in subclause (I), by striking “section 1a(12)(B)(ii)” and inserting “section 1a(18)(B)(ii)”; and

(B) in subclause (II), by striking “section 1a(12)” and inserting “section 1a(18)”.

(9) The Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27 et seq.) is amended—

(A) in section 402—

(i) in subsection (a)(7), by striking “section 1a(20)” and inserting “section 1a”; and

(ii) in subsection (b)(2), by striking “section 1a(12)” and inserting “section 1a”; and

(iii) in subsection (c), by striking “section 1a(4)” and inserting “section 1a”; and

(iv) in subsection (d)—

(I) in the matter preceding paragraph (1), by striking “section 1a(4)” and inserting “section 1a(9)”; and

(II) in paragraph (1)—

(aa) in subparagraph (A), by striking “section 1a(12)” and inserting “section 1a”; and

(bb) in subparagraph (B), by striking “section 1a(33)” and inserting “section 1a”; and

(III) in paragraph (2)—

(aa) in subparagraph (A), by striking “section 1a(10)” and inserting “section 1a”; and

(bb) in subparagraph (B), by striking “section 1a(12)(B)(ii)” and inserting “section 1a(18)(B)(ii)”; and

(cc) in subparagraph (C), by striking “section 1a(12)” and inserting “section 1a(18)”; and

(dd) in subparagraph (D), by striking “section 1a(13)” and inserting “section 1a”; and

(B) in section 404(1), by striking “section 1a(4)” and inserting “section 1a”.

SEC. 722. JURISDICTION.

(a) EXCLUSIVE JURISDICTION.—Section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(A)) is amended in the first sentence—

(1) by inserting “the Wall Street Transparency and Accountability Act of 2010 (including an amendment made by that Act) and” after “otherwise provided in”; and

(2) by striking “(c) through (i) of this section” and inserting “(c) and (f)”; and

(3) by striking “contracts of sale” and inserting “swaps or contracts of sale”; and

(4) by striking “or derivatives transaction execution facility registered pursuant to section 5 or 5a” and inserting “pursuant to section 5”.

(b) REGULATION OF SWAPS UNDER FEDERAL AND STATE LAW.—Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended by adding at the end the following:

“(h) REGULATION OF SWAPS AS INSURANCE UNDER STATE LAW.—A swap—

“(1) shall not be considered to be insurance; and

“(2) may not be regulated as an insurance contract under the law of any State.”.

(c) AGREEMENTS, CONTRACTS, AND TRANSACTIONS TRADED ON AN ORGANIZED EXCHANGE.—Section 2(c)(2)(A) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(A)) is amended—

(1) in clause (i), by striking “or” at the end; and

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

“(ii) a swap; or”.

(d) APPLICABILITY.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) (as amended by section 723(a)(3)) is amended by adding at the end the following:

“(i) APPLICABILITY.—The provisions of this Act relating to swaps that were enacted by the Wall Street Transparency and Accountability Act of 2010 (including any rule prescribed or regulation promulgated under that Act), shall not apply to activities outside the United States unless those activities—

“(1) have a direct and significant connection with activities in, or effect on, commerce of the United States; or

“(2) contravene such rules or regulations as the Commission may prescribe or promulgate as are necessary or appropriate to prevent the evasion of any provision of this Act that was enacted by the Wall Street Transparency and Accountability Act of 2010.”.

(e) JUST AND REASONABLE RATES.—Section 2(a)(1)(C) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(C)) (as amended by section 717(a)) is amended by adding at the end the following:

“(vi) Notwithstanding the exclusive jurisdiction of the Commission with respect to accounts, agreements, and transactions involving swaps or contracts of sale of a commodity for future delivery under this Act, no provision of this Act shall be construed—

“(I) to supersede or limit the authority of the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C. 717 et seq.); and

“(II) to restrict the Federal Energy Regulatory Commission from carrying out the duties

and responsibilities of the Federal Energy Regulatory Commission to ensure just and reasonable rates and protect the public interest under the Acts described in subclause (I); or

“(III) to supersede or limit the authority of a State regulatory authority (as defined in section 3(21) of the Federal Power Act (16 U.S.C. 796(21))) that has jurisdiction to regulate rates and charges for the sale of electric energy within the State, or restrict that State regulatory authority from carrying out the duties and responsibilities of the State regulatory authority pursuant to the jurisdiction of the State regulatory authority to regulate rates and charges for the transmission or sale of electric energy.

“(vii) Nothing in clause (vi) shall affect the Commission’s authority with respect to the trading, execution, or clearing of any agreement, contract, or transaction on or subject to the rules of a registered entity, including a designated contract market, derivatives clearing organization, or swaps execution facility.”.

(f) PUBLIC INTEREST WAIVER.—Section 4(c) of the Commodity Exchange Act (7 U.S.C. 6(c)) (as amended by section 721(d)) is amended by adding at the end the following:

“(6) If the Commission determines that the exemption would be consistent with the public interest and the purposes of this Act, the Commission shall, in accordance with paragraphs (1) and (2), exempt from the requirements of this Act an agreement, contract, or transaction that is entered into—

“(A) pursuant to a tariff or rate schedule approved or permitted to take effect by the Federal Energy Regulatory Commission; and

“(B) pursuant to a tariff or rate schedule establishing rates or charges for, or protocols governing, the sale of electric energy approved or permitted to take effect by the regulatory authority of the State or municipality having jurisdiction to regulate rates and charges for the sale of electric energy within the State or municipality; or

“(C) between entities described in section 201(f) of the Federal Power Act (16 U.S.C. 824(f)).”.

SEC. 723. CLEARING.

(a) CLEARING REQUIREMENT.—

(1) IN GENERAL.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(A) by striking subsections (d), (e), (g), and (h); and

(B) by redesignating subsection (i) as subsection (g).

(2) SWAPS; LIMITATION ON PARTICIPATION.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) (as amended by paragraph (1)) is amended by inserting after subsection (c) the following:

“(d) SWAPS.—Nothing in this Act (other than subparagraphs (A), (B), (C), and (D) of subsection (a)(1), subsections (f) and (g), sections 1a, 2(c)(2)(A)(ii), 2(e), 2(h), 4(c), 4a, 4b, and 4b-1, subsections (a), (b), and (g) of section 4c, sections 4d, 4e, 4f, 4g, 4h, 4i, 4j, 4k, 4l, 4m, 4n, 4o, 4p, 4r, 4s, 4t, 5, 5b, 5c, 5e, and 5h, subsections (c) and (d) of section 6, sections 6c, 6d, 8, 8a, and 9, subsections (e)(2) and (f) of section 12, subsections (a) and (b) of section 13, sections 17, 20, 21, and 22(a)(4), and any other provision of this Act that is applicable to registered entities and Commission registrants) governs or applies to a swap.

“(e) LIMITATION ON PARTICIPATION.—It shall be unlawful for any person, other than an eligible contract participant, to enter into a swap unless the swap is entered into on, or subject to the rules of, a board of trade designated as a contract market under section 5.”.

(3) MANDATORY CLEARING OF SWAPS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by inserting after subsection (g) (as redesignated by paragraph (1)(B)) the following:

“(h) CLEARING REQUIREMENT.—

“(1) SUBMISSION.—

“(A) IN GENERAL.—Except as provided in paragraphs (9) and (10), any person who is a party to a swap shall submit such swap for clearing to a derivatives clearing organization that is registered under this Act or a derivatives clearing organization that is exempt from registration under section 5b(j) of this Act.

“(B) OPEN ACCESS.—The rules of a registered derivatives clearing organization shall—

“(i) prescribe that all swaps with the same terms and conditions are economically equivalent and may be offset with each other within the derivatives clearing organization; and

“(ii) provide for nondiscriminatory clearing of a swap executed bilaterally or on or through the rules of an unaffiliated designated contract market or swap execution facility, subject to the requirements of section 5(b).

“(2) COMMISSION APPROVAL.—

“(A) IN GENERAL.—A derivatives clearing organization shall submit to the Commission for prior approval any group, category, type, or class of swaps that the derivatives clearing organization seeks to accept for clearing, which submission the Commission shall make available to the public.

“(B) DEADLINE.—The Commission shall take final action on a request submitted pursuant to subparagraph (A) not later than 90 days after submission of the request, unless the derivatives clearing organization submitting the request agrees to an extension of the time limitation established under this subparagraph.

“(C) APPROVAL.—The Commission shall approve, unconditionally or subject to such terms and conditions as the Commission determines to be appropriate, any request submitted pursuant to subparagraph (A) if the Commission finds that the request is consistent with section 5b(c)(2). The Commission shall not approve any such request if the Commission does not make such finding.

“(D) RULES.—The Commission shall adopt rules for a derivatives clearing organization's submission for approval, pursuant to this paragraph, of any group, category, type, or class of swaps that the derivative clearing organization seeks to accept for clearing.

“(3) STAY OF CLEARING REQUIREMENT.—At any time after issuance of an approval pursuant to paragraph (2):

“(A) REVIEW PROCESS.—The Commission, on application of a counterparty to a swap or on its own initiative, may stay the clearing requirement of paragraph (1) until the Commission completes a review of the terms of the swap, or the group, category, type, or class of swaps, and the clearing arrangement.

“(B) DEADLINE.—The Commission shall complete a review undertaken pursuant to subparagraph (A) not later than 90 days after issuance of the stay, unless the derivatives clearing organization that clears the swap, or the group, category, type, or class of swaps, agrees to an extension of the time limitation established under this subparagraph.

“(C) DETERMINATION.—Upon completion of the review undertaken pursuant to subparagraph (A)—

“(i) the Commission may determine, unconditionally or subject to such terms and conditions as the Commission determines to be appropriate, that the swap, or the group, category, type, or class of swaps, must be cleared pursuant to this subsection if the Commission finds that such clearing—

“(I) is consistent with section 5b(c)(2); and

“(II) is otherwise in the public interest, for the protection of investors, and consistent with the purposes of this Act;

“(ii) the Commission may determine that the clearing requirement of paragraph (1) shall not

apply to the swap, or the group, category, type, or class of swaps; or

“(iii) if a determination is made that the clearing requirement of paragraph (1) shall no longer apply, then it shall still be permissible to clear such swap, or the group, category, type, or class of swaps.

“(D) RULES.—The Commission shall adopt rules for reviewing, pursuant to this paragraph, a derivatives clearing organization's clearing of a swap, or a group, category, type, or class of swaps that the Commission has accepted for clearing.

“(4) SWAPS REQUIRED TO BE ACCEPTED FOR CLEARING.—

“(A) RULEMAKING.—The Commission shall adopt rules to further identify any group, category, type, or class of swaps not submitted for approval under paragraph (2) that the Commission deems should be accepted for clearing. In adopting such rules, the Commission shall take into account the following factors:

“(i) The extent to which any of the terms of the group, category, type, or class of swaps, including price, are disseminated to third parties or are referenced in other agreements, contracts, or transactions.

“(ii) The volume of transactions in the group, category, type, or class of swaps.

“(iii) The extent to which the terms of the group, category, type, or class of swaps are similar to the terms of other agreements, contracts, or transactions that are cleared.

“(iv) Whether any differences in the terms of the group, category, type, or class of swaps, compared to other agreements, contracts, or transactions that are cleared, are of economic significance.

“(v) Whether a derivatives clearing organization is prepared to clear the group, category, type, or class of swaps and such derivatives clearing organization has in place effective risk management systems.

“(vi) Any other factors the Commission determines to be appropriate.

“(B) OTHER DESIGNATIONS.—At any time after the adoption of the rules required under subparagraph (A), the Commission may separately designate a particular swap or class of swaps as subject to the clearing requirement in paragraph (1), taking into account the factors described in clauses (i) through (vi) of subparagraph (A) and the rules adopted under such subparagraph.

“(C) IN GENERAL.—In accordance with subparagraph (A), the Commission shall, consistent with the public interest, adopt rules under the expedited process described in subparagraph (D) to establish criteria for determining that a swap, or any group, category, type, or class of swap is required to be cleared.

“(D) EXPEDITED RULEMAKING AUTHORITY.—

“(i) PROCEDURE.—The promulgation of regulations under subparagraph (A) may be made without regard to—

“(I) the notice and comment provisions of section 553 of title 5, United States Code; and

“(II) chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’).

“(ii) AGENCY RULEMAKING.—In carrying out subparagraph (A), the Commission shall use the authority provided under section 808 of title 5, United States Code.

“(5) PREVENTION OF EVASION.—

“(A) IN GENERAL.—The Commission may prescribe rules under this subsection (and issue interpretations of rules prescribed under this subsection) as determined by the Commission to be necessary to prevent evasions of the mandatory clearing requirements under this Act.

“(B) DUTY OF COMMISSION TO INVESTIGATE AND TAKE CERTAIN ACTIONS.—To the extent the Commission finds that a particular swap, group, category, type, or class of swaps would other-

wise be subject to mandatory clearing but no derivatives clearing organization has listed the swap, group, category, type, or class of swaps for clearing, the Commission shall—

“(i) investigate the relevant facts and circumstances;

“(ii) within 30 days issue a public report containing the results of the investigation; and

“(iii) take such actions as the Commission determines to be necessary and in the public interest, which may include requiring the retaining of adequate margin or capital by parties to the swap, group, category, type, or class of swaps.

“(C) EFFECT ON AUTHORITY.—Nothing in this paragraph shall—

“(i) authorize the Commission to require a derivatives clearing organization to list for clearing a swap, group, category, type, or class of swaps if the clearing of the swap, group, category, type, or class of swaps would adversely affect the business operations of the derivatives clearing organization, threaten the financial integrity of the derivatives clearing organization, or pose a systemic risk to the derivatives clearing organization; and

“(ii) affect the authority of the Commission to enforce the open access provisions of paragraph (1) with respect to a swap, group, category, type, or class of swaps that is listed for clearing by a derivatives clearing organization.

“(6) REQUIRED REPORTING.—

“(A) BOTH COUNTERPARTIES.—Both counterparties to a swap that is not cleared by any derivatives clearing organization shall report such a swap either to a registered swap repository described in section 21 or, if there is no repository that would accept the swap, to the Commission pursuant to section 4r.

“(B) TIMING.—Counterparties to a swap shall submit the reports required under subparagraph (A) not later than such time period as the Commission may by rule or regulation prescribe.

“(7) TRANSITION RULES.—

“(A) REPORTING TRANSITION RULES.—Rules adopted by the Commission under this section shall provide for the reporting of data, as follows:

“(i) SWAPS ENTERED INTO BEFORE DATE OF ENACTMENT OF THIS SUBSECTION.—Swaps entered into before the date of the enactment of this subsection shall be reported to a registered swap repository or the Commission not later than 180 days after the effective date of this subsection.

“(ii) SWAPS ENTERED INTO ON OR AFTER DATE OF ENACTMENT OF THIS SUBSECTION.—Swaps entered into on or after such date of enactment shall be reported to a registered swap repository or the Commission not later than the later of—

“(I) 90 days after such effective date; or

“(II) such other time after entering into the swap as the Commission may prescribe by rule or regulation.

“(B) CLEARING TRANSITION RULES.—

“(i) SWAPS ENTERED INTO BEFORE THE DATE OF THE ENACTMENT OF THIS SUBSECTION.—Swaps entered into before the date of the enactment of this subsection are exempt from the clearing requirements of this subsection if reported pursuant to subparagraph (A)(i).

“(ii) SWAPS ENTERED INTO BEFORE APPLICATION OF CLEARING REQUIREMENT.—Swaps entered into before application of the clearing requirement pursuant to this subsection are exempt from the clearing requirements of this subsection if reported pursuant to subparagraph (A)(ii).

“(8) TRADE EXECUTION.—

“(A) IN GENERAL.—With respect to transactions involving swaps subject to the clearing requirement of paragraph (1), counterparties shall—

“(i) execute the transaction on a board of trade designated as a contract market under section 5; or

“(ii) execute the transaction on a swap execution facility registered under section 5h or a swap execution facility that is exempt from registration under section 5h(f) of this Act.

“(B) EXCEPTION.—The requirements of clauses (i) and (ii) of subparagraph (A) shall not apply if no board of trade or swap execution facility makes the swap available to trade or a swap transactions where a commercial end user opts to use the clearing exemption under paragraph (9).

“(9) REQUIRED EXEMPTION.—Subject to paragraph (4), the Commission shall exempt a swap from the requirements of paragraphs (1) and (8) and any rules issued under this subsection, if no derivatives clearing organization registered under this Act or no derivatives clearing organization that is exempt from registration under section 5b(j) of this Act will accept the swap from clearing.

“(10) END USER CLEARING EXEMPTION.—

“(A) DEFINITION OF COMMERCIAL END USER.—

“(i) IN GENERAL.—In this paragraph, the term ‘commercial end user’ means any person other than a financial entity described in clause (ii) who, as its primary business activity, owns, uses, produces, processes, manufactures, distributes, merchandises, or markets goods, services, or commodities (which shall include but not be limited to coal, natural gas, electricity, ethanol, crude oil, gasoline, propane, distillates, and other hydrocarbons) either individually or in a fiduciary capacity.

“(ii) FINANCIAL ENTITY.—The term ‘financial entity’ means—

“(I) a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant;

“(II) a person predominantly engaged in activities that are in the business of banking or financial in nature, as defined in Section 4(k) of the Bank Holding Company Act of 1956;

“(III) a person predominantly engaged in activities that are financial in nature;

“(IV) a commodity pool or a private fund as defined in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)); or

“(V) a person that is registered or required to be registered with the Commission.

“(B) END USER CLEARING EXEMPTION.—

“(i) IN GENERAL.—Subject to clause (ii), in the event that a swap is subject to the mandatory clearing requirement under paragraph (1), and 1 of the counterparties to the swap is a commercial end user, that counterparty—

“(I)(aa) may elect not to clear the swap, as required under paragraph (1); or

“(bb) may elect to require clearing of the swap; and

“(II) if the end user makes an election under subclause (I)(bb), shall have the sole right to select the derivatives clearing organization at which the swap will be cleared.

“(ii) LIMITATION.—A commercial end user may only make an election under clause (i) if the end user is using the swap to hedge its own commercial risk.

“(C) TREATMENT OF AFFILIATES.—

“(i) IN GENERAL.—An affiliate of a commercial end user (including affiliate entities predominantly engaged in providing financing for the purchase of the merchandise or manufactured goods of the commercial end user) may make an election under subparagraph (B)(i) only if the affiliate, acting on behalf of the commercial end user and as an agent, uses the swap to hedge or mitigate the commercial risk of the commercial end user parent or other affiliate of the commercial end user that is not a financial entity.

“(ii) PROHIBITION RELATING TO CERTAIN AFFILIATES.—An affiliate of a commercial end user shall not use the exemption under subparagraph (B) if the affiliate is—

“(I) a swap dealer;

“(II) a security-based swap dealer;

“(III) a major swap participant;

“(IV) a major security-based swap participant;

“(V) an issuer that would be an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3), but for paragraph (1) or (7) of subsection (c) of that Act (15 U.S.C. 80a-3(c));

“(VI) a commodity pool;

“(VII) a bank holding company with over \$50,000,000,000 in consolidated assets; or

“(VIII) an affiliate of any entity described in subclauses (I) through (VII).

“(D) ABUSE OF EXEMPTION.—The Commission may prescribe such rules or issue interpretations of the rules as the Commission determines to be necessary to prevent abuse of the exemption described in subparagraph (B). The Commission may also request information from those entities claiming the clearing exemption as necessary to prevent abuse of the exemption described in subparagraph (B).

“(E) OPTION TO CLEAR.—

“(i) SWAPS REQUIRED TO BE CLEARED ENTERED INTO WITH A FINANCIAL ENTITY.—With respect to any swap that is required to be cleared by a derivatives clearing organization and entered into by a swap dealer or a major swap participant with a financial entity, the financial entity shall have the sole right to select the derivatives clearing organization at which the swap will be cleared.

“(ii) SWAPS NOT REQUIRED TO BE CLEARED ENTERED INTO WITH A FINANCIAL ENTITY OR COMMERCIAL END USER.—With respect to any swap that is not required to be cleared by a derivatives clearing organization and entered into by a swap dealer or a major swap participant with a financial entity or commercial end user, the financial entity or commercial end user—

“(I) may elect to require clearing of the swap; and

“(II) shall have the sole right to select the derivatives clearing organization at which the swap will be cleared.”

(b) COMMODITY EXCHANGE ACT.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

“(j) AUDIT COMMITTEE APPROVAL.—Exemptions from the requirements of subsection (h)(2)(F) to clear a swap and subsection (b) to trade a swap through a board of trade or swap execution facility shall be available to a counterparty that is an issuer of securities that are registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o) only if the issuer’s audit committee has reviewed and approved its decision to enter into swaps that are subject to such exemptions.”

(c) GRANDFATHER PROVISIONS.—

(1) LEGAL CERTAINTY FOR CERTAIN TRANSACTIONS IN EXEMPT COMMODITIES.—Not later than 60 days after the date of enactment of this Act, a person may submit to the Commodity Futures Trading Commission a petition to remain subject to section 2(h) of the Commodity Exchange Act (7 U.S.C. 2(h)) (as in effect on the day before the date of enactment of this Act).

(2) CONSIDERATION; AUTHORITY OF COMMODITY FUTURES TRADING COMMISSION.—The Commodity Futures Trading Commission—

(A) shall consider any petition submitted under subparagraph (A) in a prompt manner; and

(B) may allow a person to continue operating subject to section 2(h) of the Commodity Exchange Act (7 U.S.C. 2(h)) (as in effect on the day before the date of enactment of this Act) for not longer than a 1-year period.

(3) AGRICULTURAL SWAPS.—

(A) IN GENERAL.—Except as provided in paragraph (2), no person shall offer to enter into,

enter into, or confirm the execution of, any swap in an agricultural commodity (as defined by the Commodity Futures Trading Commission).

(B) EXCEPTION.—Notwithstanding paragraph (1), a person may offer to enter into, enter into, or confirm the execution of, any swap in an agricultural commodity pursuant to section 4(c) of the Commodity Exchange Act (7 U.S.C. 6(c)) or any rule, regulation, or order issued thereunder (including any rule, regulation, or order in effect as of the date of enactment of this Act) by the Commodity Futures Trading Commission to allow swaps under such terms and conditions as the Commission shall prescribe.

(4) REQUIRED REPORTING.—If the exception described in paragraph (2) applies, and there is no facility that makes the swap available to trade, the counterparties shall comply with any recordkeeping and transaction reporting requirements that may be prescribed by the Commission with respect to swaps subject to the requirements of paragraph (1).

SEC. 724. SWAPS; SEGREGATION AND BANKRUPTCY TREATMENT.

(a) SEGREGATION REQUIREMENTS FOR CLEARED SWAPS.—Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) (as amended by section 732) is amended by adding at the end the following:

“(f) SWAPS.—

“(1) REGISTRATION REQUIREMENT.—It shall be unlawful for any person to accept any money, securities, or property (or to extend any credit in lieu of money, securities, or property) from, for, or on behalf of a swaps customer to margin, guarantee, or secure a swap cleared by or through a derivatives clearing organization (including money, securities, or property accruing to the customer as the result of such a swap), unless the person shall have registered under this Act with the Commission as a futures commission merchant, and the registration shall not have expired nor been suspended nor revoked.

“(2) CLEARED SWAPS.—

“(A) SEGREGATION REQUIRED.—A futures commission merchant shall treat and deal with all money, securities, and property of any swaps customer received to margin, guarantee, or secure a swap cleared by or through a derivatives clearing organization (including money, securities, or property accruing to the swaps customer as the result of such a swap) as belonging to the swaps customer.

“(B) COMMINGLING PROHIBITED.—Money, securities, and property of a swaps customer described in subparagraph (A) shall be separately accounted for and shall not be commingled with the funds of the futures commission merchant or be used to margin, secure, or guarantee any trades or contracts of any swaps customer or person other than the person for whom the same are held.

“(3) EXCEPTIONS.—

“(A) USE OF FUNDS.—

“(i) IN GENERAL.—Notwithstanding paragraph (2), money, securities, and property of a swaps customer of a futures commission merchant described in paragraph (2) may, for convenience, be commingled and deposited in the same 1 or more accounts with any bank or trust company or with a derivatives clearing organization.

“(ii) WITHDRAWAL.—Notwithstanding paragraph (2), such share of the money, securities, and property described in clause (i) as in the normal course of business shall be necessary to margin, guarantee, secure, transfer, adjust, or settle a cleared swap with a derivatives clearing organization, or with any member of the derivatives clearing organization, may be withdrawn and applied to such purposes, including the payment of commissions, brokerage, interest, taxes, storage, and other charges, lawfully accruing in connection with the cleared swap.

“(B) COMMISSION ACTION.—Notwithstanding paragraph (2), in accordance with such terms

and conditions as the Commission may prescribe by rule, regulation, or order, any money, securities, or property of the swaps customer of a futures commission merchant described in paragraph (2) may be commingled and deposited as provided in this section with any other money, securities, or property received by the futures commission merchant and required by the Commission to be separately accounted for and treated and dealt with as belonging to the swaps customer of the futures commission merchant.

“(4) **PERMITTED INVESTMENTS.**—Money described in paragraph (2) may be invested in obligations of the United States, in general obligations of any State or of any political subdivision of a State, and in obligations fully guaranteed as to principal and interest by the United States, or in any other investment that the Commission may by rule or regulation prescribe, and such investments shall be made in accordance with such rules and regulations and subject to such conditions as the Commission may prescribe.

“(5) **COMMODITY CONTRACT.**—A swap cleared by or through a derivatives clearing organization shall be considered to be a commodity contract as such term is defined in section 761 of title 11, United States Code, with regard to all money, securities, and property of any swaps customer received by a futures commission merchant or a derivatives clearing organization to margin, guarantee, or secure the swap (including money, securities, or property accruing to the customer as the result of the swap).

“(6) **PROHIBITION.**—It shall be unlawful for any person, including any derivatives clearing organization and any depository institution, that has received any money, securities, or property for deposit in a separate account or accounts as provided in paragraph (2) to hold, dispose of, or use any such money, securities, or property as belonging to the depositing futures commission merchant or any person other than the swaps customer of the futures commission merchant.”.

(b) **BANKRUPTCY TREATMENT OF CLEARED SWAPS.**—Section 761 of title 11, United States Code, is amended—

(1) in paragraph (4), by striking subparagraph (F) and inserting the following:

“(F)(i) any other contract, option, agreement, or transaction that is similar to a contract, option, agreement, or transaction referred to in this paragraph; and

“(ii) with respect to a futures commission merchant or a clearing organization, any other contract, option, agreement, or transaction, in each case, that is cleared by a clearing organization;”;

(2) in paragraph (9)(A)(i), by striking “the commodity futures account” and inserting “a commodity contract account”.

(c) **SEGREGATION REQUIREMENTS FOR UNCLEARED SWAPS.**—Section 4s of the Commodity Exchange Act (as added by section 731) is amended by adding at the end the following:

“(1) **SEGREGATION REQUIREMENTS.**—

“(1) **SEGREGATION OF ASSETS HELD AS COLLATERAL IN UNCLEARED SWAP TRANSACTIONS.**—

“(A) **NOTIFICATION.**—A swap dealer or major swap participant shall be required to notify the counterparty of the swap dealer or major swap participant at the beginning of a swap transaction that the counterparty has the right to require segregation of the funds or other property supplied to margin, guarantee, or secure the obligations of the counterparty.

“(B) **SEGREGATION AND MAINTENANCE OF FUNDS.**—At the request of a counterparty to a swap that provides funds or other property to a swap dealer or major swap participant to margin, guarantee, or secure the obligations of the counterparty, the swap dealer or major swap participant shall—

“(i) segregate the funds or other property for the benefit of the counterparty; and

“(ii) in accordance with such rules and regulations as the Commission may promulgate, maintain the funds or other property in a segregated account separate from the assets and other interests of the swap dealer or major swap participant.

“(2) **APPLICABILITY.**—The requirements described in paragraph (1) shall—

“(A) apply only to a swap between a counterparty and a swap dealer or major swap participant that is not submitted for clearing to a derivatives clearing organization; and

“(B)(i) not apply to variation margin payments; or

“(ii) not preclude any commercial arrangement regarding—

“(I) the investment of segregated funds or other property that may only be invested in such investments as the Commission may permit by rule or regulation; and

“(II) the related allocation of gains and losses resulting from any investment of the segregated funds or other property.

“(3) **USE OF INDEPENDENT THIRD-PARTY CUSTODIANS.**—The segregated account described in paragraph (1) shall be—

“(A) carried by an independent third-party custodian; and

“(B) designated as a segregated account for and on behalf of the counterparty.

“(4) **REPORTING REQUIREMENT.**—If the counterparty does not choose to require segregation of the funds or other property supplied to margin, guarantee, or secure the obligations of the counterparty, the swap dealer or major swap participant shall report to the counterparty of the swap dealer or major swap participant on a quarterly basis that the back office procedures of the swap dealer or major swap participant relating to margin and collateral requirements are in compliance with the agreement of the counterparties.”.

SEC. 725. DERIVATIVES CLEARING ORGANIZATIONS.

(a) **REGISTRATION REQUIREMENT.**—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) is amended by striking subsections (a) and (b) and inserting the following:

“(a) **REGISTRATION REQUIREMENT.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), it shall be unlawful for a derivatives clearing organization, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a derivatives clearing organization with respect to—

“(A) a contract of sale of a commodity for future delivery (or an option on the contract of sale) or option on a commodity, in each case, unless the contract or option is—

“(i) excluded from this Act by subsection (a)(1)(C)(i), (c), or (f) of section 2; or

“(ii) a security futures product cleared by a clearing agency registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.); or

“(B) a swap.

“(2) **EXCEPTION.**—Paragraph (1) shall not apply to a derivatives clearing organization that is registered with the Commission.

“(b) **VOLUNTARY REGISTRATION.**—A person that clears 1 or more agreements, contracts, or transactions that are not required to be cleared under this Act may register with the Commission as a derivatives clearing organization.”.

(b) **REGISTRATION FOR DEPOSITORY INSTITUTIONS AND CLEARING AGENCIES; EXEMPTIONS; COMPLIANCE OFFICER; ANNUAL REPORTS.**—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) is amended by adding at the end the following:

“(g) **REQUIRED REGISTRATION FOR DEPOSITORY INSTITUTIONS AND CLEARING AGENCIES.**—A

person that is required to be registered as a derivatives clearing organization under this section shall register with the Commission regardless of whether the person is also licensed as a depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) or a clearing agency registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

“(h) **EXISTING DEPOSITORY INSTITUTIONS AND CLEARING AGENCIES.**—

“(1) **IN GENERAL.**—A depository institution or clearing agency registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) that is required to be registered as a derivatives clearing organization under this section is deemed to be registered under this section to the extent that, before the date of enactment of this subsection—

“(A) the depository institution cleared swaps as a multilateral clearing organization; or

“(B) the clearing agency cleared swaps.

“(2) **CONVERSION OF DEPOSITORY INSTITUTIONS.**—A depository institution to which this paragraph applies may, by the vote of the shareholders owning not less than 51 percent of the voting interests of the depository institution, be converted into a State corporation, partnership, limited liability company, or similar legal form pursuant to a plan of conversion, if the conversion is not in contravention of applicable State law.

“(i) **EXEMPTIONS.**—The Commission may exempt, conditionally or unconditionally, a derivatives clearing organization from registration under this section for the clearing of swaps if the Commission determines that the derivatives clearing organization is subject to comparable, comprehensive supervision and regulation by the Securities and Exchange Commission or the appropriate government authorities in the home country of the organization. Such conditions may include, but are not limited to, requiring that the derivatives clearing organization be available for inspection by the Commission and make available all information requested by the Commission.

“(j) **DESIGNATION OF CHIEF COMPLIANCE OFFICER.**—

“(1) **IN GENERAL.**—Each derivatives clearing organization shall designate an individual to serve as a chief compliance officer.

“(2) **DUTIES.**—The chief compliance officer shall—

“(A) report directly to the board or to the senior officer of the derivatives clearing organization;

“(B) review the compliance of the derivatives clearing organization with respect to the core principles described in subsection (c)(2);

“(C) in consultation with the board of the derivatives clearing organization, a body performing a function similar to the board of the derivatives clearing organization, or the senior officer of the derivatives clearing organization, resolve any conflicts of interest that may arise;

“(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

“(E) ensure compliance with this Act (including regulations) relating to agreements, contracts, or transactions, including each rule prescribed by the Commission under this section;

“(F) establish procedures for the remediation of noncompliance issues identified by the compliance officer through any—

“(i) compliance office review;

“(ii) look-back;

“(iii) internal or external audit finding;

“(iv) self-reported error; or

“(v) validated complaint; and

“(G) establish and follow appropriate procedures for the handling, management response,

remediation, retesting, and closing of non-compliance issues.

“(3) ANNUAL REPORTS.—

“(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

“(i) the compliance of the derivatives clearing organization of the compliance officer with respect to this Act (including regulations); and

“(ii) each policy and procedure of the derivatives clearing organization of the compliance officer (including the code of ethics and conflict of interest policies of the derivatives clearing organization).

“(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

“(i) accompany each appropriate financial report of the derivatives clearing organization that is required to be furnished to the Commission pursuant to this section; and

“(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.”.

(c) CORE PRINCIPLES FOR DERIVATIVES CLEARING ORGANIZATIONS.—Section 5b(c) of the Commodity Exchange Act (7 U.S.C. 7a–1(c)) is amended by striking paragraph (2) and inserting the following:

“(2) CORE PRINCIPLES FOR DERIVATIVES CLEARING ORGANIZATIONS.—

“(A) COMPLIANCE.—

“(i) IN GENERAL.—To be registered and to maintain registration as a derivatives clearing organization, a derivatives clearing organization shall comply with each core principle described in this paragraph and any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

“(ii) DISCRETION OF DERIVATIVES CLEARING ORGANIZATION.—Subject to any rule or regulation prescribed by the Commission, a derivatives clearing organization shall have reasonable discretion in establishing the manner by which the derivatives clearing organization complies with each core principle described in this paragraph.

“(B) FINANCIAL RESOURCES.—

“(i) IN GENERAL.—Each derivatives clearing organization shall have adequate financial, operational, and managerial resources, as determined by the Commission, to discharge each responsibility of the derivatives clearing organization.

“(ii) MINIMUM AMOUNT OF FINANCIAL RESOURCES.—Each derivatives clearing organization shall possess financial resources that, at a minimum, exceed the total amount that would—

“(I) enable the organization to meet its financial obligations to its members and participants notwithstanding a default by the member or participant creating the largest financial exposure for that organization in extreme but plausible market conditions; and

“(II) enable the derivatives clearing organization to cover the operating costs of the derivatives clearing organization for a period of 1 year (as calculated on a rolling basis).

“(C) PARTICIPANT AND PRODUCT ELIGIBILITY.—

“(i) IN GENERAL.—Each derivatives clearing organization shall establish—

“(I) appropriate admission and continuing eligibility standards (including sufficient financial resources and operational capacity to meet obligations arising from participation in the derivatives clearing organization) for members of, and participants in, the derivatives clearing organization; and

“(II) appropriate standards for determining the eligibility of agreements, contracts, and transactions submitted to the derivatives clearing organization for clearing.

“(ii) REQUIRED PROCEDURES.—Each derivatives clearing organization shall establish and

implement procedures to verify, on an ongoing basis, the compliance of each participation and membership requirement of the derivatives clearing organization.

“(iii) REQUIREMENTS.—The participation and membership requirements of each derivatives clearing organization shall—

“(I) be objective;

“(II) be publicly disclosed; and

“(III) permit fair and open access.

“(D) RISK MANAGEMENT.—

“(i) IN GENERAL.—Each derivatives clearing organization shall ensure that the derivatives clearing organization possesses the ability to manage the risks associated with discharging the responsibilities of the derivatives clearing organization through the use of appropriate tools and procedures.

“(ii) MEASUREMENT OF CREDIT EXPOSURE.—Each derivatives clearing organization shall—

“(I) not less than once during each business day of the derivatives clearing organization, measure the credit exposures of the derivatives clearing organization to each member and participant of the derivatives clearing organization; and

“(II) monitor each exposure described in subclause (I) periodically during the business day of the derivatives clearing organization.

“(iii) LIMITATION OF EXPOSURE TO POTENTIAL LOSSES FROM DEFAULTS.—Each derivatives clearing organization, through margin requirements and other risk control mechanisms, shall limit the exposure of the derivatives clearing organization to potential losses from defaults by members and participants of the derivatives clearing organization to ensure that—

“(I) the operations of the derivatives clearing organization would not be disrupted; and

“(II) nondefaulting members or participants would not be exposed to losses that nondefaulting members or participants cannot anticipate or control.

“(iv) MARGIN REQUIREMENTS.—The margin required from each member and participant of a derivatives clearing organization shall be sufficient to cover potential exposures in normal market conditions.

“(v) REQUIREMENTS REGARDING MODELS AND PARAMETERS.—Each model and parameter used in setting margin requirements under clause (iv) shall be—

“(I) risk-based; and

“(II) reviewed on a regular basis.

“(E) SETTLEMENT PROCEDURES.—Each derivatives clearing organization shall—

“(i) complete money settlements on a timely basis (but not less frequently than once each business day);

“(ii) employ money settlement arrangements to eliminate or strictly limit the exposure of the derivatives clearing organization to settlement bank risks (including credit and liquidity risks from the use of banks to effect money settlements);

“(iii) ensure that money settlements are final when effected;

“(iv) maintain an accurate record of the flow of funds associated with each money settlement;

“(v) possess the ability to comply with each term and condition of any permitted netting or offset arrangement with any other clearing organization;

“(vi) regarding physical settlements, establish rules that clearly state each obligation of the derivatives clearing organization with respect to physical deliveries; and

“(vii) ensure that each risk arising from an obligation described in clause (vi) is identified and managed.

“(F) TREATMENT OF FUNDS.—

“(i) REQUIRED STANDARDS AND PROCEDURES.—Each derivatives clearing organization shall establish standards and procedures that are de-

signed to protect and ensure the safety of member and participant funds and assets.

“(ii) HOLDING OF FUNDS AND ASSETS.—Each derivatives clearing organization shall hold member and participant funds and assets in a manner by which to minimize the risk of loss or of delay in the access by the derivatives clearing organization to the assets and funds.

“(iii) PERMISSIBLE INVESTMENTS.—Funds and assets invested by a derivatives clearing organization shall be held in instruments with minimal credit, market, and liquidity risks.

“(G) DEFAULT RULES AND PROCEDURES.—

“(i) IN GENERAL.—Each derivatives clearing organization shall have rules and procedures designed to allow for the efficient, fair, and safe management of events during which members or participants—

“(I) become insolvent; or

“(II) otherwise default on the obligations of the members or participants to the derivatives clearing organization.

“(ii) DEFAULT PROCEDURES.—Each derivatives clearing organization shall—

“(I) clearly state the default procedures of the derivatives clearing organization;

“(II) make publicly available the default rules of the derivatives clearing organization; and

“(III) ensure that the derivatives clearing organization may take timely action—

“(aa) to contain losses and liquidity pressures; and

“(bb) to continue meeting each obligation of the derivatives clearing organization.

“(H) RULE ENFORCEMENT.—Each derivatives clearing organization shall—

“(i) maintain adequate arrangements and resources for—

“(I) the effective monitoring and enforcement of compliance with the rules of the derivatives clearing organization; and

“(II) the resolution of disputes;

“(ii) have the authority and ability to discipline, limit, suspend, or terminate the activities of a member or participant due to a violation by the member or participant of any rule of the derivatives clearing organization; and

“(iii) report to the Commission regarding rule enforcement activities and sanctions imposed against members and participants as provided in clause (ii).

“(I) SYSTEM SAFEGUARDS.—Each derivatives clearing organization shall—

“(i) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk through the development of appropriate controls and procedures, and automated systems, that are reliable, secure, and have adequate scalable capacity;

“(ii) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allows for—

“(I) the timely recovery and resumption of operations of the derivatives clearing organization; and

“(II) the fulfillment of each obligation and responsibility of the derivatives clearing organization; and

“(iii) periodically conduct tests to verify that the backup resources of the derivatives clearing organization are sufficient to ensure daily processing, clearing, and settlement.

“(J) REPORTING.—Each derivatives clearing organization shall provide to the Commission all information that the Commission determines to be necessary to conduct oversight of the derivatives clearing organization.

“(K) RECORDKEEPING.—Each derivatives clearing organization shall maintain records of all activities related to the business of the derivatives clearing organization as a derivatives clearing organization—

“(i) in a form and manner that is acceptable to the Commission; and

“(ii) for a period of not less than 5 years.

“(L) PUBLIC INFORMATION.—

“(i) IN GENERAL.—Each derivatives clearing organization shall provide to market participants sufficient information to enable the market participants to identify and evaluate accurately the risks and costs associated with using the services of the derivatives clearing organization.

“(ii) AVAILABILITY OF INFORMATION.—Each derivatives clearing organization shall make information concerning the rules and operating procedures governing the clearing and settlement systems of the derivatives clearing organization available to market participants.

“(iii) PUBLIC DISCLOSURE.—Each derivatives clearing organization shall disclose publicly and to the Commission information concerning—

“(I) the terms and conditions of each contract, agreement, and other transaction cleared and settled by the derivatives clearing organization;

“(II) each clearing and other fee that the derivatives clearing organization charges the members and participants of the derivatives clearing organization;

“(III) the margin-setting methodology, and the size and composition, of the financial resource package of the derivatives clearing organization;

“(IV) daily settlement prices, volume, and open interest for each contract settled or cleared by the derivatives clearing organization; and

“(V) any other matter relevant to participation in the settlement and clearing activities of the derivatives clearing organization.

“(M) INFORMATION-SHARING.—Each derivatives clearing organization shall—

“(i) enter into, and abide by the terms of, each appropriate and applicable domestic and international information-sharing agreement; and

“(ii) use relevant information obtained from each agreement described in clause (i) in carrying out the risk management program of the derivatives clearing organization.

“(N) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, a derivatives clearing organization shall not—

“(i) adopt any rule or take any action that results in any unreasonable restraint of trade; or

“(ii) impose any material anticompetitive burden.

“(O) GOVERNANCE FITNESS STANDARDS.—

“(i) GOVERNANCE ARRANGEMENTS.—Each derivatives clearing organization shall establish governance arrangements that are transparent—

“(I) to fulfill public interest requirements; and

“(II) to support the objectives of owners and participants.

“(ii) FITNESS STANDARDS.—Each derivatives clearing organization shall establish and enforce appropriate fitness standards for—

“(I) directors;

“(II) members of any disciplinary committee;

“(III) members of the derivatives clearing organization;

“(IV) any other individual or entity with direct access to the settlement or clearing activities of the derivatives clearing organization; and

“(V) any party affiliated with any individual or entity described in this clause.

“(P) CONFLICTS OF INTEREST.—Each derivatives clearing organization shall—

“(i) establish and enforce rules to minimize conflicts of interest in the decision-making process of the derivatives clearing organization; and

“(ii) establish a process for resolving conflicts of interest described in clause (i).

“(Q) COMPOSITION OF GOVERNING BOARDS.—Each derivatives clearing organization shall ensure that the composition of the governing board or committee of the derivatives clearing organization includes market participants.

“(R) LEGAL RISK.—Each derivatives clearing organization shall have a well-founded, transparent, and enforceable legal framework for each aspect of the activities of the derivatives clearing organization.

“(S) MODIFICATION OF CORE PRINCIPLES.—The Commission may conform the core principles established in this paragraph to reflect evolving United States and international standards.”.

(d) CONFLICTS OF INTEREST.—The Commodity Futures Trading Commission shall adopt rules mitigating conflicts of interest in connection with the conduct of business by a swap dealer or a major swap participant with a derivatives clearing organization, board of trade, or a swap execution facility that clears or trades swaps in which the swap dealer or major swap participant has a material debt or material equity investment.

(e) REPORTING REQUIREMENTS.—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) (as amended by subsection (b)) is amended by adding at the end the following:

“(k) REPORTING REQUIREMENTS.—

“(1) DUTY OF DERIVATIVES CLEARING ORGANIZATIONS.—Each derivatives clearing organization that clears swaps shall provide to the Commission all information that is determined by the Commission to be necessary to perform each responsibility of the Commission under this Act.

“(2) DATA COLLECTION AND MAINTENANCE REQUIREMENTS.—The Commission shall adopt data collection and maintenance requirements for swaps cleared by derivatives clearing organizations that are comparable to the corresponding requirements for—

“(A) swaps data reported to swap data repositories; and

“(B) swaps traded on swap execution facilities.

“(3) REPORTS ON SECURITY-BASED SWAP AGREEMENTS TO BE SHARED WITH THE SECURITIES AND EXCHANGE COMMISSION.—

“(A) IN GENERAL.—A derivatives clearing organization that clears security-based swap agreements (as defined in section 3(a)(79) of the Securities Exchange Act) shall, upon request, make available to the Securities and Exchange Commission all books and records relating to such security-based swap agreements, consistent with the confidentiality and disclosure requirements of section 8.

“(B) JURISDICTION.—Nothing in this paragraph shall affect the exclusive jurisdiction of the Commission to prescribe recordkeeping and reporting requirements for a derivatives clearing organization that is registered with the Commission.”

“(4) INFORMATION SHARING.—Subject to section 8, and upon request, the Commission shall share information collected under paragraph (2) with—

“(A) the Board;

“(B) the Securities and Exchange Commission;

“(C) each appropriate prudential regulator;

“(D) the Financial Stability Oversight Council;

“(E) the Department of Justice; and

“(F) any other person that the Commission determines to be appropriate, including—

“(i) foreign financial supervisors (including foreign futures authorities);

“(ii) foreign central banks; and

“(iii) foreign ministries.

“(5) CONFIDENTIALITY AND INDEMNIFICATION AGREEMENT.—Before the Commission may share information with any entity described in paragraph (4)—

“(A) the Commission shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 8 relating to the information on swap transactions that is provided; and

“(B) each entity shall agree to indemnify the Commission for any expenses arising from litigation relating to the information provided under section 8.

“(6) PUBLIC INFORMATION.—Each derivatives clearing organization that clears swaps shall provide to the Commission (including any designee of the Commission) information under paragraph (2) in such form and at such frequency as is required by the Commission to comply with the public reporting requirements contained in section 2(a)(13).”.

(f) PUBLIC DISCLOSURE.—Section 8(e) of the Commodity Exchange Act (7 U.S.C. 12(e)) is amended in the last sentence—

(1) by inserting “, central bank and ministries,” after “department” each place it appears; and

(2) by striking “. is a party.” and inserting “, is a party.”.

(g) LEGAL CERTAINTY FOR IDENTIFIED BANKING PRODUCTS.—

(1) REPEALS.—The Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27 et seq.) is amended—

(A) by striking sections 404 and 407 (7 U.S.C. 27b, 27e);

(B) in section 402 (7 U.S.C. 27), by striking subsection (d); and

(C) in section 408 (7 U.S.C. 27f)—

(i) in subsection (c)—

(I) by striking “in the case” and all that follows through “a hybrid” and inserting “in the case of a hybrid”; and

(II) by striking “; or” and inserting a period; and

(III) by striking paragraph (2);

(ii) by striking subsection (b); and

(iii) by redesignating subsection (c) as subsection (b).

(2) LEGAL CERTAINTY FOR BANK PRODUCTS ACT OF 2000.—Section 403 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27a) is amended to read as follows:

“SEC. 403. EXCLUSION OF IDENTIFIED BANKING PRODUCT.

“(a) EXCLUSION.—Except as provided in subsection (b) or (c)—

“(1) the Commodity Exchange Act (7 U.S.C. 1 et seq.) shall not apply to, and the Commodity Futures Trading Commission shall not exercise regulatory authority under the Commodity Exchange Act (7 U.S.C. 1 et seq.) with respect to, an identified banking product; and

“(2) the definitions of ‘security-based swap’ in section 3(a)(68) of the Securities Exchange Act of 1934 and ‘security-based swap agreement’ in section 3(a)(79) of the Securities Exchange Act of 1934 do not include any identified bank product.

“(b) EXCEPTION.—An appropriate Federal banking agency may except an identified banking product of a bank under its regulatory jurisdiction from the exclusion in subsection (a) if the agency determines, in consultation with the Commodity Futures Trading Commission and the Securities and Exchange Commission, that the product—

“(1) would meet the definition of a ‘swap’ under section 1a(46) of the Commodity Exchange Act (7 U.S.C. 1a) or a ‘security-based swap’ under that section 3(a)(68) of the Securities Exchange Act of 1934; and

“(2) has become known to the trade as a swap or security-based swap, or otherwise has been structured as an identified banking product for the purpose of evading the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), the Securities Act of 1933 (15 U.S.C. 77a et seq.), or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

“(c) EXCEPTION.—The exclusions in subsection (a) shall not apply to an identified bank product that—

“(1) is a product of a bank that is not under the regulatory jurisdiction of an appropriate Federal banking agency;

“(2) meets the definition of swap in section 1a(46) of the Commodity Exchange Act or security-based swap in section 3(a)(68) of the Securities Exchange Act of 1934; and

“(3) has become known to the trade as a swap or security-based swap, or otherwise has been structured as an identified banking product for the purpose of evading the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), the Securities Act of 1933 (15 U.S.C. 77a et seq.), or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).”

SEC. 726. RULEMAKING ON CONFLICT OF INTEREST.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the Commodity Futures Trading Commission shall determine whether to adopt rules to establish limits on the control of any derivatives clearing organization that clears swaps, or swap execution facility or board of trade designated as a contract market that posts swaps or makes swaps available for trading, by a bank holding company (as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841)) with total consolidated assets of \$50,000,000,000 or more, a nonbank financial company (as defined in section 102) supervised by the Board of Governors of the Federal Reserve System, an affiliate of such a bank holding company or nonbank financial company, a swap dealer, major swap participant, or associated person of a swap dealer or major swap participant.

(b) PURPOSES.—The Commission shall adopt rules if it determines, after the review described in subsection (a), that such rules are necessary or appropriate to improve the governance of, or to mitigate systemic risk, promote competition, or mitigate conflicts of interest in connection with a swap dealer or major swap participant's conduct of business with, a derivatives clearing organization, contract market, or swap execution facility that clears or posts swaps or makes swaps available for trading and in which such swap dealer or major swap participant has a material debt or equity investment.

SEC. 727. PUBLIC REPORTING OF SWAP TRANSACTION DATA.

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2(a)) is amended by adding at the end the following:

“(13) PUBLIC AVAILABILITY OF SWAP TRANSACTION DATA.—

“(A) DEFINITION OF REAL-TIME PUBLIC REPORTING.—In this paragraph, the term ‘real-time public reporting’ means to report data relating to a swap transaction as soon as technologically practicable after the time at which the swap transaction has been executed.

“(B) PURPOSE.—The purpose of this section is to authorize the Commission to make swap transaction and pricing data available to the public in such form and at such times as the Commission determines appropriate to enhance price discovery.

“(C) GENERAL RULE.—The Commission is authorized and required to provide by rule for the public availability of swap transaction and pricing data as follows:

“(i) With respect to those swaps that are subject to the mandatory clearing requirement described in subsection (h)(2) (including those swaps that are exempted from the requirement pursuant to subsection (h)(10)), the Commission shall require real-time public reporting for such transactions.

“(ii) With respect to those swaps that are not subject to the mandatory clearing requirement described in subsection (h)(2), but are cleared at a registered derivatives clearing organization,

the Commission shall require real-time public reporting for such transactions.

“(iii) With respect to swaps that are not cleared at a registered derivatives clearing organization and which are reported to a swap data repository or the Commission under subsection (h), the Commission shall make available to the public, in a manner that does not disclose the business transactions and market positions of any person, aggregate data on such swap trading volumes and positions.

“(iv) With respect to swaps that are exempt from the requirements of subsection (h)(1), pursuant to subsection (h)(10), the Commission shall require real-time public reporting for such transactions.

“(D) REGISTERED ENTITIES AND PUBLIC REPORTING.—The Commission may require registered entities to publicly disseminate the swap transaction and pricing data required to be reported under this paragraph.

“(E) RULEMAKING REQUIRED.—With respect to the rule providing for the public availability of transaction and pricing data for swaps described in clauses (i) and (ii) of subparagraph (C), the rule promulgated by the Commission shall contain provisions—

“(i) to ensure such information does not identify the participants;

“(ii) to specify the criteria for determining what constitutes a large notional swap transaction (block trade) for particular markets and contracts;

“(iii) to specify the appropriate time delay for reporting large notional swap transactions (block trades) to the public; and

“(iv) that take into account whether the public disclosure will materially reduce market liquidity.

“(F) TIMELINESS OF REPORTING.—Parties to a swap (including agents of the parties to a swap) shall be responsible for reporting swap transaction information to the appropriate registered entity in a timely manner as may be prescribed by the Commission.

“(14) SEMIANNUAL AND ANNUAL PUBLIC REPORTING OF AGGREGATE SWAP DATA.—

“(A) IN GENERAL.—In accordance with subparagraph (B), the Commission shall issue a written report on a semiannual and annual basis to make available to the public information relating to—

“(i) the trading and clearing in the major swap categories; and

“(ii) the market participants and developments in new products.

“(B) USE; CONSULTATION.—In preparing a report under subparagraph (A), the Commission shall—

“(i) use information from swap data repositories and derivatives clearing organizations; and

“(ii) consult with the Office of the Comptroller of the Currency, the Bank for International Settlements, and such other regulatory bodies as may be necessary.”

SEC. 728. SWAP DATA REPOSITORIES.

The Commodity Exchange Act is amended by inserting after section 20 (7 U.S.C. 24) the following:

“SEC. 21. SWAP DATA REPOSITORIES.

“(a) REGISTRATION REQUIREMENT.—

“(1) IN GENERAL.—It shall be unlawful for any person, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a swap data repository.

“(2) INSPECTION AND EXAMINATION.—Each registered swap data repository shall be subject to inspection and examination by any representative of the Commission.

“(3) COMPLIANCE WITH CORE PRINCIPLES.—

“(A) IN GENERAL.—To be registered, and maintain registration, as a swap data repository,

the swap data repository shall comply with—

“(i) the core principles described in this subsection; and

“(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

“(B) REASONABLE DISCRETION OF SWAP DATA REPOSITORY.—Unless otherwise determined by the Commission by rule or regulation, a swap data repository described in subparagraph (A) shall have reasonable discretion in establishing the manner in which the swap data repository complies with the core principles described in this subsection.

“(b) STANDARD SETTING.—

“(1) DATA IDENTIFICATION.—The Commission shall prescribe standards that specify the data elements for each swap that shall be collected and maintained by each registered swap data repository.

“(2) DATA COLLECTION AND MAINTENANCE.—The Commission shall prescribe data collection and data maintenance standards for swap data repositories.

“(3) COMPARABILITY.—The standards prescribed by the Commission under this subsection shall be comparable to the data standards imposed by the Commission on derivatives clearing organizations in connection with their clearing of swaps.

“(4) SHARING OF INFORMATION WITH SECURITIES AND EXCHANGE COMMISSION.—Registered swap data repositories shall make available to the Securities and Exchange Commission, upon request, all books and records relating to security-based swap agreements that are maintained by such swap data repository, consistent with the confidentiality and disclosure requirements of section 8. Nothing in this paragraph shall affect the exclusive jurisdiction of the Commission to prescribe recordkeeping and reporting requirements for a swap data repository that is registered with the Commission.

“(c) DUTIES.—A swap data repository shall—

“(1) accept data prescribed by the Commission for each swap under subsection (b);

“(2) confirm with both counterparties to the swap the accuracy of the data that was submitted;

“(3) maintain the data described in paragraph (1) in such form, in such manner, and for such period as may be required by the Commission;

“(4)(A) provide direct electronic access to the Commission (or any designee of the Commission, including another registered entity); and

“(B) provide the information described in paragraph (1) in such form and at such frequency as the Commission may require to comply with the public reporting requirements contained in section 2(a)(13);

“(5) at the direction of the Commission, establish automated systems for monitoring, screening, and analyzing swap data, including compliance and frequency of end user clearing exemption claims by individual and affiliated entities;

“(6) maintain the privacy of any and all swap transaction information that the swap data repository receives from a swap dealer, counterparty, or any other registered entity; and

“(7) on a confidential basis pursuant to section 8, upon request, and after notifying the Commission of the request, make available all data obtained by the swap data repository, including individual counterparty trade and position data, to—

“(A) each appropriate prudential regulator;

“(B) the Financial Stability Oversight Council;

“(C) the Securities and Exchange Commission;

“(D) the Department of Justice; and

“(E) any other person that the Commission determines to be appropriate, including—

“(i) foreign financial supervisors (including foreign futures authorities);

“(ii) foreign central banks;

“(iii) foreign ministries; and

“(b) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allows for the timely recovery and resumption of operations and the fulfillment of the responsibilities and obligations of the organization.

“(d) **CONFIDENTIALITY AND INDEMNIFICATION AGREEMENT.**—Before the swap data repository may share information with any entity described above—

“(1) the swap data repository shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 8 relating to the information on swap transactions that is provided; and

“(2) each entity shall agree to indemnify the swap data repository and the Commission for any expenses arising from litigation relating to the information provided under section 8.

“(e) **DESIGNATION OF CHIEF COMPLIANCE OFFICER.**—

“(1) **IN GENERAL.**—Each swap data repository shall designate an individual to serve as a chief compliance officer.

“(2) **DUTIES.**—The chief compliance officer shall—

“(A) report directly to the board or to the senior officer of the swap data repository;

“(B) review the compliance of the swap data repository with respect to the core principles described in subsection (f);

“(C) in consultation with the board of the swap data repository, a body performing a function similar to the board of the swap data repository, or the senior officer of the swap data repository, resolve any conflicts of interest that may arise;

“(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

“(E) ensure compliance with this Act (including regulations) relating to agreements, contracts, or transactions, including each rule prescribed by the Commission under this section;

“(F) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

“(i) compliance office review;

“(ii) look-back;

“(iii) internal or external audit finding;

“(iv) self-reported error; or

“(v) validated complaint; and

“(G) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of non-compliance issues.

“(3) **ANNUAL REPORTS.**—

“(A) **IN GENERAL.**—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

“(i) the compliance of the swap data repository of the chief compliance officer with respect to this Act (including regulations); and

“(ii) each policy and procedure of the swap data repository of the chief compliance officer (including the code of ethics and conflict of interest policies of the swap data repository).

“(B) **REQUIREMENTS.**—A compliance report under subparagraph (A) shall—

“(i) accompany each appropriate financial report of the swap data repository that is required to be furnished to the Commission pursuant to this section; and

“(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.

“(f) **CORE PRINCIPLES APPLICABLE TO SWAP DATA REPOSITORIES.**—

“(1) **ANTITRUST CONSIDERATIONS.**—Unless necessary or appropriate to achieve the purposes of this Act, a swap data repository shall not

“(A) adopt any rule or take any action that results in any unreasonable restraint of trade; or

“(B) impose any material anticompetitive burden on the trading, clearing, or reporting of transactions.

“(2) **GOVERNANCE ARRANGEMENTS.**—Each swap data repository shall establish governance arrangements that are transparent—

“(A) to fulfill public interest requirements; and

“(B) to support the objectives of the Federal Government, owners, and participants.

“(3) **CONFLICTS OF INTEREST.**—Each swap data repository shall—

“(A) establish and enforce rules to minimize conflicts of interest in the decision-making process of the swap data repository; and

“(B) establish a process for resolving conflicts of interest described in subparagraph (A).

“(g) **REQUIRED REGISTRATION FOR SWAP DATA REPOSITORIES.**—Any person that is required to be registered as a swap data repository under this section shall register with the Commission regardless of whether that person is also licensed as a bank or registered with the Securities and Exchange Commission as a swap data repository.

“(h) **RULES.**—The Commission shall adopt rules governing persons that are registered under this section.”

SEC. 729. REPORTING AND RECORDKEEPING.

The Commodity Exchange Act is amended by inserting after section 4q (7 U.S.C. 60-1) the following:

“SEC. 4r. REPORTING AND RECORDKEEPING FOR UNCLEARED SWAPS.

“(a) **REQUIRED REPORTING OF SWAPS NOT ACCEPTED BY ANY DERIVATIVES CLEARING ORGANIZATION.**—

“(1) **IN GENERAL.**—Each swap that is not accepted for clearing by any derivatives clearing organization shall be reported to—

“(A) a swap data repository described in section 21; or

“(B) in the case in which there is no swap data repository that would accept the swap, to the Commission pursuant to this section within such time period as the Commission may by rule or regulation prescribe.

“(2) **TRANSITION RULE FOR PREENACTMENT SWAPS.**—

“(A) **SWAPS ENTERED INTO BEFORE THE DATE OF ENACTMENT OF THE WALL STREET TRANSPARENCY AND ACCOUNTABILITY ACT OF 2010.**—Each swap entered into before the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the terms of which have not expired as of the date of enactment of that Act, shall be reported to a registered swap data repository or the Commission by a date that is not later than—

“(i) 30 days after issuance of the interim final rule; or

“(ii) such other period as the Commission determines to be appropriate.

“(B) **COMMISSION RULEMAKING.**—The Commission shall promulgate an interim final rule within 90 days of the date of enactment of this section providing for the reporting of each swap entered into before the date of enactment as referenced in subparagraph (A).

“(C) **EFFECTIVE DATE.**—The reporting provisions described in this section shall be effective upon the enactment of this section.

“(3) **REPORTING OBLIGATIONS.**—

“(A) **SWAPS IN WHICH ONLY 1 COUNTERPARTY IS A SWAP DEALER OR MAJOR SWAP PARTICIPANT.**—With respect to a swap in which only 1 counterparty is a swap dealer or major swap participant, the swap dealer or major swap participant shall report the swap as required under paragraphs (1) and (2).

“(B) **SWAPS IN WHICH 1 COUNTERPARTY IS A SWAP DEALER AND THE OTHER A MAJOR SWAP PARTICIPANT.**—With respect to a swap in which 1 counterparty is a swap dealer and the other a major swap participant, the swap dealer shall report the swap as required under paragraphs (1) and (2).

“(C) **OTHER SWAPS.**—With respect to any other swap not described in subparagraph (A) or (B), the counterparties to the swap shall select a counterparty to report the swap as required under paragraphs (1) and (2).

“(b) **DUTIES OF CERTAIN INDIVIDUALS.**—Any individual or entity that enters into a swap shall meet each requirement described in subsection (c) if the individual or entity did not—

“(1) clear the swap in accordance with section 2(h)(1); or

“(2) have the data regarding the swap accepted by a swap data repository in accordance with rules (including timeframes) adopted by the Commission under section 21.

“(c) **REQUIREMENTS.**—An individual or entity described in subsection (b) shall—

“(1) upon written request from the Commission, provide reports regarding the swaps held by the individual or entity to the Commission in such form and in such manner as the Commission may request; and

“(2) maintain books and records pertaining to the swaps held by the individual or entity in such form, in such manner, and for such period as the Commission may require, which shall be open to inspection by—

“(A) any representative of the Commission;

“(B) an appropriate prudential regulator;

“(C) the Securities and Exchange Commission;

“(D) the Financial Stability Oversight Council; and

“(E) the Department of Justice.

“(d) **IDENTICAL DATA.**—In prescribing rules under this section, the Commission shall require individuals and entities described in subsection (b) to submit to the Commission a report that contains data that is not less comprehensive than the data required to be collected by swap data repositories under section 21.”

SEC. 730. LARGE SWAP TRADER REPORTING.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by adding after section 4s (as added by section 731) the following:

“SEC. 4t. LARGE SWAP TRADER REPORTING.

“(a) **PROHIBITION.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), it shall be unlawful for any person to enter into any swap that the Commission determines to perform a significant price discovery function with respect to registered entities if—

“(A) the person directly or indirectly enters into the swap during any 1 day in an amount equal to or in excess of such amount as shall be established periodically by the Commission; and

“(B) the person directly or indirectly has or obtains a position in the swap equal to or in excess of such amount as shall be established periodically by the Commission.

“(2) **EXCEPTION.**—Paragraph (1) shall not apply if—

“(A) the person files or causes to be filed with the properly designated officer of the Commission such reports regarding any transactions or positions described in subparagraphs (A) and (B) of paragraph (1) as the Commission may require by rule or regulation; and

“(B) in accordance with the rules and regulations of the Commission, the person keeps books and records of all such swaps and any transactions and positions in any related commodity traded on or subject to the rules of any board of trade, and of cash or spot transactions in, inventories of, and purchase and sale commitments of, such a commodity.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—Books and records described in subsection (a)(2)(B) shall—

“(A) show such complete details concerning all transactions and positions as the Commission may prescribe by rule or regulation;

“(B) be open at all times to inspection and examination by any representative of the Commission; and

“(C) be open at all times to inspection and examination by the Securities and Exchange Commission, to the extent such books and records relate to transactions in security-based swap agreements (as that term is defined in section 3(a)(79) of the Securities Exchange Act of 1934), and consistent with the confidentiality and disclosure requirements of section 8.

“(2) JURISDICTION.—Nothing in paragraph (1) shall affect the exclusive jurisdiction of the Commission to prescribe recordkeeping and reporting requirements for large swap traders under this section.

“(c) APPLICABILITY.—For purposes of this section, the swaps, futures, and cash or spot transactions and positions of any person shall include the swaps, futures, and cash or spot transactions and positions of any persons directly or indirectly controlled by the person.

“(d) SIGNIFICANT PRICE DISCOVERY FUNCTION.—In making a determination as to whether a swap performs or affects a significant price discovery function with respect to registered entities, the Commission shall consider the factors described in section 4a(a)(3).”

SEC. 731. REGISTRATION AND REGULATION OF SWAP DEALERS AND MAJOR SWAP PARTICIPANTS.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 4r (as added by section 729) the following:

“SEC. 4s. REGISTRATION AND REGULATION OF SWAP DEALERS AND MAJOR SWAP PARTICIPANTS.

“(a) REGISTRATION.—

“(1) SWAP DEALERS.—It shall be unlawful for any person to act as a swap dealer unless the person is registered as a swap dealer with the Commission.

“(2) MAJOR SWAP PARTICIPANTS.—It shall be unlawful for any person to act as a major swap participant unless the person is registered as a major swap participant with the Commission.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—A person shall register as a swap dealer or major swap participant by filing a registration application with the Commission.

“(2) CONTENTS.—

“(A) IN GENERAL.—The application shall be made in such form and manner as prescribed by the Commission, and shall contain such information, as the Commission considers necessary concerning the business in which the applicant is or will be engaged.

“(B) CONTINUAL REPORTING.—A person that is registered as a swap dealer or major swap participant shall continue to submit to the Commission reports that contain such information pertaining to the business of the person as the Commission may require.

“(3) EXPIRATION.—Each registration under this section shall expire at such time as the Commission may prescribe by rule or regulation.

“(4) RULES.—Except as provided in subsections (c), (e), and (f), the Commission may prescribe rules applicable to non-bank swap dealers and non-bank major swap participants, including rules that limit the activities of swap dealers and major swap participants.

“(5) TRANSITION.—Rules under this section shall provide for the registration of swap dealers and major swap participants not later than 1 year after the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

“(6) STATUTORY DISQUALIFICATION.—Except to the extent otherwise specifically provided by rule, regulation, or order, it shall be unlawful for a swap dealer or a major swap participant to permit any person associated with a swap dealer or a major swap participant who is subject to a statutory disqualification to effect or be involved in effecting swaps on behalf of the swap dealer or major swap participant, if the swap dealer or major swap participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.

“(c) DUAL REGISTRATION.—

“(1) SWAP DEALER.—Any person that is required to be registered as a swap dealer under this section shall register with the Commission regardless of whether the person also is a depository institution or is registered with the Securities and Exchange Commission as a security-based swap dealer.

“(2) MAJOR SWAP PARTICIPANT.—Any person that is required to be registered as a major swap participant under this section shall register with the Commission regardless of whether the person also is a depository institution or is registered with the Securities and Exchange Commission as a major security-based swap participant.

“(d) RULEMAKINGS.—

“(1) IN GENERAL.—The Commission shall adopt rules for persons that are registered as swap dealers or major swap participants under this section.

“(2) EXCEPTION FOR PRUDENTIAL REQUIREMENTS.—

“(A) IN GENERAL.—The Commission may not prescribe rules imposing prudential requirements on swap dealers or major swap participants for which there is a prudential regulator.

“(B) APPLICABILITY.—Subparagraph (A) does not limit the authority of the Commission to prescribe appropriate business conduct, reporting, and recordkeeping requirements to protect investors.

“(e) CAPITAL AND MARGIN REQUIREMENTS.—

“(1) IN GENERAL.—

“(A) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.—Each registered swap dealer and major swap participant that is a depository institution, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), shall meet such minimum capital requirements and minimum initial and variation margin requirements as the appropriate Federal banking agency shall by rule or regulation prescribe under paragraph (2)(A) to help ensure the safety and soundness of the swap dealer or major swap participant.

“(B) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.—Each registered swap dealer and major swap participant that is not a depository institution, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), shall meet such minimum capital requirements and minimum initial and variation margin requirements as the Commission and the Securities and Exchange Commission shall by rule or regulation prescribe under paragraph (2)(B) to help ensure the safety and soundness of the swap dealer or major swap participant.

“(2) RULES.—

“(A) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.—The appropriate Federal banking agencies, in consultation with the Commission and the Securities and Exchange Commission, shall adopt rules imposing capital and margin requirements under this subsection for swap dealers and major swap participants that are depository institutions, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

“(B) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITU-

TIONS.—The Commission shall adopt rules imposing capital and margin requirements under this subsection for swap dealers and major swap participants that are not depository institutions, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

“(3) CAPITAL.—

“(A) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.—The capital requirements prescribed under paragraph (2)(A) for swap dealers and major swap participants that are depository institutions shall contain—

“(i) a capital requirement that is greater than zero for swaps that are cleared by a registered derivatives clearing organization or a derivatives clearing organization that is exempt from registration under section 5b(j); and

“(ii) to offset the greater risk to the swap dealer or major swap participant and to the financial system arising from the use of swaps that are not cleared, substantially higher capital requirements for swaps that are not cleared by a registered derivatives clearing organization or a derivatives clearing organization that is exempt from registration under section 5b(j) than for swaps that are cleared.

“(B) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.—The capital requirements prescribed under paragraph (2)(B) for swap dealers and major swap participants that are not depository institutions shall be as strict as or stricter than the capital requirements prescribed for swap dealers and major swap participants that are depository institutions under paragraph (2)(A).

“(C) RULE OF CONSTRUCTION.—

“(i) IN GENERAL.—Nothing in this section shall limit, or be construed to limit, the authority—

“(I) of the Commission to set financial responsibility rules for a futures commission merchant or introducing broker registered pursuant to section 4f(a) (except for section 4f(a)(3)) in accordance with section 4f(b); or

“(II) of the Securities and Exchange Commission to set financial responsibility rules for a broker or dealer registered pursuant to section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) (except for section 15(b)(11) of that Act (15 U.S.C. 78o(b)(11)) in accordance with section 15(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(3)).

“(ii) FUTURES COMMISSION MERCHANTS AND OTHER DEALERS.—A futures commission merchant, introducing broker, broker, or dealer shall maintain sufficient capital to comply with the stricter of any applicable capital requirements to which such futures commission merchant, introducing broker, broker, or dealer is subject under this Act or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

“(4) MARGIN.—

“(A) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.—The appropriate Federal banking agency for swap dealers and major swap participants that are depository institutions shall impose both initial and variation margin requirements in accordance with paragraph (2)(A) on all swaps that are not cleared by a registered derivatives clearing organization or a derivatives clearing organization that is exempt from registration under section 5b(j).

“(B) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.—The Commission and the Securities and Exchange Commission shall impose both initial and variation margin requirements in accordance with paragraph (2)(B) for swap dealers and major swap participants that are not depository institutions on all swaps that are not cleared by a registered derivatives clearing organization or a derivatives clearing organization

that is exempt from registration under section 5b(f). Any such initial and variation margin requirements shall be as strict as or stricter than the margin requirements prescribed under paragraph (4)(A).

“(5) MARGIN REQUIREMENTS.—In prescribing margin requirements under this subsection, the appropriate Federal banking agency with respect to swap dealers and major swap participants that are depository institutions and the Commission with respect to swap dealers and major swap participants that are not depository institutions may permit the use of noncash collateral, as the agency or the Commission determines to be consistent with—

“(A) preserving the financial integrity of markets trading swaps; and

“(B) preserving the stability of the United States financial system.

“(6) COMPARABILITY OF CAPITAL AND MARGIN REQUIREMENTS.—

“(A) IN GENERAL.—The appropriate Federal banking agencies, the Commission, and the Securities and Exchange Commission shall periodically (but not less frequently than annually) consult on minimum capital requirements and minimum initial and variation margin requirements.

“(B) COMPARABILITY.—The entities described in subparagraph (A) shall, to the maximum extent practicable, establish and maintain comparable minimum capital requirements and minimum initial and variation margin requirements, including the use of non cash collateral, for—

“(i) swap dealers; and

“(ii) major swap participants.

“(7) REQUESTED MARGIN.—If any party to a swap that is exempt from the margin requirements of paragraph (4)(A)(i) pursuant to the provisions of paragraph (4)(A)(ii), or from the margin requirements of paragraph (4)(B)(i) pursuant to the provisions of paragraph (4)(B)(ii), requests that such swap be margined, then—

“(A) the exemption shall not apply; and

“(B) the counterparty to such swap shall provide the requested margin.

“(8) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—Paragraph (4) shall not apply to initial and variation margin for swaps in which 1 of the counterparties is not—

“(A) a swap dealer;

“(B) a major swap participant; or

“(C) a financial entity as described in section 2(h)(9)(A)(ii), and such counterparty is eligible for and utilizing the commercial end user clearing exemption under section 2(h)(9).

“(f) REPORTING AND RECORDKEEPING.—

“(1) IN GENERAL.—Each registered swap dealer and major swap participant—

“(A) shall make such reports as are required by the Commission by rule or regulation regarding the transactions and positions and financial condition of the registered swap dealer or major swap participant;

“(B)(i) for which there is a prudential regulator, shall keep books and records of all activities related to the business as a swap dealer or major swap participant in such form and manner and for such period as may be prescribed by the Commission by rule or regulation; and

“(ii) for which there is no prudential regulator, shall keep books and records in such form and manner and for such period as may be prescribed by the Commission by rule or regulation; and

“(C) shall keep books and records described in subparagraph (B) open to inspection and examination by any representative of the Commission.

“(2) RULES.—The Commission shall adopt rules governing reporting and recordkeeping for swap dealers and major swap participants.

“(g) DAILY TRADING RECORDS.—

“(1) IN GENERAL.—Each registered swap dealer and major swap participant shall maintain

daily trading records of the swaps of the registered swap dealer and major swap participant and all related records (including related cash or forward transactions) and recorded communications, including electronic mail, instant messages, and recordings of telephone calls, for such period as may be required by the Commission by rule or regulation.

“(2) INFORMATION REQUIREMENTS.—The daily trading records shall include such information as the Commission shall require by rule or regulation.

“(3) COUNTERPARTY RECORDS.—Each registered swap dealer and major swap participant shall maintain daily trading records for each counterparty in a manner and form that is identifiable with each swap transaction.

“(4) AUDIT TRAIL.—Each registered swap dealer and major swap participant shall maintain a complete audit trail for conducting comprehensive and accurate trade reconstructions.

“(5) RULES.—The Commission shall adopt rules governing daily trading records for swap dealers and major swap participants.

“(h) BUSINESS CONDUCT STANDARDS.—

“(1) IN GENERAL.—Each registered swap dealer and major swap participant shall conform with such business conduct standards as may be prescribed by the Commission by rule or regulation that relate to—

“(A) fraud, manipulation, and other abusive practices involving swaps (including swaps that are offered but not entered into);

“(B) diligent supervision of the business of the registered swap dealer and major swap participant;

“(C) adherence to all applicable position limits; and

“(D) such other matters as the Commission determines to be appropriate.

“(2) SPECIAL RULE; FIDUCIARY DUTIES TO CERTAIN ENTITIES.—

“(A) GOVERNMENTAL ENTITIES.—A swap dealer that provides advice regarding, or offers to enter into, or enters into a swap with a State, State agency, city, county, municipality, or other political subdivision of a State or a Federal agency shall have a fiduciary duty to the State, State agency, city, county, municipality, or other political subdivision of a State, or the Federal agency, as appropriate.

“(B) PENSION PLANS; ENDOWMENTS; RETIREMENT PLANS.—A swap dealer that provides advice regarding, or offers to enter into, or enters into a swap with a pension plan, endowment, or retirement plan shall have a fiduciary duty to the pension plan, endowment, or retirement plan, as appropriate.

“(3) BUSINESS CONDUCT REQUIREMENTS.—Business conduct requirements adopted by the Commission shall—

“(A) establish the standard of care for a swap dealer or major swap participant to verify that any counterparty meets the eligibility standards for an eligible contract participant;

“(B) require disclosure by the swap dealer or major swap participant to any counterparty to the transaction (other than a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant) of—

“(i) information about the material risks and characteristics of the swap;

“(ii) the source and amount of any fees or other material remuneration that the swap dealer or major swap participant would directly or indirectly expect to receive in connection with the swap;

“(iii) any other material incentives or conflicts of interest that the swap dealer or major swap participant may have in connection with the swap; and

“(iv)(I) for cleared swaps, upon the request of the counterparty, the daily mark from the appropriate derivatives clearing organization; and

“(II) for uncleared swaps, the daily mark of the swap dealer or the major swap participant;

“(C) establish a standard of conduct for a swap dealer or major swap participant to communicate in a fair and balanced manner based on principles of fair dealing and good faith;

“(D) establish a standard of conduct for a swap dealer or major swap participant, with respect to a counterparty that is an eligible contract participant within the meaning of subclause (I) or (II) of clause (vii) of section 1a(18) of this Act, to have a reasonable basis to believe that the counterparty has an independent representative that—

“(i) has sufficient knowledge to evaluate the transaction and risks;

“(ii) is not subject to a statutory disqualification;

“(iii) is independent of the swap dealer or major swap participant;

“(iv) undertakes a duty to act in the best interests of the counterparty it represents;

“(v) makes appropriate disclosures; and

“(vi) will provide written representations to the eligible contract participant regarding fair pricing and the appropriateness of the transaction; and

“(E) establish such other standards and requirements as the Commission may determine are appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act.

“(4) RULES.—The Commission shall prescribe rules under this subsection governing business conduct standards for swap dealers and major swap participants.

“(i) DOCUMENTATION AND BACK OFFICE STANDARDS.—

“(1) IN GENERAL.—Each registered swap dealer and major swap participant shall conform with such standards as may be prescribed by the Commission by rule or regulation that relate to timely and accurate confirmation, processing, netting, documentation, and valuation of all swaps.

“(2) RULES.—The Commission shall adopt rules governing documentation and back office standards for swap dealers and major swap participants.

“(j) DUTIES.—Each registered swap dealer and major swap participant at all times shall comply with the following requirements:

“(1) MONITORING OF TRADING.—The swap dealer or major swap participant shall monitor its trading in swaps to prevent violations of applicable position limits.

“(2) RISK MANAGEMENT PROCEDURES.—The swap dealer or major swap participant shall establish robust and professional risk management systems adequate for managing the day-to-day business of the swap dealer or major swap participant.

“(3) DISCLOSURE OF GENERAL INFORMATION.—The swap dealer or major swap participant shall disclose to the Commission and to the prudential regulator for the swap dealer or major swap participant, as applicable, information concerning—

“(A) terms and conditions of its swaps;

“(B) swap trading operations, mechanisms, and practices;

“(C) financial integrity protections relating to swaps; and

“(D) other information relevant to its trading in swaps.

“(4) ABILITY TO OBTAIN INFORMATION.—The swap dealer or major swap participant shall—

“(A) establish and enforce internal systems and procedures to obtain any necessary information to perform any of the functions described in this section; and

“(B) provide the information to the Commission and to the prudential regulator for the swap dealer or major swap participant, as applicable, on request.

“(5) **CONFLICTS OF INTEREST.**—The swap dealer and major swap participant shall implement conflict-of-interest systems and procedures that—

“(A) establish structural and institutional safeguards to ensure that the activities of any person within the firm relating to research or analysis of the price or market for any commodity or swap or acting in a role of providing clearing activities or making determinations as to accepting clearing customers are separated by appropriate informational partitions within the firm from the review, pressure, or oversight of persons whose involvement in pricing, trading, or clearing activities might potentially bias their judgment or supervision and contravene the core principles of open access and the business conduct standards described in this Act; and

“(B) address such other issues as the Commission determines to be appropriate.

“(6) **ANTITRUST CONSIDERATIONS.**—Unless necessary or appropriate to achieve the purposes of this Act, a swap dealer or major swap participant shall not—

“(A) adopt any process or take any action that results in any unreasonable restraint of trade; or

“(B) impose any material anticompetitive burden on trading or clearing.

“(k) **DESIGNATION OF CHIEF COMPLIANCE OFFICER.**—

“(1) **IN GENERAL.**—Each swap dealer and major swap participant shall designate an individual to serve as a chief compliance officer.

“(2) **DUTIES.**—The chief compliance officer shall—

“(A) report directly to the board or to the senior officer of the swap dealer or major swap participant;

“(B) review the compliance of the swap dealer or major swap participant with respect to the swap dealer and major swap participant requirements described in this section;

“(C) in consultation with the board of directors, a body performing a function similar to the board, or the senior officer of the organization, resolve any conflicts of interest that may arise;

“(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

“(E) ensure compliance with this Act (including regulations) relating to swaps, including each rule prescribed by the Commission under this section;

“(F) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

“(i) compliance office review;

“(ii) look-back;

“(iii) internal or external audit finding;

“(iv) self-reported error; or

“(v) validated complaint; and

“(G) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of non-compliance issues.

“(3) **ANNUAL REPORTS.**—

“(A) **IN GENERAL.**—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

“(i) the compliance of the swap dealer or major swap participant with respect to this Act (including regulations); and

“(ii) each policy and procedure of the swap dealer or major swap participant of the chief compliance officer (including the code of ethics and conflict of interest policies).

“(B) **REQUIREMENTS.**—A compliance report under subparagraph (A) shall—

“(i) accompany each appropriate financial report of the swap dealer or major swap participant that is required to be furnished to the Commission pursuant to this section; and

“(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.”.

SEC. 732. CONFLICTS OF INTEREST.

Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

“(c) **CONFLICTS OF INTEREST.**—The Commission shall require that futures commission merchants and introducing brokers implement conflict-of-interest systems and procedures that—

“(1) establish structural and institutional safeguards to ensure that the activities of any person within the firm relating to research or analysis of the price or market for any commodity are separated by appropriate informational partitions within the firm from the review, pressure, or oversight of persons whose involvement in trading or clearing activities might potentially bias the judgment or supervision of the persons; and

“(2) address such other issues as the Commission determines to be appropriate.

“(d) **DESIGNATION OF CHIEF COMPLIANCE OFFICER.**—

“(1) **IN GENERAL.**—Each futures commission merchant shall designate an individual to serve as a chief compliance officer.

“(2) **DUTIES.**—The chief compliance officer shall—

“(A) report directly to the board or to the senior officer of the futures commission merchant;

“(B) review the compliance of the futures commission merchant with respect to requirements described in this section;

“(C) in consultation with the board of directors, a body performing a function similar to the board, or the senior officer of the organization, resolve any conflicts of interest that may arise;

“(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

“(E) ensure compliance with this Act (including regulations and each rule prescribed by the Commission under this section) relating, but not limited, to—

“(i) contracts of sale of a commodity for future delivery;

“(ii) options on the contracts described in clause (i);

“(iii) commodity options;

“(iv) retail commodity transactions;

“(v) security futures products;

“(vi) leverage contracts; and

“(vii) swaps;

“(F) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

“(i) compliance office review;

“(ii) look-back;

“(iii) internal or external audit finding;

“(iv) self-reported error; or

“(v) validated complaint; and

“(G) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of non-compliance issues.

“(3) **ANNUAL REPORTS.**—

“(A) **IN GENERAL.**—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

“(i) the compliance of the futures commission merchant with respect to this Act (including regulations); and

“(ii) each policy and procedure of the futures commission merchant of the chief compliance officer (including the code of ethics and conflict of interest policies).

“(B) **REQUIREMENTS.**—A compliance report under subparagraph (A) shall—

“(i) accompany each appropriate financial report of the futures commission merchant that is required to be furnished to the Commission pursuant to this section; and

“(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.”.

SEC. 733. SWAP EXECUTION FACILITIES.

The Commodity Exchange Act is amended by inserting after section 5g (7 U.S.C. 7b–2) the following:

“SEC. 5h. SWAP EXECUTION FACILITIES.

“(a) **REGISTRATION.**—

“(1) **IN GENERAL.**—No person may operate a facility for the trading or processing of swaps unless the facility is registered as a swap execution facility or as a designated contract market under this section.

“(2) **DUAL REGISTRATION.**—Any person that is registered as a swap execution facility under this section shall register with the Commission regardless of whether the person also is registered with the Securities and Exchange Commission as a swap execution facility.

“(b) **TRADING AND TRADE PROCESSING.**—A swap execution facility that is registered under subsection (a) may—

“(1) make available for trading any swap; and

“(2) facilitate trade processing of any swap.

“(c) **IDENTIFICATION OF FACILITY USED TO TRADE SWAPS BY CONTRACT MARKETS.**—A board of trade that operates a contract market shall, to the extent that the board of trade also operates a swap execution facility and uses the same electronic trade execution system for listing and executing trades of swaps on or through the contract market and the swap execution facility, identify whether the electronic trading of such swaps is taking place on or through the contract market or the swap execution facility.

“(d) **CORE PRINCIPLES FOR SWAP EXECUTION FACILITIES.**—

“(1) **COMPLIANCE WITH CORE PRINCIPLES.**—

“(A) **IN GENERAL.**—To be registered, and maintain registration, as a swap execution facility, the swap execution facility shall comply with—

“(i) the core principles described in this subsection; and

“(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

“(B) **REASONABLE DISCRETION OF SWAP EXECUTION FACILITY.**—Unless otherwise determined by the Commission by rule or regulation, a swap execution facility described in subparagraph (A) shall have reasonable discretion in establishing the manner in which the swap execution facility complies with the core principles described in this subsection.

“(2) **COMPLIANCE WITH RULES.**—A swap execution facility shall—

“(A) monitor and enforce compliance with any rule of the swap execution facility, including—

“(i) the terms and conditions of the swaps traded or processed on or through the swap execution facility; and

“(ii) any limitation on access to the swap execution facility;

“(B) establish and enforce trading, trade processing, and participation rules that will deter abuses and have the capacity to detect, investigate, and enforce those rules, including means—

“(i) to provide market participants with impartial access to the market; and

“(ii) to capture information that may be used in establishing whether rule violations have occurred;

“(C) establish rules governing the operation of the facility, including rules specifying trading procedures to be used in entering and executing orders traded or posted on the facility, including block trades; and

“(D) provide by its rules that when a swap dealer or major swap participant enters into or facilitates a swap that is subject to the mandatory clearing requirement of section 2(h)(2)(F), the swap dealer or major swap participant shall be responsible for compliance with the mandatory trading requirement of section 113(d) of the Wall Street Transparency and Accountability Act of 2010.

“(3) SWAPS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The swap execution facility shall permit trading only in swaps that are not readily susceptible to manipulation.

“(4) MONITORING OF TRADING AND TRADE PROCESSING.—The swap execution facility shall—

“(A) establish and enforce rules or terms and conditions defining, or specifications detailing—

“(i) trading procedures to be used in entering and executing orders traded on or through the facilities of the swap execution facility; and

“(ii) procedures for trade processing of swaps on or through the facilities of the swap execution facility; and

“(B) monitor trading in swaps to prevent manipulation, price distortion, and disruptions of the delivery or cash settlement process through surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

“(5) ABILITY TO OBTAIN INFORMATION.—The swap execution facility shall—

“(A) establish and enforce rules that will allow the facility to obtain any necessary information to perform any of the functions described in this section;

“(B) provide the information to the Commission on request; and

“(C) have the capacity to carry out such international information-sharing agreements as the Commission may require.

“(6) POSITION LIMITS OR ACCOUNTABILITY.—

“(A) IN GENERAL.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, a swap execution facility that is a trading facility shall adopt for each of the contracts of the facility, as is necessary and appropriate, position limitations or position accountability for speculators.

“(B) POSITION LIMITS.—For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), the swap execution facility shall set its position limitation at a level no higher than the Commission limitation.

“(C) POSITION ENFORCEMENT.—For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), a swap execution facility shall reject any proposed swap transaction if, based on information readily available to a swap execution facility, any proposed swap transaction would cause a swap execution facility customer that would be a party to such swap transaction to exceed such position limitation.

“(7) FINANCIAL INTEGRITY OF TRANSACTIONS.—The swap execution facility shall establish and enforce rules and procedures for ensuring the financial integrity of swaps entered on or through the facilities of the swap execution facility, including the clearance and settlement of the swaps pursuant to section 2(h)(1).

“(8) EMERGENCY AUTHORITY.—The swap execution facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, as is necessary and appropriate, including the authority to liquidate or transfer open positions in any swap or to suspend or curtail trading in a swap.

“(9) TIMELY PUBLICATION OF TRADING INFORMATION.—

“(A) IN GENERAL.—The swap execution facility shall make public timely information on price, trading volume, and other trading data on swaps to the extent prescribed by the Commission.

“(B) CAPACITY OF SWAP EXECUTION FACILITY.—The swap execution facility shall be required to have the capacity to electronically capture trade information with respect to transactions executed on the facility.

“(10) RECORDKEEPING AND REPORTING.—

“(A) IN GENERAL.—A swap execution facility shall—

“(i) maintain records of all activities relating to the business of the facility, including a complete audit trail, in a form and manner acceptable to the Commission for a period of 5 years; and

“(ii) report to the Commission, in a form and manner acceptable to the Commission, such information as the Commission determines to be necessary or appropriate for the Commission to perform the duties of the Commission under this Act.

“(B) REQUIREMENTS.—The Commission shall adopt data collection and reporting requirements for swap execution facilities that are comparable to corresponding requirements for derivatives clearing organizations and swap data repositories.

“(11) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the swap execution facility shall not—

“(A) adopt any rules or taking any actions that result in any unreasonable restraint of trade; or

“(B) impose any material anticompetitive burden on trading or clearing.

“(12) CONFLICTS OF INTEREST.—The swap execution facility shall—

“(A) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

“(B) establish a process for resolving the conflicts of interest.

“(13) FINANCIAL RESOURCES.—

“(A) IN GENERAL.—The swap execution facility shall have adequate financial, operational, and managerial resources to discharge each responsibility of the swap execution facility.

“(B) DETERMINATION OF RESOURCE ADEQUACY.—The financial resources of a swap execution facility shall be considered to be adequate if the value of the financial resources exceeds the total amount that would enable the swap execution facility to cover the operating costs of the swap execution facility for a 1-year period, as calculated on a rolling basis.

“(14) SYSTEM SAFEGUARDS.—The swap execution facility shall—

“(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk, through the development of appropriate controls and procedures, and automated systems, that—

“(i) are reliable and secure; and

“(ii) have adequate scalable capacity;

“(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that are designed to allow for—

“(i) the timely recovery and resumption of operations; and

“(ii) the fulfillment of the responsibilities and obligation of the swap execution facility; and

“(C) periodically conduct tests to verify that the backup resources of the swap execution facility are sufficient to ensure continued—

“(i) order processing and trade matching;

“(ii) price reporting;

“(iii) market surveillance and

“(iv) maintenance of a comprehensive and accurate audit trail.

“(15) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

“(A) IN GENERAL.—Each swap execution facility shall designate an individual to serve as a chief compliance officer.

“(B) DUTIES.—The chief compliance officer shall—

“(i) report directly to the board or to the senior officer of the facility;

“(ii) review compliance with the core principles in this subsection;

“(iii) in consultation with the board of the facility, a body performing a function similar to that of a board, or the senior officer of the facility, resolve any conflicts of interest that may arise;

“(iv) be responsible for establishing and administering the policies and procedures required to be established pursuant to this section;

“(v) ensure compliance with this Act and the rules and regulations issued under this Act, including rules prescribed by the Commission pursuant to this section; and

“(vi) establish procedures for the remediation of noncompliance issues found during compliance office reviews, look backs, internal or external audit findings, self-reported errors, or through validated complaints.

“(C) REQUIREMENTS FOR PROCEDURES.—In establishing procedures under subparagraph (B)(vi), the chief compliance officer shall design the procedures to establish the handling, management response, remediation, retesting, and closing of noncompliance issues.

“(D) ANNUAL REPORTS.—

“(i) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

“(I) the compliance of the swap execution facility with this Act; and

“(II) the policies and procedures, including the code of ethics and conflict of interest policies, of the swap execution facility.

“(ii) REQUIREMENTS.—The chief compliance officer shall—

“(I) submit each report described in clause (i) with the appropriate financial report of the swap execution facility that is required to be submitted to the Commission pursuant to this section; and

“(II) include in the report a certification that, under penalty of law, the report is accurate and complete.

“(e) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a swap execution facility from registration under this section if the Commission finds that the facility is subject to comparable, comprehensive supervision and regulation on a consolidated basis by the Securities and Exchange Commission, a prudential regulator, or the appropriate governmental authorities in the home country of the facility.

“(f) RULES.—The Commission shall prescribe rules governing the regulation of alternative swap execution facilities under this section.”

SEC. 734. DERIVATIVES TRANSACTION EXECUTION FACILITIES AND EXEMPT BOARDS OF TRADE.

(a) IN GENERAL.—Sections 5a and 5d of the Commodity Exchange Act (7 U.S.C. 7a, 7a-3) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(A) in subsection (a)(1)(A), in the first sentence, by striking “or 5a”; and

(B) in paragraph (2) of subsection (g) (as redesignated by section 723(a)(1)(B)), by striking “section 5a of this Act” and all that follows through “5d of this Act” and inserting “section 5b of this Act”.

(2) Section 6(g)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(g)(1)(A)) is amended—

(A) by striking “that—” and all that follows through “(i) has been designated” and inserting “that has been designated”;

(B) by striking “; or” and inserting “; and” and

(C) by striking clause (ii).

SEC. 735. DESIGNATED CONTRACT MARKETS.

(a) CRITERIA FOR DESIGNATION.—Section 5 of the Commodity Exchange Act (7 U.S.C. 7) is amended by striking subsection (b).

(b) CORE PRINCIPLES FOR CONTRACT MARKETS.—Section 5 of the Commodity Exchange Act (7 U.S.C. 7) is amended by striking subsection (d) and inserting the following:

“(d) CORE PRINCIPLES FOR CONTRACT MARKETS.—

“(1) DESIGNATION AS CONTRACT MARKET.—

“(A) IN GENERAL.—To be designated, and maintain a designation, as a contract market, a board of trade shall comply with—

“(i) any core principle described in this subsection; and

“(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

“(B) REASONABLE DISCRETION OF CONTRACT MARKET.—Unless otherwise determined by the Commission by rule or regulation, a board of trade described in subparagraph (A) shall have reasonable discretion in establishing the manner in which the board of trade complies with the core principles described in this subsection.

“(2) COMPLIANCE WITH RULES.—

“(A) IN GENERAL.—The board of trade shall establish, monitor, and enforce compliance with the rules of the contract market, including—

“(i) access requirements;

“(ii) the terms and conditions of any contracts to be traded on the contract market; and

“(iii) rules prohibiting abusive trade practices on the contract market.

“(B) CAPACITY OF CONTRACT MARKET.—The board of trade shall have the capacity to detect, investigate, and apply appropriate sanctions to any person that violates any rule of the contract market.

“(C) REQUIREMENT OF RULES.—The rules of the contract market shall provide the board of trade with the ability and authority to obtain any necessary information to perform any function described in this subsection, including the capacity to carry out such international information-sharing agreements as the Commission may require.

“(3) CONTRACTS NOT READILY SUBJECT TO MANIPULATION.—The board of trade shall list on the contract market only contracts that are not readily susceptible to manipulation.

“(4) PREVENTION OF MARKET DISRUPTION.—The board of trade shall have the capacity and responsibility to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process through market surveillance, compliance, and enforcement practices and procedures, including—

“(A) methods for conducting real-time monitoring of trading; and

“(B) comprehensive and accurate trade reconstructions.

“(5) POSITION LIMITATIONS OR ACCOUNTABILITY.—

“(A) IN GENERAL.—To reduce the potential threat of market manipulation or congestion (especially during trading in the delivery month), the board of trade shall adopt for each contract of the board of trade, as is necessary and appropriate, position limitations or position accountability for speculators.

“(B) MAXIMUM ALLOWABLE POSITION LIMITATION.—For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), the board of trade shall set the position limitation of the board of trade at a level not higher than the position limitation established by the Commission.

“(6) EMERGENCY AUTHORITY.—The board of trade, in consultation or cooperation with the Commission, shall adopt rules to provide for the exercise of emergency authority, as is necessary and appropriate, including the authority—

“(A) to liquidate or transfer open positions in any contract;

“(B) to suspend or curtail trading in any contract; and

“(C) to require market participants in any contract to meet special margin requirements.

“(7) AVAILABILITY OF GENERAL INFORMATION.—The board of trade shall make available to market authorities, market participants, and the public accurate information concerning—

“(A) the terms and conditions of the contracts of the contract market; and

“(B)(i) the rules, regulations, and mechanisms for executing transactions on or through the facilities of the contract market; and

“(ii) the rules and specifications describing the operation of the contract market’s—

“(I) electronic matching platform; or

“(II) trade execution facility.

“(8) DAILY PUBLICATION OF TRADING INFORMATION.—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for actively traded contracts on the contract market.

“(9) EXECUTION OF TRANSACTIONS.—

“(A) IN GENERAL.—The board of trade shall provide a competitive, open, and efficient market and mechanism for executing transactions that protects the price discovery process of trading in the centralized market of the board of trade.

“(B) RULES.—The rules of the board of trade may authorize, for bona fide business purposes—

“(i) transfer trades or office trades;

“(ii) an exchange of—

“(I) futures in connection with a cash commodity transaction;

“(II) futures for cash commodities; or

“(III) futures for swaps; or

“(iii) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the contract market or a derivatives clearing organization.

“(10) TRADE INFORMATION.—The board of trade shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that enables the contract market to use the information—

“(A) to assist in the prevention of customer and market abuses; and

“(B) to provide evidence of any violations of the rules of the contract market.

“(11) FINANCIAL INTEGRITY OF TRANSACTIONS.—The board of trade shall establish and enforce—

“(A) rules and procedures for ensuring the financial integrity of transactions entered into on or through the facilities of the contract market (including the clearance and settlement of the transactions with a derivatives clearing organization); and

“(B) rules to ensure—

“(i) the financial integrity of any—

“(I) futures commission merchant; and

“(II) introducing broker; and

“(ii) the protection of customer funds.

“(12) PROTECTION OF MARKETS AND MARKET PARTICIPANTS.—The board of trade shall establish and enforce rules—

“(A) to protect markets and market participants from abusive practices committed by any party, including abusive practices committed by a party acting as an agent for a participant; and

“(B) to promote fair and equitable trading on the contract market.

“(13) DISCIPLINARY PROCEDURES.—The board of trade shall establish and enforce disciplinary procedures that authorize the board of trade to discipline, suspend, or expel members or market participants that violate the rules of the board of trade, or similar methods for performing the same functions, including delegation of the functions to third parties.

“(14) DISPUTE RESOLUTION.—The board of trade shall establish and enforce rules regarding, and provide facilities for alternative dispute resolution as appropriate for, market participants and any market intermediaries.

“(15) GOVERNANCE FITNESS STANDARDS.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members of the contract market, and any other person with direct access to the facility (including any party affiliated with any person described in this paragraph).

“(16) CONFLICTS OF INTEREST.—The board of trade shall establish and enforce rules—

“(A) to minimize conflicts of interest in the decision-making process of the contract market; and

“(B) to establish a process for resolving conflicts of interest described in subparagraph (A).

“(17) COMPOSITION OF GOVERNING BOARDS OF CONTRACT MARKETS.—The governance arrangements of the board of trade shall be designed to promote the objectives of market participants.

“(18) RECORDKEEPING.—The board of trade shall maintain records of all activities relating to the business of the contract market—

“(A) in a form and manner that is acceptable to the Commission; and

“(B) for a period of at least 5 years.

“(19) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall not—

“(A) adopt any rule or taking any action that results in any unreasonable restraint of trade; or

“(B) impose any material anticompetitive burden on trading on the contract market.

“(20) SYSTEM SAFEGUARDS.—The board of trade shall—

“(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk, through the development of appropriate controls and procedures, and the development of automated systems, that are reliable, secure, and have adequate scalable capacity;

“(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allow for the timely recovery and resumption of operations and the fulfillment of the responsibilities and obligations of the board of trade; and

“(C) periodically conduct tests to verify that backup resources are sufficient to ensure continued order processing and trade matching, price reporting, market surveillance, and maintenance of a comprehensive and accurate audit trail.

“(21) FINANCIAL RESOURCES.—

“(A) IN GENERAL.—The board of trade shall have adequate financial, operational, and managerial resources to discharge each responsibility of the board of trade.

“(B) DETERMINATION OF ADEQUACY.—The financial resources of the board of trade shall be considered to be adequate if the value of the financial resources exceeds the total amount that would enable the contract market to cover the operating costs of the contract market for a 1-year period, as calculated on a rolling basis.”.

SEC. 736. MARGIN.

Section 8a(7) of the Commodity Exchange Act (7 U.S.C. 12a(7)) is amended—

(1) in subparagraph (C), by striking “, excepting the setting of levels of margin”;

(2) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(3) by inserting after subparagraph (C) the following:

“(D) margin requirements, provided that the rules, regulations, or orders shall—

“(i) be limited to protecting the financial integrity of the derivatives clearing organization;

“(ii) be designed for risk management purposes to protect the financial integrity of transactions; and

“(iii) not set specific margin amounts.”.

SEC. 737. POSITION LIMITS.

(a) AGGREGATE POSITION LIMITS.—Section 4a(a) of the Commodity Exchange Act (7 U.S.C. 6a(a)) is amended—

(1) by inserting after “(a)” the following:

“(1) IN GENERAL.—”;

(2) in the first sentence, by striking “on electronic trading facilities with respect to a significant price discovery contract” and inserting “swaps that perform or affect a significant price discovery function with respect to registered entities”;

(3) in the second sentence—

(A) by inserting “, including any group or class of traders,” after “held by any person”; and

(B) by striking “on an electronic trading facility with respect to a significant price discovery contract,” and inserting “swaps traded on or subject to the rules of an swaps execution facility, or swaps not traded on or subject to the rules of an swaps execution facility that perform a significant price discovery function with respect to a registered entity,”; and

(4) by adding at the end the following:

“(2) AGGREGATE POSITION LIMITS.—The Commission shall, by rule or regulation, establish limits (including related hedge exemption provisions) on the aggregate number or amount of positions in contracts based on the same underlying commodity (as defined by the Commission) that may be held by any person, including any group or class of traders, for each month across—

“(A) contracts listed by designated contract markets;

“(B) with respect to an agreement, contract, or transaction that settles against, or in relation to, any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, contracts traded on a foreign board of trade that provides members or other participants located in the United States with direct access to the electronic trading and order matching system of the foreign board of trade;

“(C) swaps traded on or subject to the rules of a swap execution facility; and

“(D) swaps not traded on or subject to the rules of a swap execution facility that perform or affect a significant price discovery function with respect to a registered entity.

“(3) SIGNIFICANT PRICE DISCOVERY FUNCTION.—In making a determination as to whether a swap performs or affects a significant price discovery function with respect to registered entities, the Commission shall consider, as appropriate, the following factors:

“(A) PRICE LINKAGE.—The extent to which the swap uses or otherwise relies on a daily or final settlement price, or other major price parameter, of another contract traded on a registered entity based on the same underlying commodity, to value a position, transfer or convert a position, financially settle a position, or close out a position.

“(B) ARBITRAGE.—The extent to which the price for the swap is sufficiently related to the price of another contract traded on a registered

entity based on the same underlying commodity so as to permit market participants to effectively arbitrage between the markets by simultaneously maintaining positions or executing trades in the swaps on a frequent and recurring basis.

“(C) MATERIAL PRICE REFERENCE.—The extent to which, on a frequent and recurring basis, bids, offers, or transactions in a contract traded on a registered entity are directly based on, or are determined by referencing, the price generated by the swap.

“(D) MATERIAL LIQUIDITY.—The extent to which the volume of swaps being traded in the commodity is sufficient to have a material effect on another contract traded on a registered entity.

“(E) OTHER MATERIAL FACTORS.—Such other material factors as the Commission specifies by rule or regulation as relevant to determine whether a swap serves a significant price discovery function with respect to a regulated market.

“(4) EXEMPTIONS.—The Commission, by rule, regulation, or order, may exempt, conditionally or unconditionally, any person or class of persons, any swap or class of swaps, or any transaction or class of transactions from any requirement that the Commission establishes under this section with respect to position limits.”.

(b) CONFORMING AMENDMENTS.—Section 4a(b) of the Commodity Exchange Act (7 U.S.C. 6a(b)) is amended—

(1) in paragraph (1), by striking “or derivatives transaction execution facility or facilities or electronic trading facility” and inserting “or swap execution facility or facilities”; and

(2) in paragraph (2), by striking “or derivatives transaction execution facility or facilities or electronic trading facility” and inserting “or swap execution facility”.

SEC. 738. FOREIGN BOARDS OF TRADE.

(a) IN GENERAL.—Section 4(b) of the Commodity Exchange Act (7 U.S.C. 6(b)) is amended—

(1) in the first sentence, by striking “The Commission” and inserting the following:

“(2) PERSONS LOCATED IN THE UNITED STATES.—

“(A) IN GENERAL.—The Commission”;

(2) in the second sentence, by striking “Such rules and regulations” and inserting the following:

“(B) DIFFERENT REQUIREMENTS.—Rules and regulations described in subparagraph (A)”;

(3) in the third sentence—

(A) by striking “No rule or regulation” and inserting the following:

“(C) PROHIBITION.—Except as provided in paragraphs (1) and (2), no rule or regulation”;

(B) by striking “that (1) requires” and inserting the following: “that—

“(i) requires”; and

(C) by striking “market, or (2) governs” and inserting the following: “market; or

“(ii) governs”; and

(4) by inserting before paragraph (2) (as designated by paragraph (1)) the following:

“(1) FOREIGN BOARDS OF TRADE.—

“(A) IN GENERAL.—It shall be unlawful for a foreign board of trade to provide to the members of the foreign board of trade or other participants located in the United States direct access to the electronic trading and order-matching system of the foreign board of trade with respect to an agreement, contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, unless the Commission determines that—

“(i) the foreign board of trade makes public daily trading information regarding the agreement, contract, or transaction that is comparable to the daily trading information pub-

lished by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

“(ii) the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade)—

“(I) adopts position limits (including related hedge exemption provisions) for the agreement, contract, or transaction that are comparable to the position limits (including related hedge exemption provisions) adopted by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles;

“(II) has the authority to require or direct market participants to limit, reduce, or liquidate any position the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade) determines to be necessary to prevent or reduce the threat of price manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process;

“(III) agrees to promptly notify the Commission, with regard to the agreement, contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, of any change regarding—

“(aa) the information that the foreign board of trade will make publicly available;

“(bb) the position limits that the foreign board of trade or foreign futures authority will adopt and enforce;

“(cc) the position reductions required to prevent manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process; and

“(dd) any other area of interest expressed by the Commission to the foreign board of trade or foreign futures authority;

“(IV) provides information to the Commission regarding large trader positions in the agreement, contract, or transaction that is comparable to the large trader position information collected by the Commission for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

“(V) provides the Commission such information as is necessary to publish reports on aggregate trader positions for the agreement, contract, or transaction traded on the foreign board of trade that are comparable to such reports on aggregate trader positions for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles.

“(B) EXISTING FOREIGN BOARDS OF TRADE.—Subparagraph (A) shall not be effective with respect to any foreign board of trade to which, prior to the date of enactment of this paragraph, the Commission granted direct access permission until the date that is 180 days after that date of enactment.”.

(b) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “or by subsection (e)” after “Unless exempted by the Commission pursuant to subsection (c)”;

(2) by adding at the end the following:

“(e) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—A person registered with the Commission, or exempt from registration by the Commission, under this Act may not be found to have violated subsection (a) with respect to a transaction in, or in connection with, a contract of sale of a commodity for future delivery if the person has reason to believe that the transaction and the contract is

made on or subject to the rules of a foreign board of trade that has complied with paragraphs (1) and (2) of subsection (b).”.

(c) **CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.**—Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) (as amended by section 739) is amended by adding at the end the following:

“(6) **CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.**—A contract of sale of a commodity for future delivery traded or executed on or through the facilities of a board of trade, exchange, or market located outside the United States for purposes of section 4(a) shall not be void, voidable, or unenforceable, and a party to such a contract shall not be entitled to rescind or recover any payment made with respect to the contract, based on the failure of the foreign board of trade to comply with any provision of this Act.”.

SEC. 739. LEGAL CERTAINTY FOR SWAPS.

Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) is amended by striking paragraph (4) and inserting the following:

“(4) **CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.**—

“(A) **IN GENERAL.**—No hybrid instrument sold to any investor shall be void, voidable, or unenforceable, and no party to a hybrid instrument shall be entitled to rescind, or recover any payment made with respect to, the hybrid instrument under this section or any other provision of Federal or State law, based solely on the failure of the hybrid instrument to comply with the terms or conditions of section 2(f) or regulations of the Commission.

“(B) **SWAPS.**—No agreement, contract, or transaction between eligible contract participants or persons reasonably believed to be eligible contract participants shall be void, voidable, or unenforceable, and no party to an agreement, contract, or transaction shall be entitled to rescind, or recover any payment made with respect to, the agreement, contract, or transaction under this section or any other provision of Federal or State law, based solely on the failure of the agreement, contract, or transaction—

“(i) to meet the definition of a swap under section 1a; or

“(ii) to be cleared in accordance with section 2(h)(1).

“(5) **LEGAL CERTAINTY FOR LONG-TERM SWAPS ENTERED INTO BEFORE THE DATE OF ENACTMENT OF THE WALL STREET TRANSPARENCY AND ACCOUNTABILITY ACT OF 2010.**—

“(A) **IN GENERAL.**—Any swap entered into before the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the terms of which have not expired as of the date of enactment, shall not be subject to the mandatory clearing requirements under this Act.

“(B) **EFFECT ON SWAPS.**—Unless specifically reserved in the applicable bilateral trading agreement, neither the enactment of the Wall Street Transparency and Accountability Act of 2010, nor any requirement under that Act or an amendment made by that Act, shall constitute a termination event, force majeure, illegality, increased costs, regulatory change, or similar event under a bilateral trading agreement (including any related credit support arrangement) that would permit a party to terminate, renegotiate, modify, amend, or supplement 1 or more transactions under the bilateral trading agreement.

“(C) **POSITION LIMITS.**—Any position limit established under the Wall Street Transparency and Accountability Act of 2010 shall not apply to a position acquired in good faith prior to the effective date of any rule, regulation, or order under the Act that establishes the position limit; provided, however, that such positions shall be attributed to the trader if the trader’s position is

increased after the effective date such position limit rule, regulation, or order.”.

SEC. 740. MULTILATERAL CLEARING ORGANIZATIONS.

Sections 408 and 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4421, 4422) are repealed.

SEC. 741. ENFORCEMENT.

(a) **ENFORCEMENT AUTHORITY.**—The Commodity Exchange Act is amended by inserting after section 4b (7 U.S.C. 6b) the following:

“SEC. 4b-1. ENFORCEMENT AUTHORITY.

“(a) **COMMISSION.**—Except as provided in subsections (b), (c), and (d), the Commission shall have primary authority to enforce the amendments made by the Wall Street Transparency and Accountability Act of 2010 with respect to any person.

“(b) **APPROPRIATE FEDERAL BANKING AGENCIES.**—The appropriate Federal banking agency for swap dealers or major swap participants that are depository institutions, as that term is defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), shall have exclusive authority to enforce the provisions of section 4s(e) and other prudential requirements of this Act, with respect to depository institutions that are swap dealers or major swap participants.

“(c) **REFERRALS.**—

“(1) **PRUDENTIAL REGULATORS.**—If the prudential regulator for a swap dealer or major swap participant has cause to believe that the swap dealer or major swap participant, or any affiliate or division of the swap dealer or major swap participant, may have engaged in conduct that constitutes a violation of the nonprudential requirements of this Act (including section 4s or rules adopted by the Commission under that section), the prudential regulator shall promptly notify the Commission in a written report that includes—

“(A) a request that the Commission initiate an enforcement proceeding under this Act; and

“(B) an explanation of the facts and circumstances that led to the preparation of the written report.

“(2) **COMMISSION.**—If the Commission has cause to believe that a swap dealer or major swap participant that has a prudential regulator may have engaged in conduct that constitutes a violation of any prudential requirement of section 4s or rules adopted by the Commission under that section, the Commission may notify the prudential regulator of the conduct in a written report that includes—

“(A) a request that the prudential regulator initiate an enforcement proceeding under this Act or any other Federal law (including regulations); and

“(B) an explanation of the concerns of the Commission, and a description of the facts and circumstances, that led to the preparation of the written report.

“(d) **BACKSTOP ENFORCEMENT AUTHORITY.**—

“(1) **INITIATION OF ENFORCEMENT PROCEEDING BY PRUDENTIAL REGULATOR.**—If the Commission does not initiate an enforcement proceeding before the end of the 90-day period beginning on the date on which the Commission receives a written report under subsection (c)(1), the prudential regulator may initiate an enforcement proceeding.

“(2) **INITIATION OF ENFORCEMENT PROCEEDING BY COMMISSION.**—If the prudential regulator does not initiate an enforcement proceeding before the end of the 90-day period beginning on the date on which the prudential regulator receives a written report under subsection (c)(2), the Commission may initiate an enforcement proceeding.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended—

(A) in subsection (a)(2), by striking “or other agreement, contract, or transaction subject to paragraphs (1) and (2) of section 5a(g),” and inserting “or swap,”;

(B) in subsection (b), by striking “or other agreement, contract or transaction subject to paragraphs (1) and (2) of section 5a(g),” and inserting “or swap,”; and

(C) by adding at the end the following:

“(e) It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any registered entity, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery (or option on such a contract), or any swap, on a group or index of securities (or any interest therein or based on the value thereof)—

“(1) to employ any device, scheme, or artifice to defraud;

“(2) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or

“(3) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.”.

(2) Section 4c(a)(1) of the Commodity Exchange Act (7 U.S.C. 6c(a)(1)) is amended by inserting “or swap” before “if the transaction is used or may be used”.

(3) Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9) is amended in the first sentence by inserting “or of any swap,” before “or has willfully made”.

(4) Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended in the first sentence, in the matter preceding the proviso, by inserting “or of any swap,” before “or otherwise is violating”.

(5) Section 6c(a) of the Commodity Exchange Act (7 U.S.C. 13a-1(a)) is amended in the matter preceding the proviso by inserting “or any swap” after “commodity for future delivery”.

(6) Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by inserting “or of any swap,” before “or to corner”; and

(ii) in paragraph (4), by inserting “swap data repository,” before “or futures association” and

(B) in subsection (e)(1)—

(i) by inserting “swap data repository,” before “or registered futures association”; and

(ii) by inserting “, or swaps,” before “on the basis”.

(7) Section 9(a) of the Commodity Exchange Act (7 U.S.C. 13(a)) is amended by adding at the end the following:

“(6) Any person to abuse the end user clearing exemption under section 2(h)(4), as determined by the Commission.”.

(8) Section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) is amended by adding at the end the following:

“(11) **SWAPS.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), this section shall apply to any swap dealer, major swap participant, security-based swap dealer, major security-based swap participant, derivatives clearing organization, swap data repository, or swap execution facility, regardless of whether the dealer, participant, organization, repository, or facility is an insured depository institution, for which the Board, the Corporation, or the Office of the Comptroller of the Currency is the appropriate Federal banking agency or prudential regulator for purposes of the amendments made by the Wall Street Transparency and Accountability Act of 2010.

“(B) **LIMITATION.**—The authority described in subparagraph (A) shall be limited by, and exercised in accordance with, section 4b-1 of the Commodity Exchange Act.”.

(9) Section 2(c)(2)(B) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)) is amended—

(A) by striking “(dd),” each place it appears;

(B) in clause (iii), by inserting “, and accounts or pooled investment vehicles described in clause (vi),” before “shall be subject to”; and

(C) by adding at the end the following:

“(vi) This Act applies to, and the Commission shall have jurisdiction over, an account or pooled investment vehicle that is offered for the purpose of trading, or that trades, any agreement, contract, or transaction in foreign currency described in clause (i).”

(10) Section 2(c)(2)(C) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(C)) is amended—

(A) by striking “(dd),” each place it appears;

(B) in clause (ii)(I), by inserting “, and accounts or pooled investment vehicles described in clause (vii),” before “shall be subject to”; and

(C) by adding at the end the following:

“(vii) This Act applies to, and the Commission shall have jurisdiction over, an account or pooled investment vehicle that is offered for the purpose of trading, or that trades, any agreement, contract, or transaction in foreign currency described in clause (i).”

(11) Section 1a(19)(A)(iv)(II) of the Commodity Exchange Act (7 U.S.C. 1a(19)(A)(iv)(II)) (as redesignated by section 721(a)(1)) is amended by inserting before the semicolon at the end the following: “provided, however, that for purposes of section 2(c)(2)(B)(vi) and section 2(c)(2)(C)(vii), the term ‘eligible contract participant’ shall not include a commodity pool in which any participant is not otherwise an eligible contract participant”.

SEC. 742. RETAIL COMMODITY TRANSACTIONS.

(a) IN GENERAL.—Section 2(c) of the Commodity Exchange Act (7 U.S.C. 2(c)) is amended—

(1) in paragraph (1), by striking “(to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B))” and inserting “, 5b, or 12(e)(2)(B))”; and

(2) in paragraph (2), by adding at the end the following:

“(D) RETAIL COMMODITY TRANSACTIONS.—

“(i) APPLICABILITY.—Except as provided in clause (ii), this subparagraph shall apply to any agreement, contract, or transaction in any commodity that is—

“(I) entered into with, or offered to (even if not entered into with), a person that is not an eligible contract participant or eligible commercial entity; and

“(II) entered into, or offered (even if not entered into), on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.

“(ii) EXCEPTIONS.—This subparagraph shall not apply to—

“(I) an agreement, contract, or transaction described in paragraph (1) or subparagraphs (A), (B), or (C), including any agreement, contract, or transaction specifically excluded from subparagraph (A), (B), or (C);

“(II) any security;

“(III) a contract of sale that—

“(aa) results in actual delivery within 28 days or such other period as the Commission may determine by rule or regulation based upon the typical commercial practice in cash or spot markets for the commodity involved; or

“(bb) creates an enforceable obligation to deliver between a seller and a buyer that have the ability to deliver and accept delivery, respectively, in connection with the line of business of the seller and buyer; or

“(IV) an agreement, contract, or transaction that is listed on a national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

“(V) an identified banking product, as defined in section 402(b) of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27(b)).

“(iii) ENFORCEMENT.—Sections 4(a), 4(b), and 4b apply to any agreement, contract, or transaction described in clause (i), as if the agreement, contract, or transaction was a contract of sale of a commodity for future delivery.

“(iv) ELIGIBLE COMMERCIAL ENTITY.—For purposes of this subparagraph, an agricultural producer, packer, or handler shall be considered to be an eligible commercial entity for any agreement, contract, or transaction for a commodity in connection with the line of business of the agricultural producer, packer, or handler.

“(v) ACTUAL DELIVERY.—For purposes of clause (ii)(III), the term ‘actual delivery’ does not include delivery to a third party in a financed transaction in which the commodity is held as collateral.”

(b) GRAMM-LEACH-BLILEY ACT.—Section 206(a) of the Gramm-Leach-Bliley Act (Public Law 106-102; 15 U.S.C. 78c note) is amended, in the matter preceding paragraph (1), by striking “For purposes of” and inserting “Except as provided in subsection (e), for purposes of”.

(c) CONFORMING AMENDMENTS RELATING TO RETAIL FOREIGN EXCHANGE TRANSACTIONS.—

(1) Section 2(c)(2)(B)(i)(II) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)) is amended—

(A) in item (aa), by inserting “United States” before “financial institution”;

(B) by striking items (dd) and (ff);

(C) by redesignating items (ee) and (gg) as items (dd) and (ff), respectively; and

(D) in item (dd) (as so redesignated), by striking the semicolon and inserting “; or”.

(2) Section 2(c)(2) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)) (as amended by subsection (a)(2)) is amended by adding at the end the following:

“(E) PROHIBITION.—

“(i) DEFINITION OF FEDERAL REGULATORY AGENCY.—In this subparagraph, the term ‘Federal regulatory agency’ means—

“(I) the Commission;

“(II) the Securities and Exchange Commission;

“(III) an appropriate Federal banking agency;

“(IV) the National Credit Union Association; and

“(V) the Farm Credit Administration.

“(ii) PROHIBITION.—A person described in subparagraph (B)(i)(II) for which there is a Federal regulatory agency shall not offer to, or enter into with, a person that is not an eligible contract participant, any agreement, contract, or transaction in foreign currency described in subparagraph (B)(i)(I) except pursuant to a rule or regulation of a Federal regulatory agency allowing the agreement, contract, or transaction under such terms and conditions as the Federal regulatory agency shall prescribe.

“(iii) REQUIREMENTS OF RULES AND REGULATIONS.—

“(I) IN GENERAL.—The rules and regulations described in clause (ii) shall prescribe appropriate requirements with respect to—

“(aa) disclosure;

“(bb) recordkeeping;

“(cc) capital and margin;

“(dd) reporting;

“(ee) business conduct;

“(ff) documentation; and

“(gg) such other standards or requirements as the Federal regulatory agency shall determine to be necessary.

“(II) TREATMENT.—The rules or regulations described in clause (ii) shall treat all agreements, contracts, and transactions in foreign currency described in subparagraph (B)(i)(I), and all agreements, contracts, and transactions

in foreign currency that are functionally or economically similar to agreements, contracts, or transactions described in subparagraph (B)(i)(I), similarly.”

SEC. 743. OTHER AUTHORITY.

Unless otherwise provided by the amendments made by this subtitle, the amendments made by this subtitle do not divest any appropriate Federal banking agency, the Commodity Futures Trading Commission, the Securities and Exchange Commission, or other Federal or State agency of any authority derived from any other applicable law.

SEC. 744. RESTITUTION REMEDIES.

Section 6c(d) of the Commodity Exchange Act (7 U.S.C. 13a-1(d)) is amended by adding at the end the following:

“(3) EQUITABLE REMEDIES.—In any action brought under this section, the Commission may seek, and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation, equitable remedies including—

“(A) restitution to persons who have sustained losses proximately caused by such violation (in the amount of such losses); and

“(B) disgorgement of gains received in connection with such violation.”

SEC. 745. ENHANCED COMPLIANCE BY REGISTERED ENTITIES.

(a) CORE PRINCIPLES FOR CONTRACT MARKETS.—Section 5(d) of the Commodity Exchange Act (7 U.S.C. 7(d)) (as amended by section 735(b)) is amended by striking paragraph (1) and inserting the following:

“(1) DESIGNATION.—

“(A) IN GENERAL.—To be designated as, and to maintain the designation of, a board of trade as a contract market, the board of trade shall comply with—

“(i) the core principles described in this subsection; and

“(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

“(B) DISCRETION OF BOARD OF TRADE.—Unless the Commission determines otherwise by rule or regulation, the board of trade shall have reasonable discretion in establishing the manner by which the board of trade complies with each core principle.”

(b) CORE PRINCIPLES.—Section 5b(c)(2) of the Commodity Exchange Act (7 U.S.C. 7a-1(c)(2)) (as amended by section 725(c)) is amended by striking subparagraph (A) and inserting the following:

“(A) REGISTRATION.—

“(i) IN GENERAL.—To be registered and to maintain registration as a derivatives clearing organization, a derivatives clearing organization shall comply with—

“(I) the core principles described in this paragraph; and

“(II) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

“(ii) DISCRETION OF COMMISSION.—Unless the Commission determines otherwise by rule or regulation, a derivatives clearing organization shall have reasonable discretion in establishing the manner by which the derivatives clearing organization complies with each core principle.”

(c) EFFECT OF INTERPRETATION.—Section 5c(a) of the Commodity Exchange Act (7 U.S.C. 7a-2(a)) is amended by striking paragraph (2) and inserting the following:

“(2) EFFECT OF INTERPRETATION.—An interpretation issued under paragraph (1) may provide the exclusive means for complying with each section described in paragraph (1).”

(d) NEW CONTRACTS, NEW RULES, AND RULE AMENDMENTS.—

(1) IN GENERAL.—A registered entity may elect to list for trading or accept for clearing any new

contract, or other instrument, or may elect to approve and implement any new rule or rule amendment, by providing to the Commission (and the Secretary of the Treasury, in the case of a contract of sale of a government security for future delivery (or option on such a contract) or a rule or rule amendment specifically related to such a contract) a written certification that the new contract or instrument or clearing of the new contract or instrument, new rule, or rule amendment complies with this Act (including regulations under this Act).

(2) **RULE REVIEW.**—The new rule or rule amendment described in paragraph (1) shall become effective, pursuant to the certification of the registered entity, on the date that is 10 business days after the date on which the Commission receives the certification (or such shorter period as determined by the Commission by rule or regulation) unless the Commission notifies the registered entity within such time that it is staying the certification because there exist novel or complex issues that require additional time to analyze, an inadequate explanation by the submitting registered entity, or a potential inconsistency with this Act (including regulations under this Act).

(3) **STAY OF CERTIFICATION FOR RULES.**—

(A) A notification by the Commission pursuant to paragraph (2) shall stay the certification of the new rule or rule amendment for up to an additional 90 days from the date of the notification.

(B) A rule or rule amendment subject to a stay pursuant to subparagraph (A) shall become effective, pursuant to the certification of the registered entity, at the expiration of the period described in subparagraph (A) unless the Commission—

(i) withdraws the stay prior to that time; or
(ii) notifies the registered entity during such period that it objects to the proposed certification on the grounds that it is inconsistent with this Act (including regulations under this Act).

(4) **PRIOR APPROVAL.**—

(A) **IN GENERAL.**—A registered entity may request that the Commission grant prior approval to any new contract or other instrument, new rule, or rule amendment.

(B) **PRIOR APPROVAL REQUIRED.**—Notwithstanding any other provision of this section, a designated contract market shall submit to the Commission for prior approval each rule amendment that materially changes the terms and conditions, as determined by the Commission, in any contract of sale for future delivery of a commodity specifically enumerated in section 1a(10) (or any option thereon) traded through its facilities if the rule amendment applies to contracts and delivery months which have already been listed for trading and have open interest.

(C) **DEADLINE.**—If prior approval is requested under subparagraph (A), the Commission shall take final action on the request not later than 90 days after submission of the request, unless the person submitting the request agrees to an extension of the time limitation established under this subparagraph.

(5) **APPROVAL.**—

(A) **RULES.**—The Commission shall approve a new rule, or rule amendment, of a registered entity unless the Commission finds that the new rule, or rule amendment, is inconsistent with this subtitle (including regulations).

(B) **CONTRACTS AND INSTRUMENTS.**—The Commission shall approve a new contract or other instrument unless the Commission finds that the new contract or other instrument would violate this subtitle (including regulations).

(C) **SPECIAL RULE FOR REVIEW AND APPROVAL OF EVENT CONTRACTS AND SWAPS CONTRACTS.**—

(i) **EVENT CONTRACTS.**—In connection with the listing of agreements, contracts, transactions, or

swaps in excluded commodities that are based upon the occurrence, extent of an occurrence, or contingency (other than a change in the price, rate, value, or levels of a commodity described in section 1a(2)(i)), by a designated contract market or swap execution facility, the Commission may determine that such agreements, contracts, or transactions are contrary to the public interest if the agreements, contracts, or transactions involve—

(I) activity that is unlawful under any Federal or State law;

(II) terrorism;

(III) assassination;

(IV) war;

(V) gaming; or

(VI) other similar activity determined by the Commission, by rule or regulation, to be contrary to the public interest.

(ii) **PROHIBITION.**—No agreement, contract, or transaction determined by the Commission to be contrary to the public interest under clause (i) may be listed or made available for clearing or trading on or through a registered entity.

(iii) **SWAPS CONTRACTS.**—

(I) **IN GENERAL.**—In connection with the listing of a swap for clearing by a derivatives clearing organization, the Commission shall determine, upon request or on its own motion, the initial eligibility, or the continuing qualification, of a derivatives clearing organization to clear such a swap under those criteria, conditions, or rules that the Commission, in its discretion, determines.

(II) **REQUIREMENTS.**—Any such criteria, conditions, or rules shall consider—

(aa) the financial integrity of the derivatives clearing organization; and

(bb) any other factors which the Commission determines may be appropriate.

(iv) **DEADLINE.**—The Commission shall take final action under clauses (i) and (ii) in not later than 90 days from the commencement of its review unless the party seeking to offer the contract or swap agrees to an extension of this time limitation.

(e) **VIOLATION OF CORE PRINCIPLES.**—Section 5c of the Commodity Exchange Act (7 U.S.C. 7a-2) is amended by striking subsection (d).

SEC. 746. INSIDER TRADING.

Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended by adding at the end the following:

“(3) **CONTRACT OF SALE.**—It shall be unlawful for any employee or agent of any department or agency of the Federal Government who, by virtue of the employment or position of the employee or agent, acquires information that may affect or tend to affect the price of any commodity in interstate commerce, or for future delivery, or any swap, and which information has not been disseminated by the department or agency of the Federal Government holding or creating the information in a manner which makes it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, to use the information in his personal capacity and for personal gain to enter into, or offer to enter into—

“(A) a contract of sale of a commodity for future delivery (or option on such a contract);

“(B) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

“(C) a swap.

“(4) **NONPUBLIC INFORMATION.**—

“(A) **IMPARTING OF NONPUBLIC INFORMATION.**—It shall be unlawful for any employee or agent of any department or agency of the Federal Government who, by virtue of the employ-

ment or position of the employee or agent, acquires information that may affect or tend to affect the price of any commodity in interstate commerce, or for future delivery, or any swap, and which information has not been disseminated by the department or agency of the Federal Government holding or creating the information in a manner which makes it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, to impart the information in his personal capacity and for personal gain with intent to assist another person, directly or indirectly, to use the information to enter into, or offer to enter into—

“(i) a contract of sale of a commodity for future delivery (or option on such a contract);

“(ii) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

“(iii) a swap.

“(B) **KNOWING USE.**—It shall be unlawful for any person who receives information imparted by any employee or agent of any department or agency of the Federal Government as described in subparagraph (A) to knowingly use such information to enter into, or offer to enter into—

“(i) a contract of sale of a commodity for future delivery (or option on such a contract);

“(ii) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

“(iii) a swap.

“(C) **THEFT OF NONPUBLIC INFORMATION.**—It shall be unlawful for any person to steal, convert, or misappropriate, by any means whatsoever, information held or created by any department or agency of the Federal Government that may affect or tend to affect the price of any commodity in interstate commerce, or for future delivery, or any swap, where such person knows, or acts in reckless disregard of the fact, that such information has not been disseminated by the department or agency of the Federal Government holding or creating the information in a manner which makes it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, and to use such information, or to impart such information with the intent to assist another person, directly or indirectly, to use such information to enter into, or offer to enter into—

“(i) a contract of sale of a commodity for future delivery (or option on such a contract);

“(ii) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

“(iii) a swap.

Provided, however, that nothing in this subparagraph shall preclude a person that has provided information concerning, or generated by, the person, its operations or activities, to any employee or agent of any department or agency of the Federal Government, voluntarily or as required by law, from using such information to enter into, or offer to enter into, a contract of sale, option, or swap described in clauses (i), (ii), or (iii).”

SEC. 747. ANTIDISRUPTIVE PRACTICES AUTHORITY.

Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) (as amended by section 746) is amended by adding at the end the following:

“(5) **DISRUPTIVE PRACTICES.**—It shall be unlawful for any person to engage in any trading, practice, or conduct on or subject to the rules of a registered entity that—

“(A) violates bids or offers;

“(B) demonstrates intentional or reckless disregard for the orderly execution of transactions during the closing period; or

“(C) is, is of the character of, or is commonly known to the trade as, ‘spoofing’ (bidding or offering with the intent to cancel the bid or offer before execution).

“(6) RULEMAKING AUTHORITY.—The Commission may make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to prohibit the trading practices described in paragraph (5) and any other trading practice that is disruptive of fair and equitable trading.

“(7) USE OF SWAPS TO DEFRAUD.—It shall be unlawful for any person to enter into a swap knowing, or acting in reckless disregard of the fact, that its counterparty will use the swap as part of a device, scheme, or artifice to defraud any third party.”

SEC. 748. COMMODITY WHISTLEBLOWER INCENTIVES AND PROTECTION.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by adding at the end the following:

“SEC. 23. COMMODITY WHISTLEBLOWER INCENTIVES AND PROTECTION.

“(A) DEFINITIONS.—In this section:

“(1) COVERED JUDICIAL OR ADMINISTRATIVE ACTION.—The term ‘covered judicial or administrative action’ means any judicial or administrative action brought by the Commission under this Act that results in monetary sanctions exceeding \$1,000,000.

“(2) FUND.—The term ‘Fund’ means the Commodity Futures Trading Commission Customer Protection Fund established under subsection (g).

“(3) MONETARY SANCTIONS.—The term ‘monetary sanctions’, when used with respect to any judicial or administrative action means—

“(A) any monies, including penalties, disgorgement, restitution, and interest ordered to be paid; and

“(B) any monies deposited into a disgorgement fund or other fund pursuant to section 308(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246(b)), as a result of such action or any settlement of such action.

“(4) ORIGINAL INFORMATION.—The term ‘original information’ means information that—

“(A) is derived from the independent knowledge or analysis of a whistleblower;

“(B) is not known to the Commission from any other source, unless the whistleblower is the original source of the information; and

“(C) is not exclusively derived from an allegation made in a judicial or administrative hearing, in a governmental report, hearing, audit, or investigation, or from the news media, unless the whistleblower is a source of the information.

“(5) RELATED ACTION.—The term ‘related action’, when used with respect to any judicial or administrative action brought by the Commission under this Act, means any judicial or administrative action brought by an entity described in subclauses (i) through (vi) of subsection (g)(2)(B) that is based upon the original information provided by a whistleblower pursuant to subsection (a) that led to the successful enforcement of the Commission action.

“(6) SUCCESSFUL RESOLUTION.—The term ‘successful resolution’, when used with respect to any judicial or administrative action brought by the Commission under this Act, includes any settlement of such action.

“(7) WHISTLEBLOWER.—The term ‘whistleblower’ means any individual, or 2 or more individuals acting jointly, who provides information relating to a violation of this Act to the Commission, in a manner established by rule or regulation, by the Commission.

“(b) AWARDS.—

“(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Commission, under regulations prescribed by the Commission and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to the Commission that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—

“(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

“(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

“(2) PAYMENT OF AWARDS.—Any amount paid under paragraph (1) shall be paid from the Fund.

“(c) DETERMINATION OF AMOUNT OF AWARD; DENIAL OF AWARD.—

“(1) DETERMINATION OF AMOUNT OF AWARD.—

“(A) DISCRETION.—The determination of the amount of an award made under subsection (b) shall be in the discretion of the Commission.

“(B) CRITERIA.—In determining the amount of an award made under subsection (b), the Commission shall take into account—

“(i) the significance of the information provided by the whistleblower to the success of the covered judicial or administrative action;

“(ii) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in a covered judicial or administrative action;

“(iii) the programmatic interest of the Commission in deterring violations of the Act (including regulations under the Act) by making awards to whistleblowers who provide information that leads to the successful enforcement of such laws; and

“(iv) such additional relevant factors as the Commission may establish by rule or regulation.

“(2) DENIAL OF AWARD.—No award under subsection (b) shall be made—

“(A) to any whistleblower who is, or was at the time the whistleblower acquired the original information submitted to the Commission, a member, officer, or employee of—

“(i) an appropriate regulatory agency;

“(ii) the Department of Justice;

“(iii) a registered entity;

“(iv) a registered futures association; or

“(v) a self-regulatory organization as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); or

“(vi) a law enforcement organization;

“(B) to any whistleblower who is convicted of a criminal violation related to the judicial or administrative action for which the whistleblower otherwise could receive an award under this section;

“(C) to any whistleblower who submits information to the Commission that is based on the facts underlying the covered action submitted previously by another whistleblower;

“(D) to any whistleblower who fails to submit information to the Commission in such form as the Commission may, by rule or regulation, require.

“(d) REPRESENTATION.—

“(1) PERMITTED REPRESENTATION.—Any whistleblower who makes a claim for an award under subsection (b) may be represented by counsel.

“(2) REQUIRED REPRESENTATION.—

“(A) IN GENERAL.—Any whistleblower who anonymously makes a claim for an award under subsection (b) shall be represented by counsel if the whistleblower submits the information upon which the claim is based.

“(B) DISCLOSURE OF IDENTITY.—Prior to the payment of an award, a whistleblower shall disclose the identity of the whistleblower and pro-

vide such other information as the Commission may require, directly or through counsel for the whistleblower.

“(e) NO CONTRACT NECESSARY.—No contract with the Commission is necessary for any whistleblower to receive an award under subsection (b), unless otherwise required by the Commission, by rule or regulation.

“(f) APPEALS.—

“(1) IN GENERAL.—Any determination made under this section, including whether, to whom, or in what amount to make awards, shall be in the discretion of the Commission.

“(2) APPEALS.—Any determination described in paragraph (1) may be appealed to the appropriate court of appeals of the United States not more than 30 days after the determination is issued by the Commission.

“(3) REVIEW.—The court shall review the determination made by the Commission in accordance with section 7064 of title 5, United States Code.

“(g) COMMODITY FUTURES TRADING COMMISSION CUSTOMER PROTECTION FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the ‘Commodity Futures Trading Commission Customer Protection Fund’.

“(2) USE OF FUND.—The Fund shall be available to the Commission, without further appropriation or fiscal year limitation, for—

“(A) the payment of awards to whistleblowers as provided in subsection (a); and

“(B) the funding of customer education initiatives designed to help customers protect themselves against fraud or other violations of this Act, or the rules and regulations thereunder.

“(3) DEPOSITS AND CREDITS.—There shall be deposited into or credited to the Fund—

“(A) any monetary judgment collected by the Commission in any judicial or administrative action brought by the Commission under this Act, that is not otherwise distributed to victims of a violation of this Act or the rules and regulations thereunder underlying such action, unless the balance of the Fund at the time the monetary judgment is collected exceeds \$100,000,000; and

“(B) all income from investments made under paragraph (4).

“(4) INVESTMENTS.—

“(A) AMOUNTS IN FUND MAY BE INVESTED.—The Commission may request the Secretary of the Treasury to invest the portion of the Fund that is not, in the Commission’s judgment, required to meet the current needs of the Fund.

“(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary of the Treasury in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Fund as determined by the Commission.

“(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

“(5) REPORTS TO CONGRESS.—Not later than October 30 of each year, the Commission shall transmit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives a report on—

“(A) the Commission’s whistleblower award program under this section, including a description of the number of awards granted and the types of cases in which awards were granted during the preceding fiscal year;

“(B) customer education initiatives described in paragraph (2)(B) that were funded by the Fund during the preceding fiscal year;

“(C) the balance of the Fund at the beginning of the preceding fiscal year;

“(D) the amounts deposited into or credited to the Fund during the preceding fiscal year;

“(E) the amount of earnings on investments of amounts in the Fund during the preceding fiscal year;

“(F) the amount paid from the Fund during the preceding fiscal year to whistleblowers pursuant to subsection (b);

“(G) the amount paid from the Fund during the preceding fiscal year for customer education initiatives described in paragraph (2)(B);

“(H) the balance of the Fund at the end of the preceding fiscal year; and

“(I) a complete set of audited financial statements, including a balance sheet, income statement, and cash flow analysis.

“(h) PROTECTION OF WHISTLEBLOWERS.—

“(i) PROHIBITION AGAINST RETALIATION.—

“(A) IN GENERAL.—No employer may discharge, demote, suspend, threaten, harass, directly or indirectly, or in any other manner discriminate against, a whistleblower in the terms and conditions of employment because of any lawful act done by the whistleblower—

“(i) in providing information to the Commission in accordance with subsection (b); or

“(ii) in assisting in any investigation or judicial or administrative action of the Commission based upon or related to such information.

“(B) ENFORCEMENT.—

“(i) CAUSE OF ACTION.—An individual who alleges discharge or other discrimination in violation of subparagraph (A) may bring an action under this subsection in the appropriate district court of the United States for the relief provided in subparagraph (C), unless the individual who is alleging discharge or other discrimination in violation of subparagraph (A) is an employee of the federal government, in which case the individual shall only bring an action under section 1221 of title 5 United States Code.

“(ii) SUBPOENAS.—A subpoena requiring the attendance of a witness at a trial or hearing conducted under this subsection may be served at any place in the United States.

“(iii) STATUTE OF LIMITATIONS.—An action under this subsection may not be brought more than 2 years after the date on which the violation reported in subparagraph (A) is committed.

“(C) RELIEF.—Relief for an individual prevailing in an action brought under subparagraph (B) shall include—

“(i) reinstatement with the same seniority status that the individual would have had, but for the discrimination;

“(ii) the amount of back pay otherwise owed to the individual, with interest; and

“(iii) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

“(2) CONFIDENTIALITY.—

“(A) INFORMATION PROVIDED.—

“(i) IN GENERAL.—Except as provided in subparagraph (B), all information provided to the Commission by a whistleblower shall be confidential and privileged as an evidentiary matter (and shall not be subject to civil discovery or other legal process) in any proceeding in any Federal or State court or administrative agency, and shall be exempt from disclosure, in the hands of a department or agency of the Federal Government, under section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’) or otherwise, unless and until required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission or any entity described in subparagraph (B).

“(ii) CONSTRUCTION.—For purposes of section 552 of title 5, United States Code, this paragraph shall be considered to be a statute described in subsection (b)(3)(B) of that section.

“(iii) EFFECT.—Nothing in this paragraph is intended to limit the ability of the Attorney

General to present such evidence to a grand jury or to share such evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

“(B) AVAILABILITY TO GOVERNMENT AGENCIES.—

“(i) IN GENERAL.—Without the loss of its status as confidential and privileged in the hands of the Commission, all information referred to in subparagraph (A) may, in the discretion of the Commission, when determined by the Commission to be necessary or appropriate to accomplish the purposes of this Act and protect customers and in accordance with clause (ii), be made available to—

“(I) the Department of Justice;

“(II) an appropriate department or agency of the Federal Government, acting within the scope of its jurisdiction;

“(III) a registered entity, registered futures association, or self-regulatory organization as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a));

“(IV) a State attorney general in connection with any criminal investigation;

“(V) an appropriate department or agency of any State, acting within the scope of its jurisdiction; and

“(VI) a foreign futures authority.

“(ii) MAINTENANCE OF INFORMATION.—Each of the entities, agencies, or persons described in clause (i) shall maintain information described in that clause as confidential and privileged, in accordance with the requirements in subparagraph (A).

“(3) RIGHTS RETAINED.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any whistleblower under any Federal or State law, or under any collective bargaining agreement.

“(i) RULEMAKING AUTHORITY.—The Commission shall have the authority to issue such rules and regulations as may be necessary or appropriate to implement the provisions of this section consistent with the purposes of this section.

“(j) IMPLEMENTING RULES.—The Commission shall issue final rules or regulations implementing the provisions of this section not later than 270 days after the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

“(k) ORIGINAL INFORMATION.—Information submitted to the Commission by a whistleblower in accordance with rules or regulations implementing this section shall not lose its status as original information solely because the whistleblower submitted such information prior to the effective date of such rules or regulations, provided such information was submitted after the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

“(l) AWARDS.—A whistleblower may receive an award pursuant to this section regardless of whether any violation of a provision of this Act, or a rule or regulation thereunder, underlying the judicial or administrative action upon which the award is based occurred prior to the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

“(m) PROVISION OF FALSE INFORMATION.—A whistleblower who knowingly and willfully makes any false, fictitious, or fraudulent statement or representation, or who makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall not be entitled to an award under this section and shall be subject to prosecution under section 1001 of title 18, United States Code.”.

SEC. 749. CONFORMING AMENDMENTS.

(a) Section 2(c)(1) of the Commodity Exchange Act (7 U.S.C. 2(c)(1)) is amended, in the matter preceding subparagraph (A), by striking “5a (to the extent provided in section 5a(g))”.

(b) Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) (as amended by section 724) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “engage as” and inserting “be a”;

(ii) by striking “or introducing broker” and all that follows through “or derivatives transaction execution facility”;

(B) in paragraph (1), by striking “or introducing broker”;

(C) in paragraph (2), by striking “if a futures commission merchant,”;

(2) by adding at the end the following:

“(g) It shall be unlawful for any person to be an introducing broker unless such person shall have registered under this Act with the Commission as an introducing broker and such registration shall not have expired nor been suspended nor revoked.”.

(c) Section 4m(3) of the Commodity Exchange Act (7 U.S.C. 6m(3)) is amended—

(1) by striking “(3) Subsection (1) of this section” and inserting the following:

“(3) EXCEPTION.—

“(A) IN GENERAL.—Paragraph (1)”;

(2) by striking “to any investment trust” and all that follows through the period at the end and inserting the following: “to any commodity pool that is engaged primarily in trading commodity interests.”.

“(B) ENGAGED PRIMARILY.—For purposes of subparagraph (A), a commodity trading advisor or a commodity pool shall be considered to be ‘engaged primarily’ in the business of being a commodity trading advisor or commodity pool if it is or holds itself out to the public as being engaged primarily, or proposes to engage primarily, in the business of advising on commodity interests or investing, reinvesting, owning, holding, or trading in commodity interests, respectively.

“(C) COMMODITY INTERESTS.—For purposes of this paragraph, commodity interests shall include contracts of sale of a commodity for future delivery, options on such contracts, security futures, swaps, leverage contracts, foreign exchange, spot and forward contracts on physical commodities, and any monies held in an account used for trading commodity interests.”.

(d) Section 5c of the Commodity Exchange Act (7 U.S.C. 7a–2) is amended—

(1) in subsection (a)(1)—

(A) by striking “5a(d),”;

(B) by striking “and section (2)(h)(7) with respect to significant price discovery contracts,”;

(2) in subsection (f)(1), by striking “section 4d(c) of this Act” and inserting “section 4d(e)”.

(e) Section 5e of the Commodity Exchange Act (7 U.S.C. 7b) is amended by striking “or revocation of the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract.”.

(f) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended in the first sentence by striking “, or to revoke the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract.”.

(g) Section 12(e)(2)(B) of the Commodity Exchange Act (7 U.S.C. 16(e)(2)(B)) is amended—

(1) by striking “section 2(c), 2(d), 2(f), or 2(g) of this Act” and inserting “section 2(c), 2(f), or 2(i) of this Act”;

(2) by striking “2(h) or”.

(h) Section 17(r)(1) of the Commodity Exchange Act (7 U.S.C. 21(r)(1)) is amended by striking “section 4d(c) of this Act” and inserting “section 4d(e)”.

(i) Section 22(b)(1)(A) of the Commodity Exchange Act (7 U.S.C. 25(b)(1)(A)) is amended by striking “section 2(h)(7) or”.

(j) Section 408(2)(C) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4421(2)(C)) is amended—

(1) by striking “section 2(c), 2(d), 2(f), or 2(g) of such Act” and inserting “section 2(c), 2(f), or 2(i) of that Act”; and

(2) by striking “2(h) or”.

SEC. 750. STUDY ON OVERSIGHT OF CARBON MARKETS.

(a) **INTERAGENCY WORKING GROUP.**—There is established to carry out this section an interagency working group (referred to in this section as the “interagency group”) composed of the following members or designees:

(1) The Chairman of the Commodity Futures Trading Commission (referred to in this section as the “Commission”), who shall serve as Chairman of the interagency group.

(2) The Secretary of Agriculture.

(3) The Secretary of the Treasury.

(4) The Chairman of the Securities and Exchange Commission.

(5) The Administrator of the Environmental Protection Agency.

(6) The Chairman of the Federal Energy Regulatory Commission.

(7) The Commissioner of the Federal Trade Commission.

(8) The Administrator of the Energy Information Administration.

(b) **ADMINISTRATIVE SUPPORT.**—The Commission shall provide the interagency group such administrative support services as are necessary to enable the interagency group to carry out the functions of the interagency group under this section.

(c) **CONSULTATION.**—In carrying out this section, the interagency group shall consult with representatives of exchanges, clearinghouses, self-regulatory bodies, major carbon market participants, consumers, and the general public, as the interagency group determines to be appropriate.

(d) **STUDY.**—The interagency group shall conduct a study on the oversight of existing and prospective carbon markets to ensure an efficient, secure, and transparent carbon market, including oversight of spot markets and derivative markets.

(e) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the interagency group shall submit to Congress a report on the results of the study conducted under subsection (b), including recommendations for the oversight of existing and prospective carbon markets to ensure an efficient, secure, and transparent carbon market, including oversight of spot markets and derivative markets.

SEC. 751. ENERGY AND ENVIRONMENTAL MARKETS ADVISORY COMMITTEE.

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2(a)) (as amended by section 727) is amended by adding at the end the following:

“(15) **ENERGY AND ENVIRONMENTAL MARKETS ADVISORY COMMITTEE.**—

“(A) **ESTABLISHMENT.**—

“(i) **IN GENERAL.**—An Energy and Environmental Markets Advisory Committee is hereby established.

“(ii) **MEMBERSHIP.**—The Committee shall have 9 members.

“(iii) **ACTIVITIES.**—The Committee’s objectives and scope of activities shall be—

“(I) to conduct public meetings;

“(II) to submit reports and recommendations to the Commission (including dissenting or minority views, if any); and

“(III) otherwise to serve as a vehicle for discussion and communication on matters of concern to exchanges, firms, end users, and regulators regarding energy and environmental markets and their regulation by the Commission.

“(B) **REQUIREMENTS.**—

“(i) **IN GENERAL.**—The Committee shall hold public meetings at such intervals as are nec-

essary to carry out the functions of the Commission, but not less frequently than 2 times per year.

“(ii) **MEMBERS.**—Members shall be appointed to 3-year terms, but may be removed for cause by vote of the Commission.

“(C) **APPOINTMENT.**—The Commission shall appoint members with a wide diversity of opinion and who represent a broad spectrum of interests, including hedgers and consumers.

“(D) **REIMBURSEMENT.**—Members shall be entitled to per diem and travel expense reimbursement by the Commission.

“(E) **FACA.**—The Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).”

SEC. 752. INTERNATIONAL HARMONIZATION.

In order to promote effective and consistent global regulation of swaps and security-based swaps, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Financial Stability Oversight Council, and the Treasury Department—

(1) shall, both individually and collectively, consult and coordinate with foreign regulatory authorities on the establishment of consistent international standards with respect to the regulation of such swaps; and

(2) may, both individually and collectively, agree to such information-sharing arrangements as may be deemed to be necessary or appropriate in the public interest or for the protection of investors and swap counterparties.

SEC. 753. ANTIMARKET MANIPULATION AUTHORITY.

(a) **PROHIBITION REGARDING MANIPULATION AND FALSE INFORMATION.**—Subsection (c) of section 6 of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended to read as follows:

“(c) **PROHIBITION REGARDING MANIPULATION AND FALSE INFORMATION.**—

“(1) **PROHIBITION AGAINST MANIPULATION.**—It shall be unlawful for any person, directly or indirectly, to use or employ, or attempt to use or employ, in connection with any swap, or a contract of sale of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission shall promulgate by not later than 1 year after the date of enactment of the Restoring American Financial Stability Act of 2010.

“(A) **SPECIAL PROVISION FOR MANIPULATION BY FALSE REPORTING.**—Unlawful manipulation for purposes of this paragraph shall include, but not be limited to, delivering, or causing to be delivered for transmission through the mails or interstate commerce, by any means of communication whatsoever, a false or misleading or inaccurate report concerning crop or market information or conditions that affect or tend to affect the price of any commodity in interstate commerce, knowing, or acting in reckless disregard of the fact, that such report is false, misleading or inaccurate.

“(B) **EFFECT ON OTHER LAW.**—Nothing in this paragraph shall affect, or be construed to affect, the applicability of section 9(a)(2).

“(2) **PROHIBITION REGARDING FALSE INFORMATION.**—It shall be unlawful for any person to make any false or misleading statement of a material fact to the Commission, including in any registration application or any report filed with the Commission under this Act, or any other information relating to a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, or to omit to state in any such statement any material fact that is necessary to make any statement of a material fact made not misleading in any material respect, if the person knew, or reasonably should have known, the statement to be false or misleading.

“(3) **OTHER MANIPULATION.**—In addition to the prohibition in paragraph (1), it shall be unlawful for any person, directly or indirectly, to manipulate or attempt to manipulate the price of any swap, or of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity.

“(4) **ENFORCEMENT.**—

“(A) **AUTHORITY OF COMMISSION.**—If the Commission has reason to believe that any person (other than a registered entity) is violating or has violated this subsection, or any other provision of this Act (including any rule, regulation, or order of the Commission promulgated in accordance with this subsection or any other provision of this Act), the Commission may serve upon the person a complaint.

“(B) **CONTENTS OF COMPLAINT.**—A complaint under subparagraph (A) shall—

“(i) contain a description of the charges against the person that is the subject of the complaint; and

“(ii) have attached or contain a notice of hearing that specifies the date and location of the hearing regarding the complaint.

“(C) **HEARING.**—A hearing described in subparagraph (B)(ii)—

“(i) shall be held not later than 3 days after service of the complaint described in subparagraph (A);

“(ii) shall require the person to show cause regarding why—

“(I) an order should not be made—

“(aa) to prohibit the person from trading on, or subject to the rules of, any registered entity; and

“(bb) to direct all registered entities to refuse all privileges to the person until further notice of the Commission; and

“(II) the registration of the person, if registered with the Commission in any capacity, should not be suspended or revoked; and

“(iii) may be held before—

“(I) the Commission; or

“(II) an administrative law judge designated by the Commission, under which the administrative law judge shall ensure that all evidence is recorded in written form and submitted to the Commission.

“(5) **SUBPOENA.**—For the purpose of securing effective enforcement of the provisions of this Act, for the purpose of any investigation or proceeding under this Act, and for the purpose of any action taken under section 12(f) of this Act, any member of the Commission or any Administrative Law Judge or other officer designated by the Commission (except as provided in paragraph (7)) may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records that the Commission deems relevant or material to the inquiry.

“(6) **WITNESSES.**—The attendance of witnesses and the production of any such records may be required from any place in the United States, any State, or any foreign country or jurisdiction at any designated place of hearing.

“(7) **SERVICE.**—A subpoena issued under this section may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States in such manner as the Federal Rules of Civil Procedure prescribe for service of process in a foreign country, except that a subpoena to be served on a person who is not to be found within the territorial jurisdiction of any court of the United States may be issued only on the prior approval of the Commission.

“(8) **REFUSAL TO OBEY.**—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction in which the investigation or proceeding

is conducted, or where such person resides or transacts business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. Such court may issue an order requiring such person to appear before the Commission or member or Administrative Law Judge or other officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question.

“(9) **FAILURE TO OBEY.**—Any failure to obey such order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in the judicial district wherein such person is an inhabitant or transacts business or wherever such person may be found.

“(10) **EVIDENCE.**—On the receipt of evidence under paragraph (4)(C)(iii), the Commission may—

“(A) prohibit the person that is the subject of the hearing from trading on, or subject to the rules of, any registered entity and require all registered entities to refuse the person all privileges on the registered entities for such period as the Commission may require in the order;

“(B) if the person is registered with the Commission in any capacity, suspend, for a period not to exceed 180 days, or revoke, the registration of the person;

“(C) assess such person—

“(i) a civil penalty of not more than an amount equal to the greater of—

“(I) \$140,000; or

“(II) triple the monetary gain to such person for each such violation; or

“(ii) in any case of manipulation or attempted manipulation in violation of this subsection or section 9(a)(2), a civil penalty of not more than an amount equal to the greater of—

“(I) \$1,000,000; or

“(II) triple the monetary gain to the person for each such violation; and

“(D) require restitution to customers of damages proximately caused by violations of the person.

“(11) **ORDERS.**—

“(A) **NOTICE.**—The Commission shall provide to a person described in paragraph (10) and the appropriate governing board of the registered entity notice of the order described in paragraph (10) by—

“(i) registered mail;

“(ii) certified mail; or

“(iii) personal delivery.

“(B) **REVIEW.**—

“(i) **IN GENERAL.**—A person described in paragraph (10) may obtain a review of the order or such other equitable relief as determined to be appropriate by a court described in clause (ii).

“(ii) **PETITION.**—To obtain a review or other relief under clause (i), a person may, not later than 15 days after notice is given to the person under clause (i), file a written petition to set aside the order with the United States Court of Appeals—

“(I) for the circuit in which the petitioner carries out the business of the petitioner; or

“(II) in the case of an order denying registration, the circuit in which the principal place of business of the petitioner is located, as listed on the application for registration of the petitioner.

“(C) **PROCEDURE.**—

“(i) **DUTY OF CLERK OF APPROPRIATE COURT.**—The clerk of the appropriate court under subparagraph (B)(ii) shall transmit to the Commission a copy of a petition filed under subparagraph (B)(ii).

“(ii) **DUTY OF COMMISSION.**—In accordance with section 2112 of title 28, United States Code, the Commission shall file in the appropriate court described in subparagraph (B)(ii) the record theretofore made.

“(iii) **JURISDICTION OF APPROPRIATE COURT.**—Upon the filing of a petition under subparagraph (B)(ii), the appropriate court described in subparagraph (B)(ii) shall have jurisdiction to affirm, set aside, or modify the order of the Commission, and the findings of the Commission as to the facts, if supported by the weight of evidence, shall in like manner be conclusive.”.

(b) **CEASE AND DESIST ORDERS, FINES.**—Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended to read as follows:

“(d) If any person (other than a registered entity), is violating or has violated subsection (c) or any other provisions of this Act or of the rules, regulations, or orders of the Commission thereunder, the Commission may, upon notice and hearing, and subject to appeal as in other cases provided for in subsection (c), make and enter an order directing that such person shall cease and desist therefrom and, if such person thereafter and after the lapse of the period allowed for appeal of such order or after the affirmation of such order, shall fail or refuse to obey or comply with such order, such person shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than the higher of \$140,000 or triple the monetary gain to such person, or imprisoned for not less than six months nor more than one year, or both, except that if such failure or refusal to obey or comply with such order involves any offense within subsection (a) or (b) of section 9 of this Act, such person shall be guilty of a felony and, upon conviction thereof, shall be subject to the penalties of said subsection (a) or (b): Provided, That any such cease and desist order under this subsection against any respondent in any case of manipulation shall be issued only in conjunction with an order issued against such respondent under subsection (c). Each day during which such failure or refusal to obey or comply with such order continues shall be deemed a separate offense.”.

(c) **MANIPULATIONS; PRIVATE RIGHTS OF ACTION.**—Section 22(a)(1) of the Commodity Exchange Act (7 U.S.C. 25(a)(1)) is amended by striking subparagraph (D) and inserting the following:

“(D) who purchased or sold a contract referred to in subparagraph (B) hereof or swap if the violation constitutes—

“(i) the use or employment of, or an attempt to use or employ, in connection with a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative device or contrivance in contravention of such rules and regulations as the Commission shall promulgate by not later than 1 year after the date of enactment of the Restoring American Financial Stability Act of 2010; or

“(ii) a manipulation of the price of any such contract or swap or the price of the commodity underlying such contract or swap.”.

(d) **EFFECTIVE DATE.**—

(1) The amendments made by this section shall take effect on the date on which the final rule promulgated by the Commodity Futures Trading Commission pursuant to this Act takes effect.

(2) Paragraph (1) shall not preclude the Commission from undertaking prior to the effective date any rulemaking necessary to implement the amendments contained in this section.

SEC. 754. EFFECTIVE DATE.

Unless otherwise provided in this title, this subtitle shall take effect on the date that is 180 days after the date of enactment of this Act.

Subtitle B—Regulation of Security-Based Swap Markets

SEC. 761. DEFINITIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934.

(a) **DEFINITIONS.**—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in subparagraphs (A) and (B) of paragraph (5), by inserting “(not including security-based swaps, other than security-based swaps with or for persons that are not eligible contract participants)” after “securities” each place that term appears;

(2) in paragraph (10), by inserting “security-based swap,” after “security future,”;

(3) in paragraph (13), by adding at the end the following: “For security-based swaps, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.”;

(4) in paragraph (14), by adding at the end the following: “For security-based swaps, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.”;

(5) in paragraph (39)—

(A) in subparagraph (B)(i)—

(i) in subclause (I), by striking “or government securities dealer” and inserting “government securities dealer, security-based swap dealer, or major security-based swap participant”; and

(ii) in subclause (II), by inserting “security-based swap dealer, major security-based swap participant,” after “government securities dealer,”;

(B) in subparagraph (C), by striking “or government securities dealer” and inserting “government securities dealer, security-based swap dealer, or major security-based swap participant”; and

(C) in subparagraph (D), by inserting “security-based swap dealer, major security-based swap participant,” after “government securities dealer,”; and

(6) by adding at the end the following:

“(65) **ELIGIBLE CONTRACT PARTICIPANT.**—The term ‘eligible contract participant’ has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

“(66) **MAJOR SWAP PARTICIPANT.**—The term ‘major swap participant’ has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

“(67) **MAJOR SECURITY-BASED SWAP PARTICIPANT.**—

“(A) **IN GENERAL.**—The term ‘major security-based swap participant’ means any person—

“(i) who is not a security-based swap dealer; and

“(ii) (I) who maintains a substantial position in security-based swaps for any of the major security-based swap categories, as such categories are determined by the Commission, excluding—

“(aa) positions held for hedging or mitigating commercial risk; and

“(bb) positions maintained by any employee benefit plan (or any contract held by such a plan), as that term is defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002), for the primary purpose of hedging or mitigating any risk directly associated with the operation of the plan;

“(II) whose outstanding security-based swaps create substantial counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets; or

“(III) that is a financial entity that—

“(aa) is highly leveraged relative to the amount of capital such entity holds; and

“(bb) maintains a substantial position in outstanding security-based swaps in any major security-based swap category, as such categories are determined by the Commission.

“(B) DEFINITION OF SUBSTANTIAL POSITION.—For purposes of subparagraph (A), the Commission shall define, by rule or regulation, the term ‘substantial position’ at the threshold that the Commission determines to be prudent for the effective monitoring, management, and oversight of entities that are systemically important or can significantly impact the financial system of the United States.

“(C) SCOPE OF DESIGNATION.—For purposes of subparagraph (A), a person may be designated as a major security-based swap participant for 1 or more categories of security-based swaps without being classified as a major security-based swap participant for all classes of security-based swaps.

“(D) CAPITAL.—In setting capital requirements for a person that is designated as a major security-based swap participant for a single type or single class or category of security-based swap or activities, the prudential regulator and the Commission shall take into account the risks associated with other types of security-based swaps or classes of security-based swaps or categories of security-based swaps engaged in and the other activities conducted by that person that are not otherwise subject to regulation applicable to that person by virtue of the status of the person as a major security-based swap participant.

“(68) SECURITY-BASED SWAP.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘security-based swap’ means any agreement, contract, or transaction that—

“(i) is a swap, as that term is defined under section 1a of the Commodity Exchange Act; and

“(ii) is based on—

“(I) an index that is a narrow-based security index, including any interest therein or on the value thereof;

“(II) a single security or loan, including any interest therein or on the value thereof; or

“(III) the occurrence, nonoccurrence, or extent of the occurrence of an event relating to a single issuer of a security or the issuers of securities in a narrow-based security index, provided that such event directly affects the financial statements, financial condition, or financial obligations of the issuer.

“(B) RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.—The term ‘security-based swap’ shall be construed to include a master agreement that provides for an agreement, contract, or transaction that is a security-based swap pursuant to subparagraph (A), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a security-based swap pursuant to subparagraph (A), except that the master agreement shall be considered to be a security-based swap only with respect to each agreement, contract, or transaction under the master agreement that is a security-based swap pursuant to subparagraph (A).

“(C) EXCLUSIONS.—The term ‘security-based swap’ does not include any agreement, contract, or transaction that meets the definition of a security-based swap only because such agreement, contract, or transaction references, is based upon, or settles through the transfer, delivery, or receipt of an exempted security under paragraph (12), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in paragraph (29) as in effect on the date of enactment of the Futures Trading Act of 1982), unless such agreement, contract, or transaction is of the character of, or is commonly known in the trade as, a put, call, or other option.

“(D) MIXED SWAP.—The term ‘security-based swap’ includes any agreement, contract, or transaction that is as described in subparagraph

(A) and also is based on the value of 1 or more interest or other rates, currencies, commodities, instruments of indebtedness, indices, quantitative measures, other financial or economic interest or property of any kind (other than a single security or a narrow-based security index), or the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence (other than an event described in subparagraph (A)(ii)(III)).

“(69) SWAP.—The term ‘swap’ has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

“(70) PERSON ASSOCIATED WITH A SECURITY-BASED SWAP DEALER OR MAJOR SECURITY-BASED SWAP PARTICIPANT.—

“(A) IN GENERAL.—The term ‘person associated with a security-based swap dealer or major security-based swap participant’ or ‘associated person of a security-based swap dealer or major security-based swap participant’ means—

“(i) any partner, officer, director, or branch manager of such security-based swap dealer or major security-based swap participant (or any person occupying a similar status or performing similar functions);

“(ii) any person directly or indirectly controlling, controlled by, or under common control with such security-based swap dealer or major security-based swap participant; or

“(iii) any employee of such security-based swap dealer or major security-based swap participant.

“(B) EXCLUSION.—Other than for purposes of section 15F(l)(2), the term ‘person associated with a security-based swap dealer or major security-based swap participant’ or ‘associated person of a security-based swap dealer or major security-based swap participant’ does not include any person associated with a security-based swap dealer or major security-based swap participant whose functions are solely clerical or ministerial.

“(71) SECURITY-BASED SWAP DEALER.—

“(A) IN GENERAL.—The term ‘security-based swap dealer’ means any person who—

“(i) holds themselves out as a dealer in security-based swaps;

“(ii) makes a market in security-based swaps;

“(iii) regularly engages in the purchase and sale of security-based swaps in the ordinary course of a business; or

“(iv) engages in any activity causing it to be commonly known in the trade as a dealer or market maker in security-based swaps.

“(B) DESIGNATION BY TYPE OR CLASS.—A person may be designated as a security-based swap dealer for a single type or single class or category of security-based swap or activities and considered not to be a security-based swap dealer for other types, classes, or categories of security-based swaps or activities.

“(C) CAPITAL.—In setting capital requirements for a person that is designated as a security-based swap dealer for a single type or single class or category of security-based swap or activities, the prudential regulator and the Commission shall take into account the risks associated with other types of security-based swaps or classes of security-based swaps or categories of security-based swaps engaged in and the other activities conducted by that person that are not otherwise subject to regulation applicable to that person by virtue of the status of the person as a security-based swap dealer.

“(72) APPROPRIATE FEDERAL BANKING AGENCY.—The term ‘appropriate Federal banking agency’ has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

“(73) BOARD.—The term ‘Board’ means the Board of Governors of the Federal Reserve System.

“(74) PRUDENTIAL REGULATOR.—The term ‘prudential regulator’ has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

“(75) SECURITY-BASED SWAP DATA REPOSITORY.—The term ‘security-based swap data repository’ means any person that collects, calculates, prepares, or maintains information or records with respect to transactions or positions in, or the terms and conditions of, security-based swaps entered into by third parties.

“(76) SWAP DEALER.—The term ‘swap dealer’ has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

“(77) SWAP EXECUTION FACILITY.—The term ‘swap execution facility’ means a facility in which multiple participants have the ability to execute or trade security-based swaps by accepting bids and offers made by other participants that are open to multiple participants in the facility or system, or confirmation facility, that—

“(A) facilitates the execution of security-based swaps between persons; and

“(B) is not a designated contract market.

“(78) SECURITY-BASED SWAP AGREEMENT.—

“(A) IN GENERAL.—For purposes of sections 9, 10, 16, 20, and 21A of this Act, and section 17 of the Securities Act of 1933 (15 U.S.C. 77q), the term ‘security-based swap agreement’ means a swap agreement as defined in section 206A of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) of which a material term is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein.

“(B) EXCLUSIONS.—The term ‘security-based swap agreement’ does not include any security-based swap.”

(b) AUTHORITY TO FURTHER DEFINE TERMS.—The Securities and Exchange Commission may, by rule, further define the terms “security-based swap”, “security-based swap dealer”, “major security-based swap participant”, and “eligible contract participant” with regard to security-based swaps (as such terms are defined in the amendments made by subsection (a)) for the purpose of including transactions and entities that have been structured to evade this subtitle or the amendments made by this subtitle.

(c) OTHER INCORPORATED DEFINITIONS.—Except as the context otherwise requires, in this subtitle, the terms “prudential regulator”, “swap”, “swap dealer”, “major swap participant”, “swap data repository”, “associated person of a swap dealer or major swap participant”, “eligible contract participant”, “swap execution facility”, “security-based swap”, “security-based swap dealer”, “major security-based swap participant”, “security-based swap data repository”, and “associated person of a security-based swap dealer or major security-based swap participant” have the same meanings as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a), as amended by this Act.

SEC. 762. REPEAL OF PROHIBITION ON REGULATION OF SECURITY-BASED SWAP AGREEMENTS.

(a) REPEAL.—Sections 206B and 206C of the Gramm-Leach-Bliley Act (Public Law 106-102; 15 U.S.C. 78c note) are repealed.

(b) CONFORMING AMENDMENTS TO THE SECURITIES ACT OF 1933.—

(1) Section 2A of the Securities Act of 1933 (15 U.S.C. 77b-1) is amended—

(A) by striking subsection (a) and reserving that subsection; and

(B) by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)” each place that such term appears and inserting “(as defined in section 3(a)(78) of the Securities Exchange Act of 1934)”.

(2) Section 17 of the Securities Act of 1933 (15 U.S.C. 77q) is amended—

(A) in subsection (a)—

(i) by inserting “(including security-based swaps)” after “securities”; and

(ii) by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)” and inserting “(as defined in section 3(a)(78) of the Securities Exchange Act)”;

(B) in subsection (d), by striking “206B of the Gramm-Leach-Bliley Act” and inserting “3(a)(78) of the Securities Exchange Act of 1934”.

(C) CONFORMING AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 3A (15 U.S.C. 78c-1)—

(A) by striking subsection (a) and reserving that subsection; and

(B) by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)” each place that the term appears;

(2) in section 9 (15 U.S.C. 78i)—

(A) in subsection (a), by striking paragraphs (2) through (5) and inserting the following:

“(2) To effect, alone or with 1 or more other persons, a series of transactions in any security registered on a national securities exchange, any security not so registered, or in connection with any security-based swap or security-based swap agreement with respect to such security creating actual or apparent active trading in such security, or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others.

“(3) If a dealer, broker, security-based swap dealer, major security-based swap participant, or other person selling or offering for sale or purchasing or offering to purchase the security, a security-based swap, or a security-based swap agreement with respect to such security, to induce the purchase or sale of any security registered on a national securities exchange, any security not so registered, any security-based swap, or any security-based swap agreement with respect to such security by the circulation or dissemination in the ordinary course of business of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any 1 or more persons conducted for the purpose of raising or depressing the price of such security.

“(4) If a dealer, broker, security-based swap dealer, major security-based swap participant, or other person selling or offering for sale or purchasing or offering to purchase the security, a security-based swap, or security-based swap agreement with respect to such security, to make, regarding any security registered on a national securities exchange, any security not so registered, any security-based swap, or any security-based swap agreement with respect to such security, for the purpose of inducing the purchase or sale of such security, such security-based swap, or such security-based swap agreement any statement which was at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, and which that person knew or had reasonable ground to believe was so false or misleading.

“(5) For a consideration, received directly or indirectly from a broker, dealer, security-based swap dealer, major security-based swap participant, or other person selling or offering for sale or purchasing or offering to purchase the security, a security-based swap, or security-based swap agreement with respect to such security, to induce the purchase of any security registered on a national securities exchange, any security not so registered, any security-based swap, or any security-based swap agreement with respect to such security by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall

because of the market operations of any 1 or more persons conducted for the purpose of raising or depressing the price of such security.”; and

(B) in subsection (i), by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)”;

(3) in section 10 (15 U.S.C. 78j)—

(A) in subsection (j), by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act),” each place that term appears; and

(B) in the matter following subsection (b), by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)”;

(4) in section 15 (15 U.S.C. 78o)—

(A) in subsection (c)(1)(A), by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act),”;

(B) in subparagraphs (B) and (C) of subsection (c)(1), by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)” each place that term appears;

(C) by redesignating subsection (i), as added by section 303(f) of the Commodity Futures Modernization Act of 2000 (Public Law 106-554; 114 Stat. 2763A-455), as subsection (j); and

(D) in subsection (j), as redesignated by subparagraph (C), by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)”;

(5) in section 16 (15 U.S.C. 78p)—

(A) in subsection (a)(2)(C), by striking “(as defined in section 206(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note))”;

(B) in subsection (a)(3)(B), by inserting “or security-based swaps” after “security-based swap agreement”;

(C) in the first sentence of subsection (b), by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)”;

(D) in the third sentence of subsection (b), by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)” and inserting “or a security-based swap”; and

(E) in subsection (g), by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)”;

(6) in section 20 (15 U.S.C. 78t),

(A) in subsection (d), by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)”;

(B) in subsection (f), by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)”;

(7) in section 21A (15 U.S.C. 78u-1)—

(A) in subsection (a)(1), by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)”;

(B) in subsection (g), by striking “(as defined in section 206B of the Gramm-Leach-Bliley Act)”.

SEC. 763. AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.

(a) CLEARING FOR SECURITY-BASED SWAPS.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 3B (as added by section 717 of this Act):

“SEC. 3C. CLEARING FOR SECURITY-BASED SWAPS.

“(A) CLEARING REQUIREMENT.—

“(1) SUBMISSION.—

“(A) IN GENERAL.—Except as provided in paragraphs (9) and (10), any person who is a party to a security-based swap shall submit such security-based swap for clearing to a clearing agency registered under section 17A of this title.

“(B) OPEN ACCESS.—The rules of a registered clearing agency shall—

“(i) prescribe that all security-based swaps with the same terms and conditions are economically equivalent and may be offset with each other within the clearing agency; and

“(ii) provide for nondiscriminatory clearing of a security-based swap executed bilaterally or on

or through the rules of an unaffiliated national securities exchange or swap execution facility, subject to the requirements of section 5(b).

“(2) COMMISSION APPROVAL.—

“(A) IN GENERAL.—A clearing agency shall submit to the Commission for prior approval any group, category, type, or class of security-based swaps that the clearing agency seeks to accept for clearing, which submission the Commission shall make available to the public.

“(B) DEADLINE.—The Commission shall take final action on a request submitted pursuant to subparagraph (A) not later than 90 days after submission of the request, unless the clearing agency submitting the request agrees to an extension of the time limitation established under this subparagraph.

“(C) APPROVAL.—The Commission shall approve, unconditionally or subject to such terms and conditions as the Commission determines to be appropriate, any request submitted pursuant to subparagraph (A) if the Commission finds that the request is consistent with the requirements of section 17A. The Commission shall not approve any such request if the Commission does not make such finding.

“(D) RULES.—The Commission shall adopt rules for a clearing agency’s submission for approval, pursuant to this paragraph, of any group, category, type, or class of security-based swaps that the clearing agency seeks to accept for clearing.

“(3) STAY OF CLEARING REQUIREMENT.—At any time after issuance of an approval pursuant to paragraph (2):

“(A) REVIEW PROCESS.—The Commission, on application of a counterparty to a security-based swap or on its own initiative, may stay the clearing requirement of paragraph (1) until the Commission completes a review of the terms of the security-based swap, or the group, category, type, or class of security-based swaps, and the clearing arrangement.

“(B) DEADLINE.—The Commission shall complete a review undertaken pursuant to subparagraph (A) not later than 90 days after issuance of the stay, unless the clearing agency that clears the security-based swap, or the group, category, type, or class of security-based swaps, agrees to an extension of the time limitation established under this subparagraph.

“(C) DETERMINATION.—Upon completion of the review undertaken pursuant to subparagraph (A)—

“(i) the Commission may determine, unconditionally or subject to such terms and conditions as the Commission determines to be appropriate, that the security-based swap, or the group, category, type, or class of security-based swaps, must be cleared pursuant to this subsection if the Commission finds that such clearing—

“(I) is consistent with the requirements of section 17A; and

“(II) is otherwise in the public interest, for the protection of investors, and consistent with the purposes of this title;

“(ii) the Commission may determine that the clearing requirement of paragraph (1) shall not apply to the security-based swap, or the group, category, type, or class of security-based swaps; or

“(iii) if a determination is made that the clearing requirement of paragraph (1) shall no longer apply, then the Commission may still permit such security-based swap, or the group, category, type, or class of security-based swaps to be cleared.

“(D) RULES.—The Commission shall adopt rules for reviewing, pursuant to this paragraph, a clearing agency’s clearing of a security-based swap, or a group, category, type, or class of security-based swaps that the Commission has accepted for clearing.

“(4) SECURITY-BASED SWAPS REQUIRED TO BE ACCEPTED FOR CLEARING.—

“(A) RULEMAKING.—The Commission shall adopt rules to further identify any group, category, type, or class of security-based swaps not submitted for approval under paragraph (2) that the Commission deems should be accepted for clearing. In adopting such rules, the Commission shall take into account the following factors:

“(i) The extent to which any of the terms of the group, category, type, or class of security-based swaps, including price, are disseminated to third parties or are referenced in other agreements, contracts, or transactions.

“(ii) The volume of transactions in the group, category, type, or class of security-based swaps.

“(iii) The extent to which the terms of the group, category, type, or class of security-based swaps are similar to the terms of other agreements, contracts, or transactions that are cleared.

“(iv) Whether any differences in the terms of the group, category, type, or class of security-based swaps, compared to other agreements, contracts, or transactions that are cleared, are of economic significance.

“(v) Whether a clearing agency is prepared to clear the group, category, type, or class of security-based swaps and such clearing agency has in place effective risk management systems.

“(vi) Any other factor the Commission determines to be appropriate.

“(B) OTHER DESIGNATIONS.—At any time after the adoption of the rules required under subparagraph (A), the Commission may separately designate a particular security-based swap or class of security-based swaps as subject to the clearing requirement of paragraph (1), taking into account the factors established in clauses (i) through (vi) of subparagraph (A) and the rules adopted in such subparagraph.

“(C) IN GENERAL.—In accordance with subparagraph (A), the Commission shall, consistent with the public interest, adopt rules under the expedited process described in subparagraph (D) to establish criteria for determining that a swap, or any group, category, type, or class of swap is required to be cleared.

“(D) EXPEDITED RULEMAKING AUTHORITY.—

“(i) PROCEDURE.—The promulgation of regulations under subparagraph (A) may be made without regard to—

“(I) the notice and comment provisions of section 553 of title 5, United States Code; and

“(II) chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’).

“(ii) AGENCY RULEMAKING.—In carrying out subparagraph (A), the Commission shall use the authority provided under section 808 of title 5, United States Code.

“(5) PREVENTION OF EVASION.—

“(A) IN GENERAL.—The Commission shall have authority to prescribe rules under this section, or issue interpretations of such rules, as necessary to prevent evasions of this section.

“(B) DUTY OF COMMISSION TO INVESTIGATE AND TAKE CERTAIN ACTIONS.—To the extent the Commission finds that a particular security-based swap or any group, category, type, or class of security-based swaps that would otherwise be subject to mandatory clearing but no clearing agency has listed the security-based swap or the group, category, type, or class of security-based swaps for clearing, the Commission shall—

“(i) investigate the relevant facts and circumstances;

“(ii) within 30 days issue a public report containing the results of the investigation; and

“(iii) take such actions as the Commission determines to be necessary and in the public interest, which may include requiring the retaining of adequate margin or capital by parties to the security-based swap or the group, category, type, or class of security-based swaps.

“(C) EFFECT ON AUTHORITY.—Nothing in this paragraph—

“(i) authorize the Commission to require a clearing agency to list for clearing a security-based swap or any group, category, type, or class of security-based swaps if the clearing of the security-based swap or the group, category, type, or class of security-based swaps would adversely affect the business operations of the clearing agency, threaten the financial integrity of the clearing agency, or pose a systemic risk to the clearing agency; and

“(ii) affect the authority of the Commission to enforce the open access provisions of paragraph (1) with respect to a security-based swap or the group, category, type, or class of security-based swaps that is listed for clearing by a clearing agency.

“(6) REQUIRED REPORTING.—

“(A) BOTH COUNTERPARTIES.—Both counterparties to a security-based swap that is not cleared by any clearing agency shall report such a security-based swap either to a registered security-based swap repository described in section 13(n) or, if there is no repository that would accept the security-based swap, to the Commission pursuant to section 13A.

“(B) TIMING.—Counterparties to a security-based swap shall submit the reports required under subparagraph (A) not later than such time period as the Commission may by rule or regulation prescribe.

“(7) TRANSITION RULES.—

“(A) REPORTING TRANSITION RULES.—Rules adopted by the Commission under this section shall provide for the reporting of data, as follows:

“(i) Security-based swaps entered into before the date of the enactment of this section shall be reported to a registered security-based swap repository or the Commission not later than 180 days after the effective date of this section.

“(ii) Security-based swaps entered into on or after such date of enactment shall be reported to a registered security-based swap repository or the Commission not later than the later of—

“(I) 90 days after such effective date; or

“(II) such other time after entering into the security-based swap as the Commission may prescribe by rule or regulation.

“(B) CLEARING TRANSITION RULES.—

“(i) Security-based swaps entered into before the date of the enactment of this section are exempt from the clearing requirements of this subsection if reported pursuant to subparagraph (A)(i).

“(ii) Security-based swaps entered into before application of the clearing requirement pursuant to this section are exempt from the clearing requirements of this section if reported pursuant to subparagraph (A)(ii).

“(8) TRADE EXECUTION.—

“(A) IN GENERAL.—With respect to transactions involving security-based swaps subject to the clearing requirement of paragraph (1), counterparties shall—

“(i) execute the transaction on an exchange; or

“(ii) execute the transaction on a swap execution facility registered under section 3D or a swap execution facility that is exempt from registration under section 3D(e).

“(B) EXCEPTION.—The requirements of clauses (i) and (ii) of subparagraph (A) shall not apply—

“(i) if no national securities exchange or security-based swap execution facility makes the security-based swap available to trade; or

“(ii) to swap transactions where a commercial end user opts to use the clearing exemption under paragraph (10).

“(9) REQUIRED EXEMPTION.—Subject to paragraph (4), the Commission shall exempt a security-based swap from the requirements of para-

graphs (1) and (8) and any rules issued under this subsection, if no clearing agency registered under this Act will accept the security-based swap from clearing.

“(10) END USER CLEARING EXEMPTION.—

“(A) DEFINITION OF COMMERCIAL END USER.—

“(i) IN GENERAL.—In this paragraph, the term ‘commercial end user’ means any person other than a financial entity described in clause (ii) who, as its primary business activity, owns, uses, produces, processes, manufactures, distributes, merchandises, or markets services or commodities (which shall include coal, natural gas, electricity, ethanol, crude oil, distillates, and other hydrocarbons) either individually or in a fiduciary capacity.

“(ii) FINANCIAL ENTITY.—The term ‘financial entity’ means—

“(I) a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant;

“(II) a person predominantly engaged in activities that are in the business of banking or financial in nature, as defined in Section 4(k) of the Bank Holding Company Act of 1956;

“(III) a person predominantly engaged in activities that are financial in nature;

“(IV) a private fund as defined in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) or a commodity pool as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a); or

“(V) a person that is registered or required to be registered with the Commission, but does not include a public company which registers its securities with the Commission.

“(B) END USER CLEARING EXEMPTION.—

“(i) IN GENERAL.—Subject to clause (ii), in the event that a security-based swap is subject to the mandatory clearing requirement under paragraph (1), and 1 of the counterparties to the security-based swap is a commercial end user that counterparty—

“(I)(aa) may elect not to clear the security-based swap, as required under paragraph (1); or

“(bb) may elect to require clearing of the security-based swap; and

“(II) if the end user makes an election under subclause (I)(bb), shall have the sole right to select the clearing agency at which the security-based swap will be cleared.

“(ii) LIMITATION.—A commercial end user may only make an election under clause (i) if the end user is using the security-based swap to hedge its own commercial risk.

“(C) TREATMENT OF AFFILIATES.—

“(i) IN GENERAL.—An affiliate of a commercial end user (including affiliate entities predominantly engaged in providing financing for the purchase of the merchandise or manufactured goods of the commercial end user) may make an election under subparagraph (B)(i) only if the affiliate, acting on behalf of the commercial end user and as an agent, uses the security-based swap to hedge or mitigate the commercial risk of the commercial end user parent or other affiliates of the commercial end user that is not a financial entity.

“(ii) PROHIBITION RELATING TO CERTAIN AFFILIATES.—An affiliate of a commercial end user shall not use the exemption under subparagraph (B) if the affiliate is—

“(I) a security-based swap dealer;

“(II) a security-based security-based swap dealer;

“(III) a major security-based swap participant;

“(IV) a major security-based security-based swap participant;

“(V) an issuer that would be an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3), but for paragraph (1) or (7) of subsection (c) of that section 3 (15 U.S.C. 80a-3(c));

“(VI) a commodity pool;

“(VII) a bank holding company with over \$50,000,000,000 in consolidated assets; or

“(VIII) an affiliate of any entity described in subclauses (I) through (VII).

“(iii) ABUSE OF EXEMPTION.—The Commission may prescribe such rules, or issue interpretations of the rules, as the Commission determines to be necessary to prevent abuse of the exemption described in subparagraph (B).

“(D) OPTION TO CLEAR.—

“(i) SECURITY-BASED SWAPS REQUIRED TO BE CLEARED ENTERED INTO WITH A FINANCIAL ENTITY.—With respect to any securities-based swap that is required to be cleared by a clearing agency and entered into by a securities-based swap dealer or a major securities-based swap participant with a financial entity, the financial entity shall have the sole right to select the clearing agency at which the securities-based swap will be cleared.

“(ii) SECURITY-BASED SWAPS NOT REQUIRED TO BE CLEARED ENTERED INTO WITH A FINANCIAL ENTITY OR COMMERCIAL END USER.—With respect to any securities-based swap that is not required to be cleared by a clearing agency and entered into by a securities-based swap dealer or a major securities-based swap participant with a financial entity or commercial end user, the financial entity or commercial end user—

“(I) may elect to require clearing of the securities-based swap; and

“(II) shall have the sole right to select the clearing agency at which the securities-based swap will be cleared.

“(b) AUDIT COMMITTEE APPROVAL.—Exemptions from the requirements of this section to clear or trade a security-based swap through a national securities exchange or security-based swap execution facility shall be available to a counterparty that is an issuer of securities that are registered under section 12 or that is required to file reports pursuant to section 15(d), only if the issuer's audit committee has reviewed and approved the issuer's decision to enter into security-based swaps that are subject to such exemptions.

“(c) PUBLIC AVAILABILITY OF SECURITY-BASED SWAP TRANSACTION DATA.—

“(I) IN GENERAL.—

“(A) DEFINITION OF REAL-TIME PUBLIC REPORTING.—In this paragraph, the term ‘real-time public reporting’ means to report data relating to a security-based swap transaction as soon as technologically practicable after the time at which the security-based swap transaction has been executed.

“(B) PURPOSE.—The purpose of this section is to authorize the Commission to make security-based swap transaction and pricing data available to the public in such form and at such times as the Commission determines appropriate to enhance price discovery.

“(C) GENERAL RULE.—The Commission is authorized to provide by rule for the public availability of security-based swap transaction and pricing data as follows:

“(i) With respect to those security-based swaps that are subject to the mandatory clearing requirement described in subsection (a)(1) (including those security-based swaps that are exempted from those requirements), the Commission shall require real-time public reporting for such transactions.

“(ii) With respect to those security-based swaps that are not subject to the mandatory clearing requirement described in subsection (a)(1), but are cleared at a registered clearing agency, the Commission shall require real-time public reporting for such transactions.

“(iii) With respect to security-based swaps that are not cleared at a registered clearing agency and which are reported to a security-based swap data repository or the Commission

under subsection (a), the Commission shall make available to the public, in a manner that does not disclose the business transactions and market positions of any person, aggregate data on such security-based swap trading volumes and positions.

“(iv) With respect to security-based swaps that are exempt from the requirements of subsection (a)(1), but are subject to the requirements of subsection (a)(8), the Commission shall require real-time public reporting for such transactions.

“(D) REGISTERED ENTITIES AND PUBLIC REPORTING.—The Commission may require registered entities to publicly disseminate the security-based swap transaction and pricing data required to be reported under this paragraph.

“(E) RULEMAKING REQUIRED.—With respect to the rule providing for the public availability of transaction and pricing data for security-based swaps described in clauses (i) and (ii) of subparagraph (C), the rule promulgated by the Commission shall contain provisions—

“(i) to ensure such information does not identify the participants;

“(ii) to specify the criteria for determining what constitutes a large notional security-based swap transaction (block trade) for particular markets and contracts;

“(iii) to specify the appropriate time delay for reporting large notional security-based swap transactions (block trades) to the public; and

“(iv) that take into account whether the public disclosure will materially reduce market liquidity.

“(F) TIMELINESS OF REPORTING.—Parties to a security-based swap (including agents of the parties to a security-based swap) shall be responsible for reporting security-based swap transaction information to the appropriate registered entity in a timely manner as may be prescribed by the Commission.

“(2) SEMIANNUAL AND ANNUAL PUBLIC REPORTING OF AGGREGATE SECURITY-BASED SWAP DATA.—

“(A) IN GENERAL.—In accordance with subparagraph (B), the Commission shall issue a written report on a semiannual and annual basis to make available to the public information relating to—

“(i) the trading and clearing in the major security-based swap categories; and

“(ii) the market participants and developments in new products.

“(B) USE; CONSULTATION.—In preparing a report under subparagraph (A), the Commission shall—

“(i) use information from security-based swap data repositories and clearing agencies; and

“(ii) consult with the Office of the Comptroller of the Currency, the Bank for International Settlements, and such other regulatory bodies as may be necessary.

“(C) TRANSITION RULE FOR PREENACTMENT SECURITY-BASED SWAPS.—

“(i) SECURITY-BASED SWAPS ENTERED INTO BEFORE THE DATE OF ENACTMENT OF THE WALL STREET TRANSPARENCY AND ACCOUNTABILITY ACT OF 2010.—Each security-based swap entered into before the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the terms of which have not expired as of the date of enactment of that Act, shall be reported to a registered security-based swap data repository or the Commission by a date that is not later than—

“(I) 30 days after the date of issuance of the interim final rule; or

“(II) such other period as the Commission determines to be appropriate.

“(ii) COMMISSION RULEMAKING.—The Commission shall promulgate an interim final rule within 90 days of the date of enactment of this section providing for the reporting of each security-

based swap entered into before the date of enactment as referenced in clause (i).

“(D) EFFECTIVE DATE.—The reporting provisions described in this paragraph shall be effective upon the date of enactment of this section.

“(d) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

“(1) IN GENERAL.—Each registered clearing agency shall designate an individual to serve as a chief compliance officer.

“(2) DUTIES.—The chief compliance officer shall—

“(A) report directly to the board or to the senior officer of the clearing agency;

“(B) in consultation with its board, a body performing a function similar thereto, or the senior officer of the registered clearing agency, resolve any conflicts of interest that may arise;

“(C) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

“(D) ensure compliance with this title (including regulations issued under this title) relating to agreements, contracts, or transactions, including each rule prescribed by the Commission under this section;

“(E) establish procedures for the remediation of noncompliance issues identified by the compliance officer through any—

“(i) compliance office review;

“(ii) look-back;

“(iii) internal or external audit finding;

“(iv) self-reported error; or

“(v) validated complaint; and

“(F) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of non-compliance issues.

“(3) ANNUAL REPORTS.—

“(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

“(i) the compliance of the registered clearing agency or security-based swap execution facility of the compliance officer with respect to this title (including regulations under this title); and

“(ii) each policy and procedure of the registered clearing agency of the compliance officer (including the code of ethics and conflict of interest policies of the registered clearing agency).

“(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

“(i) accompany each appropriate financial report of the registered clearing agency that is required to be furnished to the Commission pursuant to this section; and

“(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.”.

(b) CLEARING AGENCY REQUIREMENTS.—Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) is amended by adding at the end the following:

“(g) REGISTRATION REQUIREMENT.—It shall be unlawful for a clearing agency, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a clearing agency with respect to a security-based swap.

“(h) VOLUNTARY REGISTRATION.—A person that clears agreements, contracts, or transactions that are not required to be cleared under this title may register with the Commission as a clearing agency.

“(i) STANDARDS FOR CLEARING AGENCIES CLEARING SECURITY-BASED SWAP TRANSACTIONS.—To be registered and to maintain registration as a clearing agency that clears security-based swap transactions, a clearing agency shall comply with such standards as the Commission may establish by rule. In establishing any such standards, and in the exercise of its

oversight of such a clearing agency pursuant to this title, the Commission may conform such standards or oversight to reflect evolving United States and international standards. Except where the Commission determines otherwise by rule or regulation, a clearing agency shall have reasonable discretion in establishing the manner in which it complies with any such standards.

“(j) **RULES.**—The Commission shall adopt rules governing persons that are registered as clearing agencies for security-based swaps under this title.

“(k) **EXEMPTIONS.**—

“(1) **IN GENERAL.**—The Commission may exempt, conditionally or unconditionally, a clearing agency from registration under this section for the clearing of security-based swaps if the Commission determines that the clearing agency is subject to comparable, comprehensive supervision and regulation by the Commodity Futures Trading Commission or the appropriate government authorities in the home country of the agency. Such conditions may include, but are not limited to, requiring that the clearing agency be available for inspection by the Commission and make available all information requested by the Commission.

“(2) **DERIVATIVES CLEARING ORGANIZATIONS.**—A person that is required to be registered as a derivatives clearing organization under the Commodity Exchange Act, whose principal business is clearing commodity futures and options on commodity futures transactions and swaps and which is a derivatives clearing organization registered with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.), shall be unconditionally exempt from registration under this section solely for the purpose of clearing security-based swaps, unless the Commission finds that such derivatives clearing organization is not subject to comparable, comprehensive supervision and regulation by the Commodity Futures Trading Commission.

“(l) **MODIFICATION OF CORE PRINCIPLES.**—The Commission may conform the core principles established in this section to reflect evolving United States and international standards.”.

(c) **SECURITY-BASED SWAP EXECUTION FACILITIES.**—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 3C (as added by subsection (a) of this section) the following:

“SEC. 3D. SECURITY-BASED SWAP EXECUTION FACILITIES.

“(A) REGISTRATION.—

“(1) **IN GENERAL.**—No person may operate a facility for the trading or processing of security-based swaps, unless the facility is registered as a security-based swap execution facility or as a national securities exchange under this section.

“(2) **DUAL REGISTRATION.**—Any person that is registered as a security-based swap execution facility under this section shall register with the Commission regardless of whether the person also is registered with the Commodity Futures Trading Commission as a swap execution facility.

“(b) **TRADING AND TRADE PROCESSING.**—A security-based swap execution facility that is registered under subsection (a) may—

“(1) make available for trading any security-based swap; and

“(2) facilitate trade processing of any security-based swap.

“(c) **IDENTIFICATION OF FACILITY USED TO TRADE SECURITY-BASED SWAPS BY NATIONAL SECURITIES EXCHANGES.**—A national securities exchange shall, to the extent that the exchange also operates a security-based swap execution facility and uses the same electronic trade execution system for listing and executing trades of security-based swaps on or through the exchange and the facility, identify whether elec-

tronic trading of such security-based swaps is taking place on or through the national securities exchange or the security-based swap execution facility.

“(d) **CORE PRINCIPLES FOR SECURITY-BASED SWAP EXECUTION FACILITIES.**—

“(1) **COMPLIANCE WITH CORE PRINCIPLES.**—

“(A) **IN GENERAL.**—To be registered, and maintain registration, as a security-based swap execution facility, the security-based swap execution facility shall comply with—

“(i) the core principles described in this subsection; and

“(ii) any requirement that the Commission may impose by rule or regulation.

“(B) **REASONABLE DISCRETION OF SECURITY-BASED SWAP EXECUTION FACILITY.**—Unless otherwise determined by the Commission, by rule or regulation, a security-based swap execution facility described in subparagraph (A) shall have reasonable discretion in establishing the manner in which it complies with the core principles described in this subsection.

“(2) **COMPLIANCE WITH RULES.**—A security-based swap execution facility shall—

“(A) monitor and enforce compliance with any rule established by such security-based swap execution facility, including—

“(i) the terms and conditions of the security-based swaps traded or processed on or through the facility; and

“(ii) any limitation on access to the facility;

“(B) establish and enforce trading, trade processing, and participation rules that will deter abuses and have the capacity to detect, investigate, and enforce those rules, including means—

“(i) to provide market participants with impartial access to the market; and

“(ii) to capture information that may be used in establishing whether rule violations have occurred; and

“(C) establish rules governing the operation of the facility, including rules specifying trading procedures to be used in entering and executing orders traded or posted on the facility, including block trades.

“(3) **SECURITY-BASED SWAPS NOT READILY SUSCEPTIBLE TO MANIPULATION.**—The security-based swap execution facility shall permit trading only in security-based swaps that are not readily susceptible to manipulation.

“(4) **MONITORING OF TRADING AND TRADE PROCESSING.**—The security-based swap execution facility shall—

“(A) establish and enforce rules or terms and conditions defining, or specifications detailing—

“(i) trading procedures to be used in entering and executing orders traded on or through the facilities of the security-based swap execution facility; and

“(ii) procedures for trade processing of security-based swaps on or through the facilities of the security-based swap execution facility; and

“(B) monitor trading in security-based swaps to prevent manipulation, price distortion, and disruptions of the delivery or cash settlement process through surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

“(5) **ABILITY TO OBTAIN INFORMATION.**—The security-based swap execution facility shall—

“(A) establish and enforce rules that will allow the facility to obtain any necessary information to perform any of the functions described in this subsection;

“(B) provide the information to the Commission on request; and

“(C) have the capacity to carry out such international information-sharing agreements as the Commission may require.

“(6) **POSITION LIMITS OR ACCOUNTABILITY.**—

“(A) **IN GENERAL.**—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, a security-based swap execution facility that is a trading facility shall adopt for each of the contracts of the facility, as is necessary and appropriate, position limitations or position accountability for speculators.

“(B) **POSITION LIMITS.**—For any contract or agreement that is subject to a position limitation established by the Commission pursuant to section 10B, the security-based swap execution facility shall set its position limitation at a level no higher than the limitation established by the Commission.

“(C) **POSITION ENFORCEMENT.**—For any contract or agreement that is subject to a position limitation established by the Commission pursuant to section 10B, a security-based swap execution facility shall reject any proposed security-based swap transaction if, based on information readily available to a security-based swap execution facility, any proposed security-based swap transaction would cause a security-based swap execution facility customer that would be a party to such swap transaction to exceed such position limitation.

“(7) **FINANCIAL INTEGRITY OF TRANSACTIONS.**—The security-based swap execution facility shall establish and enforce rules and procedures for ensuring the financial integrity of security-based swaps entered on or through the facilities of the security-based swap execution facility, including the clearance and settlement of security-based swaps pursuant to section 3C(a)(1).

“(8) **EMERGENCY AUTHORITY.**—The security-based swap execution facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, as is necessary and appropriate, including the authority to liquidate or transfer open positions in any security-based swap or to suspend or curtail trading in a security-based swap.

“(9) **TIMELY PUBLICATION OF TRADING INFORMATION.**—

“(A) **IN GENERAL.**—The security-based swap execution facility shall make public timely information on price, trading volume, and other trading data on security-based swaps to the extent prescribed by the Commission.

“(B) **CAPACITY OF SECURITY-BASED SWAP EXECUTION FACILITY.**—The security-based swap execution facility shall be required to have the capacity to electronically capture trade information with respect to transactions executed on the facility.

“(10) **RECORDKEEPING AND REPORTING.**—

“(A) **IN GENERAL.**—A security-based swap execution facility shall—

“(i) maintain records of all activities relating to the business of the facility, including a complete audit trail, in a form and manner acceptable to the Commission for a period of 5 years; and

“(ii) report to the Commission, in a form and manner acceptable to the Commission, such information as the Commission determines to be necessary or appropriate for the Commission to perform the duties of the Commission under this title.

“(B) **REQUIREMENTS.**—The Commission shall adopt data collection and reporting requirements for security-based swap execution facilities that are comparable to corresponding requirements for clearing agencies and security-based swap data repositories.

“(11) **ANTITRUST CONSIDERATIONS.**—Unless necessary or appropriate to achieve the purposes of this title, the security-based swap execution facility shall not—

“(A) adopt any rules or taking any actions that result in any unreasonable restraint of trade; or

“(B) impose any material anticompetitive burden on trading or clearing.

“(12) CONFLICTS OF INTEREST.—The security-based swap execution facility shall—

“(A) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

“(B) establish a process for resolving the conflicts of interest.

“(13) FINANCIAL RESOURCES.—

“(A) IN GENERAL.—The security-based swap execution facility shall have adequate financial, operational, and managerial resources to discharge each responsibility of the security-based swap execution facility, as determined by the Commission.

“(B) DETERMINATION OF RESOURCE ADEQUACY.—The financial resources of a security-based swap execution facility shall be considered to be adequate if the value of the financial resources—

“(i) enables the organization to meet its financial obligations to its members and participants notwithstanding a default by the member or participant creating the largest financial exposure for that organization in extreme but plausible market conditions; and

“(ii) exceeds the total amount that would enable the security-based swap execution facility to cover the operating costs of the security-based swap execution facility for a 1-year period, as calculated on a rolling basis.

“(14) SYSTEM SAFEGUARDS.—The security-based swap execution facility shall—

“(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk, through the development of appropriate controls and procedures, and automated systems, that—

“(i) are reliable and secure; and

“(ii) have adequate scalable capacity;

“(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that are designed to allow for—

“(i) the timely recovery and resumption of operations; and

“(ii) the fulfillment of the responsibilities and obligation of the security-based swap execution facility; and

“(C) periodically conduct tests to verify that the backup resources of the security-based swap execution facility are sufficient to ensure continued—

“(i) order processing and trade matching;

“(ii) price reporting;

“(iii) market surveillance; and

“(iv) maintenance of a comprehensive and accurate audit trail.

“(15) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

“(A) IN GENERAL.—Each security-based swap execution facility shall designate an individual to serve as a chief compliance officer.

“(B) DUTIES.—The chief compliance officer shall—

“(i) report directly to the board or to the senior officer of the facility;

“(ii) review compliance with the core principles in this subsection;

“(iii) in consultation with the board of the facility, a body performing a function similar to that of a board, or the senior officer of the facility, resolve any conflicts of interest that may arise;

“(iv) be responsible for establishing and administering the policies and procedures required to be established pursuant to this section;

“(v) ensure compliance with this title and the rules and regulations issued under this title, including rules prescribed by the Commission pursuant to this section;

“(vi) establish procedures for the remediation of noncompliance issues found during—

“(I) compliance office reviews;

“(II) look backs;

“(III) internal or external audit findings;

“(IV) self-reported errors; or

“(V) through validated complaints; and

“(vii) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of non-compliance issues.

“(C) ANNUAL REPORTS.—

“(i) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

“(I) the compliance of the security-based swap execution facility with this title; and

“(II) the policies and procedures, including the code of ethics and conflict of interest policies, of the security-based security-based swap execution facility.

“(ii) REQUIREMENTS.—The chief compliance officer shall—

“(I) submit each report described in clause (i) with the appropriate financial report of the security-based swap execution facility that is required to be submitted to the Commission pursuant to this section; and

“(II) include in the report a certification that, under penalty of law, the report is accurate and complete.

“(e) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a security-based swap execution facility from registration under this section if the Commission finds that the facility is subject to comparable, comprehensive supervision and regulation on a consolidated basis by the Commodity Futures Trading Commission.

“(f) RULES.—The Commission shall prescribe rules governing the regulation of security-based swap execution facilities under this section.”.

(d) SEGREGATION OF ASSETS HELD AS COLLATERAL IN SECURITY-BASED SWAP TRANSACTIONS.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 3D (as added by subsection (b)) the following:

“SEC. 3E. SEGREGATION OF ASSETS HELD AS COLLATERAL IN SECURITY-BASED SWAP TRANSACTIONS.

“(a) REGISTRATION REQUIREMENT.—It shall be unlawful for any person to accept any money, securities, or property (or to extend any credit in lieu of money, securities, or property) from, for, or on behalf of a security-based swaps customer or to margin, guarantee, or secure a security-based swap cleared by or through a clearing agency (including money, securities, or property accruing to the customer as the result of such a security-based swap), unless the person shall have registered under this title with the Commission as a broker, dealer, or security-based swap dealer, and the registration shall not have expired nor been suspended nor revoked.

“(b) CLEARED SECURITY-BASED SWAPS.—

“(1) SEGREGATION REQUIRED.—A broker, dealer, or security-based swap dealer shall treat and deal with all money, securities, and property of any security-based swaps customer received to margin, guarantee, or secure a security-based swap cleared by or through a clearing agency (including money, securities, or property accruing to the security-based swaps customer as the result of such a security-based swap) as belonging to the security-based swaps customer.

“(2) COMMINGLING PROHIBITED.—Money, securities, and property of a security-based swaps customer described in paragraph (1) shall be separately accounted for and shall not be commingled with the funds of the broker, dealer, or security-based swap dealer or be used to margin, secure, or guarantee any trades or contracts of any security-based swaps customer or person other than the person for whom the same are held.

“(c) EXCEPTIONS.—

“(1) USE OF FUNDS.—

“(A) IN GENERAL.—Notwithstanding subsection (b), money, securities, and property of a security-based swaps customer of a broker, dealer, or security-based swap dealer described in subsection (b) may, for convenience, be commingled and deposited in the same 1 or more accounts with any bank or trust company or with a clearing agency.

“(B) WITHDRAWAL.—Notwithstanding subsection (b), such share of the money, securities, and property described in subparagraph (A) as in the normal course of business shall be necessary to margin, guarantee, secure, transfer, adjust, or settle a cleared security-based swap with a clearing agency, or with any member of the clearing agency, may be withdrawn and applied to such purposes, including the payment of commissions, brokerage, interest, taxes, storage, and other charges, lawfully accruing in connection with the cleared security-based swap.

“(2) COMMISSION ACTION.—Notwithstanding subsection (b), in accordance with such terms and conditions as the Commission may prescribe by rule, regulation, or order, any money, securities, or property of the security-based swaps customer of a broker, dealer, or security-based swap dealer described in subsection (b) may be commingled and deposited as provided in this section with any other money, securities, or property received by the broker, dealer, or security-based swap dealer and required by the Commission to be separately accounted for and treated and dealt with as belonging to the security-based swaps customer of the broker, dealer, or security-based swap dealer.

“(d) PERMITTED INVESTMENTS.—Money described in subsection (b) may be invested in obligations of the United States, in general obligations of any State or of any political subdivision of a State, and in obligations fully guaranteed as to principal and interest by the United States, or in any other investment that the Commission may by rule or regulation prescribe, and such investments shall be made in accordance with such rules and regulations and subject to such conditions as the Commission may prescribe.

“(e) PROHIBITION.—It shall be unlawful for any person, including any clearing agency and any depository institution, that has received any money, securities, or property for deposit in a separate account or accounts as provided in subsection (b) to hold, dispose of, or use any such money, securities, or property as belonging to the depositing broker, dealer, or security-based swap dealer or any person other than the swaps customer of the broker, dealer, or security-based swap dealer.”.

(e) TRADING IN SECURITY-BASED SWAPS.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding at the end the following:

“(1) SECURITY-BASED SWAPS.—It shall be unlawful for any person to effect a transaction in a security-based swap with or for a person that is not an eligible contract participant, unless such transaction is effected on a national securities exchange registered pursuant to subsection (b).”.

(f) ADDITIONS OF SECURITY-BASED SWAPS TO CERTAIN ENFORCEMENT PROVISIONS.—Section 9(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(b)) is amended by striking paragraphs (1) through (3) and inserting the following:

“(1) any transaction in connection with any security whereby any party to such transaction acquires—

“(A) any put, call, straddle, or other option or privilege of buying the security from or selling the security to another without being bound to do so;

“(B) any security futures product on the security; or

“(C) any security-based swap involving the security or the issuer of the security;

“(2) any transaction in connection with any security with relation to which such person has, directly or indirectly, any interest in any—

“(A) such put, call, straddle, option, or privilege;

“(B) such security futures product; or

“(C) such security-based swap; or

“(3) any transaction in any security for the account of any person who such person has reason to believe has, and who actually has, directly or indirectly, any interest in any—

“(A) such put, call, straddle, option, or privilege;

“(B) such security futures product with relation to such security; or

“(C) any security-based swap involving such security or the issuer of such security.”.

(g) **RULEMAKING AUTHORITY TO PREVENT FRAUD, MANIPULATION AND DECEPTIVE CONDUCT IN SECURITY-BASED SWAPS.**—Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78i) is amended by adding at the end the following:

“(j) It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security-based swap, in connection with which such person engages in any fraudulent, deceptive, or manipulative act or practice, makes any fictitious quotation, or engages in any transaction, practice, or course of business which operates as a fraud or deceit upon any person. The Commission shall, for the purposes of this subsection, by rules and regulations define, and prescribe means reasonably designed to prevent, such transactions, acts, practices, and courses of business as are fraudulent, deceptive, or manipulative, and such quotations as are fictitious.”.

(h) **POSITION LIMITS AND POSITION ACCOUNTABILITY FOR SECURITY-BASED SWAPS.**—The Securities Exchange Act of 1934 is amended by inserting after section 10A (15 U.S.C. 78j–1) the following:

“SEC. 10B. POSITION LIMITS AND POSITION ACCOUNTABILITY FOR SECURITY-BASED SWAPS AND LARGE TRADER REPORTING.

“(a) **POSITION LIMITS.**—As a means reasonably designed to prevent fraud and manipulation, the Commission shall, by rule or regulation, as necessary or appropriate in the public interest or for the protection of investors, establish limits (including related hedge exemption provisions) on the size of positions in any security-based swap that may be held by any person. In establishing such limits, the Commission may require any person to aggregate positions in—

“(1) any security-based swap and any security or loan or group of securities or loans on which such security-based swap is based, which such security-based swap references, or to which such security-based swap is related as described in paragraph (68) of section 3(a), and any other instrument relating to such security or loan or group or index of securities or loans; or

“(2) any security-based swap and—

“(A) any security or group or index of securities, the price, yield, value, or volatility of which, or of which any interest therein, is the basis for a material term of such security-based swap as described in paragraph (68) of section 3(a); and

“(B) any other instrument relating to the same security or group or index of securities described under subparagraph (A).

“(b) **EXEMPTIONS.**—The Commission, by rule, regulation, or order, may conditionally or un-

conditionally exempt any person or class of persons, any security-based swap or class of security-based swaps, or any transaction or class of transactions from any requirement the Commission may establish under this section with respect to position limits.

“(c) **SRO RULES.**—

“(1) **IN GENERAL.**—As a means reasonably designed to prevent fraud or manipulation, the Commission, by rule, regulation, or order, as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, may direct a self-regulatory organization—

“(A) to adopt rules regarding the size of positions in any security-based swap that may be held by—

“(i) any member of such self-regulatory organization; or

“(ii) any person for whom a member of such self-regulatory organization effects transactions in such security-based swap; and

“(B) to adopt rules reasonably designed to ensure compliance with requirements prescribed by the Commission under this subsection.

“(2) **REQUIREMENT TO AGGREGATE POSITIONS.**—In establishing the limits under paragraph (1), the self-regulatory organization may require such member or person to aggregate positions in—

“(A) any security-based swap and any security or loan or group or narrow-based security narrow-based security index of securities or loans on which such security-based swap is based, which such security-based swap references, or to which such security-based swap is related as described in section 3(a)(68), and any other instrument relating to such security or loan or group or narrow-based security index of securities or loans; or

“(B)(i) any security-based swap; and

“(ii) any security-based swap and any other instrument relating to the same security or group or narrow-based security index of securities.

“(d) **LARGE TRADER REPORTING.**—The Commission, by rule or regulation, may require any person that effects transactions for such person's own account or the account of others in any securities-based swap or uncleared security-based swap and any security or loan or group or narrow-based security index of securities or loans as set forth in paragraphs (1) and (2) of subsection (a) under this section to report such information as the Commission may prescribe regarding any position or positions in any security-based swap or uncleared security-based swap and any security or loan or group or narrow-based security index of securities or loans and any other instrument relating to such security or loan or group or narrow-based security index of securities or loans as set forth in paragraphs (1) and (2) of subsection (a) under this section.”.

(i) **PUBLIC REPORTING AND REPOSITORIES FOR SECURITY-BASED SWAPS.**—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

“(m) **PUBLIC AVAILABILITY OF SECURITY-BASED SWAP TRANSACTION DATA.**—

“(1) **IN GENERAL.**—

“(A) **DEFINITION OF REAL-TIME PUBLIC REPORTING.**—In this paragraph, the term ‘real-time public reporting’ means to report data relating to a security-based swap transaction as soon as technologically practicable after the time at which the security-based swap transaction has been executed.

“(B) **PURPOSE.**—The purpose of this section is to authorize the Commission to make security-based swap transaction and pricing data available to the public in such form and at such times as the Commission determines appropriate to enhance price discovery.

“(C) **GENERAL RULE.**—The Commission is authorized to provide by rule for the public availability of security-based swap transaction and pricing data as follows:

“(i) With respect to those security-based swaps that are subject to the mandatory clearing requirement described in section 3C(a)(1) (including those security-based swaps that are exempted from the requirement pursuant to section 3C(a)(10)), the Commission shall require real-time public reporting for such transactions.

“(ii) With respect to those security-based swaps that are not subject to the mandatory clearing requirement described in subsection section 3C(a)(1), but are cleared at a registered clearing agency, the Commission shall require real-time public reporting for such transactions.

“(iii) With respect to security-based swaps that are not cleared at a registered clearing agency and which are reported to a security-based swap data repository or the Commission under section 3C(a), the Commission shall make available to the public, in a manner that does not disclose the business transactions and market positions of any person, aggregate data on such security-based swap trading volumes and positions.

“(iv) With respect to security-based swaps that are exempt from the requirements of section 3C(a)(1), but are subject to the requirements of section 3C(a)(8), the Commission shall require real-time public reporting for such transactions.

“(D) **REGISTERED ENTITIES AND PUBLIC REPORTING.**—The Commission may require registered entities to publicly disseminate the security-based swap transaction and pricing data required to be reported under this paragraph.

“(E) **RULEMAKING REQUIRED.**—With respect to the rule providing for the public availability of transaction and pricing data for security-based swaps described in clauses (i) and (ii) of subparagraph (C), the rule promulgated by the Commission shall contain provisions—

“(i) to ensure such information does not identify the participants;

“(ii) to specify the criteria for determining what constitutes a large notional security-based swap transaction (block trade) for particular markets and contracts;

“(iii) to specify the appropriate time delay for reporting large notional security-based swap transactions (block trades) to the public; and

“(iv) that take into account whether the public disclosure will materially reduce market liquidity.

“(F) **TIMELINESS OF REPORTING.**—Parties to a security-based swap (including agents of the parties to a security-based swap) shall be responsible for reporting security-based swap transaction information to the appropriate registered entity in a timely manner as may be prescribed by the Commission.

“(2) **SEMIANNUAL AND ANNUAL PUBLIC REPORTING OF AGGREGATE SECURITY-BASED SWAP DATA.**—

“(A) **IN GENERAL.**—In accordance with subparagraph (B), the Commission shall issue a written report on a semiannual and annual basis to make available to the public information relating to—

“(i) the trading and clearing in the major security-based swap categories; and

“(ii) the market participants and developments in new products.

“(B) **USE; CONSULTATION.**—In preparing a report under subparagraph (A), the Commission shall—

“(i) use information from security-based swap data repositories and derivatives clearing organizations; and

“(ii) consult with the Office of the Comptroller of the Currency, the Bank for International Settlements, and such other regulatory bodies as may be necessary.

“(n) SECURITY-BASED SWAP DATA REPOSITORIES.—

“(1) REGISTRATION REQUIREMENT.—It shall be unlawful for any person, unless registered with the Commission, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a security-based swap data repository.

“(2) INSPECTION AND EXAMINATION.—Each registered security-based swap data repository shall be subject to inspection and examination by any representative of the Commission.

“(3) COMPLIANCE WITH CORE PRINCIPLES.—

“(A) IN GENERAL.—To be registered, and maintain registration, as a security-based swap data repository, the security-based swap data repository shall comply with—

“(i) the core principles described in this subsection; and

“(ii) any requirement that the Commission may impose by rule or regulation.

“(B) REASONABLE DISCRETION OF SECURITY-BASED SWAP DATA REPOSITORY.—Unless otherwise determined by the Commission, by rule or regulation, a security-based swap data repository described in subparagraph (A) shall have reasonable discretion in establishing the manner in which the security-based swap data repository complies with the core principles described in this subsection.

“(4) STANDARD SETTING.—

“(A) DATA IDENTIFICATION.—The Commission shall prescribe standards that specify the data elements for each security-based swap that shall be collected and maintained by each registered security-based swap data repository.

“(B) DATA COLLECTION AND MAINTENANCE.—The Commission shall prescribe data collection and data maintenance standards for security-based swap data repositories.

“(C) COMPARABILITY.—The standards prescribed by the Commission under this subsection shall be comparable to the data standards imposed by the Commission on clearing agencies in connection with their clearing of security-based swaps.

“(5) DUTIES.—A security-based swap data repository shall—

“(A) accept data prescribed by the Commission for each security-based swap under subsection (b);

“(B) confirm with both counterparties to the security-based swap the accuracy of the data that was submitted;

“(C) maintain the data described in subparagraph (A) in such form, in such manner, and for such period as may be required by the Commission;

“(D)(i) provide direct electronic access to the Commission (or any designee of the Commission, including another registered entity); and

“(ii) provide the information described in subparagraph (A) in such form and at such frequency as the Commission may require to comply with the public reporting requirements set forth in subsection (m);

“(E) at the direction of the Commission, establish automated systems for monitoring, screening, and analyzing security-based swap data;

“(F) maintain the privacy of any and all security-based swap transaction information that the security-based swap data repository receives from a security-based swap dealer, counterparty, or any other registered entity; and

“(G) on a confidential basis pursuant to section 24, upon request, and after notifying the Commission of the request, make available all data obtained by the security-based swap data repository, including individual counterparty trade and position data, to—

“(i) each appropriate prudential regulator;

“(ii) the Financial Stability Oversight Council;

“(iii) the Commodity Futures Trading Commission;

“(iv) the Department of Justice; and

“(v) any other person that the Commission determines to be appropriate, including—

“(I) foreign financial supervisors (including foreign futures authorities);

“(II) foreign central banks; and

“(III) foreign ministries.

“(H) CONFIDENTIALITY AND INDEMNIFICATION AGREEMENT.—Before the security-based swap data repository may share information with any entity described in subparagraph (G)—

“(i) the security-based swap data repository shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 24 relating to the information on security-based swap transactions that is provided; and

“(ii) each entity shall agree to indemnify the security-based swap data repository and the Commission for any expenses arising from litigation relating to the information provided under section 24.

“(6) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

“(A) IN GENERAL.—Each security-based swap data repository shall designate an individual to serve as a chief compliance officer.

“(B) DUTIES.—The chief compliance officer shall—

“(i) report directly to the board or to the senior officer of the security-based swap data repository;

“(ii) review the compliance of the security-based swap data repository with respect to the core principles described in paragraph (7);

“(iii) in consultation with the board of the security-based swap data repository, a body performing a function similar to the board of the security-based swap data repository, or the senior officer of the security-based swap data repository, resolve any conflicts of interest that may arise;

“(iv) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

“(v) ensure compliance with this title (including regulations) relating to agreements, contracts, or transactions, including each rule prescribed by the Commission under this section;

“(vi) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

“(I) compliance office review;

“(II) look-back;

“(III) internal or external audit finding;

“(IV) self-reported error; or

“(V) validated complaint; and

“(vii) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

“(C) ANNUAL REPORTS.—

“(i) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

“(I) the compliance of the security-based swap data repository of the chief compliance officer with respect to this title (including regulations); and

“(II) each policy and procedure of the security-based swap data repository of the chief compliance officer (including the code of ethics and conflict of interest policies of the security-based swap data repository).

“(ii) REQUIREMENTS.—A compliance report under clause (i) shall—

“(I) accompany each appropriate financial report of the security-based swap data repository that is required to be furnished to the Commission pursuant to this section; and

“(II) include a certification that, under penalty of law, the compliance report is accurate and complete.

“(7) CORE PRINCIPLES APPLICABLE TO SECURITY-BASED SWAP DATA REPOSITORIES.—

“(A) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this title, the swap data repository shall not—

“(i) adopt any rule or take any action that results in any unreasonable restraint of trade; or

“(ii) impose any material anticompetitive burden on the trading, clearing, or reporting of transactions.

“(B) GOVERNANCE ARRANGEMENTS.—Each security-based swap data repository shall establish governance arrangements that are transparent—

“(i) to fulfill public interest requirements; and

“(ii) to support the objectives of the Federal Government, owners, and participants.

“(C) CONFLICTS OF INTEREST.—Each security-based swap data repository shall—

“(i) establish and enforce rules to minimize conflicts of interest in the decision-making process of the security-based swap data repository; and

“(ii) establish a process for resolving any conflicts of interest described in clause (i).

“(8) REQUIRED REGISTRATION FOR SECURITY-BASED SWAP DATA REPOSITORIES.—Any person that is required to be registered as a security-based swap data repository under this subsection shall register with the Commission, regardless of whether that person is also licensed under the Commodity Exchange Act as a swap data repository.

“(9) RULES.—The Commission shall adopt rules governing persons that are registered under this subsection.”

SEC. 764. REGISTRATION AND REGULATION OF SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 15E (15 U.S.C. 78o-7) the following:

“SEC. 15F. REGISTRATION AND REGULATION OF SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS.

“(a) REGISTRATION.—

“(1) SECURITY-BASED SWAP DEALERS.—It shall be unlawful for any person to act as a security-based swap dealer unless the person is registered as a security-based swap dealer with the Commission.

“(2) MAJOR SECURITY-BASED SWAP PARTICIPANTS.—It shall be unlawful for any person to act as a major security-based swap participant unless the person is registered as a major security-based swap participant with the Commission.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—A person shall register as a security-based swap dealer or major security-based swap participant by filing a registration application with the Commission.

“(2) CONTENTS.—

“(A) IN GENERAL.—The application shall be made in such form and manner as prescribed by the Commission, and shall contain such information, as the Commission considers necessary concerning the business in which the applicant is or will be engaged.

“(B) CONTINUAL REPORTING.—A person that is registered as a security-based swap dealer or major security-based swap participant shall continue to submit to the Commission reports that contain such information pertaining to the business of the person as the Commission may require.

“(3) EXPIRATION.—Each registration under this section shall expire at such time as the Commission may prescribe by rule or regulation.

“(4) RULES.—Except as provided in subsections (c), (e), and (f), the Commission may prescribe rules applicable to security-based swap dealers and major security-based swap participants, including rules that limit the activities of

non-bank security-based swap dealers and non-bank major security-based swap participants.

“(5) **TRANSITION.**—Not later than 1 year after the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the Commission shall issue rules under this section to provide for the registration of security-based swap dealers and major security-based swap participants.

“(6) **STATUTORY DISQUALIFICATION.**—Except to the extent otherwise specifically provided by rule, regulation, or order of the Commission, it shall be unlawful for a security-based swap dealer or a major security-based swap participant to permit any person associated with a security-based swap dealer or a major security-based swap participant who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant, if the security-based swap dealer or major security-based swap participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.

“(c) **DUAL REGISTRATION.**—

“(1) **SECURITY-BASED SWAP DEALER.**—Any person that is required to be registered as a security-based swap dealer under this section shall register with the Commission, regardless of whether the person also is registered with the Commodity Futures Trading Commission as a swap dealer.

“(2) **MAJOR SECURITY-BASED SWAP PARTICIPANT.**—Any person that is required to be registered as a major security-based swap participant under this section shall register with the Commission, regardless of whether the person also is registered with the Commodity Futures Trading Commission as a major swap participant.

“(d) **RULEMAKING.**—

“(1) **IN GENERAL.**—The Commission shall adopt rules for persons that are registered as security-based swap dealers or major security-based swap participants under this section.

“(2) **EXCEPTION FOR PRUDENTIAL REQUIREMENTS.**—

“(A) **IN GENERAL.**—The Commission may not prescribe rules imposing prudential requirements on security-based swap dealers or major security-based swap participants that are depository institutions, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

“(B) **APPLICABILITY.**—Subparagraph (A) does not limit the authority of the Commission to prescribe appropriate business conduct, reporting, and recordkeeping requirements on security-based swap dealers or major security-based swap participants that are depository institutions to protect investors.

“(e) **CAPITAL AND MARGIN REQUIREMENTS.**—

“(1) **IN GENERAL.**—

“(A) **SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.**—Each registered security-based swap dealer and major security-based swap participant that is a depository institution, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), shall meet such minimum capital requirements and minimum initial and variation margin requirements as the appropriate Federal banking agency shall by rule or regulation prescribe under paragraph (2)(A) to help ensure the safety and soundness of the security-based swap dealer or major security-based swap participant.

“(B) **SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.**—Each registered security-based swap dealer and major security-based swap participant that is not a depository institution, as that term is defined in

section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), shall meet such minimum capital requirements and minimum initial and variation margin requirements as the Commission shall by rule or regulation prescribe under paragraph (2)(B) to help ensure the safety and soundness of the security-based swap dealer or major security-based swap participant.

“(2) **RULES.**—

“(A) **SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.**—The appropriate Federal banking agencies, in consultation with the Commission and the Commodity Futures Trading Commission, shall adopt rules imposing capital and margin requirements under this subsection for security-based swap dealers and major security-based swap participants that are depository institutions, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

“(B) **SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.**—The Commission shall adopt rules imposing capital and margin requirements under this subsection for security-based swap dealers and major security-based swap participants that are not depository institutions, as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

“(3) **CAPITAL.**—

“(A) **SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.**—The capital requirements prescribed under paragraph (2)(A) for security-based swap dealers and major security-based swap participants that are depository institutions shall contain—

“(i) a capital requirement that is greater than zero for security-based swaps that are cleared by a clearing agency; and

“(ii) to offset the greater risk to the security-based swap dealer or major security-based swap participant and to the financial system arising from the use of security-based swaps that are not cleared, substantially higher capital requirements for security-based swaps that are not cleared by a clearing agency than for security-based swaps that are cleared.

“(B) **SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.**—The capital requirements prescribed under paragraph (2)(B) for security-based swap dealers and major security-based swap participants that are not depository institutions shall be as strict as or stricter than the capital requirements prescribed for security-based swap dealers and major security-based swap participants that are depository institutions under paragraph (2)(A).

“(C) **RULE OF CONSTRUCTION.**—

“(i) **IN GENERAL.**—Nothing in this section shall limit, or be construed to limit, the authority—

“(I) of the Commission to set financial responsibility rules for a broker or dealer registered pursuant to section 15(b) (except for section 15(b)(11) thereof) in accordance with section 15(c)(3); or

“(II) of the Commodity Futures Trading Commission to set financial responsibility rules for a futures commission merchant or introducing broker registered pursuant to section 4f(a) of the Commodity Exchange Act (except for section 4f(a)(3) thereof) in accordance with section 4f(b) of the Commodity Exchange Act.

“(ii) **FUTURES COMMISSION MERCHANTS AND OTHER DEALERS.**—A futures commission merchant, introducing broker, broker, or dealer shall maintain sufficient capital to comply with the stricter of any applicable capital requirements to which such futures commission merchant, introducing broker, broker, or dealer is

subject to under this title or the Commodity Exchange Act.

“(4) **MARGIN.**—

“(A) **SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE DEPOSITORY INSTITUTIONS.**—The appropriate Federal banking agency for security-based swap dealers and major security-based swap participants that are depository institutions shall impose both initial and variation margin requirements in accordance with paragraph (2)(A) on all security-based swaps that are not cleared by a clearing agency.

“(B) **SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE NOT DEPOSITORY INSTITUTIONS.**—The Commission shall impose both initial and variation margin requirements in accordance with paragraph (2)(B) for security-based swap dealers and major security-based swap participants that are not depository institutions on all security-based swaps that are not cleared by a clearing agency. Any such initial and variation margin requirements shall be as strict as or stricter than the margin requirements prescribed under paragraph (4)(A).

“(5) **MARGIN REQUIREMENTS.**—In prescribing margin requirements under this subsection, the appropriate Federal banking agency with respect to security-based swap dealers and major security-based swap participants that are depository institutions, and the Commission with respect to security-based swap dealers and major security-based swap participants that are not depository institutions may permit the use of noncash collateral, as the agency or the Commission determines to be consistent with—

“(A) preserving the financial integrity of markets trading security-based swaps; and

“(B) preserving the stability of the United States financial system.

“(6) **COMPARABILITY OF CAPITAL AND MARGIN REQUIREMENTS.**—

“(A) **IN GENERAL.**—The appropriate Federal banking agencies, the Commission, and the Securities and Exchange Commission shall periodically (but not less frequently than annually) consult on minimum capital requirements and minimum initial and variation margin requirements.

“(B) **COMPARABILITY.**—The entities described in subparagraph (A) shall, to the maximum extent practicable, establish and maintain comparable minimum capital requirements and minimum initial and variation margin requirements, including the use of noncash collateral, for—

“(i) security-based swap dealers; and

“(ii) major security-based swap participants.

“(7) **REQUESTED MARGIN.**—If any party to a security-based swap that is exempt from the margin requirements of paragraph (4)(A) or paragraph (4)(B) requests that such security-based swap be margined, then—

“(A) the exemption shall not apply; and

“(B) the counterparty to such security-based swap shall provide the requested margin.

“(8) **APPLICABILITY WITH RESPECT TO COUNTERPARTIES.**—Paragraphs (4) and (5) shall not apply to initial and variation margin for security-based swaps in which 1 of the counterparties is not—

“(A) a security-based swap dealer;

“(B) a major security-based swap participant; or

“(C) a financial entity as described in section 3C(a)(10)(A)(ii), and such counterparty is eligible for and utilizing the commercial end user clearing exemption under section 3C(a)(10).

“(f) **REPORTING AND RECORDKEEPING.**—

“(I) **IN GENERAL.**—Each registered security-based swap dealer and major security-based swap participant—

“(A) shall make such reports as are required by the Commission, by rule or regulation, regarding the transactions and positions and financial condition of the registered security-

based swap dealer or major security-based swap participant;

“(B)(i) for which there is a prudential regulator, shall keep books and records of all activities related to the business as a security-based swap dealer or major security-based swap participant in such form and manner and for such period as may be prescribed by the Commission by rule or regulation; and

“(ii) for which there is no prudential regulator, shall keep books and records in such form and manner and for such period as may be prescribed by the Commission by rule or regulation; and

“(C) shall keep books and records described in subparagraph (B) open to inspection and examination by any representative of the Commission.

“(2) RULES.—The Commission shall adopt rules governing reporting and recordkeeping for security-based swap dealers and major security-based swap participants.

“(g) DAILY TRADING RECORDS.—

“(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant shall maintain daily trading records of the security-based swaps of the registered security-based swap dealer and major security-based swap participant and all related records (including related cash or forward transactions) and recorded communications, including electronic mail, instant messages, and recordings of telephone calls, for such period as may be required by the Commission by rule or regulation.

“(2) INFORMATION REQUIREMENTS.—The daily trading records shall include such information as the Commission shall require by rule or regulation.

“(3) CUSTOMER RECORDS.—Each registered security-based swap dealer and major security-based swap participant shall maintain daily trading records for each customer or counterparty in a manner and form that is identifiable with each security-based swap transaction.

“(4) AUDIT TRAIL.—Each registered security-based swap dealer and major security-based swap participant shall maintain a complete audit trail for conducting comprehensive and accurate trade reconstructions.

“(5) RULES.—The Commission shall adopt rules governing daily trading records for security-based swap dealers and major security-based swap participants.

“(h) BUSINESS CONDUCT STANDARDS.—

“(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant shall conform with such business conduct standards as may be prescribed by the Commission, by rule or regulation, that relate to—

“(A) fraud, manipulation, and other abusive practices involving security-based swaps (including security-based swaps that are offered but not entered into);

“(B) diligent supervision of the business of the registered security-based swap dealer and major security-based swap participant;

“(C) adherence to all applicable position limits; and

“(D) such other matters as the Commission determines to be appropriate.

“(2) SPECIAL RULE; FIDUCIARY DUTIES TO CERTAIN ENTITIES.—

“(A) GOVERNMENTAL ENTITIES.—A security-based swap dealer that provides advice regarding, or offers to enter into, or enters into a security-based swap with a State, State agency, city, county, municipality, or other political subdivision of a State, or a Federal agency shall have a fiduciary duty to the State, State agency, city, county, municipality, or other political subdivision of the State, or the Federal agency, as appropriate.

“(B) PENSION PLANS; ENDOWMENTS; RETIREMENT PLANS.—A security-based swap dealer that provides advice regarding, or offers to enter into, or enters into a security-based swap with a pension plan, endowment, or retirement plan shall have a fiduciary duty to the pension plan, endowment, or retirement plan, as appropriate.

“(3) BUSINESS CONDUCT REQUIREMENTS.—Business conduct requirements adopted by the Commission under this subsection shall—

“(A) establish the standard of care for a security-based swap dealer or major security-based swap participant to verify that any counterparty meets the eligibility standards for an eligible contract participant;

“(B) require disclosure by the security-based swap dealer or major security-based swap participant to any counterparty to the transaction (other than a security-based swap dealer or a major security-based swap participant) of—

“(i) information about the material risks and characteristics of the security-based swap;

“(ii) the source and amount of any fees or other material remuneration that the security-based swap dealer or major security-based swap participant would directly or indirectly expect to receive in connection with the security-based swap;

“(iii) any other material incentives or conflicts of interest that the security-based swap dealer or major security-based swap participant may have in connection with the security-based swap; and

“(iv)(I) for cleared security-based swaps, upon the request of the counterparty, the daily mark from the appropriate clearing agency; and

“(II) for uncleared security-based swaps, the daily mark of the security-based swap dealer or the major security-based swap participant;

“(C) establish a standard of conduct for a security-based swap dealer or major security-based swap participant to communicate in a fair and balanced manner based on principles of fair dealing and good faith;

“(D) establish a standard of conduct for a security-based swap dealer or major security-based swap participant, with respect to a counterparty that is an eligible contract participant within the meaning of subclause (I) or (II) of clause (vii) of section 1a(18) of the Commodity Exchange Act, to have a reasonable basis to believe that the counterparty has an independent representative that—

“(i) has sufficient knowledge to evaluate the transaction and risks;

“(ii) is not subject to a statutory disqualification;

“(iii) is independent of the security-based swap dealer or major security-based swap participant;

“(iv) undertakes a duty to act in the best interests of the counterparty it represents;

“(v) makes appropriate disclosures; and

“(vi) will provide written representations to the eligible contract participant regarding fair pricing and the appropriateness of the transaction; and

“(E) establish such other standards and requirements as the Commission may determine are appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

“(4) RULES.—The Commission shall prescribe rules under this subsection governing business conduct standards for security-based swap dealers and major security-based swap participants.

“(i) DOCUMENTATION AND BACK OFFICE STANDARDS.—

“(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant shall conform with such standards as may be prescribed by the Commission, by rule or regulation, that relate to timely and accurate confirmation, processing, netting,

documentation, and valuation of all security-based swaps.

“(2) RULES.—The Commission shall adopt rules governing documentation and back office standards for security-based swap dealers and major security-based swap participants.

“(j) DUTIES.—Each registered security-based swap dealer and major security-based swap participant shall, at all times, comply with the following requirements:

“(1) MONITORING OF TRADING.—The security-based swap dealer or major security-based swap participant shall monitor its trading in security-based swaps to prevent violations of applicable position limits.

“(2) RISK MANAGEMENT PROCEDURES.—The security-based swap dealer or major security-based swap participant shall establish robust and professional risk management systems adequate for managing the day-to-day business of the security-based swap dealer or major security-based swap participant.

“(3) DISCLOSURE OF GENERAL INFORMATION.—The security-based swap dealer or major security-based swap participant shall disclose to the Commission and to the prudential regulator for the security-based swap dealer or major security-based swap participant, as applicable, information concerning—

“(A) terms and conditions of its security-based swaps;

“(B) security-based swap trading operations, mechanisms, and practices;

“(C) financial integrity protections relating to security-based swaps; and

“(D) other information relevant to its trading in security-based swaps.

“(4) ABILITY TO OBTAIN INFORMATION.—The security-based swap dealer or major security-based swap participant shall—

“(A) establish and enforce internal systems and procedures to obtain any necessary information to perform any of the functions described in this section; and

“(B) provide the information to the Commission and to the prudential regulator for the security-based swap dealer or major security-based swap participant, as applicable, on request.

“(5) CONFLICTS OF INTEREST.—The security-based swap dealer and major security-based swap participant shall implement conflict-of-interest systems and procedures that—

“(A) establish structural and institutional safeguards to ensure that the activities of any person within the firm relating to research or analysis of the price or market for any security-based swap or acting in a role of providing clearing activities or making determinations as to accepting clearing customers are separated by appropriate informational partitions within the firm from the review, pressure, or oversight of persons whose involvement in pricing, trading, or clearing activities might potentially bias their judgment or supervision and contravene the core principles of open access and the business conduct standards described in this title; and

“(B) address such other issues as the Commission determines to be appropriate.

“(6) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this title, the security-based swap dealer or major security-based swap participant shall not—

“(A) adopt any process or take any action that results in any unreasonable restraint of trade; or

“(B) impose any material anticompetitive burden on trading or clearing.

“(k) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

“(1) IN GENERAL.—Each security-based swap dealer and major security-based swap participant shall designate an individual to serve as a chief compliance officer.

“(2) DUTIES.—The chief compliance officer shall—

“(A) report directly to the board or to the senior officer of the security-based swap dealer or major security-based swap participant;

“(B) review the compliance of the security-based swap dealer or major security-based swap participant with respect to the security-based swap dealer and major security-based swap participant requirements described in this section;

“(C) in consultation with the board of directors, a body performing a function similar to the board, or the senior officer of the organization, resolve any conflicts of interest that may arise;

“(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

“(E) ensure compliance with this title (including regulations) relating to security-based swaps, including each rule prescribed by the Commission under this section;

“(F) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

“(i) compliance office review;

“(ii) look-back;

“(iii) internal or external audit finding;

“(iv) self-reported error; or

“(v) validated complaint; and

“(G) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of non-compliance issues.

“(3) ANNUAL REPORTS.—

“(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

“(i) the compliance of the security-based swap dealer or major swap participant with respect to this title (including regulations); and

“(ii) each policy and procedure of the security-based swap dealer or major security-based swap participant of the chief compliance officer (including the code of ethics and conflict of interest policies).

“(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

“(i) accompany each appropriate financial report of the security-based swap dealer or major security-based swap participant that is required to be furnished to the Commission pursuant to this section; and

“(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.

“(I) ENFORCEMENT AND ADMINISTRATIVE PROCEEDING AUTHORITY.—

“(1) PRIMARY ENFORCEMENT AUTHORITY.—

“(A) SECURITIES AND EXCHANGE COMMISSION.—Except as provided in subparagraph (B), the Commission shall have primary authority to enforce subtitle B, and the amendments made by subtitle B of the Wall Street Transparency and Accountability Act of 2010, with respect to any person.

“(B) APPROPRIATE FEDERAL BANKING AGENCIES.—The appropriate Federal banking agency for security-based swap dealers or major security-based swap participants that are depository institutions, as that term is defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), shall have exclusive authority to enforce the provisions of subsection (e) and other prudential requirements of this title, with respect to depository institutions that are security-based swap dealers or major security-based swap participants.

“(C) REFERRAL.—

“(i) VIOLATIONS OF NONPRUDENTIAL REQUIREMENTS.—If the appropriate Federal banking agency for security-based swap dealers or major security-based swap participants that are depository institutions has cause to believe that such

security-based swap dealer or major security-based swap participant may have engaged in conduct that constitutes a violation of the non-prudential requirements of this section or rules adopted by the Commission thereunder, the agency may recommend in writing to the Commission that the Commission initiate an enforcement proceeding as authorized under this title. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

“(ii) VIOLATIONS OF PRUDENTIAL REQUIREMENTS.—If the Commission has cause to believe that a securities-based swap dealer or major securities-based swap participant that has a prudential regulator may have engaged in conduct that constitute a violation of the prudential requirements of subsection (e) or rules adopted thereunder, the Commission may recommend in writing to the prudential regulator that the prudential regulator initiate an enforcement proceeding as authorized under this title. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

“(2) CENSURE, DENIAL, SUSPENSION; NOTICE AND HEARING.—The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, or revoke the registration of any security-based swap dealer or major security-based swap participant that has registered with the Commission pursuant to subsection (b) if the Commission finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, or revocation is in the public interest and that such security-based swap dealer or major security-based swap participant, or any person associated with such security-based swap dealer or major security-based swap participant effecting or involved in effecting transactions in security-based swaps on behalf of such security-based swap dealer or major security-based swap participant, whether prior or subsequent to becoming so associated—

“(A) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b);

“(B) has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within 10 years of the commencement of the proceedings under this subsection;

“(C) is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4);

“(D) is subject to an order or a final order specified in subparagraph (F) or (H), respectively, of such paragraph (4); or

“(E) has been found by a foreign financial regulatory authority to have committed or omitted any act, or violated any foreign statute or regulation, enumerated in subparagraph (G) of such paragraph (4).

“(3) ASSOCIATED PERSONS.—With respect to any person who is associated, who is seeking to become associated, or, at the time of the alleged misconduct, who was associated or was seeking to become associated with a security-based swap dealer or major security-based swap participant for the purpose of effecting or being involved in effecting security-based swaps on behalf of such security-based swap dealer or major security-based swap participant, the Commission, by order, shall censure, place limitations on the activities or functions of such person, or suspend for a period not exceeding 12 months, or bar such person from being associated with a security-based swap dealer or major security-based swap participant, if the Commission finds, on the record after notice and opportunity for a hearing, that such censure, placing of limitations, suspension, or bar is in the public interest and that such person—

“(A) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b);

“(B) has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within 10 years of the commencement of the proceedings under this subsection;

“(C) is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4);

“(D) is subject to an order or a final order specified in subparagraph (F) or (H), respectively, of such paragraph (4); or

“(E) has been found by a foreign financial regulatory authority to have committed or omitted any act, or violated any foreign statute or regulation, enumerated in subparagraph (G) of such paragraph (4).

“(4) UNLAWFUL CONDUCT.—It shall be unlawful—

“(A) for any person as to whom an order under paragraph (3) is in effect, without the consent of the Commission, willfully to become, or to be, associated with a security-based swap dealer or major security-based swap participant in contravention of such order; or

“(B) for any security-based swap dealer or major security-based swap participant to permit such a person, without the consent of the Commission, to become or remain a person associated with the security-based swap dealer or major security-based swap participant in contravention of such order, if such security-based swap dealer or major security-based swap participant knew, or in the exercise of reasonable care should have known, of such order.”.

SEC. 765. RULEMAKING ON CONFLICT OF INTEREST.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the Securities and Exchange Commission shall determine whether to adopt rules to establish limits on the control of any clearing agency that clears security-based swaps, or on the control of any security-based swap execution facility or national securities exchange that posts or makes available for trading security-based swaps, by a bank holding company (as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841)) with total consolidated assets of \$50,000,000,000 or more, a nonbank financial company (as defined in section 102) supervised by the Board of Governors of the Federal Reserve System, affiliate of such a bank holding company or nonbank financial company, a security-based swap dealer, major security-based swap participant, or person associated with a security-based swap dealer or major security-based swap participant.

(b) PURPOSES.—The Commission shall adopt rules if the Commission determines, after the review described in subsection (a), that such rules are necessary or appropriate to improve the governance of, or to mitigate systemic risk, promote competition, or mitigate conflicts of interest in connection with a security-based swap dealer or major security-based swap participant's conduct of business with, a clearing agency, national securities exchange, or security-based swap execution facility that clears, posts, or makes available for trading security-based swaps and in which such security-based swap dealer or major security-based swap participant has a material debt or equity investment.

SEC. 766. REPORTING AND RECORDKEEPING.

(a) IN GENERAL.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 13 the following:

“SEC. 13A. REPORTING AND RECORDKEEPING FOR CERTAIN SECURITY-BASED SWAPS.

“(a) REQUIRED REPORTING OF SECURITY-BASED SWAPS NOT ACCEPTED BY ANY CLEARING

AGENCY OR DERIVATIVES CLEARING ORGANIZATION.—

“(1) IN GENERAL.—Each security-based swap that is not accepted for clearing by any clearing agency or derivatives clearing organization shall be reported to—

“(A) a security-based swap data repository described in section 10B(n); or

“(B) in the case in which there is no security-based swap data repository that would accept the security-based swap, to the Commission pursuant to this section within such time period as the Commission may by rule or regulation prescribe.

“(2) TRANSITION RULE FOR PREENACTMENT SECURITY-BASED SWAPS.—

“(A) SECURITY-BASED SWAPS ENTERED INTO BEFORE THE DATE OF ENACTMENT OF THE WALL STREET TRANSPARENCY AND ACCOUNTABILITY ACT OF 2010.—Each security-based swap entered into before the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the terms of which have not expired as of the date of enactment of that Act, shall be reported to a registered security-based swap data repository or the Commission by a date that is not later than—

“(i) 30 days after issuance of the interim final rule; or

“(ii) such other period as the Commission determines to be appropriate.

“(B) COMMISSION RULEMAKING.—The Commission shall promulgate an interim final rule within 90 days of the date of enactment of this section providing for the reporting of each security-based swap entered into before the date of enactment as referenced in subparagraph (A).

“(C) EFFECTIVE DATE.—The reporting provisions described in this section shall be effective upon the date of the enactment of this section.

“(3) REPORTING OBLIGATIONS.—

“(A) SECURITY-BASED SWAPS IN WHICH ONLY 1 COUNTERPARTY IS A SECURITY-BASED SWAP DEALER OR MAJOR SECURITY-BASED SWAP PARTICIPANT.—With respect to a security-based swap in which only 1 counterparty is a security-based swap dealer or major security-based swap participant, the security-based swap dealer or major security-based swap participant shall report the security-based swap as required under paragraphs (1) and (2).

“(B) SECURITY-BASED SWAPS IN WHICH 1 COUNTERPARTY IS A SECURITY-BASED SWAP DEALER AND THE OTHER A MAJOR SECURITY-BASED SWAP PARTICIPANT.—With respect to a security-based swap in which 1 counterparty is a security-based swap dealer and the other a major security-based swap participant, the security-based swap dealer shall report the security-based swap as required under paragraphs (1) and (2).

“(C) OTHER SECURITY-BASED SWAPS.—With respect to any other security-based swap not described in subparagraph (A) or (B), the counterparties to the security-based swap shall select a counterparty to report the security-based swap as required under paragraphs (1) and (2).

“(b) DUTIES OF CERTAIN INDIVIDUALS.—Any individual or entity that enters into a security-based swap shall meet each requirement described in subsection (c) if the individual or entity did not—

“(1) clear the security-based swap in accordance with section 3C(a)(1); or

“(2) have the data regarding the security-based swap accepted by a security-based swap data repository in accordance with rules (including timeframes) adopted by the Commission under this title.

“(c) REQUIREMENTS.—An individual or entity described in subsection (b) shall—

“(1) upon written request from the Commission, provide reports regarding the security-based swaps held by the individual or entity to

the Commission in such form and in such manner as the Commission may request; and

“(2) maintain books and records pertaining to the security-based swaps held by the individual or entity in such form, in such manner, and for such period as the Commission may require, which shall be open to inspection by—

“(A) any representative of the Commission;

“(B) an appropriate prudential regulator;

“(C) the Commodity Futures Trading Commission;

“(D) the Financial Stability Oversight Council; and

“(E) the Department of Justice.

“(d) IDENTICAL DATA.—In prescribing rules under this section, the Commission shall require individuals and entities described in subsection (b) to submit to the Commission a report that contains data that is not less comprehensive than the data required to be collected by security-based swap data repositories under this title.”.

(b) BENEFICIAL OWNERSHIP REPORTING.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended—

(1) in subsection (d)(1), by inserting “or otherwise becomes or is deemed to become a beneficial owner of any of the foregoing upon the purchase or sale of a security-based swap that the Commission may define by rule, and” after “Alaska Native Claims Settlement Act,”; and

(2) in subsection (g)(1), by inserting “or otherwise becomes or is deemed to become a beneficial owner of any security of a class described in subsection (d)(1) upon the purchase or sale of a security-based swap that the Commission may define by rule” after “subsection (d)(1) of this section”.

(c) REPORTS BY INSTITUTIONAL INVESTMENT MANAGERS.—Section 13(f)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(f)(1)) is amended by inserting “or otherwise becomes or is deemed to become a beneficial owner of any security of a class described in subsection (d)(1) upon the purchase or sale of a security-based swap that the Commission may define by rule,” after “subsection (d)(1) of this section”.

(d) ADMINISTRATIVE PROCEEDING AUTHORITY.—Section 15(b)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(4)) is amended—

(1) in subparagraph (C), by inserting “security-based swap dealer, major security-based swap participant,” after “government securities dealer,”; and

(2) in subparagraph (F), by striking “broker or dealer” and inserting “broker, dealer, security-based swap dealer, or a major security-based swap participant”.

(e) SECURITY-BASED SWAP BENEFICIAL OWNERSHIP.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

“(o) BENEFICIAL OWNERSHIP.—For purposes of this section and section 16, a person shall be deemed to acquire beneficial ownership of an equity security based on the purchase or sale of a security-based swap, only to the extent that the Commission, by rule, determines after consultation with the prudential regulators and the Secretary of the Treasury, that the purchase or sale of the security-based swap, or class of security-based swap, provides incidents of ownership comparable to direct ownership of the equity security, and that it is necessary to achieve the purposes of this section that the purchase or sale of the security-based swaps, or class of security-based swap, be deemed the acquisition of beneficial ownership of the equity security.”.

SEC. 767. STATE GAMING AND BUCKET SHOP LAWS.

Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended to read as follows:

“(a) LIMITATION ON JUDGMENTS.—

“(1) IN GENERAL.—No person permitted to maintain a suit for damages under the provisions of this title shall recover, through satisfaction of judgment in 1 or more actions, a total amount in excess of the actual damages to that person on account of the act complained of. Except as otherwise specifically provided in this title, nothing in this title shall affect the jurisdiction of the securities commission (or any agency or officer performing like functions) of any State over any security or any person insofar as it does not conflict with the provisions of this title or the rules and regulations under this title.

“(2) RULE OF CONSTRUCTION.—Except as provided in subsection (f), the rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.

“(3) STATE BUCKET SHOP LAWS.—No State law which prohibits or regulates the making or promoting of wagering or gaming contracts, or the operation of ‘bucket shops’ or other similar or related activities, shall invalidate—

“(A) any put, call, straddle, option, privilege, or other security subject to this title (except any security that has a pari-mutuel payout or otherwise is determined by the Commission, acting by rule, regulation, or order, to be appropriately subject to such laws), or apply to any activity which is incidental or related to the offer, purchase, sale, exercise, settlement, or closeout of any such security;

“(B) any security-based swap between eligible contract participants; or

“(C) any security-based swap effected on a national securities exchange registered pursuant to section 6(b).

“(4) OTHER STATE PROVISIONS.—No provision of State law regarding the offer, sale, or distribution of securities shall apply to any transaction in a security-based swap or a security futures product, except that this paragraph may not be construed as limiting any State antifraud law of general applicability. A security-based swap may not be regulated as an insurance contract under any provision of State law.”.

SEC. 768. AMENDMENTS TO THE SECURITIES ACT OF 1933; TREATMENT OF SECURITY-BASED SWAPS.

(a) DEFINITIONS.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended—

(1) in paragraph (1), by inserting “security-based swap,” after “security future,”;

(2) in paragraph (3), by adding at the end the following: “Any offer or sale of a security-based swap by or on behalf of the issuer of the securities upon which such security-based swap is based or is referenced, an affiliate of the issuer, or an underwriter, shall constitute a contract for sale of, sale of, offer for sale, or offer to sell such securities.”; and

(3) by adding at the end the following:

“(17) The terms ‘swap’ and ‘security-based swap’ have the same meanings as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

“(18) The terms ‘purchase’ or ‘sale’ of a security-based swap shall be deemed to mean the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.”.

(b) REGISTRATION OF SECURITY-BASED SWAPS.—Section 5 of the Securities Act of 1933 (15 U.S.C. 77e) is amended by adding at the end the following:

“(d) Notwithstanding the provisions of section 3 or 4, unless a registration statement meeting the requirements of section 10(a) is in effect as to a security-based swap, it shall be unlawful for any person, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce

or of the mails to offer to sell, offer to buy or purchase or sell a security-based swap to any person who is not an eligible contract participant as defined in section 1a(18) of the Commodity Exchange Act (7 U.S.C. 1a(18)).”

SEC. 769. DEFINITIONS UNDER THE INVESTMENT COMPANY ACT OF 1940.

Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2) is amended by adding at the end the following:

“(54) The terms ‘commodity pool’, ‘commodity pool operator’, ‘commodity trading advisor’, ‘major swap participant’, ‘swap’, ‘swap dealer’, and ‘swap execution facility’ have the same meanings as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).”

SEC. 770. DEFINITIONS UNDER THE INVESTMENT ADVISORS ACT OF 1940.

Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2) is amended by adding at the end the following:

“(29) The terms ‘commodity pool’, ‘commodity pool operator’, ‘commodity trading advisor’, ‘major swap participant’, ‘swap’, ‘swap dealer’, and ‘swap execution facility’ have the same meanings as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).”

SEC. 771. OTHER AUTHORITY.

Unless otherwise provided by its terms, this subtitle does not divest any appropriate Federal banking agency, the Securities and Exchange Commission, the Commodity Futures Trading Commission, or any other Federal or State agency, of any authority derived from any other provision of applicable law.

SEC. 772. JURISDICTION.

(a) **IN GENERAL.**—Section 36 of the Securities Exchange Act of 1934 (15 U.S.C. 78mm) is amended by adding at the end the following:

“(c) **DERIVATIVES.**—The Commission shall not grant exemptions from the security-based swap provisions of the Wall Street Transparency and Accountability Act of 2010 or the amendments made by that Act, except as expressly authorized under the provisions of that Act.”

(b) **RULE OF CONSTRUCTION.**—Section 30 of the Securities Exchange Act of 1934 (15 U.S.C. 78dd) is amended by adding at the end the following:

“(c) **RULE OF CONSTRUCTION.**—No provision of this title that was added by the Wall Street Transparency and Accountability Act of 2010, or any rule or regulation thereunder, shall apply to any person insofar as such person transacts a business in security-based swaps without the jurisdiction of the United States, unless such person transacts such business in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate to prevent the evasion of any provision of this title that was added by the Wall Street Transparency and Accountability Act of 2010. This subsection shall not be construed to limit the jurisdiction of the Commission under any provision of this title, as in effect prior to the date of enactment of the Wall Street Transparency and Accountability Act of 2010.”

SEC. 773. EFFECTIVE DATE.

Unless otherwise specifically provided in this subtitle, this subtitle, the provisions of this subtitle, and the amendments made by this subtitle shall become effective 180 days after the date of enactment of this Act.

TITLE VIII—PAYMENT, CLEARING, AND SETTLEMENT SUPERVISION

SEC. 801. SHORT TITLE.

This title may be cited as the “Payment, Clearing, and Settlement Supervision Act of 2010”.

SEC. 802. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds the following:

(1) The proper functioning of the financial markets is dependent upon safe and efficient arrangements for the clearing and settlement of

payment, securities, and other financial transactions.

(2) Financial market utilities that conduct or support multilateral payment, clearing, or settlement activities may reduce risks for their participants and the broader financial system, but such utilities may also concentrate and create new risks and thus must be well designed and operated in a safe and sound manner.

(3) Payment, clearing, and settlement activities conducted by financial institutions also present important risks to the participating financial institutions and to the financial system.

(4) Enhancements to the regulation and supervision of systemically important financial market utilities and the conduct of systemically important payment, clearing, and settlement activities by financial institutions are necessary—

(A) to provide consistency;

(B) to promote robust risk management and safety and soundness;

(C) to reduce systemic risks; and

(D) to support the stability of the broader financial system.

(b) **PURPOSE.**—The purpose of this title is to mitigate systemic risk in the financial system and promote financial stability by—

(1) authorizing the Board of Governors to prescribe uniform standards for the—

(A) management of risks by systemically important financial market utilities; and

(B) conduct of systemically important payment, clearing, and settlement activities by financial institutions;

(2) providing the Board of Governors an enhanced role in the supervision of risk management standards for systemically important financial market utilities;

(3) strengthening the liquidity of systemically important financial market utilities; and

(4) providing the Board of Governors an enhanced role in the supervision of risk management standards for systemically important payment, clearing, and settlement activities by financial institutions.

SEC. 803. DEFINITIONS.

In this title, the following definitions shall apply:

(1) **APPROPRIATE FINANCIAL REGULATOR.**—The term “appropriate financial regulator” means—

(A) the primary financial regulatory agency, as defined in section 2 of this Act;

(B) the National Credit Union Administration, with respect to any insured credit union under the Federal Credit Union Act (12 U.S.C. 1751 et seq.); and

(C) the Board of Governors, with respect to organizations operating under section 25A of the Federal Reserve Act (12 U.S.C. 611), and any other financial institution engaged in a designated activity.

(2) **DESIGNATED ACTIVITY.**—The term “designated activity” means a payment, clearing, or settlement activity that the Council has designated as systemically important under section 804.

(3) **DESIGNATED FINANCIAL MARKET UTILITY.**—The term “designated financial market utility” means a financial market utility that the Council has designated as systemically important under section 804.

(4) **FINANCIAL INSTITUTION.**—The term “financial institution” means—

(A) a depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(B) a branch or agency of a foreign bank, as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101);

(C) an organization operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601–604a and 611 through 631);

(D) a credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(E) a broker or dealer, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c);

(F) an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3);

(G) an insurance company, as defined in section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a–2);

(H) an investment adviser, as defined in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2);

(I) a futures commission merchant, commodity trading advisor, or commodity pool operator, as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a); and

(J) any company engaged in activities that are financial in nature or incidental to a financial activity, as described in section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

(5) **FINANCIAL MARKET UTILITY.**—The term “financial market utility” means any person that manages or operates a multilateral system for the purpose of transferring, clearing, or settling payments, securities, or other financial transactions among financial institutions or between financial institutions and the person.

(6) **PAYMENT, CLEARING, OR SETTLEMENT ACTIVITY.**—

(A) **IN GENERAL.**—The term “payment, clearing, or settlement activity” means an activity carried out by 1 or more financial institutions to facilitate the completion of financial transactions.

(B) **FINANCIAL TRANSACTION.**—For the purposes of subparagraph (A), the term “financial transaction” includes—

(i) funds transfers;

(ii) securities contracts;

(iii) contracts of sale of a commodity for future delivery;

(iv) forward contracts;

(v) repurchase agreements;

(vi) swaps;

(vii) security-based swaps;

(viii) swap agreements;

(ix) security-based swap agreements;

(x) foreign exchange contracts;

(xi) financial derivatives contracts; and

(xii) any similar transaction that the Council determines to be a financial transaction for purposes of this title.

(C) **INCLUDED ACTIVITIES.**—When conducted with respect to a financial transaction, payment, clearing, and settlement activities may include—

(i) the calculation and communication of unsettled financial transactions between counterparties;

(ii) the netting of transactions;

(iii) provision and maintenance of trade, contract, or instrument information;

(iv) the management of risks and activities associated with continuing financial transactions;

(v) transmittal and storage of payment instructions;

(vi) the movement of funds;

(vii) the final settlement of financial transactions; and

(viii) other similar functions that the Council may determine.

(7) **SUPERVISORY AGENCY.**—

(A) **IN GENERAL.**—The term “Supervisory Agency” means the Federal agency that has primary jurisdiction over a designated financial market utility under Federal banking, securities, or commodity futures laws, as follows:

(i) The Securities and Exchange Commission, with respect to a designated financial market utility that is a clearing agency registered with the Securities and Exchange Commission.

(ii) The Commodity Futures Trading Commission, with respect to a designated financial market utility that is a derivatives clearing organization registered with the Commodity Futures Trading Commission.

(iii) The appropriate Federal banking agency, with respect to a designated financial market utility that is an institution described in section 3(q) of the Federal Deposit Insurance Act.

(iv) The Board of Governors, with respect to a designated financial market utility that is otherwise not subject to the jurisdiction of any agency listed in clauses (i), (ii), and (iii).

(B) **MULTIPLE AGENCY JURISDICTION.**—If a designated financial market utility is subject to the jurisdictional supervision of more than 1 agency listed in subparagraph (A), then such agencies should agree on 1 agency to act as the Supervisory Agency, and if such agencies cannot agree on which agency has primary jurisdiction, the Council shall decide which agency is the Supervisory Agency for purposes of this title.

(8) **SYSTEMICALLY IMPORTANT AND SYSTEMIC IMPORTANCE.**—The terms “systemically important” and “systemic importance” mean a situation where the failure of or a disruption to the functioning of a financial market utility or the conduct of a payment, clearing, or settlement activity could create, or increase, the risk of significant liquidity or credit problems spreading among financial institutions or markets and thereby threaten the stability of the financial system.

SEC. 804. DESIGNATION OF SYSTEMIC IMPORTANCE.

(a) **DESIGNATION.**—

(1) **FINANCIAL STABILITY OVERSIGHT COUNCIL.**—The Council, on a nondelegable basis and by a vote of not fewer than $\frac{2}{3}$ of members then serving, including an affirmative vote by the Chairperson of the Council, shall designate those financial market utilities or payment, clearing, or settlement activities that the Council determines are, or are likely to become, systemically important.

(2) **CONSIDERATIONS.**—In determining whether a financial market utility or payment, clearing, or settlement activity is, or is likely to become, systemically important, the Council shall take into consideration the following:

(A) The aggregate monetary value of transactions processed by the financial market utility or carried out through the payment, clearing, or settlement activity.

(B) The aggregate exposure of the financial market utility or a financial institution engaged in payment, clearing, or settlement activities to its counterparties.

(C) The relationship, interdependencies, or other interactions of the financial market utility or payment, clearing, or settlement activity with other financial market utilities or payment, clearing, or settlement activities.

(D) The effect that the failure of or a disruption to the financial market utility or payment, clearing, or settlement activity would have on critical markets, financial institutions, or the broader financial system.

(E) Any other factors that the Council deems appropriate.

(b) **RESCISSION OF DESIGNATION.**—

(1) **IN GENERAL.**—The Council, on a nondelegable basis and by a vote of not fewer than $\frac{2}{3}$ of members then serving, including an affirmative vote by the Chairperson of the Council, shall rescind a designation of systemic importance for a designated financial market utility or designated activity if the Council determines that the utility or activity no longer meets the standards for systemic importance.

(2) **EFFECT OF RESCISSION.**—Upon rescission, the financial market utility or financial institutions conducting the activity will no longer be subject to the provisions of this title or any rules or orders prescribed by the Council under this title.

(c) **CONSULTATION AND NOTICE AND OPPORTUNITY FOR HEARING.**—

(1) **CONSULTATION.**—Before making any determination under subsection (a) or (b), the Council shall consult with the relevant Supervisory Agency and the Board of Governors.

(2) **ADVANCE NOTICE AND OPPORTUNITY FOR HEARING.**—

(A) **IN GENERAL.**—Before making any determination under subsection (a) or (b), the Council shall provide the financial market utility or, in the case of a payment, clearing, or settlement activity, financial institutions with advance notice of the proposed determination of the Council.

(B) **NOTICE IN FEDERAL REGISTER.**—The Council shall provide such advance notice to financial institutions by publishing a notice in the Federal Register.

(C) **REQUESTS FOR HEARING.**—Within 30 days from the date of any notice of the proposed determination of the Council, the financial market utility or, in the case of a payment, clearing, or settlement activity, a financial institution engaged in the designated activity may request, in writing, an opportunity for a written or oral hearing before the Council to demonstrate that the proposed designation or rescission of designation is not supported by substantial evidence.

(D) **WRITTEN SUBMISSIONS.**—Upon receipt of a timely request, the Council shall fix a time, not more than 30 days after receipt of the request, unless extended at the request of the financial market utility or financial institution, and place at which the financial market utility or financial institution may appear, personally or through counsel, to submit written materials, or, at the sole discretion of the Council, oral testimony or oral argument.

(3) **EMERGENCY EXCEPTION.**—

(A) **WAIVER OR MODIFICATION BY VOTE OF THE COUNCIL.**—The Council may waive or modify the requirements of paragraph (2) if the Council determines, by an affirmative vote of not less than $\frac{2}{3}$ of all members then serving, including an affirmative vote by the Chairperson of the Council, that the waiver or modification is necessary to prevent or mitigate an immediate threat to the financial system posed by the financial market utility or the payment, clearing, or settlement activity.

(B) **NOTICE OF WAIVER OR MODIFICATION.**—The Council shall provide notice of the waiver or modification to the financial market utility concerned or, in the case of a payment, clearing, or settlement activity, to financial institutions, as soon as practicable, which shall be no later than 24 hours after the waiver or modification in the case of a financial market utility and 3 business days in the case of financial institutions. The Council shall provide the notice to financial institutions by posting a notice on the website of the Council and by publishing a notice in the Federal Register.

(d) **NOTIFICATION OF FINAL DETERMINATION.**—

(1) **AFTER HEARING.**—Within 60 days of any hearing under subsection (c)(3), the Council shall notify the financial market utility or financial institutions of the final determination of the Council in writing, which shall include findings of fact upon which the determination of the Council is based.

(2) **WHEN NO HEARING REQUESTED.**—If the Council does not receive a timely request for a hearing under subsection (c)(3), the Council shall notify the financial market utility or financial institutions of the final determination of the Council in writing not later than 30 days after the expiration of the date by which a financial market utility or a financial institution could have requested a hearing. All notices to financial institutions under this subsection shall be published in the Federal Register.

(e) **EXTENSION OF TIME PERIODS.**—The Council may extend the time periods established in subsections (c) and (d) as the Council determines to be necessary or appropriate.

SEC. 805. STANDARDS FOR SYSTEMICALLY IMPORTANT FINANCIAL MARKET UTILITIES AND PAYMENT, CLEARING, OR SETTLEMENT ACTIVITIES.

(a) **AUTHORITY TO PRESCRIBE STANDARDS.**—The Board, by rule or order, and in consultation with the Council and the Supervisory Agencies, shall prescribe risk management standards, taking into consideration relevant international standards and existing prudential requirements, governing—

(1) the operations related to the payment, clearing, and settlement activities of designated financial market utilities; and

(2) the conduct of designated activities by financial institutions.

(b) **OBJECTIVES AND PRINCIPLES.**—The objectives and principles for the risk management standards prescribed under subsection (a) shall be to—

(1) promote robust risk management;

(2) promote safety and soundness;

(3) reduce systemic risks; and

(4) support the stability of the broader financial system.

(c) **SCOPE.**—The standards prescribed under subsection (a) may address areas such as—

(1) risk management policies and procedures;

(2) margin and collateral requirements;

(3) participant or counterparty default policies and procedures;

(4) the ability to complete timely clearing and settlement of financial transactions;

(5) capital and financial resource requirements for designated financial market utilities; and

(6) other areas that the Board determines are necessary to achieve the objectives and principles in subsection (b).

(d) **THRESHOLD LEVEL.**—The standards prescribed under subsection (a) governing the conduct of designated activities by financial institutions shall, where appropriate, establish a threshold as to the level or significance of engagement in the activity at which a financial institution will become subject to the standards with respect to that activity.

(e) **COMPLIANCE REQUIRED.**—Designated financial market utilities and financial institutions subject to the standards prescribed by the Board of Governors for a designated activity shall conduct their operations in compliance with the applicable risk management standards prescribed by the Board of Governors.

SEC. 806. OPERATIONS OF DESIGNATED FINANCIAL MARKET UTILITIES.

(a) **FEDERAL RESERVE ACCOUNT AND SERVICES.**—The Board of Governors may authorize a Federal Reserve Bank to establish and maintain an account for a designated financial market utility and provide services to the designated financial market utility that the Federal Reserve Bank is authorized under the Federal Reserve Act to provide to a depository institution, subject to any applicable rules, orders, standards, or guidelines prescribed by the Board of Governors.

(b) **ADVANCES.**—The Board of Governors may authorize a Federal Reserve Bank to provide to a designated financial market utility the same discount and borrowing privileges as the Federal Reserve Bank may provide to a depository institution under the Federal Reserve Act, subject to any applicable rules, orders, standards, or guidelines prescribed by the Board of Governors.

(c) **EARNINGS ON FEDERAL RESERVE BALANCES.**—A Federal Reserve Bank may pay earnings on balances maintained by or on behalf of a designated financial market utility in the same manner and to the same extent as the Federal Reserve Bank may pay earnings to a depository institution under the Federal Reserve Act, subject to any applicable rules, orders, standards, or guidelines prescribed by the Board of Governors.

(d) **RESERVE REQUIREMENTS.**—The Board of Governors may exempt a designated financial market utility from, or modify any, reserve requirements under section 19 of the Federal Reserve Act (12 U.S.C. 461) applicable to a designated financial market utility.

(e) **CHANGES TO RULES, PROCEDURES, OR OPERATIONS.**—

(1) **ADVANCE NOTICE.**—

(A) **ADVANCE NOTICE OF PROPOSED CHANGES REQUIRED.**—A designated financial market utility shall provide notice 60 days in advance advance notice to its Supervisory Agency and the Board of Governors of any proposed change to its rules, procedures, or operations that could, as defined in rules of the Board of Governors, materially affect, the nature or level of risks presented by the designated financial market utility.

(B) **TERMS AND STANDARDS PRESCRIBED BY THE BOARD OF GOVERNORS.**—The Board of Governors shall prescribe regulations that define and describe the standards for determining when notice is required to be provided under subparagraph (A).

(C) **CONTENTS OF NOTICE.**—The notice of a proposed change shall describe—

(i) the nature of the change and expected effects on risks to the designated financial market utility, its participants, or the market; and

(ii) how the designated financial market utility plans to manage any identified risks.

(D) **ADDITIONAL INFORMATION.**—The Supervisory Agency or the Board of Governors may require a designated financial market utility to provide any information necessary to assess the effect the proposed change would have on the nature or level of risks associated with the designated financial market utility's payment, clearing, or settlement activities and the sufficiency of any proposed risk management techniques.

(E) **NOTICE OF OBJECTION.**—The Supervisory Agency or the Board of Governors shall notify the designated financial market utility of any objection regarding the proposed change within 60 days from the later of—

(i) the date that the notice of the proposed change is received; or

(ii) the date any further information requested for consideration of the notice is received.

(F) **CHANGE NOT ALLOWED IF OBJECTION.**—A designated financial market utility shall not implement a change to which the Board of Governors or the Supervisory Agency has an objection.

(G) **CHANGE ALLOWED IF NO OBJECTION WITHIN 60 DAYS.**—A designated financial market utility may implement a change if it has not received an objection to the proposed change within 60 days of the later of—

(i) the date that the Supervisory Agency or the Board of Governors receives the notice of proposed change; or

(ii) the date the Supervisory Agency or the Board of Governors receives any further information it requests for consideration of the notice.

(H) **REVIEW EXTENSION FOR NOVEL OR COMPLEX ISSUES.**—The Supervisory Agency or the Board of Governors may, during the 60-day review period, extend the review period for an additional 60 days for proposed changes that raise novel or complex issues, subject to the Supervisory Agency or the Board of Governors providing the designated financial market utility with prompt written notice of the extension. Any extension under this subparagraph will extend the time periods under subparagraphs (D) and (F).

(I) **CHANGE ALLOWED EARLIER IF NOTIFIED OF NO OBJECTION.**—A designated financial market utility may implement a change in less than 60 days from the date of receipt of the notice of

proposed change by the Supervisory Agency or the Board of Governors, or the date the Supervisory Agency or the Board of Governors receives any further information it requested, if the Supervisory Agency or the Board of Governors notifies the designated financial market utility in writing that it does not object to the proposed change and authorizes the designated financial market utility to implement the change on an earlier date, subject to any conditions imposed by the Supervisory Agency or the Board of Governors.

(2) **EMERGENCY CHANGES.**—

(A) **IN GENERAL.**—A designated financial market utility may implement a change that would otherwise require advance notice under this subsection if it determines that—

(i) an emergency exists; and

(ii) immediate implementation of the change is necessary for the designated financial market utility to continue to provide its services in a safe and sound manner.

(B) **NOTICE REQUIRED WITHIN 24 HOURS.**—The designated financial market utility shall provide notice of any such emergency change to its Supervisory Agency and the Board of Governors, as soon as practicable, which shall be no later than 24 hours after implementation of the change.

(C) **CONTENTS OF EMERGENCY NOTICE.**—In addition to the information required for changes requiring advance notice, the notice of an emergency change shall describe—

(i) the nature of the emergency; and

(ii) the reason the change was necessary for the designated financial market utility to continue to provide its services in a safe and sound manner.

(D) **MODIFICATION OR RESCISSION OF CHANGE MAY BE REQUIRED.**—The Supervisory Agency or the Board of Governors may require modification or rescission of the change if it finds that the change is not consistent with the purposes of this Act or any rules, orders, or standards prescribed by the Board of Governors hereunder.

(3) **COPYING THE BOARD OF GOVERNORS.**—The Supervisory Agency shall provide the Board of Governors concurrently with a complete copy of any notice, request, or other information it issues, submits, or receives under this subsection.

(4) **CONSULTATION WITH BOARD OF GOVERNORS.**—Before taking any action on, or completing its review of, a change proposed by a designated financial market utility, the Supervisory Agency shall consult with the Board of Governors.

SEC. 807. EXAMINATION OF AND ENFORCEMENT ACTIONS AGAINST DESIGNATED FINANCIAL MARKET UTILITIES.

(a) **EXAMINATION.**—Notwithstanding any other provision of law and subject to subsection (d), the Supervisory Agency shall conduct examinations of a designated financial market utility at least once annually in order to determine the following:

(1) The nature of the operations of, and the risks borne by, the designated financial market utility.

(2) The financial and operational risks presented by the designated financial market utility to financial institutions, critical markets, or the broader financial system.

(3) The resources and capabilities of the designated financial market utility to monitor and control such risks.

(4) The safety and soundness of the designated financial market utility.

(5) The designated financial market utility's compliance with—

(A) this title; and

(B) the rules and orders prescribed by the Board of Governors under this title.

(b) **SERVICE PROVIDERS.**—Whenever a service integral to the operation of a designated finan-

cial market utility is performed for the designated financial market utility by another entity, whether an affiliate or non-affiliate and whether on or off the premises of the designated financial market utility, the Supervisory Agency may examine whether the provision of that service is in compliance with applicable law, rules, orders, and standards to the same extent as if the designated financial market utility were performing the service on its own premises.

(c) **ENFORCEMENT.**—For purposes of enforcing the provisions of this section, a designated financial market utility shall be subject to, and the appropriate Supervisory Agency shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the designated financial market utility was an insured depository institution and the Supervisory Agency was the appropriate Federal banking agency for such insured depository institution.

(d) **BOARD OF GOVERNORS INVOLVEMENT IN EXAMINATIONS.**—

(1) **BOARD OF GOVERNORS CONSULTATION ON EXAMINATION PLANNING.**—The Supervisory Agency shall consult with the Board of Governors regarding the scope and methodology of any examination conducted under subsections (a) and (b).

(2) **BOARD OF GOVERNORS PARTICIPATION IN EXAMINATION.**—The Board of Governors may, in its discretion, participate in any examination led by a Supervisory Agency and conducted under subsections (a) and (b).

(e) **BOARD OF GOVERNORS ENFORCEMENT RECOMMENDATIONS.**—

(1) **RECOMMENDATION.**—The Board of Governors may at any time recommend to the Supervisory Agency that such agency take enforcement action against a designated financial market utility. Any such recommendation for enforcement action shall provide a detailed analysis supporting the recommendation of the Board of Governors.

(2) **CONSIDERATION.**—The Supervisory Agency shall consider the recommendation of the Board of Governors and submit a response to the Board of Governors within 60 days.

(3) **MEDIATION.**—If the Supervisory Agency rejects, in whole or in part, the recommendation of the Board of Governors, the Board of Governors may dispute the matter by referring the recommendation to the Council, which shall attempt to resolve the dispute.

(4) **ENFORCEMENT ACTION.**—If the Council is unable to resolve the dispute under paragraph (3) within 30 days from the date of referral, the Board of Governors may, upon a vote of its members—

(A) exercise the enforcement authority referenced in subsection (c) as if it were the Supervisory Agency; and

(B) take enforcement action against the designated financial market utility.

(f) **EMERGENCY ENFORCEMENT ACTIONS BY THE BOARD OF GOVERNORS.**—

(1) **IMMINENT RISK OF SUBSTANTIAL HARM.**—The Board of Governors may, after consulting with the Council and the Supervisory Agency, take enforcement action against a designated financial market utility if the Board of Governors has reasonable cause to believe that—

(A) either—

(i) an action engaged in, or contemplated by, a designated financial market utility (including any change proposed by the designated financial market utility to its rules, procedures, or operations that would otherwise be subject to section 806(e)) poses an imminent risk of substantial harm to financial institutions, critical markets, or the broader financial system; or

(ii) the condition of a designated financial market utility poses an imminent risk of substantial harm to financial institutions, critical markets, or the broader financial system; and

(B) the imminent risk of substantial harm precludes the Board of Governors' use of the procedures in subsection (e).

(2) **ENFORCEMENT AUTHORITY.**—For purposes of taking enforcement action under paragraph (1), a designated financial market utility shall be subject to, and the Board of Governors shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the designated financial market utility was an insured depository institution and the Board of Governors was the appropriate Federal banking agency for such insured depository institution.

(3) **PROMPT NOTICE TO SUPERVISORY AGENCY OF ENFORCEMENT ACTION.**—Within 24 hours of taking an enforcement action under this subsection, the Board of Governors shall provide written notice to the designated financial market utility's Supervisory Agency containing a detailed analysis of the action of the Board of Governors, with supporting documentation included.

SEC. 808. EXAMINATION OF AND ENFORCEMENT ACTIONS AGAINST FINANCIAL INSTITUTIONS SUBJECT TO STANDARDS FOR DESIGNATED ACTIVITIES.

(a) **EXAMINATION.**—The appropriate financial regulator is authorized to examine a financial institution subject to the standards prescribed by the Board of Governors for a designated activity in order to determine the following:

(1) The nature and scope of the designated activities engaged in by the financial institution.

(2) The financial and operational risks the designated activities engaged in by the financial institution may pose to the safety and soundness of the financial institution.

(3) The financial and operational risks the designated activities engaged in by the financial institution may pose to other financial institutions, critical markets, or the broader financial system.

(4) The resources available to and the capabilities of the financial institution to monitor and control the risks described in paragraphs (2) and (3).

(5) The financial institution's compliance with this title and the rules and orders prescribed by the Board of Governors under this title.

(b) **ENFORCEMENT.**—For purposes of enforcing the provisions of this section, and the rules and orders prescribed by the Board of Governors under this section, a financial institution subject to the standards prescribed by the Board of Governors for a designated activity shall be subject to, and the appropriate financial regulator shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the financial institution was an insured depository institution and the appropriate financial regulator was the appropriate Federal banking agency for such insured depository institution.

(c) **TECHNICAL ASSISTANCE.**—The Board of Governors shall consult with and provide such technical assistance as may be required by the appropriate financial regulators to ensure that the rules and orders prescribed by the Board of Governors under this title are interpreted and applied in as consistent and uniform a manner as practicable.

(d) **DELEGATION.**—

(1) **EXAMINATION.**—

(A) **REQUEST TO BOARD OF GOVERNORS.**—The appropriate financial regulator may request the Board of Governors to conduct or participate in an examination of a financial institution subject to the standards prescribed by the Board of Governors for a designated activity in order to assess the compliance of such financial institution with—

(i) this title; or

(ii) the rules or orders prescribed by the Board of Governors under this title.

(B) **EXAMINATION BY BOARD OF GOVERNORS.**—Upon receipt of an appropriate written request, the Board of Governors will conduct the examination under such terms and conditions to which the Board of Governors and the appropriate financial regulator mutually agree.

(2) **ENFORCEMENT.**—

(A) **REQUEST TO BOARD OF GOVERNORS.**—The appropriate financial regulator may request the Board of Governors to enforce this title or the rules or orders prescribed by the Board of Governors under this title against a financial institution that is subject to the standards prescribed by the Board of Governors for a designated activity.

(B) **ENFORCEMENT BY BOARD OF GOVERNORS.**—Upon receipt of an appropriate written request, the Board of Governors shall determine whether an enforcement action is warranted, and, if so, it shall enforce compliance with this title or the rules or orders prescribed by the Board of Governors under this title and, if so, the financial institution shall be subject to, and the Board of Governors shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the financial institution was an insured depository institution and the Board of Governors was the appropriate Federal banking agency for such insured depository institution.

(e) **BACK-UP AUTHORITY OF THE BOARD OF GOVERNORS.**—

(1) **EXAMINATION AND ENFORCEMENT.**—Notwithstanding any other provision of law, the Board of Governors may—

(A) conduct an examination of the type described in subsection (a) of any financial institution that is subject to the standards prescribed by the Board of Governors for a designated activity; and

(B) enforce the provisions of this title or any rules or orders prescribed by the Board of Governors under this title against any financial institution that is subject to the standards prescribed by the Board of Governors for a designated activity.

(2) **LIMITATIONS.**—

(A) **EXAMINATION.**—The Board of Governors may exercise the authority described in paragraph (1)(A) only if the Board of Governors has—

(i) reasonable cause to believe that a financial institution is not in compliance with this title or the rules or orders prescribed by the Board of Governors under this title with respect to a designated activity;

(ii) notified, in writing, the appropriate financial regulator and the Council of its belief under clause (i) with supporting documentation included;

(iii) requested the appropriate financial regulator to conduct a prompt examination of the financial institution; and

(iv) either—

(I) not been afforded a reasonable opportunity to participate in an examination of the financial institution by the appropriate financial regulator within 30 days after the date of the Board's notification under clause (ii); or

(II) reasonable cause to believe that the financial institution's noncompliance with this title or the rules or orders prescribed by the Board of Governors under this title poses a substantial risk to other financial institutions, critical markets, or the broader financial system, subject to the Board of Governors affording the appropriate financial regulator a reasonable opportunity to participate in the examination.

(B) **ENFORCEMENT.**—The Board of Governors may exercise the authority described in para-

graph (1)(B) only if the Board of Governors has—

(i) reasonable cause to believe that a financial institution is not in compliance with this title or the rules or orders prescribed by the Board of Governors under this title with respect to a designated activity;

(ii) notified, in writing, the appropriate financial regulator and the Council of its belief under clause (i) with supporting documentation included and with a recommendation that the appropriate financial regulator take 1 or more specific enforcement actions against the financial institution; and

(iii) either—

(I) not been notified, in writing, by the appropriate financial regulator of the commencement of an enforcement action recommended by the Board of Governors against the financial institution within 60 days from the date of the notification under clause (ii); or

(II) reasonable cause to believe that the financial institution's noncompliance with this title or the rules or orders prescribed by the Board of Governors under this title poses a substantial risk to other financial institutions, critical markets, or the broader financial system, subject to the Board of Governors notifying the appropriate financial regulator of the Board's enforcement action.

(3) **ENFORCEMENT PROVISIONS.**—For purposes of taking enforcement action under paragraph (1), the financial institution shall be subject to, and the Board of Governors shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the financial institution was an insured depository institution and the Board of Governors was the appropriate Federal banking agency for such insured depository institution.

SEC. 809. REQUESTS FOR INFORMATION, REPORTS, OR RECORDS.

(a) **INFORMATION TO ASSESS SYSTEMIC IMPORTANCE.**—

(1) **FINANCIAL MARKET UTILITIES.**—The Council is authorized to require any financial market utility to submit such information as the Council may require for the sole purpose of assessing whether that financial market utility is systemically important, but only if the Council has reasonable cause to believe that the financial market utility meets the standards for systemic importance set forth in section 804.

(2) **FINANCIAL INSTITUTIONS ENGAGED IN PAYMENT, CLEARING, OR SETTLEMENT ACTIVITIES.**—The Council is authorized to require any financial institution to submit such information as the Council may require for the sole purpose of assessing whether any payment, clearing, or settlement activity engaged in or supported by a financial institution is systemically important, but only if the Council has reasonable cause to believe that the activity meets the standards for systemic importance set forth in section 804.

(b) **REPORTING AFTER DESIGNATION.**—

(1) **DESIGNATED FINANCIAL MARKET UTILITIES.**—The Board of Governors and the Council may require a designated financial market utility to submit reports or data to the Board of Governors and the Council in such frequency and form as deemed necessary by the Board of Governors and the Council in order to assess the safety and soundness of the utility and the systemic risk that the utility's operations pose to the financial system.

(2) **FINANCIAL INSTITUTIONS SUBJECT TO STANDARDS FOR DESIGNATED ACTIVITIES.**—The Board of Governors and the Council may require 1 or more financial institutions subject to the standards prescribed by the Board of Governors for a designated activity to submit, in such frequency and form as deemed necessary by the Board of

Governors and the Council, reports and data to the Board of Governors and the Council solely with respect to the conduct of the designated activity and solely to assess whether—

(A) the rules, orders, or standards prescribed by the Board of Governors with respect to the designated activity appropriately address the risks to the financial system presented by such activity; and

(B) the financial institutions are in compliance with this title and the rules and orders prescribed by the Board of Governors under this title with respect to the designated activity.

(c) COORDINATION WITH APPROPRIATE FEDERAL SUPERVISORY AGENCY.—

(1) ADVANCE COORDINATION.—Before directly requesting any material information from, or imposing reporting or recordkeeping requirements on, any financial market utility or any financial institution engaged in a payment, clearing, or settlement activity, the Board of Governors and the Council shall coordinate with the Supervisory Agency for a financial market utility or the appropriate financial regulator for a financial institution to determine if the information is available from or may be obtained by the agency in the form, format, or detail required by the Board of Governors and the Council.

(2) SUPERVISORY REPORTS.—Notwithstanding any other provision of law, the Supervisory Agency, the appropriate financial regulator, and the Board of Governors are authorized to disclose to each other and the Council copies of its examination reports or similar reports regarding any financial market utility or any financial institution engaged in payment, clearing, or settlement activities.

(d) TIMING OF RESPONSE FROM APPROPRIATE FEDERAL SUPERVISORY AGENCY.—If the information, report, records, or data requested by the Board of Governors or the Council under subsection (c)(1) are not provided in full by the Supervisory Agency or the appropriate financial regulator in less than 15 days after the date on which the material is requested, the Board of Governors or the Council may request the information or impose recordkeeping or reporting requirements directly on such persons as provided in subsections (a) and (b) with notice to the agency.

(e) SHARING OF INFORMATION.—

(1) MATERIAL CONCERNS.—Notwithstanding any other provision of law, the Board of Governors, the Council, the appropriate financial regulator, and any Supervisory Agency are authorized to—

(A) promptly notify each other of material concerns about a designated financial market utility or any financial institution engaged in designated activities; and

(B) share appropriate reports, information, or data relating to such concerns.

(2) OTHER INFORMATION.—Notwithstanding any other provision of law, the Board of Governors, the Council, the appropriate financial regulator, or any Supervisory Agency may, under such terms and conditions as it deems appropriate, provide confidential supervisory information and other information obtained under this title to other persons it deems appropriate, including the Secretary, State financial institution supervisory agencies, foreign financial supervisors, foreign central banks, and foreign finance ministries, subject to reasonable assurances of confidentiality.

(f) PRIVILEGE MAINTAINED.—The Board of Governors, the Council, the appropriate financial regulator, and any Supervisory Agency providing reports or data under this section shall not be deemed to have waived any privilege applicable to those reports or data, or any portion thereof, by providing the reports or data to the other party or by permitting the reports or data, or any copies thereof, to be used by the other party.

(g) DISCLOSURE EXEMPTION.—Information obtained by the Board of Governors or the Council under this section and any materials prepared by the Board of Governors or the Council regarding its assessment of the systemic importance of financial market utilities or any payment, clearing, or settlement activities engaged in by financial institutions, and in connection with its supervision of designated financial market utilities and designated activities, shall be confidential supervisory information exempt from disclosure under section 552 of title 5, United States Code. For purposes of such section 552, this subsection shall be considered a statute described in subsection (b)(3) of such section 552.

SEC. 810. RULEMAKING.

The Board of Governors and the Council are authorized to prescribe such rules and issue such orders as may be necessary to administer and carry out the authorities and duties granted to the Board of Governors or the Council, respectively, and prevent evasions thereof.

SEC. 811. OTHER AUTHORITY.

Unless otherwise provided by its terms, this title does not divest any appropriate financial regulator, any Supervisory Agency, or any other Federal or State agency, of any authority derived from any other applicable law, except that any standards prescribed by the Board of Governors under section 805 shall supersede any less stringent requirements established under other authority to the extent of any conflict.

SEC. 812. EFFECTIVE DATE.

This title is effective as of the date of enactment of this Act.

TITLE IX—INVESTOR PROTECTIONS AND IMPROVEMENTS TO THE REGULATION OF SECURITIES

Subtitle A—Increasing Investor Protection

SEC. 911. INVESTOR ADVISORY COMMITTEE ESTABLISHED.

Title I of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following:

“SEC. 39. INVESTOR ADVISORY COMMITTEE.

“(a) ESTABLISHMENT AND PURPOSE.—

“(1) ESTABLISHMENT.—There is established within the Commission the Investor Advisory Committee (referred to in this section as the ‘Committee’).

“(2) PURPOSE.—The Committee shall—

“(A) advise and consult with the Commission on—

“(i) regulatory priorities of the Commission;

“(ii) issues relating to the regulation of securities products, trading strategies, and fee structures, and the effectiveness of disclosure;

“(iii) initiatives to protect investor interest; and

“(iv) initiatives to promote investor confidence and the integrity of the securities marketplace; and

“(B) submit to the Commission such findings and recommendations as the Committee determines are appropriate, including recommendations for proposed legislative changes.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The members of the Committee shall be—

“(A) the Investor Advocate;

“(B) a representative of State securities commissions;

“(C) a representative of the interests of senior citizens; and

“(D) not fewer than 10, and not more than 20, members appointed by the Commission, from among individuals who—

“(i) represent the interests of individual equity and debt investors, including investors in mutual funds;

“(ii) represent the interests of institutional investors, including the interests of pension funds and registered investment companies;

“(iii) are knowledgeable about investment issues and decisions; and

“(iv) have reputations of integrity.

“(2) TERM.—Each member of the Committee appointed under paragraph (1)(B) shall serve for a term of 4 years.

“(3) MEMBERS NOT COMMISSION EMPLOYEES.—Members appointed under paragraph (1)(B) shall not be deemed to be employees or agents of the Commission solely because of membership on the Committee.

“(c) CHAIRMAN; VICE CHAIRMAN; SECRETARY; ASSISTANT SECRETARY.—

“(1) IN GENERAL.—The members of the Committee shall elect, from among the members of the Committee—

“(A) a chairman, who may not be employed by an issuer;

“(B) a vice chairman, who may not be employed by an issuer;

“(C) a secretary; and

“(D) an assistant secretary.

“(2) TERM.—Each member elected under paragraph (1) shall serve for a term of 3 years in the capacity for which the member was elected under paragraph (1).

“(d) MEETINGS.—

“(1) FREQUENCY OF MEETINGS.—The Committee shall meet—

“(A) not less frequently than twice annually, at the call of the chairman of the Committee; and

“(B) from time to time, at the call of the Commission.

“(2) NOTICE.—The chairman of the Committee shall give the members of the Committee written notice of each meeting, not later than 2 weeks before the date of the meeting.

“(e) COMPENSATION AND TRAVEL EXPENSES.—Each member of the Committee who is not a full-time employee of the United States shall—

“(1) be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Committee; and

“(2) while away from the home or regular place of business of the member in the performance of services for the Committee, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

“(f) STAFF.—The Commission shall make available to the Committee such staff as the chairman of the Committee determines are necessary to carry out this section.

“(g) REVIEW BY COMMISSION.—The Commission shall—

“(1) review the findings and recommendations of the Committee; and

“(2) each time the Committee submits a finding or recommendation to the Commission, issue a public statement—

“(A) assessing the finding or recommendation of the Committee; and

“(B) disclosing the action, if any, the Commission intends to take with respect to the finding or recommendation.

“(h) COMMITTEE FINDINGS.—Nothing in this section shall require the Commission to agree to or act upon any finding or recommendation of the Committee.

“(i) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Committee and its activities.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission such sums as are necessary to carry out this section.”.

SEC. 912. CLARIFICATION OF AUTHORITY OF THE COMMISSION TO ENGAGE IN INVESTOR TESTING.

Section 19 of the Securities Act of 1933 (15 U.S.C. 77s) is amended by adding at the end the following:

“(e) **EVALUATION OF RULES OR PROGRAMS.**—For the purpose of evaluating any rule or program of the Commission issued or carried out under any provision of the securities laws, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), and the purposes of considering, proposing, adopting, or engaging in any such rule or program or developing new rules or programs, the Commission may—

“(1) gather information from and communicate with investors or other members of the public;

“(2) engage in such temporary investor testing programs as the Commission determines are in the public interest or would protect investors; and

“(3) consult with academics and consultants, as necessary to carry out this subsection.

“(f) **RULE OF CONSTRUCTION.**—For purposes of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), any action taken under subsection (e) shall not be construed to be a collection of information.”.

SEC. 913. STUDY AND RULEMAKING REGARDING OBLIGATIONS OF BROKERS, DEALERS, AND INVESTMENT ADVISERS.

(a) **DEFINITIONS.**—In this section—

(1) the term “FINRA” means the Financial Industry Regulatory Authority; and

(2) the term “retail customer” means an individual customer of a broker, dealer, investment adviser, person associated with a broker or dealer, or a person associated with an investment adviser.

(b) **IN GENERAL.**—The Commission shall conduct a study to evaluate—

(1) the effectiveness of existing legal or regulatory standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers for providing personalized investment advice and recommendations about securities to retail customers imposed by the Commission and FINRA, and other Federal and State legal or regulatory standards; and

(2) whether there are legal or regulatory gaps or overlap in legal or regulatory standards in the protection of retail customers relating to the standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers for providing personalized investment advice about securities to retail customers that should be addressed by rule or statute.

(c) **CONSIDERATIONS.**—In conducting the study required under subsection (b), the Commission shall consider—

(1) the regulatory, examination, and enforcement resources devoted to, and activities of, the Commission and FINRA to enforce the standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers when providing personalized investment advice and recommendations about securities to retail customers, including—

(A) the frequency of examinations of brokers, dealers, and investment advisers; and

(B) the length of time of the examinations;

(2) the substantive differences, compared and contrasted in detail, in the regulation of brokers, dealers, and investment advisers, when providing personalized investment advice and recommendations about securities to retail customers, including the differences in the amount of resources devoted to the regulation and examination of brokers, dealers, and investment advisers, by the Commission and FINRA;

(3) the specific instances in which—

(A) the regulation and oversight of investment advisers provide greater protection to retail customers than the regulation and oversight of brokers and dealers; and

(B) the regulation and oversight of brokers and dealers provide greater protection to retail customers than the regulation and oversight of investment advisers;

(4) the existing legal or regulatory standards of State securities regulators and other regulators intended to protect retail customers;

(5) the potential impact on retail customers, including the potential impact on access of retail customers to the range of products and services offered by brokers and dealers, of imposing upon brokers, dealers, and persons associated with brokers or dealers—

(A) the standard of care applied under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) for providing personalized investment advice about securities to retail customers of investment advisers; and

(B) other requirements of the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.);

(6) the potential impact of—

(A) imposing on investment advisers the standard of care applied by the Commission and FINRA under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) for providing recommendations about securities to retail customers of brokers and dealers and other Commission and FINRA requirements applicable to brokers and dealers; and

(B) authorizing the Commission to designate 1 or more self-regulatory organizations to augment the efforts of the Commission to oversee investment advisers;

(7) the potential impact of eliminating the broker and dealer exclusion from the definition of “investment adviser” under section 202(a)(11)(C) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11)(C)), in terms of—

(A) the potential benefits or harm to retail customers that could result from such a change, including any potential impact on access to personalized investment advice and recommendations about securities to retail customers or the availability of such advice and recommendations;

(B) the number of additional entities and individuals that would be required to register under, or become subject to, the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.), and the additional requirements to which brokers, dealers, and persons associated with brokers and dealers would become subject, including—

(i) any potential additional associated person licensing, registration, and examination requirements; and

(ii) the additional costs, if any, to the additional entities and individuals; and

(C) the impact on Commission resources to—

(i) conduct examinations of registered investment advisers and the representatives of registered investment advisers, including the impact on the examination cycle; and

(ii) enforce the standard of care and other applicable requirements imposed under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.);

(8) the ability of investors to understand the differences in terms of regulatory oversight and examinations between brokers, dealers, and investment advisers;

(9) the varying level of services provided by brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers to retail customers and the varying scope and terms of retail customer relationships of brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers with such retail customers;

(10) any potential benefits or harm to retail customers that could result from any potential

changes in the regulatory requirements or legal standards affecting brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers relating to their obligations to retail customers, including any potential impact on—

(A) protection from fraud;

(B) access to personalized investment advice, and recommendations about securities to retail customers; or

(C) the availability of such advice and recommendations;

(11) the additional costs and expenses to retail customers and to brokers, dealers, and investment advisers resulting from potential changes in the regulatory requirements or legal standards affecting brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers relating to their obligations to retail customers; and

(12) any other consideration that the Commission deems necessary and appropriate to effectively execute the study required under subsection (b).

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report on the study required under subsection (b) to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(2) **CONTENT REQUIREMENTS.**—The report required under paragraph (1) shall describe the findings, conclusions, and recommendations of the Commission from the study required under subsection (b), including—

(A) a description of the considerations, analysis, and public and industry input that the Commission considered, as required under subsection (e), to make such findings, conclusions, and policy recommendations; and

(B) an analysis of—

(i) whether any identified legal or regulatory gaps or overlap in legal or regulatory standards in the protection of retail customers relating to the standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers for providing personalized investment advice about securities to retail customers can be addressed by rule; and

(ii) whether, and the extent to which, the Commission would require additional statutory authority to address such gaps or overlap.

(e) **PUBLIC COMMENT.**—The Commission shall seek and consider public input, comments, and data in order to prepare the report required under subsection (d).

(f) **RULEMAKING.**—

(1) **IN GENERAL.**—If the study required under subsection (b) identifies any gaps or overlap in the legal or regulatory standards in the protection of retail customers relating to the standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers for providing personalized investment advice about securities to such retail customers, the Commission, not later than 2 years after the date of enactment of this Act, shall—

(A) commence a rulemaking, as necessary or appropriate in the public interest and for the protection of retail customers, to address such regulatory gaps and overlap that can be addressed by rule, using its authority under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) and the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.); and

(B) consider and take into account the findings, conclusions, and recommendations of the study required under this section.

(2) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit the rule-making authority of the Commission under any other provision of Federal law.

SEC. 914. OFFICE OF THE INVESTOR ADVOCATE.

Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end the following:

“(g) **OFFICE OF THE INVESTOR ADVOCATE.**—

“(1) **OFFICE ESTABLISHED.**—There is established within the Commission the Office of the Investor Advocate (in this subsection referred to as the ‘Office’).

“(2) **INVESTOR ADVOCATE.**—

“(A) **IN GENERAL.**—The head of the Office shall be the Investor Advocate, who shall—

“(i) report directly to the Chairman; and

“(ii) be appointed by the Chairman, in consultation with the Commission, from among individuals having experience in advocating for the interests of investors in securities and investor protection issues, from the perspective of investors.

“(B) **COMPENSATION.**—The annual rate of pay for the Investor Advocate shall be equal to the highest rate of annual pay for a Senior Executive Service position within the Commission.

“(C) **LIMITATION ON SERVICE.**—An individual who serves as the Investor Advocate may not be employed by the Commission—

“(i) during the 2-year period ending on the date of appointment as Investor Advocate; or

“(ii) during the 5-year period beginning on the date on which the person ceases to serve as the Investor Advocate.

“(3) **STAFF OF OFFICE.**—The Investor Advocate may retain or employ independent counsel, research staff, and service staff, as the Investor Advocate deems necessary to carry out the functions, powers, and duties of the Office.

“(4) **FUNCTIONS OF THE INVESTOR ADVOCATE.**—The Investor Advocate shall—

“(A) assist retail investors in resolving significant problems such investors may have with the Commission or with self-regulatory organizations;

“(B) identify areas in which investors would benefit from changes in the regulations of the Commission or the rules of self-regulatory organizations;

“(C) identify problems that investors have with financial service providers and investment products;

“(D) analyze the potential impact on investors of—

“(i) proposed regulations of the Commission; and

“(ii) proposed rules of self-regulatory organizations registered under this title; and

“(E) to the extent practicable, propose to the Commission changes in the regulations or orders of the Commission and to Congress any legislative, administrative, or personnel changes that may be appropriate to mitigate problems identified under this paragraph and to promote the interests of investors.

“(5) **ACCESS TO DOCUMENTS.**—The Commission shall ensure that the Investor Advocate has full access to the documents of the Commission and any self-regulatory organization, as necessary to carry out the functions of the Office.

“(6) **ANNUAL REPORTS.**—

“(A) **REPORT ON OBJECTIVES.**—

“(i) **IN GENERAL.**—Not later than June 30 of each year after 2010, the Investor Advocate shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the objectives of the Investor Advocate for the following fiscal year.

“(ii) **CONTENTS.**—Each report required under clause (i) shall contain full and substantive analysis and explanation.

“(B) **REPORT ON ACTIVITIES.**—

“(i) **IN GENERAL.**—Not later than December 31 of each year after 2010, the Investor Advocate shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the activities of the Investor Advocate during the immediately preceding fiscal year.

“(ii) **CONTENTS.**—Each report required under clause (i) shall include—

“(I) appropriate statistical information and full and substantive analysis;

“(II) information on steps that the Investor Advocate has taken during the reporting period to improve investor services and the responsiveness of the Commission and self-regulatory organizations to investor concerns;

“(III) a summary of the most serious problems encountered by investors during the reporting period;

“(IV) an inventory of the items described in subclauses (III) that includes—

“(aa) identification of any action taken by the Commission or the self-regulatory organization and the result of such action;

“(bb) the length of time that each item has remained on such inventory; and

“(cc) for items on which no action has been taken, the reasons for inaction, and an identification of any official who is responsible for such action;

“(V) recommendations for such administrative and legislative actions as may be appropriate to resolve problems encountered by investors; and

“(VI) any other information, as determined appropriate by the Investor Advocate.

“(iii) **INDEPENDENCE.**—Each report required under this paragraph shall be provided directly to the Committees listed in clause (i) without any prior review or comment from the Commission, any commissioner, any other officer or employee of the Commission, or the Office of Management and Budget.

“(iv) **CONFIDENTIALITY.**—No report required under clause (i) may contain confidential information.

“(7) **REGULATIONS.**—The Commission shall, by regulation, establish procedures requiring a formal response to all recommendations submitted to the Commission by the Investor Advocate, not later than 3 months after the date of such submission.”.

SEC. 915. STREAMLINING OF FILING PROCEDURES FOR SELF-REGULATORY ORGANIZATIONS.

(a) **FILING PROCEDURES.**—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by striking paragraph (2) (including the undesignated matter immediately following subparagraph (B)) and inserting the following:

“(2) **APPROVAL PROCESS.**—

“(A) **APPROVAL PROCESS ESTABLISHED.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), not later than 45 days after the date of publication of a proposed rule change under paragraph (1), the Commission shall—

“(I) by order, approve the proposed rule change; or

“(II) institute proceedings under subparagraph (B) to determine whether the proposed rule change should be disapproved.

“(ii) **EXTENSION OF TIME PERIOD.**—The Commission may extend the period established under clause (i) by not more than an additional 45 days, if—

“(I) the Commission determines that a longer period is appropriate and publishes the reasons for such determination; or

“(II) the self-regulatory organization that filed the proposed rule change consents to the longer period.

“(B) **PROCEEDINGS.**—

“(i) **NOTICE AND HEARING.**—If the Commission does not approve a proposed rule change under

subparagraph (A), the Commission shall provide to the self-regulatory organization that filed the proposed rule change—

“(I) notice of the grounds for disapproval under consideration; and

“(II) opportunity for hearing, to be concluded not later than 180 days after the date of publication of notice of the filing of the proposed rule change.

“(ii) **ORDER OF APPROVAL OR DISAPPROVAL.**—

“(I) **IN GENERAL.**—Except as provided in subclause (II), not later than 180 days after the date of publication under paragraph (1), the Commission shall issue an order approving or disapproving the proposed rule change.

“(II) **EXTENSION OF TIME PERIOD.**—The Commission may extend the period for issuance under clause (I) by not more than 60 days, if—

“(aa) the Commission determines that a longer period is appropriate and publishes the reasons for such determination; or

“(bb) the self-regulatory organization that filed the proposed rule change consents to the longer period.

“(C) **STANDARDS FOR APPROVAL AND DISAPPROVAL.**—

“(i) **APPROVAL.**—The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of this title and the rules and regulations issued under this title that are applicable to such organization.

“(ii) **DISAPPROVAL.**—The Commission shall disapprove a proposed rule change of a self-regulatory organization if it does not make a finding described in clause (i).

“(iii) **TIME FOR APPROVAL.**—The Commission may not approve a proposed rule change earlier than 30 days after the date of publication under paragraph (1), unless the Commission finds good cause for so doing and publishes the reason for the finding.

“(D) **RESULT OF FAILURE TO INSTITUTE OR CONCLUDE PROCEEDINGS.**—A proposed rule change shall be deemed to have been approved by the Commission, if—

“(i) the Commission does not approve the proposed rule change or begin proceedings under subparagraph (B) within the period described in subparagraph (A); or

“(ii) the Commission does not issue an order approving or disapproving the proposed rule change under subparagraph (B) within the period described in subparagraph (B)(ii).

“(E) **PUBLICATION DATE BASED ON FEDERAL REGISTER PUBLISHING.**—For purposes of this paragraph, if, after filing a proposed rule change with the Commission pursuant to paragraph (1), a self-regulatory organization publishes a notice of the filing of such proposed rule change, together with the substantive terms of such proposed rule change, on a publicly accessible website, the Commission shall thereafter send the notice to the Federal Register for publication thereof under paragraph (1) within 15 days of the date on which such website publication is made. If the Commission fails to send the notice for publication thereof within such 15 day period, then the date of publication shall be deemed to be the date on which such website publication was made.”.

(b) **CLARIFICATION OF FILING DATE.**—

(1) **RULE OF CONSTRUCTION.**—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

“(10) **RULE OF CONSTRUCTION RELATING TO FILING DATE OF PROPOSED RULE CHANGES.**—

“(A) **IN GENERAL.**—For purposes of this subsection, the date of filing of a proposed rule change shall be deemed to be the date on which the Commission receives the proposed rule change.

“(B) EXCEPTION.—A proposed rule change has not been received by the Commission for purposes of subparagraph (A) if, not later than 7 days after the date of receipt by the Commission, the Commission notifies the self-regulatory organization that such proposed rule change does not comply with the rules of the Commission relating to the required form of a proposed rule change.”

(2) PUBLICATION.—Section 19(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)) is amended by striking “upon” and inserting “as soon as practicable after the date of”.

(c) EFFECTIVE DATE OF PROPOSED RULES.—Section 19(b)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking “may take effect” and inserting “shall take effect”; and

(B) by inserting “on any person, whether or not the person is a member of the self-regulatory organization” after “charge imposed by the self-regulatory organization”; and

(2) in subparagraph (C)—

(A) by amending the second sentence to read as follows: “At any time within the 60-day period beginning on the date of filing of such a proposed rule change in accordance with the provisions of paragraph (1), the Commission summarily may temporarily suspend the change in the rules of the self-regulatory organization made thereby, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.”;

(B) by inserting after the second sentence the following: “If the Commission takes such action, the Commission shall institute proceedings under paragraph (2)(B) to determine whether the proposed rule should be approved or disapproved.”; and

(C) in the third sentence, by striking “the preceding sentence” and inserting “this subparagraph”.

(d) CONFORMING CHANGE.—Section 19(b)(4)(D) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(4)(D)) is amended to read as follows:

“(D)(i) The Commission shall order the temporary suspension of any change in the rules of a clearing agency made by a proposed rule change that has taken effect under paragraph (3), if the appropriate regulatory agency for the clearing agency notifies the Commission not later than 30 days after the date on which the proposed rule change was filed of—

“(I) the determination by the appropriate regulatory agency that the rules of such clearing agency, as so changed, may be inconsistent with the safeguarding of securities or funds in the custody or control of such clearing agency or for which it is responsible; and

“(II) the reasons for the determination described in subclause (I).

“(ii) If the Commission takes action under clause (i), the Commission shall institute proceedings under paragraph (2)(B) to determine if the proposed rule change should be approved or disapproved.”.

SEC. 916. STUDY REGARDING FINANCIAL LITERACY AMONG INVESTORS.

(a) IN GENERAL.—The Commission shall conduct a study to identify—

(1) the existing level of financial literacy among retail investors, including subgroups of investors identified by the Commission;

(2) methods to improve the timing, content, and format of disclosures to investors with respect to financial intermediaries, investment products, and investment services;

(3) the most useful and understandable relevant information that retail investors need to make informed financial decisions before engag-

ing a financial intermediary or purchasing an investment product or service that is typically sold to retail investors, including shares of open-end companies, as that term is defined in section 5 of the Investment Company Act of 1940 (15 U.S.C. 80a–5) that are registered under section 8 of that Act;

(4) methods to increase the transparency of expenses and conflicts of interests in transactions involving investment services and products, including shares of open-end companies described in paragraph (3);

(5) the most effective existing private and public efforts to educate investors; and

(6) in consultation with the Financial Literacy and Education Commission, a strategy (including, to the extent practicable, measurable goals and objectives) to increase the financial literacy of investors in order to bring about a positive change in investor behavior.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit a report on the study required under subsection (a) to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

SEC. 917. STUDY REGARDING MUTUAL FUND ADVERTISING.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on mutual fund advertising to identify—

(1) existing and proposed regulatory requirements for open-end investment company advertisements;

(2) current marketing practices for the sale of open-end investment company shares, including the use of past performance data, funds that have merged, and incubator funds;

(3) the impact of such advertising on consumers; and

(4) recommendations to improve investor protections in mutual fund advertising and additional information necessary to ensure that investors can make informed financial decisions when purchasing shares.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report on the results of the study conducted under subsection (a) to—

(1) the Committee on Banking, Housing, and Urban Affairs of the United States Senate; and

(2) the Committee on Financial Services of the House of Representatives.

SEC. 918. CLARIFICATION OF COMMISSION AUTHORITY TO REQUIRE INVESTOR DISCLOSURES BEFORE PURCHASE OF INVESTMENT PRODUCTS AND SERVICES.

Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following:

“(k) DISCLOSURES TO RETAIL INVESTORS.—

“(1) IN GENERAL.—Notwithstanding any other provision of the securities laws, the Commission may issue rules designating documents or information that shall be provided by a broker or dealer to a retail investor before the purchase of an investment product or service by the retail investor.

“(2) CONSIDERATIONS.—In developing any rules under paragraph (1), the Commission shall consider whether the rules will promote investor protection, efficiency, competition, and capital formation.

“(3) FORM AND CONTENTS OF DOCUMENTS AND INFORMATION.—Any documents or information designated under a rule promulgated under paragraph (1) shall—

“(A) be in a summary format; and

“(B) contain clear and concise information about—

“(i) investment objectives, strategies, costs, and risks; and

“(ii) any compensation or other financial incentive received by a broker, dealer, or other intermediary in connection with the purchase of retail investment products.”.

SEC. 919. STUDY ON CONFLICTS OF INTEREST.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study—

(1) to identify and examine potential conflicts of interest that exist between the staffs of the investment banking and equity and fixed income securities analyst functions within the same firm; and

(2) to make recommendations to Congress designed to protect investors in light of such conflicts.

(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Comptroller General shall—

(1) consider—

(A) the potential for investor harm resulting from conflicts, including consideration of the forms of misconduct engaged in by the several securities firms and individuals that entered into the Global Analyst Research Settlements in 2003 (also known as the “Global Settlement”);

(B) the nature and benefits of the undertakings to which those firms agreed in enforcement proceedings, including firewalls between research and investment banking, separate reporting lines, dedicated legal and compliance staffs, allocation of budget, physical separation, compensation, employee performance evaluations, coverage decisions, limitations on soliciting investment banking business, disclosures, transparency, and other measures;

(C) whether any such undertakings should be codified and applied permanently to securities firms, or whether the Commission should adopt rules applying any such undertakings to securities firms; and

(D) whether to recommend regulatory or legislative measures designed to mitigate possible adverse consequences to investors arising from the conflicts of interest or to enhance investor protection or confidence in the integrity of the securities markets; and

(2) consult with State attorneys general, State securities officials, the Commission, the Financial Industry Regulatory Authority (“FINRA”), NYSE Regulation, investor advocates, brokers, dealers, retail investors, institutional investors, and academics.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study required by this section to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 18 months after the date of enactment of this Act.

SEC. 919A. STUDY ON IMPROVED INVESTOR ACCESS TO INFORMATION ON INVESTMENT ADVISERS AND BROKER-DEALERS.

(a) STUDY.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commission shall complete a study, including recommendations, of ways to improve the access of investors to registration information (including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information) about registered and previously registered investment advisers, associated persons of investment advisers, brokers and dealers and their associated persons on the existing Central Registration Depository and Investment Adviser Registration Depository systems, as well as identify additional information that should be made publicly available.

(2) CONTENTS.—The study required by subsection (a) shall include an analysis of the advantages and disadvantages of further centralizing access to the information contained in the 2 systems, including—

(A) identification of those data pertinent to investors; and

(B) the identification of the method and format for displaying and publishing such data to enhance accessibility by and utility to investors.

(b) IMPLEMENTATION.—Not later than 18 months after the date of completion of the study required by subsection (a), the Commission shall implement any recommendations of the study.

SEC. 919B. STUDY ON FINANCIAL PLANNERS AND THE USE OF FINANCIAL DESIGNATIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to evaluate—

(1) the effectiveness of State and Federal regulations to protect consumers from individuals who hold themselves out as financial planners through the use of misleading designations;

(2) current State and Federal oversight structure and regulations for financial planners; and

(3) legal or regulatory gaps in the regulation of financial planners and other individuals who provide or offer to provide financial planning services to consumers.

(b) CONSIDERATIONS.—In conducting the study required under subsection (a), the Comptroller General shall consider—

(1) the role of financial planners in providing advice regarding the management of financial resources, including investment planning, income tax planning, education planning, retirement planning, estate planning, and risk management;

(2) whether current regulations at the State and Federal level provide adequate ethical and professional standards for financial planners;

(3) the use of the title “financial planner” and misleading designations in connection with sale of financial products, including insurance and securities;

(4) the possible risk posed to consumers by individuals who hold themselves out as financial planners through the use of misleading designations, including “financial advisor” and “financial consultant”;

(5) the ability of consumers to understand licensing requirements and standards of care that apply to individuals who provide financial advice;

(6) the possible benefits to consumers of regulation and professional oversight of financial planners; and

(7) any other consideration that the Comptroller General deems necessary or appropriate to effectively execute the study required under subsection (a).

(c) RECOMMENDATIONS.—In providing recommendations for the appropriate regulation of financial planners and other individuals who provide or offer to provide financial planning services, in order to protect consumers of financial planning services, the Comptroller General shall consider—

(1) the appropriate structure for regulation of financial planners and individuals providing financial planning services; and

(2) the appropriate scope of the regulations needed to protect consumers, including but not limited to the need to establish competency standards, practice standards, ethical guidelines, disciplinary authority, and transparency to consumers.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report on the study required under subsection (a) to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Special Committee on Aging of the Senate; and

(C) the Committee on Financial Services of the House of Representatives.

(2) CONTENT REQUIREMENTS.—The report required under paragraph (1) shall describe the findings and determinations made by the Comptroller General in carrying out the study required under subsection (a), including a description of the considerations, analysis, and government, public, industry, nonprofit and consumer input that the Comptroller General considered to make such findings, conclusions, and legislative, regulatory, or other recommendations.

Subtitle B—Increasing Regulatory Enforcement and Remedies

SEC. 921. AUTHORITY TO ISSUE RULES RELATED TO MANDATORY PREDISPUTE ARBITRATION.

(a) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o), as amended by section 918, is amended by adding at the end the following:

“(1) AUTHORITY TO RESTRICT MANDATORY PREDISPUTE ARBITRATION.—The Commission may conduct a rulemaking to reaffirm or prohibit, or impose or not impose conditions or limitations on the use of, agreements that require customers or clients of any broker, dealer, or municipal securities dealer to arbitrate any dispute between them and such broker, dealer, or municipal securities dealer that arises under the securities laws or the rules of a self-regulatory organization, if the Commission finds that such reaffirmation, prohibition, imposition of conditions or limitations, or other action is in the public interest and for the protection of investors.”.

(b) AMENDMENT TO INVESTMENT ADVISERS ACT OF 1940.—Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-5) is amended by adding at the end the following:

“(f) AUTHORITY TO ISSUE RULES RELATED TO MANDATORY PREDISPUTE ARBITRATION.—The Commission may conduct rulemaking to reaffirm or prohibit, or impose or not impose conditions or limitations on the use of, agreements that require customers or clients of any investment adviser to arbitrate any dispute between them and such investment adviser that arises under the securities laws, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), or the rules of a self-regulatory organization, if the Commission finds that such reaffirmation, prohibition, imposition of conditions or limitations, or other action is in the public interest and for the protection of investors.”.

SEC. 922. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 21E the following:

“SEC. 21F. SECURITIES WHISTLEBLOWER INCENTIVES AND PROTECTION.

“(a) DEFINITIONS.—In this section the following definitions shall apply:

“(1) COVERED JUDICIAL OR ADMINISTRATIVE ACTION.—The term ‘covered judicial or administrative action’ means any judicial or administrative action brought by the Commission under the securities laws that results in monetary sanctions exceeding \$1,000,000.

“(2) FUND.—The term ‘Fund’ means the Securities and Exchange Commission Investor Protection Fund.

“(3) ORIGINAL INFORMATION.—The term ‘original information’ means information that—

“(A) is derived from the independent knowledge or analysis of a whistleblower;

“(B) is not known to the Commission from any other source, unless the whistleblower is the original source of the information; and

“(C) is not exclusively derived from an allegation made in a judicial or administrative hearing, in a governmental report, hearing, audit, or investigation, or from the news media, unless the whistleblower is a source of the information.

“(4) MONETARY SANCTIONS.—The term ‘monetary sanctions’, when used with respect to any judicial or administrative action, means—

“(A) any monies, including penalties, disgorgement, and interest, ordered to be paid; and

“(B) any monies deposited into a disgorgement fund or other fund pursuant to section 308(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246(b)), as a result of such action or any settlement of such action.

“(5) RELATED ACTION.—The term ‘related action’, when used with respect to any judicial or administrative action brought by the Commission under the securities laws, means any judicial or administrative action brought by an entity described in subclauses (I) through (IV) of subsection (h)(2)(D)(i) that is based upon the original information provided by a whistleblower pursuant to subsection (a) that led to the successful enforcement of the Commission action.

“(6) WHISTLEBLOWER.—The term ‘whistleblower’ means any individual, or 2 or more individuals acting jointly, who provides information relating to a violation of the securities laws to the Commission, in a manner established, by rule or regulation, by the Commission.

“(b) AWARDS.—

“(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Commission, under regulations prescribed by the Commission and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to the Commission that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—

“(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

“(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

“(2) PAYMENT OF AWARDS.—Any amount paid under paragraph (1) shall be paid from the Fund.

“(c) DETERMINATION OF AMOUNT OF AWARD; DENIAL OF AWARD.—

“(1) DETERMINATION OF AMOUNT OF AWARD.—

“(A) DISCRETION.—The determination of the amount of an award made under subsection (b) shall be in the discretion of the Commission.

“(B) CRITERIA.—In determining the amount of an award made under subsection (b), the Commission shall take into account—

“(i) the significance of the information provided by the whistleblower to the success of the covered judicial or administrative action;

“(ii) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in a covered judicial or administrative action;

“(iii) the programmatic interest of the Commission in deterring violations of the securities laws by making awards to whistleblowers who provide information that lead to the successful enforcement of such laws; and

“(iv) such additional relevant factors as the Commission may establish by rule or regulation.

“(2) DENIAL OF AWARD.—No award under subsection (b) shall be made—

“(A) to any whistleblower who is, or was at the time the whistleblower acquired the original information submitted to the Commission, a member, officer, or employee of—

“(i) an appropriate regulatory agency;

“(ii) the Department of Justice;

“(iii) a self-regulatory organization;

“(iv) the Public Company Accounting Oversight Board; or

“(v) a law enforcement organization;

“(B) to any whistleblower who is convicted of a criminal violation related to the judicial or administrative action for which the whistleblower

otherwise could receive an award under this section;

“(C) to any whistleblower who gains the information through the performance of an audit of financial statements required under the securities laws and for whom such submission would be contrary to the requirements of section 101A of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1); or

“(D) to any whistleblower who fails to submit information to the Commission in such form as the Commission may, by rule, require.

“(d) REPRESENTATION.—

“(1) PERMITTED REPRESENTATION.—Any whistleblower who makes a claim for an award under subsection (b) may be represented by counsel.

“(2) REQUIRED REPRESENTATION.—

“(A) IN GENERAL.—Any whistleblower who anonymously makes a claim for an award under subsection (b) shall be represented by counsel if the whistleblower anonymously submits the information upon which the claim is based.

“(B) DISCLOSURE OF IDENTITY.—Prior to the payment of an award, a whistleblower shall disclose the identity of the whistleblower and provide such other information as the Commission may require, directly or through counsel for the whistleblower.

“(e) NO CONTRACT NECESSARY.—No contract with the Commission is necessary for any whistleblower to receive an award under subsection (b), unless otherwise required by the Commission by rule or regulation.

“(f) APPEALS.—Any determination made under this section, including whether, to whom, or in what amount to make awards, shall be in the discretion of the Commission. Any such determination may be appealed to the appropriate court of appeals of the United States not more than 30 days after the determination is issued by the Commission. The court shall review the determination made by the Commission in accordance with section 706 of title 5, United States Code.

“(g) INVESTOR PROTECTION FUND.—

“(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be known as the ‘Securities and Exchange Commission Investor Protection Fund’.

“(2) USE OF FUND.—The Fund shall be available to the Commission, without further appropriation or fiscal year limitation, for—

“(A) paying awards to whistleblowers as provided in subsection (b); and

“(B) funding the activities of the Inspector General of the Commission under section 4(i).

“(3) DEPOSITS AND CREDITS.—There shall be deposited into or credited to the Fund an amount equal to—

“(A) the amount awarded under subsection (b) from any monetary sanction collected by the Commission in any judicial or administrative action brought by the Commission that is based on information provided by a whistleblower under the securities laws, unless, the balance of the Fund at the time the monetary sanction is collected exceeds \$200,000,000;

“(B) any monetary sanction added to a disgorgement fund or other fund pursuant to section 308 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246) that is not distributed to the victims for whom the disgorgement fund was established, unless the balance of the disgorgement fund at the time the determination is made not to distribute the monetary sanction to such victims exceeds \$100,000,000; and

“(C) all income from investments made under paragraph (4).

“(4) INVESTMENTS.—

“(A) AMOUNTS IN FUND MAY BE INVESTED.—The Commission may request the Secretary of the Treasury to invest the portion of the Fund that is not, in the discretion of the Commission, required to meet the current needs of the Fund.

“(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary of the Treasury in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Fund as determined by the Commission on the record.

“(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to the Fund.

“(5) REPORTS TO CONGRESS.—Not later than October 30 of each fiscal year beginning after the date of enactment of this subsection, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a report on—

“(A) the whistleblower award program, established under this section, including—

“(i) a description of the number of awards granted; and

“(ii) the types of cases in which awards were granted during the preceding fiscal year;

“(B) the balance of the Fund at the beginning of the preceding fiscal year;

“(C) the amounts deposited into or credited to the Fund during the preceding fiscal year;

“(D) the amount of earnings on investments made under paragraph (4) during the preceding fiscal year;

“(E) the amount paid from the Fund during the preceding fiscal year to whistleblowers pursuant to subsection (b);

“(F) the balance of the Fund at the end of the preceding fiscal year; and

“(G) a complete set of audited financial statements, including—

“(i) a balance sheet;

“(ii) income statement; and

“(iii) cash flow analysis.

“(h) PROTECTION OF WHISTLEBLOWERS.—

“(1) PROHIBITION AGAINST RETALIATION.—

“(A) IN GENERAL.—No employer may discharge, demote, suspend, threaten, harass, directly or indirectly, or in any other manner discriminate against, a whistleblower in the terms and conditions of employment because of any lawful act done by the whistleblower—

“(i) in providing information to the Commission in accordance with subsection (a); or

“(ii) in assisting in any investigation or judicial or administrative action of the Commission based upon or related to such information.

“(B) ENFORCEMENT.—

“(i) CAUSE OF ACTION.—An individual who alleges discharge or other discrimination in violation of subparagraph (A) may bring an action under this subsection in the appropriate district court of the United States for the relief provided in subparagraph (C).

“(ii) SUBPOENAS.—A subpoena requiring the attendance of a witness at a trial or hearing conducted under this section may be served at any place in the United States.

“(iii) STATUTE OF LIMITATIONS.—

“(I) IN GENERAL.—An action under this subsection may not be brought—

“(aa) more than 6 years after the date on which the violation of subparagraph (A) occurred; or

“(bb) more than 3 years after the date when facts material to the right of action are known or reasonably should have been known by the employee alleging a violation of subparagraph (A).

“(II) REQUIRED ACTION WITHIN 10 YEARS.—Notwithstanding subclause (I), an action under this subsection may not in any circumstance be brought more than 10 years after the date on which the violation occurs.

“(C) RELIEF.—Relief for an individual prevailing in an action brought under subparagraph (B) shall include—

“(i) reinstatement with the same seniority status that the individual would have had, but for the discrimination;

“(ii) 2 times the amount of back pay otherwise owed to the individual, with interest; and

“(iii) compensation for litigation costs, expert witness fees, and reasonable attorneys' fees.

“(2) CONFIDENTIALITY.—

“(A) IN GENERAL.—Unless and until required to be disclosed to a defendant or respondent in connection with a proceeding instituted by the Commission or any entity described in subparagraph (D), all information provided to the Commission by a whistleblower—

“(i) in any proceeding in any Federal or State court or administrative agency—

“(I) shall be confidential and privileged as an evidentiary matter; and

“(II) shall not be subject to civil discovery or other legal process; and

“(ii) shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) or under any proceeding under that section.

“(B) EXEMPTED STATUTE.—For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.

“(C) RULE OF CONSTRUCTION.—Nothing in this section is intended to limit, or shall be construed to limit, the ability of the Attorney General to present such evidence to a grand jury or to share such evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

“(D) AVAILABILITY TO GOVERNMENT AGENCIES.—

“(i) IN GENERAL.—Without the loss of its status as confidential and privileged in the hands of the Commission, all information referred to in subparagraph (A) may, in the discretion of the Commission, when determined by the Commission to be necessary to accomplish the purposes of this Act and to protect investors, be made available to—

“(I) the Attorney General of the United States;

“(II) an appropriate regulatory authority;

“(III) a self-regulatory organization;

“(IV) a State attorney general in connection with any criminal investigation;

“(V) any appropriate State regulatory authority;

“(VI) the Public Company Accounting Oversight Board;

“(VII) a foreign securities authority; and

“(VIII) a foreign law enforcement authority.

“(ii) CONFIDENTIALITY.—

“(I) IN GENERAL.—Each of the entities described in subclauses (I) through (VI) of clause (i) shall maintain such information as confidential and privileged, in accordance with the requirements established under subparagraph (A).

“(II) FOREIGN AUTHORITIES.—Each of the entities described in subclauses (VII) and (VIII) of clause (i) shall maintain such information in accordance with such assurances of confidentiality as the Commission determines appropriate.

“(3) RIGHTS RETAINED.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any whistleblower under any Federal or State law, or under any collective bargaining agreement.

“(i) PROVISION OF FALSE INFORMATION.—A whistleblower shall not be entitled to an award under this section if the whistleblower—

“(1) knowingly and willfully makes any false, fictitious, or fraudulent statement or representation; or

“(2) uses any false writing or document knowing the writing or document contains any false, fictitious, or fraudulent statement or entry.

“(j) **RULEMAKING AUTHORITY.**—The Commission shall have the authority to issue such rules and regulations as may be necessary or appropriate to implement the provisions of this section consistent with the purposes of this section.”.

(b) **PROTECTION FOR EMPLOYEES OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.**—Section 1514A(a) of title 18, United States Code, is amended—

(1) by inserting “or nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c),” after “78o(d),”; and

(2) by inserting “or nationally recognized statistical rating organization” after “such company”.

SEC. 923. CONFORMING AMENDMENTS FOR WHISTLEBLOWER PROTECTION.

(a) **IN GENERAL.**—

(1) **SECURITIES ACT OF 1933.**—Section 20(d)(3)(A) of the Securities Act of 1933 (15 U.S.C. 77t(d)(3)(A)) is amended by inserting “and section 21F of the Securities Exchange Act of 1934” after “the Sarbanes-Oxley Act of 2002”.

(2) **INVESTMENT COMPANY ACT OF 1940.**—Section 42(e)(3)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a-41(e)(3)(A)) is amended by inserting “and section 21F of the Securities Exchange Act of 1934” after “the Sarbanes-Oxley Act of 2002”.

(3) **INVESTMENT ADVISERS ACT OF 1940.**—Section 209(e)(3)(A) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9(e)(3)(A)) is amended by inserting “and section 21F of the Securities Exchange Act of 1934” after “the Sarbanes-Oxley Act of 2002”.

(b) **SECURITIES EXCHANGE ACT.**—

(1) **SECTION 21.**—Section 21(d)(3)(C)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(C)(i)) is amended by inserting “and section 21F of this title” after “the Sarbanes-Oxley Act of 2002”.

(2) **SECTION 21A.**—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1) is amended—

(A) in subsection (d)(1) by—

(i) striking “(subject to subsection (e))”; and

(ii) inserting “and section 21F of this title” after “the Sarbanes-Oxley Act of 2002”;

(B) by striking subsection (e); and

(C) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 924. IMPLEMENTATION AND TRANSITION PROVISIONS FOR WHISTLEBLOWER PROTECTION.

(a) **IMPLEMENTING RULES.**—The Commission shall issue final regulations implementing the provisions of section 21F of the Securities Exchange Act of 1934, as added by this subtitle, not later than 270 days after the date of enactment of this Act.

(b) **ORIGINAL INFORMATION.**—Information provided to the Commission by a whistleblower in accordance with the regulations referenced in subsection (a) shall not lose the status of original information (as defined in section 21F(i)(1) of the Securities Exchange Act of 1934, as added by this subtitle) solely because the whistleblower provided the information prior to the effective date of the regulations, provided that the information is—

(1) provided by the whistleblower after the date of enactment of this subtitle, or monetary sanctions are collected after the date of enactment of this subtitle; or

(2) related to a violation for which an award under section 21F of the Securities Exchange Act of 1934, as added by this subtitle, could have been paid at the time the information was provided by the whistleblower.

(c) **AWARDS.**—A whistleblower may receive an award pursuant to section 21F of the Securities Exchange Act of 1934, as added by this subtitle, regardless of whether any violation of a provi-

sion of the securities laws, or a rule or regulation thereunder, underlying the judicial or administrative action upon which the award is based, occurred prior to the date of enactment of this subtitle.

SEC. 925. COLLATERAL BARS.

(a) **SECURITIES EXCHANGE ACT OF 1934.**—

(1) **SECTION 15.**—Section 15(b)(6)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(6)(A)) is amended by striking “12 months, or bar such person from being associated with a broker or dealer,” and inserting “12 months, or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization,”.

(2) **SECTION 15B.**—Section 15B(c)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(c)(4)) is amended by striking “twelve months or bar any such person from being associated with a municipal securities dealer,” and inserting “12 months or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization,”.

(3) **SECTION 17A.**—Section 17A(c)(4)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1(c)(4)(C)) is amended by striking “twelve months or bar any such person from being associated with the transfer agent,” and inserting “12 months or bar any such person from being associated with any transfer agent, broker, dealer, investment adviser, municipal securities dealer, municipal advisor, or nationally recognized statistical rating organization,”.

(b) **INVESTMENT ADVISERS ACT OF 1940.**—Section 203(f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(f)) is amended by striking “twelve months or bar any such person from being associated with an investment adviser,” and inserting “12 months or bar any such person from being associated with an investment adviser, broker, dealer, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization,”.

SEC. 926. DISQUALIFYING FELONS AND OTHER “BAD ACTORS” FROM REGULATION D OFFERINGS.

Not later than 1 year after the date of enactment of this Act, the Commission shall issue rules for the disqualification of offerings and sales of securities made under section 230.506 of title 17, Code of Federal Regulations, that—

(1) are substantially similar to the provisions of section 230.262 of title 17, Code of Federal Regulations, or any successor thereto; and

(2) disqualify any offering or sale of securities by a person that—

(A) is subject to a final order of a State securities commission (or an agency or officer of a State performing like functions), a State authority that supervises or examines banks, savings associations, or credit unions, a State insurance commission (or an agency or officer of a State performing like functions), an appropriate Federal banking agency, or the National Credit Union Administration, that—

(i) bars the person from—

(I) association with an entity regulated by such commission, authority, agency, or officer;

(II) engaging in the business of securities, insurance, or banking; or

(III) engaging in savings association or credit union activities; or

(ii) constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct within the 10-year period ending on the date of the filing of the offer or sale; or

(B) has been convicted of any felony or misdemeanor in connection with the purchase or

sale of any security or involving the making of any false filing with the Commission.

SEC. 927. EQUAL TREATMENT OF SELF-REGULATORY ORGANIZATION RULES.

Section 29(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78cc(a)) is amended by striking “an exchange required thereby” and inserting “a self-regulatory organization,”.

SEC. 928. CLARIFICATION THAT SECTION 205 OF THE INVESTMENT ADVISERS ACT OF 1940 DOES NOT APPLY TO STATE-REGISTERED ADVISERS.

Section 205(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-5(a)) is amended, in the matter preceding paragraph (1)—

(1) by striking “, unless exempt from registration pursuant to section 203(b),” and inserting “registered or required to be registered with the Commission”;

(2) by striking “make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to”; and

(3) by striking “to” after “in any way”.

SEC. 929. UNLAWFUL MARGIN LENDING.

Section 7(c)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(c)(1)(A)) is amended by striking “; and” and inserting “; or”.

SEC. 929A. PROTECTION FOR EMPLOYEES OF SUBSIDIARIES AND AFFILIATES OF PUBLICLY TRADED COMPANIES.

Section 1514A of title 18, United States Code, is amended by inserting “including any subsidiary or affiliate whose financial information is included in the consolidated financial statements of such company” after “the Securities Exchange Act of 1934 (15 U.S.C. 78o(d))”.

SEC. 929B. FAIR FUND AMENDMENTS.

Section 308 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246(a)) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **CIVIL PENALTIES TO BE USED FOR THE RELIEF OF VICTIMS.**—If, in any judicial or administrative action brought by the Commission under the securities laws, the Commission obtains a civil penalty against any person for a violation of such laws, or such person agrees, in settlement of any such action, to such civil penalty, the amount of such civil penalty shall, on the motion or at the direction of the Commission, be added to and become part of a disgorgement fund or other fund established for the benefit of the victims of such violation.”;

(2) in subsection (b)—

(A) by striking “for a disgorgement fund described in subsection (a)” and inserting “for a disgorgement fund or other fund described in subsection (a)”; and

(B) by striking “in the disgorgement fund” and inserting “in such fund”; and

(3) by striking subsection (e).

SEC. 929C. INCREASING THE BORROWING LIMIT ON TREASURY LOANS.

Section 4(h) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ddd(h)) is amended in the first sentence, by striking “\$1,000,000,000” and inserting “\$2,500,000,000”.

Subtitle C—Improvements to the Regulation of Credit Rating Agencies

SEC. 931. FINDINGS.

Congress finds the following:

(1) Because of the systemic importance of credit ratings and the reliance placed on credit ratings by individual and institutional investors and financial regulators, the activities and performances of credit rating agencies, including nationally recognized statistical rating organizations, are matters of national public interest, as credit rating agencies are central to capital formation, investor confidence, and the efficient performance of the United States economy.

(2) Credit rating agencies, including nationally recognized statistical rating organizations,

play a critical "gatekeeper" role in the debt market that is functionally similar to that of securities analysts, who evaluate the quality of securities in the equity market, and auditors, who review the financial statements of firms. Such role justifies a similar level of public oversight and accountability.

(3) Because credit rating agencies perform evaluative and analytical services on behalf of clients, much as other financial "gatekeepers" do, the activities of credit rating agencies are fundamentally commercial in character and should be subject to the same standards of liability and oversight as apply to auditors, securities analysts, and investment bankers.

(4) In certain activities, particularly in advising arrangers of structured financial products on potential ratings of such products, credit rating agencies face conflicts of interest that need to be carefully monitored and that therefore should be addressed explicitly in legislation in order to give clearer authority to the Securities and Exchange Commission.

(5) In the recent financial crisis, the ratings on structured financial products have proven to be inaccurate. This inaccuracy contributed significantly to the mismanagement of risks by financial institutions and investors, which in turn adversely impacted the health of the economy in the United States and around the world. Such inaccuracy necessitates increased accountability on the part of credit rating agencies.

SEC. 932. ENHANCED REGULATION, ACCOUNTABILITY, AND TRANSPARENCY OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.

Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o-7) is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) in the second sentence, by inserting "any other provision of this section, or" after "Notwithstanding"; and

(ii) by inserting after the period at the end the following: "Nothing in this paragraph may be construed to afford a defense against any action or proceeding brought by the Commission to enforce the antifraud provisions of the securities laws."; and

(B) by adding at the end the following:

"(3) INTERNAL CONTROLS OVER PROCESSES FOR DETERMINING CREDIT RATINGS.—

"(A) IN GENERAL.—Each nationally recognized statistical rating organization shall establish, maintain, enforce, and document an effective internal control structure governing the implementation of and adherence to policies, procedures, and methodologies for determining credit ratings, taking into consideration such factors as the Commission may prescribe, by rule.

"(B) ATTESTATION REQUIREMENT.—The Commission shall prescribe rules requiring each nationally recognized statistical rating organization to submit to the Commission an annual internal controls report, which shall contain—

"(i) a description of the responsibility of the management of the nationally recognized statistical rating organization in establishing and maintaining an effective internal control structure under subparagraph (A);

"(ii) an assessment of the effectiveness of the internal control structure of the nationally recognized statistical rating organization; and

"(iii) the attestation of the chief executive officer, or equivalent individual, of the nationally recognized statistical rating organization.";

(2) in subsection (d)—

(A) in the subsection heading, by inserting "FINE," after "CENSURE,";

(B) by inserting "fine," after "censure," each place that term appears;

(C) in paragraph (2), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the clause margins accordingly;

(D) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and adjusting the subparagraph margins accordingly;

(E) in the matter preceding subparagraph (A), as so redesignated, by striking "The Commission" and inserting the following:

"(1) IN GENERAL.—The Commission";

(F) in subparagraph (D), as so redesignated, by striking "or" at the end;

(G) in subparagraph (E), as so redesignated, by striking the period at the end and inserting a semicolon; and

(H) by adding at the end the following:

"(F) has failed reasonably to supervise, with a view to preventing a violation of the securities laws, an individual who commits such a violation, if the individual is subject to the supervision of that person.

"(2) SUSPENSION OR REVOCATION FOR PARTICULAR CLASS OF SECURITIES.—

"(A) IN GENERAL.—The Commission may temporarily suspend or permanently revoke the registration of a nationally recognized statistical rating organization with respect to a particular class or subclass of securities, if the Commission finds, on the record after notice and opportunity for hearing, that the nationally recognized statistical rating organization does not have adequate financial and managerial resources to consistently produce credit ratings with integrity.

"(B) CONSIDERATIONS.—In making any determination under subparagraph (A), the Commission shall consider—

"(i) whether the nationally recognized statistical rating organization has failed over a sustained period of time, as determined by the Commission, to produce ratings that are accurate for that class or subclass of securities; and

"(ii) such other factors as the Commission may determine.";

(3) in subsection (h), by adding at the end the following:

"(3) SEPARATION OF RATINGS FROM SALES AND MARKETING.—

"(A) RULES REQUIRED.—The Commission shall issue rules to prevent the sales and marketing considerations of a nationally recognized statistical rating organization from influencing the production of ratings by the nationally recognized statistical rating organization.

"(B) CONTENTS OF RULES.—The rules issued under subparagraph (A) shall provide for—

"(i) exceptions for small nationally recognized statistical rating organizations with respect to which the Commission determines that the separation of the production of ratings and sales and marketing activities is not appropriate; and

"(ii) suspension or revocation of the registration of a nationally recognized statistical rating organization, if the Commission finds, on the record, after notice and opportunity for a hearing, that—

"(I) the nationally recognized statistical rating organization has committed a violation of a rule issued under this subsection; and

"(II) the violation of a rule issued under this subsection affected a rating.";

(4) in subsection (j)—

(A) by striking "Each" and inserting the following:

"(1) IN GENERAL.—Each"; and

(B) by adding at the end the following:

"(2) LIMITATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an individual designated under paragraph (1) may not, while serving in the designated capacity—

"(i) perform credit ratings;

"(ii) participate in the development of ratings methodologies or models;

"(iii) perform marketing or sales functions; or

"(iv) participate in establishing compensation levels, other than for employees working for that individual.

"(B) EXCEPTION.—The Commission may exempt a small nationally recognized statistical rating organization from the limitations under this paragraph, if the Commission finds that compliance with such limitations would impose an unreasonable burden on the nationally recognized statistical rating organization.

"(3) OTHER DUTIES.—Each individual designated under paragraph (1) shall establish procedures for the receipt, retention, and treatment of—

"(A) complaints regarding credit ratings, models, methodologies, and compliance with the securities laws and the policies and procedures developed under this section; and

"(B) confidential, anonymous complaints by employees or users of credit ratings.

"(4) ANNUAL REPORTS REQUIRED.—

"(A) ANNUAL REPORTS REQUIRED.—Each individual designated under paragraph (1) shall submit to the nationally recognized statistical rating organization an annual report on the compliance of the nationally recognized statistical rating organization with the securities laws and the policies and procedures of the nationally recognized statistical rating organization that includes—

"(i) a description of any material changes to the code of ethics and conflict of interest policies of the nationally recognized statistical rating organization; and

"(ii) a certification that the report is accurate and complete.

"(B) SUBMISSION OF REPORTS TO THE COMMISSION.—Each nationally recognized statistical rating organization shall file the reports required under subparagraph (A) together with the financial report that is required to be submitted to the Commission under this section.";

(5) by striking subsection (p) and inserting the following:

"(p) REGULATION OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.—

"(1) ESTABLISHMENT OF OFFICE OF CREDIT RATINGS.—

"(A) OFFICE ESTABLISHED.—The Commission shall establish within the Commission an Office of Credit Ratings (referred to in this subsection as the "Office") to administer the rules of the Commission—

"(i) with respect to the practices of nationally recognized statistical rating organizations in determining ratings, for the protection of users of credit ratings and in the public interest;

"(ii) to promote accuracy in credit ratings issued by nationally recognized statistical rating organizations; and

"(iii) to ensure that such ratings are not unduly influenced by conflicts of interest.

"(B) DIRECTOR OF THE OFFICE.—The head of the Office shall be the Director, who shall report to the Chairman.

"(2) STAFFING.—The Office established under this subsection shall be staffed sufficiently to carry out fully the requirements of this section. The staff shall include persons with knowledge of and expertise in corporate, municipal, and structured debt finance.

"(3) COMMISSION EXAMINATIONS.—

"(A) ANNUAL EXAMINATIONS REQUIRED.—The Office shall conduct an examination of each nationally recognized statistical rating organization at least annually.

"(B) CONDUCT OF EXAMINATIONS.—Each examination under subparagraph (A) shall include a review of—

"(i) whether the nationally recognized statistical rating organization conducts business in accordance with the policies, procedures, and rating methodologies of the nationally recognized statistical rating organization;

"(ii) the management of conflicts of interest by the nationally recognized statistical rating organization;

“(iii) implementation of ethics policies by the nationally recognized statistical rating organization;

“(iv) the internal supervisory controls of the nationally recognized statistical rating organization;

“(v) the governance of the nationally recognized statistical rating organization;

“(vi) the activities of the individual designated by the nationally recognized statistical rating organization under subsection (j)(1);

“(vii) the processing of complaints by the nationally recognized statistical rating organization; and

“(viii) the policies of the nationally recognized statistical rating organization governing the post-employment activities of former staff of the nationally recognized statistical rating organization.

“(C) **INSPECTION REPORTS.**—The Commission shall make available to the public, in an easily understandable format, an annual report summarizing—

“(i) the essential findings of all examinations conducted under subparagraph (A), as deemed appropriate by the Commission;

“(ii) the responses by the nationally recognized statistical rating organizations to any material regulatory deficiencies identified by the Commission under clause (i); and

“(iii) whether the nationally recognized statistical rating organizations have appropriately addressed the recommendations of the Commission contained in previous reports under this subparagraph.

“(4) **RULEMAKING AUTHORITY.**—The Commission shall—

“(A) establish, by rule, fines, and other penalties applicable to any nationally recognized statistical rating organization that violates the requirements of this subsection and the rules thereunder; and

“(B) issue such rules as may be necessary to carry out this subsection.

“(q) **TRANSPARENCY OF RATINGS PERFORMANCE.**—

“(1) **RULEMAKING REQUIRED.**—The Commission shall, by rule, require that each nationally recognized statistical rating organization publicly disclose information on the initial credit ratings determined by the nationally recognized statistical rating organization for each type of obligor, security, and money market instrument, and any subsequent changes to such credit ratings, for the purpose of allowing users of credit ratings to evaluate the accuracy of ratings and compare the performance of ratings by different nationally recognized statistical rating organizations.

“(2) **CONTENT.**—The rules of the Commission under this subsection shall require, at a minimum, disclosures that—

“(A) are comparable among nationally recognized statistical rating organizations, to allow users of credit ratings to compare the performance of credit ratings across nationally recognized statistical rating organizations;

“(B) are clear and informative for investors who use or might use credit ratings;

“(C) include performance information over a range of years and for a variety of types of credit ratings, including for credit ratings withdrawn by the nationally recognized statistical rating organization;

“(D) are published and made freely available by the nationally recognized statistical rating organization, on an easily accessible portion of its website, and in writing, when requested; and

“(E) are appropriate to the business model of a nationally recognized statistical rating organization.

“(r) **CREDIT RATINGS METHODOLOGIES.**—The Commission shall prescribe rules, for the protection of investors and in the public interest, with

respect to the procedures and methodologies, including qualitative and quantitative data and models, used by nationally recognized statistical rating organizations that require each nationally recognized statistical rating organization—

“(1) to ensure that credit ratings are determined using procedures and methodologies, including qualitative and quantitative data and models, that are—

“(A) approved by the board of the nationally recognized statistical rating organization, a body performing a function similar to that of a board, or the senior credit officer of the nationally recognized statistical rating organization; and

“(B) in accordance with the policies and procedures of the nationally recognized statistical rating organization for the development and modification of credit rating procedures and methodologies;

“(2) to ensure that when material changes to credit rating procedures and methodologies (including changes to qualitative and quantitative data and models) are made, that—

“(A) the changes are applied consistently to all credit ratings to which the changed procedures and methodologies apply;

“(B) to the extent that changes are made to credit rating surveillance procedures and methodologies, the changes are applied to then-current credit ratings by the nationally recognized statistical rating organization within a reasonable time period determined by the Commission, by rule; and

“(C) the nationally recognized statistical rating organization publicly discloses the reason for the change; and

“(3) to notify users of credit ratings—

“(A) of the version of a procedure or methodology, including the qualitative methodology or quantitative inputs, used with respect to a particular credit rating;

“(B) when a material change is made to a procedure or methodology, including to a qualitative model or quantitative inputs;

“(C) when a significant error is identified in a procedure or methodology, including a qualitative or quantitative model, that may result in credit rating actions; and

“(D) of the likelihood of a material change described in subparagraph (B) resulting in a change in current credit ratings.

“(s) **TRANSPARENCY OF CREDIT RATING METHODOLOGIES AND INFORMATION REVIEWED.**—

“(1) **FORM FOR DISCLOSURES.**—The Commission shall require, by rule, each nationally recognized statistical rating organization to prescribe a form to accompany the publication of each credit rating that discloses—

“(A) information relating to—

“(i) the assumptions underlying the credit rating procedures and methodologies;

“(ii) the data that was relied on to determine the credit rating; and

“(iii) if applicable, how the nationally recognized statistical rating organization used servicer or remittance reports, and with what frequency, to conduct surveillance of the credit rating; and

“(B) information that can be used by investors and other users of credit ratings to better understand credit ratings in each class of credit rating issued by the nationally recognized statistical rating organization.

“(2) **FORMAT.**—The form developed under paragraph (1) shall—

“(A) be easy to use and helpful for users of credit ratings to understand the information contained in the report;

“(B) require the nationally recognized statistical rating organization to provide the content described in paragraph (3)(B) in a manner that is directly comparable across types of securities; and

“(C) be made readily available to users of credit ratings, in electronic or paper form, as the Commission may, by rule, determine.

“(3) **CONTENT OF FORM.**—

“(A) **QUALITATIVE CONTENT.**—Each nationally recognized statistical rating organization shall disclose on the form developed under paragraph (1)—

“(i) the credit ratings produced by the nationally recognized statistical rating organization;

“(ii) the main assumptions and principles used in constructing procedures and methodologies, including qualitative methodologies and quantitative inputs and assumptions about the correlation of defaults across obligors used in rating structured products;

“(iii) the potential limitations of the credit ratings, and the types of risks excluded from the credit ratings that the nationally recognized statistical rating organization does not comment on, including liquidity, market, and other risks;

“(iv) information on the uncertainty of the credit rating, including—

“(I) information on the reliability, accuracy, and quality of the data relied on in determining the credit rating; and

“(II) a statement relating to the extent to which data essential to the determination of the credit rating were reliable or limited, including—

“(aa) any limits on the scope of historical data; and

“(bb) any limits in accessibility to certain documents or other types of information that would have better informed the credit rating;

“(v) whether and to what extent third party due diligence services have been used by the nationally recognized statistical rating organization, a description of the information that such third party reviewed in conducting due diligence services, and a description of the findings or conclusions of such third party;

“(vi) a description of the data about any obligor, issuer, security, or money market instrument that were relied upon for the purpose of determining the credit rating;

“(vii) a statement containing an overall assessment of the quality of information available and considered in producing a rating for an obligor, security, or money market instrument, in relation to the quality of information available to the nationally recognized statistical rating organization in rating similar issuances;

“(viii) information relating to conflicts of interest of the nationally recognized statistical rating organization; and

“(ix) such additional information as the Commission may require.

“(B) **QUANTITATIVE CONTENT.**—Each nationally recognized statistical rating organization shall disclose on the form developed under this subsection—

“(i) an explanation or measure of the potential volatility of the credit rating, including—

“(I) any factors that might lead to a change in the credit ratings; and

“(II) the magnitude of the change that a user can expect under different market conditions;

“(ii) information on the content of the rating, including—

“(I) the historical performance of the rating; and

“(II) the expected probability of default and the expected loss in the event of default;

“(iii) information on the sensitivity of the rating to assumptions made by the nationally recognized statistical rating organization; and

“(iv) such additional information as may be required by the Commission.

“(4) **DUE DILIGENCE SERVICES FOR ASSET-BACKED SECURITIES.**—

“(A) **FINDINGS.**—The issuer or underwriter of any asset-backed security shall make publicly available the findings and conclusions of any

third-party due diligence report obtained by the issuer or underwriter.

“(B) **CERTIFICATION REQUIRED.**—In any case in which third-party due diligence services are employed by a nationally recognized statistical rating organization, an issuer, or an underwriter, the person providing the due diligence services shall provide to any nationally recognized statistical rating organization that produces a rating to which such services relate, written certification, as provided in subparagraph (C).

“(C) **FORMAT AND CONTENT.**—The Commission shall establish the appropriate format and content for the written certifications required under subparagraph (B), to ensure that providers of due diligence services have conducted a thorough review of data, documentation, and other relevant information necessary for a nationally recognized statistical rating organization to provide an accurate rating.

“(D) **DISCLOSURE OF CERTIFICATION.**—The Commission shall adopt rules requiring a nationally recognized statistical rating organization, at the time at which the nationally recognized statistical rating organization produces a rating, to disclose the certification described in subparagraph (B) to the public in a manner that allows the public to determine the adequacy and level of due diligence services provided by a third party.

“(t) **CORPORATE GOVERNANCE, ORGANIZATION, AND MANAGEMENT OF CONFLICTS OF INTEREST.**—

“(1) **BOARD OF DIRECTORS.**—Each nationally recognized statistical rating organization shall have a board of directors.

“(2) **INDEPENDENT DIRECTORS.**—

“(A) **IN GENERAL.**—At least ½ of the board of directors, but not fewer than 2 of the members thereof, shall be independent of the nationally recognized statistical rating agency. A portion of the independent directors shall include users of ratings from a nationally recognized statistical rating organization.

“(B) **INDEPENDENCE DETERMINATION.**—In order to be considered independent for purposes of this subsection, a member of the board of directors of a nationally recognized statistical rating organization—

“(i) may not, other than in his or her capacity as a member of the board of directors or any committee thereof—

“(I) accept any consulting, advisory, or other compensatory fee from the nationally recognized statistical rating organization; or

“(II) be a person associated with the nationally recognized statistical rating organization or with any affiliated company thereof; and

“(ii) shall be disqualified from any deliberation involving a specific rating in which the independent board member has a financial interest in the outcome of the rating.

“(C) **COMPENSATION AND TERM.**—The compensation of the independent members of the board of directors of a nationally recognized statistical rating organization shall not be linked to the business performance of the nationally recognized statistical rating organization, and shall be arranged so as to ensure the independence of their judgment. The term of office of the independent directors shall be for a pre-agreed fixed period, not to exceed 5 years, and shall not be renewable.

“(3) **DUTIES OF BOARD OF DIRECTORS.**—In addition to the overall responsibilities of the board of directors, the board shall oversee—

“(A) the establishment, maintenance, and enforcement of policies and procedures for determining credit ratings;

“(B) the establishment, maintenance, and enforcement of policies and procedures to address, manage, and disclose any conflicts of interest;

“(C) the effectiveness of the internal control system with respect to policies and procedures for determining credit ratings; and

“(D) the compensation and promotion policies and practices of the nationally recognized statistical rating organization.

“(4) **TREATMENT OF NRSRO SUBSIDIARIES.**—If a nationally recognized statistical rating organization is a subsidiary of a parent entity, the board of the directors of the parent entity may satisfy the requirements of this subsection by assigning to a committee of such board of directors the duties under paragraph (3), if—

“(A) at least ½ of the members of the committee (including the chairperson of the committee) are independent, as defined in this section; and

“(B) at least 1 member of the committee is a user of ratings from a nationally recognized statistical rating organization.

“(5) **EXCEPTION AUTHORITY.**—If the Commission finds that compliance with the provisions of this subsection present an unreasonable burden on a small nationally recognized statistical rating organization, the Commission may permit the nationally recognized statistical rating organization to delegate such responsibilities to a committee that includes at least one individual who is a user of ratings of a nationally recognized statistical rating organization.”

SEC. 933. STATE OF MIND IN PRIVATE ACTIONS.

(a) **ACCOUNTABILITY.**—Section 15E(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7(m)) is amended to read as follows:

“(m) **ACCOUNTABILITY.**—

“(1) **IN GENERAL.**—The enforcement and penalty provisions of this title shall apply to statements made by a credit rating agency in the same manner and to the same extent as such provisions apply to statements made by a registered public accounting firm or a securities analyst under the securities laws, and such statements shall not be deemed forward-looking statements for the purposes of section 21E.

“(2) **RULEMAKING.**—The Commission shall issue such rules as may be necessary to carry out this subsection.”

(b) **STATE OF MIND.**—Section 21D(b)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4(b)(2)) is amended—

(1) by striking “In any” and inserting the following:

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), in any”; and

(2) by adding at the end the following:

“(B) **EXCEPTION.**—In the case of an action for money damages brought against a credit rating agency or a controlling person under this title, it shall be sufficient, for purposes of pleading any required state of mind in relation to such action, that the complaint state with particularity facts giving rise to a strong inference that the credit rating agency knowingly or recklessly failed—

“(i) to conduct a reasonable investigation of the rated security with respect to the factual elements relied upon by its own methodology for evaluating credit risk; or

“(ii) to obtain reasonable verification of such factual elements (which verification may be based on a sampling technique that does not amount to an audit) from other sources that the credit rating agency considered to be competent and that were independent of the issuer and underwriter.”

SEC. 934. REFERRING TIPS TO LAW ENFORCEMENT OR REGULATORY AUTHORITIES.

Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7), as amended by this subtitle, is amended by adding at the end the following:

“(u) **DUTY TO REPORT TIPS ALLEGING MATERIAL VIOLATIONS OF LAW.**—

“(1) **DUTY TO REPORT.**—Each nationally recognized statistical rating organization shall refer to the appropriate law enforcement or reg-

ulatory authorities any information that the nationally recognized statistical rating organization receives from a third party and finds credible that alleges that an issuer of securities rated by the nationally recognized statistical rating organization has committed or is committing a material violation of law that has not been adjudicated by a Federal or State court.

“(2) **RULE OF CONSTRUCTION.**—Nothing in paragraph (1) may be construed to require a nationally recognized statistical rating organization to verify the accuracy of the information described in paragraph (1).”

SEC. 935. CONSIDERATION OF INFORMATION FROM SOURCES OTHER THAN THE ISSUER IN RATING DECISIONS.

Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7), as amended by this subtitle, is amended by adding at the end the following:

“(v) **INFORMATION FROM SOURCES OTHER THAN THE ISSUER.**—In producing a credit rating, a nationally recognized statistical rating organization shall consider information about an issuer that the nationally recognized statistical rating organization has, or receives from a source other than the issuer, that the nationally recognized statistical rating organization finds credible and potentially significant to a rating decision.”

SEC. 936. QUALIFICATION STANDARDS FOR CREDIT RATING ANALYSTS.

Not later than 1 year after the date of enactment of this Act, the Commission shall issue rules that are reasonably designed to ensure that any person employed by a nationally recognized statistical rating organization to perform credit ratings—

(1) meets standards of training, experience, and competence necessary to produce accurate ratings for the categories of issuers whose securities the person rates; and

(2) is tested for knowledge of the credit rating process.

SEC. 937. TIMING OF REGULATIONS.

Unless otherwise specifically provided in this subtitle, the Commission shall issue final regulations, as required by this subtitle and the amendments made by this subtitle, not later than 1 year after the date of enactment of this Act.

SEC. 938. UNIVERSAL RATINGS SYMBOLS.

(a) **RULEMAKING.**—The Commission shall require, by rule, each nationally recognized statistical rating organization to establish, maintain, and enforce written policies and procedures that—

(1) assess the probability that an issuer of a security or money market instrument will default, fail to make timely payments, or otherwise not make payments to investors in accordance with the terms of the security or money market instrument;

(2) clearly define and disclose the meaning of any symbol used by the nationally recognized statistical rating organization to denote a credit rating; and

(3) apply any symbol described in paragraph (2) in a manner that is consistent for all types of securities and money market instruments for which the symbol is used.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall prohibit a nationally recognized statistical rating organization from using distinct sets of symbols to denote credit ratings for different types of securities or money market instruments.

SEC. 939. REMOVAL OF STATUTORY REFERENCES TO CREDIT RATINGS.

(a) **FEDERAL DEPOSIT INSURANCE ACT.**—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 7(b)(1)(E)(i), by striking “credit rating entities, and other private economic” and insert “private economic, credit,”;

(2) in section 28(d)—
(A) in the subsection heading, by striking “NOT OF INVESTMENT GRADE”;

(B) in paragraph (1), by striking “not of investment grade” and inserting “that does not meet standards of credit-worthiness as established by the Corporation”;

(C) in paragraph (2), by striking “not of investment grade”;

(D) by striking paragraph (3);

(E) by redesignating paragraph (4) as paragraph (3); and

(F) in paragraph (3), as so redesignated—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(iii) in subparagraph (B), as so redesignated, by striking “not of investment grade” and inserting “that does not meet standards of credit-worthiness as established by the Corporation”;

(3) in section 28(e)—

(A) in the subsection heading, by striking “NOT OF INVESTMENT GRADE”;

(B) in paragraph (1), by striking “not of investment grade” and inserting “that does not meet standards of credit-worthiness as established by the Corporation”;

(C) in paragraphs (2) and (3), by striking “not of investment grade” each place that it appears and inserting “that does not meet standards of credit-worthiness established by the Corporation”.

(b) FEDERAL HOUSING ENTERPRISES FINANCIAL SAFETY AND SOUNDNESS ACT OF 1992.—Section 1319 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4519) is amended by striking “that is a nationally registered statistical rating organization, as such term is defined in section 3(a) of the Securities Exchange Act of 1934.”.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 6(a)(5)(A)(iv)(I) Investment Company Act of 1940 (15 U.S.C. 80a-6(a)(5)(A)(iv)(I)) is amended by striking “is rated investment grade by not less than 1 nationally registered statistical rating organization” and inserting “meets such standards of credit-worthiness as the Commission shall adopt”.

(d) REVISED STATUTES.—Section 5136A of title LXII of the Revised Statutes of the United States (12 U.S.C. 24a) is amended—

(1) in subsection (a)(2)(E), by striking “any applicable rating” and inserting “standards of credit-worthiness established by the Comptroller of the Currency”;

(2) in the heading for subsection (a)(3) by striking “RATING OR COMPARABLE REQUIREMENT” and inserting “REQUIREMENT”;

(3) subsection (a)(3), by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—A national bank meets the requirements of this paragraph if the bank is one of the 100 largest insured banks and has not fewer than 1 issue of outstanding debt that meets standards of credit-worthiness or other criteria as the Secretary of the Treasury and the Board of Governors of the Federal Reserve System may jointly establish.”.

(4) in the heading for subsection (f), by striking “MAINTAIN PUBLIC RATING OR” and inserting “MEET STANDARDS OF CREDIT-WORTHINESS”;

(5) in subsection (f)(1), by striking “any applicable rating” and inserting “standards of credit-worthiness established by the Comptroller of the Currency”.

(e) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a) Securities Exchange Act of 1934 (15 U.S.C. 78a(3)(a)) is amended—

(1) in paragraph (41), by striking “is rated in one of the two highest rating categories by at least one nationally registered statistical rating

organization” and inserting “meets standards of credit-worthiness as established by the Commission”;

(2) in paragraph (53)(A), by striking “is rated in 1 of the 4 highest rating categories by at least 1 nationally registered statistical rating organization” and inserting “meets standards of credit-worthiness as established by the Commission”.

(f) WORLD BANK DISCUSSIONS.—Section 3(a)(6) of the amendment in the nature of a substitute to the text of H.R. 4645, as ordered reported from the Committee on Banking, Finance and Urban Affairs on September 22, 1988, as enacted into law by section 555 of Public Law 100-461, (22 U.S.C. 286hh(a)(6)), is amended by striking “credit rating” and inserting “credit-worthiness”.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

(1) IN GENERAL.—Commission shall undertake a study on the feasibility and desirability of—

(A) standardizing credit ratings terminology, so that all credit rating agencies issue credit ratings using identical terms;

(B) standardizing the market stress conditions under which ratings are evaluated;

(C) requiring a quantitative correspondence between credit ratings and a range of default probabilities and loss expectations under standardized conditions of economic stress; and

(D) standardizing credit rating terminology across asset classes, so that named ratings correspond to a standard range of default probabilities and expected losses independent of asset class and issuing entity.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report containing the findings of the study under paragraph (1) and the recommendations, if any, of the Commission with respect to the study.

SEC. 939A. SECURITIES AND EXCHANGE COMMISSION STUDY ON STRENGTHENING CREDIT RATING AGENCY INDEPENDENCE.

(a) STUDY.—The Commission shall conduct a study of—

(1) the independence of nationally recognized statistical rating organizations; and

(2) how the independence of nationally recognized statistical rating organizations affects the ratings issued by the nationally recognized statistical rating organizations.

(b) SUBJECTS FOR EVALUATION.—In conducting the study under subsection (a), the Commission shall evaluate—

(1) the management of conflicts of interest raised by a nationally recognized statistical rating organization providing other services, including risk management advisory services, ancillary assistance, or consulting services;

(2) the potential impact of rules prohibiting a nationally recognized statistical rating organization that provides a rating to an issuer from providing other services to the issuer; and

(3) any other issue relating to nationally recognized statistical rating organizations, as the Chairman of the Commission determines is appropriate.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Chairman of the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under subsection (a), including recommendations, if any, for improving the integrity of ratings issued by nationally recognized statistical rating organizations.

SEC. 939B. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ALTERNATIVE BUSINESS MODELS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on alternative means for compensating nationally recognized statistical rating organizations in order to create incentives for nationally recognized statistical rating organizations to provide more accurate credit ratings, including any statutory changes that would be required to facilitate the use of an alternative means of compensation.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under subsection (a), including recommendations, if any, for providing incentives to credit rating agencies to improve the credit rating process.

SEC. 939C. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON THE CREATION OF AN INDEPENDENT PROFESSIONAL ANALYST ORGANIZATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility and merits of creating an independent professional organization for rating analysts employed by nationally recognized statistical rating organizations that would be responsible for—

(1) establishing independent standards for governing the profession of rating analysts;

(2) establishing a code of ethical conduct; and

(3) overseeing the profession of rating analysts.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under subsection (a).

SEC. 939D. INITIAL CREDIT RATING ASSIGNMENTS.

Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o-7), as amended by this Act, is amended by adding at the end the following:

“(w) INITIAL CREDIT RATING ASSIGNMENTS.—

“(1) DEFINITIONS.—In this subsection the following definitions shall apply:

“(A) BOARD.—The term ‘Board’ means the Credit Rating Agency Board established under paragraph (2).

“(B) QUALIFIED NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION.—The term ‘qualified nationally recognized statistical rating organization’, with respect to a category of structured finance products, means a nationally recognized statistical rating organization that the Board determines, under paragraph (3)(B), to be qualified to issue initial credit ratings with respect to such category.

“(C) REGULATIONS.—

“(i) CATEGORY OF STRUCTURED FINANCE PRODUCTS.—

“(I) IN GENERAL.—The term ‘category of structured finance products’—

“(aa) shall include any asset backed security and any structured product based on an asset-backed security; and

“(bb) shall be further defined and expanded by the Commission, by rule, as necessary.

“(II) CONSIDERATIONS.—In issuing the regulations required under subclause (I), the Commission shall consider—

“(aa) the types of issuers that issue structured finance products;

“(bb) the types of investors who purchase structured finance products;

“(cc) the different categories of structured finance products according to—

“(AA) the types of capital flow and legal structure used;

“(BB) the types of underlying products used; and

“(CC) the types of terms used in debt securities; and

“(dd) the different values of debt securities; and

“(ee) the different numbers of units of debt securities that are issued together.

“(ii) REASONABLE FEE.—The Board shall issue regulations to define the term ‘reasonable fee’.

“(2) CREDIT RATING AGENCY BOARD.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Restoring American Financial Stability Act of 2010, the Commission shall—

“(i) establish the Credit Rating Agency Board, which shall be a self-regulatory organization;

“(ii) subject to subparagraph (C), select the initial members of the Board; and

“(iii) establish a schedule to ensure that the Board begins assigning qualified nationally recognized statistical rating organizations to provide initial ratings not later than 1 year after the selection of the members of the Board.

“(B) SCHEDULE.—The schedule established under subparagraph (A)(iii) shall prescribe when—

“(i) the Board will conduct a study of the securitization and ratings process and provide recommendations to the Commission;

“(ii) the Commission will issue rules and regulations under this section;

“(iii) the Board may issue rules under this subsection; and

“(iv) the Board will—

“(I) begin accepting applications to select qualified national recognized statistical rating organizations; and

“(II) begin assigning qualified national recognized statistical rating organizations to provide initial ratings.

“(C) MEMBERSHIP.—

“(i) IN GENERAL.—The Board shall initially be composed of an odd number of members selected from the industry, with the total numerical membership of the Board to be determined by the Commission.

“(ii) SPECIFICATIONS.—Of the members initially selected to serve on the Board—

“(I) not less than a majority of the members shall be representatives of the investor industry who do not represent issuers;

“(II) not less than 1 member should be a representative of the issuer industry;

“(III) not less than 1 member should be a representative of the credit rating agency industry; and

“(IV) not less than 1 member should be an independent member.

“(iii) TERMS.—Initial members shall be appointed by the Commission for a term of 4 years.

“(iv) NOMINATION AND ELECTION OF MEMBERS.—

“(I) IN GENERAL.—Prior to the expiration of the terms of office of the initial members, the Commission shall establish fair procedures for the nomination and election of future members of the Board.

“(II) MODIFICATIONS OF THE BOARD.—Prior to the expiration of the terms of office of the initial members, the Commission—

“(aa) may increase the size of the board to a larger odd number and adjust the length of future terms; and

“(bb) shall retain the composition of members described in clause (ii).

“(v) RESPONSIBILITIES OF MEMBERS.—Members shall perform, at a minimum, the duties described in this subsection.

“(vi) RULEMAKING AUTHORITY.—The Commission shall, if it determines necessary and appropriate, issue further rules and regulations on the composition of the membership of the Board and the responsibilities of the members.

“(D) OTHER AUTHORITIES OF THE BOARD.—The Board shall have the authority to levy fees from qualified nationally recognized statistical rating organization applicants, and periodically from qualified nationally recognized statistical rating organizations as necessary to fund expenses of the Board.

“(E) REGULATION.—The Commission has the authority to regulate the activities of the Board, and issue any further regulations of the Board it deems necessary, not in contravention with the intent of this section.

“(3) BOARD SELECTION OF QUALIFIED NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION.—

“(A) APPLICATION.—

“(i) IN GENERAL.—A nationally recognized statistical rating organization may submit an application to the Board, in such form and manner as the Board may require, to become a qualified nationally recognized statistical rating organization with respect to a category of structured finance products.

“(ii) CONTENTS.—An application submitted under clause (i) shall contain—

“(I) information regarding the institutional and technical capacity of the nationally recognized statistical rating organization to issue credit ratings;

“(II) information on whether the nationally recognized statistical rating organization has been exempted by the Commission from any requirements under any other provision of this section; and

“(III) any additional information the Board may require.

“(iii) REJECTION OF APPLICATIONS.—The Board may reject an application submitted under this paragraph if the nationally recognized statistical rating organization has been exempted by the Commission from any requirements under any other provision of this section.

“(B) SELECTION.—The Board shall select qualified national recognized statistical rating organizations with respect to each category of structured finance products from among nationally recognized statistical rating organizations that submit applications under subparagraph (A).

“(C) RETENTION OF STATUS AND OBLIGATIONS AFTER SELECTION.—An entity selected as a qualified nationally recognized statistical rating organization shall retain its status and obligations under the law as a nationally recognized statistical rating organization, and nothing in this subsection grants authority to the Commission or the Board to exempt qualified nationally recognized statistical rating organizations from obligations or requirements otherwise imposed by Federal law on nationally recognized statistical rating organizations.

“(4) REQUESTING AN INITIAL CREDIT RATING.—An issuer that seeks an initial credit rating for a structured finance product—

“(A) may not request an initial credit rating from a nationally recognized statistical rating organization; and

“(B) shall submit a request for an initial credit rating to the Board, in such form and manner as the Board may prescribe.

“(5) ASSIGNMENT OF RATING DUTIES.—

“(A) IN GENERAL.—For each request received by the Board under paragraph (4)(B), the Board shall select a qualified nationally recognized statistical rating organization to provide the initial credit rating to the issuer.

“(B) METHOD OF SELECTION.—

“(i) IN GENERAL.—The Board shall—

“(I) evaluate a number of selection methods, including a lottery or rotating assignment system, incorporating the factors described in clause (ii), to reduce the conflicts of interest that exist under the issuer-pays model; and

“(II) prescribe and publish the selection method to be used under subparagraph (A).

“(ii) CONSIDERATION.—In evaluating a selection method described in clause (i)(I), the Board shall consider—

“(I) the information submitted by the qualified nationally recognized statistical rating organization under paragraph (3)(A)(ii) regarding the institutional and technical capacity of the qualified nationally recognized statistical rating organization to issue credit ratings;

“(II) evaluations conducted under paragraph (7);

“(III) formal feedback from institutional investors; and

“(IV) information from subclauses (I) and (II) to implement a mechanism which increases or decreases assignments based on past performance.

“(iii) PROHIBITION.—The Board, in choosing a selection method, may not use a method that would allow for the solicitation or consideration of the preferred national recognized statistical rating organizations of the issuer.

“(iv) ADJUSTMENT OF PROCESS.—The Board shall issue rules describing the process by which it can modify the assignment process described in clause (i).

“(C) RIGHT OF REFUSAL.—

“(i) REFUSAL.—A qualified nationally recognized statistical rating organization selected under subparagraph (A) may refuse to accept a selection for a particular request by—

“(I) notifying the Board of such refusal; and

“(II) submitting to the Board a written explanation of the refusal.

“(ii) SELECTION.—Upon receipt of a notification under clause (i), the Board shall make an additional selection under subparagraph (A).

“(iii) INSPECTION REPORTS.—The Board shall annually submit any explanations of refusals received under clause (i)(II) to the Commission, and such explanatory submissions shall be published in the annual inspection reports required under subsection (p)(3)(C).

“(6) DISCLAIMER REQUIRED.—Each initial credit rating issued under this subsection shall include, in writing, the following disclaimer: ‘This initial rating has not been evaluated, approved, or certified by the Government of the United States or by a Federal agency.’.

“(7) EVALUATION OF PERFORMANCE.—

“(A) IN GENERAL.—The Board shall prescribe rules by which the Board will evaluate the performance of each qualified nationally recognized statistical rating organization, including rules that require, at a minimum, an annual evaluation of each qualified nationally recognized statistical rating organization.

“(B) CONSIDERATIONS.—The Board, in conducting an evaluation under subparagraph (A), shall consider—

“(i) the results of the annual examination conducted under subsection (p)(3);

“(ii) surveillance of credit ratings conducted by the qualified nationally recognized statistical rating organization after the credit ratings are issued, including—

“(I) how the rated instruments perform;

“(II) the accuracy of the ratings provided by the qualified nationally recognized statistical rating organization as compared to the other nationally recognized statistical rating organizations; and

“(III) the effectiveness of the methodologies used by the qualified nationally recognized statistical rating organization; and

“(iii) any additional factors the Board determines to be relevant.

“(C) REQUEST FOR REEVALUATION.—Subject to rules prescribed by the Board, and not less frequently than once a year, a qualified nationally recognized statistical rating organization may request that the Board conduct an evaluation under this paragraph.

“(D) DISCLOSURE.—The Board shall make the evaluations conducted under this paragraph available to Congress.

“(8) **RATING FEES CHARGED TO ISSUERS.**—

“(A) **LIMITED TO REASONABLE FEES.**—A qualified nationally recognized statistical rating organization shall charge an issuer a reasonable fee, as determined by the Commission, for an initial credit rating provided under this section.

“(B) **FEES.**—Fees may be determined by the qualified national recognized statistical rating organizations unless the Board determines it is necessary to issue rules on fees.

“(9) **NO PROHIBITION ON ADDITIONAL RATINGS.**—Nothing in this section shall prohibit an issuer from requesting or receiving additional credit ratings with respect to a debt security, if the initial credit rating is provided in accordance with this section.

“(10) **NO PROHIBITION ON INDEPENDENT RATINGS OFFERED BY NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.**—

“(A) **IN GENERAL.**—Nothing in this section shall prohibit a nationally recognized statistical rating organization from independently providing a credit rating with respect to a debt security, if—

“(i) the nationally recognized statistical rating organization does not enter into a contract with the issuer of the debt security to provide the initial credit rating; and

“(ii) the nationally recognized statistical rating organization is not paid by the issuer of the debt security to provide the initial credit rating.

“(B) **RULE OF CONSTRUCTION.**—For purposes of this section, a credit rating described in subparagraph (A) may not be construed to be an initial credit rating.

“(11) **PUBLIC COMMUNICATIONS.**—Any communications made with the public by an issuer with respect to the credit rating of a debt security shall clearly specify whether the credit rating was made by—

“(A) a qualified nationally recognized statistical rating organization selected under paragraph (5)(A) to provide the initial credit rating for such debt security; or

“(B) a nationally recognized statistical rating organization not selected under paragraph (5)(A).

“(12) **PROHIBITION ON MISREPRESENTATION.**—With respect to a debt security, it shall be unlawful for any person to misrepresent any subsequent credit rating provided for such debt security as an initial credit rating provided for such debt security by a qualified nationally recognized statistical rating organization selected under paragraph (5)(A).

“(13) **INITIAL CREDIT RATING REVISION AFTER MATERIAL CHANGE IN CIRCUMSTANCE.**—If the Board determines that it is necessary or appropriate in the public interest or for the protection of investors, the Board may issue regulations requiring that an issuer that has received an initial credit rating under this subsection request a revised initial credit rating, using the same method as provided under paragraph (4), each time the issuer experiences a material change in circumstances, as defined by the Board.

“(14) **CONFLICTS.**—

“(A) **MEMBERS OR EMPLOYEES OF THE BOARD.**—

“(i) **LOAN OF MONEY OR SECURITIES PROHIBITED.**—

“(I) **IN GENERAL.**—A member or employee of the Board shall not accept any loan of money or securities, or anything above nominal value, from any nationally recognized statistical rating organization, issuer, or investor.

“(II) **EXCEPTION.**—The prohibition in subsection (I) does not apply to a loan made in the context of disclosed, routine banking and brokerage agreements, or a loan that is clearly motivated by a personal or family relationship.

“(ii) **EMPLOYMENT NEGOTIATIONS PROHIBITION.**—A member or employee of the Board shall not engage in employment negotiations with

any nationally recognized statistical rating organization, issuer, or investor, unless the member or employee—

“(I) discloses the negotiations immediately upon initiation of the negotiations; and

“(II) recuses himself from all proceedings concerning the entity involved in the negotiations until termination of negotiations or until termination of his employment by the Board, if an offer of employment is accepted.

“(B) **CREDIT ANALYSTS.**—

“(i) **IN GENERAL.**—A credit analyst of a qualified nationally recognized statistical rating organization shall not accept any loan of money or securities, or anything above nominal value, from any issuer or investor.

“(ii) **EXCEPTION.**—The prohibition described in clause (i) does not apply to a loan made in the context of disclosed, routine banking and brokerage agreements, or a loan that is clearly motivated by a personal or family relationship.

“(15) **EVALUATION OF CREDIT RATING AGENCY BOARD.**—Not later than 5 years after the date that the Board begins assigning qualified nationally recognized statistical rating organizations to provide initial ratings, the Commission shall submit to Congress a report that provides recommendations of—

“(A) the continuation of the Board;

“(B) any modification to the procedures of the Board; and

“(C) modifications to the provisions in this subsection.”.

Subtitle D—Improvements to the Asset-Backed Securitization Process

SEC. 941. REGULATION OF CREDIT RISK RETENTION.

(a) **DEFINITION OF ASSET-BACKED SECURITY.**—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following:

“(77) **ASSET-BACKED SECURITY.**—The term ‘asset-backed security’—

“(A) means a fixed-income or other security collateralized by any type of self-liquidating financial asset (including a loan, a lease, a mortgage, or a secured or unsecured receivable) that allows the holder of the security to receive payments that depend primarily on cash flow from the asset, including—

“(i) a collateralized mortgage obligation;

“(ii) a collateralized debt obligation;

“(iii) a collateralized bond obligation;

“(iv) a collateralized debt obligation of asset-backed securities;

“(v) a collateralized debt obligation of collateralized debt obligations; and

“(vi) a security that the Commission, by rule, determines to be an asset-backed security for purposes of this section; and

“(B) does not include a security issued by a finance subsidiary held by the parent company or a company controlled by the parent company, if none of the securities issued by the finance subsidiary are held by an entity that is not controlled by the parent company.”.

(b) **CREDIT RISK RETENTION.**—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 15F, as added by this Act, the following:

“SEC. 15G. CREDIT RISK RETENTION.

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘Federal banking agencies’ means the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation;

“(2) the term ‘insured depository institution’ has the same meaning as in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c));

“(3) the term ‘securitizer’ means—

“(A) an issuer of an asset-backed security; or

“(B) a person who organizes and initiates an asset-backed securities transaction by selling or

transferring assets, either directly or indirectly, including through an affiliate, to the issuer; and

“(4) the term ‘originator’ means a person who—

“(A) through the extension of credit or otherwise, creates a financial asset that collateralizes an asset-backed security; and

“(B) sells an asset to a securitizer.

“(b) **IN GENERAL.**—Not later than 270 days after the date of enactment of this section, the Federal banking agencies and the Commission shall jointly prescribe regulations to require any securitizer to retain an economic interest in a portion of the credit risk for any asset that the securitizer, through the issuance of an asset-backed security, transfers, sells, or conveys to a third party.

“(c) **STANDARDS FOR REGULATIONS.**—

“(1) **STANDARDS.**—The regulations prescribed under subsection (b) shall—

“(A) prohibit a securitizer from directly or indirectly hedging or otherwise transferring the credit risk that the securitizer is required to retain with respect to an asset;

“(B) require a securitizer to retain—

“(i) not less than 5 percent of the credit risk for any asset—

“(I) that is not a qualified residential mortgage that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer; or

“(II) that is a qualified residential mortgage that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer, if 1 or more of the assets that collateralize the asset-backed security are not qualified residential mortgages; or

“(ii) less than 5 percent of the credit risk for an asset that is not a qualified residential mortgage that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer, if the originator of the asset meets the underwriting standards prescribed under paragraph (2)(B);

“(C) specify—

“(i) the permissible forms of risk retention for purposes of this section;

“(ii) the minimum duration of the risk retention required under this section; and

“(iii) that a securitizer is not required to retain any part of the credit risk for an asset that is transferred, sold or conveyed through the issuance of an asset-backed security by the securitizer, if all of the assets that collateralize the asset-backed security are qualified residential mortgages;

“(D) apply, regardless of whether the securitizer is an insured depository institution; and

“(E) with respect to a commercial mortgage, specify the permissible types, forms, and amounts of risk retention that would meet the requirements of subparagraph (B), such as—

“(i) retention of a specified amount or percentage of the total credit risk of the asset;

“(ii) retention of the first-loss position by a third-party purchaser that specifically negotiates for the purchase of such first-loss position and provides due diligence on all individual assets in the pool before the issuance of the asset-backed securities;

“(iii) a determination by a Federal banking agency or the Commission that the underwriting standards and controls for the asset are adequate; and

“(iv) provision of adequate representations and warranties and related enforcement mechanisms; and

“(F) provide for—

“(i) a total or partial exemption of any securitization, as may be appropriate in the public interest and for the protection of investors; and

“(ii) the allocation of risk retention obligations between a securitizer and an originator in the case of a securitizer that purchases assets from an originator, as the Federal banking agencies and the Commission jointly determine appropriate.

“(2) ASSET CLASSES.—

“(A) ASSET CLASSES.—The regulations prescribed under subsection (b) shall establish asset classes with separate rules for securitizers of different classes of assets, including residential mortgages, commercial mortgages, commercial loans, auto loans, and any other class of assets that the Federal banking agencies and the Commission deem appropriate.

“(B) CONTENTS.—For each asset class established under subparagraph (A), the regulations prescribed under subsection (b) shall establish underwriting standards that specify the terms, conditions, and characteristics of a loan within the asset class that indicate a reduced credit risk with respect to the loan.

“(d) ORIGINATORS.—In determining how to allocate risk retention obligations between a securitizer and an originator under subsection (c)(1)(E)(ii), the Federal banking agencies and the Commission shall—

“(1) reduce the percentage of risk retention obligations required of the securitizer by the percentage of risk retention obligations required of the originator; and

“(2) consider—

“(A) whether the assets sold to the securitizer have terms, conditions, and characteristics that reflect reduced credit risk;

“(B) whether the form or volume of transactions in securitization markets creates incentives for imprudent origination of the type of loan or asset to be sold to the securitizer; and

“(C) the potential impact of the risk retention obligations on the access of consumers and businesses to credit on reasonable terms, which may not include the transfer of credit risk to a third party.

“(e) EXEMPTIONS, EXCEPTIONS, AND ADJUSTMENTS.—

“(1) IN GENERAL.—The Federal banking agencies and the Commission may jointly adopt or issue exemptions, exceptions, or adjustments to the rules issued under this section, including exemptions, exceptions, or adjustments for classes of institutions or assets relating to the risk retention requirement and the prohibition on hedging under subsection (c)(1).

“(2) APPLICABLE STANDARDS.—Any exemption, exception, or adjustment adopted or issued by the Federal banking agencies and the Commission under this paragraph shall—

“(A) help ensure high quality underwriting standards for the securitizers and originators of assets that are securitized or available for securitization; and

“(B) encourage appropriate risk management practices by the securitizers and originators of assets, improve the access of consumers and businesses to credit on reasonable terms, or otherwise be in the public interest and for the protection of investors.

“(3) FARM CREDIT SYSTEM INSTITUTIONS.—A Farm Credit System institution, including the Federal Agricultural Mortgage Corporation, that is chartered and subject to the provisions of the Farm Credit Act of 1971, as amended (12 U.S.C. 2001 et seq.), shall be exempt from the risk retention provisions of this subsection.

“(4) EXEMPTION FOR QUALIFIED RESIDENTIAL MORTGAGES.—

“(A) IN GENERAL.—The Federal banking agencies, the Commission, the Secretary of Housing and Urban Development, and the Director of the Federal Housing Finance Agency shall jointly issue regulations to exempt qualified residential mortgages from the risk retention requirements of this subsection.

“(B) QUALIFIED RESIDENTIAL MORTGAGE.—The Federal banking agencies, the Commission, the Secretary of Housing and Urban Development, and the Director of the Federal Housing Finance Agency shall jointly define the term ‘qualified residential mortgage’ for purposes of this subsection, taking into consideration underwriting and product features that historical loan performance data indicate result in a lower risk of default, such as—

“(i) documentation and verification of the financial resources relied upon to qualify the mortgagor;

“(ii) standards with respect to—

“(1) the residual income of the mortgagor after all monthly obligations;

“(II) the ratio of the housing payments of the mortgagor to the monthly income of the mortgagor;

“(III) the ratio of total monthly installment payments of the mortgagor to the income of the mortgagor;

“(iii) mitigating the potential for payment shock on adjustable rate mortgages through product features and underwriting standards;

“(iv) mortgage guarantee insurance obtained at the time of origination for loans with combined loan-to-value ratios of greater than 80 percent; and

“(v) prohibiting or restricting the use of balloon payments, negative amortization, prepayment penalties, interest-only payments, and other features that have been demonstrated to exhibit a higher risk of borrower default.

“(5) CONDITION FOR QUALIFIED RESIDENTIAL MORTGAGE EXEMPTION.—The regulations issued under paragraph (4) shall provide that an asset-backed security that is collateralized by tranches of other asset-backed securities shall not be exempt from the risk retention requirements of this subsection.

“(6) CERTIFICATION.—The Commission shall require an issuer to certify, for each issuance of an asset-backed security collateralized exclusively by qualified residential mortgages, that the issuer has evaluated the effectiveness of the internal supervisory controls of the issuer with respect to the process for ensuring that all assets that collateralize the asset-backed security are qualified residential mortgages.

“(f) ENFORCEMENT.—The regulations issued under this section shall be enforced by—

“(1) the appropriate Federal banking agency, with respect to any securitizer that is an insured depository institution; and

“(2) the Commission, with respect to any securitizer that is not an insured depository institution.

“(g) AUTHORITY OF COMMISSION.—The authority of the Commission under this section shall be in addition to the authority of the Commission to otherwise enforce the securities laws.

“(h) EFFECTIVE DATE OF REGULATIONS.—The regulations issued under this section shall become effective—

“(1) with respect to securitizers and originators of asset-backed securities backed by residential mortgages, 1 year after the date on which final rules under this section are published in the Federal Register; and

“(2) with respect to securitizers and originators of all other classes of asset-backed securities, 2 years after the date on which final rules under this section are published in the Federal Register.”

SEC. 942. DISCLOSURES AND REPORTING FOR ASSET-BACKED SECURITIES.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)) is amended—

(1) by striking “(d) Each” and inserting the following:

“(d) SUPPLEMENTARY AND PERIODIC INFORMATION.—

“(1) IN GENERAL.—Each”;

(2) in the third sentence, by inserting after “securities of each class” the following: “, other than any class of asset-backed securities,”; and

(3) by adding at the end the following:

“(2) ASSET-BACKED SECURITIES.—

“(A) SUSPENSION OF DUTY TO FILE.—The Commission may, by rule or regulation, provide for the suspension or termination of the duty to file under this subsection for any class of asset-backed security, on such terms and conditions and for such period or periods as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

“(B) CLASSIFICATION OF ISSUERS.—The Commission may, for purposes of this subsection, classify issuers and prescribe requirements appropriate for each class of issuers of asset-backed securities.”

(b) SECURITIES ACT OF 1933.—Section 7 of the Securities Act of 1933 (15 U.S.C. 77g) is amended by adding at the end the following:

“(c) DISCLOSURE REQUIREMENTS.—

“(1) IN GENERAL.—The Commission shall adopt regulations under this subsection requiring each issuer of an asset-backed security to disclose, for each tranche or class of security, information regarding the assets backing that security.

“(2) CONTENT OF REGULATIONS.—In adopting regulations under this subsection, the Commission shall—

“(A) set standards for the format of the data provided by issuers of an asset-backed security, which shall, to the extent feasible, facilitate comparison of such data across securities in similar types of asset classes; and

“(B) require issuers of asset-backed securities, at a minimum, to disclose asset-level or loan-level data necessary for investors to independently perform due diligence, including—

“(i) data having unique identifiers relating to loan brokers or originators;

“(ii) the nature and extent of the compensation of the broker or originator of the assets backing the security; and

“(iii) the amount of risk retention by the originator and the securitizer of such assets.”

SEC. 943. REPRESENTATIONS AND WARRANTIES IN ASSET-BACKED OFFERINGS.

Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission shall prescribe regulations on the use of representations and warranties in the market for asset-backed securities (as that term is defined in section 3(a)(77) of the Securities Exchange Act of 1934, as added by this subtitle) that—

(1) require each national recognized statistical rating organization to include in any report accompanying a credit rating a description of—

(A) the representations, warranties, and enforcement mechanisms available to investors; and

(B) how they differ from the representations, warranties, and enforcement mechanisms in issuances of similar securities; and

(2) require any securitizer (as that term is defined in section 15G(a) of the Securities Exchange Act of 1934, as added by this subtitle) to disclose fulfilled and unfulfilled repurchase requests across all trusts aggregated by the securitizer, so that investors may identify asset originators with clear underwriting deficiencies.

SEC. 944. EXEMPTED TRANSACTIONS UNDER THE SECURITIES ACT OF 1933.

(a) EXEMPTION ELIMINATED.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended—

(1) by striking paragraph (5); and

(2) by striking “(6) transactions” and inserting the following:

“(5) transactions”.

(b) CONFORMING AMENDMENT.—Section 3(a)(4)(B)(vii)(I) of the Securities Exchange Act

of 1934 (15 U.S.C. 78c(a)(4)(B)(vii)(I)) is amended by striking “4(6)” and inserting “4(5)”.

SEC. 945. DUE DILIGENCE ANALYSIS AND DISCLOSURE IN ASSET-BACKED SECURITIES ISSUES.

Section 7 of the Securities Act of 1933 (15 U.S.C. 77g), as amended by this subtitle, is amended by adding at the end the following:

“(d) **REGISTRATION STATEMENT FOR ASSET-BACKED SECURITIES.**—Not later than 180 days after the date of enactment of this subsection, the Commission shall issue rules relating to the registration statement required to be filed by any issuer of an asset-backed security (as that term is defined in section 3(a)(77) of the Securities Exchange Act of 1934) that require any issuer of an asset-backed security—

“(1) to perform a due diligence analysis of the assets underlying the asset-backed security; and

“(2) to disclose the nature of the analysis under paragraph (1).”.

Subtitle E—Accountability and Executive Compensation

SEC. 951. SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION DISCLOSURES.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 14 (15 U.S.C. 78n) the following:

“SEC. 14A. ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.

“(a) **SEPARATE RESOLUTION REQUIRED.**—Any proxy or consent or authorization for an annual or other meeting of the shareholders occurring after the end of the 6-month period beginning on the date of enactment of this section, for which the proxy solicitation rules of the Commission require compensation disclosure, shall include a separate resolution subject to shareholder vote to approve the compensation of executives, as disclosed pursuant to section 229.402 of title 17, Code of Federal Regulations, or any successor thereto.

“(b) **RULE OF CONSTRUCTION.**—The shareholder vote referred to in subsection (a) shall not be binding on the issuer or the board of directors of an issuer, and may not be construed—

“(1) as overruling a decision by such issuer or board of directors;

“(2) to create or imply any change to the fiduciary duties of such issuer or board of directors;

“(3) to create or imply any additional fiduciary duties for such issuer or board of directors; or

“(4) to restrict or limit the ability of shareholders to make proposals for inclusion in proxy materials related to executive compensation.”.

SEC. 952. COMPENSATION COMMITTEE INDEPENDENCE.

The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended by inserting after section 10B, as added by section 753, the following:

“SEC. 10C. COMPENSATION COMMITTEES.

“(a) **INDEPENDENCE OF COMPENSATION COMMITTEES.**—

“(1) **LISTING STANDARDS.**—The Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that does not comply with the requirements of this subsection.

“(2) **INDEPENDENCE OF COMPENSATION COMMITTEES.**—The rules of the Commission under paragraph (1) shall require that each member of the compensation committee of the board of directors of an issuer be—

“(A) a member of the board of directors of the issuer; and

“(B) independent.

“(3) **INDEPENDENCE.**—The rules of the Commission under paragraph (1) shall require that, in determining the definition of the term ‘independence’ for purposes of paragraph (2), the national securities exchanges and the national se-

curities associations shall consider relevant factors, including—

“(A) the source of compensation of a member of the board of directors of an issuer, including any consulting, advisory, or other compensatory fee paid by the issuer to such member of the board of directors; and

“(B) whether a member of the board of directors of an issuer is affiliated with the issuer, a subsidiary of the issuer, or an affiliate of a subsidiary of the issuer.

“(4) **EXEMPTION AUTHORITY.**—The rules of the Commission under paragraph (1) shall permit a national securities exchange or a national securities association to exempt a particular relationship from the requirements of paragraph (2), with respect to the members of a compensation committee, as the national securities exchange or national securities association determines is appropriate, taking into consideration the size of an issuer and any other relevant factors.

“(b) **INDEPENDENCE OF COMPENSATION CONSULTANTS AND OTHER COMPENSATION COMMITTEE ADVISERS.**—

“(1) **IN GENERAL.**—The compensation committee of an issuer may only select a compensation consultant, legal counsel, or other adviser to the compensation committee after taking into consideration the factors identified by the Commission under paragraph (2).

“(2) **RULES.**—The Commission shall identify factors that affect the independence of a compensation consultant, legal counsel, or other adviser to a compensation committee of an issuer, including—

“(A) the provision of other services to the issuer by the person that employs the compensation consultant, legal counsel, or other adviser;

“(B) the amount of fees received from the issuer by the person that employs the compensation consultant, legal counsel, or other adviser, as a percentage of the total revenue of the person that employs the compensation consultant, legal counsel, or other adviser;

“(C) the policies and procedures of the person that employs the compensation consultant, legal counsel, or other adviser that are designed to prevent conflicts of interest;

“(D) any business or personal relationship of the compensation consultant, legal counsel, or other adviser with a member of the compensation committee; and

“(E) any stock of the issuer owned by the compensation consultant, legal counsel, or other adviser.

“(c) **COMPENSATION COMMITTEE AUTHORITY RELATING TO COMPENSATION CONSULTANTS.**—

“(1) **AUTHORITY TO RETAIN COMPENSATION CONSULTANT.**—

“(A) **IN GENERAL.**—The compensation committee of an issuer, in its capacity as a committee of the board of directors, may, in its sole discretion, retain or obtain the advice of a compensation consultant.

“(B) **DIRECT RESPONSIBILITY OF COMPENSATION COMMITTEE.**—The compensation committee of an issuer shall be directly responsible for the appointment, compensation, and oversight of the work of a compensation consultant.

“(C) **RULE OF CONSTRUCTION.**—This paragraph may not be construed—

“(i) to require the compensation committee to implement or act consistently with the advice or recommendations of the compensation consultant; or

“(ii) to affect the ability or obligation of a compensation committee to exercise its own judgment in fulfillment of the duties of the compensation committee.

“(2) **DISCLOSURE.**—In any proxy or consent solicitation material for an annual meeting of the shareholders (or a special meeting in lieu of the annual meeting) occurring on or after the date that is 1 year after the date of enactment

of this section, each issuer shall disclose in the proxy or consent material, in accordance with regulations of the Commission, whether—

“(A) the compensation committee of the issuer retained or obtained the advice of a compensation consultant; and

“(B) the work of the compensation consultant has raised any conflict of interest and, if so, the nature of the conflict and how the conflict is being addressed.

“(d) **AUTHORITY TO ENGAGE INDEPENDENT LEGAL COUNSEL AND OTHER ADVISERS.**—

“(1) **IN GENERAL.**—The compensation committee of an issuer, in its capacity as a committee of the board of directors, may, in its sole discretion, retain and obtain the advice of independent legal counsel and other advisers.

“(2) **DIRECT RESPONSIBILITY OF COMPENSATION COMMITTEE.**—The compensation committee of an issuer shall be directly responsible for the appointment, compensation, and oversight of the work of independent legal counsel and other advisers.

“(3) **RULE OF CONSTRUCTION.**—This subsection may not be construed—

“(A) to require a compensation committee to implement or act consistently with the advice or recommendations of independent legal counsel or other advisers under this subsection; or

“(B) to affect the ability or obligation of a compensation committee to exercise its own judgment in fulfillment of the duties of the compensation committee.

“(e) **COMPENSATION OF COMPENSATION CONSULTANTS, INDEPENDENT LEGAL COUNSEL, AND OTHER ADVISERS.**—Each issuer shall provide for appropriate funding, as determined by the compensation committee in its capacity as a committee of the board of directors, for payment of reasonable compensation—

“(1) to a compensation consultant; and

“(2) to independent legal counsel or any other adviser to the compensation committee.

“(f) **COMMISSION RULES.**—

“(1) **IN GENERAL.**—Not later than 360 days after the date of enactment of this section, the Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that is not in compliance with the requirements of this section.

“(2) **OPPORTUNITY TO CURE DEFECTS.**—The rules of the Commission under paragraph (1) shall provide for appropriate procedures for an issuer to have a reasonable opportunity to cure any defects that would be the basis for the prohibition under paragraph (1), before the imposition of such prohibition.

“(3) **EXEMPTION AUTHORITY.**—

“(A) **IN GENERAL.**—The rules of the Commission under paragraph (1) shall permit a national securities exchange or a national securities association to exempt a category of issuers from the requirements under this section, as the national securities exchange or the national securities association determines is appropriate.

“(B) **CONSIDERATIONS.**—In determining appropriate exemptions under subparagraph (A), the national securities exchange or the national securities association shall take into account the potential impact of the requirements of this section on smaller reporting issuers.”.

SEC. 953. EXECUTIVE COMPENSATION DISCLOSURES.

(a) **DISCLOSURE OF PAY VERSUS PERFORMANCE.**—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n), as amended by this title, is amended by adding at the end the following:

“(i) **DISCLOSURE OF PAY VERSUS PERFORMANCE.**—The Commission shall, by rule, require each issuer to disclose in any proxy or consent solicitation material for an annual meeting of the shareholders of the issuer a clear description

of any compensation required to be disclosed by the issuer under section 229.402 of title 17, Code of Federal Regulations (or any successor thereto), including information that shows the relationship between executive compensation actually paid and the financial performance of the issuer, taking into account any change in the value of the shares of stock and dividends of the issuer and any distributions. The disclosure under this subsection may include a graphic representation of the information required to be disclosed.”

(b) **ADDITIONAL DISCLOSURE REQUIREMENTS.—**

(1) **IN GENERAL.**—The Commission shall amend section 229.402 of title 17, Code of Federal Regulations, to require each issuer to disclose in any filing of the issuer described in section 229.10(a) of title 17, Code of Federal Regulations (or any successor thereto)—

(A) the median of the annual total compensation of all employees of the issuer, except the chief executive officer (or any equivalent position) of the issuer;

(B) the annual total compensation of the chief executive officer (or any equivalent position) of the issuer; and

(C) the ratio of the amount described in subparagraph (A) to the amount described in subparagraph (B).

(2) **TOTAL COMPENSATION.**—For purposes of this subsection, the total compensation of an employee of an issuer shall be determined in accordance with section 229.402(c)(2)(x) of title 17, Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

SEC. 954. RECOVERY OF ERRONEOUSLY AWARDED COMPENSATION.

The Securities Exchange Act of 1934 is amended by inserting after section 10C, as added by section 952, the following:

“SEC. 10D. RECOVERY OF ERRONEOUSLY AWARDED COMPENSATION POLICY.

“(a) **LISTING STANDARDS.**—The Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that does not comply with the requirements of this section.

“(b) **RECOVERY OF FUNDS.**—The rules of the Commission under subsection (a) shall require each issuer to develop and implement a policy providing—

“(1) for disclosure of the policy of the issuer on incentive-based compensation that is based on financial information required to be reported under the securities laws; and

“(2) that, in the event that the issuer is required to prepare an accounting restatement due to the material noncompliance of the issuer with any financial reporting requirement under the securities laws, the issuer will recover from any current or former executive officer of the issuer who received incentive-based compensation (including stock options awarded as compensation) during the 3-year period preceding the date on which the issuer is required to prepare an accounting restatement, based on the erroneous data, in excess of what would have been paid to the executive officer under the accounting restatement.”

SEC. 955. DISCLOSURE REGARDING EMPLOYEE AND DIRECTOR HEDGING.

Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n), as amended by this title, is amended by adding at the end the following:

“(j) **DISCLOSURE OF HEDGING BY EMPLOYEES AND DIRECTORS.**—The Commission shall, by rule, require each issuer to disclose in any proxy or consent solicitation material for an annual meeting of the shareholders of the issuer whether any employee or member of the board of directors of the issuer, or any designee of such employee or member, is permitted to purchase financial instruments (including prepaid variable

forward contracts, equity swaps, collars, and exchange funds) that are designed to hedge or offset any decrease in the market value of equity securities—

“(1) granted to the employee or member of the board of directors by the issuer as part of the compensation of the employee or member of the board of directors; or

“(2) held, directly or indirectly, by the employee or member of the board of directors.”

SEC. 956. EXCESSIVE COMPENSATION BY HOLDING COMPANIES OF DEPOSITORY INSTITUTIONS.

Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by adding at the end the following:

“(i) **EXCESSIVE COMPENSATION.**—

“(1) **IN GENERAL.**—Not later than 180 days after the transfer date established under section 311 of the Restoring American Financial Stability Act of 2010, the Board of Governors, in consultation with the Comptroller of the Currency and the Federal Deposit Insurance Corporation, shall, by rule, establish standards prohibiting as an unsafe and unsound practice any compensation plan of a bank holding company that—

“(A) provides an executive officer, employee, director, or principal shareholder of the bank holding company with excessive compensation, fees, or benefits; or

“(B) could lead to material financial loss to the bank holding company.

“(2) **CONSIDERATIONS.**—In establishing the standards under paragraph (1), the Board of Governors shall take into consideration the compensation standards described in section 39(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831p–1(c)) and the views and recommendations of the Comptroller of the Currency and the Federal Deposit Insurance Corporation.”

SEC. 957. VOTING BY BROKERS.

Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended—

(1) in paragraph (9)—

(A) in subparagraph (A), by redesignating clauses (i) through (v) as subclauses (I) through (V), respectively, and adjusting the margins accordingly;

(B) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(C) by inserting “(A)” after “(9)”; and

(D) in the matter immediately following clause (iv), as so redesignated, by striking “As used” and inserting the following:

“(B) As used”.

(2) by adding at the end the following:

“(10)(A) The rules of the exchange prohibit any member that is not the beneficial owner of a security registered under section 12 from granting a proxy to vote the security in connection with a shareholder vote described in subparagraph (B), unless the beneficial owner of the security has instructed the member to vote the proxy in accordance with the voting instructions of the beneficial owner.

“(B) A shareholder vote described in this subparagraph is a shareholder vote with respect to the election of a member of the board of directors of an issuer, executive compensation, or any other significant matter, as determined by the Commission, by rule.

“(C) Nothing in this paragraph shall be construed to prohibit a national securities exchange from prohibiting a member that is not the beneficial owner of a security registered under section 12 from granting a proxy to vote the security in connection with a shareholder vote not described in subparagraph (A).”

Subtitle F—Improvements to the Management of the Securities and Exchange Commission

SEC. 961. REPORT AND CERTIFICATION OF INTERNAL SUPERVISORY CONTROLS.

(a) **ANNUAL REPORTS AND CERTIFICATION.**—Not later than 90 days after the end of each fis-

cal year, the Commission shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the conduct by the Commission of examinations of registered entities, enforcement investigations, and review of corporate financial securities filings.

(b) **CONTENTS OF REPORTS.**—Each report under subsection (a) shall contain—

(1) an assessment, as of the end of the most recent fiscal year, of the effectiveness of—

(A) the internal supervisory controls of the Commission; and

(B) the procedures of the Commission applicable to the staff of the Commission who perform examinations of registered entities, enforcement investigations, and reviews of corporate financial securities filings;

(2) a certification that the Commission has adequate internal supervisory controls to carry out the duties of the Commission described in paragraph (1)(B); and

(3) a summary by the Comptroller General of the United States of the review carried out under subsection (d).

(c) **CERTIFICATION.**—

(1) **SIGNATURE.**—The certification under subsection (b)(2) shall be signed by the Director of the Division of Enforcement, the Director of the Division of Corporation Finance, and the Director of the Office of Compliance Inspections and Examinations (or the head of any successor division or office).

(2) **CONTENT OF CERTIFICATION.**—Each individual described in paragraph (1) shall certify that the individual—

(A) is directly responsible for establishing and maintaining the internal supervisory controls of the Division or Office of which the individual is the head;

(B) is knowledgeable about the internal supervisory controls of the Division or Office of which the individual is the head;

(C) has evaluated the effectiveness of the internal supervisory controls during the 90-day period ending on the final day of the fiscal year to which the report relates; and

(D) has disclosed to the Commission any significant deficiencies in the design or operation of internal supervisory controls that could adversely affect the ability of the Division or Office to consistently conduct inspections, or investigations, or reviews of filings with professional competence and integrity.

(d) **REVIEW BY THE COMPTROLLER GENERAL.**—Not later than the date on which the first report is submitted under subsection (a), the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives an initial report that contains a review of the adequacy and effectiveness of the internal supervisory control structure and procedures described in subsection (b)(1).

SEC. 962. TRIENNIAL REPORT ON PERSONNEL MANAGEMENT.

(a) **TRIENNIAL REPORT REQUIRED.**—Once every 3 years, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the quality of personnel management by the Commission.

(b) **CONTENTS OF REPORT.**—Each report under subsection (a) shall include—

(1) an evaluation of—

(A) the effectiveness of supervisors in using the skills, talents, and motivation of the employees of the Commission to achieve the goals of the Commission;

(B) the criteria for promoting employees of the Commission to supervisory positions;

(C) the fairness of the application of the promotion criteria to the decisions of the Commission;

(D) the competence of the professional staff of the Commission;

(E) the efficiency of communication between the units of the Commission regarding the work of the Commission (including communication between divisions and between subunits of a division) and the efforts by the Commission to promote such communication;

(F) the turnover within subunits of the Commission, including the identification of supervisors whose subordinates have an unusually high rate of turnover;

(G) whether there are excessive numbers of low-level, mid-level, or senior-level managers;

(H) any initiatives of the Commission that increase the competence of the staff of the Commission;

(I) the actions taken by the Commission regarding employees of the Commission who have failed to perform their duties; and

(J) such other factors relating to the management of the Commission as the Comptroller General determines are appropriate;

(2) an evaluation of any improvements made with respect to the areas described in paragraph (1) since the date of submission of the previous report; and

(3) recommendations for how the Commission can use the human resources of the Commission more effectively and efficiently to carry out the mission of the Commission.

(c) **CONSULTATION.**—In preparing the report under subsection (a), the Comptroller General shall consult with current employees of the Commission, retired employees and other former employees of the Commission, the Inspector General of the Commission, persons that have business before the Commission, any union representing the employees of the Commission, private management consultants, academics, and any other source that the Comptroller General deems appropriate.

(d) **REPORT BY COMMISSION.**—Not later than 90 days after the date on which the Comptroller General submits each report under subsection (a), the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report describing the actions taken by the Commission in response to the recommendations contained in the report under subsection (a).

(e) **REIMBURSEMENTS FOR COST OF REPORTS.**—(1) **REIMBURSEMENTS REQUIRED.**—The Commission shall reimburse the Government Accountability Office for the full cost of making the reports under this section, as billed therefor by the Comptroller General.

(2) **CREDITING AND USE OF REIMBURSEMENTS.**—Such reimbursements shall—

(A) be credited to the appropriation account “Salaries and Expenses, Government Accountability Office” current when the payment is received; and

(B) remain available until expended.

SEC. 963. ANNUAL FINANCIAL CONTROLS AUDIT.

(a) **REPORTS OF COMMISSION.**—

(1) **ANNUAL REPORTS REQUIRED.**—Not later than 6 months after the end of each fiscal year, the Commission shall publish and submit to Congress a report that—

(A) describes the responsibility of the management of the Commission for establishing and maintaining an adequate internal control structure and procedures for financial reporting; and

(B) contains an assessment of the effectiveness of the internal control structure and procedures for financial reporting of the Commission during that fiscal year.

(2) **ATTESTATION.**—The reports required under paragraph (1) shall be attested to by the Chair-

man and chief financial officer of the Commission.

(b) **REPORT BY COMPTROLLER GENERAL.**—

(1) **REPORT REQUIRED.**—Not later than 6 months after the end of the first fiscal year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that assesses—

(A) the effectiveness of the internal control structure and procedures of the Commission for financial reporting; and

(B) the assessment of the Commission under subsection (a)(1)(B).

(2) **ATTESTATION.**—The Comptroller General shall attest to, and report on, the assessment made by the Commission under subsection (a).

(c) **REIMBURSEMENTS FOR COST OF REPORTS.**—

(1) **REIMBURSEMENTS REQUIRED.**—The Commission shall reimburse the Government Accountability Office for the full cost of making the reports under subsection (b), as billed therefor by the Comptroller General.

(2) **CREDITING AND USE OF REIMBURSEMENTS.**—Such reimbursements shall—

(A) be credited to the appropriation account “Salaries and Expenses, Government Accountability Office” current when the payment is received; and

(B) remain available until expended.

SEC. 964. REPORT ON OVERSIGHT OF NATIONAL SECURITIES ASSOCIATIONS.

(a) **REPORT REQUIRED.**—Not later than 2 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes an evaluation of the oversight by the Commission of national securities associations registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) with respect to—

(1) the governance of such national securities associations, including the identification and management of conflicts of interest by such national securities associations, together with an analysis of the impact of any conflicts of interest on the regulatory enforcement or rulemaking by such national securities associations;

(2) the examinations carried out by the national securities associations, including the expertise of the examiners;

(3) the executive compensation practices of such national securities associations;

(4) the arbitration services provided by the national securities associations;

(5) the review performed by national securities associations of advertising by the members of the national securities associations;

(6) the cooperation with and assistance to State securities administrators by the national securities associations to promote investor protection;

(7) how the funding of national securities associations is used to support the mission of the national securities associations, including—

(A) the methods of funding;

(B) the sufficiency of funds;

(C) how funds are invested by the national securities association pending use; and

(D) the impact of the methods, sufficiency, and investment of funds on regulatory enforcement by the national securities associations;

(8) the policies regarding the employment of former employees of national securities associations by regulated entities;

(9) the ongoing effectiveness of the rules of the national securities associations in achieving the goals of the rules;

(10) the transparency of governance and activities of the national securities associations; and

(11) any other issue that has an impact, as determined by the Comptroller General, on the ef-

fectiveness of such national securities associations in performing their mission and in dealing fairly with investors and members;

(b) **REIMBURSEMENTS FOR COST OF REPORTS.**—

(1) **REIMBURSEMENTS REQUIRED.**—The Commission shall reimburse the Government Accountability Office for the full cost of making the reports under subsection (a), as billed therefor by the Comptroller General.

(2) **CREDITING AND USE OF REIMBURSEMENTS.**—Such reimbursements shall—

(A) be credited to the appropriation account “Salaries and Expenses, Government Accountability Office” current when the payment is received; and

(B) remain available until expended.

SEC. 965. COMPLIANCE EXAMINERS.

Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end the following:

“(h) **EXAMINERS.**—

“(1) **DIVISION OF TRADING AND MARKETS.**—The Division of Trading and Markets of the Commission, or any successor organizational unit, shall have a staff of examiners who shall—

“(A) perform compliance inspections and examinations of entities under the jurisdiction of that Division; and

“(B) report to the Director of that Division.

“(2) **DIVISION OF INVESTMENT MANAGEMENT.**—The Division of Investment Management of the Commission, or any successor organizational unit, shall have a staff of examiners who shall—

“(A) perform compliance inspections and examinations of entities under the jurisdiction of that Division; and

“(B) report to the Director of that Division.”.

SEC. 966. SUGGESTION PROGRAM FOR EMPLOYEES OF THE COMMISSION.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 4C (15 U.S.C. 78d-3) the following:

“SEC. 4D. ADDITIONAL DUTIES OF INSPECTOR GENERAL.

“(a) **SUGGESTION SUBMISSIONS BY COMMISSION EMPLOYEES.**—

“(1) **HOTLINE ESTABLISHED.**—The Inspector General of the Commission shall establish and maintain a telephone hotline or other electronic means for the receipt of—

“(A) suggestions by employees of the Commission for improvements in the work efficiency, effectiveness, and productivity, and the use of the resources, of the Commission; and

“(B) allegations by employees of the Commission of waste, abuse, misconduct, or mismanagement within the Commission.

“(2) **CONFIDENTIALITY.**—The Inspector General shall maintain as confidential—

“(A) the identity of any individual who provides information by the means established under paragraph (1), unless the individual requests otherwise, in writing; and

“(B) at the request of any such individual, any specific information provided by the individual.

“(b) **CONSIDERATION OF REPORTS.**—The Inspector General shall consider any suggestions or allegations received by the means established under subsection (a)(1), and shall recommend appropriate action in relation to such suggestions or allegations.

“(c) **RECOGNITION.**—The Inspector General may recognize any employee who makes a suggestion under subsection (a)(1) (or by other means) that would or does—

“(1) increase the work efficiency, effectiveness, or productivity of the Commission; or

“(2) reduce waste, abuse, misconduct, or mismanagement within the Commission.

“(d) **REPORT.**—The Inspector General of the Commission shall submit to Congress an annual report containing a description of—

“(1) the nature, number, and potential benefits of any suggestions received under subsection (a);

“(2) the nature, number, and seriousness of any allegations received under subsection (a);

“(3) any recommendations made or actions taken by the Inspector General in response to substantiated allegations received under subsection (a); and

“(4) any action the Commission has taken in response to suggestions or allegations received under subsection (a).

“(e) **FUNDING.**—The activities of the Inspector General under this subsection shall be funded by the Securities and Exchange Commission Investor Protection Fund established under section 21F.”.

Subtitle G—Strengthening Corporate Governance

SEC. 971. ELECTION OF DIRECTORS BY MAJORITY VOTE IN UNCONTESTED ELECTIONS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 14A, as added by this title, the following:

“SEC. 14B. CORPORATE GOVERNANCE.

“(a) **CORPORATE GOVERNANCE STANDARDS.**—

“(1) **LISTING STANDARDS.**—

“(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this subsection, the Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that is not in compliance with any of the requirements of this subsection.

“(B) **OPPORTUNITY TO COMPLY AND CURE.**—The rules established under this paragraph shall allow an issuer to have an opportunity to come into compliance with the requirements of this subsection, and to cure any defect that would be the basis for a prohibition under subparagraph (A), before the imposition of such prohibition.

“(C) **AUTHORITY TO EXEMPT.**—The Commission may, by rule or order, exempt an issuer from any or all of the requirements of this subsection and the rules issued under this subsection, based on the size of the issuer, the market capitalization of the issuer, the number of shareholders of record of the issuer, or any other criteria, as the Commission deems necessary and appropriate in the public interest or for the protection of investors.

“(2) **COMMISSION RULES ON ELECTIONS.**—In an election for membership on the board of directors of an issuer—

“(A) that is uncontested, each director who receives a majority of the votes cast shall be deemed to be elected;

“(B) that is contested, if the number of nominees exceeds the number of directors to be elected, each director shall be elected by the vote of a plurality of the shares represented at a meeting and entitled to vote; and

“(C) if a director of an issuer receives less than a majority of the votes cast in an uncontested election—

“(i) the director shall tender the resignation of the director to the board of directors; and

“(ii) the board of directors—

“(I) shall—

“(aa) accept the resignation of the director;

“(bb) determine a date on which the resignation will take effect, within a reasonable period of time, as established by the Commission; and

“(cc) make the date under item (bb) public within a reasonable period of time, as established by the Commission; or

“(II) shall, upon a unanimous vote of the board, decline to accept the resignation and, not later than 30 days after the date of the vote (or within such shorter period as the Commission may establish), make public, together with a discussion of the analysis used in reaching the conclusion, the specific reasons that—

“(aa) the board chose not to accept the resignation; and

“(bb) the decision was in the best interests of the issuer and the shareholders of the issuer.”.

SEC. 972. PROXY ACCESS.

(a) **PROXY ACCESS.**—Section 14(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(a)) is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by adding at the end the following:

“(2) The rules and regulations prescribed by the Commission under paragraph (1) may include—

“(A) a requirement that a solicitation of proxy, consent, or authorization by (or on behalf of) an issuer include a nominee submitted by a shareholder to serve on the board of directors of the issuer; and

“(B) a requirement that an issuer follow a certain procedure in relation to a solicitation described in subparagraph (A).”.

(b) **REGULATIONS.**—The Commission may issue rules permitting the use by shareholders of proxy solicitation materials supplied by an issuer of securities for the purpose of nominating individuals to membership on the board of directors of the issuer, under such terms and conditions as the Commission determines are in the interests of shareholders and for the protection of investors.

SEC. 973. DISCLOSURES REGARDING CHAIRMAN AND CEO STRUCTURES.

Section 14B of the Securities Exchange Act of 1934, as added by section 971, is amended by adding at the end the following:

“(b) **DISCLOSURES REGARDING CHAIRMAN AND CEO STRUCTURES.**—Not later than 180 days after the date of enactment of this subsection, the Commission shall issue rules that require an issuer to disclose in the annual proxy sent to investors the reasons why the issuer has chosen—

“(1) the same person to serve as chairman of the board of directors and chief executive officer (or in equivalent positions); or

“(2) different individuals to serve as chairman of the board of directors and chief executive officer (or in equivalent positions of the issuer).”.

Subtitle H—Municipal Securities

SEC. 975. REGULATION OF MUNICIPAL SECURITIES AND CHANGES TO THE BOARD OF THE MSRB.

(a) **REGISTRATION OF MUNICIPAL SECURITIES DEALERS AND MUNICIPAL ADVISORS.**—Section 15B(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(a)) is amended—

(1) in paragraph (1)—

(A) by inserting “(A)” after “(1)”; and

(B) by adding at the end the following:

“(B) It shall be unlawful for a municipal advisor to provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities, or to undertake a solicitation of a municipal entity or obligated person, unless the municipal advisor is registered in accordance with this subsection.”;

(2) in paragraph (2), by inserting “or municipal advisor” after “municipal securities dealer” each place that term appears;

(3) in paragraph (3), by inserting “or municipal advisor” after “municipal securities dealer” each place that term appears;

(4) in paragraph (4), by striking “dealer, or municipal securities dealer or class of brokers, dealers, or municipal securities dealers” and inserting “dealer, municipal securities dealer, or municipal advisor, or class of brokers, dealers, municipal securities dealers, or municipal advisors”; and

(5) by adding at the end the following:

“(5) No municipal advisor shall make use of the mails or any means or instrumentality of interstate commerce to provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products, the issuance of municipal securities, or participation in the issuance of municipal securities, or to undertake a solicitation of a municipal entity

or obligated person, in connection with which such municipal advisor engages in any fraudulent, deceptive, or manipulative act or practice.”.

(b) **MUNICIPAL SECURITIES RULEMAKING BOARD.**—Section 15B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(b)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking “Not later than” and all that follows through “appointed by the Commission” and inserting “The Municipal Securities Rulemaking Board shall be composed of 15 members, or such other number of members as specified by rules of the Board pursuant to paragraph (2)(B).”; and

(B) by striking the second sentence and inserting the following: “The members of the Board shall serve as members for a term of 3 years or for such other terms as specified by rules of the Board pursuant to paragraph (2)(B), and shall consist of (A) 8 individuals who are not associated with any broker, dealer, municipal securities dealer, or municipal advisor (other than by reason of being under common control with, or indirectly controlling, any broker or dealer which is not a municipal securities broker or municipal securities dealer), at least 1 of whom shall be representative of institutional or retail investors in municipal securities, at least 1 of whom shall be representative of municipal entities, and at least 1 of whom shall be a member of the public with knowledge of or experience in the municipal industry (which members are hereinafter referred to as ‘public representatives’); and (B) 7 individuals who are associated with a broker, dealer, municipal securities dealer, or municipal advisor, including at least 1 individual who is associated with and representative of brokers, dealers, or municipal securities dealers that are not banks or subsidiaries or departments or divisions of banks (which members are hereinafter referred to as ‘broker-dealer representatives’), at least 1 individual who is associated with and representative of municipal securities dealers which are banks or subsidiaries or departments or divisions of banks (which members are hereinafter referred to as ‘bank representatives’), and at least 1 individual who is associated with a municipal advisor (which member is hereinafter referred to as the ‘advisor representative’).”; and

(C) in the third sentence, by striking “initial”;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting before the period at the end of the first sentence the following: “and advice provided to or on behalf of municipal entities or obligated persons by brokers, dealers, municipal securities dealers, and municipal advisors with respect to municipal financial products, the issuance of municipal securities, or participation in the issuance of municipal securities, and solicitations of municipal entities or obligated persons undertaken by brokers, dealers, municipal securities dealers, and municipal advisors”; and

(ii) by striking the second sentence;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting “, and no broker, dealer, municipal securities dealer, or municipal advisor shall provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products, the issuance of municipal securities, or participation in the issuance of municipal securities” after “sale of, any municipal security”; and

(II) by inserting “and municipal entities or obligated persons” after “protection of investors”;

(ii) in clause (i), by striking “municipal securities brokers and municipal securities dealers”

each place that term appears and inserting “municipal securities brokers, municipal securities dealers, and municipal advisors”;

(iii) in clause (ii), by adding “and” at the end;

(iv) in clause (iii), by striking “; and” and inserting a period; and

(v) by striking clause (iv);

(C) in subparagraph (B), by striking “nominations and elections” and all that follows through “specify” and inserting “nominations and elections of public representatives, broker-dealer representatives, bank representatives, and advisor representatives. Such rules shall provide that the membership of the Board shall at all times be as evenly divided in number as possible between entities or individuals who are subject to regulation by the Board and entities or individuals not subject to regulation by the Board, provided, however, that a majority of the members of the Board shall at all times be public representatives. Such rules shall also specify”;

(D) in subparagraph (C)—

(i) by inserting “and municipal financial products” after “municipal securities” the first two times that term appears;

(ii) by inserting “, municipal entities, obligated persons,” before “and the public interest”;

(iii) by striking “between” and inserting “among”;

(iv) by striking “issuers, municipal securities brokers, or municipal securities dealers, to fix” and inserting “municipal entities, obligated persons, municipal securities brokers, municipal securities dealers, or municipal advisors, to fix”;

(v) by striking “brokers or municipal securities dealers, to regulate” and inserting “brokers, municipal securities dealers, or municipal advisors, to regulate”;

(E) in subparagraph (D)—

(i) by inserting “and advice concerning municipal financial products” after “transactions in municipal securities”;

(ii) by striking “That no” and inserting “that no”;

(iii) by inserting “municipal advisor,” before “or person associated”;

(iv) by striking “a municipal securities broker or municipal securities dealer may be compelled” and inserting “a municipal securities broker, municipal securities dealer, or municipal advisor may be compelled”;

(F) in subparagraph (E)—

(i) by striking “municipal securities brokers and municipal securities dealers” and inserting “municipal securities brokers, municipal securities dealers, and municipal advisors”;

(ii) by striking “municipal securities broker or municipal securities dealer” and inserting “municipal securities broker, municipal securities dealer, or municipal advisor”;

(G) in subparagraph (G), by striking “municipal securities brokers and municipal securities dealers” and inserting “municipal securities brokers, municipal securities dealers, and municipal advisors”;

(H) in subparagraph (J)—

(i) by striking “municipal securities broker and each municipal securities dealer” and inserting “municipal securities broker, municipal securities dealer, and municipal advisor”;

(ii) by striking the period at the end of the second sentence and inserting “, which may include charges for failure to submit to the Board required information or documents to any information system operated by the Board in a full, accurate, or timely manner, or any other failure to comply with the rules of the Board.”;

(I) in subparagraph (K)—

(i) by inserting “broker, dealer, or” before “municipal securities dealer” each place that term appears; and

(ii) by striking “municipal securities investment portfolio” and inserting “related account of a broker, dealer, or municipal securities dealer”;

(J) by adding at the end the following:

“(L) provide continuing education requirements for municipal advisors.

“(M) provide professional standards.

“(N) not impose a regulatory burden on small municipal advisors that is not necessary or appropriate in the public interest and for the protection of investors, municipal entities, and obligated persons.”;

(3) by redesignating paragraph (3) as paragraph (7); and

(4) by inserting after paragraph (2) the following:

“(3) The Board, in conjunction with or on behalf of any Federal financial regulator or self-regulatory organization, may—

“(A) establish information systems; and

“(B) assess such reasonable fees and charges for the submission of information to, or the receipt of information from, such systems from any persons which systems may be developed for the purposes of serving as a repository of information from municipal market participants or otherwise in furtherance of the purposes of the Board, a Federal financial regulator, or a self-regulatory organization.

“(4) The Board shall provide guidance and assistance in the enforcement of, and examination for, compliance with the rules of the Board to the Commission, a registered securities association under section 15A, or any other appropriate regulatory agency, as applicable.”.

(c) DISCIPLINE OF DEALERS AND MUNICIPAL ADVISORS AND OTHER MATTERS.—Section 15B(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(c)) is amended—

(1) in paragraph (1), by inserting “, and no broker, dealer, municipal securities dealer, or municipal advisor shall make use of the mails or any means or instrumentality of interstate commerce to provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products, the issuance of municipal securities, or participation in the issuance of municipal securities, or to undertake a solicitation of a municipal entity or obligated person,” after “any municipal security”;

(2) in paragraph (2), by inserting “or municipal advisor” after “municipal securities dealer” each place that term appears;

(3) in paragraph (3)—

(A) by inserting “or municipal entities or obligated person” after “protection of investors” each place that term appears; and

(B) by inserting “or municipal advisor” after “municipal securities dealer” each place that term appears;

(4) in paragraph (4), by inserting “or municipal advisor” after “municipal securities dealer or obligated person” each place that term appears;

(5) in paragraph (6)(B), by inserting “or municipal entities” after “protection of investors”;

(6) in paragraph (7)—

(A) in subparagraph (A)—

(i) in clause (i), by striking “; and” and inserting a semicolon;

(ii) in clause (ii), by striking the period and inserting “; and”;

(iii) by adding at the end the following:

“(iii) the Commission, or its designee, in the case of municipal advisors.”.

(B) in subparagraph (B), by inserting “or municipal entities or obligated person” after “protection of investors”;

(7) by adding at the end the following:

“(9)(A) Fines collected by the Commission for violations of the rules of the Board shall be equally divided between the Commission and the Board.

“(B) Fines collected by a registered securities association under section 15A(7) with respect to violations of the rules of the Board shall be accounted for by such registered securities association separately from other fines collected under section 15A(7) and shall be allocated between such registered securities association and the Board at the direction of the Commission.”.

(d) ISSUANCE OF MUNICIPAL SECURITIES.—Section 15B(d)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(d)) is amended—

(1) by striking “through a municipal securities broker or municipal securities dealer or otherwise” and inserting “through a municipal securities broker, municipal securities dealer, municipal advisor, or otherwise”;

(2) by inserting “or municipal advisors” before “to furnish”.

(e) DEFINITIONS.—Section 15B of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4) is amended by adding at the end the following:

“(e) DEFINITIONS.—For purposes of this section—

“(1) the term ‘Board’ means the Municipal Securities Rulemaking Board established under subsection (b)(1);

“(2) the term ‘guaranteed investment contract’ includes any investment that has specified withdrawal or reinvestment provisions and a specifically negotiated or bid interest rate, and also includes any agreement to supply investments on 2 or more future dates, such as a forward supply contract;

“(3) the term ‘investment strategies’ includes plans or programs for the investment of the proceeds of municipal securities that are not municipal derivatives, guaranteed investment contracts, and the recommendation of and brokerage of municipal escrow investments;

“(4) the term ‘municipal advisor’—

“(A) means a person (who is not a municipal entity or an employee of a municipal entity) that—

“(i) provides advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, and other similar matters concerning such financial products or issues;

“(ii) participates in the issuance of municipal securities; or

“(iii) undertakes a solicitation of a municipal entity;

“(B) includes financial advisors, guaranteed investment contract brokers, third-party marketers, placement agents, solicitors, finders, and swap advisors, if such persons are described in any of clauses (i) through (iii) of subparagraph (A); and

“(C) does not include a broker, dealer, or municipal securities dealer serving as an underwriter (as defined in section 2(a)(11) of the Securities Act of 1933) (15 U.S.C. 77b(a)(11)), any investment adviser registered under the Investment Advisers Act of 1940, or persons associated with such investment advisers who are providing investment advice, attorneys offering legal advice or providing services that are of a traditional legal nature, or engineers providing engineering advice;

“(5) the term ‘municipal derivative’ means any financial instrument or contract designed to hedge a risk (including interest rate swaps, basis swaps, credit default swaps, caps, floors, and collars);

“(6) the term ‘municipal financial product’ means municipal derivatives, guaranteed investment contracts, and investment strategies;

“(7) the term ‘rules of the Board’ means the rules proposed and adopted by the Board under subsection (b)(2);

“(8) the term ‘person associated with a municipal advisor’ or ‘associated person of an advisor’ means—

“(A) any partner, officer, director, or branch manager of such municipal advisor (or any person occupying a similar status or performing similar functions);

“(B) any other employee of such municipal advisor who is engaged in the management, direction, supervision, or performance of any activities relating to the provision of advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products, the issuance of municipal securities, or participation in the issuance of municipal securities; and

“(C) any person directly or indirectly controlling, controlled by, or under common control with such municipal advisor;

“(9) the term ‘municipal entity’ means any State, political subdivision of a State, or municipal corporate instrumentality of a State, including—

“(A) any agency, authority, or instrumentality of the State, political subdivision, or municipal corporate instrumentality;

“(B) any plan, program, or pool of assets sponsored or established by the State, political subdivision, or municipal corporate instrumentality or any agency, authority, or instrumentality thereof; and

“(C) any other issuer of municipal securities;

“(10) the term ‘solicitation of a municipal entity or obligated person’ means a direct or indirect communication with a municipal entity or obligated person made by a person, for direct or indirect compensation, on behalf of a broker, dealer, municipal securities dealer, municipal advisor, or investment adviser (as defined in section 202 of the Investment Advisers Act of 1940) that does not control, is not controlled by, or is not under common control with the person undertaking such solicitation for the purpose of obtaining or retaining an engagement by a municipal entity or obligated person of a broker, dealer, municipal securities dealer, or municipal advisor for or in connection with municipal financial products, the issuance of municipal securities, or participation in the issuance of municipal securities, or of an investment adviser to provide investment advisory services to or on behalf of a municipal entity; and

“(11) the term ‘obligated person’ means any person, including an issuer of municipal securities, who is either generally or through an enterprise, fund, or account of such person, committed by contract or other arrangement to support the payment of all or part of the obligations on the municipal securities to be sold in an offering of municipal securities.”.

(f) REGISTERED SECURITIES ASSOCIATION.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(b)) is amended by adding at the end the following:

“(15) The rules of the association provide that the association shall—

“(A) request guidance from the Municipal Securities Rulemaking Board in interpretation of the rules of the Municipal Securities Rulemaking Board; and

“(B) provide information to the Municipal Securities Rulemaking Board about the enforcement actions and examinations of the association under section 15B(b)(2)(E), so that the Municipal Securities Rulemaking Board may—

“(i) assist in such enforcement actions and examinations; and

“(ii) evaluate the ongoing effectiveness of the rules of the Board.”.

(g) REGISTRATION AND REGULATION OF BROKERS AND DEALERS.—Section 15 of the Securities Exchange Act of 1934 is amended—

(1) in subsection (b)(4), by inserting “municipal advisor,” after “municipal securities dealer” each place that term appears; and

(2) in subsection (c), by inserting “broker, dealer, or” before “municipal securities dealer” each place that term appears.

(h) ACCOUNTS AND RECORDS, REPORTS, EXAMINATIONS OF EXCHANGES, MEMBERS, AND OTHERS.—Section 17(a)(1) of the Securities Exchange Act of 1934 is amended by inserting “municipal advisor,” after “municipal securities dealer”.

(i) SAVINGS CLAUSE.—Notwithstanding any provision of the Over-the-Counter Derivatives Markets Act of 2010, or any amendment made pursuant to such Act, the provisions of this section, and the amendments made pursuant to this section, shall apply to any municipal derivative.

(j) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on October 1, 2010.

SEC. 976. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF INCREASED DISCLOSURE TO INVESTORS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and review of the disclosure required to be made by issuers of municipal securities.

(b) SUBJECTS FOR EVALUATION.—In conducting the study under subsection (a), the Comptroller General of the United States shall—

(1) broadly describe—

(A) the size of the municipal securities markets and the issuers and investors; and

(B) the disclosures provided by issuers to investors;

(2) compare the amount, frequency, and quality of disclosures that issuers of municipal securities are required by law to provide for the benefit of municipal securities holders, including the amount of and frequency of disclosures actually provided by issuers of municipal securities, with the amount of and frequency of disclosures that issuers of corporate securities provide for the benefit of corporate securities holders, taking into account the differences between issuers of municipal securities and issuers of corporate securities;

(3) evaluate the costs and benefits to various types of issuers of municipal securities of requiring issuers of municipal bonds to provide additional financial disclosures for the benefit of investors;

(4) evaluate the potential benefit to investors from additional financial disclosures by issuers of municipal bonds; and

(5) make recommendations relating to disclosure requirements for municipal issuers, including the advisability of the repeal or retention of section 15B(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(d)) (commonly known as the “Tower Amendment”).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the results of the study conducted under subsection (a), including recommendations for how to improve disclosure by issuers of municipal securities.

SEC. 977. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON THE MUNICIPAL SECURITIES MARKETS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the municipal securities markets.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, with copies to the Special Committee on Aging of the Senate and the Commission, on the results of the study conducted under subsection (a), including—

(1) an analysis of the mechanisms for trading, quality of trade executions, market transparency, trade reporting, price discovery, settlement clearing, and credit enhancements;

(2) the needs of the markets and investors and the impact of recent innovations;

(3) recommendations for how to improve the transparency, efficiency, fairness, and liquidity of trading in the municipal securities markets, including with reference to items listed in paragraph (1); and

(4) potential uses of derivatives in the municipal securities markets.

(c) RESPONSES.—Not later than 180 days after receipt of the report required under subsection (b), the Commission shall submit a response to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, with a copy to the Special Committee on Aging of the Senate, stating the actions the Commission has taken in response to the recommendations contained in such report.

SEC. 978. STUDY OF FUNDING FOR GOVERNMENT ACCOUNTING STANDARDS BOARD.

(a) STUDY.—The Commission shall conduct a study that evaluates—

(1) the role and importance of the Government Accounting Standards Board in the municipal securities markets;

(2) the manner in which the Government Accounting Standards Board is funded, and how such manner of funding affects the financial information available to securities investors;

(3) the advisability of changes to the manner in which the Government Accounting Standards Board is funded; and

(4) whether legislative changes to the manner in which the Government Accounting Standards Board is funded are necessary for the benefit of investors and in the public interest.

(b) CONSULTATION.—In conducting the study required under subsection (a), the Commission shall consult with State and local government financial officers.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the study required under subsection (a).

SEC. 979. COMMISSION OFFICE OF MUNICIPAL SECURITIES.

(a) IN GENERAL.—There shall be in the Commission an Office of Municipal Securities, which shall—

(1) administer the rules of the Commission with respect to the practices of municipal securities brokers and dealers, municipal securities advisors, municipal securities investors, and municipal securities issuers; and

(2) coordinate with the Municipal Securities Rulemaking Board for rulemaking and enforcement actions as required by law.

(b) DIRECTOR OF THE OFFICE.—The head of the Office of Municipal Securities shall be the Director, who shall report to the Chairman.

(c) STAFFING.—

(1) IN GENERAL.—The Office of Municipal Securities shall be staffed sufficiently to carry out the requirements of this section.

(2) REQUIREMENT.—The staff of the Office of Municipal Securities shall include individuals with knowledge of and expertise in municipal finance.

Subtitle I—Public Company Accounting Oversight Board, Portfolio Margining, and Other Matters

SEC. 981. AUTHORITY TO SHARE CERTAIN INFORMATION WITH FOREIGN AUTHORITIES.

(a) DEFINITION.—Section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)) is amended by adding at the end the following:

“(17) FOREIGN AUDITOR OVERSIGHT AUTHORITY.—The term ‘foreign auditor oversight authority’ means any governmental body or other

entity empowered by a foreign government to conduct inspections of public accounting firms or otherwise to administer or enforce laws related to the regulation of public accounting firms.”.

(b) **AVAILABILITY TO SHARE INFORMATION.**—Section 105(b)(5) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)) is amended by adding at the end the following:

“(C) **AVAILABILITY TO FOREIGN OVERSIGHT AUTHORITIES.**—Without the loss of its status as confidential and privileged in the hands of the Board, all information referred to in subparagraph (A) that relates to a public accounting firm that a foreign government has empowered a foreign auditor oversight authority to inspect or otherwise enforce laws with respect to, may, at the discretion of the Board, be made available to the foreign auditor oversight authority, if—

“(i) the Board finds that it is necessary to accomplish the purposes of this Act or to protect investors;

“(ii) the foreign auditor oversight authority provides—

“(I) such assurances of confidentiality as the Board may request;

“(II) a description of the applicable information systems and controls of the foreign auditor oversight authority; and

“(III) a description of the laws and regulations of the foreign government of the foreign auditor oversight authority that are relevant to information access; and

“(iii) the Board determines that it is appropriate to share such information.”.

(c) **CONFORMING AMENDMENT.**—Section 105(b)(5)(A) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)(A)) is amended by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”.

SEC. 982. OVERSIGHT OF BROKERS AND DEALERS.

(a) **DEFINITIONS.**—

(1) **DEFINITIONS AMENDED.**—Title I of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.) is amended by adding at the end the following new section:

“SEC. 110. DEFINITIONS.

“For the purposes of this title, the following definitions shall apply:

“(1) **AUDIT.**—The term ‘audit’ means an examination of the financial statements, reports, documents, procedures, controls, or notices of any issuer, broker, or dealer by an independent public accounting firm in accordance with the rules of the Board or the Commission, for the purpose of expressing an opinion on the financial statements or providing an audit report.

“(2) **AUDIT REPORT.**—The term ‘audit report’ means a document, report, notice, or other record—

“(A) prepared following an audit performed for purposes of compliance by an issuer, broker, or dealer with the requirements of the securities laws; and

“(B) in which a public accounting firm either—

“(i) sets forth the opinion of that firm regarding a financial statement, report, notice, or other document, procedures, or controls; or

“(ii) asserts that no such opinion can be expressed.

“(3) **BROKER.**—The term ‘broker’ means a broker (as such term is defined in section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4))) that is required to file a balance sheet, income statement, or other financial statement under section 17(e)(1)(A) of such Act (15 U.S.C. 78q(e)(1)(A)), where such balance sheet, income statement, or financial statement is required to be certified by a registered public accounting firm.

“(4) **DEALER.**—The term ‘dealer’ means a dealer (as such term is defined in section 3(a)(5) of the Securities Exchange Act of 1934 (15 U.S.C.

78c(a)(5))) that is required to file a balance sheet, income statement, or other financial statement under section 17(e)(1)(A) of such Act (15 U.S.C. 78q(e)(1)(A)), where such balance sheet, income statement, or financial statement is required to be certified by a registered public accounting firm.

“(5) **PROFESSIONAL STANDARDS.**—The term ‘professional standards’ means—

“(A) accounting principles that are—

“(i) established by the standard setting body described in section 19(b) of the Securities Act of 1933, as amended by this Act, or prescribed by the Commission under section 19(a) of that Act (15 U.S.C. 17a(s)) or section 13(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78a(m)); and

“(ii) relevant to audit reports for particular issuers, brokers, or dealers, or dealt with in the quality control system of a particular registered public accounting firm; and

“(B) auditing standards, standards for attestation engagements, quality control policies and procedures, ethical and competency standards, and independence standards (including rules implementing title II) that the Board or the Commission determines—

“(i) relate to the preparation or issuance of audit reports for issuers, brokers, or dealers; and

“(ii) are established or adopted by the Board under section 103(a), or are promulgated as rules of the Commission.

“(6) **SELF-REGULATORY ORGANIZATION.**—The term ‘self-regulatory organization’ has the same meaning as in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).”.

(2) **CONFORMING AMENDMENT.**—Section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)) is amended in the matter preceding paragraph (1), by striking “In this” and inserting “Except as otherwise specifically provided in this Act, in this”.

(b) **ESTABLISHMENT AND ADMINISTRATION OF THE PUBLIC COMPANY ACCOUNTING OVERSIGHT BOARD.**—Section 101 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7211) is amended—

(1) by striking “issuers” each place that term appears and inserting “issuers, brokers, and dealers”; and

(2) in subsection (a)—

(A) by striking “public companies” and inserting “companies”; and

(B) by striking “for companies the securities of which are sold to, and held by and for, public investors”.

(c) **REGISTRATION WITH THE BOARD.**—Section 102 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7212) is amended—

(1) in subsection (a)—

(A) by striking “Beginning 180” and all that follows through “101(d), it” and inserting “It”; and

(B) by striking “issuer” and inserting “issuer, broker, or dealer”;

(2) in subsection (b)—

(A) in paragraph (2)(A), by striking “issuers” and inserting “issuers, brokers, and dealers”; and

(B) by striking “issuer” each place that term appears and inserting “issuer, broker, or dealer”.

(d) **AUDITING AND INDEPENDENCE.**—Section 103(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7213(a)) is amended—

(1) in paragraph (1), by striking “and such ethics standards” and inserting “such ethics standards, and such independence standards”;.

(2) in paragraph (2)(A)(iii), by striking “describe in each audit report” and inserting “in each audit report for an issuer, describe”; and

(3) in paragraph (2)(B)(i), by striking “issuers” and inserting “issuers, brokers, and dealers”.

(e) **INSPECTIONS OF REGISTERED PUBLIC ACCOUNTING FIRMS.**—Section 104 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214) is amended—

(1) in subsection (a), by striking “issuers” and inserting “issuers, brokers, and dealers”; and

(2) in subsection (b)(1)—

(A) by striking “audit reports for” each place that term appears and inserting “audit reports on annual financial statements for”;.

(B) in subparagraph (A), by striking “and” at the end;

(C) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(C) with respect to each registered public accounting firm that regularly provides audit reports and that is not described in subparagraph (A) or (B), on a basis determined by the Board, by rule, that is consistent with the public interest and protection of investors.”.

(f) **INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS.**—Section 105(c)(7)(B) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(c)(7)(B)) is amended—

(1) in the subparagraph heading, by inserting “, BROKER, OR DEALER” after “ISSUER”;.

(2) by striking “any issuer” each place that term appears and inserting “any issuer, broker, or dealer”; and

(3) by striking “an issuer under this subsection” and inserting “a registered public accounting firm under this subsection”.

(g) **FOREIGN PUBLIC ACCOUNTING FIRMS.**—Section 106(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7216(a)) is amended—

(1) in paragraph (1), by striking “issuer” and inserting “issuer, broker, or dealer”; and

(2) in paragraph (2), by striking “issuers” and inserting “issuers, brokers, or dealers”.

(h) **FUNDING.**—Section 109 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7219) is amended—

(1) in subsection (c)(2), by striking “subsection (i)” and inserting “subsection (j)”;

(2) in subsection (d)—

(A) in paragraph (2), by striking “allowing for differentiation among classes of issuers, as appropriate” and inserting “and among brokers and dealers, in accordance with subsection (h), and allowing for differentiation among classes of issuers, brokers and dealers, as appropriate”; and

(B) by adding at the end the following:

“(3) **BROKERS AND DEALERS.**—The Board shall begin the allocation, assessment, and collection of fees under paragraph (2) with respect to brokers and dealers with the payment of support fees to fund the first full fiscal year beginning after the effective date of this paragraph.”;

(3) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(4) by inserting after subsection (g) the following:

“(h) **ALLOCATION OF ACCOUNTING SUPPORT FEES AMONG BROKERS AND DEALERS.**—

“(1) **OBLIGATION TO PAY.**—Each broker or dealer shall pay to the Board the annual accounting support fee allocated to such broker or dealer under this section.

“(2) **ALLOCATION.**—Any amount due from a broker or dealer (or from a particular class of brokers and dealers) under this section shall be allocated among brokers and dealers and payable by the broker or dealer (or the brokers and dealers in the particular class, as applicable).

“(3) **PROPORTIONALITY.**—The amount due from a broker or dealer shall be in proportion to the net capital of the broker or dealer, compared to the total net capital of all brokers and dealers, in accordance with rules issued by the Board.”.

(i) **REFERRAL OF INVESTIGATIONS TO A SELF-REGULATORY ORGANIZATION.**—Section 105(b)(4)(B) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(4)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(2) by inserting after clause (i) the following: “(ii) to a self-regulatory organization, in the case of an investigation that concerns an audit report for a broker or dealer that is under the jurisdiction of such self-regulatory organization;”.

(j) **USE OF DOCUMENTS RELATED TO AN INSPECTION OR INVESTIGATION.**—Section 105(b)(5)(B)(ii) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)(B)(ii)) is amended—

(1) in subclause (III), by striking “and” at the end;

(2) in subclause (IV), by striking the comma and inserting “; and”; and

(3) by inserting after subclause (IV) the following:

“(V) a self-regulatory organization, with respect to an audit report for a broker or dealer that is under the jurisdiction of such self-regulatory organization.”.

(k) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 983. PORTFOLIO MARGINING.

(a) **ADVANCES.**—Section 9(a)(1) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff-3(a)(1)) is amended by inserting “or options on commodity futures contracts” after “claim for securities”.

(b) **DEFINITIONS.**—Section 16 of the Securities Investor Protection Act of 1970 (15 U.S.C. 78lll) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) **CUSTOMER.**—

“(A) **IN GENERAL.**—The term ‘customer’ of a debtor means any person (including any person with whom the debtor deals as principal or agent) who has a claim on account of securities received, acquired, or held by the debtor in the ordinary course of its business as a broker or dealer from or for the securities accounts of such person for safekeeping, with a view to sale, to cover consummated sales, pursuant to purchases, as collateral, security, or for purposes of effecting transfer.

“(B) **INCLUDED PERSONS.**—The term ‘customer’ includes—

“(i) any person who has deposited cash with the debtor for the purpose of purchasing securities;

“(ii) any person who has a claim against the debtor for cash, securities, futures contracts, or options on futures contracts received, acquired, or held in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the Commission; and

“(iii) any person who has a claim against the debtor arising out of sales or conversions of such securities.

“(C) **EXCLUDED PERSONS.**—The term ‘customer’ does not include any person, to the extent that—

“(i) the claim of such person arises out of transactions with a foreign subsidiary of a member of SIPC; or

“(ii) such person has a claim for cash or securities which by contract, agreement, or understanding, or by operation of law, is part of the capital of the debtor, or is subordinated to the claims of any or all creditors of the debtor, notwithstanding that some ground exists for declaring such contract, agreement, or understanding void or voidable in a suit between the claimant and the debtor.”;

(2) in paragraph (4)—

(A) in subparagraph (C), by striking “and” at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

“(D) in the case of a portfolio margining account of a customer that is carried as a securi-

ties account pursuant to a portfolio margining program approved by the Commission, a futures contract or an option on a futures contract received, acquired, or held by or for the account of a debtor from or for such portfolio margining account, and the proceeds thereof; and”;

(3) in paragraph (9), in the matter following subparagraph (L), by inserting after “Such term” the following: “includes revenues earned by a broker or dealer in connection with a transaction in the portfolio margining account of a customer carried as securities accounts pursuant to a portfolio margining program approved by the Commission. Such term”; and

(4) in paragraph (11)—

(A) in subparagraph (A)—

(i) by striking “filing date, all” and all that follows through the end of the subparagraph and inserting the following: “filing date—

“(i) all securities positions of such customer (other than customer name securities reclaimed by such customer); and

“(ii) all positions in futures contracts and options on futures contracts held in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the Commission, including all property collateralizing such positions, to the extent that such property is not otherwise included herein; minus”; and

(B) in the matter following subparagraph (C), by striking “In determining” and inserting the following: “A claim for a commodity futures contract received, acquired, or held in a portfolio margining account pursuant to a portfolio margining program approved by the Commission or a claim for a security futures contract, shall be deemed to be a claim with respect to such contract as of the filing date, and such claim shall be treated as a claim for cash. In determining”.

SEC. 984. LOAN OR BORROWING OF SECURITIES.

(a) **RULEMAKING AUTHORITY.**—Section 10 of the Securities Exchange Act of 1934 (15 U.S.C. 78j) is amended by adding at the end the following:

“(c)(1) To effect, accept, or facilitate a transaction involving the loan or borrowing of securities in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

“(2) Nothing in paragraph (1) may be construed to limit the authority of the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), the National Credit Union Administration, or any other Federal department or agency having a responsibility under Federal law to prescribe rules or regulations restricting transactions involving the loan or borrowing of securities in order to protect the safety and soundness of a financial institution or to protect the financial system from systemic risk.”.

(b) **RULEMAKING REQUIRED.**—Not later than 2 years after the date of enactment of this Act, the Commission shall promulgate rules that are designed to increase the transparency of information available to brokers, dealers, and investors, with respect to the loan or borrowing of securities.

SEC. 985. TECHNICAL CORRECTIONS TO FEDERAL SECURITIES LAWS.

(a) **SECURITIES ACT OF 1933.**—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—

(1) in section 3(a)(4) (15 U.S.C. 77c(a)(4)), by striking “individual;” and inserting “individual;”;

(2) in section 18 (15 U.S.C. 77r)—

(A) in subsection (b)(1)(C), by striking “is a security” and inserting “a security”; and

(B) in subsection (c)(2)(B)(i), by striking “State, or” and inserting “State or”;

(3) in section 19(d)(6)(A) (15 U.S.C. 77s(d)(6)(A)), by striking “in paragraph (1) of

(3)” and inserting “in paragraph (1) or (3)”;

and

(4) in section 27A(c)(1)(B)(ii) (15 U.S.C. 77z-2(c)(1)(B)(ii)), by striking “business entity;” and inserting “business entity.”.

(b) **SECURITIES EXCHANGE ACT OF 1934.**—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 2 (15 U.S.C. 78b), by striking “affected” and inserting “effected”;

(2) in section 3 (15 U.S.C. 78c)—

(A) in subsection (a)(55)(A), by striking “section 3(a)(12) of the Securities Exchange Act of 1934” and inserting “section 3(a)(12) of this title”; and

(B) in subsection (g), by striking “company, account person, or entity” and inserting “company, account, person, or entity”;

(3) in section 10A(i)(1)(B) (15 U.S.C. 78j-1(i)(1)(B))—

(A) in the subparagraph heading, by striking “MINIMUS” and inserting “MINIMIS”; and

(B) in clause (i), by striking “nonaudit” and inserting “non-audit”;

(4) in section 13(b)(1) (15 U.S.C. 78m(b)(1)), by striking “earnings statement” and inserting “earnings statement”;

(5) in section 15 (15 U.S.C. 78o)—

(A) in subsection (b)(1)—

(i) in subparagraph (B), by striking “The order granting” and all that follows through “from such membership.”; and

(ii) in the undesignated matter immediately following subparagraph (B), by inserting after the first sentence the following: “The order granting registration shall not be effective until such broker or dealer has become a member of a registered securities association, or until such broker or dealer has become a member of a national securities exchange, if such broker or dealer effects transactions solely on that exchange, unless the Commission has exempted such broker or dealer, by rule or order, from such membership.”;

(6) in section 15C(a)(2) (15 U.S.C. 78o-5(a)(2))—

(A) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and adjusting the subparagraph margins accordingly;

(B) in subparagraph (B), as so redesignated, by striking “The order granting” and all that follows through “from such membership.”; and

(C) in the matter following subparagraph (B), as so redesignated, by inserting after the first sentence the following: “The order granting registration shall not be effective until such government securities broker or government securities dealer has become a member of a national securities exchange registered under section 6 of this title, or a securities association registered under section 15A of this title, unless the Commission has exempted such government securities broker or government securities dealer, by rule or order, from such membership.”;

(7) in section 17(b)(1)(B) (15 U.S.C. 78q(b)(1)(B)), by striking “15A(k) gives” and inserting “15A(k), give”; and

(8) in section 21C(c)(2) (15 U.S.C. 78u-3(c)(2)), by striking “paragraph (1) subsection” and inserting “Paragraph (1)”.

(c) **TRUST INDENTURE ACT OF 1939.**—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 304(b) (15 U.S.C. 77ddd(b)), by striking “section 2 of such Act” and inserting “section 2(a) of such Act”; and

(2) in section 317(a)(1) (15 U.S.C. 77qqq(a)(1)), by striking “, in the” and inserting “in the”.

(d) **INVESTMENT COMPANY ACT OF 1940.**—The Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) is amended—

(1) in section 2(a)(19) (15 U.S.C. 80a-2(a)(19)), in the matter following subparagraph (B)(vii)—

(A) by striking “clause (vi)” each place that term appears and inserting “clause (vii)”; and
(B) in each of subparagraphs (A)(vi) and (B)(vi), by adding “and” at the end of subclause (III);

(2) in section 9(b)(4)(B) (15 U.S.C. 80a-9(b)(4)(B)), by adding “or” after the semicolon at the end;

(3) in section 12(d)(1)(J) (15 U.S.C. 80a-12(d)(1)(J)), by striking “any provision of this subsection” and inserting “any provision of this paragraph”;

(4) in section 17(f) (15 U.S.C. 80a-17(f))—

(A) in paragraph (4), by striking “No such member” and inserting “No member of a national securities exchange”; and

(B) in paragraph (6), by striking “company may serve” and inserting “company, may serve”; and

(5) in section 61(a)(3)(B)(iii) (15 U.S.C. 80a-60(a)(3)(B)(iii))—

(A) by striking “paragraph (1) of section 205” and inserting “section 205(a)(1)”; and

(B) by striking “clause (A) or (B) of that section” and inserting “paragraph (1) or (2) of section 205(b)”.

(e) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended—

(1) in section 203 (15 U.S.C. 80b-3)—

(A) in subsection (c)(1)(A), by striking “principal business office and” and inserting “principal office, principal place of business, and”; and

(B) in subsection (k)(4)(B), in the matter following clause (ii), by striking “principal place of business” and inserting “principal office or place of business”;

(2) in section 206(3) (15 U.S.C. 80b-6(3)), by adding “or” after the semicolon at the end;

(3) in section 213(a) (15 U.S.C. 80b-13(a)), by striking “principal place of business” and inserting “principal office or place of business”; and

(4) in section 222 (15 U.S.C. 80b-18a), by striking “principal place of business” each place that term appears and inserting “principal office and place of business”.

SEC. 986. CONFORMING AMENDMENTS RELATING TO REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

(a) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(1) in section 3(a)(47) (15 U.S.C. 78c(a)(47)), by striking “the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.)”; and

(2) in section 12(k) (15 U.S.C. 78l(k)), by amending paragraph (7) to read as follows:

“(7) DEFINITION.—For purposes of this subsection, the term ‘emergency’ means—

“(A) a major market disturbance characterized by or constituting—

“(i) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets; or

“(ii) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

“(B) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

“(i) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

“(ii) the transmission or processing of securities transactions.”; and

(3) in section 21(h)(2) (15 U.S.C. 78u(h)(2)), by striking “section 18(c) of the Public Utility Holding Company Act of 1935.”.

(b) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 303 (15 U.S.C. 77ccc), by striking paragraph (17) and inserting the following:

“(17) The terms ‘Securities Act of 1933’ and ‘Securities Exchange Act of 1934’ shall be deemed to refer, respectively, to such Acts, as amended, whether amended prior to or after the enactment of this title.”;

(2) in section 308 (15 U.S.C. 77hhh), by striking “Securities Act of 1933, the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935” each place that term appears and inserting “Securities Act of 1933 or the Securities Exchange Act of 1934”;

(3) in section 310 (15 U.S.C. 77jjj), by striking subsection (c);

(4) in section 311 (15 U.S.C. 77kkk), by striking subsection (c);

(5) in section 323(b) (15 U.S.C. 77www(b)), by striking “Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935” and inserting “Securities Act of 1933 or the Securities Exchange Act of 1934”; and

(6) in section 326 (15 U.S.C. 77zzz), by striking “Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935,” and inserting “Securities Act of 1933 or the Securities Exchange Act of 1934”.

(c) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) is amended—

(1) in section 2(a)(44) (15 U.S.C. 80a-2(a)(44)), by striking “‘Public Utility Holding Company Act of 1935’”; and

(2) in section 3(c) (15 U.S.C. 80a-3(c)), by striking paragraph (8) and inserting the following:

“(8) [Repealed]”; and

(3) in section 38(b) (15 U.S.C. 80a-37(b)), by striking “the Public Utility Holding Company Act of 1935.”; and

(4) in section 50 (15 U.S.C. 80a-49), by striking “the Public Utility Holding Company Act of 1935.”.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 202(a)(21) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(21)) is amended by striking “‘Public Utility Holding Company Act of 1935’”.

SEC. 987. AMENDMENT TO DEFINITION OF MATERIAL LOSS AND NONMATERIAL LOSSES TO THE DEPOSIT INSURANCE FUND FOR PURPOSES OF INSPECTOR GENERAL REVIEWS.

(a) IN GENERAL.—Section 38(k) of the Federal Deposit Insurance Act (U.S.C. 1831o(k)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following:

“(B) MATERIAL LOSS DEFINED.—The term ‘material loss’ means any estimated loss in excess of—

“(i) \$100,000,000, if the loss occurs during the period beginning on September 30, 2009, and ending on December 31, 2010;

“(ii) \$75,000,000, if the loss occurs during the period beginning on January 1, 2011, and ending on December 31, 2011; and

“(iii) \$50,000,000, if the loss occurs on or after January 1, 2012.”;

(2) in paragraph (4)(A) by striking “the report” and inserting “any report on losses required under this subsection.”;

(3) by striking paragraph (6);

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following:

“(5) LOSSES THAT ARE NOT MATERIAL.—

“(A) SEMIANNUAL REPORT.—For the 6-month period ending on March 31, 2010, and each 6-month period thereafter, the Inspector General of each Federal banking agency shall—

“(i) identify losses that the Inspector General estimates have been incurred by the Deposit In-

surance Fund during that 6-month period, with respect to the insured depository institutions supervised by the Federal banking agency;

“(ii) for each loss incurred by the Deposit Insurance Fund that is not a material loss, determine—

“(I) the grounds identified by the Federal banking agency or State bank supervisor for appointing the Corporation as receiver under section 11(c)(5); and

“(II) whether any unusual circumstances exist that might warrant an in-depth review of the loss; and

“(iii) prepare and submit a written report to the appropriate Federal banking agency and to Congress on the results of any determination by the Inspector General, including—

“(I) an identification of any loss that warrants an in-depth review, together with the reasons why such review is warranted, or, if the Inspector General determines that no review is warranted, an explanation of such determination; and

“(II) for each loss identified under subclause (I) that warrants an in-depth review, the date by which such review, and a report on such review prepared in a manner consistent with reports under paragraph (1)(A), will be completed and submitted to the Federal banking agency and Congress.

“(B) DEADLINE FOR SEMIANNUAL REPORT.—The Inspector General of each Federal banking agency shall—

“(i) submit each report required under paragraph (A) expeditiously, and not later than 90 days after the end of the 6-month period covered by the report; and

“(ii) provide a copy of the report required under paragraph (A) to any Member of Congress, upon request.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The heading for subsection (k) of section 38 of the Federal Deposit Insurance Act (U.S.C. 1831o(k)) is amended to read as follows:

“(k) REVIEWS REQUIRED WHEN DEPOSIT INSURANCE FUND INCURS LOSSES.”.

SEC. 988. AMENDMENT TO DEFINITION OF MATERIAL LOSS AND NONMATERIAL LOSSES TO THE NATIONAL CREDIT UNION SHARE INSURANCE FUND FOR PURPOSES OF INSPECTOR GENERAL REVIEWS.

(a) IN GENERAL.—Section 216(j) of the Federal Credit Union Act (12 U.S.C. 1790d(j)) is amended to read as follows:

“(j) REVIEWS REQUIRED WHEN SHARE INSURANCE FUND EXPERIENCES LOSSES.—

“(1) IN GENERAL.—If the Fund incurs a material loss with respect to an insured credit union, the Inspector General of the Board shall—

“(A) submit to the Board a written report reviewing the supervision of the credit union by the Administration (including the implementation of this section by the Administration), which shall include—

“(i) a description of the reasons why the problems of the credit union resulted in a material loss to the Fund; and

“(ii) recommendations for preventing any such loss in the future; and

“(B) submit a copy of the report under subparagraph (A) to—

“(i) the Comptroller General of the United States;

“(ii) the Corporation;

“(iii) in the case of a report relating to a State credit union, the appropriate State supervisor; and

“(iv) to any Member of Congress, upon request.

“(2) MATERIAL LOSS DEFINED.—For purposes of determining whether the Fund has incurred a material loss with respect to an insured credit union, a loss is material if it exceeds the sum of—

“(A) \$25,000,000; and

“(B) an amount equal to 10 percent of the total assets of the credit union on the date on which the Board initiated assistance under section 208 or was appointed liquidating agent.

“(3) PUBLIC DISCLOSURE REQUIRED.—

“(A) IN GENERAL.—The Board shall disclose a report under this subsection, upon request under section 552 of title 5, United States Code, without excising—

“(i) any portion under section 552(b)(5) of title 5, United States Code; or

“(ii) any information about the insured credit union (other than trade secrets) under section 552(b)(8) of title 5, United States Code.

“(B) RULE OF CONSTRUCTION.—Subparagraph (A) may not be construed as requiring the agency to disclose the name of any customer of the insured credit union (other than an institution-affiliated party), or information from which the identity of such customer could reasonably be ascertained.

“(4) LOSSES THAT ARE NOT MATERIAL.—

“(A) SEMIANNUAL REPORT.—For the 6-month period ending on March 31, 2010, and each 6-month period thereafter, the Inspector General of the Board shall—

“(i) identify any losses that the Inspector General estimates were incurred by the Fund during such 6-month period, with respect to insured credit unions;

“(ii) for each loss to the Fund that is not a material loss, determine—

“(I) the grounds identified by the Board or the State official having jurisdiction over a State credit union for appointing the Board as the liquidating agent for any Federal or State credit union; and

“(II) whether any unusual circumstances exist that might warrant an in-depth review of the loss; and

“(iii) prepare and submit a written report to the Board and to Congress on the results of the determinations of the Inspector General that includes—

“(I) an identification of any loss that warrants an in-depth review, and the reasons such review is warranted, or if the Inspector General determines that no review is warranted, an explanation of such determination; and

“(II) for each loss identified in subclause (I) that warrants an in-depth review, the date by which such review, and a report on the review prepared in a manner consistent with reports under paragraph (1)(A), will be completed.

“(B) DEADLINE FOR SEMIANNUAL REPORT.—The Inspector General of the Board shall—

“(i) submit each report required under subparagraph (A) expeditiously, and not later than 90 days after the end of the 6-month period covered by the report; and

“(ii) provide a copy of the report required under subparagraph (A) to any Member of Congress, upon request.

“(5) GAO REVIEW.—The Comptroller General of the United States shall, under such conditions as the Comptroller General determines to be appropriate—

“(A) review each report made under paragraph (1), including the extent to which the Inspector General of the Board complied with the requirements under section 8L of the Inspector General Act of 1978 (5 U.S.C. App.) with respect to each such report; and

“(B) recommend improvements to the supervision of insured credit unions (including improvements relating to the implementation of this section).”.

SEC. 989. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON PROPRIETARY TRADING.

(a) DEFINITIONS.—In this section—

(1) the term “covered entity” means—

(A) an insured depository institution, an affiliate of an insured depository institution, a bank

holding company, a financial holding company, or a subsidiary of a bank holding company or a financial holding company, as those terms are defined in the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.); and

(B) any other entity, as the Comptroller General of the United States may determine; and

(2) the term “proprietary trading” means the act of a covered entity investing as a principal in securities, commodities, derivatives, hedge funds, private equity firms, or such other financial products or entities as the Comptroller General may determine.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the risks and conflicts associated with proprietary trading by and within covered entities, including an evaluation of—

(A) whether proprietary trading presents a material systemic risk to the stability of the United States financial system, and if so, the costs and benefits of options for mitigating such systemic risk;

(B) whether proprietary trading presents material risks to the safety and soundness of the covered entities that engage in such activities, and if so, the costs and benefits of options for mitigating such risks;

(C) whether proprietary trading presents material conflicts of interest between covered entities that engage in proprietary trading and the clients of the institutions who use the firm to execute trades or who rely on the firm to manage assets, and if so, the costs and benefits of options for mitigating such conflicts of interest;

(D) whether adequate disclosure regarding the risks and conflicts of proprietary trading is provided to the depositors, trading and asset management clients, and investors of covered entities that engage in proprietary trading, and if not, the costs and benefits of options for the improvement of such disclosure; and

(E) whether the banking, securities, and commodities regulators of institutions that engage in proprietary trading have in place adequate systems and controls to monitor and contain any risks and conflicts of interest related to proprietary trading, and if not, the costs and benefits of options for the improvement of such systems and controls.

(2) CONSIDERATIONS.—In carrying out the study required under paragraph (1), the Comptroller General shall consider—

(A) current practice relating to proprietary trading;

(B) the advisability of a complete ban on proprietary trading;

(C) limitations on the scope of activities that covered entities may engage in with respect to proprietary trading;

(D) the advisability of additional capital requirements for covered entities that engage in proprietary trading;

(E) enhanced restrictions on transactions between affiliates related to proprietary trading;

(F) enhanced accounting disclosures relating to proprietary trading;

(G) enhanced public disclosure relating to proprietary trading; and

(H) any other options the Comptroller General deems appropriate.

(c) REPORT TO CONGRESS.—Not later than 15 months after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study conducted under subsection (b).

(d) ACCESS BY COMPTROLLER GENERAL.—For purposes of conducting the study required under subsection (b), the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property be-

longing to or in use by a covered entity that engages in proprietary trading, and to the officers, directors, employees, independent public accountants, financial advisors, staff, and agents and representatives of a covered entity (as related to the activities of the agent or representative on behalf of the covered entity), at such reasonable times as the Comptroller General may request. The Comptroller General may make and retain copies of books, records, accounts, and other records, as the Comptroller General deems appropriate.

(e) CONFIDENTIALITY OF REPORTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Comptroller General may not disclose information regarding—

(A) any proprietary trading activity of a covered entity, unless such information is disclosed at a level of generality that does not reveal the investment or trading position or strategy of the covered entity for any specific security, commodity, derivative, or other investment or financial product; or

(B) any individual interviewed by the Comptroller General for purposes of the study under subsection (b), unless such information is disclosed at a level of generality that does not reveal—

(i) the name of or identifying details relating to such individual; or

(ii) in the case of an individual who is an employee of a third party that provides professional services to a covered entity believed to be engaged in proprietary trading, the name of or any identifying details relating to such third party.

(2) EXCEPTIONS.—The Comptroller General may disclose the information described in paragraph (1)—

(A) to a department, agency, or official of the Federal Government, for official use, upon request;

(B) to a committee of Congress, upon request; and

(C) to a court, upon an order of such court.

SEC. 989A. SENIOR INVESTOR PROTECTIONS.

(a) DEFINITIONS.—As used in this section—

(1) the term “eligible entity” means—

(A) a securities commission (or any agency or office performing like functions) of a State that the Office determines has adopted rules on the appropriate use of designations in the offer or sale of securities or investment advice that meet or exceed the minimum requirements of the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations (or any successor thereto);

(B) the insurance commission (or any agency or office performing like functions) of any State that the Office determines has—

(i) adopted rules on the appropriate use of designations in the sale of insurance products that, to the extent practicable, conform to the minimum requirements of the National Association of Insurance Commissioners Model Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities (or any successor thereto); and

(ii) adopted rules with respect to fiduciary or suitability requirements in the sale of annuities that meet or exceed the minimum requirements established by the Suitability in Annuity Transactions Model Regulation of the National Association of Insurance Commissioners (or any successor thereto); or

(C) a consumer protection agency of any State, if—

(i) the securities commission (or any agency or office performing like functions) of the State is eligible under subparagraph (A); or

(ii) the insurance commission (or any agency or office performing like functions) of the State is eligible under subparagraph (B);

(2) the term “financial product” means a security, an insurance product (including an insurance product that pays a return, whether fixed or variable), a bank product, and a loan product;

(3) the term “misleading designation”—

(A) means a certification, professional designation, or other purported credential that indicates or implies that a salesperson or adviser has special certification or training in advising or servicing seniors; and

(B) does not include a certification, professional designation, license, or other credential that—

(i) was issued by or obtained from an academic institution having regional accreditation;

(ii) meets the standards for certifications, licenses, and professional designations outlined by the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities, adopted by the National Association of Insurance Commissioners (or any successor thereto); or

(iii) was issued by or obtained from a State;

(4) the term “misleading or fraudulent marketing” means the use of a misleading designation by a person that sells to or advises a senior in connection with the sale of a financial product;

(5) the term “NASAA” means the North American Securities Administrators Association;

(6) the term “Office” means the Office of Financial Literacy of the Bureau; and

(7) the term “senior” means any individual who has attained the age of 62 years or older.

(b) GRANTS TO STATES FOR ENHANCED PROTECTION OF SENIORS FROM BEING MISLED BY FALSE DESIGNATIONS.—The Office shall establish a program under which the Office may make grants to States or eligible entities—

(1) to hire staff to identify, investigate, and prosecute (through civil, administrative, or criminal enforcement actions) cases involving misleading or fraudulent marketing;

(2) to fund technology, equipment, and training for regulators, prosecutors, and law enforcement officers, in order to identify salespersons and advisers who target seniors through the use of misleading designations;

(3) to fund technology, equipment, and training for prosecutors to increase the successful prosecution of salespersons and advisers who target seniors with the use of misleading designations;

(4) to provide educational materials and training to regulators on the appropriateness of the use of designations by salespersons and advisers in connection with the sale and marketing of financial products;

(5) to provide educational materials and training to seniors to increase awareness and understanding of misleading or fraudulent marketing;

(6) to develop comprehensive plans to combat misleading or fraudulent marketing of financial products to seniors; and

(7) to enhance provisions of State law to provide protection for seniors against misleading or fraudulent marketing.

(c) APPLICATIONS.—A State or eligible entity desiring a grant under this section shall submit an application to the Office, in such form and in such a manner as the Office may determine, that includes—

(1) a proposal for activities to protect seniors from misleading or fraudulent marketing that are proposed to be funded using a grant under this section, including—

(A) an identification of the scope of the problem of misleading or fraudulent marketing in the State;

(B) a description of how the proposed activities would—

(i) protect seniors from misleading or fraudulent marketing in the sale of financial products,

including by proactively identifying victims of misleading and fraudulent marketing who are seniors;

(ii) assist in the investigation and prosecution of those using misleading or fraudulent marketing; and

(iii) discourage and reduce cases of misleading or fraudulent marketing; and

(C) a description of how the proposed activities would be coordinated with other State efforts; and

(2) any other information, as the Office determines is appropriate.

(d) PERFORMANCE OBJECTIVES AND REPORTING REQUIREMENTS.—The Office may establish such performance objectives and reporting requirements for States and eligible entities receiving a grant under this section as the Office determines are necessary to carry out and assess the effectiveness of the program under this section.

(e) MAXIMUM AMOUNT.—The amount of a grant under this section may not exceed—

(1) \$500,000 for each of 3 consecutive fiscal years, if the recipient is a State, or an eligible entity of a State, that has adopted rules—

(A) on the appropriate use of designations in the offer or sale of securities or investment advice that meet or exceed the minimum requirements of the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations (or any successor thereto);

(B) on the appropriate use of designations in the sale of insurance products that, to the extent practicable, conform to the minimum requirements of the National Association of Insurance Commissioners Model Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities (or any successor thereto); and

(C) with respect to fiduciary or suitability requirements in the sale of annuities that meet or exceed the minimum requirements established by the Suitability in Annuity Transactions Model Regulation of the National Association of Insurance Commissioners (or any successor thereto); and

(2) \$100,000 for each of 3 consecutive fiscal years, if the recipient is a State, or an eligible entity of a State, that has adopted—

(A) rules on the appropriate use of designations in the offer or sale of securities or investment advice that meet or exceed the minimum requirements of the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations (or any successor thereto); or

(B) rules—

(i) on the appropriate use of designations in the sale of insurance products that, to the extent practicable, conform to the minimum requirements of the National Association of Insurance Commissioners Model Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities (or any successor thereto); and

(ii) with respect to fiduciary or suitability requirements in the sale of annuities that meet or exceed the minimum requirements established by the Suitability in Annuity Transactions Model Regulation of the National Association of Insurance Commissioners (or any successor thereto).

(f) SUBGRANTS.—A State or eligible entity that receives a grant under this section may make a subgrant, as the State or eligible entity determines is necessary to carry out the activities funded using a grant under this section.

(g) REAPPLICATION.—A State or eligible entity that receives a grant under this section may reapply for a grant under this section, notwithstanding the limitations on grant amounts under subsection (e).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry

out this section, \$8,000,000 for each of fiscal years 2011 through 2015.

SEC. 989B. DESIGNATED FEDERAL ENTITY INSPECTORS GENERAL INDEPENDENCE.

Section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)(4)—

(A) in the matter preceding subparagraph (A), by inserting “the board or commission of the designated Federal entity, or in the event the designated Federal entity does not have a board or commission,” after “means”;;

(B) in subparagraph (A), by striking “and” after the semicolon; and

(C) by adding after subparagraph (B) the following:

“(C) with respect to the Federal Labor Relations Authority, such term means the members of the Authority (described under section 7104 of title 5, United States Code);

“(D) with respect to the National Archives and Records Administration, such term means the Archivist of the United States;

“(E) with respect to the National Credit Union Administration, such term means the National Credit Union Administration Board (described under section 102 of the Federal Credit Union Act (12 U.S.C. 1752a);

“(F) with respect to the National Endowment of the Arts, such term means the National Council on the Arts;

“(G) with respect to the National Endowment for the Humanities, such term means the National Council on the Humanities; and

“(H) with respect to the Peace Corps, such term means the Director of the Peace Corps;”;

and

(2) in subsection (h), by inserting “if the designated Federal entity is not a board or commission, include” after “designated Federal entities and”.

SEC. 989C. STRENGTHENING INSPECTOR GENERAL ACCOUNTABILITY.

Section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (12), by striking “and” after the semicolon;

(2) in paragraph (13), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(14)(A) an appendix containing the results of any peer review conducted by another Office of Inspector General during the reporting period; or

“(B) if no peer review was conducted within that reporting period, a statement identifying the date of the last peer review conducted by another Office of Inspector General;

“(15) a list of any outstanding recommendations from any peer review conducted by another Office of Inspector General that have not been fully implemented, including a statement describing the status of the implementation and why implementation is not complete; and

“(16) a list of any peer reviews conducted by the Inspector General of another Office of the Inspector General during the reporting period, including a list of any outstanding recommendations made from any previous peer review (including any peer review conducted before the reporting period) that remain outstanding or have not been fully implemented.”.

SEC. 989D. REMOVAL OF INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.

Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating the sentences following “(e)” as paragraph (2); and

(2) by striking “(e)” and inserting the following:

“(e)(1) In the case of a designated Federal entity for which a board or commission is the head of the designated Federal entity, a removal

under this subsection may only be made upon the written concurrence of a $\frac{2}{3}$ majority of the board or commission.”.

SEC. 989E. ADDITIONAL OVERSIGHT OF FINANCIAL REGULATORY SYSTEM.

(a) COUNCIL OF INSPECTORS GENERAL ON FINANCIAL OVERSIGHT.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established a Council of Inspectors General on Financial Oversight (in this section referred to as the “Council of Inspectors General”) chaired by the Inspector General of the Department of the Treasury and composed of the inspectors general of the following:

(A) The Board of Governors of the Federal Reserve System.

(B) The Commodity Futures Trading Commission.

(C) The Department of Housing and Urban Development.

(D) The Department of the Treasury.

(E) The Federal Deposit Insurance Corporation.

(F) The Federal Housing Finance Agency.

(G) The National Credit Union Administration.

(H) The Securities and Exchange Commission.

(I) The Troubled Asset Relief Program (until the termination of the authority of the Special Inspector General for such program under section 121(k) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(k))).

(2) DUTIES.—

(A) MEETINGS.—The Council of Inspectors General shall meet not less than once each quarter, or more frequently if the chair considers it appropriate, to facilitate the sharing of information among inspectors general and to discuss the ongoing work of each inspector general who is a member of the Council of Inspectors General, with a focus on concerns that may apply to the broader financial sector and ways to improve financial oversight.

(B) ANNUAL REPORT.—Each year the Council of Inspectors General shall submit to the Council and to Congress a report including—

(i) for each inspector general who is a member of the Council of Inspectors General, a section within the exclusive editorial control of such inspector general that highlights the concerns and recommendations of such inspector general in such inspector general’s ongoing and completed work, with a focus on issues that may apply to the broader financial sector; and

(ii) a summary of the general observations of the Council of Inspectors General based on the views expressed by each inspector general as required by clause (i), with a focus on measures that should be taken to improve financial oversight.

(3) WORKING GROUPS TO EVALUATE COUNCIL.—

(A) CONVENING A WORKING GROUP.—The Council of Inspectors General may, by majority vote, convene a Council of Inspectors General Working Group to evaluate the effectiveness and internal operations of the Council.

(B) PERSONNEL AND RESOURCES.—The inspectors general who are members of the Council of Inspectors General may detail staff and resources to a Council of Inspectors General Working Group established under this paragraph to enable it to carry out its duties.

(C) REPORTS.—A Council of Inspectors General Working Group established under this paragraph shall submit regular reports to the Council and to Congress on its evaluations pursuant to this paragraph.

(b) RESPONSE TO REPORT BY COUNCIL.—The Council shall respond to the concerns raised in the report of the Council of Inspectors General under subsection (a)(2)(B) for such year.

Subtitle J—Self-funding of the Securities and Exchange Commission

SEC. 991. SECURITIES AND EXCHANGE COMMISSION SELF-FUNDING.

(a) SELF-FUNDING AUTHORITY.—Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended—

(1) in subsection (c), in the second sentence, by striking “credited to the appropriated funds of the Commission” and inserting “deposited in the account described in subsection (i)(4)”;

(2) in subsection (f), in the second sentence, by striking “considered a reimbursement to the appropriated funds of the Commission” and inserting “deposited in the account described in subsection (i)(4)”;

and

(3) by adding at the end the following:

“(i) FUNDING OF THE COMMISSION.—

“(1) BUDGET.—For each fiscal year, the Chairman of the Commission shall prepare and submit to Congress a budget to Congress. Such budget shall be submitted at the same time the President submits a budget of the United States to Congress for such fiscal year. The budget submitted by the Chairman of the Commission pursuant to this paragraph shall not be considered a request for appropriations.

“(2) TREASURY PAYMENT.—

“(A) On the first day of each fiscal year, the Treasury shall pay into the account described in paragraph (4) an amount equal to the budget submitted by the Chairman of the Commission pursuant to paragraph (1) for such fiscal year.

“(B) At or prior to the end of each fiscal year, the Commission shall pay to the Treasury from fees and assessments deposited in the account described in paragraph (4) an amount equal to the amount paid by the Treasury pursuant to subparagraph (A) for such fiscal year, unless there are not sufficient fees and assessments deposited in such account at or prior to the end of the fiscal year to make such payment, in which case the Commission shall make such payment in a subsequent fiscal year.

“(3) OBLIGATIONS AND EXPENSES.—

“(A) IN GENERAL.—The Commission shall determine and prescribe the manner in which—

“(i) the obligations of the Commission shall be incurred; and

“(ii) the disbursements and expenses of the Commission allowed and paid.

“(B) INSUFFICIENT FUNDS.—If, in the course of any fiscal year, the Chairman of the Commission determines that, due to unforeseen circumstances, the obligations of the Commission will exceed those provided for in the budget submitted under paragraph (1), the Chairman of the Commission may notify Congress of the amount and expected uses of the additional obligations.

“(C) AUTHORITY TO INCUR EXCESS OBLIGATIONS.—The Commission may incur obligations in excess of the budget submitted under paragraph (1) from amounts available in the account described in paragraph (4).

“(D) RULE OF CONSTRUCTION.—Any notification to Congress under this paragraph shall not be considered a request for appropriations.

“(4) ACCOUNT.—

“(A) ESTABLISHMENT.—Fees and assessments collected under this title, section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), and section 24(f) of the Investment Company Act of 1940 (15 U.S.C. 80a-24(f)) and payments made by the Treasury pursuant to paragraph (2)(A) for any fiscal year shall be deposited into an account established at any regular Government depository or any State or national bank.

“(B) RULE OF CONSTRUCTION.—Any amounts deposited into the account established under subparagraph (A) shall not be construed to be Government funds or appropriated monies.

“(C) NO APPORTIONMENT.—Any amounts deposited into the account established under sub-

paragraph (A) shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

“(5) USE OF ACCOUNT FUNDS.—

“(A) PERMISSIBLE USES.—Amounts available in the account described in paragraph (4) may be withdrawn by the Commission and used for the purposes described in paragraphs (2) and (3).

“(B) IMPERMISSIBLE USE.—Except as provided in paragraph (6), no amounts available in the account described in paragraph (4) shall be deposited and credited as general revenue of the Treasury.

“(6) EXCESS FUNDS.—If, at the end of any fiscal year and after all payments have been made to the Treasury pursuant to paragraph (2)(B) for such fiscal year and all prior fiscal years, the balance of the account described in paragraph (4) exceeds 25 percent of the budget of the Commission for the following fiscal year, the amount by which the balance exceeds 25 percent of such budget shall be credited as general revenue of the Treasury.”.

(b) CONFORMING AMENDMENTS TO TRANSACTION FEE PROVISIONS.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended—

(1) by amending subsection (a) to read as follows:

“(a) RECOVERY OF COSTS AND EXPENSES.—

“(1) IN GENERAL.—The Commission shall, in accordance with this section, collect transaction fees and assessments that are designed—

“(A) to recover the reasonable costs and expenses of the Commission, as set forth in the annual budget of the Commission; and

“(B) to provide funds necessary to maintain a reserve.

“(2) OVERPAYMENTS.—The authority to collect transaction fees and assessments in accordance with this section shall include the authority to offset from such collection any overpayment of transaction fees or assessments, regardless of the fiscal year in which such overpayment is made.”;

(2) in subsection (e)(2), by striking “September 30” and inserting “September 25”;

(3) in subsection (g), by striking “April 30” and inserting “August 31”;

(4) by amending subsection (i) to read as follows:

“(i) FEE COLLECTIONS.—Fees and assessments collected pursuant to this section shall be deposited and credited in accordance with section 4(g) of this title.”;

(5) by amending subsection (j) to read as follows:

“(j) ADJUSTMENTS TO TRANSACTION FEE RATES.—

“(1) ANNUAL ADJUSTMENT.—For each fiscal year, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including assessments collected under subsection (d)) that are equal to the budget of the Commission for such fiscal year, plus amounts necessary to maintain a reserve.

“(2) MID-YEAR ADJUSTMENT.—For each fiscal year, the Commission shall determine, by March 1 of such fiscal year, whether, based on the actual aggregate dollar volume of sales during the first 4 months of such fiscal year, the baseline estimate of the aggregate dollar volume of sales used under paragraph (1) for such fiscal year is reasonably likely to be 10 percent (or more) greater or less than the actual aggregate dollar volume of sales for such fiscal year. If the Commission so determines, the Commission shall by

order, not later than March 1, adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the revised estimate of the aggregate dollar amount of sales for the remainder of such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including fees estimated to be collected under subsections (b) and (c) during such fiscal year prior to the effective date of the new uniform adjusted rate and assessments collected under subsection (d)) that are equal to the budget of the Commission for such fiscal year, plus amounts necessary to maintain a reserve. In making such revised estimate, the Commission shall, after consultation with the Congressional Budget Office and the Office of Management and Budget, use the same methodology required by paragraph (4).

“(3) REVIEW AND EFFECTIVE DATE.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5 United States Code. An adjusted rate prescribed under paragraph (1) or (2) and published under subsection (g) shall not be subject to judicial review. An adjusted rate prescribed under paragraph (1) shall take effect on the first day of the fiscal year to which such rate applies. An adjusted rate prescribed under paragraph (2) shall take effect on April 1 of the fiscal year to which such rate applies.

“(4) BASELINE ESTIMATE OF THE AGGREGATE DOLLAR AMOUNT OF SALES.—For purposes of this subsection, the baseline estimate of the aggregate dollar amount of sales for any fiscal year is the baseline estimate of the aggregate dollar amount of sales of securities (other than bonds, debentures, other evidences of indebtedness, security futures products, and options on securities indexes excluding a narrow-based security index) to be transacted on each national securities exchange and by or through any member of each national securities association (otherwise than on a national securities exchange) during such fiscal year as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget, using the methodology required for making projections pursuant to section 907 of title 2.”; and

(6) by striking subsections (k) and (l).

(c) CONFORMING AMENDMENTS TO REGISTRATION FEE PROVISIONS.—

(1) SECTION 6(b) OF THE SECURITIES ACT OF 1933.—Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended—

(A) by striking “offsetting” each place that term appears and inserting “fee”;

(B) in paragraph (3), in the paragraph heading, by striking “OFFSETTING” and inserting “FEE”;

(C) in paragraph (11)(A), in the subparagraph heading, by striking “OFFSETTING” and inserting “FEE”;

(D) by striking paragraphs (1), (3), (4), (6), (8), and (9);

(E) by redesignating paragraph (2) as paragraph (1);

(F) in paragraph (1), as so redesignated, by striking “(5) or (6)” and inserting “(3)”;

(G) by inserting after paragraph (1), as so redesignated, the following:

“(2) FEE COLLECTIONS.—Fees collected pursuant to this subsection shall be deposited and credited in accordance with section 4(i) of the Securities Exchange Act of 1934.”;

(H) by redesignating paragraph (5) as paragraph (3);

(I) in paragraph (3), as redesignated—

(i) by striking “of the fiscal years 2003 through 2011” and inserting “fiscal year”; and

(ii) by striking “paragraph (2)” and inserting “paragraph (1)”;

(J) by redesignating paragraph (7) as paragraph (4);

(K) by inserting after paragraph (4), as so redesignated, the following:

“(5) REVIEW AND EFFECTIVE DATE.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (3) and published under paragraph (6) shall not be subject to judicial review. An adjusted rate prescribed under paragraph (3) shall take effect on the first day of the fiscal year to which such rate applies.”;

(L) by redesignating paragraphs (10) and (11), as paragraphs (6) and (7);

(M) in paragraph (6), as redesignated, by striking “April 30” and inserting “August 31”; and

(N) in paragraph (7), as redesignated—

(i) by striking “of the fiscal years 2002 through 2011” and inserting “fiscal year”; and

(ii) by inserting at the end of the table in subparagraph (A) the following:

| | |
|--|---|
| 2012 and each succeeding fiscal year. | An amount that is equal to the target fee collection amount for the prior fiscal year adjusted by the rate of inflation. |
|--|---|

(2) SECTION 13(e) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 13(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)) is amended—

(A) by striking “offsetting” each place that term appears and inserting “fee”;

(B) in paragraph (3) by striking “paragraphs (5) and (6)” and inserting “paragraph (5)”;

(C) by amending paragraph (4) to read as follows:

“(4) FEE COLLECTIONS.—Fees collected pursuant to this subsection shall be deposited and credited in accordance with section 4(g) of this title.”;

(D) in paragraph (5), by striking “of the fiscal years 2003 through 2011” and inserting “fiscal year”;

(E) by striking paragraphs (6), (7), and (8);

(F) by redesignating paragraph (7) as paragraph (6);

(G) by inserting after paragraph (6), as so redesignated, the following:

“(7) REVIEW AND EFFECTIVE DATE.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5. An adjusted rate prescribed under paragraph (5) and published under paragraph (8) shall not be subject to judicial review. An adjusted rate prescribed under paragraph (5) shall take effect on the first day of the fiscal year to which such rate applies.”;

(H) by striking paragraph (9);

(I) by redesignating paragraph (10) as paragraph (8); and

(J) in paragraph (8), as so redesignated, by striking “6(b)(10)” and inserting “6(b)(6)”.

(3) SECTION 14 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 14(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(g)) is amended—

(A) by striking the word “offsetting” each time that it appears and inserting in its place the word “fee”;

(B) in paragraph (1)(A), by striking “paragraphs (5) and (6)” each time it appears and inserting “paragraph (5)”;

(C) in paragraph (3), by striking “paragraphs (5) and (6)” and inserting “paragraph (5)”;

(D) by amending paragraph (4) to read as follows:

“(4) FEE COLLECTIONS.—Fees collected pursuant to this subsection shall be deposited and credited in accordance with section 4(g) of this title.”;

(E) in paragraph (5), by striking “of the fiscal years 2003 through 2011” and inserting “fiscal year”;

(F) by striking paragraphs (6), (8), and (9);

(G) by redesignating paragraph (7) as paragraph (6);

(H) by inserting after paragraph (6), as so redesignated, the following:

“(7) REVIEW AND EFFECTIVE DATE.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5. An adjusted rate prescribed under paragraph (5) and published under paragraph (8) shall not be subject to judicial review. An adjusted rate prescribed under paragraph (5) shall take effect on the first day of the fiscal year to which such rate applies.”;

(I) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively; and

(J) in paragraph (9), as so redesignated, by striking “6(b)(10)” and inserting “6(b)(7)”.

(d) REPEAL OF AUTHORIZATION OF APPROPRIATIONS.—Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is repealed.

(e) EFFECTIVE DATE AND TRANSITION PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall be effective on the first day of the fiscal year following the fiscal year in which this Act is enacted.

(2) TRANSITION PERIOD.—For the fiscal year following the fiscal year in which this Act is enacted, the budget of the Commission shall be deemed to be the budget submitted by the Chairman of the Commission to the President for such fiscal year in accordance with the provisions of section 1108 of title 31, United States Code.

(3) OTHER PROVISIONS.—The amendments made by this section to subsections (g) and (j)(1) of section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be effective on the date of enactment of this Act, and shall require the Commission to make and publish an annual adjustment to the fee rates applicable under subsections (b) and (c) of section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) for the fiscal year following the fiscal year in which this Act is enacted. The adjusted rate described in the preceding sentence shall supersede any previously published adjusted rate applicable under subsections (b) and (c) of section 31 of the Securities Exchange Act of 1934 for the fiscal year following the fiscal year in which this Act is enacted and shall take effect on the first day of the fiscal year following the fiscal year in which this Act is enacted, except that, if this Act is enacted on or after August 31 and on or prior to September 30, the adjusted rate described in the first sentence shall be published not later than 15 days after the date of enactment of this Act and take effect 30 days thereafter, and the Commission shall continue to collect fees under subsections (b) and (c) of section 31 of the Securities Exchange Act of 1934 at the rate in effect during the preceding fiscal year until the adjusted rate is effective.

TITLE X—BUREAU OF CONSUMER FINANCIAL PROTECTION

SEC. 1001. SHORT TITLE.

This title may be cited as the “Consumer Financial Protection Act of 2010”.

SEC. 1002. DEFINITIONS.

Except as otherwise provided in this title, for purposes of this title, the following definitions shall apply:

(1) AFFILIATE.—The term “affiliate” means any person that controls, is controlled by, or is under common control with another person.

(2) **BUREAU.**—The term “Bureau” means the Bureau of Consumer Financial Protection.

(3) **BUSINESS OF INSURANCE.**—The term “business of insurance” means the writing of insurance or the reinsuring of risks by an insurer, including all acts necessary to such writing or reinsuring and the activities relating to the writing of insurance or the reinsuring of risks conducted by persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons.

(4) **CONSUMER.**—The term “consumer” means an individual or an agent, trustee, or representative acting on behalf of an individual.

(5) **CONSUMER FINANCIAL PRODUCT OR SERVICE.**—The term “consumer financial product or service” means any financial product or service that is described in one or more categories under—

(A) paragraph (13) and is offered or provided for use by consumers primarily for personal, family, or household purposes; or

(B) clause (i), (iii), (ix), or (x) of paragraph (13)(A), and is delivered, offered, or provided in connection with a consumer financial product or service referred to in subparagraph (A).

(6) **COVERED PERSON.**—The term “covered person” means—

(A) any person that engages in offering or providing a consumer financial product or service; and

(B) any affiliate of a person described in subparagraph (A) if such affiliate acts as a service provider to such person.

(7) **CREDIT.**—The term “credit” means the right granted by a person to a consumer to defer payment of a debt, incur debt and defer its payment, or purchase property or services and defer payment for such purchase.

(8) **DEPOSIT-TAKING ACTIVITY.**—The term “deposit-taking activity” means—

(A) the acceptance of deposits, maintenance of deposit accounts, or the provision of services related to the acceptance of deposits or the maintenance of deposit accounts;

(B) the acceptance of funds, the provision of other services related to the acceptance of funds, or the maintenance of member share accounts by a credit union; or

(C) the receipt of funds or the equivalent thereof, as the Bureau may determine by rule or order, received or held by a covered person (or an agent for a covered person) for the purpose of facilitating a payment or transferring funds or value of funds between a consumer and a third party.

(9) **DESIGNATED TRANSFER DATE.**—The term “designated transfer date” means the date established under section 1062.

(10) **DIRECTOR.**—The term “Director” means the Director of the Bureau.

(11) **ENUMERATED CONSUMER LAWS.**—The term “enumerated consumer laws” means—

(A) the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.);

(B) the Consumer Leasing Act of 1976 (15 U.S.C. 1667 et seq.);

(C) the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.);

(D) the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.);

(E) the Fair Credit Billing Act (15 U.S.C. 1666 et seq.);

(F) the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), except with respect to sections 615(e) and 628 of that Act (15 U.S.C. 1681m(e), 1681w);

(G) the Home Owners Protection Act of 1998 (12 U.S.C. 4901 et seq.);

(H) the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.);

(I) subsections (b) through (f) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831(c)–(f));

(J) sections 502 through 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802–6809) except for section 505 as it applies to section 501(b);

(K) the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.);

(L) the Home Ownership and Equity Protection Act of 1994 (15 U.S.C. 1601 note);

(M) the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.);

(N) the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.);

(O) the Truth in Lending Act (15 U.S.C. 1601 et seq.);

(P) the Truth in Savings Act (12 U.S.C. 4301 et seq.); and

(Q) section 626 of the Omnibus Appropriations Act, 2009 (Public Law 111–8).

(12) **FEDERAL CONSUMER FINANCIAL LAW.**—The term “Federal consumer financial law” means the provisions of this title, the enumerated consumer laws, the laws for which authorities are transferred under subtitles F and H, and any rule or order prescribed by the Bureau under this title, an enumerated consumer law, or pursuant to the authorities transferred under subtitles F and H. The term does not include the Federal Trade Commission Act.

(13) **FINANCIAL PRODUCT OR SERVICE.**—The term “financial product or service” means—

(A) means—

(i) extending credit and servicing loans, including acquiring, purchasing, selling, brokering, or other extensions of credit (other than solely extending commercial credit to a person who originates consumer credit transactions);

(ii) extending or brokering leases of personal or real property that are the functional equivalent of purchase finance arrangements, if—

(I) the lease is on a non-operating basis;

(II) the initial term of the lease is at least 90 days; and

(III) in the case of a lease involving real property, at the inception of the initial lease, the transaction is intended to result in ownership of the leased property to be transferred to the lessee, subject to standards prescribed by the Bureau;

(iii) providing real estate settlement services or performing appraisals of real estate or personal property;

(iv) engaging in deposit-taking activities, transmitting or exchanging funds, or otherwise acting as a custodian of funds or any financial instrument for use by or on behalf of a consumer;

(v) selling, providing, or issuing stored value or payment instruments, except that, in the case of a sale of, or transaction to reload, stored value, only if the seller exercises substantial control over the terms or conditions of the stored value provided to the consumer where, for purposes of this clause—

(I) a seller shall not be found to exercise substantial control over the terms or conditions of the stored value if the seller is not a party to the contract with the consumer for the stored value product, and another person is principally responsible for establishing the terms or conditions of the stored value; and

(II) advertising the nonfinancial goods or services of the seller on the stored value card or device is not in itself an exercise of substantial control over the terms or conditions;

(vi) providing check cashing, check collection, or check guaranty services;

(vii) providing payments or other financial data processing products or services to a consumer by any technological means, including processing or storing financial or banking data for any payment instrument, or through any payments systems or network used for processing payments data, including payments made through an online banking system or mobile

telecommunications network, except that a person shall not be deemed to be a covered person with respect to financial data processing solely because the person—

(I) unknowingly or incidentally processes, stores, or transmits over the Internet, telephone line, mobile network, or any other mode of transmission, as part of a stream of other types of data, financial data in a manner that such data is undifferentiated from other types of data of the same form that the person processes, stores, or transmits;

(II) is a merchant, retailer, or seller of any nonfinancial good or service who engages in financial data processing by transmitting or storing payments data about a consumer exclusively for purpose of initiating payments instructions by the consumer to pay such person for the purchase of, or to complete a commercial transaction for, such nonfinancial good or service sold directly by such person to the consumer; or

(III) provides access to a host server to a person for purposes of enabling that person to establish and maintain a website;

(viii) providing financial advisory services to consumers on individual financial matters or relating to proprietary financial products or services (other than by publishing any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation, including publishing market data, news, or data analytics or investment information or recommendations that are not tailored to the individual needs of a particular consumer), including—

(I) providing credit counseling to any consumer; and

(II) providing services to assist a consumer with debt management or debt settlement, modifying the terms of any extension of credit, or avoiding foreclosure;

(ix) collecting, analyzing, maintaining, or providing consumer report information or other account information, including information relating to the credit history of consumers, used or expected to be used in connection with any decision regarding the offering or provision of a consumer financial product or service, except to the extent that—

(I) a person—

(aa) collects, analyzes, or maintains information that relates solely to the transactions between a consumer and such person; or

(bb) provides the information described in item (aa) to an affiliate of such person; and

(II) the information described in subclause (I)(aa) is not used by such person or affiliate in connection with any decision regarding the offering or provision of a consumer financial product or service to the consumer, other than credit described in section 1027(a)(2)(A);

(x) collecting debt related to any consumer financial product or service; and

(xi) such other financial product or service as may be defined by the Bureau, by regulation, for purposes of this title, if the Bureau finds that such financial product or service is—

(I) entered into or conducted as a subterfuge or with a purpose to evade any Federal consumer financial law; or

(II) permissible for a bank or for a financial holding company to offer or to provide under any provision of a Federal law or regulation applicable to a bank or a financial holding company, and has, or likely will have, a material impact on consumers; and

(B) does not include the business of insurance.

(14) **FOREIGN EXCHANGE.**—The term “foreign exchange” means the exchange, for compensation, of currency of the United States or of a foreign government for currency of another government.

(15) **INSURED CREDIT UNION.**—The term “insured credit union” has the same meaning as in

section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(16) **PAYMENT INSTRUMENT.**—The term “payment instrument” means a check, draft, warrant, money order, traveler’s check, electronic instrument, or other instrument, payment of funds, or monetary value (other than currency).

(17) **PERSON.**—The term “person” means an individual, partnership, company, corporation, association (incorporated or unincorporated), trust, estate, cooperative organization, or other entity.

(18) **PERSON REGULATED BY THE COMMODITY FUTURES TRADING COMMISSION.**—The term “person regulated by the Commodity Futures Trading Commission” means any person that is registered, or required by statute or regulation to be registered, with the Commodity Futures Trading Commission, but only to the extent that the activities of such person are subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act.

(19) **PERSON REGULATED BY THE COMMISSION.**—The term “person regulated by the Commission” means a person who is—

(A) a broker or dealer that is required to be registered under the Securities Exchange Act of 1934;

(B) an investment adviser that is registered under the Investment Advisers Act of 1940;

(C) an investment company that is required to be registered under the Investment Company Act of 1940, and any company that has elected to be regulated as a business development company under that Act;

(D) a national securities exchange that is required to be registered under the Securities Exchange Act of 1934;

(E) a transfer agent that is required to be registered under the Securities Exchange Act of 1934;

(F) a clearing corporation that is required to be registered under the Securities Exchange Act of 1934;

(G) any self-regulatory organization that is required to be registered with the Commission;

(H) any nationally recognized statistical rating organization that is required to be registered with the Commission;

(I) any securities information processor that is required to be registered with the Commission;

(J) any municipal securities dealer that is required to be registered with the Commission;

(K) any other person that is required to be registered with the Commission under the Securities Exchange Act of 1934; and

(L) any employee, agent, or contractor acting on behalf of, registered with, or providing services to, any person described in any of subparagraphs (A) through (K), but only to the extent that any person described in any of subparagraphs (A) through (K), or the employee, agent, or contractor of such person, acts in a regulated capacity.

(20) **PERSON REGULATED BY A STATE INSURANCE REGULATOR.**—The term “person regulated by a State insurance regulator” means any person that is engaged in the business of insurance and subject to regulation by any State insurance regulator, but only to the extent that such person acts in such capacity.

(21) **PERSON THAT PERFORMS INCOME TAX PREPARATION ACTIVITIES FOR CONSUMERS.**—The term “person that performs income tax preparation activities for consumers” means—

(A) any tax return preparer (as defined in section 7701(a)(36) of the Internal Revenue Code of 1986), regardless of whether compensated, but only to the extent that the person acts in such capacity;

(B) any person regulated by the Secretary under section 330 of title 31, United States Code, but only to the extent that the person acts in such capacity; and

(C) any authorized IRS e-file Providers (as defined for purposes of section 7216 of the Internal Revenue Code of 1986), but only to the extent that the person acts in such capacity.

(22) **PRUDENTIAL REGULATOR.**—The term “prudential regulator” means—

(A) in the case of an insured depository institution, the appropriate Federal banking agency, as that term is defined in section 3 of the Federal Deposit Insurance Act; and

(B) in the case of an insured credit union, the National Credit Union Administration.

(23) **RELATED PERSON.**—The term “related person” means—

(A) shall apply only with respect to a covered person that is not a bank holding company (as that term is defined in section 2 of the Bank Holding Company Act of 1956), credit union, or depository institution;

(B) shall be deemed to mean a covered person for all purposes of any provision of Federal consumer financial law; and

(C) means—

(i) any director, officer, or employee charged with managerial responsibility for, or controlling shareholder of, or agent for, such covered person;

(ii) any shareholder, consultant, joint venture partner, or other person, as determined by the Bureau (by rule or on a case-by-case basis) who materially participates in the conduct of the affairs of such covered person; and

(iii) any independent contractor (including any attorney, appraiser, or accountant) who knowingly or recklessly participates in any—

(I) violation of any provision of law or regulation; or

(II) breach of a fiduciary duty.

(24) **SERVICE PROVIDER.**—

(A) **IN GENERAL.**—The term “service provider” means any person that provides a material service to a covered person in connection with the offering or provision by such covered person of a consumer financial product or service, including a person that—

(i) participates in designing, operating, or maintaining the consumer financial product or service; or

(ii) processes transactions relating to the consumer financial product or service (other than unknowingly or incidentally transmitting or processing financial data in a manner that such data is undifferentiated from other types of data of the same form as the person transmits or processes).

(B) **EXCEPTIONS.**—The term “service provider” does not include a person solely by virtue of such person offering or providing to a covered person—

(i) a support service of a type provided to businesses generally or a similar ministerial service; or

(ii) time or space for an advertisement for a consumer financial product or service through print, newspaper, or electronic media.

(C) **RULE OF CONSTRUCTION.**—A person that is a service provider shall be deemed to be a covered person to the extent that such person engages in the offering or provision of its own consumer financial product or service.

(25) **STATE.**—The term “State” means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, or the United States Virgin Islands or any federally recognized Indian tribe, as defined by the Secretary of the Interior under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1(a)).

(26) **STORED VALUE.**—The term “stored value” means funds or monetary value represented in any electronic format, whether or not specially encrypted, and stored or capable of storage on

electronic media in such a way as to be retrievable and transferred electronically, and includes a prepaid debit card or product, or any other similar product, regardless of whether the amount of the funds or monetary value may be increased or reloaded.

(27) **TRANSMITTING OR EXCHANGING FUNDS.**—The term “transmitting or exchanging funds” means receiving currency, monetary value, or payment instruments from a consumer for the purpose of exchanging or transmitting the same by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services or through other businesses that facilitate third-party transfers within the United States or to or from the United States.

Subtitle A—Bureau of Consumer Financial Protection

SEC. 1011. ESTABLISHMENT OF THE BUREAU.

(a) **BUREAU ESTABLISHED.**—There is established in the Federal Reserve System the Bureau of Consumer Financial Protection, which shall regulate the offering and provision of consumer financial products or services under the Federal consumer financial laws.

(b) **DIRECTOR AND DEPUTY DIRECTOR.**—

(1) **IN GENERAL.**—There is established the position of the Director, who shall serve as the head of the Bureau.

(2) **APPOINTMENT.**—Subject to paragraph (3), the Director shall be appointed by the President, by and with the advice and consent of the Senate.

(3) **QUALIFICATION.**—The President shall nominate the Director from among individuals who are citizens of the United States.

(4) **COMPENSATION.**—The Director shall be compensated at the rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(5) **DEPUTY DIRECTOR.**—There is established the position of Deputy Director, who shall—

(A) be appointed by the Director; and

(B) serve as acting Director in the absence or unavailability of the Director.

(c) **TERM.**—

(1) **IN GENERAL.**—The Director shall serve for a term of 5 years.

(2) **EXPIRATION OF TERM.**—An individual may serve as Director after the expiration of the term for which appointed, until a successor has been appointed and qualified.

(3) **REMOVAL FOR CAUSE.**—The President may remove the Director for inefficiency, neglect of duty, or malfeasance in office.

(d) **SERVICE RESTRICTION.**—No Director or Deputy Director may hold any office, position, or employment in any Federal reserve bank, Federal home loan bank, covered person, or service provider during the period of service of such person as Director or Deputy Director.

(e) **OFFICES.**—The principal office of the Bureau shall be in the District of Columbia. The Director may establish regional offices of the Bureau, including in cities in which the Federal reserve banks, or branches of such banks, are located, in order to carry out the responsibilities assigned to the Bureau under the Federal consumer financial laws.

SEC. 1012. EXECUTIVE AND ADMINISTRATIVE POWERS.

(a) **POWERS OF THE BUREAU.**—The Bureau is authorized to establish the general policies of the Bureau with respect to all executive and administrative functions, including—

(1) the establishment of rules for conducting the general business of the Bureau, in a manner not inconsistent with this title;

(2) to bind the Bureau and enter into contracts;

(3) directing the establishment and maintenance of divisions or other offices within the Bureau, in order to carry out the responsibilities

under the Federal consumer financial laws, and to satisfy the requirements of other applicable law;

(4) to coordinate and oversee the operation of all administrative, enforcement, and research activities of the Bureau;

(5) to adopt and use a seal;

(6) to determine the character of and the necessity for the obligations and expenditures of the Bureau;

(7) the appointment and supervision of personnel employed by the Bureau;

(8) the distribution of business among personnel appointed and supervised by the Director and among administrative units of the Bureau;

(9) the use and expenditure of funds;

(10) implementing the Federal consumer financial laws through rules, orders, guidance, interpretations, statements of policy, examinations, and enforcement actions; and

(11) performing such other functions as may be authorized or required by law.

(b) **DELEGATION OF AUTHORITY.**—The Director of the Bureau may delegate to any duly authorized employee, representative, or agent any power vested in the Bureau by law.

(c) **AUTONOMY OF THE BUREAU.**—

(1) **COORDINATION WITH THE BOARD OF GOVERNORS.**—Notwithstanding section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) and any other provision of law applicable to the supervision or examination of persons with respect to Federal consumer financial laws, the Board of Governors may delegate to the Bureau the authorities to examine persons subject to the jurisdiction of the Board of Governors for compliance with the Federal consumer financial laws.

(2) **AUTONOMY.**—Notwithstanding the authorities granted to the Board of Governors under the Federal Reserve Act, the Board of Governors may not—

(A) intervene in any matter or proceeding before the Director, including examinations or enforcement actions, unless otherwise specifically provided by law;

(B) appoint, direct, or remove any officer or employee of the Bureau; or

(C) merge or consolidate the Bureau, or any of the functions or responsibilities of the Bureau, with any division or office of the Board of Governors or the Federal reserve banks.

(3) **RULES AND ORDERS.**—No rule or order of the Bureau shall be subject to approval or review by the Board of Governors. The Board of Governors may not delay or prevent the issuance of any rule or order of the Bureau.

(4) **RECOMMENDATIONS AND TESTIMONY.**—No officer or agency of the United States shall have any authority to require the Director or any other officer of the Bureau to submit legislative recommendations, or testimony or comments on legislation, to any officer or agency of the United States for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to the Congress, if such recommendations, testimony, or comments to the Congress include a statement indicating that the views expressed therein are those of the Director or such officer, and do not necessarily reflect the views of the Board of Governors or the President.

SEC. 1013. ADMINISTRATION.

(a) **PERSONNEL.**—

(1) **APPOINTMENT.**—

(A) **IN GENERAL.**—The Director may fix the number of, and appoint and direct, all employees of the Bureau.

(B) **EMPLOYEES OF THE BUREAU.**—The Director is authorized to employ attorneys, compliance examiners, compliance supervision analysts, economists, statisticians, and other employees as may be deemed necessary to conduct the business of the Bureau. Notwithstanding any other

provision of law, all such employees shall be appointed and compensated on terms and conditions that are consistent with the terms and conditions set forth in section 11(l) of the Federal Reserve Act (12 U.S.C. 248(l)).

(2) **COMPENSATION.**—The Director shall at all times provide compensation and benefits to each class of employees that, at a minimum, are equivalent to the compensation and benefits then being provided by the Board of Governors for the corresponding class of employees.

(b) **SPECIFIC FUNCTIONAL UNITS.**—

(1) **RESEARCH.**—The Director shall establish a unit whose functions shall include researching, analyzing, and reporting on—

(A) developments in markets for consumer financial products or services, including market areas of alternative consumer financial products or services with high growth rates and areas of risk to consumers;

(B) access to fair and affordable credit for traditionally underserved communities;

(C) consumer awareness, understanding, and use of disclosures and communications regarding consumer financial products or services;

(D) consumer awareness and understanding of costs, risks, and benefits of consumer financial products or services; and

(E) consumer behavior with respect to consumer financial products or services.

(2) **COMMUNITY AFFAIRS.**—The Director shall establish a unit whose functions shall include providing information, guidance, and technical assistance regarding the offering and provision of consumer financial products or services to traditionally underserved consumers and communities.

(3) **COLLECTING AND TRACKING COMPLAINTS.**—

(A) **IN GENERAL.**—The Director shall establish a unit whose functions shall include establishing a single, toll-free telephone number, a website, and a database or utilizing an existing database to facilitate the centralized collection of, monitoring of, and response to consumer complaints regarding consumer financial products or services. The Director shall coordinate with the Federal Trade Commission or other Federal agencies to route complaints to such agencies, where appropriate.

(B) **ROUTING CALLS TO STATES.**—To the extent practicable, State agencies may receive appropriate complaints from the systems established under subparagraph (A), if—

(i) the State agency system has the functional capacity to receive calls or electronic reports routed by the Bureau systems; and

(ii) the State agency has satisfied any conditions of participation in the system that the Bureau may establish, including treatment of personally identifiable information and sharing of information on complaint resolution or related compliance procedures and resources.

(C) **REPORTS TO THE CONGRESS.**—The Director shall present an annual report to Congress not later than March 31 of each year on the complaints received by the Bureau in the prior year regarding consumer financial products and services. Such report shall include information and analysis about complaint numbers, complaint types, and, where applicable, information about resolution of complaints.

(D) **DATA SHARING REQUIRED.**—To facilitate preparation of the reports required under subparagraph (C), supervision and enforcement activities, and monitoring of the market for consumer financial products and services, the Bureau shall share consumer complaint information with prudential regulators, the Federal Trade Commission, other Federal agencies, and State agencies, consistent with Federal law applicable to personally identifiable information. The prudential regulators, the Federal Trade Commission, and other Federal agencies shall share data relating to consumer complaints re-

garding consumer financial products and services with the Bureau, consistent with Federal law applicable to personally identifiable information.

(c) **OFFICE OF FAIR LENDING AND EQUAL OPPORTUNITY.**—

(1) **ESTABLISHMENT.**—The Director shall establish within the Bureau the Office of Fair Lending and Equal Opportunity.

(2) **FUNCTIONS.**—The Office of Fair Lending and Equal Opportunity shall have such powers and duties as the Director may delegate to the Office, including—

(A) providing oversight and enforcement of Federal laws intended to ensure the fair, equitable, and nondiscriminatory access to credit for both individuals and communities that are enforced by the Bureau, including the Equal Credit Opportunity Act and the Home Mortgage Disclosure Act;

(B) coordinating fair lending and fair housing efforts of the Bureau with other Federal agencies and State regulators, as appropriate, to promote consistent, efficient, and effective enforcement of Federal fair lending laws;

(C) working with private industry, fair lending, civil rights, consumer and community advocates on the promotion of fair lending compliance and education; and

(D) providing annual reports to Congress on the efforts of the Bureau to fulfill its fair lending mandate.

(3) **ADMINISTRATION OF OFFICE.**—There is established the position of Assistant Director of the Bureau for Fair Lending and Equal Opportunity, who—

(A) shall be appointed by the Director; and

(B) shall carry out such duties as the Director may delegate to such Assistant Director.

(d) **OFFICE OF FINANCIAL LITERACY.**—

(1) **ESTABLISHMENT.**—The Director shall establish an Office of Financial Literacy, which shall be responsible for developing and implementing initiatives intended to educate and empower consumers to make better informed financial decisions.

(2) **OTHER DUTIES.**—The Office of Financial Literacy shall develop and implement a strategy to improve the financial literacy of consumers that includes measurable goals and objectives, in consultation with the Financial Literacy and Education Commission, consistent with the National Strategy for Financial Education, through activities including providing opportunities for consumers to access—

(A) financial counseling;

(B) information to assist with the evaluation of credit products and the understanding of credit histories and scores;

(C) savings, borrowing, and other services found at mainstream financial institutions;

(D) activities intended to—

(i) prepare the consumer for educational expenses and the submission of financial aid applications, and other major purchases;

(ii) reduce debt; and

(iii) improve the financial situation of the consumer;

(E) assistance in developing long-term savings strategies; and

(F) wealth building and financial services during the preparation process to claim earned income tax credits and Federal benefits.

(3) **COORDINATION.**—The Office of Financial Literacy shall coordinate with other units within the Bureau in carrying out its functions, including—

(A) working with the Community Affairs Office to implement the strategy to improve financial literacy of consumers; and

(B) working with the research unit established by the Director to conduct research related to consumer financial education and counseling.

(4) **REPORT.**—Not later than 24 months after the designated transfer date, and annually

thereafter, the Director shall submit a report on its financial literacy activities and strategy to improve financial literacy of consumers to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(5) **MEMBERSHIP IN FINANCIAL LITERACY AND EDUCATION COMMISSION.**—Section 513(c)(1) of the Financial Literacy and Education Improvement Act (20 U.S.C. 9702(c)(1)) is amended—

(A) in subparagraph (B), by striking “and” at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

“(C) the Director of the Bureau of Consumer Financial Protection; and”.

(6) **CONFORMING AMENDMENT.**—Section 513(d) of the Financial Literacy and Education Improvement Act (20 U.S.C. 9702(d)) is amended by adding at the end the following: “The Director of the Bureau of Consumer Financial Protection shall serve as the Vice Chairman.”.

(e) **OFFICE OF SERVICE MEMBER AFFAIRS.**—

(1) **IN GENERAL.**—The Director shall establish an Office of Service Member Affairs, which shall be responsible for developing and implementing initiatives for service members and their families intended to—

(A) educate and empower service members and their families to make better informed decisions regarding consumer financial products and services;

(B) coordinate with the unit of the Bureau established under subsection (b)(3), in order to monitor complaints by service members and their families and responses to those complaints by the Bureau or other appropriate Federal or State agency; and

(C) coordinate efforts among Federal and State agencies, as appropriate, regarding consumer protection measures relating to consumer financial products and services offered to, or used by, service members and their families.

(2) **COORDINATION.**—

(A) **REGIONAL SERVICES.**—The Director is authorized to assign employees of the Bureau as may be deemed necessary to conduct the business of the Office of Service Member Affairs, including by establishing and maintaining the functions of the Office in regional offices of the Bureau located near military bases, military treatment facilities, or other similar military facilities.

(B) **AGREEMENTS.**—The Director is authorized to enter into memoranda of understanding and similar agreements with the Department of Defense, including any branch or agency as authorized by the department, in order to carry out the business of the Office of Service Member Affairs.

(3) **DEFINITION.**—As used in this subsection, the term “service member” means any member of the United States Armed Forces and any member of the National Guard or Reserves.

SEC. 1014. CONSUMER ADVISORY BOARD.

(a) **ESTABLISHMENT REQUIRED.**—The Director shall establish a Consumer Advisory Board to advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws, and to provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.

(b) **MEMBERSHIP.**—In appointing the members of the Consumer Advisory Board, the Director shall seek to assemble experts in consumer protection, financial services, community development, fair lending, and consumer financial products or services and seek representation of the interests of covered persons and consumers,

without regard to party affiliation. Not fewer than 6 members shall be appointed upon the recommendation of the regional Federal Reserve Bank Presidents, on a rotating basis.

(c) **MEETINGS.**—The Consumer Advisory Board shall meet from time to time at the call of the Director, but, at a minimum, shall meet at least twice in each year.

(d) **COMPENSATION AND TRAVEL EXPENSES.**—Members of the Consumer Advisory Board who are not full-time employees of the United States shall—

(1) be entitled to receive compensation at a rate fixed by the Director while attending meetings of the Consumer Advisory Board, including travel time; and

(2) be allowed travel expenses, including transportation and subsistence, while away from their homes or regular places of business.

SEC. 1015. COORDINATION.

The Bureau shall coordinate with the Commission, the Commodity Futures Trading Commission, the Federal Trade Commission, and other Federal agencies and State regulators, as appropriate, to promote consistent regulatory treatment of consumer financial and investment products and services.

SEC. 1016. APPEARANCES BEFORE AND REPORTS TO CONGRESS.

(a) **APPEARANCES BEFORE CONGRESS.**—The Director of the Bureau shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives at semi-annual hearings regarding the reports required under subsection (b).

(b) **REPORTS REQUIRED.**—The Bureau shall, concurrent with each semi-annual hearing referred to in subsection (a), prepare and submit to the President and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, a report, beginning with the session following the designated transfer date.

(c) **CONTENTS.**—The reports required by subsection (b) shall include—

(1) a discussion of the significant problems faced by consumers in shopping for or obtaining consumer financial products or services;

(2) a justification of the budget request of the previous year;

(3) a list of the significant rules and orders adopted by the Bureau, as well as other significant initiatives conducted by the Bureau, during the preceding year and the plan of the Bureau for rules, orders, or other initiatives to be undertaken during the upcoming period;

(4) an analysis of complaints about consumer financial products or services that the Bureau has received and collected in its central database on complaints during the preceding year;

(5) a list, with a brief statement of the issues, of the public supervisory and enforcement actions to which the Bureau was a party during the preceding year;

(6) the actions taken regarding rules, orders, and supervisory actions with respect to covered persons which are not credit unions or depository institutions;

(7) an assessment of significant actions by State attorneys general or State regulators relating to Federal consumer financial law; and

(8) an analysis of the efforts of the Bureau to fulfill the fair lending mission of the Bureau.

SEC. 1017. FUNDING; PENALTIES AND FINES.

(a) **TRANSFER OF FUNDS FROM BOARD OF GOVERNORS.**—

(1) **IN GENERAL.**—Each year (or quarter of such year), beginning on the designated transfer date, and each quarter thereafter, the Board of Governors shall transfer to the Bureau from the combined earnings of the Federal Reserve System, the amount determined by the Director to

be reasonably necessary to carry out the authorities of the Bureau under Federal consumer financial law, taking into account such other sums made available to the Bureau from the preceding year (or quarter of such year).

(2) **FUNDING CAP.**—

(A) **IN GENERAL.**—Notwithstanding paragraph (1), and in accordance with this paragraph, the amount that shall be transferred to the Bureau in each fiscal year shall not exceed a fixed percentage of the total operating expenses of the Federal Reserve System, as reported in the Annual Report, 2009, of the Board of Governors, equal to—

(i) 10 percent of such expenses in fiscal year 2011;

(ii) 11 percent of such expenses in fiscal year 2012; and

(iii) 12 percent of such expenses in fiscal year 2013, and in each year thereafter.

(B) **AMOUNT ADJUSTED FOR INFLATION.**—The dollar amount referred to in subparagraph (A)(iii) shall be adjusted annually, using the percent by which the average urban consumer price index for the quarter preceding the date of the payment differs from the average of that index for the same quarter in the prior year.

(3) **TRANSITION PERIOD.**—Beginning on the date of enactment of this Act and until the designated transfer date, the Board of Governors shall transfer to the Bureau the amount estimated by the Secretary needed to carry out the authorities granted to the Bureau under Federal consumer financial law, from the date of enactment of this Act until the designated transfer date.

(4) **BUDGET AND FINANCIAL MANAGEMENT.**—

(A) **FINANCIAL OPERATING PLANS AND FORECASTS.**—The Director shall provide to the Director of the Office of Management and Budget copies of the financial operating plans and forecasts of the Director, as prepared by the Director in the ordinary course of the operations of the Bureau, and copies of the quarterly reports of the financial condition and results of operations of the Bureau, as prepared by the Director in the ordinary course of the operations of the Bureau.

(B) **FINANCIAL STATEMENTS.**—The Bureau shall prepare annually a statement of—

(i) assets and liabilities and surplus or deficit;

(ii) income and expenses; and

(iii) sources and application of funds.

(C) **FINANCIAL MANAGEMENT SYSTEMS.**—The Bureau shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements and applicable Federal accounting standards.

(D) **ASSERTION OF INTERNAL CONTROLS.**—The Director shall provide to the Comptroller General of the United States an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Bureau, using the standards established in section 3512(c) of title 31, United States Code.

(E) **RULE OF CONSTRUCTION.**—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any report, plan, forecast, or other information referred to in subparagraph (A) or any jurisdiction or oversight over the affairs or operations of the Bureau.

(5) **AUDIT OF THE BUREAU.**—

(A) **IN GENERAL.**—The Comptroller General shall annually audit the financial transactions of the Bureau in accordance with the United States generally accepted government auditing standards, as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Bureau are normally kept. The

representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Bureau pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Bureau shall remain in possession and custody of the Bureau. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General, and the right of access of the Comptroller General to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

(B) **REPORT.**—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Bureau, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Bureau at the time submitted to the Congress.

(C) **ASSISTANCE AND COSTS.**—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Bureau shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.

(b) **CONSUMER FINANCIAL PROTECTION FUND.**—(1) **SEPARATE FUND IN FEDERAL RESERVE BOARD ESTABLISHED.**—There is established in the Federal Reserve Board a separate fund, to be known as the “Consumer Financial Protection Fund” (referred to in this section as the “Bureau Fund”).

(2) **FUND RECEIPTS.**—All amounts transferred to the Bureau under subsection (a) shall be deposited into the Bureau Fund.

(3) **INVESTMENT AUTHORITY.**—

(A) **AMOUNTS IN BUREAU FUND MAY BE INVESTED.**—The Bureau may request the Board of Governors to invest the portion of the Bureau Fund that is not, in the judgment of the Bureau, required to meet the current needs of the Bureau.

(B) **ELIGIBLE INVESTMENTS.**—Investments authorized by this paragraph shall be made by the Board of Governors in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Bureau Fund, as determined by the Bureau.

(C) **INTEREST AND PROCEEDS CREDITED.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Bureau Fund shall be credited to the Bureau Fund.

(c) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Funds obtained by, transferred to, or credited to the Bureau Fund shall be immediately available to the Bureau and under the control of the Director, and shall remain available until expended, to pay the expenses of the Bureau in carrying out its duties and responsibilities. The compensation of the Director and other employees of the Bureau and all other expenses thereof may be paid from, obtained by, transferred to, or credited to the Bureau Fund under this section.

(2) **FUNDS THAT ARE NOT GOVERNMENT FUNDS.**—Funds obtained by or transferred to the Bureau Fund shall not be construed to be Government funds or appropriated monies.

(3) **AMOUNTS NOT SUBJECT TO APPORTIONMENT.**—Notwithstanding any other provision of law, amounts in the Bureau Fund and in the Civil Penalty Fund established under subsection (d) shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or under any other authority.

(d) **PENALTIES AND FINES.**—

(1) **ESTABLISHMENT OF VICTIMS RELIEF FUND.**—There is established in the Federal Reserve Board a fund to be known as the “Consumer Financial Protection Civil Penalty Fund” (referred to in this subsection as the “Civil Penalty Fund”). If the Bureau obtains a civil penalty against any person in any judicial or administrative action under Federal consumer financial laws, the Bureau shall deposit into the Civil Penalty Fund, the amount of the penalty collected.

(2) **PAYMENT TO VICTIMS.**—Amounts in the Civil Penalty Fund shall be available to the Bureau, without fiscal year limitation, for payments to the victims of activities for which civil penalties have been imposed under the Federal consumer financial laws. To the extent such victims cannot be located or such payments are otherwise not practicable, the Bureau may use such funds for the purpose of consumer education and financial literacy programs.

SEC. 1018. EFFECTIVE DATE.

This subtitle shall become effective on the date of enactment of this Act.

Subtitle B—General Powers of the Bureau

SEC. 1021. PURPOSE, OBJECTIVES, AND FUNCTIONS.

(a) **PURPOSE.**—The Bureau shall seek to implement and, where applicable, enforce Federal consumer financial law consistently for the purpose of ensuring that markets for consumer financial products and services are fair, transparent, and competitive.

(b) **OBJECTIVES.**—The Bureau is authorized to exercise its authorities under Federal consumer financial law for the purposes of ensuring that, with respect to consumer financial products and services—

(1) consumers are provided with timely and understandable information to make responsible decisions about financial transactions;

(2) consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;

(3) outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens;

(4) Federal consumer financial law is enforced consistently, without regard to the status of a person as a depository institution, in order to promote fair competition; and

(5) markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

(c) **FUNCTIONS.**—The primary functions of the Bureau are—

(1) conducting financial education programs;

(2) collecting, investigating, and responding to consumer complaints;

(3) collecting, researching, monitoring, and publishing information relevant to the functioning of markets for consumer financial products and services to identify risks to consumers and the proper functioning of such markets;

(4) subject to sections 1024 through 1026, supervising covered persons for compliance with Federal consumer financial law, and taking appropriate enforcement action to address violations of Federal consumer financial law;

(5) issuing rules, orders, and guidance implementing Federal consumer financial law; and

(6) performing such support activities as may be necessary or useful to facilitate the other functions of the Bureau.

SEC. 1022. RULEMAKING AUTHORITY.

(a) **IN GENERAL.**—The Bureau is authorized to exercise its authorities under Federal consumer financial law to administer, enforce, and otherwise implement the provisions of Federal consumer financial law.

(b) **RULEMAKING, ORDERS, AND GUIDANCE.**—

(1) **GENERAL AUTHORITY.**—The Director may prescribe rules and issue orders and guidance, as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws, and to prevent evasions thereof.

(2) **STANDARDS FOR RULEMAKING.**—In prescribing a rule under the Federal consumer financial laws—

(A) the Bureau shall consider the potential benefits and costs to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products or services resulting from such rule;

(B) the Bureau shall consult with the appropriate prudential regulators or other Federal agencies prior to proposing a rule and during the comment process regarding consistency with prudential, market, or systemic objectives administered by such agencies; and

(C) if, during the consultation process described in subparagraph (B), a prudential regulator provides the Bureau with a written objection to the proposed rule of the Bureau or a portion thereof, the Bureau shall include in the adopting release a description of the objection and the basis for the Bureau decision, if any, regarding such objection, except that nothing in this clause shall be construed as altering or limiting the procedures under section 1023 that may apply to any rule prescribed by the Bureau.

(3) **EXEMPTIONS.**—

(A) **IN GENERAL.**—The Bureau, by rule, may conditionally or unconditionally exempt any class of covered persons, service providers, or consumer financial products or services, from any provision of this title, or from any rule issued under this title, as the Bureau determines necessary or appropriate to carry out the purposes and objectives of this title, taking into consideration the factors in subparagraph (B).

(B) **FACTORS.**—In issuing an exemption, as permitted under subparagraph (A), the Bureau shall, as appropriate, take into consideration—

(i) the total assets of the class of covered persons;

(ii) the volume of transactions involving consumer financial products or services in which the class of covered persons engages; and

(iii) existing provisions of law which are applicable to the consumer financial product or service and the extent to which such provisions provide consumers with adequate protections.

(4) **EXCLUSIVE RULEMAKING AUTHORITY.**—Notwithstanding any other provisions of Federal law and except as provided in section 1061(b)(5), to the extent that a provision of Federal consumer financial law authorizes the Bureau and another Federal agency to issue regulations

under that provision of law for purposes of assuring compliance with Federal consumer financial law and any regulations thereunder, the Bureau shall have the exclusive authority to prescribe rules subject to those provisions of law.

(c) MONITORING.—

(1) IN GENERAL.—In order to support its rule-making and other functions, the Bureau shall monitor for risks to consumers in the offering or provision of consumer financial products or services, including developments in markets for such products or services.

(2) CONSIDERATIONS.—In allocating its resources to perform the monitoring required by this section, the Bureau may consider, among other factors—

(A) likely risks and costs to consumers associated with buying or using a type of consumer financial product or service;

(B) understanding by consumers of the risks of a type of consumer financial product or service;

(C) the legal protections applicable to the offering or provision of a consumer financial product or service, including the extent to which the law is likely to adequately protect consumers;

(D) rates of growth in the offering or provision of a consumer financial product or service;

(E) the extent, if any, to which the risks of a consumer financial product or service may disproportionately affect traditionally underserved consumers; or

(F) the types, number, and other pertinent characteristics of covered persons that offer or provide the consumer financial product or service.

(3) REPORTS.—The Bureau shall publish not fewer than 1 report of significant findings of its monitoring required by this subsection in each calendar year, beginning with the first calendar year that begins at least 1 year after the designated transfer date.

(4) COLLECTION OF INFORMATION.—In conducting research on the offering and provision of consumer financial products or services, the Bureau shall have the authority to gather information from time to time regarding the organization, business conduct, markets, and activities of persons operating in consumer financial services markets. In order to gather such information, the Bureau may—

(A) gather and compile information from examination reports concerning covered persons or service providers, assessment of consumer complaints, surveys, and interviews of covered persons and consumers, and review of available databases;

(B) require persons to file with the Bureau, under oath or otherwise, in such form and within such reasonable period of time as the Bureau may prescribe, by rule or order, annual or special reports, or answers in writing to specific questions, furnishing such information as the Bureau may require; and

(C) make public such information obtained by the Bureau under this section, as is in the public interest in reports or otherwise in the manner best suited for public information and use.

(5) CONFIDENTIALITY RULES.—The Bureau shall prescribe rules regarding the confidential treatment of information obtained from persons in connection with the exercise of its authorities under Federal consumer financial law.

(A) ACCESS BY THE BUREAU TO REPORTS OF OTHER REGULATORS.—

(i) EXAMINATION AND FINANCIAL CONDITION REPORTS.—Upon providing reasonable assurances of confidentiality, the Bureau shall have access to any report of examination or financial condition made by a prudential regulator or other Federal agency having jurisdiction over a covered person or service provider, and to all revisions made to any such report.

(ii) PROVISION OF OTHER REPORTS TO THE BUREAU.—In addition to the reports described in clause (i), a prudential regulator or other Federal agency having jurisdiction over a covered person or service provider may, in its discretion, furnish to the Bureau any other report or other confidential supervisory information concerning any insured depository institution, credit union, or other entity examined by such agency under authority of any provision of Federal law.

(B) ACCESS BY OTHER REGULATORS TO REPORTS OF THE BUREAU.—

(i) EXAMINATION REPORTS.—Upon providing reasonable assurances of confidentiality, a prudential regulator, a State regulator, or any other Federal agency having jurisdiction over a covered person or service provider shall have access to any report of examination made by the Bureau with respect to such person, and to all revisions made to any such report.

(ii) PROVISION OF OTHER REPORTS TO OTHER REGULATORS.—In addition to the reports described in clause (i), the Bureau may, in its discretion, furnish to a prudential regulator or other agency having jurisdiction over a covered person or service provider any other report or other confidential supervisory information concerning such person examined by the Bureau under the authority of any other provision of Federal law.

(6) PRIVACY CONSIDERATIONS.—In collecting information from any person, publicly releasing information held by the Bureau, or requiring covered persons to publicly report information, the Bureau shall take steps to ensure that proprietary, personal, or confidential consumer information that is protected from public disclosure under section 552(b) or 552a of title 5, United States Code, or any other provision of law, is not made public under this title.

(d) ASSESSMENT OF SIGNIFICANT RULES.—

(1) IN GENERAL.—The Bureau shall conduct an assessment of each significant rule or order adopted by the Bureau under Federal consumer financial law. The assessment shall address, among other relevant factors, the effectiveness of the rule or order in meeting the purposes and objectives of this title and the specific goals stated by the Bureau. The assessment shall reflect available evidence and any data that the Bureau reasonably may collect.

(2) REPORTS.—The Bureau shall publish a report of its assessment under this subsection not later than 5 years after the effective date of the subject rule or order.

(3) PUBLIC COMMENT REQUIRED.—Before publishing a report of its assessment, the Bureau shall invite public comment on recommendations for modifying, expanding, or eliminating the newly adopted significant rule or order.

(e) INFORMATION GATHERING.—In conducting any monitoring or assessment required by this section, the Bureau may gather information through a variety of methods, including by conducting surveys or interviews of consumers.

SEC. 1023. REVIEW OF BUREAU REGULATIONS.

(a) REVIEW OF BUREAU REGULATIONS.—On the petition of a member agency of the Council, the Council may set aside a final regulation prescribed by the Bureau, or any provision thereof, if the Council decides, in accordance with subsection (c), that the regulation or provision would put the safety and soundness of the United States banking system or the stability of the financial system of the United States at risk.

(b) PETITION.—

(1) PROCEDURE.—An agency represented by a member of the Council may petition the Council, in writing, and in accordance with rules prescribed pursuant to subsection (f), to stay the effectiveness of, or set aside, a regulation if the member agency filing the petition—

(A) has in good faith attempted to work with the Bureau to resolve concerns regarding the ef-

fect of the rule on the safety and soundness of the United States banking system or the stability of the financial system of the United States; and

(B) files the petition with the Council not later than 10 days after the date on which the regulation has been published in the Federal Register.

(2) PUBLICATION.—Any petition filed with the Council under this section shall be published in the Federal Register and transmitted contemporaneously with filing to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(c) STAYS AND SET ASIDES.—

(1) STAY.—

(A) IN GENERAL.—Upon the request of any member agency, the Chairperson of the Council may stay the effectiveness of a regulation for the purpose of allowing appropriate consideration of the petition by the Council.

(B) EXPIRATION.—A stay issued under this paragraph shall expire on the earlier of—

(i) 90 days after the date of filing of the petition under subsection (b); or

(ii) the date on which the Council makes a decision under paragraph (3).

(2) NO ADVERSE INFERENCE.—After the expiration of any stay imposed under this section, no inference shall be drawn regarding the validity or enforceability of a regulation which was the subject of the petition.

(3) VOTE.—

(A) IN GENERAL.—The decision to issue a stay of, or set aside, any regulation under this section shall be made only with the affirmative vote in accordance with subparagraph (B) of $\frac{2}{3}$ of the members of the Council then serving.

(B) AUTHORIZATION TO VOTE.—A member of the Council may vote to stay the effectiveness of, or set aside, a final regulation prescribed by the Bureau only if the agency or department represented by that member has—

(i) considered any relevant information provided by the agency submitting the petition and by the Bureau; and

(ii) made an official determination, at a public meeting where applicable, that the regulation which is the subject of the petition would put the safety and soundness of the United States banking system or the stability of the financial system of the United States at risk.

(4) DECISIONS TO SET ASIDE.—

(A) EFFECT OF DECISION.—A decision by the Council to set aside a regulation prescribed by the Bureau, or provision thereof, shall render such regulation, or provision thereof, unenforceable.

(B) TIMELY ACTION REQUIRED.—The Council may not issue a decision to set aside a regulation, or provision thereof, which is the subject of a petition under this section after the expiration of the later of—

(i) 45 days following the date of filing of the petition, unless a stay is issued under paragraph (1); or

(ii) the expiration of a stay issued by the Council under this section.

(C) SEPARATE AUTHORITY.—The issuance of a stay under this section does not affect the authority of the Council to set aside a regulation.

(5) DISMISSAL DUE TO INACTION.—A petition under this section shall be deemed dismissed if the Council has not issued a decision to set aside a regulation, or provision thereof, within the period for timely action under paragraph (4)(B).

(6) PUBLICATION OF DECISION.—Any decision under this subsection to issue a stay of, or set aside, a regulation or provision thereof shall be published by the Council in the Federal Register as soon as practicable after the decision is made, with an explanation of the reasons for the decision.

(7) **RULEMAKING PROCEDURES INAPPLICABLE.**—The notice and comment procedures under section 553 of title 5, United States Code, shall not apply to any decision under this section of the Council to issue a stay of, or set aside, a regulation.

(8) **JUDICIAL REVIEW OF DECISIONS BY THE COUNCIL.**—A decision by the Council to set aside a regulation prescribed by the Bureau, or provision thereof, shall be subject to review under chapter 7 of title 5, United States Code.

(d) **APPLICATION OF OTHER LAW.**—Nothing in this section shall be construed as altering, limiting, or restricting the application of any other provision of law, except as otherwise specifically provided in this section, including chapter 5 and chapter 7 of title 5, United States Code, to a regulation which is the subject of a petition filed under this section.

(e) **SAVINGS CLAUSE.**—Nothing in this section shall be construed as limiting or restricting the Bureau from engaging in a rulemaking in accordance with applicable law.

(f) **IMPLEMENTING RULES.**—The Council shall prescribe procedural rules to implement this section.

SEC. 1024. SUPERVISION OF NONDEPOSITORY COVERED PERSONS.

(a) **SCOPE OF COVERAGE.**—

(1) **APPLICABILITY.**—Notwithstanding any other provision of this title, and except as provided in paragraph (3), this section shall apply to any covered person who—

(A) offers or provides origination, brokerage, or servicing of loans secured by real estate for use by consumers primarily for personal, family, or household purposes, or loan modification or foreclosure relief services in connection with such loans; or

(B) is a larger participant of a market for other consumer financial products or services, as defined by rule in accordance with paragraph (2).

(2) **RULEMAKING TO DEFINE COVERED PERSONS SUBJECT TO THIS SECTION.**—The Bureau shall consult with the Federal Trade Commission prior to issuing a rule to define covered persons subject to this section, in accordance with paragraph (1)(B). The Bureau shall issue its initial rule within 1 year of the designated transfer date.

(3) **RULES OF CONSTRUCTION.**—

(A) **CERTAIN PERSONS EXCLUDED.**—This section shall not apply to persons described in section 1025(a) or 1026(a).

(B) **ACTIVITY LEVELS.**—For purposes of computing activity levels under paragraph (1) or rules issued thereunder, activities of affiliated companies (other than insured depository institutions or insured credit unions) shall be aggregated.

(b) **SUPERVISION.**—

(i) **IN GENERAL.**—The Bureau shall require reports and conduct examinations on a periodic basis of persons described in subsection (a)(1) for purposes of—

(A) assessing compliance with the requirements of Federal consumer financial law;

(B) obtaining information about the activities and compliance systems or procedures of such person; and

(C) detecting and assessing risks to consumers and to markets for consumer financial products and services.

(2) **RISK-BASED SUPERVISION PROGRAM.**—The Bureau shall exercise its authority under paragraph (1) in a manner designed to ensure that such exercise, with respect to persons described in subsection (a)(1), is based on the assessment by the Bureau of the risks posed to consumers in the relevant product markets and geographic markets, and taking into consideration, as applicable—

(A) the asset size of the covered person;

(B) the volume of transactions involving consumer financial products or services in which the covered person engages;

(C) the risks to consumers created by the provision of such consumer financial products or services;

(D) the extent to which such institutions are subject to oversight by State authorities for consumer protection; and

(E) any other factors that the Bureau determines to be relevant to a class of covered persons.

(3) **COORDINATION.**—To minimize regulatory burden, the Bureau shall coordinate its supervisory activities with the supervisory activities conducted by prudential regulators and the State bank regulatory authorities, including establishing their respective schedules for examining persons described in subsection (a)(1) and requirements regarding reports to be submitted by such persons.

(4) **USE OF EXISTING REPORTS.**—The Bureau shall, to the fullest extent possible, use—

(A) reports pertaining to persons described in subsection (a)(1) that have been provided or required to have been provided to a Federal or State agency; and

(B) information that has been reported publicly.

(5) **PRESERVATION OF AUTHORITY.**—Nothing in this title may be construed as limiting the authority of the Director to require reports from persons described in subsection (a)(1), as permitted under paragraph (1), regarding information owned or under the control of such person, regardless of whether such information is maintained, stored, or processed by another person.

(6) **REPORTS OF TAX LAW NONCOMPLIANCE.**—The Bureau shall provide the Commissioner of Internal Revenue with any report of examination or related information identifying possible tax law noncompliance.

(7) **REGISTRATION, RECORDKEEPING, AND OTHER REQUIREMENTS FOR CERTAIN PERSONS.**—

(A) **IN GENERAL.**—The Bureau shall prescribe rules to facilitate supervision of persons described in subsection (a)(1) and assessment and detection of risks to consumers.

(B) **REGISTRATION.**—

(i) **IN GENERAL.**—The Bureau shall prescribe rules regarding registration requirements for persons described in subsection (a)(1).

(ii) **EXCEPTION FOR RELATED PERSONS.**—The Bureau may not impose requirements under this section regarding the registration of a related person.

(iii) **REGISTRATION INFORMATION.**—Subject to rules prescribed by the Bureau, the Bureau shall publicly disclose the registration information about persons described in subsection (a)(1) to facilitate the ability of consumers to identify persons described in subsection (a)(1) registered with the Bureau.

(C) **RECORDKEEPING.**—The Bureau may require a person described in subsection (a)(1), to generate, provide, or retain records for the purposes of facilitating supervision of such persons and assessing and detecting risks to consumers.

(D) **REQUIREMENTS CONCERNING OBLIGATIONS.**—The Bureau may prescribe rules regarding a person described in subsection (a)(1), to ensure that such persons are legitimate entities and are able to perform their obligations to consumers. Such requirements may include background checks for principals, officers, directors, or key personnel and bonding or other appropriate financial requirements.

(E) **CONSULTATION WITH STATE AGENCIES.**—In developing and implementing requirements under this paragraph, the Bureau shall consult with State agencies regarding requirements or systems (including coordinated or combined systems for registration), where appropriate.

(c) **ENFORCEMENT AUTHORITY.**—

(1) **THE BUREAU TO HAVE ENFORCEMENT AUTHORITY.**—Except as provided in paragraph (3) and section 1061(b)(5), with respect to any person described in subsection (a)(1), to the extent that Federal law authorizes the Bureau and another Federal agency to enforce Federal consumer financial law, the Bureau shall have exclusive authority to enforce that Federal consumer financial law.

(2) **REFERRAL.**—Any Federal agency authorized to enforce a Federal consumer financial law described in paragraph (1) may recommend in writing to the Bureau that the Bureau initiate an enforcement proceeding, as the Bureau is authorized by that Federal law or by this title.

(3) **COORDINATION WITH THE FEDERAL TRADE COMMISSION.**—

(A) **IN GENERAL.**—The Bureau and the Federal Trade Commission shall negotiate an agreement for coordinating with respect to enforcement actions by each agency regarding the offering or provision of consumer financial products or services by any covered person that is described in subsection (a)(1), or service providers thereto. The agreement shall include procedures for notice to the other agency, where feasible, prior to initiating a civil action to enforce any Federal law regarding the offering or provision of consumer financial products or services.

(B) **CIVIL ACTIONS.**—Whenever a civil action has been filed by, or on behalf of, the Bureau or the Federal Trade Commission for any violation of any provision of Federal law described in subparagraph (A), or any regulation prescribed under such provision of law—

(i) the other agency may not, during the pendency of that action, institute a civil action under such provision of law against any defendant named in the complaint in such pending action for any violation alleged in the complaint; and

(ii) the Bureau or the Federal Trade Commission may intervene as a party in any such action brought by the other agency, and, upon intervening—

(I) be heard on all matters arising in such enforcement action; and

(II) file petitions for appeal in such actions.

(C) **AGREEMENT TERMS.**—The terms of any agreement negotiated under subparagraph (A) may modify or supersede the provisions of subparagraph (B).

(D) **DEADLINE.**—The agencies shall reach the agreement required under subparagraph (A) not later than 6 months after the designated transfer date.

(d) **EXCLUSIVE RULEMAKING AND EXAMINATION AUTHORITY.**—Notwithstanding any other provision of Federal law and except as provided in section 1061(b)(5), to the extent that Federal law authorizes the Bureau and another Federal agency to issue regulations or guidance, conduct examinations, or require reports from a person described in subsection (a)(1) under such law for purposes of assuring compliance with Federal consumer financial law and any regulations thereunder, the Bureau shall have the exclusive authority to prescribe rules, issue guidance, conduct examinations, require reports, or issue exemptions with regard to a person described in subsection (a)(1), subject to those provisions of law.

(e) **SERVICE PROVIDERS.**—A service provider to a person described in subsection (a)(1) shall be subject to the authority of the Bureau under this section, to the same extent as if such service provider were engaged in a service relationship with a bank, and the Bureau were an appropriate Federal banking agency under section 7(c) of the Bank Service Company Act (12 U.S.C. 1867(c)). In conducting any examination or requiring any report from a service provider subject to this subsection, the Bureau shall coordinate with the appropriate prudential regulator, as applicable.

(f) **PRESERVATION OF FARM CREDIT ADMINISTRATION AUTHORITY.**—No provision of this title may be construed as modifying, limiting, or otherwise affecting the authority of the Farm Credit Administration.

SEC. 1025. SUPERVISION OF VERY LARGE BANKS, SAVINGS ASSOCIATIONS, AND CREDIT UNIONS.

(a) **SCOPE OF COVERAGE.**—

(1) **APPLICABILITY.**—This section shall apply to any covered person that is—

(A) an insured depository institution with total assets of more than \$10,000,000,000 and any affiliate thereof; or

(B) an insured credit union with total assets of more than \$10,000,000,000 and any affiliate thereof.

(2) **RULE OF CONSTRUCTION.**—For purposes of determining total assets under this section and section 1026, the Bureau shall rely on the same regulations and interim methodologies specified in section 312(e).

(b) **SUPERVISION.**—

(1) **IN GENERAL.**—The Bureau shall require reports and conduct examinations on a periodic basis of persons described in subsection (a) for purposes of—

(A) assessing compliance with the requirements of Federal consumer financial laws;

(B) obtaining information about the activities and compliance systems or procedures of such persons; and

(C) detecting and assessing risks to consumers and to markets for consumer financial products and services.

(2) **COORDINATION.**—To minimize regulatory burden, the Bureau shall coordinate its supervisory activities with the supervisory activities conducted by prudential regulators and the State bank regulatory authorities, including establishing their respective schedules for examining such persons described in subsection (a) and requirements regarding reports to be submitted by such persons.

(3) **USE OF EXISTING REPORTS.**—The Bureau shall, to the fullest extent possible, use—

(A) reports pertaining to a person described in subsection (a) that have been provided or required to have been provided to a Federal or State agency; and

(B) information that has been reported publicly.

(4) **PRESERVATION OF AUTHORITY.**—Nothing in this title may be construed as limiting the authority of the Director to require reports from a person described in subsection (a), as permitted under paragraph (1), regarding information owned or under the control of such person, regardless of whether such information is maintained, stored, or processed by another person.

(5) **REPORTS OF TAX LAW NONCOMPLIANCE.**—The Bureau shall provide the Commissioner of Internal Revenue with any report of examination or related information identifying possible tax law noncompliance.

(c) **PRIMARY ENFORCEMENT AUTHORITY.**—

(1) **THE BUREAU TO HAVE PRIMARY ENFORCEMENT AUTHORITY.**—To the extent that the Bureau and another Federal agency are authorized to enforce a Federal consumer financial law, the Bureau shall have primary authority to enforce that Federal consumer financial law with respect to any person described in subsection (a).

(2) **REFERRAL.**—Any Federal agency, other than the Federal Trade Commission, that is authorized to enforce a Federal consumer financial law may recommend, in writing, to the Bureau that the Bureau initiate an enforcement proceeding with respect to a person described in subsection (a), as the Bureau is authorized to do by that Federal consumer financial law.

(3) **BACKUP ENFORCEMENT AUTHORITY OF OTHER FEDERAL AGENCY.**—If the Bureau does

not, before the end of the 120-day period beginning on the date on which the Bureau receives a recommendation under paragraph (2), initiate an enforcement proceeding, the other agency referred to in paragraph (2) may initiate an enforcement proceeding, as permitted by the subject provision of Federal law.

(d) **SERVICE PROVIDERS.**—A service provider to a person described in subsection (a) shall be subject to the authority of the Bureau under this section, to the same extent as if the Bureau were an appropriate Federal banking agency under section 7(c) of the Bank Service Company Act 12 U.S.C. 1867(c). In conducting any examination or requiring any report from a service provider subject to this subsection, the Bureau shall coordinate with the appropriate prudential regulator.

(e) **SIMULTANEOUS AND COORDINATED SUPERVISORY ACTION.**—

(1) **EXAMINATIONS.**—A prudential regulator and the Bureau shall, with respect to each insured depository institution, insured credit union, or other covered person described in subsection (a) that is supervised by the prudential regulator and the Bureau, respectively—

(A) coordinate the scheduling of examinations of the insured depository institution, insured credit union, or other covered person described in subsection (a);

(B) conduct simultaneous examinations of each insured depository institution, insured credit union, or other covered person described in subsection (a), unless such institution requests examinations to be conducted separately;

(C) share each draft report of examination with the other agency and permit the receiving agency a reasonable opportunity (which shall not be less than a period of 30 days after the date of receipt) to comment on the draft report before such report is made final; and

(D) prior to issuing a final report of examination or taking supervisory action, take into consideration concerns, if any, raised in the comments made by the other agency.

(2) **COORDINATION WITH STATE BANK SUPERVISORS.**—The Bureau shall pursue arrangements and agreements with State bank supervisors to coordinate examinations, consistent with paragraph (1).

(3) **AVOIDANCE OF CONFLICT IN SUPERVISION.**—

(A) **REQUEST.**—If the proposed supervisory determinations of the Bureau and a prudential regulator (in this section referred to collectively as the “agencies”) are conflicting, an insured depository institution, insured credit union, or other covered person described in subsection (a) may request the agencies to coordinate and present a joint statement of coordinated supervisory action.

(B) **JOINT STATEMENT.**—The agencies shall provide a joint statement under subparagraph (A), not later than 30 days after the date of receipt of the request of the insured depository institution, credit union, or covered person described in subsection (a).

(4) **APPEALS TO GOVERNING PANEL.**—

(A) **IN GENERAL.**—If the agencies do not resolve the conflict or issue a joint statement required by subparagraph (B), or if either of the agencies takes or attempts to take any supervisory action relating to the request for the joint statement without the consent of the other agency, an insured depository institution, insured credit union, or other covered person described in subsection (a) may institute an appeal to a governing panel, as provided in this subsection, not later than 30 days after the expiration of the period during which a joint statement is required to be filed under paragraph (3)(B).

(B) **COMPOSITION OF GOVERNING PANEL.**—The governing panel for an appeal under this paragraph shall be composed of—

(i) a representative from the Bureau and a representative of the prudential regulator, both of whom—

(I) have not participated in the material supervisory determinations under appeal; and

(II) do not directly or indirectly report to the person who participated materially in the supervisory determinations under appeal; and

(ii) one individual representative, to be determined on a rotating basis, from among the Board of Governors, the Corporation, the National Credit Union Administration, and the Office of the Comptroller of the Currency, other than any agency involved in the subject dispute.

(C) **CONDUCT OF APPEAL.**—In an appeal under this paragraph—

(i) the insured depository institution, insured credit union, or other covered person described in subsection (a)—

(I) shall include in its appeal all the facts and legal arguments pertaining to the matter; and

(II) may, through counsel, employees, or representatives, appear before the governing panel in person or by telephone; and

(ii) the governing panel—

(I) may request the insured depository institution, insured credit union, or other covered person described in subsection (a), the Bureau, or the prudential regulator to produce additional information relevant to the appeal; and

(II) by a majority vote of its members, shall provide a final determination, in writing, not later than 30 days after the date of filing of an informationally complete appeal, or such longer period as the panel and the insured depository institution, insured credit union, or other covered person described in subsection (a) may jointly agree.

(D) **PUBLIC AVAILABILITY OF DETERMINATIONS.**—A governing panel shall publish all information contained in a determination by the governing panel, with appropriate redactions of information that would be subject to an exemption from disclosure under section 552 of title 5, United States Code.

(E) **PROHIBITION AGAINST RETALIATION.**—The Bureau and the prudential regulators shall prescribe rules to provide safeguards from retaliation against the insured depository institution, insured credit union, or other covered person described in subsection (a) instituting an appeal under this paragraph, as well as their officers and employees.

(F) **LIMITATION.**—The process provided in this paragraph shall not apply to a determination by a prudential regulator to appoint a conservator or receiver for an insured depository institution or a liquidating agent for an insured credit union, as the case may be, or a decision to take action pursuant to section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o) or section 212 of the Federal Credit Union Act (112 U.S.C. 1790a), as applicable.

(G) **EFFECT ON OTHER AUTHORITY.**—Nothing in this section shall modify or limit the authority of the Bureau to interpret, or take enforcement action under, any Federal consumer financial law.

SEC. 1026. OTHER BANKS, SAVINGS ASSOCIATIONS, AND CREDIT UNIONS.

(a) **SCOPE OF COVERAGE.**—This section shall apply to any covered person that is—

(1) an insured depository institution with total assets of \$10,000,000,000 or less; or

(2) an insured credit union with total assets of \$10,000,000,000 or less.

(b) **REPORTS.**—The Director may require reports from a person described in subsection (a), as necessary to support the role of the Bureau in implementing Federal consumer financial law, to support its examination activities under subsection (c), and to assess and detect risks to consumers and consumer financial markets.

(1) **USE OF EXISTING REPORTS.**—The Bureau shall, to the fullest extent possible, use—

(A) reports pertaining to a person described in subsection (a) that have been provided or required to have been provided to a Federal or State agency; and

(B) information that has been reported publicly.

(2) **PRESERVATION OF AUTHORITY.**—Nothing in this subsection may be construed as limiting the authority of the Director from requiring from a person described in subsection (a), as permitted under paragraph (1), information owned or under the control of such person, regardless of whether such information is maintained, stored, or processed by another person.

(3) **REPORTS OF TAX LAW NONCOMPLIANCE.**—The Bureau shall provide the Commissioner of Internal Revenue with any report of examination or related information identifying possible tax law noncompliance.

(c) **EXAMINATIONS.**—

(1) **IN GENERAL.**—The Bureau may, at its discretion, include examiners on a sampling basis of the examinations performed by the prudential regulator of persons described in subsection (a).

(2) **AGENCY COORDINATION.**—The prudential regulator shall—

(A) provide all reports, records, and documentation related to the examination process for any institution included in the sample referred to in paragraph (1) to the Bureau on a timely and continual basis;

(B) involve such Bureau examiner in the entire examination process for such person; and

(C) consider input of the Bureau concerning the scope of an examination, conduct of the examination, the contents of the examination report, the designation of matters requiring attention, and examination ratings.

(d) **ENFORCEMENT.**—

(1) **IN GENERAL.**—Except for requiring reports under subsection (b), the prudential regulator shall have exclusive authority to enforce compliance with respect to a person described in subsection (a).

(2) **COORDINATION WITH PRUDENTIAL REGULATOR.**—

(A) **REFERRAL.**—When the Bureau has reason to believe that a person described in subsection (a) has engaged in a material violation of a Federal consumer financial law, the Bureau shall notify the prudential regulator in writing and recommend appropriate action to respond.

(B) **RESPONSE.**—Upon receiving a recommendation under subparagraph (A), the prudential regulator shall provide a written response to the Bureau not later than 60 days thereafter.

(e) **SERVICE PROVIDERS.**—A service provider to a substantial number of persons described in subsection (a) shall be subject to the authority of the Bureau under section 1025 to the same extent as if the Bureau were an appropriate Federal bank agency under section 7(c) of the Bank Service Company Act (12 U.S.C. 1867(c)). When conducting any examination or requiring any report from a service provider subject to this subsection, the Bureau shall coordinate with the appropriate prudential regulator.

SEC. 1027. LIMITATIONS ON AUTHORITIES OF THE BUREAU; PRESERVATION OF AUTHORITIES.

(a) **EXCLUSION FOR MERCHANTS, RETAILERS, AND OTHER SELLERS OF NONFINANCIAL GOODS OR SERVICES.**—

(1) **SALE OR BROKERAGE OF NONFINANCIAL GOOD OR SERVICE.**—The Bureau may not exercise any rulemaking, supervisory, enforcement or other authority under this title with respect to a person who is a merchant, retailer, or seller of any nonfinancial good or service and is engaged in the sale or brokerage of such nonfinancial good or service, except to the extent

that such person is engaged in offering or providing any consumer financial product or service, or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(2) **OFFERING OR PROVISION OF CERTAIN CONSUMER FINANCIAL PRODUCTS OR SERVICES IN CONNECTION WITH THE SALE OR BROKERAGE OF NONFINANCIAL GOOD OR SERVICE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), and subject to subparagraph (C), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority under this title with respect to a merchant, retailer, or seller of nonfinancial goods or services, but only to the extent that such person—

(i) extends credit directly to a consumer, in a case in which the good or service being provided is not itself a consumer financial product or service (other than credit described in this subparagraph), exclusively for the purpose of enabling that consumer to purchase such nonfinancial good or service directly from the merchant, retailer, or seller;

(ii) directly, or through an agreement with another person, collects debt arising from credit extended as described in clause (i); or

(iii) sells or conveys debt described in clause (i) that is delinquent or otherwise in default.

(B) **APPLICABILITY.**—Subparagraph (A) does not apply to any credit transaction or collection of debt, other than as described in subparagraph (C)(i), arising from a transaction described in subparagraph (A)—

(i) in which the merchant, retailer, or seller of nonfinancial goods or services assigns, sells or otherwise conveys to another person such debt owed by the consumer (except for a sale of debt that is delinquent or otherwise in default, as described in subparagraph (A)(iii));

(ii) in which the credit extended exceeds the market value of the nonfinancial good or service provided, or the Bureau otherwise finds that the sale of the nonfinancial good or service is done as a subterfuge, so as to evade or circumvent the provisions of this title; or

(iii) in which the merchant, retailer, or seller of nonfinancial goods or services regularly extends credit and the credit is subject to a finance charge.

(C) **LIMITATIONS.**—

(i) **IN GENERAL.**—Notwithstanding subparagraph (B), and except as provided in clause (ii), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority under this title with respect to a merchant, retailer, or seller of nonfinancial goods or services that is not engaged significantly in offering or providing consumer financial products or services.

(ii) **EXCEPTION.**—Subparagraph (A) and clause (i) of this subparagraph do not apply to any merchant, retailer, or seller of nonfinancial goods or services, to the extent that such person is subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(D) **RULES.**—

(i) **AUTHORITY OF OTHER AGENCIES.**—No provision of this title shall be construed as modifying, limiting, or superseding the supervisory or enforcement authority of the Federal Trade Commission or any other agency (other than the Bureau) with respect to credit extended, or the collection of debt arising from such extension, directly by a merchant or retailer to a consumer exclusively for the purpose of enabling that consumer to purchase nonfinancial goods or services directly from the merchant or retailer.

(ii) **SMALL BUSINESSES.**—A merchant, retailer, or seller of nonfinancial goods or services that would otherwise be subject to the authority of the Bureau solely by virtue of the application of

subparagraph (B)(iii) shall be deemed not to be engaged significantly in offering or providing consumer financial products or services under subparagraph (C)(i), if such person—

(I) only extends credit for the sale of nonfinancial goods or services, as described in subparagraph (A)(i);

(II) retains such credit on its own accounts (except to sell or convey such debt that is delinquent or otherwise in default); and

(III) meets the relevant industry size threshold to be a small business concern, based on annual receipts, pursuant to section 3 of the Small Business Act (15 U.S.C. 632) and the implementing rules thereunder.

(iii) **INITIAL YEAR.**—A merchant, retailer, or seller of nonfinancial goods or services shall be deemed to meet the relevant industry size threshold described in clause (ii)(III) during the first year of operations of that business concern if, during that year, the receipts of that business concern reasonably are expected to meet that size threshold.

(E) **EXCEPTION FROM STATE ENFORCEMENT.**—To the extent that the Bureau may not exercise authority under this subsection with respect to a merchant, retailer, or seller of nonfinancial goods or services, no action by a State attorney general or State regulator with respect to a claim made under this title may be brought under subsection 1042(a), with respect to an activity described in any of clauses (i) through (iii) of subparagraph (A) by such merchant, retailer, or seller of nonfinancial goods or services.

(b) **EXCLUSION FOR REAL ESTATE BROKERAGE ACTIVITIES.**—

(1) **REAL ESTATE BROKERAGE ACTIVITIES EXCLUDED.**—Without limiting subsection (a), and except as permitted in paragraph (2), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority under this title with respect to a person that is licensed or registered as a real estate broker or real estate agent, in accordance with State law, to the extent that such person—

(A) acts as a real estate agent or broker for a buyer, seller, lessor, or lessee of real property;

(B) brings together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(C) negotiates, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with the provision of financing with respect to any such transaction); or

(D) offers to engage in any activity, or act in any capacity, described in subparagraph (A), (B), or (C).

(2) **DESCRIPTION OF ACTIVITIES.**—Paragraph (1) shall not apply to any person to the extent that such person is engaged in the offering or provision of any consumer financial product or service or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(c) **EXCLUSION FOR MANUFACTURED HOME RETAILERS AND MODULAR HOME RETAILERS.**—

(1) **IN GENERAL.**—The Director may not exercise any rulemaking, supervisory, enforcement, or other authority over a person to the extent that—

(A) such person is not described in paragraph (2); and

(B) such person—

(i) acts as an agent or broker for a buyer or seller of a manufactured home or a modular home;

(ii) facilitates the purchase by a consumer of a manufactured home or modular home, by negotiating the purchase price or terms of the sales contract (other than providing financing with respect to such transaction); or

(iii) offers to engage in any activity described in clause (i) or (ii).

(2) **DESCRIPTION OF ACTIVITIES.**—A person is described in this paragraph to the extent that such person is engaged in the offering or provision of any consumer financial product or service or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(3) **DEFINITIONS.**—For purposes of this subsection, the following definitions shall apply:

(A) **MANUFACTURED HOME.**—The term “manufactured home” has the same meaning as in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5402).

(B) **MODULAR HOME.**—The term “modular home” means a house built in a factory in 2 or more modules that meet the State or local building codes where the house will be located, and where such modules are transported to the building site, installed on foundations, and completed.

(d) **EXCLUSION FOR ACCOUNTANTS AND TAX PREPARERS.**—

(1) **IN GENERAL.**—Except as permitted in paragraph (2), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority over—

(A) any person that is a certified public accountant, permitted to practice as a certified public accounting firm, or certified or licensed for such purpose by a State, or any individual who is employed by or holds an ownership interest with respect to a person described in this subparagraph, when such person is performing or offering to perform—

(i) customary and usual accounting activities, including the provision of accounting, tax, advisory, or other services that are subject to the regulatory authority of a State board of accountancy or a Federal authority; or

(ii) other services that are incidental to such customary and usual accounting activities, to the extent that such incidental services are not offered or provided—

(I) by the person separate and apart from such customary and usual accounting activities; or

(II) to consumers who are not receiving such customary and usual accounting activities; or

(B) any person, other than a person described in subparagraph (A) that performs income tax preparation activities for consumers.

(2) **DESCRIPTION OF ACTIVITIES.**—

(A) **IN GENERAL.**—Paragraph (1) shall not apply to any person described in paragraph (1)(A) or (1)(B) to the extent that such person is engaged in any activity which is not a customary and usual accounting activity described in paragraph (1)(A) or incidental thereto but which is the offering or provision of any consumer financial product or service, except to the extent that a person described in paragraph (1)(A) is engaged in an activity which is a customary and usual accounting activity described in paragraph (1)(A), or incidental thereto.

(B) **NOT A CUSTOMARY AND USUAL ACCOUNTING ACTIVITY.**—For purposes of this subsection, extending or brokering credit is not a customary and usual accounting activity, or incidental thereto.

(C) **RULE OF CONSTRUCTION.**—For purposes of subparagraphs (A) and (B), a person described in paragraph (1)(A) shall not be deemed to be extending credit, if such person is only extending credit directly to a consumer, exclusively for the purpose of enabling such consumer to purchase services described in clause (i) or (ii) of paragraph (1)(A) directly from such person, and such credit is—

(i) not subject to a finance charge; and

(ii) not payable by written agreement in more than 4 installments.

(D) **OTHER LIMITATIONS.**—Paragraph (1) does not apply to any person described in paragraph

(1)(A) or (1)(B) that is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(e) **EXCLUSION FOR ATTORNEYS.**—

(1) **IN GENERAL.**—The Bureau may not exercise any authority to conduct examinations of an attorney licensed by a State, to the extent that the attorney is engaged in the practice of law under the laws of such State.

(2) **EXCEPTION FOR ENUMERATED CONSUMER LAWS AND TRANSFERRED AUTHORITIES.**—Paragraph (1) shall not apply to an attorney who is engaged in the offering or provision of any consumer financial product or service, or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(f) **EXCLUSION FOR PERSONS REGULATED BY A STATE INSURANCE REGULATOR.**—

(1) **IN GENERAL.**—No provision of this title shall be construed as altering, amending, or affecting the authority of any State insurance regulator to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by a State insurance regulator. Except as provided in paragraph (2), the Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by a State insurance regulator.

(2) **DESCRIPTION OF ACTIVITIES.**—Paragraph (1) does not apply to any person described in such paragraph to the extent that such person is engaged in the offering or provision of any consumer financial product or service or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(g) **EXCLUSION FOR EMPLOYEE BENEFIT AND COMPENSATION PLANS AND CERTAIN OTHER ARRANGEMENTS UNDER THE INTERNAL REVENUE CODE OF 1986.**—

(1) **PRESERVATION OF AUTHORITY OF OTHER AGENCIES.**—No provision of this title shall be construed as altering, amending, or affecting the authority of the Secretary of the Treasury, the Secretary of Labor, or the Commissioner of Internal Revenue to adopt regulations, initiate enforcement proceedings, or take any actions with respect to any specified plan or arrangement.

(2) **ACTIVITIES NOT CONSTITUTING THE OFFERING OR PROVISION OF ANY CONSUMER FINANCIAL PRODUCT OR SERVICE.**—For purposes of this title, a person shall not be treated as having engaged in the offering or provision of any consumer financial product or service solely because such person is a specified plan or arrangement, or is engaged in the activity of establishing or maintaining, for the benefit of employees of such person (or for members of an employee organization), any specified plan or arrangement.

(3) **LIMITATION ON BUREAU AUTHORITY.**—

(A) **IN GENERAL.**—Except as provided under subparagraphs (B) and (C), the Bureau may not exercise any rulemaking or enforcement authority with respect to products or services that relate to any specified plan or arrangement.

(B) **BUREAU ACTION ONLY PURSUANT TO AGENCY REQUEST.**—The Secretary and the Secretary of Labor may jointly issue a written request to the Bureau regarding implementation of appropriate consumer protection standards under this title with respect to the provision of services relating to any specified plan or arrangement. Subject to a request made under this subparagraph, the Bureau may exercise rulemaking authority, and may act to enforce a rule prescribed pursuant to such request, in accordance with the provisions of this title. A request made by the Secretary and the Secretary of Labor under this subparagraph shall describe the basis for, and scope of, appropriate consumer protection standards to be implemented under this title

with respect to the provision of services relating to any specified plan or arrangement.

(C) **DESCRIPTION OF PRODUCTS OR SERVICES.**—To the extent that a person engaged in providing products or services relating to any specified plan or arrangement is subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H, subparagraph (A) shall not apply with respect to that law.

(4) **SPECIFIED PLAN OR ARRANGEMENT.**—For purposes of this subsection, the term “specified plan or arrangement” means any plan, account, or arrangement described in section 220, 223, 401(a), 403(a), 403(b), 408, 408A, 529, or 530 of the Internal Revenue Code of 1986, or any employee benefit or compensation plan or arrangement, including a plan that is subject to title I of the Employee Retirement Income Security Act of 1974.

(h) **PERSONS REGULATED BY A STATE SECURITIES COMMISSION.**—

(1) **IN GENERAL.**—No provision of this title shall be construed as altering, amending, or affecting the authority of any securities commission (or any agency or office performing like functions) of any State to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by any securities commission (or any agency or office performing like functions) of any State. Except as permitted in paragraph (2) and subsection (f), the Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by any securities commission (or any agency or office performing like functions) of any State, but only to the extent that the person acts in such regulated capacity.

(2) **DESCRIPTION OF ACTIVITIES.**—Paragraph (1) shall not apply to any person to the extent such person is engaged in the offering or provision of any consumer financial product or service, or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(i) **EXCLUSION FOR PERSONS REGULATED BY THE COMMISSION.**—

(1) **IN GENERAL.**—No provision of this title may be construed as altering, amending, or affecting the authority of the Commission to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by the Commission. The Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by the Commission.

(2) **CONSULTATION AND COORDINATION.**—Notwithstanding paragraph (1), the Commission shall consult and coordinate, where feasible, with the Bureau with respect to any rule (including any advance notice of proposed rulemaking) regarding an investment product or service that is the same type of product as, or that competes directly with, a consumer financial product or service that is subject to the jurisdiction of the Bureau under this title or under any other law. In carrying out this paragraph, the agencies shall negotiate an agreement to establish procedures for such coordination, including procedures for providing advance notice to the Bureau when the Commission is initiating a rulemaking.

(j) **EXCLUSION FOR PERSONS REGULATED BY THE COMMODITY FUTURES TRADING COMMISSION.**—

(1) **IN GENERAL.**—No provision of this title shall be construed as altering, amending, or affecting the authority of the Commodity Futures Trading Commission to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by the Commodity Futures Trading Commission. The Bureau shall have no authority to exercise any

power to enforce this title with respect to a person regulated by the Commodity Futures Trading Commission.

(2) **CONSULTATION AND COORDINATION.**—Notwithstanding paragraph (1), the Commodity Futures Trading Commission shall consult and coordinate with the Bureau with respect to any rule (including any advance notice of proposed rulemaking) regarding a product or service that is the same type of product as, or that competes directly with, a consumer financial product or service that is subject to the jurisdiction of the Bureau under this title or under any other law.

(k) **EXCLUSION FOR PERSONS REGULATED BY THE FARM CREDIT ADMINISTRATION.**—

(1) **IN GENERAL.**—No provision of this title shall be construed as altering, amending, or affecting the authority of the Farm Credit Administration to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by the Farm Credit Administration. The Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by the Farm Credit Administration.

(2) **DEFINITION.**—For purposes of this subsection, the term “person regulated by the Farm Credit Administration” means any Farm Credit System institution that is chartered and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(l) **EXCLUSION FOR ACTIVITIES RELATING TO CHARITABLE CONTRIBUTIONS.**—

(1) **IN GENERAL.**—The Director and the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority, including authority to order penalties, over any activities related to the solicitation or making of voluntary contributions to a tax-exempt organization as recognized by the Internal Revenue Service, by any agent, volunteer, or representative of such organizations to the extent the organization, agent, volunteer, or representative thereof is soliciting or providing advice, information, education, or instruction to any donor or potential donor relating to a contribution to the organization.

(2) **LIMITATION.**—The exclusion in paragraph (1) does not apply to other activities not described in paragraph (1) that are the offering or provision of any consumer financial product or service, or are otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(m) **INSURANCE.**—The Bureau may not define as a financial product or service, by regulation or otherwise, engaging in the business of insurance.

(n) **LIMITED AUTHORITY OF THE BUREAU.**—Notwithstanding subsections (a) through (h) and (l), a person subject to or described in one or more of such subsections—

(1) may be a service provider; and

(2) may be subject to requests from, or requirements imposed by, the Bureau regarding information in order to carry out the responsibilities and functions of the Bureau and in accordance with section 1022, 1052, or 1053.

(o) **NO AUTHORITY TO IMPOSE USURY LIMIT.**—No provision of this title shall be construed as conferring authority on the Bureau to establish a usury limit applicable to an extension of credit offered or made by a covered person to a consumer, unless explicitly authorized by law.

(p) **ATTORNEY GENERAL.**—No provision of this title, including section 1024(c)(1), shall affect the authorities of the Attorney General under otherwise applicable provisions of law.

(q) **SECRETARY OF THE TREASURY.**—No provision of this title shall affect the authorities of the Secretary, including with respect to prescribing rules, initiating enforcement proceedings, or taking other actions with respect to a person that performs income tax preparation activities for consumers.

(r) **DEPOSIT INSURANCE AND SHARE INSURANCE.**—Nothing in this title shall affect the authority of the Corporation under the Federal Deposit Insurance Act or the National Credit Union Administration Board under the Federal Credit Union Act as to matters related to deposit insurance and share insurance, respectively.

SEC. 1028. AUTHORITY TO RESTRICT MANDATORY PRE-DISPUTE ARBITRATION.

(a) **STUDY AND REPORT.**—The Bureau shall conduct a study of, and shall provide a report to Congress concerning, the use of agreements providing for arbitration of any future dispute between covered persons and consumers in connection with the offering or providing of consumer financial products or services.

(b) **FURTHER AUTHORITY.**—The Bureau, by regulation, may prohibit or impose conditions or limitations on the use of an agreement between a covered person and a consumer for a consumer financial product or service providing for arbitration of any future dispute between the parties, if the Bureau finds that such a prohibition or imposition of conditions or limitations is in the public interest and for the protection of consumers. The findings in such rule shall be consistent with the study conducted under subsection (a).

(c) **LIMITATION.**—The authority described in subsection (b) may not be construed to prohibit or restrict a consumer from entering into a voluntary arbitration agreement with a covered person after a dispute has arisen.

(d) **EFFECTIVE DATE.**—Notwithstanding any other provision of law, any regulation prescribed by the Bureau under subsection (a) shall apply, consistent with the terms of the regulation, to any agreement between a consumer and a covered person entered into after the end of the 180-day period beginning on the effective date of the regulation, as established by the Bureau.

SEC. 1029. EFFECTIVE DATE.

This subtitle shall become effective on the designated transfer date.

Subtitle C—Specific Bureau Authorities

SEC. 1031. PROHIBITING UNFAIR, DECEPTIVE, OR ABUSIVE ACTS OR PRACTICES.

(a) **IN GENERAL.**—The Bureau may take any action authorized under subtitle E to prevent a covered person or service provider from committing or engaging in an unfair, deceptive, or abusive act or practice under Federal law in connection with any transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service.

(b) **RULEMAKING.**—The Bureau may prescribe rules applicable to a covered person or service provider identifying as unlawful unfair, deceptive, or abusive acts or practices in connection with any transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service. Rules under this section may include requirements for the purpose of preventing such acts or practices.

(c) **UNFAIRNESS.**—

(1) **IN GENERAL.**—The Bureau shall have no authority under this section to declare an act or practice in connection with a transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service, to be unlawful on the grounds that such act or practice is unfair, unless the Bureau has a reasonable basis to conclude that—

(A) the act or practice causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers; and

(B) such substantial injury is not outweighed by countervailing benefits to consumers or to competition.

(2) **CONSIDERATION OF PUBLIC POLICIES.**—In determining whether an act or practice is un-

fair, the Bureau may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination.

(d) **ABUSIVE.**—The Bureau shall have no authority under this section to declare an act or practice abusive in connection with the provision of a consumer financial product or service, unless the act or practice—

(1) materially interferes with the ability of a consumer to understand a term or condition of a consumer financial product or service; or

(2) takes unreasonable advantage of—

(A) a lack of understanding on the part of the consumer of the material risks, costs, or conditions of the product or service;

(B) the inability of the consumer to protect the interests of the consumer in selecting or using a consumer financial product or service; or

(C) the reasonable reliance by the consumer on a covered person to act in the interests of the consumer.

(e) **CONSULTATION.**—In prescribing rules under this section, the Bureau shall consult with the Federal banking agencies, or other Federal agencies, as appropriate, concerning the consistency of the proposed rule with prudential, market, or systemic objectives administered by such agencies.

(f) **CONSIDERATION OF SEASONAL INCOME.**—The rules of the Bureau under this section shall provide, with respect to an extension of credit secured by residential real estate or a dwelling, if documented income of the borrower, including income from a small business, is a repayment source for an extension of credit secured by residential real estate or a dwelling, the creditor may consider the seasonality and irregularity of such income in the underwriting of and scheduling of payments for such credit.

SEC. 1032. DISCLOSURES.

(a) **IN GENERAL.**—The Bureau may prescribe rules to ensure that the features of any consumer financial product or service, both initially and over the term of the product or service, are fully, accurately, and effectively disclosed to consumers in a manner that permits consumers to understand the costs, benefits, and risks associated with the product or service, in light of the facts and circumstances.

(b) **MODEL DISCLOSURES.**—

(1) **IN GENERAL.**—Any final rule prescribed by the Bureau under this section requiring disclosures may include a model form that may be used at the option of the covered person for provision of the required disclosures.

(2) **FORMAT.**—A model form issued pursuant to paragraph (1) shall contain a clear and conspicuous disclosure that, at a minimum—

(A) uses plain language comprehensible to consumers;

(B) contains a clear format and design, such as an easily readable type font; and

(C) succinctly explains the information that must be communicated to the consumer.

(3) **CONSUMER TESTING.**—Any model form issued pursuant to this subsection shall be validated through consumer testing.

(c) **BASIS FOR RULEMAKING.**—In prescribing rules under this section, the Bureau shall consider available evidence about consumer awareness, understanding of, and responses to disclosures or communications about the risks, costs, and benefits of consumer financial products or services.

(d) **SAFE HARBOR.**—Any covered person that uses a model form included with a rule issued under this section shall be deemed to be in compliance with the disclosure requirements of this section with respect to such model form.

(e) **TRIAL DISCLOSURE PROGRAMS.**—

(1) **IN GENERAL.**—The Bureau may permit a covered person to conduct a trial program that

is limited in time and scope, subject to specified standards and procedures, for the purpose of providing trial disclosures to consumers that are designed to improve upon any model form issued pursuant to subsection (b)(1), or any other model form issued to implement an enumerated statute, as applicable.

(2) **SAFE HARBOR.**—The standards and procedures issued by the Bureau shall be designed to encourage covered persons to conduct trial disclosure programs. For the purposes of administering this subsection, the Bureau may establish a limited period during which a covered person conducting a trial disclosure program shall be deemed to be in compliance with, or may be exempted from, a requirement of a rule or an enumerated consumer law.

(3) **PUBLIC DISCLOSURE.**—The rules of the Bureau shall provide for public disclosure of trial disclosure programs, which public disclosure may be limited, to the extent necessary to encourage covered persons to conduct effective trials.

(f) **COMBINED MORTGAGE LOAN DISCLOSURE.**—Not later than 1 year after the designated transfer date, the Bureau shall propose for public comment rules and model disclosures that combine the disclosures required under the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974, into a single, integrated disclosure for mortgage loan transactions covered by those laws, unless the Bureau determines that any proposal issued by the Board of Governors and the Secretary of Housing and Urban Development carries out the same purpose.

SEC. 1033. CONSUMER RIGHTS TO ACCESS INFORMATION.

(a) **IN GENERAL.**—Subject to rules prescribed by the Bureau, a covered person shall make available to a consumer, upon request, information in the control or possession of the covered person concerning the consumer financial product or service that the consumer obtained from such covered person, including information relating to any transaction, series of transactions, or to the account including costs, charges and usage data. The information shall be made available in an electronic form usable by consumers.

(b) **EXCEPTIONS.**—A covered person may not be required by this section to make available to the consumer—

(1) any confidential commercial information, including an algorithm used to derive credit scores or other risk scores or predictors;

(2) any information collected by the covered person for the purpose of preventing fraud or money laundering, or detecting, or making any report regarding other unlawful or potentially unlawful conduct;

(3) any information required to be kept confidential by any other provision of law; or

(4) any information that the covered person cannot retrieve in the ordinary course of its business with respect to that information.

(c) **NO DUTY TO MAINTAIN RECORDS.**—Nothing in this section shall be construed to impose any duty on a covered person to maintain or keep any information about a consumer.

(d) **STANDARDIZED FORMATS FOR DATA.**—The Bureau, by rule, shall prescribe standards applicable to covered persons to promote the development and use of standardized formats for information, including through the use of machine readable files, to be made available to consumers under this section.

(e) **CONSULTATION.**—The Bureau shall, when prescribing any rule under this section, consult with the Federal banking agencies and the Federal Trade Commission to ensure, to the extent appropriate, that the rules—

(1) impose substantively similar requirements on covered persons;

(2) take into account conditions under which covered persons do business both in the United States and in other countries; and

(3) do not require or promote the use of any particular technology in order to develop systems for compliance.

SEC. 1034. RESPONSE TO CONSUMER COMPLAINTS AND INQUIRIES.

(a) **TIMELY REGULATOR RESPONSE TO CONSUMERS.**—The Bureau shall establish, in consultation with the appropriate Federal regulatory agencies, reasonable procedures to provide a timely response to consumers, in writing where appropriate, to complaints against, or inquiries concerning, a covered person, including—

(1) steps that have been taken by the regulator in response to the complaint or inquiry of the consumer;

(2) any responses received by the regulator from the covered person; and

(3) any follow-up actions or planned follow-up actions by the regulator in response to the complaint or inquiry of the consumer.

(b) **TIMELY RESPONSE TO REGULATOR BY COVERED PERSON.**—A covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025 shall provide a timely response, in writing where appropriate, to the Bureau, the prudential regulators, and any other agency having jurisdiction over such covered person concerning a consumer complaint or inquiry, including—

(1) steps that have been taken by the covered person to respond to the complaint or inquiry of the consumer;

(2) responses received by the covered person from the consumer; and

(3) follow-up actions or planned follow-up actions by the covered person to respond to the complaint or inquiry of the consumer.

(c) PROVISION OF INFORMATION TO CONSUMERS.

(1) **IN GENERAL.**—A covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025 shall, in a timely manner, comply with a consumer request for information in the control or possession of such covered person concerning the consumer financial product or service that the consumer obtained from such covered person, including supporting written documentation, concerning the account of the consumer.

(2) **EXCEPTIONS.**—A covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025, a prudential regulator, and any other agency having jurisdiction over a covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025 may not be required by this section to make available to the consumer—

(A) any confidential commercial information, including an algorithm used to derive credit scores or other risk scores or predictors;

(B) any information collected by the covered person for the purpose of preventing fraud or money laundering, or detecting or making any report regarding other unlawful or potentially unlawful conduct;

(C) any information required to be kept confidential by any other provision of law; or

(D) any nonpublic or confidential information, including confidential supervisory information.

(d) **AGREEMENTS WITH OTHER AGENCIES.**—The Bureau shall enter into a memorandum of understanding with any affected Federal regulatory agency regarding procedures by which any covered person, and the prudential regulators, and any other agency having jurisdiction over a covered person, including the Secretary of the Department of Housing and Urban Development and the Secretary of Education, shall comply with this section.

SEC. 1035. PRIVATE EDUCATION LOAN OMBUDSMAN.

(a) **ESTABLISHMENT.**—The Secretary, in consultation with the Director, shall designate a Private Education Loan Ombudsman (in this section referred to as the “Ombudsman”) within the Bureau, to provide timely assistance to borrowers of private education loans.

(b) **PUBLIC INFORMATION.**—The Secretary and the Director shall disseminate information about the availability and functions of the Ombudsman to borrowers and potential borrowers, as well as institutions of higher education, lenders, guaranty agencies, loan servicers, and other participants in private education student loan programs.

(c) **FUNCTIONS OF OMBUDSMAN.**—The Ombudsman designated under this subsection shall—

(1) in accordance with regulations of the Director, receive, review, and attempt to resolve informally complaints from borrowers of loans described in subsection (a), including, as appropriate, attempts to resolve such complaints in collaboration with the Department of Education and with institutions of higher education, lenders, guaranty agencies, loan servicers, and other participants in private education loan programs;

(2) not later than 90 days after the designated transfer date, establish a memorandum of understanding with the student loan ombudsman established under section 141(f) of the Higher Education Act of 1965 (20 U.S.C. 1018(f)), to ensure coordination in providing assistance to and serving borrowers seeking to resolve complaints related to their private education or Federal student loans;

(3) compile and analyze data on borrower complaints regarding private education loans; and

(4) make appropriate recommendations to the Director, the Secretary, the Secretary of Education, the Committee on Banking, Housing, and Urban Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Financial Services and the Committee on Education and Labor of the House of Representatives.

(d) ANNUAL REPORTS.

(1) **IN GENERAL.**—The Ombudsman shall prepare an annual report that describes the activities, and evaluates the effectiveness of the Ombudsman during the preceding year.

(2) **SUBMISSION.**—The report required by paragraph (1) shall be submitted on the same date annually to the Secretary, the Secretary of Education, the Committee on Banking, Housing, and Urban Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Financial Services and the Committee on Education and Labor of the House of Representatives.

(e) **DEFINITIONS.**—For purposes of this section, the terms “private education loan” and “institution of higher education” have the same meanings as in section 140 of the Truth in Lending Act (15 U.S.C. 1650).

SEC. 1036. PROHIBITED ACTS.

It shall be unlawful for any person—

(1) to—

(A) advertise, market, offer, or sell a consumer financial product or service not in conformity with this title or applicable rules or orders issued by the Bureau;

(B) enforce, or attempt to enforce, any agreement with a consumer (including any term or change in terms in respect of such agreement), or impose, or attempt to impose, any fee or charge on a consumer in connection with a consumer financial product or service that is not in conformity with this title or applicable rules or orders issued by the Bureau; or

(C) engage in any unfair, deceptive, or abusive act or practice,

except that no person shall be held to have violated this paragraph solely by virtue of providing or selling time or space to a person placing an advertisement;

(2) to fail or refuse, as required by Federal consumer financial law, or any rule or order issued by the Bureau thereunder—

(A) to permit access to or copying of records;

(B) to establish or maintain records; or

(C) to make reports or provide information to the Bureau; or

(3) knowingly or recklessly to provide substantial assistance to another person in violation of the provisions of section 1031, or any rule or order issued thereunder, and notwithstanding any provision of this title, the provider of such substantial assistance shall be deemed to be in violation of that section to the same extent as the person to whom such assistance is provided.

SEC. 1037. EFFECTIVE DATE.

This subtitle shall take effect on the designated transfer date.

Subtitle D—Preservation of State Law

SEC. 1041. RELATION TO STATE LAW.

(a) IN GENERAL.—

(1) RULE OF CONSTRUCTION.—This title, other than sections 1044 through 1048, may not be construed as annulling, altering, or affecting, or exempting any person subject to the provisions of this title from complying with, the statutes, regulations, orders, or interpretations in effect in any State, except to the extent that any such provision of law is inconsistent with the provisions of this title, and then only to the extent of the inconsistency.

(2) GREATER PROTECTION UNDER STATE LAW.—For purposes of this subsection, a statute, regulation, order, or interpretation in effect in any State is not inconsistent with the provisions of this title if the protection that such statute, regulation, order, or interpretation affords to consumers is greater than the protection provided under this title. A determination regarding whether a statute, regulation, order, or interpretation in effect in any State is inconsistent with the provisions of this title may be made by the Bureau on its own motion or in response to a nonfrivolous petition initiated by any interested person.

(b) RELATION TO OTHER PROVISIONS OF ENUMERATED CONSUMER LAWS THAT RELATE TO STATE LAW.—No provision of this title, except as provided in section 1083, shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the application of a law in effect in any State with respect to such Federal law.

(c) ADDITIONAL CONSUMER PROTECTION REGULATIONS IN RESPONSE TO STATE ACTION.—

(1) NOTICE OF PROPOSED RULE REQUIRED.—The Bureau shall issue a notice of proposed rulemaking whenever a majority of the States has enacted a resolution in support of the establishment or modification of a consumer protection regulation by the Bureau.

(2) BUREAU CONSIDERATIONS REQUIRED FOR ISSUANCE OF FINAL REGULATION.—Before prescribing a final regulation based upon a notice issued pursuant to paragraph (1), the Bureau shall take into account whether—

(A) the proposed regulation would afford greater protection to consumers than any existing regulation;

(B) the intended benefits of the proposed regulation for consumers would outweigh any increased costs or inconveniences for consumers, and would not discriminate unfairly against any category or class of consumers; and

(C) a Federal banking agency has advised that the proposed regulation is likely to present an unacceptable safety and soundness risk to insured depository institutions.

(3) EXPLANATION OF CONSIDERATIONS.—The Bureau—

(A) shall include a discussion of the considerations required in paragraph (2) in the Federal Register notice of a final regulation prescribed pursuant to this subsection; and

(B) whenever the Bureau determines not to prescribe a final regulation, shall publish an explanation of such determination in the Federal Register, and provide a copy of such explanation to each State that enacted a resolution in support of the proposed regulation, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(4) RESERVATION OF AUTHORITY.—No provision of this subsection shall be construed as limiting or restricting the authority of the Bureau to enhance consumer protection standards established pursuant to this title in response to its own motion or in response to a request by any other interested person.

(5) RULE OF CONSTRUCTION.—No provision of this subsection shall be construed as exempting the Bureau from complying with subchapter II of chapter 5 of title 5, United States Code.

(6) DEFINITION.—For purposes of this subsection, the term “consumer protection regulation” means a regulation that the Bureau is authorized to prescribe under the Federal consumer financial laws.

SEC. 1042. PRESERVATION OF ENFORCEMENT POWERS OF STATES.

(a) IN GENERAL.—

(1) ACTION BY STATE.—Except as provided in paragraph (2), the attorney general (or the equivalent thereof) of any State may bring a civil action in the name of such State in any district court of the United States in that State or in State court that is located in that State and that has jurisdiction over the defendant, to enforce provisions of this title or regulations issued under this title, and to secure remedies under provisions of this title or remedies otherwise provided under other law. A State regulator may bring a civil action or other appropriate proceeding to enforce the provisions of this title or regulations issued under this title with respect to any entity that is State-chartered, incorporated, licensed, or otherwise authorized to do business under State law (except as provided in paragraph (2)), and to secure remedies under provisions of this title or remedies otherwise provided under other provisions of law with respect to such an entity.

(2) ACTION BY STATE AGAINST NATIONAL BANK OR FEDERAL SAVINGS ASSOCIATION TO ENFORCE RULES.—

(A) IN GENERAL.—Except as permitted under subparagraph (B), the attorney general (or equivalent thereof) of any State may not bring a civil action in the name of such State against a national bank or Federal savings association with respect to an act or omission that would be a violation of a provision of this title.

(B) ENFORCEMENT OF RULES PERMITTED.—The attorney general (or the equivalent thereof) of any State may bring a civil action in the name of such State against a national bank or Federal savings association in any district court of the United States in the State or in State court that is located in that State and that has jurisdiction over the defendant to enforce a regulation prescribed by the Bureau under a provision of this title and to secure remedies under provisions of this title or remedies otherwise provided under other law.

(3) RULE OF CONSTRUCTION.—No provision of this title shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the authority of a State attorney general or State regulator to enforce such Federal law.

(b) CONSULTATION REQUIRED.—

(1) NOTICE.—

(A) IN GENERAL.—Before initiating any action in a court or other administrative or regulatory proceeding against any covered person as authorized by subsection (a) to enforce any provision of this title, including any regulation prescribed by the Bureau under this title, a State attorney general or State regulator shall timely provide a copy of the complete complaint to be filed and written notice describing such action or proceeding to the Bureau and the prudential regulator, if any, or the designee thereof.

(B) EMERGENCY ACTION.—If prior notice is not practicable, the State attorney general or State regulator shall provide a copy of the complete complaint and the notice to the Bureau and the prudential regulator, if any, immediately upon instituting the action or proceeding.

(C) CONTENTS OF NOTICE.—The notification required under this paragraph shall, at a minimum, describe—

(i) the identity of the parties;

(ii) the alleged facts underlying the proceeding; and

(iii) whether there may be a need to coordinate the prosecution of the proceeding so as not to interfere with any action, including any rulemaking, undertaken by the Bureau, a prudential regulator, or another Federal agency.

(2) BUREAU RESPONSE.—In any action described in paragraph (1), the Bureau may—

(A) intervene in the action as a party;

(B) upon intervening—

(i) remove the action to the appropriate United States district court, if the action was not originally brought there; and

(ii) be heard on all matters arising in the action; and

(C) appeal any order or judgment, to the same extent as any other party in the proceeding may.

(c) REGULATIONS.—The Bureau shall prescribe regulations to implement the requirements of this section and, from time to time, provide guidance in order to further coordinate actions with the State attorneys general and other regulators.

(d) PRESERVATION OF STATE AUTHORITY.—

(1) STATE CLAIMS.—No provision of this section shall be construed as altering, limiting, or affecting the authority of a State attorney general or any other regulatory or enforcement agency or authority to bring an action or other regulatory proceeding arising solely under the law in effect in that State.

(2) STATE SECURITIES REGULATORS.—No provision of this title shall be construed as altering, limiting, or affecting the authority of a State securities commission (or any agency or office performing like functions) under State law to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by such commission or authority.

(3) STATE INSURANCE REGULATORS.—No provision of this title shall be construed as altering, limiting, or affecting the authority of a State insurance commission or State insurance regulator under State law to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by such commission or regulator.

SEC. 1043. PRESERVATION OF EXISTING CONTRACTS.

This title, and regulations, orders, guidance, and interpretations prescribed, issued, or established by the Bureau, shall not be construed to alter or affect the applicability of any regulation, order, guidance, or interpretation prescribed, issued, and established by the Comptroller of the Currency or the Director of the Office of Thrift Supervision regarding the applicability of State law under Federal banking law to any contract entered into on or before the date of enactment of this Act, by national banks, Federal savings associations, or subsidiaries

thereof that are regulated and supervised by the Comptroller of the Currency or the Director of the Office of Thrift Supervision, respectively.

SEC. 1044. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED.

(a) *IN GENERAL.*—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136B the following new section:

“SEC. 5136C. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED.

“(a) *DEFINITIONS.*—For purposes of this section, the following definitions shall apply:

“(1) *NATIONAL BANK.*—The term ‘national bank’ includes—

“(A) any bank organized under the laws of the United States; and

“(B) any Federal branch established in accordance with the International Banking Act of 1978.

“(2) *STATE CONSUMER FINANCIAL LAWS.*—The term ‘State consumer financial law’ means a State law that does not directly or indirectly discriminate against national banks and that directly and specifically regulates the manner, content, or terms and conditions of any financial transaction (as may be authorized for national banks to engage in), or any account related thereto, with respect to a consumer.

“(3) *OTHER DEFINITIONS.*—The terms ‘affiliate’, ‘subsidiary’, ‘includes’, and ‘including’ have the same meanings as in section 3 of the Federal Deposit Insurance Act.

“(b) *PREEMPTION STANDARD.*—

“(1) *IN GENERAL.*—State consumer financial laws are preempted, only if—

“(A) application of a State consumer financial law would have a discriminatory effect on national banks, in comparison with the effect of the law on a bank chartered by that State;

“(B) the State consumer financial law is preempted in accordance with the legal standard of the decision of the Supreme Court of the United States in *Barnett Bank of Marion County, N.A. v. Nelson*, Florida Insurance Commissioner, et al., 517 U.S. 25 (1996), and any preemption determination under this subparagraph may be made by a court, or by regulation or order of the Comptroller of the Currency on a case-by-case basis, in accordance with applicable law; or

“(C) the State consumer financial law is preempted by a provision of Federal law other than this title.

“(2) *SAVINGS CLAUSE.*—This title and section 24 of the Federal Reserve Act (12 U.S.C. 371) do not preempt, annul, or affect the applicability of any State law to any subsidiary or affiliate of a national bank (other than a subsidiary or affiliate that is chartered as a national bank).

“(3) *CASE-BY-CASE BASIS.*—

“(A) *DEFINITION.*—As used in this section the term ‘case-by-case basis’ refers to a determination pursuant to this section made by the Comptroller concerning the impact of a particular State consumer financial law on any national bank that is subject to that law, or the law of any other State with substantively equivalent terms.

“(B) *CONSULTATION.*—When making a determination on a case-by-case basis that a State consumer financial law of another State has substantively equivalent terms as one that the Comptroller is preempting, the Comptroller shall first consult with the Bureau of Consumer Financial Protection and shall take the views of the Bureau into account when making the determination.

“(4) *RULE OF CONSTRUCTION.*—This title does not occupy the field in any area of State law.

“(5) *STANDARDS OF REVIEW.*—

“(A) *PREEMPTION.*—A court reviewing any determinations made by the Comptroller regarding

preemption of a State law by this title or section 24 of the Federal Reserve Act (12 U.S.C. 371) shall assess the validity of such determinations, depending upon the thoroughness evident in the consideration of the agency, the validity of the reasoning of the agency, the consistency with other valid determinations made by the agency, and other factors which the court finds persuasive and relevant to its decision.

“(B) *SAVINGS CLAUSE.*—Except as provided in subparagraph (A), nothing in this section shall affect the deference that a court may afford to the Comptroller in making determinations regarding the meaning or interpretation of title LXII of the Revised Statutes of the United States or other Federal laws.

“(6) *COMPTROLLER DETERMINATION NOT DELEGABLE.*—Any regulation, order, or determination made by the Comptroller of the Currency under paragraph (1)(B) shall be made by the Comptroller, and shall not be delegable to another officer or employee of the Comptroller of the Currency.

“(c) *SUBSTANTIAL EVIDENCE.*—No regulation or order of the Comptroller of the Currency prescribed under subsection (b)(1)(B), shall be interpreted or applied so as to invalidate, or otherwise declare inapplicable to a national bank, the provision of the State consumer financial law, unless substantial evidence, made on the record of the proceeding, supports the specific finding regarding the preemption of such provision in accordance with the legal standard of the decision of the Supreme Court of the United States in *Barnett Bank of Marion County, N.A. v. Nelson*, Florida Insurance Commissioner, et al., 517 U.S. 25 (1996).

“(d) *PERIODIC REVIEW OF PREEMPTION DETERMINATIONS.*—

“(1) *IN GENERAL.*—The Comptroller of the Currency shall periodically conduct a review, through notice and public comment, of each determination that a provision of Federal law preempts a State consumer financial law. The agency shall conduct such review within the 5-year period after prescribing or otherwise issuing such determination, and at least once during each 5-year period thereafter. After conducting the review of, and inspecting the comments made on, the determination, the agency shall publish a notice in the Federal Register announcing the decision to continue or rescind the determination or a proposal to amend the determination. Any such notice of a proposal to amend a determination and the subsequent resolution of such proposal shall comply with the procedures set forth in subsections (a) and (b) of section 5244 of the Revised Statutes of the United States (12 U.S.C. 43 (a), (b)).

“(2) *REPORTS TO CONGRESS.*—At the time of issuing a review conducted under paragraph (1), the Comptroller of the Currency shall submit a report regarding such review to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report submitted to the respective committees shall address whether the agency intends to continue, rescind, or propose to amend any determination that a provision of Federal law preempts a State consumer financial law, and the reasons therefor.

“(e) *APPLICATION OF STATE CONSUMER FINANCIAL LAW TO SUBSIDIARIES AND AFFILIATES.*—Notwithstanding any provision of this title or section 24 of Federal Reserve Act (12 U.S.C. 371), a State consumer financial law shall apply to a subsidiary or affiliate of a national bank (other than a subsidiary or affiliate that is chartered as a national bank) to the same extent that the State consumer financial law applies to any person, corporation, or other entity subject to such State law.

“(f) *PRESERVATION OF POWERS RELATED TO CHARGING INTEREST.*—No provision of this title

shall be construed as altering or otherwise affecting the authority conferred by section 5197 of the Revised Statutes of the United States (12 U.S.C. 85) for the charging of interest by a national bank at the rate allowed by the laws of the State, territory, or district where the bank is located, including with respect to the meaning of ‘interest’ under such provision.

“(g) *TRANSPARENCY OF OCC PREEMPTION DETERMINATIONS.*—The Comptroller of the Currency shall publish and update no less frequently than quarterly, a list of preemption determinations by the Comptroller of the Currency then in effect that identifies the activities and practices covered by each determination and the requirements and constraints determined to be preempted.”.

(b) *CLERICAL AMENDMENT.*—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended by inserting after the item relating to section 5136B the following new item:

“Sec. 5136C. State law preemption standards for national banks and subsidiaries clarified.”.

SEC. 1045. CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION SUBSIDIARIES.

Section 5136C of the Revised Statutes of the United States (as added by this subtitle) is amended by adding at the end the following:

“(h) *CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION SUBSIDIARIES AND AFFILIATES OF NATIONAL BANKS.*—

“(1) *DEFINITIONS.*—For purposes of this subsection, the terms ‘depository institution’, ‘subsidiary’, and ‘affiliate’ have the same meanings as in section 3 of the Federal Deposit Insurance Act.

“(2) *RULE OF CONSTRUCTION.*—No provision of this title or section 24 of the Federal Reserve Act (12 U.S.C. 371) shall be construed as preempting, annulling, or affecting the applicability of State law to any subsidiary, affiliate, or agent of a national bank (other than a subsidiary, affiliate, or agent that is chartered as a national bank).”.

SEC. 1046. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS AND SUBSIDIARIES CLARIFIED.

(a) *IN GENERAL.*—The Home Owners’ Loan Act (12 U.S.C. 1461 et seq.) is amended by inserting after section 5 the following new section:

“SEC. 6. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS CLARIFIED.

“(a) *IN GENERAL.*—Any determination by a court or by the Director or any successor officer or agency regarding the relation of State law to a provision of this Act or any regulation or order prescribed under this Act shall be made in accordance with the laws and legal standards applicable to national banks regarding the preemption of State law.

“(b) *PRINCIPLES OF CONFLICT PREEMPTION APPLICABLE.*—Notwithstanding the authorities granted under sections 4 and 5, this Act does not occupy the field in any area of State law.”.

(b) *CLERICAL AMENDMENT.*—The table of sections for the Home Owners’ Loan Act (12 U.S.C. 1461 et seq.) is amended by striking the item relating to section 6 and inserting the following new item:

“Sec. 6. State law preemption standards for Federal savings associations and subsidiaries clarified.”.

SEC. 1047. VISITORIAL STANDARDS FOR NATIONAL BANKS AND SAVINGS ASSOCIATIONS.

(a) *NATIONAL BANKS.*—Section 5136C of the Revised Statutes of the United States (as added by this subtitle) is amended by adding at the end the following:

“(i) VISITORIAL POWERS.—

“(1) IN GENERAL.—In accordance with the decision of the Supreme Court of the United States in *Cuomo v. Clearing House Assn.*, L. L. C. (129 S. Ct. 2710 (2009)), no provision of this title which relates to visitorial powers or otherwise limits or restricts the visitorial authority to which any national bank is subject shall be construed as limiting or restricting the authority of any attorney general (or other chief law enforcement officer) of any State to bring an action against a national bank in a court of appropriate jurisdiction to enforce an applicable law and to seek relief as authorized by such law.

“(j) ENFORCEMENT ACTIONS.—The ability of the Comptroller of the Currency to bring an enforcement action under this title or section 5 of the Federal Trade Commission Act does not preclude any private party from enforcing rights granted under Federal or State law in the courts.”.

(b) SAVINGS ASSOCIATIONS.—Section 6 of the Home Owners’ Loan Act (as added by this title) is amended by adding at the end the following:

“(c) VISITORIAL POWERS.—The provisions of sections 5136C(i) of the Revised Statutes of the United States shall apply to Federal savings associations, and any subsidiary thereof, to the same extent and in the same manner as if such savings associations, or subsidiaries thereof, were national banks or subsidiaries of national banks, respectively.”

“(d) ENFORCEMENT ACTIONS.—The ability of the Comptroller of the Currency to bring an enforcement action under this Act or section 5 of the Federal Trade Commission Act does not preclude any private party from enforcing rights granted under Federal or State law in the courts.”.

SEC. 1048. EFFECTIVE DATE.

This subtitle shall become effective on the designated transfer date.

Subtitle E—Enforcement Powers

SEC. 1051. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) BUREAU INVESTIGATION.—The term “Bureau investigation” means any inquiry conducted by a Bureau investigator for the purpose of ascertaining whether any person is or has been engaged in any conduct that is a violation, as defined in this section.

(2) BUREAU INVESTIGATOR.—The term “Bureau investigator” means any attorney or investigator employed by the Bureau who is charged with the duty of enforcing or carrying into effect any Federal consumer financial law.

(3) CIVIL INVESTIGATIVE DEMAND AND DEMAND.—The terms “civil investigative demand” and “demand” mean any demand issued by the Bureau.

(4) CUSTODIAN.—The term “custodian” means the custodian or any deputy custodian designated by the Bureau.

(5) DOCUMENTARY MATERIAL.—The term “documentary material” includes the original or any copy of any book, document, record, report, memorandum, paper, communication, tabulation, chart, logs, electronic files, or other data or data compilations stored in any medium.

(6) VIOLATION.—The term “violation” means any act or omission that, if proved, would constitute a violation of any provision of Federal consumer financial law.

SEC. 1052. INVESTIGATIONS AND ADMINISTRATIVE DISCOVERY.

(a) JOINT INVESTIGATIONS.—

(1) IN GENERAL.—The Bureau or, where appropriate, a Bureau investigator, may engage in joint investigations and requests for information, as authorized under this title.

(2) FAIR LENDING.—The authority under paragraph (1) includes matters relating to fair lend-

ing, and where appropriate, joint investigations with, and requests for information from, the Secretary of Housing and Urban Development, the Attorney General of the United States, or both.

(b) SUBPOENAS.—

(1) IN GENERAL.—The Bureau or a Bureau investigator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, documents, or other material in connection with hearings under this title.

(2) FAILURE TO OBEY.—In the case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Bureau or a Bureau investigator and after notice to such person, may issue an order requiring such person to appear and give testimony or to appear and produce documents or other material.

(3) CONTEMPT.—Any failure to obey an order of the court under this subsection may be punished by the court as a contempt thereof.

(c) DEMANDS.—

(1) IN GENERAL.—Whenever the Bureau has reason to believe that any person may be in possession, custody, or control of any documentary material or tangible things, or may have any information, relevant to a violation, the Bureau may, before the institution of any proceedings under the Federal consumer financial law, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to—

(A) produce such documentary material for inspection and copying or reproduction in the form or medium requested by the Bureau;

(B) submit such tangible things;

(C) file written reports or answers to questions;

(D) give oral testimony concerning documentary material, tangible things, or other information; or

(E) furnish any combination of such material, answers, or testimony.

(2) REQUIREMENTS.—Each civil investigative demand shall state the nature of the conduct constituting the alleged violation which is under investigation and the provision of law applicable to such violation.

(3) PRODUCTION OF DOCUMENTS.—Each civil investigative demand for the production of documentary material shall—

(A) describe each class of documentary material to be produced under the demand with such definiteness and certainty as to permit such material to be fairly identified;

(B) prescribe a return date or dates which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(C) identify the custodian to whom such material shall be made available.

(4) PRODUCTION OF THINGS.—Each civil investigative demand for the submission of tangible things shall—

(A) describe each class of tangible things to be submitted under the demand with such definiteness and certainty as to permit such things to be fairly identified;

(B) prescribe a return date or dates which will provide a reasonable period of time within which the things so demanded may be assembled and submitted; and

(C) identify the custodian to whom such things shall be submitted.

(5) DEMAND FOR WRITTEN REPORTS OR ANSWERS.—Each civil investigative demand for written reports or answers to questions shall—

(A) propound with definiteness and certainty the reports to be produced or the questions to be answered;

(B) prescribe a date or dates at which time written reports or answers to questions shall be submitted; and

(C) identify the custodian to whom such reports or answers shall be submitted.

(6) ORAL TESTIMONY.—Each civil investigative demand for the giving of oral testimony shall—

(A) prescribe a date, time, and place at which oral testimony shall be commenced; and

(B) identify a Bureau investigator who shall conduct the investigation and the custodian to whom the transcript of such investigation shall be submitted.

(7) SERVICE.—Any civil investigative demand and any enforcement petition filed under this section may be served—

(A) by any Bureau investigator at any place within the territorial jurisdiction of any court of the United States; and

(B) upon any person who is not found within the territorial jurisdiction of any court of the United States—

(i) in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign nation; and

(ii) to the extent that the courts of the United States have authority to assert jurisdiction over such person, consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such district court would have if such person were personally within the jurisdiction of such district court.

(8) METHOD OF SERVICE.—Service of any civil investigative demand or any enforcement petition filed under this section may be made upon a person, including any legal entity, by—

(A) delivering a duly executed copy of such demand or petition to the individual or to any partner, executive officer, managing agent, or general agent of such person, or to any agent of such person authorized by appointment or by law to receive service of process on behalf of such person;

(B) delivering a duly executed copy of such demand or petition to the principal office or place of business of the person to be served; or

(C) depositing a duly executed copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such person at the principal office or place of business of such person.

(9) PROOF OF SERVICE.—

(A) IN GENERAL.—A verified return by the individual serving any civil investigative demand or any enforcement petition filed under this section setting forth the manner of such service shall be proof of such service.

(B) RETURN RECEIPTS.—In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand or enforcement petition.

(10) PRODUCTION OF DOCUMENTARY MATERIAL.—The production of documentary material in response to a civil investigative demand shall be made under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by any person having knowledge of the facts and circumstances relating to such production, to the effect that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the custodian.

(11) SUBMISSION OF TANGIBLE THINGS.—The submission of tangible things in response to a civil investigative demand shall be made under a sworn certificate, in such form as the demand designates, by the person to whom the demand is directed or, if not a natural person, by any

person having knowledge of the facts and circumstances relating to such production, to the effect that all of the tangible things required by the demand and in the possession, custody, or control of the person to whom the demand is directed have been submitted to the custodian.

(12) **SEPARATE ANSWERS.**—Each reporting requirement or question in a civil investigative demand shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for the objection shall be stated in lieu of an answer, and it shall be submitted under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by any person responsible for answering each reporting requirement or question, to the effect that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted.

(13) **TESTIMONY.**—

(A) **IN GENERAL.**—

(i) **OATH OR AFFIRMATION.**—Any Bureau investigator before whom oral testimony is to be taken shall put the witness under oath or affirmation, and shall personally, or by any individual acting under the direction of and in the presence of the Bureau investigator, record the testimony of the witness.

(ii) **TRANSCRIPTION.**—The testimony shall be taken stenographically and transcribed.

(iii) **TRANSMISSION TO CUSTODIAN.**—After the testimony is fully transcribed, the Bureau investigator before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian.

(B) **PARTIES PRESENT.**—Any Bureau investigator before whom oral testimony is to be taken shall exclude from the place where the testimony is to be taken all other persons, except the person giving the testimony, the attorney of that person, the officer before whom the testimony is to be taken, and any stenographer taking such testimony.

(C) **LOCATION.**—The oral testimony of any person taken pursuant to a civil investigative demand shall be taken in the judicial district of the United States in which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the Bureau investigator before whom the oral testimony of such person is to be taken and such person.

(D) **ATTORNEY REPRESENTATION.**—

(i) **IN GENERAL.**—Any person compelled to appear under a civil investigative demand for oral testimony pursuant to this section may be accompanied, represented, and advised by an attorney.

(ii) **AUTHORITY.**—The attorney may advise a person described in clause (i), in confidence, either upon the request of such person or upon the initiative of the attorney, with respect to any question asked of such person.

(iii) **OBJECTIONS.**—A person described in clause (i), or the attorney for that person, may object on the record to any question, in whole or in part, and such person shall briefly state for the record the reason for the objection. An objection may properly be made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination, but such person shall not otherwise object to or refuse to answer any question, and such person or attorney shall not otherwise interrupt the oral examination.

(iv) **REFUSAL TO ANSWER.**—If a person described in clause (i) refuses to answer any question—

(I) the Bureau may petition the district court of the United States pursuant to this section for

an order compelling such person to answer such question; and

(II) on grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with the provisions of section 6004 of title 18, United States Code.

(E) **TRANSCRIPTS.**—For purposes of this subsection—

(i) after the testimony of any witness is fully transcribed, the Bureau investigator shall afford the witness (who may be accompanied by an attorney) a reasonable opportunity to examine the transcript;

(ii) the transcript shall be read to or by the witness, unless such examination and reading are waived by the witness;

(iii) any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the Bureau investigator, with a statement of the reasons given by the witness for making such changes;

(iv) the transcript shall be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign; and

(v) if the transcript is not signed by the witness during the 30-day period following the date on which the witness is first afforded a reasonable opportunity to examine the transcript, the Bureau investigator shall sign the transcript and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with any reasons given for the failure to sign.

(F) **CERTIFICATION BY INVESTIGATOR.**—The Bureau investigator shall certify on the transcript that the witness was duly sworn by him or her and that the transcript is a true record of the testimony given by the witness, and the Bureau investigator shall promptly deliver the transcript or send it by registered or certified mail to the custodian.

(G) **COPY OF TRANSCRIPT.**—The Bureau investigator shall furnish a copy of the transcript (upon payment of reasonable charges for the transcript) to the witness only, except that the Bureau may for good cause limit such witness to inspection of the official transcript of his testimony.

(H) **WITNESS FEES.**—Any witness appearing for the taking of oral testimony pursuant to a civil investigative demand shall be entitled to the same fees and mileage which are paid to witnesses in the district courts of the United States.

(d) **CONFIDENTIAL TREATMENT OF DEMAND MATERIAL.**—

(1) **IN GENERAL.**—Documentary materials and tangible things received as a result of a civil investigative demand shall be subject to requirements and procedures regarding confidentiality, in accordance with rules established by the Bureau.

(2) **DISCLOSURE TO CONGRESS.**—No rule established by the Bureau regarding the confidentiality of materials submitted to, or otherwise obtained by, the Bureau shall be intended to prevent disclosure to either House of Congress or to an appropriate committee of the Congress, except that the Bureau is permitted to adopt rules allowing prior notice to any party that owns or otherwise provided the material to the Bureau and had designated such material as confidential.

(e) **PETITION FOR ENFORCEMENT.**—

(1) **IN GENERAL.**—Whenever any person fails to comply with any civil investigative demand duly served upon him under this section, or whenever satisfactory copying or reproduction of material requested pursuant to the demand cannot be accomplished and such person refuses to surrender such material, the Bureau, through such officers or attorneys as it may designate, may file, in the district court of the United States for any judicial district in which such person resides, is

found, or transacts business, and serve upon such person, a petition for an order of such court for the enforcement of this section.

(2) **SERVICE OF PROCESS.**—All process of any court to which application may be made as provided in this subsection may be served in any judicial district.

(f) **PETITION FOR ORDER MODIFYING OR SETTING ASIDE DEMAND.**—

(1) **IN GENERAL.**—Not later than 20 days after the service of any civil investigative demand upon any person under subsection (b), or at any time before the return date specified in the demand, whichever period is shorter, or within such period exceeding 20 days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any Bureau investigator named in the demand, such person may file with the Bureau a petition for an order by the Bureau modifying or setting aside the demand.

(2) **COMPLIANCE DURING PENDENCY.**—The time permitted for compliance with the demand in whole or in part, as determined proper and ordered by the Bureau, shall not run during the pendency of a petition under paragraph (1) at the Bureau, except that such person shall comply with any portions of the demand not sought to be modified or set aside.

(3) **SPECIFIC GROUNDS.**—A petition under paragraph (1) shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of the demand to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of such person.

(g) **CUSTODIAL CONTROL.**—At any time during which any custodian is in custody or control of any documentary material, tangible things, reports, answers to questions, or transcripts of oral testimony given by any person in compliance with any civil investigative demand, such person may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian, a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section or rule promulgated by the Bureau.

(h) **JURISDICTION OF COURT.**—

(1) **IN GENERAL.**—Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry out the provisions of this section.

(2) **APPEAL.**—Any final order entered as described in paragraph (1) shall be subject to appeal pursuant to section 1291 of title 28, United States Code.

SEC. 1053. HEARINGS AND ADJUDICATION PROCEEDINGS.

(a) **IN GENERAL.**—The Bureau is authorized to conduct hearings and adjudication proceedings with respect to any person in the manner prescribed by chapter 5 of title 5, United States Code in order to ensure or enforce compliance with—

(1) the provisions of this title, including any rules prescribed by the Bureau under this title; and

(2) any other Federal law that the Bureau is authorized to enforce, including an enumerated consumer law, and any regulations or order prescribed thereunder, unless such Federal law specifically limits the Bureau from conducting a hearing or adjudication proceeding and only to the extent of such limitation.

(b) **SPECIAL RULES FOR CEASE-AND-DESIST PROCEEDINGS.**—

(1) **ORDERS AUTHORIZED.**—

(A) **IN GENERAL.**—If, in the opinion of the Bureau, any covered person or service provider is

engaging or has engaged in an activity that violates a law, rule, or any condition imposed in writing on the person by the Bureau, the Bureau may, subject to sections 1024, 1025, and 1026, issue and serve upon the covered person or service provider a notice of charges in respect thereof.

(B) **CONTENT OF NOTICE.**—The notice under subparagraph (A) shall contain a statement of the facts constituting the alleged violation or violations, and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the covered person or service provider, such hearing to be held not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Bureau, at the request of any party so served.

(C) **CONSENT.**—Unless the party or parties served under subparagraph (B) appear at the hearing personally or by a duly authorized representative, such person shall be deemed to have consented to the issuance of the cease-and-desist order.

(D) **PROCEDURE.**—In the event of consent under subparagraph (C), or if, upon the record, made at any such hearing, the Bureau finds that any violation specified in the notice of charges has been established, the Bureau may issue and serve upon the covered person or service provider an order to cease and desist from the violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the covered person or service provider to cease and desist from the subject activity, and to take affirmative action to correct the conditions resulting from any such violation.

(2) **EFFECTIVENESS OF ORDER.**—A cease-and-desist order shall become effective at the expiration of 30 days after the date of service of an order under paragraph (1) upon the covered person or service provider concerned (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided therein, except to such extent as the order is stayed, modified, terminated, or set aside by action of the Bureau or a reviewing court.

(3) **DECISION AND APPEAL.**—Any hearing provided for in this subsection shall be held in the Federal judicial district or in the territory in which the residence or principal office or place of business of the person is located unless the person consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. After such hearing, and within 90 days after the Bureau has notified the parties that the case has been submitted to the Bureau for final decision, the Bureau shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (4), and thereafter until the record in the proceeding has been filed as provided in paragraph (4), the Bureau may at any time, upon such notice and in such manner as the Bureau shall determine proper, modify, terminate, or set aside any such order with permission of the court.

(4) **APPEAL TO COURT OF APPEALS.**—Any party to any proceeding under this subsection may obtain a review of any order served pursuant to this subsection (other than an order issued with the consent of the person concerned) by the fil-

ing in the court of appeals of the United States for the circuit in which the principal office of the covered person is located, or in the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the date of service of such order, a written petition praying that the order of the Bureau be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Bureau, and thereupon the Bureau shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall except as provided in the last sentence of paragraph (3) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Bureau. Review of such proceedings shall be had as provided in chapter 7 of title 5 of the United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court of the United States, upon certiorari, as provided in section 1254 of title 28 of the United States Code.

(5) **NO STAY.**—The commencement of proceedings for judicial review under paragraph (4) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Bureau.

(c) **SPECIAL RULES FOR TEMPORARY CEASE-AND-DESIST PROCEEDINGS.**—

(1) **IN GENERAL.**—Whenever the Bureau determines that the violation specified in the notice of charges served upon a person, including a service provider, pursuant to subsection (b), or the continuation thereof, is likely to cause the person to be insolvent or otherwise prejudice the interests of consumers before the completion of the proceedings conducted pursuant to subsection (b), the Bureau may issue a temporary order requiring the person to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency or other condition pending completion of such proceedings. Such order may include any requirement authorized under this subtitle. Such order shall become effective upon service upon the person and, unless set aside, limited, or suspended by a court in proceedings authorized by paragraph (2), shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the Bureau shall dismiss the charges specified in such notice, or if a cease-and-desist order is issued against the person, until the effective date of such order.

(2) **APPEAL.**—Not later than 10 days after the covered person or service provider concerned has been served with a temporary cease-and-desist order, the person may apply to the United States district court for the judicial district in which the residence or principal office or place of business of the person is located, or the United States District Court for the District of Columbia, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the person under subsection (b), and such court shall have jurisdiction to issue such injunction.

(3) **INCOMPLETE OR INACCURATE RECORDS.**—

(A) **TEMPORARY ORDER.**—If a notice of charges served under subsection (b) specifies, on the basis of particular facts and circumstances, that the books and records of a covered person or service provider are so incomplete or inaccurate that the Bureau is unable to determine the financial condition of that person or the details or purpose of any transaction or transactions that may have a material effect on the financial condition of that person, the Bureau may issue a temporary order requiring—

(i) the cessation of any activity or practice which gave rise, whether in whole or in part, to the incomplete or inaccurate state of the books or records; or

(ii) affirmative action to restore such books or records to a complete and accurate state, until the completion of the proceedings under subsection (b)(1).

(B) **EFFECTIVE PERIOD.**—Any temporary order issued under subparagraph (A)—

(i) shall become effective upon service; and

(ii) unless set aside, limited, or suspended by a court in proceedings under paragraph (2), shall remain in effect and enforceable until the earlier of—

(I) the completion of the proceeding initiated under subsection (b) in connection with the notice of charges; or

(II) the date the Bureau determines, by examination or otherwise, that the books and records of the covered person or service provider are accurate and reflect the financial condition thereof.

(d) **SPECIAL RULES FOR ENFORCEMENT OF ORDERS.**—

(1) **IN GENERAL.**—The Bureau may in its discretion apply to the United States district court within the jurisdiction of which the principal office or place of business of the person is located, for the enforcement of any effective and outstanding notice or order issued under this section, and such court shall have jurisdiction and power to order and require compliance herewith.

(2) **EXCEPTION.**—Except as otherwise provided in this subsection, no court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order or to review, modify, suspend, terminate, or set aside any such notice or order.

(e) **RULES.**—The Bureau shall prescribe rules establishing such procedures as may be necessary to carry out this section.

SEC. 1054. LITIGATION AUTHORITY.

(a) **IN GENERAL.**—If any person violates a Federal consumer financial law, the Bureau may, subject to sections 1024, 1025, and 1026, commence a civil action against such person to impose a civil penalty or to seek all appropriate legal and equitable relief including a permanent or temporary injunction as permitted by law.

(b) **REPRESENTATION.**—The Bureau may act in its own name and through its own attorneys in enforcing any provision of this title, rules thereunder, or any other law or regulation, or in any action, suit, or proceeding to which the Bureau is a party.

(c) **COMPROMISE OF ACTIONS.**—The Bureau may compromise or settle any action if such compromise is approved by the court.

(d) **NOTICE TO THE ATTORNEY GENERAL.**—When commencing a civil action under Federal consumer financial law, or any rule thereunder, the Bureau shall notify the Attorney General and, with respect to a civil action against an insured depository institution or insured credit union, the appropriate prudential regulator.

(e) **APPEARANCE BEFORE THE SUPREME COURT.**—The Bureau may represent itself in its own name before the Supreme Court of the United States, provided that the Bureau makes a written request to the Attorney General within the 10-day period which begins on the date of entry of the judgment which would permit any party to file a petition for writ of certiorari, and the Attorney General concurs with such request or fails to take action within 60 days of the request of the Bureau.

(f) **FORUM.**—Any civil action brought under this title may be brought in a United States district court or in any court of competent jurisdiction of a state in a district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to enjoin

such person and to require compliance with any Federal consumer financial law.

(g) **TIME FOR BRINGING ACTION.**—

(1) **IN GENERAL.**—Except as otherwise permitted by law or equity, no action may be brought under this title more than 3 years after the date of discovery of the violation to which an action relates.

(2) **LIMITATIONS UNDER OTHER FEDERAL LAWS.**—

(A) **IN GENERAL.**—For purposes of this subsection, an action arising under this title does not include claims arising solely under enumerated consumer laws.

(B) **BUREAU AUTHORITY.**—In any action arising solely under an enumerated consumer law, the Bureau may commence, defend, or intervene in the action in accordance with the requirements of that provision of law, as applicable.

(C) **TRANSFERRED AUTHORITY.**—In any action arising solely under laws for which authorities were transferred under subtitles F and H, the Bureau may commence, defend, or intervene in the action in accordance with the requirements of that provision of law, as applicable.

SEC. 1055. RELIEF AVAILABLE.

(a) **ADMINISTRATIVE PROCEEDINGS OR COURT ACTIONS.**—

(1) **JURISDICTION.**—The court (or the Bureau, as the case may be) in an action or adjudication proceeding brought under Federal consumer financial law, shall have jurisdiction to grant any appropriate legal or equitable relief with respect to a violation of Federal consumer financial law, including a violation of a rule or order prescribed under a Federal consumer financial law.

(2) **RELIEF.**—Relief under this section may include, without limitation—

(A) rescission or reformation of contracts;

(B) refund of moneys or return of real property;

(C) restitution;

(D) disgorgement or compensation for unjust enrichment;

(E) payment of damages or other monetary relief;

(F) public notification regarding the violation, including the costs of notification;

(G) limits on the activities or functions of the person; and

(H) civil money penalties, as set forth more fully in subsection (c).

(3) **NO EXEMPLARY OR PUNITIVE DAMAGES.**—Nothing in this subsection shall be construed as authorizing the imposition of exemplary or punitive damages.

(b) **RECOVERY OF COSTS.**—In any action brought by the Bureau, a State attorney general, or any State regulator to enforce any Federal consumer financial law, the Bureau, the State attorney general, or the State regulator may recover its costs in connection with prosecuting such action if the Bureau, the State attorney general, or the State regulator is the prevailing party in the action.

(c) **CIVIL MONEY PENALTY IN COURT AND ADMINISTRATIVE ACTIONS.**—

(1) **IN GENERAL.**—Any person that violates, through any act or omission, any provision of Federal consumer financial law shall forfeit and pay a civil penalty pursuant to this subsection.

(2) **PENALTY AMOUNTS.**—

(A) **FIRST TIER.**—For any violation of a law, rule, or final order or condition imposed in writing by the Bureau, a civil penalty may not exceed \$5,000 for each day during which such violation or failure to pay continues.

(B) **SECOND TIER.**—Notwithstanding paragraph (A), for any person that recklessly engages in a violation of a Federal consumer financial law, a civil penalty may not exceed \$25,000 for each day during which such violation continues.

(C) **THIRD TIER.**—Notwithstanding subparagraphs (A) and (B), for any person that knowingly violates a Federal consumer financial law, a civil penalty may not exceed \$1,000,000 for each day during which such violation continues.

(3) **MITIGATING FACTORS.**—In determining the amount of any penalty assessed under paragraph (2), the Bureau or the court shall take into account the appropriateness of the penalty with respect to—

(A) the size of financial resources and good faith of the person charged;

(B) the gravity of the violation or failure to pay;

(C) the severity of the risks to or losses of the consumer, which may take into account the number of products or services sold or provided;

(D) the history of previous violations; and

(E) such other matters as justice may require.

(4) **AUTHORITY TO MODIFY OR REMIT PENALTY.**—The Bureau may compromise, modify, or remit any penalty which may be assessed or had already been assessed under paragraph (2). The amount of such penalty, when finally determined, shall be exclusive of any sums owed by the person to the United States in connection with the costs of the proceeding, and may be deducted from any sums owing by the United States to the person charged.

(5) **NOTICE AND HEARING.**—No civil penalty may be assessed under this subsection with respect to a violation of any Federal consumer financial law, unless—

(A) the Bureau gives notice and an opportunity for a hearing to the person accused of the violation; or

(B) the appropriate court has ordered such assessment and entered judgment in favor of the Bureau.

SEC. 1056. REFERRALS FOR CRIMINAL PROCEEDINGS.

If the Bureau obtains evidence that any person, domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, the Bureau shall have the power to transmit such evidence to the Attorney General of the United States, who may institute criminal proceedings under appropriate law. Nothing in this section affects any other authority of the Bureau to disclose information.

SEC. 1057. EMPLOYEE PROTECTION.

(a) **IN GENERAL.**—No covered person or service provider shall terminate or in any other way discriminate against, or cause to be terminated or discriminated against, any covered employee or any authorized representative of covered employees by reason of the fact that such employee or representative, whether at the initiative of the employee or in the ordinary course of the duties of the employee (or any person acting pursuant to a request of the employee), has—

(1) provided, caused to be provided, or is about to provide or cause to be provided, information to the employer, the Bureau, or any other State, local, or Federal, government authority or law enforcement agency relating to any violation of, or any act or omission that the employee reasonably believes to be a violation of, any provision of this title or any other provision of law that is subject to the jurisdiction of the Bureau, or any rule, order, standard, or prohibition prescribed by the Bureau;

(2) testified or will testify in any proceeding resulting from the administration or enforcement of any provision of this title or any other provision of law that is subject to the jurisdiction of the Bureau, or any rule, order, standard, or prohibition prescribed by the Bureau;

(3) filed, instituted, or caused to be filed or instituted any proceeding under any Federal consumer financial law; or

(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task

that the employee (or other such person) reasonably believed to be in violation of any law, rule, order, standard, or prohibition, subject to the jurisdiction of, or enforceable by, the Bureau.

(b) **DEFINITION OF COVERED EMPLOYEE.**—For the purposes of this section, the term “covered employee” means any individual performing tasks related to the offering or provision of a consumer financial product or service.

(c) **PROCEDURES AND TIMETABLES.**—

(1) **COMPLAINT.**—

(A) **IN GENERAL.**—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such alleged violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination and identifying the person responsible for such act.

(B) **ACTIONS OF SECRETARY OF LABOR.**—Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint who is alleged to have committed the violation, of—

(i) the filing of the complaint;

(ii) the allegations contained in the complaint;

(iii) the substance of evidence supporting the complaint; and

(iv) opportunities that will be afforded to such person under paragraph (2).

(2) **INVESTIGATION BY SECRETARY OF LABOR.**—

(A) **IN GENERAL.**—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1), and after affording the complainant and the person named in the complaint who is alleged to have committed the violation that is the basis for the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary of Labor to present statements from witnesses, the Secretary of Labor shall—

(i) initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit; and

(ii) notify the complainant and the person alleged to have committed the violation of subsection (a), in writing, of such determination.

(B) **NOTICE OF RELIEF AVAILABLE.**—If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary of Labor shall, together with the notice under subparagraph (A)(ii), issue a preliminary order providing the relief prescribed by paragraph (4)(B).

(C) **REQUEST FOR HEARING.**—Not later than 30 days after the date of receipt of notification of a determination of the Secretary of Labor under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously, and if a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

(3) **GROUND FOR DETERMINATION OF COMPLAINTS.**—

(A) **IN GENERAL.**—The Secretary of Labor shall dismiss a complaint filed under this subsection, and shall not conduct an investigation otherwise required under paragraph (2), unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(B) **REBUTTAL EVIDENCE.**—Notwithstanding a finding by the Secretary of Labor that the complainant has made the showing required under

subparagraph (A), no investigation otherwise required under paragraph (2) shall be conducted, if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(C) **EVIDENTIARY STANDARDS.**—The Secretary of Labor may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint. Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(4) **ISSUANCE OF FINAL ORDERS; REVIEW PROCEDURES.**—

(A) **TIMING.**—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(B) **PENALTIES.**—

(i) **ORDER OF SECRETARY OF LABOR.**—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation—

(I) to take affirmative action to abate the violation;

(II) to reinstate the complainant to his or her former position, together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

(III) to provide compensatory damages to the complainant.

(ii) **PENALTY.**—If an order is issued under clause (i), the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued, a sum equal to the aggregate amount of all costs and expenses (including attorney fees and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(C) **PENALTY FOR FRIVOLOUS CLAIMS.**—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney fee, not exceeding \$1,000, to be paid by the complainant.

(D) **DE NOVO REVIEW.**—

(i) **FAILURE OF THE SECRETARY TO ACT.**—If the Secretary of Labor has not issued a final order within 210 days after the date of filing of a complaint under this subsection, or within 90 days after the date of receipt of a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States having jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

(ii) **PROCEDURES.**—A proceeding under clause (i) shall be governed by the same legal burdens of proof specified in paragraph (3). The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

(I) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

(II) the amount of back pay, with interest; and

(III) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(E) **OTHER APPEALS.**—Unless the complainant brings an action under subparagraph (D), any person adversely affected or aggrieved by a final order issued under subparagraph (A) may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation, not later than 60 days after the date of the issuance of the final order of the Secretary of Labor under subparagraph (A). Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order. An order of the Secretary of Labor with respect to which review could have been obtained under this subparagraph shall not be subject to judicial review in any criminal or other civil proceeding.

(5) **FAILURE TO COMPLY WITH ORDER.**—

(A) **ACTIONS BY THE SECRETARY.**—If any person has failed to comply with a final order issued under paragraph (4), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to have occurred, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including injunctive relief and compensatory damages.

(B) **CIVIL ACTIONS TO COMPEL COMPLIANCE.**—A person on whose behalf an order was issued under paragraph (4) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(C) **AWARD OF COSTS AUTHORIZED.**—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(D) **MANDAMUS PROCEEDINGS.**—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

(d) **UNENFORCEABILITY OF CERTAIN AGREEMENTS.**—

(1) **NO WAIVER OF RIGHTS AND REMEDIES.**—Except as provided under paragraph (3), and notwithstanding any other provision of law, the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) **NO PREDISPUTE ARBITRATION AGREEMENTS.**—Except as provided under paragraph (3), and notwithstanding any other provision of law, no predispute arbitration agreement shall be valid or enforceable to the extent that it requires arbitration of a dispute arising under this section.

(3) **EXCEPTION.**—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under subsection (a)(4), unless the Bureau determines, by rule, that such

provision is inconsistent with the purposes of this title.

SEC. 1058. EFFECTIVE DATE.

This subtitle shall become effective on the designated transfer date.

Subtitle F—Transfer of Functions and Personnel; Transitional Provisions

SEC. 1061. TRANSFER OF CONSUMER FINANCIAL PROTECTION FUNCTIONS.

(a) **DEFINED TERMS.**—For purposes of this subtitle—

(1) the term “consumer financial protection functions” means research, rulemaking, issuance of orders or guidance, supervision, examination, and enforcement activities, powers, and duties relating to the offering or provision of consumer financial products or services; and

(2) the terms “transferor agency” and “transferor agencies” mean, respectively—

(A) the Board of Governors (and any Federal reserve bank, as the context requires), the Federal Deposit Insurance Corporation, the Federal Trade Commission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the Department of Housing and Urban Development, and the heads of those agencies; and

(B) the agencies listed in subparagraph (A), collectively.

(b) **IN GENERAL.**—Except as provided in subsection (c), consumer financial protection functions are transferred as follows:

(1) **BOARD OF GOVERNORS.**—

(A) **TRANSFER OF FUNCTIONS.**—All consumer financial protection functions of the Board of Governors are transferred to the Bureau.

(B) **BOARD OF GOVERNORS AUTHORITY.**—The Bureau shall have all powers and duties that were vested in the Board of Governors, relating to consumer financial protection functions, on the day before the designated transfer date.

(2) **COMPTROLLER OF THE CURRENCY.**—

(A) **TRANSFER OF FUNCTIONS.**—All consumer financial protection functions of the Comptroller of the Currency are transferred to the Bureau.

(B) **COMPTROLLER AUTHORITY.**—The Bureau shall have all powers and duties that were vested in the Comptroller of the Currency, relating to consumer financial protection functions, on the day before the designated transfer date.

(3) **DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.**—

(A) **TRANSFER OF FUNCTIONS.**—All consumer financial protection functions of the Director of the Office of Thrift Supervision are transferred to the Bureau.

(B) **DIRECTOR AUTHORITY.**—The Bureau shall have all powers and duties that were vested in the Director of the Office of Thrift Supervision, relating to consumer financial protection functions, on the day before the designated transfer date.

(4) **FEDERAL DEPOSIT INSURANCE CORPORATION.**—

(A) **TRANSFER OF FUNCTIONS.**—All consumer financial protection functions of the Federal Deposit Insurance Corporation are transferred to the Bureau.

(B) **CORPORATION AUTHORITY.**—The Bureau shall have all powers and duties that were vested in the Federal Deposit Insurance Corporation, relating to consumer financial protection functions, on the day before the designated transfer date.

(5) **FEDERAL TRADE COMMISSION.**—

(A) **TRANSFER OF FUNCTIONS.**—The authority of the Federal Trade Commission under an enumerated consumer law to prescribe rules, issue guidelines, or conduct a study or issue a report mandated under such law shall be transferred to the Bureau on the designated transfer date. Nothing in this title shall be construed to require a mandatory transfer of any employee of the Federal Trade Commission.

(B) BUREAU AUTHORITY.—

(i) IN GENERAL.—The Bureau shall have all powers and duties under the enumerated consumer laws to prescribe rules, issue guidelines, or to conduct studies or issue reports mandated by such laws, that were vested in the Federal Trade Commission on the day before the designated transfer date.

(ii) FEDERAL TRADE COMMISSION ACT.—Subject to subtitle B, the Bureau may enforce a rule prescribed under the Federal Trade Commission Act by the Federal Trade Commission with respect to an unfair or deceptive act or practice to the extent that such rule applies to a covered person or service provider with respect to the offering or provision of a consumer financial product or service as if it were a rule prescribed under section 1031 of this title.

(C) AUTHORITY OF THE FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—No provision of this title shall be construed as modifying, limiting, or otherwise affecting the authority of the Federal Trade Commission under the Federal Trade Commission Act or any other law, other than the authority under an enumerated consumer law to prescribe rules, issue official guidelines, or conduct a study or issue a report mandated under such law.

(ii) COMMISSION AUTHORITY RELATING TO RULES PRESCRIBED BY THE BUREAU.—Subject to subtitle B, the Federal Trade Commission shall have authority to enforce under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) a rule prescribed by the Bureau under this title with respect to a covered person subject to the jurisdiction of the Federal Trade Commission under that Act, and a violation of such a rule by such a person shall be treated as a violation of a rule issued under section 18 of that Act (15 U.S.C. 57a) with respect to unfair or deceptive acts or practices.

(D) COORDINATION.—To avoid duplication of or conflict between rules prescribed by the Bureau under section 1031 of this title and the Federal Trade Commission under section 18(a)(1)(B) of the Federal Trade Commission Act that apply to a covered person or service provider with respect to the offering or provision of consumer financial products or services, the agencies shall negotiate an agreement with respect to rule-making by each agency, including consultation with the other agency prior to proposing a rule and during the comment period.

(E) DEFERENCE.—No provision of this title shall be construed as altering, limiting, expanding, or otherwise affecting the deference that a court affords to the—

(i) Federal Trade Commission in making determinations regarding the meaning or interpretation of any provision of the Federal Trade Commission Act, or of any other Federal law for which the Commission has authority to prescribe rules; or

(ii) Bureau in making determinations regarding the meaning or interpretation of any provision of a Federal consumer financial law (other than any law described in clause (i)).

(6) NATIONAL CREDIT UNION ADMINISTRATION.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the National Credit Union Administration are transferred to the Bureau.

(B) NATIONAL CREDIT UNION ADMINISTRATION AUTHORITY.—The Bureau shall have all powers and duties that were vested in the National Credit Union Administration, relating to consumer financial protection functions, on the day before the designated transfer date.

(7) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—

(A) TRANSFER OF FUNCTIONS.—All consumer protection functions of the Secretary of the De-

partment of Housing and Urban Development relating to the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5102 et seq.) are transferred to the Bureau.

(B) AUTHORITY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Bureau shall have all powers and duties that were vested in the Secretary of the Department of Housing and Urban Development relating to the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.), and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.), on the day before the designated transfer date.

(C) TRANSFERS OF FUNCTIONS SUBJECT TO EXAMINATION AND ENFORCEMENT AUTHORITY REMAINING WITH TRANSFEROR AGENCIES.—The transfers of functions in subsection (b) do not affect the authority of the agencies identified in subsection (b) from conducting examinations or initiating and maintaining enforcement proceedings, including performing appropriate supervisory and support functions relating thereto, in accordance with sections 1024, 1025, and 1026.

(d) EFFECTIVE DATE.—Subsections (b) and (c) shall become effective on the designated transfer date.

SEC. 1062. DESIGNATED TRANSFER DATE.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall—

(1) in consultation with the Chairman of the Board of Governors, the Chairperson of the Corporation, the Chairman of the Federal Trade Commission, the Chairman of the National Credit Union Administration Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Secretary of the Department of Housing and Urban Development, and the Director of the Office of Management and Budget, designate a single calendar date for the transfer of functions to the Bureau under section 1061; and

(2) publish notice of that designated date in the Federal Register.

(b) CHANGING DESIGNATION.—The Secretary—

(1) may, in consultation with the Chairman of the Board of Governors, the Chairperson of the Federal Deposit Insurance Corporation, the Chairman of the Federal Trade Commission, the Chairman of the National Credit Union Administration Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Secretary of the Department of Housing and Urban Development, and the Director of the Office of Management and Budget, change the date designated under subsection (a); and

(2) shall publish notice of any changed designated date in the Federal Register.

(c) PERMISSIBLE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), any date designated under this section shall be not earlier than 180 days, nor later than 18 months, after the date of enactment of this Act.

(2) EXTENSION OF TIME.—The Secretary may designate a date that is later than 18 months after the date of enactment of this Act if the Secretary transmits to appropriate committees of Congress—

(A) a written determination that orderly implementation of this title is not feasible before the date that is 18 months after the date of enactment of this Act;

(B) an explanation of why an extension is necessary for the orderly implementation of this title; and

(C) a description of the steps that will be taken to effect an orderly and timely implementation of this title within the extended time period.

(3) EXTENSION LIMITED.—In no case may any date designated under this section be later than 24 months after the date of enactment of this Act.

SEC. 1063. SAVINGS PROVISIONS.

(a) BOARD OF GOVERNORS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(1) does not affect the validity of any right, duty, or obligation of the United States, the Board of Governors (or any Federal reserve bank), or any other person that—

(A) arises under any provision of law relating to any consumer financial protection function of the Board of Governors transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Board of Governors (or any Federal reserve bank) before the designated transfer date with respect to any consumer financial protection function of the Board of Governors (or any Federal reserve bank) transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Board of Governors (or Federal reserve bank) as a party to any such proceeding as of the designated transfer date.

(b) FEDERAL DEPOSIT INSURANCE CORPORATION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(4) does not affect the validity of any right, duty, or obligation of the United States, the Federal Deposit Insurance Corporation, the Board of Directors of that Corporation, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Federal Deposit Insurance Corporation transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Federal Deposit Insurance Corporation (or the Board of Directors of that Corporation) before the designated transfer date with respect to any consumer financial protection function of the Federal Deposit Insurance Corporation transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Federal Deposit Insurance Corporation (or Board of Directors) as a party to any such proceeding as of the designated transfer date.

(c) FEDERAL TRADE COMMISSION.—Section 1061(b)(5) does not affect the validity of any right, duty, or obligation of the United States, the Federal Trade Commission, or any other person, that—

(1) arises under any provision of law relating to any consumer financial protection function of the Federal Trade Commission transferred to the Bureau by this title; and

(2) existed on the day before the designated transfer date.

(d) NATIONAL CREDIT UNION ADMINISTRATION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(6) does not affect the validity of any right, duty, or obligation of the United States, the National Credit Union Administration, the National Credit Union Administration Board, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the National Credit Union Administration transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced

by or against the National Credit Union Administration (or the National Credit Union Administration Board) before the designated transfer date with respect to any consumer financial protection function of the National Credit Union Administration transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the National Credit Union Administration (or National Credit Union Administration Board) as a party to any such proceeding as of the designated transfer date.

(e) OFFICE OF THE COMPTROLLER OF THE CURRENCY.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(2) does not affect the validity of any right, duty, or obligation of the United States, the Comptroller of the Currency, the Office of the Comptroller of the Currency, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Comptroller of the Currency transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Comptroller of the Currency (or the Office of the Comptroller of the Currency) with respect to any consumer financial protection function of the Comptroller of the Currency transferred to the Bureau by this title before the designated transfer date, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Comptroller of the Currency (or the Office of the Comptroller of the Currency) as a party to any such proceeding as of the designated transfer date.

(f) OFFICE OF THRIFT SUPERVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(3) does not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Thrift Supervision, the Office of Thrift Supervision, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Director of the Office of Thrift Supervision transferred to the Bureau by this title; and

(B) that existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Director of the Office of Thrift Supervision (or the Office of Thrift Supervision) with respect to any consumer financial protection function of the Director of the Office of Thrift Supervision transferred to the Bureau by this title before the designated transfer date, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Director (or the Office of Thrift Supervision) as a party to any such proceeding as of the designated transfer date.

(g) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(7) shall not affect the validity of any right, duty, or obligation of the United States, the Secretary of the Department of Housing and Urban Development (or the Department of Housing and Urban Development), or any other person, that—

(A) arises under any provision of law relating to any function of the Secretary of the Department of Housing and Urban Development with respect to the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) or the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5102 et seq.) transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—This title shall not abate any proceeding commenced by or against the Secretary of the Department of Housing and Urban Development (or the Department of Housing and Urban Development) with respect to any consumer financial protection function of the Secretary of the Department of Housing and Urban Development transferred to the Bureau by this title before the designated transfer date, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Secretary of the Department of Housing and Urban Development (or the Department of Housing and Urban Development) as a party to any such proceeding as of the designated transfer date.

(h) CONTINUATION OF EXISTING ORDERS, RULES, DETERMINATIONS, AGREEMENTS, AND RESOLUTIONS.—All orders, resolutions, determinations, agreements, and rules that have been issued, made, prescribed, or allowed to become effective by any transferor agency or by a court of competent jurisdiction, in the performance of consumer financial protection functions that are transferred by this title and that are in effect on the day before the designated transfer date, shall continue in effect according to the terms of those orders, resolutions, determinations, agreements, and rules, and shall not be enforceable by or against the Bureau.

(i) IDENTIFICATION OF RULES CONTINUED.—Not later than the designated transfer date, the Bureau—

(1) shall, after consultation with the head of each transferor agency, identify the rules continued under subsection (h) that will be enforced by the Bureau; and

(2) shall publish a list of such rules in the Federal Register.

(j) STATUS OF RULES PROPOSED OR NOT YET EFFECTIVE.—

(1) PROPOSED RULES.—Any proposed rule of a transferor agency which that agency, in performing consumer financial protection functions transferred by this title, has proposed before the designated transfer date, but has not been published as a final rule before that date, shall be deemed to be a proposed rule of the Bureau.

(2) RULES NOT YET EFFECTIVE.—Any interim or final rule of a transferor agency which that agency, in performing consumer financial protection functions transferred by this title, has published before the designated transfer date, but which has not become effective before that date, shall become effective as a rule of the Bureau according to its terms.

SEC. 1064. TRANSFER OF CERTAIN PERSONNEL.

(a) IN GENERAL.—

(1) CERTAIN FEDERAL RESERVE SYSTEM EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Board of Governors shall—

(i) jointly determine the number of employees of the Board of Governors necessary to perform or support the consumer financial protection functions of the Board of Governors that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Board of Governors for transfer to the Bureau, in a manner that the Bureau and the Board of Governors, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Board of Governors identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(C) FEDERAL RESERVE BANK EMPLOYEES.—Employees of any Federal reserve bank who, on the day before the designated transfer date, are performing consumer financial protection functions on behalf of the Board of Governors shall be treated as employees of the Board of Governors for purposes of subparagraphs (A) and (B).

(2) CERTAIN FDIC EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Board of Directors of the Federal Deposit Insurance Corporation shall—

(i) jointly determine the number of employees of that Corporation necessary to perform or support the consumer financial protection functions of the Corporation that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Corporation for transfer to the Bureau, in a manner that the Bureau and the Board of Directors of the Corporation, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Corporation identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(3) CERTAIN NCUA EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the National Credit Union Administration Board shall—

(i) jointly determine the number of employees of the National Credit Union Administration necessary to perform or support the consumer financial protection functions of the National Credit Union Administration that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the National Credit Union Administration for transfer to the Bureau, in a manner that the Bureau and the National Credit Union Administration Board, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the National Credit Union Administration identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(4) CERTAIN OFFICE OF THE COMPTROLLER OF THE CURRENCY EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Comptroller of the Currency shall—

(i) jointly determine the number of employees of the Office of the Comptroller of the Currency necessary to perform or support the consumer financial protection functions of the Office of the Comptroller of the Currency that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Office of the Comptroller of the Currency for transfer to the Bureau, in a manner that the Bureau and the Office of the Comptroller of the Currency, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Office of the Comptroller of the Currency identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(5) CERTAIN OFFICE OF THRIFT SUPERVISION EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Director of the Office of Thrift Supervision shall—

(i) jointly determine the number of employees of the Office of Thrift Supervision necessary to perform or support the consumer financial protection functions of the Office of Thrift Supervision that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Office of Thrift Supervision for transfer to the Bureau, in a manner that the Bureau and the Office of Thrift Supervision, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Office of Thrift Supervision identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(6) CERTAIN EMPLOYEES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Secretary of the Department of Housing and Urban Development shall—

(i) jointly determine the number of employees of the Department of Housing and Urban Development necessary to perform or support the consumer protection functions of the Department that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Department of Housing and Urban Development for transfer to the Bureau in a manner that the Bureau and the Secretary of the Department of Housing and Urban Development, in their sole discretion, deem equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Department of Housing and Urban Development identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(7) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE AND SENIOR EXECUTIVE SERVICE TRANSFERRED.—

(A) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to subparagraph (B).

(B) DECLINING TRANSFERS ALLOWED.—An agency or entity may decline to make a transfer of authority under subparagraph (A) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and non-career positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(b) TIMING OF TRANSFERS AND POSITION ASSIGNMENTS.—Each employee to be transferred under this section shall—

(1) be transferred not later than 90 days after the designated transfer date; and

(2) receive notice of a position assignment not later than 120 days after the effective date of his or her transfer.

(c) TRANSFER OF FUNCTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the transfer of employees shall be deemed a transfer of functions for the purpose of section 3503 of title 5, United States Code.

(2) PRIORITY OF THIS TITLE.—If any provisions of this title conflict with any protection provided to transferred employees under section 3503 of title 5, United States Code, the provisions of this title shall control.

(d) EQUAL STATUS AND TENURE POSITIONS.—

(1) EMPLOYEES TRANSFERRED FROM FDIC, HUD, NCUA, OCC, AND OTS.—Each employee transferred from the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, or the Department of Housing and Urban Development shall be placed in a position at the Bureau with the same status and tenure as that employee held on the day before the designated transfer date.

(2) EMPLOYEES TRANSFERRED FROM THE FEDERAL RESERVE SYSTEM.—

(A) COMPARABILITY.—Each employee transferred from the Board of Governors or from a Federal reserve bank shall be placed in a position with the same status and tenure as that of an employee transferring to the Bureau from the

Office of the Comptroller of the Currency who perform similar functions and have similar periods of service.

(B) SERVICE PERIODS CREDITED.—For purposes of this paragraph, periods of service with the Board of Governors or a Federal reserve bank shall be credited as periods of service with a Federal agency.

(c) ADDITIONAL CERTIFICATION REQUIREMENTS LIMITED.—Examiners transferred to the Bureau are not subject to any additional certification requirements before being placed in a comparable examiner position at the Bureau examining the same types of institutions as they examined before they were transferred.

(f) PERSONNEL ACTIONS LIMITED.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), each transferred employee holding a permanent position on the day before the designated transfer date may not, during the 2-year period beginning on the designated transfer date, be involuntarily separated, or involuntarily reassigned outside his or her locality pay area, as defined by the Office of Personnel Management.

(2) EXCEPTIONS.—Paragraph (1) does not limit the right of the Bureau—

(A) to separate an employee for cause or for unacceptable performance;

(B) to terminate an appointment to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character; or

(C) to reassign a supervisory employee outside his or her locality pay area, as defined by the Office of Personnel Management, when the Bureau determines that the reassignment is necessary for the efficient operation of the Bureau.

(g) PAY.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), each transferred employee shall, during the 2-year period beginning on the designated transfer date, receive pay at a rate equal to not less than the basic rate of pay (including any geographic differential) that the employee received during the pay period immediately preceding the date of transfer.

(2) EXCEPTIONS.—Paragraph (1) does not limit the right of the Bureau to reduce the rate of basic pay of a transferred employee—

(A) for cause;

(B) for unacceptable performance; or

(C) with the consent of the employee.

(3) PROTECTION ONLY WHILE EMPLOYED.—Paragraph (1) applies to a transferred employee only while that employee remains employed by the Bureau.

(4) PAY INCREASES PERMITTED.—Paragraph (1) does not limit the authority of the Bureau to increase the pay of a transferred employee.

(h) REORGANIZATION.—

(1) BETWEEN 1ST AND 3RD YEAR.—

(A) IN GENERAL.—If the Bureau determines, during the 2-year period beginning 1 year after the designated transfer date, that a reorganization of the staff of the Bureau is required—

(i) that reorganization shall be deemed a “major reorganization” for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code;

(ii) before the reorganization occurs, all employees in the same locality pay area as defined by the Office of Personnel Management shall be placed in a uniform position classification system; and

(iii) any resulting reduction in force shall be governed by the provisions of chapter 35 of title 5, United States Code, except that the Bureau shall—

(1) establish competitive areas (as that term is defined in regulations issued by the Office of Personnel Management) to include at a minimum all employees in the same locality pay

area as defined by the Office of Personnel Management;

(II) establish competitive levels (as that term is defined in regulations issued by the Office of Personnel Management) without regard to whether the particular employees have been appointed to positions in the competitive service or the excepted service; and

(III) afford employees appointed to positions in the excepted service (other than to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character) the same assignment rights to positions within the Bureau as employees appointed to positions in the competitive service.

(B) SERVICE CREDIT FOR REDUCTIONS IN FORCE.—For purposes of this paragraph, periods of service with a Federal home loan bank, a joint office of the Federal home loan banks, the Board of Governors, a Federal reserve bank, the Federal Deposit Insurance Corporation, or the National Credit Union Administration shall be credited as periods of service with a Federal agency.

(2) AFTER 3RD YEAR.—

(A) IN GENERAL.—If the Bureau determines, at any time after the 3-year period beginning on the designated transfer date, that a reorganization of the staff of the Bureau is required, any resulting reduction in force shall be governed by the provisions of chapter 35 of title 5, United States Code, except that the Bureau shall establish competitive levels (as that term is defined in regulations issued by the Office of Personnel Management) without regard to types of appointment held by particular employees transferred under this section.

(B) SERVICE CREDIT FOR REDUCTIONS IN FORCE.—For purposes of this paragraph, periods of service with a Federal home loan bank, a joint office of the Federal home loan banks, the Board of Governors, a Federal reserve bank, the Federal Deposit Insurance Corporation, or the National Credit Union Administration shall be credited as periods of service with a Federal agency.

(i) BENEFITS.—

(1) RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.—

(A) IN GENERAL.—

(i) CONTINUATION OF EXISTING RETIREMENT PLAN.—Except as provided in subparagraph (B), each transferred employee shall remain enrolled in his or her existing retirement plan, through any period of continuous employment with the Bureau.

(ii) EMPLOYER CONTRIBUTION.—The Bureau shall pay any employer contributions to the existing retirement plan of each transferred employee, as required under that plan.

(B) OPTION FOR EMPLOYEES TRANSFERRED FROM FEDERAL RESERVE SYSTEM TO BE SUBJECT TO FEDERAL EMPLOYEE RETIREMENT PROGRAM.—

(i) ELECTION.—Any transferred employee who was enrolled in a Federal Reserve System retirement plan on the day before his or her transfer to the Bureau may, during the 1-year period beginning 6 months after the designated transfer date, elect to be subject to the Federal employee retirement program.

(ii) EFFECTIVE DATE OF COVERAGE.—For any employee making an election under clause (i), coverage by the Federal employee retirement program shall begin 1 year after the designated transfer date.

(C) BUREAU PARTICIPATION IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN.—

(i) SEPARATE ACCOUNT IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN ESTABLISHED.—Notwithstanding any other provision of law, and subject to the terms and conditions of this section, a separate account in the Federal Reserve System retirement plan shall be established for

Bureau employees who do not make the election under subparagraph (B).

(ii) **FUNDS ATTRIBUTABLE TO TRANSFERRED EMPLOYEES REMAINING IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN TRANSFERRED.**—The proportionate share of funds in the Federal Reserve System retirement plan, including the proportionate share of any funding surplus in that plan, attributable to a transferred employee who does not make the election under subparagraph (B), shall be transferred to the account established under clause (i).

(iii) **EMPLOYER CONTRIBUTIONS DEPOSITED.**—The Bureau shall deposit into the account established under clause (i) the employer contributions that the Bureau makes on behalf of employees who do not make the election under subparagraph (B).

(iv) **ACCOUNT ADMINISTRATION.**—The Bureau shall administer the account established under clause (i) as a participating employer in the Federal Reserve System retirement plan.

(D) **DEFINITIONS.**—For purposes of this paragraph—

(i) the term “existing retirement plan” means, with respect to any employee transferred under this section, the particular retirement plan (including the Financial Institutions Retirement Fund) and any associated thrift savings plan of the agency or Federal reserve bank from which the employee was transferred, in which the employee was enrolled on the day before the designated transfer date; and

(ii) the term “Federal employee retirement program” means the retirement program for Federal employees established by chapter 84 of title 5, United States Code.

(2) **BENEFITS OTHER THAN RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.**—

(A) **DURING 1ST YEAR.**—

(i) **EXISTING PLANS CONTINUE.**—Each transferred employee may, for 1 year after the designated transfer date, retain membership in any other employee benefit program of the agency or bank from which the employee transferred, including a dental, vision, long term care, or life insurance program, to which the employee belonged on the day before the designated transfer date.

(ii) **EMPLOYER CONTRIBUTION.**—The Bureau shall reimburse the agency or bank from which an employee was transferred for any cost incurred by that agency or bank in continuing to extend coverage in the benefit program to the employee, as required under that program or negotiated agreements.

(B) **DENTAL, VISION, OR LIFE INSURANCE AFTER 1ST YEAR.**—If, after the 1-year period beginning on the designated transfer date, the Bureau decides not to continue participation in any dental, vision, or life insurance program of an agency or bank from which an employee transferred, a transferred employee who is a member of such a program may, before the decision of the Bureau takes effect, elect to enroll, without regard to any regularly scheduled open season, in—

(i) the enhanced dental benefits established by chapter 89A of title 5, United States Code;

(ii) the enhanced vision benefits established by chapter 89B of title 5, United States Code; or

(iii) the Federal Employees Group Life Insurance Program established by chapter 87 of title 5, United States Code, without regard to any requirement of insurability.

(C) **LONG TERM CARE INSURANCE AFTER 1ST YEAR.**—If, after the 1-year period beginning on the designated transfer date, the Bureau decides not to continue participation in any long term care insurance program of an agency or bank from which an employee transferred, a transferred employee who is a member of such a program may, before the decision of the Bureau takes effect, elect to apply for coverage under

the Federal Long Term Care Insurance Program established by chapter 90 of title 5, United States Code, under the underwriting requirements applicable to a new active workforce member (as defined in part 875, title 5, Code of Federal Regulations).

(D) **EMPLOYEE CONTRIBUTION.**—An individual enrolled in the Federal Employees Health Benefits program shall pay any employee contribution required by the plan.

(E) **ADDITIONAL FUNDING.**—The Bureau shall transfer to the Federal Employees Health Benefits Fund established under section 8909 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Bureau and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing benefits under this paragraph.

(F) **CREDIT FOR TIME ENROLLED IN OTHER PLANS.**—For employees transferred under this title, enrollment in a health benefits plan administered by a transferor agency or a Federal reserve bank, as the case may be, immediately before enrollment in a health benefits plan under chapter 89 of title 5, United States Code, shall be considered as enrollment in a health benefits plan under that chapter for purposes of section 8905(b)(1)(A) of title 5, United States Code.

(G) **SPECIAL PROVISIONS TO ENSURE CONTINUATION OF LIFE INSURANCE BENEFITS.**—

(i) **IN GENERAL.**—An annuitant (as defined in section 8901(3) of title 5, United States Code) who is enrolled in a life insurance plan administered by a transferor agency on the day before the designated transfer date shall be eligible for coverage by a life insurance plan under sections 8706(b), 8714a, 8714b, and 8714c of title 5, United States Code, or in a life insurance plan established by the Bureau, without regard to any regularly scheduled open season and requirement of insurability.

(ii) **EMPLOYEE CONTRIBUTION.**—An individual enrolled in a life insurance plan under this subparagraph shall pay any employee contribution required by the plan.

(iii) **ADDITIONAL FUNDING.**—The Bureau shall transfer to the Employees' Life Insurance Fund established under section 8714 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Bureau and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing benefits under this subparagraph not otherwise paid for by the employee under clause (ii).

(iv) **CREDIT FOR TIME ENROLLED IN OTHER PLANS.**—For employees transferred under this title, enrollment in a life insurance plan administered by a transferor agency immediately before enrollment in a life insurance plan under chapter 87 of title 5, United States Code, shall be considered as enrollment in a life insurance plan under that chapter for purposes of section 8706(b)(1)(A) of title 5, United States Code.

(3) **OPM RULES.**—The Office of Personnel Management shall issue such rules as are necessary to carry out this subsection.

(j) **IMPLEMENTATION OF UNIFORM PAY AND CLASSIFICATION SYSTEM.**—Not later than 2 years after the designated transfer date, the Bureau shall implement a uniform pay and classification system for all employees transferred under this title.

(k) **EQUITABLE TREATMENT.**—In administering the provisions of this section, the Bureau—

(1) shall take no action that would unfairly disadvantage transferred employees relative to each other based on their prior employment by the Board of Governors, the Federal Deposit Insurance Corporation, the Federal Trade Com-

mission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, a Federal reserve bank, a Federal home loan bank, or a joint office of the Federal home loan banks; and

(2) may take such action as is appropriate in individual cases so that employees transferred under this section receive equitable treatment, with respect to the status, tenure, pay, benefits (other than benefits under programs administered by the Office of Personnel Management), and accrued leave or vacation time of those employees, for prior periods of service with any Federal agency, including the Board of Governors, the Corporation, the Federal Trade Commission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, a Federal reserve bank, a Federal home loan bank, or a joint office of the Federal home loan banks.

(l) **IMPLEMENTATION.**—In implementing the provisions of this section, the Bureau shall coordinate with the Office of Personnel Management and other entities having expertise in matters related to employment to ensure a fair and orderly transition for affected employees.

SEC. 1065. INCIDENTAL TRANSFERS.

(a) **INCIDENTAL TRANSFERS AUTHORIZED.**—The Director of the Office of Management and Budget, in consultation with the Secretary, shall make such additional incidental transfers and dispositions of assets and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by this title, as the Director may determine necessary to accomplish the purposes of this title.

(b) **SUNSET.**—The authority provided in this section shall terminate 5 years after the date of enactment of this Act.

SEC. 1066. INTERIM AUTHORITY OF THE SECRETARY.

(a) **IN GENERAL.**—The Secretary is authorized to perform the functions of the Bureau under this subtitle until the Director of the Bureau is confirmed by the Senate in accordance with section 1011.

(b) **INTERIM ADMINISTRATIVE SERVICES BY THE DEPARTMENT OF THE TREASURY.**—The Department of the Treasury may provide administrative services necessary to support the Bureau before the designated transfer date.

SEC. 1067. TRANSITION OVERSIGHT.

(a) **PURPOSE.**—The purpose of this section is to ensure that the Bureau—

(1) has an orderly and organized startup;

(2) attracts and retains a qualified workforce; and

(3) establishes comprehensive employee training and benefits programs.

(b) **REPORTING REQUIREMENT.**—

(1) **IN GENERAL.**—The Bureau shall submit an annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that includes the plans described in paragraph (2).

(2) **PLANS.**—The plans described in this paragraph are as follows:

(A) **TRAINING AND WORKFORCE DEVELOPMENT PLAN.**—The Bureau shall submit a training and workforce development plan that includes, to the extent practicable—

(i) identification of skill and technical expertise needs and actions taken to meet those requirements;

(ii) steps taken to foster innovation and creativity;

(iii) leadership development and succession planning; and

(iv) effective use of technology by employees.

(B) **WORKPLACE FLEXIBILITIES PLAN.**—The Bureau shall submit a workforce flexibility plan that includes, to the extent practicable—

(i) telework;
 (ii) flexible work schedules;
 (iii) phased retirement;
 (iv) reemployed annuitants;
 (v) part-time work;
 (vi) job sharing;
 (vii) parental leave benefits and childcare assistance;
 (viii) domestic partner benefits;
 (ix) other workplace flexibilities; or
 (x) any combination of the items described in clauses (i) through (ix).

(C) RECRUITMENT AND RETENTION PLAN.—The Bureau shall submit a recruitment and retention plan that includes, to the extent practicable, provisions relating to—

(i) the steps necessary to target highly qualified applicant pools with diverse backgrounds;
 (ii) streamlined employment application processes;
 (iii) the provision of timely notification of the status of employment applications to applicants; and
 (iv) the collection of information to measure indicators of hiring effectiveness.

(c) EXPIRATION.—The reporting requirement under subsection (b) shall terminate 5 years after the date of enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) a collective bargaining agreement, as that term is defined in section 7103(a)(8) of title 5, United States Code, that is in effect on the date of enactment of this Act; or

(2) the rights of employees under chapter 71 of title 5, United States Code.

Subtitle G—Regulatory Improvements

SEC. 1071. SMALL BUSINESS DATA COLLECTION.

(a) IN GENERAL.—The Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) is amended by inserting after section 704A the following:

“SEC. 740B. SMALL BUSINESS LOAN DATA COLLECTION.

“(a) PURPOSE.—The purpose of this section is to facilitate enforcement of fair lending laws and enable communities, governmental entities, and creditors to identify business and community development needs and opportunities of women-owned and minority-owned small businesses.

“(b) INFORMATION GATHERING.—Subject to the requirements of this section, in the case of any application to a financial institution for credit for a small business, the financial institution shall—

“(1) inquire whether the small business is a women- or minority-owned small business, without regard to whether such application is received in person, by mail, by telephone, by electronic mail or other form of electronic transmission, or by any other means, and whether or not such application is in response to a solicitation by the financial institution; and

“(2) maintain a record of the responses to such inquiry, separate from the application and accompanying information.

“(c) RIGHT TO REFUSE.—Any applicant for credit may refuse to provide any information requested pursuant to subsection (b) in connection with any application for credit.

“(d) NO ACCESS BY UNDERWRITERS.—

“(1) LIMITATION.—Where feasible, no loan underwriter or other officer or employee of a financial institution, or any affiliate of a financial institution, involved in making any determination concerning an application for credit shall have access to any information provided by the applicant pursuant to a request under subsection (b) in connection with such application.

“(2) LIMITED ACCESS.—If a financial institution determines that a loan underwriter or other officer or employee of a financial institution, or any affiliate of a financial institution, involved in making any determination concerning an ap-

plication for credit should have access to any information provided by the applicant pursuant to a request under subsection (b), the financial institution shall provide notice to the applicant of the access of the underwriter to such information, along with notice that the financial institution may not discriminate on the basis of such information.

“(e) FORM AND MANNER OF INFORMATION.—

“(1) IN GENERAL.—Each financial institution shall compile and maintain, in accordance with regulations of the Bureau, a record of the information provided by any loan applicant pursuant to a request under subsection (b).

“(2) ITEMIZATION.—Information compiled and maintained under paragraph (1) shall be itemized in order to clearly and conspicuously disclose—

“(A) the number of the application and the date on which the application was received;

“(B) the type and purpose of the loan or other credit being applied for;

“(C) the amount of the credit or credit limit applied for, and the amount of the credit transaction or the credit limit approved for such applicant;

“(D) the type of action taken with respect to such application, and the date of such action;

“(E) the census tract in which is located the principal place of business of the small business loan applicant;

“(F) the gross annual revenue of the business in the last fiscal year of the small business loan applicant preceding the date of the application;

“(G) the race and ethnicity of the principal owners of the business; and

“(H) any additional data that the Bureau determines would aid in fulfilling the purposes of this section.

“(3) NO PERSONALLY IDENTIFIABLE INFORMATION.—In compiling and maintaining any record of information under this section, a financial institution may not include in such record the name, specific address (other than the census tract required under paragraph (1)(E)), telephone number, electronic mail address, or any other personally identifiable information concerning any individual who is, or is connected with, the small business loan applicant.

“(4) DISCRETION TO DELETE OR MODIFY PUBLICLY AVAILABLE DATA.—The Bureau may, at its discretion, delete or modify data collected under this section which is or will be available to the public, if the Bureau determines that the deletion or modification of the data would advance a compelling privacy interest.

“(f) AVAILABILITY OF INFORMATION.—

“(1) SUBMISSION TO BUREAU.—The data required to be compiled and maintained under this section by any financial institution shall be submitted annually to the Bureau.

“(2) AVAILABILITY OF INFORMATION.—Information compiled and maintained under this section shall be—

“(A) retained for not less than 3 years after the date of preparation;

“(B) made available to any member of the public, upon request, in the form required under regulations prescribed by the Bureau;

“(C) annually made available to the public generally by the Bureau, in such form and in such manner as is determined appropriate by the Bureau.

“(3) COMPILATION OF AGGREGATE DATA.—The Bureau may, at its discretion—

“(A) compile and aggregate data collected under this section for its own use; and

“(B) make public such compilations of aggregate data.

“(g) BUREAU ACTION.—

“(1) IN GENERAL.—The Bureau shall prescribe such rules and issue such guidance as may be necessary to carry out, enforce, and compile data pursuant to this section.

“(2) EXCEPTIONS.—The Bureau, by rule or order, may adopt exceptions to any requirement of this section and may, conditionally or unconditionally, exempt any financial institution or class of financial institutions from the requirements of this section, as the Bureau deems necessary or appropriate to carry out the purposes of this section.

“(3) GUIDANCE.—The Bureau shall issue guidance designed to facilitate compliance with the requirements of this section, including assisting financial institutions in working with applicants to determine whether the applicants are women- or minority-owned for purposes of this section.

“(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) FINANCIAL INSTITUTION.—The term ‘financial institution’ means any partnership, company, corporation, association (incorporated or unincorporated), trust, estate, cooperative organization, or other entity that engages in any financial activity.

“(2) MINORITY.—The term ‘minority’ has the same meaning as in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

“(3) MINORITY-OWNED SMALL BUSINESS.—The term ‘minority-owned small business’ means a small business—

“(A) more than 50 percent of the ownership or control of which is held by 1 or more minority individuals; and

“(B) more than 50 percent of the net profit or loss of which accrues to 1 or more minority individuals.

“(4) SMALL BUSINESS LOAN.—The term ‘small business loan’ shall be defined by the Bureau, which may take into account—

“(A) the gross revenues of the borrower;

“(B) the total number of employees of the borrower;

“(C) the industry in which the borrower has its primary operations; and

“(D) the size of the loan.

“(5) WOMEN-OWNED SMALL BUSINESS.—The term ‘women-owned small business’ means a business—

“(A) more than 50 percent of the ownership or control of which is held by 1 or more women; and

“(B) more than 50 percent of the net profit or loss of which accrues to 1 or more women.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 701(b) of the Equal Credit Opportunity Act (15 U.S.C. 1691(b)) is amended—

(1) in paragraph (3), by striking “or” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; or”; and

(3) by inserting after paragraph (4), the following:

“(5) to make an inquiry under section 704B, in accordance with the requirements of that section.”.

(c) CLERICAL AMENDMENT.—The table of sections for title VII of the Consumer Credit Protection Act is amended by inserting after the item relating to section 704A the following new item: “704B. Small business loan data collection.”.

(d) EFFECTIVE DATE.—This section shall become effective on the designated transfer date.

SEC. 1072. GAO STUDY ON THE EFFECTIVENESS AND IMPACT OF VARIOUS APPRAISAL METHODS.

(a) IN GENERAL.—The Government Accountability Office shall conduct a study on the effectiveness and impact of various appraisal methods, including the cost approach, the comparative sales approach, the income approach, and others that may be available.

(b) STUDY.—Not later than—

(1) 1 year after the date of enactment of this Act, the Government Accountability Office shall

submit a study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives;

(2) 90 days after the date of enactment of this Act, the Government Accountability Office shall provide a report on the status of the study and any preliminary findings to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(c) **CONTENT OF STUDY.**—The study required by this section shall include an examination of—

(1) the prevalence, alone or in combination, of these approaches in purchase-money and refinancing mortgage transactions;

(2) the accuracy of the various approaches in assessing the property as collateral;

(3) whether and how the approaches contributed to price speculation in the previous cycle;

(4) the costs to consumers of these approaches;

(5) the disclosure of fees to consumers in the appraisal process;

(6) to what extent such approaches may be influenced by a conflict of interest between the mortgage lender and the appraiser and the mechanism by which the lender selects and compensates the appraiser; and

(7) the suitability of appraisal approaches in rural versus urban areas.

SEC. 1073. PROHIBITED PAYMENTS TO MORTGAGE ORIGINATORS.

Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (j) the following:

“(k) **PROHIBITION ON STEERING INCENTIVES.**—

“(1) **IN GENERAL.**—For any consumer credit transaction secured by real property or a dwelling, no loan originator shall receive from any person and no person shall pay to a loan originator, directly or indirectly, compensation that varies based on the terms of the loan (other than the amount of the principal).

“(2) **RESTRUCTURING OF FINANCING ORIGINATOR FEE.**—

“(A) **IN GENERAL.**—For any consumer credit transaction secured by real property or a dwelling, a loan originator may not arrange for a consumer to finance through the rate any origination fee or cost except bona fide third party settlement charges not retained by the creditor or loan originator.

“(B) **EXCEPTION.**—Notwithstanding subparagraph (A), a loan originator may arrange for a consumer to finance through the rate an origination fee or cost if—

“(i) the loan originator does not receive any other compensation, directly or indirectly, from the consumer except the compensation that is financed through the rate;

“(ii) no person who knows or has reason to know of the consumer-paid compensation to the loan originator, other than the consumer, pays any compensation to the loan originator, directly or indirectly, in connection with the transaction; and

“(iii) the consumer does not make an upfront payment of discount points, origination points, or fees, however denominated (other than bona fide third party settlement charges).

“(3) **RULES OF CONSTRUCTION.**—No provision of this subsection shall be construed as—

“(A) limiting or affecting the amount of compensation received by a creditor upon the sale of a consummated loan to a subsequent purchaser;

“(B) restricting a consumer's ability to finance, at the option of the consumer, including through principal or rate, any origination fees or costs permitted under this subsection, or the loan originator's right to receive such fees or costs (including compensation) from any person, subject to paragraph (2)(B), so long as such fees or costs do not vary based on the terms of the

loan (other than the amount of the principal) or the consumer's decision about whether to finance such fees or costs; or

“(C) prohibiting incentive payments to a loan originator based on the number of loans originated within a specified period of time.

“(4) **LOAN ORIGINATOR.**—For the purposes of this section, the term ‘loan originator’—

“(A) means any person who, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain, with respect to credit to be secured by real property or a dwelling—

“(i) arranges for an extension, renewal, or continuation of such credit;

“(ii) takes an application for credit or assists a consumer in applying for such credit; or

“(iii) offers or negotiates terms of such credit;

“(B) does not include any person who is not otherwise described in subparagraph (A) and who performs purely administrative or clerical tasks on behalf of a person who is described in subparagraph (A); and

“(C) does not include a person that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless the person is compensated by a lender or other loan originator or by any agent of such lender or other loan originator.”.

SEC. 1074. MINIMUM STANDARDS FOR RESIDENTIAL MORTGAGE LOANS.

(a) **IN GENERAL.**—No rule, order, or guidance issued by the Bureau under this title shall be construed as requiring a depository institution to apply mortgage underwriting standards that do not meet the minimum underwriting standards required by the appropriate prudential regulator of the depository institution.

(b) **ABILITY TO REPAY.**—

(1) **TILA AMENDMENT.**—Section 129 of the Truth in Lending Act (15 U.S.C. 1639), as amended by section 1074 of this Act, is further amended by inserting after subsection (k) the following:

“(l) **ABILITY TO REPAY.**—

“(1) **IN GENERAL.**—No creditor may make a loan secured by real property or a dwelling unless the creditor, based on verified and documented information, determines that, at the time the loan is consummated, the consumer has a reasonable ability to repay the loan, according to its terms, and all applicable taxes, insurance, and assessments.

“(2) **MULTIPLE LOANS.**—If the creditor knows, or has reason to know, that 1 or more loans secured by the same real property or dwelling will be made to the same consumer, the creditor shall, based on verified and documented information, determine that the consumer has a reasonable ability to repay the combined payments of all loans on the same real property or dwelling according to the terms of those loans and all applicable taxes, insurance, and assessments.

“(3) **BASIS FOR DETERMINATION.**—A determination under this subsection of a consumer's ability to repay a loan described in paragraph (1) shall include consideration of the consumer's credit history, current income, expected income the consumer is reasonably assured of receiving, current obligations, debt-to-income ratio or the residual income the consumer will have after paying non-mortgage debt and mortgage-related obligations, employment status, and other financial resources other than the consumer's equity in the dwelling or real property that secures repayment of the loan.

“(4) **INCOME VERIFICATION.**—A creditor shall verify amounts of income or assets that such creditor relies on to determine repayment ability, including expected income or assets, by reviewing the consumer's Internal Revenue Service Form W-2, tax returns, payroll receipts, financial institution records, or other third-party documents that provide reasonably reliable evi-

dence of the consumer's income or assets. In order to safeguard against fraudulent reporting, any consideration of a consumer's income history in making a determination under this subsection shall include the verification of such income by the use of—

“(A) Internal Revenue Service transcripts of tax returns; or

“(B) a method that quickly and effectively verifies income documentation by a third party subject to rules prescribed by the Board.

“(5) **PRESUMPTION OF ABILITY TO REPAY.**—Any creditor with respect to any consumer loan secured by real property or a dwelling is presumed to have complied with this subsection with respect to such loan if the creditor—

“(A) verifies the consumer's ability to repay as provided in paragraphs (1), (2), (3), and (4); and

“(B) determines the consumer's ability to repay using the maximum rate permitted under the loan during the first 5 years following consummation and a payment schedule that fully amortizes the loan and taking into account current obligations and all applicable taxes, insurance, and assessments.

“(6) **EXCEPTIONS TO PRESUMPTION.**—Notwithstanding paragraph (5), no presumption of compliance shall be applied to a loan—

“(A) for which the regular periodic payments for the loan may—

“(i) result in an increase of the principal balance; or

“(ii) allow the consumer to defer repayment of principal.

“(B) the terms of which result in a balloon payment, where a ‘balloon payment’ is a scheduled payment that is more than twice as large as the average of earlier scheduled payments; or

“(C) for which the total points and fees payable in connection with the loan exceed 3 percent of the total loan amount, where ‘points and fees’ means points and fees as defined by section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)), except that, for the purposes of computing the total points and fees under this subparagraph, the total points and fees attributable to any premium for mortgage guarantee insurance provided by an agency of the Federal Government or an agency of a State shall exclude any amount of the points and fees for such insurance greater than 1 percent of the total loan amount.

“(7) **EXEMPTION.**—

“(A) The Board may revise, add to, or subtract from the criteria under paragraphs (5) and (6) and subparagraphs (B) and (C) of this paragraph upon a finding that such regulations are necessary or appropriate to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance with this subsection.

“(B) **BRIDGE LOANS.**—This subsection does not apply to a temporary or ‘bridge’ loan with a term of 12 months or less, including to any loan to purchase a new dwelling where the consumer plans to sell a current dwelling within 12 months.

“(C) **REVERSE MORTGAGES.**—This subsection does not apply with respect to any reverse mortgage.

“(8) **SEASONAL INCOME.**—If documented income, including income from a small business, is a repayment source for an extension of credit secured by residential real estate or a dwelling, a creditor may consider the seasonality and irregularity of such income in the underwriting of and scheduling of payments for such credit.”.

(2) **CONFORMING AMENDMENT.**—Section 129 of the Truth in Lending Act (15 U.S.C. 1639), as amended by this Act, is amended—

(A) by redesignating subsections (k), (l), and (m) as subsections (m), (n), and (o), respectively; and

(B) in subsection (o), as so redesignated, by striking “(l)(2)” and inserting “(n)(2)”.

SEC. 1075. PROHIBITION ON CERTAIN PREPAYMENT PENALTIES.

(a) **IN GENERAL.**—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129A (15 U.S.C. 1639a) the following new section:

“SEC. 129B. PROHIBITION ON CERTAIN PREPAYMENT PENALTIES.

“(a) **PROHIBITED ON CERTAIN LOANS.**—A residential mortgage loan that is not a qualified mortgage may not contain terms under which a consumer is required to pay a prepayment penalty for paying all or part of the principal after the loan is consummated.

“(b) **PHASED-OUT PENALTIES ON QUALIFIED MORTGAGES.**—

“(1) **IN GENERAL.**—A qualified mortgage may not contain terms under which a consumer is required to pay a prepayment penalty for paying all or part of the principal after the loan is consummated in excess of—

“(A) during the 1-year period beginning on the date on which the loan is consummated, an amount equal to 3 percent of the outstanding balance on the loan;

“(B) during the 1-year period beginning immediately after the end of the period described in subparagraph (A), an amount equal to 2 percent of the outstanding balance on the loan; and

“(C) during the 1-year period beginning immediately after the end of the 1-year period described in subparagraph (B), an amount equal to 1 percent of the outstanding balance on the loan.

“(2) **PROHIBITION.**—After the end of the 3-year period beginning on the date on which the loan is consummated, no prepayment penalty may be imposed on a qualified mortgage.

“(c) **OPTION FOR NO PREPAYMENT PENALTY REQUIRED.**—A creditor may not offer a consumer a residential mortgage loan product that has a prepayment penalty for paying all or part of the principal after the loan is consummated as a term of the loan, without offering to the consumer a residential mortgage loan product that does not have a prepayment penalty as a term of the loan.

“(d) **PROHIBITIONS ON EVASIONS, STRUCTURING OF TRANSACTIONS, AND RECIPROCAL ARRANGEMENTS.**—A creditor may not take any action in connection with a residential mortgage loan—

“(1) to structure a loan transaction as an open end consumer credit plan or another form of loan for the purpose and with the intent of evading the provisions of this section; or

“(2) to divide any loan transaction into separate parts for the purpose and with the intent of evading provisions of this section.

“(e) **PUBLICATION OF AVERAGE PRIME OFFER RATE AND APR THRESHOLDS.**—The Board—

“(1) shall publish, and update at least weekly, average prime offer rates;

“(2) may publish multiple rates based on varying types of mortgage transactions; and

“(3) shall adjust the thresholds of 1.50 percentage points in subsection (g)(3)(A)(v)(I), 2.50 percentage points in subsection (g)(3)(A)(v)(II), and 3.50 percentage points in subsection (g)(3)(A)(v)(III), as necessary to reflect significant changes in market conditions and to effectuate the purposes of this section.

“(f) **REGULATIONS.**—

“(1) **IN GENERAL.**—The Bureau shall prescribe regulations to carry out this section.

“(2) **REVISION OF SAFE HARBOR CRITERIA.**—The Bureau may prescribe regulations that revise, add to, or subtract from the criteria that define a qualified mortgage, upon a finding that such regulations are necessary or appropriate—

“(A) to ensure that responsible, affordable mortgage credit remains available to consumers in a manner consistent with the purposes of this section;

“(B) to effectuate the purposes of this section; “(C) to prevent circumvention or evasion thereof; or

“(D) to facilitate compliance with this section.

“(3) **INTERAGENCY HARMONIZATION.**—

“(A) **DETERMINATION OF QUALIFYING MORTGAGE TREATMENT.**—The agencies and officials described in subparagraph (B) shall, in consultation with the Bureau, prescribe rules defining the types of loans they insure, guarantee, or administer, as the case may be, that are qualified mortgages for purposes of this section, upon a finding that such rules are consistent with the purposes of this section or are appropriate to prevent circumvention or evasion thereof or to facilitate compliance with this section.

“(B) **AGENCIES AND OFFICIALS.**—The agencies and officials described in this subparagraph are—

“(i) the Secretary of the Department of Housing and Urban Development, with regard to mortgages insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

“(ii) the Secretary of Veterans Affairs, with regard to a loan made or guaranteed by the Secretary of Veterans Affairs;

“(iii) the Secretary of Agriculture, with regard to loans guaranteed by the Secretary of Agriculture pursuant to section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h));

“(iv) the Federal Housing Finance Agency, with regard to loans meeting the conforming loan standards of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation; and

“(v) the Rural Housing Service, with regard to loans insured by the Rural Housing Service.

“(4) **IMPLEMENTATION.**—Regulations required or authorized to be prescribed under this subsection—

“(A) shall be prescribed in final form before the end of the 12-month period beginning on the date of enactment of this section; and

“(B) shall take effect not later than 18 months after the date of enactment of this section.

“(g) **DEFINITIONS.**—For purposes of this section, the following definitions shall apply:

“(1) **AVERAGE PRIME OFFER RATE.**—The term ‘average prime offer rate’ means an annual percentage rate that is derived from average interest rates, points, and other loan pricing terms currently offered to consumers by a representative sample of creditors for mortgage transactions that have low-risk pricing characteristics.

“(2) **PREPAYMENT PENALTY.**—The term ‘prepayment penalty’ means any penalty for paying all or part of the principal on an extension of credit before the date on which the principal is due, including a computation of a refund of unearned interest by a method that is less favorable to the consumer than the actuarial method, as defined in section 933(d) of the Housing and Community Development Act of 1992 (15 U.S.C. 1615(d)).

“(3) **QUALIFIED MORTGAGE.**—The term ‘qualified mortgage’ means—

“(A) any residential mortgage loan—

“(i) that does not have an adjustable rate;

“(ii) that does not allow a consumer to defer repayment of principal or interest, or is not otherwise deemed a ‘non-traditional mortgage’ under guidance, advisories, or regulations prescribed by the Bureau;

“(iii) that does not provide for a repayment schedule that results in negative amortization at any time;

“(iv) for which the terms are fully amortizing and which does not result in a balloon payment, where a ‘balloon payment’ is a scheduled payment that is more than twice as large as the average of earlier scheduled payments;

“(v) which has an annual percentage rate that does not exceed the average prime offer rate

for a comparable transaction, as of the date on which the interest rate is set—

“(I) by 1.5 or more percentage points, in the case of a first lien residential mortgage loan having an original principal obligation amount that is equal to or less than the amount of the maximum limitation on the original principal obligation of a mortgage in effect for a residence of the applicable size, as of the date on which such interest rate is set, pursuant to the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2));

“(II) by 2.5 or more percentage points, in the case of a first lien residential mortgage loan having an original principal obligation amount that is more than the amount of the maximum limitation on the original principal obligation of a mortgage in effect for a residence of the applicable size, as of the date on which such interest rate is set, pursuant to the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)); or

“(III) by 3.5 or more percentage points, in the case of a subordinate lien residential mortgage loan;

“(vi) for which the income and financial resources relied upon to qualify the obligors on the loan are verified and documented;

“(vii) for which the underwriting process is based on a payment schedule that fully amortizes the loan over the loan term and takes into account all applicable taxes, insurance, and assessments;

“(viii) that does not cause the total monthly debts of the consumer, including amounts under the loan, to exceed a percentage established by regulation of the monthly gross income of the consumer, or such other maximum percentage of such income, as may be prescribed by regulation under subsection (g), which rules shall take into consideration the income of the consumer available to pay regular expenses after payment of all installment and revolving debt;

“(ix) for which the total points and fees payable in connection with the loan do not exceed 2 percent of the total loan amount, where the term ‘points and fees’ means points and fees as defined by Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)); and

“(x) for which the term of the loan does not exceed 30 years, except as such term may be extended under subsection (g); and

“(B) any reverse mortgage that is insured by the Federal Housing Administration or complies with the condition established in subparagraph (A)(v).

“(4) **RESIDENTIAL MORTGAGE LOAN.**—The term ‘residential mortgage loan’ means any consumer credit transaction that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential real property that includes a dwelling, other than a consumer credit transaction under an open end credit plan or an extension of credit relating to a plan described in section 101(53D) of title 11, United States Code.”.

(b) **CONFORMING AMENDMENTS.**—Section 129(c) of the Truth in Lending Act (15 U.S.C. 1639(c)) is amended—

(1) by striking paragraph (2);

(2) by striking “(1) **IN GENERAL.**—”; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

SEC. 1076. ASSISTANCE FOR ECONOMICALLY VULNERABLE INDIVIDUALS AND FAMILIES.

(a) **HERA AMENDMENTS.**—Section 1132 of the Housing and Economic Recovery Act of 2008 (12 U.S.C. 1701x note) is amended—

(1) in subsection (a), by inserting in each of paragraphs (1), (2), (3), and (4) “or economically vulnerable individuals and families” after “homebuyers” each place that term appears;

(2) in subsection (b)(1), by inserting “or economically vulnerable individuals and families” after “homebuyers”;

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(C) a nonprofit corporation that—

“(i) is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; and

“(ii) specializes or has expertise in working with economically vulnerable individuals and families, but whose primary purpose is not provision of credit counseling services.”; and

(4) in subsection (d)(1), by striking “not more than 5”.

(b) **APPLICABILITY.**—Amendments made by subsection (a) shall not apply to programs authorized by section 1132 of the Housing and Economic Recovery Act of 2008 (12 U.S.C. 1701x note) that are funded with appropriations prior to fiscal year 2011.

SEC. 1077. REMITTANCE TRANSFERS.

(a) **TREATMENT OF REMITTANCE TRANSFERS.**—The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) in section 902(b) (15 U.S.C. 1693(b)), by inserting “and remittance” after “electronic fund”;

(2) by redesignating sections 919, 920, 921, and 922 as sections 920, 921, 922, and 923, respectively; and

(3) by inserting after section 918 the following:

“SEC. 919. REMITTANCE TRANSFERS.

“(a) **DISCLOSURES REQUIRED FOR REMITTANCE TRANSFERS.**—

“(1) **IN GENERAL.**—Each remittance transfer provider shall make disclosures as required under this section and in accordance with rules prescribed by the Board.

“(2) **STOREFRONT DISCLOSURES.**—

“(A) **IN GENERAL.**—At every physical storefront location owned or controlled by a remittance transfer provider (with respect to remittance transfer activities), the remittance transfer provider shall prominently post, and update daily, a notice describing a model transfer for the amounts of \$100 and \$200 (in United States dollars) showing the amount of currency that will be received by the designated recipient, using the values of the currency into which the funds will be exchanged for the 3 currencies to which that particular storefront sends the greatest number of remittance transfer payments, measured irrespective of the value of such payments. The values shall include all fees charged by the remittance transfer provider, taken out of the \$100 and \$200 amounts.

“(B) **ELECTRONIC DISCLOSURE.**—Subject to the rules prescribed by the Board, a remittance transfer provider shall prominently post, and update daily, a notice describing a model transfer, as described in subparagraph (A), on the Internet site owned or controlled by the remittance transfer provider which senders use to electronically conduct remittance transfer transactions.

“(3) **SPECIFIC DISCLOSURES.**—In addition to any other disclosures applicable under this title, and subject to paragraph (4), a remittance transfer provider shall provide, in writing and in a form that the sender may keep, to each sender requesting a remittance transfer, as applicable to the transaction—

“(A) at the time at which the sender requests a remittance transfer to be initiated, and prior to the sender making any payment in connection with the remittance transfer, a disclosure describing the amount of currency that will be sent to the designated recipient, using the values of the currency into which the funds will be exchanged; and

“(B) at the time at which the sender makes payment in connection with the remittance transfer—

“(i) a receipt showing—

“(I) the information described in subparagraph (A);

“(II) the promised date of delivery to the designated recipient; and

“(III) the name and either the telephone number or the address of the designated recipient; and

“(ii) a statement containing—

“(I) information about the rights of the sender under this section regarding the resolution of errors; and

“(II) appropriate contact information for—

“(aa) the remittance transfer provider; and

“(bb) each State or Federal agency supervising the remittance transfer provider, including its State licensing authority or Federal regulator, as applicable.

“(4) **REQUIREMENTS RELATING TO DISCLOSURES.**—With respect to each disclosure required to be provided under paragraph (3), and subject to paragraph (5), a remittance transfer provider shall—

“(A) provide an initial notice and receipt, as required by subparagraphs (A) and (B) of paragraph (3), and an error resolution statement, as required by subsection (c), that clearly and conspicuously describe the information required to be disclosed therein; and

“(B) with respect to any transaction that a sender conducts electronically, comply with the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.).

“(5) **EXEMPTION AUTHORITY.**—The Board may, by rule, permit a remittance transfer provider to satisfy the requirements of—

“(A) paragraph (3)(A) orally, if the transaction is conducted entirely by telephone;

“(B) paragraph (3)(B), by mailing the documents required under such subparagraph to the sender, not later than 1 business day after the date on which the transaction is conducted, if the transaction is conducted entirely by telephone;

“(C) subparagraphs (A) and (B) of paragraph (3) together in one written disclosure, but only to the extent that the information provided in accordance with paragraph (3)(A) is accurate at the time at which payment is made in connection with the subject remittance transfer;

“(D) paragraph (3)(A), if a sender initiates a transaction to one of those countries displayed, in the exact amount of the transfers displayed pursuant to paragraph (2), if the Board finds it to be appropriate; and

“(E) paragraph (3)(A), without compliance with section 101(c) of the Electronic Signatures in Global Commerce Act, if a sender initiates the transaction electronically and the information is displayed electronically in a manner that the sender can keep.

“(b) **FOREIGN LANGUAGE DISCLOSURES.**—

“(1) **IN GENERAL.**—The disclosures required under this section shall be made in English and in each of the same foreign languages principally used by the remittance transfer provider, or any of its agents, to advertise, solicit, or market, either orally or in writing, at that office.

“(2) **ACCOUNTS.**—In the case of a sender who holds a demand deposit, savings deposit, or other asset account with the remittance transfer provider (other than an occasional or incidental credit balance under an open end credit plan, as defined in section 103(i) of the Truth in Lending Act), the disclosures required under this section shall be made in the language or languages principally used by the remittance transfer provider to communicate to the sender with respect to the account.

“(c) **REMITTANCE TRANSFER ERRORS.**—

“(1) **ERROR RESOLUTION.**—

“(A) **IN GENERAL.**—If a remittance transfer provider receives oral or written notice from the sender within 180 days of the promised date of delivery that an error occurred with respect to a remittance transfer, including the amount of currency designated in subsection (a)(3)(A) that was to be sent to the designated recipient of the remittance transfer, using the values of the currency into which the funds should have been exchanged, but was not made available to the designated recipient in the foreign country, the remittance transfer provider shall resolve the error pursuant to this subsection and investigate the reason for the error.

“(B) **REMEDIES.**—Not later than 90 days after the date of receipt of a notice from the sender pursuant to subparagraph (A), the remittance transfer provider shall, as applicable to the error and as designated by the sender—

“(i) refund to the sender the total amount of funds tendered by the sender in connection with the remittance transfer which was not properly transmitted;

“(ii) make available to the designated recipient, without additional cost to the designated recipient or to the sender, the amount appropriate to resolve the error;

“(iii) provide such other remedy, as determined appropriate by rule of the Board for the protection of senders; or

“(iv) provide written notice to the sender that there was no error with an explanation responding to the specific complaint of the sender.

“(2) **RULES.**—The Board shall establish, by rule issued not later than 1 calendar year after the date of enactment of the Restoring American Financial Stability Act of 2010, clear and appropriate standards for remittance transfer providers with respect to error resolution relating to remittance transfers, to protect senders from such errors. Standards prescribed under this paragraph shall include appropriate standards regarding record keeping, as required, including documentation—

“(A) of the complaint of the sender;

“(B) that the sender provides the remittance transfer provider with respect to the alleged error; and

“(C) of the findings of the remittance transfer provider regarding the investigation of the alleged error that the sender brought to their attention.

“(d) **APPLICABILITY OF THIS TITLE.**—

“(1) **IN GENERAL.**—A remittance transfer that is not an electronic fund transfer, as defined in section 903, shall not be subject to any of the provisions of sections 905 through 913. A remittance transfer that is an electronic fund transfer, as defined in section 903, shall be subject to all provisions of this title, except for section 908, that are otherwise applicable to electronic fund transfers under this title.

“(2) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed—

“(A) to affect the application to any transaction, to any remittance provider, or to any other person of any of the provisions of subchapter II of chapter 53 of title 31, United States Code, section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b), or chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951–1959), or any regulations promulgated thereunder; or

“(B) to cause any fund transfer that would not otherwise be treated as such under paragraph (1) to be treated as an electronic fund transfer, or as otherwise subject to this title, for the purposes of any of the provisions referred to in subparagraph (A) or any regulations promulgated thereunder.

“(e) **ACTS OF AGENTS.**—A remittance transfer provider shall be liable for any violation of this section by any agent, authorized delegate, or person affiliated with such provider, when such agent, authorized delegate, or affiliate acts for that remittance transfer provider.

“(f) DEFINITIONS.—As used in this section—

“(1) the term ‘designated recipient’ means any person located in a foreign country and identified by the sender as the authorized recipient of a remittance transfer to be made by a remittance transfer provider, except that a designated recipient shall not be deemed to be a consumer for purposes of this Act;

“(2) the term ‘remittance transfer’ means the electronic (as defined in section 106(2) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006(2))) transfer of funds requested by a sender located in any State to a designated recipient that is initiated by a remittance transfer provider, whether or not the sender holds an account with the remittance transfer provider or whether or not the remittance transfer is also an electronic fund transfer, as defined in section 903;

“(3) the term ‘remittance transfer provider’ means any person or financial institution that provides remittance transfers for a consumer in the normal course of its business, whether or not the consumer holds an account with such person or financial institution; and

“(4) the term ‘sender’ means a consumer who requests a remittance transfer to send a remittance transfer for the consumer to a designated recipient.”.

(b) AUTOMATED CLEARINGHOUSE SYSTEM.—

(1) EXPANSION OF SYSTEM.—The Board of Governors shall work with the Federal reserve banks to expand the use of the automated clearinghouse system for remittance transfers to foreign countries, with a focus on countries that receive significant remittance transfers from the United States, based on—

(A) the number, volume, and size of such transfers;

(B) the significance of the volume of such transfers relative to the external financial flows of the receiving country, including—

(i) the total amount transferred; and

(ii) the total volume of payments made by United States Government agencies to beneficiaries and retirees living abroad;

(C) the feasibility of such an expansion; and

(D) the ability of the Federal Reserve System to establish payment gateways in different geographic regions and currency zones to receive remittance transfers and route them through the payments systems in the destination countries.

(2) REPORT TO CONGRESS.—Not later than one calendar year after the date of enactment of this Act, and on April 30 biennially thereafter during the 10-year period beginning on that date of enactment, the Board of Governors shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the status of the automated clearinghouse system and its progress in complying with the requirements of this subsection. The report shall include an analysis of adoption rates of International ACH Transactions rules and formats, the efficacy of increasing adoption rates, and potential recommendations to increase adoption.

(c) EXPANSION OF FINANCIAL INSTITUTION PROVISION OF REMITTANCE TRANSFERS.—

(1) PROVISION OF GUIDELINES TO INSTITUTIONS.—Each of the Federal banking agencies and the National Credit Union Administration shall provide guidelines to financial institutions under the jurisdiction of the agency regarding the offering of low-cost remittance transfers and no-cost or low-cost basic consumer accounts, as well as agency services to remittance transfer providers.

(2) ASSISTANCE TO FINANCIAL LITERACY COMMISSION.—As part of its duties as members of the Financial Literacy and Education Commission, the Bureau, the Federal banking agencies, and the National Credit Union Administration shall

assist the Financial Literacy and Education Commission in executing the Strategy for Assuring Financial Empowerment (or the “SAFE Strategy”), as it relates to remittances.

(d) FEDERAL CREDIT UNION ACT CONFORMING AMENDMENT.—Paragraph (12) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended to read as follows:

“(12) in accordance with regulations prescribed by the Board—

“(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers);

“(B) to provide remittance transfers, as defined in section 919 of the Electronic Fund Transfer Act, to persons in the field of membership; and

“(C) to cash checks and money orders for persons in the field of membership for a fee.”.

SEC. 1078. DEPARTMENT OF THE TREASURY STUDY ON ENDING THE CONSERVATORSHIP OF FANNIE MAE, FREDDIE MAC, AND REFORMING THE HOUSING FINANCE SYSTEM.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of the Treasury shall conduct a study of and develop recommendations regarding the options for ending the conservatorship of the Federal National Mortgage Association (in this section referred to as “Fannie Mae”) and the Federal Home Loan Mortgage Corporation (in this section referred to as “Freddie Mac”), while minimizing the cost to taxpayers, including such options as—

(A) the gradual wind-down and liquidation of such entities;

(B) the privatization of such entities;

(C) the incorporation of the functions of such entities into a Federal agency;

(D) the dissolution of Fannie Mae and Freddie Mac into smaller companies; or

(E) any other measures the Secretary determines appropriate.

(2) ANALYSES.—The study required under paragraph (1) shall include an analysis of—

(A) the role of the Federal Government in supporting a stable, well-functioning housing finance system, and whether and to what extent the Federal Government should bear risks in meeting Federal housing finance objectives;

(B) how the current structure of the housing finance system can be improved;

(C) how the housing finance system should support the continued availability of mortgage credit to all segments of the market;

(D) how the housing finance system should be structured to ensure that consumers continue to have access to 30-year, fixed rate, pre-payable mortgages and other mortgage products that have simple terms that can be easily understood;

(E) the role of the Federal Housing Administration and the Department of Veterans Affairs in a future housing system;

(F) the impact of reforms of the housing finance system on the financing of rental housing;

(G) the impact of reforms of the housing finance system on secondary market liquidity;

(H) the role of standardization in the housing finance system;

(I) how housing finance systems in other countries offer insights that can help inform options for reform in the United States; and

(J) the options for transition to a reformed housing finance system.

(b) REPORT AND RECOMMENDATIONS.—Not later than January 31, 2011, the Secretary of the Treasury shall submit the report and recommendations required under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 1079. REASONABLE FEES AND RULES FOR PAYMENT CARD TRANSACTIONS.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 920 and 921 as sections 921 and 922, respectively; and

(2) by inserting after section 919 the following:

“SEC. 920. REASONABLE FEES AND RULES FOR PAYMENT CARD TRANSACTIONS.

“(a) REASONABLE INTERCHANGE TRANSACTION FEES FOR ELECTRONIC DEBIT TRANSACTIONS.—

“(1) REGULATORY AUTHORITY.—The Board shall have authority to establish rules, pursuant to section 553 of title 5, United States Code, regarding any interchange transaction fee that an issuer or payment card network may charge with respect to an electronic debit transaction.

“(2) REASONABLE FEES.—The amount of any interchange transaction fee that an issuer or payment card network may charge with respect to an electronic debit transaction shall be reasonable and proportional to the actual cost incurred by the issuer or payment card network with respect to the transaction.

“(3) RULEMAKING REQUIRED.—The Board shall issue final rules, not later than 9 months after the date of enactment of the Consumer Financial Protection Act of 2010, to establish standards for assessing whether the amount of any interchange transaction fee described in paragraph (2) is reasonable and proportional to the actual cost incurred by the issuer or payment card network with respect to the transaction.

“(4) CONSIDERATIONS.—In issuing rules required by this section, the Board shall—

“(A) consider the functional similarity between—

“(i) electronic debit transactions; and

“(ii) checking transactions that are required within the Federal Reserve bank system to clear at par;

“(B) distinguish between—

“(i) the actual incremental cost incurred by an issuer or payment card network for the role of the issuer or the payment card network in the authorization, clearance, or settlement of a particular electronic debit transaction, which cost shall be considered under paragraph (2); and

“(ii) other costs incurred by an issuer or payment card network which are not specific to a particular electronic debit transaction, which costs shall not be considered under paragraph (2); and

“(C) consult, as appropriate, with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, the National Credit Union Administration Board, the Administrator of the Small Business Administration, and the Director of the Bureau of Consumer Financial Protection.

“(5) EXEMPTION FOR SMALL ISSUERS.—This subsection shall not apply to issuers that, together with affiliates, have assets of less than \$10,000,000,000, and the Board shall exempt such issuers from rules issued under paragraph (3).

“(6) EFFECTIVE DATE.—Paragraph (2) shall become effective 12 months after the date of enactment of the Consumer Financial Protection Act of 2010.

“(b) LIMITATION ON ANTI-COMPETITIVE PAYMENT CARD NETWORK RESTRICTIONS.—

“(1) NO RESTRICTIONS ON OFFERING DISCOUNTS FOR USE OF A COMPETING PAYMENT CARD NETWORK.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to provide a discount or in-kind incentive for payment through the use of a card or device of another payment card network, provided that the discount or in-kind incentive only differentiates between payment card networks and not between other issuers.

“(2) NO RESTRICTIONS ON OFFERING DISCOUNTS FOR USE OF A FORM OF PAYMENT.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to provide a discount or in-kind incentive for payment by the use of cash, check, debit card, or credit card.

“(3) NO RESTRICTIONS ON SETTING TRANSACTION MINIMUMS OR MAXIMUMS.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to set a minimum or maximum dollar value for the acceptance by that person of credit cards, provided that such minimum or maximum dollar value does not differentiate between issuers or between payment card networks.

“(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) DEBIT CARD.—The term ‘debit card’—

“(A) means any card, or other payment code or device, issued or approved for use through a payment card network to debit an asset account for the purpose of transferring money between accounts or obtaining goods or services, whether authorization is based on signature, PIN, or other means;

“(B) includes general use prepaid cards, as that term is defined in section 915(a)(2)(A) (15 U.S.C. 1693l-1(a)(2)(A)); and

“(C) does not include paper checks.

“(2) CREDIT CARD.—The term ‘credit card’ has the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

“(3) DISCOUNT.—The term ‘discount’—

“(A) means a reduction made from the price that customers are informed is the regular price; and

“(B) does not include any means of increasing the price that customers are informed is the regular price.

“(4) ELECTRONIC DEBIT TRANSACTION.—The term ‘electronic debit transaction’ means a transaction in which a person uses a debit card to debit an asset account.

“(5) INTERCHANGE TRANSACTION FEE.—The term ‘interchange transaction fee’ means any fee established by a payment card network that has been established for the purpose of compensating an issuer or payment card network for its involvement in an electronic debit transaction.

“(6) ISSUER.—The term ‘issuer’ means any person who issues a debit card, or credit card, or the agent of such person with respect to such card.

“(7) PAYMENT CARD NETWORK.—The term ‘payment card network’ means an entity that directly, or through licensed members, processors, or agents, provides the proprietary services, infrastructure, and software that route information and data to conduct transaction authorization, clearance, and settlement, and that a person uses in order to accept as a form of payment a brand of debit card, credit card or other device that may be used to carry out debit or credit transactions.”.

SEC. 1079A. USE OF CONSUMER REPORTS.

Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following:

“(2) provide to the consumer written or electronic disclosure—

“(A) of a numerical credit score as defined in section 609(f)(2)(A) used by such person in taking any adverse action based in whole or in part on any information in a consumer report; and

“(B) of the information set forth in subparagraphs (B) through (E) of section 609(f)(1);”;

(C) in paragraph (4) (as so redesignated), by striking “paragraph (2)” and inserting “paragraph (3)”; and

(2) in subsection (h)(5)—

(A) in subparagraph (C), by striking “; and” and inserting a semicolon;

(B) in subparagraph (D), by striking the period and inserting “; and”; and

(C) by inserting at the end the following:

“(E) include a statement informing the consumer of—

“(i) a numerical credit score as defined in section 609(f)(2)(A), used by such person in connection with the credit decision described in paragraph (1) based in whole or in part on any information in a consumer report; and

“(ii) the information set forth in subparagraphs (B) through (E) of section 609(f)(1).”.

Subtitle H—Conforming Amendments

SEC. 1081. AMENDMENTS TO THE INSPECTOR GENERAL ACT.

Effective on the date of enactment of this Act, the Inspector General Act of 1978 (5 U.S.C. App. 3) is amended—

(1) in section 8G(a)(2), by inserting “and the Bureau of Consumer Financial Protection” after “Board of Governors of the Federal Reserve System”;;

(2) in section 8G(c), by adding at the end the following: “For purposes of implementing this section, the Chairman of the Board of Governors of the Federal Reserve System shall appoint the Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection. The Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection shall have all of the authorities and responsibilities provided by this Act with respect to the Bureau of Consumer Financial Protection, as if the Bureau were part of the Board of Governors of the Federal Reserve System.”; and

(3) in section 8G(g)(3), by inserting “and the Bureau of Consumer Financial Protection” after “Board of Governors of the Federal Reserve System” the first place that term appears.

SEC. 1082. AMENDMENTS TO THE PRIVACY ACT OF 1974.

Effective on the date of enactment of this Act, section 552a of title 5, United States Code, is amended by adding at the end the following:

“(w) APPLICABILITY TO BUREAU OF CONSUMER FINANCIAL PROTECTION.—Except as provided in the Consumer Financial Protection Act of 2010, this section shall apply with respect to the Bureau of Consumer Financial Protection.”.

SEC. 1083. AMENDMENTS TO THE ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT OF 1982.

(a) IN GENERAL.—The Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.) is amended—

(1) in section 803 (12 U.S.C. 3802(1)), by striking “1974” and all that follows through “described and defined” and inserting the following: “1974”, in which the interest rate or finance charge may be adjusted or renegotiated, described and defined”; and

(2) in section 804 (12 U.S.C. 3803)—

(A) in subsection (a)—

(i) in each of paragraphs (1), (2), and (3), by inserting after “transactions made” each place that term appears “on or before the designated transfer date, as determined under section 1062 of the Consumer Financial Protection Act of 2010,”;

(ii) in paragraph (2), by striking “and” at the end;

(iii) in paragraph (3), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following new paragraph:

“(4) with respect to transactions made after the designated transfer date, only in accordance

with regulations governing alternative mortgage transactions, as issued by the Bureau of Consumer Financial Protection for federally chartered housing creditors, in accordance with the rulemaking authority granted to the Bureau of Consumer Financial Protection with regard to federally chartered housing creditors under provisions of law other than this section.”;

(B) by striking subsection (c) and inserting the following:

“(c) PREEMPTION OF STATE LAW.—An alternative mortgage transaction may be made by a housing creditor in accordance with this section, notwithstanding any State constitution, law, or regulation that prohibits an alternative mortgage transaction. For purposes of this subsection, a State constitution, law, or regulation that prohibits an alternative mortgage transaction does not include any State constitution, law, or regulation that regulates mortgage transactions generally, including any restriction on prepayment penalties or late charges.”; and

(C) by adding at the end the following:

“(d) BUREAU ACTIONS.—The Bureau of Consumer Financial Protection shall—

“(1) review the regulations identified by the Comptroller of the Currency and the National Credit Union Administration, (as those rules exist on the designated transfer date), as applicable under paragraphs (1) through (3) of subsection (a);

“(2) determine whether such regulations are fair and not deceptive and otherwise meet the objectives of the Consumer Financial Protection Act of 2010; and

“(3) promulgate regulations under subsection (a)(4) after the designated transfer date.

“(e) DESIGNATED TRANSFER DATE.—As used in this section, the term ‘designated transfer date’ means the date determined under section 1062 of the Consumer Financial Protection Act of 2010.”.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on the designated transfer date.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not affect any transaction covered by the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.) and entered into on or before the designated transfer date.

SEC. 1084. AMENDMENTS TO THE ELECTRONIC FUND TRANSFER ACT.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by striking “Board” each place that term appears and inserting “Bureau”, except in section 918 (as so designated by the Credit Card Act of 2009) (15 U.S.C. 1693o);

(2) in section 903 (15 U.S.C. 1693a), by striking paragraph (3) and inserting the following:

“(3) the term ‘Bureau’ means the Bureau of Consumer Financial Protection;”;

(3) in section 916(d) (as so designated by section 401 of the Credit CARD Act of 2009) (15 U.S.C. 1693m)—

(A) by striking “FEDERAL RESERVE SYSTEM” and inserting “BUREAU OF CONSUMER FINANCIAL PROTECTION”; and

(B) by striking “Federal Reserve System” and inserting “Bureau of Consumer Financial Protection”; and

(4) in section 918 (as so designated by the Credit CARD Act of 2009) (15 U.S.C. 1693o)—

(A) in subsection (a)—

(i) by striking “Compliance” and inserting “Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance”; and

(ii) by striking paragraph (2) and inserting the following:

“(2) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;”;

(B) by striking subsection (c) and inserting the following:

“(c) OVERALL ENFORCEMENT AUTHORITY OF THE FEDERAL TRADE COMMISSION.—Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (a), and subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person subject to the jurisdiction of the Federal Trade Commission with the requirements imposed under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.”

SEC. 1085. AMENDMENTS TO THE EQUAL CREDIT OPPORTUNITY ACT.

The Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) is amended—

(1) by striking “Board” each place that term appears and inserting “Bureau”;

(2) in section 702 (15 U.S.C. 1691a), by striking subsection (c) and inserting the following:

“(c) The term ‘Bureau’ means the Bureau of Consumer Financial Protection.”;

(3) in section 703 (15 U.S.C. 1691b)—

(A) by striking the section heading and inserting the following:

“SEC. 703. PROMULGATION OF REGULATIONS BY THE BUREAU.”;

(B) by striking “(a) REGULATIONS.—”;

(C) by striking subsection (b);

(D) by redesignating paragraphs (1) through (5) as subsections (a) through (e), respectively; and

(E) in subsection (c), as so redesignated, by striking “paragraph (2)” and inserting “subsection (b)”;

(4) in section 704 (15 U.S.C. 1691c)—

(A) in subsection (a)—

(i) by striking “Compliance” and inserting “Except as otherwise provided by subtitle B of the Consumer Protection Financial Protection Act of 2010”; and

(ii) by striking paragraph (2) and inserting the following:

“(2) Subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau.”;

(B) by striking subsection (c) and inserting the following:

“(c) OVERALL ENFORCEMENT AUTHORITY OF FEDERAL TRADE COMMISSION.—Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (a), and subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), a violation of any requirement imposed under this subchapter shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with the requirements imposed under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act, including the power to enforce any rule prescribed by the Bureau under this title in the same manner as if the violation

had been a violation of a Federal Trade Commission trade regulation rule.”; and

(C) in subsection (d), by striking “Board” and inserting “Bureau”; and

(5) in section 706(e) (15 U.S.C. 1691e(e))—

(A) in the subsection heading—

(i) by striking “BOARD” each place that term appears and inserting “BUREAU”; and

(ii) by striking “FEDERAL RESERVE SYSTEM” and inserting “BUREAU OF CONSUMER FINANCIAL PROTECTION”; and

(B) by striking “Federal Reserve System” and inserting “Bureau of Consumer Financial Protection”.

SEC. 1086. AMENDMENTS TO THE EXPEDITED FUNDS AVAILABILITY ACT.

(a) AMENDMENT TO SECTION 603.—Section 603(d)(1) of the Expedited Funds Availability Act (12 U.S.C. 4002) is amended by inserting after “Board” the following “, jointly with the Director of the Bureau of Consumer Financial Protection,”.

(b) AMENDMENTS TO SECTION 604.—Section 604 of the Expedited Funds Availability Act (12 U.S.C. 4003) is amended—

(1) by inserting after “Board” each place that term appears, other than in subsection (f), the following: “, jointly with the Director of the Bureau of Consumer Financial Protection,”; and

(2) in subsection (f), by striking “Board,” each place that term appears and inserting the following: “Board, jointly with the Director of the Bureau of Consumer Financial Protection.”.

(c) AMENDMENTS TO SECTION 605.—Section 605 of the Expedited Funds Availability Act (12 U.S.C. 4004) is amended—

(1) by inserting after “Board” each place that term appears, other than in the heading for section 605(f)(1), the following: “, jointly with the Director of the Bureau of Consumer Financial Protection,”; and

(2) in subsection (f)(1), in the paragraph heading, by inserting “AND BUREAU” after “BOARD”.

(d) AMENDMENTS TO SECTION 609.—Section 609 of the Expedited Funds Availability Act (12 U.S.C. 4008) is amended:

(1) in subsection (a), by inserting after “Board” the following “, jointly with the Director of the Bureau of Consumer Financial Protection,”; and

(2) by striking subsection (e) and inserting the following:

“(e) CONSULTATIONS.—In prescribing regulations under subsections (a) and (b), the Board and the Director of the Bureau of Consumer Financial Protection, in the case of subsection (a), and the Board, in the case of subsection (b), shall consult with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board.”.

(e) EXPEDITED FUNDS AVAILABILITY IMPROVEMENTS.—Section 603 of the Expedited Funds Availability Act (12 U.S.C. 4002) is amended—

(1) in subsection (a)(2)(D), by striking “\$100” and inserting “\$200”; and

(2) in subsection (b)(3)(C), in the subparagraph heading, by striking “\$100” and inserting “\$200”; and

(3) in subsection (c)(1)(B)(iii), in the clause heading, by striking “\$100” and inserting “\$200”.

(f) REGULAR ADJUSTMENTS FOR INFLATION.—Section 607 of the Expedited Funds Availability Act (12 U.S.C. 4006) is amended by adding at the end the following:

“(f) ADJUSTMENTS TO DOLLAR AMOUNTS FOR INFLATION.—The dollar amounts under this title shall be adjusted every 5 years after December 31, 2011, by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers, as published by the Bureau of Labor Statistics, rounded to the nearest multiple of \$25.”.

SEC. 1087. AMENDMENTS TO THE FAIR CREDIT BILLING ACT.

The Fair Credit Billing Act (15 U.S.C. 1666–1666j) is amended by striking “Board” each place that term appears and inserting “Bureau”.

SEC. 1088. AMENDMENTS TO THE FAIR CREDIT REPORTING ACT AND THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT.

(a) FAIR CREDIT REPORTING ACT.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) in section 603 (15 U.S.C. 1681a)—

(A) by redesignating subsections (w) and (x) as subsections (x) and (y), respectively; and

(B) by inserting after subsection (v) the following:

“(w) The term ‘Bureau’ means the Bureau of Consumer Financial Protection.”; and

(2) except as otherwise specifically provided in this subsection—

(A) by striking “Federal Trade Commission” each place that term appears and inserting “Bureau”;

(B) by striking “FTC” each place that term appears and inserting “Bureau”;

(C) by striking “the Commission” each place that term appears and inserting “the Bureau”; and

(D) by striking “The Federal banking agencies, the National Credit Union Administration, and the Commission shall jointly” each place that term appears and inserting “The Bureau shall”;

(3) in section 603(k)(2) (15 U.S.C. 1681a(k)(2)), by striking “Board of Governors of the Federal Reserve System” and inserting “Bureau”;

(4) in section 604(g) (15 U.S.C. 1681b(g))—

(A) in paragraph (3), by striking subparagraph (C) and inserting the following:

“(C) as otherwise determined to be necessary and appropriate, by regulation or order, by the Bureau (consistent with the enforcement authorities prescribed under section 621(b)), or the applicable State insurance authority (with respect to any person engaged in providing insurance or annuities).”;

(B) by striking paragraph (5) and inserting the following:

“(5) REGULATIONS AND EFFECTIVE DATE FOR PARAGRAPH (2).—

“(A) REGULATIONS REQUIRED.—The Bureau may, after notice and opportunity for comment, prescribe regulations that permit transactions under paragraph (2) that are determined to be necessary and appropriate to protect legitimate operational, transactional, risk, consumer, and other needs (and which shall include permitting actions necessary for administrative verification purposes), consistent with the intent of paragraph (2) to restrict the use of medical information for inappropriate purposes.”; and

(C) by striking paragraph (6);

(5) in section 611(e)(2) (15 U.S.C. 1681i(e)), by striking paragraph (2) and inserting the following:

“(2) EXCLUSION.—Complaints received or obtained by the Bureau pursuant to its investigative authority under the Consumer Financial Protection Act of 2010 shall not be subject to paragraph (1).”;

(6) in section 615(h)(6) (15 U.S.C. 1681m(h)(6)), by striking subparagraph (A) and inserting the following:

“(A) RULES REQUIRED.—The Bureau shall prescribe rules to carry out this subsection.”;

(7) in section 621 (15 U.S.C. 1681s)—

(A) by striking subsection (a) and inserting the following:

“(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

“(1) IN GENERAL.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act

(15 U.S.C. 41 et seq.) by the Federal Trade Commission, with respect to consumer reporting agencies and all other persons subject thereto, except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (b). For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this title shall constitute an unfair or deceptive act or practice in commerce, in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)), and shall be subject to enforcement by the Federal Trade Commission under section 5(b) of that Act with respect to any consumer reporting agency or person that is subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act. The Federal Trade Commission shall have such procedural, investigative, and enforcement powers (except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010), including the power to issue procedural rules in enforcing compliance with the requirements imposed under this title and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title. Any person violating any of the provisions of this title shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions of such Act are part of this title.

“(2) PENALTIES.—

“(A) KNOWING VIOLATIONS.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, in the event of a knowing violation, which constitutes a pattern or practice of violations of this title, the Federal Trade Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person that violates this title. In such action, such person shall be liable for a civil penalty of not more than \$2,500 per violation.

“(B) DETERMINING PENALTY AMOUNT.—In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of such prior conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

“(C) LIMITATION.—Notwithstanding paragraph (2), a court may not impose any civil penalty on a person for a violation of section 623(a)(1), unless the person has been enjoined from committing the violation, or ordered not to commit the violation, in an action or proceeding brought by or on behalf of the Federal Trade Commission, and has violated the injunction or order, and the court may not impose any civil penalty for any violation occurring before the date of the violation of the injunction or order.”;

(8) by striking subsection (b) and inserting the following:

“(b) ENFORCEMENT BY OTHER AGENCIES.—

“(1) IN GENERAL.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this title with respect to consumer reporting agencies, persons who use consumer reports from such agencies, persons who furnish information to such agencies, and users of information that are subject to section 615(d) shall be enforced under—

“(A) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

“(i) any national bank, and any Federal branch or Federal agency of a foreign bank, by the Office of the Comptroller of the Currency;

“(ii) any member bank of the Federal Reserve System (other than a national bank), a branch or agency of a foreign bank (other than a Federal branch, Federal agency, or insured State branch of a foreign bank), a commercial lending company owned or controlled by a foreign bank, and any organization operating under section 25 or 25A of the Federal Reserve Act, by the Board of Governors of the Federal Reserve System; and

“(iii) any bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) and any insured State branch of a foreign bank, by the Board of Directors of the Federal Deposit Insurance Corporation;

“(B) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;

“(C) the Federal Credit Union Act (12 U.S.C. 1751 et seq.), by the Administrator of the National Credit Union Administration with respect to any Federal credit union;

“(D) subtitle IV of title 49, United States Code, by the Secretary of Transportation, with respect to all carriers subject to the jurisdiction of the Surface Transportation Board;

“(E) the Federal Aviation Act of 1958 (49 U.S.C. App. 1301 et seq.), by the Secretary of Transportation, with respect to any air carrier or foreign air carrier subject to that Act;

“(F) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act), by the Secretary of Agriculture, with respect to any activities subject to that Act;

“(G) the Commodity Exchange Act, with respect to a person subject to the jurisdiction of the Commodity Futures Trading Commission; and

“(H) the Federal securities laws, and any other laws that are subject to the jurisdiction of the Securities and Exchange Commission, with respect to a person that is subject to the jurisdiction of the Securities and Exchange Commission.

“(2) INCORPORATED DEFINITIONS.—The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) have the same meanings as in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).”;

(9) by striking subsection (e) and inserting the following:

“(e) REGULATORY AUTHORITY.—The Bureau shall prescribe such regulations as are necessary to carry out the purposes of this Act. The regulations prescribed by the Bureau under this subsection shall apply to any person that is subject to this Act, notwithstanding the enforcement authorities granted to other agencies under this section.”; and

(10) in section 623 (15 U.S.C. 1681s-2)—

(A) in subsection (a)(7), by striking subparagraph (D) and inserting the following:

“(D) MODEL DISCLOSURE.—

“(i) DUTY OF BUREAU.—The Bureau shall prescribe a brief model disclosure that a financial institution may use to comply with subparagraph (A), which shall not exceed 30 words.

“(ii) USE OF MODEL NOT REQUIRED.—No provision of this paragraph may be construed to require a financial institution to use any such model form prescribed by the Bureau.

“(iii) COMPLIANCE USING MODEL.—A financial institution shall be deemed to be in compliance with subparagraph (A) if the financial institution uses any model form prescribed by the Bureau under this subparagraph, or the financial institution uses any such model form and rearranges its format.”; and

(B) by striking subsection (e) and inserting the following:

“(e) ACCURACY GUIDELINES AND REGULATIONS REQUIRED.—

“(1) GUIDELINES.—The Bureau shall, with respect to persons or entities that are subject to the enforcement authority of the Bureau under section 621—

“(A) establish and maintain guidelines for use by each person that furnishes information to a consumer reporting agency regarding the accuracy and integrity of the information relating to consumers that such entities furnish to consumer reporting agencies, and update such guidelines as often as necessary; and

“(B) prescribe regulations requiring each person that furnishes information to a consumer reporting agency to establish reasonable policies and procedures for implementing the guidelines established pursuant to subparagraph (A).

“(2) CRITERIA.—In developing the guidelines required by paragraph (1)(A), the Bureau shall—

“(A) identify patterns, practices, and specific forms of activity that can compromise the accuracy and integrity of information furnished to consumer reporting agencies;

“(B) review the methods (including technological means) used to furnish information relating to consumers to consumer reporting agencies;

“(C) determine whether persons that furnish information to consumer reporting agencies maintain and enforce policies to ensure the accuracy and integrity of information furnished to consumer reporting agencies; and

“(D) examine the policies and processes that persons that furnish information to consumer reporting agencies employ to conduct reinvestigations and correct inaccurate information relating to consumers that has been furnished to consumer reporting agencies.”;

(b) FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003.—Section 214(b)(1) of the Fair and Accurate Credit Transactions Act of 2003 (15 U.S.C. 1681s-3 note) is amended by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Regulations to carry out section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681s-3), shall be prescribed, as described in paragraph (2), by—

“(A) the Commodity Futures Trading Commission, with respect to entities subject to its enforcement authorities;

“(B) the Securities and Exchange Commission, with respect to entities subject to its enforcement authorities; and

“(C) the Bureau, with respect to other entities subject to this Act.”;

SEC. 1089. AMENDMENTS TO THE FAIR DEBT COLLECTION PRACTICES ACT.

The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by striking “Commission” each place that term appears and inserting “Bureau”;

(2) in section 803 (15 U.S.C. 1692a)—

(A) by striking paragraph (1) and inserting the following:

“(1) The term ‘Bureau’ means the Bureau of Consumer Financial Protection.”;

(3) in section 814 (15 U.S.C. 1692l)—

(A) by striking subsection (a) and inserting the following:

“(a) FEDERAL TRADE COMMISSION.—Except as

otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance with this title shall be enforced by the Federal Trade Commission, except to the extent that enforcement of the requirements imposed under this title is specifically committed to another Government agency under subsection (b). For purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), a violation of this title shall be deemed an unfair or deceptive act or practice in violation of that Act. All of the functions and powers

of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act, including the power to enforce the provisions of this title, in the same manner as if the violation had been a violation of a Federal Trade Commission trade regulation rule.”; and

(B) in subsection (b)—

(i) by striking “Compliance” and inserting “Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance”; and

(ii) by striking paragraph (2) and inserting the following:

“(2) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau.”; and

(4) in subsection (d), by striking “Neither the Commission” and all that follows through the end of the subsection and inserting the following: “The Bureau may prescribe rules with respect to the collection of debts by debt collectors, as defined in this Act.”.

SEC. 1090. AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 8(t) (12 U.S.C. 1818(t)), by adding at the end the following:

“(6) REFERRAL TO BUREAU OF CONSUMER FINANCIAL PROTECTION.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, each appropriate Federal banking agency shall make a referral to the Bureau of Consumer Financial Protection when the Federal banking agency has a reasonable belief that a violation of an enumerated consumer law, as defined in the Consumer Financial Protection Act of 2010, has been committed by any insured depository institution or institution-affiliated party within the jurisdiction of that appropriate Federal banking agency.”; and

(2) in section 43 (12 U.S.C. 1831t)—

(A) in subsection (c), by striking “Federal Trade Commission” and inserting “Bureau”; and

(B) in subsection (d), by striking “Federal Trade Commission” and inserting “Bureau”; and

(C) in subsection (e)—

(i) in paragraph (2), by striking “Federal Trade Commission” and inserting “Bureau”; and

(ii) by adding at the end the following new paragraph:

“(5) BUREAU.—The term ‘Bureau’ means the Bureau of Consumer Financial Protection.”; and

(D) in subsection (f)—

(i) by striking paragraph (1) and inserting the following:

“(1) LIMITED ENFORCEMENT AUTHORITY.—Compliance with the requirements of subsections (b), (c), and (e), and any regulation prescribed or order issued under such subsection, shall be enforced under the Consumer Financial Protection Act of 2010, by the Bureau, subject to subtitle B of the Consumer Financial Protection Act of 2010, and under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Federal Trade Commission.”; and

(ii) in paragraph (2), by striking subparagraph (C) and inserting the following:

“(C) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Bureau or Federal Trade Commission has instituted an enforcement action for a violation of this section, no appropriate State supervisory agency may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Bureau or Federal Trade Commission for any violation of this section that is alleged in that complaint.”.

SEC. 1091. AMENDMENTS TO THE GRAMM-LEACH-BLILEY ACT.

Title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) is amended—

(1) in section 504(a)(1) (15 U.S.C. 6804(a)(1))—

(A) by striking “The Federal banking agencies, the National Credit Union Administration, the Secretary of the Treasury,” and inserting “The Bureau of Consumer Financial Protection and”; and

(B) by striking “, and the Federal Trade Commission”;

(2) in section 505(a) (15 U.S.C. 6805(a))—

(A) by striking “This subtitle” and all that follows through “as follows:” and inserting “Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, this subtitle and the regulations prescribed thereunder shall be enforced by the Bureau of Consumer Financial Protection, the Federal functional regulators, the State insurance authorities, and the Federal Trade Commission with respect to financial institutions and other persons subject to their jurisdiction under applicable law, as follows.”;

(B) in paragraph (1)—

(i) in subparagraph (B), by inserting “and” after the semicolon;

(ii) in subparagraph (C), by striking “; and” and inserting a period; and

(iii) by striking subparagraph (D); and

(C) by adding at the end the following:

“(8) Under the Consumer Financial Protection Act of 2010, by the Bureau of Consumer Financial Protection, in the case of any financial institution and other covered person or service provider that is subject to the jurisdiction of the Bureau under that Act, but not with respect to the standards under section 501.”; and

(3) in section 505(b)(1) (15 U.S.C. 6805(b)(1)), by inserting “, other than the Bureau of Consumer Financial Protection,” after “subsection (a)”.

SEC. 1092. AMENDMENTS TO THE HOME MORTGAGE DISCLOSURE ACT.

The Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.) is amended—

(1) except as otherwise specifically provided in this section, by striking “Board” each place that term appears and inserting “Bureau”; and

(2) in section 303 (12 U.S.C. 2802)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(B) by inserting before paragraph (2) the following:

“(1) the term ‘Bureau’ means the Bureau of Consumer Financial Protection.”;

(3) in section 304 (12 U.S.C. 2803)—

(A) in subsection (b)—

(i) in paragraph (4), by inserting “age,” before “and gender”; and

(ii) in paragraph (3), by striking “and” at the end;

(iii) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(5) the number and dollar amount of mortgage loans grouped according to measurements of—

“(A) the total points and fees payable at origination in connection with the mortgage as determined by the Bureau, taking into account 15 U.S.C. 1602(aa)(4);

“(B) the difference between the annual percentage rate associated with the loan and a benchmark rate or rates for all loans;

“(C) the term in months of any prepayment penalty or other fee or charge payable on repayment of some portion of principal or the entire principal in advance of scheduled payments; and

“(D) such other information as the Bureau may require; and

“(6) the number and dollar amount of mortgage loans and completed applications grouped according to measurements of—

“(A) the value of the real property pledged or proposed to be pledged as collateral;

“(B) the actual or proposed term in months of any introductory period after which the rate of interest may change;

“(C) the presence of contractual terms or proposed contractual terms that would allow the mortgagor or applicant to make payments other than fully amortizing payments during any portion of the loan term;

“(D) the actual or proposed term in months of the mortgage loan;

“(E) the channel through which application was made, including retail, broker, and other relevant categories;

“(F) as the Bureau may determine to be appropriate, a unique identifier that identifies the loan originator as set forth in section 1503 of the S.A.F.E. Mortgage Licensing Act of 2008;

“(G) as the Bureau may determine to be appropriate, a universal loan identifier;

“(H) as the Bureau may determine to be appropriate, the parcel number that corresponds to the real property pledged or proposed to be pledged as collateral;

“(I) the credit score of mortgage applicants and mortgagors, in such form as the Bureau may prescribe, except that the Bureau shall modify or require modification of credit score data that is or will be available to the public to protect the compelling privacy interest of the mortgage applicant or mortgagors; and

“(J) such other information as the Bureau may require.”;

(B) in subsection (i), by striking “subsection (b)(4)” and inserting “subsections (b)(4), (b)(5), and (b)(6)”;

(C) in subsection (j)—

(i) in paragraph (1), by striking “(as)” and inserting “(containing loan-level and application-level information relating to disclosures required under subsections (a) and (b) and as otherwise”;

(ii) by striking paragraph (3) and inserting the following:

“(3) CHANGE OF FORM NOT REQUIRED.—A depository institution meets the disclosure requirement of paragraph (1) if the institution provides the information required under such paragraph in such formats as the Bureau may require”; and

(iii) in paragraph (2)(A), by striking “in the format in which such information is maintained by the institution” and inserting “in such formats as the Bureau may require”;

(D) in subsection (m), by striking paragraph (2) and inserting the following:

“(2) FORM OF INFORMATION.—In complying with paragraph (1), a depository institution shall provide the person requesting the information with a copy of the information requested in such formats as the Bureau may require”;

(E) by striking subsection (h) and inserting the following:

“(h) SUBMISSION TO AGENCIES.—

“(1) IN GENERAL.—The data required to be disclosed under subsection (b) shall be submitted to the Bureau or to the appropriate agency for the institution reporting under this title, in accordance with rules prescribed by the Bureau. Notwithstanding the requirement of subsection (a)(2)(A) for disclosure by census tract, the Bureau, in cooperation with other appropriate regulators described in paragraph (2), shall develop regulations that—

“(A) prescribe the format for such disclosures, the method for submission of the data to the appropriate regulatory agency, and the procedures for disclosing the information to the public;

“(B) require the collection of data required to be disclosed under subsection (b) with respect to

loans sold by each institution reporting under this title;

“(C) require disclosure of the class of the purchaser of such loans; and

“(D) permit any reporting institution to submit in writing to the Bureau or to the appropriate agency such additional data or explanations as it deems relevant to the decision to originate or purchase mortgage loans.

“(2) OTHER APPROPRIATE AGENCIES.—The appropriate regulators described in this paragraph are—

“(A) the Office of the Comptroller of the Currency (hereafter referred to in this Act as ‘Comptroller’) for national banks and Federal branches, Federal agencies of foreign banks, and savings associations;

“(B) the Federal Deposit Insurance Corporation for banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), mutual savings banks, insured State branches of foreign banks, and any other depository institution described in section 303(2)(A) which is not otherwise referred to in this paragraph;

“(C) the National Credit Union Administration Board for credit unions; and

“(D) the Secretary of Housing and Urban Development for other lending institutions not regulated by the agencies referred to in subparagraphs (A) through (C).”; and

(F) by adding at the end the following:

“(m) TIMING OF CERTAIN DISCLOSURES.—The data required to be disclosed under subsection (b) shall be submitted to the Bureau or to the appropriate agency for any institution reporting under this title, in accordance with regulations prescribed by the Bureau. Institutions shall not be required to report new data under paragraph (5) or (6) of subsection (b) before the first January 1 that occurs after the end of the 9-month period beginning on the date on which regulations are issued by the Bureau in final form with respect to such disclosures.”;

(A) in section 305 (12 U.S.C. 2804)—

(A) by striking subsection (b) and inserting the following:

“(b) POWERS OF CERTAIN OTHER AGENCIES.—

“(1) IN GENERAL.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements of this title shall be enforced—

“(A) under section 8 of the Federal Deposit Insurance Act, in the case of—

“(i) any national bank, and any Federal branch or Federal agency of a foreign bank, by the Office of the Comptroller of the Currency;

“(ii) any member bank of the Federal Reserve System (other than a national bank), branch or agency of a foreign bank (other than a Federal branch, Federal agency, and insured State branch of a foreign bank), commercial lending company owned or controlled by a foreign bank, and any organization operating under section 25 or 25(a) of the Federal Reserve Act, by the Board; and

“(iii) any bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System), any mutual savings bank as, defined in section 3(f) of the Federal Deposit Insurance Act (12 U.S.C. 1813(f)), any insured State branch of a foreign bank, and any other depository institution not referred to in this paragraph or subparagraph (B) or (C), by the Federal Deposit Insurance Corporation;

“(B) under subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;

“(C) under the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any insured credit union; and

“(D) with respect to other lending institutions, by the Secretary of Housing and Urban Development.

“(2) INCORPORATED DEFINITIONS.—The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the same meanings as in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).”; and

(B) by adding at the end the following:

“(d) OVERALL ENFORCEMENT AUTHORITY OF THE BUREAU OF CONSUMER FINANCIAL PROTECTION.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, enforcement of the requirements imposed under this title is committed to each of the agencies under subsection (b). The Bureau may exercise its authorities under the Consumer Financial Protection Act of 2010 to exercise principal authority to examine and enforce compliance by any person with the requirements of this title.”;

(5) in section 306 (12 U.S.C. 2805(b)), by striking subsection (b) and inserting the following:

“(b) EXEMPTION AUTHORITY.—The Bureau may, by regulation, exempt from the requirements of this title any State-chartered depository institution within any State or subdivision thereof, if the agency determines that, under the law of such State or subdivision, that institution is subject to requirements that are substantially similar to those imposed under this title, and that such law contains adequate provisions for enforcement. Notwithstanding any other provision of this subsection, compliance with the requirements imposed under this subsection shall be enforced by the Office of the Comptroller of the Currency under section 8 of the Federal Deposit Insurance Act, in the case of national banks and savings associations, the deposits of which are insured by the Federal Deposit Insurance Corporation.”; and

(6) by striking section 307 (12 U.S.C. 2806) and inserting the following:

“SEC. 307. COMPLIANCE IMPROVEMENT METHODS.

“(a) IN GENERAL.—

“(1) CONSULTATION REQUIRED.—The Director of the Bureau of Consumer Financial Protection, with the assistance of the Secretary, the Director of the Bureau of the Census, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and such other persons as the Bureau deems appropriate, shall develop or assist in the improvement of, methods of matching addresses and census tracts to facilitate compliance by depository institutions in as economical a manner as possible with the requirements of this title.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this subsection.

“(3) CONTRACTING AUTHORITY.—The Director of the Bureau of Consumer Financial Protection is authorized to utilize, contract with, act through, or compensate any person or agency in order to carry out this subsection.

“(b) RECOMMENDATIONS TO CONGRESS.—The Director of the Bureau of Consumer Financial Protection shall recommend to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, such additional legislation as the Director of the Bureau of Consumer Financial Protection deems appropriate to carry out the purpose of this title.”.

SEC. 1093. AMENDMENTS TO THE HOMEOWNERS PROTECTION ACT OF 1998.

Section 10 of the Homeowners Protection Act of 1998 (12 U.S.C. 4909) is amended—

(1) in subsection (a)—

(A) by striking “Compliance” and inserting “Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, compliance”; and

(B) in paragraph (2), by striking “and” at the end;

(C) in paragraph (3), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(4) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau of Consumer Financial Protection.”; and

(2) in subsection (b)(2), by inserting before the period at the end the following: “, subject to subtitle B of the Consumer Financial Protection Act of 2010”.

SEC. 1094. AMENDMENTS TO THE HOME OWNERSHIP AND EQUITY PROTECTION ACT OF 1994.

The Home Ownership and Equity Protection Act of 1994 (15 U.S.C. 1601 note) is amended—

(1) in section 158(a), by striking “Consumer Advisory Council of the Board” and inserting “Advisory Board to the Bureau”; and

(2) by striking “Board” each place that term appears and inserting “Bureau”.

SEC. 1095. AMENDMENTS TO THE OMNIBUS APPROPRIATIONS ACT, 2009.

Section 626 of the Omnibus Appropriations Act, 2009 (15 U.S.C. 1638 note) is amended—

(1) by striking subsection (a) and inserting the following:

“(a)(1) The Bureau of Consumer Financial Protection shall have authority to prescribe rules with respect to mortgage loans in accordance with section 553 of title 5, United States Code. Such rulemaking shall relate to unfair or deceptive acts or practices regarding mortgage loans, which may include unfair or deceptive acts or practices involving loan modification and foreclosure rescue services. Any violation of a rule prescribed under this paragraph shall be treated as a violation of a rule prohibiting unfair, deceptive, or abusive acts or practices under the Consumer Financial Protection Act of 2010 and a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

“(2) The Bureau of Consumer Financial Protection shall enforce the rules issued under paragraph (1) in the same manner, by the same means, and with the same jurisdiction, powers, and duties, as though all applicable terms and provisions of the Consumer Financial Protection Act of 2010 were incorporated into and made part of this subsection.”; and

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) Except as provided in paragraph (6), in any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to a rule prescribed under subsection (a) in practices that violate such rule, the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States or other court of competent jurisdiction—

“(A) to enjoin that practice;

“(B) to enforce compliance with the rule;

“(C) to obtain damages, restitution, or other compensation on behalf of the residents of the State; or

“(D) to obtain penalties and relief provided under the Consumer Financial Protection Act of 2010, the Federal Trade Commission Act, and such other relief as the court deems appropriate.”;

(B) in paragraphs (2) and (3), by striking “the primary Federal regulator” each time the term appears and inserting “the Bureau of Consumer Financial Protection or the Commission, as appropriate”;

(C) in paragraph (3), by inserting “and subject to subtitle B of the Consumer Financial Protection Act of 2010,” after “paragraph (2).”; and

(D) in paragraph (6), by striking “the primary Federal regulator” each place that term appears and inserting “the Bureau of Consumer Financial Protection or the Commission”.

SEC. 1096. AMENDMENTS TO THE REAL ESTATE SETTLEMENT PROCEDURES ACT.

The Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) is amended—

(1) in section 3 (12 U.S.C. 2602)—

(A) in paragraph (7), by striking “and” at the end;

(B) in paragraph (8), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(9) the term ‘Bureau’ means the Bureau of Consumer Financial Protection.”;

(2) in section 4 (12 U.S.C. 2603)—

(A) in subsection (a), by striking the first sentence and inserting the following: “The Bureau shall publish a single, integrated disclosure for mortgage loan transactions (including real estate settlement cost statements) which includes the disclosure requirements of this title, in conjunction with the disclosure requirements of the Truth in Lending Act that, taken together, may apply to a transaction that is subject to both or either provisions of law. The purpose of such model disclosure shall be to facilitate compliance with the disclosure requirements of this title and the Truth in Lending Act, and to aid the borrower or lessee in understanding the transaction by utilizing readily understandable language to simplify the technical nature of the disclosures.”;

(B) by striking “Secretary” each place that term appears and inserting “Bureau”; and

(C) by striking “form” each place that term appears and inserting “forms”;

(3) in section 5 (12 U.S.C. 2604)—

(A) by striking “Secretary” each place that term appears and inserting “Bureau”; and

(B) in subsection (a), by striking the first sentence and inserting the following: “The Bureau shall prepare and distribute booklets jointly addressing compliance with the requirements of the Truth in Lending Act and the provisions of this title, in order to help persons borrowing money to finance the purchase of residential real estate better to understand the nature and costs of real estate settlement services.”;

(4) in section 6(j)(3) (12 U.S.C. 2605(j)(3))—

(A) by striking “Secretary” and inserting “Bureau”; and

(B) by striking “, by regulations that shall take effect not later than April 20, 1991,”;

(5) in section 7(b) (12 U.S.C. 2606(b)) by striking “Secretary” and inserting “Bureau”; and

(6) in section 8(d) (12 U.S.C. 2607(d))—

(A) in the subsection heading, by inserting “BUREAU AND” before “SECRETARY”; and

(B) by striking paragraph (4), and inserting the following:

“(4) The Bureau, the Secretary, or the attorney general or the insurance commissioner of any State may bring an action to enjoin violations of this section. Except, to the extent that a person is subject to the jurisdiction of the Bureau, the Secretary, or the attorney general or the insurance commissioner of any State, the Bureau shall have primary authority to enforce or administer this section, subject to subtitle B of the Consumer Financial Protection Act of 2010.”.

(7) in section 10(c) (12 U.S.C. 2609(c) and (d)), by striking “Secretary” and inserting “Bureau”;

(8) in section 16 (12 U.S.C. 2614), by inserting “the Bureau,” before “the Secretary”;

(9) in section 18 (12 U.S.C. 2616), by striking “Secretary” each place that term appears and inserting “Bureau”; and

(10) in section 19 (12 U.S.C. 2617)—

(A) in the section heading by striking “SEC-RETARY” and inserting “BUREAU”;

(B) by striking “Secretary” each place that term appears and inserting “Bureau”;

(C) in subsection (b), by inserting “the Bureau” before “the Secretary”; and

(D) in subsection (c), by inserting “or the Bureau” after “the Secretary” each time that term appears.

SEC. 1097. AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978.

The Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) is amended—

(1) in section 1101—

(A) in paragraph (6)—

(i) in subparagraph (A), by inserting “and” after the semicolon;

(ii) in subparagraph (B), by striking “and” at the end; and

(iii) by striking subparagraph (C); and

(B) in paragraph (7), by striking subparagraph (E), and inserting the following:

“(E) the Bureau of Consumer Financial Protection.”;

(2) in section 1112(e) (12 U.S.C. 3412(e)), by striking “and the Commodity Futures Trading Commission is permitted” and inserting “the Commodity Futures Trading Commission, and the Bureau of Consumer Financial Protection is permitted”; and

(3) in section 1113 (12 U.S.C. 3413), by adding at the end the following new subsection:

“(r) DISCLOSURE TO THE BUREAU OF CONSUMER FINANCIAL PROTECTION.—Nothing in this title shall apply to the examination by or disclosure to the Bureau of Consumer Financial Protection of financial records or information in the exercise of its authority with respect to a financial institution.”.

SEC. 1098. AMENDMENTS TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008.

The S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) is amended—

(1) by striking “a Federal banking agency” each place that term appears, other than in paragraphs (7) and (11) of section 1503 and section 1507(a)(1), and inserting “the Bureau”; and

(2) by striking “Federal banking agencies” each place that term appears and inserting “Bureau”; and

(3) by striking “Secretary” each place that term appears and inserting “Director”;

(4) in section 1503 (12 U.S.C. 5102)—

(A) by redesignating paragraphs (2) through (12) as (3) through (13), respectively;

(B) by striking paragraph (1) and inserting the following:

“(1) BUREAU.—The term ‘Bureau’ means the Bureau of Consumer Financial Protection.”.

“(2) FEDERAL BANKING AGENCY.—The term ‘Federal banking agency’ means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.”; and

(C) by striking paragraph (10), as so designated by this section, and inserting the following:

“(10) DIRECTOR.—The term ‘Director’ means the Director of the Bureau of Consumer Financial Protection.”; and

(5) in section 1507 (12 U.S.C. 5106)—

(A) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The Bureau shall develop and maintain a system for registering employees of a depository institution, employees of a subsidiary that is owned and controlled by a depository institution and regulated by a Federal banking agency, or employees of an institution regulated by the Farm Credit Administration, as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of

the 1-year period beginning on the date of enactment of the Consumer Financial Protection Act of 2010.”; and

(ii) in paragraph (2)—

(I) by striking “appropriate Federal banking agency and the Farm Credit Administration” and inserting “Bureau”; and

(II) by striking “employees’s identity” and inserting “identity of the employee”; and

(B) in subsection (b), by striking “through the Financial Institutions Examination Council, and the Farm Credit Administration”, and inserting “and the Bureau of Consumer Financial Protection”;

(6) in section 1508 (12 U.S.C. 5107)—

(A) by striking the section heading and inserting the following: “**SEC. 1508. BUREAU OF CONSUMER FINANCIAL PROTECTION BACKUP AUTHORITY TO ESTABLISH LOAN ORIGINATOR LICENSING SYSTEM.**”; and

(B) by adding at the end the following:

“(f) REGULATION AUTHORITY.—

“(1) IN GENERAL.—The Bureau is authorized to promulgate regulations setting minimum net worth or surety bond requirements for residential mortgage loan originators and minimum requirements for recovery funds paid into by loan originators.

“(2) CONSIDERATIONS.—In issuing regulations under paragraph (1), the Bureau shall take into account the need to provide originators adequate incentives to originate affordable and sustainable mortgage loans, as well as the need to ensure a competitive origination market that maximizes consumer access to affordable and sustainable mortgage loans.”.

(7) by striking section 1510 (12 U.S.C. 5109) and inserting the following:

“**SEC. 1510. FEES.**

“The Bureau, the Farm Credit Administration, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, to the extent that such fees are not charged to consumers for access to such system and registry.”.

(8) by striking section 1513 (12 U.S.C. 5112) and inserting the following:

“**SEC. 1513. LIABILITY PROVISIONS.**

“The Bureau, any State official or agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Director under section 1509, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.”; and

(9) in section 1514 (12 U.S.C. 5113) in the section heading, by striking “**UNDER HUD BACKUP LICENSING SYSTEM**” and inserting “**BY THE BUREAU**”.

SEC. 1099. AMENDMENTS TO THE TRUTH IN LENDING ACT.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended—

(1) in section 103 (5 U.S.C. 1602)—

(A) by redesignating subsections (b) through (bb) as subsections (c) through (cc), respectively; and

(B) by inserting after subsection (a) the following:

“(b) BUREAU.—The term ‘Bureau’ means the Bureau of Consumer Financial Protection.”;

(2) by striking “Board” each place that term appears, other than in section 140(d) and section 108(a), as amended by this section, and inserting “Bureau”;

(3) by striking “Federal Trade Commission” each place that term appears, other than in section 108(c) and section 129(m), as amended by this Act, and other than in the context of a reference to the Federal Trade Commission Act, and inserting “Bureau”;

(4) in section 105(a) (15 U.S.C. 1604(a)), in the second sentence—

(A) by striking “Except in the case of a mortgage referred to in section 103(aa), these regulations may contain such” and inserting “Except with respect to the provisions of section 129 that apply to a mortgage referred to in section 103(aa), such regulations may contain such additional requirements.”; and

(B) by inserting “all or” after “exceptions for”;

(5) in section 105(b) (15 U.S.C. 1604(b)), by striking the first sentence and inserting the following: “The Bureau shall publish a single, integrated disclosure for mortgage loan transactions (including real estate settlement cost statements) which includes the disclosure requirements of this title in conjunction with the disclosure requirements of the Real Estate Settlement Procedures Act of 1974 that, taken together, may apply to a transaction that is subject to both or either provisions of law. The purpose of such model disclosure shall be to facilitate compliance with the disclosure requirements of this title and the Real Estate Settlement Procedures Act of 1974, and to aid the borrower or lessee in understanding the transaction by utilizing readily understandable language to simplify the technical nature of the disclosures.”;

(6) in section 105(f)(1) (15 U.S.C. 1604(f)(1)), by inserting “all or” after “from all or part of this title”;

(7) in section 108 (15 U.S.C. 1607)—

(A) by striking subsection (a) and inserting the following:

“(a) ENFORCING AGENCIES.—Except as otherwise provided in subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this title shall be enforced under—

“(1) section 8 of the Federal Deposit Insurance Act, in the case of—

“(A) any national bank, and Federal branch or Federal agency of a foreign bank, by the Office of the Comptroller of the Currency;

“(B) any member bank of the Federal Reserve System (other than a national bank), any branch or agency of a foreign bank (other than a Federal branch, Federal agency, or insured State branch of a foreign bank), any commercial lending company owned or controlled by a foreign bank, and organizations operating under section 25 or 25(a) of the Federal Reserve Act, by the Board; and

“(C) any bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) and an insured State branch of a foreign bank, by the Board of Directors of the Federal Deposit Insurance Corporation;

“(2) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau;

“(3) the Federal Credit Union Act, by the Director of the National Credit Union Administration, with respect to any Federal credit union;

“(4) the Federal Aviation Act of 1958, by the Secretary of Transportation, with respect to any air carrier or foreign air carrier subject to that Act;

“(5) the Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act), by the Secretary of Agriculture, with respect to any activities subject to that Act; and

“(6) the Farm Credit Act of 1971, by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association.”; and

(B) by striking subsection (c) and inserting the following:

“(c) OVERALL ENFORCEMENT AUTHORITY OF THE FEDERAL TRADE COMMISSION.—Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (a), and subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with the requirements under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.”;

(8) in section 129 (15 U.S.C. 1639), by striking subsection (m) and inserting the following:

“(m) CIVIL PENALTIES IN FEDERAL TRADE COMMISSION ENFORCEMENT ACTIONS.—For purposes of enforcement by the Federal Trade Commission, any violation of a regulation issued by the Bureau pursuant to subsection (l)(2) shall be treated as a violation of a rule promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.”;

(9) in chapter 5 (15 U.S.C. 1667 et seq.)—

(A) by striking “the Board” each place that term appears and inserting “the Bureau”; and

(B) by striking “The Board” each place that term appears and inserting “The Bureau”.

SEC. 1100. AMENDMENTS TO THE TRUTH IN SAVINGS ACT.

The Truth in Savings Act (12 U.S.C. 4301 et seq.) is amended—

(1) by striking “Board” each place that term appears and inserting “Bureau”;

(2) in section 270(a) (12 U.S.C. 4309)—

(A) by striking “Compliance” and inserting “Except as otherwise provided in subtitle B of the Consumer Financial Protection Act of 2010, compliance”;

(B) in paragraph (1)—

(i) in subparagraph (B), by striking “and” at the end; and

(ii) by striking subparagraph (C);

(C) in paragraph (2), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(3) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau.”;

(3) in section 272(b) (12 U.S.C. 4311(b)), by striking “regulation prescribed by the Board” each place that term appears and inserting “regulation prescribed by the Bureau”; and

(4) in section 274 (12 U.S.C. 4313), by striking paragraph (4) and inserting the following:

“(4) BUREAU.—The term ‘Bureau’ means the Bureau of Consumer Financial Protection.”.

SEC. 1101. AMENDMENTS TO THE TELEMARKEETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT.

(a) AMENDMENTS TO SECTION 3.—Section 3 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102) is amended by striking subsections (b) and (c) and inserting the following:

“(b) RULEMAKING AUTHORITY.—The Commission shall have authority to prescribe rules under subsection (a), in accordance with section 553 of title 5, United States Code. In prescribing a rule under this section that relates to the provision of a consumer financial product or service that is subject to the Consumer Financial Protection Act of 2010, including any enumerated

consumer law thereunder, the Commission shall consult with the Bureau of Consumer Financial Protection regarding the consistency of a proposed rule with standards, purposes, or objectives administered by the Bureau of Consumer Financial Protection.

“(c) VIOLATIONS.—Any violation of any rule prescribed under subsection (a)—

“(1) shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act regarding unfair or deceptive acts or practices; and

“(2) that is committed by a person subject to the Consumer Financial Protection Act of 2010 shall be treated as a violation of a rule under section 1031 of that Act regarding unfair, deceptive, or abusive acts or practices.”.

(b) AMENDMENTS TO SECTION 4.—Section 4(d) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6103(d)) is amended by inserting after “Commission” each place that term appears the following: “or the Bureau of Consumer Financial Protection”.

(c) AMENDMENTS TO SECTION 5.—Section 5(c) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6104(c)) is amended by inserting after “Commission” each place that term appears the following: “or the Bureau of Consumer Financial Protection”.

(d) AMENDMENT TO SECTION 6.—Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6105) is amended by adding at the end the following:

“(d) ENFORCEMENT BY BUREAU OF CONSUMER FINANCIAL PROTECTION.—Except as otherwise provided in sections 3(d), 3(e), 4, and 5, and subject to subtitle B of the Consumer Financial Protection Act of 2010, this Act shall be enforced by the Bureau of Consumer Financial Protection under subtitle E of the Consumer Financial Protection Act of 2010.”.

SEC. 1102. AMENDMENTS TO THE PAPERWORK REDUCTION ACT.

(a) DESIGNATION AS AN INDEPENDENT AGENCY.—Section 2(5) of the Paperwork Reduction Act (44 U.S.C. 3502(5)) is amended by inserting “the Bureau of Consumer Financial Protection, the Office of Financial Research,” after “the Securities and Exchange Commission.”.

(b) COMPARABLE TREATMENT.—Section 3513 of title 44, United States Code, is amended by adding at the end the following:

“(c) COMPARABLE TREATMENT.—Notwithstanding any other provision of law, the Director shall treat or review a rule or order prescribed or proposed by the Director of the Bureau of Consumer Financial Protection on the same terms and conditions as apply to any rule or order prescribed or proposed by the Board of Governors of the Federal Reserve System.”.

SEC. 1103. ADJUSTMENTS FOR INFLATION IN THE TRUTH IN LENDING ACT.

(a) CAPS.—

(1) CREDIT TRANSACTIONS.—Section 104(3) of the Truth in Lending Act (15 U.S.C. 1603(3)) is amended by striking “\$25,000” and inserting “\$50,000”.

(2) CONSUMER LEASES.—Section 181(1) of the Truth in Lending Act (15 U.S.C. 1667(1)) is amended by striking “\$25,000” and inserting “\$50,000”.

(b) ADJUSTMENTS FOR INFLATION.—On and after December 31, 2011, the Bureau may adjust annually the dollar amounts described in sections 104(3) and 181(1) of the Truth in Lending Act (as amended by this section), by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers, as published by the Bureau of Labor Statistics, rounded to the nearest multiple of \$100, or \$1,000, as applicable.

SEC. 1104. SMALL BUSINESS FAIRNESS AND REGULATORY TRANSPARENCY.

(a) **PANEL REQUIREMENT.**—Section 609(d) of title 5, United States Code, is amended by striking “means the” and all that follows and inserting the following: “means—

“(1) the Environmental Protection Agency;
“(2) the Consumer Financial Protection Bureau of the Federal Reserve System; and
“(3) the Occupational Safety and Health Administration of the Department of Labor.”.

(b) **INITIAL REGULATORY FLEXIBILITY ANALYSIS.**—Section 603 of title 5, United States Code, is amended by adding at the end the following:

“(d)(1) For a covered agency, as defined in section 609(d)(2), each initial regulatory flexibility analysis shall include a description of—

“(A) any projected increase in the cost of credit for small entities;

“(B) any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any increase in the cost of credit for small entities; and

“(C) advice and recommendations of representatives of small entities relating to issues described in subparagraphs (A) and (B) and subsection (b).”.

“(2) A covered agency, as defined in section 609(d)(2), shall, for purposes of complying with paragraph (1)(C)—

“(A) identify representatives of small entities in consultation with the Chief Counsel for Advocacy of the Small Business Administration; and

“(B) collect advice and recommendations from the representatives identified under subparagraph (A) relating to issues described in subparagraphs (A) and (B) of paragraph (1) and subsection (b).”.

(c) **FINAL REGULATORY FLEXIBILITY ANALYSIS.**—Section 604(a) of title 5, United States Code, is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) for a covered agency, as defined in section 609(d)(2), a description of the steps the agency has taken to minimize any additional cost of credit for small entities.”.

SEC. 1105. EFFECTIVE DATE.

Except as otherwise provided in this subtitle and the amendments made by this subtitle, this subtitle and the amendments made by this subtitle, other than sections 1081 and 1082, shall become effective on the designated transfer date.

TITLE XI—FEDERAL RESERVE SYSTEM PROVISIONS**SEC. 1151. FEDERAL RESERVE ACT AMENDMENTS ON EMERGENCY LENDING AUTHORITY.**

(a) **FEDERAL RESERVE ACT.**—The third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343) (relating to emergency lending authority) is amended—

(1) by inserting “(3)(A)” before “In unusual”;
(2) by striking “individual, partnership, or corporation” the first place that term appears and inserting the following: “participant in any program or facility with broad-based eligibility”;
(3) by striking “exchange for an individual or a partnership or corporation” and inserting “exchange”;
(4) by striking “such individual, partnership, or corporation” and inserting the following: “such participant in any program or facility with broad-based eligibility”;
(5) by striking “for individuals, partnerships, corporations” and inserting “for any participant in any program or facility with broad-based eligibility”;

(6) by striking “may prescribe.” and inserting the following: “may prescribe.”

“(B)(i) As soon as is practicable after the date of enactment of this subparagraph, the Board shall establish, by regulation, in consultation with the Secretary of the Treasury, the policies and procedures governing emergency lending under this paragraph. Such policies and procedures shall be designed to ensure that any emergency lending program or facility is for the purpose of providing liquidity to the financial system, and not to aid a failing financial company, and that the collateral for emergency loans is sufficient to protect taxpayers from and that any such program is terminated in a timely and orderly fashion losses. The policies and procedures established by the Board shall require that a Federal reserve bank assign, consistent with sound risk management practices and to ensure protection for the taxpayer, a lendable value to all collateral for a loan executed by a Federal reserve bank under this paragraph in determining whether the loan is secured satisfactorily for purposes of this paragraph.

“(ii) The Board shall establish procedures to prohibit borrowing from programs and facilities by borrowers that are insolvent. Such procedures may include a certification from the chief executive officer (or other authorized officer) of the borrower, at the time the borrower initially borrows under the program or facility (with a duty by the borrower to update the certification if the information in the certification materially changes), that the borrower is not insolvent. A borrower shall be considered insolvent for purposes of this subparagraph, if the borrower is in bankruptcy, resolution under title II of the Restoring American Financial Stability Act of 2010, or any other Federal or State insolvency proceeding.

“(iii) A program or facility that is structured to remove assets from the balance sheet of a single and specific company, or that is established for the purpose of assisting a single and specific company avoid bankruptcy, resolution under title II of the Restoring American Financial Stability Act of 2010, or any other Federal or State insolvency proceeding, shall not be considered a program or facility with broad-based eligibility.

“(iv) The Board may not establish any program or facility under this paragraph without the prior approval of the Secretary of the Treasury.

“(C) The Board shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

“(i) not later than 7 days after providing any loan or other financial assistance under this paragraph, a report that includes—

“(I) the justification for the exercise of authority to provide such assistance;

“(II) the identity of the recipients of such assistance;

“(III) the date and amount of the assistance, and form in which the assistance was provided; and

“(IV) the material terms of the assistance, including—

“(aa) duration;

“(bb) collateral pledged and the value thereof;

“(cc) all interest, fees, and other revenue or items of value to be received in exchange for the assistance;

“(dd) any requirements imposed on the recipient with respect to employee compensation, distribution of dividends, or any other corporate decision in exchange for the assistance; and

“(ee) the expected costs to the taxpayers of such assistance; and

“(ii) once every 30 days, with respect to any outstanding loan or other financial assistance under this paragraph, written updates on—

“(I) the value of collateral;

“(II) the amount of interest, fees, and other revenue or items of value received in exchange for the assistance; and

“(III) the expected or final cost to the taxpayers of such assistance.

“(D) The information submitted to Congress under subparagraph (C) related to—

“(i) the identity of the participants in an emergency lending program or facility commenced under this paragraph;

“(ii) the amounts borrowed by each participant in any such program or facility;

“(iii) identifying details concerning the assets or collateral held by, under, or in connection with such a program or facility,

shall be kept confidential, upon the written request of the Chairman of the Board, in which case such information shall be made available only to the Chairpersons and Ranking Members of the Committees described in subparagraph (C).

“(E) If an entity to which a Federal reserve bank has provided a loan under this paragraph becomes a covered financial company, as defined in section 203 of the Restoring American Financial Stability Act of 2010, at any time while such loan is outstanding, and the Federal reserve bank incurs a realized net loss on the loan, then the Federal reserve bank shall have a claim equal to the amount of the net realized loss against the covered entity, with the same priority as an obligation to the Secretary of the Treasury under sections 210(n) and 210(o) of the Restoring American Financial Stability Act of 2010.”.

(b) **CONFORMING AMENDMENT.**—Section 507(a)(2) of title 11, United States Code, is amended by inserting “claims of any Federal reserve bank related to loans made through programs or facilities authorized under the third undesignated paragraph of the Federal Reserve Act (12 U.S.C. 343),” after “this title,”.

SEC. 1152. REVIEWS OF SPECIAL FEDERAL RESERVE CREDIT FACILITIES.

(a) **REVIEWS.**—Section 714 of title 31, United States Code, is amended by adding at the end the following:

“(f) **REVIEWS OF CREDIT FACILITIES OF THE FEDERAL RESERVE SYSTEM.**—

“(1) **DEFINITION.**—In this subsection, the term ‘credit facility’ means a program or facility, including any special purpose vehicle or other entity established by or on behalf of the Board of Governors of the Federal Reserve System or a Federal reserve bank, authorized by the Board of Governors under the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343), that is not subject to audit under subsection (e), including—

“(A) the Asset-Backed Commercial Paper Money Market Mutual Fund Liquidity Facility;

“(B) the Term Asset-Backed Securities Loan Facility;

“(C) the Primary Dealer Credit Facility;

“(D) the Commercial Paper Funding Facility; and

“(E) the Term Securities Lending Facility.

“(2) **AUTHORITY FOR REVIEWS AND EXAMINATIONS.**—Subject to paragraph (3), and notwithstanding any limitation in subsection (b) on the auditing and oversight of certain functions of the Board of Governors of the Federal Reserve System or any Federal reserve bank, the Comptroller General of the United States may conduct reviews, including onsite examinations, of the Board of Governors, a Federal reserve bank, or a credit facility, if the Comptroller General determines that such reviews are appropriate, solely for the purposes of assessing, with respect to a credit facility—

“(A) the operational integrity, accounting, financial reporting, and internal controls of the credit facility;

“(B) the effectiveness of the collateral policies established for the facility in mitigating risk to

the relevant Federal reserve bank and taxpayers;

“(C) whether the credit facility inappropriately favors one or more specific participants over other institutions eligible to utilize the facility; and

“(D) the policies governing the use, selection, or payment of third-party contractors by or for any credit facility.

“(3) REPORTS AND DELAYED DISCLOSURE.—

“(A) REPORTS REQUIRED.—A report on each review conducted under paragraph (2) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such review is completed.

“(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusions of the Comptroller General with respect to the matters described in paragraph (2) that were reviewed and are the subject of the report, together with such recommendations for legislative or administrative action relating to such matters as the Comptroller General may determine to be appropriate.

“(C) DELAYED RELEASE OF CERTAIN INFORMATION.—

“(i) IN GENERAL.—The Comptroller General shall not disclose to any person or entity, including to Congress, the names or identifying details of specific participants in any credit facility, the amounts borrowed by specific participants in any credit facility, or identifying details regarding assets or collateral held by, under, or in connection with any credit facility, and any report provided under subparagraph (A) shall be redacted to ensure that such names and details are not disclosed.

“(ii) DELAYED RELEASE.—The nondisclosure obligation under clause (i) shall expire with respect to any participant on the date on which the Board of Governors, directly or through a Federal reserve bank, publicly discloses the identity of the subject participant or the identifying details of the subject assets or collateral.

“(iii) GENERAL RELEASE.—The Comptroller General shall release a nonredacted version of any report on a credit facility 1 year after the effective date of the termination by the Board of Governors of the authorization for the credit facility. For purposes of this clause, a credit facility shall be deemed to have terminated 24 months after the date on which the credit facility ceases to make extensions of credit and loans, unless the credit facility is otherwise terminated by the Board of Governors.

“(iv) EXCEPTIONS.—The nondisclosure obligation under clause (i) shall not apply to the credit facilities Maiden Lane, Maiden Lane II, and Maiden Lane III.”

(b) ACCESS TO RECORDS.—Section 714(d) of title 31, United States Code, is amended—

(1) in paragraph (2), by inserting “or any person or entity described in paragraph (3)(A)” after “used by an agency”;

(2) in paragraph (3), by inserting “or (f)” after “subsection (e)” each place that term appears; and

(3) in paragraph (3)(B), by adding at the end the following: “The Comptroller General may make and retain copies of books, accounts, and other records provided under subparagraph (A) as the Comptroller General deems appropriate. The Comptroller General shall provide to any person or entity described in subparagraph (A) a current list of officers and employees to whom, with proper identification, records and property may be made available, and who may make notes or copies necessary to carry out a review or examination under this subsection.”

SEC. 1153. PUBLIC ACCESS TO INFORMATION.

Section 2B of the Federal Reserve Act (12 U.S.C. 225b) is amended by adding at the end the following:

“(c) PUBLIC ACCESS TO INFORMATION.—The Board shall place on its home Internet website, a link entitled ‘Audit’, which shall link to a webpage that shall serve as a repository of information made available to the public for a reasonable period of time, not less than 6 months following the date of release of the relevant information, including—

“(1) the reports prepared by the Comptroller General under section 714 of title 31, United States Code;

“(2) the annual financial statements prepared by an independent auditor for the Board in accordance with section 11B;

“(3) the reports to the Committee on Banking, Housing, and Urban Affairs of the Senate required under the third undesignated paragraph of section 13 (relating to emergency lending authority); and

“(4) such other information as the Board reasonably believes is necessary or helpful to the public in understanding the accounting, financial reporting, and internal controls of the Board and the Federal reserve banks.”

SEC. 1154. LIQUIDITY EVENT DETERMINATION.

(a) DETERMINATION AND WRITTEN RECOMMENDATION.—

(1) DETERMINATION REQUEST.—The Secretary may request the Corporation and the Board of Governors to determine whether a liquidity event exists that warrants use of the guarantee program authorized under section 1155.

(2) REQUIREMENTS OF DETERMINATION.—Any determination pursuant to paragraph (1) shall—

(A) be written; and

(B) contain an evaluation of the evidence that—

(i) a liquidity event exists;

(ii) failure to take action would have serious adverse effects on financial stability or economic conditions in the United States; and

(iii) actions authorized under section 1155 are needed to avoid or mitigate potential adverse effects on the United States financial system or economic conditions.

(b) PROCEDURES.—Notwithstanding any other provision of Federal or State law, upon the determination of both the Corporation (upon a vote of not fewer than $\frac{2}{3}$ of the members of the Corporation then serving) and the Board of Governors (upon a vote of not fewer than $\frac{2}{3}$ of the members of the Board of Governors then serving) under subsection (a) that a liquidity event exists that warrants use of the guarantee program authorized under section 1155, and with the written consent of the Secretary—

(1) the Corporation shall take action in accordance with section 1155(a); and

(2) the Secretary (in consultation with the President) shall take action in accordance with section 1155(c).

(c) DOCUMENTATION AND REVIEW.—

(1) DOCUMENTATION.—The Secretary shall—

(A) maintain the written documentation of each determination of the Corporation and the Board of Governors under this section; and

(B) provide the documentation for review under paragraph (2).

(2) GAO REVIEW.—The Comptroller General of the United States shall review and report to Congress on any determination of the Corporation and the Board of Governors under subsection (a), including—

(A) the basis for the determination; and

(B) the likely effect of the actions taken.

(d) REPORT TO CONGRESS.—On the earlier of the date of a submission made to Congress under section 1155(c), or within 30 days of the date of a determination under subsection (a), the Secretary shall provide written notice of the determination of the Corporation and the Board of Governors to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of

Representatives, including a description of the basis for the determination.

SEC. 1155. EMERGENCY FINANCIAL STABILIZATION.

(a) IN GENERAL.—Upon the written determination of the Corporation and the Board of Governors under section 1154, the Corporation shall create a widely available program to guarantee obligations of solvent insured depository institutions or solvent depository institution holding companies (including any affiliates thereof) during times of severe economic distress, except that a guarantee of obligations under this section may not include the provision of equity in any form.

(b) RULEMAKING AND TERMS AND CONDITIONS.—

(1) POLICIES AND PROCEDURES.—As soon as is practicable after the date of enactment of this Act, the Corporation shall establish, by regulation, and in consultation with the Secretary, policies and procedures governing the issuance of guarantees authorized by this section. Such policies and procedures may include a requirement of collateral as a condition of any such guarantee.

(2) TERMS AND CONDITIONS.—The terms and conditions of any guarantee program shall be established by the Corporation, with the concurrence of the Secretary.

(c) DETERMINATION OF GUARANTEED AMOUNT.—

(1) IN GENERAL.—In connection with any program established pursuant to subsection (a) and subject to paragraph (2) of this subsection, the Secretary (in consultation with the President) shall determine the maximum amount of debt outstanding that the Corporation may guarantee under this section, and the President may transmit to Congress a written report on the plan of the Corporation to exercise the authority under this section to issue guarantees up to that maximum amount and a request for approval of such plan. The Corporation shall exercise the authority under this section to issue guarantees up to that specified maximum amount upon passage of the joint resolution of approval, as provided in subsection (d). Absent such approval, the Corporation shall issue no such guarantees.

(2) ADDITIONAL DEBT GUARANTEE AUTHORITY.—If the Secretary (in consultation with the President) determines, after a submission to Congress under paragraph (1), that the maximum guarantee amount should be raised, and the Council concurs with that determination, the President may transmit to Congress a written report on the plan of the Corporation to exercise the authority under this section to issue guarantees up to the increased maximum debt guarantee amount. The Corporation shall exercise the authority under this section to issue guarantees up to that specified maximum amount upon passage of the joint resolution of approval, as provided in subsection (d). Absent such approval, the Corporation shall issue no such guarantees.

(d) RESOLUTION OF APPROVAL.—

(1) ADDITIONAL DEBT GUARANTEE AUTHORITY.—A request by the President under this section shall be considered granted by Congress upon adoption of a joint resolution approving such request. Such joint resolution shall be considered in the Senate under expedited procedures.

(2) FAST TRACK CONSIDERATION IN SENATE.—

(A) RECONVENING.—Upon receipt of a request under subsection (c), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this section, the Senate shall convene not later than the second calendar day after receipt of such message.

(B) **PLACEMENT ON CALENDAR.**—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(C) **FLOOR CONSIDERATION.**—

(i) **IN GENERAL.**—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the 4th day after the date on which Congress receives a request under subsection (c), and ending on the 7th day after that date (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(ii) **DEBATE.**—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(iii) **VOTE ON PASSAGE.**—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(iv) **RULINGS OF THE CHAIR ON PROCEDURE.**—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(3) **RULES.**—

(A) **COORDINATION WITH ACTION BY HOUSE OF REPRESENTATIVES.**—If, before the passage by the Senate of a joint resolution of the Senate, the Senate receives a joint resolution, from the House of Representatives, then the following procedures shall apply:

(i) The joint resolution of the House of Representatives shall not be referred to a committee.

(ii) With respect to a joint resolution of the Senate—

(I) the procedure in the Senate shall be the same as if no joint resolution had been received from the other House; but

(II) the vote on passage shall be on the joint resolution of the House of Representatives.

(B) **TREATMENT OF JOINT RESOLUTION OF HOUSE OF REPRESENTATIVES.**—If the Senate fails to introduce or consider a joint resolution under this section, the joint resolution of the House of Representatives shall be entitled to expedited floor procedures under this subsection.

(C) **TREATMENT OF COMPANION MEASURES.**—If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

(D) **RULES OF THE SENATE.**—This subsection is enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint resolution, and it supersedes other rules, only to the extent that it is inconsistent with such rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any

time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(4) **DEFINITION.**—As used in this subsection, the term “joint resolution” means only a joint resolution—

(A) that is introduced not later than 3 calendar days after the date on which the request referred to in subsection (c) is received by Congress;

(B) that does not have a preamble;

(C) the title of which is as follows: “Joint resolution relating to the approval of a plan to guarantee obligations under section 1155 of the Restoring American Financial Stability Act of 2010”; and

(D) the matter after the resolving clause of which is as follows: “That Congress approves the obligation of any amount described in section 1155(c) of the Restoring American Financial Stability Act of 2010.”

(e) **FUNDING.**—

(1) **FEES AND OTHER CHARGES.**—The Corporation shall charge fees and other assessments to all participants in the program established pursuant to this section, in such amounts as are necessary to offset projected losses and administrative expenses, including amounts borrowed pursuant to paragraph (3), and such amounts shall be available to the Corporation.

(2) **EXCESS FUNDS.**—If, at the conclusion of the program established under this section, there are any excess funds collected from the fees associated with such program, the funds shall be deposited in the General Fund of the Treasury.

(3) **AUTHORITY OF CORPORATION.**—The Corporation—

(A) may borrow funds from the Secretary of the Treasury and issue obligations of the Corporation to the Secretary for amounts borrowed, and the amounts borrowed shall be available to the Corporation for purposes of carrying out a program established pursuant to this section, including the payment of reasonable costs of administering the program, and the obligations issued shall be repaid in full with interest through fees and charges paid by participants in accordance with paragraphs (1) and (4), as applicable; and

(B) may not borrow funds from the Deposit Insurance Fund established pursuant to section 11(a)(4) of the Federal Deposit Insurance Act.

(4) **BACKUP SPECIAL ASSESSMENTS.**—To the extent that the funds collected pursuant to paragraph (1) are insufficient to cover any losses or expenses, including amounts borrowed pursuant to paragraph (3), arising from a program established pursuant to this section, the Corporation shall impose a special assessment solely on participants in the program, in amounts necessary to address such insufficiency, and which shall be available to the Corporation to cover such losses or expenses.

(5) **AUTHORITY OF THE SECRETARY.**—The Secretary may purchase any obligations issued under paragraph (3)(A). For such purpose, the Secretary may use the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under that chapter 31 are extended to include such purchases, and the amount of any securities issued under that chapter 31 for such purpose shall be treated in the same manner as securities issued under section 208(n)(3)(B).

(f) **RULE OF CONSTRUCTION.**—For purposes of this section, a guarantee of deposits held by insured depository institutions shall not be treated as a debt guarantee program.

(g) **DEFINITIONS.**—For purposes of this section, the following definitions shall apply:

(1) **COMPANY.**—The term “company” means any entity other than a natural person that is

incorporated or organized under Federal law or the laws of any State.

(2) **DEPOSITORY INSTITUTION HOLDING COMPANY.**—The term “depository institution holding company” has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(3) **LIQUIDITY EVENT.**—The term “liquidity event” means—

(A) an exceptional and broad reduction in the general ability of financial market participants—

(i) to sell financial assets without an unusual and significant discount; or

(ii) to borrow using financial assets as collateral without an unusual and significant increase in margin; or

(B) an unusual and significant reduction in the ability of financial market participants to obtain unsecured credit.

(4) **SOLVENT.**—The term “solvent” means that the value of the assets of an entity exceed its obligations to creditors.

SEC. 1156. ADDITIONAL RELATED AMENDMENTS.

(a) **SUSPENSION OF PARALLEL FEDERAL DEPOSIT INSURANCE ACT AUTHORITY.**—Effective upon the date of enactment of this section, the Corporation may not exercise its authority under section 13(c)(4)(G)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(i)) to establish any widely available debt guarantee program for which section 1155 would provide authority.

(b) **FEDERAL DEPOSIT INSURANCE ACT.**—Section 13(c)(4)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting “for which the Corporation has been appointed receiver” before “would have serious”; and

(B) in the undesignated matter following subclause (II), by inserting “for the purpose of winding up the insured depository institution for which the Corporation has been appointed receiver” after “provide assistance under this section”; and

(2) in clause (v)(I), by striking “The” and inserting “Not later than 3 days after making a determination under clause (i), the”.

(c) **EFFECT OF DEFAULT ON AN FDIC GUARANTEE.**—If an insured depository institution or depository institution holding company (as those terms are defined in section 3 of the Federal Deposit Insurance Act) participating in a program under section 1155, or any participant in a debt guarantee program established pursuant to section 13(c)(4)(G)(i) of the Federal Deposit Insurance Act defaults on any obligation guaranteed by the Corporation after the date of enactment of this Act, the Corporation shall—

(1) appoint itself as receiver for the insured depository institution that defaults; and

(2) with respect to any other participating company that is not an insured depository institution that defaults—

(A) require—

(i) consideration of whether a determination shall be made, as provided in section 202 to resolve the company under section 203; and

(ii) the company to file a petition for bankruptcy under section 301 of title 11, United States Code, if the Corporation is not appointed receiver pursuant to section 203 within 30 days of the date of default; or

(B) file a petition for involuntary bankruptcy on behalf of the company under section 303 of title 11, United States Code.

SEC. 1157. FEDERAL RESERVE ACT AMENDMENTS ON FEDERAL RESERVE BANK GOVERNANCE.

The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended in section 4 by adding at the end the following:

“(25) **SELECTION OF THE PRESIDENT OF THE FEDERAL RESERVE BANK OF NEW YORK.**—Notwithstanding any other provision of this section, after the date of enactment of the Restoring American Financial Stability Act of 2010, the president of the Federal Reserve Bank of New York shall be appointed by the President, by and with the advice and consent of the Senate, for terms of 5 years.

“(26) **LIMITATION ON ELIGIBILITY TO VOTE FOR OR SERVE AS A FEDERAL RESERVE BANK DIRECTOR.**—Notwithstanding any other provision of this section, after the date of enactment of the Restoring American Financial Stability Act of 2010, no company, or subsidiary or affiliate of a company that is supervised by the Board, may vote for members of the board of directors of a Federal reserve bank, and no past or current officer, director, or employee of such company, or subsidiary or affiliate of such company, may serve as a member of the board of directors of a Federal reserve bank.”.

SEC. 1158. AMENDMENTS TO THE FEDERAL RESERVE ACT RELATING TO SUPERVISION AND REGULATION POLICY.

(a) **ESTABLISHMENT OF THE POSITION OF VICE CHAIRMAN FOR SUPERVISION.**—

(1) **POSITION ESTABLISHED.**—The second undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242) (relating to the Chairman and Vice Chairman of the Board) is amended by striking the third sentence and inserting the following: “Of the persons thus appointed, 1 shall be designated by the President, by and with the advice and consent of the Senate, to serve as Chairman of the Board for a term of 4 years, and 2 shall be designated by the President, by and with the advice and consent of the Senate, to serve as Vice Chairmen of the Board, each for a term of 4 years, 1 of whom shall serve in the absence of the Chairman, as provided in the fourth undesignated paragraph of this section, and 1 of whom shall be designated Vice Chairman for Supervision. The Vice Chairman for Supervision shall develop policy recommendations for the Board regarding supervision and regulation of depository institution holding companies and other financial firms supervised by the Board, and shall oversee the supervision and regulation of such firms.”.

(2) **EFFECTIVE DATE.**—The amendment made by subsection (a) takes effect on the date of enactment of this title and applies to individuals who are designated by the President on or after that date to serve as Vice Chairman of Supervision.

(b) **FINANCIAL STABILITY AS BOARD FUNCTION.**—Section 10 of the Federal Reserve Act (12 U.S.C. 241) is amended by adding at the end the following:

“(11) **FINANCIAL STABILITY FUNCTION.**—The Board of Governors shall identify, measure, monitor, and mitigate risks to the financial stability of the United States.”.

(c) **APPEARANCES BEFORE CONGRESS.**—Section 10 of the Federal Reserve Act (12 U.S.C. 241) is amended by adding at the end the following:

“(12) **APPEARANCES BEFORE CONGRESS.**—The Vice Chairman for Supervision shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives and at semi-annual hearings regarding the efforts, activities, objectives, and plans of the Board with respect to the conduct of supervision and regulation of depository institution holding companies and other financial firms supervised by the Board.”.

(d) **BOARD RESPONSIBILITY TO SET SUPERVISION AND REGULATORY POLICY.**—Section 11 of the Federal Reserve Act (12 U.S.C. 248) (relating to enumerated powers of the Board) is amended by adding at the end of subsection (k) (relating to delegation) the following: “The Board of

Governors may not delegate to a Federal reserve bank its functions for the establishment of policies for the supervision and regulation of depository institution holding companies and other financial firms supervised by the Board of Governors.”.

SEC. 1159. GAO AUDIT OF THE FEDERAL RESERVE FACILITIES; PUBLICATION OF BOARD ACTIONS.

(a) **GAO AUDIT.**—

(1) **IN GENERAL.**—Notwithstanding section 714(b) of title 31, United States Code, or any other provision of law, the Comptroller General of the United States (in this subsection referred to as the “Comptroller General”) shall conduct a one-time audit of all loans and other financial assistance provided during the period beginning on December 1, 2007 and ending on the date of enactment of this Act by the Board of Governors under the Asset-Backed Commercial Paper Money Market Mutual Fund Liquidity Facility, the Term Asset-Backed Securities Loan Facility, the Primary Dealer Credit Facility, the Commercial Paper Funding Facility, the Term Securities Lending Facility, the Term Auction Facility, Maiden Lane, Maiden Lane II, Maiden Lane III, the agency Mortgage-Backed Securities program, foreign currency liquidity swap lines, and any other program created as a result of the third undesignated paragraph of section 13 of the Federal Reserve Act.

(2) **ASSESSMENTS.**—In conducting the audit under paragraph (1), the Comptroller General shall assess—

(A) the operational integrity, accounting, financial reporting, and internal controls of the credit facility;

(B) the effectiveness of the collateral policies established for the facility in mitigating risk to the relevant Federal reserve bank and taxpayers;

(C) whether the credit facility inappropriately favors one or more specific participants over other institutions eligible to utilize the facility;

(D) the policies governing the use, selection, or payment of third-party contractors by or for any credit facility; and

(E) whether there were conflicts of interest with respect to the manner in which such facility was established or operated.

(3) **TIMING.**—The audit required by this subsection shall be commenced not later than 30 days after the date of enactment of this Act, and shall be completed not later than 12 months after that date of enactment.

(4) **REPORT REQUIRED.**—The Comptroller General shall submit a report on the audit conducted under paragraph (1) to the Congress not later than 12 months after the date of enactment of this Act, and such report shall be made available to—

(A) the Speaker of the House of Representatives;

(B) the majority and minority leaders of the House of Representatives;

(C) the majority and minority leaders of the Senate;

(D) the Chairman and Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Financial Services of the House of Representatives; and

(E) any member of Congress who requests it.

(b) **AUDIT OF FEDERAL RESERVE BANK GOVERNANCE.**—

(1) **AUDIT.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall complete an audit of the governance of the Federal reserve bank system.

(B) **REQUIRED EXAMINATIONS.**—The audit required under subparagraph (A) shall—

(i) examine the extent to which the current system of appointing Federal reserve bank direc-

tors effectively represents “the public, without discrimination on the basis of race, creed, color, sex or national origin, and with due but not exclusive consideration to the interests of agriculture, commerce, industry, services, labor, and consumers” in the selection of bank directors, as such requirement is set forth under section 4 of the Federal Reserve Act;

(ii) examine whether there are actual or potential conflicts of interest created when the directors of Federal reserve banks, which execute the supervisory functions of the Board of Governors of the Federal Reserve System, are elected by member banks;

(iii) examine the establishment and operations of each facility described in subsection (a)(1) and each Federal reserve bank involved in the establishment and operations thereof; and

(iv) identify changes to selection procedures for Federal reserve bank directors, or to other aspects of Federal reserve bank governance, that would—

(I) improve how the public is represented;

(II) eliminate actual or potential conflicts of interest in bank supervision;

(III) increase the availability of information useful for the formation and execution of monetary policy; or

(IV) in other ways increase the effectiveness or efficiency of reserve banks.

(2) **REPORT REQUIRED.**—A report on the audit conducted under paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed, and such report shall be made available to—

(A) the Speaker of the House of Representatives;

(B) the majority and minority leaders of the House of Representatives;

(C) the majority and minority leaders of the Senate;

(D) the Chairman and Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Financial Services of the House of Representatives; and

(E) any member of Congress who requests it.

(c) **PUBLICATION OF BOARD ACTIONS.**—Notwithstanding any other provision of law, the Board of Governors shall publish on its website, not later than December 1, 2010, with respect to all loans and other financial assistance it has provided during the period beginning on December 1, 2007 and ending on the date of enactment of this Act under the Asset-Backed Commercial Paper Money Market Mutual Fund Liquidity Facility, the Term Asset-Backed Securities Loan Facility, the Primary Dealer Credit Facility, the Commercial Paper Funding Facility, the Term Securities Lending Facility, the Term Auction Facility, Maiden Lane, Maiden Lane II, Maiden Lane III, the agency Mortgage-Backed Securities program, foreign currency liquidity swap lines, and any other program created as a result of the third undesignated paragraph of section 13 of the Federal Reserve Act—

(1) the identity of each business, individual, entity, or foreign central bank to which the Board of Governors has provided such assistance;

(2) the type of financial assistance provided to that business, individual, entity, or foreign central bank;

(3) the value or amount of that financial assistance;

(4) the date on which the financial assistance was provided;

(5) the specific terms of any repayment expected, including the repayment time period, interest charges, collateral, limitations on executive compensation or dividends, and other material terms; and

(6) the specific rationale for each such facility or program.

TITLE XII—IMPROVING ACCESS TO MAINSTREAM FINANCIAL INSTITUTIONS

SEC. 1201. SHORT TITLE.

This title may be cited as the “Improving Access to Mainstream Financial Institutions Act of 2010”.

SEC. 1202. PURPOSE.

The purpose of this title is to encourage initiatives for financial products and services that are appropriate and accessible for millions of Americans who are not fully incorporated into the financial mainstream.

SEC. 1203. DEFINITIONS.

In this title, the following definitions shall apply:

(1) **ACCOUNT.**—The term “account” means an agreement between an individual and an eligible entity under which the individual obtains from or through the entity 1 or more banking products and services, and includes a deposit account, a savings account (including a money market savings account), an account for a closed-end loan, and other products or services, as the Secretary deems appropriate.

(2) **COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.**—The term “community development financial institution” has the same meaning as in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)).

(3) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code;

(B) a federally insured depository institution;

(C) a community development financial institution;

(D) a State, local, or tribal government entity;

or

(E) a partnership or other joint venture comprised of 1 or more of the entities described in subparagraphs (A) through (D), in accordance with regulations prescribed by the Secretary under this title.

(4) **FEDERALLY INSURED DEPOSITORY INSTITUTION.**—The term “federally insured depository institution” means any insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(5) **PAYDAY LOAN.**—The term “payday loan” means any transaction in which a small cash advance is made to a consumer in exchange for—

(A) the personal check or share draft of the consumer, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

(B) the authorization of the consumer to debit the transaction account or share draft account of the consumer, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.

SEC. 1204. EXPANDED ACCESS TO MAINSTREAM FINANCIAL INSTITUTIONS.

(a) **IN GENERAL.**—The Secretary is authorized to establish a multiyear program of grants, cooperative agreements, financial agency agreements, and similar contracts or undertakings to promote initiatives designed—

(1) to enable low- and moderate-income individuals to establish one or more accounts in a federally insured depository institution that are appropriate to meet the financial needs of such individuals; and

(2) to improve access to the provision of accounts, on reasonable terms, for low- and moderate-income individuals.

(b) PROGRAM ELIGIBILITY AND ACTIVITIES.—

(1) **IN GENERAL.**—The Secretary shall restrict participation in any program established under subsection (a) to an eligible entity. Subject to regulations prescribed by the Secretary under this title, 1 or more eligible entities may participate in 1 or several programs established under subsection (a).

(2) **ACCOUNT ACTIVITIES.**—Subject to regulations prescribed by the Secretary, an eligible entity may, in participating in a program established under subsection (a), offer or provide to low- and moderate-income individuals products and services relating to accounts, including—

(A) small-dollar value loans; and

(B) financial education and counseling relating to conducting transactions in and managing accounts.

SEC. 1205. LOW-COST ALTERNATIVES TO PAYDAY LOANS.

(a) **GRANTS AUTHORIZED.**—The Secretary is authorized to establish multiyear demonstration programs by means of grants, cooperative agreements, financial agency agreements, and similar contracts or undertakings, with eligible entities to provide low-cost, small loans to consumers that will provide alternatives to more costly payday loans.

(b) TERMS AND CONDITIONS.—

(1) **IN GENERAL.**—Loans under this section shall be made on terms and conditions, and pursuant to lending practices, that are reasonable for consumers.

(2) **FINANCIAL LITERACY AND EDUCATION OPPORTUNITIES.**—

(A) **IN GENERAL.**—Each eligible entity awarded a grant under this section shall promote and take appropriate steps to ensure the provision of financial literacy and education opportunities, such as relevant counseling services, educational courses, or wealth building programs, to each consumer provided with a loan pursuant to this section.

(B) **AUTHORITY TO EXPAND ACCESS.**—As part of the grants, agreements, and undertakings established under this section, the Secretary may implement reasonable measures or programs designed to expand access to financial literacy and education opportunities, including relevant counseling services, educational courses, or wealth building programs to be provided to individuals who obtain loans from eligible entities under this section.

SEC. 1206. GRANTS TO ESTABLISH LOAN-LOSS RESERVE FUNDS.

The Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 et seq.) is amended by adding at the end the following:

“SEC. 122. GRANTS TO ESTABLISH LOAN-LOSS RESERVE FUNDS.

“(a) **PURPOSES.**—The purposes of this section are—

“(1) to make financial assistance available from the Fund in order to help community development financial institutions defray the costs of operating small dollar loan programs, by providing the amounts necessary for such institutions to establish their own loan loss reserve funds to mitigate some of the losses on such small dollar loan programs; and

“(2) to encourage community development financial institutions to establish and maintain small dollar loan programs that would help give consumers access to mainstream financial institutions and combat payday lending.

“(b) GRANTS.—

“(1) **LOAN-LOSS RESERVE FUND GRANTS.**—The Fund shall make grants to community development financial institutions or to any partnership between such community development financial institutions and any other federally insured depository institution with a primary mission to serve targeted investment areas, as such

areas are defined under section 103(16), to enable such institutions or any partnership of such institutions to establish a loan-loss reserve fund in order to defray the costs of a small dollar loan program established or maintained by such institution.

“(2) **MATCHING REQUIREMENT.**—A community development financial institution or any partnership of institutions established pursuant to paragraph (1) shall provide non-Federal matching funds in an amount equal to 50 percent of the amount of any grant received under this section.

“(3) **USE OF FUNDS.**—Any grant amounts received by a community development financial institution or any partnership between or among such institutions under paragraph (1)—

“(A) may not be used by such institution to provide direct loans to consumers;

“(B) may be used by such institution to help recapture a portion or all of a defaulted loan made under the small dollar loan program of such institution; and

“(C) may be used to designate and utilize a fiscal agent for services normally provided by such an agent.

“(4) **TECHNICAL ASSISTANCE GRANTS.**—The Fund shall make technical assistance grants to community development financial institutions or any partnership between or among such institutions to support and maintain a small dollar loan program. Any grant amounts received under this paragraph may be used for technology, staff support, and other costs associated with establishing a small dollar loan program.

“(c) **DEFINITIONS.**—For purposes of this section—

“(1) the term ‘consumer reporting agency that compiles and maintains files on consumers on a nationwide basis’ has the same meaning given such term in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)); and

“(2) the term ‘small dollar loan program’ means a loan program wherein a community development financial institution or any partnership between or among such institutions offers loans to consumers that—

“(A) are made in amounts not exceeding \$2,500;

“(B) must be repaid in installments;

“(C) have no pre-payment penalty;

“(D) the institution has to report payments regarding the loan to at least 1 of the consumer reporting agencies that compiles and maintains files on consumers on a nationwide basis; and

“(E) meet any other affordability requirements as may be established by the Administrator.”.

SEC. 1207. PROCEDURAL PROVISIONS.

An eligible entity desiring to participate in a program or obtain a grant under this title shall submit an application to the Secretary, in such form and containing such information as the Secretary may require.

SEC. 1208. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION TO THE SECRETARY.**—There are authorized to be appropriated to the Secretary, such sums as are necessary to both administer and fund the programs and projects authorized by this title, to remain available until expended.

(b) **AUTHORIZATION TO THE FUND.**—There is authorized to be appropriated to the Fund for each fiscal year beginning in fiscal year 2010, an amount equal to the amount of the administrative costs of the Fund for the operation of the grant program established under this title.

SEC. 1209. REGULATIONS.

(a) **IN GENERAL.**—The Secretary is authorized to promulgate regulations to implement and administer the grant programs and undertakings authorized by this title.

(b) **REGULATORY AUTHORITY.**—Regulations prescribed under this section may contain such

classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of grant programs, undertakings, or eligible entities, as, in the judgment of the Secretary, are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion of this title, or to facilitate compliance with this title.

SEC. 1210. EVALUATION AND REPORTS TO CONGRESS.

For each fiscal year in which a program or project is carried out under this title, the Secretary shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

TITLE XIII—PAY IT BACK ACT

SEC. 1301. SHORT TITLE.

This title may be cited as the “Pay It Back Act”.

SEC. 1302. AMENDMENT TO REDUCE TARP AUTHORIZATION.

Section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)) is amended—

(1) in paragraph (3)—

(A) by striking “If” and inserting “Except as provided in paragraph (4), if”;

(B) by striking “, \$700,000,000,000, as such amount is reduced by \$1,259,000,000, as such amount is reduced by \$1,244,000,000” and inserting “\$550,000,000,000”; and

(C) by striking “outstanding at any one time”; and

(2) by adding at the end the following:

“(4) If the Secretary, with the concurrence of the Chairman of the Board of Governors of the Federal Reserve System, determines that there is an immediate and substantial threat to the economy arising from financial instability, the Secretary is authorized to purchase troubled assets under this Act in an amount equal to amounts received by the Secretary before, on, or after the date of enactment of the Pay It Back Act for repayment of the principal of financial assistance by an entity that has received financial assistance under the TARP or any other program enacted by the Secretary under the authorities granted to the Secretary under this Act, but only—

“(A) to the extent necessary to address the threat; and

“(B) upon transmittal of such determination, in writing, to the appropriate committees of Congress.”.

SEC. 1303. REPORT.

Section 106 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216) is amended by inserting at the end the following:

“(f) REPORT.—The Secretary of the Treasury shall report to Congress every 6 months on amounts received and transferred to the general fund under subsection (d).”.

SEC. 1304. AMENDMENTS TO HOUSING AND ECONOMIC RECOVERY ACT OF 2008.

(a) SALE OF FANNIE MAE OBLIGATIONS AND SECURITIES BY THE TREASURY; DEFICIT REDUCTION.—Section 304(g)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(g)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

“(C) DEFICIT REDUCTION.—The Secretary of the Treasury shall deposit in the General Fund of the Treasury any amounts received by the Secretary from the sale of any obligation acquired by the Secretary under this subsection, where such amounts shall be—

“(i) dedicated for the sole purpose of deficit reduction; and

“(ii) prohibited from use as an offset for other spending increases or revenue reductions.”.

(b) SALE OF FREDDIE MAC OBLIGATIONS AND SECURITIES BY THE TREASURY; DEFICIT REDUCTION.—Section 306(l)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(l)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

“(C) DEFICIT REDUCTION.—The Secretary of the Treasury shall deposit in the General Fund of the Treasury any amounts received by the Secretary from the sale of any obligation acquired by the Secretary under this subsection, where such amounts shall be—

“(i) dedicated for the sole purpose of deficit reduction; and

“(ii) prohibited from use as an offset for other spending increases or revenue reductions.”.

(c) SALE OF FEDERAL HOME LOAN BANKS OBLIGATIONS BY THE TREASURY; DEFICIT REDUCTION.—Section 11(l)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1431(l)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

“(C) DEFICIT REDUCTION.—The Secretary of the Treasury shall deposit in the General Fund of the Treasury any amounts received by the Secretary from the sale of any obligation acquired by the Secretary under this subsection, where such amounts shall be—

“(i) dedicated for the sole purpose of deficit reduction; and

“(ii) prohibited from use as an offset for other spending increases or revenue reductions.”.

(d) REPAYMENT OF FEES.—Any periodic commitment fee or any other fee or assessment paid by the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation to the Secretary of the Treasury as a result of any preferred stock purchase agreement, mortgage-backed security purchase program, or any other program or activity authorized or carried out pursuant to the authorities granted to the Secretary of the Treasury under section 117 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289; 122 Stat. 2683), including any fee agreed to by contract between the Secretary and the Association or Corporation, shall be deposited in the General Fund of the Treasury where such amounts shall be—

(1) dedicated for the sole purpose of deficit reduction; and

(2) prohibited from use as an offset for other spending increases or revenue reductions.

SEC. 1305. FEDERAL HOUSING FINANCE AGENCY REPORT.

The Director of the Federal Housing Finance Agency shall submit to Congress a report on the plans of the Agency to continue to support and maintain the Nation's vital housing industry, while at the same time guaranteeing that the American taxpayer will not suffer unnecessary losses.

SEC. 1306. REPAYMENT OF UNOBLIGATED ARRA FUNDS.

(a) REJECTION OF ARRA FUNDS BY STATE.—Section 1607 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 305) is amended by adding at the end the following:

“(d) STATEWIDE REJECTION OF FUNDS.—If funds provided to any State in any division of this Act are not accepted for use by the Governor of the State pursuant to subsection (a) or by the State legislature pursuant to subsection (b), then all such funds shall be—

“(1) rescinded; and

“(2) deposited in the General Fund of the Treasury where such amounts shall be—

“(A) dedicated for the sole purpose of deficit reduction; and

“(B) prohibited from use as an offset for other spending increases or revenue reductions.”.

(b) WITHDRAWAL OR RECAPTURE OF UNOBLIGATED FUNDS.—Title XVI of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 302) is amended by adding at the end the following:

“SEC. 1613. WITHDRAWAL OR RECAPTURE OF UNOBLIGATED FUNDS.

“Notwithstanding any other provision of this Act, if the head of any executive agency withdraws or recaptures for any reason funds appropriated or otherwise made available under this division, and such funds have not been obligated by a State to a local government or for a specific project, such recaptured funds shall be—

“(1) rescinded; and

“(2) deposited in the General Fund of the Treasury where such amounts shall be—

“(A) dedicated for the sole purpose of deficit reduction; and

“(B) prohibited from use as an offset for other spending increases or revenue reductions.”.

(c) RETURN OF UNOBLIGATED FUNDS BY END OF 2012.—Section 1603 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 302) is amended by—

(1) striking “All funds” and inserting “(a) IN GENERAL.—All funds”; and

(2) adding at the end the following:

“(b) REPAYMENT OF UNOBLIGATED FUNDS.—Any discretionary appropriations made available in this division that have not been obligated as of December 31, 2012, are hereby rescinded, and such amounts shall be deposited in the General Fund of the Treasury where such amounts shall be—

“(1) dedicated for the sole purpose of deficit reduction; and

“(2) prohibited from use as an offset for other spending increases or revenue reductions.

“(c) PRESIDENTIAL WAIVER AUTHORITY.—

“(1) IN GENERAL.—The President may waive the requirements under subsection (b), if the President determines that it is not in the best interest of the Nation to rescind a specific unobligated amount after December 31, 2012.

“(2) REQUESTS.—The head of an executive agency may also apply to the President for a waiver from the requirements under subsection (b).”.

TITLE XIV—MISCELLANEOUS

SEC. 1401. RESTRICTIONS ON USE OF FEDERAL FUNDS TO FINANCE BAILOUTS OF FOREIGN GOVERNMENTS.

The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

“SEC. 68. RESTRICTIONS ON USE OF FEDERAL FUNDS TO FINANCE BAILOUTS OF FOREIGN GOVERNMENTS.

“(a) IN GENERAL.—The President shall direct the United States Executive Director of the International Monetary Fund—

“(1) to evaluate any proposed loan to a country by the Fund if the amount of the public debt of the country exceeds the gross domestic product of the country;

“(2) to determine whether or not the loan will be repaid and certify that determination to Congress.

“(b) OPPOSITION TO LOANS UNLIKELY TO BE REPAYED.—If the Executive Director determines under subsection (a)(2) that a loan by the International Monetary Fund to a country will not be repaid, the President shall direct the Executive Director to use the voice and vote of the United States to vote in opposition to the proposed loan.”.

TITLE XV—CONGO CONFLICT MINERALS**SEC. 1501. SENSE OF CONGRESS ON EXPLOITATION AND TRADE OF COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.**

It is the sense of Congress that the exploitation and trade of columbite-tantalite, cassiterite, gold, and wolframite in the eastern Democratic Republic of Congo is helping to finance extreme levels of violence in the eastern Democratic Republic of Congo, particularly sexual and gender-based violence, and contributing to an emergency humanitarian situation therein, warranting the provisions of section 13(o) of the Securities Exchange Act of 1934, as added by section 1302.

SEC. 1502. DISCLOSURE TO SECURITIES AND EXCHANGE COMMISSION RELATING TO COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by section 763 of this Act, is further amended by adding at the end the following new subsection:

“(o) DISCLOSURES TO COMMISSION RELATING TO COLUMBITE-TANTALITE, CASSITERITE, GOLD, AND WOLFRAMITE ORIGINATING IN DEMOCRATIC REPUBLIC OF CONGO.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Commission shall promulgate rules requiring any person described in paragraph (2)—

“(A) to disclose annually to the Commission in a report—

“(i) whether the columbite-tantalite, cassiterite, gold, or wolframite that was necessary as described in paragraph (2)(A)(ii) in the year for which such report is submitted originated or may have originated in the Democratic Republic of Congo or an adjoining country; and

“(ii) a description of the measures taken by the person, which may include an independent audit, to exercise due diligence on the source and chain of custody of such columbite-tantalite, cassiterite, gold, or wolframite, or derivatives of such minerals, in order to ensure that the activities of such person that involve such minerals or derivatives did not directly or indirectly finance or benefit armed groups in the Democratic Republic of Congo or an adjoining country; and

“(B) make the information disclosed under subparagraph (A) available to the public on the Internet website of the person.

“(2) PERSON DESCRIBED.—

“(A) IN GENERAL.—A person is described in this paragraph if—

“(i) the person is required to file reports to the Commission under subsection (a)(2); and

“(ii) columbite-tantalite, cassiterite, gold, or wolframite is necessary to the functionality or production of a product manufactured by such person.

“(B) DERIVATIVES.—For purposes of this paragraph, if a derivative of a mineral is necessary to the functionality or production of a product manufactured by a person, such mineral shall also be considered necessary to the functionality or production of a product manufactured by the person.

“(3) REVISIONS AND WAIVERS.—The Commission shall revise or temporarily waive the requirements described in paragraph (1) if the President determines that such revision or waiver is in the public interest.

“(4) TERMINATION OF DISCLOSURE REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall terminate on the date that is 5 years after the date of the enactment of this subsection.

“(B) EXTENSION BY SECRETARY OF STATE.—The date described in subparagraph (A) shall be extended by 1 year for each year in which the Secretary of State certifies that armed parties to the ongoing armed conflict in the Democratic Republic of Congo or adjoining countries continue to be directly involved and benefitting from commercial activity involving columbite-tantalite, cassiterite, gold, or wolframite.

“(5) ADJOINING COUNTRY DEFINED.—In this subsection, the term ‘adjoining country’, with respect to the Democratic Republic of Congo, means a country that shares an internationally recognized border with the Democratic Republic of Congo.”.

SEC. 1503. REPORT.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An assessment of the effectiveness of section 13(o) of the Securities Exchange Act of 1934, as added by section 1302, in promoting peace and security in the eastern Democratic Republic of Congo.

(2) A description of the problems, if any, encountered by the Securities and Exchange Commission in carrying out the provisions of such section 13(o).

(3) A description of the adverse impacts of carrying out the provisions of such section 13(o), if any, on communities in the eastern Democratic Republic of Congo.

(4) Recommendations for legislative or regulatory actions that can be taken—

(A) to improve the effectiveness of the provisions of such section 13(o) to promote peace and security in the eastern Democratic Republic of Congo;

(B) to resolve the problems described pursuant to paragraph (2), if any; and

(C) to mitigate the adverse impacts described pursuant paragraph (3), if any.

Amend the title so as to read: “An Act to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ‘too big to fail’, to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.”.

STEWART LEE UDALL DEPARTMENT OF THE INTERIOR BUILDING

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5128, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5128) to designate the United States Department of the Interior Building in Washington, District of Columbia, as the “Stewart Lee Udall Department of the Interior Building.”

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5128) was ordered to a third reading, was read the third time, and passed.

75TH ANNIVERSARY OF EAST BAY REGIONAL PARK DISTRICT IN CALIFORNIA

Mr. CASEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 211 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 211) recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 211) was agreed to.

The preamble was agreed to.

MEASURES READ THE FIRST TIME—S. 3410 AND S. 3421

Mr. CASEY. Mr. President, I understand there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the bills for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3410) to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as “Mississippi Canyon 252” with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations.

A bill (S. 3421) to provide a temporary extension of certain programs, and for other purposes.

Mr. CASEY. I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard.

Mr. CASEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc Executive Calendar Nos. 894, 895, 896, 897, and 898; that the nominations be confirmed en bloc; the motions to reconsider be laid on the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Kerry Joseph Forestal, of Indiana, to be United States Marshal for the Southern District of Indiana for the term of four years.

John Dale Foster, of West Virginia, to be United States Marshal for the Southern District of West Virginia for the term of four years.

Gary Michael Gaskins, of West Virginia, to be United States Marshal for the Northern District of West Virginia for the term of four years.

Dallas Stephen Neville, of Wisconsin, to be United States Marshal for the Western District of Wisconsin for the term of four years.

R. Booth Goodwin II, of West Virginia, to be United States Attorney for the Southern District of West Virginia for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate resumes legislative session.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 26

Mr. CASEY. Mr. President, I ask unanimous consent that on Thursday,

June 10, after any leader time, the Republican leader or his designee be recognized to move to proceed to the consideration of S.J. Res. 26, a joint resolution disapproving the EPA Administrator's endangerment finding; that there be 6 hours of debate on the motion to proceed to the joint resolution, with the time divided and controlled between Senators BOXER and MURKOWSKI or their designees; that upon the use or yielding back of time, the Senate proceed to a vote on adoption of the motion to proceed; that if the motion is successful, then there be 1 hour of debate on the joint resolution, divided as described above; that upon the use or yielding back of that time, the joint resolution be read a third time and the Senate then proceed to a vote on passage of the joint resolution; provided further that if the motion to proceed is defeated, then no further motion to proceed to the joint resolution be in order; further, that no amendment or motion on the subject of the EPA greenhouse gas regulations or relating to the endangerment finding be in order prior to consideration of the motion to proceed to S.J. Res. 26, with no amendments in order to the joint resolution and with all other provisions of the statute governing consideration of the joint resolution remaining in effect during the pendency of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MAY 26, 2010

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, May 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4899, the emergency supplemental appropriations bill. Finally, I ask that the mandatory quorums with respect to the substitute and H.R. 4899 be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CASEY. Mr. President, as a reminder, the filing deadline for first-degree amendments is 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:41 p.m., adjourned until Wednesday, May 26, 2010, at 9:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of January 7, 2009 and the nomination was placed on the Executive Calendar:

*JONATHAN ANDREW HATFIELD, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, May 25, 2010:

DEPARTMENT OF JUSTICE

KERRY JOSEPH FORESTAL, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

JOHN DALE FOSTER, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS.

GARY MICHAEL GASKINS, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS.

DALLAS STEPHEN NEVILLE, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS.

R. BOOTH GOODWIN II, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS.

HOUSE OF REPRESENTATIVES—Tuesday, May 25, 2010

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. YARMUTH).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 25, 2010.

I hereby appoint the Honorable JOHN A. YARMUTH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

CONGRESS NEEDS TO CONTROL FEDERAL SPENDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Mr. Speaker, recently, Speaker PELOSI sent a letter to her committee chairmen asking all of them to chip away at Federal budgetary spending. In addition, Majority Leader HOYER recently wrote an op-ed in the Wall Street Journal urging for shared sacrifice to address the budget crisis this country is facing. Unfortunately, Mr. Speaker, their rhetoric does not match up to reality.

Budget Chairman JOHN SPRATT even said, "If you can't budget, you can't govern." Let me repeat that. This is what the Chairman of the Budget Committee said: "If you can't budget, you can't govern." I could not agree more.

It is becoming increasingly clear, Mr. Speaker, however, that House Democrats cannot budget. American families and small businesses are making tough choices in this economic climate. But Democrats continue to spend and to spend.

The Federal Government is spending more per household than ever before and running up a \$1.5 trillion deficit in

2010, the largest deficit since the end of World War II.

Now, how much is \$1 trillion? If you started at day one, at 1 A.D., and spent \$1 million every day, you still would not have spent \$1 trillion.

Despite deficits and debts as far as the eye can see, Democrat leaders do not plan to even pass a budget resolution. Since 1974, when the modern budget process was created, the House has never failed to pass a budget resolution. Speaker PELOSI and Leader HOYER can send all the letters and publish all the op-eds they want, but it does not change the fact there is no significant or legitimate plan to rein in Federal spending or reduce the deficit by them.

The Federal Government now spends over \$31,000 per household, the highest ever. Recent budget deficits have reached unprecedented levels, accounting for 11 percent of the GDP. By comparison, the historical budget deficits, a yearly debt deficit, is only 2.9 percent of the GDP in the past.

Publicly held debt is expected to climb to \$15 trillion by 2020, and when combined with rising interest rates in a post-recovery economic environment, the interest payments on government debt also will skyrocket. CBO projects that the government's annual spending on net interest will more than triple between 2010 and 2020 from \$207 billion to \$723 billion; just the interest. These deficits are appalling and all more shocking since CBO based these calculations on the complete expiration of the Bush tax cuts, that the alternative minimum tax will never be patched, and that future appropriations would be indexed to inflation. This is something Congress never will do.

Since Democrats have taken over Congress in January 2007, the national debt has increased 42.4 percent. While the Democrat leadership talks a good game about addressing spending, we have yet to see any real action by them.

The first step is to pass a budget to provide us with a blueprint, a simple road map for deficit reduction. The Balanced Budget Act of 1985 set the target date for a budget for April 15, the same day as Tax Day for most Americans. Unfortunately, the April 15 deadline for enacting a budget resolution has long since passed, and we still have no sign of a budget resolution. The Senate has not passed a budget, and the House has not even begun the simple process.

Without a budget, there are no controls in place to rein in spending. It's a

sign that Congress lacks the leadership and the willingness to set a framework to limit spending or control entitlement growth. Not passing a budget resolution sends a message to the American taxpayers that Congress is really not serious about addressing the fiscal crisis here, and is unable to meet the challenges of uncontrolled spending and runaway deficits.

This entire situation, obviously, is getting out of control. When someone goes for debt counseling, the first step is to cut up the credit cards and live within your means. Congress needs to rein in Federal spending and to start living within its means. The answers are not higher taxes on out-of-work Americans, such as a Value Added Tax. That's why I've joined with my colleagues to send a letter to the National Commission on Fiscal Responsibility and Reform to not increase taxes through a VAT tax as a means of balancing the budget.

High taxes aren't the solution, less spending is. We must reduce the spending of this Federal Government if we are to exercise fiscal responsibility.

Unfortunately, Mr. Speaker, the Democrat leadership continues to talk a good game, but has not yet shown a willingness to act in any significant measure to get our fiscal house in order.

LET'S GET OUR FACTS STRAIGHT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, I was going to talk about energy, but listening to my friend from Florida, I am compelled to respond.

First of all, the Democratic Party is called the Democratic Party, not the Democrat Party. We are democratic, and we give the same respect to our Republican fellows. I would hope that we would show more respect on the floor in properly referring to the Democratic Party by its proper name.

But maybe much more important, let's get our facts straight. When President Clinton left office in 2000, he left this country with a surplus, with three back-to-back budget surpluses, and surpluses as far as the eye could see, under Democratic economic management, a booming economy that created more jobs than any other administration in history, and economic and budget surpluses that actually had created some concern on Wall Street that we were going to fully pay down the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

national debt over the next 10 or 12 years and put in jeopardy the treasury market and the bond market. There were actually stories wringing their hands about that.

In 8 brief years, the Bush administration and their allies in this Congress took care of that. They took record surpluses and turned them into record deficits. Three things alone added \$6 trillion to the national debt: unpaid wars in Iraq and Afghanistan; an unpaid new entitlement program, the Medicare part D drug prescription benefit; and, of course, the unpaid Bush tax cuts that we were told by Republican friends on that side of the aisle would lead to unprecedented prosperity, enormous economic activity. It would unleash innovation, creativity and job creation in America.

You know what? It led to the most anemic job growth, barely positive, in any Presidency. As a matter of fact, this year alone, the economic policies of this Democratic President will create more jobs than were created in the entirety of the 8 years of the Bush administration and their allies here in the Congress.

They led to unprecedented debt accumulation in the United States. They took a record surplus and turned it into a record deficit. That's their record.

The idea that they have clean hands, and they can come back to us, the American public, and tell us how we ought to manage our fiscal house, when they're the ones that put the fiscal house in disorder, they're the ones who ran this economy into a ditch, the worst economic meltdown in 80 years, the worst economic meltdown on Wall Street, the worst job performance in generations, an economy that was absolutely in a tailspin and close to the precipice of depression. That's their record. And to come to the floor and lecture us on how we ought to manage the fiscal house is a bit much.

The idea that somehow it's unprecedented that we haven't adopted a budget resolution—really? Because in the 12 years the Republicans were in charge of this Congress, for 4 of them they failed to pass a budget resolution, and somehow the Republic did not come to an end.

So lecturing us about whether or not we're going to have a budget resolution this year, let's get at what's really important: Are we going to get our arms around this economy?

Well, on our record, in 15 brief months, this economy is now growing again. Jobs are being created again. I've sat and listened to my friends on the other side frequently say, Where are the jobs? Well, we've actually created a lot of jobs now in the private sector, and we're going to create a lot more, it's estimated, in the balance of the year, a lot more than they did in the 8 years in which they were in charge.

We inherited a mess, a fiscal mess and an economic mess, and we've had the untidy task of having to clean it up. But we're doing it, and we're showing results. And what we don't need is lectures on the floor about how to do it the way they did it in the 8 years in which they were in charge.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 40 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Florida) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: "The sufferings of the present, Lord, are nothing compared to the glory to be revealed for us."

So as children of promise, we live with undying hope.

Empowered by Your Spirit, we work in this world as the free children of revelation, knowing we can change and we can change the world around us.

As their Representatives in government, help Members to undertake the sufferings of Your people and the birth pangs of new creation; that in and through Your redeeming love and purified wisdom, a new order of prosperity and peace may be established for the whole created world, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced

that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4173. An act to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 707. An act to enhance the Federal Telework Program.

S. 2868. An act to provide increased access to the General Services Administration's Schedules Program by the American Red Cross and State and local governments.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4173) "An Act to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes," requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that on May 25, 2010, appoints: Mr. DODD, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. SHELBY, Mr. CRAPO, Mr. CORKER, and Mr. GREGG, to be the conferees on the part of the Senate, and from the Committee on Agriculture, Nutrition, and Forestry appoints: Mrs. LINCOLN, Mr. LEAHY, Mr. HARKIN, and Mr. CHAMBLISS, to be conferees on the part of the Senate.

OILY APOCALYPSE OR GREEN WAVE?

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. We are now in the 36th day of a man-made environmental disaster which is fast becoming an ecological apocalypse for countless species of marine life. The ecosystems of the Gulf of Mexico cannot survive wave and wave of toxic substances hitting the beaches.

The ultimate surprise is not that it happened. Oil companies, Democratic and Republican administrations, refused responsibility and rejected alternatives. In this privatization of the natural world, damage to sea life is the cost of doing business. The ultimate horror is that we can't stop the flood of oil, won't stop consumption of oil products, and fail to admit the limits of technology.

This is a morality play writ large as environmental collapse becomes the new normal. Can we realistically look to Washington alone to protect the natural world? More permits for offshore drilling have been issued. We must look to the consequences of our own demand and consumption: the energy we use, the kind of cars we drive,

the products we buy, the food we eat, and our individual impact on the natural world.

We can seize this moment. We as individuals can begin a green wave of sustainability to save the planet and ourselves.

WHERE'S THE BUDGET?

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, back in my beloved Indiana and all across this country, families are hurting. This is a difficult time in the life of our economy. Families are sitting down and making hard choices. They are writing a family budget. Small businesses and family farmers are doing the same, sitting down, sharpening their pencils, and making the tough choices to keep the doors open and the lights on. They are doing that everywhere but in Washington, D.C.

The American people deserve to know that this Democrat majority has not produced a budget. For the first time since the adoption of the Budget Act, the House of Representatives has decided to abandon its responsibility to sit down and write a budget. It's truly extraordinary.

The chairman of the Budget Committee, the distinguished gentleman JOHN SPRATT, said famously, "If you can't budget, you can't govern." Well, by abdicating their responsibility to sit down and make the hard choices, this majority is arguing that they in and of themselves cannot govern, they are unwilling to govern. The American people deserve leadership in the Congress that is as good as our families and our small businesses. They deserve a Congress that writes a budget.

Mr. Speaker, where's the budget?

ADDING THE CREST OF MONTEZUMA TO THE CIBOLA NATIONAL FOREST

(Mr. HEINRICH asked and was given permission to address the House for 1 minute.)

Mr. HEINRICH. Mr. Speaker, central New Mexico has been flanked by the majesty of the Sandia and Manzano Mountain ranges for thousands of years. Most of these mountains have been preserved as part of the Cibola National Forest, the Sandia Mountains Wilderness, and the Manzano Mountains Wilderness.

Today I am introducing legislation that would add the Crest of Montezuma to the north end of the Cibola National Forest and extend a wilderness designation to the Manzano Wilderness Study Area to the south. To families living near Placitas, this legislation will ensure their access to critical water infrastructure for farm irriga-

tion and other important uses. It will also ensure that East Mountain families can use these places for recreation. Finally, it will preserve the area's critical role as a wildlife corridor for animals that migrate from north to south across our State.

I urge my colleagues support this legislation that will protect some of the greatest natural assets that make our State the Land of Enchantment.

FAILURE TO PASS A BUDGET RESOLUTION

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

MR. CANTOR. Mr. Speaker, not since 1974, when Richard Nixon resigned from office and Happy Days was the new hit show on ABC, has this House failed to pass a budget resolution. There is no doubt that passing a budget can be hard work. But just because something is hard work doesn't mean you don't have to deal with it. Our constituents did not elect us to make easy decisions; they elected us to make the hard ones.

Two weeks ago, House Republicans unveiled the YouCut program. So far, more than 500,000 votes have been cast. Leading the field this week by wide margins, with 40 percent of the votes, is a proposal to eliminate the next round of nonmilitary Federal employee pay raises.

As USA Today recently reported, Federal salaries are significantly outpacing their counterparts in the private sector. This vote won't be easy for everyone, but it is exactly the kind of choice we must begin to make to get us off the path towards financial ruin.

290,000 STEPS IN THE RIGHT DIRECTION

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, the most recent report from the Bureau of Labor Statistics showed that the economy has taken another 290,000 steps in the right direction. Two hundred ninety thousand, that's how many jobs the economy added in the month of April. This comes on top of the 230,000 jobs added in March.

According to Commissioner Keith Hall from the Bureau of Labor Statistics, there are now numerous bright spots, the trend is encouraging, and the growth is widespread. The growing consensus is that the economy is steadily improving, and that the private sector will continue hiring. This real possibility of hope on the job front is one of the reasons that an additional 800,000 people entered the labor force last month.

As you can see from this chart, the declining red is the number of jobs lost in the prior administration. The blue

shows the jobs and the trend in the right direction, showing that policy does matter. This V chart is not for victory, but it certainly shows that we are moving in the right direction. There is now reason to hope, and there is real progress on the jobs front.

PASS THE U.S.-SOUTH KOREA FREE TRADE AGREEMENT

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Our friend from Columbus, Indiana, the distinguished conference chairman, said it perfectly when he talked about the challenges that families are facing across the country in trying to put together their own budgets. He also pointed out the fact that for the first time in history since the implementation of the 1974 Budget and Impoundment Act, we have seen no budget provided from Washington, D.C. Well, Mr. Speaker, it's not surprising that that has been the case.

How can you put together a roadmap of where it is you are going when you have no idea where you are going? And that's really where we are today.

I am happy to say that we have a wide range of very positive proposals that we have put forward. Our whip just talked about the YouCut program. There are lots of things that we need to do. Tragically, today we are dealing with very anemic job creation and economic growth, and there is something that we can do that will help deal with national security as well, and that is the challenge of destabilization of the Korean Peninsula.

Mr. Speaker, if we were to have the President send to us immediately the U.S.-South Korea Free Trade Agreement, we could implement the largest bilateral trade agreement in world history, and it would create millions of good American jobs. Please send it up now so that we can in fact get our economy back on track.

CELEBRATING OLDER AMERICANS MONTH

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, I rise today to celebrate May as Older Americans Month. Older Americans offer wisdom and guidance that our constituents treasure as invaluable assets to our families and our communities. By the year 2025, one in four drivers in this country will be age 65 or older. Without safe roads on which to travel, older Americans will have dramatically limited mobility options.

We must ensure that older Americans are as safe as possible as they go about their daily lives, which is why I have introduced H.R. 3355, the Older Driver

and Pedestrian Safety and Roadway Enhancement Act. My bill, which has 34 bipartisan cosponsors, will make roads safer for both older drivers and pedestrians by implementing recommendations from the Federal Highway Administration's Older Drivers Handbook.

I urge all of my colleagues to honor Older Americans Month and the contributions of their older constituents by joining me in the fight for their safety and mobility.

□ 1215

VOTE ON EURO-TARP

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Mr. Speaker, older Americans care most about their children and grandchildren, and this Congress is mortgaging their children and grandchildren's future. All across this country, families are struggling to balance their budgets. Businesses are doing likewise, and it means laying people off, tightening their belts in order to balance budgets. And instead, what is this Congress doing? Continuing to borrow and spend beyond our means.

Americans are also suffering from bailout fatigue. When you think about the last 2 years, we've bailed out Wall Street, GM, Chrysler, Fannie Mae, Freddie Mac; and now the Obama administration is proposing \$8 billion for Greece and over \$50 billion for the European Union, which has been borrowing and spending beyond its means. And yet, America is following in these same footsteps.

Mr. Speaker, we need a budget. And just last week, my friend Congressman PENCE and I introduced a resolution asking for this Congress to take a stand in opposition to U.S. tax dollars being used for the bailout. We cannot afford a too-big-to-fail strategy on a global level. The only thing too big to fail is America itself. We owe it to the American people to have this vote.

PROTECTING SECURITY

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, my district makes most of our Nation's intelligence satellites. I have served on our key security committees, and I devote enormous attention to helping develop legal and operational strategies to keep our country safe.

The Obama administration understands that security and liberty are not a zero-sum game. We will either get more of both or less. We must capture or kill high-value targets, which this

administration is doing in far greater numbers than did the Bush administration. But we must also live our values. Most important among them is the principle that the rule of law applies to all.

Tomorrow, my Subcommittee on Intelligence and Terrorism and Risk Assessment will hold a hearing to examine how the Internet is used by terrorists to train, recruit, and plan attacks inside the country and what the U.S. Government should do about it. It is the third in a series of hearings on violent extremism.

The Internet is a forum for free speech and global commerce, but the dark underside of that is it can also be a forum for violence and global terror. As difficult and controversial as this subject is, we need to find the right ways to intercept those who would do us harm. Developing a strategy around the Internet has to be part of that equation, and so does protecting security and liberty.

WHERE'S THE BUDGET?

(Mr. WALDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN. Mr. Speaker, if we talk about national security and intercepting those who do harm, the first thing we ought to talk about in this Congress at this time is where's the budget. As the budget chairman has said, if you can't budget, you can't govern. That was 4 years ago.

Taxpayers have to pay their taxes every April 15. Congress was supposed to have a budget April 15. Not since 1974 when the Budget Act was written has the House failed to even consider a budget.

And the budget that we need to consider needs to deal with deficit spending, deficits of \$1.4 trillion, \$1.6 trillion, and a trillion dollars every year added to the Nation's debt and to our kids' and grandkids' future. The budget being put forward by the President doubles the Nation's debt in 5 years and triples it in 10. This is unsustainable. We will look like Greece. We will look like Spain.

The budget-busting deficit that's being created is horrible for our kids and grandkids. It will not be good for this country's security. It is awful for our children's future. Let's get a budget that reduces wasteful Washington spending.

DISBAR BP FROM GOVERNMENT CONTRACTS

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. It is impossible to talk about BP without getting angry

about the broken promises, the buck passing, and the brazen profiteering. But I want to channel that anger into something productive and add one more "BP" to the mix: Be proactive.

This week, I will introduce an amendment to the Department of Defense reauthorization bill that would call on the Secretary of Defense to consider disbarring BP from government contracts to sell the American military its products. Disbar BP.

We hear that the cleanup may take years or may last forever. We hear calls for investigations that can go on for years or may last forever. But rather than look backwards and figure out what went wrong and who should pay, let's be proactive and take steps this week to ban permanently from Federal contracts the serial abuser of the American trust.

I urge you to support my amendment to the DOD reauthorization when it is debated and ban BP from Federal contracts.

COMPETITION IS KEY FOR COST CONTROL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. When it comes to addressing the budget, competition is key. This principle applies to everything from produce to clothing items to defense procurement.

As the House considers the National Defense Authorization Act this week and an amendment impeding competition between fighter engines, it is important that we keep the merits of this principle in mind in order to continue to protect thousands of jobs and save taxpayers billions of dollars. History shows that competing fighter engines significantly reduce program costs while improving safety, reliability, and contractor responsiveness.

Controlling costs, spurring innovation, and accelerating weapons systems readiness and performance are just a few major reasons why we must continue the F-136 program. Without competition, we would rely on a single engine, which could lead to unnecessary operational risk and the potential for grounding of the entire fleet if a glitch is found. The F-136 prevents this troubling scenario.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, this week the House will consider the American

Jobs and Closing Tax Loopholes Act. This legislation is another step in our efforts to create jobs and keep our economic recovery on track. The bill will help communities build schools, roads, and other important infrastructure projects putting people to work now.

In my district, we will see benefits in places like Los Osos and El Rio, which have long been in need of sewer systems. The Build America Bonds program extended in the bill will help advance clean energy efforts like geothermal power projects that will provide electricity for Santa Barbara County.

Mr. Speaker, our economy is still in very rough shape, a result of the reckless actions on Wall Street and little to no oversight by the previous administration. But we are making progress.

Last month, the economy created nearly 300,000 new jobs, a stark turnaround from the 700,000 jobs being lost at the end of the Bush administration. This change comes in large part because of the tough, smart choices we have made to cut taxes and invest in our people. The legislation coming up this week is another of these efforts to keep us on the road to full recovery.

I hope all my colleagues will help support this bill and help build a stronger America.

TRIBUTE TO SPECIALIST GRANT WICHMANN, U.S. ARMY

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, there are many heroes from Colorado who have fought and continue to fight in the global war terror. Today, I rise to pay tribute to one hero in particular: United States Army Specialist Grant Wichmann of Golden, Colorado.

Specialist Grant Wichmann graduated from Golden High School, where he was an athlete, avid soccer player, and a snowboarder. Although one of his friends had been killed serving in Iraq, at the age of 24 he enlisted in the United States Army. When his father tried to talk him out of enlisting, Specialist Grant Wichmann said he could not sit by while others die protecting him. This is a true indication of the kind of courage Grant Wichmann possessed.

On March 12, 2010, while assigned to combat outpost Bari Alai, Afghanistan, Specialist Grant Wichmann's unit was attacked by enemy forces using small arms fire. During the engagement, Specialist Grant Wichmann was gravely wounded and ultimately succumbed to his injuries while at Walter Reed Army Medical Center.

Specialist Grant Wichmann is a shining example of the United States Army service and sacrifice. As a former mem-

ber of the United States Army and as a retired Marine Corps Reserve officer, my deepest sympathies go out to his family and all who knew him.

DEFENSE REAUTHORIZATION BILL

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Ladies and gentlemen, we will soon bring to the floor a defense authorization bill that invests in our most important security needs: disrupting terrorists networks, countering nuclear proliferation, strengthening international cooperation to defeat the Taliban, preparing the Iraqi Government to stand on its own, and investing in the needs of our troops and their families.

This bill builds on Democrats' strong defense record. Under President Obama, we have killed or captured some of the highest ranking leaders in al Qaeda—many more than we did under the last administration—and the Taliban; laid out a clear way forward in Afghanistan; disrupted terrorism with the full resources of our intelligence community and justice system; and increased funding for human intelligence collection, cybersecurity, and security for our skies, our ports, and our borders.

This bill offers us a chance to improve on the flawed record of the Bush administration, and I urge my colleagues to support it.

CONGRESS' FAILURE TO PASS A BUDGET

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Mr. Speaker, across the country, countless families and small business owners are making the tough decisions needed to weather this difficult economy. Many may have hoped to put off for another day the choices they were forced to make, but the American people realize the path to renewing our economic prosperity comes through courage and sacrifice. They also realize the difficult work must start today.

It is a dereliction of public duty for this Congress to deliberately fail to pass a budget. More than a year ago, the American people ignited a national debate about the future they see for the country. They have demanded that Washington get spending under control and spend taxpayer money wisely. It is shameful that here in the people's House, the Democrat majority's avoiding that same debate. We are failing our children by failing to produce a budget. It is time to get our priorities straight and our fiscal house in order.

Mr. Speaker, let's join this debate taking place around the country and

begin to make the tough choices the American people expect from their leaders.

“YOU CUT” OR “CUT YOU”?

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, if you tuned in to last week's episode of YouCut, then you may recall that Republicans resorted to a legislative trick in an attempt to cut much needed funding from the Temporary Aid to Needy Families program. This cut would have been another break for the rich at the expense of the poor instead of providing financial support, job training, and child care subsidies to lower-income families with children. Fortunately, this measure was defeated.

This week, Republicans seek to stall the important business of the House yet again with a new list of proposed cuts.

While the YouCut program has been touted by Republicans as a partnership with the American people, a more fitting name for the program would be “CutYou,” because it can hurt everyday Americans while doing little to cut the Federal deficit.

What Republicans fail to mention is that the YouCut program is inherently selective and, therefore, biased. Neither online nor cell phone voters are able to vote to save a program rather than cut it. Further, the YouCut program conveniently targets only those who have Internet access and cell phones, which disproportionately leaves out both the poor and the elderly.

I will talk a little bit more about “CutYou” later on this evening.

COMMENTS ABOUT SPENDING

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, folks in America's First District have a lot to say about spending, the debt, and the deficit, and I'd like to share their comments.

Chris from Warrenton says, Please cut Federal spending. This issue can't be put off any longer. It's not time for us to be able to afford these fancy Federal programs, and we have to get on the track of reducing spending now. The American people get it. Dealing with the debt and deficit should be a top priority. Cut spending. No one has ever spent their way out of debt.

Elizabeth from Williamsburg says, Fix the budget. Stop spending what we don't have.

Scott from Yorktown says, The U.S. taxpayers are on the hook for billions.

Anyone with sense knows that a debt crisis cannot be solved with more debt.

John from Quantico says, Please cut Federal spending. Congress is spending and borrowing too much. This must end. You must balance your books, and you must do so by cutting spending, not increasing taxes.

Frank from Stafford simply says, Stop the spending.

Diane from Williamsburg says, The national budget is way out of control. Citizens everywhere are so concerned about this that something has to be done right away.

Raymond from Warrenton says, I am deeply concerned that our Nation is falling hopelessly into debt. I urge you to promote reduction in spending. Keep taxes low to motivate business and people to spend, not the government.

With that, Mr. Speaker, I urge us to adopt a budget.

□ 1230

IN RECOGNITION OF MAGGIE FAZENBAKER AND HER COMMITMENT TO OUR TROOPS

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. Mr. Speaker, I rise today to congratulate an extraordinary individual who has been a relentless supporter of our troops. For over 5 years, Maggie Fazenbaker of Alamogordo, New Mexico, has been stuffing care packages to be sent to the men and women of our Armed Forces.

Now the simple act of stuffing care packages for servicemembers is honorable enough, but there are a couple of extra twists when we look at Maggie's story. You see, Maggie is only 17 years-old. Also, on May 14, Maggie and her corps of loyal volunteers stuffed hundreds more packages, bringing the total number of care packages that Maggie has sent to 10,000.

The care packages Maggie sends to our troops give them a small amount of comfort as they pursue their dangerous and important missions. We owe our troops great effort for even small comforts. Thank you, Maggie.

God bless.

RENEWABLE ENERGY AND ENERGY EFFICIENCY CAUCUS

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, one of the most difficult challenges facing our Nation's future is providing clean, affordable, and reliable energy. Rural America has tremendous wind potential. Unfortunately, these wind energy sources lack infrastructure, including the expansion of transmission systems to deliver wind power from its sources to centers of population.

We need to have the ability to create energy in one part of the country and use it in another without significant loss in either efficiency or usability. My friends, we need to continue to explore any and all viable forms of research and development in renewable energy.

On Thursday, Members of Congress will have the chance to see what the future may hold for our Nation's energy resources at the 13th Annual Congressional Renewable Energy and Energy Efficiency Expo. There are still hurdles to overcome, and now is the time to begin working for a strong and diverse renewable energy portfolio.

ECONOMIC UPDATE

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, when I was sworn into office in January of last year, our economy was on the verge of collapse. Thanks to decisive action in Congress, our economy is turning around. We have created half a million jobs so far in 2010. Our country is on track to create more jobs this year than we created in the entire eight years of the Bush administration.

In western Pennsylvania, our strong work ethic is driving our recovery. Companies like Talisman Energy and Kold-Draft Industries are creating new jobs in my district because western Pennsylvania is a good place to do business. Things are improving, but we still have a long way to go. We must continue to invest in American businesses and the American people.

I urge my colleagues on both sides of the aisle to work together so we can help create jobs, support our businesses, and further our recovery.

LET'S GET TO WORK AND PASS A BUDGET

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, the American people vividly remember the contortions this Chamber went through to find the votes needed to pass cap-and-tax. We remember the arm twisting and backroom deals that secured the votes for the government takeover of health care. When it comes to the policies the American people oppose, this House has always found the votes.

Yet, apparently, when it comes to passing a budget, something every family and small business must do, the majority just can't find enough votes to get it done.

With almost \$13 trillion in debt, and record deficits adding more every minute, is this majority so desperate to avoid facing the tough decisions

that they are going to scrap the budget all together? Talk about burying your head in the sand.

We are here to do a job, and passing a budget is a big part of that job. Let's get to work.

DON'T ASK, DON'T TELL

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, you know, the Army Corps of Engineers had a saying during World War II: "The difficult we do immediately. The impossible takes a little longer."

In 1993, President Clinton tried to do the impossible by lifting the decades-long ban on gay and lesbian soldiers serving openly in the military. Unfortunately, Congress opposed him, and the discriminatory Don't Ask, Don't Tell law was passed.

Since then, over 13,500 servicemembers have been fired and countless other courageous and qualified Americans have been prevented from serving. Well, it's been 17 long and painful years since we tried to do the impossible.

Congress now has the chance to end this injustice. The President agrees, the military agrees, the American people agree. Let's honor our Nation's over 1 million gay veterans this Memorial Day. This week, let's lift the ban on gays serving openly once and for all.

LEGAL RELIEF FOR SERVICEMEMBERS

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, I was pleased to hear that Petty Officer Second Class Matthew McCabe was acquitted of all charges against him in relation to the capture and detention of Ahmed Hashim Abed, a conspirator in the 2004 murder of four U.S. contractors in Fallujah.

Mr. McCabe can now rejoin his shipmates, Petty Officer Julio Huertas and Petty Officer Jonathan Keefe, who were both acquitted of all charges as well, with the juries reaching the same verdicts.

While these have been acquitted, what is left behind is significant legal debt. All three men sought civilian counsel. Based on the results of these trials, I can understand their decision. Up against the United States Government in court, the soldiers faced prosecution with unlimited resources.

Today I am introducing the Service Member Legal Relief Act, which reimburses soldiers who seek the best defense available and are subsequently acquitted, or the charges dropped, in cases relating to the handling of terrorists. Our warfighters face great personal risk every day on the front lines

in the global war on terror. They are right to defend themselves in court against egregious claims from known terrorists.

We need these men on the front lines to continue battling those who are actively trying to kill Americans at home and abroad. If a court finds that they have done nothing wrong and have simply executed their mission, we should repay their legal fees and get them back into action as quickly as possible. That's exactly what my legislation does.

FORCE CHINA TO LET US COMPETE

(Mr. SCHAUER asked and was given permission to address the House for 1 minute.)

Mr. SCHAUER. Mr. Speaker, I was outraged when I found that our U.S. Census bought promotional materials made in China, including this Census 2010 baseball hat. This hat is the poorest quality I have ever seen, and your tax dollars paid for it.

Recently, I read in the American Chamber of Commerce in China's 2010 White Paper that Chinese markets remain closed to American goods, even when U.S. companies manufacture in China.

What remains clear is that China has access to our government contracts, and we don't have access to theirs. So it's time to stop buying Chinese goods with our U.S. tax dollars.

I have in my hand a quality hat made in America by Unite Here workers, and a lousy, Chinese-made hat in the other hand. Where do you want your tax dollars going? Which jobs should your tax dollars support?

Support my bill, H.R. 5312, to force China to let our people and our businesses compete.

AMERICANS ASK, WHERE ARE THE JOBS?

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, Washington just isn't listening to what the American people want. Take a look at our state of affairs. Our national unemployment rate is close to 10 percent. We have almost \$13 trillion in debt, and our budget deficit for this fiscal year 2010 is projected to be \$1.8 trillion. And Americans keep on asking, where are the jobs? Indeed, where are the jobs?

Mr. Speaker, Republicans stand ready to get spending under control and to pass legislation that does create jobs. Yet the Democratic majority refuses to move forward with even the first order of business in getting our fiscal House in order, and that business is passing a budget. Foregoing a budget

resolution this year would be a failure of one of our most basic responsibilities and the first time that that's happened since the current budget rules were put in place back in 1974.

Mr. Speaker, we need to rein in Federal spending this year, and the first step in that process is passing a fiscally responsible budget, and I urge my Democratic colleagues to do just that.

CONTINUING ON ROAD TO RECOVERY

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, 8 years of failed economic policies under the Bush administration left a deep economic hole for the new Obama administration, but three things are clear: It will take some time to dig out; we have made steady progress; and there is much more to do.

But yesterday the Joint Economic Committee released its report showing progress with new jobs created and decreasing unemployment in my home State of Missouri. Now is not the time to reverse direction. We must remain focused on the real measure of recovery, and that's jobs. We need to move beyond bickering to real solutions that will put real people back to work.

I urge my colleagues to once again take up the job-creating America COMPETES bill that would strengthen U.S. scientific and economic leadership, support employers, and create jobs through investments in science, innovation, and education.

We can't let partisan gridlock hold us back while countries pass us by to invent, build, and sell us the technology that will power the next century. Ensuring the U.S. competes globally is a commonsense way of creating jobs.

DEVELOP A PATH TO FISCAL SOLVENCY

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. As a CPA, I've counseled folks who are in debt. The first step is to acknowledge the problem. The second step is to develop a budget that maps out the path to solvency.

Our children, who stand to inherit a national debt level that is unsustainable, should require Congress to adopt a similar approach. Apparently, the majority is afraid to admit that Washington has a spending and borrowing problem, and they plan to avoid even discussing a budget. In 2008, then-candidate Obama told Joe the Plumber, "We need to share the wealth."

I was concerned then, but now I am appalled, because who are we sharing

the wealth with? The Chinese. Sending nearly a trillion dollars to foreign nations to pay debt service on reckless spending is not what our kids deserve. Our kids deserve a Congress that will do their job and make the tough decisions to get our fiscal House in order, which starts by developing a responsible budget.

2011 SOLAR DECATHLON

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, I recently met a team from the University of Hawaii, one of 20 collegiate teams selected to build an energy efficient, solar-powered house as part of the Solar Decathlon, an international competition sponsored by the Department of Energy.

In the fall of 2011, the D.C. National Mall will transform into a zero-emission solar village built by the next generation of architects and engineers. These houses will be attractive and affordable, demonstrating an array of innovative, energy technologies.

Designed for a tropical climate, the Hawaii model will be built using a bio-based polymer and the house will be buoyant enough to float in the event of a flood. A new generation of leaders in the clean-energy economy will emerge from programs like these, and I look forward to walking through the solar village next year.

The Solar Decathlon is one example of harnessing American ingenuity to meet the energy challenges of the 21st century. Let us continue to support programs like these that empower a new generation of thinkers to engineer a clean-energy future.

□ 1245

WHY 20 PERCENT OF GDP?

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, in a year when, for the first time in memory, the Pelosi Congress is failing to adopt a budget, I am proud to cosponsor a spending limit amendment that would place a cap on Federal Government spending.

Tax rates go up and down, tax laws change, the economy changes; but in the past six decades, Federal tax receipts have stayed consistent at nearly 20 percent of GDP. In a Wall Street Journal op-ed last Monday, Economist David Ranson explained this effect. He notes: "The tax base isn't just something you can kick around at will. It represents a living economic system that makes its own collective choices." In other words, we can't fight against the natural level of maximum taxation. If we raise taxes, we won't collect enough to reduce our deficit, and we will restrain economic growth.

We have been living outside of our means, borrowing and spending and bailing out for far too long. The Spending Limit Amendment, based on economic reality, is a sensible measure that will keep our government in check.

MEMORIAL DAY SALUTE TO MEN AND WOMEN IN UNIFORM

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CASTOR of Florida. Mr. Speaker, I am proud to represent MacDill Air Force Base back home in Tampa, Florida, where the mission partners include the 6th Air Mobility Wing, Special Operations Command, and Central Command. Now, the Democrats will bring the defense bill to the floor of the House this week to provide them with the tools they need to be successful in their missions.

The defense bill will follow a strong commitment by this Congress under Democratic leadership to our military families and our military personnel:

One, robust pay raises for our military over the past 3 years.

Two, the new GI Bill, where Democrats restored the promise to these brave men and women who have served this country in Iraq and Afghanistan for a full 4-year scholarship.

Jobs for veterans. The Recovery Act provided tax incentives to businesses who are sending soldiers off to war.

And a historic veterans budget that the American Legion hailed as a "cause for celebration" because Democrats led a bipartisan effort to adopt the largest funding increase in veterans health care and other services in the history of the VA.

"BUDGET WOES? JUST DON'T PASS ONE"

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the headline in the Los Angeles Times read, "Budget Woes? Just don't pass one." Now that's a novel idea.

There must be all kinds of problems that Congress can ignore. I think that we can apply it to a number of things that are happening right now: Oil spill woes? Think about it tomorrow. Fannie and Freddie problems? Maybe a solution next year. Entitlement spending out of control? Just don't think about it. It's too bad our constituents don't have the same luxury of ignoring their budgets.

The national debt currently is \$12.36 trillion. The President's budget calls for \$3.8 trillion in Federal spending, which will put the deficit at \$1.6 tril-

lion. These are numbers the majority wants to keep quiet. In my mind, it would behoove the majority to take a look at the spending and take an honest look at how to get it under control. Instead, the President has asked for the power of the line-item veto. It would seem to me that we could do a good job with a red pencil if the majority would allow it. But that would be real work right now, and apparently we don't do that.

AMERICAN JOBS AND CLOSING LOOPHOLE ACT

(Ms. KILROY asked and was given permission to address the House for 1 minute.)

Ms. KILROY. Mr. Speaker, in central Ohio the economy is growing stronger, but we must continue to create an environment that encourages prosperity. The American Jobs and Closing Tax Loopholes Act will do just that; it will close loopholes that give outsourcing a benefit and will provide jobs and tax relief for businesses and working families.

For too long unscrupulous corporations have outsourced American jobs, sending them overseas, sticking American taxpayers with the bill. It's time to close that tax loophole that encourages that behavior and demand accountability.

This bill also will close another tax loophole and make Wall Street fund managers pay a fair tax rate on their income, just like my central Ohio constituents do. It will make the oil companies pay for the gulf oil cleanup, not American taxpayers. And it will rebuild our crumbling infrastructure with Build America bonds. Also giving our students summer jobs, promoting research and development with a research and development tax credit.

H.R. 4223, the American Jobs and Closing Loophole Act, is deserving of our support. I encourage my colleagues to vote for it.

WE NEED A CONGRESS AMERICANS CAN COUNT ON

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Well, we were told that Don't Ask, Don't Tell was something we would take up once we had a study done because that's the only thing that would be fair to our men and women in the service. Now we're told the study will be finished at the end of the year; we're going to take up the bill now.

We were told by the Supreme Court it was okay to have a cross in the Mojave Desert, but thieves went out there, took it out after they lost, and now the Park Service is working with the thieves, perhaps unwittingly, to keep it from happening.

The Auto Task Force met behind closed doors, turned bankruptcy law upside down, made secured creditors unsecured, owned the place, took property without due process, turned the Constitution upside down. The Congress and the courts did nothing. No wonder employment is going down and unemployment is going up; businesses can't trust this government. It is time to get back to a body that deals honestly, with integrity and with a consistency the country and businesses and jobs can count on.

JOBS ARE PRIORITY

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, I rise today to talk about the importance of continued support for jobs for Americans.

When America faced massive unemployment in the 1930s, our government stepped up with the WPA and the CCC. It's time to continue that drive, as the Democratic Congress has been doing without much help from our Republican colleagues.

The fact is that local governments have been hardest hit in the area of job cuts. Local governments have lost over 140,000 jobs in 2008 and 2009, and the number keeps growing. Another 53,000 jobs will be lost by July 1 if we don't act. Another 128,000 will be lost by fiscal year 2011 if we don't act.

So, Mr. Speaker, I'm asking our colleagues to step forward for people who need to do work. This summer we are looking at young people not having enough jobs, and we need this Congress to act. We've seen job creation, we've seen job growth, we've seen 290,000 jobs created last month; but this drive needs to stay alive. The Democratic Caucus is committed to it. We hope our Republican colleagues join us, but jobs must continue to be the first order of business.

DEMOCRAT BUDGET FAILURE

(Mr. CARTER asked and was given permission to address the House for 1 minute.)

Mr. CARTER. Mr. Speaker, the stock market, this very minute, is dropping like a rock over the financial collapse of Greece and the pending failure of other Euro nations. They are bankrupt from unsustainable government spending under the same programs the Democrats in this body are now forcing on America.

With an overwhelming majority in the House and Senate and a Democrat in the White House, they can't even pass a budget. Heck, they're not even proposing one. Mr. Speaker, the House majority has proven it can't govern; and if we don't make a change, America will join Greece in national bankruptcy.

RESTORING FINANCIAL SECURITY

(Mr. DEUTCH asked and was given permission to address the House for 1 minute.)

Mr. DEUTCH. Mr. Speaker, there is a lot of talk in Congress about restoring financial security for the American people. This week everyone in this body has a chance to turn their words into action. This week, we will have the opportunity to vote to preserve access to doctors for millions of Americans enrolled in Medicare.

No senior in Florida's 19th District or anywhere in America should see the door to their doctor's office slammed shut as a result of ill-advised cuts in Medicare reimbursements. Likewise, no veteran should have to worry that their TRICARE benefits no longer enable them to see a physician that they trust.

So many doctors in south Florida do everything they can to serve Medicare beneficiaries and America's veterans. This legislation will stop a 21 percent cut in Medicare reimbursement rates so that the doctors in our community can continue to do their important work.

Our seniors deserve access to more than simply Medicare; they deserve access to doctors. Let's show our doctors and the seniors and the veterans who rely upon them the respect that they rightly deserve, and let's continue to help restore financial security to the American people.

TRILLION DOLLAR WEEK IN D.C.

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, I saw a headline yesterday that said it's going to be another trillion dollar week in Washington, DC. We are going to spend nearly \$1 trillion this week in Washington, and you know what? We don't even have a budget. There's another problem: we don't have \$1 trillion either.

So now what are we going to do? Well, we're going to go out and borrow some more money from the Chinese and other people. Remember the old days when you used to go to your parents and ask them if they could get a loan? Now we go to our children and ask them if they will pay back our loans.

We hear a lot of talk in this town about cutting expenses, cutting the budget. Well, it would be nice to cut a budget if we had one, but we don't. And how does the majority think that they can run this country or lead this Nation when they don't even have a budget? We don't even know what the deficit is going to be, but we hear it's going to be \$1.8 trillion. And by the way, a trillion, that's 12 zeros, in case anyone wants to know. In fact, Mr.

SPRATT said, who is the chairman of the Budget Committee who is supposed to bring us a budget, If you can't bring a budget, you can't govern. So we ask the question now, can this Democratic majority govern?

NATIONAL SECURITY STRATEGY

(Mr. OWENS asked and was given permission to address the House for 1 minute.)

Mr. OWENS. Mr. Speaker, I represent the 10th Mountain Division, which is located at Fort Drum in my district, and I rise today to honor the brave men and women of the Armed Forces who are serving both home and a broad to prevent future terrorist attacks against our homeland.

After 8 years of failing to identify a clear plan in Afghanistan and provide the resources necessary for our troops to succeed, we are now taking the fight against the terrorists to their own turf, and we have them on the run. Democrats have worked with this President to successfully kill and capture hundreds of al Qaeda and Taliban leaders in Iraq, Afghanistan, and Pakistan. Last week, a suicide bombing attack on a convoy in Kabul reminded us of the brave sacrifice the men and women on the front lines of this fight are making. Two officers from the 10th Mountain Division, both lieutenant colonels, were among those killed. Lieutenant Colonel Paul R. Bartz and Lieutenant Colonel Thomas P. Belkofer were part of a team that was conducting training and setting conditions for the 10th Mountain Division deployments to Afghanistan later this year. This is a heartbreaking loss for the Fort Drum community, and our hearts go out to their families.

AVOIDING CALIFORNIA

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. MCCLINTOCK. Mr. Speaker, the failure of this House to pass a budget at a time of unprecedented deficit spending speaks volumes of the House majority. In order to resolve a crisis, you must first be willing to face it; and if you can't face the problem, you can't deal with it. That is what the budget process is, the painful but necessary assessment of our financial affairs. Without it, there can't even be a theoretical solution.

I've seen this before in California. As left-wing majorities took control of our financial affairs and boosted spending at a reckless pace, we watched the orderly budget process disintegrate into a mere sham. Unable and unwilling to face up to the consequences of their out-of-control spending, they simply abandoned the budget process. Ultimately, they brought the most prosperous State in our Nation to the brink of bankruptcy.

Mr. Speaker, California is an example to be avoided, not imitated.

DEMOCRATS ARE COMMITTED TO GET THIS COUNTRY MOVING AGAIN

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, it always amuses me to listen to my Republican colleagues talk about the economy. They talk about smaller government, they talk about lower taxes, they talk about cutting spending. I call this "bumper strip economics." And we've seen what bumper strip economics means. It was called the Bush administration, and that led us to the worst recession that we faced in this country since the 1930s.

In Kentucky, we've seen what bumper strips actually mean. When Senate candidate Rand Paul says, Smaller government means not just don't hold oil companies accountable, let's not hold mining companies accountable for 29 deaths, let's not even let the government enforce basic civil rights, no, the country needs more than bumper strip economics and slogan politics. We need policies that are actually going to get this country moving again, and that's what Democrats in Congress are committed to providing.

□ 1300

NEW DRILLING MORATORIUM

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, I rise today to adopt an ironclad moratorium on all new drilling permits in the Gulf of Mexico.

Recent reports are saying 17 new permits have been granted since the explosion in the gulf. It is also shocking to find out 19 environmental waivers have been issued since then. Over 6 million gallons have now poured into the gulf, and every day, it continues—250,000 gallons-plus a day.

The Washington Post reported today that the Minerals Management Service officials get paid a cash bonus when they close these deals with the big oil companies. They're not working for the American people. They've got a pay plan. They're working for the oil companies.

We need to halt all permits for oil, new and otherwise, until we cap this well.

FINANCIAL REFORM

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. Mr. Speaker, as financial reform takes shape, we must ask:

Do Wall Street banks serve America or themselves? In these last years, we've seen the answer, and it is no surprise. Wall Street serves Wall Street. It could care less about the lives they ruin while seeking profits and bonuses.

The Bush administration allowed Wall Street banks to chase profit by building their growth on a weak foundation of risky debt. Their scheme collapsed. They held America's savings hostage. Congress could not afford to let them fail, so they couldn't lose. Of course, they didn't. America lost.

The International Monetary Fund estimates these gambles have destroyed nearly \$3 trillion of economic value. Recently, economists have estimated the entire cost of World War II to be, roughly, the same. In other words, Wall Street banks devised a way to make billions in profits and bonuses while wiping out the savings of millions of Americans.

They cannot be allowed to do that again. The final bill must end their gambling and protect our savings.

IT'S TIME TO GET SERIOUS ABOUT THE BUDGET DEFICIT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, we are looking at a record-breaking budget deficit this year, most likely more than \$1.5 trillion, and next year, well, we're not sure since our Democrat colleagues haven't passed a budget. Not since modern budget rules were adopted with the 1974 Budget Act has the House failed to pass a budget. American families have made tough choices to balance their budgets, so why not Congress?

Republicans think the government should also live within its means, so we have created an online tool called YouCut to involve every American in the budget process. Americans have already cast nearly half a million votes in the YouCut program, voting for their topics to reduce spending and to cut the deficit.

We'll have a chance to vote this week on spending cuts approved by the American people. I hope my colleagues will join us in listening to the American people and in getting serious about our record budget deficit.

THE DISCLOSE ACT

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, since the Supreme Court's Citizens United decision, my office has received hundreds of letters—not one in support of it.

We have no choice but to accept the Court's rulings, but we do not accept the idea that special interests should

be able to influence the democratic process while hiding behind deceptive ads. Americans want to make informed decisions about everything:

What's in my credit card agreement? What's in my family's food? What are the side effects of this prescription?

They deserve to know these things, and our government has repeatedly responded by giving them the tools to know more, not less. So why shouldn't Congress help voters know who is trying to influence our elections?

Who paid for these ads? Who really stands to gain?

The DISCLOSE Act will bring these things to light, and it will bring the kind of accountability voters expect.

I am also pleased the committee passed my amendment to the bill with bipartisan support. The amendment puts knowledge in voters' hands faster, and it will improve government efficiency. The DISCLOSE Act is really truth in advertising for politics, and I urge my colleagues to join me in supporting it this week.

HOUSTON POLICE OFFICER EYDELMEN MANI

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, lawmen sometimes give their lives in the line of duty while protecting the rest of us. Houston, Texas, Police Officer Eydelmen Mani was one of those brave men.

On May 19, 2010, he gave his life assisting fellow police officers in chasing a criminal in a stolen car. He was 30 years of age. He left behind his wife, Monica, and a 3-year-old son, Eydelmen Mani, Jr. He grew up in Houston, Texas, and was one of 11 children. He served as a Houston police officer for just 7 years.

Officer Mani was greatly respected by his fellow peace officers, and when the Texas Medical Center used over 100 units of blood in an hour-long, valiant attempt to save Officer Mani's life, his fellow police officers stood in line and raised enough blood to replace all of the blood that was used to try to save him.

Captain Victor Rodriguez, Officer Mani's supervisor, said he was the kind of officer who didn't say a lot, but his fellow officers knew they could always count on him to be there.

Mr. Speaker, we are all able to go about our everyday lives because of officers like Eydelmen Mani. We should never take their sacrifice for granted. He was a brave and courageous peace officer. Every day, the ones who wear the badge place their lives between us and the lawless. Officer Mani was one of those lawmen. He was one of Houston's finest.

And that's just the way it is.

REGULATING OUR FINANCIAL INDUSTRY

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. Mr. Speaker, as a small business man, I came to this Congress a year ago to solve problems. One of the critical problems facing the United States right now is how to regulate our financial industry. Everyone in this country knows that, over the past decade, Washington has failed to regulate our financial industry, and some people on Wall Street took advantage of that to take outsized risk and to cause a financial collapse that impacted people all across this country.

Today, we stand at the precipice of coming up with legislation that will end bailouts, that will provide consumer protections, and that will regulate and illuminate the complex derivatives markets.

As a small business person who came here to solve problems, I cannot understand why no one on the other side of the aisle, why none of my Republican colleagues, is interested in solving this problem. There don't seem to be any reasons why not, yet they continue to refuse to move forward to solve the problem that we all face in America.

I hope, over the next month, the Republicans in this Chamber will join with the Democrats in regulating our financial industry in a sensible and sound way to protect American consumers and to make sure that we have sound and responsible financial markets.

THE SPENDING HAS TO STOP

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Mr. Speaker, Washington never ceases to amaze. While families across the country continue to struggle to live within their means, Congress continues to spend money we simply don't have. The House has passed a budget resolution every year since 1974, yet leaders on the other side of the aisle have no plans to pass a fiscal roadmap for the upcoming year.

Without a budget, there will be no plan to curb the runaway government debt that we have, which is now approaching \$12.9 trillion. It is embarrassing to think that the government running the world's largest economy would forgo the most basic of tools to manage close to a \$4 trillion budget. If you ran a business and proposed to your bosses you wanted to forgo a budget in order to hide some very bad numbers, what would happen? I can assure you. You would be fired.

The spending has to stop. American families are making tough decisions each and every day. Washington needs to start playing by the same rules.

LIGHT A CANDLE RATHER THAN CURSE THE DARKNESS

(Mr. FATTAH asked and was given permission to address the House for 1 minute.)

Mr. FATTAH. Mr. Speaker, we have heard the report now. Some 34 of our States have seen job increases. The American economy is on the move. We saw in last month's job numbers some 290,000 additional jobs added to our economy, in part because of the work of the majority here in the House.

Unfortunately, with not one Republican vote, we passed important programs like the Energy Efficiency Block Grants—some \$3.2 billion toward an effort that has over 1,000 of our communities retrofitting public buildings and installing energy-efficient light bulbs. We're doing the work that needs to be done to cut our dependence on foreign sources of energy, and we're also doing the work that America needs done.

So this economic recovery, even as others seem to root against our economy, is moving forward. The gross domestic product has seen an almost 12-point reversal from a 6-point decline to a 6 percent increase and, in the last quarter, a 3.9 percent increase, and purchasing is up.

We are on the move, and Americans all across our country can be grateful that there are people in this Congress who would rather light a candle than continue to curse the darkness.

SHOW US THE MONEY

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Kentucky. Mr. Speaker, why is it that the majority party in this body, with an overwhelming majority, refuses to tell the American people, with a budget resolution, how they plan to spend their hard-earned taxpayer money? Why?

Well, it's a political year, and they don't want to show the American people that we are going to borrow \$1.6 trillion beyond what we take in to pay for the profligate spending splurge that we see going on in this body. Every American family has to have a spending plan, a budget. Every church, every business, every government—State, local, and Federal—is supposed to have spending plans, and they do, except here in this Chamber.

Come on, majority. Show us how you're going to spend the money. Bring your budget forward. Every American has the right to know how you're going to spend their hard-earned money and how much debt you're passing along to their children and to their grandchildren.

Show us the money.

WE'RE BACK ON THE MEND

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Ladies and gentlemen, the oil spill isn't the only mess in town. The mess was first started by the past administration, which takes great glee in cutting taxes for the very rich in this country and then leaving behind a huge deficit.

Remember, when Clinton left office, we had a surplus. When it came to war, we didn't have the money to pay for it. Don't pay for it. Just put it on a credit card. When it came to bailing out the drug companies for giving prescription drugs, don't pay for it. Just put it on a credit card. When it came to bailing out Wall Street big banks, don't pay for it. Just charge it. The fact is the deficit is big today—in the billions. It went from zero to tens of billions, to hundreds of billions.

But guess what? We're back on the mend. Jobs are being created. People are going back to work. It's slow, but we're investing in America, and the work has just begun.

BE RESPONSIBLE. LET'S PASS A BUDGET

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Well, Mr. Speaker, one of the most fundamental responsibilities of Congress is that of crafting and passing a Federal budget. This is not a responsibility that should be taken lightly, nor should it be cast aside when the job seems to be too difficult. Unfortunately, that is exactly what is happening right now with the House majority's failing to pass a budget for the first time since modern budget rules were established in 1974.

While there is no question that the budgetary challenges we face today as a country are very dire, the most dire we have seen in decades, this does not mean Congress should shirk its responsibilities in crafting a responsible budget. If anything, this year's budget should be viewed as an opportunity to bring long-term, overdue fiscal reform and discipline to Washington.

Mr. Speaker, it is absolutely time to address the reckless Washington spending, the trillion dollar deficits, the national debt that is over \$12 trillion now, for the sake of our children and our grandchildren.

FIXING THE ECONOMY

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. So, Mr. Speaker, we are to be treated with 1

minute after 1 minute by our Republican friends telling us what they want to do with the economy, but is a year and a half so long ago?

For 8 years, the Republican Party had the opportunity to steer this economy, to fix this economy.

What happened?

They took a \$5.6 trillion projected surplus and 21 million new jobs that had been created by the Clinton administration and left President Obama with a \$3.5 trillion projected deficit—a \$9 trillion fiscal reversal. In the last several months of the Bush administration, we were losing 700,000 jobs a month. In fact, in the last few months of the Obama administration, we have gained more net new jobs than during the entire 8 years of the Bush administration. Just a year and a half. Think of the reversal, but also consider what President Obama inherited.

So, while I have great fondness for many of my colleagues, we would ask the American people to look at the facts. When they had the opportunity, they blew this economy wide open, left it in shambles, and now we are being asked to believe that they would do it differently if we just give them one more chance.

□ 1315

SPENDING WITHOUT A BUDGET

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Yes, let's look at those facts, because it is not 1½ years, it is 3½ years; 3½ years since Nancy PELOSI became the Speaker of this House. In case the American public has forgotten it, every single spending bill originates in this House, and for 3½ years, we have a situation, oh, were the deficits bad? Yes, they were. In 2006, I remember that deficit was \$161 billion, and I spoke against that deficit.

Today, after 3½ years of Democratic control of the House and the Senate, that deficit is ten times what it was. And if we think for a minute about some of the orchestration, of some of the schemes with Fannie Mae and Freddie Mac which were authored on the Democratic side of the aisle to force those institutions into purchasing subprime loans, over \$1 trillion in subprime loans, and for us that protested that, to watch the impact that it had on housing in the United States as housing collapsed, and now today to see not even a budget submitted by the other side of the aisle going forward, spending upon spending upon spending with no budget even put before this institution.

CREATING AND PROTECTING AMERICAN JOBS

(Ms. RICHARDSON asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Ms. RICHARDSON. Prior to the Obama administration, our economy was run into a ditch. We were losing over 700,000 jobs a month and most families were struggling just to pay their bills. But, yes, what a difference a year has made.

This Democratic Congress, working with President Obama, has chartered a new direction. Americans are now paying the lowest amount of tax rates since the 1950s; getting deductions on property taxes; help with bonds for States so they can rebuild hospitals and sewers; and tax relief for tuition and teachers for their out-of-pocket expenses. And finally, yes, we have to protect those coasts and increase the oil spill liability trust fund.

But there is more to do, we all know that, and that is why this week we are looking to pass the American Jobs and Closing Tax Loopholes Act, to close tax loopholes that many corporations have taken advantage of. We have to restore credit to small businesses, extend tax incentives so American businesses can do the research that they need, and, yes, our young people need jobs. Didn't you get one?

PASS A BUDGET AND LIMIT SPENDING

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, during these difficult economic times, families and small businesses across Florida are making sacrifices when it comes to their own budgets, yet Washington continues to spend trillions of dollars on bailouts, takeovers and pet projects. Now comes news that the House majority isn't even going to produce a blueprint for how they are going to intend to spend taxpayers' dollars, hard-earned taxpayer dollars.

Where is the budget, Mr. Speaker? Without a budget for the upcoming year, there will be no means to curb runaway government spending that has skyrocketed our debt to nearly \$13 trillion. Unforgivable.

Simply put, a failure to budget is a failure to govern. The American people have repeatedly made calls for fiscal responsibility. They are tired of Washington's irresponsible spending.

Mr. Speaker, Congress should do its job by passing a budget and limiting spending.

REFORMING WALL STREET

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today in support of Wall Street reform and American jobs.

In my opinion, the debate on Wall Street reform is straightforward; there are those who support hardworking American families and small businesses against those who wish to protect the status quo and big Wall Street banks, which are to blame for the current recession.

We must hold Wall Street accountable, protect American families from unfair, abusive financial practices, close the gaps in our financial system, create certainty and stability in our tumultuous markets, and act now.

It is time we streamline government and put a cop on the beat of Wall Street to protect American families and businesses. Absent this cop, Wall Street will regulate itself, as it did under the previous administration. The American economy cannot afford to live through that real-life tragedy again, and neither can her families.

In fact, under the leadership of this Congress and President Obama, we are on pace to create as many jobs in 2010 as President Bush created in his entire 8 years in office.

BALANCING THE BUDGET

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUETKEMEYER. Mr. Speaker, one of the top issues on people's minds these days is Washington's never-ending spending binge and the need for responsible budgeting. The American people know that reining in this wild spending spree starts with balancing our budget. But wait a minute. The majority party has now indicated that the House might not even consider a budget resolution this year.

It is vital for the House to submit a budget resolution that will start the budget process in this Chamber and crack down on the out-of-control spending that has the government borrowing 42 percent of the money we spend this year. If you are a businessperson, you have a budget. Most people even have a budget for their household. Our States have budgets. But yet, why would we think it is not important for the Federal Government to have a budget? If this were not so serious, it would be comical.

The question, then, is why does the majority not want to do a budget? The answer is obvious. There are tough choices that have to be made to rein in this out-of-control spending, and there is no political will to make those choices. Spending is easy; making cuts is hard. Failure to budget is failure to govern.

HONORING CIA EMPLOYEES KILLED IN THE LINE OF DUTY

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Mr. Speaker, this Memorial Day, communities gather across the United States to honor and thank those who have served in uniform. Likewise, the CIA community will gather at the Memorial Wall at headquarters for a solemn and sobering ceremony to honor CIA employees killed in the line of duty this year.

The Memorial Wall bears this inscription: "In Honor of Those Members of the Central Intelligence Agency Who Gave Their Lives in the Service of Their Country." Ninety stars currently bear witness to the patriotism and silent sacrifice of the men and women of the CIA. Below these stars rests a book, which we call the Book of Honor, that records each star with a date and, if possible, a name of an individual officer. Because, you see, in some cases, those names must remain classified. This year, those stars will be joined by the largest number of new stars ever added in the history of the CIA to this Memorial Wall.

This year's solemn and sad occasion reminds us all that the successes that we have had fighting terrorism come at a great price for liberty. We have taken terrorists off the battlefield and have denied them sanctuary. We have disrupted plots throughout the world. But the costs have also been high. Families have been left to mourn their mothers, their fathers, their sons, and their daughters.

This Memorial Day, let's remember all the great patriots that have served us so well.

WHY A BUDGET IS NEEDED

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, why does this country need a budget, and why does this House need a budget? It is very, very simple. We are looking at a \$20 trillion debt in less than 10 years; \$20 trillion. What is the yearly interest going to be on that in 10 years? Over potentially \$1 trillion; \$1 trillion in interest in one year that we are facing.

This year, Washington is going to spend a record \$3.6 trillion, and at least \$1.5 trillion to \$1.6 trillion is going to be in the deficit. The CBO and OMB when they testified before the Budget Committee, their directors both said that the spending is unsustainable. Unsustainable. But what happens here? We don't produce a budget. How do you get this under control?

Our kids and their kids are going to be paying for it. It is tough to look these kids when they come to Washington in the face, when they are out here on the Capitol steps, look at them and ask where are they going to be in 10 years? It is not going to be what we did for them; it is what we have done to them.

When we look in the future, it is getting worse, because right now when you look at this little chart that came out from the Treasury, 47 percent of our debt today is foreign-owned.

This has got to stop.

RECOGNIZING THE SUCCESS OF THE RECOVERY ACT

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to remind my colleagues about where we are today and where we were under the dreadful 8-year Bush administration. At the end of that administration, we were losing 800,000 jobs every month, and today we are on track to create more jobs this year than were created during all 8 years of the last administration.

Say it again? I will. At the end of the last administration, 800,000 jobs were being lost each month, and we are on track this year to create more jobs than were created during all 8 years of the previous administration.

According to the Council of Economic Advisers, the Recovery Act has boosted employment in my State, Georgia, by 84,000 jobs.

It's like that, and that's the way it is.

GOOD NEWS ON THE HOUSING MARKET

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, this morning, the front page of our local newspapers in south Florida had some good news. Home sales are finally looking up. Our real estate market is crucial to our local economy, and this is an important sign of progress.

South Florida is one of the best places to live and work and raise a family, and I am glad people are getting back into the market. Many folks took advantage of the first-time home buyer tax credit, and others are moving because their families are growing or they are ready to downsize.

I am constantly working side by side with our local homebuilders and realtors, great members of our community, like Nancy Hogan, Adam Saunders, who is executive director of the Fort Lauderdale realtors, and Deidre Newton from Palm Beach County.

Putting their ideas into action is one of the best ways to turn the corner in our local real estate market. And it is more than just buying a new house. Families with a new home need new furniture, flowers for their garden, and maybe a plumber or a painter or electrician to come by. These are all services and products that come from our local businesses and make a huge impact on our economy.

So while there is more work to be done, and we know that, I was glad to read some good economic news in this morning's newspaper.

□ 1330

IF YOU CAN'T BUDGET, YOU CAN'T GOVERN

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute.)

Mr. FRELINGHUYSEN. Mr. Speaker, back home in New Jersey, people don't want to hear that the House of Representatives is preparing to go home for Memorial Day recess without even holding a vote on President Obama's budget proposal given to the Congress back in February.

They're trying to live within their own shrunken family budgets, with less income and less ability to save, and with well over 10 percent of them unemployed.

They know with the President's budget proposal, whatever the magnitude of its spending that ensures more debt and borrowing, that we need to make the same hard choices they are, and the Federal budgets is comprised of their money.

It appears that this House will not vote because the majority, it seems, does not want to vote for sustained trillion-dollar deficits that will compound the national debt as far as the eye can see.

I'd also add that the President's much discussed "spending freeze" comes after a 24 percent increase in spending among the affected agencies and programs.

As others have said, If you can't budget, you can't govern.

CLOSING CORPORATE TAX LOOPHOLES

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARAMENDI. Mr. Speaker, for my colleagues' information, before this week is over, we will be voting on jobs for America and cutting corporate tax loopholes that are sending jobs offshore.

In the final days of the Bush administration, they asked for \$700 billion to bail out the financial industry; 81 percent of that money went to the large Wall Street banks who managed, in the next year, to reduce their loans to small businesses, while just a small percentage of it went to local community banks who actually increased their loans to small businesses.

There's something to be learned here. The act that we'll be voting on, H.R. 4213, closes those tax loopholes, taxes the Wall Street barons that have ripped off our money, and brings jobs

to America through several different programs; 250,000 summer jobs, R&D tax credits, other programs to encourage small businesses.

We should, with the support of the Republicans, pass H.R. 4213, the American jobs and tax loophole closing programs.

LEAD, FOLLOW, OR GET OUT OF THE WAY

(Mr. COLE asked and was given permission to address the House for 1 minute.)

Mr. COLE. Mr. Speaker, in 2006 our distinguished majority leader said enacting a budget was "the most basic responsibility of governing."

Representative SPRATT, from South Carolina, our distinguished Budget chairman, said in the same year, If you can't budget, you can't govern.

Yet this Democratic majority's produced no budget. I don't believe that's the fault of Mr. HOYER or Mr. SPRATT. They're both good men, and they're both working hard to create a budget. But that responsibility does rest with each and every member of the Democratic Caucus.

My friends, you have 257 Members. Can't 218 of you agree on a budget? And if not, why are you here?

I would suggest to my Democratic colleagues, they should lead, follow or, in November, get out of the way.

INDUSTRIAL OUTPUT IS EXAMPLE OF ECONOMIC GROWTH

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, America has been through tough times before, but we've always pulled together as a Nation to overcome our challenges.

Just over 1 year ago, Democrats came together and faced the challenges that we were handed by the mismanagement of the Bush Republicans. Faced with massive job losses exceeding 700,000 a month just over 1 year ago, we passed the American Recovery and Reinvestment Act; and, since that time, we've reversed the job losses and spurred economic growth.

One only needs to look at America's manufacturing sector to see the progress that we're making. American industrial production has increased a cumulative 6.8 percent during the past 10 months, the largest 10-month gain since 1997.

Total industrial production continued to increase last month. Together with last month's jobs report, this suggests a strong start for the second quarter. The increase, which was slightly above market expectations, was led by a strong 1 percent growth in manufacturing output.

As Americans, we can do it. We can turn our economy around. We have a ways to go, but we can get America back on track and, together, we are doing just that.

And that's just the way it is.

THE AMERICAN PEOPLE DESERVE BETTER

(Mr. THORNBERRY asked and was given permission to address the House for 1 minute.)

Mr. THORNBERRY. Mr. Speaker, for the first time since the modern Budget Act was passed in 1974, the House will not pass a budget this year, for the first time in 35 years.

This dereliction of duty is important for at least two reasons: One, a budget is the first and necessary step to control spending. Every household in the country knows that you have to get a budget together to know your income and expenses, to separate priorities, and to decide how you're going to spend precious resources. The same is true in Washington. And yet this year the American people and Congress and the administration will not have the opportunity to use that tool.

The second reason is that it just confirms the worst that people feel about Washington. People around the country already believe that too many Members of Congress care more about their own re-election than they do about solving the problems of the country. This just confirms that Members of the majority, at least, don't want to take tough votes, that they're more worried about their own political protection than they are about trying to do what's right and solve problems.

Mr. Speaker, it is irresponsible to not even try to pass a budget this year. The American people deserve better.

THE ECONOMY

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, in 2007 President Bush allowed for 14,000 waivers to our Buy America laws. In 2008, on his way out the door, that number became 65,000.

Let me say that again: in the last year of the Bush administration, he quadrupled the number of permits to allow for government contractors to outsource jobs overseas.

You want to know why we lost millions of manufacturing jobs over the last decade? There's your answer. We have allowed for American dollars to go overseas to be able to grow international workforces at the expense of our domestic workforce.

You want to know why this year we have already created more jobs than President Bush did in his 8 years?

Well, right at the root of it is President Bush's and the Republicans' drive

to take our tax dollars, send them to multinational companies, and allow them to kill American manufacturing jobs. That has to stop, and the Democrats are leading the way.

THE AMERICAN PEOPLE DESERVE AN ANSWER

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, I rise today on behalf of the American people, and we deserve an answer about these out-of-control spending policies coming here out of Washington, D.C.

The House has failed to produce a budget. No plans for any appropriation bills, no markups. There's no plan on how the majority will spend America's taxpayers' hard-earned money for this fiscal year, or next fiscal year.

American families, if they don't budget and pay the bills, there are real consequences. Unfortunately, the majority continues to turn a blind eye to future consequences as they push spending to a record \$3.8 trillion in fiscal year 2011 and widen the deficit to a record \$1.5 trillion this year.

House Republicans stand ready to make tough choices in order to rein in spending. Just last week we introduced a measure on the House floor to cut \$2.5 billion in expanded welfare. The program was selected by almost a half a million Americans through the innovative YouCut initiative.

The American people have spoken. Stop the spending frenzy, budget for the future, and return fiscal sanity to Washington.

STOP FOREIGN COMPETITORS FROM USING ILLEGAL SUBSIDIES

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, Republicans and Democrats should be united in one proposition, and that is that we should never allow our foreign competitors to steal our jobs by using illegal subsidies. And, in fact, that is what has happened with the Airbus company that has now been found guilty of receiving billions of dollars of illegal subsidies from European governments to subsidize their airplanes, including a tanker.

Now that company wants to steal American jobs by taking away a contract for the next tanker for the U.S. Air Force, so that those jobs can be shipped to France and other places. This is wrong, and it cannot stand.

We need to pass an amendment that will be offered on the defense authorization bill that will assign a cost of those illegal subsidies to the Airbus bid. If we do this, Republicans and

Democrats will be united in standing for American jobs, for fairness, and for the rule of law. It's the right thing to do. We can't allow these jobs to be stolen.

THE CONGRESSIONAL BUDGET

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, most American families have a budget. Almost all American businesses have a budget, and virtually every State, county, local government has a budget. And, in fact, in this House, since the current Budget Act was passed in 1974, we have had a budget that has passed in this House every single year, except for this year.

Maybe the Democrats who run this place lost it. Let's see. Is it under here? No, that's the CONGRESSIONAL RECORD. That's not it.

Maybe they lost it. No, they didn't lose it, Mr. Speaker. They are not passing a budget because they don't want the American people to see that they have, after almost doubling the national debt already, they're going to triple it again. And, Mr. Speaker, they do not want the American people to see that because they know it will bring a financial calamity upon this country like one we have never seen if we don't turn it around.

WELCOMING THE 13TH ANNUAL RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, I rise today to recognize the 13th Annual Renewable Energy and Energy Efficiency Expo here on Capitol Hill. As we struggle with rising energy costs and the BP oil spill, we are reminded every day about the importance of a sustainable energy policy.

This important event will bring together nearly 50 businesses, sustainable energy industry trade associations, government agencies, and energy policy research organizations to showcase the enormous potential of renewable energy and energy efficient technology.

As we search for ways to stimulate the economy, create green jobs, lower costs, reduce reliance on energy imports, and lessen the threats posed by the emission of greenhouse gas emissions, we must pay attention to this.

Mr. Speaker, I ask my colleagues to join me in welcoming this year's participants, and I encourage everyone to take some time to see the exhibits and speak with the participants.

PASSING A CONGRESSIONAL BUDGET

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, I rise today to call on leaders in Congress to put forth a congressional budget and allow a meaningful, open debate on the important fiscal issues facing the Nation.

Producing a Federal budget blueprint is one of the most basic responsibilities of Congress. Yet, as of today, no such budget exists.

The failure of presenting a budget to the American people is a failure of leadership by the Democratic majority to govern and a missed opportunity to put forth a budget blueprint that puts our Nation on the path to fiscal responsibility.

Never before in the modern era has the House of Representatives failed to pass a budget; but never before has our Nation seen this type of unprecedented, runaway congressional spending, deficits, and debt.

According to the nonpartisan Congressional Research Service, the Congress has never failed to consider a budget resolution since the current budget rules were passed in 1974. Yet for the first time in 36 years, the Democratic majority has chosen irresponsibly to avoid the hard budgetary choices New Jersey families and small businesses must make every day.

THE NEW DIRECTION CONGRESS

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, as we go through Memorial Day this season, we recognize those brave men and women who defend our country. The New Direction Congress, under Democratic leadership the last 3 years, has made historic gains for America's troops, veterans, and military families. We have expanded new GI Bill college benefits for all children of fallen troops since 9/11. We have given businesses a \$2,400 tax credit for hiring unemployed veterans. We have provided nearly 2 million disabled veterans a \$250 economic recovery payment. We've established a veterans corps, creating volunteer opportunities to put veterans back to work, landmark legislation for wounded veterans, providing help to family members and other caregivers, and eliminating copayments for catastrophic disabled veterans injuries. We've enhanced health services for women veterans, including care for newborns.

□ 1345

RIISING UNEMPLOYMENT

(Mr. KING of Iowa asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, I sat here and listened to perhaps as many as 10 Democrats do their 1-minute. And at least three of them said something that astonishes me. They said we have already created more new jobs than were created in all 8 years of the Bush administration, or some version of that. I have no idea how that could be true.

Now, I didn't check the Obama-sycophant-talking-points-dot-gov Web site, but I did everything else, and I couldn't quite find this data. Here is what I know: Last week, unemployment new claims were up to 470,000. The week before it was 478,000. The monthly average was 456,250. We have growing unemployment, not shrinking unemployment. And you don't have a category for jobs created. You have a category for jobs saved or created. That didn't exist until President Obama created that phrase.

Now if you get down to 3½ million jobs left, the President could always claim, well, that's the 3½ million I saved. Government doesn't create jobs. It gets out of the way so the private sector can, Mr. Speaker. We need a budget, and we need a budget now.

ENACT WALL STREET REFORM

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I rise today to express my strong support for the work being done to crack down on Wall Street and enact reform to prevent another economic collapse. We absolutely must create an environment in which corporations are held accountable to shareholders, employees, and customers.

That's why I plan to reintroduce the Federal Employees Responsible Investment Act, to add a socially responsible investment option to the Thrift Savings Plan. Making an investment in companies that are committed to corporate responsibility will have a positive impact on our financial system, and empower individuals to reward companies that share their values.

We absolutely must do everything in our power to move our economy forward, and I urge all my colleagues to support good corporate governance and legislation that ends Wall Street's gambling with our hard-earned dollars.

PASS A BUDGET

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Yesterday, President Obama asked for a new law to give him specific authority to force Congress to vote on spending cuts. He already has

the ability to force Congress to consider spending cuts immediately, and we've been asking him to do it for months. With our national debt nearing some \$13 trillion, Democrats are on the verge of adding \$140 billion more this week. Why can't we start cutting spending now? And why don't we see a Democrat budget here on the floor?

President Obama and the Speaker continue to put off this important work, missing a critical opportunity to stop out-of-control spending that economists say is hurting our economy and slowing the creation of new jobs in America.

The President's fiscal commission, that won't even report until December, is a prime example of this lackluster, kick-the-can-down-the-road approach. Americans want immediate, decisive action to end Washington's out-of-control spending spree.

If President Obama is truly committed to fiscal responsibility, he will use the authority that he has under current law to force the Congress to vote immediately on his spending cuts. He should also call on Democrats in Congress to pass a real budget that reins in out-of-control Federal spending. The House has never failed to pass a budget in the modern era. And every family knows that the budget is more important, not less important, in times of a tough economy.

PASS THE AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, today the Congressional Black Caucus, which I chair, the Asian Pacific American Caucus, the Progressive Caucus, along with the Jobs Task Force conducted a forum with the Campaign for Community Change and the Lawyers Committee on Civil and Human Rights. We had a forum to discuss a comprehensive legislative strategy to create jobs, especially for the chronically unemployed.

For example, the national unemployment rate is still way too high, over 9 percent. Yet, in the African American community it is over 16 percent. African American and Latino teens are unemployed at nearly 40 percent.

It is critical that we pass H.R. 4213, the American Jobs and Closing Tax Loopholes Act. This bill includes a summer youth jobs provision, which will put over 350,000 young people to work this summer. Our young people now are helping their families pay the rent and put food on the table. Also, summer youth jobs programs give them the essential jobs and life skills to be productive workers and employees.

Under the Obama administration, we are beginning to see signs of hope in

the economy, but we must do our part and invest in putting people back to work and pass H.R. 4213. This puts us on the right track.

DEMOCRATS' BUDGET FAILURE; REPUBLICAN SOLUTIONS

(Mr. HARPER asked and was given permission to address the House for 1 minute.)

Mr. HARPER. Mr. Speaker, spending will reach a record \$3.8 trillion for fiscal year 2011, with \$1.6 trillion of that being money that we don't have. This same White House budget proposes \$1.8 trillion in tax increases by the year 2020.

Yet for the first time in more than 35 years, the House will fail to produce a budget. The failure of the Democratic leadership to responsibly construct a budget resolution threatens job creation, explodes spending and deficits, and intensifies America's debt crisis.

The majority must produce a budget if it is going to govern properly. House Republicans will continue to reach out to Democratic Members with solutions to boost our economy. Unfortunately, the President and his Democratic allies in the House have failed to engage Republicans on the principal issues facing our country.

My faith is in the American entrepreneur and our small businesses, not in the Federal Government, to create jobs. Give the taxpayers what they deserve, a fiscally responsible budget that spends much less, cuts taxes, and reduces our national debt.

IN HONOR OF R.H. "BOB" GOLDBERG

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, as Memorial Day approaches, I want to take this opportunity to thank all of the brave men and women who have served in our Armed Forces and to honor the cherished memories of those who have made the ultimate sacrifice in defense of our precious democratic way of life.

I also want to take a moment to honor a veteran who not only fought for his country, but returned from war and dedicated his life to helping veterans here at home. R.H. "Bob" Goldberg celebrated his 75th birthday just a few months ago, on October 8. I rise today to wish him a belated happy birthday, and thank him for his service to our Nation and for his tireless efforts on behalf of his fellow veterans in southern Nevada.

Bob has served as commander of Post 711 of the Jewish War Veterans of America, and worked for many years as an Indian Affairs Officer for the State of Nevada. Bob personified valor on the battlefield and devotion on the home front.

UNEMPLOYMENT IN OHIO

(Mr. TURNER asked and was given permission to address the House for 1 minute.)

Mr. TURNER. Mr. Speaker, over the past year-and-a-half the administration and the majority in Congress have enacted legislation authorizing an unprecedented amount of government spending and intervention in private enterprise. I opposed many of these measures because I believed they spent money we don't have on programs that would not stimulate the economy.

An Ohio-based economist recently released a report stating that the State of Ohio has lost a staggering 587,000 jobs since 2001. In particular, the report indicated that at the end of the last decade each of Ohio's 88 counties lost employment, a total of 338,000 jobs, or 6.6 percent of all employment that year.

Specifically, my home county, Montgomery County, was one of the hardest hit counties in the State and the Nation. Over the past 9 years, Montgomery County has lost 20 percent of its total jobs and 53 percent of its manufacturing sector jobs. Today, current unemployment rates in my district for Montgomery County total over 12 percent, Clinton County over 17 percent, Highland County over 17 percent, Warren County over 9 percent.

The American people are looking for both sides to find reasonable solutions to these critical challenges. Congress needs to curb our out-of-control spending and enact bipartisan, commonsense solutions to stimulate the economy and create jobs.

SUPPORT THE LOCAL JOBS FOR AMERICA ACT

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, because of the policies of the last administration, the Bush administration, our Nation is going through the most difficult economic times in its history, and unemployment is around 10 percent. We must do everything we can to help create jobs, especially for those struggling to support their families. That is why I support the goals of the Local Jobs for America Act.

We need a bill that will create and save millions of public and private jobs in local communities. This bill is intended to help ensure that local communities can still operate essential services, to help prevent State and local tax increases, to stimulate local businesses, and create more jobs in the local community.

The Local Jobs for America Act is aimed to get our economy back on track and Americans back to work. We have short memories sometimes and we forget where the problem began. It did

not start with this administration. It was done by the last administration.

PASS A BUDGET

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, as we approach Memorial Day we still have no budget. And now it appears we will not even be offered a budget resolution for the first time since the adoption of the 1974 Congressional Budget Act.

Across the country, people are hurting and being forced to cut back on their spending. An article in USA Today released today cited income from private wages fell to an all-time low during the first quarter of this year. While our private sector is losing jobs and cutting wages, the Federal Government, under the leadership of this Congress, has been irresponsibly seeking to spend trillions of dollars on a stimulus package full of pet projects, a job killing cap-and-trade proposal, and a budget-busting, if we had a budget, health proposal.

While Americans across the country are making a budget and sticking to it, I think it's time that we in Congress sit down under their leadership, make a budget, and stick to it.

Mr. Speaker, the American people deserve better.

HELP AVERAGE AMERICANS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise to call on this Congress to put the interests of the average American ahead of corporate special interests. In this tough economy, my three top priorities are jobs, jobs, jobs. That's true for America. We must provide opportunity to everyone who is willing to work hard to make the best of their God-given ability.

There is an important piece of legislation on the House floor this week that will help to get our economy going and boost jobs. Yesterday, I visited a coffee shop in Raleigh, North Carolina, that's thriving now after getting an SBA loan from the Small Business Administration. I also visited a North Carolina high-tech company yesterday. Even in this tough economy they're growing, adding jobs, and hiring. And they're counting on the R&D tax credit.

We need to act to empower local folks on the ground and get our economy running again. It's time to put aside politics to focus on the next generation rather than the next election.

PASS A BUDGET

(Mr. FRANKS of Arizona asked and was given permission to address the House for 1 minute.)

Mr. FRANKS of Arizona. Mr. Speaker, a government is what it spends, and a government without a budget is a government without direction. A highly intelligent man once put it this way: "If you can't budget, you can't govern." The man responsible for those words was none other than JOHN SPRATT, the Democratic chairman of the House Budget Committee. He made that statement 4 years ago.

Likewise, 4 years ago now-House Majority Leader STENY HOYER said, "Enacting a budget is the most basic responsibility of governing."

Mr. Speaker, in the interest of bipartisanship let me just strongly affirm the sentiments of my Democrat colleagues in this case. As we now find ourselves well over a month past the April 15 budget deadline, with essentially no progress to be shown on any budget, something that hasn't happened in 35 years, truly this tax-and-spend Democrat majority is failing the most basic responsibility of governing and is categorically demonstrating its inability to govern in any responsible way.

Mr. Speaker, the American people deserve better.

□ 1400

NATIONAL SECURITY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, Democrats have stepped up the fight against terrorists and are getting real results that make Americans safe. Democrats are strengthening our security by restoring America's global leadership. We have ended torture. We are working with our allies and are getting countries like Pakistan to cooperate in the fight against terrorism. We have increased funding for counterintelligence activities and human intelligence collection. We have enhanced cybersecurity efforts and bolstered aviation, ports, and border security.

We are ensuring troops, veterans, and their families have the support they need on the battlefield and when they come home. That means state-of-the-art equipment and body armor and mine-resistant vehicles that they need to bring them home safely. And we have also made historic investments in our veterans' health care and improved the benefits they have earned when they return home. And we passed a GI Bill for a new generation so that our troops and their family members will have access to a quality education.

Mr. Speaker, Democrats are making America stronger.

CONGRESS NEEDS TO PASS A BUDGET

(Mr. OLSON asked and was given permission to address the House for 1 minute.)

Mr. OLSON. Mr. Speaker, I rise today to urge my colleagues to perform one of the fundamental duties required of this body and pass a budget. The budget is a blueprint for how the Federal Government defines our Nation's priorities. It's also an acknowledgment of the fiscal situation currently facing the American taxpayer. We have a solemn duty and obligation to inform those who fund our operations what we're spending their money on and how we are paying for it.

As a former Navy pilot, I know that you don't take off without a flight plan. The leaders of this Congress are asking us to do just that, guided by one failed principle: more spending. That's not how you fly. That's how you crash.

Mr. Speaker, our children and grandchildren deserve better. We are sent to this institution to be responsible stewards of the taxpayer dollars. I urge my colleagues to demonstrate leadership and pass a budget. The American people deserve no less.

DISASTER IN THE GULF OF MEXICO

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, we have a disaster in the Gulf of Mexico which makes it absolutely obvious that we do not have the answers to preventing and combating such carnage. We have not, any of us, Republicans or Democrats, invested in the necessary science and the important steps to prevent and combat an oil spill of this size.

That's why, as a result of the San Francisco Bay spill over a year ago, I introduced H.R. 2693, to streamline from 17 to three agencies and oversee the prevention and the responsibility to respond to preventing oil spills and to cleaning up oil spill emergencies. I would have the three agencies be:

NOAA, which brings its expertise on how to protect marine life and sensitive marine ecosystems. It would be the lead agency. I would have the Coast Guard, which will bring the expertise as the first responder, and the Environmental Protection Agency would be the third agency, to provide an understanding of the environmental and public health needs of any response and prevention methods.

We may need more. We'll find out later.

CONGRESS NEEDS TO PASS A BUDGET

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute.)

Mrs. MILLER of Michigan. Mr. Speaker, in recent weeks, we have seen some American corporate executives brought before Congress and grilled about how they run their firms, and appropriately so. Yet, what would the response of Congress be if a private firm had the following record? It operated at losses of about \$3 trillion over 2 years. It used questionable accounting gimmicks. It had unfunded long-term liabilities of \$50 trillion or more. It had provided no guidance to its shareholders about its bleak balance sheet.

Mr. Speaker, unfortunately, such a firm does exist, but it is not in the private sector. That firm is the Federal Government run by this majority. They've racked up over \$3 trillion in new debt in just 2 years. They've passed outrageous new spending plans. They've refused to put forward a budget to the shareholders—the American people—because they don't want the people to see their plans for our Nation's fiscal future, Mr. Speaker.

If this was a private firm instead of our Federal Government, there would be charges filed for fiscal malfeasance. The majority owes the American people answers, and they must bring forward their budget immediately.

THE AMERICAN JOBS, CLOSING TAX LOOPHOLES, AND PREVENTING OUTSOURCING ACT OF 2010

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, soon this Chamber will have a chance to continue our work on a positive job-creating initiative when H.R. 4213 comes to the floor. This bill will work to restore credit for the small businesses who hire the bulk of the American workers. It will allow funding for summer jobs programs for many of our youth that are unemployed and are seeking jobs during the summer. It will also help to close tax loopholes to fully fund job creation and enforce corporate accountability.

This bill continues to provide aid to our brothers and sisters and unions who have been hit hard over the past year because of the outsourcing by the previous administrative policies.

Unemployment is still high. Americans still need support from the government, and we continue to rebound from this crisis. But the signs are there. We're recovering. Last month, we added 290,000 jobs—the most since March of 2006.

We need to continue this good work and put the American people back to work. This is why I urge my colleagues to support H.R. 4213.

FAILURE TO IMPLEMENT A BUDGET

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, all throughout the Fourth District, Kentuckians are asking Congress to establish fiscal responsibility. Some Congressmen are fighting to establish a responsible budget, but the Democratic leaders are only offering more spending, more taxes, and more debt.

Washington doesn't have a revenue program or problem. It's got a spending problem. Just in the first 7 months of the current fiscal year, Congress has already run up an \$800 billion deficit under the direction of Speaker PELOSI. If the House doesn't pass a budget, it will be the first time it has failed to do so since 1974.

Congress is missing a critical opportunity to provide a responsible blueprint for the Nation's fiscal future and serve as a check and balance to an administration intoxicated by excessive spending. Congress must restore the ownership of the American Government back to its rightful owners, the American people.

That's why House Republicans are creating major initiatives like YouCut and America Speaking Out. Both programs allow the American people to change the culture of spending in Washington and make the Federal budget the same as our families' budgets: Balanced.

Stop the spending madness, and give our children back a real future.

CONGRESS MUST PASS THE JOBS BILL

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, this morning I read an editorial in the Wall Street Journal that criticizes the unemployment program, saying, "let's lay off everybody, pay them for not working, and watch the economy really boom."

To criticize the system that's keeping millions of Americans afloat during this recession is appalling. Cutting benefits will drastically reduce their ability to buy goods and pay their mortgage. Does anybody really think that would be good for the economy?

When those workers' unemployment insurance benefits run out, they have no other support. We can't just tell millions of Americans that we don't care what happens to them. Maybe the Wall Street Journal thinks that only tax breaks for the superrich can help the economy, but most of you will remember the previous administration tried that, and the only thing it brought us was the worst economy since the Great Depression.

If we don't pass this jobs bill tomorrow, 1.2 million Americans will lose their benefits by June. Is that good for anybody? I say not. Vote "yes" tomorrow.

CONGRESS NEEDS TO PASS A BUDGET

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, budgeting is one of the most fundamental duties of governing. Yet here we are, a month beyond the deadline for producing a Federal budget, and the Democrat-controlled House will not pass a budget for the next fiscal year. This will be the first time since 1974 that the House fails to pass a budget, and passing a budget is important.

The budget provides a fiscal blueprint for moving forward and addressing the deficits and debt. It provides the bigger picture in which fits all of the smaller things that Congress works on throughout the year.

American families and businesses budget all the time, making difficult choices necessary to remain solvent. So must government. Failing to consider a budget does not make the budget problems go away. It simply provides more proof that the current leadership in Congress has no plan for dealing with all this mounting debt and deficit—at least no plans that it wants the American people to know about.

COMPETITION AMONG GOVERNMENT CONTRACTORS IS KEY

(Mr. DRIEHAUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DRIEHAUS. Mr. Speaker, if we're serious about reducing spending, we should be promoting competition among government contractors, not stifling it. We know from experience that a competitive engine program for our military aircraft drives down long-term costs and leads to a more reliable product for our Armed Forces. That's why competitive procurement has long been the policy of the Federal Government, and that's why we need a competitive engine program for the Joint Strike Fighter.

But the primary contractor responsible for the upcoming F-35 Joint Strike Fighter engine doesn't want to play by the rules. They want to be declared the winner of the race while all of the contestants are still at the starting line. The development of a competitive engine is 75 percent complete and is expected to be available to the military 5 years ahead of initial projections. The competitive contractor has twice offered a fixed price to complete this project, ensuring production won't be burdened with cost overruns.

I urge all of my colleagues to do what's responsible to taxpayers and responsible to our men and women in uniform: Support the Joint Strike Fighter Competitive Engine Program.

CONGRESS NEEDS TO PASS A BUDGET

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Mr. Speaker, media reports indicate that House Democrats will not only not pass a budget, but they won't even try. It's no surprise that they're unwilling to put their blueprint on the House floor, because it would be the clearest sign yet that their reckless spending has put our country's solvency in doubt and endangered our future's generations. But I am only judging them by their own words.

In 2006 then-House Minority Whip STENY HOYER said that passing a budget was the most basic function of government, and I agree. That same year, then-House Budget Committee Ranking Member JOHN SPRATT said, if you can't pass a budget, you can't govern. And Speaker PELOSI said in 2002 that failing to pass a budget hurts children.

This means, by their own standard, the standard in which they judge Republicans, Democrats aren't able to govern. House Republicans have said for months that Democrats are unfit to govern based on current policies. Now their own judgements agree with us.

Mr. Speaker, it's time for hope and change and a budget.

CONGRESS NEEDS TO PASS A BUDGET

(Mr. AUSTRIA asked and was given permission to address the House for 1 minute.)

Mr. AUSTRIA. Mr. Speaker, our Nation is making history for all the wrong reasons as our national debt reaches \$13 trillion. Today, we still have no budget, no plan to rein in this out-of-control spending. For the first time in recent history, the House will fail to even propose a budget at a time when the American people are demanding fiscal responsibility.

Our national debt has now hit astronomical proportions, and without a budget, this spending will almost certainly continue to grow.

A recent Rasmussen poll found that only 21 percent think that today's children will be better off than their parents. Only 21 percent. And one of the main reasons that our children are going to be in a tough spot is that they are going to be footing the bill tomorrow for our irresponsible spending today.

Mr. Speaker, now is the time for Congress to address the issues facing our Nation in a fiscally responsible manner. We need to show constraint, set

spending guidelines, make tough decisions, and eliminate wasteful spending programs.

□ 1415

BUDGET COMMITTEE DOESN'T MEET

(Mrs. LUMMIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LUMMIS. Mr. Speaker, I am on the Budget Committee, but the Budget Committee doesn't meet. Maybe the reason the Budget Committee doesn't meet is because they don't want you to see this chart.

If we look at this chart, and we look at the blue lines, the blue lines are private-sector employment. It is the private economy employment, the job creators, the revenue creators. Look at the Bush years, those are the years going up. Bush, Bush, Bush, Bush, Bush. Look at the PELOSI years. Those are the years going down. PELOSI, PELOSI, PELOSI.

The private-sector jobs dropped under NANCY PELOSI. They went up under George Bush. Now look at the red line. The red line is George Bush. The red line for government employment is flat.

But look at the PELOSI line. The PELOSI line for government employment goes up, up, up, up.

So, under PELOSI, private-sector jobs go down. Government jobs go up. The private sector pays for the public sector, but there are no private-sector jobs. Maybe that's why the Budget Committee won't meet, Mr. Speaker.

NO BUDGET RESOLUTION IN PLACE

(Mr. JORDAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JORDAN of Ohio. Mr. Speaker, 40 days. April 15 by law is when we are supposed to have a budget resolution in place. And yet here we are, 40 days later, no budget resolution.

No budget when we have a \$1.4 trillion deficit, \$12 trillion national debt. I mean, look, let's just be honest; the Democrats are going to take a pass. They are just going to take a pass on setting priorities and establishing a budget, and they are just going to keep spending. American families, American small business owners, they don't get to take a pass.

I am reminded of the old TV ad—I think it was the Wendy's restaurant who had this ad. The lady walks up and she says as she is handed the bun, "Where's the beef?"

I think the same thing is being asked by the American people. They are going to be handed the bill. They are asking the question, where's the budg-

et? Where's the priorities, where's the guidelines, where's the work we are supposed to do. Where is it being done? Why isn't it being done?

Let's get focused, and let's do a budget that actually sets priorities, sets the spending guideline and actually balances. Imagine doing something like that.

TIME FOR DEMOCRATS TO GET RID OF THEIR LEGISLATIVE POLICY OF "DON'T ASK, DON'T TELL"

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, oh when, oh when will the majority party get rid of its legislative policy of "don't ask, don't tell"? We saw it when we were dealing with the health care bill, where they refused to ask the American people what they wanted and then refused to tell them what was in the bill. Remember? Pass the bill and you will find out what's in it.

Now we have a new rendition of "don't ask, don't tell." Don't ask us what our budget is, we don't know what it is, and we won't tell you what's in it. Wait until after the year is over and we add up all the debt and we add up all the deficits and we add up all the taxes and we add up all the spending.

Mr. Speaker, it's time for the Democrats to get rid of their legislative policy of "don't ask, don't tell." Let's be truthful with the American people and tell them what we are doing to them.

HEALTH CARE LAW IS HURTING SMALL BUSINESSES

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, like millions of small business owners across the country, Zach Hoffman had been duped into believing his office furniture store would qualify for the small business tax credit under ObamaCare.

Imagine his surprise when after analyzing the numbers, he discovered he would receive zero assistance with the nearly \$80,000 in health care premiums he pays for his 24 employees. By Hoffman's calculation, he would need to cut his staff to 10 employees and drastically lower wages to be eligible for the tax credit that the Obama administration previously touted as a lifeline for businesses with less than 25 employees. After seeing his premiums rise 15 percent this year, Hoffman rightly feels his government has ripped him off and eloquently described the situation as a bait and switch.

Mr. Speaker, how many promises will ObamaCare have to break with the American people before we repeal this

disastrous legislation? Remember when it passed, 52 percent of Americans were against it. Today 63 percent want it repealed.

WHERE'S THE BUDGET?

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, we have been asking all afternoon, where's the budget? We have even sent out bloodhounds trying to find this budget.

Mr. Speaker, in 2006, Congressman STENY HOYER, who is now the House Majority Leader, was quoted as saying enacting a budget was "the most basic responsibility of governing." And Congressman JOHN SPRATT, who is now the chairman of the House Budget Committee said, "If you can't budget, you can't govern."

Now, we are a month past the deadline and Speaker PELOSI and the Democratic leadership are showing no signs of complying with the law and coming forward with a budget for fiscal year 2011. Without a budget, there is no procedural enforcement mechanism to constrain spending. With the administration increasing nondefense discretionary spending by 84 percent since taking office, I fear that without a budget our national debt will continue to spiral out of control.

Mr. Speaker, this will be first time since the Budget Act was enacted that the House will not have passed a budget. We want to know, Mr. Speaker, where is the budget?

CONGRESS NEEDS TO CONTROL FEDERAL SPENDING

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, let me just reiterate what my good friend from Virginia said. The Budget chairman here in the U.S. House of Representatives said, "If you can't budget, you can't govern." Let's take him at his word. I think everybody on this side of the aisle believes that that is very true.

It's becoming increasingly clear, however, that House Democrats cannot come up with a budget. American families come up with a budget, but continually Democrats sidestep it and show no progress towards trying to even attempt to create a budget.

This Congress has set upon an agenda where it's the first time since 1974 where there will be no budget passed in the House of Representatives. Without a budget, there are no controls in place to rein in this spending. It's a sign that Congress lacks the leadership to set a framework to limit spending or control entitlement growth.

Not passing a budget resolution sends a message to the American taxpayers that Congress is not serious about addressing the fiscal crisis we have here and they are unable to meet the challenges of uncontrolled spending. While the Democrat leadership talks a good game, we have yet to see any action.

PROTECT LOUISIANA MARSHES FROM CATASTROPHE

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Mr. Speaker, it's been a month now, over a month, since oil has been spewing into the Gulf of Mexico from the Deepwater Horizon well explosion.

And now 2 weeks after our Governor submitted a request to the Federal Government for a plan that we put on the table to protect our marsh from oil coming in, we still have not heard one word from the President, 2 weeks after the request was made. This isn't something that BP can approve; this is something that only requires Federal approval and the Federal Government is standing in the way of our leaders on the ground protecting our marsh.

Where is the President? Does he not understand the magnitude of what is probably the worst environmental disaster in the country? And then we get mixed messages from his various Cabinet secretaries who come down and they say, looks like they are satisfied with the coordination going on.

They need to come down to New Orleans. The President needs to come down to New Orleans and actually help us and do his job.

We are tired of them talking like John Wayne and acting like Pee-wee Herman. It's time to step up.

TAX DAY AND NO CONGRESSIONAL BUDGET

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, you know, it was on January 10, 1984, when Clara Peller first said those now famous words, "Where's the beef?"

Well, the American public across this country is asking this Democrat Congress, where's the budget? Yes, they are spending, spending that's out of control, almost \$2 trillion by this new Democrat majority. Yes, there are taxes, almost \$700 billion in new taxes. Yes, there are new deficits, deficits, but larger than we have ever seen in the history of this country. But where's the budget?

Yes, we have heard the chairman, the Democrat chairman of the Budget Committee now famously saying a Congress that cannot pass the budget is a Congress that cannot govern. How

true? But we also heard Speaker PELOSI say that the inability to pass a budget hurts American children.

Well, Mr. Speaker, where is your budget?

MAJORITY'S FAILURE TO PASS BUDGET RESOLUTION THIS YEAR REPRESENTS MISSED OPPOR- TUNITY

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, the majority's failure to pass a budget resolution this year represents a missed opportunity to provide fiscal discipline that is needed to create new job growth in our economy.

Since President Obama was sworn into office, congressional Democrats have increased spending by nearly \$1.8 trillion, including the failed stimulus bill and the government takeover of health care. To account for the spending binge, the President and the majority have enacted more than \$670 billion in tax increases and pushed our Nation's debt to an unprecedented \$14.2 trillion. That's \$14.2 trillion.

Yet the spending continues. This week the House is scheduled to consider another massive spending bill that will do little to create jobs but will, according to the nonpartisan Congressional Budget Office, raise the deficit by \$133 billion.

As spending continues to spiral out of control in Washington, the failure of congressional Democrats to present a fiscally responsible budget demonstrates a complete lack of leadership on the part of the majority.

FOX NEWS SHOULD REPORT COR- RECT FACTS ON PENSION LEGIS- LATION

(Mr. LATOURETTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Speaker, I am going to veer off this message. We are supposed to be talking about where's the budget, and I guess I wonder where the budget is.

But I have to tell you, I think as a Republican, I am supposed to love Fox News and hate MSNBC. Now, I am going to tell you I do hate MSNBC, but something just happened on Fox News that compelled me to come to the floor. They have run this diagram, and it really is, I think, blaspheming my good friend, PAT TIBERI from Ohio, and indicating that there are nine Republicans who are supporting a bill that will bail out unions.

Well, that's nonsense, and I don't know who the pinheaded weenie is at Fox News that decided to put that story together, but the true facts of

this piece of legislation are as follows. This bill will save the taxpayers by saying to those corporations that have union pension plans, if you find yourselves in a bind, rather than thrusting that upon the taxpayer, it spreads out over 5 years the ability to bring those pension plans up to speed.

That's good government. It's a good bill. It's a good Tiberi bill. And I don't know what they are doing at Fox News, but they should stop smoking it and get back to reporting the facts.

PENSION BILL IS NOT GOVERNMENT BAILOUT

(Mr. MCCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCOTTER. Mr. Speaker, I rise too, as the gentleman from Ohio did, to be grossly off message.

The bill in question is H.R. 3936. What it does is good government. It allows employers the space they need to make sure they meet the pension obligations that they have to their workers.

It is not a government bailout. Taxpayer funds are not involved unless, of course, these institutions, these unions and their pension plans, fail. It is a wonderful idea by my colleague, PAT TIBERI. It is endorsed by many, many business groups, and I would hope that over the course of the coming hours the truth will out.

Again, you can't always believe what you see on TV, except that it was a very handsome likeness of Congressman LATOURETTE that appeared on Fox News.

DEADLINE HAS PASSED FOR ANNUAL BUDGET RESOLUTION

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, over a month has gone by since the April 15 deadline for Congress to pass its annual budget resolution. House Democrats, though, haven't even bothered to offer up a proposal. But without a budget resolution, it is still clear Democrats will go on spending unbelievable sums of money, as if a \$940 billion health care bill, a \$787 billion failed stimulus bill, and teeing up more permanent bailout authority weren't enough. House Democrats are going to spend another \$200 billion this week on another massive spending bill.

The majority of this is not offset by other spending cuts in the budget. This latest spending spree will increase our annual deficit by \$134 billion.

To the extent that there is any budgeting here in Washington at all, we are budgeting for bankruptcy. The Congressional Budget Office predicts that our debt will rise to an alarming 90 percent of GDP by the end of this decade.

This is unsustainable and puts us in the same territory as the country of Greece. Having already spent trillions of dollars, we are not even trying to budget for the next year.

This is unacceptable. Americans don't handle their checkbooks this way and neither should Congress.

THE DEFICIT

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTHRIE. Mr. Speaker, I stand before the House today to talk about when I was making the decision whether or not to run for office, my wife and I talked about it. We had young children and were concerned about what a campaign and being in Washington back and forth would do to our children.

We talked about the \$400 billion budget deficit in 2007 and 2008 and not what it would do to our children if I ran for office, but what we could do for our children, and our children's children, and their friends, and their future.

And, now, the \$400 billion budget deficit is the point, the decimal point on the current budget deficit, \$1.4 trillion. The budget that has been presented says it is going to go up double in 5 years and triple in 10.

So I am here to work for my children and their future, and we need to ask ourselves every time a spending bill comes forward, is this worth borrowing from our children and our grandchildren's future to spend this money?

□ 1430

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUMMINGS). Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5145, by the yeas and nays;

House Resolution 1258, by the yeas and nays;

House Resolution 1382, de novo;

House Resolution 584, de novo.

Proceedings on H.R. 3885 will resume later.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ASSURING QUALITY CARE FOR VETERANS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5145, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5145, as amended.

The vote was taken by electronic device, and there were—yeas 413, nays 2, not voting 15, as follows:

[Roll No. 294]

YEAS—413

| | | |
|----------------|-----------------|------------------|
| Ackerman | Cohen | Hastings (FL) |
| Aderholt | Cole | Hastings (WA) |
| Adler (NJ) | Conaway | Heinrich |
| Akin | Connolly (VA) | Heller |
| Alexander | Cooper | Hensarling |
| Altmire | Costa | Herger |
| Andrews | Costello | Herseht Sandlin |
| Arcuri | Courtney | Higgins |
| Austria | Crenshaw | Hill |
| Baca | Critz | Himes |
| Bachmann | Crowley | Hinchey |
| Bachus | Cuellar | Hirono |
| Baird | Culberson | Hodes |
| Baldwin | Cummings | Holden |
| Barrow | Dahlkemper | Holt |
| Bartlett | Davis (CA) | Honda |
| Barton (TX) | Davis (IL) | Hoyer |
| Bean | Davis (KY) | Hunter |
| Becerra | Davis (TN) | Inglis |
| Berkley | DeFazio | Inslee |
| Berman | DeGette | Israel |
| Berry | DeLauro | Issa |
| Biggert | Dent | Jackson (IL) |
| Bilbray | Deutch | Jenkins |
| Bilirakis | Diaz-Balart, L. | Johnson (GA) |
| Bishop (GA) | Diaz-Balart, M. | Johnson (IL) |
| Bishop (NY) | Dicks | Johnson, E. B. |
| Bishop (UT) | Dingell | Johnson, Sam |
| Blackburn | Doggett | Jones |
| Blumenauer | Donnelly (IN) | Jordan (OH) |
| Boccieri | Doyle | Kagen |
| Boehner | Dreier | Kanjorski |
| Bonner | Driehaus | Kaptur |
| Bono Mack | Duncan | Kennedy |
| Boozman | Edwards (MD) | Kildee |
| Boren | Edwards (TX) | Kilroy |
| Boswell | Ehlers | Kind |
| Boucher | Ellison | King (IA) |
| Boustany | Ellsworth | King (NY) |
| Boyd | Emerson | Kingston |
| Brady (PA) | Engel | Kirk |
| Brady (TX) | Eshoo | Kirkpatrick (AZ) |
| Braley (IA) | Etheridge | Kissell |
| Bright | Farr | Klein (FL) |
| Broun (GA) | Fattah | Kline (MN) |
| Brown (SC) | Filner | Kosmas |
| Brown, Corrine | Fleming | Kratovil |
| Brown-Waite, | Forbes | Kucinich |
| Ginny | Fortenberry | Lamborn |
| Buchanan | Foster | Lance |
| Burgess | Fox | Langevin |
| Burton (IN) | Frank (MA) | Larsen (WA) |
| Butterfield | Franks (AZ) | Larson (CT) |
| Buyer | Frelinghuysen | Latham |
| Calvert | Fudge | LaTourette |
| Camp | Gallely | Latta |
| Cantor | Garamendi | Lee (CA) |
| Cao | Garrett (NJ) | Lee (NY) |
| Capito | Gerlach | Levin |
| Capps | Giffords | Lewis (CA) |
| Capuano | Gingrey (GA) | Lewis (GA) |
| Cardoza | Gohmert | Linder |
| Carnahan | Gonzalez | Lipinski |
| Carney | Goodlatte | LoBiondo |
| Carson (IN) | Gordon (TN) | Loebach |
| Carter | Granger | Lofgren, Zoe |
| Cassidy | Grayson | Lowey |
| Castle | Green, Al | Lucas |
| Castor (FL) | Green, Gene | Luetkemeyer |
| Chaffetz | Grijalva | Lujan |
| Chandler | Guthrie | Lummis |
| Childers | Gutierrez | Lungren, Daniel |
| Chu | Hall (NY) | E. |
| Clarke | Hall (TX) | Lynch |
| Clay | Halvorson | Mack |
| Cleaver | Hare | Maffei |
| Clyburn | Harman | Maloney |
| Coble | Harper | Marchant |
| Coffman (CO) | | Markey (CO) |

| | | |
|-----------------|------------------|---------------|
| Markey (MA) | Perriello | Shuster |
| Marshall | Peters | Simpson |
| Matheson | Peterson | Sires |
| Matsui | Petri | Skelton |
| McCarthy (CA) | Pingree (ME) | Slaughter |
| McCarthy (NY) | Pitts | Smith (NE) |
| McCaul | Platts | Smith (NJ) |
| McClintock | Poe (TX) | Smith (TX) |
| McCollum | Pollis (CO) | Smith (WA) |
| McCotter | Pomeroy | Snyder |
| McDermott | Posey | Space |
| McGovern | Price (GA) | Speier |
| McHenry | Price (NC) | Spratt |
| McIntyre | Putnam | Stark |
| McKeon | Quigley | Stearns |
| McMahon | Radanovich | Stupak |
| McMorris | Rahall | Sullivan |
| Rodgers | Rangel | Sutton |
| McNerney | Rehberg | Tanner |
| Meek (FL) | Reichert | Taylor |
| Meeks (NY) | Reyes | Teague |
| Melancon | Richardson | Terry |
| Mica | Rodriguez | Thompson (CA) |
| Michaud | Roe (TN) | Thompson (MS) |
| Miller (FL) | Rogers (AL) | Thompson (PA) |
| Miller (MI) | Rogers (KY) | Thornberry |
| Miller (NC) | Rogers (MI) | Tiahrt |
| Miller, Gary | Rohrabacher | Tiberi |
| Miller, George | Rooney | Tierney |
| Minnick | Ros-Lehtinen | Titus |
| Mitchell | Roskam | Tonko |
| Mollohan | Ross | Towns |
| Moore (KS) | Rothman (NJ) | Tsongas |
| Moore (WI) | Roybal-Allard | Turner |
| Moran (KS) | Royce | Upton |
| Moran (VA) | Ruppersberger | Van Hollen |
| Murphy (CT) | Rush | Velázquez |
| Murphy (NY) | Ryan (OH) | Visclosky |
| Murphy, Patrick | Salazar | Walden |
| Murphy, Tim | Sánchez, Linda | Walz |
| Myrick | T. | Wasserman |
| Nadler (NY) | Sanchez, Loretta | Schultz |
| Napolitano | Sarbanes | Waters |
| Neal (MA) | Scalise | Watson |
| Neugebauer | Schakowsky | Watt |
| Nunes | Schauer | Waxman |
| Nye | Schiff | Weiner |
| Oberstar | Schmidt | Welch |
| Obey | Schock | Westmoreland |
| Olson | Schrader | Whitfield |
| Olver | Schwartz | Wilson (OH) |
| Ortiz | Scott (VA) | Wilson (SC) |
| Owens | Sensenbrenner | Wittman |
| Pallone | Serrano | Wolf |
| Pascrell | Sessions | Woolsey |
| Pastor (AZ) | Sestak | Wu |
| Paul | Shadegg | Yarmuth |
| Paulsen | Shea-Porter | Young (AK) |
| Payne | Sherman | Young (FL) |
| Pence | Shimkus | |
| Perlmutter | Shuler | |

NAYS—2

| | |
|--------------|-----------------|
| Campbell | Flake |
| Barrett (SC) | Griffith |
| Blunt | Hinojosa |
| Conyers | Hoekstra |
| Davis (AL) | Jackson Lee |
| Fallin | (TX) |
| Graves | Kilpatrick (MI) |

□ 1501

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MENTAL HEALTH MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1258, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MATSUI) that the House suspend the rules and agree to the resolution, H. Res. 1258, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 15, as follows:

[Roll No. 295]

YEAS—414

| | | |
|----------------|-----------------|------------------|
| Ackerman | Coble | Hall (TX) |
| Aderholt | Coffman (CO) | Halvorson |
| Adler (NJ) | Cohen | Hare |
| Akin | Cole | Harman |
| Alexander | Conaway | Harper |
| Altmire | Connolly (VA) | Hastings (FL) |
| Andrews | Cooper | Hastings (WA) |
| Arcuri | Costa | Heinrich |
| Austria | Costello | Heller |
| Baca | Courtney | Hensarling |
| Bachmann | Crenshaw | Herger |
| Bachus | Critz | Herseth Sandlin |
| Baird | Crowley | Higgins |
| Baldwin | Cuellar | Hill |
| Barrow | Culberson | Himes |
| Bartlett | Cummings | Hinchey |
| Barton (TX) | Dahlkemper | Hirono |
| Bean | Davis (CA) | Hodes |
| Becerra | Davis (IL) | Holden |
| Berkley | Davis (KY) | Holt |
| Berman | Davis (TN) | Honda |
| Berry | DeFazio | Hoyer |
| Biggert | DeGette | Hunter |
| Bilbray | Delahunt | Inglis |
| Bilirakis | DeLauro | Inslee |
| Bishop (GA) | Dent | Israel |
| Bishop (NY) | Deutch | Issa |
| Bishop (UT) | Diaz-Balart, L. | Jackson (IL) |
| Blackburn | Diaz-Balart, M. | Jenkins |
| Blumenauer | Dicks | Johnson (GA) |
| Boccieri | Dingell | Johnson (IL) |
| Boehner | Doggett | Johnson, E. B. |
| Bonner | Donnelly (IN) | Johnson, Sam |
| Bono Mack | Doyle | Jones |
| Boozman | Dreier | Jordan (OH) |
| Boren | Driedhaus | Kagen |
| Boswell | Duncan | Kanjorski |
| Boustany | Edwards (MD) | Kaptur |
| Boyd | Edwards (TX) | Kennedy |
| Brady (PA) | Ehlers | Kildee |
| Brady (TX) | Ellison | Kilroy |
| Braley (IA) | Ellsworth | Kind |
| Bright | Emerson | King (IA) |
| Broun (GA) | Engel | King (NY) |
| Brown (SC) | Eshoo | Kingston |
| Brown, Corrine | Etheridge | Kirk |
| Brown-Waite, | Farr | Kirkpatrick (AZ) |
| Ginny | Fattah | Kissell |
| Buchanan | Filner | Klein (FL) |
| Burgess | Flake | Kline (MN) |
| Burton (IN) | Fleming | Kosmas |
| Butterfield | Forbes | Kratovil |
| Buyer | Fortenberry | Kucinich |
| Calvert | Foster | Lamborn |
| Camp | Fox | Lance |
| Campbell | Frank (MA) | Langevin |
| Cantor | Franks (AZ) | Larsen (WA) |
| Cao | Frelinghuysen | Larson (CT) |
| Capito | Fudge | Latham |
| Capps | Galleghy | LaTourette |
| Capuano | Garamendi | Latta |
| Cardoza | Garrett (NJ) | Lee (CA) |
| Carnahan | Gerlach | Lee (NY) |
| Carney | Giffords | Levin |
| Carson (IN) | Gingrey (GA) | Lewis (CA) |
| Carter | Gohmert | Lewis (GA) |
| Cassidy | Gonzalez | Linder |
| Castle | Goodlatte | Lipinski |
| Castor (FL) | Gordon (TN) | LoBiondo |
| Chaffetz | Granger | Loeb |
| Chandler | Grayson | Loeb |
| Childers | Green, Al | Loftgren, Zoe |
| Chu | Green, Gene | Lowey |
| Clarke | Grijalva | Lucas |
| Clay | Guthrie | Luetkemeyer |
| Cleaver | Gutierrez | Lujan |
| Clyburn | Hall (NY) | Lummis |

| | | |
|--------------------|---------------------|---------------|
| Lungren, Daniel E. | Pastor (AZ) | Shea-Porter |
| Lynch | Paulsen | Sherman |
| Mack | Payne | Shimkus |
| Maffei | Pence | Shuler |
| Maloney | Perlmutter | Shuster |
| Marchant | Perriello | Simpson |
| Markey (CO) | Peters | Sires |
| Markey (MA) | Peterson | Skelton |
| Marshall | Petri | Slaughter |
| Matheson | Pingree (ME) | Smith (NE) |
| Matsui | Pitts | Smith (NJ) |
| McCarthy (CA) | Platts | Smith (TX) |
| McCarthy (NY) | Poe (TX) | Smith (WA) |
| McCaul | Polis (CO) | Snyder |
| McClintock | Posey | Space |
| McCollum | Price (GA) | Speier |
| McCotter | Price (NC) | Spratt |
| McDermott | Putnam | Stark |
| McGovern | Quigley | Stearns |
| McHenry | Radanovich | Stupak |
| McIntyre | Rahall | Sullivan |
| McKeon | Rangel | Sutton |
| McMahon | Rehberg | Tanner |
| McMorris | Reichert | Taylor |
| Rodgers | Reyes | Teague |
| McNerney | Richardson | Terry |
| Meek (FL) | Rodriguez | Thompson (CA) |
| Meeks (NY) | Roe (TN) | Thompson (MS) |
| Melancon | Rogers (AL) | Thompson (PA) |
| Mica | Rogers (KY) | Thornberry |
| Michaud | Rogers (MI) | Tiahrt |
| Miller (FL) | Rohrabacher | Tiberi |
| Miller (MI) | Rooney | Tierney |
| Miller (NC) | Ros-Lehtinen | Titus |
| Miller, Gary | Roskam | Tonko |
| Miller, George | Ross | Towns |
| Minnick | Rothman (NJ) | Tsongas |
| Mitchell | Roybal-Allard | Turner |
| Mollohan | Royce | Upton |
| Moore (KS) | Ruppersberger | Van Hollen |
| Moore (WI) | Rush | Velázquez |
| Moran (KS) | Ryan (OH) | Visclosky |
| Moran (VA) | Salazar | Walden |
| Murphy (CT) | Sánchez, Linda T. | Walz |
| Murphy (NY) | T. Sanchez, Loretta | Wasserman |
| Murphy, Patrick | Sarbanes | Schultz |
| Murphy, Tim | Scalise | Waters |
| Myrick | Schakowsky | Watson |
| Nadler (NY) | Schauer | Watt |
| Napolitano | Schiff | Waxman |
| Neal (MA) | Schmidt | Weiner |
| Neugebauer | Schock | Welch |
| Nunes | Schrader | Westmoreland |
| Nye | Schwartz | Whitfield |
| Oberstar | Scott (GA) | Wilson (OH) |
| Obey | Scott (VA) | Wilson (SC) |
| Olson | Sensenbrenner | Wittman |
| Oliver | Serrano | Wolf |
| Ortiz | Sessions | Woolsey |
| Owens | Sestak | Wu |
| Pallone | Shadegg | Yarmuth |
| Pascarell | | Young (AK) |
| | | Young (FL) |

NAYS—1

Paul

NOT VOTING—15

| | | |
|--------------|-------------|-----------------|
| Barrett (SC) | Graves | Kilpatrick (MI) |
| Blunt | Griffith | Manzullo |
| Boucher | Hinojosa | Ryan (WI) |
| Conyers | Hoekstra | Wamp |
| Davis (AL) | Jackson Lee | |
| Fallin | (TX) | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1508

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Scott T. Nago, Chief Election Officer, Office of Elections, State of Hawaii, indicating that, according to the unofficial returns of the Special Election held May 22, 2010, the Honorable Charles Djou was elected Representative to Congress for the First Congressional District, State of Hawaii.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

By Robert F. Reeves, Deputy Clerk.

Enclosure.

STATE OF HAWAII,
OFFICE OF ELECTIONS,
Pearl City, HI, May 23, 2010.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives,
The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Saturday, May 22, 2010 for Representative in Congress from the First Congressional District of Hawaii shows that Charles Djou (R) received the most votes of the total number cast for that office.

It would appear from the unofficial results that Charles Djou (R) was elected Representative from the First Congressional District of Hawaii. We are unaware of any election contests at this time.

As soon as the official results are certified, an official Certificate of Election will be transmitted as required by law.

Sincerely,

SCOTT T. NAGO,
Chief Election Officer.

U.S. REP DISTRICT SPECIAL VACANCY ELECTION—State of Hawaii—Statewide

May 22, 2010 SUMMARY REPORT

| Congressional District I | | 98 of 98 |
|----------------------------------|-------|------------------|
| (R) Djou, Charles | ..... | (67,610, 39.4%) |
| (D) Hanabusa, Colleen | ..... | (52,802, 30.8%) |
| (D) Case, Ed | ..... | (47,391, 27.6%) |
| (D) Del Castillo, Rafael (Del) | ..... | (664, 0.4%) |
| (N) Strobe, Kalaeloa | ..... | (491, 0.3%) |
| (N) Brewer, Jim | ..... | (273, 0.2%) |
| (D) Lee, Philmund (Phil) | ..... | (254, 0.1%) |
| (R) Collins, Charles (Google) | ..... | (194, 0.1%) |
| (R) Amsterdam, C. Kauli Jochanan | ..... | (170, 0.1%) |
| (D) Browne, Vinny | ..... | (150, 0.1%) |
| (N) Tatai, Steve | ..... | (125, 0.1%) |
| (R) Crum, Douglas | ..... | (107, 0.1%) |
| (R) Giffre, John (Raghu) | ..... | (82, 0.0%) |
| (N) Moseley, Karl F. | ..... | (80, 0.0%) |
| Blank Votes: | ..... | (135, (.1%)) |
| Over Votes: | ..... | (889, (.5%)) |
| REGISTRATION AND TURNOUT SPECIAL | | |
| TOTAL REGISTRATION | ..... | (317, 337) |
| TOTAL TURNOUT | ..... | (171,417, 54.0%) |
| PRECINCT TURNOUT | ..... | (169,104, 53.3%) |
| ABSENTEE TURNOUT | ..... | (2,313, 0.7%) |
| OVERSEAS BALLOTS CAST | | |
| OVERSEAS TURNOUT | ..... | (296, 0.0%) |
| 1ST CONGRESSIONAL | ..... | (296) |
| 2ND CONGRESSIONAL | ..... | (0) |

**SWEARING IN OF THE HONORABLE
CHARLES DJOU, OF HAWAII, AS
A MEMBER OF THE HOUSE**

Ms. HIRONO. Madam Speaker, I ask unanimous consent that the gentleman from Hawaii, the Honorable CHARLES DJOU, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

The SPEAKER. Will the Representative-elect and the Hawaii delegation present themselves in the well.

Mr. DJOU appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 111th Congress.

**WELCOMING THE HONORABLE
CHARLES DJOU TO THE HOUSE
OF REPRESENTATIVES**

The SPEAKER. Without objection, the gentlewoman from Hawaii (Ms. HIRONO) is recognized for 1 minute.

There was no objection.

Ms. HIRONO. Madam Speaker, I would like to introduce to you and our colleagues today Congressman CHARLES DJOU, the newest member of Hawaii's large delegation.

Born in Los Angeles, Congressman DJOU's family moved to Hawaii when he was 3. He is a graduate of Punahou School in Honolulu, the Wharton School of the University of Pennsylvania, and the University of Southern California Law School. By the way, he attended the same school as our President.

Congressman DJOU most recently served as one of nine members of the Honolulu City Council, where he represented District 4, the area extending from Waikiki to Hawaii Kai. He served as the chairman of the Executive Matters and Legal Affairs Committee, vice chair of the Planning Committee, and as a member of the Transportation and Public Safety and Services Committee. He was first elected to his seat in 2002 and reelected in 2006. He previously served one term in the Hawaii House of Representatives, from 2000 to 2002, and was the minority floor leader.

Hawaii is one of the most ethnically and culturally diverse States in our country, and that diverse heritage is exemplified in Congress DJOU's unique French variation on a Chinese surname, which goes back to his grandfather in Shanghai. I will let Congressman DJOU tell you that story himself.

Now I extend a warm, warm aloha to Congressman DJOU, his wife, Stacey Kawasaki Djou, and their three children. I know that they and all the members of your family are very proud today, CHARLES, as you become a Member of the people's House.

I look forward to working with you, CHARLES, to ensure that the needs of the people of Hawaii are met and that their voices are represented in the people's House.

Congratulations.

□ 1515

Mr. BOEHNER. Will the gentlewoman yield?

Ms. HIRONO. I yield to the gentleman from Ohio.

Mr. BOEHNER. On behalf of the House Republican Conference, let me welcome Congressman CHARLES DJOU, his wife, Stacey, and their children, family and guests to our Nation's Capitol.

CHARLES understands what it means to pursue the American Dream because he's lived it. CHARLES' mother was from Bangkok, Thailand, his father, from China, raised in Hong Kong. And during the Communist Revolution of China in 1948, his grandfather fled from Shanghai to Hong Kong which, at the time, was under British control.

So CHARLES is the son of immigrants and a devoted young husband and father with three beautiful children. He serves as an officer in the U.S. Army Reserve, which gives him a deep appreciation for the sacrifices made by the many men and women of our military he will now represent in this body.

He served his community, as you've heard, as a former member of the city council in Honolulu, and a former minority leader in the Hawaii State House. And as most of you know, this son of immigrants is about to begin a new chapter of his life representing the people of Hawaii.

CHARLES, on behalf of our conference and all of the Members of the U.S. House of Representatives, we welcome you to our Nation's Capitol, and look forward to your service on behalf of the people of the First District of Hawaii.

The SPEAKER. Without objection, the gentleman from Hawaii is recognized.

There was no objection.

Mr. DJOU. Madam Speaker, Leader BOEHNER, my colleague Congresswoman HIRONO, Members of the House of Representatives, aloha.

Today, I am extraordinarily humbled to have the incredible honor of entering the United States House of Rep-

resentatives. And I understand with this incredible honor comes incredible responsibility, and I feel privileged to call myself a colleague of all of yours.

The reason I am here today, however, is not because of anything that I have done but, instead, thanks must go to a whole bunch of individuals who put an enormous effort to helping me become a Member.

First and foremost, I want to thank my family, my parents, who raised me, my wonderful children, Nicholas, Victoria and Alexandria. They are the reason I get up every morning and consider myself so blessed to have so much and driven to do so much more. And most of all, my wife, Stacey, who is my confidante, my best friend, my most trusted adviser and the reason I go on every day and the reason I am so successful.

Second, of course, I want to thank all of my hardworking volunteers. It is only because of their enormous amount of hard work, standing with me in the hot sun, doing the unique Hawaiian practice of sign waving, coupled with going door to door with me and phone-banking, that I was able to communicate my message to the voters of Hawaii.

Third, I want to thank the voters from Hawaii for bestowing upon me this incredible privilege. I want all of the voters to know that every single day I have the privilege of serving them I will never, ever forget the trust and confidence they have vested in me.

And, finally, I want to thank the American people. It is a testimony to the greatness of the United States of America that I, a son of immigrants from China and Thailand, have the privilege of calling myself a Member of the United States Congress.

It is a testimony to the greatness of our Nation that, had I been born in the home nation of either one of my parents, the idea of calling myself the maker of laws in my parents' home nation would be laughable. But it is because of the good fortune that I was born and today call myself an American that I have this amazing privilege.

I am eager to start work, eager to work with all of you. I look forward to beginning the hard work of doing good, bringing change and restoring our Nation to prosperity. Thank you all very much.

And as we say in Hawaii, mahalo aloha, best wishes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Hawaii (Mr. DJOU), the whole number of the House is 432.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. CUMMINGS). Without objection, 5-minute voting will continue.

There was no objection.

EXPRESSING SYMPATHY TO FAMILIES OF SOUTH KOREAN SEAMEN KILLED BY NORTH KOREA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1382.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 1382.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 411, noes 3, not voting 17, as follows:

[Roll No. 296]

AYES—411

| | | |
|-------------|----------------|-----------------|
| Ackerman | Brown (SC) | Cuellar |
| Aderholt | Brown, Corrine | Culberson |
| Adler (NJ) | Brown-Waite, | Cummings |
| Akin | Ginny | Dahlkemper |
| Alexander | Buchanan | Davis (CA) |
| Altmire | Burgess | Davis (IL) |
| Andrews | Burton (IN) | Davis (KY) |
| Arcuri | Butterfield | Davis (TN) |
| Austria | Buyer | DeFazio |
| Baca | Calvert | DeGette |
| Bachmann | Camp | Delahunt |
| Bachus | Campbell | DeLauro |
| Baird | Cantor | Dent |
| Baldwin | Cao | Deutch |
| Barrow | Capito | Diaz-Balart, L. |
| Bartlett | Capps | Diaz-Balart, M. |
| Barton (TX) | Capuano | Dicks |
| Bean | Cardoza | Dingell |
| Becerra | Carnahan | Djou |
| Berkley | Carney | Doggett |
| Berman | Carson (IN) | Donnelly (IN) |
| Berry | Carter | Doyle |
| Biggert | Cassidy | Dreier |
| Bilbray | Castle | Driehaus |
| Bilirakis | Castor (FL) | Duncan |
| Bishop (GA) | Chaffetz | Edwards (MD) |
| Bishop (NY) | Chandler | Edwards (TX) |
| Bishop (UT) | Childers | Ehlers |
| Blackburn | Chu | Ellison |
| Blumenauer | Clarke | Ellsworth |
| Boccieri | Clay | Emerson |
| Boehner | Cleaver | Engel |
| Bonner | Clyburn | Eshoo |
| Bono Mack | Coble | Etheridge |
| Boozman | Coffman (CO) | Farr |
| Boren | Cohen | Fattah |
| Boswell | Cole | Filner |
| Boucher | Conaway | Flake |
| Boustany | Connolly (VA) | Fleming |
| Boyd | Cooper | Forbes |
| Brady (PA) | Costa | Fortenberry |
| Brady (TX) | Costello | Foster |
| Braley (IA) | Courtney | Fox |
| Bright | Crenshaw | Frank (MA) |
| Broun (GA) | Critz | Franks (AZ) |

| | | |
|------------------|-----------------|------------------|
| Frelinghuysen | Lungren, Daniel | Rogers (MI) |
| Fudge | E. | Rohrabacher |
| Gallegly | Lynch | Rooney |
| Garamendi | Mack | Ros-Lehtinen |
| Garrett (NJ) | Maffei | Roskam |
| Gerlach | Maloney | Ross |
| Giffords | Marchant | Rothman (NJ) |
| Gingrey (GA) | Markey (CO) | Roybal-Allard |
| Gohmert | Markey (MA) | Royce |
| Gonzalez | Marshall | Ruppersberger |
| Goodlatte | Matheson | Rush |
| Gordon (TN) | Matsui | Ryan (OH) |
| Granger | McCarthy (CA) | Salazar |
| Grayson | McCarthy (NY) | Sánchez, Linda |
| Green, Al | McCaul | T. |
| Green, Gene | McClintock | Sanchez, Loretta |
| Grijalva | McCollum | Sarbanes |
| Guthrie | McCotter | Scalise |
| Gutierrez | McDermott | Schakowsky |
| Hall (NY) | McGovern | Schauer |
| Hall (TX) | McHenry | Schiff |
| Halvorson | McIntyre | Schmidt |
| Hare | McKeon | Schock |
| Harman | McMahon | Schrader |
| Harper | McMorris | Schwartz |
| Hastings (FL) | Rodgers | Scott (GA) |
| Hastings (WA) | McNerney | Scott (VA) |
| Heinrich | Meek (FL) | Sensenbrenner |
| Heller | Meeks (NY) | Serrano |
| Hensarling | Melancon | Sessions |
| Herger | Mica | Sestak |
| Herseth Sandlin | Michaud | Shadegg |
| Higgins | Miller (FL) | Shea-Porter |
| Hill | Miller (MI) | Sherman |
| Himes | Miller (NC) | Shimkus |
| Hinche | Miller, Gary | Shuler |
| Hirono | Miller, George | Shuster |
| Hodes | Minnick | Simpson |
| Holden | Mitchell | Sires |
| Holt | Mollohan | Skelton |
| Hoyer | Moore (KS) | Slaughter |
| Hunter | Moore (WI) | Smith (NE) |
| Inglis | Moran (KS) | Smith (NJ) |
| Inslee | Moran (VA) | Smith (TX) |
| Israel | Murphy (CT) | Smith (WA) |
| Issa | Murphy (NY) | Snyder |
| Jackson (IL) | Murphy, Patrick | Space |
| Jenkins | Murphy, Tim | Speier |
| Johnson (GA) | Myrick | Spratt |
| Johnson (IL) | Nadler (NY) | Stark |
| Johnson, E. B. | Napolitano | Stearns |
| Johnson, Sam | Neal (MA) | Stupak |
| Jordan (OH) | Neugebauer | Sullivan |
| Kagen | Nunes | Sutton |
| Kanjorski | Nye | Tanner |
| Kaptur | Oberstar | Taylor |
| Kennedy | Obey | Teague |
| Kildee | Olson | Terry |
| Kilroy | Olver | Thompson (CA) |
| Kind | Ortiz | Thompson (MS) |
| King (IA) | Owens | Thompson (PA) |
| King (NY) | Pallone | Thornberry |
| Kingston | Pascarella | Tiahrt |
| Kirk | Pastor (AZ) | Tiberi |
| Kirkpatrick (AZ) | Paulsen | Tierney |
| Kissell | Payne | Titus |
| Klein (FL) | Pence | Tonko |
| Kline (MN) | Perlmutter | Towns |
| Kosmas | Perriello | Tsongas |
| Kratovil | Peters | Turner |
| Lamborn | Peterson | Upton |
| Lance | Petri | Van Hollen |
| Langevin | Pingree (ME) | Velázquez |
| Larsen (WA) | Pitts | Visclosky |
| Larson (CT) | Platts | Walden |
| Latham | Poe (TX) | Walz |
| LaTourette | Polis (CO) | Wasserman |
| Latta | Pomeroy | Schultz |
| Lee (CA) | Posey | Waters |
| Lee (NY) | Price (GA) | Watt |
| Levin | Price (NC) | Waxman |
| Lewis (CA) | Putnam | Weiner |
| Lewis (GA) | Quigley | Welch |
| Linder | Radanovich | Westmoreland |
| Lipinski | Rahall | Whitfield |
| LoBiondo | Rangel | Wilson (OH) |
| Loeb | Rehberg | Wilson (SC) |
| Loeb | Reichert | Wittman |
| Lofgren, Zoe | Reyes | Wolf |
| Lowe | Richardson | Woolsey |
| Lucas | Rodriguez | Wu |
| Luetkemeyer | Roe (TN) | Yarmuth |
| Lujan | Rogers (AL) | Young (AK) |
| Lummis | Rogers (KY) | Young (FL) |

NOES—3

| Jones | Kucinich | Paul |
|--------------|-----------------|-----------|
| Barrett (SC) | Griffith | Manzullo |
| Blunt | Hinojosa | Ryan (WI) |
| Conyers | Hoekstra | Wamp |
| Crowley | Honda | Watson |
| Davis (AL) | Jackson Lee | |
| Fallin | (TX) | |
| Graves | Kilpatrick (MI) | |

NOT VOTING—17

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1531

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CROWLEY. Mr. Speaker, on rollcall No. 296, I was unavoidably detained and missed the vote. Had I been present, I would have voted "yes."

RECOGNIZING THE IMPORTANCE OF MANUFACTURED AND MODULAR HOUSING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 584.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. DONNELLY) that the House suspend the rules and agree to the resolution, H. Res. 584.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DRIEHAUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 4, answered "present" 1, not voting 18, as follows:

[Roll No. 297]

YEAS—408

| | | |
|-------------|-------------|----------------|
| Ackerman | Becerra | Boswell |
| Aderholt | Berkley | Boucher |
| Adler (NJ) | Berman | Boustany |
| Akin | Berry | Brady (PA) |
| Alexander | Biggert | Brady (TX) |
| Altmire | Bilbray | Braley (IA) |
| Andrews | Bilirakis | Bright |
| Arcuri | Bishop (GA) | Brown (SC) |
| Austria | Bishop (NY) | Brown, Corrine |
| Baca | Bishop (UT) | Brown-Waite, |
| Bachmann | Blackburn | Ginny |
| Bachus | Blumenauer | Buchanan |
| Baird | Boccieri | Burgess |
| Baldwin | Boehner | Burton (IN) |
| Barrow | Bonner | Butterfield |
| Bartlett | Bono Mack | Buyer |
| Barton (TX) | Boozman | Calvert |
| Bean | Boren | Camp |

Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummins
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Grijalva

Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern

McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascarelli
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock

Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space

Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton

Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—4

Broun (GA) Paul
Cao Young (AK)

ANSWERED "PRESENT"—1

Rogers (MI)

NOT VOTING—18

Barrett (SC) Griffith
Blunt Gutierrez
Boyd Hinojosa
Conyers Hodes
Davis (AL) Hoekstra
Fallin Jackson Lee
Graves (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1541

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SPECIAL AGENT SAMUEL HICKS FAMILIES OF FALLEN HEROES ACT

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2711) to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Special Agent Samuel Hicks Families of Fallen Heroes Act".

SEC. 2. TRANSPORTATION AND MOVING EXPENSES FOR IMMEDIATE FAMILY OF CERTAIN DECEASED FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is amended by inserting after section 5724c the following:

"§ 5724d. Transportation and moving expenses for immediate family of certain deceased Federal employees

"(a) IN GENERAL.—Under regulations prescribed by the President, the head of the agency concerned (or a designee) may determine that a covered employee died as a result of personal injury sustained while in the performance of the employee's duty and authorize or approve the payment by the agency, from Government funds, of—

"(1) any qualified expense of the immediate family of the covered employee attributable to a change in their place of residence, if the place where the immediate family will reside following the death of the employee is—

"(A) different from the place where the immediate family resided at the time of the employee's death; and

"(B) within the United States; and

"(2) any expense of preparing and transporting the remains of the deceased to—

"(A) the place where the immediate family will reside following the death of the employee; or

"(B) such other place appropriate for interment as is determined by the agency head (or designee).

"(b) NO DUPLICATE PAYMENT OF EXPENSES.—No expenses may be paid under this section if those expenses are paid from Government funds under section 5742 or any other authority.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'covered employee' means—

"(A) a law enforcement officer, as defined in section 5541;

"(B) any employee in or under the Federal Bureau of Investigation who is not described in subparagraph (A); and

"(C) a customs and border protection officer, as defined in section 8331(31); and

"(2) the term 'qualified expense', as used with respect to an immediate family changing its place of residence, means the transportation expenses of the immediate family, the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household goods and personal effects of such immediate family, not in excess of 18,000 pounds net weight, and, when authorized or approved by the agency head (or designee), the transportation of 1 privately owned motor vehicle."

(b) NO RELEVANCE AS TO COMPENSATION CLAIMS.—No determination made under section 5724d of title 5, United States Code, shall be deemed relevant to or be considered in connection with any claim for compensation under chapter 81 of that title or under any other law under which compensation may be provided on account of death or personal injury, nor shall any determination made with respect to any such claim be deemed relevant to or be considered in connection with any request for payment of expenses under such section 5724d.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States

Code, is amended by inserting after the item relating to section 5724c the following:

“Sec. 5724d. Transportation and moving expenses for immediate family of certain deceased Federal employees.”.

Amend the title so as to read: “An Act to amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Missouri (Mr. LUETKEMEYER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I present H.R. 2711, the Special Agent Samuel Hicks Families of Fallen Heroes Act, for consideration.

This bipartisan legislation was introduced on June 4, 2009, by my colleague, Representative MIKE ROGERS of Michigan, as well as several members of the Oversight Committee, including Chairman TOWNS, and Representatives BILL FOSTER of Illinois, ELIJAH CUMMINGS of Maryland, and BRIAN BILBRAY of California. In addition, I am also pleased to be an original cosponsor.

Moreover, H.R. 2711 was passed by the House of Representatives by a voice vote on December 8, 2009, and subsequently passed the United States Senate, with minor amendments, on May 14, 2010.

H.R. 2711 is an important measure for the Federal law enforcement community. This bill authorizes the FBI and other law enforcement agencies to pay the relocation and moving expenses for families of agents who are killed in the line of duty. Law enforcement officers and their families are routinely moved by the government to take on assignments that enhance the security of our country. Under current law, the government is authorized to pay these expenses if an agent or employee is killed overseas, but it cannot do so for relocation if the death occurs within the United States. While we wish this legislation was not necessary, tragically there have been instances in which such authority was needed to support the families of agents or employees who have given their lives.

I applaud the Senate, and especially Senators LIEBERMAN, COLLINS, AKAKA, and VOINOVICH for recognizing the im-

portance of this bill and for sending the bill back to the House with minor changes. The bill, as amended by the Senate, would extend these family benefits to employees of U.S. Customs and Border Protection. The Senate amendment also makes several largely technical changes to the scope of available assistance.

□ 1545

These improvements were made at the request of the Obama administration, which supports this measure. I do want to emphasize that the bill has strong support among the Federal law enforcement community, including the Federal Law Enforcement Officers Association and the FBI Agents Association.

Lastly, I'd like to point out that the title of the bill pays tribute to the memory and service of Special Agent Samuel Hicks. Special Agent Hicks was assigned to the Pittsburgh FBI office and was fatally shot on November 19, 2008, at the age of 33 while executing a Federal search warrant associated with a drug distribution ring.

Special Agent Hicks was a former police officer with the Baltimore Police Department. He and his family relocated to Pittsburgh when he became an agent. Unfortunately, after the loss of Special Agent Hicks, the Bureau was unable to assist the Hicks family in moving back to Baltimore due to the statutory limitations. This legislation would correct this problem and prevent future families from suffering additional grief and hardship.

I urge all of my colleagues to join me in supporting H.R. 2711.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I present H.R. 2711, the Special Agent Samuel Hicks Families of Fallen Heroes Act, for consideration.

This bipartisan legislation was introduced on June 4th, 2009 by my colleague, Representative MIKE ROGERS of Michigan, as well as several Members of the Oversight Committee, including Chairman ED TOWNS and Representatives BILL FOSTER, ELIJAH CUMMINGS, and BRIAN BILBRAY. In addition, I am pleased to say that I am an original cosponsor of H.R. 2711.

Moreover, H.R. 2711 was passed by the House of Representatives by voice vote on December 8th, 2009 and subsequently passed the United States Senate, with minor amendments, on May 14th, 2010.

H.R. 2711 is an important measure for the Federal law enforcement officer community. The bill authorizes the FBI and other law enforcement agencies to pay the relocation and moving expenses for families of agents who are killed in the line of duty.

Law enforcement officers and their families are routinely moved by the government to take on assignments that enhance the security of the country. Under current law, the government is authorized to pay these expenses if an agent or employee is killed overseas but cannot pay for relocation if the death occurs in the U.S.

While we wish this legislation was not necessary, tragically, there have been instances in the recent past where such authority was needed to support the families of agents or employees who gave their lives.

I applaud the Senate, and specifically, Senators LIEBERMAN, COLLINS, AKAKA and VOINOVICH, for recognizing the importance of this bill and for sending the bill back to the House with minor changes.

The bill, as amended by the Senate, would extend these family benefits to employees of U.S. Customs and Border Protection. The Senate amendment also makes several, largely technical changes to the scope of available benefits. These changes were made at the request of the Obama administration, which supports this measure.

I want to emphasize that this bill has strong support from the Federal law enforcement community, including the Federal Law Enforcement Officers Association and the Federal Bureau of Investigation Agents Association.

Lastly, I would like to point out that the title of this bill pays tribute to the memory and service of Special Agent Samuel Hicks. Special Agent Hicks was assigned to the Pittsburgh FBI office and was fatally shot on November 19, 2008, at the age of 33, while executing a Federal search warrant associated with a drug distribution ring. Special Agent Hicks was a former police officer with the Baltimore Police Department. He and his family relocated to Pittsburgh when he became an agent. Unfortunately, after the loss of Special Agent Hicks, the Bureau was unable to assist the Hicks family in moving back to Baltimore due to statutory limitations. This legislation would correct this problem and prevent future families from suffering additional unnecessary grief and hardship.

I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I yield myself such time as I may consume.

When we passed this bill in the House on December 8, 2009, this bill only applied to law enforcement officers as defined in section 5541 and other FBI employees who have sacrificed their lives during the performance of official duties. Additionally, the term “qualified expense” was more broadly defined than how this bill now characterizes the term.

Following the bill's passage in the House, the Senate, which passed this bill on May 14, 2010, amended this bill to expand its coverage to certain CBP officers. Moreover, the Senate amended this bill to qualify the term “qualified expense” and limit what constitutes a qualified expense.

At this stage, the bill would authorize the employing agency of Federal law enforcement officers as well as certain FBI and CBP employees who have sacrificed their lives in the performance of his or her duties to pay the moving, transportation, and relocation expenses due to a change of residence within the United States of the immediate family of the officer. Additionally, this bill would authorize the employing agency to cover the expenses of

preparing and transporting the remains of the deceased to the place where the family will reside following the employee's death.

The Federal Government often requires or asks Federal law enforcement, including CBP and FBI officers, to relocate to new areas all across the country and throughout the world. Frequently, these officers bring their families with them to see these new localities. When the lives of these officers have been sacrificed during the performance of their official duties, the family is often stranded with no financial means to return to the area they call home. Congress should make it a priority to help care for the families of these heroes who have honorably sacrificed their lives for the security of our country.

Mr. Speaker, I support this measure and urge my colleagues to do as well.

Mr. Speaker, at this point, I would like to yield such time as he may consume to my distinguished colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Thank you, Mr. LYNCH, for your help and cooperation—it goes to show you what good things we can do when we work together in this Chamber—to really stand up for the families of the fallen.

You know, the folks who are killed in the line of duty come from all walks of life and from every corner of our country, and they sign up for law enforcement, Federal law enforcement because they believe in a purpose higher than themselves. And they consistently, day in and day out, Mr. Speaker, put their lives on the line for the same rule of law that we enjoy in every ounce of every community.

And these are the rare and sad cases where these agents or patrol officers with the CBP have given their lives in defense of that law and liberty in communities across the United States.

But there's also another set of victims there, and it is the family members who have sacrificed with them and packed up their families and come a long way away from where they grew up and where their family is to help build a support network for those agents and officers who are serving so proudly the United States of America. And due to a glitch—and it was just that, a simple glitch—that if an FBI agent was killed in the line of duty overseas, their family could be relocated back. But if they moved from Maine to California, the family was stuck with the expense and the hazard and the hardship of getting home.

This is really a small step to say “thank you” for the service and sacrifice for the men and women who wear the badge of the people of the United States of America, and a small statement to them that we care, we have not forgotten, and we thank you every day for your service and sacrifice to this great Nation.

Mr. LYNCH. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I urge all Members to support the passage of H.R. 2711.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H.R. 2711, the Special Agent Samuel Hicks Families of Fallen Heroes Act. I also want to thank my colleague, Mr. ROGERS, for introducing this important legislation.

This legislation aims to authorize the FBI to pay the relocation and moving expenses for families of FBI agents who are killed in the line of duty. At present, the law only provides for the FBI to cover these expenses if an FBI agent or an employee is killed overseas. However, payment for the relocation of a decedent's immediate family if the death occurs in the U.S. falls outside the ambit of the current statutory provision.

Special Agent Hicks, the man after whom this legislation is named, was a former police officer with the Baltimore police department. Upon receiving an assignment as an FBI agent, Hicks and his family relocated to Pittsburgh, Pennsylvania. Special Agent Hicks regrettably lost his life when he was fatally shot on November 19, 2008 at the age of 33 while executing a Federal search warrant associated with a drug distribution ring. He is survived by his wife and their 2-year-old son. The Bureau was unable to assist the Hicks family in moving back to Baltimore because of restrictive construction of the statute providing only for the financial assistance to families of agents perishing overseas.

This instance of a family of a federal law enforcement officer being denied the financial assistance they required to relocate is indicative of the error in the construction of the initial remedial statute. Allowing for domestic family members of fallen federal agents or employees to receive the same assistance that foreign families receive will widen the scope of the statute and provide much needed relief to those persons touched by such tragedy.

FBI employees take on tremendous responsibilities to ensure the safety and the security of these United States. As such, agents and their families are moved throughout the country, dispersed to its very corners, in pursuit of this nation's protection. In the event of an untimely and tragic death, we would like to bring help to the fallen hero's family within the perimeter of this new legislation—regardless of whether the tragedy strikes abroad or here at home.

Unfortunately, in the recent past there have been instances in which such authority was needed to support the families of agents or employees who gave their lives for this country, and received no assistance at all. This legislation seeks to remedy this wrong, and hopefully with its passage the immediate family of FBI agents or employees will receive the help they deserve.

The foregoing reasons outline the importance of our attention this legislation seeks to afford those families of federal agents or employees that the initial statutes did not cover. We must provide financial assistance to the families of domestic fallen heroes.

I urge my colleagues to support this bill.

Mr. LYNCH. Mr. Speaker, I thank the gentleman for his thoughtful remarks, and I just want to ask Members on both sides to join with Mr. ROGERS of Michigan, also Mr. FOSTER of Illinois—and, Mr. Speaker, I know that you, as the Representative from Maryland's Seventh District, had a special interest in this bill on behalf of the Hicks family and all of those officers who are killed in the line of duty, so I want to thank you for your work as well.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2711.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LUETKEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3250. An act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the “Private First Class Garfield M. Langhorn Post Office Building”.

H.R. 3634. An act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the “George Kell Post Office”.

H.R. 3892. An act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the “E.V. Wilkins Post Office”.

H.R. 4017. An act to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the “Ann Marie Blute Post Office”.

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the “Congresswoman Jan Meyers Post Office Building”.

H.R. 4139. An act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the “Sergeant Matthew L. Ingram Post Office”.

H.R. 4214. An act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the “Roy Wilson Post Office”.

H.R. 4238. An act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the “W.D. Farr Post Office Building”.

H.R. 4425. An act to designate the facility of the United States Postal Service located

at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office".

H.R. 4547. An act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the "Captain Luther H. Smith, U.S. Army Air Forces Post Office".

H.R. 4628. An act to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the "Sergeant Christopher R. Hrbek Post Office Building".

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4840. An act to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the "Clarence D. Lumpkin Post Office".

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2874. An act to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building".

S. 3200. An act to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the "Zachary Smith Post Office Building".

RECOGNIZING WILL KEITH KELLOGG

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1172) recognizing the life and achievements of Will Keith Kellogg.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1172

Whereas Will Keith (W.K.) Kellogg, through his experimentation and entrepreneurship, revolutionized eating habits around the world; promoted healthy living for families and communities; patriotically assisted the United States during World War II; created the Kellogg Company, which has produced a wide variety of popular foods for more than 100 years and has developed memorable cultural icons; and formed the W.K. Kellogg Foundation, which promotes a vision of healthy living around the world;

Whereas Will Keith (W.K.) Kellogg was born on April 7, 1860, and died at the age of 91 on October 6, 1951;

Whereas, April 7, 2010, will mark the celebration of the 150th anniversary of W.K. Kellogg's birth;

Whereas W.K. Kellogg and his brother Dr. John Harvey Kellogg developed the first breakfast cereal, Kellogg's Corn Flakes, in Battle Creek, Michigan, on April 1, 1906;

Whereas W.K. Kellogg strongly promoted healthy eating and fitness throughout his career;

Whereas the Kellogg Company has produced many nutritious foods for 104 years;

Whereas consumer awareness of nutrition has long been a major priority of the Kellogg Company;

Whereas innovative packing and nutrition labels developed by the Kellogg Company

have gone on to become standard practice in the food industry;

Whereas breakfast cereals have revolutionized eating habits in the United States and around the world;

Whereas the Kellogg Company has created memorable characters that have become cultural icons, including "Tony the Tiger" and "Snap, Crackle, and Pop";

Whereas during the Great Depression, W.K. Kellogg pronounced his faith in the United States by announcing "I'll invest my money in people";

Whereas the production facilities of the Kellogg Company played a key role in assisting the engineering efforts of the United States Armed Forces during World War II;

Whereas families in the United States often sent food products from the Kellogg Company to soldiers serving in foreign countries;

Whereas for his contributions to the United States during World War II, W.K. Kellogg was awarded the Army-Navy "E" Flag for Excellence;

Whereas the Apollo 11 astronauts brought Kellogg's breakfast cereal into outer space in 1969, during their successful mission to the moon;

Whereas the Kellogg Company has maintained its social responsibility by supporting a number of different organizations, such as the United Negro College Fund, the Statue of Liberty-Ellis Island renewal project, and organizations that fought apartheid in South Africa;

Whereas the Kellogg Company has been working to combat obesity and is joining together with more than 40 of the Nation's largest retailers, nonprofit organizations, manufacturers, and trade associations to launch the Healthy Weight Commitment Foundation to promote healthy living in homes, schools, and workplaces;

Whereas the Kellogg Foundation was begun by W.K. Kellogg to bolster the health of children in Battle Creek, Michigan;

Whereas the W.K. Kellogg Foundation today promotes health, education, agriculture, and family economic security throughout the world;

Whereas the Kellogg Company manufactures its products in 18 countries and sells them to people in 180 different countries;

Whereas the Kellogg Company currently has production facilities in 14 States, including: California, Georgia, Illinois, Kansas, Kentucky, Michigan, Nebraska, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Utah, and Washington; and

Whereas W.K. Kellogg created a legacy of healthy living, patriotism, and entrepreneurship that endures to this day: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 150th anniversary of the birth of Will Keith Kellogg and his contributions to the citizens of the United States and the people of the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Missouri (Mr. LUETKEMEYER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I present House Resolution 1172 for consideration. This legislation recognizes the life and achievements of a renowned American industrialist and philanthropist, Mr. Will Keith Kellogg.

Introduced by my colleague and friend, Representative MARK SCHAUER of Michigan, on March 11, 2010, House Resolution 1172 was favorably reported out of the Oversight Committee on May 20, 2010, by unanimous consent. And, additionally, this legislation enjoys the support of over 50 Members of Congress.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I present House Resolution 1172 for consideration. This legislation recognizes the life and achievements of a renowned American industrialist and philanthropist, Mr. Will Keith Kellogg.

Introduced by my colleague, Representative MARK SCHAUER of Michigan, on March 11th, 2010, House Resolution 1172 was favorably reported out of the Oversight Committee on May 20th, 2010 by unanimous consent. Additionally, this legislation enjoys the support of over fifty members of Congress.

A longtime resident of the city of Battle Creek, Michigan, W.K. Kellogg, the founder of the famed Kellogg Company, was born on April 7th, 1860. While Mr. Kellogg lacked a formal education beyond the 6th grade, he was always an aspiring businessman and at the age of 14, began his business career selling brooms for a living.

At the age of 20, Mr. Kellogg moved to Battle Creek to work at the Battle Creek Sanitarium, where his brother, Dr. John Harvey Kellogg, served as physician-in-chief. It was at the sanitarium where Mr. Kellogg and his brother first began experimenting with grains in order to improve the vegetarian diet of the hospital's patients.

The Kellogg brothers' efforts proved groundbreaking, as the year 1894 marked W.K. Kellogg's discovery of a process for making flaked cereal. The new cereal was an instant favorite among the sanitarium's patients and soon became available through mail order to accommodate the requests of hundreds of hospital guests.

In 1906, Mr. Kellogg officially entered the cereal business and founded the Battle Creek Toasted Corn Flake Company—which later became the Kellogg Company. Notably, the Kellogg Company product line reflected Mr. Kellogg's belief that the entire populace—and not just those on special diets—would be interested in healthy cereal foods. Accordingly, Mr. Kellogg continually sought to improve his breakfast cereals—eventually discovering that a better flake was produced by using only the corn grit or "sweet heart of the corn"—and the Kellogg Company quickly became an industry leader in terms of innovative packing and nutritional labeling.

As Mr. Kellogg's company quickly expanded its operations to locations such as Australia

and England, the Kellogg Company continued to play a key economic role in Battle Creek and across the United States. During the Great Depression, Mr. Kellogg, who famously announced that he would invest his money in his people, expanded his facilities in Battle Creek—thereby bringing much-needed jobs to his hometown. Similarly, he directed his Battle Creek plant to offer four work shifts of six hours each, so as to spread the payroll among more workers.

The Kellogg Company also played an instrumental role during World War II, as the company provided packaged rations for the United States armed forces. In addition, Kellogg Company engineering personnel made use of the company's production facilities in support of United States armed forces engineering efforts. And in recognition of the company's contribution to the American war effort, Mr. Kellogg received the Army-Navy "E" Flag for excellence.

In addition to his pioneering contributions to the food industry and his devotion to promoting healthy living around the world, Mr. Kellogg is also remembered as a dedicated philanthropist. Notably, in 1930, President Herbert Hoover named Mr. Kellogg to serve as a delegate to the White House Conference on Child Health and Protection, and in his continued efforts to assist young people, Mr. Kellogg subsequently established the W.K. Kellogg Child Welfare Foundation. The foundation, now known as the W.K. Kellogg Foundation, serves to provide a variety of educational, healthcare, and other opportunities to vulnerable children.

Moreover, Mr. Kellogg donated millions of dollars to a variety of hometown causes throughout his life, including the establishment of the Ann J. Kellogg School for Handicapped Children and the construction of a civic auditorium, a junior high school, and a youth recreation center in Battle Creek.

Mr. Speaker, after a lifetime of remarkable achievements in the world of business and a dedicated commitment to public service, W.K. Kellogg passed away on October 6th, 1951, at the age of 91. It is my hope that we honor the life and achievements of Mr. Kellogg through the passage of House Resolution 1172. Notably, this legislation is as timely as it is fitting, as this past April marked the 150th Anniversary of Mr. Kellogg's birth.

At this time I yield 5 minutes to the lead sponsor of this resolution, the gentleman from Michigan (Mr. SCHAUER).

Mr. SCHAUER. Thank you, Mr. LYNCH.

Mr. Speaker, I rise in support of House Resolution 1172 to commemorate the extraordinary life of Will Keith Kellogg. W.K. Kellogg represents the embodiment of the American Dream. With an education only through the sixth grade, Mr. Kellogg rose out of the stockyards of Battle Creek, my hometown in Michigan, to become one of the most influential industrialists and philanthropists in American history.

Now, in the 150th year since his birth, through both the Kellogg Company and the W.K. Kellogg Foundation, he continues to touch the lives of millions throughout the country and the world.

Through the invention of the ready-to-eat breakfast cereal in 1906, W.K. Kellogg provided widespread access to a broad spectrum of vitamins and minerals for the first time. Think about this: W.K. Kellogg stood up an entire industry that didn't exist before he invented the corn flake in Battle Creek, Michigan.

Breakfast cereal has grown to become one of the most widely eaten foods around the world. In many countries, fortified cereal breakfast foods represent one of the few readily available sources of essential micronutrients. A nutrition and health visionary, W.K. Kellogg hired the first dietician to work in the food industry, was the first to print nutrition labels on packaging, and believed strongly in educating consumers to empower them to make good nutritional choices. With the number of obese and overweight children on the rise, W.K. Kellogg's message about nutritional awareness continues to resonate throughout our country.

W.K. Kellogg formed a foundation which bears his name. During the Great Depression, he announced, I'll invest my money in people. Today, through the Kellogg Foundation, his legacy lives on. From the \$64 million he set aside to ease the suffering of children during the Great Depression, the Kellogg Foundation now boasts assets of over \$8 billion and grants upwards of \$200 million each year to charitable organizations, especially those aimed at benefiting children.

W.K. Kellogg would be proud of the Kellogg Company's work to attack childhood obesity and the Kellogg Foundation's grant-making to promote education and health and eliminate poverty and racism.

As we commemorate the 150th anniversary of his life, we should remind ourselves of the increasing importance that a healthy lifestyle plays in our lives and also remember that, in America, anything is possible.

Mr. LUETKEMEYER. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1172, recognizing the life and achievements of Will Keith Kellogg. Will Keith Kellogg, who was known worldwide as W.K. Kellogg, was a great American marketer, philanthropist, patriot, and great revolutionary of the health food industry.

Mr. Kellogg and his brother ran the Battle Creek Sanitarium, a local health resort where he became interested in nutrition. Mr. Kellogg found a process to use corn grain to create light flakes that many guests in the sanitarium enjoyed. While his brother was skeptical, Mr. Kellogg said, I sort of feel in my bones that we're preparing a campaign for a food which will eventually prove to be the leading cereal in the United States, if not the world.

Kellogg was also the first company to put a nutritional label on its products, signifying the importance of nutrition in everyday living. Mr. Kellogg worked long hours to get his products to the market. He began to manufacture products in 18 countries and sell them to people in 180 different countries, with production facilities in 14 States.

He believed in the hands-on approach by walking through factories and observing operations daily. He was the first in the corporate world to offer extended benefits and services to his workers. He was particularly interested in helping children in 1927 when he opened a nursery at his main plant to accommodate the needs of his female employees with children.

In 1930 the W.K. Kellogg Child Welfare Foundation was established with a first donation consisting of more than \$66 million in Kellogg Company stock and other investments from Kellogg himself. The foundation believes that children are the world's future, and they depend on families, communities, and society at large to nurture and protect them.

In reflecting on his success, Mr. Kellogg once said, I confess at the time I little realized the extent to which the food business might develop in Battle Creek. Kellogg made sure to establish and maintain a partnership between the small town of Battle Creek and its quickly growing company.

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During the Great Depression, Kellogg showed his patriotism and love of his country and community by his concerns for his fellow workers' welfare. He created more shifts so that more family men could be hired, directing his cereal plant to work four shifts, lasting 6 hours, helping the Battle Creek community.

W.K. Kellogg was an American entrepreneur and breakfast revolutionary. He stressed the importance of American made and American duty. Upon retiring from his company in 1938, he remained a chairman of the board and very involved in Kellogg's placement in the market. Mr. Kellogg was diagnosed with glaucoma and spent the last of his life blind but continued to visit his company's plants with his seeing-eye dog.

When he passed away in 1951, W.K. Kellogg left America a legacy of healthy living, patriotism, and entrepreneurship that still endures today.

With that, Mr. Speaker, seeing no other speakers, I urge the support of passage of House Resolution 1172.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I appreciate the gentleman's kind words and also the words of the gentleman from Michigan (Mr. SCHAUER).

I would just add one last point, and that is that the Kellogg Company also

played an instrumental role during World War II as the company for the first time provided packaged rations for the United States Armed Forces.

In addition, during World War II, Kellogg Company engineering personnel made use of the company's production facilities in support of the United States Armed Forces engineering efforts. In recognition of the company's contribution to the American war effort, Mr. Kellogg received the Army-Navy E Flag for excellence.

With that, I would just ask Members on both sides of the aisle to support Mr. SCHAUER in his resolution.

I yield back the balance of our time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1172.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMENDING LANCE MACKEY ON WINNING 4TH STRAIGHT IDITAROD TRAIL SLED DOG RACE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1189) commending Lance Mackey on winning a record 4th straight Iditarod Trail Sled Dog Race.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1189

Whereas Lance Mackey was born and raised in Alaska and currently resides in Fairbanks, Alaska;

Whereas Lance Mackey comes from a long line of successful mushers, including his father Dick and his brother Rick, each of whom has won the Iditarod Trail Sled Dog Race;

Whereas Lance Mackey is married to his high school sweetheart Tonya, who is also a musher, and has three children: Amanda, Brittney, and Cain and one new grandchild, born on the seventh day of the nine-plus-day Iditarod Trail Sled Dog Race;

Whereas Lance Mackey and his family run the Comeback Kennel in Fairbanks, Alaska;

Whereas Lance Mackey was diagnosed with throat cancer in 2001, took a year off from sled-dog racing to recover from the disease, and is now cancer-free;

Whereas the Iditarod Trail Sled Dog Race, which has been called the "Last Great Race on Earth", is a grueling 1,150-mile sled dog

race across Alaska's jagged mountain ranges, frozen rivers, dense forests, and windswept tundra;

Whereas running the Iditarod Trail Sled Dog Race is a year-long commitment to training and caring for one's sled dogs;

Whereas the Yukon Quest is an equally grueling 1,000-mile sled dog race from Fairbanks, Alaska, to Whitehorse, Yukon;

Whereas Lance Mackey is the only 4-time consecutive Iditarod Trail Sled Dog Race Champion, the only 4-time Yukon Quest Race Champion and the only man to win both the Yukon Quest and Iditarod Trail Sled Dog Races in the same year, which he did in both 2007 and 2008;

Whereas Lance Mackey, guided by his two lead dogs "Maple" and "Rev", mushed his team of Alaskan Huskies along the path of the 38th Iditarod Trail Sled Dog Race from its start in Anchorage to the finish line in Nome in just 8 days, 23 hours, 59 minutes, and 9 seconds;

Whereas both "Maple" and "Rev" exemplify all the essential qualities for good lead dogs, including intelligence, initiative, common sense, and the ability to find a trail in bad conditions;

Whereas Lance Mackey, who despite retiring "Larry", the lead dog with whom Mackey won his first three Iditarod Trail Sled Dog Races, was still able to convincingly win his 4th consecutive Iditarod;

Whereas the Iditarod Trail, a National Historic Trail, is staffed by thousands of volunteers who monitor and assist all competitors; and

Whereas each checkpoint along the Iditarod Trail has coordinators, health care professionals, and licensed veterinarians who carefully monitor the health and safety of all dogs and mushers: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends Lance Mackey on his record-breaking 4th consecutive Iditarod victory during the 2010 Iditarod Trail Sled Dog Race;

(2) applauds each and every musher who was courageous enough to compete in the 2010 Iditarod Trail Sled Dog Race; and

(3) expresses appreciation to all volunteers and staff who help make this great Alaskan race possible each and every year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Missouri (Mr. LUETKEMEYER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I present House Resolution 1189 for consideration. This resolution honors Lance Mackey for his record of four consecutive wins at the Iditarod.

House Resolution 1189 was introduced by my colleague, the gentleman from Alaska, Representative DON YOUNG, on

March 17, 2010. The measure was referred to the Committee on Oversight and Government Reform, which ordered the measure reported by unanimous consent on April 14, 2010. Notably, House Resolution 1189 enjoys the support of over 80 Members of Congress.

Mr. Speaker, Lance Mackey's ability to win a record fourth consecutive Iditarod can truly be characterized as a remarkable achievement. As the residents of Alaska well know, the Iditarod takes place on 1,150 miles of grueling landscape across the State. Competitors race over mountain ranges, through tundra and spruce forests and across frozen rivers.

Mr. Mackey completed this year's race from a start in Anchorage to the finish line in Nome in just 8 days, 23 hours, 59 minutes and 9 seconds, the second-fastest finish in the history of this race.

In addition, he is the only person ever to be crowned Iditarod Trail Sled Dog Race champion four times in a row and the only person to win both the Yukon Quest and the Iditarod race in the same year, a feat that he accomplished in both 2007 and 2008.

Mr. Mackey's accomplishments have also served as an inspiration to the cancer community. In 2001, Mr. Mackey was diagnosed with throat cancer. He took a year off from racing in order to battle the disease.

Thankfully, Mr. Mackey is now considered cancer-free and often speaks to a variety of cancer patient groups about his fight and his recovery.

Mr. Speaker, let us now take this opportunity to congratulate Mr. Mackey on his historic victory. I thank the gentleman from Alaska for introducing House Resolution 1189. I would also like to thank the gentleman from California (Mr. ISSA) for his support of this measure.

I urge my colleagues to support the House Resolution 1189.

Mr. Speaker, I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, to facilitate matters, I will include my remarks in the RECORD at the conclusion of these proceedings.

With that, I yield such time as he may consume to my distinguished colleague from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the chairman and the ranking member.

This is a resolution recognizing Lance Mackey. I know Lance personally. As the chairman mentioned, last March he made Alaskan history by being the first person to win four consecutive Iditarod races. My friends, that's a little over 4,450 miles across nearly 1,200 miles of Alaskan wilderness from Willow to Nome.

His exceptional fast time this year makes him only one of two finishers to finish the race in less than 9 days. Remember, this is over a thousand miles

in less than 9 days. Lance was also the only person to have won the Yukon Quest four times, a thousand mile dog-sled race from Fairbanks, Alaska, to Whitehorse, Yukon. In 2007 and 2008, he won both the Iditarod and Yukon Quest in the same year within 2 weeks of one another, otherwise over 2,000 miles within 2 weeks.

Lance Mackey was born and raised in Alaska and comes from a long line of successful mushers. His father, Dick, helped form the Iditarod race in 1973, and I have raced with Dick Mackey when he was there and I was a lot younger. His brother, Rick, along with his father, have each won the Iditarod race.

Like both his father and mother, Lance won on his sixth day wearing lucky bib number 13. Mackey considers his dogs to be the true champions, and his team was guided this year by lead dogs Maple and Rev, who had big shoes to fill after the retirement of Larry, who led Lance's team during his first three Iditarod wins.

In 2001, as it was mentioned, Lance Mackey was diagnosed with throat cancer. He continued to run in the 2002 Iditarod with a feeding tube in his stomach, but had to pull out of the race halfway through. After extensive surgery, radiation treatment, a year-long break from racing, and the loss of an index finger, he is now fully recovered and cancer-free.

Lance Mackey is married to his high school sweetheart, Tonya, who is also a musher. They have four children: Amanda; Brittney; Alanah; and Cain. Together they run the Comeback Kennel in Fox, Alaska.

Lance Mackey is a real-life hero and an inspiration to thousands of Alaskan Americans who religiously follow the Iditarod. I want to commend Lance for the great achievement of winning the four straight Iditarods. This is a great Alaskan. Thank you, Lance.

Mr. LUETKEMEYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1189, commending Lance Mackey on winning a record 4th straight Iditarod Trail Sled Dog Race. This resolution not only congratulates Mackey on his incredible successes but also recognizes the importance of the Iditarod race and all of the prestige that it brings to Alaska every year.

Since the 1970s, the Iditarod Sled Dog Race—frequently referred to as the 'Last Great Race on Earth'—has attracted the best dog sled racers (known as mushers) and dog teams from around the world to compete in Alaska. The 1,150 mile Iditarod trail race is famous around the world because of its difficulty and because of the incredible talent that it attracts every year. The Iditarod's official site explains the extreme difficulty of the trail saying that nature "throws jagged mountain ranges, frozen river, dense forest, desolate tundra, and miles of windswept coast at the mushers and their dog teams.

Add to that temperatures far below zero, winds that can cause a complete loss of visibility, the hazards of overflow, long hours of darkness and treacherous climbs and slide hills, and you have the Iditarod." In addition to a very exciting race, the Iditarod race every year attracts fans and spectators from around the world and creates many important jobs for Alaskans.

Lance Mackey who won this year's Iditarod race provides an inspiration not only to fans of the Iditarod but to all Americans.

Mackey grew up in a family of dedicated and victorious mushers as both his dad and his brother have won the Iditarod race. In 2001, Mackey suffered a severe career and life set back when he became sick with throat cancer. However, after a year of treatment and away from dog sledding, Mackey recovered from his cancer and was able to resume his career. Just a few years later he won his first Iditarod race and then went on to win three more times for a record four consecutive wins.

Mr. Speaker, I strongly urge all of my colleagues to support this resolution. The annual Iditarod race is an amazing event not just for Alaska but for the entire country, and Lance Mackey, the champion for the last four years, deserves our recognition and congratulations.

I have no further requests for time, and I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I commend the gentleman for his thoughtful remarks and ask Members on both sides of the aisle to support Mr. YOUNG in his resolution.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1189.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CELEBRATING ASIAN/PACIFIC AMERICAN HERITAGE MONTH

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1316) celebrating Asian/Pacific American Heritage Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1316

Whereas the United States joins together each May to pay tribute to the contributions of generations of Asians and Pacific Islanders who have enriched the Nation's history;

Whereas the history of Asians and Pacific Islanders in the United States is inextricably tied to the story of the Nation;

Whereas the month of May was selected for Asian/Pacific American Heritage Month due to the following two historical events, first, May 7, 1843, when the first Japanese immigrants arrived in the United States, and second, May 10, 1869, when, with substantial contributions from Chinese immigrants, the first transcontinental railroad was completed;

Whereas today, according to the United States Census Bureau, the Asian American and Pacific Islander community is one of the fastest growing and most diverse populations in the United States, comprised of over 45 distinct ethnicities and over 28 language groups in the community;

Whereas the United States Census Bureau estimates that there are 15,200,000 United States residents who identify themselves as Asian alone or in combination with one or more other races, 1,000,000 United States residents who identify themselves as Native Hawaiian and other Pacific Islander alone or in combination with one or more other races, and projects that by 2050, there will be 40,600,000 United States residents identifying as Asian alone or in combination with one or more other races, to comprise 9 percent of the United States population;

Whereas section 102 of title 36, United States Code, officially designates May as Asian/Pacific American Heritage Month, and requests the President to issue each year a proclamation calling on the people of the United States to observe this month with appropriate programs, ceremonies, and activities;

Whereas significant outreach efforts to the Asian American and Pacific Islander community have been made through the reestablishment of the White House Initiative on Asian Americans and Pacific Islanders to coordinate multiagency efforts to ensure more accurate data collection and access to services for this community;

Whereas the Presidential Cabinet includes a record three Asian Americans, including Energy Secretary Steven Chu, Commerce Secretary Gary Locke, and Veterans Affairs Secretary Eric Shinseki;

Whereas there has been a commitment to judicial diversity through the nomination of high caliber Asian Americans and other minority jurists at all levels of the Federal bench;

Whereas the civic engagement of Asian Americans and Pacific Islanders and community-based organizations has increased throughout the years;

Whereas the Congressional Asian Pacific American Caucus, a bipartisan, bicameral caucus of Members of Congress advocating on behalf of Asian Americans and Pacific Islanders, has reached a record 30 Members this year;

Whereas today, Asian American and Pacific Islander leaders serve in local and State legislatures across the Nation, in States as diverse as California, New York, Texas, Connecticut, Maryland, Ohio, and Iowa;

Whereas, even with these exceptional milestones crossed by the community, there remains much to be done to ensure that linguistically and culturally isolated Asian Americans and Pacific Islanders have access to resources and a voice in the United States Government;

Whereas learning from injustices faced by Asian American and Pacific Islander communities throughout United States history, such as the Chinese Exclusion Act, the Japanese American internment, unpunished hate

crimes such as the murder of Vincent Chin, and other events, can help perfect the Nation;

Whereas Asian Americans and Pacific Islanders, such as civil rights activist Yuri Kochiyama, Medal of Honor recipient Herbert Pihilaau, the first Asian American Congressman Dalip Singh Saund, the first Asian American Congresswoman Patsy Mink, the first Asian American member of a presidential cabinet Norman Y. Mineta, and others have made significant strides in the political and military realms; and

Whereas celebrating Asian/Pacific American Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, history, and address the challenges faced by Asian Americans and Pacific Islanders: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that Asian American and Pacific Islander communities enhance the rich diversity of the United States; and

(2) celebrates the contributions of Asian Americans and Pacific Islanders to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Missouri (Mr. LUETKEMEYER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I present House Resolution 1316, as amended, for consideration. This legislation celebrates Asian/Pacific American Heritage Month, which is celebrated during the month of May.

House Resolution 1316 was introduced by my friend and colleague, Representative MIKE HONDA of California, on April 29, 2010. In addition, this resolution was favorably reported out of the House Oversight and Government Reform Committee by unanimous consent on May 6, 2010. This House Resolution enjoys the support of over 55 Members of Congress.

Mr. Speaker, the Asian American and Pacific Islander community is composed of over 15 million people, who on a daily basis, make significant contributions to the betterment of our country. In addition to being one of our country's fastest-growing minority groups, the Asian American and Pacific Islander community is also responsible for generating an estimated \$326 billion annually for our economy as entrepreneurs and owners of over 1.1 million businesses.

While Asian/Pacific American heritage is certainly worth recognizing and

celebrating year round, the country and the Asian/Pacific American community have traditionally come together in the month of May to celebrate and commemorate Asian and Pacific American heritage.

This celebration began back in 1977 when Representatives Frank Horton and Norman Mineta and Senators DANIEL INOUE and Spark Matsunaga introduced resolutions asking the President to declare the first 10 days of May as Asian/Pacific Heritage Week.

The selection of the month of May stems from the fact that May marks the arrival of the first Japanese immigrants to the United States in 1843. In 1978, President Carter made Asian/Pacific Heritage Week an annual event. In 1990, President George H. W. Bush proclaimed the entire month of May to be Asian/Pacific American Heritage Month.

Mr. Speaker, Asian Americans and Pacific Islanders have also made great strides in the area of civil rights and public policy. Led by such notable Americans as Patsy Mink, the first Asian American congresswoman, the President's current Cabinet includes three Asian Americans: Energy Secretary Steven Chu; Commerce Secretary Gary Locke; and Veterans Affairs Secretary Eric Shinseki.

In closing, let us as a body take a moment to recognize the valuable contribution of the Asian and Pacific American community and celebrate their rich cultural heritage by supporting House Resolution 1316.

Mr. Speaker, I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1316, celebrating Asian/Pacific American Heritage Month.

Asian American and Pacific Islanders have been an integral part of the fabric of American life since Japanese immigrants first arrived in the United States on May 7, 1843.

Asian Americans worked as coal miners on farms and helped with the completion of the first continental railroad. Rising from their humble beginnings, Asian Americans have been instrumental in the building of this country from the 19th century onwards. In arts, sciences, math and sports, commerce, and every other aspect of American culture, the contributions of Asian Americans have enhanced and benefited our rich cultural heritage.

The U.S. Census estimates that over 15 million Americans trace their ethnic heritage to Asia or the Pacific Islands and projects that by 2050, there will be approximately 40 million United States residents identifying as Asian alone or in combination with one or more races.

The month of May once again provides the people of the United States

with an opportunity to recognize the achievements and contributions, history, and concerns of Asian Americans. Today we had the opportunity to increase our body here by one with an Asian American, Mr. DJOU of Hawaii, who we welcome and again give him the opportunity to serve his people and his heritage in this great body.

With that, I would like to thank my respected colleague Mr. HONDA for introducing this important legislation.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I have no further requests for time, and I continue to reserve the balance of my time.

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Mr. LUETKEMEYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. CAO).

Mr. CAO. Mr. Speaker, I rise today in support of House Resolution 1316, celebrating Asian Pacific American Heritage Month. I commend the gentleman from California (Mr. HONDA) for introducing this legislation, of which I am a proud cosponsor.

The month of May is Asian Pacific American Heritage Month. During this time, we celebrate the contributions of Asian Americans and Pacific Islanders to their communities and to this Nation. As we do, we also must pause to recognize the struggles they have faced and continue to face.

Today, we face a crisis in our community. Right now along the gulf coast, Asian Americans in particular are struggling because of the impacts of the Deepwater Horizon oil spill. This economic, environmental, and health disaster is disproportionately affecting those who rely upon the resources of our coastal waters for their livelihoods. Many of those affected are Vietnamese American fishermen living in Alabama, Mississippi, Texas, and my home State of Louisiana. While they are struggling, I know one thing for sure: they will persevere and overcome the effects of this catastrophe, relying upon the perseverance and the strength of family that runs throughout Asian American communities.

We have seen Asian American communities forced to start over to begin a new life, and I would like to use my family as an example. My mother and father were born in North Vietnam. In 1945, when the Communists took over North Vietnam, my family lost everything. They were forced to leave their home, their families, and their possessions to escape the Communists. They migrated to South Vietnam, where they started over.

After many years of struggle and much hard work, again they lost everything they possessed, even their children, when, in the spring of 1975, the Communist forces took over South Vietnam. My father then spent 7 years

in Vietnamese re-education camps, during which time my mother single-handedly cared for my father, my brother, and my five sisters.

Once again, in 1991, they left everything they owned to come to the United States to begin a new life. Tragically, that new beginning, once again, was taken from them by the destruction of Hurricane Katrina; but they, like many who were in the same position, are survivors and they continue to thrive.

My family is but only one example of the thousands of Asian American families that have faced and overcome struggles with dignity and bravery. This just gives you a glimpse of the resiliency and the strength that is inherent in the Asian American culture, allowing those like my family to survive, just as those along the gulf coast will.

Mr. Speaker, I am proud to be a Vietnamese American representing the wonderfully diverse constituency in Orleans and Jefferson Parishes in the U.S. Congress, and I am proud to be associated with this important resolution honoring Asian Americans.

I urge my colleagues to support this important resolution as a tribute to the accomplishments of Asian Americans everywhere.

Mr. FALOMAVAEGA. Mr. Speaker, I thank my fellow members of Congress who join us today in honoring Asian Pacific Heritage Month and I thank the gentleman from California, Mr. HONDA, for sponsoring this resolution to recognize and honor the contributions of our Asian Pacific American community to this great nation. I also thank my colleagues who are members of the Congressional Asian Pacific American Caucus, and all those who continue to address the issues facing the Asian Pacific American community, and ensure that our community has access to resources and a voice in government.

Originally, Congress in 1978 designated the first week of May to commemorate the arrival of the first Japanese immigrants and the completion of the transcontinental railroad that was built by the Chinese laborers. Every year since then, the President would issue an Executive proclamation from the White House to honor this month and direct all federal agencies and military installations throughout the country to conduct special events and ceremonies to honor our Asian-Pacific American communities throughout our country.

The achievements and successes of Asian-Pacific Americans demonstrate, above all, that the greatness of our nation lies in its diversity and ability to accept peoples from all over world, as they pledge themselves to become fellow citizens of this great nation.

Americans of Asian and Pacific Islander descent, over 16 million strong, are among the fastest growing demographic groups in the United States today, even though they make up only 9 percent of our nation's population. According to the U.S. Census Bureau, the Asian American and Pacific Islander community is comprised of over 45 distinct ethnicities and over 28 language groups. In recent years, the Asian-Pacific American population has

more than doubled and this rapid growth is expected to continue in the years to come—reaching 40.6 million by 2050, according to the U.S. Census Bureau.

There are an unprecedented number of Asian-Pacific Americans in the fields of medicine, business, sports, academia, entertainment, and government, just to name a few. As Asian Pacific Americans serve in their respective fields, they share vast knowledge, experience and viewpoints that their unique backgrounds have contributed to.

When I envision America, I don't see a melting pot designed to reduce and remove racial differences. The America I see is a brilliant rainbow—a rainbow of ethnicities, cultures, religions and languages with each person proudly contributing in their own distinctive and unique way for a better America. Asian-Pacific Americans wish to find a just and equitable place in our society that will allow them—like all Americans—to grow, to succeed, to achieve and to contribute to the advancement of this great nation.

Surely Asian Pacific Americans have achieved many important milestones in the history of this nation. Yet while there remains much to be done, I am hopeful that the character of this great nation will ensure equity and access to all of our fellow American citizens from every racial, cultural, ethnic, and socioeconomic background.

I would like to close my remarks by asking all of us here—what is America all about? I think it could not have been said better than on the steps of the Lincoln Memorial in that summer of 1963 when an African American minister by the name of Martin Luther King Jr., poured out his heart and soul to every American who could hear his voice, when he uttered these profound words, “I have a dream. My dream is that one day my four little children will be judged not by the color of their skin, but by the content of their character.”

That is what I believe America is all about. I urge my colleagues to support this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 1316 to celebrate Asian Pacific American Heritage Month and pay tribute to the many achievements of Asian Pacific Americans across our Nation.

The month of May marks several historical events in Asian Pacific American history. On May 7, 1843, the first Japanese immigrants arrived in the United States, paving the way for a great movement of Asian and Pacific peoples to immigrate to the United States. Only 26 years later, on May 10, 1869, the transcontinental railroad was finished, the completion of which is largely credited to Asian Pacific Americans. Due to these vents it is appropriate to celebrate the month of May as Asian Pacific American Heritage Month and honor the sacrifices and contributions of this great community.

Through the years, the Asian Pacific American Communities have made significant contributions to Texas's diverse culture. In Dallas, I am privileged to represent the largest Asian American Chamber in the United States. I believe that we all learn from those who come from different backgrounds, and I can truly say that I have learned a great deal from my Asian Pacific friends and constituents.

Today, there are over 15.2 million Asian Pacific Americans living in the United States, representing nine percent of the population. The rich history associated with the Asian Pacific American community has left a lasting and important imprint on our country.

I would like to acknowledge the devastating earthquake that shook Yushu County in the Qinghai province of China on April 14, 2010 which killed or injured over 10,000 civilians. My deepest condolence goes out to the friends and families of the victims.

Mr. Speaker, I am proud to support this resolution and the Asian Pacific American communities in North Texas and across the United States.

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Asian/Pacific American Heritage Day 2010 and to celebrate the many cultural and societal contributions of the Asian American and Pacific Islander communities throughout Northeast Ohio.

Asian/Pacific American Heritage Day provides us with an opportunity to celebrate the numerous achievements of Asian Americans and Pacific Islanders throughout Northeast Ohio and across the nation. Cultural diversity is a foundation of our community and it has allowed our residents to experience traditions from around the world.

The heritage of Asian Americans has been preserved and reflected by each generation. It shows the spirit, hope and courage of all of our ancestors who braved treacherous journeys along the road to freedom and opportunity in America.

Mr. Speaker and colleagues, please join me in celebrating Asian/Pacific American Heritage Day and honoring the contributions of all Asian Americans and Pacific Islanders in our Greater Cleveland community.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I would like to recognize a distinguished couple that exemplifies the ideals of Asian Pacific Islander American, APIA, Month, Mr. Truc Ho and his wife, Ms. Dieu Quyen. Truc Ho and Dieu Quyen have made tremendous contributions to Orange County, in particular to the Vietnamese American community.

As a refugee, Truc Ho escaped communist Vietnam, arriving to the United States in 1981. He is a talented songwriter, composer, and a successful producer. His music and humanitarian efforts have touched the hearts of the Vietnamese communities around the world. Truc is also the CEO of Saigon Broadcasting TV Network, the first 24 hour Vietnamese language channel.

Ms. Dieu Quyen Nguyen immigrated to the United States in 1978 at the age of 14. She is a graduate from Cal State Long Beach and is a teacher at Pacifica High School in Garden Grove. Dieu is a dedicated educator and community activist. She serves as a board member for the Council of Vietnamese Language Schools, and is a television news anchor for SBTN-TV and ASIA Entertainment.

Together this dynamic duo is known for their philanthropic contributions in helping human trafficking victims; Vietnamese refugees; raising awareness on human rights violations in Vietnam; and preserving the Vietnamese language and culture.

Please join me in recognizing these outstanding individuals that have enriched the culture in my district, in Orange County.

Mr. BACA. Mr. Speaker, I rise today in support of House Resolution 1316, Celebrating Asian/Pacific American Heritage Month.

As an original cosponsor of this bill, I am proud to stand here today and speak on this important resolution.

This is a nation of immigrants and it is always important to take time, and recognize the contributions that different cultures and ethnicities have made to our society and our American way of life.

Today, the Asian/Pacific community is one of the fastest growing populations in America.

Over 15 million Americans claim Asian descent and over 1 million residents claim Native Hawaiian descent. By 2050, the Census bureau estimates that over 40 million residents will claim Asian/Pacific descent.

Since the time the first Asian immigrants came to America in 1843, these individuals have had a profound effect on our history.

A large number of Asian immigrants helped to complete the transcontinental railroad.

Today, Asian/Pacific Americans continue to contribute, and many have had distinguished careers in public service, giving back to the country they love so much.

Indeed, three members of the President's Cabinet—Secretary Locke, Secretary Chu, and Secretary Shinseki—are Asian Americans.

Thirty Members of Congress are of Asian or Pacific descent as well, including my good friend Mr. HONDA, who has done an admirable job championing this cause.

Celebrating Asian/Pacific Heritage Month provides Americans with an opportunity to celebrate our diversity and recognize the achievements, contributions, and rich history that these individuals have shared with us.

It is for these reasons that I urge all my colleagues to vote in favor of H. Res. 1316.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of H. Res. 1316, celebrating Asian Pacific American Heritage Month. I thank my California Delegation colleague, Congressman HONDA, for his work in bringing this resolution to the floor today.

This is a very exciting time for the Asian American Pacific Islander (AAPI) community and I am looking forward to continuing to work with my colleagues in the Congressional Asian Pacific American Caucus and with the Obama Administration to promote AAPI priorities.

The 37th Congressional District of California, which I am privileged to represent, is home to one of the largest Asian constituencies in the nation, including large communities of Filipinos, Samoans and Cambodians. My district is home to the largest Cambodian population in the United States, and the second largest Cambodian population in the world outside of Cambodia. I am proud to be a member of the Congressional Asian Pacific American Caucus which truly represents my Asian Pacific American constituents' interests.

The month of May was chosen to celebrate Asian Pacific American Heritage for two significant reasons. On May 7, 1843, the first Japanese immigrants arrived to our country and on May 10, 1860, the first transcontinental railroad was completed. The transcontinental railroad transformed our nation and could not have been completed without the inclusion of Chinese immigrants.

Dalip Singh Saund was the first Asian American elected to Congress in 1957. Less

than a decade later, Patsy Mink became the first Asian American woman elected to Congress. Both overcame adversity to pave the way for all minorities, including DANIEL INOUE, a Medal of Honor winner who has served in the Senate for nearly a half century. Today, we have seven Members of Congress who are of Asian descent.

Despite the challenges and adversity that Asian Pacific Americans have experienced, many have forged ahead and made significant contributions to this great nation. History was made when we elected a President with such significant personal ties to the Asian Pacific community. President Obama spent his childhood in Hawaii and Indonesia. One of President Obama's first guests to the Oval Office was the Prime Minister of Japan, Taro Aso. Further, President Obama appointed three Asian Americans to his cabinet: Secretary of Energy, Dr. Steven Chu; Secretary of Commerce, Gary Locke; and Secretary of Veterans Affairs, Eric Shinseki.

I have much hope for the future because all Americans are working together hand in hand to ensure the equality and advancement not only of their community, but of all communities.

Mr. Speaker, let me again thank Congressman HONDA, Chair of the Congressional Asian Pacific American Caucus, for his leadership in introducing this resolution. I look forward to celebrating the accomplishments of Asian Pacific Americans this year and for years to come! Thank you.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to express strong support for H. Res. 1316—Celebrating Asian Pacific American Heritage Month. I applaud the leadership and continued efforts of Chairman MIKE HONDA, as well as my colleagues in the Congressional Asian Pacific American Caucus for bringing this Resolution before us today.

Asian Pacific American Heritage Month was established in 1977 by the efforts of Representatives Norman Mineta and Frank Horton, and Senators DANIEL INOUE and Spark Matsunaga who introduced resolutions asking for a Presidential declaration that the first 10 days of May honor the rich history and contributions of our nation's Asian Pacific Americans. In 1992 Congress expanded the commemoration to a month, in order to fully recognize the impact that Asian Americans and Pacific Islanders, AAPIs, have on this great Nation.

From the early 1800s to today, Asian Americans and Pacific Islanders have played a critical role in the development of this country. This year's theme: "Lighting the Past, Present and Future," is fitting as the world's attention turned to the United States to see the historic inauguration of President Barack Hussein Obama. President Obama's diversity reflects the richness and strength of our nation.

We must reaffirm our commitment to the promise of a future for all Americans by eradicating racial and ethnic health disparities, enacting comprehensive immigration reform, providing educational opportunities for the underserved and creating jobs. I am proud that we ensured full equity for the Filipino veterans who proudly served under the American flag during World War II when we passed H.R. 1, the American Recovery and Reinvestment Act.

I also applaud my colleagues for the recent passage of the Local Law Enforcement Enhancement Hate Crimes Prevention Act, which enables the Department of Justice to assist the efforts of Federal, State, and local law enforcement in investigating and prosecuting hate crimes based on race, ethnic background, and religion, and extends protections to more Americans.

From the construction of the transcontinental railroads to the heroic contributions in World War II and beyond, Asian Americans and Pacific Islanders have made lasting contributions in every facet of American society. We must continue to acknowledge the great achievements this vast and diverse community has provided this nation and I urge my colleagues to support to this resolution.

Mr. RANGEL. Mr. Speaker, I rise today to recognize and celebrate Asian/Pacific Heritage Month and the contributions of Asian/Pacific Americans to this nation. It is evident that Asian/Pacific Americans are an important source of cultural capital, having become fixtures in literature, film, music, athletics and all other areas of American society. Annual observance each May was designated because of two significant events, the first being the arrival of Japanese immigrants in the United States on May 7, 1843 and the completion of the Transcontinental Railroad on May 10, 1869.

The United States Census Bureau reports that Asian/Pacific Americans are one of the nation's most diverse populations, numbering 15.2 million and encompassing 28 language groups and 47 ethnicities. 80 percent of the Asian/Pacific American community resides in California, Hawaii, New York, Texas, New Jersey, Illinois, Washington, Florida, Virginia, and Massachusetts. The histories of these groups in America are deeply connected to the history of the United States through such events as the designation of the World War II 442nd Central Postal Directory team as the highest decorated military unit in U.S. history, the election of Dalip Singh Saund to the U.S. Congress in 1957 and the appointment of three Asian Americans to the Presidential Cabinet under President Barack Obama.

In addition to the advancements and contributions of Asian/Pacific Americans, we also highlight many of the challenges they have overcome and continue to face today. This legacy includes the Chinese Exclusion Act of 1882 and the internment of Japanese Americans during World War II. More recent difficulties comprise post 9/11 profiling, discrimination and hate crimes against Muslim and Sikh communities and income, language and educational discrepancies in access within the Asian/Pacific American population. Acknowledging these hurdles is the first step in overcoming them and learning from past injustices will lead to a more equitable and progressive United States.

The political presence and civic engagement of the Asian/Pacific American community has increased substantially since their arrival in the United States. Currently, the Congressional Asian Pacific American Caucus is composed of a record 30 members. In addition, the Obama administration has made significant efforts to reach out to the Asian/Pacific American community, including the reestablishment

of the White House Initiative on Asian and Pacific Islanders to coordinate the work of multiple agencies and ensure more accurate data collection and greater access to services. The United States recognizes the uniqueness of this Asian/Pacific American constituency and the valuable contributions of its members.

I respect and admire the advancements of Asian/Pacific Americans and anticipate their growing political representation and inclusion in all levels of government and American society.

Mr. LUETKEMEYER. Mr. Speaker, I urge Members to support the passage of House Resolution 1316, and I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I ask all Members to join with Mr. HONDA and Mr. CAO and other Members in support of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1316, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed. The point of no quorum is considered withdrawn.

RECOGNIZING AND HONORING MEMBERS OF ARMED FORCES AND VETERANS

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1385) recognizing and honoring the courage and sacrifice of the members of the Armed Forces and veterans, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1385

Whereas May is commonly known as National Military Appreciation Month;

Whereas during World War I, more than 4,700,000 Americans served in the military, more than 116,000 Americans lost their lives, and more than 204,000 Americans were wounded;

Whereas only one American World War I veteran, Frank Woodruff Buckles, survives today;

Whereas during World War II, more than 16,000,000 Americans served in the military, more than 405,000 Americans lost their lives, and more than 670,000 Americans were wounded, and today more than 74,000 Americans remain unaccounted for;

Whereas during the Korean War, more than 5,700,000 Americans served in the military, more than 36,000 Americans lost their lives, and more than 103,000 Americans were

wounded, and today 8,026 Americans remain unaccounted for;

Whereas during the Vietnam War, more than 3,400,000 Americans served in the military, more than 58,000 Americans lost their lives, and more than 150,000 Americans were wounded, and today 1,720 Americans remain unaccounted for;

Whereas during the Persian Gulf War, more than 2,200,000 Americans served in the military, 383 Americans lost their lives, and 467 Americans were wounded;

Whereas since 2001, more than 1,000 Americans have lost their lives and more than 5,500 Americans have been wounded in Operation Enduring Freedom;

Whereas since 2003, more than 4,300 Americans have lost their lives and more than 31,000 Americans have been wounded in Operation Iraqi Freedom;

Whereas members of the Armed Forces answer the call to serve the United States, leaving their homes, their families, and American soil, in times of war and peace;

Whereas members of the Armed Forces respond to acts of aggression against the United States and its allies, protect and evacuate civilians, bring stability to areas experiencing political turmoil, and provide comfort and support in the wake of natural disasters;

Whereas members of the Armed Forces have served the United States in hundreds of deployments, large and small, since the earliest days of the United States; and

Whereas all Americans, and many hundreds of millions of people around the world, owe their freedom to the courage, service, and sacrifice of members of the Armed Forces and veterans: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the courage and sacrifice of the members of the Armed Forces and veterans and thanks such members and veterans for their service; and

(2) urges all Americans to recognize and honor the courage and sacrifice of the members of the Armed Forces and veterans and thank such members and veterans for their service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, May is Military Appreciation Month; and to honor our men and women in uniform and our veterans, I, along with my good friend and ranking member from California (Mr. MCKEON), have introduced H. Res. 1385.

Mr. Speaker, I grew up around veterans of the First World War. My father served in the Navy onboard the U.S.S. *Missouri* in that conflict; and he,

like so many young men who returned from that war, became the civic and political leaders of their day.

Tom Brokaw wrote a best-selling book entitled, "The Greatest Generation," the saga of those who fought the two-front Second World War. These veterans changed the complexion of our country in every walk of life. Their experiences in war, sometimes on the battlefield, instilled in them tremendous confidence and a sense of duty and, like the generation of war veterans before them, the World War I veterans, returned to hometowns across America, large and small, to become leaders in their communities.

In 1950, President Harry S. Truman ordered U.S. military intervention on the Korean peninsula. In many respects, our participation in the Korean conflict has served as a model for the way our military operates today. Korea was the first multilateral United Nations operation, and it has become the longest standing peacekeeping operation in modern times. While we are inclined to remember the leaders who ultimately brought us victory in the Korean War—Truman, MacArthur, Acheson, Walker, and Ridgeway—it's really the men and women who served so bravely to whom we pay tribute.

The need to contain the spread of communism brought U.S. servicemen to a small country in Southeast Asia called Vietnam. It was 1964 when Congress passed the Gulf of Tonkin resolution and 1973 before the last U.S. combat troops left Vietnam. Much is owed to the men and women who served in that conflict, and it must be remembered that those who fought and died in service to the United States in Southeast Asia are owed the appreciation of a grateful Nation, even though so many did not receive the welcome home that they deserved.

The Persian Gulf War was a tremendous display of U.S. military technology, but what must not be forgotten is that the swift end to combat operations was the result of a sound strategy and the ability of U.S. service personnel to carry out that strategy.

And of course today our men and women in uniform are engaged in Iraq and Afghanistan. I predict those returning from these conflicts will be another great generation. Rising from the sands of the Middle East, these veterans, who have toiled and fought there to bring peace and civilization back to those two beleaguered countries, are truly America's future.

In addition to large-scale conflicts, U.S. military forces have been involved in far more small-scale contingency operations. In each instance, in numbers both large and small, the men and women of the United States' armed services have answered the Nation's call.

So let us remember the importance of those who wore the uniform and

those who wear it today. They have served this Nation, and now we must do right by them in Congress, in our communities, and in our everyday lives. Today, we honor their courage and their sacrifice, and to all of them we say thank you.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 21, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Rayburn Building, House of Representatives, Washington, DC.

DEAR CHAIRMAN SKELTON: On May 20, 2010, H. Res. 1385, recognizing and honoring the courage and sacrifice of members of the Armed Forces and veterans was introduced in the House of Representatives. This measure was sequentially referred to the Committee on Veterans' Affairs.

The Committee on Veterans' Affairs recognizes the importance of H. Res. 1385 and the need to move this resolution expeditiously in order to honor the courage and sacrifice of members of the Armed Forces and veterans. Therefore, while we have valid jurisdictional claims to this resolution, the Committee on Veterans' Affairs will waive further consideration of H. Res. 1385. The Committee does so with the understanding that by waiving further consideration of this resolution it does not waive any future jurisdictional claims over similar measures.

I would appreciate the inclusion of this letter and a copy of your response in the Congressional Record during consideration of H. Res. 1385 on the House floor.

Sincerely,

BOB FILNER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 24, 2010.

Hon. BOB FILNER,
Chairman, House Committee on Veterans' Affairs, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding House Resolution 1385, "Recognizing and honoring the courage and sacrifice of the members of the Armed Forces and veterans, and for other purposes." This measure was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

I agree that the Committee on Veterans' Affairs has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H. Res. 1385 in the interest of expediting consideration of this important measure. I agree that by agreeing to waive further consideration, the Committee on Veterans' Affairs is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included in the Congressional Record.

Very truly yours,

IKE SKELTON,
Chairman

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman for introducing this resolution hon-

oring those who have served in the Armed Forces and for honoring me to be a cosponsor with him in that legislation.

Mr. Speaker, next week is Memorial Day, and I rise today in support of House Resolution 1385 to recognize and honor the courage and sacrifice of the members of the Armed Forces and the veterans of our wars.

In the clearly defined wars against tyranny, in the controversial conflicts not appreciated until the guns long fell silent, in the limited actions unknown by anyone not there, the American Armed Forces have time and again answered the call of duty.

When our fighting men and women put on their uniforms, they became immune to politics and marched towards the sound of the guns, going wherever their orders sent them. We call them specialist, corporal, airman, and petty officer. They are our own children. These young Americans represent the best in all of us because, while America will always fight for those who cannot fight for themselves, it is their faces that America sends to the aid of the broken, wounded, and starving of the world.

In the cold winter of Valley Forge, across the deserts to Tripoli, fighting against their brothers in the Civil War, across the wheat fields of France, on the beaches of Normandy, in the freezing Korean winter, in the jungles of Vietnam, and in the burning sands of Iraq and Afghanistan, what has set our Armed Forces apart is their commitment to a moral war, a just war, an American way of war.

Americans make the distinction between our enemies and the innocent bystanders. And once our enemies lay down their arms, our forces provide them food, shelter, and medical aid. And when the fighting stops completely, our forces help to rebuild war-torn nations, turning bitter enemies into great industrialized allies of today.

Since 1775, and across the world today, our Armed Forces and veterans symbolize all that is best in us as Americans. The American Armed Forces are just as eager to help feed and clothe the survivors of a natural disaster as they are to destroy tyranny and oppression. People across the globe know that when the Americans come they will fight for what is right, and those who rule by fear will then be afraid.

In the most difficult conditions, in the most challenging terrain, against the greatest odds, our Armed Forces have faced impossible odds without counting the cost to themselves. They have followed their orders, and the oath sworn to our Constitution makes the moral foundation of our government possible.

Since before the acknowledgement of our Nation's sovereignty and before the

first session of this great legislative body, our citizens organized themselves to fight against oppression and to stand up for freedom and liberty. When the drums beat, when the bugles called, the sound of marching feet was the pride of our Nation answering the call.

Whether our veterans were drafted or volunteered, made long service careers or served only for a short time, they committed their lives, their youth, and their health to the principles of our great Nation. In no other industry of America today will you find a group of young men and women for whom truth is the only currency, pain is a temporary annoyance, ingenuity is the answer to all challenges, and teamwork is the thread that unites and binds them against all foes.

□ 1630

They have done all this without counting the cost to themselves and their families. We, who are a grateful Nation, must remember this. Our freedom is a tangible thing, a perishable thing, and our own last full measure of devotion must be dedicated to ensuring that their sacrifice is never in vain but that a more perfect union will yet rise and inspire the oppressed peoples of the Earth.

I urge the House to join me in passing this resolution to honor our Armed Forces.

Mr. Speaker, at this time, it is my pleasure to yield such time as he may consume to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I rise in strong support of House Resolution 1385, to recognize and honor the courage and sacrifice of the members of the Armed Forces and of the veterans of our wars. Next week, we will be celebrating Memorial Day, and it is fitting that we take time to remember all those who have served this Nation in uniform so honorably and selflessly.

I look forward to being with the Navy League of Hilton Head Island, South Carolina, at the Veterans Memorial Park next Monday. Last year, I was inspired to be with fellow members of the American Legion in Hampton, South Carolina.

We stand here today enjoying the fruits of freedom because good men and women from the Revolutionary War to present day have put the support of America and the ideals for which she stands above personal desires and preferences.

While estimates vary, it is certain that more than 1 million Americans have died in defense of this Nation. You may have known some of them. If you did, you should count yourself among the privileged. I hope you were as touched by their sacrifices as I have been by those I have known, people like Marine Lieutenant Colonel Joseph Trane McCloud—a military fellow in

the congressional office I represent. He was killed in Iraq on December 3, 2006.

To Lieutenant Colonel Trane McCloud and to so many others like him over the years of our history, we owe so much. It is a debt that we can never really repay to extraordinary military families and widows, such as Maggie McCloud.

The only way I know how to even begin to express our thanks is to continue to support to the fullest extent possible those who now serve, to step forward and to publicly acknowledge their dedication and sacrifices for America. We should recognize and be grateful that, due to the sacrifices of American servicemembers, there is a broader spread of democracy and freedom today than in the history of the world, with dozens of new democracies, upon the defeat of Communism in the Cold War, from Poland to Mongolia and Bulgaria to Cambodia. Iraq and Afghanistan have been liberated from totalitarian despots in the global war on terrorism.

That's why what we are doing in this resolution and what we will do next week on Memorial Day is so important.

As the son of a World War II Flying Tiger who served in China, as a 31-year veteran of the Army Reserve and the Army National Guard, and as one with four sons currently serving in the military, I especially appreciate military service.

I want to thank Armed Services Committee Chairman IKE SKELTON and Ranking Member BUCK MCKEON for cosponsoring this resolution, and I urge my colleagues to support it.

In conclusion, God bless our troops, and we will never forget September 11th.

Mr. SKELTON. Mr. Speaker, Hector Polla graduated from West Point in June of 1941. After the infantry officers' basic course in Fort Benning, Georgia, he was assigned to his first military assignment—the Philippines.

It was on December 8, Philippine time, that the Philippines were invaded by the Japanese. Hector Polla helped defend the Peninsula of Bataan, receiving a commendation for heroism, a Silver Star for his actions, in February of 1942. In April, he, along with the other American forces, surrendered. He survived the death march on the way to Cabanatuan prison camp, and he was kept there over the years. In December 1944, he was put aboard a Japanese ship to be taken to Japan to do slave labor. American bombers bombed that ship, and he survived. On January 19, 1945, he was again placed on a Japanese ship to go to Japan to do slave labor. The American bombers bombed that ship, and Hector Polla died as a result of the wounds received.

There are others throughout that war who saw that battle—the combat, the deprivation. Yet, at the end of the day, the American forces did well in that

sector of the Asia-Pacific and also in Europe. So many of them came home and became leaders in the community—in the businesses, in the churches, in the civic organizations, in politics. Today, we are the recipients of what they have done.

I thank the gentleman from California (Mr. MCKEON) for his words and for his cosponsorship of this resolution.

It is important that we as a Congress express our appreciation for those who served, not just in the Second World War, but in all of the wars down through and including today. I hope that we will recognize them when we see them at the airports or on the streets or in the coffee shops or in church so we can just say “thank you” to them. That's what this resolution does. It expresses appreciation. After all, it was the sister of a great Roman orator who once said that gratitude is the greatest of all virtues.

This is our opportunity as a Congress to say we are grateful for those men and women who have worn the uniform. We are proud of them and we thank them.

I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, listening to the chairman relate that story made me think of an experience I had last week at home. We had an event that was held by our community, honoring those who served.

At that event, I met again the parents of a young man who was killed a few weeks ago, from our home. It was a Filipino family who had a son and two daughters. Their son, Ian Gelig, was killed in Afghanistan, just as I said, a few weeks ago. They came to this gathering from the cemetery, which is where they go on a daily basis to visit their son.

We had another family there who had lost their son in Iraq a few years ago, and this family has kind of befriended the parents of other young people who have lost their lives since then. They go to all of the funerals, and they have become strong advocates, reaching out to help the other families.

They feel good about what their sons have done. They hate the fact that they have lost their sons, but they feel proud of what they have done and feel like their sons did what they wanted to do.

I had the experience today of meeting a young midshipman. He will be graduating Friday from the Naval Academy. He is planning on becoming a SEAL. He has been learning Arabic, and he is looking forward to having an exciting career in the Navy.

You know, seeing these young people and seeing the light in their lives and what their plans are makes one think of others, as the chairman talked about—of the young man who graduated from West Point, who lost his life. He had that same light in his life, and I'm sure he felt like what he was

doing, the sacrifice he'd made for our country, was worthwhile.

It is up to us to remember those sacrifices and, as Mr. WILSON said, to never forget 9/11 and to never forget the service of all of these young people since the birth of our great Nation.

I would ask that all of our colleagues support this resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H. Res. 1385, to recognize and honor the courage and sacrifice of the members of the Armed Forces and veterans for their service to the people of the United States.

First I want to thank Chairman IKE SKELTON, and Ranking Member HOWARD “BUCK” MCKEON, of the Armed Services Committee, for their leadership and for championing the cause of our military men and women and our veterans. In this month of May known as National Military Appreciation Month, it is important to take time from our busy schedule to recognize and celebrate the service and sacrifice of our Armed Forces and veterans, and again I commend Chairman SKELTON and Ranking Member MCKEON for introducing this resolution.

Mr. Speaker, as a Vietnam veteran, I want to thank all members of the Armed Forces and veterans for their service to this great nation. I especially want to recognize the service and sacrifice made by the sons and daughters of American Samoa to protect this great nation. I am most proud to state for the record that American Samoa's sons and daughters have served in record number in every U.S. military engagement from WWII to the present. Indeed, located some 3000 miles from Hawaii, the American Samoa reserve unit is under the only remaining infantry unit of the U.S. Army Reserve, the 100th battalion of the 442nd Infantry Regiment, or the “Purple Heart Battalion” based at Fort Shafter, Hawaii.

As a true testament to the sacrifice made by our brave warriors from American Samoa, I am always reminded of retired Command Sergeant Major Falaniko and his late son Private Jonathan I. Falaniko. PVT Falaniko attended basic training at Fort Leonard Wood, MO, in May 2003 and was later deployed to Iraq in August 2003. He was then assigned to the 70th Engineer Battalion under the 1st Armored Division, Engineers Brigade of which his father, CSM Ioakimo Falaniko, was the Command Sergeant Major of the brigade and was the most senior enlisted soldier.

On October 27, 2003 PVT Falaniko was killed by a rocket-propelled grenade attack. Twenty-year-old Jonathan Falaniko had been in the U.S. Army for less than 6 months. He was laid to rest with all the other brave men and women that have served this great nation, at the National Cemetery in Arlington. Jonathan's story is only one of thousands of the many Americans who have given the ultimate sacrifice for this great nation.

Mr. Speaker, it is customary in the Samoan culture to recognize great deeds and exceptional feats in speeches, songs and storytelling so that they are memorialized and imbedded in the hearts and minds of generations to come. Therefore, I rise today with great honor in support of H. Res. 1385 to recognize the service and courage of all our servicemen and

women and veterans. Let us honor their patriotism, love of country and willingness to serve and sacrifice so much to bring about peace and freedom in a troubled world. To our veterans and current service members, and especially to American Samoa's Reserve unit scattered throughout the Middle East, I would like to close by saying how honored and proud I am of your service to this great nation and I commend you for your courage.

May God bless you and may God continue to bless the United States of America. I strongly urge my fellow colleagues to pass this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize and honor the courage and sacrifice of members of the Armed Forces and our Veterans.

May is National Military Appreciation Month, a time when we honor the bravery and service of our Armed Forces, veterans, and their families. Members of our Armed Forces leave behind their homes, families, and jobs in times when duty calls. They protect America and American Allies, provide support in times of disasters, and help bringing stability to areas of unrest.

From my time as a psychiatric nurse in the Dallas Veterans Affairs Hospital, I know firsthand the burden placed upon those who serve in our Armed Forces. People around the world owe their freedoms and liberties to the courage, service, and sacrifice of members of the Armed Forces. I urge all Americans to recognize and honor the courage and sacrifice of our men and women in uniform and thank them for their service.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1385, which recognizes the courage and sacrifice of our veterans and members of the Armed Forces, and urges all Americans to honor their brave service. This important resolution expresses our national gratitude for the willingness of our men and women in uniform, past and present, to risk their lives on our behalf.

I thank Chairman SKELTON for his leadership in bringing this resolution to the floor. I also thank the Congressman for sponsoring this legislation and for his dedication to ensuring that this Nation does everything it can to repay our veterans and members of the Armed Services for the sacrifices they have made to protect us and the values that we cherish as American citizens.

Mr. Speaker, throughout our history, the members of our Armed Forces have endured hardship and suffering—many of them making the ultimate sacrifice—on behalf of our Nation. Time and again, they have answered the call to serve the United States, leaving their homes, their families, and American soil, in times of war and peace. From World Wars I and II to the Vietnam War and Operation Desert Storm, our men and women in uniform have fought valiantly to protect American citizens and promote global security.

Since the tragic attacks of September 11, 2001, the Armed Forces have served with an inspirational sense of duty and country. Since 2001, more than 1,000 Americans have lost their lives and more than 5,500 Americans have been wounded in the Operation Enduring Freedom. Since 2003, over 4,300 servicemen and servicewomen have sacrificed their lives

in Operation Iraqi Freedom. More than 31,000 Americans have returned from this conflict wounded or with disabilities. California has lost nearly 600 servicemen and servicewomen in Operations Enduring Freedom and Iraqi Freedom; two of these brave individuals came from my district. Almost 4,000 men and women from California have been wounded in these conflicts. I am forever grateful for these sacrifices and for the dedication of our Armed Forces to ensure the safety of the American people at a time when our Nation faces challenging new threats from abroad.

These brave men and women have assumed the responsibility of protecting us; we, then, have a solemn obligation to them. We must always provide the members of our Armed Forces with the resources, supplies, and equipment they need to carry out their mission as safely and successfully as possible. We must work hard to support our veterans who return home from overseas, serving their needs with the same vigor and sense of duty that they displayed in serving our country. As the representative of a district that is home to over 24,000 veterans and the VA Medical Center of Long Beach, I know how important it is to ensure that our veterans have access to affordable health care, housing, and job opportunities.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1385.

Mr. TIAHRT. Mr. Speaker, I join my colleagues in strong support for H. Res. 1385 to recognize and honor the courage and sacrifice of the members of the Armed Forces and veterans. Though we appreciate their sacrifice every month, it is important this resolution is passed this month as May is expressly designated National Military Appreciation Month.

We can never say "thank you" enough for the sacrifices paid by the Nation's military. The liberties we enjoy today were earned through the bravery and sacrifice of ordinary Americans with extraordinary selflessness. America must never turn her back on her service members and veterans.

We know all too well that freedom is not free. They courageously stepped forward to protect and defend the Constitution and the people of the United States. This resolution is just a small tribute to the great character of all our military service members and veterans.

I urge all my colleagues to join with me in supporting H. Res. 1385 and thanking current and former servicemembers for guaranteeing our freedom.

Mr. McKEON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the resolution, H. Res. 1385.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SKELTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

STUDENT FINANCIAL AID AWARENESS MONTH

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1353) supporting the goals and ideals of Student Financial Aid Awareness Month to raise awareness of student financial aid, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1353

Whereas education is the key to a successful future for many people in the United States;

Whereas the ability of some students to attend an institution of higher education is conditional on the availability of student financial assistance;

Whereas the cost of higher education continues to rise for 4-year private colleges and universities, 4-year public colleges and universities, 2-year community colleges, and for profit institutions;

Whereas students and families across the United States are making important decisions about financing their education at an institution of higher education;

Whereas efforts to increase awareness about student financial aid options are necessary for students across the United States to receive all of the financial aid available to them;

Whereas increasing awareness about the Free Application for Federal Student Aid (FAFSA) ensures that more eligible students may benefit from Federal financial assistance;

Whereas students must complete and submit a new FAFSA each school year to be considered for all forms of Federal financial aid;

Whereas each year, about 16,000,000 students apply for financial aid by filling out the FAFSA;

Whereas increasing access to Federal financial aid helps reduce students' reliance on costly private loans; and

Whereas Student Financial Aid Awareness Month will help call attention to the critical role financial assistance plays in helping students attending an institution of higher education: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Student Financial Aid Awareness Month;

(2) encourages students and families across the United States to participate in activities being offered during Student Financial Aid Awareness Month; and

(3) recognizes the importance of educating students and families about Federal student financial aid.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1353 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1353, which expresses support for the goals and ideals of Student Financial Aid Awareness Month.

This month is an important part of increasing awareness of the many financial aid options available to young people who are preparing to go to college. With the cost of college rising rapidly every year, it has become increasingly critical that students take full advantage of their options for financial aid, including those of grants, loans, and scholarships.

The passage of the Health Care and Education Reconciliation Act of 2010, of the American Recovery and Reinvestment Act of 2009, of the Higher Education Opportunity Act of 2008, and of the College Cost Reduction and Access Act of 2007 have all increased the amount of aid available and have improved access to student aid for millions of students and their families.

Student Financial Aid Awareness Month helps students and their families get the information they need to make important decisions about financing their postsecondary education. High schools and colleges across the country celebrate Student Financial Aid Awareness Month by providing critical information, aid application deadlines, FAFSA application workshops, money management tips, advice on applying for scholarships, and student loan repayment options.

In 2008, 67 percent of students graduating from 4-year colleges and universities, or 1.4 million students, had student loan debt. The average debt level for these graduating seniors was \$23,200 in 2008. With an increasing reliance on student debt to finance postsecondary education, it is important that students and their families have the information they need to make responsible borrowing decisions. Student Financial Aid Awareness Month helps achieve this goal.

Mr. Speaker, once again, I express my support for celebrating Student Financial Aid Awareness Month at schools across this country and for all of the benefits this focused effort brings to help families across the country in their pursuits of higher education.

I urge my colleagues to join me in support of this resolution, and I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

To the previous speakers who were here with regard to House Resolution 1385, I want to associate myself with the remarks of Chairman SKELTON, Mr. McKEON, and Mr. WILSON. As a veteran, I, too, on Memorial Day, would like to honor all those who paid the ultimate price.

Mr. Speaker, I rise in support of House Resolution 1353, a resolution supporting the goals and ideals of Student Financial Aid Awareness Month to raise awareness of student financial aid. In many low-income households, a college education is the ticket to a more prosperous way of life. Many students rely on numerous Federal financial aid programs to accomplish that goal.

For example, the Pell Grant, originally created in 1972 and known then as the Basic Opportunity Grant Program, is used as the cornerstone for a low-income student financial aid package. Through this grant and the other Federal financial aid programs, like the Federal Work-Study, the Supplemental Educational Opportunity Grant, the Perkins Loan Program, and the Stafford Loan Program, millions of students have been able to pursue their dreams of postsecondary educations.

□ 1645

While it is important to recognize the role that Federal financial aid plays in college access, it is also critical to discuss the importance of the partnership that must exist between the Federal Government, States, institutions of higher education, and students and their families. Without each part of this partnership, it will be impossible to continue to help students attend some form of college.

In recent years, the Federal Government has increased the amount of aid provided exponentially, only to have institutions continue to raise their costs at rates outpacing inflation. If college costs continue to rise at rates of 4, 5 or 6 percent per year, students will quickly find themselves unable to afford a college education. All participants in the partnership must do their part if we want college to remain an option for all students.

While Federal financial aid is important, it is not the only thing that should be mentioned during the conversation around Student Financial Aid Awareness Month. There are thousands of organizations around the country whose mission it is to help low-income students navigate the student aid and college application process. Whether the organization helps students fill out the Free Application For Federal Student Aid, the FAFSA, provides financial literacy, assists students with filling out their college applications, or provides extra tutoring services to ensure that students are prepared for the rigors of college, these entities are critical in ensuring that

college remains an option for every student who wants to attend.

For these reasons, I support the goals and ideals of Student Financial Aid Awareness Month, and I urge my colleagues to support this resolution.

I have also served on two foundation boards at universities, and I can tell you as a foundation board member and president of a college foundation board that these organizations are absolutely essential to help educate students.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I join Dr. ROE in urging my colleagues to vote for this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1353, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

125TH ANNIVERSARY OF ROLLINS COLLEGE

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1169) honoring the 125th anniversary of Rollins College, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1169

Whereas Rollins College is one of the oldest institutions of higher learning in Florida; Whereas the motto of Rollins College is "Fiat Lux", meaning "Let There Be Light" and, indeed, there has been light at Rollins from the beginning;

Whereas Rollins is a comprehensive liberal arts college with an undergraduate Arts & Sciences program, the Crummer Graduate School of Business, and evening degree and community outreach programs offered through the Hamilton Holt School;

Whereas for the fifth consecutive year, Rollins College ranked No. 1 among 117 Southern master's-level universities, in the annual rankings of "America's Best Colleges" in U.S. News & World Report;

Whereas Rollins College is fortunate to count among its alumni a Nobel Prize winner and Rhodes Scholars;

Whereas Rollins College students frequently secure Fulbright, Truman, Goldwater, and Pickering Scholarships;

Whereas John Dewey, the distinguished philosopher and educator, served as Chairman of the 1931 Curriculum Conference held at Rollins College, inspiring higher education curricular reform that still redounds today;

Whereas Sinclair Lewis, when he accepted the Nobel Prize in Literature, named Rollins among the four colleges in the United States doing the most to encourage creative work

in contemporary literature, a commitment that continues;

Whereas prominent figures such as Presidents Franklin D. Roosevelt and Harry S. Truman have visited Rollins College;

Whereas in 1949, Rollins College was the first institution of higher education in the South to present an honorary degree to an African-American, namely Mary McLeod Bethune;

Whereas Rollins College's Annie Russell Theatre, listed on the National Register of Historic Places, is reputed to be the oldest continuously operating theater in Florida;

Whereas the nondenominational Knowles Memorial Chapel, an architectural treasure at Rollins College, also is listed on the National Register of Historic Places, and is the site of regular religious services, as well as musical and choral performances;

Whereas the Cornell Fine Arts Museum at Rollins features six galleries, Florida's only print-study room, and a dynamic combination of permanent collection installations and traveling exhibitions that promote interdisciplinary learning;

Whereas Rollins has established the Winter Park Institute to create opportunities for nationally known scholars and artists to engage with the Winter Park and campus communities; and

Whereas Rollins College is committed to excellence not only in the classroom but also on the playing field, having won more than 20 national championships, and being a founder of intercollegiate rowing in the South, as well as intercollegiate soccer across Central Florida: Now, therefore, be it Resolved, That the House of Representatives honors Rollins College on the joyous occasion of its 125th anniversary, recognizes its unwavering commitment to liberal arts education, and expresses its best wishes for continued success.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1169 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1169, which celebrates Rollins College for 125 years of service and leadership in higher education.

Rollins College was founded in 1885 by visionaries from New England who sought to bring liberal arts education to the State of Florida. Since then, Rollins has served as one of the leading liberal arts institutions in the South for undergraduate and graduate students alike.

The 70-acre Rollins campus sits along the sunny shores of Lake Virginia in the town of Winter Park, Florida. Rollins has an enrollment this year of over

2,500 undergraduate students and 700 graduate students, and has over 600 full-time faculty and staff.

The campus community offers a range of amenities and services, including the Annie Russell Theatre, the Knowles Memorial Chapel, the Cornell Fine Arts Museum, and the Winter Park Institute. Situated just a few miles from Orlando, students have a vibrant community right in their backyard.

The students, faculty, and staff at Rollins exemplify its rich tradition and excellence in education. As one of the oldest colleges in the State of Florida, Rollins delivers graduates who are passionate about learning and are active leaders and participants in their respective communities. The college's 10 to 1 student-to-faculty ratio for undergraduates is one way that Rollins is able to offer an engaging academic experience to its student body.

Rollins has also been recognized as a national leader in community service, most notably for programs known as "Service, Philanthropy, Activism, Rollins College," or SPARC, a Day of Community held during freshman orientation week. Over 600 first-year students and community volunteers engage with agencies across central Florida, focusing on disadvantaged youth and the environment.

This year, Rollins College will celebrate 125 years of providing outstanding education, a significant milestone in the college's history.

Mr. Speaker, once again I express my support for Rollins College, and I thank Representative GRAYSON for bringing this bill forward. I urge my colleagues to join me in support of this resolution.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1169, honoring the 125th anniversary of Rollins College.

Rollins College, located in Winter Park, Florida, is one of the oldest institutions of higher education in the State of Florida. Founded in 1885 by New England Congregationalists, Rollins College is a small liberal arts college that offers a personalized education. Rollins College educates students for global citizenship and responsible leadership, empowering graduates to pursue meaningful lives and productive careers. The college is guided by excellence, innovation, and community.

Today, Rollins College serves almost 3,300 students and employs 700 faculty members and staff. The college awards over 800 degrees annually and has three divisions. Notable alumni include Nobel Prize winners and producers of award-winning Hollywood films.

Rollins College has a national reputation for excellence in education.

The college was ranked the number one Southern master's level university by U.S. News & World Report in 2010 and was named a "best value" private college by the Princeton Review. The college's students have received a number of awards for high levels of community service and their willingness to give back to the surrounding communities.

Rollins College has made a lasting mark on the lives of its students and on the community throughout the past 125 years. I stand today to congratulate Rollins College, the students, alumni, faculty, and staff on the occasion of the college's 125th anniversary, and I ask my colleagues to support this resolution.

I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I am pleased to yield 5 minutes to the author of the resolution, the gentleman from Florida (Mr. GRAYSON).

Mr. GRAYSON. Mr. Speaker, it is with great joy that I stand here before you and my fellow colleagues today to offer House Resolution 1169, honoring Rollins College on its 125th anniversary.

125 years ago, the great State of Florida was largely a frontier. A daring group of New England Congregationalists, however, envisioned something more. They envisioned what Florida could be. So, in 1885 they established a small college, coeducational from the start, on the shores of Lake Virginia in Winter Park, Florida.

Over time, this humble school, nestled among the native pines and palmettos, would grow along with our great State. It has influenced the development of not only the central Florida region, through such alumni as Al Weiss, the former president of Walt Disney World Parks and Resorts, but also our whole Nation, through graduates such as Fred Rogers, better known to the country as Mr. Rogers. Rollins College has also contributed to a deeper understanding of our world through such graduates as Donald Cram, who won the Nobel Prize in Chemistry in 1987. Undoubtedly, Mr. Speaker, this tradition is sure to continue, as current students continually secure Fulbright, Truman, Goldwater, and Pickering Scholarships.

Today, the college is situated on 70 beautiful acres in Winter Park, Florida, in my home district. It boasts more than 1,700 university undergraduate students, several master's degree programs, and the highly regarded Crummer School of Business. It offers a truly remarkable liberal arts education and produces notable graduates, a fact that has not gone unnoticed. This year, for the fifth year in a row, the U.S. News & World Report in its annual ranking of America's Best Colleges has ranked Rollins College number one among 117 Southern master's-level universities.

Further, the college is fortunate to count among its successes more than

just academic achievements. Its well-rounded student body has amassed more than 20 national championships on the athletic field. Time can only tell what future accomplishments may await.

For these reasons and so many more, Mr. Speaker, I am pleased to stand before you, and with you, in honoring Rollins College on its 125th anniversary. May they have as many more equally as fruitful as the first 125.

Mr. ROE of Tennessee. I have no further requests for time, and I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1169, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CENTENNIAL CELEBRATION OF WOMEN AT MARQUETTE UNIVERSITY

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1161) honoring the Centennial Celebration of Women at Marquette University, the first Catholic university in the world to offer co-education as part of its regular undergraduate program.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1161

Whereas Marquette University was founded in Milwaukee, Wisconsin, in 1881 as a Catholic, Jesuit educational institution;

Whereas Marquette University was created to educate first-generation and low-income students under the premise that all people should be able to pursue higher education;

Whereas Marquette University was the first Catholic university in the world to admit women to be educated alongside men in its regular undergraduate programs in 1909;

Whereas because of the courageous vision of its then-president, the Rev. James McCabe, S.J. Marquette University pioneered the inclusion of women;

Whereas today, 53 percent of Marquette University students, 7 of the 33 members of the board of trustees, and 12 of the 27 members of the university leadership council are women;

Whereas Marquette University is celebrating the 100th anniversary of the admission of women during the 2009-2010 academic year through an alumnae memory project, guest speakers and lectures, commemorative publications, and faculty, staff, student, and alumni events;

Whereas Marquette University continued to expand access to education in 1969 by creation of the Educational Opportunity Program, which enables low-income and first-generation students to enter and succeed in higher education;

Whereas Marquette University is celebrating the 40th anniversary of the Educational Opportunity Program, which now serves more than 500 high school and college students annually through 4 Federally funded TRIO programs;

Whereas the Educational Opportunity Program continues Marquette University's tradition of serving as a model of success for more than 1,200 colleges and universities with Federally funded TRIO programs;

Whereas Marquette University's continued focus on its 4 core values of excellence, faith, leadership, and service challenges students to integrate knowledge, faith, and real-life choices in ways that will shape their lives and those of others in order to better society;

Whereas Marquette University recognizes and cherishes the dignity of each individual regardless of age, culture, faith, ethnicity, race, gender, sexual orientation, language, disability, or social class; and

Whereas Marquette University continues to adhere to its tenet of asking who has yet to gain access to higher education and who needs support in succeeding once through the door: Now, therefore, be it

Resolved, That the House of Representatives honors the Centennial Celebration of Women at Marquette University and commends the largest independent institution in Wisconsin for continuing to fulfill its Catholic, Jesuit mission of offering premier higher educational opportunities to all students who have a desire to learn.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1161 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1161, which celebrates 100 years since Marquette University became the first Catholic university in the world to admit women as part of its regular undergraduate program.

Marquette University started as a dream of the Most Reverend Martin J. Henni, the first Catholic Bishop of Milwaukee. At the time of its establish-

ment, Marquette University was Marquette College. It was a small liberal arts school for men named for the Reverend Jacques Marquette, a French missionary and explorer in North America. The school was founded in 1881 by the Society of Jesus, a Catholic religious order established in 1540 by St. Ignatius Loyola.

Only 30 years later, Marquette University became a more inclusive institution when it made the pioneering move to embrace coeducation. In 1909, Marquette University became the first Catholic university in the world to offer coeducation as part of its regular undergraduate program. This gallant move was led by the president of the college, Reverend James McCabe, S.J.

Just one year after becoming president of the school, Father McCabe saw the need to further the education of teachers, who were primarily females, in Catholic elementary and high schools. While father McCabe's significant action was met with opposition within the local Jesuit community, Marquette prepared to open the first summer session in 1909 in Catholic higher education and to permit women to study alongside men in their bachelor of arts program. Father McCabe's groundbreaking decision was the introduction of coeducation to Catholic higher education.

Since 1909, the role of women at Marquette University has changed dramatically. Marquette now has a student body where women make up more than half of the student population. In addition, seven of the 33 members of the board of trustees, 12 of the 27 members of the University Leadership Council, and 39 percent of the full-time faculty are female as well.

Mr. Speaker, once again I express my support for House Resolution 1161 and congratulate Marquette University on this remarkable milestone. I urge my colleagues to join me in support of this resolution.

I reserve the balance of my time.

□ 1700

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1161, Honoring the Centennial Celebration of Women at Marquette University, the first Catholic university in the world to offer co-education as part of its regular undergraduate program.

Marquette University was founded on August 28, 1881, as Marquette College by John Martin Henni, the first Catholic bishop of the Archdiocese of Milwaukee, Wisconsin. The university was named after 17th-century missionary and explorer, Father Jacques Marquette, S.J. The highest priority of the newly established college was to provide an affordable Catholic education to the area's immigrant population.

Marquette College officially became a university in 1907. Marquette University High School, formerly the preparatory department of the university, became a separate institution the same year.

In 1909, Marquette University became the first Catholic university in the world to offer co-education as part of its regular undergraduate program. Since that time, the role of women at Marquette has changed and expanded dramatically. In 1923 the first dean of women was appointed. In 1936 the first female academic dean at Marquette provided leadership for the all-female college of nursing. By 1944, the enrollment of women at Marquette grew to more than 40 percent of students during World War II.

Today, five of Marquette's 12 academic deans are women. Seven of the 17 key university leaders are women. Marquette's faculty is considerably enriched by the presence of women, 42 percent of part-time faculty and 39 percent of full-time faculty. In 2006, Marquette's board elected its first female chair, Mary Ellen Stanek. Today, women make up more than 50 percent of the student body.

With a student body of 11,500, Marquette is one the largest Jesuit universities in the United States and the largest private university in Wisconsin. It is one of 28 member institutions of the Association of Jesuit Colleges and Universities and is accredited by the North Central Association of Colleges and Secondary Schools. The university has 11 schools and colleges; and in 2009, Marquette ranked 84th overall among undergraduate programs for national universities by the U.S. News and World Report.

I want to extend my congratulations to Marquette president, Rev. Robert Wild, the faculty, the staff and students on their 100th anniversary. Today, we recognize Marquette University for focusing on its four core values of excellence, faith, leadership and service, and honor them for 100 years of service of offering premiere higher educational opportunities to all students who have a desire to learn.

I ask my colleagues to support this resolution.

I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I am pleased to yield 5 minutes to the author of the resolution, the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Speaker, today I am so proud and honored to be able to offer this resolution to my alma mater, Marquette University, which, of course, is celebrating the 100th anniversary of its admission of women during this academic year, 2009 to 2010.

Not only have we noted in this resolution that Marquette was the first Catholic university in the world to admit women to be educated alongside

men in its undergraduate programs; but in doing so, it paved the way for women's access to higher education in the United States of America.

This, of course, was very controversial, the admission of women in these programs, and the objections among the religious communities in Milwaukee and elsewhere were rampant. But Father McCabe bravely persisted in admitting women to Marquette University for 4 years before he got word from Rome that it was okay to do so. And we certainly applaud that legacy, as well, today.

In the century following this landmark event, the role of women at Marquette has expanded and evolved. Not only is 50 percent of the Marquette student population women, but the university offers a Women's and Gender Studies major and minor. Marquette counts women among its student body leaders, its most outstanding students and its internationally recognized faculty and staff.

In the decades following this historic inclusion of women, the university has become known for its commitment to expanding access to higher education, not only to women, but also to low-income students, to veterans and to students who are the first generation in their families to attend college. This year, Marquette celebrates the 40th anniversary of its Educational Opportunity Program, of which I am among its first beneficiaries, which now serves over 500 high school and college students every year.

I am so proud of my alma mater, and Milwaukee, that they were on the front lines of change, and recognized long ago, before many other similar institutions, that in order to grow and move forward as a society we can't leave half our population behind. Expanding opportunities and access to education for women benefits our families and our society. I am so honored to recognize Marquette in this way.

I congratulate Marquette, its board of trustees, its student body, all of its alumni, and urge passage of H.R. 1161.

Mr. ROE of Tennessee. Mr. Speaker, I associate my remarks with the gentle lady. I think it was a historic occasion; you're absolutely right. Some would say more than 50 percent of the brain power, if women are left out.

It's a historic time for them, and that was a big step for the Catholic Church in 1909. And so I agree with you, it did pave the way to the 19th amendment that occurred less than 10 years after that. So this is indeed a pleasure to be on this bill, and I thank you for that.

I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, as a proud graduate myself of Jesuit College, I urge my colleagues to pass this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1161.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

UNIVERSITY OF GEORGIA GRADUATE SCHOOL CENTENNIAL

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1372) honoring the University of Georgia Graduate School on the occasion of its centennial.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1372

Whereas, on June 10, 1910, the University of Georgia organized its graduate education practices under the guidance of Professor Willis Henry Bocock, who became the first dean of the Graduate School;

Whereas the Graduate School has contributed to elevating and maintaining the University of Georgia as one of the preeminent public universities in the United States;

Whereas these contributions are a reflection of the great leadership of the Graduate School's first dean, Dr. Bocock, and those who succeeded him: R.P. Stephens, George H. Boyd, Gerald B. Huff, Thomas H. Whitehead, Hardy M. Edwards, Jr., John C. Dowling, Gordhan L. Patel, and the present dean, Maureen Grasso;

Whereas the Graduate School has grown from 7 students in 1910 to more than 7,000 today;

Whereas the Graduate School has awarded master's, specialist, and doctoral degrees to more than 73,000 individuals who occupy leadership roles in school systems, institutions of higher learning, business, government, and nonprofit organizations;

Whereas the Graduate School includes more than 350 fields of study and contributes to new knowledge and advancements in academic research; and

Whereas Graduate School graduates have made significant contributions to the economic development and competitiveness of the State of Georgia and the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the centennial of the founding and organization of the University of Georgia Graduate School; and

(2) expresses sincere appreciation to the students and administrators who contribute to the growth and success of the University of Georgia Graduate School.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1372 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1372, honoring the University of Georgia Graduate School on the occasion of its centennial.

The University of Georgia's motto, "to teach, to serve and to inquire into the nature of things," has been guiding students at this outstanding institution for over 100 years. However, it was not until June of 1910 that the University of Georgia formalized its graduate education practice when it established its graduate school where students were offered an opportunity to continue their education.

Throughout these past 100 years, the graduate school has dedicated itself to becoming a leading educational institution and an outstanding academic and scientific research center. While the graduate school started off with a mere seven students in 1910, today there are more than 7,000 scholars in the program. The extraordinary and successful growth of the graduate school is a reflection of the great leadership of the first dean, William Henry Bocock, and today is represented by Dean Maureen Grasso.

As it approaches its centennial, the graduate school continues to offer its students excellence in education through more than 350 fields of study and innovative approaches to learning, including assistantships and fellowships for students across colleges and schools at the university, financial opportunities for thesis and dissertation writing, leadership development, study abroad and travel for academic presentations or data collection and professional development seminars.

Mr. Speaker, once again I express my support for House Resolution 1372, and I congratulate the graduate school and Dean Grasso on 100 years of excellence in education. I wish the university continued success and urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1372, Honoring the

University of Georgia Graduate School on the occasion of its centennial.

The University of Georgia organized its graduate practices into a collegiate program on June 10, 1910. The graduate education practices were organized under the guidance of Professor Willis Henry Bocock. Professor Bocock later became the first dean of the graduate school.

In 1910 seven students enrolled in the graduate school. Today the school has grown to include more than 7,000 students and more than 350 fields of study. The graduate school has awarded more than 73,000 degrees since its founding 100 years ago. These students and alumni and the faculty that have guided these individuals have made significant contributions to the success and growth of the University of Georgia and, furthermore, the Nation.

The University of Georgia, or UGA, was founded 125 years before the graduate school was organized. Located in Athens, Georgia, the University of Georgia is the oldest and largest of the State's institutions of higher education. The university serves almost 35,000 students and comprises 16,000 colleges and schools including the graduate school.

The university aims "to teach, to serve and to inquire into the things of nature." This motto has helped to position the university as a leader in higher education. The U.S. News and World Report ranked the university 21st among the top national public research universities in 2010.

In addition, the university has claimed 37 national championships and is widely known for excellence in academics and athletics.

The University of Georgia Graduate School has significantly contributed to the university's success and excellence in the last 100 years. I stand today to congratulate the University of Georgia Graduate School, the students, alumni, faculty and staff on the occasion of the school's centennial.

I ask my colleagues to support this resolution.

And, Mr. Speaker, as a University of Tennessee grad, I was doing really well with this until we get to the 37 national championships.

Mr. Speaker, I yield 5 minutes to a distinguished colleague from Georgia, Dr. PAUL BROWN.

Mr. BROWN of Georgia. Mr. Speaker, the University of Georgia is the first land grant college in the United States. A lot of people don't know that.

The Graduate School of the University of Georgia is celebrating its centennial in June, as both speakers have just mentioned. In the hundred years since its organization, the University of Georgia's Graduate School has produced scholars of the highest caliber. Beginning with only seven pupils, it now boasts more than 7,000 students and hundreds of doctoral, master's and specialist degree programs.

At the center of advanced learn at the State's flagship university, UGA's Graduate School has contributed to new knowledge, advancements in academic research, and the economic development of Georgia and the United States.

Graduates of this great school occupy positions in school systems, businesses, and even the United States Congress. I'm honored to represent this great institution here in the U.S. Congress, and I urge my colleagues to join me in celebrating the graduate school on this great occasion of its centennial.

The University of Georgia is a great institution for the people of the State of Georgia and this Nation. The graduate school has come within the purview of that great institution and has been a stellar school to produce some of the greatest leaders of our Nation. I congratulate them personally, and I'm glad that Congress, hopefully, is going to congratulate them with this resolution.

And with that, I have one thing to say. Go Dogs.

□ 1715

Mr. ROE of Tennessee. I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1372.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL ASTHMA AND ALLERGY AWARENESS MONTH

Ms. CASTOR of Florida. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 407) expressing support for designation of May as "National Asthma and Allergy Awareness Month," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 407

Whereas allergies are among the most common diseases in the United States;

Whereas an estimated 50,000,000 or 1 in 5 Americans suffer from all types of allergies;

Whereas approximately 3,000,000 school-aged children have a food allergy and the number of American children with a peanut allergy doubled between 1997 and 2002;

Whereas the prevalence of allergies has increased since the early 1980s in the United States across all age, sex, and racial groups;

Whereas allergies are the most frequently reported chronic condition in children;

Whereas almost 4,000 people die each year from asthma-related causes, and asthma is a contributing factor in another 7,000 deaths every year;

Whereas allergic reactions can be severe enough to cause death;

Whereas it is estimated that the cost of allergies is nearly \$7,000,000,000 each year;

Whereas an estimated 20,000,000 or 1 in 15 Americans suffer from asthma, and over 50 percent of asthma cases are "allergic-asthma";

Whereas, due to asthma, each day in America 40,000 people miss school or work, 30,000 people have an attack, 5,000 people visit the emergency room, 1,000 people are admitted to the hospital, and 11 people die;

Whereas asthma is the most common chronic condition among children, affecting more than 1 of every 20 children;

Whereas asthma is more common among children (8.9 percent) than adults (7.2 percent);

Whereas nearly 6,500,000 asthma sufferers are under the age of 18;

Whereas ethnic differences in asthma prevalence, morbidity, and mortality are highly correlated with poverty, urban air quality, indoor allergens, lack of patient education, and inadequate medical care;

Whereas asthma accounts for nearly 2,000,000 emergency room visits in the United States each year;

Whereas each year, asthma accounts for more than 10,000,000 outpatient visits and 500,000 hospitalizations;

Whereas 40 percent of all asthma hospitalizations are for children;

Whereas asthma is the third-ranking cause of hospitalization among children;

Whereas among children ages 5 to 17, asthma is a leading cause of school absences from a chronic illness;

Whereas asthma accounts for an annual loss of more than 12,800,000 school days per year, which is approximately 8 days for each student with asthma, and it is estimated that children with asthma spend nearly 8,000,000 days per year restricted to bed;

Whereas the annual cost of asthma is estimated to be nearly \$18,000,000,000;

Whereas the Asthma and Allergy Foundation of America first declared "National Asthma and Allergy Awareness Week" 25 years ago in May 1984;

Whereas each year, the Asthma and Allergy Foundation of America declares May as "National Asthma and Allergy Awareness Month"; and

Whereas the month of May 2010 would be an appropriate month to designate a "National Asthma and Allergy Awareness Month": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of "National Asthma and Allergy Awareness Month";

(2) supports the designation of a "National Asthma and Allergy Awareness Month";

(3) encourages local communities to raise awareness surrounding the prevalence of asthma and allergies;

(4) encourages awareness about disparities in asthma cases based on race, ethnicity, and socioeconomic status;

(5) recognizes and salutes health care professionals that treat asthma- and allergy-related health issues each day; and

(6) recognizes and reaffirms the Nation's commitment to continued education surrounding asthma and allergy treatment and symptoms and to advancing care for both asthma and allergy conditions.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CASTOR) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CASTOR of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Resolution 407. This resolution expresses support for the designation of the month of May as National Asthma and Allergy Awareness Month. I would like to thank my colleague, Congressman DAVE REICHERT of Washington, who partnered with me on this resolution. Congressman REICHERT and I cochair the Congressional Children's Health Care Caucus.

Today's resolution focuses on two conditions that affect millions of Americans, asthma and allergy. Asthma is a respiratory disease that is caused when the lungs become inflamed and constricted. Asthma attacks can be so severe that they can be life-threatening.

An estimated 20 million Americans currently have asthma, and it is the most chronic condition in children. Asthma accounts for nearly 2 million emergency room visits per year, and costs America about \$18 billion annually. More than 12.8 million school days are lost each year due to asthma, approximately 8 days for each student with asthma. This makes it very difficult for parents who may miss work because their child is home from school after an asthma flare-up.

There is no cure for asthma. Almost 4,000 people die each year from asthma-related conditions. The best course of action is to manage the disease by preventing symptoms and treating attacks when they occur. Improved care and management has the potential to not only save lives, but also to reduce the number of people suffering asthma attacks so they don't miss work or have to visit the emergency room or the hospital.

Our resolution also underscores the disparities in asthma based on race, ethnicity, and socioeconomic status. It

is important to work to improve asthma-related outcomes for all Americans, but particularly for those who are disproportionately affected by the disease.

Mr. Speaker, the resolution before us also focuses on allergy. This refers to reactions by the immune system when a person comes into contact with certain substances that act as triggers. Allergies are most often triggered by pollen. They can also be triggered by exposure to other substances like certain food or pets.

Like asthma, allergy is a common disease among Americans. Approximately 50 million Americans suffer from allergies. Approximately 3 million school-aged children have a food allergy. And the prevalence of allergy has increased across all age, sex, and racial groups in the last decade.

Symptoms of allergy also vary. And we understand this very well this time of year. The symptoms can be rather mild or for some people very severe. Hives and swelling of the throat and allergic reactions can be severe enough to cause death. So it's important to consider the impacts of allergy as an individual condition.

We must also not overlook the connection between allergy and asthma. Over 50 percent of asthma cases are triggered by allergens. Today's resolution gives us an opportunity to learn more about asthma and allergy and the impact of these conditions upon American families. It encourages local communities to raise awareness surrounding these diseases.

The resolution also recognizes and salutes the important work of health professionals who treat asthma- and allergy-related health issues. Finally, the resolution recognizes and affirms the Nation's commitment to education surrounding the care for these two conditions.

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield myself as much time as I may consume.

On behalf of the Republican side of the Energy and Commerce Committee, I rise in support of H. Res. 407, to support the designation of May as National Asthma and Allergy Awareness Month. About 50 million Americans suffer from allergies and around 20 million suffer from asthma. Of those 20 million asthma sufferers, over half have both allergies and asthma.

While it's rare, allergies and asthma attacks can be deadly. But even a more mild attack can keep a child home from school or a parent out of work. While allergies and asthma are often chronic conditions, they can be managed with medication. Inhalers, for instance, allow people with asthma to participate in sports, and a wide range of medications are available to those who suffer from allergies. In fact, my

nephew Raymond played baseball all through his youth having to carry his inhaler.

Many of us rely on common, everyday over-the-counter medications to deal with allergies. Unfortunately, the health care bill will increase the cost of drugs to Americans because they will no longer get the benefit of untaxed dollars through their FSAs to purchase over-the-counter drugs for conditions like allergies. The actual cost to Americans for these medications will therefore increase, forcing them to go to prescription drug levels, and increasing the costs to health care. Additionally, the majority's health care bill will increase the costs or create a direct tax on inhalers and breathing devices.

Now, some might try to say that the savings really wasn't that great, and the benefit of this massive trillion-dollar government scheme will far outweigh the costs. But the fact is that Americans who suffer from chronic allergies and asthma have to purchase medications on a regular basis. Over time, savings from an FSA can add up. And it's kind of like how massive deficits year after year lead to a \$13 trillion deficit. There may be some benefit to someone at some point in time from the President's health care bill, but in the meantime all the American people are getting is higher costs.

I support this resolution and urge Members to vote for it. However, I am opposed to some of the policies implemented by this Congress that would increase the cost of treatment for those with allergies and asthma.

Mr. Speaker, I understand the gentle lady is prepared to close, so at this time I yield 3 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in support of this resolution. However, I find it interesting that we are discussing the hardships faced by those with allergies and asthma, when just over 2 months ago the Democrats rammed through a health care law that will prohibit Americans from using pretax dollars to buy over-the-counter allergy medicines and impose harsh new taxes on prescription drugs used in asthma inhalers.

Beginning next year, the Democrats' health care overhaul will prohibit the 45 million Americans with flexible spending arrangements and health savings accounts from using this money to purchase over-the-counter drugs like Claritin or Zyrtec. This amounts to a \$5 billion tax increase. Those with asthma will soon see their out-of-pocket costs increase because the Democrats' health overhaul imposes a \$27 billion tax on drug manufacturers, including those who make inhalation drugs. Mr. Speaker, that's nothing to sneeze about. The Medicare actuaries expect this, quote, "tax would generally be passed through to health con-

sumers in the form of higher drug prices."

Mr. Speaker, it's time to repeal the Democrats' health law and replace it with commonsense reforms that actually lower health care costs, not raise them.

Mr. TERRY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. CASTOR of Florida. Mr. Speaker, I would like to thank my colleague from the Energy and Commerce Committee, Mr. TERRY, for his participation today. We're not going to repeal the health care reform law. It's too important to American families. We're going to make it work. And we're all in this together to make it work.

If you have asthma or if you have an allergy, the new health reform bill is very positive for you and your family because now no longer will health insurance companies be able to deny coverage based upon a preexisting condition. So if your child has a severe case of asthma, that health insurance company can no longer say, No, we're not going to cover that.

The new health reform law is good news for American families, especially those with asthma and allergies, because no longer will health insurance companies be able to cancel your policy just because you get sick. So if you have a health insurance policy and you come down with a severe case of asthma or your child does, under our law health insurance companies will no longer be able to cancel you because you have developed that condition. The same goes for breast cancer, the same goes for any terrible condition. And this is a real world solution for our families all across America.

More good news from the health care plan. There are many students in college these days that before they reached age 26 they were often left in the lurch. Now, under the health reform law we say that health insurance companies have to keep your kids on your policy until they turn age 26. There are plenty of young students today that are having a tough time finding a job, and this is an important lifeline for them.

I think we should also focus on our Medicare patients, because sometimes a condition like asthma gets a whole lot worse as someone ages. The good news under the health reform law is that Medicare patients will get free checkups and preventative care. So hopefully, if a chronic condition is developing, we can prevent it if they go in, and not have to worry about copayments anymore that are very expensive if you're on a fixed income. And you can get coverage that you need, the checkups and preventative care, whether it's asthma or allergies or some other serious condition.

I think it's probably going to help Medicare patients as well because some

of them are spending a lot of money on their pharmaceuticals and drugs. So if you need those inhalers now and you're falling into the doughnut hole because you're spending a lot, we're going to be able to help you out for those seniors that are falling into that doughnut hole, meaning they are spending a lot on their drugs, whether it's asthma, allergies, or some other medication that they need.

So I am not sorry that this turned into a debate on health care. We're not going to repeal it. We're going to work together. Those are the values we share in America. We're going to make health reform work for American families, all of us. We're in this together. We don't need to waste time on repeal. We're going to dedicate ourselves, all of us, to making it work for American families.

Mr. Speaker, I would also like to urge my colleagues to support our designation of May as Asthma and Allergy Awareness Month. I urge my colleagues to support the resolution.

□ 1730

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CASTOR) that the House suspend the rules and agree to the resolution, H. Res. 407, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CASTOR of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

APPOINTMENT AS MEMBERS TO NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY

The SPEAKER pro tempore. Pursuant to section 106 of the Higher Education Opportunity Act (P.L. 110-315) and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following members on the part of the House to the National Advisory Committee on Institutional Quality and Integrity for a term of 6 years:

Upon the recommendation of the Majority Leader:

Dr. Carolyn Williams, Bronx, New York

Dr. William "Brit" Kirwan, Adelphi, Maryland

Dr. Benjamin J. Allen, Cedar Falls, Iowa

Upon the recommendation of the Minority Leader:

Dr. Art Keiser, Parkland, Florida

Mr. Arthur Rothkopf, Washington, D.C.

Dr. William Pepicello, Phoenix, Arizona

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3885, by the yeas and nays; concurring in the Senate amendments to H.R. 2711, by the yeas and nays;

H. Res. 1189, by the yeas and nays;

H. Res. 1172, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

VETERANS DOG TRAINING THERAPY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3885, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3885.

The vote was taken by electronic device, and there were—yeas 403, nays 4, not voting 24, as follows:

[Roll No. 298]

YEAS—403

| | | |
|-------------|----------------|---------------|
| Ackerman | Bonner | Carter |
| Aderholt | Bono Mack | Cassidy |
| Adler (NJ) | Boozman | Castle |
| Akin | Boren | Castor (FL) |
| Alexander | Boswell | Chaffetz |
| Altmire | Boucher | Chandler |
| Andrews | Boustany | Childers |
| Arcuri | Boyd | Chu |
| Austria | Brady (PA) | Clarke |
| Baca | Braley (IA) | Clay |
| Bachmann | Bright | Cleaver |
| Bachus | Broun (GA) | Clyburn |
| Baird | Brown (SC) | Coble |
| Baldwin | Brown, Corrine | Coffman (CO) |
| Barrow | Brown-Waite, | Cohen |
| Bartlett | Ginny | Cole |
| Barton (TX) | Buchanan | Conaway |
| Bean | Burgess | Connolly (VA) |
| Becerra | Burton (IN) | Cooper |
| Berkley | Butterfield | Costa |
| Berman | Buyer | Costello |
| Berry | Calvert | Courtney |
| Biggart | Camp | Crenshaw |
| Bilbray | Cantor | Critz |
| Bilirakis | Cao | Crowley |
| Bishop (GA) | Capito | Cuellar |
| Bishop (NY) | Capps | Culberson |
| Blackburn | Capuano | Cummings |
| Blumenauer | Carnahan | Dahlkemper |
| Bocieri | Carney | Davis (CA) |
| Boehner | Carson (IN) | Davis (IL) |

| | | |
|-----------------|------------------|------------------|
| Davis (KY) | Kennedy | Pascarell |
| Davis (TN) | Kildee | Pastor (AZ) |
| DeFazio | Kilroy | Paul |
| DeGette | Kind | Paulsen |
| Delahunt | King (IA) | Payne |
| DeLauro | King (NY) | Pence |
| Dent | Kingston | Perlmutter |
| Deutch | Kirk | Perriello |
| Diaz-Balart, L. | Kirkpatrick (AZ) | Peters |
| Diaz-Balart, M. | Kissell | Peterson |
| Dicks | Klein (FL) | Pingree (ME) |
| Dingell | Kline (MN) | Pitts |
| Djou | Kosmas | Platts |
| Doggett | Kratovil | Poe (TX) |
| Donnelly (IN) | Kucinich | Pomeroy |
| Doyle | Lamborn | Posey |
| Dreier | Lance | Price (GA) |
| Driehaus | Larsen (WA) | Price (NC) |
| Duncan | Larson (CT) | Putnam |
| Edwards (MD) | Latham | Quigley |
| Edwards (TX) | LaTourette | Rahall |
| Ehlers | Latta | Rangel |
| Ellison | Lee (CA) | Rehberg |
| Ellsworth | Lee (NY) | Reichert |
| Emerson | Levin | Reyes |
| Engel | Lewis (GA) | Richardson |
| Eshoo | Linder | Rodriguez |
| Etheridge | Lipinski | Roe (TN) |
| Farr | LoBiondo | Rogers (AL) |
| Fattah | Loeb sack | Rogers (KY) |
| Filner | Lofgren, Zoe | Rogers (MI) |
| Fleming | Lowe | Rohrabacher |
| Forbes | Lucas | Rooney |
| Fortenberry | Luetkemeyer | Ros-Lehtinen |
| Foster | Lujan | Roskam |
| Fox | Lummis | Ross |
| Frank (MA) | Lungren, Daniel | Rothman (NJ) |
| Franks (AZ) | E. | Roybal-Allard |
| Frelinghuysen | Lynch | Royce |
| Fudge | Mack | Rush |
| Galleghy | Maffei | Ryan (OH) |
| Garamendi | Maloney | Salazar |
| Garrett (NJ) | Marchant | Sánchez, Linda |
| Gerlach | Markey (CO) | T. |
| Giffords | Markey (MA) | Sanchez, Loretta |
| Gingrey (GA) | Marshall | Sarbanes |
| Gohmert | Matheson | Scalise |
| Gonzalez | Matsui | Schakowsky |
| Goodlatte | McCarthy (NY) | Schauer |
| Gordon (TN) | McCaul | Schiff |
| Granger | McClintock | Schmidt |
| Grayson | McCollum | Schock |
| Green, Al | McCotter | Schrader |
| Green, Gene | McDermott | Schwartz |
| Griffith | McHenry | Scott (GA) |
| Grijalva | McIntyre | Scott (VA) |
| Guthrie | McKeon | Sensenbrenner |
| Gutierrez | McMahon | Serrano |
| Hall (NY) | McMorris | Sessions |
| Hall (TX) | Rodgers | Sestak |
| Halvorson | McNerney | Shea-Porter |
| Hare | Meek (FL) | Sherman |
| Harman | Meeks (NY) | Shimkus |
| Harper | Melancon | Shuler |
| Hastings (FL) | Mica | Shuster |
| Hastings (WA) | Michaud | Simpson |
| Heinrich | Miller (FL) | Sires |
| Heller | Miller (MI) | Skelton |
| Hensarling | Miller (NC) | Slaughter |
| Herger | Miller, Gary | Smith (NE) |
| Herseth Sandlin | Miller, George | Smith (NJ) |
| Higgins | Minnick | Smith (TX) |
| Hill | Mitchell | Smith (WA) |
| Hinchoy | Mollohan | Snyder |
| Hirono | Moore (KS) | Space |
| Hodes | Moore (WI) | Speier |
| Holden | Moran (KS) | Spratt |
| Holt | Moran (VA) | Stark |
| Honda | Murphy (CT) | Stearns |
| Hoyer | Murphy (NY) | Stupak |
| Hunter | Murphy, Patrick | Sullivan |
| Inglis | Murphy, Tim | Sutton |
| Insee | Myrick | Tanner |
| Israel | Nadler (NY) | Taylor |
| Jackson (IL) | Napolitano | Teague |
| Jenkins | Neal (MA) | Terry |
| Johnson (GA) | Neugebauer | Thompson (CA) |
| Johnson (IL) | Nunes | Thompson (MS) |
| Johnson, E. B. | Nye | Thompson (PA) |
| Johnson, Sam | Oberstar | Thornberry |
| Jones | Obey | Tiahrt |
| Jordan (OH) | Olson | Tiberi |
| Kagen | Oliver | Tierney |
| Kanjorski | Ortiz | Titus |
| Kaptur | Owens | Tonko |
| | Pallone | Towns |

| | | |
|------------|--------------|------------|
| Tsongas | Waters | Wittman |
| Turner | Watson | Wolf |
| Upton | Watt | Woolsey |
| Van Hollen | Waxman | Wu |
| Velázquez | Weiner | Yarmuth |
| Visclosky | Welch | Young (AK) |
| Walden | Westmoreland | Young (FL) |
| Walz | Whitfield | |
| Wasserman | Wilson (OH) | |
| Schultz | Wilson (SC) | |

NAYS—4

| | |
|----------|---------|
| Campbell | Issa |
| Flake | Shadegg |

NOT VOTING—24

| | | |
|--------------|-----------------|---------------|
| Barrett (SC) | Himes | McGovern |
| Bishop (UT) | Hoekstra | Petri |
| Blunt | Jackson Lee | Polis (CO) |
| Brady (TX) | (TX) | Radanovich |
| Cardoza | Kilpatrick (MI) | Ruppersberger |
| Conyers | Langevin | Ryan (WI) |
| Davis (AL) | Lewis (CA) | Wamp |
| Fallin | Manzullo | |
| Graves | McCarthy (CA) | |

□ 1800

Mr. STEARNS changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCCARTHY of California. Mr. Speaker, on rollcall No. 298 I was unavoidably detained. Had I been present, I would have voted “yea.”

SPECIAL AGENT SAMUEL HICKS FAMILIES OF FALLEN HEROES ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendments to the bill, H.R. 2711, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2711.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 15, as follows:

[Roll No. 299]

YEAS—416

| | | |
|-------------|-------------|----------------|
| Ackerman | Berkley | Boustany |
| Aderholt | Berman | Boyd |
| Adler (NJ) | Berry | Brady (PA) |
| Akin | Biggart | Brady (TX) |
| Alexander | Bilbray | Braley (IA) |
| Altmire | Bilirakis | Bright |
| Andrews | Bishop (GA) | Broun (GA) |
| Arcuri | Bishop (NY) | Brown (SC) |
| Austria | Bishop (UT) | Brown, Corrine |
| Baca | Blackburn | Brown-Waite, |
| Bachmann | Blumenauer | Ginny |
| Bachus | Bocieri | Buchanan |
| Baird | Boehner | Burgess |
| Baldwin | Bonner | Burton (IN) |
| Barrow | Bono Mack | Butterfield |
| Bartlett | Boozman | Buyer |
| Barton (TX) | Boren | Calvert |
| Bean | Boswell | Camp |
| Becerra | Boucher | Campbell |

| | | | | | | | | |
|-----------------|------------------|------------------|---------------|-----------------|--------------|-----------------|------------------|-----------------|
| Cantor | Grijalva | McCollum | Schauer | Snyder | Van Hollen | Brown-Waite, | Gordon (TN) | Matheson |
| Cao | Guthrie | McCotter | Schiff | Space | Velázquez | Binny | Granger | Matsui |
| Capito | Gutierrez | McDermott | Schmidt | Spicer | Visclosky | Buchanan | Grayson | McCarthy (CA) |
| Capps | Hall (NY) | McGovern | Schock | Spratt | Walden | Burgess | Green, Al | McCarthy (NY) |
| Capuano | Hall (TX) | McHenry | Schrader | Stark | Walz | Burton (IN) | Green, Gene | McCaul |
| Cardoza | Halvorson | McIntyre | Schwartz | Stearns | Wasserman | Butterfield | Griffith | McClintock |
| Carnahan | Hare | McKeon | Scott (GA) | Stupak | Buyer | Grijalva | Gutierrez | McCollum |
| Carney | Harman | McMahon | Scott (VA) | Sullivan | Schultz | Calvert | Gutierrez | McCotter |
| Carson (IN) | Harper | McMorris | Sensenbrenner | Sutton | Waters | Camp | Gutierrez | McDermott |
| Carter | Hastings (FL) | Rodgers | Serrano | Tanner | Watson | Campbell | Hall (NY) | McGovern |
| Cassidy | Hastings (WA) | McNerney | Sessions | Taylor | Watt | Cantor | Hall (TX) | McHenry |
| Castle | Heinrich | Meek (FL) | Sestak | Teague | Waxman | Cao | Halvorson | McIntyre |
| Castor (FL) | Heller | Meeks (NY) | Shadegg | Terry | Weiner | Capito | Hare | McKeon |
| Chaffetz | Hensarling | Melancon | Shea-Porter | Thompson (CA) | Welch | Capps | Harman | McMahon |
| Chandler | Herger | Mica | Sherman | Thompson (MS) | Westmoreland | Capuano | Harper | McMorris |
| Childers | Hereth Sandlin | Michaud | Shimkus | Thompson (PA) | Whitfield | Cardoza | Hastings (FL) | Rodgers |
| Chu | Higgins | Miller (FL) | Shuler | Thornberry | Wilson (OH) | Carnahan | Hastings (WA) | McNerney |
| Clarke | Hill | Miller (MI) | Shuster | Tiaht | Wilson (SC) | Carney | Heinrich | Meek (FL) |
| Clay | Himes | Miller (NC) | Simpson | Tiberi | Wittman | Carson (IN) | Heller | Meeks (NY) |
| Cleaver | Hinchey | Miller, Gary | Sires | Tierney | Wolf | Carter | Hensarling | Melancon |
| Clyburn | Hinojosa | Miller, George | Skelton | Titus | Woolsey | Cassidy | Herger | Mica |
| Coble | Hirono | Minnick | Slaughter | Tonko | Wu | Castle | Hereth Sandlin | Michaud |
| Coffman (CO) | Hodes | Mitchell | Smith (NE) | Towns | Yarmuth | Castor (FL) | Higgins | Miller (FL) |
| Cohen | Holden | Mollohan | Smith (NJ) | Tsongas | Young (AK) | Chandler | Hill | Miller (MI) |
| Cole | Holt | Moore (KS) | Smith (TX) | Turner | Young (FL) | Childers | Himes | Miller (NC) |
| Conaway | Honda | Moore (WI) | Smith (WA) | Upton | | Clarke | Hinchey | Miller, Gary |
| Connolly (VA) | Hoyer | Moran (KS) | | | | Clay | Hinojosa | Miller, George |
| Cooper | Hunter | Moran (VA) | Barrett (SC) | Hoekstra | Petri | Clyburn | Hirono | Minnick |
| Costa | Inglis | Murphy (CT) | Blunt | Jackson Lee | Radanovich | Coble | Hodes | Mitchell |
| Costello | Inslee | Murphy (NY) | Conyers | (TX) | Ryan (WI) | Coffman (CO) | Holden | Mollohan |
| Courtney | Israel | Murphy, Patrick | Davis (AL) | Kennedy | Wamp | Cohen | Holt | Moore (KS) |
| Crenshaw | Issa | Murphy, Tim | Fallin | Kilpatrick (MI) | | Cole | Honda | Moore (WI) |
| Critz | Jackson (IL) | Myrick | Graves | Manzullo | | Conaway | Hoyer | Moran (KS) |
| Crowley | Jenkins | Nadler (NY) | | | | Connolly (VA) | Hunter | Moran (VA) |
| Cuellar | Johnson (GA) | Napolitano | | | | Cooper | Inglis | Murphy (CT) |
| Culberson | Johnson (IL) | Neal (MA) | | | | Costa | Inslee | Murphy (NY) |
| Cummings | Johnson, E. B. | Neugebauer | | | | Costello | Israel | Murphy, Patrick |
| Dahlkemper | Johnson, Sam | Nunes | | | | Courtney | Issa | Murphy, Tim |
| Davis (CA) | Jones | Nye | | | | Crenshaw | Jackson (IL) | Myrick |
| Davis (IL) | Jordan (OH) | Oberstar | | | | Critz | Jenkins | Nadler (NY) |
| Davis (KY) | Kagen | Obey | | | | Crowley | Johnson (GA) | Napolitano |
| Davis (TN) | Kanjorski | Olson | | | | Cuellar | Johnson (IL) | Neal (MA) |
| DeFazio | Kaptur | Oliver | | | | Culberson | Johnson, E. B. | Neugebauer |
| DeGette | Kildee | Ortiz | | | | Cummings | Johnson, Sam | Nunes |
| Delahunt | Kilroy | Owens | | | | Dahlkemper | Jones | Nye |
| DeLauro | Kind | Pallone | | | | Davis (CA) | Jordan (OH) | Oberstar |
| Dent | King (IA) | Pascarell | | | | Davis (IL) | Kagen | Obey |
| Deutch | King (NY) | Pastor (AZ) | | | | Davis (KY) | Kanjorski | Olson |
| Diaz-Balart, L. | Kingston | Paul | | | | Davis (TN) | Kaptur | Oliver |
| Diaz-Balart, M. | Kirk | Paulsen | | | | DeGette | Kennedy | Ortiz |
| Dicks | Kirkpatrick (AZ) | Payne | | | | DeLauro | Kildee | Owens |
| Dingell | Kissell | Pence | | | | Delahunt | Kilroy | Pallone |
| Djou | Klein (FL) | Perlmutter | | | | Dent | Kind | Pascarell |
| Doggett | Kline (MN) | Perriello | | | | Deutch | King (IA) | Pastor (AZ) |
| Donnelly (IN) | Kosmas | Peters | | | | Diaz-Balart, L. | King (NY) | Paul |
| Doyle | Kratovil | Peterson | | | | Diaz-Balart, M. | Kingston | Paulsen |
| Dreier | Kucinich | Pingree (ME) | | | | Dicks | Kirk | Payne |
| Driehaus | Lamborn | Pitts | | | | Dingell | Kirkpatrick (AZ) | Pence |
| Duncan | Lance | Platts | | | | Djou | Kissell | Perlmutter |
| Edwards (MD) | Langevin | Poe (TX) | | | | Doggett | Klein (FL) | Perriello |
| Edwards (TX) | Larsen (WA) | Polis (CO) | | | | Donnelly (IN) | Kline (MN) | Peters |
| Ehlers | Larson (CT) | Pomeroy | | | | Doyle | Kosmas | Peterson |
| Ellison | Latham | Posey | | | | Dreier | Kratovil | Pingree (ME) |
| Ellsworth | LaTourette | Price (GA) | | | | Driehaus | Kucinich | Pitts |
| Emerson | Latta | Price (NC) | | | | Duncan | Lamborn | Platts |
| Engel | Lee (CA) | Putnam | | | | Edwards (MD) | Lance | Poe (TX) |
| Eshoo | Lee (NY) | Quigley | | | | Edwards (TX) | Langevin | Polis (CO) |
| Etheridge | Levin | Rahall | | | | Ehlers | Larsen (WA) | Pomeroy |
| Farr | Lewis (CA) | Rangel | | | | Ellison | Larson (CT) | Posey |
| Fattah | Lewis (GA) | Rehberg | | | | Ellsworth | Latham | Price (GA) |
| Filner | Linder | Reichert | | | | Emerson | LaTourette | Price (NC) |
| Flake | Lipinski | Reyes | | | | Engel | Latta | Putnam |
| Fleming | LoBiondo | Richardson | | | | Eshoo | Lee (CA) | Quigley |
| Forbes | Loebach | Rodriguez | | | | Etheridge | Lee (NY) | Rahall |
| Fortenberry | Lofgren, Zoe | Roe (TN) | | | | Farr | Levin | Rangel |
| Foster | Lowey | Rogers (AL) | | | | Fattah | Lewis (CA) | Rehberg |
| Fox | Lucas | Rogers (KY) | | | | Filner | Lewis (GA) | Reichert |
| Frank (MA) | Luetkemeyer | Rogers (MI) | | | | Flake | Linder | Reyes |
| Franks (AZ) | Lujan | Rohrabacher | | | | Fleming | Lipinski | Richardson |
| Frelinghuysen | Lummis | Rooney | | | | Forbes | LoBiondo | Rodriguez |
| Fudge | Lungren, Daniel | Ros-Lehtinen | | | | Fortenberry | Loebach | Roe (TN) |
| Gallely | E. | Roskam | | | | Foster | Lofgren, Zoe | Rogers (AL) |
| Garamendi | Lynch | Ross | | | | Fox | Lowey | Rogers (KY) |
| Garrett (NJ) | Mack | Rothman (NJ) | | | | Frank (MA) | Lucas | Rogers (MI) |
| Gerlach | Maffei | Roybal-Allard | | | | Franks (AZ) | Luetkemeyer | Rohrabacher |
| Giffords | Maloney | Royce | | | | Frelinghuysen | Lujan | Rooney |
| Gingrey (GA) | Marchant | Ruppersberger | | | | Fudge | Lungren, Daniel | Ros-Lehtinen |
| Gohmert | Markey (CO) | Rush | | | | Gallegly | E. | Roskam |
| Gonzalez | Markey (MA) | Ryan (OH) | | | | Garamendi | Lynch | Ross |
| Goodlatte | Marshall | Salazar | | | | Garrett (NJ) | Mack | Rothman (NJ) |
| Gordon (TN) | Matheson | Sánchez, Linda | | | | Gerlach | Maffei | Roybal-Allard |
| Granger | Matsui | T. | | | | Giffords | Maloney | Royce |
| Grayson | McCarthy (CA) | Sanchez, Loretta | | | | Gingrey (GA) | Marchant | Ruppersberger |
| Green, Al | McCarthy (NY) | Sarbanes | | | | Gohmert | Markey (CO) | Rush |
| Green, Gene | McCaul | Scalise | | | | Gonzalez | Markey (MA) | Ryan (OH) |
| Griffith | McClintock | Schakowsky | | | | Goodlatte | Marshall | Salazar |

NOT VOTING—15

□ 1809

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING LANCE MACKEY ON WINNING 4TH STRAIGHT IDITAROD TRAIL SLED DOG RACE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1189, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1189.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, answered “present” 3, not voting 17, as follows:

[Roll No. 300]
YEAS—411

| | | |
|------------|-------------|----------------|
| Ackerman | Barton (TX) | Bonner |
| Aderholt | Bean | Bono Mack |
| Adler (NJ) | Becerra | Boozman |
| Akin | Berkley | Boren |
| Alexander | Berman | Boswell |
| Altmire | Berry | Boucher |
| Andrews | Biggart | Boustany |
| Arcuri | Bilbray | Boyd |
| Austria | Bilirakis | Brady (PA) |
| Baca | Bishop (GA) | Brady (TX) |
| Bachmann | Bishop (NY) | Braley (IA) |
| Bachus | Bishop (UT) | Bright |
| Baird | Blackburn | Broun (GA) |
| Baldwin | Blumenauer | Brown (SC) |
| Barrow | Bocchieri | Brown, Corrine |
| Bartlett | Boehner | |

Sánchez, Linda T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff
 Schmidt
 Schock
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Sestak
 Shadegg
 Shea-Porter
 Sherman
 Shimkus
 Shuler
 Shuster
 Simpson
 Sires
 Skelton

ANSWERED "PRESENT"—3

Chaffetz DeFazio Lummis

NOT VOTING—17

Barrett (SC) Fallin Manzullo
 Blunt Graves Petri
 Chu Hoekstra Radanovich
 Cleaver Jackson Lee Ryan (WI)
 Conyers (TX) Slaughter
 Davis (AL) Kilpatrick (MI) Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1817

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING WILL KEITH KELLOGG

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1172.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1172.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. SCHAUER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 0, not voting 21, as follows:

Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Westmoreland
 Whitfield
 Wilson (OH)
 Wilson (SC)
 Wittman
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (AK)
 Young (FL)

Ackerman
 Aderholt
 Adler (NJ)
 Akin
 Alexander
 Altmire
 Andrews
 Arcuri
 Austria
 Baca
 Bachmann
 Bachus
 Baldwin
 Dingell
 Barrow
 Bartlett
 Barton (TX)
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Biggert
 Bilbray
 Bilirakis
 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Blackburn
 Blumenauer
 Boccieri
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boren
 Boswell
 Boucher
 Boustany
 Boyd
 Brady (PA)
 Brady (TX)
 Braley (IA)
 Bright
 Broun (GA)
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Burton (IN)
 Butterfield
 Buyer
 Calvert
 Camp
 Campbell
 Cantor
 Cao
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Carter
 Cassidy
 Castle
 Castor (FL)
 Chaffetz
 Childers
 Chu
 Clarke
 Cleaver
 Clyburn
 Coble
 Coffman (CO)
 Cohen
 Cole
 Conaway
 Connolly (VA)
 Cooper
 Costa
 Costello
 Courtney
 Crenshaw
 Critz
 Crowley
 Cuellar
 Culberson
 Cummings
 Dahlkemper
 Davis (CA)

[Roll No. 301]
AYES—410

Davis (IL)
 Davis (KY)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dent
 Deutch
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Dju
 Doggett
 Donnelly (IN)
 Doyle
 Dreier
 Driehaus
 Duncan
 Edwards (MD)
 Edwards (TX)
 Ehlers
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Farr
 Fattah
 Filner
 Flake
 Fleming
 Forbes
 Fortenberry
 Foster
 Foxx
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Fudge
 Gallegly
 Garamendi
 Garrett (NJ)
 Gerlach
 Giffords
 Gingrey (GA)
 Gohmert
 Gonzalez
 Goodlatte
 Gordon (TN)
 Granger
 Grayson
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Hall (NY)
 Hall (TX)
 Halvorson
 Hare
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Heller
 Hensarling
 Herger
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Holt
 Honda
 Hoyer
 Hunter
 Inglis
 Inslee
 Israel
 Issa
 Jackson (IL)
 Jenkins
 Johnson (GA)
 Johnson (IL)
 Johnson, E. B.
 Johnson, Sam

Jones
 Jordan (OH)
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilroy
 Kind
 King (IA)
 King (NY)
 Kingston
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kline (MN)
 Kosmas
 Kratovil
 Kucinich
 Lamborn
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Latta
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Linder
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lucas
 Luetkemeyer
 Luján
 Lummis
 Lungren, Daniel
 E.
 Lynch
 Mack
 Maffei
 Maloney
 Marchant
 Markey (CO)
 Markey (MA)
 Marshall
 Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCaul
 McClintock
 McCollum
 McCotter
 McDermott
 McGovern
 McHenry
 McIntyre
 McKeon
 McMahon
 McMorris
 Rodgers
 McNerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Minnick
 Mitchell
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Myrick
 Nadler (NY)
 Napolitano
 Neal (MA)

Neugebauer
 Nunes
 Nye
 Oberstar
 Obey
 Olson
 Olver
 Ortiz
 Owens
 Pallone
 Pascarell
 Pastor (AZ)
 Paul
 Paulsen
 Payne
 Pence
 Perlmutter
 Perriello
 Peters
 Peterson
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (GA)
 Price (NC)
 Putnam
 Quigley
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam

Ross
 Rothman (NJ)
 Roybal-Allard
 Royce
 Ruppersberger
 Rush
 Ryan (OH)
 Salazar
 Sánchez, Linda T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff
 Schmidt
 Schock
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Sestak
 Shadegg
 Shea-Porter
 Sherman
 Shimkus
 Shuler
 Shuster
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Space
 Speier
 Spratt
 Stark
 Stearns

Stupak
 Sullivan
 Sutton
 Tanner
 Taylor
 Teague
 Terry
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Westmoreland
 Whitfield
 Wilson (OH)
 Wilson (SC)
 Wittman
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (AK)
 Young (FL)

NOT VOTING—21

Baird
 Barrett (SC)
 Blunt
 Chandler
 Clay
 Conyers
 Davis (AL)
 Fallin
 Graves
 Green, Al
 Gutierrez
 Hoekstra
 Jackson Lee
 (TX)
 Kilpatrick (MI)
 Kirk
 Manzullo
 Mollohan
 Petri
 Radanovich
 Ryan (WI)
 Wamp

□ 1825

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Madam Speaker, I was unable to attend to several votes today. Had I been present, I would have voted "aye" on final passage of H.R. 5145, "aye" on final passage of H. Res. 1258, "aye" on final passage of H. Res. 1382; "aye" on final passage of H. Res. 584; "aye" on final passage of H.R. 3885; "aye" on final passage of Senate Amendments to H.R. 2711; "aye" on final passage of H. Res. 1189; and "aye" on final passage of H. Res. 1172.

CLOSING THE SPENDING LOOPHOLE

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Madam Speaker, in the next couple of days, the House is scheduled to vote on a bill called the American Jobs and Closing Tax Loopholes Act. Yet, for all of its parts, the bill fails to address the largest loophole of all—the double-spending loophole.

Last week, it was reported that the majority plans to fund a new billion dollar summer jobs program with revenue from a tax increase on each barrel of oil. One problem: the revenue they're counting on has already been promised to the Oil Spill Liability Trust Fund to cover the estimated \$14 billion in damages on our Gulf Coast.

Madam Speaker, you don't need to be a CPA to know that you cannot spend the same dollar twice. Yet, just like the health care bill, the majority is again spending revenue that has already been committed to other programs. Using this deception is wrong, and it further inflames the distrust of the American people for our institution. The first loophole we ought to be closing is the double-spending loophole.

THE FEDERAL GOVERNMENT'S FAILURE TO SECURE THE ARIZONA BORDER

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Kansas. Madam Speaker, I state the obvious. The Federal Government has failed when it comes to immigration. It is no surprise that Arizona is stepping forward to do the job the Federal Government has not done.

Our country is a nation of laws, and they must be enforced. Whether or not this administration likes it, it is a Federal crime not to carry status documents in the United States. If they would read it, administration officials would know that Arizona's new law gives local law enforcement the authority to enforce our laws by making it a State crime for illegal immigrants to fail to carry such documents.

Despite all of the misinformation and criticism, 71 percent of Arizonans, who live with this problem every day, support the new law. Though, it's not just Arizonans who are fed up with the government's failure. Many Kansans share their concern, and they support their efforts.

It is the responsibility of the President to defend the United States and its people. Rather than agreeing with foreign criticism, President Obama should stand with the American people who are demanding that the Federal Government address this problem and secure our border.

□ 1830

COMMENDING THE HOUSE PAGES ON THEIR VICTORY OVER THE SENATE PAGES

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Madam Speaker, on the 16th, the House pages played two games with the Senate pages. The Senate pages lucked up and won a Frisbee match—but with probably some cheating—but the House pages, standing strong, following all the rules, doing the right thing, defeated the Senate pages badly, 10–4, in kickball. And as the Senate pages, with their heads dropped and their spirits torn, left the field, they reported to the Senate only one part of that day, which was the game they lucked up and won.

So, Madam Speaker, I want to commend the athletic pages of the House of Representatives and hope that we can continue to get superior pages, as we have this year, in the future.

Congratulations to the pages.

IS NEWSWEEK THE CANARY IN THE LIBERAL COAL MINE?

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, The Washington Post Company is trying to sell Newsweek because the magazine is losing money, according to news reports.

In response, The Weekly Standard wrote that “not only has Newsweek suffered from its online competition, it seems to have done everything within its power to hasten its own demise.”

“During the 2008 presidential election, for example, its fawningly voluminous coverage of Barack Obama made it something of a journalistic laughingstock, and certainly affirmed every weary accusation of liberal bias in the mainstream media.”

The Standard wrote that Newsweek's recent overhaul was “designed to create a left-wing journal of opinion.”

The American Spectator called Newsweek, “The Canary in the Liberal Coal Mine” and outlined the magazine's history of liberal bias.

Maybe Newsweek's biased reporting didn't cause its downfall, but it certainly didn't help.

URGING THE FEDERAL GOVERNMENT TO SUPPORT LOUISIANA GOVERNOR'S REQUEST TO BUILD SAND BARRIERS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, today I sent, along with Representative

SCALISE of Louisiana, a letter to the United States Army Corps of Engineers supporting Louisiana Governor Bobby Jindal's request for an emergency permit to dredge and build sand barrier islands. The United States Corps of Engineers must conduct an environmental assessment before granting the State a permit to build the barriers.

Governor Jindal petitioned the Corps of Engineers on May 10, more than 2 weeks ago, for approval to dredge and build the sand barriers. He has yet to receive a response. In the meantime, oil has begun to inundate Louisiana's fragile coasts and marshes. The proposed sand barriers would create a permanent barrier to prevent oil from reaching the shores and the wetlands.

We support Governor Jindal's efforts to protect the fragile ecosystems and natural resources that are of critical importance, not just to Louisiana, but in fact the entire national economy, and we urge the Army Corps of Engineers to act swiftly so that they may assist the governor in protecting these valuable resources.

Mr. SCALISE and I were both part of a congressional delegation that visited the Gulf and the protected area 3 weeks ago. We have seen the spill and the waters firsthand and seen the way it is threatening Louisiana's coastline. Every resource should be utilized to stem this spill and protect the Nation's coastline.

I insert for the RECORD a copy of the letter we sent to Lieutenant General Robert L. Van Antwerp.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2010.

LTG Robert L. Van Antwerp,
Commanding General and Chief of Engineers,
Headquarters, U.S. Army Corps of Engineers,
Washington, DC.

LTG ROBERT L. VAN ANTWERP: As oil from the Deepwater Horizon oil spill begins to reach the fragile marshes and estuaries of the Louisiana coastline, it is imperative that the federal government do everything possible to stop the flow of oil and act immediately to protect the natural resources along Louisiana's coast.

On May 23, 2010, the Associated Press reported that Louisiana Governor Bobby Jindal, frustrated with Army Corps of Engineers delays over environmental impact studies, will move forward unilaterally in building sand barriers to protect the coastline. Gov. Jindal petitioned the U.S. Army Corps of Engineers the week of May 10 for approval to dredge and build sand barriers to protect the wetlands, but the USACE has yet to grant approval of that request, and oil continues to damage areas of Louisiana's coasts.

We support Gov. Jindal's efforts to protect the fragile ecosystems and natural resources that are of critical importance not only to Louisiana but also to the entire national economy. And we hope the Army Corps of Engineers will expedite any environmental studies so that the Corps may assist the Governor in protecting these valuable resources.

The oil spill in the Gulf of Mexico is a serious tragedy, resulting in the loss of 11 lives onboard the exploratory rig. Every resource

should be utilized to stem this spill and protect the nation's coastlines. We appreciate your assistance in this matter.

Sincerely,

MICHAEL C. BURGESS, M.D.
STEVE SCALISE.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. KOSMAS). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA'S ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, the recent explosion of the BP Deepwater Horizon oil rig in the Gulf of Mexico has raised legitimate concerns regarding safety and environmental standards of deepwater, offshore drilling. My thoughts and prayers go out to the families that lost loved ones in this tragic accident. Eleven individuals were killed.

Safety and responsible operating procedures must always come first, particularly when human lives are at risk. It is important to reevaluate and address our safety procedures and hold those responsible for the accident accountable.

At the same time, I believe the Federal Government has the obligation to make informed and responsible decisions regarding offshore drilling. We have to differentiate between the causes of this accident and other responsible and safe drilling operations.

Our primary purpose right now should be to stop the leak and determine the cause of this tragedy, and the Federal Government needs to simultaneously address the cleanup. We need the full cooperation of Federal, State, and local agencies, as well as private industry, to immediately address the cleanup and containment situation in the Gulf of Mexico.

In my opinion, there has not been sufficient urgency to do this thus far. Cleanup remains inadequate and is still bogged down in redtape from Federal bureaucrats. This bureaucratic response from Interior Secretary Salazar has been to shut down all new offshore drilling permits, including both shallow water and deepwater offshore drilling.

However, shallow water drilling is fundamentally different from deepwater drilling. It has operated safely in the Gulf of Mexico for over 60 years, yet this prohibition treats both the same. This drilling in shallow water is primarily for natural gas. The oil remaining in these reservoirs has largely been produced, so it is at lower pres-

sure than the oil found at deeper depths. And unlike deepwater drilling, the blowout preventers in shallow water drilling are located above the surface, not thousands of feet below on the ocean floor.

I recently joined our congressional neighbor in Louisiana, Congressman CHARLIE BOUSTANY, and 40 other additional colleagues in sending a bipartisan letter urging Secretary Salazar to resume permitting for the shallow water drilling.

The unintended consequences of this wide range ban are far-reaching. The blanket ban has the potential to cause more widespread economic damage in the gulf coast and the entire United States.

The devastating effects of the oil spill go beyond waters and wetlands. For southeast Texas and southwestern Louisiana, our lives are intertwined with the oil and gas industry in the Gulf of Mexico. Over 180,000 Americans are directly employed in the oil and gas and mining industries along the gulf coast, and the prospect for severe economic hardship is very real. And that doesn't include the countless people that make their living in fishing and restaurant and tourism-related industries. Many of these out-of-work fishermen stand ready to help with the cleanup but are denied the ability to help because it is stalled down in Federal redtape.

I think we should have an all-of-the-above energy policy, one that I believe we can achieve with the highest safety and environmental standards. Our Nation and our economy, however, run on fuel supplied by the oil-producing sector of the Gulf of Mexico. We cannot simply shut off the spigot and expect this Nation to run on nothing. Meanwhile, we need to clean up the mess and find out what caused this tragedy in the Gulf of Mexico. And that's just the way it is.

TRIBUTE TO JUDGE EDWARD DAVIS, QUESTIONS REGARDING GULF OIL SPILL, AND COMMENTS ON REPUBLICAN "YOUTCUT" PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HASTINGS) is recognized for 5 minutes.

Mr. HASTINGS of Florida. Madam Speaker, I rise today with a heavy heart because of the loss of a very good friend of mine, Judge Edward Davis of the Southern District of Florida. He passed this morning. My love and condolences go out to Pat and the rest of the family for this tragic loss. I shall speak more at another time about my dear, good friend.

Additionally, Madam Speaker, while we are "slick and tired" of hearing people pontificate about this ecosystem disaster of apocalyptic proportions,

there are questions that do need to be raised, not only for the entirety of the oil industry, but certainly for the United States Government in this particular case.

I would like the questions answered, and am proposing by way of a letter what steps are being taken to determine how much oil is underwater, where it is located, and what path it will take over the next decade.

What do we project the threat to be from a potential hurricane in the Gulf of Mexico, and how is our government planning for the potential impact of such a possibility?

What are the potential long-term impacts if the oil plume stays in its location and/or begins moving through the loop current and Gulf Stream to various coastal locations?

Why have we not used our tankers that can suck in oil and water and pump out oil?

Why have we not asked Russia or Norway or China or Japan to use their submersibles in a meaningful way?

Interagency coordination is required. I happen to like Thad Allen. I think he is one of the better commandants that the Coast Guard has ever had, and I think he is doing an incredible job trying to coordinate. But what does the Federal Government's short-term, mid-term and long-term response structure look like, and what agencies are in charge, is what I would ask him and anyone else involved.

What steps are being taken to coordinate long-term observations, impact analysis, mitigation research and research that is needed? Not BP's research, but our research. We have an institution, NOAA. They have modeling efforts to improve hurricane intensity forecasting and a sufficient amount of information that could be beneficial, and I am sure many are using it.

What is the government's plan to improve security at these oil facilities? Nothing has been really said to us here in the Congress directly regarding this.

But, now, Madam Speaker, I want to turn to my colleagues on the other side for the remainder of my time.

Earlier today, I spoke on the House floor regarding the Republicans' latest ploy to stall the important work of this body known as "YouCut," which I like to call "CutYou." Each week, a targeted pool of online and cell phone users are supposed to vote for one of five programs that they would like to see cut from the budget. Simply put, YouCut can and probably does undercut our representational responsibilities, which leads to undercutting our democracy.

Once we start getting into the business of government by referendum, we negate representation. Ask my friends in California and ask those of us in Florida what impact that kind of activity has had on our representatives.

The last time I checked, last week, there were 280,000 votes, and that doesn't constitute the will of the American people. That is what brings me to the floor.

Very occasionally, Democrats and Republicans get on the floor and say what the American people want. What the American people know is that we represent them, and therefore when we stand up and say that 280,000 people voted a certain way, or 81,000 of them voted to cut much-needed funding from the Temporary Aid to Needy Families program, that does not represent the majority of Americans.

Quite frankly, I think how this idea got started is that they need to rebrand themselves, and I don't fault them for that, and they are particularly good at messaging, and I don't fault them for that.

The simple fact of the matter is that somewhere along the line somebody decided, let's use us a mechanism to gather in these emails. Let's use us a mechanism to get these phone numbers. And then what do we do at campaign time? We turn it back around and go at them to make them intense and enthusiastic. And that is what people can do, so I have no quarrels with that.

I have no quarrels with their new program. What is it called? It is getting ready to be unfolded next Tuesday on their Web site. It is called "America is Speaking Out." Well, the last time I looked in my office, America has spoken out an awful lot.

I don't know that we need too much more undercutting, and the poor in this country sure don't need an upper-cut.

What Republicans fail to mention is that the "YouCut" program is inherently selective, and therefore biased. Neither online nor cell phone voters are able to vote to save a program rather than cut it. Furthermore, the "YouCut" program conveniently targets only those who have internet access and cell phones, which disproportionately leave out some of the poor and the elderly.

Instead of continuing to be the "party of no," Republicans should say "yes" to the American people and help pass the legislation that this Nation needs and deserves.

SECURING THE SOUTHERN BORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Madam Speaker, I appreciate the opportunity of following my good friend from Florida in his wonderful address to the House. I wish to talk about one particular issue.

There was a newspaper article that came out today that said that President Obama is scheduled to send 1,200 troops to the Arizona-Mexico border. If indeed that report is accurate, I com-

mend him for that type of activity, because his goal is to try to stop three of the most heinous organizations that are entering this country through public lands on the southern border: Illegal drug traffickers; illegal human traffickers and all the violence, especially against women, that they present; and the potential terrorists coming into those areas.

The escalating violence on the southern border is of unprecedented proportion. Unfortunately, the success of stabilizing that border is not in the number of bodies that we send down there, but the ability of those bodies to have full access to the border region. Unfortunately, the land manager policies that we have on our southern borders allow the criminal element unfettered access but prohibit the Border Patrol from going into those exact same areas.

The traffic barriers that are put up in this picture on Federal lands in the south are not border barricades to stop illegals coming in from Mexico, or drug cartels, or human traffickers. They are to stop the Border Patrol from going into Federal lands on our southern border. The end result of this activity of all these drug traffickers, the human traffickers coming in, is the massive amount of environmental damage that is done.

If I could give a quote from a 2007 article in the Tucson Weekly dealing with Ironwood National Monument talking about these smugglers that are coming in and their vehicles, mostly stolen from Phoenix: They often travel at night without headlights, with tape over the brake lights. They have been clocked tearing through the monument's dirt roads at 89 miles an hour, endangering the lives of residents and visitors alike. And it also ensures that many of these load vehicles never make it out of the monument, for they smash into trees and run into ditches. The BLM has towed 300 vehicles a year out of this one monument since the year 2000.

These loaded vehicles, as well as the constant foot traffic, destroy habitat and threaten cultural sites and endangered species.

□ 1845

The trash that is left behind, this is from Ironwood, requires pickup crews to have biohazard training and armed guards watching them as they do their work. They have even attacked the cacti in the area, simply cutting it down, leaving it there across roads to create a barrier so they can stop park visitors and there either rob them or steal their autos at the same time. This also destroys the natural environment that happens to be there.

This is not just taking place in the South, I want to emphasize, though. It is also taking place in the North. Although 40 percent of the land on our

southern border between California and El Paso is owned by the Federal Government, we have the same situation on our northern borders, with over 1,000 miles of land, 13 States that intersect 12 national parks, four Indian reservations; and the exact same problem exists on our northern border.

In a letter to House Republicans, Homeland Security Secretary Napolitano talked about Border Patrol issues in the Spokane sector up in Washington. She wrote, the sector is currently working with Interior and Forest Service regarding Endangered Species Act issues related to grizzly bears and road use. Government biologists claim agents in vehicles on some roads are detrimental to bears. The sector, however, must occasionally have some motorized presence in those areas, and a related important issue is retaining access to critical areas. The sector must maintain the ability to respond via a motor vehicle when required.

The importance of this?

Well, the guy who was charged in the 1997 plot to bomb New York City's subway system crossed illegally across our northern border into Washington.

In 2005, a 360-foot drug smuggling tunnel on private land was also found going from Canada to Washington. This illustrates how much effort smugglers are willing to do to try to attempt to come into this country, not just in the north, but also in the south.

We had a testimony today in Resources where some people in the Park Service said, well, if there are exigent circumstances, obviously we make allowances for the Border Patrol to go in there. The problem, though, is definition of that term. Interior defines that term as a life and death situation. Homeland Security defines it as when there is evidence of a crossing. Those definitions are in conflict.

Until the Department of the Interior and National Park Service rules are changed in both the North and the South along our borders and allow access to Federal Border Patrol and Federal employees, there is no amount of numbers that's going to make a difference. Instead, we simply have the worst of both worlds on both borders.

FEMA IMMEDIATE-NEEDS FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

Ms. BALDWIN. Madam Speaker, our hearts go out to victims of recent floods and natural disasters, but I also fear that we suffer from the old adage, "Out of sight, out of mind." Once the cameras are packed away and the news crews leave for their next breaking story, what happens to the victims and the survivors of our natural disasters?

You know, one would hope that the system of emergency response would

keep on plugging away and assisting the families in need across this country. But sometimes, unfortunately, that system breaks down.

Madam Speaker, I rise today to bring the voices of my constituents in Jefferson County, Wisconsin, to the floor of the people's House.

In 2008, homes along the northern shore of Lake Koshkonong and the surrounding community were absolutely devastated by a record-setting flood. This was a 500-year flood that ravaged much of the Midwest and, in particular, Wisconsin and Iowa.

During that storm, I knew that the damage was going to be devastating and that many of the houses in our community would be beyond repair. But what I didn't know was that after nearly 2 years after the floods, our government would be leaving those hard-working Americans behind. You see, in February of this year, FEMA instituted what it calls "immediate-needs funding." Basically, they are freezing already approved funds to folks in Wisconsin and in other disaster areas across the country.

A couple of weekends ago I had the chance to visit with the property owners who were affected from the district that I have the privilege of representing. These are survivors of the 2008 floods. I wanted to hear their stories. Many brought photos, letters, and all brought unique stories and anger and frustration.

I met first with Gene and Marie Harris at their home on Lamp Road, one of the most extensively damaged neighborhoods in this flood. The damage was so extensive that their house is absolutely uninhabitable, and has been since the flood. They showed me photos of before and during and after, and we talked about the tangle of bureaucratic red tape that they've waded through in order to get approved for FEMA money.

But they were approved for FEMA money, until the freeze took effect. When I asked Marie to recall what they went through back in June of 2008, not surprisingly, she welled up with tears.

I met with other families affected, a family who had four generations who lived in a property that is also beyond repair. He talked about the generations having put their heart and soul into remodeling.

I met with a young family who had several properties in the area. This young family, with two young sons, decided that, in order to plan for their retirement, rather than investing in a 401(k), they were going to buy a few bungalows along the lake shore and rent them out. After they paid off the mortgage, this would help with their retirement. So they bought five bungalows. Three out of the five were damaged in the flood beyond repair. The remaining two are reparable.

But what's happening, as they wait for those frozen funds, is that this fam-

ily is having to pull out of their kids' college funds and money that they were saving for their retirement in order to pay mortgages, taxes on properties that are uninhabitable, and for which they are getting no rental income.

They brought with them a letter that asks, and I'm only reading a part: but why freeze the funding now? We've been waiting almost 2 years, and during this time we must still pay taxes, mortgages, and now what is left of our lawn. How much longer are we expected to keep paying and waiting with no more source of rental income?

Please, somebody, wake me up from this nightmare and tell me it's all a bad joke. Our government couldn't do something as unfair and cruel as this, could they? Do they think about the people whose lives they are destroying?

I know there are people who are a lot worse than us and suffering even more. But at least, at least we have another home to live in right now.

THE DEFINITION OF A HYPOCRITE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Madam Speaker, as we approach the passage of the Jobs for America Bill in the next few days, we need to talk about a subject that is at the heart of the debate, hypocrisy.

The definition of a hypocrite is someone who acts in contradiction to his stated belief. In other words, he says one thing and does another.

For example, a hypocrite would deplore our Nation's deficit in a floor speech today, even after helping President Bush turn the biggest budget surplus in our Nation's history into the biggest deficit ever.

A hypocrite would vote for two wars with a price tag of over \$1 trillion, two tax cuts for the wealthy, and a new entitlement program, all without ever thinking about how to pay one thin dime of their cost, and then turn around and say they voted to cut off unemployment benefits out of concern for the budget deficit. That's what people will argue in the next couple of days.

A hypocrite would complain that there are not enough budget offsets, that is, pay-fors, in the jobs bill before us while, at the very same time, try to eliminate the over \$50 billion in offsets that are contained in the legislation. Closing loopholes is against the philosophy of a hypocrite.

I think it's safe to say that all of us have not lived up to every pronouncement that we've made in our lives. No one is perfect, but rarely has hypocrisy been as constantly and blatantly displayed as it has been by the opponents of this bill.

The same people, the same people who spent like drunken sailors when they were in charge, now say we cannot afford to help our fellow citizens who've lost their jobs through no fault of their own.

Here is the bottom line: if we don't pass this bill, 1.2 million Americans who were following the rules and working and paying their taxes will lose their unemployment benefits by the end of June. Moving forward, a total of 2 million will be off by mid-July and 5 million Americans will lose their benefits by the end of this year.

Thanks to the hypocrites who say, oh, I can't, I'm worried about the deficit; I can't worry about these people who have no way to pay for their home or their food or their mortgage or their children, Americans will face these cuts of their unemployment benefits because people will not follow what they say they believe.

They were unable to deal with the spending on wars and tax cuts and all the rest; but when it comes time to pay the benefits to somebody who lost their job, their message to them is, well, you know, tell your children that they're just going to have to tighten their belts a little, and we're not going to have three meals today. We're only going to have two because your dad or your mom or both haven't been able to find work.

There are six people in this country looking for every job that's out there. The chances of people getting a job today are very low, and people are giving up because, with 8 million jobs lost in the last 2 years, they are simply unable to find work to take care of their families.

Now, to take away their last lifeline because you're saying you're being a budget hawk and you're against deficits, when you spent like that in the last 8 years, is pure and unadulterated hypocrisy.

THE DOCTORS CAUCUS

The SPEAKER pro tempore (Mrs. HALVORSON). Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. BROWN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Georgia. Madam Speaker, tonight the Doctors Caucus, people who are physicians, and those of us who are involved in health care on the Republican side, are going to be talking a little bit tonight about ObamaCare. We've talked about ObamaCare a lot over the last several months, and it's now law. We hear over and over again about how ObamaCare is beginning to filter out, and how it's going to affect the American people.

Our President has said, Madam Speaker, that when the American people know what's in the bill, they're going to like it. Well, to the contrary.

As the American people get to know what's in the bill, they dislike it more and more, as they rightfully should, because ObamaCare is going to be extremely expensive for everyone.

□ 1900

It's going to be very onerous to almost everyone, except for the Federal bureaucrats who are going to be hired to put ObamaCare into place and who are going to be enforcing it. And in fact, we are even going to have to hire, I think it is 16,500 new IRS agents to enforce it. That's right, Madam Speaker, 16,500 new IRS agents just to enforce ObamaCare on small businessmen and women around this country. The more the American people discover about ObamaCare, the less they like it.

We just heard, I think it was last week, where the Congressional Budget Office said, Oops, we made a mistake. We made a mistake. We were \$115 billion too little on our estimate, which puts it way over a trillion dollars. Our Democratic colleagues, their leadership—actually, it's not even all the Democrats, because there are many of them who are very reasonable over there on that side. But the leadership of the Democratic Caucus wanted to get ObamaCare and the President wanted to get ObamaCare passed, and forced the CBO through the parameters that they gave them to try to get the numbers below \$1 trillion. Well, they are north of \$1 trillion.

Frankly, if you look at Medicare, when CBO projected the cost of Medicare, CBO missed it, missed it terribly. And in fact, I think that's what's going to happen here too. I think ObamaCare is going to be \$3 trillion, \$5 trillion, maybe \$10 trillion. And it's money that our children and our grandchildren are going to have to pay because we don't have the money.

In fact, we just had a lecture about hypocrisy by one of our colleagues just a moment ago, talking about saying one thing and believing another. Frankly, we are continuing to fight to stop this outrageous spending. As Republicans here, we are fighting against ObamaCare. Every single Republican voted against it. Even several Democrats, many Democrats, voted against it. The only bipartisan vote was a vote of "no" against ObamaCare, because it's going to be terrible. Unfortunately, it passed the House by five votes. Five votes. That's certainly not a mandate from the House.

The American people, as they study the bill, they are beginning more and more to see how bad it is. The feelings against ObamaCare have been described by one Democratic pollster as hardening against it. We need to repeal and replace ObamaCare. It's the only rational, reasonable thing to do. It's the only economically feasible thing to do.

We see colleagues on the other side talk about budget deficits. They don't

care about budget deficits. They don't care about the huge debt that's created. In fact, just last week I was down here on the floor and heard several of our Democratic colleagues blame this economic woe that we have and this huge Federal debt and deficit on George Bush. Can you imagine? On George Bush. We have created more debt in the last year-and-a-half than George Bush did in 8 years. But my Democratic colleagues continue to blame George Bush.

I blame George Bush for bringing us the first tranche of the TARP bill. I voted against it. Many Republicans voted against it. I thought it was a mistake. Then the President came back, our current President, President Obama, came back and he wanted another \$350-plus billion to bail out Wall Street even more. Now they are talking about a Financial Services bill to regulate Wall Street that they, the Democrat leadership in this House and the President, want to bail them out and then regulate them on the other hand.

And if the American people will look at who Wall Street gives money to, it's the Democrats. They give the Democrats and the Democratic Party a whole lot more money than they give Republicans. The best friends of big business and the best friends of Wall Street are our Democratic colleagues.

So we are here tonight to talk about spending and failed promises. I am joined in this discussion tonight with two very good friends, two great Members of the House, both freshmen. Both are physicians. We have got Dr. PHIL ROE, who is an OB/GYN from Johnson City, Tennessee, and we have got my fellow family doctor, Dr. JOHN FLEMING, from Shreveport, Louisiana, that have joined us tonight. I understand that Dr. PHIL GINGREY may join us. He is in a markup. And so is Dr. BURGESS. They are both in markups in Energy and Commerce.

But now we've got three stellar Members of this U.S. House of Representatives, three stellar members of the Republican Caucus, three stellar members of the Doctors Caucus who have been leaders here. I want to thank the people of Tennessee and Louisiana for sending these two gentlemen here and being part of our conference and being part of this Congress, fighting for the interests of their constituents. I want to thank the people of Louisiana, Madam Speaker, and thank the people of Tennessee for sending Dr. PHIL ROE and Dr. JOHN FLEMING here.

So to kick this off, I will go to Dr. PHIL ROE to put in his input about failed promises and the huge spending that ObamaCare, as well as the Democrats not only with ObamaCare, but with their stimulus bill. Dr. ROE, we are fixing to have another bill that our Democratic colleagues are calling a jobs bill. If they liked the first non-

stimulus bill—actually, it stimulated big government. It has been an abject failure. But they want to give us another bill. They call it the extenders bill here in Congress, but the American people are going to hear it described as a jobs bill. And that is just absolutely incorrect. Thanks for joining us.

Mr. ROE of Tennessee. Thank you, Dr. BROUN.

I bring with me tonight a blank sheet of paper. On this blank sheet of paper is where we ought to go back with health care and start over. That's what the people in my district and in the State of Tennessee have overwhelmingly told me. I was at a convention in Gatlinburg this weekend. They understand it. They get it. And who gets it the most are our senior citizens.

When I came here, I came as a 31-year practice physician, private practice. I also taught in medical school some, and run a small business, and also was mayor of a city, the largest city in our district. So I have been used to balancing budgets, not raising taxes. And I do believe in smaller, more efficient government. And by far and away after seeing this, I call it the Twilight Zone here inside 395. No one understands in the State of Tennessee or in the cities where I go to, in Kingsport, and Bristol, and Newport, and Gatlinburg, and Sevierville, and all the cities in my district, Rogersville, they have to balance a budget. The county mayors have to balance a budget, the city mayors, the local city commissioners.

One of the things that I have paid very close attention to since I have been here is I have tried to not vote, and to the best of my knowledge have not voted for any unfunded mandate for local or State government. I have had enough of that when I had the Clean Water Act and ozone and everything else as a mayor I had to deal with, with no money to deal with it.

Mr. BROUN of Georgia. Dr. ROE, let me interrupt you briefly and reclaim my time here.

The American people understand what you are having to say about balancing budgets because they have to do that every day in their own home and businesses. My State of Georgia has to balance its budget, our State government does. Many States around this country have to balance their budgets. You had to balance the budget of the city when you were mayor of Johnson City.

We don't even have a budget. First time in history since the last budget act was passed that we're not going to even attempt, not even attempt to have a budget. So how can they constrain their spending? I guess they don't want to have any constraints or anything to try to hold them accountable.

So the American people I think, Dr. ROE, need to know that we are not going to have a budget. They don't

have a budget. We're not going to have a budget in this Congress. JOHN SPRATT, who is the chairman of the Budget Committee, said, "If you can't budget, you can't govern." The majority leader on this side said that putting forth a budget is critical for governing. They're not governing. They're not budgeting. I just wanted to kick that in just so that our listeners tonight could understand they don't have a budget so they're not working under the constraints of a balanced budget.

I have introduced a balanced budget amendment to the Constitution. There are three actually on our side that have been introduced. They are all slightly different. But all of them call for a balanced budget. But we on the Republican side want to balance our budget.

Mr. ROE of Tennessee. I think until we do that, you are going to see, and you see this fiscal irresponsibility around the world. You've seen the Greece meltdown, and you've seen Spain is in trouble. Italy is in trouble. The EU is having problems even being held together now because of the spending and social programs that are going to have to be paid for. We're going down the same path. And I just asked myself today, how long can you continue to run enormous, 43 percent this year of our budget is deficit spending, how long can you continue to run almost half the dollars you spend are borrowed dollars until you can't do that any more and then a true crisis hits?

But what I was going to bring up was I came here with high ideals and high thoughts about health care. I had spent my career doing that, and I said, you know, I think I can go to Washington and have something to offer in the debate. What really disappointed me is we have 10 doctors on the Republican side in the Doctors Caucus, and not one of us in a meaningful way was consulted about this health care bill. When I tell people that, they can't believe it.

Mr. BROUN of Georgia. What? Not one doctor on our side? Not one?

Mr. ROE of Tennessee. It's the most astonishing thing I have ever heard of, Dr. BROUN, in my life is you would have the expertise here. And I know people think this is all politics and games and so forth. I came here very sincerely wanting to be part of this debate and offer 30-plus years of experience about what worked and what didn't work. And the thing that this bill has that the Senate has, about half of it is what we had already tried in our State that failed miserably. And I wanted to explain what went wrong so that we wouldn't magnify this debate 50 times across America.

When I came here, I recognized the problems were ever-rising costs, number one. Number two, we had a lot of uninsured people that needed health care services in this country. You've

dealt with them. Dr. FLEMING has dealt with them. I've dealt with that problem. And preexisting conditions. And so we had a way, very easily, to deal with those without a massive 2,500-plus page bill that almost nobody read. And that's very frustrating to me to see no physicians involved, no malpractice reform in this bill, which has to be in there. No doctor fix.

And so the folks understand what we are talking about, our physicians that accept Medicare, many of them now, hundreds have left in Texas—I was reading an article the other day—won't take Medicare any more. And why? Because for years now we've been putting off a proposed cut. And this year, next week, there is going to be a 21 percent cut in your doctor's pay for Medicare.

The problem is when you do that, that's going to do three things. That's going to decrease your access to your doctor, it's going to decrease the quality of care because you can't get to your doctor, and number three, it's going to increase the cost to patients when they can least afford it. We on our side have been tasked, the Physicians Caucus has been tasked with a true doctor fix. Not this stuff tomorrow that's going to be done and voted on where 2013, I believe it is, 3 years from now, there's a 35 percent cut. So the doctors get a reprieve for 36 months, a car payment basically, a 36-month reprieve and you're facing the same thing again instead of a true fix for this very, very real problem.

So we had those three things. It didn't take a trillion dollars—and Dr. BROUN and Dr. FLEMING, you can't spend a trillion dollars without helping some people. When people ask me, Is there anything in this bill you like? I said, well, you can't spend a trillion dollars and not help some people. That's not the issue. The issue is, could you have done the same thing and done it better with a lot less money?

I think more importantly than this, is that ultimately this right here, I can write the prescription, no pun intended, I can write the prescription right now of what's going to happen in this country. You set up a scenario where the private sector will fall apart, and I think in a very few years. I don't think it will take long. And then the politicians right here on this House floor are going to step up once again and say, Oh, see, we told you this wasn't going to work. And here's the government, we'll take the whole thing over. When that happens, my friends, rationing of care is going to occur. And there's no doubt in my mind that will occur.

You brought up a minute ago, Dr. BROUN, about the costs and the government estimates of Medicare. I know those numbers. In 1965, Medicare cost \$3 billion. The estimate 25 years later was it was going to be \$15 billion. The actual number in 1990 was \$90 billion.

They missed it by a factor of six. That's how much they missed it by. In TennCare, in Tennessee we brought forth this managed care plan, uninsured, costs going up, the same argument I just made, and guess what? In 10 budget years we tripled our costs—just in 10 years.

□ 1915

So from 2010 to 2020, if we triple, it will be exactly as you just pointed out, it will be a \$3 trillion program, not a \$1 trillion program, and that will probably be on the low side.

I think the other thing about this particular plan—and we'll get into it in more detail here in a moment. But what folks don't understand between the difference of Medicare and Medicaid, Medicare you've actually paid a premium in for that. You paid 2.9 percent of your salary, either as employee or employer, both shares are. So there's a premium. It may not be the right number to actually fund it properly, but you are paying into that.

Medicaid's a flat-out entitlement. It just comes right out of a general fund from taxpayers to pay for it, and we're going to expand that by some 20 million people. We've seen the problem in Tennessee when you do that, when you don't put the patient in control on health care expenses. They'll explode like they did in Tennessee.

I yield back.

Mr. BROUN of Georgia. Thank you, Dr. ROE. I appreciate it.

And you are exactly right. In the State of Georgia, they've just finished their session, a 40-day session. The general assembly just finished about 2 weeks ago. It took 40 legislative days, all the way to May to finish 40 legislative days, and it is because of the economic downturn and the lack of revenue. And we have a balanced budget requirement in our State constitution. So Georgia has to balance its budget, just like people have to balance their budgets, just as we should be balancing our budget here in the Federal Government.

And in doing so, people who are paid by the State—teachers, policemen, State highway patrol, as an example. Just talked to Jimmy Williamson, the police chief at University of Georgia, as a person who is employed by the State. All of these folks are being furloughed. They're being furloughed on a day-by-day basis. So they have to lose a day of work, maybe a day a month, a day periodically. They're not counted in these unemployment statistics. They're not counted in how the Department of Labor gives us all of those numbers on a monthly basis. So our administration and the leadership up here don't count those furlough days, but they're unpaid furlough days. It's hurting their salary. It's hurting families.

And it's because of this gross mismanagement of the Federal spending,

this gross, outrageous spending that the Federal Government's doing that is going to put our children and our grandchildren in an economic squeeze where their standard of living is not going to be as high as ours. And ObamaCare is going to put a lot of people in a position, as you were just saying, where they can't find a doctor.

In fact, during another previous Doctors Caucus period of time of discussing things during Special Orders, I said that people may have a free health care card, Medicaid card or whatever card it is, but it will be as worthless as a Confederate dollar was after the War Between the States. And the reason for that, you just brought up, Dr. ROE, is that doctors are not going to be able to accept Medicaid and Medicare because of the rationing of care, the marked reduction of their payments from the Federal Government and doctors who are trying to take care of poor people. And the elderly today are struggling because the Federal Government pays providers—whether it's a hospital, a doctor, or a physical therapist—less money today than it costs them to provide that service.

I'll give you an example, just a number of years ago in my own practice when I was in an office. I've done house calls since 2002. So I'd go see my patients at home, and work was no longer office space. But when I was office space, Medicaid reimbursed us for the shots, immunizations for our kids, childhood immunizations, at less money than it cost to buy the serum. And then that doesn't count the cost of our nurses' time and the liability costs and the medical records costs and the syringe and the alcohol pad and these other things. Government was reimbursing us at a lower level. So I had to send all of my pediatric patients for their childhood immunizations over to the health department, and they were getting them from a government entity because I could not provide those services.

But that comes back to another thing that you said, Dr. ROE, where just before ObamaCare was passed, our President said he wanted everybody in this country in one health care pool. What does that mean to the American people? What that means is that his desire is for us to have total socialized medicine where everybody in this country is in the same pool. Everybody's health care is controlled by the Federal Government. So there are panels here in Washington, D.C., that are going to ration care, as Dr. ROE was just mentioning. It's going to tell us who can go in the hospital, who can get a treatment, what medications we can get. There's going to be a tremendous rationing of care.

Before that happens, I think, Dr. ROE, you're exactly right in that this unfunded mandate that's being forced on the States by the expansion of Med-

icaid rolls is going to hurt my State of Georgia that much more. They're struggling now to balance their budget. The teachers are being released from their duties and are not going to be rehired for next school year because the State of Georgia doesn't have the money to pay for Medicaid today. And it's going to be expanded. And we're going to fire all of the teachers? I hope not. We need to be paying our teachers more. We need to be doing more for our teachers.

But we're in a bind. And the Federal Government, under this leadership of this administration and the leadership of the House and the Senate, are making matters worse and worse.

Dr. ROE.

Mr. ROE of Tennessee. It is not going to matter about health care if we don't get our budget in order, if we don't get our deficits in order. And these budget deficits that you see out into the next 6 to 8 years that they predicted is without health care. And if it adds on top of that, I don't see how we can afford it, how we can go forward as a nation. And I am truly concerned about that for the people who are retired on fixed incomes, for young entrepreneurs.

Look at what a business would do right now. Let's say a business looks up, and this ObamaCare plan, they can pay a fine that's \$2,000 per employee and they can put them on the exchange—which is not even calculated into these numbers, this \$1 trillion.

There's a business in Tennessee—I won't say where—that's using—the government will again decide what's adequate health insurance coverage. Not you, not you as an individual. You won't go out as a family. The government will decide if your plan is adequate. And if it is not adequate, then you'll have to buy an adequate plan.

Well, this particular company's plan wouldn't be considered adequate right now. It would cost them \$40 million to comply with this. Or they could drop the folks in their business into the exchange, pay the \$2,000 fine and have a net \$40 million savings.

So what are they going to do? They're going to drop those people into a plan. They will not pay the cost of the care. And it's going to amplify much faster. And that's why I said a moment ago that you're going to have people step up real soon and say, See, we told you that the private sector failed.

No. Businesses are making a perfectly logical business decision.

Mr. BROWN of Georgia. Dr. ROE, just tonight I went to a meeting just before we came down for this last series of votes. In fact, I came from that meeting here to the floor of the House. And I was talking to a leader of a large transportation organization, and he told me that they've studied ObamaCare and they've decided that they're going to do exactly what you

said. They're going to push all of their employees into the public exchange, which—they're just going to pay the \$2,000. Just tonight I talked to a guy, just an hour and a half ago, who said that hundreds of their employees are going to be pushed into the public exchange.

This goes back to fulfill Barack Obama's promise of wanting to try to develop one pool for everybody. But he has failed in his promises because we were assured that their new law would be the answer to health care financing problems. Au, contraire. I am not good at speaking French. My wife, Niki, all the time chastises me for my not being able to speak these things and not even—she's from Indiana, so she doesn't even think I speak English.

But we see over and over again where these failed promises and this increased debt and all of the things that are going on are costing hundreds of jobs and are going to force people into government health insurance programs.

So the spending has to stop. This outrageous spending has to stop here. And unfortunately, we have failed promises by the Federal Government.

Dr. ROE is unfortunately having to leave, and I thank Dr. ROE for spending some time with us and with the American people this evening. Thank you, Dr. ROE.

I want to go to our next doctor who's here with us tonight, a good friend, great Member of Congress, Dr. JOHN FLEMING. Family doctor from the northwest corner of Louisiana. One of my favorite States. I love to go down there and go duck hunting. And they're struggling by the Federal Government's failure to deal with this outrageous economic as well as environmental disaster that's going on down there. In fact, failing—our Federal Government and this administration is failing to take care of what they're charged to do under Federal law.

In fact, STEVE SCALISE, our good friend from New Orleans, came to the floor yesterday and was talking about that. He was even chastised by one of our dear Democratic colleagues. But the Federal Government has a responsibility under Federal law on these major oil spills to get engaged in trying to deal with that. They failed to do so.

But thankfully, your district is up in the northwest corner. I know your patients miss you like my patients miss me. I am still practicing medicine, but, Dr. FLEMING, thanks for joining us tonight.

And I yield to you, sir.

Mr. FLEMING. I thank the gentleman, Dr. BROWN from Georgia.

And I still see patients as well when I get a chance, but it's not nearly as often as I'd like. We, being both family physicians, I think we have a special bond. I want to thank the gentleman

for his leadership, and certainly he's been a mentor for me, and also a special kind of family practice heart that only we family physicians understand, not just for your patients, but for the work that you do here, and not least of which is for this Republic that I know you love so much. And that, I greatly respect.

What I wanted to extend a little bit from our discussion that we're already into is the fact that, you know, we've had a number of these GOP Doctors Caucus Special Orders during the health care debate, and tonight we know the bill is passed. There's nothing we can say tonight that's going to keep it from being passed. The votes have all been counted and it is in law; although, it's not been fully implemented.

Mr. BROUN of Georgia. Let me interrupt you a minute, Dr. FLEMING, and reclaim my time, but I want to ask you a question.

Have you heard any of our Democratic colleagues say we need to move on, it's now law and we need to accept it, and we just need to go forward and it's the law of the land and, thus, we're being sore losers? We're just being nothing but soreheads because we're talking about health care still.

But it's critical the American people understand that it's not put in place completely, and the most onerous parts of ObamaCare are yet to come, and it's a few years out. So we can repeal ObamaCare. We can replace it with something that makes sense. I've already introduced one repeal and replace bill. I had introduced a bill, H.R. 3889, prior to ObamaCare passing, which was my own comprehensive health care reform bill. Comprehensive. It dealt with Medicare, helped reform Medicare so that people could continue to get Medicare and could continue getting their money back that they invested in the Federal Government through Medicare through their FICA taxes and their payroll deductions and stuff like that. And I reintroduced it as repeal ObamaCare and replace it with my H.R. 3889.

Just this week I'm going to introduce another one that puts in place repealing ObamaCare and puts in place four things:

Number one, across-State-line purchases for individuals and businesses.

Number two, where anybody in this country can join an association just for a meager amount of money, 5, 10 bucks, \$25, have multiple insurance products that they can buy and own themselves, have huge pools with these associations.

□ 1930

The third thing is to encourage the State to set up a high-risk pool.

The fourth thing is to have tax fairness for everybody in this country so that everybody can deduct every

health care cost that they have, including purchasing insurance. Makes sense.

I have had many of my Democratic colleagues—when I challenged them before ObamaCare passed—I challenged Democrat after Democrat individually to introduce those four things in a bill, that I would give them the legislative language. I would give them the bill, have a blank. They would just write their name in the blank.

And then it would be a Democratic bill. They could claim that as being ObamaCare, as far as I was concerned, because it's not about my name being on anything. I am just concerned about policy. I had Democrat after Democrat say, PAUL, I would love to do it. It makes sense.

Many of our Democratic colleagues said, PAUL, that makes sense to do this and to work on this incrementally. Many Democrats wanted to work on this incrementally. But their leadership wouldn't let them, Dr. FLEMING. They were forced to swallow ObamaCare just like the American public is being forced to swallow ObamaCare.

And those four things would radically change the health care financing, would solve a lot of problems, not all of them, but would solve a lot of the problems we have. It would help cover a lot of people who can't afford health insurance today, would cover a lot of people who can't get health insurance because of preexisting conditions.

We have very few people. In fact, ObamaCare is not going to cover everybody in this country either until we get everybody in the same pool that the President wants us to go in. But these are all failed promises and high spending that we are getting from our leadership. I just wanted to throw that in, Dr. FLEMING.

Mr. FLEMING. I thank the gentleman.

What I would like to do is take a moment to look through the retro spectroscopy, where we are today now that the bill has passed, look at the rhetoric that occurred during the debate—

Mr. BROUN of Georgia. Now, Dr. FLEMING, you better explain about retro spectroscopy because a lot of people haven't heard about that. They have heard of a colonoscope or sigmoidoscope, but you are not talking about the same thing.

Mr. FLEMING. Right. Well it's a quasi-medical term which is equivalent to armchair quarterbacking or post-mortem in which we look back and we go, How do things look now, looking back, as opposed to the way they looked then? You know, what we were saying during the debate is this: This bill is by no means really paid for, that there is smoke and mirrors about the financing, that it will definitely cost tax for the middle class, although the President said otherwise.

The President said premiums would go down for insurance. We said they

would go up. The President said people would get more care and better care, and we said, no, the care would be diluted, there would be less access to care.

Mr. BROUN of Georgia. Let me interrupt you again a half second, if you don't mind, Dr. FLEMING, because I have got some news for the American people.

The Congressional Budget Office, even missing all the numbers, as Dr. ROE and I were just talking about, the Congressional Budget Office has stated that the law will raise the individual market premiums by an average of \$2,100 per family, raise them. They are going to go up above what would have been if we did nothing. Now, I don't want to do nothing.

I know that you don't want to do nothing. You made that very clear in many hours here on the floor, talking. But the cost is going to go up by \$2,100 per family on the average across this country. That's another failed promise by Speaker PELOSI and Barack Obama.

Mr. FLEMING. So there were a number of promises made and, you know, each time we tried to rebut these, we were told that we were using scare tactics, that we are scaring old people and that, really, it was unconscionable to do that.

So what has happened since the bill was passed? Well, first of all, the bill had about 52 percent of Americans who were against it, against 38 percent who were for it. Today, 63 percent of Americans want repeal, so that means that more people now want to get rid of this bill than actually were against it before. That means that some people who were for it now want to repeal it.

And what was the first thing we heard after it passed? Almost within 24 hours, AT&T a write-down of \$1 billion, that is a loss of \$1 billion for the year; Verizon, \$970 million; John Deere, \$150 million; Caterpillar, \$100 million.

We had communication just the other day, a small business owner who thought he was going to be okay under ObamaCare because he had 24 employees, and he said, you know, the threshold is 25 employees, so you get special tax credits and you get support under this program because you are a small business owner that has fewer employees.

Mr. BROUN of Georgia. Say that again, please, so people can understand, because we just saw a report. I don't know if you saw the report, because we haven't talked about it.

There was a report just recently where businesses that were going to hire new employees, that are right on the cusp, have decided not to hire those new employees. So it's killing jobs, right?

Mr. FLEMING. Yes, what's happening is the employers, now that they are getting the language of the bill—remember that Speaker PELOSI said if we

want to find out what's in it, we have got to pass it first, okay? Well, now it's passed. So, now, business owners are putting the pencil to it.

Here is what they are finding. This is a gentleman who said, you know, I have got 24 employees. So I should be under the threshold, and I should actually get some subsidies and tax credits.

But what he found out was that the way it's calculated, he would have to draw down his 24 employees to 10, and he would have to cut wages down to \$25,000 a year, fine print. The gentleman's name is Zach Hoffman.

He is going to have to go from 24 employees making an ample of \$35,000 a year down to 10 years making \$25,000, \$35,000 versus \$25,000 a year in order to make that happen. But that's not all. Remember, what I am telling you is not me telling you this. I am just passing on the bad news. Don't shoot the messenger here, okay.

What I am telling you is what people are finding out. The President's chief actuary, this is from, this is in the President's administration, soon after the bill was passed, said, You know what, we made a miscalculation on this. That's from CMS, that this is going to cost \$311 billion more than what was anticipated and that it will consume 21 percent of gross domestic product instead of the 16 percent that we predicted. This was within days of it passing.

And then also the CBO, the Congressional Budget Office, which we know played along with the smoke and mirrors and the sleight-of-hand financing of this says, oh, my goodness, there's \$115 billion that we haven't accounted for. So instead of this thing being revenue neutral or maybe a little bit on the plus side, no, it is going to go in the red just like we were saying all along.

Mr. BROUN of Georgia. That's another plus side, Dr. FLEMING. We were told that the cost curve would go down. Now that may be a nebulous term to most people in the country, some of that congressional speak language we talk about up here. We have heard over and over again from our Democratic colleagues, particularly in leadership, that the cost curve would go down.

In other words, that the spending, the total level of spending, the total level of spending in this country on health care would go down with ObamaCare.

Mr. FLEMING. Right.

Mr. BROUN of Georgia. But what you are just saying is great information, so that the American people can understand and hopefully our Democratic colleagues will understand, the cost curve goes up, higher than if we did nothing. In fact, this new estimate does not include any cost for the 52 new programs, 52 new programs that are in the bill that the CBO could not even measure and give us a figure for

the cost because each program was authorized for such sums, blank check, such sums, funding level.

So our leadership, Ms. PELOSI and company, have given us 52 new programs that are funded at such sums that they need and is not even scored or accounted in this new estimate of \$150 million that the CBO missed because they couldn't even score that.

Mr. FLEMING. But it goes further than that. There's going to be \$120 billion in taxes that were not anticipated. That's on top of the \$600 billion that were already—

Mr. BROUN of Georgia. Tax increases.

Mr. FLEMING. Additional tax from the actuary who is saying it's going to be more taxes. Job cuts: 90 percent of medical device makers say that they will eliminate jobs. That's 9 out of 10 companies that make anything from tongue blades to pacemakers, what have you, as a result of the taxation, heavy taxation, excise taxation of medical devices.

Mr. BROUN of Georgia. Doc, let me interject something there.

Mr. FLEMING. Yes.

Mr. BROUN of Georgia. One of our constituents in northeast Georgia in my 10th Congressional District just wrote us a note saying that he is a small businessman, and he said that his small business was going to survive this economic downturn. But the way it was going to survive was he was going to let all of his employees go, and he and his family were going to run the small business. That's the only way you can stay in business.

It is ObamaCare that is running his employees, even of a small business, very small business, where they are having to let employees go because of ObamaCare, right now today.

Mr. FLEMING. Yes. So you have costs going up and you have jobs going down. We know that there's supposed to be 32 million more Americans covered under this than otherwise. Half of those are to be estimated to be going into Medicaid. And doctors across the country are dropping Medicaid.

Where are these people going to end up? They are going to end up in emergency rooms, not in the doctors's offices like was anticipated.

But let me get to something that I think is real important because you remember that we brought up the idea that there would be committees that may make a decision about what kind of treatment you may or may not get? Now, we know that they exist in Canada and in the United Kingdom, but we started talking about these. I know that Sarah Palin, Governor Palin, made mention of this and the left blew apart. They said, my goodness, you are talking about death boards. Shame on you for scaring the American people.

Okay, well, let me tell you what's really happening, and this is being re-

ported now. The President has nominated Dr. Donald Berwick to run the Centers for Medicare and Medicaid Services, that's CMS, and his job is to oversee CMS. He is also supposed to oversee the \$2.5 billion comparative effectiveness research.

Mr. BROUN of Georgia. Those are big words. What's that mean?

Mr. FLEMING. Well, what it basically means is that there's going to be a bunch of unelected bureaucrats, perhaps not even doctors, who are going to be tasked with looking at research, hopefully there's going to be research or they are going to do research, to decide what treatments and what diagnostic tests are worth paying for and which ones are not.

Mr. BROUN of Georgia. Dr. FLEMING, you and I talked about creative effectiveness research and comparative effectiveness of different treatments. For instance, as an example, my trout fishing buddy at home, a retired full bird colonel, Randy Dudley, served a stellar service in the United States Air Force, retired.

Randy Dudley has just undergone a series of treatments for his prostate cancer. He has been very open about it and that's the reason that I can bring that forward here tonight because HIPAA otherwise wouldn't let me do so.

But Colonel Dudley looked at surgery, looked at high-dose radiation therapy, low-dose radiation therapy, chemotherapy, or a combination of those, as he chose his treatment. We, as physicians, do comparative effectiveness evaluation or research to look and see whether the surgery for him is better or which of those treatments are a combination of treatments or better.

But this comparative effectiveness research that was started with a non-stimulus bill back a little over a year ago—that's when NANCY PELOSI and company funded the comparative effectiveness research—what the American people need to understand, Dr. FLEMING, is something you and I understand very firmly; it's not about what's the best treatment, but it's how to spend dollars.

Mr. FLEMING. Right.

Mr. BROUN of Georgia. They are going to use age as the means of trying to determine how to spend dollars. That means that one of my patients who is 75 that has diabetes versus another one of my patients that's 35 with diabetes, they are going to decide whether they are going to spend \$100 on my 75-year-old diabetic patient or \$100 on my 35-year-old diabetic patient.

Dr. ROE was talking about seniors are very upset because we know where that decision is going to be, and that Federal bureaucrat who is not a doctor, that panel that is not going to be run by physicians, is going to be deciding the comparative effectiveness of spending dollars on an age-related basis with

less dollars being divided by more people, which means rationing of care. And this panel is going to deny, deny, treatment to that 75-year-old.

□ 1945

And the reason Governor Palin was talking about death panels is because they're going to just say, So sorry, you can't get that treatment because comparative effectiveness says spending \$100 on you, a 75-year-old patient who has diabetes, is not as effective as spending \$100 on a 35-year-old, and our senior citizens are going to be denied treatment. And what's going to happen? They're going to get gangrene in their legs, and they're going to die from that. They're going to get pneumonia, and they're going to die from that. This panel is not going to put them to death, but it's going to deny treatment, particularly the more expensive treatment.

Mr. FLEMING. If the gentleman would yield.

Mr. BROUN of Georgia. Yes, sir.

Mr. FLEMING. Let me focus on Dr. Berwick, specifically, because this is important.

Mr. BROUN of Georgia. Thank you.

Mr. FLEMING. Dr. Berwick, this is a quote from him.

Mr. BROUN of Georgia. Now this is the head of CMS, who is going to be heading up the comparative effectiveness rationing panel. I call it a rationing panel.

Mr. FLEMING. Right. This is his quote. He considers the British health system "a global treasure." In fact, it's my understanding—I don't have it in my data right here—it's my understanding that he helped design it. And it's designed very simply just to be—a little more technical than what you were describing—is that what they do is they take the population and they assign a value, a numerical value based on quality-adjusted life years. And so just as you say, let's say that the government can afford 1,000 hip replacements this year because of the budget and you've got someone who's 75 with diabetes and let's say somebody 35 who's fully healthy—

Mr. BROUN of Georgia. A football player.

Mr. FLEMING. A football player, okay. Now, according to the quality-adjusted life years, the 35-year-old has not only more years left to live, but he has more productive years, that is, he's going to work for the state more years. In fact, the 75-year-old probably is not going to work any more years. And so they have to draw the line someplace: Which thousand is going to get the hip replacement this year? And guess which one it's going to be? It's going to be the 35-year-old. That is the way the comparative effectiveness system works.

That's the way they do it in England today. And anybody who's skeptical or

doubts that that's where we're headed, they just need to read about Dr. Berwick and all the other information that's coming out on this. And again, there is much reported by The Wall Street Journal. It says, The decision is not whether or not we will ration care—according to The Wall Street Journal—the decision is whether we will ration with our eyes open. And right now, we are doing it blindly.

It goes on and on to describe the fact that if the quality effectiveness research board is not, in essence, a death panel, then I don't know what really is because, just in the case with the gentleman with the prostate cancer, that's a decision between him and his doctor whether he gets chemotherapy, whether or not he can get surgery. Or maybe he decides, he and his doctor, that the cancer has advanced too far and he's just going to go home, take pain medication, and not fight it. Some people decide that, but that is their decision. But this is going to make it the government's decision to do that.

If you doubt that that happens, again, go and talk to people from the United Kingdom and from Canada. It happens all the time. It's acceptable in those countries and in those cultures that if the government says you don't get treatment or you get only palliative treatment when there is a cure, then that is strictly the way it is. And as far as I know, there is no right to petition; there is no court or anything that you can go to.

So what we really have, just to summarize my comments here, is we had a number of promises by the President. He said the cost curve would go down, as you say; he said the middle class would not pay increased taxes; he said the premiums would go down; and he said a number of other things that I can't even think of today. He scoffed at the idea of death panels and any kind of board or bureaucrat that would dictate what your care would be like, whether the bureaucracy or government would come between you and your physician.

And he said that businesses would be happy, that this would be a boon for businesses. Well, today, where are we? None of those things have proven to be true. Now that the bill is in law, we have businesses not hiring people because we have an unemployment rate of 9.9 and holding because businesses know that if they hire people, they're going to have to pay a lot of money for their health care coming forward. And we also know that what we feared the most is actually in play, and that is that we will have a board, a comparative effectiveness board, just like that in the United Kingdom.

Mr. BROUN of Georgia. You're right, Dr. FLEMING. Let me reclaim my time.

Just today, the consulting firm of Towers Watson just released a study of large employers across the country,

what their response is to ObamaCare. And it's not at all surprising, really, to us because we've been talking about it. You and I and many of our Doctors Caucus members have been here on the floor talking about these things, you're just talking about it now, as we did for months and months before ObamaCare was put in place. But let me give you the data, some things that Towers Watson found that just released today.

The overwhelming majority, 90 percent of employers, believe that health care reform will increase their organization's health care costs. They're right. I don't know why it's not 100 percent, because it's going to; but 90 percent of employers believe their health care costs will go up, and they will. Sixty-eight percent plan to re-examine their health benefit strategy for active employees this year.

Now, I'll tell you something, just Sunday, I think it was in the Sunday Athens Banner-Herald, there was an article where the University of Georgia is very seriously considering not giving any new hire that the University of Georgia puts on their payroll retirement benefits once they retire, or health care retirement benefits because of the cost, because of ObamaCare, and because of the strain on the budget that University of Georgia is suffering from right now. So I know University of Georgia, there are a lot of people in Athens, Georgia, who want to go to work for the University of Georgia. It's a great place to work, it's a great school to go to. I'm a graduate of the University of Georgia. But 68 percent are going to re-examine their health benefit strategy. That, I'm sure, is going to please our President because he wants everybody to go off of private insurance; he said that himself. He didn't say it in those words; he said he wants everybody to be in the government pool, one pool.

Eighty-eight percent plan to pass increased costs from the law onto their employees through high premiums. So those people who are working today, those middle class people that Barack Obama said it wouldn't affect them, we heard over and over—still hear—95 percent of Americans are not going to see an increase in taxes. That's just totally erroneous; it's nothing but falsehood. Eighty-eight percent plan to pass on the increased cost to their employees through high premiums.

And let me give a couple more examples, and then I will yield back. Seventy-four percent plan to pass the law's higher costs onto their employees by changing the plan options, by restricting eligibility, which means more people won't be eligible to get insurance through their employer, or by increasing their deductibles or copays. More than one in 10 firms plan to pass on these higher costs of ObamaCare by reducing employment. Twelve percent say that they're going to do that, 12

percent, or by reducing employee contributions to their retirement plans, like their 401(k)s, 11 percent.

Forty-three percent believe that their plans will be subject to the Cadillac tax on high-cost plans. Of course, our leadership here in the House and our President want to get rid of Cadillac plans unless they're for who? The unions. In fact, they've given the unions a pass on the Cadillac plans because they want to do everything that they can do to support the unions.

Of those firms offering coverage, 43 percent said they are likely to eliminate or reduce retiree medical programs as a result of the law's enactment. That's what I just mentioned with the University of Georgia is a good example that is considering right now, very seriously—and I expect it probably will happen. Almost half of the companies in this country are going to reduce or eliminate their retirees' health care plans for their retirees.

I yield back to Dr. FLEMING.

Mr. FLEMING. If you would yield for just a comment about employers.

I'm a small business owner, and you, as a medical physician and one who has to run a business, in essence, for health care, I think a lot of people out there may feel safe in the fact that, you know, my employer has always taken care of us, they've always stepped up and done the right thing. But what people have to understand is that if an employer is paying these high premiums and their competitor is not paying those high premiums or reduces the number of employees, then your employer is no longer competitive in the marketplace, and he either has to do the same thing or he goes out of business.

So it's not like you can take comfort in the fact that, well, my employer always does the right thing, he always steps up and he always buys us insurance. This is a whole new paradigm because he's going to be competing; and if his costs are higher, then he's going to go out of business or match what the other one does.

I yield back.

Mr. BROUN of Georgia. Thank you, Dr. FLEMING.

We have just a couple of minutes left, and maybe I will get back to you in a second.

But I want to tell Madam Speaker and the American people that Republicans have been charged by our Democrat colleagues—and I've heard many a Democratic colleague come stand down here in the well or stand back there at the Speaker's desk and say that the Republican Party is the party of "no." We are the party of "k-n-o-w." So I'll admit that we are the party of "know" because we know how—k-n-o-w—we know how to reduce the cost of health care for everybody in this country. We know how to solve the problems of in-

surging those people who are uninsurable today because of preexisting conditions. We know how to maintain that doctor-patient relationship; it's how health care decisions are made. ObamaCare doesn't do that.

That's another failed promise, another myth that our President and NANCY PELOSI and company have given to the American people. President Obama said over and over again, If you like your insurance, you can keep it. And Dr. FLEMING was just talking about, no, you can't. That's another myth; that's another failed promise. But the Republicans are the party of "k-n-o-w," know, because we know how to do those things. We know how to create jobs. We've been asking over and over again, Where are the jobs?

The American people are hurting. We see the statistics, 9.9 percent, but that's not correct. It's much higher than that. As an example, one of my county commission chairmen just told me that 1 year ago the unemployment in their county was 14.3 percent. Now it's down to, according to the statistics, 10.7. I said to him, That is fantastic. Where did the jobs come from? He said, PAUL, there aren't any jobs; people have just gotten discouraged and fallen off the rolls. And I think that's why we see it below 10 percent today.

We also mentioned earlier where teachers and policemen and other people are being furloughed and not being paid for those furlough days. There are millions of people who are unemployed. And people who are unemployed and getting jobs, the few that are out there, are being employed at a lower level than they are really qualified. So the unemployment, the underemployment, those that are off the rolls, it's much, much higher than 10 percent. I think it's above 20 percent, maybe even 25 percent; I don't have the data because we can't get those data. But the Republicans do have alternatives. And we're going to try our best to repeal ObamaCare and replace it with things that make sense, that will build jobs, build a stronger economy.

We're just going to see, in the next few days here on the floor of the House, a bill that they're going to call a "jobs" bill, and that's not correct. They are naming anything a "jobs" bill these days, but jobs are being killed by this outrageous spending.

The health care quality in this country is going to go down. The American people deserve better. We are going to try to repeal and replace ObamaCare and put in place something that makes sense economically and is good for the American people.

I yield back.

□ 2000

THE ROAD TO ECONOMIC RECOVERY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. TONKO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TONKO. Madam Speaker, we are going to use the time made available to us in the majority to speak this evening about contracts and about choices—about the change in the direction that this Nation is pursuing.

It is important for us, I believe, Madam Speaker, to talk about the changed order of policies, the new direction, the opportunities that we believe are essential if we are going to grow this economy after having witnessed what many would suggest to have been the worst financial crisis since the Great Depression. It took a turnaround in thinking. It took new leadership. It took a transition from the failed policies of the past.

The Bush recession, the Republican policies that dominated Washington, brought us into economic woes. It brought this country into a situation that found people in the ranks of the unemployed and brought the American economy to its knees—as I indicated, the worst since the Great Depression.

What I think is important to note is that, when we talk about choices, when we talk about contrasts, it is looking at where the allegiances lie. With the Republican Party, it was siding with big banks, with Wall Street, with the big oil companies, with credit card companies, certainly with the insurance industry, and in making certain that those special interests were their priorities.

Well, the turnaround here is an alignment with the American worker. Rather than with special interests, the Democrats have aligned with the American worker. Rather than with big oil companies and big banks, the Democrats have aligned with American families. Certainly, when it comes to the special interests that were held precious by the Republican leadership of the past, we here, as Democrats, have aligned with small business and in seeing that as the springboard to a recovery, in seeing that as the backbone of our economy. So there is a difference. There is a change of heart. There is a policy enhancement that finds us moving in a new direction.

What has that meant? I believe that one needs merely to look at the statistics out there. Let's look at the facts.

This chart here will show us in very stark contrast where we were headed with the economy over the last several years. The red lines, the bar graphs of red, will show us that severe drop, that constant loss in jobs, in payrolls, across this country.

Then, finally, a change in direction with the blue bars suggests the turnaround, the investment through policy that has enabled us to begin the climb upward. This formation of red and blue will show the sharp contrast. It will show the choices—the priority shift, if you will—where we have now begun to climb forward, where we are now experiencing absolute job growth.

Since December of 2009, this Nation has experienced some 573,000 jobs created, 84 percent of which are in the private sector category. That has been a goal to enable us to grow the economy, to create and retain jobs and to add to that private sector column. This goal is beginning to be achieved.

Now, one needs to recall that the changes here in our economy are not going to come nearly as quickly as we would like, because the problem, the dilemma, the siding with special interests, occurred over a number of years. So, with the change of leadership with the Obama administration, with the leadership in the House and, certainly, in the United States Senate, we have been able to march forward in a way that allows us to speak with dignity toward the American worker, to speak with compassion toward the American family, and to speak with productivity and growth toward the small business community.

How do we do that?

Well, there are a number of measures that have been proposed and passed here in the House, in both Houses, and in some cases that have been signed by the President. We are still in the midst of unfinished business, but we are continuing to work on a number of items. What we have currently is in this last bit of recovery where we are seeing that over one-half million jobs added to the picture are in sharp contrast—again, contrast and change here—to the 8 million jobs lost through the course of the Bush recession. That rivals—in fact, it surpasses—the statistics, the job losses, from the Great Depression.

It is a change in thinking where we embrace science and technology, where we look toward the strengths of an innovation economy, one that can use the American intellect and that can embrace the intellectual capacity of this Nation to not only advance research and development and basic research, which translates into jobs, but to also create new products, new discoveries, innovation that leads to businesses, that leads to production, that leads to job security and job growth, oftentimes, again, in the private sector.

So it was this stewardship of our economy arriving on the scene, inheriting a gross bit of policy that drove us deep into a recession, that found an impact not only on American workers and on the budgets of American households but on house sales and on all sorts of

investments that need to be part of a robust economy. All of these were dulled. The competitiveness of business was dulled simply by this recession.

Again, the contrasts and the change, the choices.

As we approach an election this November for Members of this House, which will be a report card on the progress made to date, it is important to note that there is a changed order of thinking—the choice to be one of tremendously stark contrast, one that will look at hope, inspired simply by the opportunity to land a job. Now, there are still millions of people out of work. We know that. We are not happy yet with the point at which we've arrived. It is not our final destination, but it is certainly a climb in the right direction, and it is a climb out of what was a very low, low pit in the Nation's economy.

Let's look at the contrasts.

Again, there are those who would have chosen and did choose to align with Wall Street, with big banks, with credit card companies, with Big Oil, with the insurance industry, with special interests. They had their day and made our day extremely gloomy and dark, made our economy bleak. However, there are those who align with American households, with America's families, with the hardworking middle class, with small business, with senior populations, most of whom are looking to enjoy those golden years and who have been threatened by this crash that has hurt us so badly.

Let's look at some of those opportunities that we've had here in the House—opportunities to work with the President, opportunities to work with the leadership in the House of Representatives.

We had an opportunity called the American Recovery and Reinvestment Act. Many would like to suggest that it should have been avoided, that we should not have invested through what are economically difficult times. Well, a panel of a cross-section of economists, from very conservative thinking to more liberal thinking, in advising the President, the White House—the President's administration—and in the panel's advising both Houses, both parties in each of the Houses as to where and how to recover the economy, advanced the notion that investing in these difficult times was essential, investing in a way that found a growth of some 2.8 million jobs to date with the American Recovery and Reinvestment Act.

That includes individuals in the public sector, which includes our educators, teachers, the school system, and support personnel. It includes public safety, which includes our police officers, our firefighters, who are essential to the quality of life of communities. Educators are essential to growing the workforce of tomorrow. These

were important measures, again, equating to some 2.8 million jobs that are part of that recovery—keeping Americans working, keeping services provided.

More than a third of the package of the American Recovery and Reinvestment Act came in the form of tax cuts for 98 percent of America's workers and her small business community, so there were advancements there of the largest historic tax cut in this Nation's history. For that income strata, it is a part of this package that is easily documented and that should be touted as a form of relief that engaged this economy. It allowed for people to circulate the dollars in their regional economies and, again, to see the climb out of this difficult and very deep and painful recession.

It also allowed, as an American Recovery and Reinvestment Act, for us to play catchup with investments that were long overdue—investments in the area of clean energy, which is where this Nation looks to advance and needs to advance the concepts of energy security; in the enhancement of energy independence; and, yes, in national security. For as we reach to experts and their opinions, many suggest that our gluttonous dependency on fossil-based fuels not only endangers our environment but finds us shipping hundreds of billions of dollars per year to unfriendly and unstable governments that will oftentimes, as we put those American consumer dollars into these foreign treasuries of unfriendly governments, utilize these dollars against our troops in the Middle East.

Don't take our word for it. Take the word of those who are part of the tool of Veterans for American Power. They recently traveled to New York State, which was the only stop made by the tour of our veterans who defend this Nation's liberties and her principles. These veterans made a stop in New York State. It was our fortune to host them in Schenectady, New York, part of the 21st Congressional District, where we were joined by vintages of veterans, including our World War II vets, who were the oldest in the clustery. They listened intently to the message, and the message was this:

We witnessed daily on the battlefield what was happening. Dollars were invested into the treasuries and then spent to train the Taliban that would then go to harm and threaten our American troops. So they said that, if we do not resolve this climate change/global warming issue, the battle they see out there will be enhanced because, with flooding and drought and, therefore, famine, we will have a weaker people around the globe with lesser and lesser available land—a perfect storm if you will—that will then create the chances and will enhance the situation of terrorist activity. As they look for less available land with a weakened

people, it enhances that concept. So they said we witnessed the destruction and the devastation to our troops, funded by our sending dollars into the treasuries of these unfriendly nations.

The American Recovery and Reinvestment Act allows us to break away from those concepts, from that thinking. It allows for a new mindset. It takes projects from the back burner to the front burner. It allows us to invest, as we have, in a clean energy economy with the Recovery Act, enabling us to talk about smart grids, smart thermostats, smart metering. It is an investment in our transportation and distribution system—the artery and veins of how we wheel electrons to the workplace and to the homeplace.

That is part of the Recovery Act so as to invest in a way that grows jobs in research, that grows jobs in trades over to Ph.D.'s. It goes on and on with broadband opportunities for our communities that are economically distressed or that are rural in nature or that are remote in location. It allows for us to invest in education, with technology in the classroom, to stretch opportunities for our Nation's students. It allows us to invest in health care with technology introduced into record keeping imaging and in making certain that mistakes and unnecessary duplications are avoided.

□ 2015

So that is one investment that we made here in the House. We had a choice. The President placed it before the House. Democrats said yes. Republicans said no. And repeatedly, the contrast, the choices, the differences that need to be understood by the public out there, are what we are talking about here this evening.

I am joined by a fellow freshman who has an outstanding record in the State of California. He was a State leader there, knowledgeable, extremely knowledgeable on insurance issues and small business issues, and a leader extraordinaire.

This evening we are joined by the gentleman from California, Representative GARAMENDI. I welcome you, Representative. Share with us your thoughts on change and contrast.

Mr. GARAMENDI. I will, and thank you very much for this discussion of what is one of the most important national security issues facing this Nation, which is our energy policy. It is a situation in which we are finding about \$1 billion a day of our money is being transferred offshore to people and countries who are really not our friends at all. So the American energy policy is crucial to national security. We need to break our addiction to oil. And you are bringing out not only the necessity of breaking that addiction to oil and reducing the amount of money we are sending to very dangerous places in the world, but you are talking about creating the jobs of the future.

Now, I represented California. I was the lieutenant Governor there, and throughout the State of California we are looking to the green economy as being the next great opportunity.

We talk about Silicon Valley, and certainly 30 or 40 years ago the move to computers and silicone chips and all of those things did create a huge industry. Now, what is the next step? Everyone in Silicon Valley says the next step is the green economy, and the venture capital community, the scientific community, the research is all moving to the green economy.

We see it in my own district. The biggest wind farms in California are in my district, in the Montezuma Hills and Solano County and the Altamont Pass. Those are the industries of the future, and as we move to those green economies, we free ourselves from oil.

It is a huge issue. You so correctly pointed out that the stimulus program, the American Reinvestment and Recovery Act, pushed us in that direction by providing research dollars. The biggest increase in research in the last 12 years has occurred as a result of that stimulus program.

We have another piece of legislation that was on this floor last week, and it was the COMPETES Act, which is the next step in giving us the opportunity in America and in California to compete internationally with science, research, and the educational system that we need to have those engineers and scientists and technicians educated.

Unfortunately, right here on this floor last week the Republicans put forth a motion to reconsider that gutted that legislation, took away half of the potential money and stopped it cold in its tracks. It was one of the worst situations I have seen. Every other business group, the American chamber of commerce, all said we have to have that piece of legislation, yet the Republican Party, for pure political reasons, stalled that legislation, derailed it.

We are working hard to put it back on, because this is the future of America. We cannot any longer be held hostage by those countries that control our oil supply in the Middle East, in Venezuela, and even in the Gulf of Mexico. We now know how risky it is even in our own Gulf to rely upon oil. We need these new sources of energy.

The next step is going to occur this week when we vote on the American Jobs and Closing Corporate Tax Loopholes legislation. That bill is going to be up on the floor of this House this week. What it does is to provide a very significant amount of funding for small businesses, increasing the Small Business Administration loan potential. It provides funding for research for green technologies. It provides tax credits and subsidies so we can advance the green industries, so that future jobs of this Nation are going to be advanced.

I know what is going to happen. The Republican Party on that side of the room is going to do everything they can to stop this critical piece of legislation, 250,000 summer jobs for youth that are otherwise going to be on the street causing trouble.

Mr. TONKO. Representative GARAMENDI, I believe you are citing yet another contrast we can feel is coming in the near future. But we can even point to history, just recent past history about the Wall Street reform package that came before the House, yet another contrast, yet another choice that becomes very clear in terms of the behavior patterns here to the American people.

The Wall Street reform legislation gave us a golden opportunity to fix what is broken on Wall Street, to deal with consumer protection when it comes to predatory lending, when it came to addressing executive bonuses and salaries, when it came to providing a watchdog in the equation.

We are joined by another colleague, another freshman in the House who is yet another powerful voice. It is just a great class to work with. As a fellow freshman, I am enjoying this first term in Congress, because we see fresh thinking, we see soundness of advocacy.

We are joined by the gentleman from Ohio, Representative DRIEHAUS, who has been banging away at reforms, and again speaks to the contrast, the change, the change in thinking that I think aligns up a very sharp choice as we move toward this fall's campaign activity.

Mr. DRIEHAUS. Mr. Speaker, I want to thank the gentleman from New York for his leadership on this issue.

When we talk about the economy, obviously clean energy is a critical piece of this. Wall Street reform is critical to making sure we don't repeat the mistakes that were made.

But oftentimes as I am sitting in that chair and you are sitting in that chair, you hear Republican after Republican after Republican come down to the floor and tell the American people that the sky is falling; that this is the worst economy, and we are still in that recession; that people can't find jobs; that the Recovery Act isn't working.

So I thought perhaps I would share with our audience not what you and I think and not what the Republicans have to say when they come down to the floor, but what other people are saying about the economy today, because there has been a lot of dispute as to the impact of the stimulus, of the American Recovery Act, as we passed it, what was it now, just over a year ago.

So let me tell you what has happened in that year. Just one year later the numbers speak for themselves. U.S. consumer confidence rose in April,

reaching its highest level since September 2008. GDP grew for the third straight quarter, 3.2 percent. Consumer spending is up for the sixth straight month, surpassing pre-recession levels. Manufacturing activity increased for the ninth straight month at the fastest rate in nearly 6 years. Pending home sales are up for the fifth straight month, a 5.3 percent jump in just the last month, largely attributed to the tax credit for first-time home buyers that was included in the stimulus. Factory orders increased by the largest amount in more than 9 years, and car sales were up by 20 percent, according to *The Wall Street Journal*.

According to Market Watch, this is what they had to say. Hiring has increased in all 4 months so far in 2010, reversing nearly 2 straight years of job losses after the recession that began in December 2007, according to *The New York Times*.

This is unambiguously a strong report for growth implications, James O'Sullivan, chief economist at MF Global said. It adds to the evidence that the pickup in growth is leading to a clear-cut pickup in employment. It is very clear there has been a bounce here and momentum has been up, according to CNNmoney.com, another sign the recovery in the U.S. economy is taking hold.

According to the AP, clearly companies have found a newfound confidence in the future of the economic recovery on the part of their business prospects, said Joel Naroff, president of Naroff Economic Advisors. The broad-based job gains are an indication that businesses are feeling more comfortable about expanding their workforces.

According to Bloomberg, companies such as General Electric are boosting staff as sales improve, leading to income gains that may spur consumer spending and more hiring.

There is no doubt that the economy is recovering. There is no doubt that the stimulus that we voted on, that we infused into the economy, not only shortened the length of the recession, but shortened the severity of the recession.

But I think it is worthwhile to explore, because you brought up regulatory reform. We know the Senate recently passed their version of the bill, a bill that we passed last December. But I think it is important to take people back, take people back to where we were during the Bush administration and what was happening.

The former Congresswoman from northern Ohio, Stephanie Tubbs Jones, who passed away, Representative Tubbs Jones repeatedly came to this floor and sought predatory lending legislation to be heard on this House floor. It was denied her in 2000, in 2001, in 2002, in 2003, in 2004, in 2005, and in 2006.

In the meantime, Ohio was experiencing the worst foreclosure crisis that

we have seen in generations, due in large part to the predatory lending activity that we were seeing on the part of brokers, on the part of out-of-town financial institutions.

What was enabling this? Well, we have come to find out what was enabling this. It was the mortgage-backed securities on Wall Street. It was the credit default swaps that backed up the mortgage-backed securities. It was the collateralized debt obligations. It was all of these fancy derivative products, none of which were being regulated.

They were being rated by the rating agencies hired by the same financial institutions that put the products together. So investors were purchasing these products, yet they didn't know what the underlying risk was.

So what happened? Well, I will tell you what happened. Because there was lax regulation, because the Bush administration and the SEC didn't look at these various securities and the various derivatives, they were shifting the risk away from the local markets. So in the past, when you would have to go to your local financial institution, you would have to go to the savings and loan and you would have to show proof of employment, you would have to show proof of income, and then the bank would offer you a loan, and you would share the risk. The bank would then take that mortgage paper and hold on to it. It would be part of their long-term investment portfolio.

That didn't happen anymore. What we saw was that as soon as that mortgage was closed, it would be immediately sold on to a secondary market. That would then be bundled into these mortgage-backed securities. So no longer was there any risk at the close of the deal.

So what did that incentivize? You had people closing as many deals as they possibly could to whoever walked in the door at the highest rates they could possibly get, putting people that shouldn't have qualified for loans into bad loans destined to fail. That is what was contained in most mortgage-backed securities. That is what those credit default swaps were backing up, and that is why it was a house of cards ready to collapse.

Where were the regulators? Where was the Republican leadership, when so many times Democrats came to the floor and said we needed to crack down on this behavior? Well, the mortgage bankers were supporting the Republican leadership. They didn't want to see change. They were making handsome profits on Wall Street.

But finally we have an opportunity. Finally we have an opportunity after this crisis, knowing that it led to the greatest recession in our lifetime. Finally we have an opportunity to do something about it, and that is Wall Street reform. That is what we passed in the House. That is what we passed in

the Senate. That is what the Republicans are now standing in the way of.

Mr. TONKO. You are so very right. The gentleman from Ohio outlined the greed that was allowed to take over because there was no watchdog in the equation. Tonight, in this Special Order hour, we are sharing with the American public the sharp contrast, the change in direction, the choices that exist out there in terms of, do we pursue this course and climb out of this recession and continue along the path of progress, or do we go back into the Bush recession era and go to those choices where we cater to these special interests?

□ 2030

When we talk about these bank outcomes, with this investment financial community and all of the woes that accompanied it, we're talking about everyday people who perhaps live paycheck to paycheck and go to work and are proud of the living that they earn. This is the sort of community that got impacted, homeowners who lost their homes, retirees who had relied upon these savings and the growth of these savings upon which to retire, totally evaporating from their surroundings.

Looking at small businesses not being able to have credit lines available because the community banks were impacted by the big banks, this is an alignment with the special interest community, from big banks to Big Oil to insurance companies, to the credit card companies. And the gentleman from California is wanting to jump in here. I think, you know, the choice is very clear to me.

Mr. GARAMENDI. It's very, very clear, Mr. TONKO, and thank you so very much for pointing out that there's a dichotomy. There are two different views about what America needs to do. The Republican view, as articulated by Mr. DRIEHAUS, is one of hands off, let the big boys do whatever they're going to do. We saw the result of that, the deepest recession since the Great Depression occurred because of a lack of regulation and the notion that somehow the marketplace would take care of itself. Well, it took care of the economy of the world.

We need that regulatory system in place, and we're going to see it in the next week to two weeks, whether the Republicans are going to stand for reining in Wall Street or letting it rip once more.

We know where we came from. We did pass a bill in December. I was fortunate enough to be here. The Senate has now acted with just a couple of Republican votes in support. Now it's going to be back. We'll see.

In this week, however, we have another opportunity to see where we stand, where the Republicans stand. This is the American jobs and closing corporate tax loopholes and bringing

jobs back home. I want to go to Wal-Mart some day and see “Made in America” on the things I buy. I’ve seen enough “Made in China.” I want to see “Made in America.” And we can do that.

And this piece of legislation that we’re going to be voting on this week, the American jobs and ending corporate tax loopholes for those corporations that have sent the jobs overseas, right now those corporations have a tax break when they send American jobs offshore. Enough of that. We’re going to bring that back.

And we’re going to get some of our money back from Wall Street because we’re going to raise the taxes on those Wall Street barons that have ripped this country off to a fare-thee-well.

You take a look—one more little fact before I turn it back to you, Mr. TONKO, is that in the last days of the Bush administration, in the very last days of the Bush administration, when it was obvious that the entire financial institution of this Nation and the world was collapsing, Bush came forward with what became known as the TARP program, Troubled Asset Relief Program. That turned over some \$700 billion to the financial industry. About \$400 billion of that went directly to Wall Street. What did they do with that money?

I can tell you one thing they did not do. With all that money they received, they reduced the number of loans and the amount of loans that they made to small businesses on Main Street.

Now, the business banks on Main Street, the community banks, actually increased their loans, even though they got less than 18 percent of the money; 81 percent of the money went to the big banks. They reduced their lending to small businesses; 18 percent went to the small banks. They increased.

So what we’re doing in this bill is shifting the direction. We’re shifting the support to the small banks, and we’re going to build up small businesses.

Mr. TONKO. Well, I think the contrast is clear. You know, when it came to whether you want a watchdog in the equation, when it comes to Wall Street behavior, Democrats in the House say yes. Republicans say no.

Do you want to have consumer protection for the general public out there that invests? The Democrats say yes. Republicans say no.

Mr. GARAMENDI. Now that’s in the bill, the consumer protection.

Mr. TONKO. As these instruments were invented to circumvent regulation, the Democrats have said yes, we’re concerned about that. We want to fix it. Republicans say no. The vote was clear. No to Wall Street reform.

You look at the GDP growth. You look at the changes that have come since the first quarter of 2009. We were hitting a job loss that was incredibly

difficult, nearly 750,000 jobs lost per month. Lately, 187,000 jobs increase.

We talked earlier about December 2009 forward. In the last 4 months, 84 percent growth of the private sector from those over one-half million jobs; 573,000 jobs created. So the GDP is improving.

The household income lost \$17.5 trillion over the last 18 months of the Bush Presidency. Now 60 percent recovered, some \$6 trillion recovered. And it goes on and on and on.

And even with the tax situation, I know that Representative DRIEHAUS is concerned about the tax situation. The tax cut that was part of the Recovery and Reinvestment Act was a part of it, but there are tax cuts galore. And the gentleman from Ohio, I believe, wants to address that factor.

Mr. DRIEHAUS. And the American Recovery and Reinvestment Act, the largest single tax cut for middle income families in the United States.

Mr. GARAMENDI. Ever.

Mr. DRIEHAUS. And it’s pretty clear to me that the Republican Caucus wants to take us back to the failed policies of the Bush administration, the exact same failed policies that brought us to the worst recession we’ve seen since the Great Depression. And they do it using scare tactics. They go out to the American people and suggest that we’re raising their taxes.

Well, I was struck, as many people were struck, by the headline in USA Today on May 11. May 11: “Tax bills in 2009 at lowest level since 1950.” Since 1950.

Now, you might ask, where does this come from? Well, it comes from the Bureau of Economic Analysis, where they say, Federal, State and local taxes, including income, property, sales and other taxes, consumed 9.2 percent of all personal income in 2009, the lowest rate since 1950. The lowest overall tax rate since 1950.

On average, though, the tax rate paid by all Americans, rich and poor combined, has fallen 26 percent since the recession began in 2007. That means a \$3,400 annual tax savings for a household paying the average national rate and earning the average national household income of \$102,000.

Every once in a while, the facts get in the way of the arguments being made by the Republicans because, time and time again, they will come down to the floor and talk about how the taxes are going up for middle-income Americans. But the proof is far different.

You know, I know that, through the stimulus package, we lowered taxes. And according to reports all across America, the economists agree with us that these are the lowest tax rates since 1950.

So I think, when you talk about the stimulus, and the Republicans often say, we need to be putting money back in the hands of the American taxpayer,

that’s exactly what we did. That is exactly what we did in the stimulus, and it’s reflected in the tax rates

Mr. TONKO. And I think the results here are driven by a number of things, choices, contrasts. The choice here was to put American families, American workers, small business, as a high priority. No more alignment with Big Oil, big banks, insurance companies, credit card companies.

Let’s drive a benefit, let’s drive the focus for America’s hardworking families across this country; 98 percent of Americans were part of that tax cut that was part of the Recovery and Reinvestment Act; 98 percent of Americans and small businesses, a tremendously strong statistic, a contrast to the behavior before, the decade before, which found two wars off-budget. Let the credit card cover that, I guess. Tax cuts for the highest income brackets, off-budget. A deal with the pharmaceutical company, Medicare part D, which suggests that Medicare paid for a part of the program, when we know seniors, oftentimes retirees, dug into their pocket to pay for pharmaceutical costs.

□ 2040

So we come up with a health care reform measure to which Republicans said “no.” Contrast again, Democrats say “yes.” We make certain pharmaceutical costs are covered. We make certain that deductibles and copays are taken out of the picture for our Medicare-eligible population.

There are huge contrasts here, siding with people who really make America’s economy work. They invest their money on basic core needs. They work paycheck to paycheck and then invest in the community. So when we had an opportunity here to further grow opportunity for this country and for people, we said “yes” to student loan reform, said “yes” to community college investment. Republicans said “no.”

All of these activities, all of this legislation, all of these improvements, all of this sensitivity, all of this fairness is equating to a resurgence in the economy. Because what is it? The large, broad middle class that needs to be fairly treated in public policy terms and budgeting are now being able to have more dollars available. The GDP tells the story. The household income situation, the graph that we had here last week talked about trillions of dollars, \$17.5 trillion of household income lost in the last 18 months of the Bush Presidency. That Bush recession drained American households. And now, since the beginning of ‘09, 30 percent of that has been recovered. Some \$6 trillion has been recovered.

We’re not stopping there. We’re going to continue to go. The choice here is, based on the contrast, very clear. Do we continue along the path of progress or do we, as the President said a few

days ago, give back the keys to the people who drove the car into the ditch and it was a painful measure to pull the car out of the ditch?

Mr. DRIEHAUS. I think it's important to note, though, that we didn't just stabilize the economy, we didn't just keep it from continuing to go into the ditch, we didn't just stop the recession. We also laid the foundation for future growth. I think our colleague from California was mentioning this earlier, and I think this is really important for all of us to understand.

When we talk about the future economy, it's an economy of knowledge and it's an economy where there is investment in new energy technologies, where there is investment in energy efficiency, where there is investment in health care IT. There are such huge opportunities for all of us in these areas.

I know in Ohio, the Governor was just down in Cincinnati the other day talking about all of the energy companies wanting to come to Ohio and take advantage of the investments being made in new energy technology, much of that coming from the stimulus as well as funding coming from the State of Ohio.

I know when I went out in Cincinnati to a foundry where they used to work with steel and they built steel rolls, they have now changed their technology, realizing that that same steel, that same fabrication, those same talents and skills can be used to make the gears for windmills. They see into the future. They get it. And we are laying the foundation for the future growth of this economy.

Mr. GARAMENDI. The gentleman from Ohio just touched on something that is really a serious issue, and I want to just drive home, because you said something that I want to take back to California. As I said earlier, we have some of the biggest wind farms in the Nation. Texas has done some that are a little bit bigger, but I was out touring there with a couple of the companies that are building those things.

I said, "Well, this is interesting. Where is it made?" It turns out that the tower, steel tower, was made in Korea. Yet just across the river 20 miles away is a Korean company's steel mill that could have been made in California, but instead they shipped it in from Korea. The big blades and the gears in the wind turbines all have been made overseas. And I told the company, "Enough. You will have no more support from me for one more wind turbine in this area until you start buying America." They said, "They don't make it in America."

Mr. DRIEHAUS, you and I need to get together and I need to know where those gears are, because I'm going to go back to California and tell them, I know where you can get a gear. That may be one one-hundredth of this machine, but by God you are going to

make it in America and you are going to build it in America because, one more thing, our tax dollars are subsidizing that industry. And if our tax dollars are going to be used to subsidize any industry, they are going to be made in America. And we are going to help out Ohio by making that happen.

I've had enough of these jobs being shipped offshore by corporations that get a tax break, get a subsidy from the American taxpayers so that they can send our jobs overseas. Enough. And this week we are going to see the kind of division that you talked about, Mr. TONKO, because the Republicans are going to be held accountable. Are they going to stand with the corporations that have been shifting jobs overseas and continuing that tax loophole? Or are they going to stand with the American public and bring the jobs back to America and close those loopholes?

Mr. TONKO. If my colleagues would yield, the colloquy you developed reminds me that the change in thinking here, the policies initiated and the change in direction, I think it was *Fortune* magazine in its April 16 issue said, the economy has taken a sharp U-turn, and they're applauding the efforts of achievement in this short time frame to date.

What I think has been sparked here is a sense of optimism. We see the confidence growing. And so that can't help but grow the economy and get a fresher feel. Because people were weighted down by this recession, which was extremely painful and long. What it does also I think is tap into the pioneer spirit that is always in the DNA of this country. It is part of our fabric as a people, as a society. We see it time and time again.

Throughout the course of history, this Nation has stories that are replete with the sense of courage and determination and optimism. I represent a district in Upstate New York that is the host to the Erie Canal bed that gave birth to a westward movement, an industrial revolution that grew the United States and impacted the world. Because as we developed this necklace of communities called mill towns, they became the epicenter of invention and innovation. And it was all the intellect of the worker and the pride of producing along that assembly line process, these discoveries that would be the magic to enhance the quality of life of people not just in these United States, but around the world.

That same magic can be prompted today. And it is the turnaround in policies, it's the fairness, it's the focus on American job production, American energy independence, innovation. My gosh, I know that the history of Schenectady, the birthplace of electricity, was the place that converted a factory that was producing locomotives. And we had mostly women at that time in

World War II changing their agenda, rolling up the sleeves—you can see the Rosie the Riveter symbolism—and producing for the troops.

They were producing for the troops. The transitioning, the transformation, came because of the intellect and the can-do attitude of American workers. And so I think we've tapped into this resource in a way that is very powerful. And it's not just turning around the economy, it's showing respect, it's enhancing the dignity of the American worker, and it's bringing us together as a people so that we can grow this economy. To me, that is the validity here. And tonight this discussion of contrast, of change, of choices couldn't be more clear.

We cannot afford to fall back into those Republican recessionary policies. We cannot afford to fall back to the huge deficit inherited by this administration, passed on from the Bush administration after it inherited a surplus. So the choice, the contrast, the change that should be endorsed, becomes very clear to me.

Mr. DRIEHAUS. I think we have tremendous opportunity. And I think we are close to wrapping this up. But I would agree wholeheartedly that this is about innovation. It's about giving American businesses the tools to move forward. They were in desperate straits in January of 2009, when you took that oath of office, when I took that oath of office, when President Obama took the oath of office. We were in the middle of the worst recession in our lifetimes, caused by greed and corruption on Wall Street. We have an opportunity to address that greed and corruption.

The Republicans have the opportunity to turn things around, to join us in holding Wall Street accountable. But more importantly, they have an opportunity to embrace the policies that are making a difference. We know the economy is turning around. We have spent the last hour citing the various sources who support that notion. We know the GDP is growing.

□ 2050

We know people are going back to work, and we're investing in their intellect. We're investing in their skills. We're investing in new technology. That's what's so critically important. If we are to see continued growth over time, we have to be making those necessary investments, and we are making those investments.

But at the same time, we have to have the courage to stand up—stand up to the oil companies who would have us dependent upon foreign oil for years to come. We have to have the courage to stand up to the Wall Street investment bankers who want to control all of the decisions when it comes to the economy but don't have the best interests of small businesses in mind. We have to have the courage to stand up to do the

right thing and make the right investments in our economy. That's what we're doing. That's what this agenda has done as we move forward.

And I'll pass it back to the gentleman from New York.

Mr. TONKO. Thank you so much for joining us this evening, Mr. DRIEHAUS.

And Representative GARAMENDI, thank you. And I'm sure you have some final statements that you'd like to make.

Mr. GARAMENDI. I do, and I'd just like to run through a list.

You've been very, very forthright in pointing out the differences between the Republican agenda and the Democratic agenda. I'll put my reading glasses on here. I'm going to go through this very, very quickly because I know we only have a few moments.

The American Recovery and Reinvestment Act. Jobs. We talked about it. All House Republicans voted "no." The Worker Homeownership and Business Assistance Act; 93 percent of the Republicans voted "no." Health insurance reform; all House Republicans voted "no." Student Aid and Fiscal Responsibility Act; all House Republicans voted "no." Cash for Clunkers; 55 percent of the Republicans voted "no." Hiring Incentives to Restore Employment, the HIRE Act; 97 percent of the Republicans voted "no." We passed every one of those. Many of those are now law.

The Wall Street reform passed this House. Every Republican in this House voted "no." American Workers, State, Business Relief Act; 93 percent of the Republicans voted "no." Small Business and Infrastructure Jobs Tax Act; 98 percent voted "no."

Bottom line here is that every effort that has been made to advance the economy has been done by the Democratic Party, and it is working, as you so carefully pointed out.

Thank you for bringing this to our attention and giving us the opportunity to point out the extraordinary contrast here. Our efforts to move the economy, to take action, to do what must be done to move the economy forward, we have done it. The Republicans have consistently and every time either voted "no" or tried to block it.

Thank you so very much for leading us in this discussion, Representative TONKO.

Mr. TONKO. Thank you, Representative GARAMENDI.

I would just close with this and thank my colleagues for joining me. The change is working. The contrast is stark. The choice is clear.

And so I appreciate my colleagues sharing some very strong thoughts about what's happening here for the good. It has been a climb out of the toughest times America has known, but we need to continue to pursue in the direction, I believe, that has been

strengthening our economy and, therefore, the American families, the American workers, and the American small business community.

Mr. Speaker, I yield back.

WHAT HAVE THE DEMOCRATS DONE WHILE IN CHARGE?

The SPEAKER pro tempore (Mr. OWENS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate the honor to be recognized to address you here on the floor of the House. I appreciate the opportunity to listen to the speakers in the previous hour and the opportunity to do a bit of rebuttal even though I've been a little more attentive in previous presentations.

Looking at the decline in the economy that they show in their bar graph, it seems as though it could be that when President Bush was no longer President, things got better a lot faster. As I watched that, the graph doesn't go back quite so far enough to really understand what happened during the 8 years of the Bush administration. But I remember what they said.

Remember what they said when they stood here on this floor night after night, hour after hour, year after year, the 30-Something Group and others that would stand here and tell America, Mr. Speaker, through this microphone and project it out across the C-SPAN cameras that, if they were just in the majority, they'd fix America. If you would just give them the gavels, they'll solve all of the problems in America. And they made that case over and over again night after night.

And lo and behold, what happened? I don't think it was intentional or willful. I think it was a matter of circumstance—race by race, circumstance by circumstance, district by district—that the majority changed from Republicans to Democrats.

And the problem that you have when you find yourself in the majority is you're responsible for governing. And even though they claimed the mantle of responsibility in all of those years, those 12 years leading up to the 2006 election when the majority in this House shifted, they claimed the mantle of responsibility. But when it was passed to them by the voters in November of 2006, and when Speaker PELOSI was passed the gavel here—I believe the date was January 3, 2007, Mr. Speaker, and you can correct me if I am wrong on that date—then they'd achieved the goal that they'd called for for all of that time.

And I watched what happened. The election returns came in in November in 2006. It was apparent that the Democrats had won the majority in 2006, that there was going to be a new Demo-

crat Speaker. It was most likely going to be NANCY PELOSI. And the incoming most likely chairman of the Ways and Means Committee would be CHARLIE RANGEL, who became the chair of the Ways and Means Committee.

And he did the national talk show circuit from November, December, January, and February, all the way across every network. And they asked him over and over again, Tell us about the Bush tax cuts. Which ones of those tax cuts would you want to keep, which ones do you want to let expire? The questions came out over and over and over again. And, Mr. Speaker, I don't want to allege that CHARLIE RANGEL never gave a straight answer. I just don't remember one. But I do know that by February of 2007, the SmartMoney had analyzed the answers and the voids in those answers of CHARLIE RANGEL and concluded there wasn't a single Bush tax cut that he would like to keep.

And here we are today in this year of May 2010, and it's obvious the Bush tax cuts will expire at the end of this year. And it will be obvious that the conclusions that SmartMoney drew in November and December of 2006 and January and February of 2007 were accurate.

And we saw, in the beginning of 2007, a dramatic drop in industrial investments because SmartMoney in America understood that the cost of capital was going to go up because taxes were going to go up, and that burden was going to come down on those who invested in, yes, their future profits and also creating jobs. Jobs get created by the private sector, not the public sector, unless you punish the private sector and take the money and you drop it into the public sector. That's the only way the public sector creates jobs.

So we saw this happen in 2006 and 2007. Lo and behold, the dog that had chased the car for 12 years finally caught it. And what happened? What happened was industrial investment dropped off. The economy began to decline, and they pushed the economy down because they were punishing business every month of all of those years beginning in 2007 with Pelosi. She had the Speakership of the United States House of Representatives, 2007, 2008, 2009, and now into 2010.

And furthermore, the argument was, well, they couldn't do enough because we had a President Bush who would veto the crazy anticapitalist ideas. The people who were opposed to free enterprise were in charge of the House of Representatives, but occasionally the President of the United States, President Bush, would veto a bad idea. And it would come back here to the House and we'd uphold his veto, and so they were restrained.

And during that period of time, Speaker PELOSI pushed and promoted and supported 44 votes in the House of Representatives that were designed to

unfund, underfund, or undermine our troops, 44 votes. And I'm not pulling that out of my head or out of my hat, Mr. Speaker. I have the data. I have the Excel spreadsheet, and I have it all linked to each one of those issues that were pushed.

The effort was to attack President Bush and undermine the support for President Bush by challenging his position as Commander in Chief. And in doing so, it undermined our military in a time of war when their lives are on the line.

And I asked the question, When someone in this House of Representatives—let alone the Speaker of the House of Representatives—speaks against a military operation, when they argue that we ought to all sack up our bats and go home from Iraq and from Afghanistan, when they make that argument, what happens to some al Qaeda terrorist that's sitting in a mud hut somewhere in Iraq and Afghanistan?

□ 2100

He has got the satellite dish on top. I mean, I have flown over those, those mud huts, and added up—I don't remember the exact number now, but it was over 50 percent of those huts had a satellite dish sitting on top of them. They are sitting there watching satellite TV. And these terrorists are making bombs, IEDs, and they are planning to set these bombs up to detonate them against Americans.

When Americans are victims of this, we need to ask this question, what happens in the mind of that al Qaeda terrorist that's sitting in that mud hut making his bomb, watching Al Jazeera TV, when he sees the Speaker of the House come out on the floor and speak up and oppose the war in Iraq or Afghanistan?

What happens when there is a debate on the floor that goes on over and over and over again, and the left-wing radical liberals in this Congress that call themselves progressives that are identified by the socialists in America as their candidates say that we should pull out of those countries without any hesitation, just do the best we can to keep from getting shot in the back.

Do you think, Mr. Speaker—and this is a rhetorical question—but do you think that that terrorist is more likely to build more bombs or less, plant more bombs or less, detonate more bombs or less, are there more Americans lost or fewer Americans lost, because the enemy has been encouraged by 44 votes on the floor of the House of Representatives in 2007 and 2008 in that Congress.

That's what's happened here, Mr. Speaker. President Bush was going to retire regardless of what happened and the actions on the part of the Speaker PELOSI, and this country was going to move forward. And even though the

President of the United States now, our Commander in Chief, as in the spring of 2008, took the position that he wanted to pull the troops out of Iraq immediately, without any hesitation, just simply try to keep from being shot in the back on the way out of Iraq.

That was his position. And I argued that if that was his position, then if he is elected President, the enemy will be dancing in the streets in greater numbers than they did on September 11, 2001.

Now, we don't know if that turned out to be a true prediction, because now President Obama, then candidate and Senator Obama, changed his position. From the spring of 2008 until election day in November of 2008, he walked a line of changing his position from being for immediate withdrawal to being for a slower withdrawal from Iraq.

What we have seen also happen is, now, President Obama has adopted the exact position in Iraq that President Bush negotiated. It's called the Status of Forces Agreement, Mr. Speaker, the SOFA agreement. That agreement was negotiated by the Bush administration and it was with the Iraqis, and it was signed on November 17, 2008, by Ambassador to Iraq Ryan Crocker, and just a very impressive public servant who never received his due respect for the job that he did for all of us in that country for the time that he was there, Ryan Crocker.

I want to say a few more good things about Ryan Crocker. I met with him very late in the night, I have sat there in those hot and uncomfortable places in Iraq with the top officers, with Admiral Mullen, for example, Ryan Crocker, General Petraeus, a number of other very top leaders in our military and our State Department personnel.

Ryan Crocker understands the Middle East. Ryan Crocker served well there. He was instrumental in the negotiations of the Status of Forces Agreement. He was the one who put that hand to that agreement on November 17, 2008. And today, the letter of the Status of Forces Agreement is being followed by President Obama. Good for him. I appreciate that. I support it. It's something I called for.

If it were President Bush doing that, I would be for that. I just don't think the American people see it the same way because he is not as proud of that decision as perhaps he would be of a different posture that we have in that part of the country.

Mr. Speaker, we have a number of interests in America. Our national security interests are paramount. Those are constitutional. The responsibility of the President of the United States and the Federal Government is to defend us, to defend our shores, to defend the American people.

And our military and our troops, and those people that put on uniforms, day

after day after day, are the ones that deserve our gratitude and our respect. And we need to do them just duty here on the floor of the House, and not back up from those responsibilities just to provide them with the resources that they need.

And that means a consistent message from the Commander in Chief on down and a strategy that we believe that we can win, and it means to say to the leftwing radicals in the United States of America, Don't tell me you are for the troops and tell me you are also against their mission. You have to support the troops and their mission.

What's interesting is that when George Bush was the Commander in Chief, you said you supported the troops but not their mission. Now that Barack Obama is the Commander in Chief, you don't really answer to that at all, except for the most part, you left wing radicals, you say support the troops out of a level of pandering to the, let me say, the mission of patriotism, but you don't support their mission. We cannot, Mr. Speaker, ask our military to put their lives on the line on a mission that we don't believe in.

No. We have got to ask them to put their lives on the line for the cause of liberty and a mission that we believe in. If we don't believe in the mission, we should not send them, they should not go. But it's up to the call of the Commander in Chief to do so. After all, he is Commander in Chief.

He orders our Armed Forces, he sets the foreign policy, and if we don't like what the President of the United States does when it comes to that, we have got about two choices. One is elect a new President and the other is look into the Constitution for another solution. I am not ready to do that because I don't believe there is just cause at this point to look in the Constitution for another solution.

In fact, I believe that the President of the United States has eclipsed my anticipation for what he might have been doing in Iraq. In Afghanistan, it's relatively stable; it's not been extraordinarily brilliant. He did send only 75 percent of the minimum number of troops that were requested by General McChrystal, and they have a very difficult task.

But the prospects of being successful in that task, I believe, are greater than the prospects of the State Department being successful in setting up institutions that never existed before in parts of the country of Afghanistan that don't have a history of those institutions of centralized government reaching out.

We have the foreign policy question that's before us, Mr. Speaker, and we have the question of the United States economy. And we have a bunch of people that are self-professed experts that come here to this floor that never signed the front of a paycheck. They

don't have the first idea what it takes for a free market economy to thrive or prosper.

They believe that if you raise taxes it's just taking a little more out of the pot of the greedy capitalists. And if you raise regulations, they have got plenty of time to fill out all the paperwork because, after all, what else are they going to do with those resources? It creates jobs when you create more paperwork for the private sector do.

Why would you want these people to be in charge of our economy? They demagogue Republicans and say that we are in support of Wall Street. It's Democrats that are cashing checks from Wall Street. And it's big banking and international banks and investment banking, large interests that are sending the biggest checks to Democrats all the while they are hedging their bets.

And if you are a big business interest and you have a crony relationship with the United States Congress, you have got a pretty good deal going because you can have the United States Congress raise the regulations and raise the burden of government to keep your competition out. You want to drive out your competition, what's the simple solution to that complex problem? Raise the regulations, raise the taxes, you are only competing against fewer people.

I have seen this happen in my lifetime over and over again. I spent my life in the contracting business as a small contractor. I started out as this tiny little old guy that bought a old beaten-up bulldozer. Then I worked it for a while and fixed it a lot. And then I bought another machine and hired another man and after a while we had enough machines we could go out and do a job like grade a road or something.

When I was looking at building State highways, I began to look around, and I realized there were only a handful of contractors that were big enough to bid these projects. So I went to the State and said break these projects up, will you? I would like to bid some projects that are under a million dollars.

They said, well, we don't like to do that because it takes a lot of administrative hassle to deal with too many contractors. We would rather deal with this half a dozen we have got that we are comfortable working with. So I had to run for the State Senate to get that changed. When we lowered that standard down, we were able to bring more competition in.

It's not enough. It's a small part of the solution, but it illustrates a problem, Mr. Speaker. Big business will always try to promote regulation to keep their competition out. It's how it works.

Think of it this way. I will take it down to the lowest common denomi-

nator, a simple thing that metaphorically can explain this to everyone that's listening, Mr. Speaker. Just imagine that they hadn't yet discovered gold in Colorado. So some miner out there with a pan is panning his way up the stream, and he finds a nugget of gold. He pans his way in, and he goes around and he finds that vein. Then he gets out his pick axe and he starts to chop out this rock, and here is this gold in this rock.

□ 2110

Son of a gun, gold in Colorado. There's no settlements around there. So he breaks out his gold and processes it and takes it down and sells it, and pretty soon the rumor goes like wildfire: there's gold in Colorado. The gold rush is on. People come rushing in. Everybody gets their pickaxe, and they start to mine for gold.

Now, you may think that this doesn't connect, Mr. Speaker, but it does because the miners then set up their tents and they're there and they are working away. And now that they're making a little bit of money and they're selling their gold, they need some things. Somebody's got to bring them some food, somebody will open up a bar, somebody will start a band so they've got some entertainment to draw the stress down at night.

And these miners would be out there, and after a while their hair gets so long that they have to climb up into a tree to get a haircut. And sooner or later one of those miners is going to get out the clippers and cut somebody's hair. When that happens, Mr. Speaker, then somebody else will line up and decide, that's a pretty good haircut for what I need out here. So he'll get in the line and climb into the chair, and there will be a second haircut, then a third haircut. And after a while, this fellow that's pretty good cutting hair will be so busy being a barber he doesn't have time to pick up his pickaxe and mine for gold.

And then he decides, I'm going to have to charge you guys; you're taking me out of my cash-flow endeavor. And so he begins to charge the people that he's cutting their hair maybe a dime for a haircut. Now he's making a little bit of money, and pretty soon, eventually, somebody else will see that and decide, I can get into this business. That guy is making a dime for every haircut. He can cut 10 heads a day, that's a buck a day—that's pretty good wages in those days—and he'll set up a barber shop and he'll do it for a nickel. Now that first barber is thinking, I would have been better off to keep out there with a pickaxe mining gold.

And so we've got two barbers that are competing, then a third barber, and a fourth, and a fifth. And pretty soon the first barber that got in, he decides that it isn't fair because he has all of this technological equipment. He's got the

electric clippers and he's got the nice clean sheet to put around their neck and he's better at taking care of those ingrown hairs and he does a little antiseptic while he's at it. And his equipment is clean and well maintained and the other guy has a pair of scissors and a comb.

So he'll go to the State legislature and argue that barbers should be licensed so that there is a standard quality of care for haircuts. It isn't because he believes so much in that standard quality of care. It's because he knows that he can regulate some of his competition out of business. That's what goes on in the barbershops in the gold mining towns in Colorado 150 years ago, but that's also what goes on in big business in the United States of America today.

That's what is going on, Mr. Speaker. Big business says, Come and regulate me because it's a cost of doing business at big-business level, the multibillion dollar level. And by the way, those people that can only do business down in the few millions, they're not going to be able to compete.

So we should not accept big business as the purest form of free enterprise capitalism. We should look at big business as coming here to this Capitol, ask us to level the playing field, all the while they're looking to turn into a playing field that it's often difficult for a small business to climb into.

So, Mr. Speaker, that is the status of big business regulation versus small business regulation, and it sets the tone for I think what we're about to take up next. Although I recognize that in a moment we will be asked to yield for the esteemed chair of the Rules Committee as soon as she gets prepared. But in the meantime, I see that the gentleman from Texas is about to get prepared.

I would suggest that, Mr. Speaker, we need to take a look at this regulation that's coming in from the Senate and the regulation of the financial services industry and the credit industry in America. This idea that here in the United States of America we would establish government entities that would look in on every business in America, anybody that's got a credit transaction, whether it would be AIG doing business with a large investment bank or some smaller entity—Mr. Speaker, I will pick that up in a moment, but I would be so happy to yield so that the gentlelady who chairs the Rules Committee can conduct business.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-494) on the resolution (H. Res. 1392) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

WHAT HAVE THE DEMOCRATS DONE WHILE IN CHARGE?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Speaker, as I watch this regulation that's coming through in the financial services component of this, it's a regulation that sets up Tim Geithner, the Secretary of the Treasury, to decide which businesses are too big to be allowed to fail, which businesses would be deemed to fail, and all he needs is the agreement of the FDIC and the agreement of the Chairman of the Fed. Those things concern me a great deal. But this conversation could go almost in any direction, Mr. Speaker, because I am prepared to yield to my good friend, the gentleman and the judge from Texas, LOUIE GOHMERT.

Mr. GOHMERT. Well, I appreciate my friend for yielding, but I want to follow up on that very point.

We're told that there is going to be a financial "reform" bill that sounds more like a financial "deform" bill. All these reforms end up being deformities. But this in particular, financial reform? To get us out of the mess that had been building through the nineties and through this past decade, for the last 20 years?

And nonetheless, as I understand, in this bill we're going to take up, it still has the Systemic Risk Council that is going to pick the winners and losers in America. That is so grossly un-American; it has no place in our law coming out of this body. That's the kind of thing that the Revolution was started over, that some King was going to get to tell them who would be the business that would stand and who would fall, because the Americans here wanted to be able to let the market decide that.

Now, one thing we've seen, and it has been accentuated, is you do need a government that will ensure that people play fairly and play right. We saw that down on the coast as President Obama expressed that we have gotten a relationship too cozy between his administration and the Big Oil companies. Now

we've heard people say on television that Republicans took contributions, Democrats take contributions; but it was the Department of the Interior in 1998 and 1999, some of the Clinton administration people, that pulled the language from the offshore leases that would allow the oil companies, ultimately, to make millions and millions and millions at the expense of the government and the taxpayer getting full value for the leases for those offshore oil and gas developments.

When we had the Inspector General in front of us in the Natural Resources hearing a couple years ago, I asked why he had not talked to the couple of people that the Inspector General said were apparently responsible for that language being pulled out of the leases that hurt the revenue of the government and helped the massive oil companies at the time. He said, Well, they've left government service; we can't talk to them. Well, certainly you can at least try to talk to them, but the Inspector General indicated that they left government service.

□ 2120

Well, after I'd heard the President announce that we had to end this cozy relationship between people in his administration and the big oil company, I wondered: Whatever happened to those two people?

Well, it turns out one of the people with whom, apparently, the inspector general did not talk but felt probably had the best information on why that language was left out—when she was not working for the government, she went and worked for a company called British Petroleum. Perhaps my friend has heard of British Petroleum. In fact, after the inspector general said he couldn't talk to her about why that language was pulled—the language that helped the oil companies so much during 1998 and 1999—and why she would pull language that hurt our government, it turns out she has now returned to government service. In fact, she did last summer. This administration hired her to be the Deputy Assistant Secretary of MMS, the Minerals Management Service, which is the agency of this administration that is supposed to ensure that blowout preventers work properly.

Well, we've got people here in the House who had asked for the results of the tests that were done by MMS within 2 weeks of the blowout preventer's failing. Apparently, the information has come back from this administration's MMS: We are not providing that information to you, maybe to a Democratic chairman of the committee but not to you guys.

You would think that this would be public information, that MMS would want to be as transparent as they're demanding the CIA be, but apparently, they're not willing to be as transparent

as they want the CIA to be. They're more in the nature of obscurity like the Federal Reserve continues to try to be and is. So they won't release the information of how badly bungled the tests were. You have to figure they didn't go well or they would have released that information to show that they were exonerated, that they did proper tests.

In fact, as a trial judge back in my days in the courtroom, oftentimes, one side would produce evidence to show that the fact that there is no evidence indicates a fact. I think here the fact that they won't produce those test results indicates that the MMS of this administration is too cozy with British Petroleum because of the interactive business that has gone on here. It must not have gone well.

Mr. KING of Iowa. Will the gentleman yield?

Mr. GOHMERT. Certainly, I'll yield to my friend.

Mr. KING of Iowa. Just remind me. I'm standing here thinking we're drawing a rational conclusion that the Minerals Management Service would not release the information that showed the results of the testing of the blowout preventer.

Mr. GOHMERT. If they had even done the testing, actually, yes.

Mr. KING of Iowa. If they'd done the testing.

There are reports out there that there is testing that had failed some 10 days or so before the well, itself, had failed. Now, I don't know if that's true or not. I don't want to start a rumor.

Mr. GOHMERT. They won't release the records.

Mr. KING of Iowa. But are we drawing a rational conclusion here that we could have a government that we could draw conclusions from based upon their response or lack of response and not the answer to the question?

I would yield.

Mr. GOHMERT. Well, yes, it would certainly appear that that's exactly right. If the MMS of this administration will not produce the records to show exactly what testing was done and exactly what the results were, which should be public record for heaven's sake—they're public waters controlled by our government—then you've got to pretty well figure it would not make this administration look very good.

I yield.

Mr. KING of Iowa. The gentleman from Texas, we've got an open government. This is the most open, the most honest government in history, and we are drawing conclusions based upon not getting an answer as opposed to the answer that we might get if they would just simply give us the information. I mean, this really saddens my heart to hear this. I'm not that surprised, but it saddens my heart, Mr. GOHMERT.

Mr. GOHMERT. Well, that also brings us back to this problem with the

Federal Reserve and with the Secretary of the Treasury. Yes, we had some people saying we've got to confirm Timothy Geithner as the Secretary of the Treasury because he worked with Paulson in the early days of TARP. He knows the plan. Well, that tells me he should never have been confirmed if he'd worked with Paulson on the original plan, because it was a disaster, and it should never have been allowed to have happened as it did; but now we've got these guys—the head of the Federal Reserve and the head of the Treasury—who are going to pick the winners and losers in the country.

I yield.

Mr. KING of Iowa. Would we choose some mainline IV drug users off the streets to go in and take IVs in hospitals because they happen to have had the kind of experience that they're good at even though it's illegal?

If somebody were proficient in how he operated Turbo Tax and were able to avoid paying his taxes, would that mean he'd be a good person to have as the head of the IRS so that he could probably set up a system to prevent other people from avoiding paying their taxes?

Mr. GOHMERT. Well, that's an interesting issue.

You know, obviously, Secretary Geithner had great problems complying with his certification 4 years in a row. He swore that he would pay the tax that was shown on the form, and he certified, if they would just pay him that money, he would pay it. Then he didn't pay it.

In answer to the question, I guess an analogy comes to mind, which is the FBI. For example, there was a movie about a gentleman who was so good at forging and acting as someone else, and he could create a forged document out of anything. Well, the FBI ended up hiring him because he was so good at forging checks and making fraudulent checks. The FBI hired him because he knew more about ways to cheat other people and to cheat the government. They felt like he could be an immense help, and apparently he was. As I understand, he has helped prepare more secure documents and more secure institutions because he was so good at cheating those very institutions and the government.

Mr. KING of Iowa. Who best to catch tax cheats.

Mr. GOHMERT. So perhaps that was the thinking, that this is somebody who would be an expert in not paying taxes. Maybe that's who we want in charge of the tax entity, the IRS. It's an interesting point.

It still cuts to my core to think that the land of the free and the home of the brave is being converted into a land of the unfree where liberties are taken away because people have decided that the Secretary of the Treasury and the Federal Reserve Chairman get to pick

and choose what entities or what banks get to stand when the smoke clears.

I mean, what happened to competition? Why not let people play and play fairly and just enforce fair rules?

That's what is needed here. We don't need the Federal Government saying what companies they're going to support and will never let fail, because as soon as the Federal Government says they're not going to ever let this bank or this company fail, then that's going to be the last one standing, because it knows it can operate in the red and that its competition cannot do that. At the end of the day, that government-supported entity or bank will end up being the one left.

That is outrageous. It is un-American. Anybody who would stand for that proposition that we're not going to let these companies compete fairly, that we're going to come in and pick the winners and losers, needs to start wearing a name tag that reads, "King George III wannabe."

I want to pick the winners and losers. I want to tell you who prevails and who doesn't. I will tell you who ends up getting to be the dominant force in America instead of letting people live in freedom and in liberty and letting them pursue happiness and pursue opportunity. The Constitution never guaranteed equality of outcome. It guaranteed equality of opportunity, and that's what ought to be done.

Anybody who says they support a systemic risk council that gets to pick the winners and losers—these are too big to fail, and we can't let them fail—are enemies of this country as it was founded.

Mr. KING of Iowa. Well, in reclaiming my time then, I have to pose the question:

If you're in business, if you're an investment banker, for example, if you have a large credit operation going on and if you've watched the Barney Frank bill and the Chris Dodd bill and now your knees are knocking on what might be going on in a future conference committee that's going to produce a bill that likely spills out over here in the House for passage, that's sent over to the Senate and rammed through there and that's put on the President's desk, we know the President will sign the bill.

□ 2130

But what is your business model? Let's just say you are providing credit transactions, Mr. Speaker, to a large portion of America, whether it is credit cards or whether it is the toxic assets of mortgage-backed securities, the subprime loans that might be out there. Whatever that might be.

Now, if you are sitting there with billions of dollars in those kind of assets and you are making your profit off of those margins of those assets going through, I am going to suggest that if

you don't already have a lobbyist, you had better hire a bunch of them. Bring them into this Congress and start to convince people like chairman of the Financial Services Committee BARNEY FRANK, a majority of the members on that committee and others, perhaps through the Ways and Means Committee, start to work your angle. Because your business model, Mr. Speaker, is no longer the business model of providing the most competitive, the most service-oriented, the most customer-focused service that there is.

Your business model is do what you have to do out here on the streets in the business world in America, treat customers fine, that is good, come here into Washington and get that playing field not leveled, but tipped in your favor, because you can't do business without, so that you have those kind of chips when the time comes that the regulators would come in and take a look at your balance sheet and determine, well, you weren't quite big enough to be allowed to fail, so we are going to shove you into receivership and we will chop you up and deal you out to our preferred companies.

I know the model, I know the pattern, even though it is done in a pretty good fashion with the FDIC when a bank has to go under. We have had too many of them go under. In the farm crisis years in the eighties we had 3,000 banks that went under, and those banks were split up sometimes and dealt out and sold to other investors that had a better track record with managing banks.

All right. Well, that looks good and it works well in the micro version. But when you get into the macro version of big business and you have Tim Geithner as the Secretary of the Treasury making the decision on a business that is too big to be allowed to fail, and calling in Sheila Bair and calling in Ben Bernanke and saying, well, don't you agree? They are too big to be allowed to fail, so let's go prop these people up. And, by the way, what would help is if we go in and shove this company into receivership and we deal the assets of that company over into the company that is too big to fail.

You pick the winners and you pick the losers out of government. And who wins? The people that pay the lobbyists. The people that have paid for the most political influence. Government cannot make rational decisions on business. They make political decisions on business.

Peter Wallison spoke today on Fannie Mae and Freddie Mac, the American Enterprise Institute scholar, one of the brightest minds we have on free enterprise economics in America, a very solid man. Many times I have listened to him illuminate the issue for me in a way that helps me understand it even better.

He spoke today about Fannie Mae and Freddie Mac, and his sense is that

they aren't yet nationalized, that they are still quasi-government. My position is they are nationalized, because the Federal Government calls all their shots, and we have got roughly \$50 billion each dumped into either one of them and roughly another \$30 billion rolled on top of that \$100 billion. So we are around the \$130 billion range.

Peter thinks that there is not \$360 billion, but \$400 billion in losses that will have to be swallowed up by the American taxpayers. And we knew and we know now that we were looking at \$5.5 trillion in contingent liabilities that the Federal taxpayers would have to swallow if Fannie and Freddie were flushed down completely the way the markets might drive them.

Concluding my statement and then yielding, that was an example, Fannie Mae and Freddie Mac are an example of how government can't set values, neither can they evaluate risk, because they are doing political calculations based on political pressure, not economical calculations based upon the risk of success and failure.

I yield to the gentleman from Texas.

Mr. GOHMERT. I was just asking if the gentleman would yield for a question, if he would.

Mr. KING of Iowa. I would.

Mr. GOHMERT. With regard to the financial reform package that apparently is going to be coming to the House, is the gentleman aware of whether or not these two entities, Fannie and Freddie, that kicked us into the spiral downward in the fall of '08, whether they are included in this reform package? Is there any reform of these two entities that nearly brought our economic house of cards down?

Mr. KING of Iowa. Reclaiming my time, in scouring the financial reform package and the Barney Frank bill or the Chris Dodd bill and setting up the word search and chasing it through there, Mr. Speaker, I don't find anything in either one of those bills that addresses the necessary reform for Fannie Mae and Freddie Mac. They are completely insulated.

I recall a debate here on the floor of the House on October 26, 2005, that the chairman of the Financial Services Committee, Mr. FRANK, was very much engaged in. He came to the floor to vigorously oppose an amendment that was offered by Mr. Leach of Iowa that would have established higher levels of collateralization for Fannie Mae and Freddie Mac, higher standards for underwriting in the secondary market, and higher standards for capitalization for Fannie and Freddie.

The vigorous opposition of Mr. FRANK flowed out that day. And the gentleman from Texas remembers the exchange that took place on the Thursday before Easter in 2009 here on this floor. The gentleman from Texas was there, the gentleman from Massachusetts was there, and I think me up

there somewhere. Because we talked about what had happened with Fannie Mae and Freddie Mac.

In that debate on October 26, 2005, the gentleman from Massachusetts, Mr. FRANK said, If you are going to invest in shares of Fannie and Freddie, don't do so believing that he would ever vote to bail out Fannie Mae and Freddie Mac, because he would never do that. He would let them go down instead. That is the core and the essence of the statement made by the gentleman from Massachusetts, who now is the chairman of the Financial Services Committee.

Well, we know what has happened. Fannie and Freddie have been bailed out. And on that day, the gentleman from Massachusetts said that he wasn't biased in favor of or against Fannie or Freddie because the man whom he had had an intimate relationship with was not a senior executive. It is in the CONGRESSIONAL RECORD. I don't pull this out of thin air. I suggest, Mr. Speaker, that you check the RECORD. For me, that is an astonishing confession. To draw a fine line between the reason for bias and not bias is because this individual was not a senior, but more apparently a junior executive for Fannie Mae.

So that is a little too intimate for me, Mr. Speaker. I don't choose to go there any further, except to point out that there are a lot of things going on in this United States Government that are not what meets the eye. There are undercurrents here that threaten to swallow up the United States of America. There is a driven philosophy on this side of the aisle that wants to swallow up free enterprise capitalism, that abhors the words of capitalism.

There is a driven philosophy that is reflected by 77 members of the Progressive Caucus who come to this floor with their blue charts and say come visit our Web site. Well, not that long ago, a few years ago, the progressives' Web site was hosted by, managed by and taken care of by the socialists in America. But when they took a little bit of heat, they decided they would manage their own Web site so they didn't have to take the criticism. So the socialists ran the progressives' Web site.

Now, dsausa.org, that is the socialist Web site, it stands for Democratic Socialists of America, dsausa.org. Mr. Speaker, you should go visit that Web site and understand who your colleagues are. Seventy-seven of them are self-professed progressives.

The progressives, according to the socialist Web site, are their legislative arm. They write that they are not Communists; they are socialists. That is a step above a Communist. They don't want to nationalize everything, they just want to nationalize the Fortune 500 companies in America. And they have got a big start on it.

They don't run candidates on the banner or under the political party called the socialists, because there is a stigma attached to being a socialist in America. So what do they do, Mr. Speaker? They push the candidates that are self-professed progressives.

Progressives are not distinct from socialists. They are one and the same. They are just wearing a little bit different-colored jersey. And they are the people here who have driven the idea that we should nationalize the Fortune 500 companies, nationalize the oil refinery industry. Mr. HINCHEY in New York, take over the oil industry. MAXINE WATERS from Los Angeles, operate these Fortune 500 companies, and I quote, "for the benefit of the people affected by them." That is the unions.

The Speaker is a member. The Speaker advocated and said that she would not give, in the case of the car companies, a bargaining advantage of the auto makers over that of the unions. Right off of the Web page of the socialists, and she followed through on it.

□ 2140

And today, 17½ percent of General Motors is owned by the unions, without a cash outlay, without a concession of any kind. The President of the United States, who voted to the left of self-professed Senator BERNIE SANDERS, crammed that down the throats of the investors, the secured investors in General Motors; and now we have the unions owning 17½ percent, the Federal Government owning 61 percent, and the Canadian Government owning 12½ percent of General Motors, exactly off of the playbook of the socialist Web site.

Mr. Speaker, the American people need to go visit the Web site. They need to understand the playbook is written. It's being carried out by the progressives in this Congress; 77 of them are the core driving force here. When you add to that the Congressional Black Caucus, the Hispanic Caucus, a whole lot of these people that are self-segregating caucuses, instead of integrated caucuses, you understand who's running America today, Mr. Speaker.

I'd yield to the gentleman from Texas.

Mr. GOHMERT. Well, if we go back to the day that the Wall Street bailout passed, that first week in October of 2008, I made the statement that when the Federal Government buys private assets and holds them in order to try to make money, or the Federal Government decides it's going to start trying to make money for the taxpayer, it's called socialism. And I was belittled by colleagues that serve here in this body for saying that it was socialist. One person even said, well, I only know three Socialists in America, and they're all against the Wall Street bailout.

Well, I was pretty depressed and devastated when the Wall Street bailout passed. The next morning, Saturday morning, I was watching Neil Cavuto, and he had the Presidential nominee of the Socialist Party, and the Socialist candidate for President being interviewed by Neil Cavuto was asked, basically, what's the deal? I thought you guys were against the TARP bailout, the Wall Street bailout? And now this morning you're saying it was a good thing. And in essence, the Presidential nominee of the Socialist Party said, well, yes, they were against the TARP, Wall Street bailout.

In essence, they didn't feel like the government should pay anything to take over the assets they were taking over. But once it passed and was signed into law, they realized this is probably the greatest day for socialists in American history because the Federal Government has begun the takeover, in a substantial way, of private assets.

And of course he went on to say now that they've made this wonderful great step of taking over, socializing, nationalizing private assets from the financial sector, the government just needs to go ahead and finish taking over the rest of the financial sector because, he said, because we know then the government takeover of all of that area would not be done out of greed, and so they would do a much better job of spreading the wealth around the country, and that under the present system, greed rules the day, and that just that great, wonderful step of the TARP bailout, socializing America, as he saw it, just needed to be followed by the final step of completing the takeover of the financial sector.

So the gentleman from Iowa is exactly right: according to the Presidential candidate of the Socialist Party in 2008, this is a socialist move to nationalize more and more of the assets, just as the Presidential nominee of the Socialists had hoped would happen.

I yield back.

Mr. KING of Iowa. Reclaiming and thanking the gentleman from Texas, I'd point out into the RECORD, Mr. Speaker, that some months ago the Secretary of the Treasury, Tim Geithner, came before a couple of committees, Financial Services and Ag. And the question that I posed to him, and he was bound to answer that question under oath, was I made the point that President Obama was elected at least in part because he had declared and effectively made an argument, however it might have been true or untrue, that President Bush had gone into Iraq without an exit strategy. So I made the point in my question that President Obama had engaged in, supported, and participated in the nationalization of about half of our private sector, and that is the three large investment banks, AIG, Fannie Mae,

Freddie Mac, General Motors, Chrysler, I didn't go on into the nationalization of our skin and everything inside it which is ObamaCare. But in that letter that he was obligated to answer under oath, 2 months later I got a response back.

And I do want to give Secretary Geithner credit. There are some members of this Cabinet that simply don't answer my letters. They apparently don't think they're accountable to Members of Congress, and they don't think that we might decide to send them a little less money when it's time to do the budget. But Geithner did answer the letter. It was seven pages long. It took 2 months to get it back, and that's not a particular complaint of mine because I know that it's difficult to make the machinery of government work. But in those seven pages of answering the question, What is your exit strategy for taking over all of these huge chunks of the private sector, his answer was, well, it's not a written strategy, and he would know when the time was right, and he would execute that when the time is right. In other words, don't you be asking me. I'm the Secretary of the Treasury, and I don't need to answer to you or to anybody else.

I'm going to submit this, Mr. Speaker: there is no plan; there is no exit strategy. The President of the United States is delighted to see these companies taken over by the Federal Government and managed by the Federal Government, as is the Secretary of the Treasury and most or all of the members of the United States Cabinet because it fits in with the Web site of the Democratic Socialists of America.

You know, there used to be a little bit of resistance that came up over here on this side of the aisle when someone might imply that the President of the United States is a Socialist. But I've made the argument I think so effectively that they don't try to rebut me anymore; and if any of you choose to do so, I'd be happy to yield.

But the President of the United States as a United States Senator voted to the left of BERNIE SANDERS. BERNIE SANDERS is in the Senate still today, self-professed Socialist. And no one argues with him. But there were three Senators that voted to his left. Barack Obama was one of them, and he is the chief nationalizer.

And when I saw the picture of Barack Obama standing next to Hugo Chavez, and he's doing the double grip glad hand handshake with that great nationalizer from Venezuela, the Marxist Hugo Chavez, I thought, you know what? Hugo Chavez is a piker when it comes to nationalizing. Barack Obama has way outdone him. And I don't think that he would have been a man that could have done that on his own. He surrounded himself with people that had for years worked toward this vision.

Had I been assigned the task of writing the screenplay to turn America into a Socialist state, and if they would have even created for me a charismatic figure that matches that of the President and started me down the path of my imagination, and with 3 years to get ready to do it, could not have unfolded a scenario even close to what is reality today for the businesses that have been taken over by the Federal Government. Neither could have been anticipated some of the things that they're seeking to do now.

But when you add these up, and you add up the takeover of three large investment banks, Bank of America, Bear Stearns, Citigroup, and when you see that AIG, for \$180 billion swallowed up by the Federal Government, and Fannie Mae and Freddie Mac, for the tune of \$130 billion and perhaps another \$400 billion piled on top of that, and still remaining at \$5.5 trillion in contingent liabilities, and the takeover of General Motors and Chrysler, both of them now under the control or influence of the Federal Government, being managed now, exactly off the Socialist Web site, "run for the benefit of the people affected by them," the unions, who made no concession whatsoever, except to concede future claims that they think are going to be paid anyway by ObamaCare.

And the student loan program taken over completely, exactly within the mold of what happened when we had Federal flood insurance that came in to provide one more competitor for the private market back in 1963. Now there is no private market. Now the Federal Government runs it all.

When the Federal Government stepped in to compete on student loans, people said, well, you know, we need to keep these people honest. Somebody's making money off these students. Now the Federal Government runs it all.

And the President's idea was that he would set up one more insurance company to provide health insurance for Americans to compete against these insurance companies whom he demagogued relentlessly, for getting one more company, correct?

□ 2150

But there existed, up until ObamaCare passed, 1,300 health insurance companies in America, 1,300 companies that produced a variety of policies numbering to 100,000 policies. So who can imagine that one more company and a handful more policies was going to provide more options for people that would help with the competition and take some of the profits out of the industry? If these 1,300 companies competing against each other, Mr. Speaker, couldn't take the profit out of the industry, how could the Federal Government do that? Regulate and subsidize. And that's what governments do. They regulate and they

subsidize their competition out of existence like they did on the flood insurance programs from 1963 and the student loan programs culminated this year.

And now here we are, ObamaCare, the law of the land, the law of the land that has not just nationalized three large investment banks, and Fannie and Freddie, and General Motors and Chrysler, and the student loans, now they have nationalized our very bodies, the most sovereign thing that we have. The Federal Government has taken over the management of our skin and everything inside it and decided who will buy what policy and what the premium will be.

And now they're trying to decide our diet. And now they have decided a mission across the country that the retailers need to cut 1.5 trillion calories out of the products that are going to these kids. Because one-third of our kids are obese, they want to cut the calories down on a bag of Doritos. I didn't ask them how to do that. I think they just take a few chips out of the bag of Doritos.

But I know what they do to a PowerBar. A 150-calorie PowerBar gets reduced to 90 calories because some fat kids will eat too many and they will get a little heavier. But I don't know what we do with those two-thirds of the kids that are probably too skinny, that need more than the 150 calories that are in the PowerBar. And I don't know what we do with the fat kid that hoards three PowerBars now for 270 calories as opposed to maybe one at 150 calories. But we cannot put a one-size-fits-all regulation in and reduce calories going into kids that need them for energy and need them for growth.

More kids need more food rather than all kids need less food. And so those kids that are overweight, they need more exercise. And maybe they need to watch their diet a little bit, and that's education and that's parents, yes. But don't starve the hungry kids so that those that are eating too much have to work a little harder to keep getting too much.

The super nanny state. The recycling of all of these components. Here the Speaker of the House in the House of Representatives has decreed that you can't go to the cafe over here and eat an omelet unless the eggs that are broken are from a free range hen. I think that the chicken that you eat is probably not free range because it's pretty tender and good. I didn't check on that, but I'd like to know. Doesn't taste like free range to me. But the eggs are from a free range hen.

The paper, the napkins that we have around this Capitol, most of them are brown because they are recycled paper. And when I go look at my coffee filters, I wonder why they're running over, they're recycled paper. So we have these decrees that come down from on

high. And the light bulbs themselves are regulated by the Speaker of the House. How much nanny state does this country need? And how much nanny state can we stand?

I want American people making their own decisions. It's a free market economy. I want them to be able to exercise all of their constitutional rights. I want them to be able to own guns and defend themselves and hunt and target shoot and be in a position to defend us against tyranny. And if we do not, you know, there is something about constitutional rights and liberty. It's use it or lose it. If you don't use it, you lose it.

You've got to use your freedom of speech, religion, assembly, press, second amendment rights. You've got to exercise those rights. We must do so. Mr. Speaker, we have to take this country back.

I yield back the balance of my time and thank the gentleman from Texas for joining me tonight.

THE BORDER SECURITY CRISIS

The SPEAKER pro tempore (Mr. MURPHY of New York). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Arizona (Ms. GIFFORDS) is recognized for 60 minutes.

Ms. GIFFORDS. Mr. Speaker, I rise tonight to address the border security crisis that is part of daily life in my southern Arizona district in Arizona's Eighth Congressional District. I am really proud to represent one of the most diverse parts of the entire country. I represent a district that is over 9,000 square miles and is one of 10 U.S.-Mexico border districts.

The U.S.-Mexico border has changed a lot over the years. I am a third-generation Arizonan. I represent a lot of people in my district who are multi-generational Arizonans. After decades of building up the U.S.-Mexico border in California and in Texas, there has been a systematic funneling of illegal immigration, the flow of traffic, illegally through southern Arizona. This has become the most porous part of the U.S.-Mexico border.

So today, together, my constituents live in a situation on the front lines of a national border security crisis. We live and breathe the Federal Government's failure to secure the border with Mexico. Every day my constituents are subjected to home invasions and to burglaries and to cut water lines and to graffiti, an unbelievable amount of garbage and trash that's left behind by illegal immigrants who are crossing through the border, and by people increasingly who are drug smugglers, people that are human smugglers, the cutting of fences, the threats and intimidation by armed smugglers, and the violence that they experience on their own land, on their own ranches, their own property.

In this hour, I am going to talk about action that I and others have taken along the U.S.-Mexico border here in Washington. But more importantly, I am going to talk about the lives of the constituents that I represent, the people of Cochise County, the ranchers who live on the U.S.-Mexico border.

It's always been my belief that if the decision-makers here in Washington, if they could hear the stories, the impact that illegal immigration has on the lives of my constituents, that there would be greater action here in Washington, the decision-makers, elected officials, people in the administration, policymakers, that they would move to greatly enhance the security along the U.S.-Mexico border. So that's what we are going to talk about tonight.

I think it's important to begin this hour with the most heart-wrenching story of all, the tragic death of Robert Krentz, a fourth-generation rancher whose family has been on his land for over a hundred years. Actually, the Krentz family has had their ranch before Arizona even achieved statehood.

On March 27, Rob Krentz, who was working on his ranch, was murdered by an assailant who was later tracked to the Mexico border. He and his dog were both ruthlessly murdered on his land. They were left to die. They were shot. Law enforcement officials believe that Rob was killed by a smuggler.

Next to me is a photograph of Rob and his brother Phil, the two Krentz brothers. This was run on the front page of a local newspaper, the Tucson Weekly. Frankly, the image tells it all. You see the two brothers, you see them in the tack room, their hands, their boots, their lives right there represented.

Reporter Leo Banks wrote the companion story in which he interviewed Rob's family and the neighbors. Banks wrote the following:

"What has to be noted first is the inevitability of what happened. Something like the Krentz murder was coming, and everybody knew it. The stories residents told this newspaper, the frustration that they feel trying to keep property and families safe in smuggler-occupied territory were like a freight train in the night. Down the tracks you see a faint light, coming closer and closer. On March 27 in Cochise County's big country a mile west of Paramore Crater, the train arrived. The aftershock has been so powerful, because the killing exploded the lie about a secure border that Washington, D.C., has been working hard to promote."

On its front page, the Tucson Weekly asked the question, "Will the murder of a respected Cochise County rancher change anything on our border?" Mr. Speaker, tonight I ask the same question. Again, will the murder of Robert Krentz on March 27, a respected rancher in my district, change anything on

the border? Well, it has changed, and we know that today. The President has announced the deployment of the National Guard to the U.S.-Mexico border.

I knew Rob Krentz. I knew his family. He participated in the meetings that I convened between ranchers and the Border Patrol. He was and is—he was a family man. He was a good neighbor. And he was a friend to all who knew him.

He was described as a humanitarian, who would give water and aid to illegal immigrants who suffered from heat exhaustion and physical injuries as they trekked from Mexico across his land. He was, like fellow ranchers out in Cochise County, a straight talker. And he, like them, saw their lives changed by the increased flow of illegal immigrants and the drug smugglers.

□ 2200

Tonight I will share additional stories about the ranchers in this area, and I will call on my colleagues to join me in demanding that our government step up and do more, the responsibility here in Washington to help protect its citizens. The safety and security and the defense of its citizens should be our primary focus in Washington, D.C.

Mr. Speaker, the very first speech that I made on this floor, the floor of the House of Representatives in January of 2007, was precisely about securing the border. In some areas, border security has improved over time, and in many ways it has worsened. I've been proud to support legislation and appropriations that funded the border patrol and the Department of Homeland Security, including ICE, as well for increases in personnel and technology.

Democrats and Republicans have worked together to give the Department of Homeland Security the resources they need, and we have seen those resources in the Tucson sector. I have fought to increase funding to local law enforcement programs through the State Criminal Alien Assistance Program, also known as SCAAP. When the President's budget eliminated SCAAP, I led the fight to restore the funding.

And why this is important is that communities out in Cochise County and Santa Cruz County and Pinal County, as well as Pima County, they carry the brunt of this problem because the local law enforcement agents are oftentimes required to respond when a resident calls in need of help. They are responsible for a lot of the work that should be done by the Federal Government. The Federal Government has very increasingly not been able or not willing to reimburse the local law enforcement agents for the cost that they incur. We were able to augment the budget.

I also worked to establish Operation Streamline. It's a program that finally

reversed many years of the catch-and-release situation that we had down in southern Arizona. So instead of just apprehending illegal immigrants and then immediately deporting them back to the border to find them crossing over the next day, back and forth and back and forth, we are now in a situation that instead, we charge these individuals and we incarcerate illegal immigrants for 30 days, which is a big deterrent for someone who's trying to pass north.

Last year and again this year, I introduced legislation with Congressman SAM JOHNSON from Texas to create a new mandatory electronic employment verification system for hiring employees. Our system would be a national employee verification system that would protect American citizens from identity theft and hold employers accountable for hiring illegal immigrants. The State of Arizona was the first State to authorize E-Verify, making it mandatory for all employers.

But we've seen a lot of problems with E-Verify, plus the fact that this situation of employee verification should not be a State-by-State situation. We need to have a national solution, and that's why Congressman SAM JOHNSON and I have introduced legislation NEVA.

Recently, with Congressman BRIAN BILBRAY, I introduced a bill to crack down on the use of stored value cards, which drug cartels are using increasingly to launder money. In fact, Mr. Speaker, I have an example right here. This is an example of a stored value card that you can buy basically at any retailer. These stored value cards do not require any formal banking agreement. The threat assessment by the U.S. Department of Justice, the National Drug Intelligence Center, dubbed the cards an ideal money laundering instrument citing loose regulation, cardholder anonymity, and liberal limits on value reloading, withdrawal, and spending on certain types of these cards. And again, you can go to a store and anyone can buy these stored value cards.

We're also seeing more stored value devices like cell phones where money can be transferred, hundreds of millions of dollars, through these types of devices.

According to a March 7, 2010, article in the Arizona Daily Star, the average amount of the 415 seizures on the southwest border in 2009 was \$89,565, more than double the average seizure 5 years ago. That is why this legislation, the Stored Value Device Registration and Reporting Act of 2010, is so important. This is legislation that will include the stored value devices—either the cards or the cell phones—under the definition of a monetary instrument under title 31 in the United States Code. This will require cardholders to declare if they are carrying \$10,000 on a

stored value device to customs officers, because currently the Federal officials have absolutely no way of tracking whether or not this money is coming into the United States because individuals are not required to declare whether or not they have money on a stored value device.

Mr. Speaker, at 6:20 early Sunday morning 2 weeks ago, the North American Aerospace Defense Command, also known as NORAD, detected a low, small-flying aircraft in southern Arizona near the border with Mexico. NORAD immediately scrambled two F-16s to intercept the ultralight aircraft, shadowing it for 30 minutes until that small plane returned to Mexico. This is just another example of how the drug smugglers are getting ahead of us by using these small homemade planes. They stealthily enter our country illegally.

Right before that, Congressman DEAN HELLER and I introduced another bill that will dramatically increase the penalties for the newest way to smuggle drugs, flying them in by ultralight aircraft. These single-pilot aircraft are capable of flying low and can land and take off quickly. They are very difficult to detect. We have reports of them flying up to 200 miles into our country from Mexico. They are being used to bring drugs into our communities and represents the latest threat to border security. And if they can bring in drugs, they can also bring in other materials that can threaten our national security.

I first learned about the illicit use of ultralights in a briefing by the United States Border Patrol. They told me that we needed to take action to crack down on the ultralight drug smugglers, and that's why I introduced the Ultralight Smuggling Prevention Act. Ultralights are typically used by people for sport or recreation and, as a result, are currently not categorized as an aircraft by the Federal Aviation Administration.

In the 2010 National Drug Assessment released by the National Drug Intelligence Center, they identified ultralights as one of the newest ways drug cartels are using to smuggle drugs into our country. And according to the CBP Air and Marine Operation Center, or AMOC, based in Riverside, California, there were 193 suspected incursions into our country and 135—make that 136 with the incursion 2 weeks ago—by ultralights from October 1 to the present time.

In October of 2008, AMOC detected an unidentified northbound low-flying aircraft 12 miles west of Nogales. A CBP surveillance helicopter was launched from Tucson and the low-flying aircraft was identified as an ultralight. The pilot landed southwest of Marana, Arizona, with 223 pounds of marijuana on board where Border Patrol was waiting to transport the pilot and the marijuana to another location.

In November of 2008 near San Luis, field workers arrived for work and discovered a crashed ultralight, a dead pilot, and 141 pounds of marijuana. And in December of 2008, the pilot of an ultralight collided with power lines and crashed southwest of Tucson. The pilot had been carrying, this time, 350 pounds of marijuana when he crashed.

It is time for the Federal Government to get ahead of the drug traffickers. We need to pass this legislation to outmaneuver these individuals who are trying to bring drugs into our country and to do us harm, and the Ultralight Smuggling Prevention Act will amend the Tariff Act of 1930 to include ultralight aircraft under aviation smuggling provisions.

There is an unintended loophole that needs to be closed. We have to get law enforcement the tools that they need to crack down on the drug smugglers. And because ultralights are not currently technically considered aircraft, they do not fall under the smuggling provision.

So under my legislation, individuals caught smuggling on ultralights can be prosecuted for using the aircraft in addition to being prosecuted for the drugs in their possession. When they are convicted of this new offense, they can receive a maximum penalty of up to 20 years in prison and a \$250,000 fine. The bill will establish the same penalties for smuggling drugs on ultralights as for smuggling on airplanes and in automobiles.

Mr. Speaker, as I said earlier, today is a good day for the southwest border. It's a good day for Arizona and the people of this country. President Obama has finally agreed to my repeated requests to deploy the National Guard to the U.S.-Mexico border. Today, the President announced that he will authorize 1,200 National Guard troops to be deployed to the southwest border. He will also request that \$500 million be included in the supplemental spending legislation for enhanced border protection and law enforcement activities.

Just yesterday, I communicated with my two Senators, Senator MCCAIN and Senator KYL, as well.

□ 2210

I thought it was important that the Senate stand up for border security and include the \$500 million in additional funding in the war supplemental making its way through the Senate this week. The fulfillment of my request is a clear sign the administration is finally beginning to take border security seriously.

I first called for immediate deployment of the National Guard after the March 27 murder of Rob Krentz. Arizonans know that more boots on the ground, even if we are starting with 1,200, I requested 3,000, but this is a start, and just because this is our first step doesn't mean it's the last step.

Washington has clearly heard our message. Republican Congressman TED POE and I sponsored a resolution calling on the President to send the National Guard to the border many weeks ago. We did another press conference today. This goes to show this is not a Republican or a Democratic issue. This is an issue that affects all of our constituents and all Members of Congress. It's an American issue.

Tonight, again, I reiterate my request to the House, the Senate, and the President to step up and do more. We need to secure our U.S.-Mexico border, period.

The Tucson sector, as we see on the map here, this is my district, and this includes the Tucson sector, which goes all the way over to the farther west part of the State, has been an area that has been confronted by narcoterrorists who have killed thousands of people in Mexico and have brought their violent ways to the United States and, in particular, to our area.

My district has over 100 miles of border with Mexico, and the drug smuggling and the traffic has systemically been funneled through this area. Again, as we have closed off California and Texas, we have been funneling all of this activity through southern Arizona. And, as you can see, the more urban areas, the dense part like Tucson and Sierra Vista, are away from the border.

But here along the line, you see an incredible vast amount of open space. And this is where the ranchers of Cochise County live. These are individuals who have had their ranches for hundreds of years, some of them, who are not being protected.

The Tucson sector, and I would like to put up a chart here of the Tucson sector of the Border Patrol, because it accounts for almost 50 percent of all the apprehensions of illegal immigrants and the drug seizures across all Border Patrol sectors in the Nation. This is to represent what we are actually dealing with in southern Arizona in my district.

So as you read the chart from fiscal year 2005 up to fiscal year 2009, in fiscal year 2005, there were 439,000 apprehensions in that year. And for every individual apprehended, we believe, possibly, one, or two, or maybe three, or maybe more get away. In fiscal year 2006, 392,000 apprehensions; in fiscal year 2007, 378,000 apprehensions; in fiscal year 2008, 318,000 apprehensions; and in fiscal year 2009, 241,000 apprehensions.

We have seen almost a 50 percent decrease in the number of people that are being apprehended, which is a good sign. It shows that the border security measures that we put on the border are working.

But it's an interesting story when you look at seizures in terms of marijuana. In fiscal year 2005, 488,000 pounds of marijuana were seized. And then it

increases. In 2006, 616,000 pounds; in 2007, 897,000 pounds; in fiscal year 2008, 816,000 pounds; and a banner year last year, fiscal year 2009, 1.2 million pounds of marijuana seized in the Tucson sector of the Border Patrol.

When you look at cocaine seizures, fiscal year 2005 was an anomaly. We had 1,200 pounds seized. And then in fiscal year 2006, we had about 100 pounds; fiscal year 2007, 177 pounds; up to 2009, 524 pounds of cocaine.

You see, again, a decrease in the number of illegal immigrants and an increase in the amount of drugs, marijuana and cocaine, seized in the Tucson sector of the Border Patrol.

Personnel in fiscal year 2005: The United States Border Patrol had 2,339 Border Patrol agents in the Tucson sector. We have vastly increased that to fiscal year 2009. We are almost at 3,700 boots on the ground Border Patrol agents in the Tucson sector.

In terms of prosecutions, in fiscal year 2007, there were 5,447 prosecutions. That number has more than tripled in fiscal year 2009, with over 17,000 prosecutions that are now taking place in the Tucson sector because of the increased and enhanced enforcement activity that we have there.

Operation Streamline, I talked about this earlier, making sure that we are actually detaining for 30 days illegal immigrants who are crossing into our border illegally. As we started up a couple of years ago, this is the work of many hardworking individuals. In 2008, 9,638 prosecutions, and in fiscal year 2009 over 15,000 prosecutions with Operation Streamline. That sounds like a lot until you go back and look at the number that in 2009 we had 241,000 apprehensions.

I would like to now relate in the words of my constituents what we are actually dealing with along the border. And I really believe that the ranchers out in Cochise County speak for themselves the best, and I asked them to submit stories to me of real accounts. And I have collected their letters over the days and the weeks and the years that I have served in this capacity.

This is a letter that was sent to me following a community meeting that I convened at the Apache schoolhouse 4 days after Rob Krentz was murdered. The author wrote, I am angry. I had been operating at a slow simmer for some time now. Then last Saturday, when he was working on his ranch, Rob Krentz was murdered in cold blood. He was shot along with his dog. Now I am more than angry. Rob was a fourth-generation rancher in Cochise County. Friends and family, some with hunting hounds and horses and every kind of law enforcement official that we have, went into an all-out search mode for his killer, but the killer had a nearly 24-hour headstart on them by the time they found the body.

They followed his tracks to the new fabulously wonderful, multibillion dollar and completely ineffective fence at the border and then into Mexico. They returned to their homes and jobs sick that they could not catch this killer before he made it back across the border. I have known Mr. Krentz and his family for many years and considered them friends. We are not close but have become friends largely because of common beliefs and issues that arise from living in these huge arid landscapes. Most of us here have what the general population would consider conservative leanings when it comes to politics. We prefer and have to take care of ourselves for the most part. We do not have the option of calling for help in emergencies much of the time because we do not have phones, radios, or cell service when we are out in the landscape or on isolated roads. When you live here you have to be prepared to handle your own emergencies. It is expected that may include a snake bite, a car wreck on an isolated stretch of the highway, a neighbor with car trouble. That sort of thing.

But for the last 4 years or so, that has included illegals that carry fully automatic weapons. That is a little tougher to prepare for, especially when official response time is 1 to 4 hours and the official that does respond is usually alone and only allowed to carry a measly pistol to respond with.

Two years ago a Bureau of Land Management fire crew was pulled off a fire when a fire they fought flushed 17 illegals out of a canyon, and they were all carrying automatic weapons. Most of us have guns, as did Rob Krentz. His was found in a scabbard on his Polaris Ranger where they found his body.

The people who killed him, according to a garbled radio message his brother received, appeared to be hurt and needed help. That bit of acting may explain why Rob did not have his gun out and ready to use.

Just the day before Rob had helped Border Patrol officials with a drug bust on his ranch. More than 300 pounds of marijuana was confiscated. Was the killer one of the thwarted smugglers seeking revenge? We do not know and probably never will.

The people that I represent have told in person and on phone and in emails that this is the sort of situation that they are facing on their ranches.

Like the story of Kelly Kimbro and the Glenn family. They have the Malpai Ranch, very, very close to where Rob Krentz' ranch is. On May 14 of this year, a couple of nights ago, a half-mile east of Airport Road in Douglas, 10 of the concrete filled 6-inch steel casings that serve as uprights on the border fence were cut off at the ground with cutting torches and that piece of fence removed for a drive-through.

□ 2220

Our friend was called down to go down there yesterday with his boom

truck and try to hoist it back into place. I know how to use a cutting torch. When you try to cut into something filled with concrete, it is nasty and dangerous and very hard work. My point is that it would have had to take hours or days to do this. It is on the border road, one-half mile from Douglas. If the border was being patrolled . . . one more instance when it is not. This is no longer a laughing matter. What the heck is going on? Why did this have to happen?"

This is a story from May 16. This is a story from Wendy Glenn: "Last summer, our well on the border had a solar panel stolen from it right between the border road and Geronimo Trail Road. The control box, float and wire were taken also. It was taken and carried out by a fellow over a mile on the border road before he went into Mexico. The fellow had to climb up and unbolt it and let it down to the ground and then had to carry it off. Surely he had to have been seen by some Border Patrol people as all this happened."

Other reports coming from Susan and Louis Pope on May 18: "Last night, there was a large group that crossed our lower place on the State line between Arizona and New Mexico. As far as we know, they are on their way north. Tonight, we had the illegals talking on the radio; they're making plans about tomorrow morning."

"There are at least two groups coming up the west side of the Pelloncillos Mountains. There are also groups on the south end of the Chiricahuas."

Here is an email from May 19: "Today resulted in recovering several bundles of dope, but since air support was not available, the mules got away. Just as soon as the Border Patrol left the area, the spotter was on the radio again guiding and gathering the group back together. Two loads of dope came down the highway. They crossed out of Arizona into New Mexico, and the Hidalgo County Sheriffs Department caught one and the other got away. We understand that the Lordsburg Border Patrol will get two helicopters next week from the New Mexico National Guard, but they cannot cross into Arizona to help with the Border Patrol here."

"Now guess where all the illegals will wind up? Yes, you are right, in our back yards. We want everyone to know that there is not a road on the border in the Pelloncillos Mountains. The horse patrol has a vital part in helping stop the crossers, but air support is absolutely critical."

Another email from May 19: "It is 9 p.m., Sunday, May 19. I just found out that there are no night scopes available for the area from the New Mexico line to Douglas, 50 miles, tonight. Just one mobile surveillance system in New Mexico, another mobile surveillance system five miles north of Douglas, and one MSS, as well, close to the border,

about 15 miles east of Douglas. The Border Patrol is just about blind tonight. There are supposed to be four units, but not tonight. We need to get these people some help."

I'd like to show an illustration of, again, what some of the situation looks like in terms of having illegal immigrants that are coming into the area. The following email comes from the Stroller family, who are winter visitors in my district. Given the dangers that they now face on their land in Arizona, they have made the difficult decision of not returning to our State. This is from May 18: "Hello, friends. It is with great regret that we've decided to leave our little Arizona winter retreat. It has been with much thought that we have decided not to return. We worry about you, our friends, and wish that you had the flexibility that we have to not be there during this dangerous time."

"Whether you are fearful for your safety or not so much is of little consequence as to how we are feeling. We worried when hunting this winter or just walking next door on our 160 acres, will we be confronted by a camp of illegals? What will we do with one shotgun, one camera, and four dogs? Will Louis, that just dashed out of the doggy door at midnight barking madly, will he come back, or will we find him in the morning with a bullet in his head?"

"Guess what we're trying to say to you is we don't want to do this anymore. It isn't worth the possible consequences. We will miss the magnificent views, but even more, we will really miss you. Thank you for the wonderful years."

Another story that I heard at the Apache Schoolhouse, the ranchers and other residents of this beautiful part of the country have seen terrible changes over the past few years, and they have been calling on their government to take action to protect them and to finally secure the border. Their plea was well summarized in a letter that was recently personally delivered to the Governor of Arizona and to us, the congressional delegation. In the email he said: "Over the past 8 years, we have experienced many break-ins, burglaries, and attempted home invasions. Two of the attempted home invasions occurred just last month."

He says: "As someone who actually lives on the U.S.-Mexico border, I am here today to share with you a partial account of my family's experiences living near the Arizona-Mexico border for the past 10 years. We are a fifth-generation Arizona ranching family. By no means is this account all inclusive, but is intended to give you an understanding of the mayhem and the trepidation we are going through every single day on the borderlands."

"My words are offered to you in good faith and are not intended to be inflammatory toward any culture, nationality, group, or agency, but I refuse to

weave political correctness into their meaning, which has so far distracted from the important work of credibly securing our borders first for the citizens of Arizona and the United States.

"Border security has been promised for so many times over the past 30 years without delivering security and safety to our families. These are my opinions on the matter. The U.S.-Mexico border is out of control and has been for a very long time. We laugh out loud when we hear the politicians claim that the border is more secure. This uninformed view is a political fairytale. People in Washington making these statements don't live here. And if they did, they would have a far more different view from the remedial policies which need to be immediately actioned on our and the country's behalf to secure the Arizona-Mexico international boundary.

"Our small ranch is located adjacent to the Chiricahuas National Wilderness. Presently, I'm sitting in my new ranch house, which looks more like a fortress than a home. Day and night we suffer home invasions, burglaries, multi-thousand-acre fires, some as large as 20,000 acres, ranching infrastructure and personal property destruction perpetrated by both illegal aliens and drug smugglers. They break into our homes and ranches, they steal jewelry and firearms, ammunition, money, small cartable electronics to fence in U.S. interior cities and Mexico, maliciously vandalize our property. They destroy our livestock and so on.

"In 8 years, our home has suffered over 15 illegal alien and smuggling burglaries and four attempted home invasions; intolerable when you consider that I'm here most of the time. I gave up filing police reports. Why bother?

"The latest attempted home invasion occurred last Saturday when we were invaded in the early morning by an illegal alien and an accomplice while my wife was asleep. The perpetrators were about to enter and burglarize our house and who knows what else. They were later caught by our hardworking Border Patrol and the Cochise County sheriff. We understand their backpacks were full of stolen items from burglarized homes in Portal, and some, if not all, had prior arrest records.

"Last month, another smuggler entered our home and confronted my wife in her utility room before he was run off. And as I write this account, the Border Patrol and the Cochise County Sheriff's Department are on the mountain searching for several groups of illegal aliens.

"How many American citizens would tolerate a situation like the ones that we experience every single day? Why are we not able to live in safety and in security in our own homes like the rest of you in Tucson and in Phoenix and in Washington, D.C.?

"Many of the homes and ranches in the Portal area stretching to Douglas have been burglarized, vandalized, and invaded by illegals. No one, and I mean no one, dare leave their homes unprotected for longer than a couple of hours at a time. Can you imagine worrying about leaving your home to attend your son's out-of-state wedding for fear it is going to be burglarized and trashed upon your return? Not a pretty picture missing such important parts of your family's lives.

"As I read my statement upon a risk of attending this meeting, I wonder what I will find or face upon my return to our ranch later this evening. There are hundreds of these people illegally crossing through our valleys 24/7. It is a very scary situation when they're kicking in your door and the sheriff is located over 70 miles away and the Border Patrol is undermined and under-equipped, and they can't respond in a timely basis to your call; when they're pursuing multiple illegal immigrant groups through the mountains 24 hours a day—yes, a very dangerous job we've asked them to do.

"From personal experience, illegal immigrants and smugglers have absolutely no fear of law enforcement, Border Patrol, nor State or Federal officials; in fact, U.S. citizens seem to be held to a higher enforcement and prosecutorial standard than illegal immigrants arrested for the same criminal activity.

□ 2230

You will appreciate the cynicism this creates for border residents when the same illegal aliens and smugglers are caught time and time again after being released back into Mexico.

If apprehended, one of the first questions they often ask the Border Patrol is: "Which State am I in—the Ninth Circuit Court or New Mexico?" They sure hope it's Arizona.

The large numbers of undetected illegal aliens and north-southbound smugglers using our vast, remote desert mountain country are never counted in numbers Washington is using. You can't count what you can't catch, and if Border Patrol apprehends 300,000 annually in the Tucson sector alone or if collectively they catch one in four, maybe over 800,000 or 850,000 have entered into the country illegally.

I must ask if this is really a border which has never been more secure. I don't think so, and neither do the majority of the American people.

This letter goes on. It talks about what's happening with the Border Patrol. Yes, it's true that we've had a lot of press on this, but unfortunately, up until today, we have not had a lot of action. The Arizona Cattle Growers have put together an 18-point border security plan. It's available on my congressional Web site. It's available on the Arizona Cattle Growers' Web site.

It mandates that crossing the border illegally the first time is a felony charge for breaking into our country and that it prevents, for any reason, one from gaining U.S. citizenship or residency.

The individual ends by saying, "For those of you who worry about 'militarizing the border,' I can only say you're too late."

There are a couple of additional stories, one being of Ann and Paul Palmer.

They say here, "Let me give you yet another perspective from a farming family."

On May 21 of this year, our confidence in the sheriff's department and in the Border Patrol is right at 0 percent. Within the last 8 months, we've had two different vans abandoned on our farm. The first time, they were running from the sheriff's department. On that occasion, the van ran through several fences and way out into a field of growing corn before it got stuck in the mud. At that point, the fugitives were on foot. The sheriff's department and Border Patrol were too scared to go into the cornfield to get them. They said they didn't feel safe leaving their vehicles and looking for people in the dark. So they left. This all happened 200 yards from our homes.

It's plain to me the only protection for our families comes from my son and I.

The following day, my son and I had to get the vehicle out of the field. Then when the sheriff's department did come back in the daylight, they gave it a cursory inspection. They told us that we should check to see that there was no dope before we pulled it out. Needless to say, this caused some serious economic damage to our having this vehicle. I mean, not only was that crop destroyed in that area, but there were deep ruts in the field and the labor and the materials to rebuild the fences.

The second occasion was after harvest. Many of us pasture cattle on our cornstalks, so there are large numbers of cattle in the cornfields. Late one night, our neighbor called, informing us that a van had run through several of his gates and was coming our way. He had three separate herds of 500 head, and we had one herd of 600 head of cattle that could have all been mixed up had our neighbor not been on the ball. That would have been a several-day sorting job. We got the van stopped before it went through the last fence. The people jumped out and ran.

By the time the sheriff's deputy, who had been lost, got there, we had tracked the people and knew which way they were going. This time, the sheriff's department said that, if we could give them the van—a 1977 Chevrolet—they would pursue them, and if not, they would not. I pointed out, by that time, that, if they got a record, the illegals would be gone. The sheriff's department left. The Border Patrol was

supposedly coming with a tracker, but never showed up. There was no interest at all in apprehending these individuals, and, once again, labor and materials to rebuild the fences were expended by me and my family. I could go on and on, but you get the point, he says. From our standpoint, there is no will to do anything about the problem. The Border Patrol should be on the border, not 40 or 50 miles north of the border.

Willcox recently got a new Border Patrol station. That's 80 miles north of the border. They keep horses near the Willcox station. What are they doing so far north? The horse patrol comes in after a part of a day because they don't have enough horses to ride all day. A private company or an individual simply cannot operate as efficiently as Border Patrol and stay in this business. Throwing more money at a poorly laid-out plan just means that you have a more expensive poor plan.

Here is another story by Ruth Cowan, a rancher near Tombstone, Arizona. This account took place on June 7. Fence run through. June 9, fence run through and cattle on the road. June 10, 20 arrests. June 13, fence run through and 20 arrests. June 14, 60 arrests. June 15, fence hit and two runners.

She talks about calls about cattle on the road both day and night, personal damage in 1 day, including three \$150 gates that were run through, a float broken off losing 10,000 gallons of water in one spot and a faucet I installed to keep them from breaking the floats left open and the submersible pump pumping our precious desert water on the ground all night, two gates left open and my bulls were gone.

Some additional complaints.

My travel trailer has been broken into, my truck stolen, and the one they couldn't steal, which is a diesel, I had to get repaired. My insurance rates have gone up. Field days for the most requested field trip in Douglas, Arizona, cancelled due to discarded pornography, weapons, feminine hygiene products, trash, and associated health issues.

I believe we have an image of that.

The economic damage to my rangeland is devastating. Rangeland is being trampled by thousands upon thousands of illegals. Native vegetation can't grow.

Here we have images of the debris.

Lost income from cattle because they're now wild, and buyers give less. My new \$2,400 bull ate a plastic sack and died 4 days later. Disease from my neighbor's cattle and broken fences resulted in my animals' aborting their calves, and then the cows sold at half price. I can't even get anyone to come look at the ranch because it's south of I-10.

Invasive weeds have been introduced. One seed pod can produce over 200 seeds

and then hang on the clothing and blankets of individuals who are smuggling through. They can fall off vehicles if they travel off road. On State trust land, I have been informed that it is the landowner's/lessee's responsibility to control these weeds that are being brought in.

The deer herds on my ranch have decreased as I have three drug and illegal routes splitting herds and sportsmen very angry because I have totally locked off my private property in an attempt to slow the traffic.

All the trash left behind washes downstream to lower watershed into the bird sanctuary. The Clean Water Act directs businessowners to decrease nonpoint source pollution. Yet this trash problem I have no control over. I had nine at-risk youth camps with counselors for 5 days out to pick up the garbage. Within 2 weeks, it was right back there. Who paid for this? The American taxpayer. We have sent our men and women all over the world to protect others, and yet the same government refuses to protect my rights as a U.S. citizen.

This is a story from John Ladd. The Ladd family is a very well-known ranching family in southern Arizona. John Ladd has a ranch along the border right where some new fences have been constructed.

John tells me that he can ride for hours along the fence without seeing a single Border Patrol agent. He has shown us where smugglers have cut through the new steel fence and have used a ramp to drive their loads of drugs up and over the fence.

Imagine that.

He has filmed scores of people crossing illegally through his land, and reports that there has been no less than 49 groups visible from his kitchen window last year. The last group was seen just a few days ago.

The murder of Rob Krentz has brought a lot of attention to the border in Cochise County, but it is important to note that the smugglers' impact on ranchers north of the border and into Pima County is a very unique situation.

A couple of additional stories.

This was sent to me by the Coping family, Robert and Cynthia.

They wrote, My husband, Robert, and I purchased our ranch northwest of Marana, Arizona, in 1995. In 2000, President Clinton proclaimed the Ironwood Forest National Monument, which now surrounds our ranch. We spend six nights a week there, just the two of us. With the remoteness and animals needing daily care, we sometimes travel separately and leave just one of us alone on the ranch. Our nearest neighbor to the northeast is La Osa Ranch, 8 miles away. To the south, the Silver Bell Mine headquarters is about 10 miles distant. To the southwest, Queens Well is about 25 miles. To the

west is the Jet Ray Ranch about 10 miles away.

This is a part of the district that is not directly on the border, but it is impacted.

We have no cellular telephone service at our ranch even though our provider, Verizon, advertises that we get coverage there. When we need to make a call, I have to get in my truck and drive 5 miles just to get a call to connect.

Our neighbor owns the grazing lease formerly attached to our deeded property. His leases surround our property. The Tohono O'odham Nation borders the west boundary of his allotments, and the fence line is 10 miles west of our house.

From 1995 to 2003, the biggest problem we had with illegal immigration was plumbing being destroyed and valves being left open at water tanks so that some 30,000 gallons of water would be drained out onto the ground. This can be deadly to cattle. It can drain entire wells.

Illegal vehicle crossing from the Nation to the Ironwood monument started becoming problematic and created environmental havoc in about 2003. Vehicles heavily overloaded with people began parading past our house at all hours of the night—pristine areas filled with trash, tremendous environmental damage from cross-country motorized traffic.

□ 2240

The BLM has posted accountings of the cleanup costs online.

With the murder of Rob Krentz, our compassion for illegal immigrants in distress has been compromised by our fear for our own lives. This area is very deadly, he goes on. Chuck is out numerous times riding horseback in the desert. I have come across trees with women's underwear hanging from them. The threat to women that are crossing illegally as well is something that is not heavily reported, but we know it happens.

Drug smugglers come up north through the reservation. They steal horses, in this case, two horses from different ranches on the reservations. Then they travel north of a wash located about a mile west of our house. They pass under a loose fence and then head north, cutting a hole in the county ranch boundary fence.

Those were the early days of what now is major vehicular traffic and drug smuggling through the Tohono O'odham Nation, of which the entire eastern fence line runs across the western boundaries of now what is the Ironwood National Forest. This individual writes that the smugglers are now using stolen vehicles instead of stolen horses.

Mr. Speaker, I bring these stories forward, they are real stories, they are from real constituents, they live in my

district, to emphasize to Members of Congress, members of the administration and to the general public the real problems that we are having down in southern Arizona.

Yes, it is true that we have increased the amount of resources in urban areas. We have more fencing. We have more boots on the ground. We have more surveillance. But out in the rural part, where the land is vastly wide open, there is still a major problem.

Before the community meeting that we had in Apache, I met with a representative group of ranchers and heard many of these stories directly told to me. They also had some commonsense recommendations for us, and these were recommendations that I included in two letters to the President of the United States and to the Secretary of the Department of Homeland Security.

At that time, I called for the immediate deployment of the National Guard to the U.S.-Mexico border, and I asked that five additional measures be taken to address the increased amount of violence and to assure the residents that we would step up to provide the protection that they are entitled to receive from the Federal Government.

I urged the President and the Secretary to deploy more Border Patrol agents. I looked at the budget being proposed by the administration to cut agents, and that was absolutely wrong. Not only do we not need to cut, we need to increase Border Patrol agents.

We also need to include more horse patrol, and I am very pleased that the Tucson sector two weeks ago graduated another recent class of horse patrol, because, as you can see from these images, in some of these areas there are no roads. It is very difficult to access the remotest part of the desert, and horse patrol is the only way.

I also urged the President and Secretary Napolitano to establish Border Patrol forward-operated bases in the San Bernardino Valley, again the most remote part of southern Arizona, right there on the border.

As I was driving to that meeting, I was on the phone trying to communicate with people here in Washington to find that my cell phone service was completely cut out. Miles before I was even able to arrive at Apache, I found there was no cell phone service. So I have urged the President and the Department of Homeland Security to improve telecommunications among law enforcement agencies and among residents as well. We need more cell phone towers. We need to know the costs of the cell phone towers. We are working to get that information. And then I had submitted funding requests to make sure we can handle the cost of those cell phone towers.

We also need to increase the deployment of mobile surveillance systems. I understand we have three new mobile

surveillance systems coming to the Tucson sector today redeployed from other areas. That is a good first step, but, frankly, we need more.

I also asked to form a joint agency task force to coordinate local border security efforts, because what we see happening oftentimes, for example, during an investigation, and I talked about some of the criminal activities that have been reported in my area, you will have a local law enforcement agent come out and do the initial investigation, and then at that point there is a handoff. So many different entities end up handling that case that we need to have a joint agency task force to coordinate what is happening.

I have also since that time submitted a request for supplemental funding to increase personnel and technology on the border. I was joined by 52 other Members of the House of Representatives, Democrats and Republicans, in making that request. Again, yesterday I wrote to the two Arizona Senators asking that they support this request in the United States Senate.

We know what we must do to secure the border. The people of Cochise County and the residents of southern Arizona know exactly what they need. So the time for talk is over. The people that I represent, the people that are American citizens that live on the front lines of this problem, they deserve an answer. We need to stop the drug cartels and the violence that they bring, and this will in fact not just help my constituents, but help everyone across the country.

In closing, Mr. Speaker, I want to talk about another story from another constituent, Peggy Davis. She writes here, My name is Peggy Davis. My husband Fred and I own a cattle ranch between Tombstone and Elfrida on Davis Road. As you can probably assume by the name of the road, Fred's family has been ranching this area for a long time. Our grandchildren are the fifth generation to live on this ranch.

I have personally lived along the border for 37 years. I moved to southern Arizona when Fred and I were married in 1972. Up until that time, I had never encountered an illegal immigrant or even heard of the Border Patrol. It didn't seem like something that citizens were overly concerned about.

On our ranch, we encountered immigrants occasionally, but usually they walked openly up to our home and asked for work or something to eat. I always fed them. I gave them water, sometimes medicine, and often gave them a few dollars for doing a small job for that day. I always treated them with dignity and compassion, as did most people who lived in that area.

In the 1990s, something drastically changed. I began to notice that many of the immigrants I encountered were traveling in large groups and often had an attitude that left me feeling uneasy.

She says, today I still provide water for them when asked, but I never give food or medicine, nor do I give them work. To do that would encourage larger numbers to walk through my land, leaving their trash and threatening me and my family.

My husband is away from home quite often for several weeks at a time, leaving me home alone. In fact, he couldn't be here today because he is gone now working to supplement ranching income. This is necessary due in large part to the exorbitant costs to repair our land, our water tanks, our fences damaged by immigrants daily. Everyone I know experiences the same loss of value to their land and to their livestock.

Peggy writes, I used to go for walks for exercise. I no longer feel safe doing that. I am armed at all times, she writes. I can't even feed my animals without having a firearm. And this is not unique. Most of the ranch women that I know that live in this area know how to use a gun and would use it to protect our families, make no mistake. She says, I don't ever want to have to use it. In fact, the mere thought of making me use it gives me anxiety beyond words. But what choice do I really have? I could call 911, but we all know by the time they would actually get to me, it would be likely too late.

She says, I know most of the people that live here, and literally all of the people I know who live along the border area have at least one personal story they could tell where they were threatened or their animals or their property damaged. To go into all of them would take days or weeks. But this is time-sensitive. We are being invaded now, Peggy says, and something has to be done immediately.

However, I do feel compelled to briefly tell you, when our daughter Marlo was in college, she was home alone. Fred and I were both in Texas on business. Marlo had gone to the barn one evening to feed our horses, and after coming back to the house and locking our doors, she heard our dogs barking in a way that alerted her that someone was nearby.

When she looked out the window, she saw a man standing right outside. She noticed that he was holding one arm behind his back, so instead of opening the door, she merely cracked the window a bit so she could ask what he wanted. He told her that he wanted her to give him a ride into town. He said that he had a friend with him who was hurt and needed medical attention.

When my daughter told him that she couldn't give him a ride, he got angry. He still kept his arm behind his back. He told her to open the door. And when she refused, he told her that he knew that she was home alone. She replied that she wasn't alone, that her dad was on the ranch and would be back at any minute. Apparently he believed her, fortunately, and left.

When the Sheriff's Department arrived about 30 minutes later, they did a search on the premises and they found a large butcher knife missing from the butcher block in our guest house. The man's attitude and words were confrontational, and I truly believe that he meant her harm but was convinced that she really wasn't home alone.

The current administration has claimed that the border is secure. If all of us here gathered up all of the trash, included the hypodermic needles, the toilet paper, the dirty diapers, the countless other items detrimental to our health, and took it here to Washington, D.C., and put it on their front yard at the White House, perhaps then the President would conclude that the border is indeed not secure.

My husband and I have talked at length with friends, with neighbors, law enforcement, Border Patrol, Congressmen and Senators over the years about this problem.

Rob Krentz, Peggy writes, was a personal friend of mine. He was a kind and compassionate man, as evidenced by his final act as a citizen of our country. He stopped to help someone who he thought was in need, and he got repaid for his kindness by losing his life. Please don't allow his life to be lost in vain, but help us convince the government that we must solve the immigration problem with swift and firm action. I do admit that many of these people are desperate, but so are we.

□ 2250

When you mix desperation and fear on both sides, you create a volatile situation where violence endures.

Mr. Speaker, these are stories from the people that I represent who feel that their government, frankly, has abandoned them. They're angry and they're frustrated. I'm angry; I'm frustrated. We need action, and we need it now.

We can spend billions of dollars on conflicts in other countries, billions of dollars to secure other borders across the world to protect other citizens from other countries in places and far-off lands. But if this Congress is truly the people's House, then we must listen to the people. And they are asking for our attention, and they are calling out for help.

Mr. Speaker, I show you a sign here. It's a photograph of the Forest Service. It's a warning sign that cautions the citizens of southern Arizona. It's an official sign to warn hikers of the dangers of the smugglers on public land.

When I think about citizens that have to see signs like this on their property, of being warned about the possibility of the violence, of the destruction, of the threats—it says: "Caution, smuggling activity is common in this area because of the proximity to the international border. Be

aware of your surroundings at all times." And then there's information in case of emergency.

I would suggest that the Federal Government puts up these signs and the Federal Government should actually do something about the problem. And so I ask my colleagues to join with me for once and for all to take the necessary steps that we need to take.

I applaud the administration today for taking action. The deployment of the National Guard to our U.S.-Mexico border is a first start. The \$500 million in supplemental funding to the U.S.-Mexico border will be greatly welcomed.

But we have no greater responsibility than to carry out the duty of protecting our citizens. Hence, Mr. Speaker, I believe that we should do more. This duty is embedded in the oath that each one of us took when we were sworn into this great institution.

In closing, Mr. Speaker, again, I'd like to reference Rob Krentz; his brother, Phil Krentz; the Krentz family—my constituents, southern Arizonans, U.S. citizens. Rob Krentz is no longer with us for doing nothing more than being on his own land.

The Federal Government has to take responsibility for the safety and security of its citizens, first and foremost. This is a great institution. The United States Congress can achieve great things. It is important that we focus our national security efforts, first and foremost, on homeland security, and that means border security and not allowing a situation like the tragic murder of Rob Krentz to ever occur again, to not allow the continued stories that we hear of the destruction along the U.S.-Mexico border, to not allow that to continue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today.

Mr. MANZULLO (at the request of Mr. BOEHNER) for today on account of illness.

Mr. PETRI (at the request of Mr. BOEHNER) for today after 5:30 p.m. and May 26 on account of attending his daughter's graduation activities.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTINGS of Florida) to revise and extend their remarks and include extraneous material:)

Mr. HASTINGS of Florida, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, May 27, 28, and 29.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2868. An act to provide increased access to the General Services Administration's Schedules Program by the American Red Cross and State and local governments; to the Committee on Oversight and Government Reform.

ADJOURNMENT

Ms. GIFFORDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 26, 2010, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

CHARLES DJOU, Hawaii, First.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7638. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Loan Policies and Operations; Loan Purchases from FDIC (RIN: 3052-AC62) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7639. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Federal Housing Administration: Continuation of FHA Reform; Strengthening Risk Management Through Responsible FHA-Approved Lenders [Docket No.: FR 5356-F-02] (RIN: 2502-A181) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7640. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition to the List of Validated End-Users: Advanced Micro Devices China, Inc. [Docket No.: 100205080-0187-01] (RIN: 0694-AE87) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7641. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants: Threatened Status for the Puget Sound/Georgia Basin Distinct Population Segments of Yelloweye and Canary Rockfish and Endangered Status for the Puget Sound/Georgia Basin Distinct Population Segment of Bocaccio Rockfish [Docket No.: 080229341-0108-03] (RIN: 0648-XP89) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7642. A letter from the Rules Administrator, Federal Bureau of Prisons, transmitting the Bureau's final rule — Inmate Communication With News Media: Removal of Byline Regulations [BOP-1149-I] (RIN: 1120-AB49) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7643. A letter from the Interdiction Coordinator, Office of National Drug Control Policy, transmitting annual report to Congress; to the Committee on the Judiciary.

7644. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1883-DR for the State of Oklahoma; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

7645. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1884-DR for the State of California; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

7646. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1879-DR for the State of North Dakota; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

7647. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1880-DR for the State of Iowa;

jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7648. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1881-DR for the State of West Virginia; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania. Committee on House Administration. H.R. 5175. A bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from taking expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes; with an amendment (Rept. 111-492, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN. Committee on Energy and Commerce. H.R. 5026. A bill to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States from cybersecurity and other threats and vulnerabilities, with amendments (Rept. 111-493). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Florida. Committee on Rules. House Resolution 1392. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules (Rept. 111-494). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on the Judiciary discharged from further consideration. H.R. 5175 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. GRANGER (for herself, Mr. THORNBERRY, Mr. BURTON of Indiana, Mr. CRENSHAW, Mr. CARTER, Mrs. MYRICK, Mr. KINGSTON, Mr. CULBERSON, Mr. WITTMAN, Mr. NEUGEBAUER, and Mr. OLSON):

H.R. 5374. A bill to provide for the reimbursement of attorney fees incurred by a member of the Armed Forces who retains private counsel in response to certain charges brought against the member under the Uniform Code of Military Justice and is acquitted or has the charges dismissed or withdrawn; to the Committee on Armed Services.

By Mr. OWENS (for himself and Mr. McDERMOTT):

H.R. 5375. A bill to amend the Tariff Act of 1930 relating to de minimis entries; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself, Mr. KILDEE, Mr. HARE, Ms. FUDGE, Mr. TONKO, Ms. VELÁZQUEZ, Ms. RICHARDSON, and Mr. LARSON of Connecticut):

H.R. 5376. A bill to amend the Workforce Investment Act of 1998 to provide for the establishment of Youth Corps programs and provide for wider dissemination of the Youth Corps model; to the Committee on Education and Labor.

By Mr. SESSIONS:

H.R. 5377. A bill to require Amtrak to discontinue passenger rail service on certain long distance routes that operate at a loss; to the Committee on Transportation and Infrastructure.

By Mr. MCGOVERN:

H.R. 5378. A bill to make certain members of the royal families of the United Arab Emirates ineligible for visas or admission to the United States and to revoke visas and other entry documents previously issued to such family members until Sheikh Issa bin Zayed al-Nahyan has been tried in accordance with international legal norms and human rights standards, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 5379. A bill to delist the polar bear as a threatened species under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Ms. HIRONO:

H.R. 5380. A bill to provide for the expansion of Hakalau Forest National Wildlife Refuge, Hawaii County, Hawaii; to the Committee on Natural Resources.

By Mr. WAXMAN (for himself, Mr. RUSH, Mr. DINGELL, Mr. STUPAK, and Mr. BRALEY of Iowa):

H.R. 5381. A bill to require motor vehicle safety standards relating to vehicle electronics and to reauthorize and provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration; to the Committee on Energy and Commerce.

By Mrs. BACHMANN (for herself and Mr. CANTOR):

H.R. 5382. A bill to provide for a temporary freeze on the pay of civilian employees of the Federal Government; to the Committee on Oversight and Government Reform.

By Mr. BAIRD:

H.R. 5383. A bill to match the boundaries of Lewis and Clark National Historic Park and Cape Disappointment and Fort Columbia State Parks in the State of Washington, and for other purposes; to the Committee on Natural Resources.

By Mr. CAPUANO (for himself, Mr. BACA, Ms. RICHARDSON, Mr. DOYLE, Ms. MOORE of Wisconsin, Mr. RUPERSBERGER, Ms. LORETTA SANCHEZ of California, Ms. MCCOLLUM, Mr. BRADY of Pennsylvania, Mr. GRAYSON, Mr. BLUMENAUER, Mr. JACKSON of Illinois, Mr. SHULER, Ms. PINGREE of Maine, Ms. GIFFORDS, Ms. HARMAN, Mr. RODRIGUEZ, Mrs. MALONEY, Mrs. CHRISTENSEN, Mr. DEFazio, Mr. MCGOVERN, Mr. KAGEN, Mr. COHEN, Mr. GRIJALVA, Ms. NORTON, and Mr. STUPAK):

H.R. 5384. A bill to require air carriers to refund passenger baggage fees if such baggage is lost, delayed, or damaged, and require air carriers and ticket agents to include the actual cost of checked baggage when quoting an airfare; to the Committee on Transportation and Infrastructure.

By Mr. CARNEY (for himself and Mr. KIRK):

H.R. 5385. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a toll-free hotline

to assist mental health professionals at institutions of higher learning, to provide training to mental health professionals at institutions of higher learning, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CROWLEY:

H.R. 5386. A bill to ban the sale, manufacture, distribution, and use in public facilities of drop-side cribs in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GUTIERREZ (for himself, Ms. MOORE of Wisconsin, and Mr. ELLISON):

H.R. 5387. A bill to amend the Consumer Credit Protection Act to provide for regulation of debt settlement services, and for other purposes; to the Committee on Financial Services.

By Mr. HEINRICH (for himself and Mr. LUJÁN):

H.R. 5388. A bill to expand the boundaries of the Cibola National Forest in the State of New Mexico; to the Committee on Natural Resources.

By Mr. HEINRICH:

H.R. 5389. A bill to amend title XVIII of the Social Security Act to provide for coverage of clinical pharmacist practitioner services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DRIEHAUS, Mrs. SCHMIDT, Mr. TURNER, Mr. JORDAN of Ohio, Mr. LATTA, Mr. WILSON of Ohio, Mr. AUSTRIA, Ms. KAPTUR, Ms. FUDGE, Mr. TIBERI, Ms. SUTTON, Mr. LATOURETTE, Ms. KILROY, Mr. BOCCIERI, Mr. RYAN of Ohio, and Mr. SPACE):

H.R. 5390. A bill to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the "David John Donafée Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. HENSARLING (for himself, Mr. BACHUS, and Mr. GARRETT of New Jersey):

H.R. 5391. A bill to revise the requirements regarding congressional testimony for the Federal Housing Finance Oversight Board; to the Committee on Financial Services.

By Mr. KENNEDY (for himself and Mr. SULLIVAN):

H.R. 5392. A bill to establish a Council on Integration of Health Care Education, to provide for implementation of the recommendations of the Council, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KISSELL (for himself, Mr. JONES, Mr. SPRATT, Mr. COBLE, Mr. BOUCHER, Mr. HARE, Mr. SCHAUER, Mr. CARNEY, Mr. DUNCAN, Mr. MCHENRY, Mr. MICHAUD, Mr. ADERHOLT, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. ROGERS of Alabama, Mr. MCCOTTER, Ms. FOXX, Mr. INGLIS, Ms. SUTTON, Mrs. MYRICK, Mr. LIPINSKI, Ms. LINDA T. SANCHEZ of California, Ms. KAPTUR, and Mr. HOLDEN):

H.R. 5393. A bill to provide U.S. Customs and Border Protection with authority to

more aggressively enforce trade laws relating to textile or apparel articles, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS of New York (for himself, Ms. CLARKE, Mr. CLAY, Ms. MOORE of Wisconsin, Mr. GUTIERREZ, Mr. RUSH, Mr. BUTTERFIELD, Ms. FUDGE, and Mr. WATT):

H.R. 5394. A bill to provide for the establishment of an American Enterprise Fund for Haiti and to ensure effective oversight of United States Government earthquake recovery and redevelopment activities in Haiti; to the Committee on Foreign Affairs.

By Mr. MICA (for himself, Mr. BILLRAKIS, Mr. BOYD, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Ms. CASTOR of Florida, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. GRAYSON, Mr. KLEIN of Florida, Ms. KOSMAS, Mr. MACK, Mr. MEEK of Florida, Mr. MILLER of Florida, Mr. POSEY, Mr. PUTNAM, Mr. ROONEY, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. YOUNG of Florida, Ms. WASSERMAN SCHULTZ, and Mr. HASTINGS of Florida):

H.R. 5395. A bill to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the "Paula Hawkins Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. PASCRELL (for himself, Mr. LARSON of Connecticut, Mr. HERGER, Mr. HELLER, Ms. VELÁZQUEZ, Mr. NUNES, and Mr. GUTHRIE):

H.R. 5396. A bill to amend the Internal Revenue Code of 1986 to provide for the depreciation of certain roof systems; to the Committee on Ways and Means.

By Mr. PASCRELL (for himself, Ms. DeLAURO, and Mr. ROHRBACHER):

H.R. 5397. A bill to amend the Immigration and Nationality Act to reform and reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 5398. A bill to amend the Internal Revenue Code of 1986 to allow the first-time homebuyer credit for the purchase of a principal residence to replace a principal residence damaged or destroyed in a federally declared disaster, and for other purposes; to the Committee on Ways and Means.

By Mr. SABLAN:

H.R. 5399. A bill to establish a National Remote Teacher Corps, and for other purposes; to the Committee on Education and Labor.

By Mr. WALZ (for himself and Mr. BOOZMAN):

H.R. 5400. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. CONYERS, Mr. COBLE, and Mr. SAM JOHNSON of Texas):

H.J. Res. 86. A joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINTYRE (for himself, Mr. PITTS, Mr. COLE, Mr. VAN HOLLEN, Mr. FORTENBERRY, Mr. THOMPSON of Pennsylvania, Mr. GOHMERT, Mr. KING of Iowa, Mr. WILSON of South Carolina, Mr. SHIMKUS, Mr. FRANKS of Arizona, Mr. HARPER, Mr. NEUGEBAUER, Mr. DONNELLY of Indiana, Mr. MOORE of Kansas, Mr. CHANDLER, Mr. HOLDEN, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. DAVIS of Tennessee, Mr. BISHOP of Utah, Mr. BROUN of Georgia, Mrs. BACHMANN, Mr. GARRETT of New Jersey, Mr. BOOZMAN, Mrs. MILLER of Michigan, Mr. MITCHELL, Mr. ADERHOLT, Mr. FORBES, and Mrs. CAPITO):

H. Res. 1389. A resolution recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day; to the Committee on Education and Labor.

By Mr. BAIRD:

H. Res. 1390. A resolution expressing the sense of the House of Representatives that the United States should use its position of global leadership to improve and strengthen whale conservation efforts and to ensure that commercial, scientific, and other lethal whaling does not occur for any purpose other than aboriginal subsistence; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. CROWLEY, Mr. McCOTTER, Mr. BERMAN, Mr. BURTON of Indiana, Mr. ACKERMAN, Mr. MORAN of Kansas, Mr. ENGEL, Mrs. McMORRIS RODGERS, Ms. BERKLEY, Mr. WILSON of South Carolina, Mr. KLEIN of Florida, Mr. POE of Texas, Mr. COSTA, Mr. BLUNT, Mr. DEUTCH, Mr. FRANKS of Arizona, Mr. MCMAHON, Mr. MARIO DIAZ-BALART of Florida, Mr. TOWNS, Mr. KINGSTON, Mr. ROTHMAN of New Jersey, Mr. GARRETT of New Jersey, Mr. CARNAHAN, Mr. ROGERS of Alabama, Mr. SCHIFF, Mr. TIAHRT, Mrs. MALONEY, Mr. KIRK, Mr. GORDON of Tennessee, Mr. COBLE, Mr. SHULER, Mr. MARCHANT, Mr. CARNEY, Mr. MCCLINTOCK, Mr. COHEN, Mr. GRIFFITH, Mr. PETERS, and Mr. GARAMENDI):

H. Res. 1391. A resolution congratulating Israel for its accession to membership in the Organization for Economic Co-operation and Development; to the Committee on Foreign Affairs.

By Mr. CARDOZA (for himself and Mr. COSTA):

H. Res. 1393. A resolution welcoming the Portuguese ship Sagres to the United States; to the Committee on Foreign Affairs.

By Mr. CARNEY:

H. Res. 1394. A resolution recognizing and honoring the employees of the Department of Homeland Security who lost their lives in

the line of duty in 2009 in protecting and securing our Nation; to the Committee on Homeland Security.

By Mr. KISSELL:

H. Res. 1395. A resolution urging the people of the United States to observe National Scots, Scots-Irish Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. McDERMOTT (for himself, Mr. RANGEL, Mr. ELLISON, and Ms. WOOLSEY):

H. Res. 1396. A resolution expressing the sense of the House of Representatives regarding the importance of increasing the funding of Job Corps, AmeriCorps, and the Peace Corps; to the Committee on Education and Labor, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

295. The SPEAKER presented a memorial of the Senate of the State of Arizona, relative to Senate Concurrent Memorial 1002 urging the Congress to ensure that any Federal Health Care Reforms legislation has a minimal fiscal impact on the States; to the Committee on Energy and Commerce.

296. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to Resolution memorializing the Congress to support a peaceful unification of Ireland; to the Committee on Foreign Affairs.

297. Also, a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Resolution 2001 notifying the Congress of the intent to claim sovereignty under the Tenth Amendment; to the Committee on the Judiciary.

298. Also, a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2008 urging the Congress of the United States to enact H.R. 1034 to designate the Honor and Remember Flag; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WAXMAN introduced A bill (H.R. 5401) for the relief of Allan Bolor Kelley; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. MCCARTHY of California and Mr. CUELLAR.

H.R. 211: Mr. CASTLE, Mr. OBERSTAR, Mr. BURTON of Indiana, and Mr. CONNOLLY of Virginia.

H.R. 333: Mr. FARR.

H.R. 442: Mr. MCCARTHY of California and Mr. SCHRADER.

H.R. 521: Mr. BOREN.

H.R. 564: Mrs. CAPPS.

H.R. 571: Mr. PETERSON.

H.R. 574: Mr. KAGEN.

H.R. 653: Ms. BALDWIN.

H.R. 734: Mr. LANGEVIN.

H.R. 896: Mr. MICA.

H.R. 953: Mr. LANCE and Ms. KAPTUR.

H.R. 1054: Mr. HERGER.

H.R. 1077: Mr. OLVER and Mr. ROTHMAN of New Jersey.

H.R. 1189: Ms. LEE of California, Mr. CUMMINGS, Ms. NORTON, and Ms. HERSETH SANDLIN.

H.R. 1240: Mr. THOMPSON of Pennsylvania.

H.R. 1359: Ms. ESHOO.

H.R. 1361: Mr. ELLISON.

H.R. 1428: Mrs. DAVIS of California.

H.R. 1521: Mr. GARY G. MILLER of California and Ms. BEAN.

H.R. 1523: Mr. KILDEE.

H.R. 1529: Mr. CLAY.

H.R. 1547: Mr. MACK and Mr. CASSIDY.

H.R. 1549: Mr. RANGEL.

H.R. 1587: Mr. KAGEN.

H.R. 1718: Mr. GOODLATTE.

H.R. 1751: Ms. LORETTA SANCHEZ of California.

H.R. 1770: Mr. FILNER and Mr. MATHESON.

H.R. 1806: Mr. BOUCHER.

H.R. 1826: Mr. MEEKS of New York.

H.R. 1895: Mr. ELLISON.

H.R. 1939: Mr. KAGEN.

H.R. 1972: Mr. MITCHELL and Mr. WHITFIELD.

H.R. 2057: Mr. KAGEN.

H.R. 2142: Mr. WELCH.

H.R. 2209: Mr. DEUTCH and Mr. KAGEN.

H.R. 2246: Mr. CONNOLLY of Virginia.

H.R. 2262: Ms. CHU.

H.R. 2296: Mr. LAMBORN.

H.R. 2378: Mr. GRIFFITH.

H.R. 2381: Mr. PETERSON.

H.R. 2443: Mr. CONNOLLY of Virginia.

H.R. 2455: Mr. KILDEE, Mr. THOMPSON of California, Mr. WU, Mr. ACKERMAN, and Mr. POLIS.

H.R. 2483: Mr. KILDEE.

H.R. 2531: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2565: Mr. MARSHALL.

H.R. 2578: Ms. NORTON.

H.R. 2746: Mr. CARSON of Indiana, Mr. TIBERI, Mr. DINGELL, Mr. SERRANO, Ms. CHU, and Ms. WATSON.

H.R. 2855: Mr. LUJÁN, Mr. TIERNEY, and Mr. CLAY.

H.R. 3024: Mr. GRAYSON and Mr. BRIGHT.

H.R. 3046: Mr. WITTMAN.

H.R. 3101: Mr. CONNOLLY of Virginia and Mrs. LOWEY.

H.R. 3108: Mr. LOEBSACK, Ms. RICHARDSON, and Mr. ELLSWORTH.

H.R. 3308: Ms. JENKINS.

H.R. 3355: Mr. KAGEN.

H.R. 3363: Mr. WOLF.

H.R. 3380: Mr. HASTINGS of Florida, Ms. RICHARDSON, Ms. FOXX, Mr. MCCLINTOCK, Mrs. CHRISTENSEN, Mr. KUCINICH, Mr. WEINER, Ms. LORETTA SANCHEZ of California, and Ms. ESHOO.

H.R. 3408: Mr. PASTOR of Arizona.

H.R. 3421: Ms. CORRINE BROWN of Florida, Ms. ROYBAL-ALLARD, Mr. JOHNSON of Georgia, Ms. SLAUGHTER and Mr. THOMPSON of Mississippi.

H.R. 3457: Ms. SPEIER.

H.R. 3554: Mr. MORAN of Virginia and Mr. COFFMAN of Colorado.

H.R. 3736: Mr. BACHUS.

H.R. 3764: Mr. CONNOLLY of Virginia.

H.R. 3813: Mr. SULLIVAN.

H.R. 3888: Ms. MOORE of Wisconsin and Mr. DEFAZIO.

H.R. 4085: Mr. GEORGE MILLER of California and Mr. HINCHEY.

H.R. 4128: Ms. EDWARDS of Maryland and Mr. INSLEE.

H.R. 4195: Mr. MOORE of Kansas.

H.R. 4241: Mr. MORAN of Kansas.

H.R. 4278: Mr. OLVER.

H.R. 4296: Mr. HARE.

H.R. 4302: Mr. NADLER of New York.

H.R. 4306: Mr. BOREN.

H.R. 4310: Mr. CLAY, Mr. HOLT, and Mr. MORAN of Virginia.

H.R. 4383: Ms. NORTON.

H.R. 4443: Ms. KILPATRICK of Michigan, Mr. ISRAEL, and Ms. CORRINE BROWN of Florida.

H.R. 4477: Mr. CONYERS and Mr. ARCURI.

H.R. 4530: Mr. RYAN of Ohio and Mr. MURPHY of Connecticut.

H.R. 4544: Mr. SABLAN.

H.R. 4555: Ms. HIRONO.

H.R. 4568: Mrs. NAPOLITANO.

H.R. 4645: Mr. CAPUANO and Mr. SPRATT.

H.R. 4674: Mr. BRALEY of Iowa.

H.R. 4690: Mr. KAGEN.

H.R. 4733: Mr. ELLISON and Mr. FILNER.

H.R. 4745: Mr. COBLE.

H.R. 4787: Mr. RUSH.

H.R. 4788: Mr. MITCHELL and Mr. LIPINSKI.

H.R. 4806: Mrs. CAPPS and Mr. OLVER.

H.R. 4818: Mrs. NAPOLITANO.

H.R. 4844: Mr. MICA.

H.R. 4846: Ms. BALDWIN.

H.R. 4850: Mr. FOSTER and Mr. MOORE of Kansas.

H.R. 4875: Mr. DENT.

H.R. 4888: Mr. FARR.

H.R. 4921: Mr. HIMES.

H.R. 4925: Mr. ROTHMAN of New Jersey, Mr. GONZALEZ, and Mr. GARAMENDI.

H.R. 4946: Mr. BISHOP of Utah.

H.R. 4958: Mr. STARK.

H.R. 4972: Mr. THORNBERRY.

H.R. 4980: Mr. ROYCE.

H.R. 4999: Mr. KLINE of Minnesota.

H.R. 5000: Mr. CONNOLLY of Virginia.

H.R. 5015: Mr. GEORGE MILLER of California.

H.R. 5028: Mr. JACKSON of Illinois, Ms. NORTON, Ms. JACKSON LEE of Texas, and Mr. ELLISON.

H.R. 5029: Mr. PENCE and Mrs. BLACKBURN.

H.R. 5040: Mr. SULLIVAN.

H.R. 5042: Ms. PINGREE of Maine.

H.R. 5044: Mr. YOUNG of Florida, Mr. TIERNEY, Mr. ARCURI, Mr. KISSELL, and Mr. BRIGHT.

H.R. 5058: Mr. KING of New York.

H.R. 5081: Mr. SHULER, Mr. CONNOLLY of Virginia, Mr. LEE of New York, and Mrs. LOWEY.

H.R. 5091: Mr. GUTIERREZ, Ms. LEE of California, Mr. ELLISON, Ms. WOOLSEY, Mr. COOPER, Mr. DELAHUNT, and Mr. YARMUTH.

H.R. 5092: Mr. McMAHON, Mr. PERRIELLO, and Mr. HIGGINS.

H.R. 5093: Mr. MELANCON and Ms. NORTON.

H.R. 5111: Mr. THORNBERRY, Mr. GRAVES, Mr. SCHOCK, and Mr. SMITH of Nebraska.

H.R. 5112: Mr. CHANDLER.

H.R. 5142: Mr. PUTNAM, Ms. BALDWIN, and Mr. REICHERT.

H.R. 5156: Mr. THOMPSON of California.

H.R. 5175: Mr. THOMPSON of California, Mr. SHERMAN, Mr. LANGEVIN, and Ms. ESHOO.

H.R. 5177: Mr. POE of Texas and Mr. LUCAS.

H.R. 5206: Mr. MICHAUD.

H.R. 5211: Mr. CASTLE.

H.R. 5241: Mr. MORAN of Virginia and Ms. BALDWIN.

H.R. 5255: Mrs. MCCARTHY of New York.

H.R. 5268: Mr. MOORE of Kansas.

H.R. 5294: Mr. LAMBORN, Mr. CONAWAY, and Mr. COFFMAN of Colorado.

H.R. 5295: Mr. YOUNG of Florida.

H.R. 5298: Mr. OWENS, Mr. JONES, Mr. OLSON, Mr. KINGSTON, Mrs. MILLER of Michigan, Mr. DEFAZIO, Ms. KAPTUR, Mr. RAHALL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHOCK, Mr. GARAMENDI, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, and Mr. ROONEY.

H.R. 5324: Ms. SCHAKOWSKY, Mr. HARE, Mr. CONYERS, and Mr. HINCHEY.

H.R. 5339: Mr. FLAKE.

H.R. 5351: Mr. BURTON of Indiana, Mrs. McMORRIS RODGERS, and Mr. OLSON.

H.R. 5355: Ms. DEGETTE, Mr. GRAYSON, Mr. GUTIERREZ, and Ms. WATSON.

H.R. 5357: Mr. ROYCE and Mr. MARCHANT.

H.R. 5371: Mr. KLEIN of Florida, Mr. ACKERMAN, Mr. BRADY of Pennsylvania, Mr. BLUNT, and Mr. CLAY.

H.J. Res. 1: Mr. DJOU.

H.J. Res. 14: Mr. MINNICK.

H.J. Res. 79: Mr. CALVERT.

H. Con. Res. 200: Mr. MARCHANT.

H. Con. Res. 266: Mr. COSTELLO and Mr. BISHOP of Georgia.

H. Con. Res. 267: Mr. McCOTTER.

H. Con. Res. 276: Mr. MARCHANT.

H. Res. 173: Mr. KLEIN of Florida, Ms. EDWARDS of Maryland, and Mr. POE of Texas.

H. Res. 584: Mr. HARPER.

H. Res. 767: Mr. HASTINGS of Florida and Ms. KILROY.

H. Res. 1052: Ms. LORETTA SANCHEZ of California.

H. Res. 1073: Mr. BOSWELL, Mr. BISHOP of Georgia, Mr. MOORE of Kansas, Ms. LINDA T. SANCHEZ of California, Mr. PETERSON, Mr. CARDOZA, Mr. MATHESON, Mr. HARE, Mr. WILSON of Ohio, Mr. MICHAUD, Mr. CARTER, Mr. LOEBSACK, Mr. CARNEY, Mr. ALTMIRE, Mr. SALAZAR, Mr. MCINTYRE, Mr. SPACE, Mr. GRIFFITH, Mr. PETERS, and Mr. CHILDERS.

H. Res. 1219: Mr. FILNER, Mr. GARY G. MILLER of California, Mr. SCOTT of Virginia, and Mr. BOREN.

H. Res. 1226: Mrs. BONO MACK and Mr. OWENS.

H. Res. 1241: Mr. BISHOP of Utah.

H. Res. 1245: Mr. POE of Texas.

H. Res. 1302: Ms. SPEIER.

H. Res. 1330: Mr. KUCINICH, Ms. ZOE LOFGREN of California, Mr. MCNERNEY, and Ms. WATSON.

H. Res. 1347: Mr. ALEXANDER, Mr. CAO, Mr. BOUSTANY, Mr. FLEMING, Mr. CASSIDY, Mr.

TAYLOR, Mr. PAUL, Mr. HARPER, Mr. BARROW, Mr. BOREN, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Ms. MARKEY of Colorado, Mr. STUPAK, Mr. TANNER, Ms. DEGETTE, Mr. DONNELLY of Indiana, Ms. LINDA T. SANCHEZ of California, Mrs. NAPOLITANO, Mr. HOLDEN, Mr. KENNEDY, Mr. FRANK of Massachusetts, Mr. HILL, Mr. BUTTERFIELD, Ms. MATSUI, Mr. STARK, Mr. SCHIFF, Mr. PALLONE, Ms. NORTON, Mr. ROSS, Mr. HOLT, Mr. SCALISE, Mr. CULBERSON, Mr. OLSON, Ms. ROS-LEHTINEN, Mr. SESSIONS, Mrs. BLACKBURN, Mr. SHIMKUS, Mr. MATHESON, Mr. MINNICK, Mr. COOPER, Mr. CARNEY, Mr. MOORE of Kansas, Mr. DAVIS of Tennessee, Mr. PETERSON, Mr. BRIGHT, Ms. BERKLEY, Mrs. DAHLKEMPER, Mr. RUSH, Mr. AL GREEN of Texas, Mr. DOYLE, Mr. SHULER, Mr. SALAZAR, and Mr. PITTS.

H. Res. 1350: Mr. FALEOMAVAEGA.

H. Res. 1351: Mr. MARKEY of Massachusetts, Mr. HONDA, Mr. CARDOZA, and Ms. MOORE of Wisconsin.

H. Res. 1359: Mr. KLEIN of Florida, Ms. BERKLEY, Mr. ENGEL, Mr. MCMAHON, Mr. SHULER, Ms. WASSERMAN SCHULTZ, Mr. SCHIFF, Mr. HASTINGS of Florida, Mr. DEUTCH, Mrs. MALONEY, Mr. LANCE, Mrs. CAPPS, Mr. GALLEGLY, Ms. SCHWARTZ, Mr. MURPHY of New York, Mr. WAXMAN, Mr. CARNEY, Mr. ISRAEL, Mr. PIERLUISI, Mr. PALLONE, Mr. COSTA, Mrs. KIRKPATRICK of Arizona, and Mr. ELLISON.

H. Res. 1365: Mr. GARY G. MILLER of California.

H. Res. 1366: Mr. CARNEY, Mr. TEAGUE, Mr. HOLDEN, and Mr. SIRES.

H. Res. 1368: Ms. WOOLSEY, Mr. MCGOVERN, Mr. KENNEDY, Mr. SESTAK, Mr. SKELTON, Mr. SPACE, Mr. NEUGEBAUER, and Mr. GARY G. MILLER of California.

H. Res. 1369: Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Ms. CASTOR of Florida, Mr. CLYBURN, Mr. COHEN, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Ms. MOORE of Wisconsin, Ms. LINDA T. SANCHEZ of California, Mr. SIRES, Ms. WOOLSEY, Mr. GONZALEZ, Mr. CUMMINGS, and Ms. JACKSON LEE of Texas.

H. Res. 1378: Mr. KINGSTON, Mr. ROGERS of Kentucky, Mr. LAMBORN, and Mr. BROUN of Georgia.

H. Res. 1385: Mr. HUNTER and Mr. MARSHALL.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative SKELTON, or a designee, to H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative BRADY of Pennsylvania, or a designee, to H.R. 5175, the Democracy is Strengthened by Casting Light on Spending in Elections (DISCLOSE) Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

138. The SPEAKER presented a petition of Board of Supervisors, San Francisco, California, relative to Resolution No. 102-10 urging the Environmental Protection Agency to perform the appropriate research and experimentation to determine the effects of non-ionizing radiation on the health of adults and children; to the Committee on Energy and Commerce.

EXTENSIONS OF REMARKS

HONORING THE 50TH ANNIVERSARY OF JAMES SPRING & WIRE COMPANY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. GERLACH. Madam Speaker, I rise today to congratulate the owners and employees of James Spring & Wire Company of Frazer, Chester County as they celebrate the Company's 50th anniversary.

Company founder Richard James may be best known for turning a simple, high-tension spring into "a wonderful toy" that, as the jingle said, was "fun for a girl or a boy." The toy James created is the Slinky.

In 1960, the current owners of James Spring & Wire bought the Company and built it into a leading manufacturer of custom springs, wire and strip forms and stampings. The Company's success over the last half-century is no doubt the result of exemplary leadership and entrepreneurial vision combined with highly-skilled and hard-working employees.

Madam Speaker, I ask that my colleagues join me today in congratulating the owners and employees of James Spring & Wire Company on reaching this memorable milestone and recognizing the important role small businesses such as this one play in making Chester County and all of Southeastern Pennsylvania a great place to live, work and raise a family.

RECOGNIZING MAY AS NATIONAL CANCER RESEARCH MONTH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mrs. CAPPS. Madam Speaker, May is National Cancer Research Month and I rise to pay tribute to the invaluable contributions made by scientists and clinicians across the United States who are working not only to overcome this devastating disease, but also to prevent it.

This year, nearly 1.5 million Americans will be diagnosed with cancer and over 500,000 Americans will die from cancer. But the good news is that our nation's investment in cancer research is having a remarkable impact. The five-year survival rate for all cancers has improved over the past 30 years to more than 65 percent. Discoveries and developments in prevention, early detection, and treatment have led to cures for many types of cancer and have led others to be transformed into manageable chronic conditions. Furthermore, many of these advancements have had signifi-

cant impacts on developing treatments for other common and costly diseases such as diabetes, heart disease, Alzheimer's, HIV/AIDS and macular degeneration.

Madam Speaker, National Cancer Research Month is the time to reaffirm our further commitment to finding treatments, cures and better tools for prevention, building on the momentum of recent years. As the more than 31,000 members of the American Association for Cancer Research and their partners continue their quest for cancer prevention and cures, Congress must stand behind them and invest in our research infrastructure.

I salute America's cancer researchers and their ongoing efforts and vow to be a partner in the ongoing war on cancer.

RECOGNIZING MONACAN HIGH SCHOOL FOR ORGANIZING PROJECT 186

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. CANTOR. Madam Speaker, I rise today to thank the students and teachers of Monacan High School in Chesterfield County, Virginia, for collecting and shipping much needed school supplies for students in Afghanistan.

Jessica M. Heising, an English teacher at Monacan High, organized Project 186 with the purpose of collecting 186 backpacks and school supplies for each student in an all-girls school in the Paktika province of Afghanistan. The project was successful, and the supplies will improve the learning outcomes of the 186 students.

I commend the teachers, students, faculty, and families who gave of their time and talents to influence the lives of students in Afghanistan for good.

HONORING THE INTERNATIONAL MYELOMA FOUNDATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. HIGGINS. Madam Speaker, I come to the floor today to help raise awareness of myeloma. Myeloma is a cancer in the bone marrow affecting production of red cells, white cells, and stem cells. It is also commonly known as "multiple myeloma" since it affects multiple areas of bone marrow.

Myeloma is the second most common blood cancer after lymphomas. Each year approximately 20,000 Americans are diagnosed with myeloma and 10,000 lose their battle with this disease. At any one time there are over

100,000 myeloma patients undergoing treatment for their disease in the U.S.

Although the incidences of many types of cancers are decreasing, the frequency of myeloma cases continues to climb. Once thought of as a disease of the elderly, it is now being found in increasing numbers in people under 65 and it is not uncommon to find patients in their 30s.

As the oldest and largest myeloma foundation, the International Myeloma Foundation (IMF) is dedicated to improving the quality of life of myeloma patients while working toward prevention and a cure. This dedication has led to dramatic and important advances in treatment for multiple myeloma in the last few years. Unfortunately, the needless disparity in coverage between oral and intravenous (IV) chemotherapy has left many patients unable to utilize many of these breakthroughs.

I believe myeloma patients and their doctors should be able to take advantage of the treatment that is best suited for each patient, and not have to select their treatment based on insurance coverage. This is why I introduced my bill, HR 2366, The Cancer Drug Coverage Parity Act of 2009. The Cancer Drug Coverage Parity Act works to eliminate these inequities for cancer patients whose insurance has differences in the way oral and intravenous chemotherapy treatments are covered. This is an important issue for myeloma patients, their families, and every American battling cancer.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the exemplary work being done by the IMF to improve the quality of life of myeloma patients and their families and their efforts to find a cure in the fight against cancer.

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. ROSS. Madam Speaker, on Monday, May 24, 2010, I was not present for votes 291, 292, and 293.

Had I been present for rollcall No. 291, expressing the sense of Congress that a grateful Nation supports and salutes Sons and Daughters in Touch on its 20th Anniversary that is being held on Father's Day, 2010, at the Vietnam Veterans Memorial in Washington, the District of Columbia, I would have voted "aye."

Had I been present for rollcall No. 292, Chiropractic Care Available to All Veterans Act, I would have voted "aye."

Had I been present for rollcall No. 293, Antitrust Criminal Penalty Enhancement and Reform Extension Act, I would have voted "aye."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING STEPHANIE McCONNELL FOR HER COMMITMENT TO STUDENTS AND EDUCATION IN THE STATE OF ARKANSAS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to recognize Stephanie McConnell, for her achievement of being named the Arkansas Middle School Assistant Principal of the Year for her work at Helen Tyson Middle School in Springdale.

A graduate of the University of Arkansas with a master's degree from Harding University, McConnell is never far from the classroom even after work hours are over because she's working towards a specialist's degree from Harding.

McConnell's hard work and leadership has been an inspiration at the school and for the entire Springdale School District. She attributes her success at Tyson Middle School to her colleagues and her students. Her passion, dedication and enthusiasm for seeing our students succeed is something we can all learn from.

I am proud of Stephanie McConnell for her commitment to education and her efforts to improve the lives of students in Arkansas. This recognition is a well deserved honor.

HONORING MR. RICHARD SLAWSON

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Richard Slawson. Mr. Slawson served his constituency faithfully and justly during his tenure as a member of the Hannover Town Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Slawson served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Slawson is one of those people and that is why, Madam Speaker, I rise in tribute to him today.

THE OLD BRICK PLAYHOUSE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mrs. CAPITO. Madam Speaker, I rise today to honor The Old Brick Playhouse of Elkins, West Virginia for the tremendous service they

provide to the youth of Randolph, Upshur, and surrounding counties through its Apprentice program.

Founded in 1992 by Executive Director Missy Armentrout McCollam, the Old Brick's Apprentice program utilizes arts education to foster confidence, leadership and team building skills through a student-acted and produced play or musical.

One needs only to look at the numbers to see the strength of this program. From an initial cast of a mere 20 high school students, the Apprentices today overflow the theater doors with an enrollment of more than 100 students, spanning grades 6-12.

Instilling a commitment to continuing education and expanding one's horizons, the Apprentice program's legacy is unmistakable. Some of the more than 2,000 Apprentice alumni have gone on to attend some of our nation's most prestigious colleges and universities. Others have gone on to act professionally. Many have achieved distinguished careers in business, law, medicine, or teaching; and, nearly all have become model citizens worthy of emulation.

Truly one of those small, local treasures to all in the community it enriches, I commend the Old Brick Playhouse of Elkins, West Virginia for its outstanding leadership and commitment over the past 18 years. Having been recently recognized at the highest state and national levels, I urge my colleagues to join me in honoring this wonderful organization.

CONGRATULATING WESTLAKE ACADEMY'S INAUGURAL GRADUATING CLASS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. BURGESS. Madam Speaker, I proudly rise today to congratulate the Town of Westlake with the high school matriculation of the first graduating class of the Westlake Academy.

Founded as a public charter school in 2003, Westlake Academy is the first and only municipality in Texas to receive a charter designation. It has a mission to achieve academic excellence and develop life-long learners who will become well-balanced responsible citizens.

Westlake Academy promotes intercultural understanding, respect, independent thought and prepares their students to become active participants and agents of positive change through its International Baccalaureate curriculum. Westlake Academy is the fifth school of only ten schools in the United States, and the only public school, to offer the full International Baccalaureate curriculum for grades K-12.

I'm honored to celebrate this first graduation with Mayor Laura Wheat, the Town Council/Trustees, former Board of Alderman/Trustees, former Mayor Scott Bradley, the parents, graduates and Community of Westlake. I appreciate the opportunity to speak at their first commencement and to represent the Town of Westlake and Westlake Academy in the United States House of Representatives.

I'd like to submit the names of the First Graduating Class for the RECORD. These 24 graduating seniors have been offered over \$3.7 million in scholarships/grants, and 100 percent have been accepted to colleges and universities.

Brooke Awtry, Kent Bordelon, Elena Ceballos, Alexandra Champagne, Anisha Chandra, Bailey Cockrum, Chelsea Cooper, Ryan Degan.

Tim Drews, Olivia Flowers, Josh Frey, James Grover, Erik Herbst, Viky Kalyta, Sean Kennedy, Christina Kolokotroni.

Connor Lenio, Corey Lenkiewicz, Samantha Moon, Shivam Purohit, Stephanie Schultz, Kali Spates, Tyler Springer, Yasya Vasyutynska.

IN HONOR AND REMEMBRANCE OF CHARLES NUNZIO DELPIZZO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Charles Nunzio DelPizzo, a Veteran, a baker, a business owner and a locomotive engineer. Most importantly, he was a beloved husband, father, grandfather and friend.

Mr. DelPizzo was the sixth of nine children born to Guiseppe and Angelina DelPizzo. As a young man, Mr. DelPizzo and his siblings were raised with the values of faith, family and hard work. He and his four brothers served in the military during World War II. Mr. DelPizzo earned the rank of Corporal in the United States Army, where he served as a baker in the 107th Quartermaster Bakery Company.

Following his honorable discharge, Mr. DelPizzo combined his talent for baking with his entrepreneurial spirit. He and his young bride, Palma Antonia Santoro DelPizzo, started their own bakery in Garfield Heights. In addition to running his bakery, he also worked as a locomotive conductor and engineer with the Nickel Plate and Norfolk & Western Railroads.

Mr. and Mrs. DelPizzo were married for 63 years before her passing in 2006. Together, they raised their daughter, Paula, and welcomed their son-in-law, Andrew, into the family. Mr. DelPizzo was a loving grandfather to Angela, Melissa and Andrew, and was the great "grumpy" to Anthony, Talia and Larissa.

Madam Speaker and colleagues, please join me in recognizing Charles Nunzio DelPizzo, a man whose joyous life was framed by a love for family and a love of life. I offer my deepest condolences to his family and friends. He will be greatly missed by all who knew and loved him.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, Monday May 24th, I was unable to cast my votes on H. Con. Res.

278, H.R. 1017, and H.R. 5330 as I was conducting a townhall meeting at the Tolono Public Library and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present on rollcall No. 291 on suspending the rules and passing H. Con. Res. 278, Expressing the sense of Congress that a grateful Nation supports and salutes Sons and Daughters in Touch on its 20th Anniversary that is being held on Father's Day, 2010, at the Vietnam Veterans Memorial in Washington, the District of Columbia, I would have voted "aye."

Had I been present on rollcall No. 292 on suspending the rules and passing H.R. 1017, the Chiropractic Care Available to All Veterans Act, I would have voted "aye."

Had I been present on rollcall No. 293 on suspending the rules and passing H.R. 5330, to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act for a 5-year period ending June 22, 2015, I would have voted "aye."

25TH ANNIVERSARY OF VFW POST NO. 8352

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to pay tribute to the members of the Silver Ridge Park Westerly Memorial Post No. 8352 of the Veterans of Foreign Wars in Toms River, New Jersey as they celebrate the 25th Anniversary of the Post's founding.

The VFW's support for our Nation's Armed Forces has been exemplary throughout its history, but it is their with our Nation's veterans that has been most impressive. VFW Post No. 8352 is an active community organization and has served as a local institution in the Toms River community for more than 25 years.

Upon this Memorial Day, we as Americans, should never forget the men and women who served our Nation with such dedication and patriotism. Our Nation owes a debt of gratitude and support for all the achievements performed by the Veterans of Foreign Wars and for the 25 years of service that the Silver Ridge Post No. 8352 has provided to the Toms River community.

That is why, Madam Speaker, I ask my colleagues in the House of Representatives to join me on this 25th anniversary in saluting Silver Ridge Park Westerly Memorial Post No. 8352 of the Veterans of Foreign Wars and all of its members for all they do for our veterans and for all they've done for America.

IN RECOGNITION OF THE COUNCIL ON AMERICAN-ISLAMIC RELATIONS EIGHTH ANNUAL CIVIL RIGHTS BANQUET

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. KUCINICH. Madam Speaker, I rise today to recognize the Council on American-Islamic Relations (CAIR) Ohio Chapter on the occasion of their Eighth Annual Civil Rights Banquet entitled "A New Era of Hope."

CAIR is a nationwide, nonprofit organization whose mission is to "enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims and build coalitions that promote justice and mutual understanding." For the past eight years, CAIR Ohio has played an instrumental role in helping to bridge the divides between Greater Cleveland's diverse communities. CAIR Ohio's Eighth Annual Banquet will provide a platform for vibrant discourse led by this year's distinguished speakers: Shahid Buttar, Esq. of the Bill of Rights Committee; Imam Mahdi Bray of the Muslim American Society Freedom Foundation; and Nihad Awad, National Executive Director of CAIR. I commend these speakers for their efforts to promote civil liberties and social justice.

Madam Speaker and colleagues, please join me in recognizing the Council on American-Islamic Relations Ohio Chapter for their eight years of outstanding achievement. May their efforts to promote dialogue and create a more inclusive world continue to endure.

150TH ANNIVERSARY OF THE CALI- FORNIA SCHOOL FOR THE BLIND

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. STARK. Madam Speaker, I rise today to pay tribute to the 150th anniversary of the California School for the Blind, CSB, located in Fremont, California. CSB has educated and provided services to thousands of blind and visually impaired students throughout the state.

CSB began in 1860 in San Francisco with an original enrollment of one blind and three deaf students. For a time, the school was the sole provider of educational services for the blind in California. Today, CSB is entirely state-funded, and has an enrollment of approximately 82 Californians from ages 5–22.

CSB students participate in vast array of extra-curricular activities, including swimming, karate, tandem bicycling, music and dance, international pen pals on tape, art, cooking and roller-skating. CSB student athletes take part in the Alameda County Special Olympics and are members of the United States Association of Blind Athletes. The school also offers its students lessons in social and living skills, career development, concept development, and orientation and mobility skills. The school recently opened its Rocket Café, which is a student run business on campus.

Among CSB's most notable alumni is Dr. Newel Perry. Dr. Perry was the first blind person to attend regular classes at Berkeley High School and was the first blind person accepted for enrollment at the University of California. He received his doctorate at the University of Munich, and was the first Director of Advanced Studies for the Blind in California. Dr. Perry is the author of California's Aid to the Blind Laws, and founder of the California Council for the Blind.

It is my honor to join in congratulating the California School for the Blind for reaching this milestone anniversary of 150 years of service to the visually impaired. I send best wishes for continued success to the current CSB Superintendent, Dr. Stuart Wittenstein, and all who contribute to provide quality educational services for the blind students of California at CSB.

"WHERE IS THE BUDGET?"

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. MARCHANT. Madam Speaker, for quite some time now, many Members have come to the floor to ask "Where are the Jobs?"

In addition to asking "Where are the Jobs", I am also asking where is the budget? With our national debt standing at almost thirteen trillion dollars, we cannot simply ignore our fiscal woes and hope that they will solve themselves. More than a month has passed since the April 15 deadline set by the Budget Act, and no committee or floor actions have been scheduled to address this missing budget.

I call on the Majority to produce a budget so that we can have a debate on improving our fiscal condition. We must not continue to saddle our children and grandchildren with massive debts. Where is the Budget?

HAKALAU FOREST NATIONAL WILDLIFE REFUGE EXPANSION ACT OF 2010

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Ms. HIRONO. Madam Speaker, I rise today to introduce the Hakalau Forest National Wildlife Refuge Expansion Act of 2010, which authorizes the expansion of this Refuge on the island of Hawaii to encompass adjacent parcels containing native forest habitat that supports some of the most endangered forest birds in the Nation and the world. Both the 2009 and 2010 U.S. State of the Birds reports call for particular attention to Hawaii, where more bird species are vulnerable to extinction than anywhere else in the United States.

The Hakalau Forest National Wildlife Refuge consists of two major units: the 32,733-acre Hakalau Forest Unit on the windward, eastern, slopes of Mauna Kea volcano and the 2,604-

acre Kona Forest Unit on the leeward, western, slopes of Mauna Loa volcano. The Refuge's purpose is to protect and manage endangered Hawaiian forest birds and their rain forest habitat.

Eight of the 14 native bird species occurring at Hakalau are endangered. Thirteen migratory bird species and twenty introduced species, including eight game birds, as well as the endangered 'ope'ape'a, Hawaiian hoary bat, our only endemic terrestrial mammal, also frequent the Refuge. Twenty-nine rare plant species are found on the Refuge and adjacent lands. Twelve of these plants are currently listed as endangered. Two endangered lobelias have fewer than five plants known to exist in the wild.

The forested parcels authorized for inclusion in this bill include 13,129 acres for addition to the Hakalau Forest Unit and 2,604 acres for addition to the Kona Forest Unit. The proposed areas for addition contain some of Hawaii's and the world's rarest forest bird species, including the rare endangered Hawaiian honeycreepers such as the 'akiapola'au, the 'akepa, and the Hawaii Creeper, as well as significant numbers of more numerous native honeycreepers such as the 'iwi, 'amakihi, and 'apapane and a native flycatcher, the 'elepaio. In addition, these lands are habitat for the endangered pueo, Hawaiian owl, and the 'io, Hawaiian hawk. The proposed expansion areas also include large numbers of native trees, primarily koa and 'ohia, some 31 endemic species of flowering plants, and 37 endemic ferns. Due to its geographic isolation—more than 2,000 miles from a major land mass—these bird species and plants only exist in the Hawaiian islands, and, in many cases, are restricted to this one island.

The current owners of the two parcels authorized for acquisition under this Act are willing sellers. Due to the ecological importance of these parcels, there is strong interest in the conservation community in Hawaii in assisting with bridge financing to secure the parcels for ultimate acquisition by the U.S. Fish and Wildlife Service.

As Members of Congress, it is our duty to help to preserve our precious natural heritage for future generations. Hawaii, much like the Galapagos, is a hotspot of species diversity and unique adaptations. And the Big Island of Hawaii, where this Refuge is located, is one of the world's great biological laboratories. This one island, comprised of 4,028 square miles, contains eleven of the world's 13 climatic zones. One of the most isolated relatively large land masses in the world, species arrived in our islands by chance and then evolved to take advantage of every ecological niche. And being an island, most of the animal species that arrived were birds and insects.

So much has been lost in our world and Nation due to extinction, but we also know that through our intervention much has been saved. The bald eagle has been taken off the Endangered Species List; I am hopeful that we can also see the recovery of Hawaii's magnificent forest birds through preservation and restoration of habitat. Opportunities like this—to secure such valuable habitat from willing sellers—doesn't come along often. I am committed to protecting our natural world's biological diversity. As the Member of Congress

representing one of the most beautiful and ecologically important places in our world, I am determined to do what I can to help preserve Hawaii's unique animals and plants. I would be grateful for your support.

HONORING SPECIALIST WADE SLACK

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. MICHAUD. Madam Speaker, I rise today to honor the memory of Specialist Wade Slack of Waterville, Maine who was killed while serving his country in Afghanistan.

Wade was a beloved member of the Waterville community. He is remembered for a kindness, compassion and wisdom that exceeded his years. On May 6th, Specialist Slack succumbed to wounds sustained by enemy mortar fire in the Wardak Province of Afghanistan. At just 21 years old, Specialist Slack's youth punctuates an already painful loss.

Wade Slack, a fan of video games and hunting, enlisted while still an honors student at Waterville High School. After graduating in 2007, he completed his basic training at Ft. Leonard Wood, MO., and his advanced individual training at Redstone Arsenal, Alabama and Englin Air Force Base, Florida. He was an E4 specialist with a focus in explosive ordnance disposal, serving with the Army's 707th Ordnance Battalion.

Mainers come together during a crisis, and I know that everyone in Waterville and the state stand together to support the Slack family. Wade is survived by his parents Alan and Mary, his stepmother Rose, six brothers and sisters, two step siblings and countless close friends. He is mourned by all as a true American hero and a defender of the freedom we all hold dear.

Madam Speaker, please join me in honoring the memory of Specialist Wade Slack for his patriotism and devotion to his community and his country.

OBAMA IGNORES SUDAN'S GENOCIDE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. WOLF. Madam Speaker, I submit a piece by actress and activist Mia Farrow which ran in today's Wall Street Journal. It is appropriately titled, "Obama Ignores Sudan's Genocide." The President has failed to exhibit the necessary leadership on this issue. He has barely uttered a word on Sudan or Darfur since coming to office.

Having spent extensive time in the region, Farrow points out, "When Barack Obama was elected President of the United States, hope abounded, even in Darfur's bleak refugee camps." Later she continues, "Such hopes did not last long."

Were the President to move swiftly to empower Secretary of State Clinton and U.N. Ambassador Rice to take the reins of the administration's languishing Sudan policy, perhaps hope could be restored.

[From the Wall Street Journal, May 25, 2010]

OBAMA IGNORES SUDAN'S GENOCIDE

(By Mia Farrow)

Last week U.S. Special Envoy to Sudan Scott Gration told the Senate Foreign Relations Committee that although he remains supportive of "international efforts" to bring Sudanese President Omar al-Bashir to justice, the Obama administration is also pursuing "locally owned accountability and reconciliation mechanisms in light of the recommendations made by the African Union's high-level panel on Darfur."

Mr. Bashir is indicted by the International Criminal Court (ICC) for war crimes and crimes against humanity, but the African Union Panel on Darfur has clearly aligned itself with Khartoum. One panel member, former Egyptian Foreign Minister Ahmed Al Sayed, said in an interview with an Egyptian newspaper, "The prosecution of an African head of state before an international tribunal is totally unacceptable. Our goal was to find a way out."

The African Union panel is led by former South African President Thabo Mbeki, who in 2008 dismissed the ICC indictment, saying that it is "the responsibility of the Sudanese state to act on those matters." Then, late last year his panel proposed a counter initiative to the ICC in the form of a hybrid, Sudan-based court with both Arab and African judges to be selected by the African Union.

But all this is moot since Mr. Bashir swiftly rejected Mr. Mbeki's proposal. Perversely, Mr. Gration has now thrown U.S. government support to a tribunal that does not and probably will never exist. Even if it did, the "locally owned accountability" he refers to is not feasible under prevailing political conditions, as any Sudan-based court will be controlled by the perpetrators themselves.

For seven years, the people of Darfur have been pleading for protection and for justice. They do not believe either peace or justice can come while Mr. Bashir—orchestrator of their suffering—remains president of Sudan. Nor do they believe "locally owned accountability" is remotely possible under the current regime.

When Barack Obama was elected president of the United States, hope abounded, even in Darfur's bleak refugee camps. Darfuris believed this son of Africa could understand their suffering, end the violence that has taken so much from them, and bring Mr. Bashir to justice. The refugees hoped that "Yes we can" was meant for them too. They believed President Obama would bring peace and protection to Darfur and would settle for nothing less than true justice.

I have held new babies named Obama and watched as Darfuris began to dream again. Fatima Haroun, a 24-year-old widow and mother, told me the day was surely near when the refugees could leave the filth and hunger of the camps and safely return to the ashes of their villages. First, she said, they would honor their lost loved ones; they would search the ashes for bones, wrap them in best cloths, and bury them with respect. They would gather wood and tall grasses to rebuild their homes, they would sing new songs and prepare their fields for planting. Hunger and terror would go away. Omar al-Bashir would rot in jail.

Such hopes did not last long.

Nearly three million souls are still waiting in wretched camps across Darfur and eastern Chad. Sudanese government bombs are still falling, murderers and rapists still roam free, and the refugees have not felt safe for a very long time. United Nations Secretary General Ban Ki-Moon has expressed concern over increasing levels of violence in Darfur.

In their darkest hours and through losses too grievous to fathom, the world has repeatedly abandoned the people of Darfur. Over more than seven years, two American presidents have used the word "genocide" to describe what has unfolded there, but they have done little to end it.

It is past time for us to step up and accept our moral obligation to protect a defenseless people. The American people should urge Mr. Graton and the Obama administration to lead a diplomatic offensive to convince the world to isolate Mr. Bashir as a fugitive from justice, and to wholeheartedly support the only body offering Darfur's people a measure of authentic justice: the International Criminal Court.

Ms. Farrow has visited Darfur and eastern Chad 13 times since 2004.

IN HONOR AND REMEMBRANCE OF ARTHA "LADY ARTHA" WOODS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of my friend Artha "Lady Artha" Woods, of Cleveland, Ohio, whose joyous life was dedicated to advancing the rights and opportunities for women and minorities.

Ms. Woods was a valedictorian at Cleveland Central High School. She won several academic awards, including a district-wide award as a Latin scholar. Streetwise yet elegant, articulate and refined, Ms. Woods was an unyielding activist. She served as a Cleveland Councilwoman, representing the people of Cleveland's east side with a strong and effective voice. She is credited with the expansion of two of Cleveland's premier institutions: Playhouse Square and the Cleveland Clinic. Moreover, she served as a leader in organizing residents to demand improvements to the deplorable living conditions in the Woodhill Homes public housing units.

In 1941, after protesting for equal opportunity, Ms. Woods became one of 18 African-Americans who broke the color barrier at Ohio Bell. After becoming an employee, Ms. Woods boycotted the cafeteria which helped end segregation between black and white women. She rose to the level of public relations manager at Ohio Bell and stayed with the company for many years. While serving on the City Council, Ms. Woods ran her own businesses and founded one of the first-ever modeling and charm schools for African-American women. She managed the careers of two local boxers and she owned and operated the Cedar Avenue Millinery Shop, where she sold hats to celebrities. She founded the Fairfax Area Community Congress and created the Starlight Coalition for female graduates of neighborhood public high schools. Additionally, Ms. Woods was designated an honorary Italian by Holy

Rosary Church of Cleveland and was blessed by Pope Paul VI in Rome for her work with local Catholic leaders.

Madam Speaker and colleagues, please join me in honor, gratitude and remembrance of my friend, Artha "Lady Artha" Woods. Ms. Woods was the loving mother of the late Eloise and Arthur. I offer my condolences to her grandchildren: Gaile, (Dominic) and Deborah (Richard); to her great-grandchildren, Dominic, Monique, Olivia, Joshua, Lauren and Richard; to her devoted companion, Stanley Tolliver, Jr.; and to her extended family and friends.

NATIONAL NURSES WEEK

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. GOODLATTE. Madam Speaker, since we just commemorated National Nurses Week 2010, I rise today to call attention to the important and essential role that nurses play in providing quality health care across our Nation. Nurses are the largest group of health professionals involved on the front lines of caring for Americans. Our Nation's health care system is complex and every day people with many different health needs are served by legions of caring, qualified, and professional nurses, who are integral to our Nation's health care delivery system.

I believe every person can remember an experience when someone they loved needed health care and a nurse was the first person by their side providing care and comfort. We all know someone who works in the field of nursing and the commitment they make to their profession, despite extraordinary challenges every day.

The Nurse in Washington Internship program recently brought representatives of this noble field to our Nation's capital to give a voice to their needs and experience. I was pleased to meet with my constituent Jennifer Vaughn (RN, BSN) from Forest, Virginia.

An adequate supply of nurses is essential to ensuring that all people receive quality care and that our Nation's public health infrastructure is strong. According to the Bureau of Labor Statistics, there is currently a nursing shortage of 2.5 million registered nurses in the United States. This figure is expected to grow to 41 percent by 2020.

Additional Congressional leadership is necessary to ensure that the Nation has an adequate supply of nurses to care for the patients of today and tomorrow.

CONGRATULATING THE COMMUNITY OF DES PLAINES, IL ON ITS 175TH ANNIVERSARY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Ms. SCHAKOWSKY. Madam Speaker, I rise today to congratulate the community of Des Plaines on their 175th anniversary.

I am extremely proud to represent the "City of Destiny"—a hub of ethnic diversity, a home to hardworking residents, and a thriving business center that has drawn domestic and international companies alike. Des Plaines' 175 dynamic years have made it one of the premier communities in the Chicagoland area to live, to work and to do business—a testament to the individuals who make up the rich fabric of the community.

Since 1833, when pioneers first came to Des Plaines in search of a place to build their homes, their families and their futures, the city has provided opportunities for innovation, creativity and growth. Over the past 175 years, immigrants and native-born Americans have come to Des Plaines, attracted by its outstanding schools, its entrepreneurial ethic, and its diversity.

The sense of community in Des Plaines is one that residents cherish. Whether it is organizing to ensure an accurate census count or working to deal with the impacts of the Des Plaines River flooding, people routinely come together to help each other and promote the city's interests.

Des Plaines is truly a great place to live. From the beginning, the elected leaders of Des Plaines recognized the need to build a strong transportation network, so the city is connected outward in terms of business and travel. And from the beginning, the city has recognized the importance of creating a livable community, with its own art and theater guilds, recreational system, and cultural activities.

I have long enjoyed a great working relationship with the representatives of the City of Des Plaines, including former Mayor Anthony Arredia and now with Mayor Martin Moylan. I want to congratulate them and all the people of Des Plaines for maintaining the spirit which helped create Des Plaines and ensuring that the city reaches new heights in the 21st century.

I wish the community of Des Plaines the best in the coming 175 years and look forward to working with you to assure your continued success.

IN HONOR AND RECOGNITION OF THE 75TH ANNIVERSARY OF THE POLISH ARMY VETERANS, KOSCIUSZKO POST 152

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the 75th anniversary of the Polish Army Veterans, Kosciuszko Post 152, of Cleveland, Ohio.

Post 152 of the Polish Army Veterans was initiated on May 9th, 1935. On January 18, 1968, Post 152 selected Polish General T. Kosciuszko as the patron of their organization. They elected their first Post Commander, Joseph Lecznar Sr., in 1982. Shortly thereafter, the Post petitioned former Cleveland Bishop Anthony Pilla to appoint Reverend Lucjan Stokowski as their Chaplain.

In 1988, the Post purchased a building on Warner Road in Garfield Heights, Ohio. A

monument was built on that site, and every Memorial Day, members return to the site to pay tribute to the memory of fellow veterans. They also acknowledge and honor other veterans' organizations such as the American Legion Post 304 and the VFW Post 4545.

Madam Speaker and Colleagues, please join me in recognition of the 75th anniversary of the Polish Army Veterans, Kosciuszko Post 152, of Cleveland, Ohio. We honor the memory of departed members and celebrate the accomplishments and service of Polish Veterans.

NATE BOECK

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Nate Boeck who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Nate Boeck is a 9th grader at Arvada West High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Nate Boeck is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Nate Boeck for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

IN HONOR OF LINDA FRANK

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor Ms. Linda Frank, a volunteer for the Retired & Senior Volunteer Program (RSVP), a program that has matched volunteers with Burlington County non-profit organizations since 1971.

Throughout her 20 years with RSVP, Ms. Frank has given more than twenty hours a month performing specific duties and functions at Lourdes Medical Center in Willingboro, New Jersey, by working together with the hospital personnel to increase the effectiveness of the hospital's human and physical resources and providing quality care and services that benefit patients and visitors. She performs her volunteer duties at the Information Desk, in the Thrift Shop and in the maternity department.

Madam Speaker, today I invite you to join me to honor Ms. Frank on her twenty years of dedicated, community service.

RECOGNITION OF THE CENTENNIAL OF THE MASON COUNTY LOGGING NO. 7 LOCOMOTIVE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to join the Roots of Motive Power and the Mendocino County Museum as they celebrate a rare achievement, the 100th birthday of an operating steam locomotive, the 1910 Baldwin Locomotive Works Mason County Logging #7. I would also like to recognize the 25th anniversary of Roots of Motive Power.

The story of Mason County Logging #7 mirrors the history of logging in the Pacific Northwest. Logging locomotives were designed especially for their girth and flexibility to operate on spurs penetrating steep hillsides and deep canyons with their valuable loads. Locomotive #7 started out with the Black Hills and Northwestern Railroad, a subsidiary of Mason County Logging Company, operating in the dense Douglas fir forests near the Washington State capital of Olympia.

It remained in Washington for 80 years. A workhorse for more than 40 years, it stood idle for 45 years and may have been lost forever to scrap metal. In 1984, however, with foresight Willits resident Chris Baldo began years of negotiations that culminated with his purchase of No. 7 in 1990. The old locomotive was placed on a lowbed and trucked to Mr. Baldo's Willits Redwood Company yard, arriving on September 24, 1990.

Preservationists like Mr. Baldo are not daunted by such a task as restoring what was at the time a rusty, nearly forgotten antique and bringing it back to life. His perseverance, tenacity and dogged determination turned the steam powered locomotive into a piece of living history. It took 11 years from Mr. Baldo's original purchase for No. 7 to complete restoration back in Washington until its return to California. In 2001, after a brief stint pulling Sierra Railroad coaches outside of Oakdale, California, No. 7 was moved back to Willits to its new home at Roots of Motive Power adjacent to the Mendocino County Museum in time for the Roots' Steam Festival on September 8 and 9. The completion of a two-thirds mile track allows the engine to let off steam on special occasions.

As we commemorate the significance of this locomotive, one of only a few hundred left in the United States, I also salute the Roots of Motive Power, an organization associated with the Mendocino County Museum and "dedicated to the preservation, restoration and operation of logging and railroad equipment representative of California's North Coast Region from the 1850s until the present." With more than 300 members Roots of Motive Power produces The Highline, a beautiful magazine-like newsletter and educational events. They also hold "steam-ups" four times a year, one of which will celebrate the 100th birthday of No. 7.

Madam Speaker, it's not often we pause to recognize a restored steam engine but the 1910 Mason County Logging No. 7 and the

dedication of those who wanted to preserve its historical significance for the enjoyment of future generations deserve our praise. In addition, I am proud to ask my colleagues to join me in honoring the Roots of Motive Power in Willits, California, the "heart of the redwoods" for their dedication and long lasting contributions to preserving the best of times gone by.

HONORING MARGIE J. CLAYTOR SMITH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise today to celebrate the long and productive life of my constituent, Mrs. Margie J. Claytor Smith, who celebrated her 100th birthday on March 19, 2010.

Margie J. Claytor was born in Basham, Virginia on March 19, 1910, the sixth child of Harvey and Lena Claytor. She married George W. Smith on December 26, 1929 and enjoyed 37 years of marriage until her husband's death in 1966. Mr. and Mrs. Smith had two children, Gerald W. Smith and Marie Smith Wise. Following her husband's death, Mrs. Smith lived with her son and helped to raise her five grandchildren: Gerald W. Smith, Jr., Susan R. Smith, David T. Smith, Scott W. Wise, and Cecelia Wise Howard. Mrs. Smith now also has four great-grandchildren: Jon B. Howard, Bryan F. Smith, Aaron T. Smith, and Clo'e M. Smith. She became fond of camping and, in fact, she and her family have camped in 38 states and three Canadian regions. Her efforts throughout her life were honored by being named the National Council of Negro Women's first "All Star Senior."

Madam Speaker, I am honored to recognize Mrs. Margie J. Claytor Smith and the contributions she has made to her family and to her community.

NHICAM HANNAH NGUYEN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Nhicam Hannah Nguyen who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Nhicam Hannah Nguyen is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Nhicam Hannah Nguyen is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Nhicam Hannah Nguyen for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she

will exhibit the same dedication and character to all her future accomplishments.

DEPUTY BRIAN LAMAR
MAHAFFEY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. JOHNSON of Georgia. Madam Speaker, Whereas, our lives have been touched the life of this one man . . . who has given of himself in order for others to stand; and

Whereas, Deputy Brian Lamar Mahaffey has served five years in the Rockdale County Sheriff Department and gave his life in the line of duty; and

Whereas, this giant of a man thought there was never a job too small or too big; he would provide professional service with the intention to always serve and protect our community; and

Whereas, this remarkable man gave of himself, his time, his talent and his life; he never asked for fame or fortune to uplift those in need, he just wanted to do what was right and he was committed to protecting and serving the citizens of Rockdale County; and

Whereas, Deputy Mahaffey was a husband, a father, a son, a brother and a friend; he was our warrior, a man of great integrity who remained true to the uplifting and service of our community until his end; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow an honorable mention and recognition on Deputy Brian Lamar Mahaffey of the Rockdale County Sheriff Department for his leadership, friendship and service to all of the citizens in Georgia; a citizen of great worth and so noted distinction;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby attest to the 111th Congress that Deputy Brian Lamar Mahaffey of Rockdale County, Georgia is deemed worthy and deserving of this "Congressional Honorable Mention";

Deputy Brian Lamar Mahaffey, U.S. Citizen of Distinction, in the 4th Congressional District; Proclaimed, This 12th day of May, 2010.

PERSONAL EXPLANATION

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. BOSWELL. Madam Speaker, I regret missing two evening votes from the House on May 24th, 2010. Had I been present, I would have voted "aye" on rollcall votes 292 and 293.

IN TRIBUTE TO CHRIST THE KING HIGH SCHOOL BASKETBALL

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. WEINER. Madam Speaker, I rise to recognize Christ the King Regional High School's boys and girls basketball teams on the occasion of the New York State Federation Class AA championships. Christ the King has made history in New York State by becoming the first high school to win both boys and girls Federation Basketball Tournament of Champions titles in the same year. This is an extremely difficult feat that deserves our recognition.

Christ the King's Royals and Lady Royals are renowned basketball teams not only in New York City, but throughout the country. Some of the National Basketball Association's and Women's National Basketball Association's best players, such as Lamar Odom, Tina Charles, and Speedy Claxton attended this fine high school located in Middle Village, Queens and played on its great basketball teams. The Class AA championship was the third for the Royals. First they won the Brooklyn-Queens diocesan crown and then swept the city championships. The Lady Royals have won a record 14 championships.

I would like to recognize this season's champions. Maurice Barrow, Roland Brown, Omar Calhoun, T.J. Curry, Corey Edwards, Terrel Hunt, Optimystic Kinard, Justin Kirkland, Dominykas Milka, Khadim Ndiaye, Edson Silva, Kareem Thomas, Mike Thompson, and Aaron Williams led the Royals to a record of 26-5. Ariel Page, Tara Rock, Jacqueline Michel, Nia Oden, Jacqueline Mullen, Lauren Nuss, Ariel Edwards, Sasha Santamaria, Bria Smith, Sarah Shanderson, Jessica Wasserfall, Rayne Connell, and Quincey Martin-Chapman led the Lady Royals to a record of 26-5. I would also like to extend my congratulations to Joe Arbitello and Bob Mackey, the coaches of the Royals and Lady Royals.

Christ the King opened its doors in 1962 and has set a record of excellence not only in athletics, but also in academics. In its 48-year history, it has provided thousands of Queens' youth with an exemplary education. Additionally, its commitment to serving the neighboring communities of Middle Village and Glendale has made Christ the King one of the most esteemed institutions in New York City.

I am pleased to congratulate the Royals and the Lady Royals on the occasion of their championships and wish them many successful seasons to come.

NADIA SOLANO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Nadia Solano who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Nadia

Solano is a 12th grader at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Nadia Solano is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Nadia Solano for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,987,796,841,336.51.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$ 2,350,669,663,237.20 so far this Congress. The debt has increased \$1,298,568,194.50 just since yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

LIFE OF GEORGE B. VASHON

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Ms. WATERS. Madam Speaker, I rise today to celebrate an exciting event that occurred this month bringing long overdue recognition to an accomplished African American: George B. Vashon. Growing up in St. Louis, I learned of Mr. Vashon's legacy as my high school was dedicated to him as he was a person who committed his life to help educate countless African Americans. While George Vashon himself never lived in St. Louis, his widow relocated to the city after his death and raised their family in Missouri. Vashon High School was named in 1927 and is one of the few monuments to a man who was a distinguished educator, lawyer, abolitionist, and poet who lived from 1824 to 1878.

Mr. Vashon's life was one full of numerous "firsts." Raised in Pittsburgh by parents who were leaders in the anti-slavery efforts there, he was the first African American to graduate from Oberlin College. He studied law under the Honorable Judge Walter Forward in Pennsylvania and applied for admission to the Pennsylvania bar in 1847 and again in 1868. Both times, he was denied admission because of his "negro descent." Not to be held back,

Mr. Vashon went to New York to take the bar and became the first black lawyer in that state. He later went on to be the first African American in New York to run for public office when he was a candidate under the Progressive Party for Attorney General. A close friend and associate of Frederick Douglass, Mr. Vashon penned many columns for Douglass' paper, *The North Star*.

George Vashon was one of the first black college professors in this country, a founder and the first black professor at Howard University and was president of Avery College in Pennsylvania. As an abolitionist, he also led many anti-slavery conventions and was central in the lobbying efforts to pass the 13th, 14th, and 15th amendments to the Constitution. For years he was active in helping escaped slaves find freedom on the Underground Railroad when they made their way through Pennsylvania and New York.

Despite his many contributions and achievements, Mr. Vashon encountered discrimination and barriers to achievement. Being denied entrance into legal practice in his native Pennsylvania was a deep disappointment for him and a terrible injustice. I was thrilled, however, to hear recently that after two of his descendants petitioned the Pennsylvania Supreme Court, Mr. Vashon was posthumously admitted to the bar 163 years after his first attempt. While it was long overdue, I join with the Vashon family and my fellow Vashon High School graduates in marking this important event and celebrating the life of this outstanding figure in American history.

IN RECOGNITION OF RANDY COLLINS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. THOMPSON of California. Madam Speaker I rise today to recognize Randy Collins who is retiring after 30 years in fire services in California, the last seven of which have been as Chief of the Healdsburg Fire Department.

Chief Collins began his career in 1980 as a volunteer with the Arcata Fire Protection District while attending Humboldt State University. Upon graduation, he moved to San Jose and began work in the electronics industry and joined the Campbell Fire Department as a reserve fire fighter. He became a full-time fire fighter in 1987 when he joined the Healdsburg Fire Department. He moved up through the ranks from Fire Captain and Fire Engineer to Fire Marshall until he was named Chief in 2003.

While at Healdsburg, Chief Collins established the Community Emergency Response Team (CERT) program, began a local fire academy to improve the skills and training for reserve staff, increased full-time staff and worked with neighborhood groups to develop fire safety counsels.

Chief Collins actively participated in the community as a member of the Healdsburg Kiwanis Club, St. Paul's Church and North County Community Services.

In addition to his BA degree in Industrial Arts from Humboldt State University, Chief Collins holds an AA degree in Fire Science from Mission College in Santa Clara, California. He is a graduate of the National Fire Academy and holds several advanced fire science degrees.

After retirement, Chief Collins plans to spend more time with his wife and two children and pursue his hobbies of kayaking, woodworking and hiking the great mountain peaks of the west.

Madam Speaker, Chief Collins has a distinguished 30-year public safety career and it is therefore appropriate that we acknowledge and honor him today and thank him for his service.

MONIQUE ULM

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Monique Ulm who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Monique Ulm is an 8th grader at Wheat Ridge Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Monique Ulm is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Monique Ulm for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

SHAW LEAVES THE GEORGIA HOUSE TO JOIN THE GEORGIA DEPARTMENT OF TRANSPORTATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. KINGSTON. Madam Speaker, I rise today to recognize Mr. Jay Shaw's appointment to the board of Georgia Department of Transportation after a successful 30 year career in state and municipal government.

Since the late 1970's, Jay Shaw has dedicated himself to a life of public service. At the age of 32, Mr. Shaw was elected mayor of Lakeland, Georgia. Although being a small town mayor is not an easy job with everyone in town expecting something of you, he took the job in stride, always vowing that he was there for his constituents.

In 1994, he was elected to the Georgia House of Representatives. He has fought for the interests of small business owners and

successfully ended long-distance phone calls within counties. His many bipartisan friendships demonstrate his congenial attitude. However, let this not be confused with his strong force and tireless effort to stand up for beliefs.

Jay Shaw grew up in a family of public servants. His mother, Dorothy Pafford Shaw, served as a state representative for 12 years before serving on the Georgia Public Service Commission for two decades; his father, Slaton Shaw, served on the Lanier County school board; and his son, Jason Shaw, is now running for his District 176 seat.

Mr. Shaw's hard work and unwavering loyalty are just two of the many attributes that have helped him to serve his constituency well. He is personable, outgoing and always has a good attitude. Aside from his outstanding work, the people of Lakeland and I find a good friend in Jay Shaw. That is why I warmly congratulate him on his appointment to the board of Georgia Department of Transportation and wish him the best of luck.

RECOGNIZING FRANK LAY UPON HIS RETIREMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the retirement of a great man and a good friend. Mr. Frank Lay is the true measure of a man—through his humility, through his leadership, through his commitment to others; he is a shining example to us all. For that reason, Madam Speaker, I am privileged and grateful to honor Mr. Lay on this day.

Mr. Lay has spent the last 21 years as the principal of Pace High School. During his years as principal, Mr. Lay has been a driving force for growth and improvement throughout the halls of Pace High School. To the students, he is a compassionate friend. To the faculty, he is an innovative visionary. To the community, he is a principled leader.

Mr. Lay is a committed and caring educator. He earned a Bachelor of Science in Education from Troy University in 1970. He later then earned a Masters in Physical Education from Georgia State University and a Masters in Administration from the University of West Florida. During his career, he was selected as the Georgia Teacher of the Year, Track and Field Coach of the Year, and Principal of the Year. Most recently, he was honored with the God in Government Lifetime Achievement Award. These accolades are a true testament as to the character and commitment of Mr. Lay.

Madam Speaker, on behalf of the United States Congress, I am honored to recognize Frank Lay for his service to Northwest Florida. He is a dedicated educator and leader who will be sorely missed after his retirement. My wife Vicki and I wish all the best for continued success to Frank and his wife Nancy, his children, grandchildren, and entire extended family.

PERSONAL EXPLANATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. SCHIFF. Madam Speaker, I was unable to be present for votes on May 24, 2010. Had I been present, I would have voted "aye" on each of rollcall Nos. 291, 292, and 293.

MONIQUE GALLEGOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Monique Gallegos who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Monique Gallegos is a 12th grader at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Monique Gallegos is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Monique Gallegos for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

VISA SECURITY IS NATIONAL SECURITY

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. SMITH of Texas. Madam Speaker, this week, the Senate Intelligence Committee released a bipartisan report that identified the State Department's failure to revoke Abdulmutallab's visa as one of 14 security failures leading to the attempted Christmas Day terror attack.

This attack is not the first time terrorists have obtained U.S. visas. Several of the 9/11 hijackers did so as well.

After 9/11, Congress created the Visa Security Program to increase the security of the visa process at U.S. embassies and consulates.

My bill, the Secure Visas Act, mandates that the administration expand the Visa Security Program to the highest risk consular posts. And it requires that in the event a visa is revoked after it has been issued, consular, law enforcement, and terrorist screening databases are updated immediately.

REDUCTION IN USE OF COAL AT CAPITOL POWER PLANT

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. WHITFIELD. Madam Speaker, on February 26, 2009, the Office of Architect of the Capitol (AOC) received a letter signed by the Speaker of the House and the Senate Majority Leader directing a reduction in the use of coal at the Capitol Power Plant, in favor of natural gas. In response, I wrote a letter to the AOC inquiring about the impacts of this proposal and the costs associated with it. The text of that letter and the Architect's response follow.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 4, 2009.

Mr. STEPHEN AYERS,
Acting Architect of the Capitol,
Washington, DC.

DEAR MR. AYERS: There have been several articles written about the Capitol Power Plant in recent weeks and I have had several groups in my office lobbying to stop using coal at the plant. I would appreciate your providing me some basic facts about the plant.

1. When was it constructed, what was its initial cost, and when did it begin operations?
2. What was/is the rated electrical capacity of the plant?
3. How much coal was burned at the plant during its peak years of operation?
4. When was natural gas first used as a fuel in the plant, and what was the cost to convert the plant so that natural gas could be used?
5. What is the mix of fuel used today at the plant, in percentages?
6. What has been the additional cost or cost-saving associated with the use of a mix of natural gas and coal, instead of coal only?
7. What is the timeline for converting the plant to natural gas only, and what will be the cost of the conversion?
8. What is the projected additional cost or cost-saving over the next five years, by converting the plant to operate only on natural gas?
9. What type of coal is presently burned at the plant, and where is it produced?
10. Does the plant produce electricity, or only steam and cooled water for the Capitol complex?
11. If electricity is produced, what amount of income does the sale of the electricity produce annually?
12. If electricity is not produced, why not?
13. If electricity is not produced, what would it cost to convert the plant so that electricity could be produced and sold, and what would be the projected annual income from those sales?
14. What emissions controls are in place at the plant, when were they added, and at what cost?
15. Is the plant presently in compliance with federal Clean Air Act regulations?
16. If the plant is not in compliance with emissions limitations, what additional controls might be needed to continue to use coal or a mix of coal and natural gas, and what are the estimated capital costs of those additional controls?

Thank you very much for your attention to this request. I will look forward to your response.

Sincerely,

ED WHITFIELD,
Member of Congress.

THE ARCHITECT OF THE CAPITOL,
Washington, DC, March 20, 2009.

Hon. ED WHITFIELD
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WHITFIELD: Thank you for your interest in the U.S. Capitol Power Plant. As a matter of background, Congress authorized \$1,545,975.65 for the design and construction of the Capitol Power Plant on April 28, 1904, and it was completed and began operations in 1910. Originally, the plant was constructed to produce electricity. However, since 1951 it has not produced electricity and only generates steam and chilled water for the Capitol Complex.

The Capitol Power Plant is currently capable of using three fuels: coal, natural gas, and fuel oil. In a series of projects starting in 1989, individual boilers within the plant have been modified to be capable of burning natural gas. In Fiscal Year 2008, the fuel consumed by the plant was 65% natural gas and 35% coal. The largest amount of coal burned during the last 20 years was in 1993, when the plant used 47,393 short tons. The plant currently burns low sulfur bituminous coal which is purchased through the General Services Administration and the Defense Energy Support Center. The following table provides details on the fuel usage and costs for Fiscal Year 2008:

| Utility type | Energy (MMBTU) | Cost (\$) |
|----------------------------|----------------|--------------|
| Natural Gas | 975,046 | \$12,653,649 |
| Oil | 120 | \$2,291 |
| Coal | 528,489 | \$2,444,511 |
| Heating Energy Total | 1,503,655 | \$15,100,451 |

The Capitol Power Plant operates in full compliance with current Federal Clean Air Act regulations. The plant utilizes two reverse air bag houses, installed in the early 1980's, to control particulate emissions. Emissions are further controlled via fuel specifications and combustion controls.

On February 26, 2009, the Office of Architect of the Capitol (AOC) received a letter signed by the Speaker of the House and the Senate Majority Leader directing a reduction in the use of coal at the plant, in favor of natural gas. Our preliminary estimates indicate that operating the plant using 100% natural gas will cost an additional \$5-\$7 million annually in fuel costs and will require a one-time capital investment needed to equip the plant. We are currently preparing preliminary designs with cost estimates for the capital investment requirement.

The AOC has undertaken a comprehensive strategic planning process for the Capitol Power Plant. Leveraging the skills of expert consultants and in-house staff, the AOC is analyzing a number of options for the plant, including several scenarios which utilize cogeneration systems to generate electricity. Those options are also being reviewed by the National Academy of Sciences and later will be reviewed by the Department of Energy. We expect to publish a final report in Summer 2009.

Should you have further questions about the Capitol Power Plant or any of AOC's activities, please do not hesitate to contact me at 228-1793.

Sincerely,

STEPHEN T. AYERS, AIA,
Acting Architect of the Capitol.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 25, 2009.

Mr. STEPHEN AYERS,
Acting Architect of the Capitol,
Washington, DC.

DEAR MR. AYERS: Thank you for your prompt and very helpful response to my letter to you of March 4, 2009, regarding the Capitol Power Plant. I would appreciate your further response to these two additional questions:

1. You indicated that "in a series of projects starting in 1989, individual boilers within the plant have been modified to be capable of burning natural gas." What was the total capital cost (or your best estimate) of those modifications?

2. In my previous letter I asked where the coal is produced that is burned in the plant, and you responded that the coal is purchased through GSA and the Defense Energy Support Center. Can you tell me which state(s) the coal comes from?

I appreciate your attention to this request, and look forward to your response.

Sincerely,

ED WHITFIELD,
Member of Congress.

THE ARCHITECT OF THE CAPITOL,
Washington, DC, April 2, 2009.

Hon. ED WHITFIELD,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WHITFIELD: Thank you for your letter of March 25, 2009 regarding the Capitol Power Plant. I appreciate your continued leadership on energy issues and your support of the Office of the Architect of the Capitol (AOC). Your letter contained two questions addressed below.

You asked for an estimate of the total capital investment made in recent years for modifying boilers at the Capitol Power Plant to burn natural gas. We have completed several projects stretching over the past twelve years to convert individual boilers to burn natural gas. The capital investment for these projects was approximately \$1.5 million.

You also asked which state supplies coal used at the Capitol Power Plant. The AOC purchases coal through the Government Services Agency (GSA) and the Defense Energy Support Center. These entities are responsible for determining the source of coal supplied under their contract. It is our understanding, based on information from the GSA, that the most recent supplier of coal for the plant is located in West Virginia.

Should you have further questions about the Capitol Power Plant, please do not hesitate to contact me.

Sincerely,

STEPHEN T. AYERS, AIA,
Acting Architect of the Capitol.

MILANA ATENCIO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Milana Atencio who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Milana Atencio is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Milana Atencio is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Milana Atencio for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

CAREGIVERS AND VETERANS OMNIBUS HEALTH SERVICES ACT

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. RUPPERSBERGER. Madam Speaker, I rise in support of S. 1963, the "Caregivers and Veterans Omnibus Health Services Act." I voted for components of this bill and would have voted in favor of this bill if not home recovering from surgery. This important legislation will help us to meet the needs of the men and women who have courageously sacrificed for our country and those that now care for them.

This bill ensures that veterans and their families get the care and support they need after they have put their lives on the line defending our great country. We in Congress made a promise not to leave our veterans behind and this bill renews that promise. This bill addresses the unique needs of the families and caregivers of our wounded warriors, of returning women soldiers and those veterans who are catastrophically disabled.

This bill provides support services to family and other caregivers of veterans, including education on how to give better care, counseling and mental health services, and respite care for family and other caregivers of all veterans. It also provides health care and a stipend for caregivers living with severely wounded veterans of Iraq and Afghanistan, many of whom have had to leave a job to care for their veteran full-time.

This bill improves health services for nearly 2 million female veterans. The VA will be able to provide care for female veterans' newborns for up to seven days for the first time in history and improve treatment for sexual trauma victims. It requires the VA to conduct a study of barriers to female veterans seeking health care and implement a reintegration pilot program.

This law ensures the VA can better treat veterans suffering from mental health issues and provides the VA with resources to learn more about the tragically high suicide rate among veterans. This bill also prohibits copayments for veterans who are catastrophically disabled and creates a pilot program to provide certain dental services to veterans, survivors and their dependents. It also expands grants that fund critical organizations offering transitional housing and other support for homeless veterans.

I believe this legislation offers comprehensive solutions to major, high-priority challenges

facing veterans and their families. It brings hope to the men and women in uniform who have dedicated their lives to our country, and their families who have in turn dedicated their lives to caring for their wounded warriors at home.

TRIBUTE AND CONGRATULATIONS TO MRS. EMMA ALLEN ON THE OCCASION OF HER 100TH BIRTH- DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. DAVIS of Illinois. Madam Speaker, I take this opportunity to congratulate Mrs. Emma Allen who was born on June 2, in Bessemer, Alabama and now resides at Lexington Healthcare of Elmhurst, IL.

Mrs. Allen has lived a long and fruitful life; she is the last of twelve siblings, was married to her late husband Mr. John Allen for 68 years and has one (1) daughter, three (3) grandchildren, six (6) great grandchildren, and three (3) great-great grandchildren.

I also commend Lexington Healthcare of Elmhurst, IL for providing excellent care for individuals like Mrs. Allen so that they may be able to live and enjoy life even though they may have reached the age of 100.

I also commend and thank granddaughter Ms. Janice Meeks for bringing Mrs. Allen to our attention and I wish and hope that all grandparents would have grandchildren like her.

PERMANENTLY EXTENDING THE FIRST-TIME HOMEBUYER TAX CREDIT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. PAUL. Madam Speaker, today I introduce legislation to permanently extend the first-time homebuyer tax credit and to make the credit available to people whose homes have been destroyed by a natural disaster, such as a hurricane. The legislation also makes a number of changes to existing tax credits in order to enhance their usefulness to victims of natural disasters. Specifically, this bill makes the casualty loss deductions available to taxpayers who do not itemize and it makes the casualty loss provision available for five years after the disaster. This legislation also helps people who have lost their jobs because of a natural disaster by making unemployment payments provided under the Disaster Relief and Emergency Assistance Act tax free.

Renewing the first-time home buyer's credit will help Americans purchase a first home with their own money, instead of having to rely on government-funded or backed programs. The other sections of this legislation were inspired by conversations my staff and I had with constituents who had to purchase new homes because Hurricane Ike destroyed their prior

homes. The first-time homebuyer's tax credit could be of tremendous value to these people, yet the law denies them the credit because they are replacing destroyed homes. My bill not only reinstates that first-time homebuyer's credit, it also corrects that oversight.

It is hard to think of a more beneficial or compassionate expansion of the first-time homebuyer tax credit than to make the credit available to those whose homes have been destroyed or damaged by natural disasters. In addition, the changes to the casualty loss provision will help more taxpayers affected by natural disasters. Repealing the taxes on unemployment benefits provided to people affected by natural disasters will ensure those forced onto the unemployment rolls because of a natural disaster are not further burdened by having to pay taxes on their unemployment benefits. Providing tax relief to first-time homebuyers and to those affected by natural disasters should be one of Congress' top priorities. I therefore urge my colleagues to join me in supporting this legislation.

MICHAEL MORENO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Michael Moreno who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Michael Moreno is an 8th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Michael Moreno is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Michael Moreno for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

HONORING EDWARD VAN ES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. CUELLAR. Madam Speaker, I rise today to honor the life and legacy of Edward Van Es, a business leader and entrepreneur who recently passed away. Mr. Van Es served the community of Laredo, Texas greatly through his contributions and grand business sense.

Mr. Van Es was born in Amsterdam, Holland in 1931. During the war, at the young age of ten, he was put on a freighter across the water of Yesselmer to farmlands where he worked. As a young boy, he witnessed the German occupation of Holland and lost two

years of school in that time, yet returned home after working for eight months. Eventually, his country recovered and Mr. Van Es was able to return to school and graduate. He also served his country by joining the Dutch Army for two years, as a mechanic on tanks.

By 1953, Mr. Van Es immigrated to the United States where he lived in Los Angeles, California. He was a sports car auto mechanic and worked at a Jaguar dealership, servicing cars for Hollywood stars. He received his Bachelor's from California State College and his Master's from California State University in Long Beach. He became an educator—teaching high school and after receiving his Master's became a college professor teaching manual arts. While teaching, Mr. Van Es had aspirations to fulfill as an independent franchisee for McDonald's. He became certified for his future business career by attending and graduating from Hamburger University in Oak Brook, Illinois. He developed a franchise in Laredo, Texas where the store's popularity grew and attracted tourists from Mexico and further. The franchise in Laredo broke all time sales in the industry. Thirty seven years later, a total of 16 McDonald's stores opened.

Mr. Van Es became recognized as one of the top McDonald's Owner/Operators in the corporation and received numerous awards. He served as Board of Director and Advisor to McDonald's Owner Association and was a member of the Ronald McDonald House Children's Charities amongst other organizations. Laredo Chamber of Commerce named him the Business Person of the Year in 2000.

As a prominent rancher and savvy businessman, Mr. Van Es gave back to the community through his dedication and contributions to charitable organizations. His 37-year career not only employed thousands, but also came to be his extended family and a lifetime service for Laredo, Texas. Madam Speaker, I am honored to have had this time to recognize the late Mr. Van Es.

TRIBUTE TO MR. WILLIAM M.
KRAUSE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. SKELTON. Madam Speaker, let me take this means to pay tribute to William M. Krause who is retiring after 30 years of active duty and federal civilian service. He currently serves as the Director of Business Operations on Whiteman Air Force Base in Missouri.

In August of 1980, Mr. Krause began his service as an airman in the United States Air Force. After 10 years of active duty service, he started his career as a contract specialist for the Air Force. He distinguished himself early on as a leader and innovator in this field. For his superior performance and unique approach to the job, Mr. Krause was named the Director of Business Operations in 1993.

As Director, Mr. Krause mentored small businesses in Missouri through the Department of Defense Small Business program and during my annual Procurement Conference. His mentorship and expertise strengthened

Whiteman's security, improved relationships with local businesses and communities, and bettered the lives of the servicemen and women who call Whiteman home.

Madam Speaker, Mr. Krause's tireless dedication and outstanding contributions to the Whiteman community will continue to be felt for generations to come. I wish him, his wife Peggy, and his son Josh the very best in the years ahead.

THE 50TH ANNIVERSARY OF THE
STAMFORD AREA YOUTH PHIL-
HARMONIC

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. HIMES. Madam Speaker, I rise today to honor the 50th anniversary of the Stamford Area Youth Philharmonic and its esteemed founder and musical director Salvatore Princiotti.

Fifty years ago, Mr. Princiotti imagined an environment where young musicians could grow as artists and individuals while learning to work together toward a common goal and enriching the local community. As conductor of the string ensemble of the Junior Schubert Club of Stamford, Salvatore Princiotti organized the Schubert Club Youth Orchestra, which quickly grew into the Stamford Area Youth Philharmonic, an ensemble now recognized for both its musical excellence and community involvement.

The Stamford Area Youth Philharmonic provides students the opportunity to work with their peers and talented professionals to learn and perform challenging, exciting repertoire. These experiences motivate young artists to pursue with tenacity their own musical aspirations as well as to share that enthusiasm as leaders in their school music programs. The result is an ensemble acclaimed for its musicianship, style, and expression and a membership with a passion for excellence that carries over into all endeavors they pursue.

The Stamford Area Youth Philharmonic has not only continued to distinguish itself musically, but Maestro Princiotti and his students have also shown their commitment to the community. With performances throughout Southwest Connecticut, giving of their time and talent, these students and their teachers have distinguished themselves as both musicians and citizens.

While the Stamford Area Youth Philharmonic is lucky to count such talented students as members, these achievements would not have been possible without the direction and commitment of their director and founder Salvatore Princiotti. In celebrating his 50 years as conductor, I am thankful for the Maestro's service and dedication to the community, music, and above all, the students. He has left an indelible mark on the minds of all those who have been given the opportunity to learn under his baton and reminded us all of the importance and value of musical education.

Congratulations to the Stamford Area Youth Philharmonic, Maestro Salvatore Princiotti, and

the students, parents, teachers, and volunteers who have committed themselves to creating and maintaining the impressive ensemble. Good luck and we look forward to another 50 years.

MALEAH VELARDE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Maleah Velarde who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Maleah Velarde is an 8th grader at Everitt Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Maleah Velarde is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Maleah Velarde for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

A TRIBUTE TO SENATOR PAULA HAWKINS—MAITLAND POST OFFICE RENAMING

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. MICA. Madam Speaker, as our country pauses to recognize National Missing Children's Day, I rise to remember one of our former colleagues, Paula Hawkins, who tirelessly championed children and children's issues and to pay tribute to this extraordinary woman by renaming the Maitland Postal Facility in her honor.

Former U.S. Senator Paula Hawkins authored and helped secure enactment of the Missing Children Act in 1982 which authorized the Attorney General to collect and exchange information to identify and locate missing persons, especially children. Having served as her Chief of Staff when the legislation passed, I can say with certainty there would not be Federal missing children's statutes or the National Center for Missing & Exploited Children if it was not for Senator Hawkins' determination and tireless work.

On October 13, 1982, President Ronald Reagan signed the Missing Children's Act into law, and this year marks the 28th year in national recognition of the law's passage. It is appropriate that on this day, the entire Florida Congressional Delegation join with me in introducing legislation to rename the Maitland Postal Facility at 151 North Maitland Avenue in Maitland, Florida to bear the name of Paula Hawkins.

Senator Hawkins, known as the "Maitland Housewife", began as a community activist in that city and went on to become the first female elected to the U.S. Senate without family connections. Paula Hawkins also has the distinction of being the first Florida statewide elected female when she won a seat in 1972 on the Public Service Commission. With her passing on December 4, 2009, we lost a remarkable public servant and trailblazer for women and all Americans in the state and national political landscape.

On behalf of the Hawkins family, a grateful home state of Florida and a thankful nation, this Post Office renaming is a humble tribute to our former U.S. Senator, Paula Hawkins.

WIND POWER

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. WHITFIELD. Madam Speaker, on Monday, May 24, 2010, an editorial was printed in the Paducah Sun by Ben Lieberman with the Heritage Foundation regarding wind power. This article highlights the negative impact a renewable electricity standard, RES, would have on our economy and energy sector as well as the inability of wind power to meet our energy demands.

[From the Paducah Sun, May 24, 2010]

WIND POWER TOO INEFFICIENT, COSTLY TO SOLVE ENERGY WOES

(By Ben Lieberman)

Think Washington can't get any more out of touch? Well, Congress is considering measures that would raise our electric bills and kill more than 1 million jobs.

Sounds like hyperbole. But that's exactly what a renewable electricity standard (RES) would do. An RES (imbedded in legislation already approved by a Senate committee and part of the House global warming bill that passed last June) requires that a set amount of the nation's electricity be generated by wind or other approved alternatives.

It stands to reason that an RES would raise electricity costs. After all, if wind energy could compete with conventional sources like coal, natural gas or nuclear, there wouldn't be any need for a federal law forcing us to use it.

We don't have to guess, however. A study by The Heritage Foundation looked at a hypothetical RES starting at 3 percent in 2012 and rising by 1.5 percentage points each year after that—reaching 15 percent by 2020 and 22.5 percent by 2025. This roughly coincides with the pending proposals in Congress.

Heritage projects that such a provision would raise residential electric bills by 36 percent, or about \$300 annually for an average household of four. Industrial electricity costs would be even harder hit, rising by 60 percent.

Wind turbines tend to be pricey relative to the amount of juice they generate, but that's only part of the cost of an RES. Since the best sites for wind are remote mountain ridges or plains far from the customer base, multi-billion-dollar transmission-line projects would be required—with customers (that's you and me) picking up the tab.

The biggest and costliest problems of all stem from wind's unreliability. The wind

doesn't always blow, and it's least reliable during hot summer days when electricity demand peaks but the air is often still. In other words, unlike coal or natural gas or nuclear, wind power can't be relied upon, especially when it is needed most.

Since the wind can stop at any time, it must always be backed up by reliable non-wind sources, ready to step in and carry the load. Thus, utilities can't really cut back on conventional electricity sources when they add wind to the mix. For this reason, an electric system that's forced to include wind becomes a marvel of expensive redundancy. And make no mistake—every penny will show up in our monthly bills.

One big selling point of an RES is the "green" jobs created by it. President Obama has made numerous trips to wind turbine factories and boasted about the jobs at each. Granted, there will be employment among those who build, install and maintain wind turbines, but the expensive electricity that results will send many more to the unemployment line.

The Heritage Foundation projects net job losses reaching 330,000 in 2012 and exceeding 1 million in 2017 and thereafter. Overall, the hit to the American economy of an RES reaching 37.5 percent by 2035 would be \$5.2 trillion. That's right, America would be more than \$5 trillion poorer with a wind-power mandate.

That works out to \$2,400 per year per family of four. Know anybody who's got an extra \$2,400 just sitting around? At a time when Americans consider the economy to be Washington's top priority, Congress shouldn't be considering an RES. The last thing we need is a multi-trillion dollar anti-stimulus package that would harm struggling homeowners and businesses. Renewable energy may have a future, but Washington can't force it through costly mandates.

MEGAN VANCE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Megan Vance who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Megan Vance is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Megan Vance is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Megan Vance for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

THE DREAM CHURCH DAY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. JOHNSON of Georgia. Madam Speaker, Whereas, The dReam Center Church of Atlanta has been and continues to be a beacon of light to our county for their past four years; and

Whereas, Pastor William H. Murphy, III and the members of the dReam Church family today continues to uplift and inspire those in our community; and

Whereas, The dReam Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our District; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the past four (4) years by preaching the gospel, teaching the gospel and living the gospel; and

Whereas, The dReam Center Church has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with DeKalb County and the world their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the dReam Center Church family for their leadership and service to our District on this the 4th Anniversary of their founding;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim May 16, 2010 as, The dReam Center Church Day, in the 4th Congressional District.

Proclaimed, this 16th day of May, 2010.

IN HONOR OF JOHN KERRIGAN

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor Mr. John Kerrigan, a volunteer for the Retired & Senior Volunteer Program (RSVP), a program that has matched volunteers with Burlington County non-profit organizations since 1971.

Mr. Kerrigan has volunteered for twenty-five years at Catholic Charities, Emergency and Community Services in Delanco, New Jersey. As a dedicated volunteer in their food pantry, he spends his time shelving and packing donated food items for families in need in Burlington County.

Thanks to John's steady, behind-the-scenes efforts, six to seven hundred families receive emergency food assistance from Emergency and Community Services each month. John's work is seen by only a few but appreciated by so many.

Madam Speaker, I ask that you please join me in congratulating John for his outstanding and dedicated service to the less fortunate in our South Jersey communities.

MATTHEW MCGEE**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Matthew McGee who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Matthew McGee is a 12th grader at Jefferson High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Matthew McGee is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Matthew McGee for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

RECOGNIZING ST. CLARE WALKER MIDDLE SCHOOL IN LOCUST HILL, VA**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. WITTMAN. Madam Speaker, I am privileged to rise today to recognize St. Clare Walker Middle School in Locust Hill, VA for their recent national accreditation as a "School to Watch".

In 1999 the National Forum introduced the "Schools to Watch" Program. This program is a national partnership that seeks to identify and recognize high-performing middle schools. A strict criteria and guidelines, set by the "Schools to Watch" Forum, help identify the high-performing middle schools. Schools that are distinguished as "high-performing" demonstrate academic excellence by challenging students, are sensitive to the unique developmental needs of early adolescents, and provide students with high-quality resources and educators. St. Clare Walker Middle School in Locust Hill, VA was recognized for meeting and exceeding the criteria.

St. Clare Walker Middle School Principal Dr. James Lane spearheaded and succeeded in creating a school that helps students excel academically, socially, and developmentally. Dr. Lane's commitment to excellence has resulted in national recognition as one of the best middle schools in Virginia. I want to commend the entire faculty, staff and students of St. Clare Walker Middle School for their hard work. As the husband of a school teacher I

understand the vital work and learning that takes place every day in classrooms across the Commonwealth. The educators at St. Clare Walker Middle School have helped to create a learning environment that positions their students for lifelong academic success. I also want to recognize Superintendent Donald Fairheart, school board members, and members of the board of supervisors for their support and dedication to the success of St. Clare Walker Middle School.

Recently I had the pleasure of visiting St. Clare Walker Middle School. I was able to spend the day with the faculty, teachers, and students. I was impressed by the many dedicated teachers and faculty with a passion for educating our Nation's youth. I also enjoyed meeting and talking with many St. Clare Walker Middle School students who exhibited great enthusiasm for learning.

I want to take some time today, to congratulate St. Clare Walker Middle School in Locust Hill, VA and wish them continued future success. Through their hard work and perseverance they have earned the national honor of being designated a "School to Watch".

GIBBS HIGH SCHOOL SENIOR BLAINE KRAUSS NAMED PRESIDENTIAL SCHOLAR**HON. C.W. BILL YOUNG**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. YOUNG of Florida. Madam Speaker, as we enter high school graduation season, I am proud to let my colleagues know that Blaine Krauss, a senior in the arts program at Gibbs High School in St. Petersburg, Florida, which I have the privilege to represent, has been named a Presidential Scholar.

Blaine is the only student in the Tampa Bay area and one of only four in the entire State of Florida to be so recognized for his outstanding academic achievement and artistic excellence. He will be honored at the White House next month along with a guest he has chosen to accompany him, Mr. Keven Renken, the Chairman of the Pinellas County Center for the Arts at Gibbs High School and Blaine's acting teacher.

Following my remarks, I will include a story from The St. Petersburg Times by Luis Perez about this great national honor for Blaine.

Madam Speaker, Blaine will be attending the University of Cincinnati next fall where he will major in musical theater. As his teacher says, he is a talented individual, but I know that he did not achieve his success without a lot of hard work and preparation. Please join me in congratulating Blaine for a job well done.

[From the St. Petersburg Times, May 4, 2010]

GIBBS HIGH SENIOR RECEIVES RARE NATIONAL HONOR: PRESIDENTIAL SCHOLAR

(By Luis Perez)

ST. PETERSBURG.—Blaine Krauss, a senior in the arts program at Gibbs High School, was sitting in acting class Monday when he learned he had been named one of the scholastic elite: a presidential scholar. In dramatic fashion, he spent a good while running

around the school. "I screamed with my friend and ran out of the classroom," said Krauss, 18, of St. Petersburg. "It took me about an hour and a half to calm down."

Krauss is among 141 students nationwide—four in Florida and the only one in the Tampa Bay area—to receive the honor this year for exceptional academic achievement and artistic excellence.

Each scholar gets to invite his most inspiring or challenging teacher to a White House reception this June. Krauss selected Keven Renken, chairman of the Pinellas County Center for the Arts at Gibbs and his acting teacher for three years.

"Blaine is an amazingly talented student," said Renken, who has taught for 21 years. "He is just one of them. He has it. You can just tell. He's a great singer, a great talent. He's just one of the special ones."

Krauss, who aspires to sing on Broadway and a career in the political stage, said he was glad to be part of good publicity for the high school. This fall, he is entering the University of Cincinnati to major in musical theatre.

"I am happy to be a product of Gibbs and to say that our school is generating great kids," he said.

IN MEMORY OF COLONEL JACK COLLEY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. SESSIONS. Madam Speaker, I rise today to honor Jack Colley who passed away on May 16, 2010. He was the head of the Texas Department of Public Safety (TXDPS), Division of Emergency Management.

Prior to joining TXDPS, he served in the United States Army from 1970–97 and retired as a Colonel. He was a valuable member of TXDPS and changed the field of Emergency Management. During his tenure, Colonel Colley was involved in the response and recovery of some of the largest incidents and disasters in Texas, such as the Space Shuttle Columbia crash in 2003, Hurricane Rita in 2005, and Hurricane Ike in 2008. Learning from the fallout of Hurricane Katrina, he began efforts to evacuate and shelter companion animals, emphasizing that no one would be left behind because they could not bring their pet.

He sought to make disaster response quicker, faster, and smarter and utilized innovative methods to make the Division of Emergency Management more effective. Among his many initiatives, Colonel Colley pushed for an Interstate Emergency Response Support Plan (IERSP)—partnering with Arkansas, Louisiana, New Mexico, and Oklahoma, the first of its kind in the nation. Under his leadership, the Division of Emergency Management also focused on Re-Entry Task Forces that provided critical care and security and restored infrastructure within the first 72 hours after a storm. He was a visionary, a great leader, and a dedicated public servant. The great State of Texas has suffered a great loss; Jack Colley will be missed by all.

Madam Speaker, I ask my esteemed colleagues to join me in recognizing the legacy of

Colonel Jack Colley. My thoughts and prayers are with his family and friends.

A TRIBUTE TO PAUL MAXWELL

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. GARAMENDI. Madam Speaker, I rise with my colleagues Congressman GEORGE MILLER and Congressman JERRY MCNERNEY, to recognize Paul Maxwell, Contra Costa Transportation Authority's Chief Deputy Executive Director and most recently its Interim Executive Director, and congratulate him as he approaches his retirement.

Paul joined the Contra Costa Transportation Authority (CCTA) in April 1990 as its first Deputy Director for Projects bringing a wealth of knowledge of transportation planning, programming, and funding, having previously served 13 years in the region at the Bay Area Metropolitan Transportation Commission. As Deputy Director for Projects at CCTA, Paul has been responsible for the Authority's participation, project management and delivery of over two billion dollars of capital improvements. His service to Contra Costa County residents has included oversight and management of the development of state highway expansions, local street improvements, Bay Area Rapid Transit (BART) District rail extensions, transit centers, bicycle bridges, trails and other facilities. Further, as part of his responsibilities with CCTA's Congestion Management Agency, Paul advocated for state and federal transportation funds for crucial Authority projects and worked closely with staff in the development of those project priorities, including State Route 4, BART, and the Richmond Parkway, to name just a few.

Most recently he has worked tirelessly on the combined efforts of the CCTA, Caltrans, and the Alameda Congestion Management Agency to deliver the Caldecott Tunnel fourth bore project; the largest American Recovery and Reinvestment Act (ARRA) funded transportation project in the United States to date. He has also worked with BART, Caltrans, Contra Costa County, and East County cities to deliver the expansion of State Route 4 East and the eBART extension. State Route 4 and the Caldecott Tunnel, located on State Route 24, are two of the major commute and freight corridors connecting the East Bay Area to the coast and the Central Valley. Their improvement is essential to the economic vitality of our region and I know my friends, Mr. MILLER and Mr. MCNERNEY, and I are very grateful for Paul's efforts on these major projects.

Throughout his tenure, Paul has maintained strong relationships with those involved in various CCTA projects and is well-respected by his colleagues, agency staff, Board members and stakeholders. In 1996, Paul was named Chief Deputy Executive Director where he oversaw the coordination of all Authority sections. And in December 2009, he was named and has acted as the Interim Executive Director until his retirement this month.

Prior to this distinguished record at CCTA, Paul served as the Manager of Planning and Programming at the Bay Area's Metropolitan Transportation Commission where his responsibilities included transportation finance, air quality planning, multi-modal transportation corridor studies, and the Regional Transportation Plan. He served as the primary liaison between the Metropolitan Transportation Commission and the California Transportation Commission. He has also worked with the Metropolitan Washington, DC, Council of Governments and DeLeuw, Cather and Company, an engineering and construction firm here in Washington, DC.

Paul holds a Bachelor of Science in Civil Engineering from Newcastle University in the United Kingdom. He also achieved his Masters of Science in Transportation Engineering from the University of California—Berkeley.

Madam Speaker, we invite our colleagues to join us in honoring Paul for his tireless and dedicated service to the people of California, the Bay Area, and especially Contra Costa County. We also join his family, colleagues and friends in congratulating Paul on a successful and fulfilling career, and a very well-deserved retirement.

PASS H.R. 4213

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. GARAMENDI. Madam Speaker, before this week is over, we will vote to create jobs in America. We will do this by discouraging the outsourcing of American jobs and supporting our nation's workforce and small businesses.

For too long, large corporations have exploited tax loopholes by slipping between foreign and U.S. tax codes. This system permits big businesses to evade their responsibilities and shifts the tax burden onto everyone else. It also encourages big businesses to move jobs from the U.S. to other countries. This begs the question: Why would we perpetuate a system that encourages the outsourcing of American jobs?

This Democratic-led Congress is saying no more. Big businesses have to pay their fair share just like the rest of us. This Congress is lifting the tax burden off the middle class still struggling from the Bush recession. We are leading a recovery of shared prosperity. We are bringing jobs to America through targeted tax cuts and smart investments: this includes tax credits for research and development, support for 250,000 summer jobs, and tax incentives for small businesses in low-income communities and in the hard-hit construction sector.

We should, hopefully with the support of the Republicans, pass H.R. 4213, close harmful corporate tax loopholes, and create jobs right here, in America, right now.

SENATE—Wednesday, May 26, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, we are in Your hands and may we rejoice above all things in being so. Do with us what seems good in Your sight. Only let us love You with all our mind, soul, and strength.

Today, show mercy to the Members of this legislative body. Let Your sovereign hand be over them and Your Holy Spirit ever be with them, directing all their thoughts, words, and works to Your glory. Lord, prosper the works of their hands, enabling them in due season to reap a bountiful harvest if they faint not. In all that they say and do, may they seek Your glory, striving for faithfulness in even the small matters of their labors.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 26, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of H.R. 4899, the emergency supplemental appropriations bill. There will be no morning business this morning. We will go directly to the bill.

Yesterday evening, I filed cloture on the committee-reported substitute amendment in the underlying bill. As a result, there is a 1 p.m. filing deadline for germane first-degree amendments.

Today, I will continue to work with the Republican leader on an agreement to complete action on the bill without cloture. If an agreement cannot be reached, a cloture vote would occur tomorrow morning. Rollcall votes are expected to occur throughout the day in relation to amendments on the supplemental appropriations bill.

We have had a number of conversations. Some amendments may have technical points of order against them. I think we are at a point now where we should arrange some votes on a number of these amendments and move forward on this bill. There are Senators on both sides who have amendments to offer. I will do my best over here to talk down the number of amendments. I know the Republican leader will do the same. We have to have some amendments. I am anxious to move to them. I have directed my floor staff to try to work out arrangements so we can vote on some of those this morning.

We may be in a position where we would have to have a 60-vote threshold on all these amendments. A lot of them may require that anyway. I think that would be the appropriate thing to do.

MEASURES PLACED ON THE CALENDAR

Mr. REID. Mr. President, I understand there are two bills at the desk due for a second reading, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

The clerk will read the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3410) to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as "Mississippi Canyon 252" with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations.

A bill (S. 3421) to provide a temporary extension for certain programs, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings on these bills at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

ISSUES OF CONCERN

Mr. REID. Mr. President, we are waiting today to see the success of the efforts of BP to plug that well that is spilling into the gulf. This morning, it is reported that there is a 70- to 80-percent chance that they can be successful. I certainly hope the odds that favor the stopping the oilspill work.

It is very important that the American people understand, and the world understands, that we have to be ready for the damage this has caused. BP has indicated they will pay for all damages. The people of Louisiana, Mississippi, and other Gulf States are waiting to see when the oil will stop flowing.

We have a number of issues that are concerning to the whole country as to our security. Of course, we have the cybersecurity issue, which, as the Pentagon mentioned, is a very important issue. We are working on that, and committees are doing legislation now to see what can be done to make us more secure in that regard.

The other thing is we will never be a secure nation as long as we are dependent upon foreign oil—or to drop it down a notch, dependent on oil, period. This is an opportunity for the country to move away from fossil fuel and do a better job at looking at the renewable energies that are available to us all over this country, including Sun, wind, geothermal.

I am very supportive of what Secretary Salazar did in approving the wind farm off the coast of Massachusetts. This is an opportunity for us to be independent and not have to depend so much on fossil fuels. It is no longer just the environment; it is also the security of this Nation. So as we wait with bated breath to see what is going to happen today in the gulf, I certainly hope it is successful and that we improve as a result of this terrible degradation of our environment, and improve our ability to use whatever domestic oil supply we have in a safer way.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

EXTENDERS PACKAGE

Mr. McCONNELL. Mr. President, I will say just a word this morning about the still unfinished extenders package that is about to come over from the House.

The first thing to say is that Republicans are ready and willing right now to extend necessary benefits and to pay for them. We could get this done in literally no time. So any delay in passing this bill is coming from the other side of the aisle. I say this not to point fingers but because we have seen this Democratic playbook.

We know they will try to blame Republicans for their own inability to come to an agreement if we don't go along with their effort to add another \$130 billion to the deficit by the end of the week. Let me say that again. We know they will try to blame Republicans for their own inability to come to an agreement if we don't go along with their effort to add another \$130 billion to the deficit by the end of this week.

So let's be perfectly clear: There is one reason Democrats are having trouble getting an agreement on this bill, and one reason only. That is because it is so blatantly reckless.

Europe is in the midst of what German Chancellor Angela Merkel describes as an existential crisis, all brought about by governments that spend money they don't have. Americans are watching this crisis play out, and they see Democrats doing the same thing here day after day after day. This extenders package is just the latest example, the latest evidence of a majority that simply is out of control.

As early as today, we will reach a dubious milestone in America: a \$13 trillion national debt—the first time in history we have crossed this frightening threshold.

This extenders bill would add another \$130 billion on top of that—more debt in one vote than the administration claimed their health care bill would save over 10 years. The majority would have us add \$130 billion to the \$13 trillion debt in 1 week that would eat up all the alleged savings from the health care bill over 10 years. This is fiscal recklessness, and that is why even some Democrats are starting to revolt.

The time is long since past to reverse this dangerous trend, the way Europe has been forced to reverse the trend. But far from doing anything about our own looming debt crisis, Democrats only seem interested in making it worse.

The true emergency here—if we are looking for one—is our national debt. That is the emergency. A line must be drawn somewhere. Americans are simply running out of patience.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4899, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 4174, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Sessions/McCaskill amendment No. 4173, to establish 3-year discretionary spending caps.

Wyden/Grassley amendment No. 4183, to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

Feingold amendment No. 4204, to require a plan for safe, orderly, and expeditious redeployment of the United States Armed Forces from Afghanistan.

McCain amendment No. 4214, to provide for the National Guard support to secure the southern land border of the United States.

Cornyn modified amendment No. 4202, to make appropriations to improve border security, with an offset from unobligated appropriations under division A of Public Law 111-5.

Lautenberg modified amendment No. 4175, to provide that parties responsible for the Deepwater Horizon oilspill in the Gulf of Mexico shall reimburse the general fund of the Treasury for costs incurred in responding to that oilspill.

Cardin amendment No. 4191, to prohibit the use of funds for leasing activities in certain areas of the Outer Continental Shelf.

Kyl/McCain amendment No. 4228 (to amend No. 4202), to appropriate \$200,000,000 for a law enforcement initiative to address illegal crossings of the Southwest border, with an offset.

Coburn/McCain amendment No. 4232, to pay for the costs of supplemental spending by reducing Congress's own budget and disposing of unneeded Federal property and uncommitted Federal funds.

Coburn/McCain amendment No. 4231, to pay for the costs of supplemental spending by reducing waste, inefficiency, and unnecessary spending within the Federal Government.

Landrieu/Cochran amendment No. 4179, to allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 gulf coast hurricanes or the 2008 gulf coast hurricanes.

Landrieu amendment No. 4180, to defer payments of principal and interest on disaster loans relating to the Deepwater Horizon oilspill.

Landrieu modified amendment No. 4184, to require the Secretary of the Army to maximize the placement of dredged material

available from maintenance dredging of existing navigation channels to mitigate the impacts of the Deepwater Horizon oilspill in the Gulf of Mexico at full Federal expense.

Landrieu amendment No. 4213, to provide authority to the Secretary of the Interior to immediately fund projects under the Coastal Impact Assistance Program on an emergency basis.

Landrieu amendment No. 4182, to require the Secretary of the Army to use certain funds for the construction of authorized restoration projects in the Louisiana coastal area ecosystem restoration program.

Landrieu amendment No. 4234, to establish a program, and to make available funds, to provide technical assistance grants for use by organizations in assisting individuals and businesses affected by the Deepwater Horizon oilspill in the Gulf of Mexico.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. BARRASSO. Mr. President, I come to the floor today, as I have done each week for over a month now, to give a doctor's second opinion about the health care bill that has now been signed into law. I do this as somebody who has practiced medicine, taken care of families in Wyoming since 1983. During that time, I was medical director of something called the Wyoming Health Fairs, offering low-cost blood screening for people all around the Cowboy State, giving them an opportunity to take more personal responsibility for their own health, to learn about their health, to help get their blood pressure under control, get their cholesterol down, and get their blood sugar under control, and diagnose cancers early. All of this is aimed at early prevention, meaning better care, better survivability, which is what we need to do in this country—work on patient-centered health care.

Today, I bring to the floor of the Senate my second opinion because I think the bill that was passed into law has failed. It has failed and gotten the diagnosis and the treatment wrong.

The goal of health care reform should be to lower costs, increase quality, and increase access. I continue to believe the new health care law is bad for patients; it is bad for payers, the American taxpayers who are going to be

footing the bill, and it is bad for providers, the nurses and doctors of this country who take care of those patients.

Fundamentally, I believe, unlike what the President said, this whole law is now going to increase the cost of care. The American people believe that overwhelmingly, that this is going to increase the cost of their care and it is also going to decrease the quality and availability of the care, to the point that a national poll released just this Monday shows 62 percent of Americans would like to repeal and replace the bill that has now been signed into law.

As the Speaker of the House, NANCY PELOSI, said: First you have to pass the bill to find out what is in it. As more and more Americans are finding out what is in the bill, they are finding there are more and more broken promises.

The President gave a speech, and he said: If you like your health care plan, you will be able to keep your health care plan, period.

He then went on to say: No one will take it away, period.

He said: No matter what, period.

But the Chief Actuary of Medicare and Medicaid says that 14 million Americans will lose their employer-sponsored health coverage under this law. The President is saying one thing, but the Chief Actuary for Medicare and Medicaid is saying something very different. That is why the American people do not feel this bill—now the law—was passed for them. It is for somebody else.

Most Americans have health insurance they like and are happy with, except for the cost. Unfortunately, what this body passed and what the President signed is going to increase the cost and decrease the availability. For people who like what they have, they are not going to be able to keep it.

One might say: Where do you come up with that? There was a lengthy article written called "Documents reveal AT&T, Verizon, others thought about dropping employer-sponsored benefits." Why would that be? Because of a very different regime, it says, a "radically different regime of subsidies, penalties, and taxes." That is so much of what is involved in this health care law—penalties, subsidies, and taxes.

"Many large companies," it goes on to say, "are examining a course that was heretofore unthinkable, dumping the health care coverage they provide to their workers in exchange for just paying penalty fees to the government."

It goes on:

In the days after President Obama signed the bill on March 24, a number of companies announced big write downs due to the fiscal changes it ushered in. The legislation eliminated a company's right to deduct the federal retiree drug-benefit subsidy from their [companies].

As a result, AT&T, Verizon, and others "took well-publicized charges of

around \$1 billion." This annoyed HENRY WAXMAN, Democrat from California, "who accused the companies of using the big numbers to exaggerate"—that is what he said, "exaggerate"—"health care reform's burden on employers." So he summoned top executives to hearings and he requested documents.

The bottom line is, taking a look at 1,100 pages of documents from four major employers—AT&T, Verizon, Caterpillar, and John Deere—"No sooner did the Democrats on the Energy Committee read" the documents "than they abruptly cancelled the hearings." Why? Because they found out that what the companies had said was true, and it was proper in accordance with the rules and the laws within which they have to operate.

All four of these companies are taking a look at the costs and the benefits of dropping health care coverage of people who like the coverage they have. What are the alternatives if you do not want to provide health care? You pay a fine. You pay a fee.

AT&T, a major company, employs up to 300,000 people with health care coverage they like, and they are in a situation where the company is saying: If we drop their coverage and pay the fine, we as a company can save \$1.8 billion.

Is that what this Congress intended? Is that what this Congress imagined? Is that what the people of this country deserve? No.

What this shows is a bill that was crammed through and down the throats of the American people by an administration desperate to have something passed into law, something that many people never even read before they voted in favor of it. And the people who read the bill carefully could see what was coming down the line, came to the floor, and pointed out these things to the American people. The American people heard, but the Members of Congress did not.

There is a new study out that was reported today in the Associated Press. It talks about what other businesses are doing. It was a poll of 650 leading corporations talking about, what do you think this is going to mean for your business? What is this going to mean for the employees? What is this going to mean in terms of health care for those folks and the cost of doing business?

Here it is. What do the employers want? They want to have three goals, and they are the goals all Americans would have. They want to bring down the cost of care, whether you are an employer or an employee. No matter who you are, they want to bring down the cost of care. Contain costs—absolutely, at a minimum. They want to contain costs. Good. They want to encourage healthier lifestyles. Good. This bill hardly does that at all. There are

very few, if any, individual incentives. And they want to improve quality of life.

A mere 14 percent of all responding—650 companies—think health care reform will help contain health care costs. An overwhelming majority—90 percent—of employers believe health care reform will increase their organization's health care costs. Why should they be any different from what the government Actuary says? The government Actuary, who took a look at the bill, also said the cost curve is going to go up. The cost is going to go up. The amount Congress promised the American people this would cover in terms of the costs—Congress said: Oh, we are going to save money. No, that is not what the people who actually added up the figures said. They said this is going to cost money.

Yesterday, when the President visited with the Republican Members of the Senate, I specifically asked him about this point. He still takes the tact that ultimately the cost curve will go down. The American people, and certainly someone who has practiced medicine now since 1983, and the Actuary, who takes a look at these issues, who actually does the addition and puts a line and puts the total numbers at the bottom, all say: Sorry, Mr. President, that is not true. The cost is going to go up. Insurance costs are going to go up. Quality of care and availability of care will go down.

I come to the floor as a physician offering my second opinion just to tell my colleagues and to tell the American people what I have been hearing from talking with people all around the country. A majority of Americans are pleased with the health care coverage they get from their employers. But now, because of the President's new law, companies are considering canceling employees' coverage because it would be cheaper for them to pay the government's penalty than to provide health care coverage for their employees. This is not the change Americans want. This is not the change Americans can believe in. This is the change that makes Americans lose sleep at night. In this economy, with 9.9 percent unemployment, the last thing Americans need is a new law that makes it easier for companies to pay a penalty instead of providing health coverage for their employees.

This is not the companies' fault. It is the administration's fault. It is misguided incentives, and that is why the American people are sick of Washington. What we have seen now with regard to the incentives, if you are a big company, is to drop insurance and pay the fine. If you are a small company and you want the tax relief and a tax credit that has been offered, the incentive is to actually fire workers and pay those workers who are still working with you less. That is the way to get a better tax credit.

If you are an individual with a pre-existing condition and you have been living by the rules, paying those higher insurance rates through some of the State-authorized funds that have been set up, programs that have been set up to help people with preexisting conditions, to help people who need extra help, so they get their health care covered and even pay more, if you are one of those individuals, the incentive is to drop that coverage, stop paying, and basically go uninsured for 6 months. And if you take that risk of being without insurance for 6 months, only then do you qualify for what is included in this new health care law.

We need a health care law that actually lowers the cost of health care and allows Americans to keep the coverage they have. That is why I come to the floor every week to tell the American people it is time to repeal this legislation and replace it with legislation that delivers more personal responsibility and more opportunities for individual patients; that is, patient-centered care that allows Americans to buy insurance across State lines; that gives people their own health insurance and the same opportunities and the same tax relief for people who get insurance through their jobs; that provides individual incentives for people to stay healthy, exercise more, eat a little less, get their blood sugar under control and blood pressure under control and deal with health care needs as they come along; that deals with lawsuit abuse and the incredible expense of all the defensive medicine practiced in this country; and that allows small businesses to join together to provide less expensive insurance to their employees. Those are the things we need. Those are the things we need to allow us as a nation to deliver high-quality care, available care, at a more affordable cost.

This health care bill that has been crammed through the Senate with a lot of gimmicks and things such as the "Cornhusker kickback" and the "Louisiana purchase" and "Gator aid"—those are the things that make the American people look at this city and say: We have had enough. That is why today I come to the Senate floor and offer, again, my second opinion that it is time to repeal and to replace this health care law with something that will actually work in the best interest of the American people.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF INTERIOR IG REPORTS

Mr. NELSON of Florida. Mr. President, yesterday, the inspector general for the Department of the Interior came out with their report—this investigative report—which followed another inspector general report of just a month ago. These two inspectors general reports talk about what is wrong in the Minerals Management Service. The most recent report is quite disturbing, and it comes on the heels of the one a month ago where they found a culture where the acceptance of gifts from oil and gas companies was widespread throughout the Office of the Lake Charles District Minerals Management Service in Louisiana.

That information, of course, came on the heels of what we discovered years ago in reports about the incestuous, cozy relationship between the oil industry and the regulators who are supposed to see that the oil industry is doing its job, and doing it safely, and collecting all of the revenues from the royalties that the oil industry is supposed to pay, having drilled on Federal lands, which is the sea bottom of the Gulf of Mexico.

This latest investigative report points out:

Of greatest concern is the environment in which these inspectors operate—particularly the ease with which they move between the industry and the government.

That is called the revolving door. That is somebody in the industry who comes into the government as a regulator, and then the revolving door turns, and they go back into the industry. How in the world can we have a regulator who is coming from the industry into regulation of that industry, and then turn in the revolving door and go right back into that industry? That is the problem, and that is what we have to fix.

My office is talking with Senator MENENDEZ's office, and it is my intention that we will file a bill today that will do a number of things. It will stop this revolving door by requiring the same thing we require for ourselves in the Senate—that when we leave the Senate, we can't go to an entity that lobbied us as a business and that would then lobby the Senate for a period of 2 years. That is the minimum we should expect.

This legislation will also insist on things that are common sense: that the regulators can't accept gifts from the industry they are regulating, and they have to have a financial disclosure that would show what the regulator owns, if they are in any way compromised with the very industry they are trying to regulate. If they have any outside interest—for example, stock in oil companies they are regulating—they would have to divest from that; and, furthermore, in the egregious case that they would be partially employed by the outside industry they are regulating, clearly that could be prohibited.

These are just commonsense things. Why isn't this in the law? Senator MENENDEZ and I offered this law 2 years ago when all of these revelations came out in that inspector general report back then. But, of course, there was enormous push-back on the legislation. Sadly, it has come to this great tragedy of thousands and thousands of barrels of oil gushing into the Gulf of Mexico to bring us to the point where we ought to have a willing recipient in this Senate to this legislation we are filing that will stop this cozy, incestuous relationship between the oil industry and the regulators.

I know Secretary Salazar is trying to clean it up, and he is doing what he should do. But what we want to do is to etch it into the statutes so there is no question about what is the requirement—not just for today but forever.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I would like to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

KAGAN NOMINATION

Mr. KAUFMAN. Mr. President, I rise to speak about the nomination of Elena Kagan to be Associate Justice of the Supreme Court of the United States.

Ms. Kagan is, without a doubt, an exceptionally well-qualified nominee. In every job she has held, including associate White House counsel, dean of the Harvard Law School, and Solicitor General, she has distinguished herself through her work ethic, intelligence, and integrity.

I was part of 10 confirmation hearings during my time with then-Senator BIDEN, and during that time, I witnessed Ms. Kagan's talents firsthand, when she served as special nominations counsel to the Judiciary Committee during the nomination of Justice Ginsburg in 1993.

She is also a woman of many "firsts"—the first woman to serve as dean of Harvard Law School as well as the first to serve as Solicitor General. She now stands to be the fourth in history to serve on the Supreme Court. When she is confirmed, for the first time in history three women would take their seats on the Nation's highest Court.

I have consistently called on President Obama to nominate candidates to the bench who expand, and not contract, the breadth of experiences represented on the Supreme Court.

Every one of the current Justices came to the Court from the Federal appellate bench. While this experience can be valuable, I believe the Court should reflect a broader range of perspectives and experience.

Ms. Kagan brings valuable non-judicial experience and a freshness of perspective that is currently lacking.

Prior judicial experience has never been, nor should it be, a pre-requisite to be a Supreme Court Justice. In the history of the Supreme Court, more than one-third of the Justices have had no prior judicial experience before nomination.

History further shows that a nominee's lack of judicial experience is no barrier to success as a Supreme Court Justice.

When Woodrow Wilson nominated Louis Brandeis in 1916, many objected on the ground that he had never served on the bench.

Over his 23-year career, however, Justice Brandeis proved to be one of the Court's greatest members. His opinions exemplify judicial restraint and his approach still resonates in our judicial thinking more than 70 years after his retirement.

This list of highly regarded Justices without prior judicial experience is not insignificant.

Felix Frankfurter, William Douglas, Robert Jackson, Byron White, Lewis Powell, Hugo Black, Harlan Fiske Stone, Earl Warren and William Rehnquist—they all became Justices without having previously been judges, yet we consider them to have had distinguished careers on the Supreme Court.

In fact, Justice Frankfurter wrote in 1957 about the irrelevance of prior judicial experience. He said:

One is entitled to say without qualification that the correlation between prior judicial experience and fitness for the functions of the Supreme Court is zero.

That is a point that some of my Republican colleagues have recognized when addressing the qualifications of other nominees.

Ms. Kagan's lack of prior judicial experience should not be a determining factor in assessing her qualifications to be a Justice.

Indeed, if significant prior experience as a judge were a prerequisite, where would that leave Justices like John Roberts and Clarence Thomas? Thomas had served on the DC Circuit for less than 16 months before his nomination, and Roberts for just over 2 years.

I have an insightful article on this subject by Joel Goldstein, published in the *Kansas City Star*. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From *KansasCity.com*, May 11,

HISTORY SAYS LACK OF TIME ON BENCH IS NO PROBLEM

(By Joel K. Goldstein)

Critics are already attacking President Obama's nomination of Elena Kagan for the Supreme Court on the grounds that she has never been a judge. But if lack of judicial experience disqualifies someone from a spot on the court, many distinguished justices never would have served.

Take Louis Brandeis, the person many consider to have been the outstanding justice of the 20th century. Brandeis had never served on the bench when Woodrow Wilson nominated him in January 1916.

Critics complained that he lacked judicial temperament. They could not have been more wrong. During 23 years on the court, Brandeis proved himself a model judge. His opinions guide judicial thinking more than 70 years after his retirement. He became a leading apostle of judicial restraint but used his opinions to teach relevant constitutional principles in a way that surpassed every justice other than John Marshall.

Many other examples reveal judicial experience to be a false requirement. John Marshall's career had been political, not judicial. Yet, most regard him as the greatest justice to serve on the court. He was learned in the law, yet his political skills proved critical in allowing the court to develop as an equal institution of government during a precarious period.

The same was true of Charles Evans Hughes when named an associate justice in 1910. He had been a lawyer and governor of New York. Most regard him as one of the greatest chief justices, a position he assumed when he returned to the court in 1930, after resigning to run for president in 1916.

Earl Warren lacked judicial experience, but his political skills helped produce the court's unanimous decision in *Brown v. Board of Education*, one of the most important decisions in our history.

Harlan Fiske Stone had served as a law school dean and attorney general, a resume in some respects similar to Kagan's but never as a judge. Felix Frankfurter, William Douglas, Robert Jackson, Byron "Whizzer" White, Lewis Powell and William Rehnquist were thought by many to have been distinguished justices, although each lacked prior judicial experience. Hugo Black had spent about a year on the police court when Franklin Roosevelt nominated him from the U.S. Senate.

Even recent experience cautions against overstating the relevance of judicial service. Two conservative judicial heroes, Clarence Thomas and John Roberts, had served very brief stints on the appellate court, roughly two years or less before the two Bush presidents nominated them.

There have been distinguished justices who came from the bench, such as Benjamin Cardozo, John Marshall Harlan II and William Brennan. On the other hand, some unsuccessful justices also had judicial experience. John Hessin Clarke, Fred Vinson and Charles Evans Whitaker are among those whose service on the court was not happy despite their experience as judges.

Kagan has had a distinguished career as an academic, as a high-level staffer in the Clinton White House, as a successful dean of Harvard Law School and as U.S. solicitor general. It is impossible to know whether she will be a distinguished justice, but her success in her other professional work certainly counts in her favor.

History suggests that her lack of judicial experience is simply irrelevant.

Mr. KAUFMAN. Another attack on Elena Kagan, equally unjustifiable, focuses on military recruiting while she was dean at Harvard Law School.

Most of the charges about the Harvard Law recruiting ban are distortions. The university policy reflected a policy preference for nondiscrimination against gays, but Dean Kagan never denied military recruiters physical space at the law school or access to the student body.

Just as important, military veterans at Harvard have high praise for Kagan's role as dean.

In February 2009, several Iraq War veterans who graduated from Harvard Law School when she was dean wrote a letter to the *Washington Times* describing their "appreciation for Miss Kagan's embrace of veterans on campus. During her time as dean, she has created an environment that is highly supportive of students who have served in the military."

I was pleased to see this view echoed by our colleague from Massachusetts after his meeting with Solicitor General Kagan last week.

He said:

It was very clear to me after we spoke about it at length that she is supportive of the men and women who are fighting to protect us and very supportive of the military as a whole. I do not feel that her judicial philosophy will be hurting men and women who are serving.

The best answer to these charges comes from the nominee herself.

In 2007 while serving as dean of Harvard Law, she addressed cadets at West Point. She said:

I am in awe of your courage and your dedication, especially in these times of great uncertainty and danger. I know how much my security and freedom and indeed everything else I value depend on all of you.

Addressing the controversy regarding the military recruiters she said:

I have been grieved in recent years to find your world and mine, the U.S. military and U.S. law schools, at odds, indeed, facing each other in court—on one issue. That issue is the military's "don't ask, don't tell" policy. Law schools, including mine, believe that employment opportunities should extend to all their students, regardless of their race or sex or sexual orientation. And I personally believe that the exclusion of gays and lesbians from the military is both unjust and unwise. I wish devoutly that these Americans could join this noblest of all professions and serve their country in this most important of all ways. But I would regret very much if anyone thought that the disagreement between American law schools and the U.S. military extended beyond this single issue. It does not. And I would regret still more if that disagreement created any broader chasm between law schools and the military. It must not. It must not because of what we, like all Americans, owe to you.

In consulting with leadership, as well as with me and my colleagues on the Judiciary Committee, President Obama honored the Senate's advisory role in the selection process.

As the Senate process moves from advice to consent, I look forward to a

confirmation process that is orderly and filled with an honest exchange of views, not partisan bickering.

The vote for a Justice of the U.S. Supreme Court is one of the most important votes a Senator can cast. That is because a Justice serves for a lifetime appointment and will continue to have an impact long after the vote is made.

Since her nomination, Solicitor General Kagan has already met with dozens of Senators and has many more meetings scheduled.

My meeting with her strengthened my belief that President Obama has selected a nominee with both impeccable credentials and a superior intellect. Her ability to bridge disagreement and find common ground among disparate voices, as well as her experience in all three branches of government, would be a tremendous asset on the current Court.

I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are on the supplemental appropriations bill. I understand. I have been chairing a hearing, and I understand I have not missed very much. It appears to me yesterday and today this supplemental appropriations bill on the floor of the Senate has been moving very slowly. In fact, while amendments have been filed and some discussed, we have had no votes. I know the majority leader would very much like to move forward to get this done. In fact, it is the case that if the supplemental bill is not done, my understanding is there will be soldiers who will not receive paychecks in June. So there is an urgency for us to replenish the funding that is necessary in the defense portion of this bill especially.

There are other pieces of it that are equally important. For example, the money for the Federal Emergency Management Agency is provided as a result of disasters that are occurring that require some supplemental funding, and other issues are addressed as well.

But what I want to mention on the floor of the Senate is a request that has been made about DOE loan guarantees. I got a call from the Secretary of Energy, Secretary Chu, requesting \$90 million in this legislation or support in some legislative form to allow them to provide loan guarantees for three nuclear plants that are to be built. They want to begin a process to move down the road on some nuclear energy. I will support these loan guarantees. I think

we should do a lot of things and do them well in the energy field, and nuclear energy will be one of those areas.

But in order to do the loan guarantees for three nuclear energy facilities that would be built, they need another \$90 million in authority. My understanding is that request has been made. However, I have a letter from Peter Orszag, the head of the Office of Management and Budget, that he sent to the Speaker, and he did request, on behalf of the administration, the \$90 million for the Energy Department to be able to provide those loan guarantees. Again, I indicated I would support that request.

They also have requested an additional \$90 million on the renewable energy loan guarantees. Again, there was \$2 billion that was removed from renewable energy and has not been restored. So there needs to be some restoration of that, and I would support these as well. But as I indicated, when discussing this with the Energy Secretary and others, there needs to be either an emergency request by the administration or a pay-for. The letter from Mr. Orszag, the head of the OMB, indicates they would request the \$90 million for the loan guarantee for a nuclear facility, a third nuclear facility, and \$90 million for renewable energy, and they say a separate request will be transmitted in the future to Congress to reduce the fiscal year 2011 budget by the amounts in the supplemental request. Well, that doesn't quite work. I think they understand that concern of mine. You can't offset spending you are going to do now with the reduction in a spending request for some future budget. That is not an appropriate offset.

I simply wanted to say that my understanding is the House of Representatives will likely include this request that Secretary Chu says is very important, and I would agree with him that he should be able to have that loan authority to proceed. The House of Representatives will likely include that request, or have included it, including the appropriate offset in this fiscal year so that it does not increase the budget deficit.

I have received some calls in the last day or so wondering why I am holding it up here. I am not holding it up here, but it cannot be considered here unless: A, the President has requested it as an emergency, and he has not done that; or B, there is an offset, and the offset being proposed in the letter from the head of the OMB is not an offset, as I said. A promise to submit a budget request that would reduce a future budget is not an offset for something that is done here.

In any event, I hope this gets done. I support the Secretary's request. I believe it would be good for us to be able to proceed to have that loan guarantee for the third nuclear energy facility

the Secretary wishes to do. If it can't get done here in the Senate with an offset, then at least it will come to conference between the Senate and the House. I hope very much that the House, with the provision of the offset, will make this possible for the Secretary. I wanted to explain that to the Senate. It is a little bit convoluted, but I wanted to explain it because somebody here thought I was blocking this loan guarantee request, and that is not the case. It is not the case that there is opposition to it, in fact. It is just the case that it needs to meet the rules in terms of an offset for the supplemental appropriations bill.

Mr. President, let me ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. DORGAN. Mr. President, I wish to speak for a moment about energy more generally. I spoke in Dallas, TX, on Monday of this week at the National Wind Energy Conference. I think they said they had 20,000 people there. Wind energy, of course, is a very important part of our country's energy future. We need to take steps to gather energy from the wind and the Sun, where the Sun shines and the wind blows. We need to use these resources for energy, and then put them on a wire and move them to the load centers that need that energy. Such actions will provide more energy here at home, and it makes us less dependent on foreign oil. These are all of the things that I commend. I was thinking today that there has been a lot of discussion in recent weeks on what may or may not happen on the floor of the Senate with respect to energy and/or climate change, and I wish to comment on that a bit.

First, I believe something is happening to our climate. I believe we ought to reduce the carbon emissions that are going into the atmosphere, so I am in support of capping carbon. I have indicated, however, I don't support what is called cap and trade, which would effectively be a process by which we provide probably a \$1 trillion carbon trading securities market for Wall Street. I have no interest in being a part of that and would not support speculation of carbon markets. However, I think there is something happening to our climate, and we would be wise at the very minimum to do a series of no-regrets things that move us down the road to limit carbon and develop opportunities to reduce carbon emissions and protect our climate.

We have been considering whether we get that done now in some sort of climate bill or focus only on an energy bill. My colleagues Senator KERRY and Senator LIEBERMAN and others have worked hard on a comprehensive climate bill. The question of what we

focus on now is an important issue. The climate change bill they are working on is something that is very substantial, and I commend them for their work. I think they have put an enormous amount of time into that legislation. However, that legislation has not gone through a committee process. They need to find a way to do that at some point. If there are not 60 votes in the Senate, then it will be difficult to move forward on their bill. That is what would be required to bring a climate change bill to the floor of the Senate. If there are not 60 votes, then the very least we should do is work on the energy bill. This is the piece of legislation that has already passed the Senate Energy Committee in June 2009. That was a long time ago, and it passed on a bipartisan basis. We should bring it to the floor of the Senate and move it so that we actually provide substantial improvement to our energy policy in a way that addresses our national security and reduces carbon emissions. It is one thing to talk about it; it is another thing to put a plan together. It is another thing—and more important, in my judgment—to actually reduce carbon emissions.

What have we done on the Energy Committee under the leadership of Senator BINGAMAN? I played a role, and many others, Republicans and Democrats, worked with him in writing that energy bill. What have we done? We have written a bill that does several things. No. 1, it is bipartisan, and No. 2, it would create a new federal national electricity standard. It is a national goal that says here is where we are headed and would put in place a pathway to maximize the production of electricity from wind, solar and other renewable energy sources. That is exactly the sort of thing we should do.

So while we do that, we also include provisions for building retrofits and building efficiency provisions which are very important. We would provide the process by which you help construct the interstate highway of transmission capability. By doing that, you can find places in the country where you can collect energy from the Sun or the wind and put it on a wire and move it to the load centers.

My State of North Dakota is one of the windiest States in America. Department of Energy has called North Dakota the Saudi Arabia of wind. Our kids are born leaning to the northwest against that prevailing wind. But we don't need more wind energy for ourselves. We can put up towers and turbines. We produce far more energy than we need in North Dakota. What we need is a modern day interstate highway transmission capability that can produce energy from the wind in North Dakota and solar from the rural areas of Arizona and so on, and put it on the wire and move it to the load centers where they need the electricity. That

is the way you maximize the use of renewable energy for the benefit of the country.

It is not hard to get energy from the wind. We have sophisticated, new, better technology in wind turbines. We put up a tower, especially in areas where you find these wind chutes, and you produce electricity virtually forever. Those blades turn around and you make electricity. It makes a lot of sense for us to maximize that.

I am in favor of using fossil energy as well. I am not suggesting we use wind and solar energy in exchange for shutting down oil and gas and coal. We are going to continue to use fossil energy, but use it in a different way. We are going to move towards decarbonizing the use of coal, that requires targets and timetables and the ability and research to make that happen. I am convinced we will be able to move in that direction.

Every day I have people coming to my office with the new ideas and solutions that is going to make this happen. I have had a guy visit and tell me about a new microbe that he discovered. It was a lollipop-shaped microbe, that was 30 percent more efficient at breaking down cellulose than anything known to mankind. Therefore, this new microbe will be able to break down cellulose and turn it into cellulosic ethanol, reducing the cost from \$3 to \$2 a gallon. Big deal? Maybe so. I don't know. He has to develop that, and then we will see whether the market beats a path to his door.

There are dozens of examples like that. Last night I saw Craig Venter on television. I think Craig Venter is extraordinary. He and Francis Collins led the human genome project. They created the first owners manual for the human body, and it is changing everything in medicine. He has now turned his attention to energy. Now Craig Venter is trying to develop synthetic microbes that could be used to chew away at coalbeds, in layman's term. The microbe will eat its way through the coalbed and turn coal into methane fuel. Is that the solution? Maybe so. Maybe that is the way to use coal in the future; I don't know.

There is a guy in California who testified at a committee I chaired who has patented a process that takes the entire fuel gas from a coal plant and, through his patented process, mineralizes it and turns it into something that is harder and more valuable than concrete that contains all of the emitted CO₂. This man says the process creates a value-added product that brings the price of carbon down to near zero. Maybe. I don't know.

Another guy delivered a presentation to me and insists he has a 100-mile-per-gallon diesel engine. Does he? I don't know; maybe. If he does, I hope the world beats a path to his door. The list of innovators goes on and on.

A woman with a Ph.D. from Sandia National Laboratory, testified at a hearing I chaired. She said they are working on a heat engine in which you put CO₂ in one side and water in the other. The molecules are then fractured and chemically recombine to produce a fuel. Produce a fuel out of essentially air, CO₂, and water.

We also have begun doing a lot of work on the issue of algae, I am now talking about how you would perhaps use coal in the future. Coal emits CO₂. You capture the CO₂ and use it to grow algae, which is a single-cell pond scum, or, the green stuff you see in standing water. CO₂, water, and sunlight produce this single-cell pond scum. After growing the algae, you harvest it and produce diesel fuel. Wouldn't it be interesting if you could get rid of the CO₂ by producing a new fuel. These are all just a couple of examples of the things I think could be breathtaking in terms of what kind of energy we use and how we use it in the future.

Oil and natural gas. In my State of North Dakota we have more oil rigs drilling than anyplace in the country. We have discovered how to find oil 2 miles below the Earth in a shale formation called the Bakken shale that is 100 feet thick, I asked the U.S. Geological Survey to do an assessment of what is there. 2½ years ago they came back with an assessment that said there is up to 4.3 billion barrels of oil recoverable using today's technology. The Bakken shale formation is 2 miles down. They drill down with one rig, 10,000 feet down, searching for the middle third of a 100-foot seam. They find the seam then, drill out 2 miles. So, they drill down 2 miles, then out 2 miles to search for a 30-foot seam. Then they use hydraulic fracturing so the oil drips. They then pump the oil, and that oil will pump from that well for 30 or 40 years. By the way, there are right now about 117 drilling rigs, drilling wells in North Dakota. They drill a new well every 30 days and they strike oil virtually every time, because with core samples they know exactly where this huge shale formation is. This is the largest assessment of oil the U.S. Geological Survey has ever assessed in the history of the lower 48 States; and in the western part of North Dakota it is unbelievable the amount of drilling that is occurring.

So, oil, natural gas and coal, all fossil energy, and we are going to continue to need them and use them. We want to be less dependent on foreign oil so that means producing more here.

The terrible disaster that has occurred in the Gulf of Mexico means we are not going to lease new properties in the Gulf until we understand the consequences of deep well drilling, but we have drilled tens of thousands of productive wells. One-third of the domestic oil production comes from the Gulf, so that is not going to be shut down at

the moment. The question is: What happens in deep well drilling, what has happened that has caused this disaster? As Secretary Salazar and others indicated, they are not going to proceed with new drilling permits or under new circumstances until we understand what happened with the BP well, because this is an unmitigated disaster. There is no question about that.

All of these things are important and a part of our energy future. The bill we drafted in the Energy Committee last June, that passed on a bipartisan vote, is a bill that does a lot of everything and does it well. The bill includes a renewable electricity standard, and builds and creates the opportunities to build new transmission lines.

I didn't mention previously, but in the last decade we have built 11,000 miles of natural gas pipeline and at the same time we have built only 660 miles of high-voltage interstate transmission lines. Why? Because it is very hard to build a transmission interstate. There are three things needed to build a transmission interstate: planning, pricing, and siting. You have to get them all right. What we have done in this energy bill is to create the menu by which we are finally going to get an interstate transmission capability built. We give FERC backstop authority, and we are careful on the planning and pricing side to try to get all of this right. I think in addition to the things I have described, the renewable electricity standard, the opportunity for an interstate highway of transmission capability that modernizes our grid, provides greater reliability, and maximizes the production of renewable energy, and building retrofits and building efficiency, there is a whole series of other things. I have so much to support.

This piece of energy legislation will actually reduce carbon. I think it would be unthinkable to end this year without taking up a bipartisan piece of legislation that actually reduces carbon and actually reaches the goal of those who are wishing to have a climate change bill come to the floor this session.

Again, let me end by saying that I think what Senator KERRY and others are working on is very important for our country. We have disagreements here and there, but the disagreement is not about whether there is something happening to our climate; I think there is. There is no disagreement about whether we ought to restrain carbon; we should. There is no disagreement about those central tenets. So I commend the work they have done.

I think it is going to be very hard, frankly, to bring a very large piece of legislation to the floor soon that has not been through a committee process. Plaudits to the people who are working hard on this. It is also the case that even if they got their climate bill

through, you would have to have another bill, like the bill the Energy Committee has already developed, to actually reduce carbon. On the one side, you set up targets, timetables, and goals; and on the other side, you set up policies that result in the reduction of carbon.

My hope is the Energy bill that Senator BINGAMAN and I and others have worked on will be on the floor of the Senate at some point this summer. I think the Energy bill will do a couple things that are very important. No. 1, substantially reduce our dependence on foreign oil. Do you worry about our economy? I do as well, but it is not just the large banking institutions that steered this country into the ditch. I worry about how vulnerable we are to foreign governments and countries for our oil. We get up in the morning and flick a switch, turn off the alarm and turn on the light, make some hot coffee and take a hot shower, get in a car and turn a key. We use energy in so many ways without ever thinking about it. Oil is so central. Yet, over 60 percent of our oil comes from outside of our country, from some very troubling parts of the world. We need to be less dependent on foreign oil.

This legislation we have written makes us less dependent on foreign oil. But as important as that is, this legislation begins to address the issue of climate change in a very real and very significant way. By maximizing the development of renewable energy for this country's future, and doing the things that are necessary to reduce the emission of carbon.

As I said when I started, when I spoke in Dallas, TX, on Monday, at the National Wind Energy Conference, you could see and feel and hear the excitement of the people who understand that there is now a new opportunity to contribute to this country's energy supply, with renewable, clean, green energy.

We have given very interesting incentives in this country to try new things. Early in the past century, in the nineteen-teens, our country said: If you go look for oil and gas, try to find some, produce some, explore for some, we are going to give you long-term, good, and permanent tax incentives.

That is what we did. Why? Because we wanted people to find oil and gas. Those tax incentives still exist. What we did for renewable was very different. In 1992, we said: Here are some tax incentives for renewable energy if you are willing to develop some. But the tax incentives were shallow and temporary. They were extended six times and allowed to expire three times. It was stutter, stop, start, and nobody knew what to think. Invest now, don't invest next. It didn't make sense.

I think what we ought to do is plan a menu for our energy future and say

here is where America is headed for the next decade. Believe in it and invest in it. That is where we are going. We have done that with other forms of energy, oil and gas, but not with renewable energy, and we should. The ability to gather energy from the Sun that shines on this planet and from the wind. The ability to gather energy from wind is a source of energy that will last forever and will make a significant contribution, in my judgment, to our planet's health.

Again, my hope is that in the coming weeks, as some colleagues work on a very broad piece of climate change legislation—and I think it is good that they are doing that and I commend them—if it is clear that the climate change legislation doesn't have the 60 votes, it is very important that we bring to the floor the product that came from the Energy Committee. That will advance this country's energy interests, with less dependence on foreign oil and clean, green energy for maximizing renewable energy sources.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REFORM

Mr. DORGAN. Mr. President, yesterday, one of my colleagues, Senator KAUFMAN, from Delaware, came to the floor and expressed some concern about the issues that will now be followed with respect to financial reform. I wanted to simply say I share many of the concerns he expressed.

There are some who are worried about financial reform going too far. I am worried that financial reform still doesn't go far enough. As we go into a conference, I note the conferees who have been appointed, and I note some of the conversations in the media about those who will be in the conference. I am worried. I think in order to address the issues that need to be addressed—and as my colleagues know, I have spoken about this many times, I think too big to fail has to be addressed. I don't think it is yet addressed adequately.

I think that if we, in the future, have financial firms that are so large they cause a moral hazard, or unacceptable risks, and whose failure could bring down the entire economy, those firms that are in that situation of too big to fail have to be pared back to a point where they would no longer bring down

the economy should they fail. I don't think that has been yet adequately addressed.

I also think we have not addressed the issue of the toxic assets that have been traded and essentially wagered in our economy to the tune of trillions of dollars. Some of that wagering, by the way, has turned some bank lobbies into not noticeable but certainly express casinos because of the trading of what are called naked credit default swaps, which are instruments of gaming that have no insurable interest on either side. The growth of these kinds of things and the gaming that is still going on is far afield from the investing and lending that used to be the central functions of our major financial institutions. Sources of capital for the purpose of buying trillions of dollars of naked credit default swaps is not a way to address the ills of our country.

I attempted here to get an amendment offered that would simply ban the use of naked credit default swaps. I note that some other countries have now done that. I was not able to get a vote on it. We had a vote on a tabling motion to a second-degree amendment I offered. My hope is that will still remain an opportunity to be corrected in a conference.

The issue of proprietary trading is still, I think, a significant issue. I have described banks trading derivatives on their own accounts. I wrote an article about this in 1994, which was the cover story of the Washington Monthly magazine. My story article was titled "Very Risky Business." I was describing then the risk of having proprietary trading by banks on their own accounts of very risky derivatives. That was 16 years ago. On the other hand, the legislation that has just passed this Congress doesn't shut down these issues. They have grown. They have not diminished.

I think if we want to give the American people some comfort that somehow, in the end, financial reform will have addressed the issues that caused the near crash of this economy—the deepest recession since the Great Depression—more still needs to be done.

I commend my colleagues who worked on this. But we do still have some disagreements and some concerns that this doesn't go far enough. As I said—and I noticed this in the papers this morning—some think there is a danger of this going too far. It does not, in my judgment. Much of it has been watered down in a way that doesn't provide the adequate protection that is needed going into the future.

I note that today, Secretary Geithner is going to stop in Europe. He is making two stops in Europe, because he is concerned about the different approaches that are being taken by European countries, and some of the suggestions are that, well, the Europeans

aren't doing as much here and there and, therefore, American financial institutions will move their business offshore. Look, I think most of us want to have a financial system that relates to the ways of doing finance that represent the safety and soundness of the financial industry. That was not the case in most recent years. We securitized almost everything—almost anything that could be. We got rating agencies who acted as though they were inebriated, to give AAA ratings to securities that turned out to be almost nothing. Then they sold the risks up so that those who originally placed loans, for example, didn't have to underwrite the loans, because they weren't going to get stuck with the bill. They would sell them to hedge funds and investment banks, and everybody was making a massive amount of money—big bonuses.

When the collapse came, Wall Street, according to New York authorities, had \$35 billion in losses in 1 year and paid \$17 billion in bonuses. That describes how everybody was awash in money. Everybody was making a lot of cash and big bonuses. What was happening is that all of this greed—this cesspool of greed—was steering this country into the ditch, and the American people suffered mightily as a result of it. Millions of people lost their jobs, millions more lost their homes, millions have lost hope, and there are millions of kids coming out of our colleges last year, the year before, and this year, who still cannot find work. That is the carnage and wreckage that occurred. The question in financial reform is: Will we tighten the laces and get it right, and do what is right on too big to fail, proprietary trading, and other issues? I wanted to say, when I read Senator KAUFMAN's statement, that he and I had many of the same concerns, as others do.

I hope when the conference is held on financial reform, this bill gets tightened, not loosened, and that we make sure we do enough. Don't be too worried about going too far. We are a long way away from that finish line.

I commend my colleague, Senator KAUFMAN, and others who have expressed concerns. I wanted to add my concern as well. The American people deserve to know the Congress is going to get this right. We have now had plenty of understanding and experience about what happened, and we should have the knowledge and the ability to decide we are not going to let it happen again, ever.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4229

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 4229.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. REID, proposes an amendment numbered 4229.

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the transfer of C-130 aircraft from the National Guard to a unit of the Air Force in another State)

At the end of chapter 3 of title I, add the following:

SEC. 309. No funds appropriated or otherwise made available by this Act may be obligated or expended to transfer a C-130 aircraft from a unit of the National Guard in a State to a unit of the Air Force, whether a regular unit or a unit of a reserve component, in another State.

AMENDMENT NO. 4230

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 4230.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. REID, proposes an amendment numbered 4230.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish limitations on the transfer of C-130H aircraft from the National Guard to a unit of the Air Force in another State)

At the end of chapter 3 of title I, add the following:

SEC. 309. (a) LIMITATIONS ON TRANSFER OF C-130H AIRCRAFT FROM NATIONAL GUARD TO AIR FORCE UNITS IN ANOTHER STATE.—No funds appropriated or otherwise made available by this Act may be obligated or expended to transfer a C-130H aircraft from a unit of the National Guard in a State to a unit of the Air Force, whether a regular unit or a unit of a reserve component, in another State unless each of the following is met:

(1) The aircraft shall be returned to the transferring unit at a date, not later than 18 months after the date of transfer, specified by the Secretary of the Air Force at the time of transfer.

(2) Not later than 180 days before the date of transfer, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the members of Congress of the State concerned, and the Chief Executive Officer and adjutant general of the National Guard of the State concerned the following:

(A) A written justification of the transfer.

(B) A description of the alternatives to transfer considered by the Air Force and, for each alternative considered, a justification for the decision not to utilize such alternative.

(3) If a C-130H aircraft has previously been transferred from any National Guard unit in the same State as the unit proposed to provide the C-130H aircraft for transfer, the transfer may not occur until the earlier of—

(A) the date following such previous transfer on which each other State with National Guard units with C-130H aircraft has transferred a C-130H aircraft to a unit of the Air Force in another State; or

(B) the date that is 18 months after the date of such previous transfer.

(b) RETURN OF AIRCRAFT.—Any C-130H aircraft transferred from the National Guard to a unit of the Air Force under subsection (a) shall be returned to the National Guard of the State concerned upon a written request by the Chief Executive Officer of such State for the return of such aircraft to assist the National Guard of such State in responding to a disaster or other emergency.

Mr. ENSIGN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4221

Mr. ISAKSON. Mr. President, I ask unanimous consent the pending business be set aside so I can call up Isakson amendment No. 4221.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON], for himself and Mr. CHAMBLISS, proposes an amendment numbered 4221.

The amendment is as follows:

(Purpose: To include the 2009 flooding in the Atlanta area as a disaster for which certain disaster relief is available)

On page 35, line 7, insert “FEMA-1858-DR,” before “FEMA-1894-DR.”

Mr. ISAKSON. This is a technical language amendment that references the FEMA money that is proposed in this legislation to ensure that Georgia is included in consideration of the dispersing of that funding based on the flood experience in 2009. That is all it does. It is a language amendment.

I ask it be considered, and I yield my time.

I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

AMENDMENTS NOS. 4232 AND 4231

Mr. INOUE. Madam President, the Senator from Oklahoma has proposed two amendments, both of which are designed to offset the cost of the supplemental bill before us. He argues that the Nation needs to find ways to use existing funds to meet these needs. He even argues that some of the items were not unforeseen and, therefore, do not qualify as emergencies.

I would respond, do not tell the people of Rhode Island and Tennessee that the floods in their States are not emergencies. I would say any of us watching television are aware of the emergency which is occurring now on the gulf coast. I would even say those in Oklahoma whose forests and towns have been damaged by tornadoes are aware of what an emergency is.

The Senator suggested we should not declare the cost of war as an emergency since we have known about the costs of war since September 11, 2001. I would remind the Senator and my colleagues that the current administration did its best to foresee the costs of war and included funding for those costs as part of its budget request, and the Congress acted to meet these needs.

But circumstances change. The deteriorating conditions in Afghanistan led our military leaders to recommend, and the President to conclude, that we needed to increase our forces in Afghanistan. The funds in this bill are that unforeseen portion of the cost of war. For someone to argue they do not qualify as an emergency is most unfortunate.

The Senator suggests we should cut unobligated balances. Several others have suggested we should cut from the stimulus bill. Nearly every dollar remaining in the stimulus bill has been committed to a particular project if not yet obligated. If we look at what is left, the largest item that is unobligated at the moment is for high-speed rail—approximately \$7.9 billion—but those funds have been awarded to specific projects. We know where the funds are going, and they will all be awarded on contracts soon.

There is some \$6 billion in unobligated Pell grant funding. But that amount is already assumed in the fiscal year 2011 budget. We already have a \$5.7 billion shortfall in this great scholarship funding program. If we rescind this \$6 billion, we will need to find nearly \$12 billion in fiscal year 2011 to meet the shortfall.

More than \$6 billion remains available to pay the States for fiscal stabilization. Thirty-four States have written budgets assuming these funds would be available to them. States such as Texas are scheduled to receive more than \$1 billion of this amount. These funds are unobligated, but that does not mean they are not wanted.

More than \$4 billion remains unobligated for education reform. The funds

are ready for award and will be obligated in the next 4 months. Is this the program we want to stop?

Several Senators have proposed specifically rescinding funds from the Recovery Act. Senator COBURN also suggests this is one possible area of savings. Well, unless we want to cut the programs I have listed above, there are no funds to rescind from the stimulus bill.

The Senator from Oklahoma is indiscriminate in his suggestion we cut unexpended balances. Let me say this to my colleagues, in a trillion dollar discretionary budget, we better hope we have unobligated balances because if we did not, we would be terminating government services with a third of the year still remaining to be funded. For example, there would be no one to send out Social Security checks, no one to keep our national parks open, and no funds to maintain a terrorist watch list or fight our wars.

But unobligated does not mean unneeded. On Monday, I noted we have \$8.3 billion in unobligated balances in the Joint Strike Fighter Program, but the Senator does not say what programs he would propose for the bulk of the cuts he is mandating.

In one amendment, he says, do not cut defense spending. In the other, it is, do not cut veterans funding. I share that sentiment, but if we are talking about cutting discretionary funding, the large unobligated balances are in the Defense Department.

As of last month, the Defense Department had nearly \$400 billion in unobligated balances. There are plenty of unobligated balances to pay for the supplemental. But what sense does it make to cut defense spending so we can increase funds to cover the cost of war? Even the Senator seemingly agrees it would make no sense.

The \$80 billion rescission authority in the Senator's amendment is virtually unworkable. In fiscal year 2010, the Federal funds unobligated balances, excluding the Defense Department and the Veterans' Administration, are about \$597 billion. More than half of that—\$330 billion—is unobligated balances for Treasury which are mostly financing mechanisms such as credit reform balances. These cannot be rescinded. That leaves only about \$267 billion for the \$80 billion of proposed rescissions.

Nearly one-third of the funds available to continue government operations for the remainder of the fiscal year would have to be eliminated. And, under the amendment, the Congress would defer to the unelected OMB Director to determine where to make the cuts. Not only is this a terrible concept, it is an abrogation of our responsibility to make spending decisions for the Nation. And, you can be sure, were we to adopt this amendment, the first thing to be cut would be congressional priorities.

It is always easy to suggest we should cut unobligated balances, or waste, fraud, and abuse, or someone else's earmarks. What is much harder to identify is specific programs which should be cut.

By way of example, if we cut funding for NOAA, it will mean reducing our capabilities to track the devastating oil spill washing up on our gulf coast communities at this moment. Slashing unobligated funding would curtail the efforts to restore wetlands and beaches that are vital to the environment and the local economy and to our fishermen who are banned from fishing, evidenced by the fishing disaster just declared by Secretary Locke.

In the case of homeland security, most of the unobligated balances which remain available are for acquisitions such as the national security cutter, aircraft for border security, border station construction, explosive detection equipment for our airports, radiation portal monitors, and border technology such as sensors, cameras, and x-ray machines. This amendment would force us to curtail spending on these programs at the same time other Senators are urging the Senate to increase funding for them.

The Senator's two amendments fall short in identifying reasonable offsets for the cost of these bills. Does this body want to penalize all civil servants by not allowing any cost-of-living adjustment for the coming year? Do we want to encourage our most skilled workers to leave Federal service because their pay, which already doesn't match the employment cost index when comparing similar jobs in the private sector, would be frozen? What sense does it make to encourage our best workers to quit? That is not good management. Few successful private enterprises would suggest freezing pay for all their workers.

There are items that I believe have merit in the Senator's proposal, and I hope the committee can work with him as we move forward into fiscal year 2011 to identify them. Cutting overhead and saving funding through taxpayer compliance are good ideas which I know our appropriations subcommittees share. The government should rid itself of excess real property, and it should be encouraged to do so. But to set an arbitrary target of cutting \$15 billion seems unrealistic, unwarranted, and unwise.

All my colleagues should be advised that it is very difficult to make significant reductions in spending 7 months into the fiscal year. At this point, we have made commitments to our agencies, and they, in turn, have made commitments to contractors and grant recipients. No, they haven't spent all their funding for the entire fiscal year, but nor do they have large unneeded balances that can be reapplied to cover the cost of emergent requirements.

If the Senate were to agree to cut \$100 billion from the legislative budget at this juncture, the Congress would have two choices: lay off our staffs so that we are unable to meet the legislative demands of the institution or stop work on maintenance.

The Architect of the Capitol, Mr. Stephen Ayers, just testified that the Capitol Complex faces a growing backlog of deferred maintenance projects totaling over \$1.6 billion which must be funded in the near future. Many of these projects are fire- and life-safety related. The Architect has received numerous citations about the urgency of the needed repairs to the aging infrastructure in the historical buildings within our complex. The Russell, Cannon, Capitol, and the Thomas Jefferson Library of Congress buildings are all in violation of current fire safety codes. The longer this work is delayed, the more it will ultimately cost. Each year, the Appropriations Legislative Branch Subcommittee attempts to whittle away at this backlog by funding a handful of these projects in the annual appropriations bill.

So we could cut \$100 million from the legislative budget, but it would be penny wise and pound foolish, as the old adage says.

One suggestion made by the Senator from Oklahoma is to cut the administrative expenses of the Federal agencies by 5 percent. Again, it is an idea that sounds good. Surely every bureaucracy can be cut back. I would note that on the Appropriations Committee, we look for such cuts every year, but setting arbitrary targets would be irresponsible. For example, in the case of the State Department and the USAID, which lost large percentages of their professional staff during the 1990s or had them transferred from Washington to other embassies in Iraq or Afghanistan after 9/11, it will exacerbate an already unsustainable situation. Some of our embassies are 20 percent short of staff. USAID is being asked to do more and more, especially in key countries such as Pakistan, without nearly half the staff to manage the funds and conduct the necessary oversight.

Here are a few examples of what a 5-percent cut means. The Indian Health Service medical services would be cut by \$185 million. This means 10,000 fewer inpatient admissions, 195,000 fewer dental patient visits, 55,000 fewer mental health patient visits, and 85,000 fewer public health nursing visits. The National Park Service base operations would be cut by \$115 million and result in a loss of 1,130 park rangers nationwide. This would necessitate the closure of most national parks where security and health and safety maintenance could not be maintained, such as the Statue of Liberty, the Washington Monument, the Grand Canyon, Yosemite, and the Yellowstone National

Park. Just think of the impact of such an action as we head into the busy summer months. The American people would be incensed by such a recommendation.

This amendment would cut the childhood immunization program by \$25 million, preventing more than 30,000 children from being vaccinated this year.

Mr. COBURN. Madam President, would the chairman yield for a question?

Mr. INOUE. Yes, I will be glad to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. The reduction is in overhead expense; it is not in labor. The definition the Senator is using is an across-the-board cut. That is not in this amendment at all. Does the chairman realize that the 5-percent reduction is in overhead—not direct labor, not actual employees, but the management costs to run the different agencies?

Mr. INOUE. We have looked into that, and I can assure my colleague that all the statements I have made have been verified.

Further, it would eliminate childcare subsidies for 35,000 low-income children and their working families who depend on subsidies in order to be able to work. It would eliminate over 40,000 Head Start slots that provide comprehensive early childhood services to low-income children. It would more than double the number of people waiting on their disability decisions from the Social Security Administration and delay benefits for everyone waiting on a decision. It would eliminate 13 million meals for older Americans, many of whom are low income, disabled, and depend on these meals for the majority of their daily food intake.

On another matter, these amendments would also arbitrarily cap voluntary payments to the United Nations by \$1 billion. No matter how important to U.S. security, no matter how much our allies are contributing, no matter that our influence is often the function of how much we contribute, the amendment picks a round number out of the air and prohibits spending \$1 more. Those calculations must be made program by program, agency by agency, whether for UNICEF, the World Food Programme, the International Atomic Energy Agency, or some other U.N. organization. The decisions should be based on the merits and the national security and foreign policy interests of the United States, not on some arbitrary amount proposed in this amendment.

Let's stop trying to legislate by formula. If there are U.N. programs that do not deserve to be funded, I am all for cutting our contributions, but this amendment does not name a single one.

Placing a cap on new Federal employees would create problems for several agencies. If Homeland Security

needs to increase the number of Border Patrol agents to secure the border or the number of TSA operators to screen passengers for explosives under their clothes, does that mean we must cut the number of Secret Service agents or Coast Guard personnel or customs inspectors or FEMA personnel who are now helping to respond to disasters in Tennessee, Louisiana, Oklahoma, and Mississippi?

The same point can be made for the IRS and the HHS because most fraud, abuse, and waste is in the Tax Code and in Medicare. We need additional personnel to uncover this waste.

For the Veterans' Administration, when the agency is seeing an increasing number of veterans suffering from complex combat-related injuries and mental health problems due to numerous deployments, this is exactly the type of government action our veterans do not need or deserve. Congress has consistently, on a bipartisan basis, increased funding for the VA to build its capacity to handle these types of disorders. This type of zero sum amendment would ensure that in order to adequately serve veterans suffering from mental health and other combat-related injuries, the VA would have to decrease its capacity to handle other services, including addressing the backlog of claims processing.

This is a small point, but since the Senator chose to raise it yesterday, I wish to respond. I find it to be a clear example of the way the Senator misunderstands the work of the Appropriations Committee.

In his remarks yesterday, the Senator noted that the bill includes \$1.8 million for the work of the Financial Crisis Inquiry Commission and stated that it was inappropriate to include \$1.8 million in emergency funding to continue the efforts of this Commission. Several Members of this Chamber disagree with the judgment of the Senator that the Commission is unnecessary, but on one point I agree with the Senator. I share his views that the continuation of the Commission does not constitute an emergency, and for that reason, the Financial Services Subcommittee has been directed to identify an offset in discretionary funds to pay for this Commission, and they did. The cost of the Commission is fully offset with discretionary rescissions.

I will reiterate what I said on Monday. The vice chairman and I worked to ensure that only emergencies were funded in this act. In the few cases where nonemergency projects were funded, we insisted that these programs be offset. This may be the first time in decades that the committee has followed such a strict policy. Collectively, it was the judgment of the members of the committee that these are, indeed, tough times and we have to be very stingy with our taxpayers' funds. But let me repeat: The fiscal cri-

sis the country faces cannot be overcome by failing to invest in those programs which are essential to our Nation.

The amendments offered by the Senator are unworkable. They represent a classic case of robbing Peter to pay Paul. Should we cut the pay of our employees at the same time we are asking them to be more efficient? That makes little sense.

Should we cap the number of Federal employees when demands for veterans services, border security, and ferreting out waste are on the rise?

Again, in sound bites, it does sound good. But in implementing the concept, we see it is unworkable.

Finally, I think the Senate should thank the Senator from Oklahoma for drawing attention to the matter that we need to do more with less.

As chairman of the Appropriations Committee, I can see the belt tightening that will be required in the coming years as we get our fiscal house in order. There are elements of this proposal I intend to have our subcommittees incorporate as we move bills for fiscal year 2011.

I can assure the Senator and all members of the committee that the committee will continue to stress the requirement to uncover waste and cut it. We will scrutinize all aspects of the Federal budget to identify the duplication and unnecessary spending, and we will use these savings to invest in the shortfalls the Nation faces.

I urge my colleagues to reject these amendments because, on balance, they are the wrong approach to solving our Nation's emergency needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I am taken aback by the chairman's remarks. We now sit at \$13 trillion worth of debt, we have 10 percent unemployment, we are 4 years away from being Greece, and we are going to do what we have always done. The reason we can freeze Federal pay is because there is absolutely no inflation in this country. So instead of giving the raise, we don't. Every private sector business out there today is getting extremely more with less—to the tune that the productivity in the private sector was up 6.8 percent. If we had that same productivity in the Federal Government, we could lose 150,000 employees and do the same thing. But we would not accept what is necessary—the necessary pain—to protect this country for its future.

The chairman mentioned unobligated balances, but he spoke about obligated balances. We are not talking about money that has been obligated; we are talking about hundreds of billions of dollars that is not obligated. Last year, at the end of the fiscal year, there was in excess of \$700 billion from the previous year that was unobligated, sitting there.

So it is about managing our money properly. That is like saying if you have \$30,000 in a savings account and you want to buy a new home, you are going to leave it there and go borrow \$60,000. No, you are going to use part of that to buy your new home. So we have the same approach that is disgusting America: We can't, we can't. What we can do is borrow against the future of our children. That is what this bill does.

So the first time we come out here with two good amendments that will offer a choice for the Senators of this body to actually make a downpayment on change in this country, to make a true downpayment on change, we get the same thing I have heard for 5½ years: We can't.

Let me tell you what we can do. We can cap Federal employees. We have added 180,000 Federal employees in the last 17 months in this country. By the way, their average salary is \$30,000 more a year than in the private sector. Their benefits are \$40,000 a year, which is twice what it is in the private sector. So capping Federal employees is a great way to start slowing down the growth and cost of government.

If the bureaucracy isn't responding, then it requires management changes rather than adding more people. The worst managers in the world always give the excuse: I need to have more people, rather than: I need to be creative about getting more out of the people I have today.

We need to change the standard under which we operate our government. We need to expect more, and we need to pay less. The American people cannot afford the government we have. We are unaffordable.

The chairman brings to the floor a bill that is more of the same. You can be critical of what we have offered. We don't have the advantages of the staff the chairman has. But this is an honest attempt to pay so we don't charge it to our children.

Notice he didn't say anything about the savings of \$4.6 billion for not printing this paper every day that nobody reads but reads on the Internet. Yet we are going to spend \$460 million a year printing government reports from this body and the White House that nobody looks at in hard copy. I would assume you would take by unanimous consent that we would cut \$4.6 billion from the American Government. We didn't hear about that. That is not one of the bad ideas. We weren't attacked on that.

This Federal Government has to change if our kids are going to have a future. It isn't going to change until we have the courage and the fortitude to start making the hard choices. What the Appropriations Committee has said is that we are not going to make hard choices, we are just going to borrow the money. How many of you think the war is an emergency? How long have

we known, or how long have we been in Afghanistan? It is not an emergency. Here on the chart is the definition of our own rules for emergencies. Nothing in this bill meets that except FEMA—nothing. Yet we have the gall to bring to the floor a bill called an “emergency” because we don’t want to have to pay for it. We don’t want to make tough votes or make choices between competing priorities.

We are just kicking the can down the road, and we are kicking the soup that was in the can all over our kids. We lack courage. It is not popular, it is not fun to make the hard choices, but we don’t have any leadership that will bring the hard choices. That is why you have this amendment. Had we brought this amendment and we made the choices, we probably would not have gotten much kickback. But we decided we are just going to charge it to our children.

Guess what is coming after this. Another \$200 billion that isn’t paid for. Since the chairman of this committee voted for pay-go, we have borrowed \$173 billion outside of pay-go because we voted and said it didn’t count, and we had this wonderful celebration that we are not ever going to borrow money again. We are going to live within pay-go. But every time it has been there, we kicked it down the road. Pay-go means nothing. It means the American people will pay and we will go spend it. That is what it means. That is what this bill does. American people—you kids, you grandkids—you are going to pay, and we are going to go spend it. How are you going to pay? Your standard of living will decline.

This body—Republicans and Democrats alike—is complicit in ruining the future for our children. It is time we change. We have a committee that makes fun of attempts to try to change things; actually, it stretches the truth. This isn’t going to cost one TSA person their job or one FBI person. This government is so fat and so overlaid with excess that any smart manager can come in and streamline it and we can save 10 percent and the American people know that.

We have 12 million people on SSI and SSDI. Do you know what we have discovered? We have discovered that 6 out of 100,000 of them are operating commercial vehicles right now, but they are “disabled.”

We have all sorts of fraud going on. We will not address that. We will not fix that. There is waste—at least \$350 billion the American public—maybe not this body—would agree we can cut out of the discretionary in fraud and Medicare tomorrow, and nobody would feel a thing. Yet we have a stoic Appropriations Committee that comes to the Senate floor and tells us we can’t pay for it. It is not that we wanted to pay for it, we didn’t want to pay for it because the staff on the Appropriations

Committee knows where the dollars are, but they weren’t told to pay for it. They are not going to be told to pay for the extenders bill that is coming either. What will have happened since February 12 when we passed pay-go? I will tell you what will have happened: \$500 billion— $\frac{1}{2}$ trillion—more in spending that is unpaid for and charged to our kids, and that will happen before July 1. So in 4½ months, after we say we are going to put in the discipline, that we are not going to spend money we don’t have, we are going to spend another $\frac{1}{2}$ trillion.

No wonder the country is sick of Washington. Our behavior causes them to wonder about the future of our country. I don’t apologize for offering this amendment. I hope you vote against it because the voters, this time around, are going to be looking at how you vote and whether you are voting to make the hard choices, willing to eliminate things—maybe some things that are good but not as good as what we need to be doing—and make this a priority.

We don’t have that courage. My challenge to my colleagues in the Senate is, let’s buck up. It is OK to take heat from the special interests, the well-connected and well-endowed. Let’s do what is the best and right thing for the country, not the easy thing for us, because this bill, the way it is written now, is easy for us.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 4173

Mr. JOHNSON. Madam President, I will speak for a few minutes regarding amendment No. 4173, offered by Senators SESSIONS and MCCASKILL.

While I understand the imperative of balancing the budget, an across-the-board amendment that sets an artificial ceiling for all discretionary spending is not the solution. If Sessions-McCaskill is adopted, the Senate will be forced to slash funding for the Department of Veterans Affairs and its related agencies—including Arlington National Cemetery—by \$1.1 billion below the requested level.

If we take medical care off the table—and I for one am not willing to cut medical care for vets—we put every other VA program at risk, including claims processing, medical and mental health research, and hospital and clinic maintenance and renovation. This would translate into an \$862 million cut below this year’s appropriation for non medical care VA programs. We are talking about a serious funding shortfall for essential VA programs.

This year, the VA’s budget request includes \$460 million over fiscal year 2010 to hire more than 4,000 new claims processors. After years of budget requests that ignored the backlog of claims and the unacceptable wait times for vets to get disability bene-

fits, we finally have a responsible budget request that doesn’t simply expect Congress to fill the holes.

The current wait time for a vet to have a disability claim processed is 160 days, and because of new benefits coming on line that will stress the system even more, the wait time is expected to spike next year. Asking a combat vet to wait 6 to 7 months before receiving payments for injuries they suffered while defending this Nation is wholly unacceptable. We cannot afford to delay the hiring of more claims processors.

Likewise, we cannot afford to defer critical research into combat-related medical and mental health conditions, such as traumatic brain injury and post-traumatic stress disorder. To do so while this Nation is at war would be the height of irresponsibility.

For construction, the VA’s request already reduces these accounts by \$293 million from fiscal year 2010. Further reductions in the program will only increase the backlog of construction projects.

I hope the authors of this amendment did not intend to reduce funding for veterans, but this amendment does nothing to protect them, and the subcommittee will only be able to fund programs to the level to which funding is available.

I urge my colleagues to reject this amendment and pass a sensible budget resolution that tackles the Federal deficit in a holistic approach rather than simply attempting to balance the Federal budget on the discretionary side of the ledger.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, I thank and commend my friend for his presentation. He is one of the hardest working subcommittee chairmen of the Appropriations Committee.

If I may, I wish to be a bit personal. As some of my colleagues are aware, I did put on the uniform of this land and served in a war that was fought about six decades ago—ancient times. A few things happened between that time and this war. For example, although the regiment I was privileged to serve in had about the highest casualties per capita in the European conflict, it may be hard to believe but there was not a single double amputee survivor.

Today, if one goes to Walter Reed Hospital, one will see dozens of double amputees. Why? Because of high tech. For example—I am being personal now—in my case, it took 9 hours to evacuate me. Nine hours? That is a long time. But in Italy, they have hills. We had no helicopters in those days. You had to be carried by hand. As a result, no brain injuries survived and no double amputees survived. So the families did not have the problem then that they are having now.

There is another big difference. For example, if I wrote a letter as a soldier in Italy, that letter was censored by my commanding officer. I could not say anything about the war. All I could say is: Italy is a beautiful place. The food is fabulous. Nothing else. You could not say that my buddy Tom was shot. What they received at home were pleasant notes.

Today we have what is known as cell phones and other technology. You can communicate with your spouse every day. And these items are not censored.

I have had members on my staff with husbands fighting in Iraq and Afghanistan. They communicate all the time. Imagine if you are communicating with your husband in Iraq and suddenly you see that evening on CNN a program with that outfit in combat and your husband does not call you the next day. The stress disorder complex is not only hitting the GIs, it is hitting families. And now we are trying to cut VA, the Veterans' Administration, when the need is much greater? I cannot understand that.

I concur with the chairman that, if anything, if we are to show appreciation and gratitude, we should not be cutting, we should be helping. I commend the Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I feel honored that I was on the floor and able to hear the chairman of the Appropriations Committee reflect on his own service and also compare the differences between World War II and the experience of our soldiers, our sailors, our airmen, and marines in the current conflicts.

My own father is a World War II veteran who was wounded twice in the Battle of the Bulge. The second time he was wounded was when he was waiting to be evacuated. I can relate slightly, from the experience of my own father, to what we just heard from the distinguished chairman of the Appropriations Committee. I cannot imagine being so badly wounded and waiting for 9 hours to be evacuated.

It is a good reminder to all of us, as we engage in the day-to-day debates and arguments and, at times, contentiousness, that we have true heroes in our midst. Certainly, the Senator from Hawaii is one of those. I thank him for his service—his lifelong service. It was an honor to be on the floor and to hear him talk about it because, like many of our World War II veterans, he does not talk about it very often.

I wanted to say that before beginning my remarks.

AMENDMENT NO. 4253

Madam President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 4253, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. ALEXANDER, Mr. BOND, Mr. VOINOVICH, Mr. INHOFE, Ms. SNOWE, Mr. BEGICH, Mr. THUNE, Mr. COBURN, Mr. GREGG, and Ms. MURKOWSKI, proposes an amendment numbered 4253.

Ms. COLLINS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the imposition of fines and liability under certain final rules of the Environmental Protection Agency)

On page 79, between lines 3 and 4, insert the following:

PROHIBITION ON FINES AND LIABILITY

SEC. 20 _____. None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled "Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule" (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled "Lead; Amendment to the Opt-out and Record-keeping Provisions in the Renovation, Repair, and Painting Program" signed by the Administrator on April 22, 2010.

Ms. COLLINS. Madam President, this is a modified version of an amendment I offered yesterday. I am joined by Senators ALEXANDER, INHOFE, BOND, VOINOVICH, SNOWE, BEGICH, GREGG, BROWN of Massachusetts, MURKOWSKI, COBURN, THUNE, and CORKER in supporting this amendment.

On April 22, the EPA's new lead paint rule went into effect. As I explained to my colleagues yesterday, unfortunately the EPA completely botched the implementation of this important rule. This rule is intended to make sure that lead-based paint is removed safely from our homes and, thus, it requires those involved in house renovations to participate in a training course in the proper removal of lead-based paint, and then be certified.

Unfortunately, the EPA did not plan well for the implementation of this new rule. Across our country, it did not have in place the necessary trainers and classes so that individuals could be trained to comply with this new rule.

What our amendment would do is to delay the fines that would apply in cases of violations of this new rule until September 30. Indeed, it would prohibit the EPA from imposing these fines, which are as high as \$37,500 per day per violation for violating this rule.

I want to make clear that I support efforts to rid our homes of toxic lead-based paint in a safe manner. But it is simply not fair to impose these burdensome, onerous fines on contractors who

have been unable to get the EPA-provided training because the EPA did such a lousy job in planning for implementation of this new rule.

In my State, for example, as of last week, we have only three EPA trainers to certify contractors for the entire State. As a result, only about 10 percent of the State's contractors have been certified. Hundreds of home renovators have had their names on waiting lists, some for as long as 2 months, but they simply cannot get the necessary training, and that is through no fault of their own.

I note that my amendment has been endorsed by the National Federation of Independent Business, our Nation's leading small business advocacy organization. It has been endorsed by the Window & Door Manufacturers Association and the National Lumber and Building Material Dealers Association.

These groups have endorsed it because they are hearing from their members of the tremendous burden and the tremendous fines that their members are potentially at risk of receiving through no fault of their own.

As the NFIB pointed out in its letter, the new EPA lead rule applies to virtually anyone who is involved in home renovations involving lead-based paint. That includes painters, plumbers, window and door installers, carpenters, electricians, and other specialists. Its reach is very broad.

What we found throughout the country is the EPA completely underestimated the number of people who would have to be trained. They also seem to be operating under the false assumption that contractors either do new construction or renovation. Madam President, I don't know about your State, but that is not true in my State. In my State, the home renovators do all sorts of work, particularly in this economy.

This imposes a tremendous burden on those of us who represent large rural States. In my State, most of the courses were held in the southern part of the State, requiring painters and other contractors to travel hundreds of miles to get the training they need. There are three States where EPA does not have any certified trainers available.

This is a commonsense amendment attempting to put some sense in the decisionmaking at the EPA by extending, until the end of this fiscal year, the time for compliance.

I want to make clear that I believe we should try to proceed with the removal of lead-based paint and that we need strict safety standards. But it does not make sense to impose huge fines on contractors who are unable to get the required training, the mandatory classes because the EPA did not have the trainers in place before putting the rule into effect.

In my State, the building industry is still struggling, and for a lot of individuals who are involved in the building industry, their only work is to do home renovations.

My State also has an old housing stock, one of the oldest in the Nation. Ironically, this new rule may result in not having anyone who is qualified to remove lead-based paint from homes because of the way this rule has been implemented.

I talked at some length about this issue yesterday. I am not going to repeat what I said yesterday. But let me point out that a lot of the contractors in my State who are struggling already financially do not earn in a whole year the \$37,500 they can be fined for one violation by the EPA. It is simply unfair that these heavy fines can be imposed when it is the EPA's fault that the classes have not been made more readily available.

All I am attempting to do is to provide the EPA with more time to increase the number of certified trainers. This is a matter of fairness.

Madam President, I ask unanimous consent to have printed in the RECORD the endorsement letters from the NFIB, from the National Lumber and Building Material Dealers Association, and from the Window & Door Manufacturers Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, May 25, 2010.

DEAR SENATOR: On behalf of the National Federation of Independent Business, the nation's leading small business advocacy organization, I am writing in strong support of the Collins Amendment to H.R. 4899, the Supplemental Appropriations bill, to delay the enforcement of the Environmental Protection Agency's (EPA) lead rule until September 30, 2010. The NFIB will consider a vote in support of this amendment as an NFIB Key Vote for the 116th Congress.

On April 22, 2010, the EPA's lead rule went into effect requiring home renovation contractors to complete a mandatory training class at an accredited facility. The new EPA lead rule applies to virtually any industry affecting home renovation including: painters, plumbers, window and door installers, carpenters, electricians, and similar specialists. The penalty for non-compliance can be up to \$37,500 per violation per day. NFIB appreciates the intent of the law to ensure lead-free painting, home renovation, and repairs. However, we continue to be concerned that the tight enforcement deadline unfairly punishes contractors who have not been able to become accredited through no fault of their own.

NFIB has recently heard from several of our members in the home renovation industry who were unaware of their responsibilities under the new law. EPA did little to plan for the implementation of the rules until it was too late, and many home renovators had little information about how to comply, where to comply, and the resources needed to comply. Those that became aware of the rules have had difficulty signing up for

classes due to limited or no availability in their area. In addition, several members have mentioned that scheduling conflicts made it almost impossible to find time to become accredited before the April 22 deadline.

We are concerned that the high penalty for non-compliance should be enforced without first taking every step possible to make sure the small business community is fully aware of its responsibilities. The Collins Amendment extends the deadline until September 30, allowing the EPA to get more information to home renovators about how to comply with the new rule. This time period will allow the home renovation industry to schedule an appointment with an accreditor in their area and make sure they have the necessary resources together to be in compliance.

NFIB supports the Collins Amendment to help small businesses comply with the new lead rule. I look forward to working with you to reduce regulatory burdens on the small business community.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

WINDOW & DOOR
MANUFACTURERS ASSOCIATION,
Washington, DC, May 25, 2010.

Re Collins LRRP Amendment to Supplemental Appropriations Bill.

Hon. DANIEL K. INOUE,
Chairman, Committee on Appropriations, U.S.
Senate, Washington, DC.

Hon. THAD COCHRAN,
Ranking Member, Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUE AND RANKING MEMBER COCHRAN: On behalf of the Window and Door Manufacturers Association (WDMA), we are writing to urge your support of Senator Collins' Lead: Renovation, Repair and Painting (LRRP) amendment to the emergency supplemental. As you know, EPA's new LRRP rule, which took effect April 22, 2010, requires all renovation work that disturbs more than six square feet and all window replacements in housing built before 1978 must be supervised by a certified renovator and performed by a certified renovation firm.

WDMA has consistently supported measures to protect those most vulnerable to potential lead poisoning if lead-based paint is disturbed during renovation and repair of existing homes and buildings. Our members have made a concerted effort independently and in cooperation with other organizations to ensure that window replacements and other remodeling activities they engage in are performed in compliance with the certification requirements, work practice standards, and all other requirements of the final LRRP rule.

However, we continue to remain concerned that there are an inadequate number of certified renovators to implement the LRRP rule. This is having a serious impact on the remodeling construction industry at a critical time in our economic recovery, and when consumers are attempting to respond to the call for reducing their carbon footprint and green house gas emissions by renovating their homes to make them more energy efficient. Window replacement is essential to that effort. The targeted housing stock (pre-1978 homes) is estimated to be 80 million homes nationwide. Currently, there are only 204 trainers and 140,000 EPA-certified lead rule renovators across the country, with some states having no trainers at all. EPA estimates that 300,000 renovators

will be needed for targeted housing. The availability of EPA trainers is insufficient to meet contractor demand.

We believe the new lead rule cannot be effectively implemented until there are enough certified renovators to meet the rule's compliance goals. We therefore strongly urge you to allow Senator Collins' LRRP amendment for consideration to the emergency supplemental, which would delay enforcement of the LRRP rule until September 30, 2010. This delay in implementation will allow the EPA to devote more resources to compliance assistance, increasing public awareness and accelerating the approval of trainers.

WDMA will continue its efforts to ensure compliance but we strongly urge that Senator Collins' LRRP amendment to include this needed delay in enforcement of the LRRP rule until September 30 is allowed for consideration. Once the amendment is under consideration, we urge your support for its passage.

Thank you for your attention to this matter.

Sincerely,

JEREMY STINE,
Manager of Government & Public Affairs.

NATIONAL LUMBER AND BUILDING
MATERIAL DEALERS ASSOCIATION,
Washington, DC, May 25, 2010.

Re Sen. Collins EPA Lead Rule Amendment to Emergency Supplemental.

Hon. DANIEL K. INOUE,
Chairman, Committee on Appropriations, U.S.
Senate, Washington, DC.

Hon. THAD COCHRAN,
Ranking Member, Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUE AND RANKING MEMBER COCHRAN: On behalf of the National Lumber and Building Material Dealers Association (NLBMDA), we are writing to urge your support of Senator Collins' Lead: Renovation, Repair and Painting (LRRP) amendment to the emergency supplemental. As you know, the Environmental Protection Agency's (EPA) new LRRP rule, which took effect April 22, 2010, requires all renovation work that disturbs more than six square feet in housing built before 1978 must be supervised by a certified renovator and performed by a certified renovation firm, as outlined in 40 CFR §745.85.

NLBMDA represents over 6,000 members operating single or multiple lumber yards, building material supply companies and component plants serving homebuilders, subcontractors, general contractors, and consumers in the new construction, repair and remodeling of residential and light commercial structures. Many of our members engage in installed sales operations, such as window and door replacement and insulation installation, that are covered by the LRRP rule.

NLBMDA supports reasonable measures to protect those most vulnerable to potential lead poisoning if lead-based paint is disturbed during renovation and repair of existing homes and buildings. Our members have made a concerted effort independently and in cooperation with other organizations to ensure that remodeling activities performed in target housing will be done in compliance with the certification requirements, work practice standards, and all other requirements of the final LRRP rule.

However, NLBMDA also believes that despite the progress that has been made, the numbers of certified trainers, firms, and renovators is still too limited, and that when coupled with the current lack of accurate

test kits and public awareness, EPA is not fully prepared to effectively implement and administer the program established by the final rule. Our members are reporting that it is taking up to four months for EPA to process their applications to have their firm certified by EPA as required under the rule. We therefore wholly agree with Senator Collins and her amendment, which would delay enforcement of the LRRP rule by EPA until September 30, 2010. We believe this new date of enforcement will provide enough time for our members to become registered with the EPA for lead certification.

NLBMDA will continue its efforts to ensure compliance but we strongly urge you to delay enforcement of the LRRP rule until September 30 by allowing Senator Collins' LRRP amendment for consideration to the emergency supplemental. Once the amendment is under consideration, we urge your support for its passage.

Thank you for your attention to this matter.

Sincerely,

MICHAEL P. O'BRIEN, CAE,
President & CEO.

Ms. COLLINS. Mr. President, I ask for the yeas and nays on this amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There does not appear to be a sufficient second.

Ms. COLLINS. Mr. President, I understand that the chairman has temporarily stepped off the Senate floor, so I will withhold that request.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I was not on the floor when the Senator from Maine made her remarks about the EPA's lead paint rule, but she and I have discussed it numerous times, and I wanted to congratulate her for her leadership and persistence on seeing the impracticality of what the Environmental Protection Agency is trying to do.

She discussed this in the Appropriations Committee, she has discussed this with Senator FEINSTEIN, the Chairman of the Interior Appropriations Subcommittee, and with me—I am the ranking member on the Appropriations Subcommittee on Interior—and as more of us paid attention to what Senator COLLINS was saying, we found a significant problem in our own States.

Of course, the lead paint rule is a good idea. The idea is that for structures that were built before 1978—they mostly have lead paint—any work done by a repairman or contractor or painter that disturbs 6 square feet of lead paint must be done by someone who knows how to do it safely. This is especially important to children under 6

and to pregnant women. So we want to do that.

But in the State of Tennessee, it is a special problem to impose and enforce this new rule requiring contractors to be certified where we have just had severe flooding in our State that affects 52 counties, from Nashville to Memphis. This is the single largest natural disaster since President Obama took office.

People who hear me say that, say: Well, Senator ALEXANDER, haven't you heard about the gulf oilspill? Yes, I have heard about that, but that wasn't a natural disaster. The biggest natural disaster we have had since President Obama took office is the flood in Tennessee, affecting 52 counties.

One of the reasons you haven't heard as much about it is because a lot of other things have been going on in the world, including the gulf oilspill, but another reason you have isn't because Tennesseans are busy cleaning up and helping each other and not complaining and looting, so it doesn't make a lot of news. But the mayor of Nashville says there is \$2 billion of damage just in that city alone. There was water 10 feet high in the huge Opryland Hotel, where 1,500 people had to be rescued and taken to a high school gym. There was 2 feet of water on the Opryland stage.

There are 11,000 structures in Nashville alone which have to be repaired as a result of the flood. So I think you can see where I am going, Mr. President. This isn't just a problem in certifying these EPA inspectors in ordinary times. We have 11,000 structures in Nashville, 900 in Millington, 300 in Dyersburg—maybe it is the reverse, but those are 2 other small towns and counties. People are going into their basements, they are taking down drywall, they are repairing their air-conditioning, they are repainting, they are cleaning up and getting back on their feet. This is a special problem because we only have 3 EPA trainers to certify up to 50,000 contractors who might have to be working on these homes.

In fact, we have over three-quarters of a million structures in Tennessee—that is, 750,000—which are homes or childcare centers or schools or other buildings that were built before 1978 that would be covered by this rule. So having a good rule is one thing; having a thoroughly impractical application and implementation period is another. And then to do it in the middle of a flood which is the largest natural disaster since President Obama took office is tone-deaf to reality.

So I have asked the EPA to delay the implementation and enforcement of its rule until September if a contractor registers for a training class. I am a cosponsor of Senator COLLINS' amendment, and I think it is very important that the Environmental Protection

Agency hear what Senators from all around the country are saying, especially in our State of Tennessee where we have thousands of repairmen, painters, and workmen who need to go to work on tens of thousands of homes, and we don't want to have a risk where they may have to pay a fine of \$37,500 for each violation. There are a lot of them who don't make \$37,500 in a year. We are not talking about Wall Street financiers here; we are talking about workmen, repairmen, and painters who are helping people dig out after a huge natural disaster.

So Senator COLLINS has not only done the State of Maine a service by her persistence, intelligence, and leadership on this issue, but she has done a service for every citizen in the State of Tennessee in 52 counties who have been damaged by the severe flooding of the year 2010. So I thank her for her leadership and say to her that I am proud to be a cosponsor of her amendment, and I pledge to her—insofar as I am able as the ranking member of the Appropriations Interior Subcommittee—to work with other Senators on both sides of the aisle to try to get some common-sense implementation plan for this lead paint rule—a good rule, a bad plan.

Thousands of people are going to find that they can't repair their homes or that if they do, it will cost them thousands of dollars more because the repairmen they need to work on their homes can't get certified by the EPA because there are only three trainers in the whole State of Tennessee to do the job.

I thank the Presiding Officer, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I want to thank my colleague and friend from Tennessee for his comments and his support. We have been working on this since we first began discussing it during the appropriations markup, and he has illustrated what truly can be a devastating impact of this rule. It could prevent the renovations, the cleanup, the reconstruction work from going forward in his State. In his State even more than most States, the impact could truly be devastating. It is serious everywhere but truly devastating in Tennessee.

I have also commented to my colleague from Tennessee how proud he must be of the residents of his State. You hardly have heard of any complaints from Tennessee even though this has truly been a devastating flood. I sometimes worry that perhaps because they are trying to help one another, they are not getting enough attention in the press or from Congress. Fortunately, they have a very fine advocate in Senator ALEXANDER and Senator CORKER, and they are continuing to look out for them by cosponsoring this amendment.

I thank the Senator for his support.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Maine, and I see the Senator from Mississippi here. I would be remiss if I did not thank him and the chairman of the committee for including within the supplemental appropriations bill several provisions that will make it easier for the people of Tennessee, the important one being \$5.1 billion in money for the Federal Emergency Management Agency. That helps everybody who has had a disaster. FEMA is out of money. That account is dry. Whether it is a flood in Iowa, a drought in Oregon, a river in Georgia, a flood in Tennessee, or what is happening in the gulf coast today in Mississippi, that account needs to be furnished.

But there are other provisions in the supplemental appropriations bill. The President didn't ask for these, but he mentioned that in his visit with us yesterday in the Republican caucus. He mentioned the flooding in Tennessee, which I appreciate.

I should also say that the FEMA representatives who have come to Tennessee since the flood have done a first-class job. As of last week, about \$100 million had already been delivered to more than 30,000 Tennesseans who have been damaged by the flood. This has happened in just 10 days. The very experienced director of FEMA for Tennessee, Gracia Szczech, said she had her breath taken away by the amount of damage and the number of individuals affected and how rapidly it has gone out.

Tennesseans understand that Federal money is not going to make anybody whole. We are going to have to rebuild our own homes and our own buildings. But the actions of the supplemental appropriations bill will help.

Most impressive, though, as I have mentioned—and I appreciate the Senator from Maine saying something about it—is the spirit and attitude of Tennesseans. In Clarksville, where Fort Campbell is—the most deployed troops in America—they got a day off. They do not have many days off. Five hundred of them went out and cleaned up three neighborhoods in Clarksville, Montgomery County.

I visited the Bellevue Community Center in Nashville, and it was terrific to see so many volunteers walking in and asking to help. Whole congregations in Tennessee—a 1,500-person congregation—went en masse to help other counties and other neighborhoods.

I would say to the Senator from Mississippi, during the Katrina episode a few years ago, our church, the Westminster Presbyterian Church, sent dozens and dozens of Tennesseans down to help out at the gulf coast. Well, now our church is the headquarters for many Mississippians and others who

are returning to Tennessee to return the favor and help Tennesseans get back on their feet.

This is going to be a long, several-year recovery for us, but this supplemental appropriations bill will help, just as it will help disasters all over the country.

It would be another big help if the EPA did not make it worse. That means stepping back to take a look and realizing that we have maybe 50,000 contractors who would need to be certified to work on up to 750,000 buildings in Tennessee. Many of them are flooded; many of them are not flooded. But we cannot get all that done in the next few days, and people cannot afford \$37,500 fines for a violation. Most Tennesseans do not want to pay a few thousand more dollars to fix their flooded basement or their flooded house.

The repairmen and contractors and painters need the work. The construction industry that has about a 22-percent unemployment rate right now—that is more than twice what the overall unemployment rate is nationwide. So the EPA rule needs to adjust the implementation or execution in some sensible way so we can endorse the lead paint rule, but we can do it in a way that does not seriously disadvantage Tennesseans damaged by the flood.

The Collins amendment deserves the support of the Senate, and I am glad to have the opportunity to add my support to her efforts.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Tennessee for his kind comments about yielding time. I congratulate him and the Senator from Maine on their aggressive move to make sure the Federal rules and laws do not get in the way of humanitarian efforts that are extremely important in a time of natural disaster.

The flooding in Tennessee is a horrible mess. It has been overlooked in the wake of the gulf oil spill and other things that have probably claimed center stage in terms of its national publicity and television coverage that has been occasioned by these disasters. But my assurances are that we will continue to try to be active in a way that will be a constructive influence in the interpretation and application of Federal rules in these situations.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I have five amendments I would like to speak briefly about that I will not call up at this point. I was advised they are still trying to see if there is any objection to these being called up. I would still like to discuss them and explain to people why I would like to see these amendments adopted.

The first amendment I want to discuss is amendment No. 4279 related to bark beetles. This is a serious problem all of us in the West have observed. This amendment is cosponsored by Senator MURKOWSKI, who is the ranking member on our Energy and Natural Resources Committee, Senator UDALL of Colorado, and Senator BENNET of Colorado. We are, of course, looking for additional cosponsors.

This amendment addresses an important issue we have in our forests in the West. Bark beetles have affected some 6.5 million acres of these forests. The epidemic has resulted in a dangerous situation where dead trees are falling onto roads, trails, campgrounds, utility lines, and other infrastructure, posing a substantial risk of personal injury or death and property damage.

The Forest Service and National Park Service already have had to redirect tens of millions of dollars of funds that were appropriated for other projects and priorities in order to remove trees killed by bark beetles.

This amendment provides \$50 million to help address the unbudgeted needs of the Forest Service and the National Park Service to remove bark-beetle-killed trees around roads, trails, campgrounds, and utility lines to protect public health and safety.

While the bark beetle epidemic has most significantly affected the forests and agency budgets in the central and northern Rockies, the need to redirect funds to address these needs has an adverse affect on other projects around the country.

The amendment is fully paid for. As I mentioned before, I appreciate that Senator UDALL of Colorado—who has been a strong advocate for doing this work—has cosponsored the amendment, along with Senators MURKOWSKI and BENNET of Colorado. Senators JOHNSON and BAUCUS also have advocated for emergency funding for this work.

I hope we can quickly get approval to go ahead and call up this amendment so it can be considered as part of this legislation.

The next amendment I wanted to discuss briefly is No. 4266, regarding Coast Guard funding.

This amendment looks around the corner, or beyond the horizon a little bit, at a problem that is likely to hit us in the future. Under the Oil Pollution Act, if BP denies the claim for damages associated with the Deepwater Horizon disaster, the rejected claimant has the right to file a claim with the Federal Government through the National Pollution Funds Center. I can see a virtual inevitability that this will occur and perhaps occur reasonably soon. Then the National Pollution Funds Center could find itself swamped with claims. They do not have adequate funds in their annual appropriation to deal with it.

The amendment simply allows them, for this one incident, to access further appropriations for these administrative costs. I think it is prudent for us to do this in light of what may well transpire in the reasonably near future.

The third amendment I want to talk about deals with the abandoned mine lands legislation we have on the books. I added Senator BUNNING as a cosponsor. It is amendment No. 4187.

This amendment would clarify that certain funds provided to the States under the Abandoned Mine Lands Program, administered by the Department of the Interior, could be used for two purposes: No. 1, for high-priority noncoal reclamation as well as coal reclamation; and, second, for State set-aside programs for the remediation of acid line drainage. The funds involved are those that have accrued to the States under the formula in the Surface Mining Control and Reclamation Act but had not been previously appropriated. Use of these funds for noncoal reclamation and acid mine drainage had been allowed prior to amendments made by the Tax Relief and Health Care Act of 2006. There was no intent at that time to change that result.

However, in 2007, the Solicitor in the Department of the Interior interpreted the amendments that we adopted in 2006 as limiting the ability of States to use these funds under the Abandoned Mine Lands Program for these purposes.

With respect to the use of funds for noncoal reclamation, while activities on noncoal sites have consumed a relatively insignificant portion of the funding provided for the overall AML Program, use of targeted funds for high-priority noncoal abandoned mines in the West is essential in terms of public health and safety.

With respect to the use of funds for acid mine drainage, allowing the funds to again be used for State set-aside programs for remediation of acid mine drainage has considerable benefits in terms of the environment and water quality, particularly in Appalachian States such as Kentucky and Pennsylvania and West Virginia.

This amendment does not score. It does not increase any funding to the States or to the tribes. It simply clarifies that States have the flexibility to use AML funds for these two uses, as was the case prior to the 2006 amendments, and at the appropriate time I will offer that amendment as well.

Let me discuss one other amendment. I have two other amendments I want to discuss. The first is amendment No. 4267.

The amendment I have mentioned contains a number of process improvements to help the DOE Loan Guarantee Program to operate more efficiently and effectively. I am pleased to have Senators MURKOWSKI and SHAHEEN as cosponsors of this amendment.

The amendment does six important things:

No. 1, it provides the flexibility to allow applicants to pay a portion of the credit subsidy cost, in concert with the use of appropriations for other parts of the cost. This feature will allow us to make more effective use of the appropriations provided to the program.

No. 2, it drops the requirement for expensive third-party credit reports in cases where the projects are small and are being proposed by start-up firms, which generally do not have a credit rating. The Department would treat these firms as having the lowest credit rating, which is what start-up firms without a balance sheet generally have in any case.

No. 3, it provides enhanced hiring authorities for the DOE loan guarantee office and for professional advisors to help analyze projects being proposed for support through the program and the related advanced vehicle technology loan guarantee program.

No. 4, it fixes a glitch in DOE's rules for the loan guarantee program that prevents a project being guaranteed from being located on more than one site.

No. 5, the amendment also removes a requirement that keeps an applicant from submitting more than one application to the program.

No. 6, finally, the amendment allows the loan guarantee appropriation made as part of the Recovery Act to be used for energy efficiency projects, in addition to renewable energy and electricity transmission projects.

These proposed changes have substantial bipartisan and bicameral support. They do not add to the score of this bill, but will greatly help move the loan guarantee program forward.

I urge the adoption of this amendment.

The final amendment I want to speak briefly about is amendment No. 4268.

Amendment No. 4268 contains an important process improvement to help the Department of Energy Loan Guarantee Program to operate more efficiently and effectively. It sets a 30-day limit for dealing with or reviewing loan guarantee applications by the Office of Management and Budget once they are approved for conditional commitments by the Department of Energy. The time consumed by OMB reviews and the delays this has engendered in the program have been a substantial impediment to the effective functioning of the program.

This amendment would provide for a much greater degree of certainty and clarity in the operation of the program.

Again, I am pleased to have Senator MURKOWSKI as a cosponsor of the amendment. I hope we can adopt it as part of this legislation.

I will wait until I am advised by the floor managers that it is appropriate to

call up these amendments, and at that time I will hope to be able to do so. I hope we can get the necessary support to adopt the amendments.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to speak today on an amendment I filed, amendment No. 4222, which I hope at the appropriate time will be called up on my behalf. Actually, I suggest and hope this will become a part of the managers' package.

It is a relatively simple amendment, but I think it is very important in terms of clarifying the role of the Congress versus the role of the executive branch in a lot of decisionmaking.

Last October, the Secretary of Veterans Affairs announced his intention to establish a presumption of service connection for three medical conditions, including ischemic heart disease, for veterans who were exposed to Agent Orange. He stated this rulemaking was necessary as a result of the Agent Orange Act of 1991, which requires the Secretary of Veterans Affairs to promulgate regulations establishing a presumption of service connection once he finds a positive association of exposure to herbicides in the Republic of Vietnam and the subsequent development of any particular disease.

The Department of Veterans Affairs made a request on the basis of this rulemaking. It is contained in this supplemental. It is an amount of about \$13.6 billion for the service connection, principally of coronary heart disease, to Agent Orange in Vietnam.

I think we need to proceed very carefully in terms of our role in the Congress in examining this presumption. It is not yet official policy in the Department of Veterans Affairs. It is still in the review process. The Congress is going to have 60 days beginning at some point this summer to examine this decision that General Shinseki made.

My amendment basically says: We should fence this money. And I think it is appropriate that, no pun intended, the Appropriations Committee honor the request of the DVA in this issue. But we should fence this money until the review process is complete.

This is the difficulty here. When the Agent Orange legislation was passed in 1991, it created two different sorts of presumptions. The first was that everyone who had been in Vietnam, everyone who had served in Vietnam, was presumed to have been exposed to Agent Orange. I would say, as a committee counsel in the House of Representatives more than 30 years ago, I counseled the Agent Orange hearings. There were four Agent Orange hearings. That was a very generous assumption that was made in this law, to say that everyone who was in Vietnam was, in fact, exposed to Agent Orange.

We do want to take care of those who were. We do want to take care of our veterans who served and who incurred disabilities or diseases as a result of that service.

The second presumption in this legislation was that, as a matter of executive discretion, the Secretary of Veterans Affairs could then look at information and decide which diseases or medical conditions should be also presumed to have resulted from exposure to Agent Orange.

So, first, everyone who served in Vietnam is assumed to have been exposed to Agent Orange, and then certain medical conditions are determined so that the presumption is they were the result of Agent Orange exposure.

In 2001, it was decided that type 2 diabetes was the result of Agent Orange exposure. It was decided by the then-Secretary of Veterans Affairs. By 2009, more than 263,000 Vietnam veterans were receiving disability compensation related to this decision. That is 10 percent of everyone who went to Vietnam, has been service connected, through this Agent Orange bill, with respect to type 2 diabetes.

The estimates we would have on coronary heart disease are much higher. We are talking about the potential, at a minimum, of spending \$31 billion in the next 10 years as a result of this presumptive service connection, and I must say I have not had the opportunity, as a member of the Veterans' Committee, to hear from the Secretary of Veterans Affairs as to how he made this connection.

Looking at the review chart, there was a category called "level of connection." In other words, when you take the scientific information and you apply it to this condition, what is the level of connection? For instance, when they looked at B-cell leukemia, there was sufficient evidence. That was a category.

When we are looking at coronary heart disease, it is "limited or suggestive evidence." I do not know what that means. But what I wish to say is that we have an obligation in the Congress, A, to make sure we take care of our veterans but, B, that we also hold the executive branch to some sort of accountable standard.

That accountable standard will be occurring over the next couple of months. I think it is appropriate in this particular supplemental that we mark this—it is either \$13.4 billion or \$13.6 billion for this increase in the service connection, that we mark this as "not to be spent" until we can clarify this issue.

This is not in any way an issue as to whether we support our veterans. I take a back seat to no one in my concern for our veterans. I have spent my entire adult life one way or the other involved in veterans law. But I do think we need to have practical, proper

procedures, and I do believe that the executive branch, whether it is the EPA or the State Department or the Department of Veterans Affairs, needs to be held to an accountable standard.

With that, I hope very much that we can get this amendment as a part of the managers' package. As the issue resolves itself, we can decide the appropriate level of funding that will go to the connection between medical conditions and exposure to Agent Orange.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant editor of the Senate Daily Digest proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I rise to speak about important funding in the supplemental appropriations act that will help my State of Rhode Island recover and rebuild from the recent devastating flood which left homes destroyed, businesses closed, and thousands and thousands out of work. The help in this bill is very important to us. Residents of our Ocean State were in a tough spot long before the rain started to fall. Our economy had been in severe recession for 28 months. Unemployment has remained over 12 percent, putting us in the top 5 States for unemployment for 12 months. Homelessness is on the rise. We are in the top 10 States for foreclosures, and our State budget is simply a disaster. The historic back-to-back floods in March hit an already hard-hit State. Rhode Island saw more rain during this disaster than any month on record ever, over 16 inches, with over 5 inches of rain falling on March 30 alone.

The devastation wrought by these storms exceeds anything in living memory. Meteorologists who have reviewed it are calling this the most damaging storm to hit the Ocean State since 1815. It is too soon to estimate the full economic impact of the March flooding, but it is clear that the economic damage to Rhode Island will be prolonged and severe. The peak storms of March 30 and 31 brought commerce not only in Rhode Island but in the region to a halt. Route I-95, the main artery that connects the major cities of New England and the middle Atlantic States, was closed for 2 full days. It flooded out following a surge of the Pawtuxet River. The river, which has a flood level of 9 feet, crested at its all-time high, almost 21 feet, on March 31.

It is hard to overstate the importance of I-95 to Rhode Island's economy because not only is it a regional

artery, it is probably the single most heavily traveled local commuter and commercial artery for our State. Similarly, even Amtrak service through Rhode Island was suspended for 5 days due to the flooding out of the Amtrak rails.

At the height of the rains, Providence Street, a main road in West Warwick, looked more like a river than a road. This picture shows local emergency workers rescuing people who have been flooded into their homes and apartments, driving them through the flood in a boat with jet skis. It is not often that one sees local emergency workers driving down the roads of Rhode Island towns on boats and jet skis. But that is what it took to get residents out who had been trapped by rising flood waters.

A few days later, this was the scene at Angelo Padula & Sons auto salvage yard in West Warwick. The waters have receded, but we can clearly see the damage left behind. All of these cars were covered and filled with water. We can see the mud from the river heaped all over them. I don't know whether it can be seen on television, but hanging in the fencing is leaves and grass and other bits of trash, because the river was over all of this. This fence was a strainer, picking leaves, trash, and other debris out of the flow. This was completely under water when the river was at its height. When it came back, it left the devastation of this auto and salvage yard. According to local news reports, the floods destroyed 1,200 cars in this salvage yard as well as 16 cars in a sales lot and thousands of dollars worth of car parts. The damage to the surrounding neighborhood and the other businesses near Councilman Padula's yard was equally severe and devastating.

This legislation will enable the Army Corps of Engineers to examine the factors that led to the severe flooding in our State. It will help Rhode Island apply effective mitigation measures to forecast the risk of and prevent future flooding. Our communities are now hesitant to rebuild for fear of another flood. We must take steps to prevent a disaster such as this from happening again. People have to know where the danger area is. When you get two back-to-back floods in a matter of weeks that both blow through the 100-year flood line, one of which blows through the 500-year flood line in places, something is wrong with the measurement of the flood risk. The people who have been subjected to these floods know that. As one local business owner said in a recent report on WRNI, our local NPR station: What happens if it floods again in 2 months?

We need this knowledge. We need the support from the Army Corps to get in there and tell us what the real present flood risk is. Clearly, the previous estimates were badly wrong.

This bill also contains funding for community development block grants and economic development assistance grants for long-term recovery efforts that will help restore and rebuild Rhode Island communities. As I traveled around the State for days following the flood, the sheer magnitude of the damage was unprecedented. The Federal response came quickly. The President issued a disaster declaration almost immediately. Homeland Security Secretary Napolitano was on the ground within days. FEMA quickly came in to set up emergency assistance centers and begin processing disaster assistance applications. They set up offices all across the State. They did a phenomenal job of getting people into the State, of reaching out across the State and making sure they were widely spread and available to victims of the flood. So far FEMA has processed more than 25,000 claims and, in a State of a million people, that is a big number. I thank them for their hard work. Of course, FEMA delivers a particular specified product that is defined by law and regulation. They haven't been able to help everyone. People have fallen through the cracks, and so many Rhode Islanders remain frustrated.

I recently held one of my community dinners in Cranston for people to come and ask questions about flood aid. I heard from a number of people who feel as though they have fallen through the cracks in the wake of this disaster or feel that the help they have received is not enough.

Small business owners, for instance, have been limited to receiving low-interest loans from the SBA to recover from their flood damage. But for many of the small businesses which were already struggling through the terrible economy I described before the floods even came, the prospect of taking on more debt in order to repair flood damage is not feasible. They need grant support.

What is important about this legislation is that CDBG and EDA will allow the local municipalities to design appropriate programs to catch the people who were not those 25,000 satisfied customers of FEMA but are the people who, because of the nature of the program and the nature of their flood damage somehow managed to fall through the cracks.

For our towns and cities in Rhode Island, again, this could not have come at a worse time. I have already shown you some of the damage that was sustained in West Warwick. That is a town that was already experiencing hard economic times. Now the town's already stretched budget has been pushed to the limit by the overtime shifts and the emergency repairs and all of the extra effort required to deal with the flood and its aftermath. By lowering the State and municipal cost share from 25 percent to 10 percent, this ap-

propriations package will be a big relief to the people of West Warwick. Frankly, the city of West Warwick and others will have the ability now to design packages to help their residents and their small businesses that were not adequately compensated by FEMA to try to get them back on their feet. So it is two good things for the municipalities: It is a reduction from 25 percent to 10 percent in their share, and it is an opportunity to create a plan that will help serve their constituents.

In Cumberland, RI, Hope Global, one of the town's largest employers, was completely washed out by the flood. This is a picture of Hope Global I have in the Chamber. This is their loading dock. Normally, there would be no water there at all. There would only be a parking lot there, and a truck would back up to this level. This would be several feet off the ground. As it was, I floated through those loading docks in an inflatable boat at Hope Global.

They are an enterprising company. Cheryl Merchant, who is their CEO, is an astonishing woman. She had all of the equipment in that factory jacked up on temporary pallets of one kind or another, so when the flood came in, it did not damage the machinery because it had been jacked up. When the floodwater went back down, they put the machinery back down on the ground. They got their electricity going again. They plugged back in, and they were running in no time. Before their executive offices were cleaned up, while everything was still a wreck, the machinery was already spinning and the Rhode Islanders at Hope Global were already back at work. That was a great thing. But now they face the problem of, do we stay? Should we go on? Should we find a location where we do not face this kind of a risk?

One of the important decisions Hope Global needs us to make is to reduce the threat of future flood damage. Can there be a berm that protects them from the river overflowing, as it did here? They would like to see that berm constructed along the riverbank for their protection, and we are hopeful the funding in this appropriations package will help Cumberland to assist the Army Corps in getting that done quickly.

I will close by pointing out that the motto on the Rhode Island State flag is "hope." That is our symbol. That is the phrase, the word that has seen us through tough times in the past. The flooding has destroyed homes. It has closed businesses. It has put careers on hold. But the people of Rhode Island have stood up remarkably well. However, the job of rebuilding roads, rebuilding bridges, rebuilding sewage treatment plants, rebuilding public facilities, homes, and businesses is a colossal and daunting task for a State already 28 months into severe recession. Rhode Islanders are a resilient bunch.

We will recover and rebuild. But this will certainly help us to get there.

Since this appropriations package was passed unanimously in committee, I hope for quick passage on the floor.

I see the very distinguished ranking member of the Appropriations Committee, Senator COCHRAN of Mississippi, who represents a State that has seen its own share of flooding and difficulty recently. I know how sympathetic he is to our concerns and how effectively and helpfully he has worked with JACK REED, my senior Senator, who is also on the Appropriations Committee, who has worked to see that this gets done. So I want to take this moment, as I conclude my remarks, to pass on my gratitude to the chairman, Senator INOUE; the ranking member, the distinguished Senator from Mississippi, Mr. COCHRAN; and my senior Senator, JACK REED, for all of their work in pushing this funding through the Appropriations Committee to where it is now on the floor. Our State is lucky to have had their support, and I look forward to continuing my work with Senator REED to make sure Rhode Island rebuilds.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4174

Mr. MENENDEZ. Mr. President, I ask for regular order with regard to the Reid amendment No. 4174.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 4289 TO AMENDMENT NO. 4174

Mr. MENENDEZ. Mr. President, I offer a second-degree amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. KAUFMAN, proposes an amendment numbered 4289 to amendment No. 4174.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require oil polluters to pay the full cost of oil spills)

At the end of the amendment, add the following:

TITLE V—OIL SPILL LIABILITY
SEC. 5001. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES.

(a) IN GENERAL.—Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3))

is amended by striking “plus \$75,000,000” and inserting “and the liability of the responsible party under section 1002”.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on April 15, 2010.

Mr. MENENDEZ. Mr. President, the amendment I rise to offer today as a second-degree will do something several of my colleagues and I have been seeking to do on the floor for the last 2 weeks or so; that is, to make absolutely certain that big oil polluters pay for oil spills and not the taxpayers—not fishermen, not small business owners, not coastal communities, not States, not municipalities.

This amendment would eliminate the artificially low liability cap that is currently in place—a cap that is currently set at \$75 million—which means companies such as BP are only on the hook legally for less than 1 day’s profits. BP made nearly \$6 billion in 3 months of this year in profits—not proceeds, profits. That comes out to about \$94 million a day. So the present liability cap—the cap that says, yes, you have to be responsible for all the clean-up, all of the efforts, but to the extent you have damaged shrimp fishermen, commercial fishermen, to the extent you have damaged coastal communities—to all of that extent—there is a \$75 million limit. Well, if we let that stand, that would be less than 1 day’s profit for BP. So we want to make sure they are legally on the hook and their spill, which wreaks complete economic devastation on small business and local communities and our environment that could very well last for years to come, does not allow them to get away with not being fully responsible.

I believe yesterday we had a big day in the Senate in this debate about liability caps for oil companies that spill. First, the administration finally clarified. It had originally said we believe the cap should be lifted, but it had not quantified as to what that should be. Yesterday the administration clarified its position to say it will support unlimited liability for damages caused by future spills in deep waters. Then several of my Republican colleagues came to the floor of the Senate to support unlimited liability for damages caused by this particular spill, not a broader range. I think that is progress.

We certainly embrace the fact that for this and any potential future spill there should be unlimited damages. So from when I started this effort with several of my colleagues, including Senator NELSON, Senator LAUTENBERG, Senator MURRAY, and others, we have come from opposition to lifting the cap, to a determined amount, to now having an understanding that unlimited liability certainly in a spill of this nature should, in fact, take place.

However, we cannot depend on BP’s good word or BP’s statements. There is no consent judgment. There is no writ-

ten guarantee. We need to make sure those communities within the gulf and that we as a nation and as taxpayers do not have to pay for BP or any other responsible party.

So it is encouraging to see colleagues coming around to see it the way I and 20 Senate cosponsors of my bill are supporting, but we still have a bit of a ways to go. We all should agree all oil companies should pay for all damages caused by spills from offshore facilities, certainly if they are doing deep-water drilling, certainly if they create the risk; and if that risk ultimately ends in damage, we should be able to universally agree they should be responsible for the liability. But we should not depend upon doing that just when an oil company makes statements they promise to pay; not just when the company is so big it can pay with a few weeks’ worth of profits. We need to make sure people whose livelihoods are ruined by an oil spill are protected no matter what. We need to ensure big oil companies are held accountable no matter what.

That is why I am offering this amendment to remove the cap on liability completely so we can truly hold oil companies accountable for all of their potential damages.

I have heard some people referring to keeping the oil companies responsible, such as BP, as un-American—un-American—to hold a multibillion-dollar corporation accountable for the very disaster it created. I think it is un-American not to be able to pursue such a corporation for the purposes of holding them accountable for the disaster they have created to the economic well-being of commercial fishermen, shrimp fishermen, seafood processing plants, coastal communities, wetlands, and a whole host of other consequences that we have.

This is a chance to show if we are going to stand up with big oil or with small businesses, including fisheries and coastal communities, whether we are going to stand up with multibillion-dollar corporations or with the taxpayers of this country so they have no liability whatsoever. I think the choice is pretty clear.

I hope everyone in our Chamber will do the right thing, to hold big oil accountable for the damages they have caused. I hope our colleagues will join us in this effort. I am truly pleased to see there is a movement in this direction. I hope we can make it a bipartisan movement. I think the American people are seeing that regardless of what BP ends up committing to pay or what they don’t commit to pay, when they came before the Energy Committee and the executives were there and they were asked what are all the legitimate claims, they equivocated on a series of answers: Well, is this a legitimate claim? Is this a legitimate claim? Is this a legitimate claim? They equivocated on all of that.

When the three different entities—BP, Transocean, and Halliburton, all of whom may be responsible parties—had the opportunity, they all did the finger-pointing at the other one. That does not give me a sense of security or a guarantee that this enormous consequence to our environment and to our economy is going to be taken care of by the words of those who both shift blame and equivocate on their responsibility. I think we have clearly learned there obviously is no such thing as a rig that is too safe to spill, and there should be no legal wiggle room for oil companies that devastate coastal businesses and communities now or in the future.

This spill, if nothing else, tragedy that it is, should serve as a rallying cry for holding big oil responsible for the damage it has caused. That is our choice. That is our opportunity. I urge that is the fierce urgency of now, as we look at that live feed of that oil gushing every day for now well over a month. It is our fiduciary duty to the taxpayers of this country. It is our duty to the next generation of Americans in this country to make sure the company and companies that created this set of circumstances and these enormous damages are fully liable for it. That is the opportunity we have by virtue of this second-degree amendment.

I hope my colleagues will embrace the opportunity and live up to those responsibilities.

With that, Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, in a moment I am going to talk about both the amendment offered by my colleague, Senator MCCAIN, to provide funding for members of the National Guard to be deployed to the border, our southern border with Mexico, for the purpose of better border security, as well as the amendment which I have offered as a second-degree amendment to the Cornyn amendment which provides funding for Operation Streamline, which is the process by which people who are apprehended crossing the border illegally are sent to jail for a couple of weeks as a deterrent so that they then don’t want to cross in the future because they know they are going to be in jail rather than working someplace for the money they came to work for.

Just to explain one thing: when there is a member of the majority on the Senate floor, I will ask unanimous consent to modify my amendment with a

technical modification. But the amendment is the same. What it does is to provide the sum of \$200 million for additional funding for multiagency law enforcement initiatives—that is the way they are described—for the Tucson sector of the border, and that is roughly the eastern half of the Arizona border with Mexico.

Mr. President, \$155 million of that would be available for the Department of Justice for the purpose of hiring additional deputy marshals, constructing permanent detention space, and other related needs of the Secretary of Homeland Security and the Attorney General, then \$45 million available to the judiciary for courthouse renovation and administrative support, including judges and court clerks.

This is offset, and the emergency designation would be appended to it as the modification I will submit. The purpose of this is to enable the Border Patrol and the Department of Justice, when illegal immigrants are apprehended crossing the border, to present them to court. They are represented, and they can enter a plea or they can waive further proceedings. For those who, in fact, are found to have crossed the border illegally, they can be sent to jail. Ordinarily, if it is the first time, it is a 2-week sentence. If they have done it repeated times, it can be 30 days or it may be that some will serve 60 days. I am not sure.

The point is, where this has been done, for everybody who crosses the border—with some exceptions—for almost everybody who cross illegally, it has created a very effective deterrent to crossing. It becomes apparent to people who are trying to cross in that particular vicinity that if they do, and they are apprehended, they are going to jail.

About 17 percent of the people who come across illegally are criminals, wanted for crimes in this country, and obviously they don't want to go to jail. For the other 83 percent, roughly, those are people coming here to work. They cannot work and make money if they are in jail. They cannot send money back to family in Mexico or El Salvador or wherever it might be, so they, too, want to avoid this result.

The effect of this in the Yuma sector of the border—which is one of the two sectors, Del Rio, TX, being the other—where it is fully implemented, is that there is virtually no illegal immigration attempted in that sector of the border anymore. There are effective fences—about 11 miles of double fencing—and they have sufficient Border Patrol agents in the area.

There are some other factors for the reduction of illegal immigration in that sector. In the last 5 years, the apprehension has declined from 18,500 down to about 5,000—some—a 94-percent decrease. The head of the Border Patrol and others tell me one of the primary

reasons for that reduction is this operation streamlining—the sure knowledge if they cross into that sector, they are going to jail. If we can provide that same kind of deterrence in the Tucson sector, where about 50 percent of all illegal immigrants are crossing into the United States from Mexico, then we would have gone a long way toward securing the border. Certainly, in Arizona we would have substantially eliminated illegal immigration in the State.

If we add to that the amendment of Senator MCCAIN, which would provide the funding for deploying National Guard on the border, I think we can go a long way toward securing the border in a relatively short period of time. So when the President has said he agrees with us that we need to secure the border, and he even proposed some funding or some National Guard troops on the border, I think this is a recognition that it is the right way to go.

I will make two quick points about Senator MCCAIN's amendment. First, the President has proposed far fewer numbers than Senator MCCAIN has proposed, which is a total of 6,000 National Guard, or 3,000 on the Arizona border. We believe it will take that many in order to accomplish the goal. The President's numbers are far fewer. It is unclear from the lack of detail in this proposal, but it appears those will not be literal boots on the ground but, rather, these National Guard troops will be there for the purpose of training and for administrative work, investigative work, and will, for the most part, be back from the border and not actually engaged in the work at the border itself.

The importance of that is we are told—at least anecdotally—the one thing the people who are coming across the border illegally fear more than anything else is National Guard troops. Border Patrol, they don't like them. They don't like a county sheriff or anybody else, but when it comes to the National Guard, they want to avoid them. So this represents a real deterrent.

The second thing I want to say is, there is a letter from the National Security Adviser and John Brennan, the President's intelligence adviser, contending that the McCain amendment is an interference in the Commander in Chief's responsibilities because it purports to order National Guard troops to the border.

I want to make it clear that is not true. This appears to be another case of somebody in the administration spouting off about a law they have not read. In this case, it is the McCain amendment. It is all on one page. It is very easy. It says—by the way, remember, this is an appropriations bill we have, a supplemental appropriations bill. We are appropriating money. That is all the McCain-Kyl-Hutchison-Cornyn amendment does.

It says:

Additional Amount [that refers to money]—For an additional amount under this chapter for the deployment of not fewer than 6,000 National Guard personnel to perform operations and missions under section 502(f) of title 32 United States Code, in the States along the southern land border of the United States for the purposes of assisting U.S. Customs and Border Protection in securing such border, \$250 million.

Then there is the offsetting rescission. It doesn't order National Guard troops to the border at all. It simply provides \$250 million of additional funding for the purpose of the Guard, to the extent, obviously, or up to or fewer than 6,000 troops on the border. So it doesn't order anybody, doesn't interfere with the Commander in Chief's responsibilities.

For that reason, I hope when we have an opportunity to vote on this amendment—and I think one of the questions I want to ask my colleagues with regard to this vote is, when we vote and support the McCain amendment for funding for the National Guard, the Kyl amendment, which supports Operation Streamline, and the Cornyn amendment, which he will soon describe—the key is to get a vote.

It is now 20 minutes until 4. Cloture has been filed on this bill. It will ripen tomorrow morning and, presumably, we will have a vote. The question is, Will we have a vote on these amendments? Are we being slow-rolled?

I hope a member of the majority can come to the floor so we can ask, Are we going to get votes on our amendments? They are in order. They are not going to be out of order, from the Parliamentarian. They will provide funding for something all of us agree we need to do, and the President also agreed we need some funding, in any event.

The bottom line is, if we don't vote today on these and cloture ripens, this body will never have had an opportunity to express itself on this issue. What I want to do is, when the majority arrives, ask unanimous consent that we set these amendments for a vote so we can vote.

I yield to the Senator from Texas.

Mr. CORNYN. Mr. President, I ask the Senator—and we now have both distinguished Senators from Arizona on the Senate floor—is he aware of a new poll that came out today—CNN, I believe—that said nearly 9 out of every 10 Americans in this poll support putting more Border Patrol and Federal law enforcement agents on the border because of border security?

This isn't just something we thought was a good idea. It looks as though the American people recognize not only the incipient violence in Mexico and the spillover effect here but our inability to protect ourselves from the organized criminal activity of smuggling drugs, weapons, and people. Is that the Senator's experience, that this is the sort of thing that has broad public acceptance?

Mr. KYL. Mr. President, yes, I do think it has broad acceptance. I wasn't aware of this particular poll. I will ask my colleague from Arizona about this because he is very much aware of the public sentiment on this issue.

Mr. MCCAIN. Mr. President, I ask unanimous consent to be included in the colloquy with the other Senator from Arizona and the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I will respond to the Senator from Texas, and I thank him. We who are from border States have perhaps a better understanding of the violence—the dramatically increased violence over the last several years. In the last 3 years, 22,000 Mexican citizens have been murdered in this struggle between the drug cartels and the Mexican Government. It is the worst kind of brutality: people being beheaded, bodies hanged from the overpasses. I think it was on the Mexican side of the Texas border the other day. There was a wedding—if the Senator recalls—and the drug cartel people went in and took the groom, the brother, and nephew out and murdered them. That brutality and violence, we all know, is spilling over the border. I believe three American citizens were murdered in Juarez—who were coming back from Juarez.

So the violence and the connection between human smuggling and drug cartels now is incredibly intertwined. They use the same routes, the same intelligence, the same sophisticated communications equipment. It is a threat to our security. That is why we Senators have asked for the Guard to be sent to the border.

What happened yesterday in what was clearly a PR stunt, the President announced 1,200 National Guard to the border. Now we find out they are going to do desk jobs. One of the things we have found out is that the presence of the uniformed Americans on the border has a significant effect on the drug cartels because the only threat they feel from Mexico is from the Mexican Army because of the terrible corruption that exists.

These people who have come across the Nogales border into Tucson and Phoenix have been distributed nationwide. People all over America are beginning to appreciate—according to the polling number the Senator from Texas pointed out—the American people are beginning to understand that our broken borders affect all of America. This violence is increasing, certainly, on that side of the border. The drug cartels make—the number I hear is as high as \$65 billion a year. When I tell people we intercepted, in the Tucson sector alone, over 1.2 million pounds of marijuana, people don't believe it. When we tell them we intercepted 241,000 illegal immigrants—and we figure that 4 to 5 to 1 crossed our border

to Tucson illegally—over 1 million people—what does the President do? He said he is going to send 1,200 troops to the border. We need 6,000. We need 3,000 for the border and 3,000 for the Arizona border. That is what we hear from the people who are enforcing the law.

This is a national security issue. It is something that all Americans are now more and more aware of and are supporting. I hope the administration and my colleagues on the other side of the aisle who also are being affected by this will understand we need to secure the borders first. Then we can work out an orderly system to address the results of our failure to secure the border.

I ask my friend and colleague from Arizona, what would happen if we enacted comprehensive reform and didn't secure the border?

Mr. KYL. Mr. President, I might respond by noting that my colleague from Arizona likes to talk about exactly what would happen. When President Reagan did exactly that, and the promise was to secure the border with amnesty for 3 million illegal immigrants, the amnesty was granted, but the border was not secure. I know there is an argument on the other side that, well, if we secure the border, then some people will not want to do comprehensive reform because they would not have any incentive to do so anymore.

I don't think that is right. I think there would be more of an incentive once we do secure the border. In any event, we certainly should not hold securing the border hostage to passing some law in the future. That is our obligation and the President's obligation irrespective of what other laws we pass.

Mr. MCCAIN. I ask the Senator from Texas this: There is another important point. There is the belief that we can't secure our borders, that there is just going to be an unending flow of illegal immigrants into this country. I ask my friend from Texas, isn't it true that in at least parts of Texas, with the combination of surveillance, fencing, and proper staffing, there has been basically a secure border?

Mr. CORNYN. The Senator is absolutely right. Where there is a combination or layered approach to dealing with illegal immigration, there have been great successes, including an effort to use prosecution of people for crossing and incarcerating them for a short period of time, which acts as a further deterrent.

The Senator raises another important point. While I certainly support his effort to try to get sufficient National Guard on the border, 1,200 won't cut it, not with a 2,000-mile border. We need more boots on the ground. We need to also make sure we support our local and State law enforcement people who are standing in the gap in the short term. That is why I appreciate

the Senators' support on the other amendment we hope to vote on. We need the Southwest border task force to deal with these high-intensity drug trafficking programs. We also need to make sure we use the latest technology.

The distinguished Senator is the ranking member on the Armed Services Committee. He is well aware of the use of the military unmanned aerial vehicles and, I believe—and I think he would agree with me—they could be used as a good effect, as a multiplier effect for the Border Patrol and National Guard there, something that could be used for training purposes for the National Guard, who have had experience using those in Iraq and Afghanistan.

Finally, we need not only Border Patrol and National Guard, we need Alcohol, Tobacco, and Firearms. These are the people who actually catch the guns that are bought in bulk through straw purchasers and brought across the border that are used by the cartels. All of these Federal agencies—from ICE, CBP, DEA, ATF—all of them represent additional boots on the ground that could be used to help secure our border.

I appreciate the support both Arizona Senators have given, as well as Senator HUTCHISON, who is a cosponsor. But we need a permanent solution, not a temporary Band-Aid which I believe the President's proposal represents.

Mr. MCCAIN. Mr. President, bringing the issue back to my home State of Arizona, I ask my friend, Senator KYL, who has, along with me, traveled extensively to the southern part of our State, many of the residents of the southern part of our State, particularly those who are ranchers who live near the border, basically do not have a secure existence. They have people crossing their property illegally. They have home invasions. They have wildlife refuges on the border being trashed because of the overwhelming human traffic and the garbage and the items that are left behind. I have talked with ranchers' wives who said they could not leave their children at the bus stop.

I want to be very clear. Many of these illegal immigrants are just people who want to come and get a job. But the change over the last few years is that they are escorted by these coyotes who are also associated with the drug cartels who are amongst the most cruel and inhuman people in the world.

When people criticize the law in Arizona as being discriminatory, where is their concern for the individuals who are being escorted by these coyotes who inflict on them the worst abuses, terrible abuses? They bring them to Phoenix. Phoenix is the No. 2 kidnapping capital in the world. No. 1, Mexico City. No. 2, Phoenix, AZ. Can my colleagues understand why the people of Phoenix are upset?

They bring them to these drop houses, they jam them into these homes, and they hold them for ransom. Then once they get the money, sometimes they let them go, sometimes they ask for more money. In the meantime, they are suffering under the most inhumane conditions.

When the advocates for “legal immigration” are up, I say: Where is your compassion for the people who are being so terribly abused that the coyotes are bringing in the most inhumane fashion across our border and kept in the most inhumane fashions? Isn't that an argument to secure the border? Isn't that an argument to stop this human trafficking? They are unspeakable things. I will not on the floor of the Senate talk about some of the stories I have heard.

We have a situation in the southern part of our State where the residents are living in a state of, if not fear, certainly deep concern and insecurity. Then we have this terrible human trafficking tied to the drug traffickers who are committing the most terrible human rights abuses.

Mr. KYL. Mr. President, I will respond to my colleague by noting, these are the crime statistics that are never reported. Let's face it, the people who are accused of these crimes cannot go to the police and report what has happened.

Again, there is an argument made that crime statistics have actually gone down in the last 2 or 3 years. In the cities—the cities of Tucson and Phoenix, for example—that may well be true. I don't know. What I do know is this: In the rural ranch areas that my colleague, Senator MCCAIN, speaks of, families who used to have no worries at all, left homes unlocked at night, windows open, and if an occasional illegal immigrant or two came by and needed a sandwich or water, frankly, they got it, now fear for their lives.

One of our constituents was killed a couple months ago, a rancher who was beloved in the area. Others have been robbed. There have been physical assaults. They are no longer safe in their homes and in those more rural areas.

In the urban areas, I, too, will not describe on the Senate floor what goes on. If you can imagine large numbers of women and children who are brought across the border by people who have absolutely no scruples about committing any crimes whatsoever. They commit rapes and leave articles of clothing hanging from trees as a warning to anyone who dares to report it or as a way of bragging about what they have done. The things they do to these people cooped up in the safe houses for weeks on end, as my colleague said, are unspeakable.

There are so many reasons to secure the border. But this is one that is never spoken of. It bothers me as much as it

does my colleague because we have people who speak of the human rights issues that might relate to an Arizona law enforced by sworn police officers in the city of Phoenix and the city of Tucson who, I am quite sure, will do their job as professional police officers, and not a word is spoken about the kind of situation my colleague and I have described. That bothers us significantly. It is just one more reason we do need to secure the border, as my colleague said.

AMENDMENT NO. 4228, AS MODIFIED

Mr. President, I wanted to wait until a member of the majority was here. I ask unanimous consent to modify the second-degree amendment that was offered yesterday, No. 4228.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To appropriate \$200,000,000 to increase resources for the Department of Justice and the Judiciary to address illegal crossings of the Southwest border, with an offset)

At the end of the amendment, add the following:

(k) OPERATION STREAMLINE.—For an additional amount to fully fund multi-agency law enforcement initiatives that address illegal crossings of the Southwest border, including those in the Tucson Sector, as authorized under title II of division B and title III of division C of Public Law 111-117, \$200,000,000, of which—

(1) \$155,000,000 shall be available for the Department of Justice for—

(A) hiring additional Deputy United States Marshals;

(B) constructing additional permanent and temporary detention space; and

(C) other established and related needs of the Secretary of Homeland Security and the Attorney General; and

(2) \$45,000,000 shall be available for the Judiciary for—

(A) courthouse renovation;

(B) administrative support, including hiring additional clerks for each District to process additional criminal cases; and

(C) hiring additional judges.

(3) The amounts in this subsection are designated as an emergency requirement and are designated to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for FY 2010.

(l) OFFSETTING RESCISSION.—On the date of the enactment of this Act, the unobligated balance of each amount appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), other than under title X of such division, is hereby rescinded pro rata such that the aggregate amount of such rescissions equals \$200,000,000.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, if I may react briefly to the comments of the two Senators from Arizona, whether their concern translates into something like this: that the people who suffer the most from the current illegality and broken immigration system

are, for example, a young woman who is a victim of domestic violence who has nowhere to report that crime because she is afraid of being deported, or the worker who earns money believing they have earned their pay but only to be jilted and not paid because the employer realizes they have nowhere else to turn or, as Senator MCCAIN mentioned, the coyotes, as they are known, the human smugglers who care nothing for these individuals as human beings but they are a commodity they trade in, just like drugs, weapons, and people.

This is a very real problem. It is true that most of it is not reported in the newspaper because people are afraid of being exposed because of what the consequences might be. But because we live in border States, because we interact with our constituents and see the consequences of the spillover effect of this kind of violence and lawlessness, that is why we feel so strongly that these amendments need a vote, as the Senator said earlier.

Mr. MCCAIN. Mr. President, I will point out another aspect of this issue. We are proud in my home State of our Spanish heritage. Spanish was spoken before English was in the State of Arizona. We believe our culture and our life and our State have been enriched by the influx of Hispanic citizens. We want that to continue, but we want it to continue legally. In a broader sense, we want everyone in the world to have an opportunity to come to our country legally. If we did secure our border, then everybody has an equal opportunity, rather than it be by geography.

Let me point out something, of which I am not sure my colleagues are totally aware. The sophistication of these human smuggling rings and drug cartels is beyond description. They have the latest equipment. They have the latest communications. They have the latest weapons. They have a network of informers and a network, unfortunately, of corruption that is of the highest sophistication. Their operations are extremely sophisticated operations which are quite successful. But there are areas and measures that have been taken in certain parts of our border that show we can secure our border. What we need is the manpower, the technology, the assets, and the funding to get our borders secured.

The State of Arizona, unfortunately, has become a funnel for this illegal human trafficking and drug cartels to the point where it has threatened the security of its average citizens.

I hope my colleagues will understand this is a humanitarian issue. This is an issue that cries out for the compassion of all of us so that we can give everyone in the world an opportunity to come to this country, but also to give our citizens a chance to live lives of security that makes them able to enjoy the rights and privileges that American citizens everywhere should enjoy,

even if they live on our southern border.

Mr. KYL. Mr. President, let me ask my colleague a question. The number of National Guard troops that would be funded under his amendment is 6,000 total. The idea would be that it would fund 3,000 on the Arizona portion of the border and 3,000 wherever they would be deployed in other places on the border. Senator McCain has argued that is a number closer to what is needed to do the job the National Guard can do than a number that would be less than one-fourth that much.

Would the Senator describe a little bit more the historic levels that existed, for example, during the time our now national Homeland Security Secretary was the Governor of Arizona, when she was very supportive of the Guard as well, compared to what Senator McCain has asked to be funded in his amendment?

Mr. McCain. Mr. President, I say to my friend from Arizona, the situation of Secretary Napolitano, former Governor, whom I respect and admire enormously, is a classic example of it is not where you stand, it is where you sit because when Secretary Napolitano was Governor of Arizona, she made fervent pleas for reimbursement for the State of Arizona for our law enforcement problems dealing with immigration and for 3,000 additional Guard troops to be sent to the border.

Senator KYL and I wrote a letter back on April 9 asking for a decision concerning troops to the border. We still have not received an answer. Perhaps what the President announced yesterday a half hour after discussing the issue with Senator KYL and me and yet not mentioning that decision might be made to send 1,200 troops to the border—you have to laugh. It is in the spirit of bipartisanship. I hope in the case of our Secretary of Homeland Security that we could see some restoration of the same zeal she held as Governor of the State of Arizona to secure our borders and advocate for the necessary assets to achieve that goal.

Mr. KYL. Mr. President, if I recall—and I could be wrong on this—the number that had been deployed to Arizona roughly in 2005 or 2006—I do not recall the exact year—was about 2,600. It was not quite 3,000. Obviously, we needed everyone we could get.

Eventually, a lot of those troops were then deployed to Iraq, I believe. In any event, we all—the Governor and the rest of us—were distressed when they were finally pulled out. I think 2,600 or something pretty close to that was the number and that Senator McCain believes 3,000 would be the appropriate number under the circumstances that exist today.

Mr. McCain. I think 3,000. I know we are taking a lot of my colleagues' time. I ask my colleagues and the American people to understand what we are fac-

ing in Arizona. I ask the American people and my colleagues to understand the frustration that the Governor and the legislature of Arizona felt about the conditions we have tried to describe on the floor of the Senate that exist, that cry out for Federal intervention, that they did not receive that assistance from the Federal Government so, therefore, they acted.

That law, by the way, upon examination certainly does not call for racial profiling. In fact, it expressly prohibits it. I would urge my colleagues to read the law. I have a copy and would be glad to provide them a copy of it.

But I hope my colleagues and the American people understand the reason why the legislature acted, the reason why we are here on the floor today asking for additional assistance is because of the plight of human beings, both the residents of my State who are there legally, whose security is being threatened, in some cases on a daily basis—those who live in the southern part of our State—and also for those individuals who are being transported across our border by these cruel coyotes and who are being terribly mistreated. There are human rights violations of the most terrible kind.

I hope we can all come together, recognizing this is a serious problem. It is not just a problem for Arizona, it is a problem for the Nation. We have a requirement to secure our borders. That is the obligation of every Nation. We happen to be, unfortunately, the State that suffers the most because of these insecure borders, but this spreads throughout the country. The drugs don't stop in Arizona; they go all over the country. The individuals who are smuggled in, all of them don't stop in Arizona; they go all over the country.

We need to help the Government of Mexico in their struggle against these drug cartels, but we also have to take the measure—which can probably help the Mexican Government as much as anything else—of getting our border secured. I want to assure my colleagues that those of us from border States, once we get our border secured, stand ready to address these other issues that need to be addressed. But if we don't get our border secured, a year, 2 years, 10 years from now we are going to be faced with the same problem over and over with a population of people who have come to our country illegally.

I ask not only for the votes of my colleagues on these amendments, but I ask for their compassion and understanding about a human rights situation that cries out for us to address as Christians and as individuals who are motivated by Judeo-Christian principles.

Mr. President, I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 4230, AS MODIFIED

Mr. ENSIGN. Mr. President, I ask unanimous consent to modify my amendment. The clerk has the modification.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To establish limitations on the transfer of C-130H aircraft from the National Guard to a unit of the Air Force in another State)

At the end of chapter 3 of title I, add the following:

SEC. 309. (a) LIMITATIONS ON TRANSFER OF C-130H AIRCRAFT FROM NATIONAL GUARD TO AIR FORCE UNITS IN ANOTHER STATE.—No funds appropriated or otherwise made available by this Act or any other act may be obligated or expended to transfer a C-130H aircraft from a unit of the National Guard in a State to a unit of the Air Force, whether a regular unit or a unit of a reserve component, in another State unless each of the following is met:

(1) The aircraft shall be returned to the transferring unit at a date, not later than 18 months after the date of transfer, specified by the Secretary of the Air Force at the time of transfer.

(2) Not later than 180 days before the date of transfer, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the members of Congress of the State concerned, and the Chief Executive Officer and adjutant general of the National Guard of the State concerned the following:

(A) A written justification of the transfer.

(B) A description of the alternatives to transfer considered by the Air Force and, for each alternative considered, a justification for the decision not to utilize such alternative.

(3) If a C-130H aircraft has previously been transferred from any National Guard unit in the same State as the unit proposed to provide the C-130H aircraft for transfer, the transfer may not occur until the earlier of—

(A) the date following such previous transfer on which each other State with National Guard units with C-130H aircraft has transferred a C-130H aircraft to a unit of the Air Force in another State; or

(B) the date that is 18 months after the date of such previous transfer.

(b) RETURN OF AIRCRAFT.—Any C-130H aircraft transferred from the National Guard to a unit of the Air Force under subsection (a) shall be returned to the National Guard of the State concerned upon a written request by the Chief Executive Officer of such State for the return of such aircraft to assist the National Guard of such State in responding to a disaster or other emergency.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Arkansas.

Mr. PRYOR. Mr. President, I have an amendment, No. 4282, that I will speak on. I will not call it up at this moment. However, my intent is to call it up at the soonest appropriate time.

I rise today to speak on this amendment and to also ask unanimous consent that Senator COCHRAN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. First, I wish to commend the chairman and the ranking

member for their work on the supplemental spending bill. This has been a well-crafted and pragmatic piece of legislation, but it has sometimes been difficult in putting this together and moving it to the floor. So I want to thank the leaders on the Appropriations Committee and the various subcommittees who worked to get this done.

This bill will greatly benefit our Nation's men and women in uniform. This bill also ensures that disaster victims have the services and assistance needed to help them recover from both natural and manmade disasters. I greatly appreciate the work of the chairman and the ranking member along with all of my colleagues on the Appropriations Committee.

Secondly, I wish to discuss amendment No. 4282 regarding FEMA's flood map modernization program. I wish to thank Senator COCHRAN and his staff for their hard work and diligence in preparing this amendment with me, as well as Senators LINCOLN, VITTER, and BROWNBACK, who are all cosponsors. I greatly appreciate their contributions as well.

The purpose of this amendment is to address concerns regarding economic development and the ability of communities to provide input in the development of new flood insurance rate maps. The amendment will do three simple things.

First, it would allow an extension of the flood elevation and Special Flood Hazard Area determination appeal period, upon request from an affected community.

Second, it would prevent FEMA from using technicalities to circumvent requirements to study the economic impact of map modifications.

Third, it would establish an arbitration panel for communities to appeal FEMA's proposed map modifications before a neutral third party. This sort of appeal from an independent third party is already allowed by statute, but it is rarely used. The amendment would set up an arbitration panel and highlight the ability of communities to use this as a manner of appeal.

As most of my colleagues know, I have been talking about FEMA's flood maps for the last several years. At first, I was working with a few other Senators to address the implementation of the program. Senator LINCOLN also has been a very determined advocate in this area. But now there are Senators representing 13 different States who have expressed an interest in addressing some common problems with the map modernization program.

Let me emphasize that I support modernizing our maps. I think that is good to do. I think it is something we should do. I think it is a good use of time and effort and resources to do that. However, what I am concerned about is that FEMA seems to be deter-

mined to use this as a revenue raiser for FEMA and the flood insurance program.

The way they have it set up is they will make determinations and basically greatly expand existing flood plains into areas that—because of levees and other flood control management efforts, costing billions of dollars, by the way—are not currently at risk for any flooding—or hardly any risk at all. But the FEMA flood maps, I guess on a technicality—as the maps are completed—would say they would be in a flood plain.

The bottom line effect of this is it creates a huge revenue source for FEMA. What happens, once they greatly expand the map of the flood plain, is that suddenly many of the people and businesses in that area have to purchase flood insurance. In our State, we have looked at the numbers, and that flood insurance could be as little as \$100 a year, or it could be well over \$2,500 a year. This has a significant impact on people's mortgage payments and their various loans for their businesses.

But here is what we have to keep in mind. From our perspective—and again, we are not the only State that does this; many States have river systems that flood—these people are already paying for flood insurance. What they are doing is they are paying for their local levees to protect their communities. As long as those levees are in compliance, and as long as there is not any real-life risk of a flood in a particular area, I think it is unjust that these people would be charged for flood insurance.

Some of the common problems with FEMA's approach are the lack of communication and outreach to local stakeholders; a lack of coordination between FEMA and the corps—that is the Corps of Engineers—in answering questions about flood mapping, flood insurance, and flood control infrastructure repairs; a lack of recognition of locally funded flood control projects; a lack of recognition of historical flood data; inadequate time and resources to complete the repairs to flood control structures before the maps are finalized—in other words, they may find a problem, and on day one, when they say you have a problem, even though the problem can be fixed very quickly, or within a year, let's say, they still are going to try to tag people with flood insurance in those affected areas. The other thing they have not considered is the potential impacts these new flood maps might have on economic development, particularly in small and rural communities.

Let me give an example of what we are talking about here on the ground in Arkansas. And again, if Senators think they do not have this problem, they may not today, but it is coming. Because as they redraw all these flood

maps, this is going to be coming. I don't know about all 50 States, but in well over half the States it will, as they go through this flood map redrawing. So let me give an example.

In our State, of course the boot heel of Missouri is the very northeastern corner of our State. There is a levee that is actually in Missouri, and when the Corps of Engineers inspected it, it has a sand boil. Now a sand boil is a problem for a levee, no doubt about it. There are varying degrees, and this particular one apparently wasn't that bad, but nonetheless there is a sand boil there, which means the water is starting to seep under the levee. It is totally repairable. They need a little time to fix it, but it is totally repairable. The concern we have—and when we talk to FEMA and the Corps of Engineers, we are not getting any comfort that our fears are not completely and 100 percent justified—is once they find that sand boil up in the very northern part of the St. Francis River Basin, they are going to say the whole basin is out of compliance.

In other words, in the real world, they could have a leak there. I hope they never do, and I hope they can repair it, but they could have a leak there. They could have a 100-year flood, and it could actually cause a problem to that levee. But think about it. The flooding would be local to that levee. It wouldn't be 50 miles away in a totally different part of the river basin area.

So FEMA, in my view, is doing things here that are very heavyhanded, very bureaucratic. I do believe they are searching for revenue based on the huge amount of money that FEMA had to spend on Katrina and some other disasters. FEMA's books are way out of balance as a result of that, and I see this as a revenue raiser for them.

The problem is, as I said, they are going to go into areas that have very strong levees that will never flood. Some of these levees are built to well over the 100-year standard. In many places in Arkansas they built them well over that, because in 1927—and there have been a few years since—we had very serious flooding problems in our State. So in the eastern part of our State, people believe in levees because they have needed them before. The levees have saved them before. The levees have breached before, so they have been on both sides of that equation. They believe in levees and they understand the value of them.

But that is not just true in Arkansas. You can go to Mississippi, Louisiana, Tennessee, Missouri, and Illinois, not just up and down the Mississippi, but up and down lots of other river systems in this country and this problem is coming to your State. If you haven't seen it yet, you will. This problem is coming to your State.

What we are trying to do with this amendment is to at least—and, personally, I think we ought to have various

remedies available in this FEMA remapping project—at a minimum set up the ability to have an arbitration panel, so if the Corps of Engineers and FEMA make a finding, the community at least has a chance to appeal and, hopefully, effect a remedy before they get hit with the flood insurance requirement.

There is a lot more to this story, but I am not going to bore my colleagues and talk too much about it today because it is not the pending amendment. But I would very much appreciate my colleagues' consideration. I hope we will be able to be successful in attaching this. It basically doesn't cost any money. There is no grant program. At one point we were talking about a grant program, but we don't have that in here.

We set up an arbitration panel, and the membership of the arbitration panel would have expertise in hydrology, administrative law, and/or economic development. We would let the Corps of Engineers provide the technical guidance, which I think would be very valuable. Also, we allow communities an appeal period, where they can appeal within 120 days, and it also clarifies under some circumstances that communities could be at least partially reimbursed for the cost of the appeal. That is already in existing law. That provision is already in there, but we are making it clear that the rule would apply to this process.

Mr. President, I thank you for your patience in listening to me. I know we have other Senators who, if they are not on the floor at the moment, are waiting to speak, so I wish to mention that my amendment, No. 4282—I am not calling it up at the moment, but I wish to at the earliest possible moment.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 4214 AND 4202

Mrs. HUTCHISON. Mr. President, I rise to speak today in favor of the McCain amendment and the Cornyn amendment. I am cosponsor of both of these amendments. I understand we will be voting very shortly on these amendments as we move forward on the supplemental appropriations.

I am cosponsoring these amendments. The border State Senators have worked together, particularly in light of the escalating violence that is happening on the other side of the border with Mexico. It has particularly hit Texas and Arizona. So Senator MCCAIN and Senator KYL and Senator CORNYN

and I have repeatedly asked for reinforcements to support controlling our border.

I offered versions of both of these amendments in the committee that produced this bill. I certainly hope we will be able to agree to these amendments—which are fully paid for, I might add. They will not add to the deficit. But it is so important that we have as a priority in this country the control of the borders of our sovereign Nation.

We cannot allow the illegal activity and the unspeakable violence to continue along our shared border. Ten thousand people have been killed in Mexico in drug cartel-related violence, many of them police officers and law enforcement officials, just this year; 2,000 over the last 3 or 4 years. It is escalating. We are seeing effects of the illegal activity spill over on our side of the border for sure.

We have an increase in the activity in our judicial system, in our law enforcement, our local law enforcement. American taxpayers are paying for local law enforcement for us to be able to try to stop this activity from coming across. But there is evidence that it is coming across as we see drug cartels setting up operations in cities on our side of the border.

I have invited the President to tour the border with me. That offer still stands. I welcome the opportunity to show the President exactly what the security challenges are and to see what the Border Patrol and DEA agents are going through on a daily basis, not to mention our border sheriffs and policemen.

After deemphasizing border security and even proposing to cut the border patrol on the southwest border in the President's own budget, I was pleased to finally hear a better set of words and proposals from the President—that he will agree to increase border funding. But it is a little late coming since so many of us have been asking for months, and even over a year, for this extra border security. Border Senators and Congressmen have repeatedly called on the President to focus on this issue. Then we find that his original budget actually decreased the number of border patrol.

What we know is that the President is now calling for an additional 1,200 National Guard to be deployed to the border. Texas alone has requested 1,000 National Guard. Spreading 1,200 National Guard over four States is really an insufficient response to a national security priority.

The McCain amendment specifies title 32 authority for the National Guard. It is fully offset, and it deploys 6,000 National Guard to the southwest border. This is much more aggressive than the President's proposal of 1,200. Although I am pleased the President is making a start, 1,200 is barely going to

cover Texas, much less Arizona and California. It would certainly be an addition, if we can agree to the McCain amendment, to really show we are serious about beefing up the border security for our country.

Under the McCain amendment, the National Guard would help the CBP, the Border Patrol, get operational control of the southwest border. It will augment our security forces until a continued scale-up and training of Border Patrol agents can take place.

Basically, what the McCain amendment does is say this is a temporary fix. We are not asking that Border Patrol be a permanent fixture on our border. We don't want that. I was even hesitant to ask for Border Patrol. But the situation has gotten so serious that we now have to take stepped-up measures as a stop-gap while we train the Border Patrol to do their job.

The Department of Homeland Security has 17,000 personnel assigned to the southwest border. Well under half the agents—about 7,700—are currently assigned to Texas even though 63 percent of the border runs through our State. Arizona has only 4,000 agents. We all need more support.

Adequate National Guard support is critical to help patrol spillover violence and address all of our security challenges until we have more of the Border Patrol agents ready to go.

Another amendment offered by Senator CORNYN, which I also cosponsor, will drastically increase support for law enforcement at every level, Federal, State, and local. I wish to speak particularly to the portion of Senator CORNYN's amendment that funds the unmanned aerial vehicle, the UAVs as we call them, which I introduced in committee and on the floor as stand-alone amendments.

I have worked with the FAA and Customs and Border Patrol so we can quickly increase the presence of unmanned drones, or UAVs, to help protect the Southwest border. These unmanned drones are able to monitor the progress across the border, and also monitor crossings that might be illegal across the border, places where you cannot put a Border Patrol agent. There are many miles that have to be covered. You cannot have a Border Patrol agent every 12 or 15 feet on the border.

But these unmanned aerial vehicles do provide so much of our intelligence gathering and information gathering that it would supplement the Border Patrol, and what I hope are additional National Guard.

Last week, I, along with members of the Texas delegation, met with FAA Administrator Babbitt. We urged him to allow the UAVs to operate along the Texas border. He committed to working closely with the Border Patrol to approve the use of UAVs in my State, as well as to streamline the approval process across the Nation.

We have no UAVs in Texas, none. The FAA and the Border Patrol have gone back and forth about who is responsible for this. But the bottom line is we have 1,200 miles of border with Mexico and no UAVs to help bridge the gap between Border Patrol stations and cameras.

The UAV amendment will allow the Border Patrol to obtain and operate at least six new drone systems and hire pilots, with the goal of covering the United States-Mexico border in Texas, New Mexico, Arizona, and California every day of the week, including nights. We now have a system that only operates in the daytime—not in Texas, but in other areas. That is not good enough, because so much of the activity takes place at night.

The amendment provides funding and direction to quickly implement the drone procurement and maintenance. It provides funding for 60 pilots and crew. All of the costs are fully offset. Border Patrol currently operates six unmanned drones in the United States, but only three in the Southwest border. The six additional UAVs will provide full Southwest border surveillance 7 days a week without diminishing drone surveillance along the Northern border and off our Nation's coast.

More UAVs will help the Border Patrol gain consistent control of our borders. Using the drone systems is a force multiplier, and it allows border enforcement officials to more efficiently and consistently monitor the border and respond to illicit activity.

I am a cosponsor of the two amendments. This is very important to the whole Southwest border. But I do feel that my home State of Texas has been particularly challenged because we have had no UAVs. We have had only 7,700 Border Patrol personnel across the 1,200 miles, and you cannot be serious about border security. This has escalated because of the violence in Mexico. The heinous crimes that are being committed in Mexico, many against law enforcement officers, are something we read about in the papers. We have even had our own U.S. State Department people killed in Mexico. We have evidence that the cartels are setting up shop in cities in my home State of Texas, and I imagine they are setting up in Arizona as well, maybe California. I do not know about that. But I do I know in Texas they are. I know that when you are facing people who have automatic weapons, they have very sophisticated intelligence gathering—these are the cartels, not the government. They are killing police officers. They are putting signs on the burial places of these police officers saying: These are next. Then they will come back and they will cross off on the sign the people they have just killed, leaving the ones who are still alive to know they are being watched every moment and they are targets.

We cannot sit here and let this happen without aggressive action. That is why we have to act, and why his original budget that was submitted to Congress is laughable in this context.

Now he is saying he will do 1,200 National Guard. Texas is asking for 1,000, Arizona is asking for 600—Arizona is asking for—I don't know. They only have 4,000 Border Patrol agents and they are asking for 3,000 National Guard. I did find my place. They are asking for 3,000. Texas is asking for 1,000.

We need to pass this amendment. It is fully offset. We would like for the whole stimulus bill that is going through, the supplemental appropriations, to be offset. We should have not more debt. We have enough money in our system if we prioritize border security. It is a national security issue and it should be in this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, at the appropriate time I will ask for amendments Nos. 4242 and 4287 to be called up for consideration.

I ask unanimous consent that Senator LANDRIEU be added as a cosponsor on amendment No. 4242, and Senator LEMIEUX be added as a cosponsor on amendment No. 4287.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, it is now day 37 of the oil spill. We are no closer to finding a solution to this crisis than we were on day one.

Oil continues to pour into the gulf at an unprecedented rate, significantly more than the estimate of 5,000 barrels a day.

Oil has reached deep into the Louisiana marshes. Tar balls have washed up on the shores of Alabama and Mississippi.

As long as this oil continues to flow into the gulf we have a real and unprecedented disaster.

On May 18, I requested that the Secretary of Commerce declare a fisheries disaster in the Gulf of Mexico. Alabama's fishing industry represents one of the largest economic engines in the State, accounting for more than \$800 million in annual sales and nearly 18,000 jobs.

On Monday, the Secretary declared a fisheries disaster in Alabama, Mississippi, and Louisiana.

Now, it is up to Congress to ensure that our fishermen who will be adversely impacted by this oil spill for years to come receive adequate assistance.

Today, I offer an amendment to help our gulf coast communities mitigate the disastrous effects of the oil spill. This amendment is not more spending but offset from the oil spill liability trust fund. It further requires "responsible parties" to reimburse the trust

fund for funding the Federal Government puts towards this amendment.

First, this amendment provides \$20 million to fund the Secretary of Commerce's disaster declaration. NOAA has closed 22.4 percent of the commercial and recreational fisheries in the gulf because of the spill.

This declaration will allow the Federal Government to put additional, immediate Federal resources towards this disaster to alleviate and recover from the devastating impacts to the gulf's fisheries.

However, this declaration has no teeth if it is not funded. While I hoped the administration would realize this by requesting an amendment to the supplemental, they have not. My amendment will provide the resources necessary to help our gulf coast region.

Second, it provides NOAA with the resources necessary to begin an expanded stock assessment in the gulf.

A comprehensive stock assessment is critical to the gulf, where there are hundreds of species managed under fisheries management plans or international conventions. NOAA recently identified the needed steps to improve and expand stock assessments in the gulf and to do so, they will need the best and most timely data on the health and abundance of the stocks. This amendment will provide \$15 million to NOAA to begin an expanded stock assessment. We must know what the fisheries stocks in the gulf are now, so we will have a better idea how the oil has affected them.

Finally, this amendment will provide funding to the National Academy of Sciences to study the long-term ecosystem impacts of the spill on the gulf.

It is critical to proactively work to adequately deal with this man-made crisis. If the oil continues to spill in the gulf unabated, it will not only destroy the fisheries this year, but will adversely impact the gulf's ecosystem for decades.

We cannot simply sit by and wait for this problem to solve itself. Clearly, we all know that BP has not yet come up with a solution.

We must continue to ensure that BP, as the responsible party, pays for all damage related to this oil spill, but that does not mean BP can make all the decisions as to what to do and how to handle the disaster that continues to unfold.

We have been dealing with this crisis for 37 days and are no closer to stopping the oil spill than we were on day 1. Since the spill, BP has failed in every attempt to stop the oil flow.

We need to begin putting resources in the gulf to help mitigate the long-term effects of what could be the largest and most devastating oil spill in American history.

I ask my colleagues to support the people of the gulf coast by supporting my amendment.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENTS NOS. 4231 AND 4232

Mr. MCCAIN. I would say to the distinguished chairman, if there is a unanimous consent agreement concluded, I would be more than happy to be interrupted. I know that business in the Senate needs to proceed. I am proud to be joining forces with my colleague from Oklahoma, Dr. COBURN, to insist that we stop burdening our children and our grandchildren with massive debt.

We have before us today a supplemental appropriations bill totaling nearly \$60 billion, most of it not paid for, simply being added to the ever growing debt, to be paid for by future generations of Americans.

If we are serious about our commitment to reduce our debt and eliminate our deficit, then Congress needs to start making some tough decisions about our national priorities and we need to start now.

Dr. COBURN is seeking a vote on one of two reasonable amendments, both of which would fully offset the cost of this bill. Yesterday, Dr. COBURN very eloquently laid out his reasons for offering those two amendments. Essentially our fiscal situation is extremely perilous and we can no longer afford to approve any new Federal funding without eliminating wasteful and unnecessary spending in other areas.

Mr. President, a kind of bizarre thing happened yesterday. In the middle of his speech and his argument before the Senate, Dr. COBURN yielded the floor to the majority leader who proceeded to file cloture on this bill after only 1 day of floor consideration and not a single vote on any amendment. So on a \$60 billion bill, most of it not paid for, we are now going to, without a single amendment having been voted on, be voting on a bill, in fact, that will not be paid for. As my colleagues know quite well, the editorial page of the Washington Post is by no means a conservative, right-leaning, penny-pinching bunch, but even they are perplexed about what we are doing here. Yesterday, in an editorial entitled "Congress as Usual: There's an election coming. Time to spend," the Post wrote:

All across the Western world, fiscal stimulus is starting to give way to fiscal consolidation. In London, the new British government has announced \$8.6 billion in immediate budget cuts. In Paris, French President Nicolas Sarkozy is negotiating to raise that country's retirement age. In Madrid, Spanish civil servants are facing a 5 percent pay cut, followed by a wage freeze. Even Italy is talking about tightening spending. And don't get us started on Greece.

Only in Washington, it seems, is the long awaited "pivot" to fiscal restraint nowhere to be seen. As the mid-term elections draw near, Congress is considering a passel of new spending, necessary and otherwise, most of which won't be paid for.

Sadly, the Washington Post hit the nail on the head and the bill before us

is the perfect example of Congress's inability to deal with the very serious fiscal realities that are facing this Nation.

Under this supplemental, DOD receives \$33.7 billion for operations in Afghanistan, Iraq, and Haiti. The bulk of this money, \$24.6 billion, is for operations and maintenance, and much needed other funding. The remainder of the DOD funding is for military personnel costs and other equipment.

Some say the fiscally responsible way to pay for our war costs is to increase taxes. We disagree. The American people, particularly our soldiers and their families, are sacrificing enough already. It is time for Congress to start making some sacrifices and forgo the earmarks and other special deals to help provide our troops with the support and equipment they need.

The first amendment of Dr. COBURN saves taxpayers \$59.6 billion by doing the following: freezing raises, bonuses, and salary increases for Federal employees for 1 year; collecting unpaid taxes from Federal employees, \$3 billion; reducing printing and publishing costs of government documents, \$4.4 billion over 10 years; reducing excessive duplication, overhead, and spending within the Federal Government, \$20 billion; eliminating nonessential government travel, \$10 billion over 10 years; eliminating bonuses for poor performance by government contractors, \$8 billion over 10 years; repealing the Energy Star Program, \$627 million over 10 years; eliminating an increase in foreign aid for international organizations, \$68 million; limiting voluntary payments to the United Nations, \$10 billion over 10 years; striking unnecessary appropriations for salaries and expenses of a government commission Congress ignored, the Financial Crisis Inquiry Commission, 1.8 million; rescinding a State Department training facility that was not requested by the community where it is to be constructed, \$500 million.

On the second amendment we can save taxpayers \$60 billion by cutting budgets of Members of Congress, by disposing of unneeded, unused government property, auctioning and selling unused and unneeded equipment, rescinding unspent and uncommitted Federal funds, \$45 billion.

We have ways we can cut spending. We have ways we can reduce the government, in the first amendment, by nearly \$60 billion, and in the other one by \$60 billion.

In a letter to Speaker PELOSI in April of last year, President Obama wrote:

As I noted when I first introduced my budget in February, this is the last planned war supplemental. Since September 2001, the Congress has passed 17 separate emergency funding bills totaling \$822.1 billion for the wars in Iraq and Afghanistan. After 7 years of war, the American people deserve an honest accounting of the cost of our involvement in our ongoing military operations.

Quoting from the President's letter of April of last year:

We must break that recent tradition and include future military costs in the regular budget so that we have an honest, more accurate, and fiscally responsible estimate of Federal spending. And we should not label military costs as emergency funds so as to avoid our responsibility to abide by the spending limits set forth by the Congress.

The President emphasized, again quoting from his letter to the Speaker of the House:

After years of budget gimmicks and wasteful spending, it is time to end the era of irresponsibility in Washington.

I could not agree more. That is why I am disappointed to see yet another supplemental spending bill designated as an emergency without offsets. Dr. COBURN and I agree with what the President said last year. "After years of budget gimmicks and wasteful spending, it is time to end the era of irresponsibility in Washington." That is precisely what we are seeking to do with these two amendments.

In the past 2 years, America has faced her greatest fiscal challenges since the Great Depression. When the financial markets collapsed, it was the American taxpayer who came to the rescue of the banks and the big Wall Street firms. But who has come to the rescue of the American taxpayer? Certainly not Congress.

So what has Congress done? By enacting inexplicable policies that can only be described as generational theft, we have saddled future generations with literally trillions of dollars of debt. Since January of 2009, we have been on a spending binge the likes of which this Nation has never seen. In that time, our debt has grown by over \$2 trillion. We passed a \$1.1 trillion stimulus bill.

Remember the assurance that unemployment would be at a maximum of 8 percent? Now it is 9.9. We passed a \$2.5 trillion health care bill. The American people are still angry about that. The President submitted a budget for next year totaling \$3.8 trillion. We now have a deficit of over \$1.4 trillion, and we just passed, a week or so ago, the \$13 trillion debt mark which amounts to more than \$42,000 owed by every man, woman, and child in America.

This year the government will spend more than \$3.6 trillion and will borrow 41 cents for every \$1 it spends. Unemployment remains at 9.9 percent and, according to forbes.com, a record 2.8 million American households were threatened with foreclosure last year. That number is expected to rise to well over 3 million homes this year. With this bill, we are poised to tack another \$60 billion onto the tab.

I travel a lot around my State. I know all of my colleagues do. Every place I go I meet county supervisors, city councilmen, mayors, elected officials from all over the State. I talk to

the Governor, the legislature. They make tough decisions. The city of Phoenix had to cut its budget by some 30 percent last year, a very tough decision. Meanwhile, we increased domestic spending by 20 percent. What is the difference between the city of Phoenix and us in the Capitol? We print money. A debt of \$1.4 trillion this year, estimated to be \$1.5 trillion this year, how can we continue this?

These two amendments by Dr. COBURN can achieve a significant savings, \$60 billion in each. That is \$120 billion that both of these amendments could save the taxpayers. Wouldn't it be wonderful to show the taxpayers that maybe we are going to do something like cutting the budget, cutting our budgets? Wouldn't it be nice to tell the American people we are going to eliminate nonessential government travel? Couldn't we at least freeze bonuses?

We have an opportunity to show the American people we are going to tighten our belts a little bit, too; that we care about generational theft; that we care about future generations of Americans. I know some of these measures will not be popular, but Dr. COBURN has never been one who has tried to win a popularity contest. What Dr. COBURN has tried to do is steer the American people on a path to some kind of fiscal solvency so we can stop this terrible generational theft we are committing.

The greatness of America, certainly one of her greatest attributes, is we have handed on to every generation a better one than the one they had before them. That has been the great wonder and beauty of America. With these kinds of debts and deficits, what can we pass on to our children and grandchildren?

I applaud Senator COBURN not only for this effort but many of the other efforts he has made. I am pleased to join him. I hope my colleagues will understand that the American people are angry and frustrated. Look at the latest polling numbers—we do read polls. Do you want to reelect your Member of Congress? What is our approval rating? It is 14, 13, 12 percent. We are down to blood relatives and paid staffers. The point is, let's send a message to the American people we are serious.

Yes, there are tough decisions and tough things that are embodied in this legislation. I urge my colleagues to at least take a look at them and consider putting this Congress and this Nation on a different path.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I rise today to voice my support for H.R. 4899, the Fiscal Year 2010 Supplemental Appropriations Act. This bill is critical to our future success in Iraq, Afghanistan, and Pakistan and also delivers much needed humanitarian aid to

Haiti. Today, I wish to highlight how some of the provisions in this legislation support U.S. foreign policy goals, strengthen our military and civilian efforts, and defend against security threats around the world.

This bill does a great deal to support our ongoing counterinsurgency effort in Afghanistan. As General McChrystal has said, counterinsurgency is not an "event," but rather, a "process," and this supplemental provides the essential resources needed at each stage of the process.

First, the military must "shape and clear" in a military operation. The President made the bold decision in December that an additional 30,000 troops were needed in Afghanistan, and this bill fully funds the additional deployment. As we saw earlier this year in Marjah and will witness this summer in Kandahar, the U.S. military is partnering with the Afghan security forces for the "clear and hold" portion of counterinsurgency, and I am pleased this bill provides \$2.6 billion to train and equip the Afghan security forces.

Next we must "build," which requires a unity of effort between the military and civilian agencies and which is why this bill provides \$1.48 billion to the State Department for continued reconstruction and law enforcement programs. As I have stated before, our goal is to transfer authority to the Afghans. For this, we must continue to train and mentor the Afghan Army, police, and civil servants, so they may assume greater responsibility to provide security and effective governance themselves.

On a recent trip to Afghanistan in March, I saw firsthand the improvements that have been made with the Afghan National Army, ANA, training program. Thanks to a recent pay raise for ANA recruits and intensified partnering with U.S. forces, we are on track to exceed the stated goal of 134,000 trained ANA by October. The additional resources in this bill will help ensure we stay on this positive trajectory for ANA training and mobilization.

Unfortunately, the same progress has not been realized in training the Afghan National Police, ANP. A lack of oversight, coupled with high rates of attrition, drug use, illiteracy, and widespread corruption have severely undermined our efforts to establish a credible police force.

I was appalled—appalled does not describe it—I was appalled to learn we have spent \$6 billion on training the ANP in the past 9 years, with little to show for it. I have been in literally 60 to 100 meetings—before my three trips to Afghanistan, in Afghanistan, and my trips back. I have yet to hear anyone say anything good about the Afghan national police. It was not until I got on the Homeland Security Subcommittee that I found out we were

spending \$6 billion to train them. I would have been shocked if I had heard we were spending \$100 million to train them. However, this is key to our success in Afghanistan, and I believe the administration is now fully aware of the problems that have become endemic to this program and is focused on eliminating them in the months ahead.

Funding in this bill will support efforts to get police training back on track, which is one of the most critical elements of our strategy in Afghanistan.

This bill also does a great deal to reinforce our partnership with Pakistan. After traveling three times in the past year to Pakistan, I cannot underscore enough the importance and strategic value of this partnership to our shared fight against violent extremism. This resonates at home today in the wake of the failed Times Square bombing and Faisal Shahzad's alleged ties to Pakistani extremists in Waziristan. In light of mutual security interests, we must continue to nurture our relationship with the Pakistani people and military, demonstrating our enduring long-term interest in the region.

Last year, Congress validated that commitment in the form of a 5-year, \$7.5 billion economic aid package, otherwise known as the Kerry-Lugar bill, and in the past 2 years, we have invested over \$1 billion in military aid in the Pakistan counterinsurgency capability fund. This bill reaffirms these commitments with \$259 million to support ongoing programs to strengthen democratic governance, rule of law, and social and economic services to improve the lives of the people of Pakistan. Of the total, \$10 million would be provided for the Pakistani Civilian Assistance Program, \$5 million for human rights programs, and \$1.5 million to facilitate the implementation and oversight of USAID and Department of State programs.

This bill also provides \$50 million for the purchase of helicopters for Pakistan which will be used to combat terrorist groups and other extremist organizations. I am hopeful that this level of commitment will help persuade the Pakistanis to redouble their efforts to address security concerns along the border with Afghanistan. I cannot emphasize enough the importance of Pakistan's contribution to the security situation in the tribal areas, especially as it pertains to targeting the Afghan Taliban—not just the Pakistani Taliban—including the Haqqani Network and Quetta Shura.

This bill also helps ensure a stable and secure Iraq in preparation for the drawdown of United States forces and complete withdrawal of combat troops by September. During my recent visit to the region, I was struck by the helicopter view of Baghdad at night. The glimmering lights of the city and the

traffic looked similar to any city in the U.S. That sight illustrated the progress that has been made in Iraq and the enduring mutual commitment and partnership that has been created in recent years. As a means of reinforcing this commitment and continued progress, this bill provides an additional \$1 billion for the Iraqi security forces fund. It also provides \$650 million in additional economic and security assistance for Iraq which includes \$450 million for the Iraqi police program.

These measures support the security framework in Iraq, which will provide Iraq's leaders with the stability they need to form a new government. With the election recount recently completed, the groundwork has been laid for Iraqi elected officials to work toward a common goal of establishing a government representative of the people of Iraq. While a functioning government should not just be cobbled together in the interest of time, it is important to note that a prolonged delay could create a power vacuum that may exacerbate ongoing security concerns. This bill reinforces and continues to build upon the security infrastructure that the Iraqis have created, and the goal of building and sustaining past success.

Finally, I am grateful this bill includes \$3 million for the Voice of America's Creole language broadcasting in Haiti. The VOA Creole broadcasts include public service announcements from U.S. Government agencies, which have been so valuable in previous crises around the world, and have helped Haitians find loved ones, shelter, medical assistance, and aid, in the aftermath of the earthquake.

Since then, it has provided a vital service in helping them to find essential resources and assistance. VOA runs public safety and relief supply updates, as well as a call-in line to broadcast messages from families and friends of the injured and missing. The additional resources in this bill will help to sustain these critical public services, and I commend the VOA for its commitment and its great contribution to disaster relief globally, and especially in Haiti.

This bill reinforces our foreign policy goals and secures our interests at home and abroad. It also funds our Armed Forces which are deployed in harm's way, and supports the civilian diplomatic and development initiatives that are necessary to our efforts in Afghanistan, Pakistan, and Iraq. I thank the leadership for moving this bill forward, and I call on my colleagues to join me in supporting this supplemental.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4231, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent that amendment

No. 4231 be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to tell you that I concur in what I just heard—

The PRESIDING OFFICER. The Senator's request has not yet been agreed to.

Mr. COBURN. The modification has not?

The PRESIDING OFFICER. That is correct.

Mr. COBURN. There is an objection?

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end of the bill, add the following:

TITLE IV—PAYMENT OF COSTS OF SUPPLEMENTAL APPROPRIATIONS

SEC. 4001. TEMPORARY ONE-YEAR FREEZE ON RAISES, BONUSES, AND OTHER SALARY INCREASES FOR FEDERAL EMPLOYEES.

Notwithstanding any other provision of law, civilian employees of the Federal Government in fiscal year 2011 shall not receive a cost of living adjustment or other salary increase, including a bonus. The salaries of members of the armed forces are exempt from the provisions of this section.

SEC. 4002. CAPPING THE TOTAL NUMBER OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the head of each relevant Federal department or agency shall collaborate with the Director of the Office of Management and Budget to determine how many full-time employees the department or agency employs. For each new full-time employee added to any Federal department or agency for any purpose, the head of such department or agency shall ensure that the addition of such new employee is offset by a reduction of one existing full-time employee at such department or agency.

(b) INFORMATION ON TOTAL EMPLOYEES.—The Director of the Office of Management and Budget shall publicly disclose the total number of Federal employees, as well as a breakdown of Federal employees by agency and the annual salary by title of each Federal employee at an agency and update such information not less than once a year.

SEC. 4003. COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

“§ 7381. Collection of unpaid taxes from employees of the Federal Government

“(a) DEFINITION.—For purposes of this section—

“(1) the term ‘seriously delinquent tax debt’ means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

“(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

“(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending; and

“(2) the term ‘Federal employee’ means—

“(A) an employee, as defined by section 2105; and

“(B) an employee of the United States Congress, including Members of the House of Representatives and Senators.

“(b) COLLECTION OF UNPAID TAXES.—The Internal Revenue Service shall coordinate with the Department of Treasury and the hiring agency of a Federal employee who has a seriously delinquent tax debt to collect such taxes by withholding a portion of the employee's salary over a period set by the hiring agency to ensure prompt payment.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

“Sec. 7381. Collection of unpaid taxes from employees of the Federal Government.”.

SEC. 4004. REDUCING PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Within 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs by no less than a total of \$4,600,000 over the 10-year period beginning with fiscal year 2010. The Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available.

SEC. 4005. REDUCING EXCESSIVE DUPLICATION, OVERHEAD AND SPENDING WITHIN THE FEDERAL GOVERNMENT.

(a) REDUCING DUPLICATION.—The Director of the Office of Management Budget and the Secretary of each department (or head of each independent agency) shall work with the Chairman and ranking member of the relevant congressional appropriations subcommittees and the congressional authorizing committees and the Director of the Office of Management Budget to consolidate programs with duplicative goals, missions, and initiatives.

(b) CONTROLLING BUREAUCRATIC OVERHEAD COSTS.—Each Federal department and agency shall reduce annual administrative expenses by at least five percent in fiscal year 2011.

(c) RESCISSIONS OF EXCESSIVE SPENDING.—There is hereby rescinded an amount equal to 5 percent of—

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2010 for any discretionary account in any other fiscal year 2010 appropriation Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2010 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2010 for any program subject to limitation contained in any fiscal year 2010 appropriation Act.

(d) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(e) **EXCEPTIONS.**—This section shall not apply to discretionary authority appropriated or otherwise made available to the Department of Veterans Affairs and the Department of Defense.

(f) **OMB REPORT.**—Within 30 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section and the report shall be posted on the public website of the Office of Management and Budget.

SEC. 4006. ELIMINATING NONESSENTIAL GOVERNMENT TRAVEL.

Within 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the heads of the Federal departments and agencies, shall establish a definition of "non-essential travel" and criteria to determine if travel-related expenses and requests by Federal employees meet the definition of "non-essential travel". No travel expenses paid for, in whole or in part, with Federal funds shall be paid by the Federal Government unless a request is made prior to the travel and the requested travel meets the criteria established by this section. Any travel request that does not meet the definition and criteria shall be disallowed, including reimbursement for air flights, automobile rentals, train tickets, lodging, per diem, and other travel-related costs. The definition established by the Director of the Office of Management and Budget may include exemptions in the definition, including travel related to national defense, homeland security, border security, national disasters, and other emergencies. The Director of the Office of Management and Budget shall ensure that all travel costs paid for in part or whole by the Federal Government not related to national defense, homeland security, border security, national disasters, and other emergencies do not exceed \$5,000,000,000 annually.

SEC. 4007. ELIMINATING BONUSES FOR POOR PERFORMANCE BY GOVERNMENT CONTRACTORS.

(a) **GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO OUTCOMES.**—Not later than 180 days after the date of enactment of this Act, each Federal department or agency shall issue guidance, with detailed implementation instructions (including definitions), on the appropriate use of award and incentive fees in department or agency programs.

(b) **ELEMENTS.**—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be

judged to be excellent or superior and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be acceptable, average, expected, good, or satisfactory;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure that the Department or agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis; and

(8) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes.

(c) **RETURN OF UNEARNED BONUSES.**—Any funds intended to be awarded as incentive fees that are not paid due to contractors inability to meet the criteria established by this section shall be returned to the Treasury.

SEC. 4008. ELIMINATING GOVERNMENT WASTE AND INEFFICIENCY.

Within 30 days after the date of enactment of this Act, the Energy Star program administered by the United States Environmental Protection Agency shall be terminated and no Federal tax rebates or tax credits related to the Energy Star program shall be any longer available.

SEC. 4009. STRIKING INCREASE IN FOREIGN AID FOR INTERNATIONAL ORGANIZATIONS.

Notwithstanding any other provision of this Act, the total amount appropriated under the heading "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES" under the heading "INTERNATIONAL ORGANIZATIONS" under chapter 10 of title I of this Act is hereby reduced by \$68,000,000 and no more than \$28,500,000 may be made available by this section, *Provided That*, this section does not prohibit additional funds otherwise appropriated to be spent for emergency security in Haiti in accordance with law.

SEC. 4010. \$1,000,000,000 LIMITATION ON VOLUNTARY PAYMENTS TO THE UNITED NATIONS.

Notwithstanding any other provision of law, the Secretary of State shall ensure no more than \$1,000,000,000 is provided to the United Nations each year in excess of the United States' annual assessed contributions.

SEC. 4011. RETURNING EXCESSIVE FUNDS FROM AN UNNECESSARY, UNNEEDED, UNREQUESTED, DUPLICATIVE RESERVE FUND THAT MAY NEVER BE SPENT.

Notwithstanding any other provision of law, unobligated funds for the Women, Infants and Children special supplemental nutrition program appropriated and placed in reserve by Public Law 111-5 are rescinded.

SEC. 4012. STRIKING AN UNNECESSARY APPROPRIATION FOR SALARIES AND EXPENSES OF A GOVERNMENT COMMISSION.

Notwithstanding any other provision of this Act, no funds shall be appropriated or otherwise made available for salaries or any

other expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111-21).

SEC. 4013. RESCINDING A STATE DEPARTMENT TRAINING FACILITY UNWANTED BY RESIDENTS OF THE COMMUNITY IN WHICH IT IS IT IS PLANNED TO BE CONSTRUCTED.

Notwithstanding any other provision of law, no Federal funds may be spent to construct a State Department training facility in Ruthsburg, Maryland, and any funding obligated for the facility by Public Law 111-5 are rescinded, *Provided That*, this section does not prohibit funds otherwise appropriated to be spent by the State Department for training facilities in other jurisdictions in accordance with law.

Mr. COBURN. I thank the Chair.

I want to say I enjoyed very much Senator KAUFMAN's words, and I agree with him. I think what he talked about and what we are doing for our military in this bill is appropriate. It is something that has to be done. The only difference I would have with him is it is not an emergency. We all know it is not an emergency. The reason it is being classified as an emergency is because we do not want to make the hard choices of getting rid of something else to pay for it, and we do not want to have another violation of pay-go, so what we do is we classify it as an emergency.

The only thing in this bill that is an emergency is the FEMA money. That is the only thing that meets the definition of our own rules for an emergency: unforeseen, unpredictable, and unanticipated. Everything else in this bill is predictable, foreseen, and anticipated. So we are actually violating our own integrity when we bring a bill to the floor and call it an emergency when everybody knows it is not.

Why are we doing that? We are doing that because we do not want to have to live with the rule we set for ourselves called pay-go. I did not vote for pay-go. I do not believe in pay-go because pay-go is exactly what I said it would be when we had the vote. The American taxpayer, you go pay, and we will go spend, and we will not diminish any of our spending, our profligate spending, because of this rule.

Since we have passed the bill on pay-go on February 12 of 2010—that is when it was signed into law—we have borrowed \$46 billion and waived pay-go; borrowed \$10 billion and waived pay-go; borrowed \$99 billion and waived pay-go—that was all in March. We borrowed \$18 billion.

This one is not going to count against pay-go because we put a false emergency designation on it, and we have another \$190 billion coming to us from the House for extenders, and we are going to waive pay-go on that. So we will have spent \$530 billion since February 12 that we do not have, and we refuse to make choices about lower priority programs and eliminating them. That is the truth. Nobody is

going to dispute it. You cannot even get anybody to debate you on these things. They will not debate you because they know it is the fact. They will not stand and even counter it because they know it is the fact.

Well, what are the other facts? Here are the other facts: FEMA is broke. Medicare is broke. Medicaid is broke. Fannie and Freddie are broke. Social Security is broke. It is running a negative balance. The U.S. Post Office is broke. The highway trust fund is broke. And guess what. So is the Federal Government. If we are not careful, we are going to add our kids to the list and say they are broke. That is where we are headed: broke. That means our liabilities are greater than our assets. That means the money we have is not sufficient to cover the debts we have.

We have seen this tremendous volatility in the markets over the last 2 weeks. They are upset because they are not sure there is a stable Euro right now. The Euro has dropped from \$1.43 in the last 4 months to \$1.22. That is a significant decline in that currency. Why is that? Because there is no confidence they are going to be able to solve their problems of being broke, because they are not making the hard choices among priorities that are necessary for them to get out of the problems they face. And we are just starting to see a backstop and IMF demands of Greece—and you are going to see it of many others—that they are going to have to make certain cuts in spending.

We have a couple of choices. We can wait 2 or 3 years, when we are in the same shape, to where the world currency and the world bankers are demanding of us that we make those hard choices or we can start making them now when they are a lot less expensive and a lot less costly.

I know the amendments we have offered have been sent to CBO, and CBO is saying—which tells us another entire problem we have—they cannot score a freeze in Federal salaries. Well, we know it is going to go up \$3.1 billion next year if we do not score it, but CBO will not score it. We know regardless of the significant increase we had in our own budgets—4.6 percent—I have averaged turning back more than 400,000 a year. Everybody in this Congress, everybody in this Senate, could do that easily if they wanted to. We have offered \$100 million in cuts to our own budgets. That is where we ought to start. If we are going to set an example, we ought to start with our own budget. CBO will not score that either.

Why won't they score it? We are clueless to what the real world is about in terms of spending and budgets. We cannot get a score even though the direction in the amendment is to sell off \$15 billion in unused properties and physical plants that we know we do not use that cost us \$8 billion a year to maintain. CBO is not going to score

that either—so that is not going to be scored as savings—and rescinding unspent and uncommitted Federal funds, of which there is over \$350 billion sitting in the bank right now that is unobligated. I am not talking about obligated funds. I am talking about unobligated funds, which says we are going to manage our money better. We are going to make it stream. We are not going to let it sit there for so long. We are not going to borrow the money. We are going to borrow it more on a time-as-needed basis, and we are not going to have as much money sitting in unobligated funds.

We are going to have criticism against our first amendment because CBO does not score it. Do you know what. CBO's accuracy is about as good as mine at throwing a baseball: not very good. I cannot hit the strike zone, and neither do they. That does not mean anything against them because we are giving them lots of unknowns. But we have also set up a set of rules that are designed to not give us what we need to have: the real information. No business, no family operates their budgets with such loose rules.

Where are we going? Here is where we are going right now. This chart shows discretionary spending in the United States since 1999. In 2010—and this is in real dollars; this is not inflation-adjusted dollars; it would not look quite as bad if it were in inflation-adjusted dollars—but we are going from \$572 billion to \$1.408 trillion. And do you know what. That does not count any of the spending—any of the spending—the \$500 billion we are going to pass outside of pay-go. It does not count any of it.

So in a time when our country owes \$13 trillion—it is going to over \$26 trillion in 9 years; that is the path we are on—we are increasing spending, and we are not paying for any of it. We are not making one hard choice. One of the few things that is paid for in this bill continues to fund a commission we do not even need because we just passed the financial reform bill, and yet we are going to spend \$1.8 million on the Financial Inquiry Commission. Why would we do that? You talk about throwing money down a rat hole. Why has the commission continued to meet? We have already decided in all our knowledge and all our wisdom we knew how to fix it, even though we did not even fix the underlying causes for the real collapse: Fannie Mae and Freddie Mac. We did not address it at all. We did not address leverage ratios.

That is where we are going: \$1.4 trillion this year, not counting everything we are passing out of here that is not paid for. What does it mean? We heard Senator MCCAIN talk about generational theft. Here is the face of it. Here is little Miss Madeline. When I first put this picture up in the Chamber less than 7 months ago, it was \$38,000. It is now \$42,000 per man, woman, and child

in this country. That is what they owe individually on our net debt. That is not our gross debt; that is our net debt. The \$13 trillion does not represent our real debt. That only represents what we owe outside. It does not represent what we owe ourselves.

So she is at \$42,000. Extrapolate the increase from \$38,000 to \$42,000 every 6 months and see what you get. What you get 20 years from now—if you include unfunded liabilities—Madeline, when she is 24, will owe \$1,113,000. That is what she is going to be responsible for. So when we hear somebody talk about generational theft, what they are talking about is robbing opportunity.

If you had a 6-percent interest rate on \$1,113,000, it is not hard to figure out that is \$66,000 a year in interest that Madeline is going to have to pay before she pays any taxes to run the government, defend the country, pay for Medicare for me and the rest of the people in this room, before she owns a home, before she educates her kids. It is thievery.

How hard is it? How hard is it in a \$3 trillion budget for us to find the money—find the money—to pay for this war? How hard is it? It is only as hard as we make it. We are risk averse. We do not want to be criticized because some program that had somebody who was for it is not going to be there anymore. We are going to do it. We are going to eliminate those programs. I can promise you we are. The question is when we are going to do it, and how drastic it is going to be, and who is going to make us do it. If we do not do it ourselves, then the priorities are not going to be the priorities of the body. They are going to be the priorities of the world bankers. That is who is going to do it. We are going to do this. We are going to cut spending. The question is, Do we do it now and make it less painful or do we wait until we are forced into it like the Greeks?

I think our history, I think our culture, and I think our children are worth us starting to make those kinds of difficult decisions. It is my hope we will give consideration—I do not care what combination of cuts we make. I just offered some. I am willing for the appropriators to make the cuts. But we no longer live in a time when we can borrow from the future of our children to pay for now. It has to start. I would ask my colleagues to support that start.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise to discuss a huge challenge in the State of Oregon—specifically, a drought that is affecting the southern Klamath Basin. This is an area that had a terrible drought in 1992. This drought set everyone in this basin against each other. How do you allocate those few precious drops of water

between the river and the lake and the irrigation, the fish, the farmers?

It is terribly tough when it doesn't rain. It so happens that this year, the water that has come into the lake is lower than at any time the water levels have been recorded and lower by very significant amounts. So this isn't just a shortfall of rain below the average or a modest few weeks without precipitation; this is the worst drought in the Klamath Basin in recorded history. That is why it has received status as a Federal disaster. The Governor of Oregon wrote on March 16 and on April 5 requesting a disaster designation for Klamath County, OR, due to the losses caused by the ongoing drought and related disasters, and the Department of Agriculture assessed that and issued that disaster declaration. There are well over 1,000 families—about 1,400 families—who farm the Klamath Basin and about 200,000 acres of land in that very productive region.

As we have immersed ourselves in discussions with the Secretary of Agriculture and the Secretary of the Interior, there are a couple key strategies that can be pursued to prevent what is a terrible situation right now from being an utter and total disaster by August and September. Those strategies are pumping ground water, which is quite expensive due to the power needs, and idling land—asking some farmers who have water rights to set aside their rights for modest payments, and by modest, meaning less than \$200 an acre for highly fertile ground. But that greatly reduces the size of this disaster to the community.

I applaud the hard work the Secretary of Agriculture and the Secretary of the Interior have done. They have worked to reprogram, to make those modest changes so they are allowed to free up a small amount of funds, a modest amount of funds. But to really address this situation, to idle basically what amounts to a fourth of that land, would take \$10 million.

I have an amendment filed, amendment No. 4251, that I hope will have a chance to be brought up and considered later on because we are addressing some major disasters around the country in this appropriations legislation, and it is certainly appropriate, when you have a declared Federal disaster in my State, to have this modest amount of money, in comparison to the other requests, receive consideration for the community.

I note that Senator WYDEN from Oregon and Senator BOXER and Senator FEINSTEIN are very supportive and co-sponsors because this Klamath Basin is on the boundary between Oregon and California, so there is territory within both States that is affected by this disaster and would be assisted by this revenue.

So I will wrap up my remarks to give an opportunity for others to take the

floor, but I do ask my colleagues: We have a federally declared disaster in Oregon that needs a modest amount of help, and I ask for the opportunity to have this request duly considered by this body as this debate progresses.

Thank you, Mr. President.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I rise to speak on some of the amendments before the Senate that I understand will be considered and coming up for some votes. To me, they are misguided efforts as it relates to how we ultimately deal with our immigration policy in this country; how we deal with the questions of national security, of our economy, of our well-being.

I have joined in supporting and take a backseat to no one in our efforts to secure the borders of the United States. However, the militarizing of the border is something I clearly do not believe is in our collective interests.

Now, Senators CORNYN, KYL, and MCCAIN seek to offer border enforcement amendments to the supplemental we are debating, but these amendments are, in my mind, merely an opportunity to grandstand instead of solving the country's real immigration problems.

These amendments would deplete critical stimulus funds that are greatly needed to support a recovering economy. It is an economy that recovers that ultimately generates the revenues to fund some of the very initiatives we would like to see. It is important to realize that many of the remaining stimulus funds—much of the funding is for mandatory programs. These are programs we must pay for under current law, such as unemployment insurance, food stamps, FMAP, to mention a few.

Furthermore, there seems to be a sense of amnesia here. We have already poured billions of dollars into border enforcement this year, more than under the last Republican-controlled Congress. Over the last 3 years alone, the Democratic Congress has increased U.S. Customs and Border Protection funding by over 23 percent, from \$8 billion to about \$10 billion. We have added an extra \$1 billion for border infrastructure and security activities as part of the American Recovery and Reinvestment Act of 2009.

Funding for border security in the last 10 years has increased substantially, with a 127-percent increase for

Customs and Border Patrol inspections, a 160-percent increase for border control, and a monstrous 1,737-percent increase for construction and technology purposes—1,737 percent for construction and technology purposes.

These investments have fully funded over 20,000 Border Patrol agents—an increase of 6,000 agents or more than 50 percent since 2006. This increase was at a total cost of over \$3.5 billion this year. We have doubled the number of Border Patrol agents in a 5-year period, and the Border Patrol is better staffed and funded than at any time in its 85-year history.

We completed the southwest border fence, with over 645 miles now under effective control compared to 241 miles in fiscal year 2005. Over the last 3 years, the Democratic-controlled Congress has invested \$1.2 billion to complete the fence—20 percent more than the Republican Congress provided for that effort.

We have financed advanced new border control technologies including cameras, radars, sensors, and command and control systems to help the Border Patrol continuously monitor the border. Democrats in Congress provided \$421 million—more than four times what the Republican Congress provided—for these tools and required a high standard of oversight and accountability to ensure these advanced technologies would prove to be robust, reliable, and true force multipliers. We have funded three new Predator-B unmanned aerial vehicles for long-duration aerial surveillance of the areas between official ports of entry.

Customs and Border Patrol air and marine division manages the largest law enforcement air force in the world with 284 aircraft, including six Predator aircraft patrolling the Nation's land and sea borders to stop terrorists and drug smugglers before they enter the United States.

Since 2008, a Democratic-controlled Congress has provided \$323 million—more than five times the amount previously provided by Republicans—for the Unique Identity Initiative under the US-VISIT Program. Democrats have also doubled funding—from \$15 million in 2008 to \$31 million in 2010—for the US-VISIT effort to review biographic, travel, and biometric information of foreign visitors to the United States.

The Border Patrol is not the only Federal agency at the border. In Arizona alone, there are more than 6,000 Federal law enforcement agents—the majority employed by the Border Patrol—representing nearly 10 agents for every mile of international line between Arizona and Sonora, Mexico.

The legions of Border Patrol agents are supported by thousands of Federal agents from a wide spectrum of agencies, including several thousand Immigration and Customs Enforcement

agents; 1,180 DEA agents; 1,212 air and marine officers; 6,235 Alcohol, Tobacco, and Firearms agents; 1,419 canine enforcement teams; 280 horse patrols; 208 narcotics detection teams; 32 currency detection teams; 212 narcotics-human smuggling detection teams; and 4 DEA mobile enforcement teams.

The number of Border Patrol agents has increased so rapidly there aren't even enough supervisors to effectively train new agents. The GAO found that the agency's ratio of agents to supervisors went from the normal 5 to 1 to 11 to 1.

In addition to these border enforcement increases, the democratically controlled Congress has increased ICE's budget 37 percent since 2007, the last year of a Republican majority in the Congress, and restructured the agency's budget to target aliens with dangerous criminal convictions and those who pose the greatest threat to America and Americans.

In the last 10 years, funding for immigration, customs, detention, and removal has increased by 170 percent. Over the last 16 months, the administration's comprehensive plan to secure the southwest border has resulted in record seizures of illegal weapons and bulk cash transiting from the United States to Mexico, significant seizures of illegal drugs heading into the United States, lower violent crime rates in southwest border States, and reduced illegal immigration.

Republicans now say we must pour more money into border security before we can address this issue comprehensively—more than everything I have already stated—but that has not always been their position. Let me read you a quote regarding border enforcement:

Despite an increase in border patrol agents from 3,600 to 10,000, despite quintupling the border patrol budget, despite the employment of new technologies and tactics, all to enforce current immigration laws, illegal immigration drastically increased during the 1990s. While strengthening border security is an essential component of national security, it must also be accompanied by immigration reforms. As long as there are jobs available in this country for people who live in poverty and hopelessness in other countries, these people will risk their lives to cross our borders, no matter how formidable the barriers, and most will be successful.

I ask you, who made the statement against border security policies and in favor of comprehensive immigration reform? It was our colleague from Arizona, Senator MCCAIN, on March 30, 2006.

Here is another quote:

For those who say let's just enforce our laws, I remind them that some of our laws are unenforceable. My conservative friends are the first ones to point out that the 1986 law is not an effective law. It is unenforceable. And until we change it, we are not going to be able to just enforce the laws.

That was our colleague from Arizona, JOHN KYL, in 2007.

I could go on and on about the comments made in the past. I agree in those respects with Senator MCCAIN's and Senator KYL's past statements that we certainly need comprehensive immigration reform to achieve the goal of reestablishing the rule of law and fixing our broken immigration system.

Even former Bush administration Secretary of Homeland Security Tom Ridge wrote in a 2006 op-ed that gaining "operational control of the borders is impossible, unless our efforts are coupled with a robust temporary guest worker program and a means to entice those now working illegally out of the shadows into some type of legal status."

Now, "border security first" has been the strategy used by the Congress and the Federal Government for the past 17 years. My understanding of the definition of insanity is to keep doing the same thing, do more of it, and get the same result. That is a recipe for failure.

Several of my colleagues and I have put forward an immigration framework as an invitation to our Republican colleagues to join us in something that is critical to the national security of the United States, critical to the economy of the United States, and critical so that American citizens and legal permanent residents do not face what they are facing. I have over 200 cases of U.S. citizens and legal permanent residents of the United States—people who obey the law, follow the rules and the process, are here legally—who have been unlawfully detained in violation of their constitutional rights. In some cases, American citizens have been detained for months before their citizenship was established.

Who among us in this Chamber is willing to accept second-class citizenship simply because of the happenstance of who they are, what they look like, what their accent may be, or the happenstance of where they happen to reside? But that has happened to U.S. citizens and legal permanent residents. Then we have laws that exacerbate those possibilities of expanding. I do not accept that any citizen of the United States is a second-class citizen of this country.

Our national security, our framework, incorporates many of our Republican colleagues' ideas. It makes for an even more robust border enforcement process, in a way that deals with national security. The framework includes increases in Border Patrol and technology.

At the same time, we can never have national security if we don't know who is here to pursue the American dream versus who might be here to do it damage. Unless we bring millions of people out of the darkness into the light and find out why they are here, what is their purpose, and do a criminal back-

ground check on them and make them law-abiding insofar as they will be able to contribute to the national good, pay taxes, go through the background check, and learn English, and after a long set of years have an opportunity to adjust their status in this country, millions will be in the shadows, and we have no idea if they are here to pursue the American dream or to do it harm.

By having people come forth as the law, as we suggest, becomes reality and being able to register in a temporary status, we bring people out of the darkness into the light. We create an opportunity to do criminal background checks to make sure they have been in other respects law-abiding and that they are here to pursue the dreams that millions of immigrants who came to this country and contributed to the vitality of this Nation have enormously.

But we will never know who is here to pursue that dream versus who is here to do it harm if they stay in the shadows. That is not in the interest of the national security of the United States.

The reaction to the Arizona law illustrates that Latinos, Asians, and others do not believe they are second-class citizens in this country. I have nothing in my possession that presents that I am a U.S. citizen, even though I was born in the great city of New York. I have nothing that ultimately says that I am such. I don't carry my birth certificate or my passport around with me. In essence, I was born here, but if I want to travel to another State that says that simple lawful contact with a citizen—well, lawful contact with a citizen is a police officer on foot patrol who comes up to a group of citizens; lawful contact with a citizen is a patrol car that comes up to a group of day laborers on a corner; lawful contact is anywhere a police officer might well be in contact with any citizen. Now the idea that, well, this person gives me reason to suspect that somehow they are here in an undocumented fashion—and that process, even before the Arizona law, has led to U.S. citizens and legal permanent residents being unlawfully detained in the United States. I guess until it happens to one of us, we don't quite feel the same way. But I believe any citizen in this country is not a second-class citizen.

I am also worried when one group of people in our country becomes a suspect class—when one group of people is blamed for all the ills of the Nation. History teaches us when that happens, it has a very sad ending. It has a very sad and dangerous ending. We cannot let that happen in the United States of America. It is not who we are as a people. It is not who we are as a nation.

I believe there is much that hopefully will be in common. We believe jointly that the national security of the United States is about controlling and

protecting our borders, but how we do it is going to be very important. It is about the national economy of this country because, I just have to be honest with you, we have to be honest with what elements of our economy—even in this challenging economy, elements of our economy that are done by immigrant workers.

If you had breakfast this morning and you had fruit, it was probably picked by the bent back of an immigrant worker. If you had chicken for dinner last night, it was probably plucked by the cut-up hands of an immigrant worker. If you slept in one of the hotels or motels of the byways of our cities, it was probably cleaned by the hands of an immigrant worker. If you have a loved one who is infirm, probably their daily needs are being taken care of by the steady hand and warm heart of an immigrant worker.

I could go on and on. I believe this is also about our national economy. For so long as we permit a subclass to be exploited in an economy it hurts the wages of all others in an economy, and only bringing them out of the darkness and into the light will create a better circumstance in which we will not have such exploitation.

I do this all by way of background that says if the amendments that are now going to be proceeded on—the Cornyn amendment and the Kyl second degree—pour billions into perpetuating an inadequate strategy that would not solve the problem, dumping \$1.9 billion in additional personnel, technology, and resources along the border, when in fact we have a set of circumstances where that has shown itself time and time again not to have been the successful strategy.

It is interesting that some of the State and local grant programs for border security have led to a misuse of funds and costly litigation. The Arizona Daily Star investigation found that funding for State and local grant programs was used to compensate officer time for issuing traffic citations, crowd control at parades and soccer games, attending a funeral, monitoring gun shows, and responding to calls about loud music. That isn't about border enforcement.

The McCain amendment appropriates \$250 million, offset with Recovery Act funds. Deployments would be required to start within 72 hours of passage and last until the Department of Defense and Department of Homeland Security certify they have operational control of the border. This amendment would place a significant burden on National Guard troops who are already overburdened and interfere with the President's authority to deploy troops. We are already using the National Guard in unprecedented ways in deployments abroad. The President's authority is affected. I know the administration strongly opposes it.

General Jones, the National Security Adviser; John Brennan, Assistant to the President for Homeland Security and Counterterrorism said in an attached letter to Senator LEVIN:

There is no modern precedent for Congress to direct the President to deploy troops in the manner sought by the amendment. It represents an unwarranted interference with the Commander-in-Chief's responsibilities to direct the employment of our Armed Forces.

It would also interfere with the administration's comprehensive border security plan.

Mr. DURBIN. Will the Senator yield for a question?

Mr. MENENDEZ. For all of these reasons, I am in strong opposition to these amendments. I certainly urge their defeat. We are going to send billions more after billions that have already been sent to accomplish the same negative result, and your own words speak to the very essence of how we get to a solution, which is to pursue a comprehensive nature to this reality.

If you want to ensure a continuing set of circumstances in which law enforcement turns U.S. citizens into second-class citizens, then vote for the amendments. But otherwise, you should oppose them.

I will be happy to yield.

Mr. DURBIN. I ask through the Chair, both the McCain amendment and the Cornyn amendment appear to be paid for out of funds that have already been allocated for creating new jobs in America—the stimulus funds we have voted for. If they are successful in these amendments, they would be reducing the funds that are being used to hire people in New Jersey, Illinois, Minnesota, and other places to go to work. Is that the way the Senator from New Jersey sees it?

Mr. MENENDEZ. Yes. The Senator is correct. In addition, some of the funding they take is from already mandated programs, programs that are critical to citizens and communities and States, and they would, in essence, detract from those mandated programs for which there is a Federal obligation to move it in this direction, at the same time decreasing the job opportunities at a time in which we are trying to grow this economy, not contract it.

Mr. DURBIN. I ask through the Chair, if the Senator will yield further, do I understand the statement that was sent by the administration, the National Security Adviser, that the McCain amendment would circumvent the power of the President to deploy troops in the United States in the manner sought by this amendment, an unwarranted interference with the Commander in Chief's responsibility for the direct deployment of our Armed Forces? And this McCain amendment by Senator JOHN MCCAIN—I kind of recall speeches from the other side of the aisle about the right of the Commander in Chief, the power of the President—

this McCain amendment would spend \$250 million and allocate 6,000 National Guard troops to start within 72 hours, a mobilization within 72 hours of troops to the border. Is that the way the Senator from New Jersey reads this amendment?

Mr. MENENDEZ. The Senator from Illinois is correct. As a matter of fact, the same letter he read from General Jones, the National Security Adviser, and John Brennan, the Assistant to the President for Homeland Security and Counterterrorism, said:

There is no modern precedent for Congress to direct the President to deploy troops in the manner sought by that amendment.

Mr. DURBIN. If the Senator will further yield for a question, it would seem, since two of these three amendments are emanating from the State of Arizona, there is a free-for-all in Arizona to think of more extreme ways to respond to what they consider to be a political situation there, from the passage of the legislation—and I concur with the analysis of the Senator from New Jersey of it—and now \$2¼ billion dollars to be sent down for other—I am sorry, that includes the Cornyn amendment, the Senator from Texas. It is \$200 million for Senator KYL—let's say \$450 million between Senators MCCAIN and KYL, money to be sent into this Arizona situation.

I wonder if we shouldn't declare a time out in Arizona for at least some thoughtful reflection about what works and what doesn't. It seems there is no end to ideas that are being propounded down there to respond to situations real and imagined. These amendments are clear evidence.

I don't know if the Senator from New Jersey sees it the same way.

Mr. MENENDEZ. I appreciate the question and view of the Senator from Illinois. Yes, that is why I said I respect the previous positions Senator MCCAIN had. He understood that you cannot solve this problem by throwing more money, more troops at it. At the end of the day, that has not achieved all the goals, despite enormous increases. And yet there are still challenges.

In view of the fact the President himself—something I personally don't support but nonetheless has gone ahead and made a deployment on his own, it seems to me we should see what works before we advance billions for efforts and directing troops by an amendment when those troops could be needed for a whole host of things.

I have to be honest with you. If we are going to start directing troops, then I wish to see them directed to the gulf so, in fact, we can help out with the oilspill not getting into critical wetlands and estuaries. I think that is a national emergency.

Mr. DURBIN. I ask through the Chair one last question. I don't know what the situation is with the New Jersey

Guard, but many of the Illinois Guard have been deployed and redeployed in Iraq and Afghanistan at great inconvenience and hardship to their families. The McCain amendment calls for deployment within 72 hours. People will literally be removed from their families and on the road headed down to Arizona within 72 hours under the McCain amendment.

I ask the Senator if he has dealt with these Guard families and has any idea what impact this might have on their lives.

Mr. MENENDEZ. I appreciate the Senator's question. The fact is, as I mentioned earlier in my comments, we have used the National Guard in an unprecedented way. They have been called for deployment abroad, both in Iraq and Afghanistan, and elsewhere in unprecedented numbers. The stress we have created on the force by virtue of these two continuing engagements, as well as any other national emergency that might occur, is incredibly challenging. It is real challenging to those forces. My view is the Senator is right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, may I engage in a colloquy with my friend from Wyoming for 1 minute?

Mr. BARRASSO. Yes.

Mr. MCCAIN. I understand the Senator from Illinois was talking about Arizona and the border. I wonder if the Senator from Illinois has ever been to the Arizona border. He has?

Mr. DURBIN. Is that a question to me?

Mr. MCCAIN. Yes.

Mr. DURBIN. I don't know if it is proper. But, yes, I have been to Nogales and both sides of the border.

Mr. MCCAIN. It is pronounced Nogales.

Mr. DURBIN. Yes, I have been there, on both sides of the border. You are always welcome to come to Illinois, too.

Mr. MCCAIN. And I have been there many times. It is obvious the Senator from Illinois, even though he has been there, has no conception of what the people who live in southern Arizona are suffering under with hundreds of thousands of illegal immigrants and human smugglers and drug smuggling going through our State.

I am glad he is such an expert—he and the Senator from New Jersey—on the issue of the terrible problems that afflict our State and our need to try to get our borders secure, which every citizen has the right to expect.

I thank my colleague for yielding.

TRIBUTE TO SHAWN WHITMAN

Mr. BARRASSO. Mr. President, it is with great pride as well as regret that

I rise today in the Senate to recognize a great son of the State of Wyoming. He is my chief of staff, Shawn Whitman. He joins me today on the Senate floor. Shawn is leaving the Senate this month after a consummate career working for our State and for our country.

Many in the Senate know Shawn. To know him is to like him. He was the chief of staff for our late Senator Craig Thomas. For nearly 3 years, he has continued in that role serving me. In all of that time, he has demonstrated what it means to be a loyal and trusted adviser, a superior manager, and a terrific friend.

I know that all in the Senate will want to join me in wishing Shawn well and to thank his wife Kristen and his two daughters, Lauren and Katherine, for sharing their dad with us. All of us are sorry to see him go, and we will miss him.

Shawn has actually served three different Wyoming Senators. He began in 1994 right after he graduated from the University of Wyoming. He came to work as an intern for Senator Al Simpson. Later he joined Senator Thomas's staff and filled just about every role, every position that a congressional office can have. He was actually a receptionist. He was a press intern. He was a staff assistant. He was legislative correspondent, legislative assistant, senior legislative assistant, legislative director, and finally chief of staff.

It is the example of Shawn's career path that defines the character of who he is. He completed every task, whatever was asked of him, equally well. He brought enthusiasm, smarts, and good humor to every job from the front desk to the corner office.

It is his willingness to do whatever is needed and to take on any task. That is what makes him so valuable and such a great friend.

Shawn was truly tested. In June of 2007, Wyoming lost a great friend when we lost Senator Craig Thomas. As some of my colleagues know, after Senator Thomas's passing, Shawn led the staff alone. He kept them together in serving the people of Wyoming, even while the Senate seat remained empty.

In the face of this extraordinary challenge, at a time of great sorrow for our State, Shawn continued to lead. Despite his own sorrow and his own grieving, he led others. Shawn showed grace and confidence through it all.

Perhaps it was his early years working the family ranch outside Laramie, WY, that made him so tough. It is his sense of duty, once again doing the job that needed to be done and completing the task, any task that was required.

It was my good fortune to inherit Shawn Whitman. We hardly knew each other when I was sworn into the Senate. It did not take me long to understand his value and to appreciate—fully appreciate—his indispensable leadership.

President Eisenhower once talked about the many jobs he had throughout his private career, his military career, and finally as President. He said his goal was, whenever he was leaving a job, the people there were sorry to see him go. Shawn Whitman personifies that. Everyone in our office—everyone—is sorry to see him go. All who have had the pleasure and the privilege to know Shawn Whitman in the Senate will miss him as he starts a new chapter in his life.

Shawn leaves the Senate with a wonderful reputation—a reputation for integrity and a reputation for leadership, and not just for Wyoming but for the entire Senate, as Shawn led not just my office, but he also led the organization of the Senate chiefs of staff. He was the chief of all the chiefs.

Shawn has been a trusted adviser, manager, a confidante, and a friend to me and to my wife Bobbi. His service has been invaluable.

While I am losing a very important member of my staff, I know I will not be losing his friendship, his advice, and his counsel for the future.

It is here today on the Senate floor that I say: Thank you, Shawn. Thank you for your service to the Senate, to the country and, most importantly, to the people of Wyoming. I wish you well in all you do.

Mr. President, I yield the floor.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. LEMIEUX. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GULF OILSPILL

Mr. LEMIEUX. Mr. President, I come to the floor today to talk about an issue that is of great concern to my State of Florida, as well as to all the Gulf States—in fact, to the entire United States of America—and that is this ongoing spill disaster in the Gulf of Mexico.

It has been a month since the time this spill started, and the oil continues to flow out of the bottom of the Gulf of Mexico at a rate that has not yet been determined but appears to be thousands of gallons a day. We see those pictures on television now of the flow, and despite the efforts to siphon off some of that oil, more and more enters the Gulf of Mexico. It does so despite attempts by British Petroleum and others in the unified command to stop this flow of oil.

We are now on the fourth or fifth possible solution to cap the well. In fact, they are going to try to cap the well tonight. I believe, as we get on to each of these solutions, they are less and less likely to succeed. So as ADM Thad Allen, who is the incident commander, the admiral in charge of the Coast Guard, told us at his briefing just 2 days ago, we are unlikely to see this oil stop spilling into the gulf until the relief wells are drilled, and fully drilled, which could be as late as August. It could be later. What does that mean? That means this oilspill, which is now stretching over miles and miles in the gulf, is only going to get bigger. What we see on the surface may not be the extent of the spill. The plume of oil underneath may be far worse.

In the wake of this tragedy, I sent a letter to British Petroleum's CEO, Tony Hayward, and I requested that BP set aside \$1 billion so that the five Gulf States would have that money available today to help stop the oil from reaching our shores and to mitigate the damage once it did. The response I received in a letter yesterday, although it wasn't this emphatic, was no.

They have given some money to the Gulf States. My home State of Florida has received about \$50 million, which is appreciated, but it is not going to be near enough if and when this oil comes ashore in Florida. Where will the oil come ashore? Will it be in the panhandle or western Florida? Will it be in Tampa Bay? Naples? Will it get into the Loop Current and go into the Florida Keys, the Florida Bay, Ten Thousand Islands, and run up the eastern side of the United States, up past Miami, Fort Lauderdale, or Palm Beach? We just don't know. But if and when this oil does come ashore in Florida, it will be a disaster. Right now, it is not there, as far as we know. Right now, those beaches are still pristine. Right now, we continue to welcome people to Florida to come and visit, to come and fish and do all the things they would normally do on vacation. Florida is open for business. But we cannot sit around and wait for the oil to come.

I am very concerned not only about the failure of British Petroleum to stop this oil from leaking, but I am concerned at the efforts that have been taken by this administration. I don't mean to say this in a partisan way because it could have been another administration that was on watch when this happened, and certainly the problems we have go back beyond the time of this administration. But I think it is fair to say, having looked at this now for a month's time, that where we are today is not acceptable. It is not acceptable that oil is washing up on the shore, on the beaches of Louisiana and into their marshes. That is not acceptable. That is a failure—a failure of the administration, a failure of our govern-

ment, a failure of British Petroleum. And I don't want to be there when the oil washes up on the shore in Mississippi, Alabama, in Florida, or Texas, for that matter.

The question I have is, What is the plan? What is the plan of our government, since British Petroleum can't solve this problem on its own? What is the plan to stop the oil from coming ashore? What are we doing now besides relying upon British Petroleum to drill these relief wells?

There have been proposals that have come to the floor offered by my colleague from New Jersey and my colleague from Florida and others on the Democratic side to set up \$10 billion—to raise the cap on compensation claims from the current law, which only allows for \$75 million. Senators VITTER, myself, MURKOWSKI, and others have a similar but different bill that would have an expedited compensation process which would not go to a \$10 billion cap but, instead, look to the profits of the company, which in this case would move the cap up to about \$20 billion.

A lot of times partisanship rules the day in the Senate. This should not be one of them. Our differences are not so great that we should not be able to bridge them and come to a resolution.

Senator MENENDEZ has offered his amendment and asked unanimous consent that it be brought up. It has been objected to, and I understand the reasons why. Senator VITTER has offered up his and my proposal. It has been objected to by Democrats.

We should be able to get past this and figure out a solution. We believe our proposal is better. We believe it is better because if you set it at \$10 billion, you are only going to allow two or three oil companies in the world to exist. You will potentially put all the rest out of business. Under our proposal, more than \$10 billion will be recovered from BP for this incident and still let other companies participate. Plus, by having the claims process go forward now, we could get relief to people who need it.

I think it is a better proposal. But that is a question worthy of debate, and we should be able to come to consensus on that and not have a partisan play on it.

I want to talk a minute about the Minerals Management Service. These are the folks within the Department of the Interior who are charged with overseeing drilling. By anybody's account, what they have done is a failure. We see the administration is now breaking them up into two separate units under the Department of the Interior. That may be fine going forward, but let's look back.

A report recently released by the inspector general of the Department of the Interior suggests a culture of corruption littered with several shocking

conflicts of interest and professional malfeasance at the Minerals Management Service.

Among the findings, the report suggests the employees regularly accepted gifts from those they were charged to oversee; that there was a revolving door of employment in which regulators took jobs in the oil industry over which they had previously held regulatory authority; and it even suggests the oil industry officials were allowed to fill out safety oversight forms in pencil only to have the MMS employees trace over them in pen. This is not acceptable, to say the least. There is an apparent and obvious lack of oversight.

It would seem that the response to the spill itself certainly should have been more effective. I want to point this Chamber to an April 29, 2010, story by the Mobile Press-Register where it says that Federal officials, including former NOAA oil response coordinators, had a 1994 plan to respond to oil-spills in the Gulf of Mexico, such as the one we are experiencing today. The former NOAA oilspill response coordinator, Ron Gouget, has said a plan was in place to immediately begin—in situ, which is a fancy word for in place or on location—oil burning. Yet it took more than 1 week for officials to conduct a test burn.

Why is that important? If there were a plan that was in place to burn the oil as soon as it came out of the wellhead, we might have been able to stop this vast plume and expansion of oil over the Gulf of Mexico. We might have been able to stop the oil from washing ashore in Louisiana and potentially washing ashore in Texas, Mississippi, and Florida.

Why do you have to burn early? You have to burn early, as was explained to me by the Coast Guard when, about 2 weeks ago, I flew over the wellhead and saw the oil and the tar floating on the top of the Gulf of Mexico, you have to burn early because if the oil mixes with the water it loses its ability to be flammable. So the plan, if this report from the Mobile Register is right, was correct that you have to burn immediately in order to have the largest effect.

The plan called for multiple fire booms. This is the booming, the material that you see that, hopefully, keeps the oil from spilling onto our shores. There is also something called fire booming or fire booms, which is what you put around the area you are burning in order to contain the fire. The plan called for multiple fire booms to be available and deployed to deal with a spill of this magnitude. But Federal officials instead had no booms on hand and had to go out and locate fire booms in the private sector, purchase it, and then transport it to the gulf region.

Mr. Gouget, who is the former oil response coordinator, believes that 95

percent of the oil could have been captured through the timely executed burning.

I know there were weather conditions, but if that problem had been jumped on right away perhaps we would not see oil in the marshes of Louisiana. Perhaps we would not see oil on the beaches of Louisiana. Perhaps we would not see what may eventually come, which is oil on the beaches of other States in the gulf, including Florida.

Being from Florida, I have had the opportunity to be around some very good leaders in times of emergencies—Governor Jeb Bush, Governor Charlie Crist, people I worked with when we had hurricanes and tornadoes and other natural disasters. We know something about this in Florida. The lesson of these disasters is this: You have to respond to them immediately with overwhelming resources. You may over-respond, as hindsight will show you, because the disaster may not turn out to be much of a disaster. But that is a cost worth incurring.

What you should not do is fail to respond quickly and let the disaster get out of control. Small problems become big problems. That certainly seems to be the case here. We are going to learn more over time about what happened with MMS and the Department of the Interior and what happened with British Petroleum and Transocean. But right now it seems pretty apparent this Federal Government and British Petroleum were not properly prepared because there is an outcome we have to evaluate. If the oil is washing ashore, we have failed. The government has failed and BP has failed.

Frankly, I am concerned that we are not reacting to this disaster in a way that we should. We are not giving it the proper response it deserves.

I have heard this disaster called a slow-moving Katrina, and I think that is right. But just because it moves slowly doesn't mean the Federal Government should. Everything must be done now. I know there are good people working on this. I have tremendous respect for Admiral Allen of the Coast Guard. The Coast Guard does exceptional work. But this is a results-oriented issue. If the oil is washing ashore, then the Federal Government and BP have failed. Before the oil washes ashore in Texas or Mississippi or Alabama or Florida, everything should be done that can be done to stop it. I don't have the feeling that is what is being done.

I will continue to come to the Senate floor to talk about this issue as time goes on. I am urging the President of the United States to give this the focus and attention it deserves. There is no more important problem facing us in the short term than this oil spill.

My home State of Florida right now is suffering through the worst recession

we have had in anybody's memory. Unemployment is 12 percent. We are either No. 1 or No. 2 in terms of the most mortgage foreclosures in the country. Our business has come to a grinding halt. While there are signs of optimism, while we see things getting better in some sectors, and we have to remain hopeful—and Florida, we know, will succeed—this is a very difficult time.

If this oil comes ashore—and, thank God, it has not so far—but if and when it does, it is not only going to have a disastrous impact on our environment and potentially impact 1,000 miles of coastline in Florida, but it is going to impact our economy. Florida welcomes more than 80 million tourists a year. They come to Florida for a lot of reasons, but one of the reasons they come is for our beautiful beaches, some of the most beautiful beaches in the world, especially in the Florida Panhandle. If that oil comes ashore, it is going to be devastating to our economy.

That is not good for Florida. It is not good for America. This crisis demands a sense of urgency that it has not received, in my humble opinion, up until now. I call upon this administration to put forth every effort and to tell us what the plan is to stop this oil from coming ashore in States such as Florida.

I yield the floor.

Mr. LEAHY. Mr. President, H.R. 4899, the fiscal year 2010 supplemental appropriations bill, provides the funds requested by the President for emergency assistance for Haiti related to the January 12 earthquake. In fact it provides approximately \$25 million more than the request.

Although the bulk of those funds are to address the immediate needs of shelter, health care, agriculture and food security, and governance, several Senators, particularly Senator LANDRIEU and Senator GILLIBRAND, have rightly pointed out that half of Haiti's children are not in school and the country suffers from an extremely high rate of illiteracy and a tiny fraction of the trained professionals it needs. There is a dire need for school construction and equipment, teacher training, and other education assistance for Haiti's children as well as high school, vocational, college and graduate students. Haiti's future depends on an educated workforce, and the earthquake has focused attention on this need as the country struggles to recover from this latest catastrophe.

For this reason, the bill includes up to \$10 million for education programs which the Appropriations Committee included even though it was not in the President's request. This is admittedly only a small amount to begin to address Haiti's education needs. Fortunately other donors, including the Inter-American Development Bank and

Canada, are expected to provide significantly more funds.

Haiti will require international assistance for years to come. I hope that in future budget requests the administration will include substantially more resources to combat illiteracy and train Haiti's future workforce, because over the long term it would be hard to think of a better investment in that country.

Mrs. GILLIBRAND. Mr. President, I wish today to speak about my grave concern for the children of Haiti. Last month, Senator LANDRIEU and I traveled to Haiti, where we met with President Preval and First Lady Elisabeth Delatour Preval. We heard firsthand from the President and First Lady that if they are ever going to rebuild their nation, their children need better access to publicly funded quality education.

As everyone knows, Haiti faced incredible challenges even before the devastating earthquake. As a result, children who were already facing almost insurmountable odds are now all the more desperate.

I believe we have a duty to answer the call of Haiti's children today, deliver the relief they need, and help put them on a path toward the quality education they deserve.

Even before the earthquake, only half of Haiti's children attended school at all. The country has almost no public school system. In fact, nearly 90 percent of the schools in Haiti's education system were funded and run by nonpublic operators.

No other country in the world faces the kinds of challenges faced today by Haiti's education system:

An overwhelming majority of Haiti's school-age children live in the country's rural areas, but less than a quarter of children in rural Haiti are actually enrolled in school.

The poorest of Haiti's poor are the hardest hit. Just over a third of Haiti's poorest 20 percent were enrolled in primary schools, compared to 80 percent of the country's wealthiest.

Of those enrolled, many graduate late or never at all because they can't afford school fees, uniforms, or books or because of late enrollment or poor quality education.

Around 80 percent of children were still enrolled in primary school at the age of 13, beyond the age they should have started secondary school.

Of the schools that were standing, the earthquakes caused an astounding \$½ billion worth of damage.

We know that good opportunities in education lead to a strong national economy. But these alarming statistics show just how bleak the state of education is in Haiti.

If Haiti is ever going to rebuild and if these children are ever going to have a chance at success, Haiti needs a strong public school system to help lead the

way. A strong public school system can be the foundation of each community, providing a broad range of resources for children and families—from health clinics and immunizations, to literacy education, job training, and nutrition.

It has been truly humbling and inspiring to watch the outpouring of support from America and across the globe coming to Haiti's relief. I support President Obama's request for the emergency supplemental this year to fund relief and redevelopment in Haiti. I applaud Chairman LEAHY and my dear friend Senator LANDRIEU's work to include funding for Haiti's education in this bill. These have all been lifesaving first steps. But we can't stop now. It is time now to direct our efforts to Haiti's education system.

The Inter-American Development Bank, together with the Government of Haiti, has estimated that it would take \$2 billion over 5 years to set up Haiti's education sector.

I strongly encourage President Obama and Secretary Clinton to make a high-quality public school system a top priority in our relief efforts for Haiti—and begin building schools that can save lives, create real opportunities for the children of Haiti to succeed, and lay the foundation for a Haiti rebuilt.

VETTING PROCEDURES

Mr. LEAHY. Mr. President, I note that on page 16 of the supplemental appropriations bill, H.R. 4899, under the heading "Afghanistan Security Forces Fund" and on page 17 under the heading "Iraq Security Forces Fund," which appropriate funds for training, equipment, and other assistance for these foreign security forces, there is language that makes these funds available "notwithstanding any other provision of law." I would ask my friend, the chairman of the Appropriations Committee and of the Defense Appropriations Subcommittee, whether I am correct that this "notwithstanding" language is not intended to apply to the "Leahy" vetting procedures which are designed to ensure that foreign security forces that receive U.S. assistance have not been credibly alleged to have committed violations of human rights.

Mr. INOUE. I would say to my friend from Vermont that is correct, we intend those vetting procedures to apply to these funds.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, first, there will be no more votes today if we get this agreement worked out. I appreciate everyone's patience. We have

worked long and hard to arrive at this point. It is never easy, as we have explained on a number of occasions, but we are fortunate with this bill to have two veterans of the Senate, two of the best Senators who would possibly work a bill. We are fortunate that Senator INOUE and Senator COCHRAN are managing this bill. They are both gentlemen, and they have the best interests of the country at heart in everything we do here.

I ask unanimous consent that on Thursday, May 27, after any leader time, the Senate resume consideration of H.R. 4899 and resume consideration of the following amendments in the order listed: McCain No. 4214; Kyl No. 4288, second degree, as modified; Cornyn No. 4202, as modified and amended, if amended; and that the Cornyn amendment be further modified with the changes at the desk; that there be a total of 20 minutes for debate, with the time divided 5 minutes each for Senators McCAIN, KYL, CORNYN, and SCHUMER or their designees, with respect to the border security-related amendments; that after the first vote in the sequence, the succeeding votes be limited to 10 minutes each; that after the first vote, there be 2 minutes equally divided in the usual form prior to the succeeding votes; that no amendment be in order to the amendments covered in this agreement other than as identified in this agreement; that if a budget point of order is raised against the border security amendments, then a motion to waive a budget point of order be considered made and the Senate then proceed to vote on the motion to waive the applicable budget point of order; that if the waivers are successful, then the amendments be agreed to and the motion to reconsider be laid on the table; that if the waivers fail, then the amendments be withdrawn; that upon disposition of the above-referenced amendments, the Senate then consider the Feingold amendment No. 4204 and the Coburn amendments Nos. 4231, as modified, and 4232, and that they be debated concurrently for a total of 15 minutes prior to a vote in relation thereto, with 5 minutes each under the control of Senators FEINGOLD, COBURN, and INOUE or their designees; that no amendments be in order to these amendments prior to the votes; that upon the use or yielding back of time, the Senate then proceed to vote in relation to the amendments in the order listed; provided further that the pending committee-reported substitute amendment not be subject to any rule XVI point of order; and that upon disposition of these amendments, the Senate then proceed to vote on the motion to invoke cloture on the committee-reported substitute amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, I would like to ask the leader if

he would be willing to modify his request this evening to include the bipartisan amendment No. 4183 that would once and for all eliminate secret holds here in the Senate.

Senator GRASSLEY and I, as part of a large, bipartisan group, have come to the floor of the Senate again and again simply seeking to abolish secrecy, not holds, in the way business is done in the Senate. These secret holds are an indefensible violation of the public's right to know.

I ask the leader at this time if he would be willing to modify his request to include this bipartisan amendment No. 4183 to finally eliminate secret holds in the Senate?

Mr. REID. I appreciate the exemplary work of my friend from Oregon. I, of course, would accept the modification, but my accepting the modification would take the concurrence of the Republicans.

Mr. COCHRAN. Reserving the right to object, I am constrained to advise the leader and the Senator from Oregon that on behalf of the Senator from South Carolina, Mr. DEMINT, I would be forced to object to that.

Mr. WYDEN. Further reserving the right to object, I would inquire at this point of the majority leader—and I appreciate the graciousness of the leader and Senator COCHRAN as well—if he would agree to a consent agreement this evening that would provide for the consideration of a bipartisan resolution eliminating secret holds at a later point but prior to the July 4 recess and that that debate be limited to 2 hours, with no amendments in order to the resolution, and that upon the use or yielding back of the time, the Senate would then proceed to vote adoption of the resolution?

Mr. REID. I say to my friend, he knows how much I support his efforts. But I haven't had the opportunity to speak to Senator MCCONNELL. It wouldn't be appropriate for me to agree to something without consulting with him. I can't consult with him now. I will do everything within my abilities here to work this out so that prior to the end of our next work period, we will get this done.

Mr. WYDEN. Further reserving the right to object—and I will be brief—I thank the leader, the distinguished Senator from Nevada. His desire to finally end secret holds is clear. All Americans should understand that the Senator from Nevada has worked very closely with Senator GRASSLEY and me on this. I appreciate the Senator's statement tonight that he will try to get an up-or-down vote on this matter before the end of the next work period.

With that, I withdraw my reservation.

The PRESIDING OFFICER (Mr. BEGICH). Is there objection?

The Senator from Oregon.

Mr. MERKLEY. Mr. President, reserving the right to object, can I ask

for a clarification if this would prevent a pathway through which my amendment No. 4251 might be considered?

Mr. REID. It would prevent a pathway, yes.

Mr. MERKLEY. Reserving the right to object, this is an amendment that addresses the terrible drought we have in southern Oregon. Of course, we are addressing many natural disasters, and we have a natural disaster, a federally declared natural disaster in Oregon, in which we have been seeking to have a conversation about spending \$10 million on the front end of what is a terrible situation: the worst drought in recorded history of the Klamath Basin, with 1,400 farming families and 200,000 acres affected.

I was seeking the opportunity to have a discussion and a vote on this which, in consultation with the committee, the esteemed Chair and his team had suggested a pathway. It would mean a tremendous amount to the families in trouble to have their disaster considered while we are addressing other national disasters. This is the moment. This is the moment when we can still have an impact, through land idling and the pumping of water, to save families' financial foundations and, for a few families, through the pumping of water, to save their farming season.

If my colleagues on both sides of the aisle would be amenable, I would certainly ask this request be amended to allow a debate and a vote on amendment No. 4251.

Mr. REID. Mr. President, I appreciate the good will of my friend from Oregon. I would be happy to work with my friend. But at this stage, as the Senator understands, this is two pieces of legislation we got from the President—one dealing with emergencies. FEMA is out of money, totally out of money. This will replenish the money. And there will be opportunities for FEMA, when we do this, to have the ability to do some things such as helping the State of Oregon and other problems.

As we all know, there is going to have to be some work done with the gulf. So I will be happy to work with my friend in any way I can, but I think at this stage this bill has been through a lot already. Not only do we have the emergencies dealing with the normal emergencies that come about as a result of floods, fires, and all this, we also have the troops who have to be taken care of. We must get this done. We are running out of money there.

If the Senator wishes to modify the amendment, I, of course, have no objection there. I will work with the Senator to try to find some pathway to do this. A modification is fine. But I want to make sure the Senator understands that at this stage we will have to try to figure out something separate and apart from this consent request.

Mr. MERKLEY. Reserving the right to object—I thank the leader—it is

very hard for me to go and explain to folks in Oregon we have calamities in other parts of the country being addressed and this one is not. I would greatly appreciate the unanimous consent to modify my amendment. I do understand from what the Senator has said there is probably not a pathway to have it considered. But I would appreciate the Senator's support and my colleagues' support from Mississippi to try to—there should be no party line when it comes to addressing a federally declared disaster.

Mr. REID. I would say to my friend, most of the things that are listed here emergencywise—they are not coming to Democratic States. We have had these acts of God in most instances that happen where they happen. We have two Senators from Tennessee, and this has nothing to do with partisanship. But I am committed to help my friend from Oregon. We have other problems similar to that in Oregon, and I would be happy to work with the distinguished Senator from Oregon, who is always very reasonable. I will do what I can to work with the Senator and Senator WYDEN to make sure we take care of Oregon.

Mr. MERKLEY. I very much, thank the leader.

The PRESIDING OFFICER. Is there objection to the original request of the majority leader?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

At the appropriate place, insert the following:

SEC. . BORDER SECURITY ENHANCEMENTS.

(a) **ADDITIONAL AMOUNT FOR COUNTERDRUG ENFORCEMENT.**—For an additional amount for “Salaries and Expenses” of the Drug Enforcement Administration, \$30,440,000, of which—

(1) \$15,640,000 shall be available for 180 intelligence analysts and technical support personnel;

(2) \$10,800,000 shall be available for equipment and operational costs of Special Investigative Units to target Mexican cartels; and

(3) \$4,000,000 shall be available for equipment and technology for investigators on the Southwest border.

(b) **FIREARMS TRAFFICKING ENFORCEMENT.**—For an additional amount for “Salaries and Expenses” of the Bureau of Alcohol, Tobacco, Firearms and Explosives, \$72,000,000, of which—

(1) \$68,000,000 shall be available for 281 special agents, investigators, and officers along the Southwest border; and

(2) \$4,000,000 shall be available for equipment and technology necessary to support border enforcement and investigations.

(c) **NATIONAL GUARD COUNTERDRUG ACTIVITIES.**—For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense” for high priority National Guard Counterdrug Programs in Southwest border states, \$44,700,000.

(d) **HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.**—For an additional amount for Federal Drug Control Programs, “High Intensity Drug Trafficking Areas Program” for Southwest border states, \$140,000,000.

(e) **LAND PORTS OF ENTRY.**—For an additional amount to be deposited in the Federal

Buildings Fund, for construction, infrastructure improvements and expansion at high-volume land ports of entry located on the Southwest border, \$100,000,000.

(f) **BORDER ENFORCEMENT PERSONNEL.**—For an additional amount for “Salaries and Expenses” of U.S. Customs and Border Protection, \$334,000,000, of which—

(1) \$100,000,000 shall be available for 500 U.S. Customs and Border Protection officers at Southwest land ports of entry for northbound and southbound inspections;

(2) \$180,000,000 shall be available for equipment and technology to support border enforcement, surveillance, and investigations;

(3) \$24,000,000 shall be available for 120 pilots, vessel commanders, and support staff for Air and Marine Operations; and

(4) \$30,000,000 shall be available for additional unmanned aircraft systems pilots and support staff.

(g) **UNMANNED AIRCRAFT SYSTEMS AND HELICOPTERS.**—For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement” of U.S. Customs and Border Protection, \$169,400,000, of which—

(1) \$120,000,000 shall be available for the procurement, operations, and maintenance of at least 6 unmanned aircraft systems; and

(2) \$49,400,000 shall be available for helicopters.

(h) **IMMIGRATION ENFORCEMENT PERSONNEL.**—For an additional amount for “Salaries and Expenses” of U.S. Immigration and Customs Enforcement, \$795,000,000, of which—

(1) \$175,000,000 shall be available for 500 investigator positions;

(2) \$75,000,000 shall be available for 400 intelligence analyst positions;

(3) \$125,000,000 shall be available for 500 detention and deportation positions;

(4) \$151,000,000 shall be available for 3,300 detention beds;

(5) \$180,000,000 shall be available for equipment and technology to support border enforcement; and

(6) \$89,000,000 shall be available for expansion of interior repatriation programs.

(i) **STATE AND LOCAL GRANTS.**—For an additional amount for “State and Local Programs” administered by the Federal Emergency Management Agency, \$300,000,000, which shall be used to establish a border grant program that provides financial assistance—

(1) to State and local law enforcement agencies or entities operating within 100 miles of the Southwest border; and

(2) for additional detectives, criminal investigators, law enforcement personnel, equipment, salaries, and technology in counties in the Southwest border region.

(j) **EMERGENCY DESIGNATION.**—Each amount in this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 403(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(k) **OFFSETTING RESCISSION.**—On the date of the enactment of this Act, the unobligated balance of each amount appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), other than under titles III, VI, and X of such division, is hereby rescinded pro rata such that the aggregate amount of such rescissions equals \$2,250,000,000.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to modify my amendment, amendment No. 4251.

The PRESIDING OFFICER. Is there objection to modifying the submitted amendment?

Without objection, the amendment is modified.

AMENDMENT NO. 4251, AS MODIFIED

Mr. MERKLEY. Mr. President, I ask unanimous consent that my as modified amendment No. 4251 be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 27, line 7, strike “\$173,000,000” and insert “\$163,000,000”.

On page 28, between lines 3 and 4, insert the following:

SEC. 4. EMERGENCY DROUGHT RELIEF.

For an additional amount for “Water and Related Resources”, \$9,000,000, for drought emergency assistance: *Provided*, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West:

Mr. MERKLEY. I thank the Chair.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business. I will be speaking on the supplemental bill, however.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise to express my opposition to the fiscal year 2010 Supplemental Appropriations Act. It represents what is reprehensible about the conduct of the Federal Government: unchecked, unpaid for, deficit spending. After a trillion dollar “stimulus,” a trillion dollar health care bill, and huge increases in the budgets of the bureaucracy, Americans are fed up with Congress’s out-of-control spending. Our constituents have had enough, and they have asked us to rein in spending. Unfortunately, rather than listen to their cries, we have another appropriations bill that represents the same old, same old.

Of the nearly \$59 billion of spending in this bill, all but \$103 million is designated “emergency” spending. What does “emergency” spending actually mean, and what are these emergencies the Nation is facing?

Emergency spending means deficit spending. It means we are spending

money that we as a nation do not have. An emergency designation relieves Congress of the burden and the responsibility of coming up with ways to pay for the spending. We are continuing to make purchases on the taxpayer’s credit card, knowing full well we have no plans to pay back the loan. We have already maxed out the credit card. The company just has not found out yet.

Some programs under this bill may be considered true emergencies. There are unforeseen disasters, such as flooding and oil spills. But there are also disasters that occurred years ago that would receive funding under this legislation. Funding may be needed for those programs, but the lack of funding was certainly not unexpected and should have been in last year’s and this year’s regular budget and appropriations process. But appropriations and budgeting have been so disfigured, contorted, abused, and ignored by lawmakers in recent years that the system is broken, and you have a series of omnibus and “emergency” or supplemental bills. It is not the way to do it.

Even in the writeup of this legislation, the Senate Appropriations Committee noted that the \$5.1 billion for the FEMA Disaster Relief Fund is necessary to pay for known costs for past disasters, such as Hurricanes Katrina, Rita, Ike, and Gustav, the Midwest floods of 2008, and the California wildfires, as well as needs that emerge with new disasters.

The bill also provides \$13.4 billion in mandatory funding for the Department of Veterans Affairs for disability compensation to Vietnam veterans to implement a recent decision by the VA to expand the number of illnesses presumed to be related to exposure to Agent Orange. There is no doubt Vietnam veterans exposed to Agent Orange should be properly compensated, but Congress and the administration must find a way to pay for these programs without spending money we do not have and do not intend to pay back. There is no plan to pay back.

I want to make very clear my strong support for our Nation’s veterans and the current members of our Armed Forces and the vital work they are doing in the world every day. I have the greatest admiration for today’s service members and veterans for their commitment to preserving our freedoms and maintaining our national security. I must question, however, using their sacrifices to justify irresponsible spending by this Congress.

Congress must pass this bill to keep the necessary resources going to our military. America has deployed our young men and women to defend our Nation’s interests, and they deserve no less than having the funding and equipment necessary to carry out their missions. But some in Congress do not see this as just about the military. They see it as an opportunity to add their

pet programs to the shoulders of our Armed Forces. No one wants to leave our military operations unfunded, so our military needs are being used to leverage support for nonemergency, deficit spending.

To be fair, the Appropriations Committee found some offsets for the spending in this bill. Unfortunately, the offsets only account for .17 percent of the total cost of the bill—not even a quarter of a percent of the cost of the bill: .17 percent of the bill. You would think we could at least hit the 1-percent mark. Mr. President, .17 percent is all that is offset in this bill. That is wrong.

Senator COBURN and Senator MCCAIN have offered amendments that would offset or pay for the larger costs of this legislation. Tomorrow morning we will get to vote on those, and I hope we will take them into consideration and make sure this is paid for. I hope all my colleagues will take a look at those amendments.

The funding cut proposals are reasonable. They are well thought out. They are ideas that will help us responsibly address the serious spending problems this Congress has. It is time for Congress to step up and start making the hard decisions of prioritizing Federal spending.

The American people have made it clear that Congress needs to be fiscally responsible. They have made it clear they do not support our spending billions of taxpayer dollars with little or no debate. We have been asking Americans to tighten their spending belts and take responsibility for their personal debt. It is about time the representatives of the people do the same.

In April 2009, when making an emergency supplemental appropriations request, President Obama said:

We should not label military costs as emergency funds so as to avoid our responsibility to abide by the spending limitations set forth by the Congress. After years of budget gimmicks and wasteful spending, it is time to end the era of irresponsibility in Washington.

End of quote by the President.

I could not agree more. Congress and the administration need to find a better way to fund current military operations. Most of these funds are expected and should be addressed in the regular budget process.

Again, I want to provide our troops with the funding and the resources they need to be successful as they work to protect America. I do not, however, want the brave men and women of the Armed Forces nor the families of America who have been truly impacted by unforeseen disasters to be used as justification for unchecked and, in some cases, unrelated spending.

The men and women of our armed services deserve better than this spending bill. The people of the United States deserve better.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISTS AND GUNS

Mr. LEVIN. Mr. President, earlier this month, the Senate Homeland Security and Governmental Affairs Committee held a hearing on the threat posed by the ability of terrorists to purchase firearms in America and legislative proposals to address that threat. Before purchasing a firearm, an individual currently must undergo a background check to search for disqualifying characteristics such as a felony conviction or a history of domestic violence. However, if the background check reveals that the prospective buyer is on the terrorist watch list, law enforcement legally cannot block the sale unless the individual falls into another disqualifying category. In other words, being on a terrorist watch list does not prevent someone from buying a gun.

To close this dangerous loophole, I support S. 1317, the Denying Firearms and Explosives to Dangerous Terrorists Act, which was introduced by Senator FRANK LAUTENBERG. I am a cosponsor of this legislation because it would authorize the Attorney General to deny the transfer of a firearm when an FBI background check reveals that the prospective purchaser is a known or suspected terrorist and the Attorney General has a reasonable belief that the purchaser may use the firearm in connection with terrorism.

Law enforcement should have the authority to block the purchase of a firearm by a known or suspected terrorist. Giving them that authority is simply common sense and has support across the political spectrum. At the May 5 hearing, New York City Mayor Michael Bloomberg expressed his support, and that of the other 500 American mayors who are members of the bipartisan coalition Mayors Against Illegal Guns, for passing S. 1317. Mayor Bloomberg focused on data recently released by the U.S. Government Accountability Office showing that between 2004 and 2010, individuals on the terrorist watch list

were able to purchase firearms and explosives from licensed dealers 1,119 times. I agree with Mayor Bloomberg's testimony that this data represents a serious threat to our national security and that Congress needs to act to address it.

Representative PETER KING, ranking member of the House Homeland Security Committee, also appeared at the hearing and spoke about legislation similar to S. 1317 that he introduced in the House. Congressman KING mentioned that his bill has Republican and Democratic cosponsors and would have a positive impact on law enforcement agencies across the country, highlighting the support of the International Associations of Chiefs of Police.

Closing the "terror gap" also is supported by an overwhelming majority of American gun owners. In December 2009, pollster Frank Luntz conducted a poll showing that 82 percent of NRA members and 86 percent of non-NRA gun owners favored a proposal to prevent individuals listed on a terrorist watch list from purchasing firearms.

Closing the loophole in Federal law that prevents law enforcement from blocking the sale of firearms to terrorists is not a controversial proposal. To the contrary, legislative efforts to close the "terror gap" enjoy widespread, bipartisan support. In order to keep Americans safe, it is essential that law enforcement is provided with every legal tool to keep guns out of the hands of known or suspected terrorists. I urge my colleagues to take up and pass S. 1317, the Denying Firearms and Explosives to Dangerous Terrorists Act.

VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I regret that I was unavoidably detained on May 24, 2010, and missed rollcall votes No. 163 and No. 164. I ask that the RECORD reflect that had I been present I would have voted as follows: rollcall vote No. 163, a Brownback motion to instruct conferees: "yea"; rollcall vote No. 164, a Hutchison motion to instruct conferees: "yea."

NATIONAL MENTAL HEALTH AWARENESS MONTH

Mr. JOHNSON. Mr. President, I rise today in recognition of National Mental Health Awareness Month to fight the stigma associated with mental illness that discourages people from seeking help and raise awareness of disparities in access to mental health services.

The National Institute of Mental Health estimates that while only 6 percent of Americans suffer from a serious mental illness, over a quarter of adults suffer from a diagnosable mental disorder in a given year. These illnesses—

depression, bipolar disorder, anxiety, phobias, personality and body image disorders, and substance addictions—are real diseases with proven treatments.

Mental health determines how we make decisions, handle stress, and relate to others, consequently affecting our relationships with our families, our colleagues, and our communities. Normally defined as how one thinks, feels, behaves, and copes, mental health is as integral to our well-being as our physical health. However, mental health disorders are chronically underdiagnosed and undertreated.

While public education and awareness campaigns can go a long way in addressing the stigma associated with mental health disorders, improved access to high-quality mental health care should be a national priority. Unfortunately, access to mental health services is often more disparate than access to medical care, particularly in rural areas. Rural States like South Dakota have long struggled to recruit and retain an adequate mental health workforce to meet the needs of their citizens. I am pleased the new health reform law will increase investments in the health care workforce, including mental health providers. Increased access to adequate and meaningful health insurance coverage has also been addressed with health reform, ensuring more Americans can obtain the care they need. All too often, insurance companies have failed to cover mental health services or impose restrictive measures on the scope and duration of the treatment. Last Congress, I was proud to cosponsor and support passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act, which ensures health insurance coverage for mental health services is comparable to coverage of physical ailments.

In the short term, however, I remain deeply concerned about our Nation's mental health safety net. I recently joined several colleagues in support of increased funding for comprehensive community services for low income and uninsured people living with mental illnesses. While the economic downturn has placed an additional financial strain on Federal, State, and family budgets, community mental health centers and other safety net providers are simultaneously reporting a significant increase in demand for mental health and addiction services. We must continue our investment in these critical mental health programs for those most in need.

I recognize that mental illness affects many South Dakotans. It is my hope that awareness efforts throughout the month of May will help recognize the need for improved access to services, promote overall health and well-being, reduce the stigma associated with mental disorders, and encourage

Americans to seek help when they need it.

TRIBUTE TO AMBASSADOR OLEH SHAMSHUR

Mr. KERRY. Mr. President, as chairman of the Senate Foreign Relations Committee, I wish today to mention the outstanding work of an ambassador who is leaving Washington after 4 years of distinguished achievement—Ambassador Oleh Shamshur of Ukraine.

There is little doubt that he has made a major contribution to strengthening bilateral relations between our countries. Ambassador Shamshur was one of the senior negotiators of the United States-Ukraine Charter on Strategic Partnership signed on December 19, 2008, which elevated relations between the United States and Ukraine to a new level. The charter is a living document and continues to guide cooperation between the two countries. On April 12, 2010, President Obama and President Yanukovich reaffirmed their commitment to the charter and expressed their intention to realize its full potential.

Ambassador Shamshur also played an important role in the establishment of the United States-Ukrainian Strategic Partnership Commission and participated in its first inaugural session in December 2009. The commission has reinvigorated relations between the United States and Ukraine with an ongoing dialog and program of cooperation on issues of democracy, economic freedom and prosperity, security and territorial integrity, energy security, defense-related cooperation, the rule of law, and people-to-people contacts.

During Ambassador Shamshur's tenure in Washington, Ukraine once more demonstrated its important leadership on the question of nonproliferation and arms control issues. Cooperation on these issues between Washington and Kyiv has been significantly enhanced. These efforts were conspicuous in the positive outcome of the Nuclear Security Summit in Washington.

While in Washington, Ambassador Shamshur's accomplishments were not limited to issues of international security or geopolitics. Early on in his service here, the United States reinstated tariff preferences for Ukraine under the Generalized System of Preferences and granted Ukraine market economy status. The Ambassador was instrumental in the efforts that led to Ukraine's graduation from the Jackson-Vanik Amendment on 23 March 2006. The United States and Ukraine were also able to sign a bilateral agreement on market access issues, which became a key step in Ukraine's eventual joining the World Trade Organization. The establishment of the United States-Ukraine Council on Trade and Investment in March 2008 was also a re-

sult of Ambassador Shamshur's tireless efforts. This year, Ambassador Shamshur can also claim credit for the resolution of difficulties surrounding the operation of the Overseas Private Investment Corporation in Ukraine and its return to the Ukrainian market.

Many of us on Capitol Hill and in the administration share an appreciation for Ambassador Oleh Shamshur's achievements. He leaves relations between Ukraine and the United States immeasurably stronger for having served here these 4 years. We wish him and the Ukrainian people well on the occasion of his departure.

AMERICA COMPETES ACT

Mr. ALEXANDER. Mr. President, about a year ago, the United Arab Emirates decided to secure its energy future. The Emirates is a small Persian Gulf state that is awash in oil and annually rakes in about \$80 billion in oil revenues. For its own domestic energy needs, however, it opted to go with another technology—nuclear power. Its reasoning was that the oil in the ground will eventually run out and that it would be best to conserve and prepare for that day.

The Emirates specified they wanted to build four nuclear reactors and estimated the costs at around \$40 billion. Sure enough, the bids soon started coming in from the world's leading nuclear vendors. There was Areva, the company born out of France's nuclear effort—they now get 80 percent of their electricity from nuclear and are building one of their new Evolutionary Power Reactors in Finland. There was Westinghouse, which is building its new AP1000 reactors in Japan and China. You may recognize the name. They were once, along with General Electric, America's leading electrical manufacturer. Now they are a Japanese company, bought by Toshiba in 2006.

While these two giants duelled, a third competitor entered the field. South Korea only started building its own nuclear reactors in 1996. Before that they bought from the U.S. and the Japanese. But then they took an old design from Combustion Engineering, another American company, and fashioned the APR-1400. After building a few for themselves they entered the world market. Meanwhile, in the Persian Gulf oil business, the Koreans had established a reputation for getting things done on budget and on time.

Still, it was a complete shock last October when the United Arab Emirates passed over bids from the world's two leading companies, Areva and Westinghouse, and awarded the contract to South Korea for \$20 billion—half the original estimated price. The French and the Japanese have gone back to the drawing boards to figure out what went wrong so they will be better able to compete next time.

How did the Koreans come so far so fast? People will talk about “cheap labor,” “government enterprise” and “copycat technology.” But I have another hypothesis. Year after year, Korean students are at the top of world performance in math and science while the United States doesn't even rank in the top 10. In the Program for International Student Assessment's math test for 15-year-old students, for instance, South Korea ranks third, behind Finland and Taiwan, while the United States ranks 21st. They are 75 points ahead of us on a scale of 1,000.

We have been hearing about these statistics for decades—maybe we have even grown used to them—but now we are starting to see the consequences. We are a country that is falling behind the rest of the world in science literacy. In terms of energy, the rest of the world is currently going through a nuclear renaissance while we are barely able to construct new reactors in our own country. Part of our population still thinks a nuclear reactor is an atomic bomb that can go up in a mushroom cloud any minute. A larger number believes that if we cover the Great Smoky Mountains with windmills we could generate all the electricity we need without having to build either nuclear reactors or coal plants. I call this “Going to War in Sailboats.” That is the title of a book I have just written. If we were to go to war tomorrow, would we put our fleet of nuclear submarines and aircraft carriers in mothballs and commission a fleet of sailing vessels?

Four years ago Senator JEFF BINGAMAN and I asked the National Academies:

What are the top 10 actions, in priority order, that federal policymakers could take to enhance the science and technology enterprise so that the United States can successfully compete, prosper, and be secure in the global community of the 21st century? What strategy, with several concrete steps, could be used to implement each of those actions?

The Academies responded quickly to that request by assembling a distinguished panel, headed by Norman R. Augustine that quickly produced a list of 20 recommendations along with strategies in the report, “Rising Above the Gathering Storm.” That report was issued 3 years ago. I think its message is even more immediate today.

In response to the Gathering Storm report, Congress enacted and the President signed the America COMPETES Act in 2007, incorporating many of the Academies' recommendations and establishing a blueprint for maintaining America's competitive position. In the COMPETES Act we authorized funding to improve education in science, technology, engineering and mathematics. We increased funding for scientific and technological research. And we established ARPA-E—modeled on the Defense Department's Advanced Research Project Agency, the one that started

the Internet—but aimed this time specifically at advanced research projects on energy.

Just 2 months ago I attended ARPA-E's Inaugural Energy Innovation Summit, at which more than 50 innovators from around the country presented the prototypes of what we hope will be the next generation of energy innovation.

Some of these ideas are truly exciting. We saw designs for a "Metal-Air" battery that could have a 1000-mile range that would be 10 times what our best car batteries can get today. We saw plans for converting waste gas from refineries to gasoline that could save us 46 million barrels of oil each year. We saw projects for using sunlight and electricity to convert carbon dioxide back to gasoline and a "self-digesting" biofuels plant that uses enzymes to convert cellulose plant material to a gasoline substitute.

But there are still other areas where we must forge ahead. What about these new small modular reactors? Companies like Toshiba, Babcock & Wilcox, and Hyperion all have plans for reactors that are so small they can serve as "nuclear batteries." They are assembled at the factory and shipped to the site, where they are fitted together like Lego blocks. They have a lower cost of entry which is important for smaller utilities. We already have reactors like this aboard our submarines and aircraft carriers. We have done this for more than 50 years. Why not put a 125-megawatt reactor back in Oak Ridge, TN, where it would power the entire site and meet one-half of the Department of Energy's carbon footprint reduction goal? The people of East Tennessee are not afraid of nuclear power.

With Senator JAMES WEBB of Virginia I have introduced a clean energy bill that calls for building 100 new nuclear reactors in the next 20 years to secure our energy future while cutting our carbon emissions and keeping energy prices low. With Senators JEFF MERKLEY of Oregon and BYRON DORGAN of North Dakota I have introduced a bill that would set up 10 model communities around the country to develop the infrastructure needed to support electric cars. Forty Republican Senators support the proposition of electrifying half our cars and trucks as a way to reduce our carbon footprint even further and reduce our dependence on foreign oil. The recent tragedy of the oil spill in the gulf has only highlighted the need to begin this effort.

Still, we have a formidable task ahead of us. In 2008, 1 year after passage of the America COMPETES Act, Norman Augustine wrote an article in *Science Magazine*. Since *The Gathering Storm* had been published, he noted, many new developments had occurred in science and education. A new research university was established in Saudi Arabia, with an opening endowment equal to what the Massachusetts

Institute of Technology had amassed after 142 years. 200,000 Chinese students were studying abroad, mostly pursuing science or engineering degrees, often under government scholarships. Government investment in R&D increased by 25 percent—in the United Kingdom. An initiative was under way to create a global nanotechnology hub—in India. An additional \$10 billion was being devoted to K-12 education, with emphasis on math and science—in Brazil. Another \$3 billion was added to the nation's research budget—in Russia.

So it is still a competitive world out there. A study done far back in the 1950s determined that 85 percent of the per capita income growth in American history has occurred, not because of increasing capital stock or other measurable inputs, but because of technological innovation.

As educators and scientists, I know you are aware of how important your work is to America's economic future. And I am sure you are ready to join us in this effort.

TRIBUTE TO KATY LESSER

Mr. LEAHY. Mr. President, I rise today to congratulate Katy Lesser of Underhill, VT, for being named Vermont's 2010 Small Business Person of the Year by the U.S. Small Business Administration.

Lesser is the owner of Healthy Living, a natural and organic food store in South Burlington, VT. In its 23 years of business, Healthy Living has grown from humble beginnings into a new 33,000-square-foot market with a staff of 130 employees. Healthy Living also is a leader in Vermont's sustainability movement by promoting a diverse and vibrant selection of locally grown foods and locally made products.

I had the pleasure of meeting Katy and her adult children, Eli and Nina, when they were in Washington this week for the national awards ceremony. Working at the store is a family affair, and they all put in long hours to make it go. I wish them well when they take a much needed vacation to Ireland.

Once again, I commend Katy Lesser on this well-deserved honor. I ask unanimous consent that a March 29 article from *The Burlington Free Press* on Katy's accomplishments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the *Burlington Free Press*, Mar. 29, 2010]

HEALTHY LIVING OWNER KATY LESSER NAMED VERMONT'S SBA PERSON OF YEAR

(By Myra Mathis Flynn)

It's your neighborhood grocery store that packs a healthy punch. Located at 222 Dorset St., Healthy Living is the natural and organic food store with a well-known community outreach program, cooking classes and fully stocked bulk section.

Starting at 1,200 square feet with only one employee and average earnings of \$300 a day, Healthy Living has grown over a period of 23 years into a 33,000-square-foot market with a staff of 130 employees, and average daily sales of \$50,000. Leading the market to success has been owner Katy Lesser. Now, she is being recognized for it.

Lesser has been named the U.S. Small Business Administration's 2010 Vermont Small Business Person of the Year. Nominated by David Blow Jr., vice president of Granite State Development Corp. in Burlington, Lesser was selected for outstanding leadership related to her company's staying power, employee growth, increase in sales, innovative ingenuity and contributions to the community, the SBA said. Recession aside, Lesser's sales for 2009 were more than \$17 million.

Lesser was quick to share the credit.

"I attribute my passion for food and people, tenacity, patience, being part of a terrific industry, willingness to learn, being a risk-taker, and a fabulous, amazing staff to my success," Lesser said. "Bottom line, you have to want to get up and do it all over again every day."

Healthy Living was also at the forefront of the localvore movement as Lesser's long-term relationships with local farmers has stocked the market with local fruits, vegetables, meats, poultry, dairy products and more. The market also acts as an incubator for small, local culinary producers and carries products from more than 1,000 Vermont producers.

In 2008, Healthy Living uprooted and moved to its current location. The move and expansion was a risk, but one that Lesser was not shy to take.

"I believe it's just as risky to be too small as it is to be too big. So when I decided to expand, I did a lot of research all over the country to see what other natural foods markets were up to," Lesser said. "I traveled all over the country and got a good sense of what was working and what was not. I wanted space for more product, of course, but I also wanted space for customers to meet, eat, hang out, learn and have a sense of community meeting place. I think I did that."

Lesser is gradually turning the business over to her two children, both of whom returned to Vermont following college and jobs elsewhere. Lesser's 32-year-old son, Eli, a graduate of Brandeis University, is Healthy Living's chief operating officer. Her 26-year-old daughter, Nina, a graduate of George Washington University and the French Culinary Institute in New York, is the store's education coordinator and director of the market's newest venture, the Healthy Living Learning Center.

As Vermont's Small Business Person of the Year, Lesser will compete for the national title at National Small Business Week ceremonies May 23-25 in Washington, D.C. The U.S. Small Business Administration will honor her locally June 17 at a ceremony sponsored by the SBA and Vermont Business Magazine at the Shelburne Farms Coach Barn.

"More than ever, I believe a good leader serves—serves her customers, her staff, her vendors and her truck drivers. Love of true service makes every day a joy because there is a never-ending list of people to help in many, many ways," Lesser said. "It's an honor to serve a community like ours. I've experienced more loyalty and energy from our community than I ever dreamed possible."

BAYVIEW CENTENNIAL
CELEBRATION

Mr. RISCH. Mr. President, I rise today to commemorate the 100th Anniversary of Bayview, Idaho, a beautiful little hamlet on the shores of Lake Pend Oreille in north Idaho. On May 29, 2010, the residents of Bayview will gather to dedicate the Centennial Gift to Bayview, a beautiful entrance sign funded by local donations and designed by local artists. In addition to this ceremony, several other events are scheduled throughout the year to celebrate this great milestone.

In 1910, the Prairie Development Company was formed by five businessmen from Spokane, WA. They platted the town on the shores of Lake Pend Oreille, with visions of a bustling resort where Spokane's well-to-do could step right off the train and enjoy a weekend retreat or summer residence. A shortline railroad was completed in 1911, and the crowds soon followed.

Bayview is a place full of well-kept secrets. You could say Bayview built Spokane. The limestone deposits above the town and in nearby Lakeview supplied the processed lime that was used to construct many of the buildings in Spokane from the turn of the 20th century, well into the 1930s.

Another little-known fact is that nearby Farragut State Park stands on the site of what was once Idaho's largest city. In 1942, the U.S. Navy built Farragut Naval Training Station to train sailors for the fight against the Axis powers. Nearly 300,000 sailors were trained there, and at any given time from 1942 to 1946, the population exceeded 50,000 people.

More recently, few people know Bayview's role in helping the U.S. Navy build the quietest submarines in the world. After World War II ended, the Navy began to dismantle the training station, selling off the buildings and turning the land over to the State of Idaho. The Navy, however, did retain 20 acres on the shores of Lake Pend Oreille, where they built research facilities as well as an underwater acoustic testing range. At a depth of nearly 1,200 feet, the cold, calm waters of the lake provide an ideal range to test various hull designs, hull coatings and propulsion systems at a fraction of the cost of full-scale ocean-based testing.

Finally, I would be remiss if I did not mention the fantastic Independence Day celebration in Bayview, where the fireworks echo off the surrounding cliffs and mountains, adding a thrilling dimension to the show.

Despite the stunning beauty of its setting, Bayview remains a well-kept secret. I suspect its faithful residents prefer it that way. And even though it is a small town, it has made an outsized impact on the Inland Northwest and the security of the entire Nation. Congratulations, Bayview, on 100 years of proud, colorful history, and here's wishing you 100 more.

ADDITIONAL STATEMENTS

RECOGNIZING THE SOUTH DAKOTA
CAPITOL CENTENNIAL

• Mr. JOHNSON. Mr. President, it is with great honor that I recognize the 100th anniversary of the South Dakota State Capitol. This centennial is especially meaningful to me, as I spent 8 years in this building, serving the people of South Dakota in the Senate and House of Representatives from Clay and Union Counties.

South Dakota achieved statehood in 1889, and campaigns were soon waged over which town would become the capital. At least 13 towns competed in an intense race, with Pierre winning the title in 1904, partially due to its central location. Funding was secured in 1905, construction began in 1907, the cornerstone laid on June 25, 1908, and the official dedication of South Dakota's State Capitol was on June 30, 1910. Government agencies moved into the capitol from a small wooden building which was located at the southwest corner of the capitol grounds near the corners of Capitol Avenue and Nicollet. Robert S. Vessey of Wessington Springs was the first Governor to serve in the capitol building.

Modeled after the Montana State Capitol Building, architects from Minneapolis designed and constructed the building for just under \$1 million. The beautiful structure includes native field stone, Indiana limestone, and Vermont and Italian marble. With hand-carved woodwork, marble, special cast brass, and hand laid stone, the capitol itself is a work of art.

During the "Dirty 30's," the settling of blowing soil caused severe damage to the building. Subsequently, in 1977, a major restoration of the State capitol commenced with a goal of returning the majestic building to its original state in time for the South Dakota Centennial Celebration in 1989. Fifteen years and roughly \$3 million later, the building has been restored very close to its original grandeur. The ceilings, wall designs, color schemes, window treatments, and carpeted areas were brought back to its original colors and luster.

On Saturday, June 19, 2010, South Dakotans from across the State will gather at the capitol to celebrate 100 years of our State's history. With live entertainment, tours of the capitol, historical lectures, a rededication ceremony, and many other activities, there is something for everyone. I hope this celebration gives our citizens a chance to reflect on our shared history, as well as our promising future.

At the laying of the cornerstone, Governor Coe Crawford said in his address, "The new capitol will do more than comfortably accommodate the officers who are to labor within its walls for the people whom they will serve. It

will stand throughout the coming years as an expression of beauty and art and as the people come and go and linger within its walls, they will see in it an expression of the soul of the state." Although currently valued at \$58 million, this piece of history is priceless. I am honored to have served in this historical building and am proud to recognize it today.●

RECOGNIZING THE SOUTH DAKOTA
STATE MEDICAL ASSOCIATION
ALLIANCE

• Mr. JOHNSON. Mr. President, today I recognize the 100th anniversary of the South Dakota State Medical Association Alliance. This organization was founded to promote educational and charitable endeavors related to healthy living, and it has made remarkable progress over the last century.

Originally called the South Dakota Auxiliary, this organization was founded in 1910 when 18 wives of physicians saw a need for their own organization during the annual meeting of the South Dakota Medical Association. The original group of women took 15 minutes to write the constitution and by-laws, with dues set at \$1 a year. Now known as the South Dakota State Medical Association Alliance, the group holds an annual fundraiser to raise money for medical student scholarships. This devoted organization supports the development of leadership skills through national training as well as involvement with projects at the State and local level.

The South Dakota State Medical Association Alliance has long been devoted to the general health of South Dakotans through education and financial support. The oldest continuous medical alliance in the United States, SDSMA Alliance fills an important role in our State with all they do. I appreciate their hard work and again congratulate them on their 100th anniversary. I look forward to their continued efforts on behalf of the South Dakota health care community.●

TRIBUTE TO HUGH GROGAN

• Mr. JOHNSON. Mr. President, today I wish to recognize the work and career of Hugh Grogan of Sioux Falls, SD. Hugh will soon be retiring after nearly 30 years of service to the Minnehaha County Human Services Department.

Hugh grew up in the historic north end of Sioux Falls in a large, Irish-Catholic family. Hugh's father, Wally, died at a young age. His mother Cleo raised her 11 children on her own with the attitude that an abundance of love, faith, and laughter mattered much more than an abundance of money. Always taking pride in their Irish heritage, St. Patrick's Day never passes without a Grogan family reunion and a float in the Sioux Falls parade.

Hugh began working for Minnehaha County in 1981 as the assistant director of welfare. He was promoted to director 2 years later. Hugh's sense of social justice has been a centerpiece of his career. Hugh's compassion for those without a home led him to develop the partnerships and relationships among social agencies necessary to establish the Homeless Coalition in Sioux Falls. He recently created and advocated for the Safe Home pilot program, which is helping to improve care for the chronically homeless, while also delivering that care in a more cost effective way. Hugh has even opened his own home to provide a measure of stability to a young person in need of encouragement and opportunity. Countless disadvantaged individuals have benefitted from his dedicated work, much of which was done behind the scenes but always with the best interest of the people he served in mind.

Hugh has been the recipient of many awards over the span of his career, including the United Way Social Worker of the Year and the Sioux Falls Catholic Schools' Hall of Fame. The State of South Dakota has also benefitted from Hugh's expertise in the field of social services. He has served on many State committees and task forces created to best serve the poorest of our State.

Hugh and I share a commitment to providing access to affordable housing, recognizing that it is a critical ingredient for future success. His honorable service has been marked by a true sense of dedication to providing consistent guidance and stewardship. His warm sense of humor puts everyone around him at ease, and he treats each person with respect and dignity. My wife Barbara and I are proud to count Hugh as a friend, as well as an ally in the pursuit of social justice.

I commend Hugh for his passionate and tireless commitment to serving those in need. He has worked for affordable housing for 30 years, and will take his tireless work ethic to the Department of Veterans Affairs as an outreach worker for homeless veterans. I wish Hugh and his wife Jan all the best in the future.●

100TH ANNIVERSARY OF THE FOUNDING OF AGAR, SOUTH DA- KOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 100th anniversary of the founding of Agar, SD. This rural community in Sully County is small, but its size is its strength. Agar is a warm, caring community full of people who are always willing to lend a helping hand.

When Chicago and Northwestern Railway Company decided to connect two of its lines, Agar was formed on the land of Charles Agar. Within the first year, several buildings had been constructed. The little town continued

to flourish as an agricultural hub. A post office, newspaper, ice cream shop, and a bank were all started in 1910. In May of 1910, the town constructed an artesian well that flowed at 78 gallons per minute.

Agar's centennial celebration promises to be a great time, with bull riding, dances, and a softball tournament. The town will also be having a 2-day wagon train, covering beautiful farmland as well as the famous Sutton Bay Golf Resort. This weekend centennial celebration will gather together "Agarians" of all generations to celebrate all that this very proud community has accomplished.

One hundred years ago, this small town was founded on hard work and perseverance. Today, those values continue to permeate everything this town does. Small towns like Agar are the backbone of South Dakota, and I am proud to congratulate them on reaching this historic milestone.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:08 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5139. An act to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

At 10:34 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3885. An act to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy.

H.R. 5145. An act to amend title 38, United States Code, to improve the continuing professional education reimbursement provided to health professionals employed by the Department of Veterans Affairs.

The message also announced that the House agrees to the amendments of the

Senate to the bill (H.R. 2711) to amend title 5, United States Code, to provide for the transportation of dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties.

The message further announced that pursuant to section 106 of the Higher Education Opportunity Act (Public Law 110-315) and the order of the House of January 6, 2009, the Speaker appoints the following members on the part of the House of Representatives to the National Advisory Committee on Institutional Quality and Integrity for a term of 6 years: Upon the recommendation of the Majority Leader: Dr. Carolyn Williams of Bronx, New York, Dr. William "Brit" Kirwan of Adelphi, Maryland, and Dr. Benjamin J. Allen of Cedar Falls, Iowa; Upon recommendation of the Minority Leader: Dr. Art Keiser of Parkland, Florida, Mr. Arthur Rothkopf of Washington, DC, and Dr. William Pepicello of Phoenix, Arizona.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3410. A bill to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as "Mississippi Canyon 252" with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations.

S. 3421. A bill to provide a temporary extension of certain programs, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*Adam Gamoran, of Wisconsin, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

*Deborah Loewenberg Ball, of Michigan, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

*Margaret R. McLeod, of the District of Columbia, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

*Bridget Terry Long, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

*David K. Mineta, of California, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3885. An act to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy; to the Committee on Veterans' Affairs.

H.R. 5145. An act to amend title 38, United States Code, to improve the continuing professional education reimbursement provided to health professionals employed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself and Mrs. MCCASKILL):

S. 3425. A bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes; to the Committee on Armed Services.

By Mrs. GILLIBRAND:

S. 3426. A bill to amend the Agricultural Marketing Act of 1946 to require monthly reporting to the Secretary of Agriculture of items contained in the cold storage survey and the dairy products survey of the National Agricultural Statistics Service; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for himself and Mr. CORNYN):

S. 3427. A bill to institute an identification requirement for the purchase of pre-paid mobile devices; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 3428. A bill to designate the Memorial of Perpetual Tears, which honors victims of driving while impaired, as the official National DWI Victims Memorial; to the Committee on Energy and Natural Resources.

By Mr. CASEY:

S. 3429. A bill to require the Comptroller General of the United States to carry out a study on procurement under the American Recovery and Reinvestment Act of 2009; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3430. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. NELSON of Florida):

S. 3431. A bill to improve the administration of the Minerals Management Service, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Ms. SNOWE, Ms. CANTWELL, Mrs. SHAHEEN, Mr. KERRY, Mr. BAYH, Mr. CARDIN, Mr. BOND, Mr. VITTER, Mr. ENZI, Mr. ISAKSON, Mr. WICKER, Mr. RISCH, and Mr. THUNE):

S. Res. 540. A resolution honoring the entrepreneurial spirit of small businesses in the United States during "National Small Business Week", beginning May 23, 2010; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 493

At the request of Mr. CASEY, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 752

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1627

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1627, a bill to improve choices for consumers for vehicles and fuel, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1859, a bill to reinstate

Federal matching of State spending of child support incentive payments.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2947

At the request of Mr. CARPER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2947, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 3157

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3157, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to allow time for pensions to fund benefit obligations in light of economic circumstances in the financial markets of 2008, and for other purposes.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S. 3223

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3223, a bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetics and custom orthotics and benefits for other medical and surgical services.

S. 3231

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3231, a bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol.

S. 3248

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 3248, a bill to designate the Department of the Interior Building in Washington, District of Columbia, as the "Stewart Lee Udall Department of the Interior Building".

S. 3269

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3269, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 3295

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3295, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. 3305

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3305, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 3341

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3341, a bill to amend title 5, United States Code, to extend eligibility for coverage under the Federal Employees Health Benefits Program with respect to certain adult dependents of Federal employees and annuitants, in conformance with amendments made by the Patient Protection and Affordable Care Act.

S. 3396

At the request of Mr. BINGAMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3396, a bill to amend the Energy Policy and Conservation Act to establish within the Department of Energy a Supply Star program to identify and promote practices, companies, and products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

S. 3405

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3405

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3405, a bill to amend the Internal Revenue Code of 1986 to eliminate oil and gas company preferences.

S. 3410

At the request of Mr. VITTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3410, a bill to create a fair and efficient

system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as "Mississippi Canyon 252" with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations.

S. 3419

At the request of Mr. MERKLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3419, a bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S.J. RES. 29

At the request of Mr. MCCONNELL, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON), the Senator from Utah (Mr. HATCH) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 519

At the request of Mr. DEMINT, the names of the Senator from Idaho (Mr. RISCH), the Senator from Iowa (Mr. GRASSLEY), the Senator from Mississippi (Mr. WICKER), the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 534

At the request of Mr. BOND, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 534, a resolution expressing support for designation of May 1, 2010, as "Silver Star Service Banner Day".

S. RES. 537

At the request of Ms. COLLINS, the name of the Senator from South Caro-

lina (Mr. GRAHAM) was added as a cosponsor of S. Res. 537, a resolution designating May 2010 as "National Brain Tumor Awareness Month".

AMENDMENT NO. 4175

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 4175 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4179

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 4179 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4181

At the request of Ms. LANDRIEU, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 4181 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4184

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 4184 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4187

At the request of Mr. BINGAMAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 4187 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4191

At the request of Mr. CARDIN, the names of the Senator from Florida (Mr. NELSON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of amendment No. 4191 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4192

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of

amendment No. 4192 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4193

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4193 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4194

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4194 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4195

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4195 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4196

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4196 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4197

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4197 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4198

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4198 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4204

At the request of Mr. FEINGOLD, the names of the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. SANDERS), the Senator from West Virginia (Mr. BYRD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 4204 pro-

posed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4214

At the request of Mr. MCCAIN, the names of the Senator from Utah (Mr. HATCH) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of amendment No. 4214 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4218

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 4218 intended to be proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Ms. COLLINS, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 4218 intended to be proposed to H.R. 4899, *supra*.

AMENDMENT NO. 4229

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 4229 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4230

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 4230 proposed to H.R. 4899, a bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):
S. 3428. A bill to designate the Memorial of Perpetual Tears, which honors victims of driving while impaired, as the official National DWI Victims Memorial; to the Committee on Energy and Natural Resources.

Mr. UDALL of New Mexico. Mr. President, today I introduce the National DWI Victims Memorial Designation Act of 2010, which is cosponsored by my colleague Senator JEFF BINGAMAN. This legislation would designate the DWI Victims Memorial of Perpetual Tears in Moriarty, New Mexico, as the National DWI Victims Memorial.

Opened in 2008, the DWI Victims Memorial of Perpetual Tears is the Nation's first and only memorial of its kind. The Memorial Perpetual Tears helps raise awareness of the devastation caused by driving while impaired, DWI, crashes by recognizing their victims, educating the public, and encouraging preventive measures. The memorial aims to give comfort to the innocent victims of drunk driving and raise awareness of the devastating toll of DWI deaths on our nation's roadways. Located on a four-acre site next to Interstate 40, the Memorial of Perpetual Tears attracts passersby in addition to those who travel specifically to visit the memorial.

The National DWI Victims Memorial Designation Act of 2010 would require that any reference to this memorial in a law, map, regulation, document, record, or other official paper of the United States government refer to the site as the National DWI Victims Memorial. As a Senator from New Mexico, I am proud to seek such an official designation for the DWI Victims Memorial of Perpetual Tears. It is fitting that such a national memorial should be located in the State that once led the Nation in DWI fatalities and now leads the way in drunk driving prevention.

Compared to 20 years ago, our roads are much safer today. Yet even as the overall number of people killed on our roadways has declined, drunk driving still accounts for one third of all traffic fatalities nationwide. In 2008, drunk driving killed about 12,000 Americans, including 143 people in my home State of New Mexico. That is an average of 32 people killed every day by drunk driving. This unacceptable death toll is all the more shocking when you consider that each one of those deaths was preventable.

Although other communities have established remembrance gardens and monuments honoring drunk driving victims, the DWI Victims Memorial of Perpetual Tears is unique. The memorial resembles a veterans cemetery with markers representing the most recent 5-year period of deaths in New Mexico attributed to DWI. The memorial includes a site dedicated to victims of DWI nationwide. The Memorial of Perpetual Tears gives further recognition to innocent victims of DWI nationwide by displaying Victim Tribute books in the memorial visitor center. The Victim Tribute books include stories and pictures submitted by injured victims and family members of those killed in DWI crashes.

The Memorial of Perpetual Tears is a testament to the hard work and dedication of local volunteers who have made this memorial possible. Sonja Britton, the mother of a DWI victim, saw the need for a memorial to those killed by drunk driving on our Nation's roadways. For years, she rallied support and found many local residents and

others nationwide who were willing to help. Mike, Mary, and Ralph Anaya and their family provided key support by donating prime real estate next to Interstate 40 to give the memorial a fitting location. Thanks to the efforts of so many, the Memorial of Perpetual Tears today provides a focal point where families can gather to mourn the loss of loved ones as well as join with others to promote DWI awareness and prevention.

Having a National DWI Victims Memorial gives us another resource in the fight to end drunk driving. I share Sonja's vision that one day we will have no more senseless deaths caused by DWI crashes. As she says most eloquently, "My dream will be realized when this mission is achieved and when our loved ones will no longer be injured or killed by alcohol-related traffic crashes. We must stop this carnage."

Working together, we can make Sonja's dream a reality.

I urge all my colleagues to support this legislation and to join Senator BINGAMAN and me in celebrating the work of the volunteers who have made the DWI Victims Memorial of Perpetual Tears possible.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 3430. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Small Business Committee, I am delighted to rise today, during National Small Business Week, with Senator LANDRIEU, who is Chair of the Committee, to introduce the Small Business Tax Equalization and Compliance Act.

Our bipartisan measure is a pro-small business bill and would allow the salon industry to have the same tax rules on tips paid to employees as is permitted in the restaurant industry. The legislation would increase compliance with payroll tax obligations and will make sure that the women who work in the salon industry earn all the Social Security retirement and disability benefits they should be entitled to. It would also help to prevent salons that do not follow the tax law from gaining a competitive disadvantage against those that do follow the law. The companion bill in the House is H.R. 3724, which was introduced Representative SHELLEY BERKLEY and Representative KEVIN BRADY.

Clearly this legislation will help all parts of the salon industry, big and small, men and women. But the reality is that because 84 percent of the workforce in the salon industry is female, this issue has special relevance for women. When women work as independent contractors at hair salons,

they are less likely to disclose all of their tips for purposes of paying Social Security taxes. As a result, they reduce their future right to earn retirement and disability benefits in the Social Security system and reduce the size of any benefit they do ultimately earn. Making sure that working women are correctly paying into Social Security is critical to their future retirement security because many of these women will have had no other retirement benefits available to them.

We know that women are disproportionately dependent on Social Security for their retirement benefits, a March 2010 study by the Women for Women's Policy Research showed that women's Social Security benefits in 2008 were only about 75 percent of the benefits earned by men and it comprised about half of their total retirement income. By contrast, Social Security benefits comprised roughly one third of men's retirement income. Earning the right to collect a decent Social Security benefit is vital to women.

As a small business issue, salons are a quintessential small business on Main Streets across America. According to the U.S. Census Bureau, 98 percent of salon industry firms have only one establishment; 92 percent of salon establishments have sales of less than \$500,000; and 82 percent of salon establishments have fewer than 10 employees. Extending the tip tax credit to salon owners would allow them to reinvest in their businesses and employees, create new jobs, granting new economic and employment opportunities in their local communities.

I specifically want to explain what this legislation would do. First, it would provide the salon industry with the same type of tax credit currently available in the restaurant industry. The credit is for employers to offset the matching Social Security and Medicare taxes that the salon pays on the tips that employees receive from customers. Next, the bill would help to make more even-handed IRS enforcement of laws on payroll and income taxes. Without this legislation it is often the lopsided practice of the IRS to seek back taxes from the employer but rarely from the employee or independent contractor despite the requirement that taxes be paid in equal measure.

The legislation will protect both legitimate independent contractors and employees who pay their taxes but frees up IRS resources to focus on those bad actors who are not complying with the law. Although non-employer salons comprise 87 percent of establishments, their reported sales represent only 36 percent of total salon industry revenues, implying a significant underreporting of income in the non-employer segment. This legislation includes education and reporting requirements which will help address the "tax

gap" and reveal a valuable new source of tax revenues for the federal Government. This is a win-win-win for the salons, for employees, and for the government.

This bill is supported by the Professional Beauty Association, the largest association in the professional beauty industry, which is comprised of salon and spa owners, manufacturers and distributors of salon and spa products, and individual licensed cosmetologists.

Finally, I want to thank two salon owners who brought this issue to my attention, Alan Labos of Akari Salon in Portland, Maine and Tiffany Conway of bei capelli salon in Scarborough, Maine.

In conclusion, I urge my colleagues on both sides of the aisle to support our bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Tax Equalization and Compliance Act of 2010".

SEC. 2. EXPANSION OF CREDIT FOR PORTION OF SOCIAL SECURITY TAXES PAID WITH RESPECT TO EMPLOYEE TIPS.

(a) EXPANSION OF CREDIT TO OTHER LINES OF BUSINESS.—Paragraph (2) of section 45B(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) APPLICATION ONLY TO CERTAIN LINES OF BUSINESS.—In applying paragraph (1), there shall be taken into account only tips received from customers or clients in connection with—

"(A) the providing, delivering, or serving of food or beverages for consumption if the tipping of employees delivering or serving food or beverages by customers is customary, or

"(B) the providing of any cosmetology service for customers or clients at a facility licensed to provide such service if the tipping of employees providing such service is customary."

(b) DEFINITION OF COSMETOLOGY SERVICE.—Section 45B of the Internal Revenue Code of 1986 is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) COSMETOLOGY SERVICE.—For purposes of this section, the term 'cosmetology service' means—

"(1) hairdressing,

"(2) haircutting,

"(3) manicures and pedicures,

"(4) body waxing, facials, mud packs, wraps, and other similar skin treatments, and

"(5) any other beauty-related service provided at a facility at which a majority of the services provided (as determined on the basis of gross revenue) are described in paragraphs (1) through (4)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to tips received for services performed after December 31, 2009.

SEC. 3. INFORMATION REPORTING AND TAX-PAYER EDUCATION FOR PROVIDERS OF COSMETOLOGY SERVICES.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding after section 6050W the following new section:

“SEC. 6050X. RETURNS RELATING TO COSMETOLOGY SERVICES AND INFORMATION TO BE PROVIDED TO COSMETOLOGISTS.

“(a) IN GENERAL.—Every person (referred to in this section as a ‘reporting person’) who—

“(1) employs 1 or more cosmetologists to provide any cosmetology service,

“(2) rents a chair to 1 or more cosmetologists to provide any cosmetology service on at least 5 calendar days during a calendar year, or

“(3) in connection with its trade or business or rental activity, otherwise receives compensation from, or pays compensation to, 1 or more cosmetologists for the right to provide cosmetology services to, or for cosmetology services provided to, third-party patrons,

shall comply with the return requirements of subsection (b) and the taxpayer education requirements of subsection (c).

“(b) RETURN REQUIREMENTS.—The return requirements of this subsection are met by a reporting person if the requirements of each of the following paragraphs applicable to such person are met.

“(1) EMPLOYEES.—In the case of a reporting person who employs 1 or more cosmetologists to provide cosmetology services, the requirements of this paragraph are met if such person meets the requirements of sections 6051 (relating to receipts for employees) and 6053(b) (relating to tip reporting) with respect to each such employee.

“(2) INDEPENDENT CONTRACTORS.—In the case of a reporting person who pays compensation to 1 or more cosmetologists (other than as employees) for cosmetology services provided to third-party patrons, the requirements of this paragraph are met if such person meets the applicable requirements of section 6041 (relating to returns filed by persons making payments of \$600 or more in the course of a trade or business), section 6041A (relating to returns to be filed by service-recipients who pay more than \$600 in a calendar year for services from a service provider), and each other provision of this subpart that may be applicable to such compensation.

“(3) CHAIR RENTERS.—

“(A) IN GENERAL.—In the case of a reporting person who receives rent or other fees or compensation from 1 or more cosmetologists for use of a chair or for rights to provide any cosmetology service at a salon or other similar facility for more than 5 days in a calendar year, the requirements of this paragraph are met if such person—

“(i) makes a return, according to the forms or regulations prescribed by the Secretary, setting forth the name, address, and TIN of each such cosmetologist and the amount received from each such cosmetologist, and

“(ii) furnishes to each cosmetologist whose name is required to be set forth on such return a written statement showing—

“(I) the name, address, and phone number of the information contact of the reporting person,

“(II) the amount received from such cosmetologist, and

“(III) a statement informing such cosmetologist that (as required by this section), the reporting person has advised the Internal

Revenue Service that the cosmetologist provided cosmetology services during the calendar year to which the statement relates.

“(B) METHOD AND TIME FOR PROVIDING STATEMENT.—The written statement required by clause (ii) of subparagraph (A) shall be furnished (either in person or by first-class mail which includes adequate notice that the statement or information is enclosed) to the person on or before January 31 of the year following the calendar year for which the return under clause (i) of subparagraph (A) is to be made.

“(C) TAXPAYER EDUCATION REQUIREMENTS.—In the case of a reporting person who is required to provide a statement pursuant to subsection (b), the requirements of this subsection are met if such person provides to each such cosmetologist annually a publication, as designated by the Secretary, describing—

“(1) in the case of an employee, the tax and tip reporting obligations of employees, and

“(2) in the case of a cosmetologist who is not an employee of the reporting person, the tax obligations of independent contractors or proprietorships.

The publications shall be furnished either in person or by first-class mail which includes adequate notice that the publication is enclosed.

“(d) DEFINITIONS.—For purposes of this section—

“(1) COSMETOLOGIST.—

“(A) IN GENERAL.—The term ‘cosmetologist’ means an individual who provides any cosmetology service.

“(B) ANTI-AVOIDANCE RULE.—The Secretary may by regulation or ruling expand the term ‘cosmetologist’ to include any entity or arrangement if the Secretary determines that entities are being formed to circumvent the reporting requirements of this section.

“(2) COSMETOLOGY SERVICE.—The term ‘cosmetology service’ has the meaning given to such term by section 45B(c).

“(3) CHAIR.—The term ‘chair’ includes a chair, booth, or other furniture or equipment from which an individual provides a cosmetology service (determined without regard to whether the cosmetologist is entitled to use a specific chair, booth, or other similar furniture or equipment) or has an exclusive right to use any such chair, booth, or other similar furniture or equipment).

“(e) EXCEPTIONS FOR CERTAIN EMPLOYEES.—Subsection (c) shall not apply to a reporting person with respect to an employee who is employed in a capacity for which tipping (or sharing tips) is not customary.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) of the Internal Revenue Code of 1986 (relating to the definition of information returns) is amended by striking “or” at the end of clause (xxiv), by striking “and” at the end of clause (xxv) and inserting “or”, and by adding after clause (xxv) the following new clause:

“(xxvi) section 6050X(a) (relating to returns by cosmetology service providers), and”.

(2) Section 6724(d)(2) of such Code is amended by striking “or” at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting “, or”, and by inserting after subparagraph (HH) the following new subparagraph:

“(II) subsections (b)(3)(A)(ii) and (c) of section 6050X (relating to cosmetology service providers) even if the recipient is not a payee.”.

(3) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by adding after the item re-

lating to section 6050W the following new item:

“Sec. 6050X. Returns relating to cosmetology services and information to be provided to cosmetologists.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2009.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 540—HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESSES IN THE UNITED STATES DURING “NATIONAL SMALL BUSINESS WEEK”, BEGINNING MAY 23, 2010

Ms. LANDRIEU (for herself, Ms. SNOWE, Ms. CANTWELL, Mrs. SHAHEEN, Mr. KERRY, Mr. BAYH, Mr. CARDIN, Mr. BOND, Mr. VITTER, Mr. ENZI, Mr. ISAKSON, Mr. WICKER, Mr. RISCH, and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 540

Whereas the approximately 29,600,000 small businesses in the United States are the driving force behind the economy of the Nation, creating more than 64 percent of all net new jobs and generating more than 50 percent of the non-farm gross domestic product of the Nation;

Whereas small businesses will play an integral role in rebuilding the economy of the Nation;

Whereas small businesses are the Nation's innovators, producing 13 times more patents per employee as large firms, and advancing technology and productivity;

Whereas only 1 percent of all small businesses export and produce 31 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small businesses in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total purchases, contracts, and subcontracts for property and services for the Federal Government are placed with small businesses, to make certain that a fair proportion of the total sales of Federal Government property are made to such small businesses, and to maintain and strengthen the overall economy of the Nation;

Whereas every year since 1963 the President of the United States has proclaimed a National Small Business Week to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2010, “National Small Business Week” will honor the estimated 29,600,000 small businesses in the United States;

Whereas the Small Business Administration has helped small businesses with access to critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for government contracts, and improved the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 23, 2010, as “National Small Business Week”: Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small businesses in the United States during “National Small Business Week”, beginning May 23, 2010;

(2) applauds the efforts and achievements of the owners of small businesses and their employees, whose hard work and commitment to excellence have made them a key part of the economic vitality of the Nation;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small businesses; and

(4) recognizes the importance of ensuring that—

(A) the applicable procurement goals for small businesses, including the goals for small businesses owned and controlled by service-disabled veterans, small businesses owned and controlled by women, HUBZone small businesses, and socially and economically disadvantaged small businesses, are reached by all Federal agencies;

(B) guaranteed loans and microloans for start-up and growing small businesses, are made available to all qualified small businesses;

(C) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women’s Business Centers, Veterans Business Outreach Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide small businesses the technical assistance and counseling that they desperately need;

(D) small business disaster assistance through the Small Business Administration is provided in a timely and efficient manner;

(E) Federal tax policy spurs small business growth, creates jobs, and increases competitiveness;

(F) the Federal Government reduces the regulatory compliance burden on small businesses;

(G) advanced technology policy facilitates access to affordable broadband Internet service to foster rural small business growth; and

(H) systems of intellectual property protection continues to foster small business innovation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4236. Mr. NELSON of Florida (for himself and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4237. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4238. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4239. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4240. Mr. MENENDEZ (for himself, Mr. NELSON, of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an

amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4241. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4242. Mr. SHELBY (for himself, Mr. VITTER, Mr. WICKER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4243. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4244. Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Mr. JOHNSON, Mr. BENNET, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4245. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4246. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4247. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4248. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4249. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4250. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4251. Mr. MERKLEY (for himself, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4252. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4253. Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. BOND, Mr. VOINOVICH, Mr. INHOFE, Ms. SNOWE, Mr. BEGICH, Mr. THUNE, Mr. COBURN, Mr. GREGG, Ms. MURKOWSKI, Mr. CORKER, Mr. BARRASSO, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra.

SA 4254. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4255. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4256. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4257. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4258. Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4259. Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4260. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4261. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4262. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4263. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4264. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4265. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4266. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4267. Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4268. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4269. Ms. KLOBUCHAR (for herself, Mr. DORGAN, Mr. ENSIGN, Mr. BEGICH, and Mr. LEMIEUX) submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4270. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4271. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4272. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4273. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4274. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4275. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4276. Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4277. Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4278. Mr. GRAHAM submitted an amendment intended to be proposed by him

to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4279. Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Ms. MURKOWSKI, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4280. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4281. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4282. Mr. PRYOR (for himself, Mrs. LINCOLN, Mr. VITTER, Mr. BROWNBACK, Mr. COCHRAN, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4283. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4284. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4285. Mr. SCHUMER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4286. Mr. SCHUMER (for himself, Mr. REID, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4287. Mr. SHELBY (for himself, Mr. VITTER, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4288. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4289. Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, supra.

SA 4290. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4291. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4292. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4293. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4294. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4175 proposed by Mr. LAUTENBERG to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4295. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4236. Mr. NELSON of Florida (for himself and Mr. LEMIEUX) submitted

an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

(b) ASSESSMENT OF ENVIRONMENTAL IMPACTS.—

(1) DEFINITIONS.—In this subsection:

(A) DEEPWATER HORIZON OIL DISCHARGE.—The term “Deepwater Horizon oil discharge” means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(B) RESPONSIBLE PARTY.—The term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the Deepwater Horizon oil discharge.

(2) APPROPRIATIONS OF FUNDS.—

(A) IN GENERAL.—For an additional amount, in addition to amounts provided elsewhere in this Act for “Operations, Research, and Facilities” of the National Oceanic and Atmospheric Administration, \$22,400,000 to carry out enhanced fisheries data collection in the Gulf of Mexico to assess environmental impacts related to the Deepwater Horizon oil discharge.

(B) GRANTS TO FISHERMEN.—Of the amount appropriated under subparagraph (A), \$5,000,000 shall be available to provide cooperative research grants to fishermen to collect data to establish ecosystem baselines to assist managers in fully understanding the extent of the damage that resulted from the Deepwater Horizon oil discharge.

(3) LIABILITY AND REIMBURSEMENT.—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the amount appropriated pursuant to paragraph (2).

SA 4237. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, between lines 3 and 4, insert the following:

OIL AND GAS LEASING

SEC. 20. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Secretary of the Interior to conduct any oil and natural gas leasing, preleasing, or related activities in the outer Continental Shelf without the concurrence of the Administrator of the National Oceanic and Atmospheric Administration, after the Administrator of the National Oceanic and Atmospheric Administration takes into account—

(1) available scientific information, including information on siting, mitigation, and habitat conservation; and

(2) the effect on living marine resources managed or protected under the Magnuson-

Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), or the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.); and

(3) applicable requirements of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

SA 4238. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, between lines 3 and 4, insert the following:

SEC. 20. LIABILITY FOR DEEPWATER HORIZON OIL SPILL.

(a) IN GENERAL.—Congress finds that—

(1) executives of British Petroleum Exploration & Production, Incorporated (referred to in this section as “BP”) testified before Congress in May 2010 that BP would pay all legitimate claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations;

(2) a letter from the Group Chief Executive of BP to the Secretaries of Homeland Security and the Interior dated May 16, 2010, evidences an offer of BP to modify the oil and gas leasing contract involved in the Deepwater Horizon incident to incorporate new terms of liability by stating that BP is “prepared to pay above \$75 million” on “all legitimate claims” relating to that explosion and oil spill;

(3) that offer is acceptable to Congress and to the Secretary of the Interior;

(4) all documented legitimate claims pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) for economic damages relating to the Deepwater Horizon explosion and oil spill should be paid by BP without limit on liability;

(5) BP should provide to the Federal Government any claims relating to the Deepwater Horizon explosion and oil spill that BP fails to pay; and

(6) if the Federal Government finds pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) that such claims are legitimate under that Act, the claims should be returned to BP for immediate payment.

(b) DIRECTIVE TO SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior (referred to in this section as the “Secretary”) shall—

(A) accept the new terms of liability offered by BP in the letter described in subsection (a)(2); and

(B) consider the oil and gas leasing contract involved in the Deepwater Horizon incident as being amended to reflect those new terms.

(2) PAYMENT OF CLAIMS.—

(A) IN GENERAL.—As an inherent condition of the amended lease described in paragraph (1), BP shall present to the Secretary each claim relating to the Deepwater Horizon explosion and oil spill that BP fails to pay.

(B) FINDING OF LEGITIMACY.—As a further inherent condition of the amended lease, if the Secretary finds a claim described in subparagraph (A) to be legitimate for payment by BP, the claim shall be returned to BP for immediate payment.

SA 4239. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, after line 22, add the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 201. NATIONAL ACADEMY OF SCIENCES STUDY OF LONG-TERM ECOSYSTEM SERVICE IMPACTS OF THE DEEPWATER HORIZON OIL SPILL ON THE GULF OF MEXICO.

(a) AGREEMENT.—

(1) **IN GENERAL.**—The Secretary of Commerce shall seek to enter into an agreement with the National Academy of Sciences to perform the services covered by this section.

(2) **TIMING.**—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) **STUDY.**—Under an agreement between the Secretary and the National Academy of Sciences under this section, the National Academy of Sciences shall carry out a 1-year study of the long-term ecosystem service impacts of the Deepwater Horizon oil spill on the Gulf of Mexico. In carrying out the study, the National Academy of Sciences shall assess the long-term costs to the public of the effect of the oil spill on the following:

(1) Water filtration for such communities.

(2) Hunting in the region near the Gulf of Mexico.

(3) Fishing, including both commercial and recreational fishing, in and near the Gulf of Mexico.

(4) Such other economic values as the National Academy of Sciences considers relevant to the communities near the Gulf of Mexico.

(c) **REPORT.**—Not later than 60 days after the completion of the study carried out under this section, the Secretary shall submit to Congress a report on the results of such study.

(d) ALTERNATE CONTRACT SCIENTIFIC ORGANIZATION.—

(1) **IN GENERAL.**—If the Secretary is unable within the time period prescribed in subsection (a)(2) to enter into an agreement described in subsection (a)(1) with the National Academy of Sciences on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate scientific organization that—

(A) is not part of the Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the National Academy of Sciences.

(2) **TREATMENT.**—If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this section to the National Academy of Sciences shall be treated as a reference to the other organization.

(e) AUTHORIZATION OF APPROPRIATIONS AND DIRECT SPENDING.—

(1) **IN GENERAL.**—There is authorized to be appropriated and is appropriated to the Secretary, \$1,000,000 to carry out this section.

(2) **EMERGENCY DESIGNATION.**—The amount appropriated under paragraph (1) is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4240. Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 79, between lines 3 and 4, insert the following:

REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES

SEC. 2002. (a) Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking “plus \$75,000,000” and inserting “and the liability of the responsible party under section 1002”.

(b) The amendment made by this section takes effect on April 15, 2010.

SA 4241. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

At the end of chapter 3 of title I, add the following:

SUPPORT OF FISHER HOUSE FOUNDATION

SEC. 309. Of the amount appropriated by this chapter under the heading “IRAQ SECURITY FORCES FUND”, \$18,000,000 shall be available for a grant by the Secretary of Defense to the Fisher House Foundation for the construction and furnishing of facilities to meet the needs of military families confronting the illness or hospitalization of eligible military beneficiaries.

SA 4242. Mr. SHELBY (for himself, Mr. VITTER, Mr. WICKER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2002. (a) **DEFINITIONS.**—In this section:

(1) **DEEPWATER HORIZON OIL DISCHARGE.**—The term “Deepwater Horizon oil discharge” means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(2) **OIL SPILL LIABILITY TRUST FUND.**—The term “Oil Spill Liability Trust Fund” means the Oil Spill Liability Trust Fund established under section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509).

(3) **RESPONSIBLE PARTY.**—The term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the Deepwater Horizon oil discharge.

(b) **AVAILABILITY OF FUNDS.**—Notwithstanding any provision of section 9509 of the

Internal Revenue Code of 1986 (26 U.S.C. 9509), amounts from the Oil Spill Liability Trust Fund shall be made available for the following purposes:

(1) **FISHERIES DISASTER RELIEF.**—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$20,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) **EXPANDED STOCK ASSESSMENT OF FISHERIES.**—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$15,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) **ECOSYSTEM SERVICES IMPACTS STUDY.**—For an additional amount, in addition to other amounts provided for the Department of Commerce, \$1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

(c) **LIABILITY AND REIMBURSEMENT.**—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the Oil Spill Liability Trust Fund for the amounts made available pursuant to subsection (b).

SA 4243. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between line 23 and 24, insert the following:

SEC. ____ SENSE OF THE SENATE REGARDING HAITI.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) A stable and democratic Republic of Haiti is in the long-term national security interest of the United States.

(2) The United States is committed to helping Haiti achieve long-term stability, through a commitment of long-term reconstruction and rehabilitation assistance following the January 12, 2010 earthquake in Haiti.

(3) The United Nations Stabilization Mission in Haiti (MINUSTAH) remains a vital force in maintaining security and stability for the Haitian people in the aftermath of the earthquake.

(4) United Nations Security Council Resolution 1908 (adopted January 19, 2010) endorsed the Secretary-General's recommendation to increase the overall force levels of

the MINUSTAH to support the post-earthquake recovery, reconstruction, and stability efforts in Haiti.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should support a strengthened mandate for the United Nations Stabilization Mission in Haiti (MINUSTAH) to—

(1) ensure that the MINUSTAH mandate enables the United Nations Police, in coordination with the Haitian National Police (HNP), to guarantee security in the internally displaced people (IDP) camps in and around Port-au-Prince, particularly for vulnerable women and children;

(2) support the United Nations Secretary-General's request for an increase in the size of the United Nations Police and seek additional Creole-speakers and members of the Haitian Diaspora to support a temporary surge in the police force during this critical period;

(3) continue to assist the Government of Haiti in reforming and restructuring the HNP by supporting the monitoring, mentoring, training, and vetting of police personnel and strengthening HNP's institutional and operational capacities;

(4) support the Government of Haiti's adoption and implementation of a national resettlement policy to speed the movement of the most vulnerable populations, both in Port-au-Prince and other areas, to transitional safe housing and other community-based resettlement solutions; and

(5) coordinate with the Government of Haiti and the other United Nations agencies operating in Haiti to achieve the goals of the mission, including the conduct of national and municipal elections.

SA 4244. Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Mr. JOHNSON, Mr. BENNET, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 8 and 9, insert the following:

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", for the protection of public health and safety through the removal of hazard trees killed by bark beetles, \$60,000,000, to remain available until expended: *Provided*, That any of the funds made available under this heading may be transferred by the Secretary of Agriculture to the "Capital Improvement and Maintenance" account to carry out the purposes of the matter under this heading.

On page 77, between lines 7 and 8, insert the following:

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", for the protection of public health and safety through the removal of hazard trees killed by bark beetles, \$10,000,000, to remain available until expended.

SA 4245. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emer-

gency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, line 19, after the period insert the following:

(c). Of the funds appropriated in this chapter and in prior acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Diplomatic and Consular Programs" and "Embassy Security, Construction, and Maintenance" for Afghanistan, Pakistan and Iraq, up to \$300,000,000 may, after consultation with the Committees on Appropriations, be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

SA 4246. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike lines 4 through 8.

SA 4247. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, after line 19, add the following:
TECHNICAL CORRECTION REGARDING IRAN SANCTIONS RESTRICTIONS RELATING TO EXPORT-IMPORT BANK

SEC. 1019. Section 7043(b)(1) of the Department of State, Foreign Operations, and Related Agencies Appropriations Act, 2010 (division F of Public Law 111-117; 123 Stat. 3370), is amended by striking "for any project controlled by an energy producer or refiner that continues to" and inserting "for any energy project of an energy company unless such company has certified that it does not".

SA 4248. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, between lines 17 and 18, insert the following:

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

SA 4249. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 20, strike "and" and all that follows through "such commissions; and" and insert the following: "has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and".

SA 4250. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 6 of title I, add the following:

SOUTHWEST BORDER EMERGENCY COMMUNICATIONS GRANTS

SEC. 608. (a) SOUTHWEST BORDER EMERGENCY COMMUNICATIONS GRANTS.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Governor of Arizona, shall establish a 2-year grant program, to be administered by the State of Arizona, to improve emergency communications along the Tucson Sector border and the Yuma Sector border.

(2) ELIGIBILITY FOR GRANTS.—An individual is eligible to receive a grant under this subsection if the individual demonstrates that he or she—

(A) regularly resides or works near the Tucson Sector border or the Yuma Sector border;

(B) is at greater risk of border violence due to the lack of cellular service at his or her residence or business and his or her proximity to such border.

(3) USE OF GRANTS.—Grants awarded under this subsection may be used to purchase satellite telephone communications systems and service that—

(A) can provide access to 911 service; and
(B) are equipped with global positioning systems.

(4) ANNUAL REPORTS.—The Governor of Arizona shall submit an annual report to the Secretary on activities carried out with grant funds awarded under this subsection during the previous year. Each such report shall include a description of such activities and an assessment of the effectiveness of such activities.

(b) INTEROPERABLE COMMUNICATIONS FOR LAW ENFORCEMENT.—

(1) FEDERAL LAW ENFORCEMENT.—The Department of Justice shall use funds transferred to the Department under subsection (d)—

(A) to purchase P-25 compliant radios, which may include a multi-band option, for Federal law enforcement agents working in Arizona in support of the activities of United States Customs and Border Protection and United States Immigration and Customs Enforcement, including agents of the Drug Enforcement Administration and the Bureau of

Alcohol, Tobacco, Firearms and Explosives; and

(B) to upgrade the communications network of the Department to ensure coverage and capacity, particularly when immediate access is needed in times of crisis, along the Tucson Sector border and the Yuma Sector border for appropriate law enforcement personnel of the Department of Justice (including the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives), the Department of Homeland Security (including United States Immigration and Customs Enforcement and United States Customs and Border Protection), other Federal agencies, the State of Arizona, tribes, and local governments.

(2) STATE AND LOCAL LAW ENFORCEMENT.—

(A) IN GENERAL.—The Department of Justice shall use funds transferred to the Department under subsection (d) to purchase P-25 compliant radios, which may include a multi-band option, for State and local law enforcement agents working in Santa Cruz, Pima, Cochise, Yuma, Pinal, Maricopa, or Graham County in the State of Arizona.

(B) ACCESS TO FEDERAL SPECTRUM.—If a State, tribal, or local law enforcement agency in Arizona experiences an emergency situation that necessitates immediate communication with the Department of Justice, the Department of Homeland Security, or any of their respective subagencies, such law enforcement agency shall have access to the spectrum assigned to such Federal agency for the duration of such emergency situation.

(c) DEFINITIONS.—In this section:

(1) TUCSON SECTOR BORDER.—The term “Tucson Sector border” means the 262-mile section of international border between the United States and Mexico that—

(A) begins in Yuma County, Arizona; and

(B) ends at the State boundary line between Arizona and New Mexico.

(2) YUMA SECTOR BORDER.—The term “Yuma Sector border” means the 110-mile section of international border between the United States and Mexico that—

(A) begins in Pima County, Arizona; and

(B) ends at the State boundary line between Arizona and California.

(d) FUNDING.—

(1) IN GENERAL.—The amount appropriated or otherwise made available by this chapter is hereby increased by \$73,000,000, with the amount of the increase to be available until expended for purposes of carrying out this section, including the transfer by the Secretary of Homeland Security of \$35,000,000 to the Attorney General for purposes of subsection (b)(1) and the transfer by the Secretary of \$35,000,000 to the Attorney General for purposes of subsection (b)(2).

(2) OFFSET.—Of the amounts appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) that remain available for obligation as of the date of the enactment of this Act, \$73,000,000 are hereby rescinded.

SA 4251. Mr. MERKLEY (for himself, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 7, strike “\$173,000,000” and insert “\$163,000,000”.

On page 28, between lines 3 and 4, insert the following:

SEC. 4. EMERGENCY DROUGHT RELIEF.

For an additional amount for “Water and Related Resources”, \$10,000,000, for drought emergency assistance: *Provided*, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West: *Provided further*, That the amount provided under this heading shall be provided on a nonreimbursable basis.

SA 4252. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. ____ . NEW REVENUES TO THE OIL SPILL LIABILITY TRUST FUND.

The revenue resulting from any increase in the Oil Spill Liability Trust Fund financing rate under section 4611 of the Internal Revenue Code of 1986 shall—

(1) not be counted for purposes of offsetting revenues, receipts, or discretionary spending under the Congressional Budget Act of 1974 or the Statutory Pay-As-You-Go Act of 2010; and

(2) shall only be used for the purposes of the Oil Spill Liability Trust Fund.

SA 4253. Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. BOND, Mr. VOINOVICH, Mr. INHOFE, Ms. SNOWE, Mr. BEGICH, Mr. THUNE, Mr. COBURN, Mr. GREGG, Ms. MURKOWSKI, Mr. CORKER, Mr. BARRASSO, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 79, between lines 3 and 4, insert the following:

PROHIBITION ON FINES AND LIABILITY

SEC. 20 ____. None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled “Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule” (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled “Lead; Amendment to the Opt-out and Record-keeping Provisions in the Renovation, Repair, and Painting Program” signed by the Administrator on April 22, 2010.

SA 4254. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between line 23 and 24, insert the following:

SEC. ____ . SENSE OF THE SENATE REGARDING HAITI.

(a) FINDINGS.—The Senate makes the following findings:

(1) A stable and democratic Republic of Haiti is in the long-term national security interest of the United States.

(2) The United States is committed to helping Haiti achieve long-term stability, through a commitment of long-term reconstruction and rehabilitation assistance following the January 12, 2010 earthquake in Haiti.

(3) The United Nations Stabilization Mission in Haiti (MINUSTAH) remains a vital force in maintaining security and stability for the Haitian people in the aftermath of the earthquake.

(4) United Nations Security Council Resolution 1908 (adopted January 19, 2010) endorsed the Secretary-General’s recommendation to increase the overall force levels of the MINUSTAH to support the post-earthquake recovery, reconstruction, and stability efforts in Haiti.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should support a strengthened mandate for the United Nations Stabilization Mission in Haiti (MINUSTAH) to—

(1) ensure that the MINUSTAH mandate enables the United Nations Police to support the Haitian National Police (HNP) in their efforts to guarantee security in the internally displaced people (IDP) camps in and around Port-au-Prince, particularly for vulnerable women and children;

(2) support the United Nations Secretary-General’s request for an increase in the size of the United Nations Police and seek additional Creole-speakers and members of the Haitian Diaspora to support a temporary surge in the police force during this critical period;

(3) continue to assist the Government of Haiti in reforming and restructuring the HNP by supporting the monitoring, mentoring, training, and vetting of police personnel and strengthening HNP’s institutional and operational capacities;

(4) support the Government of Haiti’s adoption and implementation of a national resettlement policy to speed the movement of the most vulnerable populations, both in Port-au-Prince and other areas, to transitional safe housing and other community-based resettlement solutions; and

(5) coordinate with the Government of Haiti and the other United Nations agencies operating in Haiti to achieve the goals of the mission, including the conduct of national and municipal elections.

SA 4255. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 3009. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the

heading "OFFICE OF JUSTICE PROGRAMS" under the heading "STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES" under title II of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta, Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

SA 4256. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. AMENDMENT OF TRAVEL PROMOTION ACT OF 2009.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) by striking "6 months" in clause (i) and inserting "12 months"; and

(2) by striking "subsection (d) of section 11 of the Travel Promotion Act of 2009." in clause (ii) and inserting "subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d))."; and

(3) by striking "September 30, 2014." in clause (iii) and inserting "September 30, 2015.".

(b) IMPLEMENTATION BEGINNING IN FISCAL YEAR 2011.—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) by striking "fiscal year 2010," in paragraph (2)(A) and inserting "fiscal year 2011.";

(2) by striking "January 1, 2010," in paragraph (2)(A) and inserting "January 1, 2011.";

(3) by striking "fiscal years 2011 through 2014," in paragraph (2)(B) and inserting "fiscal years 2012 through 2015.";

(4) by striking "fiscal year 2010," in paragraph (3)(A) and inserting "fiscal year 2011.";

(5) by striking "fiscal year 2011," each place it appears in paragraph (3)(A) and inserting "fiscal year 2012."; and

(6) by striking "fiscal year 2010, 2011, 2012, 2013, or 2014" in paragraph (4)(B) and inserting "fiscal year 2011, 2012, 2013, 2014, or 2015".

(c) PROGRAM AUDITS.—Subsection (b)(8)(D) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b)(8)(D)) is amended by striking "2 years after the date of enactment of this section," and inserting "3 years after the date of enactment of the Travel Promotion Act of 2009.".

(d) RESEARCH PROGRAM.—Section 203(b) of the International Travel Act of 1961 (22 U.S.C. 2123a(b)) is amended by striking "2010 through 2014" and inserting "2010 through 2015".

(e) CORRECTION OF CROSS-REFERENCE.—Section 202(c)(1) of the International Travel Act of 1961 (22 U.S.C. 2123(c)(1)) is amended by striking "subsection (b) of section 11 of the Travel Promotion Act of 2009" and inserting "subsection (b) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b))".

SA 4257. Mr. BOND submitted an amendment intended to be proposed by

him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 2 and 3, insert the following:

SEC. 608. (a) Not later than 10 days after the date of the enactment of this Act, and on an on-going basis thereafter, the Director of National Intelligence shall provide to the congressional intelligence committees each intelligence report of an interrogation or debriefing related to the investigation of the bombing attempt that occurred in the Times Square area of New York City on May 1, 2010, including each intelligence information report related to such attempt disseminated by the Federal Bureau of Investigation.

(b) In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4258. Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 22 and 23, insert the following:

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3008. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492;

(2) all threat assessments of detainees who were reviewed by the Guantanamo Review Task Force made prior to the decision to release or transfer such detainee that were prepared by any element of the intelligence community during or prior to the existence of the Guantanamo Review Task Force; and

(3) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

SA 4259. Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 22 and 23, insert the following:

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3008. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

SA 4260. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 66, line 24, strike "activities" and all that follows through "notwithstanding" on page 67, line 2, and insert "projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing science and technology centers and notwithstanding".

SA 4261. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

After section 3007 of the bill, insert the following:

SEC. 3008. AUTHORITY TO PURCHASE FFEL LOANS.

(a) IN GENERAL.—Section 459A of the Higher Education Act of 1965 (20 U.S.C. 1087i-1) is amended—

- (1) in subsection (a)—
- (A) in paragraph (1)—
- (i) in the heading, by striking “; DETERMINATION REQUIRED”;
- (ii) by striking “Upon a determination by the Secretary that there is an inadequate availability of loan capital to meet the demand for loans under sections 428, 428B, or 428H, whether as a result of inadequate liquidity for such loans or for other reasons, the” and inserting “The”;
- (iii) by inserting “428C,” after “428B.”;
- (iv) by striking “on or after October 1, 2003, and”;
- (v) by striking “terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly” and inserting “terms as the Secretary and the Secretary of the Treasury jointly”; and
- (vi) by striking “as determined jointly by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.” and inserting “as determined jointly by the Secretary and the Secretary of the Treasury.”; and

(B) in paragraph (2)—

- (i) by striking “The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget,” and inserting “The Secretary and the Secretary of the Treasury”;

(ii) in subparagraph (B)—

- (I) by inserting “428C,” after “428B.”;
- (II) by striking “the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget,” and inserting “the Secretary and the Secretary of the Treasury”;

(III) by striking “and” after the semicolon;

(iii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(D) sets forth that the loans available for purchase may be included in the Department of Education’s Asset-Backed Commercial Paper Conduit program.”;

(2) in subsection (b), by inserting “before July 1, 2010” after “under subsection (a)”;

(3) in subsection (f), by striking “2010” and inserting “2015”; and

(4) by adding at the end the following:

“(g) FUNDS FOR FEDERAL PELL GRANTS.—The proceeds to the Federal Government from the sale of loans pursuant to this section—

“(1) under section 428C that is conducted before July 1, 2010, shall be used to carry out subpart 1 of part A; and

“(2) under sections 428, 428B, 428C, or 428H that is conducted on or after July 1, 2010, shall be used to carry out subpart 1 of part A.”.

(b) EMERGENCY DESIGNATION.—Unless otherwise specified, each amount in this section, or an amendment made by this section, is designated as an emergency requirement

and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4262. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. _____. (a) For an additional amount for “Salaries and Expenses” of U.S. Customs and Border Protection, \$12,000,000, to remain available until September 30, 2011, to hire, equip, and train unmanned aircraft systems pilots and support personnel.

(b) For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement” for U.S. Customs and Border Protection, \$66,000,000, to remain available until expended, to procure 3 unmanned aircraft systems and supporting equipment.

(c) Of the unobligated balance of the amount appropriated under the heading “BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY” under the heading “U.S. CUSTOMS AND BORDER PROTECTION” in title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83; 123 Stat. 2145), \$78,000,000 are rescinded in order to offset the amounts appropriated by subsections (a) and (b).

SA 4263. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$15,000,000, to remain available until September 30, 2011, for the Criminal Division, Civil Division, and Tax Division of the Department of Justice for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For an additional amount for “Salaries and Expenses, Antitrust Division”, \$5,000,000, to remain available until September 30, 2011, for the Antitrust Division of the Department of Justice for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13

(111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, \$5,000,000, to remain available until September 30, 2011, for the Offices of the United States Attorneys for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$40,000,000, to remain available until September 30, 2011, for the Federal Bureau of Investigation for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any Federal assistance program, financial institution, mortgage lending business, or health care benefit program: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for “State and Local Law Enforcement Assistance”, \$225,000,000, to remain available until September 30, 2011: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That, of the amount made available under this heading—

(1) \$100,000,000 is for the Edward Byrne Memorial Justice Assistance Grant program as authorized under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Acts of 1968 (in this Act referred to as the “1968 Act”) (42 U.S.C. 3750 et seq.), except that section 1001(c) and the special rules for Puerto Rico under section 505(g) of the 1968 Act (42 U.S.C. 3793(c) and 3755(g)) shall not apply for purposes of this Act;

(2) \$100,000,000 is for competitive, peer-reviewed grants to programs that prevent crime, improve the administration of justice, or assist victims of crime; and

(3) \$25,000,000 is for assistance to law enforcement in rural States and rural areas, to prevent and combat crime, especially drug-related crime.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for “Community Oriented Policing Services”, \$210,000,000, to remain available until September 30, 2011: *Provided*, That the amount made available under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That, of the amount made available under this heading—

(1) \$200,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for purposes described in part Q of such title, notwithstanding subsection (i) of such section 1701; and

(2) \$10,000,000 is for the matching grant program for law enforcement armor vests authorized under section 2501 of title I of the 1968 Act (42 U.S.C. 379611).

SA 4264. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

TITLE IV—DEEPWATER HORIZON CLAIMS RESOLUTION

SEC. 4001. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the oil spill resulting from the Deepwater Horizon incident has caused major economic damage to the residents of the States bordering the Gulf of Mexico;

(2) the limits on strict liability imposed by the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) will be exceeded by the claims resulting from the Deepwater Horizon incident; and

(3) while the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) places no restrictions on liability for damages from the accident under State law, litigation of such cases may take decades, and consume in litigation expenses funds that could otherwise be used to quickly and efficiently compensate the citizens of the Gulf States for damages resulting from the Deepwater Horizon incident.

(b) PURPOSE.—The purpose of this title is to create a fair and efficient system for the payment of legitimate present and future claims for damages resulting from the Deepwater Horizon incident.

SEC. 4002. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Office.

(2) ADVISORY COMMITTEE.—The term “Advisory Committee” means the Advisory Committee on Deepwater Horizon Compensation established under section 4105(a).

(3) CLAIM.—The term “claim” means any claim, based on any theory, allegation, or cause of action, for damages presented in a civil action or bankruptcy proceeding, directly, indirectly, or derivatively arising out of, based on, or related to, in whole or in part, the effects of the Deepwater Horizon incident.

(4) CLAIMANT.—The term “claimant” means a person or State who files a claim under section 4203.

(5) CIVIL ACTION.—

(A) IN GENERAL.—The term “civil action” means a civil action filed in Federal or State court, whether cognizable as a case at law, in equity, or in admiralty.

(B) EXCLUSION.—The term “civil action” does not include an action relating to any workers’ compensation law.

(6) COLLATERAL SOURCE COMPENSATION.—The term “collateral source compensation” means the compensation that a claimant received, or is entitled to receive, from a responsible party as a result of a final judgment, settlement, or other payment for damages that are the source of a claim under sec-

tion 4203, including payments made under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

(7) COMPENSATION PROGRAM.—The term “compensation program” means the compensation program established under this title.

(8) DAMAGES.—The term “damages” means damages specified in section 4301(b), including the cost of assessing those damages.

(9) DEEPWATER HORIZON INCIDENT.—The term “Deepwater Horizon incident” means the blowout and explosion of the Deepwater Horizon oil rig that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(10) DEPARTMENT.—The term “Department” means the Department of the Interior.

(11) FUND.—The term “Fund” means the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986.

(12) LAW.—The term “law” includes all law, judicial or administrative decisions, rules, regulations, or any other principle or action having the effect of law.

(13) OFFICE.—The term “Office” means the Office of Deepwater Horizon Claims Compensation established under section 4101.

(14) PARTIES.—The term “parties” means, with respect to an individual claim, the claimant and the responsible party.

(15) PERSON.—

(A) IN GENERAL.—The term “person” means an individual, trust, firm, joint stock company, partnership, association, insurance company, reinsurance company, or corporation.

(B) EXCLUSIONS.—The term “person” does not include—

(i) the United States;

(ii) a State; or

(iii) a political subdivision of a State.

(16) RESPONSIBLE PARTY.—The term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for the Deepwater Horizon incident.

(17) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(18) STATE.—The term “State” means

(A) each of the several States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

(19) SUCCESSOR IN INTEREST.—The term “successor in interest” means any person that acquires assets, and substantially continues the business operations, of a responsible party, considering factors that include—

(A) retention of the same facilities or location;

(B) retention of the same employees;

(C) maintaining the same job under the same working conditions;

(D) retention of the same supervisory personnel;

(E) continuity of assets;

(F) production of the same product or offer of the same service;

(G) retention of the same name;

(H) maintenance of the same customer base;

(I) identity of stocks, stockholders, and directors between the asset seller and the purchaser; or

(J) whether the successor holds itself out as continuation of previous enterprise, but expressly does not include whether the person actually knew of the liability of the responsible party under this title.

Subtitle A—Office of Deepwater Horizon Claims Compensation

SEC. 4101. ESTABLISHMENT OF OFFICE OF DEEPWATER HORIZON CLAIMS COMPENSATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established within the Department the Office of Deepwater Horizon Claims Compensation, which shall be headed by the Administrator.

(2) PURPOSE.—The purpose of the Office shall be to provide timely, fair compensation, under the terms specified in this title, on a no-fault basis and in a nonadversarial manner, to persons and State or local governments that have incurred damages as a result of the Deepwater Horizon incident.

(3) TERMINATION OF THE OFFICE.—The Office shall terminate effective not later than 1 year following the date of certification by the Administrator that the Fund has neither paid a claim in the previous 1-year period nor has debt obligations remaining to pay.

(4) EXPENSES.—The Fund shall be available to the Secretary for expenditure, without further appropriation and without fiscal year limitation, as necessary for any and all expenses associated with the Office, including—

(A) personnel salaries and expenses, including retirement and similar benefits; and

(B) all administrative and legal expenses.

(b) APPOINTMENT OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator of the Office shall be appointed by the President, by and with the advice and consent of the Senate.

(2) TERM.—The term of the Administrator shall be 5 years.

(3) REPORTING.—The Administrator shall report directly to the Assistant Secretary for Policy, Management, and Budget of the Department.

(c) DUTIES OF ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator shall be responsible for—

(A) processing claims for compensation for damages to eligible claimants in accordance with the criteria and procedures established under subtitle B;

(B) appointing or contracting for the services of such personnel, making such expenditures, and taking any other actions as may be necessary to carry out the responsibilities of the Office, including entering into cooperative agreements with other Federal or State agencies and entering into contracts with nongovernmental entities;

(C) conducting such audits and additional oversight as necessary to assure the integrity of the compensation program;

(D) promulgating such rules, regulations, and procedures as may be necessary to carry out this title;

(E) making such expenditures as may be necessary in carrying out this title;

(F) excluding evidence and disqualifying or debarring any attorney or other individual or entity who provide evidence in support of the application of the claimant for compensation if the Administrator determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by the individual or entity; and

(G) having all other powers incidental, necessary, or appropriate to carrying out the functions of the Office.

(2) CERTAIN ENFORCEMENT.—

(A) FALSE STATEMENTS.—For each infraction described in paragraph (1)(F), the Administrator may impose a civil penalty not to exceed \$10,000 on any individual or entity found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this title.

(B) OTHER POWERS.—The Administrator shall issue appropriate regulations to carry out paragraph (1)(G).

(d) AUDIT AND PERSONNEL REVIEW PROCEDURES.—The Administrator shall establish audit and personnel review procedures for evaluating the accuracy of eligibility recommendations of agency and contract personnel.

SEC. 4102. CLAIMANT ASSISTANCE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a comprehensive claimant assistance program—

(1) to publicize and provide information to potential claimants about—

(A) the availability of benefits for eligible claimants under this title; and

(B) the procedures for filing claims and for obtaining assistance in filing claims;

(2) to provide assistance to potential claimants in preparing and submitting claims, including assistance in obtaining the documentation necessary to support a claim;

(3) to respond to inquiries from claimants and potential claimants;

(4) to provide training with respect to the applicable procedures for the preparation and filing of claims to persons who provide assistance or representation to claimants, including nonprofit organizations and State and local government entities; and

(5) to provide for the establishment of a website on which claimants may access all relevant forms and information.

(b) RESOURCE CENTERS.—

(1) IN GENERAL.—The claimant assistance program shall provide for the establishment of resource centers in areas in which there are determined to be large concentrations of potential claimants.

(2) LOCATION.—The centers shall be located, to the maximum extent practicable, in facilities of the Department or other Federal agencies.

(c) ATTORNEY'S FEES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this title, more than 5 percent of a final award made (whether by the Administrator initially or as a result of administrative review) on the claim.

(2) PENALTY.—Any representative of a claimant who violates this subsection shall be fined not more than the greater of—

(A) \$5,000; or

(B) twice the amount received by the representative for services rendered in connection with each violation.

SEC. 4103. COMPENSATION PROGRAM STARTUP.

(a) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue interim regulations and procedures for the processing of claims under this title.

(b) INTERIM PERSONNEL.—

(1) IN GENERAL.—The Secretary and the Assistant Secretary for Policy, Management, and Budget of the Department may make available to the Administrator on a temporary basis such personnel and other re-

sources as may be necessary to facilitate the expeditious startup of the compensation program.

(2) CONTRACTS.—The Administrator may contract with individuals or entities having relevant experience to assist in the expeditious startup of the compensation program.

(c) EXTREME FINANCIAL HARDSHIP CLAIMS.—In the final regulations promulgated under section 4101(c), the Administrator shall designate categories of claims to be handled on an expedited basis as a result of extreme financial hardship.

(d) INTERIM ADMINISTRATOR.—Until an Administrator is appointed and confirmed under section 4101(b), the responsibilities of the Administrator under this title shall be performed by the Assistant Secretary for Policy, Management, and Budget of the Department, who shall have all the authority conferred by this title on the Administrator and who shall be considered to be the Administrator for purposes of this title.

(e) STAY OF CLAIMS; RETURN TO TORT SYSTEM.—

(1) STAY OF CLAIMS.—

(A) PENDING ACTIONS.—Notwithstanding any other provision of this title, any claim for damages pending in any Federal or State court for monetary damages related to the Deepwater Horizon incident as of the date of enactment of this Act shall be subject to a stay.

(B) FUTURE ACTIONS.—Notwithstanding any other provision of this title, any claim for damages filed in any Federal or State court for monetary damages related to the Deepwater Horizon incident after the date of enactment of this Act shall be subject to a stay 60 days after the date of the filing of the claim, unless the claimant has filed an election to pursue the claim for damages in the Federal or State court under paragraph (2).

(2) CLAIMS.—To be eligible for a claim, any person or State that has filed a timely claim seeking a judgment or order for monetary damages related to the Deepwater Horizon incident in any Federal or State court before, on, or after the date of enactment of this Act, shall file with the Administrator and serve on all defendants in the pending court action an election to pursue the claim for damages under this title or continue to pursue the claim in the Federal or State court—

(A) not later than 60 days after the date of enactment of this Act, if the claim was filed in a Federal or State court before the date of enactment of this Act; and

(B) not later than 60 days after the date of the filing of the claim, if the claim is filed in a Federal or State court on or after the date of enactment of this Act.

(3) STAY.—Until the claimant files an election under paragraph (2) to continue to pursue the claim in the Federal or State court, the stay under paragraph (1) shall remain in effect.

(4) EFFECT OF ELECTION.—

(A) IN GENERAL.—Any claimant that has elected to pursue a claim for damages in Federal or State court under paragraph (2) shall not be eligible for an award for those damages under section 4301.

(B) STAY OF CLAIM.—Any claimant that has been awarded damages for a claim under section 4301 shall not be eligible for an award of damages for the same claim in Federal or State court.

(5) EFFECT OF OPERATIONAL OR NON-OPERATIONAL FUND.—

(A) REINSTATEMENT OF CLAIMS.—If, after 270 days after the date of enactment of this Act, the Administrator cannot certify to

Congress that the Office is operational and paying claims at a reasonable rate, each person or State that has filed a claim stayed under this subsection may continue the claims of the person or State in the court in which the case was pending prior to the stay.

(B) OPERATIONAL OFFICE.—If the Administrator subsequently certifies to Congress that the Office has become operational and paying all valid claims at a reasonable rate, any claim in a civil action in Federal or State court that is not actually on trial before a jury that has been impaneled and presentation of evidence has commenced, but before deliberation, or before a judge and is at the presentation of evidence, may, at the option of the claimant, be considered a reinstated claim before the Administrator and the civil action before the Federal or State court shall be null and void.

(C) NONOPERATIONAL OFFICE.—Notwithstanding any other provision of this title, if the Administrator certifies to Congress that the Office cannot become operational and paying all valid claims at a reasonable rate, all claims that have a stay may be filed or reinstated.

SEC. 4104. AUTHORITY OF ADMINISTRATOR.

On any matter within the jurisdiction of the Administrator under this title, the Administrator may—

(1) issue subpoenas for and compel the attendance of witnesses within a radius of 200 miles;

(2) administer oaths;

(3) examine witnesses;

(4) require the production of books, papers, documents, and other potential evidence; and

(5) request assistance from other Federal agencies with the performance of the duties of the Administrator under this title.

SEC. 4105. ADVISORY COMMITTEE ON DEEPWATER HORIZON COMPENSATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall establish an Advisory Committee on Deepwater Horizon Compensation.

(2) COMPOSITION AND APPOINTMENT.—

(A) IN GENERAL.—The Advisory Committee shall be composed of 24 members, appointed in accordance with this paragraph.

(B) LEGISLATIVE APPOINTMENTS.—

(i) IN GENERAL.—The Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives shall each appoint 4 members to the Advisory Committee.

(ii) REPRESENTATION.—Of the 4 members appointed by each Member under clause (i)—

(I) 2 members shall represent the interests of claimants; and

(II) 2 members shall represent the interests of responsible parties.

(C) APPOINTMENTS BY ADMINISTRATOR.—The Administrator shall appoint 8 members to the Advisory Committee, who shall be individuals with qualifications and expertise relevant to the compensation program, including experience or expertise in marine or coastal ecology, oil spill remediation, fisheries management, administering compensation programs, or audits.

(b) DUTIES.—The Advisory Committee shall advise the Administrator on—

(1) claims filing and claims processing procedures;

(2) claimant assistance programs;

(3) audit procedures and programs to ensure the quality and integrity of the compensation program;

(4) analyses or research that should be conducted to evaluate past claims and to project future claims under the compensation program; and

(5) such other matters related to the implementation of this title as the Administrator considers appropriate.

(c) OPERATION OF COMMITTEE.—

(1) TERM.—The term of a member of the Advisory Committee shall be 3 years.

(2) CHAIRPERSON AND VICE CHAIRPERSON.—The Administrator shall designate a Chairperson and Vice Chairperson of the Advisory Committee from among the members appointed under subsection (a)(2)(C).

(3) MEETINGS.—The Advisory Committee shall meet—

(A) at the call of the Chairperson or a majority of the members of the Advisory Committee; and

(B) at least—

(i) 4 times per year during the first 3 years of the compensation program; and

(ii) 2 times per year thereafter.

(4) INFORMATION.—

(A) IN GENERAL.—The Administrator shall provide to the Advisory Committee such information as is necessary and appropriate for the Advisory Committee to carry out this section.

(B) OTHER AGENCIES.—

(i) IN GENERAL.—On request of the Advisory Committee, the Administrator may secure directly from any Federal, State, or local department or agency such information as may be necessary to enable the Advisory Committee to carry out this section.

(ii) PROVISION OF INFORMATION.—On request of the Administrator, the head of the department or agency described in clause (i) shall furnish such information to the Advisory Committee.

(5) ADMINISTRATIVE SUPPORT.—The Administrator shall provide the Advisory Committee with such administrative support as is reasonably necessary to enable the Advisory Committee to carry out this section.

(d) EXPENSES.—A member of the Advisory Committee, other than a full-time Federal employee, while attending a meeting of the Advisory Committee or while otherwise serving at the request of the Administrator, and while serving away from the home or regular place of business of the member, shall be allowed travel and meal expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Federal Government serving without pay.

Subtitle B—Deepwater Horizon Compensation Procedures

SEC. 4201. ESSENTIAL ELEMENTS OF ELIGIBLE CLAIM.

To be eligible for an award under this title for damages, a claimant shall—

(1) file a claim in a timely manner in accordance with section 4203; and

(2) prove, by a preponderance of the evidence, that the claimant has suffered damages as a result of the Deepwater Horizon incident.

SEC. 4202. GENERAL RULE CONCERNING NO-FAULT COMPENSATION.

To be eligible for an award under this title for damages, a claimant shall not be required to demonstrate that the damages for which the claim is being made resulted from the negligence or other fault of any other person.

SEC. 4203. FILING OF CLAIMS.

(a) ELIGIBLE CLAIMANTS.—

(1) IN GENERAL.—Any person or State that has suffered damage as a result of the Deepwater Horizon incident may file a claim with

the Office for an award with respect to the damage.

(2) LIMITATION.—A claim may not be filed by any person or State under this title for contribution or indemnity.

(b) STATUTE OF LIMITATIONS.—Except as otherwise provided in this subsection, if a person or State fails to file a claim with the Office under this section during the 5-year period beginning on the date on which the person or State first discovered facts that would have led a reasonable person to conclude that damage had occurred, any claim relating to the damage, and any other claim related to that damage, shall be extinguished, and any recovery on the damage shall be prohibited.

(c) FUTURE CLAIMS NOT PRECLUDED.—Filing of a claim under subsection (a) shall not preclude the filing of additional claims for damages arising from the Deepwater Horizon incident that are manifest at a later date.

(d) REQUIRED INFORMATION.—A claim filed under subsection (a) shall be in such form, and contain such information in such detail, as the Administrator shall by regulation prescribe.

(e) DATE OF FILING.—A claim shall be considered to be filed on the date that the claimant mails the claim to the Office, as determined by postmark, or on the date that the claim is received by the Office, whichever is the earliest determinable date.

(f) INCOMPLETE CLAIMS.—

(1) IN GENERAL.—If a claim filed under subsection (a) is incomplete, the Administrator shall notify the claimant of the information necessary to complete the claim and inform the claimant of such services as may be available through the claimant assistance program established under section 4102 to assist the claimant in completing the claim.

(2) TIME PERIODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any time period for the processing of the claim shall be suspended until such time as the claimant submits the information necessary to complete the claim.

(B) DEADLINE.—If the information described in subparagraph (A) is not received during the 1-year period beginning on the date of the notification, the claim shall be dismissed.

SEC. 4204. ELIGIBILITY DETERMINATIONS AND CLAIM AWARDS.

(a) IN GENERAL.—

(1) REVIEW OF CLAIMS.—The Administrator shall, in accordance with this section, determine whether each claim filed satisfies the requirements for eligibility for an award under this title and, if so, the value of the award.

(2) FACTORS.—In making a determination under paragraph (1), the Administrator shall consider—

(A) the claim presented by the claimant;

(B) the factual evidence submitted by the claimant in support of the claim; and

(C) the results of such investigation as the Administrator may consider necessary to determine whether the claim satisfies the criteria for eligibility established by this title.

(3) ADDITIONAL EVIDENCE.—

(A) IN GENERAL.—The Administrator may request the submission of evidence in addition to the minimum requirements of section 4203 if necessary to make a determination of eligibility for an award.

(B) COST.—If the Administrator requests additional evidence under subparagraph (A), the cost of obtaining the additional evidence shall be borne by the Office.

(b) PROPOSED DECISIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the filing of a claim, the Administrator shall provide to the parties a proposed decision—

(A) accepting or rejecting the claim in whole or in part; and

(B) specifying the amount of any proposed award.

(2) FORM.—The proposed decision shall—

(A) be in writing;

(B) contain findings of fact and conclusions of law; and

(C) contain an explanation of the procedure for obtaining review of the proposed decision.

(c) REVIEW OF PROPOSED DECISIONS.—

(1) RIGHT TO HEARING.—

(A) IN GENERAL.—Any party not satisfied with a proposed decision of the Administrator under subsection (b) shall be entitled, on written request made not later than 90 days after the date of the issuance of the decision, to a hearing on the claim of the claimant before a representative of the Administrator.

(B) TESTIMONY.—At the hearing, the party shall be entitled to present oral evidence and written testimony in further support of the claim.

(C) CONDUCT OF HEARING.—

(i) IN GENERAL.—The hearing shall, to the maximum extent practicable, be conducted at a time and place convenient for the claimant.

(ii) ADMINISTRATION.—Except as otherwise provided in this title, in conducting the hearing, the representative of the Administrator shall conduct the hearing in a manner that best determines the rights of the parties and shall not be bound by—

(I) common law or statutory rules of evidence;

(II) technical or formal rules of procedure; or

(III) section 554 of title 5, United States Code.

(iii) EVIDENCE.—For purposes of clause (ii), the representative of the Administrator shall receive such relevant evidence as the claimant adduces and such other evidence as the representative determines necessary or useful in evaluating the claim.

(D) REQUEST FOR SUBPOENAS.—

(i) IN GENERAL.—Subject to clause (iv), a party may request a representative of the Administrator to issue a subpoena but the decision to grant or deny the request is within the discretion of the representative.

(ii) SUBPOENAS.—Subject to clause (iii), the representative may issue subpoenas for—

(I) the attendance and testimony of witnesses; and

(II) the production of books, records, correspondence, papers, or other relevant documents.

(iii) PREREQUISITES.—Subpoenas may be issued for documents under this subparagraph only if—

(I) in the case of documents, the documents are relevant and cannot be obtained by other means; and

(II) in the case of witnesses, oral testimony is the best way to ascertain the facts.

(iv) REQUEST.—

(I) HEARING PROCESS.—A party may request a subpoena under this subparagraph only as part of the hearing process.

(II) FORM.—To request a subpoena, the requester shall—

(aa) submit the request in writing and send the to the representative as early as practicable, but not later than 30 days, after the date of the original hearing request; and

(bb) explain why the testimony or evidence is directly relevant to the issues at hand,

and a subpoena is the best method or opportunity to obtain the evidence because there are no other means by which the documents or testimony could have been obtained.

(v) FEES AND MILEAGE.—

(1) IN GENERAL.—Any person required by a subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.

(II) FUND.—The fees and mileage shall be paid from the Fund.

(2) REVIEW OF WRITTEN RECORD.—

(A) IN GENERAL.—Instead of a hearing under paragraph (1), any party not satisfied with a proposed decision of the Administrator shall have the option, on written request made not later than 90 days after the date of the issuance of the decision, of obtaining a review of the written record by a representative of the Administrator.

(B) OPPORTUNITY TO BE HEARD.—If a review is requested under subparagraph (A), the parties shall be afforded an opportunity to submit any written evidence or argument that the claimant believes relevant.

(d) FINAL DECISIONS.—

(1) IN GENERAL.—If the period of time for requesting review of the proposed decision expires and no request has been filed, or if the parties waive any objections to the proposed decision, the Administrator shall issue a final decision.

(2) VARIANCE FROM PROPOSED DECISION.—If the decision materially differs from the proposed decision, the parties shall be entitled to review of the decision under subsection (c).

(3) TIMING.—If the parties request review of all or part of the proposed decision the Administrator shall issue a final decision on the claim not later than—

(A) 180 days after the date the request for review is received, if a party requests a hearing; or

(B) 90 days after the date the request for review is received, if the claimant requests review of the written record.

(4) CONTENT.—The decision shall be in writing and contain findings of fact and conclusions of law.

(e) REPRESENTATION.—A party may authorize an attorney or other individual to represent the party in any proceeding under this title.

Subtitle C—Awards

SEC. 4301. AMOUNT.

(a) IN GENERAL.—A claimant that meets the requirements of section 4201 shall be entitled to an award in an amount equal to the damages specified in subsection (b) sustained as a result of Deepwater Horizon incident.

(b) COVERED DAMAGES.—For purposes of subsection (a), covered damages shall be 1 or more of the following types of damages (if applicable):

(1) REAL OR PERSONAL PROPERTY.—Damages for injury to, or economic losses resulting from destruction of, real or personal property, which shall be recoverable by a claimant who owns or leases that property.

(2) SUBSISTENCE USE.—Damages for loss of subsistence use of natural resources, which shall be recoverable by any claimant who so uses natural resources that have been injured, destroyed, or lost, without regard to the ownership or management of the resources.

(3) REVENUES.—Damages equal to the net loss of taxes, royalties, rents, fees, or net profit shares due to the injury, destruction, or loss of real property, personal property, or natural resources, which shall be recoverable by a State or a political subdivision of a State.

(4) PROFITS AND EARNING CAPACITY.—Damages equal to the loss of profits or impairment of earning capacity due to the injury, destruction, or loss of real property, personal property, or natural resources, which shall be recoverable by any claimant.

(5) PUBLIC SERVICES.—Damages for net costs of providing increased or additional public services during or after removal activities, including protection from fire, safety, or health hazards, caused by a discharge of oil, which shall be recoverable by a State or a political subdivision of a State.

SEC. 4302. PAYMENT.

(a) PAYMENTS.—Not later than 30 days after a final determination of an award under this title, a claimant that is entitled to an award under this title shall receive the amount of the award through payments from the responsible parties.

(b) LIMITATION ON TRANSFERABILITY.—A claim filed under this title shall not be assignable or otherwise transferable under this title.

SEC. 4303. SETOFFS FOR COLLATERAL SOURCE COMPENSATION AND PRIOR AWARDS.

The amount of an award otherwise available to a claimant under this title shall be reduced by the amount of collateral source compensation.

SEC. 4304. SUBROGATION.

Any person that pays compensation pursuant to this title to any claimant for damages shall be subrogated to all rights, claims, and causes of action the claimant has under any other law.

Subtitle D—Judicial Review

SEC. 4401. JUDICIAL REVIEW OF RULES AND REGULATIONS.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any action to review rules or regulations promulgated by the Administrator under this title.

(b) PERIOD FOR FILING PETITION.—A petition for review under this section shall be filed not later than 60 days after the date notice of the promulgation of the rules or regulations appears in the Federal Register.

(c) EXPEDITED PROCEDURES.—The United States Court of Appeals for the District of Columbia shall provide for expedited procedures for reviews under this section.

SEC. 4402. JUDICIAL REVIEW OF AWARD DECISIONS.

(a) IN GENERAL.—Any claimant or responsible party adversely affected or aggrieved by a final decision of the Administrator awarding or denying compensation under this title may petition for judicial review of the decision.

(b) PERIOD FOR FILING PETITION.—Any petition for review under this section shall be filed not later than 90 days after the date of issuance of a final decision of the Administrator.

(c) EXCLUSIVE JURISDICTION.—A petition for review may only be filed in the United States Court of Appeals for the circuit in which the claimant resides at the time of the issuance of the final order.

(d) STANDARD OF REVIEW.—The court shall uphold the decision of the Administrator unless the court determines, on review of the record as a whole, that the decision is not supported by substantial evidence, is contrary to law, or is not in accordance with procedure required by law.

(e) EXPEDITED PROCEDURES.—The United States Court of Appeals shall provide for expedited procedures for reviews under this section.

SEC. 4403. OTHER JUDICIAL CHALLENGES.

(a) EXCLUSIVE JURISDICTION.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action for declaratory or injunctive relief challenging any provision of this title.

(b) PERIOD FOR FILING PETITIONS.—An action under this section shall be filed not later than the later of—

(1) the date that is 60 days after the date of enactment of this Act; or

(2) the date that is 60 days after the final action by the Administrator or the Office giving rise to the action.

(c) DIRECT APPEAL.—

(1) IN GENERAL.—A final decision in the action shall be reviewable on appeal directly to the Supreme Court.

(2) ADMINISTRATION.—The appeal shall be taken by the filing of a notice of appeal not later than 30 days, and the filing of a jurisdictional statement not later than 60 days, after the date of the entry of the final decision.

(d) EXPEDITED PROCEDURES.—It is the sense of Congress that the Supreme Court and the United States District Court for the District of Columbia are urged to advance on the docket and otherwise expedite, to the maximum extent practicable, the disposition of an action covered by this section.

Subtitle E—Effect on Other Laws

SEC. 4501. EFFECT ON OTHER LAWS.

This title shall supersede any Federal or State law to the extent that the law relates to any claim for damages compensated under this title.

SA 4265. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 22 and 23, insert the following:

PROHIBITION ON FRAUDULENT REPRESENTATION OF MILITARY SERVICE TO OBTAIN EMPLOYMENT OR OTHER BENEFITS

SEC. 3008. (a) CRIMINAL OFFENSE.—Section 704 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(c) FRAUDULENT REPRESENTATION OF MILITARY SERVICE.—Whoever knowingly makes a fraudulent statement or representation, verbally or in writing, regarding the person’s record of military service in the United States Armed Forces, including, but not limited to, participation in combat operations, for the purposes of gaining recognition, honorarium, official office, or other position of authority, employment or other benefit or object of value as a result of the statement, shall be fined under this title, imprisoned not more than six months, or both.”

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“§ 704. Military medal or decorations; military service”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 33 of such title is amended by striking the item relating to section 704 and inserting the following new item:

“704. Military medal or decorations; military service.”

SA 4266. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an

amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, line 2, strike “and (3)” and insert “(3) may use, without further appropriation, amounts from the Oil Spill Liability Trust Fund in the event of a spill of national significance for administrative and personnel costs to process claims (including the costs of commercial claims processing, expert services, and technical services); and (4)”.

SA 4267. Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, between lines 6 and 7, insert the following:

SEC. 4 _____. (a) Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

“(1) IN GENERAL.—No guarantee shall be made unless—

“(A) an appropriation for the cost of the guarantee has been made;

“(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

“(C) a combination of appropriations under subparagraph (A) or payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.

“(2) LIMITATION.—The source of payments received from a borrower under subparagraph (B) or (C) of paragraph (1) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.”; and

(2) by adding at the end the following:

“(1) CREDIT REPORT.—If, in the opinion of the Secretary, a third-party credit rating of the applicant or project is not relevant to the determination of the credit risk of a project, if the project costs are not projected to exceed \$100,000,000, and the applicant agrees to accept the credit rating assigned to the applicant by the Secretary, the Secretary may waive any otherwise applicable requirement (including any requirement described in part 609 of title 10, Code of Federal Regulations) to provide a third-party credit report.

“(m) DIRECT HIRE AUTHORITY.—

“(1) IN GENERAL.—Notwithstanding sections 3304 and sections 3309 through 3318 of title 5, United States Code, the head of the loan guarantee program under this title (referred to in this subsection as the ‘Executive Director’) may, on a determination that there is a severe shortage of candidates or a severe hiring need for particular positions to carry out the functions of this title, recruit and directly appoint highly qualified critical personnel with specialized knowledge important to the function of the programs under this title into the competitive service.

“(2) EXCEPTION.—The authority granted under paragraph (1) shall not apply to positions in the excepted service or the Senior Executive Service.

“(3) REQUIREMENTS.—In exercising the authority granted under paragraph (1), the Executive Director shall ensure that any action taken by the Executive Director—

“(A) is consistent with the merit principles of section 2301 of title 5, United States Code; and

“(B) complies with the public notice requirements of section 3327 of title 5, United States Code.

“(4) SUNSET.—The authority provided under paragraph (1) shall terminate on September 30, 2011.

“(n) PROFESSIONAL ADVISORS.—The Secretary may—

“(1) retain agents and legal and other professional advisors in connection with guarantees and related activities authorized under this title;

“(2) require applicants for and recipients of loan guarantees to pay all fees and expenses of the agents and advisors; and

“(3) notwithstanding any other provision of law, select such advisors in such manner and using such procedures as the Secretary determines to be appropriate to protect the interests of the United States and achieve the purposes of this title.

“(o) MULTIPLE SITES.—Notwithstanding any contrary requirement (including any provision under part 609.12 of title 10, Code of Federal Regulations) an eligible project may be located on 2 or more non-contiguous sites in the United States.”.

(b) Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) MULTIPLE APPLICATIONS.—Notwithstanding any contrary requirement (including any provision under part 609.3(a) of title 10, Code of Federal Regulations), a project applicant or sponsor of an eligible project may submit an application for more than 1 eligible project under this section.”.

(c) Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

“(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.”.

(d) Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) by striking subsection (f) and inserting the following:

“(f) FEES.—Except as otherwise permitted under subsection (i), administrative costs shall be not more than \$100,000 or 10 basis points of the loan.”;

(2) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(3) by inserting after subsection (h) the end the following:

“(i) PROFESSIONAL ADVISORS.—The Secretary may—

“(1) retain agents and legal and other professional advisors in connection with guarantees and related activities authorized under this section;

“(2) require applicants for and recipients of loan guarantees to pay directly, or through the payment of fees to the Secretary, all fees and expenses of the agents and advisors; and

“(3) notwithstanding any other provision of law, select such advisors in such manner and using such procedures as the Secretary

determines to be appropriate to protect the interests of the United States and achieve the purposes of this section.”.

SA 4268. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 30, between lines 6 and 7, insert the following:

SEC. 4 _____. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

“(1) DEADLINE FOR OMB REVIEW.—If the Secretary submits to the Director of the Office of Management and Budget a loan guarantee for review and comment, the Secretary may, taking into consideration comments made by the Director, issue a conditional commitment to enter into the loan guarantee at least 30 days subsequent to the submittal, without further approval from the Director.”.

SA 4269. Ms. KLOBUCHAR (for herself, Mr. DORGAN, Mr. ENSIGN, Mr. BEGICH, and Mr. LEMIEUX) submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AMENDMENT OF TRAVEL PROMOTION ACT OF 2009.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) by striking “6 months” in clause (i) and inserting “12 months”; and

(2) by striking “subsection (d) of section 11 of the Travel Promotion Act of 2009.” in clause (ii) and inserting “subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)).”; and

(3) by striking “September 30, 2014.” in clause (iii) and inserting “September 30, 2015.”.

(b) IMPLEMENTATION BEGINNING IN FISCAL YEAR 2011.—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) by striking “fiscal year 2010,” in paragraph (2)(A) and inserting “fiscal year 2011.”;

(2) by striking “January 1, 2010,” in paragraph (2)(A) and inserting “January 1, 2011.”;

(3) by striking “fiscal years 2011 through 2014,” in paragraph (2)(B) and inserting “fiscal years 2012 through 2015.”;

(4) by striking “fiscal year 2010,” in paragraph (3)(A) and inserting “fiscal year 2011.”;

(5) by striking “fiscal year 2011,” each place it appears in paragraph (3)(A) and inserting “fiscal year 2012.”; and

(6) by striking “fiscal year 2010, 2011, 2012, 2013, or 2014” in paragraph (4)(B) and inserting “fiscal year 2011, 2012, 2013, 2014, or 2015.”.

(c) PROGRAM AUDITS.—Subsection (b)(8)(D) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b)(8)(D)) is amended by striking “2 years after the date of enactment of this section,” and inserting “3 years after the

date of enactment of the Travel Promotion Act of 2009.”.

(d) RESEARCH PROGRAM.—Section 203(b) of the International Travel Act of 1961 (22 U.S.C. 2123a(b)) is amended by striking “2010 through 2014” and inserting “2010 through 2015”.

(e) CORRECTION OF CROSS-REFERENCE.—Section 202(c)(1) of the International Travel Act of 1961 (22 U.S.C. 2123(c)(1)) is amended by striking “subsection (b) of section 11 of the Travel Promotion Act of 2009” and inserting “subsection (b) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(b))”.

SA 4270. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. ____ . EXTENSION OF DEPENDENT COVERAGE UNDER FEHBP.

(a) PROVISIONS RELATING TO AGE.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8901(5)—

(A) in the matter before subparagraph (A), by striking “22 years of age” and inserting “26 years of age”; and

(B) in the matter after subparagraph (B), by striking “age 22” and inserting “age 26”; and

(2) in section 8905(c)(2)(B)—

(A) in clause (i), by striking “22 years of age” and inserting “26 years of age”; and

(B) in clause (ii), by striking “age 22” and inserting “age 26”.

(b) PROVISIONS RELATING TO MARITAL STATUS.—Chapter 89 of title 5, United States Code, is further amended—

(1) in section 8901(5) and subsections (b)(2)(A), (c)(2)(B), (e)(1)(B), and (e)(2)(A) of section 8905a, by striking “an unmarried dependent” each place it appears and inserting “a dependent”; and

(2) in section 8905(c)(2)(B), by striking “unmarried dependent” and inserting “dependent”.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective as if included in the enactment of section 1001 of the Patient Protection and Affordable Care Act (Public Law 111-148), except that the Director of the Office of Personnel Management may implement such amendments for such periods before the effective date otherwise provided in section 1004(a) of such Act as the Director may specify.

SA 4271. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 81, between lines 23 and 24, insert the following:

SEC. 30 ____ . None of the funds made available by this Act or any other law shall be used by the Secretary of the Interior to review or approve plans or permits for the exploration, development, or production of oil and natural gas in the outer Continental Shelf until such time as—

(1) the Secretary of the Interior and the Council on Environmental Quality have

completed a joint review of applicable procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling established by Executive Order on May 22, 2010 (referred to in this section as the “Commission”), has submitted a final public report to the President in accordance with section 3(c) of that Executive Order;

(3) any policy or procedural changes recommended by the Secretary of the Interior and the Council on Environmental Quality based on the joint review under paragraph (1) and by the Commission based on the final report described in paragraph (2) have been fully implemented, as determined to be appropriate by the President; and

(4) the Secretary of the Interior has submitted a report that describes the changes implemented under paragraph (3) to—

(A) the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

SA 4272. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 71, line 14, strike “Code:” and insert “Code, and \$80,900,000 shall be available to the Secretary of Transportation for a national advertising and enforcement campaign against distracted driving, and for grants to States to carry out enforcement against distracted driving:”.

SA 4273. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 41, strike lines 10 through 24.

SA 4274. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 41, strike line 14 and all that follows through line 18 and insert the following: “Medical Services” account: *Provided*, That any amount transferred from “Construction, Major Projects” shall be derived from unobligated balances that are a direct result of bid savings: *Provided further*, That such amounts are used to provide assistance and support services to caregivers under section 1720G of title 38, United States Code, and to carry out the provisions of title I of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163): *Provided further*, That no amounts may be transferred from amounts

SA 4275. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emer-

gency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike line 10 and all that follows through line 22 and insert the following:

SEC. 901. (a) Of the amounts made available to the Department of Veterans Affairs under the “Construction, Major Projects” account, in fiscal year 2010 or previous fiscal years, the unobligated balances that are a direct result of bid savings may be used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate.

SA 4276. Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

At the end, add the following:

DIVISION B—GULF OF MEXICO RESTORATION AND PROTECTION

SECTION 1. SHORT TITLE.

This division may be cited as the “Gulf of Mexico Restoration and Protection Act”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Gulf of Mexico is a valuable resource of national and international importance, continuously serving the people of the United States and other countries as an important source of food, economic productivity, recreation, beauty, and enjoyment;

(2) over many years, the resource productivity and water quality of the Gulf of Mexico and its watershed have been diminished by point and nonpoint source pollution;

(3) the United States should seek to attain the protection and restoration of the Gulf of Mexico ecosystem as a collaborative regional goal of the Gulf of Mexico Program; and

(4) the Administrator of the Environmental Protection Agency, in consultation with other Federal agencies and State and local authorities, should coordinate the effort to meet those goals.

(b) PURPOSES.—The purposes of this division are—

(1) to expand and strengthen cooperative voluntary efforts to restore and protect the Gulf of Mexico;

(2) to expand Federal support for monitoring, management, and restoration activities in the Gulf of Mexico and its watershed;

(3) to commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, the Gulf of Mexico; and

(4) to establish a Gulf of Mexico Program to serve as a national and international model for the collaborative management of large marine ecosystems.

SEC. 3. GULF OF MEXICO RESTORATION AND PROTECTION.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

“SEC. 123. GULF OF MEXICO RESTORATION AND PROTECTION.

“(a) DEFINITIONS.—In this section;

“(1) GULF OF MEXICO ECOSYSTEM.—The term ‘Gulf of Mexico ecosystem’ means the ecosystem of the Gulf of Mexico and its watershed.

“(2) GULF OF MEXICO EXECUTIVE COUNCIL.—The term ‘Gulf of Mexico Executive Council’ means the formal collaborative Federal, State, local, and private participants in the Program.

“(3) PROGRAM.—The term ‘Program’ means the Gulf of Mexico Program established by the Administrator in 1988 as a nonregulatory, inclusive partnership to provide a broad geographic focus on the primary environmental issues affecting the Gulf of Mexico.

“(4) PROGRAM OFFICE.—The term ‘Program Office’ means the office established by the Administrator to administer the Program that is reestablished by subsection (b)(1)(A).

“(b) CONTINUATION OF GULF OF MEXICO PROGRAM.—

“(1) GULF OF MEXICO PROGRAM OFFICE.—

“(A) REESTABLISHMENT.—The Program Office established before the date of enactment of this section by the Administrator is reestablished as an office of the Environmental Protection Agency.

“(B) REQUIREMENTS.—The Program Office shall be—

“(i) headed by a Director who, by reason of management experience and technical expertise relating to the Gulf of Mexico, is highly qualified to direct the development of plans and programs on a variety of Gulf of Mexico issues, as determined by the Administrator; and

“(ii) located in a State all or a portion of the coastline of which is on the Gulf of Mexico.

“(C) FUNCTIONS.—The Program Office shall—

“(i) coordinate the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies—

“(I) to improve the water quality and living resources in the Gulf of Mexico ecosystem; and

“(II) to obtain the support of appropriate officials;

“(ii) in cooperation with appropriate Federal, State, and local authorities, assist in developing and implementing specific action plans to carry out the Program;

“(iii) coordinate and implement priority State-led and community-led restoration plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the Program through the provision of grants under subsection (d);

“(iv) implement outreach programs for public information, education, and participation to foster stewardship of the resources of the Gulf of Mexico;

“(v) develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Gulf of Mexico ecosystem;

“(vi) serve as the liaison with, and provide information to, the Mexican members of the Gulf of Mexico States Accord and Mexican counterparts of the Environmental Protection Agency; and

“(vii) focus the efforts and resources of the Program Office on activities that will result in measurable improvements to water quality and living resources of the Gulf of Mexico ecosystem.

“(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into 1 or more inter-

agency agreements with other Federal agencies to carry out this section.

“(d) GRANTS.—

“(1) IN GENERAL.—In accordance with the Program, the Administrator, acting through the Program Office, may provide grants to nonprofit organizations, State and local governments, colleges, universities, interstate agencies, and individuals to carry out this section for use in—

“(A) monitoring the water quality and living resources of the Gulf of Mexico ecosystem;

“(B) researching the effects of natural and human-induced environmental changes on the water quality and living resources of the Gulf of Mexico ecosystem;

“(C) developing and executing cooperative strategies that address the water quality and living resource needs in the Gulf of Mexico ecosystem;

“(D) developing and implementing locally based protection and restoration programs or projects within a watershed that complement those strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Gulf of Mexico ecosystem; and

“(E) eliminating or reducing nonpoint sources that discharge pollutants that contaminate the Gulf of Mexico ecosystem, including activities to eliminate leaking septic systems and construct connections to local sewage systems.

“(2) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using a grant provided under this section shall not exceed 75 percent, as determined by the Administrator.

“(3) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects carried out using funds made available through a grant under this subsection shall not exceed 15 percent of the amount of the grant.

“(e) REPORTS.—

“(1) ANNUAL REPORT.—Not later than December 30, 2009, and annually thereafter, the Director of the Program Office shall submit to the Administrator and make available to the public a report that describes—

“(A) each project and activity funded under this section during the previous fiscal year;

“(B) the goals and objectives of those projects and activities; and

“(C) the net benefits of projects and activities funded under this section during previous fiscal years.

“(2) ASSESSMENT.—

“(A) IN GENERAL.—Not later than April 30, 2011, and every 5 years thereafter, the Administrator, in coordination with the Gulf of Mexico Executive Council, shall complete an assessment, and submit to Congress a comprehensive report on the performance, of the Program.

“(B) REQUIREMENTS.—The assessment and report described in subparagraph (A) shall—

“(i) assess the overall state of the Gulf of Mexico ecosystem;

“(ii) compare the current state of the Gulf of Mexico ecosystem with a baseline assessment;

“(iii) include specific measures to assess any improvements in water quality and living resources of the Gulf of Mexico ecosystem;

“(iv) assess the effectiveness of the Program management strategies being implemented, and the extent to which the priority needs of the region are being met through that implementation; and

“(v) make recommendations for the improved management of the Program, including strengthening strategies being implemented or adopting improved strategies.

“(f) BUDGET ITEM.—The Administrator, in the annual submission to Congress of the budget of the Environmental Protection Agency, shall include a funding line item request for the Program Office as a separate budget line item.

“(g) LIMITATION ON REGULATORY AUTHORITY.—Nothing in this section establishes any new legal or regulatory authority of the Administrator other than the authority to provide grants in accordance with this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

“(1) \$10,000,000 for fiscal year 2010;

“(2) \$15,000,000 for fiscal year 2011; and

“(3) \$25,000,000 for each of fiscal years 2012 through 2014.”.

SA 4277. Mr. WICKER (for himself, Mr. SHELBY, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—GULF OF MEXICO RESTORATION AND PROTECTION

SECTION 1. SHORT TITLE.

This division may be cited as the “Gulf of Mexico Restoration and Protection Act”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Gulf of Mexico is a valuable resource of national and international importance, continuously serving the people of the United States and other countries as an important source of food, economic productivity, recreation, beauty, and enjoyment;

(2) over many years, the resource productivity and water quality of the Gulf of Mexico and its watershed have been diminished by point and nonpoint source pollution;

(3) the United States should seek to attain the protection and restoration of the Gulf of Mexico ecosystem as a collaborative regional goal of the Gulf of Mexico Program; and

(4) the Administrator of the Environmental Protection Agency, in consultation with other Federal agencies and State and local authorities, should coordinate the effort to meet those goals.

(b) PURPOSES.—The purposes of this division are—

(1) to expand and strengthen cooperative voluntary efforts to restore and protect the Gulf of Mexico;

(2) to expand Federal support for monitoring, management, and restoration activities in the Gulf of Mexico and its watershed;

(3) to commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, the Gulf of Mexico; and

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SEC. 3. GULF OF MEXICO RESTORATION AND PROTECTION.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

“SEC. 123. GULF OF MEXICO RESTORATION AND PROTECTION.

“(a) DEFINITIONS.—In this section;

“(1) GULF OF MEXICO ECOSYSTEM.—The term ‘Gulf of Mexico ecosystem’ means the ecosystem of the Gulf of Mexico and its watershed.

“(2) GULF OF MEXICO EXECUTIVE COUNCIL.—The term ‘Gulf of Mexico Executive Council’ means the formal collaborative Federal, State, local, and private participants in the Program.

“(3) PROGRAM.—The term ‘Program’ means the Gulf of Mexico Program established by the Administrator in 1988 as a nonregulatory, inclusive partnership to provide a broad geographic focus on the primary environmental issues affecting the Gulf of Mexico.

“(4) PROGRAM OFFICE.—The term ‘Program Office’ means the office established by the Administrator to administer the Program that is reestablished by subsection (b)(1)(A).

“(b) CONTINUATION OF GULF OF MEXICO PROGRAM.—

“(1) GULF OF MEXICO PROGRAM OFFICE.—

“(A) REESTABLISHMENT.—The Program Office established before the date of enactment of this section by the Administrator is reestablished as an office of the Environmental Protection Agency.

“(B) REQUIREMENTS.—The Program Office shall be—

“(i) headed by a Director who, by reason of management experience and technical expertise relating to the Gulf of Mexico, is highly qualified to direct the development of plans and programs on a variety of Gulf of Mexico issues, as determined by the Administrator; and

“(ii) located in a State all or a portion of the coastline of which is on the Gulf of Mexico.

“(C) FUNCTIONS.—The Program Office shall—

“(i) coordinate the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies—

“(I) to improve the water quality and living resources in the Gulf of Mexico ecosystem; and

“(II) to obtain the support of appropriate officials;

“(ii) in cooperation with appropriate Federal, State, and local authorities, assist in developing and implementing specific action plans to carry out the Program;

“(iii) coordinate and implement priority State-led and community-led restoration plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the Program through the provision of grants under subsection (d);

“(iv) implement outreach programs for public information, education, and participation to foster stewardship of the resources of the Gulf of Mexico;

“(v) develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Gulf of Mexico ecosystem;

“(vi) serve as the liaison with, and provide information to, the Mexican members of the Gulf of Mexico States Accord and Mexican counterparts of the Environmental Protection Agency; and

“(vii) focus the efforts and resources of the Program Office on activities that will result in measurable improvements to water quality and living resources of the Gulf of Mexico ecosystem.

“(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into 1 or more interagency agreements with other Federal agencies to carry out this section.

“(d) GRANTS.—

“(1) IN GENERAL.—In accordance with the Program, the Administrator, acting through the Program Office, may provide grants to nonprofit organizations, State and local governments, colleges, universities, interstate agencies, and individuals to carry out this section for use in—

“(A) monitoring the water quality and living resources of the Gulf of Mexico ecosystem;

“(B) researching the effects of natural and human-induced environmental changes on the water quality and living resources of the Gulf of Mexico ecosystem;

“(C) developing and executing cooperative strategies that address the water quality and living resource needs in the Gulf of Mexico ecosystem;

“(D) developing and implementing locally based protection and restoration programs or projects within a watershed that complement those strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Gulf of Mexico ecosystem; and

“(E) eliminating or reducing nonpoint sources that discharge pollutants that contaminate the Gulf of Mexico ecosystem, including activities to eliminate leaking septic systems and construct connections to local sewage systems.

“(2) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using a grant provided under this section shall not exceed 75 percent, as determined by the Administrator.

“(3) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects carried out using funds made available through a grant under this subsection shall not exceed 15 percent of the amount of the grant.

“(e) REPORTS.—

“(1) ANNUAL REPORT.—Not later than December 30, 2009, and annually thereafter, the Director of the Program Office shall submit to the Administrator and make available to the public a report that describes—

“(A) each project and activity funded under this section during the previous fiscal year;

“(B) the goals and objectives of those projects and activities; and

“(C) the net benefits of projects and activities funded under this section during previous fiscal years.

“(2) ASSESSMENT.—

“(A) IN GENERAL.—Not later than April 30, 2011, and every 5 years thereafter, the Administrator, in coordination with the Gulf of Mexico Executive Council, shall complete an assessment, and submit to Congress a comprehensive report on the performance, of the Program.

“(B) REQUIREMENTS.—The assessment and report described in subparagraph (A) shall—

“(i) assess the overall state of the Gulf of Mexico ecosystem;

“(ii) compare the current state of the Gulf of Mexico ecosystem with a baseline assessment;

“(iii) include specific measures to assess any improvements in water quality and living resources of the Gulf of Mexico ecosystem;

“(iv) assess the effectiveness of the Program management strategies being implemented, and the extent to which the priority

needs of the region are being met through that implementation; and

“(v) make recommendations for the improved management of the Program, including strengthening strategies being implemented or adopting improved strategies.

“(f) BUDGET ITEM.—The Administrator, in the annual submission to Congress of the budget of the Environmental Protection Agency, shall include a funding line item request for the Program Office as a separate budget line item.

“(g) LIMITATION ON REGULATORY AUTHORITY.—Nothing in this section establishes any new legal or regulatory authority of the Administrator other than the authority to provide grants in accordance with this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

“(1) \$10,000,000 for fiscal year 2010;

“(2) \$15,000,000 for fiscal year 2011; and

“(3) \$25,000,000 for each of fiscal years 2012 through 2014.”.

SA 4278. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, between lines 7 and 8, insert the following:

DEPARTMENT OF ENERGY

**TITLE XVII INNOVATIVE TECHNOLOGY LOAN
GUARANTEE PROGRAM**

For the cost of guaranteed loans as authorized by section 1702(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) for nuclear power facilities, an additional total principal amount of \$9,000,000,000, to remain available until expended: *Provided*, That amounts made available under this heading shall be subject to section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a): *Provided further*, That amounts made available under this heading shall be in addition to the authority provided under section 20320 of the Continuing Appropriations Act, 2007 (42 U.S.C. 16515): *Provided further*, That amounts made available under this heading shall be derived from amounts received as payments from borrowers under section 1702(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) and collected in accordance with section 502(7) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(7)): *Provided further*, That the source of payment received from the borrowers shall not be considered a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That, pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)), no amounts made available under this heading shall be used to pay the subsidy cost of guarantees: *Provided further*, That none of the loan guarantee authority made available under this heading shall be available for commitments to guarantee loans for any projects for which funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support a project or to obtain goods or services from the project: *Provided further*, That the previous proviso does

not preclude the use of the loan guarantee authority provided under this heading for commitments to guarantee loans for projects as a result of the projects benefitting from (1) otherwise allowable Federal income tax benefits, (2) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (A) paid exclusively in cash, (B) deposited in the Treasury as offsetting receipts, and (C) equal to the fair market value as determined by the head of the relevant Federal agency, (4) Federal insurance programs, including section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the "Price-Anderson Act"), or (5) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available under this heading shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.): *Provided further*, That, of the unobligated balances appropriated or otherwise made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) (other than under title X of division A of that Act), \$90,000,000 is rescinded.

SA 4279. Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Ms. MURKOWSKI, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, strike lines 9 through 25 and insert the following:

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", for the protection of public health and safety through the removal of hazard trees killed by bark beetles, \$50,000,000, to remain available until expended: *Provided*, That any of the funds made available under this heading may be transferred by the Secretary of Agriculture to the "Capital Improvement and Maintenance" account to carry out the purposes of the matter under this heading: *Provided further*, That \$8,000,000 of the funds provided under this heading shall be transferred to the National Park Service for "Operation of the National Park System", to carry out the purposes of the matter under this heading.

FOREIGN AGRICULTURAL SERVICE

FOOD FOR PEACE TITLE II GRANTS

For an additional amount for "Food for Peace Title II Grants" for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, \$150,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. None of the funds appropriated or made available by this or any other Act shall

be used to pay the salaries and expenses of personnel to carry out a biomass crop assistance program as authorized by section 9011 of Public Law 107-171 in excess of \$552,000,000 in fiscal year 2010, \$432,000,000 in fiscal year 2011, or \$299,000,000 in fiscal year 2012: *Provided*, That section 3002 shall not apply to the amount under this section.

SA 4280. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3008. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110-417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: "In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website."

SA 4281. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3008. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110-417; 41 U.S.C. 417b(e)(1)) is amended by striking "and, upon request" and all that follows through the period at the end and inserting "and to all members of Congress. In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website."

SA 4282. Mr. PRYOR (for himself, Mrs. LINCOLN, Mr. VITTER, Mr. BROWNBACK, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 23 and 24, insert the following:

TITLE IV—FLOOD INSURANCE

SEC. 4001. BASE FLOOD ELEVATION DETERMINATION APPEAL PERIOD.

(a) IN GENERAL.—Notwithstanding any other provision of law, the appeal period for any base flood elevation determination or any determination of an area having special flood hazards shall be 90 days unless an extended appeal period is requested by a party affected by such determination, in which case the appeal period shall be 120 days.

(b) REENTRY OF APPEALS.—Effective for the 90-day period beginning on the date of enactment of this Act, any community whose

Flood Insurance Rate Maps were revised, updated, or otherwise altered after September 30, 2008, pursuant to the Flood Map Modernization Program established under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) shall be permitted to re-enter an appeal of such revision, update, or alteration and such appeal shall be subject to the time limitations established under subsection (a).

SEC. 4002. ECONOMIC IMPACT OF PRELIMINARY BASE FLOOD ELEVATION DETERMINATIONS AND PRELIMINARY FLOOD INSURANCE RATE MAPS.

For purposes of section 605(b) of title 5, United States Code, the issuance by the Administrator of the Federal Emergency Management Agency of a proposed modified base flood elevation, proposed area having special flood hazards, preliminary flood insurance study, or preliminary Flood Insurance Rate Maps shall be deemed to have a significant economic impact on a substantial number of small entities.

SEC. 4003. ESTABLISHMENT OF A BASE FLOOD ELEVATION DETERMINATION AND SPECIAL FLOOD HAZARD AREA DETERMINATION ARBITRATION PANEL.

(a) ESTABLISHMENT.—As allowed under section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104), and notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall establish an arbitration panel—

(1) to efficiently and clearly resolve disputes between communities and the Federal Government regarding the Flood Map Modernization Program; and

(2) to expedite the general acceptance of technically accurate base flood elevation determinations as reflected in Flood Insurance Rate Maps.

(b) ARBITRATION PANEL.—

(1) MEMBERSHIP.—The arbitration panel established under subsection (a) shall be comprised of 5 members.

(2) REQUIRED QUALIFICATIONS.—

(A) ECONOMIC AND ADMINISTRATIVE EXPERTISE.—At least 1 member of the arbitration panel established under subsection (a) shall have expertise in each of the following fields:

- (i) Community economic development.
- (ii) Administrative law.

(B) WATER RESOURCES EXPERTISE.—At least 3 members of the arbitration panel established under subsection (a) shall have technical expertise in water resources and other related scientific disciplines.

(3) NO FEMA EMPLOYEES.—No member of the arbitration panel established under subsection (a) shall be an employee of the Federal Emergency Management Agency.

(4) INDEPENDENCE.—Each member of the arbitration panel established under subsection (a) shall be independent and neutral.

(5) USE OF.—A community may choose to have a dispute resolved by the arbitration panel not later than 90 days after the appeal period described in section 4001(a) ends.

(c) CONSIDERATIONS.—

(1) IN GENERAL.—The arbitration panel established under subsection (a) may consider historical flood data and other data outside the scope of scientific or technical data in carrying out the duties and responsibilities of the arbitration panel.

(2) PROHIBITION.—In resolving any dispute under this section, the arbitration panel may not take into consideration the status of the grant application of any community under section 4.

(3) COORDINATION WITH CORPS OF ENGINEERS.—Upon request by the arbitration

panel, the appropriate district office of jurisdiction of the United States Army Corps of Engineers shall fund and make available personnel or technical guidance to assist the arbitration panel in considering hydrological data, historical data, budgetary data, or other relevant information.

(d) **COMMUNITY CHOICE.**—A community may choose to have a dispute resolved by the arbitration panel only if the community has satisfied the following conditions:

(1) The community has appealed a base flood elevation determination or a determination of an area having special flood hazards and undergone a 30-day consultation period with the Administrator of the Federal Emergency Management Agency in an effort to resolve the dispute.

(2) The 30-day consultation period described in paragraph (1) shall begin upon the Administrator's receipt of notice of intent of the community to enter arbitration.

(3) In cases in which the appeal period described under paragraph (1) begins a sufficient time after the date of enactment of this Act, the community has adequately notified the public 180 days prior to the beginning of the appeal period regarding the changes proposed by the Administrator. Such notification may include individual notification of affected households, public meetings, or publication of proposed changes in local media.

(e) **BINDING AUTHORITY.**—

(1) **IN GENERAL.**—Any determination of resolution of a dispute by the arbitration panel under this section—

(A) shall be final and binding; and

(B) may not appeal or seek further relief for such dispute to any other administrative or judicial body.

(2) **PROCEEDINGS.**—

(A) **IN GENERAL.**—The arbitration panel shall—

(i) initiate proceedings to resolve any disputes brought before the arbitration panel;

(ii) consider all relevant information during the course of any such proceeding; and

(iii) issue a determination of resolution of the dispute, as soon as is practical after the initiation of such proceeding.

(B) **EFFECT PRIOR TO DETERMINATION.**—Until such time as the arbitration panel issues a determination of resolution under subparagraph (A), the most current Flood Insurance Rate Maps shall remain in effect.

(3) **FINAL DETERMINATION.**—Following deliberations, the arbitration panel shall issue a final determination of resolution of a dispute setting forth the base flood elevation determination or the determination of an area having special flood hazards that shall be reflected in the Flood Insurance Rate Maps. The final determination of the arbitration panel shall not be limited to either acceptance or denial of the position of Administrator of the Federal Emergency Management Agency or the position of the community.

(4) **WRITTEN OPINION.**—Accompanying any final determination of resolution issued pursuant to paragraph (3), the arbitration panel shall issue a written opinion fully explaining its decision, including all relevant information relied upon by the panel. The opinion issued under this paragraph shall provide communities seeking to mitigate their flood risk with sufficient information to make informed future planning decisions in light of identified flood hazards.

(f) **RULE OF CONSTRUCTION.**—Nothing contained in this section shall alter existing procedures for revision, update, or amendment of Flood Insurance Rate Maps, includ-

ing Flood Insurance Rate Maps resulting from decisions of the arbitration panel.

(g) **SUNSET.**—This section shall cease to have effect 3 years after the date of enactment of this Act.

SEC. 4004. ELIGIBILITY FOR CERTAIN REIMBURSEMENTS FOR COMMUNITIES PARTICIPATING IN ARBITRATION.

(a) **FUNDING.**—For communities who enter arbitration pursuant to section 3, funds derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be made available to reimburse communities for certain expenses related to the collection of technical data related to Flood Insurance Rate Maps that are the subject of a dispute for which the arbitration panel established in this title has been directed to resolve, as allowed for pursuant to section 1307(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(f)).

(b) **SUNSET.**—This section shall cease to have effect on the date that is 3 years after the date of enactment of this title.

SA 4283. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, add the following:

SEC. 2. OUTER CONTINENTAL SHELF.

Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended by adding at the end the following:

“(e) **OUTER CONTINENTAL SHELF.**—

“(1) **IN GENERAL.**—The liability for an incident on the outer Continental Shelf occurring during the period beginning on the date of enactment of this subsection and ending on December 31, 2025, shall be determined in accordance with this subsection.

“(2) **INITIAL LIABILITY.**—

“(A) **IN GENERAL.**—Each lease for oil and gas exploration, production, or development issued by the Secretary of the Interior after the date of enactment of this subsection shall have, as a condition of the lease, a requirement that the lessee have and maintain financial protection in the form of liability insurance from private sources of such type and in such amounts as the Secretary of the Interior determines to be necessary to cover public liability claims in a minimum aggregate amount of \$300,000,000.

“(B) **INDEMNIFICATION; PUBLIC LIABILITY.**—In a case in which financial protection is required for a lessee under subparagraph (A), the lessee shall, as a further condition of a lease for oil and gas exploration, production, or development, be required—

“(i) to execute and maintain an indemnification agreement to indemnify and hold harmless the lessee and other persons indemnified, as the interest of those persons may appear, from public liability arising from incidents on the outer Continental Shelf the liability claims with respect to which are in excess of the level of financial protection required of the lessee;

“(ii) to execute and maintain an agreement with the Secretary of the Interior stating that the United States and other parties affected by the incident are not liable for damages with respect to the incident, and including an affirmation that the lessee is the responsible party with respect to that liability; and

“(iii) to waive any immunity from public liability conferred by law.

“(3) **MAXIMUM LIABILITY OF LESSEE.**—A lessee that is a responsible party for an incident on the outer Continental Shelf for which liability claims exceed, in the aggregate, the minimum aggregate amount covered by liability insurance under paragraph (2) shall be liable for additional liability claims relating to the incident up to a maximum aggregate amount of—

“(A) \$1,000,000,000; or

“(B) such greater amount as may be required by the Secretary of the Interior.

“(4) **LIABILITY OF INDUSTRY.**—

“(A) **IN GENERAL.**—If an incident on the outer Continental Shelf results in liability claims exceeding, in the aggregate, the maximum aggregate amount to be paid by the responsible party under paragraph (3), the additional claims shall be paid by all other entities conducting oil and gas exploration, production, or development activities on the outer Continental Shelf as of the date of the incident, as determined by the Secretary of the Interior, in accordance with subparagraph (B).

“(B) **PROPORTIONAL PAYMENT.**—The amount of liability claims to be paid under subparagraph (A) by an entity described in that subparagraph shall be determined by the Secretary of the Interior based on the proportion that—

“(i) the number of facilities operated by the entity on the outer Continental Shelf; bears to

“(ii) the total number of facilities operated by all entities on the outer Continental Shelf.”.

SA 4284. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. —. AMENDMENT OF OUTER CONTINENTAL SHELF LANDS ACT.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) by inserting “the Secretary of Commerce, and the Secretary of the department in which the Coast Guard is operating,” in subsection (c)(1) after “Attorney General,”;

(2) in subsection (d)(1), by striking “program,” and all that follows and inserting “program—

“(A) the Attorney General may, after consultation with the Federal Trade Commission, submit comments on the anticipated effects of such proposed program upon competition;

“(B) the Secretary of Commerce may submit comments on the anticipated effects of such proposed program on the human, marine, and coastal environments, including the likelihood of occurrence and potential severity of spills and chronic pollution;

“(C) the Secretary of the department in which the Coast Guard is operating may submit comments on the adequacy of the Federal government's response capabilities for spills and chronic pollution that may occur as a result of such proposed program; and

“(D) any State, local government, or other person may submit comments and recommendations as to any aspect of such proposed program.”; and

(3) by striking “Attorney General” in sub-section (d)(2) and inserting “Attorney General, the Secretary of Commerce, the Secretary of the department in which the Coast Guard is operating.”.

SA 4285. Mr. SCHUMER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) For an additional amount for the Department of Justice, \$178,000,000, to remain available until September 30, 2012, of which—

(1) \$32,000,000 shall be used by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for—

(A) increasing the number of Project Gunrunner teams; and

(B) expanding ATF’s tracing capacity to address increased firearms trace demands generated by expanded use of the eTrace electronic tracking system along the international land border between the United States and Mexico;

(2) \$32,000,000 shall be used by the Drug Enforcement Administration (DEA) for—

(A) increasing DEA’s electronic surveillance and intercept capacity along the international land border between the United States and Mexico;

(B) expanding DEA’s capacity for judicialized wiretaps performed by Sensitive Investigative Units in drug source and transit countries; and

(C) expanding DEA’s successful Drug Flow Attack Strategy, which focuses on disrupting the flow of drug, money, and precursor chemicals between source zones and the United States;

(3) \$25,000,000 shall be used by the Federal Bureau of Investigation for—

(A) increasing the number of FBI Hybrid Squads to assist State and local law enforcement agencies to address kidnappings, homicides, and home invasion robberies;

(B) creating additional capability for processing DNA samples;

(C) strengthening existing Border Corruption Task Forces; and

(D) adding new Border Corruption Task Forces;

(4) \$33,000,000 shall be used by the Organized Crime and Drug Enforcement Task Force (OCDETF) for—

(A) supporting prosecutorial activities of the United States Attorneys’ Office and the Criminal Division arising from OCDETF investigations that target drugs trafficking along the international land border between the United States and Mexico and Mexican money laundering activities, including financial assistance for—

(i) increasing the number of positions in the United States Attorneys’ Office, 50 percent of which shall be attorneys; and

(ii) increasing the number of positions in the Criminal Division, a majority of which shall be attorneys; and

(B) supporting the 7 OCDETF Strike Forces;

(5) \$9,000,000 shall be used by the Criminal Division to provide additional support for the investigation and prosecution of transnational gangs, firearms and drug traffickers, and money laundering activities;

(6) \$12,000,000 shall be used by the Executive Office for Immigration Review, of which—

(A) \$6,000,000 shall be available for additional court personnel, including immigration judges, staff attorneys of the Board of Immigration Appeals, and support personnel; and

(B) \$6,000,000 shall be available for the expansion of the Legal Orientation Program;

(7) \$25,000,000 shall be used by the United States Marshals Service to combat criminal activity along the international land border between the United States and Mexico; and

(8) \$10,000,000 shall be used by the Detention Trustee to combat criminal activity along the international land border between the United States and Mexico.

(c) For an additional amount for “Salaries and Expenses” of U.S. Customs and Border Protection, \$64,000,000, to remain available until September 30, 2011—

(1) to hire 250 additional U.S. Customs and Border Protection officers and targeting personnel;

(2) for unmanned aircraft system pilots and sensor operators; and

(3) to expand border surveillance and outbound inspection operations.

(d) For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement” for U.S. Customs and Border Protection, \$120,000,000, to remain available until September 30, 2011, for procurement of 6 unmanned aircraft systems and supporting equipment.

(e) For an additional amount for “Construction and Facilities Management” for U.S. Customs and Border Protection, \$12,000,000, to remain available until expended, for construction and operation of 4 forward operating bases along the international land border between the United States and Mexico.

(f) Of the amount made available under the heading “BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY” under the heading “U.S. CUSTOMS AND BORDER PROTECTION” in title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83; 123 Stat. 2145), \$100,000,000, to remain available until September 30, 2011, shall be made available for critical fencing along the international land border between the United States and Mexico.

(g) For an additional amount for “Salaries and Expenses” of U.S. Immigration and Customs Enforcement, \$70,000,000, to remain available until September 30, 2011, for expansion of the Border Enforcement Security Task Force initiative along the international land border between the United States and Mexico, the hiring of additional special agents and intelligence analysts for the initiative, and the procurement of related equipment.

(h) For an additional amount for “Salaries and Expenses” of the Federal Law Enforcement Training Center, \$6,000,000, to remain available until September 30, 2011, for the training of additional U.S. Customs and Border Protection officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

(i)(1) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) shall be increased by

\$2,250 for applicants that are not publicly traded corporations and whose shares were first offered in a stock exchange based in the United States.

(2) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) shall be increased by \$2,000 for applicants—

(A) that employ 50 or more employees in the United States; and

(B) if more than 50 percent of the applicant’s employees are H-1B nonimmigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

(3) During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, all amounts collected pursuant to the fee increase authorized under this subsection shall be deposited in the General Fund of the Treasury.

SA 4286. Mr. SCHUMER (for himself, Mr. REID, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) For an additional amount for the Department of Justice, \$178,000,000, to remain available until September 30, 2012, of which—

(1) \$32,000,000 shall be used by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for—

(A) increasing the number of Project Gunrunner teams; and

(B) expanding ATF’s tracing capacity to address increased firearms trace demands generated by expanded use of the eTrace electronic tracking system along the international land border between the United States and Mexico;

(2) \$32,000,000 shall be used by the Drug Enforcement Administration (DEA) for—

(A) increasing DEA’s electronic surveillance and intercept capacity along the international land border between the United States and Mexico;

(B) expanding DEA’s capacity for judicialized wiretaps performed by Sensitive Investigative Units in drug source and transit countries; and

(C) expanding DEA’s successful Drug Flow Attack Strategy, which focuses on disrupting the flow of drug, money, and precursor chemicals between source zones and the United States;

(3) \$25,000,000 shall be used by the Federal Bureau of Investigation for—

(A) increasing the number of FBI Hybrid Squads to assist State and local law enforcement agencies to address kidnappings, homicides, and home invasion robberies;

(B) creating additional capability for processing DNA samples;

(C) strengthening existing Border Corruption Task Forces; and

(D) adding new Border Corruption Task Forces;

(4) \$33,000,000 shall be used by the Organized Crime and Drug Enforcement Task Force (OCDETF) for—

(A) supporting prosecutorial activities of the United States Attorneys' Office and the Criminal Division arising from OCDETF investigations that target drugs trafficking along the international land border between the United States and Mexico and Mexican money laundering activities, including financial assistance for—

(i) increasing the number of positions in the United States Attorneys' Office, 50 percent of which shall be attorneys; and

(ii) increasing the number of positions in the Criminal Division, a majority of which shall be attorneys; and

(B) supporting the 7 OCDETF Strike Forces;

(5) \$9,000,000 shall be used by the Criminal Division to provide additional support for the investigation and prosecution of transnational gangs, firearms and drug traffickers, and money laundering activities;

(6) \$12,000,000 shall be used by the Executive Office for Immigration Review, of which—

(A) \$6,000,000 shall be available for additional court personnel, including immigration judges, staff attorneys of the Board of Immigration Appeals, and support personnel; and

(B) \$6,000,000 shall be available for the expansion of the Legal Orientation Program;

(7) \$25,000,000 shall be used by the United States Marshals Service to combat criminal activity along the international land border between the United States and Mexico; and

(8) \$10,000,000 shall be used by the Detention Trustee to combat criminal activity along the international land border between the United States and Mexico.

(b)(1) For an additional amount for "Operation and Maintenance, Defense-Wide", \$50,000,000, to remain available until September 30, 2011, for, except as provided in paragraph (2), the deployment of 1,200 members of the National Guard to perform operations and missions under section 502(f) of title 32, United States Code, in the States along the international land border between the United States and Mexico.

(2) The Secretary of Defense may transfer the amounts appropriated pursuant to paragraph (1) to amounts available to the Department of Defense for military personnel, operation and maintenance, and procurement.

(c) For an additional amount for "Salaries and Expenses" of U.S. Customs and Border Protection, \$64,000,000, to remain available until September 30, 2011—

(1) to hire 250 additional U.S. Customs and Border Protection officers and targeting personnel;

(2) for unmanned aircraft system pilots and sensor operators; and

(3) to expand border surveillance and outbound inspection operations.

(d) For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" for U.S. Customs and Border Protection, \$120,000,000, to remain available until September 30, 2011, for procurement of 6 unmanned aircraft systems and supporting equipment.

(e) For an additional amount for "Construction and Facilities Management" for U.S. Customs and Border Protection, \$12,000,000, to remain available until expended, for construction and operation of 4 forward operating bases along the international land border between the United States and Mexico.

(f) Of the amount made available under the heading "BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY" under the heading "U.S. CUSTOMS AND BORDER PROTEC-

TION" in title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83; 123 Stat. 2145), \$100,000,000, to remain available until September 30, 2011, shall be made available for critical fencing along the international land border between the United States and Mexico.

(g) For an additional amount for "Salaries and Expenses" of U.S. Immigration and Customs Enforcement, \$70,000,000, to remain available until September 30, 2011, for expansion of the Border Enforcement Security Task Force initiative along the international land border between the United States and Mexico, the hiring of additional special agents and intelligence analysts for the initiative, and the procurement of related equipment.

(h) For an additional amount for "Salaries and Expenses" of the Federal Law Enforcement Training Center, \$6,000,000, to remain available until September 30, 2011, for the training of additional U.S. Customs and Border Protection officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

(i)(1) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) shall be increased by \$2,250 for applicants that are not publicly traded corporations and whose shares were first offered in a stock exchange based in the United States.

(2) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) shall be increased by \$2,000 for applicants—

(A) that employ 50 or more employees in the United States; and

(B) if more than 50 percent of the applicant's employees are H-1B nonimmigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

(3) During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, all amounts collected pursuant to the fee increase authorized under this subsection shall be deposited in the General Fund of the Treasury.

SA 4287. Mr. SHELBY (for himself, Mr. VITTER, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, insert the following:

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2002.

(1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administra-

tion, \$20,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$15,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, \$1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

IN GENERAL.—Of the amounts appropriated or made available under Division B, Title III of Public Law 111-117 that remain unobligated as of the date of the enactment of this Act for ISS Cargo Crew Services, \$36,000,000 of the amounts appropriated are hereby rescinded.

SA 4288. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 3 and 4, add the following:

SEC. 2. OUTER CONTINENTAL SHELF.

Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended by adding at the end the following:

“(e) OUTER CONTINENTAL SHELF.—

“(1) IN GENERAL.—The liability for an incident on the outer Continental Shelf occurring during the period beginning on the date of enactment of this subsection and ending on December 31, 2025, shall be determined in accordance with this subsection.

“(2) INITIAL LIABILITY.—

“(A) IN GENERAL.—Each lease for oil and gas exploration, production, or development issued by the Secretary of the Interior after the date of enactment of this subsection shall have, as a condition of the lease, a requirement that the lessee have and maintain financial protection in the form of liability insurance from private sources of such type and in such amounts as the Secretary of the Interior determines to be necessary to cover public liability claims in a minimum aggregate amount of \$300,000,000.

“(B) INDEMNIFICATION; PUBLIC LIABILITY.—In a case in which financial protection is required for a lessee under subparagraph (A), the lessee shall, as a further condition of a lease for oil and gas exploration, production, or development, be required—

“(i) to execute and maintain an indemnification agreement to indemnify and hold

harmless the lessee and other persons indemnified, as the interest of those persons may appear, from public liability arising from incidents on the outer Continental Shelf the liability claims with respect to which are in excess of the level of financial protection required of the lessee;

“(ii) to execute and maintain an agreement with the Secretary of the Interior stating that the United States and other parties affected by the incident are not liable for damages with respect to the incident, and including an affirmation that the lessee is the responsible party with respect to that liability; and

“(iii) to waive any immunity from public liability conferred by law.

“(3) MAXIMUM LIABILITY OF LESSEE.—A lessee that is a responsible party for an incident on the outer Continental Shelf for which liability claims exceed, in the aggregate, the minimum aggregate amount covered by liability insurance under paragraph (2) shall be liable for additional liability claims relating to the incident up to a maximum aggregate amount of—

“(A) \$1,000,000,000; or

“(B) such greater amount as may be required by the Secretary of the Interior.

“(4) LIABILITY OF INDUSTRY.—

“(A) IN GENERAL.—If an incident on the outer Continental Shelf results in liability claims exceeding, in the aggregate, the maximum aggregate amount to be paid by the responsible party under paragraph (3), the additional claims shall be paid by all other entities conducting oil and gas exploration, production, or development activities on the outer Continental Shelf as of the date of the incident, as determined by the Secretary of the Interior, in accordance with subparagraph (B).

“(B) PROPORTIONAL PAYMENT.—The amount of liability claims to be paid under subparagraph (A) by an entity described in that subparagraph shall be determined by the Secretary of the Interior based on the proportion that—

“(i) the number of facilities operated by the entity on the outer Continental Shelf; bears to

“(ii) the total number of facilities operated by all entities on the outer Continental Shelf.”.

SA 4289. Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. KAUFMAN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4174 proposed by Mr. REID to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE V—OIL SPILL LIABILITY

SEC. 5001. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES.

(a) IN GENERAL.—Section 1004(a)(3) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(3)) is amended by striking “plus \$75,000,000” and inserting “and the liability of the responsible party under section 1002”.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on April 15, 2010.

SA 4290. Ms. LANDRIEU submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 74, strike line 13 and all that follows through page 79, line 3, and insert the following:

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Economic Development Assistance Programs”, to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$10,000,000, to remain available until expended, of which not less than \$5,000,000 shall be used to provide technical assistance grants in accordance with section 2002.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, \$13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses affected by the Deepwater Horizon oil spill:

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Office of the Secretary, Salaries and Expenses” for in-

creased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, \$29,000,000, to remain available until expended: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for “Science and Technology” for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, \$2,000,000, to remain available until expended: *Provided*, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: *Provided further*, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE

DEEPWATER HORIZON

SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting “: (1)” before “may obtain an advance” and after “the Coast Guard”;

(2) by striking “advance. Amounts” and inserting the following: “advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of \$100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts”.

SEC. 2002. OIL SPILL CLAIMS ASSISTANCE AND RECOVERY.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary of Commerce (referred to in this section as the “Secretary”) shall establish a grant program to provide to eligible (as determined by the Secretary) organizations technical assistance grants for use in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico (referred to in this section as the “oil spill”).

(b) APPLICATION.—An organization that seeks to receive a grant under this section shall submit to the Secretary an application for the grant at such time, in such form, and

containing such information as the Secretary shall require.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds from a grant provided under this section may be used by an eligible organization—

- (A) to support—
 - (i) education;
 - (ii) outreach;
 - (iii) intake;
 - (iv) language services;
 - (v) accounting services;
 - (vi) legal services offered pro bono or by a nonprofit organization;
 - (vii) damage assessments;
 - (viii) economic loss analysis;
 - (ix) collecting and preparing documentation; and
- (x) assistance in the preparation and filing of claims or appeals;

(B) to provide assistance to individuals or businesses seeking assistance from or under—

- (i) a party responsible for the oil spill;
- (ii) the Oil Spill Liability Trust Fund;
- (iii) an insurance policy; or
- (iv) any other program administered by the Federal Government or a State or local government;

(C) to pay for salaries, training, and appropriate expenses relating to the purchase or lease of property to support operations, equipment (including computers and telecommunications), and travel expenses;

- (D) to assist other organizations in—
 - (i) assisting specific business sectors;
 - (ii) providing services;
 - (iii) assisting specific jurisdictions; or
 - (iv) otherwise supporting operations; and
- (E) to establish an advisory board of service providers and technical experts—

(i) to monitor the claims process relating to the oil spill; and

(ii) to provide recommendations to the parties responsible for the oil spill, the National Pollution Funds Center, other appropriate agencies, and Congress to improve fairness and efficiency in the claims process.

(2) PROHIBITION ON USE OF FUNDS.—Funds from a grant provided under this section may not be used to provide compensation for damages or removal costs relating to the oil spill.

(d) PROVISION OF GRANTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall provide grants under this section.

(2) NETWORKED ORGANIZATIONS.—The Secretary is encouraged to consider applications for grants under this section from organizations that have established networks with affected business sectors, including—

- (A) the fishery and aquaculture industries;
- (B) the restaurant, grocery, food processing, and food delivery industries; and
- (C) the hotel and tourism industries.

(3) TRAINING.—

(A) IN GENERAL.—Not later than 30 days after the date on which an eligible organization receives a grant under this section, the Director of the National Pollution Funds Center and the parties responsible for the oil spill shall provide training to the organization regarding the applicable rules and procedures for the claims process relating to the oil spill.

(B) FAILURE TO PROVIDE TRAINING.—If a responsible party fails to provide training pursuant to this paragraph, the Secretary shall request the Attorney General to bring civil action against the responsible party or a guarantor in an appropriate United States district court for that purpose.

(4) AVAILABILITY OF FUNDS.—Funds from a grant provided under this section shall be available until the later of, as determined by the Secretary—

(A) the date that is 6 years after the date on which the oil spill occurred; and

(B) the date on which all claims relating to the oil spill have been satisfied.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report describing the use of funds under this section.

(f) APPLICABILITY.—This section shall take effect immediately upon enactment and shall apply to all responsible parties under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) for any incident that occurred prior to the date of enactment of this Act.

SEC. 2003. EMERGENCY DESIGNATIONS.

(a) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SA 4291. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL EMERGENCY GRANTS.

(a) APPROPRIATIONS FOR OIL SPILL RELIEF EMPLOYMENT.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for “Training and Employment Services” for the Employment and Training Administration of the Department of Labor, to carry out the provisions of subsections (a)(5) and (b) of section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918), \$50,000,000. Such amount shall be available on the date of enactment of this section, notwithstanding section 189(g)(1) of that Act (29 U.S.C. 2939(g)(1)) and remain available through June 30, 2011.

(b) PROGRAMS.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(5) to provide assistance to a State that is partially or completely within the boundaries of an area that is the subject of a presidential determination that additional resources are necessary to respond to an incident, as defined in subsection (h)(1)(A)(i)(I), to provide oil spill relief employment in the area and in offshore areas related to the incident, and related assistance, as described in subsection (h); and

“(6) to provide assistance to a State for technical assistance grants described in subsection (i).”.

(c) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following:

“(h) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—

“(1) IN GENERAL.—Funds made available under subsection (a)(5)—

“(A)(i) shall be used to provide oil spill relief employment on—

“(I) projects regarding cleaning, restoration, renovation, repair, and reconstruction of lands, marshes, waters, structures, and facilities located within the area of an incident related to a spill classified as a spill of national significance for the National Contingency Plan under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) (referred to in this subsection as an ‘incident’), as well as offshore areas related to such incident; and

“(II) projects that provide food, clothing, shelter, and other humanitarian assistance to individuals adversely affected by the incident;

“(ii) may be expended to provide employment and training activities related to the projects described in clause (i);

“(iii) may be expended to provide personal protective equipment to employees engaged in oil spill relief employment described in clause (i); and

“(iv) may be used to make subgrants to public and private agencies and organizations to engage in the projects;

“(B) may be used to increase the capacity of States to make available the full range of services authorized under this title, and provide information (in languages appropriate to the individuals served) about, and access to, the range of the public and private services available, to individuals adversely affected by the incident, through one-stop delivery system described in section 134(c), and other access points (including other public facilities, mobile service delivery units, and social services offices); and

“(C) may be used to provide temporary employment by public sector entities for a period of not more than 6 months, in addition to the oil spill relief employment described in subparagraph (A).

“(2) ELIGIBILITY.—An individual shall be eligible for any services described in paragraph (1)(B) or employment described in subparagraph (A) or (C) of paragraph (1) if such individual—

“(A) is temporarily or permanently laid off as a consequence of the incident;

“(B) is a dislocated worker;

“(C) is a long-term unemployed individual; or

“(D) meets such other criteria as the Secretary may establish.

“(3) LIMITATIONS ON OIL SPILL RELIEF EMPLOYMENT ASSISTANCE.—No individual shall be employed under subsection (a)(5) for more than 6 months for oil spill relief employment related to response to a single incident. After reviewing a request from the State involved for an extension of the employment, the Secretary may extend such employment related to response to a single incident for not more than an additional 6 months.

“(4) APPLICATIONS FOR ASSISTANCE.—To be eligible to receive assistance for a State as described in paragraph (1), the Governor of the State shall submit an application to the Secretary at such time, in such manner, and containing—

“(A) a detailed description of how the State will ensure the capacity of the one-

stop delivery system described in section 134(c) and other access points to—

“(i) provide individuals adversely affected by the incident with information, in languages appropriate to the individuals served, about the range of available services authorized under this title; and

“(ii) provide the adversely affected individuals with access to the range of the services;

“(B) a detailed description of how the State will prioritize individuals who are temporarily or permanently laid off as a consequence of the incident in the assignment of temporary employment positions; and

“(C) any other supporting information the Secretary may require.

“(5) REIMBURSEMENT.—

“(A) IN GENERAL.—Each responsible party under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), with respect to an incident, is liable for any costs incurred by the United States under this subsection (including paragraph (7)) or subsection (a)(5) for the that incident. The responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the Oil Spill Liability Trust Fund for all of the costs as well as the costs of the United States in administering its responsibilities under this subsection or subsection (a)(5) for that incident.

“(B) ACTION.—If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this subsection or subsection (a)(5), the Secretary shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court. The Attorney General shall bring the action for reimbursement of costs, in the amount of the demand, plus all costs incurred in obtaining payment, including prejudgment interest, attorney's fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under section 1004 of Oil Pollution Act of 1990 (33 U.S.C. 2704).

“(6) USE OF AVAILABLE FUNDS.—Funds appropriated for fiscal years 2009 and 2010 and remaining available for obligation by the Secretary to provide any assistance authorized under this section shall be available to provide that assistance, subject to paragraph (3), to eligible individuals described in paragraph (2), including employees who have relocated from areas in which an incident has occurred. Under such conditions as the Secretary may approve, any State may use funds that remain available for expenditure under any grants awarded to the State for fiscal year 2009, 2010, or 2011 under this section to provide that assistance to those eligible individuals. Funds used pursuant to the authority provided under this paragraph shall be reimbursed as described in paragraph (5).

“(7) RESERVATION OF FUNDS FOR ADMINISTRATIVE ACTIVITIES OF THE DEPARTMENT OF LABOR.—The Secretary may reserve not more than 1 percent of the funds available to carry out this subsection and transfer the reserved funds to appropriate Department of Labor accounts. The Secretary shall transfer the funds to accounts for program administration and support activities in the Department of Labor associated with this subsection, and for increased worker protection and workplace benefit activities and oversight and coordination activities in connection with the application of laws (including regulations) associated with the Department's response to spills described in subsection (a)(5). Funds used pursuant to the authority provided under this paragraph shall be reimbursed as described in paragraph (5).

“(8) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing the use of the funds made available to carry out this subsection.”

(d) OIL SPILL CLAIMS ASSISTANCE AND RECOVERY REQUIREMENTS.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918), as amended by subsection (c), is further amended by adding at the end the following:

“(i) OIL SPILL CLAIMS ASSISTANCE AND RECOVERY REQUIREMENTS.—

“(1) GRANTS.—A State board shall use funds made available under subsection (a)(6) to provide, to eligible nonprofit organizations, technical assistance grants for use in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico (referred to in this subsection as the ‘oil spill’). Determinations of the criteria for eligible nonprofit organizations shall be made by the Secretary, except that the Secretary may elect to give a State board the authority to make such a determination within that State.

“(2) APPLICATION.—An organization that seeks to receive a grant under this subsection shall submit to the State board an application for the grant such time, in such form, and containing such information as the State board shall require.

“(3) PROVISION OF GRANTS.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the State board shall provide grants under this subsection.

“(B) NETWORKED ORGANIZATIONS.—The State board shall, to the maximum extent practicable, consider applications for grants under this subsection from organizations that have established networks with affected business sectors, including—

“(i) the fishery and aquaculture industries;

“(ii) the restaurant, grocery, food processing, and food delivery industries; and

“(iii) the hotel and tourism industries.

“(4) USE OF FUNDS.—

“(A) IN GENERAL.—Funds from a grant provided under this subsection may be used by an eligible organization—

“(i) to support—

“(I) education;

“(II) outreach;

“(III) intake;

“(IV) language services;

“(V) accounting services;

“(VI) legal services offered pro bono or by a nonprofit organization;

“(VII) damage assessments;

“(VIII) economic loss analysis;

“(IX) collecting and preparing documentation; and

“(X) assistance in the preparation and filing of claims or appeals;

“(ii) to provide assistance to individuals or businesses seeking assistance from or under—

“(I) a party responsible for the oil spill;

“(II) the Oil Spill Liability Trust Fund;

“(III) an insurance policy; or

“(IV) any other program administered by the Federal Government or a State or local government;

“(iii) to pay for salaries, training, and appropriate expenses relating to the purchase or lease of property to support operations, equipment (including computers and telecommunications), and travel expenses;

“(iv) to assist other organizations—

“(I) assisting specific business sectors;

“(II) providing services;

“(III) assisting specific jurisdictions; or

“(IV) otherwise supporting operations; and

“(v) to establish an advisory board of service providers and technical experts—

“(I) to monitor the claims process relating to the oil spill; and

“(II) to provide recommendations to the parties responsible for the oil spill, the National Pollution Funds Center, other appropriate agencies, and Congress to improve fairness and efficiency in the claims process.

“(B) PROHIBITION ON USE OF FUNDS.—Funds from a grant provided under this subsection may not be used to provide compensation for damages or removal costs relating to the oil spill.

“(5) TRAINING.—Not later than 30 days after the date on which an eligible organization receives a grant under this subsection, the Director of the National Pollution Funds Center and the parties responsible for the oil spill shall provide training to the organization regarding the applicable rules and procedures for the claims process relating to the oil spill.

“(6) AVAILABILITY OF FUNDS.—Funds from a grant provided under this subsection shall be available until the later of, as determined by the Secretary—

“(A) the date that is 6 years after the date on which the oil spill occurred; and

“(B) the date on which all claims relating to the oil spill have been satisfied.”

(e) EFFECTIVE DATE.—This section, and the amendments made by this section, take effect on the date of enactment of this Act. The amendment made by subsection (c) applies to all responsible parties for incidents (as defined in section 173(h) of the Workforce Investment Act of 1998) under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), including any party determined to be liable under the Oil Pollution Act of 1990 for such an incident that occurred prior to the date of enactment of this Act.

(f) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This section is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this section is designated as an emergency requirement pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4292. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 2 and 3, insert the following:

SEC. 608. COMPLIANCE WITH ENVIRONMENTAL LAWS.

For an interoperable communications system facility for which construction began before June 1, 2009 using a grant made under section 573 of division E of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 2093), section 10501 of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3592), or section 603 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1882), if the facility is determined to be in compliance with Federal environmental laws under standards established by the Federal Communications Commission, the facility

shall be deemed in compliance with standards established by the Federal Emergency Management Agency relating to Federal environmental laws.

SA 4293. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, after line 12 insert the following (or where best appropriate)

FEDERAL TRANSPARENCY

SEC 20. For all programs administered competitively or as sole source, the Secretary of the Department of Transportation, the Secretary of Housing and Urban Development and any other large agencies (with staffing over 500 FTEs) are required to file in the Federal Register the following transparency information, including, but limited, to information including the name, address and phone number of each successful grantee, and each grant award amount. Each agency shall provide the minimum criteria and process for the decisionmaking. Within three days prior to publication in the Federal Agency, all cost shares and leveraging of funds within the grant program shall be included as well as any other sources of Federal, State or private funds. In addition, within three days of publication, each relevant agency shall be required to submit to the primary House and Senate committees all back-up information and materials on the methodology of the award selections, including how these awards are consistent with program assistance and goals; also included shall be all benchmarks and deadlines including rationales for the program(s)."

SA 4294. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4175 proposed by Mr. LAUTENBERG to the bill H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(C) **LIABILITY FOR DEEPWATER HORIZON OIL SPILL.**—

(1) **IN GENERAL.**—Congress finds that—

(A) executives of British Petroleum Exploration & Production, Incorporated (referred to in this subsection as "BP") testified before Congress in May 2010 that BP would pay all legitimate claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations;

(B) a letter from the Group Chief Executive of BP to the Secretaries of Homeland Security and the Interior dated May 16, 2010, evidences an offer of BP to modify the oil and gas leasing contract involved in the Deepwater Horizon incident to incorporate new terms of liability by stating that BP is "prepared to pay above \$75 million" on "all legitimate claims" relating to that explosion and oil spill;

(C) that offer is acceptable to Congress and to the Secretary of the Interior;

(D) all documented legitimate claims pursuant to the Oil Pollution Act of 1990 (33

U.S.C. 2701 et seq.) for economic damages relating to the Deepwater Horizon explosion and oil spill should be paid by BP without limit on liability;

(E) BP should provide to the Federal Government any claims relating to the Deepwater Horizon explosion and oil spill that BP fails to pay; and

(F) if the Federal Government finds pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) that such claims are legitimate under that Act, the claims should be returned to BP for immediate payment.

(2) **DIRECTIVE TO SECRETARY OF THE INTERIOR.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of the Interior (referred to in this subsection as the "Secretary") shall—

(i) accept the new terms of liability offered by BP in the letter described in paragraph (1)(B); and

(ii) consider the oil and gas leasing contract involved in the Deepwater Horizon incident as being amended to reflect those new terms.

(B) **PAYMENT OF CLAIMS.**—

(i) **IN GENERAL.**—As an inherent condition of the amended lease described in subparagraph (A), BP shall present to the Secretary each claim relating to the Deepwater Horizon explosion and oil spill that BP fails to pay.

(ii) **FINDING OF LEGITIMACY.**—As a further inherent condition of the amended lease, if the Secretary finds a claim described in clause (i) to be legitimate for payment by BP, the claim shall be returned to BP for immediate payment.

SA 4295. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EXCISE TAX ON PATENT TERM EXTENSIONS.

(a) **EXCISE TAX ON PATENT TERM EXTENSIONS GRANTED PURSUANT TO CERTAIN EXTENSION REQUESTS.**—Chapter 36 of the Internal Revenue Code of 1986 is amended by adding after subchapter D the following new subchapter:

"Subchapter E—Tax on Patent Term Extensions Granted Pursuant to Certain Extension Requests

"SEC. 4491. IMPOSITION OF TAX.

"(a) **IMPOSITION OF TAX.**—A tax is hereby imposed on the acceptance of an extension of a patent term pursuant to a request under section 156(i) of title 35, United States Code.

"(b) **AMOUNT OF TAX.**—

"(1) **IN GENERAL.**—The amount of tax imposed by subsection (a) shall be—

"(A) \$65,000,000 with respect to any application for a patent term extension, filed with the United States Patent and Trademark Office before the date of the enactment of this section, for a drug intended for use in humans that is in the anticoagulant class of drugs; or

"(B) the amount determined under paragraph (2) with respect to any other application for a patent term extension.

"(2) **CALCULATION OF TAX.**—The amount determined under this paragraph is the amount which the Secretary estimates to be equal to the sum of—

"(A) any net increase in direct spending arising from the extension of the patent

term (including direct spending of the United States Patent and Trademark Office and any other department or agency of the Federal Government),

"(B) any net decrease in revenues arising from such patent term extension, and

"(C) any indirect reduction in revenues associated with payment of the tax under this section.

"(3) **DETERMINATION BY SECRETARY.**—The Secretary, in determining the amount under paragraph (2), shall consult with the Director of the Office of Management and Budget, the Director of the United States Patent and Trademark Office, and either the Secretary of Health and Human Services or, in the case of a drug product subject to the Act commonly referred to as the 'Virus-Serum-Toxin Act' (21 U.S.C. 151 et seq.), the Secretary of Agriculture.

"(c) **BY WHOM PAID.**—The tax imposed by this section shall be paid by the owner of record of the patent, or its agent. The Director of the United States Patent and Trademark Office, after consultation with the Secretary, shall inform the owner of record of the patent, or its agent, of the tax determined under subsection (b) at the time the Director provides notice of the length of the period of the extension of the patent term that will become effective pursuant to a request under section 156(i) of title 35, United States Code.

"(d) **PAYMENT.**—The tax imposed by this section shall be payable within 60 days after the Director of the United States Patent and Trademark Office provides notice to the owner of record of the patent, or its agent, under subsection (c) of the amount of tax imposed. Unless such payment is made within such 60 days, a patent term extension pursuant to a request under section 156(i) of title 35, United States Code, shall not become effective and no tax shall be due under this section.

"(e) **TAX PAYMENT NOT AVAILABLE FOR OBLIGATION.**—Taxes received under this section are not available for obligation."

(b) **CLERICAL AMENDMENT.**—The table of subchapters for chapter 36 of such Code is amended by adding after the item relating to subchapter D the following new item:

"SUBCHAPTER E. TAX ON PATENT TERM EXTENSIONS GRANTED PURSUANT TO CERTAIN EXTENSION REQUESTS."

(c) **AMENDMENT.**—Section 156 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(i) **ACCEPTANCE OF FILINGS IN CERTAIN CASES.**—The Director shall accept an application under this section that was filed not later than 3 business days after the expiration of the 60-day period provided in subsection (d)(1) if the owner of record of the patent, or its agent, submits a request to the Director to proceed under this subsection not later than 5 business days after the expiration of that 60-day period. An application accepted by the Director under this subsection shall be treated as if it had been filed within the period specified in subsection (d)(1)."

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 156(d)(1) of title 35, United States Code, is amended in the second sentence, by inserting "or subsection (i)" after "paragraph (5)".

(2) Section 156 (e)(2) of title 35, United States Code, is amended by inserting "or before a request under subsection (i) respecting the application is resolved" after "respecting the application" and inserting "certificate of extension" after "such".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to any application for a patent term extension pursuant to section 156 of title 35, United States Code—

(A) that is made on or after the date of the enactment of this Act, or

(B) that, on the date of the enactment of this Act, is pending, that is described in section 4491(b)(1)(A) of the Internal Revenue Code of 1986 as added by subsection (a) of this section, or as to which a decision denying the application is subject to judicial review on such date.

(2) TREATMENT OF CERTAIN APPLICATIONS.—In the case of any application described in paragraph (1)(B), the 5-business-day period specified in section 156(i) of title 35, United States Code, as added by subsection (c) of this section, shall be deemed to begin on the date of the enactment of this Act, and, if the original term of the patent to be extended has expired, any extension or interim extension of the term of the patent granted pursuant to a request under section 156(i) of title 35, United States Code, shall be effective from the original expiration date of the patent.

NOTICE OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XVI, and rule XXII, Paragraph 2, for the purpose of proposing and considering the following amendment to H.R. 4899, including germaneness requirements:

At the appropriate place, insert the following:

SEC. __. BORDER FENCE COMPLETION.

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: “Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) not later than 1 year after the date of the enactment of the Supplemental Appropriations Act, 2010, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).”; and

(3) in subparagraph (C), by adding at the end the following:

“(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).”.

(b) REPORT.—Not later than 180 days after the date of the enactment of the Supplemental Appropriations Act, 2010, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section

102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by this section; and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Wednesday, June 9, 2010, at 3 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 2891, a bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; S. 2779/H.R. 3671, a bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; S. 3387, a bill to provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, and for other purposes; S. 3404, a bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes; and H.R. 4252 to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Gina_Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo at or Gina Weinstock.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 26, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 26, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet during the session of the Senate on May 25, 2010, at 10 a.m. in room 430 of the Dirksen building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 26, 2010, at 10 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on May 26, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFRICAN AFFAIRS SUBCOMMITTEE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 26, 2010, at 2:30 p.m., to hold an African Affairs subcommittee hearing entitled “Assessing Challenges and Opportunities for Peace in Sudan.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 26, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, on May 26, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate

Office Building, to conduct a hearing entitled "The Legality and Efficacy of Line-Item Veto Proposals."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on May 26, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DORGAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on May 26, 2010, from 2–5 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Daniel Garbe, a State Department fellow, and Jeffrey Moulton, a military fellow, who are working in Senator TED KAUFMAN's office, be granted the privileges of the floor for the duration of the Senate's consideration of H.R. 4899, the supplemental appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNIZING JUNE 2010 AS HHT MONTH

Mr. DURBIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 508 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 508) recognizing June 2010 as National Hereditary Hemorrhagic Telangiectasia (HHT) month established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. 508) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 508

Whereas, according to the HHT Foundation International, Hereditary Hemorrhagic Telangiectasia (HHT), also referred to as Osler-Weber-Rendu Syndrome, is a long-neglected national health problem that affects approximately 70,000 (1 in 5,000) people in the United States and 1,200,000 people worldwide;

Whereas HHT is an autosomal dominant, uncommon complex genetic blood vessel disorder, characterized by telangiectases and artery-vein malformations that occurs in major organs including the lungs, brain, and liver, as well as the nasal mucosa, mouth, gastrointestinal tract, and skin of the face and hands;

Whereas left untreated, HHT can result in considerable morbidity and mortality and lead to acute and chronic health problems or sudden death;

Whereas according to the HHT Foundation International, 20 percent of those with HHT, regardless of age, suffer death and disability;

Whereas according to the HHT Foundation International, due to widespread lack of knowledge of the disorder among medical professionals, approximately 90 percent of the HHT population has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

Whereas the HHT Foundation International estimates that 20 to 40 percent of complications and sudden death due to these "vascular time bombs" are preventable;

Whereas patients with HHT frequently receive fragmented care from practitioners who focus on 1 organ of the body, having little knowledge about involvement in other organs or the interrelation of the syndrome systemically;

Whereas HHT is associated with serious consequences if not treated early, yet the condition is amenable to early identification and diagnosis with suitable tests, and there are acceptable treatments available in already-established facilities such as the 8 HHT Treatment Centers of Excellence in the United States; and

Whereas adequate Federal funding is needed for education, outreach, and research to prevent death and disability, improve outcomes, reduce costs, and increase the quality of life for people living with HHT: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need to pursue research to find better treatments, and eventually, a cure for HHT;

(2) recognizes and supports the HHT Foundation International as the only advocacy organization in the United States working to find a cure for HHT while saving the lives and improving the well-being of individuals and families affected by HHT through research, outreach, education, and support;

(3) supports the designation of June 2010 as National Hereditary Hemorrhagic Telangiectasia (HHT) month, to increase awareness of HHT;

(4) acknowledges the need to identify the approximately 90 percent of the HHT population that has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

(5) recognizes the importance of comprehensive care centers in providing complete care and treatment for each patient with HHT;

(6) recognizes that stroke, lung, and brain hemorrhages can be prevented through early diagnosis, screening, and treatment of HHT;

(7) recognizes severe hemorrhages in the nose and gastrointestinal tract can be controlled through intervention, and that heart failure can be managed through proper diagnosis of HHT and treatments;

(8) recognizes that a leading medical and academic institution estimated that \$6,600,000,000 of 1-time health care costs can be saved through aggressive management of HHT in the at-risk population; and

(9) encourages the people of the United States and interested groups to observe and support the month through appropriate programs and activities that promote public awareness of HHT and potential treatments for it.

NATIONAL BRAIN TUMOR AWARENESS MONTH

Mr. DURBIN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration and the Senate proceed to S. Res. 537.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 537) designating May 2010 as "National Brain Tumor Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 537) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 537

Whereas 62,000 Americans are diagnosed with a primary brain tumor each year and 150,000 more are diagnosed with a metastatic brain tumor that results from cancer spreading from another part of the body to the brain;

Whereas brain tumors are the leading cause of death from solid tumors in children under the age of 20 and are the third leading cause of death from cancer in young adults ages between the ages of 20 and 39;

Whereas brain tumors may be malignant or benign, but can be life-threatening in either case;

Whereas 612,000 Americans have been diagnosed and are living with a brain tumor;

Whereas the treatment of brain tumors is complicated by the fact that more than 120 different types of brain tumors exist;

Whereas the treatment of brain tumors presents significant challenges because of—

(1) the location of brain tumors in an enclosed bony canal;

(2) the difficulty of delivering treatment across the blood-brain barrier;

(3) the obstacles to complete surgical removal of the tumors; and

(4) the serious edema that results when the blood-brain barrier is disrupted;

Whereas brain tumors have been described as a disease that affects the essence of "self";

Whereas brain tumor research is supported by a number of private nonprofit research foundations and by institutes at the National Institutes of Health, including the National Cancer Institute and the National Institute for Neurological Disorders and Stroke;

Whereas important advances have been made in understanding brain tumors, including the genetic characterization of glioblastoma multiforme, 1 of the deadliest forms of brain tumor;

Whereas advances in basic research may fuel the research and development of new treatments;

Whereas daunting obstacles still remain to the development of new treatments, and no strategies for the screening or early detection of brain tumors exist;

Whereas a need for greater public awareness of brain tumors exists, including awareness of the difficulties associated with research on brain tumors and the opportunities for advances in brain tumor research and treatment; and

Whereas May, when brain tumor advocates nationwide unite in awareness, outreach, and advocacy activities, would be an appropriate month to recognize as National Brain Tumor Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2010 as "National Brain Tumor Awareness Month";

(2) encourages increased awareness of brain tumors to honor those individuals who have lost their lives to brain tumors, as well as those individuals who are living with brain tumors;

(3) supports efforts to develop better treatments for brain tumors that will improve the quality of life and their long-term prognosis of those individuals diagnosed with a brain tumor;

(4) expresses the support of the Senate for those individuals who are battling brain tumors, as well as the families, friends, and caregivers of those individuals; and

(5) urges a collaborative public-private approach to brain tumor research as the best means of advancing basic knowledge of, and treatments for, brain tumors.

NATIONAL SMALL BUSINESS WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 540 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 540) honoring the entrepreneurial spirit of small business in the United States during "National Small Business Week," beginning May 23, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 540) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 540

Whereas the approximately 29,600,000 small businesses in the United States are the driving force behind the economy of the Nation, creating more than 64 percent of all net new jobs and generating more than 50 percent of the non-farm gross domestic product of the Nation;

Whereas small businesses will play an integral role in rebuilding the economy of the Nation;

Whereas small businesses are the Nation's innovators, producing 13 times more patents per employee as large firms, and advancing technology and productivity;

Whereas only 1 percent of all small businesses export and produce 31 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small businesses in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total purchases, contracts, and subcontracts for property and services for the Federal Government are placed with small businesses, to make certain that a fair proportion of the total sales of Federal Government property are made to such small businesses, and to maintain and strengthen the overall economy of the Nation;

Whereas every year since 1963 the President of the United States has proclaimed a National Small Business Week to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2010, "National Small Business Week" will honor the estimated 29,600,000 small businesses in the United States;

Whereas the Small Business Administration has helped small businesses with access to critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for government contracts, and improved the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 23, 2010, as "National Small Business Week": Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small businesses in the United States during "National Small Business Week", beginning May 23, 2010;

(2) applauds the efforts and achievements of the owners of small businesses and their employees, whose hard work and commitment to excellence have made them a key part of the economic vitality of the Nation;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small businesses; and

(4) recognizes the importance of ensuring that—

(A) the applicable procurement goals for small businesses, including the goals for small businesses owned and controlled by

service-disabled veterans, small businesses owned and controlled by women, HUBZone small businesses, and socially and economically disadvantaged small businesses, are reached by all Federal agencies;

(B) guaranteed loans and microloans for start-up and growing small businesses, are made available to all qualified small businesses;

(C) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women's Business Centers, Veterans Business Outreach Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide small businesses the technical assistance and counseling that they desperately need;

(D) small business disaster assistance through the Small Business Administration is provided in a timely and efficient manner;

(E) Federal tax policy spurs small business growth, creates jobs, and increases competitiveness;

(F) the Federal Government reduces the regulatory compliance burden on small businesses;

(G) advanced technology policy facilitates access to affordable broadband Internet service to foster rural small business growth; and

(H) systems of intellectual property protection continues to foster small business innovation.

ORDERS FOR THURSDAY, MAY 27, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m. on Thursday, May 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4899, as provided for under the previous order; further, I ask that the filing deadline for second degree amendments be 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, tonight we were able to reach an agreement that would provide for a series of up to seven rollcall votes beginning at approximately 10 a.m. tomorrow morning.

ORDER FOR RECESS

Mr. DURBIN. Mr. President, if there is no further business coming before the Senate, I ask unanimous consent that it recess under the previous order, following the remarks of Senator KERRY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATENT TERM RESTORATION

Mr. KERRY. Mr. President, I wish to send an amendment to the desk for the purpose of filing at a later time, if it is appropriate. Can they simply hold it at the desk?

The PRESIDING OFFICER. The amendment can be received at the desk.

Mr. KERRY. Mr. President, the amendment I have sent to the desk is an amendment that is very important. It is important to us in Massachusetts, but it is also important to a certain number of companies in this country that may find themselves in a similar situation.

I wish to express my strong support on the Senate floor tonight for the inclusion of this amendment in the upcoming House tax extenders bill. The purpose of this amendment is to fix a complete anomaly in the patent law that is vital to our State. Let me explain.

The House provision that is being contemplated will allow for a patent application to be filed up to 30 days late, with a penalty to be paid by the filer to the Patent and Trademark Office. This provision has been drafted so that it can be included in the tax extenders bill. Let me explain why this is important and what it does.

The Medicines Company, which is a New Jersey startup company, licensed Angiomax. That is the name of the product. It is a synthetic blood thinner. That company invested \$200 million in R&D, and it gained FDA approval for this product.

In 2001, the Angiomax's patent term restoration application was unintentionally filed after the close of business on the day of the filing deadline. It was filed electronically. Because it was filed electronically on the day of the deadline beyond the close of business in the office, in terms of daytime presence, it was deemed to be filed 1 day late. It was ruled as being filed 1 day late by the Patent and Trademark Office subsequently.

I remember when I was in law school, people taught me often that sometimes the law can have a rigidity that has no common sense and no application to day-to-day life. We had a more pejorative term for what we called the law under those circumstances.

The fact is, as a result, the Medicines Company lost almost 5 years of earned patent protection with a value of roughly \$1 billion.

As former Surgeon General Dr. Louis Sullivan said:

The fate of this corrective provision could be a matter of life and death for tens of thou-

sands of patients. The reality is that stark. As drug innovators develop pioneering medicines, the benefits available to patients are increasing. These medical innovators' ability to conduct lifesaving research should not be thwarted by a confusing filing deadline.

That was the Surgeon General of the United States speaking.

The provision I submitted in an amendment will simply allow for a patent application to be filed up to 30 days late, not just for this company but for any company in a similar situation, with a penalty to be paid by them to the Patent and Trademark Office.

Is this something out of the ordinary? No, it is not. Existing patent law provides grace periods in up to 30 similar situations. But it provides no grace period for a late patent term restoration application, just one aberration within the framework of patent filings. This provision is consistent with the Hatch-Waxman patent restoration filing process and over 30 other provisions of patent law which provide for deadline adjustments in order to avoid precisely the kind of drastic and disproportionate result we see in this situation. The provision provides a modest 3-day grace period if the filing delay is unintentional. It also requires successful applicants to pay the U.S. Treasury a late filing fee to offset any cost to the Federal Government.

Twice during the 110th Congress, the House passed legislation unanimously to correct this anomaly. The Senate Judiciary Committee reported a similar provision offered by Senator Kennedy on a bipartisan vote of 14 to 2. Unfortunately, these provisions were not enacted into law during the 110th Congress. During this Congress, despite the efforts of Senate Judiciary Chairman LEAHY, the Senate has not found the moment to consider this critically needed patent reform legislation.

The Congressional Budget Office projects that the provision will produce approximately \$30 million in new revenues to our government over the next 10 years. Two recent independent economic studies confirm that the provision will save up to \$1.3 billion in costs for the private hospital system over the course of the next 10 years.

Nearly 50 of the Nation's leading doctors have written to Congress urging the enactment of this provision because it will allow lifesaving medical research in the treatment and prevention of heart disease and stroke—the first and third leading causes of death and disability in the United States—to move forward. Without this critical legislation, many thousands of patients will be consigned to continued medical treatment with antiquated drugs rather than safer, modern synthetic innovations.

Unless the provision is enacted promptly, up to 3,500 jobs in 6 States may be lost, including up to 2,500 in the State of Massachusetts. These jobs include irreplaceable high-skilled jobs

developed by small business medical innovators. At this moment in our economy, the last thing we want to do is strip ourselves of revenues, strip ourselves of income, strip ourselves of jobs, and leave our patients in a less cared for and potentially lifesaving environment than they would be with this. Mr. President, we can't afford to allow that to happen, and I don't think Congress should allow a bureaucratic misinterpretation of the law to hurt our Nation's public health and to cause severe job losses. The provision's enactment will prevent these job losses, and it will create new highly skilled jobs.

The amendment provides a 3-day grace period for the filing of Hatch-Waxman patent term restoration applications. This provision of a grace period, as I said, is consistent with more than 30 other provisions of patent law.

The bill corrects a harmful and confusing procedural anomaly that has caused 78 percent of medical innovators—78 percent—to miscalculate the deadline to regain the patent life they earned during the costly and rigorous FDA review process.

So I reiterate: The current filing period is so confusing that only 22 out of 100 medical innovators have been able to calculate the law's 60-day filing period accurately. The current filing period is a trap for the unaware, and penalties are vastly out of proportion to the impact of having accidentally missed by a few hours, when you actually file correctly on the same day, the application that is due.

Mr. President, I hope this amendment will be in the tax extenders bill, and I intend to fight to see that it is. I think it is an appropriate public policy decision in the best interests of our country and of the American citizens.

I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate will stand in recess until Thursday, May 27, at 9:30 a.m.

Thereupon, the Senate, at 7:36 p.m., recessed until Thursday, May 27, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MATTHEW J. BRYZA, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

MARK CHARLES STORELLA, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

| | | |
|--|--|---|
| IN THE ARMY | <i>To be lieutenant general</i> | SERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211: |
| THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601: | LT. GEN. FRANCIS H. KEARNEY III | |
| | THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RE- | <i>To be brigadier general</i> |
| | | COL. WALTER T. LORD |

HOUSE OF REPRESENTATIVES—Wednesday, May 26, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 26, 2010.

I hereby appoint the Honorable JESSE L. JACKSON, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: "Rejoice in the Lord always, again I say rejoice."

Here is another day of creation; another opportunity to serve God's people in this land of freedom.

By the Spirit, may the Lord lift us in prayer renewing our faith. Knowing that lasting goodness is discovered in the Lord alone; and human freedom is a gift given to all the children of God; may Congress give the Lord glory by accomplishing great deeds in His Holy Name.

In the process, may we encourage one another and live in harmony and peace both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Arizona (Mrs. KIRKPATRICK) come forward and lead the House in the Pledge of Allegiance.

Mrs. KIRKPATRICK of Arizona led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without

amendment a bill of the House of the following title:

H.R. 5128. An act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the "Stewart Lee Udall Department of the Interior Building".

The message also announced that the Senate has agreed to without amendment a concurrent resolution of the following title:

H. Con. Res. 211. Concurrent resolution recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

F-35 JOINT STRIKE FIGHTER

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Congress has supported a competitive acquisition for the F-35 Joint Strike Fighter engine for the last 14 years for good reason. The total program is expected to cost more than \$100 billion over the next 30 to 40 years. The Government Accounting Office has concluded that competition between engine suppliers could provide a life-cycle cost savings of over 20 percent.

A competitive F-35 engine program would also reap other benefits such as increased reliability, improved contractor responsiveness, a more robust industrial base, and less chance to ground the entire fleet to fix a problem.

Chairman ANDREWS and Ranking Member CONAWAY of the bipartisan House Defense Acquisition Reform Panel have stated that annual engine competition will make both engines better and save taxpayers money—up to \$21 billion based on the F-16 experience.

The development of the alternative engine is now nearly 75 percent complete. To pull the plug on this program would forfeit \$3 billion in taxpayer funds that have already been spent.

Competition saves taxpayers money. It's been proven to on the other fighter engine program. Why would we write a blank check to a single supplier for 40 years?

REPUBLICAN INTERACTIVE INITIATIVES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Republicans are leading the charge on creative interactive initiatives that give the American people a seat in Congress. Hardworking taxpayers are rightfully frustrated by business as usual in Washington, particularly when it comes to liberals dragging their feet on job creation bills while continuing to rack up government spending.

AmericaSpeakingOut.com, launched yesterday by Chief Deputy Whip KEVIN MCCARTHY, will provide a forum for concerned Americans to make their voices heard and share policy concepts. I believe that this online forum will have more job creation proposals and more concepts on how to cut spending in just 1 day than the Washington liberals have presented all year.

I encourage South Carolina residents and Americans across the country to go to AmericaSpeakingOut.com to amplify your proposals on fiscal accountability, national security, American jobs, and values. It is time for you to speak out and speak up.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

NATURE'S GOD IS IN ALL OF US

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. The theologian Thomas Barry wrote that the great work of our lives is to reconcile with nature, to come to establish a communion with every living species on the planet—with all humans, all animals and plants, with the land, the air, and the water. As children of a common Creator, we are part of every living thing. This requires reverence for the natural world.

When we look at the oil disaster in the Gulf of Mexico, we learn how far we must journey to reconcile with nature. The false doctrine of subduing the natural world puts us in danger of extinction because it ultimately attacks the precondition of human existence and because it separates us from an understanding of the essential interconnectedness of all life.

So we're lulled into distancing ourselves from the oil disaster, from its effects on the natural world, from its effects on future generations. Nature's God is not just up there, but it's in all of us. And only when we truly understand the deep significance of the Deepwater Horizon disaster will we be prepared to take a new direction not only with our energy policies but with our way of life.

GOVERNMENT MAKING IT HARDER

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, this week the House is going to consider another so-called jobs bill, but what is really in this bill? Certainly not many private sector jobs or real help to America's small businesses.

Extending unemployment compensation is necessary, but it's not creating jobs. A delayed fix to the Medicare reimbursement rate isn't creating new jobs. Billions of dollars to bail out State Medicaid programs isn't jobs. Welfare payments aren't jobs. We're about to spend \$200 billion on a so-called jobs bill without creating any private sector jobs.

Just a few months ago, I polled 16,000 of my constituents. Only 12 percent of them believe that government policies are making it easier to create jobs. Is it any wonder that Americans have this opinion?

The so-called jobs bill this week permanently raises taxes in order to pay for 1-year tax extensions. Unemployment is near 10 percent. Millions more Americans have just given up looking for a job. It's far past time that we stopped making it harder for businesses to hire and started providing real help through regulatory relief and targeted tax breaks. That would be a real jobs bill.

NATIVE AMERICAN VETERANS

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, on Monday, Memorial Day, folks across America will come together to pay tribute to our greatest heroes—those who fought and died to keep this Nation safe and free. We owe them and all of our men and women in uniform an eternal debt of gratitude.

Sadly, Washington has not always done enough to pay their debt. Even now, many Native American veterans are struggling to keep a roof over their heads because of their service. They are being denied housing assistance because they are receiving benefits that they have earned with their sacrifices.

I introduced the Indian Veterans Housing Opportunity Act to right this

wrong. This commonsense bill makes sure that veterans disability and survivor benefits are not counted as income under a critical Native American Housing Act. This program will bring housing to our veterans who have already paid the price.

This House approved the bill unanimously last month, and Native veterans should not have to wait any longer for justice. I call on the Senate to observe this Memorial Day by passing this important measure.

REPEAL AND REPLACE GOVERNMENT-RUN HEALTH CARE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, a new poll shows that 63 percent of the American public wants to repeal the expensive government-run health spending law. Sixty-three percent represents the largest opposition to the law since its enactment. It's no surprise, as the law forces people to hand over their hard-earned tax dollars to a private company to buy health insurance or else.

As a constitutional conservative, I have to agree with the 63 percent of American voters who want this expensive, irresponsible, overreaching law repealed and replaced.

Democrats were wrong on the bill's cost, wrong on the effect on jobs, and wrong on the issue of taxpayer funding of abortions. We must stand in favor of repealing and replacing the government health spending bill with real reforms that lower health care costs without subjecting us to any nationalized health plan. America does not want, need, or deserve government-controlled health care.

IRAN'S CONCESSIONS UPDATE

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, I rise today to urge the U.N. Security Council to reject Iran's attempt to continue down the path of nuclear proliferation.

Iran would have us believe that the nuclear deal it reached with Brazil and Turkey was of the same caliber as the offer Tehran rejected in October. The truth is, it's not even close. This agreement would allow Iran to pursue richer-grade uranium, keep more of its nuclear materials, and maintain access to the dangerous supplies it would send to Turkey.

The Security Council must recognize the severity of this threat posed by a nuclear Iran. It must choose a deal based on substance over convenience. But most of all, it must remember the safety and security of the State of Israel and the Israeli people.

In the face of Iran's latest diplomatic diversion, it is more important than ever that we levy real sanctions against a nation bent on destroying a friend. The future of Israel—our most important ally—depends on it.

HOUSE REPUBLICANS LAUNCH NEW WEB SITE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. After years of being shut out of the debates here on Capitol Hill, seeing runaway Federal spending, bailouts, and takeovers built behind closed doors, the American people finally have a way in—an unambiguous seat at the table. It's called AmericaSpeakingOut.com.

Since the outset of this Congress, Republicans have been offering positive solutions to the challenges facing this country. In building a governing agenda for this Congress, Republicans have been listening to the American people, and AmericaSpeakingOut.com is a continuation of that process.

Now let me say, this is not a listening tour. House Republicans are not a party in search of our principles. We know what we believe. We're committed to the principles of economic growth, fiscal discipline, a strong defense, and traditional American values. But we simply believe that the best ideas in America come from the American people. That's why we launched AmericaSpeakingOut.com.

So I urge all Hoosiers and, frankly, all my countrymen, whatever your politics, whatever your philosophy, join us for the conversation at AmericaSpeakingOut.com. House Republicans are listening.

□ 1015

WHAT PEOPLE GAVE FOR THEIR COUNTRY

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, on Monday it was my birthday, and it didn't quite go as planned. One of the things I did is I went to Arlington Cemetery and spent 4 hours looking at the graves and thinking about American history and the people who wished they had a birthday, and what they gave for their country. Some gave their lives, some gave part of their lives.

I visited the Kennedy graves and let the word go forth. I visited Robert Kennedy's grave and the tiny ripples of hope that can wipe down the mightiest walls of oppression. But I found Earl Warren's grave, along with John Foster Dulles and Arthur Goldberg together.

I would like to read from Earl Warren's tombstone. I think it is something we should reflect on.

"Where there is injustice, we should correct it. Where there is poverty, we should eliminate it. Where there is corruption, we should stamp it out. Where there is violence, we should punish it. Where there is neglect, we should provide care. Where there is war, we should restore peace. And wherever corrections are achieved, we should add them permanently to our storehouse of treasures."

This from the vice presidential candidate of the Grand Old Party in 1948, the nominee for the Supreme Court and the Chief Justice, nominated by Dwight Eisenhower when Republicans were Republicans. Thank God for Earl Warren.

God bless the United States, and may God save the Gulf of Mexico because it doesn't look like anybody else is going to.

LACK OF COMMITMENT ENFORCING NATIONAL IMMIGRATION LAWS

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SULLIVAN. Mr. Speaker, I am troubled by this administration's commitment, this lack of commitment of enforcing our national immigration laws.

Just last week, John Morton, Assistant Secretary of Homeland Security for the U.S. Immigration and Customs Enforcement, said that "his agency will not necessarily process illegal immigrants referred to them by Arizona officials," in light of their new State law.

My district contains two permanent ICE offices, and I am seriously concerned that one of the top officials in the Obama administration in charge of enforcing our Nation's immigration laws is refusing to do his job. Regardless of his personal feelings on the Arizona immigration law, Assistant Secretary Morton has an obligation to enforce the rule of law and protect U.S. citizens and legal residents.

Arizona is under siege with both human and drug smuggling, and it is on the front lines dealing with Mexico's drug violence that is spilling over into the United States.

On behalf of my constituents and millions of Americans, I urge President Obama and Immigration and Customs Enforcement Secretary Morton to enforce our immigration laws.

HONORING THE LIFE OF TAM NGOC TRAN

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to re-

member an extraordinary young woman, a scholar, a student activist, Ms. Tam Ngoc Tran of Garden Grove, California, who was recently killed in a head-on collision with her close friend, Cinthya Perez.

Tam was the daughter of a refugee couple who fled Vietnam over two decades ago after escaping from a communist reeducation camp.

She graduated from Santiago High School, attended Santa Ana College, transferred to UCLA, earned a bachelor's degree in American literature and culture and was a doctoral student at Brown University.

Tam was also a courageous leader who inspired many through her personal story of immigration. In 2007, the U.S. Immigration and Customs Enforcement Agency raided the Tran home and subsequently arrested Tam and many of her family members.

Representatives LOFGREN, SMITH, and I then wrote a letter to then-Secretary Rice urging her to uphold the U.S. policy regarding the return of refugees to the Socialist Republic of Vietnam. That allowed them to remain in the United States.

CONTINUE HEALTH INSURANCE COVERAGE OF CHILDREN UNTIL AGE 26

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, on May 7 United Technologies Corporation, the largest private employer in the State of Connecticut, announced that they were going to take advantage of the health care reform law and extend age 26 coverage to all their employees' families. A few days later, Mohegan Sun Casino, which employs 10,000 in the State of Connecticut, made the same decision.

Prior to health care reform, during graduation time, graduating students get a diploma in one hand and a notice from their parents' insurer that they are being kicked off their parents' insurance coverage. Because of health care reform, 1.2 million up to age 26 Americans will now be able to use their parents' health insurance.

For the voices who call for repeal, I challenge them to tell those families that we should repeal that provision and kick their kids off health insurance.

In a few days, we are going to pass a Defense authorization bill which will extend age 26 coverage for TRICARE so that military families will also be able to insure their kids up to age 26. That's why health care reform was needed in this country. We are going to provide 14 million young adults with health insurance coverage by 2014. It is because we took that step that we are going to provide access to that population.

COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, our immigration system is broken and yet there are those that refuse to do anything about it. The misguided Arizona law S.B. 1070 has made it so difficult for families that some have started to leave the State.

The general atmosphere in Arizona is one of distrust and fear, not just for Hispanic families, but for all communities of color. In the media, blatant attacks, hate speeches, negative images of Latinos only adds to the fuel and fire.

Immigration reform is about people, all of us. It's about families, our neighbors, our fellow parishioners, our classmates, our children. Make no mistake, our immigration problem will not go away by just attacking those without a voice.

I urge my colleagues, both Democrats and Republicans, to roll up their sleeves and pass comprehensive immigration reform that will reinforce strong security at our borders, strong sanctions against employers who hire the undocumented workers, and unite our families.

We need comprehensive immigration reform now.

STRAIGHT FROM BP'S WEB SITE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, here is an excerpt straight from BP's Web site. "Code of conduct is the cornerstone of their commitment to integrity." You can't make this stuff up.

It goes on to say "Great companies are built on trust. Trust is earned through the achievement of consistently high standards of behavior and care."

Wait, but it gets better. The document also says that among the "basic rules you must follow" at BP is always to "make sure you know what to do if an emergency occurs at your place of work." Straight from BP's Web site.

Well, 40 days into one of the worst ecological disasters of our time, BP has yet to meet its own commitment in its Web site to its own integrity. If the code of conduct is consistently violated, causing massive destruction and loss of life, then that employee or contractor would be terminated. The American people should demand no less.

Today I plan to introduce an amendment to the Department of Defense authorization bill to begin the process of terminating BP's business with the American people. Please join me in supporting my amendment to ensure

that BP is permanently banned from profiting off the American taxpayer.

HONORING MELISSA BEYRUTI OF UNION CITY, NEW JERSEY

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, today I rise to honor the achievements of an inspiring student athlete, Melissa Beyruti of Kean University.

Melissa, an All-American senior basketball guard from Union City, New Jersey, finished her career this past March to become the NCAA Division III leader in all-time games played with 128. She also became Kean's all-time leading scorer, closing out her career with 1,974 points, and she holds the NCAA all-division record for career three pointers with 397.

In addition to being chosen for the 2010 NCAA Division III State Farm Coaches' All-American Team, Melissa has been named as both the Eastern College Athletic Conference Division III Metro Region Player of the Year and the New Jersey Athletic Player of the Year. Highlights of her career have been featured in The New York Times and Sports Illustrated.

Melissa has served as both an exemplary student athlete and role model for young girls and women, making her family, university, and the community of Union City very proud. She is an inspiration to many, and I want to congratulate her and her family. I look forward to her many future successes on and off the court.

SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE REPORT ON THE EPA

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Kentucky. Mr. Speaker, this past Friday, the Senate Environment and Public Works Committee released a report that outlines the economic impact of the EPA's holding up perfectly valid mining permits. This report brings to light yet another example of the EPA's war on coal that threatens our country's economic energy and security.

The report found that 190 coal mining operations are being held up. These mines are expected to produce over 2 billion tons of coal, and 81 small businesses rely on these permits to keep their doors open. The EPA is jeopardizing 1 out of every 4 coal mining jobs and over 162,000 indirect jobs in Appalachia.

Enough is enough. With nearly double-digit unemployment throughout the Appalachian region, the Obama administration should tell its EPA to stop its political attacks on coal. Now

is the time to put politics aside so thousands of citizens in Appalachia can return to work.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Mr. Speaker, I want to talk about H.R. 4213 and the impact it will have on an economy that may be improving but has not gone far enough yet. This important bill will put the folks in Maine back to work by increasing investment in our communities and businesses and by closing tax loopholes.

Because of this bill, small businesses that are the backbone of our economic recovery will have increased access to credit. The Build America's Bonds program will continue to allow towns to invest in improving their infrastructure and provide good-paying construction jobs for many Americans. In my home State of Maine, extending the research and development tax credit helps important businesses like IDEXX in Westbrook to grow and develop innovative new products.

I am proud to say this bill also cracks down on tax loopholes that allow hedge fund managers to avoid paying income tax on much of their salaries, and the bill makes sure that multinational corporations don't avoid paying taxes by shifting their profits to offshore tax havens.

Closing tax loopholes generates billions of dollars to pay for the provisions that create jobs in our communities. I look forward to voting "yes" on this important bill.

BUSINESS ECONOMIC HISTORY THAT MIGHT MAKE PINOCCHIO BLUSH

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, yesterday we heard some business economic history that might make even Pinocchio blush.

Our friends on the other side of the aisle sometimes want the public to forget we inherited an economy in free fall last January. GDP had plummeted 5.4 percent and 741,000 Americans lost their jobs that month. This Congress took decisive action to halt that downward spiral known as the Great Recession.

Those efforts are yielding results today, fostering 290,000 jobs last month, 600,000 jobs so far this year, on a track to create more jobs this year than in the previous 8 years under their rule. In my Virginia district alone we created 4,000 jobs last month and saw the unemployment rate drop.

The national economy has posted positive growth in each of the last three-quarters, jumping 5.6 percent alone in the first quarter. Mr. Speaker, our Republican colleagues continue to advocate for the bankrupt policies that previously drove our Nation into the economic ditch. We have chosen a new path, and it's those actions and investments that are putting Americans back to work today.

ASIAN-PACIFIC AMERICAN HERITAGE MONTH

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, I rise to commemorate Asian-Pacific American Heritage Month and the remarkable contributions the Asian and Pacific Islander community have made to our Nation. I am a proud member of the Congressional Asian Pacific American Caucus, and my district includes some of the most robust and active Filipino and Chinese communities in America.

For centuries our Nation has been strengthened by the enormous courage, sacrifice, and dedication of immigrants from across the globe, and the Asian American Pacific Islander community is no exception. As the daughter and granddaughter of immigrants, I know firsthand how weaving values and principles from our cultures into our national fabric is a part of what makes our country great.

The heroes of the AAPI community represent the very best aspects of American life, and their contributions have been invaluable to my district, the State of California, and to our country.

PUT LIMITS ON CORPORATIONS' ABILITY TO INFLUENCE AMERICAN ELECTIONS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, when the Supreme Court handed down a decision in the Citizens United case, which allowed corporations, including foreign corporations, to spend money to advocate candidates in American elections, many people might have thought this was an abstract threat. But the events of the last month probably should convince them otherwise.

Last year, BP Oil made \$14 billion in profit. If they took one-tenth of that profit, \$1.4 billion, they could spend \$3 million in every congressional district for every election. It might be less expensive for them to buy Congress than it would be to pay the damages that they have done to this country.

You know, in Kentucky, we have a candidate, Rand Paul, who is running for the Senate. He said President

Obama was being un-American when he said he wanted to keep his foot on the throat of BP Oil. Do you think Rand Paul might be getting some campaign expenditures from BP this year?

The damage that BP Oil has done to our country is not nearly as great as the damage which the Citizens United case could do to our democracy. We need to pass the DISCLOSE Act and put limits on corporations' ability to influence American elections.

□ 1030

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

HONORING WORKERS WHO PERISHED IN DEEPWATER HORIZON ACCIDENT

Ms. SPEIER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1347) honoring the workers who perished on the Deepwater Horizon offshore oil platform in the Gulf of Mexico off the coast of Louisiana, extending condolences to their families, and recognizing the valiant efforts of emergency response workers at the disaster site.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1347

Whereas 11 workers tragically died on the Deepwater Horizon offshore oil platform following an explosion on April 20, 2010;

Whereas the Nation is greatly indebted to offshore workers for the strenuous work they perform to provide the energy that drives our Nation every day;

Whereas the Nation has long recognized the importance of safety protections for offshore workers who labor in difficult and uncertain conditions;

Whereas these men were loving husbands, sons and brothers;

Whereas these workers should be remembered for their valor and contribution to our communities;

Whereas Coast Guard and local rescue crews worked tirelessly night and day in courageous rescue and recovery missions;

Whereas the families of the lost workers have endured a great loss; and

Whereas residents of the Gulf Coast and the Nation came together to support these families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the untimely and tragic loss of the 11 workers from the States of Louisiana, Mississippi, and Texas who died on the Deepwater Horizon offshore oil platform

in the Gulf of Mexico off the coast of Louisiana;

(2) extends the deepest condolences of the Nation to the families of these men;

(3) recognizes all employees on the Deepwater Horizon for their hard work and sacrifice;

(4) commends the rescue crews for their valiant efforts to rescue these workers and others on the platform; and

(5) honors the many volunteers who provided support and comfort for the families of these people during this difficult time.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. SPEIER) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. SPEIER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SPEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great sadness that I present H. Res. 1347 for consideration. This resolution honors the 11 workers who perished on the Deepwater Horizon offshore oil platform following an explosion on April 20 of this year. We mourn their loss and extend our prayers and condolences to their families.

H. Res. 1347 was introduced by our colleague, the gentleman from Louisiana, Representative CHARLIE MELANCON, on May 11, 2010. The measure was reported to the Committee on Oversight and Government Reform, which waived consideration of the measure to expedite its consideration on the floor today. The resolution has the support of over 50 Members of the House.

Mr. Speaker, the deaths of the 11 workers on the Deepwater Horizon offshore oil platform last month were a tragic reminder of the severe hazards that offshore workers face every day. As we mourn the loss of these men, let us take a moment to reaffirm our commitment to the safety of our offshore oil workers and all Americans who perform such dangerous and necessary work every day. Let us also take a moment to commend our Coast Guard and the local rescue crews for their tireless efforts responding to this catastrophe. Their jobs are also incredibly difficult and dangerous, and we thank them for their hard work.

Mr. Speaker, the Deepwater Horizon explosion and the ongoing crisis of the oil spill it produced will have significant political and policy ramifications. We will debate those here on the House floor, but that is not what we are here to do today. As we are joined today by the family of one of the victims of the explosion, let us put aside all dif-

ferences and offer our united, heartfelt, and profound sympathies to the families and friends of these 11 workers.

I would now like to place into the CONGRESSIONAL RECORD the names of these hardworking Americans who lost their lives in this tragedy: Dale Burkeen, Donald Clark, Roy Wyatt Kemp, Jason Anderson, Stephen Curtis, Gordon Jones, Karl Kleppinger, Blair Manuel, Dewey Revette, Shane Roshto, and Adam Weise.

I urge all of my colleagues to join me in supporting this measure. I thank the gentleman from Louisiana for introducing it, and I also thank the chairman of the Committee on Oversight and Government Reform, Congressman TOWNS of New York, as well as the ranking member, Representative ISSA of California, for their support.

[From Times Online, Apr. 30, 2010]

THE MISSING MEN OF DEEPWATER HORIZON OIL RIG

(By Joanna Sugden)

Eleven men were missing presumed dead after the Deepwater Horizon oil rig exploded last week.

Dale Burkeen, 37 was a crane operator on the platform and was trained to lower crew members to boats in an emergency.

He had returned to the rig from Neshoba, near Philadelphia, about a week before the explosion. He and wife, Rhonda, have two children, Aryn, 14 and Timothy, 6.

Donald Clark, 49 of Newellton, Louisiana, was expected to leave the rig the day after the explosion for a three-week break. He was an assistant driller.

Roy Wyatt Kemp, 27, has two children, Kaylee, 3, and 3-month-old Maddison, with his wife, Courtney.

He loved fishing and the outdoors and attended a Baptist church in Jonesville, Louisiana, where a memorial service for him will be held today.

Jason Anderson, was a father of two from Bay City, Texas.

Stephen Curtis was an assistant driller on the rig from Georgetown, Louisiana.

Gordon Jones, 28, of Louisiana, was expected to become a father to a second son with his wife, Michelle.

Karl Kleppinger, 38, of Natchez, Mississippi was a Desert Storm veteran who spent more than ten years working on oil rigs. He was a floorman who made about \$75,000 a year working off the Louisiana coast.

Blair Manuel, 56, resident of Gonzales, Louisiana, was a chemical engineer on the rig.

Dewey Revette, 48, from State Line, Mississippi, was a father who had worked for the company as an oil driller for 29 years.

Shane Roshto, 22, was from Franklin County, Mississippi. His family were named on law suits filed by Louisiana's fisheries industry, accusing BP and Transocean, the rig operator, of negligence.

Adam Weise, 24, of Yorktown, Texas, came straight from high school work on the rig in 2005. He loved to hunt and fish and play football. He was the youngest of four children.

[From the Houston Chronicle, May 24, 2010]

RELATIVES REMEMBER THE 11 LOST IN OIL RIG BLAST

(By Dane Schiller)

YORKTOWN.—The hand-scrawled note on the cover of the steno pad is as simple as it is startling.

"April 20, 2010 . . . Start of Hell," wrote Texas mother Arleen Weise.

At "6:00 AM" the next morning, Weise noted, she got word of the explosion on the Deepwater Horizon, the massive oil rig where her youngest son, Adam, was working in the Gulf of Mexico when he was killed.

"I knew in my heart," she said of her son's fate as she stood beside his jumbo-size pickup parked outside his home in this tiny town near Victoria, didn't say it to anyone; I just knew."

With the pad, she has kept a record of people she has spoken with since that first phone call: Coast Guard officers discussing the search for her son. Oil company officials talking about benefits. A preacher framing a eulogy. Craftsmen chiseling a black marble headstone.

The notepad will travel with her today as she and the families of all 11 workers killed in the accident gather for the first time for a memorial service to be held behind closed doors at a convention center in Jackson, Miss.

Twenty-one of Adam Weise's closest friends and family will be flown on a charter flight paid for by Transocean, the company for which he worked.

He was one of two Texans killed.

The other was Jason Anderson of Midfield, who left behind a wife and two young children.

Anderson's funeral was held Saturday at a packed church in Bay City. One of his spare blue safety helmets and an XXL work shirt, complete with an embroidery of the drilling rig on the right breast pocket, were on a stage filled with flowers.

On one side of the church, where Anderson married his wife, Shelley, sat his family; on the other, fellow rig workers.

"We definitely do not understand why Jason is gone and the other 10 members of his rig," said Pastor Clyde Grier. "We cannot let the things we don't understand dismiss what we do."

He spoke of the burly man who played high school football, loved to hunt and was known for his Texas two-step.

Anderson, like Weise, knew of the dangers of working on a rig. But along with the physically demanding work and sweat came paychecks that could easily surpass \$50,000 annually.

LEFT TO WONDER

Arleen Weise said she doesn't know what to expect today, whether other families will be angry and confrontational or comforting. She does understand, though, that none of them will ever know what happened in those final moments, no matter what her steno notepad says.

She knows her son was in the pump room. A surviving co-worker told her so.

And she knows how many rescue flights were flown and miles covered before the search was abandoned. There were 28 flights covering 6,600 nautical miles, she said.

She has imagined her 24-year-old son—the youngest of four—plunging into the nighttime sea and flailing to untie his heavy work boots and slip out of his jumpsuit.

She decided that the explosion was so massive he never even knew what hit him.

It is comforting—no pain, no suffering," she said. "He's on the bottom of the Gulf with the Deepwater Horizon."

She and three other women—Adam's girlfriend, sister and grandmother—agreed to talk with the Houston Chronicle in hopes that more people will know not just how Adam died but also how he lived.

Adam's older sister, Gwendolyn Weise, said that somewhere deep she still holds a glimmer of hope he'll be found.

"I just can't get over not having anything . . . him, by himself," she said.

Adam Weise loved playing football for the Yorktown Wildcats, but he wasn't the best of students in high school.

He worked on a ranch and then headed for the oil fields. He didn't like the filth but could handle the details in a world where even a dropped wrench could tumble for a mile through pipeline.

He made enough not only for his truck, which was nicknamed "Big Nasty," but the neat two-bedroom home he shared with a cat. A red Transocean jumpsuit still hangs beside camouflage shirts and jackets for hunting.

When he was back on land at home, he was a prankster.

His mother said he once used a bullhorn to make her think the police had surrounded the beauty shop where she worked.

"This is the police," she recalls hearing over the bullhorn. "Arleen Weise, come out with your hands up." She fell for it.

Remembering him makes her laugh as well as cry. She said she has had so much to do since his death that only now are some things really taking hold.

"These last few days it has hit me that my son is never coming back to me. I'm not holding it together," she said. "Now, I keep seeming to be more of a mess."

'WELL FROM HELL'

Adam Weise and his friend Caleb Holloway, of Liberty, were nearing the end of their last shift and at the end of their three-week rotation before heading home when a supervisor needed one of them to go to the pump room.

Weise took the job and told Holloway he'd see him later. Holloway survived.

If Weise had made it, he never would have been able to live with the guilt over those who died, his family said. "We'd have never had our Adam back," said his grandmother, Nelda Winslette.

Added his mother: "There is not enough counseling in the world to have brought him back."

His girlfriend, Cindy Shelton, said he had been calling her before and after every shift—unusual for him. She says he was frustrated with problems on the project.

"Everything that could go wrong was going wrong," she said. "Every time he'd call me, he'd say, 'This is a well from hell.'"

Mr. Speaker, I reserve the balance of my time.

Mr. CAO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1347. This resolution honors the workers who perished on the Deepwater Horizon offshore oil platform off the coast of Louisiana and extends our sincerest condolences to those families. It also recognizes the valiant efforts of emergency response workers and volunteers at the disaster site.

I commend my colleague and friend, Congressman MELANCON, for bringing this important piece of legislation before the House, and I extend my appreciation to him and to the rest of our colleagues in the Louisiana congressional delegation for working together to address this disaster.

Mr. Speaker, I have come to the House floor a number of times since April 20 speaking of the ongoing impact of this tragedy on the gulf coast.

Today, though, I wish to focus this body's entire attention on those whose lives were lost on that day and those who continue to respond to the crisis.

As I listen to my colleagues speak in support of this resolution, my heart is heavy. As with their families and friends, I mourn the loss of those who died aboard the oil platform. On that tragic day, the 11 men—Jason, Aaron, Donald, Stephen, Roy, Karl, Gordon, Blair, Dewey, Shane, and Adam—were on the rig doing what they knew best. The demands of working the rigs, as anyone who lives along the gulf coast knows, are great. It is physically demanding work, and it takes loved ones away from their families for long stretches at a time.

Our coastline is a working coastline because we are blessed with an abundance of natural resources in the Gulf of Mexico. From fishermen to those working the rigs, each day you can find thousands on the waters laboring to produce these resources and to contribute to the industry and economy of this Nation.

On April 20, the 11 men were working to provide the energy that has driven this Nation for centuries and that continues to be a force in the economy of my home State of Louisiana. This is dangerous work, and it is our responsibility to ensure that safety precautions are taken and that procedures are strictly followed.

The explosion is being investigated by various parties, including congressional committees, and it is our responsibility to ensure the findings are swiftly addressed with new policies to strengthen safety procedures for those working in dangerous and uncertain conditions. You have my word this will be done.

In times of tragedy, this Nation has come together as one, and this is especially the case for those along the gulf coast. I wish to recognize the extraordinary work of the thousands of volunteers and emergency personnel, from the Red Cross to the U.S. Coast Guard, whose unhesitating response to the call of need thus represents the compassion and dedication of this great Nation.

To the families of the 11 who perished, I realize that nothing my colleagues nor I here today can say will return your sons, husbands, and brothers to you, but it is my hope that the gratitude and respect we express on behalf of the citizens of this great Nation will provide some comfort to you while you grieve your loss.

In closing, Mr. Speaker, I urge my colleagues to support House Resolution 1347.

I reserve the balance of my time.

Ms. SPEIER. Mr. Speaker, I yield such time as he may consume to the gentleman, a great leader, from Louisiana (Mr. MELANCON).

Mr. MELANCON. Thank you, Representative SPEIER. Thank you all very much.

I rise today with a heavy heart to remember the 11 men that died on the offshore rig Deepwater Horizon. Those men and thousands of them like them, women included, travel out to offshore rigs every day to work hard and provide opportunities for the rest of us to make a living.

As the crisis in the Gulf of Mexico continues to grow, we see shorelines, fisheries, and other economies threatened. This unprecedented event has the entire gulf coast and country watching to see how soon we can end this.

Setting aside the present crisis for a moment, I am proud to stand with Members of this Congress to remember those men who represent a very human face to this tragedy.

I would also like to take a moment to recognize the families of those 11 people. Those men were doing what so many other men and women do in Louisiana every day. They were working to provide a better life for their families while braving difficult and sometimes dangerous conditions to provide domestic energy needed to drive our Nation and our economy. Our thoughts are with these families, and I pray that their grief is not forgotten by the rest of us.

And we should also recognize the courageous work of the emergency responders who fought the blaze and saved lives that night. The loss of those 11 workers is a high cost to their families, and so I ask everyone to please remember the personal side to this tragedy as we move forward. Please keep them in your thoughts and, particularly, keep them in your prayers.

Mr. CAO. Mr. Speaker, I yield 2 minutes to my distinguished colleague and friend from Louisiana (Mr. ALEXANDER).

Mr. ALEXANDER. I thank the gentleman for yielding.

All along the gulf coast, there are many communities hundreds of miles from the edge of the water, communities that are filled with families that, for generation after generation, have produced the workers that are required to produce gas and oil in the gulf region. Some of those workers leave home for periods of 7 days, 14 days, perhaps 21 days before coming home. Sadly, some never return home. Families can't be prepared for losing those loved ones, and for that, our hearts and prayers go out in this resolution.

Ms. SPEIER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CAO. Mr. Speaker, I yield 3 minutes to my distinguished colleague from the State of Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I thank my colleague from New Orleans for yielding.

This is a sad time for those of us from south Louisiana. It's a sad time especially as we look at what's hap-

pening every day as more oil gushes into our marshland, our valuable, fragile ecosystem. But if there is anything that eclipses the sadness we're experiencing on the coast, it's the loss of those 11 lives, the 11 brave men who died on that Horizon rig, and the families that they left behind. So many of those young men left behind young children and wives who now have to cope with the loss and somehow find a way to move on.

So our prayers go out to those who lost their lives, and their families who are continuing to experience the tragedy that we're all so sorry for experiencing on the gulf coast. So it's a sad time for all of us on the gulf coast, but we want to give a special pause for those who lost their lives and the young children and spouses that they leave behind.

Mr. CAO. Mr. Speaker, I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1347, which honors the lives of the 11 workers who were tragically killed in the explosion on the Deepwater Horizon offshore oil platform off the coast of Louisiana. It also commends the rescue workers who courageously responded to the explosion. They showed tremendous strength by risking their lives to save those of others.

I thank Chairman TOWNS for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congressman MELANCON, for honoring the individuals who lost their lives in the explosion. In addition, I would like to commend the Congressman for his commitment to serving the people of South Louisiana and promoting the interests of the Gulf Coast region throughout the many challenges it faces. Congressman MELANCON is a champion of South Louisiana's hard-working people, ecologically unique coastal environment, and nationally cherished culture.

My thoughts and prayers go out to the families and friends of the 11 individuals who passed away in the explosion. I know that they will be missed by their neighbors, friends, and coworkers, but most of all by their families, who will mourn their loss more than we can imagine. The men who passed away on April 20, 2010, were loving husbands, sons, and brothers. We must offer our support and care to their families in this time of need.

Hopefully, this tragic event can serve as a poignant reminder of the need for strong regulations and workplace protections in the offshore oil and gas industry. Measures must be put in place to ensure that a disaster of this kind never happens again. Offshore oil and gas exploration is a line of work that inevitably carries personal safety risks. However, with frequent safety checks, more stringent regulations, and the implementation of the most modern technologies, we can mitigate these risks and promote the safety and wellbeing of all workers in the industry.

In addition to the tragic human cost of the explosion, the resulting oil spill in the Gulf of Mexico continues to pollute and degrade the vital ecosystems in the Gulf and the surrounding coastal regions. We are only beginning to feel the massive environmental toll of

the spill, which is likely to devastate an environment that is the backbone of the South Louisiana economy and on which thousands of individuals depend for their livelihood. We must stand in solidarity with the people of the Gulf Coast region. We must work to limit the impact of the spill, clean up the damage that has already been done, and hold the responsible parties accountable. The coastal environment and culture of south Louisiana are national treasures. We must work day and night to ensure that the damage endured is not irreparable.

Again, I extend my deepest condolences to the family of the individuals who were tragically killed in the explosion. The thoughts of our Nation are with them as they grieve the loss of their loved ones. I urge my colleagues to join me in supporting H. Res. 1347.

Ms. SPEIER. Mr. Speaker, I encourage my colleagues to join me in supporting H. Res. 1347, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. SPEIER) that the House suspend the rules and agree to the resolution, H. Res. 1347.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. SPEIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1045

SUPPORTING RV CENTENNIAL CELEBRATION MONTH

Ms. SPEIER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1073) supporting the goals and ideals of RV Centennial Celebration Month to recognize and honor 100 years of the enjoyment of recreational vehicles in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1073

Whereas 1910 marks the first year of mass-produced, manufactured, motorized campers and camping trailers;

Whereas 1 in 12 households in the United States owns a recreational vehicle, and over 30,000,000 recreational vehicle enthusiasts take part in this affordable and environmentally friendly form of vacationing;

Whereas recreational vehicle vacations allow families in the United States to build stronger relationships, explore the great outdoors, and take part in healthy activities;

Whereas this homegrown industry, including recreational vehicle manufacturers, suppliers, dealers, and campgrounds, employs hundreds of thousands of people in the Nation in good-paying jobs across all 50 States;

Whereas recreational vehicles offer the freedom, comfort, and flexibility to see all

parts of the United States, from historic landmarks and national parks to local campgrounds and sporting events; and

Whereas the 100th anniversary of the introduction of the recreational vehicle into the United States marketplace will be celebrated June 7, 2010, at the RV/MH Hall of Fame and Museum in Elkhart, Indiana: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of RV Centennial Celebration Month to recognize and honor 100 years of enjoyment of recreational vehicles in the United States; and

(2) encourages the people of the United States to celebrate this anniversary by taking part in recreational vehicle vacations.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. SPEIER) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. SPEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SPEIER. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 1073, a measure supporting the goals and ideals of RV Centennial Celebration Month.

This measure was introduced by my colleague, the gentleman from Indiana, Representative JOE DONNELLY, on February 4 of this year. It was referred to the Committee on Oversight and Government Reform, which waived consideration of the measure to expedite its consideration on the House floor today. The measure enjoys the support of over 50 Members of the House.

Mr. Speaker, RVing is one of the great American traditions in travel. The 30 million Americans who regularly vacation via their recreational vehicles get to travel far and wide around our country, exploring our majestic landscapes, our national and State parks, and taking part in a healthy, outdoor activity. RVs help them do so at a price affordable to families. There are destinations for RVing across our 50 States, and we can all agree that we'd love for more Americans to visit the places we are most proud of in our communities.

For instance, I'd like for the RVing community to come and set their eyes on the Golden Gate Bridge, on the cable cars, on the Golden Gate National Recreation Area, or on the San Francisco Bay Estuary.

RVs make exploring our great country a practical option for many families. The first RVs came into mass production 100 years ago this June. Let us now take time to mark that significant moment in American history by supporting this resolution.

I reserve the balance of my time.

Mr. CAO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1073, supporting the goals and ideals of RV Centennial Celebration Month, to recognize and honor 100 years of enjoyment of recreational vehicles in the United States.

Since 1910, when the first mass-produced, manufactured, motorized campers appeared, people in recreational vehicles still set out to see the country and to enjoy the life of the open road. RVs have steadily gained popularity over the past 100 years. Today, over 30 million recreational vehicle enthusiasts enjoy this pleasant way to vacation. Recreational vehicles offer a way for families to experience all kinds of outdoor activities, especially in our national parks, lakes and oceans. Hundreds of thousands of Americans benefit from this industry, including recreational vehicle manufacturers, dealers and RV campground employees across the United States.

It is the freedom to share the excitement of exploring historical landmarks, of attending sporting events, and of engaging in family camping that explains the appeal of an RV for so many of our citizens.

On June 7, 2010, we will have the opportunity to celebrate the introduction of the recreational vehicle in the United States in Elkhart, Indiana, where the RV/MH Hall of Fame resides. This centennial is found to be a nostalgic celebration of the freedom and enjoyment that RVs have brought to so many Americans in the last 100 years. I support the passage of this resolution.

I reserve the balance of my time.

Ms. SPEIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. Mr. Speaker, today I rise in strong support of House Resolution 1073, a bipartisan resolution recognizing and supporting the goals of RV Centennial Celebration Month in June 2010.

The first mass-produced, manufactured, motorized campers and camping trailers appeared in the American marketplace for commercial sale in 1910. This resolution seeks to honor and commemorate America's 100 years of enjoyment of RVs. It also offers an opportunity to recognize the workers who make RVs, the entrepreneurs who started these companies and whose passion has created jobs and opportunity for so many people and to recognize the homegrown industry that has developed to support this great American pastime and to provide good-paying jobs for thousands of families.

I have the privilege of representing a large portion of the RV industry. It is crucial to northern Indiana's economy. RV manufacturing has long been a

major economic driver in places like Elkhart by directly employing thousands of people in the RV plants and thousands more in suppliers' factories, not to mention its contributions to the local municipal tax base.

The economic importance of RVs and camping extends well beyond my district, of course—to the entire United States. RV manufacturing is big business in Oregon, Iowa and elsewhere. Camping and RV tourism pump millions into our parks and vacation destinations each and every year. For a century, through war and peace, booms and busts and technological fads, RVs have been a mainstay of American highways, campgrounds, sporting events, and driveways.

The RV lifestyle is still going strong. Today, one in 12 American households owns an RV, and over 30 million RVers take part in this affordable and environmentally friendly form of vacationing each year. We all represent families who own RVs and who enjoy the freedom of travel and of the family adventure they provide. Despite the economic ups and downs, RVs allow families an affordable way to travel and to explore this country's amazing natural resources.

This year, the RVing community will celebrate their centennial with a series of events which will culminate a 100th anniversary party hosted on June 7 at the RV Hall of Fame in Elkhart, Indiana. This resolution to recognize June 2010 as RV Centennial Celebration Month provides a fitting endorsement of the 100-year journey of a uniquely American product. This resolution enjoys the support of over 50 bipartisan cosponsors.

I urge my colleagues to support this resolution and pass House Resolution 1073.

Mr. CAO. I just want to let the gentleman from Indiana know that I grew up in Goshen, Indiana, which is about 20 miles from Elkhart; so I know how important the RV industry is to that area.

Mr. Speaker, with that being said, I would like to ask that all RV owners please spend some time and drive down to Louisiana, especially to New Orleans. We have the best restaurants in the world, the best seafood, and our culture is unequalled.

I yield back the balance of my time.

Ms. SPEIER. Mr. Speaker, again, I would like to urge my colleagues to support this measure honoring the 100 years that RVs have been in production, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. SPEIER) that the House suspend the rules and agree to the resolution, H. Res. 1073.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING ISRAEL ON OECD MEMBERSHIP

Ms. BERKLEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1391) congratulating Israel for its accession to membership in the Organization for Economic Co-operation and Development, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1391

Whereas Israel first sent an observer delegation to the Organization for Economic Co-operation and Development (OECD) in 1994, and first began actively seeking to join the OECD in 2000, when it met the OECD's membership requirements relating to industrial and per-capita product criteria;

Whereas in May 2006, the OECD adopted in full the Report by the Working Party on the Implications of Future Enlargement on OECD Governance, stating that expanding membership is vital to the organization;

Whereas Israel has been the most active nonmember country in the OECD, is a member, observer, or ad hoc observer in dozens of working bodies, is party to various OECD declarations, and is already in compliance with multiple OECD standards;

Whereas Israel's tax burden, encompassing income and property taxes, customs duties, value-added taxes, and national insurance, is much lower than in most OECD member states;

Whereas the World Bank ranks Israel among the 30 countries in which it is easiest to do business, and ranks Israel as tied for fourth in ease of getting credit and tied for fifth in protection of investors;

Whereas in 2010, the World Economic Forum ranked Israel 27th out of 133 countries in its Growth Competitiveness Index, and in particular ranked Israel third in quality of scientific research institutions, fourth in utility patents, fifth in strength of investor protection, fifth in the Forum's legal rights index, seventh in life expectancy, ninth in innovation, 15th in financial market sophistication, 15th in availability of the latest technologies, and 15th in judicial independence;

Whereas the World Economic Forum ranked Israel 28th out of 133 countries in its 2009-2010 Networked Readiness Index and 29th out of 121 in its 2009 Enabling Trade Index;

Whereas Israel has carried out far-reaching economic reforms in recent years with respect to taxes, labor, competition, capital markets, pension funds, energy, infrastructures, communications, transport, housing, and other fields, growing its private sector and streamlining its public sector;

Whereas Israel is a world leader in science and technology and is home to the most high-technology start-up companies, scientific publications, and research and development spending per capita;

Whereas membership in the OECD will likely strengthen the position of Israel in the global economy and within international financial institutions, solidify Israel's tran-

sition from an emerging market to an advanced economy, and encourage increased foreign direct investment in Israel;

Whereas Israel's accession to membership in the OECD will strengthen the OECD because of Israel's high living standards, free and stable markets, and commitment to democracy, human rights, and freedom;

Whereas Israel's economic and technological standing will likely benefit OECD member states in innovation, in research and development, and in the science and technology, including high-technology, sectors;

Whereas Israel is a strong ally and friend of the United States and supports the United States in international organizations more consistently than any other country;

Whereas, on November 8, 2005, the House of Representatives unanimously adopted H. Res. 38, and on May 3, 2007, the Senate by unanimous consent adopted S. Res. 188, in support of Israel's accession to membership in the OECD;

Whereas in May 2007, during the annual meeting of the OECD's ministerial council, OECD member states invited Israel to open talks for accession to membership in that organization;

Whereas the Secretary-General of the OECD, Angel Gurría, has supported Israel's candidacy for accession to OECD membership and worked to ensure that Israel's candidacy was not politicized, and was judged by objective economic and democratic standards;

Whereas the United States has supported Israel's candidacy for accession to OECD membership;

Whereas, on May 10, 2010, the 31 OECD member states unanimously agreed to invite Israel to become a member of that organization, with the OECD noting in a statement that "Israel's scientific and technological policies have produced outstanding outcomes on a world scale.";

Whereas, on May 10, 2010, Israeli Prime Minister Benjamin Netanyahu noted regarding Israel's accession to OECD membership that "Israel's accession to the OECD has strategic importance for the process of positioning Israel's economy as a developed and advanced economy, as well as in attracting international investments . . . There is still work to be done. We have done a great deal. We are doing a great deal; and we will do a great deal . . . so that we can be on the list of leading countries, among the 15 most advanced countries in the world. This goal is possible and it won't take us too many years to accomplish.";

Whereas Israel will be welcomed into the OECD during the annual meeting of that organization's ministerial council on May 27, 2010, and will fully accede to membership once it passes the requisite enacting legislation, a process that is likely to be completed within months; and

Whereas Israel continues to pursue further opportunities to accede to membership or enhance its participation, as the case may be, in international forums: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Israel for its accession to membership in the Organization for Economic Co-operation and Development (OECD);

(2) commends the 31 nations of the OECD, as well as OECD Secretary-General Angel Gurría, for recognizing Israel's economic success as well as its commitment to the principles of democratic government and market economy by unanimously electing Israel to OECD membership;

(3) recognizes the importance of the strong role played by the United States in Israel's successful bid for accession to membership in the OECD; and

(4) calls on responsible nations to support efforts by Israel to accede to membership or enhance its participation, as the case may be, in international forums.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Nevada (Ms. BERKLEY) and the gentlewoman from Florida (Ms. ROSS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Nevada.

GENERAL LEAVE

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Ms. BERKLEY. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. Israel's accession to the Organization for Economic Co-operation and Development, a prestigious group of the world's most advanced economies, is a monumental achievement and is testimony to Israel's remarkable economic success and diplomatic acumen.

The unanimous decision by the 31 member states of the OECD to accept Israel is a recognition of Israel's economic strength as well as of its democracy and of its ability to contribute to the organization and to the world's economy.

Israel was one of the few economies in the world to have positive economic growth in the midst of last year's global economic crisis, and it is expected to grow at least 3.5 percent in 2010. As a member of the OECD, Israel will be in an even better position to advance key economic sectors of its economy, including technology, medicine and agriculture. This will prove beneficial, not only to the State of Israel but, as the record of Israeli entrepreneurial creativity attests, to the entire world.

Mr. Speaker, Israel's accession to the OECD is an important achievement for the State of Israel, and it also demonstrates the importance of U.S. engagement in multilateral organizations. Without the emphatic support of the Obama administration's delegation to the OECD, Israel almost certainly would still be waiting at the organization's door, knocking to come in.

I would like to congratulate and thank our OECD mission in Paris for their hard work. This strong team of diplomats worked tirelessly to support Israel's OECD candidacy, and it dutifully ensured that Israel's candidacy was not politicized and that it was judged by objective economic and democratic standards.

Mr. Speaker, the lesson from this victory is clear: U.S. engagement works. Without a strong presence at this international organization, we risk leaving our ally Israel to battle alone against its many biased critics. It is important to remember that maintaining a strong U.S. voice in international organizations isn't important just for America's interest but for Israel's interest as well.

I want to thank the Obama administration for their strong support for Israel at the OECD, and I look forward to working with them to ensure that there is the same support going forward at the OECD, at the U.N., and at other multilateral organizations.

The unanimous vote by OECD members to admit Israel not only highlights Israel's growing global economic importance, which it certainly does and is, but it also represents an important sign that the U.S., when properly engaged, can help to defeat the unrelenting efforts of Israel's detractors and, may I say, haters.

I would like to thank my dear friend, Ranking Member ILEANA ROS-LEHTINEN, for introducing this important resolution and for making Israel's accession to the OECD possible.

I encourage all of my colleagues to vote "yes" on this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

I thank my good friend, the lovely lady from Nevada (Ms. BERKLEY), for those kind words.

Mr. Speaker, we have got a good, strong partnership when it comes to promoting the ideals of freedom, democracy and the rule of law; and in that category, Israel will always stand out.

I am proud, obviously, to support this resolution, which I authored and sponsored, House Resolution 1391, which congratulates Israel on being approved for membership in the Organization for Economic Cooperation and Development. The OECD brings together governments committed to democracy and a market economy in advancing freedom and in advancing prosperity. The recent unanimous support of OECD member states for Israel's membership is a well-deserved seal of approval for Israel, one that can reinforce its progress and that will benefit both Israel and the members of the OECD.

Mr. Speaker, the history of Israel's pursuit of membership in the OECD speaks volumes about the nature of Israel, also, lamentably, of the Palestinian leadership and of the U.S. engagement in international organizations. Israel, the free, democratic country that it is, pursued OECD membership, not with a sense of entitlement but with patience and eagerness to demonstrate its eligibility and its competence in improving herself in the process.

Israel first sent an observer delegation to the OECD in 1994. In the 16 years since that time, Israel has carried out far-reaching economic reforms with respect to taxes, labor, competition, capital markets, pension funds, energy, communications, transport, and housing. Mr. Speaker, the list goes on and on.

□ 1100

It has grown its now-booming private sector and streamlined its overgrown public sector. Its tax burden is much lower than that of most OECD member states.

Israel is now a world leader in science, technology, and entrepreneurship, home to the most high technology startup companies, scientific publications, and research and development spending per capita. And it has been the most active nonmember country in the OECD, becoming a member or an observer in dozens of working bodies, a party to numerous OECD declarations, and coming into compliance with multiple OECD standards.

Israel also continues to uphold the democratic values of its founding with a vibrant political system, a robust and autonomous judiciary, and a commitment to human rights. In short, Israel's democracy, its prosperity, and its freedom are a model for many nations and many people. Israel has clearly made its case for OECD membership.

The Palestinian leadership, in contrast, has spent the last 16 years demonstrating time after time that it never misses an opportunity to miss an opportunity. It has rejected every offer of peace from Israel. It has refused to recognize Israel's right to exist as a Jewish state. It has failed to crack down on violent extremism and anti-Israel incitement. Indeed, it has even tolerated and encouraged such behavior.

It has supported boycotts of Israeli goods, and the Palestinian Authority's prime minister, whom some consider a moderate, even participated in a mass burning of such goods. And it has consistently tried to use international organizations, from the U.N. General Assembly to the Human Rights Council, with its infamous Goldstone Report, to the International Criminal Court, to demonize and delegitimize Israel.

The Palestinian Authority tried hard to block Israel's candidacy for membership in the OECD, with the same Palestinian Authority prime minister personally lobbying foreign governments to oppose Israel's membership.

Is this a partner for peace, Mr. Speaker?

But it gets worse. A former Palestinian Authority foreign minister and senior associate of Abu Mazen announced just last week that the Palestinian Authority was intensifying its diplomatic and economic offensive

against Israel. He said the Palestinian Authority needed "to increase our efforts in the international arena to isolate and punish Israel, prevent it from deepening its relations with the European Union, and attempt to expel it from the United Nations." He continues, "We must pursue Israel in all international bodies and institutions." And Palestinian leaders keep threatening violence to extract concessions.

Instead of focusing on building a better future for its people, the Palestinian leaders are focusing on tearing down that future for Israel and her citizens. This Congress should not reward such behavior by providing yet another \$400 million bailout to the West Bank and Gaza, including another \$150 million in cash directly to the Palestinian Authority.

Finally, Israel's candidacy for OECD membership teaches us a lesson about when and how the U.S. should participate in international forums, and when and how it should not. The OECD is what the U.N. was intended to be, a group of free, Democratic countries cooperating to advance their values and shared interests. It has rigorous membership standards and new members must be approved by all existing members.

Its Secretary General has demonstrated commitment to ensuring that Israel's candidacy and other issues are determined on the merits and are not politicized. That is why the U.S. should and does participate in the OECD, including by actively supporting Israel's candidacy for membership.

In contrast, the UN's misnamed "Human Rights Council" has no meaningful standards for membership, other than the ability to gain the support of a mere majority of the U.N. General Assembly, which itself includes scores of countries that are not free democracies.

In the most recent so-called "elections," using the term loosely, to the Human Rights Council earlier this month, every single candidate, no matter how oppressive the government, ran unopposed on previously agreed upon regional slates. That is not democracy. It's what happens in the Castro brothers' Cuba. So it is no surprise that the Cuban regime is a longstanding member of the rogue's gallery that is the Human Rights Council, as are China, Saudi Arabia, and now Qaddafi's Libyan regime.

None of these countries ever are condemned by the Human Rights Council for their rampant human rights violations, nor is Iran, nor is Syria. But the Council has devoted 80 percent of its resolutions and about half of its special sessions to bashing the democratic Jewish State of Israel, and it has passed numerous other anti-freedom measures.

The administration's decision to join the Council, and the last year of the

U.S. membership on that Council, have not changed these grim facts, lamentably. When the deck is stacked, when the fix is in against freedom and against democracy, the answer should be not to participate and instead vote "no." The answer is for the U.S. and other responsible nations to walk out and demand better.

Today, however, in this legitimate and distinguished House, I will proudly vote yes on this resolution. I encourage all of my colleagues to do the same.

I thank my good friend and colleague from New York, Mr. CROWLEY, for cosponsoring this resolution with me; I thank our wonderful chairman, Chairman BERMAN, for agreeing to move it so promptly for floor consideration; and I again thank my good friend from Nevada, Ms. BERKLEY, for also standing on the side of Israel, always standing on the side of freedom and democracy.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. BERKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is plain to see from the words of my esteemed colleague, it is plain to see Israel's extraordinary impact on the global economy. Its accession to the OECD will have a positive impact on our global economy at a time when our economy is suffering worldwide.

It would be my hope that the Palestinians, rather than to continue to refuse to make peace with Israel, to continue its terrorist attacks on innocent Israelis, its continuance to refuse face-to-face negotiations with the Israelis for peace, to actively incite anti-Semitism and hatred towards Israel, and to continue its attempts to delegitimize Israel's very right to exist, that perhaps instead it would be more worthwhile for the Palestinian people if its leaders would work with Israel to improve its own economic situation, to raise the Palestinian people from the misery, poverty, and squalor in which they live, and in which they continue to live, not because of the Israelis' success, but because of the lack of movement on the part of the Palestinian leadership that continues to use and abuse their own people and attempt to delegitimize Israel's very right to exist.

Mr. GRAYSON. Mr. Speaker, I rise in support of House Resolution 1391, congratulating Israel for its accession to membership in the Organization for Economic Co-operation and Development.

On May 10, 2010, 31 OECD member states unanimously agreed to invite Israel to become a member of that organization. The OECD noted in a statement that "Israel's scientific and technological policies have produced outstanding outcomes on a world scale." Israel's finance minister, Yuval Steinitz, described Israel joining the OECD as "a badge of honor" for Israel, which was one of the few economies to show growth in 2009 during the world economic crisis.

It is critical to recognize the importance of Israel's involvement now and in the future in international organizations. I stand with my colleagues in commending President Obama and the administration for the integral role it played in Israel's successful bid for accession to membership in the OECD. This only furthers to strengthen the bonds between the United States and Israel.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of H. Res. 1391, a resolution congratulating and commending Israel for its accession to membership in the Organization for Economic Co-operation and Development, OECD.

On May 10th, it was announced that OECD member states had unanimously voted to extend membership to Israel. This landmark vote recognizes Israel's economic strength, and it is a clear victory over efforts to marginalize and delegitimize the country. Israel's accession to the OECD will speed its economic integration into the global community and provide increased opportunities for foreign investment.

Despite living under the constant threat of terror and war, Israel has developed one of the world's most robust economies. Last year, Israel boasted one of few economies in the world to show growth during the economic crisis. OECD has predicted a 3.5 percent increase in Israel's economy in 2010.

I visited Israel in early April and saw a modern, vibrant economy driven by scientific and technological advancement. While international attention remains fixed on the politics of the region, the OECD vote is a critical recognition of Israel's robust economy and ongoing innovation.

Last week, I joined over 30 of my colleagues in signing a letter to President Obama, thanking him for his administration's strong support of Israel's bid, as well as a letter to OECD Secretary-General Angel Gurría expressing appreciation for the OECD vote.

Mr. Speaker, I strongly support Israel's accession to the OECD, and I encourage my colleagues to join me in supporting this resolution.

Mr. MCMAHON. Mr. Speaker, I rise today to congratulate our close ally and partner, Israel, for her accession to membership in the Organization for Economic Co-operation and Development. I also want to thank the Congresswoman ILEANA ROS-LEHTINEN for introducing this Resolution, of which I am honored to be an original co-sponsor.

Israel first sought membership in OECD 10 years ago, and since then, Israel has been the most active nonmember country. Her aggressive pursuit of far-reaching economic reforms has led to her placement among the top business-friendly countries. Today, Israel is a world leader in providing access to credit markets, investor protections, and financial market sophistication. Her quality of life index also ranks among the top in life expectancy, judicial independence and legal rights.

The two pillars of the OECD are a commitment to democratic government and a free-market based economy. Its recognition of Israel's advanced economy, however, has been too long in coming and this delay has subjected Israel to too many politicized attacks from unfriendly nations and multilateral institutions.

Now, Israel's membership will strengthen the OECD's strategic economic importance in the world and benefit all members by providing access to Israel's advanced labor market and innovations in science and technology. Their membership also signifies another step forward in the cause to end religious intolerance and anti-Semitic economic and cultural policies.

Israel's commitment to our shared values of democracy, human rights, and freedom make her one the most important strategic allies of the United States. We will continue to support Israel in every way possible and work with her to defend herself against the aggressions of all enemies. I call on all responsible nations to do the same and congratulate OECD and Israel for this momentous partnership.

Mrs. MALONEY. Mr. Speaker, I am pleased to join my colleagues in supporting H. Res. 1391, congratulating Israel for its accession to membership in the Organization for Economic Co-operation and Development, OECD. On May 10, 2010, Israel became the 32nd member of the OECD by unanimous vote of the other members. This is an extraordinary achievement for a small, beleaguered nation that came into existence little more than six decades ago.

Sixty-two years ago, Israelis began the difficult process of creating a country from nothing. For more than a thousand years, the territory that is now Israel had been ruled by a series of far-off empires. It had no infrastructure, no history of self-rule, no major industrial base and very few large enterprises.

After Israel's establishment in 1948, Israelis created their own institutions from scratch. Israel has grown from an impoverished backwater colony to an economic powerhouse in the region. And although it has fewer natural resources than most nations of the world, it has made the most of what it has, investing in knowledge, development, innovation and medicine. Today, Israel is a center of scientific, medical and technological innovation, a leader in agriculture, water purification, alternative energy and public health.

Israel is a flourishing democracy, with a strong free press, a free and independent judiciary and a strong banking system that protects the safety and soundness of its financial institutions. The World Bank ranks Israel among the 30 countries in which it is easiest to do business. It is tied for fourth in ease of getting credit and tied for fifth in protecting investors. Similarly, the World Economic Forum rated Israel fifth of 133 nations on the Forum's legal rights index and 15th in judicial independence and 15th in financial market sophistication.

Israel's founders wanted to create an agricultural Garden of Eden—and since much of its territory consists of desert, its farmers developed techniques for growing crops in arid ground, using very little water. These techniques are now being marketed and used in developing nations across the globe. As part of its acceptance into OECD, Israel has agreed to increase its aid to underdeveloped nations in Africa, Asia, and Latin America. As part of that promise, Israel will be sending hundreds of experts in agriculture, water, and irrigation to impoverished areas, as well as experts in alternative energy, public health, education, and internal security. By sharing its

knowledge, Israel will be helping its neighbors and improving relationships with developing countries. Even before OECD acceptance, Israel astounded the world by arriving in Haiti with a high tech field hospital that was able to perform sophisticated procedures and save lives.

With oil-producing nations hostile to it, and very little oil or gas of its own, Israel learned to become energy efficient, using solar power and other alternative fuels. With little land and few natural resources, Israel positioned itself at the cutting edge of technological innovation. Many of the technological innovations we take for granted, including instant messaging, security firewalls, artificial stents, wireless computer chips, were developed in Israel. In 2010, the World Economic Forum ranked Israel 27th out of 133 countries in its Growth Competitiveness Index. Israel ranked third in quality of scientific research institutions, fourth in utility patents, seventh in life expectancy, ninth in innovation, 15th in availability of the latest technologies. Israel leads the world in the number of high-technology start-up companies, scientific publications, and research and development spending per capita.

Acceptance in the OECD is a mark of member nations' respect for Israel's economic progress, and it will help Israel attract foreign investors and develop its markets. Membership will enhance Israel's status in the world and will enhance its participation in other international bodies. It is no secret that the Palestinian Authority tried hard to deny Israel membership in the OECD precisely because they were concerned that OECD membership would enhance Israel's reputation in the world and strengthen its ties with other nations around the globe.

Mr. Speaker, Israel's accession to the OECD is a remarkable achievement. I am pleased to join my colleagues in saluting Israel's success and in expressing appreciation to the OECD members for their unanimous decision to accept Israel as a member. For all of the foregoing reasons, I urge my colleagues to support H. Res. 1391.

Mr. KUCINICH. Mr. Speaker, I rise in support of H. Res. 1391, a resolution congratulating Israel on its accession to membership in the Organization for Economic Co-operation and Development (OECD). Membership in the OECD, which includes the United States and most of the nations in the European Union, will yield greater stability and security for Israel. However, like many Israelis, I believe that true long-term stability and security for Israel depends upon a peaceful relationship with its Palestinian neighbors.

The OECD stated values include "a commitment to pluralist democracy based on the rule of law and the respect of human rights." As such, the body has a responsibility to ensure its members uphold and comply with those values. Absent from the debate on this resolution was the revelation that the economic data submitted to the OECD for membership included Israeli citizens living in the West Bank and East Jerusalem, in violation of OECD's own values and international law.

The submission of this data did not thwart Israel's acceptance into the OECD; however, continued illegal settlement building in the Occupied Territories and the debilitating blockade

of Gaza does thwart Israel's long-term security. The acceptance into the OECD despite this data sends a signal to members of the international community that they can violate international law and be rewarded for it. Furthermore, it threatens to undermine the fragile proximity talks facilitated by U.S. Special Envoy George Mitchell, as settlement building continues to be a main obstacle to progress.

Stability is not secured solely through economic growth. Anyone truly supportive of Israel must work with the Israeli government to bring it closer to a just and peaceful resolution with its Palestinian neighbors. I support a strong Israel. I believe that Israel's position in the international community can be strengthened by a demonstrated commitment to human rights and international law.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to offer my congratulations to the state of Israel on its acceptance into the Organization for Economic Cooperation and Development. This shows a great triumph for the country of Israel, and I congratulate them on their prestigious achievement.

On May 10, the 31 states in the OECD unanimously agreed to invite Israel to become a member, noting the country's "scientific and technological policies have produced outstanding outcomes on a world scale." On May 27, Israel officially joined.

The fact that Israel is now a member of the OECD is proof that, despite hardships and struggle, Israel has become a thriving and prosperous democracy. It has made important contributions in technology, medicine, agriculture and environmental innovation, worldwide. I am proud to see that these contributions are being acknowledged.

I also want to recognize President Obama and Secretary Clinton for their strong efforts ensure this happened. This victory for Israel is equally a victory for our country.

Congratulations, too, to the participating countries in the OECD for their ability to see past the possible politicization of this offer. The OECD was responsible and fair in its assessment of Israel's qualifications, focusing on what matters: economic and democratic standards.

But even as we stand here to recognize the Jewish State's achievement, we must remember that Israel, one of our strongest and most consistent allies, still continues to face attacks from hostile neighbors and challenges in its dealings with the rest of the world.

We must continue to be supportive allies to the Jewish State. Though Israel has made this significant advancement, threats still exist, and we must ensure that anti-Israel and anti-Semitic sentiments do not dictate Israel's viability as a strong, democratic nation.

Ms. BERKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. BERKLEY) that the House suspend the rules and agree to the resolution, H. Res. 1391, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BERKLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 10 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. RICHARDSON) at 5 o'clock and 45 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 1347, by the yeas and nays;

House Resolution 1385, by the yeas and nays;

House Resolution 1316, de novo; and

House Resolution 1169, de novo.

Remaining postponed votes will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

HONORING WORKERS WHO PERISHED IN DEEPWATER HORIZON ACCIDENT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1347, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. SPEIER) that the House suspend the rules and agree to the resolution, H. Res. 1347.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 28, as follows:

[Roll No. 302]

YEAS—403

Ackerman
Aderholt

Adler (NJ)
Akin

Alexander
Altmire

Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks

Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)

Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loehsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson

Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Andrews
Barrett (SC)
Becerra
Boren
Brown, Corrine
Cassidy
Cole
Conyers
Culberson
Davis (AL)
Gohmert
Graves
Grijalva
Hirono
Hoekstra
Honda
Jackson Lee
(TX)
Kilpatrick (MI)
Larson (CT)

Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Linder
Maloney
McClintock
Petri
Radanovich
Ryan (WI)
Tiahrt
Tierney
Woolsey

NOT VOTING—28

□ 1817

Mr. LOEBACK changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Madam Speaker, on rollcall No. 302, had I been present, I would have voted “yea.”

Mr. CASSIDY. Madam Speaker, on rollcall No. 302 I was unavoidably detained. Had I been present, I would have voted “yea.”

Mr. LARSON of Connecticut. Madam Speaker, on rollcall No. 302, had I been present, I would have voted “yea.”

RECOGNIZING AND HONORING MEMBERS OF ARMED FORCES AND VETERANS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1385, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr.

SKELTON) that the House suspend the rules and agree to the resolution, H. Res. 1385.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 17, as follows:

[Roll No. 303]

YEAS—414

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)

| | | |
|----------------|-------------|-----------------|
| Andrews | Conyers | Kilpatrick (MI) |
| Baird | Cuellar | Maloney |
| Barrett (SC) | Davis (AL) | McClintock |
| Becerra | Flake | Petri |
| Bilbray | Graves | Price (GA) |
| Boren | Gutierrez | Ryan (WI) |
| Brown, Corrine | Hoekstra | Speier |
| Brown-Waite, | Jackson Lee | |
| Ginny | (TX) | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1834

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING 125TH ANNIVERSARY OF
ROLLINS COLLEGE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1169, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1169, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. SCHAUER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 371, noes 36, not voting 24, as follows:

[Roll No. 305]

AYES—371

| | | |
|-------------|---------------|-----------------|
| Ackerman | Braley (IA) | Crenshaw |
| Aderholt | Bright | Critz |
| Adler (NJ) | Brown (SC) | Crowley |
| Alexander | Buchanan | Cueellar |
| Altmire | Burgess | Culberson |
| Arcuri | Butterfield | Cummings |
| Austria | Buyer | Dahlkemper |
| Baca | Calvert | Davis (CA) |
| Bachmann | Camp | Davis (IL) |
| Bachus | Campbell | Davis (KY) |
| Baldwin | Cantor | Davis (TN) |
| Barrow | Capito | DeFazio |
| Bartlett | Capps | DeGette |
| Barton (TX) | Capuano | Delahunt |
| Bean | Cardoza | DeLauro |
| Berkley | Carnahan | Dent |
| Berman | Carney | Deutch |
| Berry | Carson (IN) | Diaz-Balart, L. |
| Biggert | Castle | Diaz-Balart, M. |
| Bilbray | Castor (FL) | Dicks |
| Bilirakis | Chaffetz | Dingell |
| Bishop (GA) | Chandler | Djou |
| Bishop (NY) | Childers | Doggett |
| Bishop (UT) | Chu | Donnelly (IN) |
| Blackburn | Clarke | Doyle |
| Blumenauer | Clay | Dreier |
| Blunt | Cleaver | Driehaus |
| Boccheri | Clyburn | Duncan |
| Boehner | Coble | Edwards (MD) |
| Bonner | Cohen | Ellison |
| Bono Mack | Cole | Ellsworth |
| Boozman | Conaway | Engel |
| Boswell | Connolly (VA) | Eshoo |
| Boucher | Cooper | Etheridge |
| Boyd | Costa | Fallin |
| Brady (PA) | Costello | Farr |
| Brady (TX) | Courtney | Fattah |

| | | |
|------------------|-----------------|------------------|
| Filner | Lujan | Rodriguez |
| Flake | Lummis | Roe (TN) |
| Forbes | Lungren, Daniel | Rogers (MI) |
| Fortenberry | E. | Rooney |
| Foster | Lynch | Ros-Lehtinen |
| Fox | Mack | Roskam |
| Franks (AZ) | Maffei | Ross |
| Frelinghuysen | Manzullo | Rothman (NJ) |
| Fudge | Marchant | Roybal-Allard |
| Gallely | Markey (CO) | Royce |
| Garamendi | Markey (MA) | Ruppersberger |
| Garrett (NJ) | Marshall | Rush |
| Gerlach | Matheson | Ryan (OH) |
| Giffords | Matsui | Salazar |
| Gohmert | McCarthy (CA) | Sanchez, Linda |
| Gonzalez | McCarthy (NY) | T. |
| Goodlatte | McCauley | Sanchez, Loretta |
| Gordon (TN) | McCollum | Sarbanes |
| Grayson | McCotter | Schakowsky |
| Green, Al | McDermott | Schauer |
| Green, Gene | McGovern | Schiff |
| Griffith | McIntyre | Schrader |
| Grijalva | McKeon | Schwartz |
| Guthrie | McMahon | Scott (GA) |
| Hall (NY) | McMorris | Sensenbrenner |
| Halvorson | Rodgers | Serrano |
| Hare | McNerney | Sessions |
| Harman | Meek (FL) | Sestak |
| Harper | Meeks (NY) | Shea-Porter |
| Hastings (FL) | Melancon | Sherman |
| Hastings (WA) | Mica | Shimkus |
| Heinrich | Michaud | Shuler |
| Heller | Miller (FL) | Shuster |
| Hereth Sandlin | Miller (MI) | Simpson |
| Higgins | Miller (NC) | Sires |
| Hill | Miller, Gary | Skelton |
| Himes | Miller, George | Slaughter |
| Hinchey | Minnick | Smith (NE) |
| Hinojosa | Mitchell | Smith (NJ) |
| Hirono | Mollohan | Smith (TX) |
| Hodes | Moore (KS) | Smith (WA) |
| Holden | Moore (WI) | Snyder |
| Holt | Moran (KS) | Space |
| Honda | Moran (VA) | Speier |
| Hoyer | Murphy (CT) | Spratt |
| Inglis | Murphy (NY) | Stark |
| Inslee | Murphy, Patrick | Stearns |
| Israel | Murphy, Tim | Stupak |
| Jackson (IL) | Nadler (NY) | Sullivan |
| Jenkins | Napolitano | Sutton |
| Johnson (GA) | Neal (MA) | Tanner |
| Johnson, E. B. | Nunes | Taylor |
| Jones | Nye | Teague |
| Jordan (OH) | Oberstar | Terry |
| Kagen | Obey | Thompson (CA) |
| Kanjorski | Olson | Thompson (MS) |
| Kaptur | Olver | Thompson (PA) |
| Kennedy | Ortiz | Thornberry |
| Kildee | Owens | Tiahrt |
| Kilroy | Pallone | Tiberi |
| Kind | Pascrell | Tierney |
| King (NY) | Pastor (AZ) | Titus |
| Kirk | Paul | Tonko |
| Kirkpatrick (AZ) | Paulsen | Tsongas |
| Kissell | Payne | Turner |
| Klein (FL) | Pence | Upton |
| Kline (MN) | Perlmutter | Van Hollen |
| Kosmas | Perriello | Velazquez |
| Kratovil | Peters | Visclosky |
| Kucinich | Peterson | Walden |
| Lance | Pingree (ME) | Walz |
| Langevin | Pitts | Wamp |
| Larsen (WA) | Platts | Wasserman |
| Larson (CT) | Poe (TX) | Schultz |
| Latham | Polis (CO) | Waters |
| LaTourette | Pomeroy | Watson |
| Latta | Posey | Watt |
| Lee (CA) | Price (GA) | Waxman |
| Levin | Price (NC) | Weiner |
| Lewis (CA) | Putnam | Welch |
| Lewis (GA) | Quigley | Whitfield |
| Linder | Radanovich | Wilson (OH) |
| Lipinski | Rahall | Wittman |
| LoBiondo | Rangel | Wolf |
| Loebach | Rehberg | Woolsey |
| Lofgren, Zoe | Reichert | Wu |
| Lowe | Reyes | Yarmuth |
| Lucas | Richardson | Young (FL) |

NOES—36

| | | |
|-------------|--------------|--------------|
| Akin | Carter | Gingrey (GA) |
| Boustany | Cassidy | Granger |
| Broun (GA) | Coffman (CO) | Hall (TX) |
| Burton (IN) | Emerson | Hensarling |
| Cao | Fleming | Herger |

| | | |
|--------------|-------------|--------------|
| Hunter | Lee (NY) | Scalise |
| Issa | Luetkemeyer | Schmidt |
| Johnson (IL) | McHenry | Schock |
| Johnson, Sam | Myrick | Shadegg |
| King (IA) | Neugebauer | Westmoreland |
| Kingston | Rogers (KY) | Wilson (SC) |
| Lamborn | Rohrabacher | Young (AK) |

NOT VOTING—24

| | | |
|----------------|--------------|-----------------|
| Andrews | Davis (AL) | Kilpatrick (MI) |
| Baird | Edwards (TX) | Maloney |
| Barrett (SC) | Ehlers | McClintock |
| Becerra | Frank (MA) | Petri |
| Boren | Graves | Rogers (AL) |
| Brown, Corrine | Gutierrez | Ryan (WI) |
| Brown-Waite, | Hoekstra | Scott (VA) |
| Ginny | Jackson Lee | Towns |
| Conyers | (TX) | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1843

Mr. LAMBORN changed his vote from “aye” to “no.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Madam Speaker, I was unable to attend to several votes today. Had I been present, I would have voted “aye” on final passage of H. Res. 1347, “aye” on final passage of H. Res. 1385; “aye” on final passage of H. Res. 1316, and “aye” on final passage of H. Res. 1169.

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, on May 26, 2010, I was called away on personal business. I regret that I was not present to vote for H. Res. 1347, H. Res. 1385, H. Res. 1316 and H. Res. 1169. Had I been present, I would have cast a “yea” on all of these votes.

PERMISSION TO FILE SUPPLEMENTAL REPORT ON H.R. 5136,
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Mr. MARSHALL. Madam Speaker, I ask unanimous consent that the Committee on Armed Services be authorized to file a supplemental report on the bill, H.R. 5136.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ELECTING A MEMBER TO CERTAIN
STANDING COMMITTEES OF THE
HOUSE OF REPRESENTATIVES

Ms. ZOE LOFGREN of California. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1397

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Critz (to rank immediately after Mr. Garamendi).

(2) COMMITTEE ON SMALL BUSINESS.—Mr. Critz (to rank immediately after Mr. Nye).

Ms. ZOE LOFGREN of California (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMERICANS DESERVE ACCESS TO PUBLIC LANDS

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Madam Speaker, millions of acres across our Nation are owned by the Federal Government, including national parks, forests, monuments, wilderness areas, and other lands. These lands belong to the American people and should be accessible to the public to enjoy.

The Hanford Reach National Monument located in my hometown includes Rattlesnake Mountain. I've been to the summit of Rattlesnake Mountain, and it provides unparalleled views of the Monument, Hanford, and the Columbia River, and everybody should have an opportunity to appreciate that.

I'm introducing legislation that would ensure public access to the summit of Rattlesnake Mountain. My bill simply is about making sure that land owned by the American people is accessible to the entire Tri-Cities community—not something to be admired from afar and from behind a fence. Recognizing that people are allowed to go to the top of Mount Rainier, there is no reason why safe and regular access to the summit of Rattlesnake Mountain for the general public cannot and should not be provided.

ON THE PASSING OF JUDGE EDWARD DAVIS

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, yesterday a giant in South Florida passed away. He was a dear friend of mine, Judge Edward Davis, and a dear friend of all in America that are in the constant quest for justice. I have not had an opportunity to speak

with his wife Patricia, but I did mention briefly last night that I offer she and the family my most sincere condolences.

I intend at the appropriate time in the CONGRESSIONAL RECORD to commemorate Ed—and we call him Ned—by referring to the awesome career that he had and the significant number of undertakings that he put forward either as a lawyer or as a judge or as a citizen in Miami, Dade County, and throughout Florida and this Nation on behalf of the Southern District of Florida.

He will be sorely missed. He was an extremely tall and giant of a man with as big a heart as was the fact that he was tall. I will sorely miss him. The Southern District of Florida and all of their judges; Judge James Lawrence King and he were good friends. Ned and I went on the bench together at the same time, and it hurts me and it hurts our community that he is gone.

That said, Mr. Speaker, I will commemorate his memory more appropriately as time progresses.

NATIONAL MEDIA IGNORE PRESIDENT'S LOWEST-EVER APPROVAL RATING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, President Obama's approval rating hit a new low this week according to a Rasmussen public opinion poll. Just 42 percent of Americans approve of the President's job performance. By a margin of almost 2-1, more Americans strongly disapprove of the President rather than strongly approve and fewer than half of those in the President's own party strongly approve of his job performance.

Not surprisingly, the national media have mostly ignored these results. The New York Times, The Washington Post, The Los Angeles Times, and USA Today—among many others—failed to mention the Rasmussen poll. In contrast, during former President George W. Bush's administration, the national media frequently reported polls showing any falling approval rating.

The national media should report the facts, not practice double standards.

RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO AND FORUM

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today to discuss the 13th annual Congressional Renewable Energy and Energy Efficiency Expo and Forum that is slated to take place tomorrow. The

topic of this expo is especially timely. Last year, China invested \$34.6 billion in clean energy while the United States invested \$18.6 billion, a distant second. We have an energy problem, and we need to address it.

At this forum, there are over 50 businesses, clean energy trade associations, government agencies, and energy policy research organizations that will be showcasing their technologies. On efficiency: We should drill and mine energy efficiency the way we are so glut-tonously dependent on drilling for oil and mining for coal. On renewable energy: We should invest in sustainable energy and new technologies to build our energy independence and to once again create American manufacturing jobs.

I ask my colleagues to join me in welcoming this year's participants at the expo and encourage my colleagues to stop by the Cannon Caucus Room to see the exhibits.

TIME TO MAKE A PERMANENT FIX TO THE MEDICARE PAYMENT FORMULA

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, we find ourselves up against another deadline for the so-called "doc fix," and this happens because this Congress lacks the courage to solve the problem. The fact is, Mr. Speaker, the longer we put off doing a permanent fix, the more expensive it gets. If the problem had been fixed 5 years ago, it would have cost \$49 billion.

Here is an ad that the AMA has been running in some of the papers here on Capitol Hill. The cost to fix the bill now is \$210 billion, but if we wait 3 years, it almost doubles to \$396 billion and then balloons to half a trillion dollars in 5 years.

But there is a better way. H.R. 3693 would make a permanent fix to the formula Medicare uses to determine payments to doctors, and it's critical for our patients because patients cannot get access to a Medicare physician because, consider this, Medicare physician payment rates are about where they were in 2001. Medical practice costs have increased more than 20 percent. What's worse, the current fee pays doctors less each year for performing the same procedures.

I urge the Congress to pass a reasonable Medicare physician fix. The time has come and gone.

FINANCIAL GAMES

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute.)

Mr. GARAMENDI. Mr. Speaker, I'm astounded. I'm astounded with what I

just heard. This is a problem that was actually created nearly a decade ago by the Republicans as they were playing financial games. And to stand here on the floor and say this has to be fixed now, yes, indeed it does, but indeed it is the Republican Party that has prevented us from fixing it. That's going on right now as the negotiations take place on the American Jobs Act and corporate tax loophole closing—closing the tax loopholes on corporations that are in fact shipping jobs offshore.

I would ask the Republicans in this House to stand with us and do a permanent fix. It can be done. But it's not going to be easy. We need to raise the tax revenue. A good place to raise it is from those corporations that are shifting jobs offshore.

NATIONAL GUARD SENT TO BORDER OR MAYBE NOT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the administration announced they're deploying 1,200 National Guard troops to the border. That sounds mighty good, but not so fast.

It appears troops aren't really going to the border. It seems they're sending the National Guard troops 20 miles behind the border to do computer support work. Well, we can hire a Geek Squad to do that. The National Guard troops need to be on the border and they need to be armed so they can defend themselves. And they need realistic rules of engagement.

One border patrol official said that sending unarmed National Guard troops to the border amounts to the border patrol guarding the National Guard. Our current border philosophy is to try to capture people when they cross the border. Once they've crossed, if we capture them, then we have to deal with the consequences—like deportations, prosecutions, drug gangs in our jails, et cetera. Why are we letting illegals cross in the first place?

It seems to me we need boots on the border, not 20 miles behind the border guarding computers.

And that's just the way it is.

BUY AMERICA

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, in the last year of the Bush administration, the Department of Defense, under President Bush, authorized a 450 percent increase in the number of waivers we grant to this Nation's Buy America law, allowing in just 1 year thousands of American jobs to be sent overseas using U.S. taxpayer dollars.

We have the defense reauthorization bill on the floor this week, and we have

a chance to say no more, that one of the best ways to grow our domestic economy is to make sure that our own U.S. taxpayer dollars, 70 percent of which are used with respect to U.S. procurement on defense items, stay right here in this country.

The stimulus bill is working. It's creating American jobs. But without spending one dime more of American money, we can stop this trend of more and more waivers being granted to the Buy America laws and apply U.S. taxpayer dollars to create U.S. jobs.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. POLIS). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SENIORS' BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to speak about an issue of concern to seniors in my district and around the country. I'm proud to support the Seniors' Bill of Rights crafted by the Democrats' Seniors Task Force, and am committed to its goals. These goals include helping seniors achieve financial security by staying in their homes, finding jobs, and receiving quality, affordable health care.

Our seniors made this country what it is today—fighting overseas for our freedom, serving as the backbone for an economic boom in the post-war years, and providing critical leadership in our communities.

Today, I want to address a fundamental flaw in the Social Security system that I want to correct in the coming weeks: Social Security disability fraud. We are all aware of the disability backlog and the steps Congress is taking to reduce it. Due to dedicated oversight and strong action since the Democrats took back the majority in Congress, the backlog is being reduced. What is less commonly known is that some disability insurers are purposely adding to this backlog.

□ 1900

They have forced policyholders to apply for Social Security disability benefits or else they withhold payments. They do this even when they know the person is ineligible for Social Security disability benefits.

Here is where the fraud comes in. Disability insurance pays out when you are hurt and unable to perform your job. Social Security is there when you are so hurt that you cannot perform any job.

If a neonatal nurse, for example, injures her shoulder in a car accident and can no longer pick up infants, she can no longer do her job and is eligible for temporary disability benefits from her insurer. Because this nurse is still capable of serving a full career as a nurse in a number of other settings, she is not eligible for Social Security disability.

This isn't a hypothetical situation. It is an actual case pulled from a lawsuit against one of the disability insurers that was defrauding Social Security.

The disability insurer forced the nurse to commit fraud by forcing her to apply for Social Security disability, even though they knew the full extent of her injuries still meant that she could work as a nurse in other capacities.

These insurers have access to medical records and know full well when their customers are unable to perform any job. Yet they mandate that all of their customers, even those who are only temporarily injured, apply for Social Security disability. This adds to the backlog and costs taxpayers millions of dollars, all because insurers want to delay paying legitimate claims.

My legislation would require that insurers play by the same rules that they require of individuals. If an insurer is going to mandate a policyholder apply for Social Security disability, that insurer should have to certify to the government that the claim is a legitimate, permanent claim.

This legislation will root out this practice so that bad actors won't be able to clog the system with frivolous claims. When frivolous claims are weeded out, access for legitimate applicants increases and the time to process legitimate claims decreases.

This is just one of the issues I am working on to benefit California's seniors. I look forward to working with my colleagues and passing this bill into law.

SMALL BUSINESS JOB CREATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Mr. Speaker, I rise to express my thoughts on a matter of deep concern to me, small business job creation.

We have seen a lot of progress this year. Our economy has created over 500,000 jobs in 2010 alone. Last month, 290,000 jobs were created, with 231,000 of them in the private sector, the largest number of new jobs created in the last 4 years. While these are great statistics, we still have a long, long way to go. It will take time to recover the 8 million jobs lost over the course of this recession.

One positive thing that Congress could do to support jobs is to do all

that we can to support small businesses. With two out of every three new jobs created by small businesses, they are the driving force of our economy. Unfortunately, they have also been the hardest hit by the recession, having lost over 2.4 million jobs.

As President Obama indicated in his meeting with the small business leaders, this is the Nation where anyone with a good idea and the will to work hard can succeed, and I agree with President Obama.

New York City is no stranger to good ideas, hard work, or small businesses. The city is home to over 200,000 small businesses which create hundreds of thousands of jobs, provide valuable goods and services, and help drive our local economy.

While the government can't get small businesses through all of the tough times, it can remove barriers that prevent businesses from growing and being able to succeed. We must do all that we can to support the work of the countless entrepreneurs that sustain our economy.

I encourage my colleagues in the House and in the Senate to work together to enact policies that will support small business job creation. We must work to eliminate these barriers and to permit people to be able to expand their businesses and to be able to create jobs.

We need to make certain that folks have an opportunity to work. We have people that have gone to college and are coming out with degrees and still cannot find a job. I think the time has come when the Congress must come together and create jobs and job opportunities for these young people in particular that want to work but are being denied the opportunity because they lack a job.

YOU CUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HASTINGS) is recognized for 5 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, last evening I spoke on the House floor about the newly devised YouCut program and how it undercuts our representational responsibilities as Members of Congress.

I would like to revisit this theme, which has become a recurring one, given the Republicans' most recent efforts.

I repeat, government by referendum is not representation. Just because 81,000 people voted for a program in a Republican ploy doesn't mean that it is the will of the American people or informed policy.

Let me make it very clear: Referenda have their place, but in this, the world's greatest deliberative body, we are not in the position of needing to have that kind of ploy put forward here

in this body. Republicans seem to think that online gimmicks are an effective substitute for good government.

What they fail to understand is that national policy cannot be made in a matter of minutes or within a few clicks of a mouse. Instead of worrying about friend requests, Republicans should contribute to meaningful debate. If they did, then they would have known that according to the non-partisan Center on Budget and Policy Priorities, cutting funding for the Temporary Aid to Needy Families Program, as they attempted to do, would have resulted in 100,000 people losing their jobs.

This Chamber isn't going to be fooled or bullied or be controlled by the misguided ideological intention or misleading rhetoric of the few. Republicans have called for voter input on programs of national significance in the name of civic participation. But spreading misinformation is not in the best interests of the American people.

To the contrary, it is only in the best interests of the Republicans and their agenda. Not only are the summaries provided on YouCut, which I have called CutYou, inaccurate, they are specifically written to elicit a specific response.

As I have said, I do not fault my friends on the other side of the aisle for taking their upcoming election campaigns into consideration and doing those technological undertakings that they deem necessary for themselves. What I do fault them for is wasting the time of this Chamber with their ulterior motives and legislative tricks. They are playing with short-term decisions that have long-term consequences.

YouCut provides no effective way to change policy, does little to reduce our Federal deficit, does nothing to allow for people to talk about saving themselves, and hurts everyday Americans, especially the poor and the elderly, who probably, some of them, cannot participate in their poll for the reason that they don't have BlackBerrys and computers.

Instead of continuing to be the Party of No, Republicans should say "yes" to the American people and help pass the legislation that this Nation needs and deserves.

I urge my Republican friends not to undercut with their CutYou YouCut representational democracy and not just substitute selective, push polling, robotexting, tooting and tweeting for the work of the greatest deliberative body in the world.

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. BEAN) is recognized for 5 minutes.

Ms. BEAN. Mr. Speaker, I rise this evening to recognize National Small Business Week. This year marks the 47th annual Small Business Week, during which we honor the immense contributions of entrepreneurs, their companies, and their workforce to our country.

Our Nation's economic rebirth relies on the ability of our community businesses to innovate, develop, and market solutions that deliver measurable value to their clients. Their growth and success creates up to 80 percent of new jobs in our Nation, including 25,000 already this month.

As a former business owner, I recognize today's many challenges, including getting access to capital, lowering energy costs, funding R&D, workforce training, and improving efficiencies.

When I host Small Business Federal Resource Seminars in my district, I encourage community businesses to connect with Federal agencies whose resources and programs could be useful to their operations, including—I have the SBA come out and share information with our businesses about 504 and 7(a) and Express loan programs. We also talk about small business development tools from the SBDCs.

The IRS is available to provide information about small business tax incentives, which include 179 expense provisions and bonus depreciation, the NOL carryback that has already refunded \$2.6 billion to small businesses that had been in the stimulus, so that as they had been profitable in previous years, they can get those dollars back at a time they need to cover payroll and operating expenses. There are also tax credits for health care, which the IRS elaborates on as well.

The Commerce Department talks about export programs, and the Department of Energy talks about Webinars and grants, tools, and incentives for energy development and energy efficiencies.

Small firms are the engine of our U.S. innovation and competitiveness, producing 13 times more patents for employees than those in larger firms. And they support our communities. In addition to goods, jobs, and services, small firms invest in local real estate. Their suppliers grow as they grow, and they contribute to charities and provide leadership and mentoring services to their neighbors.

To help small firms weather the recession and access the capital that is critical to their growth, Congress and the SBA have stepped up. The Recovery Act included \$288 billion worth of tax cuts, not just to 95 percent of working Americans, our consumers, but business incentives as well, including bonus depreciation, 179 expensing, the NOL carryback, and capital gains exclusions for small business stock. The first-time home buyer tax credit helped bring 700,000 new buyers back into the market.

This broad-based stimulus went further with infrastructure investment in roads, bridges, energy, and water projects, and included investments in education, smart grid technology, and health IT.

We have seen a positive return. GDP growth has gone from negative 6 to positive 6 since the stimulus, and U.S. manufacturing is now growing at its fastest pace since 2006. While these signs of recovery are encouraging, more needs to be done.

Creditworthy businesses need to have access to working capital, and many need to restructure their debt in the months and years ahead. When businesses can't access financing, they delay contracts, hiring, equipment purchases, and other expansions.

The Recovery Act provided higher guarantees and reduced fees on SBA 7(a) and 504 loans. Since its passage SBA has driven over \$27 billion in small business loans into the hands of our community businesses, yet many are still struggling to access affordable capital. Banks are operating under tightened lending standards and have greater risk aversion and greater exposure to the instability of the commercial real estate market.

□ 1915

Their strained balance sheets make it difficult to continue extending credit, where appropriate, to small businesses.

The experience of the Recovery Act has shown that the SBA guarantee can make a difference for an entrepreneur in need of capital. When it comes to Congress' approach to fostering recovery, every week must be Small Business Week.

My colleagues and I will continue to address the capital access gap with measures we move forward in the weeks ahead. Congresswoman DAHLKEMPER and I have a bipartisan measure to increase the maximum loan size and guarantee on the SBA express loan, a critical tool that provides working capital so firms can restock inventory and make new hires.

Today I introduced the Small Business Asset Investment and Modernization Act, which will enhance the SBA 504 loan program for commercial real estate, buildings, and heavy equipment.

Businesses are facing a collateral program as their loans mature and their equity is down in value. Many small business owners obtained loans during the bubble, getting loans at inflated appraised values on their property or with balloon payment structures. Banks are reluctant to restructure debt, particularly if the borrower is equity challenged or if the bank is capital challenged.

My bill will temporarily enable business owners to refinance their commercial real estate debt through the 504

program, addressing an acute near-term need in that sector. Over the next few weeks, I look forward to advancing these and other initiatives to help our growing businesses get the capital they need.

I urge my colleagues to join us in moving forward on further programs to support the work ethic and entrepreneurial spirit of our small businesses, the cornerstone of our economy.

OUT OF AFGHANISTAN CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, in the year 2005, I joined my colleagues and fellow Californians, MAXINE WATERS and BARBARA LEE, and other strong progressives in forming the Out of Iraq Caucus. That group was critical in galvanizing support for an end to the Iraq war and a return of our troops safely home.

Before we formed the Out of Iraq Caucus, Mr. Speaker, questioning the occupation of Iraq was considered a political death wish, but because we had the courage to speak out and to organize, ours became a firmly mainstream position. Without the work we did and the pressure we applied and the growth of our Out of Iraq Caucus, we would not be poised for redeployment out of Iraq later this year.

It's now time for those of us who oppose the war in Afghanistan—a bloc that's growing every single day—to do the same thing. I urge Members on both sides of the aisle to join the new Out of Afghanistan Caucus, formally launched by my friend Mr. CONYERS from Michigan.

As Afghanistan becomes more bloody, more expensive, and, frankly, more hopeless, we must rally with the same sense of purpose and fearlessness as we did in 2005 in the debate over Iraq. Every day, it seems, brings more bad news out of Afghanistan. The United States death toll has topped 1,000. According to news reports, for the first time we now have more troops in Afghanistan than we do in Iraq, and the combined costs of both wars is fast approaching \$1 trillion—that's trillion with a "T," Mr. Speaker.

The American people are losing patience with this war, and who can blame them? For 8½ years, they have sent their finest men and women and their hard-earned taxpayer dollars halfway around the world only to find that the Taliban is resurgent, the terrorist threat remains strong, and Afghanistan remains mired in corruption, violence, and poverty. At just the moment when we need to draw down, we are doubling down. We're pouring thousands of troops into Kandahar for an all-eggs-in-one-basket offensive that no one seems confident will succeed.

With all that in mind, how can we, in the House of Representatives, not speak with a louder and more unified voice against this war? But we in the Out of Afghanistan Caucus are not calling for an abandonment of the country. We just believe that a military occupation, which has had nearly a decade to work, can't achieve the objectives of stability and security for the Afghan people.

What we need is diplomacy. We need humanitarian aid, support for democracy building and civil society programs. What we need are more resources for agriculture, education, and infrastructure. These are the tools of a smart security strategy that can empower the Afghan people in a way that sheds no more blood.

Mr. Speaker, warfare has only led to more warfare, emboldening the very enemy we're trying to defeat. A peaceful civilian surge is actually the only answer.

I ask my colleagues to join me in becoming a part of the Out of Afghanistan Caucus and help bring our troops home.

UKRAINE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the people of Ukraine have been struggling to achieve a fair, independent, and strong democracy since the oppressive Soviet yoke was shed in 1991, but recent events in the southern Ukrainian city of Zaporozhia have raised alarm.

A seven-foot tall statue of Joseph Stalin, the World War II Communist tyrant of the Soviet Union who was responsible for the Holodomor famine genocide in which millions upon millions of people starved to death, as well as the deaths of millions of Ukrainians, Poles, Russians, and so many others inside that tyranny, has been built outside of the city in front of the Communist Party headquarters. Even worse, Zaporozhia authorities just denied opposition groups the right to assemble to object to the statue's public display.

Since World War II, the world has come to know that Joseph Stalin killed over 50 million people inside those borders, and the repressive legions that supported him were responsible for such agony for so many. The elevation of Joseph Stalin with a monument is an affront to those who have fought for freedom around the world. Just as a monument to Adolf Hitler in Germany would be unacceptable, freedom lovers simply cannot stand by silently while a monument to Stalin, the mass murderer of the 20th century, is erected in Ukraine.

The story of U.S. citizen Eugenia Sakevych-Dallas, a survivor of the

famine genocide in Ukraine, can clearly express how Ukraine and her people were treated under the iron fist of Joseph Stalin. She describes herself as a survivor of the forced famine in Ukraine of 1932–1933. She recounts: It is with tears of joy for the future and salty tears of pain for the past that I write this account of my survival. It is the bone-chilling nightmare of every child to have their parents dragged away by force, never to see them again; siblings sent to prisons, parents sent to their deaths.

She was born in Mykolaiv Oblast and came from a happy family living off the land, but that happiness was stolen when, at the age of 5, they were forced to give away their home, their land was confiscated, and all their domestic animals were taken from them. Like many Ukrainians, they were left on the streets to starve. They were called “Kulacs”—enemy of the people. Her father was arrested first. The Communists came and picked up her family one by one, leaving her an orphan, an orphan crying with unbearable psychological wounds, alone, afraid, and starving.

She remembers her beloved mother during that time trying to feed the children, doing what any mother would do to care for her offspring. She found a few rotten potatoes in a field, and, for this, Stalin's lieutenants arrested her and she was sent to Siberia. The prisons during that time were overpopulated with people who had done nothing but try to survive.

Memories flood back to her, as do tears, and she remembers the long, long lines of men waiting for stale, molding half loaves of bread for hours upon hours. Etched in her mind is one man whom she did not even know that finally reached the end of the line and, with starvation in his eyes, grabbed the little loaf and started to bite into it, swallowing it as fast as he could and then dropping dead right in front of her.

Starvation is an odd thing, she writes. An empty stomach taking in bread is like swallowing cement. It does not absorb the nutrients. It hardens and kills the human body. I lost my dear sister to starvation, a forced death, legalized murder, or murder that the Communists, at Stalin's behest, decided was mercy killing.

They were constantly on the run while her family was being picked off one by one by the Communists. And as starvation took hold of the Ukrainian people, hatred filled their hearts for Soviet Moscow. Many faces still haunt her today—the trains of people, families, old, young, starving, sick, hauled off with standing room only in those box crates. She became one of the children of the street, one of the few survivors of that tragic time in history who ate grass, pinecones, and anything that was chewable in the shadows,

afraid that they might be taken away. People were begging, starving, eating anything they could find—a dead horse if they were lucky. Thousands of people were falling over dead, millions upon millions of innocent people killed under the Communists.

It was a sad time in history where, during the height of the famine, Ukrainian villagers were dying at the rate of 17 per minute, 1,000 per hour, and 25,000 per day, leaving only a few survivors to keep the history alive. They were stacked up like logs.

The horror and panic of that time of tyranny is still with her. The hunger that plagued Russia and tortured the Ukrainian people in their scheme to slaughter and take over and annihilate the middle class, she says, Let us not forget. It is our duty to bring the memories and truth to the world. We must expose the hardships, the horrors, and the truths so that these atrocities never can happen again.

SENIORS TASK FORCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from California (Ms. SPEIER) is recognized for 60 minutes as the designee of the majority leader.

Ms. SPEIER. Mr. Speaker, the Democratic Caucus feels very strongly that seniors in America count and, in so doing, created a Seniors Task Force co-chaired ably by Congresswoman SCHAKOWSKY of Illinois and Congresswoman MATSUI of California. And we thought it was fitting tonight, this being the month in which we honor seniors, to spend an hour talking about the seniors of America.

There are 45 million seniors in this country, and they have the right to ask us what have we done for them lately. And tonight, we're going to ask that question, and we're going to answer it.

First of all, I think we should focus in on Wall Street, and our message is “When Wall Street gambles, she loses.” So part of what we want to focus on tonight is the reforms on Wall Street that will protect seniors in America.

The biggest winners, we suggest, in the Wall Street reform are people over the age of 50, who hold 70 percent of the Nation's wealth. Oftentimes, seniors don't realize how big their assets really are or how valuable they are, and they become ripe for scam artists to take them on a wild ride that oftentimes means that they lose the very assets that they have held so dear. Seniors often have caregivers they share their financial data and information with and, oftentimes, can be exploited by those very caregivers.

So we have created a Senior Financial Bill of Rights, which I would like to share with you right now. And the Democrats believe that there are four simple principles that we espouse on behalf of seniors.

The first is the right to simple-to-understand and suitable financial products. Now, this would seem so very obvious, but I'm going to share with you a couple of stories that suggest seniors become the most vulnerable population in terms of being captured by an industry that has plagued us with all kinds of financial products that are not understandable.

I first want to talk about a 67-year-old retired widow living alone in a home she's had for 24 years. She recently got a part-time, minimum wage job as a kitchen helper that helps with her expenses. She's getting \$500 a month for that. She gets \$973 a month in her Social Security benefits. And the balance due on her home is \$90,000.

□ 1930

Now, her husband died in 2003, and she was having a hard time making those mortgage payments, so she went to Wells Fargo and got them to offer her a reverse mortgage. In so doing, she was able to pay off her regular mortgage and did not have payments for as long as she continued to live in the home, which appeared to be a good result.

Yet, in 2007, agents working for World Savings in Orange County, California, found her 500 miles away in Yuba City, California. In a series of phone calls, they convinced her that Wells Fargo was demanding the repayment of her reverse mortgage because home values were declining to levels of less than the loan balance. They convinced her that Wells Fargo would foreclose if she did not refinance to pay off the reverse mortgage. She was confused and frightened, and she did not understand the reverse mortgage for which she had paid \$11,000 in origination fees.

So, before long, she was into yet another mortgage with an adjustable rate mortgage and was paying \$4,000 a month at one point. Even the lowest payment option constituted 68 percent of her Social Security income—an absolute nightmare. She made three payments out of savings and then gave up. The trustee sale was first set for January 2, 2009. A legal aid attorney came to her benefit and was able to postpone the sale of her home, and negotiations continue today.

This is a real story. She is a real person in California who was not given the right to a simple-to-understand and suitable financial product. That is, in part, what we are going to make sure happens as a result of the Wall Street reform, in part because we are creating a Consumer Financial Protection Agency so that this kind of activity can't continue to go on.

In another case, a 90-year-old California retiree was sold a \$100,000 annuity in 2001. He would have to live to be 100 to have unfettered access to his money. Instead, he died at 91, and his

heirs were hit with an \$11,000 surrender charge.

In another example, an 83-year-old woman was sold a \$125,000 annuity in 2002. According to her son, she suffered from dementia and believed she had access to her savings when she had to enter a nursing home. In fact, she would have to pay exit penalties of 25 percent if she withdrew more than 10 percent of her money in any year during the first 6 years of the contract. So, when she died in 2004, her son had to pay—now, are you ready for this?—a \$50,000 surrender fee.

That's why we need a Consumer Financial Protection Agency in this country, because that kind of activity goes on and has gone on. While you may suggest that it's "legal," it's totally unethical, and the CFPB will provide that kind of protection for seniors.

I am going to go to these other senior financial bill of rights later on in the hour. I would now like to yield to Congresswoman KILROY as much time as she may consume.

Ms. KILROY. Thank you very much, Congresswoman SPEIER. I appreciate what you had to say. My heart goes out to those seniors who have been abused by predatory lenders, by predatory practices, by scam artists, and by fraud. This is why we need to take action. As you say, the Wall Street Reform Act is going to help us to do just that—to protect seniors.

When I think about what seniors need, they need, of course, personal security. They need to live in safe and livable communities. They need access to health care. With our recent health care bill, we are working to give seniors greater access to health care, to strengthen Medicare, to give greater choices in preventative medicine, with co-pays, and to close the Medicare doughnut hole. That is part of their security.

Also, there is financial security so that they can live the rest of their lives secure that their money is going to be there, that their life savings aren't going to disappear because of the excesses and the risk-taking of Wall Street or that they will become victims of predatory lenders who convince them that they'll need reverse mortgages or that they'll need to take out loans on homes that are already paid for.

This happened to a widow in my community. She was told that she needed to take out this loan. She didn't ask. She got cold-called by the predator and found out that she was tangled up in a financial mess that put her home in jeopardy. She is not the only one who has been in this position. We heard from the consumer law agency and also from AARP that seniors are frequently the victims of predatory lenders in this kind of practice. That's why the Consumer Protection Agency's taking a special look in protecting older Americans is so necessary.

What did Wall Street and others do? What is their connection to these predatory lenders?

Well, they got into this game of getting more and more mortgages, so-called Alt A, subprime and other kinds of risky mortgages, of securitizing them and then selling them as investments. Some of them, like Goldman, would even bet against those investments in some of their practices. We found out that more and more Wall Street houses were using these subprime mortgages and the sales of those as securities to get more profits for themselves. It was profitable for Wall Street, and it was profitable for Wall Street executives. Compared to seniors, take a look at what the Wall Street CEOs are getting paid.

Lloyd Blankfein: \$9 million a year, or \$24,657 a day.

Ms. SPEIER. Would you repeat that?

Ms. KILROY. \$24,657 a day.

Ms. SPEIER. Isn't that amazing?

Ms. KILROY. The senior, \$47 a day—average income—based on the \$17,300 average annual income.

Take a look at Jamie Dimon at JPMorgan Chase: \$16 million salary, an astounding \$43,835 a day. There is John Stumpf. You mentioned Wells Fargo and their practice with the senior in your community. He receives \$21.3 million, or \$58,356 a day.

That's incredible. That's more than some people make in a year. They were making this every single day and were putting seniors' life savings at risk.

Now, many people got hurt in the Wall Street downturn, but seniors have less time to be able to reinvest and to make up that difference and to recover from what Wall Street did to Main Street. We need to work hard to make sure that seniors are protected from other kinds of scams, and we need to make sure they know, when they get somebody calling them, offering them mortgages that they didn't ask for, that that's an alarm.

When they get somebody telling them that they have to act today, that's another danger sign. They need to be careful of balloon payments, of prepayment penalties and of other kinds of tricks and gimmicks that can make those loans very expensive, that can make it hard for them to get out of or that can make their money out of reach for a long time.

That's why we need the Consumer Financial Protection Agency. That's why we need an office which will protect older Americans. It will make sure that those kinds of practices aren't happening and that, when seniors get financial information—and when all of us get financial information—that it will be clear and easy to understand, not with pages and pages of fine print.

I was so proud of the credit card bill that we passed in our Financial Services Committee, that this body passed and which was signed into law to make

credit card practices much clearer. We need to continue to work to make sure that seniors' financial security is also protected.

Ms. SPEIER. Will the gentlewoman yield?

Ms. KILROY. Yes.

Ms. SPEIER. When you were referring to credit cards, I was reminded that, in 1980, a credit card application was one page long, about 700 words. Today, a credit card application—and, indeed, a contract—is closer to 30 pages. Imagine if senior citizens were trying to wend their way through 30 pages of legalese and knew precisely what they were getting.

Isn't it true that the Consumer Financial Protection Agency is going to simplify that process for seniors and for all Americans?

Ms. KILROY. That is one of the very important things it will do. It will take a look at all of the confusing documents.

One of the charges that was made against one of the financial institutions in this country was that they were pushing some of their predatory lending products by having closing documents that were about as thick as a telephone book. Then they were pushing people, stating they didn't have time during the closings to actually read them: No. You've got to keep moving. You've got to keep moving. People were not really understanding what they were signing in these lengthy documents and in the fine print.

This is an important financial transaction. For many people, buying a home is the biggest financial transaction they're going to make. It has to be a clear and fair document so that it's good for both parties in the transaction, so that it's a good deal for the mortgager, and so that it's a good deal for the person who is taking out that mortgage. That can only happen if it is a contract that is fair and reasonable in its terms so that people can understand what it is they're signing. It is very important for our seniors.

Again, citing AARP and consumer law organizations, we know that seniors are most often the targets of that kind of predatory behavior, and that's what we have to be very careful of. Stand up with our senior bill of rights for financial security for older Americans.

I yield back.

Ms. SPEIER. I thank the gentlewoman for her outstanding comments in protecting the seniors of America.

I now yield to my good friend and colleague from the great State of California (Ms. RICHARDSON) as much time as she will use.

Ms. RICHARDSON. First of all, I would like to acknowledge the co-chairs of our senior task force—Ms. SCHAKOWSKY and Ms. MATSUI. The work that we have been able to do in such a short period of time is amazing.

Of course, to Ms. SPEIER from California, my neighboring home State, I thank her for organizing this hour that we have today.

You know, seniors are the fastest growing segment of our population. Every year, as more and more of the baby boomer generation retires, the number of seniors in our country grows considerably. Currently, one in every eight people in the United States is an older American. Over the next decade, the number of older Americans will increase by 36 percent. That's 5.5 million people. In my district alone, there are over 52,000 seniors. Older Americans are living longer and more active lives. Yet with older ages and longer lives, there come new challenges for us in Congress and in State and local governments to meet. Regardless of our ages or our generations, we have a responsibility to look out for our senior Americans just as our children and grandchildren will hopefully do for us one day.

Last week, I had the pleasure of hosting a 37th Congressional District annual senior briefing. We had over 1,032 seniors. It was pretty amazing to be there and to see everyone coming in, excited to be there. Well, what I want to say is that it was really interesting to me: two-thirds of those individuals drove. Two-thirds of those individuals had computers.

So, when we talk about seniors, it's not the end of the road. In fact, for many—and thankfully so—there are many, many good quality years ahead. What we have the ability to do on this task force is to ensure that they can have good quality lives and will not just simply stay at home, not really able to be productive.

When we had our senior briefing, the seniors were excited, and they were in great spirits. We had a full agenda; and the biggest thing that we talked about, which we spent half of our time on, was understanding the health care bill that this Congress just recently passed and how it benefits them.

The other things, though, that were unfortunate that I learned in that meeting were some of the troubles that some of my seniors were having—trouble staying financially secure in the midst of this recession. Ms. SPEIER talked about what has happened with the actions of Wall Street. Number two, obtaining jobs. Number three, finding affordable housing. For many seniors, they are downsizing and moving into other situations. For the amount of money that they have coming in, it cannot meet the cost of housing today. Finally, we talked about their getting quality health care.

A 2009 study revealed that in California, the State that I come from, over 500,000 seniors are living single and are having a difficult time making ends meet, let alone enjoying their quality of life.

As we move forward to continue addressing the needs of senior citizens, I am proud to be a member of this newly established seniors' task force. We are committed to preserving the rights, as has been talked about so far this evening, and in promoting the interests of America's senior citizens. The seniors' task force will be an excellent vehicle to ensure that the government is working for our seniors and for some of us, if we are so blessed to be, who will be coming forward as well.

At the task force opening press conference last week, we unveiled the senior bill of rights as has been shown. This resolution is an expression of what seniors who have worked most of their lives to make this country a better place deserve in return. There are just a few things:

One, financial security and stability. Two, quality and affordable health and long-term care. Three, protection from abuse, scams, and exploitation. We heard some examples of those this evening. Four, a stronger economy now and for future generations. Five, for a safe, livable community with safe transportation options.

□ 1945

This Congress has recognized the needs of seniors, and we have taken it on straight, without hesitation, that swift and bold action is needed.

In the very first days that Congress was in session for this particular 111th Congress, we passed the American Recovery and Reinvestment Act, also known as the Recovery Act, and many seniors included in that received \$250 that was to go towards helping to cover the costs, the rising costs, that many of our seniors are facing.

But then we took another action just about a month or so ago, and that was concerning health care reform. This Congress, this Democratic Congress, took the leadership, without much other assistance except by our help from the administration, to make sure that we could pass health care reforms that would dramatically increase the quality and the affordability of care that our seniors would face.

The health care reform that we did over the next few years will help close the Medicare doughnut hole that keeps many seniors from getting the prescription drugs that they desperately need. The average senior will save \$250 in 2010, \$750 in 2011, and over \$3,000 in 2020 on prescription drugs.

However, one need that we know is also being overlooked and I have been trying to take some leadership on is the fact that many of our seniors are still working; some because they want to, because they have the ability to and there is much left to contribute, but others because they have to.

These economic woes that our seniors are facing are based upon many factors. Over 40 percent of the seniors

in my district rely upon Social Security as their only source of income. I know many seniors who are pinching pennies simply to eat. This isn't acceptable. In fact, it is not even American. There are many seniors in my district who need to continue to work in jobs in order to maintain financial security.

The ongoing economic downturn, which Wall Street greatly, in fact, caused, that national economy that has now adversely affected millions of workers in various age groups has disproportionately burdened workers over the age of 55. Older Americans are experiencing difficult times, and only 55 percent of the jobless older workers have been there long enough to be able to have an extended tenure beyond January of 2008, compared to 72.6 percent of those in the age group of 25–54. A larger share of jobless older workers were paid lower wages in their new full-time jobs, compared to people who are in the age group of 25–54.

We have a responsibility. We have a duty to provide employment opportunities to senior citizens, who still have much to contribute. So I brought forward a bill to add to the great Senior Bill of Rights that we have brought forward, which is H.R. 4819, Expanding the Opportunities for Older Americans Act of 2010.

This bill responds to the need of senior citizen employment opportunities. It will expand senior employment programs for older Americans and create 40,000 new jobs. This bill will also lower the eligibility age for participating members of our society, and it will also eliminate some of the requirements that work against seniors. For example if a senior happens to be married and their spouse is working, many of the current programs that other spouse is not able to take advantage of, and that is wrong.

We must ensure that seniors have financial security and that this economy works for them. We must uphold our end of the bargain to our seniors, who have sacrificed and dedicated so much to this country throughout their lives.

I urge all of my colleagues to join us in this Senior Task Force, not only tonight, when we have started the discussion, but as we move forward the Senior Bill of Rights and many other pieces of legislation that will make a difference.

Ms. SPEIER. I thank the gentlelady from California.

The numbers of seniors in our country is growing exponentially, in part because some of us who are baby boomers are growing older and reaching that age ever so quickly. But I note that while there are 40 million Americans who are now 65, in 10 years that number will more than double to 88.5 million Americans who will be over the age of 65. So making sure that seniors are protected is going to be a more and

more significant responsibility for Congress to ensure.

You mentioned the doughnut hole. For seniors who are on Medicare, health care reform has been somewhat challenging, because they didn't know what was in it for them. Part of what we are talking about is what have you done for seniors lately.

The health care reform measure has huge benefits for seniors that are important to underscore, one being that if you do find yourself in the doughnut hole by this fall, you will receive a check for \$250. If you are in the doughnut hole come the first of January, you are going to be able to buy your prescription drugs at 50 percent of what the retail costs of them are. And the greatest news of all, and this is a benefit for senior citizens as well as every one of us, and that is for preventative care, there will no longer be a copay.

That kind of gets lost in translation from time to time. But I just had, and I am proud to admit it because I think we all should have colonoscopies after age 50, but I just had a colonoscopy. I got the bill, and we all kind of experience sticker shock when we see those health care bills arrive at our home, and, thank God, we have health insurance, but my bill was over \$3,000 for that procedure. Now, a copay on that procedure is like \$600.

But moving forward, whether it is a colonoscopy, a mammogram, any kind of screening for cancer, that will no longer carry with it a copay, because we want to incentivize seniors and younger people to actually take advantage of the preventative services that are out there, that really prevent people from getting sicker and requiring more health care and more hospitalization.

So lots of good things for seniors are in health care reform.

Ms. KILROY. That is absolutely correct. If the gentlelady will yield, I congratulate you for taking care of your health and getting those preventative measures taken care of. Even though we don't like to do them, they are good things to do.

Those kind of copays, when you think about what seniors need to pay, with the more frequent medical testing perhaps, or higher costs of prescriptions, maybe taking more prescriptions, therefore more copays on those, the senior cost of living could be higher than the cost of living index for maybe the general population. That is why it is important that they have the economic security that Representative RICHARDSON spoke of.

For seniors, it is sort of like a three-legged stool. One leg of the stool is Social Security; one leg of the stool is personal savings, which we should all be thinking about as we get older; and one leg is also maybe a private pension. Yet this economic downturn has hurt that stool in all of those areas.

With more people unemployed, fewer people are paying into the Social Security system, so that hurts the system as a whole. That is why it is so good that we are focused on jobs and working on jobs, to get more people doing what they want to do and need to do to support themselves, but also being part of the Social Security system.

We know that the Wall Street abuses have hurt in many cases pension funds who invested in risky products, who were sold these products by a company, say, like Lehman Brothers, who then disguised what was going on by these Repo-105 practices, just taking some of the downside that should be on their balance sheet and hiding it when the quarterly reports were due. That has hurt the pension funds that the State employees are involved in in the State of Ohio. It is making that fund take a large economic hit that somehow we have to make up for, or people will not have the same kind of pension benefits that they thought they might have.

Then there is also the personal savings aspect too. We have all seen the 401(k)s have become 201(k)s, as we all know, because of the risky behavior that Wall Street engaged in, and because maybe we don't have the kind of financial literacy we should have in this country.

Again, back to the Consumer Protection Agency and the agency that will protect older Americans that will focus on that, that will make sure the information is getting to people in clear terms, so that they know that when they are investing something, that the person they are investing with is looking out for their interests, for the client's interests, not just simply being selfish and selling them something that is not good for them. And it will help us by ending taxpayer-funded bailouts for Wall Street for any future damages like that.

We want to make sure that we are working hard to stay on top of this thing. But as much as Congress can do, we can't do it every day the same way that an independent office of consumer protection can do, that would have that as their charge and every day be taking a watchful eye on the practices of the investment industry to make sure that these kinds of abuses aren't going on anymore.

Ms. SPEIER. I thank the gentlelady from Ohio.

You know, it would be great for us to focus for just a minute on the prescription for Wall Street reform for the 40 million seniors in America and just kind of list out the protections that are in the Wall Street reform.

As you mentioned, the office of financial protection for older Americans, this is going to be a huge benefit for seniors, because they are going to be able to call this office and say, you know, I have just been offered X. Is this something that makes sense?

Let me give you an example. Sergio Del Toro, he has been banned from the securities industry for defrauding a 90-year-old Minnesota nursing home resident of \$511,000. Mr. Del Toro recommended that the elderly man put his entire net worth into the stock of a firm called Third Dimension, for which there was no market or publicly quoted pricing. Mr. Del Toro's alleged motivation? A 15 percent commission, equal to \$76,000.

Now, as part of Wall Street reform, one of the standards that is going to have to be met is, is there a net tangible benefit to the client? Clearly, in this case there was no net tangible benefit. What happened was this nursing home resident lost his whole savings of \$500,000, and Mr. Del Toro was the recipient of \$76,000 in commissions. Mr. Del Toro is banned from the industry now, but this is another example of why having Wall Street reform is so necessary.

I now yield to one of our newest Members of the House, Mr. DEUTCH from Florida, to have him offer up his thoughts.

Mr. DEUTCH. Thank you very much. I appreciate that.

Mr. Speaker, I rise to join my Democratic colleagues to discuss the challenges facing seniors in America today. I would like to thank the gentlewoman from California, Representative SPEIER, for her ongoing commitment to our Nation's seniors, as well as Representative SCHAKOWSKY and Representative MATSUI for their outstanding work as co-chairs of the Senior Task Force, an effort launched by the Democratic Caucus to protect the health and financial security of our Nation's eldest Americans.

Today I would like to focus on an issue of great importance to me and the many residents in the 19th District of Florida, and that is the issue of Social Security.

Social Security is a sacred trust that provides over 50 million Americans each year with a measure of financial security. In my district and across the country, Social Security guarantees seniors the ability to enjoy their golden years free from abject poverty or financial reliance on their children.

As the representative from Florida's 19th District, I have the privilege of serving so many seniors who fought in World War II and rebuilt this country after the Great Depression. These wonderful Americans have worked hard every day of their lives, and for them, Social Security does what it was designed to do—it provides them with a secure, basic source of income after a lifetime of hard work.

Seniors know they can count on Social Security to never be a day late or a dollar short, and they know that checks will never come back marked with "insufficient funds."

□ 2000

Many of my constituents saw their lifelong retirement savings vanish overnight due to the irresponsibility on Wall Street that led into this recession. And many of them lost all of their savings to predatory Ponzi schemes. However, for them, one thing is certain in this time of economic uncertainty: Social Security is still there, on time, every month. This critical program is working just as it should for millions of people.

Mr. Speaker, if President Bush and the Republican Congress had their way and had enacted a risky privatization scheme for Social Security, the savings of all America's seniors would have been gambled away on the stock market.

Today, I stand here with my Democratic colleagues to say that we will never let the private market gamble away the financial security of our Nation's seniors and our Nation's most vulnerable. Mr. Speaker, it's clear the stock market is no place for Social Security. It would take the security out of Social Security.

Just this year, the Republican alternative budget called for cuts in payments to seniors and a risky privatization of the overall system. Clearly, our colleagues on the other side of the aisle didn't run this idea by my constituents who saw what happened to their pensions invested in the private market.

The large, vibrant senior communities of south Florida share a common value: that a lifetime of hard work should be honored with a secure retirement. I stand with them when I say that Social Security must remain a reliable program, not just for this generation of seniors, but for generations of Americans to come.

To the opponents of this popular program, I say that we will tirelessly fight for the due benefits of our seniors who have spent a lifetime of earning. We will not yield. We will not back down. And for this generation of seniors and the next and the next after that, we will not let Social Security be privatized.

And while this social program keeps millions out of poverty, the work of improving how we care for our Nation's retirees has not ended. The current cost of living formula that ties seniors' COLA to the Consumer Price Index tracks inflation across the economy. Our Nation's economic downturn has prevented America's seniors from receiving an adequate cost of living adjustment, and that's not right.

The Consumer Price Index for wage earners tells us that goods and services are less expensive than they were in the third quarter of 2008, but the seniors in my district and across America know that their prices continue to go up. The fact is, our Social Security cost of living calculator is insufficient and just doesn't reflect the true cost of

living for seniors. The measurement of determining seniors' cost of living should be indexed to, well, seniors' cost of living.

I have trouble explaining to my constituents that even though their part B premiums went up and their copay went up, and even though prescription drug prices are through the roof, they don't get a cost of living increase because the price of cell phones and supporting equipment went down.

In the worst economic downturn since the Great Depression, seniors are losing their pensions, watching their home values drop. And, on top of all that, the agenda that the Republicans have put forth threatens to privatize this sacred trust.

And while this Congress has had to make the hard choices after inheriting an economy in shambles, the men and women serving our country on the commission, on the task force looking at the challenges facing our country fiscally, have the unenviable task of reducing our deficit and getting our national debt under control.

I would simply remind the distinguished members of the commission that before this great recession, Social Security has run a surplus every year since the 1980s and, in fact, today has \$2.5 trillion in reserves.

Mr. Speaker, on behalf of America's seniors, I would say to the members of the commission that a deficit commission should not undercut a program that contributes nothing to our deficit.

Just a month ago, the good people of Florida's 19th District sent me to Congress to fight for our seniors, our community, and our values. And I'm happy to tell them that, with my Democratic colleagues here today, this Congress is making these values a top priority.

And I'm pleased to reassure the seniors in Palm Beach and Broward Counties that, as a part of the Seniors Task Force, I'll be a tireless defender of Social Security and Medicare and a dedicated advocate for policies that protect the health and financial security of America's seniors.

I'm thrilled to stand here with my colleagues.

Ms. SPEIER. I thank the gentleman from Florida for his passionate commitment to seniors.

I'd like to address this whole issue of mortgages. You know, so many Americans have seen their homes being foreclosed on over the last 2 to 3 years. The numbers are staggering. We're talking about, 7, 8, 9 million homes. And I think that there's a misconception that somehow those are all younger families, but the truth is many of these people are senior citizens.

One of the protections in the Wall Street reform is that we are going to deal with banning predatory mortgage lending, and I want to just share with you one example.

This is back in 2000, at the age of 57, Willie Howard, who, at long last, be-

came a homeowner. He had this tiny house here in Washington, DC, of 963 square feet. Now, Willie never learned how to read, so he proved to be an easy touch for refinancing offers as the housing bubble inflated.

By May of 2005, his \$108,000 loan had ballooned to \$137,000 because he had been courted by mortgage brokers who wanted to suggest that he could, in fact, save more money.

By October of 2006, after four more refinancings, Mr. Howard's loan balance had ballooned to \$238,000. Now, half of the increased debt came from \$51,000 in points, fees, prepayment penalties, and negative amortization. So it really was all about the scam artists; in this case, a mortgage broker who wanted to churn. By getting him in and out of loans, he was able to make more money as a mortgage broker, and poor Mr. Howard, who could not read, went from having a \$108,000 loan to a \$238,000 loan. And as Mr. Howard said, the problem with the system is that the broker had no obligation to act on behalf of Mr. Howard's best interest.

So what does Wall Street reform do to help Mr. Howard and seniors across this country? Two things. It requires that they show a net tangible benefit to the client consumer and that that client consumer has the ability to pay. Now, those two tests couldn't possibly have been met for Mr. Howard by that mortgage broker.

So, as a result of Wall Street reform, seniors and Americans across this country are going to have recourse. And, in this case, Mr. Howard would be in a position to have that contract rescinded, have his costs, his consumer costs, be they attorney's fees or anything else, paid for, and have the opportunity to have that particular loan reworked in 90 days or less. That's the kind of benefit that accrues to seniors in the new reform.

The final area that I thought would be worth us spending a little time on is the other rights that benefit seniors, and that's the right to know that Wall Street bankers will not gamble away their retirement savings. Both Mr. DEUTCH and Ms. KILROY had spoken about the 401(k)s turning into 201(k)s. And as clever as that sounds, it's tragic when it happens, and it's happened to senior Americans across the country.

I'm going to talk to you about a senior citizen in my district. This is a real story of a senior citizen who spent his entire life as a doctor providing health care to those who did not have resources. He provided health care in a county hospital setting, and he made, you know, a good salary doing that. So he retired, had a comfortable home, had \$1 million in retirement in his 401(k).

Now, he was using a financial adviser, one of the slick financial advisers that we've heard too much of over the last couple of years, much like the

employees at Goldman Sachs who would sell a risky investment to someone but, on the other hand, would short it for their personal gain.

This particular constituent had the situation where his financial adviser was not looking out for his best interest. So, over the course of the financial meltdown, this constituent lost three-quarters, three-quarters of his 401(k). Now, that's just outrageous on so many scores, but particularly so when you're dealing with the 401(k)s of senior citizens who don't have the luxury of trying to find other ways of making up that money, don't have the ability to go back to work.

And our financial service reform is going to make sure that that particular activity of Wall Street gambling away retirement savings can no longer happen because we do have the standards put in place.

Mr. Speaker, I yield back the balance of my time.

WHAT THE FEDERAL GOVERNMENT SHOULD BE DOING

The SPEAKER pro tempore (Mr. ADLER of New Jersey). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, I'll be right with you as we get our charts adjusted here and get started for the evening.

It's a pleasure to be able to join you this evening and to talk, once again, about subjects that are on the list of attention for many Americans, the kind of questions people are paying attention to, things that make people concerned, and overall questions regarding jobs and our economy.

And if you step back a considerable distance and get way outside of Washington, D.C., one of the things that you can see if you look over a long period of time is that there's a big debate as to what the Federal Government should be doing—in fact, that is kind of the main political debate—and should the government be doing a whole lot of things or should it be doing a smaller, limited number of things.

We have just heard over the previous 40 or 50 minutes from the Democrat Party, and they were very excited about all the things the government was doing. The government was involved in all of these handouts to different people and the different ways of trying to show compassion, and so they were very interested in seeing that the Federal Government was involved in a whole lot of different things.

There's a different perspective on that, and that is that the Federal Government should be involved in a smaller number of things and that, in fact, the government should be limited, the Federal Government should be limited. We should leave a lot of things to the

State government, and local governments also should be taking responsibility. The Federal Government should not be the big mother giving everybody whatever they want. And so this debate goes back and forth as to what should the Federal Government be doing.

Now, if we take a look, there are some things we could learn from history. We do recall that there was a very famous, well-known nation that you've heard of, read of many times, and they had the philosophy that it was the job of the government to provide these basic necessities to their citizens. They believed the government should provide food and a place for people to live. They believed that the government should provide education and that the government should provide health care to the citizens. After all, if you don't have health care, you'll get sick. And they also believed that the government should provide jobs for their citizens. And so that nation operated under that principle that the Federal Government should be providing food and clothing and a place to live, education, health care, and a job.

□ 2015

Yet we watched that nation. It was a big threat to America, and over a period of time, it totally collapsed. The wheels fell off of it. And the nation doesn't exist anymore. It used to be called the Union of Soviet Socialist Republics. We in America in the meantime looked at their nation, and we said their economy is a mess. They don't know what they are doing. The Federal Government cannot afford to be giving all things to all people, and it is much better for the private sector to run the economy, for the Federal Government to be limited and just focus on the things that it can do well.

So this is sort of the source of the large debate today, What is it that the Federal Government should be doing? And of course the problem with the Federal Government doing too much is pretty soon you run out of money. That is what we are starting to see all over Europe and the governments in Europe, but as well in our own government, particularly over the last year and a half.

Now, we have just heard comments from the Democrat Party talking about the fact that the financial and economic crisis that we have experienced was the result of Wall Street. It was all Wall Street's fault. Unfortunately, their memories are selective. The fault lies more than anywhere else here in Congress. This was a government mistake. Republican and Democrat economists saw this thing coming, they saw it a long distance away, and politically we did not have the will to deal with it and solve the problem.

How did this all happen? Well, we came up with a nifty idea a good number of years ago that it would be a nice

thing if people who were very bad investment risks had the opportunity to buy their own home. And so what we demanded was that banks had to make loans to people who were a poor credit risk. So we said you got to make a certain percentage of your loans like that. So the banks are going, boy, this doesn't seem like a very good idea. You are demanding that we make loans to people who probably can't pay back their loan.

I don't know how you could try to say that that's a compassionate thing to do. I don't think a family that has a loan that's too big for them to pay and that constantly is missing their mortgage deadlines and eventually gets evicted from their house, somehow that doesn't impress me as a picture of compassion. But that was the desirable thing. And so we put that into the different regulations and the government mandates, and we created Freddie and Fannie, two quasi-public, but really private, firms which made a big business in home loans. They gave good prices to people, and through the years Americans had many of their loans put into Freddie and Fannie. But what happened was the very last year of the Clinton administration, they kicked up the percentage of loans that had to be made to people who were bad credit risks.

So we are starting to create a bit of a problem because what happens when all the bad credit risks don't work? Who is going to pay? Well, the implied payer was, you guessed it, the poor old taxpayer. And so we see Freddie and Fannie moving along, and through a series of other circumstances, particularly Greenspan's keeping the interest rates low, the liquidity high, we see this big bubble in real estate bubbling right on up. From when I first came to Congress in 2001, the housing prices almost doubled in about 5 years. And you thought, boy, was I silly not to have bought a house, because if I would have bought a house it would have doubled in price. And then ker-pow, the bubble pops. When that happens, now all of this mischief that was created by Freddie and Fannie making bad loans starts to come due.

Was this something that people understood? Yeah, there were people smart enough to see it coming. In fact, President Bush saw Freddie and Fannie, saw that they were in serious financial trouble, saw it was going to be a tremendous hit on our economy and asked the U.S. Congress for authority in the very smallest ways to regulate Freddie and Fannie. And that you can find documented in that great conservative oracle The New York Times. Take a look at September 11, 2003. This is 5 years at least before the big collapse of the economy.

He is requesting permission from Congress to regulate Freddie and Fannie to take care of this problem

that the liberal Democrats created, that is, making loans to people who couldn't afford to pay them. Now, they were assisted in this mischief also by different ratings firms like Standard & Poor's, who rated these different instruments that were created with these loans as AAA rated, which of course is a scam: they weren't. And the idea that Wall Street had was that if we would take one bad loan and we put it together with a thousand other bad loans that we have enough diversity that all these bad loans will not be bad loans, which was of course a bad assumption. Anyway, you know the story.

The Republicans passed the bill to get more control of Freddie and Fannie. It went to the Senate. The Republicans, while they were in the majority, never had 60 votes, and the bill died over in the Senate because the Democrats refused to support it. In the meantime, the gentleman who is now in charge of fixing some of these economic problems was saying there is nothing wrong with Freddie and Fannie. And Freddie and Fannie had a great lobbying team, ran around the Hill here in Congress giving away hundreds and hundreds of thousands of dollars in PAC contributions.

So first of all, let's not say that it was Wall Street that created this economic crisis. Let's go back to the fact that it was ACORN, that it was loans that were made to people who couldn't afford to make those loans, it was loans that were put into Freddie and Fannie and ended up the tab now being picked up by, you have got it, your grandchildren and your children. So that's where we are.

Now, the big question is if we are going to give all this money away to different people the way that we have been doing for the last year and a half, how are we going to pay for it? Somebody once said the trouble with socialism is that sooner or later you run out of other people's money. Well, so what've we been doing? Well, the last year and a half, boy, we've been doing some spending. But one of the things that anybody who runs a business knows is you got to have some kind of a budget. You have to have a plan as to where you are going so that you can somehow balance how much money you are spending with what's coming in. You have to have some sort of a sense of where you are going. You don't want to just float from month to month not knowing what you are doing.

And so if you are going to have any kind of decent management in a business, you need to have a budget. Now, some families run without a budget, but to some degree what they do is they just take the money that's coming in, put it in the bank, and then they can take the money out until they run out, then they know they got to stop spending until the next month. But there has to be some kind of a plan

of how you are going to proceed economically for any kind of a good management.

I don't think there is hardly anybody that has stocks and bonds or whatever, or traded on Wall Street, that doesn't have a budget. And of course the Congress needs to have a budget too. In fact, the Democrat whip, STENY HOYER, made this statement: he said that enacting the budget was the most basic responsibility of governing. The most basic responsibility, according to STENY HOYER, was that we have a plan. Now, I agree with STENY. I do think having a budget is very, very important. You have got to have that.

He was joined by Congressman SPRATT, who is the House Budget Committee chairman. And he was even more specific: If you can't budget, you can't govern. He said that in 2006. So the Democrats, like the Republicans, are recognizing that you have got to have a budget. You have got to have some kind of a plan. If you don't, you are going to start really getting off the track economically.

So, we then find this rather surprising article in The Hill newspaper just April 14, 2010: "Skipping a budget resolution this year would be unprecedented." Wait a minute: "Skipping a budget resolution this year would be unprecedented." In other words, we don't have a budget? You got it right. We don't have a budget this year. We don't have a budget. Any other business has to have a budget. Do we have a budget? No. "Skipping a budget resolution would be unprecedented. The House has never failed to pass an annual budget resolution since the current budget rules were put into place in 1974."

We have never not had a budget resolution since 1974. So we are setting a record this year. We have got no budget. No budget. First time that's happened since 1974, according to a Congressional Research Service report. That's the research branch that works for everybody in Congress.

So we have just marched off the edge of the economic world. We have decided rules don't apply to us. We have good intentions. We are going to have the Federal Government be all things to all people. Let's spend some money. Let's take care of everybody we want to take care of. And, hey, about this deal about having a budget, let's not have a budget because, you know, somebody could really beat you up if you had a budget.

I am joined by a good friend of mine, Congresswoman LUMMIS. I don't know if you would like to take a minute or two to make a comment. I would be delighted to have you join us.

Mrs. LUMMIS. I thank the Representative from Missouri and look forward to the opportunity to join you this evening. I am a member of the Budget Committee. And last year we had a lengthy budget debate in the

committee, it was very robust, to discuss possible amendments to the budget. And even though the majority of the Republican amendments to the budget were not passed, we did pass a budget. It was over the "no" votes of the Republicans. However it fulfilled a duty of this body to pass a budget.

At \$3.6 trillion, it was the largest budget in the history of the United States. President Obama this year proposed a \$3.8 trillion budget. At a time of recession, he proposed a budget that was \$200 billion larger than the budget the year before. And the budget the year before included some astronomical increases, such as a 39 percent increase in the budget for the Environmental Protection Agency.

Well, as you can see from a full day of hearings that were held today in the House Natural Resources Committee, that additional 39 percent increase in one agency's budget in 1 year, as now applied in the Gulf of Mexico to the oil spill, has not yielded the kind of efficiency that we expect from government.

The United States is in charge of this cleanup. The President of the United States is in charge of this cleanup. And on occasion he has dispatched members of his Cabinet, members of the Coast Guard, members of other agencies to involve themselves in the cleanup. But the fact that they increased their budget 39 percent in 1 year has not contributed to the coordination efforts of Federal agencies in cleaning up the gulf.

Mr. AKIN. I would like to reclaim my time for just a minute. I really wanted to inquire of you about some of these numbers that you just said, because I am not on the Budget Committee. And I was kind of shocked in a way. We haven't not had a budget since back in the 70s, and that was just since we put this current budgeting process. And we've always had a budget, and yet this year we don't have a budget, and we are spending money at a tremendous pace.

Is the rapid rate of spending, is that part of the reason we don't have a budget, because we are just so embarrassed we are spending so much? Is it because by putting a budget down it acknowledges the complete fiscal irresponsibility that we have started down that path? Do you think that's what it is? Or is it just we can't figure it out? Why don't we have a budget?

Mrs. LUMMIS. I thank the gentleman for the question. His question is very relevant because Republicans are asking the same question. Our chairman of the Budget Committee, JOHN SPRATT, is an honorable man, and we have pursued with him frequent efforts to encourage him to convene the Budget Committee for purposes of passing a budget.

Normally, the Budget Committee passes a budget by April 15. That's part of the traditional process of this House.

And that budget sets the ceilings or the parameters by which the Appropriations Committee will act during its efforts to vet the line items within the budget, meaning really going through the budget carefully, deciding what to spend money on, what the priorities of Congress are this year.

So it is unprecedented, as Mr. AKIN pointed out, for this Congress not to consider a budget. And here we are at the end of May, fully 45 days into the period of time during which we normally have a budget for the Appropriations Committee to work with; and, Mr. AKIN, we do not have a budget. And it is becoming more and more apparent every day that the Budget Committee will not be convened.

□ 2030

I am certain that JOHN SPRATT, who is the chairman of the Budget Committee, finds this painful. But I am also of the impression that the leadership within his party has encouraged him not to convene the Budget Committee out of concern that passing a \$3.8 trillion budget, the budget as proposed by the President, would set a tone for this election year that Democrats don't want to face up to. They don't seem to want to face up to the fact that we are at over \$12.9 trillion in debt.

Mr. AKIN. Let me just stop you for a minute here, please, because I would like to try and get these numbers figured out a little bit. Of all of the different complaints I heard about President Bush, the one that I think I heard the most was that he was spending too much money. I think the people didn't like the fact we were at war in Iraq very much, but I think particularly they were worried that he was spending too much money.

And so I guess his last year in was 2008, and that was when the Pelosi Congress was here. And that was his worst amount of deficit spending that he did, which was about a \$470 billion deficit that year in his spending. Now, that wasn't good; that was about 3.1 percent of gross domestic product, and that was his worst spending, and he was spending too much, and some of us said, yes, he was, and we didn't vote for some of the spending.

He was followed by President Obama the next year, which is 2009, and the amount of deficit there was \$1.6 trillion, that is three times more than Bush's worst year. And, boy, were we doing some spending. Then we went from 3.1 percent of GDP all the way up to 9.9 percent GDP, and so we just rocked into this. I will tell you, President Obama made George Bush look like Ebenezer Scrooge.

Mrs. LUMMIS. Yes. Recall that President Obama, since he took office, will double the debt in 5 years, triple it in 10 years. This is absolutely unsustainable.

When the Budget Committee met with Mr. Orszag, who is the director of the OMB, the Office of Management and Budget, we asked him if this budget was sustainable. In other words, if there are adequate revenues being collected to pay for the budget that we have passed. And Mr. Orszag acknowledged that there are not.

We cannot do that. Yet we do it year after year after year.

Mr. AKIN. The thing that has, I think, other Americans, and myself included, concerned about, is you keep going out into this uncharted territory where we are spending more and more and more money that we don't have, and America is banking on our good credit. We have nations like China who buy our Treasury bills because the Chinese are very good at saving money, and they are taking their savings and buying our Treasury bills.

You wonder how long can we keep spending money on all kinds of pension and welfare programs and feel-good programs and reward-people-for-not-working programs and food stamp programs, and all kinds of other things that may be nice? How long can we continue to borrow other people's money to do that before it comes time to pay the fiddler?

When we do, what is that going to look like? That is kind of a scary thing. This is a chart of some of these absolutely amazing items of spending. This is the Wall Street bailout at \$700 billion. You have got the economic stimulus bill—I think it's closer to \$800 billion, finally, which wasn't a stimulus bill at all; it was just paying various States that had exceeded their budgets so they could keep paying generous pensions that they can't possibly afford to sustain.

Then you have got the appropriations, Obama appropriations and the IMF bailout, and now you have got the big health care thing. They are claiming that's a trillion. I think we will be lucky to get away with it only been being a trillion.

You put all of this stupendous spending together, and the bottom line is they don't want to have a budget because they don't want people to see that we are really pushing the edges on things.

I have a chart here that I think is a little bit spooky. I don't know if you can see it from where you are standing, but this is debt and deficit as a percent of gross domestic product.

What I have got here, this is deficit as a percent of gross domestic product. The deficit that we have in the United States, as a percentage of GDP, is 10.3 percent. You take a look at Greece here and their percentage as a deficit of GDP is about 9.4 percent. Now Greece is about to crash the European Union because of their crazy financial situation, their socialized medicine and all. They can't make it work.

And so deficit as a percentage of GDP is 9.4, and here we are at 10.3. That doesn't make me feel comfortable that we are worse off than Greece is. Then coming across on the chart, debt as a percent of GDP, our debt is 90.9 percent of GDP. Greece is worse at 130, but Greece and Italy are the only two nations of Europe that are worse off than America is.

So these numbers don't give us cause to be very comfortable with our economic situation. I am wondering whether that's not the reason why the Democrats don't want to put a budget in front of people, because they are going to realize somebody is going to get wise that we are just blowing the lid off of any kind of economic sanity by our excessive spending.

Mrs. LUMMIS. It was not 3 weeks ago that the United States had a sale of the U.S. Treasuries that was under-subscribed, which means there were not enough purchasers of our debt for that particular bond issue of U.S. Treasuries that day, which is to say that in order to attract buyers of our debt, we are going to have to pay a higher interest rate to the people who are willing to lend us the money, which is to say that our interest rate payments are going to go up, which means a larger portion of the annual Federal budget will have to go towards paying the interest on our national debt, which is to say that it is a potential trigger for inflation.

Inflation is a job killer. We have asked the Japanese, who had a period of time in the 1990s called the forgotten decade, how we can avoid, in the United States, having a forgotten decade? They have told us, don't raise taxes during a recession.

So we are in a conundrum. If we raise taxes, we will increase the length of the recession, potentially. If we don't raise taxes, the deficit will grow, potentially leaving us, in my opinion, with one good choice. The good choice is to cut spending. How does this Congress cut spending? This Congress has never cut spending.

I am delighted to be a Member of Congress at a time of economic turmoil because I come from the State of Wyoming.

Wyoming is a State where we have had boom and bust cycles because of our dependence on the economies of oil, gas, and coal. As commodities go, the State of Wyoming goes. When I was a Wyoming legislator, I experienced both a boom and a bust cycle, and what we had to do was reduce spending.

Recently, the Wyoming Legislature reduced spending to the tune of over 10 percent. In Wyoming, it is customary to adjust to these types of belt-tightening, and expenditures during times of largesse.

So when we have money, we have invested in the University of Wyoming, invested in the bricks and mortar of

our K-12 system, invested in our technology, in our economy. Yet, when we have to tighten our belts, we do it across the board. You know, it's not the best way to budget. We in Wyoming acknowledge it's not the best way to budget.

But I do believe that if we could cut spending across the board, domestic spending, that is, we would have an opportunity to reduce those expenditures. But I would also acknowledge that without addressing the entitlement situation we can never get a handle on our budget concerns.

That is why I commend, to the attention of everyone within earshot, a plan that was developed by PAUL RYAN, the ranking Republican member of the Budget Committee. It can be reviewed at www.americanroadmap.org. It provides the path, the glide path, towards our economic recovery without raising taxes. It takes a long time, it's not without pain. There are, as PAUL always likes to say, sharp knives in the drawer.

But, nevertheless, it does it in a responsible fashion, without raising taxes, and addresses, long term, the consequences of overspending and of our potential of becoming a European-style social democracy and a culture of dependency.

Mr. AKIN. Well, I very much appreciate the expertise that you bring from Wyoming. The idea of cutting spending here, that's got to be the closest thing to a swear word you can say in Washington, D.C., the idea of cutting spending.

Yet I just heard less than an hour ago the Democrats just raving about the wonders of Social Security and their Medicare and Medicaid programs, the three major entitlements, all of which a Democratic economist, a Republican economist, all agree that they are on a train-wreck path in a fairly short period of time. Because these entitlements are just like starting a robot, some machine that gets going. You create the law, the law gives out money to people, and it just runs. If you don't touch it, it just keeps giving out money.

And the trouble is, it's giving out more money than we have. What's going to happen is you are not going to have anything to spend any money on for Defense or any other program because Medicare, Medicaid, Social Security, will eat the entire budget up.

What you are saying is correct. We need some of that common sense that says, wait a minute, we just can't keep running more and more and more government giveaways.

It gets back to the question, do we really want to follow the model of the Soviet Union down the primrose path into just economic collapse, because we know it didn't work. It's not working well for Europe, and we know what the models are that make for a prosperous and healthy and good economy.

And it's what you are saying; one of the main things you have to do is to cut taxes. The interesting thing is that the Democrat, JFK, figured that out. He cut taxes because we were in a recession. He cut taxes and found out a very fascinating thing: That the recession stopped, the economy got stronger, and he actually collected more tax revenues with a lower tax rate. It seems like it's like making water run uphill, but it's not.

What happens is you have more economic activity. Because of that there are more taxes that are generated because there are more transactions and, therefore, the government actually raises more money by cutting taxes. JFK figured it out. Ronald Reagan did the same thing, and it worked like a champ for him, and George Bush did the same thing. He did some serious tax cuts and moved us from recession to recovery.

Because he understood this basic principle: There are certain things that are job killers, and one of the worst ones is excessive taxation. Why is that true? Well, because, the people who make jobs are businesses, and the business people have to have some of their own money to plow back into the business to put a new wing on a building, to buy a new machine tool, to start a new process, and to get a new plant going somewhere.

They have to have some money. If you tax it all away from them, then they are not going to have money and they can't make jobs. FDR found that out the very hard way. They kept driving and driving and driving the taxation of business owners. Instead of just creating, business owners that were hiding and hunkered down inside their businesses—they closed them down. The businesses closed, and all the employees were laid off.

Mrs. LUMMIS. One of the great ironies of being a freshman in Congress is you see who people quote. It is so ironic that we Republicans, as Mr. AKIN and I are, frequently quote JFK. JFK never disavowed American exceptionalism.

□ 2045

He acknowledged American exceptionalism and he harnessed American exceptionalism. And it is fascinating that we find ourselves frequently returning to his speeches, as Republicans, to review the importance of American exceptionalism in stimulating the economy and growing the economy and acknowledging what Ronald Reagan acknowledged, that we are a shining city on a hill and that we are to be emulated, but only to be emulated when we deserve to be emulated.

And it is at this time in our country's history when we need to review those great leaders and our great Constitution and the Declaration of Independence and our founding principles

in a manner which provides the roadmap to our future. And, indeed, it does.

When we return to our Constitution and our Declaration of Independence, we are reminded that we were endowed by our Creator with certain inalienable rights, not by our government, by our Creator, and that we chose and consented to be governed and that we chose and consented to be governed pursuant to a Constitution that provided limited obligations to the Federal Government and reserved the remainder of the rights to the States and to the people. If we in Congress would vet bills pursuant to that model, we would return to that shining city on a hill and we could turn over to our children and grandchildren the Nation that we inherited from our parents.

It is stunning—and Mr. AKIN has seen these numbers—that people in America today, when you ask them, Do you have a higher standard of living than your parents, acknowledge that indeed we do. And then you ask those same baby boomers, Do you believe your children will enjoy a higher standard of living than we do? They say no. They're concerned. They see a path, a pattern, a culture of dependency forming.

But I'm convinced that this year being another election year and another opportunity for government of the people to rise up, to take control, and to consent to being governed in the way they wish to be governed, that we will see an opportunity next year to return to government of the people and to our founding principles.

Now, Mr. AKIN and I both know that that will all be for naught unless those who are in a position to govern next year take seriously the messages of the people of this country. And I can assure you, based on what I have heard as a freshman Member of Congress, that we will indeed take seriously the messages of the people in this country and that we will restore for the American people our first principles and that we are going to be able to be a strong, vibrant country and proud to hand the reins to our children and grandchildren.

I yield back.

Mr. AKIN. Well, I very much appreciate the little history lesson and also the shot of inspiration that you have shared with us, the idea of the shining city on a hill.

I think that there are a lot of people that can be quoted. I'm thinking of good old Alexis de Tocqueville, a Frenchman who traveled around America, took a look at our system and said he looked for the secret of America's greatness. And he had a great quote along those lines, but one of the things he said was: You have a weakness in America, and that is, if the public realizes that they can vote themselves largesse out of the public treasury, you're really going to be in trouble.

There's another name for that. It's called socialism; the idea that voters can demand the Federal Government to keep giving them more and more stuff. The problem with that system is that eventually you run out of other people's money. That was one of the great weaknesses that Alexis de Tocqueville saw with our system, that because we are a self-governing people, because people have the right to vote, they can also make irresponsible votes and they can perpetuate a socialistic system.

A lot of Americans don't really know what socialism means anymore. They don't understand that the concept of American law was that people are all equal before the law, that Lady Justice is not supposed to give a special deal to a rich person or a poor person or anybody else, that people are all equal before the law.

The Pilgrims experimented with socialism. It was demanded of them by the agreement that they made with the loan sharks of London that financed the expedition to send the Pilgrims to America. So it was forced on them and they agreed to it, to have everybody take all of their corn that they grew and everything they produced over at the new colony in Plymouth and divide it equally and then send the shares back to London.

Well, that lasted less than about a year or so. And Governor Bradford saw everybody starving to death, and they pitched socialism, and he wrote in "The History of Plymouth Plantation," he said: As though men were wiser than God. And he said: This is an experiment that's been tried among godly, hardworking people, and everybody can take a look at our example and see that this isn't going to work.

So the Pilgrims understood it. Unfortunately, our Congress today doesn't seem to understand it, and that's why you see these kinds of things.

Here's the Federal Government employment numbers. We're trying to create employment. Well, that's one way to do it; go hire everybody. What's the trouble with this theory? Well, every time you hire somebody in the government, you lose two jobs in the private sector. So now after we've passed this wonderful stimulus bill—which we were told if we didn't pass it, unemployment might get to 8 percent. We're now close to 10 percent unemployment, and we continue to do the very things which kill jobs, particularly worst of which is taxation.

But this is an alarming trend as well, government employment going up. And I think a recent study just indicated that the average government employee makes twice as much money as the average civilian employee in America. That is not a good trend, because pretty soon everybody is going to be working for the government—that's not very hard to break that equation—and then who's going to be paying?

I see my good friend, Congressman GOHMERT from Texas, coming to bring us a little bit of Texas wisdom, perhaps.

LOU, would you join us, please.

Mr. GOHMERT. Thank you for yielding.

Actually, I was going to bring a bit of John Adams' wisdom because, to follow up on my colleague's wonderful quotes and references to history, John Adams, toward the end of his life, said: The longer I've lived, the more I've come to understand that one worthless man is a shame, two is a law firm, and three is a Congress.

I yield back.

Mr. AKIN. Hey, let's do that one again. One worthless man is a shame, two is a law firm, and three is a Congress. Congress was smaller in those days, I suppose.

Well, thank you for that bit of Texas wisdom.

Here's another chart that runs along with it. This is private sector employment, government employment. You can see what's happened here. We're doing some employment, all right. It's the government that's doing the employment. But you take a look at the blue line—this is the private sector employment—you see jobs going down like a submarine. And that isn't just a statistic, that isn't just a fact, that is suffering—suffering in our economy, suffering with lots of people who don't have jobs, a lot of younger people moving back with their parents. The house is full of people because we're having trouble with not having the jobs.

Now, what kills the jobs?

Well, first of all, excessive taxation is a big deal. Insufficient liquidity is another problem. Our banking regulators are so tough that it makes it very, very hard for businesses to get loans. A third big job killer is economic uncertainty. Boy, oh, boy, do we have some of that. Who knows what we're going to do next.

We just passed this socialized medicine bill, and everybody who has employees is going to get whacked for having employees. There's a huge incentive we've created to get rid of any excessive employees on your budget because you're going to get taxed heavily for socialized medicine.

And then, of course, the old standby. If you can't get them with too much taxes, no liquidity, and uncertainty, then you hit them with red tape and government mandates.

You put this together, and you've got a great formula to destroy jobs in America, and we have been doing this in a massive kind of way.

Here's kind of a list of some of the Obama plan taxes:

Cap-and-tax. That's that tax on energy. Do you remember how the President said, I'm not going to tax anybody who makes less than \$250,000? And then he comes up with this deal, that you

get taxed when you flip your light switch. I don't know how in the world you can keep those two things separate, that you're going to only tax people making \$250,000, and then nail them with a tax when you flip your light switch.

Did you want to make a comment? I would be happy if you want to jump in, Congresswoman.

Mrs. LUMMIS. Thank you, Mr. AKIN. Would you be so kind as to pull the chart up that you have behind you, the one that displays what has happened to private sector employment versus public sector employment?

As you can see from the chart, private sector employment is an upside down U, in that in the year since the majority party has switched hands and Democratic control of Congress has been in place, we have seen private sector employment decline dramatically. At the same time, we have seen public sector employment increase to the tune of about 188,000 public sector workers increase. At the same time, we've lost about 12 million private sector employees.

Now, I have a bill that I believe will begin to address this serious problem that we see with regard to employment. It is the Workforce Reduction Act, but it does it without firing anyone. It does it through attrition. The bill provides that for every employee who vacates a position due to retirement or moving on, that that position would be moved into a position pool. In fact, for every 100 retirements that occurs in the Federal Government, 50 positions would be moved into a position pool, the other 50 positions, vacant, would be eliminated. And then agencies would need to apply for reinstatement of a position based on necessity.

Those agencies who critically need employees, such as possibly the Minerals Management Service, in its enforcement functions in the Gulf of Mexico, would be likely recipients of employees in order to meet the obligations of the Federal Government to protect our borders with regard to the encroachment of oil that is seeping into the Gulf of Mexico. For other positions which are less mission-critical, those agencies would downsize.

Now, this is not going to be dramatically harmful to Federal agencies because, as I said, since the Obama administration took office, 188,000 new Federal employees have been added, and this excludes people that were hired pursuant to the decennial census. Consequently, we know that somehow we survived without these employees prior to President Obama taking office.

Mr. AKIN. Reclaiming my time, all of these things are really indicators that we've got a Federal Government that is out of control. We're hiring too many Federal employees, spending too much money. We don't even have a budget for the first time since the seventies. This is not a good picture.

Congressman GOHMERT.

Mr. GOHMERT. Well, I appreciate you yielding, and I appreciate the gentlelady mentioning the Minerals Management Service. I know she was present for hearings today that the Director of the MMS was testifying. We had the Secretary of the Interior for a while testifying and his Deputy Secretary testifying. We had a Coast Guard admiral testifying. But I'll tell you what, after hearing the testimony about MMS, I'm very concerned that adding more jobs there is just creating more problems. There is so much mismanagement, so much impropriety, it sounds like, that that would be a disastrous mistake to add to the MMS.

But let me point out, as the Director of the MMS testified, they have decided that the MMS would be better nonexistent, so now they're dividing it into three different groups. And you talk about Texas, back home, if you have a pond that has become stagnant and it has begun to stink and become rancid, it doesn't matter how many ways you divide that pond, it still stinks. And they're not going to address the management problems. They're not going to address the fact that—and get this, the only entity within the Minerals Management Service that is unionized—and if we were out somewhere else I might expect a drumroll—but it is the offshore inspectors, the only entity within MMS that's unionized.

And we come to find out that as critical as those offshore inspectors were to protecting our country, to protecting our environment, to protecting all of those thousands and thousands and thousands of livings that were gained off of the coast area, the protection was an appropriate offshore inspector. And yet when I asked the Director of MMS was there a good way to have a check or balance so that somebody ensured the offshore inspector was adequately doing their job and making sure that when they finally bothered to go out and watch a blowout preventer be tested that somebody made sure they were really doing their job because, as I'm sure you all know, there's an investigation currently going on about some of the gifts and perks and things that were provided by people being inspected to those doing the inspection.

□ 2100

Well, how do you guard against improprieties?

The director said, Well, we had a system that fixed that. We had two offshore inspectors who would go out at the same time to an offshore rig. That way, they could kind of watch over each other's shoulders and make sure they were doing the right thing.

So my question was then, Would it have been a good idea that the last inspectors that you sent out—a union

team that went out to the Deepwater Horizon rig, who were ordered to watch each other and to carefully make sure that they did their jobs—were a father and son union team?

She was not able to comment because that was under investigation.

Folks, we've unionized people, which means there are going to be restrictions on how much travel they can do and on how many hours they can spend, and that's normally part of the union contract. There are some areas in the country where we need unions to make sure that things are done fairly; but we're talking about the government, our United States Government that is supposed to protect us. I mean, these guys out there are protecting our lands, our livelihoods. It's almost like the military. They're on a mission.

Can you imagine if the military were unionized and if they said, We'll only work so many hours a day, and we're going to restrict the amount of travel we're going to be able to do. What kind of union contract would you get for the military? The offshore inspectors and the MMS are supposed to be protecting us and our country.

I yield back.

Mr. AKIN. I'd just like to jump in if I could, gentleman.

I'm detecting a certain level of skepticism on your part whether or not this government agency was really very effective in protecting us and in preventing a massive environmental mess. I guess the question I have is—you're suggesting that maybe a government agency isn't that reliable. Yet we just trusted the government with all of America's health care. Does that make you feel comfortable now that you see how the government is working in the MMS area?

Mr. GOHMERT. Actually, I'm not just skeptical of the MMS. I'm telling you it's a disaster. It was a disaster with MMS, and it was a disaster that their performance was allowed to happen.

We're going to find out there is somebody responsible—maybe one, maybe many—at British Petroleum, but we know for sure—and it came up in the hearing today as well—that the President had previously mentioned that he wanted to end the coziness between inspectors, or people with the government, who were supposed to manage the oil companies and make sure they were doing the right things, the Big Oil companies.

So that inspired some double-checking. We had hearings before about the 2 years, 1998 and 1999, during which the Clinton administration had employees who pulled the price control adjustment language out of the offshore leases. Originally, I was thinking it cost millions. It cost hundreds of millions, and now there are billions of dollars that have gone to Big Oil that should have gone into the Federal Treasury.

When we had a hearing a couple of years ago about that, I asked the Inspector General—and this was a Clinton—

Mr. AKIN. Appointee.

Mr. GOHMERT. Appointee. Originally, he was the Inspector General. He is now in another capacity.

I asked him, Did you not interview these two people who had the most knowledge about why that language was pulled out?

He said, Well, they left the government. They're not with the government, so I can't do anything about it.

He could call them. He could see if they wanted to talk. He didn't even bother to do that.

So, after the President's comment about the coziness, I had to go back and check. Whatever happened to those two people the Inspector General couldn't talk to?

Well, one of them, when she left the Clinton administration, went to work for a company called British Petroleum. Perhaps you've heard of them. She had three major officer/director positions with British Petroleum, but as of June of last year, Secretary Salazar and this administration hired her to come to work for the Minerals Management folks, so she is now—

Mr. AKIN. So, when we're talking about a cozy relationship here, it's very cozy.

Mr. GOHMERT. It's very cozy.

Mr. AKIN. So Obama's person in charge, Salazar, who is in charge of this thing, basically hired somebody out to basically do this oversight?

Mr. GOHMERT. Who had been working for 9 years for British Petroleum—that's correct—in high capacities. So it's interesting to hear about that cozy relationship.

Mr. AKIN. What was her name, gentleman?

Mr. GOHMERT. Her name is Sylvia Baca, B-A-C-A.

It was interesting, though, to learn—and I didn't really realize this—but nobody with the Minerals Management Service goes through a confirmation process in the Senate. This is completely an extension of the White House. Whatever the administration is, the Minerals Management Service is part of the administration. The Congress has no authority to confirm, to say "yes" or "no" to somebody who is appointed. This is an extension of the President's own hand, his running the Minerals Management Service; and we have absolutely got to clean house. The trouble is it's not our house. It's the President's house and that of the Minerals Management Service.

Mr. AKIN. As to my understanding, doesn't the law require that the President in a major environmental disaster like this—I've been told that the Federal law requires that the President take charge of the situation.

Has he been down there basically running it and calling the shots?

Mr. GOHMERT. I understand he has been there, but as some of our friends from Louisiana have pointed out—and Governor Jindal has been fighting the President through the MMS and through his responders—they gave full authority to British Petroleum to make all the calls. So the Louisiana folks, the people along the gulf, who are wanting to mitigate and who are trying to get protection and protect themselves, had to get permission from British Petroleum, which was not giving it.

We heard in the hearing today that there were people in Louisiana, along the gulf, who wanted to build barriers to this oil coming in. Yet all we heard from the administration's representatives was, Well, we're still discussing those to see—we're worried that could end up creating more problems than it solves because when they build the little barriers to the oil coming into those marshes, it might actually pull more oil in.

They're discussing it. The oil is in the marshes. It's killing animals and killing wildlife right now, and we heard today in the hearing that they're just discussing it, and they're trying to figure out if they may do more good than harm or if they may do more harm than good. It's outrageous what's going on.

The President does need to take charge. It is a disaster of massive proportion. British Petroleum is at the helm, but the White House should not have given them the authority to just make all the calls. It's unbelievable the disaster that occurred and now the disaster that is being created by the failure to respond.

I asked the admiral in charge of the Coast Guard, you know, How many ships have you moved into the area in the last 37 days? They've moved four major boats into the area. That's it. That's it. We could have moved the Navy. We could have had all kinds of response. The President has all kinds of resources, and he is just basically letting all this happen.

Now, British Petroleum needs to be made to pay, and it shouldn't be limited to \$75 million—absolutely not—but we've got to have a better response. People are losing their livelihoods. They've already lost their lives. It has got to come to an end.

I yield to my friend.

Mrs. LUMMIS. Will the gentleman yield?

Mr. AKIN. I do yield, lady.

Mrs. LUMMIS. It is the power of the purse that this Congress holds that allows us to gain control of situations like this, and that is why this discussion is so important. I thank the gentleman from Missouri for including us.

I yield back.

Mr. AKIN. I thank you, lady.

We've been talking about a broad range of different topics today; but in

general, it is the condition of our economy.

The thing I would like to be sure that we don't do is to leave with the impression that there aren't solutions to these problems, but the solutions include, one, we're going to have to back off our just giving away money to everybody. We're going to have to reduce Federal spending. What we're going to have to also do is to use the power of reducing taxes to increase government revenues. So we have to reduce taxes in order to get the economy back and going and to start creating jobs.

Now, if we want to continue the formula of destroying jobs the way we have been, what's going to happen is that it's going to be harder and harder to get the economy back on track, but there is a solution. It's not complicated. It involves doing tax cuts selectively to allow those small businesses to start creating jobs again, and we have to get off their backs with regulations and red tape. We have to increase their ability to get liquidity, but we also have to stop taxing and taxing. All of the talk about concern about jobs is just a bunch of lip service because every one of these things is a job killer:

Cap-and-Tax. They're going to tax energy.

Health care taxes, a massive effect of destroying jobs. There are all kinds of businesses now that are asking, How can I get my employees under 50 so I don't have to get involved in this?

The death tax. Taxes on inheritances. This is another thing that is going to tie up money that could be invested in business and that could create jobs.

The capital gains tax. This is one of the big things that helped create jobs before. This is going to expire next year. So there are solutions to these problems, but the solutions require some grown-up leadership in Washington, D.C.

Mr. Speaker, I thank you for your indulgence this evening. I yield back.

JEWISH AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Speaker.

Mr. Speaker, I rise this evening to proudly commemorate the fifth annual Jewish American Heritage Month, which takes place in communities across the country each May.

Jewish American Heritage Month promotes awareness of the contributions American Jews have made to the fabric of American life—from technology and literature, to entertainment, politics and to medicine.

It is a concept that was brought to me by leaders in the south Florida

Jewish community 5 years ago when I was first elected to serve in this body. It was an idea born of the concern that, although there have been 355 years of Jewish life in America, there is still a tremendous lack of understanding about Jewish culture in that Jews are both a religion and a heritage in terms of our traditions and our community. Because we are less than 2 percent of the population in America, most people in America have either never met a Jewish person or have rarely, if ever, interacted with a Jewish person, so our traditions are often a foreign concept.

It was felt by the leaders in my Jewish community that, in having a month dedicated to cultural and educational programming, particularly in non-Jewish communities, it would raise awareness, foster understanding and deal with some of the concerns over the fact that, of the bias incidents that have been documented by the FBI and by the Anti-Defamation League, literally 65 percent of those bias incidents in recent years have been anti-Jewish bias. If we can use Jewish American Heritage Month, now in its 5th year, to foster understanding and tolerance, then hopefully we can reduce anti-Semitism and bigotry in this country.

As we are well aware, the foundation of our country is built upon the strengths of our unique cultures and backgrounds. Yet, while our diversity is America's strength, ignorance and intolerance about the culture and about the traditions and accomplishments of the Jewish people are, unfortunately, still really prevalent.

Again, Jews make up only 2 percent of our Nation's population, and as a result, we need to make sure that people in America understand that there have been so many different things and that so much of American history has been touched by a significant contribution of American Jews.

Tonight, my colleagues who are joining me on the floor to acknowledge and to mark the 5th annual Jewish American Heritage Month are going to talk about some of the impacts that the Jewish community has had throughout American history.

It is my privilege to yield to my friend, the gentleman from Colorado, JARED POLIS.

□ 2115

Mr. POLIS. I thank the gentlelady from Florida.

I am here tonight to talk about the Jewish history in the West and in Colorado. Colorado was still an untamed wilderness when gold was discovered near Pike's Peak in 1858. The 59ers, fortune hunters from across the country, came to our State, growing the population and building a diverse economy. Jews, too, were part of that quest.

Over the millennia, our Jewish people have suffered many exiles, often wandering and migrating from one

country to another, frequently meeting with hostility and hardship. It was in that spirit that Jews immigrated to the American West, where we established viable communities and maintained the Jewish heritage, despite great obstacles.

The unpredictability of gold mining and a growing demand for supplies encouraged many of the Jewish 59ers to establish small business in new towns and mining camps throughout Colorado. Over the next two decades, Jews settled in Leadville, Cripple Creek, Aspen, Trinidad, Colorado Springs, Pueblo, Central City, and Denver.

One of the first Jewish pioneers was Fred Zadek Salomon, who arrived in Auraria in June of 1859. He founded and became manager of the first general mercantile company in Colorado. The two were later joined by a third brother, Adolph Salomon, who became the first Jewish elected official in Colorado as a trustee of Greeley, Colorado.

Another one of our famous early Jewish Coloradans was Frances Wisebart Jacobs, who was born in 1843 and died in 1892. She was born in Kentucky to Bavarian immigrants, but she moved to Denver when she was young. She helped organize and was president of the Hebrew Ladies' Benevolent Society, and she joined with the city's Congregationalist ministers and Catholic Archdiocese to create a multifaith charity organization.

She also left her mark on tuberculosis relief, which Denver later became known for, as one of the first people to conceive of a free hospital for the medically indigent tuberculosis victims, for which Denver later became known.

Frances Jacobs is memorialized as one of 16 Colorado pioneers and the only woman and the only Jew in a stained glass window in the Colorado state capital rotunda. In 1994, she was inducted into the National Women's Hall of Fame, and in 2000 she was awarded the Denver Mayor's Millennium Award.

From its humble beginnings, the Colorado Jewish population has grown; in our generation, with immigrants from the east coast, as my parents from Brooklyn and Peekskill, New York, moved to Colorado in the 1970s, along with many of their fellow Jews, and more recently immigrants from California, Jews finding a new home in my hometown of Boulder, which when I was young and growing up, had one synagogue. It now has six synagogues.

The town of Denver, with a longer and more established Jewish community, also continues to thrive with the Jewish cultural and religious life across the region.

I rise to proudly recognize the role of Jews in the development of Colorado and the Rocky Mountain West.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. POLIS. Your com-

ments are such a perfect example of the unique contributions that American Jews have made in our history, and you specifically highlighted examples that most people would not have been familiar with. I would bet that Coloradans are not familiar with that history. So thank you very much for coming down and sharing that with us this evening.

Mr. Speaker, I want to share a story that was an experience that I lived through. For me as a young Jewish woman growing up in a predominantly Jewish community in New York, on Long Island, growing up, and then moving to south Florida and spending my adult life in a significant, large Jewish community, one would think that I had spent most of my life without experiencing anti-Semitism, and I have not experienced much in the way of overt anti-Semitism.

But I want to share a story with my colleagues from when I was in college at the University of Florida. I was standing in the hallway of my dorm the first week of school and talking to another young woman who I had just met, and she saw my last name on the door, because there are signs on the doors with your names on them at the beginning of each semester in most college dorms.

Somehow the subject of religion came up. I shared with her that I was Jewish, and her response, she was from a tiny town in north Florida, and it was evident after her comments that she had never met a Jewish person before, because she said to me, "You're Jewish? I have seen pictures, but I have never seen a real one."

You know, growing up on Long Island, and that being my first exposure to someone who had not met a Jewish person, I had heard that there were people in America who thought that Jews had horns, and we were somehow not human. But, fortunately, I realized at the time that that was simply a reflection of the fact that she had not had experience with Jews or the Jewish community. And as we got to know each other, we lived on the hall together all throughout our freshman year, we got to be very good friends, and she realized that I was human and that I didn't have horns.

But it is really important, and that story and that experience helped me understand why we had a need for Jewish American Heritage Month, just like the experience of Black History Month and the years and years of success of that cultural celebration that we have in February, and Asian Pacific Islander Month, and Hispanic Heritage Month. It is important that we celebrate the diversity in this country and that all Americans learn about the success and contributions that all different cultures have weaved together to make America the strong, vibrant Nation that we are today.

Again, I am really pleased to be joined by my colleagues who are here with me on the floor tonight.

With that, I yield to my good friend and next door neighbor, a gentleman who has been doing a fantastic job representing his constituents in south Florida and someone who has spent many, many years as a leader in the organized Jewish community, Congressman RON KLEIN from the great State of Florida.

Mr. KLEIN of Florida. I thank the gentlelady, and I thank the gentlelady for bringing this forward as an important part of our American fabric, as she talked about Jewish American Heritage Month as just one of many that make up the fabric of the United States, the people of the United States; the fact in many ways we are an immigrant population, but we are very diverse, both in religion, background, ethnicity, and it is a way of celebration that we are celebrating Jewish American Heritage Month, and we will have the opportunity to do that tomorrow and for weeks to come.

Being from Cleveland originally, Cleveland, Ohio, I grew up in a family that had roots. My family came to the United States in the twenties from Europe, from a persecuted background in countries where they weren't welcome as Jews. Of course, we know the history of what happened during the Holocaust.

But they came to the United States and did what most immigrant families did: They congregated among themselves initially, went to small towns, figured it was important to get an education, started little businesses and things like that.

My dad had a variety store, which is, for those of you who remember what that is, sort of like a Woolworth's, but a small, independent store started by my grandfather during the Great Depression, and then it was a family business all the way through. My dad taught me all about what it was to be part of that American fabric.

Being Jewish was unique where I came from, but not totally unique. There was a Jewish community in Cleveland. I eventually, with my wife, moved to Florida. Obviously, in Florida there was a larger Jewish community where I moved to. But it was only one generation before that that in that same community where I grew up, there were restrictions on where people could live. There were restrictions in deeds where you could purchase a home or a condominium, and they didn't allow various minorities, not just Jews, but African Americans and various others, to go into those communities and buy properties. It was only one generation before I moved there.

So it is really sort of in our own lifetime that all these things have changed. Of course, we know as Americans there is still more work to be done with various forms of discrimination.

But I do want to mention a couple of names and sort of have some fun tonight. First of all, the first Jewish Member of Congress was from Florida. In 1841, David Levy Yulee became the first Jew to serve in Congress. It was obviously even before the Civil War. He eventually went on to serve in the United States Senate. Then it was a long, long time after that before another Jewish resident from the State of Florida came back to represent the community in Congress.

But I am going to mention a few entertainment people, because I think there are some of the fun people. Many of you remember Sandy Koufax. Now, this is not entertainment, this is sports, but one of the great, truly great pitchers of all time, Los Angeles Dodgers. I think many of you remember him.

He refused to pitch on Yom Kippur, which is the most significant holiday of the year for the Jewish community. It was the World Series. He made a conscious choice and sort of sent reverberations throughout the sports community. How could he make this decision? But he became a folk hero for many people to say he stood up for himself. He stood up for his religion, he stood up for his family, and although he wasn't a religious man, he did something that was quite unique at that time.

Steven Spielberg. How many of you know Steven Spielberg and the touch he has had on all of our lives, with the movies and so many important cultural things that he has been a contributor to? He obviously for many reasons, not only as a great film director and producer, he has also taken it upon himself to set up the Shoa Foundation and has funded it with others as a way of taking the written testimony of people who survived the Holocaust, to preserve it forever. That, to me, is a great contribution.

Groucho Marx, we all know Groucho Marx. I won't do the imitation because I see my colleague from Denver, from Colorado, over there is going to make fun of me if I do that. But Groucho Marx is truly one of the greats. And, of course, it was all the Marx brothers. They just left such a mark in that time. They came from that background of that early vaudeville era and sort of expressed that great sense of humor.

So there are so many, and I know my colleagues are going to mention one after the other here. But I am just happy to be here tonight to celebrate this important milestone, to celebrate it every year as part of this community, to talk about it, to learn about it, and to get our community to talk about it and teach others as well.

I thank the gentlelady for bringing us all together tonight.

Ms. WASSERMAN SCHULTZ. Thank you so much. I thank the gentleman for his remarks and for taking us

through an important aspect of Jewish life in America.

Now it is my pleasure to yield to another colleague from the West, and a leader on the House Rules Committee who has a Rules Committee meeting that is imminent that he needs to get to, and a leader in the Jewish community as well, Congressman ED PERLMUTTER from the State of Colorado.

Mr. PERLMUTTER. I thank my friends from Florida.

I wanted to follow Mr. POLIS and just talk about the Rocky Mountain West, which really did receive Jewish immigrants with open arms. Sometimes there was discrimination, but generally it was open arms. In New Mexico, Colorado, Wyoming, ranching, farming, mining, construction, you name it, the Jewish community was involved in it. Merchants, oil and gas, the Manhattan Project down in Los Alamos in New Mexico.

So, my family, a great-great-great uncle immigrated from the Ukraine in the late 1800s, was part of a mining commune above a little town called Center, Colorado, remained in that mining commune for about 3 years, realized he didn't like being at about 11,000 feet in the mountains of Colorado, moved to the Denver area, where he had a small store, and that uncle then attracted the others who immigrated from the Ukraine. So the youngest brother came first, then the next brother, the next brother, and the next brother. My grandfather was the oldest. He was the last to arrive from the old country.

But the Denver area in Colorado really did allow people a chance to really show what they were made of, and the Jewish community in Colorado, in the Denver area, has flourished over the years. It has been very much a part of the fabric of the community in charitable efforts, as well as education and those kinds of things. And the heritage that we are talking about tonight, really at least in the Rocky Mountain West, the Jewish community and the Rocky Mountain West are inseparable.

I just thank my friend for organizing our Special Order hour, and I yield back to her.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. PERLMUTTER. We appreciate your contribution to our effort to raise awareness and celebrate the contributions of Jewish Americans to American history.

It is now my pleasure to yield to one of our newest Members, who as of just yesterday is no longer the most junior Member of the House of Representatives. He held that title for, oh, about a month. He is the neighbor to the other side of my congressional district, and did a fantastic job as a State senator, was another leader in the organized Jewish community in south Florida, someone who has been a staunch advocate for Israel and for issues that

are important to the Jewish community, the gentleman from Florida, Mr. DEUTCH.

Mr. DEUTCH. Thank you. Thank you very much.

Mr. Speaker, I rise today in recognition of the American Jewish community's many contributions to our Nation's society and culture. I would like to thank my dear friend and colleague, Congresswoman DEBBIE WASSERMAN SCHULTZ, for her outstanding dedication to preserving Jewish history and culture in America.

Jewish American Heritage Month gives all Americans the opportunity to recognize Jewish Americans as leaders in every facet of America's life, from athletics, entertainment, the arts and academia, to business, government, and our Armed Forces.

□ 2130

Florida's 19th District is home to the largest, one of the largest Jewish American populations in this country.

I'm privileged to represent many first generation Americans whose parents arrived on our shores seeking a better life. Many of these Jewish Americans are members of the Greatest Generation. They stepped up to serve in World War II and rebuilt this Nation after the Great Depression. In fact, over half a million Jewish Americans fought for the United States in World War II, and 11,000 of them perished fighting for our country.

For those who arrived in Europe as the Holocaust raged on, this war became very personal. As a quote from a Jewish Air Force officer reads, As a Jew, it was Hitler and me. That is the way I picture the war.

While the contributions of Jewish American soldiers during World War II cannot be understated, the truth is that Jewish American soldiers have been fighting for this country since the Revolutionary War.

Colonel Isaac Franks and Major Benjamin Nones were aides de camp to General George Washington. Commodore Uriah Phillips Levy, who served in the War of 1812, was court-martialed six times due to his defiance of anti-Semitism. And by the time the Civil War broke out, there were 150,000 Jews in the United States, with 7,000 fighting for the North and 3,000 fighting for the South. Senator Judah Benjamin even served as Secretary of State for the Confederacy. And although Jews only made up 2 percent of the population during World War I, they made up 6 percent of the United States Armed Forces.

Jewish Americans have served in Korea and Vietnam. They've served in Operation Desert Storm and in countless operations around the globe. They're among the brave young men and women who served after September 11 in the war on terror and who are serving bravely and valiantly in Iraq and Afghanistan, even as we speak.

And as we approach Memorial Day, I recognize those Jewish war veterans who made the ultimate sacrifice for freedom, like Major Stuart Wolfer, a Jewish American major from my district, a loving father of three daughters who was killed by rocket fire in Baghdad 2 years ago.

Since the Congressional Medal of Honor, Jewish Americans have been awarded this high honor for their dedicated service to this Nation since it was created. Six Jewish Americans received the award in the Civil War, two in the Indian wars in the late 1800s, three in World War I, two in World War II, one in the Vietnam conflict.

I am proud to also note that Florida's 19th District is home to one of the largest chapters of the Jewish War Veterans of America. These brave men and women embody true patriotism, and their dedication to this great country is captured in their mission statement, which reads:

We, citizens of the United States of America of the Jewish faith who served in the wars of the United States of America, in order that we may be of greater service to our country and to one another, associate ourselves together for the following purposes:

To maintain true allegiance to the United States of America;

To foster and perpetuate true Americanism;

To combat whatever tends to impair the efficiency and permanency of our free institutions;

To uphold the fair name of the Jew and fight his or her battles wherever unjustly assailed;

To encourage the doctrine of universal liberty, equal rights, and full justice to all men and women;

To combat the powers of bigotry and darkness wherever originating and whatever their target; and

To preserve the spirit of comradeship by mutual helpfulness to comrades and their families.

The mission of this wonderful organization holds a special significance to me. I'm the proud son of a Jewish war veteran who volunteered as a teenager to serve our country and fought in the Battle of the Bulge, where he earned a Purple Heart.

My dad's no longer with us today, but with every veteran that I meet, I hear his voice and remember his love of country. It's a love of country that so many Jewish Americans hold in their hearts. Those who practice the Jewish faith hold in high regard a value for service, for justice and progress for all people.

These are values also embedded in the very fabric of this country. And it's for this reason today, on the fifth anniversary of Jewish American Heritage Month, that I am so proud to recognize the Jewish American men and women who, for centuries, not only have shaped our national culture, but have

defended our people in times of great challenge.

Thank you, Mr. Speaker. And thank you, Congresswoman WASSERMAN SCHULTZ for arranging this wonderful evening.

Ms. WASSERMAN SCHULTZ. Thank you very much, Mr. DEUTCH, and I'm really pleased that you chose to highlight in your remarks the contributions that our Jewish war veterans have made.

Last year, I think it was last year, Ms. SCHWARTZ, last year, we marked, the Jewish Members, a number of us and some non-Jewish Members, marked Jewish American Heritage Month by taking a trip to the Museum of Jewish Military History, which is based in Washington, D.C., and it was a museum that I was not familiar with, didn't know existed. And we had an opportunity, all the way back to the Revolutionary War, to see the contributions of Jews throughout our military history and how they proudly, so many of them, as you said, hundreds of thousands, proudly fought side by side with their fellow American citizens to defend the freedom that we continue to enjoy today.

So thank you so much for acknowledging that.

It's now my privilege to yield to my good friend, the gentlelady from Pennsylvania, who has been a leader, whom I've shared many a conversation with in the time we have served in the Congress together. We were elected in the same year and both served as State legislators, championing many of the same cases. She was a leader on health care in the Senate in Pennsylvania and has been a leader in the Jewish community in her own right, and I'm so glad you've joined us here tonight.

The gentlelady from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. I thank the gentlewoman, and I'm very pleased to join you this evening. Thank you for organizing it, and thank you, of course, for your sponsorship of the resolution that created the Jewish American Heritage Month. And I am very pleased, as the only Jewish member of the Pennsylvania delegation, to be able to speak tonight a bit about the contributions of Pennsylvania's Jewish communities, in particular, Philadelphia's Jewish community and the contributions we made.

I would be remiss if I didn't also say that I appreciate our colleague's comments before about Jewish veterans. And as many of my colleagues know, my father was a veteran serving in the Korean War, and certainly those experiences have helped inform who I am.

But this evening, I did want to talk a bit about some other subjects, and, in particular, let me start by saying that William Penn, who founded Pennsylvania in 1682 as a colony, did so making sure that the colony was based on religious tolerance.

The Philadelphia Jewish community has been around for a very long time and really came really expecting and being honored to be able to experience that religious tolerance, particularly in Philadelphia, and has been a part of Jewish Philadelphia and the Philadelphia community for generations. As early as 1735, Nathan Levy established himself in the import/export trade with his cousin David Franks in the bustling Philadelphia port. Well, today the Philadelphia port is still bustling, and it is one of the busiest ports in the Nation.

Philadelphia Jews have contributed to our national fabric through sciences, public service and through the arts. Just to name a few—and it's always risky to just name a few, but I will—philanthropist Sam Guggenheim and Watergate counsel Samuel Dash, Science Nobel Prize recipient Howard Temin, and the comic Larry Fine all were graduates of Philadelphia's public magnet school, Central High School, where my sons went to school, and certainly proud Philadelphians, and they are among the members of Philadelphia's Jewish community. Philadelphia continues to proudly distinguish itself as an important epicenter of American Jewish life.

As a new Member of Congress, I was very honored and proud to support Temple Beth Shalom, which is located on Old York Road in Elkins Park, Montgomery County—I represent Montgomery County—becoming a national historic landmark. It is the only synagogue designed by the great American architect Frank Lloyd Wright, and it is a remarkable place to see. I would commend it to all of my colleagues.

And looking forward, on November 14, 2010, the National Museum of American Jewish History will open its spectacular new facility on Philadelphia's Independence Mall. This museum is the only museum in America dedicated exclusively to exploring and preserving the American Jewish experience. And again, I encourage all of my colleagues, Jews and non-Jews, to visit this remarkable institution and to learn the stories of Jewish Americans, their challenges, their hardships, and their successes as they became a part of the fabric of who we are as Americans.

For me, the significance of American Jewish Heritage Month is marked by a story of one young woman named Renee Perl. Over 60 years ago, Renee fled Austria on a Kindertransport. Some of the Jews may know what that means. It was a children's train. Parents sent their children on this train hoping they would be embraced by strangers and taken care of. She was, of course, fleeing the Holocaust. After almost 2 years, first in Holland and then in England, she arrived alone on the shores of America, a 16-year old without family or friends, but armed

with a keen sense of hope and expectation. As with many refugees, she was anxious to put her difficult experiences behind her and embrace her new country, which she did with deep gratitude.

Renee Perl was my mother. She instilled in me a deep love for this country and its capacity to provide not only safe harbor but opportunity. My mother's search for security and freedom in America is part of who I am and why I do what I do. It is a deeply personal reminder of the importance of democracy, not only for American Jews, but for so many. Her story, her life, as for so many others, calls on us to meet the responsibility we have to respect the values of our great Nation, to build and protect the freedom and hope that it offers to so many citizens and newcomers.

It is with pride and gratitude that I mark the occasion of American Jewish Heritage Month, and I am pleased to participate in this evening's discussion.

Ms. WASSERMAN SCHULTZ. Thank you so much.

Ms. SCHWARTZ, I have to tell you that I've heard you share that story before, and I get a lump in my throat every time you tell it. It is so moving and meaningful for you to share that story in the Chamber of the U.S. House of Representatives, and it's one of the ways that we can help people understand why acknowledging the contributions of American Jews and the rich tapestry that we have weaved throughout American history is so important. So thank you again for sharing that story once again.

It's now my privilege to yield to one of the most significant Jewish leaders in our country, someone who has been a stalwart fighter for Israel, a stalwart fighter for the issues that matter to American Jews and to Jews across the globe, the gentlelady from Nevada, SHELLEY BERKLEY.

Ms. BERKLEY. Thank you very much, Ms. WASSERMAN SCHULTZ. We usually start our days together because we're next-door neighbors, and it's a pleasure to see you 14 hours later here on the floor of the House. But I want to thank you for spearheading this effort. I think it's very important. And I know this is near and dear to your heart, and you've done an extraordinary job year after year bringing the Jewish American story to our fellow citizens, and I appreciate it very much.

I can't help but agree with you about the beautiful story that our colleague, ALLYSON SCHWARTZ, spoke of. I leaned over to you and said, Is she talking about her grandmother? And you said, No, that's her mother. And I know how much that means. I also have heard her story many times, and it also puts a lump in my throat as well.

Congresswoman WASSERMAN SCHULTZ, my family story is very much an American Jewish story. And not unlike so many millions of other Amer-

ican Jews that came to our shores from other places, my mother's side of the family comes from Thessaloniki, Greece, where there was a very vibrant community, Jewish community prior to World War II. Half of the population of Thessaloniki, Greece were Jewish before World War II, but by the time the Nazis finished, there were only 1,000 Jews left in Salonika out of the 80,000 that existed and lived there and thrived there prior to World War II. I'm not presumptuous enough to think that my family would have been among those thousand chosen to live.

On my father's side of the family, from the Russia-Poland border, an entire culture, from 1,000 years of Jewish culture in that part of the world, was exterminated as a result of World War II. My family escaped both the Russia-Poland area and Thessaloniki, Greece in order to come to our Nation's shores. And I grew up hearing stories of what their lives were like where they came from and how thrilled and excited they were to come to the United States of America and truly felt this started as a haven. It was the very survival of my family. Had they stayed where they lived in Europe, we would have been exterminated in the Holocaust, but we did survive. We came to this remarkable country, where not only did we have an opportunity to survive, but we've had an opportunity to thrive.

I'm second-generation American. When my grandparents came here—and this is a story that is so common among American Jewish families—they couldn't speak English. They had no money. They had no skills.

□ 2145

The only thing they had was a dream, and that dream was that their children and their children's children would have a better life here in the United States than they had where they came from.

I often think of myself, and I hope this isn't too presumptuous, as my grandparents' American Dream. But I think even in their wildest dreams they never would have imagined that they would have a granddaughter that was serving in the United States House of Representatives. When I am doing this, I often think of my grandparents and realize that they went through so much in order to come to this country. And we have been able to share in the extraordinary success and largesse of this remarkable country.

We are very lucky as an American Jewish community to be very much a part of the fabric of this great country, to have full acceptance, to be able to access the highest levels of power, to actually be able to effectuate meaningful change in a very positive way by participating in the American political process.

My father, much like so many of the others that spoke today, is also a

World War II veteran. He is 85. His name is George Levine. He is still working. But I think what demonstrates our commitment and our love of this country and our patriotism as American Jews is the fact that my father also joined the Navy when he wasn't quite old enough to do so. But he wanted to fight for his country. He wanted to stand up and do something positive for the United States of America to show that we belonged here and we were part of this great country.

There are 500,000 Jews that served in the American Armed Forces during World War II, including numerous Jews who rose to the rank of general, and several more were admirals. Now, my father was never an admiral in the Navy, but he served and he served his country proudly and well; and I continue to be very proud of him.

We have made more than a life for ourselves in the United States of America. We are very proud Americans, and we are very proud Jews. And we appreciate so much the fact that this country offered so many remarkable opportunities and gave us a chance not only for survival, but to become a part of something so much bigger than ourselves. I think it's incumbent, and I think most Jews feel this way, that given the rights that we have here in the United States also comes responsibilities.

Those responsibilities mean good citizenship and participating in the political process and voting and being knowledgeable and getting a good education so that you can not only be part of the foundation of this country, but to give back to a country that has given us so many opportunities. So I am very much a part of the American Jewish community, but it's a story that so many of us share with our fellow Americans.

Ms. WASSERMAN SCHULTZ, I want to thank you very much for giving us the chance to thank this great country not only for taking us in, but for letting us be so much a part of not only the culture and the political life, but to be very much involved in the greatness of the United States of America. Thank you for giving me this chance.

Ms. WASSERMAN SCHULTZ. Thank you so much for your eloquence, Ms. BERKLEY, and for acknowledging that a lot of people think about the arrival of Jews in America as really being an infusion after World War I, an infusion after World War II; but we have 353 years of Jewish life in this country. And, unfortunately, much of our arrival followed persecution in other parts of the world: after the Spanish Inquisition, the pogroms in Russia—that's when my family came initially in the 1800s—and then in the early 1900s fleeing Poland for a better way of life here. And it's so incredibly important that we tell our story.

Jewish American Heritage Month allows us to do that now. President Bush

proclaimed it 5 years ago. We had 250 cosponsors, of which you were one, of the original legislation that urged him to do that. And one of the things that I really think is important to acknowledge is there is so much partisanship here in the House of Representatives. I was the most proud at the time that we passed that resolution unanimously out of the House. With over 400 Members voting for it, we had 250 cosponsors, bipartisan cosponsors, and then we had a bipartisan effort across the Jewish community in this country to urge the President at the time to proclaim the first Jewish American Heritage Month. And they did so willingly, put aside party differences because they knew that it was incredibly important. And we have continued to be able to mark the occasion every year.

Ms. BERKLEY. Well, if it wasn't for your leadership we might not be here this evening doing this, so I thank you. Congresswoman, when you and I hear the beautiful song "God Bless America," it means a great deal to us because I think every day God bless America, God bless this country.

But the interesting thing is Irving Berlin gained prominence as a composer of patriotic songs. As you know, Irving Berlin was a very famous composer, he was Jewish, and he wanted to show his love of this country and use his talents in order to create these remarkably patriotic songs. And "God Bless America" is still among my favorites. And he received the Congressional Gold Medal of Honor in recognition of his service to this country in composing these patriotic songs. So whenever I hear that song I get a little patter in my heart, and it particularly makes me proud that an American Jew composed it.

Ms. WASSERMAN SCHULTZ. Me as well. And in that same vein, Emma Lazarus was by far at the time the leading Jewish literary figure in 19th-century America. And it's her sonnet which was called "The New Colossus" that is engraved on the base of the Statue of Liberty: "Give me your tired, your poor, yearning to breathe free." And then the rest is history.

Ms. BERKLEY. History.

Ms. WASSERMAN SCHULTZ. The rest is history, exactly. There are so many contributions that this month allows us to highlight. And I really thank you for joining us tonight, to continue to be able to do that. And I know we look forward to the rest of the month and the celebrations across the country.

Ms. BERKLEY. Thank you very much.

Ms. WASSERMAN SCHULTZ. Thank you so much.

It is now my privilege to invite my colleague from the State of Florida, the gentleman from central Florida, who is a newly elected Member and who has done a fantastic job fighting

for his constituents, fighting on behalf of the issues that are important to this country, and fighting to help particularly focus on job creation and turning our economy around, the gentleman and my friend from central Florida, ALAN GRAYSON.

Mr. GRAYSON. Thank you. It would be easy to spend this time that I have, and in fact this entire hour, talking about the contributions that Jewish people have made to American history and to American science and culture. If you look at the back of a dollar bill, you will find the seal of the United States. And you will find that the 13 original States are depicted in the form of a Star of David on the back of every dollar bill. And that's to reflect the support that Jews provided during the Revolutionary War for our freedom as a country.

It also would be easy to spend this time, and in fact the whole hour, talking about people who we know who have lived upstanding lives as Jews and reflected our values in ways that have caused America to appreciate what they have given us. I am thinking, for instance, of my father's mother, who came to America fleeing oppression in Europe 110 years ago. I am thinking of both of my mother's parents. My mother's parents told me that their finest hour was when they got to visit Jerusalem. And yet they came from Europe to North America in the hope of achieving freedom, and they did.

But I would like to try to do something that's in some respects a little more difficult, if I may, which is try to explain in some general way what Jews have meant in this country for our intellectual and moral life as a country. And I think it begins with the fact that we all lived as slaves. And we not only remember that time and remember what it meant for us to achieve freedom ourselves as a people, but we also make sure that each year we come together during a time that's important to all of us, to come together as families and remember the importance of that part of the Jewish experience. And that helps us to relate to other people who are oppressed in all sorts of ways.

We also, I think, are moved by the central concept, in my mind, of tikkun olam, healing the world. Now, this is a concept that dates in Jewish law all the way back to the Mishnah. And originally it was basically an injunction that you should not take advantage of other people. One of the original examples of tikkun olam, the principle of healing the world, was that for instance when the captives were taken, when people were held hostage in military battles, the tradition at that time was that they could be freed by a payment of money. We don't do that anymore, nobody does that anymore, but that was typical and ordinary in Biblical times.

And the rule of tikkun olam was applied to place a limit on how much you

could take in order to give someone back their freedom. Why? Because that person was a prisoner, he or she could not defend himself or herself, and he or she wanted and deserved the freedom that every human being deserves. So under the idea of the concept of tikkun olam, we placed a limit on the price that you could pay on somebody's freedom, even if they were captured in the field of battle or otherwise taken hostage. And that's a concept that's broadened over time. It's a concept that I think is suffused through our life as a country in America today because it appeals to our better nature.

I saw something recently that summarized this in a way that I thought was particularly vivid. This is Rabbi Michael Lerner talking about the concept of tikkun olam and how it applies to modern life: "We in the Tikkun community," he said, "use the word 'spiritual' to include all those whose deepest values lead them to challenge the ethos of selfishness and materialism that has led people into a frantic search for money and power and away from a life that places love, kindness, generosity, peace, nonviolence, social justice, awe and wonder at the grandeur of creation, thanksgiving, humility and joy," especially joy I think, "at the center of our lives."

And what we strive for under Jewish law is a reflection of the future that we hope to bring about, the messianic age, the age when people live in peace, when their lives are filled with love and with joy. And our actions today are meant to point in that direction. I think that's a good summary of what we try to accomplish as legislators. I think it's a good summary of what America tries to accomplish when we appeal to our own better natures. And that's, I think, the greatest of all of our contributions to American life, the concept of tikkun olam, the concept that the way that we conduct ourselves is a way that can spread throughout the world. I appreciate the time.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. GRAYSON, for sharing your unique perspective. And, again, it's so incredibly important that we had this opportunity to acknowledge the contributions of Jewish Americans to American history.

And I can tell you, Mr. Speaker, that something that I am quite proud of is a contribution that I wasn't aware that I had made. Upon my election to the Congress in 2004, I learned that I was elected as the first Jewish woman to represent the State of Florida in Congress in history. And that's a source of great pride certainly to my parents, my Jewish parents, who were extremely proud and who kvelled, which is a Yiddish expression for a great bubbling of pride, so to speak. But it's something that has been a source of pride to me.

Mr. GRAYSON. Will the gentlelady yield?

Ms. WASSERMAN SCHULTZ. I would be happy to yield.

Mr. GRAYSON. I am sure, and I know for a fact, that your parents must be very proud of you. But I will tell you that when I was elected, my mother's reaction was, I really wish you would become a doctor instead. I yield back.

Ms. WASSERMAN SCHULTZ. Thank you. That's right. They wished for a doctor or a lawyer; they got a Member of Congress. What can you do? They had to settle.

Mr. Speaker, as I wrap up, and I am going to yield the last portion of our time to my good friend from Indiana, but I do want to talk about this year's Jewish American Heritage Month. And it's been packed with programs celebrating the contributions of American Jews to our country with movies, cultural exhibitions, speakers, and innovative educational curricula.

Right here in Washington, the United Jewish Communities and the Jewish Historical Society of Greater Washington will once again be hosting what has become their annual tradition, a reception for Members of Congress and members of the Jewish community right here on Capitol Hill.

J Street will also be hosting a reception to celebrate May as Jewish American Heritage Month with Members of Congress, their staff, and the Jewish community. But that's not all. The Library of Congress and the National Archives and Records Administration has been hosting lectures and exhibits and discussions about Jewish contributions to America.

In my home State of Florida, there will be a celebration of Jewish contributions to the civil rights movement. And the Marlins baseball team will host a Jewish Heritage Game. I can share with you that I had the privilege of throwing out the first pitch last year at the Jewish Heritage Game, which was really neat. But at that game they have kosher food and Jewish music in-between innings, and it's really an incredible experience.

Cincinnati, Ohio will be hosting lectures, including one on President Lincoln's solid relationship with Jewish Americans. And Wyoming of all places will host a festival celebrating Jewish food. And Lord knows that we Jews like food a whole lot.

□ 2200

Events are also scheduled to occur in New York, California, Texas and other States around the country, but I think the thing that we are all the most proud of is that tomorrow we will join President Barack Obama and the first lady, who will hold the first ever White House celebration and ceremony honoring Jewish American Heritage Month and the contributions of Jewish Americans throughout American history. It's our first opportunity to have that celebration in the White House during the

month of May and Jewish American Heritage Month.

Mr. Speaker, we have come a long way in recent years to promote appreciation for the multicultural fabric of the United States. It's our responsibility to continue this education. If we as a Nation are to prepare our children for the challenges that lie ahead, then teaching diversity is a fundamental part of that promise. Together, we can help achieve this goal of understanding with the celebration of Jewish American Heritage Month.

I thank my colleagues for their support and call on all Americans to observe this special month by celebrating the many contributions of Jewish culture throughout our Nation's history.

With that, I would be happy to yield to the gentleman from Indiana (Mr. DONNELLY) who hopefully will come up with a good segue from Jewish American Heritage Month to what he has come to share with us tonight about his constituents.

HONORING THREE SONS FROM SECOND DISTRICT OF INDIANA

Mr. DONNELLY of Indiana. Thank you very much. I want to thank my dear colleague from Florida and tell her what a vibrant and successful Jewish community we have in Indiana as well. We are very proud of our Jewish community there, and I want to thank you so much.

Mr. Speaker, as we near Memorial Day, I rise today also to offer some words in commemoration of those who gave their lives in the Armed Forces of the United States, in particular, three sons from the Second District of Indiana. This weekend, Members of this body will return to our districts and participate in Memorial Day parades and events that are a tradition of American life. People will picnic with their families, barbecue and watch parades, and people will honor our veterans and pay respects to those servicemembers who died in the line of duty in places large and small, in places like South Bend, Plymouth and Westville, Indiana.

Specialist Paul E. Andersen, an Army Reservist from South Bend, Indiana, died in action on October 1, 2009, by indirect fire from enemy forces. A 24-year veteran of the Armed Forces, Paul was competing his second tour of duty in Iraq.

A 1979 graduate of Buchanan High School just across the line in Michigan, Paul enlisted in the Army Reserves in 1985. After serving his first tour in Iraq, Paul met his future wife, Linda, at the home of a friend. They shared a love of country music, old movies, and strawberry milkshakes. Paul proposed marriage within just a few months, and they were married 3 weeks later.

Linda knew what the Army meant to Paul from the very beginning. When he reenlisted for 6 more years of duty, though, it was only after first seeking her consent.

When he asked her how she would feel if he opted to redeploy, she said, go ahead. "I knew I married an Army man, he's my world, my life, my friend."

In November of 2008, Paul served with the 855th Quartermaster Company from South Bend. Paul's mission in Iraq was to provide both shower and laundry services, as well as operating a clothing repair shop supporting coalition forces based in 10 different locations throughout the Iraqi theater. Without these crucial services that helped make life bearable for those fighting far from home, our soldiers would not have been able to perform their duties as ably as they do.

Paul will be remembered as a devoted husband, father, and grandfather. As a civilian, Paul worked at a tube and bending company. He loved to tinker with machines and was notorious among family members and friends for going overboard on the Christmas lights every year.

He lived a life full of love and joy. Specialist Andersen is survived by his wife, by six children, and by nine grandchildren.

Army Staff Sergeant Justin DeCrow of Plymouth, Indiana, died in a the tragic shooting at Fort Hood, Texas, on November 5, 2009. After 13 years of extraordinary service to his Nation, Justin was taken from his family, friends, and comrades, and he will be forever missed.

Justin always wanted to be a soldier. He graduated from Plymouth High School in 1996, and after marrying his high school sweetheart, that spring he enlisted in the United States Army. He answered the call to serve his country because of an unending love of America and also the opportunity to make a life for his family in a career like no other.

Early on, he performed light vehicle maintenance. In 2000, Justin and his family moved to Evans, Georgia, after he was assigned to nearby Fort Gordon, where he was trained as a satellite operator.

He would later go on to work in that capacity in South Korea. Last September, Justin was assigned to the 16th Signal Company at Fort Hood. He had hoped to soon return to Fort Gordon to be with his family.

While at Fort Hood, Justin distinguished himself by training new soldiers. He will be remembered by his fellow soldiers as a mentor with an undeniable charm and quick wit, and by friends and family as a loving and devoted father and husband.

Justin is survived by his wife of 14 years, Marikay, their 13-year-old daughter, Kyla, and two proud parents, Daniel DeCrow and Rhonda Thompson. He will be missed by them and by a grateful Nation forever in debt to a selfless man's kind heart and deep sense of service.

Marine Corps Lance Corporal Joshua Birchfield of Westville, Indiana, died in

the Helmand Province of Afghanistan on February 19, 2010. After almost 2 years of accomplished service, Joshua was killed by small arms fire while on patrol during his first tour of duty in that country.

Josh graduated from Westville High School in 2004 and enlisted in the United States Marine Corps on April 18, 2008. He joined the marines after seeing a TV news segment focused on the hardships that military families endure when they are separated, especially during the holidays. Josh was deeply inspired by those who dedicated their lives in the service of others. He wanted to share that burden they were carrying on behalf of our Nation.

Lance Corporal Birchfield was stationed in Helmand Province as a rifleman with the Third Battalion, Fourth Marine Regiment, First Marine Expeditionary Force, based in Twentynine Palms, California.

For his service and support in Operation Enduring Freedom, Josh has been decorated many times, earning the Purple Heart, Combat Action Ribbon, National Defense Medal, Afghanistan Campaign Medal, Global War on Terrorism Service Medal, Sea Service Deployment Ribbon, and the NATO Medal. Joshua was a baseball enthusiast, and this coming weekend, I am proud that I will be there as the baseball field in Westville will be renamed in Josh's honor, a living memorial that will remain a place of joy and remembrance for years to come. And we all hope that we can live up to the example that Josh has given to all of us.

Joshua was also an inspiring hero to many in the tight-knit Westville community, and he will be remembered as a selfless and compassionate man. He is survived by both parents and sisters, extended family, and many, many friends.

We are forever in debt to these three great Hoosiers, all patriots in every sense of the word and all brave Americans who have laid down their lives so that we may be safe, so that others might live without fear, and so that our country can remain safe and secure and strong.

Let us also remember today those brave Americans who are serving their Nation now here at home and in harm's way in places all around the globe. By choosing to serve their Nation in uniform, these sons and daughters, mothers and fathers, are continuing hundreds of years of a tradition of selflessness, excellence, and courage in protecting the freedoms and values we are blessed to enjoy as citizens of this beloved country.

Mr. Speaker, may the House of Representatives always do right by these fine men and their families, and may we never forget the price of freedom and those who have laid their lives down in service to this great Nation.

Ms. WASSERMAN SCHULTZ. I am really privileged to have been here to

listen to the gentleman acknowledge the patriots that gave their lives and that have served our country so faithfully from his community, and I can tell you that the constituents of the district that he represents in Indiana have no greater friend, no greater advocate, than JOE DONNELLY.

With that, I yield back.

ILLEGAL IMMIGRATION AND THE ECONOMY

The SPEAKER pro tempore (Mr. MURPHY of New York). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, as always it's an honor and privilege to be recognized by you here in the House to address you in the presence of the folks that are here in this Chamber.

I appreciate my colleagues in their presentation in the previous hour and their discussion about Jewish American Heritage Month. I want to say also to my friend, Mr. DONNELLY, the support for our troops and the grief that we have for those that we have lost goes deep for all of us, and I appreciate that sentiment as well.

I look at the democracy in the Middle East and the demonstration there that in 1948, a Nation that stood up and created a Nation, actually a people that stood up and created a Nation. I am very well identified with Israel, in particular because the generation of my life has almost mirrored the generation of the life of the Nation of Israel.

□ 2210

And so I would very much encourage the people in this administration to support Israel, support them in their self-defense in the Middle East, and understand that there have been some things that have taken place in this country that undermine the national defense of Israel and to send a message that might encourage their enemies.

I would like to send a message here tonight to encourage the nation of Israel, the Prime Minister, Benjamin Netanyahu, and all the people that stand up for liberty and freedom in that part of the world. It is one thing to defend your freedom and your liberty throughout the generations as we have through this country; it is another to be completely surrounded by enemies that would like to annihilate you as a people and as a country. We have no neighbors that draw maps of the world that erase the United States from that map—we do have some neighbors that would like to take some chunks out of the great Southwest of the United States and change the map of the United States of America.

We don't have any neighbors who seek to, when they educate their children, eradicate all of the United States

of America. But that is the case with a number of the neighbors of the nation of Israel. And to be surrounded by those kind of people, people who raise their children and little girls to put suicide vests on at age 3 and walk them around to justify the homicide bombing activities that have taken place all over Israel over the years—and by the way, while I'm on the subject matter, many of those bombings have been reduced dramatically, significantly across Israel, and a lot of that has to do with the barrier they constructed between themselves and the West Bank. I've been there. I've seen that barrier and watched how effective it has been. And I've been a strong proponent of the construction of a barrier that would be that effective on our southern border in particular, where we have millions of illegal border crossers every year coming across our southern border into the United States. And there are those that will say that those that are coming across are just coming here to get a job. They just want to work. They just want to take care of their families. In fact, Mr. Speaker, many do, many do, but there are also many who do not.

Ninety percent of the illegal drugs consumed in the United States come from or through Mexico. And out of that huge human haystack of humanity that pours across our southern border every night, while the numbers are down a little bit—at least by the way we keep statistics, we can't be sure because we don't know—but the numbers, when I did have a reasonable measurement, there were 4 million illegal border crossings a year. I think if you take—and this is from memory, Mr. Speaker, so hopefully the accountants in the world won't hold me too accountable, but 4 million illegal border crossings a year divided by 365 days comes down to about 11,000 illegal crossers a night, on average, every night.

I have spent some time down there on those crossings at night at places like San Miguel's crossing to sit down there on the border. And some of the places along there, at its best, is three or four barbed wires that are stretched apart where illegals cross through, 11,000 a night, Mr. Speaker. And so you can take your historical measure by Santa Anna's army of someplace between 4,000 and 6,000 that surrounded and attacked the Alamo. It's 11,000 a night. So one might argue, and I think very effectively, that it is two to three times the size of Santa Anna's army that invaded Texas, every night, on average. And no, they don't all come with muskets and they're not in uniforms, but that is the magnitude of it every single night, on average.

And now I'm going to say, thankfully, the President of the United States has announced, I believe yesterday, that he was going to ask for \$500

million and 1,200 National Guard troops to bolster the security at the border. Now, some of the people on my side of the aisle were immediately critical of it as being not enough, and I won't take issue with them on that part, it is not enough, but it is a good baby step. We have taken so many giant steps in the wrong direction, especially economically, in the effort to do so culturally and socially, that when I see a little baby step in the right direction, like 1,200 Guard troops going down to the southern border, that's a good thing. Little steps in the right direction are a lot better than giant steps in the wrong direction.

So 1,200 Guard troops at \$500 million works out to be this, Mr. Speaker. That is an increase of border patrol personnel security of 6.5 percent, and it is an increase, from a budgetary perspective—\$500 million divided by the roughly \$12 billion we're spending on the southern border comes to about a 4.2 percent increase in the budget part of it.

Importantly, it sends the right message. And we need to emphasize and reinforce the message that's been sent, that this country, Democrats and Republicans—albeit in significantly different percentages within the parties, but it is a bipartisan position—that we need to stop the bleeding at the border, Mr. Speaker. All the rest of the things we might want to do don't account for much—as a matter of fact, they don't count for anything—if we don't stop the bleeding at the border.

I just came from a dinner where I sat down and listened to the narrative of an individual—whose wife actually told the greatest part of the narrative—who was kidnapped by the Mexicans in Mexico. One of the cartels that were the top-of-the-line human kidnappers had asked initially for \$8 million in ransom and for 8 months kept this man in a box. He watched his weight go from 165 down to 80 pounds. And finally, finally after those 8 months and down to 80 pounds, he was released. That doesn't happen to all. Some aren't released. Some are killed in captivity. Many of them are brutalized. But when you see a person's weight shrink in half, you know that is brutalization. And this is what's going on in Mexico. There are these kinds of activities that are threatening to throw out the politics of South America in countries like Brazil, for example, and Colombia would be another, and Peru would be another.

As I watch this unfold, it isn't a big surprise to us. When we see all the violence in the Southern Hemisphere and in Central America, it shouldn't be a big surprise to us when that violence spills over the border. And when Phoenix becomes the second highest kidnapping city in the world—and it would be first if it were not for Mexico City—I think it should be pretty clear to all of us here in the United States of Amer-

ica, Mr. Speaker, that the violence of the drug trafficking country of Mexico has spilled over into the United States, and the lawlessness that is a part of what goes on south of the border is now in greater numbers becoming the lawlessness that they are living with in Arizona and border States along the way. And when Arizona passed their immigration law, we heard, Mr. Speaker, what I would call a primal scream of desperation come up out of Arizona. And they passed the legislation that they could. They passed the legislation that they needed to protect and defend themselves.

Mr. Speaker, that is a long and deep subject which I intend to go into a little more deeply, but I recognize that the astute gentleman from east Texas, the "Aggie" himself, the judge, Mr. GOHMERT, is here with some actual facts and data that come off of a printed sheet rather than out of that globe of his that has so much knowledge in it.

And I would be so happy to yield as much time as he may consume to the gentleman from east Texas (Mr. GOHMERT.)

□ 2220

Mr. GOHMERT. Well, I do appreciate so much the comments of my friend from Iowa, and we do appreciate the comments of our colleagues in the hour previous to this, about the wonderful Jewish heritage in this country.

It is Jewish Heritage Month, and it does mean so much to this Nation when you look at the contributions of the Jewish immigrants into this country. This country has benefited so immeasurably from immigration, but it has to be legal, and there are a number of different aspects.

First of all, we've got, basically, a Third World immigration service. It needs to be cleaned out from top to bottom and from side to side. It needs to be streamlined and made more efficient, more effective. That has got to be done. It wasn't done effectively in the previous administration. It has got to be done. It is not being done now by this administration, and it has got to be done. It has grieved me much, in my 5½ years here, to hear people come down to the floor who talk about laws, who are spouting off things as facts, which are wrong, because they haven't read the bills.

My friend knows that, in our Republican Conferences, nobody had been more loud and emphatic than I in begging my colleagues, when we were going through the TARP bailout, to read the bill.

If you'll just read the bill, you'll see we don't do this in America. We don't give one person \$700 billion.

We didn't have enough people read the bill. They didn't realize how much we were giving away the farm when the TARP bailout passed.

Likewise, we have people, including down Pennsylvania Avenue here, who have talked about this Arizona bill. I've got it here. It's 19 pages. That's with the amendments. It includes the amendments that were passed to make clear their position. I've gone through and, you know, I've highlighted different parts. It's what I do. I am not technically challenged. I love doing things on the Internet, finding things and doing good research on the Internet, but there is something about having a hard copy which I can go through and highlight, and that's what I've done here. This is not rocket science.

If you have read the law as it has come down from the Supreme Court and as passed by this Congress, you'll find out that this Arizona law is actually not as tough, as stringent as existing Federal law. You'll find out what this Arizona bill talks about in terms of what a law officer will do because it reads: For any lawful contact stop, detention or arrest made by a law enforcement official—well, a "lawful contact stop" means a law officer cannot stop you unless it is authorized under State or Federal law. In fact, if he were to violate someone's civil rights by unlawfully stopping someone, he has got a lawsuit. We've got a Federal law that allows you to go sue Arizona or the local law enforcement if they were to abuse their power. That's why the civil rights laws are there.

Any lawful contact.

There is a type of arrest that has been known since 1966 as a Terry Stop, and there is probably not a certified law officer in Iowa, in Texas, or in the country who has not had a class on what a lawful stop, a Terry Stop, is because under Terry vs. Ohio 1966, the Supreme Court discussed this. They said that you've got to have a reasonable suspicion that there has been some crime committed in order to have a detention stop. You can't just, you know, willy-nilly stop people.

Also, it could be a lawful stop if you see that somebody is violating the traffic laws. Sometimes officers will have a lawful stop, and they'll give you a warning. They could have given you a full ticket because they saw that you had violated a law or that maybe you had a taillight out or something, but it's a lawful stop. They stop you and wonder, perhaps, you know, are you carrying illegal drugs or something. Well, they're authorized to stop you for violating the traffic laws, and they're not bound to put on blinders when they do in order to see if you've violated something else while you're there, but not unreasonably.

If they've lawfully stopped a person for some purpose other than immigration and if they have a reasonable suspicion that the person is an alien, that a person is not lawfully present in the country, then this law allows them to

make, as it says here, a reasonable attempt, when practicable, to determine the immigration status of the person.

Now, what Terry vs. Ohio made clear is a "reasonable suspicion" means you can't just say, Well, I suspected something. That's not good enough. In law school, when we studied Terry vs. Ohio, there was some terminology I had to practice saying before I got to class so that I could say it without, you know, stumbling and looking more ignorant than I might otherwise already look. The word was "articulable." It rolls off pretty easily nowadays, but you can't just suspect. Well, I just had this suspicion. That's not good enough. It has to be a reasonable suspicion based upon articulable facts. If you cannot articulate facts that justify your suspicion, it's not reasonable. It's an unlawful stop, and it's probably a civil rights violation that's going to get the community or the State of Arizona sued successfully.

The Federal law allows even further stopping just to check to see if somebody may be legally present in the country. Federal law officers have the ability to do that if they think it appropriate. Arizona is just trying to deal with the fact that they have so many criminals in Arizona.

My friend mentioned a kidnapping. It is intolerable that one of our 50 States of these United States would have a beautiful, wonderful city like Phoenix and that that United States' city, here in the continental United States, would be the second most prolific kidnapping capital in the world. This isn't a Third World country where we have coups d'etat constantly and governments constantly changing hands so that you don't know who is going to enforce the law. This is the United States of America. Arizona is not some Wild West territory. To have Phoenix have the second most kidnappings in the world is intolerable, and it is an embarrassment for which this Federal Government owes an apology to border States like Arizona for allowing this kind of thing to go unstopped, unchecked.

This law is very reasonable. You know, basically, there is just one page—if people would bother to go check. On page 5, it talks about lawfully stopping someone who is operating a vehicle if he has a reasonable suspicion to believe the person is in violation of any civil traffic law. I mean, this is not an unreasonable law, but it does say repeatedly that a law enforcement official or agency of this State, county, city, town or other political subdivision may not consider race, color, or national origin in the enforcement of this section except to the extent permitted by the United States or Arizona Constitution. Well, the Arizona Constitution cannot allow it if it is forbidden by the United States Constitution. So this is not

some horrific bill as the President and others, including our President, have made it sound.

That's why it is a little bit irritating to have the President of Mexico come into this body as an invited guest, as a guest in this House, and say: I strongly disagree with the recently adopted law in Arizona. It is a law that not only ignores a reality, that cannot be erased by decree but that also introduces a terrible idea, using racial profiling as a basis for law enforcement.

□ 2230

That is why I agree with President Obama, who said the new law "carries a great amount of risk when core values that we all care about are breached."

He comes in here as an invited guest and completely misrepresents the facts, and tells the world here in this body to our faces that the Arizona law ignores a reality that cannot be erased by decree, and introduces a terrible idea that racial profiling is a basis for law enforcement?

I am sure that he does not lie, but that statement is a lie; that is not true. He just needed to read the bill, and apparently no one, I don't know if the Attorney General has read it yet, he hadn't read it when he came before our Judiciary Committee. Secretary NAPOLITANO, she owed the State of Arizona better than she gave it, and she had not read the bill, and she is out there condemning it. And then to have our invited guest come in here and condemn a law that he clearly had not read—I would be glad to give him a copy. It is not hard to get. But to come in here, that is just so outrageous.

But then he comes in and says, "Because of your global leadership, we will need your support," this is President Calderon, "to make the meeting in Cancun next November a success." And that is because he has come in and touted global warming.

For those that can't understand the politalese that is used in here, what that statement means, and what all these 100 and some countries around the world have said, when they said we have got to have the United States' global leadership come into this global warming conference, what they mean is, if the United States doesn't come in as the patsy who is willing to pay all these other countries out of some guilt complex, then nobody else in the world is going to come in and start redistributing the wealth from America into all those other countries.

I appreciate President Calderon saying that, but the trouble is we are distributing plenty of wealth to Mexico. He mentioned it himself. The Merida Initiative, as I recall. This body passed a bill to give them \$500 million, as I recall, to use to buy law enforcement equipment to help enforce their laws. We are pouring plenty of money into

Mexico, so he doesn't need to try to go to some global warming meeting and try to construct some method of extorting more money out of the United States. We are giving them plenty.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Texas. I wanted to go back through a couple of points the gentleman has made with regard to the Arizona law.

One of them would be, my recollection is that "lawful contact" was amended to say "stop, detention, or arrest." I happen to have had a copy that has the amendment integrated into the overall bill, and I was able to sit down and read that on Saturday morning.

Mr. GOHMERT. If the gentleman would yield, yes, it does say any lawful contact, stop, detention or arrest.

Mr. KING of Iowa. Didn't they strike "lawful contact" and just put in "stop, detention, or arrest?"

Mr. GOHMERT. This is supposed to be the updated law as amended.

Mr. KING of Iowa. Your copy doesn't reflect that. I recall mine did.

Mr. GOHMERT. The gentleman needs to understand that "lawful contact stop" means you can't stop them unless you have a reasonable suspicion.

Mr. KING of Iowa. Let me suggest that "lawful contact" would mean, among it, "lawful contact" would be "stop, detention, or arrest," so specific within those individual subcategories of lawful contact. So I think I make a distinction without a difference in the language as I recall it, and that is carefully crafted language.

When we look at the reasonable suspicion component of this, Mr. Speaker, I think about this; that I wrote the reasonable suspicion law in Iowa as a State senator for the Workplace Drug Testing Act that we passed in 1998. It has been in law for all of 12 years, and in that period of time, in fact 12 years and 2 months, I happen to remember it was St. Patrick's day in 1998 that it was signed into law, Mr. Speaker.

But we provide for an employer or employer's designee to direct an employee to undergo a drug test, and generally that will be a urinalysis, based upon a representative of the employer declaring that the employee in question has a reasonable suspicion that they are using or abusing drugs. That might be any of the indicators that have to do with bloodshot eyes, or dilated pupils, or erratic work habits, or showing up late, or let me say agitated nature or nervous nature, something of that nature.

So the designee of the employer can point to an employee and say, I have a reasonable suspicion that you are using drugs. Go get a drug test right now.

That has been an Iowa law for 12 years. It is more draconian than the Arizona reasonable suspicion law with regard to requiring the law enforcement officer to draw their reasonable suspicion and make a determination

when he has reasonable suspicion as to the lawful presence of the individual that he has had lawful contact with and had a stop, detention, or arrest.

A reasonable suspicion, I would add also to the gentleman from Texas, who went to law school down there, that if I remember correctly, it is a specific, articulable fact, so that it has to be specified as well as articulable. I have trouble practicing that word too. I am doing it here. So I didn't go to law school to learn that.

But the reasonable suspicion language that is there is well settled, and it has been completely utilized for decades in the United States, and for at least 12 years in Iowa. Maybe it is the janitor, or it is the nurse or the truck driver, or maybe it is the accountant or the keyboard operator that is the designee of the employer, that has received 2 hours worth of training to start out and one hour worth of training each year to refresh them, and they are the ones that get to point their finger at somebody and not say, let me see your papers; it is, we will send you into the clinic here, and you can fill this jar up, and we will check it out and see if you are using illegal drugs.

I would submit that it is a little bit more invasive in a person's privacy to require a urinalysis than it is to require that they show their papers. Yet we have people across this country that are demonstrating against Arizona's immigration law, when all it does is ask the local law enforcement officers to carry out the function of enforcing immigration law, Arizona immigration law, which mirrors Federal immigration law in that practice, and it has been a requirement for a long, long time, perhaps half a century, that those who are in this United States that are not natural born citizens or naturalized citizens have to carry their papers if they are 18 years old or older. That has been a common practice. There appears to be no offense taken about that practice.

But here, behind where I stand, Mr. Speaker, we had President Calderon take issue with Arizona's immigration law. He said he strongly disagrees with the Arizona law, that it is a terrible idea that could lead to racial profiling. That is pretty close to the quote, not exact. Mr. GOHMERT provided it exactly.

So if President Calderon is so offended by the law that Arizona has passed, I would take him back to the simplest lessons in deductive reasoning that were perfected by the Greeks 3,000 years ago, and it would be this: President Calderon, if you are not offended by the United States Federal immigration law that sets a standard that is more stringent than the Arizona immigration law, but you are offended by the Arizona immigration law, the only logical deductive reason that could remain is that he is offended that Ari-

zona law enforcement will be enforcing Arizona immigration law. So that would tell me President Calderon is insulted or offended by Arizona's State and political subdivision law enforcement officers.

And I will suggest that the former Member of Congress from Colorado and my friend, Tom Tancredo, got it right when he said you can understand what is going on by the objectors of the Arizona law; the higher the level of hysteria, the greater their fear that the law is going to be effective.

□ 2240

They don't want the law to be effective. That's why they're demonstrating. They don't believe, if they've ever read the bill, they don't necessarily believe that it's unconstitutional or it violates a Federal preemption standard or that there's case law out there that prohibits local law enforcement from enforcing Federal immigration law. That isn't all a matter of their issue. They're contriving arguments that help them arrive at a result that they want, which is open borders, full-bore amnesty, paths to citizenship, more voters, more people coming into the United States to cash into this giant ATM called America.

And there was a point that was raised this morning in a breakfast that I hosted for the Conservative Opportunity Society. I will put it this way, since it's a confidential discussion that takes place in there. It was raised by one of the members from the upper Midwest, and I'll call it a rust belt State, who said he has watched as generations of Americans have arrived here from foreign lands, different countries other than the United States because they had a dream, because they had a passion. They wanted to build on that dream, and here they could have the freedom to do so. They have all the constitutional rights and protections that man has ever known, the right to property, the rule of law, in a nation that was founded on Judeo-Christian principles, which means we need less law enforcement than anybody else in the world. And people came here to build on that, and that vitality is a great core of the American experience and the American civilization.

But he raised the point that, when you start bringing in tens of millions of people who come here for a different reason, a different reason rather than to build, that people coming here believing that they can cash in on the welfare state, that there is somebody else that's going to do the work and there's going to be money that gets kicked out of this government machine—this giant ATM is the shorthand that I use for it—he worries about the future of our Nation because they and their children and their children's children would have a different view about what the work ethic is, for example;

the responsibilities we have to stand up and support the rule of law and hold everyone accountable to the American Dream, which embodies a responsibility that we have to utilize this blessing that we have that's passed to us from the previous generations and to leave this world and this country in a better place than it was when we found it. That's an American Dream obligation. And if they come here for a different reason, this is a new phenomenon that hasn't taken place because we've only been a welfare state about a half a century.

When my grandmother came here a little over 100 years ago, she came into a society that was a meritocracy. And if people walked across the great hall at Ellis Island and they had a limp or a gimp or a bad eye or both eyes looked a little crazy or a little too pregnant, if something wasn't right, even though they'd been screened before they got on the boat, they put them back on the boat and shipped them back to the country that they came from. About 2 percent of those that arrived at Ellis Island were put back on the boat and sent back to the country they came from because the United States of America was filtering for good physical specimens, good mental specimens, generally, people who could sustain themselves in this growing country, a meritocracy. But today it's anything but.

Only 7 to 11 percent of the legal immigration in America is based on merit. The rest of it is completely out of our control, with family reunification and a whole lot of other plans under the sun, but not based on merit. And what kind of a country would not establish an immigration policy designed to enhance the economic, the social, and the cultural well-being of the United States of America?

That's one of my, I think, salient points, and I'd be happy to yield to the gentleman from Texas.

Mr. GOHMERT. Thank you. And the point is quite salient. And it brings to a point something I think my friend from Iowa and I can agree with part of the quote from our President that was quoted by President Calderon. And to give you the exact quote again, President Calderon, in talking about the Arizona law said that "it introduces a terrible idea using racial profiling as a basis for law enforcement." Now, that is just blatantly not true, absolutely not true. Using racial profiling as a basis for law enforcement. That is, it flies in the face of the facts and the facts of this bill.

But then he goes on, and here's the part where I believe my friend would agree with me in congratulating the President, not on the first part of the quote, because he's applying this to the Arizona law, but he says the new law "carries a great amount of risk when core values that we all care about are

breached." But the part that is in there is so important to us in the United States, and that is that there is "a great amount of risk when core values that we all care about are breached."

Now, I grew up with my mother and dad telling me if I ever have an emergency, if I'm ever in trouble, look for someone in uniform because I can trust them. That's the way I grew up in Mount Pleasant, Texas, and that's the way I have taught our three girls growing up their whole lives, growing up in Tyler, Texas, that if there's a problem, even if you're worried you might have done something wrong, you go to somebody in uniform. You can trust them. And I've taught them the same thing.

You know, if somebody were ever kidnapped, no matter what the note said or whatever, you call the FBI. You can trust them. And I know so many FBI agents, and I do trust them. They're some wonderful agents. And I know they would lay down their lives in a second.

But what about when we come to the point when the Federal law enforcement is told by their commander in the White House that enforcing the law is a bad idea? That's problematic. And then that spills over until you have somebody who is charged and his whole job is enforcing the immigration laws, and he says, if Arizona sends somebody that they have detained because they're illegally in the country, he may not even enforce the law. See, that flies in the face, just like the President's quote says. There's a great amount of risk when the core values that we've taught our children, that we all care about, are breached.

And I'm telling you, when you have someone in the Federal Government charged with enforcing the law and they're being taught, and it's coming top down, ignore the law, don't enforce it, they're violating all the core values that we've tried to instill in our children and the things that we grew up believing, and this country is not the country we hoped for, that we dreamed for. It becomes like the country that so many immigrants flee illegally, because they're not based, their country does not have the rule of law that's in force. Too much graft and corruption.

You come to this country, don't ask us to ignore the rule of law. Some of us, like 4 years I had in the Army, time as a prosecutor, as a judge, as a chief justice, 5½ years in Congress, taking that oath that was given by the Speaker to the new Congressman DJOU from Hawaii, I mean, we took an oath to follow the law and we're supposed to support and defend the Constitution. This flies in the face of all those oaths when you say ignore the law, it means nothing; we'll get around to enforcing it some day down the road. It means I've spent most of my adult life for nothing because the rule of law means nothing.

So I would implore people, do not come to this country and ask me to say

that my adult life has been for nothing, because the rule of law means something. It means nothing to them. It does mean something. It's meant something to me, and it always will, because I know, and I know my friend from Iowa knows, I know the Speaker knows, if we don't have the rule of law that's applied across the board, and I think better in this country than in any country in the history of the world, then we devolve into the ashes from which we rose, and we are just a historic memory and nothing more.

I yield back to my friend from Iowa.

□ 2250

Mr. KING of Iowa. I thank my friend from Texas. I am standing here listening, thinking about what it means to be in a country that in the history of the world there has been no country that has more profound respect for the rule of law. And the thought that all this life in the law as a prosecutor, as a judge, as a Supreme Court Justice, all of that activity, to have someone declare that it's all for nothing, that it really didn't have any meaning, that behind it all it was a facade that was simply there to facilitate somebody's political agenda is what it would come down to.

And I think back throughout this course of history. And earlier I spoke of the Greeks, but I would take this law, this rule of law back to Rome, Roman law, Roman law that survived the Dark Ages and manifested itself as the foundation of old English common law, that came across to this country and arrived here, let me suggest, with the Mayflower 390 years ago, with the Pilgrims who came over here for religious liberty and religious freedom to get out from underneath the thumb of the King, and also to be able to worship as they pleased, and those traditions of old English common law that came here.

But the injustices that still came from English common law were the injustices that were corrected in a large way in the traditions and defined in the Declaration and corrected in the Constitution of the United States.

We are here and one of the reasons that we are a great Nation, one of the reasons that we are the unchallenged greatest Nation in the world is because one of the essential pillars of American exceptionalism is the rule of law, Mr. Speaker.

When we look at the difference between the country represented by President Calderon and the country represented by President Obama, our traditions are entirely different. As I listened to President Calderon's speech, he said we are founded on the same principles. He said they were founded 200 years ago on the same principles as the United States is my recollection from the speech. I don't have it in front of me.

It struck me that I would like to ask that question of him personally to explain that to me, how we are founded on the same principles, the right to life and liberty and the pursuit of happiness. Could that be in a Mexican Constitution somewhere that is 200 years old? I am not aware of that. I hope it is. I hope I just missed it, but I am not aware of that.

Life, liberty, and the pursuit of happiness, Mr. Speaker. This country was founded for religious liberty. It was founded on the rule of law. It was founded on the basic principles that our rights come from God, and that we hold these truths to be self-evident, that all men are created equal, and we are endowed by our Creator with certain unalienable rights, and among them are life, liberty, and the pursuit of happiness, Mr. Speaker.

And America was founded by a Nation who believed in freedom, a Nation of farmers and small shopkeepers, a Nation that rejected the aristocracy, a Nation that wrote in its Constitution that we are not going to confer any title or royalty on anybody in this country. We are going to shed those trappings of royalty, and we are going to be a Nation that is empowered from rights that come from God that come directly to the people, and the people bestow the responsibility on government. That's what America was founded upon.

And we believed for a long time that our voices mattered. We have been engaging in these debates well before the Declaration of Independence. Patrick Henry's speech was a manifestation of many decades of Americans seeking to rule themselves before they threw the yoke of King George off in 1776 and culminated with the ratification of the Constitution beginning in 1787 and finishing in 1789.

We are a different Nation. When I asked the Historian of Mexico in Mexico City a couple of years ago about the colonial experience of Mexico versus the colonial experience of the United States, his response was, well, about 7 percent of Mexico are the aristocracy, and they have run their country from the beginning. And 93 percent are the people who are being run. And they have no tradition of being able to have a voice that actually changed and shifted the government and directed the government. Not a government of the people, but a government of the aristocracy run for the aristocracy that managed and controls the people.

Now, I hope President Calderon is breaking that mold. I hope Vicente Fox started it along the way, and I hope President Calderon is breaking that mold. And I applaud him for the courageous approach that he has had in taking on the drug cartels. They have suffered thousands and thousands of casualties in the middle of this war against the drug cartels, but they have

a very heavy lift down there. It isn't that Mexico mirrors that experience of the United States, in my view. I think it's a different history, it's a different experience, it's a different culture, and a different set of traditions.

And, yes, we can be friends, and we are trading partners, and we need to enhance those trades. And I want to be supportive of the effort to shut down the drug cartels. And we have, Mr. Speaker, a responsibility in this country to shut down illegal drug consumption so that we can turn down the magnet that draws so many illegal dollars out of the United States into Mexico and the violence that's committed there and points south, and there and points into the United States. All of that is part of the picture. We haven't addressed our side of this problem very well at all. And we point our finger at Mexico. I want them to do their job too.

But we can, by golly, shut off the bleeding at the border. That we can do. And there are \$60 billion a year that are wired out of the United States into the Western Hemisphere, points south. About \$30 billion of it goes into Mexico; about \$30 billion goes into Central America, the Caribbean, and South America. And the Drug Enforcement Agency does not even have an estimate on what percentage of that \$60 billion is laundered illegal drug money.

I would hang that point out there and yield to the gentleman from Texas.

Mr. GOHMERT. Thank you. Some say, well, if you are a caring Nation then you ought to just welcome anybody that wants to come. The problem is because this Nation has been so richly blessed, and because we have been a Nation that believed in the rule of law and enforced it more fairly across the board than any nation in the history of the world, then opportunities have abounded here. And so it has been a draw.

And I know my friend from Iowa was chairman of the Immigration Subcommittee on which I was privileged to serve, and so I know he is aware of these statistics, but it's estimated that between out of the over 6 billion people in the world that 1 billion to 1.5 billion people in the world would like to come to America. And as most folks know, we have over 300 million in this country now.

But if we were to just say there are no borders, you want to come, come on, we are just giving up on our obligation to protect the economy and the people and the way of life in this country, so come on. One billion to 1.5 billion people would overwhelm this Nation. It could no longer be the greatest Nation in the world because you couldn't have an organized, sustained society with a government that functioned. It would be overwhelmed.

So in order to continue to be that light on the hill, that beacon that

Reagan talked about, we have to make sure that we have managed immigration, that we continue to be a beacon so people want to come here, but that we control the immigration so it doesn't overwhelm the economy so that this becomes a matter of regret for those who have come here.

Now, I know, as my friend from Iowa has done, and I guess most of us, assist people who have immigration problems. And so we have some wonderful dear Hispanic friends, constituents whom we are helping to try to legally get in family because they want to abide by the law. They want to do the right thing because they know the law is important.

And some people that I love very dearly are Hispanic immigrants. And, you know, having been invited to come to family functions and back when I was a judge, one of the great honors of my time as a judge was to marry a couple. And her parents were immigrants. And it was just so moving. It brought tears to my eyes. But I look around at this Hispanic group of family, and what comes to my mind when I am with them, when I see them is they believe in the things that made America great.

This family, these dear friends, they believe in God, they have a love of family that's unrivaled, and they have a hard-work ethic like virtually nobody else can even aspire to. It's a beautiful thing. And I have great hopes that those three things that you find generally so often in Hispanic communities are what's going to reinvigorate this country and get us back on track and get us back to the very things George Washington prayed for this country when he resigned as commander in chief of the Revolutionary military. Those are good things.

But we owe it to all of the people, those who have immigrated legally, those who have been here, grandchildren, great grandchildren of immigrants, people that are Native Americans, we owe it to all of them to keep this country strong so it continues to be a land of opportunity.

□ 2300

I come back to that prayer that George Washington had when he wrote, himself, that was at the end of his resignation, and of course, it was the only time in human history where someone led a revolutionary military, won the revolution, and then resigned and went home. Never happened before, never happened since.

At the end, Washington's words were these, I now make it my earnest prayer that God would have you in the state over which you preside in his holy protection.

I know my friend had people, as an employer, providing paychecks, you probably had people resign. You may not have had people put prayers like this on the end of their resignation,

but Washington goes on that he, God, would incline the hearts of the citizens to cultivate a spirit of subordination and, get this, and obedience to government. To entertain a brotherly affection and love for one another, for their fellow citizens of the United States, and particularly for the brethren who have served in the field, and, finally, that he would most graciously be pleased to dispose us all to do justice.

That's part of the prayer. How can you do justice? You follow the law. You are just. To the rich and the poor you are just to everyone. Race, creed, color, nationality, religion, prayer, that was part of Washington's prayer.

Then he goes on to love mercy, you can't have mercy unless you have justice in the first place.

Washington goes on: And to demean ourselves with a charity, humility, and pacific timbre of mind which were the characteristics of the divine author of our blessed religion, and without an humble limitation of whose example in these things, we can never hope to be a happy Nation.

He signed it, I have the honor to be, with great respect and esteem, your Excellency's most obedient and very humble servant, George Washington.

Now, that's a resignation, that's a prayer.

Mr. KING of Iowa. Did he sign that in the year of our Lord?

Mr. GOHMERT. This resignation he did not, but, of course, we know that most things were signed in the year of our Lord, including our Constitution. So I find it remarkable when some people around here have said, well, it would be unconstitutional to sign things around here in the year of our Lord. I pointed out how can it be unconstitutional to sign things in the year of our Lord, whatever the year number is, when that is exactly how the Constitution itself is signed and dated.

Mr. KING of Iowa. I reflect back on talking about George Washington and the eloquence that he had and the love for his fellow man and for his country and how great it would have been if Fidel Castro would have stepped down about the time that he finished a term or two in Cuba and how much different this Western Hemisphere would be.

What if we didn't have people like Hugo Chavez down there that seek to be President for life and impose their version of Marxism, their version of emperor's law, which is one of the foundations of empire. If you look around and you look at empires, they are run by emperors. They are run by the law of the emperor, not the law that comes from God that sees justice blindly, and the level kind of justice for whomever it might be, rich or poor.

I am thinking about this Arizona law again and how it's been misrepresented across this country. I am not very forgiving for what has happened here.

When you have the highest official and officials in the United States Government that either shoot from the hip or willfully misinform the American people, and it starts with the President of the United States himself.

When the Arizona law was passed he almost immediately said that a mother and her daughter could be going to get some ice cream, and they could be targeted because of how they looked and be required to produce their papers. That was a race card thrown into the middle of this debate based upon no fundamental facts, Mr. Speaker.

Then behind that we had Eric Holder the Attorney General, testifying before the Judiciary Committee a week and a half ago, if I recall correctly, about a week and a half ago with Eric Holder. As he was asked these series of questions, he had made the point that he thought that there was a potential for racial profiling that could take place. Then, Mr. Speaker, we found out, and I think Eric Holder may know by now, that he misunderstood the law, but he hadn't read the law.

We found out, when Congressman TED POE, also a former judge from Texas, asked him the question, have you read the bill? He said, no, he hadn't. He hadn't been briefed on the bill.

But he had a few things to say about it, and prior to the Judiciary Committee, about its lack of constitutionality. Well, that's the Attorney General, who also testified that he is a nonpartisan office, that he is simply going to enforce the law.

Then we have the Secretary of Homeland Security, Janet Napolitano, and she had remarks to make about how the bill could be used for racial profiling. It's obvious that she didn't read the bill. In fact, she confessed to Senator MCCAIN in a hearing that she didn't read the bill.

Then we had the Assistant Secretary of Homeland Security, who heads up ICE, John Morton, who made a statement, I believe it was to The Chicago Tribune newspaper, that he wasn't committed to necessarily picking up the individuals that would be incarcerated by Arizona law enforcement that had violated U.S. and Arizona immigration law.

The law enforcement officer, the chief law enforcement officer for Immigration and Customs Enforcement, sent a message, not yet to be retracted, that he wouldn't commit to picking up these individuals that had been picked up by Arizona law enforcement, because he disagreed with the law. Breathtaking.

What would George Washington have said to think that the top enforcer of American immigration law, the Assistant Secretary of Homeland Security John Morton, would even intimate that he had any options about enforcing the law?

I would say, Mr. Speaker, that it isn't his option. It's not the option of the President of the United States to decide whether to enforce the law. It's not the option of the Attorney General to decide whether to enforce a law, or the Secretary of Homeland Security, or the Assistant Secretary of the Immigration and Customs Enforcement; none of them have the option. They are executive branch employees. Their oath is to uphold the Constitution to the best of their ability and to faithfully execute the laws. That's their job.

This Congress sets the legislation and sets its policy. The executive branch carries it out. They don't get to have discretion. I will submit to John Morton, Janet Napolitano, Eric Holder, or even President Obama. President Obama could do a John Adams.

Come back here, run for office, come to Congress. If you like to set policy, get in the legislative business. Don't be in the enforcement business.

I am not seeking to enforce a law myself. I am saying here is the law. The Federal Government has immigration law, and you have an obligation, if you are the President of the United States, or an executive branch officer with that duty, to enforce that law. Our job is to set the policy and pass the laws.

You know, I will go even further. Michael Posner, Assistant Secretary of State, he said he brought it up early and often to the Chinese that we had a problem with a law in Arizona that could bring about racial profiling. These are the people, we have got 40,000 Chinese in the United States that have been adjudicated for deportation. The Chinese won't take them back. And we are sending them some 550-year-old bones from paleovertebrates, so they can keep their artifacts straight.

We need to send them the 40,000 Chinese that they won't take, deport them as well as the bones, Mr. Speaker. And, additionally, Felipe Calderon on top of this. The American people have been misinformed by the President, by the Attorney General, by the Secretary of Homeland Security, the Assistant Secretary of Homeland Security, by the Assistant Secretary of State Posner. Then the President of Mexico takes his talking points from the White House and comes to this floor and lectures and chastises us that we have a law here, that I will say is completely constitutional. I will make this further prediction, Mr. Speaker, and that is that the announcement came out today that the Justice Department under Eric Holder now has a legal brief that recommends that they bring suit against Arizona.

□ 2310

Here is my prediction: ACLU has written that legal brief for the Justice Department. That apolitical, non-political Justice Department has a

brief that one day we'll get our hands on, a draft brief. Release the draft is what needs to happen from the Attorney General. But in that draft we'll find the ACLU that has already sued Arizona with a 98-page case, there is the document that they're using to put their brief together in the Justice Department.

The President gave the order to the Attorney General to look into Arizona's law. And the Justice Department, under Attorney General Holder, looked at the lawsuit that's been brought by the ACLU and MALDEF and other organizations that are hardcore left wing, including SEIU, and they have lifted the language right out of that lawsuit, and that will be the draft, Mr. Speaker. That's my prediction. I put my marker down. When we get our hands on the draft from the Attorney General's office, I will take that draft and I will take the language and I will highlight the language right out of the ACLU's lawsuit. And I'll show you how the Justice Department lifted that language out of the lawsuit of the ACLU and MALDEF—the Mexican American Legal Defense Foundation—and put it right into their draft advisory. And the Federal Government will be conducting and carrying out the order of the President—in a nonpolitical office, supposedly, according to Holder's testimony—at the direction of the ACLU and MALDEF and LARASA and the other organizations, SEIU and many others that are hardcore, leftist organizations in this country.

If we're going to have the rule of law, it's got to be impartial. It's got to be objective. It's got to be constitutional. It's got to be statutory, and it's got to be consistent with case law. Arizona's law is all of those things, but this Justice Department's unjustified attack on Arizona is anything but.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas.

Mr. GOHMERT. I just want to say, the President said he would fundamentally transform America. And when the executive branch charged with enforcing the laws of the country won't read them, won't follow them, and won't enforce them, that's a fundamental transformation.

Our friend, CYNTHIA LUMMIS from Wyoming, prepared this chart. One final note on fundamental transformation: This chart, when you have the blue line, the private job sector hiring, shooting down like this and the red line, the public government hiring, shooting up like that, you have fundamentally transformed America.

With that, I yield.

Mr. KING of Iowa. Reclaiming my time and, Mr. Speaker, yielding back the balance, should there be any.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4213, TAX EXTENDERS ACT OF 2009

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-497) on the resolution (H. Res. 1403) providing for consideration of the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5136, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-498) on the resolution (H. Res. 1404) providing for consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules; and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today.

Ms. JACKSON LEE of Texas (at the request of Mr. HOYER) for today after 2:30 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TOWNS) to revise and extend their remarks and include extraneous material:)

Mr. TOWNS, for 5 minutes, today.

Mr. HASTINGS of Florida, for 5 minutes, today.

Ms. BEAN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. LINDA T. SANCHEZ of California, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BOOZMAN, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, May 27.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5139. An act to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

ADJOURNMENT

Mr. PERLMUTTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Thursday, May 27, 2010, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7649. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyprodinil; Pesticide Tolerances [EPA-HQ-OPP-2009-0551; FRL-8818-8] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7650. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Phosphate Ester, Tallowamine, Ethoxylated; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0165; FRL-8816-4] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7651. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirodiclofen; Pesticide Tolerances [EPA-HQ-OPP-2009-0139; FRL-8820-4] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7652. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program, pursuant to 37 U.S.C. 355(h); to the Committee on Armed Services.

7653. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's annual report on material violations or suspected material violations of regulations relating to Treasury auctions and other Treasury securities offerings during the period January 1, 2009 through December 31, 2009, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

7654. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's "Major" final rule — Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8823-7]

(RIN: 2070-AJ55) received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7655. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Minor Harmonizing Changes to the General Provisions [EPA-HQ-OAR-2008-0508; FRL-9143-5] (RIN: 2060-AQ15) received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7656. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation Number 1 [EPA-R08-OAR-2009-0790; FRL-9114-3] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7657. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the Discrete Emission Credit Banking and Trading Program [EPA-R09-OAR-2010-0148; FRL-9151-6] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7658. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the Emission Credit Banking and Trading Program [EPA-R06-OAR-2010-0147; FRL-9151-5] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7659. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Participation by Federal Candidates and Officeholders at Non-Federal Fundraising Events [Notice 2010-11] received May 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

7660. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; Designation of Ocean Dredged Material Disposal Sites offshore of the Sinuslaw River, Oregon [EPA-R10-OW-2010-0086; FRL-9143-2] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7661. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1882-DR for the District of Columbia; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7662. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1886-DR for the State of South Dakota; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7663. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1887-DR for the State of South Dakota; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7664. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1885-DR for the State of Kansas; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. Supplemental report on H.R. 5136. A bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. 111-491, Pt. 2).

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5114. A bill to extend the authorization for the national flood insurance program, to identify priorities essential to reform and ongoing stable functioning of the program, and for other purposes; with an amendment (Rept. 111-495). Referred to the Committee of the Whole House on the State of the Union.

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. Report of the Committee on Standards of Official Conduct (Rept. 111-496). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1403. Resolution providing for consideration of the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes (Rept. 111-497). Referred to the House Calendar.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1404. Resolution providing for consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules; and for other purposes (Rept. 111-498). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska:

H.R. 5402. A bill to amend the Alaska Native Claims Settlement Act to provide for equitable allotment of lands to Alaska Native veterans; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 5403. A bill to direct the Secretary of Defense to temporarily adjust the reimbursement rates for TRICARE claims in Alaska; to the Committee on Armed Services.

By Mr. YOUNG of Alaska:

H.R. 5404. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for a member or former member of a reserve component who is eligible for retired pay but for age and for

dependents of the member who accompany the retiree; to the Committee on Armed Services.

By Mr. RADANOVICH:

H.R. 5405. A bill to provide for a visitor center for visitors to Yosemite National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of Washington (for himself and Ms. SHEA-PORTER):

H.R. 5406. A bill to establish the Corporate Subsidy Reform Commission to review and identify inequitable Federal subsidies and make recommendations for termination, modification, or retention of such subsidies, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington:

H.R. 5407. A bill to establish the Program Subsidy Reform Commission to review and identify unnecessary Federal programs and make recommendations for termination, modification, or retention of such programs, and to express the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Oversight and Government Reform.

By Mr. GOODLATTE (for himself, Mr. SCHIFF, Mr. SMITH of Texas, and Mr. PUTNAM):

H.R. 5408. A bill to amend title 18, United States Code, to change the state of mind requirement for certain identity theft offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLER of North Carolina (for himself, Mr. BACA, and Mrs. MALONEY):

H.R. 5409. A bill to establish the Residential Construction Loan Guarantee Program to guarantee loans made to eligible home building companies for viable building projects; to the Committee on Financial Services.

By Mr. LIPINSKI:

H.R. 5410. A bill to amend the Federal Election Campaign Act of 1971 to prohibit corporations which are subject to certain criminal or civil sanctions from engaging in campaign-related activity under such Act, and for other purposes; to the Committee on House Administration.

By Ms. KOSMAS:

H.R. 5411. A bill to direct the Secretary of Commerce to establish an early-stage business investment and incubation grant program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN (for herself, Mrs. DAHLKEMPER, Mr. PETERS, Mr. MURPHY of New York, Mr. QUIGLEY, Mr. BRIGHT, Ms. MARKEY of Colorado, Mr. MICHAUD, Mr. LIPINSKI, Mr. ELLSWORTH, Mr. POLIS, Mr. COOPER, Mr. KLEIN of Florida, Mr. MOORE of Kansas, Mr. HILL, Mr. WELCH, and Mrs. HALVORSON):

H.R. 5412. A bill to amend the Small Business Investment Act of 1958 to increase maximum loan amounts under the program in title V of that Act, to provide temporary authority for debt refinancing of commercial real estate, and for other purposes; to the Committee on Small Business.

By Mr. BACA (for himself, Mr. KILDEE, Mr. GRIJALVA, Mr. BOREN, Ms. RICHARDSON, Mr. HONDA, and Mr. LUJÁN):

H.R. 5413. A bill to authorize the Pechanga Band of Luiseño Mission Indians Water Rights Settlement, and for other purposes; to the Committee on Natural Resources.

By Mr. BROWN of South Carolina:

H.R. 5414. A bill to provide for the conveyance of a small parcel of National Forest System land in the Francis Marion National Forest in South Carolina, and for other purposes; to the Committee on Agriculture.

By Mr. HEINRICH (for himself, Mr. LUJÁN, and Mr. TEAGUE):

H.R. 5415. A bill to designate the Memorial of Perpetual Tears, which honors victims of driving while impaired, as the official National DWI Victims Memorial; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 5416. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5417. A bill to amend titles XIX and XVIII of the Social Security Act, as amended by the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, with respect to payment of disproportionate share hospitals (DSH) under the Medicare and Medicaid programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCMAHON:

H.R. 5418. A bill to provide emergency operating funds for public transportation; to the Committee on Transportation and Infrastructure.

By Mr. NADLER of New York:

H.R. 5419. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. PERLMUTTER (for himself and Mr. COFFMAN of Colorado):

H.R. 5420. A bill to provide a tax credit for job training by successful companies, and for other purposes; to the Committee on Ways and Means.

By Mr. NEUGEBAUER (for himself, Mr. CHAFFETZ, Mr. BURGESS, Mr. BARTLETT, Mr. ISSA, Mr. BRADY of Texas, Mr. AKIN, Mr. MARCHANT, Mr. BROWN of South Carolina, Mr. POSEY, Mr. ROONEY, Mr. FLEMING, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. WILSON of South Carolina, and Mr. LAMBORN):

H.J. Res. 87. A joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. JORDAN of Ohio (for himself and Mr. PRICE of Georgia):

H. Con. Res. 281. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2011, revising the appropriate budgetary levels for fiscal year 2010, and setting forth the appropriate budgetary levels for fiscal years 2012 through 2020; to the Committee on the Budget.

By Ms. ZOE LOFGREN of California:

H. Res. 1397. A resolution electing a Member to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. ACKERMAN:

H. Res. 1398. A resolution recognizing the contributions of university and college immigrant assistance programs; to the Committee on Education and Labor.

By Mr. BERRY:

H. Res. 1399. A resolution honoring the lives, and mourning the loss, of Sergeant Brandon Paudert and Officer Bill Evans, members of the West Memphis Police Department; to the Committee on the Judiciary.

By Ms. LEE of California:

H. Res. 1400. A resolution supporting the goals and ideals of National Caribbean American HIV/AIDS Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Mr. KING of New York):

H. Res. 1401. A resolution expressing gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Virginia (for himself, Mr. MANZULLO, Mr. COBLE, Mr. ELLISON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TERRY, Mr. KIRK, Mr. WELCH, Ms. MCCOLLUM, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BOOZMAN, Mrs. MYRICK, Mr. ROTHMAN of New Jersey, Mr. REHBERG, Ms. SCHAKOWSKY, and Mr. MAFFEI):

H. Res. 1402. A resolution recognizing the 50th anniversary of the National Council for International Visitors, and expressing support for designation of February 16, 2011, as "Citizen Diplomacy Day"; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

299. The SPEAKER presented a memorial of the Senate of the State of Kansas, relative to Senate Concurrent Resolution No. 1623 urging the United States Congress to require the Environmental Protection Agency to exclude air monitoring data from use in determinations for the area of Flint Hills; to the Committee on Energy and Commerce.

300. Also, a memorial of the House of Representatives of the State of Idaho, relative to House Concurrent Resolution No. 64 urging the Congress to amend the Tenth Amendment; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. SCHIFF and Ms. LORETTA SANCHEZ of California.

H.R. 272: Mr. BLUNT.
H.R. 413: Mr. SCHAUER.
H.R. 442: Mr. GINGREY of Georgia.
H.R. 460: Ms. TITUS.
H.R. 716: Ms. TITUS.
H.R. 1194: Mr. PAULSEN.
H.R. 1205: Mr. HASTINGS of Florida and Mr. WU.

H.R. 1826: Ms. VELÁZQUEZ.
H.R. 1844: Mr. BLUMENAUER.
H.R. 1884: Mr. SHULER, Mr. HALL of New York, and Mr. CONNOLLY of Virginia.
H.R. 1925: Mr. GRAYSON.
H.R. 2000: Mr. REHBERG.
H.R. 2030: Mr. SMITH of Washington.
H.R. 2103: Mr. SMITH of Washington and Ms. PINGREE of Maine.

H.R. 2159: Mr. HONDA, Mr. ROTHMAN of New Jersey, Mr. DEUTCH, and Mr. FILNER.
H.R. 2163: Mr. CONNOLLY of Virginia.
H.R. 2164: Mr. CONNOLLY of Virginia.
H.R. 2243: Mr. LUJÁN.
H.R. 2305: Mr. BARRETT of South Carolina.
H.R. 2378: Mr. HINCHEY.
H.R. 2381: Ms. PINGREE of Maine.
H.R. 2555: Ms. ESHOO.
H.R. 2733: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3077: Ms. PINGREE of Maine and Mr. WALZ.
H.R. 3332: Mr. KAGEN.
H.R. 3486: Mr. LARSEN of Washington.
H.R. 3502: Mr. CLEAVER and Mr. GARAMENDI.

H.R. 3786: Mr. SCHAUER.
H.R. 3924: Mr. GARY G. MILLER of California and Mr. COLE.
H.R. 4051: Mrs. DAHLKEMPER, Mr. ARCURI, and Mr. THORNBERRY.
H.R. 4072: Mr. HILL.
H.R. 4128: Ms. SCHAKOWSKY, Mr. KILDEE, and Mr. HOLT.

H.R. 4195: Mr. HOLT.
H.R. 4287: Mr. PERLMUTTER.
H.R. 4296: Mr. PLATTS.
H.R. 4376: Mr. FILNER, Ms. NORTON, and Ms. TSONGAS.

H.R. 4400: Ms. LORETTA SANCHEZ of California.

H.R. 4494: Mr. DUNCAN.
H.R. 4538: Mr. HONDA.
H.R. 4568: Mr. SIRES.
H.R. 4598: Mr. ARCURI.
H.R. 4684: Mr. OLSON, Mr. MILLER of Florida, Mr. ELLISON, Mr. HALL of Texas, Mr. STUPAK, Mr. GERLACH, Ms. NORTON, Mr. BOREN, Mr. FILNER, Mr. LAMBORN, Mr. CAPUANO, Mr. CLAY, Mr. PETERSON, Mr. POLIS, Mr. BRIGHT, and Ms. LEE of California.
H.R. 4751: Mr. HELLER.

H.R. 4796: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 4914: Mrs. MALONEY, Ms. RICHARDSON, Mr. SIRES, and Mr. MORAN of Virginia.

H.R. 4947: Mr. BARROW.
H.R. 4959: Mr. RANGEL.
H.R. 4993: Ms. NORTON and Mr. MURPHY of Connecticut.

H.R. 5012: Mr. GRIJALVA.
H.R. 5029: Mr. COFFMAN of Colorado, Mr. PLATTS, Mr. GARRETT of New Jersey, Mr. MORAN of Kansas, and Mr. MCHENRY.

H.R. 5032: Mr. HIMES.
H.R. 5034: Mr. OBERSTAR.
H.R. 5079: Mr. GRIJALVA.

H.R. 5092: Mr. MURPHY of New York, Mr. MARIO DIAZ-BALART of Florida, Mr. DJOU, Mr. BOSWELL, Mr. POMEROY, Mr. HINOJOSA, Mr. THOMPSON of California, Mr. YARMUTH, Mr. MARKEY of Massachusetts, Mr. INSLEE, and Mr. HEINRICH.

H.R. 5096: Mr. GRIJALVA.
H.R. 5126: Mrs. EMERSON.
H.R. 5137: Mr. ROTHMAN of New Jersey and Ms. NORTON.

H.R. 5142: Mr. DOYLE.
H.R. 5151: Mr. CASTLE.
H.R. 5157: Mr. MURPHY of New York.
H.R. 5214: Mr. GRAYSON, Mr. TIERNEY, Mr. SESTAK, Ms. MCCOLLUM, Mr. FRANK of Massachusetts, Mr. CONYERS, and Ms. DELAURO.

H.R. 5236: Mr. SIRES.
H.R. 5258: Mr. FLAKE and Mr. LOEBACK.
H.R. 5260: Mr. MURPHY of Connecticut, Ms. WASSERMAN SCHULTZ, and Mrs. LOWEY.

H.R. 5263: Mr. BURTON of Indiana and Mr. GRIFFITH.

H.R. 5268: Mr. PERRIELLO.
H.R. 5289: Mr. GRIJALVA and Ms. SPEIER.

H.R. 5294: Mr. YOUNG of Alaska.
H.R. 5299: Mr. GOODLATTE, Mr. MCKEON, Mr. POE of Texas, Mr. FORBES, Mr. MCCOTTER, Mr. COBLE, and Mr. COFFMAN of Colorado.

H.R. 5306: Mr. YOUNG of Alaska.
H.R. 5339: Mr. CONAWAY, Mr. AKIN, Mr. BARTLETT, Mr. ISSA, Mrs. BACHMANN, Mr. NEUGEBAUER, Mr. WILSON of South Carolina, Mr. SHADEGG, Mr. GOHMERT, Mr. JORDAN of Ohio, Mr. FLEMING, Mr. ROONEY, Mr. POSEY, Mr. MARCHANT, Mr. BRADY of Texas, and Mr. DANIEL E. LUNGREN of California.

H.R. 5340: Mr. BISHOP of Utah, Mr. PAUL, Mr. LAMBORN, Mrs. MYRICK, Mr. AKIN, and Mr. POE of Texas.

H.R. 5348: Mr. LAMBORN.

H.R. 5351: Mr. ROGERS of Alabama, Mr. ALEXANDER, Mrs. BACHMANN, Mr. FRANKS of Arizona, Mr. BOOZMAN, Mr. MCCAUL, and Mr. WILSON of South Carolina.

H.R. 5353: Mr. MCGOVERN.

H.R. 5354: Mr. SPACE.

H.R. 5357: Mr. HALL of Texas, Ms. GIFFORDS, and Mr. CALVERT.

H.R. 5374: Mr. YOUNG of Florida, Mr. GINGREY of Georgia, Mr. SHUSTER, Mr. MANZULLO, Mr. MARCHANT, Mr. BRADY of Texas, Mr. DANIEL E. LUNGREN of California, Mr. ISSA, Mr. BARTLETT, Mr. PENCE, Mr. LAMBORN, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. FLEMING, Mr. POSEY, and Mr. BROWN of South Carolina.

H.R. 5382: Mr. PENCE, Mr. BURGESS, Mr. NEUGEBAUER, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. BILBRAY, Mr. KING of Iowa, and Mr. ROONEY.

H.R. 5396: Ms. BERKLEY and Mr. PITTS.

H.R. 5400: Mr. FILNER, Mr. PERRIELLO, and Ms. SCHWARTZ.

H.J. Res. 76: Mr. JONES and Mr. WALDEN.

H. Con. Res. 261: Mr. KINGSTON.

H. Con. Res. 265: Mrs. LUMMIS.

H. Con. Res. 266: Ms. FOXX, Mr. PIERLUISI, Mrs. NAPOLITANO, Mr. NUNES, Mr. DAVIS of Tennessee, Mr. INGLIS, and Mr. CONYERS.

H. Con. Res. 267: Mr. LINCOLN DIAZ-BALART of Florida.

H. Con. Res. 273: Mr. PETERSON.

H. Con. Res. 274: Mrs. MCMORRIS RODGERS.

H. Res. 173: Mr. SHIMKUS.

H. Res. 536: Mr. DENT and Mr. FRANK of Massachusetts.

H. Res. 989: Mr. KUCINICH.

H. Res. 1052: Mr. OWENS.

H. Res. 1138: Mr. FRANK of Massachusetts.

H. Res. 1207: Mr. CAMP and Mr. COFFMAN of Colorado.

H. Res. 1209: Mr. DINGELL.

H. Res. 1217: Mr. BOREN, Mr. GARAMENDI, Mr. LAMBORN, and Mr. TANNER.

H. Res. 1251: Mr. ORTIZ, Mr. HUNTER, Mr. FORBES, Mr. MARSHALL, Mr. TEAGUE, and Mr. MILLER of Florida.

H. Res. 1322: Ms. LINDA T. SÁNCHEZ of California, Mrs. CAPPS, Mr. AL GREEN of Texas, Mr. STARK, and Mr. FILNER.

H. Res. 1343: Mrs. MALONEY.

H. Res. 1347: Ms. GIFFORDS, Ms. WOOLSEY, Mr. MARIO DIAZ-BALART of Florida, Mr. BACHUS, Mr. CUELLAR, Mr. THOMPSON of Pennsylvania, Mr. BRADY of Texas, Mr. HASTINGS of Washington, Mr. BOUCHER, Mr. INSLEE, Mr. GINGREY of Georgia, Ms. WATERS, Mr. GONZALEZ, Ms. BEAN, Mr. BILIRAKIS, and Ms. SPEIER.

H. Res. 1349: Mr. MEEKS of New York.

H. Res. 1366: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 1370: Mr. BACA.

H. Res. 1371: Mrs. BACHMANN.

H. Res. 1374: Mr. BOUSTANY, Mr. ALEXANDER, and Mr. CHAFFETZ.

H. Res. 1385: Mr. SCALISE.

H. Res. 1391: Mr. MCHENRY, Mr. ROE of Tennessee, Mr. FALCOMA, Mr. SHERMAN, Mr. TIBERI, Mr. HIMES, Mr. POLIS, Ms. WASSERMAN SCHULTZ, Ms. HARMAN, Mr. ALEXANDER, and Mr. KING of New York.

H. Res. 1396: Mr. HARE.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

139. The SPEAKER presented a petition of City of Pembroke Pines, Florida, relative to Resolution No. 3262 supporting House Resolution 4812; to the Committee on Education and Labor.

140. Also, a petition of City of Lauderdale Lakes, Florida, relative to Resolution No. 2010-25 congratulating the President for passing the Health-Care Reform Legislation; jointly to the Committees on Energy and Commerce, Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, and Rules.

EXTENSIONS OF REMARKS

POCKET-VETO POWERS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. PELOSI. Madam Speaker, I submit for the RECORD a copy of a letter signed jointly by myself and the Republican Leader, Mr. BOEHNER. It is addressed to President Obama. In it, we express our views on the limits of the "pocket-veto" power. I also submit a copy of the letters referenced therein.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
May 24, 2010.

Hon. BARACK OBAMA,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: This is in response to your actions of December 30, 2009, on House Joint Resolution 64, a short-term continuing resolution of appropriations that was presented to you on December 19, 2009. That measure was intended to accommodate your review and approval of the regular appropriations but was rendered unnecessary when you were able to act swiftly on the regular appropriations. You therefore decided not to approve the joint resolution. Although you cited *The Pocket Veto Case*, 279 U.S. 655 (1929), you returned the parchment to the House with a memorandum of disapproval stating that you wanted to leave no doubt that the joint resolution was being vetoed as unnecessary.

You acted on the joint resolution on the ninth day of the 10-day period during which you could approve it. The standing rules of the House made the Clerk available to receive your message. The House and Senate stood adjourned sine die but with provision for reassembly of the first session and with the certainty of reassembly for the second session of the instant Congress. Thus, each body was in a position to reconsider the vetoed measure in light of your objections, either in the second session or even in the first session.

The circumstances surrounding the presentment and return of House Joint Resolution 64 and the readiness of Congress to reconsider the joint resolution in light of Presidential objections compel us to question the assertion that a pocket veto did or could have occurred. We think you agree that the pocket veto and the return veto are available on mutually exclusive bases and, therefore, during mutually exclusive periods. We think you also should agree that the constitutional concern that a measure not become law without the President's signature when an adjournment prevents a return veto does not arise when the President is able to return the parchment to the originating House with a statement of his objections. Accordingly, we believe that your return of House Joint Resolution 64 with your objections is absolutely inconsistent with this most essential characteristic of a pocket veto, to wit: retention of the parchment by the President for lack of a legislative body to whom he might

return it with his objections. Your successful return of House Joint Resolution 64 establishes that you were not prevented from returning it.

After an enrolled measure is presented for Presidential approval, the parchment ultimately meets one of four ends. It might be tendered to the Archivist by the President because he signed it or allowed it to become law without his signature. It might be referred to committee by the first house to sustain a veto. It might be tendered to the Archivist by the second house to override a veto. Or it might be retained by the President because he "pocketed" it. If the President returns a parchment to the Congress, then he has not pocketed it, and it therefore is subject to reconsideration. Either the Congress has prevented the President from returning the parchment with a statement of his objections or it has not. By returning the parchment a President is admitting that he is not prevented from returning it.

The House has treated your message of December 30, 2009, on House Joint Resolution 64 as a return veto. On January 12, 2010, the message—comprising the parchment and your memorandum of disapproval—was laid before the House. After the memorandum was read, your objections were entered in the Journal and the House obeyed the command of the Constitution to "proceed to reconsider" the joint resolution. Rather than immediately considering the ultimate question of overriding or sustaining the veto, the House chose as its first mode of reconsideration a postponement until January 13, 2010. On that day the House reconsidered the joint resolution in light of your objections and voted by the yeas and nays on the question of overriding or sustaining the veto. The House sustained your return veto.

We enclose for your consideration copies of previous letters to President George H. W. Bush, to President Clinton, and to President George W. Bush, respectively dated November 21, 1989, September 7, 2000, and April 14, 2008. Those letters from Speaker Foley and Leader Michel, from Speaker Hastert and Leader Gephardt, and from the two undersigned, respectively, expressed the profound concern of the bipartisan leaderships over similar assertions of pocket vetoes. We echo those concerns and urge you to give appropriate deference to such judicial resolutions of this question as have been possible.

Thank you for your attention to this matter.

Best regards,

NANCY PELOSI,
Speaker of the House.
JOHN A. BOEHNER,
Republican Leader.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 14, 2008.
Hon. GEORGE W. BUSH,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: This is in response to your actions of December 28, 2007, on H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, which you returned to the House of Representatives without your approval. In returning the parchment you

transmitted a memorandum of disapproval stating your objections to enactment of the bill. This memorandum of disapproval included the following paragraph:

"The adjournment of the Congress has prevented my return of H.R. 1585 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to 'pocket veto' bills during an adjournment of the Congress, I am also sending H.R. 1585 to the Clerk of the House of Representatives, along with this memorandum setting forth my objections, to avoid unnecessary litigation about the non-enactment of the bill that results from my withholding approval and to leave no doubt that the bill is being vetoed."

The circumstances surrounding the presentment and return of H.R. 1585 and the readiness of Congress to reconsider the bill in light of Presidential objections compel us to question the assertion that a pocket veto did or could have occurred. We think you agree that the pocket veto and the return veto are available on mutually exclusive bases and, therefore, during mutually exclusive periods. We think you should also agree that the constitutional concern that a bill not become law without the President's signature when an adjournment prevents a return veto does not arise when the President is able to return the parchment to the originating House with a statement of his objections. Accordingly, we believe that your return of H.R. 1585 with your objections is absolutely inconsistent with this most essential characteristic of a pocket veto, to wit: retention of the parchment by the President for lack of any body to whom he might return it with his objections. Your successful return of H.R. 1585 establishes that you were not prevented from returning it.

H.R. 1585 was presented to you on December 19, 2007. You returned the bill on December 28, 2007—the eighth of the ten days allowed under the Constitution. The Clerk was available pursuant to the standing rules of the House to receive your message. The Congress was in a position to reconsider the bill in light of Presidential objections, even in the first session of the instant Congress. Although the House had adjourned sine die (without specifying a day of return), it did so with provision for its reassembly. Moreover, both houses were to reassemble in due course for a second session of the instant Congress.

After an enrolled bill is presented for Presidential approval, the parchment ultimately meets one of four ends. It might be tendered to the Archivist by the President because he signed it or allowed it to become law without his signature. It might be referred to committee by the first house to sustain a veto. It might be tendered to the Archivist by the second house to override a veto. Or it might be retained by the President because he "pocketed" it. If the President returns a parchment to the Congress, then he has not pocketed it, and it therefore is subject to reconsideration. Either the Congress has prevented the President from returning the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

parchment with a statement of his objections or it has not. By returning the parchment a President is admitting that he is not prevented from returning it.

The House has treated your message of December 28, 2007, on H.R. 1585 as a return veto. On January 15, 2008, the message—comprising the parchment and your memorandum of disapproval—was laid before the House. After the memorandum was read, your objections were entered in the Journal and the House obeyed the command of the Constitution to “proceed to reconsider” the bill. Rather than immediately considering the ultimate question on overriding or sustaining the veto, the House chose as its first mode of reconsideration a referral to committee.

We enclose for your consideration copies of previous letters to President George H. W. Bush and President Clinton, respectively dated November 21, 1989, and September 7, 2000. Those letters from Speaker Foley and Leader Michel and from Speaker Hastert and Leader Gephardt expressed the profound concern of the bipartisan leaderships over similar assertions of pocket vetoes. We echo those concerns and urge you to give appropriate deference to such judicial resolutions of this question as have been possible.

Thank you for your attention to this matter.

Best regards,

NANCY PELOSI,
Speaker of the House.
JOHN A. BOEHNER,
Republican Leader.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2000.

Hon. WILLIAM J. CLINTON,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: This is in response to your actions on H.R. 4810, the Marriage Tax Relief Reconciliation Act of 2000, and H.R. 8, the Death Tax Elimination Act of 2000. On August 5, 2000, you returned H.R. 4810 to the House of Representatives without your approval and with a message stating your objections to its enactment. On August 31, 2000, you returned H.R. 8 to the House of Representatives without your approval and with a message stating your objections to its enactment. In addition, however, in both cases you included near the end of your message the following:

Since the adjournment of the Congress has prevented my return of [the respective bill] within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to “pocket veto” bills during an adjournment of the Congress, to avoid litigation, I am also sending [the respective bill] to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

President Bush similarly asserted a pocket-veto authority during an intersession adjournment with respect to H.R. 2712 of the 101st Congress but, by nevertheless returning the enrollment, similarly permitted the Congress to reconsider it in light of his objections, as contemplated by the Constitution. Your allusion to the existence of a pocket-veto power during even an intrasession adjournment continues to be most troubling. We find that assertion to be inconsistent with the return-veto that it accompanies. We

also find that assertion to be inconsistent with your previous use of the return-veto under similar circumstances but without similar dictum concerning the pocket-veto. On January 9, 1996, you stated your disapproval of H.R. 4 of the 104th Congress and, on January 10, 1996—the tenth Constitutional day after its presentment—returned the bill to the Clerk of the House. At the time, the House stood adjourned to a date certain 12 days hence. Your message included no dictum concerning the pocket-veto.

We enclose a copy of a letter dated November 21, 1989, from Speaker Foley and Minority Leader Michel to President Bush. That letter expressed the profound concern of the bipartisan leaderships over the assertion of a pocket veto during an intrasession adjournment. That letter states in pertinent part that “[s]uccessive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.” It also states our belief that it is not “constructive to resurrect constitutional controversies long considered as settled, especially without notice or consultation.” The Congress, on numerous occasions, has reinforced the stance taken in that letter by including in certain resolutions of adjournment language affirming to the President the absence of “pocket veto” authority during adjournments between its first and second sessions. The House and the Senate continue to designate the Clerk of the House and the Secretary of the Senate, respectively, as their agents to receive messages from the President during periods of adjournment. Clause 2(h) of rule II, Rules of the House of Representatives; House Resolution 5, 106th Congress, January 6, 1999; the standing order of the Senate of January 6, 1999. In Kennedy v. Sampson, 511 F.2d 430 (D.C. Cir. 1974), the court held that the “pocket veto” is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment.

On these premises we find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. Such assertions should be avoided, in appropriate deference to such judicial resolution of the question as has been possible within the bounds of justifiability.

Meanwhile, citing the precedent of January 23, 1990, relating to H.R. 2712 of the 101st Congress, the House yesterday treated both H.R. 4810 and H.R. 8 as having been returned to the originating House, their respective returns not having been prevented by an adjournment within the meaning of article I, section 7, clause 2 of the Constitution.

Sincerely,

J. DENNIS HASTERT,
Speaker.
RICHARD A. GEPHARDT,
Democratic Leader.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 21, 1989.
Hon. GEORGE BUSH,
President of the United States, The White House,
Washington, DC.

DEAR MR. PRESIDENT: This is in response to your action on House Joint Resolution 390. On August 16, 1989, you issued a memorandum of disapproval asserting that you would “prevent H.J. Res. 390 from becoming a law by withholding (your) signature from it.” You did not return the bill to the House of Representatives.

House Joint Resolution 390 authorized a “hand enrollment” of H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, by waiving the requirement that the bill be printed on parchment. The hand enrollment option was requested by the Department of the Treasury to insure that the mounting daily costs of the savings-and-loan crisis could be stemmed by the earliest practicable enactment of H.R. 1278. In the end, a hand enrollment was not necessary since the bill was printed on parchment in time to be presented to you in that form.

We appreciate your judgment that House Joint Resolution 390 was, in the end, unnecessary. We believe, however, that you should communicate any such veto by a message returning the resolution to the Congress since the intrasession pocket veto is constitutionally infirm.

In Kennedy v. Sampson, the United States Court of Appeals held that “pocket veto” is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment. 511 F.2d 430 (D.C. Cir. 1974). In the standing rules of the House, the Clerk is duly authorized to receive messages from the President at any time that the House is not in session. (Clause 5, Rule III, Rules of the House of Representatives; House Resolution 5, 101st Congress, January 3, 1989.)

Successive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.

We therefore find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. We do not think it constructive to resurrect constitutional controversies long considered as settled, especially without notice of consultation. It is our hope that you might join us in urging the Archivist to assign a public law number to House Joint Resolution 390, and that you might eschew the notion of an intrasession pocket veto power, in appropriate deference to the judicial resolution of that question.

Sincerely,

THOMAS S. FOLEY,
Speaker.
ROBERT H. MICHEL,
Republican Leader.

HONORING THE AMBASSADOR OF UKRAINE OLEH SHAMSHUR

HON. JIM GERLACH
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 26, 2010

Mr. GERLACH. Madam Speaker, I rise today to honor Oleh Shamsur for his distinguished service as Ambassador Extraordinary and Plenipotentiary of Ukraine to the United States.

Since his appointment in December 2005, Ambassador Shamsur has worked tirelessly and effectively to strengthen the strategic partnership between Ukraine and the United States. As Co-Chairman of the Congressional Ukrainian Caucus, I have had the honor of partnering with him on issues affecting

Ukraine as well as the Ukrainian American community in Southeastern Pennsylvania.

Specifically, Ambassador Shamshur played an important role in the lifting the Jackson-Vanick trade restrictions, which has benefitted the U.S. and Ukraine by opening new markets and expanded opportunities for entrepreneurs and job creators in both nations.

This month, Ambassador Shamshur will be leaving his post to pursue new opportunities of his own. Friends and colleagues will honor his accomplishments during a dinner on May 26, 2010 at the Metropolitan Club of the City of Washington.

Madam Speaker, I ask that my colleagues join me today in recognizing Ambassador Oleh Shamshur for his exemplary service and valuable contributions to strengthening the ties between the United States and Ukraine and in extending best wishes for continued success in his future endeavors.

HONORING THE MARINES AND
CORPSMEN OF THE 3RD BATTALION,
25TH MARINES INFANTRY REGIMENT ON MEMORIAL DAY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CANTOR. Madam Speaker, I rise today to honor those who have answered the call of duty for their country and made the ultimate sacrifice. I would like to call on everyone to reflect this Memorial Day on those service members who have sacrificed their lives for this country and the family members who were left behind.

I would like to honor my constituent, Nathan Huffman, USMC Sgt. Ret., and other Marine Reservists from the 3rd Battalion, 25th Marines Infantry Regiment and fellow Corpsmen, who served their country honorably from March 2005 to October 2005 in Al Anbar Province during Operation Iraqi Freedom. This Memorial Day, Sgt. Huffman has organized a Memorial Day Ultra Marathon in honor of their 48 fallen Marines and Corpsmen who perished during their service in Iraq, and the many other service members who have given their lives while serving our country.

Sgt. Huffman will depart the Virginia War Memorial in Richmond, Virginia along with many of his fellow Marines, Corpsmen, friends, and supporters and run day and night to cover the over 100-mile journey which will end at the U.S. Marine Corps War Memorial. The purpose of this ultra marathon from Richmond to Washington, D.C. is to commemorate the core values of Memorial Day and honor the fallen. In the words of Staff Sergeant Joseph Goodrich on his reflection of Memorial Day, "I started looking at all of the headstones with flags in front of them. I started thinking about who they were, how they lived, how they died and what they did for me . . . I swore to myself that I would not let them down. They sacrificed, and gave to me something I could never repay; freedom." Sgt. Goodrich was killed in Iraq on July 10, 2005.

Madam Speaker, I rise today to honor the memory of the many courageous men and

women who have given their lives in the service of our great Nation, and their widows, mothers, fathers, sons, and daughters who are left behind. They have not given their lives in vain—rather they have offered their valor and dedication to a grateful Nation. Sgt. Huffman and his fellow runners have heard and answered a second call of duty to remind our Nation to never forget the fallen, the wounded, and loved ones who have lost their heroes. Please join me in recognizing their efforts and those of our brave troops and let us never forget their sacrifices.

HONORING COMMANDER DONALD
GAITHER

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. ELLSWORTH. Madam Speaker, I rise today to pay honor and tribute to the late Commander Donald Gaither, a founder of the elite Navy SEALs, for his 27 years of service in the U.S. Navy.

Commander Gaither was a native Hoosier and one we are all proud of. Commander Gaither was born in Daviess County, Indiana and graduated from Washington High School in 1937. While serving on his first submarine, the USS *Swordfish*, the submarine engine room was damaged during battle. In performance of his duties as chief motor machinist, he was awarded the Silver Star medal for distinguished submarine service.

Commander Gaither's U.S. Navy career continued to be characterized by strong leadership and consistent work. As he rose through the ranks from apprentice seaman to commander, he was highly regarded by those who worked under him. During his time in the Navy, Commander Gaither served as an executive officer in Underwater Demolitions, a precursor to the Navy SEALs. After the Korean War, Congress considered eliminating the Underwater Demolitions Program. Commander Gaither came to Congress and persuaded Congress to keep the program. The Underwater Demolitions Program was later expanded into the Navy SEALs, making Commander Gaither one of the founding fathers of the Navy SEALs.

Commander Gaither's success in the Navy is a tribute to what hard work and determination can accomplish. Commander Gaither spent countless hours studying and preparing for each Navy promotion he received. His work ethic was only matched by his strong leadership skills. Although Commander Gaither died of natural causes post-retirement, his 27 years of service through three wars represent a lifetime commitment to serving our country.

Today, I ask all members of Congress to join me as we honor the life of Commander Donald Gaither of the U.S. Navy, an accomplished war veteran who courageously served to better the lives of all American citizens.

RECOGNIZING TONYA WOODS FOR
HER COMMITMENT TO STUDENTS
AND EDUCATION IN THE STATE
OF ARKANSAS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to recognize Tonya Woods, for her achievement of being named the Arkansas Elementary School Assistant Principal of the Year for her work at T.G. Smith Elementary School in Springdale.

Woods is a graduate of John Brown University and earned her master's from the University of Arkansas in Fayetteville. She is looking to continue her education, and is now interviewing for a Ph.D. program.

Woods has been committed to education as an administrator for the past 5 years at Smith Elementary. Her hard work and commitment to students serves as an inspiration to her co-workers.

Woods is constantly looking for creative ways to improve the lives of her students and that is why she received this honor. Her efforts have brought innovative resources to the school through promoting technology in the classroom, establishing a homework club that encourages children to excel in their studies and overseeing a program aimed at preparing students for the Arkansas Benchmark exams.

It is the efforts of educators like Tonya Woods that will enable our future generations to reach their full potential and I am proud of her commitment to education and her efforts to improve the lives of students in Arkansas.

IN TRIBUTE TO KEN STARR

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. GALLEGLY. Madam Speaker, I rise in tribute to my friend, Ken Starr, who is leaving his post overlooking Malibu, California, and the Pacific Ocean as dean of Pepperdine University's School of Law to return to his native Texas as Baylor University's 14th president.

Judge Starr has had a long and storied career. After graduating law school, he became a clerk for then-Chief Justice Warren Burger. He left Justice Burger to work as an attorney in Los Angeles for several years before returning to Washington, DC, in 1981 to serve under U.S. Attorney General William French Smith.

Judge Starr was a federal judge on the D.C. Circuit Court of Appeals from 1983 to 1989 and was U.S. Solicitor General from 1989 to 1993. While on the bench, Judge Starr won the respect of both political parties. He was often mentioned as a potential U.S. Supreme Court nominee.

In 1994, Judge Starr was appointed independent counsel to continue the investigation into the Whitewater land transactions begun by Robert Fiske. He was charged with investigating several allegations connected to President Clinton, eventually issuing a report on

President Clinton's intentional cover-up in the Monica Lewinsky case, which led to the President's impeachment.

On April 6, 2004, Judge Starr was appointed dean of Pepperdine University's School of Law—the second time the post was offered.

During the Whitewater investigation and impeachment hearings, Judge Starr was painted by his enemies and the media as a wild-eyed zealot whose only goal was to bring down the presidency. The Judge Starr I know, and the Judge Starr history will record, is a soft-spoken and intelligent attorney and judge whose only goal has always been to serve the law.

For the past 6 years, he has inspired young legal minds at Pepperdine University to embrace that goal as well. Beginning June 1, he will inspire young minds at Baylor.

Madam Speaker, I know my colleagues will join me in congratulating Judge Starr for his appointment as president of Baylor University and in thanking him for his dedication to our up-and-coming leaders, for his contribution to the legal community, and for his long and distinguished service to our country.

RECOGNIZING THE 65TH ANNIVERSARY OF THE SKY HARBOR COMPOSITE SQUADRON 301 OF THE CIVIL AIR PATROL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the 65th anniversary of the Sky Harbor Composite Squadron 301 of the Civil Air Patrol. The Squadron has been a prominent pillar within the Phoenix community since its inception in 1945 when it aided in the war effort in World War II.

Originally, the Civil Air Patrol was established to employ civilian pilots during wartime to watch over the coastlines for possible enemy threats. After the war, the Civil Air Patrol evolved into an organization which delivers humanitarian aid and engages in search and rescue missions. Though the focus has changed, the legacy of benevolence still endures today.

Sky Harbor Composite Squadron 301 also gives young men and women the opportunity to learn more about aerospace science. In addition to acquiring the necessary knowledge and skills for the aerospace field, the people that make up Sky Harbor Composite Squadron 301 volunteer and serve the community of Phoenix with valor.

Madam Speaker, please join me in recognizing the Sky Harbor Composite Squadron 301 of the Civil Air Patrol's 65 years of outstanding service and expressing gratitude to all of the volunteers that have dedicated their time in service to others.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MANZULLO. Madam Speaker, on Monday, May 24, 2010, and Tuesday, May 25, 2010, I missed a series of votes because I was recovering from an illness. If I had been here, I would have voted "yea" on rollcall No. 291, "yea" on rollcall No. 292, "yea" on rollcall No. 293, "yea" on rollcall No. 294, "yea" on rollcall No. 295, "yea" on rollcall No. 296, "yea" on rollcall No. 297, "yea" on rollcall No. 298, "yes" on rollcall No. 299, "yea" on rollcall No. 300, and "yea" on rollcall No. 301.

CONGRATULATING APPALACHIAN REGIONAL HEALTHCARE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to congratulate Appalachian Regional Healthcare for being honored as the 2010 Outstanding Rural Health Organization by the National Rural Health Association.

Appalachian Regional Healthcare, ARH, is a not-for-profit health system which is the largest provider of care and single largest employer in southeastern Kentucky. Throughout its nine hospitals, as well as in multi-specialty physician practices, home health agencies, HomeCare Stores and retail pharmacies, ARH provides our region with crucial quality health care to 350,000 residents across eastern Kentucky and southern West Virginia. The ARH system employs 4,700 employees who are firmly committed to its mission of improving the health and promoting the well-being of all people in eastern Kentucky and Southern West Virginia. For ARH, providing quality and affordable coverage is the utmost priority. In the past 12 months, ARH provided more than \$107 million in uncompensated care for the uninsured and underinsured.

Each year, the National Rural Health Association honors outstanding individuals and organizations in the field of rural health. The Outstanding Rural Health Organization Award recognizes any group or organization that has improved access to health services and information for people in rural areas through innovative, comprehensive approaches. Factors considered for the award include outreach, preventative health and education, quality and efficiency of care, and strong community support and involvement.

Madam Speaker, I ask my colleagues to join me in congratulating this bright star in my region. The Board of Trustees, and the fine doctors, nurses and staff of ARH should be very proud of their accomplishment and recognition of their unwavering efforts to provide quality health care to working families, children, and seniors.

MARINA PSHICHENKO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Marina Pshichenko who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Marina Pshichenko is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Marina Pshichenko is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Marina Pshichenko for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

AZERBAIJAN AND ISRAEL: GOOD FRIENDS UNDER SIEGE FROM IRAN

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MAFFEI. Madam Speaker, unfortunately, good relations between the State of Israel and Muslim nations are the exception rather than the rule. Everyone knows about the establishment of diplomatic relations between Israel and Egypt as part of the Camp David Accords, which led to the assassination of President Anwar Sadat of Egypt. Israel's neighbor, Jordan, Under King Hussein and his son, King Abdullah II, have also developed good ties with Israel.

More typical than Israeli-Egyptian or Israeli-Jordanian relations in the public's eye is the poisonous relationship between Iran and Israel, a situation fueled by the unrelenting hostility and anti-Semitism of Iranian President Mahmoud Ahmadinejad and the Supreme Leader, Grand Ayatollah Khamenei.

Iran and its particular brand of Shi'ite Islam seem particularly hostile toward Israel, which is understandably nervous not just about Iran's nuclear ambitions but its strong financial support of Hezbollah and its terrorist activities right in Lebanon, the West Bank, and Gaza.

Given this situation, it would be surprising to most to learn that one of Israel's strongest friends in the region is Azerbaijan, a former Soviet Republic, with over a 90 percent Shi'ite population that has adopted a secular style completely opposed to Iran's sectarian government. Azerbaijan has chosen a very different path from that of its southern neighbor, even though there are over 20 million ethnic Azeris living in Iran, including the Grand Ayatollah himself, who is of Azeri descent.

One possible explanation for Azerbaijan's positive relationship with Israel is the presence

of a strong Jewish community in Azerbaijan for over 2,500 years. By all accounts, these Azeri Jews have always been well treated and never subject to the types of discrimination and hostility that confronted Jews, not just in Muslim nations, but the Christian nations of Europe.

Israel and Azerbaijan established diplomatic relations in 1993, and Israel opened an Embassy in Baku one year later. Cultural ties also increased at this time. In 1994, a Yeshiva was opened in Baku, and other Jewish schools established years later. A new Jewish synagogue, one of the largest, if not the largest in Europe, opened in Baku in 1993 and currently there are synagogues in several other Azeri cities.

Prominent Israeli visitors to Baku have included then-Prime Minister Benjamin Netanyahu in 1997, President Shimon Peres in June, 2009 and in 2010 Foreign Minister Avigdor Lieberman. Israeli trade, diplomatic and cultural missions to Azerbaijan are common place, and Israel is Azerbaijan's fifth largest trading partner, exporting over \$3.5 billion per year to Israel, including supplying over a quarter of Israel's oil supply. Israeli exports and direct investments in Azerbaijan are also growing, creating strong economic ties between the two nations.

On a political front, Israel and Azerbaijan cooperate closely on security issues. Israel supplies significant military equipment to Azerbaijan and Azerbaijan provides Israel with valuable intelligence support, particularly regarding Iran. The two nations also work together to combat the growth of radical Islam.

The close political, cultural, economic and security relations between Israel and a majority Shi'a but secular Azerbaijan present a model that needs to be encouraged, cultivated and spread throughout the Muslim world. However, this will not happen by itself, and, unless the United States begins to focus more on Azerbaijan's importance in the region, the very existence of this positive Azeri-Israeli relationship could be put in jeopardy.

I would like to include in the RECORD a recent article from Radio Free Europe/Radio Liberty, published on March 9, 2010, "The Blooming Friendship Between Azerbaijan and Israel," by Anna Zamejc. The article quotes Yosef Shagal on Azerbaijan's friendship with Israel: "Today, everyone understands why Iran wants to block the Azerbaijani-Israeli rapprochement by any means . . . It is one of the most important strategic priorities of the Islamic republic. Teheran is perfectly aware of the following: the stronger the connection between Baku and Jerusalem, the more weakened Iran will be."

Zamejc goes on to discuss the tremendous pressure Iran is placing on Azerbaijan to cut its ties with Israel, pressure which is becoming more and more difficult to resist without strong support from the West, particularly the United States. The United States has spent too much blood, treasure and diplomatic capital trying to build peaceful relations between Israel and its Muslim neighbors for it to let this great example of success slip away.

It is important that we pay greater attention to Azerbaijan for economic, strategic and security reasons, and in particular respond af-

firmatively to Azerbaijan either when it cooperates with the United States in these areas or demonstrates that a Muslim nation both can and should have positive relations with the State of Israel.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. LANGEVIN. Madam Speaker, on May 25, 2010, I was unavoidably detained and unable to be in the chamber for a rollcall vote. Had I been present, I would have voted "yea" on rollcall number 298, H.R. 3885, the Veterans Dog Training Therapy Act.

HONORING COMMUNITY HOPE ON ITS 25TH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor Community Hope, headquartered in Parsippany, Morris County, New Jersey, which celebrates its 25th anniversary in 2010.

In 1985, a group of mental health professionals and families formed Community Hope with the mission of providing a safe haven for the continuing recovery of young adults afflicted by chronic mental illness. The organization began with one residential facility, staffed by professional counselors capable of assisting individuals in making the transition back to community and family life. The founders of Community Hope strove to help these individuals break the cycle of repeated psychiatric hospitalizations with personalized therapeutic care coupled with in-residence treatment.

In 2004, Community Hope took advantage of its experience with residential recovery programs and opened its doors to former service men and women in need. It is now the largest transitional housing program in New Jersey for homeless veterans at Lyons Veterans Administration Medical Center in Bernards Township.

Community Hope has been extraordinarily successful in helping young men and women afflicted with chronic mental illness—it now boasts thirty-nine residential facilities, serving 300 individuals. The organization has also taken steps toward creating permanent, affordable housing for New Jersey veterans afflicted with post-traumatic stress syndrome, traumatic brain injury, and physical disabilities incurred in combat.

Community Hope's success is due in no small part to its philosophy. The organization believes all persons with serious mental illness have the potential to live successfully in the community if they are able to view their future with hope. Through a holistic approach that addresses each individual's total needs, the counselors at Community Hope instill confidence in these young men and women, encouraging each individual to grow to his or her

maximum potential, both individually and socially.

Madam Speaker, I ask you and my colleagues to join me in congratulating Community Hope on the occasion of its 25th anniversary, celebrating years of service to those with chronic mental illness and our veterans.

RECOGNIZING JORDAN ELEMINARY FOR PARTICIPATION IN THE WALK ON! CHALLENGE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize the grant awarded to Jordan Elementary in Chandler, Arizona for Blue Cross Blue Shield of Arizona's 2010 Walk On! Challenge. I wish to applaud the students, teachers and staff of Jordan Elementary for their enthusiastic participation in the Walk On! Challenge.

The Walk On! Challenge increases the knowledge of both the issue of childhood obesity and the necessity for exercise and good health in our youth. As a teacher for almost 28 years, I understand the importance of addressing these issues through a hands-on approach.

By applying for and receiving this grant, and participating in this program, Jordan Elementary and its educators have taken a significant step towards alerting our community to the problem of obesity and stimulating a positive response. Through their help, we can help instill good habits for children that will lead to an active and healthy lifestyle, and help to solve the problem of obesity within our community.

This is truly an inspiring and encouraging initiative to undertake within the community, and I would like to once again thank the entire Jordan Elementary community for addressing it.

CHRISTOPHER K. LYNCH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher K. Lynch. Christopher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 205, and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Christopher has earned the 12-Month Camper and World Conservation Awards. Christopher has also contributed to his community through his Eagle Scout project. Christopher constructed several shelters located

around the athletic fields of First Bible Baptist Church of Blue Springs, Missouri.

Madam Speaker, I proudly ask you to join me in commending Christopher K. Lynch for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE ACCOMPLISHMENTS OF JOHNNY MAJORS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. TANNER. Madam Speaker, I rise today alongside our colleague Mr. SHULER, to recognize the lifetime accomplishments of our friend, former University of Tennessee football coach Johnny Majors.

Johnny is from a remarkable football family in Lynchburg, Tennessee. His father Shirley was the patriarch of a family of Tennessee football royalty. He was the head coach at Sewanee, the University of the South, for 21 years and had five sons who played college football.

Johnny and his brother Joe played high school football for the Huntland Hornets, where their father coached, and their sister Shirley-Ann was a cheerleader. The team won the state championship in 1951. Johnny, along with two of his brothers, Bill and Bob, would all go on to play for my alma mater, the University of Tennessee. His brother Larry played for the University of the South at Sewanee.

His brother, Joe Majors, a close friend of mine, was the starting quarterback at Florida State University and also played for the University of Alabama. He was an accomplished attorney; a former member of the Tennessee State House of Representatives, and a well-respected and popular figure on Capitol Hill. Everyone who had the pleasure to know him or work with him, as I did, was saddened when he passed away in 2007.

Johnny Majors stayed with football all of his life. In college, he was a triple-threat tailback at the University of Tennessee. Johnny was an All-American and runner-up for the Heisman Trophy in 1956. He played for the Montreal Alouettes of the Canadian Football League for one year and then moved on to several coaching positions.

Johnny was head football coach for the Iowa State University Cyclones for five seasons before taking over the football program at the University of Pittsburgh, where he helped win the National Championship with the Pittsburgh Panthers in 1976 and was honored as the National Coach of the Year.

Luckily for our alma mater, Johnny Majors decided to return to the University of Tennessee in 1977. While there, he reached remarkable success in the 1980s and early 1990s by winning three SEC Championships—in 1985, 1989 and again in 1990. His time there included one particularly noteworthy season in 1989, when the Majors-led Vols followed a 5–6 season with an 11–1 season, the largest turnaround of the year. Johnny retired from NCAA coaching after the 1996 season.

Over the years, Johnny Majors has been recognized as a self-less player and a capa-

ble, dedicated leader. He was admitted into the College Football Hall of Fame in 1987, where his biography reads, “Few who have followed college football over the years will soon forget the gridiron magic created by a certain skinny tailback. . . . Even [his] name had a special ring to it. It wasn’t Jones or Smith or Thompson. It was Majors. . . . In his senior year Majors led Tennessee to an undefeated season. He ran, passed, punted, and even blocked. He was one of college football’s best punters.”

Johnny and his wife Mary Lynn live in Knoxville, where he is still known not only as a former player and coach but as a leader in the community. Mary Lynn, a remarkable and talented woman in her own right, and my wife Betty Ann have become friends over the last few years. The Majors’ collective contribution to our state and nation are an inspiration to all those who know them.

One other thing: Coach Majors, as President of the Nike Coach of the Year Clinic, has promoted and assisted the United States Marine Corps in coaching clinics across America. Johnny Majors is a dedicated patriot.

Madam Speaker, I also want the House to hear from our colleague, Mr. SHULER, who had the honor of playing for Coach Majors at the University of Tennessee.

HONORING THE ACCOMPLISHMENTS OF JOHNNY MAJORS

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. SHULER. Madam Speaker, I rise today, accompanied by my colleague Mr. TANNER, to honor the achievements of Johnny Majors, former football coach of the University of Tennessee.

For 16 years, from 1977–1992, the University of Tennessee enjoyed the privilege of having Coach Majors pace the sidelines of Shields-Watkins field. Throughout his many years at the University of Tennessee Coach Majors maintained a high level of success, winning three championships in arguably one of the most competitive sports leagues in the country.

As a young man, I remember the excitement surrounding Coach Majors’ visit to my home town of Bryson City, North Carolina. He was seen by many in my community as the epitome of football. He came to visit me and my family to talk about the possibility of me coming to the University of Tennessee. We expected his visit to focus primarily on the game and the football program at UT. However, Coach Majors’ concerns were more about the importance of a strong education, the responsibility of leading by example, and his insistence that regardless of where you might be in your life, UT alumni are always part of the UT family.

Coaches often play a vital role in raising the youth of a community. Not only do they instill values such as hard work and dedication, but can also teach young people valuable life lessons of honor and good will. Coach Johnny Majors not only bred success on the field, but

encouraged his student athletes to conduct themselves with integrity and honesty. To have a man of his character coach me was a true honor and a privilege.

Madam Speaker, I thank Mr. TANNER for his thoughtful statement regarding my coach and friend, Johnny Majors. I ask my colleagues join me in celebrating this great man’s accomplishments, both on and off the football field.

ENHANCED VISITOR EXPERIENCE FOR TOURISTS AT YOSEMITE NATIONAL PARK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. RADANOVICH. Madam Speaker, I am pleased to introduce legislation today supporting a project that provides an enhanced visitor experience for tourists at Yosemite National Park and an additional administrative site for employees outside the Park boundaries.

Yosemite is the crown jewel of the National Park System; each year over 3.5 million visitors travel to Yosemite to enjoy the scenic vistas, hiking, and Valley destinations. This proposed legislation authorizes the National Park Service to purchase up to 18 acres of land in Mariposa County, from willing sellers, for visitor and administrative uses. The proposed site for this center will be at the junction of State Highway 140 and State Highway 49, located in Mariposa just outside the Arch Rock entrance to Yosemite National Park. A visitor center at this location will not only provide Yosemite National Park with an opportunity to enhance their visitor services, it will be a tourist destination for travelers in the gateway community of Mariposa as well.

This non-controversial bill enjoys a broad array of local support including the Mariposa County Board of Supervisors, Chamber of Commerce, Economic Development Corporation, and County Tourism Bureau, in addition to the current Superintendent of Yosemite National Park and the Yosemite Fund. Additionally, this authorizing legislation is PAY-GO neutral and does not authorize direct spending.

Madam Speaker, I am eager to lend my support to a project that will benefit the local economy of Mariposa by providing tourism opportunities as well as enhancing the visitor experience at Yosemite National Park. I urge my colleagues to join me in supporting this legislation as it moves through Congress.

TRIBUTE TO OUR NATIONS’ SOLDIERS AND VETERANS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mrs. LOWEY. Madam Speaker, each year on Memorial Day, Americans take a day to express their gratitude and honor the memory of the men and women who have given their

lives in service to our nation. This experience of patriotism and civic consciousness is a time to reflect on the bravery and commitment of those who have answered the call to serve and our responsibilities to uphold the ideals for which they fought.

In Congress, this is a time to recommit ourselves to caring for those who served our country and their families. They have fulfilled their obligations to the American people, and we must fulfill our obligations to them.

That's why I am pleased Congress has provided historic increases of 60 percent since 2007 for health care and other services for our veterans. In fiscal year 2010, Congress increased funding by \$15.3 billion over last year's level and \$747 million above the administration's request. Congress and President Obama also passed a law to fund veterans' medical care one year in advance to ensure timely and uninterrupted funding for veterans' health care system.

To support our active duty personnel, I supported a 3.4 percent military pay increase, a \$3 billion increase in funding for Defense Health Programs, and a \$3.46 billion increase for equipment in the field.

While I am pleased Congress is providing robust funding to care for our military and veterans, much work remains to be done such as ensuring increased resources for PTSD and other mental health issues, resolving the continued backlogs of veterans' claims, and current receipt.

The courage of our military and our veterans is an inspiration to us all, and we thank them all for their service and sacrifice to protect our freedoms. The thoughts and prayers of our entire nation are with the men and women serving today, those who have bravely served, and the families of those whose ultimate sacrifice will never be forgotten.

Madam Speaker, I ask my colleagues to join me in paying tribute to our nation's brave soldiers and veterans.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt surpassed \$13 trillion.

To put this in perspective, on January 6th, 2009, the start of the 111th Congress, the national debt was \$10.6 trillion.

This means we have increased the debt by 18 percent in just 16 months. This debt and its interest payments we are passing to our children and all future Americans. There is simply no way that we can maintain this type of spending without destroying our Nation.

We know what happens to individuals that bury themselves in debt. We know what happens to companies and institutions that fail to maintain balanced books. And we know what happens to nations that spend this irresponsibly. We need only look overseas to the effects of such disastrous fiscal policies. But for some reason, a reason that wholly escapes

me, the current administration and the majority in Congress continue to move forward with their ruinous plans.

There is no reasonable national policy that can be implemented that assumes a national debt increasing by 18 percent in just 16 months. I think the fact that the House doesn't appear to be considering a budget this year proves that the Majority knows that as well but wants to hide the magnitude of the problem from the American people. We need to rein in this spending and address our deficit, our debt, and preserve our future.

RECOGNIZING THE 50TH ANNIVERSARY OF THE NATIONAL COUNCIL FOR INTERNATIONAL VISITORS, AND EXPRESSING SUPPORT FOR DESIGNATION OF FEBRUARY 16, 2011, AS "CITIZEN DIPLOMACY DAY"

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MORAN of Virginia. Madam Speaker, I ask that my colleagues join me in recognizing the 50th anniversary of the National Council for International Visitors, NCIV—a nonprofit leader in citizen diplomacy—and supporting designation of February 16, 2011, as "Citizen Diplomacy Day."

NCIV is a membership association, with members based in congressional districts throughout the nation, dedicated to promoting excellence in citizen diplomacy—the concept that individual citizens have the right and responsibility to help shape U.S. foreign relations "one handshake at a time." NCIV's nationwide network comprises 92 community organizations as well as federal agencies, associate members, and individuals. With leadership and training provided by NCIV, member organizations create professional connections, provide cultural activities, and offer home hospitality opportunities for foreign leaders and specialists. Each year, the aggregate efforts of NCIV members involve more than 80,000 volunteers.

The NCIV network is the private-sector partner of the U.S. Department of State for the International Visitor Leadership Program, IVLP, a long-standing, successful initiative for strengthening U.S. foreign relations. More than 285 current and former heads of state (including F.W. de Klerk, Anwar Sadat, Manmohan Singh, Nicolas Sarkozy, and Morgan Tsvangirai) and approximately 1,700 cabinet-level ministers have participated in the IVLP, which U.S. ambassadors have repeatedly ranked first among 63 U.S. public diplomacy initiatives.

Through citizen diplomacy, the NCIV network and the IVLP have positively affected hundreds of thousands of lives in America and abroad—among countless other ways, by:

Empowering a key reformer to stand up for democracy and freedom following the February 2010 coup in Niger;

Introducing high school students in Reno, Nevada, to Moroccan journalists and Afghan women leaders;

Sharing best practices with leaders of Malaysian disaster-relief nonprofits in the wake of a devastating earthquake and tsunami;

Connecting an environmental and water resources engineering firm from Portland, Oregon, to business opportunities with China; and

Breaking stereotypes about Americans for a Yemeni governance and conflict management expert.

The success of NCIV is based on patriotic citizens, entrepreneurs, and small businesses coming together to help promote America abroad while boosting the local economy. By working with the State Department, NCIV is an important source of income for many throughout the U.S. based on the increased economic activity generated by international visitors. Nearly the entire IVLP budget is spent within the United States, where it generates millions of dollars in local economic activity. NCIV members raise an additional \$6 for every dollar they receive in federal funding, all of which is spent locally. Furthermore, by bringing foreign leaders to U.S. schools, government agencies, and businesses, the NCIV network and the IVLP help U.S. communities build a more globally literate, competitive workforce.

Please join me in demonstrating congressional support for this national network of citizen diplomats by recognizing NCIV's 50th anniversary and recommending designation of February 16, 2011, as Citizen Diplomacy Day.

COSPONSORS OF LEGISLATION INTRODUCED BY THE REP. JIM MORAN

The Honorable Donald Manzullo, the Honorable Howard Coble, the Honorable Keith Ellison, the Honorable Eddie Bernice Johnson, the Honorable Lee Terry, the Honorable Mark Steven Kirk, the Honorable Peter Welch, the Honorable Betty McCollum, the Honorable Patrick Murphy, the Honorable John Boozman, the Honorable Sue Wilkins Myrick, the Honorable Steven Rothman, the Honorable Denny Rehberg, the Honorable Jan Schakowsky, the Honorable Daniel B. Maffei.

EXPRESSING SUPPORT FOR DESIGNATION OF MAY AS NATIONAL FOSTER CARE MONTH AND ACKNOWLEDGING THE RESPONSIBILITY THAT CONGRESS HAS TO PROMOTE SAFETY, WELL-BEING, IMPROVED OUTCOMES, AND PERMANENCY FOR THE NATION'S COLLECTIVE CHILDREN

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1339, which expresses the House of Representatives' support for the designation of May as National Foster Care Month and recognizes the important role that foster parents play in the lives of children across the country. There are nearly 500,000 children in America's foster care system. Many of these children come from troubled backgrounds and turbulent pasts. America's foster parents take these children in and show them the care and attention that they

deserve as they wait to be reunited with their families or adopted into new, loving families.

I thank Chairman LEVIN for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congressman McDERMOTT, for working to increase public awareness about the critical role that the foster care system plays in our society.

In my home State of California, there are nearly 80,000 children in the foster care system, a majority of whom were placed there by the State as a result of parental abuse or neglect. Foster parents play a critical role in the lives of some of the most vulnerable youths in California and across the country. They help hold our Nation's social fabric together by ensuring that thousands of young people in this country stay on track towards successful futures.

Designating May as National Foster Care Month is a way to encourage responsible and caring adults to serve as foster parents. Unfortunately, there is currently a shortage in the number of foster parents available. There are less than 3 foster homes for every 10 children living under the State's care.

While the foster care system provides a vital service in our society, children in foster homes often face special challenges. In 2008, 123,000 of the 273,000 children in the foster care system were waiting to be adopted into new homes. However, by the end of the year, only 55,000 were adopted out of foster care. Foster children who are not adopted or reunited with their families often end up "aging out" of the foster care system. These children who "age out" of the system are in need of resources to help them afford higher education opportunities, find affordable housing and quality health insurance, and achieve steady employment. This is a social demand to which Congress must respond.

Past legislative initiatives to invest in our country's foster care system include the Adoption Assistance and Safe Families Act of 1980, the Adoption and Safe Families Act of 1997, and the Fostering Connections to Success and Increasing Adoptions Act of 2008. These initiatives recognized the need to provide increased resources for foster families and a sense of stability for foster children, 65 percent of whom experience a minimum of seven school changes while in the system. Congress must continue working to improve the foster care system, so that all children within this system can develop and mature in young adults with bright futures.

I salute the selflessness and hard work that foster parents demonstrate each day when they care for a child who had been displaced from his or her family. I offer my sincere support for dedicating the month of May as National Foster Care Month. I urge my colleagues to join me in supporting H. Res. 1339.

HONORING FRANK BRANSON FOR
BEING NAMED AMONG THE BEST
TEXAS LAWYERS IN 2010

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to extend my

warmest congratulations to Frank Branson of Dallas on being honored by the 2010 Edition of the Best Lawyers in America and recognized as one of Texas's best lawyers.

Best Lawyers is the oldest and most respected peer-review publication in the legal profession. Best Lawyers compiles lists of outstanding attorneys by conducting exhaustive peer-review surveys in which thousands of leading lawyers confidentially evaluate their professional peers. In the U.S., Best Lawyers publishes an annual referral guide, The Best Lawyers in America, which includes 39,766 attorneys in 80 practice areas, covering all 50 states and the District of Columbia.

Mr. Branson is the founder of Dallas' The Law Offices of Frank L. Branson, a nationally recognized litigation firm. A graduate of SMU Law, Mr. Branson joins a distinguished list of alumni to earn the annual honor, which is based on outstanding achievements, public service and commitment to the legal profession.

Mr. Branson has secured record courtroom recoveries and landmark verdicts for clients seriously injured by dangerous products, medical negligence, transportation injuries, industrial catastrophes, and, in recent years, commercial torts. He is a past president of the Southern Trial Lawyers Association, Dallas Trial Lawyers Association, and Dallas Chapter of the American Board of Trial Advocates. Additionally, he is a fellow in the International Academy of Trial Lawyers and the International Society of Barristers.

Throughout his career Mr. Branson has consistently prided himself in his tenacious preparation, as well as his imagination in the courtroom. His firm has a nationwide reputation for its use of advanced, state-of-the-art trial techniques such as digital video, computer animation, medical art and individualized anatomical models.

Mr. Branson's prestige within the law community has been acknowledged since 1987. Forbes magazine recognized him as one of the most successful trial lawyers in the country, and D CEO Magazine recently named him as one of the top five lawyers corporate adversaries never want to face in court. His trial work was highlighted in The National Law Journal's Top 100 Verdicts in America in 2007.

Mr. Branson's importance to Dallas extends beyond the legal community. He has been recognized by the Vietnam Veterans of America's distinguished service award and the American Heart Foundation's Chip Moody Eagle Award. Mr. Branson is also a Garland Community Hospital Trustee.

Madam Speaker, I would like to join with the people of Dallas in commending Frank Branson on his continual striving for excellence within the field of law and congratulate him on this well-deserved recognition.

TRIBUTE TO ELISE JONES MARTIN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a community leader

whose tremendous contributions were recently recognized with a new housing development named in her honor. Mrs. Elise Jones Martin has spent her entire life advocating for her community and it is fitting and I think proper, that a new neighborhood in the community that she has devoted her life to will now bear her name.

Elise Jones Martin is a native of Hartsville, South Carolina. She graduated from Essex High School in New Jersey, but returned to her beloved South Carolina in the 1930s to open a beauty salon in Columbia's thriving African American business corridor along Washington Street.

In addition to running her business, Mrs. Martin also furthered her education with trade and teacher training courses at Allen University, Benedict College and South Carolina State University. She went on to teach cosmetology at Booker T. Washington High School. She later became the first African American woman to open a business on Columbia's Main Street.

Throughout her life, she worked on behalf of building strong communities. In the 1960s, her mother organized the Jones-McDonald Club to ensure neighbors took an active part in maintaining their neighborhood. After her mother passed away, Mrs. Martin carried the mantle for the organization. Even well into her 80s, Mrs. Martin walked door to door to meet new neighbors and to encourage them to join the Jones-McDonald Club. With Mrs. Martin's influence, the club has grown beyond its initial purpose. Today it hosts an annual Easter brunch, produces a newsletter, and boasts the participation of elected city officials and religious leaders.

Mrs. Martin was also instrumental in providing community input for a Hope VI project that revitalized a former barrack-style housing complex in Columbia. Her belief that the home and the neighborhood are the foundations to producing solid, contributing citizens helped develop a philosophy for the new family-friendly development that replaced the warehouse approach of the former housing project.

She has taken her passion for building strong communities with her into public service. Mrs. Martin was a member of the Columbia Zoning board for a number of years, serving until her late 80s. She was also an active member of Keep America Beautiful of the Midlands.

She performed another community service by heading her voting precinct for more than 30 years. While working at the polls during the 2008 Presidential primary, she had the honor of meeting then Senator Barack Obama.

Mrs. Martin is an advocate also for early detection of cancer. Using her speaking and leadership skills, she has traveled on behalf of the American Cancer Society's Best Chance Program, educating men and women about the warning signs of breast and prostate cancer.

She has been an active member of Bethel AME Church since arriving in Columbia in the 1930s, where she has served on the Board of Education, Steward Board, and the gospel choir. She is a recipient of the Queen Esther Award, which is one of the highest honors for women at Bethel AME.

Her organization memberships include: Board of Directors of the Drew Park, Renaissance Foundation Board, James E. Clyburn Golf Center Board, City Lighting Committee, City of Columbia Citizens Advisory Committee for Community Development, several neighborhood crime prevention programs, and the W.A. Perry Middle School support group.

Mrs. Martin has received numerous awards for her service including recognition by the American Cancer Society, the Columbia City Council, the Columbia Alumnae Chapter of Delta Sigma Theta Sorority, and Richland County School District One. On May 1, 2010, she added the honor of the dedication of The Elise Jones Martin Place to her long list of accomplishments.

Madam Speaker, I ask you and my colleagues to join me today in recognizing the contributions of a true community leader. Mrs. Elise Jones Martin has spent her entire life giving back to her community and improving the quality of life for her neighbors. I am pleased to call Mrs. Martin a friend, and I add my voice to those of so many others in thanking her for her selfless service. She is a remarkable individual who is deserving of our appreciation.

HONORING THE SEVEN GOLD STAR MEMBERS OF THE WELSH BETH-EL BAPTIST CHURCH WHO SACRIFICED THEIR LIVES DURING WORLD WAR I AND WORLD WAR II

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the seven Gold Star Members of the Welsh Bethel Baptist Church in Wilkes-Barre, Pennsylvania.

The Welsh Bethel Baptist Church was founded in 1884.

During the 1940s, the Church established an Honor Roll of all of the members of the Church who served during World War II. In total, 111 members of the Church served in World War II, including 110 men and 1 woman.

The Church would honor those who were killed in action during the War by placing a gold star next to their name on the Honor Roll. Six members of the Church were killed in action during World War II and received this honor.

About ten years ago, the Church recognized its only member to be killed in action during World War I by adding his name to the Honor Roll along with a gold star.

Every year on Memorial Day, the Church holds a ceremony to honor its seven Gold Star Members.

On Sunday, May 30, 2010 the Church will pay tribute to the seven Gold Star Members of the Church by dedicating a memorial stone in front of the church in their honor.

The seven Gold Star Members, and Wilkes-Barre natives, being honored are:

Private William Robbins who was killed in Germany in World War I. He was only sixteen years old.

Private First Class Charles Grosspietsch who was killed in Luzon in the Philippines during World War II. He was 20 years old.

Corporal Kenneth Hobbs who was killed in Whelan, Germany during World War II. He was 28 years old.

Private First Class Robert Hummel who was killed in Germany during World War II. He was 21 years old.

Private William Parry, Jr. who died at Normandy during World War II. He was 24 years old.

Private William L. Richards who was killed in Anzio, Italy during World War II. He was 22 years old.

Staff Sergeant Thomas D. Williams who was killed in Russesheim, Germany during World War II. He was 24 years old.

The memorial stone will be unveiled by Jack Johnson, the last surviving World War II veteran of the Church.

Madam Speaker, please join me in honoring these brave men who gave their lives protecting our country. This stone will serve as a reminder for future generations of the ultimate sacrifice made by these seven men who came before them.

SOCIAL SECURITY AND MEDICARE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. SLAUGHTER. Madam Speaker, I rise today in support of seniors, Social Security and Medicare.

Social Security and Medicare are among the most important programs ever created by our Government. Older Americans have worked hard and sacrificed themselves to ensure a better, stronger country for future generations. They deserve a secure, healthy retirement.

Together, Social Security and Medicare have helped tens of millions of seniors avoid poverty, enjoy better health, and maintain a respectable standard of living. For countless seniors, Medicare has literally saved their lives, giving access to medical treatment they would otherwise have been unable to afford.

These programs are a measure of what we truly value, and who we are as a Nation.

It was not always this way. Prior to the establishment of Medicare in 1965, a serious illness or hospitalization could easily bankrupt not only a senior, but his or her entire family. A single serious illness—a round of pneumonia, or a broken hip—could render an elderly man or woman destitute. Too often, our elders simply went without needed medical care, suffering and even dying because decent health care was out of reach.

I bring this up today to underscore the need for vigilance in protecting Medicare and Social Security from those that seek to privatize these vital programs. Indeed, the retirement and health security of today's retirees, today's workers, and future generations rests on the decisions that Congress makes on these programs.

During the year-long debate over health care reform, we heard a great deal of rhetoric from our Republican colleagues about the need to protect Medicare. Yet when given the chance to strengthen Medicare by providing better benefits, lowering costs, and preserving Medicare's solvency for years to come, my Republican colleagues unanimously voted no.

In opposing Health Care Reform, my colleagues said no to free preventive care for seniors, no to ending the 'donut hole' for prescription drug coverage and lowering prescription drug costs, and no to more time with and better access to primary care physicians.

Further, while erroneously assailing health reform legislation as detrimental to seniors and Medicare, the ranking Republican member on the House Committee on the Budget introduced H.R. 4529, the Roadmap for America's Future, which purports to rescue and strengthen Medicare, Medicaid, and Social Security, allowing them to fulfill their missions and making them permanently solvent—all while putting the federal budget on a sustainable path. If this were true, I would be the first in line to cosponsor the legislation.

However, analysis of the "Roadmap for America's Future" by the Center on Budget and Policy Priorities revealed the plan "would raise taxes for most middle-income families, privatize a substantial portion of Social Security, eliminate the tax exclusion for employer-sponsored health insurance, end traditional Medicare and most of Medicaid, and terminate the Children's Health Insurance Program. The plan would replace these health programs with a system of vouchers whose value would erode over time and thus would purchase health insurance that would cover fewer health care services as the years went by."

What I find most disturbing about this proposal is the failure to acknowledge a connection between the recent volatility of the stock market and the effect that would have on privatized Social Security accounts. When a trillion dollars of wealth can disappear in 30 minutes, as it did on May 6, 2010, we know that the stock market is not the place for seniors' life savings. Privatization, or partial privatization, of the Social Security system would have been disastrous for millions of senior citizens that depend on their Social Security checks every month. Likewise, replacing Medicare with a voucher system and letting seniors fend for themselves on the private market would leave our seniors with less and less care every year.

America's seniors have worked long and hard to build a prosperous Nation, yet too many seniors in this country saw their retirement savings get decimated by President Bush's economic crisis. I rise today to assure seniors that I and the Democrats in Congress will continue to stand firmly opposed to any and all efforts to privatize Social Security or turn Medicare into a voucher program. Moreover, we will continue to take a leading role to improve—rather than undermine—Social Security and Medicare.

HONORING THE HUMAN LOSS AT
DEEPWATER HORIZON

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CASSIDY. Madam Speaker, on April 20, Louisiana lost eleven fathers, husbands, brothers, and sons at the Deepwater Horizon accident in the Gulf. Sorrow for their deaths is borne across our State.

As we focus our energies on stopping the spill, it is important that we focus our prayers on the families who are grieving the loss of loved ones. We cannot lose sight of the fact that this incident began—and is—a painful human tragedy, and I am thankful for all of those in Louisiana who are consoling these families and providing comfort in their time of need.

In mourning their loss, we should also recognize their contributions to Louisiana and the Nation.

As this event makes painfully clear, energy security, even at home, is not won easily. The men and women who work on rigs and pipelines endure long hours, tough conditions, and considerable risk to provide us with the energy our Nation needs to prosper.

To all of those who make this sacrifice on the Nation's behalf, thank you. And to the families who lost loved ones, our prayers are with you and we are here for you.

IN RECOGNITION OF DELFINA
TELLES

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CARDOZA. Madam Speaker, I rise today to honor the life of Delfina Telles, former first lady of El Paso, Texas, who passed away on May 6, 2010 in Los Angeles, California at the age of 93. Delfina was a devoted wife and mother who was passionate about her community and work in public service. I am proud to pay tribute today to such a giving woman.

Delfina was the wife of Raymond Telles, who served as El Paso's first Hispanic Mayor from 1957–1961. Mr. Telles was also appointed as ambassador to Costa Rica by President Kennedy, during which time Delfina became active in civil affairs, including leading fundraising drives for a children's hospital and a rehabilitation center for children with disabilities in Costa Rica.

Delfina is recognized and remembered for her commitment to non-profit organizations and charity work. She worked tirelessly on behalf of such organizations as the March of Dimes, was co-chairperson of the annual Easter Seal Drive for El Paso's Cerebral Palsy Treatment Center, served on the Pan-American Round Table and the Woman's Auxiliary of Providence Memorial Hospital, and was a director of the Chamber of Commerce Women's Department. She is also recognized for her work with the American Red Cross, the American Cancer Society, and Community

Chest. She was also appointed to the Defense Department's Advisory Committee on Women in the Service by President Nixon in 1974.

Mrs. Telles is survived by her husband, Raymond; her daughters, Cynthia Telles of Los Angeles and Patricia Telles-Irvin of Gainesville, Fla.; two sisters, Ana Jones and Noemi Valenzuela of El Paso; and a brother, Jose Santos Navarro of San Jose, Calif.

Delfina Telles was a truly kind-hearted woman whose selfless givings will forever leave a positive impact on the communities she touched. She will be greatly missed by her family, friends, and countless people who were blessed by her life of benevolence.

INTRODUCTION OF LEGISLATION
TO ADDRESS IDENTITY THEFT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. GOODLATTE. Madam Speaker, I rise today to introduce bipartisan legislation to strengthen the federal criminal laws punishing identity theft.

Identity theft is a serious and growing threat. The Federal Trade Commission estimates that as many as 9 million Americans have their identities stolen each year.

Identity thieves use identifying information such as a consumer's Social Security number, credit card numbers, or other financial account information in order to conduct such fraud as opening up new credit cards and gaining access to bank accounts. The ramifications can be financially disastrous for citizens and can be extremely difficult to resolve. We must crack down hard on these criminals.

The fear of identity theft is also consistently cited as a reason many Americans are cautious about engaging in more transactions online. This is unfortunate because of the multitude of ways the Internet can help consumers shop, do business and communicate efficiently and at low cost.

The United States has many federal statutes targeting identity theft. However, some of these laws were weakened by a recent Supreme Court case.

18 USC 1028 and 1028A contain criminal punishments for certain identity theft violations when those violations are in connection with other federal crimes and state felonies. In 2009, the Supreme Court ruled that the language of those federal statutes require not only that the criminal use the identification documents of another person, but also that the criminal knew the documents were those of another actual person.

The context of that case was that an illegal alien had given an employer counterfeit social security and alien registration cards containing his name but the identification numbers of other individuals. He was charged with two immigration offenses as well as aggravated identity theft. The Supreme Court overturned the conviction on the aggravated identity theft count explaining that the language of the relevant statutes required prosecutors to prove not only that the defendant used identity documents that were not his own, but also that the

defendant knew the identity documents were those of another actual person.

Identity theft occurs when someone intentionally and unlawfully uses identity documents that are not his own. Our federal statutes should reflect this reality.

Today, I am introducing legislation to amend these federal statutes to make clear that when an identity thief intentionally and unlawfully uses identity documents that are not his own, prosecutors do not need to show that the criminal also knew that the identity documents were those of another actual person.

This clarification will help prosecutors put identity thieves behind bars and will help safeguard American citizens from identity-related crimes. I urge the Members of the House to support this bipartisan legislation.

IN HONOR OF CAPTAIN DON GRIGG

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. ROSS. Madam Speaker, I rise today to honor a good man who left this world much too soon. On May 7, 2010, our State and Nation lost a great patriot when decorated Vietnam War veteran, tireless veterans advocate and long-time congressional staffer Captain Don Grigg died at the Veterans Affairs Hospital in Little Rock. He was 71 years old.

Captain Don Grigg was a proud Arkansan and an even prouder American. I had the privilege and honor to know and work alongside Captain Grigg for the last 10 years and I am a better person for having done so.

There are few men in America like Captain Grigg. He was a true American hero, relentless veterans advocate, dedicated public servant with strong morals and an even stronger personality. With his passing, America has lost one of its biggest fans and veterans have lost one of their staunchest supporters.

Captain Grigg served this country with bravery and honor in both the U.S. Marine Corps and the Army. He fought in the Vietnam War, earning a Silver Star for gallantry in action, a Bronze Star and two Purple Hearts for injuries he sustained in the line of duty.

Captain Grigg has served veterans in Arkansas for many years in a number of capacities, including as a congressional aide to both former U.S. Congressman Jay Dickey and myself. Most recently, he served the people of Arkansas's Fourth Congressional District as senior district aide for military and veteran affairs in our Pine Bluff office. In this role, he worked around the clock to help veterans cut through the red tape and get the benefits they deserved. And, he was never shy about getting the information and help these veterans sought. When Don Grigg called, the VA office answered.

In 2008, Governor Mike Beebe appointed Captain Grigg to the Governor's Commission on Veterans Affairs. Captain Grigg was also one of the originators of the Arkansas Vietnam Veterans Memorial and served on its executive committee, overseeing the memorial's design and construction. And, for more than 15 years, Captain Grigg served as the Coordinator of the Vietnam Veterans Leadership Program of the Southeast Arkansas Economic

Development District, devoting his time to help Vietnam veterans find jobs following the war.

Above all, Captain Grigg was known for his love of country and faith in God. He is survived by his loving wife, Lisa; his two children, Grant Grigg and Danielle Pinney; his two grandchildren, Sam and Anna Marie; and, by numerous friends, family members and co-workers whose lives will be less rich because he is no longer in them, including mine. My thoughts and prayers are with his family during this extraordinarily difficult time.

Our Nation is better, safer and stronger because of heroes and patriots like Captain Grigg. As I honor him today in the U.S. House of Representatives, Captain Grigg is being laid to rest at Arlington National Cemetery alongside thousands of other American heroes.

Today, I ask all Members of Congress to join me as we honor the life of Captain Don Grigg and his legacy, as well as each man and woman in our Armed Forces who gives the ultimate sacrifice in service to our great country.

TRIBUTE TO WILLIAM MOORE McCULLOCH

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. JORDAN of Ohio. Madam Speaker, Ohio's National Statuary Collection Study Committee was asked to compile a list of distinguished Ohioans from which one could be recommended for recognition in Statuary Hall. As the citizens of Ohio now weigh in on this list, I want to highlight the many accomplishments and distinguished record of public service of one member of that list, the late William Moore McCulloch.

William McCulloch was born in Holmes County in 1901. He attended the College of Wooster and in 1925 earned a law degree from The Ohio State University. He subsequently established a law practice in Piqua, from which he was elected to the Ohio House of Representatives in 1932.

McCulloch quickly ascended to the speakership and became the first person to serve three consecutive terms in that role. He resigned from the Ohio House in 1943 to enlist in the Army, where he served our great Nation in the European Theatre during the Second World War.

Following the war, McCulloch returned to his law practice in Piqua, but his passion for elective service led him to run for and win a 1947 special election to Congress. He readily won respect from all sides of the House for championing limited government and sound fiscal policies—but most notably for his groundbreaking work on civil rights issues. McCulloch worked behind the scenes with the Eisenhower White House to ensure passage of the Civil Rights Acts of 1957 and 1960. Because of these successes, during deliberations on the Civil Rights Act of 1964, President Kennedy famously said of McCulloch, "Without him, it can't be done." President Johnson called him "the most important and powerful force" behind that legislation.

As ranking member of the Judiciary Committee, McCulloch also played key roles in crafting and passing the Voting Rights Act of 1965 and the Fair Housing Act of 1968. He won accolades from the Leadership Conference on Civil Rights for this vital work, as well as for defending the Voting Rights Act when it was reauthorized intact in 1970.

McCulloch did not seek re-election in 1972, returning to Piqua to resume the practice of law. He passed away in 1980 and is interred in Arlington National Cemetery. The people of Piqua renamed their public square in his honor last year.

Madam Speaker, William McCulloch's statesmanship, political foresight, unwavering conservative principles, and commitment to freedom and dignity inspired all who knew him and served with him. Honoring him by inclusion in Statuary Hall would allow countless generations to be inspired by his distinguished record of service in the future.

RECOGNIZING THE SERVICE OF JESUS DIAS PEREZ

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. BORDALLO. Madam Speaker, I rise today to recognize the service of Jesus Dias Perez, a resident of Guam who on Sunday, May 16, 2010, celebrated his 90th birthday.

Jesus was born on May 16, 1920, in the village of Agana to Felix Flores Perez and Josefa Diaz. In 1941, Jesus enlisted in the U.S. Navy where he would go on to serve in World War II and the Korean War. He retired in 1961, having attained the rank of Chief Petty Officer.

He continued his commitment to public service after his retirement from the Navy, going to work for the County of San Diego, California. There, he supervised the County's Juvenile Ranch Facility, a correction and rehabilitation center for troubled youth. Jesus was committed to helping young adults get a second chance and a fresh start in life. Jesus also was an active member of the San Diego Elk's Lodge and participated in the Elks Club's chapter in Chula Vista. Jesus completed numerous community service projects on behalf of our nation's veterans.

Despite living thousands of miles from his home on Guam, Jesus continued to contribute to the Guam community, opening his home to family, friends, fellow veterans, and patients from Guam receiving care at San Diego medical facilities.

Jesus was married to the late Margaret Chamberlain and has one daughter, two grandchildren, and four great-grandchildren.

Today, I commend Jesus Perez for his lifetime of service to Guam, our community, our veterans, our youth, and our nation. I also join with his family and friends in congratulating him on his 90th birthday. We appreciate his contributions to our nation and our community.

RECOGNIZING U.S. COAST GUARD AUXILIARY FLOTILLA 81 OF OCEAN CITY, NEW JERSEY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. LoBIONDO. Madam Speaker, June 1, 2010, marks the 70th Anniversary of the founding of the U.S. Coast Guard Auxiliary Flotilla 81, in Ocean City, New Jersey. Flotilla 81 was the fifth Auxiliary unit formed in the United States and was made up of volunteering yachtsmen who had summer homes in Ocean City. Their first meeting was held at the Ocean City Yacht Club on June 1, 1940.

As the United States was thrust into World War II, the Coast Guard Auxiliary was reorganized in 1941 to include only civilians and civilian vessels. During World War II, the flotilla from Ocean City engaged in off-shore rescues and conducted observation patrols along the New Jersey coastline on a near daily basis, with 8 months of daily coverage in 1942—a mission which was unmatched by any other flotilla in the United States at that time. Even during the famous Hurricane of 1945, the Ocean City Flotilla played a major role in the rescue and preservation of lives and property by providing nearly 4,000 man-hours of service in a 3-day period.

After the war, the flotilla and the auxiliary went through an evolution. As changes in membership and activity caused other auxiliary flotillas to be deactivated, other auxiliaries began to fill a need for public education and vessel safety examinations.

As the mission of the Coast Guard has been expanded over the years, the importance of the auxiliary has grown. Congress is adding more responsibilities and the Coast Guard is increasing the training opportunities and duties for the auxiliary, and Flotilla 81 is leading the way. From important safety patrols and operational support to Coast Guard missions, to educational briefings on boating safety and vessel safety checks, Flotilla 81 is providing a vital service to the region, and serves as an example to the country.

With an honorable and distinguished history, and a dedicated and enthusiastic membership today, it is my honor and pleasure to recognize the 70th Anniversary of the U.S. Coast Guard Auxiliary Flotilla 81 of Ocean City, New Jersey. I encourage all members to recognize the service of Coast Guard auxiliaries in their districts.

A PROCLAMATION HONORING THE TOWN OF FREEPORT, OHIO, ON THE 200TH ANNIVERSARY OF ITS FOUNDING

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. SPACE. Madam Speaker, Whereas, William Melton oversaw the founding of Freeport, Ohio in Tuscarawas County on March 7, 1810; and

Whereas, the earliest settlers included Daniel Easley, John Reed, Jonathan Grewell, Jacob Snyder, Aaron Ruble, Barnabas McNamee, and John Grubb; and

Whereas, Freeport, on the banks of the Stillwater River, served as a friendly port for those brave and adventurous enough to traverse the wilderness; and

Whereas, Freeport was founded on the values of community and service and has remained so for its 200 years; and

Whereas, the town of Freeport has been and will continue to be a shining example of welcoming hospitality for travelers and commitment to community and service for residents; and

Whereas, the official town charter dates back to June 3, 1834; now, therefore, be it

Resolved, That along with friends, family, and residents of Freeport, as well as the entire 18th Congressional District, I congratulate the town of Freeport on its 200th Anniversary.

RECOGNIZING AUSTIN HARRIS OF ALAMOGORDO, NEW MEXICO

HON. HARRY TEAGUE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. TEAGUE. Madam Speaker, I would like to take a moment to recognize one of my constituents for his unwavering commitment to our country and his exemplary citizenship. His name is Austin Harris.

Austin is someone who exercises his patriotism on a daily basis. His room is decorated red, white and blue, and he watches the Congressional proceedings on television. Not only that but he also makes a habit of reading remarks made by the President of the United States.

While he keeps himself updated on a regular basis on the affairs of the federal government, Austin has also distinguished himself locally. He has served as an advocate for public transportation and represented his city in the "All-American Cities" competition in Atlanta, Georgia.

Austin has also taken the time to travel to our state capitol and lobby the State Legislature for services for persons with developmental disabilities. His volunteerism hasn't stopped there; Austin is also a volunteer at his local senior center, City Zoo and Teen court.

The fact that a young man would take the time to do so much is impressive enough. Oftentimes in our society, it seems as though we have to do a lot to get young folks interested in civics and community service. The fact that Austin has done this on his own sets him apart from his peers. The fact that Austin has cerebral palsy and is epileptic elevates him above his peers.

The fact that Austin has an uphill battle in dealing with issues we take for granted every day and still gives back to his community is itself, unique. It is unique to Austin and it is uniquely American.

I am proud to say that this young man hails from my district. I wish that more young people across America had his sense of duty and pride in his country. Austin realizes that for

America to continue to be great, everyone must do their part every day. I am honored to recognize him today and wish him continued success. His actions do us all proud and are a shining example of what it truly means to be an American citizen.

COMMEMORATING JEWISH AMERICAN HERITAGE MONTH

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. BACA. Madam Speaker, I want to begin by thanking my colleague, Ms. WASSERMAN SCHULTZ, for championing this cause tonight.

Jewish American Heritage Month is a time to celebrate all of the valuable contributions that Jewish Americans have made to our culture and shared history. These contributions have been represented in achievements in public service, medicine, politics, technology, literature and entertainment.

Without a firm appreciation for Jewish tradition and history we leave ourselves open to attitudes and behavior focused on religious bias and prejudice.

American culture and history is full of the positive contributions that Jewish Americans have made.

In World War II, over 500,000 Jews served in the American military—many of them paying the ultimate price for our country's freedom and liberty.

One of my boyhood heroes—the great Sandy Koufax pitcher for the LA Dodgers—was Jewish. His religious devotion caused him to sit out of game 1 of the 1965 World Series because it was on Yom Kippur. Yet he came back, and pitched two games in the series, leading the Dodgers to victory.

We have also had many Jewish Americans serve in public office. The first Jewish Congressman, David Levy Yulee, was elected in 1841. Oscar Straus was the first Jew to serve in the President's Cabinet in 1806.

Taking time to honor celebrations like this is important for Americans to reflect on our history.

We must remember that we are a nation of immigrants. A nation of different ethnicities and religions. And instead of ignoring them, it is important to take time and honor our differences and appreciate them. In doing this, we build our diverse culture and strengthen our country's unity.

As a Hispanic, I know what kind of challenges exist and our cultures share many of the same views on many important issues—issues like civil rights, comprehensive immigration reform, promotion of diversity.

I am proud to be here, honoring Jewish Americans and their contributions that have enriched our history and culture.

HONORING GLENDALE CHAMBER OF COMMERCE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor the Glendale Chamber of Commerce as it celebrates its 100th anniversary.

The Glendale Chamber of Commerce, established in 1910, is a local organization committed to sound and stable economic growth in the City of Glendale. In accordance with this mission, the Chamber aims to provide the leadership required to keep the business community's goals in focus and to keep Glendale competitive as an economic hub for the greater Los Angeles area. As the city's "Voice of Business," it works to increase prosperity by encouraging the growth of existing business and nurturing new enterprises.

Initially created as an informal institution modeled after earlier improvement organizations, the Chamber responded to the expansion of the city by adopting a more formal structure. It officially established an annual membership fee and hired a manager in 1921. The Chamber's early successes are many. In the first two decades, it successfully lobbied for a new post office, worked to establish the city's Grand Central Airport, worked for the adoption of the uniform building code, lobbied for the establishment of a Department of Motor Vehicles office in town, and lobbied for the establishment of a Superior Court in the city.

As Glendale's population has grown from 2700 in 1921 to 270,000 today, so too has the Chamber sought to expand and improve its service to the community and its member businesses. In accordance with its mission statement, it strives to nurture the growth of private businesses, maintain the city's economic productivity, and promote a free market economy. As a strong community partner, the Chamber works full time to fulfill the tenets of its mission, its efforts spearheaded by a talented group of business and community leaders serving as its Board of Directors. In large part due to the Chamber's efforts, Glendale has transformed from an agrarian community to a major financial and retail center in Southern California.

I am proud to recognize the past and present members and supporters of the Chamber for their unique contributions to Glendale's local community, and I ask all Members to join me in congratulating the Glendale Chamber of Commerce for 100 years of dedicated service.

HONORING THE LIFE AND ACCOMPLISHMENTS OF HOWARD DODSON, JR.: HISTORY'S KEEPER IN HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. RANGEL. Madam Speaker, I rise today in order to pay tribute to the commendable

work of Mr. Howard Dodson. As director of the Schomburg Center for Research in Black Culture he has provided the community with an abundant collection of African American historical materials. Recently, The New Yorker published an article profiling Mr. Dodson and his contributions to African American history.

Mr. Dodson, who is turning 71 in June, has been running Harlem's Schomburg Center for the last 25 years. Under his leadership, the center has raised over 40 million dollars and has preserved some of African American history's most important treasures, including Malcolm X's diaries from Mecca and first editions of 18th century poet Phyllis Wheatley's poems.

Dodson has dedicated his life to presenting to the outside community a fuller picture of Black America. His devotion to this work has made him a connector of the past and present. Dodson sees his upcoming retirement as an opportunity to start a new, broader legacy.

At the Schomburg Center he built an array of respected educational and cultural programs, including seminars, exhibitions, film screenings, and performing arts projects to complement its permanent collection. It was during his time at Villanova University, where he graduated with a Masters in History and Political Science in 1964, that Dodson became fascinated with African and African American history. His work at the Schomburg pays homage to Arthur A. Schomburg, the historian whose personal collection served as the starting point for today's internationally renowned center. One of the highlights of Dodson's career was his involvement with the African Burial Ground project, which oversaw the exhumation and reburial of the remains of hundreds of Africans buried in New York City during the seventeenth and eighteenth centuries.

Today, Mr. Dodson continues to improve the research and intellectual resources available to the community for investigating African and African American culture.

I commend to your attention the attached May 3 New Yorker article.

TREASURE HUNTER

[From the New Yorker, May 3, 2010]

(By Lauren Collins)

When Howard Dodson, Jr., the director of the Schomburg Center for Research in Black Culture, in Harlem, was thirty, the life expectancy for a black male was sixty. Dodson was just enrolling in a doctoral program at U.C. Berkeley. "I figured I'd be forty by the time I was done, and I'd only have twenty years to work," Dodson recalled last week, sitting in one of the center's conference rooms. "So I went into this conversation with me and God. I said, 'Look, God. I need some more time. Give me seventy-two years. I'll have done all the work I needed to do. I'll be ready to, you know, waltz on out of here.'" Dodson paused for a minute—quiet, grave. "Well, about five years ago, I started renegotiations!" he said.

Dodson, who turns seventy-one in June, will retire next year, after a quarter century of running the Schomburg, the world's premier facility for the preservation and study of African-American culture. Under his stewardship, the center has raised more than forty million dollars. Its treasures, ten million of them, are various: Richard Wright's manuscript of "Native Son," a first edition

of Phyllis Wheatley's poems, African fertility masks, sheet music for spirituals, photographs of strawberry pickers and uptown grandees, Malcolm X's diaries from Mecca. Dodson has salvaged artifacts from dumpsters (the love letters of the muralist Aaron Douglas) and from storage units (the papers of Léon Damas, the founder of the Négritude movement). Rummaging in the collection one day, Dodson came upon a sheet of commemorative stamps from the 1936 Olympics. "It was signed by Jesse Owens and the six other African-American athletes who won medals," he said. "And by Göring and Hitler!" If the African-American experience is a diaspora, Dodson has amassed its richest seed bank.

Dodson grew up in Chester, Pennsylvania, where his parents, both natives of Danville, Virginia, had moved during the First World War. His father found work in construction. His mother became a silk presser. "It was a rough town," Dodson recalled. "I was, for some reason, designated from an early age to—in the language of the time—'represent the race.' For that reason, everybody drew a ring of protection around me." Dodson went on to West Chester State College, and to Villanova, where he earned a master's in history and political science. He joined the Peace Corps in 1964, and spent two years in Ecuador. "I was inspired by reading 'The Ugly American,'" he recalled. "It talked about the ways that expatriates were misrepresenting Americans abroad, and I decided that I could do a better job."

In 1968, he said, "the combination of King's death, the collapse of the Poor People's Campaign, and Bobby Kennedy's assassination drove a stake into my plans." He felt that he had debts to redeem in America. "I was the first person in my family to go to college, and I didn't have a right to individualism," he said. Confused and bereft, he retreated to a friend's cabin in the mountains near Mayagüez, Puerto Rico. "I declared myself insane and was trying to read myself back into sanity, to ground myself in the history of my people," he said.

After his exile in Puerto Rico, Dodson went to Berkeley, where he studied slavery in the Western Hemisphere, and favored an outfit of flared pants and a flat-topped hat, which helped him become known as the Cisco Kid. At the Schomburg, he was wearing a double-breasted tweed suit, a brown paisley tie, and laceless leather slippers, and, on his left index finger, a gold pyramid ring, signifying his status as a thirty-third-degree Mason. A lucky cowrie shell was pinned to his left lapel. "I've been dressing since I was in high school," Dodson said. "I worked with my mother at the dry-cleaning plant off the Main Line, where I had my pick of anything left after thirty days."

One of the high points of Dodson's tenure at the Schomburg was his involvement with the African Burial Ground project, which oversaw the exhumation and reburial of the remains of more than four hundred Africans, which had lain in an unmarked cemetery downtown. "Those seventeenth- and eighteenth-century ancestors gave me assignments," Dodson said. "I'd do stuff, and they'd say, 'Look, follow through.' I'd say, 'I've got a full-time job, and I don't have time.' And they'd say, 'No, you've gotta do this.'" Now the ancestors are urging Dodson to visit the rock churches in Ethiopia, to go to Xi'an to see the terra-cotta warriors, to visit Machu Picchu. They're telling him it's his time. "I fulfilled all my service obligations," he said. "I don't owe anything to anybody! But me."

A PROCLAMATION HONORING LARRY AND NORMA HINDS ON THE 50TH ANNIVERSARY OF THEIR WEDDING

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. SPACE. Madam Speaker:

Whereas, Larry and Norma Hinds are celebrating the 50th anniversary of their wedding; and

Whereas, they have served as an example of commitment to each other and to the bonds of marriage for their family, friends, and community; and

Whereas, the couple are appreciated for their dedication and contributions to the Licking County Board of Developmental Disabilities; and

Whereas, Larry and Norma Hinds have demonstrated the values of service to community through their work in Licking County: Now, therefore, be it

Resolved, that along with their friends, family, and the residents of the 18th Congressional District, I commend Larry and Norma Hinds for their fifty years of marriage and serving as role models of commitment to love, family, and community.

HONORING THE LIFE AND SERVICE OF JOHN VINCENT PANGELINAN GERBER

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. BORDALLO. Madam Speaker, I rise today to honor the life and service of John Vincent Pangelinan Gerber, a lifetime resident of the village of Ordot, Guam. John Gerber passed away on May 4, 2010 at the age of 58.

Born on May 31, 1951, in Guam, John is the eldest son of Martin and Dolores Gerber. He attended Barrigada Junior High School, Father Dueñas Memorial School, and after graduating from George Washington High School, he enlisted in the United States Marine Corps on June 4, 1969. After completing basic training at Marine Corps Recruit Depot in San Diego, John was deployed to Vietnam where he served with the Fleet Logistics Command in support of the 1st and 3rd Marine Divisions. Following his tour of duty in Vietnam, John was assigned to Bravo Company at Marine Barracks Guam. John Gerber was honorably discharged from the U.S. Marine Corps on June 3, 1975.

John Gerber began his civilian career as a young radio disc jockey on the Wireless Rock Show and later established a record store in Guam's capital of Hagatna called the Wireless Rock Music Box. John also started a charter boat tour company that took visitors around Guam's southern shores.

In 1992, John joined the Guam Chapter of the 3rd Marine Division Association, and as a member of this service organization, he devoted his time to helping his fellow Marines,

service members, and veterans. John invited individuals or groups associated with the 3rd Marine Division visiting Guam to one of the famous Gerber fiestas at his home in Ordot, and while there, Marine Corps veterans groups and service members would be treated to an evening of Chamorro hospitality. Throughout his lifetime, John and the 3rd Marine Division Association hosted over 16,000 service members on Guam.

In 2004, John Gerber led a petition to rename Route 1 on Guam from Marine Drive to Marine Corps Drive. John argued that the intent of the original authorization for the highway was to recognize the U.S. service members who liberated Guam. That same year, John walked from Andersen Air Force Base to Naval Base Guam, 27 miles in total, while pulling a cart the entire length. His campaign was successful, and Route 1 in Guam is now officially named Marine Corps Drive. Every year, John also loaned his restored World War II-era vehicles as part of Guam's Liberation Day Parade.

On July 21, 2008, the 64th anniversary of the Liberation of Guam, John opened the Pacific War Museum on Guam. This non-profit museum was built by John to showcase his World War II-era memorabilia and to educate the public on the War in the Pacific.

I join our community in mourning the loss of John Gerber, and I offer my sincere condolences to his wife, Mela Gomez Gerber; his siblings, Martin, Joyce, Wanda, Debra and Janet; his children, Ryan, Christiana, Storm and Rio; and to his many family, friends and fellow Marines. He will be missed.

Madam Speaker, I also request that two additional items be entered into the CONGRESSIONAL RECORD. The first is a tribute to John Gerber from Brigadier General Ben Blaz, the former Member of Congress from Guam. General Blaz was a good friend of John Gerber, and he composed this tribute in his memory.

MY FRIEND

His name was John. He was exceedingly proud of his Chamorro heritage. He was the personification of a United States Marine. He was unabashedly loyal to America.

We hailed from the same village, metro Ordot, as he would say on occasion. His effervescent presence was always felt; sometimes quietly, other times not. His devotion to his friends was profound; his tolerance for those with whom he disagreed was noteworthy, at times!

It is said that in life, there is a time to grow and a time to glow. John did both in tandem. He was endowed with a natural ability to rally and to lead those with him to reach their goal. Many of his accomplishments were in keeping with a vow he made to a dying friend that he would strive to do well the rest of his life. His intense commitment to fulfill that vow resulted, among others, in the establishment of a remarkable museum to remind all of us how dearly the liberators and the liberated paid for the freedom we enjoy today.

In acknowledgement of his many accomplishments, I invited John and his wife to join me as Guest of Honor on the reviewing stand for the performance of the Marine Corps Battle Colors Detachment at Asan Park in March. He would not accept the invitation. I asked him a second time and he declined once more because he would prefer to be with his comrades—veterans of all the

Services. I approached him a third time and threatened not to attend the ceremony unless he and his wife joined me. Reluctantly, he accepted for which I was so grateful for no other guest present that day was more deserving than he to be honored.

My friend's full name was John Vincent Pangelinan Gerber. He was shorter than I, but I looked up to him for he was an extraordinary man from whom I learned to be a better person.

John did not seek fame; it sought him!
Semper Fidelis, Marine!

The second item is the eulogy offered by Colonel Robert Loynd of the U.S. Marine Corps at John Gerber's memorial service. Colonel Loynd is with Marine Forces Pacific and was asked to deliver the eulogy at the request of John Gerber's family.

EULOGY TO JOHN GERBER—FELLOW MARINE

Let me begin by saying what a distinct honor it is to stand before you on this altar today in the presence of this beloved and storied Marine, and represent with this eulogy the memories, sorrow, gratitudes and condolences of all United States Marines around the globe who have had the privilege of knowing John Gerber. And I use the past tense loosely here, because there are many United States Marines yet to come who will also undoubtedly have the privilege of getting to know John and his legacy while visiting his Pacific War Museum—an unyielding and enduring structure of steel and iron, lovingly filled with artifacts of sacrifice and recollections of wartime faithful devotion—built by John Gerber's hands, to withstand the rigors of time. In many ways, John and the Museum itself are one in the same—steadfast, lasting, loyal, engaging, welcoming, enlightening, forgiving, hallowed, and revered. Timeless qualities that transcend any earthly existence.

I first heard the name “John Gerber” about four years ago in 2006 in an unlikely place. I was sitting in the Incheon International Airport in Seoul, Korea awaiting a late-night flight to Guam for Alliance talks between senior U.S. and Korean military leaders. The mere fact that I remember that moment speaks volumes about John, in and of itself. I wasn't part of the specific conversation at the airport, and like most staff officers who carry the laptops and briefing books for the senior officers, I was only pretending to be attentive as I sat on the periphery of two general officers, one couch over in the airport terminal, who were engaged in what appeared to me to be largely irrelevant banter. Amidst the sleep-inducing drone I suddenly heard a sentence that leaped-out at me with alarming clarity and purpose: “Nobody's done more for the Marine Corps' legacy on Guam than John Gerber.” Needless to say, I was intrigued and leaned-in to see if I could hear more. With frustration, however, I leaned back in my chair as the sentence ended right there, with the two Generals nodding to each other in stern, solemn agreement. My intrigue would have to remain unsolved—one of the unfortunate aspects of “experience” in the Marine Corps—for I had learned many years before that it would not have been wise at that moment for the LtCol—one couch over—to interrupt two Generals engaged in a private conversation by asking: “Excuse me, Sir—Who is John Gerber?”

2nd Lieutenant Loynd might have asked.

But the sentence stayed with me, and it wouldn't be until April of last year in 2009 that I would finally gain the honor of meet-

ing The Man. Since then, I have found myself often repeating the same sentence, in my own conversations, with the same clarity, distinction and purpose that I heard it with four years ago: “Nobody's done more for the Marine Corps' legacy on Guam than John Gerber.” Truer words were never spoken.

Knowing what I know now about John and what he means to the Marine Corps and our heritage, I should have interrupted the generals four years ago with my question. Instead of the expected steely-eyed glare for interrupting, I'm certain that I would have been educated in a heartfelt way about the Man and his incredible legacy. The General's response most likely would have been something like: “Well Bob, let me tell you about my friend John Gerber. . . .”

What he would have told me would have been a reverent tale about a man who devotes every waking moment of his life to serving others, to honoring the legacy of sacrifice and commitment by those veterans who demonstrated the full measure of devotion to their country and their comrades, and about a man who loves the Marine Corps and his fellow Marines with every fiber of his being.

When I did finally meet John in April of 2009 at his museum, I immediately sensed something unique—that I was in the presence of a man so humble and modest, but yet so commanding and persuasive at the same time. I was on an advanced visit to Guam a couple of months prior to moving here from my assignment at Headquarters Marine Corps. My predecessor on Guam, Col. Paul Brier, made sure to bring me to the Museum to meet John on the very first day of my visit. We were immediately greeted by John around the back, his Marine Corps ball cap tilted back on his head, his gray “Marines” t-shirt soaked through with sweat and covered with twigs, mulch, and sawdust. I was meeting a man of the earth, imbued with an ethic of labor and hard work. Shaking his hand, the roughness of his palm immediately told me the story. But I was also meeting a man of tremendous intellect, as I learned more in the first five minutes about Guam's cross-cultural history and conflicts than my jet-lagged brain could absorb. We went through the museum and I was machine-gunned by John with not only Marine history about the 3rd Marine Division at Asan and the 1st Marine Provisional Brigade at Agat, but very personal tales of courage, heroism, love and devotion. Of men like Medal of Honor recipient Capt. Louis Wilson, and Catholic Priest Father Duenas; about hometown Chamorro Marine Corps officers and leaders such as Capt. Peter Siguenza and BGen Ben Blaz, about Underwood and Puller and about the 1,548 United States Marines who gallantly gave their lives in the Liberation of Guam. And true to his character, John presented a balanced and open-minded perspective, as we transitioned to the other wing of the museum where I was overwhelmed with his equally in-depth knowledge of the Japanese perspectives of the war.

Our relationship would grow over the next year and I would routinely turn to John for help in ensuring that our visiting Marines—his Marines—were well taken care of.

Two months ago, I was asked to write a letter of recommendation to support the nomination of John to receive the prestigious “Colonel John H. Magruder III Award” from the Marine Corps Heritage Foundation in Quantico, Virginia. Once again, I found myself using that famous sentence from Korea. And I quote the final paragraph of my letter of recommendation:

"Over the course of the past two decades, no person has done more to honor the history and reputation of the United States Marine Corps on Guam than John Gerber. His Pacific War Museum remains a sole outpost of Marine Corps heritage in the vast Mid-Pacific. Visited by commandants, generals, congressmen, Marines, history enthusiasts, tourists, children and citizens of various nations alike, John's museum both inspires and brings contemplative reflection. For his tireless devotion to depicting the legacy, service and history of the United States Marine Corps in the Pacific, I can think of no finer recipient of the "Colonel John H. Magruder III Award" than John Gerber."

I have high hopes that this award will come true. But in my mind, there was no greater local recognition of John's devotion than to see him and Mel sitting next to BGen Ben Blaz as Guests of Honor for the performance of the storied Marine Corps Battle Color Detachment at Asan Beach this past March—a first ever performance on Guam that could not have been a success, without, once again, John Gerber's legendary passion, love, devotion and work-ethic. John single-handedly prepared the Asan Park for a performance befitting the Marines from 8th and I. And because of that—they will be back. And I know they will be playing a tune for John.

Rudyard Kipling once wrote:

"If you can fill the unforgiving minute
With sixty seconds' worth of distance run
Yours is the Earth and everything that's in it,
And—which is more—you'll be a Man my son!"

Well, from May 31st, 1951 until May 4th 2010, the Man—John Vincent Pangelinan Gerber—ran the distance everyday and filled every unforgiving, unyielding minute of his life with action, passion and commitment. John nurtured his earth and everyone who was in it, and today we Marines extend our collective devotion and gratitude to John for having been one of us—our friend, our standard-bearer and Guam's most devoted Marine.

Now, it's a tragic misunderstanding that some may think that Marines aren't prone to poetry (and don't worry—I didn't write one), but John Gerber was a fan of poetry—his favorite poem being one of the greatest ever written—"The Marines Hymn." And we Marines will be coming to attention for that later today in John's honor. But I do want to end with a beautiful sonnet written by the Anglo-American Poet John Gillespie Magee that eulogized the laying to rest of the famous World War I English poet Rupert Brooke, who died on his way to the Battle of Gallipoli. As I read it, please think of John Gerber, all that he is, and all that he has achieved in his wonderfully productive life on earth.

"We laid him in a cool and shadowed grove
One evening in the dreamy scent of thyme
Where leaves were green, and whispered high above—

A grave as humble as it was sublime;
There, dreaming in the fading deeps of light—

The hands that thrilled to touch a woman's hair;

Brown eyes, that loved the Day, and looked on Night,

A soul that found at last its answered Prayer. . .

There daylight, as a dust, slips through the trees.

And drifting, gilds the fern around his grave—

Where even now, perhaps, the evening breeze
Steals shyly past the tomb of him who gave
New sight to blinded eyes; who sometimes wept—

A short time dearly loved; and after,—slept."

Rest in Peace, John. Mission Accomplished.

Semper Fidelis Marine.

IN RECOGNITION OF WALT L. HANLINE, ED.D.

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CARDOZA. Madam Speaker, I rise today to recognize the distinguished career and service of Dr. Walt L. Hanline upon his retirement as the Superintendent of the Ceres Unified School District.

Throughout his 35-year career, Dr. Hanline has demonstrated an ongoing commitment to the development of the highest standards for the education of all children, modeling through his daily interactions with staff and the community his passion for doing what is right, including the creation of smaller learning communities for Ceres students through an unprecedented school facility building project valued at over \$166 million and resulting in five new elementary schools and a new high school campus. His dedication to the highest level of integrity and service resulted in his distinguished recognition as the 2007 State Superintendent of the Year by the Association of California School Administrators for his positive influences and successes in education, in proving that all students can succeed when high standards are set. In addition, Dr. Hanline's commitment to the community in which he serves, is evidenced by his award as the 2008 Citizen of the Year by the Ceres Chamber of Commerce, as a result of his successes in building positive working relationships between the City of Ceres and the Ceres Unified School District, co-founding the CUSD Foundation to provide supplemental educational opportunities to Ceres students and teachers, and actively serving in the Ceres community through the Ceres Community Collaborative. He has served as a mentor to future educational leaders through his position as adjunct professor at the California State University, Stanislaus, presenting at numerous education summits and workshops throughout the United States.

Dr. Hanline has dedicated himself for over 35 years to education, as a teacher, a principal, and a superintendent, serving the past 9 years as superintendent of the Ceres Unified School District. He has shown himself to be a leader who has vision and determination to achieve the goals he sets for both the District and the community for which he serves. It is my distinguished pleasure to recognize Dr. Walt Hanline for his achievements and to honor him as my friend. I wish both he and his wife, Edith, the best as they embark on this new chapter in their lives.

HONORING THE 100TH ANNIVERSARY OF THE ST. DAVID'S SOCIETY OF LACKAWANNA COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the 100-year anniversary of the St. David's Society of Lackawanna County.

The St. David's Society of Lackawanna County was founded in 1910 to promote, preserve and hold sacred the Welsh traditions of Lackawanna County in northeastern Pennsylvania and foster friendship among all ethnic groups in the region.

The Society is a non-profit, non-sectarian and non-political organization.

Northeastern Pennsylvania has a strong Welsh tradition dating back to the 18th century when Welsh made up about one-third of Pennsylvania's colonial population.

After the discovery of coal in the region during the 1800s, a new wave of Welsh immigrants descended on northeastern Pennsylvania. By the early 20th century, Welsh-born immigrants were heavily settled in the city of Scranton.

Today, Pennsylvania maintains one of the highest populations of Welsh ancestry in the country.

Over the past 100 years, the St. David's Society of Lackawanna County has worked to preserve Welsh history throughout the region.

Last year, the Society commemorated the 140th anniversary of the 1869 Avondale coal mine disaster by completing a restoration project at the Washburn Street Cemetery in Scranton where 60 Welsh miners were buried.

Each year, the Society celebrates St. David's Day on March 1 with an annual dinner in honor of the patron saint of Wales and as a yearly celebration of Welsh heritage in the region.

This year's centennial celebration began on March 1 with flag raisings in Carbondale and Clarks Summit, PA.

To commemorate this historic anniversary, the Society has also organized a special Welsh Heritage Exhibit at the Anthracite Heritage Museum in Scranton to promote the Welsh influence in the coal industry in northeastern Pennsylvania.

On May 29, 2010, the Society will celebrate its 100th anniversary with a dinner and concert in Dickson City, PA.

This year's dinner and concert will feature the Ystradgynlais Male Voice Choir who will be traveling from Wales to take part in the festivities. Catrin Brace of the Welsh Assembly Government in New York will serve as the keynote speaker.

Madam Speaker, please join me in honoring the St. David's Society of Lackawanna County on this historic occasion. In the years to come, I am confident they will continue to foster a rich ethnic appreciation for the next generation of northeastern Pennsylvania residents.

TRIBUTE TO CLAFLIN UNIVERSITY

HON. JAMES E. CLYBURNOF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES*Wednesday, May 26, 2010*

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a distinguished higher education institution in South Carolina's Sixth Congressional District that is celebrating its 140th anniversary. Claflin University, a Methodist affiliated institution, was founded in 1869 and is the oldest historically black college in South Carolina.

In 1869, Dr. Alonzo Webster, a minister and educator from Vermont, secured a charter for Claflin University. This charter was unique in that it forbade the discrimination of any sort among faculty, staff and students, making the college the first in South Carolina to open its doors to students regardless of race, class or gender. The school took its name from Boston philanthropist Lee Claflin and his son, Massachusetts Governor William Claflin, who provided the financing for the purchase of the Orangeburg campus.

Dr. Webster served as Claflin's first president. He was a trained theologian, who originally came to South Carolina to teach at the Baker Biblical Institute in Charleston, which was established by the South Carolina Mission Conference of 1866 for the Methodist Episcopal Church to educate African American ministers. In 1870, the Baker Biblical Institute merged with Claflin and moved to Orangeburg.

Two years later, the South Carolina General Assembly designated the South Carolina State Agricultural and Mechanical Institute as part of Claflin University. Then in 1896, the General Assembly voted to separate the two institutions, and South Carolina State became a separate land-grant institution on property donated by Claflin adjacent to its campus.

In its 140-year history, Claflin University has been served by only eight presidents. Following Dr. Webster were Dr. Edward Cooke (1872–1884); Dr. Lewis M. Dunton (1884–1922); Dr. Joseph B. Randolph (1922–1944); Dr. John J. Seabrook (1945–1955); Dr. Hubert V. Manning (1956–1984); Dr. Oscar A. Rogers, Jr. (1984–1994); and Dr. Henry N. Tisdale (1994–present).

During Dr. Cooke's administration, a fire destroyed the Fisk Building, which was designed by Robert Bates, who was the first certified Black Architect in the United States.

The first college class graduated in 1879 under Dr. Cooke's administration. Dr. Cooke was succeeded by his vice president and development officer, the Reverend Dr. Lewis Dunton. He established a law department under the tutelage of the Honorable J.J. Wright, a former Associate Justice of the S.C. Supreme Court. The program's graduates were admitted to the South Carolina Bar. Dr. Dunton also increased the campus from 6 to 21 acres. He even deeded his home and 6 acres of land to Claflin after his retirement.

Claflin's fourth president, Dr. Joseph Randolph, emphasized a liberal arts education. He sought to inspire students intellectually, culturally, and spiritually to prepare them for a variety of professions. Under his direction, the

high school and upper grades were discontinued. The first four years of elementary school were retained for the teacher education program; however, they were later discontinued as well.

Dr. Seabrook, who became the fifth president, persuaded the South Carolina Annual Conference to substantially increase its annual giving to Claflin. He also renewed the interest of the New England Conference of the Methodist Church in the institution. The increased funding enabled the college to expand its programs, and in 1948 it became accredited for the first time by the Southern Association of Colleges and Schools.

The tenure of the sixth president, Dr. Manning, was most noticeably marked by the significant increase in Claflin's physical plant. He also strengthened the faculty and increased the endowment. It was during Dr. Manning's tenure that I was first associated with the University.

Under Dr. Rogers' administration, two capital campaigns were completed. This increased the endowment and improved the college's financial base. Student enrollment grew and the Grace Thomas Kennedy building was constructed. He also commissioned a master plan to guide campus development into the 21st century.

In 1994, the current president, Dr. Henry Tisdale took the helm of Claflin. He was a former senior vice president and chief academic officer at Delaware State University. His dedication to scholarly achievement led him to declare academic excellence was the number one priority of the institution. Dr. Tisdale established the Claflin Honors College and the Center for Excellence in Science and Mathematics, and gained the national accreditation of more than a dozen academic programs. Under his leadership, Masters programs in Business Administration, Biotechnology and Education were established. He also oversaw construction of the Living and Learning Center, Legacy Plaza, the Student Residential Center, the Music Center and the new University Chapel.

Claflin University has been recognized as one of the nation's Top Tier higher education institutions by publications including U.S. News and World Report, Forbes.com, Consumers Digest, Chronicle of Higher Education, and the Journal of Blacks in Higher Education.

Madam Speaker, I ask you and my colleagues to join me in congratulating Claflin University on its rich 140-year history. Claflin began as a mission to educate African American ministers and today has become one of our country's premier higher education institutions. I commend Dr. Tisdale and Claflin University for their tremendous contributions to South Carolina and its students.

HONORING DALLAS POLICE CHIEF
DAVID BROWN**HON. EDDIE BERNICE JOHNSON**OF TEXAS
IN THE HOUSE OF REPRESENTATIVES*Wednesday, May 26, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize and

congratulate Dallas Police Department's new Chief of Police, David Brown. A 27-year veteran of the Dallas Police Department, Chief Brown was sworn in to his new role earlier this month.

A graduate of Dallas Baptist University and Amberton University, Chief Brown has spent his entire police career with the Dallas Police Department. He has served as police Lieutenant, Sergeant, Senior Corporal, Officer, Deputy Chief, First Assistant Chief, Interim Dallas Assistant City Manager, and First Assistant Chief. His expanse of experience within the police department will certainly serve him well in his role as chief.

Chief Brown is a strong and dedicated manager who is extremely knowledgeable about and dedicated to the Dallas community. A native of Oak Cliff, Chief Brown has deep connections to the community he protects. He is known in the department for leading innovative projects to reduce crime, and plans to continue to explore new methods of crime prevention.

I look forward to working with Chief Brown as he seeks to increase the visibility of the Dallas Police Department and reduce crime. He has an important job ahead of him and I am confident that the dedication that has dictated his career will continue in his new role as chief.

RECOGNIZING CAPTAIN DON
GRIGG FOR HIS SERVICE TO OUR
COUNTRY**HON. JOHN BOOZMAN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. BOOZMAN. Madam Speaker, I rise to recognize Captain Don Grigg, who lived a life of service to his country.

Grigg proudly served in the Vietnam War where his selflessness earned him the Silver Star, a Bronze Star and two Purple Hearts.

He was a veteran who always remembered what an honor it was to fight for freedom and defend liberty. He continued his fight off the battlefield as a strong supporter of veterans and worked to get them the benefits they earned.

Grigg's hard work on behalf of our nation's veterans was noticed by people across Arkansas. In 2008 Governor Mike Beebe appointed him to the Governor's Commission on Veterans Affairs.

As a man who devoted his life to the United States and our veterans, it is fitting that Captain Grigg will be laid to rest with his comrades at Arlington National Cemetery.

We appreciate his service to our country and our veterans appreciate his work on their behalf.

CELEBRATING THE 25TH ANNIVERSARY OF THE BOB HOPE VILLAGE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MILLER of Florida. Madam Speaker, I rise to recognize the 25th anniversary of the Bob Hope Village. Located in Shalimar, Florida, the Bob Hope Village has succeeded in creating a safe and secure housing community for enlisted Air Force widows. For that reason, Madam Speaker, I am glad to acknowledge the compassion demonstrated by the community's founders.

The Bob Hope Village was a vision of active duty and retired Air Force non-commissioned officers. Upon learning that more than 50,000 enlisted Air Force widows were living in poverty due to the challenging nature of transient military life, the group acted to create the Air Force Enlisted Village in 1967. After much determination and generosity, the vision of the community was finally realized, and in 1985 the Bob Hope Village was opened.

Due to its huge success, the Bob Hope Village has built upon its original vision of providing housing to widowers, retired military couples, parents of active duty members and spouses of enlisted members who have died or are killed on active duty. In addition to providing housing, the Village supports all surviving spouses of enlisted Air Force members financially—regardless of their financial status. Due to the benevolent work on the part of the founders and contributors of the Bob Hope Village, many lives have been impacted. In addition to the Bob Hope Village being a place that provides a home and financial security for those in need; it is also a place where individuals can find emotional comfort in sharing memories of military life.

Madam Speaker, I am so proud to represent a community of devoted citizens who have sacrificed so much for our Nation and her ideals. Through the efforts of the Bob Hope Village, spouses of enlisted Air Force members can find support and care when they need it the most. It is with much pleasure that I congratulate the Bob Hope Village on its 25th anniversary. Continue the good work and I wish the community many more years of success.

REMEMBRANCE OF NAVY PETTY OFFICER ZARIAN WOOD

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to extend my deepest sympathies to the family and friends of Navy PO Zarian Wood, who died May 16 while serving in Helmand Province, Afghanistan, according to the Department of Defense.

Petty Officer Wood of Houston was a 1999 graduate of South Houston High School who had served as a youth minister and tutor be-

fore enlisting in the Navy. Known to friends and family as a giving young man, he followed his father's footsteps in service to his country.

Petty Officer Wood was deployed to Iraq as a hospital corpsman from 2007–2008 and upon returning home he volunteered for a second combat tour in Afghanistan. He was assigned to India Company, as a hospital corpsman in the Third Battalion, First Marine Regiment, First Marine Division, I Marine Expeditionary Force.

On May 14, 3½ weeks into deployment, Petty Officer Wood sustained wounds when an improvised explosive device detonated during foot patrol in the Helmand Province.

I know his father, family and friends are devastated by this loss, but they should be proud of the great man Zarian Wood had become and that he died a hero while serving his country.

His loss will be felt by all of Houston, our state, and our nation, and I ask that you remember the family in your thoughts and prayers.

I would like to submit for the record this article on Officer Wood that appeared in the Houston Chronicle on May 18.

[From the Houston Chronicle, May 18, 2010]

SAILOR SERVED AS "DOC," VOLUNTEERED FOR COMBAT

(By Lindsay Wise)

Volunteer: Petty Officer Zarian Wood died Sunday of wounds suffered in Afghanistan.

Before he deployed to Afghanistan last month, Zarian Wood visited his father and brother for a week at their home in south Houston. The three men played video games, dined on steak and shrimp and lounged on camping chairs in the driveway. It was like a mini family reunion, recalled his father, Daniel Wood.

"Just before he left, he told me, 'Dad, take care of yourself and everything, and I'll be back,'" he said.

The 29-year-old Navy petty officer third class from Houston died Sunday of wounds inflicted by a bomb blast during a foot patrol in Helmand Province. He had only been in Afghanistan about 3½ weeks.

"He was a good honest Christian man," said his father, a 63-year-old Vietnam veteran. "He thought he went over there to help children and help the country better itself, and wham."

The father took a shaking breath, still stunned by the news.

"Ah well, he's with the good Lord, you know," he said.

Nicknamed "Z," Zarian graduated in 1999 from South Houston High School, where he'd competed on the wrestling team.

YOUTH PASTOR, TUTOR

He worked as a youth pastor and tutor for troubled kids on Houston's northeast side and a merchandiser for Coca-Cola before enlisting in 2006. His decision to undergo rigorous training to become a hospital corpsman was very much in character for him, his relatives say.

"He was a very giving young man and my mother taught all of us that when you have nothing to give you have yourself to give," said his sister, Teresa Robertson.

Zarian deployed to Iraq from 2007–2008. His relatives said he volunteered for his second combat tour, this time a seven-month stint in Afghanistan, where he served as "Doc" on the front lines alongside Marine infantrymen from Camp Pendleton, Calif. He was assigned to India Company, 3rd Battalion, 1st Marine

Regiment, 1st Marine Division, I Marine Expeditionary Force.

"He was taking care of other folks," his father said. "He was doing what he wanted to do, and he was doing it for his beliefs. He didn't want younger men to have to see and do what he'd seen and done over there."

Zarian was the third Texan and third member of this Marine battalion to be killed in Afghanistan recently. Cpl. Jeffrey Johnson, 21, of Tomball was also killed May 11 by an improvised explosive device while on a foot patrol. Sgt. Kenneth B. May Jr., 26, of Kilgore, also died in that attack. Johnson and May served in Weapons Company.

The close-knit Wood family gathered on Tuesday to make funeral arrangements and remember the fallen corpsman.

"He had a good heart, very outgoing, worked out at the gym every day," said his older brother, Zachary Wood. "He cared about his looks."

"He was very meticulous about that," his father said with a laugh. "He was a handsome man."

WANTED TO BE A DENTIST

He was an honest man, too, even to the point of being blunt, his brother said.

"Yeah, he'd tell you in a flat minute if you were wrong," his father said. "Then again, he'd stand up for you in a flat minute if you were right."

He said his son dreamed of going back to school someday.

"He wanted to study radiology and then after he got that degree, he was going to try to become a dentist," he said.

"He was all about living life, living life to the fullest," his brother said.

Zarian was preceded in death by his mother, Nellie Sue Wood. He is survived by his father, Daniel Wood, and siblings Zachary Wood, Krista Hamilton, Teresa Robertson, Victor Robertson and Micah Dixon. Funeral arrangements are pending.

RECOGNIZING THE PASSING OF
BRIG. GEN. HARRY "HEINIE"
ADERHOLT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the life of Brigadier General Harry C. Aderholt. General Aderholt's life of dedicated service to this country throughout times of conflict and times of peace is truly remarkable. It is a great privilege to recognize him on this day.

General Aderholt was the epitome of a military officer, and he will always be remembered for the type of man he was—a natural leader, always ready to go above and beyond the call of duty. Growing up in Birmingham, Alabama as one of seven children, there is no doubt that his strong character began to take root during his childhood, fully blossoming into the virtues of integrity, discipline and diligence.

General Aderholt's illustrious career as an Air Force officer is filled with numerous leadership and command positions throughout the world. From serving as a young pilot during World War II to being assigned Commander of the United States Military Assistance Command, Thailand, General Aderholt was a patriot that bravely served this country for over

30 years. Through his distinguished and decorated career, General Aderholt earned many awards including the Legion of Merit with two oak leaf clusters, Distinguished Flying Cross with one oak leaf cluster, and the Bronze Star Medal with one oak leaf cluster.

On behalf of the United States Congress, Madam Speaker, I am honored to recognize the life and deeds of Brigadier General Harry C. Aderholt. A true patriot, a committed community leader and loving family man—he will be missed by many, but his memory will remain. My wife Vicki and I extended our prayers and thoughts to the entire Aderholt family.

RECOGNIZING CHIEF DAVID ROHR
UPON HIS RETIREMENT FROM
THE FAIRFAX COUNTY FIRE AND
RESCUE DEPARTMENT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Assistant Chief of Operations David Rohr, who is retiring from the Fairfax County Fire and Rescue Department and will take over as Fire Chief for The City of Fairfax Fire Department.

Native to Vienna, Va., Chief Rohr developed an interest in fire fighting at an early age. He became involved with his local volunteer fire department at the age of 16. It did not take long for Chief Rohr to realize this was to become his life's pursuit. Upon graduating from high school, he began working for the Fairfax County Fire and Rescue Department's Annandale Station. After four years, Chief Rohr was promoted to driver and later Sergeant. Over the next 18 years he continued to move up the ranks to the position of Assistant Chief of Operations.

Chief Rohr is an accomplished firefighter and leader in one of the finest and most respected fire departments in the country. Besides its superb service in Fairfax, the department has a world-class urban search and rescue team that has provided critical assistance during the aftermaths of major catastrophes such as Hurricane Katrina, the Indonesian tsunami, and earthquakes. The team most recently spent several weeks in Haiti searching for victims of that devastating quake.

Chief Rohr's skills as a firefighter are grounded in rigorous education as well as a lifetime of experience. Chief Rohr earned a Bachelor of Science degree in technology and management/fire science from the University of Maryland. He is a graduate from the National Fire Academy's executive fire officer program and has also completed the University of Virginia Darien Business School Senior Executive Institute and Leadership Development Institute.

Although Chief Rohr is leaving the Fairfax County Fire and Rescue Department, he will continue to serve residents in the 11th Congressional District as the new fire chief for Fairfax City. His reputation as an effective leader made him the ideal candidate for the position and he was appointed by a unanimous vote of the Fairfax City Council.

Madam Speaker, I ask my colleagues to join me in thanking David Rohr for his years of service to the citizens of Fairfax County and to congratulate him on his new position as Fire Chief for the City of Fairfax. He, along with first responders in every community, are deserving of our deepest respect and gratitude.

IN RECOGNITION OF THE FOR
PROFIT COMMUNICATOR OF THE
YEAR AWARD RECIPIENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MILLER of Florida. Madam Speaker, I rise to congratulate Ms. Jessica Morris upon receiving the For Profit Communicator of the Year Award from the Pensacola chapter of the Florida Public Relations Association. The people of Northwest Florida and International Paper have greatly benefited from Jessica's dedication to her work.

Ms. Morris is highly deserving of the For Profit Communicator of the Year award for her ability to balance the unique needs of her job as Communications Manager to International Paper, located in Pensacola, Florida. Not only does Ms. Morris effectively fulfill her responsibilities of communicating with the mill's 530 employees, she routinely connects employees through a weekly employee newsletter of her own creation. Moreover, she goes the extra mile to reach the public. Ms. Morris has spent a great deal of time ensuring that the environmental concerns and contributions of International Paper are known throughout Northwest Florida.

Madam Speaker, on behalf of the United States Congress, I proudly recognize Ms. Jessica Morris as the Florida Public Relations For Profit Communicator of the Year. Her steadfast work ethic and creative ideas have benefited many in my district. My wife Vicki and I wish Ms. Morris and her loved ones all the best for the future.

A TRIBUTE TO THE PHILADELPHIA
PRIME MOVERS PROGRAM AND
ACEL MOORE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor the Philadelphia Tribune, the oldest, continuously published African American owned newspaper in the nation. For 125 years the Tribune has chronicled the African American story while also being an important part of that story.

The Tribune was founded in 1884 by Christopher Perry only 19 years after the end of the U.S. Civil War. Perry, born in Baltimore, Maryland, in 1856, moved to Philadelphia at the age of 17, intent on starting a newspaper. He said, "For my people to make progress, they must have a newspaper through which they can speak against injustice."

Perry published the first edition of the Tribune Weekly when he was 28. To put the debut of the one-page and one-man operation newspaper in an historical context, that same year African American inventor Lewis Latimer began working for Thomas Edison, Tuskegee Institute was founded by Booker T. Washington and Harriet Tubman was still alive. After Perry died in 1921, the leadership of the newspaper passed to his son-in-law, E. Washington Rhodes.

From 1922 to 1970, Rhodes was at the helm of the newspaper as publisher. An attorney, Rhodes was also an assistant U.S. Attorney for the Eastern District, appointed by President Calvin Coolidge. He was the first Black to be appointed to that position. Additionally, he served as president of the National Bar Association; was elected to the Pennsylvania House of Representatives in 1938; and, was president of the National Publishers Association (NNPA), a national trade organization of African American owned newspapers.

Over the past decades, committed to the newspaper's mission as stated by Perry, the Tribune has been led by Eustace Gay, John Saunders, Alfred Morris and Waverly Easley. And today, under the leadership of Chairman Walter Livingston, Jr., and President/CEO Robert Bogle, the Tribune newspaper continues to expand and has been the recipient of numerous national awards including the NNPA's John B. Russwurm Award for "Best Newspaper in America Award and the A. Philip Randolph "Messenger Award."

President Bogle stresses that after 125 years the mission of the Philadelphia Tribune has not changed very much. "For 125 years the Tribune has been the voice of those who would have been voiceless." And, for that reason today Madam Speaker, I salute the proud history, advocacy and courage of the Philadelphia Tribune. The Tribune is an historic trailblazer whose light continues to lead on the path to justice and equality for the voiceless.

IN RECOGNITION OF THE NON
PROFIT COMMUNICATOR OF THE
YEAR AWARD RECIPIENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MILLER of Florida. Madam Speaker, I rise to congratulate Mr. Jeff Nall upon receiving the Non Profit Communicator of the Year Award from the Pensacola chapter of the Florida Public Relations Association.

Mr. Jeff Nall frequently goes above and beyond his responsibilities as the Vice President of Communications and Marketing for the Council on Aging of West Florida. To achieve the Council's mission of educating the community to the unique needs of seniors, Mr. Nall utilizes an assortment of media tactics. His innovative techniques include a weekly television show geared toward seniors and monthly email newsletters. Due to his proactive approaches to reaching the public, many senior residents have benefitted.

Madam Speaker, on behalf of the United States Congress, I proudly recognize Mr. Jeff

Nall as the Florida Public Relations Non Profit Communicator of the Year. I am grateful for the positive work he does to improve the lives of seniors in my district. My wife Vicki and I wish Mr. Nall and his family all the best for the future.

RECOGNIZING THE CENTENNIAL
CAMPOREE FOR THE NATIONAL
CAPITAL AREA COUNCIL OF THE
BOY SCOUTS OF AMERICA AND
THE 100TH ANNIVERSARY OF
THE BOY SCOUTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the National Capital Area Council of the Boy Scouts of America and to extend my congratulations on the occasion of the 100-year anniversary of the Boy Scouts of America. This month also marks the Centennial Camporee for the National Capital Area Council, "Scouting in Action, A Century of Values." Thousands of attendees will participate in the 2010 Camporee which will be held in Goshen, Virginia.

The Boy Scouts were founded in the United States on February 8, 1910, by William D. Boyce when he incorporated the Boy Scouts of America. The Boy Scouts of America instills in young Americans the values and traits of being a good citizen. After 100 years of scouting, these founding principles have guided over 100 million Boy Scouts to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

The National Capital Area Council has a distinguished history within the Boy Scouts. Its predecessor, the District of Columbia Council was the first area Council for the Boy Scouts of America. In 1913, the DC Council was recognized by President Woodrow Wilson for its service during his Presidential inauguration, which began a tradition of Boy Scout involvement in presidential inaugurations. With the addition of Arlington, the District of Columbia Council was reorganized and renamed the National Capital Area Council.

The link between citizenship and scouting, combined with strong leadership and proximity to the Federal Government, has enabled the National Capital Area Council to be a leader within the Boy Scouts of America organization. This Council is now one of the largest in the country and is comprised of troops from 10 counties in Northern Virginia, six counties in Maryland, and the District of Columbia.

The influence and importance of scouting cannot be overstated. Scouting instills and reinforces strong character traits such as commitment to the community, value of working to achieve a goal, discipline and honesty. Scouting alumni include world leaders in virtually every field: Politics, medicine, entertainment, sports, and science.

Madam Speaker, I ask that my colleagues join me in congratulating the Boy Scouts of America on the occasion of their 100th anniversary as well as in extending our best wish-

es for a successful and fun filled Camporee. I also would like express my deep appreciation to the troop leaders and parents for their commitment to teaching our youth the skills and values that will serve them well throughout their lives.

IN RECOGNITION OF THE CRISIS
COMMUNICATOR OF THE YEAR
AWARD RECIPIENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MILLER of Florida. Madam Speaker, I rise to congratulate Ms. Sonya Daniel upon receiving the Crisis Communicator of the Year Award from the Pensacola chapter of the Florida Public Relations Association.

In her role as the Public Information Officer for Escambia County, Ms. Sonya Daniel is responsible for disseminating vital information to the public during times of crisis. During tropical storms and hurricanes Ms. Daniel has remained calm and levelheaded. Amidst panic, she effectively relayed important information to residents of Escambia County on how to prepare and respond to crises. She was recognized by the Florida Public Relations Association for her streamline approach to communicating with the media. Ms. Daniel is known for utilizing all the resources of local media to reach concerned citizens as quickly as possible.

Madam Speaker, on behalf of the United States Congress, I proudly recognize Mr. Sonya Daniel as the Florida Public Relations Crisis Communicator of the Year. I am grateful for the work she does to inform the residents of my district of critical information. My wife Vicki and I wish Ms. Daniel and her family all the best for the future.

IN MEMORY OF BYRON ATHAN

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. McNERNEY. Madam Speaker, today Congressman JOHN GARAMENDI and I ask our colleagues to join us in honoring the life of Byron Athan, who passed away at age 91 on November 25, 2009.

Byron Athan was passionate about public service. He dedicated his life to serving his country and community for over 68 years and Byron started his unique and distinguished career by joining the U.S. Army. He later became a fixture in the San Ramon Valley, authoring the City of San Ramon's Charter and later serving in city government in multiple capacities including as Mayor and City Attorney.

Byron Athan joined the Army in 1941 and retired in 1964 at the rank of Lieutenant Colonel. He served during WWII in the Pacific Theater. Other assignments included tours in post war Germany and Japan, as well as assignments in Fort Lee and Fort Belvoir, Virginia, Ft. Leavenworth, Kansas, and at the Pentagon as a member of the Army Staff.

Byron Athan was vital to the incorporation of the City of San Ramon in 1983. He wrote the City Charter and served as San Ramon City Attorney from 1983 until his election to the City Council in 1995. He was San Ramon Mayor from 1998 to 1999. He returned to the City Attorney post from 2004 until he retired in October of 2009 at age 91 as one of the most experienced practicing attorneys in California.

Byron lived life with a passion for exploration and adventure. Byron finished the marathon in Greece based on the original completed by the ancient Greek Pheidippides, as well as races in San Francisco and Hawaii. His spirit did not diminish with time. He celebrated his 90th birthday with a 100-mile bike ride.

Byron's years of service to his community touched the lives of many and improved the quality of life in San Ramon. He led by example and in the words of former San Ramon Mayor Diane Schinnerer, "he is known and respected for his honesty, integrity, work ethic, and knowledge of the law." Athan Downs Park in San Ramon, is dedicated in Mr. Athan's honor because of his successful advocacy for parkland in the city.

Byron Athan's dedication to public service leaves a legacy that will continue to benefit the people of San Ramon, the state of California and our great nation for generations to come. It is for these reasons that Congressman JOHN GARAMENDI and I ask our colleagues to join us in honoring the memory of Byron Athan and in sending our thoughts and prayers to his beloved family and friends.

RECOGNIZING THE WORK OF LANI
FURBANK AND KEVIN HARGROVE
TO ORGANIZE "A HAND UP, NOT
A HAND OUT" BENEFIT CONCERT
FOR AFRICA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize "A Hand Up, Not a Hand Out" Benefit Concert for Africa. This Benefit Concert will raise money for sustainable investments in Africa through the Development in Gardening charity organization.

Development in Gardening seeks to improve the health and well being for HIV-positive and other at-risk individuals in developing nations. This is accomplished by teaching the skills and providing the infrastructure to create sustainable community gardens, thereby empowering people to improve both their nutrition and earning potential. The program reaches out to orphanages, hospitals and outpatient facilities to install micro gardens that provide not only a steady source of healthy, fresh vegetables but a sense of community and purpose. It focuses on improved nutrition, food security, micro-enterprise development, home garden extension, personal empowerment, and social change.

This benefit concert is anticipated to raise \$5,000 to fund the program's ongoing efforts. I would like to commend Lani Furbank and

Kevin Hargrove for their commitment to helping those in need. Lani and Kevin have organized this event, which will result in the betterment of countless lives in Africa. Residents of Northern Virginia have a strong record of community involvement and charitable giving. I am honored to represent a district that is always willing to help those in need, both at home and around the world.

Madam Speaker, I ask my colleagues to join me in recognizing the contributions of Development in Gardening and, particularly, the efforts of Lani Furbank and Kevin Hargrove. By supporting sustainable micro-economic development projects, we invest in the continued well being of others. We provide the tools and education for people to be self-sufficient and live in dignity.

IN RECOGNITION OF THE SERVICE
OF DAVID "DAVE" O. MILLER

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Mr. MILLER of Florida. Madam Speaker, it is with great honor that I rise today in recognition of the service of David O. Miller from the Protocol Office of the Air Armament Center, Eglin Air Force Base, Florida. Mr. Miller retires today after 49 years total federal service, 28 years in the United States Air Force and 21 years of Civilian Service. I am proud to recognize his vast contributions to national security through his humble service to this great Nation in the United States Air Force, both as a member of active duty as well as a civil servant.

Mr. Miller is a native of Loris, South Carolina. He graduated from Loris High School in June 1962, and began his military career with the United States Air Force in September, 1962. He later attended the University of Tampa and the El Paso and Pike's Peak community colleges. In his military career, he first served as an Administrative Apprentice and retired as a Senior Master Sergeant in February 1991.

The United States Air Force has been in existence more than six decades and Mr. Miller has been serving her for almost five decades beginning in 1962. He began his protocol career in 1976 when General Chappie James directed the establishment of the first protocol office at Peterson Air Force Base, Colorado. Mr. Miller was one of three people chosen to establish the organization. His outstanding performance in the protocol field eventually led to General Gregory Martin, Commander, Air Force Materiel Command, honoring him for superior performance in his duties by awarding him the Commander's Recognition Award in 2004. Mr. Miller was the second person to receive this award.

After retiring as a Senior Master Sergeant following 28 years of active duty service in the United States Air Force, Mr. Miller began his civilian federal service career in 1991 as a protocol assistant with the Protocol Office of the Air Armament Center at Eglin Air Force Base. Throughout his career, Mr. Miller demonstrated superior performance as a compas-

sionate leader driven by a tremendous sense of purpose. He pursued excellence each day at the Air Armament Center, contributing immensely to its mission success. He consulted on protocol matters to ten Eglin center commanders, all of whom were charged with leading the world's largest Air Force Base. With Eglin being one of the most visited military facilities in the Department of Defense, Mr. Miller tirelessly contributed to a team of round-the-clock-protocol support, decade after decade. From meeting aircraft with dignitaries on the flight line in the early hours to planning and directing social functions at the general's residence into the late evening, Mr. Miller upheld the rules of decorum for tasks small and large with professionalism and enthusiasm.

The most notable example of Mr. Miller's exceptional commitment to seeing to the needs of Eglin airmen, civilians and family members at large was during a memorial service attended by more than five thousand people. This was held on base to reflect upon the twelve fallen Airmen from the 33rd Fighter Wing at Eglin Air Force Base who were killed in the Dhahran Air Base bombing of the Kohbar Towers in Saudi Arabia in June, 1996. The memorial, organized by Mr. Miller and held a few days after the bombing, was recognized as "an absolutely flawless ceremony and an outstanding tribute to our fallen warriors," by the Air Force Development Test Center Commander. Mr. Miller was awarded the Exemplary Civilian Service Award for his work.

He is married to the former Carmen Sue Brown of Dublin, Georgia, and they have one son, Michael, who resides in Denver, Colorado.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Mr. David O. Miller for his excellent leadership and service to the United States Air Force both as a military member and civil servant. His dedication to our Nation is most deserving of this recognition. From all the constituents of Florida's First Congressional District, I would like to congratulate him on his retirement and wish him well in his future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 27, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 28

9:30 a.m.

Armed Services

Closed business meeting to continue markup of the proposed National Defense Authorization Act for fiscal year 2011.

SR-222

JUNE 8

10 a.m.

Health, Education, Labor, and Pensions
Children and Families Subcommittee

To hold hearings to examine the state of American children.

SD-430

JUNE 9

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold an oversight hearing to examine the enforcement of the antitrust laws.

SD-226

3 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 2891, to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, S. 2779 and H.R. 3671, bills to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, S. 3387, to provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, and for other purpose, S. 3404, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and H.R. 4252, to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California.

SD-366

JUNE 10

10 a.m.

Homeland Security and Governmental Affairs

State, Local, and Private Sector Preparedness and Integration Subcommittee

To hold hearings to examine assessing the effects of the Deepwater Horizon oil spill on states, localities and the private sector.

SD-342

JUNE 16

9:30 a.m.

Veterans' Affairs

To hold hearings to examine veterans' claims processing, focusing on if current efforts are working.

SR-418

JUNE 17

9:30 a.m.

Armed Services

To hold hearings to examine the New Strategic Arms Reduction Treaty (START) and the implications for national security programs.

SD-106

HOUSE OF REPRESENTATIVES—Thursday, May 27, 2010

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Reverend Dr. Carl White, Highland Baptist Church, Meridian, Mississippi, offered the following prayer:

Dear Lord our God, in these turbulent times when rhetoric is hot and passions aflame, be with us.

Help the Members of this body to draw the lessons gained from the struggles of our history, that by respecting one another, we show the ultimate respect for You, our Creator.

Help us to remember that it is never wrong to stand for freedom and that it is always best when we listen more than we speak.

Show us anew the awesome power that is unleashed from the heart of love, and teach us yet again that most simple but profound lesson of life: that it is more blessed to give than to receive.

Guide this House as they debate, vote, and interact with one another and their constituents. May we as a people conduct ourselves in such a way that we demonstrate our gratitude for Your continual blessings.

In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND DR. CARL WHITE

The SPEAKER. Without objection, the gentleman from Mississippi (Mr. HARPER) is recognized for 1 minute.

There was no objection.

Mr. HARPER. Madam Speaker, I am honored today to introduce the House of Representatives' guest chaplain of

the day, Dr. Carl White. He is the pastor of Highland Baptist Church in Meridian, Mississippi, and I can say that I would not be here today if it were not for my dear friend Carl White.

I met Carl in 1971 when we were 15-year-olds in the 10th grade in high school. We became great friends, and he invited me to join him for the Campus Life, Youth For Christ, meetings that were held at the high school. The last meeting of that year was when I made a profession of faith in Christ.

Then Carl invited me to join him at church, and it was there that I met my future wife. Sidney was 15 and I was 17 on our first date, and our first date was with Carl White and his future wife, Frances. Those are special memories. We have been at each other's weddings, and we have been dear friends now for almost 40 years.

Madam Speaker, I want to say what a profound impact that Carl White has had in my life and how we thank him for his service as pastor of the folks in his church. May God bless him.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

RENEWABLE BIOMASS AND EPA

(Mr. SCHRADER asked and was given permission to address the House for 1 minute.)

Mr. SCHRADER. Madam Speaker, America has tremendous potential for renewable energy production. Indeed, these are the jobs of our future.

One of the most important renewable energy sources for Oregon that binds rural and urban communities is the production of energy from forestry and agricultural byproducts, otherwise known as renewable biomass.

Unfortunately, it would appear that EPA is rewriting the rules in direct contravention to the intent of this Congress. In their final tailoring rule for regulating greenhouse gases under the Clean Air Act, the EPA ignores hundreds of studies and precedents from their own research that biomass combustion is indeed carbon neutral. This contradicts what was also included in the American Clean Energy and Security Act, which passed out of this very body.

Despite the tremendous benefit to engage our rural farmers and foresters to play a role in our renewable energy fu-

ture, EPA has decided to legislate instead of administrate. Through this tailoring role, they are doing their best to alienate rural America and deny them the opportunity to be a part of our renewable future.

SOMALI ILLEGALS CROSS INTO TEXAS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Department of Homeland Security has issued a terrorist alert for Texas. An Islamic terrorist group from Somalia, al Shabaab, is infiltrating across our southern border.

A people-smuggling ring has been exposed through South America and hundreds of Somali illegals were given fake identification. Many of them have ties to Islamic terrorist groups.

This is al Shabaab's Somali terrorist organization, and it's aligned with al Qaeda. Their priority is to impose Sharia Islamic law, and they have stated their intent to harm America.

In addition to the Somalis and the terrorists from Somalia coming across the border, law enforcement officials in Texas said Mexican smugglers are coaching Middle Eastern illegals. They're teaching them how to dress and look Hispanic, and they are learning how to speak Spanish.

Mr. Speaker, what is it going to take for the administration to really secure the border? The warning signs could not be clearer. We need to send sufficient National Guard groups to the border now. Until the Federal Government understands border security is a national security issue, we are going to continue to have these threats.

And that's just the way it is.

GETTING OUR ECONOMY BACK ON TRACK AND CREATING NEW JOBS

(Mr. CRITZ asked and was given permission to address the House for 1 minute.)

Mr. CRITZ. Mr. Speaker, getting our economy back on track and creating new jobs is the priority of my constituents and a top priority of my own.

The Democratic Congress has already taken significant steps to create jobs and jump-start the economy, resulting in the lowest tax rates in over 50 years and the creation of over 500,000 new jobs so far this year. The American Jobs and Closing Tax Loopholes Act continues these efforts.

Current tax law allows companies here in the United States to be rewarded for shipping American jobs overseas. This is unconscionable, and American workers deserve better. This legislation includes provisions that close these tax loopholes and protects jobs here at home. This legislation will also continue to provide hard-working American families with the relief they deserve, relief on property taxes, sales taxes, and college tuition.

Mr. Speaker, the American Jobs and Closing Tax Loopholes Act is another important step to creating new jobs and jump-starting our economy.

□ 1015

ROHINGYA: BURMA'S FORGOTTEN MINORITY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the ongoing abuses and tragedies in Burma are almost unfathomable. The brutal and cruel military dictators systematically oppress and exploit the ethnic minorities in Burma, and they are denied the basic and fundamental rights that belong to every human being.

Among the minorities most deprived of such rights is the Rohingya, a Muslim minority in western Burma. The Rohingya people are denied citizenship, freedom of movement, college education, and even marriage. They need permission just to leave their villages and are prohibited from traveling beyond a particular region of the country. The tactics of rape, forced labor, torture, land seizures, arbitrary arrests, and extortion are also used to repress them. As a result, 1.5 million Rohingya have fled to surrounding countries.

I met with a representative of the Rohingya recently; and his request was, Please speak up for us, we are people too. For the Rohingya and for all the ethnic minorities and suffering people of Burma who are victims of this cruel dictatorship, we must speak out against their horrific abuses. Our government, the U.N., and ASEAN should speak up as well.

REMEMBERING OUR TROOPS ON MEMORIAL DAY

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, as we prepare to commemorate Memorial Day, it's appropriate for us to look back at a few ways this Congress, in just the past year and a half, has worked to ensure that this Nation keeps its promise to our Nation's military veterans.

We expanded the new GI Bill college benefits to the children of all troops

fallen since September 11, 2001. We passed landmark legislation for wounded veterans by providing help for family members and other caregivers and eliminating copayments for severely wounded veterans. Since 2007, we've increased funding for veterans health care by 60 percent, including the largest single-year increase in the 80-year history of the VA.

While we have accomplished a great deal to repay the men and women in uniform for their service, we still have more to do. Let us use the occasion of this Memorial Day weekend to remember those who made the ultimate sacrifice and recommit ourselves to continuing to fight for the troops that have fought for us.

POLITICAL GAMES HAVE NO BUSINESS IN MILITARY BILLS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, benefits for our military men and women, as explained in the *Army Times*, should not be used as props in political games. The process of the final version of the "tax extenders" bill is Washington shenanigans at its worst. Combining tax increases and unrelated spending with legitimate needs for our military men and women is insulting. I am confident the American people will see straight through these games.

I am a long-time supporter of concurrent receipt and finally ending the disability tax on retirees eligible for military and veterans benefits. There are over 153 lawmakers who are supportive of eliminating this inequity, and yet the political trap has been added with this tax increase, causing a "no" vote.

As the ranking member on the Military Personnel Subcommittee, I know that our military personnel deserve more from their lawmakers than these political games.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

SUPPORT THE DURBIN AMENDMENT

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, 2 weeks ago, small businesses and consumers scored a major victory, finally, against abusive credit card practices by big banks and Visa MasterCard. By a strong bipartisan vote of 64-33, the Senate passed an amendment to the Wall Street reform legislation, cracking down on those out-of-control credit and debit card swipe fees.

Known as the Durbin amendment, this practical, commonsense language

prevents card issuers from endlessly increasing costs borne by small businesses, costs that for many stores add up to more than the cost of health care. It also restricts some of the industry's most anticompetitive practices, finally allowing stores to give you a cash discount.

I urge my colleagues in the House to stand up for small businesses, provide them the protection they deserve, and support inclusion of the Durbin amendment in the final package of Wall Street reform.

OIL SPILL SITUATION STINKS

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, as we've had hearings regarding the oil spill out in the gulf, there have been some staggering things come forward, and the media is not grabbing it like they should and letting everyone know.

Who knew that the inspectors inspecting the offshore rigs were unionized? So they had union limits on how many hours and travel and this kind of thing. These guys are like the military. They're out there to protect the environment, and we're going to put limits on them? They've got to be out there protecting us.

And then yesterday, Director Birnbaum, when asked what kind of checks and balances did you have, she said, We sent them out in pairs of two. And then I asked, Well, then was it a good idea that the last inspection team of two was a unionized father-and-son team that went out there to carefully watch each other to make sure each other did the right thing? This is outrageous.

And then we had the investigation going on as to what gifts may have been given to the people doing the inspections.

This thing stinks, and it needs to be cleaned up.

THE PENTAGON BUDGET

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Today, the House will finally turn from naming sports teams' accomplishments to the Pentagon budget, a budget that's top heavy with more generals and admirals than we had at the height of World War II, a broken procurement system that's gold-plating dysfunctional weapon systems while our troops lack basics.

But, today, Congress will finally answer a question that is a puzzle perhaps only inside the Washington, DC beltway: How many engines does a single-engine jet fighter need? Now, where I come from it's pretty simple, the answer is one; but you've got to tune in later today to find out the judgment of

Congress because some think you need two engines for a single-engine jet fighter. Hey, it will only cost another \$15 billion or \$20 billion.

CONTINUE FIGHTING FOR OUR VETERANS

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, each Memorial Day Americans pause to remember the tremendous commitment and sacrifice made by our men and women in our Armed Forces. I'm proud that this Congress continues to honor our military by making veterans a top priority.

In the last 2 years, we have invested in our veterans health care and worked hard to improve the benefits available once they return home. For instance, we passed a new GI Bill so our troops have access to a quality education. We also increased the gas mileage reimbursement rate, which is important for our veterans in rural areas like mine.

I recently introduced another piece of legislation to help rural veterans, the Appalachian Veterans Outreach Improvement Act. This bill will improve access to services and benefits for veterans in Appalachia. With Memorial Day right around the corner, I ask my colleagues to join me in continuing to fight for our veterans.

BAN BP

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, this is from BP's Web site. It says: "Our code of conduct is the cornerstone of our commitment to integrity." And just what is the code of conduct? The code of conduct is: "We aim for no accidents, no harm to people, and no damage to the environment." This is from their Web site. Well, BP is zero for three.

So I ask everyone, Where is the integrity if they don't even meet their own guidelines? This has been the worst ecological disaster, and we know that they don't have solutions ready when a disaster occurs.

Now, under our purchasing agreements, we have to have a satisfactory record of integrity and business ethics when we grant someone a contract. So today I have an amendment to end the \$2 billion that we purchase each and every year with taxpayer dollars from BP for our department. Let's disbar them because they should be banned permanently.

EXTENDING UNEMPLOYMENT INSURANCE BENEFITS: THE COST OF INACTION FOR DISABLED WORKERS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, the Joint Economic Committee released a report this week which shows the staggering cost to the government of failing to extend unemployment benefits. The report focuses on unemployed disabled workers.

By the end of 2010, the JEC estimates that 290,000 unemployed disabled workers will exhaust their unemployment benefits. Without extension of unemployment benefits, the JEC estimates that two-thirds of these workers will leave the labor force and move on to Social Security disability insurance. Shifting these workers from the labor market and onto the SSDI rolls—the cost of inaction—is a \$24.2 billion lifetime cost.

By contrast, extending unemployment insurance benefits and COBRA premium benefits is \$721 million in 2010. Not only is an extension of unemployment benefits the morally right thing to do; it is fiscally responsible, saving the government over \$23 billion.

WE MUST DO MORE FOR OUR VETERANS

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, in my 16 months in Congress, the most challenging thing I have had to do has not had to do with energy or health care or our economy. The hardest thing I have had to do has been to stand in front of 700 Connecticut National Guard troops who are deploying to Afghanistan, 18, 19, 20, 21 years old, young people who had raised their hand and said, I will serve my country. I will die for you and for your freedoms. And I thought, how can we thank a young person who will say that and who will do that? The answer is we can't, we can't possibly. But we can thank them through our actions. We can do what we did in passing the GI Bill to provide college education to our troops, to give businesses a \$2,400 tax credit for hiring unemployment veterans, providing nearly 2 million disabled veterans with a \$250 economic recovery payment.

I am proud of what this House has done for our veterans in the last 16 months and, as we approach Memorial Day, remind my colleagues of the need to do more for those who say that they will sacrifice for us.

MEDICARE REIMBURSEMENT

(Ms. BERKLEY asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, the time has come for this Congress to come to grips with the serious crisis in our health care system, the reimbursement of our doctors for treating our Medicare patients. Unless we act, there will be a 21 percent cut in Medicare reimbursement to those doctors that treat our senior citizens.

We are in danger of creating a situation that may very well cause the collapse of our Medicare system. I favor a permanent fix; that's what we promised the doctors. We are now considering a 19-month fix. I'm not happy with it; I'm going to support it. Let everybody in this House vote for that Medicare reimbursement fix for the doctors so they can continue to treat senior citizens until we figure out a way of permanently fixing this discrepancy.

Unless we're prepared to go to medical school and go back home to our districts to treat our senior citizens, we better make sure that our doctors get adequately reimbursed so this system will continue.

□ 1030

A TRIBUTE TO RAYMOND H. RATHMELL

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, this spring, in a small town in my district called Renovo, the Bucktail Area Junior/Senior High School dedicated its campus to another educational institution: Raymond H. Rathmell.

Mr. Rathmell was involved with the school for 42 years, first as a teacher, as assistant principal and then as principal. There are countless students and parents whose lives he touched during his career.

The former principal is 87 years old, and he retired in 1986. He started out his education at Lock Haven State Teachers College in 1938, but served from 1942 through 1945 with the Army in World War II. Rathmell served in Europe for 9 months and became active in his American Legion post on his return. He returned to college and finished his bachelor's degree in 1947. It was that year that he began teaching at Renovo High School.

Over the years, he taught physical education, English, civics, history, arithmetic, biology and related sciences. As principal, he was the person who was involved in nearly all aspects of the design and construction of both Bucktail Area High School and of Renovo Elementary.

Naming the campus after Rathmell is a fitting tribute to his life dedicated to educating children.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 5136, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1404 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1404

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accom-

panying this resolution not earlier disposed of or germane modifications of any such amendments. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chair of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than 30 minutes after the chair of the Committee on Armed Services or his designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 6. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Armed Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 7. In the engrossment of H.R. 5136, the Clerk shall—

(a) add the text of H.R. 5013, as passed by the House, as new matter at the end of H.R. 5136;

(b) assign appropriate designations to provisions within the engrossment; and

(c) conform provisions for short titles within the engrossment.

SEC. 8. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of June 1, 2010.

SEC. 9. It shall be in order at any time through the calendar day of May 30, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The gentleman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague from the Rules Committee, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1404 provides for consideration of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011, under a structured rule.

The rule makes in order 82 amendments and provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services.

The rule provides that the chair of the Committee on Armed Services or his designee may offer amendments en bloc, debatable for 20 minutes, and may offer germane modifications of amendments. The rule allows the Chair to recognize for consideration amendments out of order printed in the Rules Committee report if 30-minutes' notice is given by the chair of the Committee on Armed Services or his designee.

The rule provides one motion to recommit with or without instructions, provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Armed Services or his designee, and provides that the Chair may not entertain a motion to strike out the enacting words of the bill.

The rule provides that, in engrossment, the text of H.R. 5013, the IMPROVE Act, as passed by the House, will be added as new matter at the end of H.R. 5136.

The rule waives clause 6(a) of rule XIII, requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee, against rules reported from the Rules Committee through June 1, 2010.

Finally, the rule provides that measures may be considered under suspension of the rules at any time through May 30, 2010, and that the Speaker or her designee will consult with the minority leader or his designee on the designation of any matter for consideration under suspension of the rules.

Mr. Speaker, last week, the House Armed Services Committee reported H.R. 5136 favorably to the House, by a unanimous vote, after nearly 13 hours of debate. As a member of that committee, I am proud of our work, but I can say firsthand that crafting this bill was not easy.

The needs of our country are endless and challenging; the threats to our security are numerous and always changing, and the resources we can devote to these problems are precious and limited.

In the end, the bill that we will vote on later today will strengthen our national defense, will give our troops the equipment they need to do their jobs and will take care of them and their families. The bill also invests in military infrastructure and technology, which will create jobs here in the United States and will stimulate growth throughout the economy.

Mr. Speaker, there is nothing more important in this bill than the provisions that address men and women in uniform. They deserve the best care and the best benefits, and this bill meets both of those requirements.

The bill provides a 1.9 percent pay increase for active duty soldiers, increases the family separation allowance for servicemembers who are deployed away from their families, increases hostile fire and imminent danger pay for the first time since 2004, and expands college loan repayment benefits.

Earlier this year, we passed historic health care reform legislation, which included a provision requiring private insurance policies to cover adult children until age 26 on their parents' policies.

I am very pleased to see that this bill incorporates those changes for TRICARE and CHAMPVA beneficiaries and that it will give retirees and veterans the option to extend coverage to their adult children until age 26.

I am also proud that this bill contains a provision I wrote, which will guarantee that retiring National Guard and Reserve personnel will get a full explanation of the benefits due to them. This provision will require the Department of Defense to brief retiring personnel on benefits like VA health care and TRICARE.

Too often, members of the Guard and Reserve leave the service without a clear picture of the benefits that are owed them. Given all that we ask of them, that's not right. They have made great sacrifices, and I believe that Congress has a moral obligation to educate those heroes on the benefits they have earned. This is just one way we can begin to repay them for all they have done to protect this country.

I am very encouraged and pleased by the fact that this rule allows for an amendment to be made in order by Mr. MURPHY from Pennsylvania, which, if passed, will finally put the military on the path to repealing the misguided and outdated Don't Ask, Don't Tell policy. I am looking forward to voting for the amendment and to seeing the end of this discriminatory policy once and for all.

Though, while there is much in this bill that I support, there are also parts of it I strongly disagree with.

I am extremely disappointed that this bill contains an authorization for an additional \$33.1 billion for the President's fiscal year 2010 budget request

for the surge in Afghanistan as well as \$159.3 billion for fiscal year 2011 for overseas contingency operations, the majority of which will, no doubt, be spent in Afghanistan and Iraq.

We are pursuing a misguided strategy at a tremendous cost to the American people. The loss of one American service man or woman is simply too high a cost for a mission that does not strengthen our national security.

An astonishing half billion dollars is included in this bill for an alternate extra engine for the Joint Strike Fighter. In 1996, the Department of Defense conducted a competition to choose the engine for this plane, and Pratt & Whitney won it. The engine they make meets the program requirements, and it is perfectly adequate. Unfortunately, a major defense contractor, who by 2012 would have had 90 percent of the military engine industrial base, lost the competition, doesn't want to take "no" for an answer, and has been lobbying hard to keep a program for a second engine funded.

The Bush administration opposed the funding for this extra engine, and the Obama administration opposes it. Secretary Gates has said that the funding for the extra engine will be detrimental to the overall Joint Strike Fighter program. If Congress decides to ignore those in the Defense Department and those in the administration on this, estimates show that we will be forced to purchase 50-80 fewer planes, which will definitely affect our national security.

Let there be no mistake. Spending half a billion dollars to build an engine that isn't needed and that the Pentagon doesn't want is a colossal waste of money. This rule makes in order an amendment, which I have sponsored, to strip the authorization for this program, which I believe is the right thing to do.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentlewoman from Maine (Ms. PINGREE), for the time, and I yield myself such time as I may consume.

Mr. Speaker, since the terrorist attacks of September 11, 2001, our Armed Forces have been deployed in two major theaters of operation—Afghanistan and Iraq. Like their forefathers of long-ago wars, too many of these noble servicemembers have paid with what Abraham Lincoln called the "last full measure of devotion to the Nation." Many more brave men and women bear the physical and mental scars of battle, which will last their lifetimes.

Just this past week, two of my constituents were killed in the line of duty. Marine Lance Corporal Patrick Xavier, Jr., of Pembroke Pines, fell during a firefight in Afghanistan; and Army Staff Sergeant Amilcar Gonzalez, of Miami, who signed up 1 week after the cowardly attacks of Sep-

tember 11, 2001, passed away in Iraq when insurgents attacked his unit.

□ 1045

I know I speak on behalf of the entire Congress and a grateful Nation to express our deepest condolences to Patrick and Amilcar's families and pray for God's mercies upon them as they cope with their sorrow.

After learning of his son's death, Corporal Patrick Xavier's father said, He went out there to do what he wanted to do. He wanted to defend this Nation. Although I feel the loss, I am proud of how he conducted himself.

His father's words remind us about the solemn sacrifices that our veterans and family forces continue to make for us. The freedom we have is made possible by men and women like Lance Corporal Patrick Xavier and Staff Sergeant Amilcar Gonzalez. Each have stood ready in defense of the Nation. Our Nation owes them an immeasurable debt of gratitude. We have our freedoms because of their valor.

As a Congress, we are committed to ensuring our veterans and their families receive all the benefits and assistance they require and they certainly deserve. It is wholly appropriate, therefore, that we bring up this legislation, the National Defense Authorization Act for Fiscal Year 2011, on the eve of the Memorial Day weekend.

Among its provisions, the bill provides our military personnel a 1.9 percent pay raise, versus the 1.4 percent proposed by the Obama administration.

It increases the family separation allowance for service members who are deployed away from their families from \$250 to \$285 a month.

It increases hostile fire and imminent danger pay from \$250 to \$260 per month.

For the purpose of the Federal student loan cancellation program, it defines a year of service as 6 months or longer of deployment in hostile fire or imminent danger zones.

Recognizing the critical role military families play and the sacrifices they make, the bill also establishes a career development pilot program for military spouses.

To address the physical and mental scars borne from combat, the legislation allows for an exemption for military medical providers older than 42 years to be considered for recruitment.

It also increases incentives for students in health care education programs to pursue military careers by allowing Health Professions Scholarship and Financial Assistance Program participants to also receive payments from the Active Duty Health Professions Loan Repayment Program.

It also requires the services to increase the number of authorized mental health providers by 25 percent.

The legislation authorizes \$567 billion in budget authority for the Department of Defense and the national security programs within the Department of Energy.

The bill also authorizes \$159 billion to support overseas contingency operations and \$34 billion for the military operations in Iraq and Afghanistan, as well as disaster assistance for the victims of the Haiti earthquake.

Later today, we are expected to consider an amendment by Mr. MURPHY of Pennsylvania on the repeal of the so-called Don't Ask, Don't Tell policy. I am not interested in whatever legal activities adults engage in after-hours, off-base, out of uniform. Sexual preference should not even be a point of reference when judging individuals.

I also believe that when the President announced his decision to repeal the current policy and the military service chiefs and the Secretary of Defense requested the opportunity to carry out the President's directive in an orderly manner that would assure the maintenance of discipline and morale in the Armed Forces, and it was agreed to by all, including the President, that a survey would be sent to all the troops so that their input would be taken into account regarding how best to implement the new policy, and that a report with such recommendations as to how to best implement the new policy would be issued this December, before any legislative action was taken, it is my view that that process, which was agreed to by the President pursuant to the request of the service chiefs and the Secretary of Defense, should be followed.

So, breaking the agreement now by having this vote today is most unfortunate, and I strongly disagree with the decision of the President, the Speaker, and the majority leadership to do so, to break that agreement today.

I wish to thank Chairman SKELTON and Ranking Member McKEON for their hard work on the underlying legislation and their commitment to producing a bipartisan bill that enjoys widespread support. Through the process, members on both sides of the aisle on the Armed Services Committee worked to produce a bipartisan bill, but as the bill made it up to the Rules Committee, that bipartisan spirit did not survive.

The rule brought forth by the majority today allows the House to debate a total of 82 amendments. Eleven of those amendments are bipartisan ones, while 64 are majority amendments and 7 are minority amendments.

So the majority has decided that on this always bipartisan bill, the bill that authorizes our military programs, they will allow nine majority amendments for every one minority amendment. That is some bipartisanship. But, again, it is typical of this majority to claim that they want to work

with the minority, but even on bills that have overwhelming bipartisan support, they just can't seem to loosen their overwhelming urge to stifle debate, stifle debate, and block minority participation in the legislative process.

So, while I am disappointed by the majority's decision to allow such a disproportionate share of majority amendments compared to minority amendments, I have become quite accustomed to their behavior.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the chair of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, I thank Ms. PINGREE for yielding.

I want to take just a second to respond to my good friend Mr. DIAZ-BALART, and he is.

We had many, many fewer Republican amendments even offered. I think there were less than a quarter. The number of Democratic amendments was overwhelming. Almost every Republican amendment that was germane was made in order. We do believe in a spirit of bipartisanship.

But today I want to rise in support of the National Defense Authorization Act of 2011. After spending nearly a decade working to combat sexual assault in the military services, with my colleagues SUSAN DAVIS and JANE HARMAN, I am thrilled with the most comprehensive overhaul of the Department of Defense sexual assault policy ever.

Last week, we introduced legislation to ensure better training for JAG officers and victim advocates who handle sexual assault cases, create confidentiality protocols, to protect the victims' rights and raise the likelihood of victim reporting, and to ensure that victims are afforded expeditious state-based transfers to spare them from their alleged offenders.

I am pleased to see that this year's Authorization Act includes 28 new sections to amend the sexual assault policy within DOD, and that 5 of the 6 provisions that Representative HARMAN and I introduced are included.

While I believe the National Defense Authorization Act is critical to our efforts to overcome the problem of sexual assault in the Armed Forces, the task force's recommendation to ensure the ease of base or organization transfer for victims is absent from the bill that came from the Rules Committee.

See, I didn't get what I wanted either, Mr. DIAZ-BALART.

I worked in conjunction with Representative HARMAN to draft an amendment to NDAA, and I am proud to ask for this Congress to support it.

The Harman-Slaughter amendment calls for an expedited priority consideration of an application for permanent change of base or unit transfer for victims of sexual assault to reduce the possibility of retaliation against the

victim. DOD reports that an estimated 90 percent of the cases of sexual assault go unreported in the military, and half of the women who do not report rape or sexual assault do so because of fear of retaliation.

We too often hear that the reporting process is more traumatic for the victim than the attack itself, and this provision is critical to help address the fear of retaliation that victims face.

The report estimates that 90 percent of sexual assault cases in the military go unreported. That is an extraordinarily high number. According to the DOD, half the women who don't report rape or sexual assault are scared, as I said before.

Furthermore, in half of all sexual assault cases in 2008, the commander took no action, and only 13 percent of reported cases were prosecuted and referred to courts marshal. These figures are far below the civilian prosecution rate. In fact, some women have told us that when they reported sexual assault or rape, they were told by the commander, "You don't want to ruin that young man's career, do you?"

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. PINGREE of Maine. I am glad to yield another minute to the gentlewoman.

Ms. SLAUGHTER. These disturbing findings indicate the need for policies to protect the rights and the welfare of the accuser.

I want to share a story by a young woman, a lieutenant in the Air Force, who was allegedly sexually assaulted by a fellow officer. According to her testimony, military criminal investigators and JAG officers told her, If I were a defense attorney, I would tell you that you gave the offender mixed signals and that "no" was not enough. She recalls she did not just say "no"; she physically held onto her underwear.

But even after she reported the rape, she was forced to salute her rapist every day. She trained for over a year for a highly classified mission, but since then has lost her security clearance. She concluded her testimony with, I feel like I am being punished for a rape that happened to me.

It is a very serious problem, and getting more serious. I thank the military for the work it is doing to try to control this, but surely when our young women and young men go off to protect the United States of America, they should be free from assaults from their fellow soldiers.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to my good friend from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in opposition to this rule.

Yesterday I testified in front of the Rules Committee on five amendments I

offered to this National Defense Authorization Act. Unfortunately, House Democrats refused to allow any of my commonsense amendments to be debated today on the floor. And I am sure they were germane, Mr. Speaker—things such as regarding the transfer of detainees at Guantanamo Bay, the use of alternative sources of fuel at DOD, excessive union activity on official time at the Department of Defense, and gun rights for the 40,000 active and reserve members of our military who reside in Washington, D.C.

However, the Rules Committee did make in order an amendment with which I have strong reservations. Today should be about what is best for the defense of our Nation and what is best for our brave men and women in uniform. However, it is clear that today, Mr. Speaker, many in this body intend to use our military as a means to placate a liberal political constituency, rather than taking the time to weigh the input of 2.5 million men and women and their families who wear the uniform, including the family of Lieutenant Tyler Brown, who gave his life for his country in Iraq almost 6 years ago. Today would be his 32nd birthday.

Mr. Speaker, the Chairman of the Joint Chiefs of Staff and the Secretary of Defense have asked Congress to delay voting on Don't Ask, Don't Tell repeal until the completion of a study on the impact of the repeal and the best ways to implement it. Simply put, we must know what impact repeal of the law will have on unit cohesion, readiness, recruiting, and retention.

But, unfortunately, rather than wait for the results, Mr. Speaker, our Democratic colleagues want to prejudge its conclusions and substitute their judgment for the collective findings of our military. This is without question the wrong way to legislate, but it is what the American people have come to expect from this Democratic majority.

It wasn't long ago that Speaker PELOSI told the American people that they would learn what was in the health care bill once it was passed. Now liberals in Congress are once again selling the American people this same bill of goods, Congress must act without fully knowing what the impact of acting will be.

The stakes are indeed high, Mr. Speaker. By ignoring the opinion of the military and their families, the majority will alienate the very institution that is fighting on the front lines of this global war on terror.

General George Casey, the Army Chief of Staff, has "serious concerns about the impact of the repeal of the law on a force that is fully engaged in two wars and has been at war for 8½ years." Similar concerns have been noted by every other service chief, by the American Legion, by over 1,500 retired general flag and general staff officers, and countless others. Clearly the Democrats believe they know better.

The American people want to trust their government, Mr. Speaker.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 30 additional seconds.

□ 1100

Mr. GINGREY of Georgia. The American people want to trust their government, Mr. Speaker, but the repeated bait-and-switch tactics of congressional liberals is making that virtually impossible.

So I urge my colleagues, vote against this rush to judgment.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado (Mr. POLIS), also a member of the Committee on Rules.

Mr. POLIS. Mr. Speaker, I rise today in support of the effort to legislatively repeal the statute of Don't Ask, Don't Tell and leave it up to the military to implement their own policy recommendation.

First of all, Don't Ask, Don't Tell is the only law in the country that requires people to be dishonest about their personal lives or face the possibility of being fired. It's a law that's not only hurtful to the men and women who currently serve in our Armed Forces, but it's a law that's hurtful to our national security as Americans.

George Washington, our Nation's first Commander in Chief, is enshrined in American history for telling his father, I cannot tell a lie. Yet more than 200 years later, this shameful law mocks Washington's words and makes lying required operating procedure for our military's rank-and-file. Today we have the opportunity to end this law.

I'd like to address some of the remarks from the gentleman from Florida and the gentleman from Georgia. This proposal and this compromise have been endorsed by Admiral Mullen, as well as Secretary Gates. Absent this statutory change, which we are doing consistent with our congressional time line of the defense authorization bill, the military would find itself in a position to be unable to implement its own recommendations.

This simple change today will remove this statutory albatross from around the neck of the military and allow them, the military, the Secretary of the Defense, the Chairman of the Joint Chiefs, to implement the policy that best enhances military readiness and best allows them to improve morale and unit cohesion within the military.

Absent an action today, their hands will be tied, and they will be unable to implement their own recommendations that take into full account the opinion of the men and women who serve the officers and the stakeholders within the military.

The vast majority of Americans, including majorities of Republicans,

independents and Democrats, recognize that on the battlefield it doesn't matter if a soldier is lesbian, gay, or straight. What matters is they get the job done for our country.

Don't Ask, Don't Tell hurts military readiness and national security, while putting American servicemembers fighting overseas at risk. To date, it's forced out over 13,000 well-trained, at taxpayer expense, and able-bodied soldiers out of the military.

It's time to repeal this law, and I applaud the leadership of my friend, the honorable Congressman and veteran, PATRICK MURPHY, in his efforts to do so.

By allowing the Pentagon to conduct a careful study of the implementation of the repeal, this amendment is a fair balance between ending the discriminatory policy and respecting the opinions of our military leaders.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I yield the gentleman an additional 30 seconds.

Mr. POLIS. In 1993 the passage of Don't Ask, Don't Tell was a result of a political process, not a military one. Today we can rectify that and continue with this process under way where the military consults with and listens to men and women and stakeholders in the military in deciding how to modify this policy and removing the statutory requirement for this policy and allowing the military to do the right thing to improve military readiness and enhance the protection of our country.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I hope my friend, the gentleman from Colorado, knows that I have extraordinary respect for him, and that we have a legitimate disagreement with regard to our analysis of what I consider was an agreement that was entered into, including by the President, after he announced his decision to repeal the current policy as Commander in Chief, that this study that will lead to a report in December that would be conducted before legislative action takes place. And so I reiterate my respect to the gentleman from Colorado.

And I have many friends who believe differently than I do with regard to the vote that I will be taking today. I studied this issue very thoroughly and know that it is a very serious matter. But I stand by what I said in my previous remarks.

Mr. Speaker, I yield 2 minutes to my distinguished friend from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I rise today to strongly urge my colleagues to reject the amendment proposing the elimination of funds to the Joint Strike Fighter Alternative Engine program, a amendment being lobbied by Pratt Whitney to eliminate their competition.

The Joint Strike Fighter is the Department of Defense's largest procurement program. Plans currently call for

acquiring nearly 2,500 Joint Strike Fighters. Hundreds of additional F-35s are expected to be purchased by U.S. allies. This is a major acquisition.

The gentlelady from Maine is in error when she says that there was competition, because, in fact, in testimony just last week, both the Department of Defense and the GAO testified that this engine was never actually subject to competition.

The fact is, providing funds for competitive alternate engines will ultimately drive down costs, improve product quality and contractor responsiveness, drive technological innovation, and ensures that taxpayer dollars are not wasted.

History shows that competing engines can result in significant long-term savings. The "Great Engine War" saved the F-16 program 21 percent in overall costs, according to a 2007 GAO report. This represents \$20 billion in savings for the lifetime of the Joint Strike Fighter.

Just last year, the House and Senate unanimously voted on the Weapons Systems Acquisition Act, mandating competition on large military procurement. This is a large military procurement. Now some want to circumvent this law with an amendment.

Fully funding the alternate engine is not only prudent risk management, but an acknowledgment of the fundamental responsibility that Congress has to protect and provide the most reliable equipment to our men and women in uniform.

This is the right thing to do. It will save money for us in the long run, and I urge my colleagues to vote "no" on this amendment that will be offered later today.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, it is with great pride that I rise today in support of Mr. MURPHY's amendment to repeal Don't Ask, Don't Tell. At its core, this is a vote against discrimination and division, a symbolic gesture to the country and the world that Congress' commitment to equality will always triumph over inequality.

As LGBT activist David Mixner said at the inception of this unfortunate policy: "They frighten our neighbors with the big lie. They paint pictures that only contain dark colors. They resort to the same bigoted arguments that have been used for centuries to deny every minority their freedom and equal rights."

Today we must rise up against these forces that conspire against progress and equality in every generation. Today, it is our turn to send a message to the Nation: Congress will never again sanction bigotry in our Armed Forces.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes

to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I come to the floor often on the rule and sometimes to thank the Rules Committee for allowing an effort to strike earmarks from legislation. This is the first time I've ever come to the floor on an authorization bill or an appropriation bill where I've been completely shut out of the process, not able to offer any amendments with regard to earmarks. And it's easy to see why right now.

In the past, I've always come to strike both Republican and Democratic earmarks from legislation. This time there are some 230 earmarks in the bill and only one was a bipartisan earmark request. The rest were Democratic earmark requests, no Republicans because Republicans have adopted an earmark moratorium.

So this looks like the start of a pattern. It was all well and good to challenge Republican and Democratic earmarks, but if there are only Democratic earmarks in a bill, then nobody is going to be allowed to challenge them.

Now, what kind of process is that?

Have we come to a point where we're simply going to shield Members and their earmarks from scrutiny?

We talk about disclosure till we're blue in the face and transparency, and it's all a lofty term. But then when it comes down to it, when there's only one party earmarking in a bill, when a Member comes up to challenge those earmarks, he's shut out. No, you aren't allowed to. You can only challenge Republican earmarks, and since there are none there, or Republican and Democratic earmarks, if there are no Republican earmarks, you're not going to be allowed to challenge any.

Now, I suppose that's what's going to happen with appropriation bills this year as well, and that's a shame. It's a doggone shame, because of all the rhetoric that's come, and some good measures that have been taken on both sides of the aisle with regard to transparency, this is a huge step backwards. We're going the wrong direction here.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Speaker, I rise in support of the 2011 National Defense Authorization Act, and I'm pleased that policy language that I authored regarding emergency medical technicians has been included in the committee report. With this inclusion, reciprocity between the armed services and States regarding certification for emergency medical technicians, EMTs, will be established.

Last year, the State of Illinois passed legislation which allows military "emergency medical technician" training of an honorably discharged member of the Armed Forces to be considered

as reciprocal for its licensure requirements. Working with Representatives HARMAN and HERSETH SANDLIN, I included such a provision into H.R. 3199, the Emergency Medic Training, or EMT, Act which was later incorporated into the House Health Insurance Reform Bill.

Although the provision was not included in the final health reform legislation, the need for such direction to States has now been addressed. Our men and women in uniform will be able to use their real-time training and education in the field to help those in emergencies here at home, if they so choose, without the cost and redundancy retraining upon their return.

I thank Chairman SKELTON for his support and his efforts on the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, there was an agreement with the military to do a study on what to do about the Don't Ask, Don't Tell policy. That was the agreement, and the study is due at the end of the year.

What this rule says, by bringing this amendment to the floor, is, while we send men and women out in harm's way to lay down their lives for us, we don't care what you think. We don't care what word you were given by your leaders that we do care what you think and will incorporate that and will work with that. We're saying we're shoving this down your throat. We don't care.

And think about the policy. Now, look, I have represented people in the Army who practiced homosexuality, and heterosexuality, and sexual assault victims. I understand this issue perhaps more than many of those on the floor here.

And I'm telling you, the military is not a social experiment. We are sending them out there with a mission to protect this country. And if someone has to be overt about their sexuality, whether it's in a bunker where they're confined under fire, then it's a problem. And that's what repeal of Don't Ask, Don't Tell does. It says, I have to be overt. I don't care. I want this to be a social experiment.

Our men and women in the military deserve better. Let's hear from them at the end of the year with a complete study, and then the leaders keep their word when we send our military out to die for this country.

We owe them better than this. This shouldn't have been part of the rule. It shouldn't be part of the vote. Let's keep our word for a change.

Ms. PINGREE of Maine. Mr. Speaker, I do have to disagree with the previous speaker for a whole variety of reasons, and I won't take up a lot of time. But this is not about being overt about your sexuality. This is about people

who have been denied the right to talk about exactly who they are.

This is about 14,000 members of the military who have served this country, many with extremely vital skills, who have been asked to step down and leave; many people who choose not to go in the military for the fear of what could happen to them after they've served this country.

I yield 3 minutes to the gentleman from New York (Mr. ARCURI), one of my good colleagues and a member of the Rules Committee.

□ 1115

Mr. ARCURI. Mr. Speaker, I thank my friend from the great State of Maine for yielding me the time.

I rise today in strong support of this rule and the underlying bill. However, I would like to voice my strong opposition to one of the amendments that will be offered later on today, and that is the amendment to strike the second jet fighter engine, for two reasons. One is I think the two things that are most critical for us in considering this bill is, one, obviously the security of our constituents and the people at home and our country; and, secondly, the cost.

On both of these, I think it's very important to note that, one, a second fighter engine gives us a strong sense of security, redundancy, and the insurance that we will have one good engine and that we will have a good backup engine. Secondly, the costs in the long run clearly will show the price will come down if we have competition. It has been demonstrated in the past. It will continue to demonstrate it.

I yield to someone who is much more familiar with that, the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. I appreciate the gentleman from New York for yielding.

This is a critical issue, and I share his concern with regard to stripping of the authorization for the competitive engine. Just this past year, the Weapon Systems Acquisition Reform Act of 2009 was passed by this Congress. It passed by a vote of 411-0. And I would draw Members' attention to section 202, the acquisition strategies to ensure competition throughout the lifecycle of major defense acquisition programs. That includes the Joint Strike Fighter and its propulsion system subject to its provisions.

As a matter of fact, Mr. Speaker, the alternative engine has been funded every year since 1996. The House has voted nine times to support the competitive engine. Already \$2.9 billion has been invested in the alternative engine. And now that development is 75 percent complete, now that it has been qualified for production in 2012, now as both engines are approaching the starting line and are in the starting blocks, Pratt and the folks in Connecticut want to suggest that they should be de-

clared the winners of the race before the race has even started.

We believe in competition when it comes to acquisition, Mr. Speaker. This is a critically important program. It's critically important to keep competition in the engine program.

And I will close with a quote from our former Member Jack Murtha, who fought for this competitive engine for years and years and years. "We're going to build thousands of Joint Strike Fighters. And when you look back at problems we've had in the past with large aircraft procurement programs, you realize why it's absolutely essential to build two different engines. An alternative engine will provide cost savings through competition as well as provide greater reliability down the road in case we have problems with one engine that could potentially ground our entire tactical aircraft fleet." That is from former Congressman Jack Murtha, July 16, 2009.

I would ask my colleagues to support the competitive engine program and defeat the amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my friend from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, we have been lucky, lucky over the skies of Detroit, lucky in Times Square, but we will not be lucky forever. We need to be proactive in our ability to gather intelligence and prevent terrorist attacks before they even get started. Catching somebody on the plane going back to Pakistan after they have delivered an explosive device is not success; it's failure. Catching them when they are on the plane in Pakistan coming to the United States would be an intelligence success.

Prevention means speed and agility. Prosecution means slow and methodical. Both have their place. But when we are trying to protect the United States of America, Mr. Speaker, we need to be quick and agile and move quickly and use every bit of intelligence we can get from a detainee before we move into the prosecution phase.

Unfortunately, the majority did not allow that to happen. We said, Listen, when somebody comes into detention, every bit of actionable intelligence should be exhausted before they are turned over to the Department of Justice to have their Miranda rights read. It's a simple amendment. It's an honest amendment. It's an amendment that will keep us safe. They tell you, Well, we already have that prohibition against soldiers reading Miranda rights on the battlefield. So what? They don't read Miranda rights on the battlefield, but Federal law enforcement agents do. And that's what's happening.

We are losing valuable information. And, predictably, these detainees are starting to say, Well, listen, if you are

saying I don't have to talk until you provide me a lawyer, guess what, I won't. And equally predictably, guess what, we have had more almost successful attacks. And if we are counting on a t-shirt guy in Times Square to solve our terrorist problem, or the guy that's checking your luggage at the airport to catch that terrorist before they get on the plane, or the gate guard at a military base, we are going to lose.

This is about common sense. We should reject this rule. It has denied our ability for our intelligence agencies to get the information from detainees that will save lives. Again, I urge the rejection of this rule.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. I thank the gentlelady from Maine for yielding and for her leadership.

Mr. Speaker, I have long opposed additional funding to support the ongoing occupation of Iraq and a policy of open-ended war in Afghanistan that continues to undermine the economic and national security of the United States. Estimates for the direct and indirect costs of the wars in Iraq and Afghanistan are now as high as a staggering \$7 trillion.

Unfortunately, the \$726 billion authorized in this defense bill, including \$159 billion for operations in Iraq and Afghanistan, continues an unsustainable rise in military-related expenditures that have nearly doubled since 2001 and which now account for nearly 60 percent of Federal discretionary spending.

I want to thank the chairman for accepting en bloc my amendment to highlight and prioritize potential cost savings at the Department of Defense through reductions in waste, fraud, and abuse. Also, I want to thank the committee and Chairman SKELTON for continuing the prohibition on the establishment of permanent military bases in Iraq and Afghanistan, and for including language I offered calling for improvements in the budgeting of national security priorities to better reflect the needs of foreign engagement programs outside DOD.

Efforts to reduce the United States military footprint abroad and wasteful spending at the Pentagon are small steps toward what needs to be done for a fundamental shift in U.S. foreign policy. In recognizing the economic challenges we face here at home, high rates of unemployment, crumbling schools and infrastructure, there is no denying that the long-term success and security of our Nation is at stake.

Finally, I urge my colleagues to take this opportunity to begin to repeal Don't Ask, Don't Tell. That has unfairly denied fundamental human rights to highly qualified individuals

who wish to serve our country. I believe this country is ready to immediately end this inequitable policy. Setting this process into motion today is a historic step on behalf of all those who have been discriminated against. Discrimination is un-American. It's un-American. Now is the time to end it in the military.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my friend from Texas (Mr. OLSON).

Mr. OLSON. Yesterday, the Rules Committee rejected two amendments to the defense authorization bill I offered to strengthen national security and provide clarity to an area of law that badly needs it.

My first amendment would have prohibited Khalid Sheikh Mohammed or any other Gitmo detainee from enjoying the U.S. constitutional benefits of a civilian criminal trial. Supporters of the administration's plan will reference Richard Reid, Najibullah Zazi, and the most recent attempt carried out by Faisal Shahzad as examples of why KSM should be tried here. But these individuals were either U.S. citizens, reside here, or were arrested here. Congress must understand the difference.

Khalid Sheikh Mohammed is not an American citizen. He is an enemy combatant captured in a battle zone. The same can be said of every other Gitmo detainee. These individuals are not criminal defendants, and this Congress should recognize the difference.

My other amendment would have allowed Congress to make clear that enemy combatants at Bagram Air Base in Afghanistan do not have the same right to access our court system that U.S. citizens enjoy. Last week, the DC Court of Appeals ruled that three Bagram detainees lack access to rights in U.S. Federal courts. And while this ruling is helpful, my amendment would have sent a clear legislative message that enemy combatants detained in an active war zone do not have special rights.

The administration is oddly obsessed with giving foreign enemies of the United States the same rights American citizens enjoy. Enough. Respect the Constitution.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentlelady from California and I thank the Rules Committee for allowing amendments in that I have offered dealing with the expansion and opportunity for small and women-owned businesses and addressing the tragedy of Fort Hood as relates to the civilians who were impacted by that enormous tragedy.

First, of course, my honor and respect to the United States military for their service as we move toward the commemoration of Memorial Day.

But I would also like to suggest that an amendment that I offered could have been added that dealt with \$10 million going to the State Department to improve smart power diplomacy, and also some additional work on helping our families, having spoken to the Air Force families, to make sure that services are utilized during predeployment.

But I am grateful, of course, that we are moving forward on Don't Ask, Don't Tell, and in tribute to August Provost, an innocent who lost his life in San Diego because people did not understand that he, too, was a soldier even though, even though his lifestyle may have been different. It is a disgrace to eliminate those who want to serve their country.

And finally, I would offer to say that I look forward to a colloquy that would establish NASA, or begin to address the question of whether or not the Defense Department needs to assess whether NASA is a national security asset as we move toward commercialization.

Mr. Speaker, I believe it is important to honor our military. I also believe it is important to recognize their needs. We need to promote the needs of their families, the families of the United States military, and ensure those civilians who are on military bases, who suffered as the soldiers did, will continue to have access to posttraumatic stress disorder counseling as they move forward to rebuild their lives.

I ask my colleagues to vote on the amendments and vote on the underlying rule.

Mr. Speaker, I rise in support of my amendment (#175) to H.R. 5136—"National Defense Authorization Act for Fiscal Year 2011."

My amendment would authorize the Secretary of Defense to transfer funds up to \$10,000,000 to the Department of State (DoS) if the Secretary of Defense deems such a transfer to be in the interest of National Security.

This amendment would give the Secretary of Defense the ability to transfer a portion of the Department of Defense's (DoD's) budget to the Department of State based on the need for diplomatic programs that boost national security. The Chairman of the Joint Chiefs of Staff and Secretary Gates have declared for years how they believe the State Department is better suited to carry out certain diplomatic activities in support of defense operations. Admiral Mullen even stated: "I would hand over part of my budget to the State Department, in a heartbeat, assuming it was spent in the right place."

Diplomatic efforts should always lead and shape our international relationships, and the leaders of our military believe that our foreign policy is still far too dominated by our military. The diplomatic and developmental capabilities of the United States have a direct bearing on our ability to shape threats and to reduce the need for military action. If this amendment is passed, it will be extremely significant and relevant to national defense, and improve the

Department of Defense and the Department of State's ability to defend our nation.

Thank you again. I urge my colleagues to support this simple but important amendment.

I thank the Speaker for this opportunity to explain my amendment to H.R. 5136, the National Defense Authorization Act for Fiscal Year 2010. My amendment would require the Secretary of Defense to provide an outreach program to educate small businesses, including minority-owned, women-owned, and disadvantaged businesses. The Secretary shall also provide access to procurement and contracting opportunities for these businesses.

Mr. Speaker, I have long supported efforts to increase opportunities for small businesses, especially those that are minority-owned, women-owned and disadvantaged. We know that small businesses are the engine to our economy and that they provide much needed support for communities across the country. Small businesses employ 57.4 million Americans. Many Americans seek to fulfill the American dream by becoming small business owners, and everyone in the United States should be given the same opportunity to fulfill that dream.

Women and minorities have long been disadvantaged when it comes to getting business opportunities, and it is important to provide educational resources that will enable women, minorities, and other disadvantaged business owners to arm themselves with the necessary tools that they need to operate viable and thriving businesses. This will only improve communities throughout the United States.

For these reasons, I urge the Committee to make my amendment in order.

I thank the Speaker for this opportunity to explain my amendment to H.R. 5136, the National Defense Authorization Act for Fiscal Year 2010. My amendment would require the Secretary of Defense to maintain a website or searchable database of small businesses, including minority-owned, women-owned, and disadvantaged businesses with which the Department of Defense has contracts.

Mr. Speaker, I believe it is crucial that we have a mechanism in place that allows us to track the numbers of minorities, women, and other disadvantaged businesses that receive contracts from the Department of Defense. We need to make sure that women, minorities, and disadvantaged businesses are getting reasonable opportunities to establish and grow their businesses. One of the ways we can monitor this is to have public access to the numbers through a searchable database.

I have long supported efforts to increase opportunities for small businesses, especially those that are minority-owned, women-owned and disadvantaged. We know that small businesses are the engine to our economy and that they provide much needed support for communities across the country. Many Americans seek to fulfill the American dream by becoming small business owners, and everyone in the United States should be given the same opportunity to fulfill that dream.

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tools that they need to operate viable and thriving businesses. This will only improve communities throughout the United States.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my friend from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, we are now considering a rule on the Armed Services bill. The rule allows 10 minutes to debate the question of Don't Ask, Don't Tell. A question in terms of policy which probably has more far-reaching implications than how many aircraft carriers we have is going to get 10 minutes just before Memorial Day. I think maybe some people in the rules department here don't really want to see this fully investigated or discussed.

The current rule of Don't Ask, Don't Tell says that if you are homosexual and you want to serve in the military, that's fine, but, if your behavior disrupts the mission, you can be discharged. The question then becomes, if we repeal Don't Ask, Don't Tell, what does that mean? Does that mean that we are going to then protect or condone homosexuality? Does it mean that we are going to have to create separate barracks? How do we deal with sexual harassment? What are the implications on recruiting? What are the implications on morale? What are the implications in terms of small unit cohesion? All of these are big question marks, and there are many more besides. Does this impact, for instance, the different benefits and how benefits are delivered?

Well, the military leadership doesn't know the answer to these questions any more than we do, so they have said, Please, don't do this. Let us have time to take a look at it, see how it affects overall our national security. But we are being asked, in a period of 10 minutes, that we want to repeal this. So we are being asked once again to pass legislation when we don't even know what it means. That hasn't worked very well in the past.

Now, I have three sons, graduates of the Naval Academy, all three Marine Corps. One survived his experience in Fallujah in 2005. And it seems to me that when people are willing to give their lives and their limbs for our country, that that is quite a sacred obligation that they have placed in our hands as legislators to be careful how we handle that trust. And so as we consider something that has very far-reaching implications, is this something that we should do lightly, and particularly with little respect for them?

The military leadership, of course, is opposed to this. They are asking us for time. They are wanting to take a look and see what that means. Are we going to then protect and condone homosexuality in the military? That is a big question. And how does that work out? And is this the way that we show respect for the people who are willing to

offer their lives and their limbs for our country? Is this the sort of thing that George Washington or our Founders would be proud of that we are doing today in this little quick flash before Memorial Day?

□ 1130

And why are we wanting to do this? To tickle the fancies of a very vocal but very small minority for political purposes. I will not betray my children or our armed services people just for mere politics.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlelady's courtesy.

I rise in support of the rule. I am pleased that we are going to be allowed to debate the wisdom of having two jet engines for the Joint Strike Fighter. I strongly hope the amendment that I have cosponsored along with Mr. LARSEN is in fact approved, adding \$485 million to reduce the deficit. It is an issue that I feel deserves debate, and I think people looking at it on the merits will understand that we don't need a second engine, that we can agree with the Secretary of Defense of the administration, and indeed the previous administration.

I am, however, a little frustrated that we continue to shortchange our efforts to deal with the toxic legacy of unexploded ordnances from military operations in the United States on our soil for the last 200 years. I had attempted to have a minor amendment to at least have the Department of Defense tell people in the community what the risks are from these toxic chemicals, from fuels, from unexploded ordnance. People who are building schools, child care centers, and housing developments have a right to know what could happen, particularly since we are underfunding cleanup.

The gentlelady who is managing the rule is going to have another 50 years before the last site is cleaned up in her district—better than waiting for 200 years. We can do better.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, the Don't Ask, Don't Tell policy is not about equal rights. It's about the impact on the readiness, cohesiveness, and effectiveness of the U.S. military. And if the Murphy amendment passes, it could have a profoundly negative effect on all of those things. I believe it could translate to life-and-death implications on the battlefield, Mr. Speaker.

And yet ironically, on something that will affect 2.8 million service men in this country, this side of the aisle will receive 5 minutes to debate that—that's half as much as any other amendment. This will also be saying to

our military, who—all they've asked is just a chance to study the issue and come back with their recommendations to this body. We're going to say no, we don't care what you say. You can die for us on the battlefield, but you have no input into this process. That's a disgrace to this institution, and it's an insult to the men and women who pour out their blood on foreign battlefields for the country that we all love so much.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to the \$485 million earmark included in the Defense Authorization Bill for an extra engine for the F-35 Joint Strike Fighter. This extra engine is a prime example of government waste: \$3 billion already spent. This would require a further investment of \$2.9 billion, according to the Pentagon. Secretary of Defense Gates put it aptly: We have reached a critical point in this debate where spending more money on a second engine for the JSF, the Joint Strike Fighter, is unnecessary, wasteful. It simply diverts precious modernization funds from other more-pressing priorities.

Only two U.S. aircraft models, the F-16C and D, use multiple engine types. We have 114 U.S. aircraft models that use a single-source engine, the type the Pentagon would like to use with the F-35, yet we are making an exception for the F-35. Why? This isn't competition. Competition doesn't mean you buy two of everything.

Both the Bush and the Obama administrations have opposed this wasteful spending. Secretary Gates is strongly recommending a veto of the Defense Authorization bill if it contains funding for the extra engine.

I urge my colleagues to support an amendment to strip this wasteful spending from the bill. The Marines don't want it. The Air Force doesn't want it. The Navy doesn't want it. Why are we moving ahead with it?

If you are opposed to wasteful spending—as so many of my colleagues stand up on this floor and talk about—then this is your chance to prove it. Strip this \$485 million earmark out of the Defense Authorization Bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the gentleman for yielding.

And I come to the floor today to, of course, announce opposition to the rule, because I just cannot understand why in the world one of the crowning principles that the Founding Fathers had of this country was the freedom of speech, and certainly in this body we believe in the freedom of debate.

But when we're talking about an issue such as the repeal of Don't Ask,

Don't Tell, and the majority side wants to restrict the debate on this to 10 minutes—5 minutes for the minority side—on an issue that is so vitally important and should be discussed. We have our folks in the military that are trying to study this particular issue.

But the thing that's most egregious to me is that you're only providing the same amount of time that the manager's amendment is allowed. And when we have days and days and days here in Washington that we can debate on these issues, I ask the majority, why in the world on something this important to you and certainly those of us that oppose it, are you restricting our ability to debate this particular piece of legislation?

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS.)

Mr. ANDREWS. I thank the gentleman for yielding.

Mr. Speaker, if you love your country, you ought to be able to serve your country. That's the change that Congress is talking about today.

The minority is opposing an amendment that doesn't exist. We've heard voices on the minority side say that the policy changes ignore the advice of those in uniform, and it's not listening to the report the military is presently preparing. They should read the amendment, Mr. Speaker.

The amendment says the policy change would not take effect until 60 days after the Secretary of Defense and the Chairman of the Joint Chiefs of Staff say the implementation of the necessary policies is consistent with the standards of military readiness.

Mr. MILLER of Florida. Will the gentleman yield?

Mr. ANDREWS. I will yield, yes.

Has the gentleman read the amendment?

Mr. MILLER of Florida. Yes, I have. And my question is—

Mr. ANDREWS. Reclaiming my time, am I correctly stating the amendment?

Mr. MILLER of Florida. No, you're not.

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, it is growing more and more clear that the Obama administration intends to allow Iran to gain nuclear weapons and then to adopt a policy of containment, and I am unable to fully express the danger of such a policy. Whatever challenges we have in dealing with Iran today will pale in comparison to dealing with an Iran that has nuclear weapons.

Now, I am grateful that the committee chose to accept my amendment to this bill requiring the Defense De-

partment to develop and report to the Congress a national military strategic plan to counter Iran.

However, Mr. Speaker, the Obama administration remains asleep at the wheel while the last window we will ever have to stop Iran from gaining nuclear weapons is rapidly closing. I only pray that the President will wake up in time to prevent a nuclear-armed Iran from ushering a human family into the shadow of nuclear terrorism.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, yesterday I offered an amendment to the Rules Committee which would protect small businesses that support business on bases.

There's a movement right now to convert private employees to public or government employees at the detriment of small business. But this Rules Committee voted in a straight-line partisan way to deny this amendment to protect small businesses. And I am frustrated that as we are trying to help this economy, help small businesses grow, that they denied an amendment that would have protected small businesses.

Here's one small business owner in Bellevue, Nebraska, in support of Offutt Air Force Base. Dave Everhart, president of Veterans Defense Services, a small business in Bellevue, says, In many cases our employees are being told that they can either accept the government position at a reduced salary or lose their jobs. This is causing—when they are taking these employees from small businesses, many times they are taking their best talent, leaving only one option for these small businesses, and that's shuttering their doors, which leaves vacant bays and is impacting our communities in a negative way.

I am very frustrated with the Rules Committee's denial of this amendment.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

One of the big disappointments that I have about this rule is that the identity of service personnel who are accused of mistreating or torturing an al Qaeda terrorist if they capture them is not going to be agreed to. We think that their identity ought to be kept secret until they're proven guilty if they're charged with something like that.

We had three Navy SEALs that were accused of mistreating an al Qaeda terrorist because of what he said, because

of what he got out of the al Qaeda training manual, and they were all found innocent, but their names were made public—all through the media they were made public—and as a result, they're at risk, their families are at risk, and their future careers are at risk because they've been accused of something but not convicted of it.

So I think the legislation that we proposed in this amendment should have been approved by the Rules Committee because it protects our service men and women from being exposed for something that they did not do.

And I am very disappointed the Rules Committee did not choose to protect the identity of our service personnel who are accused wrongfully by al Qaeda terrorists of mistreatment.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. FRANK), chair of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I congratulate Speaker PELOSI and others in the leadership for successfully insisting that this House get a chance to vote on repealing the rule that says that patriotic, able-bodied gay and lesbian Americans cannot serve their country.

Mr. Speaker, it strikes me as odd. If there was a situation in which we were at war, as we are now sadly in two situations—sadly because no one likes war—if I had proposed that gay and lesbian Americans be exempted from any drafts and from any requirement to serve and put their lives in danger, I would have been accused of a “special rights,” and it would have been a correct accusation. Instead, gay and lesbian people are asking for the right to serve, and we're told that will undo military cohesion.

Mr. Speaker, the Israeli Defense Forces have understandably, given the history of the Jewish people and our aversion to bigotry, because we know what it does to us, they have been free of any such prejudice. Gay and lesbian Israelis have not just the right but the obligation to serve their country. And those who tell me that the presence of gay and lesbian members of the military undermine the effectiveness of a fighting force and undermine unit cohesion must have never heard of Israel. They must have never heard of as effective a fighting force as has existed in modern times.

So the notion that you must deny American gay and lesbian citizens their rights has no basis in reality.

□ 1145

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time I yield for the purpose of a unanimous consent request to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman.

Mr. Speaker, I ask unanimous consent that all germane amendments be

allowed to be offered, because the chairlady said that all germane amendments were approved.

The SPEAKER pro tempore. The Chair will entertain that unanimous consent request only from the manager in charge of the resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would make that request.

The SPEAKER pro tempore. The Chair would recognize that request only from the proponent of the resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in opposition to this rule. With all due respect to the gentleman from Massachusetts who just spoke with great passion about his position, I believe the American people don't want to see the American military used to advance a liberal political agenda, especially when the men and women who serve in our military haven't had a say in the matter. That's precisely what this Congress is poised to do today with a vote essentially repealing Don't Ask, Don't Tell.

Look, we all know that success on a battlefield requires high morale, unit cohesion. Standards of conduct over the years have been a critical part of this. Don't Ask, Don't Tell has been in place for 17 years. Repealing it without waiting till we hear from our military in December is essentially a disservice to those who are putting their lives on the line every day.

I urge this Congress to stop and put our priorities in order. The American people don't want the American military used as a vehicle to advance a liberal social agenda. Give the men and women in uniform a say before bringing this change to the floor of this House.

Ms. PINGREE of Maine. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's been a good debate. It's unfortunate there is not more fairness, procedural fairness in this rule with regard to what is traditionally a bipartisan bill. I urge a "no" vote on this resolution.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I will be brief in my closing, but I want to say this is a major piece of legislation, and its effects will be felt across the country.

I am extremely proud of this body today, as I know we will be poised to finally repeal the issue we have had so much discussion about this morning, that is, Don't Ask, Don't Tell. This has had a lengthy process. Fourteen thousand members of the military who have served this country honorably have been forced to leave strictly because of their own personal status.

This is a long process. It will not be changed until the Secretary of Defense and the Joint Chiefs of Staff have had time to certify it will not disrupt the military, as we have heard from some of our colleagues.

This has happened in many other countries, whether it's Israel or Australia or even the United Kingdom. If they can do it, so can we as well.

I am proud to know that my colleagues are debating this topic, as well as making sure today that we remember, on top of everything else, to respect our military, to thank them for their service and to make sure they are well compensated.

I want to thank Chairman SKELTON, Ranking Member McKEON and all my colleagues on the Armed Services Committee for all their tireless work.

I urge a "yes" vote on the previous question and on the rule.

Ms. GIFFORDS, Mr. Speaker. I rise today in support of the underlying bill and to highlight a number of very important provisions related to DoD's energy usage.

Last year, the Department of Defense consumed nearly 6.9 billion barrels of oil to power everything from bases to fighters. But every day, the services are proving that this dependence no longer needs to tether us to supply lines.

In the last year, thanks in large part to efforts by the Armed Services Committee, the military has begun to take aggressive action.

At Davis-Monthan Air Force Base in my District, the Air Force completed construction of the largest solar community in America.

Last month the Navy flew a fighter jet for the first time on biofuel.

The Army continues testing battlefield energy solutions at Fort Irwin.

And today, we will have an opportunity to move forward with additional responsible energy language I have worked with the services to develop and with the Committee to move forward.

The Defense bill requires DoD to develop a testing and certification plan for the operational use of aviation biofuels.

I have also added language that integrates the hybrid drive platform that the Army developed for Future Combat Systems over the last decade into the vehicles of today.

We included \$130 million for Energy Conservation projects at bases across the country that save the military and the American taxpayer millions of dollars.

In theater, we reduce basic energy consumption by cutting waste. During a DoD pilot program to spray foam insulate facilities in Iraq and Afghanistan, fuel consumption was reduced by nearly 75% on average. These projects had a return on investment of less than six months. The Defense bill seeks to expand this program by seeking a comprehensive review of all facilities to identify low cost, energy-saving solutions.

New Energy Performance Goals, new implementation plans and new studies of how to more effectively supply the force make the energy provisions in this bill stronger than in any previous year.

The NDAA specifically addresses many of the battlefield energy challenges our

servicemembers face in-theater every day. And the overwhelming bi-partisan support these provisions received at the Committee level validates the continued need for aggressive, smart and responsible solutions.

I urge my colleagues to support this rule and join me in passing the Defense Authorization bill.

Ms. PINGREE of Maine. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Ms. PINGREE of Maine. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 282

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 8, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on agreeing to House Concurrent Resolution 282 will be followed by 5-minute votes on adoption of House Resolution 1404; the motion to suspend the rules on House Resolution 1161; and the motion to suspend the rules on House Resolution 1372.

The vote was taken by electronic device, and there were—yeas 230, nays 187, not voting 14, as follows:

[Roll No. 306]

YEAS—230

| | | |
|----------------|------------------|------------------|
| Ackerman | Gordon (TN) | Murphy (NY) |
| Andrews | Grayson | Murphy, Patrick |
| Arcuri | Green, Al | Nadler (NY) |
| Baca | Green, Gene | Napolitano |
| Baird | Grijalva | Neal (MA) |
| Baldwin | Gutierrez | Oberstar |
| Barrow | Hall (NY) | Olson |
| Bean | Halvorson | Oliver |
| Becerra | Hare | Ortiz |
| Berkley | Harman | Owens |
| Berman | Hastings (FL) | Pallone |
| Berry | Heinrich | Pastor (AZ) |
| Bishop (GA) | Heller | Paul |
| Blumenauer | Herseth Sandlin | Payne |
| Bocchieri | Higgins | Perlmutter |
| Boswell | Hill | Peterson |
| Boucher | Himes | Pingree (ME) |
| Boyd | Hinchee | Polis (CO) |
| Brady (PA) | Hinojosa | Pomeroy |
| Braley (IA) | Hirono | Price (NC) |
| Brown, Corrine | Hodes | Quigley |
| Butterfield | Holden | Rahall |
| Capps | Holt | Rangel |
| Capuano | Honda | Reyes |
| Cardoza | Hoyer | Richardson |
| Carnahan | Inslee | Rodriguez |
| Carson (IN) | Israel | Ross |
| Castle | Jackson (IL) | Rothman (NJ) |
| Castor (FL) | Jackson Lee | Roybal-Allard |
| Chaffetz | (TX) | Ruppersberger |
| Chandler | Johnson (IL) | Ryan (OH) |
| Chu | Johnson, E. B. | Salazar |
| Clarke | Jones | Sánchez, Linda |
| Clay | Kagen | T. |
| Cleaver | Kanjorski | Sanchez, Loretta |
| Clyburn | Kaptur | Sarbanes |
| Cohen | Kennedy | Schakowsky |
| Connolly (VA) | Kildee | Schiff |
| Conyers | Kilpatrick (MI) | Schrader |
| Cooper | Kind | Schwartz |
| Costa | Kirkpatrick (AZ) | Scott (GA) |
| Costello | Kissell | Scott (VA) |
| Courtney | Klein (FL) | Serrano |
| Critz | Kucinich | Shea-Porter |
| Crowley | Langevin | Sherman |
| Cuellar | Larsen (WA) | Shuler |
| Cummings | Larson (CT) | Sires |
| Davis (CA) | Lee (CA) | Skelton |
| Davis (IL) | Levin | Slaughter |
| Davis (TN) | Lipinski | Smith (WA) |
| DeFazio | Loebach | Snyder |
| DeGette | Lofgren, Zoe | Speier |
| Delahunt | Lowey | Spratt |
| DeLauro | Luján | Stark |
| Deutch | Lummis | Stupak |
| Dicks | Maffei | Sutton |
| Dingell | Maloney | Tanner |
| Doggett | Markey (MA) | Teague |
| Doyle | Marshall | Thompson (CA) |
| Edwards (MD) | Matheson | Thompson (MS) |
| Edwards (TX) | Matsui | Tierney |
| Ehlers | McCarthy (NY) | Titus |
| Ellison | McCollum | Tonko |
| Engel | McDermott | Towns |
| Eshoo | McGovern | Tsongas |
| Etheridge | McIntyre | Van Hollen |
| Farr | McNerney | Velázquez |
| Fattah | Meek (FL) | Visclosky |
| Filner | Meeke (NY) | Walz |
| Foster | Melancon | Wasserman |
| Frank (MA) | Miller (NC) | Schultz |
| Fudge | Miller, George | Waters |
| Garamendi | Mollohan | Watson |
| Giffords | Moore (WI) | Watt |
| Gohmert | Moran (VA) | Waxman |
| Gonzalez | Murphy (CT) | |

Weiner
Welch

Wilson (OH)
Woolsey

Wu
Yarmuth

NAYS—187

| | | |
|-----------------|-----------------|---------------|
| Aderholt | Franks (AZ) | Moran (KS) |
| Adler (NJ) | Frelinghuysen | Murphy, Tim |
| Akin | Gallagher | Myrick |
| Alexander | Garrett (NJ) | Neugebauer |
| Altmire | Gerlach | Nunes |
| Austria | Gingrey (GA) | Nye |
| Bachmann | Goodlatte | Obeys |
| Bachus | Granger | Paulsen |
| Bartlett | Griffith | Pence |
| Barton (TX) | Guthrie | Perriello |
| Biggert | Hall (TX) | Peters |
| Bilbray | Harper | Petri |
| Bilirakis | Hastings (WA) | Pitts |
| Bishop (NY) | Hensarling | Platts |
| Bishop (UT) | Herger | Poe (TX) |
| Blackburn | Hunter | Posey |
| Blunt | Inglis | Price (GA) |
| Boehner | Issa | Putnam |
| Bonner | Jenkins | Radanovich |
| Bono Mack | Johnson (GA) | Rehberg |
| Boozman | Johnson, Sam | Reichert |
| Boustany | Jordan (OH) | Roe (TN) |
| Brady (TX) | Kilroy | Rogers (AL) |
| Bright | King (IA) | Rogers (KY) |
| Broun (GA) | King (NY) | Rogers (MI) |
| Brown (SC) | Kingston | Rohrabacher |
| Buchanan | Kirk | Rooney |
| Burgess | Kline (MN) | Ros-Lehtinen |
| Burton (IN) | Kosmas | Roskam |
| Buyer | Kratovil | Royce |
| Calvert | Lamborn | Scalise |
| Camp | Lance | Schauer |
| Campbell | Latham | Schmidt |
| Cantor | LaTourette | Schock |
| Cao | Latta | Sensenbrenner |
| Capito | Lee (NY) | Sessions |
| Carney | Lewis (CA) | Sestak |
| Carter | Linder | Shadegg |
| Cassidy | LoBiondo | Shimkus |
| Childers | Lucas | Shuster |
| Coble | Luetkemeyer | Simpson |
| Coffman (CO) | Lungren, Daniel | Smith (NE) |
| Cole | E. | Smith (NJ) |
| Conaway | Mack | Smith (TX) |
| Crenshaw | Manzullo | Space |
| Culberson | Marchant | Stearns |
| Dahlkemper | Markey (CO) | Sullivan |
| Dent | McCarthy (CA) | Taylor |
| Diaz-Balart, L. | McCaul | Terry |
| Diaz-Balart, M. | McClintock | Thompson (PA) |
| Djou | McCotter | Thornberry |
| Donnelly (IN) | McHenry | Tiahrt |
| Dreier | McKeon | Tiberi |
| Driehaus | McMahon | Turner |
| Duncan | McMorris | Upton |
| Ellsworth | Rodgers | Walden |
| Emerson | Mica | Wamp |
| Fallin | Michaud | Westmoreland |
| Flake | Miller (FL) | Whitfield |
| Fleming | Miller (MI) | Wilson (SC) |
| Forbes | Miller, Gary | Wittman |
| Fortenberry | Minnick | Wolf |
| Fox | Mitchell | Young (AK) |

NOT VOTING—14

| | | |
|--------------|------------|------------|
| Barrett (SC) | Davis (KY) | Moore (KS) |
| Boren | Graves | Pascarell |
| Brown-Waite, | Hoekstra | Rush |
| Ginny | Lewis (GA) | Ryan (WI) |
| Davis (AL) | Lynch | Young (FL) |

□ 1218

Messrs. COBLE, COFFMAN of Colorado, MCMAHON, and ALTMIRE changed their vote from “yea” to “nay.”

Mr. MORAN of Virginia changed his vote from “nay” to “yea.”

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FAREWELL TO PAGES

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, as chairman of the House Page Board, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently in the House of Representatives during the 111th Congress.

Mr. Speaker, I yield to the vice chair of the Page Board, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. For all of you who are giving us your riveting attention right now, on behalf of the Page Board, we would like to turn your attention to the rail in the back where some of the 67 pages are who have been here this year, some of the best and the brightest high school juniors in this Nation. These 67 pages were nominated by you; they have been serving you; they have been here for the past semester observing you, listening to you, learning from you, which makes you all guilty of child abuse or at least guilty of contributing to the delinquency of a minor.

However, this is their final week. They are in finals right now at the accredited high school which they attend, and they will be finishing their service to the House next week when, hopefully, we will be in recess. So we will not have a chance to bid them a farewell before that time, but we are extremely grateful.

I would ask that the names of these 67 pages who have been serving this semester be added to the RECORD.

Mr. KILDEE. Mr. Speaker, the pages have witnessed this House debate the great issues of war and peace and of justice and civil rights through a program called Close Up, which is a very good program.

You have seen this House close up more than any other group. You have seen us at our best and at our worst. You have seen democracy at work. You have enabled us to do our work.

Mr. Speaker, as Chairman of the House Page Board, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently in the House of Representatives during the 111th Congress.

We all recognize the important role that congressional pages play in helping the U.S. House of Representatives operate.

These groups of young people, who come from all across our Nation, represent what is good about our country.

To become a page, these young people have proven themselves to be academically qualified.

They have ventured away from the security of their homes and families to spend time in an unfamiliar city.

Through this experience, they have witnessed a new culture, made new friends, and learned the details of how our government operates.

As we all know, the job of a congressional page is not an easy one.

Along with being away from home, the pages must possess the maturity to balance competing demands for their time and energy.

In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level.

At the same time, they face a challenging academic schedule of classes in the House Page School.

You pages have witnessed the House debate issues of war and peace, hunger and poverty, justice and civil rights.

You have seen Congress at moments of greatness and Congress with its frailties.

You have witnessed the workings of an institution that has endured well over 200 years.

No one has seen Congress and Members of the Congress as close up as have you.

I am sure you will consider your time spent in Washington, DC to be one of the most valuable and exciting experiences of your lives, and that with this experience you will all move ahead to lead successful and productive lives.

Mr. Speaker, as the Chairman of the House Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans.

They certainly will be missed.

I would like to thank the members of the House Page Board who have provided such fantastic service to this institution:

Congressman ROB BISHOP, Vice Chair,
Congresswoman DIANA DEGETTE,
Congresswoman VIRGINIA FOXX,
Clerk of the House Lorraine Miller,
Sergeant at Arms Bill Livingston,
Ms. Lynn Silversmith Klein,
Mr. Adam Jones

Thank you for your service on the House Page Board.

Mr. Speaker, I again yield to the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Speaker, if it would be possible, I would ask the Members of this body to rise and to give some thanks to the service of our pages who have been with us this semester.

(Applause, the Members rising.)

Mr. BISHOP of Utah. Mr. Speaker, on behalf of Chairman KILDEE, Representative DEGETTE from Colorado, Representative FOXX from North Carolina, and myself, who are the Page Board, we appreciate all of your service.

SPRING 2010 PAGE CLASS GRADUATES

- Kyle Aguiar, CA
- Jacquelyn Andrews, NJ
- Tyler J. Barnett, CA
- Aaron Benudiz, CA
- Zoe Bertrand, NY
- Paris Bess, OH
- Zakariya Binshaieg, WA
- Addison Blair, UT
- Charlotte Bowers, OR
- Martin J. Boyle, MA
- LaVontae Brooks, IL
- Kathleen L.M. Calcerano, PA
- Halley Cameron, CA

- John Barrett Cannafax, FL
- Christopher Connolly, VA
- Sarah Coyle, MD
- Thomas Crawford, CA
- Ryan Davenport, NC
- Devin Marie DePalmer, CA
- Elizabeth Maria Dixon, FL
- Jacob Fessler, KY
- Jillian Rose Fisher, TX
- Tori Greaves, CA
- Blair Gremillion, LA
- Samantha Guarneros, TX
- Talitha Halley, TX
- Garrett J. Helgesen, UT
- Daniel Herzstein, CA
- Alice Hewitt, CA
- Henry Huang, CA
- Rachel Janik, IL
- Jamal L. Johnson, Jr., NY
- Terrence Kim, NY
- Tekeisha Chanaé King, SC
- Rebecca Levine, PA
- Thomas Marion, GA
- Catherine Ann Martin, MA
- Cameron McGarrar, AR
- Matthew Charles McKnight, OH
- Lauren Milosky, CA
- Giovanni Navarrete, IL
- Joshua A. Nawrocki, FL
- Lucy Nieboer, MN
- Tyler Odom, PA
- Sarah Okey, OH
- Benjamin Hollis Olson, IA
- Jessica Maria Orozco, TX
- Grace L. Pazak, IN
- Garrett J. Perconti, NJ
- Marvin Lee Pierre-Louis, NY
- Alex Pommier, CA
- Riley J. Quinlan, IL
- Paul Reitz, OH
- Alice Rockswold, MN
- Nicholas Rudnik, GA
- Nathan Shepherd, GA
- Lauren A. Smith, OK
- Marina Ariel Stevens, MD
- LaShaun Yvette Steward, TX
- Samarth Suresh, CT
- Joseph Fortunato Tantillo, NY
- Nicholas Scott Taxera, CA
- Cassidy Anne Taylor, OR
- Matthew Weiss, NY
- Cortez Lewis Williams, MI
- Jessica Gayle Williford, NC
- Sara Zimmerman, IL

PROVIDING FOR CONSIDERATION OF H.R. 5136, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

The SPEAKER pro tempore (Mr. PAS-
TOR of Arizona). Without objection, 5-
minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The un-
finished business is the vote on adop-
tion of House Resolution 1404, on which
the yeas and nays were ordered.

The Clerk read the title of the resolu-
tion.

The SPEAKER pro tempore. The
question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic de-
vice, and there were—yeas 241, nays
178, not voting 12, as follows:

[Roll No. 307]

YEAS—241

| | | |
|------------|---------|--------|
| Ackerman | Altmire | Arcuri |
| Adler (NJ) | Andrews | Baca |

| | | |
|----------------|-----------------|------------------|
| Baird | Halvorson | Obey |
| Baldwin | Hare | Oliver |
| Barrow | Harman | Ortiz |
| Bean | Hastings (FL) | Owens |
| Becerra | Heinrich | Pallone |
| Berkley | Herseth Sandlin | Pastor (AZ) |
| Berman | Higgins | Payne |
| Berry | Himes | Perlmutter |
| Bishop (GA) | Hinchey | Perriello |
| Bishop (NY) | Hinojosa | Peters |
| Blumenauer | Hirono | Peterson |
| Boccheri | Hodes | Pingree (ME) |
| Boswell | Holden | Polis (CO) |
| Boucher | Holt | Pomeroy |
| Brady (PA) | Honda | Price (NC) |
| Braley (IA) | Hoyer | Quigley |
| Brown, Corrine | Inslee | Rahall |
| Butterfield | Israel | Rangel |
| Capps | Jackson (IL) | Reyes |
| Capuano | Jackson Lee | Richardson |
| Cardoza | (TX) | Rodriguez |
| Carnahan | Johnson (GA) | Ross |
| Carney | Johnson, E. B. | Rothman (NJ) |
| Carson (IN) | Kagen | Roybal-Allard |
| Castor (FL) | Kanjorski | Ruppersberger |
| Chandler | Kaptur | Rush |
| Childers | Kennedy | Ryan (OH) |
| Chu | Kildee | Sánchez, Linda |
| Clarke | Kilpatrick (MI) | T. |
| Clay | Kilroy | Sanchez, Loretta |
| Cleaver | Kind | Sarbanes |
| Clyburn | Kissell | Schakowsky |
| Cohen | Klein (FL) | Schauer |
| Connolly (VA) | Kosmas | Schiff |
| Conyers | Kratovil | Schrader |
| Cooper | Langevin | Schwartz |
| Costa | Larsen (WA) | Scott (GA) |
| Costello | Larson (CT) | Scott (VA) |
| Courtney | Lee (CA) | Serrano |
| Critz | Levin | Sestak |
| Crowley | Lewis (GA) | Shadegg |
| Cuellar | Lipinski | Shea-Porter |
| Cummings | Loeb sack | Sherman |
| Dahlkemper | Lofgren, Zoe | Sires |
| Davis (CA) | Lowey | Skelton |
| Davis (IL) | Lujan | Slaughter |
| Davis (TN) | Lynch | Smith (WA) |
| DeFazio | Maffei | Snyder |
| DeGette | Maloney | Space |
| Delahunt | Markey (CO) | Speier |
| DeLauro | Markey (MA) | Spratt |
| Deutch | Marshall | Stupak |
| Dicks | Matheson | Sutton |
| Dingell | Matsui | Tanner |
| Doggett | McCarthy (NY) | Teague |
| Donnelly (IN) | McCollum | Thompson (CA) |
| Doyle | McDermott | Thompson (MS) |
| Edwards (MD) | McGovern | Tierney |
| Edwards (TX) | McIntyre | Titus |
| Ellison | McMahon | Tonko |
| Ellsworth | McNerney | Towns |
| Engel | Meek (FL) | Tsongas |
| Eshoo | Meeks (NY) | Van Hollen |
| Etheridge | Melancon | Velázquez |
| Farr | Michaud | Visclosky |
| Fattah | Miller (NC) | Walz |
| Filner | Miller, George | Wasserman |
| Foster | Minnick | Schultz |
| Frank (MA) | Mollohan | Waters |
| Fudge | Moore (KS) | Watson |
| Garamendi | Moore (WI) | Watt |
| Giffords | Moran (VA) | Waxman |
| Gonzalez | Murphy (CT) | Weiner |
| Gordon (TN) | Murphy (NY) | Welch |
| Grayson | Murphy, Patrick | Wilson (OH) |
| Green, Al | Nadler (NY) | Woolsey |
| Green, Gene | Napolitano | Wu |
| Grijalva | Neal (MA) | Yarmuth |
| Gutierrez | Nye | |
| Hall (NY) | Oberstar | |

NAYS—178

| | | |
|-------------|-------------|--------------|
| Aderholt | Boehner | Buyer |
| Akin | Bonner | Calvert |
| Alexander | Bono Mack | Camp |
| Austria | Boozman | Campbell |
| Bachmann | Boustany | Cantor |
| Bachus | Boyd | Cao |
| Bartlett | Brady (TX) | Capito |
| Barton (TX) | Bright | Carter |
| Biggert | Broun (GA) | Cassidy |
| Blibray | Brown (SC) | Castle |
| Bilirakis | Buchanan | Chaffetz |
| Bishop (UT) | Burgess | Coble |
| Blunt | Burton (IN) | Coffman (CO) |

Cole
Conaway
Crenshaw
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Drier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston

Kirk
Kirkpatrick (AZ)
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perrillo
Peterson
Petri
Pitts
Platts
Poe (TX)

Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—12

Barrett (SC)
Blackburn
Boren
Brown-Waite,
Ginny

Davis (AL)
Davis (KY)
Fortenberry
Graves
Hoekstra

Pascarell
Ryan (WI)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1231

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CENTENNIAL CELEBRATION OF WOMEN AT MARQUETTE UNIVERSITY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1161.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1161.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. FUDGE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 380, noes 0, answered “present” 36, not voting 15, as follows:

[Roll No. 308]

AYES—380

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Beceerra
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Bocciari
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa

Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes

Hinchey
Hinojosa
Hirono
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeback
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon

McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Olson
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perrillo
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)

Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson

Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Vislosky
Walden
Wamp
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

ANSWERED “PRESENT”—36

Baldwin
Blumenauer
Capuano
Delahunt
Eshoo
Farr
Giffords
McGovern
Miller, George
Nadler (NY)
Obey
Oliver
Peters
Pingree (ME)

Kirkpatrick (AZ)
Kucinich
Lee (CA)
Lofgren, Zoe
McCormack
McDermott
McGovern
Miller, George
Nadler (NY)
Obey
Oliver
Peters
Pingree (ME)

Sánchez, Linda
T.
Sarbanes
Stark
Sutton
Tierney
Tsongas
Walz
Wasserman
Schultz
Weiner
Woolsey

NOT VOTING—15

Arcuri
Barrett (SC)
Boren
Brown-Waite,
Ginny
Buyer

Childers
Davis (AL)
Davis (KY)
Diaz-Balart, L.
Graves
Hoekstra

Melancon
Pascarell
Ryan (WI)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1238

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNIVERSITY OF GEORGIA GRADUATE SCHOOL CENTENNIAL

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and agreeing to the resolution, H. Res. 1372.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1372.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 0, answered “present” 1, not voting 18, as follows:

[Roll No. 309]

AYES—412

| | | |
|----------------|-----------------|-----------------|
| Ackerman | Carson (IN) | Fattah |
| Aderholt | Carter | Fiener |
| Adler (NJ) | Cassidy | Flake |
| Alexander | Castle | Fleming |
| Altmire | Castor (FL) | Forbes |
| Andrews | Chaffetz | Fortenberry |
| Arcuri | Chandler | Foster |
| Austria | Childers | Foxx |
| Baca | Chu | Frank (MA) |
| Bachmann | Clarke | Franks (AZ) |
| Bachus | Clay | Frelinghuysen |
| Baird | Cleaver | Fudge |
| Baldwin | Clyburn | Galleghy |
| Barrow | Coble | Garamendi |
| Bartlett | Coffman (CO) | Garrett (NJ) |
| Barton (TX) | Cohen | Gerlach |
| Bean | Cole | Giffords |
| Becerra | Conaway | Gingrey (GA) |
| Berkley | Connolly (VA) | Gohmert |
| Berry | Conyers | Gonzalez |
| Biggert | Cooper | Goodlatte |
| Billbray | Costa | Gordon (TN) |
| Bilirakis | Costello | Granger |
| Bishop (GA) | Courtney | Grayson |
| Bishop (NY) | Crenshaw | Green, Al |
| Bishop (UT) | Critz | Green, Gene |
| Blackburn | Crowley | Griffith |
| Blumenauer | Cuellar | Grijalva |
| Blunt | Culberson | Guthrie |
| Bocieri | Cummings | Gutierrez |
| Boehner | Dahlkemper | Hall (NY) |
| Bonner | Davis (CA) | Hall (TX) |
| Bono Mack | Davis (IL) | Halvorson |
| Boozman | Davis (TN) | Hare |
| Boswell | DeFazio | Harman |
| Boucher | DeGette | Harper |
| Boustany | Delahunt | Hastings (FL) |
| Boyd | DeLauro | Hastings (WA) |
| Brady (PA) | Dent | Heinrich |
| Brady (TX) | Deutch | Heller |
| Braley (IA) | Diaz-Balart, M. | Hensarling |
| Bright | Dicks | Herger |
| Brown (GA) | Dingell | Herseth Sandlin |
| Brown (SC) | Djou | Higgins |
| Brown, Corrine | Doggett | Hill |
| Buchanan | Donnelly (IN) | Himes |
| Burgess | Doyle | Hinchey |
| Burton (IN) | Dreier | Hinojosa |
| Butterfield | Driehaus | Hiron |
| Buyer | Duncan | Hodes |
| Calvert | Edwards (MD) | Holden |
| Camp | Edwards (TX) | Holt |
| Campbell | Ehlers | Honda |
| Cantor | Ellison | Hoyer |
| Cao | Ellsworth | Hunter |
| Capito | Emerson | Inglis |
| Capps | Engel | Inslee |
| Capuano | Eshoo | Israel |
| Cardoza | Etheridge | Issa |
| Carnahan | Fallin | Jackson (IL) |
| Carney | Farr | |

| | | |
|--------------------|-------------------|---------------|
| Jackson Lee (TX) | Mica | Sarbanes |
| Jenkins | Michaud | Scalise |
| Johnson (IL) | Miller (FL) | Schakowsky |
| Johnson, E. B. | Miller (MI) | Schauer |
| Johnson, Sam | Miller (NC) | Schiff |
| Jones | Miller, Gary | Schmidt |
| Jordan (OH) | Miller, George | Schock |
| Kagen | Minnick | Schrader |
| Kanjorski | Mitchell | Schwartz |
| Kaptur | Mollohan | Scott (GA) |
| Kennedy | Moore (KS) | Scott (VA) |
| Kildee | Moore (WI) | Sensenbrenner |
| Kilpatrick (MI) | Moran (KS) | Serrano |
| Kilroy | Moran (VA) | Sessions |
| Kind | Murphy (CT) | Sestak |
| King (IA) | Murphy (NY) | Shadegg |
| King (NY) | Murphy, Patrick | Shea-Porter |
| Kingston | Murphy, Tim | Sherman |
| Kirk | Myrick | Shimkus |
| Kirkpatrick (AZ) | Nadler (NY) | Shuler |
| Kissell | Napolitano | Shuster |
| Klein (FL) | Neal (MA) | Simpson |
| Kline (MN) | Neugebauer | Sires |
| Kosmas | Nunes | Skelton |
| Kratovil | Nye | Slaughter |
| Kucinich | Oberstar | Smith (NE) |
| Lamborn | Olson | Smith (NJ) |
| Lance | Olver | Smith (TX) |
| Langevin | Ortiz | Smith (WA) |
| Larsen (WA) | Owens | Snyder |
| Larson (CT) | Pallone | Space |
| Latham | Pastor (AZ) | Speier |
| LaTourette | Paul | Spratt |
| Latta | Paulsen | Stark |
| Lee (CA) | Payne | Stearns |
| Lee (NY) | Pence | Stupak |
| Levin | Perlmutter | Sullivan |
| Lewis (CA) | Perriello | Sutton |
| Lewis (GA) | Peters | Tanner |
| Linder | Peterson | Taylor |
| Lipinski | Petri | Terry |
| LoBiondo | Pingree (ME) | Thompson (CA) |
| Loebach | Pitts | Thompson (MS) |
| Lofgren, Zoe | Platts | Thompson (PA) |
| Lowe | Poe (TX) | Thornberry |
| Lucas | Polis (CO) | Tiahrt |
| Luetkemeyer | Pomeroy | Tiberi |
| Lujan | Posey | Titus |
| Lummis | Price (GA) | Tonko |
| Lungren, Daniel E. | Price (NC) | Towns |
| Lynch | Putnam | Tsongas |
| Mack | Quigley | Turner |
| Maffei | Radanovich | Upton |
| Maloney | Rahall | Van Hollen |
| Manzullo | Rangel | Velázquez |
| Marchant | Rehberg | Visclosky |
| Markay (CO) | Reichert | Walden |
| Markay (MA) | Reyes | Walz |
| Marshall | Richardson | Wamp |
| Matheson | Rodriguez | Wasserman |
| Matsui | Roe (TN) | Schultz |
| McCarthy (CA) | Rogers (AL) | Waters |
| McCarthy (NY) | Rogers (KY) | Watson |
| McClintock | Rogers (MI) | Watt |
| McCollum | Rohrabacher | Waxman |
| McCotter | Rooney | Weiner |
| McDermott | Ros-Lehtinen | Welch |
| McGovern | Roskam | Westmoreland |
| McHenry | Ross | Whitfield |
| McIntyre | Rothman (NJ) | Wilson (OH) |
| McKeon | Roybal-Allard | Wilson (SC) |
| McMahon | Royce | Wittman |
| McMorris | Ruppersberger | Wolf |
| Rodgers | Rush | Woolsey |
| McNerney | Ryan (OH) | Wu |
| Meek (FL) | Salazar | Yarmuth |
| Meeks (NY) | Sánchez, Linda T. | Young (AK) |
| | Sanchez, Loretta | |

ANSWERED “PRESENT”—1

Obey

NOT VOTING—18

| | | |
|--------------|-----------------|------------|
| Akin | Davis (KY) | Pascarell |
| Barrett (SC) | Diaz-Balart, L. | Ryan (WI) |
| Berman | Graves | Teague |
| Boren | Hoekstra | Tierney |
| Brown-Waite, | Johnson (GA) | Young (FL) |
| Ginny | McCaul | |
| Davis (AL) | Melancon | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1253

Ms. CORRINE BROWN of Florida changed her vote from “present” to “aye.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL SECURITY STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. ANDREWS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 108 of the National Security Act of 1947, as amended (50 U.S.C. 404a), I am transmitting the National Security Strategy of the United States.

BARACK OBAMA.

THE WHITE HOUSE, May 27, 2010.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, regarding H.R. 5136, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and in which to insert extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REQUEST TO EXTEND TIME FOR DEBATE ON AMENDMENT NO. 79

Mr. McKEON. Mr. Speaker, I ask unanimous consent that the time for debate on amendment No. 79 offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) be extended by 60 minutes evenly divided between the proponent and opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. SKELTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1404 and rule XVIII, the Chair declares the House in the Committee of the Whole House on

the state of the Union for the consideration of the bill, H.R. 5136.

□ 1255

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, with Mr. PASTOR of Arizona in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Today, we as a Congress perform a duty in compliance with the Constitution of the United States. Article I, section 8 states that Congress shall have the power to provide for the common defense and general welfare of the United States. It also provides for and maintaining a Navy and making all rules for the government and regulation of land and naval forces.

So today I rise in support of H.R. 5136, the National Defense Authorization Act for fiscal year 2011. I'm pleased to be joined here today with my friend, my colleague, the ranking member, BUCK McKEON. BUCK's been a true partner in this effort to bring forward a bipartisan bill that addresses the national security needs of our country.

The committee passed the Defense Authorization Bill by a vote of 59-0.

Our Nation's been at war for nearly a decade. Our troops are worn, and their families are tired, and the Nation recognizes their sacrifices. The bill addresses many of the concerns that they've raised.

I'm proud that this bill is a result of the committee's engagement with the military community and our citizens to determine what issues were important to them as we developed the programs and policies that are included in this bill.

This bill authorizes \$567 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy. The bill also authorizes \$159 billion to support ongoing military operations in Iraq and Afghanistan during fiscal year 2011. These amendments are essentially equal to the President's budget request for items in the jurisdiction of the Armed Services Committee.

H.R. 5136 continues Congress' deep commitment to supporting U.S. servicemembers and their families and to

provide the necessary resources to keep America safe. The bill provides our military personnel a 1.9 percent pay raise, which is an increase of a half a percent above the President's request.

The bill also includes a number of initiatives to support military families, including extending health care coverage to adult dependent children up to the age of 26. We also have the single most comprehensive legislative proposal to address sexual assault in the military.

The bill also fully funds the President's budget request for military training, equipment, maintenance and the facilities upkeep, which continues the committee's efforts to address readiness shortfalls that have developed over previous years.

□ 1300

The bill provides an increase of \$12 billion above the fiscal year 2010 budget for operations and maintenance, including \$345 million to fully fund the first increment of construction necessary to modernize Department of Defense schools. There is 13.6 billion for training of an all active-duty Reserve force to increase readiness; an increase of \$500 million for day-to-day operations of Army bases, which is a direct impact on our soldiers. It also provides an increase of \$700 million above the administration's budget to address the equipment shortfalls on National Guard and Reserve units.

The war in Afghanistan is a critical mission that is essential to our national security. To ensure that our strategies in both Iraq and Afghanistan are effective and achieve the intended goals within well-defined timelines, the bill requires the President to assess U.S. efforts and regularly report on progress, including providing timelines by which he plans to achieve his goals.

It also extends the authorization of the Pakistan Counterinsurgency Fund through fiscal year 2011 to allow commanders to help Pakistan quickly and more effectively go after terrorist safe havens. The bill also provides \$1.6 billion for Coalition Support Funds to reimburse nations that are providing logistical, military, and other support to our troops in Iraq and Afghanistan.

On Iraq, the bill upholds Congress's responsibility to provide oversight to the process of drawing down the mountain of material purchased, transported, and built up in Iraq at tremendous expense to the taxpayer.

In the area of nonproliferation, the bill continues our focus on keeping weapons of mass destruction and related materials out of the hands of terrorists and strengthens our nonproliferation programs and activities. The bill increases funding for the Department of Energy's nonproliferation programs and adds funding to continue the administration's plan to secure and remove all known vulnerable nuclear

materials that could be used for weapons.

There are other good things in this bill, which my colleagues will cover.

I want to recognize the members of the Armed Services Committee for their contributions in making this bill one of the best that the committee has put forward in recent years.

I also, Mr. Chair, want to brag about the wonderful staff that we have on the Armed Services Committee. They make it all work well.

Mr. Chair, our committee has been and will continue to be strong proponents of our Nation's security and the people that it defends. We will continue to do what is right and necessary to ensure that our country is safe and secure. We must continue to work with the President to ensure that our citizens are safe and our Nation's security is paramount.

I urge my colleagues to support our troops and their families and vote for the defense authorization bill.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as legislators, we meet once again to address the wide range of important national security activities undertaken by the Department of Defense and the Department of Energy. We all take our legislative responsibilities very seriously. This is especially true during a time of war. And it's always true of my good friend and colleague, our Armed Services Committee chairman, IKE SKELTON.

As a result of Chairman SKELTON's tireless efforts to put forward this bill, our committee reported out the National Defense Authorization Act for Fiscal Year 2011 last Wednesday. The vote was unanimous, 59-0. Consistent with the longstanding bipartisan practice of the Armed Services Committee, this bill reflects our committee's continued strong support for the brave men and women of the United States Armed Forces.

The defense authorization bill authorizes \$567 billion in budget authority for the fiscal year 2011 base budget of the Department of Defense and national security programs of the Department of Energy, and it authorizes \$139 billion in funding to support operations in Iraq, Afghanistan, and elsewhere in the global war on terrorism.

This bill does an admirable job in dealing with some of our greatest national security challenges. Addressing the wars in Iraq and Afghanistan, H.R. 1536 authorizes the fiscal year 2011 overseas contingency operations. With respect to Afghanistan, this bill updates reporting requirements, including asking for the conditions and criteria that will be used to measure progress, instead of allowing the ticking Washington political clock to determine our end state.

I am very pleased that the chairman and our colleagues on the committee

joined us in ensuring that lifesaving combat enablers such as force protection, medical evacuation, and intelligence, surveillance, and reconnaissance capabilities are deployed in time to fully support the 30,000 additional troops scheduled to arrive in Afghanistan by this summer.

Building on the Acquisition Reform Act this body passed in April, this legislation takes a number of important steps on major weapons programs. We strongly believe that a \$110 billion non-competitive, sole source, 25-year contract should not be permitted. Therefore, we strongly support the inclusion of funding to complete development of the F-136 competitive engine for the Joint Strike Fighter.

As a Nation, we owe more than our gratitude to the brave men and women in uniform and their families, past and present, for the sacrifices they make and have made to protect our freedom. We are pleased that this legislation includes a pay raise which is half a percentage point above the President's request.

A major disappointment is that once again the committee and House leadership were unable to find the mandatory spending offsets needed to eliminate the widow's tax, a tax that occurs because survivors must forfeit most or all of their Survivor Benefit Plan annuity to receive Dependency and Indemnity Compensation. Nor were we able to provide for concurrent receipt of military disability retired pay and VA disability pay, as proposed by the President. I know that Chairman SKELTON has attempted to find the offsets, but so far, despite this House approving trillions in spending that is not offset, this body has been unable or unwilling to find the means to support widows and disabled veterans.

One of the areas where there is disagreement between the aisles is detainee policy. We need to keep terrorists off our soil, not fight to get them here. We are disappointed that the bill does not prohibit the transfer of Guantanamo Bay detainees to U.S. soil.

Finally, for the last 8 years, we have asked our men and women of the Armed Forces and their families to make repeated sacrifices while serving this Nation. They have unhesitatingly and selflessly responded in a magnificent manner, without hesitation putting mission and Nation ahead of self and family. Now the proponents of repealing Don't Ask, Don't Tell want to rush a vote to the floor that disrupts the process that was put in place earlier this year to give the troops the opportunity to make their view known on this most important issue.

After making the continuous sacrifice of fighting two wars over the course of 8 years, the men and women of our military deserve to be heard. Congress acting first is the equivalent to turning to our men and women in

uniform and their families and saying your opinion, your views do not count.

Yesterday I spoke to and received letters from all four service chiefs. I will include copies of those letters in the RECORD. Let me read a couple of excerpts, Mr. Chairman.

General Schwartz, the Air Force Chief of Staff, writes, "I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the Don't Ask, Don't Tell law. Such action sends an important signal to our airmen and families that their opinion matters."

General Casey, the Army Chief of Staff, writes, "I believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward." Similar views are expressed by Admiral Roughead and General Conway.

Mr. Chairman, I planned on addressing this matter in detail when we debate Mr. MURPHY's amendment. Unfortunately, the leadership deemed this debate, this issue so critical to the morale and welfare of our military worthy of only 10 minutes of debate. Ten minutes. The repeal of Don't Ask, Don't Tell will get as much time for debate today as the manager's amendment. This is an outrage.

I'd like to make one last point. If this body were to adopt Mr. MURPHY's amendment, then this House would breach the trust of 2.5 million men and women in uniform and their families by saying to them that their voices don't count. We owe our military personnel better.

In order to allow this House the time it needs to hear from our military forces through the process that was set up earlier this year, and their families, before we make a decision, I would encourage Members to vote against the Don't Ask, Don't Tell compromise and against final passage if my Democratic colleagues refuse to wait to hear from our troops.

As in years past, I believe that this legislation reflects many of the Armed Services Committee's priorities in supporting our Nation's dedicated and courageous servicemembers. I thank Chairman SKELTON for putting together an excellent bill and helping us to stay focused on delivering a bill that protects, sustains, and builds our forces. I support H.R. 5136 as passed by the House Armed Services Committee.

We never, in the committee, in our markup, we never held a full committee hearing on Don't Ask, Don't Tell. We never included it or discussed it in our debate in the Armed Services Committee.

I look forward to working with my colleagues to improve H.R. 5136.

SECRETARY OF DEFENSE,
Washington, DC, April 30, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter of April 28 requesting my views on the advisability of legislative action to repeal the so-called "Don't Ask Don't Tell" statute prior to the completion of the Department of Defense review of this matter.

I believe in the strongest possible terms that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change; develop an attentive comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner. A critical element of this effort is the need to systematically engage our forces, their families, and the broader military community throughout this process. Our military must be afforded the opportunity to inform us of their concerns, insights, and suggestions if we are to carry out this change successfully.

Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process. Further, I hope Congress will not do so, as it would send a very damaging message to our men and women in uniform that in essence their views, concerns, and perspectives do not matter on an issue with such a direct impact and consequence for them and their families.

Adm. MICHAEL G. MULLEN,
Chairman of the Joint
Chiefs of Staff.
ROBERT M. GATES,
Secretary of Defense.

U.S. ARMY,
May 26, 2010.

Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: My views on the repeal of section 654 of Title 10, United States Code, have not changed since my testimony. I continue to support the review and timeline offered by Secretary Gates.

I remain convinced that it is critically important to get a better understanding of where our Soldiers and Families are on this issue, and what the impacts on readiness and unit cohesion might be, so that I can provide informed military advice to the President and the Congress.

I also believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.

Sincerely,
GEORGE W. CASEY, JR.,
General, United States Army.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, May 26, 2010.

Hon. BUCK P. MCKEON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MCKEON: The President has clearly articulated his intent for the "Don't Ask, Don't Tell" (DA/DT) law to be repealed, and should this law change, the Air Force will implement statute and policy faithfully. However, as I testified to you and

the HASC at the AF Posture hearing on 23 February 2010, my position remains that DOD should conduct a review that carefully investigates and evaluates the facts and circumstances, the potential implications, the possible complications, and potential mitigations to repealing this law.

I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the DA/DT law. Such action allows me to provide the best military advice to the President, and sends an important signal to our Airmen and their families that their opinion matters. To do otherwise, in my view, would be presumptive and would reflect an intent to act before all relevant factors are assessed, digested and understood.

Sincerely,

NORTON A. SCHWARTZ,
General, USAF,
Chief of Staff.

MAY 25, 2010.

Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: During testimony, I spoke of the confidence I had as a Service Chief in the DoD Working Group that Secretary Gates laid out in the wake of President Obama's guidance on "Don't Ask—Don't Tell." I felt that an organized and systematic approach on such an important issue was precisely the way to develop "best military advice" for the Service Chiefs to offer the President.

Further, the value of surveying the thoughts of Marines and their families is that it signals to my Marines that their opinions matter.

I encourage the Congress to let the process the Secretary of Defense created to run its course. Collectively, we must make logical and pragmatic decisions about the long-term policies of our Armed Forces—which so effectively defend this great Nation.

Very Respectfully,

James T. Conway,
General, U.S. Marine Corps,
Commandant of the Marine Corps.

MAY 26, 2010.

Hon. HOWARD P. "BUCK" MCKEON,
House of Representatives,
Washington, DC.

DEAR MR. MCKEON: As a follow-up to our phone call today, the following represents my personal views about the proposed amendment concerning section 654 of title 10, United States Code.

I testified in February about the importance of the comprehensive review that began in March and is now well underway within the Department of Defense. We need this review to fully assess our force and carefully examine potential impacts of a change in the law. I have spoken with Sailors and fellow flag officers alike about the importance of conducting the review in a thoughtful and deliberate manner. Our Sailors and their families need to clearly understand that their voices will be heard as part of the review process, and I need their input to develop and provide my best military advice.

I share the view of Secretary Gates that the best approach would be to complete the DOD review before there is any legislation to change the law. My concern is that legislative changes at this point, regardless of the precise language used, may cause confusion on the status of the law in the Fleet and dis-

rupt the review process itself by leading Sailors to question whether their input matters. Obtaining the views and opinions of the force and assessing them in light of the issues involved will be complicated by a shifting legislative backdrop and its associated debate.

Sincerely,

G. ROUGHEAD,
Admiral, U.S. Navy.

I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my friend, my colleague, the distinguished chairman of the Subcommittee on Air and Land Forces, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I rise in strong support of the National Defense Authorization Act for 2011.

I want to first thank the chairman of the committee, Mr. SKELTON, for his outstanding leadership of this committee. He has once again put together a bill that reflects the priorities that should be in place for national defense: first and foremost, support our troops. I know nobody on that committee cares more about that issue than Mr. SKELTON. He has once again made sure that this bill reflects that. It gives them a higher pay raise than was recommended by the Department of Defense and, across the board, makes sure that our troops and our families get the support they need to continue to do the amazing job that they are doing of defending this country. It is a great privilege to serve on this committee with Mr. SKELTON and with Mr. MCKEON and to have the responsibility for supporting our troops who have served us so well. I thank him for his great leadership and for this bill.

On the Air and Land Subcommittee, I want to thank Mr. BARTLETT, the ranking member on the committee. We have truly worked together in a very bipartisan fashion on this bill. That's one of the great things about being on the Armed Services Committee. We have a lot that we disagree on on a partisan basis in this body, but on the Armed Services Committee we work in a bipartisan way to make sure that we have a defense bill that protects our national security and supports our troops. And Mr. BARTLETT certainly upholds that standard, and it's been a great pleasure working with him.

On our subcommittee, our top priority is to support our soldiers and airmen in the fight they are now fighting in Iraq and Afghanistan. We want to make sure that they have the equipment they need to fulfill the mission that we have asked them to do. Towards that end, we have \$3.9 billion in the bill to upgrade and improve our helicopters, which are so critical to the mission that they are fighting; \$3.4 billion to fully fund the MRAP, the Mine Resistant Ambush Protected vehicles that have done such an amazing job at improving the survivability of our

troops when hit by IEDs; \$3.4 billion for the JIEDDO account, which continues to find more and better ways to protect our troops from improvised explosive devices; \$3.7 billion to fund intelligence, surveillance, and reconnaissance, which is critical to make sure that our troops get the information they need when they need it to be in the best position to protect themselves on the battlefield; a billion dollars for new Strykers, a vehicle that has been critical for our combat infantry brigades and their ability to be maneuverable enough to survive in the fight.

We are making sure in this bill that our troops in the field get the equipment they need to fulfill the mission we have asked them to do. We also set aside an additional \$700 million in this bill for the Army and Air Force Guard and Reserve equipment accounts. As we all know, Guard and Reserve members have been asked to do far more than they ever have in the history of this country. They are stressed and strained, and their equipment is being used at a far greater pace than anyone anticipated. We want to make sure that they have the funds available to replenish that equipment and make sure that they get the training they need so that they are able to do the job here in the U.S. we ask them to do, and also the job that we ask them to do in Afghanistan and Iraq.

□ 1315

We are also concerned in this bill and continue to be concerned about our procurement and acquisition process. We passed acquisition reform again under Chairman SKELTON's great leadership, but we have a fair number of programs, certainly the Joint Strike Fighter, future combat systems that have not delivered on time and on budget. We have to make sure that we get every penny that we spend, and it is spent efficiently and effectively. We need to continue to work to make sure the programs that we procure meet that standard.

That is why I, too, along with Mr. MCKEON, am strongly supportive of the second engine program. And it has been our committee's position for a long time to support that program. We believe that it is an efficient use of taxpayer dollars.

So I thank you, Mr. Chairman, again for your great leadership. I believe this bill gives us a very strong national security.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT). He's the ranking member on the Air and Land Subcommittee of the committee.

Mr. BARTLETT. I would like to thank our Armed Forces Committee Chairman SKELTON, Ranking Member MCKEON, Committee chair SMITH, and all of our colleagues for their contributions to this Defense Authorization Bill.

This bill was voted out of committee by unanimous vote because it maintains our objectives of balancing the health and capability of the current force with the needs of future capability. And I also want to thank, really thank the staff for their professionalism, dedication, and extraordinary hard work this year.

As an engineer with 20 patents, 20 years of experience with military R&D programs, and 17 years in the Armed Services Committee, I can assure you that the Defense Department's own data provides the proof that Congress must continue to approve the alternative engine for the Joint Strike Fighter which will ultimately lead 95 percent of all of fighting aircraft. The competition is crucial for our national security and that of our allies because the original engine awarded under a noncompetitive contract is 21 months behind schedule, and according to GAO is estimated to be \$2 billion over budget. That's a 52 percent increase and one of the main reasons with redundancy the committee overwhelmingly supports continued funding of the competitive engine.

The Department asked Congress to permit the issue of a sole-source contract for over \$100 billion for thousands of engines over the life of this program. I owe it to the American people and warfighters to object to something this irresponsible.

And, Mr. Chairman, I urge support of H.R. 5136 as approved unanimously by the Armed Service Committee, but a vote for the Don't Ask, Don't Tell amendment abdicates our Constitutional authority over military policy and gives this authority to the President and unelected executive branch leaders. Congress has yielded far too much of its Constitutional authority to the executive and judiciary. Therefore, if this amendment passes, I cannot support this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my colleague, my friend from Texas (Mr. ORTIZ), the distinguished chairman of the Subcommittee on Readiness.

Mr. ORTIZ. Thank you, Mr. Chairman. First, let me thank you for your leadership that you bring to the committee and being able to get the committee to work together. Mr. McKEON as well.

I rise in support of H.R. 5136, the National Defense Authorization Act for fiscal year 2011. The bill before us today continues efforts begun last year to address readiness shortfalls.

It supports the President's request for increased training funding for all of the active duty forces and provides funding to continue reset of equipment damaged or worn out through 9 years of continuous combat operations. The bill authorizes \$20 billion for military construction and \$168 billion for operation and maintenance, a \$12 billion in-

crease in O&M. This funding is needed over the amount authorized last year in the defense budget.

To reduce budgetary risk to readiness in areas where the services identified shortfalls, the bill includes additional funding for Navy ship depot maintenance; Army Reserve depot maintenance; contract and performance management; Army base operating services and trainee barracks construction; Guard and Reserve construction; energy conservation and renewable energy projects; and day-to-day facilities maintenance and repair.

Our combatant commanders should not have to wait years to have the right infrastructure to support wartime operations. This bill provides the tools that the Department needs to ensure that General Petraeus has the right facilities at the right location at the right time.

The bill also supports the Readiness and Environmental Protection Initiative, which ensures the long-term viability of military testing and training ranges by protecting them from encroachment.

The bill provides provisions related to benefits for DOD civilians who are deployed to combat zones. These provisions are very important because Federal civilian employees are increasingly providing important support in contingency operations.

The bill supports the President's request for a much-needed reinvestment in Army training and readiness. Increases in funding for all Army components, along with a drawdown from Iraq, should begin to put the Army on a path to restoring its readiness posture.

The bill sustains the Navy's course correction of flying-hour funding to meet operational requirements. To ensure the sea services can attain fleet air training goals, the bill includes \$185 million in additional funding for naval training and aircraft depot maintenance.

The bill contains additional funding for Air Force accounts critical to supporting emergent missions and taking care of an aging aircraft fleet.

Mr. Chairman, this is a good bill, and I ask my colleagues to support it.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN), the ranking member of the Seapower Subcommittee.

Mr. AKIN. Mr. Chairman, I rise in support of H.R. 5136—that's the National Defense Authorization Act—which we have before us at this time, and it was approved unanimously by Republicans and Democrats on the House Armed Services Committee. And we believe overall a proper balance has been struck on this bill.

I was personally concerned about some problems with our missile defense system, but I made several amendments looking to get a little more in-

formation from the administration on these programs. Those were adopted.

In addition, we were concerned about the department's assessment even in the most rosy scenario that we are short on strike fighters. And I was pleased that we are able to add some additional F-18s to the budget to at least, in a small way, mitigate that particular problem.

I would be remiss, though, if I were to stand here and say that everything is well. As much as I support this bill, it is possible to mess up any good thing. And the idea of repealing Don't Ask, Don't Tell at the last minute with an amendment that doesn't even come out of our committee, that has, at the most, 10 minutes to debate and has more far-reaching implications for defense than almost any single item in this bill is the height of folly.

Approaching Memorial Day weekend, for us to try to slide this little fellow in, this little political gimme to some vocal but very small interest group over the interests of our sons and daughters who serve in the service, in spite of the objections of the military leadership, starting with the Secretary of Defense coming down the chain of commanders saying, Give us time to figure out, what does it mean to repeal Don't Ask, Don't Tell.

The current policy says that if you're gay and you want to serve in the military, that's fine, but don't let it get in the way of the mission. If we take that out, what does it mean? We need time, and we don't need some fast little political fix to mess up an otherwise good bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the gentleman from Mississippi (Mr. TAYLOR), who's the chairman of the Subcommittee on Seapower and Expeditionary Forces.

Mr. TAYLOR. Mr. Chairman, I rise in support of the bill as it passed committee, and in particular of the Sea Power and Expeditionary Forces section of the bill.

Under the leadership of Chairman IKE SKELTON, the fleet has grown by seven ships since he became chairman to a total of 286. I guess it's in the direction, however slowly, of the 313 ships that CNO wishes to have. It also takes some far-reaching steps, one of which is directing the CNO that in the future, that in order to go to the fleet, he may only retire two ships for every three ships we commission. I think this is very important language. This is the third CNO who has said he wanted 313 ships, but ironically, they keep submitting budgets to Congress that actually shrink their fleet rather than grow it.

So I want to thank Chairman SKELTON for working with us on that, my colleagues, on directive language that actually keeps some of those great vessels that would go to someone else's fleet in our fleet a bit longer.

Specifically the bill takes many steps to continue the work of the world's greatest Navy and the world's greatest Marine Corps. It authorizes the construction of nine battle-force vessels and one auxiliary oceanographic research vessel, along with 214 aircraft for the Navy and Marine Corps. It authorizes \$5.1 billion to construct two Virginia-class submarines—the first time Congress has ever authorized two Virginia-class submarines; \$950 million for the first increment of funding of the Marine Corps' amphibious assault vessel LHA-7; \$3 billion to fully fund two DDG 51 Arleigh Burke-class destroyers to work off of the Navy's surface fleet and the centerpiece of our Nation's missile defense; \$1.5 billion to fully fund two littoral combat ships; \$180.7 million to fund one Joint High Speed Vessel for the Navy; \$380 million to fully fund the remaining construction costs for the first of the class maritime landing platform vessel for the Marine Corps; \$3.3 billion for 30 F-18 Superhornet strike fighters, as well as 12 EA-18 Growler expeditionary electronic-warfare aircraft.

That will make a total of 186 of these fine aircraft built on Chairman SKELTON's watch. \$4.1 billion for 20 Navy and Marine Corps F-35 Joint Strike Fighter aircraft; \$4.6 billion for 180 Marine Corps rotary-winged aircraft; \$359 million for the Maritime Administration of the Department of Transportation, including \$100 million for the Merchant Marine Academy.

The bill strongly supports funding for our Overseas Contingency Operations, authorizing \$3.4 billion to build the life saving Mine Resistant Vehicles. This is on top of the \$16.4 billion under Chairman SKELTON's watch that was allocated in 2007 for a total of 16,000 of these vehicles that have been built as we continue to build 1,000 of them a month to protect our soldiers in Iraq and Afghanistan.

For Marine Corps programs, this bill fully authorizes the \$3.1 billion for a request for Marine Corps procurement, with an additional \$126 million for unfunded requirements that will protect our Marines.

Mr. Chairman, I fully support the bill as recommended by the committee.

THE CHAIR. The time of the gentleman has expired.

Mr. SKELTON. I yield the gentleman an additional 30 seconds.

Mr. TAYLOR. I also want to thank my colleague Mr. AKIN for all of his help on this and all of the Seapower Subcommittee, and in particular I want to commend our great staff: Ms. Jenness Simler, Captain Will Ebbs, Heath Bope, Jesse Tolleson, and Liz Drummond.

ACTIONS SPEAK LOUDER THAN WORDS

Since 2007, the House Armed Services Committee under Chairman Ike Skelton has continued to grow our nation's air, land and sea forces to address the threats facing the

United States from both foreign nations and terrorist organizations. Chairman Skelton's predecessor, Duncan Hunter, deserves credit for leading House Armed Service Committee member's efforts to provide up-armored Humvees, Improvised Explosive Device (IEDs) Jammers, and other initiatives to counter the IED threat in Iraq and Afghanistan. However, the game changing improvement in the IED effort was the rapid development and fielding of the Mine Resistant Ambush Protected Vehicle (MRAP) that occurred under the leadership of Chairman Ike Skelton. The actions of the Democratic majority speak much louder than words when it comes to our national defense.

The Mississippi National Guard's 155th Heavy Brigade Combat Team returned home to Mississippi in March 2010 after completing their second tour of duty in Iraq. During their deployment they encountered more than 80 attacks from IEDs without suffering any fatalities or serious injuries compared to their 2005 deployment where they suffered 28 fatalities from IED attacks. During their most recent deployment, their unit was equipped with MRAPs. Prior to 2007, the demand for MRAP's was ignored for four straight years by Secretary of Defense, Donald Rumsfeld. The Republican majority in Congress did not prod Secretary Rumsfeld to build these vehicles at the rate our forward deployed commanders were requesting.

In 2004 military officials in Iraq began requesting MRAPs from the Pentagon to counter the enemy's most successful means of attack—the IED. At the time, 60% of U.S. fatalities in Iraq were the direct result of IED attacks. Secretary Rumsfeld and top leaders at the Pentagon originally ignored these requests from the forward deployed commanders to make fielding MRAPs a priority. By the end of 2006 the Department of Defense's (DoD) established requirement for MRAPs for the Iraq war effort was an absurdly low amount—4000 vehicles.

Before MRAPs were available in Iraq or Afghanistan, military patrols were conducted in up-armored Humvees. The enemy quickly discovered this vehicles vulnerability to under-bottom explosions. Since Secretary Rumsfeld had refused to provide MRAPs despite the requests coming from the theater of combat, the result of continuing to use up-armored Humvees was unnecessary American injuries and deaths. The MRAP is designed with a "V" shaped bottom that provides an effective defense against bottom exploding IEDs by forcing the impact of the explosion away from the bottom of the vehicle, unlike the Humvees.

When I became Chairman of the Seapower and Expeditionary Forces Subcommittee in January 2007, under the new Democratic majority, the very first hearing I chaired focused on the need to rapidly get MRAPs to our troops in Iraq. I worked with Chairman Skelton and my colleagues on the Armed Services Committee to provide an additional \$16.4 billion in 2007 for procurement, building and transporting 15,374 MRAPs to Iraq. This effort continues today, and we currently have approximately 16,000 MRAPs in Iraq and Afghanistan. We also continue to work with DoD on providing vehicles that provide the same type of protection as the MRAP but are more suitable for the hazardous terrain and conditions in Afghanistan. There are approximately 2300 of these vehicles in operational units in Afghanistan, with 6,800 working their way through the pipeline to get to the theater of combat. We continue to produce about 1000 of these life saving vehicles a month.

For years the House Armed Services Committee has voiced concerns over the concurrent and high-risk development of the F-35 Joint Strike Fighter, which in turn, has caused a several years delay in its operational fielding. Because of this issue, coupled with the planned F/A-18 production line drawdown, our Naval Air Forces face a significant strike-fighter shortfall peaking at over 250 aircraft in 2017. Realizing this significant issue over the last two years, the committee has added 17 F/A-18s to the Department's request to help mitigate the shortfall. The Committee, under Chairman Skelton's leadership, also included candid language within the FY11 NDAA report stating that "barring a complete reversal" of the F-35 program failures, the Committee expects the Navy to "continue production of F/A-18s to prevent our naval airpower from losing significance in our nation's arsenal."

I have made the commitment to my colleagues on the Committee and to Chairman Skelton to get our shipbuilding back on track. The United States Navy's goal is to maintain a 313 ship fleet capable of transporting troops around the world, providing support for military operations, along with a global U.S. presence. The Navy's fleet is currently at 286 ships. Starting in 2003, the wars in Iraq and Afghanistan, shifted our defense needs primarily to the Army, the National Guard and our Reserves. During this time, the Navy's shipbuilding program went stagnant, lacked direction, and had no plan in place to reach the Navy's stated goal of a 313 ship fleet.

This all changed starting in 2007. The Armed Services Committee began addressing the Navy's acquisition reform process, the cost overruns as a result of Secretary Rumsfeld's outsourcing of shipbuilding to contractors and lead system integrators. We have provided the Navy real goals to meet each year in order to build the Navy back to a 313 ship fleet.

This reformation includes a proposed authorization of 10 ships in this year's National Defense Authorization Act. We have worked to bring the Littoral Combat Ship (LCS) back under control. These ships had been previously authorized, but the program spun wildly out of control. It got to the point where the contractors wanted \$600 million for a ship they originally said could be built for \$220 million in fiscal year 2005. This cost increase prevented the Navy from building the amount of LCS' originally approved by Congress which seriously affected the Navy's ability of reaching its goal of a 313 ship fleet.

Chairman Skelton and the Democratic majority also prevented another costly over run from occurring by capping the DDG 1000 program at three ships at approximately \$3 billion per ship. This program was running billions of dollars over budget. By capping this program at three ships, we allowed the Navy to shift funds into a much more successful shipbuilding program—the DDG 51 program. This maximizes the Navy's budget by providing them with a ship that has a proven track record for success and providing the funds to a proven shipbuilding program that has already produced 58 ships for the United States Navy.

The Navy has also received authorization for 15 ships not including the additional 10 ships in the proposed FY 2011 NDAA, to be built from fiscal years 2009 through 2011. Since 2007, the Navy's fleet has grown by 7 ships to 286 ships. Prior to this, the Navy's fleet was the smallest it has been since the 19th century at 279 ships. The progress made by the Navy's shipbuilding program is the direct result of a clear and consistent plan and

new leadership at the Department of the Navy. It is by no means a coincidence that the fleet has grown and continues to grow under Chairman Skelton's leadership during this Democratically controlled Congress.

While men and women in the United States military continue to be put in harms way in Iraq and Afghanistan we must continue providing them the real support necessary to allow them to successfully carry out their mission. It is clear that the House Armed Services Committee under Chairman Skelton, has provided much more than mere words or rhetoric and has acted loudly to ensure that the Department of Defense and our men and women fighting overseas constantly have what they need to succeed in protecting and defending the United States of America.

GENE TAYLOR,
Member of Congress.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES), the ranking member on the Readiness Subcommittee.

Mr. FORBES. Thank you, Mr. Chairman, for the opportunity to stand in strong support of this bill as recommended. I would also like to express my sincere appreciation for Chairman SKELTON, Ranking Member McKEON, and the chairman of our Readiness Subcommittee and my good friend from Texas, Mr. ORTIZ.

Creating legislation of this magnitude and of critical importance to the defense of this Nation is no easy task, and I appreciate their leadership and their hard work in crafting a solid bipartisan bill.

Mr. Chairman, our Founding Fathers knew that our freedoms were so precious that they were worth protecting and worth defending. They also knew, as we know today, that one of the realities of having these freedoms is that there will always be individuals who want to rob them from us. Throughout the course of our Nation's history, we have seen this to be true. Today is no different. Recent attempts in Times Square, New York City, and on passenger airlines on Christmas Day are stark reminders that there are terrorist organizations that are actively trying to kill American citizens.

Mr. Chairman, we need to keep terrorists off U.S. soil, not provide means for any administration to bring them here. And while the committee did not support an amendment that would have prevented the transfer of any Guantanamo Bay detainee to U.S. soil, I do want to take a moment to highlight one provision that I am very glad is included in the mark. This provision requires an inventory and analysis of the modeling and simulation tools used by the Department of Defense during the development of the annual budget. This is a terrific first step in making sure the department has the right tools to ensure that the readiness needs of commanders will be reflected in the budget. By starting with funding priorities in support of commanders out in the field, we will make sure we are providing what is required to defend America.

Mr. Chairman, I thank you, and I thank all of the Members of this committee for their hard work in preparing this bill. I strongly encourage my colleagues to support H.R. 5136—provided it's not destroyed with the adoption of political amendments that could negatively impact the readiness of our troops, such as the removal of the Don't Ask, Don't Tell policy before the military has concluded its impact on our readiness.

□ 1330

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to my friend, my colleague, a former marine, and the distinguished chairman of the Subcommittee on Oversight and Investigations, the gentleman from Arkansas, Dr. SNYDER.

Mr. SNYDER. When the history of U.S. national security is written, Secretary Gates' speech given at the end of 2007 at Kansas State will be remembered. Yet as a new administration pursued these policies with Secretary Gates kept on as Secretary of Defense, criticisms were heard, criticisms with which I disagree.

An America confident in more than just its military strength is a strong America. To remember our moral strength, not just our military strength, is to build a strong America. To build a strengthened diplomatic corps builds a strong America. Selling our products internationally and not fearing competition builds a strong America. Using our power to help other nations develop their economy, public health systems, rule of law builds our national security.

Listening to nations like Bangladesh regarding what climate change means to them strengthens us. Listening to the voices that want America to be a beacon of human rights strengthens us. Yesterday's view that only military strength makes us strong is indeed yesterday's view.

As we consider this very good defense bill, I applaud the administration's incredibly successful efforts at killing and capturing terrorists, but let us not forget our responsibilities to all aspects of national power and strength.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MILLER), the ranking member of the Terrorism Subcommittee.

Mr. MILLER of Florida. I thank the gentleman for yielding.

I too rise in support of the defense authorization act for 2011 as it was passed out of the full committee. I do think we have taken some important steps on protecting those who work every day to protect the people and protect those of us in the United States.

The language that we had inserted into this bill, one of the things that it does is require the Department of Defense Inspector General to investigate the alleged misconduct and practices of

certain lawyers for terrorist detainees at Guantanamo Bay.

Unanimously, the committee approved this amendment, whereby we have said that these lawyers may very well have engaged in illegal actions by seeking to "out" covert agents to the very terrorists that these particular agents took off the battlefield.

If this indeed is true, I can't think of a more offensive, unpatriotic and terrible act to be committed by the Americans that did this against fellow Americans.

I also do stand with the ranking member in opposition to the repeal of Don't Ask, Don't Tell. I agree, we also need to allow the Department of Defense to complete its study before we jump the gun to a rash, premature decision, one that diverts our military's attention from its true priorities. Those priorities are succeeding in Iraq and Afghanistan, and also in keeping terrorists from harming Americans and its citizens.

Unfortunately, if the Murphy amendment does pass and we do repeal Don't Ask, Don't Tell, I will have to vote against H.R. 5136. But I trust this body will reject the Murphy amendment and allow our forces to remain focused on the task at hand—defending America.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to my friend, the chair of the Subcommittee on Terrorism, Unconventional Threats and Capabilities, the gentleman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. I thank the chairman for yielding.

Mr. Chairman, I rise today as a 14-year member of the House Armed Services Committee and the chairwoman of the Subcommittee on Terrorism, Unconventional Threats and Capabilities to address probably what I believe is one of the most important assets that we have for the Department of Defense, the role of our small businesses in America.

My subcommittee, along with the full committee, has worked hard to develop ways to expand opportunities for small businesses to get defense procurements. For example, we wanted to repeal the Small Business Competitive Demonstration Program. This would reinstitute the use of small business set-asides for Federal procurements in certain industry groups, assuring that these small businesses are awarded a fair proportion of Department of Defense contracts.

The repeal of this program would not only have saved DOD money and personnel but would have improved small business prime and subcontracting opportunities.

Secondly, the Armed Services Committee was hoping to extend the Small Business Innovation Research program by 1 year and to apply funding toward technical assistance for that program

in order to strengthen the ability of small businesses to meet the demands of DOD requirements.

It would have made perfect sense to move an extension within this bill because over 50 percent of that program is with the Department of Defense.

Also, there is a program called the Mentor-Protégé Program. It pairs up major DOD contractors with small businesses, and it helps to develop a relationship with these small contractors to help them.

As you can see, these are good provisions for small businesses. Unfortunately, none of these amendments were approved by the Rules Committee because of the objections raised by the House Small Business Committee on grounds of jurisdiction. I think everyone in this Chamber will agree that small businesses are the backbone of many of our districts and I know that this is true in the 47th Congressional District of California.

I hope that in the very near future, the Committee on Small Business will work with the Armed Services Committee to rapidly provide these resources to our small businesses.

I rise today as a 14-year Member of the House Armed Services Committee and the Chairwoman of the Subcommittee on Terrorism and Unconventional Threats to address probably what I consider one of the most important assets to the Department of Defense—the role of small businesses.

My subcommittee along with the full committee has worked hard to develop ways to expand opportunities for small businesses in defense procurement.

Let me provide this chamber with a couple of amendments that would have ultimately not only strengthened this bill and the Department but would have also provided our country's small businesses with the resources in order to thrive in the competitive world of DoD contracting.

For example, we wanted to repeal the Small Business Competitive Demonstration Program. This would reinstitute the use of small business set-asides for Federal procurements in certain industry groups, assuring that these small businesses are awarded a fair proportion of DoD contracts.

The repeal of this program would not only have saved DoD money—but also personnel—while improving small business prime and subcontracting opportunities.

Second, the Armed Services Committee was hoping to extend the Small Business Innovation Research program by 1 year and apply funding toward technical assistance for the program in order to strengthen the ability of small businesses to meet the demands of DoD requirements.

Currently, 11 Federal agencies are involved in the SBIR Program where DoD takes up 50 percent of the entire SBIR Program.

It would have made perfect sense to move such an extension within the NDAA, because DoD has over 50 percent of the program.

Through this year's bill the Committee was also working towards extending the DoD Mentor-Protégé program by 5 years.

The Mentor-Protégé program is a program that started with DoD in 1991.

This program pairs up major DoD contractors with small businesses and helps develop a relationship where major contractors can provide developmental assistance to small businesses and guide them to a point where they can sustain themselves.

As you can see, all these provisions would have significantly expanded and strengthened small business growth.

One of my subcommittee's major responsibilities is to provide and expand resources for small businesses who want to do business with DoD.

Unfortunately, none of these amendments were approved by the Rules Committee because of objections raised by the House Small Business Committee on grounds of jurisdiction.

The FY2011 National Defense Authorization Act is a good piece of legislation that addresses several of the Defense Department's most important challenges, including:

The fight to interrupt the flow of violent extremists and the ideological underpinnings of radicalization;

The development and deployment of innovative and critical technologies;

Defending our homeland from attacks and managing the consequences of catastrophic incidents including natural disasters;

Enhancing strategies and capabilities to counter irregular warfare challenges;

And enhancing force protection policies governing Department of Defense personnel.

And I believe none of these challenges can be met without the innovation and technology of our small businesses.

I think everyone in this chamber will agree that small businesses are the backbone of many of our districts; I know it is for the 47th District of California.

I hope in the very near future the Committee on Small Businesses will work with the Armed Services Committee to rapidly provide these resources to our small businesses.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), the ranking member on the Military Personnel Subcommittee.

Mr. WILSON of South Carolina. I thank the gentleman from California for yielding.

As the ranking member of the Military Personnel Subcommittee, there are a few issues I would like to highlight with regard to this year's National Defense Authorization Act.

I am pleased the act adopted the Military Personnel Subcommittee mark in full and adopted some important amendments. Of note in the mark was a 1.9 percent basic pay raise for the military, as proposed in my bill, H.R. 4427.

Concerning amendments, first is my amendment to ensure that the Secretary of Defense retains sole authority over TRICARE, the Department of Defense's health care system. This ensures that the health care system of our servicemen and women and families will not be overwhelmed in the health care takeover.

I do have concerns about a few other issues that are not in the NDAA. First is the proposal that we would have allowed military personnel retired with disabilities to receive both their full military disability retirement pay and VA disability pay. The concurrent receipt issue has been addressed numerous times by the committee led by Congressman JEFF MILLER of Florida, and while we have been making inroads, there are still many veterans who need our help.

Additionally, it was not allowed to eliminate the widow's tax that results because surviving spouses are required to forfeit their survivor benefit pension annuity. This is a real burden to widows and children of servicemembers.

I am also concerned about the retroactive retirement credit for Guard and Reserve soldiers who served after 9/11. These soldiers have answered the call to duty and deserve no less for their honorable service than their active duty counterparts.

As we bring this act to the floor, it is important to keep the servicemember in the forefront of our mind. It is crucial to consider the repeal of the military's Don't Ask, Don't Tell policy. The service chiefs, as represented by the fighting men and women of our country, have again and again urged us not to change the law until they have sufficient time to conduct their study.

We are a Nation at war, and, as such, we should follow the wishes of our war fighters.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to my friend, the distinguished chair of the Subcommittee on Military Personnel, the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I am pleased to summarize the Military Personnel Subcommittee portion of H.R. 5136, and I want to thank Mr. WILSON and Chairman SKELTON for their contributions and certainly to our hardworking staff.

This bill continues to improve the quality of life for our servicemembers, their families, and military survivors who carry such a heavy burden for our country. Some of the highlights include continued support for increased end strengths for the active Army and Navy, a 1.9 percent pay raise, increases

to hostile fire pay and family separation allowance, new initiatives to complement our Year of the Military Family, the authority for TRICARE beneficiaries to extend health care coverage to dependents up to age 26, adoption of the full range of recommendations by the Defense Task Force on Sexual Assault in the Military Services, and authorization of millions of dollars for Impact Aid.

While we couldn't accommodate all the requests that were brought before the subcommittee, we were able to include many to address the needs of our military. But, Mr. Chairman, there is still a policy, a policy in place which no longer reflects the needs of our military.

We can correct that today through the Murphy amendment to repeal Don't Ask, Don't Tell. The intent of this amendment is not to freeze the DOD implementation review process or discount the findings of the DOD's comprehensive working group on this subject. We support their work and know how important their findings will be to the successful repeal of Don't Ask, Don't Tell.

A fundamental piece of this will be the opinions of our servicemembers. Congress sincerely values their point of view, and we know DOD will work hard to address their concerns. But DOD's review and the congressional action are not mutually exclusive.

We have heard that repealing Don't Ask, Don't Tell will weaken unit cohesion and, by extension, national security. But this policy is forcing those in uniform to lie to their colleagues that weakens unit cohesion. And it is firing personnel during two wars just because they are gay that weakens national security.

As chairwoman of the Military Personnel Subcommittee, I know that our military draws its strength from the integrity of our unified force. Current law challenges this integrity by creating two realities within the ranks. I urge my colleagues to look at this closely. I hope my colleagues will stand on the right side of history and end Don't Ask, Don't Tell.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), the ranking member on the Strategic Forces Subcommittee.

Mr. TURNER. I want to thank Ranking Member McKEON and also our chair, Mr. SKELTON, and the chair, Mr. LANGEVIN, of our Subcommittee on Strategic Forces.

I support the committee-passed version of H.R. 5136, and particularly by the way that it strengthens our Nation's strategic forces. It endorses an increase in funding for the modernization of our Nation's nuclear deterrence capabilities, although this funding must be sustained in the outyears.

It includes a \$362 million increase in funding for missile defense, which I

strongly support, and holds the administration accountable for deploying missile defenses in Europe to protect the United States and our NATO allies. It establishes a sense of Congress that there would be no limitations on U.S. missile defenses in Europe in the new START treaty, despite Russian statements to the contrary.

There is an area, however, in which I am concerned in that the bill does not go far enough to provide a sufficient hedge to protect the United States from missile attack. The Phased Adaptive Approach for missile defense in Europe is not planned to cover the U.S. homeland until 2020, yet the ICBM threat from Iran to the U.S. could materialize as early as 2015, according to the latest intelligence assessments. Regrettably, an amendment I offered in full committee to address this gap was rejected.

Another area which I support, I want to thank our chairman, Mr. SKELTON, for his support of the custody rights of our military parents. This bill includes protection for the fundamental custody rights of those military parents. Once again it highlights the need for a baseline of child custody protections for our men and women in uniform, and it also includes language that criticizes an unofficial DOD report as an incomplete product that does not ascertain the full scope of this problem.

Equally important in this bill is it strengthens the safety and family rights for military personnel. I want to thank Chairwoman DAVIS and Ranking Member WILSON for incorporating bipartisan language from the Tsongas-Turner Defense STRONG Act that seeks to enhance sexual assault protections as well as improving training requirements to protect our members.

I thank my colleagues in the Armed Services Committee for their work on the 2011 National Defense Authorization Act. It is certainly my hope that we can retain the language passed by the committee so the House can have a bipartisan report.

Mr. SKELTON. Mr. Chairman, pursuant to section 4 of House Resolution 1404, and as the chairman of the Committee on Armed Services, I request that, during further consideration of H.R. 5136 in the Committee of the Whole, and following consideration of amendment No. 4 printed in House Report 111-498, the following amendments be considered: en bloc No. 1; amendment No. 13; en bloc No. 2; en bloc No. 3.

The CHAIR. The gentleman's request is noted.

Mr. SKELTON. Mr. Chairman, I now yield 2½ minutes to my friend, the gentleman from Rhode Island (Mr. LANGEVIN), the chairman of the Subcommittee on Strategic Forces.

□ 1345

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011.

This is a strong, bipartisan bill; and as chairman of the Strategic Forces Subcommittee, it has been a pleasure working with Chairman SKELTON and Ranking Member McKEON, as well as the ranking member of the subcommittee, Mr. TURNER, and members of the committee in crafting this measure which provides our men and women in uniform with the tools to address some of the most pressing strategic threats to our national security.

Members of our subcommittee are acutely aware that we are racing against time to secure vulnerable nuclear materials and prevent nuclear terrorism and that we must deter nations like Iran from developing nuclear weapons. We must also protect ourselves, our deployed forces and our allies against the growing threat of attacks from ballistic missiles, particularly from expanding stockpiles of short- and medium-ranged rockets, as well as being mindful that both Iran and North Korea are pursuing development of ICBM capabilities.

So our bill invests in maintaining a safe, secure, and reliable nuclear deterrent, providing an effective missile defense against the most likely and immediate threats, and protecting our national security space and intelligence assets.

First, reflecting the President's commitment to provide a strong and sustained investment in our nuclear deterrent, the bill provides \$15 billion for the Department of Energy's Atomic Energy Defense Activities, not counting the nonproliferation programs. This includes \$7 billion for nuclear weapons activities, a 10 percent increase over last year's funding, and \$5.6 billion for defense environmental cleanup activities. This increase will sustain our nuclear arsenal without nuclear testing. It ensures we will maintain a credible deterrent as we responsibly reduce our stockpile and provides a robust foundation for implementing the administration's Nuclear Posture Review and President Obama's historic efforts to reduce nuclear dangers.

Second, H.R. 5136 will strengthen our ballistic missile defenses by providing \$10.3 billion to protect the United States, our deployed troops, and our allies and friends against the most immediate threats from nations such as Iran, Syria, and North Korea. Our funding increases ensure that we will purchase key elements of the administration's Phased Adaptive Approach for ballistic missile defense in Europe more efficiently and at lower overall cost.

The bill also provides an additional \$88 million for the longstanding U.S.-Israeli collaboration on missile defense programs. Further, the bill provides a

\$50 million increase for directed energy research and the Airborne Laser Test Bed to facilitate the testing and development of technologies that are most likely to yield operational capabilities in the future.

The CHAIR. The time of the gentleman has expired.

Mr. SKELTON. I yield the gentleman an additional 15 seconds.

Mr. LANGEVIN. The bill also requires operationally realistic testing of missile defense systems. It makes deployment of missile defenses in Europe contingent on such testing, as well as host nation ratification of any deployments on European soil.

I am proud of our smart spending decisions to strengthen our defenses against current missile threats. We are embracing good government practices and emphasizing thorough testing that reduces the costs to American taxpayers in the long run.

Finally, this authorization builds on the bipartisan approach of previous years to military space programs, providing \$9.7 billion to sustain and improve these critical assets that are essential to our warfighters.

I want to thank Chairman SKELTON for his leadership one again in crafting such a strong measure, and I urge my colleagues to support it.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN), the ranking member on the Oversight and Investigations Subcommittee.

Mr. WITTMAN. Mr. Chairman, I would like to begin by congratulating Ranking Member McKEON and Chairman SKELTON for their fine work on the National Defense Authorization bill for 2011.

Mr. Chairman, the defense authorization bill provides our Department of Defense the resources it needs and addresses the committee's priorities in supporting our men and women in uniform, their spouses and families.

To enable our servicemembers to continue defending our freedoms abroad, we owe it to them to provide the best available support, training and equipment; and this bill reflects our undying commitment to those servicemembers. After traveling to Afghanistan and Pakistan last month on a congressional delegation and visiting the troops in the field, I know it is critical that we move the bill forward quickly to provide them that vital support.

The funding and support in this bill for the wars in Afghanistan and Iraq are critical. That support back home is just as critical. I am concerned, though, today about the attempt to repeal the Don't Ask, Don't Tell policy without listening to our servicemembers first. We are currently fighting two wars and asking our men and women to make tremendous sacrifices. Now this Congress wants to act without their regard and essentially tell

our American military members and families that their views do not count.

We have only been given 5 minutes to debate this policy which will affect millions of American servicemembers and their families. Surely the American people and the military deserve more, especially as we head into the Memorial Day weekend intending to honor our servicemembers.

Furthermore, we heard from all the service branch chiefs yesterday asking Congress not to support this amendment and wait for the study next year. I believe Congress must make a fully informed decision, and the Department of Defense must provide Congress a full and complete report on the ramifications of changing the current law or whether a change is necessary. We owe that much to our military personnel to listen to them and to wait for the completion of a study next year.

Mr. SKELTON. Mr. Chairman, may I inquire of the time remaining, please.

The CHAIR. The gentleman from Missouri has 5¼ minutes remaining; the gentleman from California has 7½ minutes remaining.

Mr. SKELTON. Would the gentleman from California care to proceed?

Mr. McKEON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY), a member of the committee.

Mr. CONAWAY. Mr. Chairman, I rise in support of the bill as it passed out of the committee by unanimous vote. This legislation authorizes good policy for directing the defense of our Nation. I also strongly support the addition of the IMPROVE Act of 2010, which has already passed this House with an overwhelming vote.

The IMPROVE Act will make needed improvements to the way the acquisition process is managed; it will also help us move closer to the day that the financial statements of the Department of Defense are auditable and receive an unqualified opinion.

Mr. Chairman, the Murphy amendment will tell the 350,000-plus men and women who are currently participating in the survey that what they think about Don't Ask, Don't Tell Members of Congress, quite frankly, couldn't care less what they say. While those constituents may work for the Department of Defense and the President, as Commander in Chief, they are our constituents. We are criticized roundly in this realm for not listening to our constituents, and a vote for the Murphy amendment will codify that statement in their minds.

I will oppose the Murphy amendment. I will also oppose the overall legislation if the Murphy amendment is adopted.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my colleague, my friend, the distinguished chairman of the Budget Committee who is also a member of our Committee on Armed Serv-

ices, the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. I thank my good friend and colleague for yielding and commend him for the job he has done in bringing together an excellent bill to this floor.

This bill fully funds national security activities in the Departments of Defense and Energy, including top-line funding increases for DOD as well as fully funding Iraq and Afghanistan operations. This is the fourth consecutive year that the Congress has significantly increased funding for the military of this country. Overall, this bill provides \$548 billion for DOD, \$159 billion for operations in Iraq and Afghanistan, and a total altogether of \$726 billion, if you include the Department of Energy.

Among the unsung heroes in our national military are the families who serve every bit as much as the member, particularly when there is deployment in the family. This bill recognizes the vital role they play and provides a 1.9 percent pay increase, it expands TRICARE health coverage to include adult dependent children up to the age of 26, it increases family separation allowance for troops who are deployed and away from their families, and it increases hostile fire and imminent danger pay for the first time since 2004.

There will be more extensive debate later on the alternate engine, which this bill accommodates and provides for. Let me simply say I think it makes sense and saves money—it will in the long run—because the \$100 billion program for the engine alone is something where competition is vitally needed.

Having followed the course of ballistic missile defense for some time, it's of interest to me that this bill amply provides for military defense for a robust missile defense, providing \$10.3 billion, which is \$361.6 million above the budget request.

Let me say finally that this bill is consistent too with the glide path that has been set for exploring the ramifications of a change on our Don't Ask, Don't Tell policy. I think it would be wise if we left the Secretary of Defense to finish his exploration, along with the military chiefs, before dictating any changes.

Mr. McKEON. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana, a member of the committee, Dr. FLEMING.

Mr. FLEMING. I thank the gentleman for yielding.

First of all, I want to congratulate the chairman and ranking member for an excellent mark. I voted for it coming out of committee. I have three amendments in en bloc, two I would like to mention quickly.

One is military retiree pay adjustment that ensures our Nation's military retirees are always paid on or before the first of each month. Second, it

requires reports to Congress on U.S. modernization, sustainment, and recapitalization of our bomber force. However, I am very disappointed. The lack of an ear to the people of this country by this Congress is unprecedented, and a good example is the Murphy amendment that we see today that repeals Don't Ask, Don't Tell when we have a scheduled report coming out the 1st of December, and we had the entire Joint Chiefs of Staff and Secretary Gates who oppose that. So I will oppose the Don't Ask, Don't Tell repeal.

Mr. SKELTON. Mr. Chairman, may I inquire about the available time.

The CHAIR. The gentleman has 3¼ minutes remaining.

Mr. SKELTON. I yield 1¼ minutes to the gentleman from New Jersey (Mr. ANDREWS), the chairman of the acquisition reform task force.

Mr. ANDREWS. Mr. Chairman, the best way to defend this country is to have every person who is willing to serve her have the opportunity to do so and who is able to do so. That's the intention of the Murphy amendment which, frankly, there have been a series of misrepresentations about.

Let's set the record straight. If the Secretary of Defense and the Chairman of the Joint Chiefs of Staff believe, after listening to the input of our service personnel, after reviewing the facts, if they believe that implementation of this policy would in any way undercut the readiness or effectiveness of our Armed Forces, they will not certify the policy, and it will not happen. This policy will happen only when the Secretary of Defense and the Chairman of the Joint Chiefs of Staff say that it's the right thing to do for this country.

The right thing to do for this country is not to ask someone what church they go to, what country they came from, what color they are, or what their sexual orientation is. It's to ask if they're willing and able to serve, and that is what we are going to do.

Mr. McKEON. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman for yielding.

I rise today to express concern with section 346 of the National Defense Authorization Act.

While the bill before us takes the important step of preventing the move of any C-130 aircraft away from air reserve components until Congress receives written agreement on the details of such a temporary transfer, I believe we should consider implementing a time limitation of 18 months on the duration of those loans.

As a former Governor, I understand the important role the Air National Guard provides in meeting our homeland security needs and that any aircraft reductions may significantly impact each State's ability to respond to emergencies. If this body does choose

to move forward with a C-130 loan agreement, we should at least set up a regime to ensure this is truly a temporary transfer. Hopefully, we can consider these issues as the bill moves forward.

□ 1400

Mr. SKELTON. Mr. Chair, pursuant to section 4 of House Resolution 1404, I hereby give notice that amendment Nos. 80 and 82 may be offered out of order.

Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, today, we have the opportunity to right a wrong.

I rise in strong support of repealing the military's Don't Ask, Don't Tell policy.

Seventeen years after Congress passed Don't Ask, Don't Tell, we know that it is a misguided, unjust, and discriminatory policy. Not only does Don't Ask, Don't Tell damage the lives and livelihoods of military professionals, it deprives our Nation and our Armed Forces of their honorable service and of their needed skills. Under this law, almost 14,000 servicemembers have been discharged, including almost 1,000 mission-critical troops and at least 60 Arabic speakers and 10 Farsi linguists. It is indefensible.

When the House votes to repeal Don't Ask, Don't Tell, we will have taken one more step on the path to full civil rights and equality for LGBT Americans, but we will also change the course of history for all of the courageous Americans who serve our country and for their families.

Mr. Chairman, in the land of the free and the home of the brave, it is long past time for Congress to end this un-American policy.

Mr. McKEON. Mr. Chairman, may I inquire as to the time we have remaining.

The Acting CHAIR (Mr. SERRANO). The gentleman from California has 4½ minutes remaining; the gentleman from Missouri has 1 minute remaining.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Chairman, this Memorial Day, we thank our men and women serving our Nation—our veterans, their families, and those who have given their lives to defend and protect Americans. We honor their sacrifices on behalf of our freedom as a Nation.

My colleagues and I have worked very hard in our Armed Services Committee on the National Defense Authorization Act, which I believe to be an effective and comprehensive blueprint for our Nation's defense both at home and abroad. Most importantly, I believe this bill provides our men and women in uniform with the support

and protection they need and deserve both on and off the battlefield.

Every day, these brave men and women put their lives on the line for the safety and security of our Nation, and it is our job to make sure that they receive the quality support and services they need, especially when they return home.

I am very grateful for my amendments to improve the detection and the diagnosis of common combat-related afflictions, like that of ringing in the ears, of posttraumatic stress disorder, and of traumatic brain injury, which are all included in this year's authorization. The sooner we catch these prevalent service-related injuries, the sooner we will simultaneously improve the quality of the lives of our troops and will reduce the costs of health care across the board for them.

So, as this Memorial Day approaches, I hope we all remember our troops—those who are currently serving and those who have served our country to defend our freedoms.

If this bill makes it off the floor as it came out of the committee, which was in one piece, then I will be supporting it. If there are changes that deal with some other issues that this committee has raised in the last few minutes as objectionable, then we will be considering them.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, picture in your mind an American soldier, a corporal, patrolling in Afghanistan, wearing his American-made uniform, carrying his American-made M4 rifle, having been transported in an MRAP security vehicle to his place of patrolling, with a radio on his back which was made in America—all of these items furnished by the Congress of the United States and under our duty and the duty to train and to allow him to be fully prepared to fight the fight that he is.

That is what is important in what we do today. That is the purpose of an authorization bill. It is required by the Constitution of the United States. It is paramount. It is the most important job that we have to do—to provide for the security of those who fight and who protect us in their line of duty.

I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. COFFMAN), a member of the committee.

Mr. COFFMAN of Colorado. Mr. Chairman, I rise in support of the defense authorization bill, but I rise in opposition to the Murphy amendment to the bill.

Congress must review the results of the Department of Defense study on Don't Ask, Don't Tell before we vote to reverse the existing policy or to keep it. The purpose of this study is to survey those in uniform on this issue. The Murphy amendment essentially says

that we are not willing to listen to those who currently serve in uniform before making our decision.

It was during the first gulf war when I served as a ground combat leader with the United States Marine Corps that I found that the interdependent bond that was formed between marines on a ground combat team was essential to our effectiveness on the battlefield. My concern is that the ability for this bond to form might be greatly degraded with the interjection of sexuality, whether it be heterosexuality or homosexuality.

I think that it is absolutely essential for the study to be completed so that the Department of Defense can demonstrate how challenges, such as the one that I just raised, and concerns will be handled before Congress makes a final decision on whether to keep the current policy in regards to sexual orientation or to reject it.

Mr. McKEON. I yield myself the balance of my time.

Mr. Chairman, as I mentioned earlier, I think this is an outstanding bill. I think the chairman has worked very hard. I think the members of the committee—the subcommittee chairman and the ranking members—have all worked very hard, and the staff.

It is an excellent product as it stands right now. I think we will have, unfortunately, insufficient time to debate the Murphy amendment about Don't Ask, Don't Tell. I think that it is unfortunate that the Rules Committee did not give us the time that will be necessary to fully debate that, but we will take advantage of the time as we may.

I would like to say, as for many of the Members who have spoken today on our side, they do support the bill as it came out of committee. They hope that it will be improved, but if the Don't Ask, Don't Tell Murphy amendment passes, many of them will not be able to support the final passage, which is, indeed, I believe, a tragedy. None of us have ever before, to my knowledge, voted against the defense authorization bill, and we really don't do that lightly. We want to support all of this product, and we hope that we will be able to work this out as the day goes on.

Mr. MATHESON. Mr. Chair, I rise in support of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. This bill makes investments in our nation's military, authorizes funding to further strengthen our national security, and provides resources and aid to service members and their families.

However, I am disappointed with a Sense of Congress that was added to this bill during the House Armed Services Committee Markup. This Sense of Congress states that the administration's recently released Nuclear Posture Review (NPR) weakens our national security. I disagree with that position. The Nuclear Posture Review, led by the Department of Defense, states that America's nuclear arsenal will be maintained safely and securely without the need to develop new nuclear warheads.

The Nuclear Posture Review is particularly important as it shuts the door on new nuclear weapons testing. I have long had concerns that the development of new nuclear weapons could lead us back down a path to new nuclear weapons testing, which I strongly oppose. Utahns and others living downwind of the Nevada Test Site have paid dearly for government deception about the safety of past nuclear weapons testing activities. I will continue to work to ensure that history is not repeated. Evidence has long supported the fact that our current nuclear arsenal is a sufficient and reliable deterrent. In 2006 the National Nuclear Security Administration released the results of a five-year, peer-reviewed study which found that plutonium remains potent as a weapons fuel for at least 90 years and perhaps much longer.

I believe the NPR sets us on a path forward that secures our existing weapons stockpile as a continued, effective deterrent, combined with efforts to reduce nuclear danger in the world. This direction will allow the U.S. to focus on securing the intelligence and the conventional weapons that we need to deal with the real and ongoing terrorist threat that we face and assuring our continued national security. I hope that as the Senate considers this bill, it will reevaluate this misguided Sense of the Congress and recognize the importance of the Nuclear Posture Review.

Mr. CONYERS. Mr. Chair, I rise in strong opposition to H.R. 5136, the "National Defense Authorization Act for Fiscal Year 2011." As with most omnibus pieces of legislation, there are many provisions I support, as well as those I do not. Unfortunately, the improvements to our military policy do little to blunt the effect of the wasteful billions authorized for military spending, which continue to feed the military-industrial complex and the ever-growing imperial overstretch of our military around the world.

I do want to briefly acknowledge a few of the provisions I supported in this bill. First, I am heartened that an amendment I offered with my colleague, Representative GEOFF DAVIS of Kentucky, was adopted by the House. Our amendment builds on our bipartisan resolution, H. Con. Res. 94, and would instruct the Secretary of Defense, in coordination with the Secretary of State, to submit a report to Congress assessing the strategic benefits of the successful negotiation of a "rules of the road" Incidents At Sea naval agreement including the United States and Iran. I believe such an agreement would reduce tensions in the region and help prevent accidental war. I am heartened that the Defense Department and State Department will officially address this critical issue.

Additionally, I want to acknowledge the good work of Representatives SCHAKOWSKY, MCGOVERN, HINCHEY, and MORAN. Together, we successfully offered an amendment that would empower the Special Inspector General for Afghanistan Reconstruction to improve its oversight and take steps to deny federal funding to private security contractors responsible for the deaths of Afghan civilians. For far too long, mercenaries like Blackwater have acted with impunity in the theaters of war, committing human rights atrocities and soiling the good name of the American people. With the

adoption of this amendment, we are hopefully moving closer to finally putting these reckless soldiers of fortune out of business.

Unfortunately, this authorization does not do nearly enough to properly reorient our national security posture to earn my vote. As with past defense budgets, it spends too much on war, outdated Cold War weapons systems, and nuclear weaponry.

The American people cannot afford the \$159.3 billion provided in this bill to fund our "overseas contingency operations"—the Orwellian term for our wars in Afghanistan and Iraq—with our economy struggling to escape recession and with so many families torn apart by long deployments, debilitating battlefield wounds, and heart-wrenching premature deaths. Continuing to fund our wars simply continues to compound the mistakes of the previous administration and I, in good conscience, cannot support a bill that continues us down this path of folly which has, to date, cost us the lives of 1,000 young men and women in Afghanistan and nearly \$1 trillion in war spending since 2001.

I was inspired by a passage in the President's new National Security Strategy, which was released today. It spoke of another path towards securing our homeland and brokering peace around the world. It simply and eloquently stated:

The freedom that America stands for includes freedom from want. Basic human rights cannot thrive in places where human beings do not have access to enough food, or clean water, or the medicine they need to survive.

Those are powerful words and they speak to a universal truth: When we love and care for one another, we do not need to rely on nuclear weapons, *Virginia*-class submarines, or other tools of destruction to secure ourselves and our families. We don't need to invest 26.5 million in "counter-ideology initiatives," when our national policy is to export hope and dignity instead of Predator drone missiles. The death of a family member and the humiliation associated with a night raid is what radicalizes someone to the point where they seek to harm the American people. We can and we must stop these destructive practices if we hope to win over our brothers and sisters in the Muslim world.

I have unending faith in the ability of the American people to change our country's course when needed. I believe that they can stand up and say "no" to our nation being perpetually at war. I believe that they can say no to spending more on defense than all the other nations of the world combined, especially when people in Detroit and Hamtramck and Dearborn still need a job that pays a decent wage. I hope my fellow Members will join me in opposing this bill, so that we can inspire the American people to pursue another, better path.

Ms. RICHARDSON. Mr. Chair, I rise in strong support of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011," which provides \$726 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy.

I thank Chairman SKELTON for his masterful leadership in bringing this legislation to the floor.

Mr. Chair, I support this bill for three reasons: (1) it restores and enhances the readiness of our troops, equipment, and defense infrastructure; (2) it takes care of our military personnel and their families; and (3) it authorizes the needed investments to keep our nation strong, safe, and respected in the world.

Let me briefly highlight some of the key provisions. This legislation:

TROOP AND EQUIPMENT READINESS

Provides \$1.2 billion for projects in Afghanistan to allow our commanders on the ground to immediately respond to military construction needs in theater.

Authorizes \$13.6 billion for the training of all active duty and reserve forces to increase readiness as troops experience greater dwell time following the Iraq drawdown.

Authorizes \$345 million to fully fund the first increment of construction funds to modernize DOD schools.

Authorizes \$9.7 billion to fully fund day-to-day maintenance requirements of DOD facilities.

Provides a total of \$7.2 billion for the National Guard and Reserve, including \$700 million above the budget request.

HELP FOR MILITARY FAMILIES

Provides a 1.9 percent military pay raise.

Expands TRICARE health coverage to include adult dependent children up to age 26.

Increases family separation allowance for troops who are deployed away from their families.

Increases hostile fire and imminent danger pay for the first time since 2004.

Expands college loan repayment benefits.

Contains the most comprehensive provisions to address sexual assault in the military, including 28 recommendations of the Defense Task Force on Sexual Assault.

Establishes a pilot program to help military spouses take advantage of their personal skill sets to identify and obtain desirable and portable careers.

Authorizes an additional special one-time payment to seriously wounded servicemembers to pay for the relocation costs of their caregivers.

IRAQ AND AFGHANISTAN

Bans permanent bases in Iraq and prohibits U.S. control of Iraqi oil.

Requires report on responsible redeployment of U.S. forces from Iraq, the development of military capabilities that are necessary for the Government of Iraq to stand on its own, and the status of nearly 1,000 projects, programs, and activities that will need to be closed or transferred over a short period of time as a result of the drawdown.

Bans permanent bases in Afghanistan.

Requires reports to assess progress toward security and stability in Afghanistan and the conditions and criteria that would need to permit the transition of lead security responsibility to the Afghan government, and allow the redeployment of U.S. forces from Afghanistan.

HOMELAND SECURITY AND COUNTERRORISM

Authorizes \$87.8 million for the Combating Terrorism Technical Support office.

Authorizes \$2.6 billion for Homeland Defense and counterproliferation activities, including \$1.6 billion for chemical biological defense.

Provides \$20 million for two cybersecurity new start programs.

Provides \$1.6 billion to support nations providing support in Iraq and Afghanistan in the fight against al Qaeda and the Pakistan Taliban.

Extends DOD's Pakistan Counterinsurgency Fund through FY11.

RICHARDSON AMENDMENT #1

Mr. Chair, in my remaining time let me discuss an additional reason why I support this legislation. With the support of Chairman SKELTON and his committee, this bill includes an amendment I offered which I will briefly describe.

My amendment, Richardson Amendment #1, improves the bill by instructing the TRANSPORTATION COMMAND (TRANSCOM) to update and expand the PORT LOOK 2008 Strategic Seaports study. This study remains a crucial tool to ensure that our ports are ready to respond in the case of an emergency. My amendment would expand the scope of the report to include consideration of the infrastructure in the vicinity of strategic ports, including bridges, roads, and rail capacity, in addition to the facilities inside the port that are already covered.

Mr. Chair, it bears repeating that in time of war, "the role of the ports is to protect the forts." If the transportation systems and infrastructure in and around our strategic ports is deficient, the ability of these ports to fulfill their indispensable national security role will be compromised. That cannot be allowed to happen. My amendment will ensure that we have the information needed to make the investments needed to keep our strategy the best in the world.

I thank the Rules Committee for making my amendment in order and Chairman SKELTON for accepting it.

RICHARDSON AMENDMENT #2

I also offered a second amendment, Richardson Amendment #2, to increase the effectiveness of the Northern Command ("NORTHCOM") in fulfilling its critical mission of protecting the U.S. homeland in event of war and in providing support to local, state, and federal authorities in times of national emergency. Specifically, my amendment would have ensured that NORTHCOM (1) develops and has in place a leadership strategy that will strengthen and foster institutional and interpersonal relationships with state and local governments and (2) develops an instructional program to train key personnel how to lead effectively in the event of a disaster when they do not have command authority to dictate actions.

The purpose for NORTHCOM is to bring the capabilities and the resources of the U.S. military to the assistance of the American people during a catastrophic disaster. NORTHCOM leaders will be much more effective in saving lives, protecting assets, and enhancing resilience after the disaster has occurred if they are trained in the techniques of effective engagement with civilian leadership. My amendment would have ensured that such training will be available. Although this amendment was not made in order by the Rules Committee, my present intention is to introduce this legislation as a separate bill when the House reconvenes next month.

CONCLUSION

Mr. Chair, let me express my thanks to Chairwoman SLAUGHTER of the Rules Committee for making the Richardson Amendment in order and to Chairman SKELTON for accepting it. I also want to acknowledge the yeoman work of the Committee staffs and the excellent work of my Legislative Director, Gregory Berry, and Jeremy Marcus, my Senior Legislative Assistant.

In conclusion, I support H.R. 5136 because it restores and enhances the readiness of our troops, equipment, and defense infrastructure. It takes care of our military personnel and their families. And it authorizes the needed investments to keep our Nation strong, safe, and respected in the world. I urge my colleagues to join me in voting for the bill on final passage.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the National Defense Authorization Act of 2011. The bill authorizes \$726 billion for defense programs, global military operations and pay and benefits for active duty military personnel, veterans and their families. As Memorial Day approaches, we are reminded of the great debt we owe to our men and women in uniform. This bill continues our commitment to them, to their civilian colleagues, and to their families for their support and sacrifice.

The welfare and safety of our troops and their families is a priority of this Congress. That is why this bill authorizes funding to support not only the healthcare programs that our military personnel and their families depend on, but also the funding to ensure that our troops have the equipment and support they need for their mission.

In addition to authorizing funding for training, transportation and equipment, the measure includes additional funding specifically targeted to protecting troops in harm's way. For those currently serving on the front lines in Afghanistan and Iraq at risk of injury from improvised explosive devices, the bill authorizes \$3.5 billion for counter measures, \$3.4 billion for Mine Resistant Ambush Protected vehicles, and almost \$1 billion to up-armored Humvees.

The sluggish economy places a special burden on the limited financial resources of military families. That is why the bill authorizes an average 1.9% pay increase for military personnel and establishes a career development pilot program for military spouses.

Healthcare for our troops and their families is a priority of this congress. The bill authorizes \$32.4 billion for defense health care programs. This includes a one-time authorization for cash payments to severely wounded combat veterans for attendant care, an extension of health care coverage to dependent children of Tricare Beneficiaries up to age 26, and \$524 million for medical research and development, including \$3 million in extra funds for research in alcohol and substance abuse disorders. For those suffering from mental health problems associated with multiple deployments and Post Traumatic Stress Disorder, the bill also authorizes a 25% increase in the number of mental health providers for the military. According to the military, the number of military personnel who committed suicide in 2009, exceeded the number who died in combat in Afghanistan that year. This is a growing and silent killer that must be addressed.

I am pleased to report that the bill also authorizes \$2.5 million for the Bethesda Hospitals Emergency Preparedness Partnership which includes the Naval Bethesda Medical Center, the National Institute of Health Clinical Center, the National Library of Medicine, and Suburban Hospital, to develop plans and procedures to respond rapidly and successfully to any emergency situation in the Washington DC region. And, the measure also authorizes \$5 million for the Hydrodynamic Test Facilities at Carderock to replace the wavemaking equipment at the Carderock Division of the Naval Surface Warfare Center. These authorizations will not only strengthen our national security, they will also help create and retain good paying jobs for Montgomery and Prince George's county residents.

And, finally, I support the repeal of the discriminatory Don't Ask, Don't Tell policy. Since 1994, thousands of qualified and committed service members have been fired simply on the basis of their sexual orientation. At a Senate Armed Services Committee hearing in February, Admiral Mike Mullen, the chairman of the Joint Chiefs of Staff said, "I cannot escape being troubled by the fact that we have in place a policy that forces young men and women to lie about who they are in order to defend their fellow citizens." And, General Colin Powell, changing his long held position on Don't Ask Don't Tell recently said, "It's been a whole generation since the legislation was adopted, and there is increased acceptance of gays and lesbians in society. Attitudes and circumstances have changed."

We cannot afford to turn away dedicated, talented and committed soldiers just because they are gay. Though this change will not go into effect until the Pentagon completes an ongoing review due in December, and the president and secretary of defense certify that a repeal is consistent with the military's standards of readiness and effectiveness, the end of this discriminatory policy is finally in sight.

Mr. Chair, this bill authorizes much needed funding for vital programs that benefit our men and women in uniform, their civilian colleagues, our veterans and to their families. I urge its immediate passage.

Mr. ETHERIDGE. Mr. Chair, I rise today in support of H.R. 5136 the Fiscal Year 2011 Defense Authorization Appropriations Act.

It is fitting that we are considering this bill on the Friday before Memorial Day. In my state of North Carolina, patriotism never went out of style. We were patriotic before patriotism was cool. With Fort Bragg and Pope Air Force Base, other bases and our Guard and Reserve, units in my district, America's service members are our friends and neighbors, sons and daughters. We swell with pride at the work being done by our service members in Iraq, Afghanistan, and elsewhere. As we pray for their safe and speedy return, we also remember those veterans who came before them, who served their country and protected our freedom throughout history. I am proud every single day, not only on Memorial Day.

Mr. Chair, this bill recognizes the service of our men and women in uniform, and gives our troops the resources they need. It provides \$567 billion to the Department of Defense and Department of Energy, and commits \$139 billion for today's active operations. In terms of

future security, the bill strengthens our counterterrorism efforts, providing our military with the additional tools they need to disrupt, dismantle, and defeat al Qaeda and its extremist allies. Of particular importance to Fort Bragg, which houses the Special Operations Command, it enhances our capacity to directly act against terrorist forces. It also brings warfare into the information age by integrating cybersecurity protection with the protection of physical security.

H.R. 5136 strengthens protection for our troops at home and abroad, and increases support for our soldiers and their families. It honors our covenant with the Guard and Reserve by raising their pay and by investing in new equipment. It strengthens our compact with the citizen soldier, so that when Guard and Reserve are called to active duty that they have the equipment and training they need to be effective.

The bill contains an amendment that I offered with Congressman LARRY KISSELL and Congressman SANFORD BISHOP that reinforces the pact between the communities that host the military bases and the Department of Defense. The change confirms Congress' commitment to the quality of life of America's soldiers, officers, civilians and their families. While the Office of Economic Adjustment in the Department of Defense is tasked with providing technical and financial assistance to communities affected by Defense adjustments, there are often community needs that cannot be financed in a timely manner with local resources. Our amendment makes sure that Office now has the full authority required to fulfill its mission. The Department now has clear authority to roll up its sleeves, so the Department can help out while the changes are happening. I appreciate Chairman SKELTON's willingness to accept this amendment, and I hope that we can work together to fund those needs.

Mr. Chair, the members of our armed forces give so much to our country. Whatever we ask, even for the ultimate sacrifice, we know will be given. On the eve of our Memorial Day observation, I urge my colleagues to join me in voting yes on this bill, ensuring that our military is fully prepared for threats and challenges worldwide and that our troops get the benefits they deserve and have earned.

Mr. VISCLOSKY. Mr. Chair, it is with great appreciation that I rise in support of provisions contained within H.R. 5136, the Defense Authorization Act for Fiscal Year 2011, relating to the procurement of steel armor plate and the definition of the term "produced."

Recently, the Department of Defense has implemented a regulation that allows the use of steel armor plate that is melted in foreign countries to be used in various defense applications, and I want to thank Chairman SKELTON and Ranking Member McKEON for including language that specifies that this type of steel must be melted in the United States.

I was informed of the urgency of this issue during a Steel Caucus hearing in March of this year, when we discussed that a Department of Defense regulation now merely requires the finishing processes of armor plate manufacturing to take place domestically, which is contrary to over thirty-five years of precedent requiring melting processes to occur in the

United States. After this hearing, Rep. TIM MURPHY and I spearheaded a Steel Caucus letter to Secretary of Defense Gates, with 35 other Members of the Caucus signing the letter, which urged him to fully examine the implications of this regulation.

Steel armor plate plays a vital role in the protection of our troops and the defense of our nation, and the Specialty Metals Amendment, as originally included under the Berry Amendment in 1973, aims to ensure that American steel is used to protect our troops. The regulation amends the definition of produced under the Specialty Metals Amendment, and I am thoroughly concerned that this threatens the safety of our troops and the defense of our nation. Steel armor plate is used in Mine Resistant Ambush Protected (MRAP) vehicles and MRAP All-Terrain Vehicles, and we must do everything possible to ensure that American made material is used in the production of these vehicles.

I understand that the House Armed Services Committee has closely followed this situation and has included report language in the past cautioning the Department of Defense on the implications of this regulation, and I applaud your continued efforts today on remedying this situation and protecting our national security and the American industrial base.

Mr. KUCINICH. Mr. Chair, I rise in strong opposition to the National Defense Authorization Act of 2011. This legislation authorizes \$725.9 billion for defense programs this year, including \$159.3 billion specifically for the wars in Iraq, Afghanistan, and the so-called "war on terror." Once again, the House of Representatives easily approves billions of dollars for war, while a bill that would provide genuine assistance to our constituents gets watered down by the demagoguery of fiscal responsibility.

Our national security is not preserved or furthered through the military occupation of Iraq and Afghanistan. Our presence in the region continues to foment resentment toward us and undermines the human rights of the Iraqi and Afghani people. To date, more than 4,000 U.S. servicemembers have lost their lives in Iraq, and more than 31,000 have been wounded. As the number of troops in Afghanistan surpasses the number in Iraq, over one thousand U.S. troops have been killed thus far. With the continuation of the wars, we are creating a new generation of Americans that will experience the trauma of war, like Vietnam veterans before them.

According to the United Nations, air strikes continue to be the leading cause of civilian deaths in Afghanistan, despite the Administration's claims that avoiding civilian casualties is a cornerstone of the Afghan strategy. Innocent Afghans are killed, detained or threatened in frequent night raids conducted by North Atlantic Treaty Organization (NATO) forces, while Afghan President Hamid Karzai buys million-dollar villas in Dubai. This bill also authorizes \$4.9 billion for ammunition and weapons systems, including for Unmanned Aerial Vehicles—or drones—that conduct indiscriminate attacks against suspected militants in Pakistan. According to a study conducted by the New America Foundation, three civilians die for every suspected militant killed by a Central Intelligence Agency (CIA) drone in Pakistan.

I am also concerned about a number of the amendments adopted in the bill that I believe have no place in a bill that is intended to address our national security. Language addressing sex-offenders and language that has considerable implications on our foreign policy was included as part of an en bloc amendment that addressed a significant gap in the health care services provided to our veterans pre and post-deployment. An amendment was also adopted that would allow the National Aeronautics and Space Administration (NASA) to conduct defense-related pilot programs with the Department of Defense (DOD). I have fought for years to keep NASA separate from DOD in order to preserve NASA's mission integrity and therefore, longevity.

While I oppose the underlying bill, I supported an amendment that would lead to the repeal of the "Don't Ask, Don't Tell" (DADT) military policy. For the past 17 years, DADT has forced our service men and women to hide who they are as they selflessly sacrificed their lives for our country. The amendment would repeal DADT following the receipt of recommendations from a Pentagon working group tasked with formulating the implementation of the repeal and certification from the President and Secretary of Defense that the Department of Defense is prepared to implement its repeal.

Since the implementation of this discriminatory and misguided policy in 1993, almost 14,000 service members have been fired because of their sexual orientation. The United States is well behind many of our allies in allowing gays and lesbians to serve openly in the military. Policies, like DADT, that create an atmosphere of fear and mistrust among colleagues serving side-by-side have no place in the military. I applaud the repeal of DADT and believe it is a significant step toward ensuring equality in our military and securing rights for members of the Lesbian, Gay, Bisexual and Transgender community.

I urge my colleagues to reflect on the policies and fiscal implications included in this legislation. As the country struggles to pull itself out of one of the worst economic recessions in history, we must commit to our priorities here at home—protecting our environment, keeping people in their homes, and getting people back to work.

Mr. STARK. Mr. Chair, I rise to oppose out of control war and defense spending. This bill (H.R. 5136) would authorize a record \$726 billion for defense. Congress refuses to find money to maintain COBRA premium assistance for jobless workers, but somehow we can afford yet another increase to our already bloated defense budget.

We should recognize that this legislation would fix a long-standing injustice by creating a path for the repeal of "Don't Ask, Don't Tell." I was proud to vote for the Murphy Amendment and I look forward to the day when LGBT Americans enjoy equal rights in all facets of society, including marriage. Although I strongly support the repeal of "Don't Ask, Don't Tell," I cannot vote for this legislation.

The waste in this bill is shameful. It includes \$361.6 million more than the Pentagon wants for a missile defense program that doesn't work, and \$485 million in funding for another

engine for a fighter jet that already has a working engine. I offered an amendment that would have cut the extra funding for missile defense, but it was not allowed to come to the floor for a vote. An amendment to strike money for a duplicative engine that the Pentagon doesn't want or need was also defeated.

Congress needs to get our priorities in order. We should be working to create jobs and assisting those impacted by the recession, not continue runaway defense spending. I urge all of my colleagues to oppose this wasteful bill.

Mr. POMEROY. Mr. Chair, I rise in support of H.R. 5136, the National Defense Authorization Act (NDAA) for Fiscal Year 2011, though I have concerns about certain provisions that have been included in the bill.

While I strongly support many aspects of the bill, I am concerned about the inclusion of language to overturn the military's "Don't Ask, Don't Tell" policy. Earlier this year, the Secretary of Defense ordered a study of the issue of repealing "Don't Ask Don't Tell." He said that while he believes it should be repealed, he first wanted to gather input from the troops before moving forward with repeal. I agree with the approach of Secretary Gates. I also agree with our military's service chiefs, including Air Force Chief of Staff Gen. Norton Schwartz, who said we should complete the Secretary's review before passing legislation to repeal "Don't Ask Don't Tell." I believe we should follow the lead of our military leaders. That means following the process we set up earlier this year to gather input from our troops and study the effect of repeal on our military forces. That is the best way to make sure our troops have their views heard, and that the right decision is made for the men and women in our armed forces.

While I voted against the amendment to end the "Don't Ask, Don't Tell" policy, I will be voting in favor of final passage of the 2011 NDAA. I believe that it is vitally important that Congress enact its yearly Defense Department authorization bill in a timely matter. This legislation helps to set military policy and any delay in its enactment will have a negative effect on the department's ability to effectively and efficiently make decisions to execute that policy.

This bill also includes an important pay increase for our soldiers, authorizes funding for badly needed equipment for our Guard and Reserve and includes my amendment to continue the Joint Family Support Assistance Program. Additionally, the bill authorizes important military construction projects in North Dakota including nearly \$19 million to construct a new Air Traffic Control Complex at Minot Air Force Base, \$11.2 million to renovate and expand the Readiness Center at Camp Grafton and \$500,000 to begin planning and design of a Central Deployment Center at the Grand Forks Air Force Base. These programs must be authorized so that the DoD can put these important initiatives in place. My vote in favor of this bill is a vote to move the important process of authorizing the activities of the Defense Department forward in a timely manner and a vote in support of our soldiers.

Mr. BLUMENAUER. Mr. Chair, as we prepare to observe Memorial Day, the House passed a measure that makes a significant in-

vestment in our armed forces. In addition to much-needed additions in equipment, mental health care, and health services, the FY 2011 Defense Authorization Act includes a significant step forward for human rights. I am proud to say that this Congress has taken action to end the outrageous "Don't Ask, Don't Tell" policy. By the end of 2010, it is my hope that all members of our armed forces will be able to serve our nation proudly and openly.

I am also pleased that the Committee has taken my request for additional environmental cleanup funding seriously. This bill provides \$20 million over the President's request, which is a small, but important first step. Our nation has tens of millions of acres of land that are contaminated with toxins and munitions left over from military training. Much of this now serves as parks, housing, or business development where Americans work and play every day. Yet the last of these sites won't be cleaned for another 250 years. It was my hope to include a provision, which I submitted to the Rules Committee as an amendment with Representatives BROWN-WAITE and FARR, to require that the military notify families and businesses living and operating on these sites. I am disappointed that this simple and common-sense amendment was not made in order, and it is my intention to offer it as a stand-alone bill. Americans have a right to know.

The continuous commitment to the escalation in Afghanistan concerns me greatly. The money and effort is misplaced and ultimately ineffectual. I am also disappointed that the House voted to preserve funding for the extra engine program for the F-35 Joint Strike Fighter. I have opposed this program for years, as have President Obama, Secretary Gates, the Army, Navy, and Marines. This is a sad reminder of how parochial interests can overwhelm good policy, and I will work with my colleagues to remove this funding in conference with the Senate.

I also look forward to working with my colleagues to clarify the Department's role with respect to the siting of wind energy projects, and to clarify the bidding process with regards to the Army's M915 truck.

No bill is ever perfect, and I will work to refine and strengthen this legislation through the conference process.

Ms. BORDALLO. Mr. Chair, today I rise in strong support of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. The bill continues a strong tradition under the leadership of Chairman IKE SKELTON of Missouri of providing our men and women in uniform with the training, equipment and authorities that they need to protect our country. In particular, I rise in strong support of subtitle C of title 28 of this bill which includes several provisions that further strengthen Congressional oversight of the military build-up on Guam and directly address concerns raised in the draft environmental impact statement on the military build-up.

Of significant importance is Section 2822 which grants authority to the Secretary of Defense to assist the Government of Guam in providing funding for civilian infrastructure improvements required as a result of the realignment of military installations and the relocation of military personnel on Guam. Congress has granted this authority before, most recently

during the realignment of forces to Bangor, Washington. The authority granted to the Secretary addresses concerns raised by the U.S. Environmental Protection Agency and our community in regards to mitigating the impact of the buildup on our local infrastructure. The authority granted in Section 2822 also expands on President Obama's request for \$50 million in transfer authority to modernize infrastructure at the Port of Guam. To accommodate the influx of servicemembers and their dependents, our island will have to modernize aging infrastructure, build and repair roads, improve water and wastewater capacity, and increase capacity at the Port of Guam among many other preparations. This authority will assist our island in preparing for the realignment of forces to Guam and mitigate impact to our community.

Section 2824 is also important as it allows the Secretary of Defense to transfer rights and management authority of Navy's water and wastewater system to the Guam Waterworks Authority. This provision will create one single water and wastewater system on the island, create economies of scale, and will remove redundancies in our current system.

Most importantly, I worked to include an amendment that incorporated the full text of H.R. 44, "The Guam World War II Loyalty Recognition Act," to the National Defense Authorization Act for Fiscal Year 2011. This provision would recognize the people of Guam for their sacrifices during World War II when Guam was occupied by enemy forces. With the realignment of forces to Guam, it is important that this longstanding issue be resolved so that the military build-up on Guam is implemented with community support. The Guam World War II Loyalty Recognition Act was adopted by the House as an amendment to the National Defense Authorization Act for Fiscal Year 2010, but was subsequently removed during conference with the Senate. I thank my colleagues for voting to adopt this provision once again.

I want to thank Chairman IKE SKELTON of the House Armed Services for his leadership on issues affecting the readiness of our military forces. I look forward to working with my colleagues toward passage of H.R. 5136 by the full House of Representatives.

Mrs. MCCARTHY of New York. Mr. Chair, I rise in support of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011.

Each year, Congress acts to authorize national defense spending. Matters of defense spending have been one of my highest priorities throughout my time in Congress. Especially during times of war, we, in Congress, have the utmost obligation to ensure our service men and women have the adequate resources they need to serve both honorably and safely. Moreover, we must remember our retired and wounded service men and women and ensure that they receive the benefits and care respectful of their heroic sacrifices.

There are many provisions of this \$567 billion authorization to be proud of. This bill strengthens four pivotal national objectives including, but not limited to, counterterrorism efforts, missile defense, nuclear nonproliferation, and benefits and care to our nation's service members and their families.

Some provisions that particularly stand out are the funding authorizations that support the

President's agenda in Afghanistan. This bill takes steps to address prior shortfalls of our efforts in Afghanistan under the Bush Administration. Specifically, the bill outlines resources that will give U.S. commanders in the field the tools they need for success, as well as the means to forge meaningful strategic partnerships with neighboring nations so as to both facilitate victory and a swift and safe return for our brave service men and women. The bill also furthers the President's efforts to secure the nuclear arsenals across the globe. If Cold War politics have taught the world one thing, it is that nuclear proliferation could lead to dangerous situations. H.R. 5136 makes significant strides in aligning our defense policy with 21st century challenges, including facilitating a mobile missile defense system and regulation of nuclear arms. I believe Congress must do all that it can to ensure that the development of nuclear technologies is globally regulated and transparent. This bill, in funding key programs like the Department of Energy's Global Threat Reduction Initiative and Department of Defense's Cooperative Threat Reduction Program, takes important steps to ensuring that weapons grade nuclear materials do not end up into the hands of terrorists and dangerous states.

I am proud to speak to the funds authorized for the benefits and care of our military servicemembers and their families. A nation with the best military in the world should provide the best care in the world. Among its many provisions, H.R. 5136 provides a 1.9% pay raise to our troops, increases imminent danger pay, and expands college loan repayment benefits. Furthermore, the bill includes a "pre-separation" counseling program to help provide discharged servicemembers and their spouses with financial and job assistance. Especially in these tough economic times, it is important to promote financial literacy efforts across the board so as to better educate and inform average Americans of their financial and professional options.

Finally, I am extremely encouraged by language included in the final Defense Authorization bill that recognizes the harmful implications of poor nutrition as it pertains to national security. As Chairwoman of the Healthy Families and Communities Subcommittee, I have been very active in efforts to increase access to child nutrition programs. It is important that Congress recognize the vast impact proper child nutrition has on our nation. H.R. 5136 includes a sense of Congress that hunger and obesity are impairing military recruitment and must be properly addressed. I am proud to lead efforts to improve access to important initiatives like direct certification systems, and the national school lunch and summer food services programs. The language in this bill regarding obesity underscores the vast and grave consequences an unhealthy nation can have.

Again, Mr. Chair, I support the National Defense Authorization Act for Fiscal Year 2011. I commend both Chairman IKE SKELTON and Ranking Member HOWARD MCKEON for their hard work in putting together a tremendous piece of legislation that, in my opinion, adequately supports our active and retired service men and women.

Mr. SKELTON. Mr. Chair, I would like to submit the following exchange of letters:

COMMITTEE ON EDUCATION

AND LABOR,

Washington, DC, May 21, 2010.

Re Corrected Bill Number.

Hon. IKE SKELTON,

Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SKELTON: I am writing to you concerning the jurisdictional interest of the Committee on Education and Labor in matters being considered in H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011.

Our committee recognizes the importance of H.R. 5136 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Education and Labor, and that a copy of this letter and your response acknowledging our jurisdictional interest will be included in the Committee Report and as part of the Congressional Record during consideration of this bill by the House.

The Committee on Education and Labor also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your consideration in this matter.

Sincerely,

GEORGE MILLER,

Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,

Washington, DC, May 21, 2010.

Hon. GEORGE MILLER,

Chairman, Committee on Education and Labor, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on Education and Labor has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Education and Labor is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on Education and Labor.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,

Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
HOUSE OF REPRESENTATIVES,

Washington, DC, May 21, 2010.

Hon. IKE SKELTON,

Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SKELTON: I am writing regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. As you know, the Committee on Energy and Commerce has jurisdictional interest in a number of provisions of this bill.

In light of the interest in moving this bill forward promptly, I do not intend to exercise the jurisdiction of the Committee on Energy and Commerce by seeking sequential referral of H.R. 5136. I do this, however, only with the understanding that forgoing consideration of H.R. 5136 at this time will not be construed as prejudicing this Committee's jurisdictional interests and prerogatives on the subject matter contained in this or similar legislation. In addition, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference named to consider such provisions.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. HENRY A. WAXMAN,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Rayburn Office
Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on Energy and Commerce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Energy and Commerce is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on Energy and Commerce.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SKELTON: I write to confirm our mutual understanding regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. While this legislation as reported contains subject matter within the jurisdiction of Committee on Financial Services, the committee waives consideration of the bill in order to expedite floor consideration of this important legislation.

The Committee on Financial Services takes this action only with the understanding that the committee's jurisdictional interests over this and similar legislation are in no way diminished or altered.

The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the committee report or in the Congressional Record during consideration of H.R. 5136 on the House Floor. Thank you for your attention to these matters.

BARNEY FRANK,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. BARNEY FRANK,
*Chairman, Committee on Financial Services,
House of Representatives, Rayburn Office
Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on Financial Services has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Financial Services is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on Financial Services.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Rayburn House Office Bldg., Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011.

This bill contains provisions within the Rule X jurisdiction of the Committee on Foreign Affairs. In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee's right to mark up this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Foreign Affairs Committee conferees during any House-Senate conference convened on this legislation.

Please include a copy of this letter and your response in the Congressional Record during consideration of the measure on the House floor.

Sincerely,

HOWARD L. BERMAN,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. HOWARD BERMAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on Foreign Affairs has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Foreign Affairs is not waiving its jurisdiction over these matters. Should this bill or

similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on Foreign Affairs.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

COMMITTEE ON HOMELAND SECURITY,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CHAIRMAN SKELTON: I write to you regarding H.R. 5136, the "National Defense Authorization Act for Fiscal Year 2011," introduced on April 26, 2010.

H.R. 5136 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Homeland Security conferees during any House-Senate conference convened on this or similar legislation. I also ask that a copy of this letter and your response be placed in the Committee Report accompanying the legislation and the Congressional Record during floor consideration of this bill.

I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, House of Representatives, Ford Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on Homeland Security has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Homeland Security is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on Homeland Security.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

Mrs. MALONEY. Mr. Chair, I rise today in support of the men and women in our armed forces and H.R. 5136, the National Defense Authorization Act for FY 2011. H.R. 5136 makes sound investments in our armed forces—strengthening our national security

and providing needed resources and support for our men and women in uniform and their families.

I am particularly pleased by the inclusion of twenty-eight provisions to ensure the Defense Department has the tools it needs to prevent and respond to sexual assault in the military. These important provisions will implement into law many of the recommendations of the Defense Task Force on Sexual Assault in the Military Services, and the inclusion of these provisions in this bill makes this the single most comprehensive legislative package in history to address sexual assault in the military.

Preventing sexual assault in the military is a persistent problem and an issue that I have worked on for many years. I firmly believe that the best way to effectively tackle a problem such as sexual assault in the military is to have accurate data, which is why I previously introduced legislation that would force the Department of Defense (DoD) to implement fully the Defense Incident-Based Reporting System (DIBRS). DIBRS collects statistics about crimes committed within the military services.

Despite the clear need for a well-functioning system for reporting such crimes, DIBRS has yet to be completed. In the FY10 National Defense Authorization Act, I offered an amendment that was successfully adopted that required that the Secretary report to Congress on the Department's progress to completing DIBRS. Since that time, the Defense Department reports that the Navy has resumed full-time reporting and is working towards full compliance. I applaud the Department for its efforts and look forward to an accurate accounting of the crimes that are occurring in the U.S. military and the effective policies that will be implemented in response to ensure the safety of our military personnel.

I have also introduced legislation, the Preventing Sexual Assaults in the Military Act, that would provide funding to process the backlog of DNA kits in the military, reduce the processing time, train medical personnel as SANEs, and ensure an adequate supply of rape kits to theaters of operation, academies, and domestic or overseas bases. Similar provisions passed in the FY05 Defense Authorization legislation, and I am very pleased to see that this bill before us today requires DoD to specifically budget for the sexual assault prevention and response program—a program that addresses these shortfalls.

This bill before us today protects and supports our military service members, while strengthening the ability of the finest military in the world to respond to today's and future threats.

I urge my colleagues to support it.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise in support of the National Defense Authorization Act for Fiscal Year 2010. As a member of both the Foreign Affairs and Homeland Security Committees, I support Chairman IKE SKELTON and the Democratic leadership's investment in our military to increase our national security. I support our men and women in the armed forces and our need to ensure our national security.

This defense bill reflects our commitment to support the men and women who fight to secure not only our citizen's freedom, but the

freedom of others. This bill will provide the necessary resources to protect the American people and our national interests at home and abroad. The Armed Services committee has provided for military readiness; taking care of our troops and their families; increasing focus on the war in Afghanistan; and improving interagency cooperation, oversight, and accountability in this year's defense authorization bill.

I thank the Chair for this opportunity to explain the amendments I propose to the National Defense Authorization Act for Fiscal Year 2010. My first amendment would require the Secretary of Defense to provide a report, not later than December 1, 2010 to the Congressional Black Caucus, that includes a list of minority-owned, women-owned, and disadvantaged small businesses, who receive contracts resulting from authorized funding to the Department of Defense. The list shall cover the 10 calendar years preceding this Act and shall include for each listed business, the name of the business, the business owner and the amount of the contract award.

Mr. Chair, I have long supported efforts to increase opportunities for small businesses, especially those that are minority-owned, women-owned and disadvantaged. We know that small businesses are the engine to our economy and that they provide much needed support for communities across the country. Small businesses employ 57.4 million Americans. Many Americans seek to fulfill the American dream by becoming small business owners and everyone in the United States should be given the same opportunity to fulfill that dream.

Women and minorities have long been disadvantaged when it comes to getting business opportunities and it is important to provide educational resources that will enable women, minorities and other disadvantaged business owners to arm themselves with the necessary tools they need to operate viable and thriving businesses. This will only improve communities throughout the United States.

My second amendment would make available post-traumatic stress counseling for civilians affected by the Fort Hood shooting, and shootings at other domestic military bases.

Many of those who passed in the November shooting were at Fort Hood preparing to risk their lives for our country. I would like to express my deepest sympathies for the loss of these 13 soldiers. My thoughts and prayers go out to their families during their time of bereavement. It is unacceptable that soldiers should fear attacks on American soil. I want the military and their families to always be protected as they are the backbone of American society. It is not only our soldiers who make sacrifices to protect our great nation, but their families and civilians as well. I am deeply saddened and troubled by the shootings at Fort Hood, especially because soldiers and their families from my own district are there.

I want to commend the soldiers at Fort Hood for their valiant and selfless acts of bravery. Soldiers rushed to treat their injured colleagues by ripping their uniforms into makeshift bandages. The top commander at Fort Hood is crediting a civilian police officer, Sgt. Kimberly Munley, for stopping the shooting. Fort Hood police Sgt. Kimberly Munley and

her partner responded within three minutes of reported gunfire, and Munley shot the gunman four times despite being shot herself.

Another story of heroism is that of 19 year old Amber Bahr. The nutritionist put a tourniquet on a wounded soldier and carried him out to medical care. And only after she had taken care of others did she realize she had been shot. Both women heroically intervened despite being shot.

Incidents like this bring light to the types of issues our military service men and women face on a daily basis. When I visited Fort Hood, and spoke with the victims of the shooting, I was reminded that we can not ignore the side effects of military service, and we must ensure that both the physical and mental health of those who serve our country is carefully attended.

Although the shootings all took place on one day, they will leave a legacy on each soldier, contractor, and civilian on the base. Many base personnel, like Sergeant Munley and Ms. Bahr witnessed events as horrific as those on any battlefield. Similar to returning from the battlefield, soldiers and contractors who were at Fort Hood must go through a painful rehabilitation process to come to terms with the events they witnessed and experienced.

There have been numerous reports of Enlisted Personnel, National Guards, Reservists and Veterans suffering from PTSD-like symptoms for well over 100 years. Some examples are veterans of U.S. Civil War who suffered emotional problems and were said to be afflicted with "soldier's heart" or "Da Costa's Syndrome"; veterans of World War I was diagnosed as "shell shocked"; veterans of World War II were classified with "battle fatigue" or "combat fatigue". Other terms used to describe military-related mood disturbances include "nostalgia", "not yet diagnosed nervousness", "irritable heart", "effort syndrome", "war neurosis" and "operational exhaustion". War veterans are the most publicly-recognized victims of PTSD; long-term psychiatric illness was formally observed in World War I and the syndrome entered public consciousness after the Vietnam War.

Enlisted Personnel, National Guards, Reservists and Veterans with PTSD have lived through traumatic events that caused them to fear for their lives, bear witness to horrible things, and feel helpless and hopeless. PTSD symptoms usually start soon after the traumatic event, but they may not manifest until months or years later. If provided proper medical care, about half, 40 percent to 60 percent, of people who develop PTSD get better at some time.

Although veterans who served in combat are most frequently afflicted by PTSD, events such as the Fort Hood shooting highlight the physical and psychological dangers facing military personnel in all roles. Consequently, it is extremely vital to extend to our civilian personnel the same benefits and support that we give to our active duty military. Civilians and military members on Fort Hood have equal responsibility to protect our nation and, as such, it is morally imperative that we honor these civilians by providing them with equal support in the aftermath of such traumatic incidents.

I have worked with my colleagues to secure \$1 million in Federal funding in the Fiscal Year

2010 Defense Appropriations Bill for Riverside General Hospital in Houston, Texas. Riverside General Hospital was founded due to the heroic efforts of veterans in the First World War. Riverside General Hospital, formerly the Houston Negro Hospital was erected in 1926 in memory of Lieutenant John Halm Cullinan, 344th FA, and 90th Division AEP. Today, Riverside General Hospital is the only private African-American-owned hospital in the state of Texas that is contracted to provide inpatient psychiatric and inpatient detoxification services to TRICARE Beneficiaries. These funds will provide trained experienced physicians, nurses, therapists and other healthcare professionals the necessary services to treat post traumatic stress disorders for enlisted personnel, National Guards, Reservists and veterans discharged and/or on leave of duty. In addition, Riverside will provide psychiatric, medical emergency medical inpatient, and outpatient services.

It is time to end this distinct method of discrimination and we should not rest until this message is clear. Every American has the right to stand among their peers to undertake the noble task of defending this great nation. The U.S. military loses patriotic and talented men and women every day due to the discriminatory "Don't Ask Don't Tell" policy. Since 1993, DADT has forced over 13,000 qualified and patriotic men and women to leave the service. It has made many thousands more decide not to re-enlist. There is empirical data existing in the Armed Services of our allies as we stand with them in Iraq and Afghanistan. The militaries of the United Kingdom, Canada, Australia, Israel and the Netherlands are clear examples that, in spite of concerns before the change, it became a nonissue once gays and lesbians were allowed to serve. Now we must do right by all of our American warriors and move forward together on repealing DADT.

In 1965 as the commencement speaker at Howard University, President Johnson stated, "We seek not just equality as a right and a theory but equality as a fact and equality as a result." Do we deny the freedom of an openly gay man or woman who serves in our military? The "Don't Tell, Don't Ask," policy violates both openly gay men and women constitutional rights to privacy and their right to be treated equally with heterosexuals. I support the "Don't Tell, Don't Ask Repeal," policy.

We must maintain our efforts to restore military readiness in order to meet current military challenges and prepare for the future, and civilians area a major part of the military readiness equation. Importantly, this defense bill:

Establishes a \$500 million DOD Rapid Innovation Program to help DOD quickly transition innovative, life-saving equipment from small businesses and other innovative firms into the hands of our men and women in combat.

Authorizes \$2.6 billion for Homeland Defense and counter proliferation activities, including \$1 billion for the Defense Threat Reduction Agency and \$1.6 billion for the Chemical Biological Defense Program.

Fully funds the \$20 million budget request for two cyber security new start programs.

Expands "1206 funding" authority to build the capacity of foreign military forces to participate in military and stability operations to sup-

port efforts in Iraq and Afghanistan, including \$75 million to build the capacity of counterterrorism forces of the Yemeni Ministry of the Interior.

Extends DOD's Pakistan Counterinsurgency Fund through FY11.

Provides \$200 million to address urgent force protection needs in Iraq and Afghanistan.

Authorizes \$9.7 billion for unclassified National Security Space programs, including \$40 million for additional ORS satellites to meet commanders' urgent needs.

Provides a 1.9 percent pay raise to troops. Expands TRICARE health coverage to include adult dependent children up to age 26.

Increases family separation allowance for troops who are deployed away from their families.

Increases hostile fire and imminent danger pay for the first time since 2004.

Expands college loan repayment benefits.

Includes the most comprehensive legislative package to ever address sexual assault in the military, including 28 provisions to implement into law many of the recommendations of the Defense Task Force on Sexual Assault.

Establishes a pilot program to offer an alternative career path to military officers, providing a broader range of experiences over a longer career.

Establishes a pilot program to help military spouses take advantage of their personal skill sets to identify and obtain desirable and portable careers.

Authorizes an additional special one-time payment to seriously wounded servicemembers to pay for the relocation costs of their caregivers;

Provides \$1.2 billion with broad authorities for projects in Afghanistan to allow our commanders on the ground to immediately respond to military construction needs in theater.

In closing, I hope my colleagues will join me in support of H.R. 5136. I believe we are all on one accord that without reservation we support our men and women of the United States military. I support this bill and I ask my colleagues to support my proposed amendments and H.R. 5136.

Mr. SKELTON. Mr. Chair, I would like to submit the following exchange of letters:

HOUSE COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. JOHN CONYERS JR.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on the Judiciary has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on the Judiciary is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on the Judiciary.

This exchange of letters will be included in the committee report on the bill.

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 21, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN SKELTON: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to waive seeking a formal referral of the bill, in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 5136 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,
JOHN CONYERS, JR.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, May 20, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to review the text of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011, for provisions which are within the jurisdiction of the Committee on Natural Resources. Among these provisions are those dealing with compensation and benefits for the NOAA Corps, as well as a report on civilian infrastructure needs for Guam in light of the upcoming military realignment in the Pacific.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, I will not seek a sequential referral of H.R. 5136 based on their inclusion in the bill. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the committee report on H.R. 5136 and the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am
Sincerely,

NICK J. RAHALL, II,
Chairman, Committee on Natural Resources.

HOUSE COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. NICK J. RAHALL II,
Committee on Natural Resources, House of Representatives, Longworth Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on Natural Resources has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Natural Resources is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on Natural Resources.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, May 21, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SKELTON: I am writing about H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I appreciate your efforts to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 5136 that fall within the Oversight Committee's jurisdiction. These provisions involve the federal civil service and federal acquisition policies, among other things.

In the interest of expediting consideration of H.R. 5136, the Oversight Committee will not request a sequential referral of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 5136 or a similar Senate bill be considered in conference with the Senate. Moreover, this letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 5136 that fall within the jurisdiction of the Oversight Committee.

Finally, I request that you include our exchange of letters on this matter in the Committee Report on H.R. 5136 and in the Congressional Record during consideration of this legislation on the House floor. Again, I appreciate your willingness to consult the Committee on these matters.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

HOUSE COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on Oversight and Government Reform has valid jurisdictional

claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Oversight and Government Reform is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on Oversight and Government Reform.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 21, 2010.

Hon. IKE SKELTON,
Chairman, House Armed Services Committee, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning the jurisdictional interest of the Permanent Select Committee on Intelligence in matters being considered in H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011.

The Committee recognizes the importance of H.R. 5136 and the need for the legislation to move expeditiously. Therefore, while the Permanent Select Committee on Intelligence has valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. My decision to waive further consideration of H.R. 5136 is conditional on the mutual understanding that no part of this legislation waives, reduces, or otherwise affects the jurisdiction of the Permanent Select Committee on Intelligence.

I respectfully request that a copy of this letter and your response acknowledging this Committee's jurisdictional interest will be included in the Committee Report and as part of the Congressional Record during consideration of this bill by the House.

The Permanent Select Committee on Intelligence also asks that you support my request to include conferees on the provisions over which we have jurisdiction during any conference between the House and the Senate.

I thank you for your continued leadership.
Sincerely,

SILVESTRE REYES,
Chairman.

HOUSE COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. SILVESTRE REYES,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, The Capitol, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Permanent Select Committee on Intelligence has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Permanent Select Committee on Intelligence is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a

House-Senate conference, I will support the appointment of conferees from the Permanent Select Committee on Intelligence.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, May 19, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SKELTON: I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011.

Our committee recognizes the importance of H.R. 5136 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Science and Technology, and that a copy of this letter and your response acknowledging our jurisdictional interest will be included in the Committee Report and as part of the Congressional Record during consideration of this bill by the House.

The Committee on Science and Technology also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your consideration in this matter.

Sincerely,

BART GORDON,
Chairman.

HOUSE COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I agree that the Committee on Science and Technology has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to schedule a mark-up of this bill in the interest of expediting consideration. I agree that by agreeing to waive consideration of certain provisions of the bill, the Committee on Science and Technology is not waiving its jurisdiction over these matters. Should this bill or similar legislation be the subject of a House-Senate conference, I will support the appointment of conferees from the Committee on Science and Technology.

This exchange of letters will be included in the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,

Washington, DC, May 21, 2010.

Hon. IKE SKELTON,
Chairman, House Armed Services Committee,
Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN SKELTON: I write to you re-
garding H.R. 5136, the "National Defense Au-
thorization Act for Fiscal Year 2011".

H.R. 5136 contains provisions that fall
within the jurisdiction of the Committee on
Transportation and Infrastructure. I recog-
nize and appreciate your desire to bring this
legislation before the House in an expedi-
tious manner and, accordingly, I will not
seek a sequential referral of the bill. How-
ever, I agree to waive consideration of this
bill with the mutual understanding that my
decision to forgo a sequential referral of the
bill does not waive, reduce, or otherwise af-
fect the jurisdiction of the Committee on
Transportation and Infrastructure over H.R.
5136.

Further, the Committee on Transportation
and Infrastructure reserves the right to seek
the appointment of conferees during any
House-Senate conference convened on this
legislation on provisions of the bill that are
within the Committee's jurisdiction. I ask
for your commitment to support any request
by the Committee on Transportation and In-
frastructure for the appointment of con-
ferees on H.R. 5136 or similar legislation.

Please place a copy of this letter and your
response acknowledging the Committee on
Transportation and Infrastructure's jurisdic-
tional interest in the Committee Report on
H.R. 5136 and in the Congressional Record
during consideration of the measure in the
House.

I look forward to working with you as we
prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

HOUSE COMMITTEE ON ARMED SERV-
ICES, HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and
Infrastructure, House of Representatives,
Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your
letter regarding H.R. 5136, the National De-
fense Authorization Act for Fiscal Year 2011.
I agree that the Committee on Transpor-
tation and Infrastructure has valid jurisdic-
tional claims to certain provisions in this
important legislation, and I am most appre-
ciative of your decision not to schedule a
mark-up of this bill in the interest of expe-
diting consideration. I agree that by agree-
ing to waive consideration of certain provi-
sions of the bill, the Committee on Transpor-
tation and Infrastructure is not waiving its
jurisdiction over these matters. Should this
bill or similar legislation be the subject of a
House-Senate conference, I will support the
appointment of conferees from the Com-
mittee on Transportation and Infrastruc-
ture.

This exchange of letters will be included in
the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 20, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Ray-
burn Building, Washington, DC.

DEAR CHAIRMAN SKELTON: I am writing to
you concerning H.R. 5136, the National De-
fense Authorization Act for Fiscal Year 2011.
There are certain provisions in the legisla-
tion which fall within the jurisdiction of the
Committee on Veterans' Affairs.

In the interest of permitting your Com-
mittee to proceed expeditiously to floor con-
sideration of this important bill, the Com-
mittee on Veterans' Affairs agrees not to re-
quest a sequential referral. By waiving con-
sideration of H.R. 5136, the Committee on
Veterans' Affairs does not waive any future
jurisdictional claim over any subject matter
contained in the bill which falls within its
jurisdiction. The Committee on Veterans'
Affairs reserves its right to seek conferees on
any provisions within its jurisdiction which
are considered in a House-Senate conference,
and requests your support if such a request is
made.

Please place this letter into the committee
report on H.R. 5136 and into the Congres-
sional Record during consideration of the
measure on the House floor. Thank you for
the cooperative spirit in which you have
worked with the Committee on Veterans' Af-
fairs regarding this matter and others be-
tween our respective committees.

Sincerely,

BOB FILNER,
Chairman.

HOUSE COMMITTEE ON ARMED SERV-
ICES, HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. BOB FILNER,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Cannon Office
Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your
letter regarding H.R. 5136, the National De-
fense Authorization Act for Fiscal Year 2011.
I agree that the Committee on Veterans' Af-
fairs has valid jurisdictional claims to cer-
tain provisions in this important legislation,
and I am most appreciative of your decision
not to schedule a mark-up of this bill in the
interest of expediting consideration. I agree
that by agreeing to waive consideration of
certain provisions of the bill, the Committee
on Veterans' Affairs is not waiving its juris-
diction over these matters. Should this bill
or similar legislation be the subject of a
House-Senate conference, I will support the
appointment of conferees from the Com-
mittee on Veterans' Affairs.

This exchange of letters will be included in
the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 20, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, House
of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you
concerning the jurisdictional interest of the
Committee on Ways and Means in matters
being considered in H.R. 5136, the National
Defense Authorization Act for Fiscal Year
2011.

Our Committee recognizes the importance
of H.R. 5136 and the need for the legislation

to move expeditiously. Therefore, while we
have valid claims to jurisdiction over the
bill, I do not intend to request a sequential
referral. This, of course, is conditional on
our mutual understanding that nothing in
this legislation or my decision to forego a se-
quential referral waives, reduces, or other-
wise affects the jurisdiction of the Com-
mittee on Ways and Means, and that a copy
of this letter and your response acknowl-
edging our jurisdictional interest will be in-
cluded in the Committee Report and as part
of the Congressional Record during consid-
eration of this bill by the House.

I also wish to commend you for including
in H.R. 5136, a requirement that the Sec-
retary of Defense, in consultation with the
U.S. Trade Representative, consider the ef-
fect that other countries' trade policies have
on the ability of the United States to obtain
rare earth minerals. Not only are those min-
erals critically important for many defense
applications, they are also critical for many
other high-tech applications such as wind
turbine and hybrid gasoline-electric auto-
mobiles—and, as a result, to U.S. manufac-
turing competitiveness.

Thank you for your consideration in this
matter.

Sincerely,

SANDER M. LEVIN,
Chairman.

HOUSE COMMITTEE ON ARMED SERV-
ICES, HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2010.

Hon. SANDER M. LEVIN,
Chairman, Committee on Ways and Means,
House of Representatives, Longworth Office
Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your
letter regarding H.R. 5136, the National De-
fense Authorization Act for Fiscal Year 2011.
I agree that the Committee on Ways and
Means has valid jurisdictional claims to cer-
tain provisions in this important legislation,
and I am most appreciative of your decision
not to schedule a mark-up of this bill in the
interest of expediting consideration. I agree
that by agreeing to waive consideration of
certain provisions of the bill, the Committee
on Ways and Means is not waiving its juris-
diction over these matters. Should this bill
or similar legislation be the subject of a
House-Senate conference, I will support the
appointment of conferees from the Com-
mittee on Ways and Means.

This exchange of letters will be included in
the committee report on the bill.

Very truly yours,

IKE SKELTON,
Chairman.

Mr. MCKEON. Mr. Chairman, I yield
back the balance of my time.

The Acting CHAIR. All time for gen-
eral debate has expired.

Pursuant to the rule, the amendment
in the nature of a substitute printed in
the bill is considered as an original bill
for the purpose of amendment under
the 5-minute rule and is considered
read.

The text of the amendment in the na-
ture of a substitute is as follows:

H.R. 5136

*Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in
Congress assembled,*

SECTION 1. SHORT TITLE.

*This Act may be cited as the "National De-
fense Authorization Act for Fiscal Year 2011".*

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) **DIVISIONS.**—This Act is organized into four divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

Sec. 4. Treatment of successor contingency operation to Operation Iraqi Freedom.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Procurement of early infantry brigade combat team increment one equipment.

Sec. 112. Report on Army battlefield network plans and programs.

Subtitle C—Navy Programs

Sec. 121. Incremental funding for procurement of large naval vessels.

Sec. 122. Multiyear procurement of F/A-18E, F/A-18F, and EA-18G aircraft.

Sec. 123. Report on naval force structure and missile defense.

Subtitle D—Air Force Programs

Sec. 131. Preservation and storage of unique tooling for F-22 fighter aircraft.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Limitation on procurement of F-35 Lightning II aircraft.

Sec. 142. Limitations on biometric systems funds.

Sec. 143. Counter-improvised explosive device initiatives database.

Sec. 144. Study on lightweight body armor solutions.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Report requirements for replacement program of the Ohio-class ballistic missile submarine.

Sec. 212. Limitation on obligation of funds for F-35 Lightning II aircraft program.

Sec. 213. Inclusion in annual budget request and future-years defense program of sufficient amounts for continued development and procurement of competitive propulsion system for F-35 Lightning II aircraft.

Sec. 214. Separate program elements required for research and development of Joint Light Tactical Vehicle.

Subtitle C—Missile Defense Programs

Sec. 221. Limitation on availability of funds for missile defenses in Europe.

Sec. 222. Repeal of prohibition of certain contracts by Missile Defense Agency with foreign entities.

Sec. 223. Phased, adaptive approach to missile defense in Europe.

Sec. 224. Homeland defense hedging policy.

Sec. 225. Independent assessment of the plan for defense of the homeland against the threat of ballistic missiles.

Sec. 226. Study on ballistic missile defense capabilities of the United States.

Sec. 227. Reports on standard missile system.

Subtitle D—Reports

Sec. 231. Report on analysis of alternatives and program requirements for the Ground Combat Vehicle program.

Sec. 232. Cost benefit analysis of future tank-fired munitions.

Sec. 233. Annual comptroller general report on the VH-(XX) presidential helicopter acquisition program.

Sec. 234. Joint assessment of the joint effects targeting system.

Subtitle E—Other Matters

Sec. 241. Escalation of force capabilities.

Sec. 242. Pilot program to include technology protection features during research and development of defense systems.

Sec. 243. Pilot program on collaborative energy security.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Energy and Environmental Provisions

Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with the Twin Cities Army Ammunition Plant, Minnesota.

Sec. 312. Payment to Environmental Protection Agency of stipulated penalties in connection with Naval Air Station, Brunswick, Maine.

Sec. 313. Testing and certification plan for operational use of an aviation biofuel derived from materials that do not compete with food stocks.

Sec. 314. Report identifying hybrid or electric propulsion systems and other fuel-saving technologies for incorporation into tactical motor vehicles.

Subtitle C—Workplace and Depot Issues

Sec. 321. Technical amendments to requirement for service contract inventory.

Sec. 322. Repeal of conditions on expansion of functions performed under prime vendor contracts for depot-level maintenance and repair.

Sec. 323. Pilot program on best value for contracts for private security functions.

Sec. 324. Standards and certification for private security contractors.

Sec. 325. Prohibition on establishing goals or quotas for conversion of functions to performance by Department of Defense civilian employees.

Subtitle D—Reports

Sec. 331. Revision to reporting requirement relating to operation and financial support for military museums.

Sec. 332. Additional reporting requirements relating to corrosion prevention projects and activities.

Sec. 333. Modification and repeal of certain reporting requirements.

Sec. 334. Report on Air Sovereignty Alert mission.

Sec. 335. Report on the SEAD/DEAD mission requirement for the Air Force.

Subtitle E—Limitations and Extensions of Authority

Sec. 341. Permanent authority to accept and use landing fees charged for use of domestic military airfields by civil aircraft.

Sec. 342. Improvement and extension of Arsenal Support Program Initiative.

Sec. 343. Extension of authority to reimburse expenses for certain Navy mess operations.

Sec. 344. Limitation on obligation of funds for the Army Human Terrain System.

Sec. 345. Limitation on obligation of funds pending submission of classified justification material.

Sec. 346. Limitation on retirement of C-130 aircraft from Air Force inventory.

Sec. 347. Commercial sale of small arms ammunition in excess of military requirements.

Sec. 348. Limitation on Air Force fiscal year 2011 force structure announcement implementation.

Subtitle F—Other Matters

Sec. 351. Expedited processing of background investigations for certain individuals.

Sec. 352. Adoption of military working dogs by family members of deceased or seriously wounded members of the Armed Forces who were handlers of the dogs.

Sec. 353. Revision to authorities relating to transportation of civilian passengers and commercial cargoes by Department of Defense when space unavailable on commercial lines.

Sec. 354. Technical correction to obsolete reference relating to use of flexible hiring authority to facilitate performance of certain Department of Defense functions by civilian employees.

Sec. 355. Inventory and study of budget modeling and simulation tools.

Sec. 356. Sense of Congress regarding continued importance of High-Altitude Aviation Training Site, Colorado.

Sec. 357. Department of Defense study on simulated tactical flight training in a sustained g environment.

Sec. 358. Study of effects of new construction of obstructions on military installations and operations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2011 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Age for health care professional appointments and mandatory retirements.

- Sec. 502. Authority for appointment of warrant officers in the grade of W-1 by commission and standardization of warrant officer appointing authority.
- Sec. 503. Nondisclosure of information from discussions, deliberations, notes, and records of special selection boards.
- Sec. 504. Administrative removal of officers from list of officers recommended for promotion.
- Sec. 505. Eligibility of officers to serve on boards of inquiry for separation of regular officers for substandard performance and other reasons.
- Sec. 506. Temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer.

Subtitle B—Reserve Component Management

- Sec. 511. Preseparation counseling for members of the reserve components.
- Sec. 512. Military correction board remedies for National Guard members.
- Sec. 513. Removal of statutory distribution limits on Navy reserve flag officer allocation.
- Sec. 514. Assignment of Air Force Reserve military technicians (dual status) to positions outside Air Force Reserve unit program.
- Sec. 515. Temporary authority for temporary employment of non-dual status military technicians.
- Sec. 516. Revised structure and functions of Reserve Forces Policy Board.
- Sec. 517. Merit Systems Protection Board and judicial remedies for National Guard technicians.

Subtitle C—Joint Qualified Officers and Requirements

- Sec. 521. Technical revisions to definition of joint matters for purposes of joint officer management.
- Sec. 522. Changes to process involving promotion boards for joint qualified officers and officers with joint staff experience.

Subtitle D—General Service Authorities

- Sec. 531. Extension of temporary authority to order retired members of the Armed Forces to active duty in high-demand, low-density assignments.
- Sec. 532. Correction of military records.
- Sec. 533. Modification of Certificate of Release or Discharge from Active Duty (DD Form 214) to specifically identify a space for inclusion of email address.
- Sec. 534. Recognition of role of female members of the Armed Forces and Department of Defense review of military occupational specialties available to female members.

Subtitle E—Military Justice and Legal Matters

- Sec. 541. Continuation of warrant officers on active duty to complete disciplinary action.
- Sec. 542. Enhanced authority to punish contempt in military justice proceedings.
- Sec. 543. Limitations on use in personnel action of information contained in criminal investigative report or in index maintained for law enforcement retrieval and analysis.
- Sec. 544. Protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

- Sec. 545. Improvements to Department of Defense domestic violence programs.
- Sec. 546. Public release of restricted annex of Department of Defense Report of the Independent Review Related to Fort Hood pertaining to oversight of the alleged perpetrator of the attack.

Subtitle F—Member Education and Training Opportunities and Administration

- Sec. 551. Repayment of education loan repayment benefits.
- Sec. 552. Active duty obligation for graduates of the military service academies participating in the Armed Forces Health Professions Scholarship and Financial Assistance program.
- Sec. 553. Waiver of maximum age limitation on admission to service academies for certain enlisted members who served during Operation Iraqi Freedom or Operation Enduring Freedom.
- Sec. 554. Report of feasibility and cost of expanding enrollment authority of Community College of the Air Force to include additional members of the Armed Forces.

Subtitle G—Defense Dependents' Education

- Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 562. Enrollment of dependents of members of the Armed Forces who reside in temporary housing in Department of Defense domestic dependent elementary and secondary schools.

Subtitle H—Decorations, Awards, and Commemorations

- Sec. 571. Notification requirement for determination made in response to review of proposal for award of a Medal of Honor not previously submitted in timely fashion.
- Sec. 572. Department of Defense recognition of spouses of members of the Armed Forces.
- Sec. 573. Department of Defense recognition of children of members of the Armed Forces.
- Sec. 574. Clarification of persons eligible for award of bronze star medal.
- Sec. 575. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.
- Sec. 576. Authorization for award of Medal of Honor to certain members of the Army for acts of valor during the Civil War, Korean War, or Vietnam War.
- Sec. 577. Authorization and request for award of Distinguished-Service Cross to Jay C. Copley for acts of valor during the Vietnam War.
- Sec. 578. Program to commemorate 60th anniversary of the Korean War.

Subtitle I—Military Family Readiness Matters

- Sec. 581. Appointment of additional member of Department of Defense Military Family Readiness Council.
- Sec. 582. Director of the Office of Community Support for Military Families With Special Needs.
- Sec. 583. Pilot program of personalized career development counseling for military spouses.
- Sec. 584. Modification of Yellow Ribbon Reintegration Program.
- Sec. 585. Importance of Office of Community Support for Military Families with Special Needs.

- Sec. 586. Comptroller General report on Department of Defense Office of Community Support for Military Families with Special Needs.

- Sec. 587. Comptroller General report on Exceptional Family Member Program.

- Sec. 588. Comptroller General review of Department of Defense military spouse employment programs.

- Sec. 589. Report on Department of Defense military spouse education programs.

Subtitle J—Other Matters

- Sec. 591. Establishment of Junior Reserve Officers' Training Corps units for students in grades above sixth grade.
- Sec. 592. Increase in number of private sector civilians authorized for admission to National Defense University.
- Sec. 593. Admission of defense industry civilians to attend United States Air Force Institute of Technology.
- Sec. 594. Date for submission of annual report on Department of Defense STARBASE Program.
- Sec. 595. Extension of deadline for submission of final report of Military Leadership Diversity Commission.
- Sec. 596. Enhanced authority for members of the Armed Forces and Department of Defense and Coast Guard civilian employees and their families to accept gifts from non-Federal entities.
- Sec. 597. Report on performance and improvements of Transition Assistance Program.
- Sec. 598. Sense of Congress regarding assisting members of the Armed Forces to participate in apprenticeship programs.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Fiscal year 2011 increase in military basic pay.
- Sec. 602. Basic allowance for housing for two-member couples when one or both members are on sea duty.
- Sec. 603. Allowances for purchase of required uniforms and equipment.
- Sec. 604. Increase in amount of family separation allowance.
- Sec. 605. One-time special compensation for transition of assistants providing aid and attendance care to members of the uniformed services with catastrophic injuries or illnesses.
- Sec. 606. Expansion of definition of senior enlisted member to include senior enlisted member serving within a combatant command.
- Sec. 607. Ineligibility of certain Federal civilian employees for Reservist income replacement payments on account of availability of comparable benefits under another program.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.

Sec. 616. One-year extension of authorities relating to payment of referral bonuses.

Sec. 617. Treatment of officers transferring between Armed Forces for receipt of aviation career special pay.

Sec. 618. Increase in maximum amount of special pay for duty subject to hostile fire or imminent danger or for duty in foreign area designated as an imminent danger area.

Sec. 619. Special payment to members of the Armed Forces and civilian employees of the Department of Defense killed or wounded in attacks directed at members or employees outside of combat zone, including those killed or wounded in certain 2009 attacks.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Extension of authority to provide travel and transportation allowances for inactive duty training outside of normal commuting distances.

Sec. 632. Travel and transportation allowances for attendance of designated persons at Yellow Ribbon Reintegration events.

Sec. 633. Mileage reimbursement for use of privately owned vehicles.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Elimination of cap on retired pay multiplier for members with greater than 30 years of service who retire for disability.

Sec. 642. Equity in computation of disability retired pay for reserve component members wounded in action.

Sec. 643. Elimination of the age requirement for health care benefits for non-regular service retirees.

Sec. 644. Clarification of effect of ordering reserve component member to active duty to receive authorized medical care on reducing eligibility age for receipt of non-regular service retired pay.

Sec. 645. Special survivor indemnity allowance for recipients of pre-Survivor Benefit Plan annuity affected by required offset for dependency and indemnity compensation.

Sec. 646. Payment date for retired and retainer pay.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Shared construction costs for shopping malls or similar facilities containing a commissary store and one or more nonappropriated fund instrumentality activities.

Sec. 652. Addition of definition of morale, welfare, and recreation telephone services for use in contracts to provide such services for military personnel serving in combat zones.

Sec. 653. Feasibility study on establishment of full exchange store in the Northern Mariana Islands.

Subtitle F—Alternative Career Track Pilot Program

Sec. 661. Pilot program to evaluate alternative career track for commissioned officers to facilitate an increased commitment to academic and professional education and career-broadening assignments.

Subtitle G—Other Matters

Sec. 671. Participation of members of the Armed Forces Health Professions Scholarship and Financial Assistance program in active duty health profession loan repayment program.

Sec. 672. Retention of enlistment, reenlistment, and student loan benefits received by military technicians (dual status).

Sec. 673. Cancellation of loans of members of the Armed Forces made from student loan funds.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Extension of prohibition on increases in certain health care costs.

Sec. 702. Extension of dependent coverage under TRICARE.

Sec. 703. Survivor dental benefits.

Sec. 704. Aural screenings for members of the Armed Forces.

Sec. 705. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.

Subtitle B—Health Care Administration

Sec. 711. Administration of TRICARE.

Sec. 712. Updated terminology for the Army medical service corps.

Sec. 713. Clarification of licensure requirements applicable to military health-care professionals who are members of the national guard performing duty while in title 32 status.

Sec. 714. Annual report on joint health care facilities of the Department of Defense and the Department of Veterans Affairs.

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- Sec. 2912. Authorized Air Force construction and land acquisition projects and authorization of appropriations.
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- Sec. 3121. Comptroller General report on NNSA biennial complex modernization strategy.
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Sec. 3505. Vessel loan guarantees: procedures for traditional and nontraditional applications.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. TREATMENT OF SUCCESSOR CONTINGENCY OPERATION TO OPERATION IRAQI FREEDOM.

Any law or regulation applicable to Operation Iraqi Freedom shall apply in the same manner and to the same extent to the successor contingency operation known as Operation New Dawn, except as specifically provided in this Act, any amendment made by this Act, or any other law enacted after the date of the enactment of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Army as follows:

- (1) For aircraft, \$5,986,361,000.
- (2) For missiles, \$1,631,463,000.
- (3) For weapons and tracked combat vehicles, \$1,616,245,000.
- (4) For ammunition, \$1,946,948,000.
- (5) For other procurement, \$9,398,728,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Navy as follows:

- (1) For aircraft, \$19,132,613,000.
- (2) For weapons, including missiles and torpedoes, \$3,350,894,000.
- (3) For shipbuilding and conversion, \$15,724,520,000.
- (4) For other procurement, \$6,450,208,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Marine Corps in the amount of \$1,379,044,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement of ammunition for the Navy and the Marine Corps in the amount of \$817,991,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Air Force as follows:

- (1) For aircraft, \$15,355,908,000.
- (2) For ammunition, \$672,420,000.
- (3) For missiles, \$5,470,772,000.
- (4) For other procurement, \$17,911,730,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2011 for Defense-wide procurement in the amount of \$4,399,768,000.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF EARLY INFANTRY BRIGADE COMBAT TEAM INCREMENT ONE EQUIPMENT.

(a) LIMITATION ON PRODUCTION QUANTITIES.—Except as provided in subsection (c), the Secretary of Defense may not procure more than

two brigade sets of early-infantry brigade combat team increment one equipment (in this section referred to as a "brigade set").

(b) **APPLICABILITY TO LONG-LEAD PRODUCTION ITEMS.**—The limitation in subsection (a) includes procurement of a long-lead item for an element of a brigade set beyond the two brigade sets authorized under such subsection.

(c) **WAIVER.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the limitation in subsection (a) if—

(1) the Under Secretary submits to Congress written certification that—

(A) the initial operational test and evaluation of the brigade set has been completed;

(B) the Director of Operational Test and Evaluation has submitted to Congress a report describing the results of the initial operational test and evaluation (as described in section 2399(b) of title 10, United States Code) and the comparative test of the brigade set;

(C) all of the subsystems tested in the initial operational test and evaluation were tested in the intended production configuration; and

(D) all radios planned for fielding with the brigade set have received the appropriate National Security Agency approvals, as determined by the Under Secretary; and

(2) a period of 30 days has elapsed after the date on which the certification under paragraph (1) is received.

(d) **EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.**—The limitation in subsection (a) does not apply to the procurement of individual components of the brigade set if the procurement of such components is specifically intended to address an operational need statement requirement (as described in Army Regulation 71-9 or a successor regulation).

SEC. 112. REPORT ON ARMY BATTLEFIELD NETWORK PLANS AND PROGRAMS.

(a) **REPORT REQUIRED.**—Not later than March 1, 2011, the Secretary of the Army shall submit to the congressional defense committees a report on plans for fielding tactical communications network equipment. Such report shall include—

(1) an explanation of the current communications architecture of every level of the Army;

(2) an explanation of the future communications architecture of every level of the Army;

(3) the quantities and types of new equipment that the Secretary plans to procure in the five-year period following the date on which the report is submitted in order to develop the architecture described in paragraph (2); and

(4) a list of the equipment described in paragraph (3) that is included in the budget of the President for fiscal year 2012 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) **LIMITATION ON OBLIGATION OF FUNDS.**—Except as provided in subsection (c), of the funds authorized to be appropriated by this or any other Act for fiscal year 2011 for procurement, Army, for tactical radios or tactical communications network equipment, not more than 50 percent may be obligated or expended until the date that is 15 days after the date on which the report is submitted under subsection (a).

(c) **EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.**—The limitation in subsection (b) does not apply to the procurement of tactical radio or tactical communications network equipment if the procurement of such equipment is specifically intended to address an operational need statement requirement (as described in Army Regulation 71-9 or a successor regulation).

(d) **TACTICAL COMMUNICATIONS NETWORK EQUIPMENT DEFINED.**—In this section, the term "tactical communications network equipment" means all electronic communications systems operated by a tactical unit (of brigade size or smaller) of the Army.

Subtitle C—Navy Programs

SEC. 121. INCREMENTAL FUNDING FOR PROCUREMENT OF LARGE NAVAL VESSELS.

(a) **INCREMENTAL FUNDING OF LARGE NAVAL VESSELS.**—Except as provided in subsection (b), the Secretary of the Navy may use incremental funding for the procurement of a large naval vessel over a period not to exceed the number of years equal to three-fourths of the total period of planned ship construction of such vessel.

(b) **LPD 26.**—With respect to the vessel designated LPD 26, the Secretary may use incremental funding for the procurement of such vessel through fiscal year 2012 if the Secretary determines that such incremental funding—

(1) is in the best interest of the overall shipbuilding efforts of the Navy;

(2) is needed to provide the Secretary with the ability to facilitate changes to the shipbuilding industrial base of the Navy; and

(3) will provide the Secretary with the ability to award a contract for construction of the vessel that provides the best value to the United States.

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) or (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after the fiscal year the vessel was authorized is subject to the availability of appropriations for that purpose for that later fiscal year.

(d) **DEFINITIONS.**—In this section:

(1) The term "large naval vessel" means a vessel—

(A) that is—

(i) an aircraft carrier designated a CVN;

(ii) an amphibious assault ship designated LPD, LHA, LHD, or LSD; or

(iii) an auxiliary vessel; and

(B) that has a light ship displacement of 17,000 tons or more.

(2) The term "total period of planned ship construction" means the period of years beginning on the date of the first authorization of funding (not including funding requested for advance procurement) and ending on the date that is projected on the date of the first authorization of funding to be the delivery date of the vessel to the Navy.

SEC. 122. MULTIYEAR PROCUREMENT OF F/A-18E, F/A-18F, AND EA-18G AIRCRAFT.

(a) **MULTIYEAR PROCUREMENT.**—

(1) **ADDITIONAL AUTHORITY.**—Section 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2217) is amended by adding at the end the following new subsections:

"(e) **UPDATED REPORT.**—With respect to a multiyear contract entered into under subsection (a), the Secretary of Defense may submit to the congressional defense committees an update to the report under section 2306b(1)(4) of title 10, United States Code, by not later than September 1, 2010.

"(f) **REQUIRED AUTHORITY.**—Notwithstanding any other provision of law, with respect to a multiyear contract entered into under subsection (a), this section shall be deemed to meet the requirements under subsection (i)(3) and (l)(3) of section 2306b of title 10, United States Code.

"(g) **EXCEPTION TO CERTAIN REQUIREMENT.**—Section 8008(b) of the Department of Defense Appropriations Act, 1998 (Public Law 105-56; 10 U.S.C. 2306b note) shall not apply to a multiyear contract entered into under subsection (a).

"(h) **USE OF FUNDS.**—

"(1) **PROCUREMENT.**—In accordance with paragraph (2), the Secretary of Defense shall ensure that all funds authorized to be appropriated for the advance procurement or procurement of F/A-18E, F/A-18F, or EA-18G aircraft

under this section are obligated or expended for such purpose.

"(2) **USE OF EXCESS FUNDS.**—The Secretary of Defense shall ensure that any excess funds are obligated or expended for the advance procurement or procurement of F/A-18E or F/A-18F aircraft under this section, regardless of whether such aircraft are in addition to the 515 F/A-18E and F/A-18F aircraft planned by the Secretary of the Navy.

"(3) **EXCESS FUNDS DEFINED.**—In this subsection, the term 'excess funds', with respect to funds available for the advance procurement or procurement of F/A-18E, F/A-18F, or EA-18G aircraft under this section, means the amount of funds that is equal to the difference of—

"(A) the sum of—

"(i) the funds authorized to be appropriated by this Act or otherwise available for fiscal year 2010 for the advance procurement and procurement of F/A-18E, F/A-18F, or EA-18G aircraft; and

"(ii) the funding levels for the advance procurement and procurement of such aircraft for fiscal years 2011 through 2013 proposed by the Secretary of Defense in the future-years defense program for fiscal year 2011 submitted under section 221 of title 10, United States Code; and

"(B) the funds required to execute the multiyear contracts for the advance procurement and procurement of such aircraft under this section."

(2) **EXTENSION OF CERTIFICATION.**—Paragraph (2) of subsection (a) of such section is amended by striking "a reference to March" and inserting "a reference to September".

(b) **FULL FUNDING CERTIFICATION.**—Paragraph (1) of section 8011 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118; 10 U.S.C. 2306b note) is amended by inserting after "within 30 days of enactment of this Act" the following: "(or in the case of a multiyear contract for the procurement of F/A-18E, F/A-18F, or EA-18G aircraft, by the date that is not less than 30 days prior to the contract award)".

SEC. 123. REPORT ON NAVAL FORCE STRUCTURE AND MISSILE DEFENSE.

(a) **REPORT.**—Not later than March 1, 2011, the Secretary of the Navy, in coordination with the Chief of Naval Operations, shall submit to the congressional defense committees a report on the requirements of the major combatant surface vessels with respect to missile defense.

(b) **MATTERS INCLUDED.**—The report shall include the following:

(1) An analysis of whether the requirement for sea-based missile defense can be accommodated by upgrading Aegis ships that exist as of the date of the report or by procuring additional combatant surface vessels.

(2) Whether such sea-based missile defense will require increasing the overall number of combatant surface vessels beyond the requirement of 88 cruisers and destroyers in the 313-ship fleet plan of the Navy.

(3) The number of Aegis ships needed by each combatant commander to fulfill ballistic missile defense requirements, including (in consultation with the Chairman of the Joints Chiefs of Staff) the number of such ships needed to support the phased, adaptive approach to ballistic missile defense in Europe.

(4) A discussion of the potential effect of ballistic missile defense operations on the ability of the Navy to meet surface fleet demands in each geographic area and for each mission set.

(5) An evaluation of how the Aegis ballistic missile defense program can succeed as part of a balanced fleet of adequate size and strength to meet the security needs of the United States.

(6) A description of both the shortfalls and the benefits of expected technological advancements in the sea-based missile defense program.

(7) A description of the anticipated plan for deployment of Aegis ballistic missile ships within the context of the fleet response plan.

Subtitle D—Air Force Programs

SEC. 131. PRESERVATION AND STORAGE OF UNIQUE TOOLING FOR F-22 FIGHTER AIRCRAFT.

Subsection (b) of section 133 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2219) is amended by striking “2010” and inserting “2011”.

Subtitle E—Joint and Multiservice Matters

SEC. 141. LIMITATION ON PROCUREMENT OF F-35 LIGHTNING II AIRCRAFT.

(a) **LIMITATION.**—Except as provided in subsection (c), of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for aircraft procurement, Air Force, and aircraft procurement, Navy, for F-35 Lightning II aircraft, not more than an amount necessary for the procurement of 30 such aircraft may be obligated or expended unless—

(1) the certifications under subsection (b) are received by the congressional defense committees on or before January 15, 2011; and

(2) a period of 15 days has elapsed after the date of such receipt.

(b) **CERTIFICATIONS.**—Not later than January 15, 2011—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify in writing to the congressional defense committees that—

(A) each of the 11 scheduled system development and demonstration aircraft planned in the schedule for delivery during 2010 has been delivered to the designated test location;

(B) the initial service release has been granted for the F135 engine designated for the short take-off and vertical landing variant;

(C) facility configuration and industrial tooling capability and capacity is sufficient to support production of at least 42 F-35 aircraft for fiscal year 2011;

(D) block 1.0 software has been released and is in flight test;

(E) the Secretary of Defense has—

(i) determined that two F-35 aircraft from low-rate initial production 1 have met established criteria for acceptance; and

(ii) accepted such aircraft for delivery; and

(F) advance procurement funds appropriated for the advance procurement of F136 engines for fiscal years 2009 and 2010 have either been obligated or the Secretary of Defense has submitted a reprogramming action to the congressional defense committees that would reprogram such funds to meet other F136 development requirements; and

(2) the Director of Operational Test and Evaluation shall certify in writing to the congressional defense committees that—

(A) the F-35C aircraft designated as CF-1 has effectively accomplished its first flight;

(B) the 394 F-35 aircraft test flights planned in the schedule to occur during 2010 have been completed with sufficient results;

(C) 95 percent of the 3,772 flight test points planned for completion in 2010 were accomplished;

(D) the conventional take-off and land variant low observable signature flight test has been conducted and the results of such test have met or exceeded threshold key performance parameters;

(E) six F136 engines have been made available for testing; and

(F) not less than 1,000 test hours have been completed in the F136 system development and demonstration program.

(c) **WAIVER.**—After January 15, 2011, the Secretary of Defense may waive the limitation in subsection (a) if each of the following occurs:

(1) The written certification described in subsection (b)(1) is submitted by the Under Secretary of Defense for Acquisition, Technology, and Logistics not later than January 15, 2011.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics certifies in writing to the congressional defense committees that the failure to fully achieve the milestones described in subsection (b)(2) will not—

(A) delay or otherwise negatively affect the F-35 aircraft test schedule for fiscal year 2011;

(B) impede production of 42 F-35 aircraft in such fiscal year; and

(C) otherwise increase risk to the F-35 aircraft program.

(3) A period of 30 days has elapsed after the date on which the certification under paragraph (2) is submitted to the congressional defense committees.

(d) **SCHEDULE DEFINED.**—In this section, the term “schedule” means the F-35 Lightning II program update schedule received by the congressional defense committees on March 15, 2010.

SEC. 142. LIMITATIONS ON BIOMETRIC SYSTEMS FUNDS.

(a) **GENERAL LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for biometrics programs and operations, not more than 85 percent may be obligated or expended until—

(1) the Secretary of Defense submits to the congressional defense committees a report on the actions taken—

(A) to implement subparagraphs (A) through (F) of paragraph (16) of the National Security Presidential Directive dated June 5, 2008 (NSPD-59);

(B) to implement the recommendations of the Comptroller General of the United States included in the report of the Comptroller General numbered GAO-08-1065 dated September, 2008;

(C) to implement the recommendations of the Comptroller General included in the report of the Comptroller General numbered GAO-09-49 dated October, 2008;

(D) to fully and completely characterize the current biometrics architecture and establish the objective architecture for the Department of Defense;

(E) to ensure that an official of the Office of the Secretary of Defense has the authority necessary to be responsible for ensuring that all funding for biometrics programs and operations is programmed, budgeted, and executed; and

(F) to ensure that an officer within the Office of the Joint Chiefs of Staff has the authority necessary to be responsible for ensuring the development and implementation of common and interoperable standards for the collection, storage, and use of biometrics data by all combatant commanders and their commands; and

(2) a period of 30 days has elapsed after the date on which the report is submitted under paragraph (1).

(b) **SPECIFIC LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for biometrics programs and operations may be obligated or expended unless the Under Secretary of Defense for Acquisition, Technology, and Logistics (acting through the Director of Defense Biometrics) approves such obligation or expenditure in writing.

SEC. 143. COUNTER-IMPROVED EXPLOSIVE DEVICE INITIATIVES DATABASE.

(a) **COMPREHENSIVE DATABASE.**—

(1) **IN GENERAL.**—The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall develop and maintain a comprehensive database containing appropriate information for coordinating, tracking, and archiving each counter-improved explosive device initiative within the Department of Defense. The database

shall, at a minimum, ensure the visibility of each counter-improved explosive device initiative.

(2) **USE OF INFORMATION.**—Using information contained in the database developed under paragraph (1), the Secretary, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall—

(A) identify and eliminate redundant counter-improved explosive device initiatives;

(B) facilitate the transition of counter-improved explosive device initiatives from funding under the Joint Improvised Explosive Device Defeat Fund to funding provided by the military departments; and

(C) notify the appropriate personnel and organizations prior to a counter-improved explosive device initiative being funded through the Joint Improvised Explosive Device Defeat Fund.

(3) **COORDINATION.**—In carrying out paragraph (1), the Secretary shall ensure that the Secretary of each military department coordinates and collaborates on development of the database to ensure its interoperability, completeness, consistency, and effectiveness.

(b) **METRICS.**—The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall—

(1) develop appropriate means to measure the effectiveness of counter-improved explosive device initiatives; and

(2) prioritize the funding of such initiatives according to such means.

(c) **ELIMINATION OF PRIOR NOTICE REQUIREMENT.**—Subsection (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), is further amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

(d) **COUNTER-IMPROVED EXPLOSIVE DEVICE INITIATIVE DEFINED.**—In this section, the term “counter-improved explosive device initiative” means any project, program, or research activity funded by any component of the Department of Defense that is intended to assist or support efforts to counter, combat, or defeat the use of improvised explosive devices.

SEC. 144. STUDY ON LIGHTWEIGHT BODY ARMOR SOLUTIONS.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall enter into a contract with a federally funded research and development center to conduct a study to—

(1) assess the effectiveness of the processes used by the Secretary to identify and examine the requirements for lighter weight body armor systems; and

(2) determine ways in which the Secretary may more effectively address the research, development, and procurement requirements regarding reducing the weight of body armor.

(b) **MATTERS COVERED.**—The study conducted under subsection (a) shall include findings and recommendations regarding the following:

(1) The requirement for lighter weight body armor and personal protective equipment and the ability of the Secretary to meet such requirement.

(2) Innovative design ideas for more modular body armor that allow for scalable protection levels for various missions and threats.

(3) The need for research, development, and acquisition funding dedicated specifically for reducing the weight of body armor.

(4) The efficiency and effectiveness of current body armor funding procedures and processes.

(5) Industry concerns, capabilities, and willingness to invest in the development and production of lightweight body armor initiatives.

(6) Barriers preventing the development of lighter weight body armor (including such barriers with respect to technical, institutional, or financial problems).

(7) Changes to procedures or policy with respect to lightweight body armor.

(8) Other areas of concern not previously addressed by equipping boards, body armor producers, or program managers.

(c) **SUBMISSION TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (a).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Department of Defense for research, development, test, and evaluation as follows:

- (1) For the Army, \$10,316,754,000.
- (2) For the Navy, \$17,978,646,000.
- (3) For the Air Force, \$27,269,902,000.
- (4) For Defense-wide activities, \$20,908,006,000, of which \$194,910,000 is authorized for the Director of Operational Test and Evaluation.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. REPORT REQUIREMENTS FOR REPLACEMENT PROGRAM OF THE OHIO-CLASS BALLISTIC MISSILE SUBMARINE.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The sea-based strategic deterrence provided by the ballistic missile submarine force of the Navy has been essential to the national security of the United States since the deployment of the first ballistic missile submarine, the USS George Washington SSBN 598, in 1960.

(2) Since 1960, a total of 59 submarines have served the United States to provide the sea-based strategic deterrence.

(3) As of the date of the enactment of this Act, the sea-based strategic deterrence is provided by the tremendous capability of the 14 ships of the Ohio-class submarine force, which have been the primary sea-based deterrent force for more than two decades.

(4) Ballistic missile submarines are the most survivable asset in the arsenal of the United States in the event of a surprise nuclear attack on the country because, being submerged for months at a time, these submarines are virtually undetectable to any adversary and therefore invulnerable to attack, thus providing the submarines with the ability to respond with significant force against any adversary who attacks the United States or its allies.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) as Ohio-class submarines reach the end of their service life and are retired, the United States must maintain the robust sea-based strategic deterrent force that has the ability to remain undetected by potential adversaries and must have the capability to deliver a retaliatory strike of such magnitude that no rational actor would dare attack the United States;

(2) the Secretary of Defense should conduct a comprehensive analysis of the alternative capabilities to provide the sea-based strategic deterrence that includes consideration of different types and sizes of submarines, different types and sizes of missile systems, the number of submarines necessary to provide such deterrence, and the cost of each alternative; and

(3) prior to requesting more than \$1,000,000,000 in research and development funding to develop a replacement for the Ohio-class ballistic missile submarine force in advance of a Milestone A decision, the Secretary of Defense should have

made available to Congress the guidance issued by the Director of Cost Assessment and Performance Evaluation with respect to the analysis of alternative capabilities and the results of such analysis.

(c) **LIMITATION.**—

(1) **REPORT.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for research and development for the Navy, not more than 50 percent may be obligated or expended to research or develop a submarine as a replacement for the Ohio-class ballistic missile submarine force unless—

(A) the Secretary of Defense submits to the congressional defense committees a report including—

(i) guidance issued by the Director of Cost Assessment and Performance Evaluation with respect to the analysis of alternative capabilities to provide the sea-based strategic deterrence currently provided by the Ohio-class ballistic missile submarine force and any other guidance relating to requirements for such alternatives intended to affect the analysis;

(ii) an analysis of the alternative capabilities considered by the Secretary to continue the sea-based strategic deterrence currently provided by the Ohio-class ballistic missile submarine force, including—

(I) the cost estimates for each alternative capability;

(II) the operational challenges and benefits associated with each alternative capability; and

(III) the time needed to develop and deploy each alternative capability; and

(iii) detailed reasoning associated with the decision to replace the capability of sea-based deterrence provided by the Ohio-class ballistic missile submarine force with an alternative capability designed to carry the Trident II D5 missile; and

(B) a period of 30 days has elapsed after the date on which the report under subparagraph (A) is submitted.

(2) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 212. LIMITATION ON OBLIGATION OF FUNDS FOR F-35 LIGHTNING II AIRCRAFT PROGRAM.

Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for research, development, test, and evaluation for the F-35 Lightning II aircraft program, not more than 75 percent may be obligated until the date that is 15 days after the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees certification in writing that all funds made available for fiscal year 2011 for the continued development and procurement of a competitive propulsion system for the F-35 Lightning II aircraft have been obligated.

SEC. 213. INCLUSION IN ANNUAL BUDGET REQUEST AND FUTURE-YEARS DEFENSE PROGRAM OF SUFFICIENT AMOUNTS FOR CONTINUED DEVELOPMENT AND PROCUREMENT OF COMPETITIVE PROPULSION SYSTEM FOR F-35 LIGHTNING II AIRCRAFT.

(a) **ANNUAL BUDGET.**—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

“§236. Budgeting for competitive propulsion system for F-35 Lightning II aircraft

“(a) **ANNUAL BUDGET.**—Effective for the budget for fiscal year 2012 and each fiscal year thereafter, the Secretary of Defense shall include in the defense budget materials a request for such amounts as are necessary for the full funding of the continued development and procurement of a competitive propulsion system for the F-35 Lightning II aircraft.

“(b) **FUTURE-YEARS DEFENSE PROGRAM.**—In each future-years defense program submitted to Congress under section 221 of this title, the Secretary of Defense shall ensure that the estimated expenditures and proposed appropriations for the F-35 Lightning II aircraft, for each fiscal year of the period covered by that program, include sufficient amounts for the full funding of the continued development and procurement of a competitive propulsion system for the F-35 Lightning II aircraft.

“(c) **REQUIREMENT TO OBLIGATE AND EXPEND FUNDS.**—Of the amounts authorized to be appropriated for fiscal year 2011 or any fiscal year thereafter, for research, development, test, and evaluation and procurement for the F-35 Lightning II aircraft program, the Secretary of Defense shall ensure the obligation and expenditure in each such fiscal year of sufficient annual amounts for the continued development and procurement of two options for the propulsion system for the F-35 Lightning II aircraft in order to ensure the development and competitive production for the propulsion system for such aircraft.

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘budget’, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

“(2) The term ‘defense budget materials’, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by at the end the following new item:

“236. Budgeting for competitive propulsion system for F-35 Lightning II aircraft.”.

(c) **CONFORMING REPEAL.**—Section 213 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is repealed.

SEC. 214. SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF JOINT LIGHT TACTICAL VEHICLE.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2012, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account of the Army and the Navy a separate, dedicated program element is assigned to the Joint Light Tactical Vehicle.

Subtitle C—Missile Defense Programs

SEC. 221. LIMITATION ON AVAILABILITY OF FUNDS FOR MISSILE DEFENSES IN EUROPE.

(a) **LIMITATION ON CONSTRUCTION AND DEPLOYMENT OF SYSTEMS.**—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2011 or any fiscal year thereafter may be obligated or expended for site activation, construction, preparation of equipment for, or deployment of a medium-range or long-range missile defense system in Europe until—

(1) any nation agreeing to host such system has signed and ratified a missile defense basing agreement and a status of forces agreement; and

(2) a period of 45 days has elapsed following the date on which the Secretary of Defense submits to the congressional defense committees the report on the independent assessment of alternative missile defense systems in Europe required by section 235(c)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2235).

(b) **LIMITATION ON PROCUREMENT OR DEPLOYMENT OF INTERCEPTORS.**—No funds authorized to be appropriated by this Act or otherwise made

available for the Department of Defense for fiscal year 2011 or any fiscal year thereafter may be obligated or expended for the procurement (other than initial long-lead procurement) or deployment of operational missiles of a medium-range or long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and that such missile defense system has the ability to accomplish the mission.

(c) **CONFORMING REPEAL.**—Section 234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–81; 123 Stat. 2234) is repealed.

SEC. 222. REPEAL OF PROHIBITION OF CERTAIN CONTRACTS BY MISSILE DEFENSE AGENCY WITH FOREIGN ENTITIES.

Section 222 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1055; 10 U.S.C. 2431 note) is repealed.

SEC. 223. PHASED, ADAPTIVE APPROACH TO MISSILE DEFENSE IN EUROPE.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the new phased, adaptive approach to missile defense in Europe, announced by the President on September 17, 2009, should be supported by sound analysis, program plans, schedules, and technologies that are credible;

(2) the cost, performance, and risk of such approach to missile defense should be well understood; and

(3) Congress should have access to information regarding the analyses, plans, schedules, technologies, cost, performance, and risk of such approach to missile defense in order to conduct effective oversight.

(b) **REPORT REQUIRED.**—

(1) **REPORT.**—The Secretary of Defense shall submit to the congressional defense committees a report on the phased, adaptive approach to missile defense in Europe.

(2) **MATTERS INCLUDED.**—The report under paragraph (1) shall include the following:

(A) A discussion of the analyses conducted by the Secretary of Defense preceding the announcement of the phased, adaptive approach to missile defense in Europe on September 17, 2009, including—

(i) a description of any alternatives considered;

(ii) the criteria used to analyze each such alternative; and

(iii) the result of each analysis, including a description of the criteria used to judge each alternative.

(B) A discussion of any independent assessments or reviews of alternative approaches to missile defense in Europe considered by the Secretary in support of the announcement of the phased, adaptive approach to missile defense in Europe on September 17, 2009.

(C) A description of the architecture for each of the four phases of the phased, adaptive approach to missile defense in Europe, including—

(i) the composition, basing locations, and quantities of ballistic missile defense assets, including ships, batteries, interceptors, radars and other sensors, and command and control nodes;

(ii) program schedules and site-specific schedules with task activities, test plans, and knowledge and decision points;

(iii) technology maturity levels of missile defense assets and plans for retiring technical risks;

(iv) planned performance of missile defense assets and defended area coverage, including

sensitivity analysis to various basing scenarios and varying threat capabilities (including simple and complex threats, liquid and solid-fueled ballistic missiles, and varying raid sizes);

(v) operational concepts and how such operational concepts effect force structure and inventory requirements;

(vi) total cost estimates and funding profiles, by year, for acquisition, fielding, and operations and support; and

(vii) acquisition strategies.

(3) **GAO.**—The Comptroller General of the United States shall submit to the congressional defense committees a report assessing the report under paragraph (1) pursuant to section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2431 note).

(c) **LIMITATION ON FUNDS.**—Of the amounts authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide, for the Office of the Secretary of Defense, not more than 95 percent of such amounts may be obligated or expended until the date on which the report required under subsection (b)(1) is submitted to the congressional defense committees.

SEC. 224. HOMELAND DEFENSE HEDGING POLICY.

(a) **FINDINGS.**—Congress finds the following:

(1) As noted by the Director of National Intelligence, testifying before the Senate Select Committee on Intelligence on February 2, 2010, “the Iranian regime continues to flout UN Security Council restrictions on its nuclear program. . . we judge Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon. Iran already has the largest inventory of ballistic missiles in the Middle East and it continues to expand the scale, reach, and sophistication of its ballistic missile forces—many of which are inherently capable of carrying a nuclear payload.”

(2) The Unclassified Report on Military Power of Iran, dated April 2010, states that, “with sufficient foreign assistance, Iran could probably develop and test an intercontinental ballistic missile (ICBM) capable of reaching the United States by 2015. Iran could also have an intermediate-range ballistic missile (IRBM) capable of threatening Europe.”

(3) Under phase 3 of the phased, adaptive approach for missile defense in Europe (scheduled for 2018), the United States plans to deploy the standard missile–3 block IIA interceptor at sea- and land-based sites in addition to existing missile defense systems to provide coverage for all NATO allies in Europe against medium- and intermediate-range ballistic missiles.

(4) Under phase 4 of the phased, adaptive approach for missile defense in Europe (scheduled for 2020), the United States plans to deploy the standard missile–3 block IIB interceptor to provide additional coverage of the United States against a potential intercontinental ballistic missile launched from the Middle East in the 2020 time frame.

(5) According to the February 2010 Ballistic Missile Defense Review, the United States will continue the development and assessment of a two-stage ground-based interceptor as part of a hedging strategy and, as further noted by the Under Secretary of Defense for Policy during testimony before the Committee on Armed Services of the House of Representatives on October 1, 2009, “we keep the development of the two-stage [ground-based interceptor] on the books as a hedge in case things come earlier, in case there’s any kind of technological challenge with the later models of the [standard missile–3].”

(b) **POLICY.**—It shall be the policy of the United States to—

(1) field missile defense systems in Europe that—

(A) provide protection against medium- and intermediate-range ballistic missile threats con-

sistent with NATO policy and the phased, adapted approach for missile defense announced on September 17, 2009; and

(B) have been confirmed to perform the assigned mission after successful, operationally realistic testing;

(2) field missile defenses to protect the territory of the United States pursuant to the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note) and to test those systems in an operationally realistic manner;

(3) ensure that the standard missile–3 block IIA interceptor planned for phase 3 of the phased, adaptive approach for missile defense is capable of addressing intermediate-range ballistic missiles launched from the Middle East and the standard missile–3 block IIB interceptor planned for phase 4 of such approach is capable of addressing intercontinental ballistic missiles launched from the Middle East; and

(4) continue the development and testing of the two-stage ground-based interceptor to maintain it—

(A) as a means of protection in the event that—

(i) the intermediate-range ballistic missile threat to NATO allies in Europe materializes before the availability of the standard missile–3 block IIA interceptor;

(ii) the intercontinental ballistic missile threat to the United States that cannot be countered with the existing ground-based missile defense system materializes before the availability of the standard missile–3 block IIB interceptor; or

(iii) technical challenges or schedule delays affect the standard missile–3 block IIA interceptor or the standard missile–3 block IIB interceptor; and

(B) as a complement to the missile defense capabilities deployed in Alaska and California for the defense of the United States.

SEC. 225. INDEPENDENT ASSESSMENT OF THE PLAN FOR DEFENSE OF THE HOMELAND AGAINST THE THREAT OF BALLISTIC MISSILES.

(a) **FINDING.**—Congress finds that section 2 of the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note) states that it is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate) with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense.

(b) **ASSESSMENT.**—The Secretary of Defense shall contract with an independent entity to conduct an assessment of the plans of the Secretary for defending the territory of the United States against the threat of attack by ballistic missiles, including electromagnetic pulse attacks, as such plans are described in the Ballistic Missile Defense Review submitted to Congress on February 1, 2010, and the report submitted to Congress under section 232 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2232).

(c) **ELEMENTS.**—The assessment required by subsection (b) shall include an assessment of the following:

(1) The ballistic missile threat, including electromagnetic pulse attacks, against which the homeland defense elements are intended to defend, including mobile or fixed threats that might arise from non-state actors and accidental or unauthorized launches.

(2) The military requirements for defending the territory of the United States against such missile threats.

(3) The capabilities of the missile defense elements available to defend the territory of the United States as of the date of the assessment.

(4) The planned capabilities of the homeland defense elements, if different from the capabilities under paragraph (3).

(5) The force structure and inventory levels necessary to achieve the planned capabilities of the elements described in paragraph (3) and (4).

(6) The infrastructure necessary to achieve such capabilities, including the number and location of operational silos.

(7) The number of interceptor missiles necessary for operational assets, test assets (including developmental and operational test assets and aging and surveillance test assets), and spare missiles.

(d) REPORT.—

(1) IN GENERAL.—At or about the same time the budget of the President for fiscal year 2012 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the results of the assessment required by subsection (b).

(2) FORM.—The report shall be in unclassified form, but may include a classified annex.

SEC. 226. STUDY ON BALLISTIC MISSILE DEFENSE CAPABILITIES OF THE UNITED STATES.

(a) STUDY.—The Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, shall conduct a joint capabilities mix study on the ballistic missile defense capabilities of the United States.

(b) ELEMENTS.—The study under paragraph (1) shall include, at a minimum, the following:

(1) An assessment of the missile defense capability, force structure, and inventory sufficiency requirements of the combatant commanders based on the threat assessments and operational plans for each combatant command.

(2) A discussion of the infrastructure necessary to achieve the ballistic missile defense capabilities, force structure, and inventory assessed under paragraph (1).

(3) An analysis of mobile and fixed missile defense assets.

(c) REPORT.—

(1) IN GENERAL.—At or about the same time the budget of the President for fiscal year 2012 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the results of the study under subsection (a).

(2) FORM.—The report shall be in unclassified form, but may include a classified annex.

SEC. 227. REPORTS ON STANDARD MISSILE SYSTEM.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and each 180-day period thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the standard missile system, particularly with respect to standard missile-3 block IIA and standard missile-3 block IIB.

(b) MATTERS INCLUDED.—The reports under subsection (a) shall include the following:

(1) A detailed discussion of the modernization, capabilities, and limitations of the standard missile.

(2) A review of the standard missile's comparison capability against all expected threats.

(3) A report on the progress of complimentary systems, including, at a minimum, radar systems, delivery systems, and recapitalization of supporting software and hardware.

(4) Any industrial capacities that must be maintained to ensure adequate manufacturing of standard missile technology and production ratio.

Subtitle D—Reports

SEC. 231. REPORT ON ANALYSIS OF ALTERNATIVES AND PROGRAM REQUIREMENTS FOR THE GROUND COMBAT VEHICLE PROGRAM.

(a) REPORT REQUIRED.—Not later than January 15, 2011, the Secretary of the Army shall

provide to the congressional defense committees a report on the Ground Combat Vehicle program of the Army. Such report shall include—

(1) the results of the analysis of alternatives conducted prior to milestone A, including any technical data; and

(2) an explanation of any plans to adjust the requirements of the Ground Combat Vehicle program during the technology development phase of such program.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) LIMITATION ON OBLIGATION OF FUNDS.—Of the funds authorized to be appropriated by this or any other Act for fiscal year 2011 for research, development, test, and evaluation, Army, for development of the Ground Combat Vehicle, not more than 50 percent may be obligated or expended until the date that is 30 days after the date on which the report is submitted under subsection (a).

SEC. 232. COST BENEFIT ANALYSIS OF FUTURE TANK-FIRED MUNITIONS.

(a) COST BENEFIT ANALYSIS REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall conduct a cost benefit analysis of future munitions to be fired from the M1 Abrams series main battle tank to determine the proper investment to be made in tank munitions, including beyond line of sight technology.

(2) ELEMENTS.—The cost benefit analysis under paragraph (1) shall include—

(A) the predicted operational performance of future tank-fired munitions, including those incorporating beyond line of sight technology, based on the relevant modeling and simulation of future combat scenarios of the Army, including a detailed analysis on the suitability of each munition to address the full spectrum of targets across the entire range of the tank (including close range, mid-range, long-range, and beyond line of sight);

(B) a detailed assessment of the projected costs to develop and field each tank-fired munition included in the analysis, including those incorporating beyond line of sight technology; and

(C) a comparative analysis of each tank-fired munition included in the analysis, including suitability to address known capability gaps and overmatch against known and projected threats.

(3) MUNITIONS INCLUDED.—In conducting the cost benefit analysis under paragraph (1), the Secretary shall include, at a minimum, the Mid-Range Munition, the Advanced Kinetic Energy round, and the Advanced Multipurpose Program.

(b) REPORT.—Not later than March 15, 2011, the Secretary shall submit to the congressional defense committees the cost benefit analysis under subsection (a).

SEC. 233. ANNUAL COMPTROLLER GENERAL REPORT ON THE VH-(XX) PRESIDENTIAL HELICOPTER ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—During the period beginning on the date of the enactment of this Act and ending on March 1, 2018, the Comptroller General of the United States shall conduct an annual review of the VH-(XX) aircraft acquisition program.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than March 1 of each year beginning in 2011 and ending in 2018, the Comptroller General shall submit to the congressional defense committees a report on the review of the VH-(XX) aircraft acquisition program conducted under subsection (a).

(2) MATTERS TO BE INCLUDED.—Each report on the review of the VH-(XX) aircraft acquisition program shall include the following:

(A) The extent to which the program is meeting development and procurement cost, schedule, performance, and risk mitigation goals.

(B) With respect to meeting the desired initial operational capability and full operational capability dates for the VH-(XX) aircraft, the progress and results of—

(i) developmental and operational testing of the aircraft; and

(ii) plans for correcting deficiencies in aircraft performance, operational effectiveness, reliability, suitability, and safety.

(C) An assessment of VH-(XX) aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

(D) An assessment of the acquisition strategy of the VH-(XX) aircraft, including whether such strategy is in compliance with acquisition management best-practices and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the VH-(XX) aircraft as it relates to—

(i) the probability of success;

(ii) the funding required for such aircraft compared with the funding programmed; and

(iii) development and production concurrency.

(3) ADDITIONAL INFORMATION.—In submitting to the congressional defense committees the first report under paragraph (1) and a report following any changes made by the Secretary of the Navy to the baseline documentation of the VH-(XX) aircraft acquisition program, the Comptroller General shall include, with respect to such program, an assessment of the sufficiency and objectivity of—

(A) the analysis of alternatives;

(B) the initial capabilities document;

(C) the capabilities development document; and

(D) the systems requirement document.

SEC. 234. JOINT ASSESSMENT OF THE JOINT EFFECTS TARGETING SYSTEM.

(a) REVIEW.—Not later than March 1, 2011, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall form a joint assessment team to review the joint effects targeting system.

(b) REPORT.—Not later than 30 days after the date on which the review under subsection (a) is completed, the Under Secretary shall submit to the congressional defense committees a report on the review.

Subtitle E—Other Matters

SEC. 241. ESCALATION OF FORCE CAPABILITIES.

(a) NON-LETHAL DEMONSTRATION PROGRAM.—The Secretary of Defense, acting through the Director of Operational Test and Evaluation and in consultation with the Executive Agent for Non-lethal Weapons, shall carry out a program to operationally test and evaluate non-lethal weapons that provide counter-personnel escalation of force options to members of the Armed Forces deploying in support of a contingency operation.

(b) TECHNOLOGY TESTED.—Technologies evaluated under subsection (a) shall include crowd control, area denial, space clearing, and personnel incapacitation tools.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report that—

(1) evaluates operational and situational suitability for each non-lethal weapon tested;

(2) defines the tactics, techniques, and procedures approved for deployment of each non-lethal weapon by service;

(3) identifies deployment schemes for each type of non-lethal weapon by service; and

(4) details, by service, the number of units receiving pre-deployment training on each non-lethal weapon and the total number of units trained.

(d) PROCUREMENT LINE ITEM.—In the budget materials submitted to the President by the Secretary of Defense in connection with submission

to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2012, and each subsequent fiscal year, the Secretary shall ensure that within each military department procurement account, a separate, dedicated procurement line item is designated for non-lethal weapons.

SEC. 242. PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF DEFENSE SYSTEMS.

(a) **PILOT PROGRAM.**—The Secretary of Defense shall carry out a pilot program to develop and incorporate technology protection features in a designated system during the research and development phase of such system.

(b) **FUNDING.**—Of the amounts authorized to be appropriated by this Act for research, development, test, and evaluation, Defense-wide, not more than \$5,000,000 may be available to carry out this section.

(c) **ANNUAL REPORTS.**—Not later than December 31 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program established under this section, including a list of each designated system included in the program.

(d) **TERMINATION.**—The pilot program established under this section shall terminate on October 1, 2015.

(e) **DEFINITIONS.**—In this section:

(1) The term “designated system” means any system (including a major system, as defined in section 2302(5) of title 10, United States Code) that the Under Secretary of Defense for Acquisition, Technology, and Logistics designates as being included in the pilot program established under this section.

(2) The term “technology protection features” means the technical modifications necessary to protect critical program information, including anti-tamper technologies and other systems engineering activities intended to prevent or delay exploitation of critical technologies in a designated system.

SEC. 243. PILOT PROGRAM ON COLLABORATIVE ENERGY SECURITY.

(a) **PILOT PROGRAM.**—The Secretary of Defense, in coordination with the Secretary of Energy, shall carry out a collaborative energy security pilot program involving one or more partnerships between one military installation and one national laboratory, for the purpose of evaluating and validating secure, salable microgrid components and systems for deployment.

(b) **SELECTION OF MILITARY INSTALLATION AND NATIONAL LABORATORY.**—The Secretary of Defense and the Secretary of Energy shall jointly select a military installation and a national laboratory for the purpose of carrying out the pilot program under this section. In making such selections, the Secretaries shall consider each of the following:

(1) A commitment to participate made by a military installation being considered for selection.

(2) The findings and recommendations of relevant energy security assessments of military installations being considered for selection.

(3) The availability of renewable energy sources at a military installation being considered for selection.

(4) Potential synergies between the expertise and capabilities of a national laboratory being considered for selection and the infrastructure, interests, or other energy security needs of a military installation being considered for selection.

(5) The effects of any utility tariffs, surcharges, or other considerations on the feasibility of enabling any excess electricity generated on a military installation being considered for selection to be sold or otherwise made

available to the local community near the installation.

(c) **PROGRAM ELEMENTS.**—The pilot program shall be carried out as follows:

(1) Under the pilot program, the Secretaries shall evaluate and validate the performance of new energy technologies that may be incorporated into operating environments.

(2) The pilot program shall involve collaboration with the Office of Electricity Delivery and Energy Reliability of the Department of Energy and other offices and agencies within the Department of Energy, as appropriate, and the Environmental Security Technical Certification Program of the Department of Defense.

(3) Under the pilot program, the Secretary of Defense shall investigate opportunities for any excess electricity created for the military installation to be sold or otherwise made available to the local community near the installation.

(4) The Secretary of Defense shall use the results of the pilot program as the basis for informing key performance parameters and validating energy components and designs that could be implemented in various military installations across the country and at forward operating bases.

(5) The pilot program shall support the effort of the Secretary of Defense to use the military as a test bed to demonstrate innovative energy technologies.

(d) **IMPLEMENTATION AND DURATION.**—The Secretary of Defense shall begin the pilot program under this section by not later than July 1, 2011. Such pilot program shall be not less than three years in duration.

(e) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than October 1, 2011, the Secretary of Defense shall submit to the appropriate congressional committees an initial report that provides an update on the implementation of the pilot program under this section, including an identification of the selected military installation and national laboratory partner and a description of technologies under evaluation.

(2) **FINAL REPORT.**—Not later than 90 days after completion of the pilot program under this section, the Secretary shall submit to the appropriate congressional committees a report on the pilot program, including any findings and recommendations of the Secretary.

(f) **FUNDING.**—

(1) **DEPARTMENT OF DEFENSE.**—Of the funds authorized to be appropriated by section 201 for fiscal year 2011 for research, development, test, and evaluation, Defense-wide, \$5,000,000 is available to carry out this section.

(2) **DEPARTMENT OF ENERGY.**—Upon determination by the Secretary of Energy that the program under this section is relevant and consistent with the mission of the Department of Energy to lead the modernization of the electric grid, enhance the security and reliability of the energy infrastructure, and facilitate recovery from disruptions to energy supply, the Secretary may transfer funds made available for the Office of Electricity Delivery and Energy Reliability of the Department of Energy in order to carry out this section.

(g) **DEFINITIONS.**—For purposes of this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Science and Technology of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term “microgrid” means an integrated energy system consisting of interconnected loads and distributed energy resources (including gen-

erators, energy storage devices, and smart controls) that can operate with the utility grid or in an intentional islanding mode.

(3) The term “national laboratory” means—

(A) a national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)); or

(B) a national security laboratory (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, \$34,232,221,000.

(2) For the Navy, \$37,976,443,000.

(3) For the Marine Corps, \$5,568,340,000.

(4) For the Air Force, \$36,684,588,000.

(5) For Defense-wide activities, \$30,200,596,000.

(6) For the Army Reserve, \$2,942,077,000.

(7) For the Naval Reserve, \$1,374,764,000.

(8) For the Marine Corps Reserve, \$287,234,000.

(9) For the Air Force Reserve, \$3,311,827,000.

(10) For the Army National Guard, \$6,628,525,000.

(11) For the Air National Guard, \$5,980,139,000.

(12) For the United States Court of Appeals for the Armed Forces, \$14,068,000.

(13) For the Acquisition Development Workforce Fund, \$229,561,000.

(14) For Environmental Restoration, Army, \$444,581,000.

(15) For Environmental Restoration, Navy, \$304,867,000.

(16) For Environmental Restoration, Air Force, \$502,653,000.

(17) For Environmental Restoration, Defense-wide, \$10,744,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, \$296,546,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$108,032,000.

(20) For Cooperative Threat Reduction programs, \$522,512,000.

Subtitle B—Energy and Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) **AUTHORITY TO REIMBURSE.**—

(1) **TRANSFER AMOUNT.**—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Hazardous Substance Superfund not more than \$5,611,670.67 for fiscal year 2011.

(2) **PURPOSE OF REIMBURSEMENT.**—A payment made under paragraph (1) is to reimburse the Environmental Protection Agency for all costs the Agency has incurred through fiscal year 2011 relating to the response actions performed by the Department of Defense under the Defense Environmental Restoration Program at the Twin Cities Army Ammunition Plant, Minnesota.

(3) **INTERAGENCY AGREEMENT.**—The reimbursement described in paragraph (2) is provided for in an interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Twin Cities Army Ammunition Plant that took effect in December 1987.

(b) **SOURCE OF FUNDS.**—A payment under subsection (a) shall be made using funds authorized

to be appropriated for fiscal year 2011 to the Department of Defense for operation and maintenance for Environmental Restoration, Army.

(c) **USE OF FUNDS.**—The Environmental Protection Agency shall use the amounts transferred under subsection (a) to pay costs incurred by the Agency at the Twin Cities Army Ammunition Plant.

SEC. 312. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH NAVAL AIR STATION, BRUNSWICK, MAINE.

(a) **AUTHORITY TO TRANSFER FUNDS.**—From amounts authorized to be appropriated for fiscal year 2011 for the Department of Defense Base Closure Account 2005, and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer an amount of not more than \$153,000 to the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986.

(b) **PURPOSE OF TRANSFER.**—The purpose of a transfer made under subsection (a) is to satisfy a stipulated penalty assessed by the Environmental Protection Agency on June 12, 2008, against Naval Air Station, Brunswick, Maine, for the failure of the Navy to sample certain monitoring wells in a timely manner pursuant to a schedule included in the Federal facility agreement for Naval Air Station, Brunswick, which was entered into by the Secretary of the Navy and the Administrator of the Environmental Protection Agency on October 19, 1990.

(c) **ACCEPTANCE OF PAYMENT.**—If the Secretary of Defense makes a transfer authorized under subsection (a), the Administrator of the Environmental Protection Agency shall accept the amount transferred as payment in full of the penalty referred to in subsection (b).

SEC. 313. TESTING AND CERTIFICATION PLAN FOR OPERATIONAL USE OF AN AVIATION BIOFUEL DERIVED FROM MATERIALS THAT DO NOT COMPETE WITH FOOD STOCKS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a testing and certification plan for the operational use of a biofuel that—

- (1) is derived from materials that do not compete with food stocks; and
- (2) is suitable for use for military purposes as an aviation fuel or in an aviation-fuel blend.

SEC. 314. REPORT IDENTIFYING HYBRID OR ELECTRIC PROPULSION SYSTEMS AND OTHER FUEL-SAVING TECHNOLOGIES FOR INCORPORATION INTO TACTICAL MOTOR VEHICLES.

(a) **IDENTIFICATION OF USABLE ALTERNATIVE TECHNOLOGY.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall submit to Congress a report identifying hybrid or electric propulsion systems and other vehicle technologies that reduce consumption of fossil fuels and are suitable for incorporation into the current fleet of tactical motor vehicles of each Armed Force under the jurisdiction of the Secretary. In identifying suitable alternative technologies, the Secretary shall consider the feasibility and cost of incorporating the technology, the design changes and amount of time required for incorporation, and the overall impact of incorporation on vehicle performance.

(b) **HYBRID DEFINED.**—In this section, the term “hybrid” refers to a propulsion system, including the engine and drive train, that draws energy from onboard sources of stored energy that involve—

- (1) an internal combustion or heat engine using combustible fuel; and
- (2) a rechargeable energy storage system.

Subtitle C—Workplace and Depot Issues

SEC. 321. TECHNICAL AMENDMENTS TO REQUIREMENT FOR SERVICE CONTRACT INVENTORY.

Section 2330a(c)(1) of title 10, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting after the first sentence the following new sentence: “The guidance for compiling the inventory shall be issued by the Under Secretary of Defense for Personnel and Readiness, as supported by the Under Secretary of Defense (Comptroller) and the Under Secretary of Defense for Acquisition, Technology, and Logistics.”; and

(2) by striking subparagraph (E) and inserting the following new subparagraph (E):

“(E) The number and work location of contractor employees, expressed as full-time equivalents for direct labor, using direct labor hours and associated cost data collected from contractors.”.

SEC. 322. REPEAL OF CONDITIONS ON EXPANSION OF FUNCTIONS PERFORMED UNDER PRIME VENDOR CONTRACTS FOR DEPOT-LEVEL MAINTENANCE AND REPAIR.

Section 346 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1979; 10 U.S.C. 2464 note) is repealed.

SEC. 323. PILOT PROGRAM ON BEST VALUE FOR CONTRACTS FOR PRIVATE SECURITY FUNCTIONS.

(a) **PILOT PROGRAM AUTHORIZED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a pilot program under which the Secretary shall implement a best value procurement standard in entering into contracts for the provision of private security functions in Afghanistan and Iraq. In entering into a covered contract under the pilot program, in addition to taking into consideration the cost of the contract, the Secretary shall take into consideration each of the following:

- (1) Past performance.
- (2) Quality.
- (3) Delivery.
- (4) Management expertise.
- (5) Technical approach.
- (6) Experience of key personnel.
- (7) Management structure.
- (8) Risk.
- (9) Such other matters as the Secretary determines are appropriate.

(b) **JUSTIFICATION.**—A covered contract under the pilot program may not be awarded unless the contracting officer for the contract justifies in writing the reason for the award of the contract.

(c) **ANNUAL REPORT.**—Not later than January 15 of each year the pilot program under this section is carried out, the Secretary of Defense shall submit to the congressional defense committees an unclassified report containing each of the following:

- (1) A list of any covered contract awarded for private security functions in Afghanistan and Iraq under the pilot program.
- (2) A description of the matters that the Secretary of Defense took into consideration, in addition to cost, in awarding each such contract.
- (3) Any additional information or recommendations the Secretary considers appropriate to include with respect to the pilot program, or the considerations for evaluating such contracts.

(d) **TERMINATION OF PROGRAM.**—The authority of the Secretary of Defense to carry out a pilot program under this section terminates on September 30, 2013. The termination of the authority shall not affect the validity of contracts that are awarded or modified during the period

of the pilot program, without regard to whether the contracts are performed during the period.

(e) **DISCRETIONARY IMPLEMENTATION AFTER SEPTEMBER 30, 2013.**—After September 30, 2013, implementation of a best value procurement standard in entering into contracts for the provision of private security functions in Afghanistan and Iraq shall be at the discretion of the Secretary of Defense.

(f) **DEFINITIONS.**—In this section:

(1) The term “best value” means providing the best overall benefit to the Government in accordance with the tradeoff process described in section 15.101-1 of title 48 of the Code of Federal Regulations.

(2) The term “covered contract” means—

(A) a contract of the Department of Defense for the performance of services; or

(B) a task order or delivery order issued under such a contract.

(3) The term “private security functions” means guarding, by a contractor under a covered contract, of personnel, facilities, or property of a Federal agency, the contractor, a subcontractor of a contractor, or a third party.

SEC. 324. STANDARDS AND CERTIFICATION FOR PRIVATE SECURITY CONTRACTORS.

(a) **THIRD-PARTY CERTIFICATION POLICY GUIDANCE.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall issue policy guidance requiring, as a condition for award of a covered contract for the provision of private security functions, that each contractor receive certification from a third party that the contractor adheres to specified operational and business practice standards. The guidance shall—

(1) establish criteria for defining standard practices for the performance of private security functions, which shall reflect input from industry representatives as well as the Inspector General of the Department of Defense;

(2) establish criteria for weapons training programs for contractors performing private security functions, including minimum requirements for weapons training programs of instruction and minimum qualifications for instructors for such programs; and

(3) identify organizations that can carry out the certifications.

(b) **REGULATIONS REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense supplement to the Federal Acquisition Regulation to carry out the requirements of this section and the guidance issued under this section.

(c) **DEFINITIONS.**—In this section:

(1) The term “covered contract” means—

(A) a contract of the Department of Defense for the performance of services;

(B) a subcontract at any tier under such contract;

(C) a task order or delivery order issued under such a contract or subcontract.

(2) The term “contractor” means, with respect to a covered contract, the contractor or subcontractor carrying out the covered contract.

(3) The term “private security functions” means activities engaged in by a contractor under a covered contract as follows:

(A) Guarding of personnel, facilities, or property of a Federal agency, the contractor or subcontractor, or a third party.

(B) Any other activity for which personnel are required to carry weapons in the performance of their duties.

(d) **EXCEPTION.**—The requirements of this section shall not apply to contracts entered into by elements of the intelligence community in support of intelligence activities.

SEC. 325. PROHIBITION ON ESTABLISHING GOALS OR QUOTAS FOR CONVERSION OF FUNCTIONS TO PERFORMANCE BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) **PROHIBITION.**—The Secretary of Defense may not establish, apply, or enforce any numerical goal, target, or quota for the conversion of Department of Defense function to performance by Department of Defense civilian employees, unless such goal, target, or quota is based on considered research and analysis, as required by section 235, 2330a, or 2463 of title 10, United States Code.

(b) **DECISIONS TO INSOURCE.**—In deciding which functions should be converted to performance by Department of Defense civilian employees pursuant to section 2463 of title 10, United States Code, the Secretary of Defense shall use the costing methodology outlined in the Directive-Type Memorandum 09-007 (Estimating and Comparing the Full Costs of Civilian and Military Manpower and Contractor Support) or any successor guidance for the determination of costs when costs are the sole basis for the decision. The Secretary of a military department may issue supplemental guidance to assist in such decisions affecting functions of that military department.

(c) REPORTS.—

(1) **REPORT TO CONGRESS.**—Not later than December 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the decisions with respect to the conversion of functions to performance by Department of Defense civilian employees made during fiscal year 2010. Such report shall identify, for each such decision—

(A) the agency or service of the Department involved in the decision;

(B) the basis and rationale for the decision; and

(C) the number of contractor employees whose functions were converted to performance by Department of Defense civilian employees.

(2) **COMPTROLLER GENERAL REVIEW.**—Not later than 120 days after the submittal of the report under paragraph (1), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the report.

Subtitle D—Reports

SEC. 331. REVISION TO REPORTING REQUIREMENT RELATING TO OPERATION AND FINANCIAL SUPPORT FOR MILITARY MUSEUMS.

(a) **CHANGE IN FREQUENCY OF REPORT.**—Subsection (A) of section 489 of title 10, United States Code, is amended by striking “As part of” and all that follows through “fiscal year—” and inserting the following: “As part of the budget materials submitted to Congress for every odd-numbered fiscal year, in connection with the submission of the budget for that fiscal year pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report on military museums. In each such report, the Secretary shall identify all military museums that, during the most recently completed two fiscal-year period—”

(b) **REPEAL OF REQUIRED REPORT ELEMENT.**—Subsection (b) of such section is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraph (6) as paragraph (5).

(c) CLERICAL AMENDMENTS.—

(1) **SECTION HEADING.**—The heading of such section is amended to read as follows:

“§489. Department of Defense operation and financial support for military museums: biennial report”.

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 489 and inserting the following new item:

“489. Department of Defense operation and financial support for military museums: biennial report.”.

SEC. 332. ADDITIONAL REPORTING REQUIREMENTS RELATING TO CORROSION PREVENTION PROJECTS AND ACTIVITIES.

Section 2228(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “The” and inserting “For the fiscal year covered by the report and the preceding fiscal year, the”; and

(B) by adding at the end the following new subparagraph:

“(E) For the fiscal year covered by the report and the preceding fiscal year, the amount of funds requested in the budget for each project or activity described in subparagraph (E) compared to the funding requirements for the project or activity.”;

(2) in paragraph (2)(B), by inserting before the period at the end the following: “, including the annex to the report described in paragraph (3)”;

(3) by adding at the end the following new paragraph:

“(3) Each report under this section shall include, in an annex to the report, a copy of the annual corrosion report most recently submitted by the corrosion control and prevention executive of each military department under section 903(b)(5) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4567; 10 U.S.C. 2228 note).”.

SEC. 333. MODIFICATION AND REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) **MODIFICATION OF REPORT ON ARMY PROGRESS.**—Section 323 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2146; 10 U.S.C. 229 note) is amended—

(1) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(2) in subsection (d), as so redesignated, by striking “or (d)”.

(b) **REPEAL OF REPORT ON DISPOSITION OF RESERVE EQUIPMENT.**—Title III of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) is amended by striking section 349.

(c) **REPEAL OF REPORT ON READINESS OF GROUND FORCES.**—Title III of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended by striking section 355.

SEC. 334. REPORT ON AIR SOVEREIGNTY ALERT MISSION.

(a) **REPORT REQUIRED.**—Not later than March 1, 2011, the Commander of the United States Northern Command and the North American Aerospace Defense Command (hereinafter in this section referred to as “NORTHCOM”) shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report on the Air Sovereignty Alert (hereinafter in this section referred to as “ASA”) Mission and Operation Noble Eagle (hereinafter in this section referred to as “ONE”).

(b) **CONSULTATION.**—NORTHCOM shall consult with the Director of the National Guard Bureau who shall be authorized to review and provide independent analysis and comments on the report required under subsection (a).

(c) **CONTENTS OF REPORT.**—The report required under subsection (a) shall include each of the following:

(1) An evaluation of the current ASA mission and ONE.

(2) An evaluation of each of the following:

(A) The current ability to perform the mission with regards to training, equipment, funding, and military construction.

(B) Any current deficiencies in the mission.

(C) Any changes in threats which would allow for any change in number of ASA sites or force structure required to support the ASA mission.

(D) Future ability to perform the ASA mission with current and programmed equipment.

(E) Coverage of units with respect to—

(i) population centers covered;

(ii) targets of value covered, including symbolic (national monuments, sports venue, and centers of commerce), critical infrastructure (nuclear plants, dams, bridges, and telecommunication nodes) and national security (military bases and organs of government); and

(iii) an unclassified, notional area of responsibility conforming to the unclassified response time of unit represented graphically on a map and detailing total population covered and number of targets described in clause (ii).

(3) Status of implementation of the recommendations made in the Government Accountability Office Report entitled “Actions Needed to Improve Management of Air Sovereignty Alert Operations to Protect U.S. Airspace” (GAO-09-184).

(d) **MEANS OF DELIVERY OF REPORT.**—The report required by subsection (a) shall be unclassified, and NORTHCOM shall brief the Committees on Armed Services of the Senate and House of Representatives at the appropriate classification level.

SEC. 335. REPORT ON THE SEAD/DEAD MISSION REQUIREMENT FOR THE AIR FORCE.

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report describing the feasibility and desirability of designating the Suppression of Enemy Air Defenses/Destruction of Enemy Air Defenses (hereinafter in this section referred to as “SEAD/DEAD”) mission as a responsibility of the Air National Guard.

(b) **CONTENTS OF REPORT.**—The report required under subsection (a) shall include each of the following:

(1) An evaluation of the SEAD/DEAD mission, as in effect on the date of the enactment of this Act.

(2) An evaluation of the following with respect to the SEAD/DEAD mission:

(A) The current ability of the Air National Guard to perform the mission with regards to training, equipment, funding, and military construction.

(B) Any current deficiencies of the Air National Guard to perform the mission.

(C) The corrective actions and costs required to address any deficiencies described in subparagraph (B).

(D) The need for SEAD/DEAD ranges to be constructed on existing ranges operated, controlled, or used by Air National Guard units based on geographic considerations of proximity and utility.

(c) **CONSULTATION.**—The Secretary of the Air Force shall consult with the Director of the National Guard Bureau who shall be authorized to review and provide independent analysis and comments on the report required under subsection (a).

Subtitle E—Limitations and Extensions of Authority

SEC. 341. PERMANENT AUTHORITY TO ACCEPT AND USE LANDING FEES CHARGED FOR USE OF DOMESTIC MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

(a) **IN GENERAL.**—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

“§2697. Acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.

“(a) **AUTHORITY.**—The Secretary of a military department may impose landing fees for the use by civil aircraft of domestic military airfields under the jurisdiction of that Secretary and may use any fees received under this section as a source of funding for the operation and maintenance of airfields of that department.

“(b) **UNIFORM LANDING FEES.**—The Secretary of Defense shall prescribe the amount of the landing fees that may be imposed under this section. Such fees shall be uniform among the military departments.

“(c) **USE OF PROCEEDS.**—Amounts received for a fiscal year in payment of landing fees imposed under this section for the use of a military airfield shall be credited to the appropriation that is available for that fiscal year for the operation and maintenance of that military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for that military airfield for the same period and purposes as the appropriation is available.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “2697. Acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.”.

SEC. 342. IMPROVEMENT AND EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) **IMPROVEMENT.**—

(1) **IN GENERAL.**—Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 10 U.S.C. 4551 note) is amended—

(A) in subsection (b), by striking paragraphs (3) and (4) and redesignating paragraphs (5) through (11) as paragraphs (3) through (9), respectively;

(B) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) **PRIORITIZATION OF PROGRAM PURPOSES.**—The Secretary of the Army shall—

(1) prioritize the purposes of the Arsenal Support Program Initiative under section 343(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; U.S.C. 4551 note), as amended by subsection (a)(1)(A); and

(2) issue guidance to the appropriate commands reflecting such priorities.

(c) **EXTENSION.**—

(1) **IN GENERAL.**—Such section, as amended by subsection (a)(1) of this section, is further amended—

(A) in subsection (a), by striking “2010” and inserting “2012”; and

(B) in paragraph (1) of subsection (f), as redesignated by subsection (a)(1)(B) of this section, by striking “2010” and inserting “2012”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on the date of the submittal of the report required under subsection (d).

(d) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the Arsenal Support Program Initiative that includes—

(1) the Secretary's determination with respect to the Army's highest priorities from among the purposes of the Arsenal Support Program Initiative under section 343(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; U.S.C. 4551 note), as amended by subsection (a)(1)(A), re-

flecting the Secretary's overall strategy to achieve desired results;

(2) performance goals for the Arsenal Support Program Initiative; and

(3) outcome-focused performance measures to assess the progress the Army has made toward addressing the purposes of the Arsenal Support Program Initiative.

SEC. 343. EXTENSION OF AUTHORITY TO REIMBURSE EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.

Section 1014(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4585) is amended by striking “September 30, 2010” and inserting “September 30, 2012”.

SEC. 344. LIMITATION ON OBLIGATION OF FUNDS FOR THE ARMY HUMAN TERRAIN SYSTEM.

(a) **LIMITATION.**—Of the amounts authorized to be appropriated for the Human Terrain System (hereinafter in this section referred to as the “HTS”) that are described in subsection (b), not more than 50 percent of the amounts remaining unobligated as of the date of enactment of this Act may be obligated until the Secretary of the Army submits to the congressional defense committees each of the following:

(1) The independent assessment of the HTS called for in the report of the Committee on Armed Services of the House of Representatives accompanying the National Defense Authorization Act for Fiscal Year 2010 (H. Rept. 111-166).

(2) A validation of all HTS requirements, including any prior joint urgent operations needs statements.

(3) A certification that policies, procedures, and guidance are in place to protect the integrity of social science researchers participating in HTS, including ethical guidelines and human studies research procedures.

(b) **COVERED AUTHORIZATIONS OR APPROPRIATIONS.**—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2011, including such amounts authorized to be appropriated for overseas contingency operations, for—

(1) Operation and maintenance for HTS;

(2) Procurement for Mapping the Human Terrain hardware and software; and

(3) Research, development, test, and evaluation for Mapping the Human Terrain hardware and software.

SEC. 345. LIMITATION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF CLASSIFIED JUSTIFICATION MATERIAL.

Of the amounts authorized to be appropriated in this title for fiscal year 2011 for the Office of the Secretary of Defense for budget activity four, line 270, not more than 90 percent may be obligated until 15 days after the information cited in the classified annex accompanying this Act relating to the provision of classified justification material to Congress is provided to the congressional defense committees.

SEC. 346. LIMITATION ON RETIREMENT OF C-130 AIRCRAFT FROM AIR FORCE INVENTORY.

The Secretary of the Air Force may not take any action to retire any C-130 aircraft from the inventory of the Air Force until 30 days after the date on which the Secretary submits to the congressional defense committees a written agreement between the Director of the Air National Guard, the Commander of Air Force Reserve Command, and the Chief of Staff of the Air Force. The agreement shall specify the following:

(1) The number of and type of C-130 aircraft to be transferred, on a temporary basis, from the Air National Guard to the Air Force.

(2) The schedule by which any C-130 aircraft transferred to the Air Force will be returned to the Air National Guard.

(3) A description of the condition, including the estimated remaining service life, in which the C-130 aircraft will be returned to the Air National Guard following the period during which the aircraft are on loan to the Air Force.

(4) A description of the allocation of resources, including the designation of responsibility for funding aircraft operations and maintenance, in fiscal year 2011, and detailed description of budgetary responsibilities through the remaining period the aircraft are on loan to the Air Force.

(5) The designation of responsibility for funding depot maintenance requirements or modifications to the aircraft during the period the aircraft are on loan with the Air Force, or otherwise generated as a result of transfer.

(6) The locations from which the C-130 aircraft will be transferred.

(7) The manpower planning and certification that such a transfer will not result in manpower authorization reductions or resourcing at the Air National Guard facilities identified in paragraph (6).

(8) The manner by which Air National Guard personnel affected by the transfer will maintain their skills and proficiencies in order to preserve readiness at the affected units.

(9) Any other items the Director of the Air National Guard or the Commander of Air Force Reserve Command determine are necessary in order to ensure such a transfer will not negatively impact the ability of the Air National Guard and Air Force Reserve to accomplish their respective missions.

SEC. 347. COMMERCIAL SALE OF SMALL ARMS AMMUNITION IN EXCESS OF MILITARY REQUIREMENTS.

(a) **COMMERCIAL SALE OF SMALL ARMS AMMUNITION.**—Small arms ammunition and ammunition components in excess of military requirements, including fired cartridge cases, which is not otherwise prohibited from commercial sale or certified by the Secretary of Defense as unserviceable or unsafe, may not be demilitarized or destroyed and shall be made available for commercial sale.

(b) **DEADLINE FOR GUIDANCE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to ensure compliance with subsection (a). Not later than 15 days after issuing such guidance, the Secretary shall submit to the congressional defense committees a letter of compliance providing notice of such guidance.

SEC. 348. LIMITATION ON AIR FORCE FISCAL YEAR 2011 FORCE STRUCTURE ANNOUNCEMENT IMPLEMENTATION.

None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 may be obligated or expended for the purpose of implementing the Air Force fiscal year 2011 Force Structure Announcement until 45 days after—

(1) the Secretary of the Air Force provides a detailed report to the Committees on Armed Services of the Senate and House of Representatives on the follow-on missions for bases affected by the 2010 Combat Air Forces restructure; and

(2) the Secretary of the Air Force certifies to the Committees on Armed Services of the Senate and House of Representatives that the Air Sovereignty Alert Mission will be fully resourced with required funding, personnel, and aircraft.

Subtitle F—Other Matters

SEC. 351. EXPEDITED PROCESSING OF BACKGROUND INVESTIGATIONS FOR CERTAIN INDIVIDUALS.

(a) **EXPEDITED PROCESSING OF SECURITY CLEARANCES.**—Section 1564 of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

“(a) **EXPEDITED PROCESS.**—The Secretary of Defense may prescribe a process for expediting

the completion of the background investigations necessary for granting security clearances for—

“(1) Department of Defense personnel and Department of Defense contractor personnel who are engaged in sensitive duties that are critical to the national security; and

“(2) any individual who submits an application for a position as an employee of the Department of Defense for which a security clearance is required who is a member of the armed forces who was retired or separated for physical disability pursuant to chapter 61 of this title.”; and

(2) by adding at the end the following new subsection:

“(f) **USE OF APPROPRIATED FUNDS.**—The Secretary of Defense may use funds authorized to be appropriated to the Department of Defense for operation and maintenance to conduct background investigations under this section for individuals described in subsection (a)(2).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to a background investigation conducted after the date of the enactment of this Act.

SEC. 352. ADOPTION OF MILITARY WORKING DOGS BY FAMILY MEMBERS OF DECEASED OR SERIOUSLY WOUNDED MEMBERS OF THE ARMED FORCES WHO WERE HANDLERS OF THE DOGS.

Section 2583(c) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “Military animals”; and

(2) by adding at the end the following new paragraph:

“(2) For purposes of making a determination under subsection (a)(2), unusual or extraordinary circumstances may include situations in which the handler of a military working dog is a member of the armed forces who is killed in action, dies of wounds received in action, or is so seriously wounded in action that the member will (or most likely will) receive a medical discharge. If the Secretary of the military department concerned determines that an adoption is justified in such a situation, the military working dog shall be made available for adoption only by the immediate family of the member.”.

SEC. 353. REVISION TO AUTHORITIES RELATING TO TRANSPORTATION OF CIVILIAN PASSENGERS AND COMMERCIAL CARGOES BY DEPARTMENT OF DEFENSE WHEN SPACE UNAVAILABLE ON COMMERCIAL LINES.

(a) **TRANSPORTATION ON DOD VEHICLES AND AIRCRAFT.**—Subsection (a) of section 2649 of title 10, United States Code, is amended—

(1) by inserting “AUTHORITY.” before “Whenever”; and

(2) by inserting “, vehicles, or aircraft” in the first sentence after “vessels” both places it appears.

(b) **AMOUNTS CHARGED FOR TRANSPORTATION IN EMERGENCY, DISASTER, OR HUMANITARIAN RESPONSE CASES.**—

(1) **LIMITATION ON AMOUNTS CHARGED.**—The second sentence of subsection (a) of such section is amended by inserting before the period the following: “, except that in the case of transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance, any amount charged for such transportation may not exceed the cost of providing the transportation”.

(2) **CREDITING OF RECEIPTS.**—Subsection (b) of such section is amended by striking “Amounts” and inserting “CREDITING OF RECEIPTS.—Any amount received under this section with respect to transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance may be credited to the appropriation, fund, or account used in incurring the obligation for which such amount is received. In all other cases, amounts”.

(c) **TRANSPORTATION DURING CONTINGENCIES OR DISASTER RESPONSES.**—Such section is further amended by adding at the end the following new subsection:

“(c) **TRANSPORTATION OF ALLIED PERSONNEL DURING CONTINGENCIES OR DISASTER RESPONSES.**—(1) During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, when space is available on vessels, vehicles, or aircraft operated by the Department of Defense and the Secretary of Defense determines that operations in the area of a contingency operation or disaster response would be facilitated if allied forces or civilians were to be transported using such vessels, vehicles, or aircraft, the Secretary may provide such transportation on a noninterference basis, without charge.

“(2) Not later than March 1 of each year following a year in which the Secretary provides transportation under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing, in detail, the transportation so provided during that year. Each such report shall include a description of each of the following:

“(A) How the authority under paragraph (1) was used during the year covered by the report.

“(B) The frequency with which such authority was used during that year.

“(C) The rationale of the Secretary for each such use of the authority.

“(D) The total cost of the transportation provided under paragraph (1) during that year.

“(E) The appropriation, fund, or account credited and the total amount received as a result of providing transportation under paragraph (1) during that year.”.

(d) **CONFORMING AMENDMENT.**—Section 2648 of such title is amended by inserting “, vehicles, or aircraft” after “vessels” in the matter preceding paragraph (1).

(e) **TECHNICAL AMENDMENTS.**—

(1) The heading of section 2648 of such title is amended to read as follows:

“§2648. Persons and supplies: sea, land, and air transportation”.

(2) The heading of section 2649 of such title is amended to read as follows:

“§2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft”.

(f) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of chapter 157 of such title is amended by striking the items relating to sections 2648 and 2649 and inserting the following new items:

“2648. Persons and supplies: sea, land, and air transportation.

“2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft.”.

SEC. 354. TECHNICAL CORRECTION TO OBSOLETE REFERENCE RELATING TO USE OF FLEXIBLE HIRING AUTHORITY TO FACILITATE PERFORMANCE OF CERTAIN DEPARTMENT OF DEFENSE FUNCTIONS BY CIVILIAN EMPLOYEES.

2463(d)(1) of title 10, United States Code, is amended by striking “under the National Security Personnel System, as established”.

SEC. 355. INVENTORY AND STUDY OF BUDGET MODELING AND SIMULATION TOOLS.

(a) **INVENTORY.**—

(1) **INVENTORY REQUIRED.**—The Comptroller General of the United States shall perform an inventory of all modeling and simulation tools used by the Department of Defense to develop and analyze the Department’s annual budget submission and to support decision making in-

side the budget process. In carrying out the inventory, the Comptroller General shall identify the purpose, scope, and levels of validation, verification, and accreditation of each such model and simulation.

(2) **REPORT.**—Not later than December 1, 2010, the Comptroller General shall submit to Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense a report on the inventory under paragraph (1) and the findings of the Comptroller General in carrying out the inventory.

(b) **STUDY.**—

(1) **STUDY REQUIRED.**—By not later than January 15, 2011, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to carry out a study examining the requirements for and capabilities of modeling and simulation tools used by the Department of Defense to support the annual budget process. A contract entered into under this paragraph shall specify that in carrying out the study, the center shall—

(A) use the inventory performed by the Comptroller General under subsection (a) as a baseline;

(B) examine the efficacy and sufficiency of the modeling and simulation tools used by the Department of Defense to support the development, analysis, and decision-making associated with the construction and validation of requirements used as a basis for the annual budget process of the Department;

(C) examine the requirements and any capability gaps with respect to such modeling and simulation tools;

(D) provide recommendations as to how the Department should best address the requirements and fill the capabilities gaps identified under subparagraph (C);

(E) identify annual investment levels in modeling and simulation tools and certifications required to achieve a high degree of confidence in the relationship between the Department’s mission effectiveness and the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for a fiscal year;

(F) examine the verification, validation, and accreditation requirements for each of the military services and provide recommendations with respect to establishing uniform standards for such requirements across all of the military services; and

(G) recommend improvements to enhance the confidence, efficacy, and sufficiency of the modeling and simulation tools used by the Department of Defense in the development of the annual budget.

(2) **REPORT.**—Not later than January 1, 2012, the chief executive officer of the center that carries out the study pursuant to a contract under paragraph (1) shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings of the study.

SEC. 356. SENSE OF CONGRESS REGARDING CONTINUED IMPORTANCE OF HIGH-ALTITUDE AVIATION TRAINING SITE, COLORADO.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The High-Altitude Aviation Training Site in Gypsum, Colorado, is the only Department of Defense aviation school that provides an opportunity for rotor-wing military pilots to train in high-altitude, mountainous terrain, under full gross weight and power management operations.

(2) The High-Altitude Aviation Training Site is operated by the Colorado Army National Guard and is available to pilots of all branches of the Armed Forces and to pilots of allied countries.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the High-Altitude Army Aviation Training Site continues to be critically important to ensuring the readiness and capabilities of rotor-wing military pilots; and

(2) the Department of Defense should take all appropriate actions to prevent encroachment on the High-Altitude Army Aviation Training Site.

SEC. 357. DEPARTMENT OF DEFENSE STUDY ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED G ENVIRONMENT.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall conduct a study on the effectiveness of simulated tactical flight training in a sustained g environment. In conducting the study, the Secretary shall include all relevant factors, including each of the following:

(1) Training effectiveness.

(2) Cost reductions.

(3) Safety.

(4) Research benefits.

(5) Carbon emissions reduction.

(6) Lifecycles of training aircraft.

(b) **DEADLINE FOR COMPLETION.**—The study required by subsection (a) shall be completed not later than 18 months after the date of the enactment of this Act.

(c) **SUBMISSION TO CONGRESS.**—Upon completion of the study required by subsection (a), the Secretary shall submit the results of the study to the congressional defense committees.

SEC. 358. STUDY OF EFFECTS OF NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS AND OPERATIONS.

(a) **DESIGNATION OF DEPARTMENT ORGANIZATION.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall designate a single organization within the Department of Defense to—

(1) serve as the executive agent to carry out the study required by subsection (b);

(2) serve as a clearinghouse to review applications filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, and received by the Department of Defense from the Secretary of Transportation; and

(3) accelerate the development of planning tools to provide preliminary notice as to the acceptability to the Department of Defense of proposals included in an application submitted pursuant to such section.

(b) **MILITARY INSTALLATIONS AND OPERATIONS IMPACT STUDY.**—

(1) **STUDY REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a study to identify any areas where military installations and military operations, including the use of air navigation facilities, navigable airspace, military training routes, and air defense radars, could be affected by any proposed construction, alteration, establishment, or expansion of a structure described in section 44718 of title 49, United States Code.

(2) **MILITARY MISSION IMPACT ZONES.**—The Secretary of Defense shall publish a notice of the areas identified pursuant to the study under paragraph (1). Such areas shall be known as “military mission impact zones”.

(c) **EFFECT OF DEPARTMENT OF DEFENSE HAZARD ASSESSMENT.**—A notice under subsection (a)(3) or (b)(2) shall not be considered to be a substitute for any assessment required by the Secretary of Transportation under section 44718 of title 49, United States Code.

(d) **SAVINGS PROVISION.**—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(e) **DEFINITIONS.**—In this section:

(1) The term “military training route” means a training route developed as part of the Military Training Route Program, carried out jointly by the Federal Aviation Administration and the Secretary of Defense, for use by the Armed Forces for the purpose of conducting low-altitude, high-speed military training.

(2) The term “high value military training route” means a military training route that is in the highest quartile of military training routes used by the Department of Defense with respect to frequency of use.

(3) The term “military installation” has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

(4) The term “military operation” means military navigable airspace, including high value military training routes, air defense radars, special use airspace, warning areas, and other military related systems.

TITLE IV—MILITARY PERSONNEL

AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2011, as follows:

(1) The Army, 569,400.

(2) The Navy, 328,700.

(3) The Marine Corps, 202,100.

(4) The Air Force, 332,200.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

“(1) For the Army, 547,400.

“(2) For the Navy, 324,300.

“(3) For the Marine Corps, 202,100.

“(4) For the Air Force, 332,200.”.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2011, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 65,500.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 71,200.

(7) The Coast Guard Reserve, 10,000.

(b) **END STRENGTH REDUCTIONS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) **END STRENGTH INCREASES.**—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed

Forces are authorized, as of September 30, 2011, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,688.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,584.

(6) The Air Force Reserve, 2,992.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2011 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,720.

(4) For the Air National Guard of the United States, 22,394.

SEC. 414. FISCAL YEAR 2011 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) **LIMITATIONS.**—

(1) **NATIONAL GUARD.**—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2011, may not exceed the following:

(A) For the Army National Guard of the United States, 2,520.

(B) For the Air National Guard of the United States, 350.

(2) **ARMY RESERVE.**—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2011, may not exceed 595.

(3) **AIR FORCE RESERVE.**—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2011, may not exceed 90.

(b) **NON-DUAL STATUS TECHNICIANS DEFINED.**—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

(c) **CONFORMING AMENDMENT TO ANNUAL LIMITATION ON NON-DUAL STATUS TECHNICIANS FOR THE ARMY NATIONAL GUARD.**—Section 10217(c)(2) of title 10, United States Code, is amended by striking “1,950” and inserting “2,870”.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2011, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2011 a total of \$138,540,700,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2011.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

SEC. 501. AGE FOR HEALTH CARE PROFESSIONAL APPOINTMENTS AND MANDATORY RETIREMENTS.

(a) AGE FOR ORIGINAL APPOINTMENT AS A HEALTH PROFESSIONS OFFICER.—Section 532(d)(2) of title 10, United States Code, is amended by striking “reserve”.

(b) ADDITIONAL CATEGORIES OF OFFICERS ELIGIBLE FOR DEFERRAL OF MANDATORY RETIREMENT FOR AGE.—Section 1251(b) of such title is amended—

(1) in paragraph (1), by striking “the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.” and inserting “the officer—

“(A) will be performing duties consisting primarily of providing patient care or performing other clinical duties; or

“(B) is in a category of officers designated under subparagraph (D) of paragraph (2) whose duties will consist primarily of the duties described in clause (i), (ii), or (iii) of such subparagraph.”; and

(2) in paragraph (2)—

(A) by striking “or” at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting “; or”; and

(C) by adding at the end the following new subparagraph:

“(D) an officer in a category of officers designated by the Secretary concerned for the purposes of this paragraph as consisting of officers whose duties consist primarily of—

“(i) providing health care;

“(ii) performing other clinical care; or

“(iii) performing health-care related administrative duties.”.

SEC. 502. AUTHORITY FOR APPOINTMENT OF WARRANT OFFICERS IN THE GRADE OF W-1 BY COMMISSION AND STANDARDIZATION OF WARRANT OFFICER APPOINTING AUTHORITY.

(a) REGULAR OFFICERS.—

(1) AUTHORITY FOR APPOINTMENTS BY COMMISSION IN WARRANT OFFICER W-1 GRADE.—The first sentence of section 571(b) of title 10, United States Code, is amended by striking “by the Secretary concerned” and inserting “, except that, with respect to an armed force under the jurisdiction of the Secretary of a military department, the Secretary may provide by regulation that appointments in that grade shall be made by commission”.

(2) APPOINTING AUTHORITY.—The second sentence of section 571(b) of such title is amended by inserting before the period at the end the following: “, and appointments in the grade of regular warrant officer, W-1 (whether by warrant or commission), shall be made by the President, except that appointments in that grade in the Coast Guard shall be made by the Secretary of Homeland Security when it is not operating as a service in the Department of the Navy”.

(b) RESERVE OFFICERS.—Subsection (b) of section 12241 of such title is amended to read as follows:

“(b) Appointments in permanent reserve warrant officer grades shall be made in the same manner as is prescribed for regular warrant officer grades by section 571(b) of this title.”.

(c) PRESIDENTIAL FUNCTIONS.—Except as otherwise provided by the President by Executive order, the provisions of Executive Order 13384 (10 U.S.C. 531 note) relating to the functions of the President under the second sentence of section 571(b) of title 10, United States Code, shall

apply in the same manner to the functions of the President under section 12241(b) of title 10, United States Code.

SEC. 503. NONDISCLOSURE OF INFORMATION FROM DISCUSSIONS, DELIBERATIONS, NOTES, AND RECORDS OF SPECIAL SELECTION BOARDS.

(a) NONDISCLOSURE OF BOARD PROCEEDINGS.—Section 613a of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) PROHIBITION ON DISCLOSURE.—The proceedings of a selection board convened under section 573, 611, or 628 of this title may not be disclosed to any person not a member of the board, except as authorized or required to process the report of the board. This prohibition is a statutory exemption from disclosure, as described in section 552(b)(3) of title 5.”;

(2) in subsection (b), by striking “AND RECORDS” and inserting “NOTES, AND RECORDS”; and

(3) by adding at the end the following new subsection:

“(c) APPLICABILITY.—This section applies to all selection boards convened under section 573, 611, or 628 of this title, regardless of the date on which the board was convened.”.

(b) REPORTS OF BOARDS.—Section 628(c)(2) of such title is amended by striking “sections 576(d) and 576(f)” and inserting “sections 576(d), 576(f), and 613a”.

(c) RESERVE BOARDS.—Section 14104 of such title is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) PROHIBITION ON DISCLOSURE.—The proceedings of a selection board convened under section 14101 or 14502 of this title may not be disclosed to any person not a member of the board, except as authorized or required to process the report of the board. This prohibition is a statutory exemption from disclosure, as described in section 552(b)(3) of title 5.”;

(2) in subsection (b), by striking “AND RECORDS” and inserting “NOTES, AND RECORDS”; and

(3) by adding at the end the following new subsection:

“(c) APPLICABILITY.—This section applies to all selection boards convened under section 14101 or 14502 of this title, regardless of the date on which the board was convened.”.

SEC. 504. ADMINISTRATIVE REMOVAL OF OFFICERS FROM LIST OF OFFICERS RECOMMENDED FOR PROMOTION.

(a) ACTIVE-DUTY LIST.—Section 629 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) ADMINISTRATIVE REMOVAL.—If an officer on the active-duty list is discharged or dropped from the rolls, transferred to a retired status, or found to have been erroneously included in a zone of consideration, after having been recommended for promotion to a higher grade under this chapter, but before being promoted, the officer shall be administratively removed from the promotion list under regulations prescribed by the Secretary concerned.”.

(b) RESERVE ACTIVE-STATUS LIST.—Section 14310 of such title is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) ADMINISTRATIVE REMOVAL.—If an officer on the reserve active-status list is discharged or dropped from the rolls, transferred to a retired status, or found to have been erroneously included in a zone of consideration, after having been recommended for promotion to a higher

grade under this chapter or after having been found qualified for Federal recognition in the higher grade under title 32, but before being promoted, the officer shall be administratively removed from the promotion list under regulations prescribed by the Secretary concerned.”.

SEC. 505. ELIGIBILITY OF OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE AND OTHER REASONS.

(a) ACTIVE DUTY.—Section 1187 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following new paragraphs:

“(2) Each member of the board shall be senior in rank or grade to the officer being required to show cause for retention on active duty.

“(3) At least one member of the board—

“(A) shall be in or above the grade of major or lieutenant commander, if the grade of the officer being required to show cause for retention on active duty is below the grade of major or lieutenant commander; or

“(B) shall be in a grade above lieutenant colonel or commander, if the grade of the officer being required to show cause for retention on active duty is major or lieutenant commander or above.”;

(2) in subsection (b), by striking “that officer—” and all that follows through the period at the end and inserting “that officer meets the grade requirements of subsection (a)(2).”; and

(3) by adding at the end the following new subsection:

“(e) REGULATIONS.—The Secretary of a military department may prescribe regulations limiting the eligibility of officers to serve on a board convened under this chapter to officers who, while otherwise qualified, are in the opinion of the Secretary best suited for that duty by reason of age, education, training, experience, length of service, or temperament.”.

(b) RESERVES.—Section 14906 of such title is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following new paragraphs:

“(2) Each member of the board shall be senior in rank or grade to the officer being required to show cause for retention in an active status.

“(3) At least one member of the board—

“(A) shall be in or above the grade of major or lieutenant commander, if the grade of the officer being required to show cause for retention in an active status is below the grade of major or lieutenant commander; or

“(B) shall be in a grade above lieutenant colonel or commander, if the grade of the officer being required to show cause for retention in an active status is major or lieutenant commander or above.”; and

(2) by adding at the end the following new subsection:

“(c) REGULATIONS.—The Secretary of a military department may prescribe regulations limiting the eligibility of officers to serve on a board convened under this chapter to officers who, while otherwise qualified, are in the opinion of the Secretary best suited for that duty by reason of age, education, training, experience, length of service, or temperament.”.

SEC. 506. TEMPORARY AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE AS A COMMISSIONED OFFICER REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b)(2) of title 10, United States Code, is amended by striking “January 6, 2006, and ending on December 31, 2008” and inserting “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013”.

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2)(B) of such title is amended by striking “January 6, 2006, and ending on December 31, 2008” and inserting “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013”.

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by striking “January 6, 2006, and ending on December 31, 2008” and inserting “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013”.

Subtitle B—Reserve Component Management

SEC. 511. PREPARATION COUNSELING FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) REQUIREMENT; EXCEPTION.—Subsection (a)(1) of section 1142 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking “Within” and inserting “(A) Within”; and

(B) by striking “of each member” and all that follows through the period at the end of the sentence and inserting the following: “of—

“(i) each member of the armed forces whose discharge or release from active duty is anticipated as of a specific date; and

“(ii) each member of a reserve component not covered by clause (i) whose discharge or release from service is anticipated as of a specific date.”; and

(2) in the second sentence, by striking “A notation of the provision of such counseling” and inserting the following:

“(B) A notation of the provision of preparation counseling”.

(b) CLARIFICATION OF COVERED MATTERS.—Subsection (b)(7) of such section is amended by striking “from active duty”.

SEC. 512. MILITARY CORRECTION BOARD REMEDIES FOR NATIONAL GUARD MEMBERS.

Subsection (a) of section 1552 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “military record of the Secretary’s department” and inserting “military record of an armed force, including reserve components thereof, under the jurisdiction of the Secretary”; and

(2) by adding at the end the following new paragraph:

“(5) In the case of a member of the National Guard, the authority to correct any military record of the member under this section extends only to records generated while the member was in Federal service and does not apply to matters related to State government policy and procedures related to its National Guard.”.

SEC. 513. REMOVAL OF STATUTORY DISTRIBUTION LIMITS ON NAVY RESERVE FLAG OFFICER ALLOCATION.

Section 12004(c) of title 10, United States Code, is amended—

(1) by striking paragraphs (2), (3), and (5); and

(2) by redesignating paragraph (4) as paragraph (2).

SEC. 514. ASSIGNMENT OF AIR FORCE RESERVE MILITARY TECHNICIANS (DUAL STATUS) TO POSITIONS OUTSIDE AIR FORCE RESERVE UNIT PROGRAM.

Section 10216(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Paragraph (1) does not apply to a military technician (dual status) who is employed by the Air Force Reserve in an area other than the Air Force Reserve unit program, except that not more than 50 of such technicians may be assigned outside of the unit program at the same time.”.

SEC. 515. TEMPORARY AUTHORITY FOR TEMPORARY EMPLOYMENT OF NON-DUAL STATUS MILITARY TECHNICIANS.

Section 10217 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “or” at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting “; or”; and

(C) by adding at the end the following new paragraph:

“(3) is hired as a temporary employee pursuant to the exception for temporary employment provided by subsection (d) and subject to the terms and conditions of such subsection.”; and

(2) by adding at the end the following new subsection:

“(d) EXCEPTION FOR TEMPORARY EMPLOYMENT.—(1) Notwithstanding section 10218 of this title, the Secretary of the Army or the Secretary of the Air Force may employ, for a period not to exceed two years, a person to fill a vacancy created by the mobilization of a military technician (dual status) occupying a position under section 10216 of this title.

“(2) The duration of the temporary employment of a person in a military technician position under this subsection may not exceed the shorter of the following:

“(A) The period of mobilization of the military technician (dual status) whose vacancy is being filled by the temporary employee.

“(B) Two years.

“(3) No persons may be hired under the authority of this subsection after the end of the two-year period beginning on the date of the enactment of this subsection.”.

SEC. 516. REVISED STRUCTURE AND FUNCTIONS OF RESERVE FORCES POLICY BOARD.

(a) REVISED STRUCTURE AND FUNCTIONS.—Section 10301 of title 10, United States Code, is amended to read as follows:

“§ 10301. Reserve Forces Policy Board

“(a) FUNCTIONS.—As provided in section 175 of this title, there is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The Board shall serve as an independent adviser to the Secretary of Defense to provide advice and recommendations to the Secretary on strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components. The Board shall report directly to the Secretary to provide independent advice and recommendations to the Secretary on matters relating to the and reserve components.

“(b) MEMBERSHIP.—The Board consists of 20 members, appointed or designated as follows:

“(1) A civilian chairman appointed by the Secretary of Defense, who shall be a person who the Secretary determines has the knowledge of, and experience in, policy matters relevant to national security and reserve component matters required to carry out the duties of chairman.

“(2) Two reserve general officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, one of whom shall be a member of the Army National Guard of the United States and one of whom shall be a member of the Army Reserve.

“(3) Two reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, one of whom shall be a Navy Reserve flag officer and one of whom shall be a Marine Corps Reserve general officer.

“(4) Two reserve general officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, one of whom shall be a member of the Air National Guard of the United States and one of whom shall be a member of the Air Force Reserve.

“(5) One Coast Guard flag officer designated by the Secretary of Homeland Security when the Coast Guard is not operating as a service within the Department of the Navy, or designated by the Secretary of Defense, upon the recommendation of the Secretary of the Navy, when the Coast Guard is operating as a service in the Navy under section 3 of title 14.

“(6) Ten persons appointed or designated by the Secretary of Defense, each of whom shall be a United States citizen and have significant knowledge of and experience in policy matters relevant to national security and reserve component matters and shall be one of the following:

“(A) An individual not employed in any Federal or State department or agency.

“(B) An individual employed by a Federal or State department or agency.

“(C) An officer of a regular component on active duty, or an officer of a reserve component in an active status, who has served or is serving in a senior position on the Joint Staff, a combatant command headquarters staff, or a service headquarters staff.

“(7) A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general or flag officer recommended by the chairman and designated by the Secretary of Defense, who shall serve without vote—

“(A) as military adviser to the chairman;

“(B) as military executive officer of the Board; and

“(C) as supervisor of the Board operations and staff.

“(8) A senior enlisted member of a reserve component recommended by the chairman and appointed by the Secretary of Defense, who shall serve without vote as enlisted military adviser to the chairman.

“(c) INDEPENDENT ADVICE.—In the case of a member of the Board who is an officer or employee of the Department of Defense or a member of the armed forces, the advice provided in that member’s capacity as a member of the Board shall be rendered independently of the Board member’s other duties as an officer or employee of the Department of Defense or member of the armed forces.

“(d) MATTERS TO BE ACTED ON.—The Board shall act on those matters referred to it by the chairman and on any matter raised by a member of the Board.

“(e) STAFF.—The Board shall be supported by a staff consisting of one full-time officer from each of the reserve components listed in paragraphs (1) through (6) of section 10101 of this title who holds the grade of colonel, or in the case of the Navy the grade of captain, or who has been selected for promotion to that grade. These officers shall also serve as liaisons between their respective components and the Board. They shall perform their staff and liaison duties under the supervision of the military executive in an independent manner reflecting the independent nature of the Board.

“(f) RELATIONSHIP TO SERVICE RESERVE POLICY COMMITTEES AND BOARDS.—This section does not affect the committees and boards prescribed within the military departments by sections 10302 through 10305 of this title, and a member of such a committee or board may, if otherwise eligible, be a member of the Board.”.

(b) BOARD MEMBERSHIP TRANSITION PROVISION.—The members of the Reserve Forces Policy Board as of the date of the enactment of this Act shall continue to serve on the Board in accordance with their respective terms of service as of such date, and except to ensure that the positions of chairman and military executive of the Board continue to be filled, and to ensure that the reserve components listed in paragraphs (1) through (7) of section 10101 of title 10, United States Code, continue to have representation, no appointment or designation of a member of the Board may be made after such date

until the number of voting members of the Board is fewer than 18. Once the number of voting members is fewer than 18, vacancies in the Board membership shall be filled in accordance with section 10301 of title 10, United States Code, as amended by subsection (a).

(c) **REVISION TO ANNUAL REPORT REQUIREMENT.**—Section 113(c)(2) of title 10, United States Code, is amended by striking “the reserve programs of the Department of Defense and on any other matters” and inserting “any reserve component matter”.

SEC. 517. MERIT SYSTEMS PROTECTION BOARD AND JUDICIAL REMEDIES FOR NATIONAL GUARD TECHNICIANS.

(a) **ELIMINATION OF RESTRICTED RIGHT OF APPEAL.**—

(1) **CURRENT RESTRICTION TO ADJUTANT GENERAL.**—Subsection (f) of section 709 of title 32, United States Code, is amended by striking paragraph (4).

(2) **STYLISTIC AND CONFORMING AMENDMENTS.**—Such subsection is further amended—

(A) by striking the material preceding paragraph (1);

(B) by capitalizing the first word in paragraphs (1), (2), (3), and (5);

(C) by striking the semicolon at the end of paragraphs (1), (2), and (3) and inserting a period;

(D) by redesignating paragraph (5) as paragraph (4); and

(E) by adding at the end the following new paragraph:

“(5) This subsection shall be carried out under regulations prescribed by the Secretary concerned.”.

(b) **APPLICATION OF CERTAIN TITLE 5 PROVISIONS.**—Section 709(g) of title 32, United States Code, is amended by striking “Sections 2108, 3502, 7511, and 7512” and inserting “Section 2108”.

(c) **APPLICATION OF ADVERSE ACTIONS SUBCHAPTER.**—Section 7511(b) of title 5, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

Subtitle C—Joint Qualified Officers and Requirements

SEC. 521. TECHNICAL REVISIONS TO DEFINITION OF JOINT MATTERS FOR PURPOSES OF JOINT OFFICER MANAGEMENT.

Section 668(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “multiple” in the matter preceding subparagraph (A) and inserting “integrated”; and

(B) by striking “and” at the end of the subparagraph (D) and inserting “or”; and

(2) by striking paragraph (2) and inserting the following new paragraph:

“(2) In the context of joint matters, the term ‘integrated military forces’ refers to military forces that are involved in the planning or execution (or both) of operations involving participants from—

“(A) more than one military department; or

“(B) a military department and one or more of the following:

“(i) Other departments and agencies of the United States.

“(ii) The military forces or agencies of other countries.

“(iii) Non-governmental persons or entities.”.

SEC. 522. CHANGES TO PROCESS INVOLVING PROMOTION BOARDS FOR JOINT QUALIFIED OFFICERS AND OFFICERS WITH JOINT STAFF EXPERIENCE.

(a) **BOARD COMPOSITION.**—Subsection (c) of section 612 of title 10, United States Code, is amended to read as follows:

“(c)(1) Each selection board convened under section 611(a) of this title that will consider an

officer described in paragraph (2) shall include at least one officer designated by the Chairman of the Joint Chiefs of Staff who is a joint qualified officer.

“(2) Paragraph (1) applies with respect to an officer who—

“(A) is serving in, or has served in, a joint duty assignment;

“(B) is serving on, or has served on, the Joint Staff; or

“(C) is a joint qualified officer.

“(3) The Secretary of Defense may waive the requirement in paragraph (1) in the case of—

“(A) any selection board of the Marine Corps; or

“(B) any selection board that is considering officers in specialties identified in paragraph (2) or (3) of section 619a(b) of this title.”.

(b) **INFORMATION FURNISHED TO SELECTION BOARDS.**—Section 615 of such title is amended by striking “in joint duty assignments of officers who are serving, or have served, in such assignments” in subsections (b)(5) and (c) and inserting “of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers”.

(c) **ACTION ON REPORT OF SELECTION BOARDS.**—Section 618(b) of such title is amended—

(1) in paragraph (1), by striking “are serving, or have served, in joint duty assignments” and inserting “are serving on, or have served on, the Joint Staff or are joint qualified officers”;

(2) in subparagraphs (A) and (B) of paragraph (2), by striking “in joint duty assignments of officers who are serving, or have served, in such assignments” and inserting “of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers”;

(3) in paragraph (4), by striking “in joint duty assignments” and inserting “who are serving on, or have served on, the Joint Staff or are joint qualified officers”.

Subtitle D—General Service Authorities

SEC. 531. EXTENSION OF TEMPORARY AUTHORITY TO ORDER RETIRED MEMBERS OF THE ARMED FORCES TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS.

(a) **EXTENSION OF AUTHORITY.**—Section 688a(f) of title 10, United States Code, is amended by striking “December 31, 2010” and inserting “December 31, 2012”.

(b) **REPORT REQUIRED.**—Not later than April 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an assessment by the Secretary of the need to extend the authority provided by section 688a of title 10, United States Code, beyond December 31, 2012. The report shall include, at a minimum, the following:

(1) A list of the current types of high-demand, low-density capabilities (as defined in such section) for which the authority is being used to address operational requirements.

(2) For each high-demand, low-density capability included in the list under paragraph (1), the number of retired members of the Armed Forces who have served on active duty at any time during each of fiscal years 2007 through 2010 under the authority.

(3) A plan to increase the required active duty strength for the high-demand, low-density capabilities included in the list under paragraph (1) to eliminate the need to use the authority.

SEC. 532. CORRECTION OF MILITARY RECORDS.

(a) **IMPROVED DOCUMENTATION OF CORRECTION BOARD DECISIONS.**—Section 1552(a)(3) of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(3)”; and

(2) by adding at the end the following new subparagraph:

“(B) In establishing correction procedures under subparagraph (A), the Secretary of a mili-

tary department shall require that a board established under subsection (a)(1) present its findings and conclusions in an orderly and itemized fashion, with specific attention given to each issue presented by the claimant (or heir or representative) who requested the correction. This requirement applies to a request for correction received after the date of the enactment of this subparagraph, both during initial consideration of the request and upon subsequent consideration due to appeal or other circumstances.”.

(b) **IMPROVED DOCUMENTATION OF REVIEW BOARD DECISIONS REGARDING DISCHARGE OR DISMISSAL.**—Section 1553(b) of such title is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following new paragraph:

“(2) In establishing review procedures for use by a board established under this section, the Secretary of a military department shall require that the board present its findings and conclusions in an orderly and itemized fashion, with specific attention given to each issue presented by the person who requested the review. This requirement applies to a request for review received after the date of the enactment of this paragraph, both during initial consideration of the request and upon subsequent consideration due to appeal or other circumstances.”.

(c) **BOARDS REVIEWING RETIREMENT OR SEPARATION WITHOUT PAY FOR PHYSICAL DISABILITY.**—

(1) **MEMBERS ELIGIBLE TO REQUEST REVIEW.**—Subsection (a) of section 1554 of such title is amended—

(A) by striking “an officer” and inserting “a member or former member of the uniformed services”; and

(B) by striking “his case” and inserting “the member’s case”.

(2) **IMPROVED DOCUMENTATION OF BOARD DECISIONS.**—Subsection (b) of such section is amended—

(A) by inserting “(1)” after “(b)”; and

(B) by adding at the end the following new paragraph:

“(2) In establishing review procedures for use by a board established under this section, the Secretary of a military department shall require that the board present its findings and conclusions in an orderly and itemized fashion, with specific attention given to each issue presented by the person who requested the review. This requirement applies to a request for review received after the date of the enactment of this paragraph, both during initial consideration of the request and upon subsequent consideration due to appeal or other circumstances.”.

(d) **LIMITATION ON REDUCTION IN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCY.**—1559(a) of such title is amended by striking “December 31, 2010” and inserting “December 31, 2013”.

SEC. 533. MODIFICATION OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214) TO SPECIFICALLY IDENTIFY A SPACE FOR INCLUSION OF EMAIL ADDRESS.

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a new Block, 19c., titled “**electronic mailing (e-mail) address after separation**” in order to permit a member of the Armed Forces to include an email address at which the member may be reached after the member’s discharge or release.

SEC. 534. RECOGNITION OF ROLE OF FEMALE MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE REVIEW OF MILITARY OCCUPATIONAL SPECIALTIES AVAILABLE TO FEMALE MEMBERS.

(a) **FINDINGS.**—Congress make the following findings:

(1) Women are and have historically been an import part of all United States war efforts, voluntarily serving in every military conflict in United States history, including the Revolutionary War.

(2) Approximately 34,000 women served in the Armed Forces in World War I, approximately 400,000 served in World War II, approximately 120,000 served in the Korean War, over 7,000 served in the Vietnam War, and more than 41,000 served in the first Gulf War.

(3) Over 350,000 women serving in the Armed Forces make up approximate 15 percent of all active duty personnel, 15 percent of Reserves, and 17 percent of the National Guard.

(4) Over 225,349 women have served in Operation Iraqi Freedom or Operation Enduring Freedom as members of the Armed Forces.

(5) At least 120 female members of the Armed Forces have been killed in Iraq or Afghanistan, and, of the women killed, 66 were killed in combat.

(6) The nature of war has changed in Iraq and Afghanistan, and, despite the prohibition on female members of the Armed Forces serving in combat, so has the role of female members of the Armed Forces.

(b) OFFICIAL RECOGNITION.—Congress—

(1) honors women who have served, and women who are currently serving, as members of the Armed Forces; and

(2) encourages all people in the United States to recognize the service and achievements of female members of the Armed Forces and female veterans.

(c) REVIEWS REQUIRED.—

(1) REVIEWS; ELEMENTS.—The Secretary of Defense shall conduct a review of military occupational positions available to female members of the Armed Forces for the purpose of ensuring that female members have the maximum opportunity to compete and excel in the Armed Forces. The Secretary of Defense, in coordination with the Secretaries of the military departments, also shall review the collocation policy and other policies and regulations that restrict the service of female members to determine whether changes are needed, including legislative change, if necessary, to enhance the ability of women to serve in the Armed Forces.

(2) SUBMISSION OF RESULTS.—Not later than February 1, 2011, the Secretary of Defense shall submit to the congressional defense committee a report containing the results of the reviews.

Subtitle E—Military Justice and Legal Matters

SEC. 541. CONTINUATION OF WARRANT OFFICERS ON ACTIVE DUTY TO COMPLETE DISCIPLINARY ACTION.

Section 580 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) A warrant officer subject to discharge or retirement under this section, but against whom any action has been commenced with a view to trying the officer by court-martial, may be continued on active duty, without prejudice to such action, until the completion of such action.”.

SEC. 542. ENHANCED AUTHORITY TO PUNISH CONTEMPT IN MILITARY JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), is amended to read as follows:

“§848. Art. 48. Contempts

“(a) AUTHORITY TO PUNISH CONTEMPT.—A military judge detailed to a court-martial, a court of inquiry, the Court of Appeals for the Armed Forces, a Court of Criminal Appeals, a provost court, or a military commission (other than a military commission established under chapter 47A of this title) may punish for contempt any person who—

“(1) uses any menacing word, sign, or gesture in the presence of the military judge during the proceedings of the court-martial, court, or military commission;

“(2) disturbs the proceedings of the court-martial, court, or military commission by any riot or disorder; or

“(3) willfully disobeys its lawful writ, process, order, rule, decree, or command.

“(b) PUNISHMENT.—A person punished for contempt under this section may be confined for not more than 30 days, fined in an amount of not more than \$1,000, or both.”.

(b) EFFECTIVE DATE.—Section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), as amended by subsection (a), shall apply with respect to acts of contempt committed after the date of the enactment of this Act.

SEC. 543. LIMITATIONS ON USE IN PERSONNEL ACTION OF INFORMATION CONTAINED IN CRIMINAL INVESTIGATIVE REPORT OR IN INDEX MAINTAINED FOR LAW ENFORCEMENT RETRIEVAL AND ANALYSIS.

(a) LIMITATIONS.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1034 the following new section:

“§1034a. Criminal investigative report or index maintained for law enforcement retrieval and analysis: limitations on use in personnel actions

“(a) PROHIBITION ON USE IN PERSONNEL ACTIONS.—Except as provided in subsection (b), information relating to the titling or indexing of a member of the armed forces contained in any criminal investigative report prepared by any entity of the Department of Defense or index maintained by any entity of the Department of Defense for the purpose of potential retrieval and analysis by Department law enforcement organizations may not be used in connection with any personnel action involving the member.

“(b) AUTHORIZED EXCEPTIONS.—The prohibition in subsection (a) does not preclude the use of information relating to the titling or indexing of a member—

“(1) in connection with law enforcement activities;

“(2) in a judicial or administrative action involving the member regarding the alleged offense referenced in the criminal investigative report or index; or

“(3) in a personnel action if—

“(A) the member has been adjudged guilty of the alleged offense referenced in the criminal investigative report or index by military non-judicial or judicial proceedings or by civilian judicial proceedings;

“(B) a record of the proceedings is presented in connection with the personnel action; and

“(C) the member is provided the opportunity to present additional information in response to the record of the proceedings.

“(c) DEFINITIONS.—In this section:

“(1) INDEXING.—The term ‘indexing’ refers to the procedure whereby a Department of Defense criminal investigative agency submits identifying information concerning subjects, victims, or incidentals of investigations for addition to the Defense Clearance and Investigations Index.

“(2) TITLING.—The term ‘titling’ refers to the process by which a Department of Defense criminal investigative agency places the name of a person in the title block of a criminal investigative report at a time when the agency has credible information that the person committed a criminal offense. The titling, however, does not connote any degree of guilt or innocence.

“(3) PERSONNEL ACTION.—The term ‘personnel action’, with respect to a member, means any recommendation, action, or decision impacting or affecting any aspect of the military service of the member.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1034 the following new item:

“1034a. Criminal investigative report or index maintained for law enforcement retrieval and analysis: limitations on use in personnel actions.”.

SEC. 544. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

“SEC. 208. CHILD CUSTODY PROTECTION.

“(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

“(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (c).

“(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD’S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

“(d) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

“(e) PREEMPTION.—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard.

“(f) CONTINGENCY OPERATION DEFINED.—In this section, the term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

“208. Child custody protection.”.

SEC. 545. IMPROVEMENTS TO DEPARTMENT OF DEFENSE DOMESTIC VIOLENCE PROGRAMS.

(a) IMMEDIATE ACTIONS REQUIRED.—

(1) ENTRY OF DATA INTO LAW ENFORCEMENT SYSTEMS.—The Secretary of Defense shall ensure that all command actions related to domestic violence incidents involving members of the Army, Navy, Air Force, or Marine Corps are entered into all Department of Defense law enforcement systems.

(2) ISSUANCE OF FAMILY ADVOCACY PROGRAM GUIDANCE.—The Secretary of Defense shall issue Department of Defense Family Advocacy Program guidance.

(b) **IMPLEMENTATION OF OUTSTANDING COMPTROLLER GENERAL RECOMMENDATIONS.**—Consistent with the recommendations contained in the report of the Comptroller General of the United States titled “Status of Implementation of GAO’s 2006 Recommendations on the Department of Defense’s Domestic Violence Program” (GAO-10-577R), the Secretary of Defense shall complete, not later than one year after the date of enactment of this Act, implementation of actions to address the following recommendations:

(1) **DEFENSE INCIDENT-BASED REPORTING SYSTEM.**—The Secretary of Defense shall develop a comprehensive management plan to address deficiencies in the data captured in the Defense Incident-Based Reporting System to ensure the system can provide an accurate count of the domestic violence incidents that are reported throughout the Department of Defense.

(2) **ADEQUATE PERSONNEL.**—The Secretary of Defense shall develop a plan to ensure that adequate personnel are available to implement recommendations made by the Defense Task Force on Domestic Violence.

(3) **DOMESTIC VIOLENCE TRAINING DATA FOR CHAPLAINS.**—The Secretary of Defense shall develop a plan to collect domestic violence training data for chaplains.

(4) **OVERSIGHT FRAMEWORK.**—The Secretary of Defense shall develop an oversight framework for Department of Defense domestic violence programs, to include oversight of implementation of recommendations made by the Defense Task Force on Domestic Violence, budgeting, and policy compliance.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the planned actions required under subsections (a) and (b).

SEC. 546. PUBLIC RELEASE OF RESTRICTED ANNEX OF DEPARTMENT OF DEFENSE REPORT OF THE INDEPENDENT REVIEW RELATED TO FORT HOOD PERTAINING TO OVERSIGHT OF THE ALLEGED PERPETRATOR OF THE ATTACK.

(a) **RELEASE REQUIRED.**—Not later than 10 days after the date of the enactment of this Act, the Secretary of Defense shall release publicly the restricted annex, described in subsection (b), that was part of the January 2010 Department of Defense Report of the Independent Review Related to Fort Hood and the attack there on November 5, 2009.

(b) **MATERIAL SUBJECT TO RELEASE; EXCEPTION.**—The restricted annex referred to in subsection (a) is the document described on page 9 of the January 2010 Department of Defense Report of the Independent Review Related to Fort Hood, which provided the detailed findings, recommendations, and complete supporting discussions of the Independent Review pertaining to the oversight of the alleged perpetrator of the November 2009 attack. No part of the restricted annex shall be exempted from public release, except—

(1) materials that the Secretary of Defense determines may imperil, if disclosed, any criminal investigation or prosecution related to the attack; and

(2) in accordance with section 1102 of title 10, United States Code, the memorandum summarizing the results of the medical quality assurance records relating to the care provided patients by the alleged perpetrator of the attack.

Subtitle F—Member Education and Training Opportunities and Administration

SEC. 551. REPAYMENT OF EDUCATION LOAN REPAYMENT BENEFITS.

(a) **ENLISTED MEMBERS ON ACTIVE DUTY IN SPECIFIED MILITARY SPECIALTIES.**—Section 2171 of title 10, United States Code, is amended by

adding at the end the following new subsections:

“(g) Except a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 16301 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) of title 37.

“(h) The Secretary of Defense may prescribe, by regulations, procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member’s death or disability.”.

(b) **MEMBERS OF SELECTED RESERVE.**—Section 16301 of such title is amended by adding at the end the following new subsections:

“(h) Except a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 2171 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) of title 37.

“(i) The Secretary of Defense may prescribe, by regulations, procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member’s death or disability.”.

SEC. 552. ACTIVE DUTY OBLIGATION FOR GRADUATES OF THE MILITARY SERVICE ACADEMIES PARTICIPATING IN THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) **UNITED STATES MILITARY ACADEMY GRADUATES.**—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the program.”.

(b) **UNITED STATES NAVAL ACADEMY GRADUATES.**—Section 6959(a) of such title is amended by adding at the end the following new paragraph:

“(4) That if an appointment described in paragraph (2) or (3) is tendered and the midshipman participates in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title, the midshipman will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the program.”.

(c) **UNITED STATES AIR FORCE ACADEMY GRADUATES.**—Section 9348(a) of such title is amended by adding at the end the following new paragraph:

“(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in the Armed Forces Health Profes-

sions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the program.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for appointment to these military service academies after the date of the enactment of this Act.

SEC. 553. WAIVER OF MAXIMUM AGE LIMITATION ON ADMISSION TO SERVICE ACADEMIES FOR CERTAIN ENLISTED MEMBERS WHO SERVED DURING OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) **WAIVER AUTHORITY.**—The Secretary of the military department concerned may waive the maximum age limitation specified in section 4346(a), 6958(a)(1), or 9346(a) of title 10, United States Code, for the admission of an enlisted member of the Armed Forces to the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy, if the member, otherwise satisfies the eligibility requirements for admission to that academy, and—

(1) as a result of service on active duty in a theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom, was or is prevented from being admitted to that academy before the member reached the maximum age specified in such sections; or

(2) possesses an exceptional overall record that the Secretary concerned determines sets the candidate apart from all other candidates.

(b) **LIMITATION OF WAIVER.**—

(1) **MAXIMUM AGE.**—A waiver may not be granted under subsection (a) to a member of the Armed Forces described in such subsection if the member would pass the member’s twenty-sixth birthday by July 1 of the year in which the member would enter the military service academy.

(2) **MAXIMUM NUMBER.**—No more than five members of the Armed Forces may attend each of the military service academies at any one time pursuant to a waiver granted under subsection (a)(2).

(c) **DURATION OF WAIVER AUTHORITY.**—The authority to grant a waiver under subsection (a) expires on September 30, 2015.

SEC. 554. REPORT OF FEASIBILITY AND COST OF EXPANDING ENROLLMENT AUTHORITY OF COMMUNITY COLLEGE OF THE AIR FORCE TO INCLUDE ADDITIONAL MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report, prepared in consultation with the Secretary of the Air Force, evaluating the feasibility and cost of authorizing enlisted members of the Army, Navy, Marine Corps and Coast Guard to enroll in Community College of the Air Force programs offered under section 9315 of title 10, United States Code.

Subtitle G—Defense Dependents’ Education

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) **ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.**—Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for

operation and maintenance for Defense-wide activities, \$50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. ENROLLMENT OF DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO RESIDE IN TEMPORARY HOUSING IN DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

Section 2164(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The Secretary may, at the discretion of the Secretary, permit dependents of members of the armed forces described in subparagraph (B) to enroll in an educational program provided by the Secretary pursuant to this subsection without regard to the requirement in paragraph (1) with respect to residence on a military installation.

“(B) Subparagraph (A) applies only if—

“(i) the dependents reside in temporary housing (regardless of whether the temporary housing is on Federal property) in lieu of permanent living quarters on a military installation; and

“(ii) the Secretary determines that the circumstances of such living arrangements justify extending the enrollment authority to include such dependents.

“(C) The Secretary shall prescribe regulations to ensure consistent application of this paragraph.”.

Subtitle H—Decorations, Awards, and Commemorations

SEC. 571. NOTIFICATION REQUIREMENT FOR DETERMINATION MADE IN RESPONSE TO REVIEW OF PROPOSAL FOR AWARD OF A MEDAL OF HONOR NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.

Section 1130(b) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(b)”;

(2) by adding at the end the following new paragraph:

“(2) If a determination under this section includes a favorable recommendation for the award of the Medal of Honor, submission of the detailed discussion of the rationale supporting the determination shall be made through the Secretary of Defense.”.

SEC. 572. DEPARTMENT OF DEFENSE RECOGNITION OF SPOUSES OF MEMBERS OF THE ARMED FORCES.

(a) ESTABLISHMENT AND PRESENTATION OF LAPEL BUTTONS.—Chapter 57 of title 10, United States Code, is amended by inserting after section 1126 the following new section:

“§1126a. Spouse of combat veteran lapel button: eligibility and presentation

“(a) DESIGN AND ELIGIBILITY.—A lapel button, to be known as the spouse-of-a-combat-veteran lapel button, shall be designed, as approved by the Secretary of Defense, to identify and recognize the spouse of a member of the

armed forces who is serving or has served in a combat zone for a period of more than 30 days.

“(b) PRESENTATION.—The Secretary concerned may authorize the use of appropriated funds to procure spouse-of-a-combat-veteran lapel buttons and to provide for their presentation to eligible spouses of members.

“(c) EXCEPTION TO TIME PERIOD REQUIREMENT.—The 30-day periods specified in subsections (a) and (b) do not apply if the member is killed or wounded in the combat zone before the expiration of the period.

“(d) LICENSE TO MANUFACTURE AND SELL LAPEL BUTTONS.—Section 901(c) of title 36 shall apply with respect to the spouse-of-a-combat-veteran lapel button authorized by this section.

“(e) COMBAT ZONE DEFINED.—In this section, the term ‘combat zone’ has the meaning given that term in section 112(c)(2) of the Internal Revenue Code of 1986.

“(f) REGULATIONS.—The Secretary of Defense shall issue such regulations as may be necessary to carry out this section. The Secretary shall ensure that the regulations are uniform for each armed force to the extent practicable.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1126 the following new item:

“1126a. Spouse-of-a-combat-veteran lapel button: eligibility and presentation.”.

(c) IMPLEMENTATION.—It is the sense of Congress that, as soon as practicable once the spouse-of-a-combat-veteran lapel button become available, the Secretary of Defense—

(1) should widely announce the availability of spouse-of-a-combat-veteran lapel buttons through military and public information channels; and

(2) should encourage commanders at all levels to conduct ceremonies recognizing the support provided by spouses of members of the Armed Forces and to use the ceremonies as an opportunity for members to present their spouses with a spouse-of-a-combat-veteran lapel button.

SEC. 573. DEPARTMENT OF DEFENSE RECOGNITION OF CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) ESTABLISHMENT AND PRESENTATION OF LAPEL BUTTONS.—Chapter 57 of title 10, United States Code, is amended by inserting after section 1126a, as added by section 572, the following new section:

“§1126b. Children of members commemorative lapel button: eligibility and presentation

“(a) DESIGN AND ELIGIBILITY.—A lapel button, to be known as the children of military service members commemorative lapel button, shall be designed, as approved by the Secretary of Defense, to identify and recognize an eligible child dependent of a member of the armed forces who serves on active duty for a period of more than 30 days.

“(b) PRESENTATION.—The Secretary concerned may authorize the use of appropriated funds to procure children of military service members commemorative lapel buttons and to provide for their presentation to eligible child dependents.

“(c) LICENSE TO MANUFACTURE AND SELL LAPEL BUTTONS.—Section 901(c) of title 36 shall apply with respect to the children of military service members commemorative lapel button authorized by this section.

“(d) ELIGIBLE CHILD DEPENDENT DEFINED.—In this section, the term ‘eligible child dependent’ means a dependent of a member of the armed forces described in subparagraph (D) or (I) of section 1072(2) of this title.

“(e) REGULATIONS.—The Secretary of Defense shall issue such regulations as may be necessary to carry out this section. The Secretary shall ensure that the regulations are uniform for each armed force to the extent practicable.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended

by inserting after the item relating to section 1126a the following new item:

“1126b. Children of members commemorative lapel button: eligibility and presentation.”.

(c) IMPLEMENTATION.—It is the sense of Congress that, as soon as practicable once the children of military service members commemorative lapel button become available, the Secretary of Defense—

(1) should widely announce the availability of children of military service members commemorative lapel buttons through military and public information channels; and

(2) should encourage commanders at all levels to conduct ceremonies recognizing the support provided by children of members of the Armed Forces and to use the ceremonies as an opportunity for members to present their children with a children of military service members commemorative lapel button.

SEC. 574. CLARIFICATION OF PERSONS ELIGIBLE FOR AWARD OF BRONZE STAR MEDAL.

(a) LIMITATION ON ELIGIBLE PERSONS.—Section 1133 of title 10, United States Code, is amended to read as follows:

“§1133. Bronze Star: limitation on persons eligible to receive

“The decoration known as the ‘Bronze Star’ may only be awarded to a member of a military force who—

“(1) at the time of the events for which the decoration is to be awarded, was serving in a geographic area in which special pay is authorized under section 310 or paragraph (1) or (3) of section 351(a) of title 37; or

“(2) receives special pay under section 310 or paragraph (1) or (3) of section 351(a) of title 37 as a result of those events.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of such title is amended by striking the item relating to section 1133 and inserting the following new item:

“1133. Bronze Star: limitation on persons eligible to receive.”.

(c) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) applies to the award of the Bronze Star after October 30, 2000.

SEC. 575. AWARD OF VIETNAM SERVICE MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of any Armed Forces Expeditionary Medal awarded the individual for the individual’s participation in the Mayaguez rescue operation.

(b) ELIGIBLE VETERAN.—For purposes of this section, the term “eligible veteran” means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation of May 12–15, 1975.

SEC. 576. AUTHORIZATION FOR AWARD OF MEDAL OF HONOR TO CERTAIN MEMBERS OF THE ARMY FOR ACTS OF VALOR DURING THE CIVIL WAR, KOREAN WAR, OR VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to the following former members of the Army for conspicuous acts of gallantry and intrepidity at

the risk of their life and beyond the call of duty, as described in subsection (b):

(1) First Lieutenant Alonzo H. Cushing, Civil War.

(2) Private John A. Sipe, Civil War.

(3) Chaplain (Captain) Emil J. Kapaun, Korean War.

(4) Specialist Four Robert L. Towles, Vietnam War.

(b) ACTS OF VALOR DESCRIBED.—

(1) FIRST LIEUTENANT ALONZO H. CUSHING.—In the case of First Lieutenant Alonzo H. Cushing, the acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863, during the American Civil War.

(2) PRIVATE JOHN A. SIPE.—In the case of Private John A. Sipe, the acts of valor referred to in subsection (a) are the actions of then Private John A. Sipe of Company I of the 205th Regiment Pennsylvania Volunteers, part of the 2d Brigade, 3d Division, 9th Corps, Army of the Potomac, on March 25, 1865, during the American Civil War.

(3) CHAPLAIN EMIL J. KAPAUN.—In the case of Chaplain (Captain) Emil J. Kapaun, the acts of valor referred to in subsection (a) are the actions of Chaplain Emil J. Kapaun of 3d Battalion, 8th Cavalry Regiment, 1st Cavalry Division during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1952, during the Korean War.

(4) SPECIALIST FOUR ROBERT L. TOWLES.—In the case of Specialist Four Robert L. Towles, the acts of valor referred to in subsection (a) are the actions of then Specialist Four Robert L. Towles of Company D, 2d Battalion, 7th Cavalry, 1st Cavalry Division on November 17, 1965, during the Vietnam War for which he was originally awarded the Bronze Star with “V” Device.

SEC. 577. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JAY C. COPLEY FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of such title to former Captain Jay C. Copley of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Captain Jay C. Copley on May 5, 1968, as commander of Company C of the 1st Battalion, 50th Infantry, 173d Airborne Brigade during an engagement with a regimental-size enemy force in Bin Dinh Province, South Vietnam.

SEC. 578. PROGRAM TO COMMEMORATE 60TH ANNIVERSARY OF THE KOREAN WAR.

(a) COMMEMORATIVE PROGRAM AUTHORIZED.—The Secretary of Defense may establish and conduct a program to commemorate the 60th anniversary of the Korean War (in this section referred to as the “commemorative program”). In conducting the commemorative program, the Secretary shall coordinate and support other programs and activities of the Federal Government, State and local governments, and other persons and organizations in commemoration of the Korean War.

(b) SCHEDULE.—If the Secretary of Defense establishes the commemorative program, the Secretary shall determine the schedule of major events and priority of efforts for the commemorative program to achieve the commemorative

objectives specified in subsection (c). The Secretary may establish a committee to assist the Secretary in determining the schedule and conducting the commemorative program.

(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To thank and honor veterans of the Korean War, including members of the Armed Forces who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States.

(2) To thank and honor the families of veterans of the Korean War for their sacrifices and contributions, especially families who lost a loved one in the Korean War.

(3) To highlight the service of the Armed Forces during the Korean War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces.

(4) To pay tribute to the sacrifices and contributions made on the home front by the people of the United States during the Korean War.

(5) To provide the people of the United States with a clear understanding and appreciation of the lessons and history of the Korean War.

(6) To highlight the advances in technology, science, and medicine related to military research conducted during the Korean War.

(7) To recognize the contributions and sacrifices made by the allies of the United States during the Korean War.

(d) USE OF THE UNITED STATES OF AMERICA KOREAN WAR COMMEMORATION AND SYMBOLS.—Subsection (c) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1918), as amended by section 1067 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2134) and section 1052 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 764), shall apply to the commemorative program.

(e) COMMEMORATIVE FUND.—

(1) ESTABLISHMENT OF NEW ACCOUNT.—If the Secretary of Defense establishes the commemorative program, the Secretary the Treasury shall establish in the Treasury of the United States an account to be known as the “Department of Defense Korean War Commemorative Fund” (in this section referred to as the “Fund”).

(2) ADMINISTRATION AND USE OF FUND.—The Fund shall be available to, and administered by, the Secretary of Defense. The Secretary shall use the assets of the Fund only for the purpose of conducting the commemorative program and shall prescribe such regulations regarding the use of the Fund as the Secretary considers to be necessary.

(3) DEPOSITS.—There shall be deposited into the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the use by the Secretary of Defense of the exclusive rights described in subsection (c) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1918).

(C) Donations made in support of the commemorative program by private and corporate donors.

(4) AVAILABILITY.—Subject to paragraph (5), amounts in the Fund shall remain available until expended.

(5) TREATMENT OF UNOBLIGATED FUNDS; TRANSFER.—If unobligated amounts remain in the Fund as of September 30, 2013, the Secretary of the Treasury shall transfer the amounts to the Department of Defense Vietnam War Commemorative Fund established pursuant to section 598(e) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-

181; 10 U.S.C. 113 note). The transferred amounts shall be merged with, and available for the same purposes as, other amounts in the Department of Defense Vietnam War Commemorative Fund.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) COMPENSATION FOR WORK-RELATED INJURY.—A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. The person shall also be considered a special governmental employee for purposes of standards of conduct and sections 202, 203, 205, 207, 208, and 209 of title 18, United States Code. A person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of voluntary services under this subsection.

(3) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(g) REPORT REQUIRED.—If the Secretary of Defense conducts the commemorative program, the Inspector General of the Department of Defense shall submit to Congress, not later than 60 days after the end of the commemorative program, a report containing an accounting of—

(1) all of the funds deposited into and expended from the Fund;

(2) any other funds expended under this section; and

(3) any unobligated funds remaining in the Fund as of September 30, 2013, that are transferred to the Department of Defense Vietnam War Commemorative Fund pursuant to subsection (e)(5).

(h) LIMITATION ON EXPENDITURES.—Using amounts appropriated to the Department of Defense, the Secretary of Defense may not expend more than \$5,000,000 to carry out the commemorative program.

Subtitle I—Military Family Readiness Matters
SEC. 581. APPOINTMENT OF ADDITIONAL MEMBER OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

(a) INCLUSION OF SPOUSE OF GENERAL OR FLAG OFFICER.—Subsection (b) of section 1781a of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph:

“(E) The spouse of a general or flag officer.”;

and

(2) in paragraph (2), by striking “subparagraphs (C) and (D)” and inserting “subparagraphs (C), (D), and (E)”.

(b) CLARIFICATION OF APPOINTMENT OPTIONS FOR EXISTING MEMBER.—Subparagraph (F) of subsection (b)(1) of such section, as redesignated by subsection (a)(1)(A), is amended to read as follows:

“(F) In addition to the representatives appointed under subparagraphs (B) and (C), the

senior enlisted advisor, or the spouse of a senior enlisted member, from each of the Army, Navy, Marine Corps, and Air Force.”.

(c) APPOINTMENT BY SECRETARY OF DEFENSE.—Subsection (b) of such section is further amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “, who shall be appointed by the Secretary of Defense”;

(B) in subparagraph (C), by striking “, who shall be appointed by the Secretary of Defense” both places it appears; and

(C) in subparagraph (D), by striking “by the Secretary of Defense”;

(2) by adding at the end the following new paragraph:

“(3) The Secretary of Defense shall appoint the members of the Council required by subparagraphs (B) through (F) of paragraph (1).”.

SEC. 582. DIRECTOR OF THE OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

Subsection (c) of section 1781c of title 10, United States Code, is amended to read as follows:

“(c) DIRECTOR.—(1) The head of the Office shall be the Director of the Office of Community Support for Military Families With Special Needs, who shall be a member of the Senior Executive Service or a general officer or flag officer.

“(2) In the discharge of the responsibilities of the Office, the Director shall be subject to the supervision, direction, and control of the Under Secretary of Defense for Personnel and Readiness.”.

SEC. 583. PILOT PROGRAM OF PERSONALIZED CAREER DEVELOPMENT COUNSELING FOR MILITARY SPOUSES.

(a) PILOT PROGRAM REQUIRED.—Section 1784a of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) PERSONALIZED CAREER DEVELOPMENT COUNSELING.—

“(1) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program designed to provide personalized career development counseling to the spouses of members of the armed forces eligible for assistance under this section, including the development of strategies, step-by-step guidelines, and customizable milestones—

“(A) to promote a comprehensive, introspective review of personal skills, experience, goals, and requirements with a view to developing a personalized plan for career development;

“(B) to identify career options that are portable, personally rewarding, and compatible with personal strengths, skills, and experience;

“(C) to instruct and encourage the use of sound personal and professional management practices; and

“(D) to plan career attainment progression objectives and measure progress.

“(2) INCENTIVES TO FILL CRITICAL CIVILIAN SPECIALTIES.—In conducting the pilot program, the Secretary shall consider methods to provide incentives for program participants to fill critical civilian specialties needed in the Department of Defense, including the following:

“(A) Mental health and other health care.

“(B) Social work.

“(C) Family welfare.

“(D) Contract and acquisition management.

“(E) Personal financial management.

“(F) Day care services.

“(G) Education.

“(H) Military resale system.

“(I) Morale, welfare and recreation activities.

“(J) Law enforcement.

“(3) PROCESS REVIEWS.—The Secretary shall include in the pilot program a periodic review,

to be conducted by counselors, of progress made by participants to determine if changes to personal career strategies may be necessary.

“(4) NUMBER OF PARTICIPANTS.—The Secretary of Defense shall enroll at least 75 military spouses in the pilot program, but not more than 150 military spouses.

“(5) GEOGRAPHIC COVERAGE OF PILOT PROGRAM.—The pilot program shall be conducted in at least three separate geographic areas, as determined by the Secretary of Defense.

“(6) COUNSELORS.—The Secretary of Defense may enter into contracts with career counselors to provide counseling services under the pilot program. There shall be at least one counselor in each of the geographic areas of the pilot program.

“(7) ANNUAL EVALUATION.—The Secretary of Defense shall conduct an annual evaluation of the pilot program to determine the following:

“(A) The effectiveness of the pilot program in improving the ability of participants to identify, develop, and obtain employment in portable career fields.

“(B) The self-reported levels of professional satisfaction of participants.

“(C) The quality of careers selected and pursued.

“(D) The rates of success—

“(i) as determined and evaluated by participants; and

“(ii) as determined by the Secretary.

“(8) ANNUAL REPORT.—

“(A) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report containing—

“(i) the results of the most-recent annual evaluation conducted under paragraph (7); and

“(ii) the matters required by subparagraph (B).

“(B) CONTENTS.—Each report under this paragraph shall contain, at a minimum, the following:

“(i) The number of participants in the pilot program.

“(ii) Recommendations for adjustments to the pilot program.

“(iii) Recommendations for extending the pilot program or implementing a permanent comprehensive career development for military spouses.

“(C) TIME FOR SUBMISSION.—The first report under this subsection shall be submitted not later than one year after the date of the commencement of counseling services under the pilot program. Subsequent reports shall be submitted for each year of the pilot program, with the final report being submitted not later than 90 days after the termination of the pilot program.

“(9) TERMINATION.—The pilot program shall terminate at the end of the three-year period beginning on the date on which the Secretary of Defense notifies the Committees on Armed Services of the Senate and the House of Representatives of the commencement of counseling services under the pilot program.”.

(b) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Committees on Armed Services of the Senate and the House of Representatives a plan to implement the pilot program under subsection (d) of section 1784a of title 10, United States Code, as added by subsection (a).

SEC. 584. MODIFICATION OF YELLOW RIBBON RE-INTEGRATION PROGRAM.

(a) OFFICE FOR REINTEGRATION PROGRAMS.—Subsection (d)(1) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 10101 note) is amended—

(1) by striking “The Under” and inserting the following:

“(A) IN GENERAL.—The Under”; and

(2) in the last sentence—

(A) by striking “The office may also” and inserting the following:

“(B) PARTNERSHIPS AND ACCESS.—The office may”;

(B) by inserting “and the Department of Veterans Affairs” after “Administration”; and

(C) by adding at the end the following new sentence: “Service and State-based programs may provide access to curriculum, training, and support for services to members and families from all components.”.

(b) CENTER FOR EXCELLENCE IN REINTEGRATION.—Subsection (d)(2) of such section is amended by adding at the end the following new sentence: “The Center shall develop and implement a process for evaluating the effectiveness of the Yellow Ribbon Reintegration Program in supporting the health and well-being of members of the Armed Forces and their families throughout the deployment cycle described in subsection (g)”.

(c) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—Subsection (f)(3) of such section is amended by inserting “and community-based organizations” after “service providers”.

(d) OPERATION OF PROGRAM DURING DEPLOYMENT AND POST-DEPLOYMENT-RECONSTITUTION PHASES.—Subsection (g) of such section is amended—

(1) in paragraph (3), by inserting “and to decrease the isolation of families during deployment” after “combat zone”; and

(2) in paragraph (5)(A), by inserting “, providing information on employment opportunities,” after “communities”.

(e) ADDITIONAL OUTREACH SERVICE.—Subsection (h) of such section, as amended by section 595(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 110-84; 123 Stat. 2338), is amended by adding at the end the following new paragraph:

“(15) Resiliency training to promote comprehensive programs for members of the Armed Forces to build mental and emotional resiliency for successfully meeting the demands of the deployment cycle.”.

SEC. 585. IMPORTANCE OF OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Office of Community Support for Military Families with Special Needs, as established pursuant to section 1781c of title 10, United States Code, as added by section 563 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2304), is the best structure—

(1) to determine what medical, educational, and other support services are required by military families with children who have a medical or educational special need; and

(2) to ensure that those services are made available to military families with special needs.

(b) SPECIFIC BUDGETING FOR OFFICE.—Effective with the Program Objective Memorandum to be issued for fiscal year 2012 and thereafter and containing recommended programming and resource allocations for the Department of Defense, the Secretary of Defense shall specifically address the Office of Community Support for Military Families with Special Needs to ensure that a separate line of funding is allocated to the Office.

SEC. 586. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) REPORT REQUIRED.—The Comptroller General of the United States shall prepare a report identifying—

(1) the progress made in implementing the Office of Community Support for Military Families

with Special Needs, as established pursuant to section 1781c of title 10, United States Code, as added by section 563 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2304);

(2) the policies governing the operation of the Office; and

(3) any gaps that still exist in ensuring that members of the Armed Forces who have dependents with special needs receive the support and services they deserve.

(b) **ELEMENTS OF REPORT.**—In the report required by subsection (a), the Comptroller General shall specifically address the following:

(1) The implementation of the responsibilities and duties assigned to the Office of Community Support for Military Families With Special Needs pursuant to subsections (d), (e), and (f) of section 1781c of title 10, United States Code.

(2) The manner in which the Department of Defense and the military departments intend to ensure that feedback is provided to the Office of Community Support for Military Families With Special Needs to ensure that the services and policy put in place are appropriate.

(c) **RECOMMENDATIONS.**—The Comptroller General shall include in the report required by subsection (a) specific recommendations on the establishment, reporting requirements, internal monitoring, and oversight of the Office of Community Support for Military Families With Special Needs by the Under Secretary of Defense for Personnel and Readiness to ensure that the mission of the Office is being accomplished.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit the report required by subsection (a) to the congressional defense committees.

SEC. 587. COMPTROLLER GENERAL REPORT ON EXCEPTIONAL FAMILY MEMBER PROGRAM.

(a) **ASSESSMENT REQUIRED.**—The Comptroller General of the United States shall conduct an assessment of the Exceptional Family Member Program of the Department of Defense to review the operation of the program in each of the Armed Forces, including program policies, best practices, execution, implementation and strategic planning, to determine program variances and to make recommendations to improve and standardize program effectiveness and support for members of the Armed Forces who have dependents with special needs.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the assessment and review under subsection (a).

SEC. 588. COMPTROLLER GENERAL REVIEW OF DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General of the United States shall carry out a review of all Department of Defense spouse employment programs.

(b) **ELEMENTS OF REVIEW.**—At a minimum, the review shall address the following:

(1) The efficacy and effectiveness of Department of Defense spouse employment programs.

(2) All current Department of Defense programs that are in place to support military spouses or dependents for the purposes of employment assistance.

(3) The types of military spouse employment programs that have been considered or used in the past by the Department of Defense.

(4) The ways in which military spouse employment programs have changed in recent years.

(5) The benefits or programs that are specifically available to support military spouses of members of the Armed Forces serving in Operation Iraqi Freedom or Operation Enduring Freedom.

(6) The existing feedback mechanisms available for military spouses to express their views on the effectiveness and future direction of relevant Department of Defense programs and policies.

(7) The degree of oversight provided by the Office of Personnel and Management regarding military spouse preferences.

(c) **SUBMISSION OF RESULTS.**—Not later than March 1, 2011, the Comptroller General shall submit to the congressional defense committees a report containing—

(1) the results of the review;

(2) the assumptions upon which the review was based and the validity and completeness of such assumptions; and

(3) such recommendations as the Comptroller General considers necessary for improving Department of Defense spouse employment programs.

SEC. 589. REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EDUCATION PROGRAMS.

(a) **REVIEW REQUIRED.**—The Secretary of Defense shall carry out a review of all Department of Defense education programs designed to support spouses of members of the Armed Forces.

(b) **ELEMENTS OF REVIEW.**—At a minimum, the review shall evaluate the following:

(1) All current Department of Defense programs that are in place to advance military spouse education opportunities.

(2) The efficacy and effectiveness of Department of Defense spouse education programs.

(3) The effect that a lack military spouse education opportunities has on the ability to retain members of the Armed Forces.

(4) A comparison of the costs associated with providing military spouse education opportunities to retain members rather than recruiting or training new members.

(c) **SUBMISSION OF RESULTS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the results of the review; and

(2) such recommendations as the Secretary considers necessary for improving Department of Defense spouse education programs.

Subtitle J—Other Matters

SEC. 591. ESTABLISHMENT OF JUNIOR RESERVE OFFICERS' TRAINING CORPS UNITS FOR STUDENTS IN GRADES ABOVE SIXTH GRADE.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) In addition to units of the Junior Reserve Officers' Training Corps established at public and private secondary educational institutions under subsection (a), the Secretary of each military department may carry out a pilot program to establish and support units at public and private educational institutions that are not secondary educational institutions to permit the enrollment of students in the Corps who, notwithstanding the limitation in subsection (b)(1), are in a grade above the sixth grade. Under the pilot program, the Secretary may authorize a course of military instruction of not less than two academic years' duration, notwithstanding subsection (b)(3).

“(2) Except as provided in paragraph (1), a unit of the Junior Reserve Officers' Training Corps established and supported under the pilot program must meet the requirements of this section.

“(3) The Secretary of the military department concerned shall conduct a review of the pilot program. The review shall include an evaluation of what impacts, if any, the pilot program may have on the operation of the Junior Reserve Officers' Training Corps in secondary educational institutions.”.

SEC. 592. INCREASE IN NUMBER OF PRIVATE SECTOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE UNIVERSITY.

Section 2167(a) of title 10, United States Code, is amended by striking “20 full-time student positions” and inserting “35 full-time student positions”.

SEC. 593. ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO ATTEND UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) **ADMISSION AUTHORITY.**—Chapter 901 of title 10, United States Code, is amended by inserting after section 9314 the following new section:

“§9314a. United States Air Force Institute of Technology: admission of defense industry civilians

“(a) **ADMISSION AUTHORIZED.**—(1) The Secretary of the Air Force may permit defense industry employees described in subsection (b) to receive instruction at the United States Air Force Institute of Technology in accordance with this section. Any such defense industry employee may be enrolled in, and may be provided instruction in, a program leading to a graduate degree in a defense focused curriculum related to aeronautics and astronautics, electrical and computer engineering, engineering physics, mathematics and statistics, operational sciences, or systems and engineering management.

“(2) No more than 125 defense industry employees may be enrolled at the United States Air Force Institute of Technology at any one time under the authority of paragraph (1).

“(3) Upon successful completion of the course of instruction at the United States Air Force Institute of Technology in which a defense industry employee is enrolled, the defense industry employee may be awarded an appropriate degree under section 9314 of this title.

“(b) **ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.**—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the United States Air Force Institute of Technology remains eligible for such instruction only so long as that person remains employed by the same firm.

“(c) **ANNUAL DETERMINATION BY THE SECRETARY OF THE AIR FORCE.**—Defense industry employees may receive instruction at the United States Air Force Institute of Technology during any academic year only if, before the start of that academic year, the Secretary of the Air Force, or the designee of the Secretary, determines that providing instruction to defense industry employees under this section during that year—

“(1) will further the military mission of the United States Air Force Institute of Technology; and

“(2) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

“(d) **PROGRAM REQUIREMENTS.**—The Secretary of the Air Force shall ensure that—

“(1) the curriculum in which defense industry employees may be enrolled under this section is not readily available through other schools and concentrates on the areas of focus specified in subsection (a)(1) that are conducted by military organizations and defense contractors working in close cooperation; and

“(2) the course offerings at the United States Air Force Institute of Technology continue to be determined solely by the needs of the Department of Defense.

“(e) **TUITION.**—(1) *The United States Air Force Institute of Technology shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Air Force.*

“(2) *Amounts received by the United States Air Force Institute of Technology for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.*

“(f) **STANDARDS OF CONDUCT.**—*While receiving instruction at the United States Air Force Institute of Technology, defense industry employees enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.*”

(b) **CLERICAL AMENDMENT.**—*The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9314 the following new item:*

“9314a. *United States Air Force Institute of Technology: admission of defense industry civilians.*”

SEC. 594. DATE FOR SUBMISSION OF ANNUAL REPORT ON DEPARTMENT OF DEFENSE STARBASE PROGRAM.

Section 2193b(g) of title 10, United States Code, is amended by striking “90 days after the end of each fiscal year” and inserting “March 31 of each year”.

SEC. 595. EXTENSION OF DEADLINE FOR SUBMISSION OF FINAL REPORT OF MILITARY LEADERSHIP DIVERSITY COMMISSION.

Section 596(e)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4478) is amended by striking “12 months” and inserting “18 months”.

SEC. 596. ENHANCED AUTHORITY FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE AND COAST GUARD CIVILIAN EMPLOYEES AND THEIR FAMILIES TO ACCEPT GIFTS FROM NON-FEDERAL ENTITIES.

(a) **CODIFICATION AND EXPANSION OF EXISTING AUTHORITY TO COVER ADDITIONAL MEMBERS AND EMPLOYEES.**—

(1) **CODIFICATION AND EXPANSION.**—Chapter 155 of title 10, United States Code, is amended by inserting after section 2601 the following new section:

“§2601a. **Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families**

“(a) **REGULATIONS GOVERNING ACCEPTANCE OF GIFTS.**—(1) *The Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) shall issue regulations to provide that, subject to such limitations as may be specified in such regulations, the following individuals may accept gifts from nonprofit organizations, private parties, and other sources outside the Department of Defense or the Department of Homeland Security:*

“(A) *A member of the armed forces described in subsection (c).*

“(B) *A civilian employee of the Department of Defense or Coast Guard described in subsection (d).*

“(C) *The family members of such a member or employee.*

“(D) *Survivors of such a member or employee who is killed.*

“(2) *The regulations required by this subsection shall apply uniformly to all elements of the Department of Defense and, to the maximum extent feasible, to the Coast Guard.*

“(b) **EXCEPTION TO GIFT BAN.**—*A member of the armed forces described in subsection (c) and a civilian employee described in subsection (d) may accept gifts as provided in the regulations issued under subsection (a) notwithstanding section 7353 of title 5.*

“(c) **COVERED MEMBERS.**—*This section applies to a member of the armed forces who, while performing active duty, full-time National Guard duty, or inactive-duty training on or after September 11, 2001, incurred an injury or illness—*

“(1) *as described in section 1413a(e)(2) of this title;*

“(2) *in an operation or area designated as a combat operation or a combat zone by the Secretary of Defense in accordance with the regulations issued under subsection (a); or*

“(3) *under other circumstances determined by the Secretary concerned to warrant treatment analogous to members covered by paragraph (1) or (2).*

“(d) **COVERED EMPLOYEES.**—*This section applies to a civilian employee of the Department of Defense or Coast Guard who, while an employee on or after September 11, 2001, incurred an injury or illness under a circumstance described in paragraph (1), (2), or (3) of subsection (c).*

“(e) **GIFTS FROM CERTAIN SOURCES PROHIBITED.**—*The regulations issued under subsection (a) may not authorize the acceptance of a gift from a foreign government or international organization or their agents.*”

(2) **CLERICAL AMENDMENT.**—*The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2601 the following new item:*

“2601a. *Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families.*”

(b) **REPEAL OF SUPERCEDED PROVISION.**—Section 8127 of the Department of Defense Appropriations Act, 2006 (division A of Public Law 109-148; 119 Stat. 2730; 10 U.S.C. 2601 note prec.) is repealed.

(c) **APPLICATION OF EXISTING REGULATIONS.**—Pending the issuance of the regulations required by subsection (a) of section 2601a of title 10, United States Code, as added by subsection (a), the regulations prescribed under section 8127 of the Department of Defense Appropriations Act, 2006 (division A of Public Law 109-148; 119 Stat. 2730; 10 U.S.C. 2601 note prec.) shall apply to the acceptance of gifts under such section 2601a.

(d) **RETROACTIVE APPLICABILITY OF REGULATIONS.**—*The regulations issued under subsection (a) of section 2601a of title 10, United States Code, as added by subsection (a), shall, to the extent provided in such regulations, also apply to the acceptance of gifts during the period beginning on September 11, 2001, and ending on the date on which such regulations go into effect.*

SEC. 597. REPORT ON PERFORMANCE AND IMPROVEMENTS OF TRANSITION ASSISTANCE PROGRAM.

(a) **REPORT REQUIRED.**—*The Secretary of Defense shall prepare a report on the Transition Assistance Program of the Department of Defense.*

(b) **ELEMENTS.**—*The report shall include the following:*

(1) *A statement and analysis of the rates of post-separation employment rates compared with the general population annually since September 11, 2001.*

(2) *A chronological summary of the evolution and development of the Transition Assistance Program since September 11, 2001.*

(3) *A description of efforts to transform the Transition Assistance Program from one of end-of-service transition to a life-cycle model, in which transition is considered throughout the career of a member of the Armed Forces.*

(4) *An analysis of current and future challenges members continue to face upon entering the civilian work force, including a survey of the following individuals and organizations to identify strengths and shortcomings in the Transition Assistance Program:*

(A) *A representational population of transitioning or recently separated members.*

(B) *Employers with a track record of employing retired or separating members.*

(C) *Veterans service organizations and advocacy groups.*

(5) *Any recommendations, including recommendations for legislative action, that the Secretary of Defense considers appropriate to improve the organization, policies, consistency of quality, and efficacy of the Transition Assistance Program.*

(c) **CONSULTATION.**—*The Secretary of Defense shall prepare the report in consultation with the Secretary of Labor.*

(d) **SUBMISSION OF REPORT.**—*Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit the report to the Committees on Armed Services of the Senate and the House of Representatives.*

SEC. 598. SENSE OF CONGRESS REGARDING ASSISTING MEMBERS OF THE ARMED FORCES TO PARTICIPATE IN APPRENTICESHIP PROGRAMS.

(a) **FINDINGS.**—*Congress makes the following findings:*

(1) *Some members of the Armed Forces who are separated or released from active duty are having difficulty finding employment after their separation or release.*

(2) *Some members who have served for long periods on active duty have the additional difficulty of translating their military experience into skill sets for civilian employment.*

(3) *Apprenticeship programs bring immense value to the American workforce and to individuals who participate in such programs.*

(4) *Apprenticeship programs assist in the building of résumés and skills of participants and help connect participants with employers and job opportunities.*

(5) *Military units returning from deployment often operate at a reduced readiness status, which would allow members who are assigned to the unit, but who are in the process of being separated or released from active duty, to be available to participate in apprenticeship programs.*

(b) **SENSE OF CONGRESS.**—*It is the sense of Congress that commanders of units of the Armed Forces should make every effort to permit members of the Armed Forces who are assigned to the unit, but who are in the process of being separated or released from active duty, to participate in an apprenticeship program that is registered under the Act of Aug. 16, 1937 (commonly known as the National Apprenticeship Act; 29 U.S.C. 50 et seq.).*

(c) **ARMED FORCES DEFINED.**—*In this section, the term “Armed Forces” means the Army, Navy, Air Force, and Marine Corps.*

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2011 INCREASE IN MILITARY BASIC PAY.

(a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—*The adjustment to become effective during fiscal year 2011 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.*

(b) **INCREASE IN BASIC PAY.**—*Effective on January 1, 2011, the rates of monthly basic pay for members of the uniformed services are increased by 1.9 percent.*

SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEMBER COUPLES WHEN ONE OR BOTH MEMBERS ARE ON SEA DUTY.

(a) IN GENERAL.—Subparagraph (C) of section 403(f)(2) of title 37, United States Code, is amended to read as follows:

“(C) Notwithstanding section 421 of this title, a member of a uniformed service in a pay grade below pay grade E-6 who is assigned to sea duty and is married to another member of a uniformed service is entitled to a basic allowance for housing subject to the limitations of subsection (e).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2011.

SEC. 603. ALLOWANCES FOR PURCHASE OF REQUIRED UNIFORMS AND EQUIPMENT.

(a) INITIAL ALLOWANCE FOR OFFICERS.—Section 415 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by inserting “ALLOWANCE FOR OFFICERS IN THE ARMED FORCES.—(1)” after “(a)”;

(C) by striking “\$400” and inserting “\$500”; and

(D) by adding at the end the following new paragraph:

“(2) The Secretary of a military department, with the approval of the Secretary of Defense, may increase the maximum amount of the allowance specified in paragraph (1) for officers of an armed force under the jurisdiction of the Secretary. The Secretary of Homeland Security, in the case of the Coast Guard when it is not operating as a service in the Navy, may increase the maximum amount of the allowance specified in paragraph (1) for officers of the Coast Guard.”;

(2) in subsection (b), by inserting “EXCEPTION.—” after “(b)”;

(3) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking “An allowance of \$250” and inserting “PUBLIC HEALTH SERVICE ALLOWANCE.—(1) An allowance of \$300”; and

(C) by inserting “(2)” before “An officer”.

(b) ADDITIONAL ALLOWANCES.—Section 416 of such title is amended—

(1) in subsection (a), by striking “\$200” and inserting “\$250”; and

(2) in subsection (b)(1), by striking “\$400” and inserting “\$500”.

SEC. 604. INCREASE IN AMOUNT OF FAMILY SEPARATION ALLOWANCE.

(a) INCREASE.—Section 427(a)(1) of title 37, United States Code, is amended by striking “\$250” and inserting “\$285”.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall take effect on October 1, 2010, and apply with respect to months beginning on or after that date.

SEC. 605. ONE-TIME SPECIAL COMPENSATION FOR TRANSITION OF ASSISTANTS PROVIDING AID AND ATTENDANCE CARE TO MEMBERS OF THE UNIFORMED SERVICES WITH CATASTROPHIC INJURIES OR ILLNESSES.

(a) TRANSITION COMPENSATION AUTHORIZED.—Section 439 of title 37, United States Code, is amended—

(1) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) ONE-TIME TRANSITIONAL COMPENSATION AUTHORIZED.—In addition to monthly special compensation payable under subsection (a), the Secretary concerned may pay to a member eligi-

ble for monthly special compensation a one-time payment of not more than \$3,500 for the transition of assistants providing aid and attendance care to the member as described in subsection (b)(2).”

(b) CONFORMING AND CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (c), by inserting “OF MONTHLY COMPENSATION” after “AMOUNT”;

(2) in subsection (d), by inserting “OF MONTHLY COMPENSATION” after “DURATION”; and

(3) in subsection (f), as redesignated by subsection (a)(1), by striking “Monthly special compensation payable to a member under this section” and inserting “Special compensation paid to a member under subsection (a) or (e)”.

SEC. 606. EXPANSION OF DEFINITION OF SENIOR ENLISTED MEMBER TO INCLUDE SENIOR ENLISTED MEMBER SERVING WITHIN A COMBATANT COMMAND.

(a) BASIC PAY.—On and after January 1, 2011, for purposes of establishing the rates of monthly basic pay for members of the uniformed services, the senior enlisted member of the Armed Forces serving within a combatant command (as defined in section 161(c) of title 10, United States Code) shall be treated in the same manner as the Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, and Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff.

(b) RATE OF BASIC PAY USED TO DETERMINE RETIRED PAY BASE.—Section 1406(i)(3)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

“(vii) Senior enlisted member serving within a combatant command (as defined in section 161(c) of this title).”

(c) PAY DURING TERMINAL LEAVE AND WHILE HOSPITALIZED.—Section 210(c) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(7) The senior enlisted member serving within a combatant command (as defined in section 161(c) of title 10).”

SEC. 607. INELIGIBILITY OF CERTAIN FEDERAL CIVILIAN EMPLOYEES FOR RESERVE INCOME REPLACEMENT PAYMENTS ON ACCOUNT OF AVAILABILITY OF COMPARABLE BENEFITS UNDER ANOTHER PROGRAM.

(a) INELIGIBILITY FOR PAYMENTS.—Section 910(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(3) A member of a reserve component who is otherwise entitled to a payment under this section is not entitled to the payment for any month during which the member is also a civilian employee of the Federal Government entitled to—

“(A) a differential payment under section 5538 of title 5; or

“(B) a comparable benefit under an administratively established program for civilian employees absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services.”

(b) EFFECTIVE DATE.—Subsection (b)(3) of section 910 of title 37, United States Code, as added by subsection (a), shall apply with respect to payments under such section for months beginning on or after the date of the enactment of this Act.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2010” and inserting “December 31, 2011”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking “December 31, 2010” and inserting “December 31, 2011”:

(1) Section 2130a(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2010” and inserting “December 31, 2011”:

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2010” and inserting “December 31, 2011”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2010” and inserting “December 31, 2011”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(f), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of chapter 5 of title 37, United States Code, are amended by striking “December 31, 2010” and inserting “December 31, 2011”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking “December 31, 2010” and inserting “December 31, 2011”:

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

SEC. 617. TREATMENT OF OFFICERS TRANSFERRING BETWEEN ARMED FORCES FOR RECEIPT OF AVIATION CAREER SPECIAL PAY.

Section 301b of title 37, United States Code, is amended—

(1) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) **TREATMENT OF OFFICERS TRANSFERRING FROM ONE ARMED FORCE TO ANOTHER.**—(1) An officer who transfers from one armed force to another armed force shall receive the same compensation under this section as other officers in that armed force with the same number of years of aviation service performing similar aviation duties in the same weapon system, notwithstanding any additional active duty service obligation incurred as a result of the transfer.

“(2) Until December 31, 2015, the Secretary concerned shall continue, regardless of the number of years of aviation service of an officer, to pay compensation under this section to an officer who transferred or transfers from one armed force to an armed force under the jurisdiction of the Secretary concerned until the officer receives the same number of years of benefits as officers in that armed force with the same number of years of aviation service performing similar aviation duties in the same weapon system. In calculating the years of benefits received, the Secretary concerned shall include any year during which the officer received compensation under this section before the transfer.

“(3) An officer may not receive compensation under paragraph (2) for any period during

which the officer is not qualified for compensation under subsection (b).”.

SEC. 618. INCREASE IN MAXIMUM AMOUNT OF SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER OR FOR DUTY IN FOREIGN AREA DESIGNATED AS AN IMMINENT DANGER AREA.

(a) **SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.**—Section 310(b)(1) of title 37, United States Code, is amended by striking “\$225 a month” and inserting “\$260 a month”.

(b) **HAZARDOUS DUTY PAY.**—Section 351(b)(3) of such title is amended by striking “\$250 per month” and inserting “\$260 per month”.

(c) **APPLICATION OF AMENDMENTS.**—The amendments made by this section shall take effect on October 1, 2010, and apply with respect to months beginning on or after that date.

SEC. 619. SPECIAL PAYMENT TO MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE KILLED OR WOUNDED IN ATTACKS DIRECTED AT MEMBERS OR EMPLOYEES OUTSIDE OF COMBAT ZONE, INCLUDING THOSE KILLED OR WOUNDED IN CERTAIN 2009 ATTACKS.

(a) **TREATMENT OF MEMBERS AND CIVILIANS KILLED OR WOUNDED IN CERTAIN 2009 ATTACKS.**—

(1) **TREATMENT.**—For purposes of all applicable Federal laws, regulations, and policies, a member of the Armed Forces or civilian employee of the Department of Defense who was killed or wounded in an attack described in paragraph (2) shall be deemed as follows:

(A) In the case of a member, to have been killed or wounded in a combat zone as the result of an act of an enemy of the United States.

(B) In the case of a civilian employee of the Department of Defense, to have been killed or wounded as the result of an act of an enemy of the United States while serving with the Armed Forces in a contingency operation.

(2) **ATTACKS DESCRIBED.**—Paragraph (1) applies to—

(A) the attack that occurred at Fort Hood, Texas, on November 5, 2009; and

(B) the attack that occurred at a recruiting station in Little Rock, Arkansas, on June 1, 2009.

(3) **EXCEPTION.**—Paragraph (1) shall not apply to a member of the Armed Forces or a civilian employee of the Department of Defense whose death or wound as described in paragraph (1) is the result of the misconduct of the member or employee, as determined by the Secretary of Defense.

(b) **NEW SPECIAL PAYMENT.**—

(1) **IN GENERAL.**—Chapter 17 of title 37, United States Code, is amended by adding at the end the following new section:

“§911. Special payment to members of the armed forces and civilian employees of the Department of Defense killed or wounded in attacks directed at members or employees outside of combat zone

“(a) **SPECIAL PAYMENT REQUIRED.**—The Secretary of Defense shall pay to a member of the armed forces or a civilian employee of the Department of Defense who is wounded in an attack under the circumstances described in subsection (b), or to an eligible survivor if the member or employee is killed in the attack or dies from wounds sustained in the attack, an amount of compensation equal to the amount determined in subsection (c) that would have accrued—

“(1) in the case of a member, on behalf of a member killed or wounded in a combat zone; and

“(2) in the case of an employee, on behalf of an employee killed or wounded while serving

with the Armed Forces in a contingency operation.

“(b) **COVERED ATTACKS.**—

“(1) **ATTACKS DESCRIBED.**—Except as provided in paragraph (2), an attack covered by subsection (a) is any assault or battery resulting in bodily injury or death committed by an individual who the Secretary of Defense determines knowingly targeted—

“(A) a member of the armed forces on account of the military service of the member or the status of member as a member of the Armed Forces; or

“(B) a civilian employee of the Department of Defense on account of the employee’s employment with the Department of Defense or affiliation with the Department of Defense.

“(2) **GEOGRAPHIC EXCLUSION.**—Subsection (a) does not apply to any attack that—

“(A) occurs in a combat zone; or

“(B) in the case of a civilian employee of the Department, occurs while the employee is serving with the armed forces in a contingency operation.

“(c) **CALCULATION OF COMPENSATION AMOUNT.**—The Secretary of Defense shall identify, in consultation with all relevant Federal agencies, including the Department of Veterans Affairs and the Internal Revenue Service, all Federal benefits provided to members of the armed forces and civilian employees of the Department of Defense killed or wounded in a combat zone, including special pays and the value of Federal tax advantages accruing because certain benefits are not subject to Federal income tax. The Secretary shall exclude from the calculation any Federal benefits provided regardless of the geographic location or circumstances of the death or injuries.

“(d) **EXCLUSION OF CERTAIN INDIVIDUALS.**—Subsection (a) shall not apply to a member of the armed forces or civilian employee of the Department of Defense whose death or wound as described in subsection (b) is the result of the misconduct of the member or employee, as determined by the Secretary of Defense.

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘armed forces’ means the Army, Navy, Air Force, and Marine Corps.

“(2) The term ‘combat zone’ means a combat operation or combat zone designated by the Secretary of Defense.

“(3) The term ‘eligible survivor’ refers to the persons eligible to receive a death gratuity payment under section 1477 of title 10. In the case of a deceased member or employee, the eligible survivor who will receive the payment under subsection (a) shall be determined as provided in such section.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“911. Special payment to members of the armed forces and civilian employees of the Department of Defense killed or wounded in attacks directed at members or employees outside of combat zone.”.

(3) **RETROACTIVE APPLICATION.**—Section 911 of title 37, United States Code, as added by paragraph (1), shall apply to any attack described in subsection (b) of such section occurring on or after November 6, 2009.

(c) **PURPLE HEART.**—This section and the amendments made by this section shall not be construed to prohibit, authorize, or require the award of the Purple Heart to any member of the Armed Forces.

Subtitle C—Travel and Transportation Allowances

SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TRAVEL AND TRANSPORTATION ALLOWANCES FOR INACTIVE DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCES.

Section 408a(e) of title 37, United States Code, is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR ATTENDANCE OF DESIGNATED PERSONS AT YELLOW RIBBON REINTEGRATION EVENTS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411k the following new section:

“§ 411l. Travel and transportation allowances: attendance of designated persons at Yellow Ribbon Reintegration events

“(a) ALLOWANCE TO FACILITATE ATTENDANCE.—Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (c) may be provided for a person designated pursuant to subsection (b) to attend an event conducted under the Yellow Ribbon Reintegration Program established pursuant to section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) if the Secretary concerned determines that the presence of the person may contribute to the purposes of the event.

“(b) COVERED PERSONS.—A member of the uniformed services who is eligible to attend a Yellow Ribbon Reintegration Program event may designate one or more persons, including another member of the uniformed services, for purposes of receiving travel and transportation described in subsection (c) to attend a Yellow Ribbon Reintegration Program event. The designation of a person for purposes of this section may be changed at any time.

“(c) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) for a person designated under subsection (b) is round-trip transportation between the home or place of business of the person and the location of the Yellow Ribbon Reintegration Program event.

“(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

“(3) The transportation authorized by subsection (a) may be provided by any of the following means:

“(A) Transportation in-kind.

“(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

“(C) Reimbursement for the commercial cost of transportation.

“(4) An allowance payable under this subsection may be paid in advance.

“(5) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 411k the following new item:

“411l. Travel and transportation allowances: attendance of designated persons at Yellow Ribbon Reintegration events.”

(b) APPLICABILITY.—No reimbursement may be provided under section 411l of title 37, United States Code, as added by subsection (a), for

travel and transportation costs incurred before September 30, 2010.

SEC. 633. MILEAGE REIMBURSEMENT FOR USE OF PRIVATELY OWNED VEHICLES.

(a) USE OF SINGLE STANDARD MILEAGE RATE ESTABLISHED BY IRS.—Section 5704(a)(1) of title 5, United States Code, is amended by striking “shall not exceed” and inserting “shall be equal to”.

(b) PRESCRIPTION OF MILEAGE REIMBURSEMENT RATES.—Section 5707(b) of such title is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

“(A) The Administrator of General Services shall conduct periodic investigations of the cost of travel and the operation of privately owned airplanes and privately owned motorcycles by employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.”; and

(2) in paragraph (2)(A), by striking clause (i) and inserting the following new clause:

“(i) shall prescribe a mileage reimbursement rate for privately owned automobiles which equals, as provided in section 5704(a)(1) of this title, the single standard mileage rate established by the Internal Revenue Service, and”.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. ELIMINATION OF CAP ON RETIRED PAY MULTIPLIER FOR MEMBERS WITH GREATER THAN 30 YEARS OF SERVICE WHO RETIRE FOR DISABILITY.

(a) COMPUTATION OF RETIRED PAY.—The table in section 1401(a) of title 10, United States Code, is amended—

(1) in the column designated “Column 2”, by inserting “, not to exceed 75%,” after “percentage of disability” both places it appears; and

(2) by striking column 4.

(b) RECOMPUTATION OF RETIRED OR RETAINER PAY TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO FIRST BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.—The table in section 1402(d) of such title is amended—

(1) in the column designated “Column 2”, by inserting “, not to exceed 75%,” after “percentage of disability”; and

(2) by striking column 4.

(c) RECOMPUTATION OF RETIRED OR RETAINER PAY TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO FIRST BECAME MEMBERS AFTER SEPTEMBER 7, 1980.—The table in section 1402a(d) of such title is amended—

(1) in the column designated “Column 2”, by inserting “, not to exceed 75 percent,” after “percentage of disability”; and

(2) by striking column 4.

(d) APPLICATION OF AMENDMENTS.—The tables in sections 1401(a), 1402(d), and 1402a(d) of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply to the computation or recomputation of retired or retainer pay for persons who first became entitled to retired or retainer pay under subtitle A of such title on or before the date of the enactment of this Act. The amendments made by this section shall apply only with respect to persons who first become entitled to retired or retainer pay under such subtitle after that date.

SEC. 642. EQUITY IN COMPUTATION OF DISABILITY RETIRED PAY FOR RESERVE COMPONENT MEMBERS WOUNDED IN ACTION.

Section 1208(b) of title 10, United States Code, is amended by adding at the end the following new sentence: “However, in the case of such a member who is retired under this chapter, or whose name is placed on the temporary disability retired list under this chapter, because of a disability incurred after the date of the enactment of the National Defense Authorization Act

for Fiscal Year 2011, for which the member is awarded the Purple Heart, the member shall be credited, for the purposes of this chapter, with the number of years of service that would be counted if computing the member's years of service under section 12732 of this title.”

SEC. 643. ELIMINATION OF THE AGE REQUIREMENT FOR HEALTH CARE BENEFITS FOR NON-REGULAR SERVICE RETIREES.

Section 1074(b) of title 10, United States Code, is amended—

(1) by striking “(1)”; and

(2) by striking paragraph (2).

SEC. 644. CLARIFICATION OF EFFECT OF ORDERING RESERVE COMPONENT MEMBER TO ACTIVE DUTY TO RECEIVE AUTHORIZED MEDICAL CARE ON REDUCING ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

“(iii) If a member described in subparagraph (A) is wounded or otherwise injured or becomes ill while serving on active duty pursuant to a call or order to active duty under a provision of law referred to in the first sentence of clause (i) or in clause (ii), and the member is then ordered to active duty under section 12301(h)(1) of this title to receive medical care for the wound injury, or illness, each day of active duty under that order for medical care shall be treated as a continuation of the original call or order to active duty for purposes of reducing the eligibility age of the member under this paragraph.”

SEC. 645. SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR RECIPIENTS OF PRE-SURVIVOR BENEFIT PLAN ANNUITY AFFECTED BY REQUIRED OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

Section 644 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1448 note) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) SPECIAL SURVIVOR INDEMNITY ALLOWANCE.—(1) The Secretary concerned shall pay a monthly special survivor indemnity allowance under this subsection to a qualified surviving spouse described in subsection (a) if—

“(A) the surviving spouse is entitled to dependency and indemnity compensation under section 1311(a) of title 38, United States Code; and

“(B) the amount of the annuity to which the surviving spouse is entitled under subsection (b) is affected by paragraph (2)(A) of such subsection.

“(2) Subject to paragraph (3), the amount of the special survivor indemnity allowance paid to surviving spouse under paragraph (1) for a month shall be equal to—

“(A) for months during fiscal year 2009, \$50;

“(B) for months during fiscal year 2010, \$60;

“(C) for months during fiscal year 2011, \$70;

“(D) for months during fiscal year 2012, \$80;

“(E) for months during fiscal year 2013, \$90;

“(F) for months during fiscal year 2014, \$150;

“(G) for months during fiscal year 2015, \$200;

“(H) for months during fiscal year 2016, \$275; and

“(I) for months during fiscal year 2017, \$310.

“(3) The amount of the special survivor indemnity allowance paid to an eligible survivor under paragraph (1) for any month may not exceed the amount of the annuity for that month that is subject to offset under subsection (b)(2)(A).

“(4) A special survivor indemnity allowance paid under paragraph (1) does not constitute an

annuity, and amounts so paid are not subject to adjustment under any other provision of law.

“(5) The special survivor indemnity allowance shall be paid under paragraph (1) from amounts in the Department of Defense Military Retirement Fund established under section 1461 of title 10, United States Code.

“(6) Subject to paragraph (7), this subsection shall only apply with respect to the month that began on October 1, 2008, and subsequent months through the month ending on September 30, 2017. As soon as practicable after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, the Secretary concerned shall pay, in a lump sum, the total amount of the special survivor indemnity allowances due under paragraph (1) to a qualified surviving spouse for months since October 1, 2008, through the month in which the first allowance is paid under paragraph (1) to the qualified surviving spouse.

“(7) Effective on October 1, 2017, the authority provided by this subsection shall terminate. No special survivor indemnity allowance may be paid to any person by reason of this subsection for any period before October 1, 2008, or beginning on or after October 1, 2017.”.

SEC. 646. PAYMENT DATE FOR RETIRED AND RETAINER PAY.

(a) **SETTING PAYMENT DATE.**—Section 1412 of title 10, United States Code, is amended—

(1) by striking “Amounts” and inserting “(a) ROUNDING.—Amounts”; and

(2) by adding at the end the following new subsection:

“(b) **PAYMENT DATE.**—Amounts of retired pay and retainer pay due a retired member of the uniformed services shall be paid on the first day of each month beginning after the month in which the right to such pay accrues.”.

(b) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of such section is amended to read as follows:

“§ 1412. Administrative provisions”.

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 1412 and inserting the following new item:

“1412. Administrative provisions.”.

(c) **EFFECTIVE DATE.**—Subsection (b) of section 1412 of title 10, United States Code, as added by subsection (a), shall apply beginning with the first month that begins more than 30 days after the date of the enactment of this Act.

Subtitle E—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations

SEC. 651. SHARED CONSTRUCTION COSTS FOR SHOPPING MALLS OR SIMILAR FACILITIES CONTAINING A COMMISSARY STORE AND ONE OR MORE NONAPPROPRIATED FUND INSTRUMENTALITY ACTIVITIES.

Section 2484(h)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C) and, in such subparagraph, by striking “subparagraph (A)” and inserting “this paragraph”;

(2) in the first sentence of subparagraph (A), by inserting “the Defense Commissary Agency or” after “may authorize”;

(3) by designating the second sentence of subparagraph (A) as subparagraph (B) and, in such subparagraph, by striking “The Secretary may” and inserting the following: “If the construction contract is entered into by a non-appropriated fund instrumentality, the Secretary of Defense may”;

(4) by adding at the end of subparagraph (B), as designated by paragraph (3), the following new sentence: “If the construction contract is entered into by the Defense Commissary Agency,

the Secretary may authorize the Defense Commissary Agency accept reimbursement from a nonappropriated fund instrumentality for the portion of the cost of the contract that is attributable to construction for nonappropriated fund instrumentality activities.”.

SEC. 652. ADDITION OF DEFINITION OF MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES FOR USE IN CONTRACTS TO PROVIDE SUCH SERVICES FOR MILITARY PERSONNEL SERVING IN COMBAT ZONES.

Section 885 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 265; 10 U.S.C. 2304 note) is amended by adding at the end the following new subsection:

“(c) **MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES DEFINED.**—In this section, the term ‘morale, welfare, and recreation telephone services’ means unofficial telephone calling center services supporting calling centers provided by the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other non-appropriated fund instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.”.

SEC. 653. FEASIBILITY STUDY ON ESTABLISHMENT OF FULL EXCHANGE STORE IN THE NORTHERN MARIANA ISLANDS.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall conduct a study to determine the feasibility of replacing the “Shoppette” of the Army and Air Force Exchange Service in the Northern Mariana Islands with a full-service exchange store. In conducting the study, the Secretary shall consider the welfare of members of the Armed Forces serving in the Northern Mariana Islands and dependents of members residing in the Northern Mariana Islands.

(b) **SUBMISSION OF RESULTS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

Subtitle F—Alternative Career Track Pilot Program

SEC. 661. PILOT PROGRAM TO EVALUATE ALTERNATIVE CAREER TRACK FOR COMMISSIONED OFFICERS TO FACILITATE AN INCREASED COMMITMENT TO ACADEMIC AND PROFESSIONAL EDUCATION AND CAREER-BROADENING ASSIGNMENTS.

(a) **PROGRAM AUTHORIZED.**—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

“§ 673. Alternative career track for commissioned officers pilot program

“(a) **PROGRAM AUTHORIZED.**—(1) Under regulations prescribed pursuant to subsection (g) and approved by the Secretary of Defense, the Secretary of a military department may establish a pilot program for an armed force under the jurisdiction of the Secretary under which an eligible commissioned officer, while on active duty—

“(A) participates in a separate career track characterized by expanded career opportunities extending over a longer career;

“(B) agrees to an additional active duty service obligation of at least five years to be served concurrently with other active duty service obligations; and

“(C) would be required to accept further active duty service obligations, as determined by the Secretary, to be served concurrently with other active duty service obligations, including the active duty service obligation accepted under subparagraph (B), in connection with the

officer’s entry into education programs, selection for career broadening assignments, acceptance of additional special and incentive pays, or selection for promotion.

“(2) The Secretary of the military department concerned may waive an active duty service obligation accepted under subparagraph (B) or (C) of paragraph (1) to facilitate the separation or retirement of a participant in the program.

“(3) The program shall be known as the ‘Alternative Career Track Pilot Program’ (in this section referred to as the ‘program’).

“(b) **ELIGIBLE OFFICERS.**—Commissioned officers with between 13 and 18 years of service are eligible to volunteer to participate in the program.

“(c) **NUMBER OF PARTICIPANTS.**—No more than 50 officers of each armed force may be selected per year to participate in the program.

“(d) **ALTERNATIVE CAREER ELEMENTS OF PROGRAM.**—(1) The Secretaries of the military departments may establish separate basic pay and special and incentive pay and promotion systems unique to the officers participating in the program, without regard to the requirements of this title or title 37.

“(2) The Secretaries of the military departments may establish separation and retirement policies for officers participating in the program without regard to grade and years of service requirements established under this title.

“(3) Participants serving in a grade below brigadier general or rear admiral (lower half) may serve in the grade without regard to the limits on the number of officers in the grade established under this title.

“(e) **TREATMENT OF GENERAL AND FLAG OFFICER PARTICIPANTS.**—(1) A participant serving in a grade above colonel, or captain in the Navy, but below lieutenant general or vice admiral, shall be—

“(A) counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position requiring the assignment of a military officer; but

“(B) excluded from limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position not typically occupied by a military officer.

“(2) A participant serving in the grade of lieutenant general, vice admiral, general, or admiral shall be counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers.

“(f) **RETURN TO STANDARD CAREER PATH; EFFECT.**—(1) The Secretaries of the military departments retain the authority to involuntarily return an officer to the standard career path.

“(2) The Secretary of the military department concerned may return an officer to the standard career path at the request of the officer.

“(3) If the program is terminated pursuant to paragraph (4) or (5) of subsection (i), officers participating in the program at the time of the termination shall be returned to the standard career path.

“(4) An officer returned to the standard career path under paragraph (1), (2), or (3) shall retain the grade, date-of-rank, and basic pay level earned while a participant in the program but shall revert to the special and incentive pay authorities established in title 37 upon the expiration of the agreement between the Secretary and the officer providing any special and incentive pays under the program. Subsequent increases in the officer’s rate of monthly basic pay shall conform to the annual percentage increases in basic pay rates provided in the basic pay table.

“(g) **ANNUAL REPORT.**—(1) The Secretaries of the military departments, in cooperation with

the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report containing the findings and recommendations of the Secretary of Defense and the Secretaries of the military departments concerning the progress of the program for each armed force.

“(2) The Secretary of a military department, with the consent of the Secretary of Defense, may include in the report for a year a recommendation that the program be made permanent for an armed force under the jurisdiction of that Secretary.

“(h) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out the program. The regulations shall be subject to the approval of the Secretary of Defense.

“(i) COMMENCEMENT; DURATION.—(1) Before authorizing the commencement of the program for an armed force, the Secretary of the military department concerned, with the consent of the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the detailed program structure of the alternative career track, associated personnel and compensation policies, implementing instructions and regulations, and a summary of the specific provisions of this title and title 37 to be waived under the program. The authority to conduct the program for that armed force commences 120 days after the date of the submission of the report.

“(2) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may authorize revision of the program structure, associated personnel and compensation policies, implementing instructions and regulations, or laws waived, as submitted by the Secretary under paragraph (1). The Secretary of the military department concerned, with the consent of the Secretary of Defense, shall submit the proposed revisions to the Committees on Armed Services of the Senate and House of Representatives. The revisions shall take effect 120 days after the date of their submission.

“(3) If the program for an armed force has not commenced before December 31, 2015, as provided in paragraph (1), the authority to commence the program for that armed force terminates.

“(4) No officer may be accepted to participate in the program after December 31, 2026.

“(5) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may terminate the pilot program for an armed force before the date specified in paragraph (4). Not later than 90 days after terminating the pilot program, the Secretary of the military department concerned, in cooperation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the reasons for the termination.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

“673. Alternative career track for commissioned officers pilot program.”.

Subtitle G—Other Matters

SEC. 671. PARTICIPATION OF MEMBERS OF THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM IN ACTIVE DUTY HEALTH PROFESSION LOAN REPAYMENT PROGRAM.

Section 2173(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) The person is enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I

of chapter 105 of this title for a number of years less than the number of years required to complete the normal length of the course of study required for the specific health profession.”.

SEC. 672. RETENTION OF ENLISTMENT, REENLISTMENT, AND STUDENT LOAN BENEFITS RECEIVED BY MILITARY TECHNICIANS (DUAL STATUS).

(a) TREATMENT OF ENLISTMENT, REENLISTMENT, AND STUDENT LOAN BENEFITS.—Section 10216 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) RETENTION OF BONUSES AND OTHER BENEFITS.—If an individual is first employed as a military technician (dual status) while the individual is already a member of a reserve component, the Secretary concerned may not—

“(1) require the individual to repay any enlistment, reenlistment, or affiliation bonus provided to the individual in connection with the individual's enlistment or reenlistment before such employment; or

“(2) terminate the individual's participation in an educational loan repayment program under chapter 1609 of this title if the individual began such participation before such employment.”.

(b) EFFECTIVE DATE.—Subsection (h) of section 10216 of title 10, United States Code, as added by subsection (a), shall apply only with respect to individuals who are first employed as a military technician (dual status), as described in subsection (a)(1) of such section 10216, more than 180 days after the date of the enactment of this Act.

SEC. 673. CANCELLATION OF LOANS OF MEMBERS OF THE ARMED FORCES MADE FROM STUDENT LOAN FUNDS.

Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended by adding at the end the following new paragraph:

“(8) For the purpose of this subsection, the term ‘year of service’ where applied to service by a member of the Armed Forces described in paragraph (2)(D) means a qualified tour of duty that—

“(A) is for 6 months or longer; or

“(B) was less than 6 months because the member was discharged or released from active duty in the Armed Forces for an injury or disability incurred in or aggravated by service in the Armed Forces.”.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

SEC. 701. EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking “September 30, 2009” and inserting “September 30, 2011”.

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

SEC. 702. EXTENSION OF DEPENDENT COVERAGE UNDER TRICARE.

(a) DEPENDENT COVERAGE.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

“§1110b. TRICARE program: extension of dependent coverage

“(a) IN GENERAL.—In accordance with subsection (c), an individual described in subsection (b) shall be deemed to be a dependent (as described in section 1072(2)(D) of this title) for purposes of TRICARE coverage.

“(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

“(1) with respect to a member or former member of a uniformed service, is—

“(A) a child who has not attained the age of 26 and is not eligible to enroll in an eligible employer-sponsored plan (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986); or

“(B) a person who—

“(i) is placed in the legal custody of the member or former member as a result of an order of a court of competent jurisdiction in the United States (or possession of the United States) for a period of at least 12 consecutive months;

“(ii) has not attained the age of 26;

“(iii) is not eligible to enroll in an eligible employer-sponsored plan (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986);

“(iv) resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the administering Secretary may by regulation prescribe;

“(v) is not otherwise a dependent of a member or a former member under any subparagraph of section 1072(2) of this title; and

“(vi) is not the child of a dependent who is described in subparagraph (D) or (I) of section 1072(2) and is a covered beneficiary; and

“(2) meets other criteria specified in regulations prescribed by the Secretary.

“(c) PREMIUM.—(1) The Secretary shall prescribe by regulation a premium for TRICARE coverage provided pursuant to this section to an individual described in subsection (b).

“(2) The monthly amount of the premium in effect for a month for TRICARE coverage pursuant to this section shall be an amount not to exceed the cost of coverage that the Secretary determines on an appropriate actuarial basis.

“(3) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

“(4) Amounts collected as premiums under this paragraph shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

“(d) TRICARE COVERAGE DEFINED.—In this section, the term ‘TRICARE coverage’ means health care to which a dependent described in section 1072(2)(D) of this title is entitled under section 1076d, 1076e, 1079, 1086, or 1097 of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1110a the following new item:

“1110b. TRICARE program: extension of dependent coverage.”.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 1086(c) of title 10, United States Code, is amended by inserting after “of this title” the following: “(or an individual described in section 1110b(b) who meets the requirements for a dependent under paragraph (1) or (2) of such section 1076(b))”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 703. SURVIVOR DENTAL BENEFITS.

Paragraph (2) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

“(2) Such term includes any such dependent of a member who dies—

“(A) while on active duty for a period of more than 30 days; or

“(B) while such member is a member of the Ready Reserve.”.

SEC. 704. AURAL SCREENINGS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Paragraph (2) of section 1074f(b) of title 10, United States Code, is

amended by adding at the end the following new subparagraph:

“(D) An aural screening, including an assessment of tinnitus.”.

(b) **EFFECTIVE DATE.**—Section 1074f(b)(2) of title 10, United States Code, as added by subsection (a) of this section, shall apply to members of the Armed Forces who are deployed or return from deployment on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 705. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2010, and ending on September 30, 2011, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

- (1) In the case of generic agents, \$3.
- (2) In the case of formulary agents, \$9.
- (3) In the case of nonformulary agents, \$22.

Subtitle B—Health Care Administration

SEC. 711. ADMINISTRATION OF TRICARE.

Subsection (a) of section 1073 of title 10, United States Code, is amended—

(1) by striking “Except” and inserting “(1) Except”; and

(2) by adding at the end the following new paragraph:

“(2) Except as otherwise provided in this chapter, the Secretary of Defense shall have sole responsibility for administering the TRICARE program and making any decision affecting such program.”.

SEC. 712. UPDATED TERMINOLOGY FOR THE ARMY MEDICAL SERVICE CORPS.

Paragraph (5) of section 3068 of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “Pharmacy, Supply, and Administration” and inserting “Administrative Health Services”; and

(2) in subparagraph (C), by striking “Sanitary Engineering” and inserting “Preventive Medicine Sciences”; and

(3) in subparagraph (D), by striking “Optometry” and inserting “Clinical Health Sciences”.

SEC. 713. CLARIFICATION OF LICENSURE REQUIREMENTS APPLICABLE TO MILITARY HEALTH-CARE PROFESSIONALS WHO ARE MEMBERS OF THE NATIONAL GUARD PERFORMING DUTY WHILE IN TITLE 32 STATUS.

Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting “or (3)” after “paragraph (2)”; and

(2) in paragraph (2), by inserting “as being described in this paragraph” after “paragraph (1)”; and

(3) by adding at the end the following new paragraph:

“(3) A health-care professional referred to in paragraph (1) as being described in this paragraph is a member of the National Guard who—

“(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

“(B) is performing training or duty under title 32 in response to an actual or potential disaster.”.

SEC. 714. ANNUAL REPORT ON JOINT HEALTH CARE FACILITIES OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **ANNUAL REPORTS.**—Section 1073b of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) **ANNUAL REPORT ON JOINT HEALTH CARE FACILITIES OF THE DEPARTMENT OF DEFENSE**

AND THE DEPARTMENT OF VETERANS AFFAIRS.—

(1) At the same time that the budget of the President is submitted under section 1105(a) of title 31 for each fiscal year, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate congressional committees a report on joint facilities.

“(2) Each report under paragraph (1) shall include the following:

“(A) A list of each military medical treatment facility of the Department of Defense that the Secretary of Defense is considering as a potential joint facility.

“(B) A list of each medical facility of the Department of Veterans Affairs that the Secretary of Veterans Affairs is considering as a potential joint facility.

“(C) A list of each military medical treatment facility of the Department of Defense and medical facility of the Department of Veterans Affairs that has been established as a joint facility.

“(3)(A) Except as provided in subparagraph (B), no funds authorized to be appropriated or otherwise made available for fiscal year 2012 or any fiscal year thereafter for military medical treatment facilities of the Department of Defense may be obligated or expended to establish a joint facility unless both the military medical treatment facility of the Department of Defense and the medical facility of the Department of Veterans Affairs were included in a report under paragraph (1).

“(B) The Secretary of Defense may waive the limitation in subparagraph (A) with respect to establishing a joint facility not included in a report under paragraph (1) if—

“(i) the Secretary and the Secretary of Veterans Affairs jointly submit to the appropriate congressional committees—

“(I) written certification that the Secretaries began considering such joint facility after the most recent report under subsection (a) was submitted to the appropriate congressional committees; and

“(II) a report on such joint facility, including the location and the estimated cost; and

“(ii) a period of 30 days has elapsed after the date on which the certification and report under clause (i) are submitted to the appropriate congressional committees.

“(4) In this subsection:

“(A) The term ‘appropriate congressional committees’ means—

“(i) the congressional defense committees;

“(ii) the Committee on Veterans’ Affairs of the House of Representatives; and

“(iii) the Committee on Veterans’ Affairs of the Senate.

“(B) The term ‘joint facility’ means a military medical treatment facility of the Department of Defense and a medical facility of the Department of Veterans Affairs that are combined, operated jointly, or otherwise operated in such a manner that a facility of one department is operating in or with a facility of the other department.

“(C) The term ‘medical facility’, with respect to a facility of the Department of Veterans Affairs, has the meaning given that term in section 8101(3) of title 38.”.

(b) **TITLE 38.**—

(1) **IN GENERAL.**—Subchapter IV of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

“§8159. Limitation on establishment of joint facilities of the Department of Veterans Affairs and the Department of Defense

“(a) **LIMITATION.**—Except as provided in subsection (b), no funds authorized to be appropriated or otherwise made available for fiscal year 2012 or any fiscal year thereafter for medical facilities of the Department of Veterans Affairs may be obligated or expended to establish

a joint facility unless both the medical facility of the Department of Veterans Affairs and the military medical treatment facility of the Department of Defense were included in a report submitted by the Secretary of Veterans Affairs and the Secretary of Defense to the appropriate congressional committees under section 1073b(c) of title 10.

“(b) **WAIVER.**—The Secretary of Veterans Affairs may waive the limitation in subsection (a) with respect to establishing a joint facility not included in a report under section 1073b(c) of title 10 if—

“(1) the Secretary and the Secretary of Defense jointly submit to the appropriate congressional committees—

“(A) written certification that the Secretaries began considering such joint facility after the most recent report under section 1073b(c) of title 10 was submitted to the appropriate congressional committees; and

“(B) a report on such joint facility, including the location and the estimated cost; and

“(2) a period of 30 days has elapsed after the date on which the certification and report under paragraph (1) are submitted to the appropriate congressional committees.

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the congressional defense committees (as defined in section 101(a)(16) of title 10);

“(B) the Committee on Veterans’ Affairs of the House of Representatives; and

“(C) the Committee on Veterans’ Affairs of the Senate.

“(2) The term ‘joint facility’ means a military medical treatment facility of the Department of Defense and a medical facility of the Department of Veterans Affairs that are combined, operated jointly, or otherwise operated in such a manner that a facility of one department is operating in or with a facility of the other department.

“(3) The term ‘medical facility’ has the meaning given that term in section 8101(3) of this title.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8158 the following new item:

“8159. Limitation on establishment of joint facilities of the Department of Veterans Affairs and the Department of Defense.”.

SEC. 715. IMPROVEMENTS TO OVERSIGHT OF MEDICAL TRAINING FOR MEDICAL CORPS OFFICERS.

(a) **REVIEW OF TRAINING PROGRAMS FOR MEDICAL OFFICERS.**—The Secretary of Defense shall conduct a review of training programs for medical officers (as defined in section 101(b)(14) of title 10, United States Code) to ensure that the academic and military performance of such officers has been completely documented in military personnel records. The programs reviewed shall include, at a minimum, the following:

(1) Programs at the Uniformed Services University of the Health Sciences that award a medical doctor degree.

(2) Selected residency programs at military medical treatment facilities, as determined by the Secretary, to include at least one program in each of the specialties of—

- (A) anesthesiology;
- (B) emergency medicine;
- (C) family medicine;
- (D) general surgery;
- (E) obstetrics/gynecology;
- (F) pathology;
- (G) pediatrics; and
- (H) psychiatry.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the review under subsection (a).

SEC. 716. STUDY ON REIMBURSEMENT FOR COSTS OF HEALTH CARE PROVIDED TO INELIGIBLE INDIVIDUALS.

(a) **STUDY.**—The Secretary of Defense shall conduct a study on the costs incurred by the United States on behalf of individuals—

(1) who are not covered beneficiaries; and
(2) who receive health care services from a health care provider under the TRICARE program.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study under subsection (a), including recommendations for legislative action that the Secretary considers appropriate to—

(1) prevent individuals who are not covered beneficiaries from receiving health care services from a health care provider under the TRICARE program; and

(2) recoup the costs of such health care from such individuals.

(c) **DEFINITIONS.**—In this section:

(1) The term “covered beneficiary” has the meaning given that term in section 1072(5) of title 10, United States Code.

(2) The term “TRICARE program” has the meaning given that term in section 1072(7) of such title.

SEC. 717. LIMITATION ON TRANSFER OF FUNDS TO DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT.

The Secretary of Defense may not transfer any funds authorized to be appropriated by this Act for fiscal year 2011 to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund established in section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571) unless, before any such transfer—

(1) the Secretary submits to the congressional defense committees, the Committee on Veterans' Affairs of the House of Representatives, and the Committee on Veterans' Affairs of the Senate a report providing—

(A) notice of the proposed transfer; and
(B) the exact amount and source of funds to be transferred; and

(2) a period of 30 days has elapsed (excluding days of which either House of Congress is not in session) after the report is submitted under paragraph (1).

SEC. 718. ENTERPRISE RISK ASSESSMENT OF HEALTH INFORMATION TECHNOLOGY PROGRAMS.

(a) **STUDY.**—The Secretary of Defense shall conduct an enterprise risk assessment methodology study of all health information technology programs of the Department of Defense.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the results of the study required under subsection (a).

Subtitle C—Other Matters**SEC. 721. IMPROVING AURAL PROTECTION FOR MEMBERS OF THE ARMED FORCES.**

(a) **IN GENERAL.**—In accordance with section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4506), the Secretary of Defense shall examine methods to improve the aural protection for members of the Armed Forces in combat.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the methods to improve aural protection examined under subsection (a).

SEC. 722. COMPREHENSIVE POLICY ON NEUROCOGNITIVE ASSESSMENT BY THE MILITARY HEALTH CARE SYSTEM.

(a) **COMPREHENSIVE POLICY REQUIRED.**—Not later than September 30, 2011, the Secretary of Defense shall develop and implement a comprehensive policy on pre- and post-deployment neurocognitive assessment.

(b) **SCOPE OF POLICY.**—The policy required by subsection (a) shall cover each of the following:

(1) Require the administration of the same pre-deployment and post-deployment neurocognitive assessments to all members of the military who are preparing to deploy or have returned from deployment.

(2) Require the standardization of testing procedures for neurocognitive assessments.

(3) Provide for follow-up neurocognitive assessments as needed to create a longitudinal neurocognitive assessment record for the ongoing care of members of the Armed Forces.

(4) Ensure the neurocognitive assessment results and reports be made available to members of the Armed Forces and veterans for their personal use in health management.

(c) **UPDATES.**—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

(d) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and on September 30 of each year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the policy required by subsection (a).

(2) **ELEMENTS.**—Each report required by paragraph (1) shall include the following:

(A) A description of the policy implemented under subsection (b), and any revisions to such policy under subsection (d).

(B) A description of the performance measures used to determine the effectiveness of the policy in improving the use of neurocognitive assessments throughout the Department of Defense.

SEC. 723. NATIONAL CASUALTY CARE RESEARCH CENTER.

(a) **DESIGNATION.**—Not later than October 1, 2011, the Secretary of Defense may designate a center to be known as the “National Casualty Care Research Center” (in this section referred to as the “Center”), which shall consist of the program known as the combat casualty care research program of the Army Medical Research and Materiel Command.

(b) **DIRECTOR.**—The Secretary, in consultation with the commanding general of the Army Medical Research and Materiel Command, shall appoint a director of the Center.

(c) **ACTIVITIES OF THE CENTER.**—In addition to other functions performed by the combat casualty care research program, the Center shall—

(1) provide a public-private partnership for funding clinical and experimental studies in combat injury;

(2) integrate laboratory and clinical research to hasten improvements in care to members of the Armed Forces who are injured;

(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Data Bank, are optimally used to establish research agendas and measure improvements in outcomes;

(4) fund the full range of injury research and evaluation, including—

(A) laboratory, translational, and clinical research;

(B) point of wounding and pre-hospital care;

(C) early resuscitative management;

(D) initial and definitive surgical care; and

(E) rehabilitation and reintegration into society; and

(5) coordinate the collaboration of civilian and military institutions conducting trauma research.

SEC. 724. REPORT ON FEASIBILITY OF STUDY ON BREAST CANCER AMONG FEMALE MEMBERS OF THE ARMED FORCES.

(a) **REPORT.**—Not later than March 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of conducting a case-control study described in subsection (b).

(b) **CASE-CONTROL STUDY.**—A case-control study described in this subsection is a case-control study on the incidence of breast cancer among covered members in order to determine whether covered members were at an elevated risk of having breast cancer, including the following:

(1) A determination of the number of covered members who have been diagnosed with breast cancer.

(2) A sample of covered members who have not been diagnosed with breast cancer who could serve as an appropriate comparison group.

(3) A determination of demographic information and potential breast cancer risk factors regarding covered members who are included in the study, including—

(A) race;

(B) ethnicity;

(C) age;

(D) possible exposure to hazardous elements or chemical or biological agents (including any vaccines) and where such exposure occurred;

(E) known breast cancer risk factors, including familial, reproductive, and anthropometric parameters;

(F) the locations of duty stations that such member was assigned;

(G) the locations in which such member was deployed; and

(H) the geographic area of residence prior to deployment.

(4) An analysis of the clinical characteristics of breast cancer diagnosed in covered members (including the stage, grade, and other details of the cancer).

(5) Other information the Secretary considers appropriate.

(c) **COVERED MEMBERS DEFINED.**—In this section, the term “covered members” means female members of the Armed Forces (including members of the National Guard and reserve components) who served in Operation Enduring Freedom or Operation Iraqi Freedom.

SEC. 725. ASSESSMENT OF POST-TRAUMATIC STRESS DISORDER BY MILITARY OCCUPATION.

(a) **ASSESSMENT.**—The Secretary of Defense shall conduct an assessment of post-traumatic stress disorder incidence by military occupation, including identification of military occupations with a high incidence of such disorder.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment under subsection (a).

SEC. 726. VISITING NIH SENIOR NEUROSCIENCE FELLOWSHIP PROGRAM.

(a) **AUTHORITY TO ESTABLISH.**—The Secretary of Defense may establish a program to be known as the Visiting NIH Senior Neuroscience Fellowship Program at—

(1) the Defense Advanced Research Projects Agency; and

(2) the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury.

(b) **ACTIVITIES OF THE PROGRAM.**—In establishing the Visiting NIH Senior Neuroscience Fellowship Program under subsection (a), the Secretary shall require the program to—

(1) provide a partnership between the National Institutes of Health and the Defense Advanced Research Projects Agency to enable identification and funding of the broadest range of innovative, highest quality clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

(2) provide a partnership between the National Institutes of Health and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury that will enable identification and funding of clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

(3) use the results of the studies described in paragraph (1) and (2) to enhance the mission of the National Institutes of Health for the benefit of the public; and

(4) provide a military and civilian collaborative environment for neuroscience-based medical problem-solving in critical areas affecting both military and civilian life, particularly post-traumatic stress disorder.

(c) **PERIOD OF FELLOWSHIP.**—The period of any fellowship under the Program shall not last more than 2 years and shall not continue unless agreed upon by the parties concerned.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. DISCLOSURE TO LITIGATION SUPPORT CONTRACTORS.

(a) **IN GENERAL.**—Section 2320 of title 10, United States Code, is amended—

(1) in subsection (c)(2)—

(A) by inserting “or covered litigation support contractor” after “covered Government support contractor”; and

(B) by inserting after “oversight of” the following: “, or preparation for litigation relating to,”; and

(2) by inserting after subsection (f) the following:

“(g) In this section, the term ‘covered litigation support contractor’ means a contractor (including an expert or technical consultant) under contract with the Department of Defense to provide litigation support, which contractor executes a contract with the Government agreeing to and acknowledging—

“(1) that proprietary or nonpublic technical data furnished will be accessed and used only for the purposes stated in that contract;

“(2) that the covered litigation support contractor will take all reasonable steps to protect the proprietary and nonpublic nature of the technical data furnished to the covered litigation support contractor; and

“(3) that such technical data provided to the covered litigation support contractor under the authority of this section shall not be used by the covered litigation support contractor to compete against the third party for Government or non-Government contracts.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date that is 120 days after the date of the enactment of this Act.

SEC. 802. DESIGNATION OF F135 AND F136 ENGINE DEVELOPMENT AND PROCUREMENT PROGRAMS AS MAJOR SUBPROGRAMS.

(a) **DESIGNATION AS MAJOR SUBPROGRAMS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate each of the engine development and procurement programs described in subsection (b) as a major subprogram of the F-35 Lightning II aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) **DESCRIPTION.**—For purposes of subsection (a), the engine development and procurement programs are the following:

(1) The F135 engine development and procurement program.

(2) The F136 engine development and procurement program.

(c) **ORIGINAL BASELINE.**—For purposes of reporting requirements referred to in section

2430a(b) of title 10, United States Code, for the major subprograms designated under subsection (a), the Secretary shall use the Milestone B decision for each subprogram as the original baseline for the subprogram.

(d) **ACTIONS FOLLOWING CRITICAL COST GROWTH.**—

(1) **IN GENERAL.**—Subject to paragraph (2), to the extent that the Secretary elects to restructure the F-35 Lightning II aircraft major defense acquisition program subsequent to a reassessment and actions required by subsections (a) and (c) of section 2433a of title 10, United States Code, during fiscal year 2010, and also conducts such reassessment and actions with respect to the F135 and F136 engine development and procurement programs (including related reporting based on the original baseline as defined in subsection (c)), the requirements of section 2433a of such title with respect to a major subprogram designated under subsection (a) shall be considered to be met with respect to the major subprogram.

(2) **LIMITATION.**—Actions taken in accordance with paragraph (1) shall be considered to meet the requirements of section 2433a of title 10, United States Code, with respect to a major subprogram designated under subsection (a) only to the extent that designation as a major subprogram would require the Secretary of Defense to conduct a reassessment and take actions pursuant to such section 2433a for such a subprogram upon enactment of this Act. The requirements of such section 2433a shall not be considered to be met with respect to such a subprogram in the event that additional programmatic changes, following the date of the enactment of this Act, cause the program acquisition unit cost or procurement unit cost of such a subprogram to increase by a percentage equal to or greater than the critical cost growth threshold (as defined in section 2433(a)(5) of such title) for the subprogram.

SEC. 803. CONFORMING AMENDMENTS RELATING TO INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER VARIOUS ACQUISITION-RELATED REQUIREMENTS.

(a) **CONFORMING AMENDMENTS TO SECTION 2366a.**—Section 2366a of such title is amended—

(1) in subsections (a), (b)(1), and (b)(2)—

(A) by inserting “or designated major subprogram” after “major defense acquisition program”; and

(B) by inserting “or subprogram” after “program” each place it appears (other than after “major defense acquisition program”, after “space program”, before “requirements”, and before “manager”); and

(2) in subsection (c)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2) The term ‘designated major subprogram’ means a major subprogram of a major defense acquisition program as designated under section 2430a(a)(1) of this title.”

(b) **CONFORMING AMENDMENTS TO SECTION 2366b.**—Section 2366b of such title is amended—

(1) in subsections (a), (b)(1), and (c)(1)—

(A) by inserting “or designated major subprogram” after “major defense acquisition program”; and

(B) by inserting “or subprogram” after “program” each place it appears (other than after “major defense acquisition program”, after “future-years defense program”, and after “space program”); and

(2) in subsection (g)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2) The term ‘designated major subprogram’ means a major subprogram of a major defense acquisition program as designated under section 2430a(a)(1) of this title.”

(c) **CONFORMING AMENDMENTS TO SECTION 2399.**—Subsection (a) of section 2399 of such title is amended to read as follows:

“(a) **CONDITION FOR PROCEEDING BEYOND LOW-RATE INITIAL PRODUCTION.**—(1) The Secretary of Defense shall provide that a covered major defense acquisition program or a covered designated major subprogram may not proceed beyond low-rate initial production until initial operational test and evaluation of the program or subprogram is completed.

“(2) In this subsection:

“(A) The term ‘covered major defense acquisition program’ means a major defense acquisition program that involves the acquisition of a weapon system that is a major system within the meaning of that term in section 2302(5) of this title.

“(B) The term ‘covered designated major subprogram’ means a major subprogram designated under section 2430a(a)(1) of this title that is a major subprogram of a covered major defense acquisition program.”

(d) **CONFORMING AMENDMENTS TO SECTION 2434.**—Section 2434(a) of such title is amended—

(1) by inserting “(1)” before “The Secretary of Defense”; and

(2) by adding at the end the following new paragraph:

“(2) The provisions of this section shall apply to any major subprogram of a major defense acquisition program (as designated under section 2430a(a)(1) of this title) in the same manner as those provisions apply to a major defense acquisition program, and any reference in this section to a program shall be treated as including such a subprogram.”

SEC. 804. ENHANCEMENT OF DEPARTMENT OF DEFENSE AUTHORITY TO RESPOND TO COMBAT AND SAFETY EMERGENCIES THROUGH RAPID ACQUISITION AND DEPLOYMENT OF URGENTLY NEEDED SUPPLIES.

(a) **REQUIREMENT TO ESTABLISH PROCEDURES.**—Subsection (a) of section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended by striking “items that are—” and inserting “supplies that are—”.

(b) **ISSUES TO BE ADDRESSED.**—Subsection (b) of such section is amended—

(1) in paragraph (1)(B), by striking “items” and inserting “supplies”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “items” and inserting “supplies”; and

(B) in subparagraph (A), by striking “an item” and inserting “the supplies”; and

(C) in subparagraph (B), by striking “an item” and inserting “the supplies”; and

(D) in subparagraph (C), by inserting “and utilization” after “deployment”.

(c) **RESPONSE TO COMBAT EMERGENCIES.**—Subsection (c) of such section is amended—

(1) by striking “equipment” each place it appears and inserting “supplies”; and

(2) by striking “combat capability” each place it appears;

(3) by inserting “, or could result,” after “that has resulted” each place it appears;

(4) by striking “fatalities” each place it appears and inserting “casualties”; and

(5) in paragraphs (1) and (2)(A), by striking “is” each place it appears and inserting “are”; and

(6) in paragraph (3)—

(A) by striking “The authority of this section may not be used to acquire equipment in an amount aggregating more than \$100,000,000 during any fiscal year.”; and

(B) by inserting “in an amount aggregating no more than \$200,000,000” after “for that fiscal year”;

(7) in paragraph (4), by striking “Each such notice” and inserting “For each such determination, the notice under the preceding sentence”; and

(8) in paragraph (5), by striking “that equipment” and inserting “those supplies”.

(d) **WAIVER OF CERTAIN STATUTES AND REGULATIONS.**—Subsection (d)(1) of such section is amended by striking “equipment” in subparagraphs (A), (B), and (C) and inserting “supplies”.

(e) **TESTING REQUIREMENT.**—Subsection (e) of such section is amended—

(1) in paragraph (1)—

(A) by striking “an item” in the matter preceding subparagraph (A) and inserting “the supplies”; and

(B) in subparagraph (B), by striking “of the item” and all that follows through “requirements document” and inserting “of the supplies in meeting the original requirements for the supplies (as stated in a statement of the urgent operational need”;

(2) in paragraph (2)—

(A) by striking “an item” and inserting “supplies”; and

(B) by striking “the item” and inserting “the supplies”; and

(3) in paragraph (3)—

(A) by striking “If items” and inserting “If the supplies”; and

(B) by striking “items” each place it appears and inserting “supplies”.

(f) **LIMITATION.**—Subsection (f) of such section is amended to read as follows:

“(f) **LIMITATION.**—In the case of supplies that are part of a major system for which a low-rate initial production quantity determination has been made pursuant to section 2400 of title 10, United States Code, the quantity of such supplies acquired using the procedures prescribed pursuant to this section may not exceed an amount consistent with complying with limitations on the quantity of articles approved for low-rate initial production for such system. Any such supplies shall be included in any relevant calculation of quantities for low-rate initial production for the system concerned.”.

SEC. 805. PROHIBITION ON CONTRACTS WITH ENTITIES ENGAGING IN COMMERCIAL ACTIVITY IN THE ENERGY SECTOR OF IRAN.

(a) **PROHIBITION ON CONTRACTS.**—

(1) **PROHIBITION.**—The Secretary of Defense may not enter into any contract with—

(A) an entity that engages in commercial activity in the energy sector of Iran; or

(B) a successor entity to the entity described in subparagraph (A).

(2) **DEFINITION.**—For purposes of this subsection, an entity engages in commercial activity in the energy sector of Iran if the entity, with actual knowledge, engages in an activity for which sanctions have been imposed under section 5(a) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note).

(b) **DURATION OF PROHIBITION.**—The prohibition under subsection (a) shall apply with respect to an entity (or successor entity)—

(1) for a period of not less than 2 years beginning on the date on which the prohibition is imposed; or

(2) until such time as the Secretary of Defense determines and certifies to the congressional defense committees that—

(A) the entity whose activities were the basis for imposing the prohibition is no longer engaging in such activities; and

(B) the Secretary has received reliable assurances that such entity (or successor entity) will not knowingly engage in such activities in the future, except that such prohibition shall remain in effect for a period of at least 1 year.

(c) **WAIVER.**—

(1) **AUTHORITY.**—The Secretary of Defense may waive the prohibition under subsection (a) with respect to a contract if the Secretary determines that the contract is in the interest of national security.

(2) **NOTIFICATION.**—Upon issuing a waiver under paragraph (1) with respect to a contract, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification that identifies the entity involved, the nature of the contract, and the rationale for issuing the waiver.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. EXTENSION OF AUTHORITY TO PRODUCE CERTAIN FIBERS; LIMITATION ON SPECIFICATION.

(a) **EXTENSION.**—Section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 229; 10 U.S.C. 2533a note) is amended in subsection (f) by striking “on the date that is five years after the date of the enactment of this Act” and inserting “on January 1, 2021”.

(b) **PROHIBITION ON SPECIFICATION IN SOLICITATIONS.**—No solicitation issued before January 1, 2021, by the Department of Defense may include a requirement that proposals submitted pursuant to such solicitation must include the use of fire resistant rayon fiber.

SEC. 812. SMALL ARMS PRODUCTION INDUSTRIAL BASE MATTERS.

Section 2473 of title 10, United States Code, is amended—

(1) in subsection (b), by striking “subsection (d)” and inserting “subsection (c)”;

(2) by striking subsection (c);

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(4) by adding at the end the following new subsection (e):

“(e) **COMPETITIVE PROCEDURES.**—If the Secretary determines under subsection (a) that the requirement to procure property or services described in subsection (b) for the Department of Defense from a firm in the small arms production industrial base is not necessary to preserve such industrial base, any such procurement shall be awarded through the use of competitive procedures that afford such industrial base a fair opportunity to be considered for such procurement.”.

SEC. 813. ADDITIONAL DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS WITHIN THE UNITED STATES.

Section 2533b(m) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(11) The term ‘produced’, as used in subsections (a) and (b), means melted, or processed in a manner that results in physical or chemical property changes that are the equivalent of melting. The term does not include finishing processes such as rolling, heat treatment, quenching, tempering, grinding, or shaving.”.

Subtitle C—Studies and Reports

SEC. 821. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF TECHNOLOGIES SUPPORTING NETWORK-CENTRIC OPERATIONS.

(a) **STUDIES REQUIRED.**—

(1) **INDEPENDENT STUDY.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent federally funded research and development center to carry out a comprehensive study of policies, procedures, organization, and regulatory constraints affecting

the acquisition of technologies supporting network-centric operations. The contract shall be funded from amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2011 for operation and maintenance for Defense-wide activities.

(2) **JOINT CHIEFS OF STAFF STUDY.**—The Chairman of the Joint Chiefs of Staff shall carry out a comprehensive study of the same subjects covered by paragraph (1). The study shall be independent of the study required by paragraph (1) and shall be carried out in conjunction with the military departments and in coordination with the Secretary of Defense.

(b) **MATTERS TO BE ADDRESSED.**—Each study required by subsection (a) shall address the following matters:

(1) Development of a system for understanding the various foundational components that contribute to network-centric operations, such as data transport, processing, storage, data collection, and dissemination of information.

(2) Determining how acquisition and funding programs that are in place as of the date of the enactment of this Act relate to the system developed under paragraph (1).

(3) Development of acquisition and funding models using the system developed under paragraph (1), including—

(A) a model under which a joint entity independent of any military department (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of such technologies into the acquisition programs of the military departments;

(B) a model under which an executive agent is established to manage and oversee the acquisition of technologies for network-centric operations, but would not have exclusive control of the funding for such programs;

(C) a model under which the acquisition and funding programs that are in place as of the date of the enactment of this Act are maintained; and

(D) any other model that the entity carrying out the study considers relevant.

(4) An analysis of each of the models developed under paragraph (3) with respect to potential benefits in—

(A) collecting, processing, and disseminating information;

(B) network commonality;

(C) common communications;

(D) interoperability;

(E) mission impact and success; and

(F) cost-effectiveness.

(5) An evaluation of each of the models developed under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that may impede the implementation of such model.

(c) **REPORT REQUIRED.**—Not later than September 30, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) **NETWORK-CENTRIC OPERATIONS DEFINED.**—In this section, the term “network-centric operations” refers to the ability to exploit all human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, experience, and decisionmaking, enabled by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

SEC. 822. ANNUAL JOINT REPORT AND COMPTROLLER GENERAL REVIEW ON CONTRACTING IN IRAQ AND AFGHANISTAN.

The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended by adding at the end of subtitle F of title VIII the following new section (and conforming the table of sections for such subtitle at the beginning of title VIII and at the beginning of such Act accordingly):

“SEC. 865. ANNUAL JOINT REPORT AND COMPTROLLER GENERAL REVIEW ON CONTRACTING IN IRAQ AND AFGHANISTAN.

“(a) JOINT REPORT REQUIRED.—

“(1) IN GENERAL.—Every 12 months, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall submit to the relevant committees of Congress a joint report on contracts in Iraq or Afghanistan.

“(2) MATTERS COVERED.—A report under this subsection shall, at a minimum, cover—

“(A) any significant developments or issues with respect to contracts in Iraq and Afghanistan during the reporting period; and

“(B) the plans of the departments and agency for strengthening interagency coordination of contracts in Iraq and Afghanistan or in future contingency operations, including plans related to the common databases identified under section 861(b)(4).

“(3) REPORTING PERIOD.—A report under this subsection shall cover a period of not less than 12 months.

“(4) SUBMISSION OF REPORTS.—The Secretaries and the Administrator shall submit an initial report under this subsection not later than February 1, 2011, and shall submit an updated report by February 1 of every year thereafter until February 1, 2013. If the total annual amount of obligations for contracts in Iraq and Afghanistan combined is less than \$250 million for the reporting period, for the departments and agency combined, the Secretaries and the Administrator may submit a letter documenting this in place of a report.

“(b) COMPTROLLER GENERAL REVIEW AND REPORT.—

“(1) IN GENERAL.—Within 180 days after submission of each annual joint report required under subsection (a), but in no case later than August 5 of each year until 2013, the Comptroller General shall review the joint report and interagency coordination of contracting in Iraq and Afghanistan and submit to the relevant committees of Congress a report on such review.

“(2) MATTERS COVERED.—A report under this subsection shall, at minimum—

“(A) review how the Department of Defense, the Department of State, and the United States Agency for International Development are using the data contained in the common databases identified under section 861(b)(4) in managing, overseeing, and coordinating contracting in Iraq and Afghanistan; and

“(B) assess the plans of the departments and agency for strengthening interagency coordination of contracts in Iraq and Afghanistan or in future contingency operations, particularly any plans related to the common databases identified under section 861(b)(4).

“(3) ACCESS TO DATABASES AND OTHER INFORMATION.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall provide to the Comptroller General full access to information on contracts in Iraq and Afghanistan for the purposes of the review carried out under this subsection, including the common databases identified under section 861(b)(4).”

SEC. 823. EXTENSION OF COMPTROLLER GENERAL REVIEW AND REPORT ON CONTRACTING IN IRAQ AND AFGHANISTAN.

Section 863 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended by striking “2010” in subsection (a)(3) and inserting “2011”.

SEC. 824. INTERIM REPORT ON REVIEW OF IMPACT OF COVERED SUBSIDIES ON ACQUISITION OF KC-45 AIRCRAFT.

(a) INTERIM REPORT.—The Secretary of Defense shall submit to the congressional defense committees an interim report on any review of a covered subsidy initiated pursuant to subsection (a) of section 886 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4561) not later than 60 days after the date of the initiation of the review.

(b) REPORT CONTENTS.—The report required by subsection (a) shall contain detailed findings relating to the impact of the covered subsidy that led to the initiation of the review on the source selection process for the KC-45 Aerial Refueling Aircraft Program or any successor to such program and whether the covered subsidy would provide an unfair competitive advantage to any bidder in the source selection process.

SEC. 825. REPORTS ON JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM.

(a) INDEPENDENT ANALYSES.—

(1) IN GENERAL.—A comprehensive analysis of the Joint Capabilities Integration and Development System shall be independently performed by each of the following:

(A) The Secretary of Defense.

(B) A federally funded research and development center selected by the Secretary of Defense.

(2) MATTERS COVERED.—Each such analysis shall—

(A) evaluate the entire Joint Capabilities Integration and Development System and the problems associated with it, with particular emphasis on the problems relating to the length of time and the costs involved in identifying, assessing, and validating joint military capability needs; and

(B) identify the best solutions to the problems evaluated under subparagraph (A) and develop recommendations to carry out those solutions.

(3) REPORTS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(A) a report by the Secretary on the analysis performed by the Secretary under paragraph (1), with particular emphasis on continuous process improvement; and

(B) a report by the federally funded research and development center selected under paragraph (1)(B) on the analysis performed by the center under paragraph (1), together with such comments as the Secretary considers necessary on the report.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense—

(A) shall develop and begin implementing a plan to address the problems with the Joint Capabilities Integration and Development System, taking into account the recommendations developed in the analyses required under subsection (a) and as part of a program to manage performance in establishing joint military requirements; and

(B) shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plan, including, at a minimum, a timeline, objectives, milestones, and projected resource requirements.

(2) REPORT FORMAT.—The report required under paragraph (1)(B) may be included as part of any report relating to a program to manage performance in establishing joint military requirements.

Subtitle D—Other Matters

SEC. 831. EXTENSION OF AUTHORITY FOR DEFENSE ACQUISITION CHALLENGE PROGRAM.

Section 2359b(k) of title 10, United States Code, is amended by striking “2012” and inserting “2017”.

SEC. 832. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) COMPETITION REQUIREMENTS FOR TASK OR DELIVERY ORDERS UNDER ENERGY SAVINGS PERFORMANCE CONTRACTS.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by adding at the end the following:

“(c) TASK OR DELIVERY ORDERS.—(1) The head of a Federal agency may issue a task or delivery order under an energy savings performance contract by—

“(A) notifying all contractors that have received an award under such contract that the agency proposes to discuss energy savings performance services for some or all of its facilities and, following a reasonable period of time to provide a proposal in response to the notice, soliciting from such contractors the submission of expressions of interest in, and contractor qualifications for, performing site surveys or investigations and feasibility designs and studies, and including in the notice summary information concerning energy use for any facilities that the agency has specific interest in including in such task or delivery order;

“(B) reviewing all expressions of interest and qualifications submitted pursuant to the notice under subparagraph (A);

“(C) selecting two or more contractors (from among those reviewed under subparagraph (B)) to conduct discussions concerning the contractors’ respective qualifications to implement potential energy conservation measures, including—

“(i) requesting references and specific detailed examples with respect to similar efforts and the resulting energy savings of such similar efforts; and

“(ii) requesting an explanation of how such similar efforts relate to the scope and content of the task or delivery order concerned;

“(D) selecting and authorizing—

“(i) more than one contractor (from among those selected under subparagraph (C)) to conduct site surveys, investigations, feasibility designs and studies or similar assessments for the energy savings performance contract services (or for discrete portions of such services), for the purpose of allowing each such contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures; or

“(ii) one contractor (from among those selected under subparagraph (C)) to conduct a site survey, investigation, a feasibility design and study or similar assessment for the purpose of allowing the contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures;

“(E) providing a debriefing to any contractor not selected under subparagraph (D);

“(F) negotiating a task or delivery order for energy savings performance contracting services with the contractor or contractors selected under subparagraph (D) based on the energy conservation measures identified; and

“(G) issuing a task or delivery order for energy savings performance contracting services to such contractor or contractors.

“(2) The issuance of a task or delivery order for energy savings performance contracting services pursuant to paragraph (1) is deemed to

satisfy the task and delivery order competition requirements in section 2304(c)(6) of title 10, United States Code, and section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)).

“(3) The Secretary may issue guidance as necessary to agencies issuing task or delivery orders pursuant to paragraph (1).”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) is inapplicable to task or delivery orders issued before the date of enactment of this Act.

SEC. 833. CONSIDERATION OF SUSTAINABLE PRACTICES IN PROCUREMENT OF PRODUCTS AND SERVICES.

(a) **CONSIDERATION OF SUSTAINABLE PRACTICES.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop and issue guidance directing the Secretary of each military department and the head of each defense agency to consider sustainable practices in the procurement of products and services. Such guidance shall ensure that strategies for acquiring products or services to meet departmental or agency performance requirements favor products or services described in paragraph (2) if such products or services can be acquired on a life cycle cost-neutral basis.

(2) **PRODUCTS OR SERVICES.**—A product or service described in this paragraph is a product or service that is energy-efficient, water-efficient, biobased, environmentally preferable, non-ozone-depleting, contains recycled content, is non-toxic, or is less toxic than alternative products or services.

(b) **EXCEPTION.**—Subsection (a) does not apply to the acquisition of weapon systems or components of weapon systems.

SEC. 834. DEFINITION OF MATERIALS CRITICAL TO NATIONAL SECURITY.

Section 187 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘materials critical to national security’ means materials—

“(A) upon which the production or sustainment of military equipment is dependent; and

“(B) the supply of which could be restricted by actions or events outside the control of the Government of the United States.

“(2) The term ‘military equipment’ means equipment used directly by the armed forces to carry out military operations.”.

SEC. 835. DETERMINATION OF STRATEGIC OR CRITICAL RARE EARTH MATERIALS FOR DEFENSE APPLICATIONS.

(a) **ASSESSMENT REQUIRED.**—The Secretary of Defense shall undertake an assessment of the supply chain for rare earth materials and determine which, if any, rare earth materials are strategic materials and which rare earth materials are materials critical to national security. For the purposes of the assessment—

(1) the Secretary may consider the views of other Federal agencies, as appropriate;

(2) any study conducted by the Director, Industrial Policy during fiscal year 2010 may be considered as partial fulfillment of the requirements of this section;

(3) any study conducted by the Comptroller General of the United States during fiscal year 2010 may be considered as partial fulfillment of the requirements of this section; and

(4) the Secretary shall consider the sources of rare earth materials (both in terms of source nations and number of vendors) including rare earth elements, rare earth metals, rare earth magnets, and other components containing rare earths.

(b) **PLAN.**—In the event that the Secretary determines that a rare earth material is a strategic material or a material critical to national secu-

rity, the Secretary shall develop a plan to ensure the long-term availability of such rare earth material, with a goal of establishing domestic sources of such material by December 31, 2015. In developing the plan, the Secretary shall consider all relevant components of the value-chain, including mining, processing, refining, and manufacturing. The plan shall include consideration of numerous options with respect to the material, including—

(1) an assessment of including the material in the National Defense Stockpile;

(2) in consultation with the United States Trade Representative, the identification of any trade practices known to the Secretary that limit the Secretary’s ability to ensure the long-term availability of such material or the ability to meet the goal of establishing domestic sources of such material by December 31, 2015;

(3) an assessment of the availability of financing to industry, academic institutions, or not-for-profit entities to provide the capacity required to ensure the availability of the material and potential mechanisms to increase the availability of such financing;

(4) the benefits, if any, of Defense Production Act funding to support the establishment of a domestic rare earth manufacturing capability for military components;

(5) funding for research and development of any aspect of the rare earth supply-chain;

(6) any other risk mitigation method determined appropriate by the Secretary that is consistent with the goal of establishing domestic sources by December 31, 2015; and

(7) for components of the rare earth material supply-chain for which no other risk mitigation method, in accordance with paragraphs (1) through (6), will ensure the establishment of a domestic source by December 31, 2015, a specific plan to eliminate supply-chain vulnerability by the earliest date practicable.

(c) **REPORT.**—

(1) **REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional committees described in paragraph (2) a report containing the findings of the assessment under subsection (a) and the plan (if any) developed under subsection (b).

(2) **CONGRESSIONAL COMMITTEES.**—The congressional committees described in this paragraph are as follows:

(A) The congressional defense committees.

(B) The Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(C) The Committee on Finance and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(d) **DEFINITIONS.**—In this section:

(1) **STRATEGIC MATERIAL.**—The term “strategic material” means a material—

(A) which is essential for military equipment;

(B) which is unique in the function it performs; and

(C) for which there are no viable alternatives.

(2) **MATERIALS CRITICAL TO NATIONAL SECURITY.**—The term “materials critical to national security” has the meaning provided by section 187(e) of title 10, United States Code, as amended by section 827 of this Act.

SEC. 836. REVIEW OF NATIONAL SECURITY EXCEPTION TO COMPETITION.

(a) **REVIEW REQUIRED.**—The Secretary of Defense shall review the implementation by the Department of Defense of the national security exception to full and open competition provided in section 2304(c)(6) of title 10, United States Code.

(b) **MATTERS REVIEWED.**—The review of the implementation of the national security exception required by subsection (a) shall include—

(1) the pattern of usage of such exception by acquisition organizations within the Depart-

ment to determine which organizations are commonly using the exception and the frequency of such usage;

(2) the range of items or services being acquired through the use of such exception;

(3) the process for reviewing and approving justifications involving such exception;

(4) whether the justifications for use of such exception typically meet the relevant requirements of the Federal Acquisition Regulation applicable to the use of such exception;

(5) issues associated with follow-on procurements for items or services acquired using such exception; and

(6) potential additional instances where such exception could be applied and any authorities available to the Department of Defense other than such exception that could be applied in such instances.

(c) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report on the review required by subsection (a), including a discussion of each of the matters specified in subsection (b). The report shall include any recommendations relating to the matters reviewed that the Secretary considers appropriate. The report shall be submitted in unclassified form but may include a classified annex.

(d) **REGULATIONS.**—

(1) **REQUIREMENT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional committees described in paragraph (2) draft regulations on the implementation of the national security exception to full and open competition provided in section 2304(c)(6) of title 10, United States Code, taking into account the results of the review required by subsection (a).

(2) **CONGRESSIONAL COMMITTEES.**—The congressional committees described in this paragraph are the following:

(A) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) The Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

SEC. 837. INCLUSION OF BRIBERY IN DISCLOSURE REQUIREMENTS OF THE FEDERAL AWARDEE PERFORMANCE AND INTEGRITY INFORMATION SYSTEM.

(a) **INCLUSION OF BRIBERY IN DISCLOSURE REQUIREMENTS.**—Section 872(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4556) is amended by adding at the end the following new paragraph:

“(8) To the maximum extent practical, information similar to the information covered by paragraph (1) in connection with any law relating to bribery of a country which is a signatory of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, signed at Paris on December 17, 1997.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect not later than 90 days after the date of the enactment of this Act.

SEC. 838. REQUIREMENT FOR ENTITIES WITH FACILITY CLEARANCES THAT ARE NOT UNDER FOREIGN OWNERSHIP CONTROL OR INFLUENCE MITIGATION.

(a) **REQUIREMENT.**—The Secretary of Defense shall require the directors of a covered entity to establish a government security committee that shall ensure that the covered entity employs and maintains policies and procedures that meet requirements under the national industrial security program.

(b) **COVERED ENTITY.**—A covered entity under this section is an entity—

(1) to which the Department of Defense has granted a facility clearance;

(2) that is not subject to foreign ownership control or influence mitigation measures; and
(3) that is a corporation.

(c) **DISCRETIONARY REQUIREMENT.**—The Secretary of Defense may require that the requirement in subsection (a) apply to an entity that meets the elements described in paragraphs (1) and (2) of subsection (b) and is a limited liability company, sole proprietorship, nonprofit corporation, partnership, academic institution, or any other entity holding a facility clearance.

(d) **GUIDANCE.**—The Secretary of Defense shall develop implementing guidance for the requirement in subsection (a).

(e) **GOVERNMENT SECURITY COMMITTEE.**—For the purposes of this section, a government security committee is a subcommittee of a covered entity's board of directors, made up of resident United States citizens, that is responsible for ensuring that the covered entity complies with the requirements of the national industrial security program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT Subtitle A—Department of Defense Management

SEC. 901. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) **REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.**—

(1) **REDESIGNATION OF MILITARY DEPARTMENT.**—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) **REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.**—

(A) **SECRETARY.**—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) **OTHER STATUTORY OFFICES.**—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) **CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.**—

(1) **DEFINITION OF “MILITARY DEPARTMENT”.**—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

“(8) The term ‘military department’ means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.”.

(2) **ORGANIZATION OF DEPARTMENT.**—The text of section 5011 of such title is amended to read as follows: “The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.”.

(3) **POSITION OF SECRETARY.**—Section 5013(a)(1) of such title is amended by striking “There is a Secretary of the Navy” and inserting “There is a Secretary of the Navy and Marine Corps”.

(4) **CHAPTER HEADINGS.**—

(A) The heading of chapter 503 of such title is amended to read as follows:

“CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS”.

(B) The heading of chapter 507 of such title is amended to read as follows:

“CHAPTER 507—COMPOSITION OF THE DE- PARTMENT OF THE NAVY AND MARINE CORPS”.

(5) **OTHER AMENDMENTS.**—

(A) Title 10, United States Code, is amended by striking “Department of the Navy” and

“Secretary of the Navy” each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting “Department of the Navy and Marine Corps” and “Secretary of the Navy and Marine Corps”, respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking “Assistant Secretaries of the Navy” and inserting “Assistant Secretaries of the Navy and Marine Corps”.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting “and Marine Corps” after “of the Navy”, with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) **OTHER PROVISIONS OF LAW AND OTHER REFERENCES.**—

(1) **TITLE 37, UNITED STATES CODE.**—Title 37, United States Code, is amended by striking “Department of the Navy” and “Secretary of the Navy” each place they appear and inserting “Department of the Navy and Marine Corps” and “Secretary of the Navy and Marine Corps”, respectively.

(2) **OTHER REFERENCES.**—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that officer as redesignated by that section.

(d) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 902. REALIGNMENT OF THE ORGANIZA- TIONAL STRUCTURE OF THE OFFICE OF THE SECRETARY OF DEFENSE TO CARRY OUT THE REDUCTION RE- QUIRED BY LAW IN THE NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.

(a) **REDESIGNATION OF CERTAIN POSITIONS IN THE OFFICE OF THE SECRETARY OF DEFENSE.**—Positions in the Office of the Secretary of Defense of the Department of Defense are hereby redesignated as Assistant Secretaries of Defense as follows:

(1) The Director of Defense Research and Engineering is redesignated as the Assistant Secretary of Defense for Research and Engineering.

(2) The Director of Operational Energy Plans and Programs is redesignated as the Assistant Secretary of Defense for Operational Energy Plans and Programs.

(3) The Director of Cost Assessment and Program Evaluation is redesignated as the Assistant Secretary of Defense for Cost Assessment and Program Evaluation.

(4) The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs is redesignated as the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

(b) **AMENDMENTS TO CHAPTER 4 OF TITLE 10 RELATING TO REALIGNMENT.**—Chapter 4 of title 10, United States Code, is amended as follows:

(1) **REPEAL OF SEPARATE DEPUTY UNDER SECRETARY PROVISIONS.**—The following sections are repealed: section 133a, 134a, and 136a.

(2) **COMPONENTS OF OSD.**—Section 131(b) is amended to read as follows:

“(b) The Office of the Secretary of Defense is composed of the following:

“(1) The Deputy Secretary of Defense.

“(2) The Under Secretaries of Defense, as follows:

“(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(B) The Under Secretary of Defense for Policy.

“(C) The Under Secretary of Defense (Comptroller).

“(D) The Under Secretary of Defense for Personnel and Readiness.

“(E) The Under Secretary of Defense for Intelligence.

“(3) The Deputy Chief Management Officer of the Department of Defense.

“(4) The Principal Deputy Under Secretaries of Defense.

“(5) The Assistant Secretaries of Defense.

“(6) Other officers who are appointed by the President, by and with the advice and consent of the Senate, as follows:

“(A) The Director of Operational Test and Evaluation.

“(B) The General Counsel of the Department of Defense.

“(C) The Inspector General of the Department of Defense.

“(7) Other officials provided for by law, as follows:

“(A) The official designated under section 1501(a) of this title to have responsibility for Department of Defense matters relating to missing persons as set forth in section 1501 of this title.

“(B) The official designated under section 2228(a)(2) of this title to have responsibility for Department of Defense policy related to the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense and for directing the activities of the Office of Corrosion Policy and Oversight.

“(C) The officials designated under subsections (a) and (b) of section 2438(a) of this title to have responsibility, respectively, for developmental test and evaluation and for systems engineering.

“(D) The official designated under section 2438a(a) of this title to have responsibility for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs.

“(E) The Director of Small Business Programs, provided for under section 2508 of this title.

“(8) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.”.

(3) **PRINCIPAL DEPUTY UNDER SECRETARIES OF DEFENSE.**—Section 137a is amended—

(A) in subsections (a)(1), (b), and (d), by striking “Deputy Under” each place it appears and inserting “Principal Deputy Under”;

(B) in subsection (a)(2), by striking “(A) The” and all that follows through “(5) of subsection (c)” and inserting “The Principal Deputy Under Secretaries of Defense”;

(C) in subsection (c)—

(i) by striking “One of the Deputy” in paragraphs (1), (2), (3), (4), and (5) and inserting “One of the Principal Deputy”;

(ii) by striking “appointed” and all that follows through “this title” in paragraphs (1), (2), and (3);

(iii) by striking “shall be” in paragraphs (4) and (5) and inserting “is”; and

(iv) by adding at the end of paragraph (5) the following new sentence: “Any individual nominated for appointment as the Principal Deputy Under Secretary of Defense for Intelligence shall have extensive intelligence expertise.”; and

(D) by adding at the end of subsection (d) the following new sentence: “The Principal Deputy Under Secretaries take precedence among themselves in the order prescribed by the Secretary of Defense.”.

(4) ASSISTANT SECRETARIES OF DEFENSE.—Section 138 is amended—

(A) in subsection (a)—
(i) by striking “12” and inserting “17”; and
(ii) by striking “(A) The” and all that follows through “The other” and inserting “The”;

(B) in subsection (b)—
(i) by striking “shall be” in paragraphs (2), (3), (4), (5), and (6) and inserting “is”;
(ii) by striking “appointed pursuant to section 138a of this title” in paragraph (7); and
(iii) by adding at the end the following new paragraphs:

“(8) One of the Assistant Secretaries is the Assistant Secretary of Defense for Research and Engineering. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Research and Engineering shall have the duties specified in section 138b of this title.

“(9) One of the Assistant Secretaries is the Assistant Secretary of Defense for Operational Energy Plans and Programs. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Operational Energy Plans and Programs shall have the duties specified in section 138c of this title.

“(10) One of the Assistant Secretaries is the Assistant Secretary of Defense for Cost Assessment and Program Evaluation. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Cost Assessment and Program Evaluation shall have the duties specified in section 138d of this title.

“(11) One of the Assistant Secretaries is the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall have the duties specified in section 138e of this title.”; and

(C) in subsection (d), by striking “and the Director of Defense Research and Engineering” and inserting “the Deputy Chief Management Officer of the Department of Defense, and the Principal Deputy Under Secretaries of Defense”.

(5) ASSISTANT SECRETARY FOR LOGISTICS AND MATERIEL READINESS.—Section 138a(a) is amended—

(A) by striking “There is a” and inserting “The”; and

(B) by striking “, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Assistant Secretary”.

(6) ASSISTANT SECRETARY FOR RESEARCH AND ENGINEERING.—Section 139a is transferred so as to appear after section 138a, redesignated as section 138b, and amended—

(A) by striking subsection (a);
(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(C) in subsection (a), as so redesignated, by striking “Director of Defense” and inserting “Assistant Secretary of Defense for”;

(D) in subsection (b), as so redesignated—

(i) in paragraph (1), by striking “Director of Defense Research and Engineering, in consultation with the Director of Developmental Test and Evaluation” and inserting “Assistant Secretary of Defense for Research and Engineering, in consultation with the official designated under section 2438(a) of this title to have responsibility for developmental test and evaluation functions”; and

(ii) in paragraph (2), by striking “Director” and inserting “Assistant Secretary”.

(7) ASSISTANT SECRETARY FOR OPERATIONAL ENERGY PLANS AND PROGRAMS.—Section 139b is transferred so as to appear after section 138b (as transferred and redesignated by paragraph (6)), redesignated as section 138c, and amended—

(A) in subsection (a), by striking “There is a” and all that follows through “The Director” and inserting “The Assistant Secretary of Defense for Operational Energy Plans and Programs”;

(B) by striking “Director” each place it appears and inserting “Assistant Secretary”;

(C) in subsection (d)(2)—

(i) by striking “Not later than” and all that follows through “military departments” and inserting “The Secretary of each military department”;

(ii) by striking “who will” and inserting “who shall”; and

(iii) by inserting “so designated” after “The officials”; and

(D) in subsection (d)(4), by striking “The initial” and all that follows through “updates to the strategy” and inserting “Updates to the strategy required by paragraph (1)”.

(8) ASSISTANT SECRETARY FOR COST ASSESSMENT AND PROGRAM EVALUATION.—Section 139c is transferred so as to appear after section 138c (as transferred and redesignated by paragraph (7)), redesignated as section 138d, and amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a) and in that subsection—

(i) striking “Director of” in paragraph (1) and inserting “Assistant Secretary of Defense for”; and

(ii) striking “Director” each place it appears in paragraphs (1)(A), (1)(B), and (2) and inserting “Assistant Secretary”;

(C) by striking subsection (c) and inserting the following:

“(b) RESPONSIBILITY FOR SPECIFIED FUNCTIONS.—There shall be within the office of the Assistant Secretary the following:

“(1) An official with primary responsibility for cost assessment.

“(2) An official with primary responsibility for program evaluation.”; and

(D) by redesignating subsection (d) as subsection (c) and in that subsection striking “Director of” in the matter preceding paragraph (1) and inserting “Assistant Secretary of Defense for”.

(9) ASSISTANT SECRETARY FOR NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS.—Section 142 is transferred so as to appear after section 138d (as redesignated and transferred by paragraph (8)), redesignated as section 138e, and amended—

(A) by striking subsection (a);

(B) by striking “(b) The Assistant to the Secretary” and inserting “The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs”; and

(C) by striking subsection (c).

(c) OTHER AMENDMENTS TO CHAPTER 4 OF TITLE 10.—Chapter 4 of title 10, United States Code, is further amended as follows:

(1) OFFICE OF THE SECRETARY OF DEFENSE.—Section 131(a) is amended by striking “his” and inserting “the Secretary’s”.

(2) DEPUTY SECRETARY.—Section 132 is amended by striking the second sentence of subsection (c).

(3) DEPUTY CHIEF MANAGEMENT OFFICER.—Such chapter is further amended by inserting after section 132 the following new section:

“§ 132a. Deputy Chief Management Officer

“(a) There is a Deputy Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) The Deputy Chief Management Officer assists the Deputy Secretary of Defense in the Deputy Secretary’s capacity as Chief Management Officer of the Department of Defense under section 132(c) of this title.

“(c) The Deputy Chief Management Officer takes precedence in the Department of Defense

after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”.

(4) UNDER SECRETARY OF DEFENSE (CONTROLLER).—Section 135(c) is amended by striking “clauses” and inserting “paragraphs”.

(d) REPEAL OF POSITION TITLES SPECIFIED BY LAW FOR STATUTORY POSITIONS RELATING TO DEVELOPMENTAL TEST AND EVALUATION AND SYSTEMS ENGINEERING.—

(1) TRANSFER OF SECTION FROM CHAPTER 4 TO PROGRAMMATIC CHAPTER.—Section 139d of title 10, United States Code, is transferred to chapter 144, inserted after section 2437, and redesignated as section 2438.

(2) DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—Subsection (a) of such section is amended—

(A) by striking “(a) DIRECTOR OF” and all that follows through paragraph (3) and inserting the following:

“(a) DEVELOPMENTAL TEST AND EVALUATION.—

“(1) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate, from among individuals with expertise in test and evaluation, an official to be responsible to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics for developmental test and evaluation in the Department of Defense.

“(2) SUPERVISION.—The official designated under paragraph (1) shall report directly to an official of the Department appointed from civilian life by the President, by and with the advice and consent of the Senate.”;

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively;

(C) in paragraph (3), as so redesignated, by striking “DIRECTOR OF SYSTEMS ENGINEERING” and all that follows through “Director of Systems Engineering” and inserting “SYSTEMS ENGINEERING.—The official designated under paragraph (1) shall closely coordinate with the official designated under subsection (b)”;

(D) in paragraph (4), as so redesignated, by striking “Director” in the matter preceding subparagraph (A) and inserting “official designated under paragraph (1)”;

(E) in paragraph (5), as so redesignated—

(i) by striking “Director has” and inserting “official designated under paragraph (1) has”;

(ii) by striking “Director considers” and inserting “designated official considers”; and

(iii) by striking “the Director’s duties” and inserting “that official’s duties”; and

(F) in paragraph (6), as so redesignated, by striking “serving as the Director of Developmental Test and Evaluation” and inserting “official designated under paragraph (1)”.

(3) DIRECTOR OF SYSTEMS ENGINEERING.—Subsection (b) of such section is amended—

(A) by striking “(b) DIRECTOR OF” and all that follows through paragraph (3) and inserting the following:

“(b) SYSTEMS ENGINEERING.—

“(1) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate, from among individuals with expertise in systems engineering, an official to be responsible to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics for systems engineering and development planning in the Department of Defense.

“(2) SUPERVISION.—The official designated under paragraph (1) shall report directly to an official of the Department appointed from civilian life by the President, by and with the advice and consent of the Senate.”;

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(C) in paragraph (3), as so redesignated, by striking “DIRECTOR OF DEVELOPMENTAL TEST

AND EVALUATION” and all that follows through “Director of Developmental Test And Evaluation” and inserting “DEVELOPMENTAL TEST AND EVALUATION.—The official designated under paragraph (1) shall closely coordinate with the official designated under subsection (a)”;

(D) in paragraph (4), as so redesignated, by striking “Director” in the matter preceding subparagraph (A) and inserting “official designated under paragraph (1)”;

(E) in paragraph (5), as so redesignated—

(i) by striking “Director shall” and inserting “official designated under paragraph (1) shall”;

(ii) by striking “Director considers” and inserting “designated official considers”; and

(iii) by striking “the Director’s duties” and inserting “that official’s duties”.

(4) JOINT ANNUAL REPORT.—Subsection (c) of such section is amended in the matter preceding paragraph (1)—

(A) by striking “beginning in 2010,”;

(B) by striking “Director of Developmental Test and Evaluation and the Director of Systems Engineering” and inserting “officials designated under subsections (a) and (b)”;

(C) by striking “subsections (a) and (b)” and inserting “those subsections”; and

(D) by inserting “such” after “Each”.

(5) JOINT GUIDANCE.—Subsection (d) of such section is amended in the matter preceding paragraph (1)—

(A) by striking “Director of Developmental Test and Evaluation and the Director of Systems Engineering” and inserting “officials designated under subsections (a) and (b)”;

(B) by striking “section 103 of the Weapon Systems Acquisition Reform Act of 2009” and inserting “section 2438a of this title”.

(6) REPEAL OF REDUNDANT DEFINITION.—Subsection (e) of such section is repealed.

(e) CODIFICATION OF SECTION 103 OF WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009.—

(1) CODIFICATION.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2438 (as transferred and redesignated by subsection (d)), a new section 2438a consisting of—

(A) a section heading as follows:

“§2438a. Performance assessments and root cause analyses”; and

(B) a text consisting of the text of section 103 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1715; 10 U.S.C. 2430 note), modified as specified in paragraph (2).

(2) TECHNICAL AMENDMENTS DUE TO CODIFICATION.—The modifications referred to in paragraph (1)(B) to the text specified in that paragraph are—

(A) in subsection (b)(2), by striking “section 2433a(a)(1) of title 10, United States Code (as added by section 206(a) of this Act)” and inserting “section 2433a(a)(1) of this title”;

(B) in subsection (b)(5)—

(i) by striking “section 2433a of title 10, United States Code (as so added)” and inserting “section 2433a of this title”; and

(ii) by striking “prior to” both places it appears and inserting “before”;

(C) in subsection (d), by striking “section 2433a of title 10, United States Code (as so added)” and inserting “section 2433a of this title”; and

(D) in subsection (f), by striking “beginning in 2010,”.

(f) TRANSFER OF SECTION PROVIDING FOR DIRECTOR OF SMALL BUSINESS PROGRAMS.—Section 144 of title 10, United States Code, is transferred to chapter 148, inserted after section 2507, and redesignated as section 2508.

(g) REPEAL OF STATUTORY REQUIREMENT FOR OFFICE FOR MISSING PERSONNEL IN OSD.—Section 1501(a) of title 10, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: “RESPONSIBILITY FOR MISSING PERSONNEL.—”;

(2) in paragraph (1)—

(A) by striking “establish within the Office of the Secretary of Defense an office to have responsibility for Department of Defense policy” in the first sentence and inserting “designate within the Office of the Secretary of Defense an official as the Deputy Assistant Secretary of Defense for Prisoner of War/Missing Personnel Affairs to have responsibility for Department of Defense matters”;

(B) by striking the second sentence;

(C) by striking “of the office” and inserting “of the official designated under this paragraph”;

(D) by striking “and” at the end of subparagraph (A);

(E) by redesignating subparagraph (B) as subparagraph (C); and

(F) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) policy, control, and oversight of the program established under section 1509 of this title, as well as the accounting for missing persons (including locating, recovering, and identifying missing persons or their remains after hostilities have ceased); and”;

(3) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively;

(4) by inserting after paragraph (1) the following new paragraph (2):

“(2) The official designated under paragraph (1) shall also serve as the Director, Defense Prisoner of War/Missing Personnel Office, as established under paragraph (6)(A), exercising authority, direction, and control over that activity.”

(5) in paragraph (3), as so redesignated—

(A) by striking “of the office” the first place it appears; and

(B) by striking “head of the office” and inserting “official designated under paragraph (1) and (2)”;

(6) in paragraph (4), as so redesignated—

(A) by striking “office” and inserting “designated official”;

(B) by inserting after “evasion”) the following: “and for personnel accounting (including locating, recovering, and identifying missing persons or their remains after hostilities have ceased)”;

(7) in paragraph (5), as so redesignated, by striking “office” and inserting “designated official”;

(8) in paragraph (6), as so redesignated—

(A) in subparagraph (A)—

(i) by inserting after “(A)” the following: “The Secretary of Defense shall establish an activity to account for personnel who are missing or whose remains have not been recovered from the conflict in which they were lost. This activity shall be known as the Defense Prisoner of War/Missing Personnel Office.”; and

(ii) by striking “office” both places it appears and inserting “activity”;

(B) in subparagraph (B)(i), by striking “to the office” and inserting “activity”;

(C) in subparagraph (B)(ii)—

(i) by striking “to the office” and inserting “activity”;

(ii) by striking “of the office” and inserting “of the activity”;

(D) in subparagraph (C), by striking “office” and inserting “activity”.

(h) REPEAL OF STATUTORY REQUIREMENT FOR DIRECTOR OF OFFICE FOR CORROSION POLICY AND OVERSIGHT IN OSD.—Section 2228 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the subsection heading and inserting the following: “OFFICE OF CORROSION

POLICY AND OVERSIGHT AND DESIGNATION OF RESPONSIBLE OFFICIAL”;

(B) by amending paragraph (2) to read as follows:

“(2) The Secretary of Defense shall designate, from among civilian employees of the Department of Defense with the qualifications described in paragraph (4), an official to be responsible to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense and for directing the activities of the Office of Corrosion Policy and Oversight.”;

(C) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(D) by inserting after paragraph (2) the following new paragraph (3):

“(3) The official designated under paragraph (2) shall report directly to the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.”.

(E) in paragraph (4), as so redesignated, by striking “assigned to the position of Director” and inserting “designated under paragraph (2)”;

(F) in paragraph (5), as so redesignated, by striking “of Director” and inserting “held by the official designated under paragraph (2)”;

(2) in subsection (b)—

(A) by striking “Director of Corrosion Policy and Oversight (in this section referred to as the ‘Director’)” in paragraph (1) and inserting “official designated under subsection (a)(2)”;

(B) by striking “Director” in paragraphs (2), (3), (4), and (5) and inserting “designated official”;

(3) in subsection (c), by striking “ADDITIONAL AUTHORITIES” and all that follows through “authorized to—” and inserting “ADDITIONAL DUTIES.—The official designated under subsection (a) shall —”; and

(4) in subsection (e), by striking “beginning with the budget for fiscal year 2009,”.

(i) REPEAL OF STATUTORY LIMITATION ON NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.—Section 906(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2426; 10 U.S.C. 137a note) is repealed.

(j) CONFORMING AMENDMENTS TO TITLE 10.—Title 10, United States Code, is amended as follows:

(1) The following sections are amended by striking “Director of Cost Assessment and Program Evaluation” and inserting “Assistant Secretary of Defense for Cost Assessment and Program Evaluation”: sections 181(d), 2306b(i)(1)(B), 2366a(a)(4), 2366a(a)(5), 2366b(a)(1)(C), 2433a(a)(2), 2433a(b)(2)(C), 2434(b)(1)(A), and 2445c(f)(3).

(2) Section 179(c) is amended—

(A) by striking “Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs” in paragraphs (2) and (3) and inserting “Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs”; and

(B) by striking “to the” in paragraph (3).

(3) Section 2272 is amended by striking “Director of Defense Research and Engineering” each place it appears and inserting “Assistant Secretary of Defense for Research and Engineering”.

(4) Section 2334 is amended—

(A) by striking “Director of Cost Assessment and Program Evaluation” each place it appears and inserting “Assistant Secretary of Defense for Cost Assessment and Program Evaluation”; and

(B) by striking “Director” each place it appears (other than as specified in subparagraph (A)) and inserting “Assistant Secretary”.

(5) Section 2365 is amended—

(A) in subsection (a), by striking “Director of Defense Research and Engineering” and inserting “Assistant Secretary of Defense for Research and Engineering”;

(B) in subsection (d)(1), by striking “Director” and inserting “Assistant Secretary”;

(C) in subsection (d)(2)—

(i) by striking “Director of Defense Research and Engineering” and inserting “Assistant Secretary of Defense for Research and Engineering”;

(ii) by striking “Director may” and inserting “Assistant Secretary may”;

(D) in subsection (e), by striking “Director” and inserting “Assistant Secretary”.

(6) Sections 2350a(g)(3), 2366b(a)(3)(D), 2374a(a), and 2517(a) are amended by striking “Director of Defense Research and Engineering” and inserting “Assistant Secretary of Defense for Research and Engineering”.

(7) Section 2902(b) is amended—

(A) in paragraph (1), by striking “Deputy Under Secretary of Defense for Science and Technology” and inserting “official within the Office of the Assistant Secretary of Defense for Research and Engineering who is responsible for science and technology”; and

(B) in paragraph (3), by striking “Deputy Under Secretary of Defense” and inserting “official within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics who is”.

(k) OTHER CONFORMING AMENDMENTS.—

(1) Section 214 of the National Defense Authorization Act of Fiscal Year 2008 (10 U.S.C. 2521 note) is amended by striking “Director of Defense Research and Engineering” and inserting “Assistant Secretary of Defense for Research and Engineering”.

(2) Section 201(d) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 181 note) is amended—

(A) by striking “The Director of Cost Assessment and Program Evaluation” and inserting “The Assistant Secretary of Defense for Cost Assessment and Program Evaluation”; and

(B) by striking “the Director” and inserting “the Assistant Secretary”.

(l) SECTION HEADING AND CLERICAL AMENDMENTS.—

(1) SECTION HEADING AMENDMENTS.—Title 10, United States Code, is amended as follows:

(A) The heading of section 137a is amended to read as follows:

“§137a. Principal Deputy Under Secretaries of Defense”.

(B) The heading of section 138b, as transferred and redesignated by subsection (b)(6), is amended to read as follows:

“§138b. Assistant Secretary of Defense for Research and Engineering”.

(C) The heading of section 138c, as transferred and redesignated by subsection (b)(7), is amended to read as follows:

“§138c. Assistant Secretary of Defense for Operational Energy Plans and Programs”.

(D) The heading of section 138d, as transferred and redesignated by subsection (b)(8), is amended to read as follows:

“§138d. Assistant Secretary of Defense for Cost Assessment and Program Evaluation”.

(E) The heading of section 138e, as transferred and redesignated by subsection (b)(9), is amended to read as follows:

“§138e. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs”.

(F) The heading of section 2228 is amended to read as follows:

“§2228. Military equipment and infrastructure: prevention and mitigation of corrosion”.

(G) The heading of section 2438 is amended to read as follows:

“§2438. Developmental test and evaluation; systems engineering; designation of responsible officials; joint guidance”.

(2) CLERICAL AMENDMENTS.—Title 10, United States Code, is further amended as follows:

(A) The table of sections at the beginning of chapter 4 is amended—

(i) by inserting after the item relating to section 132 the following new item:

“132a. Deputy Chief Management Officer.”;

(ii) by striking the items relating to sections 133a, 134a, and 136a;

(iii) by amending the item relating to section 137a to read as follows:

“137a. Principal Deputy Under Secretaries of Defense.”;

(iv) by inserting after the item relating to section 138a the following new items:

“138b. Assistant Secretary of Defense for Research and Engineering.

“138c. Assistant Secretary of Defense for Operational Energy Plans and Programs.

“138d. Assistant Secretary of Defense for Cost Assessment and Program Evaluation.

“138e. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.”;

(v) by striking the items relating to sections 139a, 139b, 139c, 139d, 142, and 144.

(B) The item relating to section 2228 in the table of sections at the beginning of chapter 131 is amended to read as follows:

“2228. Military equipment and infrastructure: prevention and mitigation of corrosion.”.

(C) The table of sections at the beginning of chapter 144 is amended by inserting after the item relating to section 2437 the following new items:

“2438. Developmental test and evaluation; systems engineering; designation of responsible officials; joint guidance.

“2438a. Performance assessments and root cause analyses.”.

(D) The table of sections at the beginning of subchapter II of chapter 148 is amended by inserting after the item relating to section 2507 the following new item:

“2508. Director of Small Business Programs.”.

(m) EXECUTIVE SCHEDULE AMENDMENTS.—Chapter 53 of title 5, United States Code, is amended as follows:

(1) NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—Section 5315 is amended by striking “Assistant Secretaries of Defense (12)” and inserting “Assistant Secretaries of Defense (17)”.

(2) POSITIONS REDESIGNATED AS ASSISTANT SECRETARY POSITIONS.—

(A) Section 5316 is further amended—

(i) by striking “Director of Cost Assessment and Program Evaluation, Department of Defense.”; and

(ii) by striking “Director of Defense Research and Engineering.”.

(B) Section 5316 is amended by striking “Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.”.

(3) AMENDMENTS TO DELETE REFERENCES TO POSITIONS IN SENIOR EXECUTIVE SERVICE.—Section 5316 is further amended—

(A) by striking “Director, Defense Advanced Research Projects Agency, Department of Defense.”;

(B) by striking “Deputy General Counsel, Department of Defense.”;

(C) by striking “Deputy Under Secretaries of Defense for Research and Engineering, Department of Defense (4).”; and

(D) by striking “Special Assistant to the Secretary of Defense.”.

(n) REFERENCES IN OTHER LAWS, ETC.—Any reference in any provision or law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States, to any of the offices of the Department of Defense redesignated by subsection (a) shall be treated as referring to that office as so redesignated.

(o) EFFECTIVE DATE.—The provisions of this section and the amendments made by this section shall take effect on January 1, 2011, or on such earlier date for any of such provisions as may be prescribed by the Secretary of Defense. If the Secretary prescribes an earlier date for any of those provisions or amendments, the Secretary shall notify Congress in writing in advance of such date.

SEC. 903. UNIFIED MEDICAL COMMAND.

(a) ASSISTANT SECRETARY OF DEFENSE.—Section 138(b) of title 10, United States Code, as amended by section 902, is further amended by adding at the end the following new paragraph:

“(12) One of the Assistant Secretaries is the Assistant Secretary of Defense for Health Affairs. In addition to any duties and powers prescribed under paragraph (1), the principal duty of the Assistant Secretary of Defense for Health Affairs is the overall supervision (including oversight of policy and resources) of all health affairs and medical activities of the Department of Defense. The Assistant Secretary of Defense for Health Affairs is the principal civilian adviser to the Secretary of Defense on health affairs and medical matters and, after the Secretary and Deputy Secretary, is the principal health affairs and medical official within the senior management of the Department of Defense.”.

(b) UNIFIED COMBATANT COMMAND.—

(1) IN GENERAL.—Chapter 6 of such title is amended by inserting after section 167a the following new section:

“§167b. Unified combatant command for medical operations

“(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, may establish under section 161 of this title a unified command for medical operations (hereinafter in this section referred to as the ‘unified medical command’). The principal function of the command is to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of this title.

“(b) ASSIGNMENT OF FORCES.—In establishing the unified medical command under subsection (a), all active military medical treatment facilities, training organizations, and research entities of the armed forces shall be assigned to such unified command, unless otherwise directed by the Secretary of Defense.

“(c) GRADE OF COMMANDER.—The commander of the unified medical command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating his permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such command shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37. During the five-year period beginning on the date on which the Secretary establishes the command under subsection (a), the commander of such command shall be exempt from the requirements of section 164(a)(1) of this title.

“(d) **SUBORDINATE COMMANDS.**—(1) The unified medical command shall have the following subordinate commands:

“(A) A command that includes all fixed military medical treatment facilities, including elements of the Department of Defense that are combined, operated jointly, or otherwise operated in such a manner that a medical facility of the Department of Defense is operating in or with a medical facility of another department or agency of the United States.

“(B) A command that includes all medical training, education, and research and development activities that have previously been unified or combined, including organizations that have been designated as a Department of Defense executive agent.

“(C) The Defense Health Agency established under subsection (f).

“(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The commander of such a subordinate command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such a subordinate command shall also be required to be a surgeon general of one of the military departments.

“(e) **AUTHORITY OF COMBATANT COMMANDER.**—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the unified medical command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities.

“(2) The commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to medical operations activities (whether or not relating to the unified medical command):

“(A) Developing programs and doctrine.

“(B) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

“(C) Exercising authority, direction, and control over the expenditure of funds—

“(i) for forces assigned to the unified medical command;

“(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

“(iii) for military construction funds of the Defense Health Program.

“(D) Training assigned forces.

“(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

“(F) Validating requirements.

“(G) Establishing priorities for requirements.

“(H) Ensuring the interoperability of equipment and forces.

“(I) Monitoring the promotions, assignments, retention, training, and professional military education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

“(3) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 1100 of this title.

“(f) **DEFENSE HEALTH AGENCY.**—(1) In establishing the unified medical command under subsection (a), the Secretary shall also establish under section 191 of this title a defense agency for health care (in this section referred to as the ‘Defense Health Agency’), and shall transfer to such agency the organization of the Department of Defense referred to as the TRICARE Manage-

ment Activity and all functions of the TRICARE Program (as defined in section 1072(7)).

“(2) The director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

“(g) **REGULATIONS.**—In establishing the unified medical command under subsection (a), the Secretary of Defense shall prescribe regulations for the activities of the unified medical command.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 167a the following new item:

“167b. Unified combatant command for medical operations.”.

(c) **PLAN, NOTIFICATION, AND REPORT.**—

(1) **PLAN.**—Not later than March 31, 2011, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized under section 167b of title 10, United States Code, as added by subsection (b), including any legislative actions the Secretary considers necessary to implement the plan.

(2) **NOTIFICATION.**—The Secretary shall submit to the congressional defense committees written notification of the decision of the Secretary to establish the unified medical command under such section 167b by not later than the date that is 30 days before establishing such command.

(3) **REPORT.**—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

Subtitle B—Space Activities

SEC. 911. INTEGRATED SPACE ARCHITECTURES.

The Secretary of Defense and the Director of National Intelligence shall jointly establish the capability to conduct integrated national security space architecture planning, development, coordination, and analysis that—

(1) encompasses defense and intelligence space plans, programs, budgets, and organizations;

(2) provides mid-term to long-term recommendations to guide space-related defense and intelligence acquisitions, requirements, and investment decisions;

(3) is independent of the space architecture planning, development, coordination, and analysis activities of each military department and each element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); and

(4) makes use of, to the maximum extent practicable, joint duty assignment positions (as defined in section 668).

Subtitle C—Intelligence-Related Matters

SEC. 921. 5-YEAR EXTENSION OF AUTHORITY FOR SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

The second sentence of section 431(a) of title 10, United States Code, is amended by striking “December 31, 2010” and inserting “December 31, 2015”.

SEC. 922. SPACE AND COUNTERSPACE INTELLIGENCE ANALYSIS.

(a) **DESIGNATION OF LEAD INTEGRATOR.**—

(1) **DESIGNATION.**—

(A) **IN GENERAL.**—The Director of the Defense Intelligence Agency shall designate a lead integrator for foreign space and counterspace defense intelligence analysis.

(B) **INITIAL DESIGNATION.**—Not later than 30 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall designate an initial lead integrator under subparagraph (A).

(2) **NOTICE.**—Not later than 30 days after the date on which the Director of the Defense Intelligence Agency designates a lead integrator under paragraph (1)(A), or removes the designation of lead integrator from an individual or organization previously designated under paragraph (1)(A), the Director shall notify the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate of the designation of such lead integrator or the removal of such designation.

(b) **AUTHORITY TO CONDUCT ORIGINAL ANALYSIS.**—The Director of the Defense Intelligence Agency shall authorize a lead integrator designated under subsection (a)(1)(A) to conduct original intelligence analysis and production within the areas of responsibility of such lead integrator.

(c) **DEFINITIONS.**—In this section:

(1) **LEAD INTEGRATOR.**—The term “lead integrator” means, with respect to a particular subject matter, an individual or organization with primary responsibility for the review, coordination, and integration of defense intelligence analysis and production related to such subject matter to—

(A) ensure the development of coherent assessments and intelligence products; and

(B) manage and consolidate defense intelligence tasking.

(2) **ORIGINAL INTELLIGENCE ANALYSIS.**—The term “original intelligence analysis” means the development of knowledge and creation of intelligence materials based on raw data and intelligence reporting.

Subtitle D—Other Matters

SEC. 931. REVISIONS TO THE BOARD OF REGENTS FOR THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Subsection (b) of section 2113a of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) four persons, of which the chairmen and ranking members of the Committees on Armed Services of the Senate and House of Representatives may each appoint one person, respectively;”.

SEC. 932. INCREASED FLEXIBILITY FOR COMBATANT COMMANDER INITIATIVE FUND.

(a) **IN GENERAL.**—Section 166a(e)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) not more than \$10,000,000 may be used for research, development, test and evaluation activities.”.

(b) **APPLICABILITY.**—The amendments made by this section shall not apply with respect to funds appropriated for a fiscal year before fiscal year 2011.

SEC. 933. TWO-YEAR EXTENSION OF AUTHORITIES RELATING TO TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) **EXTENSION OF WAIVER.**—Paragraph (1) of section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4577; 10 U.S.C. 184 note) is amended by striking “fiscal years 2009 and 2010” and inserting “fiscal years 2009 through 2012”.

(b) **ANNUAL REPORT.**—Paragraph (3) of such section is amended by striking “in 2010 and 2011” and inserting “in each year through 2013”.

SEC. 934. ADDITIONAL REQUIREMENTS FOR QUADRENNIAL ROLES AND MISSIONS REVIEW IN 2011.

(a) **ADDITIONAL ACTIVITIES CONSIDERED.**—As part of the quadrennial roles and missions review conducted in 2011 pursuant to section 118b of title 10, United States Code, the Secretary of Defense shall give consideration to the following activities, giving particular attention to their role in counter-terrorism operations:

- (1) Information operations.
- (2) Strategic communications.
- (3) Detention and interrogation.

(b) **ADDITIONAL REPORT REQUIREMENT.**—In the report required by section 118b(d) of such title for such review in 2011, the Secretary of Defense shall—

- (1) provide clear guidance on the nature and extent of which core competencies are associated with the activities listed in subsection (a); and
- (2) identify the elements of the Department of Defense that are responsible or should be responsible for providing such core competencies.

SEC. 935. CODIFICATION OF CONGRESSIONAL NOTIFICATION REQUIREMENT BEFORE PERMANENT RELOCATION OF ANY UNITED STATES MILITARY UNIT STATIONED OUTSIDE THE UNITED STATES.

(a) **CODIFICATION AND RELATED REPORT.**—Chapter 6 of title 10, United States Code, is amended by inserting after section 162 the following new section:

“§ 162a. Congressional notification before permanent relocation of military units stationed outside the United States

“(a) **NOTIFICATION REQUIREMENT.**—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the United States.

“(b) **ELEMENTS OF NOTIFICATION.**—The notification required by subsection (a) shall include a description of the following:

“(1) How relocation of the unit supports the United States national security strategy.

“(2) Whether the relocation of the unit will have an impact on any security commitments undertaken by the United States pursuant to any international security treaty, including the North Atlantic Treaty, the Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

“(3) How relocation of the unit addresses the current security environment in the affected geographic combatant command’s area of responsibility, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

“(4) How relocation of the unit impacts the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main oper-

ating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States.

“(c) **EXCEPTIONS.**—Subsection (a) does not apply in the case of—

“(1) the relocation of a unit deployed to a combat zone; or

“(2) the relocation of a unit as the result of closure of an overseas installation at the request of the government of the host nation in the manner provided in the agreement between the United States and the host nation regarding the installation.

“(d) **DEFINITIONS.**—In this section:

“(1) **COMBAT ZONE.**—The term ‘combat zone’ has the meaning given that term in section 112(c)(2) of the Internal Revenue Code of 1986.

“(2) **GEOGRAPHIC COMBATANT COMMAND.**—The term ‘geographic combatant command’ means a combatant command with a geographic area of responsibility that does not include North America.

“(3) **UNIT.**—The term ‘unit’ has the meaning determined by the Secretary of Defense for purposes of this section.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 162 the following new item:

“162a. Congressional notification before permanent relocation of military units stationed outside the United States.”

(c) **REPEAL OF SUPERCEDED NOTIFICATION REQUIREMENT.**—Section 1063 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2469; 10 U.S.C. 113 note) is repealed.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2011 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$3,500,000,000.

(3) **EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.**—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN, IRAQ, AND HAITI FOR FISCAL YEAR 2010.

In addition to the amounts otherwise authorized to be appropriated by this division, the amounts authorized to be appropriated for fiscal year 2010 in title XV of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) are hereby increased, with respect to any such authorized amount, as follows:

(1) The amounts provided in sections 1502 through 1507 of such Act for the following procurement accounts are increased as follows:

(A) For aircraft procurement, Army, by \$182,170,000.

(B) For weapons and tracked combat vehicles procurement, Army, by \$3,000,000.

(C) For ammunition procurement, Army, by \$17,055,000.

(D) For other procurement, Army, by \$1,997,918,000.

(E) For the Joint Improvised Explosive Device Defeat Fund, by \$400,000,000.

(F) For aircraft procurement, Navy, by \$104,693,000.

(G) For other procurement, Navy, by \$15,000,000.

(H) For procurement, Marine Corps, by \$18,927,000.

(I) For aircraft procurement, Air Force, by \$209,766,000.

(J) For ammunition procurement, Air Force, by \$5,000,000.

(K) For other procurement, Air Force, by \$576,895,000.

(L) For the Mine Resistant Ambush Protected Vehicle Fund, by \$1,123,000,000.

(M) For defense-wide activities, by \$189,276,000.

(2) The amounts provided in section 1508 of such Act for research, development, test, and evaluation are increased as follows:

(A) For the Army, by \$61,962,000.

(B) For the Navy, by \$5,360,000.

(C) For the Air Force, by \$187,651,000.

(D) For defense-wide activities, by \$22,138,000.

(3) The amounts provided in sections 1509, 1511, 1513, 1514, and 1515 of such Act for operation and maintenance are increased as follows:

(A) For the Army, by \$11,700,965,000.

(B) For the Navy, by \$2,428,702,000.

(C) For the Marine Corps, by \$1,090,873,000.

(D) For the Air Force, by \$3,845,047,000.

(E) For defense-wide activities, by \$1,188,421,000.

(F) For the Army Reserve, by \$67,399,000.

(G) For the Navy Reserve, by \$61,842,000.

(H) For the Marine Corps Reserve, by \$674,000.

(I) For the Air Force Reserve, by \$95,819,000.

(J) For the Army National Guard, by \$171,834,000.

(K) For the Air National Guard, by \$161,281,000.

(L) For the Defense Health Program, by \$33,367,000.

(M) For Drug Interdiction and Counterdrug Activities, Defense-wide, by \$94,000,000.

(N) For the Afghanistan Security Forces Fund, by \$2,604,000,000.

(O) For the Iraq Security Forces Fund, by \$1,000,000,000.

(P) For Overseas Humanitarian, Disaster and Civic Aid, by \$255,000,000.

(Q) For Overseas Contingency Operations Transfer Fund, by \$350,000,000.

(R) For Working Capital Funds, by \$974,967,000.

(4) The amount provided in section 1512 of such Act for military personnel accounts is increased by \$1,895,761,000.

SEC. 1003. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-

You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

Subtitle B—Counter-Drug Activities

SEC. 1011. UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2441), is further amended—

(1) in subsection (a), by striking "2010" and inserting "2011"; and

(2) in subsection (c), by striking "2010" and inserting "2011".

SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTERTERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 371 note), as most recently amended by section 1012 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2441), is further amended by striking "2010" and inserting "2011".

SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-255), as most recently amended by section 1013 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2442), is further amended by striking "February 15, 2010" and inserting "February 15, 2011".

SEC. 1014. SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (a)(2) section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881), as most recently amended by section 1014(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2442), is further amended by striking "2010" and inserting "2011".

(b) MAXIMUM AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended by striking "fiscal years 2009 and 2010" and inserting "fiscal years 2010 and 2011".

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. REQUIREMENTS FOR LONG-RANGE PLAN FOR CONSTRUCTION OF NAVAL VESSELS.

(a) IN GENERAL.—Section 231 of title 10, United States Code, is amended to read as follows:

"§231. Long-range plan for construction of naval vessels

"(a) QUADRENNIAL NAVAL VESSEL CONSTRUCTION PLAN.—At the same time that the budget of the President is submitted under section 1105(a) of title 31 during each year in which the Secretary of Defense submits a quadrennial defense review, the Secretary of the Navy shall submit to the congressional defense committees a long-range plan for the construction of combatant and support vessels for the Navy that supports the force structure recommendations of the quadrennial defense review.

"(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

"(1) A detailed construction schedule of naval vessels for the ten-year period beginning on the date on which the plan is submitted, including a certification by the Secretary that the budget for the fiscal year in which the plan is submitted and the budget for the future-years defense program submitted under section 221 of this title are sufficient for funding such schedule.

"(2) A probable construction schedule for the ten-year period beginning on the date that is 10 years after the date on which the plan is submitted.

"(3) A notional construction schedule for the ten-year period beginning on the date that is 20 years after the date on which the plan is submitted.

"(4) The estimated levels of annual funding necessary to carry out the construction schedules under paragraphs (1), (2), and (3).

"(5) For the construction schedules under paragraphs (1) and (2)—

"(A) a determination by the Director of Cost Assessment and Program Evaluation of the level of funding necessary to execute such schedules; and

"(B) an evaluation by the Director of the potential risk associated with such schedules, including detailed effects on operational plans, missions, deployment schedules, and fulfillment of the requirements of the combatant commanders.

"(c) NAVAL COMPOSITION.—In submitting the plan under subsection (a), the Secretary shall ensure that such plan—

"(1) is in accordance with section 5062(b) of this title; and

"(2) phases the construction of new aircraft carriers during the periods covered by such plan in a manner that minimizes the total cost for procurement for such vessels.

"(d) ASSESSMENT WHEN BUDGET IS INSUFFICIENT.—If the budget for a fiscal year provides for funding of the construction of naval vessels at a level that is less than the level determined necessary by the Director of Cost Assessment and Program Evaluation under subsection (b)(5), the Secretary of the Navy shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the budget, including the risk associated with a reduced force structure that may result from funding naval vessel construction at such a level.

"(e) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the construction schedules and the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

"(f) CHANGES TO THE CONSTRUCTION PLAN.—In any year in which a quadrennial defense review is not submitted, the Secretary of the Navy may not modify the construction schedules submitted in the plan under subsection (a) unless—

"(1) the modification is an increase in planned ship construction;

"(2) the modification is a realignment of less than one year of construction start dates in the future-years defense plan submitted under section 221 of this title and the Secretary submits to the congressional defense committees a report on such modification, including—

"(A) the reasons for realignment;

"(B) any increased cost that will be incurred by the Navy because of the realignment; and

"(C) an assessment of the effects that the realignment will have on the shipbuilding indus-

trial base, including the secondary supply base; or

"(3) the modification is a decrease in the number or type of combatant and support vessels of the Navy and the Secretary submits to the congressional defense committees a report on such modification, including—

"(A) an addendum to the most recent quadrennial defense review that fully explains and justifies the decrease with respect to the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a); and

"(B) a description of the additional reviews and analyses considered by the Secretary after the previous quadrennial defense review was submitted that justify the decrease.

"(g) DEFINITIONS.—In this section:

"(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

"(3) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of this title."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 231 and inserting the following new item:

"231. Long-range plan for construction of naval vessels."

SEC. 1022. REQUIREMENTS FOR THE DECOMMISSIONING OF NAVAL VESSELS.

(a) NOTICE OF DECOMMISSIONING.—The Secretary of the Navy may not decommission any battle force vessel of the active fleet of the Navy unless the Secretary provides to the congressional defense committees written notification of such decommissioning in accordance with established procedures.

(b) CONTENT OF NOTIFICATION.—Any notification provided under subsection (a) shall include each of the following:

(1) The reasons for the proposed decommissioning of the vessel.

(2) An analysis of the effect the decommissioning would be likely to have on the deployment schedules of other vessels in the same class as the vessel proposed to be decommissioned.

(3) A certification from the Chairman of the Joint Chiefs of Staff that the decommissioning of the vessel will not adversely affect the requirements of the combatant commanders to fulfill missions critical to national security.

(4) Any budgetary implications associated with retaining the vessel in commission, expressed for each applicable appropriation account.

SEC. 1023. REQUIREMENTS FOR THE SIZE OF THE NAVY BATTLE FORCE FLEET.

(a) LIMITATION ON DECOMMISSIONING.—Until the number of vessels in the battle force fleet of the Navy reaches 313 vessels, the Secretary of the Navy shall not decommission, in fiscal year 2011 or any subsequent fiscal year, more than two-thirds of the number of vessels slated for commissioning into the battle force fleet for that fiscal year.

(b) TREATMENT OF SUBMARINES.—For purposes of subsection (a), submarines of the battle force fleet slated for decommissioning for any fiscal year shall not count against the number of vessels the Secretary of the Navy is required to maintain for that fiscal year.

SEC. 1024. RETENTION AND STATUS OF CERTAIN NAVAL VESSELS.

The Secretary of the Navy shall retain the vessels the U.S.S. Nassau (LHA 4) and the

U.S.S. Peleliu (LHA 5), in a commissioned and operational status, until the delivery to the Navy of the vessels the U.S.S. America (LHA 6) and the vessel designated as LHA 7, respectively.

Subtitle D—Counterterrorism

SEC. 1031. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking “2010” and inserting “2011”.

SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **RELEASES.**—During the period beginning on October 1, 2010, and ending on December 31, 2011, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense to release into the United States, its territories, or possessions, any individual described in subsection (d).

(b) **TRANSFERS.**—During the period beginning on October 1, 2010, and ending on December 31, 2011, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense to transfer any individual described in subsection (d) to the United States, its territories, or possessions, until 120 days after the President has submitted to the congressional defense committees the plan described in section 1041(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2454).

(c) **CONSULTATION REQUIRED.**—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in section 1041(c)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-81; 123 Stat. 2454) includes transfer to that State, District of Columbia, or territory or possession.

(d) **INDIVIDUALS DESCRIBED.**—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1033. CERTIFICATION REQUIREMENTS RELATING TO THE TRANSFER OF INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) **LIMITATION.**—The Secretary of Defense may not use any of the amounts authorized to be appropriated by this Act or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, to any other foreign country, or to any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

(b) **CERTIFICATION.**—The certification described in this subsection is a written certification made by the Secretary of Defense, with concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

(6) has agreed to share any information with the United States that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c) **PROHIBITION AND WAIVER IN CASES OF PRIOR CONFIRMED RECIDIVISM.**—

(1) **PROHIBITION.**—The Secretary of Defense may not use any amount authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody of the individual's country of origin, to any other foreign country, or to any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) **WAIVER.**—The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(d) **DEFINITIONS.**—For the purposes of this section:

(1) The term “individual detained at Guantanamo” means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the effective control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba

(2) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1034. PROHIBITION ON THE USE OF FUNDS TO MODIFY OR CONSTRUCT FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **IN GENERAL.**—None of the funds authorized to be appropriated by this Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) **EXCEPTION.**—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) **INDIVIDUALS DESCRIBED.**—An individual described in this subsection is any individual

who, as of October 1, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(d) **REPORT ON USE OF FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM GUANTANAMO.**—

(1) **REPORT REQUIRED.**—Not later than April 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report, in classified or unclassified form, on the merits, costs, and risks of using any proposed facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(2) **ELEMENTS OF THE REPORT.**—The report required in paragraph (1) shall include each of the following:

(A) A discussion of the merits associated with any such proposed facility that would justify—

(i) using the facility instead of the facility at United States Naval Station, Guantanamo Bay, Cuba; and

(ii) the proposed facility's contribution to effecting a comprehensive policy for continuing military detention operations.

(B) The rationale for selecting the specific site for any such proposed facility, including details for the processes and criteria used for identifying the merits described in subparagraph (A) and for selecting the proposed site over reasonable alternative sites.

(C) A discussion of any potential risks to any community in the vicinity of any such proposed facility, the measures that could be taken to mitigate such risks, and the likely cost to the Department of Defense of implementing such measures.

(D) A discussion of any necessary modifications to any such proposed facility to ensure that any detainee transferred from Guantanamo Bay to such facility could not come into contact with any other individual, including any other person detained at such facility, that is not approved for such contact by the Department of Defense, and an assessment of the likely costs of such modifications.

(E) A discussion of any support at the site of any such proposed facility that would likely be provided by the Department of Defense, including the types of support, the number of personnel required for each such type, and an estimate of the cost of such support.

(F) A discussion of any support, other than support provided at a proposed facility, that would likely be provided by the Department of Defense for the operation of any such proposed facility, including the types of possible support, the number of personnel required for each such type, and an estimate of the cost of such support.

(G) A discussion of the legal issues, in the judgment of the Secretary of Defense, that could be raised as a result of detaining or imprisoning any individual described in subsection (c) at any such proposed facility that could not be raised while such individual is detained or imprisoned at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1035. COMPREHENSIVE REVIEW OF FORCE PROTECTION POLICIES.

(a) **COMPREHENSIVE REVIEW REQUIRED.**—The Secretary of Defense shall conduct a comprehensive review of Department of Defense policies, regulations, instructions, and directives

pertaining to force protection within the Department.

(b) **MATTERS COVERED.**—The review required under subsection (a) shall include an assessment of each of the following:

(1) Information sharing practices across the Department of Defense, and among the State, local, and Federal partners of the Department of Defense.

(2) Antiterrorism and force protection standards relating to standoff distances for buildings.

(3) Protective standards relating to chemical, biological, radiological, nuclear, and high explosives threats.

(4) Standards relating to access to Department bases.

(5) Standards for identity management within the Department, including such standards for identity cards and biometric identifications systems.

(6) Procedures for validating and approving individuals with regular or episodic access to military installations, including military personnel, civilian employees, contractors, family members of personnel, and other types of visitors.

(7) Procedures for sharing with appropriate Department of Defense officials—

(A) information from the intelligence or law enforcement community regarding possible contacts with terrorists or terrorist groups, criminal organizations, or other state and non-state foreign entities actively working to undermine the security interests of the United States; and

(B) personnel records or other derogatory information regarding potentially suspicious activities.

(8) Any legislative changes recommended for implementing the recommendations contained in the review.

(c) **INTERIM REPORT.**—Not later than March 1, 2011, the Secretary of Defense shall submit an interim report on the comprehensive report required under subsection (a).

(d) **FINAL REPORT.**—Not later than June 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a final report on the comprehensive review required under subsection (a). The final report shall include such findings and recommendations as the Secretary considers appropriate based on the review, including recommended actions to be taken to implement the specific recommendations in the final report. The final report shall be submitted in an unclassified format, but may include a classified annex.

SEC. 1036. FORT HOOD FOLLOW-ON REVIEW IMPLEMENTATION FUND.

(a) **ESTABLISHMENT OF FUND.**—Of the amounts authorized to be appropriated under section 301(5), the Secretary of Defense shall deposit \$100,000,000 into a fund to be known as the “Fort Hood Follow-on Review Implementation Fund”. Amounts deposited in the Fund shall be available to the Secretary to address the recommendations contained in the review known as the “Fort Hood Follow-on Review”.

(b) **TRANSFER AUTHORITY.**—

(1) **TRANSFERS AUTHORIZED.**—Amounts in the Fort Hood Follow-on Review Implementation Fund may be transferred to any of the following accounts and funds of the Department of Defense for the purpose of addressing any of the recommendations contained the Fort Hood Follow-on Review:

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Defense Health Program accounts.

(2) **ADDITIONAL TRANSFER AUTHORITY.**—The transfer authority provided by paragraph (1) is

in addition to any other transfer authority available to the Department of Defense.

(3) **TRANSFERS BACK TO THE FUND.**—Upon the Secretary's determination that all or part of the funds transferred from the Fort Hood Follow-on Review Implementation Fund under paragraph (1) are not necessary for the purpose for which such funds were transferred, such funds may be transferred back to the Fund.

(4) **PRIOR NOTICE TO CONGRESSIONAL COMMITTEES.**—

(A) **OBLIGATIONS.**—No amount may be obligated from the Fort Hood Follow-on Review Implementation Fund until 30 days after the date on which the Secretary of Defense notifies the congressional defense committees, in writing, of the details of the proposed obligation.

(B) **TRANSFERS.**—No amount may be transferred under paragraph (1) until 45 days after the date on which the Secretary of Defense notifies the congressional defense committees, in writing, of the details of the proposed transfer.

(5) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer to any account under paragraph (1) shall be deemed to increase the amount authorized to be appropriated for such account for fiscal year 2011 by an amount equal to the amount so transferred.

(c) **QUARTERLY OBLIGATION AND EXPENDITURE REPORTS.**—Not later than 15 days after the end of each fiscal quarter of fiscal year 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the Fort Hood Follow-on Review Implementation Fund. Such reports shall include explanations of the monthly commitments, obligations, and expenditures of such Fund, expressed by line of action, for the fiscal quarter covered by the report.

SEC. 1037. INSPECTOR GENERAL INVESTIGATION OF THE CONDUCT AND PRACTICES OF LAWYERS REPRESENTING INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **IN GENERAL.**—The Inspector General of the Department of Defense shall conduct an investigation of the conduct and practices of lawyers described in subsection (c). In conducting such investigation, the Inspector General shall—

(1) identify any conduct or practice of such a lawyer that has—

(A) interfered with the operations of the Department of Defense at Naval Station, Guantanamo Bay, Cuba, relating to individuals described in subsection (d);

(B) violated any applicable policy of the Department;

(C) violated any law within the exclusive investigative jurisdiction of the Inspector General of the Department of Defense; or

(D) generated any material risk to a member of the Armed Forces of the United States;

(2) identify any actions taken by the Department to address any conduct or practice identified in paragraph (1); and

(3) determine whether any such conduct or practice undermines the operations of the Department relating to such individuals.

(b) **LIMITATION.**—The Inspector General of the Department of Defense shall initiate the investigation described in subsection (a) 30 days or later after the date of the enactment of this Act, unless—

(1) the Secretary of Defense and the Attorney General determine that the investigation described in subsection (a) cannot be performed without interfering with, or otherwise compromising, any related criminal investigation, prosecution, or other legal proceeding; and

(2) the Secretary of Defense and the Attorney General submit such determination to Congress.

(c) **LAWYERS DESCRIBED.**—The lawyers described in this subsection are military and non-military lawyers—

(1) who represent individuals described in subsection (d) in proceedings relating to petitions

for habeas corpus or in military commissions; and

(2) for whom there is reasonable suspicion that they have engaged in conduct or practices described in subsection (a)(1).

(d) **INDIVIDUALS DESCRIBED.**—An individual described in this subsection is any individual who is located, or who has been located at any time on or after September 11, 2001, at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is or was—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

(e) **REPORT.**—Not later than 90 days after the date of the completion of an investigation under subsection (a), the Inspector General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the results of such investigation.

(f) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as authorizing—

(1) the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive Order to be protected from disclosure in the interest of national defense or national security; or

(C) a part of an ongoing criminal investigation; or

(2) the Inspector General of the Department of Defense to investigate any matter that is solely within the investigative jurisdiction of another Federal official or entity.

Subtitle E—Studies and Reports

SEC. 1041. DEPARTMENT OF DEFENSE AEROSPACE-RELATED MISHAP SAFETY INVESTIGATION REPORTS.

(a) **PROVISION OF BRIEFINGS.**—Not later than 30 days after the submittal of a written request by the chairman and ranking member of any of the congressional defense committees, the Secretary of a military department shall provide to that committee a briefing on the privileged findings, causal factors, and recommendations contained in a specific Department of Defense aerospace-related mishap safety investigation report.

(b) **BRIEFING ATTENDANCE.**—A briefing provided under subsection (a) may be attended only by the following individuals:

(1) The chairman of the congressional defense committee for which the briefing is provided.

(2) The ranking member of that committee.

(3) The chairmen and ranking members of any subcommittees of that committee that the committee chairman and ranking member jointly designate as having jurisdiction over information contained in the briefing.

(4) Not more than four professional staff members designated jointly by the chairman and ranking member of the committee.

(c) **AVAILABILITY OF REPORTS.**—During a briefing provided under subsection (a), two copies of the privileged version of the mishap safety investigation report that is the subject of the briefing shall be made available for review by each of the individuals who attend the briefing pursuant to subsection (b). Each copy of the report shall be returned to the Department of Defense at the conclusion of the briefing.

(d) **DEPARTMENT OF DEFENSE AEROSPACE-RELATED MISHAP REPORTING REQUIREMENT.**—The chairperson who is appointed by the Secretary of a military department for the purpose of conducting an aerospace-related mishap safety board investigation, shall include as an addendum in the privileged safety report a discussion—

(1) comparing and contrasting all of the findings, causal factors, and recommendations contained in the non-privileged, publicly-released version of the aerospace-related mishap investigation report;

(2) describing how such findings, causal factors, and recommendations differ from the findings, causal factors, and recommendations contained in the privileged version of the safety report; and

(3) the rationale that justifies any such differences.

SEC. 1042. INTERAGENCY NATIONAL SECURITY KNOWLEDGE AND SKILLS.

(a) **STUDY REQUIRED.**—

(1) **SELECTION OF INDEPENDENT STUDY ORGANIZATION.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall select and enter into an agreement with an appropriate independent, nonprofit organization to conduct a study of the matters described in subsection (b).

(2) **QUALIFICATIONS OF ORGANIZATION SELECTED.**—The organization selected shall be qualified on the basis of having performed related prior work in the fields of national security and human capital development, and on the basis of such other criteria as the Secretary of Defense may determine.

(b) **MATTERS TO BE COVERED.**—The study required by subsection (a) shall assess the current state of interagency national security knowledge and skills in Department of Defense civilian and military personnel, and make recommendations for strengthening such knowledge and skills. At minimum, the study shall include assessments and recommendations on—

(1) interagency national security training, education, and rotational assignment opportunities available to civilians and military personnel;

(2) integration of interagency national security education into the professional military education system;

(3) level of interagency national security knowledge and skills possessed by personnel currently serving in civilian executive and general or flag officer positions, as represented by the interagency education, training, and professional experiences they have undertaken;

(4) incentives that enable and encourage military and civilian personnel to undertake interagency assignment, education, and training opportunities, as well as disincentives and obstacles that discourage undertaking such opportunities; and

(5) any plans or current efforts to improve the interagency national security knowledge and skills of civilian and military personnel.

(c) **REPORT.**—Not later than December 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report containing the findings and recommendations from the study required by subsection (a).

(d) **DEFINITION.**—In this section, the term “interagency national security knowledge and skills” means an understanding of, and the ability to efficiently and expeditiously work within, the structures, mechanisms, and processes by which the departments, agencies, and elements of the Federal Government that have national security missions coordinate and integrate their policies, capabilities, budgets, expertise, and activities to accomplish such missions.

SEC. 1043. REPORT ON ESTABLISHING A NORTHEAST REGIONAL JOINT TRAINING CENTER.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the need for the establishment of a Northeast Regional Joint Training Center.

(b) **CONTENTS OF REPORT.**—The report required under subsection (a) shall include each of the following:

(1) A list of facilities in the Northeastern United States at which, as of the date of the enactment of this Act, the Department of Defense has deployed or has committed to deploying a joint training experimentation network.

(2) The extent to which such facilities have sufficient unused capacity and expertise to accommodate and fully utilize a permanent joint training experimentation node.

(3) A list of potential locations for the regional center discussed in the report.

(c) **CONSIDERATIONS WITH RESPECT TO LOCATION.**—In determining potential locations for the regional center of excellence to be discussed in the report required under subsection (a), the Secretary of Defense shall take into consideration Department of Defense facilities that have—

(1) a workforce of skilled personnel;

(2) live, virtual, and constructive training capabilities, and the ability to digitally connect them and the associated battle command structure at the tactical and operational levels;

(3) an extensive deployment history in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) a location in the Northeastern United States;

(5) an existing and permanent joint training and experimentation network node;

(6) the capacity or potential capacity to accommodate a target training audience of up to 4000 additional personnel; and

(7) the capability to accommodate the training of current and future Army and Air Force unmanned aircraft systems.

SEC. 1044. COMPTROLLER GENERAL REPORT ON PREVIOUSLY REQUESTED REPORTS.

(a) **REPORT REQUIRED.**—Not later than March 1, 2011, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report evaluating the sufficiency, adequacy, and conclusions of following reports:

(1) The report on Air Force fighter force shortfalls, as required by the report of the House of Representatives numbered 111–166, which accompanied the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(2) The report on procurement of 4.5 generation fighters, as required by section 131 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2218).

(3) The report on combat air forces restructuring, as required by the report of the House of Representatives numbered 111–288, which accompanied the conference report for the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(b) **MATTERS COVERED BY REPORT.**—The report required by subsection (a) shall examine the potential costs and benefits of each of the following:

(1) The service life extension program costs to sustain the legacy fighter fleet to meet inventory requirements with an emphasis on the service life extension program compared to other options such as procurement of 4.5 generation fighters.

(2) The Falcon Structural Augmentation Roadmap of F–16s, with emphasis on the cost-benefit of such effort and the effect of such efforts on the service life of the airframes.

(3) Any additional programs designed to extend the service life of legacy fighter aircraft.

(c) **PROHIBITION.**—No fighter aircraft may be retired from the Air Force or the Air National Guard inventory in fiscal year 2011 until 180 days after the receipt by the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of the report required under subsection (a).

SEC. 1045. REPORT ON NUCLEAR TRIAD.

(a) **REPORT.**—Not later than March 1, 2011, the Secretary of Defense, in consultation with

the Administrator for Nuclear Security, shall submit to the congressional defense committees a report on the nuclear triad.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include the following:

(1) A detailed discussion of the modernization and sustainment plans for each component of the nuclear triad over the 20-year period beginning on the date of the report.

(2) The funding required for each platform of the nuclear triad with respect to operations and maintenance, modernization, and replacement.

(3) Any industrial capacities that the Secretary considers vital to ensure the viability of the nuclear triad.

(c) **NUCLEAR TRIAD DEFINED.**—In this section, the term “nuclear triad” means the nuclear deterrent capabilities of the United States composed of ballistic missile submarines, land-based missiles, and strategic bombers.

SEC. 1046. CYBERSECURITY STUDY AND REPORT.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) cybersecurity is one of the most serious national security challenges facing the United States; and

(2) it is critical that the Department of Defense develop technological solutions that ensure the security and freedom of action of the Department while operating in the cyber domain.

(b) **STUDY.**—The Secretary of Defense shall conduct a study assessing—

(1) the current use of, and potential applications of, modeling and simulation tools to identify likely cybersecurity methodologies and vulnerabilities within the Department of Defense.

(2) the application of modeling and simulation technology to develop strategies and programs to deter hostile or malicious activity intended to compromise Department of Defense information systems.

(c) **REPORT.**—Not later than January 1, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the results of the study conducted under subsection (b), including recommendations on possible options for increasing the use of simulation tools to further strengthen the cybersecurity environment of the Department of Defense.

(d) **FORM.**—The report required under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

Subtitle F—Other Matters

SEC. 1051. NATIONAL DEFENSE PANEL.

Subsection (f) of section 118 of title 10, United States Code, is amended to read as follows:

“(f) **NATIONAL DEFENSE PANEL.**—

“(1) **ESTABLISHMENT.**—Not later than February 1 of a year in which a quadrennial defense review is conducted under this section, there shall be established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the ‘Panel’). The Panel shall have the duties set forth in this subsection.

“(2) **MEMBERSHIP.**—The Panel shall be composed of ten members who are recognized experts in matters relating to the national security of the United States. Eight of the members shall be appointed as follows:

“(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

“(B) Two by the chairman of the Committee on Armed Services of the Senate.

“(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

“(D) Two by the ranking member of the Committee on Armed Services of the Senate.

“(3) **CO-CHAIRS OF THE PANEL.**—In addition to the members appointed under paragraph (2), the

Secretary of Defense shall appoint two members, one from each of the major political parties, to serve as co-chairs of the panel.

“(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

“(5) DUTIES.—The Panel shall have the following duties with respect to a quadrennial defense review:

“(A) Not later than March 1 of a year in which the review is conducted, the Panel shall submit to the Secretary of Defense a report that sets the parameters and provide guidance to the Secretary on the conduct of the review. The report of the Panel under this subparagraph shall, at a minimum, include such guidance as is necessary to ensure that the review is conducted in a manner that provides for adequately addressing all elements listed in subsection (d).

“(B) While the review is being conducted, the Panel shall review the updates from the Secretary of Defense required under paragraph (8) on the conduct of the review.

“(C) The Panel shall—

“(i) review the Secretary of Defense's terms of reference and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the quadrennial defense review;

“(ii) conduct an assessment of the assumptions, strategy, findings, and risks of the report on the quadrennial defense review required in subsection (d), with particular attention paid to the risks described in that report;

“(iii) conduct an independent assessment of a variety of possible force structures of the armed forces, including the force structure identified in the report on the quadrennial defense review required in subsection (d);

“(iv) review the resource requirements identified pursuant to subsection (b)(3) and, to the extent practicable, make a general comparison to the resource requirements to support the forces contemplated under the force structures assessed under subparagraph (C); and

“(v) provide to Congress and the Secretary of Defense, through the report under paragraph (7), any recommendations it considers appropriate for their consideration.

“(6) FIRST MEETING.—If the Secretary of Defense has not made the Secretary's appointments to the Panel under paragraph (3) by February 1 of a year in which a quadrennial defense review is conducted under this section, the Panel shall convene for its first meeting with the remaining members.

“(7) REPORT.—Not later than three months after the date on which the report on a quadrennial defense review is submitted under subsection (d) to the congressional committees named in that subsection, the Panel established under paragraph (1) shall submit to those committees an assessment of the quadrennial defense review, including a description of the items addressed under paragraph (5) with respect to that quadrennial defense review.

“(8) UPDATES FROM SECRETARY OF DEFENSE.—The Secretary of Defense shall periodically, but not less often than every 30 days, brief the Panel on the progress of the conduct of a quadrennial defense review under subsection (a).

“(9) ADMINISTRATIVE PROVISIONS.—

“(A) The Panel may secure directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this subsection. The head of the department or agency concerned shall ensure that information requested by the Panel under this paragraph is promptly provided.

“(B) Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any feder-

ally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

“(C) The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

“(D) Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

“(10) TERMINATION.—The Panel for a quadrennial defense review shall terminate 45 days after the date on which the Panel submits its final report on the quadrennial defense review under paragraph (7).”

SEC. 1052. QUADRENNIAL DEFENSE REVIEW.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the quadrennial defense review is a critical strategic document and should be based upon a process unconstrained by budgetary influences so that such influences do not determine or limit its outcome.

(b) RELATIONSHIP OF QUADRENNIAL DEFENSE REVIEW TO DEFENSE BUDGET.—Paragraph (4) of section 118(b) of title 10, United States Code, is amended to read as follows:

“(4) to make recommendations that will not be influenced, constrained, or informed by the budget submitted to Congress by the President pursuant to section 1105 of title 31.”

SEC. 1053. SALE OF SURPLUS MILITARY EQUIPMENT TO STATE AND LOCAL HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCIES.

(a) STATE AND LOCAL AGENCIES TO WHICH SALES MAY BE MADE.—Section 2576 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “local law enforcement and firefighting” and inserting “local law enforcement, firefighting, homeland security, and emergency management”; and

(B) by striking “carrying out law enforcement and firefighting activities” and inserting “carrying out law enforcement, firefighting, homeland security, and emergency management activities”; and

(2) in subsection (b), by striking “law enforcement or firefighting” both places it appears and inserting “law enforcement, firefighting, homeland security, or emergency management”.

(b) TYPES OF EQUIPMENT THAT MAY BE SOLD.—Subsection (a) of such section, as amended by subsection (a) of this section, is further amended by striking “and protective body armor” and inserting “personal protective equipment, and other appropriate equipment”.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§2576. Surplus military equipment: sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies”.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 153 of such title is amended to read as follows:

“2576. Surplus military equipment: sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies.”

SEC. 1054. DEPARTMENT OF DEFENSE RAPID INNOVATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Defense shall establish a program to accelerate the fielding of innovative technologies developed using Department of Defense research funding and the commercialization of such technologies. Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue guidelines for the operation of the program, including—

(1) criteria for an application for funding by a military department, defense agency, or the unified combatant command for special operations forces;

(2) the purposes for which such a department, agency, or command may apply for funds and appropriate requirements for technology development or commercialization to be supported using program funds;

(3) the priorities, if any, to be provided to field or commercialize technologies developed by certain types of Department of Defense research funding; and

(4) criteria for evaluation of an application for funding by a department, agency, or command.

(b) APPLICATIONS FOR FUNDING.—

(1) IN GENERAL.—Under the program, the Secretary shall, not less often than annually, solicit from the heads of the military departments, the defense agencies, and the unified combatant command for special operations forces applications for funding to be used to enter into contracts, cooperative agreements, or other transaction agreements entered into pursuant to section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1721; 10 U.S.C. 2371 note) with appropriate entities for the fielding or commercialization of technologies.

(2) TREATMENT PURSUANT TO CERTAIN CONGRESSIONAL RULES.—Nothing in this section shall be interpreted to require any official of the Department of Defense to provide funding under this section to any earmark as defined pursuant to House Rule XXI, clause 9, or any congressionally directed spending item as defined pursuant to Senate Rule XLIV, paragraph 5.

(c) FUNDING.—Subject to the availability of appropriations for such purpose, of the amounts authorized to be appropriated for research, development, test, and evaluation, defense-wide for each of fiscal years 2011 through 2015, not more than \$500,000,000 may be used for any such fiscal year for the program established under subsection (a).

(d) TRANSFER AUTHORITY.—The Secretary may transfer funds available for the program to the research, development, test, and evaluation accounts of a military department, defense agency, or the unified combatant command for special operations forces pursuant to an application, or any part of an application, that the Secretary determines would support the purposes of the program. The transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.

(e) DELEGATION OF MANAGEMENT OF PROGRAM.—The Secretary may delegate the management and operation of the program established under subsection (a) to the Assistant Secretary of Defense for Research and Engineering.

(f) REPORT.—Not later than 60 days after the last day of a fiscal year during which the Secretary carries out a program under this section, the Secretary shall submit a report to the congressional defense committees providing a detailed description of the operation of the program during such fiscal year.

(g) TERMINATION.—The authority to carry out a program under this section shall terminate on September 30, 2015. Any amounts made available for the program that remain available for obligation on the date the program terminates may be transferred under subsection (d) during the 180-day period beginning on the date of the termination of the program.

SEC. 1055. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 5, UNITED STATES CODE.—Subsection (1)(2)(B) of section 8344 of title 5, United States Code, as added by section 1122(a) of the National Defense Authorization Act for Fiscal

Year 2010 (Public Law 111–84; 123 Stat. 2505), is amended by striking “5201 et seq.” and inserting “5211 et seq.”.

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 127d(d)(1) is amended by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”.

(2) Section 132 is amended—

(A) by redesignating subsection (d), as added by section 2831(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2669), as subsection (e); and

(B) in such subsection, by striking “Guam Executive Council” and inserting “Guam Oversight Council”.

(3)(A) Section 382 is amended by striking “section 175 or 2332c” in subsections (a), (b)(2)(C), and (d)(2)(A)(ii) and inserting “section 175, 229, or 2332a”.

(B) The heading of such section is amended by striking “**chemical or biological**”.

(C) The table of sections at the beginning of chapter 18 is amended by striking the item relating to section 382 and inserting the following new item:

“382. Emergency situations involving weapons of mass destruction.”.

(4) Section 1175a(j)(3) is amended by striking “title 10” and inserting “this title”.

(5) Section 1781b(d) is amended by striking “March 1, 2008, and each year thereafter” and inserting “March 1 each year”.

(6) Section 1781c(h)(1) is amended by striking “180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter” and inserting “April 30 each year”.

(7) Section 2130a(b)(1) is amended by striking “Training Program” both places it appears and inserting “Training Corps program”.

(8) Section 2222(a) is amended by striking “Effective October 1, 2005, funds” and inserting “Funds”.

(9) The table of sections at the beginning of subchapter I of chapter 134, as amended by section 1031(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2448), is amended by transferring the item relating to section 2241a from the end of the table of sections to appear after the item relating to section 2241.

(10) Section 2362(e)(1) is amended by striking “IV” and inserting “V”.

(11) Section 2533a(d) is amended in paragraphs (1) and (4) by striking “(b)(1)(A), (b)(2), or (b)(3)” and inserting “(b)(1)(A) or (b)(2)”.

(12) Section 2642(a)(3) is amended by striking “During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010” and inserting “During the period beginning on October 28, 2009, and ending on October 28, 2014”.

(13) Section 2667(e)(1)(A)(ii) is amended by striking “sections 2668 and 2669” and inserting “section 2668”.

(14) Section 2684a(g)(1) is amended by striking “March 1, 2007, and annually thereafter” and inserting “March 1 each year”.

(15) Section 2687a(a) is amended by striking “31for” and inserting “31 for”.

(16) Section 2922d is amended by striking “1 or more” each place it appears and inserting “one or more”.

(17) Section 10216 is amended by striking “section 115(c)” in subsections (b)(1), (c)(1), and (c)(2)(A) and inserting “section 115(d)”.

(18) Section 10217(c)(1) is amended—

(A) by striking “Effective October 1, 2007, the” and inserting “The”; and

(B) by striking “after the preceding sentence takes effect”.

(19) Section 12203(a) is amended by striking “above” in the first sentence and inserting “of”.

(c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Effective as of October 28, 2009, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) is amended as follows:

(1) Section 325(d)(4) (123 Stat. 2254) is amended by striking “section 236” and inserting “section 235”.

(2) Section 581(a)(1)(C) (123 Stat. 2326) is amended by striking “subsection (f)” and inserting “subsection (g), as redesignated by section 582(b)(1)”.

(3) Section 584(a) (123 Stat. 2330) is amended by striking “such Act” and inserting “the Uniformed and Overseas Citizens Absentee Voting Act”.

(4) Section 585(b)(1) (123 Stat. 2331) is amended by striking subparagraphs (A) and (B), and inserting the following new subparagraphs:

“(A) in paragraph (2), by striking ‘section 102(4)’ and inserting ‘section 102(a)(4)’; and

“(B) by striking paragraph (4) and inserting the following new paragraph:

“(4) prescribe a suggested design for absentee ballot mailing envelopes;”;

(5) Section 589 (123 Stat. 2334; 42 U.S.C. 1973ff–7) is amended—

(A) in subsection (a)(1)—

(i) by striking “section 107(a)” and inserting “section 107(1)”; and

(ii) by striking “1973ff et seq.” and inserting “1973ff–6(1)”; and

(B) in subsection (e)(1), by striking “1977ff note” and inserting “1973ff note”.

(6) The undesignated section immediately following section 603 (123 Stat. 2350) is designated as section 604.

(7) Section 714(c) (123 Stat. 2382; 10 U.S.C. 1071 note) is amended—

(A) by striking “feasability” both places it appears and inserting “feasibility”; and

(B) by striking “specialities” both places it appears and inserting “specialties”.

(8) Section 813(a)(3) is amended by inserting “order” after “task” in the matter proposed to be struck.

(9) Section 921(b)(2) (123 Stat. 2432) is amended by inserting “subchapter I of” before “chapter 21”.

(10) Section 1014(c) (123 Stat. 2442) is amended by striking “in which the support” and inserting “in which support”.

(11) Section 1043(d) (123 Stat. 2457; 10 U.S.C. 2353 note) is amended by striking “et 13 seq.” and inserting “et seq.”.

(12) Section 1055(f) (123 Stat. 2462) is amended by striking “Combating” and inserting “Combating”.

(13) Section 1063(d)(2) (123 Stat. 2470) is amended by striking “For purposes of this section, the” and inserting “The”.

(14) Section 1080(b) (123 Stat. 2479; 10 U.S.C. 801 note) is amended—

(A) by striking “title 14” and inserting “title XIV”;

(B) by striking “title 10” and inserting “title X”; and

(C) by striking “the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366)” and inserting “chapter 47A of title 10, United States Code”.

(15) Section 1111(b) (123 Stat. 2495; 10 U.S.C. 1580 note prec.) is amended by striking “the Secretary” in the first sentence and inserting “the Secretary of Defense”.

(16) Section 1113(g)(1) (123 Stat. 2502; 5 U.S.C. 9902 note) is amended by inserting “United States Code,” after “title 5,” the first place it appears.

(17) Section 1121 (123 Stat. 2505) is amended—

(A) in subsection (a)—

(i) by striking “Section 9902(h)” and inserting “Section 9902(g)”; and

(ii) by inserting “as redesignated by section 1113(b)(1)(B),” after “Code,”; and

(B) in subsection (b), by striking “section 9902(h)” and inserting “section 9902(g)”.

(18) Section 1261 (123 Stat. 2553; 22 U.S.C. 6201 note) is amended by inserting a space between the first short title and “or”.

(19) Section 1306(b) (123 Stat. 2560) is amended by striking “fiscal year” and inserting “Fiscal Year”.

(20) Subsection (b) of section 1803 (123 Stat. 2612) is amended to read as follows:

“(b) APPELLATE REVIEW UNDER DETAINEE TREATMENT ACT OF 2005.—

“(1) DEPARTMENT OF DEFENSE, EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO ADDRESS HURRICANES IN THE GULF OF MEXICO, AND PANDEMIC INFLUENZA ACT, 2006.—Section 1005(e) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 10 U.S.C. 801 note) is amended by striking paragraph (3).

“(2) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—Section 1405(e) of the Detainee Treatment Act of 2005 (Public Law 109–163; 10 U.S.C. 801 note) is amended by striking paragraph (3).”.

(21) Section 1916(b)(1)(B) (123 Stat. 2624) is amended by striking the comma after “5941”.

(22) Section 2804(d)(2) (123 Stat. 2662) is amended by inserting “subchapter III of” before “chapter 169”.

(23) Section 2835(f)(1) (123 Stat. 2677) is amended by striking “publically-available” and inserting “publicly available”.

(24) Section 3503(b)(1) (123 Stat. 2719) is amended by striking the extra quotation marks.

(25) Section 3508(1) (123 Stat. 2721) is amended by striking “headline” and inserting “heading”.

(d) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—

(1) Section 596(b)(1)(D) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 1071 note), as amended by section 594 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2337), is amended by striking “or flag” the second place it appears.

(2) Section 1111(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 143 note), as amended by section 1109 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2492), is amended—

(A) in the matter preceding paragraph (1), by striking “secretary of a military department” and inserting “Secretary of a military department”;

(B) in paragraph (1)—

(i) by striking “the the requirements” and inserting “the requirements”; and

(ii) by striking “this title” and inserting “such title”; and

(C) in paragraph (2), by striking “any any of the following” and inserting “any of the following”.

(e) WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009.—Effective as of May 22, 2009, and as if included therein as enacted, the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23) is amended as follows:

(1) Section 205(a)(1)(B) (123 Stat. 1724) is amended in the matter proposed to be inserted by striking “paragraphs (1) and (2)” and inserting “paragraphs (1), (2), and (3)”.

(2) Section 205(c) (124 Stat. 1725) is amended by striking “2433a(c)(3)” and inserting “2433a(c)(1)(C)”.

(f) TECHNICAL CORRECTION REGARDING SBIR EXTENSION.—Section 9(m)(2) of the Small Business Act (15 U.S.C. 638(m)(2)), as added by section 847(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84;

123 Stat. 2420), is amended by striking “is authorized” and inserting “are authorized”.

(g) **TECHNICAL CORRECTION REGARDING PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES.**—Section 9902(a)(2) of title 5, United States Code, as added by section 1113(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2499), is amended by striking “chapters” both places it appears and inserting “chapter”.

(h) **TECHNICAL CORRECTION REGARDING SMALL SHIPYARDS AND MARITIME COMMUNITIES ASSISTANCE PROGRAM.**—Section 3506 of the National Defense Authorization Act for Fiscal Year 2006, as reinstated by the amendment made by section 1073(c)(14) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2475), is repealed.

(i) **TECHNICAL CORRECTION REGARDING DOT MARITIME HERITAGE PROPERTY.**—Section 6(a)(1)(C) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)(C)), as amended by section 3509 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2721), is amended by striking “the date of enactment of the Maritime Administration Authorization Act of 2010” and inserting “October 28, 2009”.

(j) **TECHNICAL CORRECTION REGARDING DOE NATIONAL SECURITY PROGRAMS.**—The table of contents at the beginning of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 50 U.S.C. 2401 et seq.) is amended by striking the item relating to section 3255 and inserting the following new item:

“Sec. 3255. Biennial plan and budget assessment on the modernization and refurbishment of the nuclear security complex.”.

SEC. 1056. LIMITATION ON AIR FORCE FISCAL YEAR 2011 FORCE STRUCTURE ANNOUNCEMENT IMPLEMENTATION.

None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 may be obligated or expended for the purpose of implementing the Air Force fiscal year 2011 Force Structure Announcement until 45 days after—

(1) the Secretary of the Air Force provides a detailed report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the follow-on missions for bases affected by the 2010 Combat Air Forces restructure; and

(2) the Secretary of the Air Force certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that the Air Sovereignty Alert Mission will be fully resourced with required funding, personnel, and aircraft.

SEC. 1057. BUDGETING FOR THE SUSTAINMENT AND MODERNIZATION OF NUCLEAR DELIVERY SYSTEMS.

Consistent with the plan contained in the report submitted to Congress under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549), in the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2012, and each subsequent fiscal year, the Secretary shall ensure that a separate budget (including separate, dedicated line items and program elements) is included with respect to programs and platforms regarding the sustainment and modernization of nuclear delivery systems.

SEC. 1058. LIMITATION ON NUCLEAR FORCE REDUCTIONS.

(a) **FINDINGS.**—Congress finds the following:

(1) As of September 30, 2009, the stockpile of nuclear weapons of the United States has been reduced by 84 percent from its maximum level in

1967 and by more than 75 percent from its level when the Berlin Wall fell in November, 1989.

(2) The number of non-strategic nuclear weapons of the United States has declined by approximately 90 percent from September 30, 1991, to September 30, 2009.

(3) In 2002, the United States announced plans to reduce its number of operationally deployed strategic nuclear warheads to between 1,700 and 2,200 by December 31, 2012.

(4) The United States plans to further reduce its stockpile of deployed strategic nuclear warheads to 1,550 during the next seven years.

(5) The United States plans to further reduce its deployed ballistic missiles and heavy bombers to 700 and its deployed and non-deployed launchers and heavy bombers to 800 during the next seven years.

(6) Beyond these plans for reductions, the Nuclear Posture Review of April 2010 stated that, “the President has directed a review of potential future reductions in U.S. nuclear weapons below New START levels. Several factors will influence the magnitude and pace of such reductions.”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) any reductions in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy and the technical and operational implications of such reductions; and

(2) specific criteria are necessary to guide future decisions regarding further reductions in the nuclear forces of the United States.

(c) **LIMITATION.**—No action may be taken to implement the reduction of nuclear forces of the United States below the levels described in paragraphs (4) and (5) of subsection (a), unless—

(1) the Secretary of Defense and the Administrator for Nuclear Security jointly submit to the congressional defense committees a report on such reduction, including—

(A) the justification for such reduction;

(B) an assessment of the strategic environment, threat, and policy and the technical and operational implications of such reduction;

(C) written certification by the Secretary of Defense that—

(i) either—

(I) the strategic environment or the assessment of the threat has changed to allow for such reduction; or

(II) technical measures to provide a commensurate or better level of safety, security, and reliability as before such reduction have been implemented for the remaining nuclear forces of the United States;

(ii) such reduction preserves the nuclear deterrent capabilities of the “nuclear triad” (intercontinental ballistic missiles, ballistic missile submarines, and heavy bombers and dual-capable aircraft);

(iii) such reduction does not require a change in targeting strategy from counterforce targeting to countervalue targeting;

(iv) the remaining nuclear forces of the United States provide a sufficient means of protection against unforeseen technical challenges and geopolitical events; and

(v) such reduction is compensated by other measures (such as nuclear modernization, conventional forces, and missile defense) that together provide a commensurate or better deterrence capability and level of credibility as before such reduction; and

(D) written certification by the Administrator for Nuclear Security that—

(i) technical measures to provide a commensurate or better level of safety, security, and reliability as before such reduction have been implemented for the remaining nuclear forces of the United States;

(ii) the remaining nuclear forces of the United States provide a sufficient means of protection

against unforeseen technical challenges and geopolitical events; and

(iii) measures to modernize the nuclear weapons complex have been implemented to provide a sufficiently responsive infrastructure to support the remaining nuclear forces of the United States; and

(2) a period of 180 days has elapsed after the date on which the report under paragraph (1) is submitted.

(d) **DEFINITION.**—In this section, the term “nuclear forces of the United States” includes—

(1) both active and inactive nuclear warheads in the nuclear weapons stockpile; and

(2) deployed and non-deployed delivery vehicles.

SEC. 1059. SENSE OF CONGRESS ON THE NUCLEAR POSTURE REVIEW.

It is the sense of Congress that the Nuclear Posture Review, released in April 2010 by the Secretary of Defense, weakens the national security of the United States by eliminating options to defend against a catastrophic nuclear, biological, chemical, or conventional attack against the United States.

SEC. 1060. STRATEGIC ASSESSMENT OF STRATEGIC CHALLENGES POSED BY POTENTIAL COMPETITORS.

The Secretary of Defense shall, in consultation with the Joint Chiefs of Staff and the commanders of the regional combatant commands, submit to the congressional defense committees, not later than March 15, 2011, a comprehensive strategic assessment of the current and future strategic challenges posed to the United States by potential competitors out through 2021, with particular attention paid to those challenges posed by the military modernization of the People's Republic of China, Iran, North Korea, and Russia.

SEC. 1061. ELECTRONIC ACCESS TO CERTAIN CLASSIFIED INFORMATION.

The Secretary of Defense shall provide to each committee of Congress an electronic communications link to classified information in the possession of the Department of Defense pertaining to a subject matter that is in the jurisdiction of such committee under the Rules of the House of Representatives or the Standing Rules of the Senate. Such electronic communications link shall be capable of supporting appropriate classified communications between the Department of Defense and each committee of Congress authorized to carry out such communications.

SEC. 1062. JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) expressed the sense of Congress (in section 1083(d)(4)) that the Secretary of State “should work with the Government of Iraq on a state-to-state basis to ensure compensation for any meritorious claims based on terrorist acts committed by the Saddam Hussein regime against individuals who were United States nationals or members of the United States Armed Forces at the time of those terrorist acts and whose claims cannot be addressed in courts in the United States due to the exercise of the waiver authority” provided to the President under section 1083(d) of that Act.

(2) The House of Representatives in the 110th Congress unanimously adopted H.R. 5167, the Justice for Victims of Torture and Terrorism Act, which set forth an appropriate compromise of the claims described in paragraph (1).

(3) The National Defense Authorization Act for Fiscal Year 2010 (in section 1079) further expressed the sense of Congress that these claims of American victims of torture and hostage taking by Iraq “should be resolved by a prompt and fair settlement negotiated between the Government of Iraq and the Government of the United

States, taking note of the provisions of H.R. 5167 of the 110th Congress, which was adopted by the United States House of Representatives”.

(4) Pursuant to these congressional actions, the Secretary of State has diligently pursued these negotiations with the Government of Iraq. To date, however, more than three years after the enactment of the National Defense Authorization Act for Fiscal Year 2008, and nearly a year after the enactment of the National Defense Authorization Act for Fiscal Year 2010, there has been no resolution of these claims of injured Americans, despite the resolution by Iraq of claims of foreign corporations against the Saddam Hussein regime.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the claims of American victims of torture and hostage taking by the Government of Iraq during the regime of Saddam Hussein that are subject to Presidential Determination Number 2008-9 of January 28, 2008, which waived application of section 1083 of the National Defense Authorization Act for Fiscal Year 2008, should be resolved by a prompt and fair settlement negotiated between the Government of Iraq and the Government of the United States.

SEC. 1063. POLICY REGARDING APPROPRIATE USE OF DEPARTMENT OF DEFENSE RESOURCES.

(a) **POLICY.**—

(1) **IN GENERAL.**—Chapter 2 of Title 10, United States Code, is amended by inserting after section 113a the following new section:

“§113b. Use of Department of Defense resources

“(a) **POLICY.**—The Secretary of Defense shall ensure that all resources of the Department of Defense are used only for activities that—

“(1) fulfill a legitimate Government purpose;

“(2) comply with all applicable laws, regulations, and policies of the Department of Defense; and

“(3) contribute to the mission of the Department of Defense.

“(b) **GUIDANCE.**—The Secretary shall prescribe such guidance as is necessary to ensure compliance with the policy required under subsection (a) and to address any violations of the policy, including, as appropriate, any applicable legal remedies.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113a the following new item:

“113b. Use of Department of Defense resources.”.

(b) **PROHIBITION ON USE OF FUNDS.**—None of the funds authorized to be appropriated in this Act or otherwise available to the Department of Defense may be used—

(1) for any activity that does not comply with the policy established under section 113b of title 10, United States Code, as added by subsection (a), including any improper activity involving—

(A) transportation or travel (including use of Government vehicles); or

(B) Department of Defense information technology resources; or

(2) to pay the salary of any employee who engages in an intentional violation of the policy established under such section.

SEC. 1064. EXECUTIVE AGENT FOR PREVENTING THE INTRODUCTION OF COUNTERFEIT MICROELECTRONICS INTO THE DEFENSE SUPPLY CHAIN.

(a) **EXECUTIVE AGENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to serve as the executive agent for preventing the introduction of counterfeit microelectronics into the defense supply chain.

(b) **ROLES, RESPONSIBILITIES, AND AUTHORITIES.**—

(1) **ESTABLISHMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) **SPECIFICATION.**—The roles and responsibilities of the executive agent designated under subsection (a) shall include the following:

(A) Development and maintenance of a strategy and implementation plan that ensures that the Department of Defense has the ability to identify, mitigate, prevent, and eliminate counterfeit microelectronics from the defense supply chain.

(B) Development of recommendations for funding strategies necessary to meet the requirements of the strategy and implementation plan developed under subparagraph (A).

(C) Assessments of trends in counterfeit microelectronics, including—

(i) an analysis of recent incidents of discovery of counterfeit microelectronics in the defense supply chain, including incidents involving material and service providers;

(ii) a projection of future trends in counterfeit microelectronics;

(iii) the sufficiency of reporting mechanisms and metrics within the Department of Defense and each component of the Department of Defense;

(iv) the economic impact of identifying and remediating counterfeit microelectronics in the defense supply chain; and

(v) the impact of counterfeit microelectronics in the defense supply chain on defense readiness.

(D) Coordination of planning and activities with interagency and international partners.

(E) Development and participation in public-private partnerships to prevent the introduction of counterfeit microelectronics into the supply chain.

(F) Such other roles and responsibilities as the Secretary of Defense considers appropriate.

(c) **SUPPORT WITHIN DEPARTMENT OF DEFENSE.**—The Secretary of Defense shall ensure that each component of the Department of Defense provides the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) **REQUIRED ACTIONS.**—The Secretary of Defense shall submit to the congressional defense committees—

(1) not later than 180 days after the date of the enactment of this Act, a description of the roles, responsibilities, and authorities of the executive agent prescribed in accordance with subsection (b)(1);

(2) not later than one year after the date of the enactment of this Act, a strategy for how the Department of Defense will identify, mitigate, prevent, and eliminate counterfeit microelectronics within the defense supply chain; and

(3) not later than 18 months after the date of the enactment of this Act, an implementation plan for how the Department of Defense will execute the strategy submitted in accordance with paragraph (2).

(e) **DEFINITIONS.**—In this section:

(1) **COUNTERFEIT MICROELECTRONIC.**—The term “counterfeit microelectronic” means any type of integrated circuit or other microelectronic component that consists of—

(A) a substitute or unauthorized copy of a valid product from an original manufacturer;

(B) a product in which the materials used or the performance of the product has been changed without notice by a person other than the original manufacturer of the product; or

(C) a substandard component misrepresented by the supplier of such component.

(2) **EXECUTIVE AGENT.**—The term “executive agent” has the meaning given the term “DoD

Executive Agent” in Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AUTHORITY FOR THE DEPARTMENT OF DEFENSE TO APPROVE AN ALTERNATE METHOD OF PROCESSING EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS WITHIN ONE OR MORE COMPONENT ORGANIZATIONS UNDER SPECIFIED CIRCUMSTANCES.

(a) **AUTHORITY.**—The Secretary of Defense may implement within one or more of the component organizations of the Department of Defense an alternate program for processing equal employment opportunity complaints.

(1) Complaints processed under the alternate program shall be subject to the procedural requirements established for the alternate program and shall not be subject to the procedural requirements of part 1614 of title 29 of the Code of Federal Regulations or other regulations, directives, or regulatory restrictions prescribed by the Equal Employment Opportunity Commission.

(2) The alternate program shall include procedures to reduce processing time and eliminate redundancy with respect to processes for the resolution of equal employment opportunity complaints, reinforce local management and chain-of-command accountability, and provide the parties involved with early opportunity for resolution.

(3) The Secretary may carry out the alternate program during a 5-year period beginning on the date of the enactment of this Act. Not later than 180 days before the expiration of such period, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate, a recommendation regarding whether the program should be extended for an additional period.

(4)(A) Participation in the alternate program shall be voluntary on the part of the complainant. Complainants who participate in the alternate program shall retain the right to appeal a final agency decision to the Equal Employment Opportunity Commission and to file suit in district court. The Equal Employment Opportunity Commission shall not reverse a final agency decision on the grounds that the agency did not comply with the regulatory requirements promulgated by the Commission.

(B) Subparagraph (A) shall apply to all cases filed with the Commission after the date of the enactment of this Act and under the alternate program established under this subsection.

(C) The Secretary shall consult with the Equal Employment Commission in the development of the alternate program.

(b) **EVALUATION PLAN.**—The Secretary of Defense shall develop an evaluation plan to accurately and reliably assess the results of each alternate program implemented under subsection (a), identifying the key features of the program, including—

(1) well-defined, clear, and measurable objectives;

(2) measures that are directly linked to the program objectives;

(3) criteria for determining the program performance;

(4) a way to isolate the effects of the alternate program;

(5) a data analysis plan for the evaluation design; and

(6) a detailed plan to ensure that data collection, entry, and storage are reliable and error-free.

(c) **REPORTS.**—The Comptroller General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, two reports on the alternate program.

(1) **CONTENTS OF REPORTS.**—Each report shall contain the following:

(A) A description of the processes tested by the alternate program.

(B) The results of the testing of such processes.

(C) Recommendations for changes to the processes for the resolution of equal employment opportunity complaints as a result of the alternate program.

(D) A comparison of the processes used, and results obtained, under the alternate program to traditional and alternative dispute resolution processes used in the Government or private industry.

(2) **DATES OF SUBMISSION.**—The first of such reports shall be submitted at the end of the 2-year period beginning on the date of the enactment of this Act. The second of such reports shall be submitted at the end of the 4-year period beginning on the date of the enactment of this Act.

SEC. 1102. CLARIFICATION OF AUTHORITIES AT PERSONNEL DEMONSTRATION LABORATORIES.

(a) **CLARIFICATION OF APPLICABILITY OF DIRECT HIRE AUTHORITY.**—Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4618; 10 U.S.C. 1580 note) is amended—

(1) in subsection (b), by striking “identified” and all that follows and inserting “designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2486) as a Department of Defense science and technology reinvention laboratory.”; and

(2) in subsection (c), by striking “2 percent” and inserting “4 percent”.

(b) **CLARIFICATION OF APPLICABILITY OF FULL IMPLEMENTATION REQUIREMENT.**—Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 357; 10 U.S.C. 2358 note) is amended—

(1) in subsection (a), by striking “that are exempted by” and all that follows and inserting “designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2486) as Department of Defense science and technology reinvention laboratories.”; and

(2) in subsection (c), by striking “as enumerated in” and all that follows and inserting “designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2486) as a Department of Defense science and technology reinvention laboratory.”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect as of October 28, 2009.

SEC. 1103. SPECIAL RULE RELATING TO CERTAIN OVERTIME PAY.

(a) **IN GENERAL.**—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

“(6)(A) Notwithstanding paragraphs (1) and (2), for an employee who is described in subparagraph (B), and whose rate of basic pay exceeds the minimum rate for GS-10, the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, and all that amount is premium pay.

“(B) This paragraph applies in the case of an employee of the Department of the Navy—

“(i) who is performing work aboard or in support of the U.S.S. GEORGE WASHINGTON while that vessel is forward deployed in Japan; and

“(ii) as to whom the application of this paragraph is necessary (as determined under regulations prescribed by the Secretary of the Navy)—

“(I) in order to ensure equal treatment with employees performing similar work in the United States;

“(II) in order to secure the services of qualified employees; or

“(III) for such other reasons as may be set forth in such regulations.”.

(b) **REPORTING REQUIREMENT.**—Within 1 year after date of enactment of this Act, the Secretary of the Navy shall submit to the Secretary of Defense and the Director of the Office of Personnel Management a report that addresses the use of paragraph (6) of section 5542(a) of title 5, United States Code, as added by subsection (a), including associated costs.

SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective January 1, 2011, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as amended by section 1106(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2487), is amended by striking “calendar years 2009 and 2010” and inserting “calendar years 2011 and 2012”.

SEC. 1105. WAIVER OF CERTAIN PAY LIMITATIONS.

Section 9903(d) of title 5, United States Code, is amended—

(1) by amending paragraph (2) to read as follows:

“(2) An employee appointed under this section is not eligible for any bonus, monetary award, or other monetary incentive for service, except for—

“(A) payments authorized under this section; and

“(B) in the case of an employee who is assigned in support of a contingency operation (as defined in section 101(a)(13) of title 10), allowances and any other payments authorized under chapter 59.”; and

(2) in paragraph (3), by adding at the end the following: “In computing an employee’s total annual compensation for purposes of the preceding sentence, any payment referred to in paragraph (2)(B) shall be excluded.”.

SEC. 1106. SERVICES OF POST-COMBAT CASE COORDINATORS.

(a) **IN GENERAL.**—Chapter 79 of title 5, United States Code, is amended by adding at the end the following:

“§ 7906. Services of post-combat case coordinators

“(a) **DEFINITIONS.**—For purposes of this section—

“(1) the terms ‘employee’, ‘agency’, ‘injury’, ‘war-risk hazard’, and ‘hostile force or individual’ have the meanings given those terms in section 8101; and

“(2) the term ‘qualified employee’ means an employee as described in subsection (b).

“(b) **REQUIREMENT.**—The head of each agency shall, in a manner consistent with the guidelines prescribed under subsection (c), provide for the assignment of a post-combat case coordinator in the case of any employee of such agency who suffers an injury or disability incurred, or an illness contracted, while in the performance of such employee’s duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual.

“(c) **GUIDELINES.**—The Office of Personnel Management shall, after such consultation as the Office considers appropriate, prescribe guidelines for the operation of this section. Under the guidelines, the responsibilities of a post-combat case coordinator shall include—

“(1) acting as the main point of contact for qualified employees seeking administrative guidance or assistance relating to benefits under chapter 81 or 89;

“(2) assisting qualified employees in the collection of documentation or other supporting evidence for the expeditious processing of claims under chapter 81 or 89;

“(3) assisting qualified employees in connection with the receipt of prescribed medical care and the coordination of benefits under chapter 81 or 89;

“(4) resolving problems relating to the receipt of benefits under chapter 81 or 89; and

“(5) ensuring that qualified employees are properly screened and receive appropriate treatment—

“(A) for post-traumatic stress disorder or other similar disorder stemming from combat trauma; or

“(B) for suicidal or homicidal thoughts or behaviors.

“(d) **DURATION.**—The services of a post-combat case coordinator shall remain available to a qualified employee until—

“(1) such employee accepts or declines a reasonable offer of employment in a position in the employee’s agency for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee’s grade (or pay level) before the occurrence or onset of the injury, disability, or illness (as referred to in subsection (a)), and which is within the employee’s commuting area; or

“(2) such employee gives written notice, in such manner as the employing agency prescribes, that those services are no longer desired or necessary.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 79 of title 5, United States Code, is amended by adding after the item relating to section 7905 the following:

“7906. Services of post-combat case coordinators.”.

SEC. 1107. AUTHORITY TO WAIVE MAXIMUM AGE LIMIT FOR CERTAIN APPOINTMENTS.

Section 3307(e) of title 5, United States Code, is amended—

(1) by striking “(e) The” and inserting “(e)(1) Except as provided in paragraph (2), the”; and

(2) by adding at the end the following:

“(2)(A) In the case of the conversion of an agency function from performance by a contractor to performance by an employee of the agency, the head of the agency may waive any maximum limit of age, determined or fixed for positions within such agency under paragraph (1), if necessary in order to promote the recruitment or appointment of experienced personnel.

“(B) For purposes of this paragraph—

“(i) the term ‘agency’ means the Department of Defense or a military department; and

“(ii) the term ‘head of the agency’ means the Secretary of Defense or the Secretary of a military department.”.

SEC. 1108. SENSE OF CONGRESS REGARDING WAIVER OF RECOVERY OF CERTAIN PAYMENTS MADE UNDER CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) **CONGRESSIONAL FINDING.**—Congress finds that employees and former employees of the Department of Defense described in subsection (c) provided a valuable service to such Department in response to the national emergency declared in the aftermath of the attacks of September 11, 2001.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) employees and former employees of the Department of Defense described in subsection (c) deserve to retain or to be repaid their voluntary separation incentive payment pursuant to section 9902 of title 5, United States Code;

(2) recovery of the amount of the payment referred to in section 9902 of title 5, United States Code, would be against equity and good conscience and contrary to the best interests of the United States;

(3) the Secretary of Defense should waive the requirement under subsection (f)(6)(B) of section 9902 of title 5, United States Code, for repayment to the Department of Defense of a voluntary separation incentive payment made under subsection (f)(1) of such section 9902 in the case of an employee or former employee of the Department of Defense described in subsection (c); and

(4) a person who has repaid to the United States all or part of the voluntary separation incentive payment for which repayment is waived under this section may receive a refund of the amount previously repaid to the United States.

(c) **PERSONS COVERED.**—Subsection (a) applies to any employee or former employee of the Department of Defense who—

(1) during the period beginning on April 1, 2004, and ending on May 1, 2008, received a voluntary separation incentive payment under section 9902(f)(1) of title 5, United States Code;

(2) was reappointed to a position in the Department of Defense during the period beginning on June 1, 2004, and ending on May 1, 2008; and

(3) received a written representation from an officer or employee of the Department of Defense, before accepting the reappointment referred to in paragraph (2), that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived, and reasonably relied on that representation in accepting reappointment.

SEC. 1109. SUSPENSION OF DCIPS PAY AUTHORITY EXTENDED FOR A YEAR.

Section 1114(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 1601 note) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) **IN GENERAL.**—Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as most recently amended by section 1202(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2511), is further amended by striking “\$40,000,000” and inserting “\$50,000,000”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2010.

SEC. 1202. ADDITION OF ALLIED GOVERNMENT AGENCIES TO ENHANCED LOGISTICS INTEROPERABILITY AUTHORITY.

(a) **ENHANCED INTEROPERABILITY AUTHORITY.**—Subsection (a) of section 127d of title 10, United States Code, is amended—

(1) by inserting “(1)” before “Subject to”;

(2) by inserting “of the United States” after “armed forces”;

(3) by striking the second sentence; and

(4) by adding at the end the following new paragraphs:

“(2) In addition to any logistic support, supplies, and services provided under paragraph (1), the Secretary may provide logistic support, supplies, and services to allied forces solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in combined operations with the United States in order to facilitate such operations. Such logistic support, supplies, and services may also be provided under this paragraph to a nonmilitary logistics, security, or similar agency of an allied government if such provision would directly benefit the armed forces of the United States.

“(3) Provision of support, supplies, and services pursuant to paragraph (1) or (2) may be

made only with the concurrence of the Secretary of State.”

(b) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in subsection (b), by striking “subsection (a)” in paragraphs (1) and (2) and inserting “subsection (a)(1)”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “Except as provided in paragraph (2), the” and inserting “The”; and

(ii) by striking “this section” and inserting “subsection (a)(1)”; and

(B) in paragraph (2), by striking “In addition” and all that follows through “fiscal year,” and inserting “The value of the logistic support, supplies, and services provided under subsection (a)(2) in any fiscal year may not”.

SEC. 1203. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) **ANNUAL FUNDING LIMITATION.**—Subsection (c)(1) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625), is further amended by striking “\$350,000,000” and inserting “\$500,000,000”.

(b) **TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT MILITARY AND STABILITY OPERATIONS.**—

(1) **IN GENERAL.**—Subsection (c)(5) of such section is amended—

(A) by striking “and not more than” and inserting “not more than”; and

(B) by inserting after “fiscal year 2011” the following: “, and not more than \$100,000,000 may be used during fiscal year 2012”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on October 1, 2010, and shall apply with respect to programs under subsection (a) of such section that begin on or after that date.

(c) **TEMPORARY AUTHORITY TO BUILD THE CAPACITY OF YEMEN’S COUNTER-TERRORISM FORCES.**—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) **TEMPORARY AUTHORITY TO BUILD THE CAPACITY OF YEMEN’S COUNTER-TERRORISM FORCES.**—

“(1) **AUTHORITY OF SECRETARY OF STATE.**—

“(A) **IN GENERAL.**—Of the funds made available under subsection (c) for the authority of subsection (a) for fiscal year 2011, the Secretary of Defense shall transfer to the Secretary of State \$75,000,000 of such funds for purposes of providing assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) to build the capacity of the counter-terrorism forces of the Yemeni Ministry of Interior.

“(B) **CERTIFICATION.**—The Secretary of Defense may transfer funds pursuant to subparagraph (A) only if, not later than July 31, 2011, the Secretary of State certifies to the Secretary of Defense and the congressional committees specified in subsection (e)(3) that the Secretary of State is able to effectively carry out the purpose of subparagraph (A).

“(C) **AVAILABILITY OF FUNDS.**—Amounts available under this paragraph for the authority of subparagraph (A) for fiscal year 2011 may be used to conduct or support a program or programs under that authority that begin in fiscal year 2011 but end in fiscal year 2012.

“(2) **AUTHORITY OF SECRETARY OF DEFENSE.**—If a certification described in paragraph (1)(B) is not made by July 31, 2011, the Secretary of Defense may, with the concurrence of the Secretary of State, use up to \$75,000,000 of the

funds made available under subsection (c) for the authority of subsection (a) for fiscal year 2011 to conduct or support a program or programs under the authority of subsection (a) to build the capacity of the counter-terrorism forces of the Yemeni Ministry of Interior.

“(3) **CONGRESSIONAL NOTIFICATION.**—

“(A) **BY SECRETARY OF STATE.**—The Secretary of State shall notify the congressional committees specified in subsection (e)(3) whenever the Secretary of State makes a certification under paragraph (1)(B) for purposes of exercising the authority of paragraph (1).

“(B) **BY SECRETARY OF DEFENSE.**—The Secretary of Defense shall notify the congressional committees specified in subsection (e)(3) whenever the Secretary of Defense exercises the authority of paragraph (2) to support or conduct a program or programs described in paragraph (2).

“(C) **CONTENTS.**—A notification under subparagraph (A) or (B) shall include a description of the program or programs to be conducted or supported under the authority of this subsection.”

(d) **ONE-YEAR EXTENSION OF AUTHORITY.**—Subsection (h) of such section, as most recently amended by section 1206(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625) and redesignated by subsection (c) of this section, is further amended by—

(1) by striking “September 30, 2011” and inserting “September 30, 2012”; and

(2) by striking “fiscal years 2006 through 2011” and inserting “fiscal years 2006 through 2012”.

SEC. 1204. AIR FORCE SCHOLARSHIPS FOR PARTNERSHIP FOR PEACE NATIONS TO PARTICIPATE IN THE EURO-NATO JOINT JET PILOT TRAINING PROGRAM.

(a) **ESTABLISHMENT OF SCHOLARSHIP PROGRAM.**—The Secretary of the Air Force shall establish and maintain a demonstration scholarship program to allow personnel of the air forces of countries that are signatories of the Partnership for Peace Framework Document to receive undergraduate pilot training and necessary related training through the Euro-NATO Joint Jet Pilot Training (ENJJPT) program. The Secretary of the Air Force shall establish the program pursuant to regulations prescribed by the Secretary of Defense in consultation with the Secretary of State.

(b) **TRANSPORTATION, SUPPLIES, AND ALLOWANCE.**—Under such conditions as the Secretary of the Air Force may prescribe, the Secretary may provide to a person receiving a scholarship under the scholarship program—

(1) transportation incident to the training received under the ENJJPT program;

(2) supplies and equipment to be used during the training;

(3) flight clothing and other special clothing required for the training;

(4) billeting, food, and health services; and

(5) a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.

(c) **RELATION TO EURO-NATO JOINT JET PILOT TRAINING PROGRAM.**—

(1) **ENJJPT STEERING COMMITTEE AUTHORITY.**—Nothing in this section shall be construed or interpreted to supersede the authority of the ENJJPT Steering Committee under the ENJJPT Memorandum of Understanding. Pursuant to the ENJJPT Memorandum of Understanding, the ENJJPT Steering Committee may resolve to forbid any airman or airmen from a Partnership for Peace nation to participate in the Euro-NATO Joint Jet Pilot Training program under the authority of a scholarship under this section.

(2) **NO REPRESENTATION.**—Countries whose air force personnel receive scholarships under the scholarship program shall not have privilege of ENJJPT Steering Committee representation.

(d) **LIMITATION ON ELIGIBLE COUNTRIES.**—The Secretary of the Air Force may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or any other provision of law.

(e) **COST-SHARING.**—For purposes of ENJJPT cost-sharing, personnel of an air force of a foreign country who receive a scholarship under the scholarship program may be counted as United States pilots.

(f) **PROGRESS REPORT.**—Not later than February 1, 2015, the Secretary of the Air Force shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the status of the demonstration program, including the opinion of the Secretary and NATO allies on the benefits of the program and whether or not to permanently authorize the program or extend the program beyond fiscal year 2015. The report shall specify the following:

(1) The countries participating in the scholarship program.

(2) The total number of foreign pilots who received scholarships under the scholarship program.

(3) The amount expended on scholarships under the scholarship program.

(4) The source of funding for scholarships under the scholarship program.

(g) **DURATION.**—No scholarship may be awarded under the scholarship program after September 30, 2015.

(h) **FUNDING SOURCE.**—Amounts to award scholarships under the scholarship program shall be derived from amounts authorized to be appropriated for operation and maintenance for the Air Force.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1212. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) **AUTHORITY FOR FISCAL YEAR 2011.**—During fiscal year 2011, from funds made available to the Department of Defense for operation and maintenance for such fiscal year—

(1) not to exceed \$100,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders' Emergency Response Program in Iraq; and

(2) not to exceed \$800,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders' Emergency Response Program in Afghanistan.

(b) **QUARTERLY REPORTS.**—

(1) **IN GENERAL.**—Not later than 30 days after the end of each fiscal-year quarter of fiscal year 2011, the Secretary of Defense shall submit to the congressional defense committees a report regarding the Commanders' Emergency Response Program.

(2) **MATTERS TO BE INCLUDED.**—The report required under paragraph (1) shall include the following:

(A) The allocation and use of funds under the Commanders' Emergency Response Program or any other provision of law making funding available for the Commanders' Emergency Response Program during the fiscal-year quarter.

(B) The dates of obligation and expenditure of such funds during the fiscal-year quarter.

(C) A description of each project for which amounts in excess of \$500,000 were obligated or expended during the fiscal-year quarter.

(D) The dates of obligation and expenditure of funds under the Commanders' Emergency Response Program or any other provision of law making funding available for the Commanders' Emergency Response Program for each of fiscal years 2004 through 2010.

(3) **MATTERS TO BE INCLUDED WITH RESPECT TO COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.**—The report required under paragraph (1) shall include the following with respect to the Commanders' Emergency Response Program in Iraq:

(A) A written statement by the Secretary of Defense, or the Deputy Secretary of Defense if the authority under subsection (f) is delegated to the Deputy Secretary of Defense, affirming that the certification required under subsection (f) was issued for each project for which amounts in excess of \$1,000,000 were obligated or expended during the fiscal-year quarter.

(B) For each project listed in subparagraph (A), the following information:

(i) A description and justification for carrying out the project.

(ii) A description of the extent of involvement by the Government of Iraq in the project, including—

(I) the amount of funds provided by the Government of Iraq for the project; and

(II) a description of the plan for the transition of such project upon completion to the people of Iraq and for the sustainment of any completed facilities, including any commitments by the Government of Iraq to sustain projects requiring the support of the Government of Iraq for sustainment.

(iii) A description of the current status of the project, including, where appropriate, the projected completion date

(C) A description of the status of transitioning activities to the Government of Iraq, including—

(i) the level of funding provided and expended by the Government of Iraq in programs designed to meet urgent humanitarian relief and reconstruction requirements that immediately assist the Iraqi people; and

(ii) a description of the progress made in transitioning the responsibility for the Sons of Iraq Program to the Government of Iraq.

(c) **SUBMISSION OF GUIDANCE.**—

(1) **INITIAL SUBMISSION.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary to the Armed Forces concerning the allocation of funds through the Commanders' Emergency Response Program.

(2) **MODIFICATIONS.**—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which the Secretary makes the modification.

(d) **WAIVER AUTHORITY.**—For purposes of exercising the authority provided by this section or any other provision of law making funding available for the Commanders' Emergency Response Program, the Secretary of Defense may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(e) **PROHIBITION ON CERTAIN PROJECTS UNDER COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.**—

(1) **PROHIBITION.**—Except as provided in paragraph (2), funds made available under this section for the Commanders' Emergency Response Program in Iraq may not be obligated or expended to carry out any project if the total amount of such funds made available for the purpose of carrying out the project exceeds \$2,000,000.

(2) **EXCEPTION.**—The prohibition contained in paragraph (1) shall not apply with respect to funds managed or controlled by the Department of Defense that were otherwise provided by another department or agency of the United States Government, the Government of Iraq, the government of a foreign country, a foundation or other charitable organization (including a foundation or charitable organization that is organized or operates under the laws of a foreign country), or any source in the private sector of the United States or a foreign country.

(3) **WAIVER.**—The Secretary of Defense may waive the prohibition contained in paragraph (1) if the Secretary—

(A) determines that such a waiver is required to meet urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people; and

(B) submits in writing, within 15 days of issuing such waiver, to the congressional defense committees a notification of the waiver, together with a discussion of—

(i) the unmet and urgent needs to be addressed by the project; and

(ii) any arrangements between the Government of the United States and the Government of Iraq regarding the provision of Iraqi funds for carrying out and sustaining the project.

(f) **CERTIFICATION OF CERTAIN PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.**—

(1) **CERTIFICATION.**—Funds made available under this section for the Commanders' Emergency Response Program in Iraq may not be obligated or expended to carry out any project if the total amount of such funds made available for the purpose of carrying out the project exceeds \$1,000,000 unless the Secretary of Defense certifies that the project addresses urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people.

(2) **DELEGATION.**—The Secretary may delegate the authority under paragraph (1) to the Deputy Secretary of Defense.

(g) **DEFINITIONS.**—In this section—

(1) the term "Commanders' Emergency Response Program" means—

(A) with respect to Iraq, the program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(B) with respect to Afghanistan, the program established for Afghanistan for purposes similar to the program established for Iraq, as described in subparagraph (A);

(2) the term "Commanders' Emergency Response Program in Iraq" means the program described in paragraph (1)(A); and

(3) the term "Commanders' Emergency Response Program in Afghanistan" means the program described in paragraph (1)(B).

SEC. 1213. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT TO CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) **EXTENSION OF AUTHORITY.**—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as amended by section 1223 of the National Defense Authorization Act

for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2519), is further amended—

(1) in the matter preceding paragraph (1), by striking “2010” and inserting “2011”; and

(2) by adding at the end the following:

“(3) Logistical and military support provided by that nation to confront the threat posed by al’Qaida, the Taliban, and other militant extremists in Pakistan.”.

(b) LIMITATION ON AMOUNT.—Subsection (d)(1) of such section is amended by striking “2010” and inserting “2011”.

SEC. 1214. MODIFICATION OF REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.

(a) REPORT REQUIRED.—Subsection (a) of section 1227 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2525; 50 U.S.C. 1541 note) is amended—

(1) by striking “December 31, 2009” and inserting “December 31, 2010”; and

(2) by striking “90 days thereafter” and inserting “180 days thereafter”.

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (5), by striking “Multi-National Force–Iraq” each place it occurs and inserting “United States Forces–Iraq”; and

(2) by adding at the end the following:

“(6) An assessment of progress to transfer responsibility of programs, projects, and activities carried out in Iraq by the Department of Defense to other United States Government departments and agencies, international or nongovernmental entities, or the Government of Iraq. The assessment should include a description of the numbers and categories of programs, projects, and activities for which such other entities have taken responsibility or which have been discontinued by the Department of Defense. The assessment should also include a discussion of any difficulties or barriers in transitioning such programs, projects, and activities and what, if any, solutions have been developed to address such difficulties or barriers.

“(7) An assessment of progress toward the goal of establishing those minimum essential capabilities determined by the Secretary of Defense as necessary to allow the Government of Iraq to provide for its own internal and external defense, including a description of—

“(A) such capabilities both extant and remaining to be developed;

“(B) major military equipment necessary to achieve such capabilities;

“(C) the level and type of support provided by the United States to address shortfalls in such capabilities; and

“(D) the level of commitment, both financial and political, made by the Government of Iraq to develop such capabilities, including a discussion of resources used by the Government of Iraq to develop capabilities that the Secretary determines are not minimum essential capabilities for purposes of this paragraph.

“(8) An assessment of the anticipated level and type of support to be provided by United States special operations forces to the Government of Iraq and Iraqi special operations forces during the redeployment of United States conventional forces from Iraq. The assessment should include a listing of anticipated organic support, organic combat service support, and additional critical enabling asset requirements for United States special operations forces and Iraqi special operations forces, to include engineers, rotary aircraft, logisticians, communications assets, information support specialists, forensic analysts, and intelligence, surveillance, and reconnaissance assets needed through December 31, 2011.”.

(c) SECRETARY OF STATE COMMENTS.—Such section is further amended by striking subsection (c) and inserting the following:

“(c) SECRETARY OF STATE COMMENTS.—Prior to submitting the report required under subsection (a), the Secretary of Defense shall provide a copy of the report to the Secretary of State for review. At the request of the Secretary of State, the Secretary of Defense shall include an appendix to the report which contains any comments or additional information that the Secretary of State requests.”.

(d) FORM.—Subsection (d) of such section is amended by striking “, whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense.”.

(e) TERMINATION.—Such section is further amended by adding at the end the following:

“(f) TERMINATION.—The requirement to submit the report required under subsection (a) shall terminate on September 30, 2012.”.

(f) REPEAL OF OTHER REPORTING REQUIREMENTS.—The following provisions of law are hereby repealed:

(1) Section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note) (as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 373)).

(2) Section 1225 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 375).

SEC. 1215. MODIFICATION OF REPORTS RELATING TO AFGHANISTAN.

(a) REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.—

(1) REPORT REQUIRED.—Subsection (a) of section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385), as amended by section 1236 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2535), is further amended by striking “2011” and inserting “2012”.

(2) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (c) of such section is amended by adding at the end the following:

“(8) CONDITIONS NECESSARY FOR ACHIEVEMENT OF PROGRESS.—A discussion of the conditions and criteria that would need to exist in key districts and across Afghanistan to—

“(A) meet United States and coalition goals in Afghanistan and the region;

“(B) permit the transition of lead security responsibility in key districts to the Government of Afghanistan; and

“(C) permit the redeployment of United States Armed Forces and coalition forces from Afghanistan.”.

(3) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (d) of such section is amended by adding at the end the following:

“(3) CONDITIONS NECESSARY FOR ACHIEVEMENT OF PROGRESS.—With respect to each performance indicator and measure of progress specified in paragraph (2) (A) through (L), the report shall include a description of the conditions that would need to exist in Afghanistan for the Secretary of Defense to conclude that such indicator or measure of progress has been achieved.”.

(b) UNITED STATES PLAN FOR SUSTAINING THE AFGHANISTAN NATIONAL SECURITY FORCES.—Section 1231(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 390) is amended by striking “2010” and inserting “2012”.

SEC. 1216. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act may be obligated or ex-

pended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 1217. AUTHORITY TO USE FUNDS FOR RE-INTEGRATION ACTIVITIES IN AFGHANISTAN.

(a) AUTHORITY.—If a certification described in subsection (b) is made in accordance with such subsection, the Secretary of Defense may utilize not more than \$50,000,000 from funds made available to the Department of Defense for operations and maintenance for fiscal year 2011 to support in those areas of Afghanistan specified in the certification the reintegration into Afghan society of those individuals who—

(1) have ceased all support to the insurgency in Afghanistan;

(2) have agreed to live in accordance with the Constitution of Afghanistan;

(3) have renounced violence against the Government of Afghanistan and its international partners; and

(4) do not have material ties to al Qaeda or affiliated transnational terrorist organizations.

(b) CERTIFICATION.—A certification described in this subsection is a certification made by the Secretary of State, in coordination with the Administrator of United States Agency for International Development, to the appropriate congressional committees stating that it is necessary for the Department of Defense to carry out a program of reintegration in areas of Afghanistan that are specified by the Secretary of State in the certification. Such certification shall include—

(1) a statement that such program is necessary to support the goals of the United States in Afghanistan; and

(2) a certification that the Department of State and the United States Agency for International Development are unable to carry out a similar program of reintegration in the areas specified by the Secretary of State because of the security environment of such areas or for other reasons.

(c) SUBMISSION OF GUIDANCE.—

(1) INITIAL SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a copy of the guidance issued by the Secretary or the Secretary’s designee concerning the allocation of funds utilizing the authority of subsection (a). Such guidance shall include—

(A) mechanisms for coordination with the Government of Afghanistan and other United States Government departments and agencies as appropriate;

(B) mechanisms to track the status of those individuals described in subsection (a); and

(C) metrics to monitor and evaluate the impact of funds used pursuant to subsection (a).

(2) MODIFICATIONS.—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a copy of the modification not later than 15 days after the date on which such modification is made.

(d) QUARTERLY REPORTS.—The Secretary of Defense shall submit to the appropriate congressional committees a report on activities carried out utilizing the authority of subsection (a).

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(f) EXPIRATION.—The authority to utilize funds under subsection (a) shall expire at the close of December 31, 2011.

SEC. 1218. ONE-YEAR EXTENSION OF PAKISTAN COUNTERINSURGENCY FUND.

Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521) is amended by striking “September 30, 2010” both places it appears and inserting “September 30, 2011”.

SEC. 1219. AUTHORITY TO USE FUNDS TO PROVIDE SUPPORT TO COALITION FORCES SUPPORTING MILITARY AND STABILITY OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) **AUTHORITY.**—Notwithstanding section 127(d) of title 10, United States Code, up to \$400,000,000 of the funds available to the Department of Defense by section 1509 of this Act may be used to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan.

(b) **QUARTERLY REPORTS.**—The Secretary of Defense shall submit quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 1220. REQUIREMENT TO PROVIDE UNITED STATES BRIGADE AND EQUIVALENT UNITS DEPLOYED TO AFGHANISTAN WITH THE COMMENSURATE LEVEL OF UNIT AND THEATER-WIDE COMBAT ENABLERS.

(a) **STATEMENT OF POLICY.**—It is the policy of the United States to provide each United States brigade and equivalent units deployed to Afghanistan with the commensurate level of unit and theater-wide combat enablers to—

(1) implement the United States strategy to disrupt, dismantle, and defeat al Qaeda, the Taliban, and their affiliated networks and eliminate their safe haven;

(2) achieve the military campaign plan;

(3) minimize the level risk to United States, coalition, and Afghan forces; and

(4) reduce the number of military and civilian casualties.

(b) **REQUIREMENT.**—In order to achieve the policy expressed in subsection (a), the Secretary of Defense shall provide each United States brigade and equivalent units deployed to Afghanistan with the commensurate level of unit and theater-wide combat enablers.

(c) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) a description of United States Forces–Afghanistan requests for forces for fiscal years 2008, 2009, and 2010;

(2) a description of the current troop-to-task analysis and resource requirements;

(3) the number of United States brigade and equivalent units deployed to Afghanistan;

(4) the number of United States unit and theater-wide combat enablers deployed to Afghanistan, including at a minimum, a breakdown of—

(A) Intelligence, Surveillance, and Reconnaissance (ISR);

(B) force protection, including force protection at each United States Forward Operating Base (FOB); and

(C) medical evacuation (MEDEVAC); and

(5) an assessment of the risk to United States, coalition, and Afghan forces based on a lack of combat enablers.

(d) **COMBAT ENABLERS DEFINED.**—In this section, the term “combat enablers” includes—

(1) Intelligence, Surveillance, and Reconnaissance (ISR);

(2) force protection, including force protection at each United States Forward Operating Base (FOB);

(3) medical evacuation (MEDEVAC); and

(4) any other combat enablers as determined by the Secretary of Defense.

Subtitle C—Other Matters**SEC. 1231. NATO SPECIAL OPERATIONS COORDINATION CENTER.**

Section 1244(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541) is amended—

(1) by striking “fiscal year 2010” and inserting “fiscal year 2011”; and

(2) by striking “\$30,000,000” and inserting “\$50,000,000”.

SEC. 1232. NATIONAL MILITARY STRATEGIC PLAN TO COUNTER IRAN.

(a) **NATIONAL MILITARY STRATEGIC PLAN REQUIRED.**—The Secretary of Defense shall develop a strategic plan, to be known as the “National Military Strategic Plan to Counter Iran”. The strategic plan shall—

(1) outline the Department of Defense’s strategic planning and provide strategic guidance for military activities and operations that support the United States policy objective of countering threats posed by Iran;

(2) identify the direct and indirect military contribution to this policy objective, and constitute the comprehensive military plan to counter threats posed by Iran;

(3) undertake a review of the intelligence in the possession of the Department of Defense to develop a list of gaps in intelligence that limit the ability of the Department of Defense to counter threats emanating from Iran that the Secretary considers to be critical;

(4) develop a plan to address those gaps identified in the review under paragraph (3); and

(5) undertake a review of the plans of the Department of Defense to counter threats to the United States, its forces, allies, and interests from Iran, including—

(A) plans for both conflict and peace;

(B) contributions of the Department of Defense to the efforts of other agencies of the United States Government to counter or address the threat emanating from Iran; and

(C) any gaps in the plans, capabilities and authorities of the Department.

(b) **PLAN.**—In addition to the plan required under subsection (a), the Secretary of Defense shall develop a plan to address those gaps identified in the review required in subsection (a)(5). The plan shall guide the planning and actions of the relevant combatant commands, the military departments, and combat support agencies that the Secretary of Defense determines have a role in countering threats posed by Iran.

(c) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than the date on which the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report identifying and justifying any resources, capabilities, legislative authorities, or changes to current law the Secretary believes are necessary to carry out the plan required under subsection (b) to address the gaps identified in the strategic plan required in subsection (a).

(2) **FORM.**—The report required in paragraph (1) shall be in unclassified form, but may include a classified annex.

SEC. 1233. REPORT ON DEPARTMENT OF DEFENSE’S PLANS TO REFORM THE EXPORT CONTROL SYSTEM.

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the Department of Defense’s plans to reform the Department’s export control system.

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include—

(1) a description of the plans of the Department of Defense to implement Presidential Study Directive 8; and

(2) an assessment of the extent to which the plans to reform the export control system will—

(A) impact the Defense Technology Security Administration of the Department of Defense;

(B) affect the role of the Department of Defense with respect to export control policy; and

(C) ensure greater protection and monitoring of key defense items and technologies.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1234. REPORT ON UNITED STATES EFFORTS TO DEFEND AGAINST THREATS POSED BY THE ADVANCED ANTI-ACCESS CAPABILITIES OF POTENTIALLY HOSTILE FOREIGN COUNTRIES.

(a) **CONGRESSIONAL FINDING.**—Congress finds that the report of the 2010 Department of Defense Quadrennial Defense Review finds that “Anti-access strategies seek to deny outside countries the ability to project power into a region, thereby allowing aggression or other destabilizing actions to be conducted by the anti-access power. Without dominant capabilities to project power, the integrity of U.S. alliances and security partnerships could be called into question, reducing U.S. security and influence and increasing the possibility of conflict.”

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that, in light of the finding in subsection (a), the Secretary of Defense should ensure that the United States has the appropriate authorities, capabilities, and force structure to defend against any threats posed by the advanced anti-access capabilities of potentially hostile foreign countries.

(c) **REPORT.**—Not later than April 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on United States efforts to defend against any threats posed by the advanced anti-access capabilities of potentially hostile foreign countries.

(d) **MATTERS TO BE INCLUDED.**—The report required under subsection (c) shall include the following:

(1) An assessment of any threats posed by the advanced anti-access capabilities of potentially hostile foreign countries, including an identification of the foreign countries with such capabilities, the nature of such capabilities, and the possible advances in such capabilities over the next 10 years.

(2) A description of any efforts by the Department of Defense since the release of the 2010 Quadrennial Defense Review to address the finding in subsection (a).

(3) A description of the authorities, capabilities, and force structure that the United States may require over the next 10 years to address the finding in subsection (a).

(e) **FORM.**—The report required under subsection (c) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(f) **MODIFICATION OF OTHER REPORTS.**—

(1) **CONCERNING THE PEOPLE’S REPUBLIC OF CHINA.**—Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note), as most recently amended by section 1246 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2544), is further amended—

(A) by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively; and

(B) by inserting after paragraph (9) the following:

“(10) Developments in China’s anti-access and area denial capabilities.”.

(2) **CONCERNING IRAN.**—Section 1245(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542) is amended by adding at the end the following:

“(5) A description and assessment of Iran’s anti-access and area denial strategy and capabilities.”.

SEC. 1235. REPORT ON FORCE STRUCTURE CHANGES IN COMPOSITION AND CAPABILITIES AT MILITARY INSTALLATIONS IN EUROPE.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report evaluating potential changes in the composition and capabilities of units of the United States Armed Forces at military installations in European member nations of the North Atlantic Treaty Organization—

(1) to satisfy the commitments undertaken by United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);

(2) to address the current security environment in Europe, including United States participation in theater cooperation activities; and

(3) to contribute to peace and stability in Europe.

(b) **MATTERS TO BE CONSIDERED.**—As part of the report, the Secretary of Defense shall consider—

(1) the stationing of advisory and assist brigades at military installations in Europe;

(2) the expanded use of Joint Task Forces to train and build mutual capabilities with partner countries; and

(3) the stationing of units of the United States Armed Forces to support missile defense and cyber-security missions.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1236. SENSE OF CONGRESS ON MISSILE DEFENSE AND NEW START TREATY WITH RUSSIAN FEDERATION.

(a) **FINDINGS.**—Congress finds the following:

(1) The United States and the Russian Federation signed the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (commonly known as the “New START Treaty”) on April 8, 2010.

(2) The preamble of the New START Treaty states, “Recognizing the existence of the interrelationship between strategic offensive arms and strategic defensive arms, that this interrelationship will become more important as strategic nuclear arms are reduced, and that current strategic defensive arms do not undermine the viability and effectiveness of the strategic offensive arms of the Parties.”.

(3) Officials of the United States have stated that the New START Treaty does not constrain the missile defenses of the United States and according to the New START Treaty U.S. Congressional Briefing Book of April, 2010, released by the Department of State and the Department of Defense, “The United States will continue to invest in improvements to both strategic and theater missile defenses, both qualitatively and quantitatively, as needed for our security and the security of our allies.”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) as stated by officials of the United States, there would be no limitations on any phase of the phased, adaptive approach to missile defense in Europe resulting from ratification of the New START treaty between the United States and Russia, signed on 8 April 2010;

(2) the United States should deploy the phased, adaptive approach for missile defense in Europe to protect the United States, its deployed forces, and NATO allies, after appropriate testing and consistent with NATO policy; and

(3) the ground-based midcourse defense system in Alaska and California should be maintained, evolved, and appropriately tested because it is the only missile defense capability as of the date of the enactment of this Act that would protect the United States from the growing threat of a long-range ballistic missile attack.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) **SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.**—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) **FISCAL YEAR 2011 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—As used in this title, the term “fiscal year 2011 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2011, 2012, and 2013.

SEC. 1302. FUNDING ALLOCATIONS.

(a) **FUNDING FOR SPECIFIC PURPOSES.**—Of the \$522,512,000 authorized to be appropriated to the Department of Defense for fiscal year 2011 in section 301(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, \$66,732,000.

(2) For strategic nuclear arms elimination in Ukraine, \$6,800,000.

(3) For nuclear weapons storage security in Russia, \$9,614,000.

(4) For nuclear weapons transportation security in Russia, \$45,000,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, \$79,821,000.

(6) For biological threat reduction in the former Soviet Union, \$209,034,000.

(7) For chemical weapons destruction, \$3,000,000.

(8) For defense and military contacts, \$5,000,000.

(9) For Global Nuclear Lockdown, \$74,471,000.

(10) For activities designated as Other Assessments/Administrative Costs, \$23,040,000.

(b) **REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.**—No fiscal year 2011 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2011 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifi-

cally prohibited under this title or any other provision of law.

(c) **LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2011 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) **NOTICE-AND-WAIT REQUIRED.**—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, \$160,965,000.

(2) For the Defense Working Capital Fund, Defense Commissary, \$1,273,571,000.

SEC. 1402. STUDY ON WORKING CAPITAL FUND CASH BALANCES.

(a) **STUDY REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center with appropriate expertise in revolving fund financial management to carry out a study to determine a sufficient operational level of cash that each revolving fund of the Department of Defense should maintain in order to sustain a single rate or price throughout the fiscal year.

(b) **CONTENTS OF STUDY.**—In carrying out a study pursuant to a contract entered into under subsection (a), the federally funded research and development center shall—

(1) qualitatively analyze the operational requirements and inherent risks associated with maintaining a specific level of cash within each revolving fund of the Department;

(2) for each such revolving fund, take into consideration any effects on appropriation accounts that have occurred due to changes made in the rates charged by the fund during a fiscal year;

(3) take into consideration direct input from the Secretary of Defense and officials of each of the military departments with leadership responsibility for financial management;

(4) examine the guidance provided and regulations prescribed by the Secretary of Defense and the Secretary of each of the military departments, as in effect on the date of the enactment of this Act, including such guidance with respect to programming and budgeting and the annual budget displays provided to Congress;

(5) examine the effects on appropriations accounts that have occurred due to congressional adjustments relating to excess cash balances in revolving funds;

(6) identify best business practices from the private sector relating to sufficient cash balance reserves;

(7) examine any relevant applicable laws, including the relevant body of work performed by the Government Accountability Office; and

(8) address—

(A) instances where the fiscal policy of the Department of Defense directly follows the law, as in effect on the date of the enactment of this Act, and instances where such policy is more restrictive with respect to the fiscal management of revolving funds than such law requires;

(B) instances where current Department fiscal policy restricts the capability of a revolving fund to achieve the most economical and efficient organization and operation of activities;

(C) fiscal policy adjustments required to comply with recommendations provided in the study, including proposed adjustments to—

(i) the Department of Defense Financial Management Regulation;

(ii) published service regulations and instructions; and

(iii) major command fiscal guidance; and

(D) such other matters as determined relevant by the center carrying out the study.

(c) **AVAILABILITY OF INFORMATION.**—The Secretary of Defense and the Secretary of each of the military departments shall make available to a federally funded research and development center carrying out a study pursuant to a contract entered into under subsection (a) all necessary and relevant information to allow the center to conduct the study in a quantitative and analytical manner.

(d) **REPORT.**—Any contract entered into under subsection (a) shall provide that not later than nine months after the date on which the Secretary of Defense enters into the contract, the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense a final report on the study. The report shall include each of the following:

(1) A description of the revolving fund environment, as of the date of the conclusion of the study, and the anticipated future environment, together with the quantitative data used in conducting the assessment of such environments under the study.

(2) Recommended fiscal policy adjustments to support the initiatives identified in the study, including adjustments to—

(A) the Department of Defense Financial Management Regulation;

(B) published service regulations and instructions; and

(C) major command fiscal guidance.

(3) Recommendations with respect to any changes to any applicable law that would be appropriate to support the initiatives identified in the study.

(e) **SUBMITTAL OF COMMENTS.**—Not later than 90 days after the date of the submittal of the report under subsection (d), the Secretary of Defense and the Secretaries of each of the military departments shall submit to the Committees on Armed Services of the Senate and House of Representatives comments on the findings and recommendations contained in the report.

SEC. 1403. MODIFICATION OF CERTAIN WORKING CAPITAL FUND REQUIREMENTS.

Section 2208 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by striking “or used” and inserting “used, or developed through continuous technology refreshment”; and

(2) in subsection (k)(2), by striking “\$100,000” and inserting “\$250,000”.

SEC. 1404. REDUCTION OF UNOBLIGATED BALANCES WITHIN THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer \$77,000,000 from the unobligated balances of the Pentagon Reservation Maintenance

Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

SEC. 1405. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2011 for the National Defense Sealift Fund in the amount of \$934,866,000.

SEC. 1406. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of \$1,467,307,000, of which—

(1) \$1,067,364,000 is for Operation and Maintenance;

(2) \$392,811,000 is for Research, Development, Test, and Evaluation; and

(3) \$7,132,000 is for Procurement.

(b) **USE.**—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

SEC. 1407. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of \$1,131,351,000.

SEC. 1408. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of \$283,354,000, of which—

(1) \$282,354,000 is for Operation and Maintenance; and

(2) \$1,000,000 is for Procurement.

SEC. 1409. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of \$30,991,952,000, of which—

(1) \$29,947,792,000 is for Operation and Maintenance;

(2) \$524,239,000 is for Research, Development, Test, and Evaluation; and

(3) \$519,921,000 is for Procurement.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) **OBLIGATION OF STOCKPILE FUNDS.**—During fiscal year 2011, the National Defense Stockpile Manager may obligate up to \$41,181,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) **ADDITIONAL OBLIGATIONS.**—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile

Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) **LIMITATIONS.**—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b)(5) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 98d note), as most recently amended by section 1412(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 418), is amended by striking “\$710,000,000” and inserting “\$730,000,000”.

Subtitle C—Other Matters

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2011 from the Armed Forces Retirement Home Trust Fund the sum of \$71,200,000 for the operation of the Armed Forces Retirement Home.

SEC. 1422. PLAN FOR FUNDING FUEL INFRASTRUCTURE SUSTAINMENT, RESTORATION, AND MODERNIZATION REQUIREMENTS.

Not later than the date on which the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code, the Director of the Defense Logistics Agency shall submit to the congressional defense committees a report on the fuel infrastructure of the Department of Defense. Such report shall include projections for fuel infrastructure sustainment, restoration, and modernization requirements, and a plan for funding such requirements.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2011 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, \$1,373,803,000.

(2) For missile procurement, \$343,828,000.

(3) For weapons and tracked combat vehicles procurement, \$687,500,000.

(4) For ammunition procurement, \$652,491,000.

(5) For other procurement, \$5,865,446,000.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal year 2011 for the Joint Improvised Explosive Device Defeat Fund in the amount of \$3,464,368,000.

(b) **USE AND TRANSFER OF FUNDS.**—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2439), as amended by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4649), shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a) and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(c) **MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.**—Not later than 15 days after the end of each month of fiscal year 2011, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining

monthly commitments, obligations, and expenditures by line of action.

SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Navy and Marine Corps in amounts as follows:

- (1) For aircraft procurement, Navy, \$843,358,000.
- (2) For weapons procurement, Navy, \$93,425,000.
- (3) For ammunition procurement, Navy and Marine Corps, \$565,084,000.
- (4) For other procurement, Navy, \$480,735,000.
- (5) For procurement, Marine Corps, \$1,854,243,000.

SEC. 1505. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Air Force in amounts as follows:

- (1) For aircraft procurement, \$1,096,520,000.
- (2) For ammunition procurement, \$292,959,000.
- (3) For missile procurement, \$56,621,000.
- (4) For other procurement, \$3,087,481,000.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the procurement account for Defense-wide activities in the amount of \$1,376,046,000.

SEC. 1507. IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.

Of the funds authorized to be appropriated by section 1506 for the procurement account for Defense-wide activities, the Secretary of Defense may provide up to \$205,000,000 to the government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats.

SEC. 1508. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of \$700,000,000.

SEC. 1509. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of \$3,415,000,000.

SEC. 1510. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Department of Defense for research, development, test, and evaluation as follows:

- (1) For the Army, \$112,734,000.
- (2) For the Navy, \$60,401,000.
- (3) For the Air Force, \$266,241,000.
- (4) For Defense-wide activities, \$657,240,000.

SEC. 1511. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$62,202,618,000.
- (2) For the Navy, \$8,946,634,000.
- (3) For the Marine Corps, \$4,136,522,000.
- (4) For the Air Force, \$13,487,283,000.
- (5) For Defense-wide activities, \$9,426,358,000.
- (6) For the Army Reserve, \$286,950,000.
- (7) For the Navy Reserve, \$93,559,000.
- (8) For the Marine Corps Reserve, \$29,685,000.
- (9) For the Air Force Reserve, \$129,607,000.
- (10) For the Army National Guard, \$544,349,000.
- (11) For the Air National Guard, \$350,823,000.

(12) For the Afghanistan Security Forces Fund, \$10,964,983,000.

(13) For the Iraq Security Forces Fund, \$2,000,000,000.

(14) For the Overseas Contingency Operations Transfer Fund, \$506,781,000.

SEC. 1512. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

Funds appropriated pursuant to the authorization of appropriations for the Afghanistan Security Forces Fund in section 1511(12) shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428).

SEC. 1513. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

(a) APPLICATION OF EXISTING LIMITATIONS.—Subject to subsection (b), funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2011 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 426).

(b) COST-SHARE REQUIREMENT.—

(1) REQUIREMENT.—If funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2011 are used for the purchase of any item or service for Iraq Security Forces, the funds may not cover more than 80 percent of the cost of the item or service.

(2) EXCEPTION.—Paragraph (1) does not apply to any item that the Secretary of Defense determines—

(A) is an item of significant military equipment (as such term is defined in section 47(9) of the Arms Export Control Act (22 U.S.C. 2794(g))); or

(B) is included on the United States Munitions List, as designated pursuant to section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1514. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2011 to the Department of Defense for military personnel accounts in the total amount of \$15,275,502,000.

SEC. 1515. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of \$485,384,000.

SEC. 1516. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Defense Health Program in the amount of \$1,398,092,000 for operation and maintenance.

SEC. 1517. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of \$457,110,000.

SEC. 1518. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of \$10,529,000.

SEC. 1519. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal

Year 2009 (Public Law 110-417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1520. AVAILABILITY OF FUNDS FOR RAPID FORCE PROTECTION IN AFGHANISTAN.

(a) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by section 1511(5) for operation and maintenance for Defense-wide activities, the Secretary of Defense may obligate up to \$200,000,000 during fiscal year 2011 to address urgent force protection requirements facing United States military forces in Afghanistan, as identified by the Commander of United States Forces-Afghanistan.

(b) USE OF RAPID ACQUISITION AUTHORITY.—To carry out this section, the Secretary of Defense shall utilize the rapid acquisition authority available to the Secretary.

(c) USE OF TRANSFER AUTHORITY.—To carry out this section, the Secretary of Defense may utilize the transfer authority provided by section 1522, subject to the limitation in subsection (a)(2) of such section on the total amount of authorizations that may be transferred.

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2011 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$3,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

TITLE XVI—IMPROVED SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES

SEC. 1601. DEFINITION OF DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM AND OTHER DEFINITIONS.

(a) SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM DEFINED.—In this title, the term “sexual assault prevention and response program” refers to Department of Defense policies and programs, including policies and programs of a specific military department or Armed Force, that are intended to reduce the number of sexual assaults involving members of the Armed Forces and improve the response of the department to reports of sexual assaults involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both.

(b) OTHER DEFINITIONS.—In this title:

(1) The term “Armed Forces” means the Army, Navy, Air Force, and Marine Corps.

(2) The term “department” has the meaning given that term in section 101(a)(6) of title 10, United States Code.

(3) The term “military installation” has the meaning given that term by the Secretary concerned.

(4) The term “Secretary concerned” means—
(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy and the Marine Corps; and

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force.

Subtitle A—Immediate Actions to Improve Department of Defense Sexual Assault Prevention and Response Program

SEC. 1611. SPECIFIC BUDGETING FOR DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

Effective with the Program Objective Memorandum to be issued for fiscal year 2012 and thereafter and containing recommended programming and resource allocations for the Department of Defense, the Secretary of Defense shall specifically address the Department of Defense sexual assault prevention and response program to ensure that a separate line of funding is allocated to the program.

SEC. 1612. CONSISTENCY IN TERMINOLOGY, POSITION DESCRIPTIONS, PROGRAM STANDARDS, AND ORGANIZATIONAL STRUCTURES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall require the use of consistent terminology, position descriptions, minimum program standards, and organizational structures throughout the Armed Forces in implementing the Department of Defense sexual assault prevention and response program.

(b) RECOGNIZING OPERATIONAL DIFFERENCES.—In complying with subsection (a), the Secretary of Defense shall take into account the responsibilities of the Secretary concerned and operational needs of the Armed Force involved.

SEC. 1613. GUIDANCE FOR COMMANDERS.

Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall issue guidance to all military unit commanders that implementation of the Department of Defense sexual assault prevention and response program requires their leadership and is their responsibility.

SEC. 1614. COMMANDER CONSULTATION WITH VICTIMS OF SEXUAL ASSAULT.

Before making a decision regarding how to proceed under the Uniform Code of Military Justice in the case of an alleged sexual assault or other offense covered by section 920 of title 10, United States Code (article 120), the commanding officer shall offer to meet with the victim of the offense to determine the opinion of the victim regarding case disposition and provide that information to the convening authority.

SEC. 1615. OVERSIGHT AND EVALUATION.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) issue standards to be used to assess and evaluate the effectiveness of the sexual assault prevention and response program of each Armed Force in reducing the number of sexual assaults involving members of the Armed Forces and in improving the response of the department to reports of sexual assaults involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both; and

(2) develop measures to ensure that the Armed Forces comply with those standards.

SEC. 1616. SEXUAL ASSAULT REPORTING HOTLINE.

(a) AVAILABILITY OF HOTLINE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a universal hotline to facilitate the reporting of a sexual assault—

(1) by a member of the Armed Forces, whether serving in the United States or overseas, who is a victim of a sexual assault; or

(2) by any other person who is a victim of a sexual assault involving a member of the Armed Forces.

(b) PROMPT RESPONSE.—The Secretary of Defense shall ensure that a Sexual Assault Response Coordinator serving in the locality of the victim promptly responds to the reporting of a sexual assault using the hotline. The Secretary of Defense shall define appropriate localities for purposes of this subsection.

SEC. 1617. REVIEW OF APPLICATION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM TO RESERVE COMPONENTS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the application of the sexual assault prevention and response program for the reserve components.

(b) CONTENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The ability of members of the reserve components to access the services available under the sexual assault prevention and response program, including policies and programs of a specific military department or Armed Force.

(2) The quality of training provided to Sexual Assault Response Coordinators and Sexual Assault Victim Advocates in the reserve components.

(3) The degree to which the services available for regular and reserve members under the sexual assault prevention and response program are integrated.

(4) Such recommendations as the Secretary of Defense considers appropriate on how to improve the services available for reserve members under the sexual assault prevention and response program and their access to the services.

SEC. 1618. REVIEW OF EFFECTIVENESS OF REVISED UNIFORM CODE OF MILITARY JUSTICE OFFENSES REGARDING RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the effectiveness of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), as amended by section 552 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3256). The Secretary shall use a panel of military justice experts to conduct the review.

(b) SUBMISSION OF RESULTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit the results of the review to the congressional defense committees.

SEC. 1619. TRAINING AND EDUCATION PROGRAMS FOR SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING AND EDUCATION.—

(1) DEVELOPMENT OF CURRICULA.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall develop curricula to provide sexual assault prevention and response training and education for members of the Armed Forces under the jurisdiction of the Secretary and civilian employees of the military department to strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault.

(2) SCOPE OF TRAINING AND EDUCATION.—The sexual assault prevention and response training and education shall encompass initial entry and accession programs, annual refresher training, professional military education, peer education, and specialized leadership training. Training shall be tailored for specific leadership levels and local area requirements.

(3) CONSISTENT TRAINING.—The Secretary of Defense shall ensure that the sexual assault prevention and response training provided to members of the Armed Forces and Department of Defense civilian employees is consistent throughout the military departments.

(b) INCLUSION IN PROFESSIONAL MILITARY EDUCATION.—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module at each level of professional military education. The training shall be tailored to the new responsibilities and leadership requirements of members of the Armed Forces as they are promoted.

(c) INCLUSION IN FIRST RESPONDER TRAINING.—

(1) IN GENERAL.—The Secretary of Defense shall direct that managers of specialty skills associated with first responders described in paragraph (2) integrate sexual assault response training in initial and recurring training courses.

(2) COVERED FIRST RESPONDERS.—First responders referred to in paragraph (1) include firefighters, emergency medical technicians, law enforcement officers, military criminal investigators, healthcare personnel, judge advocates, and chaplains.

SEC. 1620. USE OF SEXUAL ASSAULT FORENSIC MEDICAL EXAMINERS.

Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall provide for the use of forensic medical examiners within the Department of Defense who are specially trained regarding the collection and preservation of evidence in cases involving sexual assault.

SEC. 1621. SEXUAL ASSAULT ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a Sexual Assault Advisory Board, to be modeled after other Defense advisory boards, such as the Defense Business Board, the Defense Policy Board, or the Defense Science Board.

(b) PURPOSE.—The purpose of the Sexual Assault Advisory Board is—

(1) to advise the Secretary of Defense on the overall Department of Defense sexual assault prevention and response program and its comprehensive prevention strategy and on the effectiveness of the sexual assault prevention and response program of each Armed Force; and

(2) to make recommendations regarding changes and improvements to the sexual assault prevention and response program.

(c) RELATION TO SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.—The Sexual Assault Advisory Board is not intended to replace the organic capabilities that must reside in the Sexual Assault Prevention and Response Office, but to ensure that best practices from both the civilian and military community perspective are incorporated into the design, development, and performance of the sexual assault prevention and response program.

(d) ORGANIZATION AND MEMBERSHIP.—The Sexual Assault Advisory Board shall be chaired by the Undersecretary of Defense for Personnel and Readiness. The Sexual Assault Advisory Board shall include experts on criminal law and sexual assault prevention, response, and training who are not members of the Armed Forces or civilian employees of the Department of Defense and include representatives from other Federal agencies.

(e) FREQUENCY OF MEETINGS.—The Sexual Assault Advisory Board shall meet not less frequently than biannually.

SEC. 1622. DEPARTMENT OF DEFENSE SEXUAL ASSAULT ADVISORY COUNCIL.

(a) REORGANIZATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall reorganize the Sexual

Assault Advisory Council and limit membership on the Sexual Assault Advisory Council to Department of Defense personnel.

(b) **PURPOSE.**—The purpose of the Sexual Assault Advisory Council is—

(1) to oversee the Department's overall sexual assault prevention and response Program and its comprehensive prevention strategy;

(2) to ensure accountability of the sexual assault prevention and response program of each Armed Force;

(3) to make recommendations regarding changes and improvements to the sexual assault prevention and response program; and

(4) to identify cross-cutting issues and solutions in the area of sexual assault.

(c) **ORGANIZATION AND MEMBERSHIP.**—The Sexual Assault Advisory Council shall be chaired by the Deputy Secretary of Defense or the designee of the Deputy Secretary. Members shall include, at a minimum, the following:

(1) Principals or deputies from every office within the Office of the Secretary of Defense with responsibilities involving the sexual assault prevention and response program.

(2) The Assistant Secretary of each of the military departments with responsibility for the sexual assault prevention and response program.

(3) The Vice Chief of Staff of the Army, the Vice Chief of Naval Operations, the Vice Chief of Staff of the Air Force, and the Assistant Commandant of the Marine Corps.

(4) A general or flag officer from the staff of each officer specified in paragraph (3) who has responsibility for the sexual assault prevention and response program.

(5) A general officer from the National Guard Bureau.

(d) **FREQUENCY OF MEETINGS.**—The Sexual Assault Advisory Council shall meet not less frequently than once each calendar-year quarter.

(e) **SERVICE-LEVEL SEXUAL ASSAULT ADVISORY COUNCILS.**—The Secretary of a military department shall establish a sexual assault advisory council, comparable to the Sexual Assault Advisory Council required by subsection (a), for each Armed Force under the jurisdiction of the Secretary.

SEC. 1623. SERVICE-LEVEL SEXUAL ASSAULT REVIEW BOARDS.

(a) **ESTABLISHMENT.**—Not later than one year after the date of the enactment of this Act, the Secretary of a military department shall establish for each military installation or operational command under the jurisdiction of the Secretary a multi-disciplinary group to serve as a sexual assault review board.

(b) **MEMBERSHIP.**—The chair of a sexual assault review board shall be the senior commander, senior deputy commander, or chief of staff. Other members should include the Sexual Assault Response Coordinator, command legal representative or staff judge advocate, command chaplain, and representation of senior commanders or supervisors from the Military Criminal Investigative Organizations, military law enforcement, medical, alcohol and substance abuse office, and the safety office.

(c) **RESPONSIBILITIES.**—A sexual assault review board shall be responsible for, at a minimum, addressing safety issues, developing prevention strategies, analyzing response processes, community impact and overall trends, and identifying training issues. These functions should be flexible to accommodate the resources available at different installations and operational commands.

(d) **FREQUENCY OF MEETINGS.**—A sexual assault review board shall meet not less frequently than once each calendar-year quarter.

SEC. 1624. RENEWED EMPHASIS ON ACQUISITION OF CENTRALIZED DEPARTMENT OF DEFENSE SEXUAL ASSAULT DATABASE.

(a) **NEW DEADLINE FOR ACQUISITION.**—Notwithstanding subsection (c) of section 563 of the

Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4470), the Secretary of Defense shall complete implementation of the centralized sexual assault database required by subsection (a) of such section not later than September 30, 2011.

(b) **ACQUISITION PROCESS.**—To meet the deadline imposed by subsection (a), acquisition best practices associated with successfully acquiring and deploying information technology systems related to the database, such as economically justifying the proposed system solution and effectively developing and managing requirements, shall be completed as soon as possible.

Subtitle B—Sexual Assault Prevention Strategy and Annual Reporting Requirement

SEC. 1631. COMPREHENSIVE DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION STRATEGY.

(a) **STRATEGY REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy to reduce the number of sexual assaults involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both. All activities and programs of a specific military department or Armed Force related to preventing sexual assault must align with and support the overall comprehensive strategy.

(b) **COORDINATION WITH OTHER REQUIREMENTS.**—In developing the comprehensive strategy under subsection (a), the Secretary of Defense shall incorporate and build upon—

(1) the new requirements imposed by this subtitle;

(2) the policies and procedure developed under section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 10 U.S.C. 113 note); and

(3) the prevention and response plan developed under section 567(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2313).

(c) **IMPLEMENTATION OF STRATEGY.**—Not later than six months after the submission of the comprehensive strategy prepared under subsection (a), the Secretary of Defense shall complete implementation of the comprehensive strategy throughout the Department of Defense.

(d) **SEXUAL ASSAULT PREVENTION EVALUATION PLAN.**—

(1) **PLAN REQUIRED.**—The Secretary of Defense shall develop and implement an evaluation plan for assessing the effectiveness of the comprehensive strategy prepared under subsection (a) its intended outcomes at the Department of Defense and individual Armed Force levels.

(2) **COMMANDER ROLE.**—As a component of the evaluation plan, the commander of each military installation and the commander of each unified or specified combatant command shall assess the adequacy of measures undertaken at facilities under the authority of the commander to ensure the safest and most secure living and working environments with regard to preventing sexual assault.

(3) **SUBMISSION OF RESULTS.**—The results of assessments conducted under the evaluation plan shall be included in the annual report required by section 1632, beginning with the report required to be submitted in calendar year 2012.

SEC. 1632. ANNUAL REPORT ON SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES AND SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) **ANNUAL REPORT ON SEXUAL ASSAULTS.**—Not later than January 15 of each year, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed

Forces under the jurisdiction of that Secretary during the preceding year. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps.

(b) **CONTENTS.**—The report of a Secretary of a military department on an Armed Force under subsection (a) shall contain the following:

(1) The number of sexual assaults committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were founded.

(2) The number of sexual assaults committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were founded. The information required by this paragraph shall not be combined with the information required by paragraph (1).

(3) A synopsis of each such founded case, organized by offense, and, for each such case, the disciplinary action taken in the case, including the type of disciplinary or administrative sanction imposed, if any.

(4) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by the report in response to incidents of sexual assault involving members of the Armed Force concerned.

(5) The number of founded sexual assault cases in which the victim is a deployed member of the Armed Forces and the assailant is a foreign national, and the policies, procedures, and processes implemented by the Secretary concerned to monitor the investigative process and disposition of such cases and to eliminate any gaps in investigating and adjudicating such cases.

(6) A description of the implementation during the year covered by the report of the tracking system implemented pursuant to section 596(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 113 note), including information collected on cases during that year in which care to a victim of rape or sexual assault was hindered by the lack of availability of a rape kit or other needed supplies or by the lack of timely access to appropriate laboratory testing resources.

(7) A description of the implementation during the year covered by the report of the accessibility plan implemented pursuant to section 596(b) of such Act, including a description of the steps taken during that year to provide that trained personnel, appropriate supplies, and transportation resources are accessible to deployed units in order to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit.

(8) A description of the required supply inventory, location, accessibility, and availability of supplies, trained personnel, and transportation resources needed, and in fact in place, in order to be able to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit.

(9) A plan for the actions that are to be taken in the year following the year covered by such report on reducing the number of sexual assaults involving members of the Armed Forces concerned and improving the response to sexual assaults involving members of the Armed Forces concerned.

(10) The results of the most recent biennial gender-relations survey of an adequate sample of members to evaluate and improve the sexual assault prevention and response program.

(c) **VERIFICATION.**—The Office of the Judge Advocate General of an Armed Force (or, in the case of the Marine Corps, the Office of the Staff Judge Advocate to the Commandant of the Marine Corps) shall verify the accuracy of the information required by paragraphs (1), (2), (3),

and (5) of subsection (b), including courts-martial data.

(d) **CONSISTENT DEFINITION OF FOUNDED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a consistent definition of “founded” for purposes of paragraphs (1), (2), (3), and (5) of subsection (b) and require that military criminal investigative organizations only provide synopses for those cases for the preparation of reports under this section.

(e) **ASSESSMENT COMPONENT.**—Each report under subsection (a) shall include an assessment by the Secretary concerned of the implementation during the preceding fiscal year of the sexual assault prevention and response program in order to determine the effectiveness of the program during such fiscal year in providing an appropriate response to sexual assaults involving members of the Armed Forces.

(f) **SUBMISSION TO CONGRESS.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives each report prepared under subsection (a), together with the comments of the Secretary of Defense on the report. The Secretary of Defense shall submit each such report not later than March 15 of the year following the year covered by the report.

(g) **REPEAL OF SUPERSEDED REPORTING REQUIREMENT.**—Section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 10 U.S.C. 113 note) is amended by striking subsection (f).

Subtitle C—Amendments to Title 10

SEC. 1641. SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.

(a) **APPOINTMENT OF DIRECTOR; DUTIES.**—Chapter 4 of title 10, United States Code, as amended by section 902, is amended by inserting after section 139 the following new section:

“§ 139a. Director of Sexual Assault Prevention and Response Office

“(a) **APPOINTMENT.**—There is a Director of the Sexual Assault Prevention and Response Office who shall be a general or flag officer or an employee of the Department of Defense in a comparable Senior Executive Service position.

“(b) **DUTIES.**—The Director of the Sexual Assault Prevention and Response Office serves as the single point of authority, accountability, and oversight for the Department of Defense sexual assault prevention and response program and provides oversight to ensure that the military departments comply with the program.

“(c) **ROLE OF INSPECTORS GENERAL.**—The Inspector General of the Department of Defense, the Inspector General of the Army, the Naval Inspector General, and the Inspector General of the Air Force shall include sexual assault prevention and response programs within the scope of their assessments. The Inspector General teams shall include at least one member with expertise and knowledge of sexual assault prevention and response policies related to a specific armed force.

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘armed forces’ means the Army, Navy, Air Force, and Marine Corps.

“(2) The term ‘sexual assault prevention and response program’ refers to Department of Defense policies and programs, including policies and programs of a specific military department or the that are intended to reduce the number of sexual assaults involving members of the armed forces and improve the response of the department to reports of sexual assaults involving members of the armed forces, whether members of the armed forces are the victim, alleged assailant, or both.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139 the following new item:

“139a. Director of Sexual Assault Prevention and Response Office.”.

SEC. 1642. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) **ASSIGNMENT AND TRAINING.**—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1568. Sexual assault prevention and response: Sexual Assault Response Coordinators and Victim Advocates

“(a) **ASSIGNMENT OF COORDINATORS.**—(1) At least one full-time Sexual Assault Response Coordinator shall be assigned to each brigade or equivalent or higher unit level of the armed forces. The Secretary of the military department concerned may assign additional Sexual Assault Response Coordinators as necessary based on the demographics or needs of the unit. The additional Sexual Assault Response Coordinator may serve on a full-time or part-time basis at the discretion of the Secretary.

“(2) Effective October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Sexual Assault Response Coordinator. After that date, contractor employees may serve as a Sexual Assault Response Coordinator only on a temporary basis, as determined by the Secretary of Defense.

“(b) **ASSIGNMENT OF VICTIM ADVOCATES.**—(1) At least one full-time Sexual Assault Victim Advocate shall be assigned to each brigade or equivalent or higher unit level of the armed forces. The Secretary of the military department concerned may assign additional Victim Advocates as necessary based on the demographics or needs of the unit. The additional Victim Advocates may serve on a full-time or part-time basis at the discretion of the Secretary.

“(2) Only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Victim Advocate. Contractor employees may serve as a Victim Advocate only on a temporary basis, as determined by the Secretary of Defense.

“(c) **DEPLOYABLE COORDINATORS AND VICTIM ADVOCATES.**—(1) The Secretary of a military department shall assign members of the armed forces under the jurisdiction of the Secretary to serve as a deployable Sexual Assault Response Coordinator or Sexual Assault Victim Advocate when a Sexual Assault Response Coordinator assigned to a unit under subsection (a) or a Sexual Assault Victim Advocate assigned to a unit under subsection (b) is not deployed with the unit.

“(2) A deployable Sexual Assault Response Coordinator or deployable Sexual Assault Victim Advocate may serve on a full-time or part-time basis at the discretion of the Secretary.

“(d) **TRAINING AND CERTIFICATION.**—(1) As part of the sexual assault prevention and response program, the Secretary of Defense shall establish a professional and uniform training and certification program for Sexual Assault Response Coordinators assigned under subsection (a) and Sexual Assault Victim Advocates assigned under subsection (b). The program shall be structured and administered in a manner similar to the professional training available for Equal Opportunity Advisors through the Defense Equal Opportunity Management Institute.

“(2) Effective beginning one year after the date of the enactment of this section, before a member or civilian employee may be assigned to duty as a Sexual Assault Response Coordinator under subsection (a), the member or employee must have completed the training program required by paragraph (1) and obtained the certification.

“(3) A member or civilian employee assigned to duty as a Victim Advocate under subsection (b) may obtain certification under the training pro-

gram required by paragraph (1). At a minimum, the Sexual Assault Response Coordinator to whom a Victim Advocate reports shall train the Victim Advocate using the same training materials used to train the Sexual Assault Response Coordinator under the program.

“(4) Deployable Sexual Assault Response Coordinators and deployable Sexual Assault Victim Advocates shall receive training from a designated Sexual Assault Response Coordinator or Sexual Assault Victim Advocate on their specific roles and responsibilities before assuming such responsibilities.

“(e) **ACCESS TO COMMANDERS AND UNITS.**—(1) The Secretaries of the military departments shall ensure that a Sexual Assault Response Coordinator, including a deployable Sexual Assault Response Coordinator assigned under subsection (c), has direct access to senior commanders and any other commander within the unit or geographical area of responsibility of the Sexual Assault Response Coordinator.

“(2) A Sexual Assault Response Coordinator may work with supporting medical staff, mental health staff, and chaplains to offer unit counseling options for commanders of units in which a sexual assault involving a member of the armed forces occurs.

“(f) **SEXUAL ASSAULT RESPONSE TEAMS RESPONSIBLE FOR OVERSEEING UNRESTRICTED REPORTED CASES.**—

“(1) **RESPONSE TEAM PROTOCOL.**—Not later than one year after the date of the enactment of this section, the Secretary of Defense shall develop and implement a protocol for the establishment and use of sexual assault response teams throughout the Department of Defense.

“(2) **EMERGENCY RESPONSE.**—A sexual assault response team shall be led by a Sexual Assault Response Coordinator and convene as soon as practicable after a reported sexual assault involving a member of the armed forces.

“(3) **OTHER ELEMENTS.**—At a minimum, the protocol for sexual assault response teams shall also provide for—

“(A) in addition to meetings required by paragraph (2), monthly meetings to review individual cases, facilitate timely victim updates, and ensure system coordination, accountability (to include tracking case adjudication), and victim access to quality services; and

“(B) depending on the resources available at different locations, membership drawn from the relevant military criminal investigator, medical personnel, chaplain, trial counsel, and Sexual Assault Victim Advocate.

“(4) **COMMAND INVOLVEMENT.**—Within the first three months of assuming a command, the commander shall attend a meeting of their command’s sexual assault response team occurring after the commander’s assumption of command. The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module as part of commanders pre-command courses.

“(g) **PROHIBITION ON USE OF INSPECTOR GENERAL PERSONNEL.**—Personnel of the Inspector General of the Department of Defense, the Inspector General of the Army, the Naval Inspector General, and the Inspector General of the Air Force may not perform Sexual Assault Response Coordinator duties.

“(h) **DEFINITIONS.**—In this section:

“(1) The term ‘armed forces’ means the Army, Navy, Air Force, and Marine Corps.

“(2) The term ‘sexual assault prevention and response program’ refers to Department of Defense policies and programs, including policies and programs of a specific military department or the that are intended to reduce the number of sexual assaults involving members of the armed forces and improve the response of the department to reports of sexual assaults involving members of the armed forces, whether members

of the armed forces are the victim, alleged assailant, or both.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “1568. Sexual assault prevention and response: Sexual Assault Response Coordinators and Victim Advocates.”.

SEC. 1643. SEXUAL ASSAULT VICTIMS ACCESS TO LEGAL COUNSEL AND VICTIM ADVOCATE SERVICES.

(a) **ACCESS.**—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044d the following new section:

“§ 1044e. Access to legal assistance and Victim Advocate services for victims of sexual assault

“(a) **AVAILABILITY OF LEGAL ASSISTANCE AND VICTIM ADVOCATE SERVICES.**—

“(1) **MEMBERS.**—A member of the armed forces or a dependent of a member of the armed forces who is the victim of a sexual assault is entitled to—

“(A) legal assistance provided by a military legal assistance counsel certified as competent to provide such duties pursuant to section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice); and

“(B) assistance provided by a qualified Sexual Assault Victim Advocate.

“(2) **DEPENDENTS.**—To the extent practicable, the Secretary of a military department shall make the assistance described in paragraph (1) available to dependent of a member of the armed forces who is the victim of a sexual assault and resides on or in the vicinity of a military installation. The Secretary concerned shall define the term ‘vicinity’ for purposes of this paragraph.

“(3) **NOTICE OF AVAILABILITY OF ASSISTANCE; OPT OUT.**—The member or dependent shall be informed of the availability of assistance under this subsection as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator or any other responsible member of the armed forces or Department of Defense civilian employee. The victim shall also be informed that the legal assistance and services of a Sexual Assault Response Coordinator and Sexual Assault Victim Advocate are optional and these services may be declined, in whole or in part, at any time.

“(4) **NATURE OF REPORTING IMMATERIAL.**—In the case of a member of the armed forces, access to legal assistance and Victim Advocate services is available regardless of whether the member elects unrestricted or restricted (confidential) reporting of the sexual assault.

“(5) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to establish an attorney-client relationship.

“(b) **RESTRICTED REPORTING OPTION.**—

“(1) **AVAILABILITY OF RESTRICTED REPORTING.**—A member of the armed forces who is the victim of a sexual assault may confidentially disclose the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance, or counseling, without triggering an official investigation of the allegations.

“(2) **PERSONS COVERED BY RESTRICTED REPORTING.**—Individuals covered by paragraph (1) are the following:

“(A) Military legal assistance counsel.

“(B) Sexual Assault Response Coordinator.

“(C) Sexual Assault Victim Advocate.

“(D) Healthcare personnel.

“(E) Chaplain.

“(3) **IMPORTANCE OF CONTACTING SEXUAL ASSAULT RESPONSE COORDINATOR.**—The Secretary of Defense shall ensure that all sexual assault prevention and response training emphasizes the importance of immediately contacting a Sexual Assault Response Coordinator after a sexual assault to ensure that the victim preserves the

restricted reporting option and receives guidance on available services and victim care. A member’s responsibility to report a sexual assault is satisfied by informing the Sexual Assault Response Coordinator, in addition to or in lieu of informing the member’s commander or military law enforcement.

“(c) **CLARIFICATION OF VICTIM OPTION TO PARTICIPATE IN INVESTIGATION.**—The Secretary of Defense shall implement a Sexual Assault Response Coordinator-led process by which a member or dependent referred to in subsection (a) may decline to participate in the investigation of the sexual assault. The member or dependent, after consultation with a Sexual Assault Victim Advocate or Sexual Assault Response Coordinator, or both, may complete a form indicating a preference not to participate further in the investigative process.

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘sexual assault’ includes any of the offenses covered by section 920 of this title (article 120).

“(2) The term ‘military legal assistance counsel’ means—

“(A) a judge advocate (as defined in section 801(13) of this title (article 1(13) of the Uniform Code of Military Justice)); or

“(B) a civilian attorney serving as a legal assistance officer under the provisions of section 1044 of this title.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044d the following new item:

“1044e. Access to legal assistance and Victim Advocate services for victims of sexual assault.”.

(c) **CONFORMING AMENDMENT REGARDING PROVISION OF LEGAL COUNSEL.**—Section 1044(d)(3)(B) of such title is amended by striking “sections 1044a, 1044b, 1044c, and 1044d” and inserting “sections 1044a through 1044e”.

SEC. 1644. NOTIFICATION OF COMMAND OF OUTCOME OF COURT-MARTIAL INVOLVING CHARGES OF SEXUAL ASSAULT.

Section 853 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), is amended—

(1) by inserting “(a) **ANNOUNCEMENT TO PARTIES.**—” before “A court-martial”; and

(2) by adding at the end the following new subsection:

“(b) **DISSEMINATION OF RESULTS TO COMMAND IN CERTAIN CASES.**—In the case of an alleged sexual assault or other offense covered by section 920 of this title (article 120), the trial counsel shall notify the servicing staff judge advocate at the military installation, who shall notify the convening authority and commanders, as appropriate. In consultation with the servicing staff judge advocate, the commanding officer shall notify members of the command of the outcome of the case.”.

SEC. 1645. COPY OF RECORD OF COURT-MARTIAL TO VICTIM OF SEXUAL ASSAULT INVOLVING A MEMBER OF THE ARMED FORCES.

Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(e) In the case of a general or special court-martial involving a sexual assault or other offense covered by section 920 of this title (article 120), a copy of the prepared record of the proceedings of the court-martial shall be given to the victim of the offense if the victim testified during the proceedings. The record of the proceedings shall be provided without charge and as soon as the record is authenticated. The victim shall be notified of the opportunity to receive the record of the proceedings.”.

SEC. 1646. MEDICAL CARE FOR VICTIMS OF SEXUAL ASSAULT.

(a) **MEDICAL CARE AND RECORDS.**—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074l the following new section:

“§ 1074m. Medical care for members who are victims of sexual assault

“(a) **MEDICAL CARE.**—(1) The Secretary of Defense shall establish protocols for providing medical care to a member of the armed forces who is a victim of a sexual assault, including protocols with respect to the appropriate screening, prevention, and mitigation of diseases.

“(2) In establishing the protocols under paragraph (1), the Secretary shall take into consideration the sex of the member of the armed forces.

“(b) **MEDICAL RECORDS.**—The Secretary shall ensure that—

“(1) an accurate and complete medical record is made for each member of the armed forces who is a victim of a sexual assault with respect to the physical and mental condition of the member resulting from the assault; and

“(2) such record complies with the requirement for confidentiality in making a restricted report under section 1044e(b) of this title.

“(c) **RESTRICTED REPORTING.**—Nothing in this section shall be construed as affecting the right of a member of the armed forces to make a restricted report under section 1044e(b) of this title.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074l the following new item:

“1074m. Medical care for members who are victims of sexual assault.”.

SEC. 1647. PRIVILEGE AGAINST DISCLOSURE OF CERTAIN COMMUNICATIONS WITH SEXUAL ASSAULT VICTIM ADVOCATES.

(a) **PRIVILEGE ESTABLISHED.**—

(1) **IN GENERAL.**—Chapter 53 of title 10, United States Code is amended by inserting after section 1034a the following new section:

“§ 1034b. Privilege against disclosure of certain communications with Sexual Assault Victim Advocates

“A confidential communication between the victim of a sexual assault or other offense covered by section 920 of this title (article 120 of the Uniform Code of Military Justice) and a Sexual Assault Victim Advocate assigned under section 1568 of this title, including a deployable Sexual Assault Victim Advocate, shall be treated in the same manner as a confidential communication between a patient and a psychiatrist for purposes of any privilege which may attach to such a communication.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1034a the following new item:

“1034b. Privilege against disclosure of certain communications with Sexual Assault Victim Advocates.”.

(b) **APPLICABILITY.**—Section 1034b of title 10, United States Code, as added by subsection (a), applies to communications described in such section whether made before, on, or after the date of the enactment of this Act.

Subtitle D—Other Matters

SEC. 1661. RECRUITER SELECTION AND OVERSIGHT.

(a) **SCREENING, TRAINING, AND OVERSIGHT OF RECRUITERS.**—The Secretaries of the military departments shall ensure effective recruiter selection and oversight with regard to sexual assault prevention and response by ensuring that—

(1) recruiters are screened and trained under the sexual assault prevention and response program;

(2) sexual assault prevention and response program information is disseminated to recruits and potential recruits for the Armed Forces; and

(3) oversight is in place to preclude the potential for sexual misconduct by recruiters.

(b) **IMPROVED AWARENESS OF RECRUITS.**—Commanders of recruiting organizations and Military Entrance Processing Stations shall ensure that sexual assault prevention and response awareness campaign materials are available and posted in locations visible to potential and actual recruits for the Armed Forces.

SEC. 1662. AVAILABILITY OF SERVICES UNDER SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM FOR DEPENDENTS OF MEMBERS, MILITARY RETIREES, DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES, AND DEFENSE CONTRACTOR EMPLOYEES.

(a) **NOTIFICATION OF EXTENT OF CURRENT SERVICES.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall revise materials made available under the sexual assault prevention and response program to include information on the extent to which dependents of members of the Armed Forces, retired members, Department of Defense civilian employees, and employees of defense contractors are eligible for sexual assault prevention and response services under the sexual assault prevention and response program.

(b) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of extending all sexual assault prevention and response services available for a member of the Armed Forces who is the victim of a sexual assault to persons referred to in subsection (a).

SEC. 1663. APPLICATION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM IN TRAINING ENVIRONMENTS.

The Secretaries of the military departments shall ensure that a member of the Armed Forces who is a victim of a sexual assault in a training environment is provided, to the maximum extent possible, with confidential access to victim sup-

port services and afforded time for recovery. The member should not be required to repeat training unless the time needed for support services and recovery significantly interferes with the progress of the member's training.

SEC. 1664. APPLICATION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM IN REMOTE ENVIRONMENTS AND JOINT BASING SITUATIONS.

(a) **REMOTE AND DEPLOYED ENVIRONMENTS.**—The Secretary of Defense and the combatant commanders shall ensure that the sexual assault prevention and response program continues to operate even in remote environments in which members of the Armed Forces are deployed, including coalition operations.

(b) **JOINT BASING.**—The Secretary of Defense shall monitor the implementation of the sexual assault prevention and response program and military justice and jurisdiction issues at joint basing locations. Elements of the Armed Forces sharing a joint base location shall closely collaborate on sexual assault prevention and response issues to ensure consistency in approach and messages at the joint base location.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2011”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) **EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.**—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

- (1) October 1, 2013; or
- (2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014.

(b) **EXCEPTION.**—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

- (1) October 1, 2013; or
- (2) the date of the enactment of an Act authorizing funds for fiscal year 2014 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

- (1) October 1, 2010; or
- (2) the date of the enactment of this Act.

SEC. 2004. GENERAL REDUCTION ACROSS DIVISION.

(a) **REDUCTION.**—Of the amounts provided in the authorizations of appropriations in this division, the overall authorization of appropriations in this division is reduced by \$441,096,000.

(b) **REPORT ON APPLICATION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing how the reduction required by subsection (a) is applied.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------|------------------------------|---|----------------|---------------------------------|
| AK | Fort Wainwright | Urban Assault Course | 3,350 | 3,350 |
| AK | Fort Richardson | Multipurpose Machine Gun Range | 12,200 | 12,200 |
| AK | Fort Greely | Fire Station | 26,000 | 26,000 |
| AK | Fort Wainwright | Aviation Task Force Complex, Ph 2B (Company Ops Facility) | 27,000 | 27,000 |
| AK | Fort Richardson | Simulations Center | 34,000 | 34,000 |
| AK | Fort Richardson | Brigade Complex, Ph 1 | 67,038 | 67,038 |
| AK | Fort Wainwright | Aviation Task Force Complex, Ph 2A (Hangar) | 142,650 | 142,650 |
| AL | Fort Rucker | Training Aids Center | 4,650 | 4,650 |
| AL | Fort Rucker | Aviation Component Maintenance Shop | 29,000 | 29,000 |
| AL | Fort Rucker | Aviation Maintenance Facility | 36,000 | 36,000 |
| CA | Presidio Monterey | Satellite Communications Facility | 38,000 | 38,000 |
| CA | Presidio Monterey | General Instruction Building | 39,000 | 39,000 |
| CA | Presidio Monterey | Advanced Individual Training Barracks | 63,000 | 63,000 |
| CO | Fort Carson | Automated Sniper Field Fire Range | 3,650 | 3,650 |
| CO | Fort Carson | Battalion Headquarters | 6,700 | 6,700 |
| CO | Fort Carson | Simulations Center | 40,000 | 40,000 |
| CO | Fort Carson | Brigade Complex | 56,000 | 56,000 |
| FL | Eglin AB | Chapel | 6,900 | 6,900 |
| FL | US Army Garrison Miami | Commissary | 19,000 | 19,000 |
| FL | Miami-Dade County | Command & Control Facility | 41,000 | 41,000 |
| GA | Fort Stewart | Modified Record Fire Range | 3,750 | 3,750 |
| GA | Fort Gordon | Training Aids Center | 4,150 | 4,150 |
| GA | Fort Stewart | Automated Infantry Platoon Battle Course | 6,200 | 6,200 |
| GA | Fort Stewart | Training Aids Center | 7,000 | 7,000 |
| GA | Fort Stewart | General Instruction Building | 8,200 | 8,200 |
| GA | Fort Stewart | Automated Multipurpose Machine Gun Range | 9,100 | 9,100 |
| GA | Fort Benning | Land Acquisition | 12,200 | 12,200 |
| GA | Fort Benning | Training Battalion Complex, Ph 2 | 14,600 | 14,600 |
| GA | Fort Benning | Training Battalion Complex, Ph 2 | 14,600 | 14,600 |

Army: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------|-----------------------------------|---|----------------|---------------------------------|
| GA | Fort Stewart | Battalion Complex | 18,000 | 18,000 |
| GA | Fort Stewart | Simulations Center | 26,000 | 26,000 |
| GA | Fort Benning | Museum Operations Support Building | 32,000 | 32,000 |
| GA | Fort Stewart | Aviation Unit Operations Complex | 47,000 | 47,000 |
| GA | Fort Benning | Trainee Barracks, Ph 2 | 51,000 | 51,000 |
| GA | Fort Benning | Vehicle Maintenance Shop | 53,000 | 53,000 |
| HI | Fort Shafter | Flood Mitigation | 23,000 | 23,000 |
| HI | Schofield Barracks | Training Aids Center | 24,000 | 24,000 |
| HI | Tripler Army Medical Center | Barracks | 28,000 | 28,000 |
| HI | Fort Shafter | Command & Control Facility, Ph 1 | 58,000 | 58,000 |
| HI | Schofield Barracks | Barracks | 90,000 | 90,000 |
| HI | Schofield Barracks | Barracks | 98,000 | 98,000 |
| KS | Fort Riley | Automated Infantry Squad Battle Course | 4,100 | 4,100 |
| KS | Fort Leavenworth | Vehicle Maintenance Shop | 7,100 | 7,100 |
| KS | Fort Riley | Known Distance Range | 7,200 | 7,200 |
| KS | Fort Riley | Automated Qualification/Training Range | 14,800 | 14,800 |
| KS | Fort Riley | Battalion Complex, Ph 1 | 31,000 | 31,000 |
| KY | Fort Campbell | Automated Sniper Field Fire Range | 1,500 | 1,500 |
| KY | Fort Campbell | Urban Assault Course | 3,300 | 3,300 |
| KY | Fort Campbell | Rappelling Training Area | 5,600 | 5,600 |
| KY | Fort Knox | Access Corridor Improvements | 6,000 | 6,000 |
| KY | Fort Knox | Military Operation Urban Terrain Collective Training Facility | 12,800 | 12,800 |
| KY | Fort Campbell | Vehicle Maintenance Shop | 15,500 | 15,500 |
| KY | Fort Campbell | Company Operations Facilities | 25,000 | 25,000 |
| KY | Fort Campbell | Unit Operations Facilities | 26,000 | 26,000 |
| KY | Fort Campbell | Brigade Complex | 67,000 | 67,000 |
| LA | Fort Polk | Heavy Sniper Range | 4,250 | 4,250 |
| LA | Fort Polk | Land Acquisition | 6,000 | 6,000 |
| LA | Fort Polk | Land Acquisition | 24,000 | 24,000 |
| LA | Fort Polk | Barracks | 29,000 | 29,000 |
| MD | Fort Meade | Indoor Firing Range | 7,600 | 7,600 |
| MD | Aberdeen Proving Ground | Auto Tech Evaluate Facility, Ph 2 | 14,600 | 14,600 |
| MD | Fort Meade | Wideband SATCOM Operations Center | 25,000 | 25,000 |
| MO | Fort Leonard Wood | General Instruction Building | 7,000 | 7,000 |
| MO | Fort Leonard Wood | Brigade Headquarters | 12,200 | 12,200 |
| MO | Fort Leonard Wood | Information Systems Facility | 15,500 | 15,500 |
| MO | Fort Leonard Wood | Training Barracks | 19,000 | 19,000 |
| MO | Fort Leonard Wood | Barracks | 29,000 | 29,000 |
| MO | Fort Leonard Wood | Transient Advanced Trainee Barracks, Ph 2 | 29,000 | 29,000 |
| NC | Fort Bragg | Vehicle Maintenance Shop | 7,500 | 7,500 |
| NC | Fort Bragg | Dining Facility | 11,200 | 11,200 |
| NC | Fort Bragg | Company Operations Facilities | 12,600 | 12,600 |
| NC | Fort Bragg | Staging Area Complex | 14,600 | 14,600 |
| NC | Fort Bragg | Murchison Road Right of Way Acquisition | 17,000 | 17,000 |
| NC | Fort Bragg | Student Barracks | 18,000 | 18,000 |
| NC | Fort Bragg | Brigade Complex | 25,000 | 25,000 |
| NC | Fort Bragg | Vehicle Maintenance Shop | 28,000 | 28,000 |
| NC | Fort Bragg | Battalion Complex | 33,000 | 33,000 |
| NC | Fort Bragg | Brigade Complex | 41,000 | 41,000 |
| NC | Fort Bragg | Brigade Complex | 50,000 | 50,000 |
| NC | Fort Bragg | Command and Control Facility | 53,000 | 53,000 |
| NM | White Sands | Barracks | 29,000 | 29,000 |
| NY | U.S. Military Academy | Urban Assault Course | 1,700 | 1,700 |
| NY | Fort Drum | Alert Holding Area Facility | 6,700 | 6,700 |
| NY | Fort Drum | Infantry Squad Battle Course | 8,200 | 8,200 |
| NY | Fort Drum | Aircraft Fuel Storage Complex | 14,600 | 14,600 |
| NY | Fort Drum | Aircraft Maintenance Hangar | 16,500 | 16,500 |
| NY | Fort Drum | Training Aids Center | 18,500 | 18,500 |
| NY | Fort Drum | Brigade Complex, Ph 1 | 55,000 | 55,000 |
| NY | Fort Drum | Transient Training Barracks | 55,000 | 55,000 |
| NY | Fort Drum | Battalion Complex | 61,000 | 61,000 |
| NY | U.S. Military Academy | Science Facility, Ph 2 | 130,624 | 130,624 |
| OK | McAlester | Igloo Storage, Depot Level | 3,000 | 3,000 |
| OK | Fort Sill | Museum Operations Support Building | 12,800 | 12,800 |
| OK | Fort Sill | General Purpose Storage Building | 13,800 | 13,800 |
| SC | Fort Jackson | Training Aids Center | 17,000 | 17,000 |
| SC | Fort Jackson | Trainee Barracks | 28,000 | 28,000 |
| SC | Fort Jackson | Trainee Barracks Complex, Ph 1 | 46,000 | 46,000 |
| TX | Fort Bliss | Light Demolition Range | 2,100 | 2,100 |
| TX | Fort Hood | Live Fire Exercise Shoothouse | 2,100 | 2,100 |
| TX | Fort Hood | Urban Assault Course | 2,450 | 2,450 |
| TX | Fort Bliss | Urban Assault Course | 2,800 | 2,800 |
| TX | Fort Bliss | Squad Defense Range | 3,000 | 3,000 |
| TX | Fort Bliss | Live Fire Exercise Shoothouse | 3,150 | 3,150 |
| TX | Fort Hood | Convoy Live Fire | 3,200 | 3,200 |
| TX | Fort Bliss | Heavy Sniper Range | 3,500 | 3,500 |
| TX | Fort Hood | Company Operations Facilities | 4,300 | 4,300 |
| TX | Fort Sam Houston | Training Aids Center | 6,200 | 6,200 |

Army: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------|--------------------------|---|----------------|---------------------------------|
| TX | Fort Bliss | Automated Multipurpose Machine Gun Range | 6,700 | 6,700 |
| TX | Fort Bliss | Vehicle Bridge Overpass | 8,700 | 8,700 |
| TX | Corpus Christi NAS | Rotor Blade Processing Facility, Ph 2 | 13,400 | 13,400 |
| TX | Fort Bliss | Indoor Swimming Pool | 15,500 | 15,500 |
| TX | Fort Bliss | Scout/Reconnaissance Crew Engagement Gunnery Complex | 15,500 | 15,500 |
| TX | Fort Sam Houston | Simulations Center | 16,000 | 16,000 |
| TX | Fort Bliss | Theater High Altitude Area Defense Battery Complex | 17,500 | 17,500 |
| TX | Fort Bliss | Company Operations Facilities | 18,500 | 18,500 |
| TX | Fort Bliss | Digital Multipurpose Training Range | 22,000 | 22,000 |
| TX | Fort Bliss | Transient Training Complex | 31,000 | 31,000 |
| TX | Fort Hood | Brigade Complex | 38,000 | 38,000 |
| TX | Fort Hood | Battalion Complex | 40,000 | 40,000 |
| TX | Fort Hood | Unmanned Aerial System Hangar | 55,000 | 55,000 |
| VA | Fort A.P. Hill | Known Distance Range | 3,800 | 3,800 |
| VA | Fort A.P. Hill | Light Demolition Range | 4,100 | 4,100 |
| VA | Fort Lee | Company Operations Facility | 4,900 | 4,900 |
| VA | Fort Lee | Training Aids Center | 5,800 | 5,800 |
| VA | Fort A.P. Hill | Indoor Firing Range | 6,200 | 6,200 |
| VA | Fort Lee | Automated Qualification Training Range | 7,700 | 7,700 |
| VA | Fort A.P. Hill | 1200 Meter Range | 14,500 | 14,500 |
| VA | Fort Eustis | Warrior in Transition Complex | 18,000 | 18,000 |
| VA | Fort Lee | Museum Operations Support Building | 30,000 | 30,000 |
| VA | Fort A.P. Hill | Military Operation Urban Terrain Collective Training Facility | 65,000 | 65,000 |
| WA | Yakima | Sniper Field Fire Range | 3,750 | 3,750 |
| WA | Fort Lewis | Rappelling Training Area | 5,300 | 5,300 |
| WA | Fort Lewis | Regional Logistic Support Complex Warehouse | 16,500 | 16,500 |
| WA | Fort Lewis | Barracks Complex | 40,000 | 40,000 |
| WA | Fort Lewis | Barracks | 47,000 | 47,000 |
| WA | Fort Lewis | Regional Logistic Support Complex | 63,000 | 63,000 |
| ZU | Various | Training Barracks | 190,000 | 190,000 |

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------------------|-------------------------------|---|----------------|---------------------------------|
| AF | Bagram AB | Joint Defense Operations Center | 2,800 | 2,800 |
| AF | Bagram AB | Entry Control Point | 7,500 | 7,500 |
| AF | Bagram AB | Eastside Electrical Distribution | 10,400 | 10,400 |
| AF | Bagram AB | Consolidated Community Support Area | 14,800 | 14,800 |
| AF | Bagram AB | Barracks | 18,000 | 18,000 |
| AF | Bagram AB | Army Aviation HQ Facilities | 19,000 | 19,000 |
| AF | Bagram AB | Eastside Utilities Infrastructure | 29,000 | 29,000 |
| GY | Wiesbaden AB | Command and Battle Center, Incr 2 | 0 | 59,500 |
| GY | Wiesbaden AB | Construct New Access Control Point | 5,100 | 5,100 |
| GY | Sembach AB | Confinement Facility | 9,100 | 9,100 |
| GY | Ansbach | Physical Fitness Center | 13,800 | 13,800 |
| GY | Grafenwoehr | Barracks | 17,500 | 17,500 |
| GY | Ansbach | Vehicle Maintenance Shop | 18,000 | 18,000 |
| GY | Grafenwoehr | Barracks | 19,000 | 19,000 |
| GY | Grafenwoehr | Barracks | 19,000 | 19,000 |
| GY | Grafenwoehr | Barracks | 20,000 | 20,000 |
| GY | Wiesbaden AB | Information Processing Center | 30,400 | 30,400 |
| GY | Rhine Ordnance Barracks | Barracks Complex | 35,000 | 35,000 |
| GY | Wiesbaden AB | Sensitive Compartmented Information Facility Inc 1 | 91,000 | 46,000 |
| HO | Soto Cano AB | Barracks | 20,400 | 20,400 |
| IT | Vicenza | Brigade Complex - Barracks/Community, Incr 4 | 0 | 13,000 |
| IT | Vicenza | Brigade Complex - Operations Support Facility, Incr 4 | 0 | 13,000 |
| KR | Camp Walker | Electrical System Upgrade & Natural Gas System | 19,500 | 19,500 |

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) INSIDE THE UNITED STATES.—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$3,456,462,000.

(2) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (b), funds are hereby

authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$459,800,000.

(3) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$26,450,000.

(4) HOST NATION SUPPORT AND CERTAIN SERVICES AND DESIGN.—For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$255,462,000.

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire

family housing units (including land acquisition and supporting facilities) at the installations or locations, and subject to the purpose and num-

ber of units, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

| Army: Family Housing (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--------------------------|---|----------------|---------------------------------|
| Location | Installation or Location | Purpose of Project and Number of Units | Project Amount | Authorization of Appropriations |
| AK | Fort Wainwright | Family Housing Replacement Construction (110 units) | 21,000 | 21,000 |
| GY | Baumholder | Family Housing Replacement Construction (64 units) | 34,329 | 34,329 |

(b) PLANNING AND DESIGN.—The Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$2,040,000.

(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$35,000,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—

(1) for construction and acquisition, planning and design, and improvement of military family housing and facilities authorized by subsections (a), (b), and (c) in the total amount of \$92,369,000; and

(2) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of \$518,140,000.

SEC. 2103. USE OF UNOBLIGATED ARMY MILITARY CONSTRUCTION FUNDS IN CONJUNCTION WITH FUNDS PROVIDED BY THE COMMONWEALTH OF VIRGINIA TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECT.

(a) FIRE STATION AT FORT BELVOIR, VIRGINIA.—Section 2836(d) of the Military Construction Authorization Act for Fiscal Year 2002 (di-

vision B of Public Law 107–107; 115 Stat. 1314), as most recently amended by section 2849 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2486), is further amended—

(1) in paragraph (2), by inserting “through a project for construction of an Army standard-design, two-company fire station at Fort Belvoir, Virginia,” after “Building 191”; and

(2) by adding at the end the following new paragraph:

“(3) The Secretary may use up to \$3,900,000 of available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2011, in conjunction with the funds provided under paragraph (1), for the project described in paragraph (2).”

(b) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information, in accordance with section 2851(c) of title 10, United States Code, regarding the project described in the amendment made by subsection (a). If it becomes necessary to exceed the estimated project cost of \$8,780,000, including \$4,880,000 contributed by the Commonwealth of Virginia, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year

2009 (division B of Public Law 110–417; 122 Stat. 4661) is amended by striking “Katterbach” and inserting “Grafenwoehr”.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2628) for Fort Riley, Kansas, for construction of a Brigade Complex at the installation, the Secretary of the Army may construct up to a 40,100 square-foot brigade headquarters consistent with the Army’s construction guidelines for brigade headquarters.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 504), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2008 Project Authorizations

| State | Installation or Location | Project | Amount |
|------------------|--------------------------|--------------------------------------|--------------|
| Georgia | Fort Stewart | Unit Operations Facilities | \$16,000,000 |
| Hawaii | Schofield Barracks | Tactical Vehicle Wash Facility | \$10,200,000 |
| | | Barracks Complex | \$51,000,000 |
| Louisiana | Fort Polk | Brigade Headquarters | \$9,800,000 |
| | | Child Care Facility | \$6,100,000 |
| Missouri | Fort Leonard Wood | Multipurpose Machine Gun Range | \$4,150,000 |
| Oklahoma | Fort Sill | Multipurpose Machine Gun Range | \$3,300,000 |
| Washington | Fort Lewis | Alternative Fuel Facility | \$3,300,000 |

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

| Navy: Military Construction Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--------------------------|--|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| AL | Mobile | T-6 Outlying Landing Field | 29,082 | 29,082 |
| AZ | Yuma | Aircraft Maintenance Hangar | 40,600 | 40,600 |
| AZ | Yuma | Aircraft Maintenance Hangar | 63,280 | 63,280 |
| AZ | Yuma | Communications Infrastructure Upgrade | 63,730 | 63,730 |
| AZ | Yuma | Intermediate Maintenance Activity Facility | 21,480 | 21,480 |
| AZ | Yuma | Simulator Facility | 36,060 | 36,060 |
| AZ | Yuma | Utilities Infrastructure Upgrades | 44,320 | 44,320 |
| AZ | Yuma | Van Pad Complex Relocation | 15,590 | 15,590 |

Navy: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------|--|--|----------------|---------------------------------|
| CA | Coronado NB | Maritime Expeditionary Security Group- One (MESG-1) Consolidated Boat Maintenance Facility | 6,890 | 6,890 |
| CA | Monterey NSA | International Academic Instruction Building | 11,960 | 11,960 |
| CA | Camp Pendleton | Bachelor Enlisted Quarters - 13 Area | 42,864 | 42,864 |
| CA | Camp Pendleton | Bachelor Enlisted Quarters - Las Flores | 37,020 | 37,020 |
| CA | Camp Pendleton | Center for Naval Aviation Technical Training/Fleet Replacement Squadron - Aviation Training and Bachelor Enlisted Quarters | 66,110 | 66,110 |
| CA | Camp Pendleton | Conveyance/Water Treatment | 100,700 | 100,700 |
| CA | Camp Pendleton | Marine Aviation Logistics Squadron-39 Maintenance Hangar Expansion | 48,230 | 48,230 |
| CA | Camp Pendleton | Marine Corps Energy Initiative | 9,950 | 9,950 |
| CA | Camp Pendleton | North Region Tert Treat Plant (Incremented) | 0 | 30,000 |
| CA | Camp Pendleton | Small Arms Magazine - Edson Range | 3,760 | 3,760 |
| CA | Camp Pendleton | Truck Company Operations Complex | 53,490 | 53,490 |
| CA | Coronado | Rotary Hangar | 67,160 | 67,160 |
| CA | Miramar | Aircraft Maintenance Hangar | 90,490 | 90,490 |
| CA | Miramar | Hangar 4 | 33,620 | 33,620 |
| CA | Miramar | Parking Apron/ Taxiway Expansion | 66,500 | 66,500 |
| CA | San Diego | Bachelor Enlisted Quarters, Homeport Ashore | 75,342 | 75,342 |
| CA | San Diego | Berthing Pier 12 Replace & Dredging, Ph 1 | 108,414 | 108,414 |
| CA | San Diego | Marine Corps Energy Initiative | 9,950 | 9,950 |
| CA | Twentynine Palms | Bachelor Enlisted Quarters & Parking Structure | 53,158 | 53,158 |
| FL | Panama City NSA | Purchase 9 Acres | 5,960 | 5,960 |
| FL | Blount Island | Consolidated Warehouse Facility | 17,260 | 17,260 |
| FL | Blount Island | Container Staging and Loading Lot | 5,990 | 5,990 |
| FL | Blount Island | Container Storage Lot | 4,910 | 4,910 |
| FL | Blount Island | Hardstand Extension | 17,930 | 17,930 |
| FL | Blount Island | Paint and Blast Facility | 18,840 | 18,840 |
| FL | Blount Island | Washrack Expansion | 9,690 | 9,690 |
| FL | Tampa | Joint Comms Support Element Vehicle Paint Facility | 2,300 | 2,300 |
| GA | Albany MCLB | Maintenance Center Test Firing Range | 5,180 | 5,180 |
| GA | Kings Bay | Security Enclave & Vehicle Barriers | 45,004 | 45,004 |
| GA | Kings Bay | Waterfront Emergency Power | 15,660 | 15,660 |
| HI | Camp Smith | Physical Fitness Center | 29,960 | 29,960 |
| HI | Kaneohe Bay | Bachelor Enlisted Quarters | 90,530 | 90,530 |
| HI | Kaneohe Bay | Waterfront Operations Facility | 19,130 | 19,130 |
| HI | Pearl Harbor | Center for Disaster Mgt/Humanitarian Assistance | 9,140 | 9,140 |
| HI | Pearl Harbor | Joint POW/MIA Accounting Command | 99,328 | 99,328 |
| MD | Patuxent River NAS | Atlantic Test Range Addition | 10,160 | 10,160 |
| MD | Indian Head | Agile Chemical Facility, Ph 2 | 34,238 | 34,238 |
| MD | Patuxent River | Broad Area Maritime Surveillance & E Facility | 42,211 | 42,211 |
| ME | Portsmouth NSY | Structural Shops Addition, Ph 1 | 11,910 | 11,910 |
| NC | Camp Lejeune | 2nd Intel Battalion Maintenance/Ops Complex | 90,270 | 90,270 |
| NC | Camp Lejeune | Armory- II MEF - Wallace Creek | 12,280 | 12,280 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters - Courthouse Bay | 40,780 | 40,780 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters - Courthouse Bay | 42,330 | 42,330 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters - French Creek | 43,640 | 43,640 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters - Rifle Range | 55,350 | 55,350 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters - Wallace Creek | 51,660 | 51,660 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters - Wallace Creek North | 46,290 | 46,290 |
| NC | Camp Lejeune | Bachelor Enlisted Quarters- Camp Johnson | 46,550 | 46,550 |
| NC | Camp Lejeune | Explosive Ordnance Disposal Unit Addition - 2nd Marine Logistics Group | 7,420 | 7,420 |
| NC | Camp Lejeune | Hangar | 73,010 | 73,010 |
| NC | Camp Lejeune | Maintenance Hangar | 74,260 | 74,260 |
| NC | Camp Lejeune | Maintenance/Ops Complex - 2ND Air Naval Gunfire Liaison Company | 36,100 | 36,100 |
| NC | Camp Lejeune | Marine Corps Energy Initiative | 9,950 | 9,950 |
| NC | Camp Lejeune | Mess Hall - French Creek | 25,960 | 25,960 |
| NC | Camp Lejeune | Mess Hall Addition - Courthouse Bay | 2,553 | 2,553 |
| NC | Camp Lejeune | Motor Transportation/Communications Maintenance Facility | 18,470 | 18,470 |
| NC | Camp Lejeune | Utility Expansion - Hadnot Point | 56,470 | 56,470 |
| NC | Camp Lejeune | Utility Expansion-French Creek | 56,050 | 56,050 |
| NC | Cherry Point Marine Corps Air Station .. | Bachelor Enlisted Quarters | 42,500 | 42,500 |
| NC | Cherry Point Marine Corps Air Station .. | Mariners Bay Land Acquisition - Bogue | 3,790 | 3,790 |
| NC | Cherry Point Marine Corps Air Station .. | Missile Magazine | 13,420 | 13,420 |
| NC | Cherry Point Marine Corps Air Station .. | Station Infrastructure Upgrades | 5,800 | 5,800 |
| RI | Newport | Electromagnetic Facility | 27,007 | 27,007 |
| SC | Beaufort | Air Installation Computable Use Zone Land Acquisition | 21,190 | 21,190 |
| SC | Beaufort | Aircraft Hangar | 46,550 | 46,550 |
| SC | Beaufort | Physical Fitness Center | 15,430 | 15,430 |
| SC | Beaufort | Training and Simulator Facility | 46,240 | 46,240 |
| TX | Kingsville NAS | Youth Center | 2,610 | 2,610 |
| VA | Norfolk | Pier 9 & 10 Upgrades for DDG 1000 | 2,400 | 2,400 |
| VA | Norfolk | Pier 1 Upgrades to Berth USNS Comfort | 10,035 | 10,035 |
| VA | Portsmouth | Ship Repair Pier Replacement | 0 | 100,000 |
| VA | Quantico | Academic Facility Addition - Staff Non Comissioned Officer Academy | 12,080 | 12,080 |

Navy: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------|--------------------------|---|----------------|---------------------------------|
| VA | Quantico | Bachelor Enlisted Quarters | 37,810 | 37,810 |
| VA | Quantico | Research Center Addition- MCU | 37,920 | 37,920 |
| VA | Quantico | Student Officer Quarters - The Basic School | 55,822 | 55,822 |
| WA | Kitsap NB | Charleston Gate ECP Improvements | 6,150 | 6,150 |
| WA | Bangor | Commander Submarine Development Squadron 5 Laboratory Expansion Ph1 | 16,170 | 16,170 |
| WA | Bangor | Limited Area Emergency Power | 15,810 | 15,810 |
| WA | Bangor | Waterfront Restricted Area Emergency Power | 24,913 | 24,913 |
| WA | Bremerton | Limited Area Product/STRG Complex (incremented) | 0 | 19,116 |

(b) **OUTSIDE THE UNITED STATES.**—The Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Navy: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------------------|--------------------------|--|----------------|---------------------------------|
| BI | SW Asia | Navy Central Command Ammunition Magazines | 89,280 | 89,280 |
| BI | SW Asia | Operations and Support Facilities | 60,002 | 60,002 |
| BI | SW Asia | Waterfront Development, Ph 3 | 63,871 | 63,871 |
| DJ | Camp Lemonier | Camp Lemonier HQ Facility | 12,407 | 12,407 |
| DJ | Camp Lemonier | General Warehouse | 7,324 | 7,324 |
| DJ | Camp Lemonier | Horn of Africa Joint Operations Center | 28,076 | 28,076 |
| DJ | Camp Lemonier | Pave External Roads | 3,824 | 3,824 |
| JA | Atsugi | MH-60R/S Trainer Facility | 6,908 | 6,908 |
| ML | Guam | Anderson AFB North Ramp Parking, Ph 1, Inc 2 | 0 | 93,588 |
| ML | Guam | Anderson AFB North Ramp Utilities, Ph 1, Inc 2 | 0 | 79,350 |
| ML | Guam | Apra Harbor Wharves Improvements, Ph 1 | 0 | 40,000 |
| ML | Guam | Defense Access Roads Improvements | 66,730 | 66,730 |
| ML | Guam | Finegayan Site Prep and Utilities | 147,210 | 147,210 |
| SP | Rota | Air Traffic Control Tower | 23,190 | 23,190 |

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **INSIDE THE UNITED STATES.**—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$3,077,237,000.

(2) **OUTSIDE THE UNITED STATES.**—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$721,760,000.

(3) **UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.**—For unspecified minor military

construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$20,877,000.

(4) **ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.**—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$121,765,000. None of the funds appropriated pursuant to this authorization of appropriations

may be used for architectural and engineering services and construction design of any military construction project necessary to establish a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida.

SEC. 2202. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—The Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, and subject to the purpose and number of units, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Navy: Family Housing
(Amounts Are Specified In Thousands of Dollars)

| Location | Installation or Location | Purpose of Project and Number of Units | Project Amount | Authorization of Appropriations |
|----------|--------------------------|--|----------------|---------------------------------|
| GB | Guantanamo Bay | Replace GTMO Housing | 37,169 | 37,169 |

(b) **PLANNING AND DESIGN.**—The Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$3,255,000.

(c) **IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$146,020,000.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—

(1) for construction and acquisition, planning and design, and improvement of military family housing and facilities authorized by subsections

(a), (b), and (c) in the total amount of \$186,444,000; and

(2) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of \$366,346,000.

SEC. 2203. TECHNICAL AMENDMENT TO REFLECT MULTI-INCREMENT FISCAL YEAR 2010 PROJECT.

Section 2204 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2634), is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(14) For the construction of the first increment of a tertiary water treatment plant at Marine Corps Base, Camp Pendleton, California,

authorized by section 2201(a), \$112,330,000.”; and

(2) in subsection (b), by adding at the end the following new paragraph:

“(7) \$30,000,000 (the balance of the amount authorized under section 2201(a) for North Region Tertiary Treatment Plant, Camp Pendleton, California).”.

SEC. 2204. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2201(c) of that Act (122 Stat. 511), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing

funds for military construction for fiscal year (b) TABLE.—The table referred to in subsection 2012, whichever is later: (a) is as follows:

Navy: Extension of 2008 Project Authorization

| Location | Installation or Location | Project | Amount |
|-----------------|--------------------------|----------------------------------|-------------|
| Worldwide | Unspecified | Host Nation Infrastructure | \$2,700,000 |

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force: Military Construction Inside the United States (Amounts Are Specified In Thousands of Dollars)

| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------|------------------------------|--|----------------|---------------------------------|
| AK | Eielson AFB | Repair Central Heat Plant & Power Plant Boilers | 28,000 | 28,000 |
| AK | Elmendorf AFB | Add/Alter Air Support Operations Squadron Training | 4,749 | 4,749 |
| AK | Elmendorf AFB | Construct Railhead Operations Facility | 15,000 | 15,000 |
| AK | Elmendorf AFB | F-22 Add/Alter Weapons Release Systems Shop | 10,525 | 10,525 |
| AL | Maxwell AFB | ADAL Air University Library | 13,400 | 13,400 |
| AZ | Davis-Monthan AFB | Aerospace Maintenance and Regeneration Group Hangar | 25,000 | 25,000 |
| AZ | Davis-Monthan AFB | HC-130 Aerospace Ground Equipment Maintenance Facility | 4,600 | 4,600 |
| AZ | Davis-Monthan AFB | HC-130J Aerial Cargo Facility | 10,700 | 10,700 |
| AZ | Davis-Monthan AFB | HC-130J Parts Store | 8,200 | 8,200 |
| AZ | Fort Huachuca | Total Force Integration-Predator Launch and Recovery Element Beddown | 11,000 | 11,000 |
| CA | Los Angeles AFB | Parking Garage, Ph 2 | 4,500 | 4,500 |
| CO | Buckley AFB | Security Forces Operations Facility | 12,160 | 12,160 |
| CO | Peterson AFB | Rapid Attack Identification Detection Repair System Space Control Facility | 24,800 | 24,800 |
| CO | U.S. Air Force Academy | Const Center for Character & Leadership Development | 27,600 | 27,600 |
| DC | Bolling AFB | Joint Air Defense Operations Center | 13,200 | 13,200 |
| DE | Dover AFB | C-5M/C-17 Maintenance Training Facility, Ph 2 | 3,200 | 3,200 |
| FL | Eglin AFB | F-35 Fuel Cell Maintenance Hangar | 11,400 | 11,400 |
| FL | Hurlburt Field | ADAL Special Operations School Facility | 6,170 | 6,170 |
| FL | Hurlburt Field | Add to Visiting Quarters (24 Rm) | 4,500 | 4,500 |
| FL | Hurlburt Field | Base Logistics Facility | 24,000 | 24,000 |
| FL | Patrick AFB | Air Force Technical Application Center | 158,009 | 79,009 |
| GA | Robins AFB | Warehouse | 5,500 | 5,500 |
| LA | Barksdale AFB | Weapons Load Crew Training Facility | 18,140 | 18,140 |
| MO | Whiteman AFB | Consolidated Air Ops Facility | 23,500 | 23,500 |
| NC | Pope AFB | Crash/Fire/Rescue Station | 13,500 | 13,500 |
| ND | Minot AFB | Control Tower/Base Operations Facility | 18,770 | 18,770 |
| NJ | McGuire AFB | Base Ops/Command Post Facility (TFI) | 8,000 | 8,000 |
| NJ | McGuire AFB | Dormitory (120 RM) | 18,440 | 18,440 |
| NM | Holloman AFB | Parallel Taxiway, Runway 07/25 | 8,000 | 8,000 |
| NM | Kirtland AFB | Replace Fire Station | 6,800 | 6,800 |
| NM | Cannon AFB | Dormitory (96 rm) | 14,000 | 14,000 |
| NM | Cannon AFB | UAS Squadron Ops Facility | 20,000 | 20,000 |
| NM | Holloman AFB | UAS Add/Alter Maintenance Hangar | 15,470 | 15,470 |
| NM | Holloman AFB | UAS Maintenance Hangar | 22,500 | 22,500 |
| NM | Kirtland AFB | Aerial Delivery Facility Addition | 3,800 | 3,800 |
| NM | Kirtland AFB | Armament Shop | 6,460 | 6,460 |
| NM | Kirtland AFB | H/MC-130 Fuel System Maintenance Facility | 14,142 | 14,142 |
| NV | Creech AFB | UAS Airfield Fire/Crash Rescue Station | 11,710 | 11,710 |
| NV | Nellis AFB | F-35 Add/Alter 422 Test Evaluation Squadron Facility | 7,870 | 7,870 |
| NV | Nellis AFB | F-35 Add/Alter Flight Test Instrumentation Facility | 1,900 | 1,900 |
| NV | Nellis AFB | F-35 Flight Simulator Facility | 13,110 | 13,110 |
| NV | Nellis AFB | F-35 Maintenance Hangar | 28,760 | 28,760 |
| NY | Fort Drum | 20th Air Support Operations Squadron Complex | 20,440 | 20,440 |
| OK | Tinker AFB | Upgrade Building 3001 Infrastructure, Ph 3 | 14,000 | 14,000 |
| SC | Charleston AFB | Civil Engineer Complex (TFI) - Ph 1 | 15,000 | 15,000 |
| TX | Laughlin AFB | Community Event Complex | 10,500 | 10,500 |
| TX | Dyess AFB | C-130J Add/Alter Flight Simulator Facility | 4,080 | 4,080 |
| TX | Ellington Field | Upgrade Unmanned Aerial Vehicle Maintenance Hangar | 7,000 | 7,000 |
| TX | Lackland AFB | Basic Military Training Satellite Classroom/Dining Facility No 2 | 32,000 | 32,000 |
| TX | Lackland AFB | One-Company Fire Station | 5,500 | 5,500 |
| TX | Lackland AFB | Recruit Dormitory, Ph 3 | 67,980 | 67,980 |
| TX | Lackland AFB | Recruit/Family Inprocessing & Info Center | 21,800 | 21,800 |
| UT | Hill AFB | F-22 T-10 Engine Test Cell | 2,800 | 2,800 |
| VA | Langley AFB | F-22 Add/Alter Hangar Bay LO/CR Facility | 8,800 | 8,800 |
| WY | Camp Guernsey | Nuclear/Space Security Tactics Training Center | 4,650 | 4,650 |

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------------------|----------------------------------|--|----------------|---------------------------------|
| AF | Bagram AFB | Consolidated Rigging Facility | 9,900 | 9,900 |
| AF | Bagram AFB | Fighter Hangar | 16,480 | 16,480 |
| AF | Bagram AFB | MEDEVAC Ramp Expansion/Fire Station | 16,580 | 16,580 |
| BI | SW Asia | North Apron Expansion | 45,000 | 45,000 |
| GU | Andersen AFB | Combat Communications Operations Facility | 9,200 | 9,200 |
| GU | Andersen AFB | Commando Warrior Open Bay Student Barracks | 11,800 | 11,800 |
| GU | Andersen AFB | Guam Strike Ops Group & Tanker Task Force | 9,100 | 9,100 |
| GU | Andersen AFB | Guam Strike South Ramp Utilities, Ph 1 | 12,200 | 12,200 |
| GU | Andersen AFB | Red Horse Headquarters/Engineering Facility | 8,000 | 8,000 |
| GY | Kapaun | Dormitory (128 RM) | 19,600 | 19,600 |
| GY | Ramstein AB | Unmanned Aerial System Satellite Communication Relay Pads & Facility | 10,800 | 10,800 |
| GY | Ramstein AFB | Construct C-130J Flight Simulator Facility | 8,800 | 8,800 |
| GY | Ramstein AFB | Deicing Fluid Storage & Dispensing Facility | 2,754 | 2,754 |
| GY | Vilseck | Air Support Operations Squadron Complex | 12,900 | 12,900 |
| IT | Aviano AFB | Air Support Operations Squadron Facility | 10,200 | 10,200 |
| IT | Aviano AFB | Dormitory (144 RM) | 19,000 | 19,000 |
| KR | Kunsan AFB | Construct Distributed Mission Training Flight Simulator Facility | 7,500 | 7,500 |
| QA | Al Udeid | Blatchford-Preston Complex Ph 2 | 62,300 | 62,300 |
| UK | Royal Air Force Mildenhall | Extend Taxiway Alpha | 15,000 | 15,000 |

(c) **UNSPECIFIED WORLDWIDE.**—The Secretary of the Air Force may acquire real property and carry out military construction projects at various unspecified installations or locations, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force: Unspecified Worldwide
(Amounts Are Specified In Thousands of Dollars)

| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------------------|---------------------------------------|---|----------------|---------------------------------|
| ZU | Unspecified Worldwide Locations | F-35 Academic Training Center | 54,150 | 54,150 |
| ZU | Unspecified Worldwide Locations | F-35 Flight Simulator Facility | 12,190 | 12,190 |
| ZU | Various Worldwide Locations | F-35 Squadron Operations Facility | 10,260 | 10,260 |

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **INSIDE THE UNITED STATES.**—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$836,635,000.

(2) **OUTSIDE THE UNITED STATES.**—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$307,114,000.

(3) **UNSPECIFIED WORLDWIDE.**—For the military construction projects at unspecified world-

wide locations authorized by subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$76,600,000.

(4) **UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.**—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$21,000,000.

(5) **ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.**—For architectural and engineering services and construction de-

sign under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$74,424,000.

SEC. 2302. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—The Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, and subject to the purpose and number of units, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force: Family Housing
(Amounts Are Specified In Thousands of Dollars)

| Location | Installation or Location | Purpose of Project and Number of Units | Project Amount | Authorization of Appropriations |
|----------|-----------------------------------|--|----------------|---------------------------------|
| ZU | Various Worldwide locations | Classified Project | 50 | 50 |

(b) **PLANNING AND DESIGN.**—The Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,225,000.

(c) **IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$73,750,000.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated

for fiscal years beginning after September 30, 2010—

(1) for construction and acquisition, planning and design, and improvement of military family housing and facilities authorized by subsections (a), (b), and (c) in the total amount of \$78,025,000; and

(2) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of \$513,792,000.

SEC. 2303. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) **EXTENSION.**—Notwithstanding section 2701 of the Military Construction Authorization Act

for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorization set forth in the table in subsection (b), as provided in section 2302 of that Act (120 Stat. 2455) and extended by section 2306 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2638), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2007 Project Authorization

| State | Installation | Project | Amount |
|--------------|------------------------------------|--|---------------|
| Idaho | Mountain Home Air Force Base | Replace Family Housing (457 units) | \$107,800,000 |

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**Subtitle A—Defense Agency Authorizations****SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.**

(a) **INSIDE THE UNITED STATES.**—The Secretary of Defense may acquire real property and carry out military construction projects for the Defense Agencies at installations or locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

| Defense Wide: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|---|---|-----------------------|--|
| <i>State</i> | <i>Installation or Location</i> | <i>Purpose of Project</i> | <i>Project Amount</i> | <i>Authorization of Appropriations</i> |
| AZ | Marana | Special Operations Forces Parachute Training Facility | 6,250 | 6,250 |
| AZ | Yuma | Special Operations Forces Military Free Fall Simulator | 8,977 | 8,977 |
| CA | Point Loma Annex | Replce Storage Facility, Incr 3 | 0 | 20,000 |
| CA | Point Mugu | Aircraft Direct Fueling Station | 3,100 | 3,100 |
| CO | Fort Carson | Special Operations Forces Tactical Unmanned Aerial Vehicle Hangar | 3,717 | 3,717 |
| DC | Bolling AFB | Replace Parking Structure, Ph 1 | 3,000 | 3,000 |
| FL | Eglin AFB | Special Operations Forces Ground Support Battalion Detachment | 6,030 | 6,030 |
| GA | Augusta | National Security Agency/Central Security Service Georgia Training Facility | 12,855 | 12,855 |
| GA | Fort Benning | Dexter Elementary School Construct Gym | 2,800 | 2,800 |
| GA | Fort Benning | Special Operations Forces Company Support Facility | 20,441 | 20,441 |
| GA | Fort Benning | Special Operations Forces Military Working Dog Kennel Complex | 3,624 | 3,624 |
| GA | Fort Stewart | Health Clinic Addition/Alteration | 35,100 | 35,100 |
| GA | Hunter ANG'S | Fuel Unload Facility | 2,400 | 2,400 |
| GA | Hunter Army Airfield | Special Operations Forces Tactical Equipment Maintenance Facility Expansion | 3,318 | 3,318 |
| HI | Hickam AFB | Alter Fuel Storage Tanks | 8,500 | 8,500 |
| HI | Pearl Harbor | Naval Special Warfare Group 3 Command and Operations Facility ... | 28,804 | 28,804 |
| ID | Mountain Home AFB | Replace Fuel Storage Tanks | 27,500 | 27,500 |
| IL | Scott Air Force Base | Field Command Facility Upgrade | 1,388 | 1,388 |
| KY | Fort Campbell | Special Operations Forces Battalion Ops Complex | 38,095 | 38,095 |
| MA | Hanscom AFB | Mental Health Clinic Addition | 2,900 | 2,900 |
| MD | Aberdeen Proving Ground | US Army Medical Research Institue of Infectious Diseases Replacement, Inc 3 | 0 | 105,000 |
| MD | Andrews AFB | Replace Fuel Storage & Distribution Facility | 14,000 | 14,000 |
| MD | Bethesda Naval Hospital | National Naval Medical Center Parking Expansion | 17,100 | 17,100 |
| MD | Bethesda Naval Hospital | Transient Wounded Warrior Lodging | 62,900 | 62,900 |
| MD | Fort Detrick | Consolidated Logistics Facility | 23,100 | 23,100 |
| MD | Fort Detrick | Information Services Facility Expansion | 4,300 | 4,300 |
| MD | Fort Detrick | National Interagency Biodefense Campus Security Fencing And Equipment | 2,700 | 2,700 |
| MD | Fort Detrick | Supplemental Water Storage | 3,700 | 3,700 |
| MD | Fort Detrick | US Army Medical Research Institue of Infectious Diseases- Stage I, Inc 5 | 0 | 17,400 |
| MD | Fort Detrick | Water Treatment Plant Repair & Supplement | 11,900 | 11,900 |
| MD | Fort Meade | North Campus Utility Plant | 219,360 | 219,360 |
| MS | Stennis Space Center | Special Operations Forces Land Acquisition, Ph 3 | 8,000 | 8,000 |
| NC | Camp Lejeune | Tarawa Terrace I Elementry School Replace School | 16,646 | 16,646 |
| NC | Fort Bragg | McNair Elementry School- Replace School | 23,086 | 23,086 |
| NC | Fort Bragg | Murray Elementry School - Replace School | 22,000 | 22,000 |
| NC | Fort Bragg | Special Operations Forces Admin/Company Operations | 10,347 | 10,347 |
| NC | Fort Bragg | Special Operations Forces C4 Facility | 41,000 | 41,000 |
| NC | Fort Bragg | Special Operations Forces Joint Intelligence Brigade Facility | 32,000 | 32,000 |
| NC | Fort Bragg | Special Operations Forces Operational Communications Facility | 11,000 | 11,000 |
| NC | Fort Bragg | Special Operations Forces Operations Additions | 15,795 | 15,795 |
| NC | Fort Bragg | Special Operations Forces Operations Support Facility | 13,465 | 13,465 |
| NM | Cannon AFB | Special Operations Forces ADD/ALT Simulator Facility For MC-130 | 13,287 | 13,287 |
| NM | Cannon AFB | Special Operations Forces Aircraft Parking Apron (MC-130j) | 12,636 | 12,636 |
| NM | Cannon AFB | Special Operations Forces C-130 Parking Apron Phase I | 26,006 | 26,006 |
| NM | Cannon AFB | Special Operations Forces Hangar/AMU (MC-130j) | 24,622 | 24,622 |
| NM | Cannon AFB | Special Operations Forces Operations And Training Complex | 39,674 | 39,674 |
| NM | White Sands | Health And Dental Clinics | 22,900 | 22,900 |
| NY | U.S. Military Academy | West Point MS Add/Alt | 27,960 | 27,960 |
| OH | Columbus | Replace Public Safety Facility | 7,400 | 7,400 |
| PA | Def Distribution Depot New Cumberland | Replace Headquarters Facility | 96,000 | 96,000 |
| TX | Fort Bliss | Hospital Replacement, Incr 2 | 0 | 147,100 |
| TX | Lackland AFB | Ambulatory Care Center, Ph 2 | 162,500 | 162,500 |
| UT | Camp Williams | Comprehensive National Cybersecurity Initiative Data Center Increment 2 | 0 | 398,358 |
| VA | Craney Island | Replace Fuel Pier | 58,000 | 58,000 |
| VA | Fort Belvoir | Dental Clinic Replacement | 6,300 | 6,300 |

Defense Wide: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------|-----------------------------|--|----------------|---------------------------------|
| VA | Pentagon | Pentagon Metro & Corridor 8 Screening Facility | 6,473 | 6,473 |
| VA | Pentagon | Power Plant Modernization, Ph 3 | 51,928 | 51,928 |
| VA | Pentagon | Secure Access Lane-Remote Vehicle Screening | 4,923 | 4,923 |
| VA | Quantico | New Consolidated Elementary School | 47,355 | 47,355 |
| WA | Fort Lewis | Special Operations Forces Military Working Dogs Kennel | 4,700 | 4,700 |
| WA | Fort Lewis | Preventive Medicine Facility | 8,400 | 8,400 |
| ZU | Unspecified Locations | General Reduction | | -150,000 |

(b) **OUTSIDE THE UNITED STATES.**—The Secretary of Defense may acquire real property and carry out military construction projects for the Defense Agencies at the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Defense Wide: Outside the United States
(Amounts Are Specified In Thousands of Dollars)

| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------|----------------------------------|--|----------------|---------------------------------|
| BE | Brussels | NATO Headquarters Facility | 31,863 | 31,863 |
| BE | Brussels | Replace Shape Middle School/High School | 67,311 | 67,311 |
| GU | Agana NAS | Hospital Replacement, Incr 2 | 0 | 70,000 |
| GY | Katterbach | Health/Dental Clinic Replacement | 37,100 | 37,100 |
| GY | Panzer Kaserne | Replace Boeblingen High School | 48,968 | 48,968 |
| GY | Vilseck | Health Clinic Add/Alt | 34,800 | 34,800 |
| JA | Kadena AB | Install Fuel Filters-Separators | 3,000 | 3,000 |
| JA | Misawa AB | Hydrant Fuel System | 31,000 | 31,000 |
| KR | Camp Carroll | Health/Dental Clinic Replacement | 19,500 | 19,500 |
| PR | Fort Buchanan | Antilles Elementry School/Intermediate School - Replace School | 58,708 | 58,708 |
| QA | Al Udeid | Qatar Warehouse | 1,961 | 1,961 |
| UK | Menwith Hill Station | Menwith Hill Station PSC Construction - Generators 10 & 11 | 2,000 | 2,000 |
| UK | Royal Air Force Alconbury | Alconbury Elementry School Replacement | 30,308 | 30,308 |
| UK | Royal Air Force Mildenhall | Replace Hydrant Fuel Distribution System | 15,900 | 15,900 |

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **INSIDE THE UNITED STATES.**—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$1,930,120,000.

(2) **OUTSIDE THE UNITED STATES.**—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$452,419,000.

(3) **UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.**—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$42,856,000.

(4) **CONTINGENCY CONSTRUCTION.**—For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$10,000,000.

(5) **ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.**—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$434,185,000.

SEC. 2402. FAMILY HOUSING.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—

(1) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of \$50,464,000; and

(2) for credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), in the total amount of \$17,611,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for energy conservation projects under chapter 173 of title 10, United States Code, \$130,000,000.

(b) **AVAILABILITY OF FUNDS FOR RESERVE COMPONENT PROJECTS.**—Of the amount authorized to be appropriated by subsection (a) for energy conservation projects, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that is not less than an amount that bears the same proportion to the total amount authorized to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of title 10, United States Code) during fiscal year 2010 bears to the total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for military construction and land acquisition for chemical demilitarization in the total amount of \$124,971,000, as follows:

(1) For the construction of phase 12 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by

section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), \$65,569,000.

(2) For the construction of phase 11 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), \$59,402,000.

SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) **MODIFICATION.**—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking “\$492,000,000” in the amount column and inserting “\$746,000,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$1,203,920,000”.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4697), is amended by striking “\$469,200,000” and inserting “\$723,200,000”.

(c) LIMITATION.—The Secretary of the Army may not enter into a solicitation or task order

using Federal Acquisition Regulation Subpart 16.3, titled “Cost Reimbursement Contracts”, to carry out the military construction project covered by the authorization modification provided by the amendment made by subsection (a).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after Sep-

tember 30, 2010, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of \$258,884,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army National Guard: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------|--------------------------|---|----------------|---------------------------------|
| AR | Camp Robinson | Combined Support Maintenance Shop | 30,000 | 30,000 |
| AR | Fort Chaffee | Combined Arms Collective Training Facility | 19,000 | 19,000 |
| AR | Fort Chaffee | Live Fire Shoot House | 2,500 | 2,500 |
| AZ | Florence | Readiness Center | 16,500 | 16,500 |
| CA | Camp Roberts | Combined Arms Collective Training Facility | 19,000 | 19,000 |
| CO | Watkins | Parachute Maintenance Facility | 3,569 | 3,569 |
| CO | Colorado Springs | Readiness Center | 20,000 | 20,000 |
| CO | Fort Carson | Regional Training Institute | 40,000 | 40,000 |
| CO | Gypsum | High Altitude Army Aviation Training Site/ Army Aviation Support Facility | 39,000 | 39,000 |
| CO | Windsor | Readiness Center | 7,500 | 7,500 |
| CT | Windsor Locks | Readiness Center (Aviation) | 41,000 | 41,000 |
| DE | New Castle | Armed Forces Reserve Center(JFHQ) | 27,000 | 27,000 |
| GA | Cumming | Readiness Center | 17,000 | 17,000 |
| GA | Dobbins ARB | Readiness Center Add/Alt | 10,400 | 10,400 |
| HI | Kalaheo | Combined Support Maintenance Shop | 38,000 | 38,000 |
| ID | Gowen Field | Barracks (Operational Readiness Training Complex) Ph1 | 17,500 | 17,500 |
| ID | Mountain Home | Tactical Unmanned Aircraft System Facility | 6,300 | 6,300 |
| IL | Marseilles TA | Simulation Center | 2,500 | 2,500 |
| IL | Springfield | Combined Support Maintenance Shop Add/Alt | 15,000 | 15,000 |
| KS | Wichita | Field Maintenance Shop | 24,000 | 24,000 |
| KS | Wichita | Readiness Center | 43,000 | 43,000 |
| KY | Burlington | Readiness Center | 19,500 | 19,500 |
| LA | Fort Polk | Tactical Unmanned Aircraft System Facility | 5,500 | 5,500 |
| LA | Minden | Readiness Center | 28,000 | 28,000 |
| MA | Hanscom AFB | Armed Forces Reserve Center(JFHQ)Ph2 | 23,000 | 23,000 |
| MD | St. Inigoes | Tactical Unmanned Aircraft System Facility | 5,500 | 5,500 |
| MI | Camp Grayling Range | Combined Arms Collective Training Facility | 19,000 | 19,000 |
| MN | Arden Hills | Field Maintenance Shop | 29,000 | 29,000 |
| MN | Camp Ripley | Infantry Squad Battle Course | 4,300 | 4,300 |
| MN | Camp Ripley | Tactical Unmanned Aircraft System Facility | 4,450 | 4,450 |
| NC | Morrisville | AASF 1 Fixed Wing Aircraft Hangar Annex | 8,815 | 8,815 |
| NC | High Point | Readiness Center Add/Alt | 1,551 | 1,551 |
| ND | Camp Grafton | Readiness Center Add/Alt | 11,200 | 11,200 |
| NE | Lincoln | Readiness Center Add/Alt | 3,300 | 3,300 |
| NE | Mead | Readiness Center | 11,400 | 11,400 |
| NH | Pembroke | Barracks Facility (Regional Training Institute) | 15,000 | 15,000 |
| NH | Pembroke | Classroom Facility (Regional Training Institute) | 21,000 | 21,000 |
| NM | Farmington | Readiness Center Add/Alt | 8,500 | 8,500 |
| NV | Las Vegas | CST Ready Building | 8,771 | 8,771 |
| NY | Ronkonkoma | Flightline Rehabilitation | 2,780 | 2,780 |
| OH | Camp Sherman | Maintenance Building Add/Alt | 3,100 | 3,100 |
| RI | Middletown | Readiness Center Add/Alt | 3,646 | 3,646 |
| RI | East Greenwich | United States Property & Fiscal Office | 27,000 | 27,000 |
| SD | Watertown | Readiness Center | 25,000 | 25,000 |
| TX | Camp Mazy | Combat Pistol/Military Pistol Qualification Course | 2,500 | 2,500 |
| TX | Camp Swift | Urban Assault Course | 2,600 | 2,600 |
| WA | Tacoma | Combined Support Maintenance Shop | 25,000 | 25,000 |
| WI | Wausau | Field Maintenance Shop | 12,008 | 12,008 |
| WI | Madison | Aircraft Parking | 5,700 | 5,700 |
| WV | Moorefield | Readiness Center | 14,200 | 14,200 |
| WV | Morgantown | Readiness Center | 21,000 | 21,000 |
| WY | Laramie | Field Maintenance Shop | 14,400 | 14,400 |
| ZU | Various | Various | 60,000 | 60,000 |

(b) *OUTSIDE THE UNITED STATES.*—The Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

| Army National Guard: Outside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--------------------------|---------------------------------------|----------------|---------------------------------|
| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| GU | Barrigada | Combined Support Maint Shop Ph1 | 19,000 | 19,000 |
| PR | Camp Santiago | Live Fire Shoot House | 3,100 | 3,100 |
| PR | Camp Santiago | Multipurpose Machine Gun Range | 9,200 | 9,200 |
| VI | St. Croix | Readiness Center (JFHQ) | 25,000 | 25,000 |

(c) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are hereby authorized to be appropriated to the Secretary of the Army for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Army National Guard of the United States, and for contributions therefor, under chapter 1803 of

title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of \$1,019,902,000.

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) *INSIDE THE UNITED STATES.*—The Secretary of the Army may acquire real property

and carry out military construction projects for the Army Reserve locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

| Army Reserve: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--|---|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| CA | Fairfield | Army Reserve Center | 26,000 | 26,000 |
| CA | Fort Hunter Liggett | Equipment Concentration Site Tactical Equipment Maint Facility | 22,000 | 22,000 |
| CA | Fort Hunter Liggett | Equipment Concentration Site Warehouse | 15,000 | 15,000 |
| CA | Fort Hunter Liggett | Grenade Launcher Range | 1,400 | 1,400 |
| CA | Fort Hunter Liggett | Hand Grenade Familiarization Range (Live) | 1,400 | 1,400 |
| CA | Fort Hunter Liggett | Light Demolition Range | 2,700 | 2,700 |
| CA | Fort Hunter Liggett | Tactical Vehicle Wash Rack | 9,500 | 9,500 |
| FL | Miami | Army Reserve Center/Land | 13,800 | 13,800 |
| FL | Orlando | Army Reserve Center/Land | 10,200 | 10,200 |
| FL | West Palm Beach | Army Reserve Center/Land | 10,400 | 10,400 |
| GA | Macon | Army Reserve Center/Land | 11,400 | 11,400 |
| IA | Des Moines | Army Reserve Center | 8,175 | 8,175 |
| IL | Quincy | Army Reserve Center/Land | 12,200 | 12,200 |
| IN | Michigan City | Army Reserve Center/Land | 15,500 | 15,500 |
| MA | Devens Reserve Forces Training Area | Automated Record Fire Range | 4,700 | 4,700 |
| MO | Kansas City | Army Reserve Center | 11,800 | 11,800 |
| NJ | Fort Dix | Automated Multipurpose Machine Gun Range | 9,800 | 9,800 |
| NM | Las Cruces | Army Reserve Center/Land | 11,400 | 11,400 |
| NY | Binghamton | Army Reserve Center/Land | 13,400 | 13,400 |
| TX | Dallas | Army Reserve Center/Land | 12,600 | 12,600 |
| TX | Rio Grande | Army Reserve Center/Land | 6,100 | 6,100 |
| TX | San Marcos | Army Reserve Center/Land | 8,500 | 8,500 |
| VA | Fort A.P. Hill | Army Reserve Center | 15,500 | 15,500 |
| VA | Roanoke | Army Reserve Center/Land | 14,800 | 14,800 |
| VA | Virginia Beach | Army Reserve Center | 11,000 | 11,000 |
| WI | Fort McCoy | AT/MOB Billeting Complex, Ph 1 | 9,800 | 9,800 |
| WI | Fort McCoy | NCO Academy, Ph 2 | 10,000 | 10,000 |
| ZU | Various | Various | 30,000 | 30,000 |

(b) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are hereby authorized to be appropriated to the Secretary of the Army for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Army Reserve, and for contributions therefor, under chapter 1803 of title 10, United States Code (in-

cluding the cost of acquisition of land for those facilities), in the total amount of \$358,331,000.

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) *INSIDE THE UNITED STATES.*—The Secretary of the Navy may acquire real property

and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

| Navy Reserve and Marine Corps Reserve: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|---|--------------------------|---|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| CA | Twentynine Palms | Tank Vehicle Maintenance Facility | 5,991 | 5,991 |
| LA | New Orleans | Joint Air Traffic Control Facility | 16,281 | 16,281 |
| VA | Williamsburg | Navy Ordnance Cargo Logistics Training Camp | 21,346 | 21,346 |
| WA | Yakima | Marine Corps Reserve Center | 13,844 | 13,844 |
| ZU | Various | Various | 15,000 | 15,000 |
| ZU | Various | Various | 15,000 | 15,000 |

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Secretary of the Navy for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Navy Reserve and Marine Corps Reserve, and for contributions therefor, under chapter 1803 of title

10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of \$91,557,000.

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Air Force may acquire real prop-

erty and carry out military construction projects for the Air National Guard locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

| Air National Guard: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|--|--|---|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| AL | Montgomery Regional Airport (ANG) | | | |
| | Base | Fuel Cell And Corrosion Control Hangar | 7,472 | 7,472 |
| AZ | Davis Monthan AFB | Predator Foc-Active Duty Associate | 4,650 | 4,650 |
| CO | Buckley AFB | Tariway Juliet and Lima | 4,000 | 4,000 |
| DE | New Castle County Airport | Joint Forces Operations Center-Ang Share | 1,500 | 1,500 |
| FL | Jacksonville IAP | Security Forces Training Facility | 6,700 | 6,700 |
| GA | Savannah/Hilton Head IAP | Relocate Air Supt Opers Sqdn (Asos) Fac | 7,450 | 7,450 |
| HI | Hickam AFB | F-22 Beddown Infrastructure Support | 5,950 | 5,950 |
| HI | Hickam AFB | F-22 Hangar, Squadron Operations And Amu | 48,250 | 48,250 |
| HI | Hickam AFB | F-22 Upgrade Munitions Complex | 17,250 | 17,250 |
| IA | Des Moines IAP | Corrosion Control Hangar | 4,750 | 4,750 |
| IL | Capital Map | CNAF Beddown-Upgrade Facilities | 16,700 | 16,700 |
| IN | Hulman Regional Airport | ASOS Beddown-Upgrade Facilities | 4,100 | 4,100 |
| MA | Barnes ANGB | Add to Aircraft Maintenance Hangar | 6,000 | 6,000 |
| MD | Martin State Airport | Replace Ops and Medical Training Facility | 11,400 | 11,400 |
| MN | Duluth | Load Crew Training and Weapon Release Shops | 8,000 | 8,000 |
| NC | Stanly County Airport | Upgrade Asos Facilities | 2,000 | 2,000 |
| NJ | Atlantic City IAP | Fuel Cell and Corrosion Control Hangar | 8,500 | 8,500 |
| NY | Stewart ANGB | Aircraft Conversion Facility | 3,750 | 3,750 |
| NY | Fort Drum | Reaper Infrastructure Support | 2,500 | 2,500 |
| NY | Stewart IAP | Base Defense Group Beddown | 14,250 | 14,250 |
| OH | Toledo Express Airport | Replace Security Forces Complex | 7,300 | 7,300 |
| PA | State College ANG | Add to and Alter AOS Facility | 4,100 | 4,100 |
| SC | McEntire Joint National Guard Base | Replace Operations and Training | 9,100 | 9,100 |
| TN | Nashville IAP | Renovate Intel Squadron Facilities | 5,500 | 5,500 |
| ZU | Various | Various | 50,000 | 50,000 |

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Secretary of the Air Force for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Air National Guard of the United States, and for contributions therefor, under chapter 1803 of

title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of \$292,371,000.

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Air Force may acquire real prop-

erty and carry out military construction projects for the Air Force Reserve locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

| Air Force Reserve: Inside the United States (Amounts Are Specified In Thousands of Dollars) | | | | |
|---|--------------------------|--|----------------|---------------------------------|
| State | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
| FL | Patrick AFB | Weapons Maintenance Facility | 3,420 | 3,420 |
| NY | Niagara ARS | C-130 Flightline Operations Facility, Ph 1 | 9,500 | 9,500 |
| ZU | Various | Various | 30,000 | 30,000 |

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Secretary of the Air Force for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Air Force Reserve, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land

for those facilities), in the total amount of \$47,332,000.

SEC. 2606. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorizations set

forth in the table in subsection (b), as provided in sections 2601 and 2604 of that Act (122 Stat. 527, 528), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later:

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

National Guard: Extension of 2008 Project Authorizations

| State | Installation or Location | Project | Amount |
|--------------------|--------------------------------|-----------------------------|-------------|
| Pennsylvania | East Fallowfield Township | Readiness Center | \$8,300,000 |
| Vermont | Burlington | Security Improvements | \$6,600,000 |

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of \$360,474,000 as follows:

- (1) For the Department of the Army, \$73,600,000.
- (2) For the Department of the Navy, \$162,000,000.
- (3) For the Department of the Air Force, \$124,874,000.

SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of \$2,354,285,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of \$2,354,285,000, as follows:

- (1) For the Department of the Army, \$1,012,420,000.
- (2) For the Department of the Navy, \$342,146,000.
- (3) For the Department of the Air Force, \$127,255,000.
- (4) For the Defense Agencies, \$872,464,000.

Subtitle B—Other Matters

SEC. 2711. TRANSPORTATION PLAN FOR BRAC 133 PROJECT UNDER FORT BELVOIR, VIRGINIA, BRAC INITIATIVE.

(a) **LIMITATION ON PROJECT IMPLEMENTATION.**—The Secretary of the Army may not take beneficial occupancy of more than 1,000 parking spaces provided by the combination spaces provided by the BRAC 133 project and the lease of spaces in the immediate vicinity of the BRAC 133 project until both of the following occur:

- (1) The Secretary submits to the congressional defense committees a viable transportation plan for the BRAC 133 project.
- (2) The Secretary certifies to the congressional defense committees that construction has been

completed to provide adequate ingress to and egress from the business park at which the BRAC 133 project is located.

(b) **VIABILITY OF TRANSPORTATION PLAN.**—To be considered a viable transportation plan under subsection (a)(1), the transportation plan must provide for the ingress and egress of all personnel to and from the BRAC 133 project site without further reducing the level of service at the following six intersections:

- (1) The intersection of Beaugard Street and Mark Center Drive.
- (2) The intersection of Beaugard Street and Seminary Road.
- (3) The intersection of Seminary Road and Mark Center Drive.
- (4) The intersection of Seminary Road and the northbound entrance-ramp to I-395.
- (5) The intersection of Seminary Road and the northbound exit-ramp from I-395.
- (6) The intersection of Seminary Road and the southbound exit-ramp from I-395.

(c) **INSPECTOR GENERAL REPORT.**—Not later than September 30, 2011, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report evaluating the sufficiency and coordination conducted in completing the requisite environmental studies associated with the site selection of the BRAC 133 project pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Inspector General shall give specific attention to the transportation determinations associated with the BRAC 133 project and review and provide comment on the Secretary of Army's transportation plan and adherence to the limitations imposed by subsection (a).

(d) **DEFINITIONS.**—In this section:

(1) **BRAC 133 PROJECT.**—The term “BRAC 133 project” refers to the proposed office complex to be developed at an established mixed-use business park in Alexandria, Virginia, to implement recommendation 133 of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) **LEVEL OF SERVICE.**—The term “level of service” has the meaning given that term in the most-recent Highway Capacity Manual of the Transportation Research Board.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. AVAILABILITY OF MILITARY CONSTRUCTION INFORMATION ON INTERNET.

(a) **MODIFICATION OF INFORMATION REQUIRED TO BE PROVIDED.**—Paragraph (2) of subsection (c) of section 2851 of title 10, United States Code, is amended—

- (1) by striking subparagraph (F); and
 - (2) by redesignating subparagraphs (G) and (H) as subparagraphs (F) and (G), respectively.
- (b) **EXPANDED AVAILABILITY OF INFORMATION.**—Such subsection is further amended—
- (1) by striking paragraph (3); and
 - (2) by redesignating paragraph (4) as paragraph (3).

(c) **CONFORMING AMENDMENTS.**—Such subsection is further amended—

- (1) in paragraph (1), by striking “that, when activated by a person authorized under paragraph (3), will permit the person” and inserting “that will permit a person”; and
- (2) in paragraph (3), as redesignated by subsection (b)(2)—
 - (A) by striking “to the persons referred to in paragraph (3)” and inserting “on the Internet site required by such paragraph”; and

(B) by striking “to such persons”.

SEC. 2802. AUTHORITY TO TRANSFER PROCEEDS FROM SALE OF MILITARY FAMILY HOUSING TO DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND.

(a) **AUTHORITY TO TRANSFER PROCEEDS.**—Section 2831 of title 10, United States Code, is amended—

(1) in subsection (b), by striking “There” in the matter preceding paragraph (1) and inserting “Except as authorized by subsection (e), there”; and

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(3) in subsection (g) (as so redesignated), by striking “subsection (e)” both places it appears and inserting “subsection (f)”; and

(4) by inserting after subsection (d) the following new subsection (e):

“(e) **AUTHORITY TO TRANSFER FAMILY HOUSING PROCEEDS.**—(1) The Secretary concerned may transfer proceeds of the handling and the disposal of family housing received under subsection (b)(3), less those expenses payable pursuant to section 572(a) of title 40, to the Department of Defense Family Housing Improvement Fund established under section 2883(a) of this title.

“(2) A transfer under paragraph (1) may be made only after the end of the 30-day period beginning on the date the Secretary concerned submits written notice of, and justification for, the transfer to the appropriate committees of Congress or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notice and justification is provided in an electronic medium pursuant to section 480 of this title.”.

(b) **CONFORMING AMENDMENT TO DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND.**—Section 2883(c)(1) of such title is amended by adding at the end the following new subparagraph:

“(H) Any amounts from the proceeds of the handling and disposal of family housing of a military department transferred to that Fund pursuant to section 2831(e) of this title.”.

SEC. 2803. ENHANCED AUTHORITY FOR PROVISION OF EXCESS CONTRIBUTIONS FOR NATO SECURITY INVESTMENT PROGRAM.

Section 2806 of title 10, United States Code, is amended—

(1) in subsection (c), by striking “Secretary” the first two places it appears and inserting “Secretary of Defense”; and

(2) by adding at the end the following new subsection:

“(d) If the Secretary of Defense determines that construction of facilities described in subsection (a) is necessary to advance United States national security or national interest, the Secretary may include the pre-financing and initiation of construction services, which will be provided by the Department of Defense and are not otherwise authorized by law, as an element of the excess North Atlantic Treaty Organization Security Investment program contributions made under subsection (c).”.

SEC. 2804. DURATION OF AUTHORITY TO USE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR CONSTRUCTION AND REPAIRS AT PENTAGON RESERVATION.

Section 2674(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “Monies” and inserting “Subject to paragraph (3), monies”; and

(2) by adding at the end the following new paragraph:

“(3) The authority of the Secretary to use monies from the Fund to support construction, repair, alteration, or related activities for the

Pentagon Reservation expires on September 30, 2012.”.

SEC. 2805. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as added by section 2806 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2662), is amended—

(1) in paragraph (1), by striking “September 30, 2010” and inserting “September 30, 2011”; and

(2) in paragraph (2), by striking “fiscal year 2011” and inserting “fiscal year 2012”.

(b) AVAILABILITY OF AUTHORITY.—Subsection (a)(1) of such section is amended—

(1) by striking “war,” and inserting “war or”; and

(2) by striking “, or a contingency operation”.

(c) WAIVER OF ADVANCE NOTIFICATION REQUIREMENT.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D); respectively;

(2) by striking “Before using” and inserting “(1) Before using”; and

(3) by adding at the end the following new paragraph:

“(2) During fiscal year 2011, the Secretary of Defense may waive the prenotification requirements under paragraph (1) and section 2805(b) of title 10, United States Code, with regard to a construction project carried out under the authority of this section. In the case of any such waiver, the Secretary of Defense shall include in the next quarterly report submitted under subsection (d) the information otherwise required in advance by subparagraphs (A) through (D) of paragraph (1) with regard to the construction project.”.

(d) ANNUAL LIMITATION ON USE OF AUTHORITY IN AFGHANISTAN.—Subsection (c)(2) of such section is amended—

(1) by striking “\$300,000,000 in funds available for operation and maintenance for fiscal year 2010 may be used in Afghanistan upon completing the prenotification requirements under subsection (b)” and inserting “\$100,000,000 in funds available for operation and maintenance for fiscal year 2011 may be used in Afghanistan subject to the notification requirements under subsection (b)”; and

(2) by striking “\$500,000,000” and inserting “\$300,000,000”.

SEC. 2806. VETERANS TO WORK PILOT PROGRAM FOR MILITARY CONSTRUCTION PROJECTS.

(a) VETERANS TO WORK PROGRAM.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2856 the following new section:

“§2857. Veterans to Work Pilot Program

“(a) PILOT PROGRAM; PURPOSES.—(1) The Secretary of Defense shall establish the Veterans to Work pilot program to determine—

“(A) the maximum feasible extent to which apprentices who are also veterans may be employed to work on military construction projects designated under subsection (b); and

“(B) the feasibility of expanding the employment of apprentices who are also veterans to include military construction projects in addition to those projects designated under subsection (b).

“(2) The Secretary of Defense shall establish and conduct the pilot program in consultation with the Secretary of Labor and the Secretary of Veterans Affairs.

“(b) DESIGNATION OF MILITARY CONSTRUCTION PROJECTS FOR PILOT PROGRAM.—(1) For each of fiscal years 2011 through 2015, the Secretary of Defense shall designate for inclusion in the pilot program not less than 20 military construction projects (including unspecified minor military construction projects under section 2805(a) of this title) that will be conducted in that fiscal year.

“(2) In designating military construction projects under this subsection, the Secretary of Defense shall—

“(A) designate military construction projects that are located where there are veterans enrolled in qualified apprenticeship programs or veterans who could be enrolled in qualified apprenticeship programs in a cost-effective, timely, and feasible manner; and

“(B) ensure geographic diversity among the States in the military construction projects designated.

“(3) Unspecified minor military construction projects may not exceed 40 percent of the military construction projects designated under this subsection for a fiscal year.

“(c) CONTRACT PROVISIONS.—Any agreement that the Secretary of Defense enters into for a military construction project that is designated for inclusion in the pilot program shall ensure that—

“(1) to the maximum extent feasible, apprentices who are also veterans are employed on that military construction project; and

“(2) contractors participate in a qualified apprenticeship program.

“(d) REPORT.—(1) Not later than 150 days after the end of each fiscal year during which the pilot program is active, the Secretary of Defense shall submit to Congress a report that includes the following:

“(A) The progress of designated military construction projects and the role of apprentices who are also veterans in achieving that progress.

“(B) Any challenges, difficulties, or problems encountered in recruiting veterans to become apprentices.

“(C) Cost differentials in the designated military construction projects compared to similar projects completed contemporaneously, but not designated for the pilot program.

“(D) Evaluation of benefits derived from employing apprentices, including the following:

“(i) Workforce sustainability.

“(ii) Workforce skills enhancement.

“(iii) Increased short- and long-term cost-effectiveness.

“(iv) Improved veteran employment in sustainable wage fields.

“(E) Any other information the Secretary of Defense determines appropriate.

“(2) Not later than March 1, 2016, the Secretary of Defense shall submit to Congress a report that—

“(A) analyzes the pilot program in terms of its effect on the sustainability of a workforce to meet the military construction needs of the Armed Forces;

“(B) analyzes the effects of the pilot program on veteran employment in sustainable wage fields or professions; and

“(C) makes recommendations on the continuation, modification, or expansion of the pilot program on the basis of such factors as the Secretary of Defense determines appropriate, including the following:

“(i) Workforce sustainability.

“(ii) Cost-effectiveness.

“(iii) Community development.

“(3) The Secretary of Defense shall prepare the report required by paragraph (2) in consultation with the Secretary of Labor and the Secretary of Veterans Affairs.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘apprentice’ means an individual who is employed pursuant to, and individually registered in, a qualified apprenticeship program.

“(2) The term ‘pilot program’ means the Veterans to Work pilot program established under subsection (a).

“(3)(A) Except as provided in subparagraph (B), the term ‘qualified apprenticeship program’ means an apprenticeship or other training program that qualifies as an employee welfare benefit plan, as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

“(B) If the Secretary of Labor determines that a qualified apprenticeship program (as defined in subparagraph (A)) for a craft or trade classification of workers that a prospective contractor or subcontractor intends to employ for a military construction project included in the pilot program is not operated in the locality of the project, the Secretary of Labor may expand the definition of qualified apprenticeship program to include another apprenticeship or training program, so long as the apprenticeship or training program is registered for Federal purposes with the Office of Apprenticeship of the Department of Labor or a State apprenticeship agency recognized by such Office.

“(4) The term ‘State’ means any of the States, the District of Columbia, or territories of Guam, Puerto Rico, the Northern Mariana Islands, and the United States Virgin Islands.

“(5) The term ‘veteran’ has the meaning given such term under section 101(2) of title 38.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2856 the following new item:

“2857. Veterans to Work Pilot Program.”.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. NOTICE-AND-WAIT REQUIREMENTS APPLICABLE TO REAL PROPERTY TRANSACTIONS.

(a) EXCEPTION FOR LEASES UNDER BASE CLOSURE PROCESS.—Subsection (a)(1)(C) of section 2662 of title 10, United States Code, is amended by inserting after “United States” the following: “(other than a lease or license entered into under section 2667(g) of this title)”.

(b) REPEAL OF ANNUAL REPORT ON MINOR REAL ESTATE TRANSACTIONS.—Subsection (b) of such section is repealed.

(c) GEOGRAPHIC SCOPE OF REQUIREMENTS.—Subsection (c) of such section is amended—

(1) by striking “GEOGRAPHIC SCOPE; EXCEPTED” and inserting “EXCEPTED”;

(2) by striking the first sentence; and

(3) by striking “It does not” and inserting “This section does not”.

(d) REPEAL OF NOTICE AND WAIT REQUIREMENT REGARDING GSA LEASES OF SPACE FOR DOD.—Subsection (e) of such section is repealed.

(e) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—Such section is further amended by inserting after subsection (a) the following new subsection:

“(b) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—(1) In the case of a proposed lease or license of real property owned by the United States covered by paragraph (1)(C) of subsection (a), the Secretary concerned shall comply with the notice-and wait requirements of paragraph (3) of such subsection before—

“(A) issuing a contract solicitation or other lease offering with regard to the transaction; and

“(B) providing public notice regarding any meeting to discuss a proposed contract solicitation with regard to the transaction.

“(2) The report under paragraph (3) of subsection (a) shall include the following with regard to a proposed transaction covered by paragraph (1)(C) of such subsection:

“(A) A description of the proposed transaction, including the proposed duration of the lease or license.

“(B) A description of the authorities to be used in entering into the transaction.

“(C) A statement of the scored cost of the entire transaction, determined using the scoring criteria of the Office of Management and Budget.

“(D) A determination that the property involved in the transaction is not excess property, as required by section 2667(a)(3) of this title, including the basis for the determination.

“(E) A determination that the proposed transaction is directly compatible with the mission of the military installation or Defense Agency at which the property is located and a description of the anticipated long-term use of the property at the conclusion of the lease or license.

“(F) A description of the requirements or conditions within the contract solicitation or other lease offering for the person making the offer to address taxation issues, including payments-in-lieu-of taxes, and other development issues related to local municipalities.

“(G) If the proposed lease involves a project related to energy production, a certification by the Secretary of Defense that the project, as it will be specified in the contract solicitation or other lease offering, is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.

“(3) The Secretary concerned may not enter into the actual lease or license with respect to property for which the information required by paragraph (2) was submitted in a report under subsection (a)(3) unless the Secretary again complies with the notice-and wait requirements of such subsection. The subsequent report shall include the following with regard to the proposed transaction:

“(A) A cross reference to the prior report that contained the information submitted under paragraph (2) with respect to the transaction.

“(B) A description of the differences between the information submitted under paragraph (2) and the information regarding the transaction being submitted in the subsequent report.

“(C) A description of the payment to be required in connection with the lease or license, including a description of any in-kind consideration that will be accepted.

“(D) A description of any community support facility or provision of community support services under the lease or license, regardless of whether the facility will be operated by a covered entity (as defined in section 2667(d) of this title) or the lessee or the services will be provided by a covered entity or the lessee.

“(E) A description of the competitive procedures used to select the lessee or, in the case of a lease involving the public benefit exception authorized by section 2667(h)(2) of this title, a description of the public benefit to be served by the lease.”

(f) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “the Secretary submits” in the matter preceding subparagraph (A) and inserting “the Secretary concerned submits”; and

(B) in paragraph (3), by striking “the Secretary of a military department or the Secretary of Defense” and inserting “the Secretary concerned”;

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively;

(3) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking “, and the reporting requirement set forth in subsection (e)

shall not apply with respect to a real property transaction otherwise covered by that subsection.”;

(B) in paragraph (3), by striking “or (e), as the case may be”; and

(C) by striking paragraph (4); and

(4) by adding at the end the following new subsection:

“(g) SECRETARY CONCERNED DEFINED.—In this section, the term ‘Secretary concerned’ includes, with respect to Defense Agencies, the Secretary of Defense.”

(g) CONFORMING AMENDMENTS TO LEASE OF NON-EXCESS PROPERTY AUTHORITY.—Section 2667 of such title is amended—

(1) in subsection (c), by striking paragraph (4);

(2) in subsection (d), by striking paragraph (6);

(3) in subsection (e)(1), by striking subparagraph (E); and

(4) in subsection (h)—

(A) by striking paragraphs (3) and (5); and

(B) by redesignating paragraph (4) as paragraph (3).

SEC. 2812. TREATMENT OF PROCEEDS GENERATED FROM LEASES OF NON-EXCESS PROPERTY INVOLVING MILITARY MUSEUMS.

Section 2667(e)(1) of title 10, United States Code, as amended by section 2811(g), is amended by inserting after subparagraph (D) the following new subparagraph (E):

“(E) If the proceeds deposited in the special account established for the Secretary concerned are derived from activities associated with a military museum described in section 489(a) of this title, the proceeds shall be available for activities described in subparagraph (C) only at that museum.”

SEC. 2813. REPEAL OF EXPIRED AUTHORITY TO LEASE LAND FOR SPECIAL OPERATIONS ACTIVITIES.

(a) REPEAL.—Section 2680 of title 10, United States Code, is repealed.

(b) EFFECT OF REPEAL.—The amendment made by subsection (a) shall not affect the validity of any contract entered into under section 2680 of title 10, United States Code, on or before September 30, 2005.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2680.

SEC. 2814. FORMER NAVAL BOMBARDMENT AREA, CULEBRA ISLAND, PUERTO RICO.

(a) IN GENERAL.—Notwithstanding section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668), and paragraph 9 of the quitclaim deed relating to the island of Culebra in the Commonwealth of Puerto Rico, the Secretary of Defense—

(1) may provide for the removal of any unexploded ordnance and munitions scrap on that portion of Flamenco Beach located within the former bombardment area of the island; and

(2) shall conduct a study relating to the presence of unexploded ordnance in the former bombardment area transferred to the Commonwealth, with the exception of the area referred to in paragraph (1).

(b) CONTENTS OF STUDY.—The study required by subsection (a)(2) shall include the following:

(1) An estimate of the type and amount of unexploded ordnance.

(2) An estimate of the cost of removing unexploded ordnance.

(3) An examination of the impact of such removal on any endangered or threatened species and their habitat

(4) An examination of current public access to the former bombardment area.

(5) An examination of any threats to public health or safety and the environment from unexploded ordnance.

(c) CONSULTATION WITH COMMONWEALTH.—In conducting the study under subsection (a)(2), the Secretary of Defense shall consult with the Commonwealth regarding the Commonwealth’s planned future uses of the former bombardment area. The Secretary shall consider the Commonwealth’s planned future uses in developing any conclusions or recommendations the Secretary may include in the study.

(d) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a)(2).

(e) DEFINITIONS.—In this section:

(1) The term “quitclaim deed” refers to the quitclaim deed from the United States to the Commonwealth of Puerto Rico, signed by the Secretary of the Interior on August 11, 1982, for that portion of Tract (1b) consisting of the former bombardment area on the island of Culebra, Puerto Rico.

(2) The term “unexploded ordnance” has the meaning given that term by section 101(e)(5) of title 10, United States Code.

Subtitle C—Provisions Related to Guam Realignment

SEC. 2821. SENSE OF CONGRESS REGARDING IMPORTANCE OF PROVIDING COMMUNITY ADJUSTMENT ASSISTANCE TO GOVERNMENT OF GUAM.

It is the Sense of Congress that—

(1) for national security reasons, the United States is required from time to time to construct major, new military installations despite the serious adverse impacts that the installations will have on the communities and the areas in which the installations are constructed; and

(2) neither the impacted local governments nor the communities in which the installations are constructed should be expected to bear the full cost of mitigating such adverse impacts.

SEC. 2822. DEPARTMENT OF DEFENSE ASSISTANCE FOR COMMUNITY ADJUSTMENTS RELATED TO REALIGNMENT OF MILITARY INSTALLATIONS AND RELOCATION OF MILITARY PERSONNEL ON GUAM.

(a) TEMPORARY ASSISTANCE AUTHORIZED.—

(1) ASSISTANCE TO GOVERNMENT OF GUAM.—The Secretary of Defense may assist the Government of Guam in meeting the costs of providing increased municipal services and facilities required as a result of the realignment of military installations and the relocation of military personnel on Guam (in this section referred to as the “Guam realignment”) if the Secretary determines that an unfair and excessive financial burden will be incurred by the Government of Guam to provide the services and facilities in the absence of the Department of Defense assistance.

(2) MITIGATION OF IDENTIFIED IMPACTS.—The Secretary of Defense may take such actions as the Secretary considers to be appropriate to mitigate the significant impacts identified in the Record of Decision of the “Guam and CNMI Military Relocation Environmental Impact Statement” by providing increased municipal services and facilities to activities that directly support the Guam realignment.

(b) METHODS TO PROVIDE ASSISTANCE.—

(1) USE OF EXISTING PROGRAMS.—The Secretary of Defense shall carry out subsection (a) through existing Federal programs.

(2) TRANSFER AUTHORITY.—To the extent necessary to carry out subsection (a), the Secretary may transfer appropriated funds available to the Department of Defense or a military department for operation and maintenance to supplement funds made available to Guam under a Federal program. The transfer authority provided by this paragraph is in addition to the transfer authority provided by section 1001.

Amounts so transferred shall be merged with and be available for the same purposes as the appropriation to which transferred.

(3) **COST SHARE ASSISTANCE.**—The Secretary may use appropriated amounts referred to in paragraph (2) to provide financial assistance to the Government of Guam to assist the Government of Guam to pay its share of the costs under Federal programs utilized by the Secretary under paragraph (1).

(c) **LIMITATION ON PROVISION OF ASSISTANCE.**—The total cost of the construction of facilities carried out utilizing the authority provided by subsection (a) may not exceed \$500,000,000.

(d) **SPECIAL CONSIDERATIONS.**—In determining the amount of financial assistance to be made available under this section to the Government of Guam for any community service or facility, the Secretary of Defense shall consult with the head of the department or agency of the Federal Government concerned with the type of service or facility for which financial assistance is being made available and shall take into consideration—

(1) the time lag between the initial impact of increased population on Guam and any increase in the local tax base that will result from such increased population;

(2) the possible temporary nature of the increased population and the long-range cost impact on the permanent residents of Guam; and

(3) such other pertinent factors as the Secretary of Defense considers appropriate.

(e) **PROGRESS REPORTS REQUIRED.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended under the authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each project during such period.

(f) **TERMINATION.**—The authority to provide assistance under subsection (a) expires September 30, 2017. Amounts obligated before that date may be expended after that date.

SEC. 2823. EXTENSION OF TERM OF DEPUTY SECRETARY OF DEFENSE'S LEADERSHIP OF GUAM OVERSIGHT COUNCIL.

Subsection (d) of section 132 of title 10, United States Code, as added by section 2831(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2669), is amended by striking “September 30, 2015” and inserting “September 30, 2020”.

SEC. 2824. UTILITY CONVEYANCES TO SUPPORT INTEGRATED WATER AND WASTEWATER TREATMENT SYSTEM ON GUAM.

(a) **CONVEYANCE OF UTILITIES.**—The Secretary of Defense may convey to the Guam Waterworks Authority (in this section referred to as the “Authority”) all right, title, and interest of the United States in and to the water and wastewater treatment utility systems on Guam, including the Fena Reservoir, for the purpose of establishing an integrated water and wastewater treatment system on Guam.

(b) **CONSIDERATION.**—

(1) **CONSIDERATION REQUIRED.**—As consideration for the conveyance of the water and wastewater treatment utility systems on Guam, the Authority shall pay to the Secretary of Defense an amount equal to the fair market value of the utility infrastructure to be conveyed, as determined pursuant to an agreement between the Secretary and the Authority.

(2) **DEFERRED PAYMENTS.**—At the discretion of the Authority, the Authority may elect to pay the consideration determined under paragraph (1) in equal annual payments over a period of not more than 25 years, starting with the first year beginning after the date of the conveyance

of the water and wastewater treatment utility systems to the Authority.

(3) **ACCEPTANCE OF IN-KIND SERVICES.**—The consideration required by paragraph (1) may be paid in cash or in-kind, as acceptable to the Secretary of Defense. The Secretary of Defense, in consultation with the Secretary of the Interior, shall consider the value of in-kind services provided by the Government of Guam pursuant to section 311 of the Compact of Free Association between the Government of the United States and the Government of the Federated States of Micronesia, approved by Congress in the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 117 Stat. 2781), section 311 of the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands, approved by Congress in such Act, and the Compact of Free Association between the Government of the United States and the Government of the Republic of Palau, approved by Congress in the Palau Compact of Free Association Act (Public Law 99–658; 100 Stat. 3672).

(c) **CONDITION OF CONVEYANCE.**—As a condition of the conveyance under subsection (a), the Secretary of Defense must obtain at least a 33 percent voting representation on the Guam Consolidated Commission on Utilities, including a proportional representation as chairperson of the Commission.

(d) **IMPLEMENTATION REPORT.**—

(1) **REPORT REQUIRED.**—If the Secretary of Defense determines to use the authority provided by subsection (a) to convey the water and wastewater treatment utility systems to the Authority, the Secretary shall submit to the congressional defense committees a report containing—

(A) a description of the actions needed to efficiently convey the water and wastewater treatment utility systems to the Authority; and

(B) an estimate of the cost of the conveyance.

(2) **SUBMISSION.**—The Secretary shall submit the report not later than 30 days after the date on which the Secretary makes the determination triggering the report requirement.

(e) **NEW WATER SYSTEMS.**—If the Secretary of Defense determines to use the authority provided by subsection (a) to convey the water and wastewater treatment utility systems to the Authority, the Secretary shall also enter into an agreement with the Authority, under which the Authority will manage and operate any water well or wastewater treatment plant that is constructed by the Secretary of a military department on Guam on or after the date of the enactment of this Act.

(f) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary of Defense may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(g) **TECHNICAL ASSISTANCE.**—

(1) **ASSISTANCE AUTHORIZED; REIMBURSEMENT.**—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may provide technical assistance to the Secretary of Defense and the Authority regarding the development of plans for the design, construction, operation, and maintenance of integrated water and wastewater treatment utility systems on Guam.

(2) **CONTRACTING AUTHORITY; CONDITION.**—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may enter into memoranda of understanding, cooperative agreements, and other agreements with the Secretary of Defense to provide technical assistance as described in paragraph (1) under such terms and conditions as the Secretary of the Interior and the Secretary of Defense consider appropriate, except that costs in-

curred by the Secretary of the Interior to provide technical assistance under paragraph (1) shall be covered by the Secretary of Defense.

(3) **REPORT AND OTHER ASSISTANCE.**—Not later than one year after date of the enactment of this Act, the Secretary of the Interior and the Secretary of Defense shall submit to the congressional defense committees, the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate a report detailing the following:

(A) Any technical assistance provided under paragraph (1) and information pertaining to any memoranda of understanding, cooperative agreements, and other agreements entered into pursuant to paragraph (2).

(B) An assessment of water and wastewater systems on Guam, including cost estimates and budget authority, including authorities available under the Acts of June 17, 1902, and June 12, 1906 (popularly known as the Reclamation Act; 43 U.S.C. 391) and other authority available to the Secretary of the Interior, for financing the design, construction, operation, and maintenance of such systems.

(C) The needs related to water and wastewater infrastructure on Guam and the protection of water resources on Guam identified by the Authority.

SEC. 2825. REPORT ON TYPES OF FACILITIES REQUIRED TO SUPPORT GUAM REALIGNMENT.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report on the structural integrity of facilities required to support the realignment of military installations and the relocation of military personnel on Guam.

(b) **CONTENTS OF REPORT.**—The report required by subsection (a) shall contain the following elements:

(1) A threat assessment to the realigned forces, including natural and manmade threats.

(2) An evaluation of the types of facilities and the enhanced structural requirements required to deter the threat assessment specified in paragraph (1).

(3) An assessment of the costs associated with the enhanced structural requirements specified in paragraph (2).

SEC. 2826. REPORT ON CIVILIAN INFRASTRUCTURE NEEDS FOR GUAM.

(a) **REPORT REQUIRED.**—The Secretary of the Interior shall prepare a report—

(1) detailing the civilian infrastructure improvements needed on Guam to directly and indirectly support and sustain the realignment of military installations and the relocation of military personnel on Guam; and

(2) identifying, to the maximum extent practical, the potential funding sources for such improvements from other Federal departments and agencies and from existing authorities and funds within the Department of Defense.

(b) **CONSULTATION.**—The Secretary of the Interior shall prepare the report required by subsection (a) in consultation with the Secretary of Defense, the Government of Guam, and the Interagency Group on the Insular Areas established by Executive Order 13537.

(c) **SUBMISSION.**—The Secretary of the Interior shall submit the report required by subsection (a) to the congressional defense committees and the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act.

SEC. 2827. COMPTROLLER GENERAL REPORT ON PLANNED REPLACEMENT NAVAL HOSPITAL ON GUAM.

(a) **ASSESSMENT REQUIRED.**—The Comptroller General of the United States shall review and

assess the proposed replacement Naval Hospital on Guam to determine whether the size and scope of the hospital will be sufficient to support the current and projected military mission requirements and Department of Defense beneficiary population on Guam.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review and assessment under subsection (a).

Subtitle D—Energy Security

SEC. 2831. CONSIDERATION OF ENVIRONMENTALLY SUSTAINABLE PRACTICES IN DEPARTMENT ENERGY PERFORMANCE PLAN.

Section 2911(c) of title 10, United States Code, is amended—

(1) in paragraph (4), by inserting “and hybrid-electric drive” after “alternative fuels”;

(2) by redesignating paragraph (9) as paragraph (11) and paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(3) by inserting after paragraph (4) the following new paragraph:

“(5) Opportunities for the high-performance construction, lease, operation, and maintenance of buildings.”; and

(4) by inserting after paragraph (9) (as redesignated by paragraph (2)) the following new paragraph:

“(10) The value of incorporating electric, hybrid-electric, and high efficiency vehicles into vehicle fleets.”.

SEC. 2832. PLAN AND IMPLEMENTATION GUIDELINES FOR ACHIEVING DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY TO MEET FACILITY ENERGY NEEDS.

(a) **PLAN AND GUIDELINES REQUIRED.**—Section 2911(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) The Secretary of Defense, in coordination with the Secretaries of the military departments, shall develop a plan and implementation guidelines for achieving the percentage goal specified in paragraph (1)(A).”.

(b) **SUBMISSION.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the plan and implementation guidelines required by paragraph (2) of section 2911(e) of title 10, United States Code, as added by subsection (a).

SEC. 2833. INSULATION RETROFITTING ASSESSMENT FOR DEPARTMENT OF DEFENSE FACILITIES.

(a) **SUBMISSION AND CONTENTS OF INSULATION RETROFITTING ASSESSMENT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an assessment containing an estimate of—

(1) the number of Department of Defense facilities described in subsection (b); and

(2) the overall cost savings and energy savings to the Department that would result from retrofitting those facilities with improved insulation.

(b) **FACILITIES INCLUDED IN ASSESSMENT.**—The assessment requirement in subsection (a) shall apply with respect to each Department of Defense facility the retrofitting of which (as described in such subsection) would result, over the remaining expected life of the facility, in an amount of cost savings that is at least twice the amount of the cost of the retrofitting.

Subtitle E—Land Conveyances

SEC. 2841. CONVEYANCE OF PERSONAL PROPERTY RELATED TO WASTE-TO-ENERGY POWER PLANT SERVING EIELSON AIR FORCE BASE, ALASKA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey to the Fairbanks North Star Borough, Alaska (in this section referred to as the “Borough”), personal property acquired for the Eielson Air Force Base Alternate Energy Source Program to be used for a waste-to-energy power plant that would generate electricity through the burning of waste generated by the Borough, Eielson Air Force Base, and other Federal facilities or State or local government entities.

(b) **CONSIDERATION.**—As consideration for the conveyance of personal property under subsection (a), the Secretary shall require the Borough to offset Eielson Air Force Base waste disposal fees by the fair market value of the conveyed property.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. LAND CONVEYANCE, WHITTIER PETROLEUM, OIL, AND LUBRICANT TANK FARM, WHITTIER, ALASKA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the City of Whittier, Alaska (in this section referred to as the “City”), all right, title, and interest of the United States in and to parcels of real property, including any improvements thereon, consisting of approximately 31 acres at the Whittier Petroleum, Oil, and Lubricant Tank Farm, Whittier, Alaska, for the purpose of permitting the City to use the property for local public activities.

(b) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) **SAVINGS PROVISION.**—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal descriptions of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), including easements or covenants to protect cultural or natural resources, as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration,

to the Department of Veterans Affairs of the Commonwealth of Kentucky (in this section referred to as the “Department”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 194 acres at Fort Knox, Kentucky, for the purpose of permitting the Department to establish and operate a State veterans home and future expansion of the adjacent State veterans cemetery for veterans and eligible family members of the Armed Forces.

(b) **REIMBURSEMENT FOR COSTS OF CONVEYANCE.**—(1) The Department shall reimburse the Secretary for any costs incurred by the Secretary in making the conveyance under subsection (a), including costs related to environmental documentation and other administrative costs. This paragraph does not apply to costs associated with the environmental remediation of the property to be conveyed.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in such fund or account.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LAND CONVEYANCE, NAVAL SUPPORT ACTIVITY (WEST BANK), NEW ORLEANS, LOUISIANA.

(a) **CONVEYANCE AUTHORIZED.**—Except as provided in subsection (b), the Secretary of the Navy may convey to the Algiers Development District all right, title, and interest of the United States in and to the real property comprising the Naval Support Activity (West Bank), New Orleans, Louisiana, including—

(1) any improvements and facilities on the real property; and

(2) available personal property on the real property.

(b) **CERTAIN PROPERTY EXCLUDED.**—The conveyance under subsection (a) may not include—

(1) the approximately 29-acre area known as the Secured Area of the real property described in such subsection, which shall remain subject to the Lease; and

(2) the Quarters A site, which is located at Sanctuary Drive, as determined by a survey satisfactory to the Secretary of the Navy.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(d) **TIMING.**—The authority provided in subsection (a) may only be exercised after—

(1) the Secretary of the Navy determines that the property described in subsection (a) is no longer needed by the Department of the Navy; and

(2) the Algiers Development District delivers the full consideration as required by Article 3 of the Lease.

(e) **CONDITION OF CONVEYANCE.**—The conveyance authorized by subsection (a) shall include a condition that expressly prohibits any use of the property that would interfere or otherwise restrict operations of the Department of the Navy in the Secured Area referred to in subsection (b), as determined by the Secretary of the Navy.

(f) **SUBSEQUENT CONVEYANCE OF SECURED AREA.**—If at any time the Secretary of the Navy determines and notifies the Algiers Development District that there is no longer a continuing requirement to occupy or otherwise control the Secured Area referred to in subsection (b) to support the mission of the Marine Forces Reserve or other comparable Marine Corps use, the Secretary may convey to the Algiers Development District the Secured Area and the any improvements situated thereon.

(g) **SUBSEQUENT CONVEYANCE OF QUARTERS A.**—If at any time the Secretary of the Navy determines that the Department of the Navy no longer has a continuing requirement for general officers quarters to be located on the Quarters A site referred to in subsection (b) or the Department of the Navy elects or offers to transfer, sell, lease, assign, gift or otherwise convey any or all of the Quarters A site or any improvements thereon to any third party, the Secretary may convey to the Algiers Development District the real property containing the Quarters A site.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance of property under this section, consistent with the Lease, as the Secretary considers appropriate to protect the interest of the United States.

(i) **DEFINITIONS.**—In this section:

(1) The term “Algiers Development District” means the Algiers Development District, a local political subdivision of the State of Louisiana.

(2) The term “Lease” means that certain Real Estate Lease for Naval Support Activity New Orleans, West Bank, New Orleans, Louisiana, Lease No. N47692-08-RP-08P30, by and between the United States, acting by and through the Department of the Navy, and the Algiers Development District dated September 30, 2008.

SEC. 2845. LAND CONVEYANCE, FORMER NAVY EXTREMELY LOW FREQUENCY COMMUNICATIONS PROJECT SITE, REPUBLIC, MICHIGAN.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy may convey, without consideration, to Humboldt Township in Marquette County, Michigan, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Republic, Michigan, consisting of approximately seven acres and formerly used as an Extremely Low Frequency communications project site, for the purpose of permitting the Township to use the property for local public activities.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2846. LAND CONVEYANCE, MARINE FORCES RESERVE CENTER, WILMINGTON, NORTH CAROLINA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy may convey to the North Carolina State Port Authority of Wilmington, North Carolina (in this section referred to as the “Port Authority”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 3.03 acres and known as the Marine Forces Reserve Center in Wilmington, North Carolina, for the purpose of permitting the Port Authority to use the parcel for development of a port facility and for other public purposes.

(b) **INCLUSION OF PERSONAL PROPERTY.**—The Secretary of the Navy may include as part of

the conveyance under subsection (a) personal property of the Navy at the Marine Forces Reserve Center that the Secretary of Transportation recommends is appropriate for the development or operation of the port facility and the Secretary of the Navy agrees is excess to the needs of the Navy.

(c) **INTERIM LEASE.**—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary of the Navy may lease the property to the Port Authority.

(d) **CONSIDERATION.**—

(1) **CONVEYANCE.**—The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Navy determines that the Port Authority satisfies the criteria specified in section 554 of title 40, United States Code, and regulations prescribed to implement such section. If the Secretary determines that the Port Authority fails to qualify for a public benefit conveyance, but still desires to acquire the property, the Port Authority shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary.

(2) **LEASE.**—The Secretary of the Navy may accept as consideration for a lease of the property under subsection (c) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy and the Port Authority. The cost of such survey shall be borne by the Port Authority.

(f) **ADDITIONAL TERMS.**—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2851. REQUIREMENTS RELATED TO PROVIDING WORLD CLASS MILITARY MEDICAL FACILITIES.

(a) **UNIFIED CONSTRUCTION STANDARD FOR MILITARY CONSTRUCTION AND REPAIRS TO MILITARY MEDICAL FACILITIES.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a unified construction standard for military construction and repairs for military medical facilities that provides a single standard of care. This standard shall also include a size standard for operating rooms and patient recovery rooms.

(b) **INDEPENDENT REVIEW PANEL.**—

(1) **ESTABLISHMENT; PURPOSE.**—The Secretary of Defense shall establish an independent advisory panel for the purpose of—

(A) advising the Secretary regarding whether the Comprehensive Master Plan for the National Capital Region Medical, dated April 2010, is adequate to fulfill statutory requirements, as required by section 2714 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2656), to ensure that the facilities and organizational structure described in the plan result in world class military medical facilities in the National Capital Region;

(B) monitoring the implementation and any subsequent modification of the master plan referred to in subparagraph (A); and

(C) making recommendations regarding any adjustments of the master plan referred to in subparagraph (A) needed to ensure the provision of world class military medical facilities and delivery system in the National Capital Region.

(2) **MEMBERS.**—

(A) **APPOINTMENTS BY SECRETARY.**—The panel shall be composed of such members as determined by the Secretary of Defense, except that the Secretary shall include as members—

- (i) medical facility design experts;
- (ii) military healthcare professionals;
- (iii) representatives of premier health care facilities in the United States; and
- (iv) former retired senior military officers with joint operational and budgetary experience.

(B) **CONGRESSIONAL APPOINTMENTS.**—The chairmen and ranking members of the Committees on the Armed Services of the Senate and House of Representatives may each designate one member of the panel.

(C) **TERM.**—Members of the panel may serve on the panel until the termination date specified in paragraph (7).

(D) **COMPENSATION.**—While performing duties on behalf of the panel, a member and any adviser referred to in paragraph (4) shall be reimbursed under Government travel regulations for necessary travel expenses.

(3) **MEETINGS.**—The panel shall meet not less than quarterly. The panel or its members may make other visits to military treatment facilities and military headquarters in connection with the duties of the panel.

(4) **STAFF AND ADVISORS.**—The Secretary of Defense shall provide necessary administrative staff support to the panel. The panel may call in advisers for consultation.

(5) **REPORTS.**—

(A) **INITIAL REPORT.**—Not later than 120 days after the first meeting of the panel, the panel shall submit to the Secretary of Defense a written report containing an assessment of the adequacy of the master plan referred to in paragraph (1)(A) and the recommendations of the panel to improve the plan.

(B) **ADDITIONAL REPORTS.**—Not later than February 28, 2011, and February 29, 2012, the panel shall submit to the Secretary of Defense a report on the findings and recommendations of the panel to address any deficiencies identified by the panel.

(6) **ASSESSMENT OF RECOMMENDATIONS.**—Not later than 30 days after the date of the submission of each report under paragraph (5), the Secretary of Defense shall submit to the congressional defense committees a report including—

- (A) an assessment by the Secretary of the findings and recommendations of the panel; and
- (B) the plans of the Secretary for addressing such findings and recommendations.

(7) **TERMINATION.**—The panel shall terminate on September 30, 2015.

(c) **DEFINITIONS.**—In this section:

(1) **NATIONAL CAPITAL REGION.**—The term “National Capital Region” has the meaning given the term in section 2674(f) of title 10, United States Code.

(2) **WORLD CLASS MILITARY MEDICAL FACILITY.**—The term “world class military medical facility” has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report titled “Achieving World Class—An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital” and published in May 2009, as required by section 2721 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4716).

SEC. 2852. NAMING OF ARMED FORCES RESERVE CENTER, MIDDLETOWN, CONNECTICUT.

The newly constructed Armed Forces Reserve Center in Middletown, Connecticut, shall be known and designated as the “Major General Maurice Rose Armed Forces Reserve Center”. Any reference in a law, map, regulation, document, paper, or other record of the United States

to such Armed Forces Reserve Center shall be deemed to be a reference to the Major General Maurice Rose Armed Forces Reserve Center.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Subtitle A—Fiscal Year 2010 Projects

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property

and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

Army: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------------------|--------------------------|------------------------------|----------------|---------------------------------|
| AF | Various Locations | Operational Facilities | 80,100 | 80,100 |
| AF | Various Locations | Supporting Activities | 62,900 | 62,900 |
| AF | Various Locations | Utility Facilities | 52,600 | 52,600 |

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of \$195,600,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years

beginning after September 30, 2009, in the total amount of \$40,000,000.

(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of \$6,696,000.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

Air Force: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------------------|--------------------------|------------------------------|----------------|---------------------------------|
| AF | Various Locations | Operational Facilities | 220,500 | 220,500 |
| AF | Various Locations | Supply Facilities | 24,550 | 24,550 |

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of \$245,050,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years

beginning after September 30, 2009, in the total amount of \$15,000,000.

(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of \$19,040,000.

Subtitle B—Fiscal Year 2011 Projects

SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

Army: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------------------|--------------------------|---------------------------------------|----------------|---------------------------------|
| AF | Various Locations | Air Pollution Abatement | 16,000 | 16,000 |
| AF | Various Locations | Community Facilities | 21,450 | 21,450 |
| AF | Various Locations | Hospital and Medical Facilities | 50,800 | 50,800 |
| AF | Various Locations | Operational Facilities | 69,600 | 69,600 |
| AF | Various Locations | Supply Facilities | 30,700 | 30,700 |
| AF | Various Locations | Supporting Activities | 199,800 | 199,800 |
| AF | Various Locations | Troop Housing Facilities | 283,000 | 283,000 |
| AF | Various Locations | Utility Facilities | 90,600 | 90,600 |

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$761,950,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years

beginning after September 30, 2010, in the total amount of \$78,330,000.

(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$89,716,000.

SEC. 2912. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

Air Force: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------------------|--------------------------|---|----------------|---------------------------------|
| AF | Various Locations | Maintenance and Production Facilities | 7,400 | 7,400 |
| AF | Various Locations | Operational Facilities | 203,000 | 203,000 |
| AF | Various Locations | Supply Facilities | 7,100 | 7,100 |

(b) **AUTHORIZATION OF APPROPRIATIONS.—**

(1) **OUTSIDE THE UNITED STATES.**—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$217,500,000.

(2) **UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.**—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years

beginning after September 30, 2010, in the total amount of \$49,584,000.

(3) **ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.**—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$13,422,000.

SEC. 2913. AUTHORIZED DEFENSE WIDE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) **OUTSIDE THE UNITED STATES.**—The Secretary of Defense may acquire real property and carry out military construction projects for the Defense Agencies for a classified project at a classified location outside the United States, and subject to the total amount authorized and authorization of appropriations specified for the project, set forth in the following table:

Defense Wide: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

| Overseas Location | Installation or Location | Purpose of Project | Project Amount | Authorization of Appropriations |
|-------------------|---------------------------|--------------------------|----------------|---------------------------------|
| XC | Classified Location | Classified Project | 41,900 | 41,900 |

(b) **AUTHORIZATION OF APPROPRIATIONS.—**

(1) **OUTSIDE THE UNITED STATES.**—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$41,900,000.

(2) **ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.**—For architectural and engineering services and construction design authorized by section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of \$4,600,000.

SEC. 2914. CONSTRUCTION AUTHORIZATION FOR NATIONAL SECURITY AGENCY FACILITIES IN A FOREIGN COUNTRY.

Of the amounts authorized to be appropriated by this subtitle, the Secretary of Defense may use not more than \$46,500,000 to plan, design, and construct facilities in a foreign country for the National Security Agency.

Subtitle C—Other Matters

SEC. 2921. NOTIFICATION OF OBLIGATION OF FUNDS AND QUARTERLY REPORTS.

(a) **NOTIFICATION OF OBLIGATION OF FUNDS.—**

(1) **NOTICE AND WAIT REQUIREMENT.**—Before using appropriated funds to carry out a construction project outside the United States that is authorized by section 2901, 2902, 2911, or 2912 and has an estimated cost in excess of the amounts authorized for unspecified minor military construction projects under section 2805(c) of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a notice regarding the construction project. The project may be carried out only after the end of the 10-day period beginning on the date the notice is received by the committees or, if earlier, the end of the 7-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(2) **CONTENTS OF NOTICE.**—The notice for a construction project covered by subsection (a) shall include the following:

(A) Certification that the construction—

(i) is necessary to meet urgent military operational requirements of a temporary nature involving the use of the Armed Forces;

(ii) is carried out in support of a non-enduring mission; and

(iii) is the minimum construction necessary to meet temporary operational requirements.

(B) A description of the purpose for which appropriated funds are being obligated.

(C) All relevant documentation detailing the construction project.

(D) An estimate of the total amount obligated for the construction.

(b) **QUARTERLY REPORTS.—**

(1) **REPORT REQUIRED.**—Not later than 45 days after the end of each fiscal-year quarter during which appropriated funds are obligated or expended to carry out construction projects outside the United States that are authorized by section 2901, 2902, 2911, or 2912, the Secretary of Defense shall submit to the congressional defense committees a report on the worldwide obligation and expenditure during that quarter of appropriated funds for such construction projects.

(2) **PROJECT AUTHORITY CONTINGENT ON SUBMISSION OF REPORTS.**—The ability to use section 2901, 2902, 2911, or 2912 as authority during a fiscal year to obligate appropriated funds available to carry out construction projects outside the United States shall commence for that fiscal year only after the date on which the Secretary of Defense submits to the congressional defense committees all of the quarterly reports (if any) that were required under paragraph (1) for the preceding fiscal year.

(c) **LIMITATION ON TRANSFER AUTHORITY.**—If the Secretary of the Army or the Secretary of the Air Force determines that amounts appropriated pursuant to the authorization of appropriation in section 2901, 2902, 2911, or 2912 are required for any construction project that will cause obligations to exceed any of the category amounts specified in this title or for a construction project that is not within the scope of the category, the Secretary shall notify the congressional defense committees of this determination at least 14 days before obligating funds for the project.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of \$11,214,755,000, to be allocated as follows:

- (1) For weapons activities, \$7,008,835,000.
- (2) For defense nuclear nonproliferation activities, \$2,687,167,000.
- (3) For naval reactors, \$1,070,486,000.
- (4) For the Office of the Administrator for Nuclear Security, \$448,267,000.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

- (1) Project 11-D-801, reinvestment project phase 2, Los Alamos National Laboratory, Los Alamos, New Mexico, \$23,300,000.
- (2) Project 11-D-601, sanitary effluent reclamation facility expansion, Los Alamos National Laboratory, Los Alamos, New Mexico, \$15,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of \$5,588,039,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for other defense activities in carrying out programs necessary for national security in the amount of \$878,209,000.

SEC. 3104. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal

year 2011 for energy security and assurance programs necessary for national security in the amount of \$6,188,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. EXTENSION OF AUTHORITY RELATING TO THE INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF THE DEPARTMENT OF ENERGY.

Section 3156(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2739; 50 U.S.C. 2343(b)(1)) is amended by striking “January 1, 2013” and inserting “January 1, 2018”.

SEC. 3112. ENERGY PARKS INITIATIVE.

(a) *IN GENERAL.*—Subtitle B of title XLVIII of the Atomic Energy Defense Act (division D of Public Law 107-314; 50 U.S.C. 2501 et seq.) is amended by adding at the end the following:

“SEC. 4815. ENERGY PARKS INITIATIVE.

“(a) *IN GENERAL.*—The Secretary of Energy may facilitate the development of energy parks described in subsection (b) on defense nuclear facility reuse property through the use of collaborative partnerships with State and local governments, the private sector, and community reuse organizations approved by the Secretary.

“(b) *ENERGY PARKS.*—An energy park described in this subsection is a facility (or group of facilities) developed for the purpose of—

“(1) promoting energy security, environmental sustainability, economic competitiveness, and energy sector jobs; and

“(2) encouraging pilot programs, demonstration projects, or commercial projects, at or near such facility, with respect to energy generation, energy efficiency, and advanced manufacturing technologies that will contribute to a stabilization of atmospheric greenhouse gas concentrations through the reduction, avoidance, or sequestration of energy-related emissions.

“(c) *INFRASTRUCTURE.*—In facilitating the development of an energy park under this section, the Secretary shall—

“(1) use existing infrastructure, facilities, workforces, and other assets in the vicinity of the energy park; and

“(2) ensure that such energy park does not interfere with the Secretary’s other responsibilities at any defense nuclear facility.

“(d) *REPORT.*—Not later than December 31, 2011, the Secretary shall submit to the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives and the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate a report on steps taken to facilitate the development of energy parks under this section.

“(e) *DEFINITIONS.*—In this section:

“(1) The term ‘defense nuclear facility’ has the meaning given the term ‘Department of Energy defense nuclear facility’ in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

“(2) The term ‘defense nuclear facility reuse property’ means property that—

“(A) is located at a defense nuclear facility; and

“(B) the Secretary of Energy determines—

“(i) has been adequately remediated by the Secretary or was not in need of remediation; and

“(ii) is ready for use as an energy park.”.

(b) *CLERICAL AMENDMENT.*—The table of contents in section 4001(b) of such Act (division D of Public Law 107-314) is amended by inserting after the item relating to section 4814 the following new item:

“Sec. 4815. Energy parks initiative.”.

SEC. 3113. ESTABLISHMENT OF TECHNOLOGY TRANSFER CENTERS.

(a) *TECHNOLOGY TRANSFER CENTERS.*—

(1) *IN GENERAL.*—Section 4813 of the Atomic Energy Defense Act (division D of Public Law 107-314; 50 U.S.C. 2794) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) *TECHNOLOGY TRANSFER CENTERS.*—(1) Subject to the availability of appropriations provided for such purpose, the Administrator shall establish a technology transfer center described in paragraph (2) at each national security laboratory.

“(2) A technology transfer center described in this paragraph is a center to foster collaborative scientific research, technology development, and the appropriate transfer of research and technology to users in addition to the national security laboratories.

“(3) In establishing a technology transfer center under this subsection, the Administrator—

“(A) shall enter into cooperative research and development agreements with governmental, public, academic, or private entities; and

“(B) may enter into a contract with respect to constructing, purchasing, managing, or leasing buildings or other facilities.”.

(2) *DEFINITION.*—Subsection (c) of such section, as redesignated by paragraph (1)(A), is amended by adding at the end the following new paragraph:

“(5) The term ‘national security laboratory’ has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).”.

(3) *SECTION HEADING.*—The heading of such section is amended by inserting “**AND TECHNOLOGY TRANSFER CENTERS**” after “**PARTNERSHIPS**”.

(b) *CLERICAL AMENDMENT.*—The table of contents in section 4001(b) of such Act (division D of Public Law 107-314) is amended by striking the item relating to section 4813 and inserting the following new item:

“Sec. 4813. Critical technology partnerships and technology transfer centers.”.

SEC. 3114. AIRCRAFT PROCUREMENT.

Of the amounts authorized to be appropriated under section 3101(a)(1) for fiscal year 2011 for weapons activities, the Secretary of Energy may procure not more than two aircraft.

Subtitle C—Reports

SEC. 3121. COMPTROLLER GENERAL REPORT ON NNSA BIENNIAL COMPLEX MODERNIZATION STRATEGY.

Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) *GAO STUDY AND REPORTS.*—(1) For each plan and assessment submitted under subsection (a), the Comptroller General of the United States shall conduct a study that includes the following:

“(A) An analysis of the plan under subsection (a)(1).

“(B) An analysis of the assessment under subsection (a)(2).

“(C) Whether both the budget for the fiscal year in which the plan and assessment are submitted and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex in accordance with the plan.

“(D) An analysis of any assessment submitted by the Administrator under subsection (c).

“(E) With respect to the facilities infrastructure recapitalization program—

“(i) whether such program achieved its mission of addressing deferred and backlogged maintenance;

“(ii) to what extent deferred and backlogged maintenance remains unaddressed;

“(iii) whether the expiration of such program’s authorities has weakened or strengthened plans under subsection (a); and

“(iv) whether the reauthorization of such program would further the goal of modernizing and refurbishing the nuclear security complex.

“(2) Not later than 180 days after the date on which the Administrator submits the plan and assessment under subsection (a), the Comptroller General shall submit to the congressional defense committees a report on the study under paragraph (1), including—

“(A) the findings of the study under paragraph (1);

“(B) whether the plan and assessment submitted under subsection (a) support each element under subsection (b); and

“(C) the role of the United States Strategic Command in making an assessment under subsection (c).

“(3) Not later than 90 days after the date on which a budget is submitted to Congress during an even-numbered fiscal year, the Comptroller General shall submit to the congressional defense committees an update to the previous study under paragraph (1) taking into account the nuclear security budget materials included with such budget.”.

SEC. 3122. REPORT ON GRADED SECURITY PROTECTION POLICY.

(a) *REPORT.*—Not later than February 1, 2011, the Secretary of Energy shall submit to the congressional defense committees a report on the implementation of the graded security protection policy of the Department of Energy.

(b) *MATTERS INCLUDED.*—The report under subsection (a) shall include the following:

(1) A comprehensive plan and schedule (including any benchmarks, milestones, or other deadlines) for implementing the graded security protection policy.

(2) An explanation of the current status of the graded security protection policy for each site with respect to the comprehensive plan under paragraph (1).

(3) An explanation of the Secretary’s objective end-state for implementation of the graded security protection policy (such end-state shall include supporting justification and rationale to ensure that robust and adaptive security measures meet the graded security protection policy requirements).

(4) Identification of each site that has received an exception or waiver to the graded security protection policy, including the justification for each such exception or waiver.

(5) A schedule for “force-on-force” exercises that the Secretary considers necessary to maintain operational readiness.

(6) A description of a program that will provide proper training and equipping of personnel to a certifiable standard.

(c) *FORM.*—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2011, \$28,640,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) *AMOUNT.*—There are hereby authorized to be appropriated to the Secretary of Energy

\$23,614,000 for fiscal year 2011 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION
SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2011.

Funds are hereby authorized to be appropriated for fiscal year 2011, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$100,020,000, of which—

(A) \$63,120,000 shall remain available until expended for Academy operations;

(B) \$6,000,000 shall remain available until expended for refunds to Academy midshipmen for improperly charged fees; and

(C) \$30,900,000 shall remain available until expended for capital improvements at the Academy.

(2) For expenses necessary to support the State maritime academies, \$15,007,000, of which—

(A) \$2,000,000 shall remain available until expended for student incentive payments;

(B) \$2,000,000 shall remain available until expended for direct payments to such academies; and

(C) \$11,007,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, \$10,000,000.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$174,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$60,000,000, of which \$3,688,000 shall remain available until expended for administrative expenses of the program.

SEC. 3502. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

Chapter 531 of title 46, United States Code, is amended—

(1) in section 53104(a), by striking “2015” and inserting “2025”;

(2) in section 53106(a)(1)(C), by striking “for each fiscal years 2012, 2013, 2014, and 2015” and inserting “for each of fiscal years 2012 through 2025”; and

(3) in section 53111(3), by striking “2015” and inserting “2025”.

SEC. 3503. UNITED STATES MERCHANT MARINE ACADEMY NOMINATIONS OF RESIDENTS OF THE NORTHERN MARIANA ISLANDS.

Section 51302(b) of title 46, United States Code, is amended—

(1) in paragraph (3), by inserting “the Northern Mariana Islands,” after “Guam,”; and

(2) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 3504. ADMINISTRATIVE EXPENSES FOR PORT OF GUAM IMPROVEMENT ENTERPRISE PROGRAM.

Section 3512(c)(4) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (48 U.S.C. 1421r(c)(4)) is amended—

(1) by inserting “, and of other amounts appropriated or otherwise made available to the Maritime Administration for the purposes of the Program for fiscal year 2011 or thereafter,” after “for a fiscal year”; and

(2) by inserting “under this section” before the period at the end.

SEC. 3505. VESSEL LOAN GUARANTEES: PROCEDURES FOR TRADITIONAL AND NON-TRADITIONAL APPLICATIONS.

(a) DEFINITIONS.—Section 53701 of title 46, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (16);

(2) by redesignating paragraphs (10) through (13) as paragraphs (11) through (14), respectively;

(3) by inserting after paragraph (8) the following new paragraph:

“(9) NONTRADITIONAL APPLICATION.—The term ‘nontraditional application’ means an application for a loan, guarantee, or commitment to guarantee under this chapter, that is not a traditional application, as determined by the Administrator.”; and

(4) by inserting after paragraph (14), as so redesignated, the following new paragraph:

“(15) TRADITIONAL APPLICATION.—The term ‘traditional application’ means an application for a loan, guarantee, or commitment to guarantee under this chapter that involves a market, technology, and financial structure of a type that has proven successful in previous applications and does not present an unreasonable risk to the United States, as determined by the Administrator.”.

(b) DEADLINE FOR DECISION ON APPLICATION; EXTENSION.—Section 53703(a) of title 46, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—The Secretary or Administrator shall approve or deny an application for a loan guarantee under this chapter—

“(A) in the case of a traditional application, before the end of the 90-day period beginning on the date on which the signed application is received by the Secretary or Administrator; and

“(B) in the case of a nontraditional application, before the end of the 120-day period beginning on such date of receipt.”; and

(2) in paragraph (2), by striking “the 270-day period in paragraph (1) to a date not later than 2 years” and inserting “the applicable period under paragraph (1) to a date that is not later than 1 year after the date on which the signed application was received by the Secretary or Administrator”.

(c) INDEPENDENT ANALYSIS.—Section 53708(d) of title 46, United States Code, is amended by striking “an application” and inserting “a non-traditional application”.

(d) APPLICATION.—The amendments made by this section shall apply only to applications submitted after the date of enactment of this Act.

The Acting CHAIR. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 111-498 and amendments en bloc described in section 3 of House Resolution 1404.

Except as specified in section 4 of the resolution, each amendment printed in the report shall be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of any such amendments.

Amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided and controlled by the chair and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chair of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 30 minutes after the chair of the Committee on Armed Services or his designee announces from the floor a request to that effect.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-498.

Mr. SKELTON. Mr. Chairman, I have an amendment at the desk, amendment No. 1.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON: Page 172, line 10, strike “of an enlisted member of the Armed Forces” and insert “of a candidate”.

Page 172, beginning line 12, strike “member,” and insert “candidate”.

Page 172, line 15, insert after “(1)” the following: “is an enlisted member of the Armed Forces and”.

Page 404, line 6, strike “or later”.

Page 437, strike line 19 and all that follows through page 438, line 14 (and redesignate subsequent sections accordingly).

Page 603, in the table above line 1, in the column titled “Installation or Location”, strike “Miami” and insert “North Fort Myers”, strike “West Palm Beach” and insert “Tallahassee”, strike “Kansas City” and insert “Belton”, strike “Dallas” and insert “Denton”, and strike “Virginia Beach” and insert “Fort Story”.

Page 670, lines 1 and 2, strike “NATIONAL SECURITY AGENCY” and insert “DEPARTMENT OF DEFENSE” (and conform the table of contents in section 2(b)).

Page 670, line 7, strike “National Security Agency” and insert “Department of Defense”.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman

from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Thank you, Mr. Chairman, for yielding and for your leadership on this important legislation.

I rise in support of the Fiscal Year 2011 National Defense Authorization Act and the accompanying manager's amendment.

This bipartisan legislation supports the ongoing efforts of our Armed Forces to keep our country safe, to maintain our resolve against extremists, and to sustain nuclear weapons nonproliferation.

It provides our men and women with the crucial tools they need to protect our country and to effectively find and hold accountable those who wish us harm. Equally as important, the NDAA includes protections for our servicemembers, such as lighter weight body armor that will keep our servicemembers safe but will lighten the burden we ask them to carry.

This bill also expands legal rights for servicemembers who have been victims of sexual assault, and it improves training related to the prevention of and to the response to this crime. I also look forward to the long overdue repeal of Don't Ask, Don't Tell.

The unanimous support that this bill received in committee is a testament to our continued commitment to provide the technology, equipment, and manpower required to protect our country at all times.

I urge my colleagues to support H.R. 5136.

The Acting CHAIR. Without objection, the gentleman from New Jersey will control the time.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I am pleased to yield 1 minute to my friend and colleague, a gentleman who has made a tremendous contribution to the committee already in the area of nuclear weaponry, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Mr. Chairman, I strongly support this amendment, which improves and perfects strong underlying legislation to keep the American people safe and to spur economic growth in places like central New Mexico.

The bill, as amended, will expand TRICARE coverage to include dependent children up to the age of 26, something our troops and military families deserve. It also provides our military with the cutting-edge resources that they need to defend our Nation.

Many of these advancements originate in central New Mexico at Kirtland

Air Force Base and at Sandia National Laboratories. For example, the Operationally Responsive Space satellite program and the Airborne Laser Test Bed will both receive greater resources to accomplish their important missions, and the bill will authorize a secure microgrid energy pilot program on a military installation to advance our goal of energy security and independence.

This bill is a true reflection of our 21st century military strategy for keeping Americans safe, and I urge my colleagues to support the amendment and the underlying legislation.

□ 1415

Mr. McKEON. Mr. Chairman, I claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, for the benefit of the House, we will be calling several speakers.

Mr. Chairman, I yield 1 minute to our friend and colleague who has been a leader on port security issues here in the country, who has worked very hard on them, the gentleman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 5136. I want to thank Chairman SKELTON, the committee, and all of the staff that have brought us to this point.

Having visited Afghanistan and Iraq, I strongly agree that this bill will help us to restore and enhance the readiness of our troops. But with the limited time that I have to speak, I would like to focus on one part of the amendment today, and that is my amendment that would allow the Transportation Command to update and expand its Port Look 2008 strategic seaports study. This study remains a crucial tool to ensure that our ports remain ready to respond in the case of an emergency, and, worse, an attack.

My amendment would expand the scope of the report to include the consideration of infrastructure in the vicinity of strategic ports, including bridges, roads, and rail capacity. We must be ready to move our troops immediately and to get them the resources that they need.

I stand to say something that I have said before: "The role of our ports is to connect the forts." If the transportation systems and infrastructure in and around our strategic ports are deficient, the ability of our ports to fulfill their readiness would fail.

I stand in support of this amendment.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. DJOU), a new Member that will be

serving on our committee that we are really happy to hear from at this time.

Mr. DJOU. Mr. Chairman, I rise in support of H.R. 5136, the fiscal year 2011 Defense Authorization Act, as approved unanimously by the Armed Services Committee. I am pleased today to give my first substantive speech as a Member of the U.S. House of Representatives.

It is a great honor to speak on the Defense Authorization Act, not only as a Member of Congress, but also as the Member who represents Hawaii's First Congressional District, the home of the U.S. Pacific Command, and speaking also, of course, as an Army Reservist. It is also my honor to be speaking on this measure the week before Memorial Day.

To defend America, we need the best-trained and best-equipped United States Armed Forces. I am pleased this bill attempts to ensure that the Department of Defense is fully equipped and well prepared to fight all of our current and future battles on behalf of our Nation.

I am pleased to support this particular resolution, which contains important measures for the Pacific Command, particularly, of course, for myself, representing Hawaii's First Congressional District, home of the United States Navy's Pacific Fleet, the U.S. Air Force's Pacific Air Force, and the 25th Infantry Division of the United States Army.

These measures and provisions contained in here will help defend the United States and the Asia-Pacific region from the looming threats to our national security, in particular the region right now in the Korean Peninsula, which I believe deserves our Nation's critical attention.

I am happy also to support the Republican efforts to deploy a comprehensive missile defense system. As the Representative from Hawaii, the one region which is in the flight arc of North Korea's ballistic missiles, this is an important development and something that I encourage the United States Congress to continue to develop further.

Mr. ANDREWS. Mr. Chairman, I am pleased to yield 1 minute to my friend, the gentleman from California (Mr. McNERNEY), who has worked very hard on the issue of special combat pay for those facing the fierce actions we are engaged in.

Mr. McNERNEY. Mr. Chairman, last year I was in Afghanistan. Some paratroopers were transporting me outside the city of Kandahar, and one of them stopped and turned to me and said, Are you a Congressman? I said yes. He said, Can you help us? We haven't had a pay raise in 10 years. I said, Can I help you? You bet I can.

Upon returning, I introduced the COMBAT Act to increase specialty pay for troops serving overseas and separated from their families. Over the past

several months, I have worked to incorporate hostile fire, imminent danger, and family separation allowance pay increases into the 2011 National Defense Authorization Act. This increase will help hundreds of thousands of servicemembers and their families.

Our servicemembers and their families have made enormous sacrifices to keep us safe. They deserve this pay raise, and I am proud to see that the increases are included in the 2011 defense authorization bill.

Thank you, Mr. Chairman, for your efforts, and for working with me on this issue, and for all the work that you have done for our Armed Forces. I support this important legislation.

Mr. McKEON. I yield myself the balance of my time.

Mr. Chairman, many of the Members on our side have been talking about the Murphy amendment that will be coming up later today. We were concerned that we were only given 10 minutes to debate that amendment, something that will be very far-reaching, very important to all of the members of the armed services and to the country. I would like to talk just a little bit about the process that we have been going through this year.

Earlier this year, the President, in his State of the Union speech, told the Nation that he wanted to see Don't Ask, Don't Tell repealed by the end of the year. The Secretary, in responding to the President's message, put a process in place, a process that would give to the Congress a report covering many items.

In March, the Secretary selected General Ham and Jeh Johnson, Defense Counsel for the Defense Department, two very good men, men of high integrity, men that have taken this responsibility very seriously. I met with them, and I talked to them about the process, about what they were going to do, how they would work to make it fair.

This month, just a couple of weeks ago, they have let a contract to Westat, a Rockville-based firm that has done survey work for the Defense Manpower Data Center to conduct surveys on military personnel, military spouses, and the comprehensive review working group. They have set their criteria on how they are going to move forward on this survey.

They will sample 350,000 members of the military and their families. They will survey 100,000 active duty military, 70,000 of their spouses, 100,000 of the Reserve component military, and 80,000 of their spouses. The sample size will be dictated by randomized statistically valid responses from various subelements of each component. Servicemembers will be asked to respond by mid-July, spouses by the end of August. They will develop and identify the sample of servicemembers and spouses.

I specifically asked them if they would reach out to make sure that all members were represented, which is what they are going to do. They are going to set up a system whereby members of the military who may be homosexual will be able to have their feelings known and keep their confidence. That report, as they have been set out now to work on, will reach out to the military.

They will then report back to us no later than the first of December, and at that point we are asked to move forward.

I have a letter here from Secretary Gates that says in part, I believe in the strongest possible terms that the department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change; develop an attentive, comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner.

Mr. Chairman, I include for the RECORD the entire letter from Admiral Mullen and Secretary Gates.

THE SECRETARY OF DEFENSE,
Washington, DC, April 30, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, House
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter of April 28 requesting my views on the advisability of legislative action to repeal the so-called "Don't Ask Don't Tell" statute prior to the completion of the Department of Defense review of this matter.

I believe in the strongest possible terms that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change; develop an attentive comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner. A critical element of this effort is the need to systematically engage our forces, their families, and the broader military community throughout this process. Our military must be afforded the opportunity to inform us of their concerns, insights, and suggestions if we are to carry out this change successfully.

Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process. Further, I hope Congress will not do so, as it would send a very damaging message to our men and women in uniform that in essence their views, concerns, and perspectives do not matter on an issue with such a direct impact and consequence for them and their families.

Adm. MICHAEL G. MULLEN,
Chairman of the Joint Chiefs of Staff.
ROBERT M. GATES,
Secretary of Defense.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. SCHRADER) to talk about his ideas to help improve health care

for those who serve in our National Guard.

Mr. SCHRADER. Mr. Chairman, I am here offering an amendment in the Defense reauthorization bill for 2011 because of some of the treatment that Oregon, Washington, California, Arizona, Nevada, Maryland, and Vermont Guardsmen may have received when they got back from tours in Iraq and Afghanistan this spring.

The National Guard and the Army have been fighting side-by-side through nearly 9 years of war. It is time to make a full assessment of the treatment our National Guard soldiers receive when they get home.

My first amendment directs the Department of Defense Inspector General to report back to Congress by the end of the year on the treatment and medical care our National Guard soldiers receive in comparison to regular Army.

The second amendment requires the Secretary of Defense to provide each member of the National Guard with a clear and comprehensive statement of the medical care and treatment they are entitled to receive. When they are in theater, the Army makes no distinction between the National Guard, Army Reserves, and regular Army soldiers. There should be no distinction in the care when they return home.

I ask the House to continue this work by supporting my amendments.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. BARTLETT

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-498.

Mr. BARTLETT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BARTLETT:

Page 28, after line 3, insert the following:
SEC. 113. LIMITATION ON USE OF FUNDS FOR LINE-HAUL TRACTORS.

(a) LIMITATION.—None of the funds authorized to be appropriated by section 101(5) for other procurement, Army, may be obligated or expended by the Secretary of the Army for line-haul tractors unless the source selection is made based on a full and open competition.

(b) WAIVER.—The Secretary of the Army may waive the limitation under subsection (a) if the Secretary certifies to the congressional defense committees by not later than 90 days after the date of the enactment of this Act that a sole source selection—

(1) is needed to fulfill mission requirements; or

(2) is more cost effective than a full and open competition.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Maryland (Mr. BARTLETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. BARTLETT. Mr. Chairman, we have noted two concerns relative to the Army Reserve line-haul tractors. The first concern is that they are procuring these tractors sole-source, without the benefits and advantages of full and open competition; and, secondly, their procurement is way, way, behind the need. They are in fact about 1,000 tractors short. So I have a very simple amendment which addresses these two concerns:

(A) Congressional encouragement of full and open competition. Congress encourages the Secretary of the Army to use full and open competition for the M915 tractor-trailer program beginning in fiscal year 2012; and,

(B) Report. Not later than February 15, 2011, the Secretary of the Army shall submit to the congressional defense committees a report on line-haul tractors, including possible courses of action that would accelerate meeting the line-haul tractor requirement of the Army Reserve.

We have vetted this with the Army Reserves, Mr. Chairman, and they are in support of it. I encourage a "yes" vote on this.

I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I rise in support of the amendment. It is a very well-thought-out amendment that encourages competition, which will be a service to the servicemembers of our country, as well as to our taxpayers. We thank the gentleman from Maryland for offering it and would urge Members to support it.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. BARTLETT).

The amendment was agreed to.

Mr. ANDREWS. Mr. Chairman, pursuant to section 3 of House Resolution 1404, as the designee of the chairman of the Committee on Armed Services, I request that during further consideration of H.R. 5136 in the Committee of the Whole and following consideration of Amendment No. 82 printed in House Report 111-498, the following amendments be considered: en bloc No. 3, followed by en bloc No. 4.

□ 1430

AMENDMENT NO. 3 OFFERED BY MR. SMITH OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-498.

Mr. SMITH of Washington. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SMITH of Washington:

At the end of subtitle I of title V, insert the following:

SEC. 5. ANNUAL LEAVE FOR FAMILY OF DEPLOYED MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Part III of title 38, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 44—ANNUAL LEAVE FOR FAMILY OF DEPLOYED MEMBERS OF THE UNIFORMED SERVICES

"Sec.

"4401. Definitions.

"4402. Leave requirement.

"4403. Certification.

"4404. Employment and benefits protection.

"4405. Prohibited acts.

"4406. Enforcement.

"4407. Miscellaneous provisions.

"§ 4401. Definitions

"In this chapter:

"(1) The terms 'benefit', 'rights and benefits', 'employee', 'employer', and 'uniformed services' have the meaning given such terms in section 4303 of this title.

"(2) The term 'contingency operation' has the same meaning given such term in section 101(a)(13) of title 10.

"(3) The term 'eligible employee' means an individual who is—

"(A) a family member of a member of a uniformed service;

"(B) an employee of the employer with respect to whom leave is requested under section 4402 of this title; and

"(C) not entitled to leave under section 102(a)(1)(E) of the Family Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)(E)).

"(4) The term 'family member' means an individual who is, with respect to another individual, one of the following:

"(A) The spouse of the other individual.

"(B) A son or daughter of the other individual.

"(C) A parent of the other individual.

"(5) The term 'reduced leave schedule' means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

"(6) The terms 'spouse', 'son or daughter', and 'parent' have the meaning given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

"§ 4402. Leave requirement

"(a) ENTITLEMENT TO LEAVE.—In any 12-month period, an eligible employee shall be entitled to two workweeks of leave for each family member of the eligible employee who, during such 12-month period—

"(1) is in the uniformed services; and

"(2)(A) receives notification of an impending call or order to active duty in support of a contingency operation; or

"(B) is deployed in connection with a contingency operation.

"(b) LEAVE TAKEN INTERMITTENTLY OR ON REDUCED LEAVE SCHEDULE.—(1) Leave under

subsection (a) may be taken by an eligible employee intermittently or on a reduced leave schedule as the eligible employee considers appropriate.

"(2) The taking of leave intermittently or on a reduced leave schedule pursuant to this subsection shall not result in a reduction in the total amount of leave to which the eligible employee is entitled under subsection (a) beyond the amount of leave actually taken.

"(c) PAID LEAVE PERMITTED.—Leave granted under subsection (a) may consist of paid leave or unpaid leave as the employer of the eligible employee considers appropriate.

"(d) RELATIONSHIP TO PAID LEAVE.—(1) If an employer provides paid leave to an eligible employee for fewer than the total number of workweeks of leave that the eligible employee is entitled to under subsection (a), the additional amount of leave necessary to attain the total number of workweeks of leave required under subsection (a) may be provided without compensation.

"(2) An eligible employee may elect, and an employer may not require the eligible employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the eligible employee for leave provided under subsection (a) for any part of the total period of such leave the eligible employee is entitled to under such subsection.

"(e) NOTICE FOR LEAVE.—In any case in which an eligible employee chooses to use leave under subsection (a), the eligible employee shall provide such notice to the employer as is reasonable and practicable.

"§ 4403. Certification

"(a) IN GENERAL.—An employer may require that a request for leave under section 4402(a) of this title be supported by a certification of entitlement to such leave.

"(b) TIMELINESS OF CERTIFICATION.—An eligible employee shall provide, in a timely manner, a copy of the certification required by subsection (a) to the employer.

"(c) SUFFICIENT CERTIFICATION.—A copy of the notification, call, or order described in section 4402(a)(2) of this title shall be considered sufficient certification of entitlement to leave for purposes of providing certification under this section. The Secretary may prescribe such additional forms and manners of certification as the Secretary considers appropriate for purposes of providing certification under this section.

"§ 4404. Employment and benefits protection

"(a) IN GENERAL.—An eligible employee who takes leave under section 4402 of this title for the intended purpose of the leave shall be entitled, on return from such leave—

"(1) to be restored by the employer to the position of employment held by the eligible employee when the leave commenced; or

"(2) to be restored to an equivalent position with equivalent rights and benefits of employment.

"(b) LOSS OF BENEFITS.—The taking of leave under section 4402 of this title shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

"(c) LIMITATIONS.—Nothing in this section shall be construed to entitle any restored employee to—

"(1) the accrual of any seniority or employment benefits during any period of leave; or

"(2) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

“§ 4405. Prohibited acts

“(a) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this chapter.

“(b) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this chapter.

“§ 4406. Enforcement

“The provisions of subchapter III of chapter 43 of this title shall apply with respect to the provisions of this chapter as if such provisions were incorporated into and made part of this chapter.

“§ 4407. Miscellaneous provisions

“The provisions of subchapter IV of chapter 43 of this title shall apply with respect to the provisions of this chapter as if such provisions were incorporated into and made part of this chapter.”.

(b) CLERICAL AMENDMENTS.—The table of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 43 the following new item:

“44. Annual Leave for Family of Deployed Members of the Uniformed Services 4401.”.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Washington (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Mr. Chairman, I rise to offer an amendment regarding military family leave. This committee and this body has, in the past, taken great steps to make sure that our military families, when they're deployed, they have and do qualify for the Military Family Leave Act. Unfortunately, there are some specifics of the military family—sorry, of the Family Leave Act—that leave out some of our military personnel when they are deployed because of the jobs that they have. They do not qualify for the existing Family Leave Act.

What this amendment does is it makes sure that all military personnel, even if they don't qualify for the Family and Medical Leave Act, will have the ability to take at least—I'm sorry, the spouses, children and parents of our military personnel, will have the ability to take at least 2 weeks of unpaid leave when a servicemember receives a notification or order to active duty in support of a contingency operation or is deployed in connection with such an operation.

One of the things that we've really struggled to deal with is the amount that we have asked of the members of the Guard and Reserve. They have been deployed far more since 9/11 than they ever were before, and that has a tremendous impact on their families.

Now, the Guard and Reserve has performed an unbelievable service to this country. Every time I travel abroad, go

to Iraq and Afghanistan and meet members of the Guard and Reserve who are serving over there, I come away enormously impressed with their immense dedication and the job they're doing on our behalf. They continue to do it. They continue to sign up. Recruitment and retention are at all-time highs. They are absolutely committed to serving this country.

But they also need our help and support because members of the Guard and Reserve typically have families and jobs here at home, and that is disrupted every time they're called up and sent overseas. This is one small way that we can help them deal with that disruption, by making sure that their loved ones qualify for the Family Medical Leave Act.

This would be unpaid leave, but it would make sure that they have the time to help support their loved one who is being deployed.

I ask the body to support this amendment.

Mr. Chair, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I rise to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Mr. Chairman, continuing my earlier comments, I was right in the middle of a letter by Secretary Gates. I will catch everybody up to speed.

The Secretary said, prior to any legislative action, the military should be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change, develop an attentive comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner.

I'm inserting some of my own language now. I would like to say that we will be asked to vote on an amendment later today without having the value and the important information that would come from this, without being able to act in a most informed and effective manner.

The Secretary goes on to say a critical element of this effort is the need to systematically engage our forces, their families and the broader military community throughout the process. Our military must be afforded the opportunity to inform us of their concerns, insights, and suggestions if we are to carry out this change successfully. Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process.

Further, I hope Congress will not do so, as it would send a very damaging message to our men and women in uni-

form that, in essence, their views, concerns, and perspectives do not matter on an issue with such a direct impact and consequence for them and their families.

Now, Mr. SKELTON, chairman of the committee, spoke to the Secretary 2 days ago, and the Secretary said, I stand by my letter.

Next I have a letter from Admiral Roughead, Chief of Naval Operations. I spoke to each of the chiefs day before yesterday, I believe it was, on May 26, and he sent a letter, part of which says, I share the view of Secretary Gates that the best approach would be to complete the DOD review before there's any legislation to change the law. My concern is that legislative changes, at this point, regardless of the precise language used, may cause confusion on the status of the law in the fleet and disrupt the review process itself by leading sailors to question whether their input matters.

Obtaining the views and opinions of the force and assessing them in light of the issues involved will be complicated by a shifting legislative backdrop and its associated debate.

The admiral told me he was very concerned about what it would do in the force, the confusion that would be caused, and losing the credibility, actually, of him and his colleagues, because they have gone out. Based on what the President said, based on what the Secretary said earlier this year, they have gone to the force and told them they would be involved in this process; and it breaks faith with them and the things that they have tried to tell the force.

I will read General Schwartz's letter. General Schwartz is the Chief of the Air Force. He said, I believe it's important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commission review be completed before there is any legislation to repeal the Don't Ask, Don't Tell law, which is the Murphy amendment which we'll be discussing and voting on later today or tomorrow.

Such action allows me to provide the best military advice to the President and sends an important signal to our airmen and their families that their opinion matters. To do otherwise, in my view, would be presumptive, and would reflect an intent to act before all relevant factors are assessed, digested and understood.

I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I will assume that there is support for my amendment. I just want to quickly address what Mr. McKEON has said on two levels. First of all, the amendment that we will be voting on later today on Don't Ask, Don't Tell specifically leaves it in the hands of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to be

the one who will chair the policy. The policy will not be changed as a result of the amendment that we are passing. It will meet, absolutely, the requirement that the Secretary of Defense and others have put out to get input from the Armed Forces. And it will not, let me repeat, will not be changed until the Secretary of Defense and the Chairman of the Joint Chiefs of Staff certify that change. They will have to certify it before we go forward.

Second of all, this policy, Don't Ask, Don't Tell, this ridiculous policy that has driven people out of the military who are only too anxious to serve, has been in existence for 16 years.

And I cannot speak for the gentleman from California, but I have spoken to many members of the Armed Forces during the course of that 16-year period about this policy, as I'm sure others have. So the main thing I object to is the characterization that the men and women of our Armed Forces have been left out of this debate. Nothing could be further from the truth. We've had 16 years, and a year and a half since President Obama said that he felt the policy should be changed, to have those conversations, and we're having them. And again, we will continue to have them, even after Congress pulls itself out of this policy. We're the ones who inserted ourselves into the debate by passing it in the first place 16 years ago. This will now go back to the Secretary of Defense to have precisely those conversations that Mr. McKEON wants them to have. And I'm sure that they will.

I yield the balance of my time to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I think that the process that my friend from California lays out is a correct one, that there should be wide solicitation of views from those who wear the uniform, and there will be.

And the amendment that Mr. MURPHY will be offering later today simply says this: If, after that process the Secretary of Defense and the Chairman of the Joint Chiefs Staff believe that the evidence shows that implementation of the repeal would undercut the readiness or effectiveness of our troops, they will not certify that the policy should be put into effect, and it won't be. The Secretary has repeatedly said, Admiral Mullen has repeatedly said the question is not whether repeal should take place, but how.

Mr. MURPHY's amendment will set up a rational process for that to take place. I believe it's the right thing to do, and I support Mr. SMITH's amendment which is before us right now.

Mr. SMITH of Washington. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. SMITH).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MARSHALL

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-498.

Mr. MARSHALL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MARSHALL:

Page 122, after line 18, insert the following:

SEC. 359. SENSE OF CONGRESS REGARDING FIRE-RESISTANT UTILITY ENSEMBLES FOR NATIONAL GUARD PERSONNEL IN CIVIL AUTHORITY MISSIONS.

It is the sense of Congress that the Chief of the National Guard Bureau should issue fire-resistant utility ensembles to National Guard personnel who are engaged, or likely to become engaged, in defense support to civil authority missions that routinely involve serious fire hazards, such as wildfire recovery efforts.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Georgia (Mr. MARSHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. MARSHALL. Mr. Chairman, this is a pretty simple amendment. We give fire retardant uniforms to all soldiers deploying to our combat zones. National Guard soldiers here in the United States do not have fire retardant uniforms, for the most part. And yet some National Guard soldiers, as an ordinary part of their duties, are exposed to fire hazards.

The amendment's pretty simple. It simply says we acknowledge that there's a cost issue associated with the issuing of fire retardant uniforms to all of our National Guard soldiers here in the United States. But at least we should encourage the Guard to consider issuing those uniforms to those soldiers who, as a normal course of their duties, from time to time are exposed to fire hazards. And I hope that everybody would agree that that's a wise thing for us to do.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I rise to claim the time in opposition. I will not oppose the amendment. I will support the amendment as a good member of the committee.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Mr. Chair, we do have other things we can talk about here today, and seeing how the Rules Committee didn't give us time to fully debate the Murphy amendment on Don't Ask, Don't Tell, we will use the time for that.

I yield 2 minutes the gentleman from Colorado (Mr. COFFMAN), a member of the committee.

□ 1445

Mr. COFFMAN of Colorado. Mr. Chairman, I rise in support of the amendment offered and in support of the bill as well, the defense authorization bill as well, but in opposition certainly to the Murphy amendment on the Don't Ask, Don't Tell, reversing Don't Ask, Don't Tell.

One thing that I think hasn't been raised, certainly what the amendment states is that the Congress of the United States will in fact delegate to the Department of Defense, to the Secretary of the Department of Defense and to the Chairman of the Joint Chiefs of Staff, the ability to simply do the assessment based on the survey to make that decision. But I think the reality is, unfortunately, these are not independent positions.

The President, at the end of the day, is the Commander in Chief, and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff report to the Commander in Chief. So I question the ability for them to make an independent decision. This policy was put in place by the Congress of the United States, and it ought to be the Congress of the United States that ultimately repeals it based on the findings of the study for which I believe that we have the responsibility to review.

So I would hope that we would, in fact, vote down the Murphy amendment, do our job in terms of reviewing the findings of the views of the men and women of the Armed Forces of the United States that this study is, in fact, to put forward their concerns about the challenges of reversing the Don't Ask, Don't Tell policy. Then, upon our reading of that information, we will then make an informed decision going forward as to whether or not we will reverse this policy or we will continue this policy or we will, in fact, reform this policy in some other way. But it is wrong for us to delegate this to somebody else, and I believe, again, we should vote down the Murphy amendment.

Mr. MARSHALL. I agree with Mr. COFFMAN, who cochairs, along with me, the Balanced Budget Caucus. I agree with him on both counts: one, that I have got a good amendment here, and that we ought not to pass the Murphy amendment.

I think everybody understood the course that we were headed on with regard to Don't Ask, Don't Tell was for the military to do a study of the issue, give the study to us, we look at the study and then make a decision. We don't have the results of the military's analysis. What we do have is pretty well expressed concerns by the service Chiefs of each one of our branches that we ought not to move forward, that we are getting the cart before the horse here on this issue.

It seems to me we have been committed for some time to a course where

we are going to look at the information and then make the decision. This reverses that course. I think it's a mistake.

As long as we are talking about different issues here, I would like to talk about the F-35 alternate engine as well. We cochair, Mr. COFFMAN, the Balanced Budget Caucus. We are both very concerned about unnecessary expenditures.

I talked to a retired commodore recently. He was an F-16 pilot. They had a squadron where pretty routinely only four to six of their jets would operate, and it was engine problems. At the time they were having those problems, it was sole sourced. When competition was injected, the effect of competition was that all of a sudden the engines that we were getting improved in quality dramatically. So competition is good for the soul.

We actually have a statute that requires competition. If we follow our own law, we will insist upon competition for the engines where the F-35 is concerned. But there is a specific example of competition working where jet engines are concerned, and it's the F-16 and the reliability of the F-16. GAO did a study of the cost savings associated with this and concluded it was 21 percent.

Bottom line, there is not a good argument, except for near-term dollar issues, there is not a single good argument why we wouldn't have competition where the F-35 engine is concerned.

I appreciate the ranking member and the chairman of this committee and both of the relevant subcommittees strongly supporting having competition where the F-35 engine is concerned. I appreciate the support that I have received for my amendment with regard to National Guard uniforms.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

I thank the gentleman for his agreement with us on this issue, where we had a process set up. The process was set up by the Secretary in conformance with the President's wishes, and the thing that they thought was very important was having the input from those who would be most affected.

In talking to the Chiefs yesterday, one of them made the comment to me, in addition to the letters, he says, Hey, I understand the politics. I understand what's going on here. And he said, The amendment is very cleverly written. It says nothing will be done to implement this until the study is done. However, the headline will be "Don't Ask, Don't Tell Repealed." He says, I understand how that works. But the guy that's out on an FOB in Afghanistan is going to get the headline and he is going to then, when somebody may send him a survey, he is going to say, What is this? I know this is already decided. I mean, we ought to treat this like it really is.

Many of your Members, I have been on the floor the whole day, I have listened to this debate, and I was also in the Rules Committee yesterday and heard it, and many of your Members say this repeals Don't Ask, Don't Tell. This is it. And then some of your Members are saying, Well, it doesn't really do anything. It just kind of moves the ball down the field. Then why are we doing the debate? I think be honest in what this really does. This precludes the study, the study we just hired that we are going to pay good money for and we are going to hear from the troops, but they are going to know that their wishes or their desires or their comments or their participation is folly because the decision's already made.

What it's supposed to be was we found out, we went out and did the study, then it comes back and came to us with the Chief's and the Secretary's recommendations, and then we do have a responsibility here. We do pass the laws. And we are giving up that responsibility today by voting on something without the complete information. And we're dissing the troops. That's what we're doing. We're disrespecting them.

And as some of the chairmen said to me yesterday, it's going to cause confusion in the force, and we don't keep faith with those who are putting their lives on the line every day for us. And especially this committee. This committee should stand for the force. This committee should stand for the troops. This should have been discussed in our committee before it came to the full floor.

I yield back the balance of my time.

Mr. MARSHALL. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. MARSHALL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MARSHALL. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. SKELTON. Mr. Chairman, pursuant to section 4 of House Resolution 1404, I hereby give notice that amendments number 21, 42, 47 may be offered out of order.

The Acting CHAIR. Duly noted.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to House Resolution 1404, I offer amendments en bloc No. 1.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 offered by Mr. SKELTON consisting of amendments numbered 9, 10, 16, 24, 36, 63, and 70 printed in House Report 111-498:

AMENDMENT NO. 9 OFFERED BY MS. GIFFORDS OF ARIZONA

The text of the amendment is as follows:

Page 452, after line 10, insert the following:
SEC. 1065. SHARED INFORMATION REGARDING TRAINING EXERCISES.

The Secretary of Defense, acting through Joint Task Force North, may share with the Department of Homeland Security and the Department of Justice any data gathered during training exercises.

AMENDMENT NO. 10 OFFERED BY MR. NYE OF VIRGINIA

The text of the amendment is as follows:

Page 79, after line 6, insert the following:

SEC. 244. REPORT ON REGIONAL ADVANCED TECHNOLOGY CLUSTERS.

(a) **REPORT.**—Not later than March 1, 2011, the Secretary of Defense shall submit to the appropriate congressional committees a report on regional advanced technology clusters.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include the following:

(1) An analysis of regional advanced technology clusters throughout the United States, including—

(A) an estimate of the amount of public and private funding activities within each cluster;

(B) an assessment of the technical competencies of each of these regional advanced technology clusters;

(C) a comparison of the technical competencies of each regional advanced technology cluster with the technology needs of the Department of Defense; and

(D) a review of current Department of Defense interaction, cooperation, or investment in regional advanced technology clusters.

(2) A strategic plan for encouraging the development of innovative, advanced technologies, such as robotics and autonomous systems, to address national security, homeland security, and first responder challenges by—

(A) enhancing regional advanced technology clusters that support the technology needs of the Department of Defense; and

(B) identifying and assisting the expansion of additional new regional advanced technology clusters to foster research and development into emerging, disruptive technologies identified through strategic planning documents of the Department of Defense.

(3) An identification of the resources needed to establish, sustain, or grow regional advanced technology clusters.

(4) An identification of mechanisms for collaborating and cost sharing with other state, local, and Federal agencies with respect to regional advanced technology clusters, including any legal impediments that may inhibit collaboration or cost sharing.

(c) **DEFINITIONS.**—In this section:

(1) The term "appropriate congressional committees" means the following:

(A) The Committees on Armed Services, Appropriations, and Small Business of the House of Representatives.

(B) The Committees on Armed Services, Appropriations, and Small Business and Entrepreneurship of the Senate.

(2) The term "regional advanced technology cluster" means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.

AMENDMENT NO. 16 OFFERED BY MR. SESSIONS
OF TEXAS

The text of the amendment is as follows:

At the end of subtitle C of title VII, insert the following:

SEC. 7. PILOT PROGRAM ON PAYMENT FOR TREATMENT OF MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) **PAYMENT PROCESS.**—The Secretary of Defense and the Secretary of Veterans Affairs shall carry out a five-year pilot program under which each such Secretary shall establish a process through which each Secretary shall provide payment for treatments (including diagnostic testing) of traumatic brain injury or post-traumatic stress disorder received by members of the Armed Forces and veterans in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities. Such process shall provide that payment be made directly to the health care facility furnishing the treatment.

(b) **CONDITIONS FOR PAYMENT.**—The approval by a Secretary for payment for a treatment pursuant to subsection (a) shall be subject to the following conditions:

(1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration for any purpose.

(2) The treatment or study protocol used in treating the member or veteran must have been approved by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The approved treatment or study protocol (including any patient disclosure requirements) must be used by the health care provider delivering the treatment.

(4) The patient receiving the treatment or study protocol must demonstrate an improvement as a result of the treatment on one or more of the following:

(A) Standardized independent pre-treatment and post-treatment neuropsychological testing.

(B) Accepted survey instruments.

(C) Neurological imaging.

(D) Clinical examination.

(5) The patient receiving the treatment or study protocol must be receiving the treatment voluntarily.

(6) The patient receiving the treatment may not be a retired member of the uniformed services or of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) **ADDITIONAL RESTRICTIONS PROHIBITED.**—Except as provided in this subsection (b), no restriction or condition for reimbursement may be placed on any health care provider that is operating lawfully under the laws of the State in which the provider is located with respect to the receipt of payment under this Act.

(d) **PAYMENT DEADLINE.**—The Secretary of Defense and the Secretary of Veterans Affairs shall make a payment for a treatment or study protocol pursuant to subsection (a) not later than 30 days after a member of the Armed Forces or veteran (or health care provider on behalf of such member or veteran) submits to the Secretary documentation regarding the treatment or study protocol. The Secretary of Defense and the Secretary of Veterans Affairs shall ensure that the documentation required under this subsection

may not be an undue burden on the member of the Armed Forces or veteran or on the health care provider.

(e) **PAYMENT SOURCE.**—Subsection (c)(1) of section 1074 of title 10, United States Code, shall apply with respect to the payment by the Secretary of Defense for treatment or study protocols pursuant to subsection (a) of traumatic brain injury and post-traumatic stress disorder received by members of the Armed Forces.

(f) **PAYMENT AMOUNT.**—A payment under this Act shall be made at the equivalent Centers for Medicare and Medicaid Services reimbursement rate in effect for appropriate treatment codes for the State or territory in which the treatment or study protocol is received. If no such rate is in effect, payment shall be made at a fair market rate, as determined by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, with respect to a patient who is a member of the Armed Forces or the Secretary of Veterans Affairs with respect to a patient who is a veteran.

(g) **DATA COLLECTION AND AVAILABILITY.**—

(1) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretaries shall ensure that the database preserves confidentiality and be made available only—

(A) for third-party payer examination;

(B) to the appropriate congressional committees and employees of the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, and appropriate State agencies; and

(C) to the primary investigator of the institutional review board that approved the treatment or study protocol, in the case of data relating to a patient case involving the use of such treatment or study protocol.

(2) **ENROLLMENT IN INSTITUTIONAL REVIEW BOARD STUDY.**—In the case of a patient enrolled in a registered institutional review board study, results may be publically distributable in accordance with the regulations prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and other regulations and practices in effect as of the date of the enactment of this Act.

(3) **QUALIFIED INSTITUTIONAL REVIEW BOARDS.**—The Secretary of Defense and the Secretary of Veterans Affairs shall each ensure that the Internet website of their respective departments includes a list of all civilian institutional review board studies that have received a payment under this Act.

(h) **ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.**—

(1) **ASSIGNMENT TO TEMPORARY DUTY.**—The Secretary of a military department may assign a member of the Armed Forces under the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty in order to permit the member to receive treatment or study protocol for traumatic brain injury or post-traumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member's permanent duty station.

(2) **PAYMENT OF PER DIEM.**—A member who is away from the member's permanent station may be paid a per diem in lieu of subsistence in an amount not more than the amount to which the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

(3) **GIFT RULE WAIVER.**—Notwithstanding any rule of any department or agency with respect to ethics or the receipt of gifts, any assistance provided to a member of the Armed Forces with a service-connected injury or disability for travel, meals, or entertainment incidental to receiving treatment or study protocol under this Act, or for the provision of such treatment or study protocol, shall not be subject to or covered by any such rule.

(i) **RETALIATION PROHIBITED.**—No retaliation may be made against any member of the Armed Forces or veteran who receives treatment or study protocol as part of registered institutional review board study carried out by a civilian health care practitioner.

(j) **TREATMENT OF UNIVERSITY AND NATIONALLY ACCREDITED INSTITUTIONAL REVIEW BOARDS.**—For purposes of this Act, a university-affiliated or nationally accredited institutional review board shall be treated in the same manner as a Government institutional review board.

(k) **MEMORANDA OF UNDERSTANDING.**—The Secretary of Defense and the Secretary of Veterans Affairs shall seek to expeditiously enter into memoranda of understandings with civilian institutional review boards described in subsection (j) for the purpose of providing for members of the Armed Forces and veterans to receive treatment carried out by civilian health care practitioners under a treatment or study protocol approved by and under the oversight of civilian institutional review boards that would qualify for payment under this Act.

(l) **OUTREACH REQUIRED.**—

(1) **OUTREACH TO VETERANS.**—The Secretary of Veterans Affairs shall notify each veteran with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this Act.

(2) **OUTREACH TO MEMBERS OF THE ARMED FORCES.**—The Secretary of Defense shall notify each member of the Armed Forces with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this Act.

(m) **REPORT TO CONGRESS.**—Not later than 30 days after the last day of each fiscal year during which the Secretary of Defense and the Secretary of Veterans Affairs are authorized to make payments under this Act, the Secretaries shall jointly submit to Congress an annual report on the implementation of this Act. Such report shall include each of the following for that fiscal year:

(1) The number of individuals for whom the Secretary has provided payments under this Act.

(2) The condition for which each such individual receives treatment for which payment is provided under this Act and the success rate of each such treatment.

(3) Treatment methods that are used by entities receiving payment provided under this Act and the respective rate of success of each such method.

(4) The recommendations of the Secretaries with respect to the integration of treatment methods for which payment is provided under this Act into facilities of the Department of Defense and Department of Veterans Affairs.

(n) **TERMINATION.**—The authority to make a payment under this Act shall terminate on the date that is five years after the date of the enactment of this Act.

(o) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this Act \$10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense are authorized to make payments under this Act.

AMENDMENT NO. 24 OFFERED BY MS. JACKSON
LEE OF TEXAS

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 839. REPORT RELATED TO MINORITY-OWNED, WOMEN-OWNED, AND DISADVANTAGED-OWNED SMALL BUSINESSES.

Not later than December 1, 2010, the Secretary of Defense shall provide to the Congressional Black Caucus a report that includes a list of minority-owned, women-owned, and disadvantaged-owned small businesses that receive contracts resulting from authorized funding to the Department of Defense. The list shall cover the 10 calendar years preceding the date of the enactment of this Act and shall include, for each listed business, the name of the business and the business owner and the amount of the contract award.

AMENDMENT NO. 36 OFFERED BY MS. WATSON OF
CALIFORNIA

The text of the amendment is as follows:

At the end of division A, add the following new title:

TITLE XVII—FEDERAL INFORMATION SECURITY

Subtitle A—Federal Information Security Amendments

SEC. 1701. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

“SUBCHAPTER II—INFORMATION SECURITY

“§ 3551. Purposes

“The purposes of this subchapter are to—

“(1) provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) recognize the highly networked nature of the current Federal computing environment and provide effective Governmentwide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities;

“(3) provide for development and maintenance of minimum controls required to protect Federal information and information infrastructure;

“(4) provide a mechanism for improved oversight of Federal agency information security programs;

“(5) acknowledge that commercially developed information security products offer advanced, dynamic, robust, and effective information security solutions, reflecting market solutions for the protection of critical information infrastructures important to the national defense and economic security of the Nation that are designed, built, and operated by the private sector; and

“(6) recognize that the selection of specific technical hardware and software information security solutions should be left to individual agencies from among commercially developed products.

“§ 3552. Definitions

“(a) SECTION 3502 DEFINITIONS.—Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

“(b) ADDITIONAL DEFINITIONS.—In this subchapter:

“(1) The term ‘adequate security’ means security that complies with the regulations promulgated under section 3554 and the standards promulgated under section 3558.

“(2) The term ‘incident’ means an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system, information infrastructure, or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

“(3) The term ‘information infrastructure’ means the underlying framework that information systems and assets rely on in processing, storing, or transmitting information electronically.

“(4) The term ‘information security’ means protecting information and information infrastructure from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

“(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

“(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

“(C) availability, which means ensuring timely and reliable access to and use of information; and

“(D) authentication, which means using digital credentials to assure the identity of users and validate access of such users.

“(5) The term ‘information technology’ has the meaning given that term in section 11101 of title 40.

“(6)(A) The term ‘national security system’ means any information infrastructure (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

“§ 3553. National Office for Cyberspace

“(a) ESTABLISHMENT.—There is established within the Executive Office of the President an office to be known as the National Office for Cyberspace.

“(b) DIRECTOR.—

“(1) IN GENERAL.—There shall be at the head of the Office a Director, who shall be appointed by the President by and with the advice and consent of the Senate. The Director of the National Office for Cyberspace shall administer all functions under this subchapter and collaborate to the extent practicable with the heads of appropriate agen-

cies, the private sector, and international partners. The Office shall serve as the principal office for coordinating issues relating to achieving an assured, reliable, secure, and survivable information infrastructure and related capabilities for the Federal Government.

“(2) BASIC PAY.—The Director shall be paid at the rate of basic pay for level III of the Executive Schedule.

“(c) STAFF.—The Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

“(d) EXPERTS AND CONSULTANTS.—The Director may procure temporary and intermittent services under section 3109(b) of title 5.

“§ 3554. Federal Cybersecurity Practice Board

“(a) ESTABLISHMENT.—Within the National Office for Cyberspace, there shall be established a board to be known as the ‘Federal Cybersecurity Practice Board’ (in this section referred to as the ‘Board’).

“(b) MEMBERS.—The Board shall be chaired by the Director of the National Office for Cyberspace and consist of not more than 10 members, with at least one representative from—

“(1) the Office of Management and Budget;

“(2) civilian agencies;

“(3) the Department of Defense;

“(4) the Federal law enforcement community;

“(5) the Federal Chief Technology Office; and

“(6) such additional military and civilian agencies as the Director considers appropriate.

“(c) RESPONSIBILITIES.—

“(1) DEVELOPMENT OF POLICIES AND PROCEDURES.—Subject to the authority, direction, and control of the Director of the National Office for Cyberspace, the Board shall be responsible for developing and periodically updating information security policies and procedures relating to the matters described in paragraph (2). In developing such policies and procedures, the Board shall require that all matters addressed in the policies and procedures are consistent, to the maximum extent practicable and in accordance with applicable law, among the civilian, military, intelligence, and law enforcement communities.

“(2) SPECIFIC MATTERS COVERED IN POLICIES AND PROCEDURES.—

“(A) MINIMUM SECURITY CONTROLS.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to minimum security controls for information technology, in order to—

“(i) provide Governmentwide protection of Government-networked computers against common attacks; and

“(ii) provide agencywide protection against threats, vulnerabilities, and other risks to the information infrastructure within individual agencies.

“(B) MEASURES OF EFFECTIVENESS.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to measurements needed to assess the effectiveness of the minimum security controls referred to in subparagraph (A). Such measurements shall include a risk scoring system to evaluate risk to information security both Governmentwide and within contractors of the Federal Government.

“(C) PRODUCTS AND SERVICES.—The Board shall be responsible for developing and periodically updating information security policies, procedures, and minimum security

standards relating to criteria for products and services to be used in agency information systems and information infrastructure that will meet the minimum security controls referred to in subparagraph (A). In carrying out this subparagraph, the Board shall act in consultation with the Office of Management and Budget and the General Services Administration.

“(D) REMEDIES.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to methods for providing remedies for security deficiencies identified in agency information infrastructure.

“(3) ADDITIONAL CONSIDERATIONS.—The Board shall also consider—

“(A) opportunities to engage with the international community to set policies, principles, training, standards, or guidelines for information security;

“(B) opportunities to work with agencies and industry partners to increase information sharing and policy coordination efforts in order to reduce vulnerabilities in the national information infrastructure; and

“(C) options necessary to encourage and maintain accountability of any agency, or senior agency official, for efforts to secure the information infrastructure of such agency.

“(4) RELATIONSHIP TO OTHER STANDARDS.—The policies and procedures developed under paragraph (1) are supplemental to the standards promulgated by the Director of the National Office for Cyberspace under section 3558.

“(5) RECOMMENDATIONS FOR REGULATIONS.—The Board shall be responsible for making recommendations to the Director of the National Office for Cyberspace on regulations to carry out the policies and procedures developed by the Board under paragraph (1).

“(d) REGULATIONS.—The Director of the National Office for Cyberspace, in consultation with the Director of the Office of Management and the Administrator of General Services shall promulgate and periodically update regulations to carry out the policies and procedures developed by the Board under subsection (c).

“(e) ANNUAL REPORT.—The Director of the National Office for Cyberspace shall provide to Congress a report containing a summary of agency progress in implementing the regulations promulgated under this section as part of the annual report to Congress required under section 3555(a)(8).

“(f) NO DISCLOSURE BY BOARD REQUIRED.—The Board is not required to disclose under section 552 of title 5 information submitted by agencies to the Board regarding threats, vulnerabilities, and risks.

“§ 3555. Authority and functions of the Director of the National Office for Cyberspace

“(a) IN GENERAL.—The Director of the National Office for Cyberspace shall oversee agency information security policies and practices, including—

“(1) developing and overseeing the implementation of policies, principles, standards, and guidelines on information security, including through ensuring timely agency adoption of and compliance with standards promulgated under section 3558;

“(2) requiring agencies, consistent with the standards promulgated under section 3558 and other requirements of this subchapter, to identify and provide information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(A) information collected or maintained by or on behalf of an agency; or

“(B) information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(3) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(4) overseeing agency compliance with the requirements of this subchapter, including through any authorized action under section 11303 of title 40, to enforce accountability for compliance with such requirements;

“(5) reviewing at least annually, and approving or disapproving, agency information security programs required under section 3556(b);

“(6) coordinating information security policies and procedures with related information resources management policies and procedures;

“(7) overseeing the operation of the Federal information security incident center required under section 3559;

“(8) reporting to Congress no later than March 1 of each year on agency compliance with the requirements of this subchapter, including—

“(A) a summary of the findings of audits required by section 3557;

“(B) an assessment of the development, promulgation, and adoption of, and compliance with, standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 3558;

“(C) significant deficiencies in agency information security practices;

“(D) planned remedial action to address such deficiencies; and

“(E) a summary of, and the views of the Director of the National Office for Cyberspace on, the report prepared by the National Institute of Standards and Technology under section 20(d)(10) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3);

“(9) coordinating the defense of information infrastructure operated by agencies in the case of a large-scale attack on information infrastructure, as determined by the Director;

“(10) establishing a national strategy, in consultation with the Department of State, the United States Trade Representative, and the National Institute of Standards and Technology, to engage with the international community to set the policies, principles, standards, or guidelines for information security; and

“(11) coordinating information security training for Federal employees with the Office of Personnel Management.

“(b) NATIONAL SECURITY SYSTEMS.—Except for the authorities described in paragraphs (4) and (8) of subsection (a), the authorities of the Director of the National Office for Cyberspace under this section shall not apply to national security systems.

“(c) DEPARTMENT OF DEFENSE AND CENTRAL INTELLIGENCE AGENCY SYSTEMS.—(1) The authorities of the Director of the National Office for Cyberspace described in paragraphs (1) and (2) of subsection (a) shall be delegated to the Secretary of Defense in the case of systems described in paragraph (2) and to the

Director of Central Intelligence in the case of systems described in paragraph (3).

“(2) The systems described in this paragraph are systems that are operated by the Department of Defense, a contractor of the Department of Defense, or another entity on behalf of the Department of Defense that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on the mission of the Department of Defense.

“(3) The systems described in this paragraph are systems that are operated by the Central Intelligence Agency, a contractor of the Central Intelligence Agency, or another entity on behalf of the Central Intelligence Agency that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on the mission of the Central Intelligence Agency.

“(d) BUDGET OVERSIGHT AND REPORTING.—

(1) The head of each agency shall submit to the Director of the National Office for Cyberspace a budget each year for the following fiscal year relating to the protection of information infrastructure for such agency, by a date determined by the Director that is before the submission of such budget by the head of the agency to the Office of Management and Budget.

“(2) The Director shall review and offer a non-binding approval or disapproval of each agency's annual budget to each agency before the submission of such budget by the head of the agency to the Office of Management and Budget.

“(3) If the Director offers a non-binding disapproval of an agency's, budget, the Director shall transmit recommendations to the head of such agency for strengthening its proposed budget with regard to the protection of such agency's information infrastructure.

“(4) Each budget submitted by the head of an agency pursuant to paragraph (1) shall include—

“(A) a review of any threats to information technology for such agency;

“(B) a plan to secure the information infrastructure for such agency based on threats to information technology, using the National Institute of Standards and Technology guidelines and recommendations;

“(C) a review of compliance by such agency with any previous year plan described in subparagraph (B); and

“(D) a report on the development of the credentialing process to enable secure authentication of identity and authorization for access to the information infrastructure of such agency.

“(5) The Director of the National Office for Cyberspace may recommend to the President monetary penalties or incentives necessary to encourage and maintain accountability of any agency, or senior agency official, for efforts to secure the information infrastructure of such agency.

“§ 3556. Agency responsibilities

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of the agency; and

“(ii) information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines, including—

“(i) the regulations promulgated under section 3554 and the information security standards promulgated under section 3558;

“(ii) information security standards and guidelines for national security systems issued in accordance with law and as directed by the President;

“(iii) and ensuring the standards implemented for information infrastructure and national security systems under the agency head are complementary and uniform, to the extent practicable; and

“(C) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(2) ensure that senior agency officials provide information security for the information and information infrastructure that support the operations and assets under their control, including through—

“(A) assessing the risk and magnitude of the harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information infrastructure;

“(B) determining the levels of information security appropriate to protect such information and information infrastructure in accordance with regulations promulgated under section 3554 and standards promulgated under section 3558, for information security classifications and related requirements;

“(C) implementing policies and procedures to cost effectively reduce risks to an acceptable level; and

“(D) continuously testing and evaluating information security controls and techniques to ensure that they are effectively implemented;

“(3) delegate to an agency official, designated as the ‘Chief Information Security Officer’, under the authority of the agency Chief Information Officer the responsibility to oversee agency information security and the authority to ensure and enforce compliance with the requirements imposed on the agency under this subchapter, including—

“(A) overseeing the establishment and maintenance of a security operations capability on an automated and continuous basis that can—

“(i) assess the state of compliance of all networks and systems with prescribed controls issued pursuant to section 3558 and report immediately any variance therefrom and, where appropriate and with the approval of the agency Chief Information Officer, shut down systems that are found to be non-compliant;

“(ii) detect, report, respond to, contain, and mitigate incidents that impair adequate security of the information and information infrastructure, in accordance with policy provided by the Director of the National Office for Cyberspace, in consultation with the Chief Information Officers Council, and guidance from the National Institute of Standards and Technology;

“(iii) collaborate with the National Office for Cyberspace and appropriate public and private sector security operations centers to address incidents that impact the security of information and information infrastructure that extend beyond the control of the agency; and

“(iv) not later than 24 hours after discovery of any incident described under subparagraph (A)(ii), unless otherwise directed by policy of the National Office for Cyber-

space, provide notice to the appropriate security operations center, the National Cyber Investigative Joint Task Force, and the Inspector General of the agency;

“(B) developing, maintaining, and overseeing an agency wide information security program as required by subsection (b);

“(C) developing, maintaining, and overseeing information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3555 and 3558;

“(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

“(E) assisting senior agency officials concerning their responsibilities under paragraph (2);

“(4) ensure that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

“(5) ensure that the Chief Information Security Officer, in coordination with other senior agency officials, reports biannually to the agency head on the effectiveness of the agency information security program, including progress of remedial actions; and

“(6) ensure that the Chief Information Security Officer possesses necessary qualifications, including education, professional certifications, training, experience and the security clearance required to administer the functions described under this subchapter; and has information security duties as the primary duty of that official.

“(b) AGENCY PROGRAM.—Each agency shall develop, document, and implement an agencywide information security program, approved by the Director of the National Office for Cyberspace under section 3555(a)(5), to provide information security for the information and information infrastructure that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source, that includes—

“(1) continuous automated technical monitoring of information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency to assure conformance with regulations promulgated under section 3554 and standards promulgated under section 3558;

“(2) testing of the effectiveness of security controls that are commensurate with risk (as defined by the National Institute of Standards and Technology and the National Office for Cyberspace) for agency information infrastructure;

“(3) policies and procedures that—

“(A) mitigate and remediate, to the extent practicable, information security vulnerabilities based on the risk posed to the agency;

“(B) cost effectively reduce information security risks to an acceptable level;

“(C) ensure that information security is addressed throughout the life cycle of each agency information system and information infrastructure;

“(D) ensure compliance with—

“(i) the requirements of this subchapter;

“(ii) policies and procedures as may be prescribed by the Director of the National Office for Cyberspace, and information security standards promulgated under section 3558;

“(iii) minimally acceptable system configuration requirements, as determined by the Director of the National Office for Cyberspace; and

“(iv) any other applicable requirements, including—

“(I) standards and guidelines for national security systems issued in accordance with law and as directed by the President;

“(II) the policy of the Director of the National Office for Cyberspace;

“(III) the National Institute of Standards and Technology guidance; and

“(IV) the Chief Information Officers Council recommended approaches;

“(E) develop, maintain, and oversee information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3555 and 3558; and

“(F) ensure the oversight and training of personnel with significant responsibilities for information security with respect to such responsibilities;

“(4) ensuring that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

“(5) to the extent practicable, automated and continuous technical monitoring for testing, and evaluation of the effectiveness and compliance of information security policies, procedures, and practices, including—

“(A) management, operational, and technical controls of every information infrastructure identified in the inventory required under section 3505(b); and

“(B) management, operational, and technical controls relied on for an evaluation under section 3556;

“(6) a process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the agency;

“(7) to the extent practicable, continuous automated technical monitoring for detecting, reporting, and responding to security incidents, consistent with standards and guidelines issued by the Director of the National Office for Cyberspace, including—

“(A) mitigating risks associated with such incidents before substantial damage is done;

“(B) notifying and consulting with the appropriate security operations response center; and

“(C) notifying and consulting with, as appropriate—

“(i) law enforcement agencies and relevant Offices of Inspectors General;

“(ii) the National Office for Cyberspace; and

“(iii) any other agency or office, in accordance with law or as directed by the President; and

“(8) plans and procedures to ensure continuity of operations for information infrastructure that support the operations and assets of the agency.

“(c) AGENCY REPORTING.—Each agency shall—

“(1) submit an annual report on the adequacy and effectiveness of information security policies, procedures, and practices, and compliance with the requirements of this subchapter, including compliance with each requirement of subsection (b) to—

“(A) the National Office for Cyberspace;

“(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(C) the Committee on Oversight and Government Reform of the House of Representatives;

“(D) other appropriate authorization and appropriations committees of Congress; and

“(E) the Comptroller General;

“(2) address the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

“(A) annual agency budgets;

“(B) information resources management of this subchapter;

“(C) information technology management under this chapter;

“(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 and 2805 of title 39;

“(E) financial management under chapter 9 of title 31, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101–576) (and the amendments made by that Act);

“(F) financial management systems under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note); and

“(G) internal accounting and administrative controls under section 3512 of title 31; and

“(3) report any significant deficiency in a policy, procedure, or practice identified under paragraph (1) or (2)—

“(A) as a material weakness in reporting under section 3512 of title 31; and

“(B) if relating to financial management systems, as an instance of a lack of substantial compliance under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note).

“(d) PERFORMANCE PLAN.—(1) In addition to the requirements of subsection (c), each agency, in consultation with the National Office for Cyberspace, shall include as part of the performance plan required under section 1115 of title 31 a description of the resources, including budget, staffing, and training, that are necessary to implement the program required under subsection (b).

“(2) The description under paragraph (1) shall be based on the risk assessments required under subsection (a)(2).

“(e) PUBLIC NOTICE AND COMMENT.—Each agency shall provide the public with timely notice and opportunities for comment on proposed information security policies and procedures to the extent that such policies and procedures affect communication with the public.

“§ 3557. Annual independent audit

“(a) IN GENERAL.—(1) Each year each agency shall have performed an independent audit of the information security program and practices of that agency to determine the effectiveness of such program and practices.

“(2) Each audit under this section shall include—

“(A) testing of the effectiveness of the information infrastructure of the agency for automated, continuous monitoring of the state of compliance of its information infrastructure with regulations promulgated under section 3554 and standards promulgated under section 3558 in a representative subset of—

“(i) the information infrastructure used or operated by the agency; and

“(ii) the information infrastructure used, operated, or supported on behalf of the agency by a contractor of the agency, a subcontractor (at any tier) of such contractor, or any other entity;

“(B) an assessment (made on the basis of the results of the testing) of compliance with—

“(i) the requirements of this subchapter; and

“(ii) related information security policies, procedures, standards, and guidelines;

“(C) separate assessments, as appropriate, regarding information security relating to national security systems; and

“(D) a conclusion regarding whether the information security controls of the agency

are effective, including an identification of any significant deficiencies in such controls.

“(3) Each audit under this section shall be performed in accordance with applicable generally accepted Government auditing standards.

“(b) INDEPENDENT AUDITOR.—Subject to subsection (c)—

“(1) for each agency with an Inspector General appointed under the Inspector General Act of 1978 or any other law, the annual audit required by this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency; and

“(2) for each agency to which paragraph (1) does not apply, the head of the agency shall engage an independent external auditor to perform the audit.

“(c) NATIONAL SECURITY SYSTEMS.—For each agency operating or exercising control of a national security system, that portion of the audit required by this section directly relating to a national security system shall be performed—

“(1) only by an entity designated head; and

“(2) in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.

“(d) EXISTING AUDITS.—The audit required by this section may be based in whole or in part on another audit relating to programs or practices of the applicable agency.

“(e) AGENCY REPORTING.—(1) Each year, not later than such date established by the Director of the National Office for Cyberspace, the head of each agency shall submit to the Director the results of the audit required under this section.

“(2) To the extent an audit required under this section directly relates to a national security system, the results of the audit submitted to the Director of the National Office for Cyberspace shall contain only a summary and assessment of that portion of the audit directly relating to a national security system.

“(f) PROTECTION OF INFORMATION.—Agencies and auditors shall take appropriate steps to ensure the protection of information which, if disclosed, may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws and regulations.

“(g) NATIONAL OFFICE FOR CYBERSPACE REPORTS TO CONGRESS.—(1) The Director of the National Office for Cyberspace shall summarize the results of the audits conducted under this section in the annual report to Congress required under section 3555(a)(8).

“(2) The Director's report to Congress under this subsection shall summarize information regarding information security relating to national security systems in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.

“(3) Audits and any other descriptions of information infrastructure under the authority and control of the Director of Central Intelligence or of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense shall be made available to Congress only through the appropriate oversight committees of Congress, in accordance with applicable laws.

“(h) COMPTROLLER GENERAL.—The Comptroller General shall periodically evaluate and report to Congress on—

“(1) the adequacy and effectiveness of agency information security policies and practices; and

“(2) implementation of the requirements of this subchapter.

“(i) CONTRACTOR AUDITS.—Each year each contractor that operates, uses, or supports an information system or information infrastructure on behalf of an agency and each subcontractor of such contractor—

“(1) shall conduct an audit using an independent external auditor in accordance with subsection (a), including an assessment of compliance with the applicable requirements of this subchapter; and

“(2) shall submit the results of such audit to such agency not later than such date established by the Agency.

“§ 3558. Responsibilities for Federal information systems standards

“(a) REQUIREMENT TO PRESCRIBE STANDARDS.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Except as provided under paragraph (2), the Secretary of Commerce shall, on the basis of proposed standards developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)) and in consultation with the Secretary of Homeland Security, promulgate information security standards pertaining to Federal information systems.

“(B) REQUIRED STANDARDS.—Standards promulgated under subparagraph (A) shall include—

“(i) standards that provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

“(ii) such standards that are otherwise necessary to improve the efficiency of operation or security of Federal information systems.

“(C) REQUIRED STANDARDS BINDING.—Information security standards described under subparagraph (B) shall be compulsory and binding.

“(2) STANDARDS AND GUIDELINES FOR NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems, as defined under section 3552(b), shall be developed, promulgated, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) APPLICATION OF MORE STRINGENT STANDARDS.—The head of an agency may employ standards for the cost-effective information security for all operations and assets within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under this section, if such standards—

“(1) contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary; and

“(2) are otherwise consistent with policies and guidelines issued under section 3555.

“(c) REQUIREMENTS REGARDING DECISIONS BY THE SECRETARY.—

“(1) DEADLINE.—The decision regarding the promulgation of any standard by the Secretary of Commerce under subsection (b) shall occur not later than 6 months after the submission of the proposed standard to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

“(2) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly

modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), shall be made after the public is given an opportunity to comment on the Secretary's proposed decision.

“§ 3559. Federal information security incident center

“(a) IN GENERAL.—The Director of the National Office for Cyberspace shall ensure the operation of a central Federal information security incident center to—

“(1) provide timely technical assistance to operators of agency information systems and information infrastructure regarding security incidents, including guidance on detecting and handling information security incidents;

“(2) compile and analyze information about incidents that threaten information security;

“(3) inform operators of agency information systems and information infrastructure about current and potential information security threats, and vulnerabilities; and

“(4) consult with the National Institute of Standards and Technology, agencies or offices operating or exercising control of national security systems (including the National Security Agency), and such other agencies or offices in accordance with law and as directed by the President regarding information security incidents and related matters.

“(b) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about information security incidents, threats, and vulnerabilities with the Federal information security incident center to the extent consistent with standards and guidelines for national security systems, issued in accordance with law and as directed by the President.

(c) REVIEW AND APPROVAL.—In coordination with the Administrator for Electronic Government and Information Technology, the Director of the National Office for Cyberspace shall review and approve the policies, procedures, and guidance established in this subchapter to ensure that the incident center has the capability to effectively and efficiently detect, correlate, respond to, contain, mitigate, and remediate incidents that impair the adequate security of the information systems and information infrastructure of more than one agency. To the extent practicable, the capability shall be continuous and technically automated.

“§ 3560. National security systems

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system;

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President; and

“(3) complies with the requirements of this subchapter.”.

SEC. 1702. INFORMATION SECURITY ACQUISITION REQUIREMENTS.

(a) IN GENERAL.—Chapter 113 of title 40, United States Code, is amended by adding at

the end of subchapter II the following new section:

“§ 11319. Information security acquisition requirements.

“(a) PROHIBITION.—Notwithstanding any other provision of law, beginning one year after the date of the enactment of the Federal Information Security Amendments Act of 2010, no agency may enter into a contract, an order under a contract, or an interagency agreement for—

“(1) the collection, use, management, storage, or dissemination of information on behalf of the agency;

“(2) the use or operation of an information system or information infrastructure on behalf of the agency; or

“(3) information technology;

unless such contract, order, or agreement includes requirements to provide effective information security that supports the operations and assets under the control of the agency, in compliance with the policies, standards, and guidance developed under subsection (b), and otherwise ensures compliance with this section.

“(b) COORDINATION OF SECURE ACQUISITION POLICIES.—

“(1) IN GENERAL.—The Director, in consultation with the Director of the National Institute of Standards and Technology, the Director of the National Office for Cyberspace, and the Administrator of General Services, shall oversee the development and implementation of policies, standards, and guidance, including through revisions to the Federal Acquisition Regulation and the Department of Defense supplement to the Federal Acquisition Regulation, to cost effectively enhance agency-information security, including—

“(A) minimum information security requirements for agency procurement of information technology products and services; and

“(B) approaches for evaluating and mitigating significant supply chain security risks associated with products or services to be acquired by agencies.

“(2) REPORT.—Not later than two years after the date of the enactment of the Federal Information Security Amendments Act of 2010, the Director shall submit to Congress a report describing—

“(A) actions taken to improve the information security associated with the procurement of products and services by the Federal Government; and

“(B) plans for overseeing and coordinating efforts of agencies to use best practice approaches for cost-effectively purchasing more secure products and services.

“(c) VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.—

“(1) REQUIREMENT FOR INITIAL VULNERABILITY ASSESSMENTS.—The Director shall require each agency to conduct an initial vulnerability assessment for any major system and its significant items of supply prior to the development of the system. The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

“(A) identify vulnerabilities;

“(B) define exploitation potential;

“(C) examine the system's potential effectiveness;

“(D) determine overall vulnerability; and

“(E) make recommendations for risk reduction.

“(2) SUBSEQUENT VULNERABILITY ASSESSMENTS.—

“(A) The Director shall require a subsequent vulnerability assessment of each major system and its significant items of supply within a program if the Director determines that circumstances warrant the issuance of an additional vulnerability assessment.

“(B) Upon the request of a congressional committee, the Director may require a subsequent vulnerability assessment of a particular major system and its significant items of supply within the program.

“(C) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in subparagraphs (A) through (E) of paragraph (1).

“(3) CONGRESSIONAL OVERSIGHT.—The Director shall provide to the appropriate congressional committees a copy of each vulnerability assessment conducted under paragraph (1) or (2) not later than 10 days after the date of the completion of such assessment.

“(d) DEFINITIONS.—In this section:

“(1) ITEM OF SUPPLY.—The term ‘item of supply’—

“(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including a spare part or replenishment part; and

“(B) does not include packaging or labeling associated with shipment or identification of an item.

“(2) VULNERABILITY ASSESSMENT.—The term ‘vulnerability assessment’ means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.

“(3) MAJOR SYSTEM.—The term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).”.

SEC. 1703. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF SECTIONS IN TITLE 44.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the matter relating to subchapters II and III and inserting the following:

“SUBCHAPTER II—INFORMATION SECURITY

“3551. Purposes.

“3552. Definitions.

“3553. National Office for Cyberspace.

“3554. Federal Cybersecurity Practice Board.

“3555. Authority and functions of the Director of the National Office for Cyberspace.

“3556. Agency responsibilities.

“3557. Annual independent audit.

“3558. Responsibilities for Federal information systems standards.

“3559. Federal information security incident center.

“3560. National security systems.”.

(b) TABLE OF SECTIONS IN TITLE 40.—The table of sections for chapter 113 of title 40, United States Code, is amended by inserting after the item relating to section 11318 the following new item:

“Sec. 11319. Information security acquisition requirements.”.

(c) OTHER REFERENCES.—

(1) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(c)(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552(b)”.

(2) Section 2222(j)(6) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(3) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(4) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(5) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended—

(A) in subsections (a)(2) and (e)(5), by striking “section 3532(b)(2)” and inserting “section 3552(b)”;

(B) in subsection (e)(2), by striking “section 3532(1)” and inserting “section 3552(b)”;

(C) in subsections (c)(3) and (d)(1), by striking “section 11331 of title 40” and inserting “section 3558 of title 44”.

(6) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3556(b)”.

(d) REPEAL.—

(1) Subchapter III of chapter 113 of title 40, United States Code, is repealed.

(2) The table of sections for chapter 113 of such title is amended by striking the matter relating to subchapter III.

(e) EXECUTIVE SCHEDULE PAY RATE.—Section 5314 of title 5, United States Code, is amended by adding at the end the following: “Director of the National Office for Cyberspace.”.

(f) MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

“(7) the Director of the National Office for Cyberspace.”.

SEC. 1704. EFFECTIVE DATE.

(a) IN GENERAL.—Unless otherwise specified in this section, this subtitle (including the amendments made by this subtitle) shall take effect 30 days after the date of enactment of this Act.

(b) NATIONAL OFFICE FOR CYBERSPACE.—Section 3553 of title 44, United States Code, as added by section 1701 of this division, shall take effect 180 days after the date of enactment of this Act.

(c) FEDERAL CYBERSECURITY PRACTICE BOARD.—Section 3554 of title 44, United States Code, as added by section 1701 of this division, shall take effect one year after the date of enactment of this Act.

Subtitle B—Federal Chief Technology Officer
SEC. 1711. OFFICE OF THE CHIEF TECHNOLOGY OFFICER.

(a) ESTABLISHMENT AND STAFF.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Executive Office of the President an Office of the Federal Chief Technology Officer (in this section referred to as the “Office”).

(B) HEAD OF THE OFFICE.—

(i) FEDERAL CHIEF TECHNOLOGY OFFICER.—The President shall appoint a Federal Chief Technology Officer (in this section referred to as the “Federal CTO”) who shall be the head of the Office.

(ii) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following: “Federal Chief Technology Officer.”.

(2) STAFF OF THE OFFICE.—The President may appoint additional staff members to the Office.

(b) DUTIES OF THE OFFICE.—The functions of the Federal CTO are the following:

(1) Undertake fact-gathering, analysis, and assessment of the Federal Government’s information technology infrastructures, information technology strategy, and use of information technology, and provide advice on such matters to the President, heads of Federal departments and agencies, and government chief information officers and chief technology officers.

(2) Lead an interagency effort, working with the chief technology and chief information officers of each of the Federal departments and agencies, to develop and implement a planning process to ensure that they use best-in-class technologies, share best practices, and improve the use of technology in support of Federal Government requirements.

(3) Advise the President on information technology considerations with regard to Federal budgets and with regard to general coordination of the research and development programs of the Federal Government for information technology-related matters.

(4) Promote technological innovation in the Federal Government, and encourage and oversee the adoption of robust cross-governmental architectures and standards-based information technologies, in support of effective operational and management policies, practices, and services across Federal departments and agencies and with the public and external entities.

(5) Establish cooperative public-private sector partnership initiatives to achieve knowledge of technologies available in the marketplace that can be used for improving governmental operations and information technology research and development activities.

(6) Gather timely and authoritative information concerning significant developments and trends in information technology, and in national priorities, both current and prospective, and analyze and interpret the information for the purpose of determining whether the developments and trends are likely to affect achievement of the priority goals of the Federal Government.

(7) Develop, review, revise, and recommend criteria for determining information technology activities warranting Federal support, and recommend Federal policies designed to advance the development and maintenance of effective and efficient information technology capabilities, including human resources, at all levels of government, academia, and industry, and the effective application of the capabilities to national needs.

(8) Any other functions and activities that the President may assign to the Federal CTO.

(c) POLICY PLANNING; ANALYSIS AND ADVICE.—The Office shall serve as a source of analysis and advice for the President and heads of Federal departments and agencies with respect to major policies, plans, and programs of the Federal Government in accordance with the functions described in subsection (b).

(d) COORDINATION OF THE OFFICE WITH OTHER ENTITIES.—

(1) FEDERAL CTO ON DOMESTIC POLICY COUNCIL.—The Federal CTO shall be a member of the Domestic Policy Council.

(2) FEDERAL CTO ON CYBER SECURITY PRACTICE BOARD.—The Federal CTO shall be a member of the Federal Cybersecurity Practice Board.

(3) OBTAIN INFORMATION FROM AGENCIES.—The Office may secure, directly from any de-

partment or agency of the United States, information necessary to enable the Federal CTO to carry out this section. On request of the Federal CTO, the head of the department or agency shall furnish the information to the Office, subject to any applicable limitations of Federal law.

(4) STAFF OF FEDERAL AGENCIES.—On request of the Federal CTO, to assist the Office in carrying out the duties of the Office, the head of any Federal department or agency may detail personnel, services, or facilities of the department or agency to the Office.

(e) ANNUAL REPORT.—

(1) PUBLICATION AND CONTENTS.—The Federal CTO shall publish, in the Federal Register and on a public Internet website of the Federal CTO, an annual report that includes the following:

(A) Information on programs to promote the development of technological innovations.

(B) Recommendations for the adoption of policies to encourage the generation of technological innovations.

(C) Information on the activities and accomplishments of the Office in the year covered by the report.

(2) SUBMISSION.—The Federal CTO shall submit each report under paragraph (1) to—

(A) the President;

(B) the Committee on Oversight and Government Reform of the House of Representatives;

(C) the Committee on Science and Technology of the House of Representatives; and

(D) the Committee on Commerce, Science, and Transportation of the Senate.

AMENDMENT NO. 63 OFFERED BY MR. MCMAHON
OF NEW YORK

The text of the amendment is as follows:

Page 389, after line 7, insert the following:
SEC. 1025. EXPRESSING THE SENSE OF CONGRESS REGARDING THE NAMING OF A NAVAL COMBAT VESSEL AFTER FATHER VINCENT CAPODANNO.

(a) FINDINGS.—Congress makes the following findings:

(1) Father Vincent Capodanno was born on February 13, 1929, in Staten Island, New York.

(2) After attending Fordham University for a year, he entered the Maryknoll Missionary Seminary in upstate New York in 1949, and was ordained a Catholic priest in June 1957.

(3) Father Capodanno’s first assignment as a missionary was working with aboriginal Taiwanese people in the mountains of Taiwan where he served in a parish and later in a school. After several years, Father Capodanno returned to the United States for leave and then was assigned to a Maryknoll school in Hong Kong.

(4) Father Vincent Capodanno volunteered as a Navy Chaplain and was commissioned a Lieutenant in the Chaplain Corps of the United States Naval Reserve in December 28, 1965.

(5) Father Vincent Capodanno selflessly extended his combat tour in Vietnam on the condition he was allowed to remain with the infantry.

(6) On September 4, 1967, during a fierce battle in the Thang Binh District of the Que-Son Valley in Vietnam, Father Capodanno went among the wounded and dying, giving last rites and caring for the injured. He was killed that day while taking care of his Marines.

(7) On January 7, 1969, Father Vincent Capodanno was awarded the Medal of Honor posthumously for comforting the wounded and dying during the Vietnam conflict. For

his dedicated service, Father Capodanno was also awarded the Bronze Star, the Purple Heart, the Presidential Unit Citation, the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Gallantry Cross with Palm, and the Vietnam Campaign Medal.

(8) In his memory, the U.S.S. Capodanno was commissioned on September 17, 1973. It is the only Naval vessel to date to have received a Papal blessing by Pope John Paul II in Naples, Italy, on September 4, 1981.

(9) The U.S.S. Capodanno was decommissioned on July 30, 1993.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should name a combat vessel of the United States Navy the “U.S.S. Father Vincent Capodanno”, in honor of Father Vincent Capodanno, a lieutenant in the Navy Chaplain Corps.

AMENDMENT NO. 70 OFFERED BY MR. TONKO OF NEW YORK

The text of the amendment is as follows:

Page 79, after line 6, insert the following:

SEC. 244. SENSE OF CONGRESS AFFIRMING THE IMPORTANCE OF DEPARTMENT OF DEFENSE PARTICIPATION IN DEVELOPMENT OF NEXT GENERATION SEMICONDUCTOR TECHNOLOGIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The next generation of weapons systems, battlefield sensors, and intelligence platforms will need to be lighter, more agile, consume less power, and have greater computational power, which can only be achieved by decreasing the feature size of integrated circuits to the nanometer scale.

(2) There is a growing concern in the Department of Defense and the United States intelligence community over the offshore shift in development and production of high capacity semiconductors. Reliance on providers of semiconductors in the United States high tech industry will mitigate the security risks of such an offshore shift.

(3) The use of extreme-ultraviolet lithography (EUVL) is recognized in the semiconductor industry as critical to the development of the next generation of integrated circuits.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should establish research and development facilities to take the lead in producing the next generation of integrated circuits;

(2) the Department of Defense should support the establishment of a public-private partnership of defense laboratory scientists and engineers, university researchers, integrated circuit designers and fabricators, tool manufacturers, material and chemical suppliers, and metrology and inspection tool fabricators to develop extreme-ultraviolet lithography (EUVL) technologies on 300 micrometer and 450 micrometer wafers; and

(3) the targeted feature size of integrated circuits for EUVL development in the United States should be the 15 nanometer node.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. McKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been

examined by both the majority and the minority.

Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. First I would like to take the opportunity to salute my dear friend, Chairman SKELTON, for being the kind of leader on a committee as challenging as providing for the men and women of the United States military, to ensure the listening ear to those of us who represent soldiers and their families across America. I think our State of Texas can count itself as having the highest population, one of the highest populations of current and active duty military as well as veterans. I thank the ranking member for his leadership.

In saying that, before we honor them on Memorial Day, I believe that this legislation is a tough initiative on providing for the families and the men and women of the United States military. I also think it's important to note that the Defense Department can be a job creator, create opportunities for Americans across this Nation. And my amendment simply asks that a report be provided to the Congressional Black Caucus towards establishing a report on the numbers of small, medium, minority and women-owned businesses that are doing business with the Defense Department. There are 57.4 million Americans employed by small businesses.

This amendment will be beneficial to small businesses by providing cohesive information in this sector and by encouraging and strengthening competition between businesses. More importantly, with this report I would like to encourage the Department of Defense to get out beyond the Beltway and to establish outreach centers or outreach programs that would explain to these small businesses, whether in Appalachia or whether in the Delta, whether in Houston, whether in urban centers, how to do business effectively, efficiently, and with integrity with the Department of Defense. This amendment creates jobs.

And as I look for greater opportunities, Mr. Chairman, I would like to add that I believe that we are moving in the right direction to eliminate Don't Ask, Don't Tell. To my dismay, it has been characterized as breaking a trust, a breach of our responsibility to our military. It is not. It is giving everyone a chance to be an American, to swear to the oath of service. I believe it's an important step for liberty in our Nation.

Mr. McKEON. Mr. Chair, I rise in opposition to the amendment, although I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 10 minutes.

There was no objection.

Mr. McKEON. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I appreciate and respect the debate that's going on today, and I want to thank the Rules Committee for making in order an amendment to this bill.

Mr. Chairman, currently private health care providers are treating brain injury patients with new and innovative treatments with remarkable results. And I am disappointed, however, to report that many of these treatments are currently not available within the military and veterans medical facilities across this country for our heroes who are suffering from traumatic brain injuries.

I have engaged the military now at the senior military leadership for quite some time, and I am not satisfied with the military's response to TBI, traumatic brain injuries. With that said, in an effort to further aid our military members and to fix this delinquency, I introduced the TBI, Traumatic Brain Injury, Treatment Act, H.R. 4568, in February of this year. I am offering it as an amendment today.

The TBI Treatment Act establishes a 5-year pay for performance pilot program. Essentially, what would happen is that any member of the military or who is being treated today by the Veterans' Administration would be able to ask for being able to go outside the military system to a private or free enterprise market system and to be able to have the latest innovative procedures applied to them.

Private health care providers would be authorized and reimbursed to provide proven treatments to active duty soldiers and veterans at no cost to the patient. I believe, and I believe the Members of this body believe, that it is important to work with the military leadership however they need help in getting to the correct answer.

□ 1500

I am asking for each of us today as Members to look very carefully at this issue and to join me in supporting this amendment. This amendment helps to expedite these groundbreaking treatments to make sure that, effective immediately and quickly, our Nation's veterans, who are suffering from TBI and the myriad of problems that come with that, will receive the most leading-edge answers available in medicine today.

So I ask my colleagues to please join with me in this bipartisan amendment.

Mr. Chairman, I also note as I stand that I am opposed to the provisions known as Don't Ask, Don't Tell changes. Yesterday at the Rules Committee we had a rather vigorous debate, and at the end of that debate when I had an opportunity to talk with members of the committee who were there, I said, Please tell me about the

debate that took place in the committee. There was none. It should have been in the committee.

The Acting CHAIR. The time of the gentleman has expired.

Mr. McKEON. I yield the gentleman 1 additional minute.

Mr. SESSIONS. Mr. Chairman, I believe that this issue really demanded an opportunity for the members of the Armed Services Committee to fully debate and vet and lead the way on this issue rather than it being part of a political issue that is dominated by the Democratic Party.

I believe that the members of the military, honored heroes of this great Nation, should not be a part of a political agenda but rather be a part of good policy for this Nation. I think it's a slap in the face to the members of the military to be driven down a road that is driven by a political agenda from the left in this country rather than wise policy. I am disappointed. I related that to the committee and its leadership yesterday, and I will say it on the floor of the House today, that I believe that when we go forth in dealing with the military, we should go forth altogether and not as a political agenda.

Mr. SKELTON. I yield 1 minute to my colleague, the gentleman from New York (Mr. McMAHON).

Mr. McMAHON. Mr. Chairman, I thank you for the minute. I have a longer statement which I will submit to the RECORD.

I rise today to urge my colleagues to adopt the sense of Congress in this amendment which would recognize Father Vincent Robert Capodanno, a decorated hometown hero from my district in Staten Island, in Brooklyn, New York, for his military accomplishments and his commitment to faith. We would like the Department of the Navy to commission a Navy destroyer in his name.

Father Capodanno, to put it in summation, received a Congressional Medal of Honor for his heroism in the line of fire in Vietnam. He was sent there as a chaplain, but he quickly became much more than a chaplain as he became the friend and accompanier of every soldier on the battlefield.

He could have come home after a year's service, but instead he stayed and earned the name of "the grunt padre," because with his fellow Marines, he raced into battle and was at their side all the way.

On the morning of September 4, 1967, during Operation Swift in the Thang Binh district of the Que Son Valley, the 1st Battalion, 5th Marines encountered a large North Vietnamese unit of approximately 2,500 men.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SKELTON. I yield the gentleman an additional 15 seconds.

Mr. McMAHON. On that day, Father Capodanno lost his life. He could have

come home. But as a great priest, as a great man of faith, he stayed by his fellow soldiers and gave his life that day. He won the Congressional Medal of Honor. We are asking the Navy to name a ship after him. I thank the chairman.

Mr. Chair, I urge my colleagues to adopt a sense of Congress recognizing Father Vincent Robert Capodanno, a decorated hometown hero from my district for his military accomplishments and commitment to his faith. We would like the Department of Navy to commission a Navy Destroyer in his name.

On June 7, 1957, Father Capodanno was ordained by the late Cardinal Spellman and shortly after, fervently devoted eight years of Catholic Missionary service to the needy peoples of Taiwan and Hong Kong.

Volunteering his services as Navy Chaplain on December 28, 1965, Father Capodanno received his commission as a Lieutenant in the Chaplain Corps of the United States Naval Reserve.

After completing orientation at the Naval Chaplain's School, Newport, Rhode Island, Lieutenant Capodanno requested duty with the Marines in Vietnam.

His first assignment was the First Marine Division in 1966, where he immediately began making his presence in the combat operation of Chu Lai a regular part of his duties as Battalion Chaplain.

To stay with his men, Chaplain Capodanno relinquished thirty days of Christmas holiday leave and after serving one year, he extended his tour of duty for six months as the condition that he be allowed to remain with the infantry. Father Capodanno's greatest desire was just that—to remain with his troops and to give them moral support.

Then on the morning of September 4, 1967, the decision was no longer his to make. During Operation Swift in the Thang Binh District of the Que Son Valley the 1st battalion, fifth Marines encountered a large North Vietnamese unit of approximately 2500 men.

Father Capodanno went among the wounded and dying, giving last rites and taking care of his Marines. Wounded once in the face and having his hand almost severed, he went to help a wounded corpsman only yards from an enemy machinegun and was killed.

For his selfless acts and bravery beyond the call of duty, a man fellow marines referred to on the battlefield as the "the 'grunt' padre," Father Vincent R. Capodanno was awarded the Medal of Honor posthumously.

In 1973, Father Capodanno had a ship commissioned in his honor. The USS *Capodanno*'s lifespan was just as decorated as her namesake's, being the only naval vessel to be blessed by the Pope and saving approximately 22 lives in her first deployment as a search and rescue vessel in the Mediterranean. Unfortunately, this ship was decommissioned and then sold to Turkey in 2005:

Today, Father Capodanno's legacy in the Navy goes untold. The people of New York's 13th District and I would be incredibly honored if the Department of Navy the recognize these amazing accomplishments by commissioning the next Navy Destroyer in the memory of Father Capodanno, an American Hero.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank Mr. McKEON and Chairman SKELTON for allowing our amendment to be a part of this en bloc amendment. Congresswoman NAPOLITANO and I introduced this amendment, and we have, I think, 57 or 58 cosponsors. And I'd like to tell the Members why this is such an important amendment.

Last summer, a 25-year-old Hoosier Army specialist on his second tour of duty in Iraq named Chancellor Keesling died by suicide in Baghdad. His mother and father went to Dover Air Force base, and they received their son. He got a full military honor burial and a 21-gun salute. The family received all kinds of letters of condolence from the Secretary of the Department of Veterans Affairs and a three-star general, but they did not receive any kind of a comment or letter of condolence from the President of the United States, the Commander in Chief. And I think it's very important that this policy be changed.

It's been the policy for a long time that if a person dies by suicide in the military, the Commander in Chief does not send a letter of condolence to the family. But the family's the one that's really suffering. And right now with members of the military serving one, two, and maybe even three tours of duty in Afghanistan or Iraq or around the world, there's tremendous pressure on them. Tremendous pressure. And a lot of them succumb to the pressures and commit suicide.

Now this is not an isolated case. In 2008, there were 260 suicides, 140 in the Army; 41 in the Navy, 38 in the Air Force and 41 in the Marines. In 2009, it was 160 in the Army, 47 in the Navy, 34 in the Air Force and 42 in the Marines. And so far this year, 71 young men and women have committed suicide in the military.

And I think it's only fitting and proper that the Commander in Chief, the President of the United States, who sends these young people into combat for extraordinarily long periods of time, ought to understand that the grieving families, like the Keeslings, deserve a letter from the Commander in Chief saying we understand the pressure that your son or daughter was under. We understand that they served their country well, and we want to express condolence to you for your loss and for the service they gave their country. After all, they voluntarily joined the service. They voluntarily served in combat and in combat areas. And because they couldn't handle the pressure, over months and months and sometimes years, they succumbed to that pressure. They should still receive condolence from the Commander in Chief.

And I want to thank once again the ranking member and the chairman of the committee for supporting this, and I hope that the President, after this

resolution is passed en bloc with the other amendments, will see fit to send letters of condolence to every young man and woman's family who died in the service of their country, whether they died in combat or by their own hand.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I want to thank the gentleman from Indiana, Mr. BURTON, for his work on this, acknowledging the families of those who have died really in combat, because these suicides are a result of combat.

And the greatest signature wound in this war on terrorism in Iraq and Afghanistan is a wound that involves both the psyche with traumatic brain injury, with the concussions they are serving as a result of these IEDs—improvised explosive devices—and the stress and strain of constantly worrying about your life being in jeopardy, which is posttraumatic stress.

And there's nothing that is abnormal about having the stress of worrying about your life being taken, and these people have to live with it constantly nonstop because this country keeps asking them to go back and back and back and back again.

This is something that's long overdue. I thank the gentleman from Indiana. Let's study, let's serve, let's make the commitment not to forget the families left behind as a result of these terrible tragedies.

Mr. McKEON. May I inquire as to how much time we have left.

The Acting CHAIR. The gentleman has 3 minutes remaining; the gentleman from Missouri has 5¾ minutes remaining.

Mr. McKEON. I reserve the balance of my time.

Mr. SKELTON. I yield 2 minutes to my friend and colleague, the gentleman from New York (Mr. TONKO).

Mr. TONKO. My amendment, to which I would like to speak, encourages the Department of Defense to help develop the next generation of semiconductors. It allows us to embrace the American intellect and put it into an investment towards better outcomes in our military.

These new technologies will focus on scaling. Scaling of processors to the point that the next generation of weapons systems would be lighter, more agile, consume less power, and at the same time be more powerful.

As important as our future weapons systems are, so, too, is it essential for us to maintain our global competitiveness in nanotechnology to achieve both of these goals for the military, and for business creation and innovation. We need to achieve these goals through the Department of Defense and having them critically involved.

This amendment asks the Department of Defense to support the cre-

ation of a public-private partnership of defense laboratory scientists and engineers, university researchers, integrated circuit designers and fabricators, tool manufacturers, material and chemical suppliers, and metrology and inspection tool fabricators to develop extreme ultraviolet lithography technologies on 300- and 450-micrometer wafers.

A partnership of such would bring all the stakeholders and financial resources to one location and would be vital to our Nation if we're going to compete in the global race for the next generation of semiconductors.

I ask my colleagues to support this very key amendment.

Mr. McKEON. I continue to reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

I rise in strong support of the Watson-Langevin amendment. I am happy to be working with Chairwoman WATSON to join strong cybersecurity authorities with important updates to our federal information security policies, otherwise known as the FISMA Act, which is long outdated and needs this updating provision.

But a portion of our amendment is drawn from my Executive Cyberspace Authorities Act and focuses on coordination of efforts to secure Federal networks, develop smarter cyberpolicies, and lead the world in standards and practices for responsible actions in cyberspace.

Clearly, cybersecurity and our cyber vulnerabilities is one of the biggest threats facing the country today. We're so interconnected by use of the Internet, but it also provides real vulnerabilities because of cyberpenetrations.

The provisions in this act follow recommendations by the CSI's Commission on Cyber Security, which I co-chaired. By establishing a national office for cyberspace and the executive office of the President, this office will include strong authorities over agency information security policies, and responsibility for coordinating the defense of our Federal networks and establishing a national strategy for international engagement.

Again, this will provide the right authorities for the cybercoordinator, who now would become the cyberdirector and do incredible work in making sure that we have the right authorities in place to make sure that all of our departments and agencies are secure as possible in cyberspace.

So I want to thank the committee for including my amendment in the en bloc package, and I urge Members to support this passage. I, again, want to thank Chairman WATSON for her work on this amendment. We joined forces,

and it's going to take us in the right direction in securing the Nation's cyberspace.

□ 1515

Mr. McKEON. Mr. Chairman, I yield myself 1 minute.

Again, because we weren't given the opportunity to have more than 5 minutes to debate Don't Ask, Don't Tell, I would like to continue on with my diatribe.

I have a letter from General Casey, Chairman of the Army. He says:

"My views on the repeal of section 654 of title 10"—which is the Murphy amendment—"United States Code, have not changed since my testimony."

He was opposed to that when he testified before our committee.

"I continue to support the review and timeline offered by Secretary Gates.

"I remain convinced that it is critically important to get a better understanding of where our soldiers and families are on this issue and what the impacts on readiness and unit cohesion might be, so that I can provide informed military advice to the President and the Congress.

"I also believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward."

Mr. SKELTON. I yield myself such time as I may consume.

The Acting CHAIR. The gentleman from Missouri has 2 minutes remaining.

Mr. SKELTON. The gentleman from Indiana spoke about the challenge of those returning from the Gulf and facing the depression that often ends in suicide. The gentleman from Rhode Island did the same.

The tragedy of a serviceman or woman and suicide came home to many of us in the State of Missouri not long ago when a young marine from Sedalia, Missouri, suffered that tragedy. It breaks the heart of not just the family but of all who knew him.

I think it's up to us to do our very best to continue to study this issue and make preparation for those who come home so that these tragedies can be put behind us that they can come back to a grateful Nation and warm and loving home and fit in and continue to perform their duties in uniform and duties at home. So those of us who knew this young marine from Sedalia understand fully the comments of the gentleman from Rhode Island and the comments of the gentleman from Indiana.

I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman from California has 2 minutes remaining.

Mr. McKEON. I yield 1 minute at this time to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I just find it so appalling that the defense committee, which has always had a strong bipartisan relationship and a problem-solving ability, has only been given 10 minutes to uproot a long-standing policy on Don't Ask, Don't Tell, 5 minutes per side, to make a major social change in America, a change that will change the dynamic in the barracks, in the field, the morale, the tension.

What will you do about spousal benefits in the face of DOMA, Don't Ask, Don't Tell? It would certainly be unfair to have somebody in combat and not cover his husband. So you are going to have spousal benefits.

And when you do that, what do you do about the Defense of Marriage Act, DOMA? That's the law of the land. You will have to change the State laws to allow same-sex marriages. That's how profound this change is today that we will be voting on after a 10-minute debate.

What about the issue of religious freedom? We have already seen the military uninvite people like Tony Perkins and Franklin Graham for speaking at prayer breakfasts.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman 15 additional seconds.

Mr. KINGSTON. If you just cut out everything else on the repeal of Don't Ask, Don't Tell and say what do you do about the spouse benefits and what do you do about the religious freedom that's so important to all soldiers, how do you deal with that, you need more than 10 minutes.

I appeal to all Members of Congress, wherever you are on this, to realize we need more than 10 minutes and reject the amendment so we can get it.

The Acting CHAIR. The time of the gentleman has again expired.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to, again, the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman.

I wanted to say, we have an issue with military chaplains who actually work for their denomination. They do not necessarily answer straight to the military. They are supposed to have their loyalty to their denomination.

If their denomination believes a certain thing that is not in alignment with a potential new policy of the defense, then they are going to be censored. How do you deal with that censorship matter and that freedom of religion issue? Again, Tony Perkins, a marine, a chaplain, the president of Family Research Council, and Franklin Graham, son of Billy Graham, have both been uninvited already because of their views. They are politically incorrect.

So the military invited them to speak at prayer breakfasts and they were uninvited. It would not have happened without this debate. That's why we need more than 10 minutes.

Mr. TOWNS. Mr. Chair, I rise in strong support of this amendment to H.R. 5136. This is a good addition to the National Defense Authorization Act for Fiscal Year 2011 and one that will go a long way toward improving our federal information security posture.

This language is nearly identical to H.R. 4900, the Federal Information Security Amendments Act of 2010, which was introduced by Ms. WATSON on March 22, 2010. That bill was just ordered favorably reported by the Committee on Oversight & Government Reform last week by a voice vote.

The Federal Information Security Management Act was enacted in 2002 as part of the E-Government Act. FISMA requires federal agencies to assess the state of their information security management each year by conducting periodic risk assessments, categorizing risk, maintaining a detailed inventory of all information systems, and training employees in security awareness. While FISMA has been an effective tool in improving information security, GAO continues to report persistent weaknesses that this legislation is intended to address.

Cyber threats and attacks against information systems have continued to grow in both volume and intensity in recent years. In 2009 the U.S. electrical grid was reportedly infiltrated by hackers and denial of service attacks brought down the websites of a number of federal agencies including the Department of State, the Secret Service and the Federal Trade Commission. Cyber attacks are escalating quickly and we must do more to defend the Federal government against them.

This amendment represents an important step toward remedying the problem. It codifies multiple policy recommendations made by the Obama administration, public-private sector working groups and GAO for fixing information security deficiencies throughout the federal government.

Among other things, it would permanently elevate the significance of cyber security to the executive level by establishing a National Office for Cyberspace, with a director to be appointed by the President and confirmed by the Senate. This amendment also requires agencies to begin automated and continuous monitoring of their information technology systems, a requirement that the Obama administration issued guidance on in April. It also includes provisions codifying the position of chief technology officer and establishing a national strategy to engage with the international community on information security.

In closing, I want to take the time to acknowledge two of my colleagues from California. First, I want to thank Ms. WATSON, for introducing H.R. 4900 and offering this amendment. Second, I thank Mr. ISSA for working with us in a bipartisan manner to improve this amendment and move it forward in the legislative process. This is a good amendment and I strongly urge the rest of my colleagues to join me in supporting it.

Ms. GIFFORDS. Mr. Chair, since 9/11, we have put an increased focus on tearing down

boundaries to intel sharing and building networks that ensure critical information reaches decision makers. Information sharing on the battlefield saves lives and intelligence sharing along our border promotes national security.

The longstanding barriers that built roadblocks between local law enforcement, Federal agencies and the Department of Defense are slowly crumbling. Critical information is beginning to flow but stovepipes remain.

Each day in places all along the border, illegal immigrants are smuggling guns, drugs and people into the United States. And each day, the Border Patrol apprehends people here illegally from places like North Korea, Iran, and Syria.

All along the border at military outposts charged with training our best and our brightest, ground forces and UAV pilots learn to identify targets, track movements and pass actionable intelligence.

But stovepipes within the system continue to prevent some sharing of potentially crucial data.

My amendment is focused on alleviating some of that urgent need for effective and efficient intelligence sharing. This need is recognized by our military leaders, program managers, intel analysts, and law enforcement officials.

As our military trains for battle and conducts field exercises in preparation for deployments, they collect data points that can be crucial to locating and stopping smuggling lanes into our country.

If only they were permitted to share that information with the people who can target these smuggling trails and shut traffickers down.

That is the goal of this amendment.

Whether it is soldiers from Fort Huachuca who uncover tunnel networks while learning to fly UAVs, or A-10 pilots from Davis-Monthan transiting out to the Goldwater Range, or Navy exercises on the Pacific or Gulf coasts that locate and intercept submarines, this information must be shared and fused with the ground and airborne intelligence already flowing into us along the border.

My amendment will permit exactly that by authorizing those who routinely conduct training operations to share with Joint Task Force North any of the critical data they collect.

We know that more information, more intelligence and more resources will help stop smugglers, guns, drugs and human cargo from crossing the border and lead to captures and convictions that make our country more secure.

I urge my colleagues to vote in favor of this amendment.

Mr. PLATTS. Mr. Chair, I am proud to have joined with my friend from Texas, Mr. SESSIONS, in introducing this amendment which will provide our servicemembers that are affected by Traumatic Brain Injury (TBI) with access to cutting-edge treatments. As we all know, TBIs have become the "signature wound" of the wars in Iraq and Afghanistan. Record numbers of troops return to American soil in need of treatment and rehabilitation. While the Department of Defense has been a leader in providing treatment to our wounded warriors, it has been slow to embrace innovative treatments, such as Hyperbaric Oxygen Therapy.

This amendment would establish a five-year “pay for performance” innovative treatment pilot program. The pilot program would allow healthcare providers outside of the Department of Defense to treat active duty military personnel and veterans with cutting-edge TBI treatments not offered at military medical facilities. The private healthcare providers would only receive reimbursement from the Department of Defense if the treatment was proven to be successful. Servicemembers and veterans who voluntarily opt into this program would do so at no cost.

I see this amendment as a win-win. Not only will our troops receive access to innovative therapies, but it encourages the private sector to invest in new and inventive treatments for TBI. The amendment also requires the Department of Defense to maintain a database to track the effectiveness of such treatments. It is my hope that after the conclusion of this five-year pilot, the Department of Defense will begin providing proven therapies at military medical facilities.

Our men and women in uniform deserve the best treatments available. This common-sense amendment would help to expand access to new therapies in a fiscally responsible way. I encourage all of my colleagues to join with me to support this amendment.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENT NO. 13 OFFERED BY MR. MCGOVERN

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-498.

Mr. MCGOVERN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. MCGOVERN:

Add at the end of subtitle F of title X, the following:

SEC. 1065. FINDINGS AND SENSE OF CONGRESS ON OBESITY AND FEDERAL CHILD NUTRITION PROGRAMS.

(a) FINDINGS.—Congress find the following:

(1) According to the April 2010 report, “Too Fat to Fight”, more than 100 retired generals and admirals wrote that, “[o]besity among children and young adults have increased so dramatically that they threaten not only the overall health of America but the future strength of our military.”

(2) Twenty-seven percent, over 9,000,000, 17-24-year-olds in the United States are too fat to serve in the military.

(3) Between 1995 and 2008, the military had 140,000 individuals who showed up at the centers for processing but failed their entrance physicals because they were too heavy.

(4) Being overweight is now the leading medical reason for rejection from military service.

(5) Between 1995 and 2008, the proportion of potential recruits who failed their physicals each year because they were overweight rose nearly 70 percent.

(6) The military annually discharges over 1,200 first-term enlistees before their contracts are up because of weight problems.

(7) The military must then recruit and train their replacements at a cost of \$50,000 for each man or woman.

(8) Training replacements for those discharged because of weight problems adds up to more than \$60,000,000 annually.

(10) Overweight adolescents are more likely to become overweight adults.

(11) Overweight adolescents and overweight adults are at risk of developing obesity-related, life-threatening diseases including cancer, type 2 diabetes, stroke, heart disease, arthritis, and breathing problems.

(12) According to the American Public Health Association, “left unchecked, obesity will add nearly \$344 billion to the nations annual health care costs by 2018 and account for more than 21 percent of health care spending”.

(13) Overweight and undernourished adolescents face academic challenges due to poor health behaviors, resulting in even greater risk to their future health and earning and the Nation’s economic growth and worldwide competition.

(14) For decades military leaders have championed efforts to improve the nutrition of young people in America.

(15) During World War II, 40 percent of rejected recruits were turned away because of poor or under nutrition.

(16) The preamble to the Richard B. Russell National School Lunch Act (42 U.S.C. 1751) states “It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation’s children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants in aid and other means, in providing an adequate supply of food and other facilities for the establishment, maintenance, operation and expansion of nonprofit school lunch programs”.

(17) Over 17 million children were food insecure, or hungry, in 2008, according to data collected by the Department of Agriculture.

(18) The Federal Child Nutrition Programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) are proven to be effective in combating both hunger and obesity.

(19) President Obama has called for a historic investment in the Federal Child Nutrition Programs in order to respond to 2 of the greatest child health challenges of our time, hunger and poor nutrition.

(20) Two hundred twenty-one Members of Congress signed a letter to Speaker Pelosi in support of President Obama’s budget request for the Federal Child Nutrition Programs.

(21) This same letter requested identification of possible offsets for the new investments in these important anti-hunger and nutrition programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) reducing domestic childhood obesity and hunger is a matter of national security;

(2) obesity and hunger will continue to negatively impact recruitment for Armed Forces without access to physical activity, healthy food, and proper nutrition;

(3) Congress should act to reduce childhood obesity and hunger;

(4) the Federal Child Nutrition Programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) should be funded at the President’s request; and

(5) the increases in funding for such programs should be properly offset.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, hunger and obesity are serious problems in this country. Over 49 million Americans go hungry every year, 17 million of which are children. Now we have a new problem—obesity. Most people think obesity is a simple problem of eating the wrong food, and this is mostly correct. But there are many cases where obese people are also hungry, that they are feeding themselves and their families with empty calories simply because they are inexpensive.

We must address hunger and obesity, and I am pleased that the First Lady is working on these issues. But now obesity is a national security issue. Twenty-seven percent of young adults are too fat to serve in the military and being overweight is now the leading cause for rejection from military service.

Our amendment is simple. It says that hunger and obesity are national security problems and must be addressed, and it says that we should do so in part with the reauthorization of the Child Nutrition Act. The school lunch program was created in World War II because 40 percent of the rejected recruits were underweight. In fact, the preamble to the School Lunch Act states that the school lunch program was created “as a measure of national security.”

Healthy school meals, along with more exercise and better access to food at home, will help combat the national security crisis of obesity.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. I yield such time as she may consume to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Thank you, Ranking Member McKEON.

My colleague, JIM MCGOVERN, made a couple of remarks with regard to the challenges the military is facing with regard to potential enlistees.

I could go down and continue talking about some of these, but one of the most interesting facts is that every year the military annually discharges over 1,200 first-term enlistees before their contracts are up because of weight problems. Then the military must recruit and train their replacements at a cost of \$50,000 for each man or woman.

This begs the question, and which is why this amendment from my colleague is so very important, and that is because 16 million children or 22.5 percent of all children in the United States live in a home where access to food is an uncertainty. In these homes, child nutrition programs literally serve as a lifeline to proper nutrition and a better future.

We know that hungry children are sick more often. They suffer growth impairment and even developmental impairment. They do poorer in school, they are less prepared to join the workforce, and for purposes of this debate, they are less prepared to serve their country in the Armed Forces.

The facts of life for too many of our children are hard to hear but they are, in fact, true.

The first step in achieving greater success must be to ensure adequate funds are dedicated to this challenge.

I support the sense of Congress language in this amendment calling for a \$1 billion increase in funding for the child nutrition programs, and I share its belief that we need to pay for it.

I would like to thank my colleagues, JIM MCGOVERN of Massachusetts and SANFORD BISHOP of Georgia, for their leadership on this issue.

To support the goals of this important program, I would ask colleagues to support the sense of Congress language and continue working to make this message a reality.

The reauthorization of the Child Nutrition Act must be a tool for reducing the number of hungry and obese children in the United States. GAO recently analyzed domestic food assistance and found: (quote) "participation in 7 of the programs we reviewed—including WIC, the National School Lunch Program, the School Breakfast Program, and SNAP—is associated with positive health and nutrition outcomes consistent with programs' goals, such as raising the level of nutrition among low-income households, safeguarding the health and wellbeing of the nation's children, and strengthening the agricultural economy." These are goals I believe we can all support.

Mr. MCGOVERN. Mr. Chairman, I want to thank the gentlelady from Missouri for her leadership and her co-sponsorship of this amendment.

I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I am pleased to join Representatives MCGOVERN and EMERSON as an original cosponsor of this bipartisan amendment, which affirms the intention of Congress to combat domestic childhood obesity and hunger in the interest of our national security.

According to the July 2009 Trust for America's Health Report, the percentage of obese and overweight children ages 10 to 17 is at or above 30 percent in 30 States. Seven of the top 10 States are in the South, with my State of Georgia ranked third, with 37.3 percent of obese and overweight youngsters.

Obesity is especially prevalent in the African American and Latino communities. Overweight and obese teens are at risk of developing diabetes, heart disease, cancer, stroke, arthritis and breathing problems and American children are disproportionately impacted.

In a recent report, Too Fat to Fight, over 100 retired generals and admirals wrote that obesity among children and young adults has increased so dramatically that it threatens not only our Nation's health but the future of our military. Between 1995 and 2008, the military had 140,000 individuals, a 70 percent increase, who showed up at the centers for processing but failed their entrance physicals because they were too heavy, and 1,200 enlistees were discharged before their contracts were up. And now being overweight is the leading medical cause for rejection from military service.

Mr. Chairman, proper nutrition, healthy food, ending hunger and access to physical activity for our youth are vital to ensuring that our Nation's military remains strong into the future.

I urge my colleagues to support this important amendment and the strong effort to support and maintain a strong national defense by assuring strong and healthy servicemembers.

Mr. McKEON. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. FORBES), a member of the committee.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. FORBES. Thank you, Mr. Chairman.

I would like to thank the ranking member for yielding that time.

Mr. Chairman, I was excited, as I was reading some articles in my office before I came over here, the leadership of the House has finally moved us up to where we now have an 18 percent approval rating across the country.

That means that only 82 percent of the Americans feel that this body doesn't have a clue about where we need to go or why. The reason is because, as hard as they try to find it, there is one thing they can't find in any of these walls and under any these chairs, and that is just simple common sense.

□ 1530

Because, Mr. Chairman, when they go to buy something, they know the first thing they need to do is ask how much does it cost? And yet we pass a health care bill, and we don't even really look at all the facts. We just want to get out of here. And later we find out it costs a whole lot more than what we thought it would, and we just come back up and say, well, that's just too bad. And we're getting ready to do the same thing, because when they take any action in their business, one of the first things they want to do is say, What's the ef-

fect going to be on that particular action?

Mr. Chairman, as we look at this provision on trying to remove the Don't Ask, Don't Tell policy that is currently the policy for DOD, we hear our Chiefs of Staff in one voice: Admiral Roughead saying, just wait and get the facts before you make a decision. Just some common sense. We hear General Schwartz, the Chief of Staff of the Department of Air Force saying, just wait and get the facts. Let us do the study before you make a decision. Just some common sense. We have General Conway who says, just wait and get the facts before you make a decision. Just some common sense. And we have General Casey from the Army saying, just get the facts before you make a decision. Let us complete the study. Just some common sense.

But what some individuals want to do on this House floor is—same thing we do with so many other things—bury the common sense: let's just push forward, we'll get the facts later, let's just pass the provision now. And that's why, Mr. Chairman, I hope that this body will protect this authorization bill and not pass the amendment to remove Don't Ask, Don't Tell.

Mr. MCGOVERN. Mr. Chairman, I yield myself the balance of the time.

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. MCGOVERN. Mr. Chairman, if we want to do something that is common sense, we should pass this amendment before us.

Hunger and obesity are critical issues to our military and to the health and well-being of our Nation. Sixty-nine years ago, military recruits were turned away because they were undernourished. Today they are rejected because they are fat. The school lunch program allows our children to eat during the school day. We must improve it so that more nutritious meals are served at schools and so that every child has access to school meals.

We talk a lot about health care in this Chamber. I should point out to my colleagues that according to the American Public Health Association: "Left unchecked, obesity will add nearly \$344 billion to the Nation's annual health care costs by 2018 and account for more than 21 percent of health care spending."

This is a health issue. This is a commonsense issue. This is a national security issue. This amendment expresses the House's support for this effort to end hunger and to make sure our young people have nutritious meals. I urge my colleagues to vote "yes" on the McGovern-Emerson-Bishop amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

I support this amendment; I think it's a good thing. I think that our

whole country could use a little help in this area.

Now, back to Don't Ask, Don't Tell. Again, I think it's very important that we do as Mr. FORBES said, a little common sense. When we tell the military we're going to get their viewpoint and then we say, never mind, we're going to move ahead, your viewpoint really doesn't matter, I think that that's a big mistake.

I think this amendment is a good one, but I think only giving us 10 minutes to debate Don't Ask, Don't Tell is a mistake.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. McGOVERN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. SKELTON.

Mr. SKELTON. Mr. Chairman, pursuant to House Resolution 1404, I offer amendments en bloc No. 2.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 2 offered by Mr. SKELTON consisting of amendments numbered 20, 22, 23, 26, 27, and 45 printed in House Report 111-498:

AMENDMENT NO. 20 OFFERED BY MR. BURTON OF INDIANA

The text of the amendment is as follows:

Page 452, after line 10, insert the following:

SEC. 1065. SENSE OF CONGRESS REGARDING PRESIDENTIAL LETTERS OF CONDOLENCE TO THE FAMILIES OF MEMBERS OF THE ARMED FORCES WHO HAVE DIED BY SUICIDE.

(a) FINDINGS.—Congress finds that—

(1) suicide is a growing problem in the Armed Forces that cannot be ignored;

(2) a record number of military suicides was reported in 2008, with 128 active-duty Army and 48 Marine deaths reported;

(3) the number of military suicides during 2009 is expected to equal or exceed the 2008 total;

(4) long-standing policy prevents President Obama from sending a condolence letter to the family of a member of the Armed Forces who has died by suicide;

(5) members of the Armed Forces sacrifice their physical, mental, and emotional well-being for the freedoms Americans hold dear;

(6) the military family also bears the cost of defending the United States, with military spouses and children sacrificing much and standing ready to provide unending support to their spouse or parent who is a member of the Armed Forces;

(7) the loss of a member of the Armed Forces to suicide directly and tragically affects military spouses and children, as well as the United States;

(8) much more needs to be done to protect and address the mental health needs of members of the Armed Forces, just as they serve to protect and defend the freedoms of the United States;

(9) a presidential letter of condolence is not only about the deceased because it also serves as a sign of respect for the grieving family and an acknowledgment of the family for their personal loss; and

(10) a lack of acknowledgment and condolence from the President only leaves these families with an emotional vacuum and a feeling that somehow their sacrifices have been less than the sacrifices of others.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the current policy that prohibits sending a presidential letter of condolence to the family of a member of the Armed Forces who has died by suicide only serves to perpetuate the stigma of mental illness that pervades the Armed Forces; and

(2) the President, as Commander-in-Chief, should overturn the policy and treat all military families equally.

AMENDMENT NO. 22 OFFERED BY MR. HOLDEN OF PENNSYLVANIA

The text of the amendment is as follows:

At the end of subtitle H of title V, add the following new section:

SEC. 5. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.

(a) ARMY.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

“§3757. Combat Medevac Badge

“(a) ISSUANCE.—The Secretary of the Army shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

“(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“§3757. Combat Medevac Badge”.

(b) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

“§6259. Combat Medevac Badge

“(a) ISSUANCE.—The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy or Marine Corps served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

“(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“§6259. Combat Medevac Badge”.

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

“§8757. Combat Medevac Badge

“(a) ISSUANCE.—The Secretary of the Air Force shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Air Force served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

“(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Air Force shall prescribe requirements for eligibility for the Combat Medevac Badge.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“§8757. Combat Medevac Badge”.

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—In the case of persons who, while a member of the Armed Forces, served in combat as a pilot or crew member of a helicopter medical evacuation ambulance during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary of the military department concerned shall issue the Combat Medevac Badge—

(1) to each such person who is known to the Secretary before the date of enactment of this Act; and

(2) to each such person with respect to whom an application for the issuance of the badge is made to the Secretary after such date in such manner, and within such time period, as the Secretary may require.

AMENDMENT NO. 23 OFFERED BY MR. POMEROY OF NORTH DAKOTA

The text of the amendment is as follows:

At the end of subtitle I of title V, add the following new section:

SEC. 5. CODIFICATION AND CONTINUATION OF JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

(a) CODIFICATION AND CONTINUATION.—Chapter 88, of title 10, United States Code, is amended by inserting after section 1788 the following new section:

“§1788a. Joint Family Support Assistance Program

“(a) PROGRAM REQUIRED.—The Secretary of Defense shall continue to carry out the program known as the ‘Joint Family Support Assistance Program’ for the purpose of providing to families of members of the armed forces the following types of assistance:

“(1) Financial and material assistance.

“(2) Mobile support services.

“(3) Sponsorship of volunteers and family support professionals for the delivery of support services.

“(4) Coordination of family assistance programs and activities provided by Military OneSource, Military Family Life Consultants, counselors, the Department of Defense, other Federal agencies, State and local agencies, and non-profit entities.

“(5) Facilitation of discussion on military family assistance programs, activities, and initiatives between and among the organizations, agencies, and entities referred to in paragraph (4).

“(6) Non-medical counseling.

“(7) Such other assistance that the Secretary considers appropriate.

“(b) LOCATIONS.—The Secretary of Defense shall carry out the program in at least six

areas of the United States selected by the Secretary. Up to three of the areas selected for the program shall be areas that are geographically isolated from military installations.

“(c) **RESOURCES AND VOLUNTEERS.**—The Secretary of Defense shall provide personnel and other resources of the Department of Defense necessary for the implementation and operation of the program and may accept and utilize the services of non-Government volunteers and non-profit entities under the program.

“(d) **PROCEDURES.**—The Secretary of Defense shall establish procedures for the operation of the program and for the provision of assistance to families of members of the Armed Forces under the program.

“(e) **RELATION TO FAMILY SUPPORT CENTERS.**—The program is not intended to operate in lieu of other family support centers, but is instead intended to augment the activities of the family support centers.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 1788a the following new item:

“1788a. Joint Family Support Assistance Program.”

(c) **REPEAL OF SUPERCEDED PROVISION.**—Section 675 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 119 Stat. 2273; 10 U.S.C. 1781 note) is repealed.

AMENDMENT NO. 26 OFFERED BY MR. LATHAM OF IOWA

The text of the amendment is as follows:

At the end of subtitle D of title VI, add the following new section:

SEC. 6. SENSE OF CONGRESS CONCERNING AGE AND SERVICE REQUIREMENTS FOR RETIRED PAY FOR NON-REGULAR SERVICE.

It is the sense of Congress that—

(1) the amendments made to section 12731 of title 10, United States Code, by section 647 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 160) were intended to reduce the minimum age at which members of a reserve component of the Armed Forces would begin receiving retired pay according to time spent deployed, by three months for every 90-day period spent on active duty over the course of a career, rather than limiting qualifying time to such periods wholly served within the same fiscal year, as interpreted by the Department of Defense; and

(2) steps should be taken to correct this erroneous interpretation by the Department of Defense in order to ensure reserve component members receive the full retirement benefits intended to be provided by such section 12731.

AMENDMENT NO. 27 OFFERED BY MR. KENNEDY OF RHODE ISLAND

The text of the amendment is as follows:

Page 274, after line 13, insert the following:

(E) neurology;

Page 274, line 14, strike “(E)” and insert “(F)”.

Page 274, line 15, strike “(F)” and insert “(G)”.

Page 274, line 16, strike “(G)” and insert “(H)”.

Page 274, line 17, strike “(H)” and insert “(I)”.

AMENDMENT NO. 45 OFFERED BY MR. TIM MURPHY OF PENNSYLVANIA

The text of the amendment is as follows:

At the end of title VI, add the following new section:

SEC. 6. REPORT ON PROVISION OF ADDITIONAL INCENTIVES FOR RECRUITMENT AND RETENTION OF HEALTH CARE PROFESSIONALS FOR RESERVE COMPONENTS.

Not later than 90 days after the date of the enactment of this Act, the Surgeons General of the Army, Navy, and Air Force shall submit to Congress a report on their staffing needs for health care professionals in the active and reserve components of the Armed Forces. The report shall specifically identify the positions in most critical need for additional health care professionals, including the number of physicians needed and whether additional behavioral health professionals, such as psychologists and psychiatrists, are needed to treat members of the Armed Forces for the growing concerns of post traumatic stress disorder and traumatic brain injury. The report shall include recommendations for providing incentives for health care professionals with more than 20 years of clinical experience to join the active or reserve components, including whether changes in age or length of service requirements to qualify for partial retired pay for non-regular service could be used as a recruitment or retention incentives.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. McKEON) each will control 10 minutes. The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chairman, I yield 2 minutes to my friend, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the esteemed Chairman SKELTON, my dear friend, for yielding.

Mr. Chairman, over eight terms in Congress I have served on every security committee, including three terms on the Armed Services Committee whose bill I am once again proud to support.

As a rookie Member of Congress in 1993, I sat in the most junior chair on the HASC, just a few feet away from the witness table. Then-Chairman of the Joint Chiefs, Colin Powell, testified in favor of the Clinton administration's Don't Ask, Don't Tell policy. I drew a deep breath and told the general that I thought Don't Ask, Don't Tell was unconstitutional. I opposed it then, and I oppose it now.

No good has ever come of that policy. And I applaud the personal courage of current Joint Chiefs Chairman Admiral Mike Mullen who told Congress, “No matter how I look at the issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens.”

The en bloc amendment which we are now debating includes language I coauthored with Rules Committee Chair

SLAUGHTER to give victims of military sexual trauma the ability to seek a base transfer. MST is an epidemic which subjects a growing number of servicemembers to serious assault and rape. It is horrifying that women in our military are more likely to be raped by a fellow soldier than killed by enemy fire in Iraq or Afghanistan. MST must end, and this bill makes a very good start.

Let me make some general comments about our national security. We can't wish away the threats facing our Nation. We, like generations of Americans before us, must rise to meet them. We must be realistic about our vulnerabilities, about the capabilities of our adversaries, and of our allies to help us. We must be wise enough to recognize that we will not prevail through military might alone.

Our military, diplomatic, and development efforts are tools to an end—security, and eventually peace. These are dangerous times, and they require a tough response. We have the strategy in this bill, we have the strength in men and women who serve courageously in our military and intelligence services, and we have our values. We will not fail.

Support this bill. Support the Murphy amendment. Support the en bloc amendment.

Mr. McKEON. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 10 minutes.

There was no objection.

Mr. McKEON. At this time, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TIM MURPHY), sponsor of one of the amendments.

Mr. TIM MURPHY of Pennsylvania. I thank the ranking member for yielding.

One of the amendments in there I'd like to talk about here.

According to a RAND study, there are more than several hundred thousand potential cases of post-traumatic stress disorder in our veterans from operations in Iraq and Afghanistan, and suicide rates among them are also higher than that of the general population. The Department of Defense has rightly doubled its budget for treatment and research of PTSD and traumatic brain injury and set higher goals for the number of behavior health providers. And although care has also been supplemented through TRICARE and contract providers, the military remains understaffed to meet the needs.

Combat veterans should not be placed on a waiting list, especially dealing with mental health problems and suicide. And servicemembers who need care can only get care if they are near care. Now, a huge investment has been made into many of the great clinicians in medical services at the dawn

of their careers. Stipends, bonuses, educational expenses are paid in hopes we can recruit and retain them for 20 or 30 years, although many do not remain that long. Sometimes we discourage those from signing up later in their careers who, because of their age, they can't remain for 20 years or so. Yet there are those who are at the peak of their career who we could look to not only to fill the immediate needs with highly skilled and ready-trained experiences, but to provide mentorship and training to those starting out in their medical and behavioral medicine careers.

This amendment simply calls upon the Surgeons General of the Army, Navy, and Air Force to report on other incentives that can be offered to recruit and retain those with 20 or more years of nonmilitary clinical experience to serve in active or reserve duty. This might include, but is not limited to, offering a 10-year retirement instead of the traditional 20- or 30-year retirement.

I might add that we are very proud of our servicemen and -women and want to make it very clear that all of us in Congress—and I know all the military—are absolutely dedicated to making sure that we take care of all of their wounds, whether they are visible or invisible wounds of war. We are proud of their service, and we will continue to support them. And along those lines, I hope my colleagues will also support this amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank my friend, the chairman, for yielding.

I rise in support of amendment No. 23, which reauthorizes the Joint Family Support Assistance Program. This program has been providing critical support to the unsung heroes of the global war on terror, the families left behind of deploying Guard and Reserve soldiers.

As the Department of Defense stated in its report to Congress on the implementation of this program: "The Guard and Reserve are experiencing significantly increased mobilizations as a result of the global war on terrorism, and families who have previously had limited exposure to the demands resulting from separations due to military deployments must now deal with the likelihood of longer and often multiple deployments to the servicemember."

Issues like single parenting, keeping a house running through all kinds of weather conditions, traumatized children missing a parent, all of these issues have been dealt with through the scopes of these joint family support systems programs. They work by compiling a Military OneSource program, one location coordinating the many resources available within our local community in support of these families, a

one-stop shop able to make certain there is coordination for military, Federal, State and local resources.

For families on military bases who are deployed, it's very clear the support systems are there and what they are. For families of Guard and Reserve soldiers, especially spread across rural areas like North Dakota, it's less clear sometimes where the support can come from.

I am so proud of the North Dakota National Guard and Reserve families that have stood in support of their deploying soldiers, and we've had a bunch of them—3,500 soldiers, 1,800 airmen on multiple deployments. We need to support their families, and I urge permanent authorization of this program.

Mr. Chair, I rise today in support of the Pomeroy Amendment to permanently reauthorize the Joint Family Support Assistance Program, JFSAP.

This program has been providing critical support to the unsung heroes of Global War on Terror families of deployed soldiers.

Since its inception three years ago, the JFSAP program has been providing critical support to Guard and Reserve families, especially those families who do not live near military installations. Since the beginning of the wars in Iraq and Afghanistan the Guard and Reserve have seen a significant increase in deployments. Many of these service members and their families do not live near military installations and therefore do not have access to many of the family support functions available on those bases.

As the Department of Defense stated in its initial report to Congress on the implementation of this program, "The Guard and Reserve are experiencing significantly increased mobilization as a result of the Global War on Terrorism, and families who have previously had limited exposure to the demands resulting from separations due to military deployments, must now deal with the likelihood of longer and often multiple deployments of the service member." These families are now coping with the stress of separation from a loved one for up to a year, which can lead to many difficult issues. A spouse may now be faced with single parenting for the first time, children being separated from one or both of their parents may have a difficult time coping with that separation and when the service member returns home they sometimes have a difficult time re-adjusting to civilian life. Families located on or near a military installation have access to a wide range of programs to deal with these issues, which may not necessarily be the case for Guard and Reserve families spread across the country, especially in rural States like North Dakota.

The Joint Family Support Assistance Program, JFSAP program works by compiling Military One Source programs into one location and coordinating those programs with resources that maybe available in the local community. By having a one stop shop that is able to help coordinate military, Federal, State, and local resources this program is able to provide families with comprehensive support for many of the issues that regularly arise due to the deployment of a loved one. Without a coordi-

nated program families are faced with the requirement to seek this assistance out through a patchwork of entities increasing the possibility that they do not receive aid when they need it most.

Once fully implemented the JFSAP in North Dakota will offer a Military OneSource Specialist to coordinate programs, a Financial Military Life Consultant, MFLC, to help families with financial issues, a Youth MFLC to help coordinate services for children, an Adult MFLC to assist with the needs of service members, spouses and other family members and an Operation Military Kids consultant to help set up programs and activities for the children of service members. The North Dakota National Guard has seen significant deployments since September 11, 2001 deploying more than 3,500 soldiers and over 1,800 Airmen, many of those individuals have been deployed multiple times. This program's continuation is vital to providing the services and support that those families deserve.

The N.D. Nat'l Guard Families know there will be more deployments on the future which means the work of this program has that begun.

This critical program was originally authorized in the 2007 National Defense Authorization Act for three years and it must now be reauthorized. My amendment would make this program permanent so that it can be allowed to continue to provide critical support for Guard and Reserve families. I believe that this amendment will have broad bipartisan support and I urge its passage.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER), a member of the committee.

Mr. HUNTER. I thank the ranking member for yielding.

America right now is locked in combat against a dangerous enemy in Afghanistan, facing the constant threat of ambush and roadside bombs. The last thing our soldiers and marines need is any unnecessary or harmful distractions.

As a marine who has served downrange in both Iraq and Afghanistan, I have personally witnessed that the current policy of Don't Ask, Don't Tell works and the repeal of current law does not work. I have lived with, eaten with, dived for cover with, and fought with my fellow marines overseas three times. Some military lawyers may think that this amendment looks good on paper, but in effect it will destroy the combat readiness of our fighting force. Our focus right now should be on achieving victory and returning our military home safely.

While America possesses the best military equipment in the entire world and the most technologically advanced weaponry on Earth, the true strength of our might is derived from the core set of values and principles that is shared by our frontline combat troops. It is these shared beliefs that lead to the comradery and the instinct of our troops to risk their lives to protect one another every single day.

The commandant of the Marine Corps stands opposed to repealing current law, and each of the other service chiefs have expressed concerns with taking any action on Don't Ask, Don't Tell until the year-long study under way at the Pentagon is completed. With all due respect, Secretary of Defense Gates and the Chairman of the Joint Chiefs of Staff, Admiral Mullen, have and are performing a great service to our Nation, but they work for this administration and as such are required to follow President Obama's lead and not necessarily speak for the men and women who have volunteered to fight for our Nation and put themselves in harm's way.

Evidently, the White House and congressional Democrats think they are doing our military a favor by rewarding them for victory in Iraq and continued hard fighting in Afghanistan by forcing a liberal social agenda on them and furthermore ignoring our military's input on this matter by not having this vote after the Pentagon study is completed so that at least this would be an informed vote. Our time would be better spent on evaluating the real threats facing our military in Afghanistan, starting with the roadside bomb threat and ensuring our troops have the resources that they need.

The debate on Don't Ask, Don't Tell is just another distraction on these and other priorities, and I urge my colleagues here in the House to vote "no" on this amendment. We need to listen to our military leaders, listen to the commandant of the Marine Corps and the actual generals and admirals in charge of our military fighting for us, not people who work for this administration and are going to tow the line for this administration. We've got to do what's right. Support the military. We need victory, not social change, in the military.

□ 1545

The Acting CHAIR. The Chair will note that the gentleman from Missouri has 6 minutes remaining and the gentleman from California has 5½ minutes remaining.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), the sponsor of one of the amendments en bloc.

Mr. LATHAM. I thank the gentleman from California, my good friend.

Mr. Chairman, the amendment I offered to my colleagues, along with the gentleman from Oklahoma, is included in the block of amendments we are considering.

I thank the Rules Committee, the chairman—Mr. SKELTON—and the ranking member for considering this amendment, which addresses an issue brought to my attention by members of the Iowa National Guard.

The 2008 Defense Authorization Act included a provision narrowing the gap between active duty and reserve retirement benefits by allowing Guard and Reserve members to begin receiving retired pay earlier than the age of 60 if they had spent significant periods of time in deployments. This provision was based on legislation that I introduced, the National Guard and Reserve Retirement Modernization Act.

The intent of the original legislation was to reduce the retirement age for time spent deployed, by 3 months for every 90 days spent on active duty over the course of a career, as an incentive to retain our best and brightest men and women. However, an erroneous legal interpretation has limited the qualifying time to 90-day periods wholly served within the same fiscal year, which causes many members of the Guard and Reserve to lose credit for some of the months that they've served.

My amendment states that it is the sense of Congress that steps should be taken to correct this interpretation in order to ensure Reserve component members receive the full retirement benefits that they have earned. The committee has indicated in its report that it believes the current interpretation of the law to be inaccurate. I look forward to working with the committee and the Department of Defense to address and to correct this issue of fairness to our guardsmen and reservists who are being asked to meet increasing demands.

I urge my colleagues to support this effort.

Mr. McKEON. Mr. Chairman, I yield the balance of my time to the ranking member on the Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I want to congratulate both of you on a job well done on your bill.

To my friend IKE SKELTON, IKE, I support the policy that you came up with years ago when I first came to Congress 18 years ago—the DOD's Don't Ask, Don't Tell—and we should not be repealing it.

In a unified voice, all of the service chiefs have asked us to give them time to properly seek out the right answers on how to move forward regarding a major policy shift that will affect every soldier, sailor, airman, and marine.

Mr. Chairman, our heroes are performing valiantly in a two-front war. Now is not the time for Congress to be voting on an amendment to repeal Don't Ask, Don't Tell. Now is the time to strengthen our resolve to support our servicemen and -women and to help them fight and defeat terrorism around the world.

Now, the Constitution permits Congress to discriminate. We actually are designated with the power to raise and

support armies, to provide and maintain a Navy, and to make the rules for government regulation for land and naval forces. There is nothing in the Constitution that guarantees a citizen the right to serve in the Armed Forces. As a matter of fact, pursuant to the powers conferred by section 8 of Article I of the Constitution, it lies within the discretion of Congress to establish qualifications for and conditions for service in the Armed Forces. You can't be too tall. You can't be too short. You can't be overweight. I mean, we make these decisions. Why?

The purpose of the military is to kill and break things. Unit cohesion is pretty important. The conduct of military operations requires the members of the Armed Forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense of this Nation. Success in combat requires military units that are characterized by high morale, good order and discipline and unit cohesion.

One of the most critical elements in combat capability is unit cohesion defined at the small unit level, which is the bonds of trust among individual servicemembers that make the combat effectiveness of our military unit greater than the sum of the combat effectiveness of the individual unit members, themselves.

Military life is fundamentally different from civilian life in that the extraordinary responsibilities of the Armed Forces, the unique conditions of military service, and the critical role of unit cohesion require that the military community, while subject to civilian control, exist in a specialized society. The military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior that would not be acceptable in civilian society.

The standards of conduct for members of the Armed Forces regulate a member's life for 24 hours each day, beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the Armed Forces. Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the Armed Forces at all times if the member has military status, whether or not the individual is on base or not or in uniform or not.

The pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment. The worldwide deployment of the United States military forces, the international responsibilities of the United States and the potential for involvement of the Armed Forces in actual combat routinely make it necessary for members of the Armed

Forces involuntarily to accept living conditions and work conditions that are often spartan, primitive and that are characterized by forced intimacy with little or no privacy.

The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in unique circumstances of the military service. Tolerance does not require a moral equivalency.

Do not repeal this.

Mr. SKELTON. Mr. Chairman, I ask unanimous consent to reclaim my time.

The Acting CHAIR. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Acting CHAIR. The gentleman from Missouri has 6 minutes remaining.

Mr. SKELTON. I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Thank you, Mr. SKELTON, for yielding.

Mr. Chairman, I would just like to correct a couple of issues that Mr. McKEON and others have brought up.

The committee has held hearings on Don't Ask, Don't Tell. In fact, my subcommittee has held two hearings on this very topic. Every Member of the House and even those not on the committee were welcomed to attend. Unfortunately, most of the Republicans who have criticized this process failed to show up to either hearing.

The Members who did attend the second hearing, held on March 3 of this year, heard one of the cochairs of the DOD working group say, "The issue is not whether but how best" to implement repeal.

All along, the purpose of the study has been "how" to implement repeal, not "if" to end this policy. That is the purpose of the working group's meetings, and that is why it is so important for our servicemembers and their families to participate in whatever activities they choose which are related to this.

I just wanted to make that correction, Mr. Chairman.

Mr. SKELTON. I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I want to thank Chairman SKELTON and Mr. McKEON for their good work on this legislation, helping to provide for our soldiers, sailors, airmen, coastguardsmen, and for all of those who serve our country in this war on terrorism.

Mr. Chairman, as we approach Memorial Day, I want to thank our servicemen and -women for their service to our great country.

When they come home, the war that they fought on our behalf sometimes just begins. It begins for them personally. That is the war to try to cope, to cope with the many challenges health-

wise that they have been encumbered with because of their service to our country, and they shouldn't have to worry one bit that they don't have us to back them up 100 percent. They need to know that we are there for them just as they have been for us.

That is why, in this legislation, we have the best and the latest in medicine for brain research and for neuroscience technology in order to make sure that the signature wounds in this war, traumatic brain injury and posttraumatic stress disorder, are researched properly and that they are researched at the evidence-based level by the Department of Defense.

Our soldiers deserve no less than the best when it comes to making sure that their challenges and their wounds are addressed. The Department of Defense needs to do that.

We make it a priority in this authorization bill. When we do that in this bill, we also do that for this country because, just as they did overseas, they are not only going to kick down the doors over there; they are going to kick down the doors here at home when it comes to advancing mental health and neuroscience for all Americans.

What we are learning is thanks to these great soldiers who are serving this country so proudly. God bless all of our men and women. Let them know that we stand behind them over there and when they get back here at home as well.

The Acting CHAIR. The gentleman from Missouri has 3 minutes remaining.

Mr. SKELTON. I yield 1 minute to a friend, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman for yielding.

Certainly, the debate the minority keeps bringing up about Don't Ask, Don't Tell is very important, and we will have that vigorous debate.

Mr. Chairman, I think many Americans don't really place whether gays and lesbians can serve in the military as the number one thing they worry about in national security. I think they're probably more worried about something like a nuclear IED going off in Times Square.

It is important to look at the work that the two parties have done together that is reflected in this bill to prevent that day from happening. There is a program which identifies, gathers up, secures, and eventually disposes of the material that could make a nuclear bomb which would make that horror story happen.

In 2008, we devoted \$199 million to that program. Frankly, it was lagging behind. We weren't identifying, securing, or disposing of enough of it. This year, we are putting \$559 million into that, which means more nuclear material will be identified, locked down, dis-

posed of, and the risk that we will have a terrible situation like I just described will be diminished.

This is the real work of the defense committee, and it deserves everyone's support.

Mr. SKELTON. I yield 2 minutes to my friend, the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Thank you, Mr. Chairman, for yielding.

Mr. Chairman, we will soon be considering an amendment, the Pingree amendment, which would strip away competition in the F-35, the Joint Strike Fighter, with the competitive engine program.

This Congress, on nine different occasions, has stood up for competition, and as recently as this Congress with the Weapon Systems Acquisition Reform Act of 2009, where the House passed the conference report 411-0. In section 202, we talk about the acquisition strategies to ensure competition throughout the life cycle of major defense acquisition programs.

It is estimated, Mr. Chairman, that 5,000 engines will be ordered for the Joint Strike Fighter—5,000 engines. The proponents of this amendment would have us do away with the competition despite the fact that this Congress has invested almost \$3 billion in this competition today. Now that we are up and ready, now that the competitive engine is ready to move forward, they want to say, Stop. Stop the race before it even starts.

We know better than that, Mr. Chairman. We know better because we learned on the F-15 and on the F-16. We know that this will reduce costs in the long term. As my grandmother would say, this is a penny wise and a pound foolish.

Also, just this year, in March of 2010, the GAO report suggests that this goes beyond financial speculation. We know that this is going to save money. Beyond the finances, there are non-financial benefits—better performance, increased reliability, and improved contractor responsiveness.

This is critically important. If for the next couple of decades we are going to rely upon this knowledge for our men and women in uniform, we need to make sure that it is reliable. We need to make sure that there is competition.

I urge my colleagues to reject the Pingree amendment.

□ 1600

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENT NO. 80 OFFERED BY MS. PINGREE OF MAINE

The Acting CHAIR. (Mr. BLUMENAUER). It is now in order to consider amendment No. 80 printed in House Report 111-498.

Ms. PINGREE of Maine. Mr. Chairman, I have an amendment at the desk. The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 80 offered by Ms. PINGREE of Maine:

Page 35, strike line 9 and all that follows through page 37, line 13, and insert the following:

(b) CERTIFICATIONS.—Not later than January 15, 2011—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify in writing to the congressional defense committees that—

(A) each of the 11 scheduled system development and demonstration aircraft planned in the schedule for delivery during 2010 has been delivered to the designated test location;

(B) the initial service release has been granted for the F135 engine designated for the short take-off and vertical landing variant;

(C) facility configuration and industrial tooling capability and capacity is sufficient to support production of at least 42 F-35 aircraft for fiscal year 2011;

(D) block 1.0 software has been released and is in flight test; and

(E) the Secretary of Defense has—

(i) determined that two F-35 aircraft from low-rate initial production 1 have met established criteria for acceptance; and

(ii) accepted such aircraft for delivery; and

(2) the Director of Operational Test and Evaluation shall certify in writing to the congressional defense committees that—

(A) the F-35C aircraft designated as CF-1 has effectively accomplished its first flight;

(B) the 394 F-35 aircraft test flights planned in the schedule to occur during 2010 have been completed with sufficient results;

(C) 95 percent of the 3,772 flight test points planned for completion in 2010 were accomplished; and

(D) the conventional take-off and land variant low observable signature flight test has been conducted and the results of such test have met or exceeded threshold key performance parameters.

Page 49, strike line 7 and all that follows through page 52, line 3, and insert the following (and redesignate section 214 as section 213):

SEC. 212. LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.

(a) LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended for the development or procurement of an alternate propulsion system for the F-35 Joint Strike Fighter program until the Secretary of Defense submits to the congressional defense committees a certification in writing that the development and procurement of the alternate propulsion system—

(1) will—

(A) reduce the total life-cycle costs of the F-35 Joint Strike Fighter program; and

(B) improve the operational readiness of the fleet of F-35 Joint Strike Fighter aircraft; and

(2) will not—

(A) disrupt the F-35 Joint Strike Fighter program during the research, development, and procurement phases of the program; and

(B) result in the procurement of fewer F-35 Joint Strike Fighter aircraft during the life-cycle of the program.

(d) OFFSETS.—

(1) NAVY JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by \$242,500,000, with the amount of the decrease to be derived from the amounts available for the Joint Strike Fighter (PE #0604800N) for F136 development.

(2) AIR FORCE JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby decreased by \$242,500,000, with the amount of the decrease to be derived from the amounts available for the Joint Strike Fighter (PE #0604800F) for F136 development.

Page 286, strike line 17 and all that follows through page 288, line 23, and insert the following:

SEC. 802. DESIGNATION OF F135 ENGINE DEVELOPMENT AND PROCUREMENT PROGRAM AS MAJOR SUBPROGRAM.

(a) DESIGNATION AS MAJOR SUBPROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate the engine development and procurement program described in subsection (b) as a major subprogram of the F-35 Lightning II aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) DESCRIPTION.—For purposes of subsection (a), the engine development and procurement program is the F135 engine development and procurement program.

(c) ORIGINAL BASELINE.—For purposes of reporting requirements referred to in section 2430a(b) of title 10, United States Code, for the major subprogram designated under subsection (a), the Secretary shall use the Milestone B decision for the subprogram as the original baseline for the subprogram.

(d) ACTIONS FOLLOWING CRITICAL COST GROWTH.—

(1) IN GENERAL.—Subject to paragraph (2), to the extent that the Secretary elects to restructure the F-35 Lightning II aircraft major defense acquisition program subsequent to a reassessment and actions required by subsections (a) and (c) of section 2433a of title 10, United States Code, during fiscal year 2010, and also conducts such reassessment and actions with respect to the F135 engine development and procurement program (including related reporting based on the original baseline as defined in subsection (c)), the requirements of section 2433a of such title with respect to the major subprogram designated under subsection (a) shall be considered to be met with respect to the major subprogram.

(2) LIMITATION.—Actions taken in accordance with paragraph (1) shall be considered to meet the requirements of section 2433a of title 10, United States Code, with respect to the major subprogram designated under subsection (a) only to the extent that designation as a major subprogram would require the Secretary of Defense to conduct a reassessment and take actions pursuant to such section 2433a for such a subprogram upon enactment of this Act. The requirements of such section 2433a shall not be considered to be met with respect to such a subprogram in the event that additional programmatic changes, following the date of the enactment of this Act, cause the program acquisition unit cost or procurement unit cost of such a subprogram to increase by a percentage

equal to or greater than the critical cost growth threshold (as defined in section 2433(a)(5) of such title) for the subprogram.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Maine (Ms. PINGREE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maine.

Ms. PINGREE of Maine. Mr. Chairman, this amendment prohibits any further funding for the alternate F-35 engine.

In 2001, Pratt & Whitney won the award for the primary engine for the Joint Strike Fighter through a competitive bidding process. This process was set up to save millions in taxpayer dollars. Since then, Congress has authorized an astonishing \$1.3 billion of unrequested funds for the development of this extra unnecessary engine. The Bush administration opposed this program. The Obama administration opposes this program. And yet if this amendment fails today, we will continue to fund a defense program that is a complete waste of money.

I could not put it any better than the Secretary of Defense put it himself: Given the many pressing needs facing our military and the fiscal challenges facing our country, we cannot afford a “business as usual” approach to the defense budget. Tough choices must be made by both the Department and Congress to ensure that current and future military capabilities can be sustained over time. This means programs and initiatives of marginal or no benefit, like the F136 engine, are unaffordable luxuries.

I urge my colleagues to vote “yes” and finally end this wasteful, unnecessary program.

Mr. Chairman, I yield the balance of my time to the gentleman from Connecticut (Mr. LARSON) and thank him for his leadership on this incredibly important issue.

The Acting CHAIR. Without objection, the gentleman from Connecticut will control the balance of the time.

There was no objection.

Mr. LARSON of Connecticut. I would inquire of the Chair how much time we have on each side.

The Acting CHAIR. The gentleman from Connecticut has 3½ minutes remaining. There will be 5 minutes for an opponent.

Mr. McKEON. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. Mr. Chairman, I yield myself 15 seconds.

I strongly believe that a \$110 billion noncompetitive sole source 25–40 year contract should not be permitted. Therefore, I strongly support the inclusion of funding to complete the development of the F-136 competitive engine for the Joint Strike Fighter.

I reserve the balance of my time.

Mr. LARSON of Connecticut. At this time I yield 45 seconds to the distinguished gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. I thank my friend for yielding.

I rise today in support of the Pingree amendment to the National Defense Authorization Act. I understand and respect the passions expressed by my friends on both sides of this issue, but I believe today we must stand firmly on the side of fiscal responsibility and refuse to fund a redundant engine that our military leaders and our Commander in Chief all said is unnecessary and unwarranted.

When I am back home in my district, I often hear my constituents say that we never cut anything, and we never can say no. Today I am saying no, and I think this House should as well. I don't think we need two engines on this plane.

I believe that we need to save \$3 billion every time we get a chance. Today we can make a difference for this deficit. Our country cannot afford to waste precious tax dollars funding this program the military says they don't need.

Mr. McKEON. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. SMITH), the chairman of the Air and Land Forces Subcommittee of the committee.

Mr. SMITH of Washington. Mr. Chairman, the second engine is all about fiscal responsibility and saving the taxpayers money. The Pentagon themselves funded this program for 10 years, and they funded it because they knew that competition mattered.

One thing has already been said in this debate that simply isn't true: The first engine was not competitively bid. It was the engine that Lockheed had when they won the bid. There was no competition. They didn't win that. That is why the Pentagon originally created the second engine program, to make sure that over the 30- to 40-year lifecycle of a \$100 billion program, they had options.

A GAO study on the competitive engine program for the F-16 from the early 1980s showed savings of almost 20 percent over the lifetime of that program. Those of us who for years have supported this second engine program, have support it precisely because we want to save the taxpayers money.

The simple argument is competition works, and being penny-wise and pound-foolish doesn't. We have already spent \$3 billion. To save \$2 billion on the front end, we risk a \$100 billion program. Please oppose this amendment.

Mr. McKEON. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the distinguished chairman of the Armed Services Committee.

Mr. SKELTON. Mr. Chairman, I speak in favor of the committee posi-

tion, which is to have an alternate engine for the F-35. If one looks at the graph of the F-16 alternate engine program, one will clearly notice that from the mid-1980s, the cost of the engines went down because of the competition. Competition is important. Single source often causes a steep increase in price.

Last year, this House passed the Weapons System Acquisition Reform Act, which requires more competition in Department of Defense programs, not less. What this position of the Armed Services Committee does is live up to that reform act, requiring more competition. It is as simple as that.

Mr. LARSON of Connecticut. Mr. Chairman, may I inquire as to how much time we have remaining.

The Acting CHAIR (Mr. SERRANO). Both sides have 2¾ minutes remaining.

Mr. LARSON of Connecticut. I yield 45 seconds to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, let me say that there has been some competition in the engine for the F-35, and that competition is when the bids were due. That bid was perfectly legal and honest and upfront, and the bid was awarded.

Now we have got somebody that actually has a contract for 14 of the 28 military aircraft engines, sole source, complaining about competition. They lost the competition.

Mr. Chairman, if they lost the competition in an open and honest bid, having the sole source of 14 of the 28 military aircraft engines, what can be the argument?

Mr. McKEON. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. CONAWAY), a member of committee.

Mr. CONAWAY. Mr. Chairman, I thank the ranking member for yielding.

I want to speak in favor of competition. Competition works. Our work on the IMPROVE Act shows that. I am against this amendment. There was no competition. Under Secretary Ashton Carter, on the record in front of the committee, said there was no competition between these two engines. Competition works. It drives down the costs, and we need those cost savings over the term of a 40-year program.

I rise in opposition to amendment #80 offered by Representative PINGREE and others. The Pingree amendment would result in a sole source contract to a single engine manufacturer for the Joint Strike Fighter. But few can argue with the premise that competition is good for the taxpayer.

In fact, the Department of Defense has training materials for its acquisition workforce to teach them the benefits of competition and how to cultivate it. For example, here are a few highlights from DoD's required training on competition, dated May 5, 2010. These training materials capture the benefits of competi-

tion: Drives cost savings; Improves quality of product/service; Enhances solutions and the industrial base; Promotes fairness and openness leading to public trust; Prevents waste, fraud, and abuse, because contractors know they must perform at a high level or else be replaced; Healthy competition is the lifeblood of commerce—it increases the likelihood of efficiencies and innovations.

It also notes what the key drivers of competition are. Principally, it's the law! The Competition in Contracting Act of 1984 requires competition in contracting. Competition isn't an alternative, it's required!

The emphasis on competition comes from the top. On March 4, 2009 in a memorandum for the Heads of Executive Departments and Agencies, President Barack Obama stated, "It is the policy of the Federal Government that executive agencies shall not engage in non-competitive contracts except in those circumstances where their use can be fully justified and where appropriate safeguards have been put in place to protect the taxpayer." Yet, we have yet to see such a justification, nor have we seen any evidence of additional safeguards being put into place.

In fact, in DoD's training materials, they note what circumstances lead to barriers to competition. In this instance, none of these circumstances apply:

Unique/critical mission or technical requirements (We have 2 contractors capable of meeting technical requirements.)

Industry move toward consolidation (We still have 2 viable engine manufacturers.)

Urgent requirements in support of war operations (The JSF is not being procured to support today's operations.)

Congressional adds or earmarks (Unless this amendment passes, Congress will not have directed funding for the engine to go to a particular manufacturer.)

Proprietary data rights developed at private expense (Does not apply. These are new engines.)

Insufficient technical data packages (Does not apply.)

Contracting personnel shortages and increased workload (The competitive engine was funded by DoD until 2006 and continues to be funded by Congress. There is no increase in work load.) Time Restraints (The competitive engine is already under development and there is time. At best, the F-25 will not reach initial operational capability for 2–4 years.)

But the emphasis on competition comes not only from the President. This Congress, just one year ago, unanimously passed the Weapon Systems Acquisition Reform Act of 2009. The bill states that:

Major Defense Acquisition Programs shall adopt acquisition strategies that ensure competition . . . At prime & subcontract level throughout program life-cycle

When a decision is made to award maintenance & sustainment contract for major weapon system, DoD will ensure to maximum extent possible & consistent with law that the sustainment contract be competitively awarded.

Likewise, less than one month ago, this Congress passed the IMPROVE Acquisition Act of 2010, by a vote of 417–3. This bill also

focused on the need to expand the industrial base, provide training on competition, and to ensure competition is maintained in services contracts.

What's more, since DoD stopped funding the competitive engine in 2006, Congress has provided funding for the competitive engine in 2007, 2008, 2009, and 2010. Nothing has changed. A vote to oppose the Pingree amendment is a vote to support the policy Congress has clearly articulated—competition is good, it's the law, and it's required for the F-35 engine.

It's also interesting to note that of the 33 members who co-sponsored this amendment, 24 of them have voted for every single piece of legislation I just cited (when they cast a vote). None voted against the Weapon System Acquisition Reform Act. In fact, Ms. PINGREE, voted for each of these bills while she's been in Congress, and was also co-sponsor of the Weapon System Acquisition Reform Act in the House.

We cannot send a mixed message. Competition is possible here. We should not direct funding to a single source. I urge my colleagues to oppose the amendment.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

All across America, families are tightening their belts, making do with less. They expect the same from Congress. Imagine their utter frustration when they hear Congress is pushing forward an unwanted and unnecessary \$3 billion program. Only in Washington, D.C., could a company that lost the competition in the private sector and already controls 88 percent of the military engine market come seeking a government-directed subsidy and call that competition. I guess competition in this town means buying two of everything with the taxpayers' money.

The Marines, the Navy, and the Air Force have all said they don't want it. They don't need it. The President has called this program an example of unnecessary defense programs that do nothing to keep us safe.

Why are we moving ahead with it? If we can't cut spending here, where can we cut it? If we don't make the tough choices to rein in wasteful spending now, when will we make them?

This is about whose side you are on. Are you on the side of excessive spending, or are you on the side of saving the taxpayers money and supporting our troops?

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I have heard it all. To say that competition causes wasteful use of taxpayers' money is a perfidious argument. Are you kidding me?

I defended Connecticut when it came to Electric Boat. You came to the floor and you argued about competition, competition against Newport News. I am glad we did, now that we have got welding problems with those submarines.

Now you think sole source and competition is bad? Are you kidding me, Mr. Chairman? Do not be dishonest. Let's be honest about the debate, all right? Let's defend our industrial base. That is what is extremely important. Let's also protect the Transatlantic Alliance.

Mr. McKEON. Mr. Chairman, I now yield 30 seconds to the gentleman from Georgia (Mr. SCOTT), the vice chair of the Terrorism, Nonproliferation and Trade Subcommittee of the Committee on Foreign Affairs.

Mr. SCOTT of Georgia. Mr. Chairman, I want to speak on something that we have not touched upon, and that is what we need to touch upon the most, and that is what is in the best interests of our national security.

Here we are debating this issue: Do we want to put the future of an engine production in the hands of one monopoly company for 30 years and put \$100 billion in it?

Ladies and gentlemen, by the year 2035, the F-35 will account for 95 percent of our entire aircraft fleet for our fighter squadrons. It is very important that we have this balanced in the hands of more than one manufacturer. We need to vote down this amendment.

The Acting CHAIR. The gentleman from Connecticut has 30 seconds remaining.

Mr. LARSON of Connecticut. I yield the balance of my time to the distinguished gentleman from Florida (Mr. ROONEY).

Mr. ROONEY. Mr. Chairman, I rise in support of the amendment.

Ladies and gentlemen, we were sent here in a Republic to represent you as trustees with issues like this. I am new to Congress, but this is a wasteful spending earmark.

We have 27 planes that use one engine that had a competitive bid, and now we are talking about adding a second engine to our F-35 for \$2.9 billion. Why? Because we slipped in an earmark in 1996, and nobody in Congress, the Congress with the great approval rating, has ever decided to take it out.

The time to change Washington is now, and this is a perfect example of why. Vote yes on the amendment.

I rise today in strong support of the Pingree/Rooney/Larsen amendment. With a \$1.6 trillion dollar deficit the "extra" engine is a luxury we cannot afford.

I would like to point out a few things very briefly:

(1) this is a \$2.9 billion dollar program the DOD does not want or need.

(2) We can build 53 jets for the cost of the "extra" engine

(3) There are 27 aircraft that operate with a sole source engine.

(4) Sole sourced engines are the norm.

(5) The F-16 is the only other aircraft in the history of U.S. military aviation with two simultaneous engine manufacturers.

(5a) There was fair competition for the bid; the incumbent engine won but here we are

also funding the second place engine too. The "everybody gets a trophy philosophy has to end. Everyone doesn't get an "A." We can't afford it.

(6) The Navy, Air Force and Marine Corps service chiefs do not want this extra engine.

(7) There has been support from both Bush and Obama administrations to end this wasteful program.

(8) Independent agencies including the GAO and OMB have found that there is no evidence to support the extra engine will produce any significant cost savings, despite earlier projections.

This extra engine is a luxury we simply cannot afford and I urge my colleagues to vote Yes on the Amendment.

The Acting CHAIR. The gentleman from California has 1¼ minutes remaining.

Mr. McKEON. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I rise in opposition to the efforts to eliminate the engine competition for the F-35 Joint Strike Fighter. In the interest of full disclosure, let me say how proud I am of the more than 4,000 Hoosier employees of Rolls Royce who worked to develop this engine. But that is not why I am here.

I am here because I really do believe, as the Heritage Foundation has cited, that the essential choice between us today is competition or sole-source contracting. Either we can require two companies to engage in head-to-head competition each year for the next 30 years, or we can give one company a sole-source contract worth \$100 billion for the next 30 years. Which do you think is more in the interests of the taxpayers?

Oppose this amendment.

I rise in opposition to efforts to eliminate the engine competition for the F-35 Joint Strike Fighter.

In the interests of full disclosure, let me say first how proud I am of the more than 4,000 Hoosier employees of Rolls Royce, which teamed with General Electric to develop the F136 engine for the F-35.

But let's look at the facts regarding this competitive engine program, which began 15 years ago and today is 70 percent complete.

History tells us that competition serves the taxpayer well and this is no less the case when it comes to fighter engines.

In its study, the non-partisan Government Accountability Office found that the F-16 engine competition yielded savings of 21 percent in overall lifecycle costs. Using that as a model, we might anticipate a 20 percent benefit from the JSF engine competition, but it would only need to generate 1 percent to 2 percent cost benefit to recoup the remaining investment needed to complete the F136 program.

In addition to the outstanding opportunity for cost savings, competition also improves operational readiness and contractor responsiveness.

Building the F-35 using two interchangeable engines from two separate manufacturers provides insurance against fleet-wide engine

problems down the road. As the Heritage Foundation noted recently, without the F136, it is estimated that by 2035 nearly 90 percent of our fighters will use a single engine, the F135 baseline engine.

A competing engine program also hedges against the risks posed by testing failures, required redesigns, cost growth and delays in the primary engine program. And because it is a follow-on program, the F136 provides growth paths for propulsion systems and technological innovation that can address problems that arise such as potential aircraft weight growth.

The essential choice before us is between competition and sole source contracting. Either we can require two companies to engage in head-to-head competition each year for the next 30 years—or give one company a sole source contract worth \$100 billion for the next 30 years. Which do you think is most likely to control costs and deliver the best engine to the American taxpayer?

The answer is clear: competition provides an important cost-control mechanism in defense procurement, it encourages innovation, and mitigates risk.

I urge my colleagues to support competition and military flexibility, and oppose the Pingree Amendment.

□ 1615

Mr. McKEON. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, Members should ask themselves these questions in deciding this issue: When it comes to saving money, would you rather have two people competing or one for your business?

When it comes to protecting the fleet, the ability to fly, would you rather rely upon one company or two to keep the fleet flying?

When it comes to competition, should you presume that competition works or presume that it shouldn't?

To save money, to protect the fleet, to promote competition, we should oppose this amendment.

Mr. McKEON. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina (Mr. MCINTYRE), a member of the committee.

Mr. MCINTYRE. Mr. Chairman, this amendment would add \$20 billion to the deficit by eliminating the savings that GAO says will occur with competition. Congress is not required to give a rubber stamp to the Department of Defense, which is opposed to other programs like the formation of the U.S. Special Operations Command and funding for the V-22 Osprey.

If this amendment passes, our national security will be put at grave risk as 90 percent of our fighter jet fleets will be dependent on just one engine. That's not wise and it's not fair.

Mr. SPRATT. Mr. Chair, I support the provisions in this bill that support a second engine for the F-35.

The Air Force will soon shift its air-to-ground, air-to-air, and air-supremacy roles to

the F-35, and the F-35 will eventually number more than a thousand jet fighters, or 95 percent of the fighter force structure.

To power these aircraft, the Air Force will require some 2500–3000 engines at a cost of more than \$100 billion.

We are fortunate to have two excellent engine manufacturers, Pratt Whitney and GE. Both started out as candidates for the F-35 engine.

The question now comes: Do we need and want a second engine, produced by GE?

More specifically—

Do we want to sole source, run this program out 25 years or more, without price competition?

In addition to price competition, do we want competition on innovation, reliability, and durability?

Do we want to run the operational risk of having no back-up if problems show up in one engine?

Do we want to keep competition in the defense production base?

A second engine for the F-35 makes sense and saves money.

I urge the House to leave intact the second engine provisions in the defense authorization bill before us today.

Mr. MCINTYRE. Mr. Chair, as a member of the House Armed Services Committee and a strong supporter of the Joint Strike Fighter alternative engine program, I rise today in opposition to the Pingree/Larson Amendment.

This amendment, which would redirect funding for the program, is about terminating jobs, killing competition and giving a \$100 billion monopoly to one contractor who is already \$2.5 billion (50 percent) over budget.

This amendment would add \$20 billion to the deficit by eliminating the savings GAO says will occur with competition.

Supporting this amendment means making the choice to give one company a sole source contract for the next 30 years versus having two companies compete head-to-head every year, resulting in the best price and best engine.

There was no competition for this program. The engines for every major weapons program in history have been competed—except for the Joint Strike Fighter, the largest defense program ever.

Congress is not required to give a rubber stamp to the Defense Department, which has been proven wrong in its opposition to several key programs, including development of the Predator, creation of the U.S. Special Operations Command and funding for the V-22 Osprey.

If this amendment passes, our national security will be put at grave risk, as the U.S. and Allied forces will depend entirely on one engine for 90 percent of their fighter jet fleets.

And, there will be job loss. We must maintain our support of the competitive engine program to sustain the thousands of jobs in the United States that are a result of this program.

I am pleased to join both the Armed Services Committee Chairman and Ranking Member, and the Chairmen and Ranking Members of the Air & Land Forces, the Sea Power & Expeditionary Forces Subcommittees, and the Acquisition Reform Panel in opposing this amendment.

My colleagues on the House Armed Services Committee and I approved funding for the alternative engine program to continue, and the Department of Defense's own analysis states that "the estimated costs of a competitive engine acquisition strategy are projected to be approximately equivalent to a sole-source scenario." If that is the case, I am confident the benefits of a competitive engine strategy warrant continued support.

Therefore, I strongly oppose the Pingree/Larson amendment and I rise in support of keeping jobs, sustaining competition, and our country's national security.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maine (Ms. PINGREE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. PINGREE of Maine. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Maine will be postponed.

AMENDMENT NO. 82 OFFERED BY MR. INSLEE

The Acting CHAIR. (Mr. BLUMENAUER). It is now in order to consider amendment No. 82 printed in House Report 111-498.

Mr. INSLEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 82 offered by Mr. INSLEE:

At the end of title VIII, add the following new section:

SEC. 839. CONSIDERATION OF UNFAIR COMPETITIVE ADVANTAGE IN EVALUATION OF OFFERS FOR KC-X AERIAL REFUELING AIRCRAFT PROGRAM.

(a) REQUIREMENT TO CONSIDER UNFAIR COMPETITIVE ADVANTAGE.—In awarding a contract for the KC-X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall, in evaluating any offers submitted to the Department of Defense in response to a solicitation for offers for such program, consider any unfair competitive advantage that an offeror may possess.

(b) REPORT.—Not later than 60 days after submission of offers in response to any such solicitation, the Secretary of Defense shall submit to the congressional defense committees a report on any unfair competitive advantage that any offeror may possess.

(c) REQUIREMENT TO TAKE FINDINGS INTO ACCOUNT IN AWARD OF CONTRACT.—In awarding a contract for the KC-X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall take into account the findings of the report submitted under subsection (b).

(d) UNFAIR COMPETITIVE ADVANTAGE.—In this section, the term "unfair competitive advantage", with respect to an offer for a contract, means a situation in which the cost of development, production, or manufacturing is not fully borne by the offeror for such contract.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we, all Americans, believe in a strong national defense; and all Americans believe in a fair, level playing field in economic competition.

And in the competition for the procurement contract for the Air Force tanker to preserve national defense infrastructure, to preserve fairness, we need to amend this bill to ensure that unfair competitive advantage, illegal subsidies, in fact, are taken into consideration in this bidding process.

We have prepared an amendment that will do that, that will insist that in this bidding process that it be conducted fairly; that when any bidder, domestic or foreign, has an unfair competitive advantage, that is taken into consideration.

Now, why do we need to do this?

Well, there's 50,000 American jobs at stake, and nothing in international law compels us to provide a stimulus program for France. We are required to do this because we know American aerospace workers can compete if they have a level playing field with workers in Europe.

Our bill is, number one, fair. It applies to both domestic and foreign bidders. Number two, it's WTO compliant.

Mr. Chairman, I yield 1½ minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, every day it becomes more and more difficult to create and keep jobs here in America. We've got the best aerospace workers in the world. But over the last few years, 65,000 aerospace jobs have left America and migrated to France.

The European Government has subsidized building jets, and finally the World Trade Organization ruled that those start-up subsidies are illegal.

And now our own Pentagon is buying a new air refueling tanker a new jet, and they have decided to turn their backs on the American aerospace workers by ignoring these illegal start-up subsidies and putting another 65,000 jobs at risk.

This amendment is about fairness to the American aerospace workers. It simply says, in spite of all the lobbying efforts that have occurred by the French, Mr. Secretary, if you insist on receiving a bid from the French, then you have to take into consideration the dollar impact of the illegal subsidies. Support this amendment, and it's a matter of fairness to the American aerospace workers.

Mr. Chairman, for the purposes of a colloquy, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE, is it your intention and your understanding that the language in the amendment regarding the unfair competitive advantage describes illegal subsidies such as illegal launch aid pro-

vided by EADS and Airbus by the European governments as ruled by the World Trade Organization?

Mr. INSLEE. Yes. And it is our intent, with this amendment, to ensure that illegal and unfair competitive advantages, such as the launch aid provided to EADS/Airbus by the European governments, are factored into the bid price of recipients of those illegal subsidies.

Mr. TIAHRT. Thank you. That's also my intent and understanding of this language.

Mr. INSLEE. Mr. Chairman, I reserve the balance of my time.

Mr. BONNER. Mr. Chairman, I rise to claim time in opposition to this amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. BONNER. It's interesting listening to both sides of this debate. We actually, I think, see this amendment in two different ways, and yet we are going to end up being on the same side.

This amendment, as it has been revised, is far superior to the form in which it existed less than 24 hours ago. The amendment now applies in an evenhanded way to both competitors in the tanker competition and, for that reason, I think we have made the amendment better.

However, allow me to offer a word of caution to my colleagues that merits our consideration. As my colleagues know, this ongoing procurement process that, in fact, was mandated by Congress, is just weeks away, July 9, in fact, from where both companies are going to turn in their final bid. And unless we muddy this process up, we are only a few months away from selecting a winner and finally moving forward to building the replacement for the Air Force's 50-plus-year-old fleet of tankers.

The word of caution to my friends is this: Congress needs to be very careful that we do not inadvertently build obstacles or additional delay into this program. After all, our warfighters have waited long enough.

And we must be extremely careful that we maintain a level playing field that is essential for vigorous competition. We all know that competition will dramatically increase the odds of a better tanker at a better price, and there are only two companies in the world that are qualified to build these tankers.

To that point, on Tuesday of this week, the Department of Defense reiterated that "we would not have welcomed EADS North America's participation into this important competition unless they were a company in good standing with the Department of Defense."

Those of us who support EADS' bid have long argued for a level playing

field, one in which both sides can compete fairly. Some on one side, however, appear to fear that fair competition is not possible unless it is a sole-source contract, a blank check signed by the American taxpayer.

Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BRIGHT), my friend and my distinguished colleague who serves on this committee of jurisdiction.

Mr. BRIGHT. Mr. Chairman, I rise today to thank the Armed Services, Rules, and Ways and Means Committees for intervening on this amendment to make it much less harmful than it was originally written.

The committees recognize, as do I, that the Fair Defense Competition Act, on which this amendment is based, is deeply flawed and would have significant international trade implications. Considering the fact that the original bill has been deemed unworkable, I hope we can put this issue to rest and proceed to get our warfighters the best tanker available for the best value to the taxpayer.

For nearly a decade, the Defense Department has sought to replace its aging fleet of aerial refueling tankers. There have been numerous problems with that process, and a source selection effort that should have ended years ago is only now getting close to final resolution.

If anything, Congress should avoid doing anything that would complicate an already drawn out competition. The Department of Defense should be able to award a contract based on the merits and the best value, without political or parochial considerations.

That said, I do not believe this particular amendment will have a significant impact on the process. The American warfighter and taxpayer deserves the best possible aerial refueling tanker. Let's get out of the way and let the Department of Defense make a decision based on the facts, not distractions.

Mr. INSLEE. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, we can give a \$35 billion contract for the next generation tanker to an American company, Boeing, creating an estimated 62,000 to 70,000 U.S. jobs over the life of the contract. Or we can give the contract to a European company, Airbus/EADS, thus creating tens of thousands of jobs in Europe.

This should be an easy call, a no-brainer. In fact, the decision is even clearer. We now know that Airbus has been provided almost \$6 billion in illegal subsidies from European governments, subsidies which have cost us an estimated 65,000 U.S. aerospace jobs.

The amendment before us directs the Department of Defense to take any unfair competitive advantage into account in the Air Force tanker competition. The Pentagon should not be rewarding bad behavior. U.S. taxpayers

should not be asked to pay for an overseas jobs creation program for the European aerospace industry.

I urge my colleagues, support this amendment, stand up for American workers and basic fairness in tanker competition.

Mr. BONNER. Mr. Chairman, I would just like to respond briefly to the gentlelady from Connecticut, our friend and distinguished colleague, to set the record straight.

When EADS wins the competition this time, as they did the previous time, they intend to create almost 48,000 jobs in the United States, many of which, quite honestly, will be in my district in Alabama. But they will be in all 50 States. So this is not a competition between American jobs and European jobs. This is American jobs throughout the country between two great competitors.

Mr. Chairman, I reserve the balance of my time.

Mr. INSLEE. I yield 30 seconds to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Chairman, during this time of record unemployment, granting a \$35 billion contract to a company that has received over \$5 billion in illegal subsidies, according to the WTO, makes no common sense.

In the end, this is about what is fair for the American taxpayer, fair for companies. Tens of thousands of Boeing employees and suppliers throughout the U.S. have been affected by these continual subsidies provided by European governments that have put American workers at a disadvantage.

I call on every Member of this House to support full and fair competition in the tanker program to support American workers.

Mr. BONNER. In response to my friend from Missouri, and in agreement that we need to be assured of fair competition, that's why I do not oppose this amendment. I believe this amendment was made better last night.

Mr. Chairman, I reserve the balance of my time.

Mr. INSLEE. I yield 30 seconds to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I want my friend from Alabama to recognize that nobody would have objected to him getting additional time.

The biggest point here is that Airbus received \$5.7 billion in subsidy from the governments of Europe. This gives it an unfair advantage in the bidding on this airplane, and that's why we want the Secretary of Defense to at least take that into account.

The WTO has already determined that this was an illegal subsidy that harmed the United States of America and has cost us thousands of jobs. We must pass this amendment.

□ 1630

Mr. BONNER. With that, I would like to respond to my distinguished chair-

man and my friend from Washington State with this point. The WTO has only had an interim ruling, and everyone knows that. And within weeks, the WTO should be able to consider the complaint of the European Union against Boeing.

To that point, \$16.6 billion in R&D subsidies have been recorded for Boeing versus \$3.7 billion for Airbus, \$2 billion in export-related tax subsidies, \$6 billion in local and State government subsidies, and \$2 billion in foreign government subsidies for moving manufacturing jobs out of your State, my friend, into Japan and into Italy.

I yield back the balance of my time. Mr. INSLEE. I just want my colleagues to realize there is a clear difference between these two bidders. One has been adjudicated as having received over \$5 billion of illegal subsidies. That is the same contractor that will take tens of thousands of jobs to Europe that would otherwise be in the United States of America. It is untenable in today's world for the Pentagon to not take that into consideration.

Here is one message to the people who are doing such a great job for us in the Department of Defense. We realize the hour of this debate, but we will not finish until this is taken into consideration.

The Acting CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. INSLEE. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-498 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. SKELTON of Missouri.

Amendment No. 4 by Mr. MARSHALL of Georgia.

Amendment No. 13 by Mr. MCGOVERN of Massachusetts.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. SKELTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 0, not voting 16, as follows:

[Roll No. 310]

AYES—421

| | | |
|----------------|-----------------|------------------|
| Ackerman | Cohen | Harman |
| Aderholt | Cole | Harper |
| Adler (NJ) | Conaway | Hastings (FL) |
| Akin | Connolly (VA) | Hastings (WA) |
| Alexander | Conyers | Heinrich |
| Altmire | Cooper | Heller |
| Andrews | Costa | Hensarling |
| Arcuri | Costello | Herseth Sandlin |
| Austria | Courtney | Higgins |
| Baca | Crenshaw | Hill |
| Bachmann | Critz | Himes |
| Bachus | Crowley | Hinchee |
| Baird | Cuellar | Hinojosa |
| Baldwin | Culberson | Hirono |
| Barrett (SC) | Cummings | Hodes |
| Barrow | Dahlkemper | Hoekstra |
| Bartlett | Davis (CA) | Holden |
| Barton (TX) | Davis (IL) | Holt |
| Bean | Davis (TN) | Honda |
| Becerra | DeFazio | Hoyer |
| Berman | DeGette | Hunter |
| Berry | Delahunt | Inglis |
| Biggart | DeLauro | Inslee |
| Bilbray | Dent | Israel |
| Bilirakis | Diaz-Balart, L. | Issa |
| Bishop (GA) | Diaz-Balart, M. | Jackson (IL) |
| Bishop (NY) | Dicks | Jackson Lee |
| Bishop (UT) | Dingell | (TX) |
| Blackburn | Djou | Jenkins |
| Blumenauer | Doggett | Johnson (GA) |
| Blunt | Donnelly (IN) | Johnson (IL) |
| Boccieri | Doyle | Johnson, E. B. |
| Boehner | Dreier | Johnson, Sam |
| Bonner | Driehaus | Jones |
| Bono Mack | Duncan | Jordan (OH) |
| Boozman | Edwards (MD) | Kagen |
| Bordallo | Edwards (TX) | Kanjorski |
| Boswell | Ehlers | Kaptur |
| Boucher | Ellison | Kennedy |
| Boustany | Ellsworth | Kildee |
| Boyd | Emerson | Kilpatrick (MI) |
| Brady (PA) | Engel | Kilroy |
| Brady (TX) | Eshoo | Kind |
| Braley (IA) | Etheridge | King (IA) |
| Bright | Faleomavaega | King (NY) |
| Broun (GA) | Fallin | Kingston |
| Brown (SC) | Farr | Kirk |
| Brown, Corrine | Fattah | Kirkpatrick (AZ) |
| Buchanan | Filmer | Kissell |
| Burgess | Flake | Klein (FL) |
| Burton (IN) | Fleming | Kline (MN) |
| Butterfield | Forbes | Kosmas |
| Buyer | Fortenberry | Kratovil |
| Calvert | Foster | Kucinich |
| Camp | Fox | Lamborn |
| Campbell | Frank (MA) | Lance |
| Cantor | Franks (AZ) | Langevin |
| Cao | Frelinghuysen | Larsen (WA) |
| Capito | Fudge | Larson (CT) |
| Capps | Gallely | Latham |
| Capuano | Garamendi | LaTourette |
| Cardoza | Garrett (NJ) | Latta |
| Carnahan | Gerlach | Lee (CA) |
| Carney | Giffords | Lee (NY) |
| Carson (IN) | Gingrey (GA) | Levin |
| Carter | Gohmert | Lewis (CA) |
| Cassidy | Gonzalez | Lewis (GA) |
| Castle | Goodlatte | Linder |
| Castor (FL) | Gordon (TN) | Lipinski |
| Chaffetz | Granger | LoBiondo |
| Chandler | Grayson | Loebach |
| Childers | Green, Al | Lofgren, Zoe |
| Christensen | Green, Gene | Lucas |
| Chu | Griffith | Luetkemeyer |
| Clarke | Grijalva | Lujan |
| Clay | Guthrie | Lummis |
| Cleaver | Hall (NY) | Lungren, Daniel |
| Clyburn | Hall (TX) | E. |
| Coble | Halvorson | Lynch |
| Coffman (CO) | Hare | Mack |

Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen

Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman

Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Watt
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Berkley
Boren
Brown-Waite,
Ginny
Davis (AL)
Davis (KY)

Deutch
Graves
Gutierrez
Herger
Lowey
Melancon

Nadler (NY)
Pierluisi
Ryan (WI)
Sablan
Schiff

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 2 minutes remaining in this vote.

□ 1703

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

Stated for:

Mr. SCHIFF. Mr. Chair, on rollcall No. 310,
had I been present, I would have voted “aye.”

AMENDMENT NO. 4 OFFERED BY MR. MARSHALL

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Georgia (Mr. MAR-
SHALL) on which further proceedings
were postponed and on which the ayes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 423, noes 0,
not voting 14, as follows:

[Roll No. 311]

AYES—423

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boswell
Briehaus
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke

Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cueellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djoudj
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger

Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)

Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes

Nye
Oberstar
Obey
Olson
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner

Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Boren
Brown-Waite,
Ginny
Cardoza
Davis (AL)

Davis (KY)
Deutch
Graves
Herger
Melancon

Olver
Pierluisi
Ryan (WI)
Sablan
Shuster

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 2 minutes remaining in this
vote.

□ 1711

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. MCGOVERN

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Massachusetts (Mr.

McGOVERN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 341, noes 85, not voting 11, as follows:

[Roll No. 312]

AYES—341

| | | |
|----------------|------------------|------------------|
| Ackerman | Critz | Holt |
| Aderholt | Crowley | Honda |
| Adler (NJ) | Cuellar | Hoyer |
| Akin | Cummings | Inlee |
| Altmire | Dahlkemper | Israel |
| Andrews | Davis (CA) | Jackson (IL) |
| Arcuri | Davis (IL) | Jackson Lee |
| Austria | Davis (TN) | (TX) |
| Baca | DeFazio | Jenkins |
| Baird | DeGette | Johnson (GA) |
| Baldwin | Delahunt | Johnson (IL) |
| Barrow | DeLauro | Johnson, E. B. |
| Barton (TX) | Dent | Jones |
| Bean | Deutch | Kagen |
| Becerra | Diaz-Balart, L. | Kanjorski |
| Berkley | Diaz-Balart, M. | Kaptur |
| Berman | Dicks | Kennedy |
| Berry | Dingell | Kildee |
| Biggert | Djou | Kilpatrick (MI) |
| Bilbray | Doggett | Kilroy |
| Bilirakis | Donnelly (IN) | Kind |
| Bishop (GA) | Doyle | King (NY) |
| Bishop (NY) | Dreier | Kirk |
| Blumenauer | Driehaus | Kirkpatrick (AZ) |
| Blunt | Edwards (MD) | Kissell |
| Boccheri | Edwards (TX) | Kosmas |
| Bonner | Ehlers | Kratovil |
| Bono Mack | Ellison | Kucinich |
| Bordallo | Ellsworth | Lance |
| Boswell | Emerson | Langevin |
| Boucher | Engel | Larsen (WA) |
| Boustany | Eshoo | Larson (CT) |
| Boyd | Etheridge | Latham |
| Brady (PA) | Faleomavaega | LaTourette |
| Braley (IA) | Farr | Lee (CA) |
| Bright | Fattah | Lee (NY) |
| Brown (SC) | Filner | Levin |
| Brown, Corrine | Fortenberry | Lewis (GA) |
| Buchanan | Foster | Lipinski |
| Butterfield | Frank (MA) | LoBiondo |
| Buyer | Frelinghuysen | Loeb sack |
| Camp | Fudge | Lofgren, Zoe |
| Cantor | Garamendi | Lowe y |
| Cao | Gerlach | Lucas |
| Capito | Giffords | Luetkemeyer |
| Capps | Gonzalez | Lujan |
| Capuano | Gordon (TN) | Lynch |
| Cardoza | Grayson | Maffei |
| Carnahan | Green, Al | Maloney |
| Carney | Green, Gene | Markey (CO) |
| Carson (IN) | Grijalva | Markey (MA) |
| Castle | Guthrie | Marshall |
| Castor (FL) | Gutierrez | Matheson |
| Chandler | Hall (NY) | Matsui |
| Childers | Halvorson | McCarthy (NY) |
| Christensen | Hare | McCaull |
| Chu | Harman | McCollum |
| Clarke | Harper | McDermott |
| Clay | Hastings (FL) | McGovern |
| Cleaver | Hastings (WA) | McHenry |
| Clyburn | Heinrich | McIntyre |
| Coffman (CO) | Heller | McKeon |
| Cohen | Herse th Sandlin | McMahon |
| Cole | Higgins | McMorris |
| Connolly (VA) | Hill | Rodgers |
| Conyers | Himes | McNerney |
| Cooper | Hinchey | Meek (FL) |
| Costa | Hinojosa | Meeks (NY) |
| Costello | Hirono | Michaels |
| Courtney | Hodes | Miller (MI) |
| Crenshaw | Holden | Miller (NC) |

| | | |
|-----------------|------------------|---------------|
| Miller, George | Reyes | Space |
| Minnick | Richardson | Speier |
| Mitchell | Rodriguez | Spratt |
| Mollohan | Roe (TN) | Stark |
| Moore (KS) | Rogers (AL) | Stupak |
| Moore (WI) | Rogers (KY) | Sullivan |
| Moran (VA) | Rogers (MI) | Sutton |
| Murphy (CT) | Ros-Lehtinen | Tanner |
| Murphy (NY) | Roskam | Taylor |
| Murphy, Patrick | Ross | Teague |
| Murphy, Tim | Rothman (NJ) | Thompson (CA) |
| Nadler (NY) | Roybal-Allard | Thompson (MS) |
| Napolitano | Ruppersberger | Thompson (PA) |
| Neal (MA) | Rush | Tiberi |
| Norton | Ryan (OH) | Tierney |
| Nye | Salazar | Titus |
| Oberstar | Sanchez, Linda | Tonko |
| Obey | T. | Towns |
| Olson | Sanchez, Loretta | Tsongas |
| Oliver | Sarbanes | Turner |
| Ortiz | Schakowsky | Upton |
| Owens | Schauer | Van Hollen |
| Pallone | Schiff | Velázquez |
| Pascrell | Schock | Visclosky |
| Pastor (AZ) | Schrader | Walden |
| Paulsen | Schwartz | Walz |
| Payne | Scott (GA) | Wamp |
| Perlmutter | Scott (VA) | Wasserman |
| Perriello | Sensenbrenner | Schultz |
| Peters | Serrano | Waters |
| Peterson | Sestak | Watson |
| Petri | Shea-Porter | Watt |
| Pingree (ME) | Sherman | Waxman |
| Platts | Shuler | Weiner |
| Polis (CO) | Shuster | Welch |
| Pomeroy | Simpson | Whitfield |
| Price (NC) | Sires | Wilson (OH) |
| Putnam | Skelton | Wilson (SC) |
| Quigley | Slaughter | Wittman |
| Radanovich | Smith (NE) | Wolf |
| Rahall | Smith (NJ) | Woodsey |
| Rangel | Smith (TX) | Wu |
| Rehberg | Smith (WA) | Yarmuth |
| Reichert | Snyder | Young (FL) |

NOES—85

| | | |
|--------------|-----------------|--------------|
| Alexander | Garrett (NJ) | McClintock |
| Bachmann | Gingrey (GA) | McCotter |
| Bachus | Gohmert | Mica |
| Barrett (SC) | Goodlatte | Miller (FL) |
| Bartlett | Granger | Miller, Gary |
| Bishop (UT) | Griffith | Moran (KS) |
| Blackburn | Hall (TX) | Myrick |
| Boehner | Hensarling | Neugebauer |
| Boozman | Herger | Nunes |
| Brady (TX) | Hoekstra | Paul |
| Broun (GA) | Hunter | Pence |
| Burgess | Inglis | Pitts |
| Burton (IN) | Issa | Poe (TX) |
| Calvert | Johnson, Sam | Posey |
| Campbell | Jordan (OH) | Price (GA) |
| Carter | King (IA) | Rohrabacher |
| Cassidy | Kingston | Rooney |
| Chaffetz | Kline (MN) | Royce |
| Coble | Lamborn | Scalise |
| Conaway | Latta | Sessions |
| Culberson | Lewis (CA) | Shadegg |
| Duncan | Linder | Shimkus |
| Fallin | Lummis | Stearns |
| Flake | Lungren, Daniel | Terry |
| Fleming | E. | Thornberry |
| Forbes | Mack | Tiahrt |
| Fox | Manzullo | Westmoreland |
| Franks (AZ) | Marchant | Young (AK) |
| Galleghy | McCarthy (CA) | |

NOT VOTING—11

| | | |
|--------------|------------|-----------|
| Boren | Davis (KY) | Pierluisi |
| Brown-Waite, | Graves | Ryan (WI) |
| Ginny | Klein (FL) | Sablan |
| Davis (AL) | Melancon | Schmidt |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1720

Messrs. TIAHRT and HOEKSTRA changed their vote from “aye” to “no.”

Mr. COFFMAN of Colorado changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, pursuant to House Resolution 1404, as the designee of the chairman of the Committee on Armed Services, I offer amendments en bloc No. 3.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 3 offered by Mr. ANDREWS consisting of amendments numbered 29, 34, 40, 46, 48, 52, and 54 printed in House Report 111-498:

AMENDMENT NO. 29 OFFERED BY MR. PASCHELL OF NEW JERSEY

The text of the amendment is as follows:

Page 279, after line 16, insert the following:

(e) COGNITIVE IMPAIRMENT SCREENINGS.—Until the comprehensive policy under subsection (a) is implemented, the Secretary shall use the same cognitive screening tool for pre-deployment and post-deployment screening to compare new data to previous baseline data for the purposes of detecting cognitive impairment (as described in section 1618(e)(6) of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note)) for each member of the Armed Forces—

(1) who returns from a deployment in support of a contingency operation; and

(2) who completed a neurocognitive assessment prior to the implementation of a new pre-deployment and post-deployment screening tool.

(f) CONCLUSION OF STUDIES ON COGNITIVE ASSESSMENT TOOLS.—Not later than September 30, 2011, the Secretary of Defense shall complete any outstanding comparative studies on the effectiveness of various cognitive screening tools, including existing tools used for pre-deployment and post-deployment screenings, for the implementation of the comprehensive policy under subsection (a).

AMENDMENT NO. 34 OFFERED BY MS. HARMAN OF CALIFORNIA

The text of the amendment is as follows:

At the end of subtitle C of title XVI, add the following new section:

SEC. 1648. EXPEDITED CONSIDERATION AND PRIORITY FOR APPLICATION FOR CONSIDERATION OF A PERMANENT CHANGE OF STATION OR UNIT TRANSFER BASED ON HUMANITARIAN CONDITIONS FOR VICTIM OF SEXUAL ASSAULT.

(a) IN GENERAL.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

“§ 673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault

“(a) EXPEDITED CONSIDERATION AND PRIORITY FOR APPROVAL.—To the maximum extent practicable, the Secretary concerned shall provide for the expedited consideration and approval of an application for consideration of a permanent change of station or unit transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920 of this title (article 120) so as to reduce the possibility of retaliation against the member for reporting the sexual assault.

“(b) REGULATIONS.—The Secretaries of the military departments shall issue regulations to carry out this section, within guidelines provided by the Secretary of Defense.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

“673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault”.

AMENDMENT NO. 40 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle H of title V, add the following new section:

SEC. 579. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600-05-1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

AMENDMENT NO. 46 OFFERED BY MR. SPACE OF OHIO

The text of the amendment is as follows:

At the end of subtitle C of title V (page 151, after line 12), add the following new section:

SEC. 523. SECURE ELECTRONIC DELIVERY OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1168 note) is amended—

(1) by inserting “(a) ELECTION TO FORWARD CERTIFICATE TO VA OFFICES—” before “The Secretary of Defense”; and

(2) by adding at the end the following new subsection:

“(b) SECURE METHOD OF ELECTRONIC DELIVERY.—

“(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop and implement a secure electronic method of forwarding the DD Form 214 to the appropriate office specified in subsection (a)(2). The Secretary of Veterans Affairs shall ensure that the method permits such offices to access the forms electronically using current computer operating systems.

“(2) AUTHORITY TO CEASE DELIVERY.—In developing the secure electronic method of forwarding DD Forms 214, the Secretary of Veterans Affairs shall ensure that the informa-

tion provided is not disclosed or used for unauthorized purposes and may cease forwarding the forms electronically to an office specified in subsection (a)(2) if demonstrated problems arise.”.

AMENDMENT NO. 48 OFFERED BY MR. WALZ OF MINNESOTA

The text of the amendment is as follows:

Strike subtitle F of title VI and insert the following new subtitle:

Subtitle F—Alternative Career Track Pilot Program

SEC. 661. PILOT PROGRAM TO EVALUATE ALTERNATIVE CAREER TRACK FOR COMMISSIONED OFFICERS TO FACILITATE AN INCREASED COMMITMENT TO ACADEMIC AND PROFESSIONAL EDUCATION AND CAREER-BROADENING ASSIGNMENTS.

(a) PROGRAM AUTHORIZED.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

“§ 673. Alternative career track for commissioned officers pilot program

“(a) PROGRAM AUTHORIZED.—(1) Under regulations prescribed pursuant to subsection (g) and approved by the Secretary of Defense, the Secretary of a military department may establish a pilot program for an armed force under the jurisdiction of the Secretary under which an eligible commissioned officer, while on active duty—

“(A) participates in a separate career track characterized by expanded career opportunities extending over a longer career;

“(B) agrees to an additional active duty service obligation of at least five years to be served concurrently with other active duty service obligations; and

“(C) would be required to accept further active duty service obligations, as determined by the Secretary, to be served concurrently with other active duty service obligations, including the active duty service obligation accepted under subparagraph (B), in connection with the officer's entry into education programs, selection for career broadening assignments, acceptance of additional special and incentive pays, or selection for promotion.

“(2) The Secretary of the military department concerned may waive an active duty service obligation accepted under subparagraph (B) or (C) of paragraph (1) to facilitate the separation or retirement of a participant in the program.

“(3) The program shall be known as the ‘Alternative Career Track Pilot Program’ (in this section referred to as the ‘program’).

“(b) ELIGIBLE OFFICERS.—Commissioned officers with between 13 and 18 years of service are eligible to volunteer to participate in the program.

“(c) NUMBER OF PARTICIPANTS.—No more than 50 officers of each armed force may be selected per year to participate in the program.

“(d) ALTERNATIVE CAREER ELEMENTS OF PROGRAM.—(1) The Secretaries of the military departments may establish separate basic pay and special and incentive pay and promotion systems unique to the officers participating in the program, without regard to the requirements of this title, title 37, or administrative year group cohort designation.

“(2) The Secretaries of the military departments may establish separation and retirement policies for officers participating in the program without regard to grade and years of service requirements established under this title.

“(3) Participants serving in a grade below brigadier general or rear admiral (lower half) may serve in the grade without regard to the limits on the number of officers in the grade established under this title.

“(e) TREATMENT OF GENERAL AND FLAG OFFICER PARTICIPANTS.—(1) A participant serving in a grade above colonel, or captain in the Navy, but below lieutenant general or vice admiral, shall be—

“(A) counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position requiring the assignment of a military officer; but

“(B) excluded from limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position not typically occupied by a military officer.

“(2) A participant serving in the grade of lieutenant general, vice admiral, general, or admiral shall be counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers.

“(f) RETURN TO STANDARD CAREER PATH; EFFECT.—(1) The Secretaries of the military departments retain the authority to involuntarily return an officer to the standard career path.

“(2) The Secretary of the military department concerned may return an officer to the standard career path at the request of the officer.

“(3) If the program is terminated pursuant to paragraph (4) or (5) of subsection (i), officers participating in the program at the time of the termination shall be returned to the standard career path with appropriate adjustments to their administrative record to ensure they are not penalized for participating in the pilot program.

“(4) An officer returned to the standard career path under paragraph (1), (2), or (3) shall retain the grade, date-of-rank, and basic pay level earned while a participant in the program but shall revert to the special and incentive pay authorities established in title 37 upon the expiration of the agreement between the Secretary and the officer providing any special and incentive pays under the program. Subsequent increases in the officer's rate of monthly basic pay shall conform to the annual percentage increases in basic pay rates provided in the basic pay table.

“(5) Services will adjust the participating officer's cohort year group to the appropriate year to ensure the officer remains competitive for all promotions and command opportunities in their standard career path.

“(g) ANNUAL REPORT.—(1) The Secretaries of the military departments, in cooperation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report containing the findings and recommendations of the Secretary of Defense and the Secretaries of the military departments concerning the progress of the program for each armed force.

“(2) The Secretary of a military department, with the consent of the Secretary of Defense, may include in the report for a year a recommendation that the program be made permanent for an armed force under the jurisdiction of that Secretary.

“(h) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out the program. The regulations shall be subject to the approval of the Secretary of Defense.

“(i) COMMENCEMENT; DURATION.—(1) Before authorizing the commencement of the program for an armed force, the Secretary of the military department concerned, with the consent of the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the detailed program structure of the alternative career track, associated personnel and compensation policies, implementing instructions and regulations, and a summary of the specific provisions of this title and title 37 to be waived under the program. The authority to conduct the program for that armed force commences 120 days after the date of the submission of the report.

“(2) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may authorize revision of the program structure, associated personnel and compensation policies, implementing instructions and regulations, or laws waived, as submitted by the Secretary under paragraph (1). The Secretary of the military department concerned, with the consent of the Secretary of Defense, shall submit the proposed revisions to the Committees on Armed Services of the Senate and House of Representatives. The revisions shall take effect 120 days after the date of their submission.

“(3) If the program for an armed force has not commenced before December 31, 2015, as provided in paragraph (1), the authority to commence the program for that armed force terminates.

“(4) No officer may be accepted to participate in the program after December 31, 2026.

“(5) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may terminate the pilot program for an armed force before the date specified in paragraph (4). Not later than 90 days after terminating the pilot program, the Secretary of the military department concerned, in cooperation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the reasons for the termination.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

“673. Alternative career track for commissioned officers pilot program.”.

AMENDMENT NO. 52 OFFERED BY MR. CARSON OF INDIANA

The text of the amendment is as follows:

At the end of subtitle D of title V, add the following new section:

SEC. 5. MATTERS COVERED BY PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES.

Section 1142(b) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking “job placement counseling for the spouse” and inserting “inclusion of the spouse when counseling regarding the matters covered by paragraphs (9), (10), and (16) is provided, job placement counseling for the spouse, and the provision of information on survivor benefits available under the laws administered by the Secretary of Defense or the Secretary of Veterans Affairs”;

(2) in paragraph (9), by inserting before the period the following: “, including information on budgeting, saving, credit, loans, and taxes”;

(3) in paragraph (10), by striking “and employment” and inserting “, employment, and financial”;

(4) by striking paragraph (16) and inserting the following new paragraph:

“(16) Information on home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs and counseling on responsible borrowing practices.”; and

(5) in paragraph (17), by inserting before the period the following: “, and information regarding the means by which the member can receive additional counseling regarding the member’s actual entitlement to such benefits and apply for such benefits”.

AMENDMENT NO. 54 OFFERED BY MR. HARE OF ILLINOIS

The text of the amendment is as follows:

Page 219, after line 5, insert the following:
SEC. 599. REPORT ON EXPANSION OF NUMBER OF HEIRLOOM CHEST AWARDED TO SURVIVING FAMILIES.

The Secretary of the Army shall submit to the congressional defense committees a report on the heirloom chest policy of the Army, including—

- (1) a detailed explanation of such policy;
- (2) the plans of the Secretary to continue the heirloom chest program; and
- (3) an estimate of the procurement costs to expand the number of such chests to additional family members.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from California (Mr. McKEON) each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, this en bloc amendment represents a contribution by Members in both parties: very thoughtful, a lot of excellent ideas the committee is pleased to support. So I would urge the committee to adopt the amendments en bloc, each of which has been examined by both the majority and the minority.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman from California for yielding.

I rise in support of the en bloc amendments, but I rise in opposition to the Murphy amendment, which will repeal Don’t Ask, Don’t Tell, which is the current law for the U.S. military.

Our Nation is at war, and after making the continuous sacrifice of fighting two wars over the course of 8 years, the men and women of our military deserve to be heard. This December, the Pentagon’s Don’t Ask, Don’t Tell Working Group will return a survey of over 300,000 of our members of our military concerning that policy. We should listen to the men and women in uniform first before we act in the Congress.

This decision should not be based on a campaign promise made to a particular constituent base, but on thoughtful consideration of readiness, morale, and cohesion. We owe that to the men and women who serve us in harm’s way.

In the committee, we have heard from all four of our service chiefs ex-

pressing their concerns on this amendment, and it is unanimous. The Chiefs and Secretary Gates and Admiral Mullen recently sent a letter to the chairman of the committee, Chairman SKELTON, saying that they believe in the strongest possible terms that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change, develop an attentive comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner. That is Admiral Mullen and Secretary Gates.

Further, Admiral Roughead has sent a letter. It says he shares the views of Secretary Gates that the best approach would be to complete the Department of Defense review before there is any legislative change made.

Further, General Schwartz has said that as a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before any legislative act is done to repeal Don’t Ask, Don’t Tell.

General Casey has the same type of response. He goes further saying, “Repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.”

And, finally, General Conway stated that he believes the current policy works, and at this point his best military advice to the House committee and to the Secretary and to the President would be to keep the law as it stands today.

In addition, Congress is giving up its powers, surrendering, abdicating its constitutional authority to the executive branch in order to appease a political agenda.

□ 1730

This amendment, as drafted, puts a conditional future on an important defense policy and law, which would then only be decided by the administration.

The Acting CHAIR. The time of the gentleman has expired.

Mr. McKEON. I yield the gentleman 1 additional minute.

Mr. SHUSTER. I believe Congress should maintain its authority to review and debate this policy implication of repealing Don’t Ask, Don’t Tell before a final decision is made. We owe that to the men and women of the Armed Forces.

To my colleagues, I urge them: Don’t shoot before we aim. I urge a “no” vote on the Murphy amendment.

THE SECRETARY OF DEFENSE,
Washington, DC, April 30, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Wash-
ington, DC.

DEAR MR. CHAIRMAN: I am writing in re-
sponse to your letter of April 28 requesting
my views on the advisability of legislative
action to repeal the so-called "Don't Ask
Don't Tell" statute prior to the completion
of the Department of Defense review of this
matter.

I believe in the strongest possible terms
that the Department must, prior to any leg-
islative action, be allowed the opportunity
to conduct a thorough, objective, and sys-
tematic assessment of the impact of such a
policy change; develop an attentive com-
prehensive implementation plan, and provide
the President and the Congress with the re-
sults of this effort in order to ensure that
this step is taken in the most informed and
effective manner. A critical element of this
effort is the need to systematically engage
our forces, their families, and the broader
military community throughout this proc-
ess. Our military must be afforded the oppor-
tunity to inform us of their concerns, in-
sights, and suggestions if we are to carry out
this change successfully.

Therefore, I strongly oppose any legisla-
tion that seeks to change this policy prior to
the completion of this vital assessment proc-
ess. Further, I hope Congress will not do so,
as it would send a very damaging message to
our men and women in uniform that in es-
sence their views, concerns, and perspectives
do not matter on an issue with such a direct
impact and consequence for them and their
families.

Adm. MICHAEL G. MULLEN,
Chairman of the Joint
Chiefs of Staff.

ROBERT M. GATES,
Secretary of Defense.

CHIEF OF NAVAL OPERATIONS,
MAY 26, 2010.

Hon. HOWARD P. "BUCK" MCKEON,
House of Representatives,
Washington, DC.

DEAR MR. MCKEON: As a follow-up to our
phone call today, the following represents
my personal views about the proposed
amendment concerning section 654 of title 10,
United States Code.

I testified in February about the impor-
tance of the comprehensive review that
began in March and is now well underway
within the Department of Defense. We need
this review to fully assess our force and care-
fully examine potential impacts of a change
in the law. I have spoken with Sailors and
fellow flag officers alike about the impor-
tance of conducting the review in a thought-
ful and deliberate manner. Our Sailors and
their families need to clearly understand
that their voices will be heard as part of the
review process, and I need their input to de-
velop and provide my best military advice.

I share the view Secretary Gates that the
best approach would be to complete the DOD
review before there is any legislation to
change the law. My concern is that legisla-
tive changes at this point, regardless of the
precise language used, may cause confusion
on the status of the law in the Fleet and dis-
rupt the review process itself by leading
Sailors to question whether their input mat-
ters. Obtaining the views and opinions of the
force and assessing them in light of the
issues involved will be complicated by a

shifting legislative backdrop and its associ-
ated debate.

Sincerely,

G. ROUGHEAD,
Admiral, U.S. Navy.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, May 26, 2010.

Hon. BUCK P. MCKEON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MCKEON: The Presi-
dent has clearly articulated his intent for
the "Don't Ask, Don't Tell" (DA/DT) law to
be repealed, and should this law change, the
Air Force will implement statute and policy
faithfully. However, as I testified to you and
the HASC at the AF Posture hearing on 23
February 2010, my position remains that
DOD should conduct a review that carefully
investigates and evaluates the facts and cir-
cumstances, the potential implications, the
possible complications, and potential mitiga-
tions to repealing this law.

Further I believe it is important, a matter
of keeping faith with those currently serving
in the Armed Forces, that the Secretary of
Defense commissioned review be completed
before there is any legislation to repeal the
DA/DT law. Such action allows me to provide
the best military advice to the President,
and sends an important signal to our Airmen
and their families that their opinion mat-
ters. To do otherwise, in my view, would be
presumptive and would reflect an intent to
act before all relevant factors are assessed,
digested and understood.

Sincerely

NORTON A. SCHWARTZ,
General, USAF Chief of Staff

U.S. ARMY,
THE CHIEF OF STAFF,
May 26, 2010.

Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Service,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: My views on the
repeal of section 654 of Title 10, United
States Code, have not changed since my tes-
timony. I continue to support the review and
timeline offered by Secretary Gates.

I remain convinced that it is critically im-
portant to get a better understanding of
where our Soldiers and Families are on this
issue, and what the impacts on readiness and
unit cohesion might be, so that I can provide
informed military advice to the President
and the Congress.

I also believe that repealing the law before
the completion of the review will be seen by
the men and women of the Army as a rever-
sal of our commitment to hear their views
before moving forward.

Sincerely,

GEORGE W. CASEY, Jr.,
General, United States Army.

MAY 26, 2010.

Hon. HOWARD P. "BUCK" MCKEON,
Ranking Member, Committee on Armed Services,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCKEON: During testi-
mony, I spoke of the confidence I had as a
Service Chief in the DoD Working Group
that Secretary Gates laid out in the wake of
President Obama's guidance on "Don't Ask—
Don't Tell." I felt that an organized and sys-
tematic approach on such an important issue
was precisely the way to develop "best mili-
tary advice" for the Service Chiefs to offer
the President.

Further, the value of surveying the
thoughts of Marines and their families is

that it signals to my Marines that their
opinions matter.

I encourage the Congress to let the process
the Secretary of Defense created to run its
course. Collectively, we must make logical
and pragmatic decisions about the long-term
policies of our Armed Forces—which so effec-
tively defend this great Nation.

Very Respectfully,

JAMES T. CONWAY,
General, U.S. Marine Corps,
Commandant of the Marine Corps.

Mr. ANDREWS. I yield myself 2 min-
utes before I yield to my friend from
New Jersey.

Mr. Chairman, the minority, for un-
derstandable reasons, wants to con-
tinue talking about the Murphy
amendment, which is not on the floor.

Again, to set the record straight, the
Murphy amendment has reflected the
views of the joint Chiefs of Staff and of
the Secretary of Defense for a very
long time. The question has been not
"if" we are going to repeal Don't Ask,
Don't Tell but when and how.

The Murphy amendment says that
the policy will not be repealed. It will
stay in effect until such time as the
chairman of the Joint Chiefs of Staff
and the Secretary of Defense certify
that nothing about that repeal will in
any way undermine the security of the
country, the efficiency of the Armed
Forces or their effectiveness.

Now, the minority wants to keep
talking about this. I think the Amer-
ican people, Mr. Chairman, are a lot
more interested in some of the ter-
rorism threats this country is actually
facing.

By the way, one of the reasons those
terrorism threats are more difficult is
that we don't have enough Arabic
speakers in the intelligence units of
our Armed Forces. At least several
dozen, perhaps several hundred, Arabic-
speaking persons have been expelled
from the Armed Forces because of their
sexual orientation. That doesn't strike
me as a particularly good way to pro-
tect national security.

Beyond that, though, a good way to
protect national security, which is in
this bill, is to strengthen our special
forces. This legislation spends \$9.8 bil-
lion on our Special Operations Com-
mand, the highest in the history of the
country.

So, when we call upon brave Ameri-
cans to kick down that door or to do a
commando raid in any dark corner of
the world, which is going to prevent a
terrorist attack in this country, this
bill supports them. Both parties sup-
port that and both bills fund it. That is
the issue that is actually before the
American people.

At this time, I yield 2 minutes to
someone who has done tremendous
work on dealing with brain injuries and
other traumas associated with brain
injuries, the gentleman from New Jer-
sey (Mr. PASCRELL).

Mr. PASCRELL. I thank my friend
from New Jersey for yielding.

Mr. Chairman, 7 years into war, we are still not properly screening and treating our troops for traumatic brain injury, known as the signature injury of those wars. This is unacceptable.

My amendment today builds on the requirements for the cognitive screening outline in the 2008 defense authorization bill, which most of us voted for, to identify soldiers for possible brain injury.

My amendment ensures the same tool is used for pre-and post-deployment cognitive screenings. It requires the Department of Defense to complete comparative studies in order to find the best cognitive screening tool for our troops. The fiscal year 2008 defense authorization bill required predeployment and postdeployment screenings of soldiers' cognitive ability.

It is right in the law. Congress passed it. The President at that time, President Bush, signed it. Two years later, the law has not been fulfilled. The Department of Defense has implemented predeployment screening using a computerized tool known as ANAM, the Automated Neuropsychological Assessment Metrics.

The Army released a memo in November 2008, which just came to our attention 2 months ago. It states, "Routine postdeployment ANAM testing is not authorized." We came upon this totally by accident. This is not what Congress passed in bipartisan support.

As a result, less than 1 percent of the 550,000 members of the Armed Forces have been given postdeployment cognitive screenings. This is in violation of the intent of the 2008 defense authorization.

The Acting CHAIR. The time of the gentleman has expired.

Mr. ANDREWS. I yield 1 additional minute to the gentleman from New Jersey.

Mr. PASCRELL. Instead of using the same test, the military uses a simple questionnaire for postdeployment screenings—a written questionnaire.

These assessments are not comparable. They do not detect changes to a soldier's brain. Just like in sports, the key to pre- and postinjury assessment is to use the same tool. When you have a baseline, you are better able to compare.

As cochair of the Congressional Brain Injury Task Force, I recognize the need to help both our military and civilian populations in addressing brain injury. My amendment, which is endorsed by the Iraq and Afghanistan Veterans of America, which has bipartisan support, ensures our troops are given the proper cognitive screenings today and in the future.

I ask my colleagues to support my amendment.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I rise in opposition to the Murphy amendment.

PARLIAMENTARY INQUIRY

Mr. ANDREWS. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman may state his parliamentary inquiry.

Mr. ANDREWS. Is the Murphy amendment before the committee at this point?

The Acting CHAIR. The Committee is debating en bloc amendments as previously announced.

Mr. ANDREWS. The gentleman said he was rising in opposition to the Murphy amendment. Would those remarks be in order at this time?

The Acting CHAIR. That is a hypothetical question at this stage of the proceedings.

Mr. ANDREWS. I understand. Thank you.

Excuse me for interrupting, sir.

Mr. PENCE. I'm pleased to yield to the gentleman from New Jersey for a parliamentary inquiry at any time.

I rise in opposition to the Murphy amendment.

Let me say I do so because I believe the American people don't want to see the American military used to advance a liberal political agenda, especially when the men and women who serve in the military haven't had a say in the matter, and they have been promised to have a say. We've received correspondence from leading voices in the American military who have suggested, were the Congress today to enact this legislation, it would break faith with our men and women in uniform.

Now, let me concede to the point. I was raised by a combat veteran. I did not wear the uniform of the United States, but I have strong objections to repealing Don't Ask, Don't Tell. I believe that that compromise of 17 years ago has been a successful compromise. It has preserved unit cohesion. It has preserved morale. It has enabled us to go forward with readiness and recruitment without interruption. It, of course, itself, was a compromise that represented an historic change from the policy of the American military.

Yet what is being advanced here today in repealing Don't Ask, Don't Tell would represent a fundamental change in the nature and in the culture of our military. It ought to be carefully and thoroughly explored among the men and women who are doing the work in uniform, and it is being explored today.

The Department of Defense has commissioned, as we all know here, a confidential survey of some 350,000 servicemen and their families—100,000 active duty, 70,000 duty spouses, 100,000 reserve component military, 80,000 reserve component spouses—to determine their input on the effects and concerns if Don't Ask, Don't Tell is repealed. Yet here we are in Congress, even though this survey will not be com-

pleted until August and the report, itself, will not be delivered to Congress until December, and we are hurrying along what is, for all intents and purposes, the legislation that will enable the full repeal of Don't Ask, Don't Tell.

I urge my colleagues in Congress to take a breath, to stop, particularly here, as we stand just a few days before that day in which we, all of us, Republicans and Democrats, will set aside all politics, and we will remember those who did not come home.

Why can't we today also show respect for the men and women who wear the uniform today and listen to what they have to say?

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman 1 additional minute.

Mr. PENCE. I urge my colleagues to oppose the Murphy amendment.

Let me say again: The American people don't want the American military used as a vehicle to advance a liberal political agenda, especially when the men and women who serve in our military haven't had a say in the matter. That is what this Congress is poised to do today. Make no mistake about it.

I urge my colleagues, regardless of what one thinks about social issues and social values, to respect our military. Let's respect men and women in uniform. Let's hear them out before we introduce such an enormous change in the culture and in the practice of the American military, one that would be represented by the repeal of Don't Ask, Don't Tell.

Mr. ANDREWS. Mr. Chairman, before I yield to my friend, I yield myself 90 seconds.

The gentleman from Indiana's point about the servicemembers being listened to is absolutely right, which is why Mr. MURPHY's amendment says—I will comment since he did—if after hearing the comments of the servicemembers the Secretary of Defense and the chairman of the Joint Chiefs of Staff believe that there would be an impairment of their ability to defend the country, they would not certify to the change in the policy.

There is an echo in this debate, which is a quote from prior debate: The President's move would seriously impair the morale of the Army at a time when our Armed Forces should be at their strongest and most efficient. Such an action is most unfortunate, the Senator declared.

The quote is taken from Senator Lister Hill in 1948. The issue was the racial integration of the Armed Forces in 1948. I think this is the same issue.

Mr. PENCE. Would the gentleman yield?

Mr. ANDREWS. Yes, I would yield.

Mr. PENCE. I thank the gentleman for the courtesy.

Mr. Chairman, I would simply pose a question to the gentleman: Did not the

author of this amendment say that it is not whether we will repeal Don't Ask, Don't Tell but how and when, from recent press reports?

Mr. ANDREWS. Reclaiming my time, I don't know precisely what the author said—he will speak—but I do know that Secretary Gates and Admiral Mullen have said that. Admiral Mullen has said he feels repeal is the right policy. The issue is when and how, which is what Mr. MURPHY's amendment addresses.

I would at this time be happy to yield 2 minutes to my friend who is focused on the issue of departing servicemembers, when they separate from service, and their knowing their rights and opportunities, the gentleman from Indiana (Mr. CARSON).

Mr. CARSON of Indiana. Mr. Chairman, thousands of active duty servicemembers are returning home from Afghanistan and Iraq every year, many of these individuals serving continuously, having enlisted right out of high school or college.

For years, they have lived a structured military life on bases and abroad. This structure makes for a well-disciplined and a well-trained military force, but it can also make for a difficult transition back to civilian life. Many returning servicemembers have no experience with saving or budgeting or with credit, taxes, and/or mortgages. As a result, many military families are falling into unmanageable debt, bankruptcy, and foreclosure.

My amendment, which is part of this en bloc amendment, seeks to alleviate these concerns. It simply expands the military's existing predeparture counseling program to include a personal finances component. When this takes effect, military families will reenter civilian life with the information they need to build a stable, long-term financial future.

I encourage all of my colleagues to support our military families by supporting this amendment.

Secondly, Mr. Chairman, throughout both of our Democratic and Republican administrations, the White House has maintained a policy against providing letters of condolences to the families of suicide victims. This is a major issue for my constituency, which I have been working on for months.

I have had a number communications with the White House and with the Department of Defense expressing these concerns. Fortunately, the President was kind enough to send a personal letter of condolence to a local family who was affected by suicide.

I would like to wholeheartedly thank President Obama for this meaningful gesture, and I encourage him to continue on this path and to finally overturn this misguided White House policy.

Our men and women in uniform sacrifice for our country both physically

and mentally, but despite the occasional exception, the current policy ignores the sacrifice these men and women make, and it disregards the suffering of their families.

□ 1745

Mr. McKEON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, let me read again, in case I inadequately expressed it before. This is the letter from Secretary Gates that he told Chairman SKELTON two days ago that he still stands by strongly:

Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process.

This is a process that was set in place when the President made his comments at the State of the Union that he wanted the Don't Ask, Don't Tell policy repealed before the end of the year. The Secretary took him at his word and set up a process. The process would go out to all of the military and their spouses and give them a chance to respond. The military would then have a chance to go over that and give their best military advice to the President and to the Congress as to how we should move forward at that time. That report is due by the first of December.

Mr. ANDREWS. Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from California (Mr. GARAMENDI), who has had some important personal experience with the issue contained in the Murphy amendment.

Mr. GARAMENDI. I thank my colleague from New Jersey for yielding.

I was elected in a special election last November. One of my opponents was an extraordinary young man, an African American. Raised in Fairfield, California, he went to West Point. Very successful, he served in Iraq two tours and came out a captain. He took his team there twice. On both those tours, all of them were in very dangerous circumstances.

He came home. He came back to America and could no longer tolerate the Don't Ask, Don't Tell policy. He came out of the closet. An extraordinary loss. Fortunately, I had another idea about who might be the next Congressman. But this man could have been a general leading the entire Army, an extraordinary person.

We lost that talent because of this policy, and it is time for this policy to end. If only the President had the power that Truman did when he said, enough already, we are going to integrate the Army.

We need to complete that integration. The Murphy amendment is absolutely essential.

I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I know we have differences of opinion on this, and we all

have stories, as we just heard from my good friend Mr. GARAMENDI from my home State. We have stories on both sides of the issue. The problem is, those are one person here, one person here. Maybe we talk to 10. Maybe we talk to 20. But we have 2.5 million people serving, and all of them should have a chance to have input. That is what they were promised. That is what they were told. Now we are short-circuiting that process.

So all I am saying is we should respect all of the people and their families that are serving now in the armed services and follow through with the things we said.

When I talked the other day to Admiral Routhead, the Chief of Naval Operations, his concern was that if we take action now with the vote on this Murphy amendment tonight which repeals Don't Ask, Don't Tell, he said it is going to cause confusion in the force, because we just hired this company to go out and do the survey, to follow through on this process that has been started. They are going to be going out into the field asking questions.

What he said is, this is going to cause confusion, because as one of the other Chiefs said, the headline, once this passes, if it passes, will be "Don't Ask, Don't Tell is repealed." So when the survey goes out into the field, when they put together focus groups and the surveys and all the things they are doing in response to this process that has been started, it is moot.

The Acting CHAIR. The gentleman's time has expired.

The gentleman from New Jersey has 15 seconds remaining.

Mr. ANDREWS. I yield the balance of my time to my friend from California (Mr. GARAMENDI).

Mr. GARAMENDI. I am sure the admiral is able to read the amendment and would understand it doesn't go into effect until the command structure, including the President of the United States, says it is okay and the review has been completed.

Mr. PLATTS. Mr. Chair, I rise in support of this important amendment and I thank my friend from New Jersey, BILL PASCRELL, for allowing me to work with him on this issue. The Department of Defense and the RAND Corporation have recently estimated that 20 percent of our military personnel who have served in Iraq or Afghanistan have suffered a Traumatic Brain Injury (TBI).

Because symptoms of TBI often go unnoticed, at least initially, it is difficult to know exactly how many troops are living with this disability. If not diagnosed early on, TBIs can lead to memory loss, severe headache disorders, and alcohol and drug abuse.

Neurocognitive assessment has been proven to be an effective tool in detecting and measuring the severity of TBI. This is why the fiscal year 2008 National Defense Authorization required the Department of Defense to screen ALL military personnel for TBI both before and after deployment. Post-deployment

screenings are to be compared with pre-deployment (or baseline) assessments to determine whether or not the servicemember is suffering from a TBI.

Unfortunately, too many of our men and women returning from the wars in Iraq and Afghanistan are still not being screened for TBI. Servicemembers that have been screened post-deployment are currently given a self-assessment checklist, in which the results are not even comparable to their pre-deployment neurocognitive screenings. Not to mention that because the checklist is self-administered, the results are typically inaccurate since these troops either do not realize or do not want to admit that they are living with a TBI.

I am pleased that this year's Defense Authorization includes language requiring the Department of Defense to implement a comprehensive screening and assessment policy by the end of 2011. However, until this policy is fully implemented, thousands of our men and women in uniform are returning from combat without the necessary screenings to ensure that they receive proper treatment.

This amendment, which I am proud to have introduced with Congressmen PASCRELL, ANDREWS, COLE, ORTIZ, COFFMAN and JOE WILSON, will ensure that until the Department of Defense has put in place a comprehensive screening policy, all of our military personnel will receive neurocognitive assessments both before and after deployment. The amendment requires that the same neurocognitive tool used for pre-deployment assessment also be used for post-deployment evaluation. Using the same test allows physicians to compare the baseline screening with the post-deployment results to determine whether a TBI does in fact exist. The current system of using different tools for pre- and post-deployment screenings is like comparing apples to oranges. It is essential that our men and women who put themselves in harm's way to protect us every day receive immediate and appropriate care.

There are currently a number of neurocognitive tools available for the Department of Defense to use for screenings. Several of the branches have initiated comparative studies assessing the effectiveness of the various tools, however, most have yet to be completed. The amendment also requires the Department of Defense to oversee the completion of all outstanding studies and conduct an analysis of the options available.

Though TBIs are difficult to detect because no one symptom exists, it is imperative that the Department of Defense take every possible measure to diagnose and treat our troops effected by TBI. This is why I strongly support this amendment and I encourage all of my colleagues to do the same.

Mr. HARE. Mr. Chair, I'd like to begin by thanking my friend Chairman SKELTON, for his unwavering commitment to our Nation's defense and the warfighter.

Mr. Chair, I rise in strong support of my amendment included in En Bloc package 3.

Mr. Chair, my amendment simply asks the Army Secretary to report to Congress with the details of the Heirloom Chest policy, plans to continue the program and a cost estimate of expanding it.

The Heirloom Chest is presented by the Army to families in memory of soldiers who

have fallen in the defense of our Nation. Under the Army's policy, in the case of separated, divorced, or unmarried parents, the chest is given to only one surviving parent.

While I applaud the Army's efforts to support surviving families, I believe this policy ignores the loss that both parents share and has also unintentionally put added strain on bereaving parents.

Mr. Chair, the intent of my amendment is to ensure the sacrifice of both surviving parents is properly recognized. Families of the fallen have made the ultimate sacrifice, and it is our duty to honor the sacrifice of all survivors.

I urge my colleagues to support this en bloc amendment and the underlying bill.

The Acting CHAIR. All time has expired.

The question is on the amendments en bloc offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendments en bloc were agreed to.

AMENDMENTS EN BLOC NO. 4 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to House Resolution 1404, I offer amendments en bloc No. 4, including modifications to amendment No. 18.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 4 offered by Mr. SKELTON consisting of amendments numbered 12; 17; 18, as modified; 25; 28; 35; 37; and 44 printed in House Report 111-498:

AMENDMENT NO. 12 OFFERED BY MR. OWENS OF NEW YORK

The text of the amendment is as follows:

Page 27, line 3, strike "and".

Page 27, line 8, strike the period and insert "; and".

Page 27, after line 8, insert the following:

(5) for each item included in the list of equipment described in paragraph (3)—

(A) an updated average procurement unit cost for each year of the covered five-year period; and

(B) the updated total Army acquisition objective.

AMENDMENT NO. 17 OFFERED BY MR. POLIS OF COLORADO

The text of the amendment is as follows:

At the end of subtitle B of title III, add the following new section:

SEC. 3. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142) is amended—

(1) by striking "No Federal agency" and inserting "(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency"; and

(2) by adding at the end the following:

"(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a non-conventional petroleum source, if—

"(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a non-conventional petroleum source;

"(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or

fuel from a nonconventional petroleum source; and

"(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source."

AMENDMENT NO. 18 OFFERED BY MR. DINGELL OF MICHIGAN

The text of the amendment is as follows:

Page 84, after line 24, insert the following:

SEC. 315. INFORMATION SHARING RELATING TO INVESTIGATION OF EXPOSURE TO DRINKING WATER CONTAMINATION AT CAMP LEJEUNE, NORTH CAROLINA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of the Navy and Commandant of the Marine Corps are responsible for the identification and timely sharing of all relevant records relating to the Camp Lejeune base-wide drinking-water systems, including all records of which the Agency for Toxic Substances and Disease Registry (hereinafter in this section referred to as the "ATSDR") may not be aware and all records that are in the possession of the Department of Defense, and all contractors, sub-contractors, and consultants of the Department but may no longer be located at the Camp Lejeune base.

(2) On April 28, 2009, during a Camp Lejeune Community Assistance Panel (hereinafter in this section referred to as "CAP") meeting, it was stated by the ATSDR that it had recently discovered electronic data on a "hundred or more underground storage and above-ground storage tanks" housed on a Naval Facilities Engineering Command Internet web portal.

(3) This revelation occurred after the ATSDR requested in 2005 that all relevant data for its health studies be turned over from the Department of Defense to the agency, and the response by the Department's CAP representative was that the information was "not new, just newly found."

(4) On March 22, 2010, the ATSDR stated in a letter to the Navy and Marine Corps that the ATSDR was informed for the first time of an electronic database containing approximately 700,000 records of analytical data.

(5) In a response letter, dated March 26, 2010, the Navy stated that "the Marine Corps is neither in a position to determine the relevance of information nor does it have the subject matter expertise to determine the relevance of documents in all cases."

(6) It is necessary that the Secretary of the Navy be required to add or assign personnel with the relevant expertise to complete the transfer of all documents and materials pertaining to the contaminated drinking water at Camp Lejeune.

(7) Discovery of such records must not rely on specific requests from the ATSDR but on a shared goal of ensuring the scientific accuracy of the current health study and the responsibility of the Secretary of Defense to provide such information.

(b) REQUIREMENT.—By not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide ATSDR with an electronic inventory of all existing documents, records, and electronic data pertaining to the CERCLA listed and RCRA listed contamination sites at Camp Lejeune and all existing documents, records, and electronic data pertaining to the contaminated drinking water at Camp Lejeune. If after the date of enactment of this Act, the Secretary of Defense generates new documents, records and electronic data, or comes

into possession of existing documents, records or electronic data not previously included in the electronic inventory, the Secretary of the Navy shall provide ATSDR with an updated electronic inventory incorporating the newly located or generated documents, records and electronic data. The Secretary of the Navy shall ensure that Department of Defense personnel with appropriate experience and expertise, including in the area of environmental engineering and the conduct of water modeling, working in conjunction with ATSDR, are utilized to identify, compile, and submit existing and new documents, records, and electronic data in Navy and Marine Corps records and electronic libraries that would assist the ATSDR in gathering data relating to the contamination and remediation of Camp Lejeune base-wide drinking-water systems.

AMENDMENT NO. 25 OFFERED BY MS. JACKSON
LEE OF TEXAS

The text of the amendment is as follows:

Page 284, after line 22, insert the following:
SEC. 727. POST-TRAUMATIC STRESS DISORDER COUNSELING FOR CIVILIAN VICTIMS OF THE FORT HOOD SHOOTING AND OTHER SIMILAR INCIDENTS.

The Secretary of Defense shall make available to each civilian victim of a shooting on a military installation in the United States, including the shooting at Fort Hood on November 5, 2009, extensive counseling for post-traumatic stress disorder.

AMENDMENT NO. 28 OFFERED BY MR. ETHERIDGE
OF NORTH CAROLINA

The text of the amendment is as follows:

Page 633, after line 10, add the following:
SEC. 2815. CLARIFICATION OF AUTHORITY OF SECRETARY TO ASSIST WITH DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH THE ESTABLISHMENT OR EXPANSION OF A MILITARY INSTALLATION.

Section 2391(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following:

“If the proposed or actual establishment or expansion of a military installation would otherwise qualify a State or local government for assistance under this paragraph and is the result of base realignment and closure activities authorized by the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), the Secretary may make grants, conclude cooperative agreements, and supplement funds available under Federal programs administered by agencies other than the Department of Defense in order to assist the State or local government with development of the public infrastructure (including construction) required by the proposed or actual establishment or expansion.”; and

(2) in paragraph (5)(A), by striking “in planning community adjustments and economic diversification” and inserting “as provided in paragraph (1)”.

AMENDMENT NO. 35 OFFERED BY MR. PUTNAM OF
FLORIDA

The text of the amendment is as follows:

At the end of subtitle F of title X, insert the following new section:

SEC. 1065. SENSE OF CONGRESS REGARDING RECREATIONAL HUNTING AND FISHING ON MILITARY INSTALLATIONS.

It is the sense of the Congress that—

(a) military installations that permit public access for recreational hunting and fish-

ing should continue to permit such hunting and fishing where appropriate;

(b) permitting the public to access military installations for recreational hunting and fishing benefits local communities by conserving and promoting the outdoors and establishing positive relations between the civilian and defense sectors;

(c) any military installations that make recreational hunting and fishing permits available for purchase should provide a discounted rate for active and retired members of the Armed Forces and veterans with disabilities; and

(d) the Department of Defense, all of the service branches, and military installations that permit public access for recreational hunting and fishing should promote access to such installations by making the appropriate accommodations for members of the Armed Forces and veterans with disabilities.

AMENDMENT NO. 37 OFFERED BY MR. CHANDLER
OF KENTUCKY

The text of the amendment is as follows:

Page 599, strike lines 8 through 13.

AMENDMENT NO. 44 OFFERED BY MS.
RICHARDSON OF CALIFORNIA

The text of the amendment is as follows:

Page 99, after line 23, insert the following:

SEC. 336. REQUIREMENT TO UPDATE STUDY ON STRATEGIC SEAPORTS.

The Commander of the United States Transportation Command shall update the study entitled “PORT LOOK 2008 Strategic Seaports Study”. In updating the study under this section, the commander shall consider the infrastructure in the vicinity of a strategic port, including bridges, roads, and rail, and any issues relating to the capacity and condition of such infrastructure

AMENDMENT NO. 18 OFFERED BY MR. DINGELL OF
MICHIGAN, AS MODIFIED

The Acting CHAIR. The Clerk will report the modification to amendment No. 18.

The Clerk read as follows:

Page 84, after line 24, insert the following:

SEC. 315. INFORMATION SHARING RELATING TO INVESTIGATION OF EXPOSURE TO DRINKING WATER CONTAMINATION AT CAMP LEJEUNE, NORTH CAROLINA.

By not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide the Agency for Toxic Substances and Disease Registry with an electronic inventory of all existing documents, records, and electronic data pertaining to the CERCLA listed and RCRA listed contamination sites at Camp Lejeune and all existing documents, records, and electronic data pertaining to the contaminated drinking water at Camp Lejeune. If after the date of enactment of this Act, the Secretary of Defense generates new documents, records and electronic data, or comes into possession of existing documents, records or electronic data not previously included in the electronic inventory, the Secretary of the Navy shall provide the Agency for Toxic Substances and Disease Registry with an updated electronic inventory incorporating the newly located or generated documents, records and electronic data. The Secretary of the Navy shall ensure that Department of Defense personnel with appropriate experience and expertise, including in the area of environmental engineering and the conduct of water modeling, working in conjunction with the Agency for Toxic Substances and

Disease Registry, are utilized to identify, compile, and submit existing and new documents, records, and electronic data in Navy and Marine Corps records and electronic libraries that would assist the Agency for Toxic Substances and Disease Registry in gathering data relating to the contamination and remediation of Camp Lejeune base-wide drinking-water systems.

Mr. McKEON (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. McKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the en bloc amendments to the National Defense Authorization Act and in support of the underlying bill.

We in North Carolina are rightly proud of our military, and we understand that as they serve us, we must provide them with what they need to get their job done. This bill does just that, authorizing funds for troops, for our veterans, and for our military families.

My amendment, which I offered with my colleagues Mr. KISSELL and Mr. BISHOP of Georgia, would enhance our support for the military and the communities they live in. It would reinforce Congress' commitment to the quality of life for America's soldiers, officers, civilians, and their families.

Supporting our troops means supporting military families and the communities they call home. Military facilities bring significant benefits to our communities, but they also bring significant strain on those communities. Our amendment clarifies that when the military plans rapid growth in an area, the Department can join with the affected community to prepare for that growth. It empowers our communities to make strategic planned investments to respond to the strategic planned transition for BRAC.

I thank the chairman for including it in the en bloc amendment, and I urge my colleagues to support the amendment and the authorization bill.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. PUTNAM), who is the author of one of the amendments.

Mr. PUTNAM. I thank the ranking member and the chairman from Missouri for their support of this and their

inclusion of it in the en bloc amendment.

It is a small change in the big scheme of things, but one which I believe will have a tremendous impact, not only on our active duty personnel, but on our men and women who are returning.

It is rooted in an experience in watching the success of these wounded warrior projects, where we have special opportunity hunts for men and women who are returning back to the States and getting reacquainted with the sport that they love so much.

There are over 400 military installations across the country that allow for recreational hunting and fishing on their property. They are managed individually by the local commanders. They allow the public to access these areas by providing a tremendous benefit to those neighboring communities by allowing them to share in the natural resources. By allowing the public to access these areas and enjoy these lands, the Department of Defense helps to establish positive relationships between the Department and the civilian population.

Last month, the President launched his great outdoors conservation initiative, where recreational hunters and fishermen are recognized for having led the charge in the area of conservation, and the benefit of these military installations should be considered in that initiative. The greater access we have to enjoy the outdoors and promote these activities will help to promote conservation for future generations and healthier lifestyles.

I want to point out that in addition to the access, you have the accessibility issues. Hydraulic lifts, wheelchair-accessible duck blinds, docks, hunting stands, are minor improvements that mean a great deal to those men and women who are coming home. Only 20 of those 400 sites though are currently accessible for our disabled, and I believe we cannot underestimate the value of making those improvements to give them the opportunity to share in those outdoor experiences.

Mr. Chairman, we should support the military installations which provide these opportunities for the public and for our veterans and encourage them to continue to do so, where appropriate, and urge the Department of Defense to make more of these facilities accessible for our veterans.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Chairman.

I rise in support of the bill for the purpose of engaging in a colloquy with the chairman. I would like to discuss the important role the National Aeronautics and Space Administration plays in our national security. In fact, I had legislation that established NASA as a national security asset.

Chairman SKELTON, would you agree that our national security space programs are closely linked to NASA and that termination of the human spaceflight program could result in serious consequences for our space launch?

Further, do you agree that NASA's space programs have made important contributions to our national and homeland security, economic security, international standing, and technological competitiveness?

Finally, it is my hope that the Department of Defense will carefully assess the national security assets that may be possessed by NASA.

Mr. SKELTON. I certainly thank the gentlelady from Texas for her observations.

Yes, of course, I agree that NASA space programs have made important contributions to our national security. In specific response to your concern, the industrial base required for reliable space launch could be placed at risk by the proposed changes in the human spaceflight program. Further, I understand the department is carefully evaluating the impact of those changes.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Chairman.

My colleagues and I who are working on this issue appreciate your view. Transferring funds from the human spaceflight program to unproven commercial space efforts designed to carry humans and cargo into space is unreasonable and may be an unreasonable risk that this country should not take at this time. I hope that we can work together on this issue to ensure the continuation of human spaceflight programs.

Thank you, Mr. SKELTON, for supporting NASA.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, we heard our colleague across the aisle talking about the Don't Ask, Don't Tell. Obviously, this is supposed to be about a block of amendments, and I don't have objection to those, so I would like to use this time to address that issue.

This body, leaders in this body, the White House, from the President to the Chairman of the Joint Chiefs and the Secretary of Defense, have promised our men and women who wear the uniform that their opinion will be considered.

□ 1800

A survey and study are being done.

Now, we've heard about individual cases where this person ended up getting out. As we heard, he couldn't keep his sexual urges private, and so he had to make them overt and therefore he was out-processed.

The policy has been, as long as the sexuality is a private matter, then it

doesn't damage the mission of the military. But when it becomes overt, whether it's an officer having a heterosexual affair, or whether it's overt homosexuality, through the history of the military, it has been a problem to the ongoing morale of the military and accomplishment of the mission. Anything that detracts from the mission should be eliminated.

So the message here is, the hundreds of people that have urged me, please fight for us and what we believe in, because I've heard from so many, if you push this through, we're out. We're done.

We hear some isolated cases, but please, let's don't do damage to the military and break our promise to them, let's wait till the study is completed.

Mr. SKELTON. Mr. Chairman, pursuant to section 4 of House Resolution 1404, I hereby give notice that the amendments numbered 15 and 62 may be offered out of order.

The Acting CHAIR (Mr. POMEROY). The gentleman's request is noted.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN), my friend and colleague.

Mr. COHEN. Mr. Chairman, before I begin, I would like to Commend Congressmen POLIS and LANGEVIN for their work on this important amendment.

The amendment we've offered will play an important role in safeguarding a healthy American environment and ensuring American taxpayers are not forced to subsidize the production of highly polluting energy resources.

Let me be clear. This amendment in no way restricts Federal agencies' ability to procure readily available fuels. Instead, it clarifies that under section 526 of the 2007 Energy Independence and Security Act, Federal agencies may purchase fuel that is not predominantly derived from higher carbon content sources like tar sands and coal to liquid.

Turning coal into liquid fuel produces up to twice as much greenhouse gas pollution per unit of energy as conventional petroleum fuel, and fuel processed from tar sands generates 14-42 percent more greenhouse gas pollution per unit of energy compared to production of conventional petroleum fuels.

Further, the extraction or production of these fuels is also incredibly destructive to an environment that is already suffering.

The Federal Government should not play an inappropriate role subsidizing the production of these outdated, dirty energy sources, especially as we work to move our Nation toward a clean energy future.

However, today most, if not all, publicly available fuel containing tar sands oil contains only small amounts of that resource. Therefore, this

amendment would not affect the ability of the Defense Department or other Federal agencies to continue to process tar sands oil.

However, section 526 has successfully protected taxpayers from costly and destructive subsidies of highly polluting fuel production and will continue to encourage deployment of clean energy production from domestic sources.

This amendment passed by unanimous recorded vote last year, and I, along with my colleagues, Congressmen POLIS and LANGEVIN, urge a "yes" vote today.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, it's a treat to be able to rise and say the en bloc amendment is fine, just as most of what is in the bill is fine.

Unfortunately, there is an amendment that's being offered which threatens to poison the entire package and to do great damage to our military, and that is an issue that you've heard from earlier this day, the idea of repealing the Don't Ask, Don't Tell legislation.

Now, the way it works currently in the military is that if you happen to be homosexual and you want to serve in the military, that's fine. And as long as your particular sexual tastes don't get in the way of performing the mission, there's no problem.

The point is that the military has a job to protect our citizens, and we don't want things getting in the way of that. If you were to commit adultery, you could be discharged because that gets in the way of our performing our mission.

Now, we face an amendment here, which is opposed by all of our military leadership, which says we're going to repeal Don't Ask, Don't Tell.

What, then, does that look like?

I mean, currently the policy is you could be gay, and as long as it doesn't get in the way of doing your job, everything is fine.

So now we're going to repeal Don't Ask, Don't Tell. So what exactly are we asking?

Are we asking the military then to protect or condone homosexual behavior if it does get in the way of performing the mission?

What exactly are we talking about?

Are we talking about creating separate dormitories, for instance, if we have sexual harassment?

What will this have to do with recruitment? People that have a 17-year-old kid that may be wanting to sign up, what will this do to recruitment?

What's it going to do to the morale of the troops?

What's it going to do to small-unit cohesion?

And, also, the other piece of the military is about these soldiers that are giving their time and lives are confined

to very tight areas and pushed together in very difficult circumstances over long periods of time. What is the effect of that?

And all of these questions are sitting out there, and the military leadership is saying, yeah, we don't know the answer to those questions. Give us some time to take a look at it. We don't want you to pass this until we can see what's going on with this.

Now, I have three sons. They've graduated Naval Academy. All of them went Marine Corps. One survived his experience in 2005 in Fallujah.

And when our sons and daughters are serving and laying their lives or their bodies on the line so that we can live in peace and freedom, that is a very sacred kind of sacrifice they're making for us. So why would we belittle that by jumping into something?

We're being asked to pass something that we don't even know what we're passing. We don't understand the implications or how it would look. And yet we're going to jump into this for, what, some sort of political deal to satisfy some vocal but small minority using the lives of our own children?

I will not have any part of betraying the interest of our kids just for political purposes.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL), my friend and colleague.

Mr. DINGELL. Mr. Chairman, I thank my good friend from Missouri for his kindness to me, for his support of this amendment, and for the yielding of this time.

This is an amendment which is to deal with a very important injustice done to marines by the Department of the Navy, and you may read more about it in my remarks as they are extended.

In a nutshell, people in the Marine Corps are being hurt, injured, poisoned, given cancer and other things by the way the Department of the Navy has run the posts and has provided contaminated water to the members of the Marine Corps and to their families. This will at least begin the process of getting information to these marines about what has happened and why it is that they are suffering this way, and see to it that we are taking a step forward to have the Marine Corps deliver some of the information that they're supposed to deliver under agreement.

I urge my colleagues to vote for the amendment, and I thank my friend from Missouri.

Mr. Chair, I rise today to urge my colleagues to support the amendment I have offered with my colleagues, Congressmen STUPAK and MILLER, pertaining to the historic water contamination at Marine Corps Base Camp Lejeune.

I would like to thank Chairman SKELTON for his willingness to work with me on this important issue.

Mr. Chair, I am offering this amendment on behalf of the marines and veterans that were exposed to the toxic drinking water at Camp Lejeune between 1957 and 1987 and whose lives have been forever changed because of it. There's Jerry Ensminger, whose daughter Janey was carried to term at Camp Lejeune and died at age 9 after a long and heart-wrenching battle with childhood leukemia. There's Jim Fontella and Mike Partain, two among the dozens of former Lejeune residents battling breast cancer, a disease rarely found among males. These are the poisoned patriots who have lent their stories and their voices to the others who have not spoken out. They want answers about the water contamination and our amendment will help provide them.

Put simply, our amendment would require the Department of the Navy to fulfill its obligation under an existing memorandum of understanding with the Department of Health and Human Services' Agency for Toxic Substances and Disease Registry—that is, to share all relevant environmental information pertaining to historic water contamination at Camp Lejeune. In addition, it requires the Navy to use its in-house experts to help ATSDR gather this information.

This amendment constitutes a small piece of a larger quest to get answers for our former marines and their families who were exposed to the highly toxic chemicals, TCE, PCE, and benzene. The fact is, 23 years after the contaminated wells were shut down, there is still much unknown. How much and to what extent were housing areas exposed to the contaminants? When did the contamination take place? What is the extent of the exposure to the specific chemicals? And finally, is there a link between the exposure to the toxic water and illnesses experienced by former Camp Lejeune residents? Our amendment will ensure that ATSDR—mandated by the Comprehensive Environmental Response, Compensation and Liability Act to assess human health effects of exposures to toxic chemicals at Superfund sites—has the information it needs to complete its studies and answer these questions.

Mr. Chair, it is unfortunate we must require something as simple this by statute. But after 23 years, we have had enough delay from the Defense Department. Ironically, I first came to know about this problem when the Defense Department came before the Energy and Commerce Committee seeking broad exemptions from the Clean Air Act, the Solid Waste Disposal Act, and CERCLA, among others. The military wanted these exemptions in the name of readiness, public health be damned. To say the least, it is troubling to think about where ATSDR's studies would be or what terrible tragedies would await our servicemembers in the future if the Department of Defense were exempt from CERCLA.

In closing, I'd ask my colleagues to look at the bigger picture when considering this amendment. With Memorial Day approaching this weekend, what could be a more fitting tribute to our servicemembers and veterans than to uphold the sacred trust they place in our Government when they sign up to serve and potentially make the ultimate sacrifice for our Nation?

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

I have another letter to read, and I'd like to insert it into the RECORD.

This is from General Carl E. Mundy, Jr., United States Marine Corps, Retired. He sent an identical letter, I believe, to the chairman.

He says: "I write to convey my appreciation for your strong stance relative to efforts to repeal the current law which exclude homosexuals from serving openly in the armed services. You and I both know that such action is not in the best interest of our Nation or its Armed Forces. While each member of the HASC has many constituencies to serve, some very vocal, it may be that your largest is the 2.8 million men and women in uniform, together with the family members who support them and who number at least that many. In sharp contrast to homosexual activists, these volunteers in uniform serve silently and obediently and rely on the reasoned judgment of their leaders and even more so, perhaps, of those empowered to 'raise armies, provide and maintain a navy, and to make the rules for the governance thereof' to speak and to represent them.

"Secretary Gates has put into motion an effort to at least give this element of your constituents an opportunity to be heard relative to their concerns about implementation. The very large majority of servicemembers who are not homosexual, at least 97 percent or more, deserve to be heard before any peremptory, uninformed action is taken to impose the sexuality of a minority on them. I believe strongly that a moratorium on discharges being advocated by some in the Senate and on your committee as well could be tantamount to muzzling those most affected by such peremptory action. I appreciate the stand you have taken to prevent this."

I would like to enter General Mundy's letter into the RECORD.

Mr. Chairman, there have been comments made that perhaps the Chiefs support this action that will be taking place tonight on this vote, tonight or tomorrow, whenever we get to that amendment. But I must reiterate, I spoke to them on the phone and they followed up with a letter and, to a person, they all oppose us taking action before the recommended procedure that the Secretary has set in place.

GENERAL CARL E. MUNDY, JR.,
UNITED STATES MARINE CORP (RET.),
May 19, 2010.

Hon. "BUCK" McKEON,
Ranking Member, House Armed Services Committee,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN McKEON: I write to convey my appreciation for your strong stance relative to efforts to repeal the current law which excludes homosexuals from serving openly in the Armed Services. You and I both know that such action is not in the best interests of our nation or its Armed Forces. While each member of the HASC has many constituencies to serve—some very

vocal—it may be that your largest is the 2.8 million men and women in uniform together with the family members who support them and who number at least that many. In sharp contrast to homosexual activists, these volunteers in uniform serve silently and obediently and rely on the reasoned judgment of their leaders and even more so, perhaps, of those empowered to "... raise armies, provide and maintain a navy, and to make the rules for the governance thereof" to speak for and to represent them.

Secretary Gates has put into motion an effort to at least give this element of your constituents an opportunity to be heard relative to their concerns about implementation. The very large majority of servicemembers who are not homosexual—at least 97% or more—deserve to be heard before any peremptory, uninformed action is taken to impose the sexuality of a minority on them. I believe strongly that a moratorium on discharges being advocated by some in the Senate and on your Committee as well would be tantamount to muzzling those most affected by such peremptory action. I appreciate the stand you have taken to prevent this.

Last year, my Service, the Marine Corps, discharged something over 32,400 men and women from active service. Seventy-eight of those were discharged for matters related to homosexuality—less than one-quarter of one percent. Within that small number, more than half were still in Entry Level Training with less than a year in service—young trainees still in the reality-shock of Boot Camp or the immediate months following—who can barely be considered qualified, much less skilled or even of a maturity old enough to drink alcohol. And within that small number, three were discharged without any active service at all while still in the Delayed Entry Program awaiting assignment to active duty. Claims of a hemorrhage of skills due to the injustice of the law are simply not supported by cases like these. And in my experience, if not by admission of homosexuality—factual, or not at their still emerging state of maturity—most of these young people—homesick, disillusioned, or stunned by the shock of Recruit Training—would seek another means of gaining discharge.

As a final note, let me convey my concern that in counter-balance to whatever number of homosexual advocate voices you hear, the voices of the thousand retired military officers who gave their advice professionally and with dignity and respect to the President and members of Congress on this subject last year—together with the 160 more who have lent their names since—should not be ignored. This is the largest number of officers to have collectively conveyed their views and recommendations in the history of our nation. And in spite of the efforts of activists to impugn the character and legitimacy of these officers as out of touch, a number of those offering their advice commanded Divisions in combat or held other significant command or staff positions as recently as the wars in Iraq and Afghanistan. This body of professional advice matters, since the signers base our judgments on experience, and have no special interest agenda other than the effectiveness of our Armed Forces.

I want to again offer my admiration for your courageous and principled stand on behalf of the men and women of our armed services on this issue. I hold the strongest hope that you will continue to allow the voices of those in uniform to be heard on this important subject, and will continue to oppose efforts to impose a moratorium on dis-

charges, which is tantamount to de-facto repeal of a law that has, and does serve the armed forces well.

Sincerely,

CARL E. MUNDY, JR.

Mr. SKELTON. Mr. Chairman, pursuant to section 4 of House Resolution 1404, I hereby give notice that amendment Nos. 68 and 81 may be offered out of order.

The Acting CHAIR. The gentleman's request is noted.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Chairman, I rise today, as we debate the defense authorization bill, to discuss the concept of humanity because I believe the men and women of the United States military have a sense of compassion for humanity and courage, and the broadness of their humanity causes them to sacrifice on behalf of the American people. Today I stand here and thank them.

And then I want to acknowledge, as well, the vast civilian support staff that are found on the Nation's military bases and bases around the world. I got a good sense of that when I joined, sadly, my fellow colleagues at Ft. Hood a few months ago, mourning the loss of a civilian and soldiers at the hands of a terrorist. I was able to see civilians and soldiers coming together expressing concern for each other.

I saw the mourning of those families who had lost their fallen heroes, their soldiers. And, yes, I saw the civilian staff mourn, as well, over the losses that had occurred amongst their fellow workers and colleagues, soldiers, and a civilian, and those who were also injured.

As we mourned, it came to my attention that we must take care of all of them. Sergeant Kimberly Munley, who was a sergeant, a Fort Hood police sergeant to whom was attributed the success of bringing down this particular dangerous person, despite being shot herself; or a 19-year-old nutritionist who put a tourniquet on a wounded soldier and carried them out for medical care, even though she was also wounded.

So I am grateful that the committee has accepted my amendment, and I ask my colleagues to support the idea of more or continued post-traumatic stress disorder counseling for the civilians on this base, and to ensure that that happens, if ever such a tragedy occurs again, to be able to provide Airborne staff on military bases with that kind of support system. I have promised the Fort Hood community that I would return, and I intend to do so to check on how they're doing.

But it is important that we stand here today as we look toward Memorial Day, mourning those lost, to be able to say to those here that we will counsel

or provide them with the services necessary to support those possibly suffering from post-traumatic stress disorder and other mental health issues due to work-related violence on our military installations.

I started out quickly, Mr. Chairman, by talking about humanity, and I finish by saying, I've heard all of the talk about Don't Ask, Don't Tell. It is interesting to note that the Secretary of Defense, the Chairman of the Joint Chiefs, as well as the President, recognize the importance of acknowledging this necessary change in our military.

But I am reminded of the history of integrating the military when President Truman said it was the right thing to do to provide the opportunity for Americans who happened to be of African American heritage to serve.

We know it is distinctive, but there is a reason for Don't Ask, Don't Tell to be eliminated, and it is that every decent human being needs the right to serve his or her country if they are willing to take the Oath of Service.

This is the right thing to do. Repeal it. It's time. The Murphy amendment is right and the process is in keeping with the respect of the opinion of those active duty soldiers who will be surveyed for their view. However now is the time to end this discrimination. My constituent Ensign Provost might have lived if his sexual orientation had not been misused to create an atmosphere that it was alright to take his life because he lived in fear of reprimand and dismissal. He was willing to serve his country but our country did not respect his humanity or his service.

Mr. Chairman, I rise in support of my amendment (#25) to H.R. 5136—"National Defense Authorization Act for Fiscal Year 2011."

My amendment would make available post-traumatic stress counseling for civilian victims of a shooting on a military installation base in the United States, including the shooting at Fort Hood.

Every branch of the United States Armed Forces has a civilian workforce. The civilian workforce, also called "civil service," provides stability in various types of jobs at a military installation. That allows for the continuation of military operations in a peace or wartime environment. Civil service personnel serve in roles that provide an important support system allowing the Armed Services to operate at the highest levels.

There are many ways to serve our country without actually enlisting in the military. One of those ways is to work in a military civilian job with the Armed Services. There are many, many thousands of individuals serving in jobs in fields such as medicine, recreation, education, engineering, food services, and many other important areas in which civilians provide valuable support for our military operations. The Army alone employs more than 250,000 civilians on its bases and installations around the world.

Civilians, like soldiers, are sometimes placed in harm's way and many work in chal-

lenging environments. One incident that recently presented unimaginable challenges and consequences for both soldiers and civilians was the shooting at Fort Hood. We understand that civilians stand in the same vulnerable shoes as soldiers when events like the Fort Hood event occur.

Enlisted personnel, National Guards, reservists and veterans with PTSD have lived through traumatic events that caused them to fear for their lives, bear witness to horrible things, and feel helpless and hopeless. PTSD symptoms usually start soon after the traumatic event, but they may not manifest until months or years later. If provided proper medical care, about half, 40 percent to 60 percent, of people who develop PTSD get better at some time.

Although veterans who served in combat are most frequently afflicted by PTSD, events such as the Fort Hood shooting highlight the physical and psychological dangers facing military personnel in all roles. Consequently, it is vital to extend to our civilian personnel the same benefits and support that we give to our active duty military. Civilians and military members on Fort Hood have equal responsibility to protect our Nation and, as such, it is morally imperative that we honor these civilians by providing them with equal support in the aftermath of such traumatic incidents.

Mr. Chairman, I urge my colleagues to support this simple but important amendment.

Mr. MILLER of North Carolina. Mr. Chair, for 30 years, the water that our former Marines and their families drank, cooked with, and bathed in at the Marine Corps Base Camp Lejeune was contaminated with highly toxic chemicals, including benzene, TCE, and PCE.

The Agency for Toxic Substances and Disease Registry, ATSDR, at the Centers for Disease Control is currently working on several health studies to determine just what effect this water had on the men and women serving at Lejeune.

For years the discussion about Camp Lejeune centered on TCE and PCE exposure, but recently the conversation turned to benzene. Benzene is a known carcinogen. This new emphasis on benzene has come about because new documents, recently discovered, show that marines' exposure to benzene at Camp Lejeune was far greater than previously thought.

And these documents are not the only "newly found" documents.

ATSDR's health studies must rely on having accurate data about what people were exposed to, as well as where and when these toxins were in the water. If you don't get the water modeling right, you can't do the rest of the studies. We are at a crucial point—we must get this right now.

In every memorandum of understanding between the Navy and ATSDR, the Navy was supposed to provide ATSDR with an inventory of all available data related to water contamination at Camp Lejeune; that inventory has never been provided.

Nobody disputes that the Navy has provided open access to their library and records to ATSDR, but access is not enough. The Navy is the expert on what documents they have and they must take responsibility for ensuring that all relevant documents are provided to ATSDR.

This amendment will ensure that no crucial documents will surface after these health studies have been completed.

Mr. STUPAK. Mr. Chair, I urge Members to support the Dingell/Stupak/Miller amendment to H.R. 5136, the Defense Authorization Act. I wish to thank my colleagues Congressmen DINGELL and MILLER for their work to bring this amendment to the floor.

As Chairman of the Energy and Commerce Committee's Oversight and Investigations Subcommittee, I held a hearing in 2007 on the contaminated water wells at Camp Lejeune and how the Department of Defense did not appropriately respond to the discovery of volatile organic compounds within the drinking water from 1957 to 1987.

During the hearing, we listened to soldiers formerly stationed at Camp Lejeune who, along with members of their families who lived on the base, have encountered significant health problems they believe is tied to their exposure to TCE, PCE, benzene and other toxins.

These volatile organic compounds may be the cause of increased incidences of cancer and birth defects among women, children, employees, and soldiers stationed at Camp Lejeune.

Because Camp Lejeune is a Superfund site, the Agency for Toxic Substances and Disease Registry, ATSDR, is responsible for conducting health studies to determine the connections between the contaminated drinking water and incidences of cancer and birth defects.

Now, even after more than six years of data discovery efforts by ATSDR, a complete record of available data necessary for ATSDR's health studies appears to remain incomplete.

This situation is unacceptable and I hope my colleagues will support our amendment to send a clear message that Congress expects this issue to be resolved expeditiously.

Our amendment requires the Navy to provide ATSDR with a complete inventory of all relevant data by putting in place additional personnel with experience and expertise in water modeling and environmental engineering who will work with ATSDR to bring this matter to a close.

This information sharing task is a shared goal between the agencies because it will ensure the scientific accuracy of the health studies ATSDR is tasked with completing.

I ask Members to support our amendment and send a clear signal on what we expect from Federal agencies in responding to our service men and women who have suffered from the Camp Lejeune legacy.

Mr. GINGREY of Georgia. Mr. Chair, I rise in opposition to the Polis/Langevin/Cohen amendment that has been included in the En Bloc amendment No. 4. Unfortunately—despite what proponents of this amendment are saying—I do not believe that this amendment does anything to alleviate the draconian problems of section 526 of the Energy Independence and Security Act of 2007.

Even if this amendment passes, Americans will still not be able to increase the supply of fuels from alternative sources derived from resources available in the United States. Oil shale will remain trapped in rock, and we will

not be able to use clean carbon captured coal-to-liquid for fuel.

The amendment intends to create an exception under section 526 for generally available fuel not predominately produced from a non-conventional petroleum source, and all federal agencies—including DoD—will still be able to purchase Canadian fuels with traces of oil sands that may create more of a carbon footprint than completely conventional fuel. However, I am concerned that “predominantly from a nonconventional source” is not defined in this amendment. This stipulation could expose gasoline, diesel, and jet fuel produced from crude oil—with significant components of oil sands—to the prohibition in section 526.

Mr. Chair, even under the provisions of this amendment, DoD—as well as every other federal agency—won’t be able to utilize any of the sources of fuel that may be totally derived from clean domestic alternatives we have readily available.

This is precisely why I offered an amendment to the Rules committee on this bill; to provide a waiver to the Secretary of Defense to be freed from the handcuffs of section 526. I support a full repeal of section 526 because the cost of refined product for DoD has increased by over 500 percent in the last ten years when volume only increased by 30 percent. I offered my amendment—that was rejected by House Democrats—as a middle ground to not stifle domestic energy innovation and to save taxpayer dollars.

Mr. Chair, I fear that this amendment does nothing to rectify the underlying problem with section 526 that prevents the Federal Government from utilizing domestic resources to reduce fuel costs, so I must oppose this amendment and ask all my colleagues to do the same.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENT NO. 21 OFFERED BY MR. GUTIERREZ

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 111-498.

Mr. GUTIERREZ. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. GUTIERREZ:

At the end of title VIII, add the following new section:

SEC. 839. DEBARMENT OF BP AND ITS SUBSIDIARIES.

(a) CONTRACTS WITH BP AND ITS SUBSIDIARIES.—If the Secretary of Defense determines that BP or any of its subsidiaries performing any contract with the Department of Defense is no longer a responsible source (as defined in section 2302 of title 10, United States Code), the Secretary shall determine, not later than 90 days after making such determination, whether BP or its subsidiaries should be debarred from contracting with the Department of Defense.

(b) DEBAR.—In this section, the term “debar” has the meaning given that term by section 2393(c) of title 10, United States Code.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Illinois (Mr. GUTIERREZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, in 2009 the Occupational Safety and Health Administration fined BP \$87 million for hundreds of safety violations at a Texas City refinery, many of which were originally identified after the 2005 explosion and then ignored there.

As recently as 2 months ago, BP was fined another \$3 million for violations at the Toledo, Ohio refinery similar to those identified in the 2005 Texas City refinery explosion. Again, just like in 2005, no steps were taken to correct the safety violations.

This blatant disregard for workers’ lives shows that BP is a bad partner for the U.S. Government.

I rise today to say that BP stands for too many broken promises, too many broken lives and too many broken laws.

My amendment is a simple, common-sense amendment that would require that the Secretary of Defense consider disbaring BP if it finds that BP is not a responsible source.

As a Federal contractor, BP must meet Federal acquisition regulation standards as a responsible source. What’s the definition of a responsible source? It includes the provision that a prospective contractor must have “a satisfactory record of integrity and business ethics.” As we’ve already defined, they do not uphold that standard.

As well, they must have a satisfactory performance record. To take that definition from the Webster’s dictionary, integrity is “firm adherence to a code or standard of values.” BP clearly does not meet the standard set by even the lowest code of values.

The history that I’ve talked about cannot be ignored. In March of 2005, before the recent explosion, at a BP Texas refinery, 15 people lost their lives; 180 were injured. Investigators from the U.S. Chemical Safety and Hazard Protection Board believed this explosion could have been avoided had it not been for organizational and safety deficiencies at all levels of BP Corporation.

And when they polluted in Alaska, the EPA and every government official encouraged the U.S. Attorney to indict them criminally for their abuse of safety standards.

Now, let me just say, this comes straight, straight from BP’s code of conduct. BP code of conduct. It’s right here. I’ve got it right down from the Internet, and here’s what it says.

□ 1815

Our code of conduct is the cornerstone of our commitment to integrity. Integrity?

An important consideration is how BP addresses integrity. Quote—this comes from right here. It says, “code of conduct is the cornerstone of our commitment to integrity.” Moreover, within their code of conduct, BP states that they are “committed to providing all BP employees . . . with a safe and secure work environment where no one is subject to unnecessary risk.”

You know what it further says here right from their manual and code of conduct? It says right here on page 72, it says right here, Make sure you know what to do if an emergency occurs at your place of work.

Right from their BP manual and code of conduct. Clearly, they are not meeting their code of conduct.

But it gets worse. This comes from this very manual, which I am going to add to the RECORD. Quote, “We aim for no accidents, no harm to people, and no damage to the environment.”

Zero for three. I didn’t make this up. It’s in their code of conduct.

And if we are supposed to be responsible and make sure that contractors—\$2 billion we buy from BP every year. I say we buy not \$1 more of their oil. They have been irresponsible, and they don’t even meet their own code of conduct that comes down from their own Web site.

Mr. Chair, I think we have an obligation, a responsibility to the American taxpayers to respond. And what does my simple amendment say? It says the Secretary of Defense should consider disbaring them if he finds they don’t meet the code of conduct which should be administered to every provider of goods to the American people on which we spend the American taxpayers’ dollars.

OUR COMMITMENT TO INTEGRITY HEALTH, SAFETY AND SECURITY

BP is committed to providing all BP employees—and those of other companies working on our premises—with a safe and secure work environment where no one is subject to unnecessary risk.

We recognize that safe operations depend not only on technically sound plant and equipment, but also on competent people and an active HSSE culture. No activity is so important that it cannot be done safely.

Simply obeying safety rules is not enough. BP’s commitment to safety means each of us needs to be alert to safety risks as we go about our jobs.

BASIC RULES YOU MUST FOLLOW ALWAYS

Comply with the requirements of the HSSE management system at your work location—including the use of relevant standards, instructions and processes—and with the golden rules of safety.

Stop any work that becomes unsafe.

Only undertake work for which you are trained, competent, medically fit and sufficiently rested and alert to carry out.

Make sure you know what to do if an emergency occurs at your place of work.

Help ensure that those who work with you—employees, contractors and other third parties—act consistently with BP's HSSE commitments.

Promptly report to local BP management any accident, injury, illness, unsafe or unhealthy condition, incident, spill or release of material to the environment, so that steps can be taken to correct, prevent or control those conditions immediately. Never assume that someone else will report a risk or concern.

Seek advice and help if: You are ever unclear about your HSSE obligations; You have a concern about a potential or actual breach of HSSE law or a BP HSSE requirement.

NEVER

Undertake work when your performance is impaired by alcohol or other drugs, legal or illegal, prescribed or otherwise.

Possess, use or transfer illegal drugs or other substances on company premises.

Use threats, intimidation or other violence at work, or bring weapons—including those carried for sporting purposes—onto company premises.

I yield back the balance of my time.
Mr. McKEON. Mr. Chairman, I rise to seek the time in opposition although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. I would just like to make a couple of points.

The Secretary would first have to determine that BP was not a responsible source. If the Secretary determines that BP was not a responsible source, the Secretary would already be authorized to consider debarment. The Secretary is not obligated to debar BP or any of its subsidiaries in any circumstance.

Having said that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GUTIERREZ. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 42 OFFERED BY MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 42 printed in House Report 111-498.

Ms. ESHOO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 42 offered by Mr. ESHOO:

At the end of subtitle C of title IX, add the following new section:

SEC. 923. AUDITS OF INTELLIGENCE COMMUNITY BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) AUDITS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is

amended by adding at the end the following new section:

“AUDITS OF INTELLIGENCE COMMUNITY BY GOVERNMENT ACCOUNTABILITY OFFICE

“SEC. 508. (a) IN GENERAL.—Except as provided in subsection (b), the Director of National Intelligence shall ensure that personnel of the Government Accountability Office designated by the Comptroller General are provided with access to all information in the possession of an element of the intelligence community that the Comptroller General determines is necessary for such personnel to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by one of the congressional intelligence committees.

“(b) AUDITS OF PROGRAMS INVOLVING SOURCES AND METHODS.—(1) If the Director of National Intelligence determines that a portion of an analysis, evaluation, or investigation to be conducted by the Comptroller General that is requested by a committee of Congress with jurisdiction over the subject of such analysis, evaluation, or investigation involves a matter that is subject to the reporting requirements of section 503 or intelligence sources or methods, such portion may be redacted from such analysis, evaluation, or investigation and provided exclusively to the congressional intelligence committees.

“(2) If the Director of National Intelligence redacts a portion of an analysis, evaluation, or investigation under paragraph (1), the Director shall inform the committee of Congress that requested such analysis, evaluation, or investigation of the redaction.

“(c) NOTICE OF ANALYSIS, EVALUATION, OR INVESTIGATION AND PROCEDURES.—Not later than 15 days before initiating an analysis, evaluation, or investigation of an element of the intelligence community, the Comptroller General shall submit to the congressional intelligence committees a notice that includes—

“(1) a description of the analysis, evaluation, or investigation to occur and the purposes of such analysis, evaluation, or investigation;

“(2) the names of the personnel who will conduct such analysis, evaluation, or investigation and the level of security clearance possessed by such personnel; and

“(3) the procedures to be used in the course of such analysis, evaluation, or investigation for examining classified information, including a description of all facilities and materials that will be used.

“(d) DISCUSSION OF PROCEDURES.—(1) Prior to initiating an analysis, evaluation, or investigation of an element of the intelligence community, the Comptroller General, in consultation with the congressional intelligence committees, shall discuss with the Director of National Intelligence the procedures for conducting such analysis, evaluation, or investigation.

“(2) Not later than five days after the discussion referred to in paragraph (1), the Director of National Intelligence may submit to the Comptroller General a written comment suggesting any changes or modifications to the procedures referred to in paragraph (1).

“(e) CONFIDENTIALITY.—The Comptroller General shall maintain the same level of confidentiality for a record made available during the course of an analysis, evaluation, or investigation involving sources or methods as is required of the head of the element of the intelligence community from which such record is obtained. An officer or em-

ployee of the Government Accountability Office shall be subject to the same statutory penalties for unauthorized disclosure or use of a record as an officer or employee of the element of the intelligence community that provided the Comptroller General or such officer or employee of the Government Accountability Office with access to such record.

“(f) WORKPAPERS.—All workpapers of the Comptroller General and all records and property of any element of the intelligence community that the Comptroller General uses during the course of an analysis, evaluation, or investigation involving sources or methods shall remain in facilities provided by the element of the intelligence community providing such records and property.

“(g) PROVISION OF SUPPLIES.—The head of each element of the intelligence community that is a subject of an analysis, evaluation, or investigation by the Comptroller General involving sources or methods shall provide the Comptroller General with suitable and secure offices and furniture, telephones, and access to copying facilities, for purposes of such analysis, evaluation, or investigation.

“(h) PROCEDURES FOR PROTECTION OF INFORMATION.—The Comptroller General, in consultation with the congressional intelligence committees, shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General in the course of conducting an analysis, evaluation, or investigation involving sources and methods.

“(i) SUBMISSION OF NAMES OF PERSONNEL CONDUCTING ANALYSIS, EVALUATION, OR INVESTIGATION.—Prior to initiating an analysis, evaluation, or investigation involving sources and methods, the Comptroller General shall provide the Director of National Intelligence and the head of each element of the intelligence community that is a subject of such analysis, evaluation, or investigation with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, the head of such element shall make available records and information during the course of such analysis, evaluation, or investigation.

“(j) COOPERATION.—The head of each element of the intelligence community that is a subject of an analysis, evaluation, or investigation shall cooperate fully with the Comptroller General and provide timely responses to requests by the Comptroller General for documentation and information made pursuant to this section.

“(k) RULE OF CONSTRUCTION.—Except as provided in subsection (b), nothing in this section or any other provision of law shall be construed to restrict or limit the authority of the Comptroller General to audit, evaluate, or obtain access to the records of an element of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.”

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from California (Ms. ESHOO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Ms. ESHOO. Mr. Chairman, I rise to offer my amendment No. 42 to this National Defense Authorization Act.

Mr. Chairman, what brings me to the floor is something that I think should

concern every single Member of the House. We all know that our number one obligation as Members of Congress is to secure our country. And as a member of the House Intelligence Committee, it matters not Republican or Democrat, we stand shoulder to shoulder. We may debate different things. We all know, and the full House knows, that this is our first and top obligation. In order to carry that obligation out, that duty done well, as a member of the House Intelligence Committee we must do effective oversight. We have to do investigations. It is the way we do our work.

The reason I offer this amendment is because, unlike all the rest of the committees of the House who can use the GAO, dispatch the Government Accountability Office into the executive branch to make the kinds of determinations on financial issues, financial management, personnel, acquisitions, information technology, whatever it might be, the House Intelligence Committee is not allowed to do that. And in attempting to do it, it has drawn the ire of the administration.

Now, I am a Democrat. We have a Democratic administration. I think the administration is ill-advised in this. These are the prerogatives of the Congress and the jurisdictions of our committees. I think that we need to be able to have the tools that the GAO has, with all of the safeguards in place relative to sources and methods and those things that are the most sensitive in the intelligence community. But I don't believe that the executive branch should be telling the legislative branch what tools we should have and to make that decision for us. That speaks to the separation of powers, and it also speaks to what we, as Members of Congress, in terms of our duty have to carry out and to do.

So my amendment really corrects this flaw, and I think it's an important provision that would restore the GAO's role in congressional oversight. I don't think this is a question of whether the information is too sensitive for the GAO. They have the security clearances. They have dealt with things before, and nothing has ever happened.

So as I said, I believe this issue goes directly to the heart of one of the most important functions of the Congress, and that is effective oversight. That's what this amendment is about.

I want to thank, in particular, Chairman HOWARD BERMAN for his work on this issue from the House Foreign Affairs Committee, and also my colleagues from the House Intelligence Committee who are sponsoring this amendment: Congressman HOLT, Congressman TIERNEY of Massachusetts, Congressman THOMPSON of California, and Congresswoman SCHAKOWSKY of Illinois.

I rise to offer my amendment #42, to the FY2011 National Defense Authorization Act.

This Amendment would require the Director of National Intelligence to cooperate with GAO inquiries initiated by committees of jurisdiction.

Oversight of matters in the intelligence community—including financial management, personnel systems, acquisitions, and information technology—is a fundamental prerogative of Congress. GAO plays a critical role helping committees examine the functions of government agencies in an objective, thorough manner.

But despite this expertise, the intelligence community refuses to allow GAO in the door, even when the intelligence committees—the committees that have jurisdiction over them—have asked them to investigate. The Administration has even threatened to veto the Intelligence Authorization Bill because it contained a provision that would restore GAO's role in Congressional oversight.

The co-sponsors of this amendment have joined me in rejecting the Administration's flawed legal analysis that would exempt the intelligence community from GAO's review—even though they review every other federal agency.

This is not a question of whether the information is too sensitive for GAO. GAO has evaluated a number of national security programs, including ones that have sensitive intelligence implications like Intelligence Surveillance and Reconnaissance programs which are known as ISR platforms. GAO has issued classified reports on the Iraq war and parts of the Comprehensive National Cybersecurity Initiative. Their personnel have the appropriate security clearances and they know how to safeguard sensitive information.

In an abundance of caution, the amendment lays out additional safeguards that GAO must follow to be able to have access to our nation's intelligence information.

I believe this issue is one that goes directly to the heart of one of the most important functions of the Congress, and that is oversight. This also goes to the very core of the principle of Separation of Powers.

My amendment would make clear to the intelligence community that they cannot bar the door to Congressional oversight, and it is Congress, not the Executive branch that determines which tools we get to use.

In particular, I'd like to thank Chairman BERMAN of the House Foreign Affairs Committee and HPSCI members Representatives HOLT, TIERNEY, THOMPSON of California, and SCHAKOWSKY for co-sponsoring this amendment. I urge the adoption of the amendment.

At this point I would like to yield to Mr. BERMAN, my trusted and distinguished colleague from California.

The Acting CHAIR. The gentleman is recognized for the 1½ minutes remaining in favor of the amendment.

Mr. BERMAN. Mr. Chairman, the Eshoo amendment cuts right to the heart of our constitutional authority: Congressional oversight of matters, in this case, within the intelligence community—basic functions, financial management, acquisitions, information technology—a fundamental prerogative of this body, a prerogative that should not be limited to the intelligence committees.

Bottom line, GAO plays a critical role in helping the committees examine day-to-day functions of government agencies within their jurisdiction, and its expertise needs to be brought to bear on the intelligence community. This is particularly true after the 2004 reforms that established the ODNI. There is no community that has undergone more bureaucratic overhaul and tumult, any agency within the Federal Government, than within the intelligence community.

The notion that committees of appropriate jurisdiction are blocked from investigating areas within their domain for oversight purposes, having nothing to do—we clearly exempt the sources and methods issues from this oversight—makes no sense. It is an insult to the prerogatives of the Congress. And to the extent that the administration argues this should be solely within their prerogative, they don't fully understand our institutional role in Congress.

I don't understand how anyone in this body who is interested in dealing with waste, with fraud, with duplication would want to limit the GAO's authority to go into appropriate areas within the intelligence community.

I urge an "aye" vote.

□ 1830

Mr. THORNBERRY. Mr. Chairman, I seek the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Chairman, I think the first and probably most important point to make on this amendment is that it does not belong on this bill and it imperils the whole bill.

This issue about whether to expand GAO's authority to be able to investigate the intelligence community, which has been an issue in the fiscal year 2010 intelligence authorization bill, has been the subject of veto threats from the administration and is one of, if not the reason, here 4 months before the end of the fiscal year we still do not have an intelligence authorization bill.

So it does not belong here. This is the DOD authorization bill. It is being discussed in another forum where it should, the intelligence authorization bill, and if it gets added to the DOD authorization bill, it puts in danger this entire bill because just today, the administration sent another email which confirmed the veto threat over this provision.

So however Members feel about the particular issue one way or another, I would suggest that you ought to be very careful about endangering the whole bill over this provision.

Second point I'd make is this is not a change to be taken lightly. As the gentlelady, my colleague on the Intelligence Committee mentioned, the GAO has not had this power, authority

before since the modern intelligence community has existed. Congress after Congress of both parties, President after President of both parties have rejected this, I would suggest, for some very good reasons.

So this is not a step to be taken lightly.

I think the only argument one can make is that the current intelligence committees are incapable of performing their oversight responsibilities and therefore they have to get this other entity, GAO, in to help them do that. I don't agree with that position. I think the intelligence committees in the House and the Senate are capable of performing their job. Now, I get frustrated. I don't agree with everything that the majority chooses to do, but I believe that the committee is perfectly capable of oversight of the intelligence community as we were tasked to do in the House rules and by statute.

These committees were created in the 1970s to fill a very unique role, and to undermine them by saying they are incapable of performing their job which, without bringing GAO and investigators and so forth, I think is a mistake.

I also believe, Mr. Chairman, that this amendment may undermine the role of the DNI at a time that is very sensitive for the role of the DNI. Because if you look at the amendment itself, it says the Comptroller General decides what he needs access to, has control over how these investigations will be conducted. Now, the amendment says that you can have discussions with the DNI, but the decision is with the Comptroller General, further undermining the DNI's control over classified material. I think that's a mistake.

There are other flaws, in my view, in this amendment. But the bottom line is it undermines the bill. It does not belong here. And it is a step that previous Congresses, previous Presidents have not chosen to take because of the sensitivity of the material and the unique role that the select committees on intelligence play.

Therefore, I hope my colleagues on both sides of the aisle will reject this amendment. I urge them to do so.

I yield back the balance of my time. The Acting CHAIR. All time for debate on the amendment has expired.

Mr. ANDREWS. Is it in order to propound a unanimous consent request at this point?

The Acting CHAIR. Any request to extend time must be congruent on both sides.

Mr. ANDREWS. I would make a unanimous consent request to extend for each side 1 minute.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ANDREWS. I would yield 1 minute to the Speaker of the House,

the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding and his leadership on this important bill before us.

I commend Congresswoman ESHOO for her attention to this important matter, her leadership in bringing this amendment to the floor.

Mr. Chairman, as you all know, protecting American people is our first responsibility. Their security is what we take an oath to uphold, protect, and defend. In order to do that, we recognize the importance of intelligence gathering to preventing violence and to protecting the American people, especially in this age when we're fighting terrorism at home and abroad.

The issue before us is if the responsibilities of Congress can be honored without the knowledge that we are entitled to. This is a very important issue. We all recognize, as the gentleman said, the importance of having information be kept secret when it's in our national security interest to do so. Not to overdo that to the extent of having Congress not have the information it needs to do its job of proper oversight to protect the American people.

We are preventing harm. And if we're going to prevent harm, we have to have information to do so. And the members of the Intelligence Committee have a responsibility to hold that information close. This doesn't apply to every piece of information of intelligence that comes to the committee, but it does say that the GAO has a proven track record of conducting thorough and professional investigations. Their work has informed the Congress and led to significant changes that have enhanced our government's effectiveness. GAO staff are professionals who protect information held by the intelligence community. A vote for this amendment is a vote for enhancing intelligence oversight. It is a vote for Congress.

I urge our colleagues to support the Eshoo amendment.

Mr. THORNBERRY. Mr. Chairman, I certainly agree with the distinguished Speaker about the importance of our role in national security and the importance of Congress' role in overseeing the intelligence community. I agree that national security is the first job of the Federal Government.

I also agree with both the gentleladies from California that oversight can be improved from the Congress. As a matter of fact, I've had legislation, which has not been allowed to be voted on the floor, to make clear the notification requirements and statute about what any administration must notify Congress about, the information it must give us.

I'd also have to point out that the 9/11 Commission made a number of very important recommendations on how we can improve oversight in this Congress.

Unfortunately, that have not been adopted. Now, they adopted a kind of a hybrid panel of the Appropriations Committee, but that was not at all what the 9/11 Commission, the WMD Commission recommend we do to improve oversight.

I think we should focus on making our committees of oversight more effective rather than bringing in this other entity, the General Accounting Office, that has historically never had a role with the intelligence community, and that the President says he will veto the bill over if we allow it to happen.

Let's look at ourselves, improve ourselves first before we start bringing in others.

Mr. TOWNS. Mr. Chair, as Chairman of the Oversight and Government Reform Committee, I support the amendment offered by Ms. ESHOO because it will strengthen government accountability and enhance critical oversight of the intelligence community. The amendment provides necessary clarification regarding the authority of the General Accountability Office, GAO, to receive information from the intelligence community. Congress relies on the GAO as a force multiplier in carrying out the investigative and oversight functions vested in the Legislative Branch. The GAO helps inform the Congress and all Executive agencies about areas and programs within the federal government that are performing well, and those that need to be improved or are vulnerable to waste, fraud, and abuse.

This amendment will allow GAO to carry out these vital functions without unwarranted interference from intelligence community agencies. As Acting Comptroller General Gene Dodaro previously noted, this authority does not represent an overhaul of existing oversight mechanisms for the intelligence community. Instead, "The proposed legislative provisions in essence reaffirm GAO's existing authority in order to address the lack of cooperation GAO has received from certain elements of the IC [intelligence community] in carrying out work at the specific request of the intelligence committees, and other committees of jurisdiction as defined by the rules of the Senate and House." The intelligence community will function more effectively, and better protect the security of this country if this amendment is adopted.

Despite my strong support for the amendment and its important goals, I should note my concern with the way in which the amendment is drafted. This provision should clearly identify the authority of any committee of Congress with jurisdiction over the identified subject to request evaluation or analysis of an intelligence community component, not only the congressional intelligence committees, except in the case of matters concerning intelligence sources and methods.

I thank Ms. ESHOO and the other sponsors of this important amendment for bringing it before the House, and I urge all Members to support it.

Mr. THORNBERRY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. ESHOO).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. THORNBERRY. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 47 OFFERED BY MR. SARBANES

The Acting CHAIR. It is now in order to consider amendment No. 47 printed in House Report 111-498.

Mr. SARBANES. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 47 offered by Mr. SARBANES:

At the end of title VIII, add the following new section:

SEC. 839. OFFICE OF FEDERAL PROCUREMENT POLICY ACT AMENDMENTS.

(a) SERVICE CONTRACT INVENTORY REQUIREMENT.—

(1) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

“SEC. 45. SERVICE CONTRACT INVENTORY REQUIREMENT.

“(a) SERVICE CONTRACT INVENTORY REQUIREMENT.—

“(1) GUIDANCE.—The Director of the Office of Management and Budget shall develop and disseminate guidance to aid executive agencies in establishing systems for the collection of information required to meet the requirements of this section and to ensure consistency of inventories across agencies.

“(2) REPORT.—The Director of the Office of Management and Budget shall submit a report to Congress on the status of efforts to enable executive agencies to prepare the inventories required under paragraph (3), including the development, as appropriate, of guidance, methodologies, and technical tools.

“(3) INVENTORY CONTENTS.—Not later than December 31, 2010, and annually thereafter, the head of each executive agency required to submit an inventory in accordance with the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note), other than the Department of Defense, shall submit to the Office of Management and Budget an annual inventory of service contracts awarded or extended through the exercise of an option or a task order, for or on behalf of such agency. For each service contract, the entry for an inventory under this section shall include, for the preceding fiscal year, the following:

“(A) A description of the services purchased by the executive agency and the role the services played in achieving agency objectives, regardless of whether such a purchase was made through a contract or task order.

“(B) The organizational component of the executive agency administering the contract, and the organizational component of the agency whose requirements are being met through contractor performance of the service.

“(C) The total dollar amount obligated for services under the contract and the funding source for the contract.

“(D) The total dollar amount invoiced for services under the contract.

“(E) The contract type and date of award.

“(F) The name of the contractor and place of performance.

“(G) The number and work location of contractor and subcontractor employees, expressed as full-time equivalents for direct labor, compensated under the contract, using direct labor hours and associated cost data collected from contractors.

“(H) Whether the contract is a personal services contract.

“(I) Whether the contract was awarded on a noncompetitive basis, regardless of date of award.

“(b) FORM.—Reports required under this section shall be submitted in unclassified form, but may include a classified annex.

“(c) PUBLICATION.—Not later than 30 days after the date on which the inventory under subsection (a)(3) is required to be submitted to the Office of Management and Budget, the head of each executive agency shall—

“(1) make the inventory available to the public; and

“(2) publish in the Federal Register a notice that the inventory is available to the public.

“(d) GOVERNMENT-WIDE INVENTORY REPORT.—Not later than 90 days after the deadline for submitting inventories under subsection (a)(3), and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress and make publicly available on the Office of Management and Budget website a report on the inventories submitted. The report shall identify whether each agency required to submit an inventory under subsection (a)(3) has met such requirement and summarize the information submitted by each executive agency required to have a Chief Financial Officer pursuant to section 901 of title 31, United States Code.

“(e) REVIEW AND PLANNING REQUIREMENTS.—Not later than 180 days after the deadline for submitting inventories under subsection (a)(3) for an executive agency, the head of the executive agency, or an official designated by the agency head shall—

“(1) review the contracts and information in the inventory;

“(2) ensure that—

“(A) each contract in the inventory that is a personal services contract has been entered into, and is being performed, in accordance with applicable laws and regulations;

“(B) the contracts do not include to the maximum extent practicable functions that are closely associated with inherently governmental functions;

“(C) the agency is not using contractor employees to perform inherently governmental functions;

“(D) the agency has specific safeguards and monitoring systems in place to ensure that work being performed by contractors has not changed or expanded during performance to become an inherently governmental function;

“(E) the agency is not using contractor employees to perform critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operations; and

“(F) there are sufficient internal agency resources to manage and oversee contracts effectively;

“(3) identify contracts that have been poorly performed, as determined by a con-

tracting officer, because of excessive costs or inferior quality; and

“(4) identify contracts that should be considered for conversion to—

“(A) performance by Federal employees of the executive agency in accordance with agency insourcing guidelines required under section 736 of the Financial Services and General Government Appropriations Act, 2009 (Public Law 111-8, division D) and section 46 of this Act; or

“(B) an alternative acquisition approach that would better enable the agency to efficiently utilize its assets and achieve its public mission.

“(f) REPORT ON ACTIONS TAKEN IN RESPONSE TO ANNUAL INVENTORY.—Not later than one year after submitting an annual inventory under subsection (a)(3), the head of each executive agency submitting such an inventory shall submit to the Office of Management and Budget a report summarizing the actions taken pursuant to subsection (e), including any actions taken to consider and convert functions from contractor to Federal employee performance. The report shall be included as an attachment to the next annual inventory and made publicly available in accordance with subsection (c).

“(g) SUBMISSION OF SERVICE CONTRACT INVENTORY BEFORE PUBLIC-PRIVATE COMPETITION.—Notwithstanding any other provision of law, beginning in fiscal year 2011, if an executive agency has not submitted to the Office of Management and Budget the inventory required under subsection (a)(3) for the prior fiscal year, the agency may not begin, plan for, or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation or directive until such time as the inventory is submitted for the prior fiscal year.

“(h) GAO REPORTS ON IMPLEMENTATION.—

“(1) REPORT ON GUIDANCE.—Not later than 120 days after submission of the report by the Director of the Office of Management and Budget required under subsection (a)(2), the Comptroller General of the United States shall report on the guidance issued and actions taken by the Director. The report shall be submitted to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

“(2) REPORTS ON INVENTORIES.—

“(A) INITIAL INVENTORY.—Not later than September 30, 2011, the Comptroller General of the United States shall submit a report to the Committees named in the preceding paragraph on the initial implementation by executive agencies of the inventory requirement in subsection (a)(3) with respect to inventories required to be submitted by December 31, 2010.

“(B) SECOND INVENTORY.—Not later than September 30, 2012, the Comptroller General shall submit a report to the same Committees on annual inventories required to be submitted by December 31, 2011.

“(3) PERIODIC BRIEFINGS.—The Comptroller General shall provide periodic briefings, as may be requested by the Committees, on matters related to implementation of this section.

“(i) EXECUTIVE AGENCY DEFINED.—In this section, the term ‘executive agency’ has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).”.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of such Act is amended by adding at the end the following new item: “Sec. 45. Service contract inventory requirement.”.

(3) REPEAL OF SUPERSEDED LAW.—Section 743(c) of the Financial Services and General Government Appropriations Act, 2010 (Public Law 111-117; 123 Stat. 3216) is amended by striking “and annually thereafter.”.

(b) PROHIBITION AGAINST DIRECT CONVERSIONS.—

(1) IN GENERAL.—Section 43(a)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 439) is amended by striking “10 or more”.

(2) GUIDANCE.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidance to all Federal agencies other than the Department of Defense to ensure that no function last performed by Federal employees is converted to contractor performance without complying with the requirements of section 43 of such Act, as amended by this section.

(c) GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.—

(1) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by subsection (a), is further amended by adding at the end the following new section:

“SEC. 46. GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.

“(a) GUIDELINES REQUIRED.—(1) The heads of executive agencies subject to the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) shall devise and implement guidelines and procedures to ensure that consideration is given to using, on a regular basis, Federal employees to perform new functions and functions that are performed by contractors and could be performed by Federal employees.

“(2) The guidelines and procedures required under subparagraph (A) may not include any specific limitation or restriction on the number of functions or activities that may be converted to performance by Federal employees.

“(b) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines and procedures required under paragraph (1) shall provide for special consideration to be given to using Federal employees to perform any function that—

“(1) is performed by a contractor and—

“(A) has been performed by Federal employees at any time during the previous 10 years;

“(B) is a function closely associated with the performance of an inherently governmental function;

“(C) has been performed pursuant to a contract awarded on a non-competitive basis; or

“(D) has been performed poorly, as determined by a contracting officer during the 5-year period preceding the date of such determination, because of excessive costs or inferior quality; or

“(2) is a new requirement, with particular emphasis given to a new requirement that is similar to a function previously performed by Federal employees or is a function closely associated with the performance of an inherently governmental function.

“(c) EXCLUSION OF CERTAIN FUNCTIONS FROM COMPETITIONS.—The head of an executive agency may not conduct a public-private competition under Office of Management and Budget Circular A-76 or any other provision of law or regulation before—

“(1) in the case of a new agency function, assigning the performance of the function to Federal employees;

“(2) in the case of any agency function described in paragraph (2), converting the function to performance by Federal employees; or

“(3) in the case of an agency function performed by Federal employees, expanding the scope of the function.

“(d) DEADLINE.—(1) The head of each executive agency shall implement the guidelines and procedures required under this subsection by not later than 120 days after the date of the enactment of this subsection.

“(2) Not later than 210 days after the date of the enactment of this subsection, the Government Accountability Office shall submit a report on the implementation of this subsection to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

“(e) DEFINITIONS.—In this subsection:

“(1) The term ‘inherently governmental functions’ has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

“(2) The term ‘functions closely associated with inherently governmental functions’ means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

“(f) APPLICABILITY.—This subsection shall not apply to the Department of Defense.”.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of such Act, as amended by subsection (a), is further amended by adding at the end the following new item:

“Sec. 46. Guidelines on insourcing new and contracted out functions.”.

(3) REPEAL OF SUPERSEDED LAW.—Subsection (b) of section 739 of division D of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 2030) is repealed.

(d) CONVERSION OF FUNCTIONS TO PERFORMANCE BY FEDERAL EMPLOYEES.—

(1) DECISION TO INSOURCE.—The Office of Management and Budget shall not establish any numerical goal, target, or quota for the conversion to performance by Federal employees of functions previously performed by contractors unless such goal, target, or quota is based on considered research and analysis.

(2) REPORTS.—

(A) REPORT TO CONGRESS.—The Office of Management and Budget shall submit to Congress a report on the aggregate results of the efforts of each Federal agency to convert functions from contractor performance to performance by Federal agency employees made during fiscal year 2010. Such report shall include—

(i) agency decisions for converting such functions to Federal employee performance;

(ii) the basis and rationale for the agency decisions;

(iii) the number of contractor employees whose functions were converted to performance by Federal employees.

(B) COMPTROLLER GENERAL REPORT.—Not later than 120 days after the submittal of the report under paragraph (1), the Comptroller General of the United States shall submit to the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report.

(3) DEPARTMENT OF DEFENSE.—Nothing in this subsection shall apply to the Department of Defense.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Maryland (Mr. SARBANES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. SARBANES. Thank you, Mr. Chair.

This amendment, amendment number 47, I believe, in the queue, would bring standards of good government and good government practice to procurement across the Federal agencies. What it does, in fact, is it takes a set of standards that has been put in place already with respect to the Department of Defense as a result of the DOD authorization bill of 2008, as well as standards that were built into appropriations bills applying to other agencies over the last couple of years, and it makes it clear that those are going to be authorized standards going forward to apply to non-DOD agencies as well now as to DOD agencies.

As many people know, over the last few years, the impulse to contract services out on the part of the Federal Government went too far. And in fact, studies have demonstrated that, for example, the Department of Defense's service contractor workforce grew from 732,000 in 2000 to 1.3 million in 2006, a huge increase. And this kind of phenomenon was not limited to the Department of Defense. We saw it in other agencies—the Department of Homeland Security and other places across the Federal workforce.

Secretary Gates, recognizing that things have gone too far in this direction, is looking for a better balance and has already declared that DOD will examine this reliance on contractors and begin to bring more of a balance back into the equation. So what this amendment would do is take that same approach, those same standards and apply them across the board to non-DOD agencies.

It includes a number of provisions. Very briefly, I will go over those.

The first is it would close a loophole that allowed certain work performed by Federal employees to be contracted out without determining whether in fact that would result in any savings. Well, that's the kind of analysis that needs to be done. And so we would close that loophole.

It would create a contractor inventory. Right now we don't really have a sense of which contracts are out there, what kind of outsourcing has been done. We need to get a handle on that, have an inventory, so we can make better decisions and informed judgments going forward.

It would also seek to bring some analysis as to when it's appropriate to bring back in-house some of these functions and operations that have been outsourced according to very reasonable and rational standards.

And the last thing it would do is improve oversight and transparency. It would prevent any agency from establishing arbitrary quotas or targets or numerical goals with respect to what should be outsourced or not. In other words, what this seeks to do is bring a rational analysis back to whether something should be outsourced or not outsourced. It doesn't try to tilt the presumption in one direction or another. It just says let's look at this on a careful basis and determine when it makes sense, when it can generate savings, when it's a good thing for the Federal Government to do, and when it may not be such a good thing to do.

So I urge support of this amendment because I do believe it will bring commonsense good government provisions back into the mix and will make those permanent for all government agencies across the board.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Chair, I seek time in opposition.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. At this time I'd like to yield 3 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. SARBANES, I am sure, is well-intended with this amendment. But I hope the Chair will take note that this amendment is wholly outside the jurisdiction of this committee. And for that reason, it would be subject to a rule, if the rule allowed it.

More importantly, it is very clear that although well-intended, it falls short of its intended mark. Mr. SARBANES in his comments, rightfully so, said he wanted to establish standards. But I am sure the gentleman wants to establish a standard.

□ 1845

This amendment would establish every agency having a different standard. We already have the Office of Management and Budget and other agencies working to define inherently governmental in a uniform way, and that is critical. We do not want to bring in anything which is less expensive to do out-of-house and is not necessary to bring in-house.

I share with the gentleman the desire to make sure that which must be done by the government, that which is so special that we definitely do not want profit fitting into the equation, we want it done by the government.

I never again want to consider anything being outsourced simply because we don't have the will to build the resources in-house, particularly when it often can cost more, not less, to outsource.

So I would hope that the gentleman would withdraw his amendment, one, because it's outside the jurisdiction of this committee; and, two, because there is a time and a place to get a

standard. We already have an effort under way by this administration to establish a single standard, one that could be uniformly executed that would save money and save confusion.

Mr. SARBANES. Mr. Chairman, may I inquire how much time is remaining?

The Acting CHAIR. The gentleman from Maryland has 1 minute remaining.

Mr. SARBANES. I yield 45 seconds to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding. I rise in support of the amendment offered by my friend and colleague, Mr. SARBANES of Maryland.

This amendment ensures due diligence on the part of Federal agencies by requiring cost comparisons before any work can be awarded to contractors at non-Department of Defense agencies.

I just want to point out that this is what DOD is doing now, and those of us on the Oversight Committee, who saw the problems that were created by recklessly contracting out core government responsibilities in the Iraq reconstruction era, think this is a great idea. We think that this is an idea that will make sure that we do effective cost analysis and also measure the appropriateness of whether or not a core government's function should be contracted out to begin with.

Mr. LAMBORN. Mr. Chairman, I yield myself such time as I may consume.

The trouble is, this is not working so great for the Department of Defense, and to take it to all the other departments of government is not a good idea.

We were promised that we would have a cost analysis that the validity of analysis and cost models would be provided, and that really hasn't been provided. So we have these glowing claims that this is going to save money, but we haven't seen the analysis backing that up.

What we do know is that there will be people in the private sector losing their jobs. Now, sure, it will get transferred to the government service, but are we comparing apples to apples or apples to oranges?

The claims that this will save money, I am not sure they take into account such things as health care coverage and pensions and things like that that a Federal employee would receive on top of their salary.

I also question the long-term strategic use, especially in the Defense Department, of the great amounts of insourcing that are being talked about, because the most innovation that we get comes historically from the private sector.

People that are in government are well-intentioned, they do their best, but there just sometimes is not that same cutting-edge innovation and tech-

nology improvement in government service that we see with people working in the private sector.

The competition is so intense, that can drive innovation in the private sector. So to give that up for core competencies, core things that should be done by the private sector is something that I see as not good for the long-term strategy of the defense industry.

For that reason, too, I really have to question this impulse to take something that's really not working that great and apply it to all of government just because you know of a few examples where maybe a contractor was paid too much.

I agree with Representative ISSA. We need to first of all step back and see if this is even working in the Department of Defense. And to assume that it is, on very skimpy or scant evidence, and apply it to the entire government is just way too premature and hasty. I would urge a "no" vote on this amendment.

I know it's well-intentioned, but I would urge strongly everyone to oppose it.

I yield back the balance of my time.

Mr. SARBANES. I yield the balance of my time to my colleague from New Jersey (Mr. ANDREWS).

The Acting CHAIR. The gentleman is recognized for 15 seconds.

Mr. ANDREWS. The committee supports this amendment because we support Mr. SARBANES' approach of merit-driven decision-making. The OMB will oversee this process. We believe it will improve quality and protect the taxpayers. We support the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. SARBANES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. ISSA. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

AMENDMENTS EN BLOC NO. 5 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, pursuant to House Resolution 1404, as the designee of the chairman of the Committee on Armed Services, I offer amendments en bloc No. 5.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 5 offered by Mr. ANDREWS consisting of amendments numbered 5, 6, 7, 11, 14, 19, 31, and 33 printed in House Report 111-498:

AMENDMENT NO. 5 OFFERED BY MS. BORDALLO OF GUAM

The text of the amendment is as follows:

At the end of division A of the bill, insert the following new title:

TITLE XVII—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

SEC. 1701. SHORT TITLE.

This title may be cited as the “Guam World War II Loyalty Recognition Act”.

SEC. 1702. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

(a) RECOGNITION OF THE SUFFERING OF THE RESIDENTS OF GUAM.—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

(b) RECOGNITION OF THE LOYALTY OF THE RESIDENTS OF GUAM.—The United States forever will be grateful to the residents of Guam for their steadfast loyalty to the United States of America, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.

SEC. 1703. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) PAYMENTS FOR DEATH, PERSONAL INJURY, FORCED LABOR, FORCED MARCH, AND INTERNMENT.—Subject to the availability of appropriations authorized to be appropriated under section 1706(a), after receipt of certification pursuant to section 1704(b)(8) and in accordance with the provisions of this title, the Secretary of the Treasury shall make payments as follows:

(1) RESIDENTS INJURED.—The Secretary shall pay compensable Guam victims who are not deceased before any payments are made to individuals described in paragraphs (2) and (3) as follows:

(A) If the victim has suffered an injury described in subsection (c)(2)(A), \$15,000.

(B) If the victim is not described in subparagraph (A) but has suffered an injury described in subsection (c)(2)(B), \$12,000.

(C) If the victim is not described in subparagraph (A) or (B) but has suffered an injury described in subsection (c)(2)(C), \$10,000.

(2) SURVIVORS OF RESIDENTS WHO DIED IN WAR.—In the case of a compensable Guam decedent, the Secretary shall pay \$25,000 for distribution to eligible survivors of the decedent as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraph (1) and before payments are made under paragraph (3).

(3) SURVIVORS OF DECEASED INJURED RESIDENTS.—In the case of a compensable Guam victim who is deceased, the Secretary shall pay \$7,000 for distribution to eligible survivors of the victim as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraphs (1) and (2).

(b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Payments under paragraph (2) or (3) of subsection (a) to eligible survivors of an individual who is a compensable Guam decedent or a compensable Guam victim who is deceased shall be made as follows:

(1) If there is living a spouse of the individual, but no child of the individual, all of the payment shall be made to such spouse.

(2) If there is living a spouse of the individual and one or more children of the individual, one-half of the payment shall be made to the spouse and the other half to the child (or to the children in equal shares).

(3) If there is no living spouse of the individual, but there are one or more children of the individual alive, all of the payment shall be made to such child (or to such children in equal shares).

(4) If there is no living spouse or child of the individual but there is a living parent (or parents) of the individual, all of the payment shall be made to the parents (or to the parents in equal shares).

(5) If there is no such living spouse, child, or parent, no payment shall be made.

(c) DEFINITIONS.—For purposes of this title:

(1) COMPENSABLE GUAM DECEDENT.—The term “compensable Guam decedent” means an individual determined under section 1704(a)(1) to have been a resident of Guam who died or was killed as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79-224) if a timely claim had been filed under the terms of such Act.

(2) COMPENSABLE GUAM VICTIM.—The term “compensable Guam victim” means an individual determined under section 1704(a)(1) to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

(C) Forced march, internment, or hiding to evade internment.

(3) DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.—The Foreign Claims Settlement Commission shall promulgate regulations to specify injuries that constitute a severe personal injury or a personal injury for purposes of subparagraphs (A) and (B), respectively, of paragraph (2).

SEC. 1704. ADJUDICATION.

(a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.—

(1) IN GENERAL.—The Foreign Claims Settlement Commission is authorized to adjudicate claims and determine eligibility for payments under section 1703.

(2) RULES AND REGULATIONS.—The chairman of the Foreign Claims Settlement Commission shall prescribe such rules and regulations as may be necessary to enable it to carry out its functions under this title. Such rules and regulations shall be published in the Federal Register.

(b) CLAIMS SUBMITTED FOR PAYMENTS.—

(1) SUBMITTAL OF CLAIM.—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 1703 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.

(2) FILING PERIOD FOR CLAIMS AND NOTICE.—All claims for a payment under section 1703 shall be filed within one year after the Foreign Claims Settlement Commission publishes public notice of the filing period in the Federal Register. The Foreign Claims Settlement Commission shall provide for the notice required under the previous sentence not later than 180 days after the date of the enactment of this title. In addition, the Commission shall cause to be publicized the public notice of the deadline for filing claims in

newspaper, radio, and television media on Guam.

(3) ADJUDICATORY DECISIONS.—The decision of the Foreign Claims Settlement Commission on each claim shall be by majority vote, shall be in writing, and shall state the reasons for the approval or denial of the claim. If approved, the decision shall also state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(4) DEDUCTIONS IN PAYMENT.—The Foreign Claims Settlement Commission shall deduct, from potential payments, amounts previously paid under the Guam Meritorious Claims Act of 1945 (Public Law 79-224).

(5) INTEREST.—No interest shall be paid on payments awarded by the Foreign Claims Settlement Commission.

(6) REMUNERATION PROHIBITED.—No remuneration on account of representational services rendered on behalf of any claimant in connection with any claim filed with the Foreign Claims Settlement Commission under this title shall exceed one percent of the total amount paid pursuant to any payment certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be fined not more than \$5,000 or imprisoned not more than 12 months, or both.

(7) APPEALS AND FINALITY.—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

(8) CERTIFICATIONS FOR PAYMENT.—After a decision approving a claim becomes final, the chairman of the Foreign Claims Settlement Commission shall certify it to the Secretary of the Treasury for authorization of a payment under section 1703.

(9) TREATMENT OF AFFIDAVITS.—For purposes of section 1703 and subject to paragraph (2), the Foreign Claims Settlement Commission shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing eligibility of such individual for payment under such section as establishing a prima facie case of the individual's eligibility for such payment without the need for further documentation, except as the Commission may otherwise require. Such material facts shall include, with respect to a claim under paragraph (2) or (3) of section 1703(a), a detailed description of the injury or other circumstance supporting the claim involved, including the level of payment sought.

(10) RELEASE OF RELATED CLAIMS.—Acceptance of payment under section 1703 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim shall be in full satisfaction of all claims related to such decedent or victim, respectively, arising under the Guam Meritorious Claims Act of 1945 (Public Law 79-224), the implementing regulations issued by the United States Navy pursuant thereto, or this title.

SEC. 1705. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.

(a) ESTABLISHMENT.—Subject to section 1706(b) and in accordance with this section, the Secretary of the Interior shall establish a grants program under which the Secretary shall award grants for research, educational, and media activities that memorialize the

events surrounding the occupation of Guam during World War II, honor the loyalty of the people of Guam during such occupation, or both, for purposes of appropriately illuminating and interpreting the causes and circumstances of such occupation and other similar occupations during a war.

(b) **ELIGIBILITY.**—The Secretary of the Interior may not award to a person a grant under subsection (a) unless such person submits an application to the Secretary for such grant, in such time, manner, and form and containing such information as the Secretary specifies.

SEC. 1706. AUTHORIZATION OF APPROPRIATIONS.

(a) **GUAM WORLD WAR II CLAIMS PAYMENTS AND ADJUDICATION.**—For purposes of carrying out sections 1703 and 1704, there are authorized to be appropriated \$126,000,000, to remain available for obligation until September 30, 2013, to the Foreign Claims Settlement Commission. Not more than 5 percent of funds made available under this subsection shall be used for administrative costs.

(b) **GUAM WORLD WAR II GRANTS PROGRAM.**—For purposes of carrying out section 1705, there are authorized to be appropriated \$5,000,000, to remain available for obligation until September 30, 2013.

AMENDMENT NO. 6 OFFERED BY MR. COFFMAN OF COLORADO

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 839. DEFENSE INDUSTRIAL BASE PRIORITY FOR RARE EARTH NEODYMIUM IRON BORON MAGNETS.

(a) **FINDINGS.**—Congress finds the following:

(1) There is an urgent need to restore the United States capability to manufacture sintered neodymium iron boron magnets for use in defense applications and there is an urgent need to eliminate the domestic supply-chain vulnerability related to these key materials in the defense supply-chain.

(2) An April 14, 2010 report by the Government Accountability Office entitled “Rare Earth Materials in the Defense Supply Chain” demonstrates—

(A) the “United States is not currently producing neodymium iron boron magnets,” a key rare earth material;

(B) that future availability of neodymium is largely controlled by Chinese suppliers;

(C) that alternatives to rare earth materials could reduce the demand and dependence on rare earth materials in 10 to 15 years, but these materials might not meet current application requirements;

(D) where rare earth materials are used in defense systems, the materials are responsible for the functionality of the component and would be difficult to replace without losing performance;

(E) fin actuators used in precision-guided munitions are specifically designed around the capabilities of neodymium iron boron rare earth magnets, which are primarily available from Chinese suppliers;

(F) the DDG-51 Hybrid Electric Drive Ship Program uses permanent-magnet motors using neodymium magnets from China; and

(G) future generations of some defense system components, such as transmit and receive modules for radars, will continue to depend on rare earth materials.

(3) The United States has the technological capability to restore its neodymium iron boron manufacturing capability.

(4) Worldwide supplies of rare earth materials, including neodymium, are expected to

tighten significantly within the next 3-5 years.

(5) A domestic effort to restore domestic sintered neodymium iron boron magnet manufacturing capability, including efforts to qualify those magnets for use in defense applications, will take between 3-5 years and should begin immediately to avoid future weapon system delivery disruption.

(b) **REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a plan to establish a domestic source of sintered neodymium iron boron magnets for use in the defense supply chain.

(c) **SINTERED NEODYMIUM IRON BORON MAGNETS.**—For the purposes of subsection (b), the capability to manufacture sintered neodymium iron boron magnets includes the alloying, pressing, and sintering of magnet materials. It does not include manufacturing magnets from standard shapes or imported blocks of neodymium. The Secretary’s plan shall not allow the grinding or reprocessing of neodymium to be considered a “domestic source of sintered neodymium iron boron magnets”.

AMENDMENT NO. 7 OFFERED BY MS. SHEA-PORTER OF NEW HAMPSHIRE

The text of the amendment is as follows:

At the end of subtitle C of title X, add the following new section:

SEC. 1047. STUDY ON COMMON ALIGNMENT OF WORLD REGIONS IN DEPARTMENTS AND AGENCIES WITH INTERNATIONAL RESPONSIBILITIES.

(a) **STUDY REQUIRED.**—The President shall commission a study to assess the need for and implications of a common alignment of world regions in the internal organization of departments and agencies of the Federal Government with international responsibilities.

(b) **PARTICIPATING DEPARTMENTS AND AGENCIES.**—The following departments and agencies, at a minimum, shall participate in the study:

(1) The Department of Defense, including the combatant commands.

(2) The Department of State.

(3) The United States Agency for International Development.

(4) The Department of Justice.

(5) The Department of Commerce.

(6) The Department of the Treasury.

(7) The intelligence community.

(8) Such other departments and agencies as the President considers appropriate.

(c) **COOPERATION AND ACCESS.**—The heads of the departments and agencies participating in the study shall provide full cooperation with, and access to appropriate information to, the team carrying out the study.

(d) **MATTERS COVERED.**—The study required under subsection (a) shall, at a minimum, assess—

(1) the problems resulting from different geographic boundaries within the various departments and agencies;

(2) potential obstacles to implementing a common alignment;

(3) the advantages and disadvantages of a common alignment; and

(4) impediments to interagency coordination because of differing regional authority levels.

(e) **REPORT.**—The President shall submit to Congress a report on the study required under subsection (a) not later than 180 days after the date of the enactment of this Act.

AMENDMENT NO. 11 OFFERED BY MR. KRATOVL OF MARYLAND

The text of the amendment is as follows:

Page 406, after line 4, insert the following:

SEC. 1038. PROHIBITION ON USE OF FUNDS TO GIVE MIRANDA WARNINGS TO AL QAEDA TERRORISTS.

None of the funds authorized to be appropriated in this Act or otherwise made available to the Department of Defense shall be used in violation of section 1040 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2454; 10 U.S.C. 801 note).

AMENDMENT NO. 14 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

The text of the amendment is as follows:

At the end of subtitle B of title XII, add the following new section:

SEC. 12xx. LIMITATION ON AVAILABILITY OF FUNDS FOR ELECTIONS IN AFGHANISTAN.

(a) **LIMITATION.**—No funds authorized to be appropriated by this Act may be made available to support the holding of elections in Afghanistan unless and until the President submits a certification described in subsection (b) to the congressional officials specified in subsection (c).

(b) **CERTIFICATION DESCRIBED.**—A certification described in this subsection is certification in writing that contains a determination of the President of the following:

(1) The Afghanistan Independent Election Commission has the professional capacity, personnel, skills, independence, and legal authority to conduct and oversee free, fair, and honest elections.

(2) The Afghanistan Independent Election Commission, to the extent possible, has been purged of all members and staff who committed or were otherwise participants in any fraud of the 2009 presidential elections, including covering up the electoral fraud or otherwise were negligent in investigating allegations of electoral fraud.

(3) The Afghan Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by President Hamid Karzai.

(c) **CONGRESSIONAL OFFICIALS SPECIFIED.**—The congressional officials specified in this subsection are the following:

(1) The Speaker and minority leader of the House of Representatives.

(2) The majority leader and minority leader of the Senate.

(3) The Chairman and ranking member of the Committee on Armed Services and the Chairman and ranking member of the Committee on Foreign Affairs of the House of Representatives.

(4) The Chairman and ranking member of the Committee on Armed Services and the Chairman and ranking member of the Committee on Foreign Relations of the Senate.

AMENDMENT NO. 19 OFFERED BY MR. CONYERS OF MICHIGAN

The text of the amendment is as follows:

At the end of subtitle C of title XII, add the following new section:

SEC. 12xx. REPORT ON THE STRATEGIC IMPLICATIONS OF THE SUCCESSFUL NEGOTIATION OF AN INCIDENTS AT SEA AGREEMENT BETWEEN THE UNITED STATES AND THE GOVERNMENT OF IRAN.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this

Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report evaluating naval security in the Persian Gulf and the Strait of Hormuz.

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include an assessment of the strategic benefits of the successful negotiation of a multilateral or bilateral Incidents at Sea military-to-military agreement including the United States and the Government of Iran aimed at defusing tension and preventing accidental naval conflict in the Persian Gulf and the Strait of Hormuz. Such an assessment should consider and evaluate the effect that such an agreement might have on commercial, military, and other naval traffic in the region, as well as other United States regional strategic interests.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

AMENDMENT NO. 31 OFFERED BY MS. LEE OF CALIFORNIA

The text of the amendment is as follows:

Page 323, after line 11, insert the following:
SEC. 839. SENSE OF CONGRESS REGARDING COST SAVINGS THROUGH REDUCTIONS IN WASTE, FRAUD, AND ABUSE.

(a) **FINDINGS.**—Congress finds the following:

(1) The Secretary of Defense has undertaken meaningful efforts to eliminate waste, fraud, and abuse through contractor oversight and new policies and procedures aimed at increasing emphasis on ethics, governance, and fraud prevention.

(2) The Government Accountability Office report dated December 16, 2009, on the status of 3,099 recommendations made to the Department of Defense by the Government Accountability Office between 2001 and 2008, indicates that the Department of Defense has implemented 1,871, or 61 percent, of the recommendations.

(3) The Government Accountability Office estimates that the implementation of these recommendations yielded the Federal Government a savings of \$89 billion from 2001 through 2007, averaging \$12.7 billion in annual financial benefit.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) there is potential for additional and significant cost savings through further reductions by the Secretary of Defense in waste, fraud, and abuse, particularly with regard to contracting processes; and

(2) the Secretary of Defense should make implementation of the remaining Government Accountability Office recommendations an utmost priority of the Department of Defense.

AMENDMENT NO. 33 OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

The text of the amendment is as follows:

At the end of subtitle B of title XII, add the following new section:

SEC. 12xx. RECOMMENDATIONS ON OVERSIGHT OF CONTRACTORS ENGAGED IN ACTIVITIES RELATING TO AFGHANISTAN.

(a) **RECOMMENDATIONS REQUIRED.**—Not later than 90 days after the date of the enact-

ment of this Act, the Special Inspector General for Afghanistan Reconstruction shall, in consultation with the Inspector General of the Department of Defense, the Inspector General of the United States Agency for International Development, and the Inspector General of the Department of State—

(1) issue recommendations on measures to increase oversight of contractors engaged in activities relating to Afghanistan that have a record of engaging in waste, fraud, or abuse;

(2) report on the status of efforts of the Department of Defense, the United States Agency for International Development, and the Department of State to implement existing recommendations regarding oversight of such contractors; and

(3) report on the extent to which military and security contractors or subcontractors engaged in activities relating to Afghanistan have been responsible for the deaths of Afghan civilians.

(b) **ELEMENTS OF RECOMMENDATIONS.**—The recommendations issued under subsection (a)(1) shall include—

(1) recommendations for reducing the reliance of the United States on—

(A) military and security contractors or subcontractors engaged in activities relating to Afghanistan that have been responsible for the deaths of Afghan civilians; and

(B) Afghan militias or other armed groups that are not part of the Afghan National Security Forces; and

(2) recommendations for prohibiting the Department of Defense, the Department of State, or the United States Agency for International Development from entering into contracts with contractors engaged in activities relating to Afghanistan that have a record of engaging in waste, fraud, or abuse.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from California (Mr. McKEON) each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, again, this is an example of Members from both sides of the aisle making well thought out, constructive contributions on a whole range of issues that we think improve the bill. Both the majority and minority have examined each of the provisions in the en bloc amendment. We support each of them.

I reserve the balance of my time.

Mr. McKEON. At this time I would like to yield 3 minutes to the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. Mr. Chairman, the Department of Defense is facing a near-term shortage of key “rare earth” materials necessary to support our defense weapon systems, and rare Earth magnets are especially critical. Over 97 percent of rare earth production is controlled by China.

Currently the United States does not have a manufacturer of neodymium-iron-boron rare Earth magnets, yet they are found in our precision guided munitions, ships, aircraft, and other critical weapons systems.

One key finding of the recent Government Accountability Office report on rare earth materials in the defense sup-

ply chain was that the Chinese-sourced “neo” magnets are being included in weapons platforms delivered to the Department of Defense. America is not currently producing these magnets. The time to address this problem is now.

This amendment will help restore America’s ability to produce domestic neo magnets. It requires the Department of Defense to develop a plan for establishing this domestic capability and submit it to the congressional defense committees.

I urge my colleagues to vote in favor of the Coffman-Ellsworth amendment.

Mr. ANDREWS. Mr. Chairman, it’s my pleasure to yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN) who has taken a leading interest in evaluating both the quality and financial impact of our activities in Afghanistan, very often doing yeoman’s work on tedious detail.

Mr. MCGOVERN. I thank the gentleman for yielding, and I also want to thank the chairman and ranking member for including this amendment in the en bloc.

Mr. Chairman, McGovern-Jones-Welch is a straightforward, bipartisan amendment. It requires the President to certify that the Afghanistan Independent Election Commission and the Afghan Electoral Complaints Commission have the professional capacity, legal authority and independence to carry out and oversee free, fair and honest elections, absent the fraud that characterized the 2009 presidential elections, before U.S. taxpayer dollars can support the next round of elections. I don’t think that that’s too much to ask.

I was in Afghanistan just after the 2009 elections. I didn’t meet anyone who thought that those elections were honest. The Embassy told me they were a fraud. The U.N. said they were a fraud. The Afghan people knew they were a fraud. Even President Karzai conceded that they were massively fraudulent. And \$200 million of U.S. taxpayer money went into those elections. Just think about it, \$200 million. I don’t want to see history repeat itself. I don’t want the American taxpayer ripped off again.

More is at stake than the waste of money. The U.S. military strategy depends on an honest, competent Afghan government that can win the loyalty of the people. If September’s parliamentary elections are also fraudulent, the result could be even greater local and regional turmoil.

No matter where you stand on our policy on Afghanistan, let’s make sure that the September elections are free, fair and honest. This amendment strengthens our leverage. Our uniformed men and women are fighting and dying in Afghanistan. The least we can ask is that the Afghan government carries out free, fair and honest elections.

[From the Los Angeles Times, May 10, 2010]
 U.S. LOST IN AFGHAN VOTE
 (By Peter W. Galbraith)

Will we ever learn? In 2009, Afghan President Hamid Karzai, who will meet with President Obama in Washington this week, ripped off American taxpayers for about \$200 million. This is what the United States contributed to support presidential elections that Karzai himself admits were massively fraudulent. Now, the United Nations and the Obama administration propose to fund Afghanistan's parliamentary elections in September, even though new rules pushed through by Karzai—over the opposition of parliament—make fraud even more likely this time.

Afghanistan's Independent Election Commission, or IEC, a body appointed by Karzai and subservient to his wishes, was deeply implicated in the 2009 fraud. The commission and its staff either produced the phony tallies—which gave Karzai more than 1 million of his 3 million votes—or collaborated with those who did. In many instances, the commission reported pro-Karzai results from polling centers that never existed.

Fortunately, Afghanistan also had in place a truly independent body, the Electoral Complaints Commission, which was empowered to investigate fraud. Three members of that commission were appointed by the United Nations, and none of its members was chosen by Karzai. After investigating the election, the group tossed out enough phony Karzai votes to force the president into a runoff with the second-highest vote-getter, Abdullah Abdullah. In the end, that second election wasn't held because Abdullah withdrew after the IEC adopted procedures that made fraud even more likely in the runoff.

The fact that Karzai retained the presidency didn't mollify him. Angered by the complaint commission's actions after the first round of last year's vote, and determined to gain full control over Afghanistan's election machinery, Karzai issued a decree in February giving himself the authority to appoint all five members of the Electoral Complaints Commission. He also stripped the group of its power to initiate reviews of suspicious ballots on its own. In the parliamentary elections, the group will be allowed to act only on complaints referred to it by members of the provincial election commissions, all of whom are appointed by Karzai.

The United Nations, which is supposed to help the Afghans hold honest elections, and the United States, which will pick up most of the tab for them, have responded far too meekly to Karzai's power grab. Staffan de Mistura, the new head of the U.N. mission in Afghanistan, negotiated a deal with Karzai under which two U.N.-nominated international election experts were appointed to the complaints commission, and one of them will have veto power. Because of this compromise, De Mistura is recommending that Western donors proceed with funding the election. The Obama administration, wishing to move beyond a recent harsh exchange of words with Karzai (during which Karzai bizarrely alleged that foreigners, including the U.S. and the U.N., were responsible for fraud in the last election), seems inclined to agree.

But the proposed compromise is a sham. Karzai's three appointees can outvote the two U.N. choices, and the compromise does not restore the Electoral Complaints Commission's power to initiate independently reviews of suspicious votes.

There is only one positive note I've seen in the whole mess, and that is that Karzai un-

expectedly appointed Fazel Ahmad Manawi as the new head of the IEC, replacing a chairman deeply implicated in the fraud. This was a pleasant surprise. I met Manawi, a respected Islamic scholar from the Panjshir Valley, an opposition stronghold, when I was deputy head of the U.N. mission in 2009. At the time, he was one of seven members of the IEC, and he was clearly a person of integrity, casting the sole vote against the decision to ratify Karzai's fraudulent election. But Manawi remains only one vote on a commission stacked with Karzai loyalists, and the leading candidate for the position of chief electoral officer is Zekria Barakzai, a smooth-talking IEC official who was a public apologist for the fraud.

Much more is at stake in Afghanistan's elections than the waste of millions more U.S. dollars. Our counterinsurgency strategy depends on an honest and competent Afghan government that can win the loyalty of the population. During eight years in office, the Karzai administration has been ineffective and corrupt. Since Karzai's disputed reelection, many Afghans also question his legitimacy.

If September's parliamentary elections are fraudulent, it could lead to an ethnically based civil war. Afghanistan's opposition dominates the parliament and has come out strongly against the new electoral procedures. The parliament is the one national institution that effectively represents Afghanistan's non-Pashtun minorities; the speaker of the lower house is an ethnic Tajik who was the runner-up to Karzai in the 2004 elections.

The Obama administration, now that it has tenuously patched up relations with Karzai after his anti-American tirades last month, is reluctant to confront the Afghan president over electoral procedures. This reluctance is shortsighted. Insisting on procedures for honest elections now will be far less costly, both in lives and money, than having another crooked election that ends up with U.S. troops mired in even greater chaos and a broadening civil war. The Taliban will be the only true winner of yet another phony election in Afghanistan.

Peter W. Galbraith was deputy special representative of the secretary-general of the United Nations to Afghanistan from June to September 2009.

Mr. McKEON. I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I am pleased to yield 2 minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY) who has done very careful work on making sure that the Special Inspector General for Afghanistan Reconstruction is fully discharging very important functions.

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

I rise in support of this en bloc amendment, which includes my amendment to improve oversight of contractors in Afghanistan. The United States employs over 100,000 contractors in Afghanistan, and we need to ensure that we have adequate oversight. Reckless behavior by contractors can endanger our mission in Afghanistan, and failure to adequately oversee money can leave billions of taxpayer dollars vulnerable to waste, fraud and abuse.

My amendment requires the Special Inspector General for Afghanistan Re-

construction to report to Congress on existing contractor oversight and make recommendations for increasing oversight and preventing contractors with a history of waste, fraud and abuse from getting future contracts.

I would like to thank Chairman SKELTON for supporting this amendment, as well as cosponsors Congressmen MCGOVERN, CONYERS, HINCHEY and MORAN.

Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, may I inquire how much time each side has left on this amendment.

The Acting CHAIR. The gentleman from New Jersey has 6½ minutes and the gentleman from California has 8½ minutes.

Without objection, the gentleman from Missouri will control the time.

There was no objection.

Mr. AKIN. Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. I yield myself such time as I may consume.

It is very important that we take assessment of the excellent ideas in this bill that both parties support. Much of the debate this afternoon and this evening has obviously been consumed by points of controversy, but there are some major points of consensus that each side should be proud of supporting.

Number one, each side is vigorously supporting a significant pay increase for the men and women who wear the uniform of our country. Each side is supporting a very significant increase in the quality of housing, education and health care for the servicemembers and for their families.

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Each side is supporting a significant step toward our Navy, reaching the point where our admirals tell us it ought to be.

In 2008, our Navy had authorized and at sea in the fleet 286 ships. Under this bill, our Navy will have authorized and at sea in the fleet 293 ships, a gain of seven ships. Mr. TAYLOR, in particular, has worked very hard on this point with the full bipartisan support of the Republican side. Our admirals tell us that the optimal size of the Navy they would like to see us have is 313 ships. So we have a ways to go, but progress is being made.

I mentioned earlier the legislation before the House authorizes \$9.8 billion for our Special Operations Command. In the toughest neighborhoods in the world, in the toughest circumstances in the world, it is the men and women under the command of SOCOM who do the toughest work, and the bill on both sides supports them very substantially.

Also, as I mentioned before, this bill dramatically upgrades the amount of money we spend on identifying, securing, and disabling nuclear material

that could be used to form a nuclear improvised explosive device. This is very much consistent with the administration's policy and broadly embraced by both sides.

So, Mr. Chairman, I just want you and others observing tonight to understand that it is the nature of debate that we do dwell—as we have these many hours this afternoon—on points of disagreement, and they are profound points of disagreement; but it is very important that people understand the points of agreement that are before us. Whether it is compensation for our servicemembers and their families, their health care, their housing, their job and educational opportunities, whether it is the end strength of our Navy—which, frankly, is a bipartisan commitment to bring us up to those 313 ships—whether it is the end strength of our Armed Forces; in 2008, the end strength of our Armed Forces was in the neighborhood of 1.4 million people, active duty, Guard and Reserve, a little over that. This legislation before us tonight would have the end strength of our Armed Forces exceed 1.5 million people in our active duty, Guard and Reserve.

So, Mr. Chairman, I again want to say that it is healthy, it is expected, it is anticipated that the floor of this Chamber will be a place where our points of disagreement are vigorously and honestly pursued. But as a compliment to both sides of the aisle, to Mr. McKEON and Chairman SKELTON, the legislative product that is before us tonight has many, many, many more points of consensus, and we're looking forward to building on those points of consensus.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIR. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. McKEON. May I inquire as to how much time we have left on each side.

The Acting CHAIR. The gentleman from California has 8½ minutes remaining. The gentleman from New Jersey has 2½ minutes remaining.

Mr. McKEON. I reserve the balance of my time.

Mr. ANDREWS. I yield myself 2 minutes.

I also wanted to make reference to the excellent work that's been done in this bill in the area of our missile defense program. Now, there are obviously disagreements over what the structure of that program ought to be; but when one looks at the fortification of defenses that we already have at Fort Greely and other places, when one looks at the additional investment that we are making in the successful regional-range missile programs that have tested and been quite efficient, I think that the accurate conclusion is

that we are fortifying the defenses which have been proven to work in the missile defense field, we are building upon those successes, and we are preparing ourselves for a future generation of defenses that are effective both in a regional context and in the context of intercontinental ballistic missiles.

The nonproliferation strategy really has two aspects: it is to be prepared to defend ourselves if a strike occurs, but it is to discourage the proliferation of nuclear capability around the world, as the administration has done in the Security Council negotiations with Iran and it has done with its layered defense missile strategy. So, again, I think this is another point where there is more consensus than disagreement.

There is disagreement between the two sides over the best way to pursue an effective ballistic missile defense. I don't think there is a disagreement over whether the pursuit of a ballistic missile defense is in the interest of the country. It most certainly is.

I would conclude at this point, Mr. Chairman, where I began. We know that the cornerstone of our country's defense is not found in this Chamber. It is found at bases throughout the world, both in the Continental United States and at forward-operating bases and other places overseas. We are profoundly grateful to the men and women who volunteer to serve this country. We, on a bipartisan basis, are expressing our gratitude where it counts: compensation, support for families, education, health care, and other opportunities.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Just to respond briefly here on the subject of missile defense, I know we are working with some en bloc amendments. We're comfortable with those amendments. There is some disagreement on missile defense, and I think at least a considerable vulnerability that many people on our side are very concerned with was the decision not to build a ground base system in Poland and the radar in the Czech Republic, but instead, to suggest that the Aegis class cruisers could cruise around in the ocean and take care of the mission to stop ballistic missiles, particularly a longer range ballistic missile possibly equipped with a nuclear warhead coming out of Iran.

The fact of the matter is that the Aegis class missiles do not have the velocity necessary to stop a longer-range ballistic missile. And the only way we had to do that was, quite simply, the ground-based system, which is a 20-ton missile; the Aegis class missiles are more two ton. So there is a factor-of-10 difference in the weight of the missile. Obviously, the much larger missile can

develop the velocity it needs to go after a very high-flying, fast-moving ballistic missile that could come from Iran as early as in the next few years.

And so there is a serious concern that, in terms of missile defense, we do not really have protection over Western Europe and our troops that are stationed in Western Europe. Of more concern to us was some level of obfuscation that we received from the Pentagon as to what the real capabilities of this potentially Standard Block 3 missile—it's called the Standard Block 3, 2A—and what sort of velocities that could attain. From the most reliable sources that I personally have been able to discuss this with and keeping things within the nonclassified setting, that missile we have very little hope will ever develop the velocity necessary to take out a high-flying ballistic missile.

So we have a big gap in our ballistic missile capabilities, and that gap is the size of Europe. And we are betting on the development of a missile that just does not have the physical size or capabilities of developing the velocities we need to protect Europe. We don't think that's good strategy. We think that's a weakness in the bill.

I still support the bill, it's a good bill—unless we put bad amendments on it. This block of amendments is okay, but we do have some weaknesses.

Mr. ANDREWS. May I inquire of the Chair how much time is remaining on each side.

The Acting CHAIR. The gentleman from New Jersey has 30 seconds remaining. The gentleman from California has 5½ minutes remaining.

Mr. ANDREWS. Mr. Chairman, I reserve.

Mr. McKEON. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. First let me say that I agree with my chairman and the ranking member on the need to defeat the Murphy amendment.

But to Mr. AKIN's point, number one, in the past 20 years, the Panamanians, the Filipinos, and even our fellow Americans in Puerto Rico have asked us to leave. If you put your missile defense in Poland or Czechoslovakia, you are one election away from having spent billions of dollars and being asked to leave. If you put your missile defense on ships you can get to within 12 miles of the Iranian coast, you don't have to ask anyone's permission to fire it. It's there. And if you think about it, all of our known enemies have a coastline. That's why it makes sense to put our missile defense on a ship because you put the ship between our Nation and our enemies.

I thank the gentleman very, very much for yielding me the minute, and I thank the gentleman for asking a great question.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

Again, back to this point, I think we weren't concerned on the missile defense about putting them on the ships, what we're concerned about is we don't have the missile to put on the ships. And there will be a gap in the time that we don't have the other missiles before we get the missiles for the ships. So I think that's a concern we have, and hopefully that will be worked out, that we will have a missile instead of just a planned missile.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. I yield myself the balance of my time.

First of all, I would like to thank the gentleman from California for yielding his time to the gentleman from Mississippi. We appreciate that very much.

I will just conclude by pointing out that we've heard some disagreements here about the nature of ballistic missile defense. But to my core point, there is much in this bill that has been embraced by both sides of the aisle because both sides of the aisle have a profound respect for the men and women who serve and a profound appreciation for the core duty we have to preserve and defend the country.

Mr. COFFMAN of Colorado. Mr. Chair, the Department of Defense is facing a near-term shortage of key "rare earth" materials necessary to support our defense weapon systems, and rare earth magnets are especially critical. Over 97% of rare earth production is controlled by China.

Currently, the United States does not have a manufacturer of neodymium iron boron rare earth magnets, yet they are found in our precision guided munitions, ships, aircraft, and other critical weapons systems.

Due to my concern over this critical security issue, last year I requested a Government Accountability Office, GAO, study on rare earth materials in the defense supply chain as part of the National Defense Authorization Act for Fiscal Year 2010. Released on April 14, 2010, the recent GAO Report on Rare Earth Metals in the Defense Supply Chain has highlighted the near-term need for a sustainable supply chain of rare earths in the United States, both for critical American national defense and industrial applications.

One key finding of the GAO report was their determination that some U.S. defense contractors are currently utilizing "neo" magnets from Chinese sources and incorporating them into the weapons platforms delivered to the Department of Defense. At present, we have almost no alternatives to these Chinese components, as the United States is not currently producing these magnets. Though America is not currently producing these magnets, we have the technological know-how to do so, combined with significant deposits of rare earths.

The time to address this problem is now.

This essential amendment will help restore America's ability to produce domestic "neo" magnets. It requires the Department of Defense to develop a plan for establishing a domestic neodymium iron boron magnet capability, and submit it to the Congressional defense committees.

We cannot allow our nation to be dependent on a foreign source of these critical components. This amendment will help revitalize our domestic manufacturing sector and contribute directly to our national security.

I urge my colleagues to vote in favor of the Coffman-Ellsworth amendment.

Mr. MCGOVERN. Mr. Chair, I thank Congresswoman SCHAKOWSKY for her leadership on this amendment—and on the many issues surrounding private contractors.

Mr. Chair, this amendment is all about accountability and stopping waste, fraud and abuse. It's long past time that we increased and improved the monitoring and oversight of private contractors, especially military, defense and security contractors.

This amendment, like the provision in my bill, H.R. 5015, places these contractors under the audit and review of our existing Inspectors General, and allows the Special IG for Reconstruction in Afghanistan to make concrete recommendations to the Pentagon, State Department and USAID on how to bring to account and even stop doing business with those contractors with records of waste, fraud and abuse—let alone a record of abusing and killing innocent civilians.

Mr. Chair, this amendment is good for the American taxpayer. It's good for our national security. And it's good for our reputation and standing abroad.

It is a win-win amendment.

I ask my colleagues to support the Schakowsky-McGovern-Hinchey-Conyers-Moran amendment on expanding the oversight over and accountability of private contractors in Afghanistan.

Mr. ANDREWS. Mr. Chairman, I yield back the balance of my time and urge support of the en bloc amendment.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendments en bloc were agreed to.

Mr. ANDREWS. Mr. Chairman, pursuant to section 4 of House Resolution 1404, I hereby give notice that amendment No. 79 may be offered out of order.

The Acting CHAIR. The gentleman's request is noted.

AMENDMENTS EN BLOC NO. 6 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, pursuant to House Resolution 1404, as the designee of the chairman of the Committee on Armed Services, I offer amendments en bloc No. 6, including modifications to amendment No. 50.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 6 offered by Mr. ANDREWS consisting of amendments numbered 39; 41; 43; 50, as modified; 51, and 57 printed in House Report 111-498:

AMENDMENT NO. 39 OFFERED BY MR. LIPINSKI OF ILLINOIS

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 839. PROCUREMENT OF ARTICLES, MATERIALS, AND SUPPLIES FOR USE OUTSIDE THE UNITED STATES.

(a) **REQUIREMENT.**—In procuring articles, materials, or supplies for use outside of the United States, including procurements for military construction projects, the Department of Defense shall solicit bids from United States sources.

(b) **EXCEPTION.**—Subsection (a) shall not apply if the articles, materials, or supplies to be procured are—

(1) not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities;

(2) needed on an urgent basis and not acquired on a regular basis; or

(3) perishable, or will otherwise degrade because of the time involved in shipping.

AMENDMENT NO. 41 OFFERED BY MR. BRALEY OF IOWA

The text of the amendment is as follows:

At the end of subtitle B of title XII, add the following new section:

SEC. 12xx. REPORT ON LONG-TERM COSTS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) **FINDINGS.**—Congress finds the following:

(1) The United States has been engaged in military operations in Afghanistan since October 2001 and in military operations in Iraq since March 2003.

(2) According to the Congressional Research Service, through fiscal year 2009, Congress has appropriated \$944,000,000,000 for the Department of Defense, the Department of State, and for medical costs paid by the Department of Veterans Affairs. This amount includes \$683,000,000,000 for Iraq and \$227,000,000,000 for Afghanistan.

(3) Over 90 percent of Department of Defense funds for operations in Iraq and Afghanistan have been provided as emergency funds in supplemental or additional appropriations.

(4) The Congressional Budget Office and the Congressional Research Service have stated that future war costs are difficult to estimate because the Department of Defense provides little information on costs incurred to date, does not report outlays or actual expenditures for war because war and baseline funds are mixed in the same accounts, and because of a lack of information from the Department of Defense on many of the key factors that determine costs, including personnel levels or the pace of operations.

(5) Over 2 million United States troops have served in Iraq and Afghanistan since the beginning of the conflicts.

(6) Over 4,400 United States troops and Department of Defense civilian personnel have been killed in Operation Iraqi Freedom and over 1,060 United States troops and Department of Defense civilian personnel have been killed in Operation Enduring Freedom.

(7) Over 1,340 service members have suffered amputations as a result of their service in Iraq and Afghanistan.

(8) More than 243,685 Iraq and Afghanistan veterans have been treated for mental health conditions, more than 129,654 Iraq and Afghanistan veterans have been diagnosed with Post-Traumatic Stress Disorder, and approximately 30,000 have a confirmed Traumatic Brain Injury diagnosis.

(9) Approximately 46 percent of Iraq and Afghanistan veterans have sought treatment at Department of Veterans Affairs hospitals and clinics.

(10) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center

and National Naval Medical Center identified Traumatic Brain Injury, Post-Traumatic Stress Disorder, increased survival of severe burns, and traumatic amputations as the four signature wounds of the current conflicts.

(11) The Independent Review Group report also states that the recovery process “can take months or years and must accommodate recurring or delayed manifestations of symptoms, extended rehabilitation and all the life complications that emerge over time from such trauma”.

(b) **REPORT REQUIREMENT; SCENARIOS.**—Not later than the date on which the budget of the United States Government is submitted under section 1105(a) of title 31, United States Code, for fiscal year 2012, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of the Department of Veterans Affairs, shall submit a report to Congress containing an estimate of the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom. The report shall contain estimates for the following scenarios:

(1) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is reduced from current levels to approximately 150,000 by the end of fiscal year 2011, 65,000 by the end of fiscal year 2012, and 30,000 by the end of fiscal year 2013, and remains at that level through fiscal year 2020.

(2) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is increased from current levels to approximately 235,000 by the end of fiscal year 2010, is reduced to 230,000 by the end of fiscal year 2011, is reduced to 195,000 by the end of fiscal year 2012, is reduced to 135,000 by the end of fiscal year 2013, is reduced to 80,000 by the end of fiscal year 2014, is reduced to 60,000 by the end of fiscal year 2015, and remains at that level through fiscal year 2020.

(3) An alternative scenario, defined by the President and based on current war and withdrawal plans, which takes into account expected troop levels and the expected length of time that troops will be deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom.

(c) **SPECIAL CONSIDERATIONS.**—The estimates required for each scenario shall make projections through at least fiscal year 2020, shall be adjusted appropriately for inflation, shall be based on historical trends, and to the maximum extent practicable shall take into account and specify the following:

(1) The total number of troops expected to be activated and deployed to Iraq and Afghanistan during the course of Operation Iraqi Freedom and Operation Enduring Freedom. This number shall include all troops deployed in the region in support of Operation Iraqi Freedom and Operation Enduring Freedom and activated reservists in the United States who are training, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation Iraqi Freedom and Operation Enduring Freedom. This number shall also break down activations and deployments of Active Duty, Reservists, and National Guard troops.

(2) The number of troops, including National Guard and Reserve troops, who have served and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been utilized and are expected to be utilized during the course of the conflicts in Iraq and Afghanistan.

(4) The number of veterans currently suffering and expected to suffer from Post-Traumatic Stress Disorder, Traumatic Brain Injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during Operation Iraqi Freedom and Operation Enduring Freedom.

(6) The current number of pending Department of Veterans Affairs claims from Iraq and Afghanistan veterans, and the total number of Iraq and Afghanistan veterans expected to seek disability compensation benefits from the Department of Veterans Affairs.

(7) The total number of troops who have been killed and wounded in Iraq and Afghanistan to date, including noncombat casualties, the total number of troops expected to suffer injuries in Iraq and Afghanistan, and the total number of troops expected to be killed in Iraq and Afghanistan, including noncombat casualties.

(8) Funding already appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to the wars in Iraq and Afghanistan. This shall include an account of the amount of funding from regular Department of Defense, Department of State, and Department of Veterans Affairs budgets that has gone and will go to Iraq and Afghanistan.

(9) Current and future operational expenditures, including funding for combat operations; deploying, transporting, feeding, and housing troops (including fuel costs); deployment of National Guard and Reserve troops; the equipping and training of Iraqi and Afghan forces; purchasing, upgrading, and repairing weapons, munitions and other equipment; and payments to other countries for logistical assistance.

(10) Past, current, and future cost of government contractors and private military security firms.

(11) Average annual cost for each troop and combat brigade deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of activating National Guard and Reserve forces and paying them on a full-time basis.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support United States troops in Iraq and Afghanistan.

(16) Current and future cost of providing healthcare for returning veterans. This estimate shall include the cost of mental health treatment for veterans suffering from Post-Traumatic Stress Disorder and Traumatic Brain Injury, and other mental problems as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom. This estimate shall also include the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for lifetime of veterans.

(18) Current and future cost of providing survivors' benefits to survivors of service members.

(19) Cost of bringing troops and equipment home at the end of the wars, including cost of demobilizing troops, transporting troops home (including fuel costs), providing transition services from active duty to veteran status, transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment which will be left behind.

(20) Cost to restore the military and military equipment, including the National Guard and National Guard equipment, to full strength after the wars.

(21) Cost of the administration's plan to permanently increase the Army and Marine Corps by 92,000.

(22) Amount of money borrowed to pay for the wars in Iraq and Afghanistan, and the sources of that money.

(23) Interest on borrowed money, including interest for money already borrowed and anticipated interest payments on future borrowing for the war in Iraq and the war in Afghanistan to the extent all spending associated with the war in Iraq and the war in Afghanistan have been and will be financed with borrowed money.

AMENDMENT NO. 43 OFFERED BY MR. MURPHY OF CONNECTICUT

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 839. ADDITIONAL INFORMATION ON WAIVERS UNDER BUY AMERICAN ACT BY DEPARTMENT OF DEFENSE REQUIRED TO BE INCLUDED IN ANNUAL REPORT.

Section 812 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 2501 note) is amended in subsection (c)(2)(A) by striking clause (vi) and inserting the following:

“(v) An itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.), including—

“(I) an analysis of the domestic capacity to supply the articles, materials, or supplies; and

“(II) an analysis of the reasons for an increase or decrease in the number of waivers granted from fiscal year to fiscal year.”.

AMENDMENT NO. 50 OFFERED BY MR. BROWN OF GEORGIA

The text of the amendment is as follows:

At the appropriate place in the bill insert the following:

Whereas, on January 12, 2010, the nation of Haiti was hit by a magnitude 7.0 earthquake, adversely affecting nearly 3,000,000 people;

Whereas the United States Government has provided millions of dollars in humanitarian assistance to meet immediate needs on the ground and plans to give more over the next year;

Whereas the United States Armed Forces have diligently worked to aid the people of Haiti during their time of need, providing humanitarian aid and logistical support;

Whereas the United States Armed Forces, civilians, and charitable groups have led the charge in an effort to maintain civility and bring some small semblance of hope to the devastated nation;

Whereas members of the United States Armed Forces serve as the premier ambassadors of liberty, freedom, and goodwill when tasked with a humanitarian mission;

Whereas the generosity of the people of the United States is known the world over and the United States flag is universally recognized as a symbol of that generosity; and

Whereas the United States Government has provided more aid to the nation of Haiti than all other nations combined: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends the United States Armed Forces for their commitment to completing their humanitarian mission in Haiti; and

(2) encourages the President to order the United States flag to be flown over all military and civilian outposts in Haiti under the United States' jurisdiction.

AMENDMENT NO. 51 OFFERED BY MS. EDWARDS
OF MARYLAND

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 839. REQUIREMENT TO INCLUDE EFFECTS ON DOMESTIC JOBS IN PERIODIC ASSESSMENTS OF DEFENSE CAPABILITY.

Section 2505(b)(4) of title 10, United States Code, is amended by inserting after "title" the following: "including the effects on domestic jobs."

AMENDMENT NO. 57 OFFERED BY MR. PRICE OF
NORTH CAROLINA

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 839. EXTENSION OF REGULATIONS ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS.

(a) EXTENSION OF REGULATIONS.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall issue regulations to extend and apply the requirements of section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2302 note) to additional areas as designated under paragraph (2) and as listed in paragraph (3).

(2) ADDITIONAL AREAS DESIGNATED.—The Secretary of Defense shall designate as additional areas for purposes of this section any area—

(A) that is an area within a foreign country or an area covering all or part of more than one foreign country;

(B) that is not an area of combat operations as designated under subsection (c) of section 862 of such Act; and

(C) in which significant military operations, as designated by the Secretary, are being carried out by United States Armed Forces.

(3) ADDITIONAL AREAS LISTED.—In addition to any areas designated by the Secretary under paragraph (2), the following areas shall be considered additional areas listed in this paragraph for purposes of this section:

(A) The Horn of Africa region.

(B) Yemen.

(C) The Philippines.

(D) Haiti.

(b) EXTENSION TIMELINES.—The Secretary shall prescribe regulations applicable to the additional areas—

(1) designated under subsection (a)(2), not later than March 1, 2012; and

(2) listed in subsection (a)(3), not later than March 1, 2011.

(c) REPORT ON IMPLEMENTATION.—Not later than 90 days after the dates specified in subsection (b), the Secretary of Defense, in coordination with the Secretary of State, shall

submit to Congress a report on the implementation of the regulations prescribed under this section. The report shall include—

(1) a complete list of additional areas designated by the Secretary under subsection (a)(2), and a detailed description of the criteria used to make the designation;

(2) the total number of contractors performing private security functions in each additional area designated under subsection (a)(2) or listed in subsection (a)(3); and

(3) an assessment of the long-term options for reducing the use of contractors for private security functions, including the use of Government personnel to provide such functions.

(d) PRIVATE SECURITY FUNCTIONS.—Notwithstanding section 864 of the National Defense Authorization Act for FY 2008 (P.L. 110-181), as amended by section 813 of the NDAA for FY 2010 (P.L. 111-84), in this section, the term "private security functions" means activities engaged in by a contractor as follows:

(1) Guarding of personnel, facilities, or property of a Federal agency.

(2) Any other activity for which personnel are required to carry weapons in the performance of their duties.

Page 304, line 15, strike "and".

Page 304, line 21, strike the period and insert "; and".

Page 304, after line 21, insert the following: "(C) the desirability and feasibility of including in the common databases identified under section 861(b)(4) information about contracts subject to the regulations required by section 839 of the National Defense Authorization Act for Fiscal Year 2011 (providing for extending and applying the requirements of section 862 to additional areas designated or listed in that section 839).

AMENDMENT NO. 50 OFFERED BY MR. BROUN OF
GEORGIA, AS MODIFIED

The Acting CHAIR. The Clerk will report the modification to amendment No. 50.

The Clerk read as follows:

Page 452, after line 10, insert the following:

SEC. 1065. SENSE OF CONGRESS ENCOURAGING THE PRESIDENT TO ORDER THE UNITED STATES FLAG TO BE FLOWN OVER UNITED STATES MILITARY AND CIVILIAN OUTPOSTS IN HAITI DURING EARTHQUAKE RELIEF EFFORTS.

(a) FINDINGS.—Congress finds the following:

(1) On January 12, 2010, the nation of Haiti was hit by a magnitude 7.0 earthquake, adversely affecting nearly 3,000,000 people.

(2) The United States has provided millions of dollars in humanitarian assistance to meet immediate needs on the ground and plans to give more over the next year.

(3) The Armed Forces have diligently worked to aid the people of Haiti during their time of need, providing humanitarian aid and logistical support.

(4) The Armed Forces, civilians, and charitable groups have led the charge in an effort to maintain civility and bring some small semblance of hope to the devastated nation.

(5) Members of the Armed Forces serve as the premier ambassadors of liberty, freedom, and goodwill when tasked with a humanitarian mission.

(6) The generosity of the people of the United States is known the world over and the United States flag is universally recognized as a symbol of that generosity.

(7) The United States has provided more aid to the nation of Haiti than all other nations combined.

(b) SENSE OF CONGRESS.—The Congress—

(1) commends the Armed Forces for their commitment to completing their humanitarian mission in Haiti; and

(2) encourages the President to order the United States flag to be flown over all military and civilian outposts in Haiti under United States jurisdiction.

Mr. McKEON (during the reading). Mr. Chairman, I ask unanimous consent that we dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1915

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from California (Mr. McKEON) each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Again, we appreciate the efforts of Members on both sides of the aisle in working through a wide array of problems in a very thoughtful way. Each of these amendments has been reviewed and accepted by both the minority and majority staff. We thank the Members for their efforts.

At this time, I yield 5 minutes to the author of one of the en bloc amendments, the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I want to thank the gentleman from New Jersey for yielding.

Mr. Chairman, the amendment that I have offered is an amendment that makes great sense, especially given the enormous costs that American taxpayers have paid for Operation Enduring Freedom and Operation Iraqi Freedom.

One of the things we know is that there is a price for war. Sixty-five years ago, my father was in route from Guam to Iwo Jima as an 18-year-old marine. At that time, the world had been at war for a little over 5 years. Well, here in the United States, we have been at war, basically, since September 11 of 2001.

My amendment offers a simple, commonsense solution that requires the administration to submit a report to Congress on the long-term costs of the wars in Iraq and Afghanistan.

As I mentioned, we have been engaged in a war in Afghanistan for almost 9 years now and in Iraq for 7 years, and the Department of Defense has yet to submit a long-term estimate of the cost of these wars. The previous administration failed to submit a cost estimate despite a statutory reporting requirement for a cost estimate for fiscal years 2006 through 2011 that was required in the fiscal year 2005 defense appropriations bill.

According to the Congressional Research Service, through fiscal year 2009, Congress has appropriated at least \$944 billion in Iraq and Afghanistan,

and we have lost over 4,400 American lives in Iraq and over 1,060 lives in Afghanistan. Because of this immense cost, the American people deserve to have an honest estimate about how much these wars are going to cost us over the long term. This is especially critical on the issue of future health care costs.

My amendment addresses an important issue. This goes back to an Oversight Subcommittee hearing we had after the Walter Reed Building 18 fiasco in 2007. At that hearing, retired Lieutenant General Chip Roadman, a former Air Force surgeon general and a member of the Independent Review Group, told me, "We recognize the cost is immense, and it is our moral obligation to address those issues."

In the Independent Review Group report, the four signature injuries of these wars were identified. Posttraumatic stress disorder, traumatic brain injury, increased survival of severe burns, and traumatic amputations are the four signature wounds. The recovery process for these signature wounds "can take months or years and must accommodate recurring delayed manifestations of symptoms, extended rehabilitation and all the life complications that emerge over time from such trauma." We don't have a good understanding today of how much it is going to cost to take care of these wounded veterans, and we need to acknowledge the true cost.

Already, over 1,300 servicemembers have suffered amputations as a result of their service in Iraq and Afghanistan. More than 243,000 have been treated for mental health conditions. Over 129,000 have been diagnosed with posttraumatic stress disorder. These numbers will only continue to grow. We also know, according to the U.S. Life Tables, Mr. Chairman, the life expectancy of an 18- to 19-year-old male is 58 years. That means almost 60 years of treatment and care for many of these wounded veterans. That is why we need an honest and accurate assessment of the true cost of the war.

My amendment requires the President to estimate the number of veterans expected to suffer from these signature wounds and the cost it is going to take to treat them and to provide them with the care they deserve.

That is why this amendment is a commonsense, transparent requirement. It is long overdue, and it is going to give the American taxpayers, who are footing the bill for these deserving veterans, a better idea of what the long-term cost is actually going to be. That is why I urge everyone to support it.

Mr. McKEON. Mr. Chairman, at this time, I yield 2 minutes to the gentleman from Georgia (Mr. BROWN).

Mr. BROWN of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of my amendment that is included in

this en bloc amendment. It includes my language, which encourages the President of the United States to order that the U.S. flag be flown at the American outpost in Haiti. It is to be flown at this outpost as we continue to assist in our earthquake relief.

I would like to thank Chairman SKELTON and Ranking Member McKEON for their hard work on this bill and for including my amendment in this en bloc package.

As the United States extends a helping hand to our neighbor nation of Haiti, I am disheartened that the President has decided that our service men and women should not work in their outpost under the American flag and that he has ordered that the American flag cease to fly over that outpost.

The American flag is a symbol that our men and women in uniform are promoting the American spirit of rebuilding hope, prosperity, and opportunity. As a marine and naval medical officer, I understand that it is critical for morale that our military should work under the American flag, especially when our presence in a foreign country is under peaceful conditions.

As a sign of respect and support for the selfless efforts of the service men and women, I urge my colleagues to support this amendment.

Mr. Chairman, I request that my full statement be entered into the RECORD.

Mr. Chair, I would like to thank Chairman SKELTON and Ranking Member McKEON for their hard work on this critical bill, which is the life-blood for those defending our freedoms at home and abroad. And thank you gentlemen, for allowing me to offer this amendment before the House.

I rise today in support of my amendment which encourages the President to order the flag of the United States to be flown over all military and civilian outposts in Haiti during earthquake relief efforts.

As Memorial Day approaches, Americans will be honoring those brave souls who, as Abraham Lincoln said in the Gettysburg Address, "gave the last full measure of devotion" to our nation, by flying the American Flag at their homes and places of business.

However, there is one place where the flag will not be waving, and that is in the Republic of Haiti, on American outposts where our servicemen and women are leading humanitarian efforts to aid those adversely effected by the magnitude 7 earthquake that devastated the island nation.

The President has decided that the stars and stripes would be viewed with disdain in Haiti. That our servicemen and women providing basic essentials would be viewed as an occupying force if they did it under our flag. So he has ordered the Department of Defense not to fly our flag in Haiti, for fear of being viewed unfavorably by the rest of the world.

I strongly disagree with the President, and I believe he could not be more wrong about how the world views the United States and our flag. I submit that every member of this body will agree with me when I say that when tasked with a mission of mercy, there are no

better ambassadors for the United States than our men and women in uniform. In Berlin after World War II, and most recently in places like The Philippines, Bolivia, Djibouti, and Colombia, it has been our service-members who have delivered hope to those who have none.

In all these places our Flag has flown proudly over these merchants of mercy. The situation is no different in Haiti, our servicemen and women are still giving hope to an impoverished people, they should be allowed to do this under the symbol that embodies all that we hold dear.

I urge my colleagues to support this amendment that honors our military and their efforts in Haiti, and encourages the President to allow them to serve under our proud flag.

Mr. ANDREWS. Mr. Chairman, may I inquire as to the time remaining on both sides?

The Acting CHAIR. The gentleman from New Jersey has 5½ minutes remaining, and the gentleman from California has 8½ minutes remaining.

Mr. ANDREWS. Mr. Chairman, at this time, I am pleased to yield 3 minutes to a gentleman who is an Appropriations subcommittee chairman and who has taken the lead on making sure that the use of private contractors is done properly, the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of an amendment extending oversight and accountability for security contractors overseas, for contractors performing security functions, as one element of this en bloc amendment.

The gentleman from South Carolina (Mr. SPRATT) joins me in this effort, and I also want to acknowledge the leadership of other Members, especially that of Ms. SCHAKOWSKY, in this critical area of defense policy.

This amendment is brief and straightforward. It would simply extend a section of the fiscal year 2008 defense authorization bill that strengthened the oversight of private security contractors in Iraq and Afghanistan to additional areas in which there is or could be a significant security contractor presence.

I don't need to recount here, Mr. Chairman, the arguments in favor of greater oversight and accountability for armed contractors, particularly those operating in areas in which our military is operating. The high-profile incidents of contractor misconduct that have punctuated our campaigns in Iraq and Afghanistan should speak for themselves.

In responding to these incidents, Congress has come a long way toward improving Federal management and oversight of private security contractors, most notably through several important reforms, including those in the fiscal 2008 defense authorization bill. These reforms, many of which were drawn from my broader contractor accountability legislation, have been

credited with improving both the operational capabilities of the Armed Forces in Iraq and Afghanistan and Congress' ability to conduct effective oversight of private security contractors.

As our military faces new and emerging threats in other areas of the world, it is critical that these effective oversight measures be maintained and extended. This amendment seeks to do just that by extending several of the key reforms enacted in 2008 to additional areas with significant contractor presence. The amendment lists four such areas by name, but its broader intent is to give the Defense Department, the State Department, and USAID the tools and authority they need to apply these coordination and oversight mechanisms to any area in which our military is conducting significant operations.

I want to thank Chairman SKELTON, Ranking Member McKEON and the Armed Services Committee for their leadership in drafting this legislation as well as for their support and cooperation in the effort to improve transparency and accountability in the use of contractors.

I urge my colleagues to support this amendment.

Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, it is my pleasure at this point to yield 1 minute to a gentleman who has been in the forefront of trying to promote American jobs through this bill, the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Chew on this fact.

In 2007, there were 14,000 waivers granted to the Buy American law by DOD. One year later, in 2008, that number jumped to 65,000. That's a 1-year 450 percent increase in Buy American waivers that likely cost tens of thousands, if not hundreds of thousands, of U.S. manufactured jobs.

That's why the amendments being offered in this block by myself, by Representative EDWARDS, and by Representative LIPINSKI are so important, because we need to start shining a light on this outrageous flow of U.S. defense jobs overseas.

My amendment would specifically require DOD to explain large increases in waiver approvals from one year to the next, and it would require the DOD to explain if they even looked for American-made products before they granted these waivers. We want to grow American manufacturing. We need to start with the billions and billions of American taxpayer dollars spent at the Department of Defense.

Mr. McKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. I thank the gentleman for yielding.

I want to thank especially Chairman SKELTON and the House Armed Services Committee for their leadership on this issue and for their continued commitment to what it takes for our service-members and their families.

I want to thank most especially my colleagues, Representatives LIPINSKI from Illinois and CHRIS MURPHY from Connecticut, for working with us, for working together to advance provisions that bolster domestic job creation. There are no better advocates for domestic job growth than these two gentlemen.

Mr. Chairman, I rise today to urge a "yes" vote on this en bloc amendment as well as on the underlying legislation.

Most specifically, the amendment that I led directs the Department of Defense to start accounting for the domestic employment impact of major defense acquisition programs. With the DOD's spending billions of dollars a year, it is necessary that we are able to analyze the impact of this spending on our economy.

The amendments led by my two colleagues are as equally important. They seek to ensure that our domestic companies are included on procurement opportunities for use by the DOD overseas. The amendments also strengthen transparency of the Buy American waiver process. Taken together, these provisions close major loopholes and fix major deficiencies.

I urge a "yes" vote on this en bloc amendment.

Mr. ANDREWS. Mr. Chairman, at this point, I am privileged to yield 1 minute to another champion of growth of American jobs here from the runner-up city in this year's Stanley Cup finals, the gentleman from Chicago, Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I would like to commend Chairman SKELTON and Ranking Member McKEON for all of their work on this bill and for our troops.

Mr. Chairman, I rise today in strong support of three Buy American amendments that I've offered, I along with Ms. DONNA EDWARDS and Mr. CHRIS MURPHY. These amendments would bolster national security, and they would create American jobs—two critical goals for America.

In this recession, the loss of our manufacturing base to countries such as China has only sped up. This is bad enough when it involves consumer goods, but depending on foreign companies to supply America's military weakens our national security.

When the Buy American Act was first passed in 1933, it exempted goods used abroad because of shipping time and expense, but that has changed, and it is time American manufacturers competed for these contracts. In 2008, the DOD spent over \$8 billion on products used abroad. My amendment would give U.S. companies a chance to

compete by requiring the DOD to solicit bids from American suppliers.

This and the other Buy American amendments will strengthen our national security and will create American jobs. I urge my colleagues to support these amendments, the en bloc amendments.

Go, Hawks.

□ 1930

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

It has been a while since I read any of these letters. Maybe some people haven't heard of these letters yet, so I would like to read them. We are only given 5 minutes to discuss Don't Ask, Don't Tell, so we have to talk about it when we get an opportunity, because this is something that I think is going to affect the 2.5 million people in the military plus their families. So we have very strong feelings about this. It is unfortunate that the majority has only given us 5 minutes in which to express our views and have a chance to let the people of America know what is happening here.

This is a letter from Secretary Gates that was written April 30, and then 2 days ago he reaffirmed his stand, that he still stands by what he wrote to Chairman SKELTON:

"Dear Mr. Chairman, I am writing in response to your letter of April 28th requesting my views on the advisability of legislative action."

So he is talking about the possibility that the Murphy amendment would be made in order for this legislation taken to repeal the so-called Don't Ask, Don't Tell statute prior to the completion of the Department of Defense review of this matter.

"I believe in the strongest possible terms that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change, develop an attentive, comprehensive plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner.

"A critical element of this effort is the need to systematically engage our forces, their families, and the broader military community throughout this process. Our military must be afforded the opportunity to inform us of their concerns, insights, and suggestions if we are to carry out this change successfully.

"Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process. Further, I hope Congress will not do so, as it would send a very damaging message to our men and women in uniform that in essence their views, concerns, and perspectives do not matter on an issue

with such direct impact and consequence for them and their families.”

Signed by the Chairman of the Joint Chiefs, Admiral Mullen, and Robert Gates, Secretary of Defense.

May I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from California has 4½ minutes remaining; the gentleman from New Jersey has 1 minute remaining.

Mr. McKEON. Mr. Chairman, I will continue to yield myself such time as I may consume.

What the Secretary is saying here is there was a process set in place. The President, in the State of the Union, said he wanted the repeal of Don't Ask, Don't Tell by the end of this year. The Secretary, in response, set up a process whereby the military could be contacted, their opinions could be heard, the opinions of all of them that are contacted could be taken under advisement by the Chairman, by each of the Chiefs. They could give their best military advice to the Secretary, which he could then give to the Congress and to the President as to how we proceed on this matter.

That was supposed to be done before December of this year. They are on track to do it. This month, a company was hired by competitive bid to go into the field to interview people, which they will do with various methods, to give us a comprehensive answer as to what people feel about this. They will survey 350,000 people.

Now, if this passes tonight, if this amendment passes, I know the amendment says nothing will take place prior to that study being handed in, but we all know, it is like we say we are going to talk to you, but we have already made the decision. So, go ahead, tell us whatever you want. It is like they will know that their opinions really don't matter because the vote has already taken place, the decision has already been made, and they are left out of the loop.

As the Chiefs of the various services told me, this disrespects the military, and it should not be done. Each of them have stated on the phone to me and in letters that this should not be done.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, through the Chair I would say to my friend from California, we have only Mr. KENNEDY left to speak, and I believe we have the right to close on this. So does the gentleman intend to speak again?

Mr. McKEON. How much time do I have left?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. McKEON. I would be happy to yield 1 minute to my good friend from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Mr. Chairman, I want to thank Mr. McKEON and obviously

Mr. ANDREWS for their great stewardship of this important legislation and say the real Don't Ask, Don't Tell question that we have for our military is don't ask how many antidepressants you are on because this Nation had to call you up, not once, not twice, but three and four times.

The real Don't Ask, Don't Tell question is don't ask how many parents or how many wives are at home waiting with their children, worried about their families getting called up over and over and over again because we won't up the standing military so that we don't have to overextend these tours of duty over and over and over again, creating the largest generation of military men and women who are going to be permanently scarred because of their overextension of service of duty. That is the real Don't Ask, Don't Tell.

The Don't Ask, Don't Tell is what is the long-term cost to this country, mental health-wise, for this terrible neglect of our men and women in uniform.

The Acting CHAIR. The time of the gentleman from Rhode Island has expired.

Mr. ANDREWS. I yield the gentleman 30 additional seconds.

Mr. KENNEDY. I want to thank the gentleman from New Jersey, because one more thing you won't hear the answer to is that 72 percent of the health care for veterans is going to be the private insurance market, and thanks to this gentleman, Mr. ANDREWS, and many others, who led the way for the private insurance market covering, with no preexisting condition, no annual or lifetime caps, those 72 percent of veterans out there today are going to have their cognitive neurological disorders, the traumatic brain injury, covered, covered, covered by the private insurance system, thanks to this gentleman from New Jersey, Mr. ANDREWS, and his colleagues on the Democratic side.

Mr. McKEON. Mr. Chairman, I appreciate my friend from Rhode Island's passion, and I share that with him. I have very deep concerns about the military. They have been asked over and over again, and they have responded over and over and over again. I have been to funerals and I have looked into the parents' eyes and talked to them. I also know in war there are no unwounded, as somebody more eloquent than I stated, and that is one of the tragedies.

The other tragedy is what happened on 9/11, where we were attacked, and now we have been engaged in this worldwide war on terrorism. It is not something we asked for. It is just something that our Nation has responded from the days of the creation of this Nation, when the men rode to the sound of the guns, when they died at Valley Forge, frozen to death,

starved to death. They have sacrificed for years.

I am saying, give them an opportunity to have their say, to follow through with the plan that has been set.

I yield back my time.

Mr. ANDREWS. Mr. Chairman, may I inquire as to the time remaining?

The Acting CHAIR. The gentleman has 30 seconds.

Mr. ANDREWS. I thank the gentleman from California for yielding the time to the gentleman from Rhode Island, and I would say, of course we recognize our duty to listen to those who serve in uniform. We also recognize our duty to raise their pay, to give them the tools and weapons necessary to do their job, to support their families, and to give them the strategy that works to defend this country. This bill does all of those things. We should support the bill and support the en bloc amendment before the body.

I yield back the balance of our time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendments en bloc were agreed to.

AMENDMENT NO. 62 OFFERED BY MR. MCMAHON

The Acting CHAIR. It is now in order to consider amendment No. 62 printed in House Report 111-498.

Mr. MCMAHON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. MCMAHON:

Page 284, after line 22, insert the following:

SEC. 727. SENSE OF CONGRESS CONCERNING THE IMPLEMENTATION OF THE CONGRESSIONALLY-MANDATED RECOMMENDATIONS OF THE INSTITUTE OF MEDICINE STUDY.

(a) FINDINGS.—Congress finds the following:

(1) Section 717 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1073 note) directed the Secretary of Defense to enter into a contract with the Institute of Medicine of the National Academy of Sciences to conduct a study and make recommendations regarding the credentials, preparation, and training of licensed mental health counselors.

(2) In the study, the Institute of Medicine of the National Academy of Sciences recommends permitting counselors to practice independently under the TRICARE program.

(3) In addition, the Institute of Medicine of the National Academy of Sciences recommends that TRICARE implement a comprehensive quality management system for all of its mental health professionals.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should implement the requirements of subsection (a) of such section 717 by not later than December 31, 2010, because such implementation will increase the urgently needed mental health staff of the Department of Defense and ensure that members of the Armed Forces will receive timely and confidential

post-deployment screenings with a mental health professional.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from New York (Mr. MCMAHON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MCMAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the House Committee on Armed Services, led by the great gentleman from Missouri, for recognizing the significance of the increasing suicide rates in our armed services and the need to increase mental health professionals to combat this disturbing trend. I would also like to thank my colleagues, Congressman TOM ROONEY, HARRY TEAGUE and BEN LUJÁN for their partnership with me on this amendment and on veterans' mental health issues we have tackled in a very bipartisan fashion.

Mr. Chairman, serving in the military can have lingering effects on servicemembers and the families that support them. For this reason, the mental health care needs of the TRICARE population are large and diverse, requiring a skilled group of professionals to diagnose and treat a variety of disorders. Unfortunately, these professionals do not currently exist, and the mental health needs of our servicemen and -women are, quite frankly, not being met.

But Congress can help increase this pool by implementing the recommendations of the congressionally mandated Institute of Medicine study, which makes recommendations for permitting counselors to practice independently under the TRICARE program. In addition, the committee recommends that TRICARE implement a comprehensive quality management system for all its mental health professionals.

Under current TRICARE rules, mental health counselors are required to practice under a physician's supervision, and their patients must be referred to them by a physician in order for their services to be eligible for reimbursement. This requirement distinguishes them from other mental health professionals who practice without such restrictions.

This amendment would encourage the Secretary of Defense to implement these goals by the end of the year and to increase mental health professionals available to our men and women in uniform. We need to provide the coverage, but we also need to provide the professionals who can provide the care.

We see in so many cases the high rates of suicides of our returning warriors, and we must address this. Eventually, this increase will reduce the stigma of seeking mental health treatment and reduce the aberrantly high

levels of suicide in the armed services, as I mentioned.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I don't oppose the amendment, but I rise to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Again, if we had been given the time to discuss Don't Ask, Don't Tell, we could have spent more time talking about all of the good things in the bill. But only having 5 minutes to discuss that, we have to use whatever time we can to explain to people what is going on.

When I talked to members of the Joint Chiefs a couple of days ago, one of them said one of the reasons that he opposes doing anything right now in opposition to the plan that was set up earlier this year was because, he says, I am here. I understand the innuendoes around the Hill. I understand the process of the amendment, and I understand that it doesn't really kick in until later. But, he said, the people in the field, the service people that we promised to hear from before we take action, don't understand that.

□ 1945

And he said, the headline will read, Don't Ask, Don't Tell Repealed.

Well, they don't even have to wait for us. The Senate already did it. The breaking news alert on Fox News is: "The Senate Armed Services Committee votes to repeal military's Don't Ask, Don't Tell policy on gays." And then if we follow through and do the same thing tonight with the Murphy amendment, that will be the headline. So the young men and women in Afghanistan, when they're watching on Fox News, that's what they're seeing right now.

So then when we do get around to this company that we hired to make this survey to reach out to 350,000 of our servicepeople and their families, when they hear the question they're going to say, what, you're asking us now, after the decision?

What kind of respect is that to show to our young men and women who are out there laying their life on the line?

They signed a contract. They joined the military. They're an all-volunteer force. And they signed under certain circumstances, and now those are going to be changed without any input from them.

Oh, yeah. We're going to follow through with the charade. We will have the survey, it will be turned in in December, but the die is already cast if that amendment passes tonight. And I don't think that is the way that we should be treating our military, especially the people on this committee.

Our responsibility is to look out for those young men and young women that are out there defending us and defending freedom around the world. And the lack of respect to give them the opportunity to have input on this very important issue, one that we've lived with now for 17 years, that has to be changed now, just doesn't make sense.

A Member earlier this evening talked about common sense and the lack of it that we see around here. And one of the reasons why we're given an 18 percent vote of approval from the American people, because we show a lack of common sense, we show a lack of respect. This amendment will show a lack of respect to the young men and young women in uniform and their families.

Again, let me read from Admiral Roughead's letter, the admiral, he's the Chief of Naval Operations.

He says, I share the view of Secretary Gates that the best approach would be to complete the Department of Defense review before there is any legislation to change the law. My concern is that legislation changes at this point, regardless of the precise language used in this—and this amendment was written very carefully—may cause confusion on the status of the law in the fleet and disrupt the review process itself by leading sailors to question whether their input matters.

And he is right on target.

Obtaining the views and opinions of the force and assessing them in the light of the issues involved will be complicated by a shifting legislative backdrop and its associated debate.

I plead with you to give the time necessary to have the evaluation, to follow the process that's been set.

What are we afraid of?

Is something going to happen that you think is going to change this process?

Why not let them have their input? Why not follow through with the process that was set by the Secretary?

The company that's been hired to go out and reach out to these 350,000 of our 2.5 million serving, let's follow through with the process; let's respect our young men and women in uniform and follow through with the process that has been determined.

Mr. Chairman, I yield back the balance of my time.

Mr. MCMAHON. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I must apologize to my good friend, the gentleman from California, because perhaps my New York accent wasn't, my pronunciation wasn't clear enough, or perhaps I did not speak loudly enough.

The amendment that I am proposing seeks to provide to our returning warriors when they come home and when they continue their lives here in this country, to get the mental health treatment that they need that they cannot currently have.

Mr. Chairman, the issue that I spoke to in my remarks dealt with a very important issue, and that is how to make sure that this country provides the mental health services for our returning warriors. I did not think that that issue would be one that would be picked up, in my eloquence, by Fox News. I'm not quite sure how it dealt with the other issues, but I just want to be clear, and I want the record to be clear that I was speaking to amendment 62, which is, I think, a very important issue, a very important issue that everyone in this body addresses and deals with, and that is providing adequate mental health services for our returning warriors. That's all I spoke to.

That being said, at this time, I yield the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MCMAHON).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 7 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to House Resolution 1404, I offer amendments en bloc No. 7.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 7 offered by Mr. SKELTON consisting of amendments numbered 38, 49, 53, 60, 72, 73, and 75 printed in House Report 111-498:

AMENDMENT NO. 38 OFFERED BY MS. HERSETH SANDLIN OF SOUTH DAKOTA

The text of the amendment is as follows:

Page 415, after line 25, insert the following:

SEC. 1047. REQUIRED REPORTS CONCERNING BOMBER MODERNIZATION, SUSTAINMENT, AND RECAPITALIZATION EFFORTS IN SUPPORT OF THE NATIONAL DEFENSE STRATEGY.

(a) AIR FORCE REPORT.—

(1) REPORT REQUIRED.—Not later than 360 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees, the Director of the Congressional Budget Office, and the Comptroller General of the United States a report that includes—

(A) a discussion of the cost, schedule, and performance of all currently planned efforts to modernize and keep viable the existing B-1, B-2, and B-52 bomber fleets and a discussion of the forecasted service-life and all sustainment challenges that the Secretary of the Air Force may confront in keeping those platforms viable until the retirement of such aircraft;

(B) a discussion, presented in a comparison and contrast type format, of the scope of the 2007 Next-Generation Long Range Strike Analysis of Alternatives guidance and subsequent Analysis of Alternatives report tasked by the Under Secretary of Defense for Acquisition, Technology, and Logistics in the September 11, 2006, Acquisition Decision Memorandum, as compared to the scope and directed guidance of the year 2010 Long Range Strike Study effort currently being conducted by the Under Secretary of Defense for Policy and the Office of the Secretary of Defense's Cost Assessment and Program Evaluation Office;

(C) a discussion of an objectivity and sufficiency review of the final report issued subsequent to the 2010 Long Range Strike study effort currently being conducted by the Under Secretary of Defense for Policy and the Office of the Secretary of Defense's Cost Assessment and Program Evaluation Office;

(D) a discussion of the progress of efforts to field a next generation long-range strike platform, including a review of—

(i) the next generation long-range strike requirements development and validation;

(ii) the threshold and objective key performance parameters;

(iii) the acquisition strategy, the acquisition oversight strategy, projected life-cycle costs, the cost-risk analysis, the technology readiness levels of planned capabilities; and

(iv) the development, testing, production and fielding timelines;

(E) a discussion of the costs, development, testing, fielding and operational employment challenges, capability gaps, limitations and shortfalls of the Secretary of Defense's plan to field a long-range, penetrating, survivable, persistent and enduring "family of systems" as compared to the development, testing, fielding and operational employment of a singular platform that encompasses all the required aforementioned characteristics; and

(F) a discussion of the planning efforts for developing and fielding a transformational long-range strike capability in the 2035 timeframe.

(2) PREPARATION OF REPORT.—The report under paragraph (1) shall be prepared by the Institute for Defense Analyses and submitted to the Secretary of the Air Force for submittal by the Secretary in accordance with that paragraph.

(b) COST ANALYSIS AND PROGRAM EVALUATION REPORT.—The Director of the Cost Analysis and Program Evaluation of the Office of the Secretary of Defense shall submit to the congressional defense committees, the Director of the Congressional Budget Office, and the Comptroller General of the United States a report that includes—

(1) the assumptions and estimated life-cycle costs of the Department's long-range, penetrating, survivable, persistent, and enduring "family of systems" platforms; and

(2) the assumptions and estimated life-cycle costs of the Next Generation Platform program, as planned and approved by the Secretary of Defense, prior to the cancellation of the program on April 6, 2009.

(c) CBO REPORT.—Not later than 360 days after the date of the enactment of this Act, the Congressional Budget Office shall submit to the congressional defense committees and to the Comptroller General of the United States a report that includes—

(1) a life-cycle-cost analysis of the costs of modernizing and sustaining the current fleet of B-1, B-2 and B-52 bombers to meet future long-range strike requirements compared to the costs of development, testing, fielding, and operational employment of a singular Next Generation Bomber platform to replace the existing fleet of B-1, B-2 and B-52 platforms;

(2) a life-cycle-cost analysis of the costs of the Secretary of Defense's plan to field a long-range, penetrating, survivable, persistent, and enduring "family of systems" compared to the costs of developing, testing, fielding and operational employment of a singular Next Generation Bomber platform;

(3) a life-cycle-cost analysis of the costs the Secretary of Defense's plan to field a long-range, penetrating, survivable, persistent and enduring "family of systems"

compared to the costs of modernizing and sustaining the current fleet of B-1, B-2 and B-52 bombers to meet future long-range strike requirements; and

(4) the results of an objectivity and sufficiency review of the cost analysis described in subsection (b)(1).

(d) ACCESS TO PROGRAMMATIC INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of the Air Force shall provide prompt access to programmatic information requested by agency personnel for the purpose of producing a report required under this section, including any and all classified information pertaining to the Department's "family of systems" programs.

(2) PROMPT ACCESS DEFINED.—For purposes of paragraph (1), the term "prompt access" means access provided not later than 15 business days after receiving a request.

AMENDMENT NO. 49 OFFERED BY MR. CHILDERS OF MISSISSIPPI

The text of the amendment is as follows:

Page 528, after line 17, insert the following:

SEC. 1523. REPORT ON MINE RESISTANT AMBUSH PROTECTED VEHICLES.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the procurement of mine resistant ambush protected vehicles.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) An evaluation of potential cost benefits and manufacturing efficiencies with respect to mine resistant ambush protected vehicles.

(2) An evaluation of the advisability and feasibility of sustained low-level production of mine resistant ambush protected vehicles across the industrial base as part of a long-term sustainment fleet integration strategy.

AMENDMENT NO. 53 OFFERED BY MR. FOSTER OF ILLINOIS

The text of the amendment is as follows:

Page 452, after line 10, insert the following:

SEC. 1065. STUDY ON OPTIMAL BALANCE OF MANNED AND UNMANNED AERIAL VEHICLE CAPABILITY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall commission a study by an independent, non-profit organization on the optimal balance between manned and unmanned aerial vehicle forces of the Armed Forces.

(2) SELECTION.—The independent, non-profit organization selected for the study under paragraph (1) shall be qualified on the basis of having performed work in the fields of national security and combat systems.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) With respect to each military department (but in particular the Air Force), an assessment of the feasibility and desirability of a more rapid transition from manned to unmanned vehicles for a range of operations, including combat operations.

(2) An evaluation of the current ability of each military department to resist attacks mounted by foreign militaries with significant investments in research and development and deployment of unmanned combat drones, including an assessment of each military department's ability to defend against—

(A) a large enemy force of unmanned aerial vehicles; and

(B) any other relevant unmanned scenario the Secretary determines appropriate.

(3) An analysis of—

(A) current and future capabilities of foreign militaries in developing and deploying unmanned systems; and

(B) vulnerabilities to drone systems revealed in past war games and other strategy materials.

(4) Conclusions on the matters described in paragraphs (1) through (3) and what the independent, non-profit organization conducting the study determines is the optimal balance of investment in development and deployment of manned versus unmanned platforms.

(c) **REPORT.**—Not later than December 1, 2011, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes the study under subsection (a).

(d) **FORM.**—

(1) **STUDY.**—The study under subsection (a) shall include a classified annex with respect to the matters described in subsection (b)(3).

(2) **REPORT.**—The report under subsection (c) may include a classified annex.

AMENDMENT NO. 60 OFFERED BY MR. LUJÁN OF NEW MEXICO

The text of the amendment is as follows:

Page 679, after line 25, insert the following:

SEC. 3115. ENHANCING PRIVATE-SECTOR EMPLOYMENT THROUGH TECHNOLOGY TRANSFER ACTIVITIES.

(a) **IN GENERAL.**—The Administrator for Nuclear Security shall encourage technology transfer activities at the national security laboratories (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)) that lead to the creation of new private-sector employment opportunities.

(b) **REPORTS.**—Not later than January 31 of each year, the Administrator shall submit to Congress a report detailing the number of new private-sector employment opportunities created as a result of the previous years' technology transfer activities at each national security laboratory.

AMENDMENT NO. 72 OFFERED BY MR. HINCHEY OF NEW YORK

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 839. PROCUREMENT OF PHOTOVOLTAIC DEVICES.

(a) **CONTRACT REQUIREMENT.**—The Secretary of Defense shall ensure that each contract awarded by the Department of Defense that includes the procurement of photovoltaic devices, including contracts described in subsection (b), includes a provision requiring the photovoltaic devices to comply with the Buy American Act (41 U.S.C. 10a et seq.).

(b) **CONTRACTS DESCRIBED.**—The contracts described in this subsection include, but are not limited to, energy savings performance contracts, utility service contracts, land leases, and private housing contracts.

(c) **DEFINITION OF PHOTOVOLTAIC DEVICES.**—In this section, the term “photovoltaic devices” means devices that convert light directly into electricity through a solid-state, semiconductor process.

AMENDMENT NO. 73 OFFERED BY MR. HINCHEY OF NEW YORK

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 839. REQUIREMENT FOR CONTRACTS IN IRAQ AND AFGHANISTAN TO USE EMPLOYEES AND NOT INDEPENDENT CONTRACTORS FOR PRIVATE SECURITY SERVICES.

(a) **REQUIREMENT.**—Any contract in Iraq or Afghanistan for the procurement of private security services shall contain a requirement that, in the case of any contractor using individuals who are United States citizens and required to have a United States security clearance to perform private security services under the contract, the contractor shall use employees and not independent contractors for the provision of such services.

(b) **CONTRACT IN IRAQ OR AFGHANISTAN.**—In this section, the term “contract in Iraq or Afghanistan” means a contract with the Department of Defense, the Department of State, or the United States Agency for International Development, a subcontract at any tier issued under such a contract, or a task order or delivery order at any tier issued under such a contract (including a contract, subcontract, or task order or delivery order issued by another Government agency for the Department of Defense, the Department of State, or the United States Agency for International Development), if the contract, subcontract, or task order or delivery order involves work performed in Iraq or Afghanistan for a period longer than 14 days.

(c) **PRIVATE SECURITY SERVICES.**—In this section, the term “private security services” means activities engaged in by a contractor under a contract in Iraq or Afghanistan and includes—

(1) guarding of personnel, facilities, or property of a Federal agency, the contractor or subcontractor, or a third party;

(2) any other activity for which personnel are required to carry weapons in the performance of their duties; and

(3) training in any activity covered by paragraph (1) or (2).

(d) **WAIVER AUTHORITY.**—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development may waive the requirement in subsection (a) with respect to a contract of the Department of Defense, the Department of State, or the United States Agency for International Development, respectively, if the Secretary concerned or the Administrator—

(1) determines in writing that a waiver is necessary in the interests of national security; and

(2) submits to Congress a notification of such waiver.

AMENDMENT NO. 75 OFFERED BY MR. CONNOLLY OF VIRGINIA

The text of the amendment is as follows:

At the end of subtitle C of title XII, add the following new section:

SEC. 12xx. REQUIREMENT TO MONITOR AND EVALUATE DEPARTMENT OF DEFENSE ACTIVITIES TO COUNTER VIOLENT EXTREMISM IN AFRICA.

(a) **IN GENERAL.**—The Secretary of Defense, in consultation with the Secretary of State, shall monitor and evaluate the impact of United States Africa Command (USAFRICOM) Combined Joint Task Force-Horn of Africa's (CJTF-HOA) activities to counter violent extremism in Africa, including civil affairs, psychological operations, humanitarian assistance, and operations to strengthen the capacity of partner nations.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the following:

(1) An evaluation of the impact of CJTF-HOA's activities described in subsection (a) to advance United States security objectives in the Horn of Africa, including the extent to which CJTF-HOA's activities—

(A) disrupt or deny terrorist networks;

(B) combat violent extremist ideology;

(C) are aligned with USAFRICOM's mission; and

(D) complement programs conducted by the United States Agency for International Development.

(2) USAFRICOM's efforts to monitor and evaluate the impact of CJTF-HOA's activities described in subsection (a), including—

(A) the means by which CJTF-HOA follows up on such activities to evaluate the effectiveness of such activities;

(B) USAFRICOM's specific assessments of CJTF-HOA's activities; and

(C) a description of plans by the Secretary of Defense to make permanent CJTF-HOA's presence in Djibouti.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. McKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I have an amendment that will ensure that the Department of Defense supports the growing domestic solar energy industry. The Department of Defense, as we know, is the largest consumer of energy on this planet. Fortunately, the Pentagon is beginning to more fully understand just how important energy is to our national security. As the Department purchases solar panels to address very serious energy security concerns at defense installations around our country, we must ensure that those purchases support American renewable energy manufacturing jobs rather than those at other companies in other countries.

The Buy American Act requires products purchased directly by the Federal Government to contain at least 50 percent American content. This amendment applies the Buy American Act to the procurement of solar panels purchased indirectly by the Department through subcontracts such as Energy Savings Performance Contracts, land leases, and utility service contracts. Establishing real energy security at our defense installations is critical to our national security.

This amendment is a commonsense approach to ensuring that, as the Department makes key investments in renewable energy, American manufacturing jobs are supported and increased.

I urge the support of my colleagues, and I express my deep gratitude to Chairman SKELTON for his steadfast support for our national defense.

My second amendment will help strengthen our Nation's oversight over armed security contractors in Iraq and Afghanistan and eliminate a tax loophole that has been used by the defense contractor Blackwater. For too long, the private armies of defense contractors have undermined our Nation's mission in Afghanistan and Iraq through the conduct of their personnel.

The key to American success is the ability of U.S. forces to win support from the Afghan and Iraqi people, many of whom do not distinguish between armed security contractors and the U.S. military. For this reason, every time a contractor kills or injures innocent civilians, the very people we seek to protect, it is a devastating blow to our country's strategy to protect the local population.

Let us recall one example. On May 5 of last year, two independent contractors working for Paravant, a Blackwater front company, fired their weapons, killing two Afghan civilians and wounding a third. Adding insult to injury by classifying workers in Iraq as independent contractors rather than employees, Blackwater appears to have avoided at least \$31 million in employment-related taxes.

This amendment, sponsored by myself and SCHAKOWSKY and MORAN, is an amendment that requires armed private security contractors who are using U.S. citizens in Iraq or Afghanistan to hire those individuals as direct employees rather than independent contractors. The amendment is narrow and it is focused. It applies only to U.S. citizens who are required to have security clearances for armed security contracts in Iraq or Afghanistan. The amendment also contains a national security waiver provision.

This amendment will help close the door on a tax loophole and ensure contractors have full responsibility and better oversight over employees. I urge support for this amendment, and I again thank Chairman SKELTON for his work on this bill and deep commitment to the men and women of the United States military.

Mr. McKEON. I will reserve my time.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the chairman.

I want to speak specifically to this amendment that addresses a duplicitous employment practice by private security contractors in Afghan-

istan. Last year, four employees of Paravant, a Blackwater subsidiary, were involved in a shooting incident where a number of Afghan civilians, one was killed, others were wounded. A subsequent investigation found that Paravant employees were not classified as employees but were, instead, classified as independent contractors. Then it was revealed that Paravant classified them as independent contractors in order to avoid taking responsibility for their actions.

Raytheon, who was the main contractor on the Afghan Border Police contract, attempted to sever ties with them, but they were rebuffed because this company claimed to have no responsibility for or oversight over the four in question, even though they had hired them and were paying for them. This can't be permitted. There has to be responsibility for private contractors. They can't be free agents doing what they want over there. They are recognized as working for the American Government. We need to make employers responsible for their employees.

This is a duplicitous method of avoiding taxes, but most importantly, direct responsibility for the actions of private security contractors. It needs to be ended. And I support the other amendments that address the accountability and oversight over private security contractors.

Mr. McKEON. May I inquire of the chairwoman what the time is remaining?

The Acting CHAIR (Ms. McCOLLUM). The gentleman from Missouri has 4½ minutes remaining. The gentleman from California has 10 minutes remaining.

□ 2000

Mr. McKEON. Madam Chairwoman, I yield myself such time as I may consume.

Again, I am sorry that we weren't given more time to debate Don't Ask, Don't Tell, but in using the time that I do have, I would like to read a couple more letters into the RECORD. This first one is from the American Legion, from the national commander, and this is a letter that he sent to President Obama.

"Dear Mr. President, The American Legion is concerned about reports that you might seek an amendment in Congress which would end the military's Don't Ask, Don't Tell policy," which amendment will be before us shortly this evening.

"As the Nation's largest wartime veterans organization, we feel strongly that the current policy has served the U.S. military well for 17 years and it would not be wise to make a major cultural change in the middle of two wars and with tension rising on the Korean Peninsula. Moreover, the Department of Defense has already directed a study

on the policy, and it would be premature to act before the commission conducting the study releases its finding. It defies logic."

I will put that letter in the RECORD.

THE AMERICAN LEGION,

Indianapolis, IN, May 25, 2010.

Hon. PRESIDENT BARACK OBAMA,

The White House,
Washington, DC.

DEAR MR. PRESIDENT, The American Legion is concerned about reports that you might seek an amendment in Congress which would end the military's "don't ask, don't tell" (DADT) policy.

As the nation's largest wartime veterans organization, we feel strongly that the current policy has served the U.S. military well for 17 years and it would not be wise to make a major cultural change in the middle of two wars and with tension rising on the Korean peninsula. Moreover, the Department of Defense has already directed a study on the policy and it would be premature to act before the commission conducting the study releases its findings. It defies logic.

House Armed Services Committee Chairman Ike Skelton, who sat on the committee when DADT was implemented, opposes its repeal. Additionally, Marine Corps Commandant Gen. James Conway and Army Chief of Staff Gen. George Casey have also voiced concerns about the impact such a change would have on the current forte structure.

The military is a unique environment, in which DADT has worked well without diminishing our nation's war-fighting capability. Indeed, the core purpose of our military is to fight and win our nation's wars. We believe that repealing the DADT policy at this time may well be detrimental to the security of our nation. Therefore, we urge you to postpone any such decision until the wisdom of this action has been fully studied.

Sincerely,

CLARENCE E. HILL,

National Commander, The American Legion.

The second one is from the National Military Family Association. The letter says, "The National Military Family Association has long been an advocate for improving the quality of life of our military family members who have sacrificed greatly in support of our Nation. While our association does not have a position on the Don't Ask, Don't Tell policy, we are pleased that Secretary Gates has appointed a working group charged to look at the true views and attitudes of our servicemembers and their families if that policy is repealed. We believe inclusion of servicemembers and their families in the process is imperative and that the review process must be allowed to run its course.

"Our association agrees with Secretary Gates and Admiral Mullen that the Department of Defense must be allowed, prior to any legislative action, the opportunity to complete the assessment of the impact of such a policy change, and most importantly, develop an attentive comprehensive implementation plan. Our servicemembers and their families deserve no less."

I will include that letter in the RECORD.

MAY 21, 2010.

Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BOEHNER: The National Military Family Association has long been an advocate for improving the quality of life of our military family members, who have sacrificed greatly in support of our Nation. While our Association does not have a position on the Don't Ask, Don't Tell policy, we are pleased that Secretary Gates has appointed a working group charged to look at the true views and attitudes of our service members and their families if that policy is repealed. We believe inclusion of service members and their families in the process is imperative and that the review process must be allowed to run its course.

Our Association agrees with Secretary Gates and Admiral Mullen that the Department of Defense must be allowed, prior to any legislative action, the opportunity to complete the assessment of the impact of such a policy change, and most importantly, develop an attentive comprehensive implementation plan. Our service members and their families deserve no less.

We join with Secretary Gates and Admiral Mullen in opposing any legislation that seeks to change this policy prior to completion of the assessment process. Should you have any questions please contact Kathleen Moakler, Government Relations Director.

The National Military Family Association is the only national organization whose sole focus is the military family and whose goal is to influence the development and implementation of policies that will improve the lives of the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration. For over 40 years, its staff and volunteers, comprised mostly of military family members, have built a reputation for being the leading experts on military family issues.

Sincerely,

JOYCE WESSEL RAEZER,
Executive Director.

I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to my friend, the gentleman from Mississippi (Mr. CHILDERS).

Mr. CHILDERS. I want to thank Chairman SKELTON and the Armed Services Committee for bringing this important legislation to the floor and for allowing me to introduce this amendment.

The uncertainty of whether or not a company will be awarded a military contract, as well as the finite period of time required to fulfill a contract, means that many times contractors are stuck in a cycle of ramping up and ramping down employment and, consequently, hiring, laying off, and rehiring employees. My amendment addresses this issue in the production of the various types of MRAPs our soldiers use for transportation and protection from IEDs in Iraq and Afghanistan.

The First District of Mississippi calls itself home to Navistar Defense, which produces the MRAP. Last year, Navistar was forced to lay off hundreds of employees when one of its contracts

ended. More recently, Navistar was awarded another contract, requiring them to rehire 800 employees in order to meet the production deadlines put in place by the military. But the majority of these employees will be laid off again in October when the contract is completed.

My amendment ensures that the Department of Defense begins to look at ways that we can meet our military needs while at the same time making contracting decisions that save taxpayer money and keep skilled workers employed for sustainable amounts of my time.

I urge my colleagues to pass this amendment.

Mr. MCKEON. May I inquire again of the time remaining?

The Acting CHAIR. The gentleman from California has 7½ minutes remaining.

Mr. MCKEON. Madam Chairwoman, I yield 1 minute to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank the ranking member for his graciousness. And I want to thank you, Mr. Chairman, for the management of this bill. I appreciate the bipartisan leadership the committee has provided on these issues. Let me also thank you for working with the House Foreign Affairs Committee and myself on this amendment, which requires the Secretary of Defense to establish monitoring and evaluation metrics for its activities in the Horn of Africa, specifically the Combined Joint Task Force.

Among other things, this task force partners with the Navy and CENTCOM forces to conduct maritime security operations to protect shipping routes in the Gulf of Aden near Somalia, the Gulf of Oman, the Arabian Sea, Red Sea, and the Indian Ocean. The task force currently does not use any form of metric to evaluate the effectiveness of its activities. According to a GAO report, the task force is not currently evaluating whether its activities are, in fact, achieving the desired results. This amendment would make that requirement.

I thank the chairman and the ranking member for their support of the amendment and urge its adoption.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would like to remind those in the Chamber to keep their conversations down to a minimum. Even the Chair had a difficult time hearing the last speaker.

Mr. SKELTON. Madam Chairman, I yield 1 minute to my colleague, the gentleman from Maryland (Mr. HOYER), the majority leader.

Mr. HOYER. I thank the chairman for yielding.

I want to thank the chairman, who is one of the giants on behalf of national security, military defense, quality of life for our troops, who for decades has been one of the outstanding spokes-

persons for making sure that we had the defense we needed and that our troops had the equipment, the resources, the quality of life that we would expect to have our young people have. So I congratulate him. I thank Mr. MCKEON, as well, for his cooperative spirit in bringing this bill to the floor.

Democrats in Congress have worked closely with President Obama to fight our enemies, promote our interests, and support our troops and their families, compiling a record of securing our Nation in stronger and smarter ways. We have strengthened America's military by putting new and better weapons into the battlefield, like more aerial drones. We have killed or captured much of the top leadership of al Qaeda and the Taliban. And for the first time, there is a clear plan for a way forward in Afghanistan, which, frankly, was neglected for years under the previous administration.

Democrats, often in the face of Republican opposition, have increased funding for human intelligence collection, cybersecurity, and security for our skies, our ports, and our borders. All of this was necessary and appropriate. We are looking out for our troops, our veterans, and our families.

Again, I say there is no Member of this body, and almost every Member, indeed, of this body on both sides of the aisle has worked together to maintain the quality of life for our troops and give them the resources they need; none more so than Chairman SKELTON, however.

Democrats are making sure that our troops get the body armor and mine-resistant vehicles they need when they are in the field, and the health care and opportunity for college education they deserve when they return home. That's good for them and it's good for our country.

Today's defense authorization bill builds on that record, authorizing crucial national security programs for fiscal year 2011. It promotes efforts to disrupt and destroy terrorist networks and strengthens the ability of our special forces to act directly against terrorist organizations. It increases our international cooperation against terrorists, especially against the Taliban in Afghanistan and Pakistan.

At the same time, it also insists on accountability, requiring semiannual reports from the administration on the status of the Taliban and the capacity of the Afghan Government and security forces. That accountability is important and necessary.

Because the threats we face have changed in a post-Cold War world, this bill also supports ballistic missile defense and nuclear counterproliferation, including the President's effort to secure all of the world's known vulnerable nuclear material in the next 4 years. The conference the President

convened here in Washington was an extraordinary step forward in that effort.

Further, this bill invests in the well-being of our troops and the strength of our Armed Forces. It keeps TRICARE strong and ensures that the military families can keep their children on TRICARE policies up to the age of 26, just as all Americans can do under the health reform law that we passed.

It also reduces strain on our forces by providing for 7,000 more personnel for the Army and 500 for the Air Force, while helping all of the services rebuild the equipment and weapons systems that have been severely worn down by two wars. Now, maybe because there is an agreement on that we haven't talked about it very much.

Finally, the bill strengthens our military by providing for a process to repeal a discriminatory provision. Now, I want my friends to listen to this, and they are not going to be happy with me. I am 70 years of age. I was in college in the late fifties and early sixties. Now, Bill Clinton was in college in the late sixties. His generation of Americans were motivated by the Vietnam war one way or the other. Now, frankly, I was a member of the State senate and supported that effort in the State senate.

But in the late fifties and early sixties, the motivating force for young people in this country was civil rights. It was about living out the promise of American equality. It was about a commitment of this country, which was the bedrock of this country, that all men were created equal and endowed not by us, but by their Creator with certain unalienable rights. And I will tell my friends, I have some rhetoric here that was used in 1940, 1941, 1942, 1943, 1944, 1945, 1946, when there were some Americans you didn't have to ask, they didn't have to tell, because you knew they were African Americans. There was no hiding that. And we segregated them.

And I heard Strom Thurmond stand on the floor of the Senate, he was a Democrat, speaking about discriminating against people because of the color of their skin. Separate but equal. I have heard the same rhetoric. Let me read some of it.

"The Army is the wrong place for social experiments. Keep African Americans in their place."

I was angered in the 1950s and 1960s when I saw that kind of rhetoric because I thought that was not the America that I was so proud of. Hear that language that was used back in 1948 and read the transcripts today.

In 1990, I was the sponsor of the Americans with Disabilities Act. There was an amendment offered that said people with AIDS could not be waiters and waitresses. Why? Because people wouldn't come into restaurants if they knew that somebody with AIDS was

serving them. Of course all the scientists, all the medical personnel said there was no way to transmit AIDS by handling plates or food. And I pulled out some rhetoric, interesting enough, from 1965, when the public accommodations law was considered on this floor. And guess what they said? They said, If we have African American waiters and waitresses, people won't come into our restaurant. That's why we don't have African American waiters and African American restaurants.

That was not the America for which I stand.

Strom Thurmond, however, said, and other Democrats—now, he didn't stay a Democrat, as all of you know, throughout his career—said no, we will keep people separate. And because you are driving down Route 1 from New York to Florida, and you stop and your little girl asked when the Howard Johnson's comes by, "Can I have an ice cream cone?" And you say to your little child, "I am sorry, you can't go in there. You are the wrong color. Can't stay at that hotel."

Now, in their era they thought they were being good Americans, I presume, and there were filibusters after filibusters to stop treating people as people with their God-given, unalienable rights.

Ladies and gentlemen, look to your hearts and your conscience. Look at the debates of 1948.

Is there one of us, is there one of us that would say General Powell, as Chairman of the Joint Chiefs of Staff, undermined the morale and the effectiveness of the United States Army? Is there one of us? I will yield to anybody who wants to say that he undermined the morale of our services. No one? No one? This is not a social experiment any more than that was a social experiment.

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Anymore than 1990 when we wanted to deal with those with disabilities. It was a social experiment. It was the bedrock of what America is.

Now, I think it's unfortunate that we've spent so much time on this issue. Almost every speaker. In the beginning of my talk, I talked about the substance of this bill: fighting terrorists, keeping America safe, making sure that we have the strongest Armed Forces in the world bar none, that technically they are able to confront any enemy, anywhere, any time because we owe that to the American public to keep them safe. That is what we're committed to, a strong defense.

Barry Goldwater said when this issue came up, I care whether they can shoot straight, not whether they are straight. Why? Because he wanted to look at the content of their character, the content of their ability, the content of their commitment to this country and to their service. They were pa-

triot. And he thought if they're patriots and they shoot straight—now let me tell you, something, friends. I don't want anybody bothering me. I don't care who they are. You hear me? And I don't want any male member of the Armed Forces bothering any female member of the Armed Forces, and I don't want anybody else bothering anybody else. Why? Because that's against the law, and it's against morality.

But I tell you, my friends, this bill is about our national security. This bill is about people who perform their service to our country. This bill is about making sure that America is safe. This bill is about making sure that we defeat terrorism and keep America safe. Let's focus on that. Let's not be distracted. Let's focus on protecting America, defeating terrorists, and taking care of our troops.

Mr. McKEON. May I inquire how much time I have remaining?

The Acting CHAIR. The gentleman has 6½ minutes remaining.

Mr. McKEON. I yield myself such time as I may consume.

You know, I listened raptly to the majority leader. I always try to. He always has a lot to say, and he says it very well. And that was a very eloquent speech, and because you are a Member of Congress and because we are Members of Congress, we can come here to the floor and we can express our opinion. I'm asking that the members of the armed services have the same opportunity before we have this vote tonight on the Murphy amendment.

And the reference was made to General Powell. And I was not on the committee at the time. But when Don't Ask, Don't Tell was instituted, he was a strong proponent. And he also mentioned that he didn't believe the comparison held up between the blacks having civil rights and the Don't Ask, Don't Tell.

So while I think that your comments were very, very well spoken, I think all of us should have that opportunity to have that great debate. I just think that we should follow the process that's been established where the Secretary appoints this study. They make the study, and then after the study is presented to us in December, after the military has a chance to give their say, that after the study is released, we follow the process.

I don't know why we're so afraid to stick with the policy, to listen to the members of the armed services, to give them the opportunities they have. I have letters from each of the Chairmen and the members of the Joint Chiefs saying we owe that to them. We should not break faith with them. They went out in good faith after the Secretary set that policy, and now we're short circuiting.

I would be happy to yield to the majority leader.

Mr. HOYER. I thank my friend for yielding, and I agree with my friend. As a matter of fact, I talked to Bob Gates today, and I talked to him 2 weeks ago about this issue. I was concerned about this issue and shared his view that we certainly ought to solicit the views of how and why we ought to proceed.

That is why I worked to make sure that this amendment, which was the exact same amendment adopted in the Senate Armed Services Committee a little earlier today, did in fact provide that both the Chairman of the Joint Chiefs Mike Mullen—who has made his comments on this pretty clear, as you know—Secretary Gates, and the President of the United States have to certify that the processes are in place. I understand the difference of opinion here is that, and I am sympathetic with your view.

Mr. MCKEON. Let me reclaim my time because here's what's actually going to happen. And as I talked to the chiefs on the phone, one of them said very clearly, Look. I know how this works around here. I know what this means. I know how the amendment was written, that we take the vote tonight and then we follow through the process. But it becomes a sham because the headline, as he said, would be "Don't Ask, Don't Tell," is repealed. And it's already on the headline. I just saw the news alert. "Senate votes to repeal Don't Ask, Don't Tell." He says, I understand that. But those troops out at the FOBs in Afghanistan, when they see it, when they hear it, they're going to see it's repealed. Why are you now asking me my opinion? It's done. It's a done deal.

So while we may understand that by law that it will follow through this process, in reality, it will be set tonight. And that's why we should have had more than 10 minutes, 5 minutes on our side, to discuss this. All we were given was 5 minutes. And that's why we've had to take time.

We could have spent time talking about all of the wonderful things in this bill, and yet we've had to talk because this thing is going to have more impact on our military and on our country.

You smile, Mr. Leader. And if you really feel that, then why don't we just follow the process?

And I'll be happy to yield.

Mr. HOYER. I smile only because that rhetoric was the same rhetoric that was used in 1946.

Mr. MCKEON. Well, I'm sorry. I have not read that. And I'm not quoting from that same rhetoric. And as Colin Powell said, it is not the same.

In fact, this is Mr. Powell's quote: "Skin color is a benign, non-behavioral characteristic. Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two is a convenient but invalid argument."

Mr. Powell's comment.

Mr. HOYER. I didn't quote Mr. Powell. I referred to him.

Mr. MCKEON. I reserve the balance of my time.

Mr. SKELTON. Madam Chairwoman, I yield 1 minute to my colleague, the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of an amendment to optimize the technological posture of our Armed Forces, but I am also the son of a civil rights lawyer who wrote a lot of the enforcement language behind the Civil Rights Act of 1964. And I am proud to serve with our majority leader and the representative of the Pennsylvania Eighth district.

I rise in support of an amendment which would direct the Secretary of Defense to commission an independent study assessing the optimal balance of manned versus unmanned aircraft, as well as whether our military is capable of defending against an enemy force consisting of unmanned aerial vehicles. I believe it's the duty of Congress to ask hard questions and to take the long view of matters on national security.

In Afghanistan and Iraq, we've already seen how UAV technology has revolutionized warfare and how rapidly we can launch an attack half a world away without risking a single American life. Between 2002 and 2008, the number of unmanned aircraft used by the Department of Defense increased from 167 to over 6,000. This year for the first time in history, the Air Force trained more UAV pilots than traditional fighter pilots.

This amendment will help us optimize the balance between manned and unmanned aircraft, and I urge its support.

Mr. MCKEON. I yield 30 seconds to the Army colonel in the Reserve, Mr. BUYER from Indiana.

Mr. BUYER. I want to thank IKE SKELTON for, years ago, his thoughtful considerations to make this policy the law. And we should not be changing this policy. It is very clear that homosexuality is incompatible with military service. The purpose of the military: We kill and break things. We inculcate young men and women with values, and those values are extremely important.

Now there are some that are trying to make this argument somehow that tolerance requires a moral equivalency. It does not when it comes to homosexuality. If in fact military is the inculcation of values, to say that we're going to say that sodomy now should be repealed from the Uniform Code of Military Justice is wrong.

The Acting CHAIR. Without objection, the gentleman from California controls the time.

There was no objection.

The Acting CHAIR. The gentlewoman has 1 minute remaining.

Mrs. DAVIS of California. Madam Chair, I yield that time to the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. Thank you for yielding an additional minute.

As I was explaining that this year for the first time in history, the Air Force trained more UAV pilots than traditional fighter pilots. However, our fleet of unmanned aircraft has expanded, and we have also maintained and continued to build a large force of conventional manned aircraft.

This study will help Congress better understand the optimal most cost-effective balance between the two for a range of operations. It will also help us determine the feasibility and desirability of a more rapid transition to unmanned aircraft for these operations.

This study will also force the Department of Defense and Congress to confront the fact that the United States is not the only Nation capable of building and deploying these very effective, very lethal technologies. If the future of warfare lies in unmanned technology, will our military be prepared to defend the United States and its allies against attacks by enemies who possess large numbers of unmanned aircraft?

It's my hope that this study will help Congress prioritize and plan for this future and adopt the most cost-effective mix of manned and unmanned aircraft. I urge my colleagues to support this amendment, and I thank Chairman SKELTON for his hard work in bringing this amendment to the floor.

Mr. MCKEON. I yield the balance of my time to the gentleman from Texas (Mr. GOHMERT).

The Acting CHAIR. The gentleman is recognized for 30 seconds.

Mr. GOHMERT. I was shocked to hear the majority leader bring up the Americans with Disability Act. It was a wonderful thing that this Congress did in making all areas accessible to those with disability. But to bring it up in this debate next brings the question, will this majority not stop meddling with the military, and next we expect an extension of the ADA so that the military will next be required to put those who are disabled on the front lines to defend the Nation?

It's time to stop meddling. Let the military do the job for which they were assigned and for which they volunteered. Put the military in charge.

Ms. HERSETH SANDLIN. Madam Chair, I rise today in strong support of amendment number 38 to the National Defense Authorization Act of Fiscal Year 2011.

I would like to thank Chairman SKELTON for including this amendment, which I introduced, in an en bloc package today.

Representative JOHN FLEMING of Louisiana, a member of the Armed Services Committee's Air and Land Forces Subcommittee, is co-sponsoring the amendment. I appreciate his

support and the leadership he has shown on the issue of improving and protecting our nation's bomber fleet.

This amendment requires reports from the Institute of Defense Analyses, the Congressional Budget Office and the Department of Defense that, taken together, will provide a comprehensive review of the sustainment and modernization requirements and costs related to the U.S. bomber force and long-range strike capability.

Over the past year, as I've met with Air Force leaders, including Secretary Michael Donley and Chief of Staff General Norton Schwartz, we have discussed the need to sustain and modernize our nation's current bomber fleet as the Air Force begins to develop a next-generation bomber and long-range strike capability needed to maintain a strategic deterrence.

Since I was first elected to Congress in 2004, I have worked closely with the brave airmen at Ellsworth Air Force Base in my state of South Dakota. Ellsworth is home to two wings of B-1 bombers, and I know the important role those planes have played in Iraq and Afghanistan. These planes, and the other bombers in our fleet, project power across the globe in order to keep potential enemies at bay and also serve to protect and save the lives of troops fighting on the ground.

As Members of Congress, we are charged with equipping our Armed Forces and are responsible for allocating taxpayer funds in the most fiscally responsible manner. This amendment ensures that we will accomplish both goals by better informing Congress and the Department of Defense on the best path forward for our nation's bomber fleet.

I urge my colleagues to support this commonsense amendment.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

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AMENDMENT NO. 79 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The Acting CHAIR. It is now in order to consider amendment No. 79 printed in House Report 111-498.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 79 offered by Mr. PATRICK J. MURPHY of Pennsylvania:

At the end of subtitle D of title V, add the following new section:

SEC. 5. DEPARTMENT OF DEFENSE POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) COMPREHENSIVE REVIEW ON THE IMPLEMENTATION OF A REPEAL OF 10 U.S.C. § 654.—

(1) IN GENERAL.—On March 2, 2010, the Secretary of Defense issued a memorandum directing the Comprehensive Review on the Implementation of a Repeal of 10 U.S.C. § 654 (section 654 of title 10, United States Code).

(2) OBJECTIVES AND SCOPE OF REVIEW.—The Terms of Reference accompanying the Sec-

retary's memorandum established the following objectives and scope of the ordered review:

(A) Determine any impacts to military readiness, military effectiveness and unit cohesion, recruiting/retention, and family readiness that may result from repeal of the law and recommend any actions that should be taken in light of such impacts.

(B) Determine leadership, guidance, and training on standards of conduct and new policies.

(C) Determine appropriate changes to existing policies and regulations, including but not limited to issues regarding personnel management, leadership and training, facilities, investigations, and benefits.

(D) Recommend appropriate changes (if any) to the Uniform Code of Military Justice.

(E) Monitor and evaluate existing legislative proposals to repeal 10 U.S.C. § 654 and proposals that may be introduced in the Congress during the period of the review.

(F) Assure appropriate ways to monitor the workforce climate and military effectiveness that support successful follow-through on implementation.

(G) Evaluate the issues raised in ongoing litigation involving 10 U.S.C. § 654.

(b) EFFECTIVE DATE.—The amendments made by subsection (f) shall take effect 60 days after the date on which the last of the following occurs:

(1) The Secretary of Defense has received the report required by the memorandum of the Secretary referred to in subsection (a).

(2) The President transmits to the congressional defense committees a written certification, signed by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, stating each of the following:

(A) That the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff have considered the recommendations contained in the report and the report's proposed plan of action.

(B) That the Department of Defense has prepared the necessary policies and regulations to exercise the discretion provided by the amendments made by subsection (f).

(C) That the implementation of necessary policies and regulations pursuant to the discretion provided by the amendments made by subsection (f) is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

(c) NO IMMEDIATE EFFECT ON CURRENT POLICY.—Section 654 of title 10, United States Code, shall remain in effect until such time that all of the requirements and certifications required by subsection (b) are met. If these requirements and certifications are not met, section 654 of title 10, United States Code, shall remain in effect.

(d) BENEFITS.—Nothing in this section, or the amendments made by this section, shall be construed to require the furnishing of benefits in violation of section 7 of title 1, United States Code (relating to the definitions of "marriage" and "spouse" and referred to as the "Defense of Marriage Act").

(e) NO PRIVATE CAUSE OF ACTION.—Nothing in this section, or the amendments made by this section, shall be construed to create a private cause of action.

(f) TREATMENT OF 1993 POLICY.—

(1) TITLE 10.—Upon the effective date established by subsection (b), chapter 37 of title 10, United States Code, is amended—

(A) by striking section 654; and

(B) in the table of sections at the beginning of such chapter, by striking the item relating to section 654.

(2) CONFORMING AMENDMENT.—Upon the effective date established by subsection (b), section 571 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 654 note) is amended by striking subsections (b), (c), and (d).

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, I yield myself such time as I may consume.

Madam Chair, when I served in Baghdad, my team did not care whether a fellow soldier was straight or gay. We cared if they could fire their M-4 assault rifle or run a convoy down Am-bush Alley; could they do their job so that everybody in our unit would come home safely.

With our military fighting two wars, why on Earth would we tell over 13,500 able-bodied Americans that their services are not needed? This policy hurts our national security, and it has cost the American taxpayers over \$1.3 billion already on this unjust policy.

Our troops deserve a Congress that puts their safety and our collective national security over rigid partisan interests and a close-minded ideology.

I urge my colleagues to support this amendment and support the brave men and women willing to take a bullet for our families.

I reserve the balance of my time.

Mr. MCKEON. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Madam Chair, I yield 1 minute to the distinguished chairman of the Armed Services Committee. But before doing that, I ask unanimous consent that the time for debate on amendment No. 79 offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) be extended by 30 minutes, evenly divided between opponent and proponent.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

Mr. PATRICK J. MURPHY of Pennsylvania. I object.

The Acting CHAIR. Objection is heard.

Mr. MCKEON. Madam Chair, in that case, I yield 1 minute to the distinguished chairman of the committee, Mr. SKELTON.

Mr. SKELTON. Madam Chairman, the bill before us is an excellent piece of legislation; it's one of the best that our committee has written. It's strong on our attempt to quell terrorism, it takes care of the troops, and it looks after their families.

On this issue before us, inquiry was made of Secretary Gates and Joint Chiefs of Staff Chairman Admiral Michael Mullen. A letter dated April 30 states: "Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process. Further, I hope Congress will not do so as it would send a very damaging message to our men and women in uniform that, in essence, their views, concerns, and perspectives do not matter on an issue with such direct impact and consequence for them and their families."

I oppose the amendment.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, I yield 30 seconds to my fellow Blue Dog and strong leader on this issue, Mr. MATHESON of Utah.

Mr. MATHESON. Madam Chair, anyone who is willing to put on this country's uniform and put his or her life on the line to protect our freedoms deserves our respect and should not be subject to discrimination. Repealing this flawed policy is an important way for us to show that respect. I urge my colleagues to support this amendment.

PARLIAMENTARY INQUIRIES

Mr. WAMP. Madam Chairman, parliamentary inquiry.

The Acting CHAIR. The gentleman will state his inquiry.

Mr. WAMP. Could the Chair tell me if it might be in order for the time to be extended on this very, very important matter before the House at least equal to the time that might be taken by the Speaker of the House?

The Acting CHAIR. Only by unanimous consent, which was just unsuccessful.

Mr. WAMP. May I ask unanimous consent, then, that the time be extended equally so that the time that the Speaker may claim to speak on her side of this issue might be allotted to the minority?

The Acting CHAIR. Can the gentleman state a specific amount of time?

Mr. WAMP. I wish we could; we don't know. I just think 5 minutes per side is not sufficient on a matter this important before the House.

The Acting CHAIR. The gentleman will restate his unanimous consent request.

Mr. WAMP. I ask unanimous consent that the time on this amendment be extended by 15 minutes per side.

The Acting CHAIR. Is there objection to the request of the gentleman from Tennessee?

Mr. PATRICK J. MURPHY of Pennsylvania. I object.

The Acting CHAIR. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Madam Chair, I have a parliamentary inquiry.

The Acting CHAIR. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. Do the records of the House contain the length of time of the speech made by the minority leader on the health care bill under a 1-minute recognition?

The Acting CHAIR. The Chair cannot serve as historian.

PARLIAMENTARY INQUIRY

Mr. HUNTER. Madam Chair, parliamentary inquiry.

The Acting CHAIR. The gentleman from California will state his parliamentary inquiry.

Mr. HUNTER. Is it proper for the gentleman who this amendment belongs to to object to debate on his own amendment?

The Acting CHAIR. Any Member may object.

Mr. HUNTER. Even to their own, which they should want to discuss, Madam Chair?

The Acting CHAIR. Any Member may object.

The gentleman from California is recognized.

Mr. McKEON. Madam Chairwoman, may I yield 5 seconds to the sponsor of the amendment to say why you don't want it discussed fully?

The Acting CHAIR. The gentleman may yield.

Mr. McKEON. The gentleman doesn't wish to respond?

The Acting CHAIR. The gentleman from California is recognized.

Mr. McKEON. I yield myself such time as I may consume.

Madam Chairwoman, next Monday is Memorial Day. Americans will pause in many ways and in many places to honor and celebrate the courage, sacrifices, and patriotism of those who have served and are serving this Nation in the Armed Forces.

The Hill newspaper yesterday carried a special insert entitled, "A Tribute to the Troops." Among the contributors were Mrs. Michelle Obama and Dr. Jill Biden. They coauthored a piece emphasizing that "it is our sacred obligation as Americans to take care of the men, women, and families who protect and serve this country."

I could not agree more with them. We do have a sacred obligation to those who care to serve. That is why today I rise in strong opposition to the amendment being offered by Representative MURPHY that would have Congress act to repeal Don't Ask, Don't Tell even before the comprehensive review directed by the Secretary of Defense is completed and even before Congress has received the comprehensive views of those who will be most directly affected by any change in the law.

They have unhesitatingly and selflessly responded in a magnificent manner, without hesitation, putting mission and Nation ahead of self and family. Now the proponents of repealing Don't Ask, Don't Tell want to rush a vote to the floor, disrupting the process that was put in place earlier this

year to get input from those people most affected by this decision.

After making the continuous sacrifice of fighting two wars over the course of 8 years, the men and women of our military deserve to be heard. Congress acting first is the equivalent of turning to our men and women in uniform and their families and saying, your opinions don't count.

I've read into the RECORD letters from the chairmen of each of the services asking us to not do this. Don't disrespect the military. Give them the opportunity to have their input.

The Secretary also sent us a letter, and his letter said: "I believe in the strongest possible terms that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change. A critical element of this effort is the need to systematically engage our forces, their families, and the broader military community throughout this process. Our military must be afforded the opportunity to inform us of their concerns, insights, and suggestions if we're to carry out this change successfully. Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process."

"Further, I hope Congress will not do so as it would send a very damaging message to our men and women in uniform that, in essence, their views, concerns, and perspectives do not matter on an issue with such direct impact and consequence for them and their families."

Now, I know that this amendment and those proponents will say, well, we're going to take this vote, but we will still follow the process. We will have the survey. But you all know, I mean, you have to know that when the surveyors go out into the field, they're already going to have heard on the news—as was already reported on Fox News tonight—the Senate repealed Don't Ask, Don't Tell. So how are they given an opportunity to—I mean, this is a sham. It is a total sham from here forward if this amendment passes tonight.

You have the chairman of the committee, a man who has devoted years of his life to our young men and women in uniform, and it's not an easy thing for him, but he stands up to say no on this amendment. I join him in saying no on this amendment. Most of the members of the committee—if we had had a chance to bring this up in committee where it should have been, it wouldn't be here tonight.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, I yield 30 seconds to the chairwoman of the Personnel Subcommittee on the House

Armed Services Committee, Mrs. DAVIS from California.

Mrs. DAVIS of California. Madam Chair, we are listening to our troops and military leaders. I held two hearings on this policy. DOD is gathering service and family member feedback. Remember, this process was set up to understand how to implement reform, not whether it should happen. That in 10, Madam Chair, is contained in the amendment.

Don't Ask, Don't Tell weakens our national security by asking service-members to lie, firing them for being gay, and telling able recruits, We don't want you. Please, America can do better. Vote "yes."

Mr. TAYLOR. Madam Chair, I rise for a unanimous consent request.

The Acting CHAIR. The gentleman will state his request.

Mr. TAYLOR. I request unanimous consent to support the wishes of Chairman SKELTON and Ranking Member McKEON in opposition to this amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, I yield 30 seconds to the gentleman from Michigan, a freshman Congressman, a former lieutenant commander of the United States Navy Reserve, Mr. PETERS.

Mr. PETERS. Madam Chair, as a former lieutenant commander in the United States Navy Reserve, I strongly support Representative MURPHY's amendment. We must allow our military to recruit and retain any qualified, patriotic, and courageous American who wants to serve our country.

During my service in the United States Navy Reserve, I served with many brave, patriotic, and dedicated men and women who were always ready to serve their country anytime and anywhere. I was never concerned about their sexual orientation, just their ability to serve the United States honorably. I urge passage of the Murphy amendment.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, I yield 30 seconds to the gentleman from Minnesota, the highest ranking enlisted soldier ever to serve in the United States Congress, Command Sergeant Major TIM WALZ.

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Mr. WALZ. I thank the gentleman.

Madam Chair, the greatest privilege I've had in my life has been in serving this Nation for almost 25 years in uniform. I know how important it is to fill our military with qualified professional and motivated volunteers. We are blessed in this Nation. That's exactly what we have. It is time for us to honor their professionalism and know that they are ready to end this discriminatory practice.

I support this amendment because it allows for the study of implementation, and it allows the Department of Defense to implement it after their study is done.

We do this all the time in the military. It took us 6 months to change from hats to berets. The process will be orderly. It will be right down the line the way it needs to be, and at the end of the day, don't question their ability to do it. I support the amendment.

Mr. SHIMKUS. I have a unanimous consent request, Madam Chair.

The Acting CHAIR. The gentleman will state his unanimous consent request.

Mr. SHIMKUS. Madam Chair, as a 20-year Army veteran, 5 years of active infantry and Airborne Ranger—I don't wear it on my sleeve—I support Ranking Member McKEON and Chairman SKELTON. This is devastating to the warfighters and to the combat infantrymen.

The Acting CHAIR. The Chair recognizes the gentleman for a unanimous consent request, but not for debate.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, it is my great privilege to yield 30 seconds to my mentor on civil rights, the Freedom Rider and great civil rights leader, the gentleman from Georgia, Mr. JOHN LEWIS.

Mr. LEWIS of Georgia. Madam Chair, "Don't Ask, Don't Tell." What does it mean? It didn't make sense then, and it doesn't make sense now.

Just like the military helped end segregation based on race, we should have put an end to Don't Ask, Don't Tell long ago. It is an affront to human dignity and to the dignity and the worth of every man and woman serving in our military.

We cannot wait. We cannot be patient. We must end discrimination in the military, and we must end it now. Discrimination is wrong, and we must end it now.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, how much time is remaining?

The Acting CHAIR. The gentleman from Pennsylvania has 1½ minutes remaining.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, I yield 1 minute to the Speaker, the gentleman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding and for his leadership and service to our country.

Madam Chair, this weekend, on Memorial Day, America will come together to honor all those who have served our Nation in uniform, and those brave Americans have no better friend than the chairman of our Armed Services Committee, Mr. SKELTON.

Today, by repealing the discriminatory Don't Ask, Don't Tell policy, we also honor the service and sacrifice of all who dedicated their lives to pro-

tecting the American people. We honor the values of our Nation, and we close the door on fundamental unfairness.

In 1993, I spoke on this same House floor, calling on the President "to act definitively to lift the ban that keeps patriotic Americans from serving in the U.S. Armed Forces because of their sexual orientation." Instead, despite everyone's good intentions, Don't Ask, Don't Tell was enacted—a policy which has been discriminatory to our brave men and women in uniform.

Under Don't Ask, Don't Tell, more than 13,000 men and women in uniform have been discharged from the military. Thousands more have decided not to reenlist. Fighter pilots, infantry officers, Arabic translators, and other specialists have been discharged at a time when our Nation is engaged in two wars.

That is why I support repealing Don't Ask, Don't Tell, and that support has come from all over the country. Nearly 8 out of 10 Americans want to end this era of discrimination.

Admiral Mullen, the current Chairman of the Joint Chiefs said, "It is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. We have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens." He went on to say, "For me, personally, it comes down to integrity—theirs as individuals and ours as institutions."

General Colin Powell, who was Chairman of the Joint Chiefs when this policy was implemented, has said that he now thinks this restrictive policy should be repealed.

Then, in a letter to Congress, 51 retired generals, admirals, and a former Army Secretary called for the repeal of this policy, saying that they "have dedicated our lives to defending the rights of our citizens to believe whatever they wish."

Passing this amendment today respects the timeline of the Pentagon's Implementation Study Group. Repeal would take place only after the study group completes its work in December 2010 and after the President, the Joint Chiefs of Staff, and the Secretary of Defense all certify that repeal will not hurt military readiness or unit cohesion. No one in this body would jeopardize our national security.

America has always been the land of the free and the home of the brave. We are so because of our brave men and women in uniform who have been willing to fight for our country. Let us honor their service by recommitting to the values they fight for on the battlefield.

I urge my colleagues to vote for the repeal of this discriminatory policy of Don't Ask, Don't Tell and to make America more American.

ACKNOWLEDGEMENTS

I would like to acknowledge the leadership of several members in bringing this amendment to the floor today:

Congressman PATRICK MURPHY. Before Congressman MURPHY came to the House, he was a Captain in the 82nd Airborne Division and served as a paratrooper in the Iraq War. He understands the issue of military readiness and has demonstrated tremendous leadership on repealing a policy that harms our national security.

Chairman BARNEY FRANK.

Congresswoman TAMMY BALDWIN.

Congressman JARED POLIS.

The Acting CHAIR. The gentleman from Pennsylvania has 30 seconds remaining.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, former Air Force Sergeant David Hall was walking into this gallery when I was walking in today.

Sergeant Hall wasn't asked. Sergeant Hall didn't tell. Someone outed him for being gay, and he was kicked out of the Air Force. He had already served in the Middle East.

He said to me, "I assure you I am fit for military duty. Please stop discharging patriotic Americans who just want to serve the country they love."

Mr. SPRATT. Madam Chairman, I was a member of Congress and served on the House Armed Services Committee, when the "Don't Ask, Don't Tell" policy was adopted. It was a clever solution, but the policy and its consequences deserve an updated review.

The Secretary of Defense, Robert M. Gates, has proposed such a review. He told the House Armed Services Committee that he had managed several large institutions, like the Department of Defense and the Central Intelligence Agency, and had found that when imposing major policy changes, it was better not to cram change from the top-down, but to help it percolate from the bottom-up. What Secretary Gates proposed was a year-long review, bringing the troops into the dialog, and weighing issues like fraternization and problems not even apprehended at this point.

In a letter to Chairman IKE SKELTON dated April 30, Secretary Gates wrote: "I believe in the strongest possible terms that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change; develop a comprehensive implementation plan, and provide Congress and the President with the results of this effort in order for it to be taken in the most informed and effective manner. A critical element of this effort is the need to systematically engage our forces, their families, and the broader military community throughout this process. Therefore, I strongly oppose any legislation that seeks to change this policy prior to completion of this vital assessment process."

I basically agree with Secretary Gates and will vote to support the process of review that he and Admiral Mullen have laid out.

Mr. HOLT. Madam Chair, as I listen to the arguments of those who wish to continue the policy of driving gay or lesbian soldiers, sail-

ors, airmen, and marines out of military service, I am reminded that the people of the United States are a pragmatic people.

Those who wish to exclude gays tell the American people that the inclusion of gays would harm the morale, cohesion, and effectiveness of the military in defending our nation. They ask everyone to ignore the unmistakable parallels between their arguments and the arguments made in the 1940's against the racial integration of the services. Never mind, they say, that the same arguments about morale, cohesion, and effectiveness were offered to preserve the despicable policy of racial segregation. Never mind, they say, that back then it was claimed that it would devastate our Army's effectiveness if white soldiers had to share a barracks or bunkhouse or showerhouse with a black man.

Those who want to continue the practice of driving gays out of military service ask everyone to ignore that gays do and always have served in the U.S. military.

Suddenly all of American history became clear to me. Now I understand the devastating effect of gays in our military. Now I understand why we failed to win our independence from the British. Although I could never understand before why the United States lost two wars to the Germans and the Axis, now I realize it was because our military could not be effective. The presence of gays, despite our nation's material and economic might, so crippled our military morale, cohesion, and effectiveness that we were helpless and hopeless. Now I understand that is what happens if we allow gays to serve in the defense of our nation.

Mr. BISHOP of Georgia. Madam Chair, I agree with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff that the time has come to repeal the current "Don't Ask, Don't Tell" policy, which dishonors men and women who are willing to give their lives in service to our country and also prevents capable men and women with vital skills from serving in the armed forces. However, I believe a vote today is premature.

Secretary Gates and Admiral Mullen indicated initially that the impact of such a drastic change in military and cultural policy should be thoroughly reviewed, studied, and appropriate policies developed by the Department of Defense before Congress takes legislative action. Such a review and policy development would be completed by December 1, 2010.

Therefore, I believe Congress should forgo legislative action until appropriately informed by the Pentagon's impact study, policy development, and implementation plan.

Mr. ACKERMAN. Madam Chair, I rise today in support of the Murphy Amendment to the National Defense Authorization Act to repeal "Don't Ask, Don't Tell."

The time to end this absurd policy is long past due. Since it was implemented in 1994, "Don't Ask, Don't Tell" has resulted in more than 13,000 gay and lesbian servicemembers being discharged for no reason other than their sexual orientation. As the United States has fought wars in Afghanistan and in Iraq, hundreds of mission-critical troops, including crucial Arabic and Farsi linguists, have been discharged because the Department of Defense believed they were gay. Such blatant

discrimination is both morally wrong and, from a practical perspective, self-defeating.

Last year, I received a letter from a gay soldier from Long Island who has bravely served our nation for more than twenty years in two branches of our military. Throughout his numerous tours of duty in Afghanistan and in Iraq, he has earned multiple bronze stars. Although he could retire, he did not want to leave the military when our nation needed him most. So, he volunteered for another combat zone deployment.

In his letter, this soldier told me that he has served side-by-side with gay soldiers from the United Kingdom, Canada, and Australia and has seen no evidence to suggest that these nations, which have no discriminatory policies against gay and lesbian servicemembers, have a problem with unit cohesion. In fact, an openly gay officer from Australia with whom he served was decorated with a U.S. medal at the end of his tour.

This soldier concluded by asking if, after looking at his service record, I thought the military and our nation would be better off without his service. My answer is absolutely not. I thank him for his service and proudly cast my vote to allow him and all other gay and lesbian servicemembers to continue their service to our nation without living in fear of being discharged for simply being who they are. Our service men and women deserve a policy that honors the principles they protect. I stand with our nation's principles. I support the Murphy amendment.

Mr. HONDA. Madam Chair, I rise today to support the Repeal of Don't Ask, Don't Tell. During his State of the Union address, President Obama declared that his administration would work with Congress to end the Don't Ask, Don't Tell policy of excluding openly lesbian, gay, bisexual, and transgender, LGBT, Americans from serving their country in the armed forces. I have long envisioned our country reaching this moment, and am thrilled that the 111th Congress will soon take another step forward in our long journey toward equality regardless of race, nationality, gender, and sexual orientation.

Reflecting one of our country's last officially sanctioned forms of bigotry, the Don't Ask, Don't Tell policy stigmatizes patriotic Americans by excluding them from military life. This policy works to silence LGBT personnel among the ranks of our military, making them invisible to the American public they bravely volunteer to defend. Notwithstanding the Don't Ask, Don't Tell policy, countless veterans have served, and countless service members continue to serve selflessly in the defense of our nation. Yet while thousands of our men and women put their lives on the line to protect our freedom and liberty, many are dismissed once their orientation or identification becomes known. According to the Servicemembers Legal Defense Network, SLDN, over 1,200 service personnel were unfairly stigmatized when discharged as being unfit for service in 2001. The contributions made by LGBT veterans and those in active duty in an atmosphere hostile to them underscores the tremendous sacrifices they make to serve this nation.

Another reason for the repeal of this government-sanctioned discrimination is the law's

disproportionate impact on women and minorities. Servicemembers United compiled Department of Defense (DOD) data showing that in 2008, 45 percent of troops discharged under Don't Ask, Don't Tell were minorities, while minorities comprised 30 percent of the service. Similarly, women accounted for 34 percent of the discharges but were only 14 percent of the military. That a discriminatory policy has an even more discriminatory application is another reason to celebrate its abolishment.

When President Obama called for the repeal of Don't Ask, Don't Tell, Defense Secretary Gates reminded the Congress of their definitive role in changing the intolerant policy. I am proud that this Congress is acting. While I realize this repeal is still contingent on a completion of the DOD Study and certification from the President, I am confident that Don't Ask, Don't Tell is at its end. I appreciate the difficulty of the DOD's task and I commend their courage to take this step forward for our country. I am proud to cast a vote for repeal of Don't Ask, Don't Tell—we cannot let the opportunity to right this wrong pass us by.

Mrs. MALONEY. Madam Chair, it is time to repeal the "Don't Ask, Don't Tell, Don't Pursue" policy and to allow lesbian, gay and bisexual persons to serve openly in the military.

From the initial introduction of this profoundly misguided policy in 1993, I have never wavered in my belief that our nation's armed forces should not discriminate against otherwise qualified citizens on the basis of their sexual orientation. Today, at a time when our nation is engaged militarily in both Iraq and Afghanistan, the extent to which the so-called compromise "Don't Ask, Don't Tell" policy has damaged America's military readiness has become even more apparent than it was seven-teen years ago.

The policy against allowing lesbian, gay, and bisexual service members to serve openly has resulted in depriving our armed forces of the abilities, experience and dedication of thousands of qualified active duty personnel. This institutionalized discrimination is completely illogical and counter-productive as we grapple with an increasingly dangerous world, with our servicemembers serving all over the world.

The U.S. Government Accountability Office, GAO, has documented the cost to our nation. In 2005, the GAO estimated the cost of discriminating against service members on the basis of their sexual orientation at nearly \$200 million over the course of just the last decade. This estimate may, in fact, be too low, as the GAO itself acknowledged and as other studies conducted by reputable academic institutions like the Michael Palm Center at the University of California have documented.

Advocates for the "Don't Ask, Don't Tell" policy continue stubbornly to cite elusive factors to justify its inherent institutionalized discrimination. The most common argument is the specious insistence that "unit cohesion" among the armed forces will suffer if lesbians, gay men, and bisexual persons are allowed to serve openly—an argument that even Richard Cheney, while serving as the Secretary of Defense during the presidency of George H. W. Bush, acknowledged in congressional testimony was "a bit of an old chestnut to be tossed onto an open fire and consigned forever to the ashbin of history."

The fact is that many other nations—including trusted allies whose armed forces are respected around the world such as Great Britain, Israel, Australia, and Canada—have allowed their citizens to serve in their armed forces regardless of their disclosure of their sexual orientation. It is high time that the United States of America, which prides itself as a beacon of liberty and equality, joins their ranks.

I urge the members of this House to vote to repeal this misguided and counterproductive and un-American policy.

Mr. NADLER of New York. Madam Chair, I am pleased that today we are finally faced with an amendment on the floor to end the policy of Don't Ask, Don't Tell. Seventeen years ago, I introduced a bill to ban discrimination in the Armed Forces on the basis of sexual orientation. I commend Congressman PAT MURPHY for his great efforts that have resulted in finally getting this amendment on the floor today.

Now it is up to us to repeal Don't Ask, Don't Tell once and for all. I opposed this policy and voted against it at its inception, I have introduced legislation over the years to repeal it, and I am a proud co-sponsor of H.R. 1246, the Military Readiness Enhancement Act which would end this policy. And I stand before you today to support its inclusion in the Defense Authorization bill. Let us move promptly to end this discriminatory policy and ensure that all service members, regardless of sexual orientation, can enjoy the freedoms for which they so selflessly fight.

This absurd and overtly discriminatory policy remains a stain on our national conscience and tarnishes the march toward equality for all Americans. And, in this time of incredible strain on our military, our nation's security depends upon the recruitment—and retention—of every person willing and able to serve. I entirely reject the argument that allowing gays and lesbians to serve openly would undermine troop morale. We don't need any study to know that this canard is simple prejudice, for which there is no evidence whatsoever. We should act as President Truman did in 1948. No study—no delay. Just repudiate the prejudice and end the discrimination.

To his great credit, President Obama has repeatedly declared his commitment to repealing Don't Ask, Don't Tell and he supports our efforts today to do so.

I appreciate the fact that the Department of Defense has also implemented regulatory changes concerning current enforcement of the policy, which should lead to fewer unwarranted discharges. But in order to repeal the policy we, Congress, must act, and that is exactly what we are doing here today. We owe it both to our service members and to LGBT Americans to move forward now without further delay.

Mr. LEVIN. Madam Chair, I rise in strong support of the amendment by Representative MURPHY to repeal the "Don't Ask Don't Tell" policy.

The Don't Ask Don't Tell policy is discriminatory and it harms U.S. military readiness. Over the last 17 years, our nation has paid a heavy price for pursuing this policy. Since 1993, more than 13,000 qualified, well trained men and women have been dismissed from

the military simply because of their sexual orientation. These are men and women we could ill afford to lose, especially at a time when our armed forces are engaged in two major military conflicts in Iraq and Afghanistan.

This is why so many of this country's highest current and retired military leaders favor repeal of Don't Ask Don't Tell, including the Chairman of the Joint Chiefs of Staff, Admiral Mullen. Admiral Mullen recently wrote, "No matter how I look at this issue, I cannot escape being troubled by the fact that we have a policy which forces young men and women to lie about who they are in order to defend their fellow citizens." Retired General Colin Powell and the former Chairman of the Joint Chiefs of Staff, General John Shalikashvili also have urged repeal.

The argument has been made that repealing Don't Ask Don't Tell would negatively affect military unit cohesion. The evidence simply does not support this. Many other countries—including Britain, Canada and Israel—successfully allow gays and lesbians to serve openly. In any case, the Murphy amendment specifically states that repeal will take place only after the President and our nation's military leaders certify that the Department of Defense has prepared the necessary policies and regulations to implement repeal and that these policies are consistent with military standards for readiness, effectiveness, unit cohesion, recruiting and retention.

Mr. HASTINGS of Florida. Madam Chair, I rise today to clarify why I was unable to vote on Thursday, May 27 and Friday, May 28 in favor of the so-called Murphy Amendment and the National Defense Authorization Act for Fiscal Year 2011, respectively. I would also like to reaffirm in the strongest possible terms my support for repealing the law known as "Don't Ask, Don't Tell," which prohibits gay and lesbian service members from serving openly, as soon as possible.

As you know, Congressman PATRICK MURPHY's amendment, which passed in the House of Representatives by a vote of 234–194, provides for a process to be set in place to implement the repeal of Don't Ask, Don't Tell as soon as the Pentagon completes its review of the issue and President Obama, Defense Secretary Gates, and Admiral Mullen, Chairman of the Joint Chiefs of Staff, certify that repeal implementation will not negatively affect our military.

During the Rules Committee's meeting on Wednesday to consider amendments to the Defense Authorization bill, I openly declared my support for the repeal of Don't Ask, Don't Tell and for Congressman MURPHY's amendment.

Unfortunately, I had an official trip in my capacity as Co-Chairman of the Commission on Security and Cooperation in Europe (U.S. Helsinki Commission) that was scheduled prior to the vote. The consideration of amendments to the Defense Authorization bill on the House floor was such that I was unable to vote. Had I been present and not on official travel, I would have voted in favor of the Murphy amendment's inclusion, as well as in favor of the final Defense Authorization bill.

I commend my colleagues, Congressman MURPHY, Senator LIEBERMAN, and Senator LEVIN, for their leadership on this repeal effort.

As I have said time and again, Don't Ask, Don't Tell threatens our national security and costs us millions of dollars each year to kick out dedicated and highly-skilled service members because of their sexual orientation and to retrain new ones.

I am also heartened to hear that our colleagues in the Senate Armed Services Committee voted 16–12 to bring Senator LIEBERMAN's companion amendment to repeal Don't Ask, Don't Tell to the Senate floor along with the Defense Authorization bill for consideration.

It is indeed a historic day for our military, the American people, and our nation. What should have happened 17 years ago is now closer than ever before. By passing the Murphy amendment along with the Defense Authorization bill, the House of Representatives has pledged to fulfill its promise of upholding the values for which the United States stands by allowing gay and lesbian Americans to serve openly in the military.

As we celebrate this victory, we are reminded of the long battle that has brought us to this point. I would be terribly remiss if I did not acknowledge the hard work and sacrifices of countless service members and veterans, many of whose lives have been negatively impacted by this bigoted law, as well as those military and policy leaders, advocacy organizations, and everyday Americans who have taken a stand against discrimination.

Madam Chair, I am eternally grateful to the brave men and women in our Armed Forces who protect this nation and the American people each and every single day and look forward to Don't Ask, Don't Tell being repealed once and for all.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Chair, when the President announced his decision to repeal the current policy, known as "Don't Ask, Don't Tell," earlier this year, the military service chiefs and the Secretary of Defense requested the opportunity to carry out the President's directive in an orderly manner that would assure the maintenance of discipline and morale in the Armed Forces. It was agreed to at that time, including by the President, that a survey would be sent to all the troops so that their input would be taken into account regarding how best to implement the new policy, and that a report with such recommendations as to how to best implement the new policy would be issued this December, before any legislative action was taken. I believe that process, which was agreed to by the President pursuant to the request of the service chiefs and the Secretary of Defense, should be followed.

Breaking the agreement now by having this vote is most unfortunate, and I strongly disagree with the decision of the President, the Speaker, and the majority leadership to break that agreement today.

Mr. FARR. Madam Chair, when we pass the National Defense Authorization Act for Fiscal Year 2011, we take a historic step to restore equality in the ranks of our military by voting to repeal Don't Ask Don't Tell.

Looking back in our history, social change occurred because of leadership. President Obama, our military leaders and gay Americans have shown leadership to overturn this discriminatory policy. Comparable to the lead-

ership shown by President Truman in 1948 when he issued Executive Order 9981 that ordered the integration of the armed forces, we can be proud that the civil rights of all Americans who want to serve in our All Volunteer Forces is preserved. During its 17 year history, DADT has discharged far too many highly qualified and trained Arab linguists, doctors and mission critical specialists in every field and in every service who simply wanted to serve their country. For the last 17 years I been a Member of Congress who has fought to overturn this policy that has prohibited openly gay men and women from serving in the military.

Madam Chair, as we move forward in the legislative process, you may be assured of my continued strong support for repeal of Don't Ask Don't Tell.

Ms. WOOLSEY. Madam Chair, we've heard these arguments before.

The Secretary of the Army said he was concerned about how the proposed change would affect "the efficiency . . . of the Army."

A five-star General warned of "social experiments" and worried that with reform in military personnel policy ". . . we may have difficulty attaining high morale."

Those are not quotations from 2010 about the right of gay and lesbian Americans to serve openly in the military. They're from more than 60 years ago, during the debate over racial integration of the armed forces.

Does anyone believe they were right? If so, please speak up.

Is anyone prepared to argue that our military has suffered from the full participation of African-Americans in its ranks?

I hope we all remember this history lesson as we prepare to vote on a repeal of the Don't Ask, Don't Tell policy, an embarrassment unworthy of a great country and a great military.

It is responsible for the discharge of 13,000 honorable Americans, men and women who were told their service is dispensable . . . not because of how they behaved, but because of who they are.

It does violence to cherished American values like equality, inclusion, and tolerance. And it damages our national security too.

Given the military's recruitment challenges at a moment that we're still, unfortunately, fighting two wars . . . it is incomprehensible to me that we would reject any capable person who wishes to serve.

It was particularly galling to watch as hundreds of language specialists who could speak Farsi and Arabic were dismissed just when they were needed most, when our occupation of Iraq began.

The assertion that openly gay service members would undermine unit cohesion is just bunk, Madam Chair.

It is an argument based on fear, not fact. The research suggests that Iraq and Afghanistan veterans are comfortable serving side-by-side with fellow soldiers who happen to be gay or lesbian.

To suggest otherwise is to insult our troops, as the author of the amendment Mr. MURPHY has pointed out. Because the morale argument assumes our soldiers are so unprofessional—and even unpatriotic—that they would let another soldier's sexual orientation distract them from the mission.

Admiral Mike Mullen, chairman of the Joint Chiefs of Staff, may have put it best when he said, "I cannot escape being troubled by . . . a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me personally, it comes down to integrity—theirs as individuals and ours as an institution."

And now it comes down to our integrity, the integrity of those of us privileged to serve in the people's House.

We must have the integrity to do what's right . . . to support our troops and strengthen our military . . . by repealing the cruel and un-American Don't Ask, Don't Tell policy.

Mr. MARIO DIAZ-BALART of Florida. Madam Chair, when the President announced his decision to repeal the current policy, known as "Don't Ask, Don't Tell," earlier this year, the military service chiefs and the Secretary of Defense requested the opportunity to carry out the President's directive in an orderly manner that would assure the maintenance of discipline and morale in the Armed Forces. It was agreed at that time, including by the President, that a survey would be sent to all the troops so that their input would be taken into account regarding how best to implement the new policy, and that a report with such recommendations as to how to best implement the new policy would be issued this December, before any legislative action was taken. I believe that that process, which was agreed to by the President pursuant to the request of the service chiefs and the Secretary of Defense, should be followed.

Breaking the agreement now by having this vote is most unfortunate, and I strongly disagree with the decision of the President, the Speaker, and the majority leadership to break that agreement today.

Mr. ACKERMAN. Madam Chair, several months ago I received a letter from a soldier who lives in New York. The letter was very similar to those that many members of Congress receive from brave servicemen and women who reside in their districts. The letter spoke of multiple tours through Iraq and Afghanistan, of volunteering for more service even after completing enough tours to retire, and of the pride of a soldier who loves his country and is willing to sacrifice so much to defend it.

But this letter was not quite the same as those that many of us here in the Capitol receive from time to time. You see, despite serving his country for more than 20 years, despite volunteering to serve in a combat zone to defend America's principles of freedom from tyranny and from persecution, and despite receiving two bronze stars for meritorious service to his country, the gay soldier who wrote this letter is required by United States law to lie about who he is or face being discharged from the military.

For 16 years, "Don't Ask, Don't Tell" has placed an unthinkable and immoral burden on gay and lesbian servicemen and women, who, under United States law and unlike their heterosexual counterparts, must hide their sexual orientation and their partners from the military. Their partners are not eligible for the military spousal benefits to which the partners of heterosexual servicemen and women are entitled,

including health care and better housing. Madame Speaker, "Don't Ask, Don't Tell" is, by definition, a discriminatory policy.

In the course of tonight's debate, several members have characterized the House of Representatives' impending vote to repeal "Don't Ask, Don't Tell" as a step forward for morality and equality. And it is. But, before we collectively pat ourselves on the back for a job well done, I would remind my colleagues that tonight's step forward is only a result of the giant leap backwards we took when we instituted the policy in the first place. Years from now, when our children read about "Don't Ask, Don't Tell" in their history books, what will they think of a government that so shamefully turned its back on gay servicemen and women in the interest of a political compromise?

Madam Chair, politics is a business of grays. Seldom do we have the opportunity to vote on legislation that is black or white, moral or immoral, right or wrong. Tonight is the rare exception.

For the thousands of gay servicemen and women who so bravely serve our country everyday but who live in constant fear of being discovered for who they are, for the principles of freedom and equality upon which the United States of America was founded, and in the interest of righting a wrong that has persisted for far too long, I rise in support of the amendment before us and for the patriotic soldier whose letter I enclose for the record; a letter in which he implores me: "If and when this issue ever comes up for debate, and even for a vote in Congress, I respectfully ask you to remember all the gay military personnel who are right now risking our lives to defend the U.S. and its values."

Madam Chair, that moment has come.

Hon. GARY ACKERMAN,
Member of the House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN ACKERMAN: I am a captain in the United States Army Reserve, and am presently deployed to Afghanistan. I am writing to you with regard to the military's so-called "Don't Ask, Don't Tell" (DADT) policy. As you may know, there is currently a strong push in Congress to overturn DADT—under which otherwise qualified gay men and women are still being involuntarily dismissed from service—and replace it with a policy of nondiscrimination on the basis of sexual orientation. I strongly support this proposed policy change. I would like to explain the basis for my judgment.

I am a veteran of both the U. S. Navy Reserve and the U. S. Army Reserve. In the latter I have served as both a sergeant and as a commissioned officer. Since the terrorist attacks of September 11, 2001 I have completed tours of duty in Afghanistan, Iraq, and Kuwait. I was informed that I had completed twenty good years of Reserve military service, and had thus earned the right to retire. But I did not want to retire with my country still at war. So I volunteered for another combat zone deployment, and am serving once again in Afghanistan. I have been at my current duty station—. I recite this brief resume to let you know that I am no mere observer of the military, but rather someone who has dedicated much of my life to our national defense.

Congressman Ackerman, I am also one of the many gay military personnel who have served our country faithfully in these times

of terrorism and war. I want to give you my personal perspective on why DADT is so wrong. First of all, it is widely recognized that a married service member's relationship with his or her spouse has a profound impact on that service member's fitness for duty. Thus, straight married service members are free, within the limits of resource availability and operational constraints, to maintain communications with their spouses. In fact, such communication is actively encouraged. Regular phone calls, e-mail, and postal letters really help both the service member and spouse get through the strain of combat zone deployments in particular.

Many gay service members have committed partners who, every day, face the same stress and make the same sacrifices as do their straight counterparts. But because of DADT, gay service members and their partners have to constantly worry that an overheard telephone call, an intercepted e-mail message, or other type of compromised communication could lead to a degrading, career-destroying investigation. It is wrong, I believe, to place such additional burdens on the back of American patriots.

I write of these matters from personal experience. When the 9/11 terrorist attacks occurred I was in a serious long-term relationship. But the extensive post-9/11 active duty I performed put a serious strain on this relationship. The relationship finally fell completely apart during my first Afghanistan deployment in—.

As you may know, the military has seen a troubling increase in the service member suicide rate since 9/11. Furthermore, the loss of a serious relationship is one of the critical risk factors that may contribute to such suicides. I experienced this particular risk factor and my situation was compounded by its occurrence in a war zone. Six years later, I can still vividly remember cradling my government-issue pistol in my hands and fighting the urge to blow my own brains out.

I made it through that crisis. I completed my mission in Afghanistan successfully, and in fact was decorated with a Bronze Star Medal at the conclusion of that tour. I went on to earn a second Bronze Star Medal in Iraq two years later, and was promoted to— shortly after that.

What made that crisis particularly difficult was the isolation imposed on me as a result of DADT. A straight Soldier in a comparable crisis could turn to his commander, his first sergeant, or a "battle buddy" for help and advice. But such avenues are legally closed to gay troops. If I, for example, had shared the details of my situation with my commander—a decent and honorable man—he would have been legally obligated to have initiated an investigation that would have heaped even more stress upon me, disrupted my unit's mission, and ultimately destroyed my career.

I know that many would say that a gay service member in such a situation could go to a chaplain in confidentiality. I have great respect for our military chaplains and for all the good work that they do. But I also believe that no service member should feel forced to see a chaplain as his or her only option. Every service member should have the right to speak freely with a commander, a trusted noncommissioned officer, or a battle buddy. I assert this not only as an individual Soldier, but also as an officer with extensive experience as a platoon leader and company commander. When I have been in these command positions, I have had Soldiers share with me some very personal information about their families and home lives. I was

glad that these Soldiers trusted me, and this bond of trust and openness enabled me to give each individual the counsel or moral support that was needed. But what about gay troops? They are legally deprived of such a relationship with a commander, a senior noncommissioned officer, or a battle buddy. This is wrong. These gay troops—especially those experiencing the stress of combat zone duty—deserve access to such relationships. The DADT policy shackles the hands of leaders like myself and prevents us from properly supporting all our troops. This policy puts service members and their loved ones at risk. DADT is a shameful blot on our national honor.

I know that many are wary of a repeal of DADT. Perhaps some—particularly those who oppose homosexual conduct on religious grounds—see such a policy change as the equivalent of governmental approval of homosexual conduct. But this is not so. Let me strike an analogy. Many religious individuals are opposed, on biblical grounds, to divorce and remarriage. But persons who have divorced and remarried are plentiful in the armed services, and many serve alongside very conservative religious persons every day. Respecting divorced-and-remarried persons as military professionals does not mean one agrees with their personal life choices, or that the government is advocating such choices. To me, the main issue is that we respect personnel who serve their country honorably and who act with responsibility and integrity in their personal lives. For example, in the military we will punish a "dead-beat dad" who neglects to pay his child support, but we support and respect the divorced father who stays committed to his parental responsibilities. I believe that we need to take a comparable stance towards gay service members.

There are also some who claim that repealing DADT will negatively impact morale and discipline in our armed services. But I have never seen a single shred of empirical evidence to support such assertions. In fact, the available evidence suggests that treating gay and straight troops equally has no negative impact on military forces. Consider the fact that many of our key allies in current combat and security operations—nations such as the United Kingdom, Canada, and Australia—do not discriminate on the basis of sexual orientation in their armed services. These fighting forces continue to perform admirably. Furthermore, troops from these and other nondiscriminatory nations live and serve side by side every day with U.S. troops in war zones. On this current tour, for example, I personally have shared living and bathing facilities with uniformed personnel from Australia, Canada, Denmark, Spain, and the United Kingdom—never have I seen a U.S. serviceman run shrieking from the showers because he feared that he might encounter an openly gay individual from one of these allied nations. Last year I met an openly gay chief petty officer from the Australian navy. He had served as part of a U.S.-led multinational team in Iraq. He told me that not only was his presence no problem for the Americans, but they decorated him with a U.S. medal at the end of his tour! Surely if Americans can accept a gay Australian, they can also accept gay fellow Americans. People who claim that the U.S. military cannot manage a policy of sexual orientation nondiscrimination are not only ignoring the realities of current operations, but they are also essentially saying that American service personnel are less professional than those of the U.K., Canada, and

other nondiscriminatory nations—I consider such an assertion to be a highly offensive insult.

Of course, my argument ultimately leads to a logical—and fair—question: How do we manage this change in policy? The answer is simple. Hold gay service members to exactly the same standards we hold straight service members. If gay individuals were to commit acts of sexual harassment, or engage in any other type of activity that goes contrary to military order, we would discipline them appropriately—and separate them from the service if necessary. This happens to straight service members when necessary; I myself once had to discipline a straight male non-commissioned officer for his inappropriate behavior towards a junior female Soldier. This NCO accepted my counsel, corrected his behavior, and completed his tour of duty successfully. On the other hand, those gay individuals who conduct themselves with honor and dignity, and who demonstrate respect for their fellow service members, would continue to do their jobs. This is exactly the policy that coalition militaries, many U. S. police departments, and dozens of civilian corporations have been following successfully for years. Are we really to believe that this course of action is beyond the capability of the U.S. military?

In fact, I believe that the demise of DADT will happen as smoothly and quietly as did similar policy changes in the militaries of allied nations. Gay troops who have been behaving in a professional manner prior to the demise of DADT are not suddenly going to begin engaging in outrageous or disruptive behavior. Today's gay troops, despite the burdens of DADT, are putting their lives on the line every day to defend this country; many of us have been tested in Iraq, Afghanistan, Somalia, and other challenging locations. If the military gets rid of DADT, we will continue to do our jobs and take care of our battle buddies; we and our commanders will simply have a terrible burden lifted from our shoulders.

Congressman, after more than two decades of military service—at sea and on land, from the Cold War era to the Global War on Terror, in joint service and multinational environments—I think I know the women and men of our armed forces pretty well. I can tell you that every day U. S. service members overcome barriers of difference—difference in race, ethnic heritage, religion, regional origin, gender, socioeconomic class, and other areas. Sexual orientation is just another element in this complex equation. We are able to overcome all these types of difference and form cohesive teams by focusing on the basics: mutual respect, a solid work ethic, personal integrity, and commitment to our common missions. We are also able to recognize that a person whose difference may initially unsettle us may also possess a critical skill, a body of knowledge, or a depth of experience that we need to accomplish these common missions. Can we afford to lose a fluent Arabic linguist because she is a lesbian? Can we afford to discard a combat seasoned infantryman because he is gay?

I have enclosed with this letter some documentation from my combat zone service. My contributions have been modest compared to the heroism shown by many of my sisters and brothers in arms. Still, I am proud of what I have achieved. I leave it to you to look at my record and determine whether or not the military would be better off if I—and, for that matter, thousands of people like me—were to be involuntarily dismissed from duty.

I am an ordinary guy who grew up in New York. My dad is a retired New York City cop who was deeply impacted by the 9/11 terrorist attacks. Like any other deployed Soldier, I call my folks at least once a week, and they worry about me just like the parents of any Soldier. I don't want to turn the military into some sort of gay utopia. I just want gay Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen—together with our loved ones—to have the sort of peace of mind that our straight sisters and brothers take for granted.

Congressman Ackerman, I read on your Web site about how you stood up for Soldiers who were not getting their combat zone tax exemption in Iraq. So I know you are a leader who believes in taking care of the troops. Sir, I believe that now is the time to give troops like me relief from the injustice of "Don't Ask, Don't Tell." If and when this issue comes up for debate, and even for a vote, in Congress, I respectfully ask you to remember all the gay military personnel who are right now risking our lives to defend the United States and its values. If you have any questions or comments about anything I have written, you may contact me via e-mail. And please feel free to share this letter and its enclosures, including my contact information, with any individuals or organizations whom you deem appropriate.

Sincerely, ———

Mr. WAXMAN. Madam Chair, I rise today in strong support of the amendment to repeal the "Don't Ask, Don't Tell" policy of our nation's military, a discriminatory and self-defeating policy that I have opposed from its inception.

Our restrictive policy undermines our national security. It has resulted in the discharge of more than 13,000 trained and qualified men and women from our armed forces. It has caused thousands more not to re-enlist and countless others not to serve at all.

That these brave men and women are being denied the opportunity to serve their country is a grave injustice. And, we have been so misguided in our pursuit of this discriminatory policy that we have ignored the very real harm it causes our military personnel at a time when our nation is engaged in two wars and the need for talented and dedicated service members could not be greater.

Twenty-five advanced militaries throughout the world, including our closest allies such as Israel, Canada, and Britain, allow gays and lesbians to serve and none have seen any damage to their readiness. In stark contrast, the United States military, because of "Don't Ask, Don't Tell," has undermined its readiness by discharging capable fighter pilots, infantry officers, translators, and other highly trained specialists who are in high demand.

Admiral Mullen, Chairman of the Joint Chiefs of Staff, has said, "we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens." Today, many Americans defending our nation could be subject to a "Don't Ask, Don't Tell" dismissal. They should be able to serve without fear that their nation will punish them for being open about who they are.

"Don't Ask Don't Tell" is contrary to the values this country stands for. America was founded on the principle of human dignity and on the belief that all men are created equal—and yet this policy perpetuates the absurd notion that some are more equal than others.

Those who oppose the repeal of "Don't Ask, Don't Tell" are using the same language used by those who opposed the racial integration of our Armed Forces in 1948, fought the inclusion of women, and argued against the Civil Rights Act in 1965. The arguments are just as wrong today as they were then.

I want to commend Speaker PELOSI and President Obama for their leadership on this issue, and I ask all of my colleagues to support repeal. Passage of this amendment will bring an end to this shameful inequity.

Mr. RUSH. Madam Chair, I rise today in support of the Murphy amendment. By adopting this amendment the House, today, takes an important step in eliminating discrimination in our nation's armed forces.

Madam Chair, critics of this amendment, and the repeal effort, have often stated that allowing open service will "disrupt unit cohesion" and lead to a breakdown in "good order and discipline." These are the same arguments that were used in the 1940s to object to the integration of America's armed forces. Since that time, tens of thousands of African-Americans, myself included, have proudly served this nation that they love. Some have even risen to positions of distinction such as Colin Powell, who served as Chairman of the Joint Chiefs of Staff.

Much in that same honorable tradition, Madam Chair, gay and lesbian service members have also served our country with distinction. Whether on land, sea, or in the air gay and lesbian Soldiers, Sailors, Airmen, Marines and Coast Guardsmen have served, and continue to serve, professionally and admirably.

Madam Chair, open service is a policy that is embraced by many of our key allies. In fact, in our current conflicts, American forces have served side by side with British, Canadian and Australian forces. These nations all permit open service and have demonstrated—through their soldiers' blood, sweat and tears—that they, too, are an effective fighting force.

In fact, Madam Chair, 35 countries, thirty-five, allow for open service. That's 35 countries, on all six inhabited continents, that have moved past prejudice and bigotry. Now is the time for the United States to be the 36th country to join them.

Of our NATO allies, Turkey and the United States are the only countries that have not yet allowed for open service. By passing this amendment, Madam Chair, the United States takes the first step in rectifying that situation.

Madam Chair, I will close with a quote from one of our former colleagues that I seldom, if ever, agreed with: Republican Senator Barry Goldwater.

In 1993, Senator Goldwater penned an op-ed for the Washington Post and the Los Angeles Times where he stated, "It's no great secret that military studies have proved again and again that there's no valid reason for keeping the ban on gays." I ask my colleagues to remember Senator Goldwater's words and to vote "yes" on this amendment.

Mr. RYAN of Wisconsin. Madam Chair, Last week, the House of Representatives considered an amendment offered by Congressman PATRICK MURPHY to H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011, to repeal the Armed Forces personnel

policy of “don’t ask, don’t tell.” Due to a death in the family, I was not present for the vote on the House floor. Had I been present, I would have voted against this amendment.

While I believe no American should be denied the ability to serve their country because of their sexual orientation, it is important to balance this commitment to serve with the practical implications of this dramatic policy change.

Defense Secretary Robert Gates and the Joint Chiefs of Staff repeatedly asked Congress to allow the Department of Defense the time to complete its comprehensive review of “don’t ask, don’t tell” before taking legislative action to change this policy. These requests were denied by the Majority, whose actions imply that Members of Congress are in a better position to determine personnel policies than military leaders themselves.

We have a responsibility to consider the views of those men and women in uniform, and a duty to allow the leaders of our Armed Forces to finish their review before taking premature legislative action. By refusing to take into consideration the ongoing review by the Department of Defense, the Majority risks undermining the relationship between our elected leaders and the men and women serving our Nation. I have serious concerns with the potential for this preemptive decision to negatively impact our military’s ability to recruit, retain, and ready servicemembers now and in the future.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, I urge my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MCKEON. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-498 on which further proceedings were postponed, in the following order:

Amendment No. 82 by Mr. INSLEE of Washington;

Amendment No. 21 by Mr. GUTIERREZ of Illinois;

Amendment No. 42 by Ms. ESHOO of California;

Amendment No. 80 by Ms. PINGREE of Maine;

Amendment No. 79 by Mr. PATRICK J. MURPHY of Pennsylvania;

Amendment No. 47 by Mr. SARBANES of Maryland.

Except for amendments numbered 80 and 79, the Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 82 OFFERED BY MR. INSLEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 8, not voting 19, as follows:

[Roll No. 313]

AYES—410

| | | | | | |
|----------------|-----------------|------------------|-----------------|------------------|---------------|
| Ackerman | Childers | Gerlach | Kosmas | Myrick | Scott (GA) |
| Aderholt | Christensen | Giffords | Kratovil | Nadler (NY) | Scott (VA) |
| Adler (NJ) | Chu | Gingrey (GA) | Kucinich | Napolitano | Sensenbrenner |
| Akin | Clarke | Gohmert | Lamborn | Neal (MA) | Serrano |
| Alexander | Clay | Gonzalez | Lance | Neugebauer | Sessions |
| Altmire | Cleaver | Goodlatte | Langevin | Norton | Sestak |
| Andrews | Clyburn | Gordon (TN) | Larsen (WA) | Nunes | Shea-Porter |
| Arcuri | Coble | Granger | Larson (CT) | Nye | Sherman |
| Austria | Coffman (CO) | Grayson | Latham | Oberstar | Shimkus |
| Baca | Cohen | Green, Al | LaTourette | Obey | Shuler |
| Bachmann | Cole | Green, Gene | Latta | Olson | Shuster |
| Bachus | Conaway | Griffith | Lee (CA) | Olver | Simpson |
| Baird | Connolly (VA) | Grijalva | Lee (NY) | Ortiz | Sires |
| Baldwin | Cooper | Guthrie | Levin | Owens | Skelton |
| Barrett (SC) | Costello | Gutierrez | Lewis (CA) | Pallone | Slaughter |
| Barrow | Courtney | Hall (NY) | Lewis (GA) | Pascarell | Smith (NE) |
| Bartlett | Crenshaw | Hall (TX) | Linder | Pastor (AZ) | Smith (NJ) |
| Barton (TX) | Critz | Halvorson | Lipinski | Paulsen | Smith (TX) |
| Bean | Crowley | Hare | LoBiondo | Payne | Smith (WA) |
| Becerra | Cuellar | Harman | Loeb sack | Pence | Snyder |
| Berkley | Culberson | Harper | Lofgren, Zoe | Perlmutter | Space |
| Berman | Cummings | Hastings (WA) | Lowey | Perriello | Speier |
| Berry | Dahlkemper | Heinrich | Lucas | Peters | Spratt |
| Biggert | Davis (CA) | Heller | Luetkemeyer | Peterson | Stark |
| Bilbray | Davis (IL) | Herseth Sandlin | Luján | Petri | Stearns |
| Bilirakis | Davis (TN) | Higgins | Lummis | Pingree (ME) | Stupak |
| Bishop (GA) | DeGette | Hill | Lungren, Daniel | Pitts | Sullivan |
| Bishop (NY) | Delahunt | Himes | E. | Platts | Sutton |
| Blackburn | DeLauro | Hinchey | Lynch | Poe (TX) | Tanner |
| Blumenauer | Dent | Hinojosa | Mack | Polis (CO) | Taylor |
| Blunt | Deutch | Hirono | Maffei | Pomeroy | Teague |
| Boccieri | Diaz-Balart, L. | Hodes | Maloney | Posey | Terry |
| Boehner | Diaz-Balart, M. | Hoekstra | Manzullo | Price (GA) | Thompson (CA) |
| Bonner | Dicks | Holden | Marchant | Price (NC) | Thompson (MS) |
| Bono Mack | Dingell | Holt | Markey (CO) | Putnam | Thompson (PA) |
| Boozman | Djou | Honda | Markey (MA) | Quigley | Thornberry |
| Bordallo | Doggett | Hoyer | Matheson | Radanovich | Tiaht |
| Boswell | Donnelly (IN) | Hunter | Matsui | Rahall | Tiberi |
| Boucher | Doyle | Inglis | McCarthy (CA) | Rangel | Tierney |
| Boustany | Dreier | Inslee | McCarthy (NY) | Rehberg | Titus |
| Boyd | Driebehaus | Israel | McCaul | Reyes | Tonko |
| Brady (PA) | Duncan | Issa | McCollum | Richardson | Towns |
| Bright | Edwards (MD) | Jackson (IL) | McCotter | Rodriguez | Tsongas |
| Broun (GA) | Edwards (TX) | Jackson Lee | McDermott | Roe (TN) | Turner |
| Brown (SC) | Ehlers | (TX) | McGovern | Rogers (AL) | Upton |
| Brown, Corrine | Ellison | Jenkins | McHenry | Rogers (KY) | Van Hollen |
| Buchanan | Ellsworth | Johnson (GA) | McIntyre | Rogers (MI) | Velázquez |
| Burgess | Emerson | Johnson (IL) | McKeon | Rohrabacher | Visclosky |
| Burton (IN) | Engel | Johnson, E. B. | McMahon | Rooney | Walden |
| Butterfield | Eshoo | Johnson, Sam | McMorris | Ros-Lehtinen | Walz |
| Buyer | Etheridge | Jones | Rodgers | Roskam | Wamp |
| Calvert | Faleomavaega | Jordan (OH) | McNerney | Ross | Wasserman |
| Camp | Fallin | Kagen | Meek (FL) | Rothman (NJ) | Schultz |
| Cantor | Farr | Kanjorski | Meeks (NY) | Roybal-Allard | Waters |
| Cao | Fattah | Kaptur | Mica | Royce | Watson |
| Capito | Filner | Kennedy | Michaud | Ruppersberger | Watt |
| Capps | Fleming | Kildee | Miller (FL) | Rush | Waxman |
| Capuano | Forbes | Kilpatrick (MI) | Miller (MI) | Salazar | Weiner |
| Cardoza | Fortenberry | Kilroy | Miller (NC) | Sánchez, Linda | Welch |
| Carnahan | Foster | Kind | Miller, Gary | T. | Westmoreland |
| Carney | Fox | King (IA) | Miller, George | Sanchez, Loretta | Whitfield |
| Carson (IN) | Frank (MA) | King (NY) | Minnick | Sarbanes | Wilson (OH) |
| Carter | Franks (AZ) | Kingston | Mitchell | Scalise | Wilson (SC) |
| Cassidy | Frelinghuysen | Kirk | Mollohan | Schakowsky | Wittman |
| Castle | Fudge | Kirkpatrick (AZ) | Moore (WI) | Schauer | Wolf |
| Castor (FL) | Gallegly | Kissell | Moran (KS) | Schiff | Woolsey |
| Chaffetz | Garamendi | Klein (FL) | Moran (VA) | Schmidt | Yarmuth |
| Chandler | Garrett (NJ) | Kline (MN) | Murphy (CT) | Schock | Young (AK) |
| | | | Murphy (NY) | Schrader | Young (FL) |
| | | | Murphy, Patrick | Schwartz | |
| | | | Murphy, Tim | | |

NOES—8

| | | |
|------------|------------|---------|
| Brady (TX) | Hensarling | Paul |
| Campbell | Herger | Shadegg |
| Flake | McClintock | |

NOT VOTING—19

| | | |
|--------------|---------------|------------|
| Bishop (UT) | Davis (AL) | Moore (KS) |
| Boren | Davis (KY) | Pierluisi |
| Braley (IA) | DeFazio | Ryan (OH) |
| Brown-Waite, | Graves | Ryan (WI) |
| Ginny | Hastings (FL) | Sablan |
| Conyers | Marshall | Wu |
| Costa | Melancon | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 2117

Messrs. HERGER and SHADEGG changed their vote from “aye” to “no.”

Messrs. LUETKEMEYER and KING of Iowa changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MR. GUTIERREZ

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 372, noes 52, not voting 13, as follows:

[Roll No. 314]

AYES—372

| | | |
|----------------|-----------------|-----------------|
| Ackerman | Childers | Forbes |
| Aderholt | Christensen | Fortenberry |
| Adler (NJ) | Chu | Foster |
| Altmire | Clarke | Fox |
| Andrews | Clay | Frank (MA) |
| Arcuri | Cleaver | Frelinghuysen |
| Austria | Clyburn | Fudge |
| Baca | Coble | Galleghy |
| Bachmann | Coffman (CO) | Garamendi |
| Bachus | Cohen | Gerlach |
| Baldwin | Cole | Giffords |
| Barrow | Connolly (VA) | Gohmert |
| Bean | Conyers | Gonzalez |
| Becerra | Cooper | Goodlatte |
| Berkley | Costa | Gordon (TN) |
| Berman | Costello | Granger |
| Berry | Courtney | Grayson |
| Biggart | Crenshaw | Green, Al |
| Bilbray | Critz | Grijalva |
| Bilirakis | Crowley | Guthrie |
| Bishop (GA) | Cuellar | Gutierrez |
| Bishop (NY) | Cummings | Hall (NY) |
| Blackburn | Dahlkemper | Halvorson |
| Blumenauer | Davis (CA) | Hare |
| Blunt | Davis (IL) | Harman |
| Boccieri | Davis (TN) | Harper |
| Boehner | DeFazio | Hastings (WA) |
| Bonner | DeGette | Heinrich |
| Bono Mack | Delahunt | Heller |
| Boozman | DeLauro | Herseth Sandlin |
| Bordallo | Dent | Higgins |
| Boswell | Deutch | Hill |
| Boucher | Diaz-Balart, L. | Himes |
| Boyd | Dicks | Hinche |
| Brady (PA) | Dingell | Hinojosa |
| Braley (IA) | Djou | Hirono |
| Bright | Doggett | Hodes |
| Brown (SC) | Donnelly (IN) | Hoekstra |
| Brown, Corrine | Doyle | Holden |
| Buchanan | Dreier | Holt |
| Burgess | Driehaus | Honda |
| Butterfield | Duncan | Hoyer |
| Calvert | Edwards (MD) | Hunter |
| Camp | Edwards (TX) | Inglis |
| Cantor | Ehlers | Inslee |
| Cao | Ellison | Israel |
| Capito | Ellsworth | Jackson (IL) |
| Capps | Emerson | Jackson Lee |
| Capuano | Engel | (TX) |
| Cardoza | Eshoo | Jenkins |
| Carnahan | Etheridge | Johnson (GA) |
| Carney | Faleomavaega | Johnson (IL) |
| Carson (IN) | Fallin | Johnson, E. B. |
| Castle | Farr | Jones |
| Castor (FL) | Fattah | Jordan (OH) |
| Chaffetz | Filner | Kagen |
| Chandler | | Kanjorski |

| | | |
|------------------|------------------|---------------|
| Kaptur | Miller (MI) | Schauer |
| Kennedy | Miller (NC) | Schiff |
| Kildee | Miller, Gary | Schmidt |
| Kilpatrick (MI) | Miller, George | Schock |
| Kilroy | Mitchell | Schrader |
| Kind | Mollohan | Schwartz |
| King (NY) | Moore (KS) | Scott (GA) |
| Kingston | Moore (WI) | Scott (VA) |
| Kirk | Moran (KS) | Serrano |
| Kirkpatrick (AZ) | Moran (VA) | Sestak |
| Kissell | Murphy (CT) | Shea-Porter |
| Klein (FL) | Murphy (NY) | Sherman |
| Kline (MN) | Murphy, Patrick | Shuler |
| Kosmas | Murphy, Tim | Shuster |
| Kratovil | Myrick | Simpson |
| Kucinich | Nadler (NY) | Sires |
| Lance | Napolitano | Skelton |
| Langevin | Neal (MA) | Slaughter |
| Larsen (WA) | Norton | Smith (NE) |
| Larson (CT) | Nunes | Smith (NJ) |
| Latham | Nye | Smith (TX) |
| LaTourette | Oberstar | Smith (WA) |
| Latta | Obey | Snyder |
| Lee (CA) | Olson | Space |
| Lee (NY) | Olver | Speier |
| Levin | Ortiz | Spratt |
| Lewis (CA) | Pallone | Stark |
| Lewis (GA) | Pascarella | Stearns |
| Lipinski | Pastor (AZ) | Stupak |
| LoBiondo | Paulsen | Sutton |
| Loeb sack | Payne | Tanner |
| Lofgren, Zoe | Perlmutter | Taylor |
| Lowe y | Perriello | Teague |
| Lucas | Peters | Terry |
| Luetkemeyer | Peterson | Thompson (CA) |
| Lujan | Pitts | Thompson (MS) |
| Lummis | Platts | Thompson (PA) |
| Lungren, Daniel | Polis (CO) | Tiahrt |
| E. | Pomeroy | Tiberi |
| Lynch | Posey | Tierney |
| Mack | Price (NC) | Titus |
| Maffei | Putnam | Tonko |
| Maloney | Quigley | Towns |
| Manzullo | Radanovich | Tsongas |
| Markey (CO) | Rahall | Turner |
| Markey (MA) | Rangel | Upton |
| Marshall | Rehberg | Van Hollen |
| Matheson | Reichert | Velázquez |
| Matsui | Reyes | Walden |
| McCarthy (CA) | Richardson | Walz |
| McCarthy (NY) | Rodriguez | Wamp |
| McCa ul | Roe (TN) | Wasserman |
| McClintock | Rogers (AL) | Schultz |
| McC ollum | Rogers (KY) | Waters |
| McC otter | Rogers (MI) | Watson |
| McDermott | Rohrabacher | Watt |
| McGovern | Ros-Lehtinen | Waxman |
| McHenry | Roskam | Weiner |
| McIntyre | Ross | Welch |
| McKeon | Rothman (NJ) | Whitfield |
| McMahon | Roybal-Allard | Wilson (OH) |
| McMorris | Royce | Wilson (SC) |
| Rodgers | Ruppersberger | Wittman |
| McNerney | Ryan (OH) | Wolf |
| Meek (FL) | Salazar | Woolsey |
| Meeks (NY) | Sanchez, Linda | Wu |
| Mica | T. | Yarmuth |
| Michaud | Sanchez, Loretta | Young (FL) |
| Miller (FL) | Schakowsky | |

NOES—52

| | | |
|--------------|--------------|---------------|
| Akin | Fleming | Paul |
| Alexander | Franks (AZ) | Pence |
| Baird | Garrett (NJ) | Petri |
| Barrett (SC) | Gingrey (GA) | Poe (TX) |
| Bartlett | Green, Gene | Price (GA) |
| Barton (TX) | Griffith | Rooney |
| Bishop (UT) | Hall (TX) | Scalise |
| Boustany | Hensarling | Sensenbrenner |
| Brady (TX) | Herger | Sessions |
| Broun (GA) | Issa | Shadegg |
| Burton (IN) | Johnson, Sam | Shimkus |
| Buyer | King (IA) | Sullivan |
| Campbell | Lamborn | Thornberry |
| Carter | Linder | Visclosky |
| Cassidy | Marchant | Westmoreland |
| Conaway | Minnick | Young (AK) |
| Culberson | Neugebauer | |
| Flake | Owens | |

NOT VOTING—13

| | | |
|--------------|------------|---------------|
| Boren | Davis (AL) | Hastings (FL) |
| Brown-Waite, | Davis (KY) | Melancon |
| Ginny | Graves | |

| | | |
|--------------|-----------|----------|
| Pierluisi | Rush | Sablan |
| Pingree (ME) | Ryan (WI) | Sarbanes |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 2126

Mrs. BLACKBURN and Ms. FOXX changed their vote from “no” to “aye.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 42 OFFERED BY MS. ESHOO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. ESHOO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 210, not voting 10, as follows:

[Roll No. 315]

AYES—218

| | | |
|----------------|-----------------|------------------|
| Ackerman | Davis (TN) | Kagen |
| Aderholt | DeFazio | Kanjorski |
| Adler (NJ) | DeGette | Kaptur |
| Andrews | Delahunt | Kennedy |
| Arcuri | DeLauro | Kildee |
| Baird | Deutch | Kilpatrick (MI) |
| Baldwin | Dingell | Kilroy |
| Barrow | Doggett | Kind |
| Bartlett | Doyle | Kingston |
| Barton (TX) | Driehaus | Kirkpatrick (AZ) |
| Becerra | Duncan | Kissell |
| Berkley | Edwards (MD) | Klein (FL) |
| Berman | Ehlers | Kosmas |
| Berry | Ellison | Kratovil |
| Bishop (GA) | Engel | Kucinich |
| Bishop (NY) | Eshoo | Langevin |
| Blumenauer | Faleomavaega | Larsen (WA) |
| Bordallo | Farr | Larson (CT) |
| Boswell | Fattah | Lee (CA) |
| Boucher | Foster | Levin |
| Boyd | Frank (MA) | Lewis (GA) |
| Brady (PA) | Fudge | Loeb sack |
| Brady (IA) | Garamendi | Lofgren, Zoe |
| Bright | Giffords | Lowe y |
| Brown, Corrine | Gordon (TN) | Lynch |
| Butterfield | Grayson | Maffei |
| Capps | Green, Al | Maloney |
| Capuano | Hall (NY) | Markey (CO) |
| Cardoza | Hare | Markey (MA) |
| Carnahan | Harman | Matheson |
| Carson (IN) | Heinrich | Matsui |
| Castor (FL) | Herseth Sandlin | McCarthy (NY) |
| Chandler | Higgins | McClintock |
| Christensen | Hinchey | McC ollum |
| Chu | Hirono | McDermott |
| Clarke | Hodes | McGovern |
| Clyburn | Holden | McNerney |
| Cohen | Holt | Meek (FL) |
| Connolly (VA) | Honda | Meeks (NY) |
| Conyers | Hoyer | Michaud |
| Costa | Inslee | Miller (NC) |
| Courtney | Israel | Miller, George |
| Critz | Jackson (IL) | Mitchell |
| Crowley | Jackson Lee | Mollohan |
| Cuellar | (TX) | Moore (KS) |
| Cummings | Johnson (GA) | Moore (WI) |
| Davis (CA) | Johnson, E. B. | Moran (VA) |
| Davis (IL) | Jones | Murphy (CT) |

Murphy (NY) Rohrabacher Stark
Nadler (NY) Rothman (NJ) Stupak
Napolitano Ruppertsberger Sutton
Neal (MA) Rush Tanner
Norton Ryan (OH) Thompson (CA)
Nye Sánchez, Linda Thompson (MS)
Oberstar T. Tierney
Obey Sanchez, Loretta Titus
Oliver Sarbanes Tonko
Pallone Schakowsky Towns
Pascrell Schauer Tsongas
Paul Schiff Van Hollen
Payne Schrader Velázquez
Pelosi Schwartz Walz
Perlmutter Scott (GA) Wasserman
Peters Scott (VA) Schultz
Petri Serrano Waters
Pingree (ME) Sestak Watson
Platts Shea-Porter Waxman
Polis (CO) Sherman Weiner
Pomeroy Shuler Welch
Price (NC) Slaughter Wilson (OH)
Quigley Smith (WA) Woolsey
Rangel Space Wu
Richardson Speier Yarmuth
Rodriguez Spratt

NOES—210

Akin Fortenberry McMorris
Alexander Foxx Rodgers
Altmire Franks (AZ) Mica
Austria Frelinghuysen Miller (FL)
Baca Gallegly Miller (MI)
Bachmann Garrett (NJ) Miller, Gary
Bachus Gerlach Minnick
Barrett (SC) Gingrey (GA) Moran (KS)
Bean Gohmert Murphy, Patrick
Biggart Gonzalez Murphy, Tim
Billray Goodlatte Myrick
Bilirakis Granger Neugebauer
Bishop (UT) Green, Gene Nunes
Blackburn Griffith Olson
Blunt Grijalva Ortiz
Boccheri Guthrie Owens
Boehner Gutierrez Pastor (AZ)
Bonner Hall (TX) Paulsen
Bono Mack Halvorson Pence
Boozman Harper Perriello
Boustany Hastings (WA) Peterson
Brady (TX) Heller Pitts
Broun (GA) Hensarling Poe (TX)
Brown (SC) Posey
Buchanan Herger Price (GA)
Hill Putnam
Burgess Himes Radanovich
Burton (IN) Hinojosa Rahall
Buyer Hoekstra Rehberg
Calvert Hunter Reichert
Camp Ingalls Reyes
Campbell Issa
Cantor Jenkins Roe (TN)
Cao Johnson (AL) Rogers (AL)
Capito Johnson (IL) Rogers (KY)
Carney Johnson, Sam Rogers (MI)
Carter Jordan (OH) Rooney
Cassidy King (IA) Ros-Lehtinen
Castle King (NY) Roskam
Chaffetz Kirk Ross
Childers Kline (MN) Roybal-Allard
Clay Lamborn Royce
Cleave Lance Salazar
Coble Latham Scalise
Coffman (CO) LaTourette Schmidt
Cole Latta Schock
Conaway Lee (NY) Sensenbrenner
Cooper Lewis (CA) Sessions
Costello Linder Shadegg
Crenshaw Lipinski Shimkus
Culberson LoBiondo Shuster
Dahlkemper Lucas Simpson
Dent Luetkemeyer Sires
Diaz-Balart, L. Luján Skelton
Diaz-Balart, M. Lummis Smith (NE)
Dicks Lungren, Daniel Smith (NJ)
Djou E. Smith (TX)
Donnelly (IN) Mack Snyder
Dreier Manzuolo Stearns
Edwards (TX) Marchant Sullivan
Ellsworth Marshall Taylor
Emerson McCarthy (CA) Teague
Etheridge McCaul Terry
Fallin McCotter Thompson (PA)
Filner McHenry Thornberry
Flake McIntyre Tiahrt
Fleming McKeon Tiberi
Forbes McMahan Turner

Upton Watt
Visclosky Westmoreland
Walden Whitfield
Wamp Wilson (SC) Young (FL)

NOT VOTING—10

Boren Davis (KY) Pierluisi
Brown-Waite, Graves Ryan (WI)
Ginny Hastings (FL) Sablan
Davis (AL) Melancon

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 2 minutes remaining in this vote.

□ 2134

Messrs. LEWIS of California,
CLEAVER, BOCCIERI, and DICKS
changed their vote from “aye” to “no.”

Messrs. MOLLOHAN and CAPUANO
changed their vote from “no” to “aye.”
So the amendment was agreed to.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 80 OFFERED BY MS. PINGREE OF
MAINE

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentlewoman from Maine (Ms. PIN-
GREE) on which further proceedings
were postponed and on which the noes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The vote was taken by electronic de-
vice, and there were—ayes 193, noes 231,
answered “present” 3, not voting 10, as
follows:

[Roll No. 316]

AYES—193

Altmire Conyers Griffith
Baird Cooper Grijalva
Baldwin Costa Hall (NY)
Barrow Courtney Hare
Barton (TX) Cuellar Harman
Bean Cummings Heinrich
Becerra Davis (IL) Hensarling
Berkley Davis (TN) Herger
Berman DeFazio Herseth Sandlin
Berry DeGette Himes
Bishop (GA) DeLauro Hinchey
Bishop (NY) Dent Hirono
Blackburn Deutch Hodes
Blumenauer Dicks Hoekstra
Boustany Doggett Holden
Boyd Doyle Holt
Brady (TX) Duncan Honda
Braley (IA) Edwards (MD) Hoyer
Broun (GA) Edwards (TX) Inslee
Brown, Corrine Ellison Jackson (IL)
Buchanan Eshoo Jackson Lee
Burgess Faleomavaega (TX)
Camp Farr Jenkins
Campbell Fattah Johnson (GA)
Capito Filner Johnson (IL)
Capps Flake Johnson, E. B.
Cardoza Garrett (NJ) Johnson, Sam
Carnahan Giffords Jones
Carney Gingrey (GA) Kagen
Cassidy Gohmert Kind
Castor (FL) Gonzalez King (NY)
Chaffetz Gordon (TN) Kirk
Christensen Granger Kirkpatrick (AZ)
Coffman (CO) Grayson Klein (FL)
Cohen Green, Al Kosmas
Cole Green, Gene Kratovil

Lance Neal (MA)
Larson (CT) Neugebauer
Lee (CA) Oberstar
Lee (NY) Obey
Lewis (GA) Oliver
Linder Ortiz
Lofgren, Zoe Owens
Lowey Pallone
Luján Pascrell
Mack Pastor (AZ)
Maloney Paul
Markey (CO) Paulsen
Matsui Perlmutter
McClintock Peterson
McCollum Petri
McDermott Pingree (ME)
Meek (FL) Polis (CO)
Meeks (NY) Posey
Michaud Quigley
Miller (FL) Rahall
Miller, George Rehberg
Minnick Reyes
Mitchell Rodriguez
Moore (WI) Roe (TN)
Moran (KS) Rohrabacher
Murphy (CT) Rooney
Murphy, Patrick Ross
Nadler (NY) Rush
Napolitano Salazar

NOES—231

Ackerman Ehlers Marchant
Aderholt Ellsworth Markey (MA)
Adler (NJ) Emerson Marshall
Akin Engel Matheson
Alexander Etheridge McCarthy (CA)
Andrews Fallin McCarthy (NY)
Arcuri Fleming McCaul
Austria Forbes McCotter
Baca Fortenberry McGovern
Bachmann Foster McHenry
Bachus Foxx McIntyre
Barrett (SC) Frank (MA) McKeon
Bartlett Franks (AZ) McMahan
Biggart Frelinghuysen McMorris
Billray Fudge Rodgers
Bilirakis Gallegly McNerney
Bishop (UT) Garamendi Mica
Blunt Gerlach Miller (MI)
Blunt Goodlatte Miller (NC)
Boccheri Guthrie Miller, Gary
Boehner Gutierrez Mollohan
Bonner Hall (TX) Moore (KS)
Bono Mack Halvorson Moran (VA)
Boozman Harper Murphy (NY)
Bordallo Hastings (WA) Murphy, Tim
Boswell Heller Myrick
Boucher Higgins Norton
Brady (PA) Hill Nunes
Bright Hinojosa Nye
Brown (SC) Hunter Olson
Burton (IN) Ingalls Payne
Butterfield Israel Pence
Buyer Issa Perriello
Calvert Jordan (OH) Peters
Cantor Kanjorski Pitts
Cao Kaptur Platts
Capuano Kennedy Poe (TX)
Carson (IN) Kildee Pomeroy
Carter Kilpatrick (MI) Price (GA)
Castle Kilroy Price (NC)
Chandler King (IA) Putnam
Childers Kingston Radanovich
Chu Kissell Rangel
Clarke Kline (MN) Reichert
Clay Kucinich Richardson
Cleave Lamborn Rogers (AL)
Clyburn Coble Rogers (KY)
Coble Langevin Rogers (MI)
Conaway Larsen (WA) Ros-Lehtinen
Connolly (VA) Latham Roskam
Costello LaTourette Rothman (NJ)
Crenshaw Latta Levin
Critz Levin
Crowley Lewis (CA) Royce
Culberson Lipinski Ruppertsberger
Dahlkemper LoBiondo Ryan (OH)
Davis (CA) Loebach Sanchez, Loretta
Delahunt Lucas Sarbanes
Diaz-Balart, L. Luetkemeyer Scalise
Diaz-Balart, M. Lummis Schakowsky
Dingell Lungren, Daniel Schauer
Djou E. Schmidt
Donnelly (IN) Lynch Schock
Dreier Maffei Scott (GA)
Drieaus Manzuolo Scott (VA)

| | | |
|-------------|---------------|-------------|
| Serrano | Snyder | Visclosky |
| Sessions | Space | Wasserman |
| Sestak | Spratt | Schultz |
| Shea-Porter | Sutton | Watson |
| Shimkus | Taylor | Weiner |
| Shuler | Terry | Welch |
| Shuster | Thompson (MS) | Whitfield |
| Simpson | Thornberry | Wilson (OH) |
| Sires | Tiberi | Wilson (SC) |
| Skelton | Tierney | Wittman |
| Smith (NE) | Tonko | Wolf |
| Smith (NJ) | Tsongas | Yarmuth |
| Smith (TX) | Turner | Young (AK) |
| Smith (WA) | Velázquez | Young (FL) |

ANSWERED "PRESENT"—3

| | | |
|-----------|--------|---------|
| Slaughter | Waters | Woolsey |
|-----------|--------|---------|

NOT VOTING—10

| | | |
|--------------|---------------|-----------|
| Boren | Davis (KY) | Pierluisi |
| Brown-Waite, | Graves | Ryan (WI) |
| Ginny | Hastings (FL) | Sablan |
| Davis (AL) | Melancon | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
Two minutes remain in this vote.

□ 2151

Mr. CONYERS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 79 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 194, not voting 10, as follows:

[Roll No. 317]

AYES—234

| | | |
|----------------|---------------|----------------|
| Ackerman | Castor (FL) | Driehaus |
| Adler (NJ) | Chandler | Edwards (MD) |
| Altmire | Christensen | Ellison |
| Andrews | Chu | Ellsworth |
| Arcuri | Clarke | Engel |
| Baca | Clay | Eshoo |
| Baird | Cleaver | Faleomavaega |
| Baldwin | Clyburn | Farr |
| Barrow | Cohen | Fattah |
| Bean | Connolly (VA) | Filner |
| Becerra | Conyers | Foster |
| Berkley | Cooper | Frank (MA) |
| Berman | Costa | Fudge |
| Biggert | Courtney | Garamendi |
| Bishop (NY) | Crowley | Giffords |
| Blumenauer | Cuellar | Gonzalez |
| Boccieri | Cummings | Gordon (TN) |
| Bordallo | Dahlkemper | Grayson |
| Boswell | Davis (CA) | Green, Al |
| Boyd | Davis (IL) | Grijalva |
| Brady (PA) | DeFazio | Gutierrez |
| Bralley (IA) | DeGette | Hall (NY) |
| Brown, Corrine | Delahunt | Halvorson |
| Butterfield | DeLauro | Hare |
| Cao | Deuth | Harman |
| Capps | Dicks | Heinrich |
| Capuano | Dingell | Hereth Sandlin |
| Cardoza | Djou | Higgins |
| Carnahan | Doggett | Hill |
| Carson (IN) | Doyle | Himes |

| | | |
|------------------|-----------------|------------------|
| Hinchey | McGovern | Salazar |
| Hinojosa | McMahon | Sánchez, Linda |
| Hirono | McNerney | T. |
| Hodes | Meek (FL) | Sanchez, Loretta |
| Holden | Meeks (NY) | Sarbanes |
| Holt | Michaud | Schakowsky |
| Honda | Miller (NC) | Schauer |
| Hoyer | Miller, George | Schiff |
| Inlee | Minnick | Schrader |
| Israel | Mitchell | Schwartz |
| Jackson (IL) | Mollohan | Scott (GA) |
| Jackson Lee | Moore (KS) | Scott (VA) |
| (TX) | Moore (WI) | Serrano |
| Johnson (GA) | Moran (VA) | Sestak |
| Johnson, E. B. | Murphy (CT) | Shea-Porter |
| Kagen | Murphy (NY) | Sherman |
| Kanjorski | Murphy, Patrick | Sires |
| Kaptur | Nadler (NY) | Slaughter |
| Kennedy | Napolitano | Smith (WA) |
| Kildee | Neal (MA) | Snyder |
| Kilpatrick (MI) | Norton | Space |
| Kilroy | Nye | Speier |
| Kind | Oberstar | Stark |
| Kirkpatrick (AZ) | Obey | Stupak |
| Kissell | Oliver | Sutton |
| Klein (FL) | Owens | Teague |
| Kosmas | Pallone | Thompson (CA) |
| Kratovil | Pascrell | Thompson (MS) |
| Kucinich | Pastor (AZ) | Tierney |
| Langevin | Paul | Titus |
| Larsen (WA) | Payne | Tonko |
| Larson (CT) | Pelosi | Towns |
| Lee (CA) | Perlmutter | Tsongas |
| Levin | Perriello | Van Hollen |
| Lewis (GA) | Peters | Velázquez |
| Loeb sack | Pingree (ME) | Visclosky |
| Lofgren, Zoe | Polis (CO) | Walz |
| Lowe y | Price (NC) | Wasserman |
| Luján | Quigley | Schultz |
| Lynch | Rangel | Waters |
| Maffei | Reyes | Watson |
| Maloney | Richardson | Watt |
| Markey (CO) | Rodriguez | Waxman |
| Markey (MA) | Ros-Lehtinen | Weiner |
| Matheson | Rothman (NJ) | Welch |
| Matsui | Roybal-Allard | Wilson (OH) |
| McCarthy (NY) | Ruppersberger | Woolsey |
| McCollum | Rush | Wu |
| McDermott | Ryan (OH) | Yarmuth |

NOES—194

| | | |
|--------------|-----------------|-----------------|
| Aderholt | Conaway | Jenkins |
| Akin | Costello | Johnson (IL) |
| Alexander | Crenshaw | Johnson, Sam |
| Austria | Critz | Jones |
| Bachmann | Culberson | Jordan (OH) |
| Bachus | Davis (TN) | King (IA) |
| Barrett (SC) | Dent | King (NY) |
| Bartlett | Diaz-Balart, L. | Kingston |
| Barton (TX) | Diaz-Balart, M. | Kirk |
| Berry | Donnelly (IN) | Kline (MN) |
| Bilbray | Dreier | Lamborn |
| Bilirakis | Duncan | Lance |
| Bishop (GA) | Edwards (TX) | Latham |
| Bishop (UT) | Ehlers | LaTourette |
| Blackburn | Emerson | Latta |
| Blunt | Etheridge | Lee (NY) |
| Boehner | Fallin | Lewis (CA) |
| Bonner | Flake | Linder |
| Bono Mack | Fleming | Lipinski |
| Boozman | Forbes | LoBiondo |
| Boucher | Fortenberry | Lucas |
| Boustany | Fox | Luetkemeyer |
| Brady (TX) | Franks (AZ) | Lummis |
| Bright | Frelinghuysen | Lungren, Daniel |
| Broun (GA) | Gallely | E. |
| Brown (SC) | Garrett (NJ) | Mack |
| Buchanan | Gerlach | Manzullo |
| Burgess | Gingrey (GA) | Marchant |
| Burton (IN) | Gohmert | Marshall |
| Buyer | Goodlatte | McCarthy (CA) |
| Calvert | Granger | McCaul |
| Camp | Green, Gene | McClintock |
| Campbell | Griffith | McCotter |
| Cantor | Guthrie | McHenry |
| Capito | Hall (TX) | McIntyre |
| Carney | Harper | McKeon |
| Carter | Hastings (WA) | McMorris |
| Cassidy | Heller | Rodgers |
| Castle | Hensarling | Mica |
| Chaffetz | Herger | Miller (FL) |
| Childers | Hoekstra | Miller (MI) |
| Cibler | Miller, Gary | Miller, Gary |
| Coffman (CO) | Inglis | Moran (KS) |
| Cole | Issa | Murphy, Tim |

| | | |
|-------------|---------------|---------------|
| Myrick | Rogers (KY) | Stearns |
| Neugebauer | Rogers (MI) | Sullivan |
| Nunes | Rohrabacher | Tanner |
| Olson | Rooney | Taylor |
| Ortiz | Roskam | Terry |
| Paulsen | Ross | Thompson (PA) |
| Pence | Royce | Thornberry |
| Peterson | Scalise | Tiahrt |
| Petri | Schmidt | Tiberi |
| Pitts | Schock | Turner |
| Platts | Sensenbrenner | Upton |
| Poe (TX) | Sessions | Walden |
| Pomeroy | Shade gg | Wamp |
| Posey | Shimkus | Westmoreland |
| Price (GA) | Shuler | Whitfield |
| Putnam | Shuster | Wilson (SC) |
| Radanovich | Simpson | Wittman |
| Rahall | Skelton | Wolf |
| Rehberg | Smith (NE) | Young (AK) |
| Reichert | Smith (NJ) | Young (FL) |
| Roe (TN) | Smith (TX) | |
| Rogers (AL) | Spratt | |

NOT VOTING—10

| | | |
|--------------|---------------|-----------|
| Boren | Davis (KY) | Pierluisi |
| Brown-Waite, | Graves | Ryan (WI) |
| Ginny | Hastings (FL) | Sablan |
| Davis (AL) | Melancon | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 5 minutes remaining in this vote.

□ 2207

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

AMENDMENT NO. 47 OFFERED BY MR. SARBANES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. SARBANES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 172, not voting 12, as follows:

[Roll No. 318]

AYES—253

| | | |
|-------------|----------------|-------------|
| Ackerman | Bishop (NY) | Carnahan |
| Adler (NJ) | Blumenauer | Carney |
| Altmire | Boccieri | Carson (IN) |
| Andrews | Bordallo | Cassidy |
| Arcuri | Boswell | Castor (FL) |
| Baca | Boucher | Chandler |
| Baird | Boyd | Childers |
| Baldwin | Brady (PA) | Christensen |
| Barrow | Bralley (IA) | Chu |
| Bean | Brown, Corrine | Clarke |
| Becerra | Butterfield | Clay |
| Berkley | Cao | Cleaver |
| Berman | Capps | Clyburn |
| Berry | Capuano | Cohen |
| Bishop (GA) | Cardoza | Conyers |

Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Hereth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur

Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCormack
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmuter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)

Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—172

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
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Critz
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Dahlkemper
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Diaz-Balart, L.
Diaz-Balart, M.
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Fortenberry
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Johnson, Sam
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Kline (MN)
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Latham
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Lee (NY)
Lewis (CA)
Lofgren, Zoe
Lucas
Luetkemeyer
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Lungren, Daniel
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McCarthy (CA)
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McClintock
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McKeon
McMorris
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Miller, Gary
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Price (GA)
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Roe (TN)
Rogers (AL)
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Rogers (MI)

Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
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Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
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Tiberi
Turner
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Walden
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Westmoreland
Whitfield
Wilson (SC)
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Young (AK)
Young (FL)

NOT VOTING—12

Boren
Brown-Waite
Ginny
Davis (AL)
Davis (KY)

Graves
Hastings (FL)
Linder
Melancon
Pierluisi

Radanovich
Ryan (WI)
Sablan

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 2 minutes remaining in this vote.

□ 2216

Mr. BOYD changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SKELTON. Madam Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Ms. MCCOLLUM, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, had come to no resolution thereon.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5128. An act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the “Stewart Lee Udall Department of the Interior Building”.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1404 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5136.

□ 2218

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, with Mr. SCHRADER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 47 offered by the gentleman from Maryland (Mr. SARBANES) had been disposed of.

AMENDMENTS EN BLOC NO. 8 OFFERED BY MR.

SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to House Resolution 1404, I offer amendments en bloc No. 8.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 8 offered by Mr. SKELTON consisting of amendments numbered 56, 58, 59, 65, 69, 71, 76, and 78 printed in House Report 111-498:

AMENDMENT NO. 56 OFFERED BY MRS.

DAHLKEMPER OF PENNSYLVANIA

The text of the amendment is as follows:

Page 122, after line 18, insert the following:

SEC. 359. AUTHORITY TO MAKE EXCESS NON-LETHAL SUPPLIES AVAILABLE FOR DOMESTIC EMERGENCY ASSISTANCE.

(a) DOMESTIC AUTHORITY.—Section 2557 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: “In addition, the Secretary may make nonlethal excess supplies of the Department available to support domestic emergency assistance activities.”; and

(2) in subsection (b)—

(A) by inserting “(1)” before “Excess”; and

(B) by adding at the end the following new paragraph:

“(2) Excess supplies made available under this section to support domestic emergency assistance activities shall be transferred to the Secretary of Homeland Security. The Secretary of Defense may provide assistance in the distribution of such supplies at the request of the Secretary of Homeland Security.”.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§2557. Excess nonlethal supplies: availability for humanitarian relief, domestic emergency assistance, and homeless veterans assistance”.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 152 of such title is amended to read as follows:

"2557. Excess nonlethal supplies: availability for humanitarian relief, domestic emergency assistance, and homeless veterans assistance."

AMENDMENT NO. 58 OFFERED BY MRS. KIRKPATRICK OF ARIZONA

The text of the amendment is as follows:

Page 122, after line 18, insert the following:
SEC. 359. RECOVERY OF MISSING DEPARTMENT OF DEFENSE PROPERTY.

(a) IN GENERAL.—Section 2789 of title 10, United States Code, is amended to read as follows:

"§2789. Recovery of Department of Defense property: unauthorized or improper disposition

"(a) PROHIBITIONS.—No member of the armed forces, civilian employee of the Government, employee or agent of a contractor, or any other person may sell, lend, pledge, barter, give, transfer, or otherwise dispose of any clothing, arms, articles, equipment, or any other military or Department of Defense property—

"(1) to any person not authorized to receive the property in accordance with applicable requirements established by the Department of Defense or a component thereof; or

"(2) in violation of applicable demilitarization regulations of the Department of Defense or a component thereof.

"(b) SEIZURE OF IMPROPERLY DISPOSED OF PROPERTY.—If a member of the armed forces, civilian employee of the Government, employee or agent of a contractor, or any other person has improperly disposed of military or Department of Defense property in violation of subsection (a), any civil or military officer of the United States or any State or local law enforcement official may seize the property, wherever found. Title to military or Department of Defense property disposed of in violation of subsection (a) remains with the United States. Possession of such property by a person who is neither a member of the armed forces nor an official of the United States is prima facie evidence that the property has been disposed of in violation of subsection (a).

"(c) DELIVERY OF SEIZED PROPERTY.—Any official who seizes property under subsection (b) and is not authorized to retain it for the United States shall immediately deliver the property to an authorized member of the armed forces or other authorized official of the Department of Defense or the Department of Justice.

"(d) RETROACTIVE ENFORCEMENT AUTHORIZED.—This section shall apply to any military or Department of Defense property which was the subject of unauthorized disposition any time after January 1, 2002. This section shall apply to significant military equipment which was the subject of unauthorized disposition at any time.

"(e) SEVERABILITY CLAUSE.—In the event that any portion of this section is held unenforceable, all other portions of this section shall remain in full force and effect.

"(f) DEFINITION.—In this section, the term 'significant military equipment' means defense articles on the United States Munitions List for which special export controls are warranted because of their capacity for substantial military utility or capability."

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 165 of such title is amended to read as follows:

"2789. Recovery of Department of Defense property: unauthorized or improper disposition."

AMENDMENT NO. 59 OFFERED BY MS. KOSMAS OF FLORIDA

The text of the amendment is as follows:

Page 99, after line 23, insert the following:
SEC. 336. STUDY AND REPORT ON FEASIBILITY OF JOINT USAGE OF THE NASA SHUTTLE LOGISTICS DEPOT.

(a) STUDY.—The Secretary of Defense, in conjunction with the Administrator of the National Aeronautics and Space Administration, shall conduct a study of the feasibility of joint usage of the National Aeronautics and Space Administration Shuttle Logistics Depot in Cape Canaveral, Florida, to supplement requirements for products and services in support of reset initiatives, Advanced Technology Clusters, engineering and reverse engineering analysis, and development of innovative technology and processes to improve product procurement and reduce risk, cost, and cycle time of system delivery.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the committees on Armed Services of the Senate and House of Representatives a report on the study required under subsection (a).

AMENDMENT NO. 65 OFFERED BY MR. PERRIELLO OF VIRGINIA

The text of the amendment is as follows:

Page 92, after line 24, insert the following:
SEC. 326. TREATMENT OF EMPLOYER CONTRIBUTIONS TO HEALTH BENEFITS AND RETIREMENT PLANS FOR PURPOSES OF COST-COMPARISONS OF CONTRACTOR AND CIVILIAN EMPLOYEE PERFORMANCE OF DEPARTMENT OF DEFENSE FUNCTIONS.

Section 2463 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (f):

"(f) TREATMENT OF CONTRIBUTIONS TO HEALTH AND RETIREMENT PLANS.—For purposes of conducting a cost comparison to determine whether to convert a function from contractor performance to performance by Department of Defense civilian employee, the costs of employer contributions made by the Department of Defense or by a contractor towards employer-sponsored health benefits and retirement benefits plans shall not be considered unless, in the case of such contributions made by a contractor, the contractor does not receive an advantage for reducing costs for the Department of Defense by—

"(1) not making an employer-sponsored health insurance plan available to the contractor employees who perform the function under the contract;

"(2) offering to such employees an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Federal Government for health benefits for civilian employees under chapter 89 of title 5, United States Code; or

"(3) offering to such employees a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to Federal employees under chapter 84 of title 5, United States Code."

AMENDMENT NO. 69 OFFERED BY MS. TITUS OF NEVADA

The text of the amendment is as follows:

At the end of subtitle G of title VI, add the following new section:

SEC. 674. FLEXIBLE COMMENCEMENT DATES FOR AVAILABILITY OF HOMEOWNER ASSISTANCE FOR MEMBERS OF THE ARMED FORCES PERMANENTLY REASSIGNED DURING MORTGAGE CRISES.

(a) MODIFICATION OF REASSIGNMENT, PURCHASE, AND SALE DATES.—Subsection (a)(3) of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended—

(1) in subparagraph (C), by striking "or an earlier end date designated by the Secretary" and by inserting "or an earlier start or end date designated by the Secretary under subsection (c)(3)(C) for a specific military base or installation";

(2) in subparagraph (D), by inserting "or a later purchase date designated by the Secretary under subsection (c)(3)(C) for a specific military base or installation" after "July 1, 2006"; and

(3) in subparagraph (E), by striking "between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary" and inserting "between the purchase date in effect for the military base or installation under subparagraph (D) and the end date in effect for the military base or installation under subparagraph (D)".

(b) MODIFICATION PROCESS.—Subsection (c)(3) of such section is amended by adding at the end the following new subparagraph:

"(C) MODIFICATION OF REASSIGNMENT, PURCHASE, AND SALE DATES.—In exercising the authority under subsection (a)(3) to designate different reassignment, purchase, and sale dates for a specific military base or installation, the Secretary of Defense shall consult with the Secretary of Housing and Urban Development and the Secretary of the Treasury regarding the condition of housing markets in the area of the base or installation so that the Secretary of Defense has the information needed to effectively assist members of the Armed Forces and their families."

AMENDMENT NO. 71 OFFERED BY MR. CRITZ OF PENNSYLVANIA

The text of the amendment is as follows:

At the end of subtitle F of title III, insert the following:

SEC. 3. AUTHORITY FOR PAYMENT OF FULL REPLACEMENT VALUE FOR LOSS OR DAMAGE TO HOUSEHOLD GOODS IN LIMITED CASES NOT COVERED BY CARRIER LIABILITY.

(a) CLAIMS AUTHORITY.—

(1) IN GENERAL.—Chapter 163 of title 10, United States Code, is amended by adding at the end the following new section:

"§2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available

"The Secretary of Defense and the Secretaries of the military departments, in paying a claim under section 3721 of title 31 arising from loss or damage to household goods stored or transported at the expense of the Department of Defense, may pay the claim on the basis of full replacement value in any of the following cases in which reimbursement for the full replacement value for the loss or damage is not available directly from a carrier under section 2636a of this title:

"(1) A case in which—

"(A) the lost or damaged goods were stored or transported under a contract, tender, or solicitation in accordance with section 2636a of this title that requires the transportation service provider to settle claims on the basis of full replacement value; and

“(B) the loss or damage occurred under circumstances that exclude the transportation service provider from liability.

“(2) A case in which—

“(A) the loss or damage occurred while the lost or damaged goods were in the possession of an ocean carrier that was transporting, loading, or unloading the goods under a Department of Defense contract for ocean carriage; and

“(B) the land-based portions of the transportation were under contracts, in accordance with section 2636a of this title, that require the land carriers to settle claims on the basis of full replacement value.

“(3) A case in which—

“(A) the lost or damaged goods were transported or stored under a contract or solicitation that requires at least one of the transportation service providers or carriers that handled the shipment to settle claims on the basis of full replacement value pursuant to section 2636a of this title;

“(B) the lost or damaged goods have been in the custody of more than one independent contractor or transportation service provider; and

“(C) a claim submitted to the delivering transportation service provider or carrier is denied in whole or in part because the loss or damage occurred while the lost or damaged goods were in the custody of a prior transportation service provider or carrier or government entity.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available.”.

(b) EFFECTIVE DATE.—Section 2740 of title 10, United States Code, as added by subsection (a), shall apply with respect to losses incurred after the date of the enactment of this Act.

AMENDMENT NO. 76 OFFERED BY MR. CONNOLLY OF VIRGINIA

The text of the amendment is as follows:

Page 465, after line 23, add the following:

SEC. 1110. FEDERAL INTERNSHIP PROGRAMS.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after section 3111 the following:

“§ 3111a. Federal internship programs

“(a) INTERNSHIP COORDINATOR.—The head of each agency operating an internship program shall appoint an individual within such agency to serve as an internship coordinator.

“(b) ONLINE INFORMATION.—

“(1) AGENCIES.—The head of each agency operating an internship program shall make publicly available on the Internet—

“(A) the name and contact information of the internship coordinator for such program; and

“(B) information regarding application procedures and deadlines for such internship program.

“(2) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall make publicly available on the Internet links to the websites where the information described in paragraph (1) is displayed.

“(c) CENTRALIZED DATABASE.—The Office shall establish and maintain a centralized electronic database that contains the names, contact information, and relevant skills of individuals who have completed or are near-

ing completion of an internship program and are currently seeking full-time Federal employment.

“(d) EXIT INTERVIEW REQUIREMENT.—The agency operating an internship program shall conduct an exit interview of each intern that completes such program.

“(e) REPORT.—

“(1) IN GENERAL.—The head of each agency operating an internship program shall annually submit to the Office a report assessing such internship program.

“(2) CONTENTS.—Each report required under paragraph (1) for an agency shall include, for the 1-year period ending on September 1 of the year in which the report is submitted—

“(A) the number of interns that participated in an internship program at such agency;

“(B) information regarding the demographic characteristics of interns at such agency, including educational background;

“(C) a description of the steps taken by such agency to increase the percentage of interns who are offered permanent Federal jobs and the percentage of interns who accept the offers of such jobs, and any barriers encountered;

“(D) a description of activities engaged in by such agency to recruit new interns, including locations and methods;

“(E) a description of the diversity of work roles offered within internship programs at such agency;

“(F) a description of the mentorship portion of such internship programs; and

“(G) a summary of exit interviews conducted by such agency upon completion of an internship program by an intern.

“(3) SUBMISSION.—Each report required under paragraph (1) shall be submitted to the Office between September 1 and September 30 of each year. Not later than December 30 of each year, the Office shall submit to Congress a report summarizing the information submitted to the Office in accordance with paragraph (1) for such year.

“(f) DEFINITIONS.—For purposes of this section—

“(1) the term ‘internship program’ means—

“(A) a volunteer service program under section 3111(b); and

“(B) the Student Educational Employment Program established under section 213.3202 of title 5, Code of Federal Regulations, as in effect on January 1, 2009;

“(2) the term ‘intern’ means an individual serving in an internship program.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3111 the following:

“3111a. Federal internship programs.”.

AMENDMENT NO. 78 OFFERED BY MR. GRAYSON OF FLORIDA

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 839. REQUIREMENT TO JUSTIFY THE USE OF FACTORS OTHER THAN COST OR PRICE AS THE PREDOMINATE FACTORS IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE PROCUREMENT CONTRACTS.

(a) REQUIREMENT.—Subparagraph (A) of section 2305(a)(2) of title 10, United States Code, is amended—

(1) by striking “and” at the end of clause (i); and

(2) by inserting after clause (ii) the following new clause:

“(iii) in the case of a solicitation in which factors other than cost or price when combined are more important than cost or price, the reasons why assigning at least equal importance to cost or price would not better serve the Government’s interest; and”.

(b) REPORT.—Section 2305(a)(3) of such title is amended by adding at the end the following new subparagraph:

“(C) Not later than 180 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress, and post on a publicly available website of the Department of Defense, a report describing the solicitations for which a statement pursuant to paragraph (2)(A)(ii) was included.”.

The Acting CHAIRMAN. Pursuant to House Resolution 1404, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. McKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chairman, I yield 3 minutes to my friend and colleague, the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Chairman, I rise to support the en bloc amendments, of course.

When we did this in committee last week, I was called to the floor and I didn’t get to talk about the little item I had in there to do with a study on breast cancer in women soldiers. It passed. I am proud of that, and I want to thank you for it. I want to thank the ranking member as well. But it occurs to me we need to talk about this just a little bit.

I stand before you as a person that a surgeon told me what I went through was Agent Orange, but we didn’t do anything about it until way down the line.

I have a lady veteran in my office that went to a reunion after Iraq. In that small group, five of the women got breast cancer, and they had no connection to anything else in their lives.

I feel like that we can’t just let this go. Fifteen percent of our force is women. It is going to be 20 percent in a short time. We have to do some things different. So I appreciate the fact that we have asked the Department of Defense to take a look at this and see if it is something they will study.

I don’t want it to be another Agent Orange. I hope it won’t. But I am very adamant about supporting the troops, you know that, you know my history, and I am not going to ever back off from that. We have to do all the things we have to do.

But the women of the United States Armed Forces deserve some special attention in this, and I think that we ought to give some serious thought as we go into the future, maybe the very near future, to give this consideration beyond what we have done.

My intuition tells me that this is important. What checking we have done, there seems to be a problem, and we ought to get to the bottom of it as fast as we can for the sake of these outstanding women that serve in our Armed Forces.

For one little reunion, to find out that five women soldiers are afflicted, is kind of a startling thing. It needs some attention, and I just would hope that as we go forth, in the time ahead, that we will make the effort to be sure that this is looked into, and we don't look back a few years from now, like we have on Agent Orange, and say oh, my, I wish we had known. It won't cost us that much to find out when we decide to do it, and I hope we decide to do it relatively soon.

Mr. McKEON. I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I rise in support of this amendment and for purposes of engaging in a colloquy with the gentleman from Maryland to clarify the intent of his amendment regarding the Army's M915 truck program.

I would yield to the gentleman.

Mr. BARTLETT. I thank the gentleman from Oregon for the opportunity to clarify my amendment on the M915 truck program.

It was my intent to submit a request for unanimous consent to consider a revised version of my original amendment that had been made in order by the Rules Committee. In fact, I read the revised version into the official record.

The revised amendment only encourages the Secretary of the Army to consider full and open competition for future M915 truck procurements beginning in fiscal year 2012. The revised amendment also requires the Secretary of the Army to provide possible courses of action if it helps to accelerate meeting the Army's current requirement for M915 trucks.

Mr. BLUMENAUER. Reclaiming my time, I want to thank the gentleman for his remarks and clarification of the amendment. I want to acknowledge that the M915 truck program is a critical asset to the United States Army Reserves, and note the current M915 truck program is on cost and schedule and meets all performance requirements.

Mr. BARTLETT, would you be willing to work with me on this critical issue during your conference deliberations with the Senate regarding H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011?

Mr. BARTLETT. As we proceed to conference with the other body, I would welcome the opportunity to work with the gentleman from Oregon on this critical issue.

Mr. BLUMENAUER. I thank the gentleman. I appreciate the clarification and look forward to working with you.

Mr. McKEON. I continue to reserve.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Mr. Chairman, I thank Chairman SKELTON for the opportunity to offer this amendment to improve Federal internship programs, and his staff for their collaboration on the text before us.

The Federal Government faces a daunting challenge in recruiting and retaining the workforce of the future. We actually have a desultory record in terms of student internship programs and their retention rate when compared to the private sector. I believe this amendment will systematize that program, will set some standards that all Federal agencies have to meet, and a reporting requirement that will give the Congress the information it needs in moving forth.

I urge my colleagues to support this amendment.

Mr. McKEON. I continue to reserve.

Mr. SKELTON. I yield 2 minutes to my friend the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Thank you very much, Mr. Chairman.

I rise for the purpose of a colloquy with the chairman concerning amendment No. 15 introduced by the gentleman from Florida. I would ask the chairman to confirm that the amendment does not envision any shortcuts in the process of checking the background of any Iraqi nationals applying to come to the United States, nor does it ask for a shortcut in any process designed to protect American national security.

Mr. SKELTON. That is correct. The amendment is simply asking for a plan to speed up the process, as appropriate. The sponsor of the amendment believes, as do I, that all appropriate security and background checks must be carried out in the right way to best protect our national security.

Mr. DANIEL E. LUNGREN of California. I thank the chairman for that clarification.

Mr. McKEON. I continue to reserve.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend the gentleman from Nevada (Ms. TITUS).

Ms. TITUS. I thank the chairman.

The purpose of this amendment is to provide the Secretary of Defense the flexibility to change the effective date of the Homeowners Assistance Program for members of the Armed Forces permanently reassigned during the mortgage crisis. The program, as approved by Congress last year, allows active-duty servicemembers to be partially reimbursed for losses occurring as a result of having to sell their home upon being reassigned. Under current law, a servicemember must have purchased his or her home before July 1, 2006, in order to qualify for assistance.

My congressional district is home to a number of servicemembers from Nellis Air Force Base and the Remotely Piloted Aircraft Program at Creech Air Force Base.

□ 2230

Many of these armed servicemembers were assigned to southern Nevada at the height of the housing boom when prices were fueled by out-of-control and reckless speculators. They, and others around the country, purchased homes at what was then a fair market price. Now, due to no fault of their own, however, many of these homes have lost a significant amount of their value. A problem arises because servicemembers are now receiving Permanent Change of Station orders and are being reassigned to a new area.

A number of servicemembers from around the world have contacted us saying that this date, July 1, 2006, was set too early to achieve the intended goals of the program. Accordingly, our amendment provides the necessary flexibility to the Secretary of Defense to change this date in specific geographic areas where housing price declines trended behind the national average.

It's important to keep in mind that most of these servicemembers had no choice in the timing of their transfer and relocation and are, therefore, unintended victims of the arbitrary deadline.

This amendment is modeled after legislation introduced in December, which had 27 bipartisan cosponsors. It's also been endorsed by a number of military family organizations who recognize its importance.

I thank Chairman SKELTON for his support in working with me, and I urge our colleagues to vote for the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey will control the time.

There was no objection.

Ms. KOSMAS. Mr. Chair, I rise today in support of my amendment to enable the Department of Defense and NASA cooperation in the utilization of a unique strategic capability. The NASA Shuttle Logistics Depot (NSLD) employs approximately 300 highly-skilled workers who service and fabricate about 700 individual pieces of shuttle hardware, including avionics, cargo bay hydraulics, and cockpit windows.

Due to the scheduled ending of the shuttle program later this year or early next year, the Space Coast is facing the loss of up to 10,000 direct jobs. As part of an effort to maintain this unique workforce, the NSLD has partnered with DoD on several pilot projects, including the fabrication of M2 50 Caliber Machine Gun parts and F-16 wing spar attach fittings, in an effort to diversify work, maintain the unique skills and capabilities, and fulfill DoD needs.

In order to allow this important work to go forward, my amendment would direct DoD and NASA to conduct a study on the feasibility of joint usage of the NSLD so that the military

can utilize its unique capabilities such as engineering and reverse-engineering analysis and development of innovative manufacturing techniques. The facility could also take part in developing innovative technology and processes to improve product procurement and reduce risk, cost, and cycle time of system delivery.

I urge the adoption of this important amendment in order to enable the continued utilization of this unique capability.

Mr. ANDREWS. Mr. Chairman, I would advise my friend on the other side we have no further speakers, so I will yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENT NO. 68 OFFERED BY MR. TEAGUE

The Acting CHAIR. It is now in order to consider amendment No. 68 printed in House Report 111-498.

Mr. TEAGUE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 68 offered by Mr. TEAGUE:
Page 219, after line 5, insert the following:

SEC. 599. INCREASE OF MAXIMUM AGE FOR CHILDREN ELIGIBLE FOR MEDICAL CARE UNDER CHAMPVA PROGRAM.

(a) INCREASE.—Section 1781(c) of title 38, United States Code, is amended—

(1) by striking “twenty-three” and inserting “twenty-six”; and

(2) by striking “twenty-third birthday” and inserting “twenty-sixth birthday”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to medical care provided on or after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from New Mexico (Mr. TEAGUE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. TEAGUE. Mr. Chairman, I rise today to offer this amendment to increase the maximum age for children eligible for medical care under the CHAMPVA program.

My amendment will ensure that our disabled veterans benefit from one of the most popular provisions of the Patient Protection and Affordable Care Act, allowing dependents to stay on the parents' health care insurance until age 26.

CHAMPVA is the health insurance program for dependents of veterans who have been rated permanently and totally disabled and surviving dependents of servicemembers whose deaths were due to service-connected injuries. Currently, under CHAMPVA, health insurance coverage can be provided to dependent children up to the age of 23. Under the PPACA that was signed into

law earlier this year, individuals with private health insurance will be able to provide coverage to their dependent children up to the age of 26. CHAMPVA is a Department of Veterans Affairs program and governed by a different section of the United States code. It was not altered by the PPACA. As such, the maximum age for dependent children under CHAMPVA remains 23.

Our disabled veterans have sacrificed so much for our country, and it is our duty to make sure that they and their families have access to quality affordable health care. This amendment would amend title 38 to increase the maximum age for coverage of dependent children under CHAMPVA from 23 to 26. At the very least, we must provide these heroes with the same health insurance benefits afforded civilians.

We should correct this wrong immediately. We should do what's right for our veterans. Vote “yes” on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I claim time in opposition, but I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. I do not oppose the amendment; in fact, I support the amendment, and I thank the gentleman for taking care of this problem.

I reserve the balance of my time.

Mr. ANDREWS. Will the gentleman yield?

Mr. TEAGUE. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for offering this outstanding amendment. Our side of the committee strongly supports it. We think it does a great deal of good for some great heroes. We would urge a “yes” vote.

Mr. McKEON. Mr. Chairman, I yield back the balance of my time.

Mr. TEAGUE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE).

The amendment was agreed to.

AMENDMENT NO. 81 OFFERED BY MS. SHEA-PORTER

The Acting CHAIR. It is now in order to consider amendment No. 81 printed in House Report 111-498.

Ms. SHEA-PORTER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 81 offered by Ms. SHEA-PORTER:

At the end of title VIII, add the following new section:

SEC. 839. PENALTIES ON CONTRACTORS NOT PROVIDING INFORMATION TO DATABASES ON CONTRACTS IN IRAQ AND AFGHANISTAN.

Section 861 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2302 note) is amended by adding at the end the following new subsection:

“(e) PENALTIES.—Any contract in Iraq or Afghanistan entered into or modified after September 1, 2011, shall include a clause requiring the imposition of a penalty, by the department or agency awarding the contract, on any contractor that does not comply with requirements under this section, including requirements in the memorandum of understanding required by subsection (a), to provide information for the common databases identified under subsection (b)(4), including updating the information required. The penalty shall consist of the withholding of award and incentive fees.”

Page 304, line 15, strike “and”.

Page 304, line 21, strike the period and insert “; and”.

Page 304, after line 21, insert the following:

“(C) the penalties, if any, imposed by the departments and agency on contractors for failing to comply with requirements under section 861(e), including requirements to provide information for the common databases identified under section 861(b)(4).

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from New Hampshire (Ms. SHEA-PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Ms. SHEA-PORTER. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, for too long the American people have been the victims of theft and fraud by contractors working in Iraq and Afghanistan. Over the past few years, Congress has taken steps to rein these contractors in. One of these steps was to create a database to keep information on these contractors and their subcontractors. Unfortunately, Mr. Chair, they are not entering the information.

My amendment would impose a penalty on those contractors that do not comply with the requirement to report this contract information. Their non-compliance prevents oversight agencies from conducting proper audits and investigations. Therefore, it prevents these agencies from uncovering waste and contract fraud. We cannot protect taxpayer dollars from theft if we can't follow the money.

Just this week, a witness before the Commission on Wartime Contracting said that the contracting environment in our overseas operations was highly vulnerable to fraud. The GAO recently reported that Federal agencies face difficult challenges in tracking and overseeing contractor personnel and contracts.

We have been using contractors in both wars for 9 years now. The scale of waste and contract fraud is enormous, and the criminal activity is diverse: fraud, bribery, kickbacks, extortion,

embezzlement, theft of cash or equipment, etc cetera. But we have not given our Federal agencies all the tools they need to catch these bad actors. We often don't even know who we are doing business with.

This amendment will penalize contractors who do not comply with the reporting requirements. Taxpayers are spending billions of dollars in Iraq and Afghanistan. They deserve accountability.

I urge my colleagues to support this amendment and the underlying bill.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I rise to claim the time in opposition; however, I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. McKEON. I will support the amendment.

I yield back the balance of my time.

Mr. ANDREWS. Will the gentlelady yield?

Ms. SHEA-PORTER. I yield to the gentleman from New Jersey.

Mr. ANDREWS. I'd like to, on behalf of the committee, thank the gentlelady for crafting this amendment. I think it's an invaluable tool for our investigators and, if necessary, prosecutors, to track down fraud, protect our servicemembers, and protect the taxpayers. So we're very happy to support this very worthy amendment.

Ms. SHEA-PORTER. Mr. Chair, I want to thank Chairman SKELTON for his continued work and leadership on this bill. I urge my colleagues to support this amendment and the underlying bill, and I yield back the remainder of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. SHEA-PORTER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New Hampshire will be postponed.

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AMENDMENTS EN BLOC NO. 9 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to House Resolution 1404, I offer amendments en bloc No. 9, including modifications to amendment No. 32.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 9 offered by Mr. SKELTON consisting of amendments numbered 8, 15, 30, 32, 55, 61, 64, 66, 67, 74, and 77 printed in House Report 111-498:

AMENDMENT NO. 8 OFFERED BY MR. COURTNEY OF CONNECTICUT

The text of the amendment is as follows:

SEC. 599(a). TRANSFER OF TROOPS-TO-TEACHERS PROGRAM FROM DEPARTMENT OF EDUCATION TO DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.), is transferred from the Secretary of Education to the Secretary of Defense.

(2) EFFECTIVE DATE.—The transfer under paragraph (1) shall take effect on the first day of the first month beginning more than 180 days after the date of the enactment of this Act, or on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

“§1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program

“(a) DEFINITIONS.—In this section:

“(1) PROGRAM.—The term ‘Program’ means the Troops-to-Teachers Program authorized by this section.

“(2) MEMBER OF THE ARMED FORCES.—The term ‘member of the armed forces’ includes a former member of the armed forces.

“(3) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

“(4) ADDITIONAL TERMS.—The terms ‘elementary school’, ‘highly qualified teacher’, ‘local educational agency’, ‘secondary school’, and ‘state’ have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(b) PROGRAM AUTHORIZATION.—The Secretary may carry out a program (to be known as the ‘Troops-to-Teachers Program’)—

“(1) to assist eligible members of the armed forces described in subsection (d) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and

“(2) to facilitate the employment of such members—

“(A) by local educational agencies or public charter schools that the Secretary of Education identifies as—

“(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et. seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

“(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; and

“(B) in elementary schools or secondary schools, or as vocational or technical teachers.

“(c) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may provide placement assistance and referral services to members of the armed forces who meet the criteria described in subsection (d), including

meeting the education qualification requirements under subsection (d)(3)(B). Such members shall not be eligible for financial assistance under paragraphs (3) and (4) of subsection (e).

“(d) ELIGIBILITY AND APPLICATION PROCESSES.—

“(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

“(A) Any member who—

“(i) on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;

“(ii) has an approved date of retirement that is within one year after the date on which the member submits an application to participate in the Program; or

“(iii) has been transferred to the Retired Reserve.

“(B) Any member who, on or after January 8, 2002—

“(i)(I) is separated or released from active duty after six or more years of continuous active duty immediately before the separation or release; or

“(II) has completed a total of at least ten years of active duty service, ten years of service computed under section 12732 of this title, or ten years of any combination of such service; and

“(ii) executes a reserve commitment agreement for a period of not less than three years under paragraph (5)(B).

“(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

“(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in subparagraph (B). An application shall be in such form and contain such information as the Secretary may require.

“(B) An application shall be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later than four years after the date on which the member is retired or separated or released from active duty, whichever applies to the member.

“(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE SERVICE REQUIREMENT.—(A) Subject to subparagraphs (B) and (C), the Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

“(B)(i) If a member of the armed forces is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

“(ii) If a member of the armed forces is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member—

“(I) to have received the equivalent of one year of college from an accredited institution of higher education and have six or more years of military experience in a vocational or technical field; or

“(II) to otherwise meet the certification or licensing requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the Program.

“(C) A member of the armed forces is eligible to participate in the Program only if the member's last period of service in the armed

forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned.

“(4) **SELECTION PRIORITIES.**—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary shall give priority to members who—

“(A) have educational or military experience in science, mathematics, special education, or vocational or technical subjects; and

“(B) agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

“(5) **OTHER CONDITIONS ON SELECTION.**—

“(A) The Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (e) with respect to the member.

“(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (e) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than three years (in addition to any other reserve commitment the member may have).

“(e) **PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.**—

“(1) **PARTICIPATION AGREEMENT.**—(A) An eligible member of the armed forces selected to participate in the Program under subsection (b) and receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

“(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher; and to become a highly qualified teacher; and

“(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than three school years with a high-need local educational agency or public charter school, as such terms are defined in section 2102 of the Elementary and Secondary Education Act (20 U.S.C. 6602), to begin the school year after obtaining that certification or licensing.

“(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the three-year commitment.

“(2) **VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.**—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

“(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

“(B) is serving on active duty as a member of the armed forces;

“(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

“(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

“(E) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

“(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

“(3) **STIPEND FOR PARTICIPANTS.**—(A) Subject to subparagraph (B), the Secretary may pay to a participant in the Program selected under this section a stipend in an amount of not more than \$5,000.

“(B) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

“(4) **BONUS FOR PARTICIPANTS.**—(A) Subject to subparagraph (B), the Secretary may, in lieu of paying a stipend under paragraph (3), pay a bonus of \$10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than three school years in a high-need school.

“(B) The total number of bonuses that may be paid under subparagraph (A) in any fiscal year may not exceed 3,000.

“(C) For purposes of subparagraph (A), the term ‘high-need school’ means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

“(i) At least 50 percent of the students enrolled in the school were from low-income families (as described in subsection (b)(2)(A)(i)).

“(ii) The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et. seq.).

“(5) **TREATMENT OF STIPEND AND BONUS.**—A stipend or bonus paid under this subsection to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et. seq.).

“(f) **REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.**—

“(1) **REIMBURSEMENT REQUIRED.**—A participant in the Program who is paid a stipend or bonus under this subsection shall be required to repay the stipend or bonus under the following circumstances:

“(A) The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under subsection (e)(1).

“(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical

teacher during the three years of required service in violation of the participation agreement.

“(C) The participant executed a written agreement with the Secretary concerned under subsection (d)(5)(B) to serve as a member of a reserve component of the armed forces for a period of three years and fails to complete the required term of service.

“(2) **AMOUNT OF REIMBURSEMENT.**—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

“(3) **TREATMENT OF OBLIGATION.**—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary under this subsection.

“(4) **EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.**—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

“(g) **RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.**—The receipt by a participant in the Program of a stipend or bonus under this subsection (e) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

“(h) **PARTICIPATION BY STATES.**—

“(1) **DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.**—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

“(2) **ASSISTANCE TO STATES.**—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers.

“(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed \$5,000,000.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1154. Troops-to-Teachers Program.”

(c) **CONFORMING AMENDMENT.**—Section 1142(b) (4)(C) of such title is amended by striking “under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)” and inserting “under sections 1152, 1153, and 1154 of this title”.

(d) TERMINATION OF ORIGINAL PROGRAM.—

(1) TERMINATION.—

(A) Chapter A of subpart 1 of Part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

(B) The table of contents in section 2 of Part I of the Elementary and Secondary Education Act 1965 is amended by striking the items relating to chapter A of subpart 1 of Part C of said Act.

(2) EXISTING AGREEMENTS.—The repeal of such chapter shall not affect the validity or terms of any agreement entered into before the date of the enactment of this Act under chapter A of subpart 1 of Part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.), or to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before such repeal.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date of the transfer under subsection (a).

SEC. 599B. ENHANCEMENTS TO THE TROOPS TO TEACHERS PROGRAM.

(a) YEARS OF SERVICE REQUIREMENTS.—Subsection (d) of section 1154 title 10, United States Code, as added by section 599A, is amended—

(1) in paragraph (1)—

(A) by striking “or” at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting “; or”; and

(C) by adding at the end the following new subparagraph:

“(D) commencing on or after September 11, 2001, serves at least four years on active duty (as such term is defined in section 101(d)(1) of this title, except that such term does not include a period of service described in paragraphs (1) through (3) of section 3311(d) of title 38) in the Armed Forces (excluding service on active duty in entry level or skills training) and, after completion of such service, is discharged or released as follows:

“(i) A discharge from active duty in the armed forces with an honorable discharge.

“(ii) A release after service on active duty in the armed forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

“(iii) A release from active duty in the armed forces for further service in a reserve component of the armed forces after service on active duty characterized by the Secretary concerned as honorable service.”; and

(b) DEFINITION OF LOCAL EDUCATION AGENCY AND PUBLIC CHARTER SCHOOLS.—Such section is further amended as follows:

(1) Clause (i) of subsection (b)(2)(A) of such section is amended to read as follows:

“(i) receiving grants under part A of title I, a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021(3)), or public charter school;”.

(2) In subsection (e)(1)(A)(ii), by striking “or public charter school receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.)” and inserting “receiving grants under part A of title I, a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021(3)) or public charter school”.

(c) TROOPS TO TEACHERS ADVISORY BOARD.—Such section is further amended by adding at the end the following new subsection:

“(f) ADVISORY BOARD.—

“(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of section 1154 of this title, the Secretary of Education and the Secretary of Defense shall establish an advisory board composed of—

“(A) a representative from the Department of Defense;

“(B) a representative from the Department of Education;

“(C) representatives from 3 State offices that operate to recruit eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers; and

“(D) a representative from each of 3 veteran service organizations.

“(2) DUTIES.—The advisory board established under subsection (a) shall—

“(A) collect, consider, and disseminate feedback from participants and State offices described in subsection (a)(4) on—

“(i) the best practices for improving recruitment of eligible members of the Armed Forces in States, local educational agencies, and public charter schools under served by the Program;

“(ii) ensuring that high-need local educational agencies and public charter schools are aware of the Program and how to participate in it;

“(iii) coordinating the goals of the Program with other Federal, State, and local education needs and programs; and

“(iv) other activities that the advisory board deems necessary; and

“(B) not later than 1 year after the date of the enactment of section 1154 of this title, and annually thereafter, prepare and submit a report to the Committees on Health, Education, Labor, and Pensions and Armed Services of the Senate and the Committees on Education and Labor and Armed Services of the House of Representatives, which shall include—

“(i) information with respect to the activities of the advisory board;

“(ii) information with respect to the Program, including—

“(I) the number of participants in the Program;

“(II) the number of States participating in the Program;

“(III) local educational agencies and schools in where participants are employed;

“(IV) the grade levels at which participants teach;

“(V) the academic subjects taught by participants;

“(VI) rates of retention of participants by the local educational agencies and public charter schools employing participant;

“(VII) other demographic information as may be necessary to evaluate the effectiveness of the program; and

“(VIII) a review of the stipend and bonus available to participants under paragraphs (3) and (4)(A) of subsection (d); and

“(iii) recommendations for—

“(I) improvements to local, State, and Federal recruitment and retention efforts;

“(II) legislative or executive policy changes to improve the Program, enhance participant experience, and increase participation in the program; and

“(III) other changes necessary to ensure that the Program is meeting the purpose described in subsection (b).”.

AMENDMENT NO. 15 OFFERED BY MR. HASTINGS OF FLORIDA

The text of the amendment is as follows:

At the end of title XII, add the following:

SEC. 1237. REPORT ON CERTAIN IRAQIS AFFILIATED WITH THE UNITED STATES.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Attorney General, the Secretary of Homeland Security, the Administrator of the United States Agency for International Development, and the heads of other appropriate Federal agencies (as determined by the Secretary of Defense), shall submit to the Congress a report containing the information described in subsection (b). In preparing such report, the Secretary of Defense shall use available information from organizations and entities closely associated with the United States mission in Iraq that have received United States Government funding through an official and documented contract, award, grant, or cooperative agreement.

(b) INFORMATION.—The information described in this subsection is the following:

(1) The number of Iraqis who were or are employed by the United States Government in Iraq or who are or were employed in Iraq by an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement.

(2) The number of Iraqis who have applied—

(A) for resettlement in the United States as a refugee under section 1243 of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of division A of Public Law 110-181; 122 Stat. 395 et seq.); or

(B) to enter the United States as a special immigrant under section 1244 of such Act.

(3) The status of each application described in paragraph (2).

(4) The estimated number of individuals described in paragraph (1) who have been injured or killed in Iraq.

(c) EXPEDITED PROCESSING.—The Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security shall develop a plan using the report submitted under subsection (a) to expedite the processing of the applications described in subsection (b)(2) in the case of Iraqis at risk as the United States withdraws from Iraq.

AMENDMENT NO. 30 OFFERED BY MR. SHADEGG OF ARIZONA

The text of the amendment is as follows:

Page 260, after line 19, insert the following:

SEC. 674. EXCLUSION OF PERSONS CONVICTED OF COMMITTING CERTAIN SEX OFFENSES FROM RECEIVING CERTAIN BURIAL-RELATED BENEFITS AND FUNERAL HONORS.

(a) PROHIBITION AGAINST INTERMENT OR MEMORIALIZATION IN NATIONAL CEMETERY ADMINISTRATION, ARLINGTON NATIONAL CEMETERY, AND CERTAIN STATE VETERANS' CEMETERIES; PROHIBITION AGAINST PROVISION OF PRESIDENTIAL MEMORIAL CERTIFICATE, FLAG, AND HEADSTONE OR MARKER.—Section 2411(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4) A person who is classified as a tier III sex offender under the Sex Offender Registration and Notification Act.”.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to terminate any benefit available to any person except those benefits specifically terminated by the amendment made by subsection (a).

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to interments and memorializations that occur on or after the date of the enactment of this Act.

(d) **CONSTITUTIONAL AUTHORITY.**—The constitutional authority on which this section rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in article I, section 8, clause 14 of the United States Constitution.

AMENDMENT NO. 32 OFFERED BY MR. HOLT OF NEW JERSEY

The text of the amendment is as follows:

Page 266, after line 8, insert the following:
SEC. 706. SUICIDE AMONG MEMBERS OF THE INDIVIDUAL READY RESERVE AND INDIVIDUAL MOBILIZATION AUGMENTEES.

(a) **FINDINGS.**—Congress finds that a veteran who is a member of the Individual Ready Reserve (or who is an individual mobilization augmentee) and is not assigned to a unit that musters regularly and has an established support structure is less likely to be helped by existing suicide prevention programs carried out by the Secretary of Defense and the Secretary of Veterans Affairs.

(b) **IN GENERAL.**—

(1) **SUICIDE PREVENTION.**—Chapter 55 of title 10, United States Code, is amended by adding after section 1074l the following new section:

“§ 1074m Suicide prevention for members of the Individual Ready Reserve and individual mobilization augmentees

“(a) **IN GENERAL.**—The Secretary of Defense shall ensure that each covered member receives a telephone call described in subsection (b) not less than once every 90 days during the period in which—

“(1) the covered member is a member of the Individual Ready Reserve; or

“(2) the Secretary determines that the covered member is an individual mobilization augmentee.

“(b) **COUNSELING CALL.**—A telephone call described in this subsection is a call from properly trained personnel to determine the emotional, psychological, medical, and career needs and concerns of the covered member.

“(c) **REFERRAL.**—(1) The personnel making a telephone call described in subsection (b) shall refer a covered member identified as being at-risk of self-caused harm to the nearest military medical treatment facility or accredited TRICARE provider for immediate evaluation and treatment by a qualified mental health care provider.

“(2) If a covered member is referred under paragraph (1), the Secretary shall confirm that the member has received the evaluation and any necessary treatment.

“(d) **REPORTS.**—Not later than January 31 of each year, beginning in 2011, the Secretary shall submit to Congress a report on the number of covered members who have been referred for counseling or mental health treatment under this section, as well as the health and career status of such members.

“(e) **COVERED MEMBER DEFINED.**—In this section, the term ‘covered member’ means—

“(1) a member of the Individual Ready Reserve described in section 10144(b) of this title who has deployed to Afghanistan or Iraq in support of a contingency operation; or

“(2) a member of a reserve component who the Secretary determines is an individual mobilization augmentee who has deployed to Afghanistan or Iraq in support of a contingency operation.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074l the following new item:

“1074m. Suicide prevention for members of the Individual Ready Reserve and individual mobilization augmentees.”.

AMENDMENT NO. 55 OFFERED BY MR. LUETKEMEYER OF MISSOURI

The text of the amendment is as follows:

At the end of subtitle H of title V, add the following new section:

SEC. 5. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO JEWISH AMERICAN WORLD WAR I VETERANS.

(a) **REVIEW REQUIRED.**—The Secretary of the Army and the Secretary of the Navy shall review the service records of each Jewish American World War I veteran described in subsection (b) to determine whether that veteran should be posthumously awarded the Medal of Honor.

(b) **COVERED JEWISH AMERICAN WAR VETERANS.**—The Jewish American World War I veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American World War I veteran who was previously awarded the Distinguished Service Cross, the Navy Cross, or other military decoration for service during World War I.

(2) Any other Jewish American World War I veteran whose name is submitted to the Secretary concerned for such purpose by the Jewish War Veterans of the United States of America before the end of the one-year period beginning on the date of the enactment of this Act.

(c) **CONSULTATIONS.**—In carrying out the review under subsection (a), the Secretary concerned shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

(d) **RECOMMENDATION BASED ON REVIEW.**—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American World War I veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor posthumously to that veteran.

(e) **AUTHORITY TO AWARD MEDAL OF HONOR.**—A Medal of Honor may be awarded posthumously to a Jewish American World War I veteran in accordance with a recommendation of the Secretary concerned under subsection (a).

(f) **WAIVER OF TIME LIMITATIONS.**—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or other military decoration has been awarded.

(g) **DEFINITIONS.**—In this section:

(1) The term “Jewish American World War I veteran” means any person who served in the Armed Forces during World War I and identified himself or herself as Jewish on his or her military personnel records.

(2) The term “Secretary concerned” means—

(A) the Secretary of the Army, in the case of the Army; and

(B) the Secretary of the Navy, in the case of the Navy and the Marine Corps.

(3) The term “World War I” means the period beginning on April 6, 1917, and ending on November 11, 1918.

AMENDMENT NO. 61 OFFERED BY MS. MARKEY OF COLORADO

The text of the amendment is as follows:

Page 258, after line 12, insert the following:

SEC. 674. SCHOLARSHIP PROGRAM FOR VETERANS FOR PURSUIT OF GRADUATE AND POST-GRADUATE DEGREES IN BEHAVIORAL HEALTH SCIENCES.

(a) **SCHOLARSHIP PROGRAM.**—

(1) **PROGRAM.**—The Secretary of Veterans Affairs shall carry out a program to provide scholarships to qualifying veterans for pursuit of a graduate or post-graduate degree in behavioral health sciences.

(2) **DESIGNATION.**—The program carried out under this section shall be known as the “Department of Veterans Affairs HONOR Scholarship Program” (in this section referred to as the “scholarship program”).

(b) **QUALIFYING VETERANS.**—For purposes of this section, a qualifying veteran is any veteran who—

(1) during service on active duty in the Armed Forces, participated for such period as the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall specify for purposes of the scholarship program in a theater of combat or during a contingency operation overseas;

(2) was retired, discharged, separated, or released from service in the Armed Forces on or after a date (not earlier than August 2, 1990) specified by the Secretary of Defense for purposes of the scholarship program;

(3) at the time of the submittal of an application to participate in the scholarship program, holds an undergraduate or graduate degree, as applicable, from an institution of higher education that qualifies the veteran for pursuit of a graduate or post-graduate degree in behavioral sciences; and

(4) meets such other qualifications as the Secretary of Veterans Affairs may establish for purposes of the scholarship program.

(c) **APPLICATION.**—Each qualifying veteran seeking to participate in the scholarship program shall submit to the Secretary of Veterans Affairs an application therefor setting forth such information as the Secretary shall specify for purposes of the scholarship program.

(d) **AGREEMENT.**—Each qualifying veteran selected by the Secretary of Veterans Affairs for participation in the scholarship program shall enter into an agreement with the Secretary regarding participation in the scholarship program. The agreement shall contain such terms and conditions as the Secretary shall specify for purposes of the scholarship program.

(e) **SCHOLARSHIPS.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs shall provide to each qualifying veteran who enters into an agreement under subsection (d) a scholarship for such number of academic years as the Secretary shall specify in the agreement for pursuit of a graduate or post-graduate degree in behavioral health sciences at an institution of higher education offering such degree that is approved by the Secretary for purposes of the scholarship program.

(2) **ELEMENTS.**—The scholarship provided a qualifying veteran for an academic year shall consist of payment of the following:

(A) Tuition of the qualifying veteran for pursuit of the graduate or post-graduate degree concerned in the academic year.

(B) Reasonable educational expenses of the qualifying veteran (including fees, books, and laboratory expenses) in pursuit of such degree in the academic year.

(C) A stipend in connection with the pursuit of such degree in the academic year in such amount as the Secretary shall specify in the agreement of the qualifying veteran under subsection (d).

(f) OBLIGATED SERVICE.—Each qualifying veteran who participates in the scholarship program shall, after completion of the graduate or post-graduate degree concerned and as jointly provided by the Secretary of Veterans Affairs and the Secretary of Defense in the agreement of such qualifying veteran under subsection (d), perform service as follows:

(1) Such service for the Department of Veterans Affairs in connection with the furnishing of mental health services to veterans, and for such period, as the Secretary of Veterans Affairs shall specify in the agreement.

(2) Such service for the Department of Defense in connection with the furnishing of mental health services to members of the Armed Forces, and for such period, as the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, specify in the agreement.

(3) Such combination of service described by paragraphs (1) and (2), and for such period, as the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, specify in the agreement.

(g) BREACH OF AGREEMENT.—Each qualifying veteran participating in the scholarship who fails to complete satisfactorily the terms of the agreement of such qualifying veteran under subsection (d), whether through failure to obtain the graduate or post-graduate degree concerned or failure to perform service required of the qualifying veteran under subsection (f), shall be liable to the United States in such form and manner as the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, specify in the agreement.

(h) CONTINGENCY OPERATION DEFINED.—In this section, the term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

AMENDMENT NO. 64 OFFERED BY MR. MINNICK OF IDAHO

The text of the amendment is as follows:

At the end of title V, add the following new section:

SEC. 5. SUPPORT FROM DEPARTMENT OF EDUCATION TO HELP COVER COSTS OF NEW STATE PROGRAMS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

Paragraph (2) of section 509(d) of title 32, United States Code, is amended to read as follows:

“(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense. Using funds available to the Department of Education, the Secretary of Education may provide assistance to cover the difference between the amount provided by the Department of Defense and the total costs of operating a new State program of the Program during the first three full fiscal years in which the new State program is in operation.”.

AMENDMENT NO. 66 OFFERED BY MR. SCHRADER OF OREGON

The text of the amendment is as follows:

Page 266, after line 8, insert the following:

SEC. 706. PROVISION OF INFORMATION TO MEMBERS OF THE RESERVE COMPONENTS REGARDING HEALTH CARE BENEFITS.

(a) PROVISION OF INFORMATION.—The Secretary of Defense shall ensure that each member of a reserve component of the Armed Forces who is mobilized or demobilized is provided, together with the orders providing for such mobilization or demobilization, a clear and comprehensive statement of the medical care and treatment to which such member is entitled under Federal law by reason of being so mobilized or demobilized.

(b) FREQUENCY.—The statement required to be provided a member under subsection (a) upon a mobilization or demobilization shall be provided to the member each time the member is mobilized or demobilized, as the case may be.

(c) ELEMENTS.—The statement provided a member under subsection (a) shall include the following:

(1) A clear, comprehensive statement of the medical care and treatment to which the member is entitled under Federal law by reason of being mobilized or demobilized, as applicable, including—

(A) the nature and range of the care and treatment to which the member is entitled;

(B) the departments and agencies of the Federal Government that will provide such care and treatment;

(C) the period for which such care and treatment will be so provided; and

(D) the obligations, if any, of the member in connection with the receipt of such care and treatment.

(2) A clear, comprehensive statement of the health care insurance available under Federal law for the member's family, if any, by reason of the mobilization or demobilization of the member.

(3) A clear, comprehensive description of the mental health assessments available to the member before, during, and after deployment pursuant to section 708 of the national defense authorization act for fiscal year 2010 (public law 11184; 123 Stat. 2376; 10 U.S.C. 1074f note).

(4) Such other matters as the Secretary considers appropriate.

AMENDMENT NO. 67 OFFERED BY MR. SCHRADER OF OREGON

The text of the amendment is as follows:

Page 219, after line 5, insert the following:

SEC. 599. STUDY OF TREATMENT OF MEMBERS OF THE RESERVE COMPONENTS.

(a) STUDY.—The Inspector General of the Department of Defense shall conduct a study of the treatment of members of the reserve components.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) An analysis of the treatment of members of the reserve components—

(A) at mobilization and demobilization sites of the Army, including warrior transition units and joint medical battalions; and

(B) during predeployment and postdeployment medical examinations under section 1074(f) of title 10, United States Code.

(2) An analysis of the quality of care, treatment, and information that members of the reserve components receive before, during, and after deployment.

(3) An analysis of patterns of treatment of members of the reserve components during the period following a deployment, including during medical examinations or other actions that could affect health care and disability benefits, as compared to the treatment of members of the regular components during such period.

(4) Identification of any improvements needed so that members of the reserve components and members of the regular components are treated equally.

(c) REPORT.—Not later than December 31, 2010, the Inspector General shall submit to the congressional defense committees a report on the study under subsection (a).

AMENDMENT NO. 74 OFFERED BY MR. KLEIN OF FLORIDA

The text of the amendment is as follows:

Page 296, line 5, add after “Defense” the following: “, beginning 90 days after the date of the enactment of this Act.”.

Page 296, lines 13 and 14, strike “with actual knowledge, engages” and insert “when entering into a contract with the Department of Defense for goods and services, fails to certify to the contracting officer that the entity does not engage”.

Page 296, line 15, strike “have been imposed” and insert “may be imposed”.

Page 296, strike line 17 and all that follows through page 297, line 22, and insert the following:

(b) REMEDIES.—

(1) IN GENERAL.—If the Secretary of Defense, in consultation with the Secretary of State, determines that an entity has submitted a false certification under subsection (a)(2), the Secretary of Defense may terminate a contract with such entity or debar or suspend such entity from eligibility for Department of Defense contracts for a period of not more than 3 years. Any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations.

(2) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NON-PROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) each entity that is debarred, suspended, or proposed for debarment or suspension by the Secretary on the basis of a determination of a false certification under paragraph (1).

(c) WAIVERS.—

(1) AUTHORITY.—The Secretary of Defense may on a case-by-case basis waive the requirement that an entity make a certification under subsection (a)(2) if the Secretary determines that it is in the interest of national security to do so.

(2) CONTENTS OF CERTIFICATION.—Upon issuing a waiver under paragraph (1) with respect to an entity, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification that identifies the entity involved, the nature of the contract, and the rationale for issuing the waiver.

AMENDMENT NO. 77 OFFERED BY MS. PINGREE OF MAINE

The text of the amendment is as follows:

Page 251, after line 18, insert the following:

SEC. 654. CONTINUED OPERATION OF COMMISSARY AND EXCHANGE STORES SERVING BRUNSWICK NAVAL AIR STATION, MAINE.

The Secretary of Defense shall provide for the continued operation of each commissary or exchange store serving Brunswick Naval Air Station, Maine, through September 30, 2011, and may not take any action to reduce or to terminate the sale of goods at such stores during fiscal year 2011.

AMENDMENT NO. 32 OFFERED BY MR. HOLT OF NEW JERSEY, AS MODIFIED

The Acting CHAIR. The Clerk will report the modification to amendment No. 32.

The Clerk read as follows:

Page 266, after line 8, insert the following:

SEC. 706. SUICIDE AMONG MEMBERS OF THE INDIVIDUAL READY RESERVE AND INDIVIDUAL MOBILIZATION AUGMENTEES.

(a) FINDINGS.—Congress finds that a veteran who is a member of the Individual Ready Reserve (or who is an individual mobilization augmentee) and is not assigned to a unit that musters regularly and has an established support structure is less likely to be helped by existing suicide prevention programs carried out by the Secretary of Defense and the Secretary of Veterans Affairs.

(b) IN GENERAL.—

(1) SUICIDE PREVENTION.—Chapter 55 of title 10, United States Code, is amended by adding after section 1074l the following new section:

“§ 1074m Suicide prevention for members of the Individual Ready Reserve and individual mobilization augmentees

“(a) IN GENERAL.—The Secretary of Defense shall ensure that each covered member receives a telephone call described in subsection (b) not less than once every 90 days during the period in which—

“(1) the covered member is a member of the Individual Ready Reserve; or

“(2) the Secretary determines that the covered member is an individual mobilization augmentee.

“(b) COUNSELING CALL.—A telephone call described in this subsection is a call from properly trained personnel to determine the emotional, psychological, medical, and career needs and concerns of the covered member.

“(c) REFERRAL.—(1) The personnel making a telephone call described in subsection (b) shall refer a covered member identified as being at-risk of self-caused harm to the nearest emergency room for immediate evaluation and treatment by a qualified mental health care provider.

“(2) If a covered member is referred under paragraph (1), the Secretary shall confirm that the member has received the evaluation and any necessary treatment.

“(d) REPORTS.—Not later than January 31 of each year, beginning in 2011, the Secretary shall submit to Congress a report on the number of covered members who have been referred for counseling or mental health treatment under this section, as well as the health and career status of such members.

“(e) COVERED MEMBER DEFINED.—In this section, the term ‘covered member’ means—

“(1) a member of the Individual Ready Reserve described in section 10144(b) of this title who has deployed to Afghanistan or

Iraq in support of a contingency operation; or

“(2) a member of a reserve component who the Secretary determines is an individual mobilization augmentee who has deployed to Afghanistan or Iraq in support of a contingency operation.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074l the following new item:

“1074m. Suicide prevention for members of the Individual Ready Reserve and individual mobilization augmentees.”.

Mr. MCKEON (during the reading). Mr. Chairman, I ask unanimous consent that we dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chairman, I yield 2 minutes to my friend, the gentlelady from California (Ms. MATSUI).

Ms. MATSUI. Mr. Chairman, I rise today in support of the Courtney-Petri-Matsui amendment regarding Troops to Teachers. The amendment includes provisions of the bipartisan 9/11 Troops to Teachers Enhancement Act, which I worked on with my colleagues and has 170 cosponsors.

Our amendment would make the program more accessible to those returning from Iraq and Afghanistan. Additionally, it is the clear intent of this amendment to expand the number of school districts eligible to participate in the Troops to Teachers program.

With their proven service, diverse backgrounds, and leadership traits, our Nation's veterans can serve their country again by serving as teachers in our Nation's most vulnerable schools. Witnessing the success of this program in schools in my community has strengthened my determination to expand the Troops to Teachers program.

I urge the Members to vote in support of this amendment.

Mr. MCKEON. At this time I would like to yield such time as he may consume to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I rise in support of the en bloc amendment, but in particular in support of my amendment in that amendment, number 30.

Under current American law, veterans are entitled to certain emoluments when they pass. These include burial in a veterans cemetery or in one

of our national cemeteries or in a State cemetery supported by veterans' funds, a flag to drape the coffin, a military honor guard, and a certificate from the President.

In 1997, however, following the bombing in Oklahoma City, this Congress recognized that those benefits were still accorded to veterans who had committed even capital offenses, and they recognized that Timothy McVeigh, the Oklahoma City bomber, would have been entitled under current law to be buried with all of those honors.

So this Congress, in good judgment, decided to revoke those emoluments, those honorary benefits from veterans who had been convicted of the violent crime of murder. And, indeed, we revoked it for all capital offenses. In 1997, we expanded that and said it would be applicable to anybody convicted of a capital offense, whether they were sentenced to death or not, but we left a gaping hole in the law.

My amendment simply seeks to fill that hole. It's a gaping hole which says that if you have been convicted of the violent rape of a woman, you may still receive all of those honorary emoluments, you may still be buried in a veterans cemetery with an American flag, with a certificate from the President, and with a military honor guard. That dishonors all of our Nation's veterans who are indeed buried in those cemeteries as appreciation for their great service to this country.

I believe, and I believe that this body recognizes that rape is one of the most violent of all crimes. It's not committed in the heat of passion as murder sometimes is. It is indeed a plotted, carried-out crime, a crime of immense violence.

This issue came to my attention when Jenny Bush, a recent college graduate, went home on Halloween evening from her job, entered her home, and was accosted there by a man who had entered during the day through a first-story window. He taped her with duct tape, held her at knifepoint, and violently raped her. Fortunately, her rapist was caught, and in the course of the proceedings it was determined that he was a serial rapist. He had indeed raped 10 other women, including a 9-year-old girl. And yet under the law in America, he was entitled, upon his death, to receive all of the military honors we give to those who have not committed such heinous crimes. That is an injustice, and it is an injustice that this amendment corrects.

This amendment was brought to me by Jenny Bush's father following the incident where the rapist, the serial rapist who raped this young lady committed suicide on the morning of his sentencing and then was buried with all of those military honors.

I don't think that we should say that our veterans cemeteries are open to the

burial and to utilization by sex offenders who have committed violent rape against America's women. This has been a 3-year struggle where we have sought to amend the law.

I want to thank the Rules Committee for making this amendment in order. I want to thank Steve Bush and his daughter Jenny for their courage in raising this issue. I want to thank Ann Ream, who is with the Voices and Faces Project; Stephanie Hanson and Joanne Archambault with End Violence Against Women International for their work in trying to help pass this legislation. It seems to me that it is well time for us to correct the injustice which exists in our law on this issue. I commend the committee for making it possible for us to correct this.

I want to make it clear that this amendment only takes away those honorary emoluments. It does not financially punish the family of the perpetrator of these crimes. It simply says that we are not going to give these special honors to someone convicted of such a heinous crime as rape.

I want to thank the chairman of the committee and the ranking member of the committee. I believe this is something that will in fact honor this Congress by recognizing we do not, as a Nation, tolerate violent crimes against women. Our Uniform Military Code of Justice indeed already provides that rape is in fact a capital crime. So this brings our code in line with the current provision of the law.

The FBI ranks rape second only to murder. And as I have already indicated, I believe you can make the argument that rape is indeed a more heinous crime than murder because it is always carried out with forethought and planning and perpetrated often with great violence, as it was against Jenny Bush.

This legislation mirrors a bill which I have introduced in the Congress for the last 3 years called Jenny's Law, named after Jenny Bush. It has been officially endorsed by the RAINN Network, which is the Rape, Abuse and Incest National Network, and has also been endorsed by the Military Order of the Purple Heart.

I will insert a letter from the Military Order of the Purple Heart in support of this amendment for the RECORD at this point.

MILITARY ORDER OF THE
PURPLE HEART,
Springfield, VA, March 1, 2010.

Hon. JOHN SHADEGG,
Washington, DC.

DEAR MR. SHADEGG: I am writing to inform you that the Military Order of the Purple Heart (MOPH) is in total support of H. R. 731 "Jenny's Law."

MOPH shares your view that regardless of the service to America, if following that service, those individuals who are convicted of committing certain sex crimes should not receive certain burial benefits and funeral honors. These individuals should not be eligible for burial in National cemeteries admin-

istered by the Department of Veterans' Affairs, Arlington National Cemetery and certain State Veterans' Cemeteries.

While these individuals may have served honorably in the Armed Forces, their crimes following that service are so onerous that the crimes, in our opinion, negate that service.

Respectfully,

JAMES M. SIMS,
National Commander.

Let me simply conclude that I encourage my colleagues to support the en bloc amendment.

I yield to the ranking member.

Mr. McKEON. I want to thank the gentleman for bringing this amendment. This is something I was totally unaware of. I appreciate his work. This is a great addition to the bill. I support it wholeheartedly.

Mr. SHADEGG. Reclaiming my time, let me just briefly say I have spent a great deal of my life advocating for the victims of crime. It seems to me this is an outrage that exists in current law. The victims of crime should not be revictimized. In this case, American law does revictimize those victims of rape under these circumstances. I think it is high time that we correct it.

I thank, again, the chairwoman of the Rules Committee and the chairman and ranking member of the Armed Services Committee for making the correction of this injustice possible.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, a member of the Armed Services Committee, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, first of all I want to congratulate Chairman SKELTON for the outstanding work that he has performed bringing this bill onto the floor and, in particular, salute the fact that this bill will actually, for the first time since the beginning of the Virginia-class submarine program, bring the production level up to two submarines a year. That was a target that we were supposed to reach as a Nation in 2002. It had been delayed year in and year out. And through his leadership, we are finally going to reach that level, which will be important for our submarine force and our Navy.

□ 2250

I also rise in support of the en bloc amendment in particular to talk about the Troops to Teachers Enhancement Act that Congresswoman MATSUI referred to earlier. Again, she described her efforts to try and expand the scope of this program to the Title I school district.

In addition to that, this is an amendment which will move the program into the Department of Defense from the Department of Education, a place where it has been almost de facto over the last few years in any case. And even more importantly, it will shorten the service requirements from 6 years to 4 years for our military personnel,

which will allow many more Iraq and Afghanistan war veterans to participate in this program, which, as she indicated, is a program that has provided a pathway for some of the finest Americans to participate and be in the classroom with all of the qualities of team work, discipline, particularly their strengths in the STEM area, which the Troops to Teachers Program in its present program's limited scope has demonstrated and recruited, again, outstanding teachers into the classrooms.

In addition to that as also introduced, male teachers and minority teachers—something which, again, I think is going to benefit our public education system greatly. It is an amendment that's been endorsed by veterans services organizations across the board from the American Legion to the VFW. In addition to that, education groups such as NEA and AFT have endorsed this measure.

And I thank the chairman for including this amendment in the en bloc amendment and urge support and passage of the entire en bloc amendment in the bill as a whole.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. LUETKEMEYER).

Mr. LUETKEMEYER. Thank you, Mr. Chairman. I am proud to rise in support of en bloc amendment number 9 and particularly my amendment, which is included, which directs a review of the service records of eligible Jewish American veterans from World War I.

I want to particularly thank Chairman SKELTON, Ranking Member McKEON, and other members of the committee for their support on this important issue.

We owe much to the patriotic Americans who have worn and are wearing uniforms of our Nation's Armed Forces. Our country has been blessed to have citizens who have selflessly volunteered to defend our Nation and freedom. Unfortunately, qualified soldiers have not been considered for the Medal of Honor, the highest military decoration awarded by our government, due to discrimination.

In 2001, Congress passed the Leonard Kravitz Jewish War Veterans Act, which had broad bipartisan support. This important piece of legislation presented Jewish soldiers the opportunity to receive the Medal of Honor for their service in World War II.

However, Jewish veterans of World War I have faced the same discrimination and have not been afforded the opportunity to receive recognition for their service. William Shemin, for whom this act is named, was a Jewish American who earned the Distinguished Service Cross in 1918 for saving three of his fellow soldiers' lives during an intense 3-day battle in France while also leading his platoon in combat

after more senior soldiers were wounded or killed. Shemin passed away in 1973 but his daughter, Elsie Shemin Roth, a resident of my district, has passionately worked on behalf of her father and other Jewish soldiers' legacies.

This amendment would build on past legislation and recognize the sacrifices of Jewish soldiers during World War I.

I urge my colleagues to support this en bloc amendment number 9 and honor the work of these veterans and brave soldiers.

Mr. SKELTON. I might make a comment about the gentleman from Missouri. It was our fellow Missourian, Harry Truman, upon awarding a Medal of Honor to a World War II marine, said he would rather have that than be President. And it is quite an honor, and it's a good thing that you do.

Mr. Chairman, I yield 2 minutes to my friend, the gentlelady from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Thank you, Chairman SKELTON.

I rise today in support of this en bloc amendment, which contains my amendment to create a scholarship program for veterans to work toward advanced degrees in behavioral health.

One in three veterans of Iraq and Afghanistan have some form of invisible injury like PTSD or TBI. The VA has diagnosed nearly 250,000 vets as having some mental health injury. Yet it is well known that less than half of those with these injuries are ever diagnosed or treated.

The Department of Veteran Affairs Honor Scholarship Program is a critical investment in the treatment of veterans suffering from invisible injuries like posttraumatic stress disorder and traumatic brain injuries.

This amendment will help veterans receive professional behavioral health training so that they can provide peer-to-peer training to other combat veterans. Who better to counsel recently returned veterans than those who have shared similar experiences in combat. The veterans who have served our country deserve the best possible mental health treatment.

I urge my colleagues to stand with American veterans, to honor America's veterans, and to support this amendment.

Mr. McKEON. Mr. Chairman, I guess this is the end of our debate. This is the last of the amendments.

I want to thank the chairman for the good work that he's done on this bill. I want to thank all of the staff. Everybody has worked very hard. The subcommittee chairs, ranking members, for all of the work that they've done to get us to this point.

I'm sorry that Democratic leadership didn't give us more time to debate Don't Ask, Don't Tell so I had to spend a lot of time talking about it at other times. In fact the time they gave us for

the debate was less time than we had to vote on it. Ten minutes to debate, 15 minutes to vote.

But I announced with my opening statement that if that amendment passed, the Don't Ask, Don't Tell amendment passed, that I would reluctantly have to vote against the bill. It will be the first time in my 18 years here that I will vote against the defense reauthorization bill. And I do that with a very heavy heart.

But I, again, thank you, Mr. Chairman. It's been a joy, a pleasure, working with you, and I appreciate your integrity and the leadership that you provide to the committee.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. SKELTON. I yield 2 minutes to my colleague, the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman from Missouri for his great leadership on defense issues.

Mr. Chairman, I rise today to support the en bloc amendment number 9, which includes my amendment to H.R. 5136, the Defense Authorization Act. As Congress continues to consider robust Iran sanctions, we must work every day to ensure that Iran does not get a nuclear weapon in the meantime.

Therefore, I've offered an amendment to require Department of Defense contractors to certify that they do not conduct business in Iran. For months, I and others have been urging the State Department to enforce existing law on Iran sanctions, to investigate and punish those companies who are breaking the law by investing in Iran's energy sector or facilitating a weapons program.

While the State Department is making progress in these investigations, these investments continue. According to the Congressional Research Service, several companies have violated the Iran Sanctions Act over the last number of years. And according to The New York Times, over \$107 billion in government contracts have gone to companies that are doing business in Iran.

That is why we cannot wait for companies to be designated as violators of the Iran Sanctions Act. Taxpayer money is being spent now on goods and services to companies that are thwarting the law. Companies must be able to self-certify that they are not conducting illegal business in Iran or not do business with the United States government.

All companies with U.S. operations, especially those who receive taxpayer funds intended for our national defense, should not be undermining U.S. foreign policy and our troops or our national security.

□ 2300

The certification requirement reflects the choice that each of these companies must make: either do busi-

ness with the United States Government or do business with Iran. Iran must not get a nuclear weapon, not on our watch, and certainly not on our dime.

I would like to thank Chairman SKELTON and Ranking Member McKEON for their leadership in beginning the fight to prevent U.S. defense contractors from contributing to Iran's dangerous nuclear program.

I urge support of the amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the chairman of the Armed Services Committee, Mr. SKELTON, for joining me in this. And I also want to recognize the cosponsors, Mr. BISHOP and Mr. HIMES, for their support of this amendment, which seeks to address a serious gap in our military suicide prevention efforts, a gap that cost the life of one young constituent of mine, Sergeant Coleman Bean of East Brunswick, New Jersey, and has cost the lives of an unknown number of others.

During two tours of duty in Iraq, Coleman saw the horrors of war firsthand; and like others, he sought treatment for post-traumatic distress disorder when he returned home in 2004. Unfortunately, because Coleman was a member of the Individual Ready Reserve, neither the Army nor the VA would take the lead on treating him. Tragically, only months after returning from his second tour in Iraq, Sergeant Coleman Bean took his life in September 2008.

Our amendment seeks to prevent future such tragedies by requiring the Secretary of Defense to ensure that members of the IRR or those who serve as Individual Mobilization Augmentees who have completed at least one tour in either Iraq or Afghanistan receive a counseling call from properly trained personnel not less than once every 90 days so long as the servicemember remains in the IRR or as an IMA, to take whatever follow-up measures are required to help identify at-risk Reservists, and to report to Congress on the program's effectiveness.

I ask my colleagues to support this important and I think very necessary amendment.

Mr. SKELTON. Mr. Chairman, I wish to pay special tribute to the ranking member, BUCK McKEON, a gentleman of the first order who has not only continued the bipartisan attitude and bipartisan work in our committee, but has made it work very, very well. We all owe him a debt of gratitude, and I want to say a special word of thanks to him for his excellent work and cooperation in making our committee so bipartisan in nature.

A special thanks also to the fantastic staff that we have. We Members take credit for all of the good work that

they do. So often they go as unsung heroes, but they really make this committee work so well and so solidly; and to each one of them, who are professionals, I express deep thanks and gratitude.

Mr. PETRI. Mr. Chair, the Courtney/Petri/Matsui amendment would transfer the successful Troops to Teachers Program back to the Department of Defense and make important changes to the program to ensure it will continue to provide opportunities for veterans to transition into second careers as educators.

I have been a supporter of the Troops to Teachers program since its authorization in the 1994 Defense Authorization Act, and I am proud of its success in placing over 12,000 veterans in our Nation's classrooms. Troops to Teachers is a unique program that provides veterans with a \$5,000 stipend to help cover the costs of obtaining a teaching certification in exchange for 3 years service in an eligible school. An additional bonus of \$5,000 is available for teaching in a "high need school."

This structure has proven very effective in transitioning qualified retiring military personnel into second careers in teaching. Indeed, Troops participants fill several critical needs among educators: 80 percent are male, over one-third are ethnic minorities, and a majority bring an expertise in science and math to the classroom. Furthermore, these troops also bring valuable life experience and character traits that are uncommon in our Nation's classrooms.

However, the success of this program is in jeopardy without the needed changes that are included in the Courtney/Petri/Matsui amendment. When the program was transferred to the Education Department, a simple drafting error in the 2002 No Child Left Behind Act resulted in an Education Department ruling restricting the number of school districts in which veterans can fulfill their teaching requirement. Since the implementation of this ruling in September 2005, retiring military have found the number of schools at which they would be eligible to teach drastically reduced.

The Department's new interpretation locks out schools in many rural areas and small communities. This is a shame, especially given the success of this program and its ability to meet some of our Nation's greatest teaching needs. In my own State of Wisconsin, only 11 out of 426 school districts qualify for participants to fulfill their teaching requirements. A 2006 Government Accountability Report, GAO, of the program found that the 2005 ruling had reduced interest and participation in the program, as schools in regions where troops lived were no longer considered eligible.

Our amendment would correct this ruling and ensure that veterans participating in the Troops to Teachers program receive a \$5,000 stipend for teaching 3 years in any school that is in a district receiving Title 1 funds. This would result in a 49 percent increase in the number of schools eligible under the program. The amendment does not change the criteria for the additional \$5,000 bonus, maintaining the incentive for troops to teach in the highest need schools.

Let me be clear, as the language of H.R. 3943 would provide, it is the intent of this

amendment to strike "high need" from the stipend participation language in the Troops to Teachers statute. There was a late night drafting error that mistakenly did not delete the term "high need" as was contemplated and is consistent with the language in H.R. 3943. So as this provision is finalized in conference, it is important that this technical change be made to implement the original intent of the amendment.

The amendment also makes the Troops to Teachers Program more accessible by reducing the length of service requirements for active military. The make-up of our military has drastically changed since this program was first authorized 16 years ago. Many of our young men and women returning from service in Iraq and Afghanistan who would like to pursue teaching careers are currently ineligible for the program.

Third, to ensure continued success of the program the amendment creates an advisory board charged with improving awareness, increasing participation and ensuring the program meets the needs of schools and veterans.

Earlier this year, Representatives COURTNEY, MATSUI and I introduced H.R. 3943, the Post 9/11 Troops to Teachers Enhancement Act, that contains these needed improvements to the program. This bill has 169 bipartisan cosponsors and the support of both military and educational organizations. These include: the American Legion, National Education Association, Association of the United States Army, Association of the United States Navy, Military Order of the Purple Heart, National Association of the State Boards of Education and many more.

Finally, our amendment transfers the Troops to Teachers Program back to the Department of Defense. Currently, the program is operated by the Defense Activity for Non-Traditional Education Support, DANTES. The Department of Education simply transfers funds to DANTES. Both the Department of Defense and the Department of Education support this transfer, which is reflected in the Administration's Fiscal Year 2011 budget request.

I want to thank Representative COURTNEY and Representative MATSUI for their work on this amendment, as well as both the Armed Services and Education and Labor Committees for their assistance. I urge my colleagues to support the amendment.

Ms. MATSUI. Mr. Chair, I rise today in support of the Courtney/Petri/Matsui amendment which would transfer the Troops to Teachers Program back to the Department of Defense from the Department of Education and would make essential improvements to the program to ensure that veterans returning from service have access to its benefits.

Currently, the Troops to Teachers Program is operated by the Defense Activity for Non-Traditional Education Support (DANTES) within the Department of Defense. The Department of Education simply transfers funds to DANTES. Our amendment would transfer the program back to the Department of Defense, thus streamlining the program. Both the Department of Defense and the Department of Education support this transfer, which is reflected in the President's Fiscal Year 2011 budget request.

Additionally, our amendment would ensure that veterans participating in the Troops to Teachers program receive a \$5,000 stipend for teaching three years in any school that is in a district receiving Title 1 funds. This change would create a 49-percent increase in the number of schools eligible under the program.

As the language of H.R. 3943 reflects, it is the intent of this amendment to strike "high need" from the stipend participation language in the Troops to Teachers statute. There was a late night drafting error that mistakenly did not delete the term "high need" as was planned and is consistent with the language in H.R. 3943. As this provision is finalized in conference, it is essential that this technical change be made to implement the original intent of the amendment.

This amendment also makes this program more accessible to our veterans returning from service by reducing the length of service requirements for active military. Many of our young men and women returning from service in Iraq and Afghanistan who would like to pursue teaching careers are currently ineligible for the program. The amendment reduces the required length of service from six years to four years.

Finally, this amendment creates an advisory board to ensure continued success, by increasing awareness and participation and ensuring the program meets the needs of schools and veterans.

I want to thank my colleagues, Representative COURTNEY and Representative PETRI for their work on this amendment and for their continued support of the Troops to Teachers Program, as well as both the House Committee on Armed Services and Committee on Education and Labor for their assistance in this amendment. I urge my colleagues to support the amendment.

Mr. HASTINGS of Florida. Mr. Chair, I am pleased to offer an amendment to the National Defense Authorization Act for Fiscal Year 2011 that addresses the plight of Iraqis who have worked for the United States in Iraq and whose lives have been placed in grave danger for their service.

Under the Status of Forces Agreement signed in November 2008, there is not ONE mention of Iraqis who have worked with the United States, which I find to be most unsettling.

And while the December 2011 date for withdrawal of our troops seems far away, there is another benchmark of August 2010, when nearly 50,000 troops will be withdrawn from Iraq, which will limit our ability to protect U.S.-affiliated Iraqis at risk.

These U.S.-affiliated Iraqis have risked their lives to work alongside our troops, diplomats, and aid workers to help build a more stable and Democratic Iraq committed to peaceful pluralism among both factions and sects. They are considered to be "collaborators" or "traitors" by Al Qaeda in Iraq and other insurgent groups and many have paid the ultimate sacrifice for their work at the hands of these terrorists.

I am increasingly concerned that the Obama administration has turned its focus away from this crisis. As we drawdown U.S. troops in Iraq, the thousands of Iraqis who work for our

government and live on our bases will no longer have the security of our military once we are gone. The United States cannot turn its back at this critical juncture.

An organization that I have had the privilege to work with over the past several years, The List Project to Resettle Iraqi Allies has done a remarkable job on this front in advocating for and providing pro bono representation to these courageous Iraqis at risk.

The List Project's founder and executive director Kirk Johnson recently published a report entitled "Tragedy on the Horizon: A History of Just and Unjust Withdrawal." It is a report that I would encourage all of my colleagues to read.

In particular, the report discusses the withdrawal of British troops from southern Iraq two years ago and states, "militias conducted a systematic manhunt for Iraqi employees of the U.K. In a single incident, 17 interpreters were publically executed, and reports surfaced of others dragged to their deaths behind cars through the streets of Basrah. To imagine this as an isolated experience ignores this history of withdrawal, a bloody and predictable churn of violence upon those who 'collaborated' with the departing power."

Time is of the essence. We must put in place a plan to ensure that those Iraqis allies who have helped our country are protected. We have a moral obligation to do this, and we still have time to avert a crisis—but not a lot of time.

Turning our backs now would be fatal for our Iraqi allies and would set a negative precedent for other theaters of war in particular Afghanistan where we need to win the loyal collaboration and hearts and minds of the population.

This week marked a turning point, in that the number of troops in Afghanistan exceeded those in Iraq for the first time since 2003. Reports now suggest that Afghans working as interpreters for the United States are increasingly facing the same lethal risks endured by our Iraqi employees.

We will be hard-pressed to find more help in Afghanistan if the United States is seen as quick to abandon its friends.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SKELTON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendments en bloc offered by the gentleman from Missouri will be postponed.

Mr. SKELTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DEUTCH) having assumed the chair, Mr. SCHRADER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Com-

mittee, having had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, had come to no resolution thereon.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 27, 2010.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the Committee on Armed Services, effective today, May 27, 2010.

Sincerely,

BILL SHUSTER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

ADMINISTRATION GIVES FALSE IMPRESSION

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, one day after the administration announced that President Obama would send National Guard troops to secure the border, the State Department announced that—surprise—the Guard troops would not be used to stop illegal immigration. This suggests the National Guard announcement was designed to leave Americans with a false impression that the administration was going to strengthen border security.

There appears to be a contradiction within the administration; we don't know who to believe from one day to the next. We are starting to learn on health care, on taxes, on transparency, on the stimulus, and now on immigration policy that the administration's words are seldom what they appear to be.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 2310

LEGAL CESSPOOLS

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for the balance of the time until midnight as the designee of the minority leader.

Mr. GOHMERT. Thank you, Mr. Speaker.

There are certain requirements of this body that the Constitution sets forth. This is the body that controls the purse strings of the country. This body has an obligation to make sure that we act cautiously and carefully in spending the money that we legally steal from those who produce it. It would be theft except we are authorized to pass laws to make it legal theft when we take it from people who produce that money in this country, but it should come home to folks around this body that we have an obligation to those people to be conscientious in the things we do; and, accordingly, it is the obligation of this body to prepare a budget in order to have control over our appropriations.

The people who I serve with, who have been here for years, say this is the first year they recall ever not voting on a budget in the House of Representatives. There is no budget. When politics is more important than actually protecting the country that we are sworn to protect, then from a political viewpoint, it's easy to see why someone might want to do this for the first time in so many years and avoid putting forth a budget. Because if a budget were brought forth in this election year with so many people already upset—with tea parties so angry at the vast overspending—they would be able to see exactly how off the charts this body's spending has been and is projected to be with that money that we legally steal from people who produce it in the country.

So we haven't had time or the political fortitude to step up in this body and to prepare a budget as is required. We have an obligation to protect private property; but as we have seen with the gulf coast, that hasn't happened.

We heard this week from the Minerals Management Service and from those with the Department of the Interior that they have been on guard since day one, since this spill happened. Well, why wouldn't they have been on guard since day one when drilling commenced?

We know from the records and from the hearings we've had that, when the Deepwater Horizon platform was put in place back in 2001, for the first 40 months it was in place, every month, as is supposed to occur, there were offshore inspections done. From there, it gets very fuzzy. We find out that MMS can't tell us exactly how many inspections there have been since then of the Deepwater Horizon platform and of their drilling operations.

We did hear in our hearing and during the question-and-answer time—it was part of the public record yesterday

in Natural Resources—that they're not really sure how many times the inspections occurred, but what some of us, through some digging, had found out is that there is one entity, and one alone, in the Minerals Management Service that is allowed to be unionized, and that is the offshore inspectors.

Now, that struck some of us as strange because the offshore inspectors seem a bit like our Armed Forces. You know, they stand between our homeland and bad things that could destroy or harm our homeland. So who would have thought that something, some entity, with obligations similar to our uniformed services, which are to stand between our homeland and harm, would have union contracts?

Well, we couldn't find out from DOI, the Department of the Interior, or from the MMS yesterday in our hearing exactly what is in those union contracts. Normally, union contracts would have limits on travel, limits on the number of hours that could be worked, limits on all kinds of things. You put limits on how much those standing between us and harm can serve and can travel to get between us and harm?

Yet we've done nothing about that. No.

In fact, what has happened is we've now learned that the Department of the Interior, Secretary Salazar, has decided and this administration has decided that MMS has not been functioning very well, so we're going to divide it into three separate entities.

I don't care that it's not a new problem and that it goes back a number of administrations. The fact is it's a problem now, and unionizing people who stand between us and harm allows there to be limits on just what kind of service we can expect from those standing between us and vast amounts of harm. It should never happen. That shouldn't be allowed to take place. What we heard yesterday was, actually, that we are going to possibly let unions take hold in all three of these entities. We don't really know right now. We may let everybody in all three of these things unionize.

But what kept coming to mind for me, having grown up in east Texas, is that I've been around stagnant ponds that stunk to high heaven, that became so stagnant, nonmoving, with no water coming in. They just stunk so bad you could hardly stay around them. It seems that MMS has been a bit that way.

The things that have gone on in MMS stink to high heaven. They are repugnant to anybody with any type of moral fiber: the investigations going on, the bribes that have occurred, nobody's knowing when or if they actually did the inspections they were supposed to, whether they observed or not testing that was supposedly done. We found out literally there may have been inspectors who were in bed with

people they were supposed to be inspecting, that there were favors, perks, gifts potentially given, bribes to look the other way.

We don't know what all happened on Deepwater Horizon. The investigation, we're told, is ongoing; but we really haven't done a lot about that yet. Here we have this stagnant cesspool where so much has not been done that was supposed to have been and where so much may have been done that was illegal. Rather than deal with the issues, it sounds like this body is just going to go along and divide it up into three.

Well, now I know, having seen stagnant, stinking cesspools, that if you divide them up, they still stink; they're still repugnant. If you just completely clean them out and put fresh water in, then you've got something to start from, but we're not doing that. We're dividing it up into three groups, and we're going to add to the stagnant cesspool, but we're not going to clean them out. Not only that, we're going to allow the situation to even grow bigger with the potential unionization of people so they can have their travel and hours and things limited so you can't expect as much from them as you would from somebody who is standing between us and great harm.

□ 2320

So we are not doing our job in so many of these areas.

You look further at the kind of money that has been appropriated and you find out that we are appropriating billions of dollars to countries that don't like us. We provided, I believe, \$100 million to Somalia. We know just in the last couple of days there is a potential threat that is arising from Somalia, we have been told. We have given them \$100 million.

We have given Yemen \$100 million, \$200 million, I am not sure exactly of the number. There has been a big deal made here that \$3 billion was given to Israel, but when you look at all the money added up we have given to the enemies of Israel, it appears that it is more than that.

So I have a bill that we call the U.N. Voting Accountability Act. I am sure it will not see the light of day in this Congress. But it simply says countries that vote against the United States more than half the time do not receive any financial assistance the following year.

The report comes out each March 31st. We have got the report from last year that came out March 31st of this year, and we see that the vast majority, most of the countries in the U.N. that we give money to, billions of dollars total, they voted against us the vast majority of the time. Some of them voted against us 90–95 percent of the time, and we are just lavishing money upon them.

What occurs to me repeatedly is, you don't have to pay countries to hate

you. They will hate you for free. And yet this body just keeps throwing money at that.

We have thrown money at Wall Street. I had begged people on this floor, in private conference, around this Hill, read the bill, read the bill. I begged people. I have implored people. Because if they read the TARP bill, they would have seen that Wall Street was going to have a slush fund, and that has been continued by the current Secretary of the Treasury, a slush fund, bail out your buddies.

Goldman Sachs had the biggest year they have had in history. We can't find out how much of their billions of dollars they made last year came from the United States Government, the U.S. taxpayers, or money we borrowed from China that our great-grandchildren will eventually pay so that people could engorge themselves right now on Wall Street.

We are not really taking care of that issue. We are looking the other way, because we find out, gee, Wall Street is donating four-to-one to the Democrats, so why should we really clean up? We will call them fat cats, we will talk about how rotten they are, but when push comes to shove, we have a financial so-called reform bill that is more of a financial deform bill that is going to empower the very people that are being objected to in ways some of us can't imagine.

We are going to have people in the government pick winners and losers. We are going to say, you are a systemic risk as a bank or a company, which means we won't let you fail. You can run your competition out of business, but we are not going to let you fail. So we are picking winners and losers, and that is in that financial deform bill.

We are not doing our job around here. But we can come in here today and we can go meddling with the greatest military that mankind has ever seen. The men and women of our uniformed services are unrivaled up to now.

No, we haven't had time this year to do a budget, and we apparently are not going to do one. No, we haven't really done much of anything to protect private property. No, we haven't done anything, absolutely zero, to bring down the price of energy. In fact, we are going to skyrocket that.

But one thing we are all so proud of is when it comes to health care and the seniors that were counting on Medicare, we are cutting \$500 billion out of Medicare. And as the President himself said, and this is a basic quote, whereas in the past when you went to the doctor and got five tests, now you will go to the doctor and get one test.

Well, it took several tests, many tests, to find my mother's brain tumor, and by virtue of their finding it we had 15 extra years with my mother, and I cherished them all.

But no, we are not going to do that for the future, because, you see, some

seniors, they just cost too much. So we are going to cut \$500 billion, and we are going to call it waste, fraud and abuse. But we are not really doing anything in the bill to clean up the waste, fraud and abuse. That is going to be ongoing. But we are going to cut that money.

Then we have got our willing lackeys over in CBO. They will score anything that this administration and this majority sends over. I was told last summer, the CBO will not score anything that is not in final bill form. Then we find out, well, that is if it comes from a Republican. Because if somebody in the Democratic Party just sends over a few notes, oh, they will score it, and they will give them the score they need. And if it doesn't work out, well, we will have a meeting at the White House or here at the Capitol, and then before you know it, if the majority leadership says it is going to be under \$1 trillion, they will ignore this amount of money, \$250 billion here, they will ignore \$150 billion here and wait and suddenly find that 30 days after the bill passes. Their willing lackeys will help them.

We have to do away with the CBO. They are not fair. I am sure, talking to Director Elmendorf, I really believe he means well. I believe he is trying to do the right thing. But the fact is they are funded by the majority in Congress, and they know that. You are not going to ever get an appropriate score, and that is the reason you have over 600 bills from the majority scored by CBO and just barely over 100 scored that were Republican. Over 600 scored, and only about 100 were Republican.

A former speaker told me when I described my health care alternative plan, he said, you got to get that scored. That could absolutely transform the debate over health care because it would save money and give control to patients. Medicare patients would have control over their own health care, yet it would be financed by the taxpayers. They have the best of both worlds. And yet it would be cheaper than what we are spending now. I could not for a year now, nearly a year now, have not been able to get CBO to score it. It is a travesty.

But, oh, yes, we come back again to the military. We don't have time to do the jobs that the Constitution requires this body to do, but, boy, we sure are going to meddle with the greatest military mankind has ever seen or heard of. It is phenomenal.

When I compare the state of the military right now to the way it was when I was in the Army after Vietnam, there is no comparison. This military today is phenomenal. They are incredible. And yet we found something that wasn't broken, and we decided to mess with it and see what we could do, not intentionally, of course, but this majority decided they were going to fix something that wasn't broken.

"Don't Ask, Don't Tell" it was called. And what it meant when President Clinton instituted that program was that whatever you are drawn to sexually, you keep it private, you don't let it get out and become open with regard to your military service, and we want you in the military. That is what it comes down to.

But that hasn't been good enough. We have too many people in here that did not have good history teachers. They don't know the lessons from history, and so we are destined to repeat them. And that is what we are doing now, we are repeating the lessons of history.

Historians would have a hard time going back and finding any great nation, even to the earliest city states, that achieved greatness, and then toward the end of their existence they forced homosexuality to be accepted in areas like the military. Why have we not learned this? Why couldn't we let the military do their jobs?

Frankly, with as much respect as I have for our majority leader, I was shocked in the debate over Don't Ask, Don't Tell to hear the Americans with Disabilities Act brought up, because I think most everybody on this floor agrees that the Americans with Disabilities Act that made this Nation accessible to so many wonderful people who just happened to have disabilities was a good thing. It really was a wonderful thing. It makes you feel good to know the accessibility that there is, and there continues to be, and there will be until the Nation is gone.

So, why would we want to hasten the demise of this great Nation? Why would we want to mess with the entity that stands between those who want to destroy us and our homes?

Well, we haven't had time to do a budget. We haven't had time to protect our homeland adequately by doing adequate oversight over the Minerals Management Service, or the Immigration Service, or Homeland Security or the Federal Reserve. No, no, no. We just let them run themselves basically.

But, boy, we have found time to work on social engineering to please a political left in an election year, just so some people have their base happy when they come to November.

□ 2330

We're following the footsteps of nations that have walked to the dust heap of history.

Now, I know people think this is such a grand and glorious job in Congress. They have no idea. But it is an honor and it is a privilege to get to serve in these hallowed Halls, and we owe our predecessors so much better than what we've done.

We've had time to make sure that we continue to allow the unborn to be killed. We've had time to make sure that Federal tax dollars can be taken

from taxpayers who believe that it's murder to kill a helpless, unborn child and put that into a health care bill and call it health care.

We've had time to cut \$500 billion from the health care for seniors.

But we've learned nothing, apparently, about preserving liberty. As Chuck Colson said a little over a year ago in a Bible study: you have morality, you've got economic stability, and you've got liberty. And when you lose morality, you lose economic stability and you get economic chaos.

Well, folks, we've lost economic stability because we've accepted the loss of morality. We've looked the other way when you had the Madoffs engorging themselves. We've looked the other way when the Paulsens and Geithners were seeing that their friends on Wall Street were enriched and engorged. We've looked the other way.

We've looked the other way when the bankruptcy laws were just completely disregarded that required secured creditors to be protected and unsecured creditors to be on the short end of the stick, flipped the laws upside down because the unsecured creditors included the unions. So we give the unions ownership interest in the auto companies. We take a big ownership interest, and we violate some of the very principles on which this Nation was founded.

And it doesn't matter whether it's a Democrat or a Republican President that says we're going to make money for the taxpayers. It's not their job; it's not the job of this Congress. It's the job of taxpayers to make money with their money, not this body and not the White House.

And it was a shame on the Supreme Court when they allowed that auto task force, illegal, unconstitutional order to go through. Ruth Bader Ginsburg, to her credit, stayed it for 24 hours, and then the Court looked the other way and allowed that illegal, unconstitutional bill to go through, because, apparently, the White House convinced them that if they didn't let this illegal, unconstitutional bill go through, people in the auto industry would all lose their jobs. Hogwash. They would have been forced into reorganization. The union contracts would have had to have been renegotiated. It would have all gone through a reorganization process. It would have come out leaner, meaner, more efficient. But we couldn't allow that because there were political paybacks to those that helped the majority and the President get elected.

There are some who've said maybe it's a good thing for us Republicans that the health care bill got passed because it was so harmful and detrimental to America that, gee, it'll help us get back in the majority.

As I've said on this floor before, I'd rather stay in the minority than see a

bill that devastating to America, to the principles of private property and of sanctity of life just be frittered away. I'd rather stay in the minority than have my party helped by such a devastating bill.

Didn't have time to do the right thing and all that. Didn't have time to read the stimulus bill—\$787 billion. Didn't have time to read that. The "crap and trade" bill, didn't have time to really read that. We had 300 pages of amendments that were added in the wee hours of the morning when we were to vote on it; and even when we voted on it, as I pointed out, the Clerk hadn't even got the whole 300 pages enmeshed and included with the bill so you could read it and know what it really meant.

But we had to pass it. We didn't have time to wait. We didn't have time for any of these important bills that will devastate America.

But, boy, we have time to meddle with the United States military.

We heard some isolated cases of someone who ended up having to leave the military because they couldn't control their sexual hormones to the point that they could keep their sexual orientation private.

But what about the thousands and hundreds of thousands of people in the military who have now been betrayed?

They were promised we're going to have a study, and we're going to make sure that we don't do anything to harm the military. But a little problem came up in this body keeping its promise to the military. That problem is the November election's coming up. And the problem is that some of the solid base, left wing of the majority were not happy. They didn't feel like enough had been done to suit them, and so we had to break our word to the military, rush this bill in here and eliminate Don't Ask, Don't Tell.

But, oh, no, we heard from people that, gee, we're going to roll back Don't Ask, Don't Tell. Sure, of course we are. But we're going to wait until we find out what the study says about how devastating it'll be to the military.

Yes, the Secretary of Defense and Chairman of the Joint Chiefs of Staff both said they would follow the order of their superior officer, the Commander in Chief. But those who were not politically appointed by the Commander in Chief sure didn't go along with it. They didn't agree to it. You'd find a commander every now and then that would. But we have hundreds of thousands and millions of people who have served, who hope to serve, who are serving now that we have betrayed. And it breaks my heart. I'm so sorry that this body broke its word for political gain.

Now, under the scenario this majority and this administration have pursued, we're in trouble.

□ 2340

The one thing you find historically after Nations on their way to the dust heap of history take after passing things like we just did today, you see a great deal of cockiness arise to belittle those who have studied history and know where this all goes. And we seek to destroy them.

When this Nation was founded, one of the most popular slogans, some quote Cicero, some quote Voltaire, but the same slogan, "I disagree with what you say, but I will defend to the death your right to say it." We have obliterated that as a hallmark of this Nation's founding and its existence today so that now the slogan is more truthfully, I disagree with what you say, and I am going to destroy you. I am going to get you fired. I am hoping I can get you put in jail.

We have passed laws in this body that will help do that and have already allowed arrests of some, even though, as was pointed out, well, they dropped the charges. Putting people in jail because we disagree with what they say. So we don't defend to the death any longer their right to say it. We want to destroy them. And the people in power will make sure that happens. You disagree politically with the party in power, you have a right to be concerned.

We didn't have time to do a budget; we didn't have time to read these big bills that we have run through and voted on, but we have had time to take over the student loan business. That's right. If you need student loans for your children, Mr. Speaker, those in America to get their kids through college, as my wife and I have because we gave up the private sector and went into public service, we needed student loans and we took them. Thank God I got our kids through college, was at graduation of my youngest Saturday with my wife, a proud moment. Thank goodness we got her graduated before the only source for a student loan was to come begging to the government to let me have a loan for my child to go to college.

You think politics could ever come into play in who gets a student loan and who doesn't? Gee, it sure came into play in who got to keep their car dealership. Gee, it sure came to play as to which States get more government facilities taken away and which have more facilities added. It's certainly come into play in all kinds of things. So why wouldn't it come into play eventually in who gets a student loan?

Now we have taken over Fannie Mae and Freddie Mac. You would think if it were somebody serious in leadership about reforming the financial sector that we would first reform the two entities that brought this Nation to the brink of ruin, Fannie Mae and Freddie Mac. But instead, we are not going to reform them. Goodness no. We are

going to make matters worse because we are going to give the government even more power and more control over everyone's financial situation.

Certainly part of the health care bill. Yes, sir, we get to now tell you what private products you buy and can't buy. This is a time of tragedy. I realize that we have been less than moral as a Nation and we are paying a price. I realize that when you begin to kill 10 million, 20 million, 30 million, 40 million, 50 million sweet little innocent babies—I know our first was prematurely born, and she held onto my finger for hours as the doctor said, "She's drawing life, she's drawing support from you." Those sweet little innocent children. We have supported their being killed.

And as I was at the Lincoln Memorial a couple of weeks ago again—I try to go regularly. I find it inspirational. Reading those words on the inside north wall of the Lincoln Memorial and think about the unborn being killed, the sweet, innocent children doing anything they could to cling to life. My baby could not see, as the doctor said, but she knew enough to hang on. She wanted to live. She struggled to live. And I love her dearly, and I am proud she is my daughter.

And as I read those words on the north wall, I thought about all the shed blood through the death of innocent children. And the words of Abraham Lincoln were these as he tried to make sense of the destruction and the almost complete destruction of this grand experiment in democracy, and how families could fight families and kill family members, how a Nation could turn against itself. But they had been allowing the unthinkable. They had been allowing slavery. They had been allowing brothers and sisters to treat others by putting them in chains and bondage and outrageous treatment.

And as Lincoln sought to make theological sense of it and he thought about the North and South and the destruction of each other, he said, you know, "Both read the same Bible, both pray to the same God, and each invokes his aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not that we be not judged. The prayers of both could not be answered—that of neither has been fully answered. The Almighty has his own purposes."

Lincoln adds as a quote from Scripture, quote, "Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh." Lincoln went on, "If we shall suppose that American slavery," or nowadays American abortion, "is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time,

He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to him? Fondly do we hope, fervently do we pray, that this mighty scourge of war," and I would pray abortion, "may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's 250 years of unrequited toil shall be sunk, and every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said 3,000 years ago, so still it must be said 'the judgments of the Lord are true and righteous altogether.'

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves, and with all Nations."

Lincoln knew about sacrifice. He lost a son. He believed it was punishment for not ending slavery more quickly. I don't know what the future holds, but I know what has happened to Nations when they have pursued the exact course that we have in the last 20 years in this Nation.

□ 2350

We need to get on track because, as Coulson said, When you lose morality, you get economic chaos. And when you get economic chaos, you get those who are always willing to sacrifice liberty to get economic stability. No greater example than Germany in the 1920s and 1930s. They had a little guy with a mustache who was evil who promised economic stability. And he delivered it at the price of their liberty.

It is time to stop the madness. It's time to stop passing bills that have not been read. It's time to stop meddling with the greatest military that the world has ever known and trying to disrupt it by our own social engineering. I couldn't believe I heard the majority leader bring up the Americans With Disabilities Act in the context of talking about open homosexuality in the military.

So immediately I am thinking, what does that mean? We did a wonderful thing when Congress passed the Americans With Disabilities Act, but does that mean next this body is going to force the military to accept the disabled on the front lines? We're going to have to make—as a former prisoner of war said, What, are we going to make our ejection seats wheelchairs so that they roll when they hit?

The military has one purpose, and we need able-bodied people to do it. And

we need nothing that detracts from their military mission. It's not a place for social engineering. It's a place for people with single-mindedness, single focus, to be on the military mission, to prevent those who would destroy this country and our freedoms from being successful. And if someone can't control their sexual hormones, then that's a distraction to the military no matter what gender, what sexual orientation. It's a problem.

Don't destroy the military that has been the greatest its ever been.

This still has to pass the Senate, but we haven't seen a great deal of courage on this issue down the hall, and there may be those down there who believe that it will help with the next election. I'm telling you again I'd rather stay in the minority than have things like this that hurt our country and hurt the chances of its survival.

Let's do the right thing. We didn't do it today. And it breaks my heart to hear the applause over the fact that we broke our word to the military who trusted us.

So it is with a very deep, broken heart, Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. HOYER) for today after 6 p.m. and the balance of the week.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of personal medical issues.

Mr. DAVIS of Kentucky (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending the funeral of a family member.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHRADER) to revise and extend their remarks and include extraneous material:)

Mr. KLEIN of Florida, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2711. An act to amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.

H.R. 3250. An act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building".

H.R. 3634. An act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the "George Kell Post Office".

H.R. 3892. An act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office".

H.R. 4017. An act to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the "Ann Marie Blute Post Office".

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building".

H.R. 4139. An act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the "Sergeant Matthew L. Ingram Post Office".

H.R. 4214. An act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office".

H.R. 4238. An act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building".

H.R. 4425. An act to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office".

H.R. 4547. An act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the "Captain Luther H. Smith, U.S. Army Air Forces Post Office".

H.R. 4628. An act to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the "Sergeant Christopher R. Hrbek Post Office Building".

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Friday, May 28, 2010, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7665. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2009 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

7666. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID:

FEMA-2010-0003; Internal Agency Docket No. FEMA-8127] received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7667. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7668. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report that no exceptions to the prohibition against favored treatment of a government securities broker or government securities dealer were granted by the Secretary during the period January 1, 2009, through December 31, 2009; to the Committee on Financial Services.

7669. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report on three modifications to the auction process in 2009 that are deemed significant, pursuant to Public Law 103-202, section 203; to the Committee on Financial Services.

7670. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; General Provisions [EPA-R05-OAR-2009-0290; FRL-9142-1] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7671. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Indiana; Redesignation of the Ohio and Indiana Portions of the Cincinnati-Hamilton Area to Attainment for Ozone [EPA-R09-OAR-2009-0928; EPA-R05-OAR-2010-0026; FRL-9147-3] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7672. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans, State of California, San Joaquin Valley Unified Air Pollution Control District, New Source Review [EPA-R09-OAR-2010-0062; FRL-9141-3] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7673. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Lake and Porter Counties to Attainment for Ozone [EPA-R05-OAR-2009-0512; FRL-9147-2] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7674. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Disapproval of State Implementation Plan Revisions, South Coast Air Quality Management District [EPA-R09-OAR-2009-0573; FRL-9146-5] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7675. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2010 [EPA-HQ-OAR-2009-0566; FRL-9147-8] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7676. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program [EPA-HQ-OAR-2005-0161; FRL-9147-6] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7677. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Alternative Affirmative Defense Requirements for Ultra-low Sulfur Diesel and Gasoline Benzene Technical Amendment [EPA-HQ-OAR-2007-1158; FRL-9147-4] (RIN: 2060-A071) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7678. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District [EPA-R09-OAR-2010-0286; FRL-9138-6] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7679. A letter from the Managing Associate General Counsel, Government Accountability Office, transmitting a report on the Major final rule "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents"; to the Committee on Energy and Commerce.

7680. A letter from the Director, Defense Security Cooperation Agency, transmitting a report submitted in accordance with Section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7681. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Italy (Transmittal No. 02-10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7682. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report for 2009 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307(a) of the Foreign Assistance Act, pursuant to Public Law 105-277, section 2809(c)(2); to the Committee on Foreign Affairs.

7683. A letter from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting the Department's Fiscal Year 2009 Annual Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002 Report; to the Committee on Oversight and Government Reform.

7684. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting the Department's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7685. A letter from the Assistant General Counsel, Federal Retirement Thrift Invest-

ment Board, transmitting the Board's final rule — Employee Contribution Elections and Contribution Allocations; Methods of Withdrawing Funds from the Thrift Savings Plan [BILLING CODE 6760-01-P] received May 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7686. A letter from the Acting President, Overseas Private Investment Corporation, transmitting the Department's Fiscal Year 2009 Annual Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002 Report; to the Committee on Oversight and Government Reform.

7687. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reclassification of the Oregon Chub From Endangered to Threatened [Docket No.: FWS-R1-ES-2009-0005] (RIN: 1018-AW42) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7688. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Revised Critical Habitat for Hine's Emerald Dragonfly (*Somatochlora hineana*) [Docket No.: FWS-R3-ES-2009-0017] (RIN: 1018-AW47) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7689. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties, pursuant to Public Law 110-53, section 803 (121 Stat. 266, 360); to the Committee on the Judiciary.

7690. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's second quarter report for fiscal year 2010 from the Office of Security and Privacy, pursuant to Public Law 110-53, section 803; to the Committee on Homeland Security.

7691. A letter from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the Department's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7692. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) for Calendar Year 2009"; jointly to the Committees on Ways and Means and Energy and Commerce.

7693. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2009 and Federal Fiscal Year 2010 [CMS-2309-N] (RIN: 0938-AP90) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5297. A bill to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes; with an amendment (Rept. 111-499). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BROWN of Georgia (for himself and Mr. SHADEGG):

H.R. 5421. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, repeal the 7.5 percent threshold on the deduction for medical expenses, provide for increased funding for high-risk pools, allow acquiring health insurance across State lines, and allow for the creation of association health plans; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, Rules, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER:

H.R. 5422. A bill to authorize the Secretary of Agriculture to make grants for the prevention of cruelty to animals to States that have enacted laws prohibiting the devocalization of dogs and cats for purposes of convenience; to the Committee on Agriculture.

By Mr. FOSTER (for himself, Mr. BARTLETT, and Mr. EHLERS):

H.R. 5423. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for an annual electric production cost report; to the Committee on Energy and Commerce.

By Mr. HERGER (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Mr. MCCARTHY of California, Mr. BLUNT, Mr. CAMP, Mr. BARTON of Texas, Mr. KLINE of Minnesota, Mr. SHIMKUS, Mr. PRICE of Georgia, Mr. BRADY of Texas, Mr. LINDER, Mr. TIBERI, Mr. DAVIS of Kentucky, Mr. REICHERT, Mr. BOUSTANY, Mr. HELLER, and Mr. ROSKAM):

H.R. 5424. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and enact the Common Sense Health Care Reform and Affordability Act; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLEMING:

H.R. 5425. A bill to amend the Patient Protection and Affordable Care Act to permit a State to elect not to establish an American Health Benefit Exchange; to the Committee on Energy and Commerce.

By Mrs. MILLER of Michigan (for herself, Mr. LUCAS, Mr. GRAVES, Mr. CONAWAY, Mr. MORAN of Kansas, Mr. THOMPSON of Pennsylvania, Ms. JENKINS, Mr. HOEKSTRA, Mr. LUETKEMEYER, and Mr. NEUGEBAUER):

H.R. 5426. A bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Washington:

H.R. 5427. A bill to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes; to the Committee on Natural Resources.

By Mr. FILNER:

H.R. 5428. A bill to direct the Secretary of Veterans Affairs to educate certain staff of the Department of Veterans Affairs and to inform veterans about the Injured and Amputee Veterans Bill of Rights, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. HARMAN (for herself and Mr. DREIER):

H.R. 5429. A bill to provide a retroactive increase in deposit insurance for depositors in certain institutions; to the Committee on Financial Services.

By Mrs. MCCARTHY of New York (for herself, Mr. HINOJOSA, Mrs. DAVIS of California, and Mr. WU):

H.R. 5430. A bill to direct the Secretary of Agriculture to award grants to eligible entities for projects that leverage community resources and support student access to physical activity, nutrition education, and nutritious foods during the regular school calendar; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself and Mr. WU):

H.R. 5431. A bill to amend section 17 of the Richard B. Russell National School Lunch Act to promote health and wellness in child care, and for other purposes; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself, Mr. HINOJOSA, and Mr. WU):

H.R. 5432. A bill to authorize the Secretary of Agriculture to enter into an interagency agreement with the Corporation for National and Community Service to support a Nutrition Corps; to the Committee on Education and Labor, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself, Mr. SESSIONS, Mr. OLSON, Mr. SAM JOHNSON of Texas, and Mr. BURGESS):

H.R. 5433. A bill to repeal certain provisions of the Patient Protection and Affordable Care Act relating to the limitation on the Medicare exception to the prohibition on certain physician referrals for hospitals and to transparency reports and reporting of physician ownership or investment interests; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. GERLACH, Mrs. CAPPS, and Mr. YOUNG of Florida):

H.R. 5434. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture.

By Mr. BRALEY of Iowa:

H.R. 5435. A bill to amend the Internal Revenue Code of 1986 to extend certain renewable fuel, and energy, tax incentives, and to deny the deduction for income attributable to domestic production of oil, or primary products thereof; to the Committee on Ways and Means.

By Mr. BUCHANAN:

H.R. 5436. A bill to prohibit the Minerals Management Service from issuing permits or environmental or safety waivers for any deepwater drilling rig in the Gulf of Mexico until the discharge of oil from the last Deepwater Horizon well has stopped and a congressional committee has issued a report finding the cause of the explosion on and sinking of the Deepwater Horizon; to the Committee on Natural Resources.

By Mr. CROWLEY:

H.R. 5437. A bill to amend the Internal Revenue Code of 1986 to provide that the treatment of tenant-stockholders in cooperative housing corporations also shall apply to stockholders of corporations that only own the land on which the residences are located; to the Committee on Ways and Means.

By Mr. DONNELLY of Indiana (for himself and Mr. MCCOTTER):

H.R. 5438. A bill to amend title 23, United States Code, to direct the Administrator of the Environmental Protection Agency to publish annually a list of vehicles that satisfy requirements for certification as a low emission and energy-efficient vehicle, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FLAKE (for himself and Mr. FRANK of Massachusetts):

H.R. 5439. A bill to require that United States contributions to the fund established by the United States and Brazil to provide technical assistance and capacity building be offset by reductions in direct payments for cotton producers under the Farm Bill; to the Committee on Agriculture.

By Mr. KENNEDY (for himself and Ms. ESHOO):

H.R. 5440. A bill to secure the promise of personalized medicine for all Americans by expanding and accelerating genomics research and initiatives to improve the accuracy of disease diagnosis, increase the safety of drugs, and identify novel treatments, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. CASTLE, and Mrs. CAPPS):

H.R. 5441. A bill to authorize assistance to aid in the prevention and treatment of obstetric fistula in foreign countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MARKEY of Massachusetts (for himself, Mrs. BIGGETT, Mr. MCNERNEY, and Ms. ESHOO):

H.R. 5442. A bill to establish programs to accelerate, provide incentives for, and examine the challenges and opportunities associated with the deployment of electric drive vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Science and Technology, Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Mr. NYE (for himself and Mr. GARAMENDI):

H.R. 5443. A bill to amend title 38, United States Code, to provide for the entitlement of surviving spouses of members of the Armed Forces who die while serving on active duty to educational assistance under the Post-9/11 Educational Assistance Program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAUL:

H.R. 5444. A bill to amend the Internal Revenue Code of 1986 to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and to replace it with provisions reforming the health care system by putting patients back in charge of health care; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, House Administration, Ways and Means, Education and Labor, Natural Resources, the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERLMUTTER (for himself and Mr. COFFMAN of Colorado):

H.R. 5445. A bill to establish a program for providing loan guarantees and interest rate subsidies for successful companies to establish and implement long-term United States growth plans, and for other purposes; to the Committee on Financial Services.

By Mr. POSEY (for himself, Mr. HASTINGS of Florida, Mr. YOUNG of Florida, Ms. CORRINE BROWN of Florida, Mr. PUTNAM, Ms. WASSERMAN SCHULTZ, Mr. STEARNS, Mr. BOYD, Mr. MICA, Mr. MEEK of Florida, Mr. MILLER of Florida, Ms. CASTOR of Florida, Mr. CRENSHAW, Mr. KLEIN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Ms. KOSMAS, Ms. ROS-LEHTINEN, Mr. DEUTCH, Ms. GINNY BROWN-WATTE of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. ROONEY, Mr. BILIRAKIS, Mr. BUCHANAN, and Mr. MACK):

H.R. 5446. A bill to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the "Harry T. and Harriette Moore Post Office"; to the Committee on Oversight and Government Reform.

By Mr. ROSS:

H.R. 5447. A bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT (for himself, Mr. BISHOP of New York, Mrs. McMORRIS RODGERS, and Mr. GEORGE MILLER of California):

H.R. 5448. A bill to amend section 466(b) of the Higher Education Act of 1965 to extend the deadline for the distribution of late collections for the Federal Perkins Loan program; to the Committee on Education and Labor.

By Ms. SUTTON (for herself, Mr. JONES, Mr. HARE, Mr. WALZ, Ms. KILROY, Mr. COURTNEY, and Mr. BOC-CIERI):

H.R. 5449. A bill to amend section 310 of the Supplemental Appropriations Act, 2009 to extend the period of time during which claims for retroactive stop-loss special pay may be submitted; to the Committee on Armed Services.

By Ms. WATSON (for herself, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL, Mrs. CAPPS, Mr. CARDOZA, Ms. CHU, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Mr. GARAMENDI, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Ms. LEE of California, Mr. LEWIS of California, Mr. DANIEL E. LUNGREN of California, Mr. MCKEON, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mr. NUNES, Mr. RADANOVICH, Mr. ROHRBACHER, Mr. ROYCE, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, Ms. WOOLSEY, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Ms. ZOE LOFGREN of California, Mr. BACA, Mr. SHERMAN, and Mr. WAXMAN):

H.R. 5450. A bill to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the "Tom Bradley Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska:

H.R. 5451. A bill to provide for the application of the Recreation and Public Purposes Act to the Connell Lake area of the Ketchikan Gateway Borough, Alaska, so that the Borough may obtain that land under the basic terms and conditions of that Act; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 5452. A bill to establish a Native American Economic Advisory Council, and for other purposes; to the Committee on Natural Resources.

By Ms. PINGREE of Maine:

H. Con. Res. 282. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. CARNEY (for himself, Mr. HOLDEN, Mr. SESTAK, Mr. PITTS, Mr. BRADY of Pennsylvania, Ms. SCHWARTZ, and Mr. DOYLE):

H. Con. Res. 283. Concurrent resolution honoring the 28th Infantry Division for serving and protecting the United States; to the Committee on Armed Services.

By Mr. RUSH (for himself, Mr. PAYNE, Mr. LEWIS of Georgia, Ms. CLARKE, Mr. RANGEL, Mr. FILNER, Mr. CLAY, Mrs. CHRISTENSEN, Mr. FATTAH, Ms. FUDGE, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. CLEAVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Ms. NORTON, Mr. GRIJALVA, Mr. BISHOP of Georgia, Mr. GARAMENDI, Mr. COHEN, Mr. MEEKS of New York, Ms. JACKSON LEE of Texas, Ms. DELAUNO, Mr. REYES, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. SIREN, Mr. SALAZAR, Mr. BACA, Mrs. NAPOLITANO, Mr. TOWNS, Mr. RODRIGUEZ, Ms. EDWARDS of Maryland, Mr. TONKO, and Mr. GONZALEZ):

H. Res. 1405. A resolution congratulating the people of the 17 African nations that in 2010 are marking the 50th year of their national independence; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Washington (for himself and Mr. BISHOP of Utah):

H. Res. 1406. A resolution directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the potential designation of National Monuments; to the Committee on Natural Resources.

By Mrs. BIGGERT (for herself, Mr. CARNAHAN, Mr. KIRK, Mr. LOEBSACK, Mr. SCHOCK, Mr. EHLERS, Mr. BAIRD, and Ms. SCHWARTZ):

H. Res. 1407. A resolution supporting the goals and ideals of High-Performance Building Week; to the Committee on Science and Technology.

By Ms. BEAN (for herself, Mr. ALTMIRE, Mr. BURTON of Indiana, Mr. DELAHUNT, Mr. GALLEGLY, Mr. MCMAHON, Mr. JACKSON of Illinois, Mr. ROSKAM, Mr. FOSTER, Mr. QUIGLEY, Mr. SCHOCK, and Mr. POMEROY):

H. Res. 1408. A resolution congratulating the Republic of Serbia's application for European Union membership and recognizing Serbia's active efforts to integrate into Europe and the global community; to the Committee on Foreign Affairs.

By Mr. ROE of Tennessee (for himself and Mr. DUNCAN):

H. Res. 1409. A resolution expressing support for designation of June 20, 2010, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Ms. SPEIER, Mr. CASTLE, Mr. SESTAK, Mr. JOHNSON of Georgia, Mr. PITTS, Mr. SHULER, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Ms. NORTON, Ms. ESHOO, Mr. MORAN of Virginia, Mrs. CAPPS, Mr. KUCINICH, Mr. WU, Mr. ROE of Tennessee, Mr. BARROW, Mrs. BIGGERT, Mr. KIRK, and Mr. DENT):

H. Res. 1410. A resolution expressing support for designation of May 2010 as National Brain Tumor Awareness Month; to the Committee on Energy and Commerce.

By Ms. SCHWARTZ:

H. Res. 1411. A resolution honoring the service and commitment of the 111th Fighter Wing, Pennsylvania Air National Guard; to the Committee on Armed Services.

By Mr. SMITH of New Jersey (for himself, Ms. GRANGER, and Mrs. MALONEY):

H. Res. 1412. A resolution congratulating the Government of South Africa upon its first two successful convictions for human trafficking; to the Committee on Foreign Affairs.

By Mr. TIAHRT:

H. Res. 1413. A resolution expressing the sense of the House of Representatives that the holding in *Miranda v. Arizona* may be interpreted to provide for the admissibility of a terrorist suspect's responses in an interrogation without administration of the *Miranda* warnings, to the extent that the interrogation is carried out to acquire information concerning other threats to public safety; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

301. The SPEAKER presented a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 125 memorializing the Congress to allow farmers the opportunity to purchase adequate sweet potato crop insurance; to the Committee on Agriculture.

302. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 127 memorializing the Congress to take such actions as are necessary to support passage of and fund the Agent Orange Equity Act of 2009, H.R. 2254; to the Committee on Veterans' Affairs.

303. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 101 commending the efforts of the United States Government to support the export of goods and services by the small businesses of Louisiana; jointly to the Committees on Small Business and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 270: Mr. CLAY.
H.R. 413: Mr. KANJORSKI, Ms. BEAN, and Mr. KENNEDY.
H.R. 442: Mr. WOLF.
H.R. 613: Mr. BILIRAKIS.
H.R. 1189: Mr. BISHOP of Georgia.
H.R. 1250: Mr. TIM MURPHY of Pennsylvania.
H.R. 1337: Mr. COHEN.
H.R. 1420: Mr. GARRETT of New Jersey.
H.R. 1686: Mr. COSTELLO.
H.R. 1691: Mr. DONNELLY of Indiana.
H.R. 1806: Mrs. MILLER of Michigan and Ms. LEE of California.
H.R. 2067: Mrs. NAPOLITANO and Mr. LANGEVIN.
H.R. 2160: Mr. MCINTYRE.
H.R. 2240: Mr. CALVERT.
H.R. 2324: Mr. DEUTCH.
H.R. 2363: Mr. BARTLETT.
H.R. 2417: Ms. WOOLSEY.
H.R. 2447: Mr. BUCHANAN.
H.R. 2642: Mr. MICHAUD.
H.R. 2727: Ms. ROS-LEHTINEN.
H.R. 2746: Mr. MCCOTTER and Mr. REHBERG.
H.R. 2766: Mr. KILDEE.
H.R. 2850: Mr. TIM MURPHY of Pennsylvania.
H.R. 2980: Mr. LUJÁN.
H.R. 3001: Mrs. DAVIS of California.
H.R. 3040: Mr. DELAHUNT and Mr. HILL.
H.R. 3147: Mr. LEWIS of Georgia.
H.R. 3202: Mr. PALLONE.
H.R. 3212: Mr. BOREN.
H.R. 3225: Mr. MINNICK.
H.R. 3301: Mr. PETRI, Mrs. EMERSON, Mr. CARNEY, and Mr. BURTON of Indiana.
H.R. 3421: Mr. YARMUTH and Mr. DAVIS of Illinois.
H.R. 3441: Mr. LIPINSKI.
H.R. 3564: Mr. MARKEY of Massachusetts and Mr. ENGEL.
H.R. 3577: Mr. ARCURI.
H.R. 3666: Mr. PAULSEN.
H.R. 3668: Ms. BORDALLO, Mr. HONDA, Mr. LATOURETTE, Ms. WOOLSEY, Mr. ETHERIDGE, Mr. DUNCAN, Mr. GORDON of Tennessee, Mr. THOMPSON of Pennsylvania, Mr. NUNES, Mr. DICKS, Mr. McKEON, and Mr. BOUCHER.

H.R. 3734: Ms. WATSON.
H.R. 3936: Ms. GIFFORDS.
H.R. 3974: Mr. LANGEVIN and Mr. CLAY.
H.R. 3989: Mr. BOREN, Mr. YOUNG of Alaska, and Mr. GALLEGLY.
H.R. 4144: Mr. HELLER.
H.R. 4197: Mr. ROHRBACHER.
H.R. 4237: Mr. ACKERMAN.
H.R. 4264: Mr. HONDA.
H.R. 4278: Mr. COHEN and Mr. SALAZAR.
H.R. 4296: Mrs. MCCARTHY of New York.
H.R. 4306: Mr. MANZULLO.
H.R. 4347: Mr. YOUNG of Alaska and Mrs. NAPOLITANO.
H.R. 4352: Mr. NUNES.
H.R. 4371: Mr. SCHOCK.
H.R. 4375: Ms. WOOLSEY.
H.R. 4386: Mrs. MALONEY and Mr. BLUMENAUER.
H.R. 4420: Mr. ARCURI.
H.R. 4427: Mr. BOOZMAN.
H.R. 4489: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4525: Mr. CONNOLLY of Virginia.
H.R. 4530: Ms. JACKSON LEE of Texas.
H.R. 4544: Mr. MURPHY of New York and Mr. SESTAK.
H.R. 4594: Ms. SHEA-PORTER, Mr. MCMAHON, Mr. McDERMOTT, Mr. HOLDEN, Mr. FALEOMAVAEGA, and Mr. BARROW.
H.R. 4662: Mr. ELLISON, Ms. MCCOLLUM, Mr. KING of New York, Mr. RUPPERSBERGER, and Mr. BERMAN.
H.R. 4684: Ms. BEAN, Mr. FRANK of Massachusetts, Mr. LATHAM, Mr. LYNCH, Ms. SCHAKOWSKY, Mrs. CAPPS, Mr. GRIJALVA, Mr. DELAHUNT, and Mr. MARCHANT.
H.R. 4689: Mr. MARSHALL, Ms. JENKINS, Mr. RAHALL, and Ms. WOOLSEY.
H.R. 4717: Mr. MINNICK.
H.R. 4787: Ms. PINGREE of Maine.
H.R. 4790: Mr. PERLMUTTER.
H.R. 4804: Ms. TITUS.
H.R. 4818: Mr. COHEN.
H.R. 4879: Mr. HODES, Ms. BERKLEY, Mr. JOHNSON of Georgia, Mr. CROWLEY, Ms. PINGREE of Maine, Mr. BOUCHER, Mr. CONNOLLY of Virginia, Mr. SCHIFF, and Mr. SCOTT of Virginia.
H.R. 4914: Mr. RANGEL and Mr. BLUMENAUER.
H.R. 4939: Mrs. EMERSON.
H.R. 4940: Mrs. BIGGERT.
H.R. 4946: Mr. CHAFFETZ and Mr. MANZULLO.
H.R. 4961: Mr. HONDA.
H.R. 4985: Mr. LAMBORN and Mr. PITTS.
H.R. 5000: Mr. TEAGUE.
H.R. 5008: Mr. MOORE of Kansas.
H.R. 5016: Mr. WITTMAN, Mr. REHBERG, Mr. KLINE of Minnesota, Mr. MCCAUL, Mr. HOEKSTRA, Mr. HALL of Texas, Mrs. MYRICK, and Mr. COBLE.
H.R. 5028: Mr. COHEN.
H.R. 5032: Mrs. MCCARTHY of New York.
H.R. 5034: Mr. HOEKSTRA, Mrs. MILLER of Michigan, and Mr. SAM JOHNSON of Texas.
H.R. 5040: Ms. NORTON.
H.R. 5041: Mr. COHEN, Ms. LEE of California, Ms. CLARKE, and Mr. LARSON of Connecticut.
H.R. 5081: Mr. CLAY and Mr. HONDA.
H.R. 5092: Mr. CAO, Mr. ROSS, Mr. McHENRY, Mr. BOEHNER, Mr. TURNER, and Mr. CARTER.
H.R. 5095: Mr. CAMPBELL.
H.R. 5107: Mr. GRIJALVA.
H.R. 5117: Mr. CONNOLLY of Virginia, Mr. GRIJALVA, Mr. YARMUTH, Mr. STARK, Mr. JOHNSON of Georgia, and Mrs. MALONEY.
H.R. 5121: Mr. FRANK of Massachusetts and Mr. KUCINICH.
H.R. 5141: Mr. THOMPSON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, and Mr. GALLEGLY.
H.R. 5155: Mr. FRANK of Massachusetts.
H.R. 5156: Mr. CLAY.
H.R. 5173: Mr. PLATTS.
H.R. 5177: Mr. CONAWAY.
H.R. 5191: Mr. MAFFEI and Ms. NORTON.
H.R. 5197: Ms. CHU and Mr. COHEN.
H.R. 5213: Mrs. NAPOLITANO and Ms. HIRONO.
H.R. 5258: Mr. FRANKS of Arizona and Mr. MCCLINTOCK.
H.R. 5259: Mr. MICHAUD.
H.R. 5268: Mr. CARNAHAN and Mr. DOGGETT.
H.R. 5270: Mr. PAUL.
H.R. 5283: Mr. SMITH of Texas and Mr. RANGEL.
H.R. 5294: Mrs. McMORRIS RODGERS.
H.R. 5298: Mr. BOREN, Mr. TURNER, Mr. MICA, Ms. SHEA-PORTER, Ms. KILROY, Mr. PETERSON, Mr. HOLDEN, Mr. AL GREEN of Texas, Ms. HIRONO, Mr. MCCOTTER, and Mr. FATTAH.
H.R. 5300: Mr. MCNERNEY.
H.R. 5313: Mr. SKELTON.
H.R. 5318: Mr. WESTMORELAND.
H.R. 5340: Mr. SENSENBRENNER.
H.R. 5353: Mr. HASTINGS of Florida and Ms. SLAUGHTER.
H.R. 5355: Mrs. NAPOLITANO, Mr. POLIS, and Ms. HIRONO.
H.R. 5371: Mr. ROGERS of Alabama, Mr. ROTHMAN of New Jersey, Mr. MARCHANT, and Mr. MCGOVERN.
H.R. 5372: Ms. BERKLEY.
H.R. 5377: Mr. LAMBORN.
H.R. 5395: Mr. DEUTCH.
H.J. Res. 76: Mr. LUCAS.
H.J. Res. 86: Mr. BURTON of Indiana, Mr. CONAWAY, Mr. MCCAUL, Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. GARRETT of New Jersey, Mr. BRIGHT, Mrs. BACHMANN, Mr. CAPUANO, Mr. McKEON, Ms. SPEIER, Mr. NUNES, Mr. THOMPSON of Pennsylvania, Mr. INGLIS, Mr. WESTMORELAND, Mr. FRANKS of Arizona, Mr. CARSON of Indiana, Ms. WATSON, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mr. ACKERMAN, Mr. REICHERT, Ms. LORETTA SANCHEZ of California, and Mr. REHBERG.
H. Con. Res. 20: Mr. GARAMENDI.
H. Con. Res. 198: Mr. SMITH of Texas, Ms. WATSON, and Mr. PRICE of North Carolina.
H. Con. Res. 204: Mr. PLATTS.
H. Con. Res. 259: Mr. DELAHUNT, Ms. GINNY BROWN-WAITE of Florida, Mr. BROWN of South Carolina, and Mr. MURPHY of Connecticut.
H. Con. Res. 266: Mrs. BACHMANN, Mr. KINGSTON, Mr. GARRETT of New Jersey, Mr. SMITH of New Jersey, Mr. CAMP, Mr. RUSH, Mr. WESTMORELAND, Mr. BISHOP of Utah, Mr. SENSENBRENNER, Mr. REHBERG, Mr. ROGERS of Alabama, and Mr. BURGESS.
H. Res. 173: Mr. CARNAHAN and Mr. PUTNAM.
H. Res. 440: Mr. GUTHRIE and Mr. MCCLINTOCK.
H. Res. 898: Mr. HOLT.
H. Res. 1219: Ms. NORTON.
H. Res. 1229: Mr. ETHERIDGE.
H. Res. 1241: Mr. MACK, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. SESSIONS.
H. Res. 1273: Mr. SULLIVAN.
H. Res. 1302: Mr. MORAN of Virginia and Mr. MAFFEI.
H. Res. 1319: Mr. WU and Mr. LOEBACK.
H. Res. 1322: Ms. WATSON and Mr. BACA.
H. Res. 1326: Mr. ELLISON.
H. Res. 1355: Mr. MORAN of Virginia and Mr. WALZ.
H. Res. 1368: Mr. LANGEVIN, Mrs. MILLER of Michigan, Mr. CALVERT, and Mr. MCNERNEY.
H. Res. 1371: Ms. FOXX and Mrs. MILLER of Michigan.
H. Res. 1379: Mr. MORAN of Virginia, Mr. GALLEGLY, Mr. PETERSON, Mr. PAYNE, Mr. MANZULLO, and Mr. COHEN.

H. Res. 1389: Mr. COBLE, Mr. CALVERT, and Michigan, Mr. MEEK of Florida, Ms. CORRINE
Mr. LAMBORN. BROWN of Florida, Mr. SCALISE, and Mr.

H. Res. 1391: Mr. QUIGLEY, Mr. DANIEL E. LATTA.
LUNGREN of California, Mrs. MILLER of H. Res. 1394: Mr. BILIRAKIS.

H. Res. 1398: Ms. CLARKE.

H. Res. 1401: Ms. MOORE of Wisconsin, Mr.
SHULER, Ms. MCCOLLUM, Mr. REHBERG, Mr.
CAPUANO, and Mr. ISRAEL.

SENATE—Thursday, May 27, 2010

(Legislative day of Wednesday, May 26, 2010)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. The visiting Chaplain today, Chaplain William F. Cuddy, Jr., will lead the Senate in prayer.

The guest Chaplain offered the following prayer:

Let us pray.

Eternal Father, we acknowledge Your presence and seek an outpouring of Your Spirit on our Senators as they deliberate laws and policy that will enable us to be a great nation. O Lord, we ask that You open their hearts to You, strengthen their minds for the work at hand, enkindle within them a deeper desire to build upon the legacies of the Senate, and give them zeal and a breath of wisdom to improve the quality and dignity of life for all. May their labors this day bear fruit, may their families experience Your peace, and may their work accomplish Your will for our Nation and the world communities.

We ask this and all things in Your holy and divine Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 27, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, I will yield a few minutes to my friend from Florida to introduce the guest Chaplain.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

GUEST CHAPLAIN

Mr. LEMIEUX. Madam President, I am honored to welcome Captain William F. Cuddy, as the guest Chaplain for the U.S. Senate for today. Since July of 2006, Captain Cuddy has served as Chaplain of the U.S. Coast Guard.

Coast Guard Chaplains have a long history of assisting service men and their families in their spiritual journey. Since 1929, when Chaplain Roy L. Lewis was ordered to the submarine base at Groton, CT, with primary duties to the base and additional duties to the Coast Guard Academy, religious ministry has been a critical component of supporting the men and women who shoulder the burdens of safeguarding our homeland.

Captain Cuddy proudly continues that tradition by providing religious counsel to our young men and women who are often tested by military life.

What's more, Captain Cuddy's ministerial outreach is an asset to the families of our Coast Guard men and women during spouses' deployments away from home.

A native of Boston, MA, Captain Cuddy graduated from Cathedral High School in June 1967 and enlisted in the U.S. Navy. He served aboard the USS *Essex* homeported in Newport, RI, until 1970, when he left active duty for the Navy Reserve and entered Fitchburg State College. He graduated in 1974 with bachelor of science in education.

Captain Cuddy then entered St. John's Seminary in 1974. During his seminary studies, Captain Cuddy remained active as an aviation structural support technician with a number of Reserve squadrons and was commissioned an ensign in March 1977 in the Chaplain Corps' Theological Student Candidate Program.

After graduating from St. John's Seminary in 1979, he was ordained by Cardinal Humberto Medeiros for service in the Archdiocese of Boston and received an appointment in the Reserve Chaplain Corps in 1980 as a lieutenant junior grade.

Captain Cuddy once again reported for active duty in July 1990. While as-

signed to Mayport, FL, from 1998 to 2001, he provided chaplain support to the Coast Guard units in northern Florida. In this role, he provided spiritual support to the men and women safeguarding our country.

On behalf of the State of Florida and my colleagues here in the Senate, I thank Captain Cuddy for his service to our country and for his prayer today. We welcome him to the U.S. Senate.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will resume consideration of H.R. 4899, which is the emergency supplemental appropriations bill. There will be up to 20 minutes for debate prior to a series of votes. In the first series, the Senate will proceed to vote in relation to the following amendments: McCain No. 4214, National Guard; Kyl No. 4228, as modified, dealing with courthouse funding; Cornyn No. 4202, as modified and amended, if amended, dealing with border security.

There will then be up to 15 minutes of debate prior to votes on the following items: Feingold No. 4204, dealing with a report on the war in Afghanistan; Coburn No. 4231, offset including real property; Coburn No. 4232, offset with spending cuts; and there will be cloture on the committee-reported substitute amendment to H.R. 4899, the emergency supplemental appropriations bill.

All votes after the first vote will be 10-minute votes.

VALUING LIFE

Mr. REID. Madam President, a community in Kansas still shakes 1 year after the brazen murder of one of its own. This weekend will mark the first anniversary of Dr. George Tiller's death. He was gunned down in front of his Wichita church the day before the last Memorial Day.

Dr. Tiller was killed at point-blank range at his place of worship in the middle of a Sunday morning, while his wife sang in the church choir just a few yards away.

He was murdered by an unrepentant assassin who took his life in the name

of protecting life. It was an indefensible crime and an incomprehensible excuse.

Just as despicable as Dr. Tiller's death was the fact that his murder wasn't an isolated incident. It wasn't even the first time someone tried to kill him. His clinic was bombed in 1985. He was shot twice in 1993. Over the next 16 years, 7 clinic workers would be killed before Dr. Tiller would become the eighth murder victim. More than 6,000 other acts of violence have been launched at clinics and their workers—bombings, arsons, assaults, and other attacks. One of the things they do is go into one of these clinics and throw acid all over and make the building not habitable.

The last doctor killed before Dr. Tiller was a husband and father from Buffalo named Barnett Slepian. He was an OB/GYN, who also helped poor women access safe, legal abortions. Because of that, he was murdered in his home, in his kitchen—standing in his kitchen, he was shot through the window with a high-powered rifle and murdered. I didn't personally know Dr. Slepian, but I knew his niece. She came from Reno, NV, and she once worked in my office. She worked as a legislative assistant and a speechwriter. Her name is Amanda Robb. She is now an accomplished writer living in the Presiding Officer's State of New York. As life is so unpredictable and so unusual, I worked on the speech last night, and to the person helping me, Stephen Krupin, I said, "We are going to talk about Dr. Slepian, whose niece worked for me. And she is here in Washington today—just out of nowhere. I have a gathering every Thursday morning, and I will be darned, Amanda Robb showed up, which is so unusual. I was so glad to see her. She was a great personality and someone I will always remember having worked for me."

The tragedy of Dr. Tiller's death and of Dr. Slepian's death—and of every atrocity like it—is independent of the issue of abortion. It is not about the legality of abortion or the funding of it. These are emotional debates, and ones on which people of good faith can disagree.

What so shook that Kansas town was rather an act of terrorism. What reverberated out to our borders and coasts from the center of our country was the violation of our founding principle—that we are a nation of laws, not of men.

Everyone in America has the right to disagree with its laws. Everyone has the right to dispute and protest its laws. But no American has a right to disobey the laws.

Not all of us would choose Dr. Tiller's profession or seek his services or agree with his philosophy or that of Dr. Slepian, but it is the responsibility of every American to respect another's right to practice his profession legally.

Those who believe in the sanctity of life cannot be selective. We must value every life—not just those with which we agree.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. McCONNELL. Madam President, later this morning, we will have some important votes related to national security. Passage of the defense portion of the supplemental will fund the surge forces in Afghanistan and our ongoing military efforts in Iraq.

Thanks to the McChrystal strategy, American forces have already brought a lot of pressure on the Taliban in Afghanistan. We need to keep that pressure up if this counterinsurgency strategy is to succeed, and it must.

This is why I encourage all Members to vote against the Feingold amendment, which calls for a plan of withdrawal of the forces from Afghanistan. When it comes to funding our operations in Iraq, we must be committed to providing the assistance and forces necessary to provide security as the Iraqis work to form a new government.

We will also have votes related to the security of our borders. This is clearly a very pressing issue. We should respond with the urgency that the situation demands and the unity that Americans expect on matters of national security.

In these days of economic uncertainty, Americans are watching the Senate very closely. The \$13 trillion national debt has concentrated a lot of minds on what we are doing here. Some have tried to defend the extenders bill and the nearly \$100 billion it would add to the debt. I think most Americans would say the real emergency here is the \$13 trillion debt. Even some Democrats seem to agree with me. That is why we are seeing a quiet revolt over in the House on this bill. We must do something about our debt.

On the oilspill, there appears to be some good news this morning. We hope what we are hearing proves to be true. Americans are eager to hear what the President has to say this afternoon. More important, they are eager to see what the administration plans to do. But for now, we are all hoping that the efforts to stop this leak are sustained.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume conversation H.R. 4899, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4899) making emergency supplemental appropriations for emergency disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 4174, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Sessions/McCaskill amendment No. 4173, to establish 3-year discretionary spending caps.

Wyden/Grassley amendment No. 4183, to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

Feingold amendment No. 4204, to require a plan for safe, orderly, and expeditious redeployment of the United States Armed Forces from Afghanistan.

McCain amendment No. 4214, to provide for the National Guard support to secure the southern land border of the United States.

Cornyn modified amendment No. 4202, to make appropriations to improve border security, with an offset from unobligated appropriations under division A of Public Law 111-5.

Lautenberg modified amendment No. 4175, to provide that parties responsible for the Deepwater Horizon oilspill in the Gulf of Mexico shall reimburse the general fund of the Treasury for costs incurred in responding to that oil spill.

Cardin amendment No. 4191, to prohibit the use of funds for leasing activities in certain areas of the Outer Continental Shelf.

Kyl/McCain modified amendment No. 4228 (to amendment No. 4202), to appropriate \$200,000,000 to increase resources for the Department of Justice and the Judiciary to address illegal crossings of the Southwest border, with an offset.

Coburn/McCain amendment No. 4232, to pay for the costs of supplemental spending by reducing Congress's own budget and disposing of unneeded Federal property and uncommitted Federal funds.

Coburn/McCain modified amendment No. 4231, to pay for the costs of supplemental spending by reducing waste, inefficiency, and unnecessary spending within the Federal Government.

Landrieu/Cochran amendment No. 4179, to allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 gulf coast hurricanes or the 2008 gulf coast hurricanes.

Landrieu amendment No. 4180, to defer payments of principal and interest on disaster loans relating to the Deepwater Horizon oilspill.

Landrieu modified amendment No. 4184, to require the Secretary of the Army to maximize the placement of dredged material available from maintenance dredging of existing navigation channels to mitigate the impacts of the Deepwater Horizon oilspill in the Gulf of Mexico at full Federal expense.

Landrieu amendment No. 4213, to provide authority to the Secretary of the Interior to

immediately fund projects under the Coastal Impact Assistance Program on an emergency basis.

Landrieu amendment No. 4182, to require the Secretary of the Army to use certain funds for the construction of authorized restoration projects in the Louisiana coastal area ecosystem restoration program.

Landrieu amendment No. 4234, to establish a program, and to make available funds, to provide technical assistance grants for use by organizations in assisting individuals and businesses affected by the Deepwater Horizon oilspill in the Gulf of Mexico.

Ensign/Reid amendment No. 4229, to prohibit the transfer of C-130 aircraft from the National Guard to a unit of the Air Force in another State.

Ensign/Reid modified amendment No. 4230, to establish limitations on the transfer of C-130H aircraft from the National Guard to a unit of the Air Force in another State.

Isakson/Chambliss amendment No. 4221, to include the 2009 flooding in the Atlanta area as a disaster for which certain disaster relief is available.

Collins amendment No. 4253, to prohibit the imposition of fines and liability under certain final rules of the Environmental Protection Agency.

Menendez amendment No. 4289 (to amendment No. 4174), to require oil polluters to pay the full cost of oilspills.

AMENDMENTS NOS. 4214, 4288, AND 4202

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 20 minutes of debate relating to the border security amendment.

The Senator from Arizona is recognized.

Mr. KYL. Madam President, I am going to take a couple minutes to describe the second-degree amendment I have. I appreciate the fact that there was an offer on the other side to simply accept my amendment. I appreciate that, but because it is attached to a first-degree amendment, I am not sure about the prospects for that. I thought it important that all of us have an opportunity to be recorded.

This amendment is simple. It provides \$200 million for extending the Operation Streamline Program to another border sector, in addition to the Yuma sector and the Del Rio, TX, sector, where it is already in operation—extend it to the Tucson sector. This could substantially reduce illegal immigration, because about half of all of illegal immigration goes through the Tucson sector.

Operation Streamline is simple. It involves the Department of Justice accepting those who cross the border illegally into the court system and putting them in jail for about 2 weeks, and sometimes 30 days if there is an incident of repeated crossing or attempted crossing. What we have found is that there is a great deterrent effect. If people who are apprehended know they are going to jail for a couple weeks, they tend not to cross in that area anymore.

In fact, in the Yuma sector where this has been in effect now for several years, illegal immigration has been cut by 94 percent, from 118,500 apprehensions 5 years ago to about 5,000 this

year. It is simply a fact that when people know they are going to go to jail or the prospects are very high they are going to go to jail, whether they are criminals crossing the border—that is about 17 percent of the people—or the remainder who simply want to come here to work, they realize going to jail is going to obstruct their plans. They cannot make money and send it back to Mexico, El Salvador, or wherever their family might be if they are trying to cross for work purposes. What we found in the Yuma sector is they simply do not cross it anymore. They have now moved farther to the east in the Tucson sector.

This amendment of mine simply provides \$200 million, fully offset, of emergency funding to implement Operation Streamline—a combination Department of Justice and Department of Homeland Security program—to ensure this deterrent can be in place in the Tucson sector just as it is in Del Rio, TX, and Yuma, AZ.

I urge my colleagues to support the amendment. As I said, the money is offset. This is definitely an emergency. It will substantially help us to secure the border without the necessity of building permanent structures such as fencing or anything of that sort. It is a good amendment. I urge my colleagues to support it.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Madam President, I also wish to speak to the amendments that have been offered by Senator MCCAIN, Senator KYL, myself, and Senator HUTCHISON with regard to border security.

One thing we cannot lose sight of is that the failure of the Federal Government to deal seriously with border security leaves all of the border States basically on their own. We have heard a number of people who criticized the State of Arizona for dealing with this issue the best they can. But what are they supposed to do if the Federal Government does not step up and deal with its responsibility, which is a Federal responsibility?

We talked about the violence, particularly relating to the cartels, with 23,000 Mexicans killed since 2006 in these drug wars. Right across from El Paso, 1,000 people have been killed in Ciudad Juarez, which is literally across the river, like Virginia is from Washington, DC. We have seen the spillover effect in American citizens being killed and living in fear on this side of the border.

We cannot forget there is also an important war on terror issue here as well, something we have not talked about very much but something I was reminded of yesterday when the Department of Homeland Security issued an alert to police and sheriff's deputies in Houston asking them to keep their eyes open for a Somali man believed to

be in Mexico preparing to make a crossing into Texas. The Department of Homeland Security in this announcement believes this man has a tie to an organization affiliated with al-Qaida. I say to my colleagues, maybe this individual is not coming to Houston to stay in Houston. Maybe he is coming to the State of one of my colleagues or their town where they live. It demonstrates again why this porous border represents a national security problem for the entire country.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a list of other-than-Mexican illegal immigrants.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Madam President, I have in my hand a list of the countries from which individuals who have been detained at the border have originated. In 2009, 2 people from Afghanistan were apprehended on the southern border; 10 from Iran, a state sponsor of international terrorism, as we know; 10 have come from Iraq; 19 from Pakistan; 12 from Somalia; and 3 from Yemen. Out of a total of 45,000 other-than-Mexican citizen immigrants apprehended at the border, these are just some examples of why our porous border represents a national security threat in the global war on terror.

There is also another reminder in the news recently where two F-16s had been dispatched to intercept an ultralight aircraft flying across the border into Arizona. Some 200 ultralight aircraft have been detected in 2009 alone. These ultralight aircraft do not require a license to fly. They typically fly so low to avoid any radar detection. It is estimated by the Department of Homeland Security that some 600 of them have flown into the United States, primarily transporting huge loads of illegal drugs, of course, being sold on America's streets to our children, among others.

From these two facts—the fact that we have other than Mexican citizens who simply want to come to work using the porous border, both Mexico's porous southern border and our southern porous border, and to come into the United States for unknown purposes, perhaps to do us harm—it is obvious our current border security measures are inadequate to deal with this new phenomenon of ultralight aircraft transporting drugs into the United States and perhaps transporting back to Mexico the bulk cash that is generated from these drug sales, further funding illegal drug activity and the cartels that are causing so much mayhem on our southern border.

The problem we have with our broken immigration system is that it is simply not perceived as credible by the American people. Until we deal with

this broken border, we are not going to be able to deal with other aspects of our broken immigration system, and I would support an effort to do that. But it seems to be that our colleagues on the other side too often seem to view border security as leverage or a bargaining chip they are not willing to give up unless they get something else for it. But it is, in fact, the Federal Government's responsibility to deal with this situation, as the President himself has acknowledged in his recent announcement to send 1,200 additional National Guard to the border. I will tell you that it is a welcome gesture, but it is no more than that—a gesture. These 1,200 National Guard on a 2,000-mile border—you can imagine how many gaps in the effort of border security will still be left. That is why I support the McCain amendment and the Kyl amendment to provide additional National Guard on a temporary basis.

Our National Guard is already severely stressed because of the conflicts in Afghanistan and Iraq, our all-volunteer military forces. What we need to do is provide a permanent solution, not a temporary solution, and that means more Border Patrol, more ATF, DEA—

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. CORNYN. All the boots on the ground that we need to make our border security efforts credible.

I yield the floor.

EXHIBIT 1

SOUTHWEST BORDER OTM APPREHENSIONS BY CITIZENSHIP—FY2009 AND FY2010TD THROUGH APRIL 30

[Data includes Deportable Aliens Only/Data Source: EID (unofficial) as of 5/24/10]

| Citizenship | FY2009 | FY2010TD |
|----------------------------|--------|----------|
| AFGHANISTAN | 2 | 8 |
| ALBANIA | 20 | 8 |
| ALGERIA | 4 | 1 |
| ANTIGUA-BARBUDA | 1 | 1 |
| ARGENTINA | 45 | 24 |
| ARMENIA | 6 | 3 |
| ARUBA | 1 | 1 |
| AUSTRALIA | 2 | 1 |
| AUSTRIA | 1 | 1 |
| AZERBAIJAN | 1 | 1 |
| BAHAMAS | 1 | 1 |
| BAHAGLADHSH | 41 | 38 |
| BARBADOS | 2 | 1 |
| BELARUS | 1 | 1 |
| BELIZE | 59 | 26 |
| BOLIVIA | 26 | 33 |
| BOSNIA-HERZEGOVINA | 1 | 1 |
| BRAZIL | 575 | 356 |
| BULGARIA | 5 | 2 |
| BURKINA FASO | 1 | 1 |
| BURMA | 1 | 3 |
| CAMBODIA | 4 | 4 |
| CAMEROON | 9 | 8 |
| CANADA | 10 | 16 |
| CHILE | 35 | 12 |
| CHINA, PEOPLES REPUBLIC OF | 1,358 | 729 |
| COLOMBIA | 235 | 176 |
| CONGO | 3 | 1 |
| COSTA RICA | 144 | 88 |
| CUBA | 105 | 48 |
| CZECH REPUBLIC | 3 | 4 |
| DOMINICAN REPUBLIC | 487 | 631 |
| ECUADOR | 1,169 | 785 |
| EGYPT | 1 | 2 |
| EL SALVADOR | 11,178 | 6,746 |
| EQUATORIAL GUINEA | 1 | 1 |
| ERITREA | 171 | 85 |
| ESTONIA | 1 | 1 |
| ETHIOPIA | 80 | 28 |
| FRANCE | 1 | 4 |
| GAMBIA | 3 | 3 |
| GEORGIA | 22 | 3 |
| GERMANY | 9 | 3 |
| GHANA | 14 | 5 |

SOUTHWEST BORDER OTM APPREHENSIONS BY CITIZENSHIP—FY2009 AND FY2010TD THROUGH APRIL 30—Continued

[Data includes Deportable Aliens Only/Data Source: EID (unofficial) as of 5/24/10]

| Citizenship | FY2009 | FY2010TD |
|----------------------------|--------|----------|
| GREECE | 1 | 1 |
| GUADELOUPE | 1 | 1 |
| GUATEMALA | 14,118 | 7,474 |
| GUINEA | 1 | 1 |
| GUYANA | 1 | 1 |
| HAITI | 78 | 49 |
| HONDURAS | 13,348 | 6,322 |
| HONG KONG | 1 | 1 |
| HUNGARY | 5 | 2 |
| INDIA | 99 | 324 |
| INDONESIA | 10 | 3 |
| IRAN | 10 | 7 |
| IRAQ | 10 | 3 |
| IRELAND | 3 | 1 |
| ISRAEL | 15 | 13 |
| ITALY | 7 | 3 |
| IVORY COAST | 1 | 1 |
| JAMAICA | 42 | 36 |
| JAPAN | 5 | 2 |
| JORDAN | 6 | 1 |
| KAZAKHSTAN | 1 | 1 |
| KENYA | 9 | 2 |
| KOREA | 9 | 1 |
| KOSOVO | 8 | 4 |
| KUWAIT | 2 | 1 |
| KYRGYZSTAN | 2 | 1 |
| LAOS | 7 | 3 |
| LATVIA | 2 | 1 |
| LEBANON | 6 | 4 |
| LIBERIA | 2 | 1 |
| LITHUANIA | 1 | 1 |
| MACEDONIA | 10 | 1 |
| MALAWI | 1 | 1 |
| MALAYSIA | 1 | 1 |
| MALI | 1 | 1 |
| MARSHALL ISLANDS | 2 | 1 |
| MOLDOVA | 4 | 4 |
| MONGOLIA | 4 | 3 |
| MOROCCO | 1 | 1 |
| NEPAL | 48 | 69 |
| NETHERLANDS | 1 | 3 |
| NEW ZEALAND | 2 | 3 |
| NICARAGUA | 842 | 392 |
| NIGER | 1 | 1 |
| NIGERIA | 14 | 8 |
| NORWAY | 1 | 1 |
| PAKISTAN | 19 | 9 |
| PANAMA | 21 | 10 |
| PARAGUAY | 11 | 4 |
| PERU | 242 | 121 |
| PHILIPPINES | 32 | 22 |
| POLAND | 11 | 4 |
| PORTUGAL | 1 | 1 |
| PUERTO RICO | 2 | 1 |
| QATAR | 1 | 1 |
| ROMANIA | 64 | 227 |
| RUSSIA | 14 | 6 |
| RWANDA | 1 | 1 |
| SAMOA | 1 | 1 |
| SAUDI ARABIA | 1 | 1 |
| SENEGAL | 1 | 1 |
| SERBIA AND MONTENEGRO | 5 | 4 |
| SERRA LEONE | 1 | 1 |
| SINGAPORE | 1 | 1 |
| SLOVAKIA | 1 | 2 |
| SLOVENIA | 1 | 2 |
| SOMALIA | 12 | 2 |
| SOUTH AFRICA | 6 | 4 |
| SOUTH KOREA | 28 | 20 |
| SPAIN | 8 | 2 |
| SRI LANKA | 44 | 68 |
| ST. LUCIA | 1 | 2 |
| ST. VINCENT-GRENADINES | 1 | 1 |
| SUDAN | 6 | 1 |
| SWEDEN | 1 | 1 |
| SYRIA | 1 | 2 |
| TAIWAN | 4 | 1 |
| TANZANIA | 1 | 1 |
| THAILAND | 9 | 5 |
| TOGO | 1 | 1 |
| TONGA | 2 | 1 |
| TRINIDAD AND TOBAGO | 5 | 3 |
| TUNISIA | 1 | 1 |
| TURKEY | 10 | 11 |
| TURKS AND CAICOS ISLANDS | 1 | 1 |
| UKRAINE | 4 | 4 |
| UNITED ARAB EMIRATES | 1 | 1 |
| UNITED KINGDOM | 18 | 13 |
| UNKNOWN | 9 | 13 |
| URUGUAY | 24 | 12 |
| UZBEKISTAN | 6 | 3 |
| VENEZUELA | 32 | 20 |
| VIETNAM | 20 | 5 |
| YEMEN | 3 | 1 |
| YUGOSLAVIA | 15 | 3 |
| ZIMBABWE | 3 | 2 |
| SBOTotal OTM Apprehensions | 45,279 | 25,230 |

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, how much time do I have to discuss my amendment?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. MCCAIN. I thank my colleague from Texas and other Senators from border States who are deeply concerned about the issue of broken borders and the drug cartels and human smuggling that has put the lives and security of our American citizens in some danger.

A fact: The kidnapping capital of the world is Mexico City. The city that ranks second in kidnapping to Mexico City is Phoenix, AZ, which is a long way from the border. It happens to be a place where drop houses exist where people are held for ransom, where unspeakable cruelties are inflicted upon those who are being smuggled, where they have become a distribution center for drugs coming up through the so-called central corridor. We are badly in need of assistance.

Yesterday, May 26, 2010, 12:20 p.m.:

Sierra Vista, Ariz.—Acting on a tip, Sierra Vista police went to a drop house and recovered close to 2,000 pounds of marijuana Tuesday.

Police spokesman Sgt. Lawrence Boutte said officers found a total of 83 bails weighing 2,054 pounds.

The marijuana has an estimated street value of \$821,000.

Police arrested a 21-year-old Mexican citizen. Officers said the man was expected to be charged with possession of marijuana for sale. It's not known if the man was in the U.S. illegally.

Boutte said drug smugglers use stash houses to store drugs coming from Mexico before transporting them elsewhere.

"Elsewhere" means different parts of the country.

By the way, there is an argument that this amendment may be unconstitutional. I remind my colleagues, the Constitution—article I, section 8, clause 15—preserves to the Congress the power to call "forth the Militia to execute the Laws of the Union," including the immigration laws. This is an independent constitutional power that does not rest on any power exercised by the President as the Chief Executive in article II.

A recent example of Congress's power to task the executive branch in this area, even outside calling forth the militia, is the Secure Fence Act of 2006 in which the Congress tasked the Secretary of Homeland Security to secure the border. Even though Congress was not relying on its article I, section 8, clause 15 power, the Secure Fence Act of 2006 was and is constitutional.

The President announced he was sending 1,200 National Guard to the southwest border. This is one-fifth of what is needed. If the Congress will not heed the call of the Governors of Arizona and Texas, who have asked the President to send troops to the border, the Congress should do so now.

During Operation Jump Start, the National Guard was deployed to the

southwest border and provided logistical support, conducted surveillance, and built and repaired critical infrastructure. Until DHS has the technology and infrastructure in place to fully secure the border, at least 6,000 National Guard must be deployed to assist the Border Patrol in stopping the illegal immigration, drug smugglers, and human traffickers flowing across the border.

The borders are broken. There has been improvement. We have shown in San Diego, in Texas, even in the Yuma sector of Arizona that we can secure our border, but we need manpower, surveillance, and fences. We can do it. We have an obligation to our citizens to secure our border and allow them to lead lives where they do not live in fear of home invasions, of property being destroyed, where well-armed, well-equipped drug smugglers, as well as human smugglers, operate with—if not with impunity, certainly with great latitude.

There will be the statement made that the border is more secure. I am sure the Senator from New York will say that. The fact is the border is not secure. It is more secure; it is not secure. The citizens in the southern part of my State do not have a secure environment in which to live and raise their children.

Every enforcement agent on the border with whom I have talked says we need additional National Guard and we need it now. I am sure that in New York City and other major cities in America there is a secure environment, frankly, thanks to Mayor Giuliani. This is not the case in parts of my State, including Phoenix, AZ, having the dubious distinction of being No. 2 as far as the kidnapping capital of the world is concerned.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MCCAIN. I appreciate the involvement of Senators from other parts of the United States of America. I invite them to come to the border and talk with my citizens. I invite them to talk with the Border Patrol agents who are overwhelmed in their task in trying to stop the flow of goods and human beings across our border. I hope they will weigh in on behalf of the human rights of the people who are being terribly abused, kept in drop houses, held for ransom, and subjected to unspeakable atrocities. It is another human rights argument for getting our border secure. We can get it more secure by sending these National Guard troops to the border, as former Governor and now Secretary of Homeland Security called for in 2006.

I urge a "yea" vote on this amendment.

I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BYRD. Madam President, there are those in the Congress who like to just talk about the need to secure our borders. I have actually done something about securing the borders. In 2005, I authored an amendment with broad, bipartisan support, which initiated a comprehensive effort to secure our borders. Since I became chairman of the Senate Appropriations Homeland Security Subcommittee in 2007, I have continued that effort. As a result, there are more Border Patrol agents, more technology, more border infrastructure, more detention capacity, and more investigative capacity dedicated to securing our borders than ever before.

This investment has produced results. The numbers of aliens being deported, especially aliens convicted of crimes, has grown significantly. The era of catch and release has ended. The recession and increased enforcement has resulted in a significant reduction in the number of illegal aliens coming into this country. Violence on the United States side of the border is down.

There is more to be accomplished, particularly as drug violence in Mexico grows, but as a result of investments made over the last 5 years, the Department of Homeland Security has received significant assets to address this problem.

Deportations have greatly increased from 211,098 in 2003 to between 230,000 and 390,000 annually for the past 3 years. Homeland Security is on track to remove 400,000 aliens this year, including 150,000 convicted criminal aliens.

The Department of Homeland Security, DHS, has more "boots on the ground" at the border than ever before. Today, the Border Patrol is better staffed than at any time in its 85-year history, having nearly doubled the number of agents from approximately 10,000 in 2004 to more than 20,000 today.

In 2006, DHS opened the first Border Enforcement Security Task Force, BEST, in Laredo, TX. BESTs are law enforcement task forces that combine Federal, State, local, and international personnel to tackle border crime. The BEST model has proven extremely effective not only at interdicting illegal activity but also at building criminal cases that lead to high-value prosecutions. There currently are 17 BESTs, including 3 in Arizona, 1 in Mexico City, and the President's fiscal year 2011 budget requests funds to open 3 more. Over the past year, DHS doubled the number of agents working on the BESTs in the southwest border region.

Immigration and Customs Enforcement, ICE, Office of Investigations criminal arrests have increased from 14,077 in fiscal year 2002 to 32,512 in fiscal year 2009. Customs and Border Protection Office of Field Operations criminal arrests—those apprehended at

the ports of entry—have increased from 15,820 in fiscal year 2002 to 38,964 in fiscal year 2009.

This year, DHS will finish constructing nearly all of the 652 miles of border fencing along the southwest border the Border Patrol has determined is required. As of March 2010, all 298.5 miles of vehicle fencing have been completed, and only 5.7 miles of pedestrian fencing remain to be constructed. This comes on top of \$260 million the American Recovery and Reinvestment Act provided for border security technology and improved tactical communications equipment.

According to the Border Patrol, the number of miles of the southwest border under effective control by the Border Patrol has increased from 241 miles in October 2005 to 742 in October 2009.

DHS Secretary Napolitano announced last month that DHS is redeploying \$50 million of Recovery Act funding originally allocated for SBInet to other tested, commercially available security technology along the southwest Border, including mobile surveillance, thermal imaging devices, ultraviolet detection, backscatter units, mobile radios, cameras and laptops for pursuit vehicles, and remote video surveillance system enhancements.

The level of detention beds for illegal aliens funded by Congress has steadily increased over the past 5 years from only 18,500 beds in fiscal year 2005 to 33,400 beds today. Since fiscal year 2009, Congress has mandated that ICE maintain 33,400 detention beds. And the average length of stay has dropped from 40.4 days in fiscal year 2004 to 31.2 days in fiscal year 2009.

The number of illegal aliens detained has increased from 256,842 in fiscal year 2006 to 383,524 in fiscal year 2009. The total number of illegal aliens removed has nearly doubled since fiscal year 2003 from 211,098 to 405,662 in fiscal year 2009.

The number of fugitive operations teams has been increased to 104 this fiscal year from 51 in fiscal year 2007. On April 30, 2010, ICE announced it had apprehended 596 criminal aliens in a targeted operation in the southeastern United States. On April 15, 2010, ICE arrested 47 individuals charged with operating shuttle bus services in southern Arizona which brought aliens who had recently entered the country illegally from border towns to Phoenix for further transport to the interior of the United States.

Since March 2009, Customs and Border Protection—CBP—and ICE have seized \$85.7 million in illicit cash along the southwest border, an increase of 14 percent over the same period during the previous year. This includes more than \$29.7 million in illicit cash seized heading southbound into Mexico—a 39-percent increase over the same period during the previous year.

During the same period, CPB and ICE together seized 1,425 illegal firearms,

which represents a 29 percent rise over the same period in the previous year. At the same time, CBP and ICE seized 1.65 million kilograms of drugs along the southwest border, an overall increase of 15 percent.

The Department of Homeland Security estimates that in Arizona, the number of illegal immigrants in that State declined to 460,000 last year from a high of 550,000 and continues to drop.

Contrary to popular perception, suggestions of spillover violence from Mexico have been exaggerated. While violence and drug trafficking organization-related murders are up in Juarez, Mexico, El Paso, TX—directly across the border—was ranked the second safest major city in the United States by CQ Press in November 2009. The assistant police chief of Nogales, AZ, recently stated, “We have not, thank God, witnessed any spillover violence from Mexico. You can look at the crime stats. I think Nogales, Arizona, is one of the safest places to live in all of America.” FBI Uniform Crime Reports and statistics provided by police agencies show that the crime rates in Nogales, Douglas, Yuma, and other Arizona border towns have remained essentially flat for the past decade. A May 2, 2010, article from www.azcentral.com actually was headlined “Violence is not up on Arizona border despite Mexican drug war.” The Border Patrol has reported that the March 2010 murder of Arizona rancher Robert Krentz is the only American murdered by a suspected illegal immigrant in at least a decade within the agency’s Tucson sector, the busiest smuggling route among the Border Patrol’s nine coverage regions along the U.S.-Mexican border.

There is still more to be accomplished. I am pleased that this week the President announced his intention to deploy up to 1,200 National Guardsmen on the southwest border. However, I oppose the amendments to add over \$2 billion for border security, given that the amendments are offset with significant cuts in stimulus funding that will continue to create jobs in America. I will continue my efforts to further secure our borders.●

Mr. FEINGOLD. Madam President, we need to improve our border security, and I have worked to do just that by supporting efforts to crack down on Mexican drug cartels and to increase the number of Federal agents and Homeland Security personnel on the ground in the Southwest border region. Unfortunately, the three amendments the Senate considered today that were intended to enhance border security would have redirected funds from the American Recovery and Reinvestment Act. It doesn’t make sense to cut funding from a program CBO says boosted employment by as many as 2.8 million jobs in the first quarter of 2010, while raising GDP somewhere between 1.7

and 4.2 percent. We face serious fiscal challenges, and we need to cut wasteful spending, but the American people should not have to choose between saving jobs and protecting our border.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Madam President, I rise in opposition to the three amendments that have been spoken about—the McCain amendment, the Cornyn amendment, and the McCain-Kyl amendment. I will get into some detail in a few minutes about the opposition, but it relates to three points.

First, President Obama has a tough, smart, targeted \$500 million package that will greatly increase resources at the border, and we need it. Crime has increased, as my friend from Arizona has said. We need it. So, No. 1, there is a very good plan in place.

No. 2, this is a huge amount of money—\$2.5 billion—that my colleagues, who talk about fiscal moderation, are requesting, and much of it will not go to securing the border. It is sort of throwing an enormous amount of money at the problem that is not as carefully thought out, not as targeted, and not as effective, quite frankly, as President Obama’s program.

No. 3, it takes the money out of the stimulus bill. Well, there is a border problem in Texas and Arizona that affects all of us, and we want to solve it. The President and we are working to do that. But we have a jobs problem in this country, too, and this is the worst kind of robbing Peter to pay Paul. The stimulus money will go to creating jobs. If we ask the people in, say, Michigan or Ohio or Rhode Island or New York what is the No. 1 issue? Jobs. This money is being taken away from job creation and used, as I say, in a not effective, overmagnified way. It is too much money to stop what is going on at the border.

So let me elaborate. First, as I mentioned, President Obama is sending a package to the Congress next week. It includes 1,200 National Guard, funding programs for DEA, ATF, FBI, and ICE that are proven to work. The three amendments offered by the Senators from Texas and Arizona are a grab bag of enormous spending. If all of the \$2.5 billion they are proposing just to go to the border would double the amount, it wouldn’t be well spent. The President’s money is thoughtful and targeted and has been in the works for a while. Let me give some examples.

The amendment calls for \$300 million for funding for any State or local enforcement agency so long as it is within 100 miles of the U.S.-Mexican border. Almost none of this money will be used for border enforcement. Border enforcement is needed at the actual border.

Second, the Cornyn amendment also calls for \$100 million for construction of new land ports of entry. But the

problem at our ports of entry is not lack of funding from the taxpayers, it is that we need an adequate fee system to make sure the users of those ports of entry pay for things rather than taking the money away from job creation in our States.

Third, the amendment Senator KYL has offered as a second-degree amendment would spend about \$200 million on a program known as Operation Streamline. In reality, this program requires taxpayers to foot the bill at the cost of more than \$120 per day, per inmate, to house border crossers and give them three free meals a day, free health care, medicines, and surgeries for all manner of illnesses, et cetera.

Couldn’t we better spend this \$200 million and pass a comprehensive immigration reform program which is so much needed? By the way, it is my view that while we have to tighten up the border, people are coming for jobs. The only way we will stop the flow of illegal immigration into this country is to tell those who hire them they no longer can. The only way to do that is our Secure Social Security Card that Senator GRAHAM and I have put forward so that papers can’t be forged and illegal immigrants can’t be hired. Comprehensive reform does that; these measures don’t.

We have heard talk about needing to bolster the border for years. It clearly hasn’t stopped the problem, as the Senator from Arizona admits. We need a comprehensive approach that will include border security but is not only border security. If my colleagues would join us in that approach, we could have a tough, fair-minded proposal that would do the job.

Let me make some other points against the amendments while I have more time. The McCain amendment seeks \$250 million for 6,000 National Guard to be sent to the border. They can’t use that number of National Guard so quickly. The 1,200 that President Obama has requested is right.

When President Bush sent 6,000 National Guard to the border in 2006, there were 10,000 Border Patrol agents in the entire force. That means a total of 16,000 after the Guard was deployed. Now, we already have more than 20,000 Border Patrol agents—double the number of Border Patrol agents. Those and the 1,200 National Guard will do the job. We cannot just throw money at this problem and take it away from job creation. We have to be focused and smart. The President does that.

I urge my colleagues to defeat this amendment and join us in supporting a smart program that will do the job and, furthermore, join us in supporting comprehensive immigration reform, which is the only real way to stop the flow of illegal immigration across the border.

Madam President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. A motion to waive the applicable provisions of the Budget Act and budget resolutions is considered made.

Mr. MCCAIN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from North Carolina (Mrs. HAGAN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—51

| | | |
|------------|-----------|-------------|
| Alexander | Crapo | McCain |
| Barrasso | DeMint | McCaskill |
| Baucus | Ensign | McConnell |
| Bayh | Enzi | Murkowski |
| Bennet | Feinstein | Nelson (NE) |
| Bennett | Graham | Nelson (FL) |
| Bond | Grassley | Pryor |
| Boxer | Gregg | Risch |
| Brown (MA) | Hatch | Roberts |
| Brownback | Hutchison | Sessions |
| Bunning | Inhofe | Shelby |
| Burr | Isakson | Snowe |
| Coburn | Johanns | Tester |
| Cochran | Kyl | Thune |
| Collins | LeMieux | Vitter |
| Corker | Lincoln | Webb |
| Cornyn | Lugar | Wicker |

NAYS—46

| | | |
|------------|------------|-------------|
| Akaka | Harkin | Reid |
| Begich | Inouye | Reid |
| Bingaman | Johnson | Rockefeller |
| Brown (OH) | Kaufman | Sanders |
| Burris | Kerry | Schumer |
| Cantwell | Klobuchar | Shaheen |
| Cardin | Kohl | Specter |
| Carper | Landrieu | Stabenow |
| Casey | Lautenberg | Udall (CO) |
| Conrad | Leahy | Udall (NM) |
| Dodd | Levin | Voinovich |
| Dorgan | Lieberman | Warner |
| Durbin | Menendez | Whitehouse |
| Feingold | Merkley | Wyden |
| Franken | Mikulski | |
| Gillibrand | Murray | |

NOT VOTING—3

| | | |
|------|-----------|-------|
| Byrd | Chambliss | Hagan |
|------|-----------|-------|

The ACTING PRESIDENT pro tempore. The yeas are 51, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. Pursuant to the previous order, the amendment is withdrawn.

AMENDMENT NO. 4228

There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4228 offered by the Senator from Arizona, Mr. KYL. Who yields time?

Mr. KYL. Madam President, this amendment is fully offset. It is \$200 million. It simply provides the funding for the Department of Justice and the Department of Homeland Security to extend a program that has worked very well in two sections of the border to a third section.

It is called Operation Streamline. It permits the Department of Justice to try cases, put people in jail, rather than catch and release where they are simply put on a bus and returned to the border.

Everybody wants to secure the border. This is a program that has had a 94-percent success rate, a 94-percent reduction in apprehensions in the Yuma border sector and almost that much in the Del Rio sector.

So if we can extend that to the sector where half of the illegal immigration in the country comes across, I think we can substantially reduce illegal immigration. Then, for everyone who wants to pursue other legislation, I think there will be a better state of mind in which to do that.

So I urge my colleagues to support this \$200 million fully offset amendment.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

The Senator from New York.

Mr. SCHUMER. Madam President, I rise against the second-degree amendment by Senator KYL. It would actually take \$200 million that is not going to secure the border any. It will incarcerate illegal immigrants. It will pay for their food, their health care, their recreation time, their reading material, for long periods of time.

If we want to secure the border, which we do, we have to be smart about this. We cannot just keep doing the same thing again and again. Furthermore, it takes the money out of the stimulus, which is jobs. So we are doing something that is ineffective, we are doing something that has not worked in the past, and now we are taking away jobs from the other 48 States.

That does not make any sense. So I would urge that this amendment be defeated. I would urge we start doing what is needed and what is smart to stop the flow of illegal immigration. We all know what we have to do, and that is a comprehensive proposal. This will not work and takes money away from jobs in the other 48 States. I urge its defeat.

I raise a point of order on the pending amendment pursuant to section 403 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010.

The ACTING PRESIDENT pro tempore. The motion to waive the applicable provisions of the Budget Act and the budget resolution is considered made.

Mr. KYL. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second. There appears to be a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—54

| | | |
|------------|-----------|-------------|
| Alexander | Ensign | McCain |
| Barrasso | Enzi | McCaskill |
| Bayh | Feinstein | McConnell |
| Begich | Graham | Merkley |
| Bennett | Grassley | Murkowski |
| Bond | Gregg | Nelson (NE) |
| Boxer | Hatch | Pryor |
| Brown (MA) | Hutchison | Risch |
| Brownback | Inhofe | Roberts |
| Bunning | Isakson | Sessions |
| Burr | Johanns | Shelby |
| Coburn | Klobuchar | Snowe |
| Cochran | Kyl | Thune |
| Collins | Landrieu | Vitter |
| Corker | LeMieux | Voinovich |
| Cornyn | Lieberman | Webb |
| Crapo | Lincoln | Wicker |
| DeMint | Lugar | Wyden |

NAYS—44

| | | |
|------------|------------|-------------|
| Akaka | Franken | Nelson (FL) |
| Baucus | Gillibrand | Reed |
| Bennet | Hagan | Reid |
| Bingaman | Harkin | Rockefeller |
| Brown (OH) | Inouye | Sanders |
| Burris | Johnson | Schumer |
| Cantwell | Kaufman | Shaheen |
| Cardin | Kerry | Specter |
| Carper | Kohl | Stabenow |
| Casey | Lautenberg | Tester |
| Conrad | Leahy | Udall (CO) |
| Dodd | Levin | Udall (NM) |
| Dorgan | Menendez | Warner |
| Durbin | Mikulski | Whitehouse |
| Feingold | Murray | |

NOT VOTING—2

| | |
|------|-----------|
| Byrd | Chambliss |
|------|-----------|

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 54, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. Pursuant to previous order, the amendment is withdrawn.

AMENDMENT NO. 4202, AS FURTHER MODIFIED

There will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4202 offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas is recognized.

Mr. CORNYN. Madam President, yesterday the Department of Homeland Security told local law enforcement to keep their eyes peeled for a Somali man believed to be in Mexico for a period in order to make an illegal crossing into Texas. DHS believes this man has ties to an organization affiliated with al-Qaida. Maybe he will not come to Houston. Maybe he will go to some other city in this great country of ours.

We simply don't know whether this individual or the 45,000 other-than-Mexican citizens who have immigrated illegally across our border represent a national security threat.

If we look at the countries they come from—Pakistan, Iran, a state sponsor of terrorism, Somalia, Yemen—it could mean something very bad will happen as a result of our dereliction of duty to secure the border. It is unfair to criticize States for trying to protect themselves when the Federal Government will not do the job instead as it should.

I urge colleagues to support this fully paid-for amendment to help beef up border security. The point of order that will be raised is simply an effort to deny the fact that we are in a state of emergency and we need to act now to secure the border.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from New York.

Mr. SCHUMER. Madam President, I rise to oppose this \$2.2 billion spending amendment. It puts money in just about every program, needed or not. Then it takes that money out of the stimulus, the Recovery Act, taking it away from jobs. We must secure the border, absolutely. The President's plan is smart and focused. But for all of the voices on both sides of the aisle who have talked about jobs and all of the voices who have talked about fiscal moderation, to throw caution to the wind, to put \$2.2 billion into programs whether they are needed or not makes no sense at all.

We must stop illegal immigration as it comes across the border. This will not do it. My colleagues know it, and I know it. This is what is called a symbolic amendment to show where one stands in many ways. It is \$2.2 billion. We can find amendments that will do the job, that cost a lot less, and that will not take away the jobs we want to create and preserve.

This amendment, in my judgment, is the least responsible of the three to, again, take every program and say: More money, more money, more money, without a plan on how to spend it. It makes no sense. I urge its defeat.

Madam President, I raise a point of order against this amendment pursuant to section 403 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010.

The ACTING PRESIDENT pro tempore. The motion to waive the applicable provisions of the Budget Act and the budget resolution is considered made.

Mr. MENENDEZ. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mrs. SHAHEEN) would vote "no."

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—54

| | | |
|------------|-----------|-------------|
| Alexander | Ensign | McCain |
| Barrasso | Enzi | McCaskill |
| Baucus | Feinstein | McConnell |
| Bayh | Graham | Murkowski |
| Bennett | Grassley | Nelson (NE) |
| Bond | Gregg | Pryor |
| Boxer | Hatch | Risch |
| Brown (MA) | Hutchison | Roberts |
| Brownback | Inhofe | Sessions |
| Bunning | Isakson | Shelby |
| Burr | Johanns | Snowe |
| Coburn | Klobuchar | Tester |
| Cochran | Kohl | Thune |
| Collins | Kyl | Udall (CO) |
| Corker | LeMieux | Vitter |
| Cornyn | Lieberman | Voinovich |
| Crapo | Lincoln | Webb |
| DeMint | Lugar | Wicker |

NAYS—43

| | | |
|------------|------------|-------------|
| Akaka | Franken | Murray |
| Begich | Gillibrand | Nelson (FL) |
| Bennet | Hagan | Reed |
| Bingaman | Harkin | Reid |
| Brown (OH) | Inouye | Rockefeller |
| Burris | Johnson | Sanders |
| Cantwell | Kaufman | Schumer |
| Cardin | Kerry | Specter |
| Carper | Landrieu | Stabenow |
| Casey | Lautenberg | Udall (NM) |
| Conrad | Leahy | Warner |
| Dodd | Levin | Whitehouse |
| Dorgan | Menendez | Wyden |
| Durbin | Merkley | |
| Feingold | Mikulski | |

NOT VOTING—3

| | | |
|------|-----------|---------|
| Byrd | Chambliss | Shaheen |
|------|-----------|---------|

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 54, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Pursuant to the previous order, the amendment is withdrawn.

AMENDMENT NO. 4204

There will now be 15 minutes of debate equally divided among the Senator from Wisconsin, Mr. FEINGOLD, the Senator from Oklahoma, Mr. COBURN, and the Senator from Hawaii, Mr. INOUE.

Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, my amendment is cosponsored by Senators BOXER, DURBIN, MERKLEY, SHERROD BROWN, SANDERS, UDALL of New Mexico, and HARKIN, and would require the President to provide a flexible, nonbinding timetable for the re-

sponsible drawdown of U.S. troops from Afghanistan. It does not set a specific date for the withdrawal of such troops. It does not require the President to actually redeploy troops. It does not place any restrictions on funding.

The President has already indicated his surge strategy in Afghanistan is time limited and that he will begin redeploying troops in July 2011. All we are asking in this amendment is that the President provide further details on how long this redeployment is expected to take.

Our brave servicemembers and the American taxpayers deserve to know what is being asked of them as they risk their lives and spend their money to continue this war.

My amendment is not about whether we support the President or the troops. All of us support the troops, and I hope we all wish the President success in Afghanistan. Nor is it about whether we agree with the President's strategy. I, for one, happen to have serious doubts about the administration's approach. But in light of our deficit and domestic needs and in light of rising casualty rates in Afghanistan and in light of the growing al-Qaida threat around the world, an expensive, troop-intensive, nation-building campaign doesn't add up for me. We should be focusing on Pakistan, Yemen, Somalia, and other terrorist safe havens.

Frankly, I am disappointed we are about to pass a bill providing tens of billions of dollars to keep this war going with so little public debate about whether this approach even makes any sense. But no matter how we feel about the President or his approach in Afghanistan, I hope we can agree on the need for an exit strategy as we approach the 9-year anniversary of a war that is showing no signs of winding down. That is all my amendment would require—a nonbinding plan to bring this war eventually to a close.

We have lost 1,000 servicemembers in this war. We have spent \$300 billion. I hope my colleagues will agree that the American people deserve an answer to the question: How much longer?

I reserve the remainder of my time, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent to be yielded 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I oppose the Feingold amendment. Section 1019 of the Feingold amendment specifically requires the President, by December 31, 2010, to submit a timetable for the completion of redeployment of our troops out of Afghanistan.

The message our military presence in Afghanistan is not open-ended was delivered by President Obama at West

Point last December when he set the date of July 2011 to begin a reduction of U.S. forces in Afghanistan. It was an important message of reassurance to the American people, and it was an important message for the Afghan leaders to hear: that while we intend to help Afghanistan succeed in its battle with the Taliban, our troop presence is not open-ended, and they must build up their own army and their police force to take responsibility for their own security.

If we adopt the Feingold amendment, we will be sending a very different message to the government and to the people of Afghanistan. It would reinforce the fear if we adopt this amendment—an already deep-seated fear in Afghanistan—that the United States will abandon the region. That is a message we can ill-afford to send regarding the future stability of Afghanistan, and it is a particularly unwise message to send while our forces are still deploying to Afghanistan and while the Taliban is doing everything it can to convince the Afghan people that U.S., NATO, and Afghan forces are unable to protect them from the violence and the intimidation that is their hallmark.

The President's decision to set the beginning point to begin the reduction of our forces in Afghanistan in July of 2011 was a wise decision. It was supported by our senior civilian and military leaders. They supported the decision, provided that the pace and the location of the reductions would be determined by the conditions on the ground at the time in Afghanistan.

The Feingold amendment is totally different. It requires the setting of a timetable for completion of redeployment of our troops from Afghanistan, and it requires that timetable to be set by this December. It is an unwise move, and I hope we do not adopt it.

I yield the floor.

Mr. FEINGOLD. Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 2½ minutes remaining.

Mr. FEINGOLD. I thank the Chair. I appreciate the comments of the Senator from Michigan, but I feel very strongly that my amendment has to be properly characterized. This is not a specific timetable. It merely asks the President to give us a vision of a timetable of when he intends for this to be over.

The Senator from Michigan tries to reassure us that the President has announced a start date for us to get out of Afghanistan. Well, that doesn't work because how do we think the people of that area of the world will be reassured if we are going to only start to withdraw the troops in 2011? You take one troop out, that starts it. That is not a vision of when we intend to complete it.

The Senator suggests that somehow this sends the wrong message in the re-

gion. Well, actually, the wrong message is that we intend to be there forever. We don't intend to be there forever. But you know what. After 9 years, people start wondering—9 years; 9 years with no vision of when we might depart. In fact, I think the absolute worst message in the region is an open-ended commitment. The worst thing we can do is not give some sense to the people of that region and to the American people and to our troops that there is some end to this thing. All we ask for in this amendment is some vision from the President about when he thinks we might complete this task.

So when this amendment is properly characterized, it is actually a way to help us make sure the Taliban and al-Qaida and others do not win the hearts and minds of the Afghan people because they need to be reassured that we intend to make sure their country comes back to them and that it will not be occupied indefinitely.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I yield myself 10 seconds to read the amendment:

Not later than December 31, 2010, the President shall submit to Congress a report, together with a timetable for the completion of that redeployment.

Completion of that redeployment, obviously, from Afghanistan. That is a "shall;" it is a report; it is a completion of the redeployment.

I yield the floor.

Mr. FEINGOLD. Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. No time.

Mr. FEINGOLD. I ask unanimous consent for 10 seconds to respond to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator has 1 minute.

Mr. FEINGOLD. I thank the Chair. I thought I had a little more.

Madam President, the Senator is trying to read the amendment in a way that is simply not accurate.

The amendment simply asks the President to provide his vision of a timetable by which he would intend to withdraw the troops. It is entirely non-binding. Any suggestion that this is binding in any way on the President or the U.S. Government is completely false and a mischaracterization of the amendment. It is not binding. In fact, it allows the President specifically to identify variables that would cause him on his own to change the timetable. So how anyone can say this is a binding timetable in any way, shape, or form is beyond me.

It is merely a request that the President give us his vision of when he might withdraw from Afghanistan. It is the only fair way to characterize this amendment.

Mr. REID. Madam President, President Obama has articulated a sound

strategy for surging our force in Afghanistan, a well-defined mission to enable them to succeed, and a clear plan to begin to bring those troops home starting next July. His plan honors the service of the 100 Nevadans in Afghanistan today and those of every American fighting terrorists abroad to keep us safer at home.

I have always believed that our commitment in Afghanistan should not be open-ended, which is why I continue to support the President's plan. We have begun to reverse the Taliban's momentum in Afghanistan and weakened al-Qaeda's operations, safe havens and leadership in the region. Our troops will continue to defeat those terrorist networks and others like it and we will continue to press the Afghan government to end corruption and take responsibility for governing the country. But, as the President's plan makes clear, these troops have a clear task in place: to reverse the Taliban's momentum and to begin returning home next July.

In light of the President's strategy and the recent progress, now is not the time to change course.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, I yield myself 2 minutes from Senator LEVIN's time or Senator INOUE's time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. REED. Madam President, this legislation clearly calls for a report to be submitted by the President of the United States to establish a timetable, and I think the suggestion that will not have incredible consequences in the real world is somewhat naive.

If the President of the United States is forced to give Congress a timetable stating dates, even if those dates have some variables attached to them, that sets in motion a train of events that is anything but a simple statement of vision. That statement of vision was given by the President at West Point. In fact, he was criticized for specifically indicating that there would be a point at which American forces begin the withdrawal, but he did that. I think anyone questioning the President's not only willingness to do this, but understanding the need to redeploy our forces, should look at today's headlines in the Washington Post where the Vice President has, once again, reiterated that we are coming out of Iraq; that the timetables the President talked about, the vision he talked about, all of those things he is following through on, and he will do the same thing in Afghanistan.

In Afghanistan, the President's strategy is clear: to provide military resources to reseed the momentum; to provide the opportunity to build civilian capacity; and starting, as the Senator from Wisconsin indicated, at a fixed date will begin a drawdown and

will begin changing our mission from combat operations to more counterterrorism operations, more training of Afghani forces.

Frankly, what I think the President—and I will presume to speak at this moment, at last in my view—sees in the future is a significant drawdown of our military presence while we build up our civilian presence. That civilian presence might include some trainers, police trainers. It might include a lot of folks. Indeed, this vision is tied directly to the concern we all have. There are active al-Qaida cells in Pakistan, in Afghanistan, in Yemen, and one of the advantages of a presence in Afghanistan is effectively cooperating with and encouraging the Pakistanis.

I urge rejection of the amendment.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. FEINGOLD. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

Mr. COCHRAN. Madam President, all time is yielded back on this side.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 18, nays 80, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—18

| | | |
|------------|------------|------------|
| Baucus | Feingold | Sanders |
| Boxer | Gillibrand | Schumer |
| Brown (OH) | Harkin | Specter |
| Cantwell | Leahy | Tester |
| Dorgan | Merkley | Udall (NM) |
| Durbin | Murray | Wyden |

NAYS—80

| | | |
|------------|------------|-------------|
| Akaka | Dodd | Lieberman |
| Alexander | Ensign | Lincoln |
| Barrasso | Enzi | Lugar |
| Bayh | Feinstein | McCain |
| Begich | Franken | McCaskill |
| Bennet | Graham | McConnell |
| Bennett | Grassley | Menendez |
| Bingaman | Gregg | Mikulski |
| Bond | Hagan | Murkowski |
| Brown (MA) | Hatch | Nelson (NE) |
| Brownback | Hutchison | Nelson (FL) |
| Bunning | Inhofe | Pryor |
| Burr | Inouye | Reed |
| Burris | Isakson | Reid |
| Cardin | Johanns | Risch |
| Carper | Johnson | Roberts |
| Casey | Kaufman | Rockefeller |
| Coburn | Kerry | Sessions |
| Cochran | Klobuchar | Shaheen |
| Collins | Kohl | Shelby |
| Conrad | Kyl | Snowe |
| Corker | Landrieu | Stabenow |
| Cornyn | Lautenberg | Thune |
| Crapo | LeMieux | Udall (CO) |
| DeMint | Levin | |

Vitter
Voinovich

Warner
Webb

Whitehouse
Wicker

Snowe
Tester

Thune
Vitter

Voinovich
Wicker

NOT VOTING—2

Byrd

Chambliss

The amendment (No. 4204) was rejected.

Mr. INOUE. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4231

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4321, as modified, offered by the Senator from Oklahoma.

The Senator from Hawaii.

Mr. INOUE. Madam President, the Senator from Oklahoma feels we have had enough debate, so we will not debate this further.

I move to table amendment No. 4231, as modified.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—53

| | | |
|------------|------------|-------------|
| Akaka | Feinstein | Murray |
| Baucus | Franken | Nelson (FL) |
| Begich | Gillibrand | Pryor |
| Bennet | Hagan | Reed |
| Bingaman | Harkin | Reid |
| Boxer | Inouye | Rockefeller |
| Brown (OH) | Johnson | Sanders |
| Burris | Kaufman | Schumer |
| Cantwell | Kerry | Shaheen |
| Cardin | Klobuchar | Specter |
| Carper | Landrieu | Stabenow |
| Casey | Lautenberg | Udall (CO) |
| Collins | Leahy | Udall (NM) |
| Conrad | Levin | Warner |
| Dodd | Lieberman | Webb |
| Dorgan | Menendez | Whitehouse |
| Durbin | Merkley | Wyden |
| Feingold | Mikulski | |

NAYS—45

| | | |
|------------|-----------|-------------|
| Alexander | DeMint | Lincoln |
| Barrasso | Ensign | Lugar |
| Bayh | Enzi | McCain |
| Bennett | Graham | McCaskill |
| Bond | Grassley | McConnell |
| Brown (MA) | Gregg | Murkowski |
| Brownback | Hatch | Nelson (NE) |
| Bunning | Hutchison | Risch |
| Burr | Inhofe | Roberts |
| Coburn | Isakson | Sessions |
| Cochran | Johanns | Shelby |
| Corker | Kohl | |
| Cornyn | Kyl | |
| Crapo | LeMieux | |

Byrd

NOT VOTING—2

Chambliss

The motion was agreed to.

AMENDMENT NO. 4232

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4232 offered by the Senator from Oklahoma.

The Senator from Hawaii.

Mr. INOUE. Madam President, I have been advised by the Senator from Oklahoma that we have had enough debate. Therefore, I move to table amendment No. 4232 and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from West Virginia (Mr. BYRD) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—50

| | | |
|------------|------------|-------------|
| Baucus | Gillibrand | Nelson (FL) |
| Bennet | Hagan | Pryor |
| Bingaman | Harkin | Reed |
| Boxer | Inouye | Reid |
| Brown (OH) | Johnson | Rockefeller |
| Burris | Kaufman | Sanders |
| Cantwell | Kerry | Schumer |
| Cardin | Kohl | Shaheen |
| Carper | Landrieu | Specter |
| Casey | Lautenberg | Stabenow |
| Conrad | Leahy | Udall (CO) |
| Dodd | Levin | Udall (NM) |
| Dorgan | Lieberman | Voinovich |
| Durbin | Menendez | Webb |
| Feingold | Merkley | Whitehouse |
| Feinstein | Mikulski | Wyden |
| Franken | Murray | |

NAYS—47

| | | |
|------------|-----------|-------------|
| Alexander | DeMint | McCain |
| Barrasso | Ensign | McCaskill |
| Bayh | Enzi | McConnell |
| Begich | Graham | Murkowski |
| Bennett | Grassley | Nelson (NE) |
| Bond | Gregg | Risch |
| Brown (MA) | Hatch | Roberts |
| Brownback | Hutchison | Sessions |
| Bunning | Inhofe | Shelby |
| Burr | Isakson | Snowe |
| Coburn | Johanns | Tester |
| Cochran | Klobuchar | Thune |
| Collins | Kyl | Vitter |
| Corker | LeMieux | Warner |
| Cornyn | Lincoln | Wicker |
| Crapo | Lugar | |

NOT VOTING—3

Akaka Byrd Chambliss

The motion was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to invoke cloture on the committee-reported substitute amendment.

If all time is yielded back, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to H.R. 4899, an act making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010.

Harry Reid, Richard J. Durbin, John D. Rockefeller, IV, Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Sherrod Brown, Kirsten E. Gillibrand, Mark Begich, Robert P. Casey, Jr., Jack Reed, Patrick J. Leahy, Carl Levin, Amy Klobuchar, Kay R. Hagan, Roland W. Burris, Charles E. Schumer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the committee-reported substitute amendment to H.R. 4899, the Supplemental Appropriations Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: The Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 29, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—69

| | | |
|------------|------------|-------------|
| Akaka | Conrad | Levin |
| Alexander | Dodd | Lieberman |
| Baucus | Dorgan | Lincoln |
| Bayh | Durbin | Lugar |
| Begich | Feinstein | McCaskill |
| Bennet | Franken | McConnell |
| Bennett | Gillibrand | Menendez |
| Bingaman | Hagan | Merkley |
| Bond | Harkin | Mikulski |
| Boxer | Inouye | Murkowski |
| Brown (MA) | Johanns | Murray |
| Brown (OH) | Johnson | Nelson (NE) |
| Burris | Kaufman | Nelson (FL) |
| Cantwell | Kerry | Pryor |
| Cardin | Klobuchar | Reed |
| Carper | Kohl | Reid |
| Casey | Landrieu | Rockefeller |
| Cochran | Lautenberg | Sanders |
| Collins | Leahy | Schumer |

Shaheen
Snowe
Specter
Stabenow

Tester
Udall (CO)
Udall (NM)
Vitter

Warner
Webb
Whitehouse
Wyden

NAYS—29

Barrasso
Brownback
Bunning
Burr
Coburn
Corker
Cornyn
Crapo
DeMint
Ensign

Enzi
Feingold
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl

LeMieux
McCain
Risch
Roberts
Sessions
Shelby
Thune
Voinovich
Wicker

NOT VOTING—2

Byrd

Chambliss

The PRESIDING OFFICER. The yeas are 69, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Illinois.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUMMER JOBS

Mr. BURRIS. I thank the Chair.

Madam President, this past Monday evening, as dusk fell on my hometown of Chicago, a handful of young people took to the streets with violent intentions.

By the time the sun came up on Tuesday, no fewer than seven people had been shot, in a series of unrelated incidents.

This wave of violent crime continued into Tuesday afternoon, when three more Chicagoans were shot and killed in broad daylight.

These incidents came right on the heels of another shocking murder. Last week, a police officer and Iraq War veteran named Thomas Wortham IV was shot to death only a few blocks from my home.

These events do not occur in a vacuum. They are part of a clear and consistent pattern, a pandemic of gun violence that holds communities in a vice grip. Every year, with the advent of the long, hot summer, gang activity spikes. The line between good and bad neighborhoods evaporates. In essence, our streets become a war zone. This is not a passing concern; it is an emergency. This kind of violence should be shocking. It should spark outrage and indignation. Yet too many of us turn a blind eye. We are paralyzed by the destructive political process and numb to the consequences of our failure to take action.

This problem can't simply be passed on to someone else. This violence is happening in our cities and towns, where we live and where we work, where we send our children to school. It is happening in our backyards. So it is up to us to raise the alarm. It is our responsibility to stem this rising tide and take back our communities, our homes, our schools, and our places of worship. We have seen that this is a

pattern. We have witnessed the terrible outcomes and measured the tragic human cost. Now it is time to take action.

Certainly, we can make progress by increasing gun control and making it more difficult for weapons to fall into the hands of criminals. This effort must be a part of any comprehensive solution, and it is an issue I have fought for throughout my career. But the reality is, a debate about gun control will quickly turn into a pitched partisan battle. It will consume time and political will, and in the end, we may not get very far.

I believe we need to take a more practical, more immediate approach. It is time to give our young people an alternative to destructive behavior so they can spend their summers working to get ahead instead of getting involved in criminal activities. Today, more than half of Black men between the ages of 16 and 19 are unemployed. This number is growing rapidly. In fact, the New York Times predicts that this summer will be one of the bleakest on record. So if we would like to cut down on violent crime, this is exactly where we need to start.

It is no accident that last year's landmark American Recovery and Reinvestment Act included a major summer jobs component. It created more than 300,000 summer jobs for youth across the country, including some 17,000 in Illinois alone.

This year, we need to do even more. That is why I am proud to cosponsor S. 2923, the Youth Jobs Act of 2010, introduced by the distinguished Senator from Washington, Mrs. MURRAY. This legislation would build on the success of the Recovery Act, setting aside \$1.5 billion for youth employment opportunities through the Workforce Investment Act. It would infuse money directly into the local economy and give young people the chance to gain paid work experience, what Senator REID spoke about the other day, the gentleman who set up a work opportunity and found out that the youth don't even have the work experience or they don't even know how to work. We have to get them some paid work experience. This will keep them off the streets in the short term and give them better employment options down the road. It would create half a million summer jobs from coast to coast and put a serious dent in the youth unemployment rate. It will spur young people to invest in their future and help foster a better community.

I urge my colleagues to pass this bill without delay. We can do this right now. It will cut down on violent crime and have a real effect on people's lives across America. There is no reason to wait another day or another moment. That is why I am so frustrated by the obstructionism that has afflicted this legislation for the past 6 months.

It is time to make a commitment to the next generation, give them the opportunity to start down the right path because if we don't, then every summer, when the school year ends and children seek new ways to occupy their time, more and more of them will find fellowship with the criminal element. This cycle of violence will continue.

I urge colleagues to pass the Youth Jobs Act before we adjourn for the Memorial Day recess. Let's provide our young people with the opportunity to turn away from violence. Let's give them a chance to build a constructive future. Let's take back our communities. Let's do it now. Let's do it today.

RECESS

Mr. BURRIS. I ask unanimous consent that the Senate stand in recess until 2 p.m. and that the postcloture time continue to run during the recess period.

There being no objection, the Senate, at 12:51 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010—Continued

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to discuss the urgent need for comprehensive immigration reform in the United States.

Earlier today, the Senate considered a number of proposals for border security, and there has been extensive media attention to an administration proposal to dispatch substantial numbers of the National Guard for border security.

The Senate and the House of Representatives wrestled with this issue in 2006. Each House produced a bill. At that time, I chaired the Judiciary Committee and managed the bill in committee and on the floor. The Senate bill, known as the McCain-Kennedy bill, provided for comprehensive immigration reform.

The House passed a bill which dealt only with Border Patrol and employer verification. For reasons which need not be commented upon now, there was no conference and that bill languished.

In the following year, Senator REID, the majority leader, asked Senator Kennedy and me to lead an informal group to try to structure a comprehen-

sive immigration reform, with the decision not to run it through committee, and that effort was not successful.

As a result of the failure of Congress to act, we have seen many States and municipalities enact legislation to try to deal with this issue, in the absence of what Congress has a duty to do and should have been doing. Most recently, the Arizona law has produced enormous controversy.

The Arizona law provides that a failure to carry immigration documents would be a crime and give police broad power to detain anyone suspected of being in the country illegally. The essential provisions invite racial profiling, which is highly questionable on constitutional grounds. Litigation is now pending to have that act—to declare it as being unconstitutional on its face.

When Congress failed to legislate in 2006 and the informal group designated by Majority Leader REID was unsuccessful in coming up with a bill, I introduced a draft bill on July 30, 2007, as reported in the CONGRESSIONAL RECORD at 21195, which dealt with an effort to remove the fugitive status from undocumented immigrants. It was my thought at the time if we did not get into the complex issues which had proven so troublesome in 2007 and earlier in 2006, that we might be able to make some substantial progress moving forward for comprehensive immigration reform.

My thought at that time was to remove the fugitive status but not to provide for a path to citizenship. I made that suggestion even though my preference was with the Senate bill enacted the year before which did provide a path to citizenship. Even that path to citizenship was going to be long delayed. It would take at least 8 years, it was estimated, to clear up the backlog of pending applications for citizenship, and another 5 years to deal with the 12 million undocumented immigrants, so that there was not a whole lot of practical difference in eliminating the path to citizenship. That could always be taken up at a later time.

But if the fugitive status was eliminated, that would bring most of the 12 million undocumented immigrants—or at least calculated to bring most of the 12 million undocumented immigrants—out of the shadows and identify those who were holding responsible jobs, paying taxes, and raising their families, in many instances with children who were American citizens. This approach was postulated on the obvious proposition that we cannot deport 12 million people. It is simply impossible to take them into detention and to have them housed pending deportation proceedings. Bringing the undocumented immigrants out of the shadows would provide an opportunity to identify those who were convicted criminals where they posed a real threat.

At that time I visited a number of detention centers where undocumented immigrants convicted of crimes were held and introduced legislation which would have accelerated the deportation of those who were criminals and were a threat to our society, demonstrated by their prior conduct. But we continue to have the problem of undocumented immigrants living in the shadows, afraid of being taken into custody, especially in Arizona, and concerns everywhere with the prospect of the Arizona law being enacted other places, that they continue to be at the mercy of unscrupulous employers. We have enormous areas of need for temporary workers. That is a proposition which many of my colleagues have been urging and which I think needs to be acted upon.

We have the suggestion of the so-called DREAM Act which I had at one time cosponsored. I later came to the view that if we cherry-picked—if we take the DREAM Act, if we take temporary workers, if we take the expansion of visas, which is necessary when so many people want to come to this country who would be very productive in our high-tech society—Ph.D.s, highly educated individuals—that if we move along any of those lines and cherry-picked, it would take away a lot of the impetus for the notion to have comprehensive immigration reform.

So I continue to believe it is not desirable, not advisable to cherry-pick, even though some of those individual items may be very meritorious on their own.

In light of what has happened in Arizona and in light of what the administration is proposing on the use of the National Guard, it is my view it is more imperative than ever that the Congress face up to its responsibility, tackle this issue, notwithstanding the political pitfalls, and to deal with it.

Mr. President, I ask unanimous consent that the text of my prepared statement be printed in the CONGRESSIONAL RECORD as if read in full, and the abbreviated statement I made on July 30, 2007, be printed in the RECORD since these two statements more comprehensively summarize my views on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ARLEN SPECTER ON THE NEED FOR COMPREHENSIVE IMMIGRATION REFORM

Mr. President, I have sought recognition to address comprehensive immigration reform. I am fully committed to working with the Obama Administration, and a bipartisan group of Senators, to enact a comprehensive immigration reform law that improves our economy, reunites families, and strengthens our borders.

I have long supported comprehensive immigration reform. As Chairman of the Judiciary Committee in the 109th Congress, I worked closely with Senator Kennedy on, and cosponsored, the bi-partisan Comprehensive Immigration Reform Act of 2006. In the

110th Congress, I continued to work with Senator Kennedy to construct a bi-partisan agreement, called “the Grand Bargain,” to achieve this much needed reform. Our efforts resulted in the introduction of the Comprehensive Immigration Reform Act of 2007. Both bills fell prey to partisan politics.

We must renew our efforts. The immigration system in the United States is inadequate to meet the needs of our country in the 21st century. An insufficient number of visas are made available to meet the changing needs of the U.S. economy and labor market. Eligible family members are forced to wait for years—some for decades—to be reunited with families living in the United States. An overburdened system unfairly delays the integration of immigrants who want to become U.S. citizens. Unscrupulous employers who exploit undocumented immigrant workers undercut the law-abiding American businesses and harm all workers. Finally, as we all know too well, the billions of dollars spent on enforcement-only initiatives in the past have done little to stop the flow of unauthorized immigrants into our country.

Much work needs to be done. One end of the political spectrum will criticize us for creating a path to citizenship for those immigrants who entered without authorization, and those on the other end of the political spectrum will criticize us for not being sufficiently compassionate. But we have a public duty, indeed a moral imperative, to come to grips with this issue. We are a nation that throughout its history has welcomed and been made richer by immigrants. Our country was built on the contributions of hard working and ambitious immigrants, like my father Harry, who emigrated from Russia in 1911. The path to American citizenship is a path my father had and others today deserve as well. The time for comprehensive immigration reform is now.

The Development, Relief, and Education for Alien Minors (or DREAM) Act amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 by eliminating the restriction on state provision of postsecondary educational benefits to unauthorized aliens by allowing unauthorized aliens to apply to adjust their status. The bill enables eligible unauthorized students to adjust to conditional permanent resident status provided the student: (1) entered the United States before his or her 16th birthday and has been present in the United States for at least five years immediately preceding enactment of the bill; (2) demonstrates good moral character; (3) is not inadmissible or deportable under specified grounds of the Immigration and Nationality Act; (4) at the time of application, has been admitted to an institution of higher education or has earned a high school or equivalent diploma; (5) from the age of 16 and older, has never been under a final order of exclusion, deportation, or removal; and (6) was under age 35 on the date of this bill’s enactment.

During the 108th Congress, I cosponsored a similar DREAM Act sponsored by Senator Hatch and cosponsored by Senator Durbin. During the 109th and 110th Congresses, I included provisions of the DREAM Act in the comprehensive immigration reform bill that I championed on the Senate Floor because it is one side of an important part of the need for reform. Another side of that need is to enhance border security and tamp down on cartel violence along our Southern border. I voted against cloture on a motion to proceed to the DREAM Act in 2007 because I thought passing the bill would undermine the press-

ing need to enact Comprehensive Immigration Reform. In explaining my vote, I said:

I believe that the DREAM Act is a good act, and I believe that its purposes are beneficial. I think it ought to be enacted. But I have grave reservations about seeing a part of comprehensive immigration reform go forward because it weakens our position to get a comprehensive bill.

Right now, we are witnessing a national disaster, a governmental disaster, as States and counties and cities and townships and boroughs and municipalities—every level of government—are legislating on immigration because the Congress of the United States is derelict in its duty to proceed.

We passed an immigration bill out of both Houses last year [2006]. It was not conferenced. It was a disgrace that we couldn’t get the people’s business done. We were unsuccessful in June in trying to pass an immigration bill. I think we ought to be going back to it. I have discussed it with my colleagues.

I had proposed a modification to the bill defeated in June, which, much as I dislike it, would not have granted citizenship as part of the bill, but would have removed fugitive status only. That means someone could not be arrested if the only violation was being in the country illegally. That would eliminate the opportunity for unscrupulous employers to blackmail employees with squalid living conditions and low wages, and it would enable people to come out of the shadows, to register within a year.

We cannot support 12 to 20 million undocumented immigrants, but we could deport the criminal element if we could segregate those who would be granted amnesty only.

I believe we ought to proceed with hearings in the Judiciary Committee. We ought to set up legislation. If we cannot act this year because of the appropriations logjam, we will have time in late January. But as reluctant as I am to oppose this excellent idea of the Senator from Illinois, I do not think we ought to cherry-pick.

It would take the pressure off of comprehensive immigration reform, which is the responsibility of the Federal Government. We ought to act on it, and we ought to act on it now.ⁱ

Mr. President, in the ensuing years the need for comprehensive immigration reform has become increasingly dire. On Friday, April 23, 2010, Arizona enacted a law that, according to the New York Times, “would make the failure to carry immigration documents a crime and give the police broad power to detain anyone suspected of being in the country illegally.”ⁱⁱ The text of the law provides: “For any lawful contact made by a law enforcement official or agency of this State or a county, city, town or other political subdivision of this State where reasonable suspicion exists that the person is an alien who is unlawfully present in the United States, a reasonable attempt shall be made, when practicable, to determine the immigration status of the person.”ⁱⁱⁱ Lawmakers in other States, including Pennsylvania and Maryland, introduced companion measures.

On April 27, 2010, I questioned Department of Homeland Security Secretary Janet Napolitano about the new Arizona law. I noted that the failure of Congress to enact comprehensive immigration reform led Arizona to legislate “in a way which has drawn a lot of questions, a lot of criticism.”^{iv} I explained that the new Arizona provisions appear to create “a significant risk of racial profiling.”^v After noting that Secretary Napolitano is the immediate-past Governor

of Arizona, I noted that “the message sent from Arizona was that movement needs to occur that this issue should not be allowed to languish.”^{vi} Secretary Napolitano replied, “I think there are a lot of issues. If this law goes into effect—and, again, the effective date is not until 90 days after the session ends. But if it goes into effect, I think there are a lot of questions about what the real impacts on the street will be, and they are unanswerable right now.”^{vii} She went on to testify: “I think there is a lot of cause for concern in a lot of ways on this bill and what its impacts would be if it is to actually go into effect. And I think it signals a frustration with the failure of the Congress to move. I will work with any Member of the Congress and have been working with several Members of the Congress on the actual language about what a bipartisan bill could and should contain.”^{viii} When pressed about the potential for “racial profiling and other unconstitutional aspects of the Arizona law,”^{ix} Secretary Napolitano said, “Well, I think the Department of Justice, Senator, is actually looking at the law as to whether it is susceptible to challenge, either facially or later on as applied, under several different legal theories. And I, quite frankly, do not know what the status of their thinking is right now.”^x

It turns out she was right. On Thursday, May 27, 2010, Nathan Koppel of the Wall Street Journal reported that the Department of Justice was “Likely to Sue Over Arizona Immigration Law.”^{xi} According to the Journal, Attorney General Holder “met with big-city police chiefs who are troubled by the Arizona law, which makes it a state crime to be in the U.S. illegally and can require police to question certain people about their immigration status.”

Mr. President, I think it is high time for the United States Senate and House of Representatives to pass comprehensive immigration reform to avert potentially unconstitutional state laws in this matter of national significance. We should take up Secretary Napolitano’s offer to help us draft a bipartisan bill that can stand bicameral scrutiny. And we should do so now. I wrote President Obama on April 15, 2010 to convey my willingness to press for reform this year and I wrote to Majority Leader Reid on April 28, 2010, to convey the same message out of a strong conviction that comprehensive immigration reform must be done now.

ENDNOTES

ⁱ 153 Cong. Rec. S13300-02, *S13305 2007 WL 3101493 (Cong. Rec.) Oct. 24, 2007.

ⁱⁱ Randal C. Archibold, Arizona Enacts Stringent Law on Immigration, New York Times, Apr. 23, 2010.

ⁱⁱⁱ SB 1070, §11-1051 (available online at: <http://www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf>).

^{iv} Senate Judiciary Committee Hearing, “Department of Homeland Security Oversight” Tr. at 94, Apr. 27, 2010.

^v Id. at 95.

^{vi} Id.

^{vii} Id. at 95-96.

^{viii} Id. at 96.

^{ix} Id. at 96-97.

^x Id. at 97.

^{xi} Nathan Koppel, DOJ Likely to Sue Over Arizona Immigration Law, Wall Street Journal, May 27, 2010.

IMMIGRATION—(SENATE—JULY 30, 2007)

Mr. SPECTER. Madam President, I begin by thanking the staff for staying a few extra minutes to enable me to come back to the floor to make a short statement.

I have sought recognition to speak about a revised reform bill on immigration. In the

course of the past 3 years, the Senate has spent a great deal of time on trying to reform our immigration system: to begin to fix the broken borders; to add more Border Patrols; to undertake some necessary fencing; to add drones; to undertake employer verification by utilizing identification which now can provide, with certainty, whether an immigrant is legal or illegal; to take care of a guest worker program to fill employment needs in the United States; and to deal with the 12 million undocumented immigrants.

During the 109th Congress, when I chaired the Judiciary Committee, we reported out a bill. It came to the floor, and after considerable debate it was passed. The U.S. House of Representatives passed legislation directed only at border patrol and employer verification, and for a variety of reasons we could not reconcile the bills and enact legislation.

This year a different procedure was undertaken: to have a group of Senators who had been deeply involved in the issue before craft a bill. It did not go through committee, and, as I said earlier on the floor, I think it probably was a mistake because the committee action of hearings and markups and refinement works out a lot of problems. At any rate, as we all know, after extensive debate, the bill went down. We could not get cloture to proceed, and it was defeated.

It was defeated for a number of reasons. But I believe the immigration issue is one of great national concern—great importance—and ought to be revisited by the Congress and that ought to be done at as early a time as possible.

We have a very serious problem with people coming across our borders—a criminal element, and a potential terrorist element. The rule of law is broken by people who come here in violation of our laws. We have continuing problems from the 1986 legislation that employer verification is not realistic because there is no positive way of identification.

No matter how high the borders or the value of border patrol, it is not possible to eliminate illegal immigration if the magnet is present. The legislation I will be putting in as part of the Record at the conclusion of my remarks is a draft of suggested proposals to be considered by the Senate. There are two major changes which have been undertaken.

Much as I dislike to, I have eliminated the automatic path to citizenship but instead deal with the fugitive status of the undocumented immigrants, the 12 million, and eliminate that fugitive status. Whether it is categorized as permanent legal resident or some other category, as a matter of nomenclature it can be worked out.

But the principal concern has not been the citizenship, although it is a desirable factor to try to integrate the 12 million into our society. But the principal concern has been that when an undocumented illegal immigrant sees a policeman on the street, there is fear of apprehension and being rounded up and deported, or the undocumented illegal is at the mercy of an unscrupulous employer who will take advantage of them and they cannot report to the police the treatment or a violation of law by an employer because they are fearful of being arrested and deported. In many places you cannot rent an apartment or undertake other activities. So I think eliminating the fugitive status is a major improvement.

The other significant change is to not tamper with or change family unification but to leave it as it is now. We had come up with,

with the bill which was defeated, an elaborate point system for immigration. It was our best effort but, candidly, it turned out to be half-baked. It did not go through the hearing process to hear from experts. It did not have that kind of refinement and raised a lot of problems. That could be revisited at a later date. I have worked with the so-called interest groups representing immigration interests and have had what I consider to be a relatively good response.

I do not want to characterize it or put words in anybody's mouth. There is a certain reluctance to make any more concessions because concessions were made last year and the bottom fell out. So they made an inquiry, understandably so, that there be some realistic chance of getting the bill passed if they are to give up a path to citizenship.

I have undertaken to talk to many of my colleagues, Senators who opposed the bill, to get a sense from them as to whether, with the automatic path to citizenship out, and dealing only with the fugitive status, that there might be some greater willingness to find an accommodation and deal with the issues.

With respect to citizenship, even under the legislation that was defeated, there would not be an opportunity for citizenship until at least 8 years have passed, to take care of the backlog, and then another 5 years to work out the 12 million undocumented immigrants. So the citizenship, even under the bill which was defeated, was not something which was going to be imminent.

We have seen local governments and State governments trying to deal with the issue. Reports are more than 100 laws have been passed and ordinances enacted which would deal with the immigration problem. They cannot do it on a sensible basis. Last week the U.S. District Court for the Middle District of Pennsylvania handed down an opinion that the city of Hazelton, notwithstanding the understandable efforts by the mayor, program was not constitutional; that under our laws, the answer has to come from the Congress.

We have seen a lot of unrest on the issue. The front page of the Washington Post the day before yesterday had a report about groups of immigrants feeling that they had been mistreated. There was an uneasiness on all sides, uneasiness by people who are angry about the violation of our borders, by immigrants who think they are not being fairly treated, and a grave concern about the availability of workers on our farms across America, concerns of the hotel industry and landscapers and restaurateurs about the adequacy of our labor force. So there is no doubt that this is a very significant issue.

Last week I circulated to my 99 colleagues a letter, and one page summarizing the study bill—I will call it a study bill.

I ask unanimous consent that the text of the draft proposal and the one-page letter circulated to all other Senators be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. In conclusion, I emphasize that I am inviting suggestions and comments for improving the bill. The one view that I do have, very strongly, is that it is our pay grade to deal with this issue. Only the Congress can deal with the immigration problem, and it is a matter of tremendous importance that we do so. We obviously cannot satisfy everyone, but I invite analysis, criticism, and modification.

I see my distinguished colleague from Vermont, one of my distinguished colleagues from Vermont, awaiting recognition.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

DEAR : I believe it is possible to enact comprehensive immigration reform in this Congress, perhaps even in this calendar year, if we make two significant changes in the bill we recently had on the floor.

First, a new bill should eliminate the automatic path to citizenship for the approximately 12 million undocumented immigrants. Instead, we should just eliminate the fugitive status for the 12 million so that they would not be fearful every time they see a policeman, be protected from unscrupulous employers who threaten to turn them in if they don't do the employer's bidding, and be free to do things like rent apartments in cities which now preclude that. From soundings I have taken from many senators, that should take the teeth out of the amnesty argument, which was the principal reason for the defeat of the last bill.

Second, we should not tamper with the current provisions on family unity with the elaborate point system which was insufficiently thought through. If that is to be ultimately accomplished, we need hearings and a more thoughtful approach.

Third, although not indispensable, I believe we should provide more green cards to assist the hitech community.

The enclosed draft bill covers these three changes and also includes the guest worker program, the increased border security and enhanced employer verification in the last bill.

Because it will be easier to get real border security if we deal with the 12 million undocumented immigrants, I think this proposal presents an alternate and plausible path to achieve comprehensive immigration reform now.

I have discussed this proposal with the senators who were part of the core negotiating group and with the relevant interest groups and have received a generally favorable response and, in many cases, an enthusiastic response. Similarly, in discussing the proposed bill with the dissenters, I have heard no strenuous adverse response so I believe it is worthy of a repeat effort. Although the defeat of the bill on the Senate floor was a major disappointment, I think that we proponents of comprehensive immigration reform have significant momentum and these changes, perhaps supplemented by other modifications, could put us over the top.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I thank the Chair. In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Daily Digest clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, we are coming up to a critical deadline this week once again that touches millions of families across our country who don't have a job, not because they

don't want to work but because they have not been able to find one in the hardest hit economy since the Great Depression. Even though things are turning around, we have millions of people yet to be able to find a job, to be able to care for their families and keep a roof over their heads.

Twice this year already, the Congress has missed deadlines for extending unemployment benefits because of Republican obstructionism, basically telling millions of Americans: Tough.

We are now in a situation where today we will offer a temporary extension to be able to continue unemployment benefits and help with health care, as well as support for our doctors whom we are all concerned about maintaining their Medicare payments, and we will ask for an extension. I hope the answer, again, is not: Tough. That is what I am very hopeful of.

Today there are 15.3 million Americans who have lost their jobs through no fault of their own, and they rely on an unemployment insurance system to pay the bills and put food on the table. We have also heard from economists that this is an important way of keeping dollars in the economy because when someone is out of work and they have to be able to buy food and put gas in the car and be able to do the other basics, it keeps money in the economy so that when someone gets an unemployment check, they are spending it because they have to spend it, and that is part of what is a stimulus to the economy.

People are trying to find work and trying to support their families during tough times. They want to be working, as I said. They are pounding the pavement every day. They are putting in applications every day. This is not their fault. They have worked all their lives. Many of them find themselves, having worked for companies for 20 or 30 years, now in their fifties and they have played by the rules and they are finding that because of what has happened in a global economy and unfair trade rules and what has happened on a lot of different fronts, they don't have a job. So they are asking that we continue to understand that, understand the real world for millions of people.

We have 15.3 million people who have lost their jobs and who are receiving assistance. That doesn't count the people who are no longer receiving any kind of help or are working one, two, three part-time jobs just to try to figure out how to make it, and, of course, those jobs don't provide health insurance. As we transition to help them, we are not yet there to be able to help those families.

When President Obama and when all of us as Democrats took office last year, we saw at that time a loss of almost 800,000 jobs a month. We have been laser-focused on jobs in the Recovery Act. We have been laser-focused

on doing everything we can, and continue to do that. It is critical that we pass a small business bill to create capital for our small businesses that have been hit.

We have another bill dealing with innovation, and the bill that will be coming to us that extends unemployment is a major jobs bill, and we are continuing to focus on that. With what we have already done, we have now gone from almost 800,000 jobs a month being lost when the President first took office, to moving to that being about zero at the end of the year, to being about 250,000 new jobs being created. That is good. It is not enough. We know that. It is not nearly enough, but at least we have turned the ship around. At least we are not continuing to go down, down, down as we did with the last administration for 8 years when we lost 6 million manufacturing jobs alone.

So we are turning it around. It takes time. It takes way too much time. I am very impatient about that because I know the best thing we can do to help anyone who doesn't have a job in my State is to make sure they can get a job. Folks in my State and folks in Illinois want to work. They know how to work. They are good at working. It is not their fault that there are six people looking for every job that is available right now. But the reality is, because of that, people are looking to us to understand what is going on in their lives, what they are facing in terms of enormous pressures just to keep their heads a little bit above water. They are asking us to extend unemployment benefits as this economy turns around, and understand.

So we come now to another day of reckoning. We have gone through this before. I remember last November when there was a filibuster for—I believe it was 4 weeks—on extending unemployment benefits, and then everybody voted for it. After creating tremendous stress in the lives of families who were trying to figure out what was going on, after 4 weeks of filibustering, then we finally saw people voting for it.

We have seen various versions of obstruction on the floor of the Senate. I hope today is different. I hope today people are going to say they understand that we need to extend for 30 days if we are not able to complete the jobs bill, depending on what happens if it comes over from the House. I hope we will be able to do that.

If there is a continual effort to block the 1-year extension, 1.2 million Americans will lose help right now for themselves and their families while they are looking for work, and over 300,000 people in my great State of Michigan. As I said, these are people who are doing everything we have asked them to do.

Let me just share some of the e-mails and letters I get, and I get many of those.

I get many of those. Let me share this from Rick Allegan, who wrote:

I will not be able to take care of my family at all if benefit extensions are cut. After being laid off, I have not even been able to land a job at local restaurants or fast food places. I am very grateful for these extensions—the help the State is giving me is allowing my children to eat and my family to stay afloat. Please do not take [this help] away. I am confident I will land a job and be back to work. Until then, I just don't want to worry about where I am going to get funds [I need]. I am trying very hard to find work.

Mr. President, I am sure that is true.

Clinton from Battle Creek wrote:

I am a 56-year-old unemployed worker in Michigan. I lost my job at the end of 2008, after a 38-year career in the auto repair industry. When I got laid off, I took advantage of Michigan's No Worker Left Behind program, and I am currently in college working toward a degree in human services. To that end, I work with men at the Calhoun County Jail, and I am a mentor at the newly formed "Mentor House" for newly released prisoners here in Battle Creek. When I finish my education, I will be gainfully employed and an asset to my community. To this end, also let me say that if I lose my unemployment benefits, I may not be able to finish college, and we could also lose our home because of the loss of income. Needless to say, we don't want either of those things to happen. Thank you very much for all you do, as I am truly grateful as an American citizen to have all that we are afforded.

That is somebody who is doing what we told him to do—go back and get retrained. But he is only able to do that because of a temporary safety net that will help while that is going on. The rug could be pulled out from under him and his family.

Christopher from Three Rivers said this:

I have been unemployed for 13 months and some days.

I have never, ever been unemployed this long—not ever. And it's astoundingly difficult to find anything—more or less even receive a reply to an inquiry. I am registered with no fewer than four temp offices and have been for some months, and nothing—not a single call, even though they assure me they are in fact looking for me.

And so I do all I can, and daily, trying not to lose hope. But what truly appalls and galls me is Congress' attitude that all is well and the economy is getting better, so, no, there won't be any further extensions of unemployment [insurance].

And let's be clear about something: I detest this. I can't stand living on barely anything, but to then have it implied that I somehow enjoy doing this and thus am lazy and enjoy living on unemployment is quite offensive.

Mr. President, that is offensive to millions of Americans.

He says:

I can assure you that I do not, and I have been doing everything in my ability to find work.

People want to work. People have worked their whole lives. It is not their fault that we find ourselves in this situation. It is not their fault that there was recklessness on Wall Street that led to a collapse of financial markets,

that closed down credit, that caused small businesses not to be able to get loans to be able to keep business going or manufacturers to be able to get the support they needed. It is not the fault of the American people. It is not the fault of a breadwinner who can no longer bring home the bread.

We have had a collapse on a number of levels. We are rebuilding again. Things are turning around, as slow as it is. The unemployment rate in Michigan is coming down. That is a good thing, but it is not fast enough for the people whom we represent who need temporary help until that job is available, until they are able to get that community college degree, to be able to get that training for the new job we have all told them they should go get. Go get retraining, we say. But how do you put food on the table and pay for a roof over your family's head in the meantime? We have done that through unemployment benefits that allow people to be able to become economically independent again.

That is what we are talking about here—temporary help. That temporary help has gone on longer than any of us would like to have it go on. No one is more concerned about having to come to the floor and talk about extending unemployment benefits, but the reality is, for Americans, this is not their fault. We have to figure out how we can continue to support them in their efforts to look for work, to be able to go back to school so they can, in fact, continue their lives with their families, be productive citizens, and be able to continue to contribute to this great country.

We also know we have millions of Americans who rely on help with health care. We said to them years ago: If you leave your job or lose your job, you can continue your health care benefits. The problem is that it is so expensive when you have to pay both the employer contribution and the employee contribution, most people haven't been able to do it.

Last year, in the Recovery Act, we did something about that. We said we would help so that people could continue their health insurance in COBRA. That expires as well. Just as those jobs have not been there, until we fully see a health reform bill in place, which will take time, as we know, we also need to continue to help with health care.

This bill that will be coming in front of us, the American Jobs and Closing Tax Loopholes Act, also includes a very important 1-year fix—actually, it is beyond 1 year now; it will include multiple years—to fix what has been a drastic cut in reimbursements to doctors, a cut that, if it were allowed to happen, would force many doctors' offices to stop seeing Medicare families and military families.

As you know, I believe the payment formula that has been in place and the

cuts that have been scheduled for many years should be completely eliminated and we should completely change the system, which is called SGR. But until we can get to that point—and I hope it is very soon—we need to make sure doctors have confidence that those drastic cuts will not happen and that seniors and military families know cuts won't happen and that they are going to be able to continue to see their doctor.

It is critical right now that we work together today to make sure we are allowing these important policies—the help for people who have lost their jobs, whether it be health care or unemployment insurance, the ability to continue to provide the kinds of Medicare payments so seniors can see their doctors—it is critical that we don't let that lapse. We will have an opportunity on the floor today to continue that either temporarily or permanently. Obviously, I would like to see the full jobs bill passed today and see this completed at least until the end of this year. If that is not possible, it is not the fault of the people who don't have jobs, so I don't know why they should be the ones who are hurt because of it.

I am very hopeful that one way or the other we are going to let people in this country know that as we focus on jobs—which is the best thing we can do, and it is what everybody wants—and continue to turn this economy around, as we continue to see jobs being created in the private sector, we will not forget the people who have gotten caught in this economic tsunami through no fault of their own.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, I came to the floor to call up what I thought was a very important amendment. I understand the majority is not letting controversial amendments come up now, so I will not call it up and put the Chair on the spot of having to object. But I do want to take the opportunity to speak on my amendment. My hope is, if we conclude all germane amendments, I will have the opportunity, even if there is a limited amount of time to talk about them or debate them, that we would at least have a vote on them, because I think not to have a vote is to ignore the people we are representing.

I intended to call up my amendment that proposes the Secretary of the Veterans' Administration have the authority to take any savings realized during the bid process on major construction projects and use it to fund other au-

thorized construction projects within the VA; in other words, take care of providing the facilities our veterans need for the delivery of health care they have so richly deserved.

Because of a bad economy, the VA has actually been able to strike unbelievable deals with the projects they had before them. From that, the best estimate I have is that the VA has saved \$103 million on 12 projects. Let me say that again. The VA has saved \$103 million on 12 projects.

As my colleagues all know, in section 901 of this bill, it proposes taking \$67 million from the construction projects for medical facilities and maintenance of VA facilities and to dump that \$67 million into a thing we call the Filipino Equity Fund.

Let me say that again, because I think most people listening probably do not believe what I said. We are going to take \$67 million out of the VA construction and maintenance fund that we were able to save because of good work on contracting on 12 projects, and we are going to shift \$67 million over to the Filipino Equity Fund.

On the face you would say, well, if it is going to Filipino Equity Fund, it is not going to U.S. veterans. You are right. It is not going to U.S. veterans.

Money appropriated by this Congress for the construction and the maintenance of medical facilities, hospitals, outpatient clinics, maintenance of those facilities, we are going to shift over to the Filipino Equity Fund. I will talk more a little bit later about the Filipino Equity Fund.

First and foremost, the money saved in the bid process was appropriated to fund major construction projects within the Department of Veterans Affairs. We are talking about hospital construction, renovation, cemetery construction, and other capital improvements. Let me assure you the President knows this. The needs are vast.

Let me quote from last year's Senate MILCON Appropriations report:

The committee remains concerned that the Department has a significant problem with unfunded liability on its existing major construction projects. In fiscal year 2010 [this one] the Department will have 21 partially funded projects with a cumulative future cost of nearly \$4.5 billion.

Let me say that again: In this report from this Congress about the 2010 budget, we criticized the Veterans' Administration because they had 21 partially funded projects with a cumulative future cost of \$4.5 billion. All of a sudden, this year, because of a down economy and our ability to negotiate better deals, we have a surplus in the account where we have saved \$103 million. And what are we going to do? We are going to shift it all over to the Filipino Equity Fund, not put it toward \$4.5 billion worth of identified shortfalls in existing projects that have already been started.

We are not talking about the ones on the list that might go to the Presiding Officer's State or to my State of North Carolina, where I have got the highest percentage of veteran retirees as a percentage of anywhere in the country. Let me assure you, we have got needs today there. If you want to do something with that \$103 million, I can put outpatient clinics in North Carolina where our veterans will receive real health care that they deserve and, more importantly, they earned because of their service to the country. But, no, \$67 million of it is going outside of the Veterans' Administration and is going to the Filipino Equity Fund.

Let me also quote from a prominent veterans organization, the Veterans of Foreign Wars, whose witness testified at the committee's February budget hearing.

The challenge for VA is there are still numerous projects that need to be carried out, and the current backlog of partially funded projects is too large. This means that the VA is going to continue to require significant appropriations for the major and minor construction accounts.

That is one of the veterans service organizations, the organization that represents veterans all over this country, warning us: You know what. There are so many projects out there, there is not enough funding to go around. Why are we doing this?

Second, given the acknowledged need I have described, it makes no sense to remove the funds from an account expressly dedicated to meeting the needs of that account. There is no Member of the Senate who can tell me that VA construction does not need this \$103 million. But we are going to shift it. We are going to do that because we can.

Congress provides taxpayer dollars for major construction projects. These dollars should remain for that purpose. Why? Because the need exists. If not, taxpayers are going to have to pay for it with additional taxpayer money.

Third, we have a massive deficit. I am not sure many Members of the Senate will acknowledge it. We have a massive deficit, and hard choices have to be made with limited resources. The choice here is what do you do with \$67 million. This \$67 million has been identified as savings within the VA construction budget. What do you do with it?

Well, the amendment I would have offered—and, again, I wish I could call it up so my colleagues could debate it with me and vote on it, but it is contentious. I understand. I never thought it would be contentious to try to protect what our veterans are due. I never thought it would be contentious that if you found somebody taking money and putting it where the Senate did not authorize it to be that that was contentious. I thought that is why we were here. I thought that is called oversight.

Well, the amendment I would have offered proposes that we keep the money to meet the needs Congress intended it for: to build hospitals, for cemetery construction, for major renovation of VA facilities.

I have also filed an amendment proposing to fund the provisions of the family caregiver law the President just signed into law. I am not going to call it up. But my colleague, the Presiding Officer, knows; he sits on the VA Committee with me.

The President signed into law a great bill. It is to allow a family member of an injured servicemember to be their advocate, those 1,500-plus severely injured Americans with a traumatic brain injury who need an advocate fighting for their rehabilitation, because, quite simply, the system does not fight for them.

They could not leave their job and lose their salary because they lost their health care. And the President saw the wisdom in a bill that we passed out of the Veterans Affairs Committee. It is going to be costly, about \$4 billion over 10 years, to give a financial stipend to that family member, a financial stipend that is no different than we would have paid some stranger off the street to come in and take care of that servicemember.

Now we are going to give the same amount of money to that spouse or that father or that mother. And, oh, by the way, we also provide them access to TRICARE health care coverage that we provide our soldiers and their families.

That is about \$4.2 trillion. If you want to use \$67 million for something that Congress didn't appropriate it for, which is construction, then let's use the \$67 million to offset the funding of the caregiver program, something that is acknowledged that we need and, more importantly, we understand exactly what the impact is on our service personnel.

The question my amendment presents is, Is providing additional resources for veterans so that they have modern medical facilities to receive care a higher priority than ensuring that Filipino veterans get a pension benefit? It is as simple as that. There is no way one can spin this any differently. We are either going to give Filipinos a pension benefit or we are going to supply our veterans with the health care infrastructure they need and, more importantly, deserve.

Irrespective of where we come down on the Philippine issue—and I will provide my views on that momentarily—the ultimate issue is one of making tough decisions, tough choices. I personally don't think this is one of those. I respect my colleagues who believe otherwise.

Two years ago, I took this floor to argue against establishing this special pension for Filipino veterans who

fought under U.S. command during World War II. My argument was based on several factors. First, I didn't believe it was the right priority given the other needs that existed in our veterans community. Nothing has changed. There is a greater need in our veterans community today than there was 2 years ago when I argued the need on behalf of our veterans versus Filipino veterans.

Second, I don't think it is appropriate to pay a benefit that is not adjusted for the different standards of living that exist between the Philippines and the United States. Example: Pensions in the United States for veterans achieve an income of 10 percent above the poverty level. The special pension we are talking about during this debate—and the debate 2 years ago—got Filipino veterans to 1,400 percent above Filipino poverty: U.S. veterans, 10 percent above poverty; Filipino veterans, 1,400 percent above the poverty line. We should have called this the Filipino millionaires club.

Finally, I don't think these benefits were ever promised in the first place. I will not get into the exhaustive debate the chairman of the Appropriations Committee and I had 2 years ago. I don't remember a time where anybody told me anything I said was not factual or suggested it was wrong. I made a tremendous case that in the 1930s, these veterans were organized to fight for the soon-to-be-independent Philippine State. They were called under U.S. command in defense of their own homeland.

Let me say that again. They were called under our command to defend their own homeland. The view of the Congress immediately following the war was that care of these veterans was a shared responsibility. The United States provided a limited array of benefits for Filipino veterans, including disability pay for service injuries, new hospitals, which we later donated to the Philippines, and medical supply donations.

That was the Congress immediately following the war, the decision this body made when this was a fresh remembrance. It was never expected that the United States would provide the same benefits to Filipino veterans as we do for U.S. veterans.

Here is a quote from 1946 made by then-Senate Appropriations Committee chairman Carl Hayden:

[N]o one could be found who would assert that it was ever the clear intention of Congress that such benefits as are granted under . . . the GI bill of rights—should be extended to the soldiers of the Philippine Army. There is nothing in the text of any laws enacted by Congress for the benefit of veterans to indicate such intent.

Again, the chairman of the Appropriations Committee in 1946, commenting on whether we were committed, whether we had promised, whether we had insinuated.

The shared responsibility for Filipino veterans was a view that held across Republican and Democratic administrations for six decades. Proposed pension benefits for Filipino veterans was opposed by every administration in Congress since 1946 up until 2008 when all of a sudden we created the Filipino Veterans Equity Compensation Fund.

Here are some facts surrounding the creation of the fund and why I am concerned with what we are doing today, especially on a bill that is meant to provide relief from recent disasters in the United States and to fund our troops. The Filipino Veterans Equity Compensation Fund was created to make payments to Filipino veterans of World War II in increments of \$9,000 or \$15,000, depending upon citizenship. This body authorized the creation of the fund and appropriated \$198 million to fund it. The fund was later officially created, and the \$198 million was officially authorized under the American Recovery and Reinvestment Act, the stimulus package.

Remember the big bill we passed to put Americans back to work? Well, \$198 million went to create the Filipino equity fund. I wonder if it created any jobs over there.

By law, Filipino veterans were given 1 year in which to file claims for benefits against the fund. That 1-year period ended February 16, 2010. February, March, April, May—we are a little over 3 months past the deadline for any Filipino veteran who wanted to file a claim to file the claim. The law also required—and this is important—that the Veterans' Administration submit detailed information within the President's budget submission on the operation of the compensation fund, the number of applicants, the number of eligible persons receiving benefits, and the amount of funds paid. I am not sure anybody here would be shocked to learn that we got the President's submission, but there wasn't a VA report in it.

As a matter of fact, in December, when, as ranking member, my staff inquired with the VA what the balance of the Philippine equity fund was, we were well under \$198 million having been allocated. That was the end of December. We only had 60 days left for people to actually process their applications before the cutoff date. I find it unbelievable that we would spend almost as much in the last 60 days as we spent in the first 10 months, as people applied for this benefit.

There was no detailed information provided in the President's budget. All that was there was an estimate that the administration expected \$188 million to be expended on submitted claims. I turn to my colleague from Maine, but I think the President's budget came in in February or early March, after the deadline. The President's budget said they are going to

use \$188 million, well short of the \$198 million Congress had already appropriated to the Philippine equity fund. At no point in the intervening months since the President submitted his budget were we notified of a shortfall in the fund.

We see the pattern. The pattern is the White House said there was enough money. We had a surplus in there. The Secretary of the VA never told the ranking member, the chairman of the Veterans' Affairs Committee, the White House, or my staff that they were short money.

We will take up at another time with the Secretary of the VA his statutory obligation to submit a report to the Congress, but now we are here.

On May 7, Secretary Shinseki sent a letter to the chairman and ranking member of the House and Senate Appropriations Committees informing them, but not officially requesting, of a \$67 million shortfall. Where did this come from? This is like "Star Trek." Just out of the blue, it appears, 3½ months after the deadline for filing. Well, if you look at the amount of disability claim backlogs at the VA, you understand they don't process things very quickly, even for our veterans. But they have processed the Filipinos' a lot faster than they have ours and, more importantly, they have reached out in a supplemental spending bill. It is an emergency. A supplemental spending bill is for emergencies. How does this fit as an emergency? Tell me where this should not be offset? Why should the American taxpayer be required to go out and borrow this money?

I apologize. It is paid for. We are stealing it from the VA. We probably borrowed it to give it to the VA, but now we are stealing it from the VA and giving it to the Philippine equity fund.

I find it interesting that we are rushing to meet this shortfall without understanding how exactly we went from being under budget to being grossly over budget. I say "grossly." We allocated \$198 million. The White House projected in February they were going to use \$188 million. All of a sudden, we have to take another third in an emergency capacity to make sure they can meet the needs.

One other point I wish to make: There is clear language authorizing appropriations for the Philippine equity fund. Make no mistake. There is authorization language, clear authorization language. I quote from the Recovery Act now, the stimulus package, in reference to the funding for the Philippine equity fund:

It is authorized to be appropriated to the compensation fund \$198 million to remain available until expended to make payments under this section.

So even in the underlying bill language, if the underlying bill language is enacted, the VA has no legal obliga-

tion to spend it. They have no legal authority to spend it—let me put it that way—because the additional money hasn't been authorized. We authorized \$198 million. For the VA to spend more, quite frankly, they do not have the authority, as I read the law, and as I read the language quoted in the stimulus bill, the Recovery Act. This kind of oversight is what happens when matters are rushed through without appropriate vetting.

This week our Nation's debt went above \$13 trillion. Spending is out of control, and there is no end in sight. As a nation, over the next 10 years—if we did not borrow another penny—we owe \$5.4 trillion in interest payments to service the money we have borrowed. If we compare that to the entire sovereign debt of the European Union, which is \$12.7 trillion, we owe almost 50 percent of the entire sovereign debt of the European Union in interest payments over the next 10 years—not in reducing debt, servicing debt.

Although another \$67 million to add to the Filipino fund might seem like a drop in the bucket, I do not think it does to people in North Carolina: the soldiers at Fort Bragg, the marines at Camp Lejeune, the airmen at Seymour Johnson, the aviators at Cherry Point, the servicemen who ship all the ammunition the U.S. military uses out of Sunny Point, the thousands of family members who rely on the health care and the benefits.

We are experiencing an unemployment rate in North Carolina of 10.8 percent. Nationally, we are at about 9.9 percent. At a time when the typical family in North Carolina is struggling to meet the obligations at the end of the month—meaning they buy what they need and not what they want—what does the Congress do? The Congress says the hell with our veterans. Let's take money we have designated and put over here for construction and to build cemeteries and to do maintenance for our veterans—let's take \$67 million of it and fund this pot of money that even the Secretary has not justified why they need it.

In a tough fiscal climate, tough choices must be made. I say to the President, I say to the chairman of the Appropriations Committee, we have been more than generous to the Philippines, to the Philippine veterans. But, Mr. Chairman, our needs must be met first—the needs of our veterans, the needs of our economy, the needs of the American people, the protection of the fiscal integrity of this country.

America wakes up every day expecting us to change. Every day they wake up thinking: Maybe Congress will recognize the difficult financial situation we are in—only to see us, in a week like this, where we are desperately trying to borrow another \$300 billion, and we claim it is an emergency.

This is not an emergency. If we owe it, it can wait. If we owe it, we should

pay for it; we should not borrow it. We should not steal it from the VA. We should not steal it from our children and our grandchildren. We should not steal it from the veterans. If we owe it, let's pay for it.

I had wished to call up this amendment. I hope before we end the debate on this supplemental spending bill—but I do not know—I will put it this way: We will, before we end this supplemental spending bill, have an opportunity to vote on this because I will object to leaving before we will. I will not hold the majority or the minority Members to the floor to hear me rant and rave again, I promise the chairman that. I have said my piece. But I hope they will show me the dignity of voting on it. I hope they prove to America this body still has rules and that we follow those rules.

It is a germane amendment. It gets to the heart of one specific piece of it. Two people can disagree on whether it is an emergency. Two people can disagree on whether it is a priority. But I think the one thing we can all agree on is we can never, ever pay our veterans enough. There is no amount of money, there is no service, there is no benefit we can provide that satisfactorily takes the veterans of this country and thanks them appropriately. We are in this institution because of them, and when we do this future generations question why.

Today, I hope my colleagues question why, and when given an opportunity, vote in support of my amendment and strike this from the bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Hawaii.

Mr. INOUE. Madam President, it was not my intention to rise, but after listening to the remarks of the Senator from North Carolina, I felt it obligatory that I say something to clarify the record.

I think it is well that we review a bit of the history of World War II. On July 26, 1941, the President of the United States, Franklin Delano Roosevelt, invited the Filipinos, issued a military order, and said: Join our forces in the Far East. If you do, at the end of the war you will be entitled to, well, apply for citizenship and receive all the benefits of a veteran of the United States. That was a promise made by the President of the United States in March of 1942.

After going through the horror of Bataan and Corregidor, the Congress of the United States passed a law doing exactly that: authorizing Filipinos who wished to be naturalized to do so; and upon naturalization, a receipt of citizenship, they were entitled to all the benefits.

Madam President, 470,000 volunteered, and many died as we know. Most of the men who marched in the Bataan Death March were not Ameri-

cans; they were Filipinos. But then, when the war ended, we did send one member of the Immigration and Naturalization Service to Manila to take applications for citizenship. Before he settled down, he was recalled back to Washington. The Congress of the United States, in March of 1946, repealed that law, denying the Filipinos and reneging on the promise we made.

When I took the oath as a soldier in World War II, after the oath, the company commander told me there are three words that are precious: "duty," "honor," and "country." Duty to your country, never dishonor the country. Show your love for your country.

Well, in this case, it should be apparent to all of us what we did was not right. We made a promise. We were honor bound to those men who served and got wounded. The emergency is very simple: they are dying by the dozens each day. They are old men. Their average age is 87. They do not have too many months left in their lives. That is why it is in this supplemental bill. If we wait another year, who knows how many will be left?

I just wanted the record to be clear this is a matter of honor. We should uphold our promises. We are complaining to other countries when they violate a little portion of a treaty. This was a promise made by Congress and the President of the United States, and we reneged soon after the war. It is so obvious. Would we have done that to other countries?

Madam President, I am glad it is not coming up for a vote because I think it would be a sad day if we voted it down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 4253

Ms. COLLINS. Madam President, I left an important markup of the Senate Armed Services Committee because it was my understanding the Senator from California, Mrs. BOXER, wished to debate an amendment I have pending before this body and she wanted to do so at either 3:30 or 3:45. It is now almost a quarter after 4, and I am told the schedule of the Senator from California has changed. I am very eager, having spent considerable time waiting for her on the Senate floor, to return to the markup. So I am going to give my comments now and try to anticipate the arguments my colleague from California, Senator BOXER, will be making in opposition to the amendment I have offered. It is a little difficult to do it that way, but having waited for some time now, I do need to return to the committee's markup.

My bipartisan amendment is a common sense approach to protecting both jobs and children's health, and it has to do with the new regulation the EPA has put into effect as of April 22 that requires mandatory training for anyone who is involved in disturbing or removing lead-based paint.

Let me say I support the intention of this rule. In fact, along with my colleague from Rhode Island, Senator REED, I have done a great deal of work to try to reduce the exposure of our children to lead-based paint. He and I held joint hearings in Rhode Island and Maine because both of our States have housing stocks that are older than the national average and, thus, have considerable lead-based paints. So I understand how important this issue is, and I support the rule.

Unfortunately, the EPA has completely botched the implementation of this rule because of its inexcusably poor planning, and it did not ensure there was an adequate number of trainers to provide the required classes to ensure that contractors understand the requirements of the new rule. That is why it is probably not surprising that there is a long list of cosponsors of my amendment. They include Senators ALEXANDER, INHOFE, BOND, VOINOVICH, SNOWE, BEGICH, GREGG, MURKOWSKI, COBURN, THUNE, CORKER, BROWN of Massachusetts, HUTCHISON, ENZI and BARRASSO, and I appreciate them joining me as cosponsors of this amendment.

What my amendment would do is prohibit the EPA from using funds in this bill to levy fines against contractors under its new lead paint rule through September 30.

Based on what I have seen in Maine, I believe the lion's share of contractors are awaiting EPA's training classes. Unfortunately, while they wait for EPA to deliver this training, they are at risk of being fined up to \$37,500 per day, per violation. While I support EPA's rule because we must continue our efforts to safely rid toxic, lead-based paint from our homes, it is simply not fair to put these contractors at risk of these enormous fines when it is EPA's fault that these contractors have not been able to get the training that is required under the new rule.

The fact is there are not enough trainers in place to certify the contractors. Let me give my colleagues an example. In three States—Louisiana, South Dakota, and Wyoming—there are no trainers available. How is that fair? In my State, as of last week, there were only three EPA trainers for the entire State to certify contractors, and as a result just a little more than 10 percent of the State's contractors have been certified.

Well, what does that mean? That means individuals will be affected, not just big contractors. It is your neighborhood painters; plumbers are affected; window replacement and door replacement specialists. It affects a wide variety of individuals involved in home renovations. They are all affected. They can't get the courses. So that means they can't do these jobs. Here is the ironic result. The ironic and tragic result is that lead-based

paint remains in these homes. It can't be removed because the contractors aren't certified to remove it. So that is the irony—the delay of the removal of lead-based paint.

In a State such as Tennessee that has just undergone enormous flooding and is going to require extensive renovation and reconstruction, it is going to bring a lot of that work to a halt because for all of Tennessee there are only three EPA-certified trainers. In a State such as Alaska—think how vast Alaska is—there are only three certified trainers as well. In Hawaii, there are two. In Iowa, there is only one for the whole State. In the Presiding Officer's State of New Hampshire, there are only three—again, not nearly enough.

The rule carries a big penalty for contractors who do not get trained. If contractors who perform work in homes built before 1978 are not EPA certified, they face fines of up to \$37,500 per violation, per day. Well, in your State and my State, that is more than many of these painters make in a year—in a year. And how unfair it is that it is the EPA's fault that in many cases these contractors are not certified. They are not certified because they simply cannot get the courses.

Let me give my colleagues another example of the EPA's total mishandling of the planning for this rule. The EPA estimated that it only needed to train 1,400 people in my State—1,400 people. In fact, there are more than 20,000 individuals in the State of Maine who require training. The EPA assumes they are part of large firms and that only one person at each firm needs to be certified. That is just not how it works. In my State—indeed, I bet in most rural States—contractors are often one or two people in a shop. They aren't these big firms. The person who did work on my home replacing the windows just a couple of years ago—and I am glad he did it then before this new rule went into effect—works either alone or with one or two other people to assist him. That is very typical.

There is an assumption by the EPA that contractors specialize, that they only do renovations in old homes or they do new home construction. That isn't true at all, particularly not in this economic environment where the housing industry has been so hurt and depressed. The contractors in my State are hustling to do whatever they can in order to get work and to put food on their table. They work in mixed communities with both older and newer homes. It is simply not fair to require them to give up working in older homes, particularly in a State such as mine which has some of the oldest housing in the Nation.

Here is another assertion by the EPA. The EPA asserts that they did plenty of outreach and that contractors should have known they needed to

get training before April 22. Clearly, the EPA did not adequately target its outreach campaign. Writing to Home Depot doesn't do it. That is not sufficient outreach. In fact, the classes were all offered in the southern part of my State, very far from people in Aroostook County in northern Maine, for example, where it could be a 5 or 6-hour drive in order to get the necessary training. When we begged the EPA for more trainers and more help, it took them 7 weeks to even respond with some ideas for getting more trainers in Maine, and even then their proposal showed a complete lack of understanding of the geography of the State and the number of people who would need to be trained.

It also was frustrating because they offered some very expensive classes. EPA, for example, offered a class for \$200 in Waterville for people living in Aroostook County. That is almost 5 hours away. So not only were they going to be required to pay \$200 for the course, but also they would miss 2 days of work traveling back and forth. That is inexcusable, and that is the kind of insensitivity out of Washington that makes people so alienated from government right now. It is exactly why people are so frustrated.

The EPA will point out the dangers of lead poisoning, and I could not agree more that lead poisoning is a terrible problem and that we have to do all we can to protect our children. But poor implementation of this rule serves no one well, and in fact, as I pointed out, it means lead paint is going to remain in homes that otherwise would have been remediated or mitigated.

This rule is very strict. If you disturb just 6 square feet of paint, then you have to comply with the new rule. So it doesn't just apply to a large contractor doing an extensive renovation; it is going to apply if you are a carpenter replacing one window in a home or if you are a plumber who is helping to put in a new bathroom where there is lead paint or if you are a painter who is painting a new room or an old room in a house. So it has very wide application.

How the EPA so misjudged the number of people who would require training is beyond me. This is so frustrating because it did not need to happen this way and cause such hardship for our small business men and women who are struggling if they are in the construction business right now.

That is why my amendment—a bipartisan amendment with considerable support—has been endorsed by the National Federation of Independent Business, our Nation's largest small business advocacy organization. In fact, the NFIB will consider a vote in favor of my amendment as an NFIB key vote for this Congress. I want to make sure my colleagues recognize that.

I wish to read a portion of the letter from NFIB. Again, as NFIB points out:

The new EPA lead rule applies to virtually any industry affecting home renovation including: Painters, plumbers, window and door installers, carpenters, electricians, and similar specialists . . . NFIB appreciates the intent of the law . . . However, we continue to be concerned that the tight enforcement deadline unfairly punishes contractors who have not been able to become accredited through no fault of their own.

That is the point. In my State, there are literally hundreds of contractors who are on waiting lists to get convenient classes, and some of them have been on these class waiting lists for as long as 2 months. So this is a real problem, and the high penalty for non-compliance is simply unfair.

I would point out that this is the peak construction season, particularly in Northern States such as ours, I say to the Presiding Officer. We can't bring everything to a grinding halt because the EPA did such poor planning in rolling out this new rule.

I also wish to point out that the amendment has been endorsed by the Retail Lumber Dealers Association and by the Window and Door Manufacturers Association. It is endorsed by the National Home Builders Association. It is endorsed by a number of groups representing small businesses involved in the renovation of homes.

Again—because I can just imagine what is going to come about later when my colleague from California, Senator BOXER, comes to the floor—this is not about repealing this rule. This is about giving more time for the training, the mandatory classes to take place before the EPA steps in and wallops these small businesses, these self-employed painters and carpenters and window installers and plumbers, with huge fines that could put them out of business simply because they have not been able to get the mandatory training due to the EPA's poor implementation of this new rule.

I hope my colleagues will support this amendment. It is a modest, commonsense solution to a problem created here in Washington by officials who are simply out of touch with what is going on in home renovation businesses. I hope my colleagues will support it. All it is doing is giving us a few more months to get people trained. I think that it is reasonable. I ask for my colleagues' support.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Daily Digest editor proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Madam President, later we will be taking up an amendment I filed to the supplemental appropriations bill—amendment No. 4191—and at

that time, with an agreement that is reached by all sides, I will not be asking for a vote on that amendment and will be withdrawing it. I wanted to give the reasons why I will be doing so.

I was pleased that President Obama announced today that he would put on hold the lease-sale 220 site that is off the coast of Virginia for offshore drilling. Let me take us back to March, when President Obama made the announcement that certain parts of our coast—previously off limits for offshore drilling—would now be allowed to go forward with drilling. At that time, Senator MIKULSKI and I sent a letter, issued a statement, making it clear we would resist any efforts to drill off the Virginia coast 50 miles from the mouth of the Chesapeake Bay. We thought the risk of these drillings were too great with the amount of oil that may have been there.

The President's announcement today takes that issue off the table, at least temporarily. The amendment I offered to the supplemental appropriations bill which, of course, would have been in effect during the use of the funds in the supplemental appropriations, would have prevented any of those funds from being used for drilling off the Atlantic or the straits of Florida. The President's announcement has now taken care of my immediate concern that there could have been an effort to move forward on drilling off of the Virginia coast.

I want to go over the pluses and minuses of this, because I think it is an interesting dynamic here as to the benefits that could have been involved in drilling off of the Atlantic coast.

As I said before, the site that was selected is about 50 miles from the mouth of the Chesapeake, about 60 miles from Assateague Island. If there had been a spill, the prevailing winds, over 70 percent of the time, come into the coast or along the coast. That means if we had a spill, that spill would have had dramatic impact on the Chesapeake Bay, on Assateague Island, on the beaches of Maryland, Delaware, New Jersey, Virginia, and probably the east coast of the United States, and could have caused irreparable harm.

The potential oil that is in site 220 matches about 1 week of our Nation's needs. So the risk-benefit here clearly dictates that we not drill along the mid-Atlantic. And I would like to add one additional factor, and that is there has been concern expressed by the Department of Defense as to moving forward with drilling off the shores of Virginia, because the Navy does operations within this area, and it would have been an encroachment on the ability of the Department of Defense to move forward with its needs. In a time of war, we certainly don't want to jeopardize the Defense needs.

So for all those reasons, the Senators from this region—Senator MIKULSKI,

myself, Senator LAUTENBERG, and Senator MENENDEZ—have been arguing very strenuously against moving forward, and that is the reason why I filed amendment No. 4191. Fortunately, the President has removed the immediate concern.

Of course, since his March announcement, we have seen the BP Oil episode in the Gulf of Mexico—this horrific event. By the way, the largest spill we had in the United States—the Exxon Valdez accidental spill—was 10.8 million gallons. We now believe the spill in the Gulf of Mexico currently is approaching 40 million gallons. So we are talking about perhaps as much as three to four times the scope of what happened with the Exxon Valdez.

We know the original estimates were wrong. We don't know the exact estimates. Some say it is even larger than that. But we do know that we have now exceeded the Exxon Valdez as far as the amount of oil that has gone into the Gulf of Mexico and, of course, is traveling. It is traveling, as Senator NELSON points out frequently, along the Loop Current that brings it around the Keys up the east coast of the United States. So this is having a catastrophic environmental impact.

As I have said previously on the floor, the permits for the BP Oil site never should have been granted. The exploration plans spelled out very clearly that there was little risk of a spill, and that if they had a spill, it would not affect our coast because they had proven technology to prevent that from happening. Well, they didn't have proven technology. The blowout preventers had failed on numerous occasions previously, and we know that they misrepresented the facts.

The point I am bringing up is that there is a need for significant change in our regulatory system as it relates to going forward with drilling, and the President is recognizing that today. He announced a moratorium on deep water and he also announced a modification on what is happening in the Arctic. I think all that is the right step moving forward. It is the first step forward, to acknowledge we have a problem. But I want to point out that the areas already available for exploration represent over 70 percent of our known reserves—I think over 80 percent on oil. So we are talking about a very little amount in new areas. And we only have less than 3 percent of the world's reserves. We use 25 percent of the world's oil.

As the President said today, what happened in the Gulf of Mexico should be a real awakening call to our Nation to go forward with an energy policy to make us secure. We cannot drill our way out of this problem. We have to develop renewable and alternative energy sources. We need to be serious about conservation, and we need to look at ways that we can be energy secure and

improve our economic outlook by creating jobs and also be friendly toward our environment.

For all those reasons, it makes absolutely no sense whatever to move forward with new explorations along the Atlantic coast.

Although I applaud the President's announcement today—it is a step in the right direction—what we need to do is take this site, lease sale 220, off the table permanently and take drilling in the Atlantic permanently off the table. I assure my colleagues I will be looking for a way in which we can speak to this to provide the legislative authority so drilling will not take place off the Atlantic coast. I know Senator FEINSTEIN is also working on amendments to make sure we do not have any new permits issued until we have a regulatory system in place that we all have confidence is independent and will protect the environment and safety of the American people.

The bottom line is that the American people have a right to expect we are going to do what is right for this country, that we are on their side and we are not just going to listen to what the oil industry wants. We are going to make sure we protect our environment and make sure we have an energy policy that makes sense for America.

I think the President took an important step forward today in his announcements concerning taking this lease site, at least for the moment, off the table so we are not threatened by exploration off the Virginia coast. That was the intent of my amendment. I am very pleased he did that. But I hope this will lead this body to pass legislation to permanently protect the Atlantic coast because, frankly, oil spilled anywhere on the Atlantic coast will affect the entire coast.

We need to be mindful that we all are in this together. Let's work on responsible policies for regulation to make sure our regulators are controlling the drilling that is taking place in the proper manner, and let's work together on an energy policy that makes sense for this Nation, that will make us energy secure and provide for America's future.

With that in mind, when the appropriate time comes to consider amendment No. 4191, I want my colleagues to know why I will not be seeking action on that amendment. I believe the President's actions will protect those of us on the east coast of the United States during this immediate time, during 2010, so we will not have any drilling done. I am satisfied that we have been able to protect our communities from drilling. But I urge us to get together to make sure that is permanent and that it is not changed when perhaps people's recollection of what happened in the Gulf of Mexico might not be quite as fresh as it is today, as we see the consequences of this environmental disaster.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I ask to be recognized for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4221 WITHDRAWN

Mr. ISAKSON. Madam President, in 1 minute I am going to ask for unanimous consent to withdraw amendment No. 4221, which is currently pending on the legislation before us. After discussions with the staff, it is my understanding that the appropriations included in FEMA in this emergency legislation will, in fact, be available to those States that have been approved for funds that did not get them in the last budget because funds ran out. If that is the case, the State of Georgia would, as my intent was, be recognized to be a beneficiary of that. Therefore, I ask unanimous consent that the Isakson amendment, No. 4221, be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, what is the order now?

The PRESIDING OFFICER. The Menendez amendment to the Reid amendment is the pending question.

Mrs. BOXER. Madam President, would it be in order for me to speak against the Collins amendment, No. 4253, at this time?

The PRESIDING OFFICER. Yes, it would.

AMENDMENT NO. 4253

Mrs. BOXER. Madam President, I hope we are going to defeat the Collins amendment, No. 4253. Let me explain what the amendment does. I want to describe why it is wrong and why it should be defeated.

The purpose of the Collins amendment is to prohibit the EPA, the Environmental Protection Agency, from ensuring compliance with Federal safeguards to protect pregnant women, infants, and children from lead poisoning related to repair and renovation work involving lead-based paint. I think everyone agrees—I don't think there is any dissent—that lead is very dangerous and lead poisons children. We know it is imperative to remove the lead from the child's environment in order to make sure they do not get brain damage.

This amendment is designed to stop the EPA from enforcing that very important safeguard of removing this lead

even if businesses were criminally negligent, even if businesses were willfully breaking the law's safeguards. If children were lead-poisoned and had permanent brain damage as a result of inadequate care being taken to protect the public health, EPA still couldn't enforce this law and get rid of the lead. Even if a child died as a result of severe lead poisoning, this amendment says EPA cannot enforce the law here.

The reason that is given by Senator COLLINS for her amendment to prohibit EPA from enforcing this law to protect our kids from lead is that there are not enough trainers available at EPA to train businesses so they are properly trained to do this work. Later on in this statement, I will show why that is false. But let me say that we ought to know what we are getting into here if we start doing things like this. Whose side are we on, anyway—the side of our families or the side of some businesses that do not want to do what has to be done and are using any excuse to get out of doing what needs to be done, which is to get rid of the lead.

On April 22, 2008, EPA issued a rule requiring the use of lead-safe practices to prevent lead poisoning. The rule requires one contractor in a renovation or repair job site to be certified in lead safe job practices. This one contractor can oversee or conduct the work. The rule covers projects at childcare facilities, schools, and homes that were built before 1978, and any facility that contains lead-based paint.

The Bush administration's EPA promulgated this rule after then-Senator Obama worked to get the Agency to conduct the rulemaking. When the Agency started the rulemaking in 2006, the EPA was a decade behind the schedule Congress had set out. Imagine this: It took an extra 10 years to get this regulation in place, and Senator COLLINS wants to stop the enforcement. This is a bad amendment.

Let me tell you about the public health threats EPA's rule is designed to protect. According to the CDC, the Centers for Disease Control, lead is a dangerous toxin that can harm almost every organ and system in the body, and there is no known safe level of lead in children's blood. About 250,000 U.S. children age 1 to 5 have blood lead levels greater than 10 micrograms of lead per deciliter of blood, the level on which CDC recommends public health intervention. When children have that much lead in their bodies, they may have to undergo painful treatments to quickly reduce their blood lead levels. According to the EPA, lead can damage the nervous system, including the brain, which can harm mental development, and it can cause permanent injury to hearing and visual abilities.

Pregnant women, infants, and children are especially at risk from exposure to lead. Exposure before and during pregnancy can harm prenatal de-

velopment and cause miscarriages. Large exposure to lead can cause blindness, brain damage, convulsions, and even death. The long-term effects of lead exposure in children include higher school failure rates and reduction in lifetime earnings due to permanent loss of intelligence and other impacts.

Let me tell you, Madam President, this is a proven scientific fact. Exposure to lead in children—in all of us is a real problem but especially in children. If we are not on the side of the children in this Senate, I don't know whose side we are on.

This is a very unwise amendment. According to the EPA, 40 percent of homes have some lead-based paint, and annual renovation, repair, and painting projects may impact 1.4 million children under the age of 6. Lead-based paint repair and renovation activities can significantly increase the risk of elevated blood lead in our children. An EPA study found that children living in residences during renovation and remodeling activities were 30 percent more likely to have elevated blood lead levels than children who lived elsewhere.

States from coast to coast recognize the threat lead poses to infants and children, and they recognize that trained individuals should do lead paint repair and renovation work.

In Maine, the State government recognizes that more than 60 percent of Maine homes may contain lead paint. Home renovations caused over half the childhood lead poisonings in Maine.

This is a statement from the Maine government:

It is very important that home repairs in an area with lead paint be done safely and correctly. Improper removal of lead paint can poison you and your children.

This is from the State of Maine. They go on to say:

Every year, hundreds of children in Maine are found to have elevated blood levels. Most children are poisoned by lead hazards in their homes. To protect yourself, your family and any tenants, you can use a licensed lead abatement contractor with workers who have been trained and certified in lead abatement.

In Tennessee, we have a similar warning:

A common source of high-dose lead exposure to young children is deteriorating paint in homes and buildings.

They say:

Hire a certified lead-based paint professional to remove lead-based paint from your home.

In Oklahoma, they say:

Lead poisoning is the No. 1 environmental health hazard for children. Remodeling a house covered in lead paint will create dust and paint chips that can cause lead poisoning if inhaled or ingested. Protect your family from lead during remodeling.

The State says:

If you hire contractors, make sure they understand the causes of lead poisoning and how to stay safe.

In my home State of California, this is what they say:

Lead in paint chips, dust, and soil cling to toys, fingers, and other objects children put into their mouths. This is the most common way children get lead poisoning.

Many construction professionals today still do not know about the harmful effects of lead. They may not even know that simple painting, remodeling, or renovation projects can cause lead poisoning.

I think it is very important to note that industry has had years to understand and prepare for this rule. EPA began the rulemaking in 2006, and contracting organizations and other stakeholders met and talked with the agency. EPA issued a final rule in 2008. The rule did not go into effect until 2010.

EPA got hundreds of comments during the rulemaking process. The agency has joined with the Coalition to End Childhood Lead Poisoning, the U.S. Department of Housing and Urban Development, and the Ad Council to sponsor a nationwide public advertising campaign to raise awareness of the dangers of lead poisoning to children.

Advertisements are being distributed to more than 33,000 media outlets, and workers are already trained and more workers are receiving training in order to ensure compliance with this rule's safeguards.

Let me tell you, Senator COLLINS has stated on this floor that she supports getting the lead out of our homes, that she supports training the contractors. The reason she is stopping this—and make no mistake, stopping this program, which means more lead poisoning in our children—the reason is, she says, there is not enough trainers.

So we called EPA. I spoke to Senator FEINSTEIN about this, and we find no such thing. According to EPA, States across the Nation have more than enough trainers to handle renovation needs at this point in the year. In areas of States that may be harder to get to the agency has traveling trainers who go from State to State giving classes.

EPA has stated the number of renovators needed to implement the rule during the first full year will be achieved in the next 2 months. They will have trained 363,000 renovators. This means training is ahead of schedule. It is ahead of needs since we are only halfway through the year.

As of May 19, there are 223 accredited training providers offering training across the country; 119 are available to travel to provide training in any State—your State, my State, any State. Most of these trainers are offering multiple training courses each week.

As of May 19, 2010, these training providers have offered over 12,000 renovator certification classes and trained 200,000 to 250,000 renovators. Further, 238 additional training providers have applied to become accredited. When ap-

proved, these trainers will more than double the Nation's training capacity.

Let's take a look at Maine. According to EPA, this State is estimated to need 1,300 renovators trained in this first year that the Federal rule protecting people from lead poisoning is in effect. As of May 19, Maine has at least 2,686 trained renovators, and there have been 158 classes provided in the State.

Again, there are 119 traveling providers who can travel anywhere in the country to offer courses. EPA told Senator COLLINS' staff, and we found this out from EPA, that the agency would send such trainers to northern Maine to offer classes in Bangor, where staff said there was a need for more trainers.

EPA asked staff for contact information on the individuals who had called the Senator asking for assistance in getting trained. So far EPA has not received a response. In Maine, believe it or not, there have been cancellations of training classes, and 32 classes have been canceled. EPA believes cancellations occur because they are just not enrolling. So to come here and say there are not enough trainers, when her State has canceled training, just does not add up.

EPA's rules already provide exemptions for emergency situations. For example, the recent floods in Tennessee have damaged many homes that must now undergo renovation. On May 14, 2010, the EPA sent the State of Tennessee a letter announcing that emergency exemptions from the agency's lead paint repair and renovation rule applied in 42 counties that had experienced serious flooding. EPA stated:

It is permissible for individuals to perform immediate activities necessary to protect their property and public health. These actions may include the removal of surfaces containing lead-based paint. Further, these actions need not be performed by a certified individual. To the extent necessary to alleviate the concerns associated with this emergency.

So EPA is being very flexible. They are not saying to people who are trying to recover from a flood: You need to remove the lead. If you need to deal with your home, deal with it. Do not have this added worry. So they are flexible.

Lead hazard information: having a sign to warn people about lead dust hazards, containing lead dust in the work area by using such materials as plastic and tape, lead dust waste handling requirements and certain training and certification requirements. This also has been waived in this Tennessee circumstance.

EPA has said some safeguards still apply to these renovations. But they have exempted them from quite a few. They do not want to see our children exposed. EPA's rules require a simple, commonsense action such as using plastic and tape to control the migration of lead dust, the use of HEPA vacuums that can be purchased at de-

partment stores to clean up dust, and a prohibition on certain actions that create extremely serious lead dust hazards. According to EPA, these safeguards add only \$35 to the cost of renovation.

I have letters from public health organizations that oppose this amendment. I also have a letter from the EPA explaining why it opposes this amendment. I ask unanimous consent that these be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CENTER FOR HEALTHY HOUSING

PROTECT WOMEN, INFANTS AND CHILDREN FROM LEAD POISONING—OPPOSE AMENDMENT 4253

The undersigned organizations and individuals oppose Senator Collins' Amendment 4253 that would put over 1 million children at risk of irreversible lead poisoning. The amendment would prohibit EPA from spending funds under this emergency supplemental appropriations act to enforce the Agency's rule to require work practices that protect people from health threats caused by repair and renovation work on lead-based paint.

Even though the Act does not provide EPA with any funds to enforce these important requirements, it will put every Senator who votes for it on record as being against EPA enforcing safeguards in the Agency's lead repair and renovation rule. These protections are designed to prevent lead poisoning—a devastating disease that has ravaged our education, judicial, and health care system for far too long. The amendment sets a horrible precedent and if it becomes law, it would put the entire federal government on record against enforcing the safeguards, which may have serious consequences.

The Environmental Protection Agency published the "Renovate Right Rule" to protect children from unsafe lead exposure caused by renovations in older homes. Public health organizations have been waiting 18 years for this rule to be implemented and now Senator Collins is threatening to roll back decades of lead poisoning prevention work. The rule requires contractors to follow three simple procedures: contain the work area, minimize dust, and clean up thoroughly. This rule closes a major gap in lead poisoning prevention—with only a modest \$35 cost increase per renovation job, according to a 2008 Bush Administration analysis. Please consider the following facts:

Lead remains the most significant environmental health hazard to children, with over 250,000 children impacted. More than one million children are at risk each year when homes are renovated.

Lead is especially toxic for young children. It can cause permanent brain damage, loss of IQ, behavior and memory problems and reduced growth.

Among adults, lead exposure can result in reproductive problems, high blood pressure, nerve disorders and memory problems.

Countless children have suffered the consequences of lead exposure due to the delays in finalizing the rule. Don't vote for an amendment that will put you on record as being against enforcing these important public health protections.

Sincerely,
Rebecca Morley, National Center for Healthy Housing, Columbia, MD; Bill

Menrath, Healthy Homes LLC, Cincinnati, OH; Roberta Hazen Aaronson, Childhood Lead Action Project, Providence, RI; Margie Coons, WI Division of Public Health, Madison, WI; Melanie Hudson, Children's Health Forum, Washington, DC; Yanna Lambrindou, Parents for Nontoxic Alternatives, Washington, DC; Linda Kite, Healthy Homes Collaborative, Los Angeles, CA; Shan Magnuson, Santa Rosa, CA; Bay Area Get the Lead Out Coalition, CA; Fresno Interdenominational Refugee Ministries, Fresno, CA; Jose A. Garcia, Inquilinos Unidos, Los Angeles, CA; Rafael Barajas, L.A. Community Legal Center and Educational, Huntington Park, CA; Jim Peralta, Interstate Property Inspections, Inc., Rochester, NY; Nancy Halpern Ibrahim, Esperanza Community Housing Corporation, Los Angeles, CA; Mark Allen, Alameda County Lead Poisoning Prevention Program, Oakland, CA; Martha Arguello, Physicians for Social Responsibility-Los Angeles, CA.

David Reynolds, Facility Manager, Jackson, MS; Larry Gross, Coalition for Economic Survival, Los Angeles, CA; Jang Woo Nam, Koreatown Immigrant Workers Alliance, Los Angeles, CA; Leann Howell, Riverside, NJ; Richard A. Baker, Baker Environmental Consulting, Inc., Lenexa, KS; Greg Secord, Rebuilding Together, Washington, DC; Kim Foreman, Environmental Health Watch, Cleveland, OH; Sue Gunderson, ClearCorps USA, Minneapolis, MN; J. Perry Brake, American Management Resources Corporation, Fort Myers, FL; Paul Haan, Healthy Homes Coalition of West Michigan, MI; Andrew McLellan, Environmental Education Associates, Buffalo, NY; Ruth Ann, National Coalition to End Childhood Lead Poisoning, Baltimore, MD; Kathy Lauckner, UNLV-Harry Reid Center for Environmental Studies, Las Vegas, NV; Greg Spiegel, Inner City Law Center, Los Angeles, CA; Kent Ackley, RI Lead Techs, East Providence, RI; Elena I. Popp, Los Angeles, CA; Lana Zahn, from Niagara County Childhood Lead Poisoning Program, Lockport, NY.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, May 27, 2010.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: Thank you for your interest in the amendment proposed by Senator Collins that is aimed at eliminating EPA's enforcement of various regulations that are necessary to protect children from lead based paint poisoning. The stated purpose of this amendment is to "prohibit the imposition of fines and liability under" various rules on lead paint, including the Lead Renovation, Repair and Painting Rule.

We oppose the amendment on the grounds that it may set a precedent that Congress seeks to prevent enforcement against criminal actions with respect to the lead rules. The amendment could be interpreted as seeking to stop EPA from taking criminal enforcement action against those who knowingly or willfully violate lead rules, even in egregious cases causing lead poisoning in children. A real possibility exists that a contractor who knowingly or willfully ignores the new lead rules during a renovation would not be held accountable under this language. Furthermore, such an amendment could stop EPA from taking enforcement action against those who improperly perform renovations. Such an amendment could pose lead hazards from renovations to an estimated 137,000 children under age 6 and to one million indi-

viduals age 6 and older. Finally, there are 250,000 people who have followed the requirements of the law to become trained and certified. The amendment is inequitable because it favors those who were slow to comply.

Overall, the amendment as written could be read as an expression of the intent of Congress to block implementation and enforcement of the rules on lead based paint. If you or your staff have any further questions regarding our concerns on the amendment, please let us know.

Sincerely,

STEPHEN A. OWENS,
Assistant Administrator.

Mrs. BOXER. I think it is important to take a stand for our children. This would completely shut down this important program. It would say it is put on hold, even in the worst circumstances.

The National Center for Healthy Housing sent a letter: "Protect Women, Infants and Children from Lead Poisoning—Oppose Amendment 4253."

Let me tell you, it is signed by some important organizations: The National Center for Healthy Housing in Maryland; the Healthy Homes LLC, in Cincinnati, OH; Childhood Lead Action Project in Providence, RI; Division of Public Health in Madison, WI; Children's Health Forum in Washington, DC; Parents for Nontoxic Alternatives, Washington, DC; Healthy Homes Collaborative, Los Angeles; and Bay Area Get the Lead Out Coalition, CA; Fresno Interdenominational Ministries in Fresno. The list goes on and on, many from California.

Interstate Property Inspections, Inc., in Rochester, NY; Alameda County Lead Poisoning Prevention Program, Oakland, CA; Jackson, MI, a facility manager says no to this amendment. The Coalition for Economic Survival says no. Riverside, NJ, we have a letter from them. We have a letter from Kansas. We have more from Cleveland, from Minnesota, from Florida, the American Management Resources Corporation; Healthy Homes Coalition in Michigan; Environmental Education Associates in Buffalo; Coalition to End Childhood Lead Poisoning in Baltimore, MD. Here is an interesting one. The Harry Reid Center for Environmental Studies in Las Vegas, NV. We ought to make sure our leader knows they have taken a stand here.

The Rhode Island Lead Techs, in East Providence, and from Niagara County, Childhood Lead Poisoning Program.

This is where we stand. Finally, we have a rule in place, and it happens to be that President Obama, when he was a Senator, pushed hard for that rule. It made it through, and there has been long lead time. We are ready to go.

Whenever there is a renovation now, and we know there is lead involved, we have to make sure somebody is trained.

EPA has the trainers. The fact that someone stands on the floor of the Senate and says they do not flies in the

face of what I read. We know how many we have. We know there are many who would come on and go anywhere across the country. These training sessions take about 8 hours, and then the person is licensed to do this removal.

That is it. Let's not turn back the clock. Let's not go back to the time that we did not know lead caused these problems. Lead is poison. Lead is poison. We are ready to get it out of these old buildings. We are ready to do it, and I do not see why we should turn the clock back to another time and place and say we are doing it for the reason that there are not enough trainers when there are enough trainers.

That is not right. So I will say at this time, I do not see anybody else here. I hope we will vote down the Collins amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

MEMORIAL DAY

Mr. MCCONNELL. Mr. President, on this upcoming final day in May we will observe Memorial Day, and remember the men and women in uniform who have loved this country and given their lives to defend it. Memorial Day is a time to honor their extraordinary sacrifice.

We have a proud tradition of service in my home State of Kentucky, home to Fort Knox, Fort Campbell and many of our brave troops. Just a few days ago soldiers from the 101st Airborne Division, based out of Fort Campbell, cased their colors in preparation for deployment to Afghanistan. Training the local police force will be a major focus for this mission, the fourth deployment for the division headquarters since 9/11.

More than 10,000 men and women from the 101st are already deployed to Afghanistan, and by the end of August that number will reach 20,000.

In addition, about 3,500 soldiers from the Army's 3rd Brigade Combat Team, based at Fort Knox, are preparing to deploy to Afghanistan soon, as are up to about 2,000 Kentucky Army and Air National Guard members.

Five soldiers from the 101st have died in Afghanistan since January. Every soldier preparing to ship out faces that same risk, but that does not deter them from duty and service. They are working to keep their families back home and all Americans safe.

I have met with many of the family members of soldiers, sailors and marines from Kentucky who gave their lives in service. I have let them know that their loved ones will not be forgotten by this country. And they are not

forgotten in the U.S. Senate. We are honored to share this land with such brave heroes.

Mr. President, I yield the floor and suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I note that we faced a long discussion about a bill that was just passed out of the Armed Services Committee. I, unfortunately, felt compelled to oppose it, but I appreciate working with the Senator from Illinois as we discussed it.

AMENDMENT NO. 4173

Mr. President, I am disappointed that we are going to vote on this emergency supplemental legislation, not having voted on the amendment I offered, along with Senator CLAIRE MCCASKILL of Missouri, my Democratic colleague. It received 59 votes a few weeks ago. It is designed to help contain our rapacious tendency to spend, spend, spend. We give the phrase “a drunken sailor spending” a bad name the way we are spending in this Congress.

I had hoped we would get another vote on it. I am disappointed Senator REID and the leadership on the Democratic side took action to see that a vote would not occur. I called it up very early in the process, and I am disappointed.

The amendment would have made it more difficult to break the budget and allowed more scrutiny for us before we violate it. The emergency supplemental legislation that is before us violates the budget. Every penny of this is spending beyond the budget. It has items that are not what we think of as emergencies.

If our military men and women have a health problem and there is a condition that requires us to take care of them, that takes extra money. We deal with these issues in the Armed Services Committee. But that is not an emergency. Those kinds of things happen all the time. We are allocating \$13 billion for an Agent Orange compensation plan that, I have to say, appears to me to not be written very tightly. Anyone who basically served in Vietnam who has heart disease can apparently claim some benefit under it.

I am not saying that is unjustified. It may be. What I will say is, it is not the kind of thing we should use emergency spending for when the country is going in a wrong direction.

We will soon be voting on tax extenders. I want to send a warning out to my colleagues and to the people who are concerned about the state of the American economy. I will quote some comments that have been said recently.

Keith Hennessey, who is former director of the National Economic Council, wrote this:

House Democrats have modified their “extenders” bill and appear to be bringing it to the floor for a vote today. Monday’s version would have increased the deficit by \$134 billion over the next decade. Today’s version would increase the deficit by \$84 billion over the same timeframe. What hard choices did the leaders make to cut the net deficit impact by \$50 billion? None. They simply extended the most expensive provisions for a shorter period of time.

What did they do? There was a complaint they had \$134 billion in increased debt, and they were dealing with some issues. They did not pay for them over a long enough time. They just reduced it.

Mr. Hennessey goes on to say:

The new bill extends the unemployment insurance and COBRA health insurance benefits through November 2010, rather than December of 2010 in Monday’s version.

They just reduced it one month to save a little money there and make the bill look a little better. Does anyone doubt we will be coming back to extend it further in the future?

Then he goes on to say:

The Medicare “doctors’ fix” would extend through 2011, instead of through 2013 . . .

Which means that after this year, our physicians will be back here complaining about the impending 21, 22 percent cut in their Medicare payments. They do not get paid enough now. We cannot cut our physicians 20 percent. They are going to quit practicing and stop doing Medicare work.

What did they do when somebody said: You are increasing the debt too much? We will just pass the doctors fix through the end of this year and push it on to the next, instead of doing it through 2013 like they planned.

He goes on to say:

The Congressional Budget Office has to score the amendment as written, so these two provisions are scored as “saving” \$50 billion relative to the Monday version. But just as it was unreasonable to assume that the increased Medicare spending for doctors would suddenly drop at the end of 2013, it is similarly foolhardy it will stop [in the future]. They are doing in this bill exactly what they did in the two health care bills that were rammed through in March—shifting some of the spending into future legislation to reduce the apparent cost of the current bill.

Will it work again?

Well, we are going to see.

Mr. President, I would just make one more note. An editorial in today’s New York Times titled “Easy Money, Hard Truths” by famous hedge fund manager David Einhorn, who lives and dies by Wall Street, moving money, keeping up with interest rates, lays out our budget problem very plainly in his column in the New York Times.

Before this recession it appeared that absent action, the government’s long-term commitments would become a problem in a few decades. I believe the government response to the recession—

And let me add, that is the extraordinary spending we have done in the last few months—

has created budgetary stress sufficient to bring about the crisis much sooner. Our generation—not our grandchildren’s—will have to deal with the consequences.

He goes on to say:

According to the Bank for International Settlements, the United States’ structural deficit—the amount of our deficit adjusted for the economic cycle—has increased from 3.1 percent of gross domestic product in 2007 to 9.2 percent in 2010. This does not take into account the very large liabilities the government has taken on by socializing losses in the housing market. We have not seen the bills for bailing out Fannie Mae and Freddie Mac and even more so the Federal Housing Administration, which is issuing government-guaranteed loans to noncreditworthy borrowers on terms easier than anything offered during the housing bubble. Government accounting is done on a cash basis, so promises to pay in the future—whether Social Security benefits or loan guarantees—do not count in the budget until the money goes out the door.

He goes on to say:

A good percentage of the structural increase in the deficit is because last year’s “stimulus” was not stimulus in the traditional sense. Rather than a one-time injection of spending to replace a cyclical reduction in private demand, the vast majority of the stimulus has been a permanent increase in the base level of government spending—including spending on government jobs.

He goes on to say:

In 2008, according to the Cato Institute, the average Federal civilian salary with benefits was \$119,982, compared with \$59,909 for the average private sector worker; the disparity has grown enormously over the last decade.

Inflation from our current high-spending culture is problematic as well. According to Einhorn:

Government statistics are about the last place one should look for inflation, as they are designed to not show much. Over the last 35 years, government has changed the way it calculates inflation several times. According to the Web site Shadow Government Statistics, using the pre-1990 method, the Consumer Price Index would be over 9 percent, compared with about 2 percent in the official statistics today.

He goes on to say this:

At what level of government debt and future commitments does government default go from being unthinkable to inevitable, and how does our government think about that risk? I recently posed this question to one of the President’s senior economic advisers.

Mr. Einhorn asked him a very tough question: Is a government default on the horizon? Is it unthinkable or now is it on the way to being inevitable? And this is what Mr. Einhorn said the government adviser to President Obama said:

He answered that the government is different from financial institutions because it can print money, and statistically the United States is not as bad off as some countries. For an investor, these promises do not inspire confidence.

So he goes on to warn about the danger of a crisis where the Treasury seeks to get people to buy our Treasury bills, to buy our bonds, and this is what can happen. He said:

In the face of deteriorating market confidence, a rating agency issues an untimely downgrade, setting off a rush of sales by existing bondholders. This has been the experience of many troubled corporations, where downgrades served as the coup de grace. The current upset in the European sovereign debt market is a prequel to what might happen here.

That is today's warning in the New York Times, and we should take it very seriously.

The bill before us is irresponsible. It spends too much, it creates too much debt, and we should not have done it. We did not have to do it. And the bill that is coming up, the tax extenders, is also irresponsible. It spends too much money. We do not have to do it, and we should not do it.

The American people understand this completely. They tell me about it everywhere I go. Are we in denial in this body? Do we think it is just business as usual; that we can just continue to spend, spend, spend, borrow, borrow, borrow, and then presumably we will just print money and pay our debts, deflating our currency, eroding the value for the good and decent people of this country who have worked hard and saved all their lives? This is not good. The American people are right. No wonder our ratings with the public are so low.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMBALANCE OF REGULATORY CAPTURE

Mr. KAUFMAN. Mr. President, one of my primary concerns in the debate on Wall Street reform has been that we should not write legislation that turns all of the major reform proposals over to the regulators. Instead, we should follow on the footsteps of our forebears from the 1930s—those Senators of old who made the tough decisions and wrote bright-line laws which lasted for over 60 years, until they were repealed. I also argued that we should not depend on regulators who had not used powers they already possessed.

Instead, we passed a Senate bill that, in the area of bank regulation, primarily restates existing regulatory powers, provides some general directional authority, and leaves us with the hope that our present regulators will devise and enforce rules that prevent another financial crisis; that a systemic risk council of regulators will be able to detect early warning signals of impending financial instability; that the regulators will impose higher capital standards on systemically significant banks; that the regulators will be able to resolve failing institutions, and so on, and so on, and so on.

Yesterday, a third reason for writing laws and not turning to regulators was

brought home to me. It relates to how the Securities and Exchange Commission is studying the incredibly unregulated growth of high-frequency trading.

I am deeply concerned by preliminary reports of the makeup of the SEC panels studying high-frequency trading after the “flash crash” of May 6. On that day, the Dow Jones fell almost 1,000 points, temporarily causing a \$1 trillion drop in market value. I call on the SEC to make those panels more balanced by adding individuals from outside Wall Street who are truly sincere and knowledgeable about the further actions the SEC may need to take.

In just a few years' time, high-frequency trading has grown from just 30 percent to 70 percent of the daily trading volumes of stocks. These black box computers trade thousands of shares per second across more than 50 market centers with no real transparency—no real transparency—and therefore no effective regulation. If those ingredients—no transparency, no regulation—sound familiar, it might be because those are the same characteristics applied to over-the-counter derivatives.

My concern about the opaque and unregulated nature of high-frequency trading led me to write to SEC Chair Mary Schapiro last August 21, 2009, calling for a comprehensive review of market structure issues. I wrote:

The current market structure appears to be the consequence of regulatory structures designed to increase efficiency and thereby provide the greatest benefits to the highest volume traders. The implications of the current system for buy-and-hold investors have not been the subject of a thorough analysis. I believe the SEC's rules have effectively placed “increased liquidity” as a value above fair execution of trades for all investors.

On September 10, Chair Schapiro responded, saying she recognized the importance of standing up for the interests of long-term investors and would undertake a comprehensive review of market structure issues.

Because I had heard these concerns raised by credible voices, in a speech on September 14, 2009, I predicted some of the events of last May 6. At that time, I said:

Unlike specialists and traditional market-makers that are regulated, some of these new high-frequency traders are unregulated, though they are acting in a market-maker capacity. If we experience another shock to the financial system, will this new, and dominant, type of pseudo market maker act in the interest of the markets when we really need them? Will they step up and maintain a two-sided market, or will they simply shut off the machines and walk away? Even worse, will they seek even further profit and exacerbate the downside?

On October 28, Senator JACK REED convened a hearing in the securities subcommittee on these issues. He graciously asked me to testify at the hearing, where I said in my first statement:

First, we must avoid systemic risk to the markets. Our recent history teaches us that when markets develop too rapidly—when

they are not transparent, effectively regulated or fair—a breakdown can trigger a disaster.

On November 20, I sent a letter to Chairman Schapiro summarizing some of the hearing testimony and called on the Commission to acted quickly to “tag” high-frequency traders and address the systemic risk they pose. On December 3, Chairman Schapiro responded to my letter and wrote that the SEC would issue a concept release in January and put forth two rule proposals that would, respectively, impose tagging and disclosure requirements on high-frequency traders and address the risk of naked access arrangements.

In January, the SEC did indeed issue a concept release, as well as a proposed rule banning naked access arrangements. Unfortunately, it was months later—April 14—before the SEC finally issued the “large trader” rule requiring tagging of high-frequency traders. In that proposed rule, the SEC noted that the current data collection system is inadequate to recreate market events and unusual trading activity.

Now think about this. This was back on April 14, before the May 6 thing, and what she said was: In the proposed rule, the SEC noted that the current data collection system is inadequate to recreate market events and unusual trading activity. Is there any question why we don't know yet what happened on May 6?

Then, on May 6, the disaster struck that I and others were worried about. For 20 minutes, our stock market did not perform its central function: discovering prices by balancing buyers and sellers. And as the SEC has noted—both before and after the “flash crash”—it indeed does not have the data to discover easily the causes of the market meltdown.

It is true that the SEC and CFTC have gone into overdrive since May 6. Indeed, the staffs and Commissioners of both agencies have worked heroically around the clock to try to recreate and study the unusual trading activity of that day. They have kicked into high gear and formed an advisory commission. They have quickly come together to propose two more possible rules: an industry-wide circuit breaker so that if we ever again have another market “flash crash,” we won't see absurd prices for some of our Nation's proudest company stocks, and also a long overdue proposal to have a consolidated audit trail across market centers that will finally provide regulators with access to the information they need to police manipulation, understand trading practices, and reconstruct unusual market activity in a timely manner.

After weeks of helpful action by the SEC—when the industry itself was helping the agencies to find band-aid solutions—now is not the time to see the SEC continue with rulemaking by Wall Street consensus.

We may need further action, probably against the interests of those who benefit from the current market design.

Further action only through industry-consensus is a prescription for no change.

This all brings me to why I became so concerned yesterday. As part of the Commission's ongoing market structure review, the SEC has decided to hold a roundtable discussion on June 2—good idea.

I have learned preliminary reports about the make-up of the high frequency trader panel.

Based on those reports, the panel is dramatically out of balance.

It appears as though it was chosen primarily to hear testimony that reinforces the top-line defenses of the current market structure—that high frequency trading provides liquidity and reduces spreads—rather than what it should be doing, a deep dive into the problems that caused severe market dislocation on May 6 and damaged our market's credibility.

I have called on the SEC to add more participants to give the panels some semblance of balance.

Frankly, I find the preliminary reports to be so stacked in favor of the entrenched money that has caused the very problems we seek to address that the panel itself stands as a symbolic failure of the regulators and regulatory system—that is, with the exception of a few brave souls who have been invited to critique the conventional industry wisdom.

Let me read from the comment letters and statements of five of the expected participants.

Not surprisingly, in comments to the SEC and members the industry made prior to the unusual volatility of May 6, each of these five participants reported that—contrary to the concerns I and others had expressed—they think the markets are running as smoothly as ever.

One of the expected panelists wrote:

[O]ver the past 18 months—since the height of the financial crisis—the Commission has been very active with rule making proposals. Nearly all of the issues that may have contributed to diminishing investor confidence have been addressed by Commission rule-making.

Ironically, after what happened on May 6.

That panelist also wrote:

We believe that the current national market system is performing extremely well. For instance, the performance during the 2008 financial crisis suggests that our equity markets are resilient and robust even during times of stress and dislocation.

Another expected participant wrote in an email sent widely that his exchange—

doesn't believe the equities markets are broken.

To the contrary, we would argue that the U.S. equity markets were a shining model of

reliability and healthy function during what some are calling one of the most challenging and difficult times in recent market history.

Another expected participant wrote:

Implementing any type of regulation that would limit the tools or the effectiveness of automation available for use by any class of investor in the name of "fairness" would turn back the clock on the U.S. Equity market and undo years of innovation and investment.

That is an interesting comment, because I have always believed that fairness was the hallmark and number one priority of U.S. markets. That is what people say. That is why people come to America. They don't come to invest in some casino game. Liquidity is important, but the key thing for our markets to be credible is fairness.

Another expected panelist sounded a similar note in a comment letter filed before May 6.

All market regulation should be evaluated with respect to its impact on the liquidity and efficiency of equity markets for the benefit of investors . . . For example, certain short-term traders and high frequency traders provide liquidity to the markets. Although some of these short-term traders may differ at times in their goals and overall position vis-a-vis other types of investors, we believe, on the whole, that the liquidity they provide is beneficial to the markets.

I agree with that statement. Liquidity is vital to the strength and stability of our markets.

But on May 6, liquidity vanished, as some of the short-term traders left the marketplace. And for those who didn't, we learned that the liquidity they provide was about 1/100th of an inch deep.

Finally, another panelist co-signed a letter stating:

We believe that any assessment of the current market structure or the impacts of 'high frequency trading' should begin with the recognition that by virtually all measures, the quality of the markets has never been better . . .

The equity markets have also proven to be remarkably resilient. Despite the significant stresses that occurred during the recent financial crisis, U.S. equity markets remained open, liquid and efficient every day, while other less competitive and less transparent markets failed.

The SEC has picked one voice for the panel—Sal Arnuk of Themis Trading—who has been a vocal and intelligent critic of high frequency trading.

He has valiantly raised questions about market structure and the trading advantages that high frequency traders enjoy, but he is being asked to go up against six Wall Street insiders who will no doubt be primed to argue against his position.

People wonder why Americans have such little faith in Washington, DC. Talk about a stacked deck.

I am particularly concerned by the upcoming SEC roundtable on high frequency trading because it is reminiscent of the one that the SEC held last September on "naked" short selling.

Naked short selling occurs when a trader sells a financial instrument

short without first borrowing it or even ensuring it can be borrowed. Just a reason on faith that it may be borrowed. What this means is traders can sell something they do not own or have not borrowed. Americans understand you cannot sell something you don't have.

After the SEC's repeal of the 70-year uptick rule in 2007, abusive short selling facilitated the sort of self-fulfilling bear raids on stocks that we saw during the financial crisis.

Since coming to office last year, I have highlighted this serious problem through a series of speeches and letters to the SEC. Along with seven other Senators, of both parties, I also called for pre-borrow requirements and centralized "hard locate" system solutions.

In response to those concerns, the SEC held a roundtable last September to examine these proposals.

Unfortunately, like the panel coming up, the panel was stacked with industry representatives even though the industry had done virtually nothing to address what had become a glaring problem.

Listen to the lineup: Goldman Sachs, State Street, and the Depository Trust & Clearing Corporation DTCC, among others, participated.

Not surprisingly, these panelists were resistant to the hard-locate requirement and other serious solutions, even while they generally acknowledged that there are bad actors who engage in naked short selling and don't comply with the current locate system.

DTCC even backed away from discussing the very proposal it had laid before the U.S. Senate.

I fear that an industry-stacked panel in the upcoming roundtable on high frequency trading will be more of the same and will once again dismiss fundamental reforms, ultimately leaving retail and long-term investors with half-measures or none at all.

Why? Because repeatedly we see that regulators are dependent almost exclusively for the information and evidence they receive about market problems on the very market participants they are supposed to be confronting about needed changes.

This is as true in other agencies—we filed the papers just last month and you can see it—like the agency charged with the oversight of oil drilling—as it is at the SEC.

The regulators are surrounded—indeed they consciously choose to surround themselves—by an echo chamber of industry players who are making literally billions of dollars under the current system.

Who speaks to the regulators on behalf of the average investor?

Who outside of the industry itself has access to the data that only the industry controls?

Who other than the market players who have invested so much of their

capital into the very systems that profit and serve their own interests has the analytical capability to lead the SEC in a different direction?

We must have evidenced-based rules in our system, we are told.

But when all the evidence comes from Wall Street, who is going to stop Wall Street from once again pulling the wool over the SEC's eyes?

The events of May 6 demonstrate that technological developments have outpaced regulatory understanding. If we are to ensure our markets are safe from future failures—because the markets did fail their primary function on May 6th—regulators must catch up immediately.

Competition is critical in our markets and has led to many positive developments. But with competition, we also need good regulation. Just like we need referees on the field who will blow their whistles when the game becomes rigged. In football, we don't let the players make up the rules during the game.

So, we need action from our regulators, not negotiation. We need independent leadership by the SEC, not management by consensus with Wall Street.

Again, I call on the SEC to rebalance these panels. The Commission will never be able to catch up if it hears mostly from those who will fight to maintain the status quo.

The SEC must hear from those who speak for long-term investors and others who use our capital markets, not just from those who profit from high frequency trading.

The American people deserve no less. I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from South Carolina.

Mr. DEMINT. Mr. President, because I was not allowed to offer my amendment as part of the regular order, in a moment I will move to suspend the rules to offer my amendment that will set a deadline to complete 700 miles of double layer fencing on our Southwest border, as is required by current law.

If any Member of the Senate stood up today and said that we should not seal the oil leak in the gulf until we have a comprehensive plan to clean it up, we would all say that is absurd. Certainly we need to seal that leak as quickly as possible to minimize the cleanup later. But that is exactly the kind of logic the President and my Democratic colleagues are using when it comes to immigration. They are insisting we will not secure our borders until Republicans agree to a comprehensive plan with some form of amnesty and road to citizenship for those who have come here illegally. This is a debate we have had before and it was not settled here as much as it was out across America.

Americans have said: Secure the border first. The big immigration bill we

were trying to pass in 2006 failed because Americans finally convinced Senators that our first job is to secure the border; otherwise, any immigration policy is irrelevant.

At that time we made a promise to the American people and passed a law that we would build 700 miles of double layer fencing in areas where pedestrian traffic is the biggest problem. We have seen that where that has been implemented it has been effective. But, unfortunately, since 2006, even though we were promised this could be done in a year or two, only 34 miles of double layer fencing has been built since we passed this law. In other words, the Federal Government is ignoring its own law at the peril of the citizens in Arizona, Texas, and those all over the country. By not keeping our promises, by not enforcing the law, we have created devastation and war on our southern border with Mexico.

Thousands of Mexicans have been killed. We encouraged drug cartels all over the world to ship their goods through our borders. Arms trafficking, human trafficking—we have mass chaos on our border because we will not do what we know works.

The President is saying we have done over 90 percent of the fencing that we promised, but this is the virtual fencing that the chief of border security has said has been a complete failure. There are only 34 miles of the 700 miles that we promised our country and put into law.

My amendment does not make new law. It just sets a deadline, that the fence we promised will be completed within the next year.

MOTION TO SUSPEND

Mr. President, I move to suspend the provisions of rule XXII, paragraph 2, including germaneness requirements for the purpose of proposing and considering my amendment, No. 4177.

I ask for the yeas and nays and reserve the remainder of my time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent it be in order for Senator DEMINT to be recognized. That has already happened so we don't have to worry about that because he was recognized, because he has already moved to suspend Senate rule XXII.

I appreciate his understanding and finishing his remarks as quickly as he did. The amendment he is offering is in regard to border fence completion. I ask the Senator, does he still need time to speak, additional time?

Mr. DEMINT. If someone speaks against it, I will reserve 1 minute to respond.

Mr. REID. I would like the agreement to indicate if someone speaks against the DeMint amendment, that he be entitled to equal time in opposition thereto.

I further ask unanimous consent there be no amendment in order to the

DeMint motion to suspend; that upon the use or yielding back of the time, the Senate then proceed to vote with respect to the DeMint motion to suspend; that if the DeMint motion to suspend is not agreed to, then no further amendment or motion on this subject of the DeMint motion be in order; that upon disposition of the DeMint motion, the Senate resume consideration of the Collins amendment, No. 4253, and there be 2 minutes of debate remaining prior to a vote in relation thereto, with the time equally divided and controlled between Senators BOXER and COLLINS or their designees, with no amendment in order to the Collins amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Collins amendment; that upon disposition of the Collins amendment, the Senate then consider the Burr amendment, No. 4273, with an Inouye side-by-side amendment No. 4299; that the amendments be debated concurrently for 8 minutes, equally divided and controlled between Senators INOUE and BURR or their designees; that upon the use or yielding back of time, the Senate proceed to vote with respect to Inouye amendment No. 4299 to be followed by a vote in relation to Burr amendment No. 4273; that upon disposition of these two amendments, all remaining pending amendments be withdrawn, with no further amendments in order except a managers' amendment which has been cleared by the managers and leaders; and if offered, the amendment be considered and agreed to and the motion to reconsider be laid upon the table; that all postcloture time be yielded back with no further intervening action or debate; the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill, as amended, without further intervening action or debate; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the Appropriations Committee appointed as conferees; provided further that the cloture motion with respect to the bill be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, if I can just say, before anyone says anything, if we complete this, these will be all of the votes for the evening and the week. We are waiting for the House to do action on the extenders package, a jobs bill. The latest information I have is that they will not complete that until sometime late this evening. I have spoken to the Republican leader on several occasions. We are going to have several days to take a look at this because I understand it is going to come to us in pieces, not all as one bill.

We will take a look at that. We will start to work on that the Monday we get back. We are going to work to have a vote on that Monday we get back. I think it is June 7. We do not know what the vote will be on, but we will have it on probably a nomination. We are trying to figure out what that will be. I do not think we will be ready to start any actual voting on the so-called extenders package.

The Republican leader and I have talked about that. There are certain amendments that people have indicated they would like to offer to that. I think, frankly, it works better to allow people to offer amendments. There is no reason to move forward on any procedural effort to curtail that at this time.

The next work period is 4 weeks. That is all we have. We have so many things to do, and we are going to do our best to get the extenders done. We have a small business jobs matter that we need to move to. It is so important for our country's economy. We have talked about this for months now.

We have a bipartisan food safety bill that we need to do. That would be a good time to do that. And we have a number of other issues we will try our best to work through as quickly as we can. I appreciate everyone's cooperation this week. This gives great relief to the Pentagon. The House, that is supposed to complete their work on this bill today, did not.

So that is something we will have to take a look at, what they do, and get the conference completed as quickly as we can.

The PRESIDING OFFICER. Without objection, it is so ordered.

The DeMint motion to suspend the rules is pending.

The majority leader.

Mr. REID. Mr. President, pending what the House does, there will be some unanimous consent requests offered on both sides as I understand. But everyone should be aware of that later this evening maybe.

I do not have anyone here to speak on the DeMint amendment.

The PRESIDING OFFICER. The Senator from South Carolina has asked for the yeas and nays. Is there a sufficient second? There appears to be. If there is no further debate, the question is on agreeing to the DeMint motion to suspend the rules.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 52, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—45

| | | |
|------------|-----------|-------------|
| Alexander | Crapo | Lugar |
| Barrasso | DeMint | McCain |
| Baucus | Ensign | McConnell |
| Bayh | Enzi | Murkowski |
| Bennett | Graham | Nelson (NE) |
| Bond | Grassley | Risch |
| Brown (MA) | Gregg | Roberts |
| Brownback | Hatch | Rockefeller |
| Bunning | Hutchison | Sessions |
| Burr | Inhofe | Shelby |
| Coburn | Isakson | Snowe |
| Cochran | Johanns | Tester |
| Collins | Kyl | Thune |
| Corker | Landrieu | Vitter |
| Cornyn | LeMieux | Wicker |

NAYS—52

| | | |
|------------|------------|-------------|
| Akaka | Franken | Nelson (FL) |
| Begich | Gillibrand | Pryor |
| Bennet | Hagan | Reed |
| Bingaman | Harkin | Reid |
| Boxer | Inouye | Sanders |
| Brown (OH) | Johnson | Schumer |
| Burr | Kaufman | Shaheen |
| Byrd | Kerry | Specter |
| Cantwell | Klobuchar | Stabenow |
| Cardin | Kohl | Udall (CO) |
| Carper | Lautenberg | Udall (NM) |
| Casey | Leahy | Voinovich |
| Conrad | Levin | Warner |
| Dodd | Lieberman | Webb |
| Dorgan | Menendez | Whitehouse |
| Durbin | Merkley | Wyden |
| Feingold | Mikulski | |
| Feinstein | Murray | |

NOT VOTING—3

| | | |
|-----------|---------|-----------|
| Chambliss | Lincoln | McCaskill |
|-----------|---------|-----------|

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 52. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

AMENDMENT NO. 4253

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4253, offered by the Senator from Maine.

The Senator from Maine.

Mrs. COLLINS. Mr. President, I ask that I be notified when I have 30 seconds remaining, which I am going to yield to the Senator from Tennessee.

Mr. President, the Senator from California has misrepresented what my amendment would do. It does not repeal or change the requirement that EPA has for people to be trained before they remove lead-based paint. But the fact is, the EPA rolled out this new proposal, this new requirement, without having the training courses available. It is not fair to slap huge fines on contractors when it is the EPA's fault the classes have not been available. So this amendment just delays those fines until September 30 to allow more time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the worst natural disaster since the President took office was the recent flooding in Tennessee. There are 13,000 painters, plumbers, carpenters in Nashville alone, who have 11,000 structures to work on. They will get fined up to \$37,500 a day if they disturb six square feet of lead paint in a home unless they

get this certificate, and there are only three EPA trainers in the entire State of Tennessee to train them. This is making it harder and more expensive for people to get their homes fixed after the flood. Senator COLLINS has a reasonable amendment to give them until September to get their certification. Earlier today my colleague on the Environment and Public Works Committee, Senator BOXER, said that the EPA had granted a waiver to Tennessee because of the President's disaster declaration for 45 counties. Well that is true. However, the waiver means that if your basement was flooded—and there was lead paint—then you could bulldoze the house but not repair the basement. That's not the kind of relief we were looking for in Tennessee. Thank you, Mr. President, and I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The time has expired.

The Senator from California.

Mrs. BOXER. Mr. President, first, let me say to the Senator from Tennessee, in his State all the counties that had flooding are exempt from this rule. I have the letter from the EPA, and I spoke with them about it.

Secondly, let us not go back on this important issue. Lead is very dangerous, particularly for pregnant women, infants, and children. This amendment would stop any funds in this bill from being used to enforce the EPA's lead paint renovation program, which was put into place by President Bush's EPA.

There is a training program, and my friend from Maine says there are not enough trainers. There are so many trainers that there are 119 of them who are ready to travel to each and every State, and already they are ahead of the training. Mr. President, 360,000 people will be trained in the next 2 months.

What this amendment does is rewards the contractors who did not get the training and it hurts the others. I urge a strong "no" vote.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to Amendment No. 4253, which would prevent the U.S. Environmental Protection Agency from enforcing its lead paint renovation rule.

As we all know, lead poisoning can lead to learning and behavioral disorders so it is absolutely vital that all precautions are taken to protect children from exposure to lead paint. EPA issued the Lead Paint Renovation Rule because more than one million of America's children are still being poisoned by lead-based paint in their homes.

This new rule, which was finalized on April 22nd of this year, requires that contractors receive lead paint abatement training and certification from EPA to do work in certain facilities

like homes, schools and day care centers.

I certainly appreciate the concerns that Senator COLLINS, Senator ALEXANDER and other members have raised on behalf of contractors who have had difficulty getting access to their required training particularly in States like Tennessee that have recently experienced natural disasters.

Two weeks ago when the Committee marked up this bill, I committed to Senators COLLINS and ALEXANDER that my staff and I would work with them, and with EPA, to see if their concerns could be addressed.

Our staffs worked with EPA for several days, but unfortunately, we were not able to come to an agreement regarding an administrative solution to this problem. However, I want to emphasize that EPA has gotten the message that Members are concerned, and they are taking steps to improve the situation.

EPA had already indicated in an April 20, 2010 memorandum that it does not plan to take enforcement actions against firms who applied for certification before the rule took effect on April 22nd and are just waiting for their paperwork to be approved.

Now they are focusing on making more training opportunities available. An estimated 250,000 contractors have already been trained, and EPA has committed to help make additional training classes available in under-represented areas and areas affected by natural disasters so that contractors in those areas aren't unduly impacted by this rule.

EPA is also working to increase the number of training providers. As of May 19th, there were 223 accredited providers offering lead paint abatement training across the country, including 119 providers that travel to multiple States.

EPA tells me that 238 additional training providers have also applied to become accredited. When approved, these trainers will more than double the nation's training capacity.

I understand that some of my colleagues continue to be concerned that EPA still has not done enough. However, this amendment is not the solution we are looking for.

Supporters of this amendment have portrayed it as a common-sense solution that simply allows contractors additional time to get lead paint abatement training required by the rule.

In reality, passing this amendment would put the United States Senate on record as supporting efforts to prevent EPA from fining those who knowingly violate the provisions of the rule—even if those actions result in lead poisoning of children.

A contractor who willfully takes no precautions to contain or confine lead contaminated paint chips would be given a reprieve. I am also concerned

that this amendment could excuse renovators from complying with the most basic containment and cleanup measures.

I appreciate the concerns that my colleagues have raised. But this amendment is simply a bridge too far. Loosening protections against childhood lead poisoning is the wrong message to send.

That is why the Administrator of the Environmental Protection Agency, Lisa Jackson, and the Chairman of the Committee on the Environment and Public Works, Senator BOXER, oppose this amendment. I urge my colleagues to join me in opposing this amendment as well.

The PRESIDING OFFICER. The Senator's time is expired.

The Senator from Hawaii.

Mr. INOUE. Mr. President, I ask unanimous consent that the remaining votes in this sequence be limited to 10 minutes each.

The PRESIDING OFFICER. Is this objection?

Without objection, it is so ordered.

The question is on agreeing to the Collins amendment.

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—60

| | | |
|------------|-----------|-------------|
| Alexander | DeMint | Lugar |
| Barrasso | Dodd | McCain |
| Baucus | Dorgan | McConnell |
| Begich | Ensign | Murkowski |
| Bennet | Enzi | Nelson (NE) |
| Bennett | Graham | Pryor |
| Bingaman | Grassley | Risch |
| Bond | Gregg | Roberts |
| Brown (MA) | Hagan | Rockefeller |
| Brownback | Hatch | Sessions |
| Bunning | Hutchison | Shaheen |
| Burr | Inhofe | Shelby |
| Byrd | Isakson | Snowe |
| Coburn | Johanns | Tester |
| Cochran | Johnson | Thune |
| Collins | Kohl | Udall (CO) |
| Conrad | Kyl | Vitter |
| Corker | Landrieu | Voinovich |
| Cornyn | LeMieux | Webb |
| Crapo | Lieberman | Wicker |

NAYS—37

| | | |
|------------|----------|------------|
| Akaka | Cantwell | Feingold |
| Bayh | Cardin | Feinstein |
| Boxer | Carper | Franken |
| Brown (OH) | Casey | Gillibrand |
| Burr | Durbin | Harkin |

| | | |
|------------|-------------|------------|
| Inouye | Merkley | Specter |
| Kaufman | Mikulski | Stabenow |
| Kerry | Murray | Udall (NM) |
| Klobuchar | Nelson (FL) | Warner |
| Lautenberg | Reed | Whitehouse |
| Leahy | Reid | Wyden |
| Levin | Sanders | |
| Menendez | Schumer | |

NOT VOTING—3

| | | |
|-----------|---------|-----------|
| Chambliss | Lincoln | McCaskill |
|-----------|---------|-----------|

The amendment (No. 4253) was agreed to.

The PRESIDING OFFICER. Under the previous order, there will be 8 minutes of debate equally divided to run concurrently on amendment No. 4273 to be offered by the Senator from North Carolina and amendment No. 4299 to be offered by the Senator from Hawaii.

The Senator from Hawaii.

AMENDMENTS NOS. 4299 AND 4273

Mr. INOUE. Mr. President, on May 7, Secretary Shinseki sent a letter informing me that the Department underestimated the number of eligible Filipino veterans, especially those who have become U.S. citizens, in calculating the amount needed for this program. More than 42,000 applications were received. Based on the actual applications received before the deadline, the Department has recalculated the estimates and identified a shortfall of \$67 million.

The provision included in this supplemental does not cost a dime. It simply allows any savings, currently unobligated and not assigned to any ongoing project, which the VA realizes is the result of a favorable contract environment, to be transferred to the Filipino Veterans Equity Compensation Fund and/or retained for authorized major medical facility projects of the Department of Veterans Affairs. It does not mandate this transfer. It simply gives the VA the flexibility should the Department want to transfer the funds for these purposes.

Just a reminder: In July of 1941 President Roosevelt invited the Filipinos to volunteer and join the American forces, and 470,000 volunteered. In March of 1942 this Congress passed a law stating that Filipinos who volunteered may, after the war, apply for citizenship and receive all the benefits of American citizenship. In March of 1946 this Congress reneged and repealed that law.

We must fulfill this commitment the country made to the Filipino veterans who fought so bravely under our command because to deny the VA authority to transfer to this account would renege on our commitment and would send a dangerous signal that the Senate may not honor past and future commitments to veterans.

Is the amendment up for consideration?

The PRESIDING OFFICER. It needs to be called up.

AMENDMENT NO. 4299

Mr. INOUE. Mr. President, I ask unanimous consent to call up my amendment No. 4299.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE] proposes an amendment numbered 4299.

The amendment is as follows:

(Purpose: To allow unobligated balances in the Construction, Major Projects account to be utilized for major medical facility projects of the Department of Veterans Affairs otherwise authorized by law)

On page 41, line 14, insert before the colon the following: "or may be retained in the 'Construction, Major Projects' account and used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate".

Mr. INOUE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Who yields time?

The Senator from North Carolina.

AMENDMENT NO. 4273

Mr. BURR. Mr. President, I ask unanimous consent to call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 4273.

Mr. BURR. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike section 901, relating to the transfer of amounts to the Filipino Veterans Equity Compensation Fund)

On page 41, strike lines 10 through 24.

Mr. BURR. Mr. President, I have deep respect for the chairman of the Appropriations Committee. He said earlier this afternoon that President Roosevelt made a promise. I can tell my colleagues I had my staff go to the Roosevelt Library. We didn't just leave it up to the study done by the Senate. We can find no promise—no promise by President Roosevelt, no promise by General MacArthur, no promise by individuals who were intricately involved in the commitments at the end of the Second World War in the Pacific. In fact, we did take care of those Filipinos who served as scouts for the U.S. services, and they got full VA benefits.

What we are talking about—and this is not the purpose of this discussion—is a continuation, an addition to the Filipino equity fund. Two years ago we passed legislation creating that fund. We appropriated \$198 million, and we allowed 1 year from the enactment for any Filipino who wanted to claim to, in fact, put in an application. That deadline was February 16. At the end of

December, my staff talked to the VA, and they had obligated under \$100 million.

The legislation at the time required the Secretary of the VA to submit in the President's budget this year a detailed report of the number of applications and, more importantly, a breakdown of how much money and to whom it went. That was not supplied in the President's submission to Congress.

When the President's budget came, the President's budget said they needed \$188 million, \$10 million short of the \$198 million we had already appropriated. Now out of the clear blue sky, Secretary Shinseki sent a letter to the Appropriations Committee chairman and said: We need another \$67 million. Well, the deadline was February 16, before the President's budget was constructed. There was no explanation as to what it is going to be used for and no understanding of to whom this money goes.

I want my colleagues to listen. What my amendment does is strike this from the bill. What Senator INOUE's amendment does is give the Secretary the option to leave the money where it is or to divert the money to the Philippine equity fund. I will assure my colleagues the Secretary will divert it. Where does it come from? It comes from already appropriated money that is in the construction fund at the VA for hospitals, for outpatient clinics, for national cemeteries, and for the maintenance of the facilities for our veterans.

This is wrong. If there is an obligation we have to keep, it is to our veterans—ones who rely on the best facilities to deliver care to them.

Once again, I ask my colleagues to vote against the Inouye amendment and vote for the Burr amendment.

I thank the Chair.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Is there further debate on the amendment?

If not, the question is on agreeing to the Inouye amendment No. 4299.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 35, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—60

| | | |
|------------|------------|-------------|
| Akaka | Feingold | Murkowski |
| Baucus | Feinstein | Murray |
| Bayh | Franken | Nelson (NE) |
| Begich | Gillibrand | Nelson (FL) |
| Bennet | Gregg | Pryor |
| Bingaman | Harkin | Reed |
| Bond | Inouye | Reid |
| Boxer | Johnson | Rockefeller |
| Brown (OH) | Kaufman | Sanders |
| Burris | Kerry | Schumer |
| Byrd | Klobuchar | Shaheen |
| Cantwell | Kohl | Specter |
| Cardin | Landrieu | Stabenow |
| Carper | Lautenberg | Tester |
| Casey | Leahy | Udall (CO) |
| Cochran | Levin | Udall (NM) |
| Conrad | Lieberman | Warner |
| Dodd | Menendez | Webb |
| Dorgan | Merkley | Whitehouse |
| Durbin | Mikulski | Wyden |

NAYS—35

| | | |
|------------|----------|-----------|
| Alexander | DeMint | Lugar |
| Barrasso | Ensign | McCain |
| Bennett | Enzi | McConnell |
| Brown (MA) | Graham | Risch |
| Brownback | Grassley | Roberts |
| Bunning | Hagan | Sessions |
| Burr | Hatch | Shelby |
| Coburn | Inhofe | Snowe |
| Collins | Isakson | Thune |
| Corker | Johanns | Voinovich |
| Cornyn | Kyl | Wicker |
| Crapo | LeMieux | |

NOT VOTING—5

| | | |
|-----------|-----------|--------|
| Chambliss | Lincoln | Vitter |
| Hutchison | McCaskill | |

The amendment (No. 4299) was agreed to.

VOTE ON AMENDMENT NO. 4273

The PRESIDING OFFICER. Under previous order, the question is on agreeing to amendment No. 4273.

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Louisiana (Mr. VITTER), and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—37

| | | |
|------------|----------|-------------|
| Alexander | DeMint | McCain |
| Barrasso | Ensign | McConnell |
| Bennett | Enzi | Nelson (NE) |
| Brown (MA) | Graham | Risch |
| Brownback | Grassley | Roberts |
| Bunning | Hagan | Sessions |
| Burr | Hatch | Shelby |
| Coburn | Inhofe | Snowe |
| Collins | Isakson | Thune |
| Conrad | Johanns | Voinovich |
| Corker | Kyl | Wicker |
| Cornyn | LeMieux | |
| Crapo | Lugar | |

NAYS—58

| | | |
|--------|----------|------------|
| Akaka | Bennet | Brown (OH) |
| Baucus | Bingaman | Burris |
| Bayh | Bond | Byrd |
| Begich | Boxer | Cantwell |

| | | |
|------------|-------------|-------------|
| Cardin | Kerry | Reid |
| Carper | Klobuchar | Rockefeller |
| Casey | Kohl | Sanders |
| Cochran | Landrieu | Schumer |
| Dodd | Lautenberg | Shaheen |
| Dorgan | Leahy | Specter |
| Durbin | Levin | Stabenow |
| Feingold | Lieberman | Tester |
| Feinstein | Menendez | Udall (CO) |
| Franken | Merkley | Udall (NM) |
| Gillibrand | Mikulski | Warner |
| Gregg | Murkowski | Webb |
| Harkin | Murray | Whitehouse |
| Inouye | Nelson (FL) | Wyden |
| Johnson | Pryor | |
| Kaufman | Reed | |

NOT VOTING—5

| | | |
|-----------|-----------|--------|
| Chambliss | Lincoln | Vitter |
| Hutchison | McCaskill | |

The amendment (No. 4273) was rejected.

AMENDMENT NO. 4184, AS MODIFIED, AND
AMENDMENT NO. 4213, AS MODIFIED

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I ask unanimous consent that the previous order be modified to provide that amendments Nos. 4184, as modified, and 4213 as modified not be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, all remaining pending amendments to the substitute are withdrawn, except amendments 4184, as modified, and 4213, as modified, offered by the Senator from Louisiana.

The Senator from Hawaii.

AMENDMENTS NOS. 4178, 4205, 4217, 4222, 4224, 4245, 4246, 4249, 4260, 4280, 4184, AS FURTHER MODIFIED, 4259, 4255, 4248, 4200, 4213, AS MODIFIED, 4251, AS FURTHER MODIFIED, AND 4287, AS MODIFIED

Mr. INOUE. Pursuant to the order, I call up the managers' package, which is at the desk.

The PRESIDING OFFICER. Under the previous order, the managers' package is considered and agreed to and the motion to reconsider is considered made and laid upon the table.

The amendments were agreed to, as follows:

AMENDMENT NO. 4178

(Purpose: To facilitate a transmission line project)

On page 79, between lines 3 and 4, insert the following:

RIGHT-OF-WAY

SEC. _____. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) not later than 30 days after the date of enactment of this Act, amend Right-of-Way Grants No. NVN-49781/IDI-26446/NVN-85211/ NVN-85210 of the Bureau of Land Management to shift the 200-foot right-of-way for the 500-kilovolt transmission line project to the alignment depicted on the maps entitled "Southwest Intertie Project" and dated December 10, 2009, and May 21, 2010, and approve the construction, operation and maintenance plans of the project; and

(2) not later than 90 days after the date of enactment of this Act, issue a notice to proceed with construction of the project in accordance with the amended grants and approved plans described in paragraph (1).

(b) Notwithstanding any other provision of law, the Secretary of Energy may provide or

facilitate federal financing for the project described in subsection (a) under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) or the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), based on the comprehensive reviews and consultations performed by the Secretary of the Interior.

AMENDMENT NO. 4205

(Purpose: To make a technical correction)

On page 81, between lines 23 and 24, insert the following:

SEC. 3008. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" under the heading "OFFICE OF JUSTICE PROGRAMS" under the heading "STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES" under title II of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act may be made available to My Brother's Keeper of Genesee County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

AMENDMENT NO. 4217

(Purpose: To provide for the submittal of the charter and reports on the High-Value Detainee Interrogation Group to additional committees of Congress)

On page 26, between lines 2 and 3, insert the following:

(d) SUBMITTAL OF CHARTER AND REPORTS TO ADDITIONAL COMMITTEES OF CONGRESS.—At the same time the Director of National Intelligence submits the charter and procedures referred to in subsection (a), any modification or revision to the charter or procedures under subsection (b), and any report under subsection (c) to the congressional intelligence committees, the Director shall also submit such matter to—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, the Judiciary, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, the Judiciary, and Appropriations of the House of Representatives.

AMENDMENT NO. 4222

(Purpose: To limit the use of funds for the Department of Veterans Affairs for the presumption of service-connection between exposure of veterans to Agent Orange during service in Vietnam and certain additional diseases until the period for disapproval by Congress of the regulation establishing such presumption has expired)

At the end of chapter 9 of title I, add the following:

LIMITATION ON USE OF FUNDS AVAILABLE TO THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 902. The amount made available to the Department of Veterans Affairs by this chapter under the heading "VETERANS BENEFITS ADMINISTRATION" under the heading "COMPENSATION AND PENSIONS" may not be obligated or expended until the expiration of the period for Congressional disapproval under chapter 8 of title 5, United States Code (commonly referred to as the "Congressional Review Act"), of the regulations prescribed by the Secretary of Veterans Affairs pursuant

to section 1116 of title 38, United States Code, to establish a service connection between exposure of veterans to Agent Orange during service in the Republic of Vietnam during the Vietnam era and hairy cell leukemia and other chronic B cell leukemias, Parkinson's disease, and ischemic heart disease.

AMENDMENT NO. 4224

(Purpose: To make a technical correction related to Amtrak security in the Consolidated Appropriations Act, 2010)

On page 81, between lines 23 and 24, insert the following:

SEC. 3008. Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010 (49 U.S.C. 24305 note) is amended by striking clauses (i) and (ii) and inserting the following:

"(i) requiring inspections of any container containing a firearm or ammunition; and
"(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains."

AMENDMENT NO. 4245

(Purpose: To add a provision relating to commitments of resources by foreign governments)

On page 58, line 19, after the period insert the following:

(c) Of the funds appropriated in this chapter and in prior acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Diplomatic and Consular Programs" and "Embassy Security, Construction, and Maintenance" for Afghanistan, Pakistan and Iraq, up to \$300,000,000 may, after consultation with the Committees on Appropriations, be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

AMENDMENT NO. 4246

(Purpose: To strike a technical clarification)

On page 69, strike lines 4 through 8.

AMENDMENT NO. 4249

(Purpose: To modify a condition on the availability for funds to support the work of the Independent Electoral Commission and the Electoral Complaints Commission in Afghanistan)

On page 55, line 20, strike "and" and all that follows through "such commissions; and" and insert the following: "has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and".

AMENDMENT NO. 4260

(Purpose: To clarify that non-military projects in the former Soviet Union for which funding is authorized by this Act for the purpose of engaging scientists and engineers shall be executed through existing science and technology centers)

Beginning on page 66, line 24, strike "activities" and all that follows through "notwithstanding" on page 67, line 2, and insert "projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing

science and technology centers and notwithstanding”.

AMENDMENT NO. 4280

(Purpose: To require the Administrator of General Services to make publicly available the contractor integrity and performance database established under the Clean Contracting Act of 2008)

On page 81, between lines 23 and 24, insert the following:

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3008. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110-417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: “In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website.”.

AMENDMENT NO. 4184, AS FURTHER MODIFIED

(Purpose: To require the Secretary of the Army to maximize the placement of dredged material available from maintenance dredging of existing navigation channels to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico at full Federal expense)

On page 30, between lines 6 and 7, insert the following:

SEC. 4. (a) The Secretary of the Army may use funds made available under the heading “OPERATION AND MAINTENANCE” of this chapter to place, at full Federal expense, dredged material available from maintenance dredging of existing Federal navigation channels located in the Gulf Coast Region to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico.

(b) The Secretary of the Army shall coordinate the placement of dredged material with appropriate Federal and Gulf Coast State agencies.

(c) The placement of dredged material pursuant to this section shall not be subject to a least-cost-disposal analysis or to the development of a Chief of Engineers report.

(d) Nothing in this section shall affect the ability or authority of the Federal Government to recover costs from an entity determined to be a responsible party in connection with the Deepwater Horizon oil spill pursuant to the Oil Pollution Act of 1990 or any other applicable Federal statute for actions undertaken pursuant to this section.

AMENDMENT NO. 4259

(Purpose: To require assessments on the detainees at United States Naval Station, Guantanamo Bay, Cuba)

On page 81, between lines 22 and 23, insert the following:

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3008. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

AMENDMENT NO. 4255

(Purpose: To make a technical correction)

On page 81, between lines 23 and 24, insert the following:

SEC. 3009. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under the heading “STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES” under title II of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta, Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

AMENDMENT NO. 4248

(Purpose: To authorize the Secretary of State to award task orders for police training in Afghanistan under current Department of State contracts for police training)

On page 56, between lines 17 and 18, insert the following:

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

AMENDMENT NO. 4200

(Purpose: To make a technical correction)

On page 34, line 5, strike “prior” and all through page 34, line 7, and insert the following: appropriations made available in Public Law 111-83 to the “Office of the Federal Coordinator for Gulf Coast Rebuilding”, \$700,000 are rescinded.

AMENDMENT NO. 4213, AS MODIFIED

(Purpose: To provide authority to the Secretary of the Interior to immediately fund projects under the Coastal Impact Assistance Program on an emergency basis)

On page 81, between lines 23 and 24, insert the following:

SEC. 30. COASTAL IMPACT ASSISTANCE.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended by adding at the end the following:

“(e) EMERGENCY FUNDING.—

“(1) IN GENERAL.—In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

“(A) consistent with subsection (d); and

“(B) specifically designed to respond to the spill of national significance.

“(2) APPROVAL BY SECRETARY.—The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursement of the funds under paragraph (1).

“(3) STATE REQUIREMENTS.—

“(A) ADDITIONAL INFORMATION.—If the Secretary approves a project for funding under this subsection that is included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

“(B) AMENDMENT TO PLAN.—If the Secretary approves a project for funding under this subsection that is not included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an amendment to the plan that includes any projects funded under paragraph (1), as well as any information about such projects that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

“(C) LIMITATION.—If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph, or if, based on the information submitted by the Secretary determines that the project is not in compliance with subsection (d), by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.”.

AMENDMENT NO. 4251, AS FURTHER MODIFIED

(Purpose: To provide funds for drought relief, with an offset)

On page 71, line 21, strike “\$15,000,000” and insert “\$25,000,000”.

On page 28, between lines 3 and 4, insert the following:

SEC. 4. EMERGENCY DROUGHT RELIEF.

For an additional amount for “Water and Related Resources”, \$10,000,000, for drought emergency assistance: *Provided*, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any

other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West:

AMENDMENT NO. 4287, AS MODIFIED

(Purpose: To provide fisheries disaster relief, conduct a study on ecosystem services, and conduct an enhanced stock assessment for Gulf of Mexico fisheries impacted by the Deepwater Horizon oil discharge)

On page 79, between lines 3 and 4, insert the following:

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2002.

(1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$15,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$10,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, \$1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

IN GENERAL.—Of the amounts appropriated or made available under Division B, Title I of Public Law 111-117 that remain unobligated as of the date of the enactment of this Act under Procurement, Acquisition, and Construction for the National Oceanic and Atmospheric Administration, \$26,000,000 of the amounts appropriated are hereby rescinded.

CDBG AND EDA FUNDING

Mr. REED. Mr. President, I rise to enter into a colloquy with the chairman, Mr. INOUE, and vice chairman, Mr. COCHRAN, of the Senate Appropriations Committee, as well as my colleague from Tennessee, Mr. ALEXANDER.

I want to thank my colleagues who have recognized the needs of Rhode Island, which is struggling to overcome the effects of the worst flooding in centuries in midst of the worst economic environment in generations. Indeed, Rhode Island was among the first States to sink into recession. In the last 2 years it has consistently ranked among the top three States in unemployment, with as much as 13 percent of the workforce without jobs. As my

colleagues know, Rhode Island has been fortunate for many decades until now to have avoided the kind of major natural disaster damage that has affected so many other States. When those disasters have occurred in other States, there has been no question about the support of the people of Rhode Island or our State's congressional delegation for Federal disaster assistance. I am grateful that in the midst of challenging fiscal environment that the committee, on a bipartisan basis has included assistance for flood-impacted States, specifically Rhode Island and Tennessee. I am particularly grateful for the inclusion of additional community development block grant, CDBG, and economic development assistance, EDA, grant funding, along with a reduction of the non-Federal cost share for FEMA assistance. I also appreciate the challenge of including this funding while trying to stay within the President's top-line request for emergency funding. In the past, the committee has had greater flexibility in responding to emergencies, including in 2008 when over \$20 billion was provided to States with major disasters in that year. Given the comparatively limited funding available, I would like to ask the chairman and vice chairman to help clarify the intent of the funding included in the underlying bill, specifically that the intent with respect to the CDBG and EDA funding provided in the bill is to assist hard-hit communities in Rhode Island and Tennessee. I would ask my colleagues for their support in maintaining this position in negotiations with the House on the final package.

Mr. INOUE. Mr. President, the Senator from Rhode Island is correct about the intent of the funding provided here. As the Senator knows, the Appropriations Committee's capacity to provide additional funding for disaster recovery is constrained by the President's top-line number for emergency supplemental appropriations. Given the relatively modest funding available in comparison to previous disaster supplemental appropriations bills, the intent is to focus CDBG and EDA assistance on Rhode Island and Tennessee, where the underlying economic need is greatest. We will work to clarify and maintain that position during conference with the House.

Mr. COCHRAN. Mr. President, I concur with the chairman. The scale of need in both States is significant. While I know the committee would have liked to accommodate a greater amount of funding for Tennessee and Rhode Island, as well as other States, the need to stay within the top-line number in the administration's request has limited the amount of funding available. Given the limited funding available, it is appropriate to focus on States where the underlying economic

need is greatest, and I will work to maintain the position described by the chairman.

Mr. ALEXANDER. Mr. President, I thank the chairman and the vice chairman for their comments and their work on this bill, particularly the assistance they have worked to provide to my state. As my colleagues know, the amount of property damage in Tennessee may be more than \$10 billion and is the worst natural disaster since President Obama has been in office. While the funding in this bill is important and significant for Tennessee and Rhode Island, it represents only the beginning of what is needed in my state, and I ask for the chairman and vice chairman's continuing support for additional funding for recovery efforts in Tennessee.

Mr. INOUE. Mr. President, I thank the Senator from Tennessee for his comments, and we will continue to work with him and the Senator from Rhode Island to help address the needs of their States.

Mr. ALEXANDER. Mr. President, I thank the chairman and vice chairman for their commitment and the assistance they have already extended to my State in this bill.

Mr. REED. Mr. President, I thank also my colleagues for their assistance and look forward to working with them to secure passage of this important bill.

Mr. LEAHY. Mr. President, amendment No. 4245 to H.R. 4899, the fiscal year 2010 supplemental appropriations bill, provides the Department of State with authority to transfer up to \$300,000,000 between the "Diplomatic and Consular Programs" and "Embassy Security, Construction, and Maintenance" accounts in chapter 10 of the bill, to respond to potential increases in the cost of security for civilian personnel. This authority is not intended to be used to support site development or construction of permanent consulates or other such facilities.

Mr. President, I want to speak briefly about a heinous crime that occurred in El Salvador that has yet to be solved. On June 18, 2009, Gustavo Marcelo Rivera, an activist and community leader from the city of San Isidro, Cabaas, was kidnapped. His tortured remains were found on July 1 at the bottom of a dry well in the village of Agua Zarca. The cause of death apparently was asphyxiation, and evidence reportedly indicated that his kidnappers may have kept him alive for several days before murdering him.

It is my understanding that four suspects, gang members, have been identified by the Attorney General's office as key suspects in the crime. Apparently, the prosecutor's hypothesis is that Mr. Rivera was with these gang members and was killed after a heated argument; in other words, that his death was a common crime, not a political assassination.

There is reason to suspect otherwise. Mr. Rivera was a well known community leader. He was the founder and director of the Casa de la Cultura in San Isidro, a member of the departmental board of the FMLN party, and the director of the Association of Friends of San Isidro Cabaas. He had been a defender of the environment, and he was outspoken in his opposition to industrial mining by the Canadian mining company Pacific Rim in San Isidro. In addition, I am informed that during the January 2009 municipal elections, Mr. Rivera and other leaders denounced suspected electoral fraud in his municipality. As a result of his activism, Mr. Rivera was the target of threats and accusations and someone reportedly tried to run over him with a car. In addition, the brutal manner in which he was tortured and killed suggests that this was a premeditated crime that may have been intended as a warning to other community activists.

Crimes like this are all too common in El Salvador today, and they concern not only the Salvadoran people but those of us who follow developments in that country. Rarely are competent investigations performed, and almost never is anyone convicted and punished. Impunity is the norm.

I urge the Attorney General to conduct a thorough, transparent, and credible investigation to ensure that not only those who tortured and killed Mr. Rivera are brought to justice, but anyone who may have ordered such a heinous crime is also prosecuted and punished. Democracy is fragile in El Salvador and it cannot survive without a functioning justice system and responsible judicial authorities who have the people's confidence.

I have strongly supported assistance for El Salvador. In the supplemental appropriations bill we have been debating this week, I included \$25,000,000 for El Salvador to help rebuild schools, roads, and other infrastructure that was damaged or destroyed during Hurricane Ida last November. Some 150 Salvadorans lost their lives in that disaster. Those funds were not requested by the President in the supplemental bill. I included them because I felt we should help El Salvador rebuild.

But I also feel strongly about justice in El Salvador, whose people suffered from years of civil war during the 1980s. Human rights defenders, journalists, and community activists are increasingly threatened and killed. How the Rivera case is resolved will be a measure of whether the Government of El Salvador is serious about defending the rights of its citizens who courageously speak out against injustice, and upholding the rule of law.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The committee amendment in the nature of a substitute, as amended, is agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass?

Mr. INOUE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: The Senator from Georgia (Mr. CHAMBLISS), the Senator from Louisiana (Mr. VITTER), and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 28, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—67

| | | |
|------------|------------|-------------|
| Akaka | Durbin | Mikulski |
| Alexander | Feinstein | Murkowski |
| Baucus | Franken | Murray |
| Bayh | Gillibrand | Nelson (NE) |
| Begich | Hagan | Nelson (FL) |
| Bennet | Harkin | Pryor |
| Bennett | Inouye | Reed |
| Bingaman | Johanns | Reid |
| Bond | Johnson | Rockefeller |
| Boxer | Kaufman | Sanders |
| Brown (MA) | Kerry | Schumer |
| Brown (OH) | Klobuchar | Shaheen |
| Burr | Kohl | Snowe |
| Byrd | Landrieu | Specter |
| Cantwell | Lautenberg | Stabenow |
| Cardin | Leahy | Tester |
| Carper | LeMieux | Udall (CO) |
| Casey | Levin | Udall (NM) |
| Cochran | Lieberman | Warner |
| Collins | Lugar | Webb |
| Conrad | McConnell | Whitehouse |
| Dodd | Menendez | |
| Dorgan | Merkley | |

NAYS—28

| | | |
|-----------|----------|-----------|
| Barrasso | Enzi | Risch |
| Brownback | Feingold | Roberts |
| Bunning | Graham | Sessions |
| Burr | Grassley | Shelby |
| Coburn | Gregg | Thune |
| Corker | Hatch | Voinovich |
| Cornyn | Inhofe | Wicker |
| Crapo | Isakson | Wyden |
| DeMint | Kyl | |
| Ensign | McCain | |

NOT VOTING—5

| | | |
|-----------|-----------|--------|
| Chambliss | Lincoln | Vitter |
| Hutchison | McCaskill | |

The bill (H.R. 4899), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. INOUE. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title amendment is agreed to.

Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints the following conferees.

The Presiding Officer (Mr. WARNER) appointed Mr. INOUE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. TESTER, Mr. SPECTER, Mr. COCHRAN, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, Mr. BROWNBAC, Mr. ALEXANDER, Ms. COLLINS, Mr. VOINOVICH, and Ms. MURKOWSKI conferees on the part of the Senate.

UNANIMOUS CONSENT REQUEST— H.R. 4853

Mr. GRASSLEY. As the majority struggles in an attempt to pass another massive deficit spending bill through Congress, biodiesel plants in Iowa and 42 other States continue to lay off workers because the Democratic-controlled Congress has not extended the biodiesel tax credit. This is a simple and noncontroversial tax extension that will likely reinstate more than 20,000 jobs nationwide and about 2,000 jobs in my State of Iowa alone.

These jobs have fallen victim to a tactic used by the Democratic leadership to hold this popular and noncontroversial tax provision hostage to out-of-control deficit spending here in Washington.

This past February I worked out a bipartisan compromise with Chairman BAUCUS to extend the expired tax provisions, including the biodiesel tax credit. However, the Senate majority leader decided to put partisanship ahead of job security for thousands of workers, and that compromise did not move ahead.

So I am here again to try to put thousands of Americans back to work producing a very clean and renewable fuel. Therefore, I ask unanimous consent to proceed to H.R. 4853; that my substitute, which contains a 1-year extension of the biodiesel and renewable diesel tax credits for all of the year 2010, be agreed to, and the bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, reserving the right to object, and it is not with great pleasure, I object to the request offered by my good friend from

Iowa. This provision he is seeking unanimous consent about is one of the provisions in the larger tax extenders bill that the House is working on and attempting to pass tonight. They are laboring mightily but so far have not been able to pass the extenders job legislation that would contain the provision mentioned by the Senator from Iowa. This is the tax credit for biodiesel and renewable diesel. It has created jobs. It is a good provision.

I might say to my friend, the jobs are now lost because it expired. It expired the end of last year. We will extend this provision. We should extend it and we will extend it. We are not able to extend it tonight by itself. Why? Because many other Senators have specific provisions in the job extenders legislation that are particularly applicable to their States.

One I am particularly interested in is the property tax deduction, irrespective of whether the taxpayer itemized his or her deductions.

There will be a time, when we get back after the recess, to try to get these provisions passed so jobs are created. But we have to do it together as a package. We can't do it singly, separately, tonight. I want to tell my good friend from Iowa I will work with him when we get back after the recess. For the time being I feel obliged to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. HARKIN. Mr. President, on the Executive Calendar, I ask unanimous consent the Senate proceed to executive session to consider en bloc Executive Calendar Nos. 427, 493, 494, 688, 500, 501, 521, 556, 581, 588, 589, and a number of others that the minority, I am sure, is aware of, and it includes all nominations on the Secretary's desk in the Air Force, Army, Foreign Service, Marine Corps and Navy—these are military people waiting to get their increases in rank. They have all been cleared and they need to be cleared so they can get their increases in rank—that the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, that no further motions be in order, that any statements relating to the nominations be printed in the RECORD, that the President be immediately notified of the Senate's action and the Senate resume legislative session.

These are nominees, as I said. First of all, they are military people waiting for their increase in rank. But it is also people such as Brian Hayes, a member of the NLRB; Mark Pearce, member of the NLRB, et cetera, et cetera.

Craig Becker, member of the NLRB; Anthony Coscia, Amtrak board of directors; Mark Rosekind, member of the

NTSB. Here is David Lopez, general counsel of the EEOC. Here is Michael Punke, Deputy U.S. Trade Representative; Islam Siddiqui, Chief Ag Negotiator for the U.S. Trade Representative; Jeffrey Moreland, director of Amtrak; Carolyn Radelet, Deputy Director of the Peace Corps; Lana Pollack, Commissioner of U.S. International Joint Commission for the U.S. and Canada. And there are a number of others. I will not go through them all. They are a number of people who need to be in place to make our government work and run. That is who we are trying to ask unanimous consent that we can get them confirmed.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Republican leader.

Mr. MCCONNELL. Mr. President, I would say to my good friend from Iowa, the majority leader and I have been working on a package of nominations. Unfortunately, we are snagged over one particular nomination which has already been defeated by the Senate, and that was the nomination of Craig Becker to be on the NLRB. The President then recessed Mr. Becker and recessed a Democratic nomination to the NLRB but not a Republican nominee to the NLRB. There is a fundamental lack of equity and fairness involved, and that has been a significant hindrance in coming to a consent agreement.

Obviously, before we leave we will clear the military nominations. Those are really not in dispute. But typically what happens here before a recess, the majority leader and I get together and we try to work out as many of these as we can. To just clear the whole calendar involves, in addition, clearing judges who just got out of committee this week. We have a way that we sequence those who have been acceptable to both sides.

In short, I have not seen every single name on the list of the Senator from Iowa, but it is simply not the way we are going to go forward, certainly not this evening.

Accordingly, I would now ask unanimous consent that the Senate proceed to executive session to consider en bloc the following list of nominations that I will send to the desk. This is a list of approximately 60 nominations from the Executive Calendar.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Iowa.

Mr. HARKIN. I say to my friend from Kentucky, fairness and equity? OK. Let's talk about fairness and equity. Let's talk about this. Mr. Becker was brought up in our committee last fall, along with Mark Pearce and Mr. Brian Hayes. They all went through our committee—bipartisan. Mr. ENZI, the ranking Republican on our committee, voted for that, and so did the Senator from Alaska, Ms. MURKOWSKI.

The names were then forwarded to the Senate. They came to the Senate, and the leadership on the Republican side decided to filibuster—decided to filibuster. We had an agreement to move this package forward on the National Labor Relations Board.

Fairness and equity? Since 1985, we have never had a hearing for a member to be on the National Labor Relations Board who wasn't nominated for Chair because when the Republicans were in power, they would have their people, we would have ours, we would agree, and they would go through. That is what we did last fall with Mr. Becker and Mr. Pearce and Mr. Hayes. And I thought things were fine. That is the way we have always done things. We agreed. We came out on the floor. And then the Republican leadership decided to filibuster—decided to filibuster.

Well, what happened then was that at the end of the year—I want to set the record straight here—what happens is at the end of the last session, there is always a unanimous consent to carry over the calendar, the Executive Calendar, from one session to the next.

One Senator, the Senator from Arizona, Mr. MCCAIN, objected to Mr. Becker. Under the rules of the Senate, then Mr. Becker had to go back to the White House and get renominated and sent back to the Senate.

The Republicans asked for a hearing on Mr. Becker. Now, mind you, we have never had a hearing on one of these people since 1985. As the chair of the relevant committee, I did not have to have a hearing. But I decided, Mr. Becker has nothing to hide. He is willing to confront and answer all questions in open session. So I agreed to have a hearing.

I could have had a hearing on Mr. Hayes, also, the Republican, but I said: No, we do not have to do that.

So I had a hearing. We brought Mr. Becker before the committee, in open session, to answer any questions anyone asked him. If I am not mistaken, I think only three people showed up to ask him questions. But what they did is they submitted questions in writing. The Republicans submitted 440 written questions to Mr. Becker, almost twice what they did for Justice Sotomayor going on the Supreme Court. There were 440 written questions, and Mr. Becker obliged and answered all of those questions. Well, the Republicans still objected—still objected.

Now the minority leader says he failed a vote in the Senate. That is not

true because there was a filibuster. We needed 60 votes to overcome the filibuster. When we brought up Mr. Becker's name, he got 52 votes on the Senate floor. Quite frankly, he would have had more, but there were several Senators who were absent because of weather conditions. I know who said on the RECORD that they would have supported him. So it is not quite right when the minority leader says Mr. Becker did not get approved on the Senate floor. He did. He just could not get the 60 votes to overcome the Republican filibuster.

So, again, you know, Mr. Becker is well qualified. Even my Republican colleagues freely admitted that in the committee, that he was well qualified. Do you know what their objection was? He comes from a union background. He comes from a union background. To the Republicans, that is a mortal sin. Well, if you are Catholic, you know what that means. That is a mortal sin. That is unforgivable to Republicans to have a union background.

As I said, he was willing to answer any questions. He did, in writing. I have heard nothing—nothing from the Republican side pointing to some answer he gave that would disqualify him from being on the NLRB. They have simply drawn a line in the sand and said that because he has a union background, they are not going to support him and they are going to filibuster.

So here we are. We wanted to get through all of those nominations tonight. I read some of them. I did not read them all. Ambassador to the Slovak Republic, Ambassador to the Dominican Republic, Ambassador to Niger, Deputy Director of the Peace Corps—they will not let them go through. Why? Because of one person—Mr. Becker—who has a union background and they do not want him on the NLRB.

Well, Mr. Becker has a recess appointment. He did get a recess appointment from the President. But they will not let him get a full appointment by the President. And they are willing to stop everything, stop every nomination because of their objections to Craig Becker even though Craig Becker got 52 votes here on the Senate floor.

So when the minority leader talks about fairness and equity, well, I think the fairness and equity is on this side of the aisle on this one. I am sorry to say that a lot of these people will not get their nominations. But, again, the Republicans do not care. They do not care. They would just as soon the government stop everything.

Do they care whether we have enough people in the Peace Corps to run the Peace Corps? They do not care. Do they care whether we have an Ambassador to the Slovak Republic? They do not care. Do they care if we have members on the TVA, the Tennessee Valley Authority, board of directors?

Obviously not. They have been holding up these nominees for a long time. This is not the first time they have held up these nominees.

So fairness and equity? Well, I wish the minority side would show a little fairness and equity when it comes to decency and to abiding by agreements. We had an agreement. We had an agreement to move these people through as a package. We did that in committee. That agreement was broken by the Republicans, not by the Democrats.

I am sorry to have to take this time on the floor to correct my friend from Kentucky on fairness and equity, but I think the public has a right to know why we are where we are right now and who is responsible for the fact that we cannot get nominations through here on the Senate floor.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I was trying to get down here when Senator HARKIN was completing his remarks, to join him, because I am as concerned as he is about the impact of these nominations that still remain on our Executive Calendar here at the Senate.

This publication comes out on a daily basis to tell us which nominations have been sent to the floor of the Senate by the committees. They do not reach the floor of the Senate until a process is followed which involves nomination by the President of the United States, an investigation of the nominee by agencies of the government and by our committees, and then consideration of those nominees.

Many committees have hearings where the nominees are called before them. Questions can be asked. They certainly are in the Judiciary Committee where I serve. Then, at the end of the day the committee decides whether to submit this nominee's name for the consideration of the full Senate.

So the fact that Senator HARKIN came to the floor this evening is an indication of the frustration many of us feel about what has happened.

So far since President Obama took office last year, the Senate has had rollcall votes on 51 nominations. There are others who have been approved without rollcalls. But of those 51 nominations which were subjected to rollcall votes, 22 were confirmed with more than 90 votes and 18 were confirmed with 70 votes or more. That means that

almost 80 percent of those nominees have passed with overwhelming support.

Many of those votes took place after lengthy delays. In other words, these men and women who agreed to serve our Nation and to serve the President and made personal sacrifices to do that went through the long and arduous process, made it to the Senate calendar, and then had to wait. On average, the President's nominees have languished on this Senate calendar for over 105 days, with many taking much longer; more than 3 months for those who were sent to the Senate floor. I know because some of these nominees are people I have met and worked with, even people I have recommended to the President. It is an uneasy feeling to be nominated, to be waiting for your opportunity to serve in positions large and small, and then to be told, day after weary day, that the Senate just did not get around to it.

This week the Executive Calendar contains more than 107 names of nominees. More than 85 percent of those nominees came through the committee process with overwhelming support. Point of comparison for those who will say: The Republicans may be playing games now with nominations, but I am sure you Democrats did the same thing to President Bush.

Not true. At this time in President George W. Bush's Presidency, there were exactly 13 nominees on the calendar. There are over 107 nominees on the calendar at this moment. There is no comparison.

It is time for the Republicans to stop abusing the Senate's responsibility to provide advice and consent on the President's well-qualified nominees. If I take a look at some of these nominees, it is troubling because they are overwhelmingly qualified for the jobs for which they have been recommended.

The Illinois nominees currently on the calendar include Craig Becker to be a member of the National Labor Relations Board. He was recess-appointed after waiting for 16 weeks on the calendar. Mary Smith to be Assistant Attorney General, she has been on the calendar for more than 16 weeks. Gary Scott Feinerman, to be U.S. district judge for the Northern District of Illinois, has been waiting 6 weeks. He is a man eminently qualified who was passed out of the Judiciary Committee by voice vote. Sharon Johnson Coleman, another nominee from Illinois to be U.S. district judge, again approved by voice vote unanimously, has been sitting on the calendar for 6 weeks. Robert Wedgeworth to be a member of the National Museum and Library Services Board, has been waiting for 4 weeks; Carla D. Hayden, to be a member of the National Museum and Library Services Board, another 4 weeks; and Darryl McPherson, who we would

like to have serve as a U.S. marshal in the Northern District of Illinois. He was just sent to the calendar. This is an indication. In the Northern District of Illinois, several years ago, we had the tragic murder of the family of a U.S. district court judge. So when we talk about filling the position of U.S. marshal in that particular district, it is because we know that there is a vulnerability for the men and women serving the government as judges, a vulnerability which resulted in a tragedy for one of our more celebrated and liked Federal judges in Chicago.

Why would we hold up this man's nomination? Wouldn't we want the U.S. marshal in place doing his job? It is an important responsibility administratively, but it is equally important to protect the men and women in the judiciary. Why would we want to delay that when we have been through the tragic murder of a family in the Northern District of Illinois?

That is why I wanted to join Senator HARKIN. We are leaving now for a little over a week over Memorial Day. Many of us will be back home for Memorial Day, then moving around in different places. This calendar will sit here for another 10 or 12 days. The men and women whose names are in nomination will wait another 12 days or 2 weeks before they can be considered. In the meantime, their lives are on hold. Their service to our country is delayed. The President's ability to put his team together has been diminished by this strategy from the Republican side.

Tonight Senator HARKIN tried to move 51 of these nominees. Senator MCCONNELL objected. It is unfortunate, truly unfortunate, that we don't step forward and give these men and women a chance to serve the government and give the President a chance to have those in place who will make his administration complete. That is the only fair thing for us to do.

I hope when we return we will come to our senses and take a different strategy. More than 107 men and women whose names are on this calendar are waiting for us to make that decision. In fairness to the President and to the Nation, I hope we make it with dispatch.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, as the Senate recesses for Memorial Day, I wish the Republican leadership had worked with us to clear the nominations that have been pending on the calendar for far too long. There is now a backlog of 26 judicial nominees awaiting final Senate action. Nineteen of the 26 were reported by the Judiciary Committee without a single negative vote from any Republican or any Democratic Senator on the committee. There is no reason, nor is there any excuse, for the Senate not having

promptly considered and confirmed those judicial nominees. Two other nominations received only one or as few as four negative votes. That means that six of the seven Republicans voted in favor of Judge Wynn to the Fourth Circuit, and nearly half the Republicans on the committee supported Jane Stranch's nomination to the Fourth Circuit, as does Senator ALEXANDER. Still Republicans refuse to enter into time agreements on those nominations, the four others or, for that matter, any of the 26 judicial nominations they are stalling from consideration and confirmation.

The Senate is well behind the pace I set for President Bush's judicial nominees in 2001 and 2002. By this date in President Bush's Presidency, the Senate had confirmed 57 of his judicial nominees. Despite the fact that President Obama began sending us judicial nominations 2 months earlier than President Bush had, the Senate has only confirmed 25 of his Federal circuit and district court nominees to date.

Federal judicial vacancies remain over 100 around the country. Yet 26 judicial nominations considered and favorably reported by the Senate Judiciary Committee remain stalled awaiting final Senate action. The Senate should vote on all of them without further obstruction or delay.

Before the Memorial Day recess in 2002, there were only six judicial nominations reported by the Senate Judiciary Committee and awaiting final consideration by the Senate. They had all been reported within the last week before the recess began. This year, by contrast, Republicans have stalled nominations reported as long ago as last November. Only one of the 26 was reported close to this recess. The others, more than two dozen, have all been languishing without final action because of Republican obstruction. This is not how the Senate should act, nor how the Senate has conducted its business in the past. This is new and it is wrong.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOSEPH FLYNN

Mr. DURBIN. Mr. President, I rise to congratulate Joseph Flynn, a constituent and friend, on the occasion of his 90th birthday. It has often been said that our Greatest Generation is comprised of those Americans who pulled the country out of the depths of the Great Depression and went on to lead the Allies to victory in World War Two. My friend Joe Flynn is a quintessential member of that generation. One of 11 children born to immigrant parents in Chicago, he exemplifies the virtues of love of family, devotion to country, generosity to neighbors, and unstinting hard work.

Growing up in Chicago's Old Town neighborhood, the guiding light of Joe's life was his mother, Mary. She instilled in him the moral foundation that continues to guide him to this very day. Joe began his working life while still a boy, hawking newspapers on Chicago street corners and stocking shelves in the neighborhood grocery store. When Joe was just out of his teens, he, like so many other young men of his time, faced the prospect of his country going to war and calling on him to do his part.

Except Joe didn't wait for his country to call—he enlisted in the Army 2 months before the attack on Pearl Harbor.

Joe spent the next 4 years in the Army serving as a medic in the 941st Field Artillery. His unit landed on Omaha Beach shortly after D-day, was among the first American units to enter a liberated Paris, and saw action at the Battle of the Bulge.

Despite all that, Joe—never one to complain—says that he had an easy war. His opinion is that the American men and women in uniform today are the ones with the tough duty. They are the ones that this old soldier respects.

Coming home to a country at peace, Joe married his girlfriend, Martha Tampa, herself a veteran of the Women's Army Corps. They raised six children: Tim, Joe, Anne, Martha, Deborah and Kevin. Joe and Martha had been married for more than 57 years when Martha passed away, but if you ask Joe, he will no doubt tell you she is still very much alive in his heart.

To provide for his family, Joe worked at the A. Finkl & Sons steel mill. He supervised the loading of multiton pieces of machined steel onto trucks to keep America's industrial base supplied. He rose at 4:30 a.m. to take a CTA bus to his job, and he often worked 60 hours or more to earn the precious overtime money his family needed to pay for their mortgage, their groceries, and their education.

As hard as Joe worked, when he got off the bus at night, he would run a half mile home because he couldn't wait to see his family. After greeting Martha and his kids, he would sit down and call his mother.

The people Joe loves are everything to him, and he now has nine grandchildren and two great-grandchildren: Ryan, Meghan, Gwyneth, Gillian, Dylan, Ashley, Brittney, Courtney, Caitie, Ethan and Oliver. He also holds dear his children's spouses and significant others: Doug, Catherine and Bill.

Joe's politics are simple. Being a life-long working man—who still mows his own lawn and cleans his own gutters—he believes that the working men and women of the United States deserve their fair share of the country's prosperity in the good times and its help in the hard times.

History doesn't often record people like Joe as being great men, but as his family will tell you, he is the greatest example of a good man they know.

SANCTIONS ON IRAN

Mr. KYL. Mr. President, on May 25, Robert Kagan, a senior associate at the Carnegie Endowment for International Peace, wrote a column in the Washington Post explaining that Russia's recent agreement to tighten sanctions on Iran is not as significant as the Obama administration has claimed.

Dr. Kagan wrote that the Obama administration paid a high price to get Russia to agree to "another hollow U.N. Security Council resolution" and that the Russians "sometimes used to say and do more" during the Bush administration. It is unclear to me what the administration can point to as the fruits of the Russia reset, at least as far as the United States is concerned.

Mr. President, I ask unanimous consent to have Dr. Kagan's column printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Washington Post, May 25, 2010]

A HOLLOW 'RESET' WITH RUSSIA

(By Robert Kagan)

It took months of hard negotiating, but finally the administration got Russia to agree to a resolution tightening sanctions on Iran. The United States had to drop tougher measures it wanted to impose, of course, to win approval. Nevertheless, senior Russian officials were making the kinds of strong statements about Iran's nuclear program that they had long refused to make. Iran "must cease enrichment," declared Russia's ambassador to the United Nations. One senior European official told the New York Times, "We consider this a very important decision by the Russians."

Yes, it was quite a breakthrough—by the administration of George W. Bush. In fact, this 2007 triumph came after another, similar breakthrough in 2006, when months of negotiations with Moscow had produced the first watered-down resolution. And both were followed in 2008 by yet another breakthrough, when the Bush administration got Moscow to agree to a third resolution, another marginal tightening of sanctions, after more negotiations and more diluting.

Given that history, few accomplishments have been more oversold than the Obama ad-

ministration's "success" in getting Russia to agree, for the fourth time in five years, to another vacuous U.N. Security Council resolution. It is being trumpeted as a triumph of the administration's "reset" of the U.S.-Russian relationship, the main point of which was to get the Russians on board regarding Iran. All we've heard in recent months is how the Russians finally want to work with us on Iran and genuinely see the Iranian bomb as a threat—all because Obama has repaired relations with Russia that were allegedly destroyed by Bush.

Obama officials must assume that no one will bother to check the record (as, so far, none of the journalists covering the story has). The fact is, the Russians have not said or done anything in the past few months that they didn't do or say during the Bush years. In fact, they sometimes used to say and do more. Here's Vladimir Putin in April 2005: "We categorically oppose any attempts by Iran to acquire nuclear weapons. . . . Our Iranian partners must renounce setting up the technology for the entire nuclear fuel cycle and should not obstruct placing their nuclear programs under complete international supervision." Here's one of Putin's top national security advisers, Igor S. Ivanov, in March 2007: "The clock must be stopped; Iran must freeze uranium enrichment." Indeed, the New York Times' Elaine Sciolino reported that month that Moscow threatened to "withhold nuclear fuel for Iran's nearly completed Bushehr power plant unless Iran suspends its uranium enrichment as demanded by the United Nations Security Council"—which prompted the Times' editorial page to give the Bush administration "credit if it helped Moscow to see where its larger interests lie." Nine months later, of course, Russia delivered the fuel.

It remains to be seen whether this latest breakthrough has greater meaning than the previous three or is just round four of Charlie Brown and the football. The latest draft resolution tightens sanctions in some areas around the margins, but the administration was forced to cave to some Russian and Chinese demands. The Post reported: "The Obama administration failed to win approval for key proposals it had sought, including restrictions on Iran's lucrative oil trade, a comprehensive ban on financial dealings with the Guard Corps and a U.S.-backed proposal to halt new investment in the Iranian energy sector." Far from the comprehensive arms embargo Washington wanted, the draft resolution does not even prohibit Moscow from completing the sale of its S-300 surface-to-air missile defense system to Tehran. A change to the Federal Register on Friday showed that the administration had lifted sanctions against four Russian entities involved in illicit weapons trade with Iran and Syria since 1999, suggesting last-minute deal sweeteners.

What is bizarre is the administration's claim that Russian behavior is somehow the result of Obama's "reset" diplomacy. Russia has responded to the Obama administration in the same ways it did to the Bush administration before the "reset." Moscow has been playing this game for years. It has sold the same rug many times. The only thing that has changed is the price the United States has been willing to pay.

As anyone who ever shopped for a rug knows, the more you pay for it, the more valuable it seems. The Obama administration has paid a lot. In exchange for Russian cooperation, President Obama has killed the Bush administration's planned missile defense installations in Poland and the Czech

Republic. Obama has officially declared that Russia's continued illegal military occupation of Georgia is no "obstacle" to U.S.-Russian civilian nuclear cooperation. The recent deal between Russia and Ukraine granting Russia control of a Crimean naval base through 2042 was shrugged off by Obama officials, as have been Putin's suggestions for merging Russian and Ukrainian industries in a blatant bid to undermine Ukrainian sovereignty.

So at least one effect of the administration's "reset" has been to produce a wave of insecurity throughout Eastern and Central Europe and the Baltics, where people are starting to fear they can no longer count on the United States to protect them from an expansive Russia. And for this the administration has gotten what? Yet another hollow U.N. Security Council resolution. Some observers suggest that Iran's leaders are quaking in their boots, confronted by this great unity of the international "community." More likely, they are laughing up their sleeves—along with the men in Moscow.

Robert Kagan, a senior associate at the Carnegie Endowment for International Peace, writes a monthly column for The Post.

HONORING OUR ARMED FORCES

Mr. COCHRAN. Mr. President, I wish to acknowledge Memorial Day, which provides us with an opportunity to take time out from our busy lives to remember and honor those men and women who have made the ultimate sacrifice to protect the United States and the liberties we hold dear.

Mississippians have a strong affinity for our national defense, with thousands of brave citizens volunteering to serve in the Armed Forces. We also understand that, unfortunately, we will lose loved ones as part of that dedication.

The very first Memorial Day, originally known as Decoration Day, was observed in 1868 by decorating the graves of Civil War soldiers, and since then Americans have set aside a time each year to honor their fallen heroes.

Columbus, MS, proudly claims to be the birthplace of this tradition, but Memorial Day wasn't officially established as a Federal holiday until 1971. In the nearly 234 years since we became an independent nation, Americans have fought in numerous wars, and many have given their lives in defense of the ideals that the United States represents.

As we gather this year to commemorate Memorial Day, we can reflect on all of the Mississippians who have perished protecting our Nation, whether in battles long ago or in the ongoing conflicts in Afghanistan and Iraq.

Since the start of Operation Enduring Freedom and Operation Iraqi Freedom almost 10 years ago, more than 70 members of the Armed Forces with close ties to Mississippi have died fighting in the wars in Afghanistan and Iraq. Since Memorial Day last year, nine Mississippi soldiers have died while serving the American people.

Those valiant men include LCpl. Philip P. Clark, 19, of Brandon, died May 18, 2010; SGT Anthony O. Magee, 29, of Hattiesburg, died April 27, 2010; Army PFC Anthony Blount, 21, of Petal, died April 7, 2010; SSG William S. Ricketts, 27, of Corinth, died Feb 27, 2010; SFC Christopher D. Shaw, 26, of Natchez, died Sept. 29, 2009; SGT Matthew L. Ingram, 25, of Newton, died Aug. 21, 2009; and SFC Alejandro Granado, 42, of Fairfax, Va., died Aug. 2, 2009. Mississippi Guard; SFC Severin W. Summers III, 43, of Benton, died Aug. 2, 2009; and Army SSG Johnny Roosevelt Polk, 39, of Gulfport, died July 31, 2009.

I honor them, and my heart goes out to the families of all the brave Mississippi men and women in uniform who have died for our country. It is the endless support of families that motivates our service men and women to carry out their duties, and their dedication must not be forgotten this Memorial Day.

Congress is working diligently to provide our troops in Afghanistan with the funds necessary to finish the job and come home safely. I understand the necessity of matching our soldiers' readiness with the means to complete their mission, and I am confident that the entire Mississippi delegation and Congress continue to take that duty very seriously.

As a veteran of the U.S. Navy, I am particularly thankful for the bravery and dedication of those who have fought and died for our country in our defense. We are blessed to live in a country that protects its citizens with such a fine, fighting force.

This Memorial Day, I encourage everyone to take a moment to remember the courageous American soldiers who have given their lives for our Nation and to thank their families. Our fallen warriors are true heroes, and we owe them our solemn gratitude for their service and sacrifice.

MEMORIAL DAY

Mr. AKAKA. Mr. President, next week our Nation will observe Memorial Day, an occasion on which we honor the men and women who gave this country what President Lincoln called "the last, full measure of devotion"—their very lives. President Lincoln uttered those now timeless words at a ceremony honoring thousands of Civil War troops who fell in a battle surrounding a small town called Gettysburg. To this day, his words reflect, with unparalleled clarity, the heroic sacrifices that made, and have kept, this country safe and free. This Memorial Day we once again honor those men and women.

How do we properly honor those who gave their lives while in military service? Lincoln answered that question—"We honor them by dedicating ourselves to the cause for which they gave

themselves. We honor those who died by ensuring, in Lincoln's words, that they "shall not have died in vain." We carry on, we remember them, and we remember to tend to their comrades and their families who live among us still.

The Senate's role in this important task, to honor veterans and their family members with the care and benefits they have earned, falls in part to the Committee on Veterans' Affairs. I have had the honor of serving on that committee for 20 years, most recently as its Chairman. In that capacity, I am pleased to report on the progress Congress has made since last Memorial Day.

Last Memorial Day, Congress had good reason to be proud when looking back at recent gains for veterans and their families. Since 2007, we have passed historic appropriations bills to properly fund VA, following years of drastic underfunding. We passed the most substantive GI bill since World War II, which has already been put to use by hundreds of thousands of Americans. And we made wide-ranging reforms to the Department of Veterans Affairs—overhauling its mental health care and suicide prevention programs, and enhancing cooperation and collaboration between the Departments of Defense and Veterans Affairs.

This Memorial Day, we can be proud of having done even more to help VA adapt to the needs of today's veterans and their families. I will focus on two of the most significant bills—one which reformed the broken funding process for veterans' health care, and the other, which charts a course for VA where the needs of women veterans and family caregivers receive special attention.

When I became chairman of the committee, the VA health care system had endured many years of chronic underfunding, leading to health care rationing and budget shortfalls. While we succeeded in restoring VA's budget to appropriate levels, we still had not addressed the underlying funding process—a one-year-at-a-time appropriations process that led to funding delays in 20 of the last 23 years. To fix this broken system, I introduced the Veterans Health Care Budget Reform and Transparency Act. This bill was designed to take the process of advance appropriations—funding a program one year ahead of the regular appropriations process—and apply it to the Nation's largest health care system. At this time last year, that bill was still pending in Congress. Since then, our colleagues overwhelmingly chose to support this legislation, and the President signed it into law. This change will be felt in every State of the Union. At the one thousand-plus points of care run by VA, administrators will know what their budget will be for the current year and for the year to come. The

6 million veterans who are projected to seek VA care will not have to worry about whether their local VA clinic will have to go months without a proper budget, as they did in the past.

We now turn to the important task of overseeing the implementation of the new law and standing by should VA or the Administration ask for appropriate funding. We are currently working on the first budget with advance appropriations under the new authority, and I have been pleased with what has been a smooth transition.

At this point last year, many other veterans' initiatives were pending—for veterans in rural areas, for the caregivers of wounded warriors, and for women veterans—to name a few. All of these proposals, along with others, were wrapped into one important package—the Caregivers and Veterans Omnibus Health Services Act. While this was a bipartisan bill from the beginning, its passage was far from assured. Isolated Members of Congress sought to block the bill at several stages, citing fears of cost and change. Resolute that it would be change for the better and that its cost is, in fact, a cost of war, the supporters of this bill prevailed last month when President Obama's signature made it law.

This new law's many provisions were reviewed by this body before we voted for them, so I will not again go into all of the details. Instead, I will highlight just a few of the changes in the new law:

For the families caring for wounded warriors, it brings an unprecedented permanent program to train, certify, and financially support them. With this important change, VA recognizes that the families of disabled veterans should be treated as partners, not ignored.

For a growing number of women veterans who served our Nation honorably, it brings changes to help VA adapt to their needs. These include an authorization for VA to provide health care for a woman veteran's newborn child for up to one week; a mandate for VA to implement a pilot program to provide child care and adjustment care to women veterans; and a requirement that VA train mental health providers to treat military sexual trauma.

For veterans in rural areas, the new law brings programs and reforms to break down barriers between them and the care they deserve. To name a few, these include travel reimbursements for veterans treated at VA facilities; grants for veterans service organization transporting veterans from remote areas; an expansion of telehealth options for veterans; and provisions promoting collaboration with community organizations and providers such as the Indian Health Services.

The bill makes other important changes, from eliminating copayments for catastrophically disabled veterans

to strengthening VA's ability to recruit and retain first-class health care professionals. These valuable changes and others are now law, thanks to the support of Congress and the President.

As I noted at the outset, these measures, which demonstrate Congress's gratitude to our troops abroad and veterans at home, are the best way we can honor those who gave their lives in service to their country. While much remains to be done, as we pause this Memorial Day, we can recall the significant changes over the past year.

I close by expressing once more my gratitude to the patriots who are with us in the flesh and in spirit, and to the nation and the national ideals that unite us all.

Ms. MURKOWSKI. Mr. President, as you are aware, on Memorial Day citizens across our great country pause to reflect on our fallen heroes. American hearts swell with pride as men and women everywhere stand just a little bit taller when hearing our National Anthem, and they feel a lump in their throat at the sound of a bugle playing taps. We stand proud and remember our Nation's sons and daughters who no longer stand with us but whose names and memories remain forever preserved in our hearts. On Memorial Day, our Nation weighs and respects the price of our freedom.

We can and we should learn from those Americans who went to war but never returned home. For them, service meant accepting the risk that they might not have a chance to enjoy the freedom their service protects. They selflessly chose to serve anyway. For the fallen, honor meant the privilege of wearing a U.S. military uniform and a chance to earn the respect that it garners around the world despite the risk that it might make them a target for those who mean us harm. For them, selflessness meant answering a call for help from a fellow soldier, without hesitation, even if chances were high that it would be their final act.

These timeless qualities of service, honor, respect, and selflessness form the bedrock of military service in a free society. On Memorial Day, we commemorate those who lived according to these principles so that we might assemble in this Chamber and across the land as free people, safe under the umbrella of protection that their brothers and sisters continue to provide around the world today.

It is appropriate that on Memorial Day, we should set aside our differences and unite as Americans—a unified nation with one common voice to honor our fallen. Let us celebrate that we are a free nation, a proud nation, a nation guided by principles and universal truths. And although we may disagree on many things, we do so peacefully and lawfully. Even in tough times such as these, we remain a beacon of light around the world for those

who can only imagine a life of freedom as they struggle to survive under the grip of tyranny and oppression. Today we remember the men and women who kept that beacon lit and consider the gravity of their sacrifice.

As a nation, we must also remember that with every fallen soldier there is a family left behind. We should appreciate with compassion and respect their enduring sacrifice and provide for them the support and gratitude they deserve. Ours is a grateful nation.

Often quoted is our Declaration of Independence that proclaims "all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." It is those who have answered that call to service who ensured that our gift of liberty is not only unalienable, it is also enduring.

REMEMBERING DR. GEORGE TILLER

Mrs. SHAHEEN. Mr. President, 1 year ago this week, Dr. George Tiller, a provider of critical reproductive health services, was shot to death while at church in Wichita, KS. The anniversary of his death serves as a solemn reminder of the violence that reproductive health professionals face today.

Unfortunately, like so many of his colleagues who treat women across this country, Dr. Tiller faced years of constant harassment, intimidation and death threats. These acts of violence eventually culminated in his murder.

We know, however, that Dr. Tiller's murder is not an isolated incident. A pattern of intimidation, threats and violence against reproductive health providers exists in this country and must end.

Since 1993, eight clinic workers have been murdered in the United States. During that time period there have been thousands of reported acts of violence against providers of reproductive health care including bombings, arsons, death threats, kidnappings and assaults. As the Tiller murder demonstrates, we simply cannot tolerate any form of harassment and threats to health care providers and their patients.

I remember clearly 10 years ago tomorrow—May 28, 2000—when the Concord Feminist Health Center in my home State of New Hampshire was the victim of an arson attack. The facility suffered extensive damage, costing tens of thousands of dollars to repair. Thankfully, no one was injured in the attack. It was not merely the cost of the repairs that was so troubling—what was troubling was that this act of hate and intimidation left the community feeling fearful and uncertain. No one should live with that fear and certainly not because they provide critical health care services to women.

I recently heard the story about a reproductive health center director in Colorado who reports that he often wears a bulletproof vest in public. He said: "I walk out of my office and the first thing I do is look at the parking garage that the hospital built two doors away and see if there is a sniper on the roof. I basically expect to be shot any day. . . . It's a war zone. . . . It's very frightening and it ruins your life".

Now, I recognize that there is a deep divide on the issue of reproductive freedom. And I recognize that there are many heartfelt feelings on both sides of the aisle and even within my own caucus. But, no matter which side of this debate you are on, we should all be able to agree that violence is never the answer.

So today I urge all my colleagues to join me in condemning the kind of senseless violence that led to the death of Dr. George Tiller.

NATIONAL CANCER RESEARCH MONTH

Mr. DODD. Mr. President, I rise today to recognize May as National Cancer Research Month. This year, nearly 1.5 million Americans will be diagnosed with cancer and more than 500,000 will die from the disease. Of course, when we talk about cancer, we are referring to more than 200 diseases but taken together, cancer remains the leading cause of death for Americans under age 85, and the second leading cause of death overall.

In my capacity as a member of the Senate Committee on Health, Education, Labor, and Pensions, I have spent my career fighting alongside my colleagues to provide increased funding for medical research to ensure that organizations like the National Institutes of Health have the ability to continue their critical lifesaving work. It remains my hope that, as the NIH continues to provide us with new and innovative research and treatments, we will continue to provide them with the resources they need.

As a person directly affected by cancer, I believe we must continue to strengthen our Nation's commitment to this lifesaving research for the health and well-being of all Americans. The nation's investment in cancer research is having a remarkable impact. Discoveries and developments in prevention, early detection, and more effective treatments have helped to find cures for many types of cancers, and have converted others into manageable chronic conditions. The 5-year survival rate for all cancers has improved over the past 30 years to more than 65 per cent, and advances in cancer research have had significant implications for the treatment of other costly diseases such as diabetes, heart disease, Alzheimer's, HIV/AIDS and macular degeneration.

I take this opportunity not only to mention the value and importance of cancer research, but also to remember the people in my life who have been touched by this disease. Last year alone, we lost not only my sister Martha, but my dear friend Ted Kennedy to aggressive forms of cancer. Like many of my constituents whose lives have been touched by cancer, I think of them every day—and their battles strengthen my resolve to fight for better treatment and more cures.

I want to thank every one of my constituents who have come to my office to meet with my staff and me about this disease. It is no secret that cancer touches the lives of more Americans than those who are just diagnosed with it—friends and family also face the difficulty of supporting their loved ones through these hard times. I know how much time, effort and resources they expend on these trips. Many of them are sick or in recovery, or taking care of very ill loved ones, yet they still find the time to come down and share their stories with us, and I thank them for it. Their stories, anecdotes and struggles give a face to the people all across the country whose lives are touched by this important research, and hearing about them help us to do our jobs better. We could not have gotten health care reform passed without their constant efforts and support.

In commemorating May as National Cancer Research Month, we recognize the importance of cancer research and the invaluable contributions made by scientists and clinicians across the U.S. who are working not only to overcome this devastating disease, but also to prevent it. I lend my support as a father of two girls, as a husband, and as a public servant to supporting those who struggle with this deadly disease and I urge my colleagues to join me and do the same.

MILITARY AND OVERSEAS VOTER EMPOWERMENT (MOVE) ACT OF 2009

Mr. SCHUMER. Mr. President, since becoming chairman of the Committee on Rules and Administration with jurisdiction over Federal elections, I have come to have a better appreciation for and deeper understanding of the obstacles and barriers that our military men and women serving abroad and at home and U.S. citizens living in foreign lands encounter when they try to vote.

As I explained at a Rules Committee hearing held in May of 2009, every couple of years around election time, there is a great push to improve military and overseas voting. But as soon as the election is over, Congress all too often forgets the plight of these voters.

But last year, Congress delivered. Our motive was simple—we wanted to break down the barriers to voting for

our soldiers, sailors, and citizens living overseas. On a bipartisan basis, we agreed that it was unacceptable that in the age of global communications, many active military, their families, and thousands of other Americans living, working, and volunteering in foreign countries cannot cast a ballot at home while they are serving or living overseas. For our military, what especially moved us to act was the fact that they can fight and put their life on the line for their country, but they can't choose their next commander-in-chief. This shouldn't happen—not in the United States of America where elections are the bedrock of our democracy.

With the 2010 elections less than 7 months away, a new law is on the books. The provisions of the Military and Overseas Voter Empowerment Act, MOVE Act, of 2009 were incorporated in Public Law 111-84, the National Defense Authorization Act of 2010. This law will make it easier for members of our Armed Forces and citizens living abroad to receive accurate, timely election information and the resources and logistical support to register and vote and have that vote count.

Mr. President, a legislative history of the MOVE Act is as follows:

BACKGROUND AND PURPOSE OF THE MOVE ACT

American citizens believe voting is one of the most treasured of our liberties and a right to be defended at any cost. It is therefore unacceptable that our military men and women serving abroad and at home, who put their lives on the line every day to defend this right, often face obstacles in exercising their right to vote.

Empirical evidence confirms that members of the military and citizens living overseas who have attempted to vote through the absentee balloting procedures that has been in place for the last 30 years were often unable to do so. The reasons were many, including insufficient information about military and overseas voting procedures, failure by States to send absentee ballots in time for military and overseas voters to cast them, and endemic bureaucratic obstacles that prevent these voters from having their votes counted. While the Uniformed and Overseas Citizens Absentee Voting Act, UOCAVA, enacted in 1986, created a Federal framework for both military and overseas citizens to vote it was clear that, in order to break down these barriers to voting, UOCAVA was in need of an overhaul.

A history of congressional efforts to aid military and overseas voters highlights the obstacles faced by these voters. In 1942, the first Federal law was enacted to help military members vote in Federal elections. The Soldier Voting Act of 1942 was the first law to guarantee Federal voting rights for servicemembers during wartime. It allowed servicemembers to vote in elections for Federal office without having to register and instituted the first iteration of the Federal Post Card Application for servicemembers to request an absentee ballot. Though this was a commendable first effort by Congress, the 1942 law's provisions only applied during a time of war, and barriers to voting remained. In 1951, President Truman commissioned a study from the American Political Science Association on the problem of military vot-

ing. Recognizing the difficulties faced by military members serving overseas during World War II and the Korean War in trying to vote, President Truman wrote a letter to Congress that called on our legislators to fix the problem. In response, Congress passed the Federal Voting Assistance Act, FVAA, in 1955 which recommended—but did not guarantee—absentee registration and voting for military members, Federal employees serving abroad, and members of service organizations affiliated with the military. In 1968, FVAA was amended to cover U.S. citizens temporarily living outside of the United States, thus increasing the number and scope of U.S. citizens that fell within the law's purview. In 1975, the Overseas Citizens Voting Rights Act at last guaranteed military and overseas voters the right to register and vote by absentee procedures. In 1986, Congress enacted UOCAVA as the primary military and overseas voting law, incorporating the expansion of rights granted under prior Federal legislation and making several significant advances to improve military and overseas voting. UOCAVA has been the operational voting framework provided to military and overseas voters.

UOCAVA's main provisions placed several mandates on States. First, States must allow members of the uniformed services, their families, and citizens residing overseas to register and vote by absentee procedures for all elections for Federal office including all general, primary, special and runoff elections. Second, States are required under UOCAVA to accept and process all valid voter registration applications submitted by military and overseas voters—as long as the application is received no less than 30 days prior to an election. Third, UOCAVA created the Federal write-in absentee ballot, FWAB, a failsafe backup ballot for Federal general elections.

Congress has amended UOCAVA several times over the last 24 years. The 1998 amendments included certain reporting requirements on States to provide information on military and overseas voting participation; and the 2001 amendments required States to accept the Federal Post Card Application, FPCA, as a combined voter registration and absentee ballot request form, and gave voters the opportunity to request that the FPCA be a standing absentee ballot request for each subsequent Federal election in the voter's State that year. In 2002, the Help America Vote Act, HAVA, modified this provision to allow voters to automatically request an absentee ballot through the FPCA for the two subsequent regularly scheduled Federal election cycles after the election for which the FPCA was originally submitted. HAVA also added a number of substantive provisions to UOCAVA, including a provision to give voting assistance officers the time and resources to provide voting guidance and information to active duty military personnel, a mandate that the Secretary of each branch of the Armed Forces provide information to service personnel regarding the last date that an absentee ballot can reasonably be expected to arrive on time, and a requirement that States identify a single office for communication with UOCAVA voters. Finally, Congress amended UOCAVA in 2004 to allow military personnel to use the Federal write-in absentee ballot, or FWAB, from within the territorial United States.

Despite these improvements over the years, evidence revealed that significant barriers to voting continued for military and overseas citizens. Registration among military voters has been shown to be substantially lower than among other voting-eligible U.S. citizens. According to testimony

submitted by hearing witnesses, in 2006, the registration rate among military personnel was 64.86 percent compared to a registration rate of 83.8 percent for the general voting age population. According to one survey of military and overseas voters conducted after the 2008 election, of those overseas voters who wanted to vote but were unable to do so, over one-third—34 percent—could not vote because of problems in the registration process. The same survey found that even among experienced overseas voters, nearly one-quarter—23.7 percent—experienced problems during the registration process. Military and overseas voters have had to deal with a lack of information about registration procedures and a slow, cumbersome registration process that often turns into the first roadblock to voting.

Military and overseas voters also have trouble even when they have been able to properly register. The Congressional Research Service, CRS, found that during the 2008 election military personnel and overseas citizens hailing from the seven States with the highest number of deployed soldiers requested 441,000 absentee ballots. Of these, 98,633 were never received by local election officials. Further, survey data shows that two out of every five military and overseas voters, 39 percent—who requested an absentee ballot in 2008 received it from local election officials in the second half of October or later—much too late for a ballot to be voted and mailed back in time to be counted on election day. Sending absentee ballots too late to have the opportunity to actually vote is an unacceptable situation for military and overseas Americans.

Finally, some States reject ballots from military and overseas voters for reasons unrelated to voter eligibility, including unnecessary notarization requirements and criteria such as the paper weight of the ballot or ballot envelope. As many as 13,500 ballots were rejected from military and overseas voters from the seven States with the greatest number of troops deployed overseas.

These numbers are totally unacceptable. These barriers effectuate rampant disenfranchisement among our military and overseas voters. Congress has a compelling interest to protect the voting rights of American citizens, and it is especially incumbent upon Congress to act when those very individuals who are sworn to defend that freedom are unable to exercise their right to vote.

The need for sweeping improvement was clear. The Military and Overseas Voter Empowerment Act is a complete renovation of UOCAVA that brings it into the twenty-first century and streamlines the process of absentee voting for military and overseas voters through a series of common sense, straightforward fixes.

First, it allows military and overseas voters to request, and when so requested, requires States to send, registration materials, absentee ballot request forms, and blank absentee ballots electronically. It ensures that military and overseas voters have at least 45 days to receive and complete their absentee ballots and return them to election officials. The legislation also requires that absentee ballots from overseas military personnel be sent through expedited mail procedures, making it faster and easier to send voted ballots back to local election officials. In addition, it prevents election officials from rejecting overseas absentee ballots for reasons not related to voter eligibility, like paper weight and notarization requirements.

Second, the MOVE Act expands accessibility and availability of voting resources for

military and overseas voters. It shores up the Federal Voting Assistance Program, or FVAP, an organization within the Department of Defense, DOD. Under the provisions of MOVE, FVAP will make a number of improvements to its voter education efforts for our military and other Americans living and working abroad and serve as the central administrative office for carrying out the Federal responsibilities under UOCAVA and MOVE. It also increases the usability and accessibility of the FWAB. This failsafe ballot allows military and overseas voters to vote even when they face a situation where they don't receive a State-issued ballot in time. In addition to all these improvements, the legislation advances voter registration for our military by directing each of the Secretaries of the military departments to designate offices in military installations where soldiers and their families can register to vote, update their registration information, and request an absentee ballot.

The MOVE Act also aims to secure future voting rights for military and overseas voters. It increases accountability for future elections by directing the Department of Defense to regularly report to Congress on their activities for implementing the programs and requirements under MOVE, including information on ballot delivery success rates. It also authorizes the Defense Department to create a pilot program testing new technologies for the future benefit of military and overseas voters.

The enactment of the provisions of the MOVE Act brings to an end a system that could ever allow a quarter of ballots requested by U.S. troops to go missing. It instead aims to ensure that every single military and overseas vote be counted.

COMMITTEE HEARING AND CONSIDERATION AT MARKUP

The Committee on Rules and Administration held a hearing on May 13, 2009, which I chaired entitled "Hearing on Problems for Military and Overseas Voters: Why Many Soldiers and Their Families Can't Vote." The first panel consisted of one witness, Gail McGinn, Acting Under Secretary for Personnel and Readiness for the Department of Defense. Testifying on the second panel were Patricia Hollarn, board member of the Overseas Vote Foundation and former supervisor of elections in Okaloosa County, FL; Donald Palmer, director of the Division of Elections at the Florida Department of State; LTC Joseph DeCaro, active duty member of the U.S. Air Force, on his own behalf; Eric Eversole, former attorney at the Department of Justice Civil Rights Division, Voting Rights Section, adviser to the McCain-Palin campaign, and former member of the Navy's Judge Advocate General Corps from 1999–2001; and Robert Carey, executive director of the National Defense Committee.

The hearing focused on the reasons why so many military and overseas voters find it difficult or impossible to effectively cast their ballots, with special attention paid to recommendations from the witnesses who possess extensive experience with the military and overseas absentee voting process. The hearing opened with a discussion of the preliminary results from a study of military and overseas voting in 2008 conducted by the Congressional Research Service. The findings showed that in several of the largest military voting States, up to 27 percent of the ballots requested by military and overseas voters were not counted for one reason or another.

Letters from soldiers serving abroad who wanted to cast ballots in 2008 but were un-

able to do so were shared. One letter from a soldier in Alaska concisely summarized the problem underscored by the hearing: "I hate that because of my military service overseas, I was precluded from voting."

Gail McGinn, Acting Under Secretary for Personnel and Readiness at the Department of Defense, testified in detail about the logistical and administrative challenges facing military and overseas voters. Ms. McGinn identified time, distance, and mobility as the chief logistical barriers to these voters. She said, "Our legislative initiatives for states and territories to improve ballot transit time are, first, provide at least 45 days between the ballot mailing date and the date that ballots are due; give state chief election officials the authority to alter elections procedures in emergency situations; provide a state write-in absentee ballot to be sent out 90 to 180 days before all elections; and expand the use of electronic transmission alternatives for voting material." Ms. McGinn further pointed out that 23 States do not provide the minimum of a 45-day round trip for military and overseas absentee ballots. Patricia Hollarn, board member of the Overseas Vote Foundation and former supervisor of elections in Okaloosa County, FL, testified about her personal experience with local election officials who, she said, had a lot of confusion about the proper absentee balloting procedures they needed to provide for overseas citizens and military personnel. She echoed Ms. McGinn in recommending that States and local jurisdictions provide a minimum of 45 days for absentee ballots to be delivered to overseas voters, completed, and returned before the state's deadline. She also emphasized the logistical challenge facing the U.S. Postal Service and military mail service with respect to the speedy delivery of overseas ballots.

Donald Palmer, director of the Division of Elections for the Florida Department of State, testified about Florida's experience serving its military and overseas voters. Mr. Palmer said that providing 45 days for ballot transmission and delivery, as Florida does, is "prudent" and "absolutely necessary, when relying solely on the mail service." Mr. Palmer also discussed Florida's experience using technology, including e-mail, fax, and the Internet, to communicate with military and overseas voters and transmit balloting materials to and from Americans abroad. Mr. Palmer testified about an invitation from the Department of Defense for Secretaries of State to travel to the Middle East and see firsthand how soldiers receive their absentee ballots. Florida Secretary of State Kurt Browning relayed to Mr. Palmer that soldiers abroad many times do not have access to fax machines and often use e-mail as a primary source of communication and expressed their desire to be able to use email or the internet to transmit balloting materials to local election officials. Mr. Palmer also detailed pilot programs in Florida which have used new technologies to facilitate ballot transmission from abroad. He also described Florida's efforts to work with the U.S. Postal Service to reduce error rates in ballot delivery and to use intelligent code technology to track absentee ballots while in the Continental United States.

United States Air Force LTC Joseph DeCaro, testifying on his own behalf, described his personal experiences with absentee voting while serving abroad in 2004. His experience illustrates the burdens facing uniformed servicemembers overseas who want to vote:

Every moment I spent researching and coordinating with state-side resources to be able to cast my ballot was against any personal time off. The mission is and always must be the main focus. Being deployed is difficult enough as it is . . . I think every American should do what they can to cast their ballot and make their voice heard. As with many other citizens, I will continue to do this, but there should be a better way in which [service personnel can] cast their ballot while deployed.

Lieutenant Colonel DeCaro also lamented that he had no way of knowing whether the ballot he mailed to his local election office would ever reach its destination.

Eric Eversole, former attorney at the Department of Justice Civil Rights Division, Voting Rights Section, began his testimony by arguing that “when it comes to the military members’ right to vote, we seem to forget their sacrifices and we deny them the very voting rights that we ask them to defend.” He cited statistics which showed that only 26 percent of Florida’s deployed service-members were able to successfully request an absentee ballot in 2008. He also echoed prior testimony that States should mail out absentee ballots to military and overseas voters at least 45 days before the local deadline to have the ballot count. Mr. Eversole testified about the need for improvements in the Federal Voting Assistance Program. Mr. Eversole strongly advocated for military personnel to receive appropriate voting information and voter registration materials when they move or deploy to a new installation or port. In response to a question I asked, Mr. Eversole also testified that certain offices at the Department of Defense should be designed as voter registration agencies under the National Voter Registration Act.

Robert Carey, executive director of the National Defense Committee, testified about his own experience taking a leave of absence from his duty as a member of the U.S. Navy Reserves and flying back to New York City at his own expense in order to vote in the 2004 election. He cited research showing that only 26 percent of the ballots requested by overseas soldiers in 2006 were successfully cast. Mr. Carey emphasized that insufficient time was the chief reason for these statistics, arguing that States too often send out ballots too late for military voters to complete and return them in time to be counted. He pointed to a study conducted by the Pew Center on the States, Pew, which found that 23 States do not provide enough time for military and overseas voters to successfully cast their ballots. Mr. Carey also recommended that ballots be sent out at least 60 days before they were due.

Several organizations submitted statements for the hearing record. Pew submitted a copy of its 2009 study of military and overseas voting. No Time to Vote, for the committee record. In its accompanying letter, Pew highlighted several recommendations for reform from the study, including “sending out overseas absentee ballots sooner, eliminating notary and witness requirements and harnessing technology to allow for the electronic transmission of ballots and election materials to voters overseas.”

The Overseas Vote Foundation, OVF, submitted a copy of its 2008 post-election survey for the record. The survey included data obtained from over 24,000 overseas voters and over 1,000 local election officials. Among OVF’s key findings was that more than half, 52 percent, of those overseas military voters who tried but could not vote were unable to

because their ballots were late or did not arrive. OVF also found that despite concerted efforts, less than half of UOCAVA voters were aware of the Federal write-in absentee ballot.

Democrats Abroad submitted a statement for the record emphasizing the difficulties for military and overseas voters stemming from the patchwork of varied State and local regulations, a lack of awareness of the Federal write-in absentee ballot, and general inability to effectively communicate with local election officials from abroad.

Tom Tarantino, legislative associate with Iraq and Afghanistan Veterans of America, submitted a statement for the record including testimony about his own experience as a voting assistance officer, citing the lack of sufficient training about how to effectively educate soldiers about absentee balloting procedures. Mr. Tarantino recommended improving the voting assistance officer program and suggested that the Department of Defense be required to ensure safe and timely passage of military ballots to their home districts.

The Federation of American Women’s Clubs Overseas submitted a statement for the record in which it recommended that States send overseas absentee ballots at least 45 days before the deadline and that voter materials, including ballots, not be rejected for reasons unrelated to voter eligibility.

Everyone Counts submitted a “white paper” for the record comparing the effectiveness of various voting technologies for military and overseas voters.

Alex Yasinac, dean of the School of Information and Computer Sciences at the University of South Alabama, submitted a statement for the record analyzing various technological solutions to improve overseas absentee voting. Dr. Yasinac suggested the creation of a technological pilot program for overseas voters, including the use of virtual private networks, cryptographic voting systems, and document delivery upload systems to ensure secure electronic transmission of balloting materials.

INTRODUCTION OF THE BILL

I introduced S. 1415, the MOVE Act of 2009, on July 8, 2009, and was joined by Senators Saxby Chambliss and Ben Nelson as original cosponsors. After the bill’s introduction, 56 additional Senators joined as cosponsors. The bill was referred to the Senate Committee on Rules and Administration.

COMMITTEE CONSIDERATION AT MARKUP

S. 1415 was considered by the Senate Rules Committee at a markup held on July 15, 2009. The committee adopted three amendments which I submitted on behalf of Senator John Cornyn, who had introduced separate legislation on improving military voting that was pending at the time in the Rules Committee. Senator Cornyn joined in this endeavor by contributing his knowledge and expertise on military voting to the MOVE Act. Senator Robert Bennett, ranking member of the Rules Committee, introduced an amendment with several provisions intent on improving the effectiveness of the MOVE Act.

The first amendment, which I submitted on behalf of Senator Cornyn, strengthened the bill by ensuring that overseas military personnel can mail their marked absentee ballots to their local election offices with confidence that those ballots will be received and counted by directing the Presidential designee to work with the U.S. Postal Service to provide expedited delivery services for ballots that are collected before a prescribed

deadline. The provision provides ample discretion for the Presidential designee to extend that deadline for collection of ballots, allowing the Presidential designee to permit a longer transit time for completed ballots to be delivered to local election officials. To ensure Department of Defense accountability under this section, the amendment directed the Presidential designee to submit reports to the relevant congressional committees to explain the procedures implemented to provide the expedited mail delivery and inform the committees of the number of military overseas ballots successfully and unsuccessfully delivered to local election offices in time. Finally, the amendment included language requiring the Presidential designee to ensure, to the greatest extent allowable, that the privacy of military service-members and security of their ballots are protected during the delivery process.

The second amendment, which Senator Cornyn and I worked on together, fortified the bill by expanding voter registration opportunities, services, and information for military and overseas voters. It also required the Department of Defense to provide voting information and an opportunity for service-members to register and update voting information during certain points in service and provided the Secretary of Defense flexibility to designate certain pay, personnel, and identification offices as voter registration agencies. In addition to voter registration, the amendment required written information to be provided to servicemembers on absentee ballot procedures. Finally, the amendment contained reporting requirements for the Department of Defense to evaluate its voter support services and send Congress its recommendations for improving those programs.

The third amendment was technical in nature and altered no substantive provisions of the bill.

Ranking Member Bennett offered a package of amendments modifying several provisions of the bill. First, the amendment clarified that States may delegate the obligations under the MOVE Act to local jurisdictions. Some local and State election administrators contacted the Rules Committee to express concern because they thought that the MOVE Act could be interpreted to require States, instead of localities, to take administrative responsibility for running elections for UOCAVA voters. Though there was no intent to shift routine administrative responsibility of elections to States, for the sake of clarity in the bill, I supported this amendment. While clarifying that the MOVE Act can be administered and implemented at the local level, the amendment did not modify or otherwise alter the ultimate responsibility of MOVE Act compliance, which remains with the State. Accordingly, States retain the responsibility to ensure local jurisdictions’ compliance with UOCAVA and MOVE and thus the State will continue to be the focus of any potential enforcement actions that need to be taken by the Attorney General.

Senator Bennett’s amendments also modified provisions of the MOVE Act which had originally required States to transmit balloting materials “by mail, electronically, or by facsimile.” The text of the amendment instead read to require transmission of balloting materials “by mail and electronically.” This change clarified the requirement on State and local election administrators that, in addition to mail, they must provide at least one method of fast and effective electronic means of transmitting balloting

materials to U.S. citizens overseas and uniformed servicemembers. It is important to note that Bob Carey during his testimony before the Rules Committee on May 13, 2009, testified that "[R]ecent research by the National Defense Committee indicates that fax transmission is not an effective option for military personnel, especially those suffering the greatest disenfranchisement in this process." However, at the same time, the amendment's language clarified that election administrators may provide multiple means of electronic communication in order to ensure speedy transmission of information, registration and balloting materials.

Senator Bennett's amendments also reinforced the privacy and security provisions of the original legislation by directing States to protect, to the extent practicable, the integrity of the voter registration and absentee ballot process through procedures that shield identity and personal data.

The amendments also simplified the timing provisions of the original legislation by mandating that whenever a State receives an absentee ballot request at least 45 days before a Federal election it must send out an absentee ballot not later than 45 days before the election. With respect to valid ballot applications received after 45 days prior to such an election, States are required to transmit a validly requested absentee ballot in accordance with State law and as expeditiously as possible. However, the amendment did not impact the 30-day requirement under UOCAVA. At the same time, the amendment removed language from the original version of the bill which would have required States to accept and count absentee ballots received up to 55 days after the date on which an absentee ballot was transmitted or the date on which the State certified an election, whichever was later. The negotiated modification placed a 45-day mandate on States to promptly respond to military and overseas absentee ballot requests.

The amendments also strengthened Department of Justice oversight of absentee voting by uniformed services and overseas voters by requiring the Presidential designee to consult with the Attorney General before approving any hardship exemptions from States unable to comply with the bill's timing provisions. This will help ensure a unified governmental response to State compliance with the MOVE Act.

Finally, the amendments repealed subsections (a) through (d) of §104 of the Uniformed and Overseas Absentee Voting Act, which allowed military and overseas absentee ballot applicants to indicate on their Federal Postcard Application form that their application should be considered a continuing application for an absentee ballot through the next two regularly scheduled general elections. Given the highly mobile nature of military and overseas voters, there was a concern among States that this provision of UOCAVA required a large number of ballots to be sent to old and outdated addresses. Election officials reported receiving a large number of these continuing absentee ballots as "returned undeliverable," thus artificially inflating the number of failed ballots, and potentially wasting State resources. Repealing these sections addressed those concerns. This amended section does not prohibit States from providing continuing applications for absentee ballots, or accepting ballots received under such continuing applications. This amended section also does not prohibit States from considering a Federal Postcard Application submitted for a primary election to carry over

to the general election in that same election cycle.

The committee agreed to all of the proposed amendments and adopted them by voice vote. The committee then voted to report S. 1415, the Military and Overseas Voter Empowerment Act, as amended. The committee proceeded by voice vote, and all members present became cosponsors of the legislation. S. 1415, as amended, was ordered reported to the Senate.

PASSAGE BY THE SENATE OF THE MOVE ACT PROVISIONS IN THE DOD AUTHORIZATION BILL

On July 22, 2009, I offered Senate amendment No. 1764 to S. 1390, the National Defense Authorization Act for fiscal year 2010, on the Senate Floor.

Senator Cornyn spoke in support of this amendment that day:

Our military servicemembers put their lives on the line to protect our rights and our freedoms. Yet many of them still face substantial roadblocks when it comes to something as simple as casting their ballots and participating in our national elections . . . This important amendment contains many other commonsense reforms suggested by other Senators and will help end the effective disenfranchisement of our troops and their families. Our goal has been to balance responsibilities between elections officials and the Department of Defense, and I believe this amendment accomplishes that goal.

On July 23, 2009, I urged my colleagues to support the MOVE Act amendment to the DOD authorization legislation:

Now, if [our soldiers] can risk their lives for us we can at least allow them to vote. They take orders from the commander-in-chief. They are the first people who ought to be allowed to elect and vote for a commander-in-chief. And if we can deploy tanks and high-tech equipment and food to the front lines, we can figure out a way to deliver ballots to our troops so they can be returned and counted. And that, Mr. President, is what the MOVE Act does.

Senator Bennett spoke in support of the amendment:

Now, then the legislation was introduced in its original form, I raised concerns with Senator Schumer about some of its provisions. He worked with me and my staff to address these concerns and the amendment that we have before us today effectively does so. That's why I'm pleased to now be a cosponsor of the bill. The difficulties our service personnel face in voting and the Senator from New York has described them, and I believe this amendment deals with them in a proper fashion.

Senator Chambliss also spoke in support of the amendment:

[N]ot since the passage of the Uniform and Overseas Voting Act in 1986 have we proposed such significant legislation designed to help the men and women of the military who time and time again are called upon to defend the rights and freedoms that we Americans hold so sacred. Unfortunately, our military's one of the most disenfranchised voting blocs we have and today we have the opportunity to correct this.

Senator Nelson also added comments in support:

We owe it to our men and women in uniform to protect their right to vote. And for military and overseas voters, that right is only as good as their ability to cast a ballot and have it counted. For years, we have known of the obstacles these brave Americans face in exercising their right to vote,

often when far from home and in harm's way. I firmly believe this legislation will make a huge impact in empowering our military and overseas voters to have their votes counted no matter where they find themselves on election day.

Senate amendment No. 1764 to S. 1390 was agreed to by voice vote on July 23, 2009. The Senate took up H.R. 2647 on July 23, approved an amendment that substituted the text of S. 1390, then passed the bill by unanimous consent and requested a conference with the House. A Senate-House conference was held, and the House passed the conference report to H.R. 2647, H. Rept. 111-288, on October 8, 2009, and the Senate passed it on October 22, 2009. H.R. 2647 was signed by the President on October 28, 2009, and became Public Law 111-84.

THE MOVE ACT TODAY

The Military and Overseas Voter Empowerment Act of 2009 is a response to an unacceptable situation—the disenfranchisement of Americans serving and living abroad who are unable to vote because of logistical and geographic barriers.

The MOVE Act brings to an end a system that in the past allowed a quarter of the ballots requested by U.S. troops to go unreturned. It does so by insisting that every military and overseas vote be counted. Congress recognized that those who fight to defend America's freedom often face the greatest obstacles in exercising their right to vote. Congress acted to break down the challenges and barriers to voting faced by these citizens with passage of the provisions of the Military and Overseas Voter Empowerment Act.

Most of the MOVE Act provisions will be in place for the November 2010 general elections. States started implementing measures and procedures to comply with the MOVE Act almost immediately after passage of Public Law 111-84. At the Federal level, the Department of Defense has been in consultation with the Attorney General to develop and promulgate regulations to administer the waiver process. As the 2010 Federal election approaches, the States and the Department of Defense are making every effort to ensure that military and overseas voters have every opportunity to register, vote, and have their vote counted.

Mr. President, I ask unanimous consent that a section-by-section of the MOVE Act provisions in the National Defense Authorization Act for fiscal year 2010 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE MOVE ACT IN THE NDAA

The following is an explanation of each provision of the bill, what it does, and how it improves the ability of military and overseas voters to register, vote, and have their votes count in elections. It should be noted that in conference, there were two major substantive changes in the MOVE Act provisions as passed by the Senate.

One, the section on "Findings" was stricken. The "Findings" section provided an explanatory foundation for MOVE and why it was critical for its provisions to be enacted. It highlighted the fundamental nature of the right to vote; the logistical, geographical, operational, and environmental barriers that create obstacles for military and overseas voters to exercise their right to the franchise; the central role shared by States and

the Department of Defense in overseeing and facilitating military and overseas voting; and the need for the relevant State, local, and Federal government entities to work together to ensure the ability of military and overseas voters to have their ballots count.

Two, the responsibilities attributed to the Department of Defense in ensuring military voters can effectively register to vote was changed in conference from the Senate-passed version. The reason for this change is explained in the summary of Section 583.

Section 575. Short title.

Title: "Military and Overseas Voter Empowerment Act".

Section 576. Clarification regarding delegation of State responsibilities to local jurisdictions.

This section clarifies that while the MOVE Act contains a number of mandates on the States with respect to military and overseas absentee voting, States remain free to delegate those responsibilities to local officials as they did under UOCAVA. In effect, this provision puts States on notice that the MOVE Act does not intend to and does not in fact take administrative control of military and overseas voting out of the hands of local officials. Compliance with MOVE's mandates, however, ultimately remains a State responsibility, and States will continue to be the main entity against which the provisions of MOVE and UOCAVA will be enforced should enforcement by the Department of Justice become necessary.

Section 577. Establishment of procedures for absent uniformed services voters and overseas voters to request and for States to send voter registration applications and absentee ballot applications by mail and electronically.

This section amends UOCAVA to require States to allow military and overseas voters the choice of requesting voter registration applications and absentee ballot applications either by mail or electronically. It mandates that the voter's choice of mail versus electronic extends to the mode of delivery of both the voter registration and absentee ballot applications. States must give all UOCAVA voters the option of receiving their applications by mail or electronically. To ensure military and overseas voters have an opportunity to choose their desired delivery method, States must provide a way for voters to designate their preferred method of delivery, and States are required to send these materials in accordance with the voter's designation. If no delivery preference is indicated, States are to transmit these materials according to applicable State law or, in the absence of such law, by mail. The requirements of this section apply to all general, special, primary, and runoff elections for Federal office.

Allowing military and overseas voters to request and receive voter registration and absentee ballot applications electronically requires States to establish at least one means of electronic communication for military and overseas voters to use. States are free to establish multiple means of electronic communication if they wish. In addition to using the electronic format to give voters the option of requesting and receiving voter registration and absentee ballot applications, it is also to be used to provide any other related voting, balloting, and election information requested by or otherwise provided to the voter.

In addition to email and the Internet, this provision contemplates the use of fax machines as a legitimate means of electronic transmission. This gives States an additional

method of electronic communication. However, it is important to note that the Rules Committee received testimony regarding the challenges of solely relying on fax technology for military and overseas voting. Robert Carey, the Executive Director of the National Defense Committee pointed out in his written testimony that ensuring the privacy of a faxed absentee ballot is difficult. He also cited research indicating that only 39% of junior enlisted personnel had daily access to a fax machine. This provision therefore contemplates the use of fax technology as States gradually transition to more accessible forms of transmission for military and overseas voters through internet and email usage.

Information about how to communicate with States electronically, including any official designated email, web addresses, and phone numbers, should be readily accessible and is required to be included with any informational or instructional materials that accompany balloting materials sent to military and overseas voters.

The provisions of this section are a direct response to evidence gathered by the Rules Committee that showed lengthy mail transit times for voting materials, including registration forms and absentee ballot applications. This was a fundamental reason why so many of these voters did not have enough time to vote, and it showed the difficulty military and overseas voters have in communicating efficiently and effectively with State and local election officials. Taking advantage of modern technology is an important part of the solution to the "no time to vote" problem. The testimony of Lieutenant Colonel Joseph DeCaro at the Rules Committee's May 2009 hearing, in which he repeatedly expressed his gratitude for internet connectivity while serving in Air Force and described how he was able to use email to quickly communicate with local election officials, is particularly instructive. Lt. Colonel DeCaro testified that postal mail can sometimes take up to three weeks to reach its destination.

Compliance with this provision of the law may save States a substantial amount of money. Using a multiplier of \$12.95 for a 1 oz. United States Postal Service Priority Mail international flat-rate mailing, States can potentially save as much as \$1,295,000 for every 100,000 military and overseas voters that utilize electronic transmission methods of sending voter registration and ballot request materials.

This section also directs the Federal Voting Assistance Program of the Department of Defense to maintain and make available an online repository of State contact information with respect to Federal elections for use by military and overseas voters. The repository should include contact information for all the relevant State and local election officials in each State, including any designated email and Internet addresses and phone and fax numbers instituted to comply with the provisions of this law.

Finally, this section contains additional provisions directing States, to the extent practicable, to ensure the integrity of the voter registration and absentee ballot request process, as well as the protection of personal data.

Section 578. Establishment of procedures for States to transmit blank absentee ballots by mail and electronically to absent uniformed services voters and overseas voters.

This section amends UOCAVA to require States to establish procedures for transmitting blank absentee ballots to military and

overseas voters both by mail and electronically for all general, special, primary, and runoff elections for Federal office. States are to use the preferred method of transmission identified by the voter and institute a procedure for allowing the voter to designate whether their preferred delivery method is by mail or electronic delivery. As in the previous section, if no delivery method is specified, States should follow applicable State law or, in the absence of such law, should deliver the blank absentee ballot to the voter by mail.

Additionally, this section contains the same language with respect to election integrity and voter privacy as the prior section, and the same rationale for the efficiency and effectiveness of electronic transmission also applies to this section with equal force.

Section 579. Ensuring absent uniformed services voters and overseas voters have time to vote.

This section amends UOCAVA to require States to transmit validly requested absentee ballots to military and overseas voters not later than 45 days before an election for Federal office, if a ballot request form is received by the relevant local election official at least 45 days before the election. In a circumstance when the absentee ballot request is received less than 45 days before the election, States must transmit a validly requested absentee ballot in accordance with State law and in as practicable a manner as possible that expedites the ballot's transmission so that the voter receives the ballot with enough time to cast the ballot and to have it counted. If States receive an absentee request less than 45 days before the election that contains an electronic delivery designation and related contact information, the State can expedite the blank ballot by electronic means. Of course, the UOCAVA voter still may request his or her ballot to be sent by mail. States may not be able to send the ballot electronically if the State lacks the necessary information, for example a correct email address or facsimile number.

The language "validly requested" in the MOVE Act refers to how this provision interacts with the pre-existing UOCAVA statute. Under §102a(2) of UOCAVA, each State is required to "accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election." The language "validly requested" in MOVE refers to applications that are received by local election officials in accordance with §102a(2). It should be noted that although UOCAVA requires election officials to accept and process applications up to at least 30 days before an election under §102a(2), States are of course free under UOCAVA to shorten that time period to less than 30 days to give military and overseas voters more time to send in their applications. In such circumstances, the language "validly requested" also refers to ballots that are requested in time under the more permissive State law.

Also relevant here is that UOCAVA, as amended by the MOVE Act, creates a 15-day "gap" in which a State might receive an absentee ballot application from a military or overseas voter less than 45 days in advance of an election, and thus cannot comply with the 45-day rule under MOVE, but is still required to accept and process the application due to the 30-day rule under §102a(2). To ensure that military and overseas voters whose

applications are received during this 15-day gap are given enough time to vote, the MOVE Act directs States to transmit such ballots "in accordance with State law," which is a directive for States to deliver ballots in accordance with any procedures that may exist under State law for transmitting ballots to UOCAVA voters, and in as practicable a manner as possible that expedites the ballot's transmission. This shall not supersede the MOVE requirement that UOCAVA voters be able to designate their preferred method of ballot delivery (mail or electronic) and the State's obligation to comply. State law may allow state election officials to fulfill requests that arrive less than 30 days before the election.

The "time to vote" provision was at the top of the list for potential reforms of military and overseas voting at the May 2009 Rules Committee hearing, with witnesses for both the Majority and the Minority endorsing such a measure. The original draft of the MOVE Act contained a 55-day mandate, under which States were required to send out ballots 45 days before an election and accept ballots up to 10 days after the election or by the State's certification date, whichever was later. This original provision was a response to complaints that certain jurisdictions refuse to count ballots from UOCAVA voters when those ballots are sent to States on or before Election Day but do not reach State or local election officials until after the polls have closed. However, there were concerns that this post-election requirement would intrude on States' ability to certify their elections in a manner that complies with their respective State laws or constitutions. Therefore the bill was modified to require that ballots be sent out at least 45 days before Election Day. The consensus recommendation emerged for a 45-day requirement following the hearing because it provides sufficient time for UOCAVA voters to request, receive and cast their ballots in time to be counted in the election for Federal office and better accommodates the laws of a number of states.

However, recognizing that circumstances may arise that prevent States from complying with the mandate to send ballots 45 days before Election Day, the MOVE Act also includes procedures whereby States can apply for a waiver from that provision. Waivers are submitted to the Presidential designee who, after consultation with the Attorney General, will decide whether to approve or deny the waiver request. If approved, the waiver is valid only for the election for which the State requested it. MOVE does not contemplate permanent waivers. Nor does MOVE contemplate "automatic" renewals of waivers—a waiver that is approved for one election is not automatically valid for or applicable to the State's next election. The reason is to protect UOCAVA voters from situations where a State's plan is approved by the Presidential designee, but ultimately proves insufficient to serve as a substitute for the 45-day rule. For example, if a waiver is granted for an election because the Presidential designee determines that the comprehensive State plan will give military and overseas voters enough time to vote, but evidence subsequently shows that, in practice during the election cycle, the State plan did not provide enough time to vote, a future waiver request with a similar State plan may not be granted just because it had been approved for the prior election. However, if a waiver is approved and the State plan is proven effective, a similar State plan resubmitted in a subsequent election cycle may be

approved again. The key is that the State plan must provide adequate substitute procedures so that UOCAVA voters are given an opportunity to vote that is at least as sufficient as if the State complied with the 45-day rule. In some cases, the State waiver plan may provide even greater protection for UOCAVA voters, and such plans would serve the interests of the UOCAVA voters and the intent of the law. Thus state plans that offer protection for UOCAVA voters that is better than or equal to the 45-day provision and procedures that go beyond other minimum requirements for state assistance for those voters could merit repeated waivers.

This section mandates that the Presidential designee can only approve or reject a waiver after consulting with the Attorney General, since the Attorney General is the office that enforces UOCAVA and the provisions of the MOVE Act, and there should be coordination between the two entities. Consultation between the Presidential designee and Attorney General will promote consistency so that election officials do not receive mixed messages about the viability of waiver requests.

The Presidential designee may only grant a waiver if a specific standard is met, which is laid out in the MOVE Act. First, the Presidential designee may grant a waiver if one or more of the following circumstances exist to prevent a State from complying with the 45-day rule: (1) the State has a late primary election date, making it impossible to send validly requested ballots to voters 45 days before the election; (2) the State has suffered a delay in generating ballots due to a legal contest, such as a contested primary; or (3) the State's Constitution prohibits the State from complying with the 45-day rule. These are the only three circumstances under which a waiver request may be sought under MOVE.

In addition to a finding that at least one of these circumstances exists, the waiver request itself must include, in writing, the following: a recognition of the need to provide overseas voters with enough time to vote; an explanation of the hardship that prevents the State from transmitting absentee ballots 45 days before the election; the number of days prior to the Federal election that the State will transmit absentee ballots to military and overseas voters; and a comprehensive plan ensuring that military and overseas voters are able to receive and return requested absentee ballots in time to be counted. The plan must include the specific steps the State will take to ensure military and overseas voters have time to receive, mark, and submit their ballots in time to have them counted, an explanation of how the plan serves as an effective substitute for the 45-day rule, and relevant information that clearly explains how the plan is sufficient to substitute for the 45-day rule in a manner that allows enough time to vote. States are free to use innovative methods to ensure their comprehensive plan gives military and overseas voters enough time to vote.

Testimony before the Rules Committee supported the practice of some States that accept and count UOCAVA ballots after Election Day as one way of protecting the voting rights of their UOCAVA voters. This can be an acceptable option for states whose constitution and laws allow it and who want that flexibility. States must be mindful that even when they count UOCAVA ballots after an election, those voters may not be aware of that procedure. Therefore, a state should ensure that voters get ballots with enough time to vote and inform them of the state's

procedures for receiving and counting ballots.

To summarize, the Presidential designee can issue a waiver only if one or more of three exigent circumstances exists: a prohibitively late primary date; a legal contest that results in a delay in generating ballots; or a conflict with a State's Constitution. In addition, the Presidential designee makes a determination that the State requesting the waiver has submitted an acceptable plan, containing all necessary information, which provides military and overseas voters with enough time to receive, mark, and submit their absentee ballots in time to have that ballot count in the election. The Presidential designee must consult with the Attorney General before approving a waiver request, since the Attorney General is charged with enforcing and ensuring State compliance with the provisions of UOCAVA and MOVE.

Waiver requests must be submitted by the chief State election official to the Presidential designee not later than 90 days before the Federal election for which it is requested, and the Presidential designee must approve or deny the waiver not later than 65 days before the election. If the hardship at issue is a legal challenge arising in a way that makes compliance with the 90-day deadline impossible, the State must submit the waiver request as soon as possible and the Presidential designee will approve or reject it not later than 5 business days after its receipt. It is certainly possible that DOD in consultation with DOJ, rather than rejecting a waiver request, might request the State to make modifications in the waiver request that would allow the waiver to be granted.

A waiver approved by the Presidential designee is valid only for the Federal election for which the State requested it and cannot be used by a State for any subsequent Federal election. If a State wishes to request a waiver for a subsequent Federal election, it must submit another waiver request.

Section 580. Procedures for collection and delivery of marked absentee ballots of absent overseas uniformed services voters.

This section amends UOCAVA by directing the Presidential designee to develop and implement procedures for collecting marked absentee ballots, including the Federal write-in absentee ballot, from absent overseas uniformed services voters, and facilitating their delivery in a manner that ensures that the ballots are received by the appropriate election officials in time to be counted.

This provision was a response to evidence gathered by the Rules Committee about the unpredictable nature of serving overseas. At the Rules Committee hearing in May 2009, Eric Eversole, formerly an attorney with the Department of Justice Civil Rights Division's Voting Rights Section, testified that an expedited mail delivery system would reduce the ballot delivery time. In circumstances, such as unforeseen military action, where overseas military personnel might be prevented from sending in time to be counted, an expedited mail delivery system would compensate for those numerous, unforeseen factors. This requirement also is supported by the statement from Tom Tarantino, Legislative Associate with Iraq and Afghanistan Veterans of America, that the Department of Defense should be responsible for collecting overseas servicemembers' absentee ballots to ensure their delivery, and to make certain that military voters serving overseas are able to return their ballots in a timely and predictable fashion because to do

so is “the most immediate step that Congress can take in protecting the voting rights of service men and women.” This provision also incorporates language similar to a legislative initiative introduced by Senator Cornyn, who has advocated for DOD to take a direct role in providing expedited ballot delivery.

This section directs the Presidential designee to establish procedures for collecting absentee ballots from overseas military voters, and to facilitate their delivery so they are received by local election officials in time to be counted. The Presidential designee must work in conjunction with the U.S. Postal Service to provide expedited mail delivery for all absentee ballots from overseas military members. These ballots will be collected up until noon on the seventh day preceding the date of the upcoming election for expedited transmittal. This section also gives the Presidential designee flexibility to change that deadline if remoteness or other factors associated with military service, such as being located in a combat zone, warrant collecting and transmitting ballots prior to the regular deadline to ensure the ballots can be counted in time.

Finally, this section mandates that all ballots sent by military members overseas have to be postmarked by the Military Postal Service with the date the ballot was mailed. In accordance with existing law, it must be carried free of postage. Without a postmark, election officials have been unable to tell when a ballot was mailed, increasing the likelihood of uncounted votes from military personnel. This provision addresses the postmark problem and eliminates the risk of a ballot not being counted for this reason.

In carrying out this provision, the Presidential designee is charged with the responsibility of making certain that overseas military voters are aware of the expedited mail procedures and deadlines involved. The Presidential designee shall do this in a number of ways within his discretion, such as making information available via the Global Military Network, through easily accessible websites frequently used by military members, and in the informational forms made available to military members during critical points in service, such as the administrative in-processing at a new installation or base. A later section of MOVE requires the Presidential Designee to create online information portals and use the Global Military Network to inform military voters of voter registration information and absentee ballot rights.

In drafting this legislation, the Rules Committee considered a direct mandate on the Department of Defense which would have required that absentee ballots be transmitted to the appropriate election officials by a date certain. In consultation with the Department of Defense, however, personnel of that agency responsible for overseeing absentee voting for overseas military personnel expressed concern that complying with such a provision would be beyond its control. Absentee ballots mailed from abroad enter the domestic mail system once those ballots reach the United States and are no longer under DOD control. This section recognizes that reality, while at the same time solidifying the DOD's role in expediting transit times for these ballots so they can reach local election officials in time to be counted.

This section includes three supplemental provisions. First, it directs the chief State election official in each State, working alongside local officials, to develop a free access system whereby all military and over-

seas voters can track whether or not their absentee ballots have been received by the appropriate election official. This language was suggested by Lt. Col. Joseph DeCaro and others, to ensure that UOCAVA voters know their ballots are similarly situated to domestic absentee voters. Receipt of the UOCAVA ballot by the local election official marks the most important hurdle for overseas voters: getting the completed ballot back to the election office.

Second, it mandates that those soldiers who cast ballots at locations under the jurisdiction of the Presidential designee, such as military installations, are able to cast their ballots as privately and independently as possible. Ensuring the privacy of all voters is important, and military voters should be able to vote in a private and independent manner.

Third, it directs the Presidential designee to ensure, to the extent practicable, that absentee ballots in the possession or control of the Presidential designee remain private. Again, absentee ballot procedures should protect the privacy of the voters, to the extent practicable.

This section only requires expedited mail procedures for overseas service personnel and not all UOCAVA voters. In crafting the legislation, the Rules Committee staff was concerned about the challenges facing non-military overseas voters seeking timely return of their ballots to State election officials. Unfortunately, the problems inherent in engaging every foreign, nonmilitary post office to provide such assistance made this expansion of the expedited mail requirement impractical at the present time. Additionally, several of the challenges justifying the provisions of this section, such as the sporadic lack of postmarks on military mail and unpredictable conditions associated with service, are pervasive problems faced by overseas military personnel. However, under this section State officials are required to develop the tracking system for absentee ballots from both military and overseas voters. Lieutenant Colonel Joseph DeCaro of the United States Air Force testified at the Rules Committee's May 2009 hearing about his frustration at not knowing whether his ballot had been received by State officials. The tracking provision addresses this concern. The Help America Vote Act already requires a free access system to notify voters about whether or not their provisional ballots have been counted. The MOVE Act absentee ballots are not provisional ballots. However, it should not be too difficult for State election officials to develop a system that military and overseas voters can use to get information about the status of their ballots that is similar to the system mandated under HAVA for provision ballots. This will allow those voters to complete FWAB ballots if it becomes clear their ballot was not received in a timely fashion.

Section 581. Federal write-in absentee ballot.

This section amends UOCAVA to expand the availability and accessibility of the Federal write-in absentee ballot and to promote its use among military and overseas absentee voters.

The FWAB functions as a failsafe ballot for military and overseas voters. It allows them to submit this ballot to local election officials in every State in circumstances where they have not received a requested ballot in time from their respective election officials. However, information gathered during Congressional hearings clarified the fact that awareness of the FWAB among military and overseas voters is very low, and therefore an

underutilized resource. At the May 2009 hearing on military voting problems held by the Elections Subcommittee of the House Committee on Administration, Gunnery Sergeant Jessie Jane Duff (Ret.) testified that she had never heard of the FWAB despite a twenty-year career as a marine.

Under this section, the Presidential designee is required to adopt procedures to promote and expand the use of the FWAB as a back-up measure. As part of this effort and required by other sections of MOVE, the Presidential designee shall take steps to make servicemembers aware of its existence and function, by promoting it through the Global Military Network and at critical points of service (example: such as the administrative check-in of soldiers at a new base or installation).

This section also expands the availability and utilization of the FWAB in two significant ways. First, it expands the mandatory availability of the FWAB as a failsafe ballot from use only in general elections, under the original UOCAVA statute, to also include special, primary, and runoff elections for Federal office. This is an important expansion of its use, because special, primary and runoff elections generally have shorter time periods between the time when ballots are made available to voters and Election Day.

Second, this section directs the Presidential designee to expand and promote the use of the FWAB as a back-up ballot. As part of this effort, the law directs the Presidential designee to use technology to develop a system under which a military or overseas voter can enter his or her address or other appropriate information, and the system will generate a list of all candidates for Federal office in the voter's jurisdiction. The voter will now have the information needed to fill out the FWAB and submit it to his or her election official. Such technology has already been developed through a partnership between the Pew Center on the States and the Overseas Vote Foundation, as noted in Pew's No Time to Vote: Challenges Facing America's Overseas Military Voters report submitted for the record for the Rules Committee's May 2009 hearing.

Section 582. Prohibiting refusal to accept voter registration and absentee ballot applications, marked absentee ballots, and Federal write-in absentee ballots for failure to meet certain requirements.

This section amends UOCAVA by prohibiting States from rejecting registration applications, ballot request applications and ballots for reasons unrelated to voter eligibility. The section is a response to evidence gathered by the Rules Committee highlighting the unfortunate practice, in certain jurisdictions, of rejecting absentee ballots and other election materials for immaterial reasons. In his testimony at the May 2009 Rules Committee hearing, Robert Carey of the National Defense Committee recommended eliminating notarization requirements for UOCAVA voters. That recommendation was echoed by representatives of the Pew Center on the States and the Overseas Vote Foundation. While the original draft of MOVE in S. 1415 also eliminated witness requirements in UOCAVA ballots, that provision was removed through committee negotiations. Any witness requirements that may be imposed by States should allow flexibility to ensure a voter can easily complete an absentee ballot. Any complex witness requirements make it more difficult for military and overseas voters to complete and cast an absentee ballot.

The first provision of this section prohibits States from rejecting otherwise valid voter

registration applications, absentee ballot applications (including the official post card form prescribed under UOCAVA), and marked absentee ballots submitted by military and overseas voters solely on the basis of notarization requirements, restrictions on paper type, and restrictions on envelope type. In some cases, the need to photocopy a ballot may result in a completed absentee ballot on different paper. No jurisdiction should reject a properly completed form simply because of the paper used.

The second provision contains similar prohibitions on rejecting the FWAB. It prohibits States from rejecting marked FWAB ballots solely because of notarization requirements, restrictions on paper type, and restrictions on envelope type.

Section 583. Federal Voting Assistance Program ("FVAP").

This section amends UOCAVA to improve the Federal Voting Assistance Program for military voters. These provisions increase the availability of materials containing information on absentee voting procedures for military voters, as well as expand the overall awareness of such procedures.

The section directs the Presidential designee to take two major steps to meet this end—first, to create an online portal of information where our military can access information about registration and balloting procedures in their respective States; and second, to establish a program using the Global Military Network, an email network that reaches out to virtually every member of our military, to notify servicemembers 90, 60, and 30 days prior to each election for Federal office of voter registration information and resources, the availability of the Federal postcard application, and the availability of the FWAB as a fail-safe ballot.

It should be noted that the sponsors of the MOVE Act acknowledged that the Department of Defense already had a number of regulations in place to try to assist servicemembers in exercising their right to vote. Therefore, a provision was included to clarify that the provisions of MOVE were not meant to eliminate any other duties or obligations promulgated by the DOD that are not inconsistent or contradictory with the MOVE Act.

The section mandates that not later than 180 days after passage of the MOVE Act, the Secretary of each military department of the Armed Forces must designate offices on military installations under their jurisdiction to provide comprehensive voter registration services for troops and their families. The office will serve as a clearinghouse for providing servicemembers the opportunity to receive information on the following: voter registration and absentee ballot procedures, information and assistance with registering to vote in their States, information and assistance with updating the individual's voter registration information, including instructions on how to use and submit the Federal postcard application as a change of address form, and information and assistance with requesting an absentee ballot from the voter's local election official.

The section gives priority to individuals transitioning through critical points in their service, such as individuals who are undergoing a permanent change of duty station, deploying overseas for at least six months, returning from an overseas deployment of at least six months, or who otherwise request assistance related to voter registration. These resources are required by this section to be provided at least during the administrative processing associated with these

points in service. By detailing exactly which points in time servicemembers are to receive such information, this section ensures that these voter resources can be most easily and efficiently provided to our troops. As a result, their ability to participate in Federal elections will be dramatically increased.

The Secretary of each military department (or the Presidential designee) is required to take steps to make the availability of these resources known to military voters through outreach efforts that include the availability of the designated voter registration offices and the time, location, and manner in which military voters may access such assistance. The Presidential designee and Secretaries of military departments are free to undertake a variety of methods to satisfy this provision, including the requirements in other sections of MOVE to inform servicemembers of the ballot collection and expedited delivery procedures.

Finally, this section allows the Secretary of Defense to authorize the Secretaries of the military departments of the Armed Forces to designate offices on military installations as voter registration agencies under §7(a)(2) of the National Voter Registration Act of 1993 (NVRA).

Under the provisions of the MOVE Act as passed by the Senate, the offices designated to provide voter registration assistance were required to be uniformly deemed voter registration agencies under the NVRA. In the conference committee for the NDAA, this requirement was changed from mandatory NVRA designation to giving the Secretaries the option of designating the voter registration offices as NVRA agencies.

There are good reasons for designating these voting assistance offices as voter registration agencies under the NVRA. Designation provides a minimum, uniform standard by which these offices must provide voter registration assistance and ensures such assistance is effective. First, pursuant to §7(a)(4)(A) of the National Voter Registration Act, such offices must provide mail voter registration forms, assistance in completing voter registration application forms, and acceptance of such forms for transmittal to State officials. The Federal postcard application can be used for this purpose because it is an acceptable voter registration form under the NVRA. Second, under §7(d), accepted registration forms have to be transmitted to State officials within 10 days of acceptance, or if accepted, within 5 days before the last day for registration to vote in an election, not later than 5 days after the date of acceptance. Furthermore, any individuals providing registration assistance in such an office are prohibited from doing the following: seeking to influence an applicant's political preference or party allegiance; displaying any political preference or party allegiance; making any statement to the applicant that would discourage registration; or making any statements with the purpose or effect of leading the applicant to believe that a decision to register has any bearing on other services provided at that office. The NVRA sets a uniform standard by which these offices must provide voter registration by ensuring an expansive provision of voter registration assistance and protecting against inadequate assistance and deficiencies in registration services. Without the opportunity or ability to register in an effective way, our military cannot vote.

While some have expressed concern with requiring DOD to run an NVRA voter registration agency, this is not a new role for the Department of Defense. The Department

is already responsible, and has been for well over a decade, for administering the NVRA at designated offices. More than 6,000 military recruitment offices are currently required to provide information, registration assistance, and opportunities to register to vote in conformance with the NVRA. Further, these offices would only be required to provide the necessary voting assistance to individuals who are seeking other appropriate services at the military recruitment offices and not to any person who may happen to walk in and request it.

Nor are these offices required to operate as stand-alone voter registration agencies. Similar to other State government agencies operating NVRA-designated voter registration agencies, such as State social service offices, Departments of Motor Vehicles, and the like, DOD can provide voter registration services in offices that have a different primary function such as pay, personnel, and identification offices.

Following the passage of the MOVE Act, it is notable that Chairman Schumer and Senator Cornyn sent a letter on December 4, 2009 to Secretary Gates requesting that he make the determination, which he authorized to do under the NVRA, that the Department of Defense would be designated as a "voter registration agency" under the Act. In a letter back to Senators Schumer and Cornyn, dated December 16, 2009, the Deputy Secretary of Defense William J. Lynn, III, agreed to "designate all military installation voting assistance offices as NVRA agencies."

Finally, the Secretary of Defense is required to prescribe regulations relating to the administration of this section, which must be prescribed and implemented by the November 2010 Federal elections.

Section 584. Development of standards for reporting and storing certain data.

This section amends the UOCAVA statute to direct the Presidential designee to work with the Election Assistance Commission and the chief State election official of each State to develop standards for reporting data on the number of absentee ballots transmitted to and received from overseas voters, as well as other data the Presidential designee determines to be appropriate. States are required to report this data as the Presidential designee, in accordance with the standards developed by the Presidential designee under this section. The Presidential designee is directed to store such data, and should make that data publicly available as appropriate under the law.

Section 585. Repeal of provisions relating to use of single application for all subsequent elections.

This section repeals §104(a)—§104(d) of the UOCAVA statute. These provisions required States, once they processed an official post card form received by military and overseas voters, to send an absentee ballot to that voter for each Federal election held in the State through the next two regularly scheduled general elections for Federal office, provided the voter indicated he/she wished the State to do so. It has been reported by State and local officials that this section of UOCAVA has led to inefficiency as blank absentee ballots are sent to voters who have moved or are no longer registered in the same location where they originally registered. Because some military and overseas voters in particular tend to be highly mobile, it is reported that this provision was difficult to implement effectively. The Committee responded by eliminating this federal

mandate. States, however, are free to continue absentee programs that they find effective and convenient for voters, whether they be domestic or overseas voters.

Section 586. Reporting requirements.

This section amends UOCAVA to include additional requirements for reporting information to the Congressional committees of jurisdiction, including the Senate Committee on Appropriations, the Senate Committee on Armed Services, and the Senate Committee on Rules and Administration, and the House Committee on Appropriations, the House Committee on Armed Services, and the House Administration Committees.

The first provision is a requirement for the Presidential designee to submit a report to these committees not later than 180 days after the enactment of the MOVE Act. The report is to include (a) the status of the implementation of the procedures on collection and delivery of absentee ballots from overseas military personnel, including specific steps taken in preparation for the November 2010 general election; and (b) an assessment of the Voting Assistance Officer (VAO) Program of the Department of Defense, including an evaluation of effectiveness, an inventory and full explanation of any programmatic failures, and a description of any new programs to replace or supplement existing efforts.

The Voting Assistance Officer (VAO) program is administered by the Department of Defense to provide military personnel with person-to-person guidance in understanding absentee voting procedures and helping overseas military personnel with the absentee voting process. However, the Rules Committee gathered evidence during the drafting of this legislation indicating the need for improvements in the VAO program. Tom Tarantino, Legislative Associate with Iraq and Afghanistan Veterans of America, submitted written testimony that he had been poorly trained when he served as a VAO. A report from the Department of Defense Inspector General revealed that in 2004, voting assistance officers made contact with only 40%-50% of military voters. Also, it was made known to the Rules Committee that serving as a VAO is often seen as a low-level military assignment, so it is not given much priority in practice. The reporting requirements established under this section will provide the new FVAP chief with the time to assess existing programs and suggest improvements, all with the goal of providing more overseas and military voters with the information and support necessary for them to exercise their right to vote.

The second reporting requirement is an annual report to Congress, due no later than March 31 of each year. In this report, the Presidential designee must include the following: (a) an assessment of the effectiveness of the FVAP program, including an examination on the effectiveness of the new responsibilities established by the MOVE Act; (b) an assessment of voter registration and participation by overseas military voters; (c) an assessment of registration and participation by non-military overseas absentee voters; and (d) a description of cooperative efforts between State and Federal officials. The report should also include a description of the voter registration assistance provided by offices designated on military installations utilized by servicemembers and a description of the specific programs implemented by each military department of the Armed Forces to designate offices and provide assistance. Finally, the report should include the number of uniformed services members

utilizing voter registration assistance at the designated offices.

When the annual report is issued in years following a general election for Federal office, it should include a description of the procedures utilized for collecting and delivering marked absentee ballots, noting how many such ballots were collected and delivered, how many were not delivered in time before the closing of polls on Election Day, and the reasons for non-delivery.

These reporting requirements are a direct consequence of the interest of Congress in initial compliance with the MOVE Act and with its routine implementation over time. These reports will provide a key indicator of how effective absentee voting procedures are for overseas Americans in case additional reform is needed in the future.

Section 587. Annual report on enforcement.

This section amends the UOCAVA statute to require the Attorney General to send a report to Congress no later than December 31 of each year regarding what actions the Department of Justice has taken to enforce UOCAVA and the MOVE Act amendments to UOCAVA.

Since UOCAVA's passage in 1987, the Justice Department has filed 35 compliance suits against the States. Congress should be updated on a regular basis on efforts made to comply with federal military and overseas voting statutes. These reports will provide the Rules Committee and other Congressional committees with a key tool for oversight, in anticipation of the Justice Department playing a key role in overseeing the implementation and enforcement of the MOVE Act.

Section 588. Requirements payments.

This section amends the Help America Vote Act (HAVA) of 2002 to establish a new funding authorization, in addition to the funding authorizations already in place under HAVA, intended to be used only to meet the new requirements under UOCAVA imposed as a result of the provisions of and amendments made by MOVE. The language of the MOVE Act indicates that separate from a HAVA requirements payment; Congress has authorized, and can specifically appropriate funds for requirements payments "appropriated pursuant to the authorization under section 257(a)(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act." The appropriation would specifically reference a MOVE requirements payment. That MOVE requirements payment can be used only to meet the requirements of the MOVE Act. Nothing in this section impacts the ability of States to receive and spend funds on the traditional HAVA requirements payment program.

States must describe in their State plan how they will comply with the provisions and requirements of and amendments made by MOVE. Under amendments made in conference committee, chief State election officials may access MOVE requirements payments without providing the 5% match upfront. This section was amended in contemplation of providing funding for those States whose legislatures do not meet on an annual basis.

Further, States may choose to use the original funding authorizations under HAVA, those adopted as part of the original HAVA statute, to fund MOVE related compliance efforts so long as the State meets all of its other obligations under HAVA. The provi-

sions of the MOVE Act can certainly be considered an activity "to improve the administration of elections for Federal office" under the HAVA requirements payments language. *Section 589. Technology pilot program.*

This section gives the Presidential designee the authority to establish one or more pilot programs under which new election technologies can be tested for the benefit of military and overseas voters under the UOCAVA statute. The conduct of the program will be at the discretion of the Presidential designee and shall not conflict with any existing laws, regulations, or procedures.

Mindful of security concerns, the Rules Committee included several items for the Presidential designee to consider in crafting this pilot program. These include transmitting electronic information across military networks, cryptographic voting systems, the transmission of ballot representations and scanned pictures of ballots in a secure manner, the utilization of voting stations at military bases, and document delivery and upload systems. There may be many positive developments made by DOD pilot programs that can assist in expedited voting procedures for military and overseas voters. Security and privacy, of course, are essential components to any pilot program.

Under this section, the Presidential designee is required to submit to Congress reports on the progress of any such pilot programs, including recommendations for additional programs and any legislative or administrative action deemed appropriate.

This section directs the Election Assistance Commission (EAC) and the National Institute of Standards and Technology (NIST) at the Department of Commerce to work with the Presidential designee in the creation and support of such pilot programs. The bill requires the EAC and NIST to provide the Presidential designee with "best practices or standards" regarding electronic absentee voting guidelines. In particular, the MOVE Act directs the EAC and the NIST to work to develop best practices which conform with the electronic absentee voting guidelines established under the first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107), as amended by §507 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (P.L. 108-375). The Committee staff contemplates that NIST will be helpful in addressing the election integrity and security concerns involved in developing electronic voting systems, as illustrated by NIST report entitled "Threat Analysis on UOCAVA Voting Systems" of December 2008 (NISTIR 7551).

This section also directs that, if the EAC has not established electronic absentee voting guidelines by not later than 180 days after enactment of the MOVE Act, then the EAC is to submit to Congress a report detailing why it has not done so, a timeline for the establishment of such guidelines, and a detailed accounting of its actions in developing such guidelines. This should provide to Congress and the public a roadmap on progress made, as well as the next steps the EAC plans to take.

RECOGNIZING THE ARKANSAS AIR NATIONAL GUARD

Mrs. LINCOLN. Mr. President, today I pay tribute to our Arkansas Air National Guard and their efforts to keep our Nation safe. In particular, I recognize the members of the 188th Fighter

Wing, who are returning home throughout May after a 2 month deployment overseas.

The airmen spent 2 months at Kandahar Airfield in southern Afghanistan, flying 12 to 16 flights a day. Their day-and-night operations supported the ground troops who were fighting enemy insurgents. The work in Afghanistan was the unit's first combat deployment using A-10s. The unit flew F-16s until April 2007, including during their 4 month deployment in 2005 to Balad Air Base in Iraq.

Along with all Arkansans, I honor these servicemen and women for their bravery, and I am grateful for their service and sacrifice.

More than 11,000 Arkansans on active duty and more than 10,000 Arkansas reservists have served in Iraq or Afghanistan since September 11, 2001. It is the responsibility of our Nation to provide the tools necessary to care for our country's returning servicemembers and honor the commitment our Nation made when we sent them into harm's way. Our grateful Nation will not forget them when their military service is complete. It is the least we can do for those whom we owe so much.

REMEMBERING SENATOR CRAIG THOMAS

Mr. BARRASSO. Mr. President, I rise today to remember the life of Senator Craig Thomas.

Senator Thomas passed away on June 4, 2007. On that day, the people of Wyoming lost a native son. His presence back home is still missed.

One week from tomorrow will be the third anniversary of Craig's death. A column recognizing Craig's life and the Craig and Susan Thomas Foundation will be circulated across Wyoming next week. It reminds us of Craig's toughness, his love for Wyoming, and his commitment to challenging young people to succeed.

It is an appropriate tribute to Senator Thomas. I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRAIG THOMAS—A LIFE'S WORK GOES ON (By Gale Geringer)

It's hard to believe that June 4th marks the third anniversary of Senator Craig Thomas' death in 2007.

Craig's wisdom and dedication to Wyoming people is dearly missed.

The passion he had for making Wyoming an even better place lives on strong when we need it most. In these economic times, when some young people have an especially tough time with financial or family issues, Craig Thomas' dedication to our future is an example we need to remember.

Craig was compassionate but it came with toughness. He respected young people and so expected a lot of them. He encouraged our youth to succeed and he approached that

from the standpoint of a Captain in the United States Marine Corps. He taught personal responsibility and self reliance. He believed in being on time and ready to learn or work.

Craig motivated thousands of young people, urging them to be the best they can be, whatever their circumstances. He didn't come from money and didn't place a lot of value on pedigrees. He believed each individual had it within him/herself to rise above hardships and become productive, contributing members of society but he also recognized that everyone learns at a different level.

So for kids who might have fallen through the cracks, or were in the middle or bottom of their class, what a welcome inspiration they could find in Craig Thomas.

The Craig and Susan Thomas Foundation is born directly from that ethic and from the life-long experience and caring counsel of his wife, Susan.

The Foundation, now in its third year, continues to fulfill a promise and helps young people try for that second, third, even fourth chance at education and life fulfillment.

With scholarships to Wyoming's community colleges, the University, vocational and technical schools or online education, the Craig and Susan Foundation is changing lives. The Foundation believes that it doesn't matter where students are from, what their grade point average was, or whether they had excelled in something before. It matters that today they want to try and know that someone cares.

In addition to its other programs, the Foundation also gives annual leadership awards to adults who work to support at-risk youth in Wyoming, mentoring, educating or counseling children to achieve their goals.

One scholarship recipient, who is finishing his second year in college, tells this story, "My early years were spent in various stages of poverty, abuse and neglect. I spent my teen years in foster/legal guardian care situations. I am and will remain drug free. I choose my circle of friends wisely. Now I'm majoring in Business Management at LCCC where I am getting good grades. It is very expensive and I need help. I ask for your assistance in helping me to make the very best of my life. College expenses are the greatest obstacle between me, my education and my success as a self-reliant, valuable member of my community."

To date, 53 scholarships have already been awarded, including five to students who are older and have been able to improve their job prospects because they've obtained degrees or certificates.

The idea is simple. Our children deserve an opportunity to build happy and successful lives for themselves regardless of power or place. And when and if they fail, we have a responsibility to show them another way and offer them another chance.

Craig Thomas never thought he would grow up to be a United States Senator. He was a humble kid from outside of Cody who liked people and was willing to work hard at whatever he did. He would have also told you that there were special people in his life that pushed, prodded and, at times, literally willed him to succeed.

Not all of the students who are awarded a scholarship from the Craig and Susan Thomas Foundation and receive mentoring from Susan Thomas will become elected leaders some day. But one thing is sure, they WILL build Wyoming's workforce and they are inspiring assets to a better state—because they pulled themselves up by their bootstraps . . . with a little help.

NATIONAL FOSTER CARE MONTH

Mrs. LINCOLN. Mr. President, I rise today in recognition of National Foster Care Month, a time to recognize and shine a light on the needs of our foster children in Arkansas and across the U.S. and to highlight the countless men, women, and families who work tirelessly on their behalf.

Arkansas has more than 3,500 children in foster care. It is imperative that we ensure their safety and well-being and work to find them a permanent family to provide the love and support they need and desire. That is why I have introduced my Child Welfare Workforce Study Act, which will help identify the barriers that prevent children and families from accessing the essential services they need. It will also better ensure that necessary steps are taken to recruit and retain a quality and experienced workforce that can effectively address the needs and risks of our Nation's most vulnerable children and the families that provide them care.

With thousands of children in Arkansas seeking nothing but a safe and stable family to provide them comfort and security, we have a responsibility to ensure that families are adequately prepared to provide them with the care and supervision they deserve. These families should be appropriately supported and equipped with the resources they need.

Our current system is burdened by the ongoing challenges of recruiting and retaining enough families to care for and welcome these children into their homes, and experienced caseworkers to effectively manage their cases. We have children slipping through the cracks, and that is simply unacceptable. We need to create an environment that best provides for the well-being of these children and that most effectively helps them find a loving and permanent home.

I have also introduced the Resource Family Recruitment and Retention Act, which establishes much-needed standards of consistency in agency and state policies for foster and adoptive care. It also calls on agencies to follow best practices proven to increase and retain the number of foster, adoptive and kinship parents. These practices include efforts to allow foster parents to actively participate and have input in the case-planning and decision-making process regarding the child; to receive complete and timely responses from the agency; and to receive support services and appropriate training that will enhance the skills and ability of resource parents to meet their children's needs. Finally, the bill establishes a grant program to better allow states to develop innovative methods of education and support for families.

As lawmakers, it is our role to honor the critical role that foster families play in the lives of foster youth and

provide them with the services and the support they need. Foster children seek nothing more than a safe, loving and permanent home, and resource families often help address this need. By strengthening efforts to recruit and retain these families, we also enhance our best recruitment tool, and retain prospective adoptive resources.

As members of this body, we have an obligation to do right by those whom we represent each and every day. We also have a moral obligation to do everything we can on behalf of the most vulnerable in our society. For the over 500,000 children in foster care and the many thousands of families who have provided them with the love and support they desperately need, it is the least we can do.

EARMARKS

Mr. ALEXANDER. Mr. President, with all of the recent talk of earmarks, I want to share an op-ed that I wrote for the Nashville Tennessean and appeared in that paper on May 19 about the importance of asking Congress to fund Tennessee projects. Following is the text of that article:

In 2007, the Corps of Engineers told me that two big flood control dams on the Cumberland River system were near failure. I asked for and Congress approved \$120 million to begin repairing Center Hill and Wolf Creek Dams.

During the recent flood, these repairs kept water levels higher behind these dams, which in turn kept millions of gallons out of the Cumberland River. According to the Corps, if Wolf Creek Dam had failed, flooding in Nashville would have been 4 feet higher. My \$120 million appropriation request was called an "earmark."

Here is another "earmark." In 2003, 40 Clarksville community leaders visited me in Washington. They and the commander of the 101st Airborne, GEN David Petraeus, wanted new housing for soldiers returning from Iraq. This was their top priority, but the money was not in President George W. Bush's budget. Over 3 years, I asked for \$196 million. Congress approved. By 2007, when the most-deployed troops in America came home, new housing was ready.

Some say abolishing such earmarks will help solve Washington's out-of-control spending. I say this is a hoax, for two reasons:

1. Abolishing earmarks doesn't reduce the Federal debt one penny. If I ask for a Tennessee project and Congress approves, other spending in the budget is reduced by an equal amount. This debate over earmarks is a sideshow. The main show is the Democratic budget that would double the Federal debt in 5 years and triple it in 10. The way to control Federal spending is, first, to limit growth of discretionary spending to 2 percent a year—40 percent of the budget—and, second, to slow down automatic entitlement spending—most of the rest of the budget. Earmarks total 1 percent of all spending—and, again, earmarks add zero to total spending.

2. Under article I of the U.S. Constitution, only Congress—not the President—appropriates funds. When Tennesseans come to see me about making Center Hill and Wolf Creek

Dams safe or improving housing at Fort Campbell, my job is not to give them President Obama's telephone number.

Some appropriations are vital.

Then, you might ask, why all the fuss? Because some Members of Congress have abused earmarks. Some ask for silly ones. Some ask for too many. Two were convicted of taking campaign contributions in exchange for recommending projects. Perhaps a senator is more likely to vote for a bill that includes his or her appropriations amendment—but this can be said about any amendment to any bill.

My view is that if you have a couple of bad acts on the Grand Ole Opry, you don't cancel the Opry, you cancel the acts. That is why some Congressmen lose elections and some are in jail. That is why Congress ended middle-of-the-night earmarks and even required its Members to attest that appropriations do not benefit them or their families. That is why 2 years ago I voted for a 1-year moratorium on earmarks to encourage more reforms. Now I am cosponsoring Senator Tom Coburn's legislation to put all earmarks on one Web site to make them easier to find. Tennessee projects already are on my Web site.

Some specific appropriations are vital to our State, and to our country. The Human Genome Project was an earmark. The Manhattan Project that won World War II was an earmark.

It might be easier for me to say, "OK, no more earmarks." Then I wouldn't have to explain them in articles like this. But how would I explain to Clarksvillians why soldiers returning from Iraq didn't get new housing or to Nashvillians why the water was 4 feet higher during the flood? Make no mistake: If I had not asked, there would not have been enough Federal money for that housing or to repair those dams.

Just last week, the President asked for specific appropriations for the gulf coast oil spill, but not for flooding in 52 Tennessee counties. I did ask, and the Senate Committee approved. I did not want Washington to overlook the worst natural disaster since the president took office just because Tennesseans are cleaning up and helping one another instead of complaining and looting. Sometimes the job I was elected to do includes asking Congress to fund worthwhile Tennessee projects.

TRIBUTE TO MATTHEW BERGER

Ms. SNOWE. Mr. President, I rise today to recognize the outstanding contributions of one of my staff members, Matthew Berger, during his nearly 5 years of service to the Senate Committee on Small Business and Entrepreneurship and to the people of this country. Matthew has decided to begin a new professional chapter in his life, and when he leaves the Senate this month, there will be a noticeable void in my staff.

Matthew began his work with the committee in September 2005, starting as a special assistant to the staff director and quickly transitioning to become a professional staff member the next year. In his role as professional staff, Matthew became my principal adviser on economic matters, and he helped me develop legislation and policy ideas on a host of issues, from the

annual Federal budget process to Social Security and pensions. For the last 2 years, Matthew has served as economist and press secretary for my committee staff, a far-reaching role that afforded him the ability to display his many talents, including his strong writing style and vast knowledge of all matters pertaining to the Nation's financial system.

Over the past several years, Matthew has played a critical role in assisting me to develop and introduce legislation on a variety of issues. His research efforts were crucial in my developing the Home Office Tax Deduction Simplification Act in both the 110th and 111th Congresses, as well as numerous amendments to a variety of bills, including the recent financial regulatory reform legislation. Matthew was my lead staff member for the American Recovery and Reinvestment Act as well as for the yearly budget resolution, and as such, he is certainly well versed in the Senate amendment process. Matthew's efforts to promote my legislative priorities frequently helped me attract a broad coalition of cosponsors. Matthew has also helped me draft detailed editorials for several national and local Maine publications.

Prior to joining my committee staff, Matthew spent 5½ years working on tax issues for Deloitte Tax LLP and developing a solid understanding and knowledge of our Nation's tax policy, making him a tremendous asset as soon as he began his work on the Hill. As a national tax manager, Matthew advised numerous clients on the impacts of tax law, helping them anticipate and adjust to any changes in the law. During his time at Deloitte, Matthew authored several articles and portions of books, and contributed frequently to *Tax News & Views*, one of the company's publications for its clientele. Additionally, he was instrumental in the design, launch, and management of *Tax News & Views: Health Care Edition*, which highlighted recent judicial, regulatory, and tax developments regarding health care. Matthew also served as a research assistant at the Hoover Institution during his time at Stanford University, where he earned his degree in economics.

Matthew's next endeavor takes him to the National Multi Housing Council, where he will be the vice president of tax. I am confident that they will benefit greatly from Matthew's unparalleled knowledge of the Tax Code, as well as his admirable work ethic and tremendous dedication to what he does. They will also be getting a true team player—someone who establishes and cultivates strong relationships with his colleagues. And despite the whirlwind Senate schedule, Matthew frequently found the time on Monday evenings to platoon at first base for my office's softball team, "Snowe Business."

Over the past 5 years, I have been consistently impressed by Matthew's

passion for public service. I am grateful for his incredible willingness to work long hours to help me prepare for hearings and meetings, and I am indebted to him for his involvement in helping shape some of the most significant domestic legislation of our lifetimes. From the economic stimulus legislation we passed last February to the financial regulatory reform bill we completed just last week, Matthew has been a key asset in a number of considerable policy matters during his time on the Hill. I will miss his tremendous contributions to my office and his remarkable analytical skills and institutional knowledge. While I am sad to see him leave, I wish both he and his beautiful wife LaNitra the best in their incredibly bright futures.

TRIBUTE TO WALTON GRESHAM, III

Mr. COCHRAN. Mr. President, I am pleased to congratulate my friend, Mr. Walton Gresham, III, from Indianola, MS, who has been awarded the National Propane Gas Association's Bill Hill Award. This is a significant achievement that deserves recognition from the U.S. Senate. This award was established in honor of individuals who have made outstanding and lasting contributions to the LP-Gas industry in the area of government relations. The award honors the memory of the late William C. Hill, who devoted distinguished service to the propane industry and was responsible for easing many of the burdens of price and allocation regulations on both large and small propane marketers throughout the 1970s.

I have known Walton Gresham and his family for many years and can attest to the honor and diligence with which they conduct their business. Mr. Gresham possesses a dignity and gentlemanly nature that has allowed him to be a fine representative for his company and his industry throughout the years. Somehow, he always seems to have the time, and the ability, to make important contributions. I congratulate him on this significant achievement.

Mr. WICKER. Would the Senator from Mississippi yield?

Mr. COCHRAN. I would be happy to yield to my distinguished colleague.

Mr. WICKER. Mr. President, I would like to echo the sentiments of Senator COCHRAN relative to Walton Gresham being awarded NPGA's Bill Hill Award. Mr. Gresham has been exceptional in helping legislators on the Federal, State, and local levels understand the difficult issues confronted by the LP-Gas business. He has taken the lead in areas critical to the industry, and has unselfishly dedicated both time and resources for the betterment of the Mississippi and National Propane Gas Associations.

I am proud to know Mr. Walton Gresham. I am proud to have Gresham Petroleum headquartered in Indianola, MS. And I am proud to know that Mr. Gresham has been awarded NPGA's Bill Hill Award, the propane gas industry's highest award for governmental relations activities.

PAGE RIVALRY

Mr. WARNER. Mr. President, It has come to my attention that the normal rivalry between the House and Senate pages has reached new levels. While not aware of all the facts, I know that the Senate pages serve with skill and dedication. I also understand that the Senate pages were successful in the Frisbee challenge but there may be some debate on the matter. I wish all the pages much success and wish them all well.

ADDITIONAL STATEMENTS

REMEMBERING WHITNEY HARRIS

• Mr. DODD. Mr. President, I speak in memory of a great American, a champion of human rights, and a personal hero of mine, Whitney Harris.

Whitney Harris, who passed away last month at the age of 98, was the last surviving Nuremberg prosecutor. He served alongside my father during the trials of Nazi war criminals, and was the lead prosecutor in the very first of those trials, which resulted in the conviction of the man who led the Nazi Security Police, including the dreaded Gestapo. And he was part of the team that brought to justice the former commander of the concentration camp at Auschwitz. Whitney's work earned him the Legion of Merit.

I, of course, got to know Whitney through my father. Men like them who took part in that unique episode in world history carried with them both the honor that comes with such good work and the burden that comes with confronting evil at such close range. My father's resulting passion to continue doing good works was so strong that it inspired not just his public service, but also my own. And while so many have spent the decades since World War II attempting to come to terms with what they saw, Whitney Harris has done incredible work helping all of us to understand what it all meant.

He believed that the United Nations should create a permanent international war crimes tribunal because he knew that the Holocaust was merely the most egregious manifestation of the evil that man is capable of inflicting.

Whitney wrote a poem once that he read at a Holocaust Observance Day ceremony. It read, in part: "A thousand years have passed. What was the number killed at Auschwitz? It matters

not. 'Twas but a trifle in the history of massacre of man by man."

The work he did at Nuremberg is enough to cement Whitney Harris's place among the great legal giants and the great defenders of humanity of his generation. But his work since his speaking, his writing, his teaching represent an invaluable contribution to future generations.

To his beloved wife Anna and his wonderful family, I join Whitney's many admirers in sharing your sense of loss at his passing and your pride in his many accomplishments.

He lived a life in service to the world. And the world is better for it.●

100TH ANNIVERSARY OF THE FOUNDING OF NORFOLK

• Mrs. LINCOLN. Mr. President, today I recognize the residents of Norfolk in my home State of Arkansas as they commemorate the 100th anniversary of their town's founding.

In conjunction with the annual "Pioneer Days" festival, Norfolk celebrated its historic milestone with events throughout the community, including a Dutch oven cook-off, music, a Civil War re-enactment, a 5K walk/run, food, games, and a photo exhibit showing local scenes, pioneers and historic sites. These events symbolize the history, heritage, and community spirit that define Norfolk and its citizens.

With a population of 484, Norfolk claims four sites on the National Register of Historic Places. Probably the best known is the 1829 Jacob Wolf House, a territorial courthouse and the oldest remaining public structure in Arkansas. I was proud to help authorize a study to determine the feasibility of naming the Jacob Wolf House a park within the National Park System.

Also on the National Register are the Davis House, a 1928 pyramid-roofed cottage; the Horace Mann school complex, including the main school building constructed by the Works Progress Administration in 1936; and the North Fork Bridge, a steel deck truss span built 70 feet above the river in 1937.

I salute the residents of Norfolk for their efforts to maintain the beauty and history of their community. I join all Arkansans to express my pride in this treasure of our State.●

RECOGNIZING HABITAT FOR HUMANITY OF PULASKI

• Mrs. LINCOLN. Mr. President, today I pay tribute to the volunteers, staff, and board members of Habitat for Humanity of Pulaski County. These men and women work tirelessly to provide safe, secure homes for families who would not otherwise be able to afford them.

Under the leadership of CEO Bill Plunkett, Habitat for Humanity of Pulaski County celebrates two milestones

this year: its 20th anniversary and construction of its 100th home. Habitat built its first home in Little Rock in 1990. More than 75 families in Pulaski County own homes built and financed with Habitat, and more homes are under construction.

I commend the efforts of Habitat for Humanity, which works to eliminate substandard housing while providing simple, decent housing to qualified low-income families. In addition to building homes, Habitat builds a spirit of community and cooperation among its volunteers, supporters and beneficiaries.

Habitat for Humanity of Pulaski County also partners with other community development organizations to rebuild neighborhoods. For example, Habitat and the Argenta Community Development Corporation are currently building and rehabilitating a home in the HOLT neighborhood in North Little Rock. As a result of their activity, the city of North Little Rock recently built a children's park in this neighborhood.

Along with all Arkansans, I congratulate the entire Habitat team for their efforts to help our central Arkansas families in need.●

TRIBUTE TO LINDOL ATKINS, JR.

● Mr. SANDERS. Mr. President, I honor Vermonter Lindol Atkins, Jr., a man who has dedicated his life to the struggle for workers' rights and economic justice. For more than 35 years, Lindol Atkins has provided spirited and dedicated leadership in representing municipal employees in Burlington. As a former mayor of Burlington, I can attest firsthand that Mr. Atkins has distinguished himself as an indomitable leader of workers' rights efforts in the State of Vermont.

Lindol Atkins began his fight to improve the rights and protections of Burlington city employees back in 1968 when he joined AFSCME. Elected president of AFSCME Local 1343 in 1970, Lindol continued his mission to advance the rights of workers by skillfully handling all grievance and arbitration cases. As the lead negotiator for the union, he also led many successful contract campaigns that ultimately improved employees' wages and working conditions. In 2005, Mr. Atkins retired as president of the Burlington AFSCME local, but rather than slow down and enjoy his well-earned rest he continued his leadership role within the labor movement by being elected president of the Vermont State Labor Council, AFL-CIO.

A husband and father of 12, Lindol Atkins has the enviable ability to be able to do many things well—a wonderful and necessary quality in one with such a deep devotion to the labor movement as well as to his large, loving family. Indeed, it is the dedicated

and remarkable people like Lindol Atkins who have kept America moving forward. His unparalleled commitment to civic values has been a major factor in earning Vermont its well-deserved reputation for social justice and principled community leadership. Lindol has received many awards for his work guiding Vermont's labor movement, with the capstone being the presentation of this year's AFL-CIO Presidential Lifetime Achievement Award.

The quality of life in Vermont, and in our Nation, is strengthened by individuals such as Lindol Atkins, Jr., whose quest to better working conditions for men and women in his community has brought a great sense of solidarity to not just the people of Vermont, but the entire Nation. I commend his loyalty and great contributions to the labor movement, to Vermont, and to the United States.●

RECOGNIZING SHAIN'S OF MAINE

● Ms. SNOWE. Mr. President, as the summer months are upon us, millions of Americans will indulge in the traditional summertime treat of ice cream. Almost nothing is as refreshing and enjoyable on a hot summer day as a cold scoop of ice cream, and a company in my home State of Maine is making it possible to enjoy this dessert year round. I rise today to honor Shain's of Maine, a family-owned and operated small business that has been serving this delicious frozen treat year-round to Mainers since 1979.

Shain's of Maine is based in Sanford and began as a small retail ice cream company three decades ago. Over the years, Shain's has continued to grow and now operates a restaurant and a thriving wholesale division. It has been reported that Shain's dishes out as much as 3,000 quarts of ice cream a day in winter and 10,000 quarts a day in summer! Shain's credits the hard work and loyalty of its employees with their ability to keep up with the tremendous demand for its product. Shain's employees speak fondly of the atmosphere and fun working environment at Shain's and also boast about some of the "sweet" perks working at this small business, which include: free ice cream, breaks whenever the employees want, and the occasional half-filled quart of ice cream to take home.

In order to attract new customers, Shain's markets its products by sending out samples to restaurants and other establishments that sell ice cream. Shain's has always taken pride in its superior quality and service, and attributes those same virtues with the company's longevity and success today. Shain's commitment to the customer and ability to respond to the needs of its loyal fans has allowed Shain's to grow tremendously throughout its existence. Indeed, Shain's currently delivers its 100 flavors of ice

cream to 300 independent stores and 100 ice cream stands. Its Sanford location offers customers creative sundaes—including its famed Wipeout Sundae, including four ice cream flavors, four toppings, whipped cream, and cherries—as well as a variety of frappes, floats, sherbets, and frozen yogurts.

One particular ice cream concoction has become wildly popular among Mainers because of its connection to the local minor league baseball team. The Portland Sea Dogs, Maine's AA affiliate of the Boston Red Sox, offer one of Shain's delicious creations, the classic Sea Dog Biscuit, at their home games. The Sea Dog Biscuit is Shain's take on the traditional ice cream sandwich, featuring vanilla ice cream and two giant chocolate chip cookies. It is this kind of creativity and clever marketing that allows Shain's to differentiate itself from other, larger ice cream companies.

This marvelous story of a successful small business is a reminder to us all that caring for customers and valuing your employees can result in long term success in any industry. As countless tourists travel to Vacationland this summer, I am certain that many will be searching for a cool treat to satisfy their sweet tooth, and Shain's of Maine will stand ready with scoops in hand! I congratulate Shain's of Maine for its ongoing dedication to providing delicious ice cream for Mainers and tourists alike, and I wish the company many more years of success to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA—PM 58

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 108 of the National Security Act of 1947, as amended (50 U.S.C. 404a), I am transmitting the

National Security Strategy of the United States.

BARACK OBAMA.
THE WHITE HOUSE, May 27, 2010.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 5139. An act to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

At 4:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 282. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5929. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Addition of Quarantined Areas in Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin" (Docket No. APHIS-2009-0098) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5930. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Black Stem Rust; Additions of Rust-Resistant Varieties" (Docket No. APHIS-2010-0035) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5931. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Tomatoes From Souss-Massa-Draa, Morocco; Technical Amendment" (Docket No. APHIS-2008-0017) received in the Office of the President of the Senate on May 20, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5932. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Coat Protein of Plum Pox Virus; Exemption from the Requirement of a Tolerance" (FRL No. 8826-9) received in the Office of the President of the Senate on May 24,

2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5933. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prothioconazole; Pesticide Tolerances" (FRL No. 8828-6) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5934. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Boscalid; Pesticide Tolerances" (FRL No. 8826-4) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5935. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Novaluron; Pesticide Tolerances" (FRL No. 8825-3) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5936. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diquat Dibromide; Pesticide Tolerances" (FRL No. 8827-7) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5937. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned case number 09-01; to the Committee on Appropriations.

EC-5938. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (19) officers authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5939. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Douglas E. Lute, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-5940. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Army tactical ground network program; to the Committee on Armed Services.

EC-5941. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Trade Agreements Thresholds" (DFARS Case 2009-D040) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Armed Services.

EC-5942. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Letter Contract Definization Schedule" (DFARS Case 2007-D011) received

in the Office of the President of the Senate on May 25, 2010; to the Committee on Armed Services.

EC-5943. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contract Authority for Advanced Component Development or Prototype Units" (DFARS Case 2009-D034) received in the Office of the President of the Senate on May 21, 2010; to the Committee on Armed Services.

EC-5944. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Ground and Flight Risk Clause" (DFARS Case 2007-D009) received in the Office of the President of the Senate on May 21, 2010; to the Committee on Armed Services.

EC-5945. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "New Designated Country—Taiwan" (DFARS Case 2009-D010) received in the Office of the President of the Senate on May 21, 2010; to the Committee on Armed Services.

EC-5946. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Limitations on Procurements with Non-Defense Agencies" (DFARS Case 2009-D027) received in the Office of the President of the Senate on May 21, 2010; to the Committee on Armed Services.

EC-5947. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-5948. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month report on the national emergency that was originally declared in Executive Order 13159 relative to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC-5949. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5950. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Non-procurement Debarment and Suspension" (RIN3150-AI76) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Energy and Natural Resources.

EC-5951. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Federal Antidegradation Policy for all Waters of the United States within the Commonwealth of Pennsylvania" (FRL No. 9156-5) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Environment and Public Works.

EC-5952. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of Significant New Use Rule on a Certain Chemical Substance" (FRL No. 8819-3) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Environment and Public Works.

EC-5953. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 8-hour Ozone NAAQS: 'Significant Contribution to Nonattainment' Requirement" (FRL No. 9155-5) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Environment and Public Works.

EC-5954. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plan Revisions; State of North Dakota; Air Pollution Control Rules, and Interstate Transport of Pollution for the 1997 PM_{2.5} and 8-hour Ozone NAAQS: 'Significant Contribution to Nonattainment' and 'Interference with Prevention of Significant Deterioration' Requirements" (FRL No. 9155-6) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Environment and Public Works.

EC-5955. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision" (FRL No. 9146-4) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Environment and Public Works.

EC-5956. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Florida; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standards for the Jacksonville, Tampa Bay, and Southeast Florida Areas" (FRL No. 9155-3) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Environment and Public Works.

EC-5957. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Transportation Conformity Regulations" (FRL No. 9156-2) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Environment and Public Works.

EC-5958. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual reports that appeared in the March 2010 Treasury Bulletin; to the Committee on Finance.

EC-5959. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Delegation Order (DO) 4-25 on Appeals Settlement Position (ASP) for the IRC §41 Research Credit—Intra-Group Receipts from Foreign Affiliates (IRM 4.46.5.6)" (LMSB-4-0510-0182) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Finance.

EC-5960. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to support the C-130 Air Crew Training Device Program for end use by the Royal Saudi Air Force in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-5961. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of infrasonic sensors that have both military and civil applications; to the Committee on Foreign Relations.

EC-5962. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0076–2010-0079); to the Committee on Foreign Relations.

EC-5963. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the implementation of the Age Discrimination Act of 1975 for fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-5964. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5965. A communication from the Office Manager, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Public Health Service Act, Rural Physician Training Grant Program, Definition of 'Underserved Rural Community'" (RIN0906-AA86) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5966. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "National Archives and Records Administration Facility Locations and Hours" (RIN3095-AB66) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5967. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Auditor's Review of Compliance with the Living Wage Act and First Source Act Re-

quirements Pursuant to the Compliance Unit Establishment Act of 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC-5968. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Auditor's Certification of Department of Mental Health's Fiscal Year 2008 Performance Accountability Report"; to the Committee on Homeland Security and Governmental Affairs.

EC-5969. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-401, "Unemployment Compensation Reform Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5970. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-402, "School Safe Passage Emergency Zone Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5971. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-404, "Tenant Opportunity to Purchase Preservation Clarification Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5972. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-405, "Stimulus Accountability Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5973. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-406, "Corrections Information Council Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5974. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-408, "Liquid PCP Possession Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5975. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-409, "Uniform Principal and Income Technical Amendments Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5976. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-407, "Residential Aid Discount Subsidy Stabilization Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5977. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-410, "Closing of Public Streets Adjacent to Square 1048-S (S.O. 09-11792) Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5978. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-411, "Keep D.C. Working Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5979. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 18-412, "Predatory Pawnbroker Regulation and Community Notification Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-5980. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5981. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5982. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010 and the 42nd report on audit final action by management; to the Committee on Homeland Security and Governmental Affairs.

EC-5983. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5984. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-5985. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the South Carolina Advisory Committee; to the Committee on the Judiciary.

EC-5986. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Year 2008 Annual Report to Congress for the Office of Justice Programs' Bureau of Justice Assistance; to the Committee on the Judiciary.

EC-5987. A communication from a Co-Chair, Abraham Lincoln Bicentennial Commission, transmitting, pursuant to law, the Commission's Final Report; to the Committee on the Judiciary.

EC-5988. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Ohio Advisory Committee; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 553. A bill to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes (Rept. No. 111-200).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 4506. A bill to authorize the appointment of additional bankruptcy judges, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Burton M. Field, to be Lieutenant General.

Air Force nomination of Maj. Gen. Frank J. Kisner, to be Lieutenant General.

Air Force nominations beginning with Colonel Jeffrey L. Harrigian and ending with Colonel Robert D. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2010.

Army nomination of Lt. Gen. David H. Huntton, Jr., to be Lieutenant General.

Navy nomination of Rear Adm. Michael H. Miller, to be Vice Admiral.

Navy nominations beginning with Rear Adm. (lh) Joseph P. Aucoin and ending with Rear Adm. (lh) Nora W. Tyson, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2010.

Navy nomination of Vice Adm. William E. Gortney, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Kshamata Skeete, to be Major.

Air Force nomination of Pascal Udekwe, to be Colonel.

Air Force nominations beginning with Mark R. Anderson and ending with Jonathan A. Sosnov, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2010.

Army nominations beginning with Alan C. Cranford and ending with William A. Ward, which nominations were received by the Senate and appeared in the Congressional Record on May 5, 2010.

Army nomination of Adam S. Colombo, to be Major.

Army nominations beginning with Christopher W. Soika and ending with Elizabeth Remedios, which nominations were received by the Senate and appeared in the Congressional Record on May 5, 2010.

Army nominations beginning with Fred M. Chesbro and ending with Derek J. Tolman, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2010.

Army nominations beginning with Monique C. Bierwirth and ending with David E. Wood, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2010.

Army nomination of Carolyn A. Waltz, to be Colonel.

Army nominations beginning with Denny S. Hewitt and ending with John D. Wilson,

which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2010.

Army nomination of Adam H. Hamawy, to be Lieutenant Colonel.

Army nominations beginning with Stephen W. Austin and ending with Nathan L. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on May 19, 2010.

Marine Corps nomination of David S. Phillips, to be Lieutenant Colonel.

Navy nomination of John J. Kemerer, to be Lieutenant Commander.

Navy nominations beginning with Robin E. Alfonso and ending with Chadrick O. Withrow, which nominations were received by the Senate and appeared in the Congressional Record on May 5, 2010.

Navy nomination of John M. Holmes, to be Lieutenant Commander.

Navy nomination of Leonard J. Long, to be Lieutenant Commander.

Navy nomination of Alexander Davila, to be Commander.

Navy nomination of Antonio L. Scinicariello, to be Lieutenant Commander.

Navy nomination of Christopher R. Swanson, to be Lieutenant Commander.

Navy nomination of Dominick E. Floyd, to be Lieutenant Commander.

Navy nomination of Joseph A. Nellis, to be Lieutenant Commander.

Navy nomination of Rachel J. Velasco-Lind, to be Commander.

Navy nomination of David S. Weldon, to be Lieutenant Commander.

Navy nominations beginning with James L. Brown and ending with Matthew B. Reed, which nominations were received by the Senate and appeared in the Congressional Record on May 19, 2010.

By Mr. BAUCUS for the Committee on Finance.

*Sherry Glied, of New York, to be an Assistant Secretary of Health and Human Services.

By Mr. LEAHY for the Committee on the Judiciary.

John A. Gibney, Jr., of Virginia, to be United States District Judge for the Eastern District of Virginia.

Gervin Kazumi Miyamoto, of Hawaii, to be United States Marshal for the District of Hawaii for the term of four years.

Scott Jerome Parker, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

Laura E. Duffy, of California, to be United States Attorney for the Southern District of California for a term of four years.

Darryl Keith McPherson, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Stephanie A. Finley, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

Daniel J. Becker, of Utah, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2010.

James R. Hannah, of Arkansas, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2010.

Gayle A. Nachtigal, of Oregon, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

John B. Nalbandian, of Kentucky, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2010.

Marsha J. Rabiteau, of Connecticut, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2010.

Hernán D. Vera, of California, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 3432. A bill to establish a temporary Working Capital Express loan guarantee program for small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SANDERS:

S. 3433. A bill to prohibit the leasing of the Pacific, Atlantic, Eastern Gulf of Mexico, and Central Gulf of Mexico Regions of the outer Continental Shelf and to increase fuel economy standards; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. WARNER, Mr. GRAHAM, Ms. SNOWE, Mr. MERKLEY, Mr. BROWN of Massachusetts, Ms. STABENOW, Mr. SANDERS, Mr. DODD, Mrs. GILLIBRAND, Mr. CARPER, Mr. PRYOR, Mr. BEGICH, Ms. KLOBUCHAR, Ms. CANTWELL, and Mr. HARKIN):

S. 3434. A bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 3435. A bill to amend the Federal Meat Inspection Act to revise the definition of the term "adulterated" to include contamination with *E. Coli*; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. LINCOLN:

S. 3436. A bill to amend the Energy Policy and Conservation Act to establish a motor efficiency rebate program; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Ms. KLOBUCHAR, Mr. FRANKEN, and Mr. PRYOR):

S. 3437. A bill to amend the Child Abuse Prevention and Treatment Act to establish grant programs for the development and implementation of model undergraduate and graduate curricula on child abuse and neglect at institutions of higher education throughout the United States and to assist States in developing forensic interview training programs, to establish regional training centers and other resources for State and local child protection professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. ENSIGN, Mr. HARKIN, Mr. TESTER, Mr. BENNET, and Ms. KLOBUCHAR):

S. 3438. A bill to promote clean energy infrastructure for rural communities; to the Committee on Finance.

By Mr. REID (for himself, Mr. ENSIGN, Mr. HARKIN, Mr. TESTER, Mr. BENNET, and Ms. KLOBUCHAR):

S. 3439. A bill to promote clean energy infrastructure for rural communities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY:

S. 3440. A bill to amend the Internal Revenue Code of 1986 to extend the incentives for biodiesel and renewable diesel; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. GREGG):

S. 3441. A bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. ALEXANDER, and Mr. MERKLEY):

S. 3442. A bill to promote the deployment of plug-in electric drive vehicles, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3443. A bill to amend the Outer Continental Shelf Lands Act to eliminate the 30-day time limit for exploration plans; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. CARDIN, and Ms. LANDRIEU):

S. 3444. A bill to require small business training for contracting officers; to the Committee on Small Business and Entrepreneurship.

By Mr. HATCH:

S. 3445. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain professional development and other expenses of elementary and secondary school teachers and for certain certification expenses of individuals becoming science, technology, engineering, or math teachers; to the Committee on Finance.

By Mr. UDALL of New Mexico:

S. 3446. A bill to amend the Child Nutrition Act of 1966 to advance the health and wellbeing of schoolchildren in the United States through technical assistance, training, and support for healthy school foods, local wellness policies, and nutrition promotion and education, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA:

S. 3447. A bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL of New Mexico:

S. 3448. A bill to amend the Richard B. Russell National School Lunch Act to permit certain service institutions in all States to provide year-round services; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN:

S. 3449. A bill to authorize the Secretary of Agriculture to enter into an interagency agreement with the Corporation for National and Community Service to support a Nutrition Corps; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 3450. A bill to require publicly traded coal companies to include certain safety records in their reports to the Commission, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 3451. A bill to authorize assistance to Israel for Iron Dome anti-missile defense system; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3452. A bill to designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD:

S. Res. 541. A resolution designating June 27, 2010, as "National Post-Traumatic Stress Disorder Awareness Day"; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself, Mr. BYRD, Mr. CORKER, Mrs. BOXER, Mr. CRAPO, Mrs. FEINSTEIN, Mr. GREGG, Ms. LANDRIEU, Mr. BROWNBACK, and Mr. BAYH):

S. Res. 542. A resolution designating June 20, 2010, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. LEAHY, and Mr. CARDIN):

S. Res. 543. A resolution expressing support for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research on the disorder; considered and agreed to.

By Mr. BAUCUS (for himself, Mr. JOHANNIS, Mrs. LINCOLN, Mrs. MURRAY, Mr. NELSON of Nebraska, Ms. KLOBUCHAR, Mr. BENNET, Mr. BINGAMAN, and Mr. ROBERTS):

S. Res. 544. A resolution supporting increased market access for exports of United States beef and beef products; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 545. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

By Mr. CASEY (for himself and Mr. SPECTER):

S. Con. Res. 64. A concurrent resolution honoring the 28th Infantry Division for serving and protecting the United States; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the

United States Army Command and General Staff College.

S. 504

At the request of Mr. ROBERTS, the names of the Senator from Indiana (Mr. BAYH), the Senator from Washington (Ms. CANTWELL), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. DEMINT), the Senator from North Dakota (Mr. DORGAN), the Senator from Wisconsin (Mr. KOHL), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 504, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

S. 510

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 941

At the request of Mr. CRAPO, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 984

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1102

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1102, a bill to provide benefits to domestic partners of Federal employees.

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1334

At the request of Mrs. GILLIBRAND, the names of the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUE) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 1334, a bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

S. 1360

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1589

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 2862

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2862, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 2869

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes.

S. 2989

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2989, a bill to improve the Small Business Act, and for other purposes.

S. 3039

At the request of Mr. UDALL of New Mexico, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3065

At the request of Mr. LIEBERMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3065, a bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as "Don't Ask, Don't Tell", with a policy of nondiscrimination on the basis of sexual orientation.

S. 3199

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3199, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 3213

At the request of Mr. LEVIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3213, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 3266

At the request of Mr. BENNET, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3266, a bill to ensure the availability of loan guarantees for rural homeowners.

S. 3269

At the request of Mrs. GILLIBRAND, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 3269, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 3326

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3326, a bill to provide

grants to States for low-income housing projects in lieu of low-income housing credits, and to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of the low-income housing credit, and for other purposes.

S. 3339

At the request of Mr. KERRY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3361

At the request of Mr. BROWNBACK, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3361, a bill to require the Secretary of Defense to take illegal subsidization into account in evaluating proposals for contracts for major defense acquisition programs, and for other purposes.

S. 3389

At the request of Mrs. HAGAN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3389, a bill to amend title 38, United States Code, to exempt individuals who receive certain educational assistance for service in the Selected Reserve from limitations on the receipt of assistance under Post-9/11 Educational Assistance Program for additional service in the Armed Forces, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3412

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3412, a bill to provide emergency operating funds for public transportation.

S. 3431

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3431, a bill to improve the administration of the Minerals Management Service, and for other purposes.

S.J. RES. 29

At the request of Mr. MCCONNELL, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mr. CORNYN) and the Senator from Nebraska (Mr. JOHANNES) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr.

BURRIS), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S.J. Res. 29, supra.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

AMENDMENT NO. 4184

At the request of Ms. LANDRIEU, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 4184 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4202

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 4202 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4204

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 4204 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4244

At the request of Mr. BINGAMAN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 4244 intended to be proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4251

At the request of Mr. MERKLEY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 4251 proposed to H.R. 4899, making supplemental appropriations for the fiscal

year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4253

At the request of Ms. COLLINS, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 4253 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4279

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 4279 intended to be proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4282

At the request of Mr. PRYOR, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 4282 intended to be proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4294

At the request of Mr. VITTER, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of amendment No. 4294 intended to be proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. WARNER, Mr. GRAHAM, Ms. SNOWE, Mr. MERKLEY, Mr. BROWN of Massachusetts, Ms. STABENOW, Mr. SANDERS, Mr. DODD, Mrs. GILLIBRAND, Mr. CARPER, Mr. PRYOR, Mr. BEGICH, Ms. KLOBUCHAR, Ms. CANTWELL, and Mr. HARKIN):

S. 3434. A bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise to introduce the Home Star Energy Retrofit Act of 2010 and to recognize the original cosponsors of the bill: Senator WARNER, Senator GRAHAM, Senator SNOWE, Senator SANDERS, Senator BROWN of Massachusetts, Senator MERKLEY, Senator STABENOW, Senator DODD, Senator GILLIBRAND, Senator CARPER, Senator PRYOR and Senator HARKIN. This innovative legislation will save consumers money, create American skilled labor jobs, and reduce home energy consumption.

If enacted, HOME STAR will build on existing policies and initiatives that have already proved effective. The program is supported by a broad coalition

of over 600 groups including construction contractors, building products and mechanical manufacturers, retail sales businesses, environmental groups and labor advocates.

HOME STAR will provide point-of-sale instant savings to encourage homeowners to install residential energy upgrades such as air sealing, insulation, and high efficiency furnaces and water heaters.

HOME STAR incorporates a two-tiered approach that will offer flexibility to homeowners when choosing efficiency improvements to install. Under the Silver Star program, rebates averaging \$1,000 will be offered for the installation of each eligible energy-saving measure such as new insulation and high-efficiency heating and cooling systems, up to maximum of \$3,000 per home. Under the Gold Star program, there will be performance-based grants of \$3,000 for a 20 percent reduction in home energy consumption and \$1,000 for each additional 5 percent of verified energy reduction as determined by a comparison of the energy consumption of the home before and after the retrofit.

In addition to the short-term rebate programs in Home Star, our revised bill includes longer term efficiency tax policies to maintain the momentum for energy efficient home retrofits. These performance-based energy improvement tax credits will encourage the continuation of Gold Star-type whole home retrofits.

HOME STAR will create American jobs in the construction industry, which has lost 1.6 million jobs since December 2007, with unemployment rates topping 25 percent in some regions. HOME STAR leverages private investment to create a strong market for home energy retrofits, and will put hundreds of thousands of unemployed Americans back to work as well as stimulating demand for building materials produced by American factories.

Finally, HOME STAR will reduce home energy consumption and dependence on foreign oil. HOME STAR helps Americans pay for cost-effective home improvements, create permanent reductions in household energy bills, and reduce our national carbon footprint. Residential energy efficiency improvements covered by the HOME STAR program reduce energy waste in most homes by 20 to 40 percent. When combined with low-interest financing, these retrofits can be cash-flow positive upon project completion. An initiative with a potential to retrofit over 3 million homes, HOME STAR will achieve significant reductions in building-related greenhouse gas emissions while generating long-term energy savings for American consumers and reducing energy usage by an amount equal to four 300 megawatt power plants.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Home Star Energy Retrofit Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HOME STAR ENERGY RETROFITS

Sec. 101. Definitions.

Sec. 102. Home Star Retrofit Rebate Program.

Sec. 103. Contractors.

Sec. 104. Rebate aggregators.

Sec. 105. Quality assurance providers.

Sec. 106. Silver Star Home Energy Retrofit Program.

Sec. 107. Gold Star Home Energy Retrofit Program.

Sec. 108. Grants to States and Indian tribes.

Sec. 109. Quality assurance framework.

Sec. 110. Report.

Sec. 111. Administration.

Sec. 112. Treatment of rebates.

Sec. 113. Penalties.

Sec. 114. Home Star Energy Efficiency Loan Program.

Sec. 115. Funding.

TITLE II—PERFORMANCE BASED ENERGY IMPROVEMENT TAX CREDITS

Sec. 201. Performance based energy improvements for nonbusiness property.

TITLE I—HOME STAR ENERGY RETROFITS

SEC. 101. DEFINITIONS.

In this title:

(1) ACCREDITED CONTRACTOR.—The term “accredited contractor” means a residential energy efficiency contractor that meets the minimum applicable requirements established under section 103.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) BPI.—The term “BPI” means the Building Performance Institute.

(4) CERTIFIED WORKFORCE.—The term “certified workforce” means a residential energy efficiency construction workforce that is entirely certified in the appropriate job skills for all employees performing installation work under—

(A) an applicable third party skills standard established—

(i) by the BPI;

(ii) by the North American Technician Excellence;

(iii) by the Laborers’ International Union of North America; or

(iv) in the State in which the work is to be performed, pursuant to a program operated by the Home Builders Institute in connection with Ferris State University, to be effective beginning on the date that is 30 days after the date notice is provided by those organizations to the Secretary that the program has been established in the State unless the Secretary determines, not later than 30 days after the date of the notice, that the standard or certification is incomplete; or

(B) other standards approved by the Secretary, in consultation with the Secretary of Labor and the Administrator.

(5) CONDITIONED SPACE.—The term “conditioned space” means the area of a home that is—

(A) intended for habitation; and

(B) intentionally heated or cooled.

(6) DOE.—The term “DOE” means the Department of Energy.

(7) ELECTRIC UTILITY.—The term “electric utility” means any person or State agency that delivers or sells electric energy at retail, including nonregulated utilities and utilities that are subject to State regulation and Federal power marketing administrations.

(8) EPA.—The term “EPA” means the Environmental Protection Agency.

(9) FEDERAL REBATE PROCESSING SYSTEM.—The term “Federal Rebate Processing System” means the Federal Rebate Processing System established under section 102(b).

(10) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—The term “Gold Star Home Energy Retrofit Program” means the Gold Star Home Energy Retrofit Program established under section 107.

(11) HOME.—The term “home” means a principal residential dwelling unit in a building with no more than 4 dwelling units that—

(A) is located in the United States; and

(B) was constructed before the date of enactment of this Act.

(12) HOMEOWNER.—The term “homeowner” means the resident or non-resident owner of record of a home.

(13) HOME STAR LOAN PROGRAM.—The term “Home Star loan program” means the Home Star energy efficiency loan program established under section 114(a).

(14) HOME STAR RETROFIT REBATE PROGRAM.—The term “Home Star Retrofit Rebate Program” means the Home Star Retrofit Rebate Program established under section 102(a).

(15) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(16) NATURAL GAS UTILITY.—The term “natural gas utility” means any person or State agency that transports, distributes, or sells natural gas at retail, including nonregulated utilities and utilities that are subject to State regulation.

(17) QUALIFIED CONTRACTOR.—The term “qualified contractor” means a residential energy efficiency contractor that meets minimum applicable requirements established under section 103.

(18) QUALITY ASSURANCE FRAMEWORK.—The term “quality assurance framework” means a policy adopted by a State to develop high standards for ensuring quality in ongoing energy efficiency retrofit activities in which the State has a role, including operation of the quality assurance program and creating significant employment opportunities, in particular for targeted workers.

(19) QUALITY ASSURANCE PROGRAM.—

(A) IN GENERAL.—The term “quality assurance program” means a program established under this title or recognized by the Secretary under this title, to oversee the delivery of home efficiency retrofit programs to ensure that work is performed in accordance with standards and criteria established under this title.

(B) INCLUSIONS.—For purposes of subparagraph (A), delivery of retrofit programs includes delivery of quality assurance reviews of rebate applications and field inspections for a portion of customers receiving rebates

and conducted by a quality assurance provider, with the consent of participating consumers and without delaying rebate payments to participating contractors.

(20) **QUALITY ASSURANCE PROVIDER.**—The term “quality assurance provider” means any entity that meets the minimum applicable requirements established under section 105.

(21) **REBATE AGGREGATOR.**—The term “rebate aggregator” means an entity that meets the requirements of section 104.

(22) **RESNET.**—The term “RESNET” means the Residential Energy Services Network, which is a nonprofit certification and standard setting organization for home energy raters that evaluate the energy performance of a home.

(23) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(24) **SILVER STAR HOME ENERGY RETROFIT PROGRAM.**—The term “Silver Star Home Energy Retrofit Program” means the Silver Star Home Energy Retrofit Program established under section 106.

(25) **STATE.**—The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico;
- (D) Guam;
- (E) American Samoa;
- (F) the Commonwealth of the Northern Mariana Islands;
- (G) the United States Virgin Islands; and
- (H) any other territory or possession of the United States.

(26) **VENDOR.**—The term “vendor” means any retailer that sells directly to homeowners and contractors the materials used for the energy savings measures under section 106.

SEC. 102. HOME STAR RETROFIT REBATE PROGRAM.

(a) **IN GENERAL.**—The Secretary shall establish the Home Star Retrofit Rebate Program.

(b) **FEDERAL REBATE PROCESSING SYSTEM.**—

(1) **REQUIREMENTS.**—

(A) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall—

(i) establish a Federal Rebate Processing System which shall serve as a database and information technology system that will allow rebate aggregators to submit claims for reimbursement using standard data protocols;

(ii) establish a national retrofit website that provides information on the Home Star Retrofit Rebate Program, including—

(I) how to determine whether particular efficiency measures are eligible for rebates; and

(II) how to participate in the program;

(iii) make available, on a designated website, model forms for compliance with all applicable requirements of this title, to be submitted by—

(I) each qualified contractor on completion of an eligible home energy retrofit; and

(II) each quality assurance provider on completion of field verification; and

(iv) subject to section 115, provide such administrative and technical support to rebate aggregators and States as is necessary to carry out this title.

(B) **DISTRIBUTION OF FUNDS.**—Not later than 10 days after the date of receipt of bundled rebate applications from a rebate aggregator, the Secretary shall distribute funds to the rebate aggregator on approved claims for reimbursement made to the Federal Rebate Processing System.

(C) **FUNDING AVAILABILITY.**—The Secretary shall post, on a weekly basis, on the national retrofit website established under subparagraph (A)(ii) information on—

(i) the number of rebate claims approved for reimbursement; and

(ii) the total amount of funds disbursed for rebates.

(D) **PROGRAM ADJUSTMENT OR TERMINATION.**—Based on the information described in subparagraph (C), the Secretary shall announce a termination date and reserve funding to process the rebate applications that are in the Federal Rebate Processing System prior to the termination date.

(2) **MODEL FORMS.**—In carrying out this section, the Secretary shall consider the model forms developed by the National Home Performance Council.

(c) **ADMINISTRATIVE AND TECHNICAL SUPPORT.**—Effective beginning not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators and States as is necessary to carry out this title.

(d) **PUBLIC INFORMATION CAMPAIGN.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop and implement a public education campaign that describes, at a minimum—

(1) the benefits of home energy retrofits;

(2) the availability of rebates for—

(A) the installation of qualifying efficiency measures; and

(B) whole home efficiency improvements; and

(3) the requirements for qualified contractors and accredited contractors.

(e) **LIMITATION.**—Silver Star rebates provided under section 106 and Gold Star rebates provided under section 107 may be provided for the same home only if—

(1) Silver Star rebates are awarded prior to Gold Star rebates;

(2) energy savings obtained from measures under the Silver Star Home Energy Retrofit Program are not counted towards the simulated energy savings that determine the value of a rebate under the Gold Star Home Energy Retrofit Program; and

(3) the combined Silver Star and Gold Star rebates provided to the individual homeowner do not exceed \$8,000.

(f) **AVAILABILITY.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall ensure that Home Star retrofit rebates are available to all homeowners in the United States to the maximum extent practicable.

SEC. 103. CONTRACTORS.

(a) **CONTRACTOR QUALIFICATIONS FOR SILVER STAR HOME ENERGY RETROFIT PROGRAM.**—A contractor may perform retrofit work under the Silver Star Home Energy Retrofit Program in a State for which rebates are provided under this title only if the contractor meets or provides—

(1) all applicable contractor licensing requirements established by the State or, if none exist at the State level, the Secretary;

(2) insurance coverage of at least \$1,000,000 for general liability, and for such other purposes and in such other amounts as required by the State;

(3) warranties to homeowners that completed work will—

(A) be free of significant defects;

(B) be installed in accordance with the specifications of the manufacturer; and

(C) perform properly for a period of at least 1 year after the date of completion of the work;

(4) an agreement to provide the owner of a home, through a discount, the full economic

value of all rebates received under this title with respect to the home; and

(5) an agreement to provide the homeowner, before a contract is executed between the contractor and a homeowner covering the eligible work, a notice of—

(A) the rebate amount the contractor intends to apply for with respect to eligible work under this title; and

(B) the means by which the rebate will be passed through as a discount to the homeowner.

(b) **CONTRACTOR QUALIFICATIONS FOR GOLD STAR HOME ENERGY RETROFIT PROGRAM.**—A contractor may perform retrofit work under the Gold Star Home Energy Retrofit Program in a State for which rebates are provided under this title only if the contractor—

(1) meets the requirements for qualified contractors under subsection (a); and

(2) is accredited—

(A) by the BPI; or

(B) under other standards approved by the Secretary, in consultation with the Administrator.

(c) **HEALTH AND SAFETY REQUIREMENTS.**—Nothing in this title relieves any contractor from the obligation to comply with applicable Federal, State, and local health and safety code requirements.

SEC. 104. REBATE AGGREGATORS.

(a) **IN GENERAL.**—The Secretary shall develop a network of rebate aggregators that can facilitate the delivery of rebates to participating contractors and vendors for discounts provided to homeowners for energy efficiency retrofit work.

(b) **RESPONSIBILITIES.**—Rebate aggregators shall—

(1) review the proposed rebate application for completeness and accuracy;

(2) review measures under the Silver Star Home Energy Retrofit Program and energy savings under the Gold Star Home Energy Retrofit Program for eligibility in accordance with this title;

(3) provide data to the Federal Data Processing Center consistent with data protocols established by the Secretary; and

(4) distribute funds received from DOE to contractors, vendors, or other persons.

(c) **PROCESSING REBATE APPLICATIONS.**—A rebate aggregator shall—

(1) submit the rebate application to the Federal Rebate Processing Center not later than 10 days after the date of receipt of a rebate application from a contractor; and

(2) distribute funds to the contractor not later than 10 days after the date of receipt from the Federal Rebate Processing System.

(d) **ELIGIBILITY.**—To be eligible to apply to the Secretary for approval as a rebate aggregator, an entity shall be—

(1) a Home Performance with Energy Star partner;

(2) an entity administering a residential energy efficiency retrofit program established or approved by a State;

(3) a Federal Power Marketing Administration, an electric utility, or a natural gas utility that has—

(A) an approved residential energy efficiency retrofit program; and

(B) an established quality assurance provider network; or

(4) an entity that demonstrates to the Secretary that the entity can perform the functions of a rebate aggregator, without disrupting existing residential retrofits in the States that are incorporating the Home Star Program, including demonstration of—

(A) corporate status or status as a State or local government;

(B) the capability to provide electronic data to the Federal Rebate Processing System;

(C) a financial system that is capable of tracking the distribution of rebates to participating contractors; and

(D) coordination and cooperation by the entity with the appropriate State energy office regarding participation in the existing energy efficiency programs that will be delivering the Home Star Program.

(e) APPLICATION TO BECOME A REBATE AGGREGATOR.—Not later than 30 days after the date of receipt of an application of an entity seeking to become a rebate aggregator, the Secretary shall approve or deny the application on the basis of the eligibility criteria under subsection (d).

(f) APPLICATION PRIORITY.—In reviewing applications from entities seeking to become rebate aggregators, the Secretary shall give priority to entities that commit—

(1) to reviewing applications for participation in the program from all qualified contractors within a defined geographic region; and

(2) to processing rebate applications more rapidly than the minimum requirements established under the program.

(g) PUBLIC UTILITY COMMISSION EFFICIENCY TARGETS.—The Secretary shall—

(1) develop guidelines for States to use to allow utilities participating as rebate aggregators to count the energy savings from the participation of the utilities toward State-level energy savings targets; and

(2) work with States to assist in the adoption of the guidelines for the purposes and duration of the Home Star Retrofit Rebate Program.

SEC. 105. QUALITY ASSURANCE PROVIDERS.

(a) IN GENERAL.—An entity shall be considered a quality assurance provider under this title if the entity—

(1) is independent of the contractor;

(2) confirms the qualifications of contractors or installers of home energy efficiency retrofits;

(3) confirms compliance with the requirements of a “certified workforce”; and

(4) performs field inspections and other measures required to confirm the compliance of the retrofit work under the Silver Star program, and the retrofit work and the simulated energy savings under the Gold Star program, based on the requirements of this title.

(b) INCLUSIONS.—An entity shall be considered a quality assurance provider under this title if the entity is qualified through—

(1) the International Code Council;

(2) the BPI;

(3) the RESNET;

(4) a State;

(5) a State-approved residential energy efficiency retrofit program; or

(6) any other entity designated by the Secretary, in consultation with the Administrator.

SEC. 106. SILVER STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act in accordance with this section, a rebate shall be awarded for the energy retrofit of a home for the installation of energy savings measures—

(1) selected from the list of energy savings measures described in subsection (b);

(2) installed in the home by a qualified contractor not later than 1 year after the date of enactment of this Act;

(3) carried out in compliance with this section; and

(4) subject to the maximum amount limitations established under subsection (d)(4).

(b) ENERGY SAVINGS MEASURES.—Subject to subsection (c), a rebate shall be awarded under this section for the installation of the following energy savings measures for a home energy retrofit that meet technical standards established under this section:

(1) Whole house air-sealing measures, in accordance with BPI standards or other procedures approved by the Secretary.

(2) Attic insulation measures that—

(A) include sealing of air leakage between the attic and the conditioned space, in accordance with BPI standards or the attic portions of the DOE or EPA thermal bypass checklist or other procedures approved by the Secretary;

(B) add at least R-19 insulation to existing insulation;

(C) result in at least R-38 insulation in DOE climate zones 1 through 4 and at least R-49 insulation in DOE climate zones 5 through 8, including existing insulation, within the limits of structural capacity; and

(D) cover at least—

(i) 100 percent of an accessible attic; or

(ii) 75 percent of the total conditioned footprint of the house.

(3) Duct seal or replacement that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary; and

(B) in the case of duct replacement, replaces and seals at least 50 percent of a distribution system of the home.

(4) Wall insulation that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary;

(B) is to full-stud thickness; and

(C) covers at least 75 percent of the total external wall area of the home.

(5) Crawl space insulation or basement wall and rim joist insulation that is installed in accordance with BPI standards or other procedures approved by the Secretary—

(A) covers at least 500 square feet of crawl space or basement wall and adds at least—

(i) R-19 of cavity insulation or R-15 of continuous insulation to existing crawl space insulation; or

(ii) R-13 of cavity insulation or R-10 of continuous insulation to basement walls; and

(B) fully covers the rim joist with at least R-10 of new continuous or R-13 of cavity insulation.

(6) Window replacement that replaces at least 8 exterior windows, or 75 percent of the exterior windows in a home, whichever is less, with windows that—

(A) are certified by the National Fenestration Rating Council; and

(B) comply with criteria applicable to windows under section 25(c) of the Internal Revenue Code of 1986.

(7) Door replacement that replaces at least 1 exterior door with doors that comply with criteria applicable to doors under the 2010 Energy Star specification for doors.

(8) Skylight replacement that replaces at least 1 skylight with skylights that comply with criteria applicable to skylights under the 2010 Energy Star specification for skylights.

(9)(A) Heating system replacement with—

(i) a natural gas or propane furnace with an AFUE rating of 92 or greater;

(ii) a natural gas or propane boiler with an AFUE rating of 90 or greater;

(iii) an oil furnace with an AFUE rating of 86 or greater and that uses an electrically commutated blower motor;

(iv) an oil boiler with an AFUE rating of 86 or greater and that has temperature reset or thermal purge controls; or

(v) a wood or wood pellet furnace, boiler, or stove, if—

(I) the new system—

(aa) meets at least 75 percent of the heating demands of the home; and

(bb) in the case of a wood stove, replaces an existing wood stove with a stove that is EPA-certified, if a voucher is provided by the installer or other responsible party certifying that the old stove has been removed and made inoperable;

(II) the home has a distribution system (such as ducts, vents, blowers, or affixed fans) that allows heat from the wood stove, furnace, or boiler to reach all or most parts of the home; and

(III) an independent test laboratory approved by the Secretary or the Administrator certifies that the new system—

(aa) has thermal efficiency (with a lower heating value) of at least 75 percent for stoves and 80 percent for furnaces and boilers; and

(bb) has particulate emissions of less than 3.0 grams per hour for wood stoves or pellet stoves, and less than 0.32 lbs per million BTU for outdoor boilers and furnaces.

(B) A rebate may be provided under this section for the replacement of a furnace or boiler described in clauses (i) through (iv) of subparagraph (A) only if the new furnace or boiler is installed in accordance with ANSI/ACCA Standard 5 QI – 2007.

(10) Automatic water temperature controllers that vary boiler water temperature in response to changes in outdoor temperature or the demand for heat, if the retrofit is to an existing boiler and not in conjunction with a new boiler.

(11) Air-conditioner or heat-pump replacement with a new unit that—

(A) is installed in accordance with ANSI/ACCA Standard 5 QI-2007; and

(B) meets or exceeds—

(i) in the case of an air-source conditioner, SEER 16 and EER 13;

(ii) in the case of an air-source heat pump, SEER 15, EER 12.5, and HSPF 8.5; and

(iii) in the case of a geothermal heat pump, Energy Star tier 2 efficiency requirements.

(12) Replacement of or with—

(A) a natural gas or propane water heater with a condensing storage water heater with an energy factor of 0.80 or more or a condensing storage water heater or tankless water heater with a thermal efficiency of 90 percent or more;

(B) a tankless natural gas or propane water heater with an energy factor of at least .82;

(C) a natural gas or propane storage water heater with an energy factor of at least .67;

(D) an indirect water heater with an insulated storage tank that—

(i) has a storage capacity of at least 30 gallons and is insulated to at least R-16; and

(ii) is installed in conjunction with a qualifying boiler described in paragraph (7);

(E) an electric water heater with an energy factor of 2.0 or more;

(F) a water heater with a solar hot water system that—

(i) is certified by the Solar Rating and Certification Corporation under specification SRCC-OG-300; or

(ii) meets technical standards established by the State of Hawaii; or

(G) a water heater installed in conjunction with a qualifying geothermal heat pump described in paragraph (11) that provides domestic water heating through the use of—

(i) year-round demand water heating capability; or

(ii) a desuperheater.

(13) Storm windows that—

(A) are installed on a least 5 single-glazed windows that do not have storm windows;

(B) are installed in a home listed on or eligible for listing in the National Register of Historic Places; and

(C) comply with any procedures that the Secretary may establish for storm windows (including installation).

(14) Roof replacement that replaces at least 75 percent of the roof area with energy-saving roof products certified under the Energy Star program.

(15) Window films that are installed on at least 8 exterior windows, doors, or skylights, or 75 percent of the total exterior square footage of glass, whichever is more, in a home with window films that—

(A) are certified by the National Fenestration Rating Council;

(B) have a Solar Heat Gain Coefficient of 0.40 or less with a visible light-to-solar heat gain ratio of at least 1.1 in 2009 International Energy Conservation Code climate zones 1 through 8; and

(C) are certified to reduce the U-factor of the National Fenestration Rating Council dual pane reference window by 0.05 or greater and are only applied to nonmetal frame dual pane windows in 2009 International Energy Conservation Code climate zones 4 through 8.

(c) **INSTALLATION COSTS.**—Measures described in paragraphs (1) through (15) of subsection (b) shall include expenditures for labor and other installation-related costs (including venting system modification and condensate disposal) properly allocable to the onsite preparation, assembly, or original installation of the component.

(d) **AMOUNT OF REBATE.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) through (4), the amount of a rebate provided under this section shall be \$1,000 per measure for the installation of energy savings measures described in subsection (b).

(2) **HIGHER REBATE AMOUNT.**—Except as provided in paragraph (4), the amount of a rebate provided to the owner of a home or designee under this section shall be \$1,500 per measure for—

(A) attic insulation and air sealing described in subsection (b)(2);

(B) wall insulation described in subsection (b)(4);

(C) a heating system described in subsection (b)(9); and

(D) an air-conditioner or heat-pump replacement described in subsection (b)(11).

(3) **LOWER REBATE AMOUNT.**—Except as provided in paragraph (4), the amount of a rebate provided under this section shall be—

(A) \$125 per door for the installation of up to a maximum of 2 Energy Star doors described in subsection (b)(7) for each home;

(B) \$125 per skylight for the installation of up to a maximum of 2 Energy Star skylights described in subsection (b)(8) for each home;

(C) \$750 for a maximum of 1 natural gas or propane tankless water heater described in subsection (b)(12)(B) for each home;

(D) \$450 for a maximum of 1 natural gas or propane storage water heater described in subsection (b)(12)(C) for each home;

(E) \$250 for rim joist insulation described in subsection (b)(5)(B);

(F) \$50 for each storm window described in subsection (b)(13);

(G) \$500 for a desuperheater described in subsection (b)(12)(G)(ii);

(H) \$500 for a wood or pellet stove that has a heating capacity of at least 28,000 BTU per hour (using the upper end of the range listed

in the EPA list of Certified Wood Stoves) and meets all of the requirements of subsection (b)(9)(v) other than the requirements in items (aa) and (bb) of subsection (b)(9)(v)(I);

(I) \$250 for an automatic water temperature controller described in subsection (b)(10);

(J) \$500 for a roof described in subsection (b)(14); and

(K) \$500 for window films described in subsection (b)(15).

(4) **MAXIMUM AMOUNT.**—The total amount of a rebate provided to the owner of a home or designee under this section shall not exceed the lower of—

(A) \$3,000;

(B) the sum of the amounts per measure specified in paragraphs (1) through (3);

(C) 50 percent of the total cost of the installed measures; or

(D) the reduction in the price paid by the owner of the home, relative to the price of the installed measures in the absence of the Silver Star Home Energy Retrofit Program.

(e) **INSULATION PRODUCTS PURCHASED WITH-OUT INSTALLATION SERVICES.**—

(1) **IN GENERAL.**—A rebate shall be awarded under this section for attic, wall, or crawl space insulation or air sealing product if—

(A) the product—

(i) qualifies for a credit under section 25C of the Internal Revenue Code of 1986 but is not the subject of a claim for the credit;

(ii) is purchased by a homeowner for installation by the homeowner in a home identified by the address of the homeowner;

(iii) is identified and attributed to a specific home in a submission by the vendor to a rebate aggregator;

(iv) is not part of—

(I) an energy savings measure described in paragraphs (6) through (11) of subsection (b); and

(II) a retrofit for which a rebate is provided under the Gold Star Home Energy Retrofit Program; and

(v) is not part of an energy savings measure described in paragraphs (1) through (5) in subsection (b) for which the homeowner received or will receive contracting services; and

(B) educational material on proper installation of the product is provided to the homeowner, including material on air sealing while insulating.

(2) **AMOUNT.**—A rebate under this subsection shall be awarded in an amount equal to 50 percent of the total cost of the products described in paragraph (1), but not to exceed \$250 per home.

(f) **QUALIFICATION FOR REBATE UNDER SILVER STAR HOME ENERGY RETROFIT PROGRAM.**—On submission of a claim by a rebate aggregator to the system established under section 104, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost energy-efficiency measures installed in a home, if—

(1) the measures undertaken for the retrofit are—

(A) eligible measures described on the list established under subsection (b);

(B) installed properly in accordance with applicable technical specifications; and

(C) installed by a qualified contractor;

(2) the amount of the rebate does not exceed the maximum amount described in subsection (d)(4);

(3) not less than—

(A) 20 percent of the retrofits performed by each qualified contractor under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; or

(B) in the case of qualified contractor that uses a certified workforce, 10 percent of the retrofits performed under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; and

(4)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect, if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(g) **HOMEOWNER COMPLAINTS.**—

(1) **IN GENERAL.**—During the 1-year warranty period, a homeowner may make a complaint under the quality assurance program that compliance with the quality assurance requirements of this section has not been achieved.

(2) **VERIFICATION.**—

(A) **IN GENERAL.**—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) **ADMINISTRATION.**—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (f)(3); and

(ii) corrected in accordance with subsection (f)(4).

(h) **AUDITS.**—

(1) **IN GENERAL.**—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) **INCORRECT PAYMENT.**—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 107. GOLD STAR HOME ENERGY RETROFIT PROGRAM.

(a) **IN GENERAL.**—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act by an accredited contractor in accordance with this section, a rebate shall be awarded for retrofits that achieve whole home energy savings.

(b) **AMOUNT OF REBATE.**—Subject to subsection (e), the amount of a rebate provided to the owner of a home or a designee of the owner under this section shall be—

(1) \$3,000 for a 20-percent reduction in whole home energy consumption; and

(2) an additional \$1,000 for each additional 5-percent reduction up to the lower of—

(A) \$8,000; or

(B) 50 percent of the total retrofit cost (including the cost of audit and diagnostic procedures).

(c) **ENERGY SAVINGS.**—

(1) **IN GENERAL.**—Reductions in whole home energy consumption under this section shall be determined by a comparison of the simulated energy consumption of the home before and after the retrofit of the home.

(2) **DOCUMENTATION.**—The percent improvement in energy consumption under this section shall be documented through—

(A)(i) the use of a whole home simulation software program that has been approved as a commercial alternative under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); or

(ii) a equivalent performance test established by the Secretary, in consultation with the Administrator; or

(B)(i) the use of a whole home simulation software program that has been approved under RESNET Publication No. 06-001 (or a successor publication approved by the Secretary);

(ii) an equivalent performance test established by the Secretary; or

(iii) a State-certified equivalent rating network, as specified by IRS Notice 2008-35; or

(iv) a HERS rating system required by State law.

(3) **MONITORING.**—The Secretary—

(A) shall continuously monitor the software packages used for determining rebates under this section; and

(B) may disallow the use of software programs that improperly assess energy savings.

(4) **ASSUMPTIONS AND TESTING.**—The Secretary may—

(A) establish simulation tool assumptions for the establishment of the pre-retrofit energy use;

(B) require compliance with software performance tests covering—

(i) mechanical system performance;

(ii) duct distribution system efficiency;

(iii) hot water performance; or

(iv) other measures; and

(C) require the simulation of pre-retrofit energy usage to be bounded by metered pre-retrofit energy usage.

(5) **RECOMMENDED MEASURES.**—The simulation tool shall have the ability at a minimum to assess the savings associated with all the measures for which incentives are specifically provided under the Silver Star Home Energy Retrofit Program.

(d) **QUALIFICATION FOR REBATE UNDER GOLD STAR HOME ENERGY RETROFIT PROGRAM.**—On submission of a claim by a rebate aggregator to the system established under section 104, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost whole-home retrofits, if—

(1) the retrofit is performed by an accredited contractor;

(2) the amount of the reimbursement is not more than the amount described in subsection (b);

(3) documentation described in subsection (c) is transmitted with the claim;

(4) a home receiving a whole-home retrofit is subject to random third-party field verification by a quality assurance provider in accordance with subsection (e); and

(5)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(e) **VERIFICATION.**—

(1) **IN GENERAL.**—Subject to paragraph (2), all work installed in a home receiving a whole-home retrofit by an accredited contractor under this section shall be subject to random third-party field verification by a quality assurance provider at a rate of—

(A) 15 percent; or

(B) in the case of work performed by an accredited contractor using a certified workforce, 10 percent.

(2) **VERIFICATION NOT REQUIRED.**—A home shall not be subject to random third-party field verification under this section if—

(A) a post-retrofit home energy rating is conducted by an eligible certifier in accordance with—

(i) RESNET Publication No. 06-001 (or a successor publication approved by the Secretary);

(ii) a State-certified equivalent rating network, as specified in IRS Notice 2008-35; or

(iii) a HERS rating system required by State law;

(B) the eligible certifier is independent of the qualified contractor or accredited contractor in accordance with RESNET Publication No. 06-001 (or a successor publication approved by the Secretary); and

(C) the rating includes field verification of measures.

(f) **HOMESOWNER COMPLAINTS.**—

(1) **IN GENERAL.**—A homeowner may make a complaint under the quality assurance program during the 1-year warranty period that compliance with the quality assurance requirements of this section has not been achieved.

(2) **VERIFICATION.**—

(A) **IN GENERAL.**—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) **ADMINISTRATION.**—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (e)(1); and

(ii) corrected in accordance with subsection (e).

(g) **AUDITS.**—

(1) **IN GENERAL.**—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) **INCORRECT PAYMENT.**—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 108. GRANTS TO STATES AND INDIAN TRIBES.

(a) **IN GENERAL.**—A State or Indian tribe that receives a grant under subsection (d) shall use the grant for—

(1) administrative costs;

(2) oversight of quality assurance plans;

(3) development of ongoing quality assurance framework;

(4) establishment and delivery of financing pilots in accordance with this title;

(5) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star program;

(6) assisting in the delivery of services to rental units; and

(7) the costs of carrying out the responsibilities of the State or Indian tribe under the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program.

(b) **INITIAL GRANTS.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall make the initial grants available under this section.

(c) **INDIAN TRIBES.**—The Secretary shall reserve an appropriate amount of funding to be made available to carry out this section for each fiscal year to make grants available to Indian tribes under this section.

(d) **STATE ALLOTMENTS.**—From the amounts made available to carry out this section for each fiscal year remaining after the reservation required under subsection (c), the Secretary shall make grants available to States in accordance with section 115.

(e) **QUALITY ASSURANCE PROGRAMS.**—

(1) **IN GENERAL.**—A State or Indian tribe may use a grant made under this section to carry out a quality assurance program that is—

(A) operated as part of a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.);

(B) managed by the office or the designee of the office that is—

(i) responsible for the development of the plan under section 362 of that Act (42 U.S.C. 6322); and

(ii) to the maximum extent practicable, conducting an existing energy efficiency program; and

(C) in the case of a grant made to an Indian tribe, managed by an entity designated by the Indian tribe to carry out a quality assurance program or a national quality assurance program manager.

(2) **NONCOMPLIANCE.**—If the Secretary determines that a State or Indian tribe has not provided or cannot provide adequate oversight over a quality assurance program to ensure compliance with this title, the Secretary may—

(A) withhold further quality assurance funds from the State or Indian tribe; and

(B) require that quality assurance providers operating in the State or by the Indian tribe be overseen by a national quality assurance program manager selected by the Secretary.

(f) **IMPLEMENTATION.**—A State or Indian tribe that receives a grant under this section may implement a quality assurance program through the State, the Indian tribe, or a third party designated by the State or Indian tribe, including—

(1) an energy service company;

(2) an electric utility;

(3) a natural gas utility;

(4) a third-party administrator designated by the State or Indian tribe; or

(5) a unit of local government.

(g) **PUBLIC-PRIVATE PARTNERSHIPS.**—A State or Indian tribe that receives a grant under this section are encouraged to form partnerships with utilities, energy service companies, and other entities—

(1) to assist in marketing a program;

(2) to facilitate consumer financing;

(3) to assist in implementation of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program, including installation of qualified energy retrofit measures; and

(4) to assist in implementing quality assurance programs.

(h) **COORDINATION OF REBATE AND EXISTING STATE-SPONSORED PROGRAMS.**—

(1) IN GENERAL.—A State or Indian tribe shall, to the maximum extent practicable, prevent duplication through coordination of a program authorized under this title with—

(A) the Energy Star appliance rebates program authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115); and

(B) comparable programs planned or operated by States, political subdivisions, electric and natural gas utilities, Federal power marketing administrations, and Indian tribes.

(2) EXISTING PROGRAMS.—In carrying out this subsection, a State or Indian tribe shall—

(A) give priority to—

(i) comprehensive retrofit programs in existence on the date of enactment of this Act, including programs under the supervision of State utility regulators; and

(ii) using Home Star funds made available under this title to enhance and extend existing programs; and

(B) seek to enhance and extend existing programs by coordinating with administrators of the programs.

SEC. 109. QUALITY ASSURANCE FRAMEWORK.

(a) IN GENERAL.—Not later than 180 days after the date that the Secretary initially provides funds to a State under this title, the State shall submit to the Secretary a plan to implement a quality assurance program that covers all federally assisted residential efficiency retrofit work administered, supervised, or sponsored by the State.

(b) IMPLEMENTATION.—The State shall—

(1) develop a quality assurance framework in consultation with industry stakeholders, including representatives of efficiency program managers, contractors, and environmental, energy efficiency, and labor organizations; and

(2) implement the quality assurance framework not later than 1 year after the date of enactment of this Act.

(c) COMPONENTS.—The quality assurance framework established under this section shall include—

(1) a requirement that contractors be prequalified in order to be authorized to perform federally assisted residential retrofit work;

(2) maintenance of a list of prequalified contractors authorized to perform federally assisted residential retrofit work; and

(3) minimum standards for prequalified contractors that include—

(A) accreditation;

(B) legal compliance procedures;

(C) proper classification of employees; and

(D) maintenance of records needed to verify compliance;

(4) targets and realistic plans for—

(A) the recruitment of small minority or women-owned business enterprises;

(B) the employment of graduates of training programs that primarily serve low-income populations with a median income that is below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by that section)) by participating contractors; and

(5) a plan to link workforce training for energy efficiency retrofits with training for the broader range of skills and occupations in construction or emerging clean energy industries.

(d) NONCOMPLIANCE.—If the Secretary determines that a State has not taken the steps required under this section, the Secretary shall provide to the State a period of at least 90 days to comply before suspending

the participation of the State in the program.

SEC. 110. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the use of funds under this title.

(b) CONTENTS.—The report shall include a description of—

(1) the energy savings produced as a result of this title;

(2) the direct and indirect employment created as a result of the programs supported by the funds provided under this title;

(3) the specific entities implementing the energy efficiency programs;

(4) the beneficiaries who received the efficiency improvements;

(5) the manner in which funds provided under this title were used;

(6) the sources (such as mortgage lenders, utility companies, and local governments) and types of financing used by the beneficiaries to finance the retrofit expenses that were not covered by grants provided under this title; and

(7) the results of verification requirements; and

(8) any other information the Secretary considers appropriate

(c) NONCOMPLIANCE.—If the Secretary determines that a rebate aggregator, State, or Indian tribe has not provided the information required under this section, the Secretary shall provide to the rebate aggregator, State, or Indian tribe a period of at least 90 days to provide any necessary information, subject to penalties imposed by the Secretary for entities other than States and Indian tribes, which may include withholding of funds or reduction of future grant amounts.

SEC. 111. ADMINISTRATION.

(a) IN GENERAL.—Subject to section 115(b), not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators, States, and Indian tribes as is necessary to carry out the functions designated to States under this title.

(b) APPOINTMENT OF PERSONNEL.—Notwithstanding the provisions of title 5, United States Code, governing appointments in the competitive service and General Schedule classifications and pay rates, the Secretary may appoint such professional and administrative personnel as the Secretary considers necessary to carry out this title.

(c) RATE OF PAY.—The rate of pay for a person appointed under subsection (a) shall not exceed the maximum rate payable for GS-15 of the General Schedule under chapter 53 of title 5, United States Code.

(d) CONSULTANTS.—Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), the Secretary may retain such consultants on a noncompetitive basis as the Secretary considers necessary to carry out this title.

(e) CONTRACTING.—In carrying out this title, the Secretary may waive all or part of any provision of the Competition in Contracting Act of 1984 (Public Law 98–369; 98 Stat. 1175), an amendment made by that Act, or the Federal Acquisition Regulation on a determination that circumstances make compliance with the provisions contrary to the public interest.

(f) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding section 553 of title 5, United States Code, the Sec-

retary may issue regulations that the Secretary, in the sole discretion of the Secretary, determines necessary to carry out the Home Star Retrofit Rebate Program.

(2) DEADLINE.—If the Secretary determines that regulations described in paragraph (1) are necessary, the regulations shall be issued not later than 60 days after the date of the enactment of this Act.

(g) INFORMATION COLLECTION.—Chapter 35 of title 44, United States Code, shall not apply to any information collection requirement necessary for the implementation of the Home Star Retrofit Rebate Program.

(h) ADJUSTMENT OF REBATE AMOUNTS.—Effective beginning on the date that is 180 days after the date of enactment of this Act, the Secretary may, after not less than 30 days public notice, prospectively adjust the rebate amounts provided in this section based on—

(1) the use of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program; and

(2) other program data.

SEC. 112. TREATMENT OF REBATES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, rebates received for eligible measures under this title—

(1) shall not be considered taxable income to a homeowner;

(2) shall prohibit the consumer from applying for a tax credit allowed under section 25C, 25D, or 25E of that Code for the same eligible measures performed in the home of the homeowner; and

(3) shall be considered a credit allowed under section 25C, 25D, or 25E of that Code for purposes of any limitation on the amount of the credit under that section.

(b) NOTICE.—

(1) IN GENERAL.—A participating contractor shall provide notice to a homeowner of the provisions of subsection (a) before eligible work is performed in the home of the homeowner.

(2) NOTICE IN REBATE FORM.—A homeowner shall be notified of the provisions of subsection (a) in the appropriate rebate form developed by the Secretary, in consultation with the Secretary of the Treasury.

(3) AVAILABILITY OF REBATE FORM.—A participating contractor shall obtain the rebate form on a designated website in accordance with section 102(b)(1)(A)(iii).

SEC. 113. PENALTIES.

(a) IN GENERAL.—It shall be unlawful for any person to violate this title (including any regulation issued under this title), other than a violation as the result of a clerical error.

(b) CIVIL PENALTY.—Any person who commits a violation of this title shall be liable to the United States for a civil penalty in an amount that is not more than the higher of—

(1) \$15,000 for each violation; or

(2) 3 times the value of any associated rebate under this title.

(c) ADMINISTRATION.—The Secretary may—

(1) assess and compromise a penalty imposed under subsection (b); and

(2) require from any entity the records and inspections necessary to enforce this title.

(d) FRAUD.—In addition to any civil penalty, any person who commits a fraudulent violation of this title shall be subject to criminal prosecution.

SEC. 114. HOME STAR ENERGY EFFICIENCY LOAN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term “eligible participant” means a homeowner who receives financial assistance from a qualified financing entity to carry out energy efficiency or renewable energy improvements to

an existing home or other residential building of the homeowner in accordance with the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(2) PROGRAM.—The term “program” means the Home Star Energy Efficiency Loan Program established under subsection (b).

(3) QUALIFIED FINANCING ENTITY.—The term “qualified financing entity” means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State in accordance with subsection (e).

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term “qualified loan program mechanism” means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(b) ESTABLISHMENT.—The Secretary shall establish a Home Star Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making, to existing homes, energy efficiency improvements that qualify under the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements described in subsection (b);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards that are at least as stringent as the standards provided under sections 106 and 107; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) QUALIFIED FINANCING ENTITIES.—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (h).

(f) USE OF FUNDS.—Funds made available to States under the program may be used to support financing products offered by qualified financing entities to eligible participants for eligible energy efficiency work, by providing—

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency finance programs.

(g) USE OF REPAYMENT FUNDS.—In the case of a revolving loan fund established by a State described in subsection (f)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements described in subsection (b) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(h) PROGRAM EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy savings, homeowner energy bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(i) CREDIT SUPPORT FOR FINANCING PROGRAMS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) in subsection (a), by adding at the end the following:

“(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment, including financing programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment.”.

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

“(e) CREDIT SUPPORT FOR FINANCING PROGRAMS.—

“(1) IN GENERAL.—In the case of programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment described in subsection (a)(4), the Secretary may—

“(A) offer loan guarantees for portfolios of debt obligations; and

“(B) purchase or make commitments to purchase portfolios of debt obligations.

“(2) TERM.—Notwithstanding section 1702(f), the term of any debt obligation that receives credit support under this subsection shall require full repayment over a period not to exceed the lesser of—

“(A) 30 years; and

“(B) the projected weighted average useful life of the measure or system financed by the debt obligation or portfolio of debt obligations (as determined by the Secretary).

“(3) UNDERWRITING.—The Secretary may—

“(A) delegate underwriting responsibility for portfolios of debt obligations under this subsection to financial institutions that meet qualifications determined by the Secretary; and

“(B) determine an appropriate percentage of loans in a portfolio to review in order to confirm sound underwriting.

“(4) ADMINISTRATION.—Subsections (c) and (d)(3) of section 1702 and subsection (c) of this section shall not apply to loan guarantees made under this subsection.”.

(j) TERMINATION OF EFFECTIVENESS.—The authority provided by this section and the amendments made by this section terminates effective on the date that is 2 years after the date of enactment of this Act.

SEC. 115. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to subsection (j), there is authorized to be appropriated to carry out this title \$5,000,000,000 for the period of fiscal years 2010 through 2012.

(2) MAINTENANCE OF FUNDING.—Funds provided under this section shall supplement and not supplant any Federal and State funding provided to carry out energy efficiency programs in existence on the date of enactment of this Act.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—Of the amount provided under subsection (a), \$380,000,000 or not more than 6 percent, whichever is less, shall be used to carry out section 108.

(2) DISTRIBUTION TO STATE ENERGY OFFICES.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(i) provide to State energy offices 25 percent of the funds described in paragraph (1); and

(ii) determine a formula to provide the balance of funds to State energy offices through a performance-based system.

(B) ALLOCATION.—

(i) ALLOCATION FORMULA.—Funds described in subparagraph (A)(i) shall be made available in accordance with the allocation formula for State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(ii) PERFORMANCE-BASED SYSTEM.—The balance of the funds described in subparagraph (A)(ii) shall be made available in accordance with the performance-based system described in subparagraph (A)(ii).

(c) QUALITY ASSURANCE COSTS.—

(1) IN GENERAL.—Of the amount provided under subsection (a), not more than 5 percent shall be used to carry out the quality assurance provisions of this title.

(2) MANAGEMENT.—Funds provided under this subsection shall be overseen by—

(A) State energy offices described in subsection (b)(2); or

(B) other entities determined by the Secretary to be eligible to carry out quality assurance functions under this title.

(3) DISTRIBUTION TO QUALITY ASSURANCE PROVIDERS OR REBATE AGGREGATORS.—The Secretary shall use funds provided under this subsection to compensate quality assurance providers, or rebate aggregators, for services under the Silver Star Home Energy Retrofit Program or the Gold Star Home Energy Retrofit Program through the Federal Rebate Processing Center based on the services provided to contractors under a quality assurance program and rebate aggregation.

(4) INCENTIVES.—The amount of incentives provided to quality assurance providers or rebate aggregators shall be—

(A)(i) in the case of the Silver Star Home Energy Retrofit Program—

(I) \$25 per rebate review and submission provided under the program; and

(II) \$150 for each field inspection conducted under the program; and

(ii) in the case of the Gold Star Home Energy Retrofit Program—

(I) \$35 for each rebate review and submission provided under the program; and

(II) \$300 for each field inspection conducted under the program; or

(B) such other amounts as the Secretary considers necessary to carry out the quality assurance provisions of this title.

(d) TRACKING OF REBATES AND EXPENDITURES.—Of the amount provided under subsection (a), not more than \$150,000,000 shall be used for costs associated with database systems to track rebates and expenditures under this title and related administrative costs incurred by the Secretary.

(e) PUBLIC EDUCATION AND COORDINATION.—Of the amount provided under subsection (a), not more than \$10,000,000 shall be used for costs associated with public education and coordination with the Federal Energy Star program incurred by the Administrator.

(f) INDIAN TRIBES.—Of the amount provided under subsection (a), the Secretary shall reserve not more than 3 percent to make grants available to Indian tribes under this section.

(g) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—

(1) IN GENERAL.—In the case of the Silver Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), \$2,751,000,000 for the 1-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Silver Star Home Energy Retrofit Program.

(2) PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—Of the amounts made available for the Silver Star Home Energy Retrofit Program under this section, not more than \$250,000,000 shall be made available for rebates under section 106(e).

(h) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—In the case of the Gold Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), \$1,349,000,000 for the

2-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Gold Star Home Energy Retrofit Program.

(i) PROGRAM REVIEW AND BACKSTOP FUNDING.—

(1) REVIEW AND ANALYSIS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall perform a State-by-State analysis and review the distribution of Home Star retrofit rebates under this title.

(B) RENTAL UNITS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall perform a review and analysis, with input and review from the Secretary of Housing and Urban Development, of the procedures for delivery of services to rental units.

(2) ADJUSTMENT.—The Secretary may allocate technical assistance funding to assist States that, as determined by the Secretary—

(A) have not sufficiently benefitted from the Home Star Retrofit Rebate Program; or

(B) in which rental units have not been adequately served.

(j) RETURN OF UNDISBURSED FUNDS.—

(1) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Silver Star Home Energy Retrofit Program by the date that is 1 year after the date of enactment of this Act, any undisbursed funds shall be made available to the Gold Star Home Energy Retrofit Program.

(2) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Gold Star Home Energy Retrofit Program by the date that is 2 years after the date of enactment of this Act, any undisbursed funds shall be returned to the Treasury.

(k) FINANCING.—Of the amounts allocated to the States under subsection (b), not less than \$200,000,000 shall be used to carry out the financing provisions of this title in accordance with section 114.

TITLE II—PERFORMANCE BASED ENERGY IMPROVEMENT TAX CREDITS

SEC. 201. PERFORMANCE BASED ENERGY IMPROVEMENTS FOR NONBUSINESS PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

“SEC. 25E. PERFORMANCE BASED ENERGY IMPROVEMENTS.

“(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the amount of qualified home energy efficiency expenditures paid or incurred by the taxpayer during the taxable year.

“(b) LIMITATIONS.—

“(1) DOLLAR LIMITATION.—

“(A) IN GENERAL.—The amount of the credit allowed under subsection (a) with respect to any individual for any taxable year shall not exceed the amount determined under subparagraph (B) with respect to the principal residence of such individual.

“(B) AMOUNT DETERMINED.—

“(i) IN GENERAL.—Subject to clause (iv), the amount determined under this subparagraph is the base amount increased by the amount determined under clause (iii).

“(ii) BASE AMOUNT.—For purposes of this subparagraph, the base amount is—

“(I) \$3,000, in the case of a residence the construction of which is completed before January 1, 2000, and

“(II) \$2,000, in the case of a residence the construction of which is completed after December 31, 1999.

“(iii) INCREASE AMOUNT.—The amount determined under this clause is—

“(I) in the case of a residence described in clause (ii)(I) which has a rating system score equal to the rating system score which corresponds to the IECC Standard Reference Design for a home of the size and in the climate zone of such residence, \$1,000, and

“(II) in the case of any residence with a rating system score which is lower than that which corresponds to such IECC Standard Reference Design by not less than 5 points, \$500 for each 5 points by which the rating system score which corresponds to such IECC Standard Reference Design exceeds the rating system score of such residence (in addition to the amount provided under clause (i), if applicable).

“(iv) LIMITATION.—In no event shall the amount determined under this subparagraph exceed \$8,000 with respect to any individual.

“(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of taxable years to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this section and sections 23, 24, and 25B) and section 27 for the taxable year.

“(c) QUALIFIED HOME ENERGY EFFICIENCY EXPENDITURES.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified home energy efficiency expenditures’ means any amount paid or incurred for a qualified whole home energy efficiency retrofit, including the cost of audit diagnostic procedures, of a principal residence of the taxpayer which is located in the United States.

“(2) QUALIFIED WHOLE HOME ENERGY EFFICIENCY RETROFIT.—

“(A) IN GENERAL.—The term ‘qualified whole home energy efficiency retrofit’ means a retrofit of an existing residence if, after such retrofit, such residence—

“(i) has a rating system score of not greater than—

“(I) 100, determined under the HERS Index, in the case of a residence the construction of which is completed before January 1, 2000, and

“(II) the rating system score which corresponds to the IECC Standard Reference Design for a home of the size and in the climate zone of such residence, in the case of a residence the construction of which is completed after December 31, 1999, or

“(ii) achieves a degree of energy efficiency improvement which is equivalent to the standard applicable to such residence under clause (i), as determined by the Secretary.

For purposes of the preceding sentence, the HERS Index is the HERS Index established by the Residential Energy Services Network, as in effect on January 1, 2011.

“(B) ACCREDITATION RULE.—A retrofit shall not be treated as a qualified whole home energy efficiency retrofit unless such retrofit is conducted by a company which is accredited by the Building Performance Institute, or which fulfills an equivalent standard as determined by the Secretary.

“(C) DETERMINATION OF RATING SYSTEM SCORE OR EQUIVALENT.—

“(i) IN GENERAL.—Subject to clause (ii), the rating system score of a residence, or the equivalent described in subparagraph (A)(ii), shall be determined by an auditor or rater certified by the Residential Energy Services Network or the Building Performance Institute.

“(ii) SECRETARIAL DETERMINATION.—At the discretion of the Secretary, the Secretary may, in consultation with the Secretary of Energy, determine an alternative standard for certification of an auditor or rater for purposes of determining the rating system score (or equivalent described in subparagraph (A)(ii)) of a residence. If the Secretary establishes such an alternative standard, clause (i) shall cease to apply unless the Secretary determines otherwise.

“(D) REGULATIONS.—Not later than December 31, 2011, in consultation with the Secretary, the Secretary of Energy shall prescribe regulations which specify the costs with respect to energy improvements which may be taken into account under this paragraph as part of a qualified whole home energy efficiency retrofit.

“(3) NO DOUBLE BENEFIT.—

“(A) IN GENERAL.—No credit shall be allowed under this section for any taxable year in which the taxpayer elects the credit under section 25C.

“(B) NO DOUBLE BENEFIT FOR CERTAIN EXPENDITURES.—The term ‘qualified home energy efficiency expenditures’ shall not include any expenditure for which a deduction or credit is otherwise allowed to the taxpayer under this chapter for the taxable year or with respect to which the taxpayer receives any Federal rebate.

“(4) PRINCIPAL RESIDENCE.—The term ‘principal residence’ has the same meaning as when used in section 121, except that—

“(A) no ownership requirement shall be imposed, and

“(B) the period for which a building is treated as used as a principal residence shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as used as a principal residence.

“(d) RATING SYSTEM SCORE.—For purposes of this section—

“(1) IN GENERAL.—Subject to paragraph (2), the rating system score shall be the score assigned under the HERS Index established by the Residential Energy Services Network.

“(2) SECRETARIAL DETERMINATION.—At the discretion of the Secretary, the Secretary may, in consultation with the Secretary of Energy, determine an alternative rating system (including an alternative system based on the HERS Index established by the Residential Energy Services Network). If the Secretary establishes such an alternative rating system, the rating system score with respect to any residence shall be the score assigned under such alternative rating system.

“(e) IECC STANDARD REFERENCE DESIGN.—

“(1) IN GENERAL.—The term ‘IECC Standard Reference Design’ means the Standard Reference Design determined under the International Energy Conservation Code in effect for the taxable year in which the credit under this section is determined.

“(2) LIMITATION TO RESIDENCES CONSTRUCTED AFTER EFFECTIVE DATE OF MOST RECENT CODE.—No credit shall be allowed under this section with respect to a principal residence the construction of which is completed after the effective date of the International Energy Conservation Code in effect for the taxable year for which such credit would otherwise be determined.

“(f) SPECIAL RULES.—For purposes of this section, rules similar to the rules under paragraphs (4), (5), (6), (7), and (8) of section 25D(e) and section 25C(e)(2) shall apply.

“(g) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section with respect to any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(h) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

“(i) TERMINATION.—This section shall not apply with respect to any costs paid or incurred after December 31, 2013.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 26(a)(1) of the Internal Revenue Code of 1986 is amended by inserting “25E,” after “25D”.

(2) Section 1016(a) of such Code is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 25E(g).”.

(3) Section 6501(m) of such Code is amended by inserting “25E(h),” after “section”.

(4) The table of sections for subpart A of part IV of subchapter A chapter 1 of such Code is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Performance based energy improvements.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

By Mr. REID. (for himself, Mr. ENSIGN, Mr. HARKIN, Mr. TESTER, Mr. BENNET, and Ms. KLOBUCHAR):

S. 3438. A bill to promote clean energy infrastructure for rural communities; to the Committee on Finance.

Mr. REID. Mr. President, in 1935, President Franklin Delano Roosevelt signed the Rural Electrification Act to bring electricity to the sparsely-populated rural areas of our vast Nation. Today, with advances in renewable energy from the sun, the wind, water, and geothermal energy beneath the Earth's surface, our rural communities are ready to produce clean, renewable electricity and sell it to cities and towns. Just as our national highway system grew out of the network of farm roads to bring agricultural products to market, our electric transmission system needs connections to rural areas to bring our abundant rural renewable energy resources to load centers. For example, Nye and Lincoln counties in Nevada have the potential to generate more solar and wind energy than their small populations can use. Without transmission to connect these rural areas to load centers, they cannot fully develop their local renewable energy industry and are losing out on important opportunities to create jobs and diversify their economies.

That is why I am introducing two bills today to give rural communities more options to finance the clean energy infrastructure we need to develop our rich renewable resources. These two bills would help rural communities fund clean energy infrastructure, which will create many short and long term jobs and attract badly needed investment in rural Nevada's struggling economy. While Nevada is in an especially good position to benefit from this bill, I am pleased to be joined by Senators ENSIGN, HARKIN, TESTER, MICHAEL BENNET, and KLOBUCHAR whose states also have renewable energy resources stranded by a lack of transmission.

Existing government loan and tax-exempt bond programs are available to finance rural renewable generation, but not to finance the connections between that generation and the high-voltage transmission system that carries electricity to load centers. These proposed bills would provide three ways to finance important transmission for rural renewable generators—through the USDA Rural Utilities Service, through modifications to the Clean Renewable Energy Bond, CREB, program, and through modifications to the Exempt Facility Bonds program.

As we have seen with the electric and telephone infrastructure financed by the USDA Rural Utilities Service since 1935, energy infrastructure is crucial to economic development for rural communities. Natural gas pipelines criss-cross rural communities, but small towns near these pipelines lack natural gas today. Some of these towns, including some in Nevada, have plans for natural gas distribution systems and local economic development that depend on access to natural gas. Federal programs to provide loans, loan guarantees, or tax-exempt bonds do not fit these plans.

The USDA does not currently finance these types of projects. My bill would allow the USDA to finance natural gas systems to connect rural communities to natural gas pipelines. Access to natural gas will provide these communities with a clean, efficient energy source, and encourage economic development.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Clean Transmission for Rural Communities Act of 2010”.

SEC. 2. TRANSMISSION FOR RENEWABLES.

(a) CLARIFICATION OF QUALIFIED FACILITIES FOR CLEAN RENEWABLE ENERGY BONDS.—

(1) IN GENERAL.—Section 54C(d)(1) of the Internal Revenue Code of 1986 is amended by

inserting “, or a facility primarily for the purpose of interconnecting one or more such qualified facilities to a high-voltage transmission line” after “electric company”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to bonds issued after the date of enactment of this Act.

(b) **TAX-EXEMPT FINANCING OF CERTAIN ELECTRIC TRANSMISSION FACILITIES.**—

(1) **IN GENERAL.**—Subsection (a) of section 142 of the Internal Revenue Code of 1986 is amended—

(A) by striking “or” at the end of paragraph (14),

(B) by striking the period at the end of paragraph (15) and inserting “, or”, and

(C) by adding at the end the following new paragraph:

“(16) qualified electric transmission facilities.”.

(2) **DEFINITION.**—Section 142 of such Code is amended by adding at the end the following new subsection:

“(n) **QUALIFIED ELECTRIC TRANSMISSION FACILITIES.**—

“(1) **IN GENERAL.**—For purposes of subsection (a)(16), the term ‘qualified electric transmission facility’ means any electric transmission facility which is—

“(A) owned by—

“(i) a State or political subdivision of a State, or any agency, authority, or instrumentality of any of the foregoing, providing electric service, directly or indirectly to the public, or

“(ii) a State or political subdivision of a State expressly authorized under State law to finance and own electric transmission facilities; and

“(B) primarily for the purpose of interconnecting one or more renewable energy facilities to a high-voltage transmission line.

“(2) **TERMINATION.**—Subsection (a)(16) shall not apply with respect to any bond issued after December 31, 2011.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to bonds issued after the date of enactment of this Act.

By Mr. REID (for himself, Mr. ENSIGN, Mr. HARKIN, Mr. TESTER, Mr. BENNET, and Ms. KLOBUCHAR):

S. 3439. A bill to promote clean energy infrastructure for rural communities; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Clean Energy Infrastructure for Rural Communities Act of 2010”.

SEC. 2. ELECTRIC LOANS FOR RENEWABLE ENERGY.

Section 317 of the Rural Electrification Act of 1936 (7 U.S.C. 940g) is amended—

(1) in subsection (b)—

(A) by striking “for electric generation” and inserting “for—

“(1) electric generation”;

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(2) transmission facilities primarily for the purpose of interconnecting one or more renewable energy facilities to a high-voltage transmission line.”; and

(2) by striking subsection (c).

SEC. 3. RURAL NATURAL GAS INFRASTRUCTURE.

Section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

“(B) **NATURAL GAS.**—The term ‘natural gas’ means—

“(i) unmixed natural gas; or

“(ii) any mixture of natural and artificial gas.”; and

(2) in paragraph (2)—

(A) in subparagraph (C), by striking “and” at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

“(D) improving the economic and environmental climate by encouraging the development and construction of infrastructure to provide access to natural gas in rural communities; and”.

By Mr. GRASSLEY:

S. 3440. A bill to amend the Internal Revenue Code of 1986 to extend the incentives for biodiesel and renewable diesel; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Emergency Biodiesel Tax Incentive Extension Act of 2010”.

SEC. 2. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) **CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.**—Subsection (g) of section 40A of the Internal Revenue Code of 1986 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.**—

(1) Paragraph (6) of section 6426(c) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

By Mr. DURBIN (himself and Mr. GREGG):

S. 3441. A bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce legislation designed to improve educational opportunities for struggling students. The All Students Achieving Through Reform Act, or All-STAR Act, would provide Federal resources to the most successful charter schools to help them grow and replicate.

Last week, I visited the KIPP Ascend Charter School in Chicago. You might have heard of the KIPP charter schools. The first KIPP school was founded in Texas by two Teach for America teachers. Mike Feinberg and Dave Levin wanted to start a school that would inspire high achievement for students living in disadvantaged communities. The 82 KIPP schools nationwide focus on high expectations, an intense academic curriculum, expanded school days and years, parental involvement, and high quality teachers. The results are impressive. While less than one in five low-income students attends college nationally, KIPP’s college matriculation rate stands at more than 85 percent for students who complete the 8th grade at KIPP. More than 90 percent of KIPP alumni go on to college-preparatory high schools. Collectively, they have earned millions of dollars in scholarships and financial aid since 2000.

I saw this success when I visited Chicago’s KIPP school. Students at KIPP Ascend are actively engaged in learning and their teachers are energetic and inspiring. The students there are outscoring their peers in other Chicago Public Schools, and 100 percent of the 8th graders who have graduated from KIPP Ascend have been accepted to college-preparatory high schools.

Right now there is only one KIPP school in Chicago, but there should be more. The bill I am introducing today with Senator GREGG would help make that possible. Currently, federal funding for charter schools can only be used to create new schools, not expand or replicate existing schools. My bill would create new grants within the existing charter school program to fund the expansion and replication of the most successful charter schools. Schools in Chicago, like KIPP and Noble Street, that have achieved amazing results with their students will be able to apply for federal grants to expand their schools to additional grades or replicate the model to a new school. Successful charters across the country will be able to grow more easily, providing better educational opportunities to thousands of students.

The bill also incentivizes the adoption of strong charter school policies by states. We know that successful charter schools thrive when they have autonomy, freedom to grow, and strong accountability based on meeting performance targets. The bill would give grant priority to States that provide

that environment. The bill also requires new levels of charter school authorizer reporting and accountability to ensure that good charter schools are able to succeed while bad charter schools are improved or shut down.

This bill will improve educational opportunities for students across the Nation. Charter schools represent some of the brightest spots in urban education today, and successful models have the full support of the President and Secretary Duncan. We need to help these schools grow and bring their best lessons into our regular public schools so that all students can benefit. This bill has the support of more than 25 education organizations including some of the Nation's highest performing charter networks like KIPP and Green Dot. Supporting the growth of successful charter schools should be a part of the conversation when we take up reauthorization of the Elementary and Secondary Education Act. I thank Senator GREGG and Representative POLIS in the House for joining me in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "All Students Achieving through Reform Act of 2010" or "All-STAR Act of 2010".

SEC. 2. CHARTER SCHOOL EXPANSION AND REPLICATION.

(a) IN GENERAL.—Subpart 1 of part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.) is amended—

- (1) by striking section 5212;
- (2) by redesignating section 5210 as section 5211; and
- (3) by inserting after section 5209 the following:

"SEC. 5210. CHARTER SCHOOL EXPANSION AND REPLICATION.

"(a) PURPOSE.—It is the purpose of this section to support State efforts to expand and replicate high-quality public charter schools to enable such schools to serve additional students, with a priority to serve those students who attend identified schools or schools with a low graduation rate.

"(b) SUPPORT FOR PROVEN CHARTER SCHOOLS AND INCREASING THE SUPPLY OF HIGH-QUALITY CHARTER SCHOOLS.—

"(1) GRANTS AUTHORIZED.—From the amounts appropriated under section 5200 for any fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to make subgrants to eligible public charter schools under subsection (e)(1) and carry out the other activities described in subsection (e), in order to allow the eligible public charter schools to serve additional students through the expansion and replication of such schools.

"(2) AMOUNT OF GRANTS.—In determining the grant amount to be awarded under this subsection to an eligible entity, the Secretary shall consider—

"(A) the number of eligible public charter schools under the jurisdiction or in the service area of the eligible entity that are operating;

"(B) the number of openings for new students that could be created in such schools with such grant;

"(C) the number of students eligible for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) who are on waiting lists for charter schools under the jurisdiction or in the service area of the eligible entity, and other information with respect to charter schools in such jurisdiction or the service area that suggest the interest of parents in charter school enrollment for their children;

"(D) the number of students attending identified schools or schools with a low graduation rate in the State or area where an eligible entity intends to replicate or expand eligible public charter schools; and

"(E) the success of the eligible entity in overseeing public charter schools and the likelihood of continued or increased success because of the grant under this section.

"(3) DURATION OF GRANTS.—A grant under this section shall be for a period of not more than 5 years, except that an eligible entity receiving such grant may, at the discretion of the Secretary, continue to expend grant funds after the end of the grant period.

"(c) APPLICATION REQUIREMENTS.—

"(1) APPLICATION REQUIREMENTS.—To be considered for a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS.—The application described in paragraph (1) shall include, at a minimum, the following:

"(A) RECORD OF SUCCESS.—Documentation of the record of success of the eligible entity in overseeing or operating public charter schools, including—

"(i) the performance of public charter school students on the academic assessments described in section 1111(b)(3) of the State where such schools are located, disaggregated by—

- "(I) economic disadvantage;
- "(II) race and ethnicity;
- "(III) disability status; and
- "(IV) status as a student with limited English proficiency;

"(ii) the status of such schools under section 1116 in making adequate yearly progress or as identified schools; and

"(iii) in the case of public charter schools that are secondary schools, the graduation rates and rates of college acceptance, enrollment, and persistence of students, where possible.

"(B) PLAN.—A plan for—

"(i) replicating and expanding eligible public charter schools operated or overseen by the eligible entity;

"(ii) identifying eligible public charter schools, or networks of eligible public charter schools, to receive subgrants under this section;

"(iii) increasing the number of openings in eligible public charter schools for students attending identified schools and schools with a low graduation rate;

"(iv) ensuring that eligible public charter schools receiving a subgrant under this section enroll students through a random lottery for admission, unless the charter school is using the subgrant to expand the school to serve additional grades, in which case such school may reserve seats in the additional grades for—

"(I) each student enrolled in the grade preceding each such additional grade;

"(II) siblings of students enrolled in the charter school, if such siblings desire to enroll in such grade; and

"(III) children of the charter school's founders, staff, or employees;

"(v)(I) in the case of an eligible entity described in subparagraph (A) or (C) of subsection (k)(4), the manner in which the eligible entity will work with identified schools and schools with a low graduation rate that are eligible to enroll students in a public charter school receiving a subgrant under this section and that are under the eligible entity's jurisdiction, and the local educational agencies serving such schools, to—

"(aa) engage in community outreach, provide information in a language that the parents can understand, and communicate with parents of students at identified schools and schools with a low graduation rate who are eligible to attend a public charter school receiving a subgrant under this section about the opportunity to enroll in or transfer to such school, in a manner consistent with section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'); and

"(bb) ensure that a student can transfer to an eligible public charter school if the public charter school such student was attending in the previous school year is no longer an eligible public charter school; and

"(II) in the case of an eligible entity described in subparagraph (B) or (D) of subsection (k)(4), the manner in which the eligible entity will work with the local educational agency to carry out the activities described in items (aa) and (bb) of subclause (I); and

"(vi) disseminating to public schools under the jurisdiction or in the service area of the eligible entity, in a manner consistent with section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'), the best practices, programs, or strategies learned by awarding subgrants to eligible public charter schools under this section, with particular emphasis on the best practices with respect to—

"(I) focusing on closing the achievement gap; or

"(II) successfully addressing the education needs of low-income students.

"(C) CHARTER SCHOOL INFORMATION.—The number of—

"(i) eligible public charter schools that are operating in the State in which the eligible entity intends to award subgrants under this section;

"(ii) public charter schools approved to open or likely to open during the grant period in such State;

"(iii) available openings in eligible public charter schools in such State that could be created through the replication or expansion of such schools if the grant is awarded to the eligible entity;

"(iv) students on public charter school waiting lists (if such lists are available) in—

"(I) the State in which the eligible entity intends to award subgrants under this section; and

"(II) each local educational agency serving an eligible public charter school that may receive a subgrant under this section from the eligible entity; and

"(v) students, and the percentage of students, in a local educational agency who are attending eligible public charter schools that may receive a subgrant under this section from the eligible entity.

“(D) TRADITIONAL PUBLIC SCHOOL INFORMATION.—In the case of an eligible entity that is a State educational agency or local educational agency, a list of the following schools under the jurisdiction of the eligible entity, including the name and location of each such school, the number and percentage of students under the jurisdiction of the eligible entity who are attending such school, and such demographic and socioeconomic information as the Secretary may require:

“(i) Identified schools.

“(ii) Schools with a low graduation rate.

“(E) ASSURANCE.—In the case of an eligible entity described in subsection (k)(4)(A), an assurance that the eligible entity will include in the notifications provided under section 1116(c)(6) to parents of each student enrolled in a school served by a local educational agency identified for school improvement or corrective action under paragraph (1) or (7) of section 1116(c), information (in a language that the parents can understand) about the eligible public charter schools receiving subgrants under this section.

“(d) PRIORITIES FOR AWARDED GRANTS.—

“(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority to an eligible entity that—

“(A) serves or plans to serve a large percentage of low-income students from identified schools or public schools with a low graduation rate;

“(B) oversees or plans to oversee one or more eligible public charter schools;

“(C) provides evidence of effective monitoring of the academic success of students who attend public charter schools under the jurisdiction of the eligible entity;

“(D) in the case of an eligible entity that is a local educational agency under State law, has a cooperative agreement under section 1116(b)(11); and

“(E) is under the jurisdiction of, or plans to award subgrants under this section in, a State that—

“(i) ensures that all public charter schools (including such schools served by a local educational agency and such schools considered to be a local educational agency under State law) receive, in a timely manner, the Federal, State, and local funds to which such schools are entitled under applicable law;

“(ii) does not have a cap that restricts the growth of public charter schools in the State;

“(iii) provides funding (such as capital aid distributed through a formula or access to revenue generated bonds, and including funding for school facilities) on a per-pupil basis to public charter schools commensurate with the amount of funding (including funding for school facilities) provided to traditional public schools;

“(iv) provides strong evidence of support for public charter schools and has in place innovative policies that support academically successful charter school growth;

“(v) authorizes public charter schools to offer early childhood education programs, including prekindergarten, in accordance with State law;

“(vi) ensures that each public charter school in the State—

“(I) has a high degree of autonomy over the public charter school's budget and expenditures;

“(II) has a written performance contract with an authorized public chartering agency that ensures that the school has an independent governing board with a high degree of autonomy; and

“(III) in the case of an eligible public charter school receiving a subgrant under this

section, amends its charter to reflect the growth activities described in subsection (e);

“(vii) has an appeals process for the denial of an application for a charter school;

“(viii) provides that an authorized public chartering agency that is not a local educational agency, such as a State chartering board, is available for each individual or entity seeking to operate a charter school pursuant to such State law;

“(ix) allows any public charter school to be a local educational agency in accordance with State law;

“(x) ensures that each authorized public chartering agency in the State submits annual reports to the State educational agency, and makes such reports available to the public, on the performance of the schools authorized or approved by such public chartering agency, which reports shall include—

“(I) the authorized public chartering agency's strategic plan for authorizing or approving public charter schools and any progress toward achieving the objectives of the strategic plan;

“(II) the authorized public chartering agency's policies for authorizing or approving public charter schools, including how such policies examine a school's—

“(aa) financial plan and policies, including financial controls and audit requirements;

“(bb) plan for identifying and successfully (in compliance with all applicable laws and regulations) serving students with disabilities, students who are English language learners, students who are academically behind their peers, and gifted students; and

“(cc) capacity and capability to successfully launch and subsequently operate a public charter school, including the backgrounds of the individuals applying to the agency to operate such school and any record of such individuals operating a school;

“(III) the authorized public chartering agency's policies for renewing, not renewing, and revoking a charter school's charter, including the role of student academic achievement in such decisions;

“(IV) the authorized public chartering agency's transparent, timely, and effective process for closing down academically unsuccessful public charter schools;

“(V) the academic performance of each operating public charter school authorized or approved by the authorized public chartering agency, including the information reported by the State in the State annual report card under section 1111(h)(1)(C) for such school;

“(VI) the status of the authorized public chartering agency's charter school portfolio, by identifying all charter schools served by the public chartering agency in each of the following categories: approved (but not yet open), operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened;

“(VII) the authorizing functions (such as approval, monitoring, and oversight) performed by the authorized public chartering agency to the public charter schools authorized or approved by such agency, including an itemized accounting of the actual costs of such functions; and

“(VIII) the services purchased (such as accounting, transportation, and data management and analysis) from the authorized public chartering agency by the public charter schools authorized or approved by such agency, including an itemized accounting of the actual costs of such services; and

“(xi) has or will have (within 1 year after receiving a grant under this section) a State policy and process for overseeing and reviewing the effectiveness and quality of the

State's authorized public chartering agencies, including—

“(I) a process for reviewing and evaluating the performance of the authorized public chartering agencies in authorizing or approving charter schools, including a process that enables the authorized public chartering agencies to respond to any State concerns; and

“(II) any other necessary policies to ensure effective charter school authorizing in the State in accordance with the principles of quality charter school authorizing, as determined by the State in consultation with the charter school community and stakeholders.

“(2) SPECIAL RULE.—In awarding grants under this section, the Secretary may determine how the priorities described in paragraph (1) will apply to the different types of eligible entities defined in subsection (k)(4).

“(e) USE OF FUNDS.—An eligible entity receiving a grant under this section shall use the grant funds for the following:

“(1) SUBGRANTS.—

“(A) IN GENERAL.—To award subgrants, in such amount as the eligible entity determines is appropriate, to eligible public charter schools to replicate or expand such schools.

“(B) APPLICATION.—An eligible public charter school desiring to receive a subgrant under this subsection shall submit an application to the eligible entity at such time, in such manner, and containing such information as the eligible entity may require.

“(C) USES OF FUNDS.—An eligible public charter school receiving a subgrant under this subsection shall use the subgrant funds to provide for an increase in the school's enrollment of students through the replication or expansion of the school, which may include use of funds to—

“(i) support the physical expansion of school buildings, including financing the development of new buildings and campuses to meet increased enrollment needs;

“(ii) pay costs associated with hiring additional teachers to serve additional students;

“(iii) provide transportation to additional students to and from the school, including providing transportation to students who transfer to the school under a cooperative agreement established under section 1116(b)(11);

“(iv) purchase instructional materials, implement teacher and principal professional development programs, and hire additional non-teaching staff; and

“(v) support any necessary activities associated with the school carrying out the purposes of this section.

“(D) PRIORITY.—In awarding subgrants under this subsection, an eligible entity shall give priority to an eligible public charter school—

“(i) that has significantly closed any achievement gap on the State academic assessments described in section 1111(b)(3) among the groups of students described in section 1111(b)(2)(C)(v) by improving scores;

“(ii) that—

“(I) ranks in at least the top 25th percentile of the schools in the State, as ranked by the percentage of students in the proficient or advanced level of achievement on the State academic assessments in mathematics and reading or language arts described in section 1111(b)(3); or

“(bb) has an average student score on an examination (chosen by the Secretary) that is at least in the 60th percentile in reading and at least in the 75th percentile in mathematics; and

“(II) serves a high-need student population and is eligible to participate in a schoolwide

program under section 1114, with additional priority given to schools that serve, as compared to other schools that have submitted an application under this subsection—

“(aa) a greater percentage of low-income students; and

“(bb) a greater percentage of not less than 2 groups of students described in section 1111(b)(2)(C)(v)(II); and

“(iii) that meets the criteria described in clause (i) and serves low-income students who have transferred to such school under a cooperative agreement described in section 1116(b)(11).

“(E) DURATION OF SUBGRANT.—A subgrant under this subsection shall be awarded for a period of not more than 5 years, except that an eligible public charter school receiving a subgrant under this subsection may, at the discretion of the eligible entity, continue to expend subgrant funds after the end of the subgrant period.

“(2) FACILITY FINANCING AND REVOLVING LOAN FUND.—An eligible entity may use not more than 25 percent of the amount of the grant funds received under this section to establish a reserve account described in subsection (f) to facilitate public charter school facility acquisition and development by—

“(A) conducting credit enhancement initiatives (as referred to in subpart 2) in support of the development of facilities for eligible public charter schools serving students;

“(B) establishing a revolving loan fund for use by an eligible public charter school receiving a subgrant under this subsection from the eligible entity under such terms as may be determined by the eligible entity to allow such school to expand to serve additional students;

“(C) facilitating, through direct expenditure or financing, the acquisition or development of public charter school buildings by the eligible entity or an eligible public charter school receiving a subgrant under this subsection from the eligible entity, which may be used as both permanent locations for eligible public charter schools or incubators for growing charter schools; or

“(D) establishing a partnership with 1 or more community development financial institutions (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)) or other mission-based financial institutions to carry out the activities described in subparagraphs (A), (B), and (C).

“(3) ADMINISTRATIVE TASKS, DISSEMINATION ACTIVITIES, AND OUTREACH.—

“(A) IN GENERAL.—An eligible entity may use not more than 7.5 percent of the grant funds awarded under this section to cover administrative tasks, dissemination activities, and outreach.

“(B) NONPROFIT ASSISTANCE.—In carrying out the administrative tasks, dissemination activities, and outreach described in subparagraph (A), an eligible entity may contract with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code (26 U.S.C. 501(a)).

“(f) RESERVE ACCOUNT.—

“(1) IN GENERAL.—To assist eligible entities in the development of new public charter school buildings or facilities for eligible public charter schools, an eligible entity receiving a grant under this section may, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the amount of funds described in subsection (e)(2) in a reserve account established and maintained by the eligible entity.

“(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under this subsection shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this subsection shall be deposited in the reserve account established under this section and used in accordance with the purpose described in subsection (a).

“(4) RECOVERY OF FUNDS.—

“(A) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(i) all funds in a reserve account established by an eligible entity under this subsection if the Secretary determines, not earlier than 2 years after the date the eligible entity first received funds under this section, that the eligible entity has failed to make substantial progress carrying out the purpose described in paragraph (1); or

“(ii) all or a portion of the funds in a reserve account established by an eligible entity under this subsection if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of funds in such account to accomplish the purpose described in paragraph (1).

“(B) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided under subparagraph (A) to collect from any eligible entity any funds that are being properly used to achieve such purpose.

“(C) PROCEDURES.—Sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subparagraph (A).

“(D) CONSTRUCTION.—This paragraph shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

“(5) REALLOCATION.—Any funds collected by the Secretary under paragraph (4) shall be awarded to eligible entities receiving grants under this section in the next fiscal year.

“(g) FINANCIAL RESPONSIBILITY.—The financial records of each eligible entity and eligible public charter school receiving a grant or subgrant, respectively, under this section shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

“(h) NATIONAL EVALUATION.—

“(1) NATIONAL EVALUATION.—From the amounts appropriated under section 5200, the Secretary shall conduct an independent, comprehensive, and scientifically sound evaluation, by grant or contract and using the highest quality research design available, of the impact of the activities carried out under this section on—

“(A) student achievement; and

“(B) other areas, as determined by the Secretary.

“(2) REPORT.—Not later than 4 years after the date of the enactment of the All Students Achieving through Reform Act of 2010, and biannually thereafter, the Secretary shall submit to Congress a report on the results of the evaluation described in paragraph (1).

“(i) REPORTS.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary the following:

“(1) REPORT.—A report that contains such information as the Secretary may require concerning use of the grant funds by the eligible entity, including the academic achievement of the students attending eligible pub-

lic charter schools as a result of the grant. Such report shall be submitted before the end of the 4-year period beginning on the date of enactment of the All Students Achieving through Reform Act of 2010 and every 2 years thereafter.

“(2) PERFORMANCE INFORMATION.—Such performance information as the Secretary may require for the national evaluation conducted under subsection (h)(1).

“(j) INAPPLICABILITY.—The provisions of sections 5201 through 5209 shall not apply to the program under this section.

“(k) DEFINITIONS.—In this section:

“(1) ADEQUATE YEARLY PROGRESS.—The term ‘adequate yearly progress’ has the meaning given such term in a State’s plan in accordance with section 1111(b)(2)(C).

“(2) ADMINISTRATIVE TASKS, DISSEMINATION ACTIVITIES, AND OUTREACH.—The term ‘administrative tasks, dissemination activities, and outreach’ includes costs and activities associated with—

“(A) recruiting and selecting students to attend eligible public charter schools;

“(B) outreach to parents of students enrolled in identified schools or schools with low graduation rates;

“(C) providing information to such parents and school officials at such schools regarding eligible public charter schools receiving subgrants under this section;

“(D) necessary oversight of the grant program under this section; and

“(E) initiatives and activities to disseminate the best practices, programs, or strategies learned in eligible public charter schools to other public schools operating in the State where the eligible entity intends to award subgrants under this section.

“(3) CHARTER SCHOOL.—The term ‘charter school’ means—

“(A) a charter school, as defined in section 5211(1); or

“(B) a school that meets the requirements of such section, except for subparagraph (D), and provides prekindergarten or adult education services.

“(4) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a State educational agency;

“(B) an authorized public chartering agency;

“(C) a local educational agency that has authorized or is planning to authorize a public charter school; or

“(D) an organization that has an organizational mission and record of success supporting the replication and expansion of high-quality charter schools and is—

“(i) described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)); and

“(ii) exempt from tax under section 501(a) of such Code (26 U.S.C. 501(a)).

“(5) ELIGIBLE PUBLIC CHARTER SCHOOL.—The term ‘eligible public charter school’ means a charter school, including a public charter school that is being developed by a developer, that—

“(A) has made adequate yearly progress for the last 2 consecutive school years; and

“(B) in the case of a public charter school that is a secondary school, has, for the most recent school year for which data is available, met or exceeded the graduation rate required by the State in order to make adequate yearly progress for such year.

“(6) IDENTIFIED SCHOOL.—The term ‘identified school’ means a school identified for school improvement, corrective action, or restructuring under paragraph (1), (7), or (8) of section 1116(b).

“(7) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ includes any

charter school that is a local educational agency, as determined by State law.

“(8) LOW-INCOME STUDENT.—The term ‘low-income student’ means a student eligible for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(9) GRADUATION RATE.—The term ‘graduation rate’ has the meaning given the term in section 1111(b)(2)(C)(vi), as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations.

“(10) SCHOOL YEAR.—The term ‘school year’ has the meaning given such term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

“(11) TRADITIONAL PUBLIC SCHOOL.—The term ‘traditional public school’ does not include any charter school, as defined in section 5211.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.) is amended—

(1) by striking section 5231; and

(2) by inserting before subpart 1 the following:

“SEC. 5200. AUTHORIZATION OF APPROPRIATIONS FOR SUBPARTS 1 AND 2.

“(a) IN GENERAL.—There are authorized to be appropriated to carry out subparts 1 and 2, \$700,000,000 for fiscal year 2011 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(b) ALLOCATION.—In allocating funds appropriated under this section for any fiscal year, the Secretary shall consider—

“(1) the relative need among the programs carried out under sections 5202, 5205, 5210, and subpart 2; and

“(2) the quality of the applications submitted for such programs.”.

(c) CONFORMING AMENDMENTS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 2102(2) (20 U.S.C. 6602(2)), by striking “5210” and inserting “5211”;

(2) in section 5204(e) (20 U.S.C. 7221c(e)), by striking “5210(1)” and inserting “5211(1)”;

(3) in section 5211(1) (as redesignated by subsection (a)(1)) (20 U.S.C. 7221i(1)), by striking “The term” and inserting “Except as otherwise provided, the term”;

(4) in section 5230(1) (20 U.S.C. 7223i(1)), by striking “5210” and inserting “5211”; and

(5) in section 5247(1) (20 U.S.C. 7225f(1)), by striking “5210” and inserting “5211”.

(d) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 is amended—

(1) by inserting before the item relating to subpart 1 of part B of title V the following:

“Sec. 5200. Authorization of appropriations for subparts 1 and 2.”;

(2) by striking the items relating to sections 5210 and 5211; and

(3) by inserting after the item relating to section 5209 the following:

“Sec. 5210. Charter school expansion and replication.

“Sec. 5211. Definitions.”.

By Ms. SNOWE (for herself, Mr. CARDIN, and Ms. LANDRIEU):

S. 3444. A bill to require small business training for contracting officers; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise today, during National

Small business Week, along with my colleague Senator CARDIN, to introduce the Small Business Training in Federal Contracting Certification Act. This vital piece of legislation builds upon the Small Business Contracting Revitalization Act, S. 2989, which passed unanimously out of the Small Business Committee on March 4, and would require the development of small business training for contracting officials. The bill we introduce today would take an additional step by requiring contracting officials to successfully complete small business training prior to receiving certification in Federal contracting.

During these devastating economic times, with small business owners struggling to retain jobs, much less create new jobs, it is paramount that small businesses have a fair opportunity to contract with Federal Agencies, because the Federal Government is the largest buyer of goods and services in the world, spending over \$500 billion in fiscal year 2009 alone. I remain frankly dismayed by the myriad ways the Federal Government has time and again egregiously failed to meet its statutory, government-wide small business “goal” requirements that 23 percent of all Federal procurement dollars must be allocated to small contracting firms. This legislation would help the Federal Government to meet—and even exceed—its 23 percent goal, because it would require investing time and training in contracting officials who make the ultimate determination on contract awards be trained in small business procurement issues.

Contracting officials have a great deal of responsibility. They provide the Federal government with expertise when buying goods and services to enable agencies to achieve their mission by fairly and reasonably obligating taxpayer dollars while simultaneously addressing our Nation’s socio-economic needs. I have heard from constituents and others in the contracting community that contracting officials do not understand their duty to provide opportunities to small businesses to the maximum extent practicable. So, it is imperative that we provide contracting officials the tools they need to bolster small business participation in Federal contracting—to include training on small business government contracting set-aside programs, understanding size standards and the North American Industry Classification System codes and how they apply to the contract award process, conducting market research, as well as all of the Small Business Administration’s resources and programs available to them.

Small businesses are the engine of our economy and in this time of economic hardship, the Federal Government must provide our Nation’s entrepreneurs with every opportunity to succeed. Federal contracting can be an

instrumental part of a larger strategy for broadening small businesses’ customer base and creating jobs. In my leadership capacity on the Senate Small Business Committee, I have long been a champion of removing barriers to small businesses seeking entry into the Federal marketplace. Through the years, I have introduced numerous bills that combat contract bundling, mandate recurrent small business size standard adjustments, ensure equal opportunity to compete for Federal contracts among the various socio-economic small businesses groups, and reduce fraud and abuse in SBA’s small business contracting programs.

The Federal Government’s inability to consistently meet all of its small business contracting goals is unjustifiable. Only one category of small business contracting goals—small disadvantaged businesses—has been met, while the goals for the three other programs—historically underutilized business zones, HUBZone, small businesses, women-owned small businesses, and service-disabled veteran-owned small businesses—has never been achieved. It is inconceivable as to why this remains a problem year after year, especially since contracts awarded using American Recovery and Reinvestment Act dollars have demonstrated that attainment of these goals is possible.

In conclusion, I believe that requiring certification training for Federal contracting officers will help the Government meet the statutory small business contracting goals and will increase small business access to Federal contracts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Training in Federal Contracting Certification Act of 2010”.

SEC. 2. SMALL BUSINESS TRAINING.

Section 37(f)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(f)) is amended—

(1) by striking “For each career path,” and inserting the following:

“(A) IN GENERAL.—For each career path,”; and

(2) by adding at the end the following:

“(B) CERTIFICATION PROGRAM.—

“(i) IN GENERAL.—The Administrator shall establish a certification program for acquisition personnel. The certification program shall be carried out through the Federal Acquisition Institute.

“(ii) SMALL BUSINESS TRAINING.—The certification program under this subparagraph shall include training regarding—

“(I) small business government contracting set-aside programs, including—

“(aa) programs for HUBZone small business concerns, small business concerns

owned and controlled by service-disabled veterans, and small business concerns owned and controlled by women (as those terms are defined in section 3 of the Small Business Act (15 U.S.C. 632));

“(bb) programs for socially and economically disadvantaged small business concerns (as defined in section 8(a) of the Small Business Act (15 U.S.C. 637(a))); and

“(cc) contracting under the Small Business Innovation Research Program and the Small Business Technology Transfer Program (as those terms are defined in section 9(e) of the Small Business Act (15 U.S.C. 638(e)));

“(II) determining small business size standards and using North American Industry Classification System codes in relation to contracting set-aside programs and sub-contracting goals; and

“(III) any other issue relating to contracting with small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) determined appropriate by the Administrator.”

By Mr. HATCH:

S. 3445. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain professional development and other expenses of elementary and secondary school teachers and for certain certification expenses of individuals becoming science, technology, engineering, or math teachers; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation designed to increase tax fairness for America's primary and secondary school teachers.

Our public school teachers are some of the unheralded heroes of our society. These women and men dedicate their careers to educating the young people of America. School teachers labor in often difficult and even dangerous circumstances. In most places, including in my home state of Utah, the salary of the average public school teacher is significantly below the national average.

For a variety of economic and organizational reasons, schools across the nation are experiencing difficulties in recruiting teachers—especially in the fields of math and science. There are at least two sources to this problem. First, schools are experiencing high levels of turnover related to retirement, relocation, and attrition. Second, there is an insufficient supply of new qualified math and science teachers coming in to the schools to compensate for the turnover.

As a result of these factors, 31 percent of secondary schools across the nation report difficulties in filling math and science faculty positions. This teacher recruitment problem is especially troubling because it disproportionately affects small schools in urban and rural areas, especially those with limited access to funding.

Unfortunately, the problems of retention and recruitment of public school teachers are exacerbated by the unfair tax treatment these professionals currently receive under our tax law. Spe-

cifically, teachers are greatly disadvantaged by the lack of deductibility of the total amount of out-of-pocket costs of classroom materials that practically all teachers find themselves supplying, as well as by the inability to deduct their professional development expenses. Let me explain.

As with many other professionals, most elementary and secondary school teachers regularly incur expenses to keep themselves current in their fields of knowledge. These include subscriptions to journals and other periodicals as well as the cost of courses and seminars designed to improve their knowledge or teaching skills. For example, in order to be certified by the National Board for Professional Teaching Standards, NBPTS, a teacher must pay a fee of \$2,500. Expenditures like these are necessary to keep our teachers up to date on the latest ideas, techniques, and trends so that they can provide our children with the best education possible.

Furthermore, almost all teachers find themselves spending not insignificant amounts of money to provide basic classroom materials for their students. Because of tight education budgets, most schools do not provide 100 percent of the material teachers need to adequately present their lessons. New teachers in their first and second years are especially susceptible to a large financial burden as they must start from scratch in establishing a curriculum and classroom for their students.

I realize that employees in many fields incur expenses for professional development and out-of-pocket expenses. In many cases, however, these costs are reimbursed by the employer. This is seldom the case with school teachers. Other professionals who are self-employed are generally able to fully deduct these types of expenses.

Under the current tax law, unreimbursed expenses for all employees are deductible generally, but only as miscellaneous itemized deductions. However, there are two practical hurdles that effectively make these expenses non-deductible for most teachers. The first hurdle is that the total amount of a taxpayer's deductible miscellaneous deductions must exceed 2 percent of gross income before they begin to be deductible.

The second hurdle is that the amount in excess of the 2 percent floor, if any, combined with all other deductions of the taxpayer, must exceed the standard deduction before the teacher can itemize. Only about one-third of taxpayers have enough deductions to itemize. The unfortunate effect of these two limitations is that, as a practical matter, only a small proportion of teachers are able to deduct their professional development and out-of-pocket supplies expenses.

Let me illustrate this unfair situation with an example. Let us consider

the case of a first-year teacher in Utah, whom we will refer to as Michelle. Michelle is newly married. She and her husband together expect to earn \$48,000 this year. As a brand-new teacher, Michelle has none of the classroom decorations, materials, or curriculum aides that veteran teachers have accumulated. In an effort to quickly collect some necessary items for her classroom, a new teacher like Michelle will probably spend close to \$1,500 of her own money. She will not be reimbursed for any of these expenses by the school district.

Under current law, Michelle's expenditures are deductible, subject to the two limitations I mentioned. The first limitation is that her expenses must exceed 2 percent of her and her husband's joint income before they begin to be deductible. Two percent of \$48,000 is \$960. Thus, only \$540 of her \$1,500 total expense is potentially deductible—that portion that exceeds \$960.

As a married taxpayer, Michelle's standard deduction this year is \$11,400. Her total itemized deductions, including the \$540 in qualified miscellaneous deductions for her professional expenses and out-of-pocket classroom supplies, will fall far short of the standard deduction threshold. Therefore, not even the \$540 of the original \$1,500 in out-of-pocket costs is deductible for Michelle. What the first limitation did not block, the second one did, and Michelle gets no deduction at all for these expenses under the current law.

The entry-level employees in the teaching field are the first- and second-year teachers like Michelle, who receive the lowest relative salary and yet often incur the greatest school-related expenses. These expenses place a heavy burden on our teachers and can act as a significant barrier to entry to the teaching profession. Many of these new teachers are renting and fresh out of college, and are thus very unlikely to be able to itemize their deductions. Therefore, without the ability to itemize, the teachers with the greatest need of tax relief are the ones least likely to receive it.

This problem is not isolated to first-year teachers. Veteran educators, like Kristen Adamson, also an elementary school teacher in Utah, have also expressed their concerns about this tax inequity. Kristen is preparing for a class of 35 fifth-graders next year—the most she's ever had. She, like most teachers, feels that it is her duty to provide all of her students with the materials they will need to successfully complete their school work. There are few careers that I know of in which employees take similar initiative.

This year, due to limited state funding, Kristen will be forced to choose between a class set of colored pencils or

a class set of crayons. Whatever the district does not provide, Kristen will be forced to purchase herself. Further, the school district provides only one notebook per student, but her pupils require a minimum of four each to organize their work. With 35 students, these costs can add up very quickly. Kristen typically does not have enough deductions to itemize and therefore, like most teachers, will receive little or no tax relief.

As you can see, public school educators are at a marked disadvantage under the current tax law, and they deserve better treatment. Not only is the situation morally unacceptable, it is aggravating to our teacher retention and recruitment problems.

I have been fighting to pass legislation that will help alleviate this longstanding problem for almost a decade. In 2001, I first introduced the Tax Equity for School Teachers Act. This legislation would have provided an unlimited tax deduction for the out-of-pocket expenses school teachers incur to acquire necessary training and materials.

Rather than being available only to those who are able to itemize their deductions, this bill would have made these expenses "above-the-line" deductions, meaning they would be deductible whether or not the teacher itemized on their tax return.

Unfortunately, only a part of this bill was enacted. The 2001 tax act included an above-the-line deduction for \$250 for the costs of classroom expenses. While this was a step in the right direction, it was essentially a symbolic gesture as teachers typically spend far more than \$250 on school-related expenses. This deduction has expired and has been renewed several times, but it expired again at the end of last year. It is not clear when Congress is going to extend it.

The bill I am introducing today would do three things. First, it would reinstate the above-the-line deduction for teachers' out-of-pocket expenses for classroom supplies, make it permanent, and remove the \$250 cap. Second, it would provide an unlimited deduction for the professional development expenses for school teachers. Finally, to assist in the recruitment of teachers in the most-needed fields, it would provide an unlimited deduction for the cost of professionals in the fields of math, science, and technology to certify to become public school teachers.

Under my bill, first-year teacher Michelle would be allowed to deduct all \$1,500 of her professional development and classroom supplies expenses, whether she itemized or not. Similarly, Kristen would be able to deduct all of the expenses she incurred to provide materials for her students. This would help provide tax equity and a measure of much-needed tax relief for scores of underpaid professionals. It would also help retain current public school teachers and attract new ones to the field.

Some might argue that such a generous deduction would be giving teachers preferential treatment. I disagree. Most organizations provide training and supplies for their employees that are fully deductible to the organization and non-taxable to the employee. Yet, public teachers pay for training out of their own pocket, as is the case with NBPTS certification.

Others may question the wisdom of my bill granting an unlimited tax deduction. Why not place a limit or cap on the amount that may be deducted, some might ask. Again, I respectfully disagree with such critics. It is important to keep in mind the difference between a tax deduction and a tax credit. My bill calls for tax deductions, which essentially act as a cost-sharing arrangement between the teacher and the government. Deductions reduce the amount of income that is subject to tax. A credit, on the other hand, is a dollar-for-dollar reduction in the amount of tax that is due.

With a tax deduction, a public school teacher is not receiving a cash subsidy or reimbursement for his or her expenses. Rather, he or she is merely obtaining a reduction in the amount of income that is taxed. Thus, the most benefit a teacher would receive under my bill would be a 35 percent reduction in the cost of professional development, supplies, or certification expenses. For the vast majority of teachers, the amount would be far less than 35 percent, because they are in lower tax brackets. This means that the teacher is still responsible for paying for the biggest portion of these costs. In other words, this bill does not provide an incentive for teachers to spend unnecessary funds; it simply provides a discount for teachers who use their common sense and spend their money appropriately. If anything, this deduction is not generous enough, but it would go a long way toward providing help for these dedicated professionals.

Support for mathematics and science education at all levels is necessary to improve the global competitiveness of the United States in science and energy technology. I endorse the efforts of some of my colleagues to encourage more of our best and brightest students who choose these fields of study. Support for qualified STEM teachers, Science, Technology, Engineering, and Mathematics, is equally important. If we are successful in increasing the supply of STEM students, we will need to take drastic measures to increase the already strained supply of STEM teachers. This bill would provide incentives for these professionals to enter the teaching profession by allowing expenses in connection with teacher licensing and certification to be fully deductible, above the line, the same as professional development and supplies expenses of teaching professionals.

This bill would provide modest tax relief for teachers who, for too long,

have been treated unfairly under our tax laws. It would alleviate significant barriers to entry to the teaching profession and would help solve some of our teacher recruitment and retention problems. Our teachers deserve whatever help we can provide. It is time that Congress recognized this unfairness and corrected it. I thank the Senate for the opportunity to address this issue today, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Equity for School Teachers Act of 2010".

SEC. 2. DEDUCTION FOR CERTAIN PROFESSIONAL DEVELOPMENT EXPENSES AND CLASSROOM SUPPLIES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS AND FOR CERTAIN CERTIFICATION EXPENSES OF SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH TEACHERS.

(a) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain expenses of elementary and secondary school teachers) is amended to read as follows:

"(D) CERTAIN PROFESSIONAL DEVELOPMENT EXPENSES, CLASSROOM SUPPLIES, AND OTHER EXPENSES FOR ELEMENTARY AND SECONDARY TEACHERS.—The sum of the deductions allowed by section 162 with respect to the following expenses:

"(i) Expenses paid or incurred by an eligible educator in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.

"(ii) Expenses paid or incurred by an eligible educator which constitute qualified professional development expenses.

"(iii) Expenses which are related to the initial certification of an individual (in the individual's State licensing system) as a qualified science, technology, engineering or math teacher."

(b) DEFINITIONS AND SPECIAL RULES.—Section 62(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by redesignating paragraph (2) as paragraph (5) and by adding after paragraph (1) the following new paragraphs:

"(2) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—For purposes of subsection (a)(2)(D)—

"(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction.

"(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

"(i) is—

“(I) directly related to the curriculum and academic subjects in which an eligible educator provides instruction,

“(II) designed to enhance the ability of an eligible educator to understand and use State standards for the academic subjects in which such teacher provides instruction, or

“(III) designed to enable an eligible educator to meet the highly qualified teacher requirements under the No Child Left Behind Act of 2001,

“(ii) may provide instruction to an eligible educator—

“(I) in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

“(II) in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

“(iii) is tied to the ability of an eligible educator to enable students to meet challenging State or local content standards and student performance standards,

“(iv) is tied to strategies and programs that demonstrate effectiveness in assisting an eligible educator in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible educator, and

“(v) is part of a program of professional development for eligible educators which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

“(C) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subsection.

“(3) QUALIFIED SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH TEACHER.—For purposes of subsection (a)(2)(D), the term ‘qualified science, technology, engineering, or math teacher’ means, with respect to a taxable year, an individual who—

“(A) has a bachelor’s degree or other advanced degree in a field related to science, technology, engineering, or math,

“(B) was employed as a nonteaching professional in a field related to science, technology, engineering, or math for not less than 3 taxable years during the 10-taxable-year period ending with the taxable year,

“(C) is certified as a teacher of science, technology, engineering, or math in the individual’s State licensing system for the first time during such taxable year, and

“(D) is employed at least part-time as a teacher of science, technology, engineering, or math in an elementary or secondary school during such taxable year.

“(4) EXEMPTION FROM MINIMUM EDUCATION OR NEW TRADE OR BUSINESS EXCEPTION.—For purposes of applying subsection (a)(2)(D) and this subsection, the determination as to whether qualified professional development expenses, or expenses for the initial certification described in subsection (a)(2)(D)(iii), are deductible under section 162 shall be made without regard to any disallowance of such a deduction under such section for such expenses because such expenses are necessary to meet the minimum educational requirements for qualification for employment or qualify the individual for a new trade or business.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

By Mr. UDALL of New Mexico:

S. 3446. A bill to amend the Child Nutrition Act of 1966 to advance the health and wellbeing of schoolchildren in the United States through technical assistance, training, and support for healthy school foods, local wellness policies, and nutrition promotion and education, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. UDALL of New Mexico. Mr. President, I rise today to express support for S. 3307, the Healthy, Hunger-Free Kids Act of 2010, and to introduce two pieces of legislation that I hope will be included in the final reauthorization of the Child Nutrition Act that is passed by this body.

I commend Chairman LINCOLN and Ranking Member CHAMBLISS for their successful efforts to produce a bipartisan and fully paid for Child Nutrition Reauthorization bill—a bill that won unanimous support in the Agriculture Committee where it passed this past March.

The Healthy, Hunger-Free Kids Act of 2010 is critically important to the health, well-being, and even education of our nation’s children. It seeks to confront the challenges of hunger and obesity that are increasingly pervasive in our youth. Specifically, the act reauthorizes our nation’s major Federal child nutrition programs administered by the U.S. Department of Agriculture, USDA, including the National School Lunch and Breakfast Programs, the Special Supplemental Nutrition Program for Women, Infants and Children, WIC, the Child and Adult Care Food Program and the Summer Food Service Program.

Totalling \$4.5 billion in additional funding over the next 10 years, the Healthy, Hunger-Free Kids Act is the largest new investment in child nutrition programs since their inception—and it is completely paid for by off-sets in other USDA programs. This added funding will allow for an increase in reimbursement rates for school meals, which is an important provision since current reimbursement rates fall short of the funding schools need in order to provide nutritious meals with fresh fruits and vegetables to students. The bill also makes mandatory the funding authorized in the Child Nutrition Act to help schools establish school gardens and source local foods through “farm to cafeteria” efforts.

Beyond funding, the Healthy, Hunger-Free Kids Act makes enrollment into the free school meals program automatic for foster children and for students already enrolled in Medicaid. The bill further promotes the establishment of school wellness policies, and allows the USDA to set school nutrition standards for all foods, including those sold a la carte, in vending machines and during special events such as afterschool sports.

While this bill, combined with the President’s request of \$10 billion for child nutrition programs over the next 10 years, represents a huge step toward a healthier population of young people, I believe there is room for even more improvement. To this end, I am today introducing the Child Nutrition Enhancement Act, and the Ensuring All Students Year-Round, EASY, Access to Meals and Snacks Act. These two bills will help schools ramp up their nutrition and health programs, and ensure that kids have access to food, even on weekends and holidays when they cannot get meals at school. These bills also enjoy House support, with Representatives POLIS and LARSEN already having introduced companions in that chamber.

The Child Nutrition Enhancement Act would expand the Team Nutrition Networks program, a USDA program that provides grants to school districts to support State Wellness and Nutrition Networks in schools that conduct nutrition education and enhance school wellness. To allow this expansion, the bill includes mandatory funding at a level of 1 cent per reimbursable meal through National School Lunch Program, Child and Adult Care Food Program, and Summer Food Service Program, totaling approximately \$70 million per year. Such funding would be used for State staff and programs, formula-based grants and USDA administration.

The Ensuring All Students Year-round Access to Meals and Snacks Act would allow local government agencies and private nonprofit organizations to feed children meals and snacks 365 days-a-year through the Summer Food Service Program, whether it be after school, on weekends and school holidays, or during the summer. School supplemental food providers find that children often go hungry on weekends and school holidays because their main source of nutrition is the free school lunch program. This bill would allow food service programs to fill in the gaps on holidays and weekends when kids are likely to miss meals, and ease the administrative burden of food service programs by allowing year round meals and snacks through the Summer Food Service Program, rather the current requirement to switch back and forth between the Summer Food Service Program and other child nutrition programs such as the Child and Adult Care Food Program.

With September 30th as the looming deadline for reauthorization of the Child Nutrition Act, I call on my colleagues and the leadership in the Senate to expedite the debate and passage of the Healthy, Hunger-Free Kids Act. I look forward to working with the Agriculture Committee and the Senate leadership to include the Child Nutrition Enhancement Act, and the EASY Access to Meals and Snacks Act in the

final bill, and to complete the legislative process for this important reauthorization.

By Mr. AKAKA:

S. 3447. A bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am introducing today the proposed Post-9/11 Veterans Educational Assistance Improvements Act of 2010. This measure is designed to make a number of modifications to the new program of educational assistance which became effective on August 1, 2009.

As one of three remaining Senators who benefited from the original GI Bill following World War II, I know firsthand the value of an education and of the critical role that this important veterans benefit played in my life. That was why I was especially pleased to join with the distinguished Senator from Virginia, Mr. WEBB, in achieving enactment of the new Post-9/11 GI Bill in 2008.

Now, with ten months of experience under the new program, I believe it is time to look at what improvements and modifications need to be made in order for the program to reach its potential. I note at the outset that this will not be a simple process. Nor will it be quickly and easily accomplished. There are issues that we can readily see need to be addressed. There are others, however, that are only just now coming to our attention as the program is implemented and veterans, servicemembers, and their families begin to receive benefits under the program.

I will highlight some of the provisions that are contained in the bill I am introducing today:

It would make members of the National Guard and Reserve programs who were inadvertently omitted from inclusion fully eligible for benefits.

It would make all types of training—including vocational programs, OJT and apprenticeship training, flight, all types of non-college degree training and more—eligible for benefits under the new program. By doing this, individuals would not need to make an irreversible decision as to whether or not to receive benefits under the old Montgomery GI Bill or under the new program.

It would eliminate the complicated, confusing and, in some cases, inequitable calculation of State-by-State tuition and fee caps to determine benefits for individuals enrolled in degree programs. Basically, it would provide that eligible individuals enrolled in degree-granting programs of study at public institutions anywhere in the United States would pay little, if any, out of pocket costs for their education. For

students enrolled in other institutions of higher learning, benefits would be paid based on a national average cost of education which would be indexed and increased annually.

It would provide for a modified living allowance to be paid in the case of an individual pursuing a program of education solely through distance learning. Individuals who currently are studying through a combination of distance and classroom training would continue to receive benefits as they do now.

It would make a book allowance award of up to \$1,000 available to individuals enrolled while on active duty and their spouses.

It would allow individuals enrolled in VA's program of rehabilitation and training under chapter 31 of title 38 who also have eligibility for the new chapter 33 program to elect the program from which to receive their subsistence allowance. This would mean that a service-connected disabled OEF/OIF veteran would not need to elect to training under the new GI Bill and forego the valuable counseling and support services available under chapter 31 in order to receive an increased living allowance.

It would modify the manner in which the living allowance is calculated to reflect the rate at which training is pursued.

It would ensure that the same period of active duty cannot be used to establish eligibility for more than one program of education.

This is not a complete recitation of all the provisions contained in the measure I am introducing today. In addition, I do not expect that every provision of the measure will necessarily be supported by all the stakeholders involved in this important issue. Indeed, I imagine there could be some who will be critical of some provisions in the proposal and will come forward to offer improvements and modifications.

What my measure is intended to do, is to serve as a starting point to move forward in this important yet very complicated and complex endeavor. I strongly believe that whatever is done in this connection must not be done in a piecemeal manner. We need a full and deliberative consideration of all the issues in order to craft the best possible approach to delivering these important benefits to our Nation's veterans and those who are serving in uniform.

I look forward to working with all our colleagues and others on these issues in the days ahead. As I noted, this will not be done quickly or easily but this measure will serve as a focus for our discussions and decisions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Post-9/11 Veterans Educational Assistance Improvements Act of 2010".

SEC. 2. MODIFICATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) MODIFICATION OF DEFINITIONS THAT CONCERN ELIGIBILITY FOR EDUCATIONAL ASSISTANCE.—

(1) MODIFICATION OF DEFINITION OF ACTIVE DUTY WITH RESPECT TO MEMBERS OF RESERVE COMPONENTS GENERALLY.—Paragraph (1)(B) of section 3301 of title 38, United States Code, is amended by striking "of title 10." and inserting the following: "of title 10—

"(i) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components of the Armed Forces; or

"(ii) in support of a contingency operation (as defined in section 101(a) of title 10)."

(2) EXPANSION OF DEFINITION OF ACTIVE DUTY TO INCLUDE SERVICE IN NATIONAL GUARD FOR CERTAIN PURPOSES.—Paragraph (1) of such section is amended by adding at the end the following new subparagraph:

"(C) In the case of a member of the Army National Guard of the United States or Air National Guard of the United States, in addition to service described in subparagraph (B), full-time service—

"(i) in the National Guard of a State for the purpose of organizing, administering, recruiting, instructing, or training the National Guard; and

"(ii) in the National Guard under section 502(f) of title 32 when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.";

(3) EXPANSION OF DEFINITION OF ENTRY LEVEL AND SKILL TRAINING TO INCLUDE ONE STATION UNIT TRAINING.—Paragraph (2)(A) of such section is amended by inserting "or One Station Unit Training" before the period at the end.

(b) CLARIFICATION OF APPLICABILITY OF HONORABLE SERVICE REQUIREMENT FOR CERTAIN DISCHARGES AND RELEASES FROM THE ARMED FORCES AS BASIS FOR ENTITLEMENT TO EDUCATIONAL ASSISTANCE.—Section 3311(c)(4) of such title is amended in the matter preceding subparagraph (A) by striking "A discharge or release from active duty in the Armed Forces" and inserting "A discharge or release from active duty in the Armed Forces after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service".

(c) EXCLUSION OF PERIOD OF SERVICE ON ACTIVE DUTY OF PERIODS OF SERVICE IN CONNECTION WITH ATTENDANCE AT THE COAST GUARD ACADEMY.—Section 3311(d)(2) of such title is amended by inserting "or section 182 of title 14" before the period at the end.

SEC. 3. MODIFICATION OF AMOUNT OF ASSISTANCE AND TYPES OF APPROVED PROGRAMS OF EDUCATION.

(a) AMOUNT OF EDUCATIONAL ASSISTANCE FOR PROGRAMS OF EDUCATION PURSUED AT PUBLIC, NON-PUBLIC, AND FOREIGN INSTITUTIONS OF HIGHER LEARNING.—Section 3313(c) of title 38, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: "PROGRAMS OF EDUCATION AT INSTITUTIONS OF HIGHER LEARNING PURSUED AT MORE THAN HALF-TIME BASIS.—";

(2) in the matter preceding paragraph (1) by inserting "at an institution of higher

learning (as defined in section 3452(f) of this title)" after "program of education"; and

(3) in paragraph (1), by amending subparagraph (A) to read as follows:

"(A) An amount equal to—

"(i) in the case that such institution is a public institution of higher learning, the established charges for the program of education; and

"(ii) in the case that such institution is a non-public or foreign institution of higher learning, the lesser of—

"(I) the established charges for the program of education; or

"(II) the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year."

(b) MODIFICATION OF AMOUNT OF MONTHLY STIPENDS, INCLUDING STIPENDS FOR PART-TIME STUDY, DISTANCE LEARNING, AND PURSUIT OF PROGRAMS OF EDUCATION AT FOREIGN INSTITUTIONS OF HIGHER LEARNING.—Subparagraph (B) of section 3313(c)(1) of such title is amended—

(1) by redesignating clause (ii) as clause (iv); and

(2) by striking clause (i) and inserting the following new clauses:

"(i) Except as provided in clauses (ii) and (iii), for each month the individual pursues the program of education, a monthly housing stipend amount equal to the product of—

"(I) the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher learning at which the individual is enrolled, multiplied by

"(II) the lesser of one or the quotient of—

"(aa) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

"(bb) the minimum number of course hours required for full-time pursuit of such program of education.

"(ii) In the case of an individual pursuing a program of education at a foreign institution of higher learning, for each month the individual pursues the program of education, a monthly housing stipend amount equal to the product of—

"(I) the national average of the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5, multiplied by

"(II) the lesser of one or the quotient of—

"(aa) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

"(bb) the minimum number of course hours required for full-time pursuit of such program of education.

"(iii) In the case of an individual pursuing a program of education through distance learning on more than a half-time basis, a monthly housing stipend amount in an amount equal to 50 percent of the amount payable under clause (ii) if the individual were otherwise entitled to a monthly housing stipend under that clause for pursuit of the program of education."

(c) EDUCATIONAL ASSISTANCE FOR APPROVED PROGRAMS OF EDUCATION AT INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGHER LEARNING.—

(1) APPROVED PROGRAMS OF EDUCATION AT INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGHER LEARNING.—Subsection (b) of section 3313 of such title is amended by striking "is offered by an institution of higher learning (as that term is defined in section 3452(f)) and".

(2) ASSISTANCE FOR PURSUIT OF PROGRAMS OF EDUCATION AT INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGHER LEARNING.—Such section is further amended—

(A) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(B) by inserting after subsection (f) the following new subsection (g):

"(g) PROGRAMS OF EDUCATION PURSUED AT INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGHER LEARNING.—

"(1) IN GENERAL.—Educational assistance is payable under this chapter for pursuit of an approved program of education at an institution other than an institution of higher learning.

"(2) AMOUNT OF ASSISTANCE.—The amounts of educational assistance payable under this chapter to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education at an institution other than an institution of higher learning (as defined in section 3452(f) of this title) are amounts as follows:

"(A) In the case of an individual enrolled in a program of education (other than a program described in subparagraphs (B) through (D)) in pursuit of a certificate or other non-college degree, amounts as follows:

"(i) The lesser of—

"(I) the established charges for the program of education; or

"(II) the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.

"(ii) A monthly stipend in an amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution at which the individual is enrolled.

"(B) In the case of an individual enrolled in a program of education consisting of on-job training or a program of apprenticeship, amounts as follows:

"(i) For each month the individual pursues the program—

"(I) in the first six-month period of the program, an amount equal to 75 percent of 1/12 of the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year;

"(II) in the second six-month period of the program, an amount equal to 55 percent of 1/12 of the amount of such average; and

"(III) in any month after the first 12 months of such program, an amount equal to 35 percent of 1/12 of the amount of such average.

"(ii) A monthly stipend in an amount equal to the lesser of—

"(I) the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents

in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the employer at which the individual pursues such program; or

"(II) the national average of the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5.

"(C) In the case of an individual enrolled in a program of education consisting of flight training, an amount equal to the lesser of—

"(i) the established charges for the program of education; or

"(ii) 60 percent of the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.

"(D) In the case of an individual enrolled in a program of education that is pursued exclusively by correspondence, an amount equal to the lesser of—

"(i) the established charges for the program of education; or

"(ii) 55 percent of the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.

"(3) CHARGE AGAINST ENTITLEMENT.—The entitlement of an individual to educational assistance under this chapter shall be charged at the rate of one month for each month of assistance provided under this subsection."

(3) CONFORMING AMENDMENT.—Subsection (h) of such section 3313, as redesignated by paragraph (2) of this subsection, is amended by striking "(e)(2), and (f)(2)(A)" and inserting "subsections (e)(2) and (f)(2)(A), and subparagraphs (A)(i), (B)(i), (C), and (D) of subsection (g)(2)".

(d) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—

(1) IN GENERAL.—Subsection (e)(2) of such section is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) in the matter preceding clause (i), as redesignated by subparagraph (A)—

(i) by striking "The amount" and inserting "The amounts"; and

(ii) by striking "is the lesser of—" and inserting "are the amounts as follows:

"(A) An amount equal to the lesser of—" and

(C) by adding at the end the following new subparagraph (B):

"(B) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

"(i) \$1,000, multiplied by

"(ii) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes."

(2) TECHNICAL AMENDMENT.—Clause (ii) of subsection (e)(2)(A) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by adding a period at the end.

SEC. 4. MODIFICATION OF ASSISTANCE FOR LICENSURE AND CERTIFICATION TESTS.

(a) **REPEAL OF LIMITATION ON NUMBER OF REIMBURSABLE TESTS.**—Subsection (a) of section 3315 of title 38, United States Code, is amended by striking “one licensing or certification test” and inserting “licensing or certification tests”.

(b) **CHARGE OF ENTITLEMENT FOR RECEIPT OF ASSISTANCE.**—Such section is further amended by striking subsection (c) and inserting the following new subsection (c):

“(c) **CHARGE AGAINST ENTITLEMENT.**—The charge against entitlement of an individual under this chapter for payment for a licensing or certification test under subsection (a) shall be charged at the rate of one month for each amount equal to 1/12 of the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.”.

SEC. 5. TRANSFER OF ENTITLEMENT TO SUPPLEMENTAL EDUCATIONAL ASSISTANCE TO POST-9/11 EDUCATIONAL ASSISTANCE.

(a) **IN GENERAL.**—Section 3316 of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **TRANSFER OF SUPPLEMENTAL EDUCATIONAL ASSISTANCE.**—

“(1) **IN GENERAL.**—An individual entitled to supplemental educational assistance under subchapter III of chapter 30 of this title may transfer such entitlement to entitlement for supplemental educational assistance under this section. Such individual shall receive entitlement to one month of supplemental educational assistance under this section for each month of entitlement to supplemental educational assistance so transferred.

“(2) **RATE.**—The monthly rate of supplemental educational assistance payable to an individual who transfers entitlement under paragraph (1) shall be payable at the same rate as such entitlement would otherwise be payable to such individual under subchapter III of chapter 30 of this title.

“(3) **NATURE OF TRANSFERRED ENTITLEMENT.**—An amount of supplemental educational assistance transferred under paragraph (1) shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section 3313(c) (as applicable).”.

(b) **CLARIFICATION ON REIMBURSEMENT OF INCREASED OR SUPPLEMENTAL ASSISTANCE.**—Such section is further amended by inserting after subsection (c), as added by subsection (a)(2) of this section, the following new subsection (d):

“(d) **REIMBURSEMENT.**—Any expense incurred by the Secretary for the provision of increased assistance or supplemental assistance to an individual under this section shall be reimbursed by the Secretary concerned.”.

SEC. 6. TRANSFER OF UNUSED EDUCATION BENEFITS TO FAMILY MEMBERS.

(a) **ADMINISTRATION OF TRANSFERS OF ENTITLEMENT BY INDIVIDUALS NO LONGER MEMBERS OF THE ARMED FORCES.**—Section 3319(h) of title 38, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

“(7) **ADMINISTRATION FOR INDIVIDUALS NO LONGER MEMBERS OF THE ARMED FORCES.**—The Secretary of Defense shall administer the provisions of this section with respect to individuals who are discharged or released from the Armed Forces, including the making of any determinations of eligibility of such individuals for transfers of entitlement under this section and the processing of applications to transfer, modify, or revoke entitlement under this section.”.

(b) **APPLICABILITY OF ENTITLEMENT AUTHORITY TO MEMBERS OF PUBLIC HEALTH SERVICE AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**—Section 3319 of such title is amended by striking subsection (k).

(c) **REIMBURSEMENT OF EXPENSES OF SECRETARY OF VETERANS AFFAIRS BY SECRETARY CONCERNED.**—Such section is further amended by adding at the end the following new subsection (k):

“(k) **REIMBURSEMENT OF EXPENSES OF SECRETARY OF VETERANS AFFAIRS BY SECRETARY CONCERNED.**—Any expense incurred by the Secretary for the provision of educational assistance under subsection (a) to a dependent described in such subsection shall be reimbursed by the Secretary concerned.”.

(d) **TECHNICAL CORRECTION.**—Subsection (b)(2) of such section is amended by striking “to section (k)” and inserting “to subsection (j)”.

SEC. 7. LIMITATIONS ON RECEIPT OF EDUCATIONAL ASSISTANCE UNDER NATIONAL CALL TO SERVICE AND OTHER PROGRAMS OF EDUCATIONAL ASSISTANCE.

(a) **BAR TO DUPLICATION OF EDUCATIONAL ASSISTANCE BENEFITS.**—Section 3322(a) of title 38, United States Code, is amended by inserting “or section 510” after “or 1607”.

(b) **LIMITATION ON CONCURRENT RECEIPT OF EDUCATIONAL ASSISTANCE.**—Section 3681(b)(2) of such title is amended by inserting “and section 510” after “and 107”.

SEC. 8. APPROVAL OF PROGRAMS OF EDUCATION CONSISTING OF DISTANCE LEARNING.

(a) **NONACCREDITED COURSES PURSUED BY DISTANCE LEARNING.**—Section 3676(e) of title 38, United States Code, is amended by inserting “or distance learning” after “independent study”.

(b) **DISAPPROVAL OF ENROLLMENT IN NON-ACCREDITED COURSES OF DISTANCE LEARNING.**—Section 3680A(a)(4) of such title is amended by inserting “or distance learning” after “independent study” each place it appears.

(c) **RULEMAKING.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations under section 3323(c) of such title for the administration and approval of programs of education that consist of distance learning.

(d) **DISTANCE LEARNING DEFINED.**—In this section, the term “distance learning” has the meaning given the term “distance education” in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

SEC. 9. INCREASE IN AMOUNT OF REPORTING FEE.

Section 3684(c) of title 38, United States Code, is amended—

(1) by striking “multiplying \$7” and inserting “multiplying \$12”; and

(2) by striking “or \$11” and inserting “or \$15”.

SEC. 10. AMOUNT OF SUBSISTENCE ALLOWANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 3108(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4) A veteran entitled to subsistence allowance under this chapter may elect to receive payment from the Secretary, in lieu of an amount otherwise determined by the Secretary under this subsection, an amount equal to the national average of the monthly amount of basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5.”.

SEC. 11. REPEAL OF AUTHORITY TO MAKE CERTAIN INTERVAL PAYMENTS.

Section 3680(a) of title 38, United States Code, is amended after the flush matter—

(1) in subparagraph (A), by adding “or” at the end;

(2) in subparagraph (B), by striking “; or” and inserting a period; and

(3) by striking subparagraph (C).

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 3450. A bill to require publicly traded coal companies to include certain safety records in their reports to the Commission, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, it is time to take mining companies' safety records out of the darkness and bring some much-needed transparency and accountability to the industry.

Today, I am introducing legislation that would require any publicly-traded mining company to include critical mine safety information in its annual and quarterly filings with the Securities and Exchange Commission, SEC.

Shareholders have a direct interest in the safety record of any company they invest in—because safety has as much of an impact on a company's long-term financial health as its mining production.

But today, this safety information is not uniformly reported across the industry. My bill fixes this inconsistency and gives investors the information they need to hold corporate management responsible for the safety record of a company.

That is what my bill is all about: providing shareholders with standard information that can be used to measure and compare safety records across the industry. Specifically, my legislation would require any publicly-traded mine company to report the following information in their annual and quarterly filings with the SEC:

The total number of significant and substantial violations of mandatory health or safety standards;

The total number of failure to abate orders issued under section 104(b) of the Mine Act;

The total number of citations and orders for unwarrantable failure of the mine operator to comply with mandatory health or safety standards under section 104(d) of the Mine Act;

The total number of flagrant violations under section 110 of the Mine Act;

The total number of imminent danger orders issued under section 107(a) of the Mine Act;

The total dollar value of Mine Safety and Health Administration, MSHA, proposed penalties and fines;

A list of the regulated worksites that have been notified by MSHA of a Pattern of Violation or a Potential to have a Pattern of Violations under section 104(e) of the Mine Act;

Any pending legal action before the Federal Mine Safety and Health Review Commission.

Any mining related fatalities.

In addition, any publicly-traded mining company must immediately disclose to the SEC if it receives a shutdown order under section 107(a) of the Mine Act, imminent danger, or receives notice that a mine site has a potential or actual pattern of violations.

I have always said that, first and foremost, this is about a company doing the right thing to develop a true culture of safety. That includes everyone, from the miner at the coal face to the Chairman of the Board.

If we are serious about making that culture a reality, shareholders need to be informed about safety too.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3452. A bill to designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that would transfer administrative jurisdiction of the Valles Caldera National Preserve from the Valles Caldera Trust to the National Park Service. I am pleased that my colleague from New Mexico, TOM UDALL, is cosponsoring the bill.

Between the New Mexico communities of Jemez Springs and Los Alamos, lies the Valle Grande, a magnificent valley surrounded by foothills and forested mountains. When standing in this valley, visitors begin to realize they are actually inside a larger bowl-shaped formation. This is the Valles Caldera—one of only three supervolcanoes in the United States. The oldest of the three—having formed 1.25 million years ago—the Valles Caldera is also the smallest. Yet the caldera rim spans more than 100,000 acres in area whose violent eruption created a volcanic ash plume that stretched from northern Utah to central Kansas. Because of its relatively small size as compared to the two other supervolcanoes in the U.S.—Yellowstone, WY, and Long Valley, CA, the Valles Caldera provides visitors with excellent opportunities to learn about large volcanic eruptions and their impacts on surrounding landscapes while they stand in a single space to experience one of the world's best examples of an intact resurgent caldera. In 1975, the Valles Caldera received formal recognition as an outstanding and nationally significant geologic resource when it was designated a National Natural Landmark.

As is the case in many parts of New Mexico, the geologic history of the

Valles Caldera is inextricably linked to our State's cultural history. For example, the people of Jemez Pueblo chose the area as the best site to establish their community. The Valles Caldera and the adjacent Jemez Mountains provided the Pueblo with an ample food and water supply, natural defenses, and weapon-making materials present in the many obsidian quarries found in the area. In fact, the obsidian was of such high quality that spearheads made from these quarries have been discovered as far away as eastern Mississippi and northern Mexico. Needless to say, the Valles Caldera and the peaks that formed within it are sacred and highly revered by Jemez Pueblo and many other nearby tribes and pueblos.

The volcanic ash dispersed by the volcano's eruption also had a lasting impact on the history of migration and settlement by Ancestral Puebloan people in the region. As the ash and pumice settled, it formed layers of sediment, and over time, rivers helped to carve these layers into deep canyons. Archeologists have found evidence of nomadic tribes following large mammals into the region, and Ancestral Puebloans built homes alongside and into the soft canyon walls. Many of these awe-inspiring settlements are protected in Bandelier National Monument, where the National Park Service educates visitors about how the unique volcanic history of the Valles Caldera made these settlements possible.

There is no question that this area is worthy of Federal protection, and efforts to preserve this area were proposed as early as 1899. However, it was only ten years ago that the Federal government was finally able to acquire this property for the American people. At that time, Senator Domenici and I were successful in passing the Valles Caldera Preservation Act which authorized the acquisition of the property and established an experimental framework for the management of the Preserve for a period of 20 years. The legislation established the Valles Caldera Trust, composed of a nine-member board of trustees, whose members are appointed by the President and have particular expertise in fields important to the management of the Preserve. The bill also directed the Trust to manage the Preserve in a manner that would achieve financial self-sustainability after fifteen years. Five years thereafter, the Trust would be Although the individual members have done their best to fulfill the original legislative directives, time has shown in my opinion that this management framework is not the best suited for the long-term management of the Preserve.

Part of the experimental management framework was a requirement that the Valles Caldera Trust manage the Preserve in a manner that would

achieve financial self-sustainability while providing for public access and protection of the Preserve's natural and cultural resources. This has proved to be a virtually impossible mandate to satisfy. Since its inception, the Preserve has not received adequate funding under the current arrangement and is unlikely to in the foreseeable future. In addition, most members of the board and outside observers believe the Trust will be unable to achieve the financial self-sustainability requirements called for by the original Act. The Trust has also indicated an infusion of approximately \$15 million may be necessary to complete construction and deferred maintenance costs on the Preserve. I do not believe this funding will be forthcoming under the current management and budgetary framework. Moreover, much of the funding responsibility has been laid on the shoulders of Congress to provide the necessary annual funding that is not included in the President's annual budget. This arrangement is not sustainable in my opinion, and the existing statutory termination of the trust is looming.

With that said, the trust and its executive staff have made valuable progress in various areas of management. One prime example is the science and education program established by the Trust. Through the scientific activities on the preserve, the trust has been able to adapt its management based on the ecological demands of the caldera. The trust has promoted the scientific research of flora and fauna on the preserve and the impacts of climate change in the Jemez Mountains to cite a few of their ongoing activities. It is my belief that the transition in management should allow for the retention of the best management practices that the Trust has achieved.

Many New Mexicans have told me that they would like the preserve to be managed by an agency that will expand visitation and recreational opportunities while also ensuring the protection of the preserve's unique resources. Simply put, while my constituents eagerly want more access, they have stated clearly and directly—"Don't overrun it."

I believe the National Park Service is best suited to manage the preserve while ensuring its long-term conservation.

The National Park Service's mission supports the activities called for most by my constituents, including expanded recreational opportunities, scientific study, and the interpretation of the natural and cultural resources in the preserve. As I discussed earlier, the Preserve provides a world-class opportunity for the interpretation of the geologic history of this unique area and of the fascinating geologic and cultural history that binds the Valles Caldera and Bandelier National Monument.

Under our proposed legislation, management of the Valles Caldera National Preserve will be transferred to the National Park Service to be administered as a unit of the National Park System. The bill directs the Park Service to manage the Preserve to protect and preserve its natural and cultural resources, including its nationally significant geologic resources. Hunting and fishing would continue to be allowed, and grazing would also continue to be permitted. The National Park Service would also be directed to establish a science and education program utilizing the best practices created by the trust, as I discussed earlier.

The legislation would maintain the existing character of the preserve while strengthening protections for tribal, cultural, and religious sites and providing access by pueblos to the preserve. In addition, in consultation with the surrounding pueblos, restrictions will be put in place on the development and motorized vehicle use on the sacred volcanic domes within the preserve, similar to the current restrictions on Redondo Peak, the highest peak within the preserve.

I would like to emphasize that in no way is this legislation a criticism of the good work and valuable accomplishments made by the Board Members of the Valles Caldera Trust and the preserve staff. However, I believe having the preserve managed by the National Park Service—an agency with a mission protecting natural, historic, and cultural resources while also providing for public enjoyment of those resources—is more appropriate for the long-term future of the Valles Caldera. In my view, the desire for increased public access, balanced with the need to protect and interpret the Preserve's unique cultural and natural resources, would be best served by National Park Service management of the preserve.

It is my strong belief that transferring management of the Valles Caldera National Preserve to the National Park Service will be the best way to ensure the protection and enjoyment of the preserve over the long term. I urge my colleagues to support the bill as it is considered in the Senate.

The Los Alamos County Council and Los Alamos Chamber of Commerce have submitted resolutions in support of National Park Service management of the preserve. Mr. President, I ask unanimous consent that these resolutions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INCORPORATED COUNTY OF LOS ALAMOS
RESOLUTION No. 10-05

A resolution supporting congressional actions to facilitate the transfer of management of the Valles Caldera National Preserve from the Valles Caldera Trust to the National Park Service under the U.S. Department of the Interior to be managed as a preserve, per the findings of the December 2009

updated report on the NPS 1979 new area, study that confirmed the Valles Caldera National Preserve's ability to meet the feasibility requirements of the National Park System.

Whereas, the enabling legislation PL106-248 created the Valles Caldera National Preserve (VCNP) from a unique parcel of land in north-central New Mexico, and by creating the Valles Calderas Trust as a wholly-owned government corporation to manage the preserve, the Valles Caldera Preservation Act of 2000 established a 20-year public-private experiment to operate the preserve without continued federal funding; and

Whereas, the Trust is charged with protecting and preserving the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Preserve and achieving financial self-sufficiency by 2015, while operating the Preserve as a "working ranch;" and

Whereas, the GAO analyzed documents and financial records, and interviewed staff and stakeholders to determine the Trust's progress since 2000, the extent to which the Trust has fulfilled its obligations as a government corporation, and the challenges the Trust faces to achieve the Preservation Act goals, the results of which are published in an October 2009 Report to Congressional Committees, concluding that "The Trust Has Made Progress but Faces Significant Challenges to Achieve Goals of the Preservation Act;" and

Whereas, the national significance of the geological resources of the Valles Caldera was formally recognized in 1975 when the area was designated a National Natural Landmark; and

Whereas, the National Park Service (NPS) has existed since 1916 and has a proven record for successfully managing 89 million acres of sensitive and historically important public lands in America; and

Whereas, Senator Jeff Bingaman and Senator Tom Udall, on June 24, 2009 requested that the NPS undertake a reconnaissance study of the Valles Caldera National Preserve to assess its potential for inclusion in the NPS as a National Preserve; and

Whereas, the NPS completed "An Updated Report on the NPS 1979 New Area Study" published on December 15, 2009 which includes the following conclusion based on the findings: "... the feasibility of the Valles Caldera for inclusion in the national park system has been enhanced since 1979. The national significance and suitability of the site for inclusion in the system is confirmed;" and

Whereas, the report concludes that "current uses within the VCNP are generally compatible with those in other preserves or parks in the national park system, and there is untapped potential for enhancing public enjoyment;" and

Whereas, the report further concludes that "a single management entity for Valles Caldera and Bandelier would enhance communication, and integration of management programs that require a regional approach, such as fire management, law enforcement, and emergency response would facilitate comprehensive management of resource issues that affect both the Preserve and Bandelier National Monument;" and

Whereas, the report states that "the national information system and audience for sites within the National Park System would [result in] increases in regional and national public use of the area ... [and] result in increased retail sales for recreation and convenience goods locally, as well as increased

volume of recreational, tourist, and other services; and

Whereas, the VCNP adjoins Los Alamos County lands and is treasured by residents and visitors as a valuable natural, historical, recreational and educational resource; and

Whereas, Los Alamos County is recognized and marketed as the primary gateway to the VCNP, providing support services such as lodging, restaurants, shopping and additional cultural and recreational experiences to tourists from around the world who seek out this unique, north-central New Mexico attraction; and

Whereas, management of this resource directly affects Los Alamos County's economic development initiatives, particularly in the area of tourism marketing; and

Whereas, the majority of the members of public who submitted comment via meeting and e-mail expressed their desire for the National Park Service to assume land management and operations for the Valles Caldera National Preserve; and

Whereas, the National Park Service policies require a general management plan process that engages the public in a collaborative effort to identify preferred uses, restrictions and management practices, while allowing temporary public access to the Valles Caldera National Preserve; and

Whereas, the County respectfully requests that the enabling legislation include language to expedite the management plan process, where possible, in order to move from planning and temporary access to implementation. Now, therefore, be it

Resolved, by the Council of the Incorporated County of Los Alamos, That the County of Los Alamos supports the transfer of the Valles Caldera National Preserve to the U.S. Department of the Interior's National Park Service to be managed as a preserve. Los Alamos County requests to be notified and involved in the process at every opportunity; be it further

Resolved, That if legislation to transfer the Preserve is not enacted in 2010 Congress consider action to modify the year 2000 enabling legislation to remove obstacles restricting the Valles Caldera Trust's ability to effectively manage the Preserve to meet the public's access priorities

LOS ALAMOS COMMERCE &
DEVELOPMENT CORP.,
Los Alamos, NM, April 27, 2010.

Subject: Comment Concerning Future Management of Valles Caldera.

Senator JEFF BINGAMAN,
Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: Please accept our organization's comment on the question of the future management of the Valles Caldera property. Our organization operates several programs having strong interest in this matter. The Los Alamos Chamber of Commerce is an association of about 300 businesses, organizations, and individuals interested in positive community and economic development and our Los Alamos Meeting and Visitor Bureau program operates visitor centers in Los Alamos and White Rock and is an important resource for understanding visitation and tourism in our area.

We believe that the most desirable management option coinciding with the interests of the Los Alamos community is for the Valles Caldera to become a National Park managed by the National Park Service. This option presents several advantages:

The National Park Service option is by far the best from the standpoint of promoting visitation and tourism to the area. The NPS

"arrowhead" is a powerful brand that far exceeds those of forest service and the Valles Caldera Trust in terms of attracting interest and visitation.

The NPS mission of "safeguarding America's special places" stands in contrast with the role of the Forest Service in consumptive use of resources. In contrast with the VCNP Trust, the NPS works with small businesses to provide concession opportunities whereas the VCNP is motivated to develop captive services that do not provide such opportunities. These attributes of the NPS are best aligned among the three management options with our community's interests in realizing economic benefit from visitation and tourism.

In our experience in Los Alamos County, the involvement of the NPS in our community has far exceeded that of the other proposed management entities. Based on this experience, we believe that it is more likely that the NPS would be interested in working closely with our community for mutual benefit.

Please note that we do not expect the Valles Caldera to become "Los Alamos-centric" in any of the scenarios. We think that Los Alamos is a natural eastern gateway to the Valles and the Jemez Mountains just as we recognize that Jemez Pueblo and Jemez Springs are natural western gateway communities. We understand that it will be important for whatever management entity that is selected to reach out in both of these directions. We encourage that as general input regardless of the choice that is made.

We think that there is an opportunity to collaborate with the selected entity on a joint visitor center (or centers) in Los Alamos County. Such a facility would be a natural first stop for visitors to Los Alamos and would feature not only the Valles Caldera, but also Bandelier National Monument, the Bradbury Science Museum, the Los Alamos Historical Museum, the Pajarito Environmental Education Center, area Pueblos, and area recreational attractions. We are currently the operator of the visitor center here and we would welcome the opportunity to collaborate on a joint visitor center. We believe that this would enhance the visitor experience as well as enable economies of operation.

Thank you for listening to and accepting our input. Our organization stands ready to assist the selected management entity for the Valles Caldera.

Sincerely,

KEVIN HOLSAPPLE,
Executive Director.

On behalf of the Board of Directors of LACDC.

Mr. UDALL of New Mexico. Mr. President, today I join Senator BINGAMAN in introducing a bill to designate the Valles Caldera National Preserve as a unit of the National Park System. Known as the Valle Grande, this icon of the Jemez Mountains is one of the largest volcanic calderas in the world. The vast grass-filled valleys, forested hillsides, and numerous volcanic peaks make the Valles Caldera a treasure to New Mexico, and a landscape of national significance millions of years in the making.

Volcanic activity began in the Jemez Mountains about 10 million years ago. This activity reached a climax about 1.5 million years ago with a series of explosive rhyolitic eruptions that

dropped hundreds of meters of volcanic ash for miles surrounding the caldera, and gave the surrounding area its distinctive landscapes of pink and white tuff overlaying the black basalts of the Rio Grande Rift. In the millennia following the Caldera's explosive creation, natural processes of erosion and weathering carved vibrant canyons and left piñon topped mesa stretching like fingers away from the massive caldera. As the great valley was drained of magma, and later a caldera lake, it filled with the diversity of plants and wildlife that makes the area so valuable to biologists and ecologists today. With such resources and natural beauty, it is no wonder that for millennia people have also been an integral part Valle Grande.

For generations innumerable, the Valles Caldera has been a part of life for the Pueblo Tribes of northern New Mexico. Today, the caldera continues to have important cultural and religious significance, something that must and will be respected and protected as the preserve moves into the management of the National Park Service.

In recent centuries, the Valles Caldera has been often in private ownership beginning with Spanish settlers who introduced livestock to the grassy valleys that continue to fatten elk and cattle in the summer months. Recognizing the unique national significance of the caldera, the Federal Government finally purchased the area in 2000 through the Valles Caldera Preservation Act, which I was proud to help shepherd through Congress with Senator BINGAMAN and then-Senator Domenici. The subsequent creation of the Valles Caldera National Preserve included the creation of a board of directors and the Valles Caldera Trust to manage the area. The legislation also included mandates for stakeholder involvement and eventual financial self-sufficiency of the preserve.

As Senator BINGAMAN and I take steps today to begin a transition of the Valles Caldera into the National Park System, I want to applaud the decade of work that both the Board of Trustees and the Valles Caldera Trust have dedicated to the preserve. I especially want to highlight the contributions of individual employees who have been on the ground in the caldera, day after day, developing research programs that utilize the unmatched natural resources of the caldera, managing cattle grazing and expanding the livestock program to include cutting edge scientific research, and extending educational opportunities in the caldera to students from across state and the country.

With the heavy mandate of self-sufficiency looming and the annual struggle to get sufficient funding for the caldera, Senator BINGAMAN and I are proposing a new direction forward. As a

new unit of the National Park Service, the National Preserve will have a sustainable future with greater access to the public.

Since 1939, the National Park Service has conducted numerous studies of the Valles Caldera. In each, the Park Service consistently deemed the area of significant national value because of its unique and unaltered geology, and its singular setting, which are conducive to public recreation, reflection, education, and research. With this legislation the Secretary of Interior is directed to continue the longstanding grazing, education, and hunting programs that so many New Mexicans value as a once-in-a-lifetime opportunity. By utilizing the resources and skills within the National Park Service, I believe the Valles Caldera National Preserve will continue to prosper as a natural wonder full of significant geology, ecology, history, and culture.

The Valle Grande is truly that: a great valley that so very many New Mexicans value and feel connected to. The future of the preserve is of utmost importance to us in New Mexico, and also has significance nationally. I look forward to working with Senator BINGAMAN and all of the stakeholders who care about the future of this preserve to ensure that this legislation emerges from the legislative process with improvements that are supported by my colleagues in the Senate and—most importantly—by the people of New Mexico.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 541—DESIGNATING JUNE 27, 2010, AS "NATIONAL POST-TRAUMATIC STRESS DISORDER AWARENESS DAY"

Mr. CONRAD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 541

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being;

Whereas 12 percent of Operation Iraqi Freedom veterans, 11 percent of Operation Enduring Freedom veterans, 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and at least 8 percent of the general population of the United States suffers from Post Traumatic Stress Disorder (referred to in this preamble as "PTSD");

Whereas the incidence of PTSD in members of the military is rising as the United States Armed Forces conducts 2 wars, exposing hundreds of thousands of soldiers to traumatic life-threatening events;

Whereas women, who are more than twice as likely to experience PTSD than men, are increasingly engaged in direct combat on the

front lines, putting these women at even greater risk of PTSD;

Whereas—

(1) from 2003 to 2007, approximately 40,000 Department of Defense patients were diagnosed with PTSD; and

(2) from 2000 to 2009—

(A) more than 5,000 individuals were hospitalized with a primary diagnosis of PTSD; and

(B) more than 500,000 individuals were treated for PTSD in outpatient visits;

Whereas PTSD significantly increases the risk of depression, suicide, and drug and alcohol related disorders and deaths;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Day will raise public awareness about issues related to PTSD: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 27, 2010, as “National Post-Traumatic Stress Disorder Awareness Day”;;

(2) urges the Secretary of Veterans Affairs and the Secretary of Defense to continue working to educate servicemembers, veterans, the families of servicemembers and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Veterans Affairs and the Secretary of Defense.

Mr. CONRAD. Mr. President, today I am submitting a Senate resolution to designate June 27, 2010, as National Post-Traumatic Stress Disorder Awareness Day. That date was inspired by the birthday of North Dakota National Guard Staff Sergeant Joe Biel. Staff Sergeant Biel served two tours of duty in Iraq as a Trailblazer, part of a unit responsible for route clearance operations. Each day, Joe's mission was to go out with his unit every day to find and remove Improvised Explosive Devices and other dangers from heavily traveled roads to make it safe for coalition forces and Iraqi civilians to travel. As a result of those experiences, Joe suffered from PTSD and, tragically, took his own life in April 2007. There is absolutely no doubt that Joe Biel is a hero who gave his life for our country.

I learned of Joe's story because friends from his platoon, the 4th Platoon, A Company, of the North Dakota National Guard's 164th Combat Engineer Battalion, have organized an annual motorcycle ride across the state of North Dakota in his memory. The Joe Biel Memorial Ride serves as a reunion for the 164th, a memorial for a lost friend, and a beacon to those suffering from PTSD and other mental issues across the region. The key point made to me by the event's organizer, Staff Sergeant Matt Leaf, is that we have to raise awareness of this disease so that the lives of servicemembers, veterans, and other PTSD sufferers can be by greater awareness of and treatment for this disorder.

For many, the war does not end when the warrior comes home. All too many servicemembers and veterans face PTSD symptoms like anxiety, anger, and depression as they try to adjust to life after war. We cannot sweep these problems under the rug. PTSD is real. The Department of Defense and the Department of Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and its symptoms, but many challenges yet remain. More must be done to inform and educate veterans, families and communities on the facts about this illness and the resources and treatments available. That is why SSG Leaf and his fellow Trailblazers started the Joe Biel Memorial Bike Ride. And that is why I am introducing this Resolution. These efforts are about letting our troops—past and present—know it's okay to come forward and say they need help. It's a sign of strength, not weakness, to seek assistance. It is my hope that this message will be heard. In the words of SSG Leaf, “maybe if we all take a minute to listen, we can stop one more tragedy from ever happening again.”

Mr. President, I ask unanimous consent that a letter about Joe Biel be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOE BIEL MEMORIAL BIKE RIDE

On April 26th 2007 we lost one of the best soldiers the United States Military and the North Dakota Army National Guard had ever had the privilege of enlisting. Staff Sergeant Joseph Arthur Biel took his own life in Devils Lake North Dakota surrounded by his peers superiors and some of his best friends. He shot himself in the mouth while these people looked on and his last words were “tell everybody I love them” the shot was heard as far away as Fargo North Dakota. Specialist David Young was on the phone with SSG Matthew Leaf while standing directly in front of SSG Biel as he pulled the trigger. This was the most horrific and worst day of our lives. Tears did not stop for 3 days as Joe's platoon (4th platoon A Company 164 Combat Engineers) deployed upon the small town of Devils Lake North Dakota. Everybody was asking one question “Why?”

Why we failed Joe Biel? Why we did not understand PTSD? Why so many of us have problems when we return from overseas? Why nobody wants to listen? Why nobody understands? Why we are afraid to talk about it? Why we think nobody cares? Why can't I get help? Why will nobody listen to me? These are the questions that race through our minds after this tragedy. We deserve and have earned the right to be understood. The answer is too simple. PTSD is real and it needs to be addressed now. With the help of fellow veterans, spouses, loved ones, the V.A. and our Government. Please take the time to listen too and understand this disorder and at the very least be made aware of how this is affecting our Veterans and our lives, not just those who have served but all of the fine citizens of the United States. Maybe if we all take a minute to listen we can stop one more tragedy from ever happening again.

Sincerely SSG Matthew James Leaf, North Dakota Army National Guard.

SENATE RESOLUTION 542—DESIGNATING JUNE 20, 2010, AS “AMERICAN EAGLE DAY”, AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

Mr. ALEXANDER (for himself, Mr. BYRD, Mr. CORKER, Mrs. BOXER, Mr. CRAPO, Mrs. FEINSTEIN, Mr. GREGG, Ms. LANDRIEU, Mr. BROWNBACK, and Mr. BAYH) submitted the following resolution; which was considered and agreed to:

S. RES. 542

Whereas on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

- (1) the Office of the President;
- (2) the Office of the Vice President;
- (3) Congress;
- (4) the Supreme Court;
- (5) the Department of the Treasury;
- (6) the Department of Defense;
- (7) the Department of Justice;
- (8) the Department of State;
- (9) the Department of Commerce;
- (10) the Department of Homeland Security;
- (11) the Department of Veterans Affairs;
- (12) the Department of Labor;
- (13) the Department of Health and Human Services;
- (14) the Department of Energy;
- (15) the Department of Housing and Urban Development;
- (16) the Central Intelligence Agency; and
- (17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

- (1) the spirit of freedom; and
 - (2) the democracy of the United States;
- Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, commerce, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned individuals from the Federal, State, and private sectors banded together to save, and help ensure the recovery and protection of, bald eagles;

Whereas, on July 20, 1969, the first manned lunar landing occurred in the Apollo 11 Lunar Excursion Module, which was named “Eagle”;

Whereas the “Eagle” played an integral role in achieving the goal of the United

States of landing a man on the Moon and returning that man safely to Earth;

Whereas, in 1995, as a result of the efforts of those caring and concerned individuals, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2007, the population of bald eagles that nested in the lower 48 States had increased to approximately 10,000 nesting pairs, an increase of approximately 2,500 percent from the preceding 40 years;

Whereas, in 2007, the population of bald eagles that nested in the State of Alaska was approximately 50,000 to 70,000;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles remain protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the “Bald Eagle Protection Act of 1940”); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins under the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3934);

Whereas the sale of the limited edition bald eagle commemorative coins issued by the Secretary of the Treasury has raised approximately \$7,800,000 for the nonprofit American Eagle Foundation of Pigeon Forge, Tennessee to support efforts to protect the bald eagle;

Whereas, if not for the vigilant conservation efforts of concerned Americans and the enactment of strict environmental protection laws (including regulations) the bald eagle would probably be extinct;

Whereas the American Eagle Foundation has brought substantial public attention to the cause of the protection and care of the bald eagle nationally;

Whereas November 4, 2010, marks the 25th anniversary of the American Eagle Foundation;

Whereas the dramatic recovery of the population of bald eagles—

(1) is an endangered species success story; and

(2) an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2010, as “American Eagle Day”;;

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and govern-

ment agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

SENATE RESOLUTION 543—EX-PRESSING SUPPORT FOR THE DESIGNATION OF A NATIONAL PRADER-WILLI SYNDROME AWARENESS MONTH TO RAISE AWARENESS OF AND PROMOTE RESEARCH ON THE DISORDER.

Mr. MENENDEZ (for himself, Mr. LEAHY, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to.

S. RES. 543

Whereas Prader-Willi syndrome is a complex genetic disorder that occurs in approximately 1 out of every 15,000 births;

Whereas Prader-Willi syndrome is the most commonly known genetic cause of life-threatening obesity;

Whereas Prader-Willi syndrome affects—

(1) males and females with equal frequency; and

(2) all races and ethnicities;

Whereas Prader-Willi syndrome causes an extreme and insatiable appetite, often resulting in morbid obesity;

Whereas morbid obesity is the major cause of death for individuals with the Prader-Willi syndrome;

Whereas Prader-Willi syndrome causes cognitive and learning disabilities and behavioral difficulties, including obsessive-compulsive disorder and difficulty controlling emotions;

Whereas the hunger, metabolic, and behavioral characteristics of Prader-Willi syndrome force affected individuals to require constant and lifelong supervision in a controlled environment;

Whereas studies have shown that individuals with Prader-Willi syndrome have a high morbidity and mortality rate;

Whereas there is no known cure for Prader-Willi syndrome;

Whereas early diagnosis of Prader-Willi syndrome allows families to access treatment, intervention services, and support from health professionals, advocacy organizations, and other families who are dealing with the syndrome;

Whereas recently discovered treatments, including the use of human growth hormone, are improving the quality of life for individuals with the syndrome and offer new hope to families, but many difficult symptoms associated with Prader-Willi syndrome remain untreated;

Whereas increased research into Prader-Willi syndrome—

(1) may lead to a better understanding of the disorder, more effective treatments, and an eventual cure for Prader-Willi syndrome; and

(2) is likely to lead to a better understanding of common public health concerns, including childhood obesity and mental health; and

Whereas advocacy organizations have designated May as Prader-Willi Syndrome Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports raising awareness and educating the public about Prader-Willi syndrome;

(2) applauds the efforts of advocates and organizations that encourage awareness, promote research, and provide education, support, and hope to those impacted by Prader-Willi syndrome;

(3) recognizes the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and eventual cure for Prader-Willi syndrome; and

(4) expresses support for the designation of a National Prader-Willi Syndrome Awareness Month.

SENATE RESOLUTION 544—SUPPORTING INCREASED MARKET ACCESS FOR EXPORTS OF UNITED STATES BEEF AND BEEF PRODUCTS

Mr. BAUCUS (for himself, Mr. JOHANNIS, Mrs. LINCOLN, Mrs. MURRAY, Mr. NELSON of Nebraska, Ms. KLOBUCHAR, Mr. BENNET, Mr. BINGAMAN, and Mr. ROBERTS) submitted the following resolution; which was considered and agreed to:

S. RES. 544

Whereas in 2003, United States beef exports to China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam were valued at \$3,300,000,000.

Whereas after the discovery of 1 Canadian-born cow infected with bovine spongiform encephalopathy (BSE) disease in the State of Washington in December 2003, China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam, among others, closed their markets to United States beef;

Whereas for years the Government of the United States has developed and implemented a multilayered system of interlocking safeguards to ensure the safety of United States beef, and after the 2003 discovery, the United States implemented further safeguards to ensure beef safety;

Whereas a 2006 study by the United States Department of Agriculture found that BSE was virtually nonexistent in the United States;

Whereas the internationally recognized standard-setting body, the World Organization for Animal Health (OIE), has classified the United States as a controlled risk country for BSE, which means that all United States beef and beef products from cattle of all ages is safe for export and consumption;

Whereas China continues to prohibit imports of all beef and beef products from the United States;

Whereas Japan has opened its market for United States exporters of beef and beef products from cattle less than 21 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Hong Kong has opened its market for United States exporters of deboned beef from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Taiwan has opened its market for United States exporters of deboned and bone-in beef and certain offal products from cattle less than 30 months of age and has agreed to open, but has not yet opened, its market for all United States beef and beef products from cattle of all ages;

Whereas South Korea has opened its market for United States exporters of beef and beef products from cattle less than 30

months of age and has agreed to open eventually, but has not yet opened, its market for all United States beef and beef products from cattle of all ages;

Whereas Mexico has opened its market for United States exporters of deboned and bone-in beef and certain offal from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Vietnam has opened its market for United States exporters of beef and beef products from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas between 2004 through 2009, United States beef exports declined due to these restrictions, causing significant revenue losses for United States cattle producers, for example, United States beef exports to Japan and South Korea averaged less than 15 percent of the amount the United States sold to Japan and South Korea in 2003; and

Whereas, while China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam remain important trading partners of the United States, unscientific trade restrictions are not consistent with their trade obligations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) sanitary measures affecting trade in beef and beef products between the United States and China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should be based on science;

(2) since banning United States beef in December 2003, China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam have, to varying degrees, failed to comply with internationally recognized scientific guidelines with respect to United States beef and beef products

(3) China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should fully comply with internationally recognized scientific guidelines;

(4) China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should open their markets to United States exporters of all beef and beef products from cattle of all ages, consistent with OIE guidelines; and

(5) the President should continue to insist on full access for United States exporters of beef and beef products to the markets in China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam.

SENATE RESOLUTION 545—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 545

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into Wall Street and the financial crisis of 2008, examining the role of mortgage lenders, bank regulators, credit rating agencies, and investment banks in causing the crisis;

Whereas, the Subcommittee has received requests from federal and state government

entities for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into Wall Street and the financial crisis of 2008, examining the role of mortgage lenders, bank regulators, credit rating agencies, and investment banks in causing the crisis.

SENATE CONCURRENT RESOLUTION 64—HONORING THE 28TH INFANTRY DIVISION FOR SERVING AND PROTECTING THE UNITED STATES

Mr. CASEY (for himself and Mr. SPECTER) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 64

Whereas the 28th Infantry Division was established on October 11, 1879, and is recognized as the oldest, continuously serving division in the Army;

Whereas units of the 28th Infantry Division date back to 1747, when Benjamin Franklin organized a battalion in Philadelphia;

Whereas units of the 28th Infantry Division served in the Revolutionary War, including units that served with distinction in the Continental Army under General George Washington;

Whereas the 28th Infantry Division was integral to the success of World War I campaigns in the European theater, including those in Champagne, Champagne-Marne, Aisne-Marne, Oise Marne, Lorraine, and Mesuse-Argonne;

Whereas the 28th Infantry Division earned the title of "Iron Division" by General John J. Pershing for the valiant efforts of the Division during World War I;

Whereas the 28th Infantry Division contributed to military operations in Normandy, Northern France, Rhineland, Ardennes-Alsace, and Central Europe during World War II;

Whereas the perseverance of the 28th Infantry Division throughout the harsh winter spanning from 1944 to 1945 on the western front led to a decisive victory in the Battle of the Huertgen Forest, the longest single battle engaged in by the Army;

Whereas soon after the Battle of the Huertgen Forest, the 28th Infantry Division withstood the onslaught of the main thrust of the last great German offensive during the Battle of the Bulge, giving time for reinforcements to arrive and defeat the Germans;

Whereas the 28th Infantry Division was activated again in 1950 to serve in Germany;

Whereas the 28th Infantry Division was folded into the Army Selective Reserve Force during the Vietnam War;

Whereas the 28th Infantry Division aided relief efforts throughout the devastating aftermath of Hurricane Agnes in 1972;

Whereas the 28th Infantry Division was called to action during the partial meltdown of the nuclear reactor of the Three Mile Island Nuclear Generating Station in 1979;

Whereas the 28th Infantry Division contributed to the international coalition forces, facilitating efforts in Operation Desert Storm;

Whereas the 28th Infantry Division has been part of peacekeeping missions in Bosnia-Herzegovina, the Republic of Kosovo, and the Sinai Peninsula;

Whereas the 28th Infantry Division has deployed troops as part of Operation Noble Eagle, securing high-profile infrastructure targets in the aftermath of the September 11, 2001, attacks;

Whereas the 28th Infantry Division has deployed troops to Afghanistan as part of Operation Enduring Freedom, which ousted the Taliban regime and has since helped to secure the country and bring humanitarian relief to the Afghan people;

Whereas in Operation Iraqi Freedom, the 28th Infantry Division played a crucial role in the search for weapons of mass destruction, the invasion of Iraq, the provision of security in post-invasion Iraq, the training of an Iraqi police force, the securing of transport convoys, and the safe detainment of suspected terrorists;

Whereas more than 2,600 soldiers of the 28th Infantry Division remain missing in action from World War I and World War II;

Whereas the 28th Infantry Division has 127 units in 90 armories in 75 cities across the Commonwealth of Pennsylvania;

Whereas the 28th Infantry Division has been sent to aid portions of the United States affected by harsh winter storms, flooding, violent windstorms, and other severe weather emergencies; and

Whereas 10 recipients of the Medal of Honor, 4 recipients of the Legion of Merit, and 258 recipients of the Silver Star have been members of the 28th Infantry Division: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the 28th Infantry Division for serving and protecting the United States; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Adjutant General of the Pennsylvania National Guard for appropriate display.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4296. Mr. INOUE submitted an amendment intended to be proposed to amendment SA 4274 submitted by Mr. BURR and intended to be proposed to the bill H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4297. Mr. INOUE submitted an amendment intended to be proposed to amendment SA 4275 submitted by Mr. BURR and intended to be proposed to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4298. Mr. NELSON of Florida (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment

SA 4234 proposed by Ms. LANDRIEU to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4299. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra.

TEXT OF AMENDMENTS

SA 4296. Mr. INOUE submitted an amendment intended to be proposed to amendment SA 4274 submitted by Mr. BURR and intended to be proposed to the bill H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 1, strike line 3 and all that follows through line 6 and insert the following:

“Filipino Veterans Equity Compensation Fund” account and such other unobligated amounts as the Secretary of Veterans Affairs considers appropriate may be transferred to the “Medical Services” account: *Provided*, That any amount transferred from “Construction, Major Projects” shall be derived from unobligated balances that are a direct result of bid savings: *Provided further*, That amounts transferred to the “Medical Services” account are

SA 4297. Mr. INOUE submitted an amendment intended to be proposed to amendment SA 4275 submitted by Mr. BURR and intended to be proposed to the bill H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 1, strike line 6 and all that follows through line 7 and insert the following: fiscal years, \$67,000,000 of the unobligated balances that are a direct result of bid savings may be transferred to the “Filipino Veterans Equity Compensation Fund” account and any remaining amounts of such unobligated balances not transferred to the “Filipino Veterans Equity Compensation Fund” account may be used by the Secretary of Vet-

SA 4298. Mr. NELSON of Florida (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 4234 proposed by Ms. LANDRIEU to the bill H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Economic Development Assistance Programs”, to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of

oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$10,000,000, to remain available until expended, of which not less than \$5,000,000 shall be used to provide technical assistance grants in accordance with section 2002.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, \$13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: *Provided*, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Office of the Secretary, Salaries and Expenses” for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, \$29,000,000, to remain available until expended: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for “Salaries and Expenses, General Legal Activities”,

\$10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY SCIENCE AND TECHNOLOGY

For an additional amount for “Science and Technology” for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, \$2,000,000, to remain available until expended: *Provided*, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: *Provided further*, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE

DEEPWATER HORIZON

SEC. 2001.

(a) IN GENERAL.—Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting “: (1)” before “may obtain an advance” and after “the Coast Guard”;

(2) by striking “advance. Amounts” and inserting the following: “advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of \$100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts”.

(b) ASSESSMENT OF ENVIRONMENTAL IMPACTS.—

(1) DEFINITIONS.—In this subsection:

(A) DEEPWATER HORIZON OIL DISCHARGE.—The term “Deepwater Horizon oil discharge” means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(B) RESPONSIBLE PARTY.—The term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the Deepwater Horizon oil discharge.

(2) APPROPRIATIONS OF FUNDS.—

(A) IN GENERAL.—For an additional amount, in addition to amounts provided elsewhere in this Act for “Operations, Research, and Facilities” of the National Oceanic and Atmospheric Administration, \$22,400,000 to carry out enhanced fisheries data collection in the Gulf of Mexico to assess environmental impacts related to the Deepwater Horizon oil discharge.

(B) GRANTS TO FISHERMEN.—Of the amount appropriated under subparagraph (A), \$5,000,000 shall be available to provide cooperative research grants to fishermen to collect data to establish ecosystem baselines to assist managers in fully understanding the extent of the damage that resulted from the Deepwater Horizon oil discharge.

(3) **LIABILITY AND REIMBURSEMENT.**—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the amount appropriated pursuant to paragraph (2).

SEC. 2002. FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS.

(a) **DEFINITIONS.**—In this section:

(1) **DEEPWATER HORIZON OIL DISCHARGE.**—The term “Deepwater Horizon oil discharge” means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(2) **OIL SPILL LIABILITY TRUST FUND.**—The term “Oil Spill Liability Trust Fund” means the Oil Spill Liability Trust Fund established under section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509).

(3) **RESPONSIBLE PARTY.**—The term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the Deepwater Horizon oil discharge.

(b) **AVAILABILITY OF FUNDS.**—Notwithstanding any provision of section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), amounts from the Oil Spill Liability Trust Fund shall be made available for the following purposes:

(1) **FISHERIES DISASTER RELIEF.**—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$20,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) **EXPANDED STOCK ASSESSMENT OF FISHERIES.**—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$15,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) **ECOSYSTEM SERVICES IMPACTS STUDY.**—For an additional amount, in addition to other amounts provided for the Department of Commerce, \$1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

(c) **LIABILITY AND REIMBURSEMENT.**—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the Oil Spill Liability Trust Fund for the amounts made available pursuant to subsection (b).

SEC. 2003. OIL SPILL CLAIMS ASSISTANCE AND RECOVERY.

(a) **ESTABLISHMENT OF GRANT PROGRAM.**—The Secretary of Commerce (referred to in

this section as the “Secretary”) shall establish a grant program to provide to eligible (as determined by the Secretary) organizations technical assistance grants for use in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico (referred to in this section as the “oil spill”).

(b) **APPLICATION.**—An organization that seeks to receive a grant under this section shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary shall require.

(c) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Funds from a grant provided under this section may be used by an eligible organization—

(A) to support—

- (i) education;
- (ii) outreach;
- (iii) intake;
- (iv) language services;
- (v) accounting services;
- (vi) legal services offered pro bono or by a nonprofit organization;
- (vii) damage assessments;
- (viii) economic loss analysis;
- (ix) collecting and preparing documentation; and

(x) assistance in the preparation and filing of claims or appeals;

(B) to provide assistance to individuals or businesses seeking assistance from or under—

- (i) a party responsible for the oil spill;
- (ii) the Oil Spill Liability Trust Fund;
- (iii) an insurance policy; or
- (iv) any other program administered by the Federal Government or a State or local government;

(C) to pay for salaries, training, and appropriate expenses relating to the purchase or lease of property to support operations, equipment (including computers and telecommunications), and travel expenses;

(D) to assist other organizations in—

- (i) assisting specific business sectors;
 - (ii) providing services;
 - (iii) assisting specific jurisdictions; or
 - (iv) otherwise supporting operations; and
- (E) to establish an advisory board of service providers and technical experts—

(i) to monitor the claims process relating to the oil spill; and

(ii) to provide recommendations to the parties responsible for the oil spill, the National Pollution Funds Center, other appropriate agencies, and Congress to improve fairness and efficiency in the claims process.

(2) **PROHIBITION ON USE OF FUNDS.**—Funds from a grant provided under this section may not be used to provide compensation for damages or removal costs relating to the oil spill.

(d) **PROVISION OF GRANTS.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall provide grants under this section.

(2) **NETWORKED ORGANIZATIONS.**—The Secretary is encouraged to consider applications for grants under this section from organizations that have established networks with affected business sectors, including—

- (A) the fishery and aquaculture industries;
- (B) the restaurant, grocery, food processing, and food delivery industries; and
- (C) the hotel and tourism industries.

(3) **TRAINING.**—Not later than 30 days after the date on which an eligible organization receives a grant under this section, the Director of the National Pollution Funds Center and the parties responsible for the oil

spill shall provide training to the organization regarding the applicable rules and procedures for the claims process relating to the oil spill.

(4) **AVAILABILITY OF FUNDS.**—Funds from a grant provided under this section shall be available until the later of, as determined by the Secretary—

(A) the date that is 6 years after the date on which the oil spill occurred; and

(B) the date on which all claims relating to the oil spill have been satisfied.

SEC. 2004. GULF OF MEXICO RESTORATION AND PROTECTION.

(a) **SHORT TITLE.**—This section may be cited as the “Gulf of Mexico Restoration and Protection Act”.

(b) **FINDINGS AND PURPOSES.**—

(1) **FINDINGS.**—Congress finds that—

(A) the Gulf of Mexico is a valuable resource of national and international importance, continuously serving the people of the United States and other countries as an important source of food, economic productivity, recreation, beauty, and enjoyment;

(B) over many years, the resource productivity and water quality of the Gulf of Mexico and its watershed have been diminished by point and nonpoint source pollution;

(C) the United States should seek to attain the protection and restoration of the Gulf of Mexico ecosystem as a collaborative regional goal of the Gulf of Mexico Program; and

(D) the Administrator of the Environmental Protection Agency, in consultation with other Federal agencies and State and local authorities, should coordinate the effort to meet those goals.

(2) **PURPOSES.**—The purposes of this section are—

(A) to expand and strengthen cooperative voluntary efforts to restore and protect the Gulf of Mexico;

(B) to expand Federal support for monitoring, management, and restoration activities in the Gulf of Mexico and its watershed;

(C) to commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, the Gulf of Mexico; and

(D) to establish a Gulf of Mexico Program to serve as a national and international model for the collaborative management of large marine ecosystems.

(c) **GULF OF MEXICO RESTORATION AND PROTECTION.**—Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

“SEC. 123. GULF OF MEXICO RESTORATION AND PROTECTION.

“(a) **DEFINITIONS.**—In this section:

“(1) **GULF OF MEXICO ECOSYSTEM.**—The term ‘Gulf of Mexico ecosystem’ means the ecosystem of the Gulf of Mexico and its watershed.

“(2) **GULF OF MEXICO EXECUTIVE COUNCIL.**—The term ‘Gulf of Mexico Executive Council’ means the formal collaborative Federal, State, local, and private participants in the Program.

“(3) **PROGRAM.**—The term ‘Program’ means the Gulf of Mexico Program established by the Administrator in 1988 as a nonregulatory, inclusive partnership to provide a broad geographic focus on the primary environmental issues affecting the Gulf of Mexico.

“(4) **PROGRAM OFFICE.**—The term ‘Program Office’ means the office established by the Administrator to administer the Program that is reestablished by subsection (b)(1)(A).

“(b) **CONTINUATION OF GULF OF MEXICO PROGRAM.**—

“(1) GULF OF MEXICO PROGRAM OFFICE.—

“(A) REESTABLISHMENT.—The Program Office established before the date of enactment of this section by the Administrator is reestablished as an office of the Environmental Protection Agency.

“(B) REQUIREMENTS.—The Program Office shall be—

“(i) headed by a Director who, by reason of management experience and technical expertise relating to the Gulf of Mexico, is highly qualified to direct the development of plans and programs on a variety of Gulf of Mexico issues, as determined by the Administrator; and

“(ii) located in a State all or a portion of the coastline of which is on the Gulf of Mexico.

“(C) FUNCTIONS.—The Program Office shall—

“(i) coordinate the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies—

“(I) to improve the water quality and living resources in the Gulf of Mexico ecosystem; and

“(II) to obtain the support of appropriate officials;

“(ii) in cooperation with appropriate Federal, State, and local authorities, assist in developing and implementing specific action plans to carry out the Program;

“(iii) coordinate and implement priority State-led and community-led restoration plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the Program through the provision of grants under subsection (d);

“(iv) implement outreach programs for public information, education, and participation to foster stewardship of the resources of the Gulf of Mexico;

“(v) develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Gulf of Mexico ecosystem;

“(vi) serve as the liaison with, and provide information to, the Mexican members of the Gulf of Mexico States Accord and Mexican counterparts of the Environmental Protection Agency; and

“(vii) focus the efforts and resources of the Program Office on activities that will result in measurable improvements to water quality and living resources of the Gulf of Mexico ecosystem.

“(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into 1 or more interagency agreements with other Federal agencies to carry out this section.

“(d) GRANTS.—

“(1) IN GENERAL.—In accordance with the Program, the Administrator, acting through the Program Office, may provide grants to nonprofit organizations, State and local governments, colleges, universities, interstate agencies, and individuals to carry out this section for use in—

“(A) monitoring the water quality and living resources of the Gulf of Mexico ecosystem;

“(B) researching the effects of natural and human-induced environmental changes on the water quality and living resources of the Gulf of Mexico ecosystem;

“(C) developing and executing cooperative strategies that address the water quality and living resource needs in the Gulf of Mexico ecosystem;

“(D) developing and implementing locally based protection and restoration programs

or projects within a watershed that complement those strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Gulf of Mexico ecosystem; and

“(E) eliminating or reducing nonpoint sources that discharge pollutants that contaminate the Gulf of Mexico ecosystem, including activities to eliminate leaking septic systems and construct connections to local sewage systems.

“(2) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using a grant provided under this section shall not exceed 75 percent, as determined by the Administrator.

“(3) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects carried out using funds made available through a grant under this subsection shall not exceed 15 percent of the amount of the grant.

“(e) REPORTS.—

“(1) ANNUAL REPORT.—Not later than December 30, 2009, and annually thereafter, the Director of the Program Office shall submit to the Administrator and make available to the public a report that describes—

“(A) each project and activity funded under this section during the previous fiscal year;

“(B) the goals and objectives of those projects and activities; and

“(C) the net benefits of projects and activities funded under this section during previous fiscal years.

“(2) ASSESSMENT.—

“(A) IN GENERAL.—Not later than April 30, 2011, and every 5 years thereafter, the Administrator, in coordination with the Gulf of Mexico Executive Council, shall complete an assessment, and submit to Congress a comprehensive report on the performance, of the Program.

“(B) REQUIREMENTS.—The assessment and report described in subparagraph (A) shall—

“(i) assess the overall state of the Gulf of Mexico ecosystem;

“(ii) compare the current state of the Gulf of Mexico ecosystem with a baseline assessment;

“(iii) include specific measures to assess any improvements in water quality and living resources of the Gulf of Mexico ecosystem;

“(iv) assess the effectiveness of the Program management strategies being implemented, and the extent to which the priority needs of the region are being met through that implementation; and

“(v) make recommendations for the improved management of the Program, including strengthening strategies being implemented or adopting improved strategies.

“(f) BUDGET ITEM.—The Administrator, in the annual submission to Congress of the budget of the Environmental Protection Agency, shall include a funding line item request for the Program Office as a separate budget line item.

“(g) LIMITATION ON REGULATORY AUTHORITY.—Nothing in this section establishes any new legal or regulatory authority of the Administrator other than the authority to provide grants in accordance with this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

“(1) \$10,000,000 for fiscal year 2010;

“(2) \$15,000,000 for fiscal year 2011; and

“(3) \$25,000,000 for each of fiscal years 2012 through 2014.”

SA 4299. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 41, line 14, insert before the colon the following: “or may be retained in the ‘Construction, Major Projects’ account and used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on May 27, 2010, at 9:30 a.m. in room 328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 27, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 27, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 27, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled “Building a Secure Future for Multiemployer Pension Plans” on May 27, 2010. The hearing will commence at 2 p.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized

to meet during the session of the Senate, on May 27, 2010, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND
ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on May 27, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 27, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION
POLICY, AND CONSUMER RIGHTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, on May 27, 2010, at 2:15 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The United/Continental Airlines Merger: How Will Consumers Fare?"

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF ANTITRUST CRIMINAL
PENALTY ENHANCEMENT
AND REFORM ACT OF 2004

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5330, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5330) to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate today will extend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004, ACPERA, for an additional 10 years. This legislation ensures that the Justice Department will have the tools it needs to effectively prosecute criminal antitrust cartels for years to come. I thank Senator KOHL for his hard work in securing passage of this important legislation.

I have long supported vigorous enforcement of the antitrust laws.

ACPERA provides a necessary complement to the Justice Department's highly successful corporate leniency program by limiting civil damages recoverable against a party who submits an application for leniency. Without this legislation, potential leniency applicants could be deterred from self-reporting antitrust violations that otherwise would result in significant criminal prosecutions.

I would have preferred that ACPERA be permanently reauthorized. Even so, a 10-year extension ensures that the Justice Department can still provide applicants with certainty that the rules of the game will not suddenly shift underneath them. ACPERA's incentives are critical to the Justice Department's criminal antitrust enforcement efforts, and I look forward to continuing to work to provide the Antitrust Division to ensure it has the resources necessary to protect consumers.

Mr. DURBIN. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5330) was ordered to be read a third time, was read the third time, and passed.

ORDER FOR PRINTING—H.R. 4173

Mr. DURBIN. I ask unanimous consent that H.R. 4173, as passed by the Senate on May 20, 2010, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING PRODUCTION OF
RECORDS

AMERICAN EAGLE DAY

SUPPORT FOR NATIONAL PRADER-
WILLI SYNDROME AWARENESS
MONTH

SUPPORTING INCREASED MARKET
ACCESS FOR EXPORTS OF U.S.
BEEF AND BEEF PRODUCTS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 542, S. Res. 543, S. Res. 544, and S. Res. 545.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. DURBIN. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements related to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received requests from Federal and State government entities seeking access to records that the subcommittee obtained during its recent investigation into Wall Street and the financial crisis of 2008, examining the role of mortgage lenders, bank regulators, credit rating agencies, and investment banks in causing the crisis.

S. Res. 545 would authorize the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the subcommittee in the course of its investigation, in response to these requests and to other government entities and officials with a legitimate need for the records.

The resolution (S. Res. 543) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 545

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into Wall Street and the financial crisis of 2008, examining the role of mortgage lenders, bank regulators, credit rating agencies, and investment banks in causing the crisis;

Whereas, the Subcommittee has received requests from federal and state government entities for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into Wall Street and the financial crisis of 2008, examining the role of mortgage lenders, bank regulators, credit rating agencies, and investment banks in causing the crisis.

The resolution (S. Res. 542) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 542

Whereas on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

- (1) the Office of the President;
- (2) the Office of the Vice President;
- (3) Congress;
- (4) the Supreme Court;
- (5) the Department of the Treasury;
- (6) the Department of Defense;
- (7) the Department of Justice;
- (8) the Department of State;
- (9) the Department of Commerce;
- (10) the Department of Homeland Security;
- (11) the Department of Veterans Affairs;
- (12) the Department of Labor;
- (13) the Department of Health and Human Services;
- (14) the Department of Energy;
- (15) the Department of Housing and Urban Development;
- (16) the Central Intelligence Agency; and
- (17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

- (1) the spirit of freedom; and
- (2) the democracy of the United States;

Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, commerce, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned individuals from the Federal, State, and private sectors banded together to save, and help ensure the recovery and protection of, bald eagles;

Whereas, on July 20, 1969, the first manned lunar landing occurred in the Apollo 11 Lunar Excursion Module, which was named "Eagle";

Whereas the "Eagle" played an integral role in achieving the goal of the United States of landing a man on the Moon and returning that man safely to Earth;

Whereas, in 1995, as a result of the efforts of those caring and concerned individuals, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2007, the population of bald eagles that nested in the lower 48 States had increased to approximately 10,000 nesting pairs, an increase of approximately 2,500 percent from the preceding 40 years;

Whereas, in 2007, the population of bald eagles that nested in the State of Alaska was approximately 50,000 to 70,000;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles remain protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the "Bald Eagle Protection Act of 1940"); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins under the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3934);

Whereas the sale of the limited edition bald eagle commemorative coins issued by the Secretary of the Treasury has raised approximately \$7,800,000 for the nonprofit American Eagle Foundation of Pigeon Forge, Tennessee to support efforts to protect the bald eagle;

Whereas, if not for the vigilant conservation efforts of concerned Americans and the enactment of strict environmental protection laws (including regulations) the bald eagle would probably be extinct;

Whereas the American Eagle Foundation has brought substantial public attention to the cause of the protection and care of the bald eagle nationally;

Whereas November 4, 2010, marks the 25th anniversary of the American Eagle Foundation;

Whereas the dramatic recovery of the population of bald eagles—

(1) is an endangered species success story; and

(2) an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2010, as "American Eagle Day";

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

The resolution (S. Res. 543) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 543

Whereas Prader-Willi syndrome is a complex genetic disorder that occurs in approximately 1 out of every 15,000 births;

Whereas Prader-Willi syndrome is the most commonly known genetic cause of life-threatening obesity;

Whereas Prader-Willi syndrome affects—

(1) males and females with equal frequency; and

(2) all races and ethnicities;

Whereas Prader-Willi syndrome causes an extreme and insatiable appetite, often resulting in morbid obesity;

Whereas morbid obesity is the major cause of death for individuals with the Prader-Willi syndrome;

Whereas Prader-Willi syndrome causes cognitive and learning disabilities and behavioral difficulties, including obsessive-compulsive disorder and difficulty controlling emotions;

Whereas the hunger, metabolic, and behavioral characteristics of Prader-Willi syndrome force affected individuals to require constant and lifelong supervision in a controlled environment;

Whereas studies have shown that individuals with Prader-Willi syndrome have a high morbidity and mortality rate;

Whereas there is no known cure for Prader-Willi syndrome;

Whereas early diagnosis of Prader-Willi syndrome allows families to access treatment, intervention services, and support from health professionals, advocacy organizations, and other families who are dealing with the syndrome;

Whereas recently discovered treatments, including the use of human growth hormone, are improving the quality of life for individuals with the syndrome and offer new hope to families, but many difficult symptoms associated with Prader-Willi syndrome remain untreated;

Whereas increased research into Prader-Willi syndrome—

(1) may lead to a better understanding of the disorder, more effective treatments, and an eventual cure for Prader-Willi syndrome; and

(2) is likely to lead to a better understanding of common public health concerns, including childhood obesity and mental health; and

Whereas advocacy organizations have designated May as Prader-Willi Syndrome Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports raising awareness and educating the public about Prader-Willi syndrome;

(2) applauds the efforts of advocates and organizations that encourage awareness, promote research, and provide education, support, and hope to those impacted by Prader-Willi syndrome;

(3) recognizes the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and eventual cure for Prader-Willi syndrome; and

(4) expresses support for the designation of a National Prader-Willi Syndrome Awareness Month.

The resolution (S. Res. 544) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 544

Whereas in 2003, United States beef exports to China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam were valued at \$3,300,000,000;

Whereas after the discovery of 1 Canadian-born cow infected with bovine spongiform encephalopathy (BSE) disease in the State of Washington in December 2003, China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam, among others, closed their markets to United States beef;

Whereas for years the Government of the United States has developed and implemented a multilayered system of interlocking safeguards to ensure the safety of United States beef, and after the 2003 discovery, the United States implemented further safeguards to ensure beef safety;

Whereas a 2006 study by the United States Department of Agriculture found that BSE was virtually nonexistent in the United States;

Whereas the internationally recognized standard-setting body, the World Organization for Animal Health (OIE), has classified the United States as a controlled risk country for BSE, which means that all United States beef and beef products from cattle of all ages is safe for export and consumption;

Whereas China continues to prohibit imports of all beef and beef products from the United States;

Whereas Japan has opened its market for United States exporters of beef and beef products from cattle less than 21 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Hong Kong has opened its market for United States exporters of deboned beef from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Taiwan has opened its market for United States exporters of deboned and bone-in beef and certain offal products from cattle less than 30 months of age and has agreed to open, but has not yet opened, its market for all United States beef and beef products from cattle of all ages;

Whereas South Korea has opened its market for United States exporters of beef and beef products from cattle less than 30 months of age and has agreed to open eventually, but has not yet opened, its market for all United States beef and beef products from cattle of all ages;

Whereas Mexico has opened its market for United States exporters of deboned and bone-in beef and certain offal from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Vietnam has opened its market for United States exporters of beef and beef products from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas between 2004 through 2009, United States beef exports declined due to these restrictions, causing significant revenue losses for United States cattle producers, for example, United States beef exports to Japan and South Korea averaged less than 15 percent of the amount the United States sold to Japan and South Korea in 2003; and

Whereas, while China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam remain important trading partners of the United States, unscientific trade restrictions are not consistent with their trade obligations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) sanitary measures affecting trade in beef and beef products between the United States and China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should be based on science;

(2) since banning United States beef in December 2003, China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam have, to varying degrees, failed to comply

with internationally recognized scientific guidelines with respect to United States beef and beef products;

(3) China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should fully comply with internationally recognized scientific guidelines;

(4) China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should open their markets to United States exporters of all beef and beef products from cattle of all ages, consistent with OIE guidelines; and

(5) the President should continue to insist on full access for United States exporters of beef and beef products to the markets in China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 282, the adjournment resolution, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 282) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 282) was agreed to, as follows:

H. CON. RES. 282

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 8, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House

and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

APPOINTMENT AUTHORIZATION

Mr. DURBIN. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or inter-parliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MAY 28, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 10 a.m. on Friday, May 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, there will be no rollcall votes during Friday's session of the Senate.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 9:53 p.m., recessed until Friday, May 28, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

J. THOMAS DOUGHERTY, OF WYOMING, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

ERIC D. BENJAMINSON, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

DEPARTMENT OF LABOR

PAUL M. TIAO, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR, VICE GORDON S. HEDDELL, RESIGNED.

NATIONAL BOARD FOR EDUCATION SCIENCES

ROBERT ANACLETUS UNDERWOOD, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM

EXPIRING NOVEMBER 28, 2012, VICE ROBERT C. GRANGER, TERM EXPIRED.

ANTHONY BRYK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011, VICE HERBERT JOHN WALBERG, TERM EXPIRED.

BEVERLY L. HALL, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING MARCH 15, 2012, VICE CRAIG T. RAMEY, TERM EXPIRED.

KRIS D. GUTIERREZ, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012, VICE GERALD LEE, TERM EXPIRED.

THE JUDICIARY

JAMES E. SHADID, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE MICHAEL M. MIHM, RETIRED.

MAX OLIVER COGBURN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN

DISTRICT OF NORTH CAROLINA, VICE LACY H. THORNBURG, RETIRED.

DEPARTMENT OF JUSTICE

WILLIAM J. IHLENFELD, II, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE SHARON LYNN POTTER.

JOHN WILLIAM VAUDREUIL, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE ERIK C. PETERSON.

DEPARTMENT OF ENERGY

NEILE L. MILLER, OF MARYLAND, TO BE PRINCIPAL DEPUTY ADMINISTRATOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE WILLIAM CHARLES OSTENDORFF, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

AXEL L. STEINER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CLIFFORD R. SHEARER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be major

ADAM M. KING
MATTHEW N. MCCONNELL
DEREK A. POTEET
JOHN J. STEPHENS
JAMES D. VALENTINE

SENATE—Friday, May 28, 2010*(Legislative day of Wednesday, May 26, 2010)*

The Senate met at 10 a.m., upon the expiration of the recess, and was called to order by the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our forebears, whose almighty hands lead forth in beauty all the starry bands. As Memorial Day approaches, we remember those who have made ultimate sacrifices for our freedom. Lord, pour Your richest blessings on our service men and women and the members of their families, surrounding them with Your shield of protection.

Teach us, Lord, this day through all our employments to see You working for the good of those who love You. Deliver our lawmakers from all dejection of spirit and free their hearts to give You zealous, active, and cheerful service. May they vigorously perform whatever You command, thankfully enduring whatever You have chosen for them to bear. Guard their desires so that they will not deviate from the path of integrity.

We pray in Your great name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK WARNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 28, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

There will be no rollcall votes today. Our next vote will be a week from Monday at about 5:30. We will have a number of votes—we hope two or three, but at least we will have one.

We finished a difficult bill yesterday, the supplemental appropriations bill. It was tedious, but it was done very well. Senators INOUE and COCHRAN did an outstanding job. Members from both sides with strong feelings were able to compromise on a number of issues and allow us to finish this bill. The same thing happened—it took a little longer—on the Wall Street reform bill. Both of those pieces of legislation are now in conference.

We are going to await the action of the House before we can determine the direction of what we do with the extenders bill, the jobs bill. I will have some meetings during this coming week to determine how we will change the bill we get from the House. I think the changes should not be major, but there will be some, and we have to work through that. I have spoken with the Republican leader, and we are going to have to have a number of amendments—not a large number, but we need to work through that, because the next work period is relatively short.

We don't have many speakers coming today, so the session should be relatively short.

I ask the Chair to announce morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

AUTHORIZATION TO SIGN ENROLLMENT OF H.R. 5128

Mr. REID. Mr. President, I ask unanimous consent that Senator UDALL of New Mexico be authorized to sign the enrollment of H.R. 5128.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WICKER. I ask to be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DON'T ASK, DON'T TELL POLICY

Mr. WICKER. Mr. President, yesterday the Senate Armed Services Committee completed its markup of the Defense authorization bill. Normally, Senators are asked to wait for a period of days until the report can be issued and the specifics are made public. But yesterday the chairman clearly understood when we were finished with business that there were two items dealing with social policy that would be widely known immediately. I speak on those topics today with a clear understanding that the Chair knows that these items will be talked about, an exception to the general rule.

Yesterday, I believe, the committee made a very grave mistake with regard to the provision involving the repeal of the don't ask, don't tell policy. This has been the policy since the days of the Clinton administration. It has worked reasonably well. I am opposed to the repeal of the don't ask, don't tell policy.

In February of this year, Secretary Gates announced that a survey would be conducted with a view toward assessing whether this policy should be changed. There was a working group that was going to be established and a survey of servicemembers and their families would be conducted. This working group would report the results of this assessment by December of this year. At that point, the Congress and

the administration would have additional information about how today's servicemembers and their families would feel about a change which would allow gays and lesbians to serve openly in the military. This would, of course, be a dramatic change.

That was the policy. A number of us were skeptical about it, but that was the announced policy. Somehow, in the last few days that has changed, and a so-called compromise has been put forward and adopted now by the committee and apparently by the House of Representatives also that would say that while the assessment is going on—which, as I said, is to end in December—that we would vote on this bill this summer, possibly in the next few weeks, to go ahead and repeal the don't ask, don't tell policy and then to allow the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff to review the assessment in December and see whether, indeed, the enactment of the bill by the Senate and House should go forward.

This seems to be getting the cart before the horse. I want to make several points.

This so-called compromise is not a compromise. It is, in effect, for all intents and purposes, a repeal of the don't ask, don't tell policy. Giving the President and the two military people who are most answerable to him the authority to make this decision and pretend they might decide against it is a mockery, and it is a figleaf.

Does anyone doubt what their decision will be? After all, the President of the United States campaigned that he wanted to do away with the don't ask, don't tell policy. There is no question he favors this. The Secretary of Defense answers directly to him. The Chairman of the Joint Chiefs of Staff answers directly to the President of the United States. It is foolhardy for anyone in this Senate to suggest there will be any decision other than a repeal of the don't ask, don't tell policy.

It is said that these three people will wait for the assessment to see what military members and their families think. I think Congress has the authority to do this. Congress should wait for the assessment. We might be surprised. We might be troubled by what the assessment shows. But it is, as I said, a mockery to make the decision now in May or June or July and then look forward to an assessment which is due in December.

What has changed? I ask my fellow Members and the American people: What has changed? What has brought about this sudden compromise over the past weekend and attaching this bit of social engineering to the national Defense authorization bill?

Frankly, I think a lot of Americans are going to conclude that politics changed. We can look at RealClearPolitics that estimates Re-

publicans may gain six seats in the November election. That would be before the December assessment is due. Some people say Republicans may gain 8 to 10 seats. That would change attitudes considerably with regard to don't ask, don't tell. It would allow the people of the United States to be heard on this issue.

Americans are justified in concluding that with this election looming, that is what changed. There has been no change in the national security needs to rush this process ahead and get the cart before the horse and make the decision before the assessment is made.

The point of view of those of us in the committee who voted against the Lieberman amendment yesterday is supported by the heads of the four branches of our service. They support the original plan of Secretary Gates announced in February to do an assessment and then to make a decision based on what we find out in the assessment.

I have a letter dated May 26, 2010, to Senator JOHN MCCAIN from George Casey, general, U.S. Army, the Chief of Staff of the Army. He says to Senator MCCAIN that his views have not changed since his testimony.

I quote directly:

I continue to support the review and timeline offered by Secretary Gates.

I remain convinced that it is critically important to get a better understanding of where our Soldiers and Families are on this issue.

Yesterday, in their wisdom, the members of the Armed Services Committee decided they knew better than our soldiers and their families.

General Casey said we need to know whether this "impacts on readiness and unit cohesion."

He concludes by saying:

I also believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.

ADM Gary Roughhead, Chief of Naval Operations, in a letter to Senator MCCAIN dated May 26 says, among other things:

I testified in February about the importance of the comprehensive review that began in March and is now well under way within the Department of Defense. We need this review to fully assess our force and carefully examine potential impacts of a change in the law.

Yesterday, the members of the Armed Services Committee said: No, we disagree with Admirable Roughhead, the Chief of Naval Operations. We don't need this review. We, as the elected representatives of the 50 States, are going to punt that decision to someone whose mind is already made up.

Admirable Roughhead goes on to say:

I have spoken with sailors and fellow flag officers alike about the importance of conducting the review in a thoughtful and deliberate manner.

In this quick reversal that occurred just yesterday in the Armed Services Committee, we abandoned the thoughtful review.

GEN James T. Conway, Commandant of the Marine Corps, said to Senator MCCAIN in a letter dated 25 May 2010:

During testimony, I spoke of the confidence I had as a Service Chief in the DOD Working Group that Secretary Gates laid out in the wake of President Obama's guidance on "Don't Ask-Don't Tell." I felt that an organized and systematic approach on such an important issue was precisely the way to develop "best military advice."

He goes on to say:

I encourage the Congress to let the process the Secretary of Defense created to run its course.

That was the Commandant of the Marine Corps.

Finally, a letter from GEN Norton A. Schwartz, Chief of Staff of the Air Force, says:

... my position remains that DOD should conduct a review that carefully investigates and evaluates the facts and circumstances, the potential implications, the possible complications, and potential mitigations to repealing this law.

All four of our service heads were explicit in asking the committee to let the process continue. Yet, in our wisdom, with an election looming, the committee voted with a majority vote to go ahead and say: We really don't care to hear what the assessment says. We are just going to let three people make that decision on their own.

I have this question for Members of the Senate who will be asked to vote on this after the break: What if the assessment comes back and says that soldiers and marines in significant numbers are not willing to continue in a voluntary service under these conditions? What if that is the result of the assessment? Then it will be too late for the Members of the House and Senate to make a change in this policy.

The time to take a pause and the time to see what our members actually think is now. We can force this on the services, but in a voluntary armed force, we cannot force members to enlist. We cannot force marines, who are putting their lives on the line for what they believe is the American way of life and for our freedom and for the security of all Americans, to reenlist when their time is up. We need to know if they are going to be willing to stay in the service and to make that commitment and to put themselves in harm's way under this very drastic, dramatic change. We should not substitute our judgment for what the members of the service and their families think. And I regret that we have gone this far and regret the action of the Armed Services Committee.

There is one other issue that was regrettably voted on in the affirmative by the committee yesterday, and that is with regard to abortion policy. Since 1996, we have had a policy that abortions—elective abortions—will not be

performed on our military installations. This is a policy that was passed by the House and Senate and signed into law by a Democratic President, President Clinton. For the past 14 years, it has been our policy that elective abortions will not be performed in our military installations.

Yesterday, the committee decided to reverse this longstanding policy and to say that, indeed, abortions for whatever reason will be performed in these facilities that are paid for at taxpayer expense and are there for the care of our servicemembers, to keep them healthy and to repair their injuries. We are going to use those facilities for elective abortions.

I guarantee you this will be challenged on the floor of the House and Senate with separate amendments, and Members will be given a chance to vote on this separate issue. But if this amendment stands, the medical facilities of our military installations—Fort Bragg, Columbus Air Force Base, Keesler Air Force Base in my home State of Mississippi—will be able to be used for abortions performed late term, abortions performed for purposes of sex selection, abortions performed for any reason, abortions at will. That will be the requirement for our military installations and the medical facilities on those installations—again, another piece of social engineering, another vast and serious and consequential departure from longstanding Department of Defense policy.

I regret these two positions. I call on my colleagues, Mr. President, during this Memorial Day break, when we are talking with those who have served, who have put themselves in harm's way, and when we are talking with the families of those who have served and who have given the ultimate sacrifice, that we seriously consider whether the committee has made the right decision and that we come back to Washington, DC, with a determination to reverse these two very harmful and, in my view, mistaken actions by the Armed Services Committee.

With that, I wish my friend, the Acting President pro tempore of the Senate, a happy and prosperous Memorial Day, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE RHODE ISLAND FLOOD

Mr. REED. Mr. President, in March my State was hit with back-to-back historic floods that caused hundreds of

millions of dollars in damage in Rhode Island. I thank the chairman of the Appropriations Committee, Senator INOUE, and the ranking member, Senator COCHRAN, and my colleagues on the committee especially, who have recognized the needs of Rhode Island in the appropriations bill we recently completed. We are struggling to overcome the effects of the worst flooding in centuries in the midst of the worst economic environment we have seen since the 1930s.

Indeed, Rhode Island was among the first States to sink into this latest recession. In the last 2 years, Rhode Island has consistently ranked among the top three States in unemployment, with as many as 12.7 percent of our workforce without jobs. By the latest estimates, 12.5 percent of the State is out of work, and this is not including all of the jobs that have been lost in the flooding.

Our major commercial mall in Warwick, RI, has been closed since March. Hundreds, perhaps even 1,000 or more jobs, have been lost. They are rapidly trying to reopen this facility under the incredible leadership of the owner, Aram Garabedian, but to date they have opened one store. Soon they hope to open another. For those hundreds of people, they have lost their jobs and are waiting to go back to work.

The reach of the flood was widespread, covering every county of the State. In the space of 2 weeks, separate rainstorms caused four rivers—the Blackstone, Pawtuxet, the Pawcatuck, and the Pocasset—to go above flood stage. Interstate 95, the major north-south route in the Northeast of this country, was closed for 2 days. It has never been closed for that length of time. The last time I can recall it being closed was in 1978 during a huge blizzard which shut down traffic for about a day or so.

President Obama and FEMA issued major disaster declarations for the entire State, and I thank the President. He moved very quickly and very aggressively. I also thank FEMA. They dispatched immediately their deputy for disaster operations. They had on the ground within, it seemed, hours, key personnel. I particularly want to recognize Gracia Szczech, an incredible woman who, in fact, frankly, left Rhode Island to be sent down to the next great flood in Tennessee. Senator ALEXANDER and Senator CORKER have spoken about their problems. I thank both the President and FEMA for the incredible response.

But what you find in a flood like this—all of my colleagues have been subject to them and, frankly, this is a phenomenon that is usually found in other parts of the country—but what you find in floods is that the water recedes, the Sun comes out, but the damage and devastation remains. We have about 2,000 households that are still

not able to live in their homes. This is something that has caused a tremendous shock to our economy and to our workforce and to the people of Rhode Island.

After 2 months, homeowners and businesses in much of the State are still struggling with these effects. The flooding caused job losses in a number of sectors; 1,800 jobs were lost in the food services and accommodation sector alone. I mentioned the Warwick Mall. Approximately 1,100 people have lost their jobs because of the shutdown of that commercial center. Health, education, manufacturing, construction, transportation, art and recreation—all of these sectors have experienced significant job losses.

As my colleagues know, Rhode Island has been fortunate for many decades to have avoided this kind of natural disaster, particularly from flooding. The last major natural disaster of the State was Hurricane Bob in 1991. It roared up and hit our State, like other parts of the Northeast, and we suffered significant damage. Since that time we have been rather fortunate, but our fortune ran out with these floods this spring.

There has been no question about the support of people of Rhode Island or my colleagues in our State's congressional delegation when this type of disaster hits elsewhere. Midwest flooding, Katrina in Louisiana and along the gulf coast—we are there because we know, No. 1, Americans, our neighbors, are suffering, and that is when we all have to pull together and help them. We also know, too, and expect that when it happens in our home States that same spirit of pulling together, of helping out, of getting people back in their homes and opening up businesses would be something we would experience and we would see too.

I am grateful, again, in the midst of this challenging fiscal environment, the Appropriations Committee on a bipartisan basis has included assistance for Rhode Island and for Tennessee. They have responded, as they have so many times before, to the needs of people who have lost homes, lost jobs.

One thing they do not want them to lose is hope. So they stepped forward to provide the resources necessary to begin the difficult task of rebuilding. I thank again Chairman INOUE and Vice Chairman COCHRAN, gentlemen of extraordinary kindness but extraordinary faithfulness to the core values of this country.

One of the basic values is, when difficult times affect people in this country, we are not going to look away, we are going to try to help them. They have done it again for Rhode Island and Tennessee. We still have a long way to go for recovery. I look forward to continuing to work with the chairman and other members of the committee as we go forward. But their efforts will provide meaningful and material support

to the people of Rhode Island. I thank them very much.

EXTENDING UNEMPLOYMENT INSURANCE

This is a moment also, as we reflect upon the damage caused by the flood, to once again underscore the damage that has been caused for now several years by an economy that has lost millions of jobs.

Few States, have felt the impact of this job loss more severely than Rhode Island. If we fail to act on unemployment compensation before June 2—and I am so disappointed that it seems quite obvious that we will not act—we are going to once again put thousands of Rhode Islanders and millions of Americans who are looking for work and cannot find it, in jeopardy of not being able to receive unemployment compensation.

All of the economic arguments about unemployment compensation are obvious but bear repeating. This is one of those programs that for every dollar we invest we get significantly more in terms of economic activity in the country. So it is part of our recovery package as well as part of keeping faith with people who have worked hard, paid their dues, literally, and now are looking for the benefits of this program.

In March, the Senate passed, on a bipartisan basis, with six of my Republican colleagues, an extension of unemployment benefits as part of an early extenders package to the end of the year, 62 to 36. The unemployment extension, as it was then and has been in the past, was unpaid for. It was deemed emergency spending. I find it ironic and interesting that we can deem billions of dollars as an emergency to support our troops in Afghanistan and Iraq and, frankly, part of that support is not simply to buy ammunition and fuel products and HUMVEES for American troops, it is to give our commanders CERP money so they can go into the communities of Iraq and Afghanistan and put people to work because of their unemployment problems.

It is very difficult to go back to Rhode Island and tell them it is an emergency to put people in Kabul to work, put people in Kandahar to work, put people in Basra and Baghdad to work, but it is not an emergency to put people to work in Boise, not an emergency to put people to work in Keokuk, IA. And, certainly, in places such as Providence, Cranston, Central Falls, Woonsocket, all through my State.

It is truly unfortunate that we are now, at this juncture, in a position where these benefits for which a long-term extension has been passed separately in both the Senate and the House will lapse. That is regrettable, to say the least; in fact, it is deplorable.

I am optimistic that when we come back after this Memorial Day recess, we will craft an extension. I am afraid

it is going to be a short-term extension. I am also afraid, once again, millions of Americans are going to be living month to month with an ocean of, I have benefits, but how long can I keep them? That uncertainty is unacceptable. We can do better. We have done it individually by extending benefits at least to the end of this year. We have to do that. If we do not extend them at least for a short period, millions of unemployed workers will lose benefits throughout the country, including 2,000 in Rhode Island.

Since last year's passage of the Recovery Act, I would point out, there have been eight filibusters of legislation to extend unemployment benefits. I think the people in this country who need help and not just pointless debate are those who are out of work, looking for it, and needing the support of unemployment compensation.

We have allowed it to lapse twice this year. Weeks have gone by, as they will go by, unfortunately, in the next few weeks, where there is uncertainty and doubt about payments being maintained. I think it is outrageous that having my colleagues on the other side repeatedly approve budgets sent by President Bush that were unpaid for, not even an attempt to pay for them, that provided tax cuts to the wealthiest citizens, that conducted two major military conflicts without paying for them, suddenly feel they have got to pay for unemployment benefits for workers in America. We have to be focused on this deficit. That is correct. Let me remind my colleagues, we did focus on the deficit. In the 1990s when I was a Member of the House, we focused on it to the extent that we reversed the deficit and created a surplus. Critical votes under President Clinton without any Republican support. When push comes to shove, when it is not about the rhetoric but it is about standing up and doing tough things to eliminate a deficit, many of my colleagues on the other side are missing in action.

We can and we must reverse this deficit. It will take difficult votes, not rhetoric alone. But at this juncture to once again engage in rhetorical debate rather than actively helping our countrymen and our constituents is missing the point. I think we have to go forward. I think we must go forward to provide these short-term benefits, and to do it in a way that is consistent with our history and our values.

When times are tough, yes, we have always talked about the deficit and everything else, but we have reached out and helped our citizens who need this kind of help. Congress has never ended emergency unemployment benefits until unemployment has declined to at least 7.4 percent in this Nation.

In Rhode Island it is 12.5 percent. We have got a long way to go before we get to the point where we can talk about a

self-correcting economy. If you look at our history through every administration, Republicans and Democrats, when we had unemployment at this level affecting so many Americans, affecting not just their wallets but their future and their hopes for a future, we have extended, almost automatically, emergency unemployment benefits.

The rate today is 9.9 percent nationally, and again, 12.5 percent in Rhode Island. We have a long way to go before we can start talking about this unemployment crisis as something of the past. We need to extend unemployment benefits at least through the end of this year. We have got to do it because we need to help people and give them the certainty of that help.

We have to move. We have to act. It is going to be something we will do. I think we should do it now. I think we should put aside the posturing and extend benefits and then get on to the difficult work, not just the easy talk, but the difficult work of deficit reduction.

I have done that work. I have listened to complaints in campaigns repeatedly about tough votes we took in the 1990s. But because we took those tough votes, by 2000 we had an economy that was producing jobs, not losing them; we had a budget that was in surplus, not in deficit; we had the wherewithal to make investments in education, in energy, and in health care that would make us even more productive and more successful and more equitable in terms of the benefits to this country.

But many of the same people who now are talking about deficits sort of cavalierly said, let's cut taxes for the rich. Let's engage in a military operation that is not paid for. So from 2000 to 2008, the economy collapsed, the deficit soared, opportunities narrowed, unemployment grew. I do not think that is a coincidence. Let's get back to business. Let's first give people who need unemployment benefits those benefits. And let's take those tough steps—and they will not be easy—to reduce the deficit. Do not use the deficit as an excuse to break faith with the American public. One article of faith is when we have unemployment levels of 10 percent nationally, we have never failed to extend, in a routine fashion, emergency unemployment compensation.

We have got a lot of work to do when we get back. I am sorely disappointed we could not conclude this work before we left.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ILLEGALITY AT THE BORDER

Mr. SESSIONS. Mr. President, we had a number of votes this week, including one last night in the Armed Services Committee concerning whether to utilize the National Guard to confront the raging illegality that is occurring particularly in the Tucson sector of Arizona. It is a national crisis. The American people fully understand that.

President Obama announced, with some fanfare, that he would send 1,200 National Guard troops to the border. To some, that may have sounded like a good thing. It is certainly not a bad thing. But the truth is, President Bush, under Operation Jumpstart, had 6,000 National Guard at the border at one point, and they made a positive difference. The immigration and Border Patrol people were very complimentary of the National Guard. They repeatedly stated how much it helped them do their job. Since that period, a lot of developments have occurred on the border that have put us in a much better position to be effective in ending this massive illegality than had been the case previously. For example, we have completed close to 350 miles of pedestrian fencing and almost 300 miles of vehicle fencing along the Southern border. Though this only half of the 700 miles of reinforced pedestrian fencing mandated by the Secure Fence Act of 2006, it is a good start. President Bush reluctantly signed that bill into law, and started the process of building fencing and vehicle barriers. Much of it is has been completed now, but we still need to finish what Congress mandated. The fence has multiplied the capabilities of law enforcement officers in many sectors along the border. In addition, the Operation Streamline concept that had begun under the Bush administration in certain sectors of the border is working superbly and is a valuable tool. Other steps have been taken, including increasing the number of Border Patrol agents we authorized several years ago. They are just now coming on line and have been trained. So we have a lot more agents at the border.

The number of people being arrested at the border remains unacceptable, but it is better than it has been. The numbers are down and, in some sectors, down dramatically. For example, in the Yuma sector of Arizona, about 6,900 people were arrested at the border trying to enter the country illegally in 2009. That may sound like a lot—and it is—but it is much less than the over 118,000 apprehended in 2006. In fact, that is a 94 percent decrease in just three years. But in the Tucson sector, where we have old fencing and limited

Operation Streamline in effect, over 240,000 were arrested last year—a stunning number. Over a million pounds of marijuana were seized as part of that enforcement effort in the Tucson sector. That is what has caused such a pushback by the people of Arizona.

The President and Washington say: It is our job to end illegality at the border. You can't do anything. You have no jurisdiction. We don't want you to do anything.

That is not correct legally. I have done research on that point. A local law enforcement officer can stop and detain a person whom he identifies as being in the country illegally and turn them over to the Federal Government for the crime of entering the country illegally and for the crime of any other Federal offense they ascertain. This is classical law. It is well recognized. There is no dispute about it.

The people of Arizona rightly have gotten a bellyful. Their hospitals are being overrun. Crime is up. Phoenix is now the second leading kidnapping center in the world, second only to Mexico City in kidnappings, apparently.

It is not acceptable. It is a Federal responsibility. It is the President's responsibility. The President is the chief law enforcement officer. The ICE agents, the Border Patrol agents, Homeland Security, and the Defense Department are under the executive branch, of which the President is the head. I have been through this. We have talked about this. I made a speech before the last election and went into detail about what it would take to end the illegality at the border. It is not hard. It can be done. But we have to have the President committed.

Congress can pass laws. We can send money and force it on the departments. But if they are not willing to utilize it and apply it in an effective way, then we have problems.

Someone came up with the idea of having a virtual fence. They were going to apply that concept. We have now spent over \$1.1 billion to create this virtual fence and it didn't work. In fact, Secretary Napolitano has suspended work on the project. But if we build a fence with a good response time from Border Patrol agents, it makes a big difference. Go to Yuma or El Paso to see what that means. The President needs to lead.

What would we expect to happen? I have always believed the normal, natural thing is that the President would come to Congress and say: The borders are wide open. We have had 240,000 people arrested in the Tucson sector. This is unacceptable. I need A, B, C, and D, Congress. Give it to me. We will end this.

He should be telling us what he needs—unless, of course, we have no real desire to end the illegality, which is the case. Why? Because of politics, apparently, and some promise that

must have been made in the last campaign that, we are not going to do anything significant at the border until those people in Congress give us amnesty. That is what comprehensive immigration reform is, in the minds of the pro-immigration crowd. They say: We won't fix the border until you agree to give us amnesty.

The American people have seen that before. It doesn't work. We did it in 1986. If we don't end the illegality and we grant amnesty, it sends a message to the world. And what message is that? If someone can get into the United States illegally, if they can burrow in a little bit and hold on, pretty soon they will get amnesty, too. They come in. They get work. Nobody complains if they are working. They hang on and hang on, and they get amnesty.

This eviscerates the American legal system. It makes a mockery of the law. It sends a message to the world: Come on down. Come on into our country in violation of our laws. We will welcome you and eventually make you a citizen. And those of you who want to come lawfully, you have to fill out paperwork, and you have to wait. And if you have a relative to the right degree, you can get in. But if you graduated at the top of your high school class in Honduras and you learned English and you have a year of college, you don't have a relative or whatever, you have to wait in line, unless, of course, you come in and enter illegally.

This is a dysfunctional legal system. We continue to see things develop that indicate to me that the views of the American people, which are sound and reasonable—they just want a lawful system of immigration; they are not against immigration; they are not against immigrants, but they are tired of this massive illegality—are not being listened to by the politicians. The politicians are saying things that are incorrect.

President Obama said he cares about workplace enforcement. What happened right after he took office? Apparently a raid—planned maybe even before he took office—in the State of Washington at a company that had a large number of illegal workers occurred. What happened? The pro-illegal immigration crowd, La Raza, the activists, they were all up in arms. Basically, they said: You promised us you wouldn't do this, Mr. President.

Wait a minute. I thought we had all the candidates saying we need to do better enforcement in the workplace. The jobs magnet does attract people into the country. But did they have a secret agreement somewhere?

What happened? Secretary Napolitano said she was going to have an investigation and get to the bottom of it. Was she investigating the company that had hired people illegally? No. She was investigating the ICE agents who conducted the raid. Do my colleagues

think that didn't send a message throughout the entire United States about this administration's policy of aggressive worksite enforcement—that was the policy of the United States at that point—that we are not going to do it in any effective way? That is indisputable. That is what happened.

This kind of duplicity is going to come home to roost. The American people are not going to continue to put up with it. Members of Congress who voted against the McCain amendment to put 6,000 National Guard on the border to end this violence and illegality that is occurring and threatening the very viability of the State of Arizona are going to have to answer for their votes. This is what democracy is all about.

This all leads me to an article from, I guess, yesterday, a report from Washington. This is what the news article says:

U.S. National Guard troops being sent to the Mexican border will be used to stem the flow of guns and drugs across the frontier and not to enforce U.S. immigration laws, the State Department said Wednesday.

Well, you know: You fool me once, shame on you; fool me twice, shame on me.

So I thought the President was saying he was sending 1,200 troops to the border to help end illegality at the border. But, oh, no, they are not doing that. We want to be sure everybody understands, it is only going to be for guns and drugs.

Who do they want to understand this? Do they want the American people to understand it? I do not think so.

The next sentence in the article:

The clarification came after the Mexican government urged Washington not to use the additional troops to go after illegal immigrants.

Philip Crowley, the State Department spokesperson, the flack for the State Department, told reporters, "It's not about immigration." He said, "We have explained the president's announcement to the government of Mexico, and they fully understand the rationale behind it."

Quoting the article further:

Obama's announcement came less than a week after a state visit to Washington by Mexican President Felipe Calderon, who asked for greater U.S. backing for a . . . war on drug cartels.

Well, who are we representing? Mr. Calderon and the Mexican Government or the American people? Is this another flimflam view? I am afraid it is. I can say it appears quite clearly it is, and it is not acceptable. So I think Congress is going to have to act.

They did not want the fence. President Bush did not want the fence. But Congress, after the situation got so bad, appropriated the money and directed it be built, and it has had a great and positive benefit wherever the fence has been built.

We know the history in San Diego when there was massive violence, massive illegality going on at the border. We know that occurred. We built the fence there and violence on both sides of the border went down. Economic growth on both sides of the border went up. Drugs and prostitution and other kinds of illegalities ended, and solid prosperity began to reoccur. You can not operate effectively in an area of violence and illegality and drugs.

So the flow of guns is a Mexican complaint, that too many guns are being bought in the United States and taken to Mexico. I do not dispute that we should be effective in enforcing those laws. But I would suggest, having prosecuted more Federal gun violations than all other Members of this Senate put together, that the National Guard is not the kind of folks we need to prosecute guns going into Mexico. That should be done by ATF and the Border Patrol.

So what does this say about the decision that the President said he is going to deploy 1,200 troops? I say it is just further proof it is not a serious commitment in any way. I do not know what they are going to be doing. I do not see how they can be helpful, and I am not being taken in by what appears to be a ruse. So they are not going to be used for immigration; they are going to be used for drugs and guns, which I think they will not be that particularly effective about. They are talking about guns going from the United States to Mexico. So those are the questions I have.

What Congress needs to do, what the President needs to do, is to make a clear statement that illegality at our border will end. We will do what it takes to end it. It is within our power to do so. We made some progress already. We have about half as many arrests today along the whole border as we did just 6 or 7 years ago. It is because enforcement is much better than it was, and we are going to continue that. We are going to drive down dramatically this illegality, and we are going to effectively improve our immigration legal system so people can have some certainty about that and create a system that serves our national interest in the process.

We are going to tell everybody in the world: Do not come to the border expecting to walk in. You are not going to be successful, and it will stop. It will go down dramatically. It already has in certain sectors. The word gets out. The word was out that the border was wide open and anybody could enter. When the word gets out that the border is closed, people will stop trying. So we will have a massive reduction in the attempts to enter, leaving fewer people for the Border Patrol to have to apprehend, and we will be having a spiral in the right way instead of the wrong way.

So I think we are going to have more votes. I think people who cast a vote in opposition to Senator McCain's amendment, Senator KYL's amendment, Senator CORNYN's amendment to take the steps that actually work to eliminate illegality at the border need to be answering to their constituents.

I think it is time for Congress to step up. The President is not stepping up. Congress was able to make real progress a few years ago when we built the fence and did some other things that I worked very hard on. I believe we can make progress again. I think the American people have a way, eventually, of having their voices heard, and I think we are going to hear those voices more loudly, with more clarity, in the future.

Somehow, some way, I believe the government is going to come around to affirm the legitimate demands of the American people. They have been right from the beginning. Their instincts, their character, should not be questioned. They simply want an effective immigration system, a lawful immigration system, and they believe it is an embarrassment and a disgrace to our country to have massive illegality going on, as it is today.

I thank the Acting President pro tempore and yield the floor.

TRIBUTE TO JUDGE JAMES F. MCKAY III

Mr. REID. Mr. President, I rise to honor Judge James F. McKay III on his appointment as Honorary Counsel of Ireland of the State of Louisiana.

In addition to his public service as an appellate court judge on Louisiana's Fourth Circuit Court of Appeal and national leadership as president of the American Judge's Association, Judge McKay is widely known for his long and distinguished leadership and service to the Ancient Order of Hibernians at the national level. He served as the National Chairman of the 94th National Convention and was elected national treasurer of the Ancient Order of Hibernians, AOH, in 2008. He has held a variety of other leadership positions within AOH including: chairman of the Grievance Tribunals; chairman of the Constitution Revision Committee; chairman of the Home Fund; national board member and chairman of the 1992 national convention in New Orleans.

Judge McKay is the son of James F. McKay and Katherine Raphiel McKay and grew up in the Lakeview neighborhood of New Orleans. Along with his six siblings, he was educated by the Carmelite Sisters at St. Dominic School and remains active in the affairs of both St. Dominic School and St. Dominic Church, serving as a member of the Knights of Columbus St. Dominic Council. Judge McKay went on to graduate from De La Salle High School and has served as a board member and past president of the De La

Salle Alumni Association, as well as an advisor to the Christian Brothers.

Among his more notable civil contributions, Judge McKay has been president of the Fireman's Charitable and Benevolent Association, FCBA, since 2000. Founded in 1834, the FCBA was organized to care for the widows and children of volunteer firemen who died in the line of duty. The association built two cemeteries in New Orleans—Cypress Grove and Greenwood—as a mausoleum, funeral home, and corporate offices, were devastated following Hurricane Katrina in 2005 and would never have been rebounded if it were not for Judge McKay's efforts and leadership in the immediate weeks and subsequent years following the storm.

Service to the Irish has been a long-standing tradition in the McKay family, and Judge McKay, a native of New Orleans, has worked tirelessly to preserve the city's strong history of Irish culture. He is a longtime participant in the annual St. Patrick's Day parade in the world famous Irish Channel of New Orleans. He was among the leaders who helped erect the city's first monument to thousands of Irish immigrants who died of yellow fever, malaria, cholera, occupational hazards, and exhaustion while digging the New Basin Canal in 1831 to link Lake Pontchartrain to the inner city. As Louisiana's foremost Irish-American leader, he regularly receives public officials and notables from all of Ireland upon visiting New Orleans.

Judge McKay was elected to the Louisiana Fourth Circuit Court of Appeal in 1998. He served as a judge on the Criminal District Court in Orleans Parish from 1982-1989. He was the chief prosecutor for the Metropolitan Office of the Louisiana Attorney General from 1978 to 1982, and from 1974 to 1978, he served as an assistant district attorney for Orleans Parish. He received his juris doctorate in 1974 from Loyola Law School, worked as a probation and parole officer while studying the law, and graduated from the University of Southwestern Louisiana in 1969 with a bachelor of arts in History.

He has served on the board of governors of the American Judges Association since 1996 and as secretary and president-elect. He now presides as president of the association—an honor that was bestowed upon him at a ceremony in September of this year in my home city of Las Vegas, NV. Judge McKay also serves as a member of the American Bar Association, the Louisiana State Bar Association, the Fourth and Fifth Circuit District Judge's Association, and the St. Thomas Moore Law Society.

I also am grateful for my Washington DC, contact with the McKay family. Laurie McKay, the judge's daughter, is a longtime friend of the Reid family. In fact, some say she is part of our family.

Therefore, I am delighted to join with Judge McKay's family, including

his wife of almost 40 years, Marie Soniat McKay, and their four children and five grandchildren in celebrating and honoring him on all of his accomplishments. I invite my colleagues to join me in officially congratulating Judge James F. McKay III on his appointment as Honorary Counsel of Ireland for the State of Louisiana, and wish him the greatest success in his endeavors.

HONORING OUR ARMED FORCES

Mr. CASEY. Mr. President, in honor of servicemembers from across Pennsylvania, I would like to recognize those lost in combat operations supporting both Operation Enduring Freedom and Operation Iraqi Freedom from 2001 through May 22, 2010.

SGT Brandon Adams of Hollidaysburg; SFC Brent Adams of West View; 1LT Louis Allen of Milford; SGT Jan Argonish of Scranton; SSG Daniel Arnold of Montrose; SGT Andrew Baddick of Jim Thorpe; SGT Sherwood Baker of Plymouth; SFC Scott Ball of Carlisle; LCpl Eric Barr of Pittsburgh; SSG Mark Baum of Telford; GySgt Ronald Baum of Hollidaysburg; LCpl Jacob Beisel of Lackawaxen; SSG Keith Bennett of Holtwood; 1LT David Bernstein of Phoenixville; LTC Richard Berrettini of Wilcox; SGT Allan Bevington of Beaver Falls; SSG Stevon Booker of Apollo; CAPT David Boris of Pottsville; SPC Matthew Bowe of Moon Township; SPC Edward Brabazon of Philadelphia.

SGT Andrew Brown of Mount Pleasant; PVT Matthew Brown of Zelienople; SPC Oliver Brown of Athens; PFC Timothy Brown Jr. of Conway; SPC Daniel Brozovich of Greenville; SGT John Bubeck of Collegeville; SFC Raymond Buchan of Johnstown; SSG Ernest Bucklew of Enon Valley; SGT Douglas Bull of Wilkes Barre; SFC Keith Callahan of McClure; SGT Jeremy Campbell of Middlebury Center; SPC Frederick Carlson, IV of Bethlehem; SSG Edward Carman of McKeesport; CPL Adam Chitjian of Philadelphia; 1LT Michael Cleary of Dallas; SPC Zachary Clouser of Dover; CPL Michael Cohen of Jacobus; PFC Bradli Coleman of Ford City; LCpl Adam Conboy of Philadelphia; SFC David Cooper, Jr. of State College.

SSG Victor Cortes, III of Erie; SPC Gregory Cox of Carmichaels; CPL Russell Culbertson, III of Amity; SSG Carl Curran, II of Union City; SSG Christopher Cutchall of McConnellsburg; SPC Shawn Davies of Aliquippa; PFC Robert Dembowsky, Jr. of Ivyland; 1LT Jeffrey Deprimo of Pittston; PFC Nathaniel Detemple of Morrisville; PFC David Dietrich of Marysville; PFC James Dillon, Jr. of Grove City; PFC Michael Dinterman of Littlestown; PFC Justin Dreese of Freeburg; SGT Allen Dunkley, Jr. of Yardley; SGT Brent Dunkleberger of New Bloomfield; PFC Chad Edmundson of Williamsburg; SGT Michael Egan of Philadelphia; SPC William Evans of Hallstead; SSG Troy Ezernack of Lancaster; CAPT Brian Faunce of Philadelphia.

PFC Shelby Feniello of Connellsville; SGT William Fernandez of Reading; SPC Camy Floretil of Philadelphia; SGT James Fordyce of Newtown Square; SGT Curtis Forshey of Hollidaysburg; CAPT Erick Foster of Wexford; PO3 John Fralish of New Kingstown; SPC Michael Franklin of Coudersport; LCpl Michael Freeman, Jr. of Fayetteville; PFC

Steven Freund of Pittsburgh; LCpl Jason Frye of Landisburg; A1C Austin Gates of Hellertown; SGT Christopher Geiger of Northampton; SPC Aaron Genevie of Chambersburg; CPL Albert Gettings of New Castle; PFC Landon Giles of Indiana; 2LT Michael Girdano of Apollo; SPC Michael Gleason of Warren; SGT Christopher Golby of Johnston; PFC Orlando Gonzalez of New Freedom.

SSG Joseph Goodrich of Allegheny; CPL Kyle Grimes of Bethlehem; SPC Robert Hall, Jr. of Pittsburgh; CPL Brandon Hardy of Cochranville; SGT Jennifer Hartman of New Ringgold; SSG Brian Hause of Stoystown; SGT Timothy Hayslett of Newville; SGT Michael Heede, Jr. of Delta; SPC Joshua Henry of Avonmore; SGT Brett Hershey of State College; SPC Derek Holland of Wind Gap; SPC Michael Hook of Altoona; SSG Jeremy Horton of Erie; SSG Sergeant Sean Huey of Fredericktown; SGT Eric Hull of Uniontown; CPL Barton Humilhanz of Hellertown; SSG Matthew Ingham of Altoona; SSG Thor Ingraham of Murrysville; SPC Craig Ivory of Port Matilda; SGT Brahim Jeffcoat of Philadelphia.

PO2 Robert Jenkins of Altoona; SGT Andrew Jodon of Karthaus; CPL Carl Johnson, II of Philadelphia; LCpl Larry Johnson of Scranton; SPC Maurice Johnson of Levittown; SPC Rodney Jones of Philadelphia; SSG Joseph Kane of Darby; MSgt Paul Karpowich of Bridgeport; SPC Mark Kasecky of McKees Rocks; SPC Douglas Kashmer of Sharon; CPL Jason Kazarick of Oakmont; SGT Nathan Kennedy of Claysville; LCpl Patrick Kenny of Allegheny; SPC Jonathan Kephart of Oil City; LCpl Joshua Klinger of Easton; SFC Tony Knier of Sabinsville; CPO Michael Koch of State College; SPC Martin Kondor of York; LCpl Ryan Kovacicsek of Washington; PFC Bradley Kritzer of Irvona.

PFC Serge Kropov of Hawley; SPC Kurt Krout of Lansdale; SPC John Kulick of Harleysville; SGT Russell Kurtz of Bethel Park; SSG Patrick Kutschbach of McKees Rocks; SGT Ryan Lane of Pittsburgh; CPL Timothy Lauer of Saegertown; SFC Daniel Lightner, Jr. of Hollidaysburg; MSgt Arthur Lilley of Smithfield; SGT Dale Lloyd of Watsontown; SPC Zachariah Long of Milton; PFC Christopher Lotter of Chester Heights; 2LT Christopher Loudon of Brockport; CAPT Ronald Luce, Jr. of Wayne; SPC Jonathon Luscher of Scranton; LCpl Joseph Magline of Lansdale; SPC William Maher, III of Yardley; MSgt Sergeant Thomas Maholic of Bradford; 1LT Travis Manion of Doylestown; SPC Jeremy Mareash of Jim Thorpe.

LT Ralph Marino of Houston; SGT Michael Marzano of Greenville; SSG Ryan Maseth of Pittsburgh; SPC Clint Matthews of Bedford; SFC Randy McCauley of Indiana; SGT Jonathan McColley of Gettysburg; SGT Andrew McConnell of Carlisle; SPC Ross McGinnis of Knox; SSG Eric McIntosh of Trafford; LTC Michael McLaughlin of Mercer; SPC Mark Melcher of Pittsburgh; LCpl Robert Mininger of Sellersville; SGT Joseph Minucci, II of Richeyville; SGT Sean Robert Mitchell of Youngsville; SSG Jae Sik Moon of Levittown; SGT Carl Morgain of Butler; LCpl Nicholas Morrison of Carlisle; SPC Clifford Moxley, Jr. of Berwick; SGT Ashly Moyer of Emmaus; PO3 Roger Napper, Jr. of Greensburg.

SPC Rafael Navea of Pittsburgh; PFC Albert Nelson of Philadelphia; SGT Joseph Nolan of Philadelphia; SGT Donald Oaks, Jr. of Erie; SSG Ryan Ostrom of Liberty; PFC Larry Parks, Jr. of Altoona; PVT Dylan Paytas of Freedom; SPC Gennaro Pellegrini, Jr. of Philadelphia; LTC Mark Phelan of

Green Lane; CWO John Priestner of Leraysville; SGT Cristobal Puello-Coronado of Long Pond; SFC George Pugliese of Carbondale; 1SG Christopher Rafferty of Brownsville; SPC Tamarra Ramos of Quakertown; CAPT Nathan Raudenbush of Royersford; CPL Kyle Renehan of Oxford; CAPT Mark Resh of Fogelsville; SGT Joshua Rimer of Rochester; SPC Luis Rodriguez Contreras of Allentown; PO1 Gary Rovinski of Wilkes-Barre.

CPL Luke Runyan of Spring Grove; PFC Aaron Rusin of Johnstown; SGT Matthew Sandri of Shamokin; 1LT Neil Santoriello of Verona; 1LT Robert Seidel, III of Gettysburg; CAPT Christopher Seifert of Bethlehem; SA Joshua Seitz of Sinking Springs; SGT Edward Shaffer of Mont Alto; SGT Jason Shaffer of Derry; SFC Michael Shannon of Canadensis; LTC Anthony Sherman of Pottstown; CAPT Todd Siebert of Baden; SGT Eric Slebodnik of Greenfield; CWO Michael Slebodnik of Gibsonia; PFC Corey Small of East Berlin; SSG Marc Small of Collegeville; SPC Michael Smith of Media; SFC Scott Smith of Punxsutawney; SPC Tristan Smith of Bryn Athyn; PFC Stephen Snowberger, III of Lopez.

SSG Glen Stivison, Jr. of Blairsville; LCpl Travis Stottlemeyer of Hatfield; SGT Francis Straub, Jr. of Philadelphia; CPL Sascha Struble of Philadelphia; SPC William Sturges, Jr. of Spring Church; PFC Brandon Styer of Lancaster; SFC Shawn Suzch of Hilltown; SGT Brett Swank of Northumberland; SSG Paul Sweeney of Lakeville; LCpl Steven Szwedek of Warfordsburg; MSgt Sean Thomas of Harrisburg; PFC Nils Thompson of Confluence; SSG Richard Tieman of Waynesboro; MAJ Jeffery Toczylowski of Ambler; CPL John Todd, III of Bridgeport; SGT Nicholas Tomko of McKees Rocks; SSG Steven Tudor of Dunmore; SFC Michael Tully of Falls Creek; LCpl Robert Ulmer of Landisville; 1LT Colby Umbrell of Doylestown.

LCpl Brandon Van Parys of New Tripoli; SGT Thomas Vandling, Jr. of Pittsburgh; SGT Timothy Vanorman of Port Matilda; LCpl Dennis Veater of Jessup; SSG William Vile of Philadelphia; SSG Kimberly Voelz of Carlisle; SPC Ross Vogel, III of Red Lion; SGT David Wallace, III of Sharpstown; SGT Jonathan Walls of West Lawn; PFC Joshua Waltenbaugh of Ford City; SPC Douglas Weismantle of Pittsburgh; SGT Lonny Wells of Vandergrift; CAPT Jason West of Pittsburgh; SPC Lee Wiegand of Hallstead; SSG David Wieger of North Huntingdon; CAPT Bryan Willard of Hummelstown; CPL Anthony Williams of Oxford; PVT Wesley Williams of Philadelphia; SPC James Yohn, Sr. of Highspire; SPC Nicholas Zangara of Philadelphia; PFC Kenneth Zeigler, II of Dillsburg; and PFC Travis Zimmerman of New Berlinville.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. LEIBERMAN. Mr. President, I rise to offer my support for H.R. 4899, the Disaster Relief and Summer Jobs Act. I would like to begin first by explaining why I voted for this measure—although I did so reluctantly and with strong reservations, since I firmly believe that it is past time for us to end our reliance on emergency supplemental appropriations, which undermine our fiscal discipline and exacerbate our skyrocketing deficit.

I supported this measure because the funds it appropriates are critical to the first and most fundamental purpose of our government—keeping America safe.

The money appropriated in the bill will be used, in large part, to support our troops in Afghanistan and Iraq who are fighting against the enemy who attacked our homeland on September 11, 2001. We went to war in Afghanistan because the 9/11 attacks were a direct consequence of the safe haven given to al-Qaida in that country under the Taliban government that ruled there. We remain at war because a resurgent Taliban, still allied with al-Qaida, is trying to restore its brutal regime and reestablish that country as a terrorist safe haven.

A large portion of the funds appropriated in this bill will be used to deploy the surge of additional troops that our commander on the ground in Afghanistan, GEN Stanley McChrystal, has said is essential to turning the tide there. I agree with President Obama that the war in Afghanistan is “a war of necessity,” and as such, we must fund our efforts there to the full measure necessary.

Allowing the Taliban to return to power would represent a major victory for Islamist extremist forces throughout the world, tilting the balance of power in South Asia in their favor and directly endangering America’s homeland security from terrorists trained there. As we were reminded just a few weeks ago, in the wake of the attempted terrorist bombing in Times Square by an individual who received terrorism training in Pakistan, the Afghanistan-Pakistan border remains the central front of the global war on terror. If we fail there, the ramifications will be devastating.

I also believe it is imperative that we continue to provide the necessary resources to ensure a successful outcome in Iraq, which faces a window of heightened instability and danger. In particular, it is essential that we provide the necessary funding for the Iraqi Security Forces so that—as our own troops draw down—our Iraqi counterparts are capable of maintaining the hard-fought security gains that we have achieved together.

Because this bill is essential for our national security, I voted for it.

However, as I said, I strongly oppose our continued reliance on the emergency supplemental appropriations bills to fund our military efforts abroad. I agree with President Obama that this method of spending has obscured the costs and budgetary consequences of our ongoing military operations. I believe we must end the practice of labeling our long-term military costs as “emergency funds,” which allows us to avoid our own self-imposed spending limits. This practice has also significantly reduced our ability to ex-

ercise effective congressional oversight.

A sound budgeting process, by contrast—which would factor future military costs into the annual budget—will allow for a more precise, honest, and fiscally responsible estimate of Federal spending and will force us to grapple with and pay for the true costs of our policy choices.

Simply put, we must change the way we do business in Washington. We cannot continue to ask our children and grandchildren to pay for the policy choices of today. For this reason, it is imperative that 2010 be the last year that we use an emergency supplemental for initiatives that are not truly “emergencies.” After all, our ballooning Federal debt and out-of-control deficits are not only a threat to our economic health—they are also a threat to our national security.

Secretary of State Hillary Clinton argued in testimony before Congress earlier this year that as America relies increasingly on foreign lenders to fund our government, we compromise our national security. Let’s not forget that each year, we are paying almost \$200 billion in interest on public debt, a significant percentage of which goes to nations whose political interests may not always be aligned with our own. Today, nearly half of our publicly held debt is in foreign holdings, compared to nineteen percent twenty years ago. This is dangerous to America’s financial autonomy and long-term national security.

In Congress, we are motivated by good intentions—each of us wants to govern well and make it easier for our constituents to live, work, and prosper—but those good intentions often have serious and adverse consequences for our long term economic health and our vitality as a nation when we ignore their economic consequences. Unfortunately, if we do not act quickly and decisively to address our mounting debt and continuing deficit spending, we will soon face a fiscal crisis that will dwarf the financial turmoil we have experienced in the past several months.

We are all concerned about the deficit, but unless we actually stop passing bills that we are not paid for, we will not make the progress that we must in reining in deficits.

We all know what the answer to this problem is: The United States of America must begin to live within our means again. Responsible American families and businesses do this—it is time for the U.S. Congress to do the same.

Mrs. SHAHEEN. Mr. President, I rise in support of an amendment that was filed by Chairman BINGAMAN, Ranking Member MURKOWSKI and myself that would help create jobs in communities across the country and help us transition to a clean energy economy.

When Congress passed the Recovery Act last year, it recognized the challenges that many developers of alternative energy and other clean energy projects are facing in obtaining financing by expanding the Department of Energy's loan guarantee program.

This program, known as the 1705 program, is helping developers to finance their projects, create jobs and spur the development of innovative clean energy technologies across the country, including New Hampshire.

Our amendment would expand the 1705 program further to include loan guarantees for energy efficiency technologies, including making buildings energy efficient.

And that is what I want to talk about today.

I see enormous potential in reducing our Nation's energy consumption by simply investing in energy efficiency, especially through renovating existing buildings. Renovating our existing buildings is a tremendous opportunity for us to cut energy use, save money and create jobs.

According to the Energy Information Administration, buildings account for more than 48 percent of total energy consumption in the United States. That is more than the transportation sector and more than the industrial sector. More than 70 percent of the commercial buildings in this country are older than 20 years and these buildings are significantly less efficient than buildings built today. Improvements to these types of buildings can improve efficiency by 20 to 40 percent using widely available technologies and the payback period can be as little as 5 years.

Updating buildings with modern energy efficiency technologies not only saves money on energy costs, it also creates jobs. Jobs in the construction industry. Jobs in the manufacturing industry. Jobs in the retail sector of the economy. These jobs can't be outsourced and they are jobs that can serve as an important part of our clean, alternative energy economy.

Yet despite all this potential, there is actually very little of this energy efficient renovation taking place because of the financial barriers. Lenders typically will not accept projected energy savings—even if guaranteed by an energy services company as sufficient collateral.

That's why I am working with Chairman BINGAMAN and Ranking Member MURKOWSKI to use the DOE loan guarantee program to help unlock private capital and encourage investment in building retrofit projects and programs.

I am also working with Senator MARY LANDRIEU to develop legislation to further expand the DOE loan guarantee program to cover large building in the commercial sector, in schools and universities, and hospitals so that

they can also be renovated to be more energy efficient.

There is so much potential that exists here and I think we need to put existing programs to work, like the loan guarantee program, to unlock private capital and reap the benefits that will come from making these buildings more energy efficient.

We have the opportunity to create jobs, support our continued economic recovery and save money by making these investments in energy efficiency.

While it is unfortunate that we could not get the amendment added to the supplemental appropriations bill, I look forward to working with my colleagues to pass this important provision this year.

HAITI

Mr. FEINGOLD. Mr. President, it has been more than 4 months since an earthquake struck Haiti, devastating not only its citizens, but also the support infrastructure—government, NGO and international—that is critical in responding to such emergencies. The U.S. and the international community rallied to Haiti's aid. Americans put their concerns to action, whether by writing to elected officials in support of greater assistance to Haiti, as so many of my constituents have done, or by contributing their own time and resources. Although it might seem to the people of Haiti, that along with the original flurry of media attention, the support of the American people has now dissipated, this is not the case.

I continue to hear regularly from the people of Wisconsin, who write not only to express their thoughts and prayers for the Haitian people, but who also request that their government do everything in its power to provide continuously needed relief and to encourage close collaboration with the Haitian people to support long-term recovery and rebuilding efforts. I was pleased to support Senator KERRY's Haiti Empowerment, Assistance, and Rebuilding Act of 2010, as amended, out of committee earlier this week and appreciate the signal it sends about our ongoing dedication to helping the people of Haiti get back on their feet in this time of great need.

While we work towards recovery and reconstruction, we must not lose focus on the immediate needs of the Haitian people—who remain in a suspended state of normalcy. More than 1 million people reside in camps, both official and informal, for the displaced. Major challenges remain in the areas of drainage, sanitation, food distribution, water, and coordination. Communicable diseases such as tetanus, malaria, and typhoid are on the rise. I especially share the concerns my constituents have raised about physical security for vulnerable populations, particularly women and children, who

have suffered unacceptably from sexual violence, as well as for the disabled. Such populations are often the most severely affected by a lack of security and difficulties in accessing resources.

I am encouraged to see funding for many of these issues and areas in the supplemental request, but, as always, the devil is in the details. We must make sure our effort to provide timely and expedited assistance is not done at the expense of doing it right. We must make sure we are coordinating with all actors working in Haiti, including the Haitian government, international donors and organizations and the people of Haiti themselves. We can better understand the needs of the Haitian people and ensure we are addressing them effectively if we make sure to incorporate their voices into the planning process. To overlook the voices of the very individuals who are experiencing such devastation would be a severe injustice and yet it appears we may be doing just that.

I am troubled by reports from Haitian civil society of the obstacles to their full participation. We must not ignore the invaluable experience and insight of leaders on the ground by favoring large international NGOs over smaller grassroots organizations. We must make sure all relevant actors are at the table as we seek to implement a pragmatic and efficient plan for recovery. As Senator KERRY's bill notes, "when the people and other civil society actors in an affected country play a significant role in the design and execution of the rebuilding efforts, the efforts are often more sustainable and more in line with the needs and aspirations of local populations." We must therefore facilitate the participation of civil society and the Haitian people as well as their collaboration with the international community and their government as we continue relief and transition to recovery and rebuilding.

The damage done by the January 12 earthquake was all the more destructive because Haiti, the poorest country in the Western Hemisphere, was still recovering from the devastating hurricane season of 2008, and still struggling with poverty and stability. Prior to the earthquake, the U.N. and the U.S. Government, along with many domestic and international partners, had been working alongside the Haitian people to strengthen their country. Now more than ever, we must redouble our efforts to ensure that priorities and needs do not go unmet and that in relief and recovery we give the Haitian people, and through them our own citizens and constituents, the biggest possible returns.

GULF OF MEXICO FISHERIES

Mr. NELSON of Florida. Mr. President, I filed two amendments to the emergency supplemental bill that focused on the desperate need for gulf

fisheries data in the wake of the Deep-water Horizon spill.

The National Oceanic and Atmospheric Administration knows our oceans and has responsibilities under several Federal laws to analyze the impacts of oil and gas production on sea life. My first amendment would have added \$22 million in funding to support baseline environmental monitoring and assessments of the Gulf of Mexico's fisheries. \$5 million of that funding would have gone to cooperative research grants that would have allowed fishermen to get out on the water and help collect this data.

These funds are needed so that NOAA can do this valuable research throughout the gulf before the oil hits and then again while the spill moves. Like my colleague from New Jersey, Senator LAUTENBERG, I am committed to ensuring that those responsible bear the costs of this incident. And so my amendment would have required that the parties responsible for this spill reimburse these funds so that the American taxpayer doesn't shoulder this burden in the longrun.

Why do we need this information? At a commerce hearing on May 18, Dr. French-Mckay, a Ph.D. in biological oceanography, testified that the lighter hydrocarbons in the oil—chemicals like benzene and toluene—would dissolve by the time the oil reaches Florida's coral reefs. These hydrocarbons in solution might be just as toxic as they would be if they were still in the oil—but you won't be able to see when they hit. Yesterday, the University of South Florida issued a press release about research they had done that confirmed that there are dissolved hydrocarbons northeast of the spill that you cannot see with the naked eye. The only way you will know the effects of the hydrocarbons on coral and on the entire food web is to know the baseline amounts of these dissolved chemicals present in the water before the spill hits.

Additionally, the fisheries in the fertile Gulf of Mexico are in jeopardy. Mangrove habitats provide nursery grounds for juvenile sportfish. The spawning season of many economically and ecologically significant species is upon us. A recent report estimated that saltwater recreational fishing the Everglades alone is worth more than \$800 million a year.

Unfortunately, baseline data for fisheries in the Gulf of Mexico is lacking. For example, there has never been a complete stock assessment for Tarpon and as a result, there are gaps in the knowledge of Tarpon behavior. Data that is available has been collected by a tagging program implemented by anglers. The research on economically important reef fish that our commercial and charter fishermen make their livelihoods from is also sparse at best.

The effects of oil and dispersants on spawning, larval stages, juvenile

stages, migrating patterns and lifespan of these valuable fishery and coral resources must be documented. Our Nation's scientists cannot accurately measure the impacts of this devastating spill on our fisheries without baseline pre-impact data. The research community in Florida knows how to conduct these assessments. In fact, they have done this for years when funding is available. The State of Florida has already spent over half a million dollars collecting baseline data.

Yesterday, I filed a second-degree amendment. I worked with Members from the Gulf Coast States to try to put something together that could help all of the fishermen impacted by the spill and also evaluate the impacts on the natural resources. Unfortunately, that did not work, but I am pleased to have been a part of getting some funding for fisheries research with the passage of Senator SHELBY's amendment. This will provide funds that can be utilized immediately to collect this data. This is an invaluable investment. I would hope that there is a way to utilize the skill and resources of the fishermen by doing cooperative research.

MEDICARE PART D

Mr. CARPER. Mr. President, while Medicare Part D has been a very popular program and has improved access to tens of millions of patients, the donut hole has been a continuing source of frustration for many beneficiaries. The Patient Protection and Affordable Care Act begins to fill in the "donut hole" with a 50 percent discount program that will begin in 2011. The purpose of the coverage gap discount was to provide relief for those beneficiaries who struggle with paying for medications in the coverage gap and, as a result, stop taking medicines as prescribed or cut back on their monthly medication use.

The Centers for Medicare and Medicaid Services recently released guidance to Part D plans regarding the administration of the Part D coverage gap discount. In that guidance, CMS responded to comments that sought clarification on the relationship between the 50 percent discount program and existing Part D rebate contracts. Although the CMS guidance clarified that manufacturers would continue to negotiate with Part D plans to provide rebates, I feel the need to further clarify this issue.

Any interference by CMS with price negotiations between manufacturers and Part D plans would be counter to the explicit intent of Congress through the government noninterference clause. With the passage of PPACA, and specifically the Part D Coverage Gap Discount Program, the government non-interference clause continues to be the existing law; therefore, CMS does not have the authority to require

manufacturers to provide rebates at any particular level.

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under the order of January 6, 2009, the Secretary of the Senate, on May 27, 2010, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 2711. An act to amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.

H.R. 3250. An act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building".

H.R. 3634. An act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the "George Kell Post Office".

H.R. 3892. An act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office".

H.R. 4017. An act to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the "Ann Marie Blute Post Office".

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building".

H.R. 4139. An act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the "Sergeant Matthew L. Ingram Post Office".

H.R. 4214. An act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office".

H.R. 4238. An act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building".

H.R. 4425. An act to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office".

H.R. 4547. An act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the "Captain Luther H. Smith, U.S. Army Air Forces Post Office".

H.R. 4628. An act to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the "Sergeant Christopher R. Hrbek Post Office Building".

H.R. 5128. An act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the "Stewart Lee Udall Department of the Interior Building".

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. UDALL of New Mexico) announced that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 5128. An act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the "Stewart Lee Udall Department of the Interior Building".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Florida (for himself, Mr. CARPER, and Mr. CHAMBLISS):

S. 3453. A bill to provide an exception from the payout requirements established for certain section 501(c)(3) type III supporting organizations under section 1241(d) of the Pension Protection Act of 2006; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 31. A joint resolution to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 546. A resolution recognizing the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 504

At the request of Mr. ROBERTS, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 504, a bill to redesignate the Department of the Navy and Marine Corps.

S. 1216

At the request of Ms. KLOBUCHAR, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1216, a bill to amend the Consumer Product Safety Act to require residential carbon monoxide detectors

to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 3262

At the request of Mr. MENENDEZ, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3262, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 3401

At the request of Mr. BURR, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3401, a bill to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program waiting lists and other cost containment measures impacting State ADAP programs.

S.J. RES. 29

At the request of Mrs. FEINSTEIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 512

At the request of Mr. THUNE, his name was added as a cosponsor of S. Res. 512, a resolution designating June 2010 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 546—RECOGNIZING THE NATIONAL MUSEUM OF AMERICAN JEWISH HISTORY, AN AFFILIATE OF THE SMITHSONIAN INSTITUTION, AS THE ONLY MUSEUM IN THE UNITED STATES DEDICATED EXCLUSIVELY TO EXPLORING AND PRESERVING THE AMERICAN JEWISH EXPERIENCE

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 546

Whereas the National Museum of American Jewish History serves to illustrate how the

freedom present in the United States and its associated choices, challenges, and responsibilities fostered an environment in which Jewish Americans have made and continue to make extraordinary contributions in all facets of American life;

Whereas the mission of the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, is to connect Jewish people more closely to their heritage and to inspire in individuals of all backgrounds a greater appreciation for the diversity of the American experience and the freedoms to which all Americans aspire;

Whereas the National Museum of American Jewish History was founded in 1976 by members of the historic Congregation Mikveh Israel, which was itself established in 1740 and known as the "Synagogue of the American Revolution";

Whereas the National Museum of American Jewish History has attracted a broad audience to its public programs, which explore American Jewish identity through lectures, panel discussions, authors' talks, films, activities for children, theater, and music;

Whereas the National Museum of American Jewish History is the repository of the largest collection of Jewish Americana in the world, with more than 25,000 objects; and

Whereas the National Museum of American Jewish History will soon be relocated to a 100,000-square-foot, 5-story, state-of-the-art facility on Independence Mall in Philadelphia, Pennsylvania, standing just steps from the Liberty Bell and Independence Hall, which shall serve as a cornerstone of the American Jewish community and a source of national pride: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the importance of the continuing study and preservation of the unique American Jewish experience; and

(2) recognizes the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience and, as such, designates it as the national museum of American Jewish history.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010

On Thursday, May 27, 2010, the Senate passed H.R. 4899, as amended, as follows:

H.R. 4899

Resolved, That the bill from the House of Representatives (H.R. 4899) entitled "An Act making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and

guaranteed farm ownership (7 U.S.C. 1922 *et seq.*) and operating (7 U.S.C. 1941 *et seq.*) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: guaranteed farm ownership loans, \$300,000,000; operating loans, \$650,000,000, of which \$250,000,000 shall be for unsubsidized guaranteed loans, \$50,000,000 shall be for subsidized guaranteed loans, and \$350,000,000 shall be for direct loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: guaranteed farm ownership loans, \$1,110,000; operating loans, \$29,470,000, of which \$5,850,000 shall be for unsubsidized guaranteed loans, \$7,030,000 shall be for subsidized guaranteed loans, and \$16,590,000 shall be for direct loans.

For an additional amount for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$1,000,000.

EMERGENCY FOREST RESTORATION PROGRAM

For implementation of the emergency forest restoration program established under section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206) for expenses resulting from natural disasters that occurred on or after January 1, 2010, and for other purposes, \$18,000,000, to remain available until expended: Provided, That the program: (1) shall be carried out without regard to chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act") and the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (2) with rules issued without a prior opportunity for notice and comment except, as determined to be appropriate by the Farm Service Agency, rules may be promulgated by an interim rule effective on publication with an opportunity for notice and comment: Provided further, That in carrying out this program, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code: Provided further, That to reduce Federal costs in administering this heading, the emergency forest restoration program shall be considered to have met the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) for activities similar in nature and quantity to those of the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 *et seq.*).

FOREIGN AGRICULTURAL SERVICE

FOOD FOR PEACE TITLE II GRANTS

For an additional amount for "Food for Peace Title II Grants" for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, \$150,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SECTION 101. None of the funds appropriated or made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a biomass crop assistance program as authorized by section 9011 of Public Law 107-171 in excess of \$552,000,000 in fiscal year 2010 or \$432,000,000 in fiscal year 2011: Provided, That section 3002 shall not apply to the amount under this section.

SEC. 102. (a) Section 502(h)(8) of the Housing Act of 1949 (42 U.S.C. 1472(h)(8)) is amended to read as follows:

"(8) FEES.—Notwithstanding paragraph (14)(D), with respect to a guaranteed loan issued or modified under this subsection, the Secretary may collect from the lender—

"(A) at the time of issuance of the guarantee or modification, a fee not to exceed 3.5 percent of the principal obligation of the loan; and

"(B) an annual fee not to exceed 0.5 percent of the outstanding principal balance of the loan for the life of the loan."

(b) Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2001 (H.R. 5426 as enacted by Public Law 106-387, 115 Stat. 1549A-34) is repealed.

(c) For gross obligations for the principal amount of guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, an additional amount shall be for section 502 unsubsidized guaranteed loans sufficient to meet the remaining fiscal year 2010 demand, provided that existing program underwriting standards are maintained, and provided further that the Secretary may waive fees described herein for very low- and low-income borrowers, not to exceed \$697,000,000 in loan guarantees.

CHAPTER 2

DEPARTMENT OF COMMERCE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (RESCISSION)

Of the funds made available under the heading "National Telecommunications and Information Administration" for Digital-to-Analog Converter Box Program in prior years, \$111,500,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for "Economic Development Assistance Programs", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in States that experienced damage due to severe storms and flooding during March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, \$49,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", \$5,000,000, for necessary expenses related to commercial fishery failures as determined by the Secretary of Commerce in January 2010.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION EXPLORATION

The matter contained in title III of division B of Public Law 111-117 regarding "National Aeronautics and Space Administration Exploration" is amended by inserting at the end of the last proviso ": Provided further, That notwithstanding any other provision of law or regulation, funds made available for Constellation in fiscal year 2010 for 'National Aeronautics and Space Administration Exploration' and from previous appropriations for 'National Aeronautics and Space Administration Exploration' shall be available to fund continued performance of Constellation contracts, and performance of such Constellation contracts may not be terminated for convenience by the National Aeronautics and Space Administration in fiscal year 2010".

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY MILITARY PERSONNEL MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$1,429,809,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$40,478,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$145,499,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$94,068,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$5,722,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$2,637,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$34,758,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$1,292,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$33,184,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$11,719,927,000, of which \$218,300,000 shall be available to restore amounts transferred from this account to "Overseas Humanitarian, Disaster, and Civic Aid" for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$2,735,194,000, of which \$187,600,000 shall be available to restore amounts transferred from this account to "Overseas Humanitarian, Disaster, and Civic Aid" for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$829,326,000, of which \$30,700,000 shall be available to restore amounts transferred from this account to "Overseas Humanitarian, Disaster, and Civic Aid" for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$3,835,095,000, of which \$218,400,000 shall be available to restore amounts transferred from this account to "Overseas Humanitarian, Disaster, and Civic Aid" for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", \$1,236,727,000: Provided, That up to \$50,000,000, to remain available until expended, shall be available for transfer to the Port of Guam Improvement Enterprise Fund established by section 3512 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417): Provided further, That funds transferred under the previous proviso shall be merged with and available for obligation for the same time period

and for the same purposes as the appropriation to which transferred: Provided further, That these funds may be transferred by the Secretary of Defense only if he determines such amounts are required to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That any amounts transferred pursuant to the previous three provisos shall be available to the Secretary of Transportation, acting through the Administrator of the Maritime Administration, to carry out under the Port of Guam Improvement Enterprise Program planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That the transfer authority in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than five days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfer.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$41,006,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$75,878,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$857,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$124,039,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$180,960,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$203,287,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for "Afghanistan Security Forces Fund", \$2,604,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

IRAQ SECURITY FORCES FUND

For the "Iraq Security Forces Fund", \$1,000,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$219,470,000, to remain available until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$3,000,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$17,055,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$2,065,006,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$296,000,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$31,576,000, to remain available until September 30, 2012.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$162,927,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$174,766,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$672,741,000, to remain available until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$189,276,000, to remain available until September 30, 2012.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Mine Resistant Ambush Protected Vehicle Fund",

\$1,123,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operations and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That the funds transferred shall be merged with and available for the same purposes and the same time period as the appropriation to which they are transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$44,835,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$163,775,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$65,138,000, to remain available until September 30, 2011.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$1,134,887,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$33,367,000 for operation and maintenance: Provided, That language under this heading in title VI, division A of Public Law 111-118 is amended by striking "\$15,093,539,000" and inserting in lieu thereof "\$15,121,714,000".

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$94,000,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)): Provided, That section 8079 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118; 123 Stat. 3446) is amended by striking "fiscal year 2010 until" and all that follows and insert "fiscal year 2010.".

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Section 8005 of the Department of Defense Appropriations Act, 2010 (division A of

Public Law 111-118) is amended by striking “\$4,000,000,000” and inserting “\$4,500,000,000”.

SEC. 303. Funds made available in this chapter to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

SEC. 304. Of the funds obligated or expended by any Federal agency in support of emergency humanitarian assistance services at the request of or in coordination with the Department of Defense, the Department of State, or the U.S. Agency for International Development, on or after January 12, 2010 and before February 12, 2010, in support of the Haitian earthquake relief efforts not to exceed \$500,000 are deemed to be specifically authorized by the Congress.

SEC. 305. Section 8011 of the title VIII, division A of Public Law 111-118 is amended by striking “within 30 days of enactment of this Act” and inserting in lieu thereof “30 days prior to contract award”.

(RESCISSIONS)

SEC. 306. (a) Of the funds appropriated in Department of Defense Appropriation Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

“Other Procurement, Air Force, 2009/2011”, \$5,000,000; and

“Research, Development, Test and Evaluation, Army, 2009/2010”, \$72,161,000.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 307. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2009 or 2010 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

HIGH-VALUE DETAINEE INTERROGATION GROUP CHARTER AND REPORT

SEC. 308. (a) SUBMISSION OF CHARTER AND PROCEDURES.—Not later than 30 days after the final approval of the charter and procedures for the interagency body established to carry out an interrogation pursuant to a recommendation of the report of the Special Task Force on interrogation and Transfer Policies submitted under section 5(g) of Executive Order 13491 (commonly known as the High-Value Detainee Interrogation Group), or not later than 30 days after the date of the enactment of this Act, whichever is later, the Director of National Intelligence shall submit to the congressional intelligence committees such charter and procedures.

(b) UPDATES.—Not later than 30 days after the final approval of any significant modification or revision to the charter or procedures referred to in subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees any such modification or revision.

(c) LESSONS LEARNED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report setting forth an analysis and assessment of the lessons learned as a result of the operations and activities of the High-Value Detainee Interrogation Group since the establishment of that group.

(d) SUBMITTAL OF CHARTER AND REPORTS TO ADDITIONAL COMMITTEES OF CONGRESS.—At the same time the Director of National Intelligence

submits the charter and procedures referred to in subsection (a), any modification or revision to the charter or procedures under subsection (b), and any report under subsection (c) to the congressional intelligence committees, the Director shall also submit such matter to—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, the Judiciary, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, the Judiciary, and Appropriations of the House of Representatives.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for “Investigations”, \$5,400,000: Provided, That funds provided under this heading in this chapter shall be used for studies in States affected by severe storms and flooding: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries” to dredge eligible projects in response to, and repair damages to Federal projects caused by, natural disasters, \$18,600,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” to dredge navigation projects in response to, and repair damages to Corps projects caused by, natural disasters, \$173,000,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use \$44,000,000 of the amount provided under this heading for nondisaster related emergency repairs to critical infrastructure: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to natural disasters as authorized by law, \$20,000,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

EMERGENCY DROUGHT RELIEF

SEC. 401. For an additional amount for “Water and Related Resources”, \$10,000,000, for drought emergency assistance: Provided, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other

applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West.

SEC. 402. Funds made available in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85), under the account “Weapons Activities” shall be available for the purchase of not to exceed one aircraft.

RECLASSIFICATION OF CERTAIN APPROPRIATIONS FOR THE NATIONAL NUCLEAR SECURITY ADMINISTRATION

SEC. 403. (a) FISCAL YEAR 2009 APPROPRIATIONS.—The matter under the heading “Weapons Activities” under the heading “National Nuclear Security Administration” under the heading “Atomic Energy Defense Activities” under the heading “Department of Energy” under title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 621) is amended by striking “the 09-D-007 LANSCE Refurbishment, PED,” and inserting “capital equipment acquisition, installation, and associated design funds for LANSCE,”.

(b) FISCAL YEAR 2010 APPROPRIATIONS.—The amount appropriated under the heading “Weapons Activities” under the heading “National Nuclear Security Administration” under the heading “Atomic Energy Defense Activities” under the heading “Department of Energy” under title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85; 123 Stat. 2866) and made available for LANSCE Reinvestment, PED, Los Alamos National Laboratory, Los Alamos, New Mexico, shall be made available instead for capital equipment acquisition, installation, and associated design funds for LANSCE, Los Alamos National Laboratory, Los Alamos, New Mexico.

SEC. 404. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking “September 30, 2010” and inserting “September 30, 2012” in lieu thereof.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking “through 2010” and inserting “through 2012” in lieu thereof.

SEC. 405. (a) The Secretary of the Army shall not be required to make a determination under the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.) for the project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 [59 Stat. 18], as modified by section 5141 of the Water Resources Development Act of 2007 [121 Stat. 1253].

(b) The Federal Highway Administration is exempt from the requirements of 49 U.S.C. 303 and 23 U.S.C. 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas.

SEC. 406. (a) The Secretary of the Army may use funds made available under the heading “OPERATION AND MAINTENANCE” of this chapter to place, at full Federal expense, dredged material available from maintenance dredging of existing Federal navigation channels located in the Gulf Coast region to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico.

(b) The Secretary of the Army shall coordinate the placement of dredged material with appropriate Federal and Gulf Coast State agencies.

(c) The placement of dredged material pursuant to this section shall not be subject to a least-cost-disposal analysis or to the development of a Chief of Engineers report.

(d) Nothing in this section shall affect the ability or authority of the Federal Government

to recover costs from an entity determined to be a responsible party in connection with the Deepwater Horizon Oil spill pursuant to the Oil Pollution Act of 1990 or any other applicable Federal statute for actions undertaken pursuant to this section.

CHAPTER 5

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, \$690,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available for necessary expenses of the Office of Inspector General under this heading in Public Law 111–117, \$1,800,000 are rescinded: Provided, That section 3002 shall not apply to the amount under this heading.

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

(INCLUDING RESCISSION)

For an additional amount for “Federal Payment to the Public Defender Service for the District of Columbia”, \$700,000, to remain available until September 30, 2012.

Of the funds provided under this heading for “Federal Payment to the District of Columbia Public Defender Service” in title IV of division D of Public Law 111–8, \$700,000 are rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

INDEPENDENT AGENCY

FINANCIAL CRISIS INQUIRY COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111–21), \$1,800,000, to remain available until February 15, 2011: Provided, That section 3002 shall not apply to the amount under this heading.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

COAST GUARD

OPERATING EXPENSES

For an additional amount for “Operating Expenses” for necessary expenses and other disaster-response activities related to Haiti following the earthquake of January 12, 2010, \$50,000,000, to remain available until September 30, 2012.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Acquisition, Construction, and Improvements”, \$15,500,000, to remain available until September 30, 2014, for aircraft replacement.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disaster Relief”, \$5,100,000,000, to remain available until expended, of which \$5,000,000 shall be transferred to the Department of Homeland Security

Office of the Inspector General for audits and investigations related to disasters.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for “United States Citizenship and Immigration Services” for necessary expenses and other disaster response activities related to Haiti following the earthquake of January 12, 2010, \$10,600,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 601. Notwithstanding the 10 percent limitation contained in section 503(c) of Public Law 111–83, for fiscal year 2010, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to \$20,000,000, from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 5 days in advance of such transfer.

(RESCISSIONS)

SEC. 602. (a) The following unobligated balances made available pursuant to section 505 of Public Law 110–329 are rescinded: \$2,200,000 from Coast Guard “Operating Expenses”; \$1,800,000 from the “Office of the Secretary and Executive Management”; and \$489,152 from “Analysis and Operations”.

(b) The third clause of the proviso directing the expenditure of funds under the heading “Alteration of Bridges” in the Department of Homeland Security Appropriations Act, 2009, is repealed, and from available balances made available for Coast Guard “Alteration of Bridges”, \$5,910,848 are rescinded: Provided, That funds rescinded pursuant to this subsection shall exclude balances made available in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(c) From the unobligated balances of appropriations made available in Public Law 111–83 to the “Office of the Federal Coordinator for Gulf Coast Rebuilding”, \$700,000 are rescinded.

(d) Section 3002 shall not apply to the amounts in this section.

SEC. 603. The Administrator of the Federal Emergency Management Agency shall consider satisfied for Hurricane Katrina the non-Federal match requirement for assistance provided by the Federal Emergency Management Agency pursuant to section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170c(a).

SEC. 604. Funds appropriated in Public Law 111–83 under the heading National Protection and Programs Directorate “Infrastructure Protection and Information Security” shall be available for facility upgrades and related costs to establish a United States Computer Emergency Readiness Team Operations Support Center/Continuity of Operations capability.

SEC. 605. Two C-130J aircraft funded elsewhere in this Act shall be transferred to the Coast Guard.

SEC. 606. Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5140b, 5172, and 5173), for damages resulting from FEMA–3311–EM–RI, FEMA–1894–DR, FEMA–1906–DR, FEMA–1909–DR, and all other areas Presidentially declared a disaster, prior to or following enactment, and resulting from the May 1 and 2, 2010 weather events that elicited FEMA–1909–DR, shall not be less than 90 percent of the eligible costs under such sections.

SEC. 607. (a) Not later than 30 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Ad-

ministration shall issue a security directive that requires a commercial foreign air carrier who operates flights in and out of the United States to check the list of individuals that the Transportation Security Administration has prohibited from flying not later than 30 minutes after such list is modified and provided to such air carrier.

(b) The requirements of subsection (a) shall not apply to commercial foreign air carriers that operate flights in and out of the United States and that are enrolled in the Secure Flight program or that are Advance Passenger Information System Quick Query (AQQ) compliant.

CHAPTER 7

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Departmental Management” for mine safety activities and legal services related to the Department of Labor’s caseload before the Federal Mine Safety and Health Review Commission (“FMSHRC”), \$18,200,000, which shall remain available for obligation through the date that is 12 months after the date of enactment of this Act: Provided, That the Secretary of Labor may transfer such sums as necessary to the “Mine Safety and Health Administration” for enforcement and mine safety activities, which may include conference litigation functions related to the FMSHRC caseload, investigation of the Upper Big Branch Mine disaster, standards and rule-making activities, emergency response equipment purchases and upgrades, and organizational improvements: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of any transfer.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund” for necessary expenses for emergency relief and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, \$220,000,000, to remain available until expended: Provided, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, shall be merged with the appropriation to which transferred, and shall be available only for the purposes provided herein: Provided further, That none of the funds provided in this paragraph may be transferred prior to notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: Provided further, That funds appropriated in this paragraph may be used to reimburse agencies for obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds may be used for the non-Federal share of expenditures for medical assistance furnished under title XIX of the Social Security Act, and for child health assistance furnished under title XXI of such Act, that are related to earthquake response activities: Provided further, That funds may be used for services performed by the National Disaster Medical System in connection with such earthquake, for the return of evacuated Haitian citizens to Haiti, and for grants to States and other entities to reimburse payments made for

otherwise uncompensated health and human services furnished in connection with individuals given permission by the United States Government to come from Haiti to the United States after such earthquake, and not eligible for assistance under such titles: Provided further, That the limitation in subsection (d) of section 1113 of the Social Security Act shall not apply with respect to any repatriation assistance provided in response to the Haiti earthquake of January 12, 2010: Provided further, That with respect to the previous proviso, such additional repatriation assistance shall only be available from the funds appropriated herein.

RELATED AGENCY

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Federal Mine Safety and Health Review Commission, Salaries and Expenses" \$3,800,000, to remain available for obligation for 12 months after enactment of this Act.

CHAPTER 8

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Joyce Murtha, widow of John P. Murtha, late a Representative from Pennsylvania, \$174,000: Provided, That section 3002 shall not apply to this appropriation.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for "Capitol Police, General Expenses" to purchase and install the indoor coverage portion of the new radio system for the Capitol Police, \$12,956,000, to remain available until September 30, 2012: Provided, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

CHAPTER 9

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", \$242,296,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", \$406,590,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Family Housing Operation and Maintenance, Air Force", \$7,953,000.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and Pensions", \$13,377,189,000, to remain available until expended: Provided, That section 3002 shall not apply to the amount under this heading.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 901. (a) Of the amounts made available to the Department of Veterans Affairs under the

"Construction, Major Projects" account, in fiscal year 2010 or previous fiscal years, up to \$67,000,000 may be transferred to the "Filipino Veterans Equity Compensation Fund" account or may be retained in the "Construction, Major Projects" account and used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate: Provided, That any amount transferred from "Construction, Major Projects" shall be derived from unobligated balances that are a direct result of bid savings: Provided further, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(b) Section 3002 shall not apply to the amount in this section.

LIMITATION ON USE OF FUNDS AVAILABLE TO THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 902. The amount made available to the Department of Veterans Affairs by this chapter under the heading "VETERANS BENEFITS ADMINISTRATION" under the heading "COMPENSATION AND PENSIONS" may not be obligated or expended until the expiration of the period for Congressional disapproval under chapter 8 of title 5, United States Code (commonly referred to as the "Congressional Review Act"), of the regulations prescribed by the Secretary of Veterans Affairs pursuant to section 1116 of title 38, United States Code, to establish a service connection between exposure of veterans to Agent Orange during service in the Republic of Vietnam during the Vietnam era and hairy cell leukemia and other chronic B cell leukemias, Parkinson's disease, and ischemic heart disease.

CHAPTER 10

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", \$1,261,000,000, to remain available until September 30, 2011: Provided, That the Secretary of State may transfer up to \$149,500,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon concurrence of the head of such department or agency and after consultation with the Committees on Appropriations, to support operations in and assistance for Afghanistan and Pakistan and to carry out the provisions of the Foreign Assistance Act of 1961.

For an additional amount for "Diplomatic and Consular Programs" for necessary expenses for emergency relief, rehabilitation, and reconstruction support, and other expenses related to Haiti following the earthquake of January 12, 2010, \$65,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That up to \$3,700,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading "Emergencies in the Diplomatic and Consular Service": Provided further, That up to \$290,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading "Repatriation Loans Program Account".

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General" for necessary expenses for

oversight of operations and programs in Afghanistan, Pakistan, and Iraq, \$3,600,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance" for necessary expenses for emergency needs in Haiti following the earthquake of January 12, 2010, \$79,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities" for necessary expenses for emergency security related to Haiti following the earthquake of January 12, 2010, \$96,500,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for necessary expenses for emergency broadcasting support and other expenses related to Haiti following the earthquake of January 12, 2010, \$3,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General" for necessary expenses for oversight of operations and programs in Afghanistan and Pakistan, \$3,400,000, to remain available until September 30, 2013.

For an additional amount for "Office of Inspector General" for necessary expenses for oversight of emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, \$4,500,000, to remain available until September 30, 2012: Provided, That up to \$1,500,000 of the funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for "Global Health and Child Survival" for necessary expenses for pandemic preparedness and response, \$45,000,000, to remain available until September 30, 2011.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance" for necessary expenses for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, \$460,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Economic Support Fund", \$1,620,000,000, to remain available until September 30, 2012, of which not less than \$1,309,000,000 shall be made available for assistance for Afghanistan and not less than \$259,000,000 shall be made available for assistance for Pakistan: Provided, That funds appropriated under this heading in this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Afghanistan may be made available, after consultation with the Committees on Appropriations, for disarmament, demobilization and reintegration activities, subject to the requirements of section 904(e) in this chapter, and for a United States contribution to an internationally managed fund to support the reintegration into Afghan society of individuals who have renounced violence against the Government of Afghanistan.

For an additional amount for "Economic Support Fund" for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, \$770,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to \$120,000,000 may be transferred to the Department of the Treasury for United States contributions to a multi-donor trust fund for reconstruction and recovery efforts in Haiti: Provided further, That of the funds appropriated in this paragraph, up to \$10,000,000 may be transferred to, and merged with, funds made available under the heading "United States Agency for International Development, Funds Appropriated to the President, Operating Expenses" for administrative costs relating to the purposes provided herein and to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds appropriated in this paragraph may be transferred to, and merged with, funds available under the heading "Development Credit Authority" for the purposes provided herein: Provided further, That such transfer authority is in addition to any other transfer authority provided by this or any other Act: Provided further, That funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106-31, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean, shall also be available to the Comptroller General to monitor relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and shall remain available until expended: Provided further, That funds appropriated in this paragraph may be made available to the United States Agency for International Development and the Department of State to reimburse any accounts for obligations incurred for the purpose provided herein prior to enactment of this Act.

For an additional amount for "Economic Support Fund" for necessary expenses for assistance for Jordan, \$100,000,000, to remain available until September 30, 2012.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance" for necessary expenses for assistance for refugees and internally displaced persons, \$165,000,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for "International Affairs Technical Assistance" for necessary ex-

penses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, \$7,100,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to \$60,000 may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", \$1,034,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated under this heading, not less than \$650,000,000 shall be made available for assistance for Iraq of which \$450,000,000 is for one-time start up costs and limited operational costs of the Iraqi police program, and \$200,000,000 is for implementation, management, security, communications, and other expenses related to such program and may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the Government of Iraq supports and is cooperating with such program: Provided further, That funds appropriated in this chapter for assistance for Iraq shall not be subject to the limitation on assistance in section 7042(b)(1) of division F of Public Law 111-117: Provided further, That of the funds appropriated in this paragraph, not less than \$169,000,000 shall be made available for assistance for Afghanistan and not less than \$40,000,000 shall be made available for assistance for Pakistan: Provided further, That of the funds appropriated under this heading, \$175,000,000 shall be made available for assistance for Mexico for judicial reform, institution building, anti-corruption, and rule of law activities, and shall be available subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

For an additional amount for "International Narcotics Control and Law Enforcement" for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, \$147,660,000, to remain available until September 30, 2012: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", \$100,000,000, to remain available until September 30, 2012, of which not less than \$50,000,000 shall be made available for assistance for Pakistan and not less than \$50,000,000 shall be made available for assistance for Jordan.

GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1001. Funds appropriated in this chapter may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

ALLOCATIONS

SEC. 1002. (a) Funds appropriated in this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

(1) "Diplomatic and Consular Programs".

(2) "Economic Support Fund".

(3) "International Narcotics Control and Law Enforcement".

(b) For the purposes of implementing this section, and only with respect to the tables included in the report accompanying this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to the amounts referred in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1003. (a) SPENDING PLANS.—Not later than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations detailing planned uses of funds appropriated in this chapter, except for funds appropriated under the headings "International Disaster Assistance" and "Migration and Refugee Assistance".

(b) OBLIGATION REPORTS.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations not later than 90 days after enactment of this Act, and every 180 days thereafter until September 30, 2012, on obligations, expenditures, and program outputs and outcomes.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except for funds appropriated under the headings "International Disaster Assistance" and "Migration and Refugee Assistance".

AFGHANISTAN

SEC. 1004. (a) The terms and conditions of sections 1102(a), (b)(1), (c), and (d) of Public Law 111-32 shall apply to funds appropriated in this chapter that are available for assistance for Afghanistan.

(b) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" that are available for assistance for Afghanistan may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Afghan national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(c)(1) Funds appropriated in this chapter may be made available for assistance for the Government of Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Afghanistan is—

(A) cooperating with United States reconstruction and reform efforts;

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources; and

(C) respecting the internationally recognized human rights of Afghan women.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Afghan authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(d) Funds appropriated in this chapter and in prior Acts that are available for assistance for Afghanistan may be made available to support reconciliation with, or reintegration of, former combatants only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and women's internationally recognized human rights are protected in such process; and

(2) such funds will not be used to support any pardon, immunity from prosecution or amnesty, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights.

(e) Funds appropriated in this chapter that are available for assistance for Afghanistan may be made available to support the work of the Independent Electoral Commission and the Electoral Complaints Commission in Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) the Independent Electoral Commission has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and

(2) the central Government of Afghanistan has taken steps to ensure that women are able to exercise their rights to political participation, whether as candidates or voters.

(f)(1) Not more than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a strategy to address the needs and protect the rights of Afghan women and girls, including planned expenditures of funds appropriated in this chapter, and detailed plans for implementing and monitoring such strategy.

(2) Such strategy shall be coordinated with and support the goals and objectives of the National Action Plan for Women of Afghanistan and the Afghan National Development Strategy and shall include a defined scope and methodology to measure the impact of such assistance.

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

PAKISTAN

SEC. 1005. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Foreign Military Financing Program" and "Pakistan Counterinsurgency Capability Fund" shall be made available—

(1) in a manner that promotes unimpeded access by humanitarian organizations to detainees, internally displaced persons, and other Pakistani civilians adversely affected by the conflict; and

(2) in accordance with section 620J of the Foreign Assistance Act of 1961, and the Secretary of State shall inform relevant Pakistani authorities of the requirements of section 620J and of its application, and regularly monitor units of Pakistani security forces that receive United States assistance and the performance of such units.

(b)(1) Of the funds appropriated in this chapter under the heading "Economic Support Fund" for assistance for Pakistan, \$5,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations.

(2) Not later than 90 days after enactment of this Act and prior to the obligation of funds under this subsection, the Secretary of State shall submit to the Committees on Appropriations a human rights strategy in Pakistan including the proposed uses of funds.

(c) Of the funds appropriated in this chapter under the heading "Economic Support Fund" for assistance for Pakistan, up to \$1,500,000 should be made available to the Department of State and the United States Agency for International Development for the lease of aircraft to implement programs and conduct oversight in northwestern Pakistan, which shall be coordinated under the authority of the United States Chief of Mission in Pakistan.

IRAQ

SEC. 1006. (a) The uses of aircraft in Iraq purchased or leased with funds made available under the headings "International Narcotics Control and Law Enforcement" and "Diplomatic and Consular Affairs" in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the United States Chief of Mission in Iraq.

(b) The terms and conditions of section 1106(b) of Public Law 111-32 shall apply to funds made available in this chapter for assistance for Iraq under the heading "International Narcotics Control and Law Enforcement".

(c) Of the funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Diplomatic and Consular Programs" and "Embassy Security, Construction, and Maintenance" for Afghanistan, Pakistan and Iraq, up to \$300,000,000 may, after consultation with the Committees on Appropriations, be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

HAITI

SEC. 1007. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" that are available for assistance for Haiti may be obligated only if the Secretary of State reports to the Committees on Appropriations

that prior to the disbursement of funds, representatives of the Haitian national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(b)(1) Funds appropriated in this chapter under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" may be made available for assistance for the Government of Haiti only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Haiti is—

(A) cooperating with United States reconstruction and reform efforts; and

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for making such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Haitian authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(c)(1) Funds appropriated in this chapter for bilateral assistance for Haiti may be provided as direct budget support to the central Government of Haiti only if the Secretary of State reports to the Committees on Appropriations that the Government of the United States and the Government of Haiti have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended.

(2) The Secretary should suspend any such direct budget support to an implementing agency if the Secretary has credible evidence of misuse of such funds by any such agency.

(3) Any such direct budget support shall be subject to prior consultation with the Committees on Appropriations.

(d) Funds appropriated in this chapter that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation and leadership of Haitian women and directly improves the security, economic and social well-being, and political status of Haitian women and girls.

(e) Funds appropriated in this chapter may be made available for assistance for Haiti notwithstanding any other provision of law, except for section 620J of the Foreign Assistance Act of 1961 and provisions of this chapter.

HAITI DEBT RELIEF

SEC. 1008. (a) For an additional amount for "Contribution to the Inter-American Development Bank", "Contribution to the International Development Association", and "Contribution to the International Fund for Agricultural Development", to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank, to the extent separately authorized in this chapter, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, a total of \$212,000,000, to remain available until September 30, 2012.

(b) Up to \$40,000,000 of the amounts appropriated under the heading "Department of the

Treasury, Debt Restructuring” in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used to cancel Haiti’s existing debts and repayments on disbursements from loans committed prior to January 12, 2010, to the Inter-American Development Bank, the International Development Association, and the International Fund for Agricultural Development, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of providing debt relief to Haiti in view of the Cancun Declaration of March 21, 2010.

HAITI DEBT RELIEF AUTHORITY

SEC. 1009. The Inter-American Development Bank Act, Public Law 86-147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

“SEC. 40. AUTHORITY TO VOTE FOR AND CONTRIBUTE TO AN INCREASE IN RESOURCES OF THE FUND FOR SPECIAL OPERATIONS; PROVIDING DEBT RELIEF TO HAITI.

“(a) VOTE AUTHORIZED.—In accordance with section 5 of this Act, the United States Governor of the Bank is authorized to vote in favor of a resolution to increase the resources of the Fund for Special Operations up to \$479,000,000, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, which provides that:

“(1) Haiti’s debts to the Fund for Special Operations are to be cancelled;

“(2) Haiti’s remaining local currency conversion obligations to the Fund for Special Operations are to be cancelled;

“(3) undisbursed balances of existing loans of the Fund for Special Operations to Haiti are to be converted to grants; and

“(4) the Fund for Special Operations is to make available significant and immediate grant financing to Haiti as well as appropriate resources to other countries remaining as borrowers within the Fund for Special Operations, consistent with paragraph 6 of the Cancun Declaration of March 21, 2010.

“(b) CONTRIBUTION AUTHORITY.—To the extent and in the amount provided in advance in appropriations Acts the United States Governor of the Bank may, on behalf of the United States and in accordance with section 5 of this Act, contribute up to \$252,000,000 to the Fund for Special Operations, which will provide for debt relief of:

“(1) up to \$240,000,000 to the Fund for Special Operations;

“(2) up to \$8,000,000 to the International Fund For Agricultural Development (IFAD); and

“(3) up to \$4,000,000 for the International Development Association (IDA).

“(c) AUTHORIZATION OF APPROPRIATIONS.—To pay for the contribution authorized under subsection (b), there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury \$212,000,000, for the United States contribution to the Fund for Special Operations.”.

MEXICO

SEC. 1010. (a) For purposes of funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “International Narcotics Control and Law Enforcement” that are made available for assistance for Mexico, the provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply and the report required in paragraph (1) shall be based on a determination by the Secretary of State of compliance with each of the requirements in paragraph (1)(A) through (D).

(b) Funds appropriated in this chapter under the heading “International Narcotics Control and Law Enforcement” that are available for assistance for Mexico may be made available only after the Secretary of State submits a report to the Committees on Appropriations detailing a coordinated, multi-year, interagency strategy to address the causes of drug-related violence and other organized criminal activity in Central and South America, Mexico, and the Caribbean, which shall describe—

(1) the United States multi-year strategy for the region, including a description of key challenges in the source, transit, and demand zones; the key objectives of the strategy; and a detailed description of outcome indicators for measuring progress toward such objectives;

(2) the integration of diplomatic, administration of justice, law enforcement, civil society, economic development, demand reduction, and other assistance to achieve such objectives;

(3) progress in phasing out law enforcement activities of the militaries of each recipient country, as applicable; and

(4) governmental efforts to investigate and prosecute violations of internationally recognized human rights.

(c) Of the funds appropriated in this chapter under the heading “Diplomatic and Consular Programs”, up to \$5,000,000 may be made available for armored vehicles and other emergency diplomatic security support for United States Government personnel in Mexico.

EL SALVADOR

SEC. 1011. Of the funds appropriated in this chapter under the heading “Economic Support Fund”, \$25,000,000 shall be made available for necessary expenses for emergency relief and reconstruction assistance for El Salvador related to Hurricane/Tropical Storm Ida.

DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 1012. Of the funds appropriated in this chapter under the heading “Economic Support Fund”, \$15,000,000 shall be made available for necessary expenses for emergency security and humanitarian assistance for civilians, particularly women and girls, in the eastern region of the Democratic Republic of the Congo.

INTERNATIONAL SCIENTIFIC COOPERATION

SEC. 1013. Funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for science and technology centers in the former Soviet Union may be used to support productive, non-military projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing science and technology centers and notwithstanding sections 503 and 504 of the FREEDOM Support Act (Public Law 102-511), and following consultation with the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

INTERNATIONAL RENEWABLE ENERGY AGENCY

SEC. 1014. For fiscal year 2011 and thereafter, the President is authorized to accept the statute of, and to maintain membership of the United States in, the International Renewable Energy Agency, and the United States’ assessed contributions to maintain such membership may be paid from funds appropriated for “Contributions to International Organizations”.

OFFICE OF INSPECTOR GENERAL PERSONNEL

SEC. 1015. (a) Funds appropriated in this chapter for the United States Agency for International Development Office of Inspector General (OIG) may be made available to contract with United States citizens for personal services

when the Inspector General determines that the personnel resources of the OIG are otherwise insufficient.

(1) Not more than 5 percent of the OIG personnel (determined on a full-time equivalent basis), as of any given date, are serving under personal services contracts.

(2) Contracts under this paragraph shall not exceed a term of 2 years unless the Inspector General determines that exceptional circumstances justify an extension of up to 1 additional year, and contractors under this paragraph shall not be considered employees of the Federal Government for purposes of title 5, United States Code, or members of the Foreign Service for purposes of title 22, United States Code.

(b)(1) The Inspector General may waive subsections (a) through (d) of section 8344, and subsections (a) through (e) of section 8468 of title 5, United States Code, and subsections (a) through (d) of section 4064 of title 22, United States Code, on behalf of any re-employed annuitant serving in a position within the OIG to facilitate the assignment of persons to positions in Iraq, Pakistan, Afghanistan, and Haiti or to positions vacated by members of the Foreign Service assigned to those countries.

(2) The authority provided in paragraph (1) shall be exercised on a case-by-case basis for positions for which there is difficulty recruiting or retaining a qualified employee or to address a temporary emergency hiring need, individuals employed by the OIG under this paragraph shall not be considered employees for purposes of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title, and the authorities of the Inspector General under this paragraph shall terminate on October 1, 2012.

AUTHORITY TO REPROGRAM FUNDS

SEC. 1016. Of the funds appropriated by this chapter for assistance for Afghanistan, Iraq and Pakistan, up to \$100,000,000 may be made available pursuant to the authority of section 451 of the Foreign Assistance Act of 1961, as amended, for assistance in the Middle East and South Asia regions if the President finds, in addition to the requirements of section 451 and certifies and reports to the Committees on Appropriations, that exercising the authority of this section is necessary to protect the national security interests of the United States: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the reprogramming of such funds, which shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the funding limitation otherwise applicable to section 451 of the Foreign Assistance Act of 1961 shall not apply to this section: Provided further, That the authority of this section shall expire upon enactment of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011.

SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

(INCLUDING RESCISSION)

SEC. 1017. (a) Of the funds appropriated under the heading “Department of State, Administration of Foreign Affairs, Office of Inspector General” and authorized to be transferred to the Special Inspector General for Afghanistan Reconstruction in title XI of Public Law 111-32, \$7,200,000 are rescinded.

(b) For an additional amount for “Department of State, Administration of Foreign Affairs, Office of Inspector General” which shall be available for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight in Afghanistan, \$7,200,000, and shall remain available until September 30, 2011.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

Of the amounts provided for Safety Belt Performance Grants in Public Law 111-117, \$15,000,000 shall be available to pay for expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109-59 and chapter 301 and part C of subtitle VI of title 49, United States Code, and for the planning or execution of programs authorized under section 403 of title 23, United States Code: Provided, That such funds shall be available until September 30, 2011, and shall be in addition to the amount of any limitation imposed on obligations in fiscal year 2011.

Of the amounts made available for Safety Belt Performance Grants under section 406 of title 23, United States Code, \$25,000,000 in unobligated balances are permanently rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE
PROGRAM

(RESCISSION)

Of the amounts made available for the Consumer Assistance to Recycle and Save Program, \$44,000,000 in unobligated balances are rescinded.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community Development Fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by severe storms and flooding from March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, \$100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): Provided, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any

statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for "Economic Development Assistance Programs", to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$5,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for "Operations, Research, and Facilities", \$13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: Provided, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

For an additional amount, in addition to amounts provided elsewhere in this Act, for "Operations, Research, and Facilities", for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", Food and Drug Administration, De-

partment of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of the Secretary, Salaries and Expenses" for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, \$29,000,000, to remain available until expended: Provided, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL
ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", \$10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY
SCIENCE AND TECHNOLOGY

For an additional amount for "Science and Technology" for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, \$2,000,000, to remain available until expended: Provided, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: Provided further, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE

DEEPWATER HORIZON

SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting ":(1)" before "may obtain an advance" and after "the Coast Guard";

(2) by striking "advance. Amounts" and inserting the following: "advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of \$100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts".

PROHIBITION ON FINES AND LIABILITY

SEC. 2002. None of the funds made available by this Act shall be used to levy against any

person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled "Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule" (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled "Lead; Amendment to the Opt-out and Record-keeping Provisions in the Renovation, Repair, and Painting Program" signed by the Administrator on April 22, 2010.

RIGHT-OF-WAY

SEC. 2003. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) not later than 30 days after the date of enactment of this Act, amend Right-of-Way Grants No. NVN-49781/IDI-26446/NVN-85211/NVN-85210 of the Bureau of Land Management to shift the 200-foot right-of-way for the 500-kilovolt transmission line project to the alignment depicted on the maps entitled "Southwest Intertie Project" and dated December 10, 2009, and May 21, 2010, and approve the construction, operation and maintenance plans of the project; and

(2) not later than 90 days after the date of enactment of this Act, issue a notice to proceed with construction of the project in accordance with the amended grants and approved plans described in paragraph (1).

(b) Notwithstanding any other provision of law, the Secretary of Energy may provide or facilitate federal financing for the project described in subsection (a) under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) or the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), based on the comprehensive reviews and consultations performed by the Secretary of the Interior.

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2004. (1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$15,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, \$10,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, \$1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

(4) IN GENERAL.—Of the amounts appropriated or made available under division B, title I of Public Law 111-117 that remain unobligated as of the date of the enactment of this Act under Procurement, Acquisition, and Construction for the National Oceanic and Atmospheric Administration, \$26,000,000 of the amounts appropriated are hereby rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 3001 No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 3002. Unless otherwise specified, each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 3003. (a) Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. §§1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

(b) Section 3002 shall not apply to this section. SEC. 3004. (a) Public Law 111-88, the Interior, Environment, and Related Agencies Appropriations Act, 2010, is amended under the heading "Office of the Special Trustee for American Indians" by—

(1) striking "\$185,984,000" and inserting "\$176,984,000"; and

(2) striking "\$56,536,000" and inserting "\$47,536,000".

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 3005. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105-312) is amended by striking "2008" and inserting "2011".

SEC. 3006. For fiscal years 2010 and 2011—

(1) the National Park Service Recreation Fee Program account may be available for the cost of adjustments and changes within the original scope of contracts for National Park Service projects funded by Public Law 111-5 and for associated administrative costs when no funds are otherwise available for such purposes;

(2) notwithstanding section 430 of division E of Public Law 111-8 and section 444 of Public Law 111-88, the Secretary of the Interior may utilize unobligated balances for adjustments and changes within the original scope of projects funded through division A, title VII, of Public Law 111-5 and for associated administrative costs when no funds are otherwise available;

(3) the Secretary of the Interior shall ensure that any unobligated balances utilized pursuant to paragraph (2) shall be derived from the bureau and account for which the project was funded in Public Law 111-5; and

(4) the Secretary of the Interior shall consult with the Committees on Appropriations prior to making any charges authorized by this section.

SEC. 3007. (a) Section 205(d) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2304(d)) is amended by striking "10 years" and inserting "11 years".

(b) Section 3002 shall not apply to this section.

SEC. 3008. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" under the heading "OFFICE OF JUSTICE PROGRAMS" under the heading "STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES" under title II of the Omnibus Appropriations Act, 2009

TICE PROGRAMS" under the heading "STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES" under title II of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act may be made available to My Brother's Keeper of Genesee County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

SEC. 3009. Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010 (49 U.S.C. 24305 note) is amended by striking clauses (i) and (ii) and inserting the following:

"(i) requiring inspections of any container containing a firearm or ammunition; and

"(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains."

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3010. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110-417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: "In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website."

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3011. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

SEC. 3012. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" under the heading "OFFICE OF JUSTICE PROGRAMS" under the heading "STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES" under title II of the Omnibus Appropriations Act, 2009

(Public Law 111-8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta, Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

COASTAL IMPACT ASSISTANCE

SEC. 3013. Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended by adding at the end the following:

“(e) EMERGENCY FUNDING.—

“(1) IN GENERAL.—In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

“(A) consistent with subsection (d); and

“(B) specifically designed to respond to the spill of national significance.

“(2) APPROVAL BY SECRETARY.—The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursement of the funds under paragraph (1).

“(3) STATE REQUIREMENTS.—

“(A) ADDITIONAL INFORMATION.—If the Secretary approves a project for funding under this subsection that is included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

“(B) AMENDMENT TO PLAN.—If the Secretary approves a project for funding under this subsection that is not included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an amendment to the plan that includes any projects funded under paragraph (1), as well as any information about such projects that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

“(C) LIMITATION.—If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph, or if, based on the information submitted by the Secretary determines that the project is not in compliance with subsection (d), by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.”.

This Act may be cited as the “Supplemental Appropriations Act, 2010”.

Amend the title so as to read: “Making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.”.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that on Monday, June 7, at 4:30 p.m., the Senate proceed to executive session

to consider the following nominations on the Executive Calendar and that they be debated concurrently until 5:30 p.m., with the time equally divided and controlled by Senators LEAHY and SESSIONS, or their designees: No. 730, Audrey Pleissig, district court judge, Missouri; No. 731, Lucy Koh, district court judge, California; No. 759, Jane Magnus-Stinson, district court judge, Indiana; that at 5:30 p.m., the Senate proceed to vote on confirmation of the nominations in the order listed; that upon confirmation, the motions to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that after the first vote, there be 2 minutes of debate, equally divided as described above, and after the first vote, the succeeding votes be limited to 10 minutes each; that upon disposition of the nominations, the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider, en bloc, the following nominations: 909, 910, 911, 912, 913, 914, 915, 918, 919, 920, 921, and 922, and all nominations on the Secretary's desk in the Air Force, Army, Foreign Services, Marine Corps, and Navy; that the nominations be confirmed, en bloc, the motions to reconsider be considered made and laid upon the table, en bloc; that any statements relating to the nominations be printed in the RECORD, as if read, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Burton M. Field

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frank J. Kisner

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Jeffrey L. Harrigian

Colonel John F. Newell, III

Colonel Mark C. Nowland

Colonel Robert D. Thomas

IN THE ARMY

The following named officer for appointment in the United States Army to the grade

indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David H. Huntoon, Jr.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Michael H. Miller

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Joseph P. Aucoin

Rear Adm. (lh) Patrick H. Brady

Rear Adm. (lh) Ted N. Branch

Rear Adm. (lh) Paul J. Bushong

Rear Adm. (lh) James F. Caldwell, Jr.

Rear Adm. (lh) Thomas H. Copeman, III

Rear Adm. (lh) Philip S. Davidson

Rear Adm. (lh) Kevin M. Donegan

Rear Adm. (lh) Patrick Driscoll

Rear Adm. (lh) Mark D. Guadagnini

Rear Adm. (lh) Joseph A. Horn

Rear Adm. (lh) Anthony M. Kurta

Rear Adm. (lh) Joseph P. Mulloy

Rear Adm. (lh) Sean A. Pybus

Rear Adm. (lh) John M. Richardson

Rear Adm. (lh) Thomas S. Rowden

Rear Adm. (lh) Nora W. Tyson

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. William E. Gortney

DEPARTMENT OF JUSTICE

Gervin Kazumi Miyamoto, of Hawaii, to be United States Marshal for the District of Hawaii for the term of four years.

Scott Jerome Parker, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

Laura E. Duffy, of California, to be United States Attorney for the Southern District of California for a term of four years.

Darryl Keith McPherson, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Stephanie A. Finley, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1756 AIR FORCE nomination of Kshamata Skeete, which was received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1773 AIR FORCE nomination of Pascal Udekwe, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1774 AIR FORCE nominations (17) beginning MARK R. ANDERSON, and ending JONATHAN A. SOSNOV, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

IN THE ARMY

PN1757 ARMY nominations (10) beginning ALAN C. CRANFORD, and ending WILLIAM A. WARD, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1758 ARMY nomination of Adam S. Colombo, which was received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1759 ARMY nominations (6) beginning CHRISTOPHER W. SOIKA, and ending ELIZABETH REMEDIOS, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1775 ARMY nominations (12) beginning FRED M. CHESBRO, and ending DEREK J. TOLMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1776 ARMY nominations (7) beginning MONIQUE C. BIERWIRTH, and ending DAVID E. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1777 ARMY nomination of Carolyn A. Waltz, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1778 ARMY nominations (8) beginning DENNY S. HEWITT, and ending JOHN D. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1804 ARMY nomination of Adam H. Hamawy, which was received by the Senate and appeared in the Congressional Record of May 18, 2010.

PN1808 ARMY nominations (36) beginning STEPHEN W. AUSTIN, and ending NATHAN L. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 19, 2010

IN THE FOREIGN SERVICE

PN1621 FOREIGN SERVICE nominations (326) beginning Judith Hinshaw Semilota, and ending Gregory S. Stanford, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2010.

IN THE MARINE CORPS

PN1796 MARINE CORPS nomination of David S. Phillips, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

IN THE NAVY

PN1760 NAVY nomination of John J. Kemerer, which was received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1761 NAVY nominations (36) beginning ROBIN E. ALFONSO, and ending CHAD RICK O. WITHROW, which nominations were received by the Senate and appeared in the Congressional Record of May 5, 2010.

PN1779 NAVY nomination of John M. Holmes, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1780 NAVY nomination of Leonard J. Long, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1781 NAVY nomination of Alexander Davila, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1782 NAVY nomination of Antonio L. Scinicariello, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1783 NAVY nomination of Christopher R. Swanson, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1784 NAVY nomination of Dominick E. Floyd, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1785 NAVY nomination of Joseph A. Nellis, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1786 NAVY nomination of Rachel J. Velasco-Lind, which was received by the Senate and appeared in the Congressional Record of May 13, 2010.

PN1805 NAVY nomination of David S. Weldon, which was received by the Senate and appeared in the Congressional Record of May 18, 2010.

PN1809 NAVY nominations (8) beginning JAMES L. BROWN, and ending MATTHEW B. REED, which nominations were received by the Senate and appeared in the Congressional Record of May 19, 2010.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open until 1:30 p.m. today for the introduction of legislation, submission of statements, and cosponsorships.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO FILE COMMITTEE-REPORTED BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that during the adjournment of the Senate, Senate committees may file committee-reported legislative and Executive Calendar business on Friday, June 4, 2010, during the hours of 12 noon to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 7, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 282 until 2 p.m. on Monday, June 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; further, that at 4:30 p.m., the Senate proceed to executive session as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, under a previous order, there will be a series of votes at 5:30 p.m. on the confirmation and nomination of three district court judges on the Monday we get back.

ADJOURNMENT UNTIL MONDAY, JUNE 7, 2010, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 12:11 p.m., adjourned until Monday, June 7, 2010, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, May 28, 2010:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BURTON M. FIELD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK J. KISNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JEFFREY L. HARRIGIAN
COLONEL JOHN F. NEWELL III
COLONEL MARK C. NOWLAND
COLONEL ROBERT D. THOMAS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID H. HUNTOON, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL H. MILLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOSEPH P. AUCOIN
REAR ADM. (LH) PATRICK H. BRADY
REAR ADM. (LH) TED N. BRANCH
REAR ADM. (LH) PAUL J. BUSHONG
REAR ADM. (LH) JAMES F. CALDWELL, JR.
REAR ADM. (LH) THOMAS H. COPEMAN III
REAR ADM. (LH) PHILIP S. DAVIDSON
REAR ADM. (LH) KEVIN M. DONEGAN
REAR ADM. (LH) PATRICK DRISCOLL
REAR ADM. (LH) MARK D. GUADAGNINI
REAR ADM. (LH) JOSEPH A. HORN
REAR ADM. (LH) ANTHONY M. KURTA
REAR ADM. (LH) JOSEPH P. MULLOY
REAR ADM. (LH) SEAN A. PYBUS
REAR ADM. (LH) JOHN M. RICHARDSON
REAR ADM. (LH) THOMAS S. ROWDEN
REAR ADM. (LH) NORA W. TYSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WILLIAM E. GORTNEY

DEPARTMENT OF JUSTICE

GERVIN KAZUMI MIYAMOTO, OF HAWAII, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS.

SCOTT JEROME PARKER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

LAURA E. DUFFY, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR A TERM OF FOUR YEARS.

DARRYL KEITH MCPHERSON, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

STEPHANIE A. FINLEY, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATION OF KSHAMATA SKEETE, TO BE MAJOR.

AIR FORCE NOMINATION OF PASCAL UDEKWU, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH MARK R. ANDERSON AND ENDING WITH JONATHAN A. SOSNOV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH ALAN C. CRANFORD AND ENDING WITH WILLIAM A. WARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2010.

ARMY NOMINATION OF ADAM S. COLOMBO, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER W. SOIKA AND ENDING WITH ELIZABETH REMEDIOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2010.

ARMY NOMINATIONS BEGINNING WITH FRED M. CHESBRO AND ENDING WITH DEREK J. TOLMAN, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

ARMY NOMINATIONS BEGINNING WITH MONIQUE C. BIERWIRTH AND ENDING WITH DAVID E. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

ARMY NOMINATION OF CAROLYN A. WALTZ, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH DENNY S. HEWITT AND ENDING WITH JOHN D. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2010.

ARMY NOMINATION OF ADAM H. HAMAWY, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH STEPHEN W. AUSTIN AND ENDING WITH NATHAN L. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 19, 2010.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JUDITH HINSHAW SEMILOTA AND ENDING WITH GREGORY S. STANFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2010.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF DAVID S. PHILLIPS, TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATION OF JOHN J. KEMERER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH ROBIN E. ALFONSO AND ENDING WITH CHADRICK O. WITHROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 5, 2010.

NAVY NOMINATION OF JOHN M. HOLMES, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF LEONARD J. LONG, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF ALEXANDER DAVILA, TO BE COMMANDER.

NAVY NOMINATION OF ANTONIO L. SCINICARIELLO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CHRISTOPHER R. SWANSON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF DOMINICK E. FLOYD, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JOSEPH A. NELLIS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF RACHEL J. VELASCO-LIND, TO BE COMMANDER.

NAVY NOMINATION OF DAVID S. WELDON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JAMES L. BROWN AND ENDING WITH MATTHEW B. REED, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 19, 2010.

HOUSE OF REPRESENTATIVES—*Friday, May 28, 2010*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. OBEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.

May 28, 2010.

I hereby appoint the Honorable DAVID R. OBEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin offered the following prayer:

We believe in One God, Father of all, Creator and source of life for all.

To say You are one is to hint at Your perfection. To call You a trinity of persons is to bless You in Your oneness of relationship. Yours is continual communication and relating.

We beg for Your grace and power that we may be one. Remove all division and discord which cause dysfunction and confusion in our souls.

Make of our diversity a new strength; that will bind us to one another in purpose.

Heal our understandable wounds of the past and all paralyzing fears of the future. Help us to develop better skills in relating to others.

Shape our differing perspectives by respectful dialogue so we may be unified in serving the common good of this nation and be a light to the world.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. TSONGAS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. TSONGAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. WALZ) come forward and lead the House in the Pledge of Allegiance.

Mr. WALZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

A TRIBUTE TO ALL OUR VETERANS

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I rise today to pay tribute to all those who wear and who have worn the uniform of the United States of America.

As a member of the House Armed Services Committee, it has been my honor to work with my colleagues to provide our veterans with the resources and care they so justly deserve.

To that end, I would like to highlight just two of the many programs this Congress has enacted in its efforts to provide better support to our veterans.

Since the post-9/11 GI bill went into effect in August 2009, \$1.2 billion in education benefits have been paid to veterans students, including members of the Guard and Reserve and, in some instances, their wives and children, providing them with the skills they need in a global economy.

Through provisions in the End Veteran Homelessness Act of 2010, we are working toward a goal of ending veteran homelessness in 5 years.

To all our veterans, it is you and those who came before you who have made our freedoms possible. Thank you for your courage, commitment, and sacrifice, knowing that service in war is a life-changing event that we must ever honor.

HONORING ELIZABETH LUKES

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today to honor an educator and former student from my district, Elizabeth Lukes.

On March 10, 2010, Elizabeth Lukes was named Illinois High School Boys Diving Coach of the Year by the Illinois Swimming Association. For the last 8 years she has been coaching boys and girls at Hinsdale South High School in Darien, Illinois. One of her divers at Hinsdale South High School, Jordan Dyson, has placed in the top three spots for all 4 years of his high school diving career, capping this accomplishment with a first place finish at the Illinois State Swimming and Diving Championships this February.

Elizabeth Lukes graduated from Eastern Illinois University in 2001 with a degree in Art Education. Besides coaching, she teaches art in the Downers Grove Elementary School, District 58.

Elizabeth lives in Warrenville with her husband, Ken; and daughter, Maggie. I am proud to honor Elizabeth Lukes for this great award and recognition, and I congratulate her again for an outstanding job at the school.

MEMORIAL DAY

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, this Monday, Memorial Day, gives citizens from around the country the opportunity to pause, come together, and remember those who have laid down their lives in protection of freedom. The debt we owe our Nation's members of the armed services, our veterans and their families can never be fully repaid.

Today we continue to be engaged in hostilities in Iraq and Afghanistan, and young men and women will continue to pay the ultimate price for this Nation.

As a 24-year veteran of the Army National Guard, I'm proud of the work we have done together in this Congress to support our veterans and military families. Although we have come a long way concerning care for our veterans, there's always more work to be done. We must ensure that our veterans do not fall through the cracks as they transition from the military to civilian life.

Back in Minnesota, as the 34th Infantry Division of the Minnesota National Guard prepare to deploy again to the Middle East, it's more critical than ever we back up those words with actions. We do so because it's the right thing to do for our veterans and the moral health of this Nation.

On behalf of a grateful Nation, we thank our current servicemembers, veterans, and their families for their service.

THE WARRIOR

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Memorial Day is the day we remember Americans that served and did not return. Their blood has stained and sanctified the soil of every continent on Earth. They are buried in unmarked graves in far-off fields, mountains, deserts, and oceans. They brought freedom to peoples they did not know in lands they had never been.

The warrior, not the preacher, has given us freedom of religion.

The warrior, not the reporter, has given us freedom of press.

The warrior, not the lawyer, has given us the right to a fair trial.

The warrior, not the politician, has given us the right to vote.

The warrior, not the critic, has given us freedom of speech.

The warrior, not the movie personality, has given us freedom to assemble.

And the warrior, not the college professor, has given us liberty.

It is the warrior that gave his youth so we could have a future. It is the warrior who salutes the flag and serves the flag. And it's the warrior that is buried under the flag that we honor this Memorial Day, 2010.

And that's just the way it is.

CONSUMER FINANCIAL PROTECTION AGENCY

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, the 2008 economic meltdown had some roots in consumer finance. Financial lenders steered families into mortgages they could not afford to repay, steered them into subprime loans, then packaged those loans and sold them to investors in the securities market. Credit card companies used unfair and deceptive practices to exacerbate nearly \$1 trillion in nationwide credit card debt.

So it is important that we have a strong, independent Consumer Financial Protection Agency, such as we passed in the House last year. Putting this under or in another agency won't really protect the consumers.

The new CFPA must have the independence both to write and enforce regulations that will truly protect American families from abuses. This is our chance to reform Wall Street and stand up for ordinary Americans. And this is our chance to get it right.

I urge House leaders to insist on the stronger, more independent House-passed version of the Consumer Financial Protection Agency. Our constituents deserve no less.

THOROUGH STUDY ON YUCCA MOUNTAIN WASTE REPOSITORY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I want to thank my colleagues on the House Armed Services Committee for including an amendment to the National Defense Authorization Act to require a detailed report on the ramifications of closing the Yucca Mountain Waste Repository.

Before the administration irresponsibly walks away from a \$10 billion investment and a 23-year bipartisan agreement, we need to provide America's taxpayers and decisionmakers with adequate information.

To lessen our dependence on foreign oil, we must remain committed to investing in developing technologies. Nuclear energy is a clean, safe, and cost-effective energy source that has provided over half of the electricity generated in South Carolina for over 30 years. But in order to keep it safe, we must have a permanent site for disposal.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism during Memorial Day activities.

CREATING NEW OPPORTUNITIES IN THE TOURISM INDUSTRY

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, it seems, at times, that Washington has forgotten that Americans don't need millions of dollars to create jobs. They can do plenty if the government just gives them a chance to succeed.

In my district, we are set to create new opportunities in the tourism industry with Federal action, not Federal dollars. Millions of people already visit greater Arizona to see our natural wonders, with a tremendous economic impact. We can grow our economy by preserving these sites for future generations.

I am getting the ball rolling with legislation to designate the Sedona Red Rocks as a national scenic area and to

expand the Casa Grande Ruins National Monument. These bills will protect these magnificent attractions, bringing new visitors to Arizona, and help us get folks to work with almost no cost.

The Natural Resources Committee has scheduled a hearing on these measures. I appreciate their willingness to help us make progress. Congress needs to pass these job-creating provisions as soon as possible.

□ 0915

PASS A BUDGET

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, House Democrats are refusing to do one of the most basic jobs that the American people have sent their Representatives to Washington to do: Make a budget. We are in the midst of a spending crisis. Seven months into this fiscal year, and the Federal Government has already spent \$800 billion that it doesn't have, and that number is skyrocketing. House Democrats are ready to add another \$134 billion to the deficit this week.

So how do we fix this problem? How do we stop taxing and borrowing and spending without restraint? One of the most obvious ways is by having a budget. That's our job, to pass a budget that makes hard choices and sets priorities and brings government spending under control.

But the Democrat majority in this House is afraid to let the American people see more of its deficit spending. They don't want to put a budget on paper because then they'll have to debate it, and they'll have to explain to the American people why they want to keep spending hundreds of billions of dollars that we don't have.

THANKING OUR VETERANS

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I stand to honor those who have died and have given their lives so that we might have a better life. But it's not enough to simply thank them with words. This is why the 111th Congress has passed Homes for Heroes, to help with the homelessness among our veterans. This is why we provided college benefits for the children of our veterans. This is why we produced a \$2,400 tax credit for employers who hire our veterans. This is why we provided a \$250 economic recovery benefit to our veterans. This is why we produced \$23 billion in health care and other services for our veterans.

They have been there for us. I thank God for them. It's time for us to continue to be there for them.

PASS THE SOUTH KOREA FREE TRADE AGREEMENT

(Mr. DJOU asked and was given permission to address the House for 1 minute.)

Mr. DJOU. Mr. Speaker, I stand here today to encourage and request the United States Congress to immediately pass the free trade agreement with South Korea. This is an important measure that has languished too long before this Congress.

First and foremost, we need to pass this because it is important for our economy. Expanding free trade and opportunities for commerce for our Nation is critical in this time of an economic recession.

For my district in Hawaii, expanding free trade will directly help the tourist industry, the number one sector of my district. Second, South Korea has been a strong ally of the United States. It's important right now we stand alongside our important allies in the foreign fields. And third and finally, Mr. Speaker, given the recent instability in the Korean Peninsula and the aggression taken by North Korea, and as a Congressman who represents the first Congressional District in the flight arc of North Korea's missiles, it is important that we right now stand beside South Korea and pass this free trade agreement and pass it now.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4213, TAX EXTENDERS ACT OF 2009

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1403 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1403

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in part A of the report of the Committee on Rules accompanying this resolution as modified by the amendment printed in part B of the report of the Committee on Rules. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 2. House Resolution 1392 is laid on the table.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1403 provides for consideration of the Senate amendment to H.R. 4213. Mr. Speaker, the legislation is like many of the bills that we do. It's the product of many hours of hard work. It's also an effort to strike a balance between extending important life-saving assistance to laid-off workers and investing in smart spending that will help our economy.

A significant portion of the bill would go directly to helping our citizens. We extend unemployment insurance, we invest in summer jobs, fund loans for small businesses, and make bonds available to States. But I am pleased that the bill also cracks down on corporations, closing tax loopholes that have encouraged companies to ship jobs overseas, a thing I have devoutly desired for a number of years.

Unlike the previous administration, we use PAYGO rules here to make sure that new spending, other than emergency spending, is fully paid for. In fact, it's worthy to remind my colleagues that the deficit facing the country was created by the last administration, which financed two wars, a prescription drug plan, and a huge tax cut, all of which was unpaid for, and consequently is responsible for two-thirds of the deficit.

In the recent frenzied back and forth over this bill, it is easy to lose sight of the important steps that Congress has taken up to this point to help right the economy. We passed small business tax relief, expanded the first-time home buyer tax credit, changed the way students apply for loans, funded a Cash for Clunkers program, injected money into the economy, and helped to protect domestic jobs at a critical juncture.

With this vote, we can help families across the country continue the path we set out on last year to help dig the country out of a terrible recession. For small businesses, the backbone of the Nation's economy, and the place where most American workers are employed, we use this bill to ensure them an easier time getting loans. The bill also continues the very successful research and development tax credit, a powerful incentive to creating well-paying jobs.

The measure extends the ongoing recovery by investing in Build America

Bonds and Recovery Zone Bonds, making it less expensive for cash-strapped State and local governments to finance the rebuilding of schools and sewers and hospitals and transit projects.

The legislation helps American families with sales tax relief, property tax relief, disaster area tax relief, and college tuition deductions. The bill wisely invests in important energy provisions such as the biodiesel tax credit, while making good on our obligations to black and Native American farmers. Finally, the measure also strengthens the Oil Spill Liability Trust Fund by increasing the amount the oil industry must pay to clean up its disasters.

I also want to pause for a moment to talk about two pieces of legislation that I personally am happy to see in the bill, because I think they'll pay enormous benefits. This bill closes a loophole in the Tax Code that has been used by huge corporations, including publicly regulated utilities. Companies use this loophole to avoid paying millions of dollars in taxes when they spin off a subsidiary. These deals cost taxpayers and they hurt consumers, especially when the company using the loophole is a phone company that wants to get rid of the older telephone lines in small towns and rural areas. With this bill we close that loophole, and we will save taxpayers \$260 million over the next 10 years.

On another front, the bill also extends funding for the wool trust fund, which helps to keep thousands of textile and apparel workers around the country employed. I was proud to work on this issue because of the relevance it has to Hickey Freeman, a 100-year-old company and maker of fine men's suits located in Rochester, New York.

The fund provides funds to makers of wool fabric and yarn producers, as well as sheep growers, to help maintain the domestic production of wool fabric. Too many of our industries in the United States have closed up and moved overseas. I frequently say that we can't be a great power if our entire manufacturing sector moves to other countries and we are obligated to buy from other countries for our very livelihood.

Mr. Speaker, Congress can rightly take great pride in some very historic work on behalf of our constituents this year; but we must remind ourselves that many people are still struggling, and we must do everything in our power to fund the necessary programs that protect the unemployed Americans, help small business, enhance job creation efforts, and keep America on the road to economic recovery.

I urge my colleagues to join me today in voting "yes" on the rule and "yes" on this bill.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time, and I yield myself such time as I may consume.

It seems like every time I come to the House floor, I point out that my Democratic colleagues are using an unprecedented, restrictive, and closed process on the House floor, and here I go again to tell the exact same story. In fact, I am not even sure anyone on the House floor knows what we are debating or getting ready to vote on right now. It's amazing. Bill after bill, day after day. We were provided with a copy of the final bill at 9:06. I guess that beats 3:15 in the morning.

Mr. Speaker, Nancy PELOSI and the Democratic majority promised the American people that they would run the most open, honest, and ethical Congress. To date, this Congress and I think the last one has seen more back-room deals, arm twisting, and more partisan negotiations than ever before. I think the American people are fed up with it. They want transparency, they want accountability, and I think what they are looking for is solutions. Standing up and touting this bill when nobody even knows what's in it and how great it is, I think, a sham.

Mr. Speaker, it's my understanding that the Democrats, and I repeat that, it is my understanding that the Democrats are planning to amend the rule to change the text of the underlying legislation that we are discussing here right now. Are they planning changes to the \$100 billion in spending? I don't know. What are they going to do? I don't know. What's in the amendment? More spending? I betcha. More taxes? I'm sure. Are they gutting the State Medicare funding portion? Are they eliminating the COBRA extension? Will doctors see a 21 percent cut in reimbursement next week? I don't know, nor does anybody who is going to vote on this bill.

□ 0930

Unfortunately, the answers to all of those questions, regardless to what's in their amendment, is yes. The Senate has already made it clear to this House and my Democratic colleagues, the press, and the American people that they will be going home—as a matter of fact, they've already done that—before acting on the extenders package that we are doing right now.

So, Mr. Speaker, what is the point? Why is the Speaker having this bill today on the floor? This isn't about jobs. It's not about the unemployed. It's not about those without insurance or it's not even about physicians. It's about a political agenda. It's about taxing and spending and a message on this floor that tries to make it seem like it's the reverse.

I would submit to you that if this Democratic majority were trying to help small business, they'd start with any one of the top five issues that small business has and that they present through the National Association of Manufacturers, and they've

done this for years. That list is ignored.

Yesterday in CQ Today, the chairwoman of the Rules Committee was asked whether the Democrats' back-room deals were going to hold up on the House floor, and her response, and I quote, Are you kidding me? We're Democrats.

Mr. Speaker, what's in the deal? Does it provide any real solutions? Are we voting on this to accomplish anything? I would say in the next 2 hours we will be voting on legislation that this body will have no clue what is in the bill. Once again, par for the course.

It's also my understanding that the Democratic priorities of implementing new and permanent taxes, increasing debt spending, deficit spending, and fixing errors and oversight in the Democrats' trillion dollar health care bill is exactly what it will also be in the bill today. But I don't know. Yet the majority continues to patch the Nation's problems together with expensive short-term fixes that create even greater budget shortfalls in the future rather than dealing honestly with them.

Monday night in the Rules Committee, I asked Chairman LEVIN to quantify, please, how many jobs this bill would create since the majority insists on calling it a jobs bill. The fact is he couldn't. This legislation throws billions of dollars at a bunch of short-term solutions while creating permanent, new taxes on business. I know the Democrats like to call them corporations, but I call them employers.

This legislation will increase the tax treatment of carried interest for real estate, energy, and investment partnerships, in some cases more than doubling the tax rate from 15 to 35 percent. That's it. The Democratic agenda: Tax and spend. Tax and spend employers, and then blame it on them when something bad goes wrong. Maybe better, blame it on George Bush.

Also, this bill increases payroll taxes on S corporation shareholders as well as changes the longstanding U.S. International Tax Code law. According to the U.S. Chamber of Commerce, these changes could saddle small business, American worldwide companies, and investment partnerships with draconian tax increases that will hinder job creation and decrease the competitiveness of American business. And that I quote. Yet my friends on the other side of the aisle are still calling this a jobs bill. I know what it is, and so do you. Taxing and spending—the hallmark of the Democratic majority. Job killing measures once again present on the floor of the House of Representatives today.

Additionally, Mr. Speaker, the extenders bill that is before us today has billions in additional health care spending, spending the Democrats couldn't find to offset for their \$1.2 tril-

lion health care bill. So they didn't include it because they wanted to mask the true costs of the bill that we passed on or around March 22.

One key example, this legislation prevents a 21 percent cut to physician reimbursement for Medicare payments, but by preventing this cut for the next year and a half, they leave physicians with a 33 percent cut in 2012 that will cost over \$300 billion to fix. That's not open; that's not honest, and I don't believe that's ethical.

Mr. Speaker, today I talked about how Republicans over and over continue to be shut out of the process on the House side, even right now, where I suspect my colleagues would offer an amendment to change the text to something not one of my Republican colleagues have seen and no one on the House floor has read.

This legislation provides us, for a couple of months, an extension for non-controversial extenders by levying new permanent tax increases on small business—the engine of our economy—and, of course, investment partnerships.

And lastly, this legislation uses budget gimmicks to push our Medicare programs further in debt, putting the care of our Nation's seniors at risk. Yet my friends on the other side of the aisle continue to move forward with this tax-and-spend agenda and then blame their inability to receive the results they want on somebody else.

I urge a “no” vote on the previous question to bring some fiscal restraint back to this House and “no” on the rule.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I've heard the phrase all my life, as you have, of “taken out of context.” Let me assure anybody who wants to know about that, no reporter has ever said to me, Do you think your back-room deals are going to hold up? And if anyone were to ever say that to me—and I hope to keep that record intact—believe you me, I would not laugh and say, We're Democrats. I do recall saying to somebody yesterday with pride that we are Democrats, and I am proud that we are Democrats. We are the people who are trying to take care of the people without jobs in this country and to make the climate right to create more.

Now, before I yield to my next speaker, I want to let Members know that I will be offering an amendment to the rule at the end of the debate. The amendment makes three changes to the text that has been posted on the Rules Committee Web site since Thursday, May 20. It strikes two sections from the House amendment—section 511, section 516—and it changes the effective date and the carried interest provision making it effective on December 31, 2010, instead of the date of enactment.

The amendment provides for a separate vote on section 523, which is the SGR, the so-called doc fix, and a vote on the remainder of the modified House amendment. This does not add money, Mr. Speaker. It subtracts it.

I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank the chairwoman of the Rules Committee for yielding, and I urge support for the rule, as amended.

For far too long, Members on both sides of the aisle have talked about the need to reform the way we pay physicians under Medicare and provide them with a fair and reliable reimbursement. Today, unless we act, physicians are facing a 21 percent cut in their reimbursement, and such a drastic cut will drive physicians out of the Medicare program and make it harder for seniors to see a doctor.

Mr. Speaker, if we fail to act, people will be harmed. I've already seen it take place back in my district. I've had patients call me to say that their doctors will no longer take Medicare because of the cuts they are faced with. House Democrats have tried to prevent this from happening. Last year, we passed a bill that would have permanently repealed the flawed formula that results in these annual cuts and replaced it with a more stable payment system. But that bill passed the House with only the support of one Republican, and, unfortunately, the Senate was not able to find the support for a permanent fix.

So we've been forced back to legislating by patchwork, a 6-month extension here, a 60-day extension there. But if our Senate colleagues cannot find the votes for a permanent repeal, then we need to provide the longest relief that we can. This bill will provide doctors with a positive update for the rest of this year and next year that will help doctors cover their growing costs and continue to serve Medicare patients, and it will give those of us in Congress more time to work with the physician community to find a workable solution that can pass both the House and the Senate, hopefully with Republican support.

The policy in this bill is not everything I hoped for. I know the physician community wanted more, but it's important to pass this to make sure we do no harm, by preventing those drastic cuts from taking effect.

So I urge my colleagues on both sides of the aisle to vote "yes." This is a very important piece of legislation.

Mr. SESSIONS. Mr. Speaker, at this time I yield 3 minutes to the distinguished gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my good friend from Texas for yielding me the time.

Mr. Speaker, I am disappointed that Democrat leaders have decided not to allow the House to vote on my amendment to improve the proposed Cobell Indian settlement, a settlement that benefits individual Indians across the country.

The amendment I offered was simple and addressed improvements requested of Congress by individual Indians, tribal leaders, and an association of more than 50 federally recognized tribes in the Northwest.

Mr. Speaker, I want to make it very clear, a settlement on this issue is long overdue, but the agreement negotiated by the Obama administration and the plaintiffs' lawyers can be improved by Congress to benefit individual Indians. And let me explain why.

While most of the Indians will get between a \$500 and a \$1,000 check, the lead plaintiff could receive \$15 million or more as an incentive award. A handful of lawyers could be paid over \$100 million, which is almost one-third of the value of the claims that they litigated.

Two months ago, the plaintiffs' attorneys were asked to provide Congress with documents to justify their large fees and expenses. After repeated inquiries, Mr. Speaker, the attorneys have provided no information to this date. Instead of responding with documents to justify how much they should be paid, the attorneys have instead threatened to kill the entire deal if they are denied the ability to get the \$100 million.

Mr. Speaker, I want to emphasize this. Every dollar paid to the lawyers is a dollar taken out of the pockets of individual Indians. My amendment caps attorneys' fees at \$50 million, and by doing so, it reduces the payments to lawyers to increase payments to individual Indians. My amendment would also benefit individual Indians by correcting several other flaws that were identified by Indian country. The committee has the ability to fix these flaws on a bipartisan basis.

The settlement has been changed by the administration and the plaintiffs four times already. While the House won't be allowed to vote on this amendment to improve the settlement to better benefit individual Indians, Mr. Speaker, I am hopeful that the Senate will act to make the improvements that Indians, tribal leaders, and respected tribal organizations are asking Congress to make.

Congress should be afforded the opportunity to fix the settlement in response to requests from our Indian constituents. By refusing to make my amendment in order, Democrat leaders have turned their back on these requests.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the gentleman for yielding.

So here's one of the issues before the House today. Say you have an American company that owners live here and they decide that they can make more money by sending their jobs to Asia or south of the border, out of the country, and they do. And they bring the money home and enjoy it here, but the jobs go overseas. And they figure out a way to game the tax laws so they don't pay taxes for that business to the United States Treasury. So the profits come home, the jobs go overseas, and the tax revenue doesn't flow into the Treasury. This bill closes that loophole. It says, if you outsource our jobs from this country, you don't get off the hook when it comes to the IRS.

Now, what does it use the money for? Well, if an American business goes into a bank today and the bank says, you know, we would make this loan to you to expand your business but we just need a little more collateral, a little more guarantee, this bill says the Small Business Administration can step in and make that loan happen and create those jobs. Or a woman running a software company or a biosciences company says, I've got a real opportunity here to hire more scientists and researchers, but I just can't quite find the capital.

□ 0945

This bill says she can hire five scientists for the price of four because of the research and development tax credit, or the mayor and council of a town is saying we could fix our antiquated clean water system. We could build a new water treatment system and have cleaner water and more jobs for people in our town, but the interest rates are just a little bit too high for us. If we could borrow the money just a little bit less expensively, we could create more jobs.

This bill says that they can do that. This bill creates jobs, and it pays for the creation of those jobs by saying that those who outsource our jobs can't get off the hook and have to pay their fair share of taxes. Now I know this discomforts some on the minority side. I know it goes against their philosophy that whatever corporate America does, it is okay. We think if you outsource your job you shouldn't get off the hook for your tax obligations.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman 1 additional minute.

Mr. ANDREWS. I know that it was a longstanding tradition under the prior administration and the erstwhile majority to let people outsource American jobs and not pay their fair share of taxes. Those days are ending, and the days of jobs hemorrhaging from this economy are ending because we are re-investing in small businesses, local governments, and entrepreneurs around this country to put our people back to work.

That's the legislation before the House today. I would urge a "yes" vote.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you know there is no way to get around this. This is a monster tax increase and permanent tax increase on taxpayers and business.

I want to quote from the National Association of Manufacturers, which are all about American manufacturers: American companies who do business overseas will find a monster tax increase on them for doing business, penalizing them.

It says many of the tax-increase proposals, which are mischaracterized as a tax loophole—you know, they are actually tax law—actually represent significant changes to a tax policy that has been supported by Congress and this administration.

Now, they are going to come back and change that. You have got to blame somebody.

It's obvious to me that what we will end up doing is pinning the tail on the donkey, because we know who is about trying to kill jobs. It comes through heavy taxation, and it comes through rules and regulation. I have got letter after letter after letter from businesses across this country who say this will harm American jobs.

Mr. Speaker, I yield 5 minutes to the gentleman from San Dimas, California (Mr. DREIER), the ranking member of the Rules Committee.

Mr. DREIER. Mr. Speaker, we were all promised, this institution and the American people were promised, back in 2006, a new direction for America.

Mr. Speaker, that was, in fact, the title of a publication that then-minority leader, my California colleague, NANCY PELOSI, put forward. What did it promise? It promised a new era of transparency, disclosure and accountability. A new era of transparency, disclosure and accountability.

Well, Mr. Speaker, I will inform you that exactly 47 minutes ago, at 9 a.m. Eastern time, we were handed this amendment to the rule.

Now, as I look at this morning's CQ Today, I did read the quote to which my friend, the distinguished chair of the Committee on Rules referred. When asked if this was a precooked measure, she responded by saying, Are you kidding? Are you kidding me? We're Democrats. That's the quote. That's the quote that appears in this publication.

Now, Mr. Speaker, as I read this quote, I am reminded of the statue that we always encourage our constituents to look at and rub the feet of as we go into Statuary Hall, and it's the statue of Will Rogers. Will Rogers, that great comedian, famously said, "I am not a member of any organized political party. I am a Democrat."

Now, Mr. Speaker, we have observed over the last 3 days the Democratic

leadership running around this institution like chickens with their heads cut off, attempting to put together some deal which, when asked if it was precooked, the Chair of the Committee on Rules said, Are you kidding me? We are Democrats.

Well, Mr. Speaker, the American people get it. They are not getting the kind of transparency they were promised, and we are seeing a measure here that is being put into place which I am convinced will continue to have the deleterious effect that the other measures that have been put into place over the last several months have created.

We all know that when we dealt with the serious economic downturn—and we can point fingers at ourselves—we can point fingers all over. But we do know that as we dealt with the economic downturn, that this Congress made a decision, I think an unfortunate one, to dramatically increase spending.

What is it that happened? Well, during that debate, we were all promised by the President and other leaders that if we were to pass that stimulus bill, we would ensure that the unemployment rate would not exceed 8 percent. In fact, we were told that by this time, with the implementation of the so-called economic stimulus bill, the unemployment rate would be 7.4 percent.

Well, Mr. Speaker, as we all know, the unemployment rate has surged, and it is just under 10 percent. Unfortunately, we continue to have people suffering.

I happen to represent the Los Angeles area in California. In my district, the unemployment rate is as high as 14.5 percent. There are parts of my State of California, the Central Valley of California, where the unemployment rate has exceeded 40 percent.

Now that's after we have been promised that the implementation of all the spending bills that we have had would ensure that we would not have an unemployment rate that would exceed 8 percent, and look at what has happened.

What is it that we are doing now? Well, we are looking at a multibillion dollar spending bill that will exacerbate, not ameliorate, the economic downturn, which we all want to emerge from.

Now, Mr. Speaker, my good friend Dennis Prager likes to say he has now put out bumper stickers. The great writer says, The bigger the government, the smaller the individual.

Mr. Speaker, we know that the bigger the government grows, the smaller the individual becomes.

We have learned that because as we look at the European model and, tragically, we seem to be seeing our friends on the other side of the aisle attempting to implement a European-style entitlement society—it has failed in Europe, Mr. Speaker, and we should do ev-

erything that we can to ensure that we don't pursue that same kind of policy here.

Mr. Speaker, I urge my colleagues to defeat this rule, create transparency, and let's go back to exactly what was promised.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. CHU).

Ms. CHU. Mr. Speaker, I stand here today in support of this rule and the underlying bill for one reason, and that is jobs, jobs, jobs. That's what this bill is about. It's about creating jobs across the country from Massachusetts to Florida to my home State of California.

This bill extends an important program I call Jobs NOW. While it may be little known, it's funded through TANF emergency funds, and it has a huge impact on the unemployed in 39 States, creating over 160,000 jobs, which will disappear in an instant if we don't pass this bill.

In L.A. County, it's paying 10,000 jobless workers \$10 an hour and placing them in temporary jobs for up to a year. In exchange, the businesses provide training, build job skills, and get extra workers at little or no cost. It's truly a win-win.

For small companies hard-hit by the economic downturn, the chance for extra workers to grow and expand their businesses is a welcome boost, even if it means providing training and workspace for the temps, and it's great for workers too.

Anoush and Karen lost their jobs when the recession hit. Forced to go on welfare, they struggled to provide for their 2-year-old daughter. But Jobs NOW hired them to work at Abex Display systems, which manufactures trade show displays. The company used them to help handle a slow but growing recovery in sales, allowing it to move forward and stabilize after taking massive cuts in business. After the temporary jobs ended, both Karen and Anoush were hired permanently.

This family and this business are making a comeback because of Jobs NOW. Let's pass this rule and H.R. 4213 to help working families and our Nation do the same.

Mr. SESSIONS. Mr. Speaker, I am delighted to have our colleagues on the Democratic side come and talk about jobs.

It's not going to happen. These are massive tax increases. Business is trying to say, through the letters which I will more fully get into in a minute, that's how to kill jobs in this country, permanent tax increases. Oh, no, those are corporations, those are evil corporations.

My friends, they are called employers. You are putting permanent tax increases on employers, which means you will have fewer jobs in this country.

Don't blame it on somebody else; blame it on yourself. Pin the tail on

the donkey. That's the reason why we don't have jobs. We don't have jobs because 4 years ago, when the Democratic majority took over, all they talked about is taxes and spending, rules, regulation, more on business. And Members come to the floor and say, this is just about jobs.

Read the bill.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Grandfather community, North Carolina, Dr. Foxx.

Ms. FOXX. I thank my colleague from Texas for yielding time and for handling this rule on the floor today.

Mr. Speaker, there are so many things to refute from our friends on the other side that there is simply not enough time to do it.

But what we need to say over and over and over again, that instead of addressing the staggering deficits and debt that the Democrats, who were totally in control of the Congress—and that needs to be repeated over and over and over again—what they are running up in Washington, \$714 billion in deficit spending in the first half of fiscal year 2010 alone.

Speaker PELOSI and Leader HOYER are trying to shield their Members from taking any more “tough votes” during an election year. Or, as one Washington newspaper put it, without much else on the House agenda, they simply don't have any excuses not to do a budget beyond cowardice.

Economists say that Washington needs to cut spending now to create jobs, but Democrats aren't listening. Out of touch Washington Democrats may think that by skipping the budget process this year, they can avoid the tough choices that come from governing. But they can't hide from our Nation's problems, especially when their job-killing agenda is making things worse. They could come to the floor and will say they are creating jobs, but the numbers prove otherwise.

The simple truth is while the liberals have repeatedly claimed their trillion-dollar 2009 stimulus plan was “the right thing to do,” it's hard to tell that from looking at the job situation across the U.S. According to the latest data from the U.S. Department of Labor, by April 2010 a total of 48 out of 50 States had seen net job losses since the President signed the Democrat stimulus plan into law in February 2009.

The data show that only Alaska, North Dakota, and the District of Columbia have seen net job creation since then. Other than perhaps the predictable exception in D.C., even those States that have seen some increases in jobs are still well short of the growth the White House originally forecast.

□ 1000

What is clear is that 2.7 million more jobs have been eliminated—eliminated,

Mr. Speaker—since the Democrat stimulus was passed. Unemployment rose to 9.9 percent instead of falling to 7.4 percent, as Democrats predicted, and 15 million Americans—an all-time record for the month of April—are currently unemployed.

It's baffling that grown people charged with leading Congress cannot learn from their failed attempts at addressing the problems facing everyday Americans. And as my colleague from Texas has said, they like to bash corporations, but what they're bashing are employers.

They love to brag about how effective they've been in providing jobs, but I want to tell you, government jobs don't provide the viable solution to help get the economy back on its feet. According to a May 25, 2010 article in USA Today, “Paychecks from private business shrank to their smallest share of personal income in U.S. history during the first quarter of this year. At the same time, government-provided benefits—Social Security, unemployment insurance, food stamps, and other programs—rose to a record high during the first 3 months of 2010.

“Those records reflect a long-term trend accelerated by the recession and the Federal stimulus program to counteract the downturn. The result is a major shift in the source of personal income from private wages to government programs.”

The American people know we don't need more government programs and more government spending. We need to spur on the private economy; and this rule, this bill will not do that.

I urge my colleagues to vote “no” on the rule and “no” on the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to quote from the Dallas Morning News for my colleague, Mr. SESSIONS:

“Texas employers expanded nonfarm payrolls by 32,500 jobs in April, the Texas Workforce Commission said Friday. That's the State's fourth straight month of job gains.

“The State has now gained 91,600 jobs in the first 4 months of the year.”

Houston Business Journal this morning: “As the U.S. economy expanded for a third consecutive quarter, Texas posted some of the strongest numbers in the country.”

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield myself another 10 seconds.

“Unemployment remained at 8.2 percent, giving Texas the lowest rate amongst large States, while existing home sales in the State grew in the first quarter by 16 percent compared to the same time a year ago.”

And I would like to put these into the RECORD.

[From the Houston Business Journal, May 28, 2010]

SIGMABLEYZER: TEXAS LEADING ECONOMIC RECOVERY

(By Casey Wooten)

As the U.S. economy expanded for a third consecutive quarter, Texas posted some of the strongest numbers in the country, according to Houston-based private equity firm SigmaBleyzer LLC.

The Texas Business Cycle Index, which tracks movements in employment and GDP, increased for the third straight month.

Texas non-durable manufacturing also grew by 2.1 percent and 1.7 percent in 2008 and 2009, versus negative 3 percent and negative 5.6 percent nationwide.

“Strong foreign demand for U.S. goods is also driving improvements in industrial production,” the report said.

Moreover, higher oil prices supported a nearly 10 percent growth in the Texas mining industry in March 2010 compared to the same month a year before.

Unemployment remained at 8.2 percent, giving Texas the lowest rate among large states, while existing home sales in the state grew in the first quarter by 16 percent compared to the same time a year ago.

U.S. GDP grew at an annualized rate of 3.2 percent for the quarter while Texas GDP grew at about 2 percent, but didn't drop as much compared to the rest of the nation during the lows of the recession.

TEXAS GAINS MORE JOBS AGAIN IN APRIL

(By Brendan Case)

Worries about the global economy have intensified in recent weeks, but for now the recovery in Texas is barreling ahead.

Texas employers expanded nonfarm payrolls by 32,500 jobs in April, the Texas Workforce Commission said Friday. That's the state's fourth straight month of job gains.

The commission also released revised data showing that Texas employers added 42,200 jobs in March—up dramatically from the 8,500 jobs announced last month.

The state has now gained 91,600 jobs in the first four months of the year after losing more than 350,000 in 2009.

“It's very good,” said Mine Yücel, an economist at the Federal Reserve Bank of Dallas, referring to the latest jobs report. “It's doing better than we thought it was doing.”

Despite the gains, Texas' unemployment rate edged up to 8.3 percent in April from 8.2 percent the month before. The overall U.S. jobless rate stood at 9.9 percent last month, up from 9.7 percent in March.

The slight increase in the unemployment rate might actually be a sign of a reviving economy, analysts said.

When the job market is weak, some people give up seeking work. People not actively looking for a job are not counted as unemployed.

Looking again

By contrast, a strengthening job market typically draws people back into the job market, leading to an increase in the unemployment rate. The Texas labor force grew by about 51,000 in April, nearly twice the monthly average during the previous 12 months.

“The general expectation is that with rising employment opportunities, you had some folks who were basically discouraged from looking for jobs and now they've gone back to looking for work,” said Terry Clower, a University of North Texas economist.

There are plenty of reasons for caution, however.

Initial U.S. jobless claims rose unexpectedly during the week that ended May 15, the U.S. Labor Department said Thursday. Building permits, an important housing indicator, fell last month. So did an index of leading U.S. indicators compiled by the New York-based Conference Board.

Moreover, global markets have swooned in recent weeks amid concerns about many European countries' debt levels and growth prospects.

"If Europe goes into the tank, that's going to affect us," said Bernard Weinstein, an economist at Southern Methodist University's Cox School of Business.

"We could have, if not another recession in the U.S., clearly another slowdown just at the point where the economy is finally picking up steam."

Patience needed

Certainly, the U.S. recovery will take time to dent widespread unemployment even if job creation continues.

One broad-based measure of unemployment and underemployment, known as the U-6 rate, includes not just the jobless but also people who have given up looking for work and part-timers who want to work full time.

Last month, the national U-6 rate stood at 17.1 percent, up from 16.9 percent in March.

No comparable April number is available for Texas. During the 12 months ending in March, however, the state's U-6 rate was 14.2 percent. The conventional unemployment rate over that time was 7.9 percent in Texas.

'Right direction'

Still, the recovery appears to have started. In April, Texas employers added jobs in eight of 11 employment categories, with education and health services and the construction industry leading the way.

"Overall, these numbers are certainly moving in the right direction," Clower said.

In the Dallas-Fort Worth area, employment rose by a scant 800 jobs after adjusting for typical seasonal variations.

Nationally, payroll employment increased in 38 states and Washington, D.C., in April. Three states added more jobs than Texas: Ohio picked up 37,300, Pennsylvania added 34,000, and New York gained 32,700.

Michigan continued to have the highest unemployment rate among states, at 14 percent. Nevada's jobless rate was 13.7 percent, followed by California at 12.6 percent and Rhode Island at 12.5 percent.

North Dakota had the lowest unemployment rate at 3.8 percent, followed by South Dakota at 4.7 percent and Nebraska at 5 percent.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to respond back that, in fact, we are doing well in Texas.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to Ms. JACKSON LEE, who is also from Texas and I hope will give us good news.

The SPEAKER pro tempore. The gentleman from Texas has been recognized.

Mr. SESSIONS. Mr. Speaker, I'll reserve my time while they figure it out.

The SPEAKER pro tempore. The gentlewoman from Texas is recognized for 2 minutes.

Ms. JACKSON LEE of Texas. Let me thank the gentlelady and acknowledge that I am from Texas. And in addition to the good news, and we are still working to improve the conditions of

Texans, this bill will be a cause celebre in the State of Texas.

We know, overall, 290,000 jobs have been created in the month of April over the United States because this Democratic leadership had the courage to vote for the American Recovery and Reinvestment Act and the stimulus package that has generated the opportunities for job creation. My good friend and colleague indicated in an inquiry on the floor, What is the point? Well, I'll tell you what the point is. The point is that this bill saves taxpayer dollars, and it helps one of the basic infrastructures of job creation, small businesses.

And through the program that we are now extending—we are eliminating fees for loan packages—we will see increased opportunities for our small businesses to get what they need, the capital to hire people and to keep their businesses and their doors open. \$26 billion in loans has already gone out to our small businesses across America, impacting the numbers, Madam Chair, that you read in the Houston Business Journal, where the small businesses are one of the basic infrastructures of our community. Their doors are open, they are securing loans, and they're hiring people.

What is the point? The point is that we have provisions dealing with community college and career training, an idea that I had that individuals could be getting their unemployment insurance but be trained for new jobs. This is in this provision based upon utilizing trade provision dollars.

What is the point? Summer jobs, 375,000 summer jobs, only costing \$1 billion over a 10-year period, paid for. The highest unemployment is among our youth, 16 to 19, and among minority youth it is even higher. The Congressional Black Caucus worked extensively to ensure that we would have summer jobs money.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE of Texas. I lived through the era of the Bush administration that had no summer jobs, no concern about our young people, and I tell you it was a crying shame.

The doctor fix: my doctors in Houston, the Texas Medical Center, those who work very hard to provide patient services to our seniors, we are providing them with a 2.2 increase, 1 percent in 2011, and then it goes up to current levels.

Closing foreign loopholes is saving taxpayer money. That is the point. And of course recognizing that we're creating jobs, jobs, jobs.

You know what the point is? We have the courage to make a difference for America.

I rise in strong support of H.R. 4213, The American Jobs, Closing Tax Loopholes and

Preventing Outsourcing Act. I would like to thank my colleague, the Honorable SANDY LEVIN, Chairman of the Ways and Means Committee, for introducing this important legislation.

Mr. Speaker, getting all Americans back to work is, and should be, our number one priority. It is essential that the Congress continue to create avenues that will provide employers with incentives to hire and to retain new employees. Therefore, I have been a major supporter of comprehensive efforts to create jobs for the unemployed constituents of the 18th Congressional District of Texas, as well as throughout the State of Texas and the nation.

Indeed, as a Member of the Congressional Black Caucus, I have been working tirelessly to ensure that the number of jobs available in the economy drastically increases. This includes an increase in the amount of summer jobs, jobs for the long-term unemployed, and jobs for the permanently laid off. Also, I continue to support efforts to relieve the plight of many Americans, in vulnerable communities, who have been hit hardest by unemployment.

Again, Mr. Speaker, H.R. 4213, "The American Jobs, Closing Tax Loopholes and Preventing Outsourcing Act" is the right bill at the right time in our economic recovery. The bill is yet another important measure, which I strongly believe is essential to addressing the nation's alarmingly persistent high rate of unemployment, particularly among African-Americans, Hispanic Americans and others vulnerable populations.

A January 2010 Washington Post article reported that unemployment for African-Americans is projected to reach a 25-year high this year. Some believe the national rate of unemployment for African-Americans will soar to 17.2 percent, and the rates in five states will exceed 20 percent. Of course, we know during the course of the recession, the unemployment rate has grown much faster for African Americans and Latinos than for whites.

Through the American Recovery Act of 2009, Congress was able to provide much needed assistance to many Americans who were struggling from the effects of the economic downturn and the collapse of our financial markets. Unfortunately, of the \$787 billion provided through the economic stimulus package, the unemployment rate in the U.S. has not been substantially reduced; currently, the unemployment rate in the U.S. stands at 9.9 percent.

Again, any comprehensive initiative to create jobs is welcomed, because I remain concerned about high unemployment anywhere it is being experienced in the U.S. According to the Texas Workforce Commission, the current unemployment rate for Houston is 8.4 percent, while a May 6, 2010 Los Angeles Times article noted that the national unemployment rate for Hispanic Americans exceeded 13.0 percent.

Because unemployment remains acute and needs persist that in communities all across the country, I support the major provisions of the bill, including:

(1) Small business lending—The bill will extend the small business lending program created under the American Recovery and Reinvestment Act. This program will eliminate the fees normally charged for loans through the

Small Business Administration, providing access to capital not available in the private market.

(2) Infrastructure investments—Under the bill, comprehensive relief is provided for our Nation's aging infrastructure and transportation needs. A wide range of measures including addressing housing, schools and hospitals. Funds are provided to continue remediating the nation's "Brownfields" sites, opening up new opportunities for redevelopment of distressed communities.

(3) Summer jobs—The bill funds a summer jobs program for the Nation's youth. Our Nation's youth ages 16–19 have a 25% unemployment rate—some of the highest unemployment numbers in the country. Reducing unemployment among the Nation's youth will be widely beneficial to working poor families and the youth themselves.

(4) National Housing Trust Fund—The bill capitalizes the much need National Housing Trust Fund, providing expanded assistance to communities with major shortages of affordable housing.

(5) Oil Spill, Flood Insurance and Mine Safety—The oil spill in the Gulf of Mexico highlights the need to increase the liability cap for oil companies for cleanup purposes from \$1 billion to \$5 billion. The bill also extends the expiration date of the National Flood Insurance program to December 31, 2010. Mine safety issues are also funded in this bill, providing incentives for mining companies to have up-to-date safety equipment.

(6) Closing Tax Loopholes—the American Jobs and Closing Tax Loopholes Act of 2010 includes a series of measures designed to close tax loopholes exploited by individuals and corporate entities, as well as a means of closing tax loopholes for foreign subsidiaries of U.S. companies, another means of keeping jobs at home.

(7) Medicare's Sustainable Growth Rate (SGR)—Another major provision of the bill related to affordable health care cancels the scheduled pay cut for Medicare physicians. This will enable the Nation's physicians to continue serving the Nation's growing elderly population and to stay in practice.

In addition, the legislation will help companies and State and local governments generate jobs, while providing tax relief and economic assistance to many American families in need of assistance. I agree with Chairman LEVIN when he indicates, "By promoting jobs here in the U.S. and cracking down on loopholes that encourage companies to move overseas, we strengthen opportunities for American workers and businesses so that we can continue building on recent economic growth toward a robust recovery." The extension of unemployment and health benefits through the end of the year is also critical to many workers and their families to make ends meet while they continue to search for jobs.

Given the fact that the U.S. economy has shown signs of improvement, the use of fiscal stimulus is the most prudent policy to sustain economic growth and to create jobs as the major restructuring of the U.S. economy continues. We are now part of the global economy, with implications for the future of the U.S. economy. However, we must first look within to determine our priorities—the number

one priority has to be the American worker. We must get jobs in the hands of the most vulnerable individuals in the country.

In addition, I will work with my colleagues to restore the COBRA extension and the State Medicaid assistance (FMAP) provisions of the original bill.

Mr. Speaker, I stand with Chairman LEVIN in support of this bill and urge my colleagues to do the same.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), the chair of the Committee on Ways and Means.

Mr. LEVIN. I will be speaking at greater length, though only for a few minutes, when the rule passes.

I want to say just a few things about what this bill is all about. The basic bill has been here for more than a week, and so anyone who says they don't know what's in it has failed to read it. It says, and it means, jobs and jobs and jobs.

There are provisions for business, there are provisions for local communities in terms of infrastructure. We're talking about supporting millions of jobs in this country, and so we will get to that.

I think your discomfort is that this indeed is a jobs bill and it will create more jobs, and the path has been started some months ago. Contrary to the path under the Bush administration, when jobs were lost, now they are being gained, and this bill will help gain them further.

Secondly, the gentleman from California talked about the unemployment rate in California. This bill extends unemployment compensation through the end of November of this year. So when he has a chance to help the hundreds of thousands of unemployed people who are looking for work in California—and those of you on the minority side who also face unemployment and who have tens, if not thousands, of people who are unemployed—how are you going to vote? Are you going to turn your backs on the unemployed who are looking for work? We'll have to see.

And then there is some reference to the tax provisions. As I will explain, there are numerous tax provisions to help small business in this bill, numerous provisions: the R&D tax credit; the biodiesel tax credit, which many want; the provision for real estate improvements to maintain the 15-year depreciation, which helps to stimulate jobs; jobs for service industries overseas, which they want; and allowing manufacturers to be able to use their AMT.

This is paid for, unlike the years I sat on the Ways and Means Committee under the Republicans when there was never anything paid for.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman 2 additional minutes.

Mr. LEVIN. So the complaint is now we are closing loopholes. We're closing provisions worked out with the administration, that asked for a much larger package, that will make sure that the foreign tax credit is not abused so that jobs are shipped overseas. So instead, jobs are created in the United States of America. So this is about a jobs bill, a jobs bill to create jobs in the United States of America and to help those who can't find them get some help.

We will talk about the physician fix, or the effort to treat it—it's not really a fix. It's to provide reimbursement to physicians so that they can provide care for their patients. And so you say it's only 19 months. When you were in power, that was the most you did, and usually there was much less out. You're going to vote against that? Well, we'll see.

And there is a provision here relating to veterans, and I close with reference to this: The Military Officers Association of America has sent a letter saying they "have strong support for H.R. 4213. The Military Officers Association of America is also grateful that H.R. 4213 includes authority to implement the administration's proposal to phase out the disability offset to military retired pay for servicemembers forced into premature medical retirement as a result of service-caused disabilities." The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman from Michigan an additional 30 seconds.

Mr. LEVIN. "It is patently inequitable that current law forces these members to fund their own VA disability compensation by forfeiting most or all of their military retired pay. H.R. 4213 properly acknowledges that such members should be vested for retired pay earned by service, independent of any service-caused disability."

The test will come in a few hours where you stand on jobs and where you stand for the veterans of this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Let the Chair simply remind Members that they should address their remarks to the Chair.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina, Dr. Foxx.

Ms. FOXX. I thank the gentleman from Texas for yielding again.

I had to come back after I heard our colleague just speaking because I think that it is time that we create a new dictionary that explains the language being used in Washington.

As my colleague from Texas pointed out earlier, our colleagues across the aisle, Mr. Speaker, constantly bash corporations, but we prefer to call them "employers." Our colleagues across the aisle talk about revenue all the time, but revenue in Washington means taxes on American workers.

□ 1015

Yet the word, the phrase, that really got my attention this morning was the comment that my colleague said: We pay for these.

Ladies and gentlemen, the Congress has no money other than what it confiscates from the American taxpayers. I am really getting tired of our colleagues across the aisle pretending that we in Congress somehow or another use largess that comes like manna from Heaven to do things for the American people. They're doing their best to get the American people to think of dependency on the Federal Government. That is the wrong way to go. They aren't paying for anything. You, the American people, are paying for every one of their ridiculous, wasteful products. It is time we stop it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are again reminded to address their remarks to the Chair, not to other Members and not to the television audience.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the gentleman for yielding.

I would say to my friend, the gentleman from North Carolina, through the Chair, that maybe, instead of a dictionary, we should have a math book or a history book brought out, because there is some historical context, recent historical context, to this discussion.

Mr. Speaker, we were told in January of 2009, with respect to the Recovery Act that was on the House floor, that it is clear that it doesn't create the jobs or preserve the jobs that need to happen. That was said by our friend, the minority leader of the Republicans, Mr. BOEHNER, that it is clear that the recovery bill doesn't create the jobs or preserve the jobs that need to happen.

Now, in the 3 months that were in the context of that remark, for example, in March of 2009, the economy lost 753,000 jobs. In April of 2009, it lost 528,000 jobs. We brought to this floor a bill that put construction workers back to work by building transportation projects. If they bought homes, we gave people tax credits for their downpayments. We sent more people to colleges and to universities on Pell Grants. We cut taxes for small businesses and families across the country. Then what happened? Well, in March of this year, the economy added 230,000 jobs. In April of this year, the economy added another 290,000 jobs.

So the other side said in good faith, in January of 2009, these things would not work. They were wrong. They haven't worked as quickly as we want. They haven't worked as much as we want, but the tired philosophy that says that inaction and inattention will fix the problem has failed. A philos-

ophy that says that giving American entrepreneurs, American taxpayers, American construction workers the chance to succeed will and does.

Mr. SESSIONS. Mr. Speaker, in fact, the gentleman is correct. There were jobs that were added. They were government jobs. They were government jobs because of the census, and that is why we saw an uptick.

Let's go back to Texas. I know there has been a lot said about Texas. In Texas, unemployment jumped from 6.8 percent in April 2009 to 8.1 percent in April 2010. That's an additional 188,600 people unemployed.

I appreciate you all in trying to take credit for this great, robust economic boom that's going on in this country. The fact of the matter is it's not working that way.

Mr. Speaker, I submit for the RECORD a letter dated May 24, 2010, from IBM. I'm going to read just the last paragraph because it shows, really, the misnomer of my Democrat friend's argument about how great this bill is, the jobs bill.

It reads, "Despite the 1-year renewal of the R&D tax credit, which we and other technology firms have long supported, the late insertion of large, new, permanent tax increases, together with hundreds of billions in new deficit spending that has not been offset, leads IBM to strongly oppose this legislation."

Hundreds of billions of dollars in new deficit spending.

This reminds me a lot of the firefighter who goes out and sets a fire and then shows up to put it out, trying to get credit when, in fact, that firefighter is an arsonist. IBM gets it. IBM gets it and they understand: hundreds of billions of dollars of new deficit spending that has not been offset.

IBM,

GOVERNMENTAL PROGRAMS,
Washington, DC, May 24, 2010.

Hon. SANDER M. LEVIN,
House of Representatives,
Washington, DC.

Hon. DAVE CAMP,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER CAMP: IBM strongly opposes the "tax extenders" legislation pending before Congress this week. Although our company has been a long-time supporter of the R&D tax credit that has enjoyed bipartisan support in Congress over many years, the pending legislation would impose significant new tax increases that will completely overwhelm any positive economic effect of the R&D tax credit, harming the U.S. economy just as recovery has begun.

The legislation released on May 20 includes new, permanent—and sometimes retroactive tax increases inserted into legislation under the pretext of "paying for" a temporary tax credit for R&D and other expiring provisions. These new tax increases have never been the subject of Congressional hearings and were developed behind closed doors without input from taxpayers.

The U.S. international tax system has evolved over time to help American compa-

nies compete in the global marketplace against foreign competitors who operate under more favorable global tax systems. IBM's foreign earnings help fund domestic investment and research and result in meaningful US jobs. As such, increasing taxes on IBM's foreign earnings will have a negative effect on these investment decisions. Rather than adopting changes on a piecemeal basis, any changes to the international tax rules should be considered in the broader context of comprehensive tax reform.

Despite the one-year renewal of the R&D tax credit, which we and other technology firms have long supported, the late insertion of large new permanent tax increases, together with hundreds of billions in new deficit spending that has not been offset, leads IBM to strongly oppose this legislation. We do, however, support an open discussion about comprehensive reform of the U.S. tax system.

Sincerely,

CHRISTOPHER PADILLA,
Vice President, Govt. Programs.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS) to refute the notion that all new hires in the United States are census takers.

Mr. ANDREWS. I thank the gentleman for yielding.

Mr. Speaker, my friend from Texas made a statement, I believe, that most of the jobs created were census jobs. Did the gentleman tell us how many jobs were census agency jobs created in the last 2 months?

I yield to the gentleman to answer the question.

Mr. SESSIONS. I thank the gentleman for asking.

You know, I had seen a report, and we received information up in the Rules Committee that there would be an expectation of 500,000 census jobs across the country.

Mr. ANDREWS. Reclaiming my time, the gentleman said that most of the jobs created in the last 2 months were census jobs. How many were created in the last 2 months that are census jobs?

I yield to the gentleman.

Mr. SESSIONS. I appreciate the gentleman.

I think the overwhelming context I had was that the jobs that are being created are in government.

Mr. ANDREWS. Reclaiming my time, the gentleman's statement is wrong. A small minority of the jobs created in the last 2 months have been census jobs. The gentleman is wrong.

Mr. SESSIONS. I appreciate the gentleman's yielding to me.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. I yield 30 seconds to the gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, a colleague on the floor just used the terminology "confiscated," and I certainly want to respect her use of a word in the dictionary.

Yet I would say to men and women of the United States military, to whom

we are providing funding from the revenue that we collect, that that money is not being confiscated. To those disabled veterans who are getting a tax benefit, we are not confiscating money; we are giving them dollars. To those who are on the Louisiana coast, who are going to get a benefit from the increase in the oil trust fund to help them clean up the disaster in Louisiana, we are not confiscating money but using the Federal resources to help the American people.

We are helping America. That is what this vote is about. The Republican opposition do not want to help America. We do.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time. Today we began this rule by talking about Republicans' having received a copy of the rule and the bill at 9:06. We talked about how the Senate has left town and that we are doing this bill today to no avail, because it expires when we will all be gone, which is next week.

We've got doctors who will not be properly reimbursed. Oh, I'm sorry. That big cut occurred from this Democrat majority, and now we're trying to show up and show how we've got to help physicians. Once again, it reminds me of that firefighter who sets his own fire. This Democrat majority cut the doctors. Now we're hearing that doctors won't see Medicare patients, and now we show up to save the doctors.

Mr. Speaker, the bottom line to this whole thing is that massive, new tax increases are in this bill, while at the same time, somebody is trying to take credit for all of these millions of new jobs that will be created. Yet, when asked, the chairman of the committee had no evidence to support that. It was just an opinion.

That is exactly the same kind of opinion that we saw from the prior chairman of the Ways and Means Committee, who, when asked about the health care bill—and even though he knew it would diminish jobs because of the guesstimate of CBO of some 5 million jobs—wanted to push this as a jobs bill, wanted to push health care as a jobs bill, and now we are doing it again.

The U.S. Chamber says changes to the tax treatment of real estate, energy, and investment partnerships will result in negative consequences for capital formation, innovation in real estate, energy, investment, and jobs in America.

The bottom line is that this Democrat majority has three big political items, not just taxes and spending, but the three largest political items will net lose 10 million American jobs, as decided by the Congressional Budget Office.

This Democrat majority is insistent on killing jobs in America. They are insistent on taxing and spending. They are for the diminishment of the inves-

tor, and they are going to kill the goose that lays the golden egg. I think it is a big mistake to try and show up and say, Those darned Republicans won't go along with us. They won't vote for an extension of unemployment.

I will tell you what the Republican Party stands for: It is jobs, investment and the opportunity to have more jobs in this country.

Mr. Speaker, we end our debate today.

The SPEAKER pro tempore. The time of the gentleman has expired.

The gentleman from New York has 4¼ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, in a moment I will be offering an amendment to this rule. I want to briefly explain the amendment. It is very simple. It strikes two sections from the House amendment printed in the Rules Committee report.

No. 1: It strikes section 511, the COBRA extension.

No. 2: It strikes section 516, the State Medicaid Assistance, or FMAP.

It also makes a change in the carried interest provision, making it effective on December 31, 2010, instead of the date of enactment.

Finally, the amendment divides the question of adoption of the House amendment into two votes:

One vote will be on section 523, which is the SGR—the doc fix. The other vote will be on the remaining portions of the House amendment.

That package contains provisions to extend American Recovery and Reinvestment Act job programs. It provides tax relief to working families; extends business tax credits; provides pension relief; extends unemployment insurance, TANF, and flood insurance; provides relief for disaster areas, including relief for agriculture disaster areas; provides domestic energy tax provisions, closes tax loopholes, and hopefully prevents outsourcing.

I hope Members will vote in favor of this amendment as well as in favor of the rule and the previous question.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I have an amendment to the rule at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

AMENDMENT TO H. RES. 1403 OFFERED BY MS. SLAUGHTER OF NEW YORK

Strike all after the resolving clause and insert the following:

“That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment

printed in part A of the report of the Committee on Rules accompanying this resolution as modified by the amendment printed in part B of the report of the Committee on Rules and the further amendment printed in section 2. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion. The question of adoption of the motion shall be divided for a separate vote on the matter proposed to be inserted as section 523.

SEC. 2. The further amendment referred to in the first section is as follows:

(1) Strike section 511 of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules as modified by the amendment printed in part B of the report of the Committee on Rules.

(2) Strike section 516 of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules as modified by the amendment printed in part B of the report of the Committee on Rules.

(3) In section 412(f)(1) of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules, strike “the date of the enactment of this Act” and insert “December 31, 2010”.

(4) In section 412(f)(2) of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules, strike “the date of the enactment of this Act” and insert “December 31, 2010”.

(5) In section 412(f)(3) of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules, strike “the date of the enactment of this Act” and insert “December 31, 2010”.

(6) In section 412(f)(4) of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules, strike “the date of the enactment of this Act” and insert “December 31, 2010”.

(7) In section 412(f) of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules, strike paragraph (5).

(8) Section 523 of the matter proposed to be inserted by the amendment printed in part A of the report of the Committee on Rules as modified by the amendment printed in part B of the report of the Committee on Rules is further amended by adding at the end the following new subsection:

“(b) Statutory Paygo. The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘Budgetary Effects of PAYGO Legislation’ for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.”.

SEC. 3. House Resolution 1392 is laid on the table.”.

□ 1030

Ms. SLAUGHTER. Mr. Speaker, I urge a “yes” vote on the rule.

I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

agreeing to the Speaker's approval of the Journal;

suspending the rules and adopting House Resolution 1391;

ordering the previous question on House Resolution 1403 and on the amendment thereto;

agreeing to the amendment to House Resolution 1403, if ordered; and

adopting House Resolution 1403, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 230, nays 182, answered “present” 1, not voting 18, as follows:

[Roll No. 319]

YEAS—230

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|-------------|----------------|--------------|
| Ackerman | Brown, Corrine | Critz |
| Andrews | Butterfield | Crowley |
| Baca | Capps | Cuellar |
| Baird | Capuano | Cummings |
| Baldwin | Carnahan | Dahlkemper |
| Barrow | Carson (IN) | Davis (CA) |
| Bean | Castle | Davis (IL) |
| Becerra | Castor (FL) | Davis (TN) |
| Berkley | Chaffetz | DeFazio |
| Berman | Chandler | DeGette |
| Berry | Chu | Delahunt |
| Bilbray | Clarke | DeLauro |
| Bishop (GA) | Clay | Dent |
| Bishop (NY) | Cleaver | Deutch |
| Blumenauer | Clyburn | Dicks |
| Boswell | Cohen | Dingell |
| Boucher | Cole | Doggett |
| Boyd | Conyers | Doyle |
| Brady (PA) | Cooper | Edwards (MD) |
| Braley (IA) | Costello | Edwards (TX) |
| Bright | Courtney | Ellison |

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|-----------------|-----------------|-------------------|
| Engel | Lee (CA) | Richardson |
| Eshoo | Levin | Rodriguez |
| Etheridge | Lewis (CA) | Roe (TN) |
| Farr | Lewis (GA) | Ross |
| Fattah | Lipinski | Rothman (NJ) |
| Filner | Loeb | Roybal-Allard |
| Fortenberry | Lofgren, Zoe | Ruppersberger |
| Foster | Lowe | Ryan (OH) |
| Frank (MA) | Lujan | Sanchez, Linda T. |
| Fudge | Lynch | Sanchez, Loretta |
| Garamendi | Maffei | Sarbanes |
| Gonzalez | Markey (MA) | Schakowsky |
| Goodlatte | Marshall | Schauer |
| Gordon (TN) | Matheson | Schiff |
| Grayson | Matsui | Schrader |
| Green, Al | McCarthy (NY) | Schwartz |
| Green, Gene | McClintock | Scott (GA) |
| Grijalva | McCollum | Scott (VA) |
| Gutierrez | McDermott | Serrano |
| Hall (NY) | McGovern | Sestak |
| Halvorson | McIntyre | Shea-Porter |
| Hare | McMahon | Sherman |
| Heinrich | McNerney | Sires |
| Heller | Meek (FL) | Skelton |
| Herseth Sandlin | Meeks (NY) | Slaughter |
| Higgins | Michaud | Smith (WA) |
| Hill | Miller (NC) | Snyder |
| Hinche | Miller, George | Space |
| Hinojosa | Mollohan | Speier |
| Hirono | Moore (KS) | Spratt |
| Hodes | Moore (WI) | Stark |
| Holden | Moran (VA) | Sutton |
| Holt | Murphy (CT) | Tanner |
| Honda | Murphy, Patrick | Teague |
| Hoyer | Nadler (NY) | Thompson (MS) |
| Inslee | Napolitano | Tierney |
| Israel | Neal (MA) | Titus |
| Jackson (IL) | Oberstar | Tonko |
| Jackson Lee | Obey | Towns |
| (TX) | Oliver | Tsongas |
| Johnson (IL) | Ortiz | Van Hollen |
| Johnson, E. B. | Pallone | Velázquez |
| Kagen | Pascarella | Visclosky |
| Kanjorski | Pastor (AZ) | Walz |
| Kaptur | Paulsen | Waters |
| Kennedy | Payne | Watson |
| Kildee | Perlmutter | Watt |
| Kilpatrick (MI) | Perriello | Waxman |
| Kind | Pingree (ME) | Weiner |
| Kirk | Polis (CO) | Welch |
| Kissell | Pomeroy | Wilson (OH) |
| Klein (FL) | Posey | Woolsey |
| Kucinich | Price (NC) | Wu |
| Langevin | Quigley | Yarmuth |
| Larsen (WA) | Rahall | |
| Larson (CT) | Rangel | |
| Latham | Reyes | |

NAYS—182

| | | |
|--------------|-----------------|--------------------|
| Adler (NJ) | Carter | Harper |
| Akin | Cassidy | Hastings (WA) |
| Alexander | Childers | Hensarling |
| Altmire | Coble | Herge |
| Arcuri | Coffman (CO) | Himes |
| Austria | Conaway | Hoekstra |
| Bachmann | Connolly (VA) | Hunter |
| Bachus | Costa | Inglis |
| Barrett (SC) | Crenshaw | Issa |
| Bartlett | Culberson | Jenkins |
| Barton (TX) | Diaz-Balart, L. | Johnson, Sam |
| Biggart | Diaz-Balart, M. | Jordan (OH) |
| Bilirakis | Djou | Kilroy |
| Blackburn | Donnelly (IN) | King (IA) |
| Blunt | Dreier | King (NY) |
| Boccheri | Driedhaus | Kingston |
| Boehner | Duncan | Kirkpatrick (AZ) |
| Bonner | Ehlers | Kline (MN) |
| Bono Mack | Ellsworth | Kosmas |
| Boozman | Emerson | Kratovil |
| Boustany | Fallin | Lamborn |
| Brady (TX) | Flake | Lance |
| Broun (GA) | Fleming | LaTourette |
| Brown (SC) | Forbes | Latta |
| Buchanan | Fox | Lee (NY) |
| Burgess | Franks (AZ) | Linder |
| Burton (IN) | Frelinghuysen | LoBiondo |
| Buyer | Gallegly | Lucas |
| Calvert | Garrett (NJ) | Luetkemeyer |
| Camp | Gerlach | Lummis |
| Campbell | Giffords | Lungren, Daniel E. |
| Cantor | Gingrey (GA) | Mack |
| Cao | Granger | Maloney |
| Capito | Griffith | Manzullo |
| Cardoza | Guthrie | Marchant |
| Carney | Hall (TX) | |

| | | |
|---------------|---------------|---------------|
| Markey (CO) | Petri | Simpson |
| McCarthy (CA) | Pitts | Smith (NE) |
| McCaul | Platts | Smith (NJ) |
| McCotter | Poe (TX) | Smith (TX) |
| McHenry | Price (GA) | Stearns |
| McKeon | Putnam | Stupak |
| Mica | Radanovich | Sullivan |
| Miller (FL) | Rehberg | Taylor |
| Miller (MI) | Reichert | Terry |
| Miller, Gary | Rogers (AL) | Thompson (CA) |
| Minnick | Rogers (KY) | Thompson (PA) |
| Mitchell | Rogers (MI) | Thornberry |
| Moran (KS) | Rohrabacher | Tiahrt |
| Murphy (NY) | Rooney | Tiberi |
| Murphy, Tim | Ros-Lehtinen | Turner |
| Myrick | Roskam | Upton |
| Neugebauer | Royce | Walden |
| Nunes | Salazar | Wamp |
| Nye | Scalise | Westmoreland |
| Olson | Schmidt | Whitfield |
| Owens | Sensenbrenner | Wilson (SC) |
| Paul | Sessions | Wittman |
| Pence | Shadegg | Wolf |
| Peters | Shinkus | Young (AK) |
| Peterson | Shuster | Young (FL) |

ANSWERED “PRESENT”—1

Gohmert

NOT VOTING—18

| | | |
|--------------|---------------|-----------|
| Aderholt | Graves | Melancon |
| Bishop (UT) | Harman | Rush |
| Boren | Hastings (FL) | Ryan (WI) |
| Brown-Waite, | Johnson (GA) | Schock |
| Ginny | Jones | Shuler |
| Davis (AL) | McMorris | Wasserman |
| Davis (KY) | Rodgers | Schultz |

□ 1100

Messrs. EHLERS, HIMES, CONNOLLY of Virginia, CASSIDY, YOUNG of Alaska and CARDOZA changed their vote from “yea” to “nay.”

So the Journal was approved.

The result of the vote was announced as above recorded.

CONGRATULATING ISRAEL ON OECD MEMBERSHIP

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1391, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. BERKLEY) that the House suspend the rules and agree to the resolution, H. Res. 1391, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 13, as follows:

[Roll No. 320]

YEAS—418

| | | |
|--------------|-------------|-------------|
| Ackerman | Bartlett | Blunt |
| Aderholt | Barton (TX) | Boccheri |
| Adler (NJ) | Bean | Boehner |
| Akin | Becerra | Bonner |
| Alexander | Berkley | Bono Mack |
| Altmire | Berman | Boozman |
| Andrews | Berry | Boswell |
| Arcuri | Biggart | Boucher |
| Austria | Bilbray | Boustany |
| Baca | Bilirakis | Boyd |
| Bachmann | Bishop (GA) | Brady (PA) |
| Bachus | Bishop (NY) | Brady (TX) |
| Baldwin | Bishop (UT) | Braley (IA) |
| Barrett (SC) | Blackburn | Bright |
| Barrow | Blumenauer | Broun (GA) |

NOT VOTING—11□ 1127

RECORDED VOTE

[Roll No. 322]

AYES—215

| | | | | | | | | |
|-------------|----------------|---------------|-------------|---------------|------------------|----------------|---------------|---------------|
| Ackerman | Brown, Corrine | Courtney | Boswell | Etheridge | Kingston | Altmire | Capuano | Cummings |
| Adler (NJ) | Butterfield | Critz | Boustany | Fallin | Kirk | Andrews | Cardoza | Davis (CA) |
| Altmire | Capps | Crowley | Brady (TX) | Flake | Kirkpatrick (AZ) | Arcuri | Carnahan | Davis (IL) |
| Andrews | Capuano | Cuellar | Braley (IA) | Fleming | Klein (FL) | Baca | Carney | Davis (TN) |
| Arcuri | Cardoza | Cummings | Bright | Forbes | Kline (MN) | Baird | Carson (IN) | DeFazio |
| Baca | Carnahan | Davis (CA) | Broun (GA) | Fortenberry | Kosmas | Baldwin | Castor (FL) | DeGette |
| Baird | Carson (IN) | Davis (IL) | Brown (SC) | Foster | Kratovil | Barrow | Chandler | Delahunt |
| Baldwin | Castor (FL) | Davis (TN) | Buchanan | Fox | Lamborn | Becerra | Chu | DeLauro |
| Barrow | Chandler | DeGette | Burgess | Frank | Lance | Berkley | Clarke | Deutch |
| Bean | Chu | Delahunt | Burton (IN) | Frelinghuysen | Latham | Berman | Clay | Dicks |
| Becerra | Clarke | DeLauro | Buyer | Gallagher | LaTourette | Berry | Cleaver | Dingell |
| Berkley | Clay | Deutch | Calvert | Garrett (NJ) | Latta | Bishop (GA) | Clyburn | Doggett |
| Berman | Cleaver | Dicks | Camp | Gerlach | Lee (NY) | Bishop (NY) | Cohen | Donnelly (IN) |
| Berry | Clyburn | Dingell | Campbell | Giffords | Lewis (CA) | Blumenauer | Connolly (VA) | Doyle |
| Bishop (GA) | Cohen | Doggett | Cantor | Gingrey (GA) | Linder | Boccheri | Conyers | Edwards (MD) |
| Bishop (NY) | Connolly (VA) | Donnelly (IN) | Cao | Gohmert | LoBiondo | Boucher | Costa | Edwards (TX) |
| Blumenauer | Conyers | Doyle | Capito | Goodlatte | Loeb | Brady (PA) | Costello | Ellison |
| Boucher | Cooper | Edwards (MD) | Carney | Granger | Lucas | Braley (IA) | Courtney | Ellsworth |
| Boyd | Costa | Edwards (TX) | Carter | Griffith | Luetkemeyer | Brown, Corrine | Critz | Engel |
| Brady (PA) | Costello | Ellison | Cassidy | Guthrie | Lummis | Butterfield | Crowley | Eshoo |

Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inlee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe

Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger

NOES—199

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter

Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Dahlkemper
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Drieaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Galleghy
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie

Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis

Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Napolitano
Neugebauer

Boren
Brown-Waite,
Ginny
Davis (AL)
Davis (KY)

Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Salazar
Scalise
Schmidt

NOT VOTING—12

Graves
Hastings (FL)
Jones
Melancon
Radanovich
Ryan (WI)
Sessions
Shuler

□ 1136

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTING MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. PENCE. Mr. Speaker, by direction of the House Republican Conference I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1415

Resolved, That the following members be, and are hereby, elected to the following standing committees:

COMMITTEE ON ARMED SERVICES—Mr. Djou.
COMMITTEE ON THE BUDGET—Mr. Djou.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM—Mr. Shuster.

Mr. PENCE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TAX EXTENDERS ACT OF 2009

Mr. LEVIN. Mr. Speaker, pursuant to House Resolution 1403, I call up the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, with the Senate amendment thereto, and have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the “American Workers, State, and Business Relief Act of 2010”.

(b) *AMENDMENT OF 1986 CODE*.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) *TABLE OF CONTENTS*.—The table of contents for this Act is as follows:

Sec. 1. *Short title; amendment of 1986 Code; table of contents.*

TITLE I—EXTENSION OF EXPIRING PROVISIONS**Subtitle A—Energy**

Sec. 101. *Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.*

Sec. 102. *Incentives for biodiesel and renewable diesel.*

Sec. 103. *Credit for electricity produced at certain open-loop biomass facilities.*

Sec. 104. *Credit for refined coal facilities.*

Sec. 105. *Credit for production of low sulfur diesel fuel.*

Sec. 106. *Credit for producing fuel from coke or coke gas.*

Sec. 107. *New energy efficient home credit.*

Sec. 108. *Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.*

Sec. 109. *Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.*

Sec. 110. *Suspension of limitation on percentage depletion for oil and gas from marginal wells.*

Subtitle B—Individual Tax Relief**PART I—MISCELLANEOUS PROVISIONS**

Sec. 111. *Deduction for certain expenses of elementary and secondary school teachers.*

Sec. 112. *Additional standard deduction for State and local real property taxes.*

Sec. 113. *Deduction of State and local sales taxes.*

Sec. 114. *Contributions of capital gain real property made for conservation purposes.*

Sec. 115. *Above-the-line deduction for qualified tuition and related expenses.*

Sec. 116. *Tax-free distributions from individual retirement plans for charitable purposes.*

Sec. 117. *Look-thru of certain regulated investment company stock in determining gross estate of non-residents.*

PART II—LOW-INCOME HOUSING CREDITS

Sec. 121. *Election for refundable low-income housing credit for 2010.*

Subtitle C—Business Tax Relief

Sec. 131. *Research credit.*

Sec. 132. *Indian employment tax credit.*

Sec. 133. *New markets tax credit.*

Sec. 134. *Railroad track maintenance credit.*

Sec. 135. Mine rescue team training credit.
 Sec. 136. Employer wage credit for employees who are active duty members of the uniformed services.
 Sec. 137. 5-year depreciation for farming business machinery and equipment.
 Sec. 138. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
 Sec. 139. 7-year recovery period for motorsports entertainment complexes.
 Sec. 140. Accelerated depreciation for business property on an Indian reservation.
 Sec. 141. Enhanced charitable deduction for contributions of food inventory.
 Sec. 142. Enhanced charitable deduction for contributions of book inventories to public schools.
 Sec. 143. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
 Sec. 144. Election to expense mine safety equipment.
 Sec. 145. Special expensing rules for certain film and television productions.
 Sec. 146. Expensing of environmental remediation costs.
 Sec. 147. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
 Sec. 148. Modification of tax treatment of certain payments to controlling exempt organizations.
 Sec. 149. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.
 Sec. 150. Timber REIT modernization.
 Sec. 151. Treatment of certain dividends and assets of regulated investment companies.
 Sec. 152. RIC qualified investment entity treatment under FIRPTA.
 Sec. 153. Exceptions for active financing income.
 Sec. 154. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
 Sec. 155. Reduction in corporate rate for qualified timber gain.
 Sec. 156. Basis adjustment to stock of S corps making charitable contributions of property.
 Sec. 157. Empowerment zone tax incentives.
 Sec. 158. Tax incentives for investment in the District of Columbia.
 Sec. 159. Renewal community tax incentives.
 Sec. 160. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
 Sec. 161. American Samoa economic development credit.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

Sec. 171. Waiver of certain mortgage revenue bond requirements.
 Sec. 172. Losses attributable to federally declared disasters.
 Sec. 173. Special depreciation allowance for qualified disaster property.
 Sec. 174. Net operating losses attributable to federally declared disasters.
 Sec. 175. Expensing of qualified disaster expenses.

PART II—REGIONAL PROVISIONS

SUBPART A—NEW YORK LIBERTY ZONE

Sec. 181. Special depreciation allowance for nonresidential and residential real property.
 Sec. 182. Tax-exempt bond financing.

SUBPART B—GO ZONE

Sec. 183. Special depreciation allowance.
 Sec. 184. Increase in rehabilitation credit.
 Sec. 185. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.

SUBPART C—MIDWESTERN DISASTER AREAS

Sec. 191. Special rules for use of retirement funds.
 Sec. 192. Exclusion of cancellation of mortgage indebtedness.

TITLE II—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS

Subtitle A—Unemployment Insurance

Sec. 201. Extension of unemployment insurance provisions.

Subtitle B—Health Provisions

Sec. 211. Extension and improvement of premium assistance for COBRA benefits.
 Sec. 212. Extension of therapy caps exceptions process.
 Sec. 213. Treatment of pharmacies under durable medical equipment accreditation requirements.
 Sec. 214. Enhanced payment for mental health services.
 Sec. 215. Extension of ambulance add-ons.
 Sec. 216. Extension of geographic floor for work.
 Sec. 217. Extension of payment for technical component of certain physician pathology services.
 Sec. 218. Extension of outpatient hold harmless provision.
 Sec. 219. EHR Clarification.
 Sec. 220. Extension of reimbursement for all Medicare part B services furnished by certain Indian hospitals and clinics.
 Sec. 221. Extension of certain payment rules for long-term care hospital services and of moratorium on the establishment of certain hospitals and facilities.
 Sec. 222. Extension of the Medicare rural hospital flexibility program.
 Sec. 223. Extension of section 508 hospital reclassifications.
 Sec. 224. Technical correction related to critical access hospital services.
 Sec. 225. Extension for specialized MA plans for special needs individuals.
 Sec. 226. Extension of reasonable cost contracts.
 Sec. 227. Extension of particular waiver policy for employer group plans.
 Sec. 228. Extension of continuing care retirement community program.
 Sec. 229. Funding outreach and assistance for low-income programs.
 Sec. 230. Family-to-family health information centers.
 Sec. 231. Implementation funding.
 Sec. 232. Extension of ARRA increase in FMAP.
 Sec. 233. Extension of gainsharing demonstration.

Subtitle C—Other Provisions

Sec. 241. Extension of use of 2009 poverty guidelines.
 Sec. 242. Refunds disregarded in the administration of Federal programs and federally assisted programs.
 Sec. 243. State court improvement program.
 Sec. 244. Extension of national flood insurance program.
 Sec. 245. Emergency disaster assistance.
 Sec. 246. Small business loan guarantee enhancement extensions.

TITLE III—PENSION FUNDING RELIEF

Subtitle A—Single Employer Plans

Sec. 301. Extended period for single-employer defined benefit plans to amortize certain shortfall amortization bases.

Sec. 302. Application of extended amortization period to plans subject to prior law funding rules.

Sec. 303. Lookback for certain benefit restrictions.

Sec. 304. Lookback for credit balance rule for plans maintained by charities.

Subtitle B—Multiemployer Plans

Sec. 311. Adjustments to funding standard account rules.

TITLE IV—OFFSET PROVISIONS

Subtitle A—Black Liquor

Sec. 401. Exclusion of unprocessed fuels from the cellulosic biofuel producer credit.

Sec. 402. Prohibition on alternative fuel credit and alternative fuel mixture credit for black liquor.

Subtitle B—Homebuyer Credit

Sec. 411. Technical modifications to homebuyer credit.

Subtitle C—Economic Substance

Sec. 421. Codification of economic substance doctrine; penalties.

Subtitle D—Additional Provisions

Sec. 431. Revision to the Medicare Improvement Fund.

TITLE V—SATELLITE TELEVISION EXTENSION

Sec. 500. Short title.

Subtitle A—Statutory Licenses

Sec. 501. Reference.
 Sec. 502. Modifications to statutory license for satellite carriers.
 Sec. 503. Modifications to statutory license for satellite carriers in local markets.
 Sec. 504. Modifications to cable system secondary transmission rights under section 111.
 Sec. 505. Certain waivers granted to providers of local-into-local service for all DMAs.
 Sec. 506. Copyright Office fees.
 Sec. 507. Termination of license.
 Sec. 508. Construction.

Subtitle B—Communications Provisions

Sec. 521. Reference.
 Sec. 522. Extension of authority.
 Sec. 523. Significantly viewed stations.
 Sec. 524. Digital television transition conforming amendments.
 Sec. 525. Application pending completion of rulemakings.
 Sec. 526. Process for issuing qualified carrier certification.
 Sec. 527. Nondiscrimination in carriage of high definition digital signals of noncommercial educational television stations.
 Sec. 528. Savings clause regarding definitions.
 Sec. 529. State public affairs broadcasts.

Subtitle C—Reports and Savings Provision

Sec. 531. Definition.
 Sec. 532. Report on market based alternatives to statutory licensing.
 Sec. 533. Report on communications implications of statutory licensing modifications.
 Sec. 534. Report on in-state broadcast programming.
 Sec. 535. Local network channel broadcast reports.
 Sec. 536. Savings provision regarding use of negotiated licenses.
 Sec. 537. Effective date; noninfringement of copyright.

Subtitle D—Severability

Sec. 541. Severability.

TITLE VI—OTHER PROVISIONS

Sec. 601. Increase in the Medicare physician payment update.

- Sec. 602. Election to temporarily utilize unused AMT credits determined by domestic investment.
- Sec. 603. Information reporting for rental property expense payments.
- Sec. 604. Extension of low-income housing credit rules for buildings in GO zones.
- Sec. 605. Increase in information return penalties.
- Sec. 606. Tax-exempt bond financing.
- Sec. 607. Application of levy to payments to Federal vendors relating to property.
- Sec. 608. Election for refundable low-income housing credit for 2010.
- Sec. 609. Low-income housing grant election.
- Sec. 610. Rollovers from elective deferral plans to Roth designated accounts.
- Sec. 611. Modification of standards for windows, doors, and skylights with respect to the credit for nonbusiness energy property.
- Sec. 612. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.
- Sec. 613. Extension of special allowance for certain property.
- Sec. 614. Application of bad checks penalty to electronic payments.
- Sec. 615. Grants for energy efficient appliances in lieu of tax credit.
- Sec. 616. Budgetary effects of legislation passed by the Senate.
- Sec. 617. Senate spending disclosure.
- Sec. 618. Allocation of geothermal receipts.
- Sec. 619. Qualifying timber contract options.
- Sec. 620. ARRA planning and reporting.
- Sec. 621. GAO study.
- Sec. 622. Extension and modification of section 45 credit for refined coal from steel industry fuel.
- Sec. 623. Modifications to mine rescue team training credit and election to expense advanced mine safety equipment.
- Sec. 624. Application of continuous levy to employment tax liability of certain Federal contractors.

TITLE VII—DETERMINATION OF BUDGETARY EFFECTS

- Sec. 701. Determination of budgetary effects.

TITLE I—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

SEC. 101. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

SEC. 102. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 103. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended by striking “5-year period” and inserting “6-year period”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

SEC. 104. CREDIT FOR REFINED COAL FACILITIES.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 45(d)(8) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 105. CREDIT FOR PRODUCTION OF LOW SULFUR DIESEL FUEL.

(a) APPLICABLE PERIOD.—Paragraph (4) of section 45H(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 339 of the American Jobs Creation Act of 2004.

SEC. 106. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) IN GENERAL.—Paragraph (1) of section 45K(g) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 107. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 108. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 109. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after December 31, 2009.

SEC. 110. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

SEC. 111. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 112. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 113. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (1) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 114. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 115. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 116. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

SEC. 117. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

PART II—LOW-INCOME HOUSING CREDITS

SEC. 121. ELECTION FOR REFUNDABLE LOW-INCOME HOUSING CREDIT FOR 2010.

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) ELECTION FOR REFUNDABLE CREDITS.—

“(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts

described in clauses (i) and (iii) of subsection (h)(3)(C), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, multiplied by

“(B) 10.

“(3) **COORDINATION WITH NON-REFUNDABLE CREDIT.**—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) **SPECIAL RULE FOR BASIS.**—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) **PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.**—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”

(b) **CONFORMING AMENDMENT.**—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “42(n),” after “36A.”

Subtitle C—Business Tax Relief

SEC. 131. RESEARCH CREDIT.

(a) **IN GENERAL.**—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **CONFORMING AMENDMENT.**—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 132. INDIAN EMPLOYMENT TAX CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 133. NEW MARKETS TAX CREDIT.

(a) **IN GENERAL.**—Subparagraph (F) of section 45D(f)(1) is amended by inserting “and 2010” after “2009”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2015”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to calendar years beginning after 2009.

SEC. 134. RAILROAD TRACK MAINTENANCE CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 45G is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

SEC. 135. MINE RESCUE TEAM TRAINING CREDIT.

(a) **IN GENERAL.**—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 136. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) **IN GENERAL.**—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 137. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) **IN GENERAL.**—Clause (vii) of section 168(e)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 138. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) **IN GENERAL.**—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **CONFORMING AMENDMENTS.**—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010,”.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 139. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) **IN GENERAL.**—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 140. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) **IN GENERAL.**—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 141. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) **IN GENERAL.**—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 142. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) **IN GENERAL.**—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 143. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) **IN GENERAL.**—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 144. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) **IN GENERAL.**—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 145. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) **IN GENERAL.**—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 146. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) **IN GENERAL.**—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 147. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) **IN GENERAL.**—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”, and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 148. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) **IN GENERAL.**—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 149. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

(a) **IN GENERAL.**—Subparagraph (K) of section 512(b)(19) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property acquired after December 31, 2009.

SEC. 150. TIMBER REIT MODERNIZATION.

(a) **IN GENERAL.**—Paragraph (8) of section 856(c) is amended by striking “means” and all that follows and inserting “means December 31, 2010.”

(b) **CONFORMING AMENDMENTS.**—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking “the first taxable year beginning after the date of the enactment of this subparagraph” and inserting “in a taxable year beginning on or before the termination date”.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting “in taxable years beginning” after “dispositions”.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting “in a taxable year beginning” after “sale”.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting “in a taxable year beginning” after “In the case of a sale”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 151. TREATMENT OF CERTAIN DIVIDENDS AND ASSETS OF REGULATED INVESTMENT COMPANIES.

(a) **IN GENERAL.**—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 152. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) **IN GENERAL.**—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act, and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 153. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 154. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 155. REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Paragraph (1) of section 1201(b) is amended by striking “ending” and all that follows through “such date”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1201(b) is amended to read as follows: “(3) APPLICATION OF SUBSECTION.—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account any portion of such taxable year after December 31, 2010.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 156. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 157. EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2010”, and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(2) by striking “2014” in the heading and inserting “2015”.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

SEC. 158. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking “December 31, 2009” each place it appears and inserting “December 31, 2010”.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(ii) by striking “2014” in the heading and inserting “2015”.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) HOMEBUYER CREDIT.—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

SEC. 159. RENEWAL COMMUNITY TAX INCENTIVES.

(a) IN GENERAL.—Subsection (b) of section 1400E is amended—

(1) by striking “December 31, 2009” in paragraphs (1)(A) and (3) and inserting “December 31, 2010”, and

(2) by striking “January 1, 2010” in paragraph (3) and inserting “January 1, 2011”.

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b)

are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) LIMITATION ON PERIOD OF GAINS.—Paragraph (2) of section 1400F(c) is amended—

(A) by striking “December 31, 2014” and inserting “December 31, 2015”, and

(B) by striking “2014” in the heading and inserting “2015”.

(3) CLERICAL AMENDMENT.—Subsection (d) of section 1400F is amended by striking “and ‘December 31, 2014’ for ‘December 31, 2014’”.

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

(1) IN GENERAL.—Subsection (g) of section 1400I is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 1400I(d)(2) is amended by striking “after 2001 and before 2010” and inserting “which begins after 2001 and before the date referred to in subsection (g)”.

(d) INCREASED EXPENSING UNDER SECTION 179.—Subparagraph (A) of section 1400J(b)(1) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) ACQUISITIONS.—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

(A) IN GENERAL.—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) CONFORMING AMENDMENT.—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

SEC. 160. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 161. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”, and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

SEC. 171. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking “January 1, 2010” in subparagraphs (A)(i) and (B)(i) and inserting “January 1, 2011”.

(c) TECHNICAL AMENDMENT.—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) TECHNICAL AMENDMENT.—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

SEC. 172. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) \$500 LIMITATION.—Paragraph (1) of section 165(h) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) \$500 LIMITATION.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

SEC. 173. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) IN GENERAL.—Subclause (I) of section 168(j)(2)(A)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

SEC. 174. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

SEC. 175. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) IN GENERAL.—Subparagraph (A) of section 198A(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

SEC. 181. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 1400L(b)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 182. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone

SEC. 183. SPECIAL DEPRECIATION ALLOWANCE.

(a) IN GENERAL.—Paragraph (6) of section 1400N(d)(6) is amended by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 184. INCREASE IN REHABILITATION CREDIT.

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 185. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

Subpart C—Midwestern Disaster Areas

SEC. 191. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

(a) IN GENERAL.—Section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended—

(1) by striking “January 1, 2010” both places it appears and inserting “January 1, 2011”, and

(2) by striking “December 31, 2009” both places it appears and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008.

SEC. 192. EXCLUSION OF CANCELLATION OF MORTGAGE INDEBTEDNESS.

(a) IN GENERAL.—Section 702(e)(4)(C) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2009.

TITLE II—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS

Subtitle A—Unemployment Insurance

SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “December 31, 2010”;

(B) in the heading for subsection (b)(2), by striking “APRIL 5, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in subsection (b)(3), by striking “September 4, 2010” and inserting “May 31, 2011”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “April 5, 2010” and inserting “December 31, 2010”;

(B) in the heading for paragraph (2), by striking “APRIL 5, 2010” and inserting “DECEMBER 31, 2010”; and

(C) in paragraph (3), by striking “October 5, 2010” and inserting “June 30, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “April 5, 2010” each place it appears and inserting “January 1, 2011”; and

(B) in subsection (c), by striking “September 4, 2010” and inserting “June 1, 2011”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “September 4, 2010” and inserting “May 31, 2011”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (C), by striking “and” at the end; and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) the amendments made by section 201(a)(1) of the American Workers, State, and Business Relief Act of 2010; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010.

Subtitle B—Health Provisions

SEC. 211. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3 of the Temporary Extension Act of 2010, is amended by striking “March 31, 2010” and inserting “December 31, 2010”.

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by subsection (b)(1)(C), is further amended by adding at the end the following:

“(18) RULES RELATED TO 2010 EXTENSION.—

“(A) ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.—In the case of any premium for a period of coverage during an assistance eligible individual’s 2010 transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

“(i) such individual’s qualifying event was on or after April 1, 2010 and prior to the date of enactment of this paragraph, and

“(ii) such individual pays, by the latest of 60 days after the date of the enactment of this paragraph, 30 days after the date of provision of the notification required under paragraph (16)(D)(ii) (as applied by subparagraph (D) of this paragraph), or the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986, the amount of such premium, after the application of paragraph (1)(A).

“(B) REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual’s 2010 transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

“(C) 2010 TRANSITION PERIOD.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘transition period’ means, with respect to any assistance eligible individual, any period of coverage if—

“(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment

of the American Workers, State, and Business Relief Act of 2010, and

“(II) paragraph (1)(A) applies to such period by reason of the amendments made by section 211 of the American Workers, State, and Business Relief Act of 2010.

“(ii) CONSTRUCTION.—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

“(D) NOTIFICATION.—Notification provisions similar to the provisions of paragraph (16)(E) shall apply for purposes of this paragraph.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SEC. 212. EXTENSION OF THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “March 31, 2010” and inserting “December 31, 2010”.

SEC. 213. TREATMENT OF PHARMACIES UNDER DURABLE MEDICAL EQUIPMENT ACCREDITATION REQUIREMENTS.

(a) IN GENERAL.—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)) is amended—

(1) in subparagraph (F)—

(A) in clause (i)—

(i) by striking “clause (ii)” and inserting “clauses (ii) and (iii)”;

(ii) by striking “January 1, 2010” and inserting “January 1, 2011”; and

(iii) by striking “and” at the end;

(B) in clause (ii)(II), by striking the period at the end and inserting “; and”;

(C) by inserting after clause (ii)(II) the following new clause:

“(iii)(I) subject to subclause (II), with respect to items and services furnished on or after January 1, 2011, the accreditation requirement of clause (i) shall not apply to a pharmacy described in subparagraph (G); and

“(II) effective with respect to items and services furnished on or after the date of the enactment of this subparagraph, the Secretary may apply to pharmacies quality standards and an accreditation requirement established by the Secretary that are an alternative to the quality standards and accreditation requirement otherwise applicable under this paragraph if the Secretary determines such alternative quality standards and accreditation requirement are appropriate for pharmacies.”; and

(D) by adding at the end the following flush sentence:

“If determined appropriate by the Secretary, any alternative quality standards and accreditation requirement established under clause (iii)(II) may differ for categories of pharmacies established by the Secretary (such as pharmacies described in subparagraph (G)).”; and

(2) by adding at the end the following new subparagraph:

“(G) PHARMACY DESCRIBED.—A pharmacy described in this subparagraph is a pharmacy that meets each of the following criteria:

“(i) The total billings by the pharmacy for such items and services under this title are less than 5 percent of total pharmacy sales for a previous period (of not less than 24 months) specified by the Secretary.

“(ii) The pharmacy has been enrolled under section 1866(j) as a supplier of durable medical equipment, prosthetics, orthotics, and supplies, has been issued (which may include the renewal of) a provider number for at least 2 years, and

for which a final adverse action (as defined in section 424.57(a) of title 42, Code of Federal Regulations) has not been imposed in the past 2 years.

“(iii) The pharmacy submits to the Secretary an attestation, in a form and manner, and at a time, specified by the Secretary, that the pharmacy meets the criteria described in clauses (i) and (ii).

“(iv) The pharmacy agrees to submit materials as requested by the Secretary, or during the course of an audit conducted on a random sample of pharmacies selected annually, to verify that the pharmacy meets the criteria described in clauses (i) and (ii). Materials submitted under the preceding sentence shall include a certification by an independent accountant on behalf of the pharmacy or the submission of tax returns filed by the pharmacy during the relevant periods, as requested by the Secretary.”.

(b) CONFORMING AMENDMENTS.—Section 1834(a)(20)(E) of the Social Security Act (42 U.S.C. 1395m(a)(20)(E)) is amended—

(1) in the first sentence, by striking “The” and inserting “Except as provided in the third sentence, the”; and

(2) by adding at the end the following new sentences: “Notwithstanding the preceding sentences, any alternative quality standards and accreditation requirement established under subparagraph (F)(iii)(II) shall be established through notice and comment rulemaking. The Secretary may implement by program instruction or otherwise subparagraph (G) after consultation with representatives of relevant parties. The specifications developed by the Secretary in order to implement subparagraph (G) shall be posted on the Internet website of the Centers for Medicare & Medicaid Services.”.

(c) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to this section.

(d) RULE OF CONSTRUCTION.—Nothing in the provisions of, or amendments made by, this section shall be construed as affecting the application of an accreditation requirement for pharmacies to qualify for bidding in a competitive acquisition area under section 1847 of the Social Security Act (42 U.S.C. 1395w-3).

(e) WAIVER OF 1-YEAR REENROLLMENT BAR.—In the case of a pharmacy described in subparagraph (G) of section 1834(a)(20) of the Social Security Act, as added by subsection (a), whose billing privileges were revoked prior to January 1, 2011, by reason of noncompliance with subparagraph (F)(i) of such section, the Secretary of Health and Human Services shall waive any reenrollment bar imposed pursuant to section 424.535(d) of title 42, Code of Federal Regulations (as in effect on the date of the enactment of this Act) for such pharmacy to reapply for such privileges.

SEC. 214. ENHANCED PAYMENT FOR MENTAL HEALTH SERVICES.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

SEC. 215. EXTENSION OF AMBULANCE ADD-ONS.

(a) IN GENERAL.—Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “before January 1, 2010” and inserting “before January 1, 2011”; and

(B) in each of clauses (i) and (ii), by striking “before January 1, 2010” and inserting “before January 1, 2011”.

(b) AIR AMBULANCE IMPROVEMENTS.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “ending on De-

cember 31, 2009” and inserting “ending on December 31, 2010”.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended—

(1) in the first sentence, by striking “2010” and inserting “2011”; and

(2) by adding at the end the following new sentence: “For purposes of applying this subparagraph for ground ambulance services furnished on or after January 1, 2010, and before January 1, 2011, the Secretary shall use the percent increase that was applicable under this subparagraph to ground ambulance services furnished during 2009.”.

SEC. 216. EXTENSION OF GEOGRAPHIC FLOOR FOR WORK.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2010” and inserting “before January 1, 2011”.

SEC. 217. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), and section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking “and 2009” and inserting “2009, and 2010”.

SEC. 218. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

(a) IN GENERAL.—Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “2010” and inserting “2011”; and

(B) in the second sentence, by striking “or 2009” and inserting “, 2009, or 2010”; and

(2) in subclause (III), by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) PERMITTING ALL SOLE COMMUNITY HOSPITALS TO BE ELIGIBLE FOR HOLD HARMLESS.—Section 1833(t)(7)(D)(i)(III) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)(III)) is amended by adding at the end the following new sentence: “In the case of covered OPD services furnished on or after January 1, 2010, and before January 1, 2011, the preceding sentence shall be applied without regard to the 100-bed limitation.”.

SEC. 219. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(o)(1)(C)(ii)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking “setting (whether inpatient or outpatient)” and inserting “inpatient or emergency room setting”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction or otherwise.

SEC. 220. EXTENSION OF REIMBURSEMENT FOR ALL MEDICARE PART B SERVICES FURNISHED BY CERTAIN INDIAN HOSPITALS AND CLINICS.

Section 1880(e)(1)(A) of the Social Security Act (42 U.S.C. 1395qq(e)(1)(A)) is amended by striking “5-year period” and inserting “6-year period”.

SEC. 221. EXTENSION OF CERTAIN PAYMENT RULES FOR LONG-TERM CARE HOSPITAL SERVICES AND OF MORATORIUM ON THE ESTABLISHMENT OF CERTAIN HOSPITALS AND FACILITIES.

(a) **EXTENSION OF CERTAIN PAYMENT RULES.**—Section 114(c) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by section 4302(a) of the American Recovery and Reinvestment Act (Public Law 111-5), is amended by striking “3-year period” each place it appears and inserting “4-year period”.

(b) **EXTENSION OF MORATORIUM.**—Section 114(d)(1) of such Act (42 U.S.C. 1395ww note), as amended by section 4302(b) of the American Recovery and Reinvestment Act (Public Law 111-5), in the matter preceding subparagraph (A), is amended by striking “3-year period” and inserting “4-year period”.

SEC. 222. EXTENSION OF THE MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.

Section 1820(j) of the Social Security Act (42 U.S.C. 1395i-4(j)) is amended—

(1) by striking “2010, and for” and inserting “2010, for”; and

(2) by inserting “and for making grants to all States under subsection (g), such sums as may be necessary in fiscal year 2011, to remain available until expended” before the period at the end.

SEC. 223. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.

(a) **IN GENERAL.**—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) and section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking “September 30, 2009” and inserting “September 30, 2010”.

(b) **SPECIAL RULE FOR FISCAL YEAR 2010.**—For purposes of implementation of the amendment made by subsection (a), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2010, the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

SEC. 224. TECHNICAL CORRECTION RELATED TO CRITICAL ACCESS HOSPITAL SERVICES.

(a) **IN GENERAL.**—Subsections (g)(2)(A) and (l)(8) of section 1834 of the Social Security Act (42 U.S.C. 1395m) are each amended by inserting “101 percent of” before “the reasonable costs”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the enactment of section 405(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2266).

SEC. 225. EXTENSION FOR SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.

(a) **IN GENERAL.**—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w-28(f)(1)) is

amended by striking “2011” and inserting “2012”.

(b) **TEMPORARY EXTENSION OF AUTHORITY TO OPERATE BUT NO SERVICE AREA EXPANSION FOR DUAL SPECIAL NEEDS PLANS THAT DO NOT MEET CERTAIN REQUIREMENTS.**—Section 164(c)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 226. EXTENSION OF REASONABLE COST CONTRACTS.

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter preceding subclause (I), by striking “January 1, 2010” and inserting “January 1, 2011”.

SEC. 227. EXTENSION OF PARTICULAR WAIVER POLICY FOR EMPLOYER GROUP PLANS.

For plan year 2011 and subsequent plan years, to the extent that the Secretary of Health and Human Services is applying the 2008 service area extension waiver policy (as modified in the April 11, 2008, Centers for Medicare & Medicaid Services’ memorandum with the subject “2009 Employer Group Waiver-Modification of the 2008 Service Area Extension Waiver Granted to Certain MA Local Coordinated Care Plans”) to Medicare Advantage coordinated care plans, the Secretary shall extend the application of such waiver policy to employers who contract directly with the Secretary as a Medicare Advantage private fee-for-service plan under section 1857(i)(2) of the Social Security Act (42 U.S.C. 1395w-27(i)(2)) and that had enrollment as of January 1, 2010.

SEC. 228. EXTENSION OF CONTINUING CARE RETIREMENT COMMUNITY PROGRAM.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to conduct the Erickson Advantage Continuing Care Retirement Community (CCRC) program under part C of title XVIII of the Social Security Act through December 31, 2011.

SEC. 229. FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) **ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.**—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b-3 note) is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Centers for Medicare & Medicaid Services Program Management Account—

“(i) for fiscal year 2009, of \$7,500,000; and

“(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

(b) **ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.**—Subsection (b)(1)(B) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

“(i) for fiscal year 2009, of \$7,500,000; and

“(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

(c) **ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.**—Subsection (c)(1)(B) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

“(i) for fiscal year 2009, of \$5,000,000; and

“(ii) for fiscal year 2010, of \$6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

(d) **ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.**—Subsection (d)(2) of such section 119 is amended by striking “(42 U.S.C. 1395w-23(f))” and all that follows through the period at the end and inserting “(42 U.S.C. 1395w-23(f)), to the Administration on Aging—

“(i) for fiscal year 2009, of \$5,000,000; and

“(ii) for fiscal year 2010, of \$2,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.”

SEC. 230. FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501(c)(1)(A)(iii) of the Social Security Act (42 U.S.C. 701(c)(1)(A)(iii)) is amended by striking “fiscal year 2009” and inserting “each of fiscal years 2009 through 2011”.

SEC. 231. IMPLEMENTATION FUNDING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to titles XVIII and XIX of the Social Security Act, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$100,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 232. EXTENSION OF ARRA INCREASE IN FMAP.

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(3), by striking “first calendar quarter” and inserting “first 3 calendar quarters”;

(2) in subsection (c)—

(A) in paragraph (2)(B), by striking “July 1, 2010” and inserting “January 1, 2011”;

(B) in paragraph (3)(B)(i), by striking “July 1, 2010” each place it appears and inserting “January 1, 2011”; and

(C) in paragraph (4)(C)(ii), by striking “the 3-consecutive-month period beginning with January 2010” and inserting “any 3-consecutive-month period that begins after December 2009 and ends before January 2011”;

(3) in subsection (g)—

(A) in paragraph (1), by striking “September 30, 2011” and inserting “March 31, 2012”;

(B) in paragraph (2)—

(i) by inserting “of such Act” after “1923”; and

(ii) by adding at the end the following new sentence: “Voluntary contributions by a political subdivision to the non-Federal share of expenditures under the State Medicaid plan or to the non-Federal share of payments under section 1923 of the Social Security Act shall not be considered to be required contributions for purposes of this section.”; and

(C) by adding at the end the following:

“(3) **CERTIFICATION BY CHIEF EXECUTIVE OFFICER.**—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds.”; and

(4) in subsection (h)(3), by striking “December 31, 2010” and inserting “June 30, 2011”.

SEC. 233. EXTENSION OF GAINSHARING DEMONSTRATION.

(a) **IN GENERAL.**—Subsection (d)(3) of section 5007 of the Deficit Reduction Act of 2005 (Public Law 109-171) is amended by inserting “(or 21 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, in the case of a demonstration project in operation as of October 1, 2008)” after “December 31, 2009”.

(b) FUNDING.—

(1) IN GENERAL.—Subsection (f)(1) of such section is amended by inserting “and for fiscal year 2010, \$1,600,000,” after “\$6,000,000.”

(2) AVAILABILITY.—Subsection (f)(2) of such section is amended by striking “2010” and inserting “2014 or until expended”.

(c) REPORTS.—

(1) QUALITY IMPROVEMENT AND SAVINGS.—Subsection (e)(3) of such section is amended by striking “December 1, 2008” and inserting “18 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010”.

(2) FINAL REPORT.—Subsection (e)(4) of such section is amended by striking “May 1, 2010” and inserting “42 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010”.

Subtitle C—Other Provisions**SEC. 241. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.**

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) is amended—

(1) by striking “before March 31, 2010”; and

(2) by inserting “for 2011” after “until updated poverty guidelines”.

SEC. 242. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 is amended by adding at the end the following new section:

“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

“(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

“(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.”

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

SEC. 243. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking “2010” and inserting “2011”; and

(2) in subsection (e), by striking “2010” and inserting “2011”.

SEC. 244. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 1005 of Public Law 111–118, is further amended by striking “by substituting” and all that follows through the period at the end, and inserting “by substituting December 31, 2010, for the date specified in each such section.”. The amendment made by this section shall be considered to have taken effect on February 28, 2010.

SEC. 245. EMERGENCY DISASTER ASSISTANCE.

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term “disaster county” does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term “eligible aquaculture producer” means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term “eligible producer” means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term “eligible specialty crop producer” means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced crop losses in a disaster county due to drought, excessive rainfall, or a related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term “qualifying natural disaster declaration” means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term “specialty crop” has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than fruits and vegetables or crops intended for grazing) suffer at least a 5-percent crop loss due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 112.5 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$300,000,000, to remain available until September 30, 2011, to carry out a pro-

gram of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

(2) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 calendar year, as determined by the Secretary.

(B) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(C) MAXIMUM GRANT.—The maximum amount of a grant made to a State for counties described in paragraph (1)(B) may not exceed \$40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 90 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(5) PROHIBITION.—An eligible specialty crop producer that receives assistance under this subsection shall be ineligible to receive assistance under subsection (b).

(6) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) COTTONSEED ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) GENERAL TERMS.—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109–234; 120 Stat. 477).

(3) DISTRIBUTION OF ASSISTANCE.—The Secretary shall distribute assistance to first-handlers for the benefit of eligible producers in a

disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) PAYMENT RATE.—The payment rate shall be equal to the quotient obtained by dividing—

(A) the sum of the county-eligible production, as determined under paragraph (5); by

(B) the total funds made available to carry out this subsection.

(5) COUNTY-ELIGIBLE PRODUCTION.—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first-handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) AQUACULTURE ASSISTANCE.—

(1) GRANT PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(B) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(C) PROVISION OF GRANTS.—

(i) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2008 calendar year, as determined by the Secretary.

(ii) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(D) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(i) use grant funds to assist eligible aquaculture producers;

(ii) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(iii) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(I) the manner in which the State provided assistance;

(II) the amounts of assistance provided per species of aquaculture; and

(III) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(2) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for

any losses in 2009 relating to the same species of aquaculture.

(3) REPORT TO CONGRESS.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (1)(D)(iii).

(f) HAWAII TRANSPORTATION COOPERATIVE.—Notwithstanding any other provision of law, the Secretary shall use \$21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) INCLUSION.—The term “disaster county” includes a contiguous county.

(2) PAYMENTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) CRITERIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) DROUGHT INTENSITY.—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) AMOUNT.—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) RELATION TO OTHER LAW.—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) EMERGENCY LOANS FOR POULTRY PRODUCERS.—

(1) DEFINITIONS.—In this subsection:

(A) ANNOUNCEMENT DATE.—The term “announcement date” means the date on which the Secretary announces the emergency loan program under this subsection.

(B) POULTRY INTEGRATOR.—The term “poultry integrator” means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) LOAN PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$75,000,000, to remain available until expended, for the cost of making no-

interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) LOANS.—

(A) IN GENERAL.—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) REQUIREMENT TO OFFER LOANS.—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender for the purchase, improvement, or operation of the poultry farm.

(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting “(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)” before the period at the end.

(j) ADMINISTRATION.—

(1) REGULATIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section and the amendment made by this section.

(B) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendment made by this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) **ADMINISTRATIVE COSTS.**—Of the funds of the Commodity Credit Corporation, the Secretary may use up to \$10,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) **PROHIBITION.**—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

SEC. 246. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) **APPROPRIATION.**—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration—Business Loans Program Account”, \$560,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this section, for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section,

Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) **EXTENSION OF PROGRAMS.**—

(1) **FEES.**—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking “September 30, 2010” each place it appears and inserting “December 31, 2010”.

(2) **LOAN GUARANTEES.**—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking “March 28, 2010” and inserting “December 31, 2010”.

(3) **EFFECTIVE DATE FOR LOAN GUARANTEES.**—The amendment made by paragraph (2) shall take effect on February 27, 2010.

TITLE III—PENSION FUNDING RELIEF

Subtitle A—Single Employer Plans

SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) **AMENDMENTS TO ERISA.**—

(1) **IN GENERAL.**—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) **SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.**—

“(i) **IN GENERAL.**—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) **2 PLUS 7 AMORTIZATION SCHEDULE.**—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) **15-YEAR AMORTIZATION.**—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) **ELECTION.**—

“(I) **IN GENERAL.**—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) **AMORTIZATION SCHEDULE.**—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) **OTHER RULES.**—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) **ELIGIBLE PLAN YEAR.**—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) **REPORTING.**—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) **INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.**—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”

(2) **INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.**—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) **INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.**—

“(A) **IN GENERAL.**—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph

(2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) **TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.**—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) **INSTALLMENT ACCELERATION AMOUNT.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) **ANNUAL LIMITATION.**—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) **CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.**—

“(I) **IN GENERAL.**—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) **CAP TO APPLY.**—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) **LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.**—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year

ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor’s income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the

election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) *IN GENERAL*.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) *AMORTIZATION SCHEDULE*.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) *OTHER RULES*.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) *ELIGIBLE PLAN YEAR*.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) *REPORTING*.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) *INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES*.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”

(2) *INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID*.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) *INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS*.—

“(A) *IN GENERAL*.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) *TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE*.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) *INSTALLMENT ACCELERATION AMOUNT*.—For purposes of this paragraph—

“(i) *IN GENERAL*.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) *ANNUAL LIMITATION*.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) *CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS*.—

“(I) *IN GENERAL*.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) *CAP TO APPLY*.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) *LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR*.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) *ORDERING RULES*.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) *EXCESS EMPLOYEE COMPENSATION*.—For purposes of this paragraph—

“(i) *IN GENERAL*.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) *AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION*.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or trans-

ferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) *ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED*.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) *EXCEPTION FOR CERTAIN EQUITY PAYMENTS*.—

“(I) *IN GENERAL*.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) *SECRETARIAL AUTHORITY*.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) *OTHER EXCEPTIONS*.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) *COMMISSIONS*.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) *CERTAIN PAYMENTS UNDER EXISTING CONTRACTS*.—Any remuneration consisting of non-qualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) *SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE*.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) *INDEXING OF AMOUNT*.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) *EXTRAORDINARY DIVIDENDS AND REDEMPTIONS*.—

“(i) *IN GENERAL*.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

“SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

“(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new

liability, such applicable percentage shall be determined without regard to this section.

“(d) ELECTION.—

“(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the

Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such

benefits are received, and

“(ii) subsection (e).”

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.”

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

“(I) such ratio, as determined without regard to this subsection, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1,

2007, as determined under rules prescribed by the Secretary.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

Subtitle B—Multiemployer Plans

SEC. 311. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are

reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

TITLE IV—OFFSET PROVISIONS

Subtitle A—Black Liquor

SEC. 401. EXCLUSION OF UNPROCESSED FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) is amended by adding at the end the following new clause:

“(iii) EXCLUSION OF UNPROCESSED FUELS.—The term ‘cellulosic biofuel’ shall not include any fuel if—

“(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment, or

“(II) the ash content of such fuel is more than 1 percent (determined by weight).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

SEC. 402. PROHIBITION ON ALTERNATIVE FUEL CREDIT AND ALTERNATIVE FUEL MIXTURE CREDIT FOR BLACK LIQUOR.

(a) IN GENERAL.—The last sentence of section 6426(d)(2) is amended by striking “or biodiesel” and inserting “biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold or used after December 31, 2009.

Subtitle B—Homebuyer Credit

SEC. 411. TECHNICAL MODIFICATIONS TO HOMEBUYER CREDIT.

(a) EXPANDED DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36, as amended by the Worker, Homeownership, and Business Assistance Act of 2009, is amended—

(1) by striking “or” at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting a comma, and

(3) by adding at the end the following new paragraphs:

“(5) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (c)(6), the taxpayer fails to attach to the return of tax for such taxable year a copy of such property tax bills or other documentation as are required by

the Secretary to demonstrate compliance with the requirements of subsection (c)(6), or

“(6) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (h)(2), the taxpayer fails to attach to the return of tax for such taxable year a copy of the binding contract which meets the requirements of subsection (h)(2).”.

(b) **MODIFICATION OF EFFECTIVE DATE OF DOCUMENTATION REQUIREMENTS.**—Paragraph (2) of section 12(e) of the Worker, Homeownership, and Business Assistance Act of 2009 is amended by striking “returns for taxable years ending after the date of the enactment of this Act” and inserting “returns filed after the date of the enactment of this Act”.

(c) **EFFECTIVE DATES.**—

(1) **DOCUMENTATION REQUIREMENTS.**—The amendments made by subsection (a) shall apply to purchases on or after the date of the enactment of this Act.

(2) **EFFECTIVE DATE OF WORKER, HOMEOWNERSHIP, AND BUSINESS ASSISTANCE ACT.**—The amendment made by subsection (b) shall apply to purchases of a principal residence on or after the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

Subtitle C—Economic Substance

SEC. 421. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; PENALTIES.

(a) **IN GENERAL.**—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

“(o) **CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.**—

“(1) **APPLICATION OF DOCTRINE.**—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

“(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer’s economic position, and

“(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

“(2) **SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.**—

“(A) **IN GENERAL.**—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

“(B) **TREATMENT OF FEES AND FOREIGN TAXES.**—Fees and other transaction expenses shall be taken into account as expenses in determining pre-tax profit under subparagraph (A). The Secretary may issue regulations requiring foreign taxes to be treated as expenses in determining pre-tax profit in appropriate cases.

“(3) **STATE AND LOCAL TAX BENEFITS.**—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

“(4) **FINANCIAL ACCOUNTING BENEFITS.**—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if the origin of such financial accounting benefit is a reduction of Federal income tax.

“(5) **DEFINITIONS AND SPECIAL RULES.**—For purposes of this subsection—

“(A) **ECONOMIC SUBSTANCE DOCTRINE.**—The term ‘economic substance doctrine’ means the common law doctrine under which tax benefits

under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

“(B) **EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.**—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

“(C) **OTHER COMMON LAW DOCTRINES NOT AFFECTED.**—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

“(D) **DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.**—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

“(E) **TRANSACTION.**—The term ‘transaction’ includes a series of transactions.

“(6) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.”.

(b) **PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.**—

(1) **IN GENERAL.**—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

“(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(o)) or failing to meet the requirements of any similar rule of law.”.

(2) **INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.**—Section 6662 is amended by adding at the end the following new subsection:

“(i) **INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.**—

“(1) **IN GENERAL.**—In the case of any portion of an underpayment which is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.

“(2) **NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.**—For purposes of this subsection, the term ‘nondisclosed noneconomic substance transaction’ means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

“(3) **SPECIAL RULE FOR AMENDED RETURNS.**—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.”.

(3) **CONFORMING AMENDMENT.**—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking “section 6662(h)” and inserting “subsections (h) or (i) of section 6662”; and

(B) by striking “GROSS VALUATION MISSTATEMENT PENALTY” in the heading and inserting “CERTAIN INCREASED UNDERPAYMENT PENALTIES”.

(c) **REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.**—

(1) **REASONABLE CAUSE EXCEPTION FOR UNDERPAYMENTS.**—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking “paragraph (2)” in paragraph (4)(A), as so redesignated, and inserting “paragraph (3)”; and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) **EXCEPTION.**—Paragraph (1) shall not apply to any portion of an underpayment which is attributable to one or more transactions described in section 6662(b)(6).”.

(2) **REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.**—Subsection (d) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking “paragraph (2)(C)” in paragraph (4), as so redesignated, and inserting “paragraph (3)(C)”; and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) **EXCEPTION.**—Paragraph (1) shall not apply to any portion of a reportable transaction understatement which is attributable to one or more transactions described in section 6662(b)(6).”.

(d) **APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.**—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

“(c) **NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.**—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.”.

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

(2) **UNDERPAYMENTS.**—The amendments made by subsections (b) and (c)(1) shall apply to underpayments attributable to transactions entered into after the date of the enactment of this Act.

(3) **UNDERSTATEMENTS.**—The amendments made by subsection (c)(2) shall apply to understatements attributable to transactions entered into after the date of the enactment of this Act.

(4) **REFUNDS AND CREDITS.**—The amendment made by subsection (d) shall apply to refunds and credits attributable to transactions entered into after the date of the enactment of this Act.

Subtitle D—Additional Provisions

SEC. 431. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(A) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(A)), as amended by section 1011(b) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended by striking “\$20,740,000,000” and inserting “\$12,740,000,000”.

TITLE V—SATELLITE TELEVISION EXTENSION

SEC. 500. SHORT TITLE.

This title may be cited as the “Satellite Television Extension and Localism Act of 2010”.

Subtitle A—Statutory Licenses

SEC. 501. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

SEC. 502. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) **HEADING RENAMED.**—

(1) **IN GENERAL.**—The heading of section 119 is amended by striking “superstations and network stations for private home viewing” and inserting “distant television programming by satellite”.

(2) **TABLE OF CONTENTS.**—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

“119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.”.

(b) **UNSERVED HOUSEHOLD DEFINED.**—

(1) **IN GENERAL.**—Section 119(d)(10) is amended—

(A) by striking subparagraph (A) and inserting the following:

“(A) cannot receive, through the use of an antenna, an over-the-air signal containing the primary stream, or, on or after the qualifying date, the multicast stream, originating in that household’s local market and affiliated with that network of—

“(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

“(ii) if the signal originates as a digital signal, intensity defined in the values for the digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;”;

(B) in subparagraph (B)—

(i) by striking “subsection (a)(14)” and inserting “subsection (a)(13);”;

(ii) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Television Extension and Localism Act of 2010”; and

(C) in subparagraph (D), by striking “(a)(12)” and inserting “(a)(11)”.

(2) **QUALIFYING DATE DEFINED.**—Section 119(d) is amended by adding at the end the following:

“(14) **QUALIFYING DATE.**—The term ‘qualifying date’, for purposes of paragraph (10)(A), means—

“(A) July 1, 2010, for multicast streams that exist on December 31, 2009; and

“(B) January 1, 2011, for all other multicast streams.”.

(c) **FILING FEE.**—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”.

(d) **DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.**—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: “(b) **DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.**—”;

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary stream or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection; and”;

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(4) by inserting after paragraph (1) the following:

“(2) **VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.**—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.”;

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting “(including the filing fee specified in paragraph (1)(C))” after “shall receive all fees”; and

(B) by striking “paragraph (4)” and inserting “paragraph (5)”;

(6) in paragraph (4), as redesignated—

(A) by striking “paragraph (2)” and inserting “paragraph (3)”;

(B) by striking “paragraph (4)” each place it appears and inserting “paragraph (5)”;

(7) in paragraph (5), as redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(e) **ADJUSTMENT OF ROYALTY FEES.**—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking “ANALOG”;

(B) in subparagraph (A)—

(i) by striking “primary analog transmissions” and inserting “primary transmissions”; and

(ii) by striking “July 1, 2004” and inserting “July 1, 2009”;

(C) in subparagraph (B)—

(i) by striking “January 2, 2005, the Librarian of Congress” and inserting “May 1, 2010, the Copyright Royalty Judges”; and

(ii) by striking “primary analog transmission” and inserting “primary transmissions”;

(D) in subparagraph (C), by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”;

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking “(i) Voluntary agreements” and inserting the following:

“(i) **VOLUNTARY AGREEMENTS; FILING.**—Voluntary agreements”; and

(II) by striking “that a parties” and inserting “that are parties”; and

(ii) in clause (ii)—

(I) by striking “(ii)(I) Within” and inserting the following:

“(ii) **PROCEDURE FOR ADOPTION OF FEES.**—

“(I) **PUBLICATION OF NOTICE.**—Within”; and

(II) in subclause (I), by striking “an arbitration proceeding pursuant to subparagraph (E)” and inserting “a proceeding under subparagraph (F)”;

(III) in subclause (II), by striking “(II) Upon receiving a request under subclause (I), the Librarian of Congress” and inserting the following:

“(II) **PUBLIC NOTICE OF FEES.**—Upon receiving a request under subclause (I), the Copyright Royalty Judges”; and

(IV) in subclause (III)—

(aa) by striking “(III) The Librarian” and inserting the following:

“(III) **ADOPTION OF FEES.**—The Copyright Royalty Judges”; and

(bb) by striking “an arbitration proceeding” and inserting “the proceeding under subparagraph (F)”;

(cc) by striking “the arbitration proceeding” and inserting “that proceeding”;

(F) in subparagraph (E)—

(i) by striking “Copyright Office” and inserting “Copyright Royalty Judges”; and

(ii) by striking “March 28, 2010” and inserting “December 31, 2014”; and

(G) in subparagraph (F)—

(i) in the heading, by striking “COMPULSORY ARBITRATION” and inserting “COPYRIGHT ROYALTY JUDGES PROCEEDING”;

(ii) in clause (i)—

(I) in the heading, by striking “PROCEEDINGS” and inserting “THE PROCEEDING”;

(II) in the matter preceding subclause (I)—

(aa) by striking “May 1, 2005, the Librarian of Congress” and inserting “July 1, 2010, the Copyright Royalty Judges”;

(bb) by striking “arbitration proceedings” and inserting “a proceeding”;

(cc) by striking “fee to be paid” and inserting “fees to be paid”;

(dd) by striking “primary analog transmission” and inserting “the primary transmissions”; and

(ee) by striking “distributors” and inserting “distributors”;

(III) in subclause (II)—

(aa) by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”; and

(bb) by striking “arbitration”; and

(IV) by amending the last sentence to read as follows: “Such proceeding shall be conducted under chapter 8.”;

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

“(ii) **ESTABLISHMENT OF ROYALTY FEES.**—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—”;

(iv) by amending clause (iii) to read as follows:

“(iii) **EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.**—The obligation to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.”;

(v) in clause (iv)—

(I) in the heading, by striking “FEE” and inserting “FEES”; and

(II) by striking “fee referred to in (iii)” and inserting “fees referred to in clause (iii)”.

(2) Paragraph (2) is amended to read as follows:

“(2) **ANNUAL ROYALTY FEE ADJUSTMENT.**—Effective January 1 of each year, the royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.”.

(f) **DEFINITIONS.**—

(1) **SUBSCRIBER.**—Section 119(d)(8) is amended to read as follows:

“(8) **SUBSCRIBER; SUBSCRIBE.**—

“(A) **SUBSCRIBER.**—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

“(B) **SUBSCRIBE.**—The term ‘subscribe’ means to elect to become a subscriber.”.

(2) **LOCAL MARKET.**—Section 119(d)(11) is amended to read as follows:

“(11) **LOCAL MARKET.**—The term ‘local market’ has the meaning given such term under section 122(f).”.

(3) **LOW POWER TELEVISION STATION.**—Section 119(d) is amended by striking paragraph (12) and redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively.

(4) **MULTICAST STREAM.**—Section 119(d), as amended by paragraph (3), is further amended by adding at the end the following new paragraph:

“(14) **MULTICAST STREAM.**—The term ‘multicast stream’ means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.”.

(5) **PRIMARY STREAM.**—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

“(15) **PRIMARY STREAM.**—The term ‘primary stream’ means—

“(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

“(B) if there is no stream described in subparagraph (A), then either—

“(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

“(ii) if there is no stream described in clause (i), then the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.”.

(6) **CLERICAL AMENDMENT.**—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking “which” each place it appears and inserting “that”.

(g) **SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.**—Section 119 is amended—

(1) by striking “superstation” each place it appears in a heading and each place it appears in text and inserting “non-network station”; and

(2) by striking “superstations” each place it appears in a heading and each place it appears in text and inserting “non-network stations”.

(h) **REMOVAL OF CERTAIN PROVISIONS.**—

(1) **REMOVAL OF PROVISIONS.**—Section 119(a) is amended—

(A) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(B) by striking paragraph (3) and redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively; and

(C) by striking paragraph (15) and redesignating paragraph (16) as paragraph (14).

(2) **CONFORMING AMENDMENTS.**—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “(5), (6), and (8)” and inserting “(4), (5), and (7)”; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “subparagraphs (B) and (C) of this paragraph and paragraphs (5), (6), (7), and (8)” and inserting “subparagraph (B) of this paragraph and paragraphs (4), (5), (6), and (7)”; and

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (C) (as redesignated), by striking clauses (i) and (ii) and inserting the following:

“(i) **INITIAL LISTS.**—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

“(ii) **MONTHLY LISTS.**—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list, aggregated by designated market area, identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under this subparagraph.”; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking “under paragraph (3) or”; and

(II) by striking “paragraph (12)” and inserting “paragraph (11)”; and

(B) in subsection (b)(1), by striking the final sentence.

(i) **MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.**—

(1) **PREDICTIVE MODEL.**—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

“(III) **ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.**—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely on a predictive model set forth by the Federal Communications Commission pursuant to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005).”.

(2) **MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.**—Section 119(a)(3) (as redesignated) is amended—

(A) by striking “analog” each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

“(B) **RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2010 ACT.**—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, whether or not the subscriber elects to subscribe to receive the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(C) **FUTURE APPLICABILITY.**—

“(i) **WHEN LOCAL SIGNAL AVAILABLE AT TIME OF SUBSCRIPTION.**—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of the primary transmission of a network station to a person who is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Television Extension and Localism Act of 2010 and, at the time such

person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(ii) **WHEN LOCAL SIGNAL AVAILABLE AFTER SUBSCRIPTION.**—In the case of a subscriber who lawfully subscribes to and receives the secondary transmission by a satellite carrier of the primary transmission of a network station under the statutory license under paragraph (2) (in this clause referred to as the ‘distant signal’) on or after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, but only if such subscriber subscribes to the secondary transmission of the primary transmission of a local network station affiliated with the same network within 60 days after the satellite carrier makes available to the subscriber such secondary transmission of the primary transmission of such local network station.”;

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking “(C) or (D)” and inserting “(B) or (C)”; and

(E) in subparagraph (F) (as redesignated), by inserting “9-digit” before “zip code”.

(3) **STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.**—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking “\$5” and inserting “\$250”;

(B) in subparagraph (B)—

(i) in clause (i), by striking “\$250,000 for each 6-month period” and inserting “\$2,500,000 for each 3-month period”; and

(ii) in clause (ii), by striking “\$250,000” and inserting “\$2,500,000”; and

(C) by adding at the end the following flush sentences:

“The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages.”.

(4) **TECHNICAL AMENDMENT.**—Section 119(a)(4) (as redesignated) is amended by striking “and 509”.

(5) **CLERICAL AMENDMENT.**—Section 119(a)(2)(B)(iii)(II) is amended by striking “In this clause” and inserting “In this clause.”.

(j) **MORATORIUM EXTENSION.**—Section 119(e) is amended by striking “March 28, 2010” and inserting “December 31, 2014”.

(k) **CLERICAL AMENDMENTS.**—Section 119 is amended—

(1) by striking “of the Code of Federal Regulations” each place it appears and inserting “, Code of Federal Regulations”; and

(2) in subsection (d)(6), by striking “or the Direct” and inserting “, or the Direct”.

SEC. 503. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) **HEADING RENAMED.**—

(1) **IN GENERAL.**—The heading of section 122 is amended by striking “by satellite carriers

within local markets" and inserting "of local television programming by satellite".

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

"122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite."

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

"(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

"(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

"(A) the secondary transmission is made by a satellite carrier to the public;

"(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

"(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

"(i) each subscriber receiving the secondary transmission; or

"(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

"(2) SIGNIFICANTLY VIEWED STATIONS.—

"(A) IN GENERAL.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station's local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

"(B) WAIVER.—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (A) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

"(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary

transmission is of the primary transmission of a television broadcast station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the transmission.

"(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

"(C) NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.—A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.

"(4) SPECIAL EXCEPTIONS.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

"(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

"(B) STATES WITH ALL NETWORK STATIONS AND NON-NETWORK STATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and non-network stations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47, Code of Federal Regulations).

"(C) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

"(i) on January 1, 2004, were in local markets principally comprised of counties in another State, and

"(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

"(D) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the

capital of the State in which such 2 counties are located, if—

"(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

"(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

"(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of three or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in this paragraph shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county or county equivalent within such State, if such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located within the State pursuant to paragraph (1).

"(5) APPLICABILITY OF ROYALTY RATES AND PROCEDURES.—The royalty rates and procedures under section 119(b) shall apply to the secondary transmissions to which the statutory license under paragraph (4) applies."

(c) REPORTING REQUIREMENTS.—Section 122(b) is amended—

(1) in paragraph (1), by striking "station a list" and all that follows through the end and inserting the following: "station—

"(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

"(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to paragraph (2) of subsection (a)."; and

(2) in paragraph (2), by striking "network a list" and all that follows through the end and inserting the following: "network—

"(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

"(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to paragraph (2) of subsection (a) has been added or dropped since the last submission under this subsection."

(d) NO ROYALTY FEE FOR CERTAIN SECONDARY TRANSMISSIONS.—Section 122(c) is amended—

(1) in the heading, by inserting "FOR CERTAIN SECONDARY TRANSMISSIONS" after "REQUIRED"; and

(2) by striking "subsection (a)" and inserting "paragraphs (1), (2), and (3) of subsection (a)".

(e) VIOLATIONS FOR TERRITORIAL RESTRICTIONS.—

(1) MODIFICATION TO STATUTORY DAMAGES.—Section 122(f) is amended—

(A) in paragraph (1)(B), by striking "\$5" and inserting "\$250"; and

(B) in paragraph (2), by striking "\$250,000" each place it appears and inserting "\$2,500,000".

(2) CONFORMING AMENDMENTS FOR ADDITIONAL STATIONS.—Section 122 is amended—

(A) in subsection (f), by striking "section 119 or" each place it appears and inserting the following: "section 119, subject to statutory licensing by reason of paragraph (2)(A), (3), or (4) of subsection (a), or subject to"; and

(B) in subsection (g), by striking “section 119 or” and inserting the following: “section 119, paragraph (2)(A), (3), or (4) of subsection (a), or”.

(f) **DEFINITIONS.**—Section 122(j) is amended—
(1) in paragraph (1), by striking “which contracts” and inserting “that contracts”;

(2) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(3) in paragraph (3)—

(A) by redesignating such paragraph as paragraph (4);

(B) in the heading of such paragraph, by inserting “NON-NETWORK STATION;” after “NETWORK STATION;”; and

(C) by inserting “non-network station,” after “network station;”;

(4) by inserting after paragraph (2) the following:

“(3) **LOW POWER TELEVISION STATION.**—The term ‘low power television station’ means a low power TV station as defined in section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term ‘low power television station’ includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.”;

(5) by inserting after paragraph (4) (as redesignated) the following:

“(5) **NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.**—The term ‘noncommercial educational broadcast station’ means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.”; and

(6) by amending paragraph (6) (as redesignated) to read as follows:

“(6) **SUBSCRIBER.**—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.”.

SEC. 504. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.

(a) **HEADING RENAMED.**—

(1) **IN GENERAL.**—The heading of section 111 is amended by inserting at the end the following: “**of broadcast programming by cable**”.

(2) **TABLE OF CONTENTS.**—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

“111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.”.

(b) **TECHNICAL AMENDMENT.**—Section 111(a)(4) is amended by striking “; or” and inserting “or section 122;”.

(c) **STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.**—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “A cable system whose secondary” and inserting the following: “STATEMENT OF ACCOUNT AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary”; and

(ii) by striking “by regulation—” and inserting “by regulation the following;”;

(B) in subparagraph (A)—

(i) by striking “a statement of account” and inserting “A statement of account”; and

(ii) by striking “; and” and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

“(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

“(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

“(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

“(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

“(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

“(C) In computing amounts under clauses (ii) through (iv) of subparagraph (B)—

“(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

“(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

“(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

“(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides such secondary transmission; and

“(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

“(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, computed its royalty fee consistent with the methodology under subparagraph (C)(ii), or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology, shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

“(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are \$263,800 or less—

“(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which \$263,800 exceeds such actual gross receipts, except that in no case shall a cable system’s gross receipts be reduced to less than \$10,400; and

“(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

“(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than \$263,800 but less than \$527,600, the royalty fee payable

under this paragraph to copyright owners pursuant to paragraph (3) shall be—

“(i) 0.5 percent of any gross receipts up to \$263,800, regardless of the number of distant signal equivalents, if any; and

“(ii) 1 percent of any gross receipts in excess of \$263,800, but less than \$527,600, regardless of the number of distant signal equivalents, if any.

“(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”;

(2) in paragraph (2), in the first sentence—

(A) by striking “The Register of Copyrights” and inserting the following “HANDLING OF FEES.—The Register of Copyrights”; and

(B) by inserting “(including the filing fee specified in paragraph (1)(G))” after “shall receive all fees”;

(3) in paragraph (3)—

(A) by striking “The royalty fees” and inserting the following: “DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.—The royalty fees”;

(B) in subparagraph (A)—

(i) by striking “any such” and inserting “Any such”; and

(ii) by striking “; and” and inserting a period;

(C) in subparagraph (B)—

(i) by striking “any such” and inserting “Any such”; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking “any such” and inserting “Any such”;

(4) in paragraph (4), by striking “The royalty fees” and inserting the following: “PROCEDURES FOR ROYALTY FEE DISTRIBUTION.—The royalty fees”; and

(5) by adding at the end the following new paragraphs:

“(5) **3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.**—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the ‘3.75 percent rate’ and the ‘syndicated exclusivity surcharge’, respectively), as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty Judges, shall not apply to the secondary transmission of a multicast stream.

“(6) **VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.**—The Register of Copyrights shall issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to this section of the information reported on the semiannual statements of account filed under this subsection on or after January 1, 2010, in order that the auditor designated under subparagraph (A) is able to confirm the correctness of the calculations and royalty payments reported therein. The regulations shall—

“(A) establish procedures for the designation of a qualified independent auditor—

“(i) with exclusive authority to request verification of such a statement of account on behalf of all copyright owners whose works were the subject of secondary transmissions of primary transmissions by the cable system (that deposited the statement) during the accounting period covered by the statement; and

“(ii) who is not an officer, employee, or agent of any such copyright owner for any purpose other than such audit;

“(B) establish procedures for safeguarding all non-public financial and business information provided under this paragraph;

“(C)(i) require a consultation period for the independent auditor to review its conclusions with a designee of the cable system;

“(ii) establish a mechanism for the cable system to remedy any errors identified in the auditor’s report and to cure any underpayment identified; and

“(iii) provide an opportunity to remedy any disputed facts or conclusions;

“(D) limit the frequency of requests for verification for a particular cable system and the number of audits that a multiple system operator can be required to undergo in a single year; and

“(E) permit requests for verification of a statement of account to be made only within 3 years after the last day of the year in which the statement of account is filed.

“(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.”.

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.

(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

“(1) PRIMARY TRANSMISSION.—A ‘primary transmission’ is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.”;

(2) in the second undesignated paragraph—

(A) by striking “A ‘secondary transmission’” and inserting the following:

“(2) SECONDARY TRANSMISSION.—A ‘secondary transmission’”; and

(B) by striking “‘cable system’” and inserting “‘cable system’”;

(3) in the third undesignated paragraph—

(A) by striking “A ‘cable system’” and inserting the following:

“(3) CABLE SYSTEM.—A ‘cable system’”; and

(B) by striking “Territory, Trust Territory, or Possession” and inserting “territory, trust territory, or possession of the United States”;

(4) in the fourth undesignated paragraph, in the first sentence—

(A) by striking “The ‘local service area of a primary transmitter’, in the case of a television broadcast station, comprises the area in which such station is entitled to insist” and inserting the following:

“(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The ‘local service area of a primary transmitter’, in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted”;

(B) by striking “76.59 of title 47 of the Code of Federal Regulations” and inserting the following: “76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations”; and

(C) by striking “as defined by the rules and regulations of the Federal Communications Commission,”;

(5) by amending the fifth undesignated paragraph to read as follows:

“(5) DISTANT SIGNAL EQUIVALENT.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a ‘distant signal equivalent’—

“(i) is the value assigned to the secondary transmission of any non-network television programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

“(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

“(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

“(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

“(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

“(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

“(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.”;

(6) by striking the sixth undesignated paragraph and inserting the following:

“(6) NETWORK STATION.—

“(A) TREATMENT OF PRIMARY STREAM.—The term ‘network station’ shall be applied to a primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide trans-

missions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream’s typical broadcast day.

“(B) TREATMENT OF MULTICAST STREAMS.—The term ‘network station’ shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

“(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

“(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the interconnected program service in 10 or more States.”;

(7) by striking the seventh undesignated paragraph and inserting the following:

“(7) INDEPENDENT STATION.—The term ‘independent station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.”;

(8) by striking the eighth undesignated paragraph and inserting the following:

“(8) NONCOMMERCIAL EDUCATIONAL STATION.—The term ‘noncommercial educational station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.”; and

(9) by adding at the end the following:

“(9) PRIMARY STREAM.—A ‘primary stream’ is—

“(A) the single digital stream of programming that, before June 12, 2009, was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

“(B) if there is no stream described in subparagraph (A), then the single digital stream of programming transmitted by the television broadcast station for the longest period of time.

“(10) PRIMARY TRANSMITTER.—A ‘primary transmitter’ is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

“(11) MULTICAST STREAM.—A ‘multicast stream’ is a digital stream of programming that is transmitted by a television broadcast station and is not the station’s primary stream.

“(12) SIMULCAST.—A ‘simulcast’ is a multicast stream of a television broadcast station that duplicates the programming transmitted by the primary stream or another multicast stream of such station.

“(13) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”.

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking “2005” each place it appears and inserting “2015”.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking “clause” each place it appears and inserting “paragraph”;

(B) in subsection (c)(1), by striking “clauses” and inserting “paragraphs”; and

(C) in subsection (e)(1)(F), by striking “subclause” and inserting “subparagraph”.

(2) CONFORMING AMENDMENT TO HYPHENATE NONNETWORK.—Section 111 is amended by striking “nonnetwork” each place it appears and inserting “non-network”.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by striking “second paragraph of subsection (f)” and inserting “subsection (f)(2)”.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

(A) in paragraph (1)(A), by striking “and” at the end;

(B) in paragraph (1)(B), by striking “and” at the end;

(C) in paragraph (1)(C), by striking “and” at the end;

(D) in paragraph (1)(D), by striking “and” at the end; and

(E) in paragraph (2)(A), by striking “and” at the end.

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking “, and each of its variant forms,”; and

(B) in subsection (f), by striking “and their variant forms”.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking “three territories” and inserting “five entities”.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BEFORE 2010 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PRE-EXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms “cable system”, “secondary transmission”, “multicast stream”, and “local service area of a primary transmitter” have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

SEC. 505. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

“(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

“(2) LIMITED TEMPORARY WAIVER.—

“(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

“(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

“(C) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(i) FAILURE TO ACT REASONABLY AND IN GOOD FAITH.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to act reasonably or has failed to make a good faith effort to provide local-into-local service to all DMAs, such failure—

“(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(II) shall result in the termination of the waiver issued under subparagraph (A).

“(ii) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to provide local-into-local service to all DMAs, but determines that the carrier acted reasonably and in good faith, the court may in its discretion impose financial penalties that reflect—

“(I) the degree of control the carrier had over the circumstances that resulted in the failure;

“(II) the quality of the carrier’s efforts to remedy the failure; and

“(III) the severity and duration of any service interruption.

“(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

“(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term ‘short market’ means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of the enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

“(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

“(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that imposed the injunction. A statement of eligibility must include—

“(i) an affidavit that the entity is providing local-into-local service to all DMAs;

“(ii) a request for a waiver of the injunction; and

“(iii) a certification issued pursuant to section 342(a) of Communications Act of 1934.

“(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1).

“(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

“(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

“(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

“(A) CONTINUING OBLIGATIONS.—

“(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

“(ii) COOPERATION WITH GAO EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the Comptroller General in the examination required by subparagraph (B).

“(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

“(i) EXAMINATION AND REPORT.—The Comptroller General shall conduct an examination and publish a report concerning the qualified carrier’s compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall address the qualified carrier’s conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on December 31, 2011.

“(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), but not later than October 1, 2011, the qualified carrier shall provide the Comptroller General with all records that the Comptroller General, in consultation with the Register of Copyrights, considers to be directly pertinent to the following requirements under this section:

“(I) Proper calculation and payment of royalties under the statutory license under this section.

“(II) Provision of service under this license to eligible subscribers only.

“(iii) SUBMISSION OF REPORT.—The Comptroller General shall file the report required by clause (i) not later than March 1, 2012, with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

“(iv) EVIDENCE OF INFRINGEMENT.—The Comptroller General shall include in the report a statement of whether the examination by the Comptroller General indicated that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement. The Comptroller General shall consult with the Register of Copyrights in preparing such statement.

“(v) SUBSEQUENT EXAMINATION.—If the report includes the Comptroller General’s statement

that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the Comptroller General shall, not later than 6 months after the report under clause (i) is published, initiate another examination of the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The Comptroller General shall file a report on such examination with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate. The report shall include a statement described in clause (iv), prepared in consultation with the Register of Copyrights.

“(vi) COMPLIANCE.—Upon motion filed by an aggrieved copyright owner, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to cooperate with the examinations required by this subparagraph.

“(C) AFFIRMATION.—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

“(D) COMPLIANCE DETERMINATION.—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-into-local service to all DMAs.

“(E) PLEADING REQUIREMENT.—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

“(F) BURDEN OF PROOF.—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a qualified carrier shall have the burden of proving that the entity provided local-into-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data released by the United States Census Bureau) at the time and place alleged.

“(5) FAILURE TO PROVIDE SERVICE.—

“(A) PENALTIES.—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

“(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(ii) impose a fine of not less than \$250,000 and not more than \$5,000,000.

“(B) EXCEPTION FOR NONWILLFUL VIOLATION.—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for noncompliance that reflect—

“(i) the degree of control the entity had over the circumstances that resulted in the failure;

“(ii) the quality of the entity's efforts to remedy the failure and restore service; and

“(iii) the severity and duration of any service interruption.

“(6) PENALTIES FOR VIOLATIONS OF LICENSE.—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than \$2,500,000.

“(7) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.—For purposes of this subsection:

“(A) IN GENERAL.—An entity provides ‘local-into-local service to all DMAs’ if the entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

“(B) HOUSEHOLD COVERAGE.—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

“(C) GOOD QUALITY SATELLITE SIGNAL DEFINED.—The term ‘good quality signal’ has the meaning given such term under section 342(e)(2) of Communications Act of 1934.”

SEC. 506. COPYRIGHT OFFICE FEES.

Section 708(a) is amended—

(1) in paragraph (8), by striking “and” after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

“(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

“(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.”; and

(4) by adding at the end the following new sentence: “Fees established under paragraphs (10) and (11) shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.”

SEC. 507. TERMINATION OF LICENSE.

Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking “March 28, 2010” and inserting “December 31, 2014”.

SEC. 508. CONSTRUCTION.

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this subtitle, shall be construed to affect the meaning of any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

Subtitle B—Communications Provisions

SEC. 521. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. 522. EXTENSION OF AUTHORITY.

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking “March 28, 2010” and inserting “December 31, 2014”; and

(2) in paragraph (3)(C), by striking “March 29, 2010” each place it appears in clauses (ii) and (iii) and inserting “January 1, 2015”.

SEC. 523. SIGNIFICANTLY VIEWED STATIONS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

“(1) SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

“(2) SERVICE LIMITATIONS.—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.”

(b) RULEMAKING REQUIRED.—Within 210 days after the date of the enactment of this Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

SEC. 524. DIGITAL TELEVISION TRANSITION FORMING AMENDMENTS.

(a) SECTION 338.—Section 338 is amended—

(1) in subsection (a), by striking “(3) EFFECTIVE DATE.—No satellite” and all that follows through “until January 1, 2002.”; and

(2) by amending subsection (g) to read as follows:

“(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.—

“(1) SINGLE RECEPTION ANTENNA.—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

“(2) ADDITIONAL RECEPTION ANTENNA.—If the carrier retransmits the signals of local television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).”

(b) SECTION 339.—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking “Such two network stations” and all that follows through “more than two network stations.”; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking “TO ANALOG SIGNALS”;

(ii) in subparagraph (A)—

(I) in the heading for clause (i), by striking “ANALOG”;

(II) in clause (i)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “October 1, 2004” and inserting “October 1, 2009”;

(III) in the heading for clause (ii), by striking “ANALOG”; and

(IV) in clause (ii)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “2004” and inserting “2009”;

(iii) by amending subparagraph (B) to read as follows:

“(B) RULES FOR OTHER SUBSCRIBERS.—

“(i) IN GENERAL.—In the case of a subscriber of a satellite carrier who is eligible to receive the

signal of a network station under this section (in this subparagraph referred to as a "distant signal"), other than subscribers to whom subparagraph (A) applies, the following shall apply:

"(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber's satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required by subparagraph (F)(i).

"(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

"(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the local market of such local network station; and

"(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

"(ii) SPECIAL CIRCUMSTANCES.—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Television Extension and Localism Act of 2010 may receive both such distant signal and the local signal of a network station affiliated with the same network until such subscriber chooses to no longer receive such distant signal from such carrier, whether or not such subscriber elects to subscribe to such local signal.”;

(iv) in subparagraph (C)—

(I) by striking “analog”;

(II) in clause (i), by striking “the Satellite Home Viewer Extension and Reauthorization Act of 2004; and” and inserting the following: “the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338 (and the retransmission of such signal by such carrier can reach such subscriber); or”;

(III) by amending clause (ii) to read as follows:

“(ii) lawfully subscribes to and receives a distant signal on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, and, subsequent to such subscription, the satellite carrier makes available to that subscriber the signal of a local network station affiliated with the same network as the distant signal (and the retransmission of such signal by such carrier can reach such subscriber), unless such person subscribes to the signal of the local network station within 60 days after such signal is made available.”;

(v) in subparagraph (D)—

(I) in the heading, by striking “DIGITAL”;

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

“(i) ELIGIBILITY AND SIGNAL TESTING.—A subscriber of a satellite carrier shall be eligible to receive a distant signal of a network station af-

filiated with the same network under this section if, with respect to a local network station, such subscriber—

“(I) is a subscriber whose household is not predicted by the model specified in subsection (c)(3) to receive the signal intensity required under section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of title 47, Code of Federal Regulations, or a successor regulation;

“(II) is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of such title, or a successor regulation; or

“(III) is in an unserved household, as determined under section 119(d)(10)(A) of title 17, United States Code.”;

(V) in clause (ii)—

(aa) by striking “DIGITAL” in the heading;

(bb) by striking “digital” the first two places such term appears;

(cc) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Television Extension and Localism Act of 2010”; and

(dd) by striking “, whether or not such subscriber elects to subscribe to local digital signals”;

(VI) by inserting after clause (ii) the following new clause:

“(iii) TIME-SHIFTING PROHIBITED.—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.”; and

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking “distant analog signal or” and all that follows through “(B), or (D))” and inserting “distant signal”;

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

“(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.—

“(A) PREDICTIVE MODEL.—Within 210 days after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the Commission shall develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of an antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or a successor regulation, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98-201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05-182, FCC 05-199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

“(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rulemaking proceeding in ET Docket No. 06-94 within 210 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010. In conducting such rulemaking, the Commission shall seek ways to minimize consumer burdens associated with on-location testing.”;

(B) by amending paragraph (4)(A) to read as follows:

“(A) IN GENERAL.—If a subscriber's request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber's satellite carrier a request for a test verifying the subscriber's inability to receive a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the subscriber does not receive a signal that meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.”;

(C) in paragraph (4)(B), by striking “the signal intensity” and all that follows through “United States Code” and inserting “such requisite signal intensity standard”; and

(D) in paragraph (4)(E), by striking “Grade B intensity”.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

SEC. 525. APPLICATION PENDING COMPLETION OF RULEMAKINGS.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by section 523 and section 524 of this title, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of the enactment of this Act.

(b) TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act of 1934, the rules and regulations of the Federal Communications Commission for determining such subscriber's eligibility as in effect on the day before the date of the enactment of this Act shall apply until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) DEFINITIONS.—As used in this subtitle:

(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms “local market”, “low power television station”, “satellite carrier”, “subscriber”, and “television broadcast station” have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) NETWORK STATION; TELEVISION NETWORK.—The terms “network station” and “television network” have the meanings given such terms in section 339(d) of such Act.

SEC. 526. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

Part I of title III is amended by adding at the end the following new section:

“SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

“(a) **CERTIFICATION.**—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

“(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

“(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

“(A) the satellite carrier’s satellite beams are designed, and predicted by the satellite manufacturer’s pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

“(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite’s launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

“(b) **INFORMATION REQUIRED.**—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

“(1) An affidavit stating that, to the best of the affiant’s knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

“(2) For each designated market area not listed in paragraph (1):

“(A) Identification of each such designated market area and the location of its local receive facility.

“(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

“(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer’s pre-launch tests, showing that the contours of the carrier’s satellite beams as designed and the geographic area that the carrier’s satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant’s knowledge, there have been no satellite or sub-system failures subsequent to the satellite’s launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

“(c) **CERTIFICATION ISSUANCE.**—

“(1) **PUBLIC COMMENT.**—The Commission shall provide 30 days for public comment on a request for certification under this section.

“(2) **DEADLINE FOR DECISION.**—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

“(d) **SUBSEQUENT AFFIRMATION.**—An entity granted qualified carrier status pursuant to section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant’s knowledge, it is in compliance with the requirements for a qualified carrier.

“(e) **DEFINITIONS.**—For the purposes of this section:

“(1) **DESIGNATED MARKET AREA.**—The term ‘designated market area’ has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

“(2) **GOOD QUALITY SATELLITE SIGNAL.**—

“(A) **IN GENERAL.**—The term ‘good quality satellite signal’ means—

“(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

“(I) models of satellite antennas normally used by the satellite carrier’s subscribers; and

“(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

“(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

“(I) the satellite carrier treats all television broadcast stations’ signals the same with respect to statistical multiplexer prioritization; and

“(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

“(B) **DETERMINATION.**—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier’s application for certification under this section.”

SEC. 527. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.

(a) **IN GENERAL.**—Section 338(a) is amended by adding at the end the following new paragraph:

“(5) **NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.**—

“(A) **EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.**—If, before the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

“(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier provides such secondary transmissions in high definition format.

“(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition format.

“(B) **NEW INITIATION OF SERVICE.**—If, on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of all qualified noncommercial educational television stations located within that local market.”

(b) **DEFINITIONS.**—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

“(2) **ELIGIBLE SATELLITE CARRIER.**—The term ‘eligible satellite carrier’ means any satellite carrier that is not a party to a carriage contract that—

“(A) governs carriage of at least 30 qualified noncommercial educational television stations; and

“(B) is in force and effect within 60 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010.”

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

“(6) **QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.**—The term ‘qualified noncommercial educational television station’ means any full-power television broadcast station that—

“(A) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational broadcast station and is owned and operated by a public agency, nonprofit foundation, nonprofit corporation, or nonprofit association; and

“(B) has as its licensee an entity that is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this title.”

SEC. 528. SAVINGS CLAUSE REGARDING DEFINITIONS.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to affect—

(1) the meaning of the terms “program related” and “primary video” under the Communications Act of 1934; or

(2) the meaning of the term “multicast” in any regulations issued by the Federal Communications Commission.

SEC. 529. STATE PUBLIC AFFAIRS BROADCASTS.

Section 335(b) is amended—

(1) by inserting “**STATE PUBLIC AFFAIRS**,” after “**EDUCATIONAL**,” in the heading;

(2) by striking paragraph (1) and inserting the following:

“(1) **CHANNEL CAPACITY REQUIRED.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

“(B) REQUIREMENT FOR QUALIFIED SATELLITE PROVIDER.—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a qualified satellite provider of direct broadcast satellite service providing video programming, that such provider reserve a portion of its channel capacity, equal to not less than 3.5 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.”;

(3) in paragraph (5), by striking “For purposes of the subsection—” and inserting “For purposes of this subsection.”; and

(4) by adding at the end of paragraph (5) the following:

“(C) The term ‘qualified satellite provider’ means any provider of direct broadcast satellite service that—

“(i) provides the retransmission of the State public affairs networks of at least 15 different States;

“(ii) offers the programming of State public affairs networks upon reasonable prices, terms, and conditions as determined by the Commission under paragraph (4); and

“(iii) does not delete any noncommercial programming of an educational or informational nature in connection with the carriage of a State public affairs network.

“(D) The term ‘State public affairs network’ means a non-commercial non-broadcast network or a noncommercial educational television station—

“(i) whose programming consists of information about State government deliberations and public policy events; and

“(ii) that is operated by—

“(I) a State government or subdivision thereof;

“(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code and that is governed by an independent board of directors; or

“(III) a cable system.”.

Subtitle C—Reports and Savings Provision

SEC. 531. DEFINITION.

In this subtitle, the term “appropriate Congressional committees” means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

SEC. 532. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.

Not later than 1 year after the date of the enactment of this Act, and after consultation with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

SEC. 533. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.

(a) STUDY.—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

SEC. 534. REPORT ON IN-STATE BROADCAST PROGRAMMING.

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;

(2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

SEC. 535. LOCAL NETWORK CHANNEL BROADCAST REPORTS.

(a) REQUIREMENT.—

(1) IN GENERAL.—On the 180th day after the date of the enactment of this Act, and on each succeeding anniversary of such 180th day, each satellite carrier shall submit an annual report to the Federal Communications Commission setting forth—

(A) each local market in which it—

(i) retransmits signals of 1 or more television broadcast stations with a community of license in that market;

(ii) has commenced providing such signals in the preceding 1-year period; and

(iii) has ceased to provide such signals in the preceding 1-year period; and

(B) detailed information regarding the use and potential use of satellite capacity for the retransmission of local signals in each local market.

(2) TERMINATION.—The requirement under paragraph (1) shall cease after each satellite carrier has submitted 5 reports under such paragraph.

(b) FCC STUDY; REPORT.—

(1) STUDY.—If no satellite carrier files a request for a certification under section 342 of the Communications Act of 1934 (as added by section 526 of this title) within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall initiate a study of—

(A) incentives that would induce a satellite carrier to provide the signals of 1 or more television broadcast stations licensed to provide signals in local markets in which the satellite carrier does not provide such signals; and

(B) the economic and satellite capacity conditions affecting delivery of local signals by satellite carriers to these markets.

(2) REPORT.—Within 1 year after the date of the initiation of the study under paragraph (1), the Federal Communications Commission shall submit a report to the appropriate Congressional committees containing its findings, conclusions, and recommendations.

(c) DEFINITIONS.—In this section—

(1) the terms “local market” and “satellite carrier” have the meaning given such terms in section 339(d) of the Communications Act of 1934 (47 U.S.C. 339(d)); and

(2) the term “television broadcast station” has the meaning given such term in section 325(b)(7) of such Act (47 U.S.C. 325(b)(7)).

SEC. 536. SAVINGS PROVISION REGARDING USE OF NEGOTIATED LICENSES.

(a) IN GENERAL.—Nothing in this title, title 17, United States Code, the Communications Act of 1934, regulations promulgated by the Register of Copyrights under this title or title 17, United States Code, or regulations promulgated by the Federal Communications Commission under this title or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner or, if within the scope of its authorization, its licensee.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station’s signal.

SEC. 537. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

(a) EFFECTIVE DATE.—Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.

(b) NONINFRINGEMENT OF COPYRIGHT.—The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010, and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

Subtitle D—Severability

SEC. 541. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

TITLE VI—OTHER PROVISIONS

SEC. 601. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended—

(1) in subparagraph (A), by striking “March 31, 2010” and inserting “September 30, 2010”; and

(2) in subparagraph (B), by striking “April 1, 2010” and inserting “October 1, 2010”.

SEC. 602. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

“(g) **ELECTION FOR CORPORATIONS WITH UNUSABLE CREDITS.**—

“(1) **IN GENERAL.**—If a corporation elects to have this subsection apply, then notwithstanding any other provision of law, the limitation imposed by subsection (c) for any such taxable year shall be increased by the AMT credit adjustment amount.

“(2) **AMT CREDIT ADJUSTMENT AMOUNT.**—For purposes of paragraph (1), the term ‘AMT credit adjustment amount’ means with respect to any taxable year beginning in 2010, the lesser of—

“(A) 50 percent of a corporation’s minimum tax credit determined under subsection (b), or

“(B) 10 percent of new domestic investments made during such taxable year.

“(3) **NEW DOMESTIC INVESTMENTS.**—For purposes of this subsection, the term ‘new domestic investments’ means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

“(A) the original use of which commences with the taxpayer during the taxable year, and

“(B) which is placed in service in the United States by the taxpayer during such taxable year.

“(4) **CREDIT REFUNDABLE.**—For purposes of subsections (b) and (c) of section 6401, the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C of such part (and not to any other subpart).

“(5) **ELECTION.**—

“(A) **IN GENERAL.**—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once effective, may be revoked only with the consent of the Secretary.

“(B) **INTERIM ELECTIONS.**—Until such time as the Secretary prescribes a manner for making an election under this subsection, a taxpayer is treated as having made a valid election by providing written notification to the Secretary and the Commissioner of Internal Revenue of such election.

“(6) **TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.**—For purposes of this subsection, any corporation’s allocable share of any new domestic investments by a partnership more than 90 percent of the capital and profits interest in which is owned by such corporation (directly or indirectly) at all times during the taxable year in which an election under this subsection is in effect shall be considered new domestic investments of such corporation for such taxable year.

“(7) **NO DOUBLE BENEFIT.**—Notwithstanding clause (iii)(II) of section 172(b)(1)(H), any taxpayer which has previously made an election under such section shall be deemed to have revoked such election by the making of its first election under this subsection.

“(8) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including to prevent fraud and abuse under this subsection.

“(9) **TERMINATION.**—This subsection shall not apply to any taxable year that begins after December 31, 2010.”.

(b) **QUICK REFUND OF REFUNDABLE CREDIT.**—Section 6425 is amended by adding at the end the following new subsection:

“(e) **ALLOWANCE OF AMT CREDIT ADJUSTMENT AMOUNT.**—The amount of an adjustment under this section as determined under subsection (c)(2) for any taxable year may be increased to the extent of the corporation’s AMT credit adjustment amount determined under section 53(g) for such taxable year.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 603. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) **IN GENERAL.**—Section 6041 is amended by adding at the end the following new subsection:

“(h) **TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.**—

“(1) **IN GENERAL.**—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

“(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to—

“(A) any individual, including any individual who is an active member of the uniformed services, if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

“(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

“(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 604. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

SEC. 605. INCREASE IN INFORMATION RETURN PENALTIES.

(a) **FAILURE TO FILE CORRECT INFORMATION RETURNS.**—

(1) **IN GENERAL.**—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking “\$50” and inserting “\$100”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking “\$250,000” and inserting “\$1,500,000”.

(b) **REDUCTION WHERE CORRECTION WITHIN 30 DAYS.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 6721(b)(1) is amended by striking “\$15” and inserting “\$30”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking “\$75,000” and inserting “\$250,000”.

(c) **REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 6721(b)(2) is amended by striking “\$30” and inserting “\$60”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking “\$150,000” and inserting “\$500,000”.

(d) **AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.**—Paragraph (1) of section 6721(d) is amended—

(1) by striking “\$100,000” in subparagraph (A) and inserting “\$500,000”,

(2) by striking “\$25,000” in subparagraph (B) and inserting “\$75,000”, and

(3) by striking “\$50,000” in subparagraph (C) and inserting “\$200,000”.

(e) **PENALTY IN CASE OF INTENTIONAL DISREGARD.**—Paragraph (2) of section 6721(e) is amended by striking “\$100” and inserting “\$250”.

(f) **ADJUSTMENT FOR INFLATION.**—Section 6721 is amended by adding at the end the following new subsection:

“(f) **ADJUSTMENT FOR INFLATION.**—

“(1) **IN GENERAL.**—For each fifth calendar year beginning after 2012, each of the dollar

amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) **ROUNDING.**—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(g) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 606. TAX-EXEMPT BOND FINANCING.

(a) **IN GENERAL.**—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) **CONFORMING AMENDMENTS.**—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110–343; 122 Stat. 3913, 3919) are each amended by striking “January 1, 2011” each place it appears and inserting “January 1, 2012”.

SEC. 607. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) **IN GENERAL.**—Section 6331(h)(3) is amended by striking “goods or services” and inserting “property, goods, or services”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

SEC. 608. ELECTION FOR REFUNDABLE LOW-INCOME HOUSING CREDIT FOR 2010.

Subsection (n) of section 42, as added by section 121, is amended to read as follows:

“(n) **ELECTION FOR REFUNDABLE CREDITS.**—

“(1) **IN GENERAL.**—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) **2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.**—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any increase in the State housing credit ceiling for 2010 made by reason of section 1400N(c) (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any increase in the State housing credit ceiling for 2010 made by reason of the application of such section 702(d)(2) and 704(b), multiplied by

“(B) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) shall be applied without regard to clause (i).

“(3) **COORDINATION WITH NON-REFUNDABLE CREDIT.**—For purposes of this section, the amounts described in clauses (i) through (iv) of

subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”

SEC. 609. LOW-INCOME HOUSING GRANT ELECTION.

(a) CLARIFICATION OF ELIGIBILITY OF LOW-INCOME HOUSING CREDITS FOR LOW-INCOME HOUSING GRANT ELECTION.—Paragraph (1) of section 1602(b) of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) by inserting “, plus any increase in the State housing credit ceiling for 2009 attributable to any State housing credit ceiling returned in 2009 to the State by reason of section 1400N(c) of such Code (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008)” after “1986” in subparagraph (A), and

(2) by inserting “, plus any increase in the State housing credit ceiling for 2009 attributable to any additional State housing credit ceiling made by reason of the application of such section 702(d)(2) and 704(b)” after “such section” in subparagraph (B).

(b) APPLICATION OF ADDITIONAL HOUSING CREDIT AMOUNT FOR PURPOSES OF 2009 GRANT ELECTION.—Subsection (b) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009, as amended by subsection (a), is amended by adding at the end the following flush sentence:

“For purposes of paragraph (1)(B), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

SEC. 610. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

“(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

“(i) there shall be included in gross income any amount which would be includable were it not part of a qualified rollover contribution,

“(ii) section 72(t) shall not apply, and

“(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

“(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

“(C) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.”

SEC. 611. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking “unless” and all that follows and inserting “unless—

“(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

“(B) in the case of any component placed in service after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

“(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 612. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

“(2) ELECTIVE DEFERRAL.—The term ‘elective deferral’ means—

“(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

“(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 613. EXTENSION OF SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.

(a) IN GENERAL.—Section 15345(d)(1)(D) of the Food Conservation and Energy Act of 2008 (Public Law 110-246) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONFORMING AMENDMENT.—Section 15345(d)(1)(F) of such Act is amended by striking “January 1, 2008” and inserting “January 1, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 15345 of the Food Conservation and Energy Act of 2008.

SEC. 614. APPLICATION OF BAD CHECKS PENALTY TO ELECTRONIC PAYMENTS.

(a) IN GENERAL.—Section 6657 is amended—

(1) by striking “If any check or money order in payment of any amount” and inserting “If any instrument in payment, by any commercially acceptable means, of any amount”, and

(2) by striking “such check” each place it appears and inserting “such instrument”.

(b) EFFECTIVE DATES.—The amendments made by this section shall apply to instruments tendered after the date of the enactment of this Act.

SEC. 615. GRANTS FOR ENERGY EFFICIENT APPLIANCES IN LIEU OF TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable.

SEC. 616. BUDGETARY EFFECTS OF LEGISLATION PASSED BY THE SENATE.

(a) ESTABLISHMENT OF WEB PAGE.—

(1) IN GENERAL.—Not later than 90 days after the enactment of this Act, the Secretary of the Senate shall establish on the official website of the United States Senate (www.senate.gov) a page entitled “Information on the Budgetary Effects of Legislation Considered by the Senate” which shall include—

(A) links to appropriate pages on the website of the Congressional Budget Office (www.cbo.gov) that contain cost estimates of legislation passed by the Senate; and

(B) as available, links to pages with any other information produced by the Congressional Budget Office that summarize or further explain the budgetary effects of legislation considered by the Senate.

(2) UPDATES.—The Secretary of the Senate shall update this page every 3 months.

(b) CBO REQUIREMENTS.—Nothing in this section shall be construed as imposing any new requirements on the Congressional Budget Office.

SEC. 617. SENATE SPENDING DISCLOSURE.

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (<http://www.senate.gov>) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the

date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

SEC. 618. ALLOCATION OF GEOTHERMAL RECEIPTS.

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

SEC. 619. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term “qualifying contract” means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term “timber purchaser” means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser’s written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

SEC. 620. ARRA PLANNING AND REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting “PLANS AND” after “AGENCY”;

(B) by striking “Not later than” and inserting the following:

“(1) DEFINITION.—In this subsection, the term ‘covered program’ means a program for which funds are appropriated under this division—

“(A) in an amount that is—

“(i) more than \$2,000,000,000; and

“(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

“(B) that did not exist before the date of enactment of this Act.

“(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

“(A) a description of the goals for the covered program using recovery funds;

“(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

“(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

“(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

“(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

“(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

“(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

“(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

“(3) REPORTS.—

“(A) IN GENERAL.—Not later than”; and

(C) by adding at the end the following:

“(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

“(i) discusses the progress of the agency in implementing the plan;

“(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

“(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

“(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

“(v) discusses—

“(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

“(II) if the covered program has failed to meet the milestones, the reasons why; and

“(III) any changes in the milestones for the covered program, including the reasons for the change;

“(vi) discusses the performance of the covered program, including—

“(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

“(II) if the covered program has failed to meet the performance measures, the reasons why; and

“(III) any trends in information relating to the performance of the covered program; and

“(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.”;

(2) in subsection (f)—

(A) by striking “Within 180 days” and inserting the following:

“(1) IN GENERAL.—Within 180 days”; and

(B) by adding at the end the following:

“(2) PENALTIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than \$250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

“(B) NOTIFICATION.—

“(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

“(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

“(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

“(i) the number of times the recipient has failed to provide the information required under subsection (c);

“(ii) the amount of recovery funds provided to the recipient;

“(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

“(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

“(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

“(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

“(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

“(4) PUBLIC LISTING.—

“(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on

the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

“(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for noncompliance.

“(5) REGULATIONS AND REPORTING.—

“(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

“(B) REPORTING.—

“(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include—

“(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

“(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

“(III) any other information determined appropriate by the Director.”; and

(3) by adding at the end the following:

“(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.”.

SEC. 621. GAO STUDY.

Not later than 180 days after the date of enactment of this Act, the Comptroller General shall report to Congress detailing—

- (1) the pattern of job loss in the New England and Midwest States over the past 20 years;
- (2) the role of the off-shoring of manufacturing jobs in overall job loss in the regions; and
- (3) recommendations to attract industries and bring jobs to the region.

SEC. 622. EXTENSION AND MODIFICATION OF SECTION 45 CREDIT FOR REFINED COAL FROM STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

“(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.”.

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking “(or any modification to a facility)”, and

(2) by striking “2010” and inserting “2011”.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting “, a blend of coal and petroleum coke, or other coke feedstock” after “on coal”.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

“With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person’s rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.”.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

“(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.”.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting “(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))” after “service”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

SEC. 623. MODIFICATIONS TO MINE RESCUE TEAM TRAINING CREDIT AND ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

(a) MINE RESCUE TEAM TRAINING CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4) is amended—

(1) by redesignating clauses (vi), (vii), and (viii) as clauses (vii), (viii), and (ix), respectively, and

(2) by inserting after clause (v) the following new clause:

“(vi) the credit determined under section 45N.”.

(b) ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT ALLOWABLE AGAINST AMT.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

“(vii) SPECIAL RULE FOR ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.—Clause (i) shall not apply to amounts deductible under section 179E.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 624. APPLICATION OF CONTINUOUS LEVY TO EMPLOYMENT TAX LIABILITY OF CERTAIN FEDERAL CONTRACTORS.

(a) IN GENERAL.—Section 6330(h) is amended by inserting “or if the person subject to the levy (or any predecessor thereof) is a Federal contractor that was identified as owing such employment taxes through the Federal Payment Levy Program” before the period at the end of the first sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after December 31, 2010.

TITLE VII—DETERMINATION OF BUDGETARY EFFECTS

SEC. 701. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION.—Sections 201, 211, and 232 of this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, sections 201, 211, and 232 of this Act are designated as an emergency for purposes of pay-as-you-go principles.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Levin moves that the House concur in the Senate amendment to H.R. 4213 with the amendment printed in part A of House Report 111–497, as modified by the amendment printed in part B of House Report 111–497 and the further amendment in section 2 of House Resolution 1403.

The SPEAKER pro tempore. The House amendment to the Senate amendment to the bill H.R. 4213 contains:

an emergency designation for the purposes of pay-as-you-go principles under clause 10(c) of rule XXI; and

an emergency designation pursuant to section 4(g)(1) of the Statutory Pay-As-You-Go Act of 2010.

Accordingly, the Chair must put the question of consideration under clause 10(c)(3) of rule XXI and under section 4(g)(2) of the Statutory Pay-As-You-Go Act of 2010.

The question is, Will the House now consider the motion to concur in the Senate amendment with an amendment?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. Pursuant to House Resolution 1403, the amendment printed in part A of House Report 111–497 as modified by the amendment printed in part B of the report and by the amendment printed in section 2 of House Resolution 1403 shall be considered as read.

The text of the House amendment to the Senate amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “American Jobs and Closing Tax Loopholes Act of 2010”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in titles I, II, and IV of this Act an amendment or repeal

is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—INFRASTRUCTURE INCENTIVES

- Sec. 101. Extension of Build America Bonds.
- Sec. 102. Exempt-facility bonds for sewage and water supply facilities.
- Sec. 103. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.
- Sec. 104. Extension and additional allocations of recovery zone bond authority.
- Sec. 105. Allowance of new markets tax credit against alternative minimum tax.
- Sec. 106. Extension of tax-exempt eligibility for loans guaranteed by Federal home loan banks.
- Sec. 107. Extension of temporary small issuer rules for allocation of tax-exempt interest expense by financial institutions.

TITLE II—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

- Sec. 201. Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.
- Sec. 202. Incentives for biodiesel and renewable diesel.
- Sec. 203. Credit for electricity produced at certain open-loop biomass facilities.
- Sec. 204. Extension and modification of credit for steel industry fuel.
- Sec. 205. Credit for producing fuel from coke or coke gas.
- Sec. 206. New energy efficient home credit.
- Sec. 207. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.
- Sec. 208. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
- Sec. 209. Suspension of limitation on percentage depletion for oil and gas from marginal wells.
- Sec. 210. Direct payment of energy efficient appliances tax credit.
- Sec. 211. Modification of standards for windows, doors, and skylights with respect to the credit for nonbusiness energy property.

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

- Sec. 221. Deduction for certain expenses of elementary and secondary school teachers.
- Sec. 222. Additional standard deduction for State and local real property taxes.
- Sec. 223. Deduction of State and local sales taxes.
- Sec. 224. Contributions of capital gain real property made for conservation purposes.
- Sec. 225. Above-the-line deduction for qualified tuition and related expenses.
- Sec. 226. Tax-free distributions from individual retirement plans for charitable purposes.
- Sec. 227. Look-thru of certain regulated investment company stock in determining gross estate of non-residents.

PART II—LOW-INCOME HOUSING CREDITS

- Sec. 231. Election for direct payment of low-income housing credit for 2010.

Subtitle C—Business Tax Relief

- Sec. 241. Research credit.
- Sec. 242. Indian employment tax credit.
- Sec. 243. New markets tax credit.
- Sec. 244. Railroad track maintenance credit.
- Sec. 245. Mine rescue team training credit.
- Sec. 246. Employer wage credit for employees who are active duty members of the uniformed services.
- Sec. 247. 5-year depreciation for farming business machinery and equipment.
- Sec. 248. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
- Sec. 249. 7-year recovery period for motorsports entertainment complexes.
- Sec. 250. Accelerated depreciation for business property on an Indian reservation.
- Sec. 251. Enhanced charitable deduction for contributions of food inventory.
- Sec. 252. Enhanced charitable deduction for contributions of book inventories to public schools.
- Sec. 253. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
- Sec. 254. Election to expense mine safety equipment.
- Sec. 255. Special expensing rules for certain film and television productions.
- Sec. 256. Expensing of environmental remediation costs.
- Sec. 257. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
- Sec. 258. Modification of tax treatment of certain payments to controlling exempt organizations.
- Sec. 259. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.
- Sec. 260. Timber REIT modernization.
- Sec. 261. Treatment of certain dividends of regulated investment companies.
- Sec. 262. RIC qualified investment entity treatment under FIRPTA.
- Sec. 263. Exceptions for active financing income.
- Sec. 264. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
- Sec. 265. Basis adjustment to stock of S corps making charitable contributions of property.
- Sec. 266. Empowerment zone tax incentives.
- Sec. 267. Tax incentives for investment in the District of Columbia.
- Sec. 268. Renewal community tax incentives.
- Sec. 269. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
- Sec. 270. Payment to American Samoa in lieu of extension of economic development credit.
- Sec. 271. Election to temporarily utilize unused AMT credits determined by domestic investment.
- Sec. 272. Study of extended tax expenditures.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

- Sec. 281. Waiver of certain mortgage revenue bond requirements.
- Sec. 282. Losses attributable to federally declared disasters.
- Sec. 283. Special depreciation allowance for qualified disaster property.

- Sec. 284. Net operating losses attributable to federally declared disasters.
- Sec. 285. Expensing of qualified disaster expenses.

PART II—REGIONAL PROVISIONS

SUBPART A—NEW YORK LIBERTY ZONE

- Sec. 291. Special depreciation allowance for nonresidential and residential real property.
- Sec. 292. Tax-exempt bond financing.

SUBPART B—GO ZONE

- Sec. 295. Increase in rehabilitation credit.
- Sec. 296. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.
- Sec. 297. Extension of low-income housing credit rules for buildings in GO zones.

TITLE III—PENSION PROVISIONS

Subtitle A—Pension Funding Relief

PART I—SINGLE-EMPLOYER PLANS

- Sec. 301. Extended period for single-employer defined benefit plans to amortize certain shortfall amortization bases.
- Sec. 302. Application of extended amortization period to plans subject to prior law funding rules.
- Sec. 303. Suspension of certain funding level limitations.
- Sec. 304. Lookback for credit balance rule.
- Sec. 305. Information reporting.
- Sec. 306. Rollover of amounts received in airline carrier bankruptcy.

PART 2—MULTIEMPLOYER PLANS

- Sec. 311. Optional use of 30-year amortization periods.
- Sec. 312. Optional longer recovery periods for multiemployer plans in endangered or critical status.
- Sec. 313. Modification of certain amortization extensions under prior law.
- Sec. 314. Alternative default schedule for plans in endangered or critical status.
- Sec. 315. Transition rule for certifications of plan status.

Subtitle B—Fee Disclosure

- Sec. 321. Short title of subtitle.
- Sec. 322. Amendments to the Employee Retirement Income Security Act of 1974.
- Sec. 323. Amendments to the Internal Revenue Code of 1986.
- Sec. 324. Regulatory authority and coordination.
- Sec. 325. Effective date of subtitle.

TITLE IV—REVENUE OFFSETS

Subtitle A—Foreign Provisions

- Sec. 401. Rules to prevent splitting foreign tax credits from the income to which they relate.
- Sec. 402. Denial of foreign tax credit with respect to foreign income not subject to United States taxation by reason of covered asset acquisitions.
- Sec. 403. Separate application of foreign tax credit limitation, etc., to items resourced under treaties.
- Sec. 404. Limitation on the amount of foreign taxes deemed paid with respect to section 956 inclusions.
- Sec. 405. Special rule with respect to certain redemptions by foreign subsidiaries.
- Sec. 406. Modification of affiliation rules for purposes of rules allocating interest expense.
- Sec. 407. Termination of special rules for interest and dividends received from persons meeting the 80-percent foreign business requirements.
- Sec. 408. Source rules for income on guarantees.

Sec. 409. Limitation on extension of statute of limitations for failure to notify Secretary of certain foreign transfers.

Subtitle B—Personal Service Income Earned in Pass-thru Entities

Sec. 411. Partnership interests transferred in connection with performance of services.

Sec. 412. Income of partners for performing investment management services treated as ordinary income received for performance of services.

Sec. 413. Employment tax treatment of professional service businesses.

Subtitle C—Corporate Provisions

Sec. 421. Treatment of securities of a controlled corporation exchanged for assets in certain reorganizations.

Sec. 422. Taxation of boot received in reorganizations.

Subtitle D—Other Provisions

Sec. 431. Modifications with respect to Oil Spill Liability Trust Fund.

Sec. 432. Time for payment of corporate estimated taxes.

TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

Subtitle A—Unemployment Insurance and Other Assistance

Sec. 501. Extension of unemployment insurance provisions.

Sec. 502. Coordination of emergency unemployment compensation with regular compensation.

Sec. 503. Extension of the Emergency Contingency Fund.

Subtitle B—Health Provisions

Sec. 511. Extension of section 508 reclassifications.

Sec. 512. Repeal of delay of RUG-IV.

Sec. 513. Limitation on reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.

Sec. 514. Funding for claims reprocessing.

Sec. 515. Medicaid and CHIP technical corrections.

Sec. 516. Addition of inpatient drug discount program to 340B drug discount program.

Sec. 517. Continued inclusion of orphan drugs in definition of covered outpatient drugs with respect to children's hospitals under the 340B drug discount program.

Sec. 518. Conforming amendment related to waiver of coinsurance for preventive services.

Sec. 519. Establish a CMS-IRS data match to identify fraudulent providers.

Sec. 520. Clarification of effective date of part B special enrollment period for disabled TRICARE beneficiaries.

Sec. 521. Physician payment update.

Sec. 522. Adjustment to Medicare payment localities.

Sec. 523. Clarification of 3-day payment window.

TITLE VI—OTHER PROVISIONS

Sec. 601. Extension of national flood insurance program.

Sec. 602. Allocation of geothermal receipts.

Sec. 603. Small business loan guarantee enhancement extensions.

Sec. 604. Emergency agricultural disaster assistance.

Sec. 605. Summer employment for youth.

Sec. 606. Housing Trust Fund.

Sec. 607. The Individual Indian Money Account Litigation Settlement Act of 2010.

Sec. 608. Appropriation of funds for final settlement of claims from *In re Black Farmers Discrimination Litigation*.

Sec. 609. Expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all chapter 61 disability retirees regardless of disability rating percentage or years of service.

Sec. 610. Extension of use of 2009 poverty guidelines.

Sec. 611. Refunds disregarded in the administration of Federal programs and federally assisted programs.

Sec. 612. State court improvement program.

Sec. 613. Qualifying timber contract options.

Sec. 614. Extension and flexibility for certain allocated surface transportation programs.

Sec. 615. Community College and Career Training Grant Program.

Sec. 616. Extensions of duty suspensions on cotton shirting fabrics and related provisions.

Sec. 617. Modification of Wool Apparel Manufacturers Trust Fund.

Sec. 618. Department of Commerce Study.

Sec. 619. ARRA planning and reporting.

TITLE VII—BUDGETARY PROVISIONS

Sec. 701. Budgetary provisions.

TITLE I—INFRASTRUCTURE INCENTIVES

SEC. 101. EXTENSION OF BUILD AMERICA BONDS.

(a) *IN GENERAL.*—Subparagraph (B) of section 54AA(d)(1) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

(b) *EXTENSION OF PAYMENTS TO ISSUERS.*—

(1) *IN GENERAL.*—Section 6431 is amended—

(A) by striking “January 1, 2011” in subsection (a) and inserting “January 1, 2013”; and

(B) by striking “January 1, 2011” in subsection (f)(1)(B) and inserting “a particular date”.

(2) *CONFORMING AMENDMENTS.*—Subsection (g) of section 54AA is amended—

(A) by striking “January 1, 2011” and inserting “January 1, 2013”; and

(B) by striking “QUALIFIED BONDS ISSUED BEFORE 2011” in the heading and inserting “CERTAIN QUALIFIED BONDS”.

(c) *REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.*—Subsection (b) of section 6431 is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) *IN GENERAL.*—The Secretary”;

(2) by striking “35 percent” and inserting “the applicable percentage”; and

(3) by adding at the end the following new paragraph:

“(2) *APPLICABLE PERCENTAGE.*—For purposes of this subsection, the term ‘applicable percentage’ means the percentage determined in accordance with the following table:

| “In the case of a qualified bond issued during calendar year: | The applicable percentage is: |
|---|-------------------------------|
| 2009 or 2010 | 35 percent |
| 2011 | 32 percent |
| 2012 | 30 percent.”. |

(d) *CURRENT REFUNDINGS PERMITTED.*—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

“(3) *TREATMENT OF CURRENT REFUNDING BONDS.*—

“(A) *IN GENERAL.*—For purposes of this subsection, the term ‘qualified bond’ includes any

bond (or series of bonds) issued to refund a qualified bond if—

“(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

“(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

“(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

“(B) *APPLICABLE PERCENTAGE.*—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

“(C) *DETERMINATION OF AVERAGE MATURITY.*—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).”.

(e) *CLARIFICATION RELATED TO LEVEES AND FLOOD CONTROL PROJECTS.*—Subparagraph (A) of section 54AA(g)(2) is amended by inserting “(including capital expenditures for levees and other flood control projects)” after “capital expenditures”.

SEC. 102. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) *BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.*—

(1) *IN GENERAL.*—Paragraph (3) of section 146(g) is amended by inserting “(4), (5),” after “(2).”.

(2) *CONFORMING AMENDMENT.*—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking “(4), (5), (6),” and inserting “(6)”.

(b) *TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.*—

(1) *IN GENERAL.*—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

“(4) *EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.*—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).”.

(2) *CONFORMING AMENDMENT.*—Paragraph (2) of section 7871(c) is amended by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”.

(c) *EFFECTIVE DATE.*—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 103. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) *IN GENERAL.*—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(b) *ADJUSTED CURRENT EARNINGS.*—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) *EFFECTIVE DATE.*—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 104. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) *EXTENSION OF RECOVERY ZONE BOND AUTHORITY.*—Section 1400U–2(b)(1) and section 1400U–3(b)(1)(B) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) **ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.**—Section 1400U-1 is amended by adding at the end the following new subsection:

“(c) **ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.**—

“(1) **IN GENERAL.**—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

“(2) **MINIMUM ALLOCATION.**—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9 percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

“(3) **ALLOCATIONS BY STATES.**—

“(A) **IN GENERAL.**—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county's or municipality's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all the counties and large municipalities (as so defined) in such State.

“(B) **2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.**—Each State shall reduce (but not below zero)—

“(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

“(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

“(C) **WAIVER OF SUBALLOCATIONS.**—A county or municipality may waive any portion of an allocation made under this paragraph. A county or municipality shall be treated as having waived any portion of an allocation made under this paragraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.

“(D) **SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.**—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

“(4) **2009 UNEMPLOYMENT NUMBER.**—For purposes of this subsection, the term ‘2009 unemployment number’ means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

“(5) **2010 NATIONAL LIMITATIONS.**—

“(A) **RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.**—The 2010 national recovery zone economic development bond limitation is \$10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-2 in the same manner as an allocation of national recovery zone economic development bond limitation.

“(B) **RECOVERY ZONE FACILITY BONDS.**—The 2010 national recovery zone facility bond limitation is \$15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-3 in the same manner as an allocation of national recovery zone facility bond limitation.”

(c) **AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.**—Subparagraph (A) of section 1400U-1(a)(3) is amended by adding at the end the following: “A county or municipality shall be treated as having waived any portion of an allocation made under this subparagraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.”

SEC. 105. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) **IN GENERAL.**—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

“(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2012.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

SEC. 106. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 107. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) **IN GENERAL.**—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking “or 2010” and inserting “, 2010, or 2011”.

(b) **CONFORMING AMENDMENT.**—Subparagraph (G) of section 265(b)(3) is amended by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to obligations issued after December 31, 2010.

TITLE II—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

SEC. 201. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) **IN GENERAL.**—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property purchased after December 31, 2009.

SEC. 202. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) **CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.**—Subsection (g) of section 40A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.**—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 203. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) **IN GENERAL.**—Clause (ii) of section 45(b)(4)(B) is amended—

(1) by striking “5-year period” and inserting “6-year period”; and

(2) by adding at the end the following: “In the case of the last year of the 6-year period described in the preceding sentence, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 80 percent of such credit determined without regard to this sentence.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

SEC. 204. EXTENSION AND MODIFICATION OF CREDIT FOR STEEL INDUSTRY FUEL.

(a) **CREDIT PERIOD.**—

(1) **IN GENERAL.**—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

“(II) **CREDIT PERIOD.**—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.”

(2) **CONFORMING AMENDMENT.**—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) **EXTENSION OF PLACED-IN-SERVICE DATE.**—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking “(or any modification to a facility)”;

(2) by striking “2010” and inserting “2011”.

(c) **CLARIFICATIONS.**—

(1) **STEEL INDUSTRY FUEL.**—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting “, a blend of coal and petroleum coke, or other coke feedstock” after “on coal”.

(2) **OWNERSHIP INTEREST.**—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

“With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person's rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.”

(3) **PRODUCTION AND SALE.**—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

“(iii) **PRODUCTION AND SALE.**—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.”

(d) **SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.**—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting “(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))” after “service”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) **CLARIFICATIONS.**—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

SEC. 205. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) **IN GENERAL.**—Paragraph (1) of section 45K(g) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 206. NEW ENERGY EFFICIENT HOME CREDIT.

(a) **IN GENERAL.**—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 207. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) **ALTERNATIVE FUEL CREDIT.**—Paragraph (5) of section 6426(d) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of paragraph (2), and

“(C) December 31, 2009, in any other case.”.

(b) **ALTERNATIVE FUEL MIXTURE CREDIT.**—Paragraph (3) of section 6426(e) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of subsection (d)(2), and

“(C) December 31, 2009, in any other case.”.

(c) **PAYMENT AUTHORITY.**—

(1) **IN GENERAL.**—Paragraph (6) of section 6427(e) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “, and”, and by adding at the end the following new subparagraph:

“(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2010.”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (C) of section 6427(e)(6) is amended by inserting “or (E)” after “subparagraph (D)”.

(d) **EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.**—The last sentence of section 6426(d)(2) is amended by striking “or biodiesel” and inserting “biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 208. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) **IN GENERAL.**—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.**—

(1) **IN GENERAL.**—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

“(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal

Power Act (16 U.S.C. 824b) or by declaratory order—

“(1) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

“(11) to be independent from market participants or to be an independent transmission company within the meaning of such Commission’s rules applicable to independent transmission providers, and”.

(2) **RELATED PERSONS.**—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

“For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to dispositions after December 31, 2009.

(2) **MODIFICATIONS.**—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

SEC. 209. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) **IN GENERAL.**—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 210. DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

SEC. 211. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) **IN GENERAL.**—Paragraph (4) of section 25C(c) is amended by striking “unless” and all that follows and inserting “unless—

“(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

“(B) in the case of any component placed in service after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

“(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in

service after the date of the enactment of this Act.

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

SEC. 221. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) **IN GENERAL.**—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 222. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.

(a) **IN GENERAL.**—Subparagraph (C) of section 63(c)(1) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 223. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) **IN GENERAL.**—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 224. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) **IN GENERAL.**—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.**—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 225. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) **IN GENERAL.**—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

(c) **TEMPORARY COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.**—In the case of any taxpayer for any taxable year beginning in 2010, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer’s net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 26 of such Code).

SEC. 226. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) **IN GENERAL.**—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

SEC. 227. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) **IN GENERAL.**—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

PART II—LOW-INCOME HOUSING CREDITS**SEC. 231. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.**

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) ELECTION FOR DIRECT PAYMENT OF CREDIT.—

“(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, multiplied by

“(B) 10.

“(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “42(n),” after “36C,”.

Subtitle C—Business Tax Relief**SEC. 241. RESEARCH CREDIT.**

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 242. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 243. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (F) of section 45D(f)(1) is amended by inserting “and 2010” after “2009”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2015”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

SEC. 244. RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

SEC. 245. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4), as amended by section 105, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

“(vii) the credit determined under section 45N,”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) ALLOWANCE AGAINST AMT.—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 246. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 247. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) IN GENERAL.—Clause (vii) of section 168(e)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 248. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010,”.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 249. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 250. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 251. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 252. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 253. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 254. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 255. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 256. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 257. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”; and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 258. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 259. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

SEC. 260. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking “means” and all that follows and inserting “means December 31, 2010.”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking “the first taxable year beginning after the date of the enactment of this subparagraph” and inserting “a taxable year beginning on or before the termination date”.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting “in taxable years beginning” after “dispositions”.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting “in a taxable year beginning” after “sale”.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting “in a taxable year beginning” after “In the case of a sale”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 261. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 262. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 263. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 264. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 265. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 266. EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2010”; and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(2) by striking “2014” in the heading and inserting “2015”.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

SEC. 267. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking “December 31, 2009” each place it appears and inserting “December 31, 2010”.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400B(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(ii) by striking “2014” in the heading and inserting “2015”.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by strik-

ing “January 1, 2010” and inserting “January 1, 2011”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) HOMEBUYER CREDIT.—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

SEC. 268. RENEWAL COMMUNITY TAX INCENTIVES.

(a) IN GENERAL.—Subsection (b) of section 1400E is amended—

(1) by striking “December 31, 2009” in paragraphs (1)(A) and (3) and inserting “December 31, 2010”; and

(2) by striking “January 1, 2010” in paragraph (3) and inserting “January 1, 2011”.

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) LIMITATION ON PERIOD OF GAINS.—Paragraph (2) of section 1400F(c) is amended—

(A) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(B) by striking “2014” in the heading and inserting “2015”.

(3) CLERICAL AMENDMENT.—Subsection (d) of section 1400F is amended by striking “and ‘December 31, 2014’ for ‘December 31, 2014’”.

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

(1) IN GENERAL.—Subsection (g) of section 1400I is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 1400I(d)(2) is amended by striking “after 2001 and before 2010” and inserting “which begins after 2001 and before the date referred to in subsection (g)”.

(d) INCREASED EXPENSING UNDER SECTION 179.—Subparagraph (A) of section 1400J(b)(1) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) ACQUISITIONS.—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

(A) IN GENERAL.—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) CONFORMING AMENDMENT.—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

SEC. 269. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 270. PAYMENT TO AMERICAN SAMOA IN LIEU OF EXTENSION OF ECONOMIC DEVELOPMENT CREDIT.

The Secretary of the Treasury (or his designee) shall pay \$18,000,000 to the Government of American Samoa for purposes of economic development. The payment made under the preceding sentence shall be treated for purposes of section 1324 of title 31, United States Code, as a refund of internal revenue collections to which such section applies.

SEC. 271. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

“(g) ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.—

“(1) IN GENERAL.—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

“(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term ‘AMT credit adjustment amount’ means, the lesser of—

“(A) 50 percent of a corporation’s minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

“(B) 10 percent of new domestic investments made during such taxable year.

“(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term ‘new domestic investments’ means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

“(A) the original use of which commences with the taxpayer during the taxable year, and

“(B) which is placed in service in the United States by the taxpayer during such taxable year.

“(4) CREDIT REFUNDABLE.—For purposes of subsection (b) of section 6401, the aggregate increase in the credits allowable under this part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

“(5) ELECTION.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

“(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, a corporation shall take into account its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

“(7) NO DOUBLE BENEFIT.—

“(A) IN GENERAL.—A corporation making an election under this subsection may not make an election under subparagraph (H) of section 172(b)(1).

“(B) SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET OPERATING LOSSES.—In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

“(i) ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.—The election under such subparagraph (H) shall (notwithstanding clause (ii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

“(ii) COORDINATION WITH PROVISION FOR EXPEDITED REFUND.—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

“(iii) APPLICATION OF STATUTE OF LIMITATIONS.—With respect to the revocation of an election under clause (i)—

“(1) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

“(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

“(C) EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

“(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting “53(g),” after “53(e).”.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting “53(g),” after “53(e).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 272. STUDY OF EXTENDED TAX EXPENDITURES.

(a) FINDINGS.—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is constructive for legislation extending these provisions to include a study of such provisions.

(b) REQUIREMENT TO REPORT.—Not later than November 30, 2010, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) ROLLING SUBMISSION OF REPORTS.—The Chief of Staff of the Joint Committee on Tax-

ation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) CONTENTS OF REPORT.—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure’s overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) MINIMUM ANALYSIS BY DEADLINE.—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

SEC. 281. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking “January 1, 2010” in subparagraphs (A)(i) and (B)(i) and inserting “January 1, 2011”.

(c) TECHNICAL AMENDMENT.—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) **TECHNICAL AMENDMENT.**—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

SEC. 282. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) **IN GENERAL.**—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **\$500 LIMITATION.**—Paragraph (1) of section 165(h) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) **\$500 LIMITATION.**—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

SEC. 283. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) **IN GENERAL.**—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

SEC. 284. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) **IN GENERAL.**—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

SEC. 285. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) **IN GENERAL.**—Subparagraph (A) of section 198A(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

SEC. 291. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.

(a) **IN GENERAL.**—Subparagraph (A) of section 1400L(b)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 292. TAX-EXEMPT BOND FINANCING.

(a) **IN GENERAL.**—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone

SEC. 295. INCREASE IN REHABILITATION CREDIT.

(a) **IN GENERAL.**—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 296. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) **IN GENERAL.**—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

SEC. 297. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

TITLE III—PENSION PROVISIONS

Subtitle A—Pension Funding Relief

PART 1—SINGLE-EMPLOYER PLANS

SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) **ERISA AMENDMENTS.**—

(1) **IN GENERAL.**—Section 303(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)(2)) is amended by adding at the end the following subparagraphs:

“(D) SPECIAL RULE.—

“(i) **IN GENERAL.**—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

“(ii) **2 PLUS 7 AMORTIZATION SCHEDULE.**—The shortfall amortization installments described in this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (determined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

“(iii) **15-YEAR AMORTIZATION.**—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting ‘15 plan-year period’ for ‘7-plan-year period’.

“(iv) **ELECTION.**—

“(I) **IN GENERAL.**—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years, to determine shortfall amortization installments under this subparagraph. An election under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

“(II) **ELIGIBILITY FOR ELECTION.**—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

“(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 of the Internal Revenue Code of 1986,

“(cc) there is no lien in favor of the plan under subsection (k) or under section 430(k) of such Code, and

“(dd) a distress termination has not been initiated for the plan under section 4041(c).

“(III) **RULES RELATING TO ELECTION.**—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary of the Treasury and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as such Secretary may prescribe.

“(E) **APPLICABLE PLAN YEAR.**—

“(i) **IN GENERAL.**—For purposes of this paragraph, the term ‘applicable plan year’ means,

subject to the election of the plan sponsor under subparagraph (D)(iv), each of not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

“(ii) **SPECIAL RULE RELATING TO 2008.**—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

“(F) **INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.**—

“(i) **IN GENERAL.**—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

“(ii) **BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.**—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

“(iii) **INSTALLMENT ACCELERATION AMOUNT.**—For purposes of this subparagraph—

“(I) **IN GENERAL.**—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

“(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

“(bb) the dividend and redemption amount determined under clause (v) for the plan year.

“(II) **CUMULATIVE LIMITATION.**—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

“(bb) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

“(III) **CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.**—

“(aa) **IN GENERAL.**—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

“(bb) **CAP TO APPLY.**—If any amount treated as an installment acceleration amount under item (aa) or this item with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan year, exceeds the limitation under subclause

(II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(cc) **LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.**—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

“(dd) **ORDERING RULES.**—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(iv) **EXCESS EMPLOYEE COMPENSATION.**—

“(I) **IN GENERAL.**—For purposes of this paragraph, the term ‘excess employee compensation’ means the sum of—

“(aa) with respect to any employee, for any plan year, the excess (if any) of—

“(AA) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(BB) \$1,000,000, plus

“(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a non-qualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor.

“(II) **NO DOUBLE COUNTING.**—No amount shall be taken into account under subclause (I) more than once.

“(III) **EMPLOYEE; REMUNERATION.**—For purposes of this clause, the term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of the Internal Revenue Code of 1986 for the taxable year ending during such calendar year, and the term ‘remuneration’ shall include earned income of such an individual.

“(IV) **CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.**—There shall not be taken into account under subclause (I)(aa) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(V) **ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.**—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

“(VI) **COMMISSIONS.**—

“(aa) **IN GENERAL.**—There shall not be taken into account under subclause (I)(aa) any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(bb) **SPECIFIED EMPLOYEES.**—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i) of the Internal Revenue Code of 1986) or any

employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

“(VII) **INDEXING OF AMOUNT.**—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

“(aa) such dollar amount, multiplied by

“(bb) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$20,000, such increase shall be rounded to the next lowest multiple of \$20,000.

“(v) **CERTAIN DIVIDENDS AND REDEMPTIONS.**—

“(I) **IN GENERAL.**—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

“(aa) the excess of—

“(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

“(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(bb) the sum of—

“(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

“(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

“(II) **DEFINITIONS.**—

“(aa) **ADJUSTED ANNUAL NET INCOME.**—For purposes of subclause (I)(aa)(BB), the term ‘adjusted annual net income’ with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

“(bb) **DIVIDEND BASE AMOUNT.**—For purposes of this clause, the term ‘dividend base amount’ means, with respect to a plan year, an amount equal to the greater of—

“(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

“(III) **ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.**—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(IV) **EXCEPTION FOR INTRA-GROUP DIVIDENDS.**—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under subclause (I).

“(V) **EXCEPTION FOR STOCK DIVIDENDS.**—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

“(VI) **EXCEPTION FOR CERTAIN REDEMPTIONS.**—The following shall not be taken into account under subclause (I):

“(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

“(AA) are made pursuant to a pension plan that is qualified under section 401 of the Internal Revenue Code of 1986 or a shareholder-approved program, or

“(BB) are made on account of an employee’s termination of employment with the plan sponsor, or the death or disability of a shareholder.

“(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

“(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

“(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

“(vi) **OTHER DEFINITIONS AND RULES.**—For purposes of this subparagraph—

“(I) **PLAN SPONSOR.**—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(II) **RESTRICTION PERIOD.**—The term ‘restriction period’ means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

“(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

“(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

“(III) **ELECTIONS FOR MULTIPLE PLANS.**—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this subparagraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

“(G) **MERGERS AND ACQUISITIONS.**—The Secretary of the Treasury shall prescribe rules for the application of subparagraphs (D) and (F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

“(H) **REGULATIONS AND GUIDANCE.**—The Secretary of the Treasury may prescribe such regulations and other guidance of general applicability as such Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).”.

(2) **NOTICE REQUIREMENT.**—Section 204 of such Act (29 U.S.C. 1054) is amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection:

“(k) **NOTICE IN CONNECTION WITH SHORTFALL AMORTIZATION ELECTION.**—

“(1) **IN GENERAL.**—Not later 30 days after the date of an election under clause (iv) of section 303(c)(2)(D) in connection with a single-employer plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and beneficiaries, and the Pension Benefit Guaranty Corporation.

“(2) **MATTERS INCLUDED IN NOTICE.**—Each notice provided pursuant to this subsection shall set forth—

“(A) a statement that recently enacted legislation permits employers to delay pension funding;

“(B) with respect to required contributions—
“(i) the amount of contributions that would have been required had the election not been made;

“(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

“(iii) the number of plan years to which such reduction will apply;

“(C) with respect to a plan’s funding status as of the end of the plan year preceding the applicable plan year—

“(i) the liabilities determined under section 4010(d)(1)(A); and

“(ii) the market value of assets of the plan; and

“(D) with respect to installment acceleration amounts (as defined in section 303(c)(2)(F)(iii)(I))—

“(i) an explanation of section 303(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

“(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be provided in the annual funding notice provided pursuant to section 101(f).

“(3) OTHER REQUIREMENTS.—

“(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant. The Secretary of the Treasury shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

“(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

“(4) EFFECT OF EGREGIOUS FAILURE.—

“(A) IN GENERAL.—In the case of any egregious failure to meet any requirement of this subsection with respect to any election, such election shall be treated as having not been made.

“(B) EGREGIOUS FAILURE.—For purposes of subparagraph (A), there is an egregious failure to meet the requirements of this subsection if such failure is in the control of the plan sponsor and is—

“(i) an intentional failure (including any failure to promptly provide the required notice or information after the plan administrator discovers an unintentional failure to meet the requirements of this subsection),

“(ii) a failure to provide most of the participants and beneficiaries with most of the information they are entitled to receive under this subsection, or

“(iii) a failure which is determined to be egregious under regulations prescribed by the Secretary of the Treasury.

“(5) USE OF NEW TECHNOLOGIES.—The Secretary of the Treasury may, in consultation with the Secretary, by regulations or other guidance of general applicability, allow any notice under this subsection to be provided using new technologies.”.

(C) SUBSEQUENT SUPPLEMENTAL NOTICES.—Section 101(f)(2)(C) of such Act (29 U.S.C. 1021(f)(2)(C)) is amended—

(i) by striking “and” at the end of clause (i);

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following new clause:

“(ii) any excess employee compensation amounts and any dividends and redemptions amounts determined under section 303(c)(2)(F) for the preceding plan year with respect to the plan, and”.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 303(j)(3) of such Act (29 U.S.C. 1083(j)(3)) is amended by adding at the end the following new subparagraph:

“(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).”.

(4) CONFORMING AMENDMENT.—Section 303(c)(1) of such Act (29 U.S.C. 1083(c)(1)) is amended by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”.

(b) IRC AMENDMENTS.—

(1) IN GENERAL.—Section 430(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following subparagraphs:

“(D) SPECIAL RULE.—

“(i) IN GENERAL.—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments described in this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (determined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting ‘15 plan-year period’ for ‘7-plan-year period’.

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years, to determine shortfall amortization installments under this subparagraph. An election under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

“(II) ELIGIBILITY FOR ELECTION.—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

“(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971,

“(cc) there is no lien in favor of the plan under subsection (k) or under section 303(k) of the Employee Retirement Income Security Act of 1974, and

“(dd) a distress termination has not been initiated for the plan under section 4041(c) of such Act.

“(III) RULES RELATING TO ELECTION.—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as the Secretary may prescribe.

“(E) APPLICABLE PLAN YEAR.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘applicable plan year’ means, subject to the election of the plan sponsor under subparagraph (D)(iv), each of not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

“(ii) SPECIAL RULE RELATING TO 2008.—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

“(F) INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.—

“(i) IN GENERAL.—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

“(ii) BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

“(iii) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this subparagraph—

“(I) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

“(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

“(bb) the dividend and redemption amount determined under clause (v) for the plan year.

“(II) CUMULATIVE LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

“(bb) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

“(III) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(aa) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

“(bb) CAP TO APPLY.—If any amount treated as an installment acceleration amount under item (aa) or this item with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan

year, exceeds the limitation under subclause (II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(cc) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

“(dd) ORDERING RULES.—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(iv) EXCESS EMPLOYEE COMPENSATION.—

“(I) IN GENERAL.—For purposes of this paragraph, the term ‘excess employee compensation’ means the sum of—

“(aa) with respect to any employee, for any plan year, the excess (if any) of—

“(AA) the aggregate amount includible in income under chapter 1 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(BB) \$1,000,000, plus

“(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor.

“(II) NO DOUBLE COUNTING.—No amount shall be taken into account under subclause (I) more than once.

“(III) EMPLOYEE; REMUNERATION.—For purposes of this clause, the term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘remuneration’ shall include earned income of such an individual.

“(IV) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—There shall not be taken into account under subclause (I) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(V) ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

“(VI) COMMISSIONS.—

“(aa) IN GENERAL.—There shall not be taken into account under subclause (I)(aa) any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(bb) SPECIFIED EMPLOYEES.—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i)) or any employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

“(VII) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

“(aa) such dollar amount, multiplied by

“(bb) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$20,000, such increase shall be rounded to the next lowest multiple of \$20,000.

“(v) CERTAIN DIVIDENDS AND REDEMPTIONS.—

“(I) IN GENERAL.—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

“(aa) the excess of—

“(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

“(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(bb) the sum of—

“(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

“(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

“(II) DEFINITIONS.—

“(aa) ADJUSTED ANNUAL NET INCOME.—For purposes of subclause (I)(aa)(BB), the term ‘adjusted annual net income’ with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

“(bb) DIVIDEND BASE AMOUNT.—For purposes of this clause, the term ‘dividend base amount’ means, with respect to a plan year, an amount equal to the greater of—

“(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

“(III) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(IV) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under subclause (I).

“(V) EXCEPTION FOR STOCK DIVIDENDS.—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

“(VI) EXCEPTION FOR CERTAIN REDEMPTIONS.—The following shall not be taken into account under subclause (I):

“(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

“(AA) are made pursuant to a pension plan that is qualified under section 401 or a shareholder-approved program, or

“(BB) are made on account of an employee’s termination of employment with the plan sponsor, or the death or disability of a shareholder.

“(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

“(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

“(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

“(vi) OTHER DEFINITIONS AND RULES.—For purposes of this subparagraph—

“(I) PLAN SPONSOR.—The term ‘plan sponsor’ includes any group of which the plan sponsor is a member and which is treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

“(II) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

“(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

“(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

“(III) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this subparagraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

“(G) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of subparagraphs (D) and (F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

“(H) REGULATIONS AND GUIDANCE.—The Secretary may prescribe such regulations and other guidance of general applicability as the Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).”.

(2) NOTICE REQUIREMENT.—

(A) IN GENERAL.—Section 4980F of such Code is amended—

(i) by striking “subsection (e)” each place it appears in subsection (a) and paragraphs (1) and (3) of subsection (c) and inserting “subsections (e) and (f)”;

(ii) by striking “subsection (e)” in subsection (c)(2)(A) and inserting “subsection (e), (f), or both, as the case may be”; and

(iii) by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) NOTICE IN CONNECTION WITH SHORTFALL AMORTIZATION ELECTION.—

“(1) IN GENERAL.—Not later 30 days after the date of an election under clause (iv) of section 430(c)(2)(D) in connection with a plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and beneficiaries, and the Pension Benefit Guaranty Corporation.

“(2) MATTERS INCLUDED IN NOTICE.—Each notice provided pursuant to this subsection shall set forth—

“(A) a statement that recently enacted legislation permits employers to delay pension funding;

“(B) with respect to required contributions—

“(i) the amount of contributions that would have been required had the election not been made;

“(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

“(iii) the number of plan years to which such reduction will apply;

“(C) with respect to a plan’s funding status as of the end of the plan year preceding the applicable plan year—

“(i) the liabilities determined under section 4010(d)(1)(A) of the Employee Retirement Income Security Act of 1974; and

“(ii) the market value of assets of the plan; and

“(D) with respect to installment acceleration amounts (as defined in section 430(c)(2)(F)(iii)(I))—

“(i) an explanation of section 430(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

“(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be provided in the annual funding notice provided pursuant to section 101(f) of the Employee Retirement Income Security Act of 1974.

“(3) OTHER REQUIREMENTS.—

“(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations or other guidance of general applicability prescribed by the Secretary) to allow plan participants and beneficiaries to understand the effect of the election. The Secretary shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

“(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.”

(B) CONFORMING AMENDMENT.—Subsection (g) of section 4980F of such Code is amended by inserting “or (f)” after “subsection (e)”.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 430(j)(3) of such Code is amended by adding at the end the following new subparagraph:

“(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).”

(4) CONFORMING AMENDMENT.—Paragraph (1) of section 430(c) of such Code is amended by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

“SEC. 107. APPLICATION OF FUNDING RELIEF TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) ALTERNATIVE ELECTIONS.—

“(1) IN GENERAL.—Subject to this section, a plan sponsor of a plan to which section 104, 105, or 106 of this Act applies may either elect the application of subsection (b) with respect to the plan for not more than 2 applicable plan years or elect the application of subsection (c) with respect to the plan for 1 applicable plan year.

“(2) ELIGIBILITY FOR ELECTIONS.—An election may be made by a plan sponsor under paragraph (1) with respect to a plan only if at the time of the election—

“(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(B) there are no accumulated funding deficiencies (as defined in section 302(a)(2) of the Employee Retirement Income Security Act of 1974 (as in effect immediately before the enactment of this Act) or in section 412(a) of the Internal Revenue Code of 1986 (as so in effect)) with respect to the plan,

“(C) there is no lien in favor of the plan under section 302(d) (as so in effect) or under section 412(n) of such Code (as so in effect), and

“(D) a distress termination has not been initiated for the plan under section 4041(c) of the Employee Retirement Income Security Act of 1974.

“(b) ALTERNATIVE ADDITIONAL FUNDING CHARGE.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of the Employee Retirement Income Security Act of 1974 (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of the Internal Revenue Code of 1986 (as so in effect)—

“(1) the deficit reduction contribution under paragraph (2) of such section 302(d) and paragraph (2) of such section 412(l) for such plan for any applicable plan year, shall be zero, and

“(2) the additional funding charge under paragraph (1) of such section 302(d) and paragraph (1) of such section 412(l) for such plan for any applicable plan year shall be increased by an amount equal to the installment acceleration amount (as defined in sections 303(c)(2)(F)(iii)(I) of such Act (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 430(c)(2)(F)(iii)(I) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined by treating the later of such plan year or the first plan year beginning after December 31, 2009, as the restriction period.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of such Code (as so in effect)—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in paragraph (4)(C) of such section 302(d) and paragraph (4)(C) of such section 412(l) for any pre-effective date plan year beginning with or after the applicable plan year shall be the ratio of—

“(A) the annual installments payable in each plan year if the increased unfunded new liability for such plan year were amortized in equal installments over the period beginning with such plan year and ending with the last plan year in the period of 15 plan years beginning with the applicable plan year, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year,

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section, and

“(3) the additional funding charge with respect to the plan for a plan year shall be in-

creased by an amount equal to the installment acceleration amount (as defined in section 303(c)(2)(F)(iii) of such Act (as amended by the American Jobs and Closing Tax Loopholes Act of 2010 and section 430(c)(2)(F)(iii) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined without regard to subclause (II) of such sections 303(c)(2)(F)(iii) and 430(c)(2)(F)(iii).

“(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) APPLICABLE PLAN YEAR.—

“(A) IN GENERAL.—The term ‘applicable plan year’ with respect to a plan means, subject to the election of the plan sponsor under subsection (a), a plan year beginning in 2009, 2010, or 2011.

“(B) ELECTION.—

“(i) IN GENERAL.—The election described in subsection (a) shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary of the Treasury.

“(ii) REDUCTION IN YEARS WHICH MAY BE ELECTED.—The number of applicable plan years for which an election may be made under section 303(c)(2)(D) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) or section 430(c)(2)(D) of the Internal Revenue Code of 1986 (as so amended) shall be reduced by the number of applicable plan years for which an election under this section is made.

“(C) ALLOCATION OF INSTALLMENT ACCELERATION AMOUNT FOR MULTIPLE PLAN ELECTION.—In the case of an election under this section with respect to 2 or more plans by the same plan sponsor, the installment acceleration amount shall be apportioned ratably with respect to such plans in proportion to the deficit reduction contributions of the plans determined without regard to subsection (b)(1).

“(2) PLAN SPONSOR.—The term ‘plan sponsor’ shall have the meaning provided such term in section 303(c)(2)(F)(vi)(I) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and section 430(c)(2)(F)(vi)(I) of the Internal Revenue Code of 1986 (as so amended).

“(3) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(4) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(c)(2) of such Code (as so in effect) equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act (as so in effect) and 412(l)(8)(B) of such Code (as so in effect)) of the plan for the second plan year preceding the first applicable plan year of such plan for which an election under this section is made.

“(5) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act (as so in effect) and section 412(l) of such Code (as so in effect).

“(6) ADDITIONAL FUNDING CHARGE INCREASE NOT TO EXCEED RELIEF.—

“(A) ELECTION UNDER SUBSECTION (B).—In the case of an election under subsection (b), an increase resulting from the application of subsection (b)(2) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

“(i) the deficit reduction contribution under section 302(d)(2) of such Act (as so in effect) and section 412(l)(2) of such Code (as so in effect) for such plan year, determined as if the election had not been made, over

“(ii) the deficit reduction contribution under such sections for such plan (determined without regard to any increase under subsection (b)(2)).

“(B) ELECTION UNDER SUBSECTION (C).—An increase resulting from the application of subsection (c)(3) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

“(i) the sum of the deficit reduction contributions under section 302(d)(2) of such Act (as so in effect) and section 412(l)(2) of such Code (as so in effect) for such plan for such plan year and for all preceding plan years beginning with or after the applicable plan year, determined as if the election had not been made, over

“(ii) the sum of the deficit reduction contributions under such sections for such plan years (determined without regard to any increase under subsection (c)(3)).

“(e) NOTICE.—Not later 30 days after the date of an election under subsection (a) in connection with a plan, the plan administrator shall provide notice pursuant to, and subject to, rules similar to the rules of sections 204(k) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 4980F(f) of the Internal Revenue Code of 1986 (as so amended).”

(b) ELIGIBLE CHARITY PLANS.—Section 104 of such Act is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”; and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if—

“(1) the plan is maintained by one or more employers employing employees who are accruing benefits based on service for the plan year,

“(2) such employees are employed in at least 20 States,

“(3) each such employee (other than a de minimis number of employees) is employed by an employer described in section 501(c)(3) of such Code and the primary exempt purpose of each such employer is to provide services with respect to children, and

“(4) the plan sponsor elects (at such time and in such form and manner as shall be prescribed by the Secretary of the Treasury) to be so treated.

Any election under this subsection may be revoked only with the consent of the Secretary of the Treasury.”

(c) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out the purposes of the amendments made by this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2009.

(2) ELIGIBLE CHARITY PLANS.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2009.

SEC. 303. SUSPENSION OF CERTAIN FUNDING LEVEL LIMITATIONS.

(a) LIMITATIONS ON BENEFIT ACCRUALS.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110-458; 122 Stat. 5118) is amended—

(1) by striking “the first plan year beginning during the period beginning on October 1, 2008, and ending on September 30, 2009” and inserting “any plan year beginning during the period be-

ginning on October 1, 2008, and ending on December 31, 2011”;

(2) by striking “substituting” and all that follows through “for such plan year” and inserting “substituting for such percentage the plan’s adjusted funding target attainment percentage for the last plan year ending before September 30, 2009,”; and

(3) by striking “for the preceding plan year is greater” and inserting “for such last plan year is greater”.

(b) SOCIAL SECURITY LEVEL-INCOME OPTIONS.—

(1) ERISA AMENDMENT.—Section 206(g)(3)(E) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new sentence: “For purposes of applying clause (i) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 204(b)(1)(G)).”

(2) IRC AMENDMENT.—Section 436(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “For purposes of applying subparagraph (A) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 411(a)(9)).”

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to annuity payments the annuity starting date for which occurs on or after January 1, 2011.

(B) PERMITTED APPLICATION.—A plan shall not be treated as failing to meet the requirements of sections 206(g) of the Employee Retirement Income Security Act of 1974 (as amended by this subsection) and section 436(d) of the Internal Revenue Code of 1986 (as so amended) if the plan sponsor elects to apply the amendments made by this subsection to payments the annuity starting date for which occurs on or after the date of the enactment of this Act and before January 1, 2011.

(c) APPLICATION OF CREDIT BALANCE WITH RESPECT TO LIMITATIONS ON SHUTDOWN BENEFITS AND UNPREDICTABLE CONTINGENT EVENT BENEFITS.—With respect to plan years beginning on or before December 31, 2011, in applying paragraph (5)(C) of subsection (g) of section 206 of the Employee Retirement Income Security Act of 1974 and subsection (f)(3) of section 436 of the Internal Revenue Code of 1986 in the case of unpredictable contingent events (within the meaning of section 206(g)(1)(C) of such Act and section 436(b)(3) of such Code) occurring on or after January 1, 2010, the references, in clause (i) of such paragraph (5)(C) and subparagraph (A) of such subsection (f)(3), to paragraph (1)(B) of such subsection (g) and subsection (b)(2) of such section 436 shall be disregarded.

SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN PLAN YEARS.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(1) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.”

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN PLAN YEARS.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(1) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary.”

SEC. 305. INFORMATION REPORTING.

(a) IN GENERAL.—Section 4010(b) of the Employee Retirement Security Act of 1974 (29 U.S.C. 1310(b)) is amended by striking paragraph (1) and inserting the following:

“(1) either of the following requirements are met:

“(A) the funding target attainment percentage (as defined in subsection (d)(2)(B)) at the end of the preceding plan year of a plan maintained by the contributing sponsor or any member of its controlled group is less than 80 percent; or

“(B) the aggregate unfunded vested benefits (as determined under section 4006(a)(3)(E)(iii)) of plans maintained by the contributing sponsor and the members of its controlled group exceed \$75,000,000 (disregarding plans with no unfunded vested benefits);”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after 2009.

SEC. 306. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER

TO ROTH IRA.—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008 may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2011).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term “airline payment amount” means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007; and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term “qualified airline employee” means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code; and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term “traditional IRA” means an individual retirement plan (as

defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term “Roth IRA” has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

PART 2—MULTIEMPLOYER PLANS

SEC. 311. OPTIONAL USE OF 30-YEAR AMORTIZATION PERIODS.

(a) ELECTIVE SPECIAL RELIEF RULES.—

(1) ERISA AMENDMENT.—Section 304(b) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new paragraph:

“(8) ELECTIVE SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses or gains to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year for which the allocable portion is determined, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If an election is made under clause (i) for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

“(iii) DEFINITIONS AND RULES.—For purposes of this subparagraph—

“(I) NET INVESTMENT LOSSES.—

“(aa) IN GENERAL.—The net investment loss incurred by a plan in a plan year is equal to the excess of—

“(AA) the expected value of the assets as of the end of the plan year, over

“(BB) the market value of the assets as of the end of the plan year, including any difference attributable to a criminally fraudulent investment arrangement.

“(bb) EXPECTED VALUE.—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

“(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

“(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(III) AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

“(IV) ALLOCABLE PORTION OF NET INVESTMENT LOSSES.—Except as provided in subclause (V), the net investment loss incurred in a plan year shall be allocated among the 5 plan years following the plan year in which the investment loss is incurred in accordance with the following table:

| Plan year after the plan year in which the net investment loss was incurred | Allocable portion of net investment loss |
|---|--|
| 1st | 1/2 |
| 2nd | 0 |
| 3rd | 1/6 |
| 4th | 1/6 |
| 5th | 1/6 |

“(V) SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection (c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is incurred is the same as determined under subclause (IV), but the remaining 1/2 of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

“(VI) SPECIAL RULE FOR OVERSTATEMENT OF LOSS.—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

“(VII) SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

“(B) SOLVENCY TEST.—

“(i) IN GENERAL.—An election may be made under this paragraph if the election includes certification by the plan actuary in connection with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

“(ii) FUNDED PERCENTAGE.—For purposes of clause (i), the term “funded percentage” has the meaning provided in section 305(i)(2), except that the value of the plan's assets referred to in section 305(i)(2)(A) shall be the market value of such assets.

“(iii) ACTUARIAL ASSUMPTIONS.—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 305, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 305(c) or

under section 432(c) of the Internal Revenue Code of 1986 or rehabilitation plans adopted under section 305(e) or under section 432(e) of such Code, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

“(C) ADDITIONAL RESTRICTION ON BENEFIT INCREASES.—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

“(II) the plan’s funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner as the Secretary of the Treasury may prescribe.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such election to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.”

(2) IRC AMENDMENT.—Section 431(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(8) ELECTIVE SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses and gains to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year for which the allocable portion is determined, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If an election is made under clause (i) for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

“(iii) DEFINITIONS AND RULES.—For purposes of this subparagraph—

“(I) NET INVESTMENT LOSSES.—

“(aa) IN GENERAL.—The net investment loss incurred by a plan in a plan year is equal to the excess of—

“(AA) the expected value of the assets as of the end of the plan year, over

“(BB) the market value of the assets as of the end of the plan year,

including any difference attributable to a criminally fraudulent investment arrangement.

“(bb) EXPECTED VALUE.—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

“(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

“(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(III) AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

“(IV) ALLOCABLE PORTION OF NET INVESTMENT LOSSES.—Except as provided in subclause (V), the net investment loss incurred in a plan year shall be allocated among the 5 plan years following the plan year in which the investment loss is incurred in accordance with the following table:

| Plan year after the plan year in which the net investment loss was incurred | Allocable portion of net investment loss |
|---|--|
| 1st | 1/2 |
| 2nd | 0 |
| 3rd | 1/6 |
| 4th | 1/6 |
| 5th | 1/6 |

“(V) SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection (c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is incurred is the same as determined under subclause (IV), but the remaining 1/2 of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

“(VI) SPECIAL RULE FOR OVERSTATEMENT OF LOSS.—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

“(VII) SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

“(B) SOLVENCY TEST.—

“(i) IN GENERAL.—An election may be made under this paragraph if the election includes certification by the plan actuary in connection

with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

“(ii) FUNDED PERCENTAGE.—For purposes of clause (i), the term ‘funded percentage’ has the meaning provided in section 432(i)(2), except that the value of the plan’s assets referred to in section 432(i)(2)(A) shall be the market value of such assets.

“(iii) ACTUARIAL ASSUMPTIONS.—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 432, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 432(c) or under section 305(c) of the Employee Retirement Income Security Act of 1974 or rehabilitation plans adopted under section 432(e) or under section 305(e) of such Act, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

“(C) ADDITIONAL RESTRICTION ON BENEFIT INCREASES.—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

“(II) the plan’s funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I or to comply with other applicable law.

“(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner as the Secretary may prescribe.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such election to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.”

(b) ASSET SMOOTHING FOR MULTIEMPLOYER PLANS.—

(1) ERISA AMENDMENT.—Section 304(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(c)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

“(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary of the Treasury shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but only if, in the case that the plan sponsor has made an election under subsection

(b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.”.

(2) IRC AMENDMENT.—Section 431(c)(2) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

“(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but only if, in the case that the plan sponsor has made an election under subsection (b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.”.

(C) EFFECTIVE DATE AND SPECIAL RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the first day of the first plan year beginning after June 30, 2008, except that any election a plan sponsor makes pursuant to this section or the amendments made thereby that affects the plan’s funding standard account for any plan year beginning before October 1, 2009, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to that plan year.

(2) DEEMED APPROVAL FOR CERTAIN FUNDING METHOD CHANGES.—In the case of a multiemployer plan with respect to which an election has been made under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 (as amended by this section) or section 431(b)(8) of the Internal Revenue Code of 1986 (as so amended)—

(A) any change in the plan’s funding method for a plan year beginning on or after July 1, 2008, and on or before December 31, 2010, from a method that does not establish a base for experience gains and losses to one that does establish such a base shall be treated as approved by the Secretary of the Treasury; and

(B) any resulting funding method change base shall be treated for purposes of amortization as a net experience loss or gain.

SEC. 312. OPTIONAL LONGER RECOVERY PERIODS FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) ERISA AMENDMENTS.—

(1) FUNDING IMPROVEMENT PERIOD.—Section 305(c)(4) of the Employee Retirement Income Security Act of 1974 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

“(C) ELECTION TO EXTEND PERIOD.—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.”.

(2) REHABILITATION PERIOD.—Section 305(e)(4) of such Act is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking “subparagraph (B)” each place it appears and inserting “subparagraph (C)”;

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) ELECTION TO EXTEND PERIOD.—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.”.

(b) IRC AMENDMENTS.—

(1) FUNDING IMPROVEMENT PERIOD.—Section 432(c)(4) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

“(C) ELECTION TO EXTEND PERIOD.—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary may prescribe.”.

(2) REHABILITATION PERIOD.—Section 432(e)(4) of such Code is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking “subparagraph (B)” each place it appears and inserting “subparagraph (C)”;

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) ELECTION TO EXTEND PERIOD.—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary may prescribe.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funding improvement periods and rehabilitation periods in connection with funding improvement plans and rehabilitation plans adopted or updated on or after the date of the enactment of this Act.

SEC. 313. MODIFICATION OF CERTAIN AMORTIZATION EXTENSIONS UNDER PRIOR LAW.

(a) IN GENERAL.—In the case of an amortization extension that was granted to a multiemployer plan under the terms of section 304 of the Employee Retirement Income Security Act of 1974 (as in effect immediately prior to enactment of the Pension Protection Act of 2006) or section 412(e) of the Internal Revenue Code (as so in effect), the determination of whether any financial condition on the amortization extension is satisfied shall be made by assuming that for any plan year that contains some or all of the period beginning June 30, 2008, and ending October 31, 2008, the actual rate of return on the plan assets was equal to the interest rate used for purposes of charging or crediting the funding standard account in such plan year, unless the plan sponsor elects otherwise in such form and manner as shall be prescribed by the Secretary of Treasury.

(b) REVOCATION OF AMORTIZATION EXTENSIONS.—The plan sponsor of a multiemployer plan may, in such form and manner and after such notice as may be prescribed by the Secretary, revoke any amortization extension described in subsection (a), effective for plan years following the date of the revocation.

SEC. 314. ALTERNATIVE DEFAULT SCHEDULE FOR PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) ERISA AMENDMENTS.—

(1) ENDANGERED STATUS.—Section 305(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(c)(7)) is amended by adding at the end the following new subparagraph:

“(D) ALTERNATIVE DEFAULT SCHEDULE.—

“(i) IN GENERAL.—A plan sponsor may, for purposes of this paragraph, designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

“(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”.

(2) CRITICAL STATUS.—Section 305(e)(3) of such Act (29 U.S.C. 1085(e)(3)) is amended by adding at the end the following new subparagraph:

“(D) ALTERNATIVE DEFAULT SCHEDULE.—

“(i) IN GENERAL.—A plan sponsor may, for purposes of subparagraph (C), designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

“(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”.

(b) INTERNAL REVENUE CODE AMENDMENTS.—

(1) ENDANGERED STATUS.—Section 432(c)(7) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(C) ALTERNATIVE DEFAULT SCHEDULE.—

“(i) IN GENERAL.—A plan sponsor may, for purposes of this paragraph, designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

“(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”.

(2) CRITICAL STATUS.—Section 432(e)(3) of such Code is amended by adding at the end the following new subparagraph:

“(D) ALTERNATIVE DEFAULT SCHEDULE.—

“(i) IN GENERAL.—A plan sponsor may, for purposes of subparagraph (C), designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

“(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to designations of default schedules by plan sponsors on or after the date of the enactment of this Act.

(d) CROSS-REFERENCE.—For sunset of the amendments made by this section, see section 221(c) of the Pension Protection Act of 2006.

SEC. 315. TRANSITION RULE FOR CERTIFICATIONS OF PLAN STATUS.

(a) IN GENERAL.—A plan actuary shall not be treated as failing to meet the requirements of

section 305(b)(3)(A) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3)(A) of the Internal Revenue Code of 1986 in connection with a certification required under such sections the deadline for which is after the date of the enactment of this Act if the plan actuary makes such certification at any time earlier than 75 days after the date of the enactment of this Act.

(b) REVISION OF PRIOR CERTIFICATION.—

(1) IN GENERAL.—If—

(A) a plan sponsor makes an election under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 and section 431(b)(8) of the Internal Revenue Code of 1986, or under section 304(c)(2)(B) of such Act and section 432(c)(2)(B) such Code, with respect to a plan for a plan year beginning on or after October 1, 2009; and

(B) the plan actuary's certification of the plan status for such plan year (hereinafter in this subsection referred to as "original certification") did not take into account any election so made,

then the plan sponsor may direct the plan actuary to make a new certification with respect to the plan for the plan year which takes into account such election (hereinafter in this subsection referred to as "new certification") if the plan's status under section 305 of such Act and section 432 of such Code would change as a result of such election. Any such new certification shall be treated as the most recent certification referred to in section 304(b)(3)(B)(iii) of such Act and section 431(b)(8)(B)(iii) of such Code.

(2) DUE DATE FOR NEW CERTIFICATION.—Any such new certification shall be made pursuant to section 305(b)(3) of such Act and section 432(b)(3) of such Code; except that any such new certification shall be made not later than 75 days after the date of the enactment of this Act.

(3) NOTICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any such new certification shall be treated as the original certification for purposes of section 305(b)(3)(D) of such Act and section 432(b)(3)(D) of such Code.

(B) NOTICE ALREADY PROVIDED.—In any case in which notice has been provided under such sections with respect to the original certification, not later than 30 days after the new certification is made, the plan sponsor shall provide notice of any change in status under rules similar to the rules such sections.

(4) EFFECT OF CHANGE IN STATUS.—If a plan ceases to be in critical status pursuant to the new certification, then the plan shall, not later than 30 days after the due date described in paragraph (2), cease any restriction of benefit payments, and imposition of contribution surcharges, under section 305 of such Act and section 432 of such Code by reason of the original certification.

Subtitle B—Fee Disclosure

SEC. 321. SHORT TITLE OF SUBTITLE.

This subtitle may be cited as the "Defined Contribution Fee Disclosure Act of 2010".

SEC. 322. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) REQUIREMENTS RELATING TO SERVICE PROVIDERS AND PLAN ADMINISTRATORS OF INDIVIDUAL ACCOUNT PLANS.—

(1) IN GENERAL.—Part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended—

(A) by redesignating section 111 (29 U.S.C. 1031) as section 113; and

(B) by inserting after section 110 (29 U.S.C. 1030) the following new sections:

"SEC. 111. REQUIREMENT TO PROVIDE NOTICE OF PLAN FEE INFORMATION TO PLAN ADMINISTRATORS.

"(a) INITIAL STATEMENT OF SERVICES PROVIDED AND REVENUES RECEIVED.—

"(1) IN GENERAL.—In any case in which a service provider enters into a contract or arrangement to provide services to an individual account plan, the service provider shall, before entering into such contract or arrangement, provide to the plan administrator a single written statement which includes, with respect to the first plan year covered under such contract or arrangement, the following information:

"(A) A detailed description of the services which will be provided to the plan by the service provider, the amount of total expected annual revenue with respect to such services, the manner in which such revenue will be collected, and the extent to which such revenue varies between specific investment options.

"(B)(i) In the case of a service provider who is providing recordkeeping services with respect to any investment option, such information as is necessary for the plan administrator to satisfy the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and paragraphs (1) and (3) of section 112(a) with respect to such option, including specifying the method used by the service provider in disclosing or estimating expenses under subparagraphs (C)(iv) and (E) of section 105(a)(2).

"(ii) To the extent provided in regulations issued by the Secretary, clause (i) shall not apply in the case of a service provider described in such clause if the service provider receives a written notification from the plan administrator that the information described in such clause in connection with the investment option is provided by another service provider pursuant to a contract or arrangement to provide services to the plan.

"(C) A statement indicating—

"(i) the identity of any investment options offered under the plan with respect to which the service provider provides substantial investment, trustee, custodial, or administrative services, and

"(ii) in the case of any investment option, whether the service provider expects to receive any component of total expected annual revenue described in paragraph (2)(A)(ii)(I) with respect to such option and the amount of any such component.

"(D) The portion of total expected annual revenue which is properly allocable to each of the following:

"(i) Administration and recordkeeping.

"(ii) Investment management.

"(iii) Other services or amounts not described in clause (i) or (ii).

"(2) DEFINITION OF TOTAL EXPECTED ANNUAL REVENUE.—For purposes of this section—

"(A) IN GENERAL.—The term 'total expected annual revenue' means, with respect to any plan year—

"(i) any amount expected to be received during such plan year from the plan (including amounts paid from participant accounts), any participant or beneficiary, or any plan sponsor in connection with the contract or arrangement referred to in paragraph (1), and

"(ii) any amount not taken into account under clause (i) which is expected to be received during such plan year by the service provider in connection with—

"(I) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by the service provider with respect to the plan, or

"(II) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by any other person with respect to the plan.

"(B) EXPRESSED AS DOLLAR AMOUNT OR PERCENTAGE OF ASSETS.—Total expected annual revenue and any amount indicated under paragraph (1)(C)(ii) may be expressed as a dollar amount or as a percentage of assets (or a com-

bination thereof), as appropriate. To the extent that total expected annual revenue is expressed as a percentage of assets, such percentage shall be properly allocated among clauses (i), (ii), and (iii) of paragraph (1)(D).

"(C) PROVISION OF FEE SCHEDULE FOR CERTAIN PARTICIPANT INITIATED TRANSACTIONS.—In the case of amounts expected to be received from participants or beneficiaries under the plan (or from an account of a participant or beneficiary) as a fee or charge in connection with a transaction initiated by the participant (other than loads, commissions, brokerage fees, and other investment related transactions)—

"(i) such amounts shall not be taken into account in determining total expected annual revenue, and

"(ii) the service provider shall provide to the plan administrator, as part of the statement referred to in paragraph (1), a fee schedule which describes each such fee or charge, the amount thereof, and the manner in which such amount is collected.

"(D) ESTIMATIONS.—In determining under this subsection any amount which is expected to be received by the service provider, the service provider shall provide a reasonable estimate of such amount and shall indicate in the statement referred to in paragraph (1) whether such amount disclosed is an estimate. Any such estimate shall be based on reasonable assumptions specified in such statement.

"(3) ALLOCATION RULES.—The Secretary shall provide rules for defining total expected annual revenue and for the appropriate and consistent allocation of total expected annual revenue among clauses (i), (ii), and (iii) of paragraph (1)(D), except that the entire amount of such revenue shall be allocated among such clauses and no amount may be taken into account under more than one clause.

"(4) DISCLOSURE OF DIFFERENT PRICING OF INVESTMENT OPTIONS.—In the case of investment options with more than one share class or price level, the Secretary shall prescribe regulations for the disclosure of the different share classes or price levels available as part of the statement in paragraph (1). Such regulations shall provide guidance with respect to the disclosure of the basis for qualifying for such share classes or price levels, which may include amounts invested, number of participants, or other factors.

"(5) DISCLOSURE OF INVESTMENT TRANSACTION COSTS.—To the extent provided in regulations issued by the Secretary, a service provider shall separately disclose the transaction costs (including sales commissions) for each investment option for the preceding year or the plan's allocable share of such costs for the preceding year.

"(b) ANNUAL STATEMENTS.—With respect to each plan year after the plan year covered by the statement described in subsection (a), the service provider shall provide the plan administrator a single written statement which includes the information described in subsection (a) with respect to such subsequent plan year.

"(c) MATERIAL CHANGE STATEMENTS.—In the case of any event or other change during a plan year which causes the information included in any statement described in subsection (a) or (b) with respect to such plan year to become materially incorrect, the service provider shall provide the plan administrator a written statement providing the corrected information not later than 30 days after the service provider knows, or exercising reasonable diligence would have known, of such event or other change.

"(d) TIME AND MANNER OF PROVIDING STATEMENT AND OTHER MATERIALS.—The statement referred to in subsections (a)(1) and (b) shall be made at such time and in such manner as the Secretary may provide. Other materials required

to be provided under this section shall be provided in such manner as the Secretary may provide. All information included in such statements and other materials shall be presented in a manner which is easily understood by the typical plan administrator.

“(e) EXCEPTION FOR SMALL SERVICE PROVIDERS.—The requirements of this section shall not apply with respect to any contract or arrangement for services provided with respect to an individual account plan for any plan year if—

“(1) the total annual revenue expected by the service provider to be received with respect to the plan for such plan year is less than \$5,000, and

“(2) the service provider provides a written statement to the plan administrator that the total annual revenue expected by the service provider to be received with respect to the plan is less than \$5,000.

Service providers who expect to receive de minimis annual revenue from the plan need not provide the written statement described in paragraph (2). The Secretary may by regulation or other guidance adjust the dollar amount specified in this subsection.

“(f) DEFINITION OF SERVICE PROVIDER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘service provider’ includes any person providing administration, recordkeeping, consulting, investment management services, or investment advice to an individual account plan under a contract or arrangement.

“(2) CONTROLLED GROUPS TREATED AS ONE SERVICE PROVIDER.—All persons which would be treated as a single employer under subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 if section 1563(a)(1) of such Code were applied—

“(A) except as provided by subparagraph (B), by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears therein, or

“(B) for purposes of subsection (a)(1)(C)(i), by substituting ‘at least 20 percent’ for ‘at least 80 percent’ each place it appears therein, shall be treated as one person for purposes of this section.

“SEC. 112. REQUIREMENT TO PROVIDE NOTICE TO PARTICIPANTS OF PLAN FEE INFORMATION.

“(a) DISCLOSURES TO PARTICIPANTS AND BENEFICIARIES.—

“(1) ADVANCE NOTICE OF AVAILABLE INVESTMENT OPTIONS.—

“(A) IN GENERAL.—The plan administrator of an applicable individual account plan shall provide to the participant or beneficiary notice of the investment options available under the plan before—

“(i) the earliest date provided for under the plan for the participant’s initial investment of any contribution made on behalf of such participant, and

“(ii) the effective date of any change in the list of investment options available under the plan, unless such advance notice is impracticable, and in such case, as soon as is practicable.

“(B) INFORMATION INCLUDED IN NOTICE.—The notice required under subparagraph (A) shall—

“(i) set forth, with respect to each available investment option—

“(I) the name of the option,

“(II) a general description of the option’s investment objectives and principal investment strategies, principal risk and return characteristics, and the name of the option’s investment manager,

“(III) whether the investment option is designed to be a comprehensive, stand-alone investment for retirement that provides varying

degrees of long-term appreciation and capital preservation through a mix of equity and fixed income exposures,

“(IV) the extent to which the investment option is actively managed or passively managed in relation to an index and the difference between active management and passive management,

“(V) where, and the manner in which, additional plan-specific, option-specific, and generally available investment information may be obtained, and

“(VI) a statement explaining that investment options should not be evaluated solely on the basis of the charges for each option but should also be based on consideration of other key factors, including the risk level of the option, the investment objectives of the option, historical returns of the option, and the participant’s personal investment objectives,

“(ii) include a statement of the right under paragraph (2) of participants and beneficiaries to request, and a description of how a participant or beneficiary may request, a copy of the statements received by the plan administrator under section 111 with respect to the plan, and

“(iii) include the plan fee comparison chart described in subparagraph (C).

“(C) PLAN FEE COMPARISON CHART.—

“(i) IN GENERAL.—

“(I) IN GENERAL.—The notice provided under this paragraph shall include a plan fee comparison chart consisting of a comparison of the service and investment charges that will or could be assessed against the account of the participant or beneficiary with respect to the plan year.

“(II) EXPRESSED AS DOLLAR AMOUNT OR FORMULA.—For purposes of this subparagraph, such charges shall be provided in the form of a dollar amount or as a formula (such as a percentage of assets), as appropriate.

“(ii) CATEGORIZATION OF CHARGES.—The plan fee comparison chart shall provide information in relation to the following categories of charges that will or could be assessed against the account of the participant or beneficiary:

“(I) ASSET-BASED CHARGES SPECIFIC TO INVESTMENT.—Charges that vary depending on the investment options selected by the participant or beneficiary, including the annual operating expenses of the investment option and investment-specific asset-based charges (such as loads, commissions, brokerage fees, exchange fees, redemption fees, and surrender charges). Except as provided by the Secretary in regulations under this section, the information relating to such charges shall include a statement noting any charges for 1 or more investment options which pay for services other than investment management.

“(II) RECURRING ASSET-BASED CHARGES NOT SPECIFIC TO INVESTMENT.—Charges that are assessed as a percentage of the total assets in the account of the participant or beneficiary, regardless of the investment option selected.

“(III) ADMINISTRATIVE AND TRANSACTION-BASED CHARGES.—Administration and transaction-based charges, including fees charged to participants to cover plan administration, compliance, and recordkeeping costs, plan loan origination fees, possible redemption fees, and possible surrender charges, that are not assessed as a percentage of the total assets in the account and are either automatically deducted each year or result from certain transactions engaged in by the participant or beneficiary.

“(IV) OTHER CHARGES.—Any other charges which may be deducted from participants’ or beneficiaries’ accounts and which are not described in subclauses (I), (II), and (III).

“(iii) FEES AND HISTORICAL RETURNS.—The plan fee comparison chart shall include—

“(I) the historical returns, net of fees and expenses, for the previous year, 5 years, and 10

years (or for the period since inception, if shorter) with respect to such investment option, and

“(II) the historical returns of an appropriate benchmark, index, or other point of comparison for each such period.

“(D) MODEL NOTICES.—The Secretary shall prescribe one or more model notices that may be used for purposes of satisfying the requirements of this paragraph, including model plan fee comparison charts.

“(E) ESTIMATIONS.—For purposes of providing the notice required under this paragraph, the plan administrator may provide a reasonable and representative estimate for any charges or percentages disclosed under subparagraph (B) or (C) and shall indicate whether the amount of any such charges or percentages disclosed is an estimate.

“(2) DISCLOSURE OF SERVICE PROVIDER STATEMENTS.—The plan administrator shall provide to any participant or beneficiary a copy of any statement received pursuant to section 111 within 30 days after receipt of a request for such a statement.

“(3) NOTICE OF MATERIAL CHANGES.—In the case of any event or other change which causes the information included in any notice described in paragraph (1) to become materially incorrect, the plan administrator shall provide participants and beneficiaries a written statement providing the corrected information not later than 30 days after the plan administrator knows, or exercising reasonable diligence would have known, of such event or other change.

“(4) TIME AND MANNER OF PROVIDING NOTICES AND DISCLOSURES.—

“(A) IN GENERAL.—The notices described in paragraph (1) shall be provided at such times and in such manner as the Secretary may provide. Other notices and materials required to be provided under this subsection shall be provided in such manner as the Secretary may provide.

“(B) MANNER OF PRESENTATION.—

“(i) IN GENERAL.—All information included in such notices or explanations shall be presented in a manner which is easily understood by the typical participant.

“(ii) GENERIC EXAMPLE OF OPERATING EXPENSES OF INVESTMENT OPTIONS.—The information described in paragraph (1)(C)(ii)(I) shall include a generic example describing the charges that would apply during an annual period with respect to a \$10,000 investment in the investment option.

“(b) APPLICABLE INDIVIDUAL ACCOUNT PLAN.—For purposes of this section, the term ‘applicable individual account plan’ means the portion of any individual account plan which permits a participant or beneficiary to exercise control over assets in his or her account.

“(c) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

“(1) provide a later deadline for providing the notice of investment menu changes described in subsection (a)(3) in appropriate circumstances, and

“(2) provide guidelines, and a safe harbor, for the selection of an appropriate benchmark, index, or other point of comparison for an investment option under subsection (a)(1)(C)(iii)(II).”

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 111 and inserting the following new items:

“Sec. 111. Requirement to provide notice of plan fee information to plan administrators.

“Sec. 112. Requirement to provide notice to participants of plan fee information.

“Sec. 113. Repeal and effective date.”

(b) QUARTERLY BENEFIT STATEMENTS.—Section 105 of such Act (29 U.S.C. 1025) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (G);

(B) in subparagraph (B)(ii)—

(i) in subclause (II), by striking “diversified, and” and inserting “diversified,”;

(ii) in subclause (III) by striking the period and inserting “, and”;

(iii) by adding after subclause (III) the following new subclause:

“(IV) with respect to the portion of a participant’s account for which the participant has the right to direct the investment of assets, the information described in subparagraph (C).”;

and

(C) by inserting after subparagraph (B) the following new subparagraphs:

“(C) QUARTERLY BENEFIT STATEMENTS.—The plan administrator shall provide to each participant and beneficiary, at least once each calendar quarter, an explanation describing the investment options in which the participant’s or beneficiary’s account is invested as of the last day of the preceding quarter. Such explanation shall provide, to the extent applicable, the following for the preceding quarter:

“(i) As of the last day of the quarter, a statement of the different asset classes that the participant’s or beneficiary’s account is invested in and the percentage of the account allocated to each asset class.

“(ii) A statement of the starting and ending balance of the participant’s or beneficiary’s account for such quarter.

“(iii) A statement of the total contributions made to the participant’s or beneficiary’s account during the quarter and a separate statement of—

“(I) the amount of such contributions, and the total amount of any restorative payments, which were made by the employer during the quarter, and

“(II) the amount of such contributions which were made by the employee.

“(iv) A statement of the total fees and expenses which were directly deducted from the participant’s or beneficiary’s account during the quarter and an itemization of such fees and expenses.

“(v) A statement of the net returns for the year to date, expressed as a percentage, and a statement as to whether the net returns include amounts described in clause (iv).

“(vi) With respect to each investment option in which the participant or beneficiary was invested as of the last day of the quarter, the following:

“(I) A statement of the percentage of the participant’s or beneficiary’s account that is invested in such option as of the last day of such quarter.

“(II) A statement of the starting and ending balance of the participant’s or beneficiary’s account that is invested in such option for such quarter.

“(III) A statement of the annual operating expenses of the investment option.

“(IV) A statement of whether the disclosure described in clause (iv) includes the annual operating expenses of the investment options of the participant or beneficiary.

“(vii) The statement described in section 112(a)(1)(B)(i)(VI).

“(viii) A statement regarding how a participant or beneficiary may access the information required to be disclosed under section 112(a)(1).

“(D) MODEL EXPLANATIONS.—The Secretary shall prescribe one or more model explanations that may be used for purposes of satisfying the requirements of subparagraph (C).

“(E) DETERMINATION OF EXPENSES.—For purposes of subparagraph (C)(vi)(III)—

“(i) Expenses may be expressed as a dollar amount or as a percentage of assets (or a combination thereof).

“(ii) The plan administrator may provide disclosure of the expenses for the quarter or may provide a reasonable and representative estimate of such expenses and shall indicate any such estimate as being an estimate. Any such estimate shall be based on reasonable assumptions stated together with such estimate.

“(iii) To the extent that estimated expenses are expressed as a percentage of assets, the disclosure shall also include one of the following, stated in dollar amounts:

“(I) an estimate of the expenses for the quarter based on the amount invested in the option; or

“(II) an example describing the expenses that would apply during the quarter with respect to a hypothetical \$10,000 investment in the option.

“(F) ANNUAL COMPLIANCE FOR SMALL PLANS.—A plan that has fewer than 100 participants and beneficiaries as of the first day of the plan year may provide the explanation described in subparagraph (C) on an annual rather than a quarterly basis.”.

(c) ASSISTANCE FROM THE DEPARTMENT OF LABOR.—Section 105 of such Act (29 U.S.C. 1025) is amended by adding at the end the following new subsections:

“(d) ASSISTANCE TO SMALL EMPLOYERS.—The Secretary shall make available to employers with 100 or fewer employees—

“(1) educational and compliance materials designed to assist such employers in selecting and monitoring service providers for individual account plans which permit a participant or beneficiary to exercise control over the assets in the account of the participant or beneficiary, investment options under such plans, and charges relating to such options, and

“(2) services designed to assist such employers in finding and understanding affordable investment options for such plans and in comparing the investment performance of, and charges for, such options on an ongoing basis against appropriate benchmarks or other appropriate measures.

“(e) ASSISTANCE TO PLAN SPONSORS AND PLAN PARTICIPANTS AND BENEFICIARIES.—The Secretary shall provide plan administrators and plan sponsors of individual account plans and participants and beneficiaries under such plans assistance with any questions or problems regarding compliance with the requirements of subparagraphs (B)(ii)(IV) and (C) of subsection (a)(2) and section 112.”.

(d) ENFORCEMENT.—

(1) PENALTIES.—Section 502 of such Act (29 U.S.C. 1132) is amended—

(A) in subsection (a)(6), by striking “under paragraph (2)” and all that follows through “subsection (c)” and inserting “under paragraph (2), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of subsection (c)”;

(B) in subsection (c), by redesignating the second paragraph (10) as paragraph (13), and by inserting after the first paragraph (10) the following new paragraphs:

“(11)(A) In the case of any failure by a service provider (as defined in section 111(f)(1)) to provide a statement in violation of section 111, the service provider may be assessed by the Secretary a civil penalty of up to \$1,000 for each day in the noncompliance period.

“(B) For purposes of subparagraph (A), the noncompliance period with respect to the failure to provide any statement is the period beginning on the date that such statement was required to be provided and ending on the date that such statement is provided or the failure is otherwise corrected.

“(C)(i) The total amount of a penalty assessed under this paragraph on any service provider

with respect to any individual account plan for any plan year shall not exceed an amount equal to the lesser of—

“(I) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

“(II) \$1,000,000.

“(ii) No penalty shall be imposed by subparagraph (A) on any failure if—

“(I) the service provider subject to liability for the penalty under subparagraph (A) exercised reasonable diligence to meet the requirement with respect to which the failure relates, and

“(II) such service provider provides the information required under section 111 during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

“(iii) In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty under subparagraph (A) to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

“(D) The penalty imposed under this paragraph with respect to any failure shall be reduced by the amount of any tax imposed on such person with respect to such failure under section 4980J of the Internal Revenue Code of 1986.

“(12)(A) Any plan administrator with respect to a plan who fails or refuses to provide a notice, explanation, or statement to participants and beneficiaries in accordance with subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112 may be assessed by the Secretary a civil penalty of up to \$110 for each day in the noncompliance period.

“(B) For purposes of subparagraph (A), the noncompliance period with respect to the failure to provide any notice, explanation, or statement referred to in subparagraph (B)(ii)(IV) or (C) of section 105(a)(2) or section 112 with respect to any participant or beneficiary is the period beginning on the date that such notice, explanation, or statement was required to be provided and ending on the date that such notice, explanation, or statement is provided or the failure is otherwise corrected.

“(C)(i) The total amount of penalty assessed under this paragraph with respect to any plan for any plan year shall not exceed an amount equal to the lesser of—

“(I) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

“(II) \$500,000.

“(ii) No penalty shall be imposed under subparagraph (A) on any failure to meet the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112 if—

“(I) any person subject to liability for the penalty under subparagraph (A) exercised reasonable diligence to meet such requirements, and

“(II) such person provides the notice, explanation, or statement to which the failure relates during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

“(iii) In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary shall waive part or all of the penalty under subparagraph (A) to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

“(iv) The penalty imposed under this paragraph with respect to any failure shall be reduced by the amount of any tax imposed on such person with respect to such failure under section 4980K of the Internal Revenue Code of 1986.”.

(2) ENFORCEMENT COORDINATION AND REVIEW BY THE DEPARTMENT OF LABOR.—Section 502 of

such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

“(n) ENFORCEMENT COORDINATION OF CERTAIN DISCLOSURE REQUIREMENTS RELATING TO INDIVIDUAL ACCOUNT PLANS AND REVIEW BY THE DEPARTMENT OF LABOR.—

“(1) NOTIFICATION AND ACTION RELATING TO SERVICE PROVIDERS.—The Secretary shall notify the applicable regulatory authority in any case in which the Secretary determines that a service provider is engaged in a pattern or practice that precludes compliance by plan administrators with subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112. The Secretary shall, in consultation with the applicable authority, take such timely enforcement action under this title as is necessary to assure that such pattern or practice ceases and desists and assess any appropriate penalties.

“(2) ANNUAL AUDIT OF REPRESENTATIVE SAMPLING OF INDIVIDUAL ACCOUNT PLANS.—The Secretary shall annually audit a representative sampling of individual account plans covered by this title to determine compliance with the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2), section 111, and section 112. The Secretary shall annually report the results of such audit and any related recommendations of the Secretary to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.”.

(e) REVIEW AND REPORT TO THE CONGRESS BY SECRETARY OF LABOR RELATING TO REPORTING AND DISCLOSURE REQUIREMENTS.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor shall review the reporting and disclosure requirements of part 1 of subtitle B of title 1 of the Employee Retirement Income Security Act of 1974 and related provisions of the Pension Protection Act of 2006.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall make such recommendations as the Secretary of Labor considers appropriate to the appropriate committees of the Congress to consolidate, simplify, standardize, and improve the applicable reporting and disclosure requirements so as to simplify reporting for employee pension benefit plans and ensure that needed understandable information is provided to participants and beneficiaries of such plans.

SEC. 323. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc. plans) is amended by adding at the end the following new sections:

“SEC. 4980J. FAILURE TO PROVIDE NOTICE OF PLAN FEE INFORMATION TO PLAN ADMINISTRATORS.

“(a) IMPOSITION OF TAX.—

“(1) IN GENERAL.—There is hereby imposed a tax on each failure of a service provider to meet the requirements of paragraph (2) with respect to any applicable defined contribution plan.

“(2) FAILURES DESCRIBED.—The failures described in this paragraph are—

“(A) any failure to provide an initial statement described in subsection (d),

“(B) any failure to provide an annual statement described in subsection (e), and

“(C) any failure to provide a material change statement described in subsection (f).

“(b) AMOUNT OF TAX.—

“(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure shall be \$1,000 for each day in the noncompliance period.

“(2) NONCOMPLIANCE PERIOD.—For purposes of paragraph (1), the noncompliance period with respect to the failure to provide any statement is

the period beginning on the date that such statement was required to be provided and ending on the date that such statement is provided or the failure is otherwise corrected.

“(c) LIMITATIONS.—

“(1) AGGREGATE LIMITATION.—The total amount of tax imposed by this section on any service provider with respect to any applicable defined contribution plan for any plan year shall not exceed an amount equal to the lesser of—

“(A) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

“(B) \$1,000,000.

“(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

“(A) the service provider subject to liability for the tax under subsection (a) exercised reasonable diligence to meet the requirement with respect to which the failure relates, and

“(B) such service provider provides the information required under subsection (a) during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

“(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

“(d) INITIAL STATEMENT OF SERVICES PROVIDED AND REVENUES RECEIVED.—

“(1) IN GENERAL.—Before entering into any contract or arrangement to provide services to an applicable defined contribution plan, the service provider shall provide to the plan administrator a single written statement which includes, with respect to the first plan year covered under such contract or arrangement, the following:

“(A) A detailed description of the services which will be provided to the plan by the service provider, the amount of total expected annual revenue with respect to such services, the manner in which such revenue will be collected, and the extent to which such revenue varies between specific investment options.

“(B)(i) In the case of a service provider who is providing recordkeeping services with respect to any investment option, such information as is necessary for the plan administrator to satisfy the requirements of paragraphs (1), (2) and (4) of section 4980K(e) with respect to such option, including specifying the method used by the service provider in disclosing or estimating expenses under subparagraphs (A)(iv) and (C) of such paragraph (2).

“(ii) To the extent provided in regulations issued by the Secretary of Labor, clause (i) shall not apply in the case of a service provider described in such clause if the service provider receives a written notification from the plan administrator that the information described in such clause in connection with the investment option is provided by another service provider pursuant to a contract or arrangement to provide services to the plan.

“(C) A statement indicating—

“(i) the identity of any investment options offered under the plan with respect to which the service provider provides substantial investment, trustee, custodial, or administrative services, and

“(ii) in the case of any investment option, whether the service provider expects to receive any component of total expected annual revenue described in paragraph (2)(A)(ii)(II) with respect to such option and the amount of any such component.

“(D) The portion of total expected annual revenue which is properly allocable to each of the following:

“(i) Administration and recordkeeping.

“(ii) Investment management.

“(iii) Other services or amounts not described in clause (i) or (ii).

“(2) DEFINITION OF TOTAL EXPECTED ANNUAL REVENUE.—For purposes of this section—

“(A) IN GENERAL.—The term ‘total expected annual revenue’ means, with respect to any plan year—

“(i) any amount expected to be received during such plan year from the plan (including amounts paid from participant accounts), any participant or beneficiary, or any plan sponsor in connection with the contract or arrangement referred to in paragraph (1), and

“(ii) any amount not taken into account under clause (i) which is expected to be received during such plan year by the service provider in connection with—

“(I) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by the service provider with respect to the plan, or

“(II) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by any other person with respect to the plan.

“(B) EXPRESSED AS DOLLAR AMOUNT OR PERCENTAGE OF ASSETS.—Total expected annual revenue and any amount indicated under paragraph (1)(C)(ii) may be expressed as a dollar amount or as a percentage of assets (or a combination thereof), as appropriate. To the extent that total expected annual revenue is expressed as a percentage of assets, such percentage shall be properly allocated among clauses (i), (ii), and (iii) of paragraph (1)(D).

“(C) PROVISION OF FEE SCHEDULE FOR CERTAIN PARTICIPANT INITIATED TRANSACTIONS.—In the case of amounts expected to be received from participants or beneficiaries under the plan (or from the account of a participant or beneficiary) as a fee or charge in connection with a transaction initiated by the participant (other than loads, commissions, brokerage fees, and other investment related transactions)—

“(i) such amounts shall not be taken into account in determining total expected annual revenue, and

“(ii) the service provider shall provide to the plan administrator, as part of the statement referred to in paragraph (1), a fee schedule which describes each such fee or charge, the amount thereof, and the manner in which such amount is collected.

“(D) ESTIMATIONS.—In determining under this subsection any amount which is expected to be received by the service provider, the service provider shall provide a reasonable estimate of such amount and shall indicate in the statement referred to in paragraph (1) whether such amount disclosed is an estimate. Any such estimate shall be based on reasonable assumptions specified in such statement.

“(3) ALLOCATION RULES.—The Secretary of Labor shall provide rules for defining total expected annual revenue and for the appropriate and consistent allocation of total expected annual revenue among clauses (i), (ii), and (iii) of paragraph (1)(D), except that the entire amount of such revenue shall be allocated among such clauses and no amount may be taken into account under more than one clause.

“(4) DISCLOSURE OF DIFFERENT PRICING OF INVESTMENT OPTIONS.—In the case of investment options with more than one share class or price level, the Secretary of Labor shall prescribe regulations for the disclosure of the different share classes or price levels available as part of the statement in paragraph (1). Such regulations shall provide guidance with respect to the disclosure of the basis for qualifying for such share classes or price levels, which may include amounts invested, number of participants, or other factors.

“(5) **DISCLOSURE OF INVESTMENT TRANSACTION COSTS.**—To the extent provided in regulations issued by the Secretary of Labor, a service provider shall separately disclose the transaction costs (including sales commissions) for each investment option for the preceding year or the plan’s allocable share of such costs for the preceding year.

“(e) **ANNUAL STATEMENTS.**—With respect to each plan year after the plan year covered by the statement described in subsection (d), the service provider shall provide the plan administrator a single written statement which includes the information described in subsection (d) with respect to such subsequent plan year.

“(f) **MATERIAL CHANGE STATEMENTS.**—In the case of any event or other change during a plan year which causes the information included in any statement described in subsection (d) or (e) with respect to such plan year to become materially incorrect, the service provider shall provide the plan administrator a written statement providing the corrected information not later than 30 days after the service provider knows, or exercising reasonable diligence would have known, of such event or other change.

“(g) **TIME AND MANNER OF PROVIDING STATEMENT AND OTHER MATERIALS.**—The statement referred to in subsections (d)(1) and (e) shall be made at such time and in such manner as the Secretary of Labor may provide. Other materials required to be provided under this section shall be provided in such manner as such Secretary may provide. All information included in such statements and other materials shall be presented in a manner which is easily understood by the typical plan administrator.

“(h) **EXCEPTION FOR SMALL SERVICE PROVIDERS.**—The requirements of this section shall not apply with respect to any contract or arrangement for services provided with respect to an individual account plan for any plan year if—

“(1) the total annual revenue expected by the service provider to be received with respect to the plan for such plan year is less than \$5,000, and

“(2) the service provider provides a written statement to the plan administrator that the total annual revenue expected by the service provider to be received with respect to the plan is less than \$5,000.

Service providers who expect to receive de minimis annual revenue from the plan need not provide the written statement described in paragraph (2). The Secretary of Labor may by regulation or other guidance adjust the dollar amount specified in this subsection.

“(i) **DEFINITIONS.**—For purposes of this section—

“(1) **SERVICE PROVIDER.**—

“(A) **IN GENERAL.**—The term ‘service provider’ includes any person providing administration, recordkeeping, consulting, investment management services, or investment advice to an applicable defined contribution plan under a contract or arrangement.

“(B) **CONTROLLED GROUPS TREATED AS ONE SERVICE PROVIDER.**—All persons which would be treated as a single employer under subsection (b) or (c) of section 414 if section 1563(a)(1) were applied—

“(i) except as provided by subparagraph (B), by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears therein, or

“(ii) for purposes of subsection (d)(1)(C)(i), by substituting ‘at least 20 percent’ for ‘at least 80 percent’ each place it appears therein, shall be treated as one person for purposes of this section.

“(2) **APPLICABLE DEFINED CONTRIBUTION PLAN.**—The term ‘applicable defined contribution plan’ means any defined contribution plan

described in clauses (iii) through (vi) of section 402(c)(8)(B).

“(3) **PLAN ADMINISTRATOR.**—The term ‘plan administrator’ has the meaning given such term by section 414(g).

“SEC. 4980K. FAILURE TO PROVIDE NOTICE TO PARTICIPANTS OF PLAN FEE INFORMATION.

“(a) **IMPOSITION OF TAX.**—

“(1) **IN GENERAL.**—There is hereby imposed a tax on each failure of a plan administrator of an applicable defined contribution plan to meet the requirements of paragraph (2) with respect to any participant or beneficiary.

“(2) **FAILURES DESCRIBED.**—The failures described in this paragraph are—

“(A) any failure to provide an advance notice of available investment options described in subsection (e)(1),

“(B) any failure to provide an account explanation described in subsection (e)(2),

“(C) any failure to provide a service provider statement referred to in subsection (e)(3), and

“(D) any failure to provide a notice of material change described in subsection (e)(4).

“(b) **AMOUNT OF TAX.**—

“(1) **IN GENERAL.**—The amount of the tax imposed by subsection (a) on any failure with respect to any participant or beneficiary shall be \$100 for each day in the noncompliance period.

“(2) **NONCOMPLIANCE PERIOD.**—For purposes of paragraph (1), the noncompliance period with respect to the failure to provide any notice, explanation, or statement referred to in subsection (a)(2) with respect to any participant or beneficiary is the period beginning on the date that such notice, explanation, or statement was required to be provided and ending on the date that such notice, explanation, or statement is provided or the failure is otherwise corrected.

“(c) **LIMITATIONS ON AMOUNT OF TAX.**—

“(1) **AGGREGATE LIMITATION.**—The total amount of tax imposed by this section with respect to any plan for any plan year shall not exceed an amount equal to the lesser of—

“(A) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

“(B) \$500,000.

“(2) **TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.**—No tax shall be imposed by subsection (a) on any failure if—

“(A) any person subject to liability for the tax under subsection (a) exercised reasonable diligence to meet the requirements of subsection (e), and

“(B) such person provides the notice, explanation, or statement to which the failure relates during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

“(3) **WAIVER BY SECRETARY.**—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary shall waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

“(d) **LIABILITY FOR TAX.**—The plan administrator shall be liable for the tax imposed by subsection (a).

“(e) **DISCLOSURES TO PARTICIPANTS AND BENEFICIARIES.**—

“(1) **ADVANCE NOTICE OF AVAILABLE INVESTMENT OPTIONS.**—

“(A) **IN GENERAL.**—The plan administrator of an applicable defined contribution plan shall provide to the participant or beneficiary notice of the investment options available under the plan before—

“(i) the earliest date provided for under the plan for the participant’s initial investment of any contribution made on behalf of such participant, and

“(ii) the effective date of any change in the list of investment options available under the plan, unless such advance notice is impracticable, and in such case, as soon as is practicable.

“(B) **INFORMATION INCLUDED IN NOTICE.**—The notice required under subparagraph (A) shall—

“(i) set forth, with respect to each available investment option—

“(I) the name of the option,

“(II) a general description of the option’s investment objectives and principal investment strategies, principal risk and return characteristics, and the name of the option’s investment manager,

“(III) whether the investment option is designed to be a comprehensive, stand-alone investment for retirement that provides varying degrees of long-term appreciation and capital preservation through a mix of equity and fixed income exposures,

“(IV) the extent to which the investment option is actively managed or passively managed in relation to an index and the difference between active management and passive management,

“(V) where, and the manner in which, additional plan-specific, option-specific, and generally available investment information may be obtained, and

“(VI) a statement explaining that investment options should not be evaluated solely on the basis of the charges for each option but should also be based on consideration of other key factors, including the risk level of the option, the investment objectives of the option, historical returns of the option, and the participant’s personal investment objectives,

“(ii) include a statement of the right under paragraph (3) of participants and beneficiaries to request, and a description of how participant or beneficiary may request, a copy of the statements received by the plan administrator under section 4980J with respect to the plan, and

“(iii) include the plan fee comparison chart described in subparagraph (C).

“(C) **PLAN FEE COMPARISON CHART.**—

“(i) **IN GENERAL.**—

“(I) **IN GENERAL.**—The notice provided under this paragraph shall include a plan fee comparison chart consisting of a comparison of the service and investment charges that will or could be assessed against the account of the participant or beneficiary with respect to the plan year.

“(II) **EXPRESSED AS DOLLAR AMOUNT OR FORMULA.**—For purposes of this subparagraph, such charges shall be provided in the form of a dollar amount or as a formula (such as a percentage of assets), as appropriate.

“(ii) **CATEGORIZATION OF CHARGES.**—The plan fee comparison chart shall provide information in relation to the following categories of charges that will or could be assessed against the account of the participant or beneficiary:

“(I) **ASSET-BASED CHARGES SPECIFIC TO INVESTMENT.**—Charges that vary depending on the investment options selected by the participant or beneficiary, including the annual operating expenses of the investment option and investment-specific asset-based charges (such as loads, commissions, brokerage fees, exchange fees, redemption fees, and surrender charges). Except as provided by the Secretary of Labor in regulations under this section, the information relating to such charges shall include a statement noting any charges for 1 or more investment options which pay for services other than investment management.

“(II) **RECURRING ASSET-BASED CHARGES NOT SPECIFIC TO INVESTMENT.**—Charges that are assessed as a percentage of the total assets in the account of the participant or beneficiary, regardless of the investment option selected.

“(III) **ADMINISTRATIVE AND TRANSACTION-BASED CHARGES.**—Administration and transaction-based charges, including fees charged to

participants to cover plan administration, compliance, and recordkeeping costs, plan loan origination fees, possible redemption fees, and possible surrender charges, that are not assessed as a percentage of the total assets in the account and are either automatically deducted each year or result from certain transactions engaged in by the participant or beneficiary.

“(IV) OTHER CHARGES.—Any other charges which may be deducted from participants’ or beneficiaries’ accounts and which are not described in subclauses (I), (II), and (III).

“(iii) FEES AND HISTORICAL RETURNS.—The plan fee comparison chart shall include—

“(I) the historical returns, net of fees and expenses, for the previous year, 5 years, and 10 years (or for the period since inception, if shorter) with respect to such investment option, and

“(II) the historical returns of an appropriate benchmark, index, or other point of comparison for each such period.

“(D) MODEL NOTICES.—The Secretary of Labor shall prescribe one or more model notices that may be used for purposes of satisfying the requirements of this paragraph, including model plan fee comparison charts.

“(E) ESTIMATIONS.—For purposes of providing the notice required under this paragraph, the plan administrator may provide a reasonable and representative estimate for any charges or percentages disclosed under subparagraph (B) or (C) and shall indicate whether the amount of any such charges or percentages disclosed is an estimate.

“(2) QUARTERLY BENEFIT STATEMENT.—

“(A) REQUIREMENTS.—The plan administrator shall provide to each participant and beneficiary, at least once each calendar quarter, an explanation describing the investment options in which the participant’s or beneficiary’s account is invested as of the last day of the preceding quarter. Such explanation shall provide, to the extent applicable, the following for the preceding quarter:

“(i) As of the last day of the quarter, a statement of the different asset classes that the participant’s or beneficiary’s account is invested in and the percentage of the account allocated to each asset class.

“(ii) A statement of the starting and ending balance of the participant’s or beneficiary’s account for such quarter.

“(iii) A statement of the total contributions made to the participant’s or beneficiary’s account during the quarter and a separate statement of—

“(I) the amount of such contributions, and the total amount of any restorative payments, which were made by the employer during the quarter, and

“(II) the amount of such contributions which were made by the employee.

“(iv) A statement of the total fees and expenses which were directly deducted from the participant’s or beneficiary’s account during the quarter and an itemization of such fees and expenses.

“(v) A statement of the net returns for the year to date, expressed as a percentage, and a statement as to whether the net returns include amounts described in clause (iv).

“(vi) With respect to each investment option in which the participant or beneficiary was invested as of the last day of the quarter, the following:

“(I) A statement of the percentage of the participant’s or beneficiary’s account that is invested in such option as of the last day of such quarter.

“(II) A statement of the starting and ending balance of the participant’s or beneficiary’s account that is invested in such option for such quarter.

“(III) A statement of the annual operating expenses of the investment option.

“(IV) A statement of whether the disclosure described in clause (iv) includes the annual operating expenses of the investment options of the participant or beneficiary.

“(vii) The statement described in paragraph (1)(B)(i)(VI).

“(viii) A statement regarding how a participant or beneficiary may access the information required to be disclosed under paragraph (1).

“(B) MODEL EXPLANATIONS.—The Secretary of Labor shall prescribe one or more model explanations that may be used for purposes of satisfying the requirements of this paragraph.

“(C) DETERMINATION OF EXPENSES.—For purposes of subparagraph (A)(vi)(III)—

“(i) Expenses may be expressed as a dollar amount or as a percentage of assets (or a combination thereof).

“(ii) The plan administrator may provide disclosure of the expenses for the quarter or may provide a reasonable and representative estimate of such expenses and shall indicate any such estimate as being an estimate. Any such estimate shall be based on reasonable assumptions stated together with such estimate.

“(iii) To the extent that estimated expenses are expressed as a percentage of assets, the disclosure shall also include one of the following, stated in dollar amounts:

“(I) an estimate of the expenses for the quarter based on the amount invested in the option; or

“(II) an example describing the expenses that would apply during the quarter with respect to a hypothetical \$10,000 investment in the option.

“(3) DISCLOSURE OF SERVICE PROVIDER STATEMENTS.—The plan administrator shall provide to any participant or beneficiary a copy of any statement received pursuant to section 4980J within 30 days after receipt of a request for such a statement.

“(4) NOTICE OF MATERIAL CHANGES.—In the case of any event or other change which causes the information included in any notice described in paragraph (1) to become materially incorrect, the plan administrator shall provide participants and beneficiaries a written statement providing the corrected information not later than 30 days after the plan administrator knows, or exercising reasonable diligence would have known, of such event or other change.

“(5) TIME AND MANNER OF PROVIDING NOTICES AND DISCLOSURES.—

“(A) IN GENERAL.—The notices described in paragraph (1) shall be provided at such times and in such manner as the Secretary of Labor may provide. Other notices and materials required to be provided under this subsection shall be provided in such manner as such Secretary may provide.

“(B) MANNER OF PRESENTATION.—

“(i) IN GENERAL.—All information included in such notices or explanations shall be presented in a manner which is easily understood by the typical participant.

“(ii) GENERIC EXAMPLE OF OPERATING EXPENSES OF INVESTMENT OPTIONS.—The information described in paragraphs (1)(C)(ii)(I) shall include a generic example describing the charges that would apply during an annual period with respect to a \$10,000 investment in the investment option.

“(C) ANNUAL COMPLIANCE FOR SMALL PLANS.—A plan that has fewer than 100 participants and beneficiaries as of the first day of the plan year may provide the explanation described in paragraph (2) on an annual rather than a quarterly basis.

“(f) DEFINITIONS.—

“(1) APPLICABLE DEFINED CONTRIBUTION PLAN.—The term ‘applicable defined contribution plan’ means the portion of any defined contribution plan which—

“(A) permits a participant or beneficiary to exercise control over assets in his or her account, and

“(B) is described in clauses (iii) through (vi) of section 402(c)(8)(B).

“(2) PLAN ADMINISTRATOR.—The term ‘plan administrator’ has the meaning given such term by section 414(g).

“(g) REGULATIONS.—The Secretary of Labor shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

“(1) provide a later deadline for providing the notice of investment menu changes described in subsection (e)(4) in appropriate circumstances, and

“(2) provide guidelines, and a safe harbor, for the selection of an appropriate benchmark, index, or other point of comparison for an investment option under subsection (e)(1)(C)(iii)(II).”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new items:

“Sec. 4980J. Failure to provide notice of plan fee information to plan administrators.

“Sec. 4980K. Failure to provide notice to participants of plan fee information.”.

SEC. 324. REGULATORY AUTHORITY AND COORDINATION.

(a) REGULATORY AUTHORITY.—The Secretary of Labor shall prescribe regulations or other guidance to the extent the Secretary determines necessary or appropriate to carry out the purposes of sections 105, 111, and 112 of the Employee Retirement Income Security Act of 1974 and sections 4980J and 4980K of the Internal Revenue Code of 1986, including regulations or other guidance which—

(1) provide safe harbor and simplified methods for making the allocations described in subsection (a)(1)(D) of such section 111 and subsection (d)(1)(D) of such section 4980J; and

(2) provide special rules for the application of such sections to—

(A) investments with a guaranteed rate of return;

(B) investments with an insurance component; and

(C) employer sponsored retirement plans funded through an individual retirement account.

(3) address notices with respect to investments provided through participant directed brokerage trading;

(4) address the disclosure of information that is not proprietary to the service provider; and

(5) provide rules to allow service providers to consolidate information to satisfy the requirements of such sections with respect to all such service providers.

(b) CERTAIN ELECTRONIC DISCLOSURES PERMITTED.—Any disclosure required under section 112 of the Employee Retirement Income Security Act of 1974 or section 4980K of the Internal Revenue Code of 1986 may be provided through an electronic medium under such rules as shall be prescribed under such section by the Secretary of Labor not later than 1 year after the date of the enactment of this Act. Such rules shall be similar to those applicable under the Internal Revenue Code of 1986 with respect to notices to participants in pension plans. Such Secretary shall regularly modify such rules as appropriate to take into account new developments, including new forms of electronic media, and to fairly take into consideration the interests of plan sponsors, service providers, and participants. The rules prescribed by such Secretary pursuant to this subsection shall provide for a method for the typical participant or beneficiary to obtain without undue burden any such disclosure in writing on paper in lieu of receipt through an electronic medium.

SEC. 325. EFFECTIVE DATE OF SUBTITLE.

(a) **IN GENERAL.**—The amendments made by this subtitle shall apply to plan years beginning after December 31, 2011.

(b) **APPLICATION OF SERVICE PROVIDER DISCLOSURES TO EXISTING CONTRACTS AND ARRANGEMENTS.**—For purposes of section 111 of the Employee Retirement Income Security Act of 1974 and section 4980J of the Internal Revenue Code of 1986, any contract or arrangement to provide services to a plan which is in effect on January 1, 2012, shall be treated as a new contract or arrangement entered into on such date.

(c) **SPECIAL RULE FOR COMPLIANCE WITH SUBTITLE.**—Until 12 months after final regulations are issued by the Secretary of Labor pursuant to the amendments made by this subtitle, a service provider or plan administrator shall be treated as having complied with such amendments if such service provider or plan administrator complies with a reasonable good faith interpretation of such amendments.

TITLE IV—REVENUE OFFSETS**Subtitle A—Foreign Provisions****SEC. 401. RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE.**

(a) **IN GENERAL.**—Subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new section:

“SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.

“(a) **IN GENERAL.**—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

“(b) **SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.**—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

“(1) for purposes of section 902 or 960, or

“(2) for purposes of determining earnings and profits under section 964(a), before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

“(c) **SPECIAL RULES.**—For purposes of this section—

“(1) **APPLICATION TO PARTNERSHIPS, ETC.**—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

“(2) **TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.**—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

“(d) **DEFINITIONS.**—For purposes of this section—

“(1) **FOREIGN TAX CREDIT SPLITTING EVENT.**—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

“(2) **FOREIGN INCOME TAX.**—The term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(3) **RELATED INCOME.**—The term ‘related income’ means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

“(4) **COVERED PERSON.**—The term ‘covered person’ means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the ‘payor’)—

“(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

“(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

“(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

“(D) any other person specified by the Secretary for purposes of this paragraph.

“(5) **SECTION 902 CORPORATION.**—The term ‘section 902 corporation’ means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

“(e) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

“(1) appropriate exceptions from the provisions of this section, and

“(2) for the proper application of this section with respect to hybrid instruments.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

“Sec. 909. Suspension of taxes and credits until related income taken into account.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued after May 20, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

SEC. 402. DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.

(a) **IN GENERAL.**—Section 901 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) **DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.**—

“(1) **IN GENERAL.**—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

“(A) shall not be taken into account in determining the credit allowed under subsection (a), and

“(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

“(2) **COVERED ASSET ACQUISITION.**—For purposes of this section, the term ‘covered asset acquisition’ means—

“(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

“(B) any transaction which—

“(i) is treated as an acquisition of assets for purposes of this chapter, and

“(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

“(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

“(D) to the extent provided by the Secretary, any other similar transaction.

“(3) **DISQUALIFIED PORTION.**—For purposes of this section—

“(A) **IN GENERAL.**—The term ‘disqualified portion’ means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

“(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

“(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

“(B) **ALLOCATION OF BASIS DIFFERENCE.**—For purposes of subparagraph (A)(i)—

“(i) **IN GENERAL.**—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

“(ii) **SPECIAL RULE FOR DISPOSITION OF ASSETS.**—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

“(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

“(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

“(C) **BASIS DIFFERENCE.**—

“(i) **IN GENERAL.**—The term ‘basis difference’ means, with respect to any relevant foreign asset, the excess of—

“(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

“(II) the adjusted basis of such asset immediately before the covered asset acquisition.

“(ii) **BUILT-IN LOSS ASSETS.**—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

“(iii) **SPECIAL RULE FOR SECTION 338 ELECTIONS.**—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

“(4) **RELEVANT FOREIGN ASSETS.**—For purposes of this section, the term ‘relevant foreign asset’ means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

“(5) **FOREIGN INCOME TAX.**—For purposes of this section, the term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(6) **TAXES ALLOWED AS A DEDUCTION, ETC.**—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

“(7) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after—

(A) May 20, 2010, if the transferor and the transferee are related; and

(B) the date of the enactment of this Act in any other case.

(2) **TRANSITION RULE.**—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) **RELATED PERSONS.**—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

SEC. 403. SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES.

(a) **IN GENERAL.**—Subsection (d) of section 904 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

“(6) **SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.**—

“(A) **IN GENERAL.**—If—

“(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

“(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

“(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

“(B) **COORDINATION WITH OTHER PROVISIONS.**—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

“(C) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 404. LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS.

(a) **IN GENERAL.**—Section 960 is amended by adding at the end the following new subsection:

“(c) **LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.**—

“(1) **IN GENERAL.**—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

“(2) **AUTHORITY TO PREVENT ABUSE.**—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation’s foreign income taxes not deemed paid by reason of paragraph (1).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after May 20, 2010.

SEC. 405. SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES.

(a) **IN GENERAL.**—Paragraph (5) of section 304(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) **SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.**—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would not—

“(i) be subject to tax under this chapter for the taxable year in which the dividends arise, or

“(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to acquisitions after May 20, 2010.

SEC. 406. MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOCATING INTEREST EXPENSE.

(a) **IN GENERAL.**—Subparagraph (A) of section 864(e)(5) is amended by adding at the end the following: “Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

“(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

“(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 407. TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.

(a) **IN GENERAL.**—Paragraph (1) of section 861(a) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) **GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.**—

(1) **IN GENERAL.**—Subparagraph (B) of section 871(i)(2) is amended to read as follows:

“(B) The active foreign business percentage of—

“(i) any dividend paid by an existing 80/20 company, and

“(ii) any interest paid by an existing 80/20 company.”.

(2) **DEFINITIONS AND SPECIAL RULES.**—Section 871 is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

“(l) **RULES RELATING TO EXISTING 80/20 COMPANIES.**—For purposes of this subsection and subsection (i)(2)(B)—

“(1) **EXISTING 80/20 COMPANY.**—

“(A) **IN GENERAL.**—The term ‘existing 80/20 company’ means any corporation if—

“(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the enactment of this subsection) for such corporation’s last taxable year beginning before January 1, 2011,

“(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

“(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

“(B) **FOREIGN BUSINESS REQUIREMENTS.**—

“(i) **IN GENERAL.**—A corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

“(ii) **ACTIVE FOREIGN BUSINESS INCOME.**—For purposes of clause (i), the term ‘active foreign business income’ means gross income which—

“(I) is derived from sources outside the United States (as determined under this subchapter), and

“(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

“(iii) **TESTING PERIOD.**—For purposes of this subsection, the term ‘testing period’ means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

“(2) **ACTIVE FOREIGN BUSINESS PERCENTAGE.**—The term ‘active foreign business percentage’ means, with respect to any existing 80/20 company, the percentage which—

“(A) the active foreign business income of such company for the testing period, is of

“(B) the gross income of such company for the testing period from all sources.

“(3) **AGGREGATION RULES.**—For purposes of applying paragraph (1) (other than subparagraph (A)(i) thereof) and paragraph (2)—

“(A) IN GENERAL.—The corporation referred to in paragraph (1)(A) and all of such corporation's subsidiaries shall be treated as one corporation.

“(B) SUBSIDIARIES.—For purposes of subparagraph (A), the term ‘subsidiary’ means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting ‘50 percent’ for ‘80 percent’ each place it appears and without regard to section 1504(b)(3)).

“(4) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 861 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) is amended to read as follows:

“(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.”.

(3) Subsection (c) of section 2104 is amended in the last sentence by striking “or to a debt obligation of a domestic corporation” and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

SEC. 408. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 is amended by adding at the end the following new paragraph:

“(9) GUARANTEES.—Amounts—

“(A) received from noncorporate residents or domestic corporations with respect to guarantees, and

“(B) paid by any foreign person with respect to guarantees if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.”.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 is amended by striking “and” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “; and”, and by adding at the end the following new paragraph:

“(9) amounts received with respect to guarantees other than those derived from sources within the United States as provided in section 861(a)(9).”.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) is amended by striking “dividends or interest” and inserting “dividends, interest, or amounts with respect to guarantees”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

SEC. 409. LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS.

(a) IN GENERAL.—Paragraph (8) of section 6501(c) is amended—

(1) by striking “In the case of any information” and inserting the following:

“(A) IN GENERAL.—In the case of any information”; and

(2) by adding at the end the following:

“(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

Subtitle B—Personal Service Income Earned in Pass-thru Entities

SEC. 411. PARTNERSHIP INTERESTS TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES.

(a) MODIFICATION TO ELECTION TO INCLUDE PARTNERSHIP INTEREST IN GROSS INCOME IN YEAR OF TRANSFER.—Subsection (c) of section 83 is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) PARTNERSHIP INTERESTS.—Except as provided by the Secretary, in the case of any transfer of an interest in a partnership in connection with the provision of services to (or for the benefit of) such partnership—

“(A) the fair market value of such interest shall be treated for purposes of this section as being equal to the amount of the distribution which the partner would receive if the partnership sold (at the time of the transfer) all of its assets at fair market value and distributed the proceeds of such sale (reduced by the liabilities of the partnership) to its partners in liquidation of the partnership, and

“(B) the person receiving such interest shall be treated as having made the election under subsection (b)(1) unless such person makes an election under this paragraph to have such subsection not apply.”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 83(b) is amended by inserting “or subsection (c)(4)(B)” after “paragraph (1)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interests in partnerships transferred after the date of the enactment of this Act.

SEC. 412. INCOME OF PARTNERS FOR PERFORMING INVESTMENT MANAGEMENT SERVICES TREATED AS ORDINARY INCOME RECEIVED FOR PERFORMANCE OF SERVICES.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:

“SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIP.

“(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

“(1) IN GENERAL.—Notwithstanding section 702(b)—

“(A) any net income with respect to such interest for any partnership taxable year shall be treated as ordinary income, and

“(B) any net loss with respect to such interest for such year, to the extent not disallowed under paragraph (2) for such year, shall be treated as an ordinary loss.

All items of income, gain, deduction, and loss which are taken into account in computing net income or net loss shall be treated as ordinary income or ordinary loss (as the case may be).

“(2) TREATMENT OF LOSSES.—

“(A) LIMITATION.—Any net loss with respect to such interest shall be allowed for any partnership taxable year only to the extent that such loss does not exceed the excess (if any) of—

“(i) the aggregate net income with respect to such interest for all prior partnership taxable years, over

“(ii) the aggregate net loss with respect to such interest not disallowed under this subparagraph for all prior partnership taxable years.

“(B) CARRYFORWARD.—Any net loss for any partnership taxable year which is not allowed by reason of subparagraph (A) shall be treated as an item of loss with respect to such partnership interest for the succeeding partnership taxable year.

“(C) BASIS ADJUSTMENT.—No adjustment to the basis of a partnership interest shall be made on account of any net loss which is not allowed by reason of subparagraph (A).

“(D) PRIOR PARTNERSHIP YEARS.—Any reference in this paragraph to prior partnership taxable years shall only include prior partnership taxable years to which this section applies.

“(3) NET INCOME AND LOSS.—For purposes of this section—

“(A) NET INCOME.—The term ‘net income’ means, with respect to any investment services partnership interest for any partnership taxable year, the excess (if any) of—

“(i) all items of income and gain taken into account by the holder of such interest under section 702 with respect to such interest for such year, over

“(ii) all items of deduction and loss so taken into account.

“(B) NET LOSS.—The term ‘net loss’ means, with respect to such interest for such year, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

“(4) SPECIAL RULE FOR DIVIDENDS.—Any dividend taken into account in determining net income or net loss for purposes of paragraph (1) shall not be treated as qualified dividend income for purposes of section 1(h).

“(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

“(1) GAIN.—Any gain on the disposition of an investment services partnership interest shall be—

“(A) treated as ordinary income, and

“(B) recognized notwithstanding any other provision of this subtitle.

“(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

“(A) the aggregate net income with respect to such interest for all partnership taxable years to which this section applies, over

“(B) the aggregate net loss with respect to such interest allowed under subsection (a)(2) for all partnership taxable years to which this section applies.

“(3) EXCEPTION FOR THE DISPOSITION OF AN INTEREST IN A PUBLICLY TRADED PARTNERSHIP BY AN INDIVIDUAL.—Paragraphs (1) and (2) shall not apply in the case of the disposition by an individual of an investment services partnership interest which is an interest in a publicly traded partnership (as defined in section 7704) if neither such individual nor any member of such individual's family (within the meaning of section 318(a)(1)) has (at any time) provided any of the

services described in subsection (c)(1) with respect to assets held (directly or indirectly) by such publicly traded partnership.

“(4) **ELECTION WITH RESPECT TO CERTAIN EXCHANGES.**—Paragraph (1)(B) shall not apply to the contribution of an investment services partnership interest to a partnership in exchange for an interest in such partnership if—

“(A) the taxpayer makes an irrevocable election to treat the partnership interest received in the exchange as an investment services partnership interest, and

“(B) the taxpayer agrees to comply with such reporting and recordkeeping requirements as the Secretary may prescribe.

“(5) **DISPOSITION OF PORTION OF INTEREST.**—In the case of any disposition of an investment services partnership interest, the amount of net loss which otherwise would have (but for subsection (a)(2)(C)) applied to reduce the basis of such interest shall be disregarded for purposes of this section for all succeeding partnership taxable years.

“(6) **DISTRIBUTIONS OF PARTNERSHIP PROPERTY.**—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner—

“(A) the excess (if any) of—

“(i) the fair market value of such property at the time of such distribution, over

“(ii) the adjusted basis of such property in the hands of the partnership,

shall be taken into account as an increase in such partner's distributive share of the taxable income of the partnership (except to the extent such excess is otherwise taken into account in determining the taxable income of the partnership).

“(B) such property shall be treated for purposes of subpart B of part II as money distributed to such partner in an amount equal to such fair market value, and

“(C) the basis of such property in the hands of such partner shall be such fair market value. Subsection (b) of section 734 shall be applied without regard to the preceding sentence. In the case of a taxpayer which satisfies requirements similar to the requirements of subparagraphs (A) and (B) of paragraph (4), this paragraph and paragraph (1)(B) shall not apply to the distribution of a partnership interest if such distribution is in connection with a contribution (or deemed contribution) of any property of the partnership to which section 721 applies pursuant to a transaction described in paragraph (1)(B) or (2) of section 708(b).

“(7) **APPLICATION OF SECTION 751.**—In applying section 751, an investment services partnership interest shall be treated as an inventory item.

“(c) **INVESTMENT SERVICES PARTNERSHIP INTEREST.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘investment services partnership interest’ means any interest in a partnership which is held (directly or indirectly) by any person if it was reasonably expected (at the time that such person acquired such interest) that such person (or any person related to such person) would provide (directly or indirectly) a substantial quantity of any of the following services with respect to assets held (directly or indirectly) by the partnership:

“(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

“(B) Managing, acquiring, or disposing of any specified asset.

“(C) Arranging financing with respect to acquiring specified assets.

“(D) Any activity in support of any service described in subparagraphs (A) through (C).

“(2) **SPECIFIED ASSET.**—The term ‘specified asset’ means securities (as defined in section

475(c)(2) without regard to the last sentence thereof), real estate held for rental or investment, interests in partnerships, commodities (as defined in section 475(e)(2)), or options or derivative contracts with respect to any of the foregoing.

“(3) **EXCEPTION FOR FAMILY FARMS.**—The term ‘specified asset’ shall not include any farm used for farming purposes if such farm is held by a partnership all of the interests in which are held (directly or indirectly) by members of the same family. Terms used in the preceding sentence which are also used in section 2032A shall have the same meaning as when used in such section.

“(4) **RELATED PERSONS.**—A person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b).

“(d) **EXCEPTION FOR CERTAIN CAPITAL INTERESTS.**—

“(1) **IN GENERAL.**—In the case of any portion of an investment services partnership interest which is a qualified capital interest, all items of income, gain, loss, and deduction which are allocated to such qualified capital interest shall not be taken into account under subsection (a) if—

“(A) allocations of items are made by the partnership to such qualified capital interest in the same manner as such allocations are made to other qualified capital interests held by partners who do not provide any services described in subsection (c)(1) and who are not related to the partner holding the qualified capital interest, and

“(B) the allocations made to such other interests are significant compared to the allocations made to such qualified capital interest.

“(2) **AUTHORITY TO PROVIDE EXCEPTIONS TO ALLOCATION REQUIREMENTS.**—To the extent provided by the Secretary in regulations or other guidance—

“(A) **ALLOCATIONS TO PORTION OF QUALIFIED CAPITAL INTEREST.**—Paragraph (1) may be applied separately with respect to a portion of a qualified capital interest.

“(B) **NO OR INSIGNIFICANT ALLOCATIONS TO NONSERVICE PROVIDERS.**—In any case in which the requirements of paragraph (1)(B) are not satisfied, items of income, gain, loss, and deduction shall not be taken into account under subsection (a) to the extent that such items are properly allocable under such regulations or other guidance to qualified capital interests.

“(C) **ALLOCATIONS TO SERVICE PROVIDERS' QUALIFIED CAPITAL INTERESTS WHICH ARE LESS THAN OTHER ALLOCATIONS.**—Allocations shall not be treated as failing to meet the requirement of paragraph (1)(A) merely because the allocations to the qualified capital interest represent a lower return than the allocations made to the other qualified capital interests referred to in such paragraph.

“(3) **SPECIAL RULE FOR CHANGES IN SERVICES.**—In the case of an interest in a partnership which is not an investment services partnership interest and which, by reason of a change in the services with respect to assets held (directly or indirectly) by the partnership, would (without regard to the reasonable expectation exception of subsection (c)(1)) have become such an interest—

“(A) notwithstanding subsection (c)(1), such interest shall be treated as an investment services partnership interest as of the time of such change, and

“(B) for purposes of this subsection, the qualified capital interest of the holder of such partnership interest immediately after such change shall not be less than the fair market value of such interest (determined immediately before such change).

“(4) **SPECIAL RULE FOR TIERED PARTNERSHIPS.**—Except as otherwise provided by the Sec-

retary, in the case of tiered partnerships, all items which are allocated in a manner which meets the requirements of paragraph (1) to qualified capital interests in a lower-tier partnership shall retain such character to the extent allocated on the basis of qualified capital interests in any upper-tier partnership.

“(5) **EXCEPTION FOR NO-SELF-CHARGED CARRY AND MANAGEMENT FEE PROVISIONS.**—Except as otherwise provided by the Secretary, an interest shall not fail to be treated as satisfying the requirement of paragraph (1)(A) merely because the allocations made by the partnership to such interest do not reflect the cost of services described in subsection (c)(1) which are provided (directly or indirectly) to the partnership by the holder of such interest (or a related person).

“(6) **SPECIAL RULE FOR DISPOSITIONS.**—In the case of any investment services partnership interest any portion of which is a qualified capital interest, subsection (b) shall not apply to so much of any gain or loss as bears the same proportion to the entire amount of such gain or loss as—

“(A) the distributive share of gain or loss that would have been allocated to the qualified capital interest (consistent with the requirements of paragraph (1)) if the partnership had sold all of its assets at fair market value immediately before the disposition, bears to

“(B) the distributive share of gain or loss that would have been so allocated to the investment services partnership interest of which such qualified capital interest is a part.

“(7) **QUALIFIED CAPITAL INTEREST.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘qualified capital interest’ means so much of a partner's interest in the capital of the partnership as is attributable to—

“(i) the fair market value of any money or other property contributed to the partnership in exchange for such interest (determined without regard to section 752(a)),

“(ii) any amounts which have been included in gross income under section 83 with respect to the transfer of such interest, and

“(iii) the excess (if any) of—

“(I) any items of income and gain taken into account under section 702 with respect to such interest, over

“(II) any items of deduction and loss so taken into account.

“(B) **ADJUSTMENT TO QUALIFIED CAPITAL INTEREST.**—

“(i) **DISTRIBUTIONS AND LOSSES.**—The qualified capital interest shall be reduced by distributions from the partnership with respect to such interest and by the excess (if any) of the amount described in subparagraph (A)(iii)(II) over the amount described in subparagraph (A)(iii)(I).

“(ii) **SPECIAL RULE FOR CONTRIBUTIONS OF PROPERTY.**—In the case of any contribution of property described in subparagraph (A)(i) with respect to which the fair market value of such property is not equal to the adjusted basis of such property immediately before such contribution, proper adjustments shall be made to the qualified capital interest to take into account such difference consistent with such regulations or other guidance as the Secretary may provide.

“(8) **TREATMENT OF CERTAIN LOANS.**—

“(A) **PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS QUALIFIED CAPITAL INTEREST OF SERVICE PROVIDING PARTNERS.**—For purposes of this subsection, an investment services partnership interest shall not be treated as a qualified capital interest to the extent that such interest is acquired in connection with the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any other partner or the partnership (or any person related to any such other partner or the partnership).

“(B) REDUCTION IN ALLOCATIONS TO QUALIFIED CAPITAL INTERESTS FOR LOANS FROM NON-SERVICE PROVIDING PARTNERS TO THE PARTNERSHIP.—For purposes of this subsection, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services described in subsection (c)(1) to the partnership (or any person related to such partner) shall be taken into account in determining the qualified capital interests of the partners in the partnership.

“(e) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

“(1) IN GENERAL.—If—

“(A) a person performs (directly or indirectly) investment management services for any entity,

“(B) such person holds (directly or indirectly) a disqualified interest with respect to such entity, and

“(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed, any income or gain with respect to such interest shall be treated as ordinary income. Rules similar to the rules of subsections (a)(4) and (d) shall apply for purposes of this subsection.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) DISQUALIFIED INTEREST.—

“(i) IN GENERAL.—The term ‘disqualified interest’ means, with respect to any entity—

“(I) any interest in such entity other than indebtedness,

“(II) convertible or contingent debt of such entity,

“(III) any option or other right to acquire property described in subclause (I) or (II), and

“(IV) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

“(ii) EXCEPTIONS.—Such term shall not include—

“(I) a partnership interest,

“(II) except as provided by the Secretary, any interest in a taxable corporation, and

“(III) except as provided by the Secretary, stock in an S corporation.

“(B) TAXABLE CORPORATION.—The term ‘taxable corporation’ means—

“(i) a domestic C corporation, or

“(ii) a foreign corporation substantially all of the income of which is—

“(I) effectively connected with the conduct of a trade or business in the United States, or

“(II) subject to a comprehensive foreign income tax (as defined in section 457A(d)(2)).

“(C) INVESTMENT MANAGEMENT SERVICES.—The term ‘investment management services’ means a substantial quantity of any of the services described in subsection (c)(1).

“(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance to—

“(1) provide modifications to the application of this section (including treating related persons as not related to one another) to the extent such modification is consistent with the purposes of this section,

“(2) prevent the avoidance of the purposes of this section, and

“(3) coordinate this section with the other provisions of this title.

“(g) SPECIAL RULES FOR INDIVIDUALS.—In the case of an individual—

“(1) IN GENERAL.—Subsection (a)(1) shall apply only to the applicable percentage of the net income or net loss referred to in such subsection.

“(2) DISPOSITIONS, ETC.—The amount which (but for this paragraph) would be treated as or-

dinary income by reason of subsection (b) or (e) shall be the applicable percentage of such amount.

“(3) PRO RATA ALLOCATION TO ITEMS.—For purposes of applying subsections (a) and (e) the aggregate amount treated as ordinary income for any such taxable year shall be allocated ratably among the items of income, gain, loss, and deduction taken into account in determining such amount.

“(4) SPECIAL RULE FOR RECOGNITION OF GAIN.—Gain which (but for this section) would not be recognized shall be recognized by reason of subsection (b) only to the extent that such gain is treated as ordinary income after application of paragraph (2).

“(5) COORDINATION WITH LIMITATION ON LOSSES.—For purposes of applying paragraph (2) of subsection (a) with respect to any net loss for any taxable year—

“(A) such paragraph shall only apply with respect to the applicable percentage of such net loss for such taxable year,

“(B) in the case of a prior partnership taxable year referred to in clause (i) or (ii) of subparagraph (A) of such paragraph, only the applicable percentage (as in effect for such prior taxable year) of net income or net loss for such prior partnership taxable year shall be taken into account, and

“(C) any net loss carried forward to the succeeding partnership taxable year under subparagraph (B) of such paragraph shall—

“(i) be taken into account in such succeeding year without reduction under this subsection, and

“(ii) in lieu of being taken into account as an item of loss in such succeeding year, shall be taken into account—

“(I) as an increase in net loss or as a reduction in net income (including below zero), as the case may be, and

“(II) after any reduction in the amount of such net loss or net income under this subsection.

A rule similar to the rule of the preceding sentence shall apply for purposes of subsection (b)(2)(A).

“(6) COORDINATION WITH TREATMENT OF DIVIDENDS.—Subsection (a)(4) shall only apply to the applicable percentage of dividends described therein.

“(7) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term ‘applicable percentage’ means 75 percent (50 percent in the case of any taxable year beginning before January 1, 2013).

“(h) CROSS REFERENCE.—For 40 percent penalty on certain underpayments due to the avoidance of this section, see section 6662.”.

(b) TREATMENT FOR PURPOSES OF SECTION 7704.—Subsection (d) of section 7704 is amended by adding at the end the following new paragraph:

“(6) INCOME FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS NOT QUALIFIED.—

“(A) IN GENERAL.—Items of income and gain shall not be treated as qualifying income if such items are treated as ordinary income by reason of the application of section 710 (relating to special rules for partners providing investment management services to partnership). The preceding sentence shall not apply to any item described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)).

“(B) SPECIAL RULES FOR CERTAIN PARTNERSHIPS.—

“(i) CERTAIN PARTNERSHIPS OWNED BY REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Such partnership is treated as publicly traded under this section solely by reason of interests in such partnership being convertible

into interests in a real estate investment trust which is publicly traded.

“(II) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(e)).

“(III) Such partnership meets the requirements of paragraphs (2), (3), and (4) of section 856(c).

“(ii) CERTAIN PARTNERSHIPS OWNING OTHER PUBLICLY TRADED PARTNERSHIPS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Substantially all of the assets of such partnership consist of interests in one or more publicly traded partnerships (determined without regard to subsection (b)(2)).

“(II) Substantially all of the income of such partnership is ordinary income or section 1231 gain (as defined in section 1231(a)(3)).

“(C) TRANSITIONAL RULE.—Subparagraph (A) shall not apply to any taxable year of the partnership beginning before the date which is 10 years after the date of the enactment of this paragraph.”.

(c) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (7) the following new paragraph:

“(8) The application of subsection (e) of section 710 or the regulations prescribed under section 710(f) to prevent the avoidance of the purposes of section 710.”.

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:

“(k) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(8), subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.”.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended by striking “or (i)” and inserting “, (i), or (k)”.

(3) SPECIAL RULES FOR APPLICATION OF REASONABLE CAUSE EXCEPTION.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by striking “paragraph (3)” in paragraph (5)(A), as so redesignated, and inserting “paragraph (4)”;

(C) by inserting after paragraph (2) the following new paragraph:

“(3) SPECIAL RULE FOR UNDERPAYMENTS ATTRIBUTABLE TO INVESTMENT MANAGEMENT SERVICES.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any portion of an underpayment to which this section applies by reason of subsection (b)(8) unless—

“(i) the relevant facts affecting the tax treatment of the item are adequately disclosed,

“(ii) there is or was substantial authority for such treatment, and

“(iii) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

“(B) RULES RELATING TO REASONABLE BELIEF.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of subparagraph (A)(iii).”.

(d) INCOME AND LOSS FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS TAKEN INTO ACCOUNT IN DETERMINING NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) INTERNAL REVENUE CODE.—Section 1402(a) is amended by striking “and” at the end of

paragraph (16), by striking the period at the end of paragraph (17) and inserting “; and”, and by inserting after paragraph (17) the following new paragraph:

“(18) notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710 with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.”.

(2) **SOCIAL SECURITY ACT.**—Section 211(a) of the Social Security Act is amended by striking “and” at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting “; and”, and by inserting after paragraph (16) the following new paragraph:

“(17) Notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) of the Internal Revenue Code of 1986 with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710 of such Code with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.”.

(e) **CONFORMING AMENDMENTS.**—

(1) Subsection (d) of section 731 is amended by inserting “section 710(b)(4) (relating to distributions of partnership property),” after “to the extent otherwise provided by”.

(2) Section 741 is amended by inserting “or section 710 (relating to special rules for partners providing investment management services to partnership)” before the period at the end.

(3) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:

“Sec. 710. Special rules for partners providing investment management services to partnership.”.

(f) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after December 31, 2010.

(2) **PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.**—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes December 31, 2010, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) **DISPOSITIONS OF PARTNERSHIP INTERESTS.**—Section 710(b) of the Internal Revenue Code of 1986 (as added by this section) shall apply to dispositions and distributions after December 31, 2010.

(4) **OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.**—Section 710(e) of such Code (as added by this section) shall take effect on December 31, 2010.

SEC. 413. EMPLOYMENT TAX TREATMENT OF PROFESSIONAL SERVICE BUSINESSES.

(a) **IN GENERAL.**—Section 1402 is amended by adding at the end the following new subsection:

“(m) **SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.**—

“(1) **SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.**—

“(A) **IN GENERAL.**—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the profes-

sional service business referred to in subparagraph (C) shall take into account such shareholder's pro rata share of all items of income or loss described in section 1366 which are attributable to such business in determining the shareholder's net earnings from self-employment.

“(B) **TREATMENT OF FAMILY MEMBERS.**—Except as otherwise provided by the Secretary, the shareholder's pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such shareholder's family (within the meaning of section 318(a)(1)) who does not provide substantial services with respect to such professional service business.

“(C) **DISQUALIFIED S CORPORATION.**—For purposes of this subsection, the term ‘disqualified S corporation’ means—

“(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

“(ii) any other S corporation which is engaged in a professional service business if the principal asset of such business is the reputation and skill of 3 or fewer employees.

“(2) **PARTNERS.**—In the case of any partnership which is engaged in a professional service business, subsection (a)(13) shall not apply to any partner who provides substantial services with respect to such professional service business.

“(3) **PROFESSIONAL SERVICE BUSINESS.**—For purposes of this subsection, the term ‘professional service business’ means any trade or business if substantially all of the activities of such trade or business involve providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.

“(4) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations which prevent the avoidance of the purposes of this subsection through tiered entities or otherwise.

“(5) **CROSS REFERENCE.**—For employment tax treatment of wages paid to shareholders of S corporations, see subtitle C.”.

(b) **CONFORMING AMENDMENT.**—Section 211 of the Social Security Act is amended by adding at the end the following new subsection:

“(1) **SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.**—

“(1) **SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.**—

“(A) **IN GENERAL.**—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the professional service business referred to in subparagraph (C) shall take into account such shareholder's pro rata share of all items of income or loss described in section 1366 of the Internal Revenue Code of 1986 which are attributable to such business in determining the shareholder's net earnings from self-employment.

“(B) **TREATMENT OF FAMILY MEMBERS.**—Except as otherwise provided by the Secretary of the Treasury, the shareholder's pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such shareholder's family (within the meaning of section 318(a)(1) of the Internal Revenue Code of 1986) who does not provide substantial services with respect to such professional service business.

“(C) **DISQUALIFIED S CORPORATION.**—For purposes of this subsection, the term ‘disqualified S corporation’ means—

“(i) any S corporation which is a partner in a partnership which is engaged in a profes-

sional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

“(ii) any other S corporation which is engaged in a professional service business if the principal asset of such business is the reputation and skill of 3 or fewer employees.

“(2) **PARTNERS.**—In the case of any partnership which is engaged in a professional service business, subsection (a)(12) shall not apply to any partner who provides substantial services with respect to such professional service business.

“(3) **PROFESSIONAL SERVICE BUSINESS.**—For purposes of this subsection, the term ‘professional service business’ means any trade or business if substantially all of the activities of such trade or business involve providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

Subtitle C—Corporate Provisions

SEC. 421. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) **IN GENERAL.**—Section 361 (relating to non-recognition of gain or loss to corporations; treatment of distributions) is amended by adding at the end the following new subsection:

“(d) **SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.**—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355—

“(1) this section shall be applied by substituting ‘stock other than nonqualified preferred stock (as defined in section 351(g)(2))’ for ‘stock or securities’ in subsections (a) and (b)(1), and

“(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of the liabilities assumed (within the meaning of section 357(c))).”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) **TRANSITION RULE.**—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on March 15, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

SEC. 422. TAXATION OF BOOT RECEIVED IN REORGANIZATIONS.

(a) **IN GENERAL.**—Paragraph (2) of section 356(a) is amended—

(1) by striking “If an exchange” and inserting “Except as otherwise provided by the Secretary—

“(A) **IN GENERAL.**—If an exchange”;

(2) by striking “then there shall be” and all that follows through “February 28, 1913” and

inserting “then the amount of other property or money shall be treated as a dividend to the extent of the earnings and profits of the corporation”; and

(3) by adding at the end the following new subparagraph:

“(B) CERTAIN REORGANIZATIONS.—In the case of a reorganization described in section 368(a)(1)(D) to which section 354(b)(1) applies or any other reorganization specified by the Secretary, in applying subparagraph (A)—

“(i) the earnings and profits of each corporation which is a party to the reorganization shall be taken into account, and

“(ii) the amount which is a dividend (and source thereof) shall be determined under rules similar to the rules of paragraphs (2) and (5) of section 304(b).”.

(b) EARNINGS AND PROFITS.—Paragraph (7) of section 312(n) is amended by adding at the end the following: “A similar rule shall apply to an exchange to which section 356(a)(1) applies.”.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 356(a) is amended by striking “then the gain” and inserting “then (except as provided in paragraph (2)) the gain”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange between unrelated persons pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described in a public announcement or filing with the Securities and Exchange Commission on or before such date.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

Subtitle D—Other Provisions

SEC. 431. MODIFICATIONS WITH RESPECT TO OIL SPILL LIABILITY TRUST FUND.

(a) EXTENSION OF APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Paragraph (2) of section 4611(f) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

(b) INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Subparagraph (B) of section 4611(c)(2) is amended to read as follows: “(B) the Oil Spill Liability Trust Fund financing rate is 34 cents a barrel.”.

(c) INCREASE IN PER INCIDENT LIMITATIONS ON EXPENDITURES.—Subparagraph (A) of section 9509(c)(2) is amended—

(1) by striking “\$1,000,000,000” in clause (i) and inserting “\$5,000,000,000”;

(2) by striking “\$500,000,000” in clause (ii) and inserting “\$2,500,000,000”; and

(3) by striking “\$1,000,000,000 PER INCIDENT, ETC” in the heading and inserting “PER INCIDENT LIMITATIONS”.

(d) EFFECTIVE DATE.—

(1) EXTENSION OF FINANCING RATE.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) INCREASE IN FINANCING RATE.—The amendment made by subsection (b) shall apply to crude oil received and petroleum products entered during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

SEC. 432. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 36 percentage points.

TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

Subtitle A—Unemployment Insurance and Other Assistance

SEC. 501. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “November 30, 2010”;

(B) in the heading for subsection (b)(2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

(C) in subsection (b)(3), by striking “November 6, 2010” and inserting “April 30, 2011”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “June 2, 2010” and inserting “November 30, 2010”;

(B) in the heading for paragraph (2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

(C) in paragraph (3), by striking “December 7, 2010” and inserting “May 31, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “December 1, 2011”; and

(B) in subsection (c), by striking “November 6, 2010” and inserting “May 1, 2011”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “November 6, 2010” and inserting “April 30, 2011”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking “and” at the end; and

(2) by inserting after subparagraph (E) the following:

“(F) the amendments made by section 501(a)(1) of the American Jobs and Closing Tax Loopholes Act of 2010; and”.

(c) CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before “shall apply” the following: “(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111–157).

SEC. 502. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.

(a) CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR BENEFITS.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(g) COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—

“(1) If—

“(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

“(B) that benefit year has expired,

“(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

“(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either \$100 or 25 percent less than the individual’s weekly benefit amount in the benefit year referred to in subparagraph (A),

then the State shall determine eligibility for compensation as provided in paragraph (2).

“(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

“(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(C) The State shall pay, if permitted by State law—

“(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

“(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

“(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

SEC. 503. EXTENSION OF THE EMERGENCY CONTINGENCY FUND.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting “, and for fiscal year 2011, \$2,500,000,000” before “for payment”;

(2) by striking paragraph (2)(B) and inserting the following:

“(B) AVAILABILITY AND USE OF FUNDS.—

“(i) FISCAL YEARS 2009 AND 2010.—The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2009 shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with paragraph (3), except that the amounts shall remain available through fiscal year 2011 to make grants and payments to States in accordance with paragraph (3)(C) to cover expenditures to subsidize employment positions held by individuals placed in the positions before fiscal year 2011.

“(ii) FISCAL YEAR 2011.—Subject to clause (iii), the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall remain available through fiscal year 2012 and shall be used to make grants to States based on expenditures in fiscal year 2011 for

benefits and services provided in fiscal year 2011 in accordance with the requirements of paragraph (3).

“(iii) **RESERVATION OF FUNDS.**—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, \$500,000 shall be placed in reserve for use in fiscal year 2012, and shall be used to award grants for any expenditures described in this subsection incurred by States after September 30, 2011.”;

(3) in paragraph (2)(C), by striking “2010” and inserting “2012”;

(4) in paragraph (3)—

(A) in clause (i) of each of subparagraphs (A), (B), and (C)—

(i) by striking “year 2009 or 2010” and inserting “years 2009 through 2011”;

(ii) by striking “and” at the end of subclause (i);

(iii) by striking the period at the end of subclause (I) and inserting “; and”; and

(iv) by adding at the end the following:

“(III) if the quarter is in fiscal year 2011, has provided the Secretary with such information as the Secretary may find necessary in order to make the determinations, or take any other action, described in paragraph (5)(C).”; and

(B) in subparagraph (C), by adding at the end the following:

“(iv) **LIMITATION ON EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.**—An expenditure for subsidized employment shall be taken into account under clause (ii) only if the expenditure is used to subsidize employment for—

“(I) a member of a needy family (without regard to whether the family is receiving assistance under the State program funded under this part); or

“(II) an individual who has exhausted (or, within 60 days, will exhaust) all rights to receive unemployment compensation under Federal and State law, and who is a member of a needy family.”;

(5) by striking paragraph (5) and inserting the following:

“(5) **LIMITATIONS ON PAYMENTS; ADJUSTMENT AUTHORITY.**—

“(A) **FISCAL YEARS 2009 AND 2010.**—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2009 and 2010 combined shall not exceed 50 percent of the annual State family assistance grant.

“(B) **FISCAL YEAR 2011.**—Subject to subparagraph (C), the total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 30 percent of the annual State family assistance grant.

“(C) **ADJUSTMENT AUTHORITY.**—If the Secretary determines that the Emergency Fund is at risk of being depleted before September 30, 2011, or that funds are available to accommodate additional State requests under this subsection, the Secretary may, through program instructions issued without regard to the requirements of section 553 of title 5, United States Code—

“(i) specify priority criteria for awarding grants to States during fiscal year 2011; and

“(ii) adjust the percentage limitation applicable under subparagraph (B) with respect to the total amount payable to a single State for fiscal year 2011.”; and

(6) in paragraph (6), by inserting “or for expenditures described in paragraph (3)(C)(iv)” before the period.

(b) **CONFORMING AMENDMENTS.**—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(2)—

(A) by striking “2010” and inserting “2011”; and

(B) by striking all that follows “repealed” and inserting a period; and

(2) in subsection (d)(1), by striking “2010” and inserting “2011”.

(c) **PROGRAM GUIDANCE.**—The Secretary of Health and Human Services shall issue program guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section to a jurisdiction for subsidized employment do not support any subsidized employment position the annual salary of which is greater than, at State option—

(1) 200 percent of the poverty line (within the meaning of section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section 673(2)) for a family of 4; or

(2) the median wage in the jurisdiction.

Subtitle B—Health Provisions

SEC. 511. EXTENSION OF SECTION 508 RECLASSIFICATIONS.

(a) **IN GENERAL.**—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), and sections 3137(a) and 10317 of Public Law 111–148, is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

(b) **APPLICATION.**—For fiscal year 2011, the Secretary of Health and Human Services may implement the amendment made by subsection (a) by posting on the Internet website of the Centers for Medicare & Medicaid Services a list of the areas and the hospitals whose reclassifications will be extended pursuant to such amendment. Hospitals located in or reclassified to labor market areas that are affected by such extension may terminate or withdraw their reclassifications by following the procedures included in section 412.273 of title 42, Code of Federal Regulations, except that any request for such termination or withdrawal must be received by the Medicare Geographic Classification Review Board not later than the date that is 5 business days after the day of such posting on the Internet website of the Centers for Medicare & Medicaid Services or June 18, 2010, whichever date is later.

(c) **CONFORMING AMENDMENT.**—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by inserting “in fiscal years 2008 and 2009” after “For purposes of implementation of this subsection”.

SEC. 512. REPEAL OF DELAY OF RUG-IV.

Effective as if included in the enactment of Public Law 111–148, section 10325 of such Act is repealed.

SEC. 513. LIMITATION ON REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 3122 of Public Law 111–148 is repealed and the provision of law amended by such section is restored as if such section had not been enacted.

SEC. 514. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of such title that involve reprocessing of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$175,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 515. MEDICAID AND CHIP TECHNICAL CORRECTIONS.

(a) **REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.**—Section 6502 of Public Law 111–148 is repealed and the provisions of law amended by such section are restored as if such section had never been enacted. Nothing in the previous sentence shall affect the execution or placement of the insertion made by section 6503 of such Act.

(b) **INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.**—Effective as if included in the enactment of Public Law 111–148, section 2001(a)(5)(B) of such Act is amended by striking all that follows “is amended” and inserting the following: “by inserting after ‘100 percent’ the following: ‘(or, beginning January 1, 2014, 133 percent)’”.

(c) **CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.**—Section 601(b) of the Children’s Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is amended by adding at the end the following: “The Secretary is not required under this subsection to calculate or publish a national or a State-specific error rate for fiscal year 2009 or fiscal year 2010.”.

(d) **CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.**—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking “PER PERSON” in the heading; and

(B) by striking “each employee” and inserting “employees”; and

(2) in subparagraph (C), by striking “, on a case-by-case basis,”.

(e) **ELECTRONIC HEALTH RECORDS.**—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking “reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)” and inserting “reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)”;

(2) in paragraph (6)(B), by inserting before the period the following: “and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost”.

(f) **CORRECTIONS OF DESIGNATIONS.**—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking “and” before “(XVI) the medical” and by striking “(XVI) if” and inserting “(XVII) if”; and

(B) in subsection (ii)(2), by striking “(XV)” and inserting “(XVI)”.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111–148 as subparagraph (O).

SEC. 516. ADDITION OF INPATIENT DRUG DISCOUNT PROGRAM TO 340B DRUG DISCOUNT PROGRAM.

(a) **ADDITION OF INPATIENT DRUG DISCOUNT.**—Title III of the Public Health Service Act is amended by inserting after section 340B (42 U.S.C. 256b) the following:

“SEC. 340B-1. DISCOUNT INPATIENT DRUGS FOR INDIVIDUALS WITHOUT PRESCRIPTION DRUG COVERAGE.

“(a) REQUIREMENTS FOR AGREEMENTS WITH THE SECRETARY.—

“(1) IN GENERAL.—

“(A) AGREEMENT.—The Secretary shall enter into an agreement with each manufacturer of covered inpatient drugs under which the amount required to be paid (taking into account any rebate or discount, as provided by the Secretary) to the manufacturer for covered inpatient drugs (other than drugs described in paragraph (3)) purchased by a covered entity on or after January 1, 2011, does not exceed an amount equal to the average manufacturer price for the drug under title XIX of the Social Security Act in the preceding calendar quarter, reduced by the rebate percentage described in paragraph (2). For a covered inpatient drug that also is a covered outpatient drug under section 340B, the amount required to be paid under the preceding sentence shall be equal to the amount required to be paid under section 340B(a)(1) for such drug. The agreement with a manufacturer under this subparagraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B.

“(B) CEILING PRICE.—Each such agreement shall require that the manufacturer furnish the Secretary with reports, on a quarterly basis, of the price for each covered inpatient drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the ‘ceiling price’), and shall require that the manufacturer offer each covered entity covered inpatient drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.

“(C) ALLOCATION METHOD.—Each such agreement shall require that, if the supply of a covered inpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section.

“(2) REBATE PERCENTAGE DEFINED.—

“(A) IN GENERAL.—For a covered inpatient drug purchased in a calendar quarter, the ‘rebate percentage’ is the amount (expressed as a percentage) equal to—

“(i) the average total rebate required under section 1927(c) of the Social Security Act (or the average total rebate that would be required if the drug were a covered outpatient drug under such section) with respect to the drug (for a unit of the dosage form and strength involved) during the preceding calendar quarter; divided by

“(ii) the average manufacturer price for such a unit of the drug during such quarter.

“(B) OVER THE COUNTER DRUGS.—

“(i) IN GENERAL.—For purposes of subparagraph (A), in the case of over the counter drugs, the ‘rebate percentage’ shall be determined as if the rebate required under section 1927(c) of the Social Security Act is based on the applicable percentage provided under section 1927(c)(3) of such Act.

“(ii) DEFINITION.—The term ‘over the counter drug’ means a drug that may be sold without a prescription and which is prescribed by a physician (or other persons authorized to prescribe such drug under State law).

“(3) DRUGS PROVIDED UNDER STATE MEDICAID PLANS.—Drugs described in this paragraph are drugs purchased by the entity for which payment is made by the State under the State plan for medical assistance under title XIX of the Social Security Act.

“(4) REQUIREMENTS FOR COVERED ENTITIES.—

“(A) PROHIBITING DUPLICATE DISCOUNTS OR REBATES.—

“(i) IN GENERAL.—A covered entity shall not request payment under title XIX of the Social Security Act for medical assistance described in section 1905(a)(12) of such Act with respect to a drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act.

“(ii) ESTABLISHMENT OF MECHANISM.—The Secretary shall establish a mechanism to ensure that covered entities comply with clause (i). If the Secretary does not establish a mechanism under the previous sentence within 12 months of the enactment of this section, the requirements of section 1927(a)(5)(C) of the Social Security Act shall apply.

“(iii) PROHIBITING DISCLOSURE TO GROUP PURCHASING ORGANIZATIONS.—In the event that a covered entity is a member of a group purchasing organization, such entity shall not disclose the price or any other information pertaining to any purchases under this section directly or indirectly to such group purchasing organization.

“(B) PROHIBITING RESALE, DISPENSING, OR ADMINISTRATION OF DRUGS EXCEPT TO CERTAIN PATIENTS.—With respect to any covered inpatient drug that is subject to an agreement under this subsection, a covered entity shall not dispense, administer, resell, or otherwise transfer the covered inpatient drug to a person unless—

“(i) such person is a patient of the entity; and

“(ii) such person does not have health plan coverage (as defined in subsection (c)(3)) that provides prescription drug coverage in the inpatient setting with respect to such covered inpatient drug.

For purposes of clause (ii), a person shall be treated as having health plan coverage (as defined in subsection (c)(3)) with respect to a covered inpatient drug if benefits are not payable under such coverage with respect to such drug for reasons such as the application of a deductible or cost sharing or the use of utilization management.

“(C) AUDITING.—A covered entity shall permit the Secretary and the manufacturer of a covered inpatient drug that is subject to an agreement under this subsection with the entity (acting in accordance with procedures established by the Secretary relating to the number, duration, and scope of audits) to audit at the Secretary’s or the manufacturer’s expense the records of the entity that directly pertain to the entity’s compliance with the requirements described in subparagraph (A) or (B) with respect to drugs of the manufacturer. The use or disclosure of information for performance of such an audit shall be treated as a use or disclosure required by law for purposes of section 164.512(a) of title 45, Code of Federal Regulations.

“(D) ADDITIONAL SANCTION FOR NONCOMPLIANCE.—If the Secretary finds, after notice and hearing, that a covered entity is in violation of a requirement described in subparagraph (A) or (B), the covered entity shall be liable to the manufacturer of the covered inpatient drug that is the subject of the violation in an amount equal to the reduction in the price of the drug (as described in subparagraph (A)) provided under the agreement between the Secretary and the manufacturer under this subsection.

“(E) MAINTENANCE OF RECORDS.—

“(i) IN GENERAL.—A covered entity shall establish and maintain an effective recordkeeping system to comply with this section and shall certify to the Secretary that such entity is in compliance with subparagraphs (A) and (B). The Secretary shall require that hospitals that purchase covered inpatient drugs for inpatient dispensing or administration under this subsection

appropriately segregate inventory of such covered inpatient drugs, either physically or electronically, from drugs for outpatient use, as well as from drugs for inpatient dispensing or administration to individuals who have (for purposes of subparagraph (B)) health plan coverage described in clause (ii) of such subparagraph.

“(ii) CERTIFICATION OF NO THIRD-PARTY PAYER.—A covered entity shall maintain records that contain certification by the covered entity that no third party payment was received for any covered inpatient drug that is subject to an agreement under this subsection and that was dispensed to an inpatient.

“(5) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the distinct part of the hospital shall not be considered a covered entity under this subsection unless the hospital is otherwise a covered entity under this subsection.

“(6) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered inpatient drugs and single State agencies under section 1902(a)(5) of the Social Security Act of the identities of covered entities under this subsection, and of entities that no longer meet the requirements of paragraph (4), by means of timely updates of the Internet website supported by the Department of Health and Human Services relating to this section.

“(7) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

“(b) COVERED ENTITY DEFINED.—In this section, the term ‘covered entity’ means an entity that meets the requirements described in subsection (a)(4) and is one of the following:

“(1) A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act) that—

“(A) is owned or operated by a unit of State or local government, is a public or private nonprofit corporation which is formally granted governmental powers by a unit of State or local government, or is a private nonprofit hospital which has a contract with a State or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act or eligible for assistance under the State plan for medical assistance under title XIX of such Act; and

“(B) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined using the methodology under section 1886(d)(5)(F) of the Social Security Act as in effect on the date of enactment of this section) greater than 20.20 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act (as so in effect on the date of enactment of this section).

“(2) A children’s hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

“(3) A free-standing cancer hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(v) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

“(4) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of paragraph (1)(A).

“(5) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of paragraph (1)(A) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.

“(c) OTHER DEFINITIONS.—In this section:

“(1) AVERAGE MANUFACTURER PRICE.—

“(A) IN GENERAL.—The term ‘average manufacturer price’—

“(i) has the meaning given such term in section 1927(k) of the Social Security Act, except that such term shall be applied under this section with respect to covered inpatient drugs in the same manner (as applicable) as such term is applied under such section 1927(k) with respect to covered outpatient drugs (as defined in such section); and

“(ii) with respect to a covered inpatient drug for which there is no average manufacturer price (as defined in clause (i)), shall be the amount determined under regulations promulgated by the Secretary under subparagraph (B).

“(B) RULEMAKING.—The Secretary shall by regulation, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, establish a method for determining the average manufacturer price for covered inpatient drugs for which there is no average manufacturer price (as defined in subparagraph (A)(i)). Regulations promulgated with respect to covered inpatient drugs under the preceding sentence shall provide for the application of methods for determining the average manufacturer price that are the same as the methods used to determine such price in calculating rebates required for such drugs under an agreement between a manufacturer and a State that satisfies the requirements of section 1927(b) of the Social Security Act, as applicable.

“(2) COVERED INPATIENT DRUG.—The term ‘covered inpatient drug’ means a drug—

“(A) that is described in section 1927(k)(2) of the Social Security Act;

“(B) that, notwithstanding paragraph (3)(A) of section 1927(k) of such Act, is used in connection with an inpatient service provided by a covered entity that is enrolled to participate in the drug discount program under this section; and

“(C) that is not purchased by the covered entity through or under contract with a group purchasing organization.

“(3) HEALTH PLAN COVERAGE.—The term ‘health plan coverage’ means—

“(A) health insurance coverage (as defined in section 2791, and including coverage under a State health benefits risk pool);

“(B) coverage under a group health plan (as defined in such section, and including coverage under a church plan, a governmental plan, or a collectively bargained plan);

“(C) coverage under a Federal health care program (as defined by section 1128B(f) of the Social Security Act); or

“(D) such other health benefits coverage as the Secretary recognizes for purposes of this section.

“(4) MANUFACTURER.—The term ‘manufacturer’ has the meaning given such term in section 1927(k) of the Social Security Act.

“(d) PROGRAM INTEGRITY.—

“(1) MANUFACTURER COMPLIANCE.—

“(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

“(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

“(i) The establishment of a process to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

“(I) Developing and publishing through an appropriate policy or regulatory issuance, precisely defined standards and methodology for the calculation of ceiling prices under such subsection.

“(II) Comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary.

“(III) Conducting periodic monitoring of sales transactions by covered entities.

“(IV) Inquiring into any discrepancies between ceiling prices and manufacturer pricing data that may be identified and taking, or requiring manufacturers to take, corrective action in response to such discrepancies, including the issuance of refunds pursuant to the procedures set forth in clause (ii).

“(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including the following:

“(I) Providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued.

“(II) Oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time.

“(iii) The provision of access through the Internet website supported by the Department of Health and Human Services to the applicable ceiling prices for covered inpatient drugs as calculated and verified by the Secretary in accordance with this section, in a manner (such as through the use of password protection) that limits such access to covered entities and adequately assures security and protection of privileged pricing data from unauthorized re-disclosure.

“(iv) The development of a mechanism by which—

“(I) rebates, discounts, or other price concessions provided by manufacturers to other purchasers subsequent to the sale of covered inpatient drugs to covered entities are reported to the Secretary; and

“(II) appropriate credits and refunds are issued to covered entities if such discounts, rebates, or other price concessions have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

“(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

“(vi) The establishment of a requirement that manufacturers and wholesalers use the identification system developed by the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

“(vii) The imposition of sanctions in the form of civil monetary penalties, which—

“(I) shall be assessed according to standards and procedures established in regulations to be promulgated by the Secretary not later than January 1, 2011;

“(II) shall not exceed \$10,000 per single dosage form of a covered inpatient drug purchased by a covered entity where a manufacturer knowingly charges such covered entity a price for such drug that exceeds the ceiling price under subsection (a)(1); and

“(III) shall not exceed \$100,000 for each instance where a manufacturer withholds or pro-

vides materially false information to the Secretary or to covered entities under this section or knowingly violates any provision of this section (other than subsection (a)(1)).

“(2) COVERED ENTITY COMPLIANCE.—

“(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by covered entities with the requirements of this section in order to prevent diversion and violations of the duplicate discount provision and other requirements specified under subsection (a)(4).

“(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

“(i) The development of procedures to enable and require covered entities to update at least annually the information on the Internet website supported by the Department of Health and Human Services relating to this section.

“(ii) The development of procedures for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

“(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered inpatient drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(4)(A).

“(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site and each covered entity’s purchasing status under sections 340B and this section can be identified by manufacturers, distributors, covered entities, and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

“(v) The imposition of sanctions in the form of civil monetary penalties, which—

“(I) shall be assessed according to standards and procedures established in regulations promulgated by the Secretary; and

“(II) shall not exceed \$10,000 for each instance where a covered entity knowingly violates subsection (a)(4)(B) or knowingly violates any other provision of this section.

“(vi) The termination of a covered entity’s participation in the program under this section, for a period of time to be determined by the Secretary, in cases in which the Secretary determines, in accordance with standards and procedures established by regulation, that—

“(I) the violation by a covered entity of a requirement of this section was repeated and knowing; and

“(II) imposition of a monetary penalty would be insufficient to reasonably ensure compliance with the requirements of this section.

“(vii) The referral of matters, as appropriate, to the Food and Drug Administration, the Office of the Inspector General of the Department of Health and Human Services, or other Federal or State agencies.

“(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—From amounts appropriated under subsection (f), the Secretary may establish and implement an administrative process for the resolution of the following:

“(A) Claims by covered entities that manufacturers have violated the terms of their agreement with the Secretary under subsection (a)(1).

“(B) Claims by manufacturers that covered entities have violated subsection (a)(4)(A) or (a)(4)(B).

“(e) AUDIT AND SANCTIONS.—

“(1) AUDIT.—From amounts appropriated under subsection (f), the Inspector General of the Department of Health and Human Services (referred to in this subsection as the ‘Inspector General’) shall audit covered entities under this section to verify compliance with criteria for eligibility and participation under this section, including the antidiversion prohibitions under

subsection (a)(4)(B), and take enforcement action or provide information to the Secretary who shall take action to ensure program compliance, as appropriate. A covered entity shall provide to the Inspector General, upon request, records relevant to such audits.

“(2) **REPORT.**—For each audit conducted under paragraph (1), the Inspector General shall prepare and publish in a timely manner a report which shall include findings and recommendations regarding—

“(A) the appropriateness of covered entity eligibility determinations and, as applicable, certifications;

“(B) the effectiveness of antidiversion prohibitions; and

“(C) the effectiveness of restrictions on inpatient dispensing and administration.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2011 and each succeeding fiscal year.”.

(b) **RULEMAKING.**—Not later than January 1, 2011, the Secretary shall promulgate regulations implementing section 340B–1 of the Public Health Service Act (as added by subsection (a)).

(c) **CONFORMING AMENDMENT TO SECTION 340B.**—Paragraph (1) of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended by adding at the end the following: “Such agreement shall further require that, if the supply of a covered outpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section. The agreement with a manufacturer under this paragraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B–1.”.

(d) **CONFORMING AMENDMENTS TO MEDICAID.**—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence, by striking “and paragraph (6)” and inserting “, paragraph (6), and paragraph (8)”;

(B) by adding at the end the following new paragraph:

“(8) **LIMITATION ON PRICES OF DRUGS PURCHASED BY 340B–1 COVERED ENTITIES.**—

“(A) **AGREEMENT WITH SECRETARY.**—A manufacturer meets the requirements of this paragraph if the manufacturer has entered into an agreement with the Secretary that meets the requirements of section 340B–1 of the Public Health Service Act with respect to covered inpatient drugs (as defined in such section) purchased by a 340B–1 covered entity on or after January 1, 2011.

“(B) **340B–1 COVERED ENTITY DEFINED.**—In this subsection, the term ‘340B–1 covered entity’ means an entity described in section 340B–1(b) of the Public Health Service Act.”; and

(2) in subsection (c)(1)(C)(i)—

(A) by striking “or” before “a covered entity”;

(B) by inserting before the semicolon the following: “, or a covered entity for a covered inpatient drug (as such terms are defined in section 340B–1 of the Public Health Service Act)”.

SEC. 517. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) **DEFINITION OF COVERED OUTPATIENT DRUG.**—

(1) **AMENDMENT.**—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C.

256b) is amended by striking “covered entities described in subparagraph (M)” and inserting “covered entities described in subparagraph (M) (other than a children’s hospital described in subparagraph (M))”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) **TECHNICAL AMENDMENT.**—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)) is amended by striking “and a children’s hospital” and all that follows through the end of the subparagraph and inserting a period.

SEC. 518. CONFORMING AMENDMENT RELATED TO WAIVER OF COINSURANCE FOR PREVENTIVE SERVICES.

Effective as if included in section 10501(i)(2)(A) of Public Law 111–148, section 1833(a)(3)(A) of the Social Security Act (42 U.S.C. 1395l(a)(3)(A)) is amended by striking “section 1861(s)(10)(A)” and inserting “section 1861(ddd)(3)”.

SEC. 519. ESTABLISH A CMS-IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.

(a) **AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.**—

(1) **IN GENERAL.**—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(22) **DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.**—

“(A) **IN GENERAL.**—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

“(i) the taxpayer identity information with respect to such taxpayer;

“(ii) the amount of the delinquent tax debt owed by that taxpayer; and

“(iii) the taxable year to which the delinquent tax debt pertains.

“(B) **RESTRICTION ON DISCLOSURE.**—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent necessary in, establishing the taxpayer’s eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

“(C) **DELINQUENT TAX DEBT.**—For purposes of this paragraph, the term ‘delinquent tax debt’ means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.”.

(2) **CONFORMING AMENDMENTS.**—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111–148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking “or (17)” and inserting “(17), or (22)” each place it appears.

(b) **SECRETARY’S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.**—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111–148, is further amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) **USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.**—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(l)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.”.

(c) **AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.**—Section 1866(j)(5) of the Social Security Act (42 U.S.C. 1395cc(j)(5)), as inserted by section 6401(a) of Public Law 111–148, is amended—

(1) in the paragraph heading, by striking “PAST-DUE” and inserting “MEDICARE”;

(2) in subparagraph (A), by striking “past-due obligations described in subparagraph (B)(ii) of an” and inserting “amount described in subparagraph (B)(ii) due from such”;

(3) in subparagraph (B)(ii), by striking “a past-due obligation” and inserting “an amount that is more than the amount required to be paid”.

SEC. 520. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.

Effective as if included in the enactment of Public Law 111–148, section 3110(a)(2) of such Act is amended to read as follows:

“(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to elections made after the date of the enactment of this Act.”.

SEC. 521. PHYSICIAN PAYMENT UPDATE.

(a) **IN GENERAL.**—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(1) in paragraph (10), in the heading, by striking “PORTION” and inserting “THE FIRST 5 MONTHS”;

(2) by adding at the end the following new paragraphs:

“(11) **UPDATE FOR THE LAST 7 MONTHS OF 2010.**—

“(A) **IN GENERAL.**—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on June 1, 2010, and ending on December 31, 2010, the update to the single conversion factor shall be 2.2 percent.

“(B) **NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.**—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.

“(12) **UPDATE FOR 2011.**—

“(A) **IN GENERAL.**—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2011, the update to the single conversion factor shall be 1.0 percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraph (A) had never applied.”.

(b) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

SEC. 522. ADJUSTMENT TO MEDICARE PAYMENT LOCALITIES.

(a) IN GENERAL.—Section 1848(e) of the Social Security Act (42 U.S.C.1395w-4(e)) is amended by adding at the end the following new paragraph:

“(6) TRANSITION TO USE OF MSAS AS FEE SCHEDULE AREAS IN CALIFORNIA.—

“(A) IN GENERAL.—

“(i) REVISION.—Subject to clause (ii) and notwithstanding the previous provisions of this subsection, for services furnished on or after January 1, 2012, the Secretary shall revise the fee schedule areas used for payment under this section applicable to the State of California using the Metropolitan Statistical Area (MSA) iterative Geographic Adjustment Factor methodology as follows:

“(I) The Secretary shall configure the physician fee schedule areas using the Metropolitan Statistical Areas (each in this paragraph referred to as an ‘MSA’), as defined by the Director of the Office of Management and Budget as of the date of the enactment of this paragraph, as the basis for the fee schedule areas.

“(II) For purposes of this clause, the Secretary shall treat all areas not included in an MSA as a single rest-of-State MSA and any reference in this paragraph to an MSA shall be deemed to include a reference to such rest-of-State MSA.

“(III) The Secretary shall list all MSAs within the State by Geographic Adjustment Factor described in paragraph (2) (in this paragraph referred to as a ‘GAF’) in descending order.

“(IV) In the first iteration, the Secretary shall compare the GAF of the highest cost MSA in the State to the weighted-average GAF of all the remaining MSAs in the State. If the ratio of the GAF of the highest cost MSA to the weighted-average of the GAF of remaining lower cost MSAs is 1.05 or greater, the highest cost MSA shall be a separate fee schedule area.

“(V) In the next iteration, the Secretary shall compare the GAF of the MSA with the second-highest GAF to the weighted-average GAF of all the remaining MSAs (excluding MSAs that become separate fee schedule areas). If the ratio of the second-highest MSA’s GAF to the weighted-average of the remaining lower cost MSAs is 1.05 or greater, the second-highest MSA shall be a separate fee schedule area.

“(VI) The iterative process shall continue until the ratio of the GAF of the MSA with highest remaining GAF to the weighted-average of the remaining MSAs with lower GAFs is less than 1.05, and the remaining group of MSAs with lower GAFs shall be treated as a single rest-of-State fee schedule area.

“(VII) For purposes of the iterative process described in this clause, if two MSAs have identical GAFs, they shall be combined.

“(ii) TRANSITION.—For services furnished on or after January 1, 2012, and before January 1, 2017, in the State of California, after calculating the work, practice expense, and malpractice geo-

graphic indices that would otherwise be determined under clauses (i), (ii), and (iii) of paragraph (1)(A) for a fee schedule area determined under clause (i), if the index for a county within a fee schedule area is less than the index that would otherwise be in effect for such county, the Secretary shall instead apply the index that would otherwise be in effect for such county.

“(B) SUBSEQUENT REVISIONS.—After the transition described in subparagraph (A)(ii), not less than every 3 years the Secretary shall review and update the fee schedule areas using the methodology described in subparagraph (A)(i) and any updated MSAs as defined by the Director of the Office of Management and Budget. The Secretary shall review and make any changes pursuant to such reviews concurrent with the application of the periodic review of the adjustment factors required under paragraph (1)(C) for California.

“(C) REFERENCES TO FEE SCHEDULE AREAS.—Effective for services furnished on or after January 1, 2012, for the State of California, any reference in this section to a fee schedule area shall be deemed a reference to a fee schedule area established in accordance with this paragraph.”.

(b) CONFORMING AMENDMENT TO DEFINITION OF FEE SCHEDULE AREA.—Section 1848(j)(2) of the Social Security Act (42 U.S.C. 1395w(j)(2)) is amended by striking “The term” and inserting “Except as provided in subsection (e)(6)(C), the term”.

SEC. 523. CLARIFICATION OF 3-DAY PAYMENT WINDOW.

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) by adding at the end of subsection (a)(4) the following new sentence: “In applying the first sentence of this paragraph, the term ‘other services related to the admission’ includes all services that are not diagnostic services (other than ambulance and maintenance renal dialysis services) for which payment may be made under this title that are provided by a hospital (or an entity wholly owned or operated by the hospital) to a patient—

“(A) on the date of the patient’s inpatient admission; or

“(B) during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of such admission unless the hospital demonstrates (in a form and manner, and at a time, specified by the Secretary) that such services are not related (as determined by the Secretary) to such admission.”; and

(2) in subsection (d)(7)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period and inserting “, and”; and

(C) by adding at the end the following new subparagraph:

“(C) the determination of whether services provided prior to a patient’s inpatient admission are related to the admission (as described in subsection (a)(4)).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.

(c) NO REOPENING OF PREVIOUSLY BUNDLED CLAIMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services may not reopen a claim, adjust a claim, or make a payment pursuant to any request for payment under title XVIII of the Social Security Act, submitted by an entity (including a hospital or an entity wholly owned or operated by the hospital) for services described in paragraph (2) for purposes of treating, as unrelated to a patient’s inpatient admission, services provided during the 3 days (or, in the case

of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of the patient’s inpatient admission.

(2) SERVICES DESCRIBED.—For purposes of paragraph (1), the services described in this paragraph are other services related to the admission (as described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as amended by subsection (a)) which were previously included on a claim or request for payment submitted under part A of title XVIII of such Act for which a reopening, adjustment, or request for payment under part B of such title, was not submitted prior to the date of the enactment of this Act.

(d) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of this section (and amendments made by this section) by program instruction or otherwise.

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as changing the policy described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as applied by the Secretary of Health and Human Services before the date of the enactment of this Act, with respect to diagnostic services.

TITLE VI—OTHER PROVISIONS

SEC. 601. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 7(a) of Public Law 111-157, is amended by striking “by substituting” and all that follows through the period at the end, and inserting “by substituting December 31, 2010, for the date specified in each such section.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on May 31, 2010.

SEC. 602. ALLOCATION OF GEOTHERMAL RECEIPTS.

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

SEC. 603. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration—Business Loans Program Account”, \$505,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section.

Such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of

2009 (Public Law 111–5; 123 Stat. 151) is amended by striking “September 30, 2010” each place it appears and inserting “December 31, 2010”.

(2) **LOAN GUARANTEES.**—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking “May 31, 2010” and inserting “December 31, 2010”.

(c) **APPROPRIATION.**—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), \$5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for “Small Business Administration—Salaries and Expenses”.

SEC. 604. EMERGENCY AGRICULTURAL DISASTER ASSISTANCE.

(a) **DEFINITIONS.**—Except as otherwise provided in this section, in this section:

(1) **DISASTER COUNTY.**—

(A) **IN GENERAL.**—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) **EXCLUSION.**—The term “disaster county” does not include a contiguous county.

(2) **ELIGIBLE AQUACULTURE PRODUCER.**—The term “eligible aquaculture producer” means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) **ELIGIBLE PRODUCER.**—The term “eligible producer” means an agricultural producer in a disaster county.

(4) **ELIGIBLE SPECIALTY CROP PRODUCER.**—The term “eligible specialty crop producer” means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced specialty crop losses in a disaster county due to drought, excessive rainfall, or a related condition.

(5) **QUALIFYING NATURAL DISASTER DECLARATION.**—The term “qualifying natural disaster declaration” means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(7) **SPECIALTY CROP.**—The term “specialty crop” has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

(b) **SUPPLEMENTAL DIRECT PAYMENT.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than specialty crops or crops intended for grazing) suffer at least a 5-percent crop loss on a farm due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) **ACRE PROGRAM.**—Eligible producers that received direct payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph

(1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 112.5 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) **RELATIONSHIP TO OTHER LAW.**—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) **SPECIALTY CROP ASSISTANCE.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

(2) **NOTIFICATION.**—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) **PROVISION OF GRANTS.**—

(A) **IN GENERAL.**—The Secretary shall make grants to States for disaster counties on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 calendar year, as determined by the Secretary.

(B) **ADMINISTRATIVE COSTS.**—State Secretary of Agriculture may not use more than five percent of the funds provided for costs associated with the administration of the grants provided in paragraph (1).

(C) **ADMINISTRATION OF GRANTS.**—State Secretary of Agriculture may enter into a contract with the Department of Agriculture to administer the grants provided in paragraph (1).

(D) **TIMING.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(E) **MAXIMUM GRANT.**—The maximum amount of a grant made to a State for counties described in paragraph (1)(B) may not exceed \$40,000,000.

(4) **REQUIREMENTS.**—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to issue payments to eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(D) **RELATION TO OTHER LAW.**—Assistance received under this subsection shall be included in

the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) **COTTONSEED ASSISTANCE.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) **GENERAL TERMS.**—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109–234; 120 Stat. 477).

(3) **DISTRIBUTION OF ASSISTANCE.**—The Secretary shall distribute assistance to first-handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) **PAYMENT RATE.**—The payment rate shall be equal to the quotient obtained by dividing—

(A) the total funds made available to carry out this subsection; by

(B) the sum of the county-eligible production, as determined under paragraph (5).

(5) **COUNTY-ELIGIBLE PRODUCTION.**—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first-handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) **AQUACULTURE ASSISTANCE.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(2) **NOTIFICATION.**—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(3) **PROVISION OF GRANTS.**—

(A) **IN GENERAL.**—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2009 calendar year, as determined by the Secretary.

(B) **TIMING.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(4) **REQUIREMENTS.**—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible aquaculture producers;

(B) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided per species of aquaculture; and

(iii) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(5) **REDUCTION IN PAYMENTS.**—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(6) **REPORT TO CONGRESS.**—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (4)(C).

(f) **HAWAII TRANSPORTATION COOPERATIVE.**—Notwithstanding any other provision of law, the Secretary shall use \$21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) **LIVESTOCK FORAGE DISASTER PROGRAM.**—

(1) **DEFINITION OF DISASTER COUNTY.**—In this subsection:

(A) **IN GENERAL.**—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) **INCLUSION.**—The term “disaster county” includes a contiguous county.

(2) **PAYMENTS.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) **CRITERIA.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) **DROUGHT INTENSITY.**—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) **AMOUNT.**—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) **RELATION TO OTHER LAW.**—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program car-

ried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) **EMERGENCY LOANS FOR POULTRY PRODUCERS.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **ANNOUNCEMENT DATE.**—The term “announcement date” means the date on which the Secretary announces the emergency loan program under this subsection.

(B) **POULTRY INTEGRATOR.**—The term “poultry integrator” means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) **LOAN PROGRAM.**—

(A) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) **TERMS AND CONDITIONS.**—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) **LOANS.**—

(A) **IN GENERAL.**—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) **ELIGIBILITY.**—

(i) **IN GENERAL.**—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) **REQUIREMENT TO OFFER LOANS.**—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) **ADDITIONAL REQUIREMENTS.**—

(A) **IN GENERAL.**—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender for the purchase, improvement, or operation of the poultry farm.

(B) **CONVERSION OF THE LOAN.**—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) **STATE AND LOCAL GOVERNMENTS.**—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting “(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)” before the period at the end.

(j) **ADMINISTRATION.**—

(1) **REGULATIONS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are nec-

essary to implement this section and the amendment made by this section.

(B) **PROCEDURE.**—The promulgation of the regulations and administration of this section and the amendment made by this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(C) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) **ADMINISTRATIVE COSTS.**—Of the funds of the Commodity Credit Corporation, the Secretary may use up to \$10,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) **PROHIBITION.**—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

SEC. 605. SUMMER EMPLOYMENT FOR YOUTH.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Department of Labor—Employment and Training Administration—Training and Employment Services” for activities under the Workforce Investment Act of 1998 (“WIA”), \$1,000,000,000 shall be available for obligation on the date of enactment of this Act for grants to States for youth activities, including summer employment for youth: Provided, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: Provided further, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed \$1,000,000,000: Provided further, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting “age 24” for “age 21”: Provided further, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds: Provided further, That an amount that is not more than 1 percent of such amount may be used for the administration, management, and oversight of the programs, activities, and grants carried out with such funds, including the evaluation of the use of such funds: Provided further, That funds available under the preceding proviso, together with funds described in section 801(a) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), and funds provided in such Act under the heading “Department of Labor—Departmental Management—Salaries and Expenses”, shall remain available for obligation through September 30, 2011.

SEC. 606. HOUSING TRUST FUND.

(a) **FUNDING.**—There is hereby appropriated for the Housing Trust Fund established pursuant to section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568), \$1,065,000,000, for use under such section: Provided, That of the total amount provided under this heading, \$65,000,000 shall be available to the Secretary of Housing and Urban Development only for incremental project-based voucher assistance to be allocated to States to be used solely in conjunction with grant funds awarded under such section 1338,

pursuant to the formula established under section 1338 and taking into account different per unit subsidy needs among states, as determined by the Secretary.

(b) AMENDMENTS.—Section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568) is amended—

(1) in subsection (c)—

(A) in paragraph (4)(A) by inserting after the period at the end the following: “Notwithstanding any other provision of law, for the fiscal year following enactment of this sentence and thereafter, the Secretary may make such notice available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.”;

(B) in paragraph (5)(C), by striking “(8)” and inserting “(9)”;

(C) in paragraph (7)(A)—

(i) by striking “section 1335(a)(2)(B)” and inserting “section 1335(a)(1)(B)”;

(ii) by inserting “the units funded under” after “75 percent of”;

(2) by adding at the end the following new subsection:

“(k) ENVIRONMENTAL REVIEW.—For the purpose of environmental compliance review, funds awarded under this section shall be subject to section 288 of the HOME Investment Partnerships Act (12 U.S.C. 12838) and shall be treated as funds under the program established by such Act.”.

SEC. 607. THE INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.

(a) SHORT TITLE.—This section may be cited as the “Individual Indian Money Account Litigation Settlement Act of 2010”.

(b) DEFINITIONS.—In this section:

(1) AMENDED COMPLAINT.—The term “Amended Complaint” means the Amended Complaint attached to the Settlement.

(2) LAND CONSOLIDATION PROGRAM.—The term “Land Consolidation Program” means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractional interests in trust or restricted land.

(3) LITIGATION.—The term “Litigation” means the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, Civil Action No. 96–1285 (JR).

(4) PLAINTIFF.—The term “Plaintiff” means a member of any class certified in the Litigation.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) SETTLEMENT.—The term “Settlement” means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(7) TRUST ADMINISTRATION CLASS.—The term “Trust Administration Class” means the Trust Administration Class as defined in the Settlement.

(c) PURPOSE.—The purpose of this section is to authorize the Settlement.

(d) AUTHORIZATION.—The Settlement is authorized, ratified, and confirmed.

(e) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation of jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Trust Land Consolidation Fund”.

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund \$2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than \$60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Indian Education Scholarship Holding Fund”.

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(g) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code of 1986 that takes into account excludible income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

SEC. 608. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.

(a) DEFINITIONS.—In this section:

(1) SETTLEMENT AGREEMENT.—The term “Settlement Agreement” means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the parties and approved by the court under that agreement) between certain plaintiffs, by and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in *In re Black Farmers Discrimination Litigation*, No. 08–511 (D.D.C.), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209).

(2) PIGFORD CLAIM.—The term “Pigford claim” has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2210).

(b) APPROPRIATION OF FUNDS.—There is hereby appropriated to the Secretary of Agriculture \$1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable. The funds appropriated by this subsection are in addition to the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) USE OF FUNDS.—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) TREATMENT OF REMAINING FUNDS.—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08–511 (D.D.C.), or for any other purpose.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into the Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) CONFORMING AMENDMENTS.—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209) is amended—

(1) in subsection (c)(1)—

(A) by striking “subsection (h)” and inserting “subsection (g)”;

(B) by striking “subsection (i)” and inserting “subsection (h)”;

(2) by striking subsection (e);

(3) in subsection (g), by striking “subsection (f)” and inserting “subsection (e)”;

(4) in subsection (i)—

(A) by striking “(1) IN GENERAL.—Of the funds” and inserting “Of the funds”; and

(B) by striking paragraph (2);

(5) by striking subsection (j); and

(6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

SEC. 609. EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION TO INCLUDE ALL CHAPTER 61 DISABILITY RETIREES REGARDLESS OF DISABILITY RATING PERCENTAGE OR YEARS OF SERVICE.

(a) **PHASED EXPANSION CONCURRENT RECEIPT.**—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

“(a) **PAYMENT OF BOTH RETIRED PAY AND DISABILITY COMPENSATION.**—

“(1) **PAYMENT OF BOTH REQUIRED.**—

“(A) **IN GENERAL.**—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (in this section referred to as a ‘qualified retiree’) is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

“(B) **APPLICABILITY OF FULL CONCURRENT RECEIPT PHASE-IN REQUIREMENT.**—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c).

“(C) **PHASE-IN EXCEPTION FOR 100 PERCENT DISABLED RETIREES.**—The payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following qualified retirees:

“(i) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

“(ii) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

“(D) **TEMPORARY PHASE-IN EXCEPTION FOR CERTAIN CHAPTER 61 DISABILITY RETIREES; TERMINATION.**—Subject to subsection (b), during the period beginning on January 1, 2011, and ending on September 30, 2012, subsection (c) shall not apply to a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

“(2) **QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.**—In this section:

“(A) **50 PERCENT RATING THRESHOLD.**—In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs. However, during the period specified in paragraph (1)(D), members or former members receiving retired pay under chapter 61 with 20 years or more of creditable service computed under section 12732 of this title, but not otherwise entitled to retired pay under any other provision of this title, shall qualify in accordance with subparagraphs (B) and (C).

“(B) **INCLUSION OF MEMBERS NOT OTHERWISE ENTITLED TO RETIRED PAY.**—In the case of a

member or former member receiving retired pay under chapter 61 of this title, but who is not otherwise entitled to retired pay under any other provision of this title, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

“(i) January 1, 2011, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent.

“(ii) January 1, 2012, rated 80 percent or 70 percent.

“(iii) January 1, 2013, rated 60 percent or 50 percent.

“(C) **ELIMINATION OF RATING THRESHOLD.**—In the case of a member or former member receiving retired pay under chapter 61 regardless of being otherwise eligible for retirement, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

“(i) January 1, 2014, rated 40 percent or 30 percent.

“(ii) January 1, 2015, any rating.

“(3) **LIMITED DURATION.**—Notwithstanding the effective date specified in each clause of subparagraphs (B) and (C) of paragraph (2), the clause—

“(A) shall apply only if the termination date specified in paragraph (1)(D) would occur during or after the calendar year specified in the clause; and

“(B) shall not apply beyond the termination date specified in paragraph (1)(D).”

(b) **CONFORMING AMENDMENT TO SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.**—Subsection (b) of such section is amended to read as follows:

“(b) **SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES WHEN ELIGIBILITY HAS BEEN ESTABLISHED FOR SUCH RETIREES.**—

“(1) **GENERAL REDUCTION RULE.**—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the members retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

“(2) **CHAPTER 61 RETIREES NOT OTHERWISE ENTITLED TO RETIRED PAY.**—

“(A) **BEFORE TERMINATION DATE.**—If a member with a qualifying service-connected disability (as defined in subsection (a)(2)) is retired under chapter 61 of this title, but is not otherwise entitled to retired pay under any other provision of this title, and the termination date specified in subsection (a)(1)(D) has not occurred, the retired pay of the member is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

“(B) **AFTER TERMINATION DATE.**—Subsection (a) does not apply to a member described in subparagraph (A) if the termination date specified in subsection (a)(1)(D) has occurred.”

(c) **CONFORMING AMENDMENT TO FULL CONCURRENT RECEIPT PHASE-IN.**—Subsection (c) of

such section is amended by striking “the second sentence of”.

(d) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of such section is amended to read as follows:

“**§ 1414. Concurrent receipt of retired pay and veterans' disability compensation.**”

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

“1414. Concurrent receipt of retired pay and veterans' disability compensation.”

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2011.

SEC. 610. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111–157), is amended—

(1) by striking “before May 31, 2010”; and

(2) by inserting “for 2011” after “until updated poverty guidelines”.

SEC. 611. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) **IN GENERAL.**—Subchapter A of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“**SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

“(b) **TERMINATION.**—Subsection (a) shall not apply to any amount received after December 31, 2010.”

(b) **CLERICAL AMENDMENT.**—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts received after December 31, 2009.

SEC. 612. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking “2010” and inserting “2011”; and

(2) in subsection (e), by striking “2010” and inserting “2011”.

SEC. 613. QUALIFYING TIMBER CONTRACT OPERATIONS.

(a) **DEFINITIONS.**—In this section:

(1) **QUALIFYING CONTRACT.**—The term “qualifying contract” means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term “timber purchaser” means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser’s written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

SEC. 614. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED SURFACE TRANSPORTATION PROGRAMS.

(a) MODIFICATION OF ALLOCATION RULES.—Section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111-147; 124 Stat. 80) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “1301, 1302,”; and

(ii) by striking “1198, 1204,”; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking “apportioned under sections 104(b) and 144 of title 23, United States Code,” and inserting “specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),”; and

(ii) in clause (ii) by striking “apportioned under such sections of such Code” and inserting “specified in such section 105(a)(2) (except the high priority projects program),”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “1301, 1302,”; and

(ii) by striking “1198, 1204,”; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking “apportioned under sections 104(b) and 144 of title 23, United States Code,” and inserting “specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),”; and

(ii) in clause (ii) by striking “apportioned under such sections of such Code” and inserting “specified in such section 105(a)(2) (except the high priority projects program),”; and

(3) by adding at the end the following:

“(5) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAMS.—

“(A) REDISTRIBUTION AMONG STATES.—Notwithstanding sections 1301(m) and 1302(e) of SAFETEA-LU (119 Stat. 1202 and 1205), the Secretary shall apportion funds authorized to be appropriated under subsection (b) for the projects of national and regional significance program and the national corridor infrastructure improvement program among all States such that each State’s share of the funds so apportioned is equal to the State’s share for fiscal year 2009 of funds apportioned or allocated for the programs specified in section 105(a)(2) of title 23, United States Code.

“(B) DISTRIBUTION AMONG PROGRAMS.—Funds apportioned to a State pursuant to subparagraph (A) shall be—

“(i) made available to the State for the programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

“(I) the amount apportioned to the State for that program for fiscal year 2009; bears to

“(II) the amount apportioned to the State for fiscal year 2009 for all such programs; and

“(ii) administered in the same manner and with the same period of availability as funding is administered under programs identified in clause (i).”

(b) EXPENDITURE AUTHORITY FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2010” and inserting “American Jobs and Closing Tax Loopholes Act of 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of the Surface Transportation Extension Act of 2010 (Public Law 111-147; 124 Stat. 78 et seq.) and shall be treated as being included in that Act at the time of the enactment of that Act.

(d) SAVINGS CLAUSE.—

(1) IN GENERAL.—For fiscal year 2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010, the amount of funds apportioned to each State under section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111-147) that is determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out the projects of national and regional significance program and national corridor infrastructure improvement program shall be the greater of—

(A) the amount that the State was authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program according to the provisions of that Act, as in effect on the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program pursuant to the provisions of that Act, as amended by the amendments made by this section.

(2) OBLIGATION AUTHORITY.—For fiscal year 2010, the amount of obligation authority distributed to each State shall be the greater of—

(A) the amount that the State was authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111-117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive pursuant to section 120(a)(4)(A) (as it

pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111-117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the date of enactment of this Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this subsection.

(4) INCREASE IN OBLIGATION LIMITATION.—The limitation under the heading “Federal-aid Highways (Limitation on Obligations) (Highway Trust Fund)” in Public Law 111-117 is increased by such sums as may be necessary to carry out this subsection.

(5) CONTRACT AUTHORITY.—Funds made available to carry out this subsection shall be available for obligation and administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(6) AMOUNTS.—The dollar amount specified in section 105(d)(1) of title 23, United States Code, the dollar amount specified in section 120(a)(4)(B) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111-117), and the dollar amount specified in section 120(b)(10) of such title shall each be increased as necessary to carry out this subsection.

SEC. 615. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.

(a) IN GENERAL.—Section 278(a) of the Trade Act of 1974 (19 U.S.C. 2372(a)) is amended by adding at the end the following:

“(3) RULE OF CONSTRUCTION.—For purposes of this section, any reference to ‘workers’, ‘workers eligible for training under section 236’, or any other reference to workers under this section shall be deemed to include individuals who are, or are likely to become, eligible for unemployment compensation as defined in section 85(b) of the Internal Revenue Code of 1986, or who remain unemployed after exhausting all rights to such compensation.”

(b) DEFINITION OF ELIGIBLE INSTITUTION.—Section 278(b)(1) of the Trade Act of 1974 (19 U.S.C. 2372(b)(1)) is amended—

(1) by striking “section 102” and inserting “section 101(a),”; and

(2) by striking “1002” and inserting “1001(a)”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 279 of the Trade Act of 1974 (19 U.S.C. 2372a) is amended—

(1) in subsection (a), by striking the last sentence; and

(2) by adding at the end the following:

“(c) ADMINISTRATIVE AND RELATED COSTS.—The Secretary may retain not more than 5 percent of the funds appropriated under subsection (b) for each fiscal year to administer, evaluate, and establish reporting systems for the Community College and Career Training Grant program under section 278.

“(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under subsection (b) shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college and career training programs.

“(e) AVAILABILITY.—Funds appropriated under subsection (b) shall remain available for the fiscal year for which the funds are appropriated and the subsequent fiscal year.”

SEC. 616. EXTENSIONS OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.

(a) EXTENSIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective date column and inserting “12/31/2013”:

(1) Heading 9902.52.08 (relating to woven fabrics of cotton).

(2) Heading 9902.52.09 (relating to woven fabrics of cotton).

(3) Heading 9902.52.10 (relating to woven fabrics of cotton).

(4) Heading 9902.52.11 (relating to woven fabrics of cotton).

(5) Heading 9902.52.12 (relating to woven fabrics of cotton).

(6) Heading 9902.52.13 (relating to woven fabrics of cotton).

(7) Heading 9902.52.14 (relating to woven fabrics of cotton).

(8) Heading 9902.52.15 (relating to woven fabrics of cotton).

(9) Heading 9902.52.16 (relating to woven fabrics of cotton).

(10) Heading 9902.52.17 (relating to woven fabrics of cotton).

(11) Heading 9902.52.18 (relating to woven fabrics of cotton).

(12) Heading 9902.52.19 (relating to woven fabrics of cotton).

(13) Heading 9902.52.20 (relating to woven fabrics of cotton).

(14) Heading 9902.52.21 (relating to woven fabrics of cotton).

(15) Heading 9902.52.22 (relating to woven fabrics of cotton).

(16) Heading 9902.52.23 (relating to woven fabrics of cotton).

(17) Heading 9902.52.24 (relating to woven fabrics of cotton).

(18) Heading 9902.52.25 (relating to woven fabrics of cotton).

(19) Heading 9902.52.26 (relating to woven fabrics of cotton).

(20) Heading 9902.52.27 (relating to woven fabrics of cotton).

(21) Heading 9902.52.28 (relating to woven fabrics of cotton).

(22) Heading 9902.52.29 (relating to woven fabrics of cotton).

(23) Heading 9902.52.30 (relating to woven fabrics of cotton).

(24) Heading 9902.52.31 (relating to woven fabrics of cotton).

(b) **EXTENSION OF DUTY REFUNDS AND PIMA COTTON TRUST FUND; MODIFICATION OF AFFIDAVIT REQUIREMENTS.**—Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 3060) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “amounts determined by the Secretary” and all that follows through “5208.59.80” and inserting “amounts received in the general fund that are attributable to duties received since January 1, 2004, on articles classified under heading 5208”; and

(B) in paragraph (2), by striking “October 1, 2008” and inserting “December 31, 2013”;

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1), by inserting “during the year in which the affidavit is filed and” after “imported cotton fabric”; and

(3) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1), by inserting “during the year in which the affidavit is filed and” after “United States”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act and apply with respect to affidavits filed on or after such date of enactment.

SEC. 617. MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND.

(a) **IN GENERAL.**—Section 4002(c)(2)(A) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2600)

is amended by striking “chapter 51” and inserting “chapter 62”.

(b) **FULL RESTORATION OF PAYMENT LEVELS IN FISCAL YEAR 2010.**—

(1) **TRANSFER OF AMOUNTS.**—

(A) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to amounts received in the general fund that are attributable to the duty received on articles classified under chapter 62 of the Harmonized Tariff Schedule of the United States, subject to the limitation in subparagraph (B).

(B) **LIMITATION.**—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010, equal the total amount of payments authorized to be provided to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010; and

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010.

(2) **PAYMENT OF AMOUNTS.**—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 30 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(c) **RULE OF CONSTRUCTION.**—The amendment made by subsection (a) shall not be construed to affect the availability of amounts transferred to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

SEC. 618. DEPARTMENT OF COMMERCE STUDY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall report to Congress detailing—

(1) the pattern of job loss in the New England, Mid-Atlantic, and Midwest States over the past 20 years;

(2) the role of the off-shoring of manufacturing jobs in overall job loss in the regions; and

(3) recommendations to attract industries and bring jobs to the region.

SEC. 619. ARRA PLANNING AND REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting “PLANS AND” after “AGENCY”;

(B) by striking “Not later than” and inserting the following:

“(1) **DEFINITION.**—In this subsection, the term ‘covered program’ means a program for which funds are appropriated under this division—

“(A) in an amount that is—

“(i) more than \$2,000,000,000; and

“(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

“(B) that did not exist before the date of enactment of this Act.

“(2) **PLANS.**—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

“(A) a description of the goals for the covered program using recovery funds;

“(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

“(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

“(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

“(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

“(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

“(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

“(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

“(3) **REPORTS.**—

“(A) **IN GENERAL.**—Not later than”;

(C) by adding at the end the following:

“(B) **REPORTS ON PLANS.**—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

“(i) discusses the progress of the agency in implementing the plan;

“(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

“(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

“(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

“(v) discusses—

“(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

“(II) if the covered program has failed to meet the milestones, the reasons why; and

“(III) any changes in the milestones for the covered program, including the reasons for the change;

“(vi) discusses the performance of the covered program, including—

“(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

“(II) if the covered program has failed to meet the performance measures, the reasons why; and

“(III) any trends in information relating to the performance of the covered program; and

“(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.”;

(2) in subsection (f)—

(A) by striking “Within 180 days” and inserting the following:

“(1) IN GENERAL.—Within 180 days”; and

(B) by adding at the end the following:

“(2) PENALTIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than \$250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

“(B) NOTIFICATION.—

“(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

“(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

“(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

“(i) the number of times the recipient has failed to provide the information required under subsection (c);

“(ii) the amount of recovery funds provided to the recipient;

“(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

“(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

“(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

“(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

“(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

“(4) PUBLIC LISTING.—

“(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

“(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of re-

covery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for noncompliance.

“(5) REGULATIONS AND REPORTING.—

“(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

“(B) REPORTING.—

“(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include—

“(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

“(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

“(III) any other information determined appropriate by the Director.”; and

(3) by adding at the end the following:

“(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.”.

TITLE VII—BUDGETARY PROVISIONS

SEC. 701. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘Budgetary Effects of PAYGO Legislation’ for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EMERGENCY DESIGNATIONS.—Sections 501, 511, and 516—

(1) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, are designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

The SPEAKER pro tempore. The motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I yield myself 4 minutes.

We will be voting on two amendments. I want to comment first on that relating to jobs. It is major job legislation. Included are billions for financing

infrastructure, Build America Bonds. And here is what one school district said. I read it because it applies to school districts, to communities, to people throughout this country.

The Build America Bonds have been used in virtually every State, probably in most counties. Here is what one superintendent said.

“Build America Bonds proved to be a brass tacks approach to address critical needs in our school district such as new school buses, roof replacements, and technology upgrades. Relief provided by BABs allowed us to ensure taxpayers a lower interest rate while at the same time putting people to work.”

There is also authority for other important bonds. There are tax incentives in this bill for business relating to jobs. The R&D tax credit, the biodiesel tax credit. There is a provision, it's an incentive for retailers to invest in their real estate, infrastructure, building jobs, and also provisions to help U.S. companies compete overseas, not taking their jobs overseas, and allowing manufacturers to use AMT tax credits, otherwise unused for investment in the United States of America and for jobs in the United States of America.

SBA loans to small businesses, summer jobs programs, overall more than \$26 billion here for job creation, as well as for individual tax relief.

We essentially pay for this bill with a provision where you invest your own money, you get a capital gains. If you manage other people's money, ordinary income. We phase it in so that there will be a period of time for this to occur, as well as closing loopholes in the use of foreign credit so companies don't shift their jobs overseas.

The second part of this amendment relates to unemployment insurance. I will say this very, very briefly. Those who vote “no” are essentially going to say to millions of workers in this country, Your benefits will not be available even though you are looking for work.

The second amendment relates to SGR, and this relates not only to physicians, but most importantly to the families that they treat. If we don't act, there will be a 21 percent cut in reimbursement for physicians and also for military families. Now, this is provided by statutory PAYGO.

□ 1145

So colleagues, the choice is clear. This is about American jobs, this is for unemployment for those looking for work who can't find it, and it's for physicians to avoid a 21 percent cut. This is not only about physicians, but their patients under Medicare.

We must act; we must move on this now. The Senate will then have to move quickly when they return. We must stand on the side of supporting American jobs and preventing outsourcing of those jobs.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Let's be clear about what we are doing here today, and, that is, absolutely nothing. This bill is going nowhere. It will not be signed into law, and it will be totally rewritten in the Senate. Majority Leader REID made that perfectly clear on the floor of the Senate last night. So if you want to walk a \$54.2 billion deficit-increasing, tax-hiking, job-killing plank, vote "yes." If not, vote "no."

Let's also be clear that this bill has nothing to do with jobs. In fact, virtually every business group is opposed to this package: the Chamber of Commerce, Home Builders, Associated General Contractors, the National Federation of Independent Businesses, the National Association of Manufacturers, and the list goes on and on. Employers across the country say this bill will hurt our economic recovery. With employment stuck at nearly 10 percent, this is the last bill this House should be passing.

And here we are addressing yet another fundamental flaw in the Democrats' health care overhaul. Had the Democrats not hidden the true cost of that law, we would not be here today voting on another so-called "doc fix," a fix that expands the deficit by \$22.9 billion, kicks the can 19 months down the road, has doctors facing a 33 percent cut in 2012, and will force us to spend billions more. We could have paid for a much better package—like the ones the Republicans offered on the House floor last fall—by simply standing up to the trial lawyers and passing commonsense lawsuit reform.

Let's also be honest about the real deficit impact because it is much, much more than the \$54.2 billion we have before us. Every Member of this House knows we will be back voting again to increase the deficit in order to again extend these programs and to extend COBRA and FMAP subsidies, both of which were deleted from the bill early this morning. Now, whether you eat the cookie in one bite or several little bites, it has the same number of calories. We owe it to ourselves and to the American people to be honest about just how much deficit spending we're being asked to swallow.

Given that this bill adds \$54.2 billion to the deficit but is somehow PAYGO compliant, I think we can officially declare dead the myth that PAYGO will instill fiscal discipline.

So just what are we getting for this deficit spending? Not jobs and not tax cuts. There is no net tax relief before us today. In fact, the Democrats are imposing permanent tax increases at the worst possible time to pay for temporary extensions of current law.

There is a \$17.7 billion tax on carried interest, including real estate partner-

ships and venture capital firms, that would discourage the entrepreneurial risk-taking that is crucial to economic growth and job creation.

The proposed tax on small business income is perhaps even more troubling. President Obama himself claims that 70 percent of new jobs come from small businesses, yet the bill would increase taxes on certain small businesses by subjecting to employment taxes the business profits as opposed to wages.

The bill also includes more than a half dozen complex changes to our international tax rules. These new changes collectively raise close to \$15 billion but have not been reviewed by the Ways and Means Committee. Given the desperate shape of our economy and the need to remain competitive with other countries, we should not be rushing forward with massive tax increases without knowing their exact impact.

I urge my colleagues to vote "no" on increasing the deficit by over \$50 billion and to vote "no" on raising taxes permanently when unemployment is stuck at nearly 10 percent.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, it is now my privilege to yield 2 minutes to the distinguished chairman of the Energy and Commerce Committee, Mr. WAXMAN.

Mr. WAXMAN. I want to urge my colleagues to vote for the part of this legislation that would update the SGR, which is the payment for physicians under the Medicare program. It's absolutely critical to do this if we are going to keep doctors in Medicare and keep the promise to Medicare beneficiaries that they will have access to physicians' services.

This provision will provide a moderate increase in physician fees, 2.2 percent for the rest of this year, another 1 percent next year. If we don't act, doctors' fees will be cut by 21 percent from where they are today. This would be unconscionable.

The truth is we should be doing a lot more than this. We should have had a permanent fix of the SGR issue. We need to ensure stability for the Medicare patients and their doctors. After we pass this, we will go back and address that issue, but it is important that we adopt the SGR part.

Finally, I want to express my deep regret that we are not including two provisions that are essential to the fiscal security of those hardest hit by the recession: an extension of COBRA coverage and a 6-month extension of the Medicaid matching increase that helps States cope with the effects of this recession. Failing to do this will cost jobs and hurt vulnerable people. I hope this is not our final action on this subject.

At least let's do what we can today. Support the physician payment improvement and support the bill.

In addition, here is some additional specific information about the new 340B-1 program. Under it, covered entities will receive discounts on covered inpatient drugs in cases where the drug is provided to a patient who does not have health insurance coverage that provides prescription drug coverage in the inpatient setting with respect to such covered drug.

The intent of Congress is that the Secretary implement and operate the 340B and 340B-1 programs in such a manner as to minimize the burden for providers and manufacturers who will be participating in both programs, and ensure the efficiency and integrity of the programs. Thus, 340B-1 Program has been specifically designed to permit the Secretary to operate it under the same general rules and conditions as the 340B Program.

To the extent that a drug is a covered drug under both the 340B and 340B-1 program, the drug's AMP and ceiling price are required to be the same in each program. If a drug is a covered drug in the 340B-1 program, but not the 340B program, the Secretary must use methods to determine the AMP or ceiling prices that are the same, or as applicable, similar to, the methods that would be used to make these calculations under the 340B program.

Two unique aspects of the 340B-1 inpatient drug program present challenges for hospitals and other participating entities. In many cases inpatient drugs are often included, for billing and other purposes, as part of a bundled price for medical procedures. In addition, 340B-1 discounted inpatient drugs are only available for patients that do not have health plan coverage that provides prescription drug coverage in the inpatient setting with respect to such covered drug. However, in many cases, particularly in emergency situations, hospitals or other participating entities might have no knowledge of a patient's insurance status (or information about whether a patient has health plan coverage that covers a drug in the inpatient setting) at the time the drug is administered. The Committee intends that in implementing this section, HRSA take these unique circumstances into account and act to make certain that participating entities can fully participate and receive discounts for all covered drugs in the 340B-1 program.

Section 518 contains a conforming amendment to section 340B(A)(1) of the Public Health Services Act regarding circumstances where the supply of a 340B drug is insufficient to meet demand. New paragraphs 340B-1(a)(1)(B) and 340B-1(a)(1)(C) contain identical language. These paragraphs in sections 340B and 340B-1 contain "must offer" language. Under these 340B and 340B-1 "must offer" provisions, manufacturers may not discriminate against or refuse to sell to 340B or 340B-1 entities at the 340B or 340B-1 price. The intent of these provisions is to codify HRSA's current approach to handling the "must offer" provisions of the 340B law, and to require that HRSA use this same approach for drugs covered under section 340B-1. Under this current HRSA approach, codified in this legislation, in cases where there may be a drug shortage, 340B and 340B-1 entities do not automatically go to the front of the line. But the manufacturer cannot send them to the

back of the line either. With regard to supply shortages and drug availability, manufacturers must treat 340B and 340B-1 entities the same way they treat all their other customers. This language also contains a requirement for Secretarial approval of manufacturers' plans for cases where drug shortages exist. The timing of these approvals is at the discretion of the Secretary.

New section 340B-1 and a conforming amendment to section 340B allow the HHS Secretary to combine manufacturers' agreements for the 340B and 340B-1 program. However, unless specifically mentioned in the 340B conforming amendments in this legislation, this legislation is not intended to change the operations of the 340B program.

Nothing in section 340B or 340B-1 requires that hospitals and other qualifying entities participate in both the 340B and 340B-1 program. Participating entities may, at their discretion, participate in either, neither, or both programs.

Mr. CAMP. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding and for his outstanding leadership.

This is a challenging time in the life of this country. Families are hurting, businesses in the city and on the farm are struggling. It's the worst recession in the last 25 years, and from Washington, D.C., failed economic policies.

So what do you do after your Big Government stimulus bill is a failure? Well, apparently the answer in this Congress is pass another one. Really, seriously. About a year and a half ago, with the support of this administration, Democrats in Congress passed a \$1 trillion stimulus bill. Unemployment was at 7.5 percent, and we were told we had to borrow \$1 trillion from future generations of Americans for this liberal wish list of spending priorities or unemployment would go over 8 percent. Unemployment now, as we all know, is hovering at a painful 10 percent.

But after the stimulus bill was passed and failed, we came to March of this year, and the Democrats' answer was pass another stimulus bill built on the same economic policies, the HIRE Act, \$17.6 billion. And now after the "stimulus" bill and after "son of stimulus" bill, we are now considering "grandson of stimulus," and the American people are getting tired of it.

Democrats literally want us to take the same failed economic policies of this administration of the last year and a half and spend another \$102 billion. This "grandson of stimulus" is another last-minute, patched-together hodgepodge effort to say they're working on jobs that will tack \$54 billion onto our deficit and will increase taxes by more than \$47 billion. They throw on \$23 billion in there for a doc fix with no offsets. This is what Democrats actually kept out of the recent health care legislation to keep it under its so-

called "\$1 trillion" number. It really doesn't fix anything.

As the ranking member of the committee just said, we've got temporary extensions paid for with permanent tax increases, and the American people are catching on. But this is what happens when a Democrat majority has no budget and no plan and no vision to get America working again. We've seen this movie before: "Stimulus" fails, "Son of Stimulus" fails, and now, as we all prepare to leave the Congress this weekend and remember those who fell defending our freedom at home and abroad, "Grandson of Stimulus" is on the floor.

Look, it's time for some new ideas here on the floor. I say to my colleagues, men and women that I respect, who have all earned the right to be here, why don't we try something completely different. How about fiscal discipline in Washington, D.C. right now? And how about let's do what John F. Kennedy did; let's do what Ronald Reagan did: across-the-board tax relief for working families, small businesses, and family farms. Get government under control, get government out of the way, and this economy will come roaring back.

Mr. LEVIN. It is now my privilege to yield 2 minutes to the chairman of the Transportation and Infrastructure Committee—this is about infrastructure and transportation—JIM OBERSTAR.

Mr. OBERSTAR. Thank you, Mr. Chairman.

I strongly support this legislation extending Build America bonds and marketable distribution of highway funding. Build America bonds allow taxable bond access for State and local governments, create new types of investors, and attract them to infrastructure from pension funds and tax-exempt organizations.

This bill also provides \$521 million in highway funding for highway and transit for more equitable distribution of Federal funding than was adopted under the Senate language in the HIRE Act.

The Senate revisions earmark funding under two major discretionary programs—Projects of National Regional Significance and the National Corridor Program—for a small select group of States. Under our distribution, we revise and make equitable the Senate revisions which skewed the highway formula. Under this provision in this bill, every State receives its fair share, apportionment share, of the funds available under these programs.

Thirty-seven States will receive more highway and transit funding through this modification, which will produce thousands of jobs across all these States, 18,000 jobs. In contrast to the gentleman who just recently was before me and said, oh, the stimulus hasn't produced jobs, every month our

committee has held a hearing—I have chaired 19 hearings—every month to hold States accountable for the jobs produced under our stimulus program: 1,300,000 jobs, 34,000 lane miles of highway improved, 1,262 bridges repaired, replaced or rebuilt, 10,000 transit buses acquired by local transit agencies, \$409 million in taxes paid by workers on job sites. That is a success. That is putting America back to work.

I rise today in strong support of H.R. 4213, the "American Jobs and Closing Tax Loopholes Act of 2010".

The American Jobs Act includes two major provisions to increase investment in our nation's infrastructure: (1) an extension of authority for Build America Bonds and (2) provisions to require a more equitable distribution of certain categories of Federal highway funding.

H.R. 4213 extends the Build America Bonds program for 2 years, through 2012. Build America Bonds were first authorized by the American Recovery and Reinvestment Act of 2009 to assist State and local governments in accessing credit markets in the wake of the financial crisis. Specifically, Build America Bonds allow State and local governments to access the taxable bond market, thereby reaching new types of investors such as pension funds and tax-exempt organizations.

By giving State and local governments a choice between accessing the tax-exempt municipal bond market and the taxable bond market to meet their financing needs, Build America Bonds allow State and local governments to select the bond market that provides the lowest financing cost, and the biggest bang for the buck.

Build America Bonds have proven to be an important tool for State and local governments to finance much-needed infrastructure improvements. As of April 30, 2010, State and local governments have used Build America Bonds to finance more than \$96 billion in infrastructure projects, including improvements to schools, hospitals, water and sewer utilities, highways, transit, and airports. I strongly support the extension of this program.

H.R. 4213 also provides an additional \$521 million of highway funding to allow for a more equitable distribution of certain categories of Federal highway funding than the distribution of highway funding provided under the Hiring Incentives to Restore Employment (HIRE) Act.

In March, the majority of the House voted to pass the HIRE Act based, in part, on an express commitment by Senate Majority Leader REID that the Senate would pass subsequent jobs legislation to distribute highway funding more equitably—according to the House formula.

The highway formula provisions in this jobs bill implement Majority Leader REID's commitment. I thank him, Speaker PELOSI, and Majority Leader HOYER for their tireless work to resolve this issue and provide each State and highway program with a fair share of highway formula funding.

I would also like to thank the 55 Democratic first- and second-term Members, led by the gentleman from New York (Mr. MCMAHON) and the gentleman from Ohio (Mr. DRIEHAUS),

and the Members of the Committee on Transportation and Infrastructure, led by the gentlewoman from Texas (Ms. JOHNSON), the gentleman from Michigan (Mr. SCHAUER), and the gentleman from Ohio (Mr. BOCCIERI), for their instrumental work in spearheading efforts to marshal support for enactment of the highway formula provisions included in H.R. 4213. In addition, I thank the Members of the Illinois, California, and other affected State delegations for helping us reach the compromise that we bring to the Floor today.

The Senate revisions of the HIRE Act earmarked funding under two major highway discretionary programs—the Project of National and Regional Significance, PNRS, program and the National Corridor Infrastructure Improvement, National Corridor, program—for a small, select group of States. Under this distribution, four States received 58 percent of the funding and 21 States received nothing.

The treatment of these programs in the Senate revisions of the HIRE Act skewed the highway formula, significantly benefitting four States with a permanent windfall due to these earmarks.

The provisions in H.R. 4213 revise the distribution of PNRS and National Corridor program funding so that every State receives a fair share of the funds made available under these programs. Specifically, H.R. 4213 provides each State with a share of the PNRS and National Corridor funds equal to the greater of that which the State received under the HIRE Act or under H.R. 4213, the American Jobs Act.

Thirty-seven States receive more highway dollars based on the modification to the distribution of highway formula funding included

in H.R. 4213. This new highway funding will produce thousands of jobs across these States—jobs that are critically important to the construction sector currently suffering from 21.8 percent unemployment.

Under the Recovery Act, we have clearly seen States demonstrate their ability to put highway and transit dollars to work quickly to create and sustain jobs—322,000 direct, on-project jobs in the first year of the Recovery Act and 49,000 direct jobs last month alone. In total, these highway and transit funds have created and sustained more than 1 million jobs over the past year.

In December, the American Association of State Highway and Transportation Officials reported to our Committee that States currently have a backlog of 7,497 ready-to-go highway and bridge projects totaling \$47.3 billion.

Given the States' extraordinary performance under the Recovery Act and the overwhelming highway investment needs, we can expect that the highway funding provided under H.R. 4213 will result in hundreds of projects under contract—with shovels in the ground—within 90 days.

Based upon Federal Highway Administration estimates, the \$521 million of additional funding provided under H.R. 4213 will create more than 18,000 family-wage jobs.

The HIRE Act also distributed “additional” formula funding (provided in lieu of additional Congressionally-directed projects) among only six of 13 current State highway formula programs.

In doing so, it effectively designated seven programs—the Appalachian Development Highway System, Rail-Highway Grade Crossing, Equity Bonus, Recreational Trails, Safe

Routes to School, Coordinated Border Infrastructure, and Metropolitan Planning programs—as “second tier” programs, providing them less funding in FY 2010 and FY 2011 and weakening their standing during the ongoing authorization process.

The highway provisions in H.R. 4213 appropriately recognize the standing of all of the current highway formula programs: distributing “additional” formula funding through all current State highway formula programs, rather than just six. This modification is critically important to the Appalachian Development Highway System, Metropolitan Planning, and Safe Routes to School programs.

Today marks the third time that the House will vote on language to revise the HIRE Act's highway funding distribution, which this chamber has twice passed language to amend. With the rock-solid commitment of the House Democratic Leadership and Senate Majority Leader REID, I look forward to enacting the highway formula modifications included in H.R. 4213 and providing every State with a fair share of the funds distributed under these programs as they begin to move forward with their summer highway construction seasons.

I urge my colleagues to join me in supporting H.R. 4213, the “American Jobs and Closing Tax Loopholes Act of 2010”.

Attached is a state-by-state highway funding table outlining the additional funding provided by H.R. 4213.

HIGHWAY AND BRIDGE FORMULA FUNDING BY STATE UNDER SURFACE TRANSPORTATION EXTENSION ACTS HIRE ACT VS. H.R. 4213, THE “AMERICAN JOBS ACT OF 2010”—MAY 27, 2010

37 STATES FARE BETTER UNDER THE AMERICA JOBS ACT THAN UNDER THE HIRE ACT

[No State receives less under the American Jobs Act than under the HIRE Act]

| State | HIRE act ¹ | H.R. 4213, American jobs act ² | Increase/(decrease) Under H.R. 4213 |
|----------------|-----------------------|---|-------------------------------------|
| Alabama | \$1,160,135,018 | \$1,178,768,813 | \$18,633,795 |
| Alaska | 700,070,601 | 703,484,406 | 3,413,805 |
| Arizona | 1,119,833,846 | 1,137,317,569 | 17,483,723 |
| Arkansas | 780,938,284 | 780,938,284 | 0 |
| California | 5,548,334,984 | 5,548,334,984 | 0 |
| Colorado | 808,562,089 | 808,562,089 | 0 |
| Connecticut | 771,124,583 | 774,468,106 | 3,343,523 |
| Delaware | 254,115,413 | 258,166,183 | 4,050,770 |
| Dist. of Col. | 241,637,283 | 241,637,283 | 0 |
| Florida | 2,901,459,068 | 2,948,516,503 | 47,057,435 |
| Georgia | 1,991,725,595 | 2,023,498,871 | 31,773,276 |
| Hawaii | 258,011,916 | 262,133,940 | 4,122,024 |
| Idaho | 436,473,412 | 443,558,991 | 7,085,579 |
| Illinois | 2,133,468,322 | 2,133,468,322 | 0 |
| Indiana | 1,454,478,216 | 1,473,826,863 | 19,348,648 |
| Iowa | 721,928,309 | 731,252,426 | 9,324,118 |
| Kansas | 582,189,917 | 591,518,358 | 9,328,441 |
| Kentucky | 1,012,890,986 | 1,027,305,950 | 14,414,964 |
| Louisiana | 1,045,633,419 | 1,045,633,419 | 0 |
| Maine | 280,240,625 | 284,757,226 | 4,516,601 |
| Maryland | 918,077,359 | 930,393,685 | 12,316,326 |
| Massachusetts | 935,232,711 | 950,187,222 | 14,954,511 |
| Michigan | 1,628,896,250 | 1,649,577,451 | 20,681,201 |
| Minnesota | 969,838,993 | 969,838,993 | 0 |
| Mississippi | 730,280,701 | 740,066,612 | 9,785,911 |
| Missouri | 1,422,349,455 | 1,444,428,478 | 22,079,023 |
| Montana | 595,326,967 | 604,421,087 | 9,094,120 |
| Nebraska | 439,714,255 | 446,827,117 | 7,112,863 |
| Nevada | 509,981,437 | 517,716,094 | 7,734,658 |
| New Hampshire | 255,499,273 | 259,619,857 | 4,120,584 |
| New Jersey | 1,522,180,325 | 1,522,180,325 | 0 |
| New Mexico | 558,845,157 | 564,388,783 | 5,543,626 |
| New York | 2,585,021,983 | 2,601,114,874 | 16,092,891 |
| North Carolina | 1,600,085,980 | 1,625,905,549 | 25,819,569 |
| North Dakota | 376,542,187 | 382,541,944 | 5,999,758 |
| Ohio | 2,046,630,272 | 2,071,931,711 | 25,301,439 |
| Oklahoma | 958,778,621 | 958,778,621 | 0 |
| Oregon | 747,025,067 | 747,025,067 | 0 |
| Pennsylvania | 2,533,737,942 | 2,561,421,751 | 27,683,809 |
| Rhode Island | 328,209,791 | 333,303,797 | 5,094,006 |
| South Carolina | 960,038,143 | 962,956,224 | 2,918,081 |
| South Dakota | 423,697,858 | 430,371,013 | 6,673,155 |
| Tennessee | 1,286,665,098 | 1,286,665,098 | 0 |
| Texas | 4,835,326,375 | 4,912,212,474 | 76,886,099 |
| Utah | 482,941,887 | 490,736,905 | 7,795,018 |

37 STATES FARE BETTER UNDER THE AMERICA JOBS ACT THAN UNDER THE HIRE ACT—Continued

[No State receives less under the American Jobs Act than under the HIRE Act]

| State | HIRE act ¹ | H.R. 4213, American jobs act ² | Increase/(decrease) Under H.R. 4213 |
|---------------------|-----------------------|---|-------------------------------------|
| Vermont | 299,846,556 | 304,031,221 | 4,184,665 |
| Virginia | 1,550,364,905 | 1,550,364,905 | 0 |
| Washington | 1,021,098,782 | 1,021,098,782 | 0 |
| West Virginia | 660,653,936 | 660,653,936 | 0 |
| Wisconsin | 1,135,046,618 | 1,138,278,090 | 3,231,471 |
| Wyoming | 389,303,475 | 395,692,926 | 6,389,451 |
| Total | 58,910,490,244 | 59,431,879,178 | 521,388,934 |

¹ The Surface Transportation Extension Act of 2010, title IV of P.L. 111–147, the “Hiring Incentives to Restore Employment Act” (HIRE Act).² H.R. 4213, the “American Jobs and Closing Tax Loopholes Act of 2010”.

This table was prepared by the Committee on Transportation and Infrastructure Majority staff based on technical assistance provided by the Federal Highway Administration.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in opposition to this “deficit extenders” bill. There is no dispute that items such as unemployment insurance, Medicare physician payment, and R&D tax credits need to be addressed. However, the legislation before us exemplifies an odd view of fiscal responsibility. We don’t have to pay for new spending, but every time we temporarily extend existing tax cuts, we have to permanently increase other taxes.

Despite the majority’s pay-as-you-go rhetoric, this bill adds \$54 billion to our out-of-control budget deficit. It also imposes a number of new taxes that have not been examined by the tax writing Ways and Means Committee. These include an \$11 billion payroll tax hike on small businesses, as well as the carried interest tax increase that threatens to devastate the commercial real estate and venture capital industries, both of which are vital to my State of California.

□ 1200

The majority would like to characterize this as a “jobs bill.” Yet the truth is that virtually all of the policies in this bill were already in place throughout 2009, the same year our economy lost 3 million jobs.

This is not a jobs bill. It’s just another extension of the “tax-too-much, spend-too-much, borrow-too-much” philosophy that we have come to expect from this Democratic majority.

I urge the defeat of this bill.

Mr. LEVIN. It is now my privilege to yield 2 minutes to the very distinguished gentleman from New York, CHARLES RANGEL.

Mr. RANGEL. One would listen to this debate and believe that it’s only Democrats who have an economic problem that we’re facing. It’s almost embarrassing to listen to the minority talk about the deficit and not even explain how we got into this deficit.

I want to congratulate the chairman of our committee, as well as our leader.

It’s very, very difficult for this Congress and for this country to move forward the way that we should and to

ease the pain of the fiscal crisis that was created by the previous administration when you’re acting alone.

It would just seem to me that Republicans have to learn to understand that people have lost their jobs, that people need health care, that people who really lost their homes are not Democrats and Republicans. They are Americans.

I think that we should get fed up just with placing blame. I don’t remember the last time I mentioned “Ford” and “Cheney,” because this is not going to help us in terms of where we’re going. If you’re talking about health care, the Republicans say “no.” If you’re talking about education, the Republicans say “no.” If you’re talking about easing the pain of those people who have lost their jobs, their dignity, their ability to put food on their tables, then we have to find some way to work together so that the answers we give are able to give some comfort to people, are able to bring jobs back to the United States of America, and are able to make certain, when we have inequities in our tax system, that we move forward and not say we’re increasing taxes but that we’re trying to make the tax system fairer.

So, somewhere along the line, people are going to get fed up with the blame game. We’re trying to move forward on this bill here to create the jobs, to ease the pain of those who haven’t got the jobs, and to bring some type of equity to our tax system.

Just saying “no” is not going to work forever. It does not have a political base, but the time is not too late for us to take a look and ask whether or not our Governors really appreciate the fact that we are ignoring the burden that we are placing on them in providing health care.

Vote for this bill. It’s the best we can do at this point in time.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, sadly, this isn’t a jobs bill. This is pork barrel spending wrapped in tax increases and dipped in debt to China, and the way it treats our local doctors, like beggars, is just shameful.

Continuing to tax and spend like we are Greece is not the answer to getting

people back to work or to tackling this growing and dangerous debt, especially when you have tax increases that kill jobs for our small businesses, for our real estate, and for our U.S. companies that are trying to compete overseas.

This is alarming. Sometime this weekend, America’s debt will reach \$13 trillion for the first time in our history; \$13 trillion. So who is responsible for running up all this debt?

A new report by the Joint Economic Committee shows that, since 1946, congressional Democrats have added twice as much to America’s debt than have Republicans. They like to blame Bush or Reagan or anyone else for the staggering debt, but they are squarely to blame for generating two-thirds of the Federal debt that American families must now repay through higher taxes or a slower economy, and they’re just getting started.

Our national debt is 83 percent of our economy. It’s whoppingly huge. It’s going to grow to over 100 percent under the Obama budget. Unless we stop congressional Democrats and President Obama from spending us even deeper into a hole, future generations of Americans will be dragging an anchor of debt that will drown their dreams and cripple our Nation’s prosperity.

We can start today by preventing another \$54 billion in spending we can never hope to repay and that our children can never hope to repay—\$54 billion—larger than our agencies of Treasury, Commerce, and Social Security combined.

So new debt, new tax increases, job-killing provisions. Let’s stop the madness. Let’s say “no” to this bill and “yes” to real jobs.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to a member of the Ways and Means Committee, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, this bill supports the efforts of American entrepreneurs and of American businesses to create jobs here at home, and at the same time, it closes down perverse tax loopholes that encourage big corporations to ship American jobs overseas.

On the plus side, it invests and encourages investments in research and development by businesses right here at home, which are provisions that our

colleagues have supported in the past. It invests in the very successful Build America Bonds initiative that has driven new investment in roads, in bridges, and in essential infrastructure here at home. It pays for all of these investments by eliminating a number of loopholes in the Tax Code, including a very awful loophole that encourages big corporations to export, not American products, but American jobs.

Very simply, Mr. Speaker, creative corporate tax lawyers have devised a way to have American taxpayers, our constituents, foot the bill for the taxes that their corporations pay to foreign governments for their overseas operations. Think about that. We don't pay for the taxes that American corporations have to pay for jobs here at home and earnings here at home. Yet our constituents are footing the bill for taxes American corporations pay to foreign governments for jobs created overseas. That creates a terrible incentive for big American corporations to move jobs and operations away from the United States. It is a great deal for big corporations, and we understand why they want to protect those loopholes, but it is a lousy deal for American workers and American taxpayers.

The choice we face here is very clear: A vote against this bill is a vote against investing in jobs in America and in favor of protecting loopholes to offshore American jobs.

I urge my colleagues to support this bill and to support America's small businesses and America's jobs.

Mr. CAMP. Mr. Speaker, I submit for the RECORD a list of all of the American businesses that oppose this bill because it will cost us American jobs.

**JOB CREATORS OPPOSE DEMOCRATS' DEFICIT
EXTENDER BILL**

**CITE CONCERNS THAT PROVISIONS WILL HINDER
JOB CREATION, DECREASE COMPETITIVENESS
OF AMERICAN BUSINESSES**

Since Democrats introduced their latest version of H.R. 4213, "The American Jobs and Closing Tax Loopholes Act," business leaders and organizations that represent millions of American businesses and their employees have voiced their opposition to the job-killing, deficit extending bill. These employers say that the legislation is anti-job growth, will place American businesses at a worldwide competitive disadvantage, subject them to higher taxes and will harm the nation's path to economic recovery.

Given the disconnect between House Democrats' rhetoric on jobs and their votes for tax increases, it is no wonder employers are confused, new investments aren't being made and unemployment continues to hover at close to 10 percent. Below are just some of the concerns expressed by employers.

U.S. Chamber of Commerce: "However, Congress' decision with this legislation, to saddle small business, American worldwide companies, and investment partnerships with draconian tax increases that will hinder job creation, decrease the competitiveness of American businesses, and deter economic growth, leaves the Chamber no choice but to oppose this legislation as currently drafted."

Business Roundtable: "These tax increases would take us two steps backwards in terms

of the job-creating legislation; we strongly need to move our economy forward, not backwards, to stay competitive with the rest of the world."

National Association of Home Builders: "NAHB estimates that the economic impact of taxing carried interest as 100 percent ordinary income would be a loss of 33,000 jobs due to reduced multifamily rental housing construction and \$1.2 billion in reduced annual property tax revenues to state and local governments."

National Association of Manufacturers: "Unfortunately, the onerous tax increases...could outweigh the benefits of the pro-growth changes by imposing significant new costs on American businesses and threatening job creation, U.S. competitiveness and overall economic growth."

Associated General Contractors: "Unfortunately, the bill reduces the effectiveness of these provisions by reducing capital available for private construction and limiting private job creation by increasing taxes on many small businesses in the construction industry."

National Foreign Trade Council: "These new revenue proposals will make American businesses less able to compete in foreign markets, will subject them to double taxation, and as a result may have significant negative consequences on worldwide American businesses and their U.S. employees."

Promote America's Competitive Edge: "The proposed changes in the international tax rules will make a bad situation worse, making it even more difficult for American worldwide companies to compete."

Technology CEO Council: "At a time when innovative companies are looking for more certainty and stability, the extenders bill as currently drafted fails to provide either...last-minute proposals to raise revenue could outweigh the bill's positive aspects, possibly costing—not creating—jobs."

IBM: "The pending legislation would impose significant new tax increases that will completely overwhelm any positive economic effect of the R&D tax credit, harming the U.S. economy just as recovery has begun."

Black Entertainment Television Founder Robert Johnson: "In my opinion, this legislation would cause a rapid decline in minority private equity firms and possibly eliminate minority participation in this important financial sector of the American economy...If minority funds are reduced or eliminated it will also impact investments in urban cities and job creation and economic development in markets where it is most needed."

Finance Executives International: "With more Americans out of work than any other time in the last 50 years, businesses in the U.S. have an obligation to get our citizens back to work. Other countries seem to understand this call to action, and are working tirelessly to lower tax rates and bring in businesses from around the globe. By passing H.R. 4213, the United States would be harming the competitiveness of American worldwide companies."

Emergency Committee for American Trade: "H.R. 4213 will undermine U.S. commercial engagement overseas and put U.S. enterprises and their workers at an even greater competitive disadvantage...H.R. 4213 is a major step in the wrong direction."

Silicon Valley Leadership Group: "We are concerned that the recent revenue off-sets are being used as 'pay-fors' at the expense of U.S. jobs."

Real Estate Roundtable: "Capital formation is what leads to job and tax base cre-

ation—this proposal would discourage it. Now is not the time to raise taxes. The tax hike will further delay economic recovery and make financing and refinancing more difficult."

S Corporation Association of America: "It represents an \$11 billion tax hike on employers in the middle of a very difficult economy, and it should be rejected."

Organization for International Investment: "[S]everal of the international proposals in the Amendment may diminish the ability of foreign multinationals to continue making significant contributions to the U.S. economy and U.S. employment."

Investment Company Institute: "Congressional action at this time would be both redundant and counterproductive."

I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. I thank my friend for yielding.

Mr. Speaker, I rise in opposition to this deficit extender bill.

This bill reflects the American people's rejection of the even more expensive bill Democrat leaders wanted to pass this week but couldn't, so now they're searching for an exit strategy and, mostly, for someone else to blame for their inability to govern.

Let us be clear: This charade is an effort to entice Republicans into defeating an unpaid-for bill. The Senate is gone. The door is closed. Nothing is going to come of this bill irrespective of who votes for or against it.

The title suggests its authors think this bill is about jobs. One expert at the Urban Institute calls that "Orwellian" and "hideously mislabeled." From a taxpayer perspective, this is not about jobs. It is about more government spending, more debt, more taxes. That means fewer private-sector jobs.

This bill is also an admission that the trillion-dollar 2009 stimulus plan has failed. We were told that, if we passed that plan, unemployment would be 7.4 percent and falling, not 9.9 percent and rising. So now our colleagues want to extend the unemployment benefits for another 6 months.

Why just through November? Why not through December as originally intended?

Well, we need to get through the next election cycle. Not one penny of the \$40 billion that it will cost is paid for. Instead, our colleagues simply declare this eighth extension of unemployment insurance an emergency and add it to our \$13 trillion debt.

But can an eighth bill doing anything still be called an "emergency"?

This bill perpetuates the payment of a record 99 weeks of unemployment benefits, which encourages benefit collection over work. As the Detroit News recently put it, even in Michigan, which has America's highest unemployment rate, "Some job applicants are rejecting work offers so they can continue collecting unemployment benefits."

Stop the madness. Defeat this bill. Then let's really promote jobs by relieving job-creating businesses and workers of higher government spending, borrowing, and taxes, instead of adding to those burdens.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 4213.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. I am privileged to yield 2 minutes to another distinguished member of our committee, the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, you have just heard the Republicans say to unemployed workers whose benefits are expiring: We don't care.

Forty billion dollars, the biggest unpaid part of this bill, is for unemployment benefits to the 1.2 million people whose benefits are going to expire by the end of June.

Now, you just heard a Member of the other side say: We don't care what happens to them.

Well, they also don't care about the small businesses because, for those of you who have never been unemployed, when you get that check and when you have no money, you take it out and spend it. You pay for rent. You go to stores and buy things. There are all of those store owners, and nobody is coming in to buy because nobody has any money. If you think starving the children of unemployed people by saying, We're not going to give you money to go to the store and get food for your kids, is going to somehow make them go out and find work in a time when we have six people looking for every job in this country, you simply don't understand the human condition.

Now, The Wall Street Journal can't understand. They said, We can't understand why unemployment benefits have anything to do with jobs.

If you don't have money in people's pockets while they're looking for jobs, you'll have more businesses collapsing. You can go through strip malls all over this country where little businesses have closed because nobody has any money to buy anything.

There is no reason for us to be inhumane. If we can spend billions and billions of dollars on a war in Iraq, worrying about their bridges and all of their infrastructure, and if we can't worry about people in Ohio and in Pennsylvania and in Michigan and in New York and in California, there is something really wrong in this body. Unemployment insurance is the essence of being human and of being American.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of

the Ways and Means Committee, the gentleman from Nevada (Mr. HELLER).

Mr. HELLER. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong opposition to H.R. 4213, a misguided bill masquerading as tax relief.

Instead of creating jobs, this bill will cost jobs. Instead of providing much needed certainty, this bill merely kicks the can down the road. Instead of helping our economy recover, this bill will more likely delay it.

In fact, this bill has more than \$100 billion of deficit spending, coupled with nearly \$50 billion in tax increases. We should not do either. Yes, this bill does have a few good things that I could support, largely on the doctor formula, geothermal energy, and even unemployment programs, but there is a better way.

I introduced a bill today to provide a short-term extension of unemployment insurance, SGR, COBRA, flood insurance, and SBA loan programs. This is routinely extended by this Congress in a bipartisan fashion. My bill is completely paid for with unused stimulus funds.

The majority has passed a health care takeover, cap-and-trade, cap-and-tax schemes, a so-called stimulus bill, and now this. H.R. 4213 contains air-dropped tax increases, accounting gimmicks, and a hodgepodge of propped-up stimulus programs that show the American people that, once again, we are governed by a bunch of backroom deals and not a government guided by ideals.

When a bill has to be rigged together that is bad for builders, bad for investors, bad for seniors, bad for real estate, bad for energy, bad for contractors, bad for innovators, bad for financial interests, bad for small businesses, bad for the high-tech industry, bad for entrepreneurs, and bad for worldwide American companies—in short, bad for taxpayers and job creators—then it is a bad bill.

Mr. Speaker, I urge a “no” vote.

□ 1215

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Education and Labor Committee, Mr. GEORGE MILLER of California.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

A year-and-a-half ago, this country was suffering from a recession created by years of extreme economic and fiscal policies under the previous administration and the financial scandals of Wall Street. There were 800,000 jobs a month being lost when President Obama was sworn into office.

Thanks to the Recovery Act, we are now seeing positive job gains. Over the last 3 months, we have added an average of 187,000 jobs, but people still are not able to find jobs in sufficient num-

bers. People are still losing their health care as they lose their job. People are losing their homes because of the extended term that they are spending as unemployed Americans. And we have got to help these people.

The idea somehow that we can now wind this down or these people really are not now looking for work—in all of our communities, when jobs are advertised, 10 times, 20 times the number of people as there are jobs show up seeking that job, seeking that opportunity to help their families. We have got to be able to respond to that.

That is what this legislation does. As the economists have told us, it is one of the best things we can do for Main Street, because, unfortunately, these people need to spend this money immediately, whether it is on groceries, or clothing, or rent, or utilities, to try to keep their families together. We have got to pass this legislation.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bill comes in at a svelte \$54 billion of a budget bust, and I found it ironic that the chairman of the committee and the former chairman of the committee have talked about this in the context of job creation. Even Mr. VAN HOLLEN from Maryland said it was going to be supported by entrepreneurs.

But let's look carefully and quickly at what the job creators are saying about this bill.

The United States Chamber of Commerce says it will hinder job creation.

The Business Roundtable says it takes us two steps backwards in terms of job creating.

The National Association of Manufacturing says it will threaten job creation, U.S. competitiveness, and overall economic growth.

IBM says these tax increases will completely overwhelm any positive economic impact of the R&D tax credit.

And the technology leaders of our nation, that is, the Silicon Valley Leadership Group, says that these offsets are going to be done at the expense of U.S. job creation.

Look, this is a cascading disappointment. This is a majority that has become absolutely blind to the realities of the stimulus. With all due respect to one of the chairmen of the committee who spoke a couple of minutes ago, having a straight face and arguing that the stimulus has been a success is not persuasive in my district. My district was promised unemployment was going to peak at 8 percent if we spent the \$1 trillion. Employment in Illinois is now at 11½ percent. The delta therefore is a difference of 199,000 jobs for the State of Illinois.

This needs to go back to the drawing board. This bill needs to be defeated and pulled out of the record. Let's get about the business of serious job creation, and not just fall headlong into an orthodoxy that is a complete failure.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to another distinguished member of the Ways and Means Committee, Mr. LEWIS of Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today in strong support of this jobs bill. We are making progress, but there are still far too many people who want to work but cannot find a job. We must not stop and we will not stop until each and every person has a good job. But until that time comes, we must help and take care of our brothers and sisters who have lost their jobs through no fault of their own.

This bill extends emergency assistance to unemployed Americans. It also provides TANF emergency jobs to help States create jobs and assist struggling families.

Every day, individuals call my office. They want to work. Many have years of experience. They never in a million years thought that they would have to rely on these programs to get by and make ends meet.

We have a responsibility and a moral obligation to help our friends and neighbors during these hard times. This is our duty. If we are honest with ourselves, we all know this bill is not enough. But we must take this step. We cannot wait a moment longer.

I urge all of my colleagues to put politics aside and do what is right and support this necessary legislation.

Mr. CAMP. Mr. Speaker, I yield myself 15 seconds.

My friends on the other side have essentially claimed Republicans don't care about unemployed Americans. Nothing could be further from the truth. We believe these programs must be extended. But we also believe they must be paid for, as legislation introduced by Mr. HELLER of Nevada does, and of which I am a cosponsor.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I serve as the number two Republican on the House Budget Committee. But as a member of the House Budget Committee, I am a little bit like the Maytag repairman. We are the loneliest people in town.

We have nothing to do, because, Mr. Speaker, there is no budget. The Democrats refuse to bring a budget. For the first time in the history of the House of Representatives there will be no budget, because the Democrats want no limit on what they can spend, no speed bump on the way to national bankruptcy.

Today is no different. They spend even more money on a so-called ex-

tenders bill. But according to the Congressional Budget Office, the only thing that gets extended is the deficit; \$25 billion of deficit extension in the first year, \$54 billion of deficit extension over the next 10.

Mr. Speaker, how much longer can we borrow 43 cents on the dollar from the Chinese and send the bill to our children and our grandchildren?

My colleagues on the other side of the aisle say, Well, this bill is under PAYGO. We are going to save money. Well, if PAYGO works, why has the deficit increased tenfold under their watch? PAYGO remains a cruel hoax.

Let me mention three loopholes in this bill. Well, \$39.5 billion of spending is designated as an emergency. That falls outside of PAYGO. \$21.9 billion of Medicare spending, the so-called doc fix, comes under something called directed scoring. It magically has no cost. Then we have the double accounting, \$11.8 billion, and new taxes to be used, first to offset the cost, and then on a new oil spill fund.

Mr. Speaker, my friends on the other side of the aisle are using accounting gimmicks that would make Bernie Madoff blush. Is it any wonder that the national press reported that our national debt is now \$13 trillion, the highest ever in American history? You cannot spend, borrow, and bail out your way to economic prosperity.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to another distinguished Member of our committee, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman for acknowledging me.

I stand in support of this legislation. I had not intended to offer any rancor or any response to the other side, but when I have heard the rhetoric of the last couple of speakers, I must tell you, it kind of goes like this: The people that set the fire are now the ones calling the fire department.

What they inherited when Bill Clinton walked out the door was a \$5.7 trillion surplus. When they talk about fictitious theology, how about tax cuts paying for themselves? That is why we find ourselves where we do.

Until Mr. CAMP qualified the remarks of Mr. HELLER, not one Republican speaker mentioned unemployment benefits. That is what this is about at this moment. There are 435 of us here, and all 435 would have done this differently, myself included. However, that is not the option as you address unemployment benefits which begin to expire next week. That is the cornerstone of this undertaking.

One of my papers opined this morning that the cost of human inaction is intolerable. Thousands of working families will lose their benefits if we don't undertake this action.

Job-creating incentives are in this legislation. I know. I have helped to author them and write them. The Build

America Bonds campaign, any Member of this House can go back home with a sense of pride and satisfaction as they witness the implementation of the Build America Bonds initiative.

This bill protects Private Activity Bonds from the onerous Alternative Minimum Tax, lowering costs for State and local governments that use the bonds for airports, school loans, and other essential needs. Take this to an advertisement in your local paper, where it says relief from Alternative Minimum Tax, and take it to the airport that is being expanded. They have utilized that opportunity.

New Markets Tax Credits. I have been in the middle of it, and we protect them from AMT to promote investment in low-income neighborhoods.

That is what this legislation is about today.

Mr. CAMP. I yield 2 minutes, Mr. Speaker, to the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

Let's talk just a little bit about fires and who set them and when they were set. I rise today to talk about the so-called doc fix that is contained within the bill. But first I think a little history is in order.

Quoting from a paper by Dr. John Shay from December of 2006: Originally, Medicare doctors were reimbursed under what is called the customary prevailing rate, the CPR. Congress thought that spent too much money, so in 1989 in the Omnibus Budget Reconciliation Act—sound familiar?—they enacted what was called the relative value payment system, RVRPS. That was supposed to hold down payments.

In between, we had something called the Medicare economic index that based doctor pay on the cost-of-living adjustment. None of these things satisfied Congress in holding down costs, so in 1992, remember, George Bush was not President in 1992, George W. Bush was not President in 1992, although we like to blame things on the previous administration; the Congress was controlled by Democrats, and they enacted the volume performance standard, or VPS, which was in fact the forerunner of today's SGR. This is not a problem that began in the last administration. This is in fact a problem that was set in motion by administrative pricing when Medicare was enacted back in 1965.

Now, here is the deal. We are going to pass this thing today, and I appreciate the fact we separated out the doc fix from the other parts of the legislation. But it is not going to benefit America's doctors, because the Senate went home.

If we really wanted to help America's doctors, we would have done this in the weeks that we gave ourselves in April when we passed the last extension. But

we didn't. We were in recess all day Wednesday, for crying out loud. The Senate has gone home.

June 1, doctors get their pay cut. CMS says don't worry, we will hold their checks for two weeks. Do you know what happens when you hold a check in a one- or two-doctor office for two weeks? That doctor doesn't have a paycheck at the end of their month, their margins are so tight.

Now, here is the real legislative malpractice that occurred here two months ago when we passed the health care bill. Here is the Clinton Medicare economist, Marilyn Moon, who said the health care legislation's \$500 billion cuts to hospitals, insurers, and other Medicare providers should have been earmarked to deal with the doctor fees first.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional minute.

Mr. BURGESS. That money in the health care bill that was cut from Medicare should have dealt with the doctor fees first, and anything else left over should have gone to pay for the other programs that they wanted to buy.

Quoting from Ms. Moon: "They should have used Medicare dollars to fix this. It is irresponsible" that the health care law left such a major issue unresolved, while at the same time claiming—claiming—to reduce the Federal deficit.

Continuing to quote: "I think we should have put a crowbar in our wallets."

Well, look, here is the problem. We passed a bill. We cut half a trillion dollars from Medicare, and we didn't fix the fundamental problem that is preventing our Medicare patients from having care. You want access to an insurance policy, fine. I would always rather have access to a doctor.

Mr. LEVIN. Mr. Speaker, I now yield 2 minutes to another distinguished member of our Ways and Means Committee, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

We are watching the harsh reality of governing without any meaningful Republican participation. It would have been an opportunity as we were moving forward to act as if they were actually legislating. People who were part of the party could have been able to zero in on some of these things.

I personally am absolutely committed to deal with the SGR problem. This bill is a step forward to deal with it. It is not as good as what we had passed earlier in the House. But it is interesting that our friends on the other side of the aisle just took a hike, decided to be negative.

One of the best examples is their hypocrisy or willful ignorance when it comes to the stimulus.

□ 1230

I talked to hundreds of people who were here in town, and I'm sure some of them made it to Republican offices as part of the construction industry fly-in. All were thankful for the investment of the economic recovery package that kept people working in construction. Not just the thanks from teachers, firefighters, energy industry who have benefited from the jobs that have resulted, but they heard that particularly from infrastructure companies, if they cared to listen.

I find a certain amount of disingenuous argument here when people are saying, well, we can't use emergency funding to help unemployed people in America. It should, instead, be funded by raising taxes or cutting programs. These are the same people that funded not billions of dollars, but hundreds of billions of dollars year after year after year in emergency spending for the war in Iraq, which was absolutely foreseeable, predictable, and they paid for that "off the books." But when it comes to Americans unemployed, well, all of a sudden, then, we want to be more stringent.

Last but not least, I appreciate what is done with the committee in terms of infrastructure. The Build America Bonds, lifting the caps on sewer and water financing, that will put people to work.

Is this a perfect bill? No. But I think it's an important step forward. It keeps the principles moving, and it ignores the hypocrisy that we're hearing on the other side of the aisle. I strongly urge a "yes" vote.

Mr. CAMP. Mr. Speaker, I will insert into the RECORD a letter to the Speaker of the House by 12 physicians' organizations representing 155,000 physicians opposing this legislation.

May 26, 2010

HON. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI, On behalf of the undersigned national surgical societies, we would like to thank you for your leadership and ongoing efforts to pass a permanent replacement for the flawed Medicare physician payment formula. It is vital that Congress adopt a policy that provides long-term stability to ensure that our nation's seniors, disabled and military families enrolled in the TRICARE program maintain access to high quality surgical care. Unfortunately, short term approaches—including the sustainable growth rate (SGR) policy contained in the proposed House amendment to H.R. 4213, the American Jobs and Closing Tax Loopholes Act of 2010—fall short of this goal, so we must oppose such legislative proposals.

With regard to H.R. 4213 (as released on May 20), our specific concerns include:

Rather than permanently repealing the SGR, the bill only provides temporary relief from the pending payment cuts for three and a half years; the formula applied in 2012 and 2013 will likely result in a pay freeze for most surgeons; the bill reverts back to the SGR in 2014 when physicians will once again be facing cuts in excess of 35 percent; and

with an estimated price tag of nearly \$500 billion in 2014, it will be virtually impossible to permanently fix the problem at a later date.

These continued payment cuts, rising practice costs and a lack of certainty going forward, make it difficult, if not impossible, for already financially challenged surgical practices to continue to treat Medicare patients. A February 2010 survey conducted by the Surgical Coalition confirms that surgeons and anesthesiologists will be forced to make significant changes in their practices if Medicare payments continue to decline, jeopardizing timely access to surgical care. The survey found that 37 percent of respondents will change their Medicare status to "nonparticipating" and an additional 29 percent will opt out of Medicare altogether. In addition, those remaining in Medicare will also make significant changes to their practices, with 69 percent limiting the number of Medicare patient appointments; 47 percent reducing time spent with Medicare patients; and 45 percent no longer providing certain services. Finally, the survey demonstrates a direct connection between Medicare payment cuts, jobs and the economy, as 43 percent of respondents stated they would reduce staff; 44 percent would defer the purchase of new medical equipment; and 32 percent would defer purchases of health information technology.

Surgeons are keenly aware of the fiscal challenges confronting Congress and our nation. We believe, however, that the most fiscally responsible approach is to permanently repeal the SGR today, rather than growing the cost by acting on it tomorrow. We remain steadfast in our commitment to ensure and improve all Americans' access to quality surgical care and we stand ready to work with you to find a solution that will achieve this goal.

Sincerely,
American Academy of Facial Plastic and Reconstructive Surgery;
American Academy of Otolaryngology-Head and Neck Surgery;
American Association of Neurological Surgeons;
American Association of Orthopaedic Surgeons;
American College of Osteopathic Surgeons;
American Congress of Obstetricians and Gynecologists;
American Osteopathic Academy of Orthopedics;
American Society of Cataract and Refractive Surgery;
American Society of Plastic Surgeons;
American Urological Association;
Congress of Neurological Surgeons;
Society for Vascular Surgery.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, this bill has short-term extensions and permanent tax hikes and still, over time, puts \$54 billion onto our national debt.

Now, there are some of these extensions that we would all support if they were offset. But adding to the national debt is the wrong way and a harmful way.

This is not a time to raise taxes on investments and business. That's a sure way to kill jobs. For example, one of the provisions, higher taxes on carried interest means less dollars into

real estate investment development. In Omaha alone developers and contractors have gone bankrupt, jobs lost, projects stalled or killed because of lack of capital, and this will make it worse. More taxes equals less capital, means more jobs lost.

This is a job-killing bill, and I am going to vote against it.

Mr. LEVIN. Mr. Speaker, I now yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY), another distinguished member of our committee.

Ms. BERKLEY. Mr. Speaker, Nevada is hurting. The people I represent in Southern Nevada are hurting.

This bill extends the unemployment benefits for the 14.2 percent of my fellow Americans who find themselves unemployed so they can pay their bills and feed their children. It's not their fault that they are unemployed.

I support this bill because teachers I represent are going to get a tax credit for the school supplies they purchase, because Nevadans will be able to continue to deduct our sales tax from our Federal income tax, because there's money in here so we can provide summer jobs for high school students. Small business will receive tax incentives to preserve their jobs. Restaurants and retail stores can improve their businesses and expand by the R&D tax credit. Major job-creating infrastructure projects like the expansion of McCarran Airport and all of those great downtown building and transportation projects are going to continue because of the Buy America Bonds and the Recovery Zone Bond program.

And, finally, the extension of Medicare reimbursement to our country's doctors for 19 months. It's necessary. It's not permanent. We need to do permanent. It's going to help them care for their patients.

Mr. CAMP. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), another member of our committee, a distinguished member indeed.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of this jobs bill because this legislation would provide summer jobs for hundreds of thousands of young people, keep unemployment checks coming, provide money for small businesses, keep jobs at home in America.

It also will provide hope for those who have almost given up, wondering where their next work opportunity will come from. And, of course, it provides an opportunity for us to more adequately compensate our doctors.

Doctors are an integral part of health care delivery, and there ought not be any reason for senior citizens not to get the services that they need because we're not paying our doctors.

This is a job-creating, services-providing bill. I strongly support it and urge its passage.

Mr. LEVIN. Mr. Speaker, I will enter into the RECORD a letter from the AARP in support of the SGR provision for physicians under Medicare and their patients.

AARP,

Washington, DC, May 28, 2010.

DEAR REPRESENTATIVE: On behalf of millions of AARP's members, we urge you to vote in favor of critically needed legislation to ensure that Medicare beneficiaries do not lose access to their physicians.

Absent Congressional action by June 1st, physicians who treat Medicare patients will receive a 21 percent reduction in their reimbursement. We are concerned that these cuts could have a dramatic impact on beneficiaries' access to physicians—particularly in rural areas. Some of our members have already experienced difficulty in finding a physician who will accept Medicare patients—a problem that can be more common for those newly eligible for Medicare. For nearly a decade, Congress has used short-term patches to prevent imminent cuts to how doctors who treat Medicare patients are paid—an approach that has created a great deal of anxiety among Medicare patients and the health providers who serve them. People on Medicare deserve the peace of mind of knowing they can find a doctor when they need one.

AARP is pleased that this legislation prevents the drastic 21 percent cut and provides a stable payment rate for the physicians who treat Medicare patients. While we recognize this is only a short term solution, our members—and the physicians who treat them—should not continue to be held hostage by short-term band-aid patches to an unworkable Sustainable Growth Rate (SGR) formula. Going forward, we are committed to working with Members of Congress from both sides of the aisle to repeal the SGR, and to establish a permanent physician payment system that rewards value and ends the uncertainty for patients and providers alike.

Sincerely,

NANCY A. LEAMOND.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the very distinguished gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, I rise in strong support of H.R. 4213, and I thank the gentleman for yielding but also for his deep commitment to create jobs.

For months now the Congressional Black Caucus, which I am proud to chair, has been laser focused on turning this economic disaster inherited from the Bush administration around. Our focus has been jobs, jobs, jobs, and making sure that the chronically unemployed are included in our efforts. We have worked with President Obama and Speaker PELOSI, House and Senate leadership, committee chairs, and our coalition partners to develop a legislative strategy to address the needs of millions of Americans who are struggling in this tough economic environment.

I am proud to say that this bill provides \$1 billion for summer youth jobs and an additional \$2.5 billion to extend emergency funding for the Temporary Assistance for Needy Families program.

I want to thank Speaker PELOSI and Chairman LEVIN. I want to also thank

Mr. RANGEL and OBEY and MILLER and all of our leadership for working with us to include these provisions.

This bill also extends unemployment insurance, which really is a lifeline for folks struggling to keep their heads above water, just plain surviving, mind you, in both Democratic and Republican districts. Our actions today will make a huge difference for millions of Americans and help put people to work and close off egregious tax loopholes that subsidize companies which ship American jobs overseas. And we will finally pay the debt owed by our government to Black farmers and Native Americans.

But we still have a lot to do. We have to create direct jobs for people which will help turn the economy around and help tackle the deficit. I will cast my vote today for this lifeline on behalf of all of those individuals whose Members simply refuse to do so.

I urge my colleagues to do the morally correct thing and vote "yes." People want to work. This bill puts people back to work. It helps them survive until they find a job, and this is the patriotic thing to do.

Mr. CAMP. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEVIN. I now yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), chair of the Joint Economic Committee.

Mrs. MALONEY. Mr. Speaker, I rise in support.

A new report from the Joint Economic Committee shows that extending unemployment benefits is not only the morally right thing to do, it is fiscally responsible.

The report focuses on unemployed disabled workers. By the end of 2010, the JEC estimates that 290,000 unemployed disabled workers will exhaust their unemployment benefits. Without extension of unemployment benefits, the JEC estimates that two-thirds of these workers will leave the labor force and move on to Social Security Disability Insurance.

Shifting these workers from the labor force and onto the SSDI rolls, the cost of inaction is a \$24.2 billion lifetime cost.

By contrast, keeping these workers attached to the labor force by extending unemployment insurance benefits and COBRA premium subsidies is \$721 million in 2010.

The JEC analysis concludes that the Federal Government can save \$23.5 billion by extending unemployment benefits and avoiding a lifetime of SSDI for currently unemployed workers.

I urge a "yes" vote.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

Mr. Speaker, I am a strong supporter of stabilizing Medicare physicians' payments permanently. Short-term fixes

[illegible]

Estimate of the Statutory Pay-As-You-Go Effects for H.R. 4213, the American Jobs and Closing Tax Loopholes Act of 2010 (As reported by the Committee on Rules on May 26, 2010 with a subsequent draft amendment transmitted to CBO on May 27, 2010)—Continued

(Millions of dollars, by fiscal year)

| | PRELIMINARY | | | | | | | | | | | | |
|---|-------------|--------|-------|---------|---------|----------|--------|---------|---------|---------|---------|-----------|-----------|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 |
| Designated as Emergency Requirements ² | 12,205 | 26,715 | 189 | 175 | 120 | 60 | 45 | 0 | 0 | 0 | 0 | 39,455 | 39,500 |
| Statutory Pay-As-You-Go Impact | 10,100 | 18,400 | 96 | – 3,494 | – 3,884 | – 25,152 | 17,053 | – 4,360 | – 3,648 | – 2,915 | – 3,095 | – 3,934 | – 887 |
| Memorandum—Components of the Emergency Designation (Division I and Division II Combined) | | | | | | | | | | | | | |
| Changes in Outlays | 12,205 | 26,555 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 38,760 | 38,760 |
| Changes in Revenues ³ | 0 | – 160 | – 180 | – 175 | – 120 | – 60 | – 45 | 0 | 0 | 0 | 0 | – 695 | – 740 |

Sources: Congressional Budget Office and Joint Committee on Taxation.

Note: Components may not sum to totals because of rounding.

1. Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians. CBO estimates that the maximum available adjustment for a physician payment policy through December 31, 2011, is about \$21.9 billion.

2. Section 701 of H.R. 4213, the American Jobs and Closing Tax Loopholes Act of 2010 would designate section 501 (unemployment insurance) of the bill as an emergency requirement pursuant to section 4 (g) of the Statutory Pay-As-You-Go Act of 2010.

3. Negative numbers represent a DECREASE in revenues.

BUDGETARY EFFECTS OF H.R. 4213, THE AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010 (AS REPORTED BY THE COMMITTEE ON RULES ON MAY 26, 2010 WITH A SUBSEQUENT DRAFT AMENDMENT TRANSMITTED TO CBO ON MAY 27, 2010)

(Millions of dollars, by fiscal year)

| | PRELIMINARY | | | | | | | | | | | | | | |
|---|---|---------|--------|--------|--------|---------|---------|--------|--------|--------|--------|-----------|-----------|-----------|-----------|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2014 | 2010–2015 | 2010–2019 | 2010–2020 |
| Division I: Section 523—Medicare Sustainable Growth Rate Reform | | | | | | | | | | | | | | | |
| Medicare Physician Payment Update | 3,143 | 14,455 | 5,320 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 22,918 | 22,918 | 22,918 | 22,918 |
| Division II: All Other Provisions (The amendment printed in part A of the Rules Committee report on H.R. 4213, as modified by the amendment printed in part B of Rules Committee report and the further amendment printed in section 2 of the rule, except for section 523 of the amendment.) | | | | | | | | | | | | | | | |
| | CHANGES IN REVENUES | | | | | | | | | | | | | | |
| TOTAL CHANGES IN REVENUES ¹ | –6,855 | –10,201 | 6,391 | 8,037 | 7,657 | 28,714 | –13,468 | 7,884 | 6,977 | 6,158 | 6,548 | 5,028 | 33,742 | 41,281 | 47,829 |
| On-budget revenues | –6,855 | –10,666 | 5,484 | 7,121 | 6,862 | 27,965 | –14,201 | 7,215 | 6,546 | 5,931 | 6,176 | 1,946 | 29,911 | 35,389 | 41,565 |
| Off-budget revenues | 0 | 465 | 907 | 916 | 795 | 749 | 733 | 669 | 431 | 227 | 372 | 3,082 | 3,831 | 5,892 | 6,264 |
| | CHANGES IN DIRECT SPENDING (OUTLAYS) | | | | | | | | | | | | | | |
| Title I—Infrastructure Incentives | 14 | 554 | 2,090 | 2,871 | 2,871 | 2,871 | 2,871 | 2,871 | 2,871 | 2,871 | 2,871 | 8,399 | 11,270 | 22,752 | 25,623 |
| Title II—Extensions of Expiring Provisions | 3,302 | 1,363 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4,664 | 4,664 | 4,664 | 4,664 |
| Title III—Pension Funding Relief | 0 | 0 | –70 | –130 | –200 | –260 | –130 | –100 | –30 | 100 | 160 | –660 | –660 | –820 | –660 |
| Title IV—Revenue Offsets | 0 | 500 | 400 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1,000 | 1,000 | 1,000 | 1,000 |
| Title V—Unemployment, Health, Other Assistance | 12,254 | 28,486 | 473 | 88 | 40 | 7 | 2 | 0 | 0 | 0 | 0 | 41,341 | 41,348 | 41,350 | 41,350 |
| Subtitle A—Unemployment/Other | –3,151 | –371 | 270 | 212 | 17 | 15 | 21 | –21 | 2 | 18 | 23 | –3,023 | –3,009 | –2,989 | –2,966 |
| Subtitle B—Health Provisions | | | | | | | | | | | | | | | |
| Subtotal (Title V) | 9,103 | 28,115 | 743 | 300 | 57 | 22 | 23 | –21 | 2 | 18 | 23 | 38,318 | 38,339 | 38,361 | 38,384 |
| Title VI—Other Provisions | 3,031 | 3,917 | 1,558 | 661 | 370 | 240 | 133 | 105 | 55 | 27 | 27 | 9,537 | 9,777 | 10,097 | 10,124 |
| TOTAL CHANGES IN OUTLAYS (DIVISION II) | 15,450 | 34,449 | 4,721 | 3,802 | 3,098 | 2,873 | 2,897 | 2,855 | 2,898 | 3,016 | 3,081 | 61,519 | 64,392 | 76,058 | 79,138 |
| | NET INCREASE OR DECREASE (–) IN DEFICITS FROM REVENUES AND DIRECT SPENDING | | | | | | | | | | | | | | |
| NET CHANGES IN DEFICITS ² | 22,305 | 44,650 | –1,670 | –4,235 | –4,559 | –25,841 | 16,365 | –5,029 | –4,079 | –3,142 | –3,467 | 56,491 | 30,650 | 34,777 | 31,309 |
| On-budget deficit change | 22,305 | 45,115 | –763 | –3,319 | –3,764 | –25,092 | 17,098 | –4,360 | –3,648 | –2,915 | –3,095 | 59,573 | 34,481 | 40,669 | 37,573 |
| Off-budget deficit change | 0 | –465 | –907 | –916 | –795 | –749 | –733 | –669 | –431 | –227 | –372 | –3,082 | –3,831 | –5,892 | –6,264 |
| Division I and Division II Combined | | | | | | | | | | | | | | | |
| | CHANGES IN REVENUES (DIVISION I AND DIVISION II) | | | | | | | | | | | | | | |
| TOTAL CHANGES IN REVENUES ¹ | –6,855 | –10,201 | 6,391 | 8,037 | 7,657 | 28,714 | –13,468 | 7,884 | 6,977 | 6,158 | 6,548 | 5,028 | 33,742 | 41,281 | 47,829 |
| On-budget revenues | –6,855 | –10,666 | 5,484 | 7,121 | 6,862 | 27,965 | –14,201 | 7,215 | 6,546 | 5,931 | 6,176 | 1,946 | 29,911 | 35,389 | 41,565 |
| Off-budget revenues | 0 | 465 | 907 | 916 | 795 | 749 | 733 | 669 | 431 | 227 | 372 | 3,082 | 3,831 | 5,892 | 6,264 |
| | CHANGES IN DIRECT SPENDING (DIVISION I AND DIVISION II) | | | | | | | | | | | | | | |
| TOTAL CHANGES IN OUTLAYS | 18,593 | 48,904 | 10,041 | 3,802 | 3,098 | 2,873 | 2,897 | 2,855 | 2,898 | 3,016 | 3,081 | 84,438 | 87,310 | 98,976 | 102,057 |
| | NET INCREASE OR DECREASE (–) IN DEFICITS FROM REVENUES AND DIRECT SPENDING (DIVISION I AND DIVISION II) | | | | | | | | | | | | | | |
| NET CHANGES IN DEFICITS ² | 25,448 | 59,105 | 3,650 | –4,235 | –4,559 | –25,841 | 16,365 | –5,029 | –4,079 | –3,142 | –3,467 | 79,410 | 53,568 | 57,695 | 54,228 |
| On-budget deficit change | 25,448 | 59,570 | 4,557 | –3,319 | –3,764 | –25,092 | 17,098 | –4,360 | –3,648 | –2,915 | –3,095 | 82,492 | 57,399 | 63,587 | 60,492 |
| Off-budget deficit change | 0 | –465 | –907 | –916 | –795 | –749 | –733 | –669 | –431 | –227 | –372 | –3,082 | –3,831 | –5,892 | –6,264 |

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Notes: Components may not sum to totals because of rounding.

¹ Negative numbers denote a DECREASE in federal revenues; positive numbers denote an INCREASE in revenues.

² Positive numbers denote a DECREASE in the budget deficit; negative numbers denote a DECREASE in the deficit.

³ Section 701 of H.R. 4213 would designate section 501 of the bill as an emergency requirement pursuant to section 4 (g) of the Statutory Pay-As-You-Go Act of 2010.

So the result is piling even more on an unsustainable level of debt the country is carrying already. This legislation imposes permanent tax increases to pay for temporary extensions of tax relief, meaning there is actually no net tax relief overall. And the real problem with that is for 6 months of a provision like the research and development tax credit there are permanent tax increases throughout the economy that will be there forever. So while in another 6 months we will be back trying to find a way to extend the research and development tax credit, there will be yet more permanent tax increases, making it very difficult for our economy to recover, particularly given the nature of those tax increases, hitting particularly hard on small business, the engines of economic growth and job creation. Even as the President has said, nearly 70 percent of new jobs come from small businesses.

But it is unprecedented to tax certain small businesses in the way this bill is doing, by going after taking unemployment taxes and applying it to their profits. And this comes at the worst possible time, when so many small businesses across America are struggling and trying to make that decision do they buy that piece of equipment. Do they stay in business at all? Do they hire that extra person? And putting a layer of tax increases over them at this time is particularly onerous.

This legislation double counts oil spill excise tax revenues. So this is not the fiscally responsible bill some would claim. While it quadruples the excise tax to fund the Oil Spill Liability Trust Fund, it counts this twice because, while it's intended to be reserved for the trust fund and used to mitigate oil spills, it shouldn't be counted as contributing to general deficit reduction, as this legislation does.

There is irresponsible health spending that also increases the deficit. If the so-called health care overhaul and reform had actually done its job, we wouldn't be here with a major Medicare problem, the physician payment formula. Because it was so important to make that bill look less expensive, the physician payment formula, which was actually the fix, was a part of that legislation, was taken out, and therefore we are again back again trying to find a way to address that issue.

I think that's why so many physicians groups have come forward representing more than 155,000 doctors across America saying this is not the way to do it. This is not the legislation. They are compelled to not support this legislation because it doesn't really do anything to fix the physician payment formula for Medicare physicians, which is so important for seniors all across America.

I would say this is a flawed process, and flawed processes lead to flawed leg-

islation. Much of this bill, unprecedented changes in tax law with regard to partnerships that help build shopping centers and apartment buildings all across our country. Significant changes in the way partisanship income is treated. Significant changes in the way investment income is treated in terms of real estate partnerships. No hearings on this legislation before the Ways and Means Committee, no mark-up of the legislation. It just comes air-dropped into the bill and comes directly to the floor. And that's why you have seen so many business groups come forward, so many employer representative organizations come forward and say they have to oppose this bill, even recognizing the deep needs in America on unemployment and other issues. They have to oppose this legislation because of the way it's crafted and the way it's put together.

Had we had an opportunity to debate this in committee, had we had an opportunity to actually hear from the job providers and job creators, I think we would have come up with a different result. I think we would have been able to fine-tune this legislation; we would have been able to come up with a way to address these pressing needs that Americans are facing.

So I would say when all is said and done, you come to the conclusion this bill, even though it's been split up and we are going to have two votes instead of one vote, both of these bills are unacceptable because they raise the deficit, because they add new tax burdens in a recession and make it much more difficult for our economy to recover so that the engine of economic growth, small business and investment, the private sector can actually have its way and begin to create the kind of economic growth and job creation that America so needs.

I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman has 3 minutes remaining.

Mr. LEVIN. I yield myself 30 seconds and then the balance of the time to the majority leader.

In a word, the minority objects when we pay for jobs bills after years of their creating deficits. They object when there is an emergency under statutory PAYGO and we provide for unemployment comp. So in a word or a few words, they project nothing either constructive or positive.

Mr. Speaker, I end on both a constructive and positive note by yielding the balance of my time to our distinguished majority leader.

Mr. HOYER. I thank the chairman for yielding.

I want to thank Chairman LEVIN. Chairman LEVIN has worked, along with his staff, Janice Mays, the staff director and other members of an extraordinary staff, around the clock.

And I am sure Mr. CAMP would say his Republican staff has worked around the clock, too. We thank all of them for the work that they do. I thank Mr. LEVIN for his leadership, for his focus, and his tenaciousness in bringing us to this point.

Let me make a couple of observations before I speak pointedly about the bill. First of all, ladies and gentlemen of this House, the public understands that there is no bipartisanship in this House. All Republicans are going to vote against this bill, my presumption is. Maybe I am wrong. I hope I am wrong. But my presumption is they'll vote to a person against this bill.

They have voted almost to a person against every bill that we have passed over the last 16 months to try to bring this economy back from the extraordinarily deep recession, the deepest that we have had in 75 years, resulting from the economic policies that they put in place when they were exclusively in control.

Yet they come to the floor and talk about deficits. Democrats of course, when we controlled the Presidency, created one of the highest surpluses, and indeed the only administration that had a net surplus after 8 years, the Clinton administration. The Republicans will say, yes, but for 6 of those years we controlled the Congress. And my response is, yes, and for 12 of the years you controlled the Congress, and 6 of those under a Republican President, George Bush.

Unfortunately, every year that I have been here serving with a Republican President, every year without exception, we have had large deficits. Every year. However, under Bill Clinton we had the only 4 surplus years that I have been here. We had 4 surplus years as a result of an economic program that was adopted. Again, it was adopted exclusively by Democrats. No Republican voted for that in 1993 either in the House or in the Senate.

So we created surpluses. We got the economy moving. And then my friend on the other side talks about jobs; we should have had hearings about job creation. Frankly, the worst period of job creation in the last 30 years was the 8 years of the Bush administration. Without exception the worst. Stark example: the Clinton administration, 216,000 jobs created per month; the Bush administration, 11,000 jobs per month. That's 205,000 jobs per month, over 2 million per year.

That is why, of course, because of that disastrous economic performance, we fell into this extraordinary ditch that we have tried to pull ourselves out of. And we are coming out of it. That's the good news, Mr. and Mrs. America, my colleagues. We are coming out of it. It's slow, it's not as fast as we would like, but it's successful.

Now, I give you an interesting fact: over the last 4 months of an economic

program, the Recovery Act and other jobs bills that we passed, we have created 573,000 jobs in the last 4 months. All positive months. If the next two-thirds of the year replicate that production, we will create more jobs this year after this deepest recession any of us in this Chamber have experienced ever in our lifetimes, we will create more jobs this year, if we replicate the first third of the year, than the Bush administration created in its 8 years. Hear that statistic and check me if I am wrong. About 1.7 million jobs versus a little over a million jobs over the 96 months were net created during the Bush administration.

□ 1300

So when we talk about jobs and deficits, I think we have some credibility. We have some credibility because we created surpluses; the only 4 years of surplus, again, under the Clinton administration, that we had in my 30 years in Congress. And in terms of jobs, Bill Clinton created 21 million private-sector jobs during the course of his Presidency. George Bush? Approximately a million. A stark difference in the impact of the economic policies pursued by the two parties.

I would hope some of you would say to yourselves that—not because we're trying to place blame, but because we're probably trying to learn, hopefully, from our experience. And you might come to the conclusion at some point in time, You know what? What they have suggested works. What they have pursued works, contrary to what Mr. Arney, who was your former majority leader who, when we adopted that program in 1993, said we would have deep deficits and exploding unemployment. We had exactly the opposite. We had declining deficits and 4 years of surplus and an explosion of job creation; 216,000 a month.

We continue to pursue creation of jobs. That's what this bill is about, creation of jobs. We're also pursuing closing tax loopholes and making sure people don't offshore jobs so we keep jobs here in America, since inheriting the worst economic crisis since the Great Depression and an economy shedding almost 800,000 jobs per month. That's not creating jobs; that's losing. During the last 3 months of the Bush administration, we lost about 750,000 jobs per month, 1½ million in 3 months, as opposed to creating 573,000 in the last 4 months.

President Obama and the 111th Congress have been dedicated to standing up for the middle class, its interests, and its future. The work continues today with the American Jobs Closing Tax Loopholes and Preventing Outsourcing Act, which will support millions of American jobs.

This bill is a significant investment in America's entrepreneurs and its workers. It helps to restore the flow of

credit to small businesses, which hire the majority of America's workers. It extends the important R&D tax credit, research and development, which helps businesses innovate, grow, and create jobs. That's what we need to be about, creating jobs for our people.

It invests in the successful Build America Bonds and Recovery Zone Bonds, which create jobs and build much needed projects, like schools, hospitals, roads, and public transit. It puts young people to work with summer jobs programs so that they're not out in the streets, so they start to learn some skills, so that they have something to do with their time. That's good for them to learn job skills, that's good to get projects done that need to be done, and it provides for idle hands having work.

This bill also protects the safety net for Americans who are out of work through no fault of their own. It extends their unemployment insurance and helps them keep their health coverage. That's not only the right thing to do; it is also one of the most effective ways to boost local economies.

In addition, by preventing physician reimbursement rates from falling, it ensures that millions of seniors, military retirees, and people with disabilities can continue seeing their doctors.

Now, let me say something about what the ranking member said, for whom I have a great deal of respect. He said the docs don't like this. I don't like this. Unfortunately, none of your colleagues in the United States Senate voted for a bill that we sent to them. I don't think any of you voted over here for it either, which made a permanent fix to this doctors' roller coaster of pretending that we're going to cut doctors' reimbursement. We're not going to do that. We're not going to do it because we want to make sure that our seniors, that our folks with disabilities and others have access to their doctors. So we're not going to do that.

So we play a game. It is a game of dollars, of course, an important game. But we play a game that we're somehow not going to do it, so we do it in short stretches. You did the same thing when you were in charge. We're doing it again.

We should do this permanently. The Speaker is for permanent fix. I'm for permanent fix. And if we need to pay for it, I will vote to pay for it. And we do need to pay for it. Now, whether we need to pay for it immediately all up front or we pay for it as we do sporadically, but either way, we all know we're going to do this.

So I say to my friend, I understand the doctors are not pleased. I am not pleased. The Speaker's not pleased. Mr. LEVIN is not pleased. And certainly Mr. WAXMAN is not pleased. And my colleagues on this side of the aisle are not pleased. I presume your colleagues are not either. But, frankly, this is what

you did when you were in charge. And we're doing it for the same reason: We need to get the votes. And I'm hopeful that we can join together in a bipartisan way at some point in time, and because we don't have a bipartisan way, frankly, we've got to carry the load ourselves.

I've been in the minority. It's easy to say "no." It's much easier being in the minority. When I was the minority whip, nobody ever asked me did I lose by 1 or did I lose by 20. They assumed I was going to lose, and it didn't matter how much I lost by. Now, of course, if I lose by 1, they know that and I get a lot of flack, properly so.

So we could do better policy if we would do bipartisan policy, if we could do a broader outlook. So I invite you to engage. I don't think you'll do so today, but I hope you will in the future. That's not the only right thing to do. It's also one of the most effective ways to boost our local economies.

In addition, by preventing physician reimbursement rates from falling, it insures that millions of seniors, military retirees, and people with disabilities can continue seeing their doctors. We hope you don't vote against that. It will be a separate vote. You won't have to vote for the rest of the stuff if you don't like it, but vote for the SGR. Vote at least for the next 19 months to say to doctors, We're going to reimburse you at a proper rate to serve seniors, military retirees, and people with disabilities. At least vote for that one if you think docs ought to be reimbursed. Or if you think docs ought to have a 21-percent cut, vote against it.

Those are some of the many steps this bill takes to create jobs and protect Americans struggling in hard times. But just as importantly, this job creation is funded by efforts to close unfair tax loopholes and enforce corporate accountability. This bill would close the loophole that enables Wall Street fund managers to pay taxes at a rate 20 percent lower than the rate for ordinary working Americans. We differ on that. I understand that. And a lot of people have talked about how we can tweak that, if you will. It's a question, however, of basic fairness of taxing people on money they earn at similar rates. And I want to say something on that, because I think there's been some misinterpretation.

I can't speak for every one of my Democratic colleagues, but I'm a strong believer that if people take money out of their pocket, take capital at risk, that there ought to be a differential tax rate, and there is and there will continue to be. At least with my support, there will continue to be.

Further, this bill closes the tax loophole that lets multinational corporations profit by shipping jobs overseas and putting Americans out of work. I believe most of you on the other side of the aisle, my friends and colleagues,

don't believe that's a proper thing for us to do. I hope you will join us on that.

By taking advantage of the foreign tax credit, these corporations are able to avoid American and foreign taxes, giving them incentives to move offshore and take jobs from people here at home. Again, tax fairness and the needs of our middle class both urge us to close this loophole. Another loophole for the privileged that Republicans have defended for years.

Finally, this bill takes the first step to hold the oil industry accountable for the historic mess it made in the Gulf of Mexico. British Petroleum will be millions of dollars in debt when this concludes. It increases the amount the oil industry must pay into the Oil Spill Liability Trust.

I urge my colleagues to support this bill. It's a good bill for jobs. It's a good bill for closing tax loopholes. It's a good bill for dissuading people from taking jobs overseas. Take this step for America, and continue to build on the economic progress that we have made over the last 17 months.

Mr. HARE. Mr. Speaker, I rise today in strong support of the American Jobs and Closing Tax Loopholes Act which would create jobs, extend critical tax credits, provide assistance to people in need, and ensures that my home state of Illinois is able to continue building its infrastructure.

The bill extends unemployment insurance until November 30, 2010. It extends the National Flood Insurance Program until the end of the year. It also extends key tax credits for Illinois clean energy producers. Further, enactment of this legislation will ensure that short line and regional rail lines can continue critical track maintenance, providing reliable infrastructure for rail customers and communities across the nation. It achieves this through the Railroad Track Maintenance Credit. The 45G rail tax credit will enable small and mid-sized railroads to update and upgrade their track capacities in order to promote those railroads as a viable way to move freight. This provision means that railroads in and around my district, such as the Burlington Junction Railway, the Decatur Junction Railway, the Illinois & Midland Railroad, the Iowa Interstate Railroad, the Keokuk Junction Railway, and the Toledo, Peoria & Western Railroad, would all be able to make the necessary upgrades and perform maintenance to tracks which move our nation's food, consumer goods, and coal.

Another aspect of this bill that I am proud to support is commonly known as the "Doc Fix", which prevents a 21 percent doctor payment cut under Medicare which is scheduled to take place in June in order to preserve seniors' access to the doctor of their choice. This 19 month fix to the Sustainable Growth Rate formula increases physician payment rates by 2.2 percent for the rest of 2010 and 1 percent in 2011. This provision is necessary to guarantee that Medicare beneficiaries can continue to enjoy the excellent access to care that they do today.

Finally, H.R. 4213 ensures that Illinois highway funds are protected. A provision in the

original legislation would have cost Illinois \$118 million. But language was added to ensure the state can keep these critical resources. I thank Chairman OBERSTAR for working with the Illinois delegation to ensure that the state was held harmless in this regard.

The bill saves taxpayer dollars by ending subsidies for corporations who ship our jobs overseas, requiring Wall Street investment fund billionaires to pay their fair share of taxes, and ensuring BP meets its responsibility for the Gulf of Mexico oil spill.

We are finally starting to see some positive momentum in the job market. But with many Americans still looking for work, these long-term extensions of unemployment insurance are critical to ordinary families' ability to make ends meet. I am pleased this bill also includes two important provisions for our farmers in Illinois. An extension of the National Flood Insurance Program will give families who live along the Mississippi River important protection from future disasters. In addition, those farmers who produce clean energy like biodiesel and ethanol will continue to receive a tax credit.

We pay for much of this by ceasing to reward multinational corporations for shipping American jobs overseas. This policy combined with several unfair trade deals has battered the manufacturing base in my district. It is time to stand up for American workers again.

Mr. CONYERS. Mr. Speaker, today, I rise in strong support of the American Jobs, Closing Tax Loopholes and Preventing Outsourcing Act. We cannot afford to ignore the job crisis any longer. I believe today's legislation will help Americans struggling with this recession by funding summer jobs programs, assisting the unemployed, extending transportation funding, bringing justice to black farmers and closing tax loopholes for Wall Street managers. Additionally, it includes critical measures to address and prevent federal disasters, including the devastating oil spill in the Gulf and coal mining accidents.

Today's legislation would offer support to those who are most in need by extending unemployment benefits such as unemployment compensation through November 2010. Moreover, the bill extends the Emergency Contingency Fund which provides funds to states to help for Temporary Assistance for Needy Families (TANF), aid to needy families, subsidized employment programs. The American Jobs Act will stop the 21 percent reduction in Medicare reimbursements that doctors were scheduled to see on June 1st 2010. This legislation would also address unemployment by allowing local Workforce Investment Boards to expand successful summer jobs programs which would provide over 300,000 jobs for those ages 14 to 24. It is important to give our youth the opportunity to gain essential skills in order to be competitive in our globalized economy.

I am disappointed the COBRA six month extension was removed from the bill as well as a six-month extension on Medicaid matching rates that would offer additional help to states with high levels of unemployment. Removal of these provisions will put many families at risk during these hard economic times.

As we recover from the worst financial crisis since the Great Depression, the American Jobs Act will force Wall Street fund managers

to pay their fair share on taxes carried interest and capital gains. Currently, investment fund managers such as those who work in private equity and hedge funds only pay 15 percent tax on carried interest, while the average small business owner pays significantly higher rates. During the run up to the financial crisis many hedge funds engaged in speculative derivatives and other toxic assets which pushed our economy to the brink of a depression. The Jobs Act will force them to pay their fair share and bring lost billions in revenue to the Treasury. Lastly, the bill ends loopholes that encourage firms to claim foreign tax credits with respect to foreign taxes paid on income in order to ship jobs abroad.

I also support the American Jobs Act because it provides funds for critical transportation projects in Michigan and across the country by allocating over four billion dollars to the popular Build America Bonds initiative. Lauded as one of the most successful parts of the Recovery Act, the Build America Bonds are bonds with tax exemption on interest. The extension of this initiative will allow for the construction of new schools, roads, environmental projects, public safety facilities, and government housing projects. Furthermore, Michigan historically has been a donor state in transportation funding, sending more money to the federal government than it receives in transportation dollars. The American Jobs legislation addresses an inequity in the funding of surface transportation projects.

I am also pleased the American Jobs Act contains a provision that will help resolve the discrimination claims brought by African American farmers against the U.S. Department of Agriculture. In the original Pigford litigation, many potential plaintiffs were unable to timely file their lawsuits due to a failure to give adequate notice of the claims period, barring the claims of as many as 70,000 farmers. In §14012 of the 2008 Farm Bill, Congress authorized "late-filing" Pigford v. Glickman claimants who were denied a "determination on the merits" of their claims a cause of action in the United States District Court for the District of Columbia to seek such a determination. On February 18, Agriculture Secretary Tom Vilsack announced that the USDA had reached a global settlement of these claims with the Pigford claimants. That settlement, however, was predicated on the appropriation of \$1.15 billion by Congress to pay the claims and costs. With this legislation, we appropriate the funds that will lead to a final resolution of the claims brought by this class of Black farmers more than a decade ago, ending a shameful chapter in the history of USDA and paving the way for the resolution of the claims brought by other minority farmers.

Today's legislation seeks to address deficiencies we have seen in the federal response to preventing and addressing disasters. While the long-term effects of the oil spill in the Gulf are still unknown, analysts estimate that costs could exceed \$14 billion. By increasing the amount that the oil companies pay into the Oil Spill Liability Trust Fund, there will be more funds to assist individuals, businesses and communities so that they are not left uncompensated for damages. This bill also extends the National Flood Insurance Program and provides measures to increase mine safety.

Mr. Speaker, I hear from constituents every day whose unemployment benefits are running out and do not know how to pay their mortgage, utilities or food. We must keep safety nets available so that our fellow Americans do not go hungry. Extending these lifelines necessitates the use of emergency spending. The unemployment rate in Detroit is alarmingly high, 27.9 percent which means nearly 254,465 unemployed people in the city. There needs to be a sense of urgency in this chamber on job creation and specifically full employment, where every American worker who wants a job would have the opportunity to do so. I believe that investing in our greatest resource, the American worker, should not be a partisan issue. Today's legislation is a good first step but much more is required to help America recover from this Great Recession. I look forward to continuing to work with my colleagues on providing jobs for every American.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise in support of H.R. 4213, the American Jobs and Closing Tax Loopholes Act of 2010. This bill would create or save over one million jobs, extend much needed help to those struggling to find work, and close tax loopholes for corporations that send American jobs overseas. I was unable to cast my vote in support of this important piece of legislation and would like to reflect for the RECORD that, if I had voted I would have voted yes.

With a 12.6% unemployment rate, my top priority is to get Californians back to work; this bill would bring critical assistance to those who are still looking for work by extending unemployment insurance through November of this year.

This bill will also create and save jobs by extending tax credits to small businesses, enabling them to hire more employees and expand operations. More needs to be done to help our economy make a full recovery and get our people back to work, but this bill takes care of those who are suffering as our economy continues to recover.

Once again, I rise in support of this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in strong opposition to the legislation before us today, which adds \$54 billion to the deficit and imposes new taxes on job-creating businesses.

Make no question, Mr. Speaker, that I support a number of the provisions within this bill, including the extension of the state sales tax deduction that is so important to residents of my home state of Washington. In 2004, I was part of the effort that reinstated the state sales tax deduction for the first time in nearly 20 years. Since then, I have worked long and hard with my colleagues from both sides of the aisle to extend this important provision and make it permanent.

For this reason, Mr. Speaker, I am frustrated that instead of simply extending the state sales tax deduction and the other tax relief provisions that help Americans reinvest in our economy, the Democrat majority has chosen to tie these policies to a hodge-podge list of government spending programs that will have nothing to do with creating jobs and will balloon the deficit.

In addition, Mr. Speaker, this bill includes permanent tax increases on job-creators—

supposedly to "offset" the costs of extending current tax relief measures for one year. It simply makes no sense to give just a one-year temporary extension of the state sales tax deduction while permanently raising other taxes. At the same time, those who control Congress made no effort to offset \$54 billion in government spending included in the bill.

This defies logic, and increases the already stifling burden of debt this Congress has saddled on our children and grandchildren.

While this bill includes some very worthy proposals that Congress needs to pass, I can't support permanent new taxes on business investment and job creation—especially at a time when our economy is struggling.

I encourage my colleagues to vote no on this bill, and I stand ready to work with my colleagues on legislation that will actually help put our nation's economy on the road to recovery.

Mr. STARK. Mr. Speaker, I rise to oppose the American Jobs and Closing Tax Loopholes Act.

Three days ago I would have held my nose and supported this bill. I deplore many of the corporate tax breaks extended here, I don't believe it goes far enough to close loopholes that encourage off-shoring, and I am angered that it fails to fully close the carried interest loophole. However, the bill did include other key provisions to protect working families and Medicare beneficiaries.

Unfortunately, "Blue Dog" Democrats insisted that many of those key provisions be removed. Rather than reforming Medicare's physician payment system and creating several years of stability, the bill has a 19-month patch that is far less than what is needed. The bill eliminates the COBRA premium assistance program that enabled families to maintain their health insurance while they are between jobs. They even went so far as to remove emergency Medicaid funding for States that was the only hope to prevent States from dumping women, children and frail seniors off their Medicaid rolls.

What Congress does has consequences. When we choose to subsidize corporations through the tax code, rather than sustain Medicaid or the COBRA premium assistance program, our choice means people will lose health care. I was reminded of this sad reality yesterday when a constituent called to tell me he is getting laid off next month. Without COBRA assistance, which expires on Monday, he will be without health care. He was put in the difficult position of suggesting his employer terminate him earlier so his family could afford to remain insured. That isn't a choice anyone should be forced to make.

I cannot vote for this bill knowing that we are cutting off health care to the unemployed, while continuing absurd tax breaks, such as the so-called Research and Development Tax Credit. GAO has found that this credit provides a windfall to huge corporations to engage in behavior they would have engaged in with or without the credit. Eliminating this credit and other wasteful corporate credits would allow us to pay for COBRA assistance. Unfortunately, Congress is choosing corporate interests over the interests of families and workers.

There are good provisions in this legislation. Extending the TANF Emergency Contingency

Fund so that States can continue successful subsidized employment programs is the right thing to do. Continuing extended unemployment insurance benefits for the millions of Americans still looking for work is also the right thing to do. Providing pension relief for workers is long overdue. I strongly support these provisions.

But I cannot vote to support a bill that has been stripped of other vitally important provisions for America's working families, while maintaining special interest tax breaks.

Ms. ESHOO. Mr. Speaker, I rise today to express my views on the American Jobs and Closing Tax Loopholes Act, H.R. 4213. There are four reasons I will vote for the bill.

It extends unemployment benefits for America's jobless workers at a time when they need it most, providing basic assistance for needy families.

It extends the temporary increase in the federal Medicaid matching funds delivered to the states. This provision will give local communities the certainty they need as they enter another fiscal year strapped for cash.

It provides critical assistance to those struggling to pay for healthcare by extending the COBRA premium assistance program.

It extends the Research and Development Tax Credit to the end of this year, a tax credit I have fought to make permanent since entering Congress in 1993. This is a very short extension, but it is better than no extension at all.

Having said the above, I strenuously oppose other parts of the bill.

I believe Sections 411 and 412 on carried interest are bad policy which could cause damage to a fragile economy struggling to create jobs. Jobs are created by risk takers. Venture capitalists launch small businesses. They invest in the communities in which they live. They take significant risks when they bet on the next great American dream. What is so unfortunate about this legislation is that it contains an ill-advised provision that puts the job-creating engine of our innovation economy in jeopardy by stopping inventors dead in their tracks. I oppose the tax treatment in the bill because I believe it is anti-job and anti-innovation.

Section 404 also runs counter to job creation and investing in America. It limits the ability of businesses to bring revenue back to the United States at a time when we can't afford to turn it away. It also changes longstanding international tax law that will put our most innovative U.S. companies at a disadvantage when competing around the world.

I also strongly object to the cost of this bill. More than half of the bill is not paid for. We should and can do better for the American people.

Mr. Speaker, I cannot vote against those most in need, and I won't. But I feel very strongly about the deep flaws in this legislation and regret that the sections I point out are included in H.R. 4213. I hope that by the time a Conference Report reaches us that these policies will no longer be part of the legislation.

Mr. LANGEVIN. Mr. Speaker, I rise in support of this jobs and economic assistance package, which includes an extension of numerous tax provisions critical to sustaining and

building jobs, while providing relief to thousands of Rhode Islanders who are still struggling to rebuild after a devastating recession and recent catastrophic flooding.

Our economy is beginning to show signs of recovery, but that progress has been slow in reaching Rhode Island. People are still looking for jobs, small businesses are struggling to keep their doors open and homeowners continue to face high rates of foreclosure. These problems were only compounded by historic flooding in the Northeast, which damaged and destroyed thousands of homes and businesses across Rhode Island.

Our constituents deserve to know that we are doing everything in our power to support them during these difficult times. This bill extends unemployment insurance through November 30th to help families make ends meet while they look for new job opportunities. It also continues important small business lending programs to help spur job growth and hiring.

I am particularly pleased that this bill contains an extension of the national disaster tax provisions through 2010. Since the catastrophic floods hit Rhode Island, I have worked tirelessly with our state's delegation in pursuing every avenue of assistance and relief that the federal government can provide. In addition to our other efforts, I joined my colleague, Representative PATRICK KENNEDY, in introducing the National Disaster Tax Extenders Act, to ensure that Rhode Islanders would be eligible to receive the same disaster tax assistance as other states have in the past. I am happy to see that language included in this bill.

The disaster provisions will give Rhode Islanders the maximum opportunity to deduct losses from their federal income taxes as a result of the flooding. They also allow businesses that have been affected to deduct expenses like demolition, repair and clean up, as well as apply a net operating loss carry back for 5 years, instead of two.

This legislation also averts a 21 percent reimbursement cut to physicians so they can continue to provide care to our seniors who rely on Medicare. The reimbursement cut is replaced with a 2.2 percent payment increase through 2010 and an additional 1 percent, increase in 2011. While I am disappointed that a permanent fix of the flawed Medicare reimbursement formula was not possible given our current budgetary constraints, it is my hope that Congress corrects this policy soon, so we do not continue to sustain greater costs in the future.

Among other important provisions in this bill is financial relief for our veterans that allows concurrent receipt of both military retirement pay and VA military disability pay for 2 years. It provides an extension of the Temporary Assistance for Needy Families, TANF, emergency relief fund to help states with their social assistance and employment programs. It extends numerous pro-business and pro-community tax provisions, like the R&D tax credit, enhanced deductions for charitable contributions, deduction of classroom expenses for teachers, and investments in alternative energy use and development.

Last but certainly not least, this bill increases the amount that oil companies are re-

quired to pay into the Oil Spill Liability Trust Fund, so that the taxpayers are not left with the bill to clean up calamitous man-made disasters like the tragic spill occurring in the Gulf of Mexico right now.

This bill is not a permanent solution to our problems. It has been significantly scaled back to minimize deficit spending, removing critical Medicaid assistance to states as well as an extension of COBRA health insurance premium assistance for the unemployed. Given Rhode Island's continued budgetary deficits and the inevitable loss of medical coverage to state residents, it is imperative that we take up consideration of the Medicaid and COBRA provisions immediately after Congress reconvenes in June.

In the mean time, I ask my colleagues to support the tax extenders package before us today so we can provide assistance to families and businesses that will help put Rhode Islanders back to work.

Mr. HIMES. Mr. Speaker, I rise today with regret that I am unable to cast my vote in support of H.R. 4213 as it stands. I am acutely aware that many families and workers across Connecticut are still struggling from the severe downturn in our economy. Last winter, I supported and voted for the American Recovery and Reinvestment Act. At the time, economists from across the spectrum were calling for a stimulus, and I continue to consider the stimulus a key element in a multi-pronged approach to turn our economy around. While the stimulus is clearly helping, we have yet to feel its full effects. Nearly \$400 billion—or more than half—of Recovery Act funds remain unspent. Given this fact, I have serious reservations about authorizing additional spending at this time.

The legislation settled on during this process would increase spending by \$115 billion, \$60 billion of which is not paid for. While I applaud efforts to trim the size and scope of this bill, it still increases our national deficit without a plan to address our long-term fiscal health.

My concerns with this bill are tempered by my enthusiastic support for many of its provisions. I support, and have voted for, a permanent repeal of the flawed Sustainable Growth Formula, SGR, which threatens the financial viability of our medical providers for the sake of an accounting gimmick. I recently added my name to a letter calling upon the Senate to act on permanent reform of the SGR—these piecemeal measures like the “fix” in this bill, while necessary in the short term, are an irresponsible substitute for repealing and replacing this flawed formula.

I support a strong safety net for our unemployed and under-employed, and I have voted in favor of extending unemployment benefits. In a time of economic upheaval, these benefits are crucial to helping families make ends meet and stimulate the demand that leads to economic recovery. And, I support a number of the expiring or expired provisions in our tax code, such as the Research and Development tax credit, which are critical to innovation and job creation.

While I support many of the provisions contained in the bill, I generally will not and cannot support increased spending that does not meet the true spirit of the PAYGO legislation I cosponsored last summer and the President signed into law in February.

Today, I take a step towards thoughtfully rebalancing the budget. While we all know that the economy has by no means fully recovered, it's time to pull back government spending so that we don't find ourselves in an even more dangerous fiscal predicament down the road.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 4213, American Jobs, Closing Tax Loopholes, and Preventing Outsourcing Act.

After losing over \$17 trillion in total household wealth over the last 18 months of the Bush Administration, we have finally started on the path to economic growth. Thanks to the efforts of this Congress, we have had two straight months of job creation. Job losses have slowed dramatically, plummeting housing prices have stabilized, and our economy is beginning to produce again. Earlier this week, the Congressional Budget Office released a new report highlighting the job-creating impact of the Recovery Act. According to the CBO report, the Recovery Act boosted the Nation's economy by up to 4.2% in the first quarter of the year and has already supported as many as 2.8 million jobs. However, the recovery is fragile and we must continue to help businesses and individuals who are struggling. H.R. 4213 builds on earlier efforts to create jobs and support small businesses. The most important thing we can do to bolster our economy is to help provide opportunity to everyone who is willing to work hard to make the most of their God-given abilities. Earlier this week I visited two local businesses in North Carolina. I visited a coffee shop that is thriving after receiving a loan from the Small Business Administration, SBA, and a high tech company that is looking to grow. This bill includes a provision to extend the waiver of SBA fees and an extension of the Research and Development tax credit that boosts high tech companies like those in the Research Triangle Park. Among the other tax credits that aid small businesses, H.R. 4213 includes a provision that extends the special cost recovery period for restaurants and retail businesses that are growing and making capital purchases.

This bill also extends the successful Build America Bonds initiative that has led to billions of dollars of infrastructure improvements around the country and thousands of new jobs. It supports summer jobs initiatives that provide young people with employment and prepare them for productive work in the private sector. It supports job creation in the energy sector, so that America remains at the forefront of technology and reduces its dependence on foreign oil.

There are so many good provisions in this bill that it is hard to list them all, but I would like to call attention to two specific benefits that particularly affect North Carolina's second district. For years I have been working to correct an issue that prevents veterans from receiving the benefits they were promised and which they deserve on the basis of their service. I am proud to represent a large number of veterans in my district and many of these North Carolinians deserve “concurrent receipt” that allows our veterans to collect both disability and retirement pay. This bill provides concurrent receipt for the next 2 years. I have also fought to make sure that North Carolina's farmers, so hard-hit by the current economic

downturn, receive support so that local agriculture can continue to provide quality food to America's dinner tables. As one of the Nation's leading poultry producers, North Carolina needs the agriculture disaster support provided by this bill, including assistance I demanded for poultry farmers who suffered catastrophic losses during this recession.

Let us continue to empower Americans on Main Street. I support helping our hard-working Americans and strengthening our economy. I support H.R. 4213, the American Jobs, Closing Tax Loopholes, and Preventing Outsourcing Act, and I urge my colleagues to join me in voting for its passage.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to express my views on H.R. 4213, the American Jobs and Closing Tax Loopholes Act. This is an important bill for our country as we continue to move out of the economic recession. I will be voting in favor of H.R. 4213. However, I have strong reservations about the carried interest tax provisions in this bill and its impact on job growth in areas like Silicon Valley, where innovation and venture capital funds play a key role in the economy.

The American economy gained 290,000 jobs last month, the largest number of job gains in a month since 2006, and the GDP increased by 3 percent last quarter. While these numbers clearly show positive economic growth, the economy has not been recovering fast enough for many families in Santa Clara County where unemployment is still at 11.4 percent—nearly 2 percent higher than the national average.

H.R. 4213 will do much to help California and Silicon Valley families hit by this recession. This bill will provide California with billions of dollars for unemployment benefits, direct assistance to needy families and children, emergency rental assistance, and summer youth programs. I support all of these programs because they will provide a critical lifeline for families trying to keep their heads above water and survive this economic downturn.

These programs will help maintain the short-term stability of the economy, but families in the long-term need jobs the private sector will create. Venture capital investments help create these jobs of the future. This is why I am so concerned about the section in the bill that will increase the tax rate for carried interest as applied to venture capital. Unlike private equity funds, venture capital investments typically span multiple years and funding cycles. It is not uncommon for it to take 10 to 15 years for these ideas to reach the market, and in many cases they never do.

We have all heard of Google, Apple, Cisco, Genentech, and Tesla Motors. All of these companies were at one point just an idea in the minds of their founders. The system of venture capital allowed these ideas to develop and grow into major industries that created hundreds of thousands of jobs.

I applaud House leaders for delaying the implementation of changes to the carried interest tax for a year, but the eventual hit to venture capital investments is worrisome. Just as we are starting to emerge from the "Great Recession" this seems an inopportune time to overturn the venture capital system that has been an engine of job growth.

Mr. SKELTON. Mr. Speaker, when I am home in Missouri, the folks I talk to frequently express their concerns about the economy and jobs. According to the most recent data, 27,630 people in the Fourth District are without work. Families whose breadwinners have lost work and others who fear unemployment must continue to be a priority of this Congress.

Jobs allow for American families to feel secure in their homes. Jobs stimulate economic activity in our home towns and throughout our country. Jobs generate tax revenue for city, state, and federal governments, which help policy makers pay the bills and reduce the deficit. Jobs are essential to breaking out of the Great Recession.

This year, Congress has been working on several jobs bills. One bill known as the HIRE Act, which is now the law of the land, provides tax relief to small businesses and expands important highway projects. Other legislation on which Congress has been working include bills to provide additional small business tax relief, to expand lending opportunities for small businesses, and to stimulate small business growth and expansion.

Today, the House of Representatives is considering H.R. 4213, a bill that would create additional jobs in our country by cutting taxes for American families and businesses and by spurring new infrastructure improvements. It would also take care of American veterans by eliminating the so-called disabled veterans tax for two years, would provide American farmers with tax relief and emergency disaster assistance, and would extend emergency assistance to American families.

H.R. 4213 is supported by Farm Bureau, by veterans, by small businesses, and by AARP.

For Missouri farmers, H.R. 4213 would extend the five-year depreciation for farming machinery and equipment, would extend the charitable tax deduction for donated food, and would extend the tax deduction for donating conservation easements. H.R. 4213 would also extend critical tax incentives for biodiesel and renewable diesel fuel. The biodiesel tax credit is very important to the development and sustainability of America's renewable fuel industry. H.R. 4213 would also provide emergency financial assistance to farmers for qualifying 2009 agricultural losses. For these reasons, today's legislation has been endorsed by the Farm Bureau and the National Biodiesel Board.

For America's veterans, H.R. 4213 would allow many military retirees who are also disabled veterans to receive both Department of Defense military retirement pay and VA military disability pay for the next two years. Often referred to as the disabled veterans tax, finding a legislative solution to the concurrent receipt issue has been a top priority of our nation's veterans and of Congress. I have worked on the House Armed Services Committee to end the disabled veterans tax and am pleased that H.R. 4213 will provide full retirement and disability benefits to 77,000 of these disabled service members for two years. Its passage is a critical first step toward extending concurrent receipt to all 136,000 medically retired veterans over four years. Because of the bill's positive impact on veterans, it has been endorsed by the Military Officers Association of America, MOAA.

For Missouri businesses, H.R. 4213 would allow credit to flow more easily to small businesses through popular and effective SBA lending programs, would extend the research and development, R&D, tax credit that encourages financial investment and job creation in America's high tech sector, would allow corporations to receive a refund of a portion of their alternative minimum tax credits if they invest during 2010 in capital equipment for use in the United States, would extend the 15-year cost recovery for qualified improvements to restaurants and retail space, and would extend benefits for investments in economically distressed areas of our country. Because the business provisions included in H.R. 4213 are so very important, the bill is supported by the National Restaurant Association, the Independent Community Bankers Association, and the National Retail Federation.

For Missouri families, H.R. 4213 would provide important tax relief. The bill would extend for one year tax deductions for qualified college education expenses. It would extend a special deduction for teachers and other school professionals who use personal funds to buy school supplies for their classrooms. And, the legislation would ensure activated military reservists do not suffer a pay reduction by providing a tax credit for small businesses that continue to pay National Guard and Reserve employees when they are called to active duty.

For Missouri's senior citizens, military personnel, military retirees, and people with disabilities, H.R. 4213 would ensure they are able to continue seeing the doctor of their choice by preventing a 21 percent reduction in Medicare and TRICARE physician fees. Without making these changes, doctors in Missouri and elsewhere would likely not continue to see Medicare and TRICARE patients. That is why H.R. 4213 is supported by AARP and MOAA.

H.R. 4213 would extend other valuable provisions of the U.S. tax code, including deductions for charitable contributions by individuals and businesses, would provide for important pension relief sought after by the Missouri Rural Electric Cooperatives, would provide emergency assistance for American families who are impacted by unemployment, would create summer jobs for American youth, and would allow for state and local governments to finance the reconstruction of schools, sewer systems, and hospitals through Build America Bonds and Recovery Zone Bonds—work that would create thousands of jobs across our country. Because infrastructure improvements are so vital to jobs, H.R. 4213 has been endorsed by our nation's mayors and county governments.

The non-emergency spending associated with H.R. 4213 is compliant with the PAYGO law enacted earlier this year. I urge my colleagues to support H.R. 4213 so that we can provide tax relief to American families, farmers, and businesses, can take care of America's veterans and senior citizens, and can create small business jobs.

Mr. LEVIN. Mr. Speaker, in conjunction with the May 28, 2010, consideration in the U.S. House of Representatives of House amendments to the Senate amendment to H.R. 4213, "The American Jobs and Closing Tax Loopholes Act of 2010," I have asked the non-partisan Joint Committee on Taxation to make

available to the public a technical explanation of the provisions included in the House amendment to the Senate amendment to H.R. 4213. This technical explanation reflects the Ways and Means Committee's understanding and legislative intent behind those provisions. It is available on the Joint Committee on Taxation website at www.jct.gov and is listed under document number JCX-29-10.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1403, the previous question is ordered.

The question of adoption of the motion is divided.

The first portion of the divided question is: Will the House concur in the Senate amendment with all of the matter proposed to be inserted by the amendment of the House other than section 523?

The question is on the first portion of the divided question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Pursuant to clause 9 of rule XX, this 15-minute vote on the first portion of the divided question will be followed by a 5-minute vote on the second portion of the divided question, if ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 204, not voting 13, as follows:

[Roll No. 324]

YEAS—215

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| Ackerman | Cummings | Hoyer |
| Adler (NJ) | Dahlkemper | Israel |
| Altire | Davis (CA) | Jackson (IL) |
| Andrews | Davis (IL) | Jackson Lee |
| Arcuri | Davis (TN) | (TX) |
| Baca | DeGette | Johnson, E. B. |
| Baird | Delahunt | Kagen |
| Baldwin | DeLauro | Kanjorski |
| Barrow | Deutch | Kaptur |
| Becerra | Dicks | Kennedy |
| Berkley | Dingell | Kildee |
| Berman | Doyle | Kilpatrick (MI) |
| Berry | Edwards (MD) | Kilroy |
| Bishop (GA) | Ellison | Cantor |
| Bishop (NY) | Ellsworth | Kirkpatrick (AZ) |
| Blumenauer | Engel | Kissell |
| Boccheri | Eshoo | Kucinich |
| Boswell | Etheridge | Langevin |
| Boucher | Farr | Larsen (WA) |
| Brady (PA) | Fattah | Larson (CT) |
| Braley (IA) | Filner | Lee (CA) |
| Brown, Corrine | Foster | Levin |
| Butterfield | Frank (MA) | Lewis (GA) |
| Cao | Fudge | Lipinski |
| Capps | Garamendi | Loebsack |
| Cardoza | Gonzalez | Loftgren, Zoe |
| Carnahan | Gordon (TN) | Lowe |
| Carney | Grayson | Lujan |
| Carson (IN) | Green, Al | Lynch |
| Castor (FL) | Green, Gene | Maffei |
| Chandler | Grijalva | Maloney |
| Childers | Gutierrez | Markey (MA) |
| Chu | Hall (NY) | Marshall |
| Clarke | Halvorson | Matheson |
| Clay | Hare | Matsui |
| Cleaver | Harman | McCarthy (NY) |
| Clyburn | Heinrich | McCollum |
| Cohen | Higgins | McDermott |
| Conyers | Hinchey | McGovern |
| Costa | Hinojosa | Meek (FL) |
| Costello | Hirono | Meeks (NY) |
| Courtney | Hodes | Miller (NC) |
| Critz | Holden | Miller, George |
| Crowley | Holt | Mollohan |
| Cuellar | Honda | Moore (KS) |

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| Moore (WI) | Rodriguez |
| Moran (VA) | Ross |
| Murphy, Patrick | Rothman (NJ) |
| Nadler (NY) | Roybal-Allard |
| Napolitano | Ruppersberger |
| Neal (MA) | Rush |
| Oberstar | Ryan (OH) |
| Obey | Sanchez, Linda |
| Oliver | T. |
| Ortiz | Sanchez, Loretta |
| Owens | Sarbanes |
| Pallone | Schakowsky |
| Pascarell | Schauer |
| Pastor (AZ) | Schiff |
| Payne | Schrader |
| Pelosi | Schwartz |
| Perlmutter | Scott (GA) |
| Perriello | Scott (VA) |
| Peters | Serrano |
| Peterson | Sestak |
| Pingree (ME) | Shea-Porter |
| Pomeroy | Sherman |
| Price (NC) | Sires |
| Quigley | Skelton |
| Rahall | Slaughter |
| Rangel | Snyder |
| Reyes | Space |
| Richardson | Speier |

NAYS—204

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|-----------------|-----------------|---------------|
| Aderholt | Fortenberry | McMorris |
| Akin | Foxx | Rodgers |
| Alexander | Franks (AZ) | McNerney |
| Austria | Frelinghuysen | Mica |
| Bachmann | Gallegly | Michaud |
| Bachus | Garrett (NJ) | Miller (FL) |
| Barrett (SC) | Gerlach | Miller (MI) |
| Bartlett | Giffords | Miller, Gary |
| Barton (TX) | Gingrey (GA) | Minnick |
| Bean | Gohmert | Mitchell |
| Biggert | Goodlatte | Moran (KS) |
| Bilbray | Granger | Murphy (CT) |
| Bilirakis | Griffith | Murphy (NY) |
| Bishop (UT) | Guthrie | Murphy, Tim |
| Blackburn | Hall (TX) | Myrick |
| Blunt | Harper | Neugebauer |
| Boehner | Hastings (WA) | Nunes |
| Bonner | Heller | Nye |
| Bono Mack | Hensarling | Olson |
| Boozman | Herger | Paul |
| Boustany | Hereth Sandlin | Paulsen |
| Boyd | Hill | Pence |
| Brady (TX) | Himes | Petri |
| Bright | Hoekstra | Pitts |
| Broun (GA) | Hunter | Platts |
| Brown (SC) | Inglis | Poe (TX) |
| Buchanan | Insee | Polis (CO) |
| Burgess | Issa | Posey |
| Burton (IN) | Jenkins | Price (GA) |
| Buyer | Johnson (IL) | Putnam |
| Calvert | Johnson, Sam | Radanovich |
| Camp | Jordan (OH) | Rehberg |
| Campbell | King (IA) | Reichert |
| Cantor | King (NY) | Roe (TN) |
| Capito | Kingston | Rogers (AL) |
| Capuano | Kirk | Rogers (KY) |
| Carter | Klein (FL) | Rogers (MI) |
| Cassidy | Kline (MN) | Rohrabacher |
| Castle | Kosmas | Rooney |
| Chaffetz | Kratovil | Ros-Lehtinen |
| Coble | Lamborn | Roskam |
| Coffman (CO) | Lance | Royce |
| Cole | Latham | Salazar |
| Conaway | LaTourette | Scalise |
| Connolly (VA) | Lee (NY) | Schmidt |
| Cooper | Lewis (CA) | Schock |
| Crenshaw | Linder | Sensenbrenner |
| Culberson | LoBiondo | Sessions |
| DeFazio | Lucas | Shadegg |
| Dent | Luetkemeyer | Shimkus |
| Diaz-Balart, L. | Lummis | Shuster |
| Diaz-Balart, M. | Lungren, Daniel | Simpson |
| Djou | E. | Smith (NE) |
| Doggett | Mack | Smith (NJ) |
| Donnelly (IN) | Manzullo | Smith (TX) |
| Dreier | Marchant | Smith (WA) |
| Driehaus | Markey (CO) | Stark |
| Duncan | McCarthy (CA) | Stearns |
| Edwards (TX) | McCaul | Sullivan |
| Ehlers | McClintock | Taylor |
| Emerson | McCotter | Terry |
| Fallin | McHenry | Thompson (PA) |
| Flake | McIntyre | Thornberry |
| Fleming | McKeon | Tiahrt |
| Forbes | McMahon | Tiberi |

| | | |
|--------|--------------|------------|
| Turner | Westmoreland | Wolf |
| Upton | Whitfield | Young (AK) |
| Walden | Wilson (SC) | Young (FL) |
| Wamp | Wittman | |

NOT VOTING—13

| | | |
|--------------|---------------|-----------|
| Boren | Graves | Melancon |
| Brown-Waite, | Hastings (FL) | Ryan (WI) |
| Ginny | Johnson (GA) | Shuler |
| Davis (AL) | Jones | Stupak |
| Davis (KY) | Latta | |

□ 1338

Mr. GUTIERREZ changed his vote from “nay” to “yea.”

So the first portion of the divided question was adopted.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. PELOSI was allowed to speak out of order.)

HONORING HERB SHANKS, DEMOCRATIC CLOAKROOM ATTENDANT

Ms. PELOSI. Mr. Speaker, I rise today to honor Herb Shanks, the Cloakroom attendant of the House Democratic Cloakroom for the last 38 years. Herb is retiring today after serving this institution much longer than probably most Members of the Congress. Indeed, he has served under seven Speakers of the House, and generations of Members have depended upon him.

As the Doorkeeper and Cloakroom Attendant, Herb has ensured the safety and security of House Members and staff by controlling access to the Democratic Cloakroom. He has also been a face of warm welcome to all Members.

Herb's dedicated service is representative of the many staff who serve this institution, particularly those who work in both the Democratic and the Republican Cloakrooms, and the non-partisan officers who ensure smooth operations on the House floor. They may not be household names, but they proudly serve our Nation's families. Herb is joined here today by his twin daughters, Andrea and Angela; we thank them for sharing their father with us.

We also note that Herb is the proud grandfather of four and great grandfather of three. Today, we will present Herb with a flag that flew over the Capitol in his honor on this, his day of retirement, after 38 years of service. It is a fitting tribute to this great patriot, Herb Shanks.

Thank you, Herb.

I would now like to yield to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the Speaker for yielding.

I have the honor of representing Herb in the Congress of the United States. He was born in Aquasco in April of 1936. In my view, he's a young man. For those of you who are much younger, I want you to know he's still a young man.

Herb, let me say to you, as the Speaker has pointed out, Herb has served with seven Speakers of the

House, from Speaker Albert to Speaker PELOSI. For those of you in the Republican Cloakroom, I've had the opportunity to come over to your side, and I love the folks that you have working on your side. Like Herb, they treat us all alike. There are no Republicans or Democrats for them. They're just Members of Congress who serve together and work together on behalf of our country.

Herb, you have been a wonderful friend, and you have made everybody's day brighter every time they come in contact with you. You have been someone who has been so thoughtful, so courteous, so kind that all of us have been advantaged and our lives have been made better by your service. And Herb, as you leave—not our hearts, but this House, at least the Cloakroom—we know that you will hopefully come back from time to time and visit with us, and we will be again enriched with your presence and your demeanor.

We wish you God speed. And we say to you, thank you, good friend.

□ 1345

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The second portion of the divided question is: Will the House concur in the Senate amendment with the matter proposed to be inserted as section 523 of the amendment of the House?

The question is on the second portion of the divided question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 171, not voting 16, as follows:

[Roll No. 325]

AYES—245

| | | |
|-------------|----------------|---------------|
| Ackerman | Braley (IA) | Conyers |
| Adler (NJ) | Brown, Corrine | Costa |
| Altmire | Burgess | Costello |
| Andrews | Butterfield | Courtney |
| Arcuri | Buyer | Critz |
| Baca | Capito | Crowley |
| Baldwin | Capps | Cuellar |
| Barrow | Capuano | Cummings |
| Bean | Cardoza | Davis (CA) |
| Becerra | Carnahan | Davis (IL) |
| Berkley | Carney | Davis (TN) |
| Berman | Carson (IN) | DeFazio |
| Berry | Cassidy | DeGette |
| Bilbray | Castor (FL) | DeLauro |
| Bilirakis | Chandler | Dent |
| Bishop (GA) | Childers | Deutch |
| Bishop (NY) | Chu | Dicks |
| Blumenauer | Clarke | Dingell |
| Boccheri | Clay | Doggett |
| Boswell | Cleaver | Donnelly (IN) |
| Boucher | Clyburn | Doyle |
| Boyd | Cohen | Driehaus |
| Brady (PA) | Connolly (VA) | Edwards (MD) |

| | | | | | |
|------------------|-----------------|-------------------|---------------|---------------|---------------|
| Edwards (TX) | Larson (CT) | Richardson | Manzullo | Pence | Shadegg |
| Ehlers | LaTourette | Rodriguez | Marchant | Petri | Shimkus |
| Ellison | Lee (CA) | Rogers (KY) | McCarthy (CA) | Pitts | Shuster |
| Ellsworth | Levin | Ross | McClintock | Platts | Simpson |
| Engel | Lewis (GA) | Rothman (NJ) | McCotter | Poe (TX) | Smith (NE) |
| Eshoo | Loebback | Roybal-Allard | McDermott | Posey | Smith (NJ) |
| Etheridge | Lofgren, Zoe | Ruppersberger | McHenry | Price (GA) | Smith (TX) |
| Farr | Lowe | Rush | McIntyre | Putnam | Stearns |
| Fattah | Lujan | Ryan (OH) | McKeon | Radanovich | Sullivan |
| Filner | Maffei | Sánchez, Linda T. | McMahon | Rehberg | Taylor |
| Foster | Maloney | Sarbanes | McMorris | Reichert | Teague |
| Frank (MA) | Markey (CO) | Schakowsky | Rodgers | Roe (TN) | Terry |
| Fudge | Markey (MA) | Schauer | Mica | Rogers (AL) | Thompson (PA) |
| Garamendi | Marshall | Schiff | Miller (FL) | Rogers (MI) | Thornberry |
| Giffords | Matheson | Schrader | Miller (MI) | Rohrabacher | Tiahrt |
| Gonzalez | Matsui | Schwartz | Miller, Gary | Rooney | Tiberi |
| Gordon (TN) | McCarthy (NY) | Scott (GA) | Minnick | Ros-Lehtinen | Turner |
| Grayson | McCaul | Scott (VA) | Moran (KS) | Roskam | Upton |
| Green, Al | McCollum | Sestak | Murphy, Tim | Royce | Walden |
| Green, Gene | McGovern | Shea-Porter | Myrick | Salazar | Wamp |
| Grijalva | McNerney | Sherman | Neugebauer | Scalise | Westmoreland |
| Hall (NY) | Meek (FL) | Sires | Nunes | Schmidt | Wilson (SC) |
| Halvorson | Meeks (NY) | Skelton | Olson | Schock | Wittman |
| Hare | Michaud | Slaughter | Paul | Sensenbrenner | Wolf |
| Heinrich | Miller (NC) | Smith (WA) | Paulsen | Sessions | |
| Higgins | Miller, George | Snyder | | | |
| Hill | Mitchell | Space | | | |
| Himes | Mollohan | Speier | | | |
| Hinchey | Moore (KS) | Spratt | | | |
| Hinojosa | Moore (WI) | Stark | | | |
| Hirono | Moran (VA) | Sutton | | | |
| Hodes | Murphy (CT) | Tanner | | | |
| Holden | Murphy (NY) | Thompson (CA) | | | |
| Holt | Murphy, Patrick | Thompson (MS) | | | |
| Honda | Nadler (NY) | Tierney | | | |
| Hoyer | Napolitano | Titus | | | |
| Inslee | Neal (MA) | Tonko | | | |
| Israel | Nye | Towns | | | |
| Jackson (IL) | Oberstar | Tsongas | | | |
| Jackson Lee | Obey | Van Hollen | | | |
| (TX) | Oliver | Velázquez | | | |
| Johnson (GA) | Ortiz | Viscosky | | | |
| Johnson, E. B. | Owens | Walz | | | |
| Kagen | Pallone | Wasserman | | | |
| Kanjorski | Pascarell | Schultz | | | |
| Kaptur | Pastor (AZ) | Waters | | | |
| Kennedy | Payne | Watson | | | |
| Kildee | Pelosi | Watt | | | |
| Kilpatrick (MI) | Perlmutter | Waxman | | | |
| Kilroy | Perriello | Weiner | | | |
| Kind | Peters | Welch | | | |
| Kirk | Peterson | Whitfield | | | |
| Kirkpatrick (AZ) | Pingree (ME) | Wilson (OH) | | | |
| Kissell | Polis (CO) | Woolsey | | | |
| Klein (FL) | Pomeroy | Wu | | | |
| Kosmas | Price (NC) | Yarmuth | | | |
| Kratovil | Quigley | Young (AK) | | | |
| Kucinich | Rahall | Young (FL) | | | |
| Langevin | Rangel | | | | |
| Larsen (WA) | Reyes | | | | |

NOES—171

| | | |
|--------------|-----------------|-----------------|
| Aderholt | Coble | Harper |
| Akin | Coffman (CO) | Hastings (WA) |
| Alexander | Cole | Heller |
| Austria | Conaway | Hensarling |
| Bachmann | Cooper | Herger |
| Bachus | Crenshaw | Herseth Sandlin |
| Baird | Culberson | Hoekstra |
| Barrett (SC) | Dahlkemper | Hunter |
| Bartlett | Diaz-Balart, L. | Inglis |
| Barton (TX) | Diaz-Balart, M. | Issa |
| Biggart | Djou | Jenkins |
| Bishop (UT) | Dreier | Johnson (IL) |
| Blackburn | Duncan | Johnson, Sam |
| Blunt | Emerson | Jordan (OH) |
| Boehner | Fallin | King (IA) |
| Bonner | Flake | King (NY) |
| Bono Mack | Fleming | Kingston |
| Boozman | Forbes | Kline (MN) |
| Boustany | Fortenberry | Lamborn |
| Brady (TX) | Foxo | Lance |
| Bright | Franks (AZ) | Latham |
| Broun (GA) | Frelinghuysen | Lee (NY) |
| Brown (SC) | Gallegly | Lewis (CA) |
| Buchanan | Garrett (NJ) | Linder |
| Burton (IN) | Gerlach | Lipinski |
| Calvert | Gingrey (GA) | LoBiondo |
| Camp | Gohmert | Lucas |
| Campbell | Goodlatte | Luetkemeyer |
| Cantor | Granger | Lummis |
| Cao | Griffith | Lungren, Daniel |
| Carter | Guthrie | E. |
| Castle | Hall (TX) | Lynch |
| Chaffetz | Harman | Mack |

| | |
|---------------|---------------|
| Pence | Shadegg |
| Petri | Shimkus |
| Pitts | Shuster |
| Platts | Simpson |
| Poe (TX) | Smith (NE) |
| Posey | Smith (NJ) |
| Price (GA) | Smith (TX) |
| Putnam | Stearns |
| Radanovich | Sullivan |
| Rehberg | Taylor |
| Reichert | Teague |
| Roe (TN) | Terry |
| Rogers (AL) | Thompson (PA) |
| Rogers (MI) | Thornberry |
| Rohrabacher | Tiahrt |
| Rooney | Tiberi |
| Ros-Lehtinen | Turner |
| Roskam | Upton |
| Royce | Walden |
| Salazar | Wamp |
| Scalise | Westmoreland |
| Schmidt | Wilson (SC) |
| Schock | Wittman |
| Sensenbrenner | Wolf |
| Sessions | |

NOT VOTING—16

| | | |
|--------------|---------------|------------------|
| Boren | Graves | Ryan (WI) |
| Brown-Waite, | Gutierrez | Sanchez, Loretta |
| Ginny | Hastings (FL) | Serrano |
| Davis (AL) | Jones | Shuler |
| Davis (KY) | Latta | Stupak |
| Delahunt | Melancon | |

□ 1352

Mr. BAIRD changed his vote from "aye" to "no."

So the second portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BOREN. Mr. Speaker, I was absent when rollcall votes occurred for H.R. 4213—The American Jobs, Closing Tax Loopholes and Preventing Outsourcing Act. I was not present because I was attending a funeral for a family member.

If I would have been present for the rollcall votes listed below for H.R. 4213, I would have voted in the following manner:

1. Roll No. 324, On concurring in Senate amendment with amendment (except portion comprising section 523) Agreed to by the Yeas and Nays; 215–204. I would have voted "nay."

2. Roll No. 325, On concurring in Senate amendment with portion of amendment comprising section 523 Agreed to by recorded vote: 245–171. I would have voted "nay."

AMERICA COMPETES REAUTHORIZATION ACT OF 2010

The SPEAKER pro tempore (Mr. PAS-TOR of Arizona). Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

The Clerk read the title of the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. The Chair will remind Members not to traffic the well.

Ms. ESHOO. Mr. Speaker, our country faces a serious challenge. We are in danger

of falling behind our global competitors in Europe and Asia in the critical fields of innovation and technology.

Our children have fallen behind the rest of the world in critical math and science skills. We lag behind other economic powers in our investment in research and science, and we rank 26th in broadband penetration worldwide.

The alarm bells are sounding—and we have a responsibility to future generations of Americans to respond.

That's why nearly 5 years ago we began to answer that call to arms. I joined with then-House Democratic Leader NANCY PELOSI and other colleagues to launch The Innovation Agenda: A Commitment to Competitiveness. The policy proposals we developed were the result of extensive consultation and meetings that began at Stanford University from the high-technology, biotechnology, venture capital and academic communities. It was a long-term strategy to invest in the critical areas of science and education to ensure that America will lead the world in innovation.

The original COMPETES legislation, which passed in 2007, contained the key elements of the Agenda.

That legislation laid the foundation for America's future success. It has prepared thousands of teachers in math and science. It doubled the funding for the National Science Foundation, the Department of Energy's Office of Science, NIST, and the Manufacturing Extension Partnership over 10 years. It established the new Advanced Research Projects Agency for Energy, ARPA-E, and funded high-risk, high-reward, pre-competitive technology development.

The reauthorization of COMPETES we are considering today keeps these investments in innovation on track.

I've already seen the benefits of the original COMPETES and other government funding first-hand in my District, the heart of Silicon Valley. The types of investments this bill makes have been the catalyst for some of the greatest innovators and drivers of our economy, including Google, Genentech, and Cisco. This legislation will fund the next generation of innovators to ensure that the 21st century is an American century.

Americans of my generation and that of my parents have always accepted it as an article of faith that the United States would lead the world in invention, ingenuity, and innovation. No matter what the challenge, America has risen to meet the competition and we have come out on top.

With this legislation, we renew our commitment to the generations to come that we will plant the seeds today to ensure America's growth in the future.

I applaud Chairman GORDON on this legislation and I strongly urge my colleagues to support the reauthorization of the COMPETES Act.

Mr. DINGELL. Mr. Speaker, as a cosponsor of the America COMPETES Reauthorization Act, I rise today in strong support of this legislation. In recent years we have watched as our country has fallen behind in educating our children for the 21st century and developing technology that our neighbors envy. Today's legislation will help to turn these trends around by making the strong investments necessary in research, education and manufacturing.

This bipartisan legislation reauthorizes our basic research programs and lays the groundwork for doubling funding levels for the National Science Foundation, the Department of Energy Office of Science and the National Institute of Standards and Technology. Funding through these programs has been critical to many of the faculty, staff, scientists and investigators in my district who rely on funding from these agencies to support their research. Research that has led to spin-offs such as A123, now a leader in advanced battery technology. America COMPETES also reauthorizes the Advanced Research Projects Agency for Energy, which has made great efforts at developing the energy technology of the future.

This research cannot be done without providing our students with the strong educational foundation necessary for a college education. This legislation will expand and improve STEM education from kindergarten to college through scholarships to train secondary teachers in STEM fields to teach in high need schools, provide grants to increase the number of students who pursue undergraduate degrees in STEM fields, and establish fellowships for recent doctoral degree candidates who can lead STEM education research and program development. America COMPETES will also help our colleges and universities to retain and recruit underrepresented groups in STEM fields. These are necessary improvements to ensure that the next generation of researchers, faculty, engineers, and entrepreneurs can compete with their counterparts abroad.

America COMPETES legislation will also provide critically needed help to our small- and medium-sized manufacturers who have been hard hit by the financial downturn. In order to improve competitiveness and access to capital, America COMPETES will provide Innovative Technology Federal Loan Guarantees for these manufacturers. To help manufacturers modernize, this legislation authorizes the National Science Foundation to support research needed for advances in manufacturing. To ensure manufacturers will have the skilled employees they need, the Manufacturing Extension Partnership Centers will be directed to work with local community colleges to ensure training programs fit the needs of local manufacturers. It will also reduce the cost share contribution for Manufacturing Extension Partnership program centers, which provides invaluable assistance to manufacturers by increasing their technological capabilities, instituting green or lean manufacturing techniques, and increasing their sales.

Mr. Speaker, I know my colleagues all agree that our country has the best education system in the world and the most talented and innovative manufacturers and entrepreneurs. However, they cannot continue to compete with their foreign colleagues who have benefited from strong leadership and investment from their government and a clear plan for the path forward. The future success of our children and grandchildren depends on our government partnering with private industry in investing in the education and innovative technology of the 21st century. To truly compete with our neighbors abroad, we must pass the America COMPETES Reauthorization Act, which is why I urge my colleagues to vote "yes."

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the America COMPETES Reauthorization Act.

Over the course of our nation's history, one of our greatest strengths has been our ability to innovate. We have led the world in scientific discovery, expanding the boundaries of knowledge and thinking creatively about difficult problems. However, in recent years, we have seen our technological edge diminish as other countries increase their investment in research and development.

In 2005, the National Academies released "Rising Above the Gathering Storm," warning that unless the United States made a serious commitment to science and technology, it would lose its competitive edge in the world economy.

We responded in a bipartisan way in 2007 with the original America COMPETES Act, a comprehensive investment in education, research, and small business. Today's bill continues and improves upon that approach. It invests in the American innovation economy, providing the resources necessary to create good, sustainable jobs at home and ensure that the United States remains at the forefront of discovery.

Importantly, this bill will double funding for basic research at the National Science Foundation, the Department of Energy Office of Science, and the labs at the National Institute of Standards and Technology, NIST, over 10 years. This funding provides the cornerstone of our nation's research and development efforts. It is vital that we have a stable, sustainable authorization path and that we fund it reliably so that our nation's researchers know that they have dependable support for long-term projects.

The America COMPETES Reauthorization Act will continue to assist our nation's manufacturers and businesses by strengthening the Manufacturing Extension Partnership at NIST, providing innovative technology federal loan guarantees for small- and medium-sized manufacturers, and coordinating with community colleges to ensure that there are good, regional pipelines of workers with the skills necessary to keep business moving. The Office of Innovation and Entrepreneurship at the Department of Commerce will assist businesses with commercializing the results of research to speed market application of new products.

The legislation also creates a new program to develop Regional Innovation Clusters, which will build up regional economies working within a given field by bolstering scientific collaboration between businesses and other entities. We will track the progress of these clusters to determine best practices for other regions.

And finally, this bill continues to recognize that our nation's long term success is dependent on the strength of our education system. It coordinates science, technology, engineering, and math, STEM, education efforts across the federal government, invests in grants and scholarships for college students pursuing STEM careers, and provides resources to diversify our future STEM workforce.

Mr. Speaker, I commend the House Committee on Science and Technology and its Chairman, BART GORDON, for their excellent work on this issue. I urge my colleagues to join me in voting for this important legislation.

Mr. HOLT. Mr. Speaker, I rise today in strong support of the America COMPETES Reauthorization Act of 2010 (H.R. 5116). Our investments in scientific research and education underwrite our national prosperity and success. Economists attribute over half of the growth in our gross domestic product (GDP) since World War II to progress in science and technology. Yet for decades, we have underinvested in our nation's tools for advancing innovation and competitiveness. In 2005, the National Academies issued a call for action in the *Rising Above the Gathering Storm* report. In 2007, Congress responded by implementing many of the report's recommendations in the America COMPETES Act, and this reauthorization would build on the progress we have made over the last three years.

Basic research is a powerful source of new and unexpected discoveries that can transform our economy. This legislation maintains the doubling path for authorized funding at our nation's basic research agencies—the National Science Foundation (NSF), the National Institute of Standards and Technology (NIST), and the Department of Energy's Office of Science. These funds support fundamental research in every discipline, maintain our national laboratories, and provide vital training for the next generation of scientists and engineers. Under this legislation, research grants will be awarded on the basis of scientific merit alone and not for any other considerations. The dividends from our investments in research and development are the breakthroughs that yield new industries, drive job growth, and sustain our future economic and technological competitiveness.

The America COMPETES Reauthorization Act includes a number of new programs and initiatives to foster innovation. Regional Innovation Clusters would leverage collaboration between businesses, academic institutions, and other participants to facilitate the transfer of technologies from the laboratory to the commercial sector. The Office of Innovation and Entrepreneurship at the Department of Commerce would accelerate the commercialization of research and development by identifying ways to overcome existing barriers and providing access to relevant data and technical assistance. Agencies involved in the Networking and Information Technology Research and Development program would be required to develop a strategic plan to address long-term challenges related to information technology, encourage the transfer of research and development into new technologies and applications, and strengthen education in networking and information technology.

Additional assistance for manufacturers and other businesses would promote the adoption of new technologies and improve productivity. The legislation requires NSF to support research in transformative advances in manufacturing. It increases the federal government cost share of the Manufacturing Extension Partnership (MEP) program to 50 percent through 2015, and MEP Centers would be required to inform regional community colleges of the skill sets needed by local manufacturers. A newly established Innovative Services Initiative would assist small- and medium-sized manufacturers in implementing energy and waste reduction technologies, including

renewable energy systems. A loan guarantee program would allow manufacturers to access capital for the installation of innovative technologies and processes that will help increase their efficiency and maintain their competitiveness.

To preserve our leadership in scientific and technical fields and strengthen our competitiveness in the 21st century economy, the U.S. must continue to produce the world's best scientists, and we must ensure that every student is exposed to the fundamentals of science, technology, engineering, and math (STEM). The America COMPETES Reauthorization Act would establish an interagency committee to coordinate federal STEM education programs and a separate advisory committee on STEM to present recommendations on how to better align federal programs with the needs of states and school districts. Updates to the NSF's Robert Noyce Scholarship program would allow more schools to participate and more qualified STEM educators to reach high-need schools. Support for graduate students would be strengthened, and academic institutions would be awarded grants to reform graduate education to emphasize preparation for diverse STEM careers. New grant and fellowship programs would encourage research in STEM education, help transform undergraduate education in STEM fields, and expand educational opportunities in energy systems science and engineering.

Women and minorities remain underrepresented in STEM fields, and this legislation would provide grants for institutions of higher education to increase recruitment and retention of underrepresented groups. Federal science agencies would be required to carry out a series of workshops to minimize gender bias in academia, and a uniform policy would be developed to assist federally funded researchers with care giving responsibilities in maintaining their research programs. It also would ensure that smaller, minority-serving institutions will be more fully integrated into research partnerships with major universities and prioritize the inclusion of these institutions in grants to establish regional university-industry partnerships for research and innovation.

In the energy field, the America COMPETES Reauthorization Act includes a first-time authorization for the Department of Energy's Office of Science, which is the nation's largest supporter of physical sciences research. Reauthorization of the Advanced Research Projects Agency for Energy (ARPA-E), which is modeled on the successful Defense Advanced Research Projects Agency (DARPA), would help us pursue high-risk, high-reward energy technology development that might not receive support otherwise. The newly established Energy Innovation Hubs would provide for multidisciplinary collaborations on research, development, demonstration, and commercial application of advanced technologies designed to tackle technological barriers to our national energy goals.

Finally, I am pleased that this legislation incorporates two amendments that I offered. The first expresses the sense of Congress that the importance of peer-review and the role of scientific publishers in the peer-review process should be taken into account by the new National Science and Technology Council

working group on the dissemination and long-term stewardship of unclassified federally funded research. The second amendment would help stitch together the diverse initiatives in the COMPETES Act by requiring the White House Office of Science and Technology Policy to prepare a comprehensive national competitiveness and innovation strategy. I look forward to receiving that plan for evaluating and strengthening the U.S. position in the global economy.

The America COMPETES Reauthorization Act makes long overdue investments in the foundations of our national innovation system. It would create jobs in both the short- and long-term, support manufacturers and businesses in commercializing new technologies, help us pursue a clean energy economy, improve STEM education, and strengthen our international competitiveness. I commend Chairman GORDON and the Science and Technology Committee for their hard work on this important piece of legislation.

Mr. GORDON of Tennessee. Mr. Speaker, pursuant to the instructions of the House in the motion to recommend, I report the bill, H.R. 5116, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GORDON of Tennessee:

Strike page 91, line 9, through page 98, line 4.

Strike page 163, line 3, through page 164, line 11.

Strike page 176, line 15, through page 187, line 13.

Strike page 187, line 14, through page 195, line 11.

Strike page 235, line 15, through page 244, line 1.

Page 245, lines 12 through 24, amend section 702 to read as follows:

SEC. 702. PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by this Act and the amendments made by this Act—

(1) institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf, and institutions of higher education offering science, technology, engineering, and mathematics research and education activities and programs available to veterans with disabilities, shall receive special consideration and have a designation consistent with the designation for other institutions that serve populations underrepresented in STEM to ensure that institutions of higher education chartered to serve or serving persons with disabilities benefit from such research and education activities and programs; and

(2) agencies for which appropriations are authorized by this Act or the amendments made by this Act shall also conduct outreach to veterans with disabilities pursuing studies in science, technology, engineering, and mathematics to ensure that such veterans are aware of and benefit from the research and education activities and programs authorized by this Act.

At the end of the bill, insert the following new sections:

SEC. 704. NO SALARIES FOR VIEWING PORNOGRAPHY.

None of the funds authorized under this Act may be used to pay the salary of any individual who has been officially disciplined

for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 705. INELIGIBILITY FOR AWARDS OR GRANTS.

None of the funds authorized under this Act shall be available to make awards to or provide grants for an institution of higher education under this Act if that institution is prevented from receiving funds for contracts or grants for education under section 983 of title 10, United States Code.

SEC. 706. ALTERNATIVE AUTHORIZATIONS.

Notwithstanding sections 212, 402, 611, and 622, in any year following a year in which there is a Federal budget deficit the authorization levels in those sections and the amendments made by those sections shall be in the amount specified as follows:

(1) ALTERNATIVE AUTHORIZATIONS FOR THE NATIONAL SCIENCE FOUNDATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the Foundation \$6,872,510,400 for each of the fiscal years 2011 through 2013.

(B) SPECIFIC ALLOCATIONS.—Of the amount authorized under subparagraph (A) for each fiscal year—

(i) \$5,563,920,400 shall be made available for research and related activities;

(ii) \$872,760,000 shall be made available for education and human resources;

(iii) \$117,290,000 shall be made available for major research equipment and facilities construction;

(iv) \$300,000,000 shall be made available for agency operations and award management;

(v) \$4,540,000 shall be made available for the Office of the National Science Board; and

(vi) \$14,000,000 shall be made available for the Office of Inspector General.

(2) ALTERNATIVE AUTHORIZATIONS FOR THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(A) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce \$839,300,000 for the National Institute of Standards and Technology for each of the fiscal years 2011 through 2013.

(B) SPECIFIC ALLOCATIONS.—Of the amount authorized under subparagraph (A) for each fiscal year—

(i) \$515,000,000 shall be authorized for scientific and technical research and services laboratory activities;

(ii) \$120,000,000 shall be authorized for the construction and maintenance of facilities; and

(iii) \$204,300,000 shall be authorized for industrial technology services activities, of which—

(I) \$70,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(II) \$124,700,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(III) \$9,600,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(3) ALTERNATIVE AUTHORIZATIONS FOR THE OFFICE OF SCIENCE OF THE DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Secretary for the activities of the Office of Science \$4,904,000,000 for each of the fiscal years 2011 through 2013, of which for each fiscal year—

(A) \$1,637,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) \$604,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) \$394,000,000 shall be for Advanced Scientific Computing Research activities under section 606.

(4) ALTERNATIVE AUTHORIZATIONS FOR ARPA-E.—No funds are authorized to be appropriated to the Director of ARPA-E for deposit into the Fund for fiscal years 2011 through 2013.

Mr. GORDON of Tennessee (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. HALL of Texas. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

□ 1400

Mr. GORDON of Tennessee. Mr. Speaker, I demand a division of the question on the adoption of the amendment to enable the separate votes on the portion of the amendment proposing to insert a new section 704 and on the portion of the amendment proposing to insert a new section 705.

The SPEAKER pro tempore. The Chair will divide the question on adopting the amendment among those three separate portions.

Mr. HALL of Texas. Mr. Speaker, I demand that the amendment be further divided to put a question separately on adding section 702 relating to the disabled veterans and section 705 relating to military recruiters, right here on the eve of Memorial Day.

Mr. GORDON of Tennessee. Mr. Speaker, I demand that the question on adopting the amendment be divided among its nine separate parts.

The SPEAKER pro tempore. The Chair will divide the question on adopting the amendment among nine separable portions.

The first part of the divided question for voting is the portion of the amendment proposing to strike section 228.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on adopting the first portion of the amendment will be followed by 5-minute votes, if ordered, on subsequent portions of the amendment.

The vote was taken by electronic device, and there were—ayes 175, noes 243, not voting 13, as follows:

[Roll No. 326]

AYES—175

| | | |
|-----------------|-----------------|---------------|
| Aderholt | Gallegly | Murphy, Tim |
| Akin | Garrett (NJ) | Myrick |
| Alexander | Gerlach | Neugebauer |
| Austria | Gingrey (GA) | Nunes |
| Bachmann | Gohmert | Nye |
| Bachus | Goodlatte | Olson |
| Barrett (SC) | Granger | Paul |
| Bartlett | Griffith | Paulsen |
| Barton (TX) | Guthrie | Pence |
| Biggert | Hall (TX) | Petri |
| Bilbray | Harper | Pitts |
| Bilirakis | Hastings (WA) | Platts |
| Bishop (UT) | Heller | Poe (TX) |
| Blackburn | Hensarling | Posey |
| Blunt | Herger | Price (GA) |
| Boehner | Hodes | Putnam |
| Bonner | Hoekstra | Radanovich |
| Bono Mack | Hunter | Rehberg |
| Boozman | Inglis | Reichert |
| Boustany | Issa | Roe (TN) |
| Brady (TX) | Jenkins | Rogers (AL) |
| Bright | Johnson (IL) | Rogers (KY) |
| Broun (GA) | Johnson, Sam | Rogers (MI) |
| Brown (SC) | Jordan (OH) | Rohrabacher |
| Buchanan | King (IA) | Rooney |
| Burgess | King (NY) | Ros-Lehtinen |
| Burton (IN) | Kingston | Roskam |
| Buyer | Kirk | Royce |
| Calvert | Kline (MN) | Scalise |
| Camp | Lamborn | Schmidt |
| Campbell | Lance | Schock |
| Cantor | Latham | Sensenbrenner |
| Cao | LaTourette | Sessions |
| Capito | Lee (NY) | Shadegg |
| Carter | Lewis (CA) | Shimkus |
| Cassidy | Linder | Shuster |
| Castle | LoBiondo | Simpson |
| Chaffetz | Lucas | Smith (NE) |
| Coble | Luetkemeyer | Smith (NJ) |
| Coffman (CO) | Lummis | Smith (TX) |
| Cole | Lungren, Daniel | Stearns |
| Conaway | E. | Sullivan |
| Crenshaw | Mack | Taylor |
| Culberson | Maffei | Terry |
| Dent | Manzulio | Thompson (PA) |
| Diaz-Balart, L. | Marchant | Thornberry |
| Diaz-Balart, M. | McCarthy (CA) | Tiahrt |
| Djou | McCauley | Tiberi |
| Dreier | McClintock | Turner |
| Duncan | McCotter | Upton |
| Emerson | McHenry | Walden |
| Fallin | McKeon | Wamp |
| Flake | McMorris | Westmoreland |
| Fleming | Rodgers | Whitfield |
| Forbes | Mica | Wilson (SC) |
| Fortenberry | Miller (FL) | Wittman |
| Fox | Miller (MI) | Wolf |
| Franks (AZ) | Miller, Gary | Young (AK) |
| Frelinghuysen | Moran (KS) | Young (FL) |

NOES—243

| | | |
|----------------|---------------|-----------------|
| Ackerman | Castor (FL) | Doyle |
| Adler (NJ) | Chandler | Driehaus |
| Altmire | Childers | Edwards (MD) |
| Andrews | Chu | Edwards (TX) |
| Arcuri | Clarke | Ehlers |
| Baca | Clay | Ellison |
| Baird | Cleaver | Ellsworth |
| Baldwin | Clyburn | Engel |
| Barrow | Cohen | Eshoo |
| Bean | Connolly (VA) | Etheridge |
| Becerra | Conyers | Farr |
| Berkley | Cooper | Fattah |
| Berman | Costa | Filner |
| Berry | Costello | Foster |
| Bishop (GA) | Courtney | Frank (MA) |
| Bishop (NY) | Critz | Fudge |
| Blumenauer | Crowley | Garamendi |
| Bocchieri | Cuellar | Giffords |
| Boswell | Cummings | Gonzalez |
| Boucher | Dahlkemper | Gordon (TN) |
| Boyd | Davis (CA) | Grayson |
| Brady (PA) | Davis (IL) | Green, Al |
| Braley (IA) | Davis (TN) | Green, Gene |
| Brown, Corrine | DeFazio | Grijalva |
| Butterfield | DeGette | Gutierrez |
| Capps | DeLauro | Hall (NY) |
| Capuano | Deutch | Halvorson |
| Cardoza | Dicks | Hare |
| Carnahan | Dingell | Harman |
| Carney | Doggett | Heinrich |
| Carson (IN) | Donnelly (IN) | Herseth Sandlin |

Higgins McDermott
Hill McGovern
Himes McIntyre
Hinchey McMahon
Hinojosa McNeerney
Hirono Meek (FL)
Holden Meeks (NY)
Holt Michaud
Honda Miller (NC)
Hoyer Miller, George
Inslee Minnick
Israel Mitchell
Jackson (IL) Mollohan
Jackson Lee Moore (KS)
(TX) Moore (WI)
Johnson (GA) Moran (VA)
Johnson, E. B. Murphy (CT)
Kagen Murphy (NY)
Kanjorski Murphy, Patrick
Kaptur Nadler (NY)
Kennedy Napolitano
Kildee Neal (MA)
Kilpatrick (MI) Oberstar
Kilroy Obey
Kind Oliver
Kirkpatrick (AZ) Ortiz
Kissell Owens
Klein (FL) Pallone
Kosmas Pascarell
Kratovil Pastor (AZ)
Kucinich Payne
Langevin Perlmutter
Larsen (WA) Perriello
Larson (CT) Peters
Lee (CA) Peterson
Levin Pingree (ME)
Lewis (GA) Polis (CO)
Lipinski Pomeroy
Loeb sack Price (NC)
Lofgren, Zoe Quigley
Lowey Rahall
Luján Rangel
Lynch Reyes
Maloney Richardson
Markey (CO) Rodriguez
Markey (MA) Ross
Marshall Rothman (NJ)
Matheson Roybal-Allard
Matsui Ruppertsberger
McCarthy (NY) Rush
McCollum Ryan (OH)

NOT VOTING—13

Boren Delahunt
Brown-Waite, Graves
Ginny Hastings (FL)
Davis (AL) Jones
Davis (KY) Latta

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1421

Ms. JACKSON LEE of Texas and Messrs. GARAMENDI and LUJÁN changed their vote from “aye” to “no.”

Mr. HODES changed his vote from “no” to “aye.”

So the first portion of the amendment was not adopted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The second portion of the divided question for voting is the portion of the amendment proposing to strike sections 406(b) and (c).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 244, not voting 24, as follows:

[Roll No. 327]

AYES—163

Akin Gallegly
Alexander Garrett (NJ)
Austria Gerlach
Bachmann Gingrey (GA)
Bachus Gohmert
Barrett (SC) Goodlatte
Bartlett Granger
Barton (TX) Griffith
Biggert Guthrie
Bilbray Hall (TX)
Bilirakis Harper
Bishop (UT) Hastings (WA)
Blackburn Heller
Boehner Hensarling
Bonner Herger
Bono Mack Hoekstra
Boozman Hunter
Boustany Inglis
Brady (TX) Issa
Broun (GA) Jenkins
Brown (SC) Johnson (IL)
Buchanan Johnson, Sam
Burgess Jordan (OH)
Burton (IN) King (IA)
Buyer King (NY)
Kingston Kirk
Kirk Kline (MN)
Schmidt
Lamborn Schock
Lance Sensenbrenner
Latham Sessions
Lewis (CA) Shadegg
Linder Shimkus
LoBiondo Shuster
Lucas Simpson
Luetkemeyer Smith (NE)
Lummis Smith (NJ)
Lungren, Daniel Smith (TX)
E. Stearns
Mack Sullivan
Manzullo Terry
Marchant Thompson (PA)
McCarthy (CA) Thornberry
McCauley Tiahrt
McClintock Tiberi
McCotter Turner
McHenry Upton
McKeon Walden
McMorris Wamp
Rodgers Westmoreland
Mica Whitfield
Miller (FL) Wilson (SC)
Miller (MI) Wittman
Miller, Gary Wolf
Moran (KS) Young (FL)

NOES—244

Ackerman Carney
Adler (NJ) Carson (IN)
Altmire Castle
Andrews Castor (FL)
Arcuri Chandler
Baca Childers
Baird Chu
Baldwin Clarke
Barrow Clay
Bean Cleaver
Becerra Clyburn
Berkley Cohen
Berman Connolly (VA)
Berry Conyers
Bishop (GA) Cooper
Bishop (NY) Costa
Blumenauer Courtney
Blunt Critz
Bocieri Crowley
Boswell Cuellar
Boucher Cummings
Boyd Dahlkemper
Brady (PA) Davis (CA)
Braley (IA) Davis (IL)
Bright Davis (TN)
Brown, Corrine DeFazio
Butterfield DeGette
Capps DeLauro
Capuano Deutch
Cardoza Dicks
Carnahan Dingell

Heinrich Matheson
Herseth Sandlin Matsui
Higgins McCarthy (NY)
Hill McCollum
Himes McDermott
Hinchey McGovern
Hinojosa McIntyre
Hirono McMahon
Hodes McNerney
Holden Meek (FL)
Holt Michaud
Honda Miller (NC)
Hoyer Miller, George
Inslee Minnick
Israel Mitchell
Jackson (IL) Mollohan
Jackson Lee Moore (KS)
(TX) Moore (WI)
Johnson (GA) Moran (VA)
Johnson, E. B. Murphy (CT)
Kagen Murphy (NY)
Kanjorski Murphy, Patrick
Kaptur Nadler (NY)
Kennedy Neal (MA)
Kildee Nye
Kilpatrick (MI) Oberstar
Kilroy Oliver
Kind Ortiz
Kirkpatrick (AZ) Owens
Kissell Pallone
Klein (FL) Pascarell
Kosmas Pastor (AZ)
Kratovil Paulsen
Kucinich Payne
Langevin Perlmutter
Larsen (WA) Perriello
Larson (CT) Peters
Lee (CA) Peterson
Lee (NY) Pingree (ME)
Levin Polis (CO)
Lewis (GA) Pomeroy
Lipinski Price (NC)
Loeb sack Quigley
Lofgren, Zoe Rahall
Lowey Rangel
Luján Reyes
Lynch Richardson
Maffei Rodriguez
Maloney Ross
Markey (CO) Rothman (NJ)
Markey (MA) Roybal-Allard
Marshall Ruppertsberger

NOT VOTING—24

Aderholt Hastings (FL)
Boren Jones
Brown-Waite, LaTourette
Ginny Latta
Costello Meeks (NY)
Davis (AL) Melancon
Davis (KY) Napolitano
Delahunt Obey
Graves Rush

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1427

Mr. MILLER of North Carolina changed his vote from “aye” to “no.”

So the second portion of the amendment was not adopted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The third portion of the divided question for voting is the portion of the amendment proposing to strike section 502.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

Mr. HALL of Texas. Mr. Speaker, I withdraw the request.

The SPEAKER pro tempore. Without objection, the request for a recorded vote is withdrawn. The third portion, in accord with the voice vote, is not adopted.

So the third portion of the amendment was not adopted.

The SPEAKER pro tempore. The fourth portion of the divided question for voting is the portion of the amendment proposing to strike section 503.

The fourth portion of the amendment was not adopted.

The SPEAKER pro tempore. The fifth portion of the divided question for voting is the portion of the amendment proposing to strike subtitle C of title IV.

The fifth portion of the amendment was not adopted.

The SPEAKER pro tempore. The sixth portion of the divided question for voting is the portion of the amendment proposing to amend section 702.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 197, noes 215, not voting 19, as follows:

[Roll No. 328]

AYES—197

| | | |
|--------------|-----------------|------------------|
| Aderholt | Conaway | Inglis |
| Adler (NJ) | Costa | Issa |
| Akin | Crenshaw | Jenkins |
| Alexander | Culberson | Johnson (IL) |
| Altmire | DeFazio | Johnson, Sam |
| Austria | Dent | Jordan (OH) |
| Bachmann | Diaz-Balart, L. | King (IA) |
| Bachus | Diaz-Balart, M. | King (NY) |
| Barrett (SC) | Dicks | Kingston |
| Bartlett | Djou | Kirk |
| Barton (TX) | Donnelly (IN) | Kirkpatrick (AZ) |
| Biggert | Dreier | Kline (MN) |
| Billray | Duncan | Lamborn |
| Bilirakis | Ehlers | Lance |
| Bishop (UT) | Emerson | Latham |
| Blackburn | Fallin | LaTourette |
| Blunt | Flake | Lee (NY) |
| Boccheri | Fleming | Lewis (CA) |
| Boehner | Forbes | Linder |
| Bonner | Fortenberry | LoBiondo |
| Bono Mack | Foster | Lucas |
| Boozman | Fox | Luetkemeyer |
| Boucher | Franks (AZ) | Lummis |
| Boustany | Frelinghuysen | Lungren, Daniel |
| Brady (TX) | Gallely | E. |
| Bright | Garrett (NJ) | Mack |
| Brown (GA) | Gerlach | Maffei |
| Brown (SC) | Giffords | Manzullo |
| Buchanan | Gingrey (GA) | Marchant |
| Burgess | Gohmert | McCarthy (CA) |
| Burton (IN) | Goodlatte | McCaul |
| Buyer | Granger | McClintock |
| Calvert | Griffith | McCotter |
| Camp | Guthrie | McHenry |
| Campbell | Hall (TX) | McKeon |
| Cantor | Halvorson | McMorris |
| Cao | Harper | Rodgers |
| Capito | Hastings (WA) | Mica |
| Carney | Heinrich | Miller (FL) |
| Carter | Heller | Miller (MI) |
| Cassidy | Hensarling | Miller, Gary |
| Castle | Herger | Mitchell |
| Chaffetz | Hodes | Moran (KS) |
| Coble | Hoekstra | Murphy, Tim |
| Coffman (CO) | Holden | Myrick |
| Cole | Hunter | Neugebauer |

| | |
|-------------|---------------|
| Nunes | Rohrabacher |
| Nye | Rooney |
| Olson | Ros-Lehtinen |
| Owens | Roskam |
| Paul | Royce |
| Paulsen | Scalise |
| Pence | Schmidt |
| Petri | Schock |
| Pitts | Schrader |
| Platts | Sensenbrenner |
| Poe (TX) | Sessions |
| Posey | Shadegg |
| Price (GA) | Shimkus |
| Putnam | Shuster |
| Radanovich | Simpson |
| Rehberg | Smith (NE) |
| Reichert | Smith (NJ) |
| Roe (TN) | Smith (TX) |
| Rogers (AL) | Space |
| Rogers (KY) | Stearns |
| Rogers (MI) | Sullivan |

NOES—215

| | | |
|----------------|-----------------|------------------|
| Ackerman | Gutierrez | Napolitano |
| Andrews | Hall (NY) | Neal (MA) |
| Arcuri | Hare | Oberstar |
| Baca | Harman | Obe |
| Baird | Hereth Sandlin | Olver |
| Baldwin | Higgins | Ortiz |
| Barrow | Hill | Pallone |
| Becerra | Himes | Pascarell |
| Berkley | Hinche | Pastor (AZ) |
| Berman | Hinojosa | Payne |
| Berry | Hirono | Perlmutter |
| Bishop (GA) | Holt | Perriello |
| Bishop (NY) | Honda | Peters |
| Blumenauer | Hoyer | Peterson |
| Boswell | Inslee | Pingree (ME) |
| Boyd | Israel | Polis (CO) |
| Brady (PA) | Jackson (IL) | Pomeroy |
| Braley (IA) | Jackson Lee | Price (NC) |
| Brown, Corrine | (TX) | Quigley |
| Butterfield | Johnson (GA) | Rahall |
| Capps | Johnson, E. B. | Rangel |
| Capuano | Kagen | Reyes |
| Cardoza | Kanjorski | Richardson |
| Carnahan | Kaptur | Rodriguez |
| Carson (IN) | Kennedy | Ross |
| Castor (FL) | Kildee | Rothman (NJ) |
| Chandler | Kilpatrick (MI) | Roybal-Allard |
| Childers | Kind | Rush |
| Chu | Kissell | Ryan (OH) |
| Clay | Klein (FL) | Salazar |
| Cleaver | Kosmas | Sanchez, Linda |
| Clyburn | Kratovil | T. |
| Cohen | Kucinich | Sanchez, Loretta |
| Connolly (VA) | Langevin | Sarbanes |
| Conyers | Larsen (WA) | Schakowsky |
| Cooper | Larson (CT) | Schauer |
| Costello | Lee (CA) | Schiff |
| Critz | Levin | Schwartz |
| Crowley | Lewis (GA) | Scott (GA) |
| Cuellar | Lipinski | Scott (VA) |
| Cummings | Loeb sack | Serrano |
| Dahlkemper | Lofgren, Zoe | Sestak |
| Davis (CA) | Lowey | Shea-Porter |
| Davis (IL) | Lujan | Sherman |
| Davis (TN) | Lynch | Sires |
| DeGette | Maloney | Skelton |
| DeLauro | Markey (CO) | Slaughter |
| Deutch | Markey (MA) | Smith (WA) |
| Dingell | Marshall | Snyder |
| Doggett | Matheson | Speier |
| Doyle | Matsui | Spratt |
| Driehaus | McCarthy (NY) | Stark |
| Edwards (MD) | McCollum | Sutton |
| Edwards (TX) | McDermott | Tanner |
| Ellison | McGovern | Thompson (CA) |
| Ellsworth | McIntyre | Thompson (MS) |
| Engel | McMahon | Tierney |
| Eshoo | McNerney | Tonko |
| Etheridge | Meek (FL) | Towns |
| Farr | Meeks (NY) | Tsongas |
| Fattah | Michaud | Van Hollen |
| Finer | Miller (NC) | Velazquez |
| Frank (MA) | Miller, George | Visclosky |
| Fudge | Minnick | Walz |
| Garamendi | Mollohan | Wasserman |
| Gonzalez | Moore (KS) | Schultz |
| Gordon (TN) | Moore (WI) | Waters |
| Grayson | Moran (VA) | Watson |
| Green, Al | Murphy (CT) | Watt |
| Green, Gene | Murphy, Patrick | Waxman |
| Grijalva | Nadler (NY) | |

| | | |
|--------|-------------|---------|
| Weiner | Wilson (OH) | Wu |
| Welch | Woolsey | Yarmuth |

NOT VOTING—19

| | | |
|--------------|---------------|---------------|
| Bean | Davis (KY) | Melancon |
| Boren | Delahunt | Murphy (NY) |
| Brown-Waite, | Graves | Ruppersberger |
| Ginny | Hastings (FL) | Ryan (WI) |
| Clarke | Jones | Shuler |
| Courtney | Kilroy | Stupak |
| Davis (AL) | Latta | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1435

Mr. BRIGHT changed his vote from “no” to “aye.”

So the sixth portion of the amendment was not adopted.

The result of the vote was announced as above recorded.

Stated against:

Mr. COURTNEY. Mr. Speaker, on rollcall vote 328, I was not able to cast my vote. If I were recorded, I would have voted “no.”

The SPEAKER pro tempore. The seventh portion of the divided question for voting is the portion of the amendment proposing to add section 704.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GORDON of Tennessee. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 0, not voting 22, as follows:

[Roll No. 329]

AYES—409

| | | |
|--------------|----------------|-----------------|
| Ackerman | Brady (PA) | Cole |
| Aderholt | Brady (TX) | Conaway |
| Adler (NJ) | Braley (IA) | Connolly (VA) |
| Akin | Bright | Conyers |
| Altmire | Broun (GA) | Cooper |
| Andrews | Brown (SC) | Costa |
| Arcuri | Brown, Corrine | Costello |
| Austria | Buchanan | Courtney |
| Baca | Burgess | Crenshaw |
| Bachmann | Burton (IN) | Critz |
| Baird | Butterfield | Crowley |
| Baldwin | Buyer | Cuellar |
| Barrett (SC) | Calvert | Culberson |
| Barrow | Camp | Cummings |
| Bartlett | Campbell | Dahlkemper |
| Barton (TX) | Cantor | Davis (CA) |
| Bean | Cao | Davis (IL) |
| Becerra | Capito | Davis (TN) |
| Berkley | Capps | DeFazio |
| Berman | Capuano | DeGette |
| Berry | Cardoza | DeLauro |
| Biggert | Carnahan | Dent |
| Billray | Carney | Deutch |
| Bilirakis | Carson (IN) | Diaz-Balart, L. |
| Bishop (GA) | Carter | Diaz-Balart, M. |
| Bishop (NY) | Cassidy | Dicks |
| Bishop (UT) | Castle | Dingell |
| Blackburn | Castor (FL) | Djou |
| Blumenauer | Chaffetz | Doggett |
| Blunt | Chandler | Donnelly (IN) |
| Boccheri | Childers | Doyle |
| Boehner | Chu | Dreier |
| Bonner | Clarke | Driehaus |
| Bono Mack | Clay | Duncan |
| Boozman | Cleaver | Edwards (MD) |
| Boswell | Clyburn | Edwards (TX) |
| Boucher | Coble | Ehlers |
| Boustany | Coffman (CO) | Ellison |
| Boyd | Cohen | Ellsworth |

| | | | | | | | | |
|------------------|-----------------|------------------|--------------|---------------|------------|------------------|-----------------|------------------|
| Emerson | LaTourette | Putnam | Wilson (OH) | Wolf | Yarmuth | Halvorson | Mack | Rogers (KY) |
| Engel | Lee (CA) | Quigley | Wilson (SC) | Woolsey | Young (AK) | Hare | Maffei | Rogers (MI) |
| Eshoo | Lee (NY) | Radanovich | Wittman | Wu | Young (FL) | Harman | Maloney | Rohrabacher |
| Etheridge | Levin | Rahall | | | | Harper | Manzullo | Rooney |
| Fallin | Lewis (CA) | Rangel | | | | Hastings (WA) | Marchant | Ros-Lehtinen |
| Farr | Lewis (GA) | Rehberg | Alexander | Graves | Mica | Heinrich | Markey (CO) | Roskam |
| Fattah | Linder | Reichert | Bachus | Hall (TX) | Obey | Heller | Marshall | Ross |
| Filner | Lipinski | Reyes | Boren | Hastings (FL) | Ryan (WI) | Hensarling | Matheson | Rothman (NJ) |
| Flake | LoBiondo | Richardson | Brown-Waite, | Jones | Sessions | Herger | Matsui | Royce |
| Fleming | Loebsack | Rodriguez | Ginny | Kaptur | Shuler | Herseth Sandlin | McCarthy (CA) | Ruppersberger |
| Forbes | Lofgren, Zoe | Roe (TN) | Davis (AL) | King (IA) | Stupak | Higgins | McCarthy (NY) | Ryan (OH) |
| Fortenberry | Lowe | Rogers (AL) | Davis (KY) | Latta | Waxman | Hill | McCaul | Salazar |
| Foster | Lucas | Rogers (KY) | Delahunt | Melancon | | Himes | McClintock | Sanchez, Loretta |
| Fox | Luetkemeyer | Rogers (MI) | | | | Hinojosa | McCollum | Sarbanes |
| Frank (MA) | Lujan | Rohrabacher | | | | Hirono | McCotter | Scalise |
| Franks (AZ) | Lummis | Rooney | | | | Hodes | McHenry | Schauer |
| Frelinghuysen | Lungren, Daniel | Ros-Lehtinen | | | | Hoekstra | McIntyre | Schiff |
| Fudge | E. | Roskam | | | | Holden | McKeon | Schmidt |
| Gallegly | Lynch | Ross | | | | Hoyer | McMahon | Schock |
| Garamendi | Mack | Rothman (NJ) | | | | Hunter | McMorris | Schrader |
| Garrett (NJ) | Maffei | Roybal-Allard | | | | Inglis | Rodgers | Schwartz |
| Gerlach | Maloney | Royce | | | | Inslee | McNerney | Scott (GA) |
| Giffords | Manzullo | Ruppersberger | | | | Israel | Meek (FL) | Sensenbrenner |
| Gingrey (GA) | Marchant | Rush | | | | Issa | Mica | Sessions |
| Gohmert | Markey (CO) | Ryan (OH) | | | | Jackson (IL) | Michaud | Sestak |
| Gonzalez | Markey (MA) | Salazar | | | | Jackson Lee | Miller (FL) | Shadegg |
| Goodlatte | Marshall | Sanchez, Linda | | | | (TX) | Miller (MI) | Shea-Porter |
| Gordon (TN) | Matheson | T. | | | | Jenkins | Miller (NC) | Sherman |
| Granger | Matsui | Sanchez, Loretta | | | | Johnson (GA) | Miller, Gary | Shinkus |
| Grayson | McCarthy (CA) | Sarbanes | | | | Johnson (IL) | Minnick | Shuster |
| Green, Al | McCarthy (NY) | Scalise | | | | Johnson, Sam | Mitchell | Simpson |
| Green, Gene | McCaul | Schakowsky | | | | Jordan (OH) | Moore (KS) | Sires |
| Griffith | McClintock | Schauer | | | | Kagen | Moran (KS) | Skelton |
| Grijalva | McCollum | Schiff | | | | Kanjorski | Moran (VA) | Smith (NE) |
| Guthrie | McCotter | Schmidt | | | | Kaptur | Murphy (CT) | Smith (NJ) |
| Gutierrez | McDermott | Schock | | | | Kennedy | Murphy (NY) | Smith (TX) |
| Hall (NY) | McGovern | Schrader | | | | Kildee | Murphy, Patrick | Smith (WA) |
| Halvorson | McHenry | Schwartz | | | | Kilpatrick (MI) | Murphy, Tim | Snyder |
| Hare | McIntyre | Scott (GA) | | | | Kilroy | Myrick | Space |
| Harman | McKeon | Scott (VA) | | | | Kind | Neugebauer | Speier |
| Harper | McMahon | Sensenbrenner | | | | King (IA) | Nunes | Spratt |
| Hastings (WA) | McMorris | Serrano | | | | King (NY) | Nye | Stearns |
| Heinrich | Rodgers | Sestak | | | | Kingston | Olson | Sullivan |
| Heller | McNerney | Shadegg | | | | Kirk | Ortiz | Sutton |
| Hensarling | Meek (FL) | Shea-Porter | | | | Kirkpatrick (AZ) | Owens | Tanner |
| Herger | Meeks (NY) | Sherman | | | | Kissell | Pallone | Taylor |
| Herseth Sandlin | Michaud | Shinkus | | | | Klein (FL) | Pascarell | Teague |
| Higgins | Miller (FL) | Shuster | | | | Kline (MN) | Pastor (AZ) | Terry |
| Hill | Miller (MI) | Simpson | | | | Kosmas | Paul | Thompson (CA) |
| Himes | Miller (NC) | Sires | | | | Kratovil | Paulsen | Thompson (MS) |
| Hinchey | Miller, Gary | Skelton | | | | Lamborn | Pence | Thompson (PA) |
| Hinojosa | Miller, George | Slaughter | | | | Lance | Perlmutter | Thornberry |
| Hirono | Minnick | Smith (NE) | | | | Langevin | Perriello | Tiahrt |
| Hodes | Mitchell | Smith (NJ) | | | | Larsen (WA) | Peters | Tiberi |
| Hoekstra | Mollohan | Smith (TX) | | | | Larson (CT) | Peterson | Titus |
| Holden | Moore (KS) | Smith (WA) | | | | Latham | Petri | Tonko |
| Holt | Moore (WI) | Snyder | | | | LaTourette | Pitts | Turner |
| Honda | Moran (KS) | Space | | | | Lee (NY) | Platts | Upton |
| Hoyer | Moran (VA) | Speier | | | | Levin | Poe (TX) | Van Hollen |
| Hunter | Murphy (CT) | Spratt | | | | Lewis (CA) | Pomeroy | Visclosky |
| Inglis | Murphy (NY) | Stark | | | | Linder | Posey | Walden |
| Inslee | Murphy, Patrick | Stearns | | | | Lipinski | Price (GA) | Walz |
| Israel | Murphy, Tim | Sullivan | | | | LoBiondo | Putnam | Wamp |
| Issa | Myrick | Sutton | | | | Loebsack | Quigley | Westmoreland |
| Jackson (IL) | Nadler (NY) | Tanner | | | | Lowe | Radanovich | Whitfield |
| Jackson Lee | Napolitano | Taylor | | | | Lucas | Rahall | Wilson (OH) |
| (TX) | Neal (MA) | Teague | | | | Luetkemeyer | Rehberg | Wilson (SC) |
| Jenkins | Neugebauer | Terry | | | | Lujan | Reichert | Wittman |
| Johnson (GA) | Nunes | Thompson (CA) | | | | Lummis | Reyes | Wolf |
| Johnson (IL) | Nye | Thompson (MS) | | | | Lungren, Daniel | Richardson | Yarmuth |
| Johnson, E. B. | Oberstar | Thompson (PA) | | | | E. | Rodriguez | Young (AK) |
| Johnson, Sam | Olson | Thornberry | | | | Lynch | Roe (TN) | Young (FL) |
| Jordan (OH) | Oliver | Tiahrt | | | | | | |
| Kagen | Ortiz | Tiberi | | | | | | |
| Kanjorski | Owens | Tierney | | | | | | |
| Kennedy | Pallone | Titus | | | | | | |
| Kildee | Pascarell | Tonko | | | | | | |
| Kilpatrick (MI) | Pastor (AZ) | Towns | | | | | | |
| Kilroy | Paul | Tsongas | | | | | | |
| Kind | Paulsen | Turner | | | | | | |
| King (NY) | Payne | Upton | | | | | | |
| Kingston | Pence | Van Hollen | | | | | | |
| Kirk | Perlmutter | Velázquez | | | | | | |
| Kirkpatrick (AZ) | Perriello | Visclosky | | | | | | |
| Kissell | Peters | Walden | | | | | | |
| Klein (FL) | Peterson | Walz | | | | | | |
| Kline (MN) | Petri | Wamp | | | | | | |
| Kosmas | Pingree (ME) | Wasserman | | | | | | |
| Kratovil | Pitts | Schultz | | | | | | |
| Kucinich | Platts | Waters | | | | | | |
| Lamborn | Poe (TX) | Watson | | | | | | |
| Lance | Polis (CO) | Watt | | | | | | |
| Langevin | Pomeroy | Weiner | | | | | | |
| Larsen (WA) | Posey | Welch | | | | | | |
| Larson (CT) | Price (GA) | Westmoreland | | | | | | |
| Latham | Price (NC) | Whitfield | | | | | | |

NOT VOTING—22

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1441

So the seventh portion of the amendment was adopted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The eighth portion of the divided question for voting is the portion of the amendment proposing to add section 705.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 348, noes 68, not voting 15, as follows:

[Roll No. 330]

AYES—348

| | | |
|----------------|---------------|-----------------|
| Ackerman | Burgess | Diaz-Balart, L. |
| Aderholt | Burton (IN) | Diaz-Balart, M. |
| Adler (NJ) | Butterfield | Dicks |
| Akin | Buyer | Dingell |
| Alexander | Calvert | Djou |
| Altmire | Camp | Doggett |
| Arcuri | Campbell | Donnelly (IN) |
| Austria | Cantor | Dreier |
| Baca | Cao | Driehaus |
| Bachmann | Capito | Duncan |
| Bachus | Cardoza | Edwards (TX) |
| Baird | Carnahan | Ehlers |
| Barrett (SC) | Carney | Ellsworth |
| Barrow | Carson (IN) | Emerson |
| Bartlett | Carter | Engel |
| Barton (TX) | Cassidy | Etheridge |
| Bean | Castle | Fallin |
| Berkley | Castor (FL) | Fattah |
| Berman | Chaffetz | Flake |
| Berry | Chandler | Fleming |
| Biggert | Childers | Forbes |
| Bilbray | Clarke | Fortenberry |
| Bilirakis | Clay | Foster |
| Bishop (GA) | Cleaver | Fox |
| Bishop (NY) | Clyburn | Franks (AZ) |
| Bishop (UT) | Coble | Fudge |
| Blackburn | Coffman (CO) | Gallegly |
| Blunt | Cole | Garrett (NJ) |
| Bocieri | Conaway | Gerlach |
| Boehner | Connolly (VA) | Giffords |
| Bonner | Cooper | Gingrey (GA) |
| Bono Mack | Costa | Gohmert |
| Boozman | Costello | Gonzalez |
| Boswell | Courtney | Goodlatte |
| Boucher | Crenshaw | Gordon (TN) |
| Boustany | Critz | Granger |
| Boyd | Cuellar | Grayson |
| Brady (PA) | Culberson | Green, Al |
| Brady (TX) | Cummings | Green, Gene |
| Braley (IA) | Dahlkemper | Griffith |
| Bright | Davis (CA) | Grijalva |
| Broun (GA) | Davis (TN) | Guthrie |
| Brown (SC) | DeFazio | Gutierrez |
| Brown, Corrine | Dent | Hall (NY) |
| Buchanan | Deutch | Hall (TX) |

NOES—68

| | | |
|--------------|----------------|----------------|
| Andrews | Hinchey | Payne |
| Baldwin | Holt | Pingree (ME) |
| Becerra | Honda | Polis (CO) |
| Blumenauer | Johnson, E.B. | Price (NC) |
| Capps | Kucinich | Rangel |
| Capuano | Lee (CA) | Roybal-Allard |
| Chu | Lewis (GA) | Rush |
| Cohen | Lofgren, Zoe | Sanchez, Linda |
| Conyers | Markey (MA) | T. |
| Crowley | McDermott | Schakowsky |
| Davis (IL) | McGovern | Scott (VA) |
| DeGette | Meeks (NY) | Serrano |
| DeLauro | Miller, George | Slaughter |
| Doyle | Mollohan | Stark |
| Edwards (MD) | Moore (WI) | Tierney |
| Ellison | Nadler (NY) | Towns |
| Eshoo | Napolitano | Tsongas |
| Farr | Neal (MA) | Velázquez |
| Filner | Oberstar | Wasserman |
| Frank (MA) | Obey | Schultz |
| Garamendi | Oliver | Waters |

Watson
Watt
Waxman

Weiner
Welch
Woolsey

Wu

Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney

Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan

Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Watson
Watt
Waxman

Weiner
Welch
Wilson (OH)

Woolsey
Wu
Yarmuth

NOT VOTING—15

Boren
Brown-Waite,
Ginny
Davis (AL)
Davis (KY)
Delahunt
Frelinghuysen
Graves
Hastings (FL)
Jones
Latta
Melancon
Rogers (AL)
Ryan (WI)
Shuler
Stupak

NOT VOTING—16

Berkley
Boren
Brown-Waite,
Ginny
Davis (AL)
Davis (KY)
Delahunt
Farr
Graves
Hastings (FL)
Jones
Latta
McKeon
Melancon
Ryan (WI)
Shuler
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1448

Mr. PASTOR of Arizona changed his vote from “no” to “aye.”

So the eighth portion of the amendment was adopted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The ninth portion of the divided question for voting is the portion of the amendment proposing to add section 706.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 234, not voting 16, as follows:

[Roll No. 331]

AYES—181

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McMahon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence

Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebbeck
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)

NOES—234

Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascarella
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradner
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters

□ 1454

Mr. McMAHON changed his vote from “no” to “aye.”

So the ninth portion of the amendment was not adopted.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GORDON of Tennessee. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 262, noes 150, not voting 20, as follows:

[Roll No. 332]

AYES—262

Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)

Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McGovern
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)

NOES—150

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin

Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes

Schakowsky
Schauer
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shinkus
Shuster
Simpson

Boren
Brown-Waite,
Ginny
Davis (AL)
Davis (KY)
Delahunt
Djou

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1501

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCNERNEY. Mr. Speaker, on rollcall No. 332, Final Passage of America Competes Act, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BOREN. Mr. Speaker, I was absent on Friday, May 8, when call votes occurred for H.R. 5116, the America COMPETES Reauthorization Act of 2010. I was not present because I was attending a funeral for a family member.

If I would have been present for the rollcall votes listed below for H.R. 5116, I would have voted in the following manner:

1. Roll No. 326, on agreeing to the first portion of the divided question, proposing to strike section 228: I would have voted "nay."

2. Roll No. 327, on agreeing to the second portion of the divided question, proposing to strike sections 406(b) and (c): I would have voted "nay."

3. Roll No. 328, on agreeing to the sixth portion of the divided question, proposing to amend section 702: I would have voted "nay."

4. Roll No. 329, on agreeing to the seventh portion of the divided question, proposing to add a section 704: I would have voted "aye."

5. Roll No. 330, on agreeing to the eighth portion of the divided question, proposing to add a section 705: I would have voted "aye."

6. Roll No. 331, on agreeing to the ninth portion of the divided question, proposing to add a section 706: I would have voted "nay."

7. Roll No. 332, on final passage of H.R. 5116: I would have voted "aye."

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1404 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5136.

□ 1501

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

NOT VOTING—20

Graves
Hastings (FL)
Jones
Latta
McDermott
McNerney
Melancon

Radanovich
Ryan (WI)
Serrano
Shuler
Smith (TX)
Stupak
Whitfield

House on the state of the Union for the further consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, with Mr. SERRANO (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, May 27, 2010, a request for a recorded vote on amendments en bloc No. 9, printed in House Report 111-498, offered by the gentleman from Missouri (Mr. SKELTON) had been postponed.

Mr. SKELTON. Mr. Chairman, I ask unanimous consent that the demand for a recorded vote on amendment No. 81 be withdrawn.

The Acting CHAIR. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Acting CHAIR. The amendment is adopted pursuant to the earlier voice vote.

AMENDMENTS EN BLOC NO. 9 OFFERED BY MR. SKELTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendments en bloc, as modified, offered by the gentleman from Missouri (Mr. SKELTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendments en bloc.

The Clerk redesignated the amendments en bloc.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 1, not voting 20, as follows:

[Roll No. 333]

AYES—416

| | | |
|--------------|----------------|---------------|
| Ackerman | Blumenauer | Capps |
| Aderholt | Blunt | Capuano |
| Adler (NJ) | Boccieri | Cardoza |
| Akin | Boehner | Carnahan |
| Alexander | Bonner | Carney |
| Altmire | Bono Mack | Carson (IN) |
| Andrews | Boozman | Carter |
| Arcuri | Boswell | Cassidy |
| Austria | Boucher | Castle |
| Baca | Boustany | Castor (FL) |
| Bachmann | Boyd | Chaffetz |
| Bachus | Brady (PA) | Chandler |
| Baird | Brady (TX) | Childers |
| Baldwin | Braley (IA) | Chu |
| Barrett (SC) | Bright | Clarke |
| Barrow | Broun (GA) | Clay |
| Bartlett | Brown (SC) | Cleaver |
| Bean | Brown, Corrine | Clyburn |
| Becerra | Buchanan | Coble |
| Berkley | Burgess | Coffman (CO) |
| Berman | Burton (IN) | Cole |
| Berry | Butterfield | Conaway |
| Biggert | Buyer | Connolly (VA) |
| Bilbray | Calvert | Conyers |
| Bilirakis | Camp | Cooper |
| Bishop (GA) | Campbell | Costa |
| Bishop (NY) | Cantor | Costello |
| Bishop (UT) | Cao | Courtney |
| Blackburn | Capito | Crenshaw |

Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inlee
Israel
Issa
Jackson (IL)

Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick

Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perrillo
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt

Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus

Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt

Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—1

NOT VOTING—20

Barton (TX)
Bordallo
Boren
Brown-Waite,
Ginny
Christensen
Cohen
Davis (AL)
Davis (KY)
Delahunt
Faleomavaega
Graves
Hastings (FL)
Jones
Latta
Melancon
Myrick
Ryan (WI)
Sablan
Shuler
Stupak

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. There is 1 minute remaining in the vote.

□ 1519

So the amendments en bloc were agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. BORDALLO. Mr. Chair, I was absent from the Chamber today, Friday, May 28, 2010, due to the travel schedule for my return to my district on account of official business. Had I been present for the one rollcall vote taken today in the Committee of the Whole House on the state of the Union on the amendments that were offered to H.R. 5136—National Defense Authorization Act for Fiscal Year 2011, I would have voted as follows: “aye” on the En Bloc Amendments, as modified, No. 9 offered by Chairman SKELTON of Missouri (rollcall vote 333).

Mr. COHEN. Mr. Chair, I was detained from voting and missed one vote on Friday, May 28, 2010. If present, I would have voted “yea” on the following rollcall vote: Rollcall 333.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JACKSON of Illinois) having assumed the chair, Mr. SERRANO, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, pursuant to House Resolution 1404, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mrs. BACHMANN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mrs. BACHMANN. Yes, in its current form.

Mr. SKELTON. Mr. Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. The point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Bachmann moves to recommit the bill back to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new title:

TITLE —PAY FREEZE

SEC. 01. PAY FREEZE.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of computing compensation for service performed during fiscal year 2011 and the first quarter of fiscal year 2012, the rate of salary or basic pay for any office or position within the civil service, as defined by section 2101 of title 5, United States Code, shall be deemed to be equal to the rate of salary or basic pay payable for such office or position as of September 30, 2010.

(b) CONGRESSIONAL PAY FREEZE.—Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (related to the Compensation of Members of Congress) during fiscal year 2011 and the first quarter of fiscal year 2012.

(c) RULE FOR NEW POSITIONS.—For purposes of subsection (a), the rate of salary or basic pay payable as of September 30, 2010, for any office or position which was not in existence on such date shall be deemed to be the rate of salary or basic pay payable to individuals in comparable offices or positions on such date.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to apply with respect to any office or position within the uniformed services, as defined by section 2101 of title 5, United States Code.

Mrs. BACHMANN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. SKELTON. I object.

The SPEAKER pro tempore. Objection is heard.

The reading will continue.

The Clerk continued to read.

Mr. SKELTON (during the reading). Mr. Speaker, I ask unanimous consent

to dispense with the continuing of the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

POINT OF ORDER

Mr. SKELTON. Mr. Speaker, I make a point of order against this motion as it is not germane, and I insist on that point of order.

Mrs. BACHMANN. Mr. Speaker, I ask to be heard on the point of order.

The SPEAKER pro tempore. The gentlewoman from Minnesota is recognized.

Mrs. BACHMANN. Mr. Speaker, the motion to recommit proposes to add a new amendment to the bill freezing the rate of pay for ourselves, Members of Congress, and for the non-uniformed Federal employees. The amendment relies on the definition of civil service provided in title V of the United States Code which covers positions in the executive, the judicial, and the legislative branches.

The bill before us contains numerous and repeated references to title V of the United States Code, yet the gentleman makes the point of order that this amendment is not germane to the bill.

Mr. Speaker, the bill before us includes provisions, such as the recently adopted Sarbanes amendment, that affect the policies of all executive branch agencies, not just the Department of Defense. And on that basis, I believe that the Chair will find the provisions of the amendment limiting pay for civilian executive branch employees germane. I also believe that the bill is broad enough to cover judicial employees as well.

So, Mr. Speaker, that then leaves the question of ourselves, our pay, and that of non-uniformed Federal employees, legislative branch employees. So, therefore, Mr. Speaker, I believe it would be improper for the Chair to use a point of order for the purpose of protecting the employees of the legislative branch and for the purpose of protecting and shielding us Members of Congress from the pay freeze herein being proposed. And it would otherwise be in order for employees of the executive branch.

And so, Mr. Speaker, I ask the question: Do we really want to go on record saying that the rules of this House should not be used to shield our own Members of Congress' salaries and also those of the legislative salaries of the non-uniformed branch from being fiscally irresponsible?

So, Mr. Speaker, I urge you not to sustain the point of order because when the average wage and benefit package of government workers is double that of private employees, then we should not use—

Mr. SKELTON. Mr. Speaker, I insist on my point of order.

Mrs. BACHMANN. I am speaking on the point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman is reminded to confine her remarks to the point of order.

Mrs. BACHMANN. Yes, Mr. Speaker.

We should not use the arcane rules to somehow exempt ourselves as a Member of Congress from our own pay increases and that of the non-uniformed Federal offices under the responsibility of tightening our belt.

Mr. SKELTON. Mr. Speaker, I insist on my point of order. It is not germane.

The SPEAKER pro tempore. The Chair will rule.

The gentleman from Missouri makes the point of order that the instructions proposed in the motion to recommit offered by the gentlewoman from Minnesota are not germane. The bill broaches a range of subject matters related to both national defense and to general operations of the Federal Government. This range of subject matters implicates the jurisdiction of several committees.

The instructions proposed in the motion to recommit seek to prohibit certain future increases in pay for Members of Congress and employees across the Federal Government. This prohibition, by addressing the legislative branch, involves the jurisdiction of the Committee on House Administration.

One of the fundamental principles of germaneness is that an amendment must confine itself to matters within the jurisdiction of the committees with jurisdiction over the pending text. To the Chair's knowledge, the underlying bill is devoid of subject matter within the jurisdiction of the Committee on House Administration. Thus, the motion offered by the gentlewoman from Minnesota is not germane. The point of order is sustained. The motion is not in order.

Mrs. BACHMANN. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. SKELTON. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to lay the appeal on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. BACHMANN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on tabling the appeal will be followed by 5-minute votes on passage of H.R. 5136 and adoption of H. Res. 407, unless sooner followed by further proceedings in recommitment.

The vote was taken by electronic device, and there were—ayes 227, noes 183, not voting 21, as follows:

[Roll No. 334]

AYES—227

| | | |
|----------------|-----------------|------------------|
| Ackerman | Hall (NY) | Pallone |
| Adler (NJ) | Hare | Pascarell |
| Altmire | Harman | Pastor (AZ) |
| Andrews | Heinrich | Payne |
| Arcuri | Herseth Sandlin | Perlmutter |
| Baca | Higgins | Perriello |
| Baird | Hill | Peters |
| Baldwin | Himes | Peterson |
| Barrow | Hinchey | Pingree (ME) |
| Bean | Hinojosa | Polis (CO) |
| Becerra | Hirono | Pomeroy |
| Berkley | Holt | Price (NC) |
| Berman | Honda | Quigley |
| Berry | Hoyer | Rahall |
| Bishop (GA) | Inslee | Rangel |
| Bishop (NY) | Israel | Reyes |
| Blumenauer | Jackson (IL) | Richardson |
| Bocchieri | Jackson Lee | Rodriguez |
| Boswell | (TX) | Ross |
| Boucher | Johnson (GA) | Rothman (NJ) |
| Boyd | Johnson, E. B. | Roybal-Allard |
| Brady (PA) | Kagen | Ruppersberger |
| Braley (IA) | Kanjorski | Rush |
| Brown, Corrine | Kaptur | Ryan (OH) |
| Butterfield | Kennedy | Salazar |
| Capps | Kildee | Sánchez, Linda |
| Capuano | Kilpatrick (MI) | T. |
| Cardoza | Kilroy | Sanchez, Loretta |
| Carnahan | Kind | Sarbanes |
| Carney | Kissell | Schakowsky |
| Carson (IN) | Klein (FL) | Schauer |
| Castor (FL) | Kratovil | Schiff |
| Chandler | Kucinich | Schrader |
| Clarke | Langevin | Schwartz |
| Clay | Larsen (WA) | Scott (GA) |
| Cleaver | Larson (CT) | Scott (VA) |
| Clyburn | Lee (CA) | Serrano |
| Cohen | Levin | Sestak |
| Connolly (VA) | Lewis (GA) | Shadegg |
| Conyers | Lipinski | Shea-Porter |
| Cooper | Loebach | Sherman |
| Costa | Lofgren, Zoe | Sires |
| Costello | Lowey | Skelton |
| Courtney | Lujan | Slaughter |
| Critz | Lynch | Smith (WA) |
| Crowley | Maffei | Snyder |
| Cuellar | Maloney | Space |
| Cummings | Markey (CO) | Speier |
| Davis (CA) | Markey (MA) | Spratt |
| Davis (IL) | Matheson | Stark |
| Davis (TN) | Matsui | Sutton |
| DeLauro | McCarthy (NY) | Tanner |
| Deutch | McCollum | Thompson (CA) |
| Dicks | McDermott | Thompson (MS) |
| Dingell | McGovern | Tierney |
| Doggett | McMahon | Tonko |
| Donnelly (IN) | McNerney | Towns |
| Doyle | Meek (FL) | Tsongas |
| Driehaus | Meeks (NY) | Van Hollen |
| Edwards (MD) | Michaud | Velázquez |
| Edwards (TX) | Miller (NC) | Visclosky |
| Ellison | Miller, George | Walz |
| Ellsworth | Mollohan | Wasserman |
| Eshoo | Moore (KS) | Schultz |
| Etheridge | Moore (WI) | Waters |
| Farr | Moran (VA) | Watson |
| Fattah | Murphy (CT) | Watt |
| Filner | Murphy (NY) | Waxman |
| Frank (MA) | Murphy, Patrick | Weiner |
| Fudge | Nadler (NY) | Welch |
| Garamendi | Napolitano | Wilson (OH) |
| Gonzalez | Neal (MA) | Wolf |
| Gordon (TN) | Oberstar | Woolsey |
| Grayson | Obey | Wu |
| Green, Al | Olver | Yarmuth |
| Green, Gene | Ortiz | Young (AK) |
| Grijalva | Owens | |

NOES—183

| | | |
|--------------|-----------|-------------|
| Aderholt | Biggert | Boustany |
| Akin | Bilbray | Brady (TX) |
| Alexander | Bilirakis | Bright |
| Austria | Blackburn | Brown (GA) |
| Bachmann | Blunt | Brown (SC) |
| Bachus | Boehner | Buchanan |
| Barrett (SC) | Bonner | Burgess |
| Bartlett | Bono Mack | Burton (IN) |
| Barton (TX) | Boozman | Buyer |

| | | |
|-----------------|------------------|---------------|
| Calvert | Hoekstra | Olson |
| Camp | Holden | Paul |
| Campbell | Hunter | Paulsen |
| Cantor | Inglis | Pence |
| Cao | Issa | Petri |
| Capito | Jenkins | Pitts |
| Carter | Johnson (IL) | Platts |
| Cassidy | Johnson, Sam | Poe (TX) |
| Castle | Jordan (OH) | Posey |
| Chaffetz | King (IA) | Price (GA) |
| Childers | King (NY) | Putnam |
| Coble | Kingston | Radanovich |
| Coffman (CO) | Kirk | Rehberg |
| Cole | Kirkpatrick (AZ) | Reichert |
| Conaway | Kline (MN) | Roe (TN) |
| Crenshaw | Kosmas | Rogers (AL) |
| Culberson | Lamborn | Rogers (KY) |
| Dahlkemper | Lance | Rohrabacher |
| Dent | Latham | Rooney |
| Diaz-Balart, L. | LaTourette | Ros-Lehtinen |
| Diaz-Balart, M. | Lee (NY) | Roskam |
| Djou | Lewis (CA) | Royce |
| Dreier | Linder | Scalise |
| Duncan | LoBiondo | Schmidt |
| Ehlers | Lucas | Schock |
| Emerson | Luetkemeyer | Sensenbrenner |
| Fallin | Lummis | Sessions |
| Flake | Lungren, Daniel | Shimkus |
| Fleming | E. | Shuster |
| Forbes | Mack | Simpson |
| Fortenberry | Manzullo | Smith (NE) |
| Foster | Marchant | Smith (NJ) |
| Fox | Marshall | Smith (TX) |
| Franks (AZ) | McCarthy (CA) | Stearns |
| Frelinghuysen | McCaul | Sullivan |
| Gallegly | McClintock | Taylor |
| Garrett (NJ) | McCotter | Teague |
| Gerlach | McHenry | Terry |
| Giffords | McIntyre | Thompson (PA) |
| Gingrey (GA) | McKeon | Thornberry |
| Gohmert | McMorris | Tiahrt |
| Goodlatte | Rodgers | Tiberi |
| Granger | Miller (FL) | Titus |
| Griffith | Miller (MI) | Turner |
| Guthrie | Miller, Gary | Upton |
| Hall (TX) | Minnick | Walden |
| Halvorson | Mitchell | Wamp |
| Harper | Moran (KS) | Westmoreland |
| Hastings (WA) | Murphy, Tim | Whitfield |
| Heller | Myrick | Wilson (SC) |
| Hensarling | Neugebauer | Wittman |
| Herger | Nunes | Young (FL) |
| Hodes | Nye | |

NOT VOTING—21

| | | |
|--------------|---------------|-------------|
| Bishop (UT) | DeGette | Melancon |
| Boren | Delahunt | Mica |
| Brown-Waite, | Engel | Rogers (MI) |
| Ginny | Graves | Ryan (WI) |
| Chu | Gutierrez | Shuler |
| Davis (AL) | Hastings (FL) | Stupak |
| Davis (KY) | Jones | |
| DeFazio | Latta | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1545

Mr. FLAKE changed his vote from "aye" to "no."

Messrs. OBERSTAR and DOGGETT changed their vote from "no" to "aye."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated Against:

Mr. MICA. Mr. Speaker, on rollcall No. 334, Motion to Table, I was unavoidably detained. Had I been present, I would have voted "no."

MOTION TO RECOMMIT

Mr. FORBES. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FORBES. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Forbes moves to recommit the bill H.R. 5136 to the Committee on Armed Services with instructions to report the same back to the House forthwith, with the following amendment:

Strike section 1032 and insert the following:

SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated by this Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

In section 1037(a)(1)(C), strike "within the exclusive investigative jurisdiction of the Inspector General of the Department of Defense" and insert "of the United States".

In section 1037, strike subsection (b).

In section 1037(f), strike paragraph (2).

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, sometimes things are not as complex as we try to make them here in Washington. In fact, sometimes our best decisions come down to simple truths. One of those truths is that Americans are safer when our government fights to keep terrorists off U.S. soil rather than when it fights to bring them here.

Mr. Speaker, in January 2009, 17 months ago, the worst terrorists who had ever attacked the United States were on the verge of conviction in Guantanamo. The most experienced and best prosecutor the U.S. had against terrorists and a full prosecution team had been prosecuting these terrorists for almost 2 years. They had handled over 56 motions, countless hearings, and, according to them, would have had guilty pleas out of all five of the 9/11 defendants within 6 months; in other words, June a year ago.

But this administration issued an order 17 months ago that destroyed all the work that prosecutor had done, all the work his entire team had done, every motion they had won, done away with every hearing, for nothing, and forced us as a nation to begin this prosecution anew sometime, somewhere.

Today, 17 months later, there is not a single individual in this Chamber that has a clue as to when, where, how, or even if these terrorists will be prosecuted. All we know is that we are now 3½ more years down the road and the clock is still ticking while the Attorney General continues to debate

whether we should prosecute them here or we should prosecute them there.

Now, while the victims of 9/11 have been waiting, the ACLU has not. They have moved forward with the John Adams Project to robustly defend these terrorists who, by the way, have admitted their guilt. And while the victims of 9/11 have been waiting, there are allegations that the identities of key military and intelligence personnel have been passed to the 9/11 defendants more than a year ago, and allegations that such passage could have come from the attorneys involved in the case. There are further allegations that the passage of this information could have been a criminal act and could have jeopardized the safety of some of the individuals involved.

Finally, Mr. Speaker, there have been concerns that the Secretary of Defense and the Attorney General have failed to timely and adequately investigate these matters.

So what is the difference between our motion to recommit and this bill? First, we say, enough is enough; try the terrorists in Guantanamo. And we therefore prohibit the transfer of the detainees to the United States. Simple, straightforward, no more wobbling.

The majority's position in the bill, Mr. Speaker, is that the President can continue to take all the time he wants to determine if, when, where, and how he will prosecute the terrorists and where he will house them until he does, and all he has to do is file a plan when and if he ultimately decides to do so.

Now, my good friend, the chairman of the committee, loves to tell us, just read the bill. Well, if you just read the bill, you will find that the bill prohibits the Department of Defense from spending any money to reinforce security or other facilities, but it does not stop them from coming. It just stops us from preparing for them to come.

Secondly, Mr. Speaker, this motion to recommit says that the inspector general shall investigate as to whether or not there has been a crime from any of these allegations of distributing this information about military personnel and intelligence personnel. The current bill only allows him to investigate matters within the Department of Defense.

This bill makes sure that if any crime has been committed, he can investigate it, but the bill gives two get-out-of-jail-free cards. If the Secretary of Defense or the Attorney General decides that this would impair or interfere with an investigation, they can stop it—the same Secretary of Defense who has punted the investigation for a year, the same Attorney General who has not prosecuted these terrorists.

Mr. Speaker, I would just say if the Attorney General won't prosecute the terrorists, he is not going to investigate the attorneys that are representing them.

Mr. Speaker, let me say this in conclusion. The bottom line is, we can't stop every terrorist from coming to the United States, but we can stop the ones that are coming from Guantanamo. This motion to recommit does that. We can't protect all of our military and intelligence personnel from terrorists, but we can help the ones involved in this case. And that is what this motion to recommit does.

With that, Mr. Speaker, I yield back my time.

Mr. SKELTON. Mr. Speaker, I seek time in opposition to the motion to recommit, although I am not opposed to it.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. Mr. Speaker, we have dealt with these issues strongly in the committee. This adds to those particular issues, and we are in a position to accept this motion. I just wish to point out that there is no difference between the Democrats and Republicans when it comes to fighting terrorism.

I agree with the motion.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FORBES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5 minute votes on passage of H.R. 5136, if ordered, and suspending the rules and agreeing to House Resolution 407, if ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 131, not voting 18, as follows:

[Roll No. 335]

AYES—282

| | | |
|--------------|----------------|--------------|
| Aderholt | Bishop (NY) | Buyer |
| Adler (NJ) | Bishop (UT) | Calvert |
| Akin | Blackburn | Camp |
| Alexander | Blunt | Campbell |
| Altmire | Bocchieri | Cantor |
| Andrews | Boehner | Cao |
| Arcuri | Bonner | Capito |
| Austria | Bono Mack | Cardoza |
| Baca | Boozman | Carnahan |
| Bachmann | Boswell | Carney |
| Bachus | Boucher | Carson (IN) |
| Barrett (SC) | Boustany | Carter |
| Barrow | Boyd | Cassidy |
| Bartlett | Brady (TX) | Castle |
| Barton (TX) | Bright | Castor (FL) |
| Bean | Broun (GA) | Chaffetz |
| Berkley | Brown (SC) | Chandler |
| Biggert | Brown, Corrine | Childers |
| Bilbray | Buchanan | Coble |
| Bilirakis | Burgess | Coffman (CO) |
| Bishop (GA) | Burton (IN) | Cole |

| | | |
|-----------------|------------------|---------------|
| Conaway | Jordan (OH) | Platts |
| Connolly (VA) | Kanjorski | Poe (TX) |
| Cooper | Kind | Pomeroy |
| Costa | King (IA) | Posey |
| Costello | Kingston | Price (GA) |
| Courtney | Kirk | Putnam |
| Crenshaw | Kirkpatrick (AZ) | Radanovich |
| Critz | Kissell | Rahall |
| Cuellar | Klein (FL) | Rehberg |
| Culberson | Kline (MN) | Reichert |
| Dahlkemper | Kosmas | Reyes |
| Davis (TN) | Kratovil | Richardson |
| Dent | Lamborn | Rodriguez |
| Diaz-Balart, L. | Lance | Roe (TN) |
| Diaz-Balart, M. | Langevin | Rogers (AL) |
| Djou | Latham | Rogers (KY) |
| Donnelly (IN) | LaTourette | Rogers (MI) |
| Dreier | Lee (NY) | Rohrabacher |
| Driehaus | Lewis (CA) | Rooney |
| Duncan | Lipinski | Ros-Lehtinen |
| Edwards (TX) | LoBiondo | Roskam |
| Ehlers | Lowe | Ross |
| Ellsworth | Lucas | Royce |
| Emerson | Luetkemeyer | Ruppersberger |
| Engel | Lummis | Ryan (OH) |
| Etheridge | Lungren, Daniel | Salazar |
| Fallin | E. | Scalise |
| Flake | Lynch | Schauer |
| Fleming | Mack | Schmidt |
| Forbes | Maffei | Schock |
| Fortenberry | Maloney | Schrader |
| Foster | Manzullo | Schwartz |
| Fox | Marchant | Sensenbrenner |
| Franks (AZ) | Markley (CO) | Sessions |
| Frelinghuysen | Marshall | Shadegg |
| Galleghy | Matheson | Shea-Porter |
| Garamendi | McCarthy (CA) | Shimkus |
| Garrett (NJ) | McCaul | Shuster |
| Gerlach | McClintock | Simpson |
| Giffords | McCotter | Sires |
| Gingrey (GA) | McHenry | Skelton |
| Gohmert | McIntyre | Smith (NE) |
| Gonzalez | McKeon | Smith (NJ) |
| Goodlatte | McMahon | Smith (TX) |
| Gordon (TN) | McMorris | Space |
| Granger | Rodgers | Spratt |
| Grayson | McNerney | Stearns |
| Green, Gene | Meek (FL) | Sullivan |
| Griffith | Mica | Sutton |
| Guthrie | Miller (FL) | Tanner |
| Hall (NY) | Miller (MI) | Taylor |
| Hall (TX) | Miller (NC) | Teague |
| Halvorson | Miller, Gary | Terry |
| Harper | Minnick | Thompson (PA) |
| Hastings (WA) | Mitchell | Thornberry |
| Heller | Moore (KS) | Tiahrt |
| Hensarling | Moran (KS) | Tiberi |
| Herger | Murphy (NY) | Titus |
| Herseth Sandlin | Murphy, Patrick | Tonko |
| Higgins | Murphy, Tim | Turner |
| Hill | Myrick | Upton |
| Hinojosa | Neugebauer | Visclosky |
| Hodes | Nunes | Walden |
| Hoekstra | Nye | Walz |
| Holden | Olson | Wamp |
| Hunter | Ortiz | Westmoreland |
| Inglis | Owens | Whitfield |
| Israel | Paulsen | Wilson (OH) |
| Issa | Pence | Wilson (SC) |
| Jackson (IL) | Perriello | Wittman |
| Jenkins | Peters | Wolf |
| Johnson (GA) | Peterson | Young (AK) |
| Johnson (IL) | Petri | Young (FL) |
| Johnson, Sam | Pitts | |

NOES—131

| | | |
|-------------|--------------|----------------|
| Baird | Davis (CA) | Grijalva |
| Baldwin | Davis (IL) | Gutierrez |
| Becerra | DeFazio | Hare |
| Berry | DeGette | Harman |
| Blumenauer | DeLauro | Heinrich |
| Brady (PA) | Deutch | Himes |
| Brady (IA) | Dicks | Hinchey |
| Butterfield | Dingell | Hirono |
| Capps | Doggett | Holt |
| Capuano | Doyle | Honda |
| Chu | Edwards (MD) | Hoyer |
| Clarke | Ellison | Inslie |
| Clay | Eshoo | Jackson Lee |
| Cleaver | Farr | (TX) |
| Clyburn | Fattah | Johnson, E. B. |
| Cohen | Filner | Kagen |
| Conyers | Frank (MA) | Kaptur |
| Crowley | Fudge | Kennedy |
| Cummings | Green, Al | Kildee |

| | | |
|-----------------|------------------|---------------|
| Kilpatrick (MI) | Neal (MA) | Serrano |
| Kilroy | Oberstar | Sestak |
| Kucinich | Obey | Sherman |
| Larsen (WA) | Olver | Smith (WA) |
| Larson (CT) | Pallone | Snyder |
| Lee (CA) | Pascrell | Speier |
| Levin | Pastor (AZ) | Stark |
| Lewis (GA) | Paul | Thompson (CA) |
| Loeb sack | Payne | Thompson (MS) |
| Lofgren, Zoe | Perlmutter | Tierney |
| Lujan | Pingree (ME) | Towns |
| Markey (MA) | Polis (CO) | Tsongas |
| Matsui | Price (NC) | Van Hollen |
| McCarthy (NY) | Quigley | Velázquez |
| McCormack | Rangel | Wasserman |
| McDermott | Rothman (NJ) | Schultz |
| McGovern | Roybal-Allard | Waters |
| Meeks (NY) | Rush | Watson |
| Michaud | Sánchez, Linda | Watt |
| Miller, George | T. | Waxman |
| Mollohan | Sanchez, Loretta | Weiner |
| Moore (WI) | Sarbanes | Welch |
| Moran (VA) | Schakowsky | Woolsey |
| Murphy (CT) | Schiff | Wu |
| Nadler (NY) | Scott (GA) | Yarmuth |
| Napolitano | Scott (VA) | |

NOT VOTING—18

| | | |
|--------------|---------------|-----------|
| Ackerman | Delahunt | Melancon |
| Berman | Graves | Ryan (WI) |
| Boren | Hastings (FL) | Shuler |
| Brown-Waite, | Jones | Slaughter |
| Ginny | King (NY) | Stupak |
| Davis (AL) | Latta | |
| Davis (KY) | Linder | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1609

Messrs. PAYNE, AL GREEN of Texas, HOLT, PERLMUTTER, GEORGE MILLER of California, MICHAUD, and ROTHMAN of New Jersey changed their vote from “aye” to “no.”

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. SKELTON. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 5136, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SKELTON: Strike section 1032 and insert the following:

SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated by this Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

In section 1037(a)(1)(C), strike “within the exclusive investigative jurisdiction of the Inspector General of the Department of Defense” and insert “of the United States”.

In section 1037, strike subsection (b).

In section 1037(f), strike paragraph (2).

Mr. SKELTON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SKELTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 186, not voting 17, as follows:

[Roll No. 336]

AYES—229

| | | |
|----------------|-----------------|------------------|
| Ackerman | Dahlkemper | Inslee |
| Adler (NJ) | Davis (CA) | Israel |
| Altmire | Davis (IL) | Jackson (IL) |
| Andrews | DeFazio | Jackson Lee |
| Arcuri | DeGette | (TX) |
| Baca | DeLauro | Johnson (GA) |
| Baird | Dent | Johnson, E. B. |
| Baldwin | Deutch | Kagen |
| Barrow | Dicks | Kanjorski |
| Bean | Dingell | Kaptur |
| Becerra | Djou | Kennedy |
| Berkley | Doggett | Kildee |
| Berman | Donnelly (IN) | Kilpatrick (MI) |
| Berry | Doyle | Kilroy |
| Biggert | Driehaus | Kind |
| Bishop (GA) | Edwards (MD) | Kirk |
| Bishop (NY) | Edwards (TX) | Kirkpatrick (AZ) |
| Blumenauer | Ellsworth | Kissell |
| Boccieri | Engel | Klein (FL) |
| Bono Mack | Eshoo | Kosmas |
| Boswell | Etheridge | Kratovil |
| Boucher | Farr | Langevin |
| Boyd | Fattah | Larsen (WA) |
| Brady (PA) | Foster | Larson (CT) |
| Braley (IA) | Frank (MA) | Lewis (GA) |
| Brown, Corrine | Fudge | Lipinski |
| Butterfield | Garamendi | Loeb |
| Cao | Giffords | Lowey |
| Capps | Gonzalez | Lujan |
| Capuano | Gordon (TN) | Lynch |
| Cardoza | Grayson | Maffei |
| Carnahan | Green, Al | Maloney |
| Carney | Green, Gene | Markey (CO) |
| Carson (IN) | Grijalva | Markey (MA) |
| Castle | Gutierrez | Matheson |
| Castor (FL) | Hall (NY) | Matsui |
| Chandler | Halvorson | McCarthy (NY) |
| Clarke | Hare | McCollum |
| Clay | Harman | McGovern |
| Cleaver | Heinrich | McMahon |
| Clyburn | Herseth Sandlin | McNerney |
| Cohen | Higgins | Meek (FL) |
| Connolly (VA) | Hill | Meeks (NY) |
| Cooper | Himes | Miller (NC) |
| Costa | Hinchey | Minnick |
| Costello | Hinojosa | Mitchell |
| Courtney | Hodes | Mollohan |
| Critz | Holden | Moore (KS) |
| Crowley | Holt | Moran (VA) |
| Cuellar | Honda | Murphy (CT) |
| Cummings | Hoyer | Murphy (NY) |

| | | |
|-----------------|------------------|---------------|
| Murphy, Patrick | Ross | Space |
| Nadler (NY) | Rothman (NJ) | Speier |
| Napolitano | Roybal-Allard | Spratt |
| Neal (MA) | Ruppersberger | Sutton |
| Nye | Rush | Tanner |
| Oberstar | Ryan (OH) | Teague |
| Ortiz | Salazar | Thompson (CA) |
| Owens | Sanchez, Linda | Thompson (MS) |
| Pallone | T. | Tierney |
| Pascarell | Sanchez, Loretta | Titus |
| Pastor (AZ) | Sarbanes | Tonko |
| Pelosi | Schakowsky | Towns |
| Perlmutter | Schauer | Tsongas |
| Perriello | Schiff | Van Hollen |
| Peters | Schrader | Velázquez |
| Pingree (ME) | Schwartz | Visclosky |
| Polis (CO) | Scott (GA) | Walz |
| Pomeroy | Scott (VA) | Wasserman |
| Price (NC) | Serrano | Schultz |
| Quigley | Sestak | Waters |
| Rahall | Shea-Porter | Watson |
| Rangel | Sherman | Weiner |
| Reichert | Sires | Wilson (OH) |
| Reyes | Skelton | Wu |
| Richardson | Slaughter | Yarmuth |
| Rodriguez | Smith (WA) | |
| Ros-Lehtinen | Snyder | |

NOES—186

| | | |
|-----------------|-----------------|---------------|
| Aderholt | Goodlatte | Nunes |
| Akin | Granger | Obey |
| Alexander | Griffith | Olson |
| Austria | Guthrie | Olver |
| Bachmann | Hall (TX) | Paul |
| Bachus | Harper | Paulsen |
| Barrett (SC) | Hastings (WA) | Payne |
| Bartlett | Heller | Pence |
| Barton (TX) | Hensarling | Peterson |
| Bilbray | Herger | Petri |
| Bilirakis | Hirono | Pitts |
| Bishop (UT) | Hoekstra | Platts |
| Blackburn | Hunter | Poe (TX) |
| Blunt | Inglis | Posey |
| Boehner | Issa | Price (GA) |
| Bonner | Jenkins | Putnam |
| Boozman | Johnson (IL) | Radanovich |
| Boustany | Johnson, Sam | Rehberg |
| Brady (TX) | Jordan (OH) | Roe (TN) |
| Bright | King (IA) | Rogers (AL) |
| Kagen | Kingston | Rogers (KY) |
| Broun (GA) | Kline (MN) | Rogers (MI) |
| Buchanan | Kucinich | Rohrabacher |
| Burgess | Lamborn | Rooney |
| Burton (IN) | Lance | Roskam |
| Buyer | Latham | Royce |
| Calvert | LaTourette | Scalise |
| Camp | Lee (CA) | Schmidt |
| Campbell | Lee (NY) | Schock |
| Cantor | Lewis (CA) | Sensenbrenner |
| Capito | Linder | Sessions |
| Carter | LoBiondo | Shadeegg |
| Cassidy | Loftgren, Zoe | Shimkus |
| Chaffetz | Lucas | Shuster |
| Childers | Luetkemeyer | Simpson |
| Chu | Lummis | Smith (NE) |
| Coble | Lungren, Daniel | Smith (NJ) |
| Coffman (CO) | E. | Smith (TX) |
| Cole | Mack | Stark |
| Conaway | Manzullo | Stearns |
| Crenshaw | Marchant | Sullivan |
| Culberson | Marshall | Taylor |
| Davis (TN) | McCarthy (CA) | Terry |
| Diaz-Balart, L. | McCaul | Thompson (PA) |
| Diaz-Balart, M. | McClintock | Thornberry |
| Dreier | McCotter | Tiahrt |
| Duncan | McDermott | Tiberi |
| Ehlers | McHenry | Turner |
| Ellison | McIntyre | Upton |
| Emerson | Fallin | Walden |
| Fallin | McMorris | Wamp |
| Filner | Rodgers | Watt |
| Flake | Mica | Waxman |
| Fleming | Michaud | Welch |
| Forbes | Miller (FL) | Westmoreland |
| Fortenberry | Miller (MI) | Whitfield |
| Fox | Miller, Gary | Wilson (SC) |
| Franks (AZ) | Miller, George | Wittman |
| Frelinghuysen | Moore (WI) | Wolf |
| Galleghy | Moran (KS) | Woolsey |
| Garrett (NJ) | Murphy, Tim | Young (AK) |
| Gingrey (GA) | Myrick | Young (FL) |
| Gohmert | Neugebauer | |

NOT VOTING—17

| | | |
|--------------|---------------|-----------|
| Boren | Davis (KY) | Latta |
| Brown (SC) | Delahunt | Levin |
| Brown-Waite, | Graves | Melancon |
| Ginny | Hastings (FL) | Ryan (WI) |
| Conyers | Jones | Shuler |
| Davis (AL) | King (NY) | Stupak |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1619

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LEVIN. Mr. Speaker, earlier today, I was unavoidably absent during rollcall vote 336, passage of H.R. 5136, the National Defense Authorization Act. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BOREN. Mr. Speaker, I was absent on Thursday, May 27, and Friday, May 28, when call votes occurred for H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. I was not present on these days because I was attending a funeral for a family member.

If I would have been present for the rollcall votes listed below for H.R. 5136, I would have voted in the following manner:

1. Roll No. 310, amendment No. 1, printed in House Report 111-498: I would have voted "aye."

2. Roll No. 311, amendment No. 3, printed in House Report 111-498: I would have voted "aye."

3. Roll No. 312, amendment No. 13, printed in House Report 111-498: I would have voted "aye."

4. Roll No. 313, amendment No. 82, printed in House Report 111-498: I would have voted "aye."

5. Roll No. 314, amendment No. 21, printed in House Report 111-498: I would have voted "aye."

6. Roll No. 315, amendment No. 42, printed in House Report 111-498: I would have voted "nay."

7. Roll No. 316, amendment No. 80, printed in House Report 111-498: I would have voted "aye."

8. Roll No. 317, amendment No. 79, printed in House Report 111-498: I would have voted "nay."

9. Roll No. 318, amendment No. 47, printed in House Report 111-498: I would have voted "aye."

10. Roll No. 333, en bloc amendment No. 9: I would have voted "aye."

11. Roll No. 334, on a motion to table the appeal of the ruling of the chair: I would have voted "nay."

12. Roll No. 335, on the motion to recommit H.R. 5136: I would have voted "aye."

13. Roll No. 336, final passage of H.R. 5136: I would have voted "nay."

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, on Friday, May 28, 2010, I was unable to participate in all of the day's votes due to a family emergency.

Had I been present I would have voted:

On rollcall No. 319—"no"—On Approving the Journal; on rollcall No. 320—"yes"—H. Res. 1391, Congratulating and commending Israel for its accession to membership in the Organization for Economic Cooperation and Development; on rollcall No. 321—"no"—Previous Question on H. Res. 1403, Providing for consideration of the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; on rollcall No. 322—"no"—Slaughter of New York Amendment to H. Res. 1403; on rollcall No. 323—"no"—H. Res. 1403, Providing for consideration of the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; on rollcall No. 324—"no"—H.R. 4213, American Workers, State, and Business Relief Act of 2010—on concurring in Senate amendment with amendment (except portion comprising section 523); on rollcall No. 325—"no"—H.R. 4213, American Workers, State, and Business Relief Act of 2010—on concurring in Senate amendment with portion of amendment comprising section 523; on rollcall No. 326—"yes"—America COMPETES Act—First portion of the Divided Question, Proposing to Strike Section 228; on rollcall No. 327—"yes"—America COMPETES Act—Second portion of the Divided Question, Proposing to Strike Sections 406(b) and (c); on rollcall No. 328—"yes"—America COMPETES Act—Sixth Portion of the Divided Question, Proposing to Amend Section 702; on rollcall No. 329—"yes"—America COMPETES Act—Seventh Portion of the Divided Question, Proposing to Add a Section 704; on rollcall No. 330—"yes"—America COMPETES Act—Eighth Portion of the Divided Question, Proposing to Add a Section 705; on rollcall No. 331—"yes"—America COMPETES Act—Ninth Portion of the Divided Question, Proposing to Add a Section 706; on rollcall No. 332—"no"—America COMPETES Act—Final Passage; on rollcall No. 333—"yes"—Skelton of Missouri En Bloc Amendments No. 9; on rollcall No. 334—"no"—To Table the Appeal of the Ruling of the Chair—Republican Motion to Recommit #1, To eliminate the 1.4 percent non-military federal employee pay raise, saving taxpayers \$30 billion over the next ten years; on rollcall No. 335—"yes"—Republican Motion to Recommit #2, to H.R. 5136, National Defense Authorization Act for Fiscal Year; on rollcall No. 336—"no"—H.R. 5136, National Defense Authorization Act for Fiscal Year 2011—Final Passage.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 5136, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5136,

to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

NATIONAL ASTHMA AND ALLERGY AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 407, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CASTOR) that the House suspend the rules and agree to the resolution, H. Res. 407, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. JACKSON LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5116.

The SPEAKER pro tempore (Mr. PERRIELLO). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curts, one of its clerks, announced that the Senate has passed without amendment a bill and agreed to without amendment a concurrent resolution of the House of the following title:

H.R. 5330. An act to amend the Antritrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

H. Con. Res. 282. CONCURRENT RESOLUTION: providing for a conditional adjournment of the House of Representatives and a condition recess or adjournment of the Senate.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4899. AN ACT: making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4899) "An Act making emergency supplemental appropria-

tions for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. NELSON (NE), Mr. PRYOR, Mr. TESTER, Mr. SPECTER, Mr. COCHRAN, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, Ms. COLLINS, Mr. VOINOVICH, and Ms. MURKOWSKI to be the conferees on the part of the Senate.

COMMENDING DR. NATHAN FORD

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Mr. Speaker, I rise today to commend Dr. Nathan Ford, the 2010 recipient of the prestigious Celebrate Our Successes award, for his life achievements as an alumni of the Cocke County School System in Newport, Tennessee. Dr. Ford has selflessly devoted his life to providing health care through his practice of optometry, education for children of all ages, and public service to Tennessee.

Dr. Ford began serving at age 27, when he was elected to the Cocke County Board of Education. He has since served as the Economic Development Commission chair, director of the chamber of commerce, chairman of the Cocke County Baptist Hospital Board, and has served four terms as a Tennessee State representative. I commend him for meeting all these roles with dignity and wisdom.

Dr. Ford's love of serving others, medicine, and community involvement continues to this day. It is a great example to those not only in east Tennessee, but to our country. I encourage my colleagues to join with me in commending Dr. Nathan Ford for his outstanding life contributions and his earning this honorable award.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUPPORTING REPEAL OF DON'T ASK, DON'T TELL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of the

amendment from yesterday, and I am proud to have joined my colleagues in repealing the discriminatory Don't Ask, Don't Tell policy.

As a member of the House Appropriations Committee and the Select Intelligence Oversight Panel, I did so not only because I believe this is an important step toward full LGBT equality, but also because I believe repealing the policy will make our military stronger and our Nation more secure.

Mr. Speaker, since the Don't Ask, Don't Tell policy was created in 1993, more than 13,000 able-bodied patriotic Americans have been jettisoned from the military simply because of who they are. These are brave men and women who are willing to make the ultimate sacrifice for our country. We owe these Americans a debt of gratitude, not disrespect and dishonor.

This was not a difficult vote for me. The preamble to our Constitution states: "We, the people, in order to form a more perfect Union, to provide for the common defense, and secure the blessings of liberty, do ordain and establish this Constitution." Our President often says we are in the constant process of making our Nation a more perfect Union.

In my view, this amendment is vital if we are to uphold the Constitution's promise of equal protection to gays and lesbians in my home State of Florida and all across America. My friends in the LGBT community know all too well that serving their Nation openly and honestly in the Armed Forces is but one of many rights they are currently denied. That's wrong, and with this vote we made it right.

Yet as important as this amendment is towards bestowing full civil rights for gays and lesbians, it is equally important because it will improve our military readiness and make our Nation more secure. Too often we are told in this Chamber that we must choose between our security and our liberty. And I generally reject that false choice. But in this case, with this vote, we both expand civil liberties and make our Nation more secure.

Mr. Speaker, since the attacks of September 11, when our Nation has been waging wars in Iraq and Afghanistan, at the very time that we have been under serious and sustained threats from global terror networks, the United States military has discharged more than 800 soldiers in mission-critical positions, including Arabic and Farsi linguists. Why? Are they bad translators or poor soldiers, marines, or airmen? No, they were discharged for only one reason, because they were gay or lesbian.

They were discharged despite the fact they made valuable contributions to our intelligence community. They were discharged despite the fact we have an alarming shortage of translators. So this policy is not only an affront to

civil liberties; but at a time when we are fighting two wars, it is idiotic.

But it is important to repeal this policy for a third reason. It is dishonorable. Gays and lesbians are serving in our Nation's Armed Forces with great distinction. They always have. The only question is whether our government must continue to ask them to lie about their sexual orientation in order to do so. The Don't Ask, Don't Tell policy is the only law in the country that requires people to be dishonest about their personal lives or face the possibility of being fired.

Our own Chairman of the Joint Chiefs of Staff, Admiral Michael Mullen, recently said, "No matter how I look at this issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me personally, it comes down to integrity—theirs as individuals and ours as an institution."

Mr. Speaker, I could not agree more. No one should have to lie to perform any job, but especially not those sworn to protect our Nation. I think it is only fitting that this amendment was offered by the first Iraq war veteran to serve in Congress, Representative PATRICK MURPHY of Pennsylvania. Congressman MURPHY served in Bosnia and in the famed 82nd Airborne in Iraq. So when he brought his amendment before this House, he did so with deep love for his country and with our military's best interests at heart.

The policy Congressman MURPHY crafted, in cooperation with our Commander in Chief and Pentagon leaders, is a responsible one. It merely unties the hands of leaders at the Pentagon by removing the outdated Don't Ask, Don't Tell statute, while ensuring that the transition to a new personnel policy takes place without disruption to our fighting force.

□ 1630

In the spirit of equality and a more perfect Union, with the confidence we are making our Nation more secure, and with pride that we are ending a policy of dishonor, we uphold our American values by repealing Don't Ask, Don't Tell.

HALT PAY RAISES FOR FEDERAL EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Mr. Speaker, today this Congress had a chance to save our American taxpayers \$2 billion next year by halting another scheduled pay raise for Federal employees, but this Chamber refused once again to listen to the cries of the American people.

Today, we know that our budget deficits are clearly unsustainable. They

are falling off the cliff, dropping off the cliff of financial sanity, and we simply can't afford anymore to continue the out-of-control spending policies that have marked both Republican and Democrat leadership here in Washington, DC.

I thank my colleague, Representative ERIC CANTOR, for spearheading the new program called YouCut, where we reach out to the American people and ask them to tell us what they would like us to cut here in Washington from the Federal budget.

Clearly, the government doesn't create the wealth or the jobs in this country. It's the private sector that does that. And when the government taxes and spends the way it has been the last several years, then innovators and entrepreneurs are stripped of the flexibility that they need to create jobs by excessive taxes and burdensome regulations.

We're now at the point, Mr. Speaker, where we have over \$13 trillion in debt. Who ran the debt up? This is under Democrat leadership, but this is under Republican leadership. Both parties have been at fault with increasing the debt that the next generation has to pay. It isn't a Republican or Democrat issue. And the American people are outraged by all of the out-of-control spending that's been going on in this city by both political parties.

Under President Bush, the Federal employees received across-the-board raises of 3 percent in January of 2008 and 3.9 percent in January of 2009. The same thing happened under President Obama. He recommended increases in pay for Federal employees in each of the years he's been in office. In fact, since the year 2000, Federal workers have received annual pay raises of 3.6 percent a year. But we could have, today, eliminated the latest Federal employee pay raise and also put the kibosh on the pay raises for Members of Congress, but that was voted down, unfortunately, primarily by the Democrat majority of this body.

According to the newspaper USA Today this week, they reported the typical Federal worker is paid 20 percent more than a private-sector worker in the same occupation. In fact, Mr. Speaker, in 83 percent of all job categories between the government worker and the private worker, 83 percent of the time Federal employees are paid more, in fact, substantially more, than their private counterparts. This doesn't include the value of benefits like health care and retirement. When you take them into account, this graph shows Federal employees are making double what people in the private sector are making.

In fact, the numbers, Mr. Speaker, show the average wage and benefit package for a government employee today in America is almost \$120,000. For their counterpart in the private

sector, their average wage and benefit package is just under \$60,000 a year. Double is what people who are government workers are making over those in the private sector.

This Chamber today couldn't even bring themselves to freeze the pay increases of these government workers that are making double what people in the private sector are making today.

Here's one example. Federal employees making over \$100,000. When the recession started 18 months ago, 14 percent of Federal employees made over \$100,000. The recession has been very kind to government workers. Now it's 19 percent of government workers make over \$100,000 a year.

Here's an even more specific example. In the Department of Transportation, only one government worker made over \$170,000 a year. Eighteen months of the recession and we have 1,690 employees now making over \$170,000 a year in the Department of Transportation. That's even before you consider overtime and bonuses.

The recession has been very kind to the government worker, not so much for those in the private sector.

My proposal today would have prevented Members of Congress from getting pay increases. Unfortunately, the majority party did not want to prevent their own pay increases. We would have kept in place the pay increases for our military. Why? Because they deserve it. At 1.4 percent increase during a time of war, we should not ask our military to make that sacrifice.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise to address the Chair regarding the votes that I missed on the following dates:

May 12, due to the passing of my mother, Ivalita Jackson, I missed the following votes:

Rollcall vote No. 259, I would have voted "aye";

Rollcall vote No. 260, I would have voted "aye";

Rollcall vote No. 261, I would have voted "aye";

Rollcall vote No. 262, I would have voted "aye";

Rollcall vote No. 263, I would have voted no;

Rollcall vote 264, I would have voted "aye";

Rollcall vote 265, I would have voted "aye";

Rollcall vote 266, I would have voted "aye".

I rise to address the Chair regarding my absence from rollcall votes 259–266 on Wednesday, May 12, 2010.

I was not able to cast my votes during roll call 259–266 because I was in bereavement of the passing of my mother, Ivalita Jackson. Had I been present, for rollcall vote 259, on agreeing to the resolution, H. Res. 1344, "Providing for consideration of the bill H.R. 5116,

the America COMPETES Reauthorization Act of 2010," I would have voted "aye"; for rollcall vote 260, on motion to suspend the rules and pass as amended, H.R. 5014, "To clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage," I would have voted "aye"; for rollcall vote 261, on motion to suspend the rules and agree as amended, H. Con. Res. 268, "Supporting the goals and ideals of National Women's Health Week, and for other purposes," I would have voted "aye"; for rollcall vote 262, on agreeing to the amendment to H.R. 5116, "Gordon Amendment No. 1," I would have voted "aye"; for rollcall vote 263, on agreeing to the amendment to H.R. 5116, "Hall of Texas Amendment No. 6," I would have voted "no"; for rollcall vote 264, on agreeing to the amendment to H.R. 5116, "Markey of Massachusetts Amendment No. 10," I would have voted "aye"; for rollcall vote 265, on agreeing to the amendment to H.R. 5116, "George Miller of California, Amendment No. 12," I would have voted "aye"; for roll call vote 266, on agreeing to the amendment to H.R. 5116, "Reyes of Texas Amendment No. 13," I would have voted "aye";

Tuesday, May 18, due similarly to the passing of my mother:

Rollcall votes 273 to 275, motion to suspend the rules, rollcall vote 273, I would have voted "aye";

Rollcall vote 274, I would have voted "aye";

Rollcall vote 275, I would have voted "aye".

I rise to address the Chair regarding my absence from rollcall votes 273–275 on Tuesday, May 18, 2010.

I was not able to cast my votes during rollcall 273–275 because I was in bereavement of the passing of my mother, Ivalita Jackson. I would like to state for the record how I would have voted had I been present.

For rollcall vote 273, on motion to suspend the rules and pass as amended, H.R. 2288, "Endangered Fish Recovery Programs Improvement Act of 2009," I would have voted "aye";

For rollcall vote 274, on motion to suspend the rules and pass as amended, H.R. 4614, "Katie Sepich Enhanced DNA Collection Act of 2010," I would have voted "aye";

For rollcall vote 275, on motion to suspend the rules and agree, H. Res. 1327, "Honoring the life achievements, and contributions of Floyd Dominy," I would have voted "aye."

On the 20th of May, due to the passing of my mother, I missed the following votes:

Rollcall vote 284, I would have voted "aye";

Rollcall vote 285, I would have voted "aye";

Rollcall vote 286, I would have voted "aye";

Rollcall vote 287, I would have voted "aye";

Rollcall vote 288, I would have voted "aye";

Rollcall vote 289, I would have voted "aye";

Rollcall vote 290, I would have voted "aye".

I rise to address the Chair regarding my absence from rollcall votes 284–290 on Thursday, May 20, 2010.

I was not able to cast my votes during rollcall 284–290 because I was in bereavement of the passing of my mother, Ivalita Jackson. I would like to state for the RECORD how I would have voted had I been present.

For rollcall vote 284, on motion to suspend the rules and pass as amended, H.R. 5327, "To authorize assistance to Israel for the Iron Dome anti-missile defense system," I would have voted "aye".

For rollcall vote 285, on motion to suspend the rules agree to, H. Res. 1256, "Congratulating Phil Mickelson on winning the 2010 Masters golf tournament," I would have voted "aye";

For rollcall vote 286, on motion to suspend the rules and agree to, H. Res. 1336, "Congratulating the University of Texas men's swimming and diving team for winning the NCAA Division I national championship," I would have voted "aye";

For rollcall vote 287, on motion to suspend the rules and pass as amended, H.R. 1361, "Recognizing North Carolina Central on its 100th anniversary," I would have voted "aye";

For rollcall vote 288, on ordering the previous question, H. Res. 1363, "Granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into underground coal mining safety," I would have voted "aye";

For rollcall vote 289, on agreeing to resolution, H. Res. 163, "Granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into underground coal mining safety," I would have voted "aye";

For rollcall vote 290, on motion to suspend the rules and pass as amended, H.R. 5128, "To designate the Department of the Interior Building in Washington, District of Columbia, as the Stewart Lee Udall Department of the Interior Building," I would have voted "aye";

Accordingly, I continued to miss time on the passing of my mother on May 24, and I missed rollcall votes 291 to 293.

I would have voted, on rollcall vote 291, I would have voted "aye";

Rollcall vote 292, I would have voted "aye";

Rollcall vote 293, I would have voted "aye".

I rise to address the Chair regarding my absence from rollcall votes 291–293 on Monday, May 24, 2010.

I was not able to cast my votes during rollcall 291–293 because I was in bereavement of the passing of my mother, Ivalita Jackson. I would like to state for the RECORD how I would have voted had I been present.

For rollcall vote 291, on motion to suspend the rules and agree to H. Res. 278, "Expressing the sense of Congress that a grateful Nation supports and salutes Sons and Daughters in Touch on its 20th Anniversary that is being held on Fathers Day, 2010, at the Vietnam Veterans Memorial in Washington, the District of Columbia," I would have voted "aye";

For rollcall vote 292, on motion to suspend the rules and pass as amended, H.R. 1017, "Chiropractic Care Available to All Veterans Act," I would have voted "aye";

For rollcall vote 293, on motion to suspend the rules and pass as amended, H.R. 5330, "To amend the Anti-trust Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act for a 5-year period ending June 22, 2015, and for other purposes," I would have voted "aye".

On Tuesday, May 25, accordingly, I missed the following votes pursuant to the earlier statement:

Rollcall vote 294, I would have voted "aye";

Rollcall vote 295, I would have voted "aye";

Rollcall vote 296, I would have voted "aye";

Rollcall vote 297, I would have voted "aye";

Rollcall vote 298, I would have voted "aye";

Rollcall vote 299, I would have voted "aye";

Rollcall vote 300, I would have voted "aye";

Rollcall vote 301, I would have voted "aye".

I rise to address the Chair regarding my absence from rollcall votes 294–301 on Tuesday, May 25, 2010.

I was not able to cast my votes during rollcall 294–301 because I was in bereavement of the passing of my mother, Ivalita Jackson. I would like to state for the RECORD how I would have voted had I been present.

For rollcall vote 294, on motion to suspend the rules and agree to H.R. 5145, "Assuring Quality Care for Veterans Act," I would have voted "aye."

For rollcall vote 295, on motion to suspend the rule and agree to H. Res. 437, "Expressing support for designation of May 2010 as Mental Health Month," I would have voted "aye."

For rollcall vote 296, on motion to suspend the rules and agree as amended to H. Res. 1382, "Expressing sympathy to the families of those killed by North Korea in the sinking of the Republic of Korea Ship Cheonan, and solidarity with the Republic of Korea in the aftermath of this tragic incident," I would have voted "aye."

For rollcall vote 297, on motion to suspend the rules and agree as amended to H. Res. 584, "Recognizing the importance of manufacturing and modular housing in the United States," I would have voted "aye."

For rollcall vote 298, on motion to suspend the rules and agree as amended to H. Res. 3885, "Veterans Dog Training Therapy Act," I would have voted "aye."

For rollcall vote 299, on motion to suspend the rules and concur in the Senate amendments to H.R. 2711, "Special Agent Samuel Hicks Families of Fallen Heroes Act," I would have voted "aye."

For rollcall vote 300, on motion to suspend the rules and agree as amended to H. Res. 1189, "Commending Lance Mackey on winning a record 4th straight Iditarod Trail Sled Dog Race," I would have voted "aye."

For rollcall vote 301, on motion to suspend the rules and agree as amended to H. Res. 1172, "Recognizing the life and achievements of Will Keith Kellogg," I would have voted "aye."

May 26, I was unavoidably detained on official business. I missed rollcall vote 302. I would have voted aye;

Rollcall vote 303, I would have voted "aye";

Rollcall vote 304, I would have voted "aye"; and

Rollcall vote 305, I would have voted "aye".

I rise to address the Chair regarding my absence from rollcall votes 302–305 on Wednesday, May 26, 2010.

Mr. Speaker, I was not able to cast my votes during rollcall on Wednesday, May 26, 2010, because I was away from the office on official business. I would like to state for the RECORD how I would have voted, had I been present.

For rollcall vote, 302, on motion to suspend the rules and agree to H. Res. 1347, "Honoring the workers who perished on the Deepwater Horizon offshore oil platform in the Gulf of Mexico off the coast of Louisiana, extending condolences to their families, and recognizing the valiant efforts of emergency response workers at the disaster site," I would have voted "aye."

For rollcall vote 303, on motion to suspend the rule and agree to H. Res. 1385, "recognizing and honoring the courage and sacrifice of the members of the Armed Forces and veterans, and for other purposes," I would have voted "aye."

For rollcall vote 304, on motion to suspend the rules and agree as amended to H. Res. 1316, "Celebrating Asian/Pacific American Heritage Month," I would have voted "aye."

For rollcall vote 305, on motion to suspend the rules and agree as amended to H. Res. 1169, "Honoring the 125th anniversary of Rollins College," I would have voted "aye."

DON'T ASK, DON'T TELL: "IT COMES DOWN TO INTEGRITY"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, we heard all of the arguments before we had our votes yesterday on Don't Ask, Don't Tell, but in the past we heard very similar arguments. The Secretary of the Army said he was concerned about how the proposed change would affect the efficiency of the Army. A 5-star general warned of social experiments and worried that with reform in military personnel policy, we may have difficulty attaining high morale.

Those are not quotations from 2010, Mr. Speaker. Those are not quotations about the right of gay and lesbian Americans to serve openly in the military. They are from more than 60 years ago during the debate over racial integration of the Armed Forces. Does anyone believe they were right? If so, please speak up.

Is anyone prepared to argue that our military has suffered from the full participation of African Americans in its ranks? Thankfully, a majority in this body remembered this history lesson

last night when we made history by voting to repeal the Don't Ask, Don't Tell policy, an embarrassment unworthy of a great country and a great military.

It has been responsible for the discharge of 13,000 honorable Americans, men and women who were told their services were dispensable not because of how they behaved, but because of who they are. It has done violence to cherished American values like equality, inclusion, and tolerance. And it has damaged our national security, too.

Given the military's recruitment challenges at a moment that we're still, unfortunately, fighting two wars, it is incomprehensible to me that we would reject any capable person who wishes to serve. It was particularly galling to watch as hundreds of language specialists who could speak Farsi and Arabic were dismissed just when they were needed the most, when our occupation of Iraq began.

The assertion that openly gay servicemembers would undermine unit cohesion is just bunk, Mr. Speaker. It is an argument based on fear, not fact. The research suggests that Iraq and Afghanistan veterans are comfortable serving side by side with fellow soldiers who happen to be gay or lesbian. To suggest otherwise is to insult our troops, as the author of the amendment, Mr. MURPHY, has pointed out, because it assumes our soldiers are so unprofessional, and even unpatriotic, that they would let another soldier's sexual orientation distract them from the mission.

Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff, may have said it best when he said, "I cannot escape being troubled by . . . a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me personally, it comes down to integrity—theirs as individuals and ours as an institution."

And last night, Mr. Speaker, it came down to our integrity, the integrity of those of us who have the privilege to serve in the people's House. I can't remember too many prouder moments during my time here, because at least we have the integrity to do what's right—to support our troops and strengthen our military by repealing the cruel and un-American Don't Ask, Don't Tell policy.

HONORING CORPORAL JEFFREY W. JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. MCCAUL) is recognized for 5 minutes.

Mr. MCCAUL. Mr. Speaker, as we go back home to our districts to honor the veterans on Memorial Day, today I rise

to honor a true American hero, Corporal Jeffrey Johnson, 3rd Battalion, 1st Marine Division.

Born January 27, 1989, in Charleston, South Carolina, Jeffrey joined the Marines in July of 2007. He was killed on May 11, 2010, in the Helmand province in Afghanistan, where we have seen some of the fiercest fighting in the war as the surge moves forward to victory. He was 3 weeks into his second deployment when he was killed by an IED while on patrol.

□ 1645

Corporal Johnson is a graduate of Waller High School and is now being touted in the media as a son of Tomball, Texas. Jeffrey loved Ford trucks and he loved the outdoors, especially hunting and fishing. Corporal Johnson joined the military to provide education and other options. He wanted to attend the University of Texas and become either a game warden or a State trooper.

Katy Anguish, his wife, wanted people to know that Jeffrey was a creative person. He loved to have fun. I spoke to the family the day Jeffrey was brought home to his final homecoming to offer my condolences on behalf of a grateful Nation and to give them flags flown over the United States Capitol in his honor.

To his wife, Katy Anguish; his father and stepmother, Jerry and Kelly Johnson; his mother, Dawn Hardwick; sisters Ashtian Bennett and Kassidy Johnson; his brother, Jason Martin; his grandparents, Delores Campbell, Glenda Schneider, John Farmer, and Jerry Tyner, it's hard to put in words how you must feel, but know that the United States Congress and the American people are so grateful for your son's service.

Unfortunately, I have attended too many military funerals, as many Members of Congress have, but I have never seen such an overwhelming support and love in the welcoming home of this fallen hero.

He arrived by airplane from Afghanistan in Tomball, Texas. He was greeted by the marines, who carried his casket to the hearse. It reminded me of the greatness of this country. It was so inspiring to me that at a time of great tragedy and sorrow that over 30,000 people in a small town showed up to pay their respects, to show their appreciation for a man who made the ultimate sacrifice for his country, to signal to the rest of the Nation that patriotism and love of country are still alive and well in America, and it restored my faith in America.

The Tomball Fire Department hung a large U.S. flag from two extended ladder trucks as Corporal Johnson's body traveled by motorcade to the funeral home. Thousands of friends, veterans, school children, and ordinary citizens, showed their support and lined the

streets waving American flags. This is what it's all about.

As a Member of Congress, the hardest thing we have to do is to comfort families when they have lost a loved one in a time of war. My heart goes out to the family.

But Jeffrey did not die in vain. He was part of something greater than himself. He was on a mission for freedom and liberty, on a mission to liberate the world from the scourge of terrorism.

My father, a World War II veteran, was part of what we now call the Greatest Generation. Jeffrey is now part of a new great generation of heroes.

His life embodies what we see in the Gospel of John, Chapter 15:13, "Greater love hath no man than this, that a man lay down his life for his friends."

Jeffrey, you are home now with God. Well done, good and faithful servant. May God bless you and may he hold you in the palm of his hand.

I would like to close with a quote from Abraham Lincoln's Gettysburg address, which I read to the family the day of the homecoming. His words are as timeless today and relevant as they were so many years ago, when he said, "The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this Nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the Earth."

God bless you, Jeffrey.

HONORING GARY WAYNE COLEMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it is with great sadness that I learned of the passing today of actor Gary Wayne Coleman. Although short in stature, Gary stole the hearts of American viewers with his humor and his infectious smile. He lived his life with a spunky sense of humor.

Coleman was born in Zion, Illinois. He was adopted by Edmonia Sue, a nurse practitioner, and W.G. Coleman, a forklift operator. He suffered from a congenital kidney disease which halted his growth at an early age, leading to his small stature.

Gary was best known for his role on "Diff'rent Strokes." He was cast in the role of Arnold Jackson, where he portrayed a child adopted by a wealthy widower. The show was broadcast from 1978 to 1986 and was a huge success.

At the height of his fame on "Diff'rent Strokes," he earned as much as \$100,000 per episode. Gary also appeared on "The Jeffersons" and on "Good Times." He also appeared in a 1978 pilot for a revival of "The Little Rascals," as Stymie.

His life was tough after he was off the small screen and the large screen. He struggled, but he won the attention of the world as an actor. I want to join with his family and the rest of his fans and those who admired and loved him and extend my condolences to his family, his friends, his fans and those that he worked with throughout his career.

We all mourn the passing of Gary Wayne Coleman.

AMERICAN JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, this has been a whirlwind of a week, and I believe it is more than appropriate to summarize for the American people the real work that has been done, the triumphs, the challenges, but also the admitted courage of those who recognize that without heavy lifting, this country may not have been explored and stretched to the far reaches of the west coast, where many who traveled beyond the original settlements went West, young man, courage of Americans. This country would not have been great had Abraham Lincoln not stood up to a divided Nation, spoke against the evils of slavery, and unified this Nation.

Although we have traveled a rocky road in the 20th century, moving to ensure the equality of all persons through the civil rights movement and women's movement, there have been many women of courage who made America different and better. I am grateful today that we left this place having voted on the American jobs bill that will provide for small businesses, that will create summer jobs, that will stop the moving of jobs overseas, that provide for the closing of tax loopholes, that provide for the physicians who nurture us, provide for our families, and it will create jobs.

A position I have taken is on an amendment that I have written that would allow those unemployed to receive training and stipends without losing their unemployment insurance. Oh, yes, Mr. Speaker, we have work to do. I ask the governors of our States to stand up and be heard and provide for the FMAC, the Medicaid that is so much needed. I will fight with you. Of course, we need to work on the COBRA.

But what we have done is to provide for jobs. Then we have said to the men and women of the United States military, we believe in you, providing for more benefits, more quality of life support for their family, more posttraumatic stress disorder counseling, providing for counseling of civilians that might have suffered a violent act on a military base such as those in Fort Hood—and an amendment that I offered will support it—provided opportunities for small businesses to do business with the Defense Department.

To stand up for justice, to stand up for a young man by the name of Ensign Provo who lost his life because of his sexual orientation and the ugliness of hate, I believe we did the right thing in eliminating Don't Ask, Don't Tell, because the men and women in the United States military are well aware of what justice is all about. They are well aware of what political grandstanding is all about. They are well aware that this amendment will only move forward after we have scrutinized your opinion.

Thank you to the men and women who are courageous enough to send us home, along with my own vote, to say to those who are an American in need that we believe in you and have fought for you.

I close by thanking my beloved mom and acknowledging that her teaching gave me the grounding to be able to say that all men and women are created equal. She is no longer here, but I truly believe teachings of our mothers and fathers have always brought us to the higher calling of being able to help all people.

On behalf of myself, my brother and our extended family, we are grateful to all who expressed their concerns. I just believe, with all seriousness, that what we must do is continue to help people to make their lives better and to change America for the best.

I think we have got the best constitutional institution of democracy the world has ever seen, and that is the United States Congress. As we disagree, we still uphold this flag and the Constitution of the United States of America. We have now been sent home with a great amount of bounty for the American people and those who are in need, and we have gone home to say thank you to the men and women in the United States military and to acknowledge and to appreciate and to honor those who have fallen in battle.

May God bless you as God blesses America.

There was no objection.

□ 1700

THE WEEK AT A GLANCE IN CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Mr. Speaker, it has been quite a week. We've heard friends across the aisle get up and talk about how we've "expanded civil rights in the military." And I appreciate the fact that friends believe they did a wonderfully noble thing for the military, just as they would probably think they did a wonderfully noble thing to expand civil rights in courts martial that occur in the military. But the fact is, under our United States Constitution, that so many people want to keep referring to when it's convenient, it anticipates that there will be different rights afforded in different areas, one of which is in our United States military.

The purpose of the military is not to be some socially engineered experiment. It is to do one thing, and that is to protect our homeland, protect our way of life. For that reason, the Constitution anticipated that Congress, under its authority to create courts, could set up military commissions, could set up and pass the Uniform Code of Military Justice, which gave the military an entirely different type of structure when it comes to processing their rights and adjudicating different aspects of military life. Because to do otherwise, to give everyone in the military, as I was for 4 years, the same rights that are afforded in a civilian court means that you can destroy the function of the military because so often the military doesn't have time to do all of the same things a civilian court does. That's why the UCMJ was created, that's why it's constitutional, and that's why we needed some forum like that for our military.

It is always an honor to get to speak in this hallowed Hall, but hopefully we can cast some light on what it means to be in the military because, for example, if you are suspected and there is probable cause to believe that a military member has committed a crime, then it can be pursued as an article 15, nonjudicial punishment. And as we saw with the outrageous pursuit of an article 15 against three valiant servicemembers, they had the right to choose not to accept the nonjudicial punishment that could have forced them into restriction, extra duty, taken away pay, dropped them in rank. Instead of having that forced on them, they were afforded their right, under the UCMJ, to say I'm not going to accept this; I

want to go to trial in a court martial. That's what occurred, and all three were acquitted—fortunately and appropriately. But that's one of the ways.

Another way is the commander, at different levels of command, can order a court martial be convened. A court will be convened, and a military judge is appointed. And if it is the commanding general of a facility, he can order a general court martial, the highest level court martial under the UCMJ. And at that general court martial, you can have a dishonorable discharge—and it depends on the crime as to how serious the punishment could be—but it could be as serious as a dishonorable discharge and even life in prison. So it's a very serious matter.

But whereas during the days when I was a prosecutor, an attorney, a judge, a chief justice, when there was a jury selection in a civil court, you randomly sent out notices and randomly brought people in, and then you went through a jury qualification with all of those and called out those who did not meet the requirements of the law to be a juror in a particular case. And then once the jury panel was qualified, they were brought before the parties of a particular case and they went through what we in Texas call voir dire, but most of the country calls voir dire—it's just the way we talk in Texas. But during voir dire, the attorneys have the opportunity to ask questions of the jury panel so that they can determine whether or not there are people who can be struck for cause, and to also allow them to exercise what are called peremptory strikes so they can go through—and in Texas, you can have as many as 10 strikes in the right cases—to strike them for any reason as long as it was not prohibited by the Constitution, strike people for no reason.

In the military, if a commanding general convenes a court martial, it means he has signed off ordering that that servicemember be prosecuted. So he's the convening authority for the court martial. He has ordered that this person be prosecuted, so he is satisfied in his mind, he thinks this guy ought to be prosecuted, brought to justice. And then that same authority gets to pick the people who will be on the jury. And the attorney for the defendant in the military will have no rights to peremptory challenges as you would in the civilian court. They would have no right to try to determine who he would like to strike for peremptory reasons.

It's a very difficult process for a defendant or defense attorney. There are cases in which someone can get life in prison in the military and may only have five members handpicked by the commanding general to be on the jury. Now, why would that be allowed? That probably just really infuriates some who are so concerned about civil rights and they will say, well, that's not fair. But what they don't understand is, in

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order speech in favor of the gentleman from Texas (Mr. GOHMERT) is hereby vacated.

the military, you can't go through all the processes that we have so luxuriously been bestowed with in the civilian sector and still be able to fight wars and protect us against all these enemies, foreign and domestic. There has to be a difference in the rights that are afforded those in the military and those in the civilian sector, or the military cannot function. If they are out on the battlefield, they don't have time to go through a full civil trial and afford all the civil rights because, if they did, they would lose every battle. You can't do that to them and expect them to defend us.

So there are different rights for those in the military than those in American society, and it has to be so to have the strongest military that mankind and the world and history has ever known and ever seen, and that is exactly what we have today.

But our military was made promises earlier this year from the White House through the leadership here in Congress. They were promised that we're looking at changing the policy of Don't Ask, Don't Tell, which will allow those who practice homosexuality to do so openly and overtly. For most of the history of our Nation, the military has made sodomy a crime for which you could go to prison. So we've made a dramatic turn in more recent years so that people could feel comfortable that they are afforded all the civil rights.

We're moving to giving our military all the civil rights that we all have in the civilian sector, not realizing a military can't function like that, not realizing that the military has to have different rights, to some extent, in order to function properly. Because those in the military and most who have served in the military—obviously not all—out of the millions and millions and millions—our colleagues across the aisle keep talking about 13,000—but of the millions and millions and millions who have served in our military, most understand that when you are in harm's way and you have people firing at you and you're hunkered down in a bunker or you're in a foxhole, you're in an untenable position and lives are at risk, that one of the strongest tendencies in the human body, the sexual urge, needs to be one that is not an issue. So whether it is those who cannot control their urges of heterosexuality or homosexuality, it absolutely should not be an issue when it comes to combat.

And because those in the military have been scared to death of what kind of transformative change the repeal of Don't Ask, Don't Tell would have, what it would mean, what it would do to their functioning, their ability to function as a military and protecting us, they ask, At least let us submit our opinions, let us give you our input. We're the ones out here willing to lay down our lives for you in Congress, for you in America, for you in the ACLU.

We're the ones out here willing to lay down our lives for you, let us have some input, let us tell you how it is in the military because we're not sure you understand it has to be different in the military for the military to function.

And our White House and our majority leaders in Congress said, We hear you and we'll listen to you. We're going to do a study, and it's due December 1 of this year. And we will get your input because you're out there willing to lay down your lives for us, so we'll get your input and we'll have a study on exactly what kind of transformation this will make in the military. Will there have to be separate quarters for heterosexual males and homosexual males and heterosexual females and homosexual females? I mean, what is this going to look like in the military? What are we going to need to do in the way of facilities to accommodate the different types of sexual attraction?

It's going to be an interesting question, and I think it's very important to get that study. We need to know what it's going to do. How much is it going to cost our military in the way of time and transformation at the very time they're losing their lives in Afghanistan? We still lose some in Iraq. And what many people don't know and what broke my heart in peacetime was to attend funerals of military friends during peacetime, because people die even in peacetime in the military. What is it going to do to the military trying to adapt to another potential war?

What if Iran gets their nuclear weapons because all we're doing is playing footsie talking about sanctions at a time that Iran's centrifuges continue to spin, they're spinning, they're continuing to enrich uranium, they're getting closer every day to not having the small amount they've got, but moving toward full enrichment and the full bomb that could take out Israel. And if you read the quotes from Ahmadinejad, he makes it very clear—even though reporters in America have been scared to ask him anything other than ridiculous questions and not get to his claims that he is going to destroy the "Great Satan" America—he has made clear that our way of life needs to be wiped off the planet, as does that in Israel. He has made it very clear. And in furtherance of that goal, he has made clear they're continuing to move toward nuclear weapons, and we are not going to stop them.

And we talk about sanctions. Now, China, to their credit, has been honest. They say, we don't want to go along with sanctions. I've been very concerned that China will come along and say, you know what? We'll agree to sanctions, just like Germany, France and Russia did against Iraq during the Oil-for-Food sanctions. And then we found out later after we went into Iraq that Germany, France and Russia had

been cheating and had made billions and billions of dollars. They loved having the sanctions because it meant they had no competition because everyone else was observing the sanctions.

□ 1715

So, it is to China's credit that they have at least been honest enough to say they don't think the idea of sanctions is a good idea because, if they did and if China said, Okay. Okay. We'll do sanctions, and then they started cheating, not only have we not done anything with sanctions, but we've enriched people who wouldn't mind seeing us leave this Earth as the greatest Nation in history. So we need our military to be able to function as well as it is now.

We have heard testimonials from those who have said, I had a friend who couldn't stand to keep his homosexual feelings private. He had to go overt. He had to go public. He wanted everybody in the military to know. Yet, even though the vast majority of the military says that creates a real problem for us, our majority voted yesterday: Not only are we going to force you to have a different system than you've ever had before, but we don't care what you think.

Now, we've heard today that—let's see. I believe the term "political grandstanding" was used. The fact is I've been heartbroken for my friends in the military. People I know so well are heartbroken over what we've done. We've betrayed our promise to the military. When I say "we," I mean this body. We are part of it. We have betrayed our promise to the military that we would hear them out.

Why would we rush in and pass the elimination of Don't Ask, Don't Tell right now? We told them we'd wait for the study, and people yesterday were saying, Well, we're going to wait for the study. We're just going to pass it now that we're going to eliminate it, regardless of what they say, and then we'll get the study at the end of the year and use that.

Well, the headlines already hit the paper—last night and this morning. The military reads the news. Although, they can't complain about things that their Commander in Chief orders because that would be punishable by court-martial. They read the news. They know when they are about to be adversely affected, and they know when they've been made promises that haven't been kept by the very people sending them out to potentially lay down their lives, and they know the headlines in the papers all read that the House voted yesterday to repeal Don't Ask, Don't Tell.

Is it so much to ask in the military that you keep your sexual desires private so that we all concentrate on our military missions? Wouldn't that be a good idea?

You know, I've known people to be kicked out of the military for having affairs because it has adversely affected the morale and the well-being of the military. You can't put up with that. When it hurts its well-being and the morale of the military, it needs to be dealt with or you'll lose your military. We've had a policy since 1993 that President Clinton put in place, which said, Look. Just keep your sexual attractions private, and we welcome you to serve in the military; but our number one function in the military is to provide for the common defense, and anything that distracts from that is not appropriate.

We heard the civil libertarians, who were so proud last night, clapping and cheering over the fact that we've betrayed our promise to the military, clapping and rejoicing that the huge, vast majority of the military was begging them not to do this, but they wouldn't wait for the official report.

I still am heartbroken.

For the charge of political grandstanding on our side of the aisle, I come back to the question again:

Why was it so important to betray our promise to the military that we would wait and get their input on what was going to have such a profound effect on the way they protect us and on the way they live every day? Because it isn't like living in the civilian sector. I can assure you that.

Could it have been that the political left was getting upset that the majority had not done enough for them and their view and that, if they didn't rush and do something big to show them they really cared about the far left, they would not be there for them in the fall for November's election? Could it be that the majority wanted to stay in the majority and that they didn't want to lose such an important part of their base, albeit the far left end? Could that have been the reason that we had to rush in here and pass this law yesterday and betray our promise to this Nation's military?

I am at a loss, particularly as we recess to go home for Memorial Day to pay tribute to those who have made the ultimate sacrifice for this Nation.

As John 15:13 said, "Greater love has no one than this, that he lay down his life for his friends." We are to pay tribute to them at the same time we've betrayed the promise we made to them, dramatically altering their future.

One other point. Then I have a friend from Minnesota here, and I want to yield to her.

On the very day after we betrayed our promise to the military and basically said, We don't care what you think. We're going to change your way of life, and we're going to change the way everything works in the military, particularly while we're in two battlefields, we took up today an amendment to H.R. 5116.

In that amendment, all it was asking was that our disabled veterans be given the same special consideration that minorities are given under this bill, those who are trying to get an education in a college or in a university. Most of us over here on this side did not think that was such an untenable position.

Our disabled vets, those who have lost part of their lives and their ability to function physically, we can't even give them the same consideration that a minority gets who attends a college or a university?

I figured it would be virtually unanimous. Yet the amendment failed. The majority brought down the amendment and said, You know what? Disabled veterans, on the day after we betrayed our promise to the military, we're not even going to give you the same status as a minority in America to help you further your education. We don't want you to have that special consideration.

So, if you listen to the beautiful prose that is spoken here on the floor, you would believe that every single Member of this House wants to do absolutely everything they can for our veterans, but if you look at what was done, we've betrayed our military, the promise we made to them. Then, the next day, we said, We don't consider you, disabled veterans, to be as important as minorities in America.

Why wouldn't they be? I am at a loss.

I yield to my friend from Minnesota.

Mrs. BACHMANN. I thank the gentleman from Texas, and I thank him for his statements in reviewing some of "the week that was."

That's really the theme of this hour that we have. We are talking about some of the events that have happened, a kind of "week in review," if you will, of the events of this week. I'm sure the gentleman will want to comment on some of these things as we go on, but we need to go through items that are very crucial and critical, not only to the future of the Nation but to what has happened, in particular, this week. We saw this week that our country took a very historic line and broke it, and it was this:

We broke the \$13 trillion mark in debt for this country. This is real money, and all we have to do is know the comparison. Think of dollars in terms of time. A million seconds equals 11½ days. A billion seconds equals 32 years. A trillion seconds equals 32,000 years.

Then think of that in terms of money and what debt will mean for the new generation that is coming up. All of us are a part of the debt-paying generation. All of us have to pay for this out-of-control spending, but it is in particular those who are born today, who are between the ages of 5 and 30, who are now the debt-paying generation. Just with the stimulus bill alone, \$787 billion, which we didn't have, we had to

go and borrow it from foreign countries in order to spend that money. With debt service, that bill will cost us over \$1 trillion. This is the cost of that bill to the debt-paying generation.

Those who are between the ages of 5 and 30 will spend, presumably, 45 years in the workforce. For every month the debt-paying generation is in the workforce, one will effectively have to go out and buy a full-sized iPod and give it over to the Federal Government. The next month, one will have to go out and buy another full-sized iPod and give it over to the Federal Government. That is the real cost for the debt-paying generation's lives, those who are between the ages of 5 and 30. For 45 years, they will have to effectively buy the price of a full-sized iPod for their portion of paying off just that one debt obligation that has been accrued by this body.

This week, we broke the \$13 trillion mark. No one's hands are clean on this deal. Republicans spent too much money. This red line on the chart shows the excess debt that was accrued under Republican leadership. This blue line shows the excess debt that was accrued under Democrat leadership. It's by a 2:1 ratio, so it's both parties that have been part of the problem. Yet, under the recent leadership of the Democrat Party, we have seen literally debt fall off a cliff of fiscal sanity.

I have another figure that came out this week as well that I'd like to share, and it's on who is getting paid and on what has happened to pay scales in the United States. No one thought it could get this out of whack, but this is how stunning the statistic is.

If we look at those who are government workers, Federal employees, and if you take comparable professions in the private sector versus those of government employees, government employees, on average, make more than private employees in 83 percent of all professions. So, whether it's white collar or blue collar or management or professional or highly skilled or low skilled, it doesn't matter. In 83 percent of all professions, it's the government worker who is making more than the person in the private sector.

Well, is that so bad?

Well, consider it's the private sector that creates the revenue to pay for the government workers. Not only do the government workers make more; they make substantially more than their counterparts in the private sector—on average, 20 percent more in wages—but that isn't the whole package. When you combine the wages with the benefits package, which would be health care and retirement benefits, the government employees are making double what their counterparts are making in the private sector.

So, if you take someone, let's say, who is a janitor who is working for the government, the person is making, on

average, double what a janitor is making in the private sector. If a person is a cook or if a person is a copy editor, on average, they are making double what people are making in the private sector. If you're working in the private sector at the exact same job, you're making about \$60,000 a year versus \$120,000 a year if you're a government employee.

So, today, this body was offered the opportunity to freeze the increase in wages for government employees. This body decided to take a pass. They didn't even want to freeze the increase, the next increase, in wages for the only sector in this economy that is making double what people in the private sector are making.

We also offered an opportunity for people in this body to freeze the wages of Members of Congress in 2011 and thereafter. Again, this body took a pass. Recently, on a Web site called YouCut, 500,000 American people voted and said this is the number one issue they would like Congress to address—freezing the salary of government employees.

Did this body listen? Well, not the majority party.

Those who are in the Republican Party voted almost uniformly to freeze the wages. In fact, I think it was uniform. One hundred percent of Republicans voted to freeze the wages of government employees and to freeze the salaries of Members of Congress. That didn't happen on the Democrat side of the aisle. Perhaps that could be because, as we have seen, it is the Democrats, unfortunately, who have been wild with taxpayer money, spending it at a rate of over double the excess rate that Republicans have spent. That's just one of the issues that has happened this week.

□ 1730

We also were watching the tragedy of the administration's late-to-the-dance response to the tragedy of the Deepwater Horizon explosion in the Gulf of Mexico with BP. Where was the competence from the Federal Government and from the Obama administration when we needed them most, when all of this oil has been gushing into the Gulf and destroying the shoreline of the Gulf of Mexico, destroying the way of life and fishing opportunities and rich tourism opportunities for those who live on the Gulf Coast? Where was the competence from our government when we needed it most?

We haven't seen competence in the government's hands-off policy with this disaster. We needed to ask the question on day one, what did the Obama administration do about the Coast Guard? What did they ask the Coast Guard to do to intervene? On day one, they weren't there. What did the administration do on day one with the booms that could have been put out in

the ocean in order to quarantine off, if you will, this oil as it surged to the surface? Nowhere to be found.

The administration, they were hands off. They didn't do anything. Where were the boats that could have been commandeered by the government to be sent into this region to deal with that oil plume as it was coming up in the water and destroying marine life? Nowhere to be found. Why? The administration was hands off on this policy. They were missing in action.

Where was the emergency plan to deal with an oil rig explosion? There wasn't one. We found out to our horror there was no plan A, much less any plan B to deal with an emergency of this magnitude. And still the oil flows.

Also we saw this week the travesty of 1,000 soldiers now dead in Afghanistan. This is a horrible, chilling thought to see this happen, and we mourn their loss and we weep for their families and thank them for their service to our country.

Then, finally, today more news came out from the White House. We saw this week that back in February Representative JOE SESTAK of this body said he was offered a job by someone in the administration in order not to run against Senator SPECTER in the primary in Pennsylvania.

Today, after three months, the White House said it was former President Bill Clinton who as an intermediary offered Mr. SESTAK a job to stop running for political office in the primary in Pennsylvania against Senator SPECTER. Why? Because apparently President Obama backed Senator SPECTER for that political office. The only problem is that this activity is illegal to do under the United States Code, whether a job was offered either directly or indirectly by the administration.

When President Obama was asked yesterday in his press conference, the President refused to answer the reporter when he asked the question, Major Garrett. Instead, the President said the White House would issue a formal response.

Well, the American people need answers to this very serious question that was asked by Major Garrett: Who authorized former President Clinton to make this offer to Mr. SESTAK? We don't know. The White House won't tell us. Who on the President's staff was involved in any of these discussions? We don't know. The White House won't tell us. What was offered to Mr. SESTAK? We don't know. The White House won't tell us. Who was present when the offer was made? We don't know. The White House won't tell us. And what was the reply? We don't know. The White House won't tell us.

Did President Obama discuss this job for leaving the political race when he met with President Clinton this week at the White House? We don't know. The White House won't tell us.

This is a very serious charge, and for three months the media has failed to press President Obama for an answer, much less press him for details. Now that Mr. SESTAK has won the primary over Mr. SPECTER, this issue looms large, and it demands an answer from the White House.

Double standards are wrong when it comes to equal application of the law. The law should not apply just one way for Republicans and another way for Democrats. We need to get to the bottom of this very serious issue, no matter which political party is in the White House.

Mr. GOHMERT. Reclaiming my time, the White House has stonewalled, as the gentlelady has pointed out. But it has been also intriguing to me that you have a former admiral in the United States Navy who brought this up, and he has refused to give full details and make sure that the full truth about all of this was known himself.

I am deeply intrigued by that, because I understand that our colleague was a graduate in 1974 of the Naval Academy of the United States, and the academies have an honor code. And when I was in school at Texas A&M, we had an honor code as well. Aggies do not lie, cheat, or steal, or tolerate those who do.

The Naval Academy's honor code that is supposed to be kept by Naval Academy students and graduates says, "They stand for that which is right, they tell the truth, and ensure that the full truth is known." That is part of the honor code for midshipmen for the Naval Academy.

So I am looking forward to both the White House and our colleague stepping up and giving the full truth, so we can get this behind us and move on, for heaven's sake. It shouldn't have gone on this long without having a complete answer. There is no purpose to that.

We also heard this week from our colleagues how proud they were that they successfully passed within the last couple or three hours what is called the "doc fix," because doctors were going to be cut 20 percent in their reimbursement under Medicare.

I have seen documentation that makes clear that for some doctors, some treatment, when you cut them any more than they are already, they lose substantial amounts of money. So why would they even undergo to help someone with a physical problem on Medicare, particularly Medicaid that pays even less, when they are receiving less compensation than it costs them just to conduct the activity with the patient?

What has not been talked about here on the floor by those who are so proud that they passed the "doc fix" and did not cut the doctors 20 percent more this year was that, originally, there was supposed to be a fix in the reimbursement to physicians that would

last at least 3½ years, and then at the end it would begin being cut 20 percent again.

Well, what was inserted and actually came to the floor was a fix for not 3½ years, but 19 months, and at the end of the 19 months, instead of going back to a 20 percent cut again, it moved and advanced to a 33 percent cut.

Even though we had colleagues across the aisle so proud that they helped our doctors continue to be able to see patients, it turns out that not just the AMA—I don't really trust their endorsements after seeing what they did on the health care fiasco that would cut care to seniors by \$500 billion and would dramatically change their professions forever—but looking further, every physician organization that weighed in said this is a disaster. Don't pass this.

Yet it was passed anyway, and the majority stands up after it passes it and basically says, "You're welcome." You're welcome? They haven't really said thank you, because they were begging them not to pass it.

That is kind of what we have seen with the military as well. When we get into this area of special rights, as we have heard people clamor around the country for special rights in the military and special constitutional rights for those who are trying to kill and destroy us, if you go back, and I know everybody hasn't been fortunate enough to have a legal education. I am very blessed with a legal education at Baylor University. Serving in the Army for 4 years, you learn probably more than you ever wanted to.

But, anyway, terrorists, people who are part of a group who have said they are at war with this Nation, they are not entitled to the same rights under the Constitution that we are. Just like people in the military are not entitled to the same rights as people in the civilian sector, people at war with this country, going back to the Quirin case in 1942, they were called enemy combatants. If they abided by the Geneva Convention, if they wore a uniform, if they abided by the rules of law, then they were entitled to be treated as prisoners of war under the Geneva Convention.

We treat the enemy combatants who are not entitled to anything under the Geneva Convention better than the Geneva Convention affords them. And throughout the history of mankind, for people who have studied war, and if you are an officer in the military you have been required to study military history, you know that if a nation was a civilized nation and they captured people who were at war with them, part of a group or a country who said they were at war, then you held them until their friends or country said, we are no longer at war.

At that point, and it may be 10 or 20 years down the line, but at that point,

when the friends finally admitted we are no longer at war, then you would release those enemy combatants and let them return home on the promise not to be at war anymore.

And if they were suspected or there was probable cause to believe they had committed a war crime, then you didn't even release them to go back home, even if they served 20 years in a POW camp. You tried them before a military commission for war crimes. And, again, the Constitution of the United States anticipated that in those situations, when they were tried, it would be before a military commission, and the Constitution specifically gives the Congress the power to set up military commissions to do that.

But because people don't realize our way of life is at risk, and the Constitution, drafted by our Founders, who realized you have to have a different set of rights for those at war against you, they have pushed and said no, no, no; let's give these extra rights and treat these enemy combatants as extra special. That is why in the Military Commissions Act of 2006, which has been upheld by the U.S. Supreme Court, they were referred to as enemy combatants, going back to the Quirin case of 1942.

Well, once our friends across the aisle took the majority, they could not live with this horrible language of calling these people that want to kill us, destroy our way of life, destroy our families, our children, everything we hold dear, they didn't like them being called enemy combatants. It sounded offensive. So an amendment to the Military Commissions Act of 2006 was passed calling it the Military Commissions Act of 2009 in which we struck the language "enemy combatant."

It is no longer appropriate under the law of this Congress to call someone an enemy combatant who wants to kill us and destroy our way of life. Now we call them, and the term is quoted, "unprivileged alien enemy belligerent," hoping that will be less offensive to those who want to kill us, destroy us, wipe out our families and take all we have.

Mrs. BACHMANN. If the gentleman will yield, just recently the President made an announcement on the nuclear strategy document that he will also change the language and no longer allow the use of the term "extreme radicalism" in the document as well. Now we are applying terms of political correctness to our military documents and to our documents for our national security.

We can go ahead and change all the terms we want, but that doesn't make any difference to the people who mean to destroy our country and to kill our people. They still have the same intent. And it seems that the first rule of war is to know your enemy and appreciate what their purpose is.

I think the thing that shocked me the most in this Chamber was when we took a vote, the last vote of the week before we left town, and it was unbelievable, because it expanded the civil rights of terrorists.

If you recall, those who interrogate like, let's say the underwear bomber on Christmas Day, when he was taken off the plane and interrogators sat down with that underwear bomber to find out everything he knew, and, of course, we found out it was less than an hour he was subjected to interrogation.

Well, the bill that was passed in this Chamber would put a 15-year jail sentence on our interrogators, our good guy interrogators, if they were found to treat an alleged terrorist either inhumanely, cruelly or in a demeaning fashion.

□ 1745

Now, the one thing we know is that our Attorney General is now giving taxpayer subsidized attorneys to these terrorists after they try to kill us, which they don't necessarily have the right to. They're given Miranda warnings. The privileges and immunities under the Constitution reserved to a U.S. citizen are given to terrorists, they're given a taxpayer subsidized lawyer, and so how often do we think it will be that these taxpayer subsidized lawyers, under this new bill, will raise the issue that the interrogator was maybe demeaning his client? Try 100 percent of the time. And so, won't that have a chilling effect on our interrogators when they're trying to pull information out of these terrorists? Maybe information like, do you have a computer? How are you financed? Are there any other guys like you out there? Are there any more coming behind? Maybe information like that that would help us to keep our people safe.

This is the unbelievable action of the current Democrat majority that is not keeping our people safe, and, in fact, as the gentleman from Texas said, is working to enhance the civil rights, not of freedom-loving, God-fearing, patriotic Americans but of terrorists who seek only the destruction of the United States and to destroy the lives of the American people.

Mr. GOHMERT. I'm concerned, my friend keeps using the term "terrorist," and I'm worried that she may not realize that that might offend somebody that wants to kill her.

Mrs. BACHMANN. Thank God, if I could just reclaim my time, that we are standing in the well of the United States House of Representatives, one bastion left for free speech, at least I hope so for the time being.

Mr. GOHMERT. Well, as long as you don't say that somebody lied, then we're okay.

But I know that there are people who are concerned that if we are just nice enough to those folks who want to kill

us and destroy our way of life, that they'll come around and see how wonderful and nice they are. Unfortunately, they don't realize, to those who want to destroy our way of life and kill us, it appears to be weakness; and a weakness to them means we are worthy to be destroyed because we have no business being on the planet. But I know there are still those that say let's help those, do everything we can for them. And I come back to this article. There's a former CIA operative, Wayne Simmons, terrorist analyst, who was amazed at the medical treatment that was provided to those who want to kill and destroy us.

Having been to Guantanamo a couple of times myself, seeing the extraordinary court set-up that was ready to start trying terrorists back over a year ago when the President, the Commander-in-Chief, put the stop on it, they were about to go to trial and the first five to go to trial had already said they were going to plead guilty. But once they were told they were coming to New York and were going to get a civilian trial, well, obviously they made clear, well, we're going to be proud of what we did but we're not going to plead guilty. We're looking forward to that wonderful format in New York.

Again, for those who are worried that, you know, if we would just treat these folks nicely, they'll love us instead of wanting to destroy our way of life, well, I would give them humbly the example of Abdullah Massoud. Abdullah Massoud, a/k/a Said Mohammed Ali Shah, was released from Guantanamo. But because, during his attempts to destroy American lives, he had lost his leg below his knee, well, we fitted him with a prosthesis that cost between 50 and \$75,000. So those who were worried about if we just are nicer to these folks, well, we were nice to Mr. Massoud, gave him a prosthesis to help him, even though he lost his leg in trying to kill us. Well, we tried to help him and did and gave him that wonderful prosthesis, American ingenuity at its best, creating a prosthesis like that that would help him walk, help him be a participant in society.

So knowing that he would surely have to love us after we had helped restore his leg that he lost trying to be violent against us, he was released. And he, according to Pakistani officials, directed a homicide attack that killed 31 people in Pakistan, and then 2 months later, when he was about to be captured by Pakistani forces, he blew himself up, including the \$75,000 prosthesis. Apparently, it didn't mean a whole lot, how nice we were to him in Guantanamo.

On my first trip to Guantanamo, it was interesting. At one point there were a couple of us that were in one of the detention areas. We had been warned, now, when we go through this

door, do not talk because you won't be able to hear their interaction between each other if they know a voice that they're not familiar with is somewhere around here.

And so we listened. There was laughing. I didn't understand what they were saying, kidding around, a lot of banter back and forth between the different units where they were being held. And as we stood at the end of the hallway, someone with us said something that was heard by those on that hallway, and immediately, the banter, the cheerfulness turned into, "Help, I'm being tortured. Help." And we were treated to cries for help. They didn't realize that we had been hearing them kidding around, laughing and joking with each other until they heard that a new voice was on the floor. And we were told, that's because they know that there are different groups that come, Amnesty International, different ones that come to check on them, and so that's why as soon as they hear a voice that they don't hear every day, they want to make sure that they get lots of sympathy. It's what they're trained to do. It was just amazing to observe that firsthand. It was really interesting and amazing.

But also, we know that no one who is a guard is allowed to assault or even speak in a negative way toward anyone being held at Guantanamo. The only assaults now for some years that have gone on at Guantanamo occur when the inmates there figure out new and exciting ways to throw urine or feces on our guards. There's been only one guard that reacted hostilely by yelling an insult, a verbal insult at the one who threw feces on him. And he was punished for that, what was deemed to be, by our military, overreaction. Though he did not strike, he spoke angrily and insultingly and, therefore, he was punished.

You might wonder, Mr. Speaker, what happens to those that keep throwing urine and feces? Well, in a normal prison, and I've been through many of those, if you will not quit assaulting the guards, then ultimately you're put in an isolation cell where you can't possibly do it anymore. But because of all the complaints about what a horrible place Guantanamo is, though the people there are treated better than most any maximum security prison I've ever seen or heard about, we don't put them in isolation because Amnesty International, some of these groups, would just go nuts. And so they say it's easier just to punish them by taking away a couple of their hours that they're allowed to watch movies each day. And if it's bad enough, they may take some of their time away of the hours that they're allowed to be outdoors. That's their punishment—losing some movie time. In view of some of the movies out now, they're not missing that much. But

that's how they're punished for throwing urine or feces on our guards.

I realize that some in this body, some around the country, want to help the terrorists and they believe if we'll just be nice to them, everything will work out fine. That's not the case. It is absolutely not the case.

It is religious zealotry. And I thank God that it is only a very small percentage of Islamic believers who believe in this type of violent jihad. The vast majority of Islamic believers don't believe jihad means the violent physical event that these jihadist extremists that we've come to know and see kill people do. So, thank goodness for that.

But for those jihadist extremists who believe, as Ahmadinejad said, that he can usher in the coming of the Mahdi, the Grand Mahdi that will rule over the caliphate, that he can usher that in by using nuclear weapons to blow us up, Israel up, this is serious. He believes it to his core, even though some of the American interviewers were either scared to ask, Why do you want to blow us up and destroy us? And do you really believe that you'll bring about the return of the Mahdi to rule the world if you use nuclear weapons? Nobody had the nerve to ask those.

That's what he has said repeatedly. And as the lesson should have been learned from Hitler, when you have a nut that's claiming he's going to kill people and destroy countries and destroy societies and commit genocide, and he achieves the weaponry to do that, you'd better take him seriously. But we haven't done that.

It's been a very interesting week. Earlier I was mentioning the bill, H.R. 5116, the COMPETES Act, it's called. This would have amended section 702, persons with disabilities, to include veterans with disabilities in achieving the same type of special consideration. That's all it says, special consideration that other groups designated as minorities under this do. How unfortunate, the same week we betray our promise to our military.

Well, as we anticipate heading home this weekend, which I do each weekend, and we think about Memorial Day and those who have laid down their lives for us, having attended the funeral of Sergeant Kenneth B. May, Jr., 26 years old, of Kilgore, Texas, in the last 10 days, our hearts and our tributes go out to those who served this Nation. May they forgive us for what we've done to them this week.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BORDALLO (at the request of Mr. HOYER) for today on account of official business in the district.

Mr. JONES (at the request of Mr. BOEHNER) for today on account of addressing a high school graduation.

Mr. LATTA (at the request of Mr. BOEHNER) for today after 11:35 a.m. on account of attending his daughter's high school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WASSERMAN SCHULTZ) to revise and extend their remarks and include extraneous material:)

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mrs. BACHMANN) to revise and extend their remarks and include extraneous material:)

Mr. WHITFIELD, for 5 minutes, today.

Mr. MCCAUL, for 5 minutes, today.

Mrs. BACHMANN, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 27, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 5139. To provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, pursuant to House Concurrent Resolution 282, 111th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 59 minutes p.m.), the House adjourned until Tuesday, June 8, 2010, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie*, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy

Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown, Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh "Joseph" Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Judy Chu, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Mark S. Critz, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal*, Peter A. DeFazio, Diana DeGette, Bill Delahunt, Rosa L. DeLauro, Charles W. Dent, Theodore E. Deutch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Charles Djou, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan, Jr., Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Guterrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildeer, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil, Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine

Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh*, Mike McIntyre, Howard P. "Buck" McKeon, Michael E. McMahon, Cathy McMorris Rodgers, Jerry McNerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J.J. Massa*, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Scott Murphy, Tim Murphy, John P. Murtha*, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Olver, Pete Olson, Solomon P. Ortiz, William L. Owens, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S.P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL-03), Mike Rogers (MI-08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Mark Shauer, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis*, Mark E. Souder*, Zachary T. Space, Jackie Speier, John M. Spratt, Jr., Bart Stupak, Cliff Stearns, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher*, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler*, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C.W. Bill Young, Don Young.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, after consultation with the Chairman of the Senate Budget Committee, and on behalf of both of us, Mr. SPRATT hereby submits, prior to the vote on the House amendment to the Senate amendment to the bill H.R. 4213, the American Jobs and Closing Tax Loopholes Act, the following attached cost estimates for printing in the CONGRESSIONAL RECORD.

A. An estimate of the costs of section 523 of the amendment printed in part A of House Report 111-497, as modified by the amendment printed in part B of House Report 111-497 and the further amendment printed in section 2 of House Resolution 1403. Section 523 of the House amendment, as modified, has been scored using an adjustment for current policy pursuant to sections 4(c) and 7(c) of Public Law 111-139.

If only section 523 passes, then the estimate for purposes of Public Law 111-139 shall be the estimate labeled Division I.

B. An estimate of the costs of the amendment printed in part A of House Report 111-497, as modified by the amendment printed in part B of House Report 111-497 and the further amendment printed in section 2 of House Resolution 1403, excluding section 523. The amendment, as modified and excluding section 523, includes an emergency designation for section 501 pursuant to section 4(g) of Public Law 111-139.

If only the amendment, as modified and excluding section 523, passes, then the estimate for purposes of Public Law 111-139 shall be the estimate labeled Division II.

C. An estimate of the costs of the amendment printed in part A of House Report 111-497, as modified by the amendment printed in part B of House Report 111-497 and the further amendment printed in section 2 of House Resolution 1403. Section 523 of the amendment, as modified, has been scored using in adjustment for current policy pursuant to sections 4(c) and 7(c) of Public Law 111-139. In addition, the amendment, as modified, includes an emergency designation for section 501 pursuant to section 4(g) of Public Law 111-139.

If the amendment printed in part A of House Report 111-497, as modified by the amendment printed in part B of House Report 111-497 and the further amendment printed in section 2 of House Resolution 1403 passes, then the estimate for purposes of Public Law 111-139 shall be the estimate labeled Division I and Division II Combined.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4213, THE AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010 (AS REPORTED BY THE COMMITTEE ON RULES ON MAY 26, 2010 WITH A SUBSEQUENT DRAFT AMENDMENT TRANSMITTED TO CBO ON MAY 27, 2010)

(Millions of dollars, by fiscal year)

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010- 2015 | 2010- 2020 |
|--|---|--------|-------|--------|--------|---------|--------|--------|--------|--------|--------|---------------|---------------|
| Division I: Section 523—Medicare Sustainable Growth Rate Reform | | | | | | | | | | | | | |
| | NET INCREASE OR DECREASE (—) IN THE ON-BUDGET DEFICIT | | | | | | | | | | | | |
| Total On-Budget Changes for Division I | 3,143 | 14,455 | 5,320 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 22,918 | 22,918 |
| Less: | | | | | | | | | | | | | |
| Current-Policy Adjustment for Medicare Payments to Physicians ¹ | 3,143 | 14,455 | 4,281 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 21,879 | 21,879 |
| Statutory Pay-As-You-Go Impact for Division I | 0 | 0 | 1,040 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1,040 | 1,040 |
| Division II: All Other Provisions (The amendment printed in part A of the Rules Committee report on H.R. 4213, as modified by the amendment printed in part B of Rules Committee report and the further amendment printed in section 2 of the rule, except for section 523 of the amendment.) | | | | | | | | | | | | | |
| | NET INCREASE OR DECREASE (—) IN THE ON-BUDGET DEFICIT | | | | | | | | | | | | |
| Total On-Budget Changes for Division II | 22,305 | 45,115 | —763 | —3,319 | —3,764 | —25,092 | 17,098 | —4,360 | —3,648 | —2,915 | —3,095 | 34,481 | 37,573 |
| Less: | | | | | | | | | | | | | |
| Designated as Emergency Requirements ² | 12,205 | 26,715 | 180 | 175 | 120 | 60 | 45 | 0 | 0 | 0 | 0 | 39,455 | 39,500 |
| Statutory Pay-As-You-Go Impact for Division II | 10,100 | 18,400 | —943 | —3,494 | —3,884 | —25,152 | 17,053 | —4,360 | —3,648 | —2,915 | —3,095 | —4,974 | —1,927 |
| Division I and Division II Combined: | | | | | | | | | | | | | |
| | NET INCREASE OR DECREASE (—) IN THE ON-BUDGET DEFICIT | | | | | | | | | | | | |
| Total On-Budget Changes | 25,448 | 59,570 | 4,557 | —3,319 | —3,764 | —25,092 | 17,098 | —4,360 | —3,648 | —2,915 | —3,095 | 57,399 | 60,492 |
| Less: | | | | | | | | | | | | | |
| Current-Policy Adjustment for Medicare Payments to Physicians ¹ | 3,143 | 14,455 | 4,281 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 21,879 | 21,879 |
| Designated as Emergency Requirements ² | 12,205 | 26,715 | 180 | 175 | 120 | 60 | 45 | 0 | 0 | 0 | 0 | 39,455 | 39,500 |
| Statutory Pay-As-You-Go Impact | 10,100 | 18,400 | 96 | —3,494 | —3,884 | —25,152 | 17,053 | —4,360 | —3,648 | —2,915 | —3,095 | —3,934 | —887 |
| Memorandum—Components of the Emergency Designation (Division I and Division II Combined) | | | | | | | | | | | | | |
| Changes in Outlays | 12,205 | 26,555 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 38,760 | 38,760 |
| Changes in Revenues ³ | 0 | —160 | —180 | —175 | —120 | —60 | —45 | 0 | 0 | 0 | 0 | —695 | —740 |

Sources: Congressional Budget Office and Joint Committee on Taxation.

Note: Components may not sum to totals because of rounding.

¹ Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians. CBO estimates that the maximum available adjustment for a physician payment policy through December 31, 2011, is about \$21.9 billion.

² Section 701 of H.R. 4213, the American Jobs and Closing Tax Loopholes Act of 2010 would designate section 501 (unemployment insurance) of the bill as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

³ Negative numbers represent a DECREASE in revenues.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5116, the America COMPETES Reauthorization Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5116, THE AMERICA COMPETES REAUTHORIZATION ACT OF 2010, AS AMENDED

| | By fiscal year in millions of dollars— | | | | | | | | | | | | |
|--------------------------------------|---|------|------|------|------|------|------|------|------|------|------|---------------|---------------|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010- 2015 | 2010- 2020 |
| | NET INCREASE OR DECREASE (—) IN THE DEFICIT | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5136, AS AMENDED

| | By fiscal year in millions of dollars— | | | | | | | | | | | | | |
|--------------------------------------|---|-------|--------|------|------|------|-------|------|--------|------|------|-----------|-----------|--|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 | |
| | NET INCREASE OR DECREASE (–) IN THE DEFICIT | | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact | 0 | 3,973 | –3,972 | –11 | –4 | –1 | 4,369 | 144 | –4,510 | 6 | 6 | –15 | 0 | |

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7694. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clethodim; Pesticide Tolerances [EPA-HQ-OPP-2009-0307; FRL-8822-7] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7695. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluazinam; Pesticide Tolerances [EPA-HQ-OPP-2009-0032; FRL-8824-5] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7696. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flutriafol; Pesticide Tolerances [EPA-HQ-OPP-2009-0184; FRL-8812-6] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7697. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's "Major" final rule — Teacher Incentive Fund Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.385 and 84.374 [Docket ID: ED-2010-OESE-0001] (RIN: 1810-AB08) received May 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Determination to Approve Alternative Final Cover Request for the Lake County Montana Landfill [EPA-R08-RCRA-2009-0621; FRL-9149-7] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Reformulated Gasoline and Diesel Fuels; California [EPA-R09-OAR-2009-0344; FRL-9112-7] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7700. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 06-10 informing of an intent to sign a Memorandum of Understanding with Canada; to the Committee on Foreign Affairs.

7701. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-021, certification of a proposed manufacturing li-

cense agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7702. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

7703. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-409, "Uniform Principal and Income Technical Amendments Act of 2010"; to the Committee on Oversight and Government Reform.

7704. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-408, "Liquid PCP Possession Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

7705. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-407, "Residential Aid Discount Subsidy Stabilization Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

7706. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-406, "Corrections Information Council Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

7707. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-405, "Stimulus Accountability Act of 2010"; to the Committee on Oversight and Government Reform.

7708. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-404, "Tenant Opportunity to Purchase Preservation Clarification Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

7709. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-402, "School Safe Passage Emergency Zone Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

7710. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-401, "Unemployment Compensation Reform Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

7711. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-412, "Predatory Pawnbroker Regulation and Community Notification Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

7712. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-411, "Keep D.C.

Working Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

7713. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-410, "Closing of Public Streets Adjacent to Square 1048-S (S.O. 09-11792) Act of 2010"; to the Committee on Oversight and Government Reform.

7714. A letter from the EEO Programs Director, Federal Reserve System, transmitting the sixth annual report pursuant to Section 203(a) of the No Fear Act, Pub. L. 107-174, for fiscal year 2009; to the Committee on Oversight and Government Reform.

7715. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Jet Routes J-37 and J-55; Northeast United States [Docket No.: FAA-2010-0003; Airspace Docket No. 09-ANE-104] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7716. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mountain City, TN [Docket No.: FAA-2009-0061; Airspace Docket No. 09-ASO-10] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7717. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Jackson, AL [Docket No.: FAA-2009-0937; Airspace Docket No. 09-ASO-27] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7718. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Fort A.P. Hill, VA [Docket No.: FAA-2009-0739; Airspace Docket No. 09-AEA-14] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7719. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Liberty Aerospace Incorporated Model XL-2 Airplanes [Docket No.: FAA-2009-0329; Directorate Identifier 2009-CE-020-AD; Amendment 39-16264; AD 2009-08-05 R1] (RIN: 2120-AA64) received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7720. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Relief for U.S. Military and Civilian Personnel Who Are Assigned Outside the United States in Support of U.S. Armed Forces Operations [Docket No.: FAA-2009-0923; Special Federal Aviation Regulation No. 100-2] (RIN: 2120-AJ54) received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7721. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30716; Amdt. No. 3366] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7722. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CJ610 Series Turbojet Engines and CF700 Series Turbofan Engines [Docket No.: FAA-2009-0502; Directorate Identifier 2009-NE-02-AD; Amendment 39-16273; AD 2010-09-08] (RIN: 2120-AA64) received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7723. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30717; Amdt. No. 3367], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7724. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's second fiscal year 2010 quarterly report on unobligated and unexpended appropriated funds; jointly to the Committees on Appropriations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 2889. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes; with an amendment (Rept. 111-500). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4438. A bill to authorize the Secretary of the Interior to enter into an agreement to lease space from a nonprofit group or other government entity for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes; with amendments (Rept. 111-501). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4349. A bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; with an amendment (Rept. 111-502). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Ways and Means discharged from further consideration. H.R. 2989 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 3376. Referral to the Committees on the Judiciary and Homeland Security extended for a period ending not later than August 6, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HELLER (for himself, Mr. CALVERT, Mr. LEWIS of California, Mr. MCCARTHY of California, Mr. MCKEON, Mr. WALDEN, Mrs. BONO MACK, Mr. CANTOR, Mr. CAMP, Mr. UPTON, Mr. BOUSTANY, Mr. DENT, Mr. THOMPSON of Pennsylvania, Mr. LATOURETTE, Mr. MANZULLO, Mr. ADERHOLT, Mr. GUTHRIE, Mr. BOEHNER, Mr. LOBIONDO, Mr. ROGERS of Michigan, Mr. TURNER, Mr. PAULSEN, Mrs. MILLER of Michigan, Mr. GERLACH, Mr. KIRK, Mr. SMITH of New Jersey, Mr. CASTLE, Mr. FLEMING, Mr. ROGERS of Alabama, Mr. BONNER, Mr. GRIFFITH, Mr. CASSIDY, Mr. BILIRAKIS, Mr. PITTS, Mr. REICHERT, Mr. BUCHANAN, Mr. LANCE, Mr. CONAWAY, Mr. CRENSHAW, Mr. WILSON of South Carolina, Mr. MCCOTTER, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. EHLERS, Mr. TIBERI, and Mr. KLINE of Minnesota):

H.R. 5453. A bill to provide a temporary extension of certain programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Appropriations, Education and Labor, Financial Services, the Budget, Small Business, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT (for himself, Mr. MINNICK, Ms. BEAN, Mr. BOYD, Mr. BRALEY of Iowa, Mr. CONNOLLY of Virginia, Mr. COOPER, Mr. CUELLAR, Mr. ELLSWORTH, Ms. GIFFORDS, Mr. LARSEN of Washington, Mr. MATHE-SON, Mr. MOORE of Kansas, Mr. MURPHY of New York, Mr. OWENS, Mr. PETERS, Mr. POMEROY, Mr. QUIGLEY, Mr. RUPPERSBERGER, Mr. SCHRADER, and Mr. WELCH) (all by request):

H.R. 5454. A bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHOCK (for himself and Mr. HARE):

H.R. 5455. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the state of Illinois, and for other purposes; to the Committee on Natural Resources.

By Ms. MCCOLLUM (for herself, Mr. SCOTT of Virginia, Mr. LATHAM, Mr.

ELLISON, Mr. LUJÁN, Mr. KAGEN, Mr. GRIJALVA, Mr. PUTNAM, Mr. MICHAUD, Mr. AL GREEN of Texas, Ms. KAPTUR, Mr. CARNAHAN, Mr. MOORE of Kansas, Ms. PINGREE of Maine, Mr. BLUMENAUER, Mr. SHULER, Mr. KIND, Mr. LOEBSACK, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. COURTNEY, Mr. WALZ, Mr. HOLT, Mr. PERRIELLO, and Mr. MORAN of Virginia):

H.R. 5456. A bill to amend the Richard B. Russell National School Lunch Act to award competitive grants to assist eligible entities in implementing or expanding farm-to-school programs; to the Committee on Education and Labor, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CASTOR of Florida (for herself and Mr. MURPHY of Connecticut):

H.R. 5457. A bill to provide supplemental payments to nursing facilities serving Medicare and Medicaid patients and to amend title XIX of the Social Security Act to assure adequate Medicaid payment levels for services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADLER of New Jersey (for himself, Mr. PASCRELL, Mr. CUMMINGS, and Mr. ROTHMAN of New Jersey):

H.R. 5458. A bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself and Mr. WEINER):

H.R. 5459. A bill to increase the limits on liability under the Outer Continental Shelf Lands Act; to the Committee on Natural Resources.

By Ms. CHU:

H.R. 5460. A bill to amend the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965 to require the Secretary of Education to establish grant programs to help pregnant and parenting students stay in school, and for other purposes; to the Committee on Education and Labor.

By Mr. DAVIS of Illinois (for himself, Mr. KIRK, and Mr. BOREN):

H.R. 5461. A bill to amend title XVIII of the Social Security Act to cover screening computed tomography colonography as a colorectal cancer screening test under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. BURGESS, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mrs. CAPPS, Mrs. BLACKBURN, Ms. DEGETTE, Mr. COURTNEY, Ms. ESHOO, Mr. SARBANES, Mr. SESSIONS, Mr. GONZALEZ, Mr. RUSH, Mr.

WEINER, Mrs. McMORRIS RODGERS, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Ms. SUTTON, Mr. MARKEY of Massachusetts, Mr. MATHESON, Mr. BUTTERFIELD, Ms. NORTON, Mr. TERRY, and Ms. HARMAN):

H.R. 5462. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY:

H.R. 5463. A bill to rename the Homestead National Monument of America near Beatrice, Nebraska, as the Homestead National Historical Park; to the Committee on Natural Resources.

By Ms. GIFFORDS (for herself, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. POLIS, Mr. LUJÁN, Ms. HIRONO, Mr. GARAMENDI, Mr. WU, and Mrs. BONO MACK):

H.R. 5464. A bill to amend the Internal Revenue Code of 1986 to provide that solar electric property need not be located on the property with respect to which it is generating electricity in order to qualify for the residential energy efficient property credit; to the Committee on Ways and Means.

By Mr. HELLER (for himself, Ms. BERKLEY, and Ms. TITUS):

H.R. 5465. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year recovery period for computer-based gambling machines; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself and Mr. GENE GREEN of Texas):

H.R. 5466. A bill to amend titles V and XIX of the Public Health Service Act to revise and extend substance use disorder and mental health programs, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 5467. A bill to authorize the Secretary of Education to award contracts to nonprofit organizations with national experience that enter into partnerships with local educational agencies to turn around low-performing public high schools; to the Committee on Education and Labor.

By Mr. MCKEON:

H.R. 5468. A bill to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony; to the Committee on Natural Resources.

By Mrs. McMORRIS RODGERS (for herself and Mr. BISHOP of Georgia):

H.R. 5469. A bill to increase the mileage reimbursement rate for members of the armed services during permanent change of station and to authorize the transportation of additional motor vehicles of members on change of permanent station to or from nonforeign areas outside the continental United States; to the Committee on Armed Services.

By Mr. PALLONE (for himself, Mr. BLUNT, and Ms. MATSUI):

H.R. 5470. A bill to exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

By Ms. PINGREE of Maine (for herself, Mrs. CAPPS, Mr. GENE GREEN of Texas, and Mr. WEINER):

H.R. 5471. A bill to amend the American Recovery and Reinvestment Act of 2009 to

extend for 6 months the increase provided under that Act in the Medicaid Federal medical assistance percentage (FMAP); to the Committee on Energy and Commerce.

By Ms. RICHARDSON (for herself, Mr. JOHNSON of Georgia, and Ms. JACKSON LEE of Texas):

H.R. 5472. A bill to establish a grant program for stipends to assist in the cost of compensation paid by employers to certain recent college graduates and to provide funding for their further education in subjects relating to mathematics, science, engineering, and technology; to the Committee on Education and Labor.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 5473. A bill to amend the Internal Revenue Code of 1986 to exclude from personal holding company income dividends which are received from foreign affiliates and which are reinvested in the United States; to the Committee on Ways and Means.

By Mr. SCHAUER:

H.R. 5474. A bill to amend title XVIII of the Social Security Act with respect to reclassification of hospitals as rural referral centers under the Medicare Program; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Mr. SALAZAR, Mr. MCCARTHY of California, Mr. BLUMENAUER, Mr. CARDOZA, Mr. COSTA, Mr. FARR, Mr. MANZULLO, Mr. ELLSWORTH, Mrs. CAPPS, Mr. KRATOVIL, Mr. CUELLAR, Mr. KIND, Ms. ESHOO, Mr. RADANOVICH, Mr. CONAWAY, Mr. GARAMENDI, Mr. BERRY, Ms. MATSUI, Ms. HERSETH SANDLIN, Mr. SIMPSON, and Mr. MINNICK):

H.R. 5475. A bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax, and for other purposes; to the Committee on Ways and Means.

By Mr. WELCH (for himself, Mr. VAN HOLLEN, Mr. WEINER, Mr. ISRAEL, Mr. CARNAHAN, Ms. BEAN, Mr. MCNERNEY, and Mr. DEUTCH):

H.R. 5476. A bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YARMUTH (for himself, Mr. CHANDLER, and Ms. SHEA-PORTER):

H.R. 5477. A bill to amend the Elementary and Secondary Education Act of 1965 and the Workforce Investment Act of 1998 to award grants to prepare individuals for the 21st century workplace and to increase America's global competitiveness, and for other purposes; to the Committee on Education and Labor.

By Mr. RUSH (for himself, Ms. RICHARDSON, Mrs. NAPOLITANO, Mr. ANDREWS, Mr. CLYBURN, Ms. MOORE of Wisconsin, Mr. ELLISON, Mr. ENGEL, Mr. ACKERMAN, Mr. POSTER, Mr. PERLMUTTER, Mr. HODES, Mr. DAVIS of Illinois, Mrs. HALVORSON, Mr. JACKSON of Illinois, Mr. TOWNS, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Ms. CLARKE, Ms. FUDGE, Mr. BUTTERFIELD, Mr. WATT, Ms. KILPATRICK of Michigan, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. CLAY, and Mr. KENNEDY):

H. Res. 1414. A resolution congratulating Urban Prep Charter Academy for Young Men-Englewood Campus, the Nation's first

all-male charter high school, for achieving a 100 percent college acceptance rate for all 107 members of its first graduating class of 2010; to the Committee on Education and Labor.

By Mr. PENCE:

H. Res. 1415. A resolution electing minority members to certain standing committees; considered and agreed to.

By Ms. FUDGE (for herself, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. ELLISON, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATERS, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. CLARKE, Mr. WATT, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. JOHNSON of Georgia, and Mr. CARSON of Indiana):

H. Res. 1416. A resolution amending the Rules of the House of Representatives regarding the public disclosure by the Committee on Standards of Official Conduct of written reports and findings of the board of the Office of Congressional Ethics, and for other purposes; to the Committee on Rules, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, and Mr. COSTA):

H. Res. 1417. A resolution recognizing the importance of transatlantic relations between the United States and the European Union and recognizing the growing importance of the dialogue between Congress and the European Parliament; to the Committee on Foreign Affairs.

By Mr. CANTOR (for himself and Mr. ROSS):

H. Res. 1418. A resolution expressing support for increasing awareness of craniofacial anomalies; to the Committee on Energy and Commerce.

By Mr. DRIEHAUS:

H. Res. 1419. A resolution celebrating the 100th anniversary of the Ohio Fire Chiefs' Association and commending the Association on its century of service to the State of Ohio; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Ms. WASSERMAN SCHULTZ, Mr. STARK, and Mr. CONYERS):

H. Res. 1420. A resolution recognizing the Convention on International Trade in Endangered Species of Wild Fauna and Flora on its 35th anniversary; to the Committee on Foreign Affairs.

By Mr. POE of Texas (for himself, Mr. MCCAUL, Mr. OLSON, Mr. CULBERSON, Ms. GRANGER, and Mr. BRADY of Texas):

H. Res. 1421. A resolution recognizing the 40th anniversary of the Apollo 13 mission and the heroic actions of both the crew and those working at mission control in Houston, Texas, for bringing the three astronauts, Fred Haise, Jim Lovell, and Jack Swigert, home to Earth safely; to the Committee on Science and Technology.

By Mr. SENSENBRENNER:

H. Res. 1422. A resolution honoring the Department of Justice on the occasion of its 140th anniversary; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. CARNAHAN, Mr. WOLF, and Mr. BAIRD):

H. Res. 1423. A resolution observing the 15th anniversary of the Srebrenica genocide and expressing support for “Srebrenica Remembrance Day” in the United States; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. CORRINE BROWN of Florida.
 H.R. 197: Mr. KIND and Mr. WOLF.
 H.R. 442: Mr. KIND.
 H.R. 540: Mr. THOMPSON of Pennsylvania.
 H.R. 583: Ms. RICHARDSON.
 H.R. 610: Ms. RICHARDSON.
 H.R. 678: Mr. BLUMENAUER and Mr. PERLMUTTER.
 H.R. 692: Mr. PLATTS.
 H.R. 953: Mr. GORDON of Tennessee.
 H.R. 1034: Mr. WALDEN.
 H.R. 1074: Mr. KIND.
 H.R. 1079: Mr. SCHOCK.
 H.R. 1230: Mr. LOEBSACK.
 H.R. 1277: Mr. CASSIDY and Ms. JENKINS.
 H.R. 1314: Mr. KAGEN.
 H.R. 1396: Ms. ZOE LOFGREN of California.
 H.R. 1476: Mr. HASTINGS of Florida.
 H.R. 1546: Mr. RYAN of Ohio.
 H.R. 1587: Mr. LOEBSACK.
 H.R. 1806: Ms. SUTTON.
 H.R. 1966: Ms. SHEA-PORTER.
 H.R. 2024: Mr. CONYERS.
 H.R. 2103: Mr. UPTON and Mr. LARSEN of Washington.
 H.R. 2275: Mr. TERRY, Ms. NORTON, and Mrs. MCCARTHY of New York.
 H.R. 2287: Mr. REHBERG and Mrs. SCHMIDT.
 H.R. 2850: Mr. RAHALL.
 H.R. 2932: Ms. EDWARDS of Maryland.
 H.R. 3012: Mr. OBEY.
 H.R. 3043: Mr. ARCURI and Mr. BISHOP of Georgia.
 H.R. 3044: Mr. RODRIGUEZ.
 H.R. 3077: Mr. LARSEN of Washington.
 H.R. 3212: Mr. OWENS.
 H.R. 3271: Mr. QUIGLEY.
 H.R. 3421: Mr. DRIEHAUS and Mr. POLIS.
 H.R. 3488: Mr. ELLISON.
 H.R. 3554: Ms. NORTON.
 H.R. 3652: Ms. KAPTUR, Ms. SUTTON, Mr. LATOURETTE, Ms. GIFFORDS, Mr. AKIN, and Mr. LATTA.
 H.R. 3721: Mr. SIRES.
 H.R. 3765: Mr. JONES.
 H.R. 3797: Mr. DUNCAN.
 H.R. 3856: Mr. GRAYSON.
 H.R. 3888: Ms. ROYBAL-ALLARD.
 H.R. 4100: Mr. WAMP.
 H.R. 4115: Mr. SERRANO.
 H.R. 4123: Ms. ZOE LOFGREN of California.
 H.R. 4278: Mr. SCHRADER and Mr. ROSS.
 H.R. 4347: Mr. FALEOMAVAEGA.
 H.R. 4405: Ms. ZOE LOFGREN of California and Ms. EDWARDS of Maryland.
 H.R. 4420: Ms. WOOLSEY.
 H.R. 4427: Ms. KOSMAS.
 H.R. 4558: Mrs. MILLER of Michigan.
 H.R. 4638: Mr. LOEBSACK.
 H.R. 4662: Mr. PAULSEN and Mr. BOUCHER.
 H.R. 4671: Mr. BOSWELL.
 H.R. 4684: Mr. SMITH of New Jersey, Mr. ANDREWS, Mr. BACHUS, Mr. BECERRA, Ms. BERKLEY, Mr. BOSWELL, Mr. CALVERT, Mr. CANTOR, Mr. CHANDLER, Mr. CLYBURN, Mr. CONYERS, Mr. COURTNEY, Mr. CULBERSON, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DOGGETT, Mr. EDWARDS of Texas, Ms. EDWARDS of Maryland, Ms. ESHOO, Mr. DEUTCH, Mr. FALEOMAVAEGA, Mr. FARR, Mr. GARAMENDI, Mr. GONZALEZ, Mr. GOODLATTE, Mr. GRAYSON, Ms. HIRONO, Mr. HONDA,

Mr. KAGEN, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. DANIEL E. LUNGREN of California, Mr. MANZULLO, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. PRICE of North Carolina, Mr. RODRIGUEZ, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Ms. LINDA T. SANCHEZ of California, Mr. SARBANES, Mr. SCHRADER, Mr. SHERMAN, Mr. SNYDER, Mr. SPACE, Mr. STARK, Mr. TAYLOR, Mr. THOMPSON of California, Mr. VAN HOLLEN, Ms. WATERS, Mr. WAXMAN, Mr. WELCH, and Ms. WOOLSEY.
 H.R. 4698: Mr. CARNEY.
 H.R. 4756: Ms. NORTON.
 H.R. 4771: Mr. LEWIS of Georgia and Ms. JACKSON LEE of Texas.
 H.R. 4772: Mr. SPACE.
 H.R. 4785: Mr. DINGELL.
 H.R. 4868: Ms. SPEIER and Ms. LEE of California.
 H.R. 4870: Mr. DEUTCH.
 H.R. 4881: Mr. BUCHANAN.
 H.R. 4897: Ms. JACKSON LEE of Texas and Ms. CORRINE BROWN of Florida.
 H.R. 4914: Mr. LYNCH, Mr. ROTHMAN of New Jersey, Ms. HIRONO, and Mr. ACKERMAN.
 H.R. 4952: Mr. BISHOP of Utah.
 H.R. 4959: Mr. BISHOP of Georgia and Ms. MOORE of Wisconsin.
 H.R. 4972: Mr. LINDER, Mr. BROWN of South Carolina, Mr. LUETKEMEYER, Mr. HUNTER, Mr. GUTHRIE, Mr. CONAWAY, Mr. THOMPSON of Pennsylvania, Mr. LANCE, Mr. BOOZMAN, Mr. FLAKE, Mr. BILBRAY, Mrs. MYRICK, Mr. ALEXANDER, Mr. BARTLETT, Mr. MCCOTTER, Mr. COFFMAN of Colorado, Mr. PAUL, and Mr. ROHRABACHER.
 H.R. 5015: Mr. TONKO.
 H.R. 5029: Mr. FLAKE.
 H.R. 5032: Mr. ROTHMAN of New Jersey.
 H.R. 5049: Mr. PETERSON.
 H.R. 5081: Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 5087: Mrs. BACHMANN.
 H.R. 5090: Mr. COHEN.
 H.R. 5092: Mr. WAMP, Mr. BOUCHER, Mr. NEUGEBAUER, Mr. GUTHRIE, Ms. MARKEY of Colorado, Mr. CARDOZA, Ms. DEGETTE, Mr. COSTA, Mr. GINGREY of Georgia, Mr. THOMPSON of Mississippi, and Mr. SAM JOHNSON of Texas.
 H.R. 5111: Mr. PETERSON, Mr. COSTELLO, and Mr. DAVIS of Kentucky.
 H.R. 5141: Mr. SMITH of Nebraska.
 H.R. 5142: Mr. TONKO.
 H.R. 5177: Mr. NEUGEBAUER.
 H.R. 5198: Mr. POLIS.
 H.R. 5211: Mr. FRANK of Massachusetts.
 H.R. 5214: Mrs. NAPOLITANO, Ms. MATSUI, Mr. STARK, Mr. BERMAN, Mr. ELLISON, Mr. ELLSWORTH, Ms. NORTON, and Mr. SERRANO.
 H.R. 5235: Mr. BACHUS and Mr. LOBIONDO.
 H.R. 5268: Mr. LARSEN of Washington.
 H.R. 5283: Mr. DANIEL E. LUNGREN of California, Mr. LATTA, Mr. SMITH of New Jersey, Mr. CAO, Mr. CASSIDY, Mr. YOUNG of Alaska, Mr. TERRY, Mr. COSTA, and Mr. JONES.
 H.R. 5304: Ms. NORTON.
 H.R. 5307: Mr. MITCHELL, Ms. HERSETH SANDLIN, and Mr. PASTOR of Arizona.
 H.R. 5310: Mr. WELCH.
 H.R. 5312: Ms. SPEIER.
 H.R. 5351: Mr. BROUN of Georgia, Mr. LOBIONDO, and Mr. SESSIONS.
 H.R. 5353: Mr. JACKSON of Illinois, Mr. CLAY, Mr. ELLISON, Ms. WATSON, Mr. GRIJALVA, Mr. STARK, Mr. NADLER of New York, and Mr. HINCHAY.
 H.R. 5354: Mr. GRIJALVA.
 H.R. 5371: Mr. TURNER.
 H.R. 5382: Mr. COFFMAN of Colorado.
 H.R. 5424: Mr. BACHUS, Mr. GINGREY of Georgia, Mr. GALLEGLY, Mr. LATTA, Mr. MCCAUL, Mr. HARPER, Mr. MANZULLO, Mr.

HASTINGS of Washington, Mr. BURTON of Indiana, and Mr. UPTON.

H.R. 5425: Mr. JONES.
 H.R. 5426: Mrs. McMORRIS RODGERS.
 H.R. 5430: Ms. CLARKE, Mr. TONKO, and Mrs. EMERSON.
 H.R. 5431: Ms. CLARKE, Mr. TONKO, Ms. FUDGE, and Mrs. EMERSON.
 H.R. 5432: Ms. CLARKE and Mr. TONKO.
 H.J. Res. 47: Mr. DUNCAN.
 H.J. Res. 77: Mr. ALEXANDER, Mr. PAUL, Mr. WALDEN, and Mr. JONES.
 H.J. Res. 86: Mr. KINGSTON, Mr. GALLEGLY, and Mr. WOLF.
 H.J. Res. 87: Mrs. McMORRIS RODGERS.
 H. Con. Res. 205: Mr. DONNELLY of Indiana.
 H. Con. Res. 266: Ms. LORETTA SANCHEZ of California, Ms. ROS-LEHTINEN, Mr. HONDA, Mr. BURTON of Indiana, Mr. DUNCAN, and Mr. BARTON of Texas.
 H. Con. Res. 280: Ms. HIRONO and Mr. GRAYSON.
 H. Con. Res. 281: Mr. CHAFFETZ, Mr. FLEMING, Mr. ROONEY, Mr. FLAKE, Mr. AKIN, Mr. BARTLETT, Mrs. BACHMANN, Mr. LAMBORN, Mr. SHADDEG, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. KING of Iowa, Mr. CAMPBELL, Mr. WILSON of South Carolina, and Mr. MCCLINTOCK.
 H. Con. Res. 283: Mr. KANJORSKI.
 H. Res. 173: Mr. KAGEN.
 H. Res. 546: Mr. JACKSON of Illinois, Ms. CLARKE, and Mr. SCHAUER.
 H. Res. 1138: Mr. SESTAK.
 H. Res. 1217: Mr. ORTIZ.
 H. Res. 1226: Mr. MCCARTHY of California and Mr. PAULSEN.
 H. Res. 1251: Mr. LAMBORN, Mr. SCALISE, and Mr. ADERHOLT.
 H. Res. 1313: Mr. POE of Texas.
 H. Res. 1330: Mr. ROTHMAN of New Jersey and Ms. EDWARDS of Maryland.
 H. Res. 1366: Mr. CARNAHAN.
 H. Res. 1368: Mr. PATRICK J. MURPHY of Pennsylvania.
 H. Res. 1369: Mr. HASTINGS of Florida, Mr. BACA, Mr. CARSON of Indiana, and Mr. SABLAN.
 H. Res. 1370: Mr. NADLER of New York, Mr. HONDA, Mrs. CHRISTENSEN, Ms. EDWARDS of Maryland, Ms. WATERS, Mr. MCGOVERN, Mr. CUELLAR, Mr. TOWNS, Ms. LEE of California, Mr. SIRES, Mr. CROWLEY, Mr. REYES, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Ms. RICHARDSON, Mrs. NAPOLITANO, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. WATT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ESHOO, Mr. CLAY, Mr. WAXMAN, and Mr. PIERLUISI.
 H. Res. 1371: Mr. WOLF.
 H. Res. 1375: Ms. CORRINE BROWN of Florida, Mr. BOREN, and Ms. NORTON.
 H. Res. 1378: Mr. WOLF and Mr. BACA.
 H. Res. 1379: Ms. NORTON and Mr. SNYDER.
 H. Res. 1384: Mr. BOOZMAN and Mr. ROGERS of Kentucky.
 H. Res. 1388: Mr. DEUTCH.
 H. Res. 1389: Ms. RICHARDSON.
 H. Res. 1396: Mr. LEWIS of Georgia.
 H. Res. 1398: Mr. TOWNS, Mr. GENE GREEN of Texas, and Mr. POLIS.
 H. Res. 1401: Mr. HARE, Ms. RICHARDSON, and Mr. GARAMENDI.
 H. Res. 1411: Mr. BRADY of Pennsylvania, Mr. FATTAH, Mrs. DAHLKEMPER, Mr. ALTMIRE, Mr. THOMPSON of Pennsylvania, Mr. GERLACH, Mr. SESTAK, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SHUSTER, Mr. CARNEY, Mr. KANJORSKI, Mr. CRITZ, Mr. DOYLE, Mr. DENT, Mr. PITTS, Mr. HOLDEN, Mr. TIM MURPHY of Pennsylvania, and Mr. PLATTS.

EXTENSIONS OF REMARKS

HONORING LIEUTENANT COLONEL
ALAN L. HINSON

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BACHUS. Madam Speaker, as we prepare to honor our veterans this Memorial Day, it is an appropriate time to recognize the service of Lieutenant Colonel Alan L. Hinson for his dedicated work as the Executive Director of Operation Grateful Heart in Alabama.

Alabama has a proud heritage of supporting our troops in uniform and our returning veterans. Lieutenant Colonel Alan Hinson upheld this tradition when he was appointed by Governor Bob Riley to serve as the Executive Director of Operation Grateful Heart. He has been responsible for ensuring that all military personnel and their families receive appropriate recognition, tangible support, and neighborly care. The program provides caring assistance for our troops, both as they fight terrorism and defend freedom overseas and when they return home and require employment and veterans services in their communities.

Lieutenant Colonel Alan Hinson's concern and compassion have come from his own experiences. He served in the U.S. Army from January 1969 until June 1991. He was a helicopter pilot during the Vietnam War, flying combat aerial missions for the 145th Combat Aviation Battalion, as well as direct support missions in support of ground troops in the III Corps and V Corps regions of South Vietnam. He also served several tours of duty at Fort Rucker, Alabama as both a flight and ground instructor. Later in his career, he returned to his basic branch of Field Artillery, where he served with the 2nd Infantry Division in Korea, 3rd Armored Division in Germany, 2nd Army in Atlanta, and Army Forces Command in Atlanta.

In 1995, Lieutenant Colonel Alan Hinson returned to Alabama, where he served military veterans and their families for nine and a half years as counselor and case manager with the Alabama Intensive Veterans Employment (ALIVE) Program. The ALIVE program helped veterans encountering employment barriers return to the workforce by providing vocational assistance, job-specific training, work experience, and other supportive services. From 2005 through April 2007, Lieutenant Colonel Alan Hinson supplied assistance to Alabama citizens who had lost their jobs either from trade-related layoffs or as a result of disasters such as Hurricane Katrina.

Lieutenant Colonel Alan Hinson is married to the former Celia Marie Sullivan of Troy, Alabama. They have one daughter, Rochelle Hughes, a nursing instructor at Mississippi University for Women in Columbus, Mississippi; one son, Chief Warrant Officer Scott

Hinson, currently serving with the 3rd Infantry Division at Forward Operating Base Falcon in Iraq; and five grandchildren.

Lieutenant Colonel Alan Hinson has devoted his life to his family, his country, and our brave men and women in uniform. As he retires from his service as Executive Director of Operation Grateful Heart, it is now our welcome opportunity to salute him for his dedication to the United States of America and to the well-being of our troops and veterans.

IN HONOR OF JUDGE ANN
ALDRIDGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. KUCINICH. Madam Speaker and Colleagues, I rise today in honor and remembrance of Judge Ann Aldridge, an accomplished jurist who served as Federal District Judge for the Northern District of Ohio and helped to pave the way for all women lawyers.

Judge Aldridge had a joy for life and a passion for service. She lived around the world, but she found her final home in Northeast Ohio. After World War II, she volunteered to rebuild rail lines in Yugoslavia. She graduated second in her New York University of Law class, in which she was the only woman. She would go on to her earn master and doctoral law degrees from NYU as well. She worked in Washington D.C. for the International Bank for Reconstruction and Development and the Federal Communications Center (FCC). Later, representing the United Church of Christ, she sued the FCC to make it easier for minorities in the south to own radio stations.

Judge Aldridge moved to Shaker Heights to join the Cleveland-Marshall College of Law, where she became the school's first tenured woman professor. She taught one of the nation's first environmental law classes and helped develop minority outreach programs. She was first appointed to the U.S. District Court by President Carter in 1980 and served as an accomplished jurist until her retirement in 1995. She was the first female federal district court judge in Ohio, and even after her retirement she continued to remain active in the law.

Madam Speaker, please join me in honor and remembrance of Judge Ann Aldridge, a trailblazer who paved the way for women in the law and enriched our nation through her deft interpretation and application of the law. I offer my condolences to her four sons, James Mooney, Allen Mooney, Martin Aldrich, William Aldrich, and her eight grandchildren.

DEKALB COUNTY POLICE AND
SHERIFF DEPARTMENTS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker: Whereas, the DeKalb County Police and Sheriff Departments have been and continue to be the public safety departments for citizens throughout DeKalb County; and

Whereas, Major Jeffery K. Cato has given of himself for the past 26 years as a law enforcement officer for the citizens of DeKalb County and has given exceptionable and distinguished service to our citizens by providing guidance, protection and leadership; and

Whereas, Major Jeffery K. Cato is a proven leader and decorated officer with a heart of a lion and the spirit of an angel; and

Whereas, Major Cato is retiring from his career in DeKalb County, he will begin a new career as Chief of Police in West Point, Georgia; and

Whereas, DeKalb County is proud to have been served by Major Jeffery K. Cato, who gave of himself daily without any need for praise and fame, he has always served valiantly and honorably, a modern day knight; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Major Jeffery K. Cato for his outstanding leadership and service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim May 29, 2010, as Major Jeffery K. Cato Day in the Fourth Congressional District of Georgia.

THE EUNICE KENNEDY SHRIVER
ACT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. DELAURO. Madam Speaker, I rise today in proud support of H.R. 5190, the Eunice Kennedy Shriver Act, which reaffirms this body's support of the goals and accomplishments of the Special Olympics.

For over four decades now, the Special Olympics has improved the health, confidence and self-esteem of Americans with intellectual disabilities. In fact, it has become such an institution now that we sometimes take it for granted, and forget what life was like for the intellectually disabled before the Special Olympics. Too often, these Americans were shuttered away in institutions, sentenced to lives of solitude, emptiness and sadness.

But today, thanks to the hard work of the late Eunice Kennedy Shriver, her son Timothy

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Shriver, and countless volunteers over the past four decades, Americans with intellectual disabilities are now much more woven into the fabric of community life. Over three million Special Olympians hailing from 180 countries now train and compete year-round in 30 sports and counting.

In sum, the Special Olympics works to break down barriers of prejudice against the intellectually disabled, improve the public health, and bring communities together through promoting shared values of dedication, athleticism, perseverance, teamwork, and play.

The good work of the Special Olympics is summed up in its motto: "Let me win, but if I cannot win, let me be brave in the attempt." It is a motto that captures the spirit of the organization, and of the champion and visionary who worked so hard on its behalf for so many years, Eunice Kennedy Shriver. And it is only fitting this bill, reauthorizing the Special Olympics Sport and Empowerment Act of 2004, be given her name.

I encourage my colleagues to be brave today, to stand up for Americans with intellectual disabilities, and to support the Eunice Kennedy Shriver Act and the Special Olympics.

TRIBUTE TO RAMON ALVAREZ, 2010 FATHER OF THE YEAR RECIPIENT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and congratulate an individual from my Congressional District who will be presented with the 2010 Father of the Year Award next week in Riverside, California.

The purpose of the Father of the Year Awards is to honor fathers who have remained a positive role model for their children while also making a positive difference in their community.

Ramon Alvarez is one of those fathers. He is married to his wife Araceli and together they have three children. He is also President of Alvarez Lincoln-Mercury and Alvarez Jaguar, and throughout his successful career, Ramon has made a strong commitment to local and civic activities.

I am proud to call Ramon a fellow community member and American. And today, I add my voice to the many who will be congratulating him on this well-deserved recognition.

AZERBAIJAN REPUBLIC DAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. WOOLSEY. Madam Speaker, I rise to honor the people of the Republic of Azerbaijan as they prepare to celebrate Republic Day on May 28.

Azerbaijan's Republic Day commemorates the day that this nation, located on the shores

of the Caspian Sea, south of Russia and north of Iran, declared its independence from the Russian Empire in 1918, as the first Muslim democracy.

The new democracy granted women the right to vote in 1919, a year before the 19th Amendment was passed in the United States granting U.S. women that right.

Their independence was tragically short, as the Soviet Union invaded the tiny nation in 1920—altering Azerbaijan's dream of democracy in the 20th Century. That dream re-emerged in 1991 when the brutal Soviet regime finally passed to the dustbin of history, and Azerbaijan declared its independence yet again.

My congratulations to the people of Azerbaijan: congratulations on the anniversary of Republic Day, and for your continued efforts and commitment to build a strong democracy in the critically important region of the South Caucasus.

HONORING BAY NEWS ON ITS 65TH ANNIVERSARY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. WEINER. Madam Speaker, I rise to recognize exceptional work of the staff of the Bay News, a newspaper that serves southern Brooklyn, in honor of its 65th anniversary.

Though the hard-hitting reporters at the Bay News cover issues that affect all New Yorkers, they specialize in local news that focuses on the neighborhoods of Bensonhurst, Brighton Beach, Coney Island, Geritsen Beach, Gravesend, Manhattan Beach, Seagate and Sheepshead Bay. It's not an exaggeration to say that if something happens in this part of the City, the Bay News will know about it.

The groundwork for what is now the Bay News was first established in 1944 when Charlie Peterson started printing the "Sheepshead Bay Service News", a newsletter for the families of troops serving overseas in World War II. Over the years, that small newsletter merged with other local papers from across the borough to become what is now a publication with a circulation of more than 15,000.

As my staff knows, my Thursdays don't truly begin until I've read the Bay News. This storied publication has been on the scene for all of the defining moments that have shaped New York City over the past 65 years, and I know that it will be there for whatever happens next.

Day in and day out, week after week, The Bay News covers everything from local community board meetings to arts and movies to national politics. As I know firsthand, the paper's reporters aren't afraid to ask the tough questions. They work tirelessly to provide the community with the news and information that is so vital to a robust democracy and the civic life we take for granted.

That is why I am pleased and honored to congratulate the entire staff of the Bay News on all their success and contributions on the occasion of the paper's 65th anniversary and I wish them all many successful years to

come. We should commend editor Vince DiMiceli, publisher Clifford Luster; assistant editors Shavana Abruzzo, Joanna Del Buono, Meredith Deliso, Courtney Donahue; calendar editor Erica Sherman; reporters Thomas Tracy and Joe Maniscalco; vice president of advertising Ralph D'Onofrio; classified manager Amanda Tarley; and production manager Keith Oechsner.

RECOGNIZING THE BUILDING EFFORTS OF "HOMES FOR OUR TROOPS" IN WARREN COUNTY, VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. WOLF. Madam Speaker, I rise today to recognize the "Homes for Our Troops" program in Warren County, Virginia, and bring to the attention of our colleagues a program at work throughout the country building houses for injured veterans returning home from serving our country.

Homes for Our Troops is a national nonprofit, non-partisan organization founded in 2004 and committed to helping those who have selflessly given to our country and have returned home with serious disabilities and injuries since September 11, 2001. They feel a duty and honor to assist severely injured servicemen and women and their immediate families by raising donations of money, building materials and professional labor, and to coordinate the process of building a home that provides maximum freedom of movement and the ability to live more independently.

John Gonsalves, a construction supervisor, started the organization in 2004 after watching a news report of a severely injured servicemember who had returned from Iraq. He realized the need for special housing projects for injured service members. He focused on constructing customized homes with specially adapted and barrier-free features that allow servicemembers to regain some of their independence and mobility.

In its first 2 years, Homes for Our Troops built a handful of homes as it worked to spread the word about its mission. Since then, the organization has grown into a successful national nonprofit organization that has built and donated more than 50 specially adapted homes to severely injured veterans. It has approximately 30 homes in various stages of construction across the United States on a continuous basis. All the services that this organization provides are at no cost to the recipient.

Most recently, volunteers helped to complete a home for my constituent, Army SSG Arthur "Bunky" Woods, who was injured by a sniper's bullet during a tour in Iraq. The Build Brigade, of more than 50 volunteers from the community constructed the frame of Bunky's house in just three days, a project which usually takes several weeks. His new home on Waterhouse Lane in Warren County, Virginia, will be ready by the end of the summer. The home will have controls and special features specifically tailored to Bunky's needs, allowing

him to perform everyday actions such as opening doors.

This project would not be possible without the help of Martha Buracker, who is the owner of the Buracker Construction Company in Bentonville. She generously volunteered to be the general contractor for Bunky's home, donating her time and her company's resources. Martha's selfless actions should be an example to all to get involved with this truly remarkable program.

There are hundreds of soldiers who will be needing our help across the country and more coming home each day with life-altering disabilities and injuries sustained while fighting for our freedom. It does not matter what state or which branch of the military these soldiers are from, these are our American heroes, and we all need to unite, support and help them.

I ask that my colleagues join me in supporting this important program so disabled servicemembers can experience the gift of independence.

HONORING DR. DARRON T. SMITH

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker:

Whereas, the accomplishments of many start with the works and words of one; and

Whereas, Dr. Darron T. Smith has given of himself for many years in the field of education as a student, professor, editor and lecturer; and

Whereas, upon obtaining his doctorate degree with emphasis in the Sociology of Race, Education, Theory, Social Problems, Race & Ethnic Minority Relations; and

Whereas, Dr. Darron T. Smith is serving our country honorably as one of few African American men who have decided to enter into the field of education as a Ph.D., to teach our future and enhance our present while never forgetting our past. Dr. Smith is sharing his time and talents for the betterment of our community and our nation through his tireless works, words of encouragement and inspiration that have been and continue to be a beacon of light to those in need; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Dr. Darron T. Smith on his achievement of earning his Ph.D., from the University of Utah, May 7, 2010, and to congratulate him as he provides a much needed service to educate and enlighten our future for the betterment of our great nation;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby proclaim May 15, 2010, as Dr. Darron T. Smith Day in the 4th Congressional District.

IN HONOR OF THE 70TH ANNIVERSARY OF THE UKRAINIAN CONGRESS COMMITTEE OF AMERICA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. KUCINICH. Madam Speaker and Colleagues, I rise today in honor and recognition of the 70th anniversary of the Ukrainian Congress Committee of America (UCCA), celebrated on May 19, 2010 in Washington, D.C.

For seventy years, the Ukrainian Congress Committee of America, a non-partisan organization, has sought to raise awareness of the interests and concerns of Ukrainian Americans and the people of the Ukraine. The UCCA has worked on many initiatives, including a law adopted by Congress in 1948 which allowed more than 110,000 Ukrainians to be admitted into the United States. The UCCA has worked on the establishment of Ukrainian language radio programs with Voice of America and Radio Free Liberty. The UCCA also successfully lobbied both the House of Representatives and Senate to construct a monument in honor of Taras Shevchenko, the bard of Ukraine, which was unveiled by former President Dwight D. Eisenhower in 1946.

Throughout the Cold War, the Ukrainian Congress Committee of America spoke out against human rights violations and advocated for the liberation of Ukrainian political prisoners in the former USSR. The grassroots efforts of the UCCA continue to focus on encouraging members of Congress to support the process of democratic development in the Ukraine and to promote the needs and concerns of Ukrainian Americans.

Madam Speaker, please join me in honor and recognition of the members of the Ukrainian Congress Committee of America as they celebrate their 70th anniversary. For seven decades they have brought the issues and concerns of Ukrainian Americans to the forefront of American government and society. As United States citizens whose origins span the globe, we must work to promote bonds of friendship, support, and goodwill here at home and in the nations of our origin.

HONORING DOTTIE McLAUGHLIN

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CULBERSON. Madam Speaker, I rise today to pay tribute to Dottie McLaughlin of United Space Alliance. On June 1, 2010, United Space Alliance will host a Retirement Dinner in Houston, Texas, honoring Dottie's exemplary career supporting America's Space Program.

Dottie began her career supporting human space flight on May 1, 1984 at the NASA Johnson Space Center as a secretary, in the Mission Operations Training Division. She rapidly progressed in the Rockwell Space Operations Company to the position of executive assistant to the president and general man-

ager. In April 1996, all Space Shuttle contracts were transferred to United Space Alliance. Dottie was instrumental in supporting a smooth transition to the new company and the merger of a 10,000-person workforce from 30 different contracts over the next 14 years. Dottie has served as executive assistant to all seven of United Space Alliance's chief executive officers, from Kent Black to Virginia A. Barnes, and has earned the respect of all she has encountered in this journey. Dottie represents the heart and soul of United Space Alliance. With her passion for human space flight, she has poured her energy into the successes that the Space Shuttle program has enjoyed. Through the success of the Space Station construction missions, the two Returns to Flight shuttle missions and early phases of Constellation, Dottie's strength of character fortifies those around her. To many, she represents the very best of the human space flight workforce, and she exemplifies the dedication and commitment to excellence of all those who support our Nation's space program.

Dottie McLaughlin is committed to her country, her family and the welfare of the workers at United Space Alliance. Her passion for human space flight has earned her the deep respect of her colleagues in industry, NASA and the Congress. To quote Dottie, "the most rewarding part of this job has always been the people. Helping the people, be they astronauts, technicians, politicians or fellow administrators, has fulfilled me in ways I could have never imagined. I am grateful for the role I have played in the Nation's space shuttle program over the years."

I join Dottie McLaughlin's colleagues and friends in honoring her contribution and service to the Nation's space program.

RECOGNIZING THE MERRIAM AVENUE SCHOOL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. GARRETT of New Jersey. Madam Speaker, today, the Newton Police Department will hold its D.A.R.E. graduation ceremony with the fifth graders of the Merriam Avenue School. The young people participating in this important program have made a commitment to say no to drugs, underage drinking, and gang violence. They have done this with the support of Detective Lieutenant Michael S. Richards and D.A.R.E. officer, Det. Tom Tosti.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our nation's school districts and in more than 43 other nations. This program allows children to defeat negative cultural influences by opening the lines of communication between law enforcement and youth, empowering students with confidence and courage to say no to drugs. I am proud of the young men and women who participated in this program in Newton, and I would like to recognize them all for taking this step toward positive citizenship:

Miguel Carlitos Camacho, Robert Caton, Anoushka Chatterjee, Cinthia Diaz-Moreno, Cheyenne Fletcher, Jason Gabbard, Nicholas Giracello, Seth Gormley, Brian Hoskins, Summer Muscher-Malone, Jadea Nobles, Zachary Norman, Logan Owens, Mia Randazzo, Isaiah Reese, Melissa Robinson, Charles Sherwood, Nicole Strus, David Zambrano, Joselyne Acosta Barradas, Mason Allen, Isabela Bryant, Mark Capparelli, April Ciccio, Faith D'angelo, Alexander Duckworth, John Foran, Andrew Ghaleb, Skylar Hildebrant, Mackenzie Kimble, Destany Masino, Zoie Meininger, Amber Pierce, Lisa Qarmout, Jose Rodriguez, Liam Shernece, Chandler Spencer, Brandon Turner, Luis Arrazola, Paula Barth, Blade Boyer, Marcus Coward, Holly Donovan, Gift Ingabire, Brooke Ingram, Austin Kalaydjian, Julie Ann Leatham, Lindsay Luchetti, Charles Maker, Gregory Rinehart, Abel Sanchez, Hannah Squires, Kathryn Szatkiewicz, Sean Tracy, Kathryn Van Orden, Melanie Villacis-Mora, Kenneth Whitehead, Jasmine Aguilar, Olivia Castimore, Andre Chavarria, Robert Day, Casie Dolan, Gina Donatelli, Timothy Fitzpatrick, Hunter Grave de peralta, Collin Kelly, Willie Little, Rhiannon Lubas, Alecia Marmora, Francis Militano, Natalia Quintero, Adeline Shickel, Tevin Spencer, Taylor Thieme, Matthew Unorski.

URGING INDIVIDUAL AND
COMMUNITY PREPAREDNESS

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BILIRAKIS. Madam Speaker, this week is National Hurricane Preparedness Week and I encourage all Americans to ensure they are prepared in the event of a hurricane or other natural disaster.

Officials at all levels of government are working to ensure they are prepared to respond to any disaster that may impact their areas. However, disaster preparedness is not only a government responsibility. Individuals and families have an important role to play as well.

Individuals should make a disaster preparedness kit with items like water, nonperishable food, a first aid kit, flashlights, medications, and copies of important documents. The Florida Division of Emergency Management in my home State has a website, www.floridadisaster.org, which is a great resource for disaster planning. Other States provide these resources as well. Individuals can also visit Ready.gov and Hurricanes.gov for additional information.

Madam Speaker, the time to prepare is now. I urge all Americans to take these simple steps to get prepared to weather the storm.

COMMEMORATING JEWISH
AMERICAN HERITAGE MONTH

HON. ALBIO SIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SIRE. Madam Speaker, I rise today to commemorate Jewish American Heritage Month. This May marks the fifth Jewish American Heritage Month, a month that highlights the many contributions of the Jewish American community. In 2006, we celebrated the first Jewish American Heritage Month after the diligent work of Congresswoman DEBBIE WASSERMAN SCHULTZ led to the passage of the Jewish American Heritage Month Resolution in 2005.

While the Jewish American community contributes to our country each and every day, this month is a special time to recognize and teach about the achievements of Jewish Americans. For over 350 years, the Jewish Community has contributed to our rich, diverse, and shared culture in this country. Despite the long history of Jews in the United States, Judaism as a culture is not widely understood by all Americans and instances of anti-Jewish prejudices unfortunately do occur.

This month, events are happening all over the Nation to celebrate Jewish American Heritage Month by promoting awareness of Jewish Americans' traditions and impacts. Jewish American Heritage Month provides all of us with an opportunity to learn more about the Jewish people and dispel misconceptions.

Last winter, the Daniel Pearl Education Center sponsored a trip for 70 teenagers from Middlesex County in New Jersey to visit the U.S. Holocaust Memorial Museum. The students, from all different backgrounds, had the opportunity to visit the museum and hear from a Holocaust survivor. I also offered remarks at this event to echo the life and death importance of tolerance and understanding.

The United States is a country of millions of people from countless distinct backgrounds. It is because of the values and freedoms inherent in our society, that so many diverse cultures are able to find success here. I am pleased to join my colleague in the House of Representatives tonight in honoring the many successes of Jewish Americans.

IN HONOR OF AND RECOGNITION
OF THE 20TH ANNIVERSARY OF
THE CROATIAN AMERICAN ASSO-
CIATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. KUCINICH. Madam Speaker and Colleagues, I rise today in honor and recognition of the 20th anniversary of the Croatian American Association, which was celebrated on Saturday, May 15th in Chicago, Illinois.

For twenty years, the Croatian American Association, a non-partisan organization, has sought to bring the interests and concerns of Croatian Americans to the attention of Con-

gress and the Administration. The Croatian American community is vibrant and strong in Cleveland, Chicago and throughout our nation. Croatian Americans have made significant contributions to all levels of culture and society and have made our nation a better place.

The Croatian American Association is focused on rallying members of Congress to support the process of democratic development in Croatia, and providing education to the American people on the significance of supporting democracy in Croatia. For twenty years, members and leaders within the Association have created vital partnerships with Congressional and Senate leaders, with members of the press, and with leaders of numerous cultural and political organizations throughout the country.

Madam Speaker, please join me in honor and recognition of all Americans of Croatian heritage, and the members of the Croatian American Association, as they celebrate 20 years of advancing democracy in Croatia. As United States citizens whose origins span the globe, we must work to preserve and foster bonds of friendship, support, and peace here at home and in the nations of our origin.

HONORING FAIRFIELD BAPTIST
CHURCH

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker: Whereas, Fairfield Baptist Church has been and continues to be a beacon of light to our country for the past 125 years; and

Whereas, Pastor Micheal Benton and the members of the Fairfield Baptist Church family today continue to uplift and inspire those in our county; and

Whereas, the Fairfield Baptist Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our district; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the past 125 years by preaching the gospel, singing the gospel and living the gospel; and

Whereas, Fairfield has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with DeKalb County and the world their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Fairfield Baptist Church family on their 125th Anniversary and for their leadership and service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim May 16, 2010, as Fairfield Baptist Church Day in the Fourth Congressional District.

TRIBUTE TO JOHN GLESS, 2010
FATHER OF THE YEAR RECIPIENT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and congratulate an individual from my Congressional District who will be presented with the 2010 Father of the Year Award next week in Riverside, California.

The purpose of the Father of the Year Awards is to honor fathers who have remained a positive role model for their children while also making a positive difference in their community.

John Gless is one of those fathers. He has been married to his wife Janet for 52 years, and has four children and 11 grandchildren. As owner and founder of Gless Ranch, John has been an active member of the California farming community and avid supporter of numerous charitable organizations.

I am proud to call John a fellow community member and American. And today, I add my voice to the many who will be congratulating him on this well-deserved recognition.

HONORING THE DECEASED MA-
RINE CORPORAL JEFFREY JOHN-
SON OF TOMBALL

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BRADY of Texas. Madam Speaker, I rise today to recognize and honor Marine Corporal Jeffrey Johnson of Tomball, TX, part of the 3rd Battalion 1st Marines, 1st Marine Division, who was killed on May 11, 2010, while on foot patrol by an improvised explosive device south of Marjah in the Garmsir District of Helmand Province, Afghanistan. He was 21 years old.

In 2007, after graduating from Waller High School, Corporal Johnson accepted the call to become one of the few and the proud as a Marine. In doing so, he joined a family legacy of service to America, with grandfathers having served in the Navy and Air Force and four of his uncles in the National Guard.

His family, friends, and fellow Marines recall Corporal Johnson as a smart, humorous, loving, and hard working person. His father, Jerry, said that his son loved being a Marine and believed strongly in America's fight for freedom and against terrorists overseas.

Corporal Johnson leaves behind a wife, Katy, his parents, grandparents, three siblings, and many other family members. He also leaves behind a very proud community. The people of Tomball and Magnolia, Texas, lined the streets of town to welcome this man home, and stand today behind his family and support them in their grief.

Madam Speaker, the Bible says in John 15:13, "Greater love hath no man than this, that a man lay down his life for his friends." Corporal Johnson paid the ultimate price for his fellow Marines, his wife and family, and

this country. May we, as the House of Representatives, never forget that our freedoms are given by almighty God and secured by our Armed Forces, one soldier at a time.

IN HONOR OF JESSE CLIFTON
ALPHIN, SR., FOR HIS 90TH
BIRTHDAY

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. ETHERIDGE. Madam Speaker, I rise today to honor Jesse Clifton Alphin, Sr., for his continued service to his community, county and state.

Jesse Alphin has been my friend for many years, and I am pleased to be able to honor him in recognition of his 90th birthday. Jesse had held many important posts throughout his career, including Rotary Club president, member and chairman of the Harnett County Board of Commissioners, and, notably, the less formal position as a prominent businessman and leader in Harnett County.

A resident of Dunn, North Carolina, Jesse established Alphin Brothers, Inc. in 1947 and has since grown this small family-owned general store into a federally inspected meat manufacturer and food distributor. Alphin Brothers, Inc. provides meat to both small mom-n-pops diners and drive-ins and large distributors and corporate food conglomerates, testimony to its success in the food distribution business. Jesse's integral business leadership in Harnett County has resulted in hundreds of jobs and opportunities for fellow North Carolinians, in addition to quality food and service for over 50 years.

Jesse's strong presence in the business community is matched by his leadership in his church, his community, and as a dedicated family man. His philanthropic endeavors include work with the University of North Carolina at Chapel Hill, Campbell University, and other civic projects to foster the local school system. Jesse's untiring commitment to his wife of over 69 years, Allene, and his children make him a man to be admired. It is a true testament of a man's success to look at the success of his family, and I can honestly say his family has sure shown him to be a mighty successful man.

Madam Speaker, I urge my colleagues to join me today in recognizing Jesse Clifton Alphin, Sr., a man who truly lived the American dream and is still living it. A great friend to me and to North Carolina, I take the time today to wish Jesse a happy birthday and many more.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. WOOLSEY. Madam Speaker, on May 6, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 302.

Had I been present I would have voted: Rollcall No. 302: "yes"—Honoring the workers who perished on the Deepwater Horizon offshore oil platform in the Gulf of Mexico off the coast of Louisiana, extending condolences to their families, and recognizing the valiant efforts of emergency response workers at the disaster site.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the legislative week of Tuesday, May 18, 2010.

For Tuesday, May 18, 2010, had I been present I would have voted "No" on rollcall vote No. 273 (on motion to suspend the rules and agree to H.R. 2288), "no" on rollcall vote No. 274 (on motion to suspend the rules and agree to H.R. 4614), "aye" on rollcall vote No. 275 (on motion to suspend the rules and agree to H. Res. 1327).

For Wednesday, May 19, 2010, had I been present I would have voted "no" on rollcall vote No. 276 (on motion to suspend the rules and agree to H.R. 1514), "no" on rollcall vote No. 277 (on motion to suspend the rules and agree to H.R. 5325), "aye" on rollcall vote No. 278 (on motion to suspend the rules and agree to H. Res. 1325), "aye" on rollcall vote No. 279 (on motion to suspend the rules and agree to H. Res. 1362), "aye" on rollcall vote No. 280 (on motion to suspend the rules and agree to H.R. 5099), "aye" on rollcall vote No. 281 (on motion to suspend the rules and agree to H. Res. 403), "aye" on rollcall vote No. 282 (on motion to suspend the rules and agree to H. Res. 1292), "aye" on rollcall vote No. 283 (on motion to suspend the rules and agree to H. Res. 1364).

For Thursday, May 20, 2010, had I been present I would have voted "aye" on rollcall vote No. 284 (on motion to suspend the rules and agree to H.R. 5327), "aye" on rollcall vote No. 285 (on motion to suspend the rules and agree to H. Res. 1256), "aye" on rollcall vote No. 286 (on motion to suspend the rules and agree to H. Res. 1336), "aye" on rollcall vote No. 287 (on motion to suspend the rules and agree to H. Res. 1361), "no" on rollcall vote No. 288 (on ordering the previous question on H. Res. 1363), "aye" on rollcall vote No. 289 (on agreeing to H. Res. 1363), "aye" on rollcall vote No. 290 (on motion to suspend the rules and agree to H.R. 5128).

IN HONOR AND RECOGNITION OF
THE GREATER CLEVELAND
PEACE OFFICERS MEMORIAL SO-
CIETY 25TH ANNUAL POLICE ME-
MORIAL COMMEMORATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the Greater

Cleveland Peace Officers Memorial Society upon the occasion of the 25th anniversary of the Police Memorial Commemoration. Today, we remember the men and women in blue who have made the ultimate sacrifice on behalf of the citizens of our community.

In 1985, a group of police officers gathered after the funeral of a fellow officer killed in the line of duty. They discussed forming a union of officers, family members and citizens, and together they formed the Greater Cleveland Peace Officers Memorial Society. The mission of the Society is to honor those peace officers who have sacrificed their lives to protect others in the Greater Cleveland area. The Society adopted the motto: "In Honore Casorum," Latin for "Honor Our Fallen."

The Peace Officers Memorial Society provides support and assistance to the family members of officers who have died in the line of duty. They also provide support and assistance to police officers injured in the line of duty and work in tandem with law enforcement agencies and leaders with the planning and implementation of Line of Duty funerals. They also establish scholarship funds and work on strengthening police-community relations and community outreach initiatives.

Madam Speaker and colleagues, please join me in recognition of the Greater Cleveland Peace Officers Memorial Society as they continue their mission to honor the fallen, support the families of slain officers, and strengthen and promote bonds between police and community. We must recognize and remember every peace officer who has made the ultimate sacrifice in the line of duty. Their selfless service and sacrifice, and the great sacrifice of their families, will not be forgotten.

HONORING BISHOP WILLIAM L.
SHEALS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker: Whereas, Bishop William L. Sheals is celebrating 30 years in pastoral leadership this year and has provided stellar leadership to his church on an international level; and

Whereas, Bishop William L. Sheals, under the guidance of God, has pioneered and sustained Hopewell Missionary Baptist Church, as an instrument in our community that uplifts the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God has given hope to the hopeless, fed the hungry and is a beacon of light to those in need; and

Whereas, Bishop William L. Sheals is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared not only with his Church, but with our district and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Bishop William L. Sheals as he celebrates 30 years in pastoral leadership;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim May 16, 2010, as Bishop William L. Sheals Day in the Fourth Congressional District.

REITERATING THIS CONGRESS'S
COMMITMENT TO AMERICA'S
SENIORS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. MATSUI. Madam Speaker, Democrats have an unassailable record when it comes to protecting the rights of seniors, and I rise today to thank all of my fellow Seniors Task Force Members for their continued commitment to America's seniors.

As the party that consistently fights efforts to dismantle Social Security and Medicare, we understand that many older Americans depend on these federal programs just to make ends meet. These parts of the social safety net constitute a right of all seniors to meet their needs for financial security and high quality, affordable health care.

The current Medicare system already delivers the best care in the world and it is strengthened by provisions in the health-care bill that was recently signed into law. Our bill fulfills this right to affordable medicines by beginning to close the "donut hole," a process which is starting this year. The right to quality, affordable health care also means helping seniors avoid getting sick—our bill makes preventive care free for Medicare beneficiaries.

Seniors also have the right to a secure retirement, including a secure pension. Democrats will take action to secure this right in the coming weeks.

And one of the most important rights that every American senior has is the right to live with dignity. Federal policy should therefore be aimed at empowering seniors to make important decisions with family members, not insurance bureaucrats.

Seniors have a right to be protected from scams and fraud including credit card company abuses, identity theft, and mortgage schemes. That's why the financial reform legislation, which will be sent to the President in the coming weeks, is so critical to enact immediately. By reining in the ability of Wall Street executives to gamble away our retirements we will help put our economy on a path to financial stability. We will fulfill this right of America's seniors to have economic security and create an economy that we will be proud to pass on to future generations.

Madam Speaker, America's seniors want to guarantee America's place as a leader in a global economy by reinvesting in manufacturing and American-made goods, training students to be the workforce of the future, and ensuring there are job opportunities for anyone who wants or needs one.

Thanks to the Recovery Act, the Affordable Care Act, and the Wall Street Reform Act this Congress is making each of these rights a reality for our seniors.

CELEBRATING THE 120TH ANNIVERSARY OF THE QUIHI GUN CLUB

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. RODRIGUEZ. Madam Speaker, I am proud to rise today to recognize and celebrate the 120th Anniversary of the Quihi Gun Club. This is the oldest gun club in the country and counts a membership of over 1,000 people.

The Club, originally built to defend against Indian attacks, is the oldest continuous running gun club in the United States where members continue to meet each month. Two German men met under an oak tree on Quihi Creek on May 26, 1890 to organize the Quihi Schuetzen (shooting) Verein (club); now called the Quihi Gun Club and Dance Hall. The Quihi Gun Club hosts an annual turkey shoot in the fall, fundraising for the Make-a-Wish foundation, and hosts the Medina County Riders' Annual Trail Ride scholarship for Medina County students.

The club is based in Quihi, Texas, a quiet rural farming community with a population of about 200. Quihi is located about midway between Hondo and Castroville, north of Hwy 90 on State Road 2676. There is one state highway that runs through Quihi with a lot of county and private roads that branch off of it. The area that would come to be known as Quihi was originally settled by Lipans, Kiowa, Kickapoo and Comanche Indians. The Indians named the area "quichi" (pronounced kee-chee) after the large brown bird with white feathers on its tail and tips of its wings. Quihi was founded in 1844 by Henri Castro on the banks of what was to be called Quihi Creek.

Quihi was established in March 1846 by 10 families of German/French colonists brought to Texas by Emprario Henri Castro. Families set out from Castroville and moved 10 miles west to site at Quihi Lake. Original settlers in the area came from Alsace-Lorraine, Germany, Belgium and Mexico. This area was attacked by Indians shortly after settlement and several times thereafter. It is the site of first public free school in Medina County as well as a German-English school. The population of the community grew through the latter part of 19th century but began to dwindle after the 1900s, as young people moved to other nearby towns and cities. Today only a few families remain in this community surrounded by heavily settled farm land. Many family-owned businesses, farms and ranches are still owned by descendants of the original families.

Several of Texas' greatest Legends like Pappy Selph, Caesare Masse, and Cliff Bruner have spent many nights in Dance Halls like this. I extend my most sincere congratulations to the Quihi Gun Club on their 120th Anniversary. I am proud of their success and hope that they continue to expand their club membership as they provide their services not only to their community, but to audiences from all over for many years to come.

Early this month the town of Quihi was struck by a devastating flood of the Quihi Creek. Three businesses closed, the area was temporarily without electricity and a large section of pavement was washed away on FM

2676. According to newspaper reports the Quihi Gun Club and Dance Hall was hit with two feet of water and had a slightly damaged dance floor. Despite the damage, the public dance proceeded as scheduled that week.

The history of this beautiful, small rural community can boast of their heritage for over 160 years. It is delightful that the traditions of the Quihi Gun Club can add to this exemplary and truly American community. I am proud to represent the people of Quihi and to recognize the Quihi Gun Club and its integral role in the Quihi community and Medina County.

HONORING THE LIFE OF JUDGE
EDWARD B. DAVIS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to celebrate the life of a good man and pay tribute to a dear friend, Judge Edward B. Davis. Judge Davis passed away on May 24, 2010; he was 77.

I had the privilege of serving alongside Judge Davis in the United States District Court for the Southern District of Florida. Judge Davis and I were attorneys in 1979 when we received the distinct and humbling honor of being appointed to the bench by President Jimmy Carter. My memories of serving on the bench with Judge Davis are lasting impressions that keep with me to this day.

Ned, as we so affectionately called him, displayed all the characteristics of a brilliant judge. He had a keen intellect that allowed him to see to the heart of a matter and render a verdict that was considered fair by all parties. Ned is remembered and envied as an evenhanded and empathetic jurist. No matter who came before Judge Davis, they were assured a fair hearing under the law.

Any judge can employ the law, but it was Ned's humanistic dimension that made him great. I like to say that he had a heart as big as he was tall. He served a cause bigger than himself, never allowing his personal beliefs to obstruct the clarity of the law and the best interests of his beloved home of South Florida.

Ned made sure that he always had a life outside his chambers, a goal that gave him perspective on the bench. He would often joke that being a judge was his "second favorite job." A talented athlete, I always enjoyed hearing stories of his professional days with the Detroit Tigers. Sharing a drink after a long week to discuss family life with Ned are some of the memories that I hold most dear.

Madam Speaker, we have lost a giant of South Florida. Ned's presence will be sorely missed and is impossible to replace. He put forward a significant number of undertakings in Florida as a lawyer, judge, and citizen. Ned has passed, but he left a legacy we can all take part in. His contributions to society should serve as a reminder of our responsibility to others and our duty to leave a positive impression of our own.

My thoughts and prayers are with his wife of 52 years, Pat; three children, Diana, Ned, and Traci; five grandchildren; and two great-grand-

children at this most difficult time. I was fortunate enough to call Ned a friend. His family can be so proud to call him a husband and father. I will miss him dearly.

IN HONOR OF T. BOONE PICKENS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of T. Boone Pickens, who has made a major impact on our world through his advocacy and philanthropic missions.

Mr. Pickens was born on May 22nd, 1928 and raised in the Great Plains of Holdenville, Oklahoma during the Great Depression. His father, Thomas Boone Pickens, and mother, Grace Molonson Pickens, both worked in the oil industry. He grew up across the street from his grandmother, Nellie Molonson, and an aunt, Ellie Reed, both of whom were extremely influential in teaching him the importance of responsibility, self-sufficiency and accountability.

Mr. Pickens began his working at the age of 12 with a paper route. His route started out small, yet quickly grew from a customer base of 28 to nearly 130 customers. The business principals of expansion and acquisition, combined with his strong intellect, work ethic and unwavering drive to succeed, elevated Mr. Pickens to the stature of one of the wealthiest oil moguls in the world before he was forty.

Mr. Pickens' great financial success in the oil sector has allowed him to recommit his work toward lowering greenhouse gas pollution. Mr. Pickens' philanthropic efforts have totaled more than a billion dollars. He created the Pickens Foundation, the mission of which is to improve lives by providing funds for the creation of programs in the areas of medical research, athletics, education and the environment.

Both Mr. Pickens and his wife, Madeleine Pickens, are also lifelong animal rights activists. They have led the effort to outlaw the slaughter of horses in America, and recently, they have focused on saving and protecting the tens of thousands of wild mustang horses and their natural habitats.

Madam Speaker and colleagues, please join me in honor of T. Boone Pickens, whose focus on innovation and public service has contributed significantly to our nation.

A TRIBUTE TO DR. RAMESH S.
GULRAJANI, MD, FCCP

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Ramesh S. Gulrajani.

Dr. Gulrajani graduated from the University of Bombay, India in 1975 close to the top of his class. Shortly thereafter he began his Internal Medicine training at the Brooklyn Cumberland Medical Center where he also com-

pleted a fellowship in pulmonary medicine. He is board certified in internal medicine and pulmonary medicine and has been in private practice in those fields at the Brooklyn Hospital Center since 1981.

In 1984, Dr. Gulrajani was appointed Director of the Medical Intensive Care Unit (MICU) and was subsequently promoted to Chief of Pulmonary/Critical Care Medicine, Vice Chairman, and then Chairman of the Department of Internal Medicine. Culminating his academic career at the Brooklyn Hospital Center, he was appointed Associate Chief Medical Officer in 2007. He is currently an Associate Professor of Clinical Medicine at the Weill Medical College of Cornell University. Over the years, he has been responsible for training numerous medical students, medical residents, and pulmonary fellows. He has also co-authored a number of articles in scientific journals, a chapter in a pulmonary medicine text, and has been a speaker at national medical meetings.

Dr. Gulrajani has received numerous awards over the years from the Brooklyn Hospital Center including the Annual Social Service Award, Nurses Recognition Award, the annual award from the professional staff of the Brooklyn Hospital Center for Dedication and Distinguished Service, as well as the Distinguished Pulmonary Medicine Award from the American Lung Association. He was inducted to the "wall of fame" by the American Lung Association and named as one of the "Top Doctors in New York" by Castle, Connolly Medical Guide and by New York Magazine, as one of America's Top Doctors by Consumer Research Council of America, and as a Premier Provider of Quality and Efficient Care by United Health Care, among other honors. In his spare time, Dr. Gulrajani is also actively involved in community service in Brooklyn and in India.

Dr. Gulrajani's daughter, Samara, works at the New York Methodist Hospital and his son Avinash is a Fellow in Cardiology at Montefiore Medical Center. It is clear that the apple does not fall far from the tree! He likes best to spend his leisure time with his family and friends in New York and to take "crazy vacations" like rock climbing and white water rafting.

Madam Speaker, please join me in recognizing Dr. Ramesh Gulrajani for his contributions to the medical field.

RECOGNIZING THE 100TH ANNIVERSARY OF THE SOUTH DAKOTA STATE MEDICAL ASSOCIATION ALLIANCE

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. HERSETH SANDLIN. Madam Speaker, today I'd like to recognize the 100th Anniversary of the South Dakota State Medical Association Alliance, the oldest continuous Medical Alliance in the United States. The South Dakota State Medical Association Alliance was founded on September 20, 1910, in Hot Springs, SD, during the 19th Annual South Dakota Medical Association meeting. Eighteen

wives of the physicians who attended this meeting saw the need to form The Ladies Auxiliary to the South Dakota State Medical Association. In 1975, the organization became known as the South Dakota State Medical Association Auxiliary, and in 1992, it was renamed as the South Dakota State Medical Association Alliance.

As the mission of the organization sets forth, the South Dakota State Medical Association Alliance has always strived to build healthy communities and to support the family of medicine through health promotions and legislative efforts. In their endeavor to make South Dakota's communities healthier and safer places to live, the South Dakota Medical Association Alliance has partnered with programs of the South Dakota State Medical Association, promoted health education, encouraged participation of volunteers in activities that meet health needs, supported health-related charitable endeavors, and supported the medical profession. I therefore, acknowledge their contribution to promoting healthy living in South Dakota, and congratulate the South Dakota State Medical Association Alliance on reaching this important milestone.

HONORING MR. WILLIAM SWEENEY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. William Sweeney. Mr. Sweeney served his constituency faithfully and justly during his tenure as a member of the Harmony Town Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Sweeney served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Sweeney is one of those people and that is why, Madam Speaker, I rise in tribute to him today.

IN HONOR OF SISTER JULIE HYER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. FARR. Madam Speaker, I rise today to honor Sister Julie Hyer, O.P., whose faith, benevolence and business savvy has served the County of Santa Cruz since 1985. As President and Chief Executive Officer she was instrumental in guiding Dominican Hospital for 22 years and Salud Para La Gente for the past two years, resulting in exceptional service and growth for both of these health care agencies.

At Dominican Hospital, Sister Julie sat at the helm of Santa Cruz County's largest health care facility when it implemented numerous programs such as their Infant Hearing Assessment program, Occupational Rehabilitation, and the ShareCare Health Plan for Older Adults, ensuring that patients are cared for through every stage of their lives. Other services, such as Dominican's Tattoo Removal Program which gives former gang members a chance to start a new phase of their lives, reflect Sister Julie's all-embracing approach to the health of our community.

Under Sister Julie's leadership, Salud Para La Gente, which translates in English as 'Health For The People,' has grown into the county's leading provider of health care services to the low-income families of Santa Cruz County. Salud has won awards for its many programs, including well-child visits, adolescent well-care, monitoring of patients on persistent ACE inhibitors, breast and cervical cancer screening, appropriate use of asthma medications, and diabetes screening. Salud won many grants, including federal stimulus funding this year, used to create new space that will house pediatrics, general medical practices, dental and vision facilities, as well as hire two more physicians.

The laurels of her tenure are as numerous as they are invaluable. They are the realization of Sister Julie's faith in action and a testament to the power of earnest and solemn goodwill.

Madam Speaker, for all that she has done and all that she will undoubtedly continue to do, I extend my most sincere thanks and warmest wishes to Sister Julie as she goes to her next assignment.

JEFFERSON HIGH SCHOOL 44TH REUNION

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SPRATT. Madam Speaker, I would like to call attention to the gathering in Baltimore, Maryland of alumni from Jefferson High School over the weekend of June 5th, 2010 in honor of the class of 1966's 44th reunion.

Although the school officially closed in 1970, Jefferson High School got its start in a frame schoolhouse built for African-American students in York, South Carolina. From there, Jefferson became a Rosenwald school and the town's African-American public school in a racially segregated system. Although the system was called "separate but equal," Jefferson never had facilities or teaching materials equal to its counterparts, the white schools that I attended. The school district built a new high school for white students in 1950, but left black students to make the best of their old one. The students, teachers and administrators at Jefferson did just that and made the most of their circumstances.

Instead of gathering to dwell on what was lacking at Jefferson, the class of 1966 comes together to remember the teachers and fellow students who so impacted Reunion made clear that Jefferson lives on in the lives it

made better. Hundreds of the alumni attending attested to better, more productive lives because of what they learned at Jefferson under teachers who cared, encouraged, and challenged.

IN APPRECIATION OF CRAIG M. RUSHING

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. LAMBORN. Madam Speaker, it is with mixed emotions that I announce the departure of a valued member of my staff, Craig M. Rushing.

For the past three years, Craig has professionally and enthusiastically served the constituents of the Fifth Congressional District of Colorado, first as Legislative Director, and then as Deputy Chief of Staff and Legislative Director. He successfully handled his duties with a wealth of knowledge of the legislative and procedural processes. His dedication and work ethic will be very difficult to replace.

Beginning his career on the Hill as a staff assistant for Rep. Marilyn Musgrave (CO-04), Craig has served constituents of Colorado for nearly eight years. It was during this time he met and married his wife, Ginger, in August of 2007.

Craig worked his way through college with several jobs and internships, including with the Colorado Right to Work and the Leadership Institute. Craig graduated from the University of North Carolina at Greensboro in 2002 with a Bachelor of Science in Economics.

Craig is the son of Dennis and Kathy Rushing of Greensboro, North Carolina, and is brother to Amy Bregman and Betsy Bardi.

Craig is leaving Washington to take a position as Manager of Government Affairs at Lowe's Headquarters in Mooresville, North Carolina.

He has worked hard for the people of Colorado. His conservative and Christian values are needed today more than ever. I know God will bless him and his wife in their future endeavors.

HONORING THE CEDAR CREEK VETERANS FOUNDATION

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. HENSARLING. Madam Speaker, today I would like to honor a special organization of officials and individuals in the Fifth District of Texas, the Cedar Creek Veterans Foundation.

President Coolidge once said, "A nation which forgets its defenders, will itself soon be forgotten." Individuals in East Texas and Northeast Texas continue to amaze me for their tireless work in honoring soldiers and their families.

The Cedar Creek Veterans Foundation was established to raise funds to assist Northeast Texas veterans with physical and emotional

recovery, as well as physical rehabilitation of our wounded and injured warriors. They also provide organizations such as The Wounded Warrior Project and Fisher House of Dallas with resources and support.

On June 7th, the Cedar Creek Veterans Foundation will be hosting a golf tournament and will donate all proceeds to the Fisher House in Dallas and The Wounded Warrior Project.

The Fisher House in Dallas, Texas, is just one of several facilities that fulfill a great need for our nation's defenders and their families. As a private-public partnership, the foundation provides homes that are built at major military medical centers, as well as VA medical facilities. These homes give families the chance to be near loved ones during hospitalization.

The Cedar Creek Veterans Foundation also sponsors "Thunder Over Cedar Creek Lake" annual air show during July 4th festivities that helps to raise funds to support our nation's veterans.

This year's golf tournament will feature Jae Head, who most recently starred in the movie "The Blind Side." The tournament's list of guests will also include former military members. John Wesley Tucker, Jr., a veteran pilot and instructor during World War II, will be honored during the event. The event will also feature three war heroes, Jesse W. Naul, Jr., who received the Navy Cross for his service during World War II; Richard S. Agnew, who received the Distinguished Service Cross serving the U.S. Army during the Korean War; and Dean E. DeTar, who received the Air Force Cross for his service during Vietnam War. These gentlemen are members of the Legion of Valor, and three of the nine members of the Legion of Valor that represent over 450,000 veterans in North Texas.

I would like to thank everyone at the Cedar Creek Veterans Foundation, including CCVF President, Mr. Bob O'Neil, the board members and countless volunteers, supporters and donors who help to ensure our nation will not forget its defenders. It is an honor to represent such an outstanding organization and group of people in the Fifth District of Texas.

RECOGNIZING THE DOBSON HIGH SCHOOL BAND, SELECTED FOR THE 2010 SHANGHAI WORLD MUSIC EXPO FESTIVAL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize Mesa Arizona's Dobson High School Band, which will represent our state at the 2010 Shanghai World Music Expo Festival in China. I wish to convey my pride and that of all Arizonans in the efforts of these talented and dedicated students, and thank the Dobson faculty and community for its remarkable support.

As a former teacher, I believe very strongly that participation in the arts, especially on such a global scale, leads to cultural enrichment and enhances education and learning across all subjects. This opportunity to perform

on a world stage, and the subsequent rush of community support to make this trip possible, is a well-earned reward for the hard work and commitment of the Dobson High Band and its supporters. To make this trip possible, band members raised \$3,000 apiece to pay for travel expenses. I believe in the old saying, "it is hard to be successful unless a lot of other people want you to be." So I also applaud all the parents and community members who helped in this effort as well.

Madam Speaker, I am honored to recognize the Dobson High School Band as they represent the State of Arizona at the 2010 Shanghai World Music Expo Festival in China. I wish the band all the best during their performance in China and I am confident they will use this trip as an opportunity to learn about a new culture and positively represent our state and country within the global community. I know they will make us all proud.

HONORING THE 100TH ANNIVERSARY OF THE SPRING CITY LIBRARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. GERLACH. Madam Speaker, I rise today to congratulate the patrons, staff and Board of Trustees of the Spring City Library in Chester County as they celebrate the Library's 100th anniversary.

During the last century, the Library has remained true to the core mission of encouraging and fostering the spirit of self-improvement envisioned by its forefathers in the Spring City Literary and Library Association.

While the Library has changed locations and the collection and services offered have increased tremendously, the commitment to serving the public remains just as strong today as when the doors first opened. Whether you want to read a best-seller, rent a movie, use the Internet or send your child to a Story Time program, the Spring City Library is a tremendous asset to the community and has played an important role in making Spring City a great place to live, work and raise a family.

Friends and supporters of the Spring City Library will celebrate the 100th anniversary on Wednesday, June 2, 2010.

Madam Speaker, I ask that my colleagues join me today in congratulating the Spring City Library as it commemorates this memorable milestone and in offering the patrons, staff and Board of Trustees best wishes for continued success.

CELEBRATING THE 10TH ANNIVERSARY OF THE CORINTH CAMPUS OF NORTH CENTRAL TEXAS COLLEGE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BURGESS. Madam Speaker, I proudly rise today to celebrate the 10th Anniversary of

the Corinth, Texas Campus of North Central Texas College.

For the past decade, NCTC-Corinth has provided thousands of North Texas residents with an opportunity to pursue higher education. The Corinth Campus first opened in 2000, and today is educating more than 4,000 students. The Corinth campus shares in the longstanding tradition of academic excellence that is characteristic of NCTC, the oldest continuously operating two-year college in the entire state of Texas.

The NCTC-Corinth campus offers a variety of vocational degrees and certificate programs, as well as college credit courses and continuing education units. The first-class education NCTC-Corinth's students receive prepare them to join the area's workforce as well-trained professionals.

NCTC-Corinth has been an invaluable asset to the many communities that call North Texas home, serving its students well. I have no doubt this trend will continue well into the future and impact many more students, as NCTC-Corinth is planning for future growth that its administrators anticipate will be able to serve some 12,000 students in the coming years.

Madam Speaker, it is with great honor that I rise today to honor the 10th Anniversary of the opening of North Central Texas College's Corinth campus. I am proud to represent Texas' 26th Congressional District, which is home to this fine educational institution.

HONORING MS. MELODY OLIVER

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker:

Whereas, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service; and

Whereas, Ms. Melody Oliver has given of herself as an educator of E.L. Bouie, Sr., Elementary Theme school; and

Whereas, Ms. Oliver makes learning fun, inspirational, motivational, but most of all achievable; and

Whereas, this phenomenal woman has shared her time and talents for the betterment of our community and our nation through her tireless works, motivational speeches and words of wisdom; and

Whereas, Ms. Oliver is a virtuous woman, a courageous woman and a fearless leader who has shared with the world her vision and passion to help ensure that our future, our children, receive an education that is relevant for today, but also for the future; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Melody Oliver for her outstanding leadership and service;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby proclaim May 20, 2010, as Ms. Melody Oliver Day in the Fourth Congressional District.

TRIBUTE TO MARION ASHLEY, 2010
FATHER OF THE YEAR RECIPIENT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and congratulate an individual and dear friend from my Congressional District who will be presented with the 2010 Father of the Year Award next week in Riverside, California.

The purpose of the Father of the Year Awards is to honor fathers who have remained a positive role model for their children while also making a positive difference in their community.

Marion Ashley is one of those fathers. He has been married to his wife Mary for 54 years, and has 6 children, 19 grandchildren and 3 great-grandchildren. As a lifelong resident of Riverside County, he has worked for decades to improve the lives of his fellow citizens.

After years of working in the private sector, both at a national accounting firm and in real estate investment, Marion decided to become more involved in public service. In 1973, he served on the Riverside County Planning Commission and in 1992 was elected to a seat on the board of the Eastern Municipal Water District. In 2002, he was elected to the Riverside County Board of Supervisors, a position he still holds today.

As Supervisor of the 5th District in Riverside, Marion oversees a budget of \$4.5 billion and sets public policy for more than two million people. In addition, he is the only Supervisor who has served as Chairman of: the Board of Supervisors; the Western Riverside Council of Governments; and the Coachella Valley Association of Governments.

Throughout his many roles, Marion has made family and public service his top priorities. His dedication to the people of Riverside County has not gone unnoticed, and he has become a respected leader on critical regional issues. Marion himself has said that he and his wife hope to build a community in which his children and grandchildren enjoy the same quality of life he has known in Riverside County, and I cannot think of someone who has worked so tirelessly in that effort.

I am proud to call Marion a friend, fellow community member and American. And today, I add my voice to the many who will be congratulating him on this well-deserved recognition.

HONORING THE WORLD WAR II
VETERANS OF ILLINOIS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to honor the World War II veterans from Illinois who are traveling to Washington, DC with Honor Flight Chicago, a program whose goal is to provide as many World War II veterans

as possible the opportunity to see the World War II Memorial here in Washington, DC, a memorial that was built to honor their courage and service.

The American veteran is one of our greatest treasures. The Soldiers, Airmen, Sailors, Marines, and Coast Guardsmen traveling here today answered our nation's call to service during one of its greatest times of need. From the European Campaign to the Pacific Asian Theatre to the African Theater, these brave Americans risked life and limb, gave service and sacrificed much, all while embodying what it is to be a hero. We owe them more gratitude than can ever be expressed.

I welcome these brave veterans to Washington and to their memorial. I am proud to submit the names of these men for all to see, hear, and recognize, and I call on my colleagues to rise and join me in expressing thanks.

Henry Adema, Richard I. Africk, Carl S. Ames, George R. Apato, Louis Bakos, Ernest E. Bassi, James R. Bateman, Charles I. Battaglia, Irving H. Bernard, Anthony Biancardi, Sigmund A. Bogdziewicz, Leonard J. Borth, Raymond A. Boss Sr., Richard E. Brhel, Robert C. Bruhn, Leonard G. Buresh, Albert Conforti, Charles Corte, Rene Couture, Charles F. Cummings, Charles F. Davis Jr., Henry W. De Young, Laverne Harriett Dennhardt, Joe Deprizio, Edwin Drzymkowski, Richard W. Ehrhardt, George L. Faust, Raymond Feltes, Robert Fimbach, Stanley P. Fundanish, Charles C. Giglio, John A. Gillespie, Ernest S. Gregory, Richard Guimond, James H. Hammock, Rudy S. Hans, Herbert Leo Hay, Martha H. Honigman, Joseph G. Houska, Harry James Howarth, Robert Jayko, Thaddeus A. Jelen, John Lester Johnson, Thomas L. Kablach, Waitman Kapaldo, Richard A. Karst, John Kearney, Walter L. King, Clarence R. Kleinfelter, Thomas Kohl, Antoni L. Kozak, Milford H. Lau, James W. Leichti, Everell B. LeSage, Martha B. Loss, James W. Maddin, Bryan W. McCarty, Joseph C. Montino, Dwane E. Moss, Vernon R. Nelson, Edmund J. Nowiszewski, Thomas O'Neill, John H. Ortmann, Edward M. Pasierb, Phayle Peck, Milton W. Pick, Morris Picker, Edward S. Pietrucha, Bruno G. Quagliani, James S. Rosenbaum, Odean A. Rosenberg, Walter B. Rutkowski, Donald J. Schommer, Raymond T. Schwartz, Saul Seltzer, Robert S. Smith, Donald St. Hilaire, Robert J. Starzynski, Howard F. Stateman, Arthur R. Stratemeyer, Alvin Franklin Swenson, Lee R. Tolksdorf, Walter Trzesniewski, Lester S. VanDeursen, John L. Vinke, George C. Walczak, Clarence James Williams.

LETTER TO THE NATIONAL COMMISSION ON FISCAL RESPONSIBILITY AND REFORM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. WOLF. Madam Speaker, I have been working for nearly 4 years with Representative JIM COOPER to address the country's unsustainable financial path. While I believe

our legislation offers a better choice in solving this Nation's financial crisis, the President has moved forward with his National Commission on Fiscal Responsibility and Reform.

I have written to that commission's co-chairmen, Erskine Bowles and Senator Alan Simpson, to offer suggestions as this process continues, and insert my letter for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,

May 25, 2010.

Mr. ERSKINE BOWLES,
Hon. ALAN SIMPSON,
Co-Chairmen, National Commission on Fiscal Responsibility and Reform, Washington DC.

DEAR MR. BOWLES AND SENATOR SIMPSON:
As you know from our letter to you of April 17, Jim Cooper and I have been working for nearly four years to establish a bipartisan commission to address our nation's debt crisis by examining all policy options—entitlement spending, other program spending, and tax policy—holding public hearings, and recommending to Congress a plan of action with a mandated vote.

While I would have preferred passage of H.R. 1557, the Securing America's Future Economy (SAFE) Commission Act, the president has moved forward with an executive commission and named each of you cochairmen of the National Commission on Fiscal Responsibility and Reform. As I write this letter today, the U.S. stock market as well as global markets are continuing a deep and downward slide. Our nation is on an unsustainable fiscal path. You know the staggering and unprecedented debt and deficit statistics. We owe nearly \$62 trillion in obligations, spend nearly \$4 billion each week solely for interest payments to service the debt, and the Congressional Budget Office projects that debt held by the public will encompass 90 percent of the gross domestic product by 2020. Many are concerned that Greece's collapse and the European debt crisis will spread to the United States.

British historian and Harvard professor Niall Ferguson wrote in the March/April 2010 edition of *Foreign Affairs*: "One day, a seemingly random piece of bad news—perhaps a negative report by a rating agency—will make the headlines during an otherwise quiet news cycle. Suddenly, it will be not just a few policy wonks who worry about the sustainability of U.S. fiscal policy but also the public at large, not to mention investors abroad. It is this shift that is crucial: a complex adaptive system is in big trouble when its component parts lose faith in its viability."

That "one day" is now.

For the sake of our country, I truly want your efforts to be successful and write today to offer some suggestions. It is impossible to know the outcome of your endeavor but I believe, at the very least, the commission must be a tool to educate the American people on the subject of our nation's dire fiscal situation.

The American people know that we need to look no further than the situation in Greece to understand what our future may hold if we do not make dramatic changes to control U.S. debt. They need and want to be involved in this process. Public involvement is critical to your success. The reality is that members of Congress will not support any of the commission's proposals without the full support of the American people. This cannot be just an inside-the-Beltway process.

Therefore, it is critical that the commission, in whole or in part, hold public meetings throughout the nation. The legislation I

proposed with Jim Cooper required that at least one town hall style public meeting would be held in each of the nation's federal reserve districts. One meeting that is Webcast from Washington once a month is not adequate. To date, I am unable to locate any information concerning the working groups on your Web site. It is my understanding that the bulk of policy proposals will be developed during these working groups' closed sessions. At the very least, I encourage you to publicize and Webcast all commission activities, and publicly post meeting minutes and documents as soon as possible.

Secondly, I am very concerned that the commission has been structured in a manner that will make it difficult for you to succeed, and even doom it to failure. I cannot overstate the importance of your work. Your recommendations will define America's very economic future. It is curious, though, when considering the big picture of federal priorities, that you have been allocated \$500,000 to perform the singular task before you. Consider that the Obama Administration is currently spending over \$8 million on the Financial Crisis Inquiry Commission, even though it will issue its report after both the House and Senate have voted on financial reform legislation. Consider that the District of Columbia was recently reimbursed for \$4.4 million for overtime work by first responders at the two-day April Nuclear Security Summit. Consider that more than \$2 million in American taxpayer money is being spent to advocate for the adoption of the Kenyan Constitution. Your charter also notes that you have been authorized to hire the equivalent of four full-time staffers. Again, I believe that this is totally insufficient to your task. Just these few examples raise questions for me about the administration's commitment to this commission's work and whether this exercise is just for political cover.

Given your limited resources, I believe you should take advantage of the incredible talent pool available in the private sector to assist the commission in its work. A number of highly respected organizations have been deeply involved for a number of years in discussions to find solutions to our nation's fiscal crisis, including holding hearings across the country and talking with the America people to explain the unsustainable spending path we are on. I strongly urge you to embrace these groups, which I believe would be willing to be involved at no cost to the taxpayer.

Robert Samuelson said as much in his May 17 Washington Post column "Wake Up, America." The article is enclosed. I believe the American Enterprise Institute, the Aspen Institute, the Brookings Institution, the Concord Coalition, the Heritage Foundation, and the Urban Institute—organizations with years of experience in the very issues before your commission—would be receptive to any overtures. They all have a long track record of working together on fiscal issues.

I appreciate your consideration of my comments. Please do not hesitate to call if I may be of assistance to you in your endeavor of critical national importance.

Sincerely,

FRANK R. WOLF,
Member of Congress.

Enclosure.

[From the Washington Post, May 17, 2010]

WAKE UP, AMERICA

(By Robert J. Samuelson)

You might think that Europe's economic turmoil would inject a note of urgency into

America's budget debate. After all, high government deficits and debt are the roots of Europe's problems, and these same problems afflict the United States. But no. Most Americans, starting with the nation's political leaders, dismiss what's happening in Europe as a continental drama with little relevance to them.

What Americans resolutely avoid is a realistic debate about the desirable role of government. How big should it be? Should it favor the old or the young? Will social spending crowd out defense spending? Will larger government dampen economic growth through higher deficits or taxes? No one engages this debate, because if rigorously conducted, it would disappoint both liberals and conservatives.

Confronted with huge spending increases—reflecting an aging population and soaring health costs—liberals would have to concede that benefits and spending ought to be reduced. Seeing that total government spending would rise even after these cuts (more people would receive benefits, even if benefit levels fell), conservatives would have to concede the need for higher taxes. On both left and right, true believers would howl.

The lack of seriousness is defined by three missing words: "balance the budget." These words are taboo. In February, President Obama created a National Commission on Fiscal Responsibility and Reform (call it the Deficit Commission). Its charge is to propose measures that would reduce the deficit to the level of "interest payments on the debt" by 2015 so as "to stabilize the debt-to-GDP ratio at an acceptable level."

Understand? No? Well, you're not supposed to. All the mumbo jumbo about stabilizing "debt to GDP" and according special treatment to interest payments are examples of budget-speak. It's the language of "experts," employed to deaden debate and convince people that "something is being done" when little, or nothing, is being done. For example, Obama's target for 2015 would involve a deficit of about \$500 billion, despite an assumed full economic recovery (unemployment: 5.1 percent). The commission is also supposed to "propose recommendations that meaningfully improve the long-run fiscal outlook, including changes to address the growth of entitlement spending," a mushy mandate. But balance the budget? There's no mention.

In a classroom, limiting government debt in relation to GDP can be defended. The idea is to reassure investors (a.k.a. "financial markets") that the debt burden isn't becoming heavier so they will continue lending at low interest rates. But in real life, the logic doesn't work. Governments inevitably face deep recessions, wars or other emergencies that require heavy borrowing. To stabilize debt to GDP, you have to aim much lower than the target in good times, meaning that you should balance the budget (or run modest surpluses) after the economy has recovered from recessions.

Interestingly, Europe's experience discredits debt-to-GDP targets. The 16 countries using the euro were supposed to adhere to a debt target of 60 percent of GDP. Before the financial crisis, the target was widely breached. From 2003 to 2007, Germany's debt averaged 66 percent of GDP, France's 64 percent and Italy's 105 percent of GDP. Once the crisis hit, debt-to-GDP ratios jumped; by 2009, they were 73 percent for Germany, 78 percent for France and 116 percent for Italy.

The virtue of balancing the budget is that it forces people to weigh the benefits of government against the costs. It's a common-sense standard that people intuitively grasp.

If the Deficit Commission is serious, it will set a balanced budget in 2020 as a goal, allowing time to phase in benefit cuts and tax increases. It will then invite think tanks (from the Heritage Foundation on the right to the Center on Budget and Policy Priorities on the left) and interest groups (from the Chamber of Commerce to AARP) to present plans to reach that goal. Their competing visions could jump-start a long-overdue debate on government's role.

The odds seem against this. The Deficit Commission may embrace debt-to-GDP targets and aim for a "primary balance" (excluding interest payments) because it's easier politically. Consider: In 2020 the deficit will be \$1.254 trillion on spending of \$5.67 trillion, projects the Congressional Budget Office. Closing that gap would require steep tax increases or deep spending cuts. But \$916 billion of the projected deficit represents interest payments. Ignoring them instantly "solves" three-quarters of the problem.

The message from Europe is that this approach ultimately fails. Intellectually elegant evasions are still evasions. Though financial markets may condone lax government borrowing for years, confidence can shatter unexpectedly. Lenders retreat or insist on punishing interest rates. Market pressures then impel harsh austerity—benefit cuts or tax increases—far more brutal than anything governments would have needed to do on their own. We are, by inaction and self-deception, tempting that fate.

HONORING ELIZABETH BROWN
WILSON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker:

Whereas, in 1931 a virtuous woman of God was born and today we gather to pay tribute for her life's work; and

Whereas, Elizabeth Brown Wilson, not only talked the talk, but she walked the walk as it related to community service for all the citizens in our district; and

Whereas, Elizabeth Brown Wilson has served our district well as a commissioner for the city of Decatur, an advocate and activist for seniors and as mayor of the City of Decatur, being the first African American woman to serve as mayor; and

Whereas, this wise elder and woman of God has shared her time and talents for the betterment of her community and her nation through her tireless works, words of encouragement and inspiration that have been and continue to be a beacon of light to those in need; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Elizabeth Brown Wilson for her outstanding leadership and service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby proclaim May 22, 2010, as Elizabeth Brown Wilson Day in the Fourth Congressional District.

FEMALE VETERANS

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. GINGREY of Georgia. Madam Speaker, I'd like to take a minute to remember all of our heroic soldiers, sailors, airmen, and marines who have given their lives while fighting for our Nation's freedom. Their patriotism and bravery are the foundation of our Nation's history and I am honored to pay tribute to them in front of the United States Congress for Memorial Day.

I'd especially like to call attention to the women who have stepped forward and put their lives on the line for our country throughout the decades. Women began taking part in our armed forces nearly 220 years ago, and they have been serving courageously, selflessly, and with perseverance ever since. Their service went unrecognized for far too long, but in 1997, a Women's Veterans Memorial was established in Washington to honor these great American heroes. Likewise, I honor the impact our women veterans have had on our Nation and our freedom through their dedication and sacrifice.

My District, the 11th to District of Georgia, is home to many Servicewomen of the United States Armed Forces—both active duty and retired. I am extraordinarily proud of and grateful for these brave American women on this Memorial Day—and every other day.

HONORING 40TH ANNIVERSARY OF
THE MILFORD SENIOR CENTER**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. DeLAURO. Madam Speaker, I rise to commemorate 40 years of elderly care and companionship at the Milford Senior Center, the first and oldest senior center in Milford and one of the top ten places in the country for single retirees, according to U.S. News and World Report last year.

Four decades ago this month, the Mary Taylor Memorial United Methodist Church opened what would become the Milford Senior Center in three rooms in their church basement. Today, the Center boasts its own sprawling 30,000-square-foot facility, with an auditorium, dining hall, lounge, music room, and, for those senior citizens bravely foraying into 21st century technology, even a computer lab.

And along with providing a wonderful environment for seniors to socialize and relax, the Milford Center provides a number of important services for the community, from meals on wheels to free blood pressure screenings to energy and income tax assistance. Their Ahrens Program, while offering much-needed respite to caregivers, helps seniors with cognitive impairments to eat well, learn, and play.

All too often, one's "golden years" can be filled with struggle. Health concerns, the loss of independence, a profound sense of loneli-

ness—these are just some of the challenges our seniors can face in later years. But senior centers like Milford, and the invaluable programs, services, and activities they provide, help to stem these obstacles. They make a real difference in the lives of some of our most vulnerable citizens. Thanks to Milford, elderly citizens can come together, get the help and resources they need to thrive, and, in short, have fun.

My deepest thanks go out to the staff of the center for all the good they have done over the past 40 years. Congratulations on reaching this milestone, and here's to many more such anniversaries in the future. Your caring each and every day reminds us, as it reminds so many of Milford's seniors, that age is really just a state of mind.

NORCO COLLEGE, 112TH COLLEGE
IN THE CALIFORNIA COMMUNITY
COLLEGE SYSTEM**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CALVERT. Madam Speaker, I rise today to recognize Norco College as an independent college of the Riverside Community College District and congratulate the entire college community for its success in becoming the 112th college in the California Community Colleges system.

Since 1916, Riverside Community College District has served as an institution of higher education in western Riverside County. In 1991, the district created the Norco Campus as an education center to serve the communities of Corona, Norco, Eastvale and areas of Riverside County. When Norco's doors opened in March 1991 there were 3,088 students enrolled. Now, nearly 10 years later, that number has increased to more than 11,000.

Norco College offers a full complement of lower division courses in liberal arts, sciences, humanities and basic skills education, while offering specialist career technical programs in engineering, electronics, computer information systems, architecture, manufacturing, logistics, construction, game simulation and development, and commercial music.

On January 29, 2010, the Norco Campus received approval to become Norco College, thereby establishing it as the 112th college in the California Community Colleges system. And on June 10, Norco College will celebrate 531 students as its inaugural graduating class of 2010.

The process for gaining full accreditation status has been 8 years in the making for Norco, and I commend all those involved for their diligent efforts—including faculty, staff, students and administrators. I assure you, your dedication has not gone unnoticed and has yielded an achievement worthy of your efforts. Congratulations again, on this important milestone in Norco College's history.

GRATITUDE FOR THE SERVICE OF
RENATA STRAUSE**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CONYERS. Madam Speaker, I would like to take this opportunity to thank one of the most dedicated and productive members of the Judiciary Committee staff for her service to the House, Renata Strause. For 3½ years, Renata has worked with exceptional dedication and drive for the Judiciary Committee, and I rise to commend her for her achievements.

After graduating from high school in Lancaster, PA, Renata began her professional career before attending college when she worked for a year as a legislative aide to State Representative P. Michael Sturla in the Pennsylvania State General Assembly. After putting together the first annual Lancaster Legislative Weekend, Renata matriculated at Oberlin College in Ohio during the Fall of 2002.

She earned her bachelor's degree in politics from Oberlin, where she cochaired the College Democrats' club, competed as a finalist for the Harry S. Truman Scholarship, received several departmental prizes for her academic work, and was elected to the Phi Beta Kappa Society. She immersed herself fully in the political life of Oberlin, Ohio as well—working on city ballot initiatives for education, city council races, and get-out-the-vote efforts during several elections. During her summer and winter breaks, she also worked at the Pennsylvania Department of Education and served as Congressional candidate Lois Herr's deputy campaign manager during the 2004 election cycle in Lancaster County.

Following graduation, Renata came to Washington to work at the political consulting firm of Evans & Katz. Managing the daily operations of the Washington office, Renata represented clients before the Federal Election Commission, helped coordinate fundraising for several House and Senate candidates, and prepared electoral compliance reports for the firm.

At the beginning of the 110th Congress, Renata joined the Judiciary Committee staff and became an invaluable member of the committee's oversight team. She took on an incalculable number of tasks, staffing Members of the committee and myself on administration oversight issues, voter suppression, executive branch accountability, gaming issues, health care, and most recently the committee's work on the liability issues related to the Gulf Coast oil disaster. She has been instrumental to the committee's investigative work on Federal Bureau of Investigation and the Department of Justice, including the firing of nine U.S. Attorneys and the resultant Contempt of Congress resolutions on the House Floor. She also worked on large portions of the committee's comprehensive staff report on the previous administration: *Reining in the Imperial Presidency: Lessons and Recommendations Relating to Presidency of George W. Bush*.

Renata is leaving the committee and Washington to attend Yale Law School this fall. On behalf of the Judiciary Committee, its staff,

and this distinguished body, I would like to thank her for her exemplary work, generosity, sense of humor, and boundless energy. She will be sorely missed as a colleague and friend, but we wish her the best of luck and extend to her our deepest gratitude for her service.

HONORING THE PATRIOT GUARD RIDERS

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mrs. SCHMIDT. Madam Speaker, I rise today to recognize a group of true American patriots who selflessly give of themselves to honor our men and women in uniform. The Patriot Guard Riders have honored our sailors and troops who have made the ultimate sacrifice, given comfort and protection to their grieving families, and proven themselves to be more than worthy of our thanks.

The Patriot Guard Riders started in Kansas to protect grieving families from protestors who would attempt to disrupt the funerals of troops that had died defending our nation. That initiative has grown and now stretches across the United States. In my home state of Ohio, we have a great group of men and women who have picked up the flag to ride in honor of our brave men and women.

I have had the distinct honor to meet and spend time with the Ohio Patriot Guard Riders, and the State Captain, Robert "Bob" Woods, of West Chester, Ohio. In just a few short years the membership of the Ohio Patriot Guard Riders has grown from 400 to over 4,000, who at the request of the family ride to honor our fallen heroes. And, when necessary, they shield them from people who would try to tarnish the honor of their loved one.

Bob Woods is an American hero aside from his work with the Patriot Guard Riders. He served our nation in Vietnam. Bob has made it his personal mission to ensure that every returning member of the military knows that their service to our nation is appreciated, and that our fallen heroes are honorably remembered for their service in defense of liberty.

Ohio's Patriot Guard Riders have been there to honor our men and women in uniform and the Veterans who came before them. And today as we approach this Memorial Day weekend, I ask all in Congress to honor and thank the Patriot Guard Riders for their devotion to the ideas of freedom and liberty and the men and women who defend it.

HONORING THE ACCOMPLISHMENTS OF DR. NELSON YING

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. GRAYSON. Madam Speaker, I rise today to recognize the inspirational spirit of Dr. Nelson Ying in honor of Asian Pacific American Heritage Month. Dr. Ying's life story is

somewhat of a fairy tale demonstrating the passion and fortitude of the American dream. Dr. Ying and his parents fled from China at the height of the Communist takeover in 1955. The Ying family moved to New York City with only \$600. Dr. Ying's father, James Ying, opened a chain of successful gift shops all over New York, from Chinatown into the New York suburbs. Dr. Ying learned at a young age from his father that in America hard work and perseverance can take you far.

Dr. Ying epitomizes the character and integrity that represent the Asian Pacific American community. Dr. Ying is the founding chairman of the Orange County Science Exposition. Through this annual exposition, Dr. Ying continues to promote direct involvement from students in science. Every year he selects five outstanding high school science scholars to compete in his science competition. The scholarship gives students an opportunity to explore state of the art facilities at places like Kennedy Space Center and Lockheed Martin. The "Ying Prize" has become a testament to science achievement in Central Florida, awarding a prestigious student up to \$1,000 for the best physical science project. Dr. Ying's involvement in the fields of education and community service has greatly contributed to the Central Florida community. Dr. Ying's investment in our next generation of leaders in the field of scientific innovation is invaluable.

Madam Speaker, Central Florida is proud to have a strong community leader like Dr. Ying. Dr. Nelson Ying's priority to give back to the community by educating the next generation of leaders reflects not only core American values, but what should be the top policy priority for our Nation. Dr. Ying's service will compel young adults and be the catalyst for a better world of tomorrow.

ROCKDALE COUNTY DEMOCRATIC PARTY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker: Whereas, since its founding, the Rockdale County Democratic Party has been and continues to be a worthy instrument for good; and

Whereas, the second annual black tie Gala is being held to celebrate community service and honor excellence in government, business, education and health; and

Whereas, the Rockdale County Democratic Party has always promoted the concept of One Community-One Goal by working with and for individuals of all walks of life to make Rockdale County a place where openness is seen as well as heard; and

Whereas, its members give of themselves tirelessly and unconditionally to serve our community through projects such as voter registration, health walks, mentorships and scholarships; and

Whereas, the lives of many in our district are touched by the leadership and service given by the members of the Rockdale County Democratic Party, our nation and the world is a better place due to their commitment to excellence in all of their endeavors; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize their outstanding service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby proclaim April 24, 2010, as Rockdale County Democratic Party Day in the Fourth Congressional District.

HONORING DR. JAMES C. ALLEN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. BALDWIN. Madam Speaker, I rise today to honor the life and career of Dr. James C. Allen of Madison, Wisconsin. There is no more appropriate time than now, as we approach Memorial Day, to recognize Dr. Allen's distinguished service to our country both as a veteran of war and an advocate for his fellow servicemembers. His tireless work as an ophthalmologist extends far beyond direct clinical care to touch the lives of countless veterans across our great Nation.

Dr. Allen began his service to our country during the Korean war. After returning from duty, he started practicing ophthalmology at the William S. Middleton Memorial VA Hospital in Madison. During his 35 year career at the VA Hospital, Dr. Allen discovered a significant problem with the VA compensation structure.

Although veterans could receive compensation for service-connected loss of sight in one eye, they were not eligible for increased assistance if subsequent loss of sight occurred in the second eye until complete blindness set in. A service member himself, Dr. Allen recognized the tremendous sacrifices our veterans make and knew that they should not be forced to struggle with related optical issues without any additional assistance and care. For 7 years, Dr. Allen worked with me and Donald May of Lodi, Wisconsin to craft long overdue legislation that would ensure the correction of this inadequacy.

In 2007, Congress unanimously passed and the President signed H.R. 797, the Dr. James C. Allen Veteran Vision Equity Act, allowing disabled veterans to receive greater compensation if they begin to lose sight in the second eye, regardless of whether or not that loss of sight is service-connected. The Dr. James C. Allen Veteran Vision Equity Act will directly impact the lives of those who sacrificed to defend our freedom. Over 13,000 veterans have been blinded in conflict since World War II, including veterans of Iraq and Afghanistan who are incurring eye wounds at the highest rate of a major conflict since World War I.

Over the years, Dr. Allen has received countless awards and honors, including the 2008 Wisconsin Medical Society Physician Citizen of the Year Award and the Wisconsin Board of Veterans Affairs Veteran Lifetime Achievement Award. However, no amount of accolades could accurately reflect how invaluable his work has been and will continue to be to our most courageous citizens. The American spirit embodies the idea that one thoughtful, committed citizen possesses the ability to create meaningful change and Dr. Allen exemplifies this spirit. I join the greater Madison

community and veterans everywhere in honoring Dr. Allen for his unwavering commitment and dedication.

A TRIBUTE TO BOB HOPE AIRPORT
CELEBRATING 80 YEARS OF
SERVICE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SCHIFF. Madam Speaker, I rise today to congratulate the Bob Hope Airport as it celebrates its 80 anniversary of service. Since its opening as United Airport on Memorial Day in 1930, the Bob Hope Airport has grown to accommodate 5 million passengers a year with more than 80 daily non-stop flights, making it a vital member of the Southern California airport system.

Previously known as the Union Air Terminal, the Lockheed Air Terminal, the Hollywood-Burbank Airport and the Burbank-Glendale-Pasadena Airport, in 2003, the Burbank Airport changed names once again, now paying homage to the great Bob Hope, one of our country's legendary entertainers and a long time resident of California. In its 80 years, the airport has been a witness to some of our country's greatest triumphs as well as some of our greatest struggles.

Movie and aviation stars alike attended the 1930 opening of the airport amidst a three day celebration in which 200,000 people participated. Ten years later and with the approach of World War II, it developed a reputation of being the primary airport of Los Angeles. During the war, the airport was the birthplace of many important aircraft, including B-17 Bombers, Hudson Bombers and over 10,000 P-38 Fighters. However, a testament to its vitality, in the middle of the chaos, the airport remained open as a commercial airport, connecting citizens with the rest of the country and showing that although its name has changed through the years, its commitment has not wavered.

Today there are 2.5 million people living within 15 miles of the Bob Hope Airport, and its airline service continues to be a dependable link to the rest of the nation. In 1977, three cities in my congressional district, Burbank, Glendale and Pasadena joined to form a separate government agency, the Burbank-Glendale-Pasadena Airport Authority, and today the airport operates under their control, demonstrating efficiency and safety.

On the occasion of the Bob Hope Airport's 80th anniversary, I would like to recognize the nine authority commissioners, President Joyce Streater, Vice President Frank Quintero, Secretary Don Brown, and Commissioners Bill Wiggins, Charles A. Lombardo, Dave Weaver, Rafi Manoukian, Chris Holden and Francis D. Logan for their commendable work, and thank all those who have served previously in this role.

It is with great pleasure that I congratulate the Bob Hope Airport on this milestone anniversary, and wish the airport continued success in the future!

CONGRATULATING
‘IOLANI
SCHOOL'S ECONOMICS TEAM, NA-
TIONAL CHAMPIONS OF THE 2010
NATIONAL ECONOMICS CHAL-
LENGE

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mrs. HIRONO. Madam Speaker, I rise today to congratulate ‘Iolani School's Economics Team for winning the 2010 National Economics Challenge.

More than 1,200 teams from across the country competed in this year's event sponsored by the Council for Economic Education. This year marked Iolani's fourth national championship and 11th state championship. ‘Iolani has also won two second place national titles.

I would like to recognize team members Andrew Ellison, Jesse Franklin-Murdock, Sean Cockey, and Mark Grozen-Smith as well as coach Richard Rankin. In the fall, Andrew will be attending the University of Pennsylvania, Jesse will be attending the George Washington University, Sean will be attending the Massachusetts Institute of Technology, and Mark will be leading next year's team in defending ‘Iolani's title.

Our Nation's recent economic meltdown has demonstrated how essential economic understanding is for all of us. Continued federal support for the Council for Economic Education is critical as it works to empower students through economic and financial literacy programs to help future generations make informed and responsible choices throughout their lives as consumers, savers, investors, workers, citizens, and participants in our global economy. I joined a number of my colleagues to advocate for continued funding for the Council in fiscal year 2011.

Again, congratulations Andrew, Jesse, Sean, Mark, and Coach Rankin. Best wishes on your continued academic success.

NATIONAL CANCER RESEARCH
MONTH

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BILBRAY. Madam Speaker, today, I rise to recognize the millions of Americans and the researchers that are fighting every day to end cancer. As you know, May is National Cancer Research month and all across our great Nation, men and women are working not only to overcome this devastating disease that claims half a million American lives every year, but also to prevent it.

Unquestionably, the Nation's investment in cancer research is having a remarkable impact.

Thanks to discoveries and developments in prevention, early detection, and more effective treatments, many of the more than 200 diseases called cancer have been cured or converted into manageable chronic conditions

while preserving quality of life. The 5-year survival rate for all cancers has improved over the past 30 years to more than 65 percent. Advances in cancer research have had significant implications for the treatment of other costly diseases such as diabetes, heart disease, Alzheimer's, HIV/AIDS and macular degeneration.

However, there is much left to be done, as cancer remains the leading cause of death for Americans under age 85 and the second leading cause of death overall. We must continue to strengthen our Nation's commitment to life-saving research for the health and wellbeing of all Americans.

I want to commend the hard work and dedication of all those who are on the front lines of the quest for the prevention and cure of cancer. Organizations such as the American Association for Cancer Research, AACR, American Cancer Society, Susan G. Komen Breast Cancer Foundation, and the Pancreatic Cancer Action Network are fighting hard every day to eradicate Cancer in partnership with the American taxpayer and NIH.

I was pleased to learn that President Obama nominated Dr. Harold Varmus to head the National Cancer Institute, NCI. As NIH Director under President Clinton, Dr. Varmus was instrumental in the historic growth of this great agency. As NCI tackles the health mysteries surrounding Cancer, it is heartening to know it will be lead by such a distinguished and capable scientist.

As we celebrate National Cancer Research Month this May, I hope that this Congress will continue to make cancer research a national priority and ensure continued progress for the hope and benefit of all Americans who have or will be touched by this dreaded disease.

INTRODUCTION OF THE OBSTETRIC
FISTULA PREVENTION, TREAT-
MENT, HOPE, AND DIGNITY RES-
Toration Act of 2010

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mrs. MALONEY. Madam Speaker, today I am introducing bipartisan legislation along with Representative MIKE CASTLE and Representative LOIS CAPPs to save and reclaim the lives of mothers and their babies. The Obstetric Fistula Prevention, Treatment, Hope and Dignity Restoration Act of 2010 authorizes funding to reduce obstetric fistula, a terrible condition which can be prevented and repaired. More than two million women worldwide have obstetric fistula resulting from prolonged labor without medical attention. The pressure created internally on a woman from this obstructed delivery kills tissue and causes a hole to develop between the woman's vagina and rectum, leaving the woman without control of her bladder and/or bowels for the rest of her life if left without treatment. It often results in the death of the infant. Many women with obstetric fistula are abandoned by their husbands and families because they are considered "unclean". Left without support, the women are often forced to beg or turn to prostitution to survive.

The World Health Organization estimates that 50,000–100,000 new cases of obstetric fistula develop each year, adding to the estimated 2 million current cases, with most cases occurring in poor communities in sub-Saharan Africa and Asia where access to maternal and obstetric care is limited.

Fortunately, there is hope. This condition is almost entirely preventable. Prevention efforts include medical interventions such as skilled attendance present during labor and childbirth, providing access to family planning, and emergency obstetric care for women who develop childbirth complications as well as social interventions such as delaying early marriage and educating and empowering young women.

This condition also is treatable in up to 90 percent of cases, costing an average of \$300 for repair. The treatment requires a specially trained surgeon and support staff, and access to an operating theater and to attentive post-operative care.

This bill supports a comprehensive approach to end obstetric fistula—prevention to eliminate occurrences, treatment to repair those women who already suffer, and rehabilitation to help those recovering fully heal and reenter society. It focuses on efforts to build local capacity and improve national systems to prevent and treat obstetric fistula.

Women are fundamental to ensuring the health of their children and other family members.

Obstetric fistula is devastating; but doesn't have to be life-shattering. With our bill, we can provide hope and a healthy future. I urge my colleagues to support the Obstetric Fistula Prevention, Treatment, Hope, and Dignity Restoration Act of 2010.

HONORING THE LIFE OF LAWRENCE A. RUBIN—FATHER OF THE MACKINAC BRIDGE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. STUPAK. Madam Speaker, I rise to honor a true Michigan legend, Lawrence A. Rubin, the father of the Mackinac Bridge. Through his hard work and unbridled passion, Larry was at the heart of funding and building the Mackinac Bridge. It was with a heavy heart that I learned of his passing on May 11 at the age of 97, but I know that Larry's spirit will live on each time someone makes their first trip across that five mile expanse of concrete and steel suspended over the sparkling blue waters of the straits separating Lake Michigan and Lake Huron.

Although he was born December 7, 1912 in the suburbs of Boston, Massachusetts, we Michiganders count Larry as one of our own. He graduated from the University of Michigan in 1934 with a degree in business. In addition to his studies, Larry played on Michigan's football team serving as a backup to future President Gerald Ford. After graduating, Larry opened an advertising agency and held several transportation focused positions before being appointed as Executive Secretary of the Mackinac Bridge Authority in 1950.

The building of the Mackinac Bridge was by no means non-controversial, and Larry was a key player in negotiating both the funding and construction phases of this expensive and expansive project. He not only attracted investors to purchase the bonds needed to fund construction of the bridge, but he also worked to make sure those bonds were repaid.

Larry's vision for the Mackinac Bridge extended beyond simply making transportation between Michigan's Upper and Lower Peninsulas more convenient. From the beginning he recognized its potential to draw vacationers and tourists to the area. At five miles from shore to shore, it was the longest suspension bridge in the world in 1955 with 46-story tall towers stretching to the sky. Whether driving in daylight over the churning waters of the Straits of Mackinac or under the illumination of its thousands of lights at night, the trip across the Mackinac Bridge is a captivating experience.

One of the best known traditions of the Mackinac Bridge is the Labor Day Bridge Walk. This too can be traced to Larry, who organized the first Bridge Walk in June, 1958. The following year the Mackinac Bridge Walk was moved to Labor Day weekend. Larry's talent for accomplishing big things was again recognized—the Bridge Walk has grown from 68 participants its first year to an average of 50,000–65,000 participants.

Larry may have officially retired from the Bridge Authority in 1983, but even in retirement he continued his involvement with the bridge, writing two books about the Mighty Mac, participating each year in the Labor Day Bridge Walk and even building his home overlooking the straits to allow him to see his beloved bridge each and every day.

It was Larry's unfailing energy that ensured the success not only of the Mackinac Bridge, but in each endeavor he set out to do. He was active in the St. Ignace community, serving as director of the Upper Peninsula Travel and Recreation Association, chairman of the Mackinac Straits Hospital board and as a founder and board member of the local library. He was an avid downhill skier, and could be found hitting the slopes until he was 90.

Madam Speaker, it is difficult to envision how the Mackinac Bridge would exist today without the drive and the vision of Larry Rubin. The bridge is a lasting symbol of a unified Michigan and for this we owe our heartfelt thanks and Michigan pride to Larry. With his passing, Michigan has lost an icon and our thoughts and prayers go out to his wife Elma and their family. Therefore Madam Speaker, I ask that you, and all of my colleagues in the U.S. House of Representatives, join me in honoring the life and accomplishments of Lawrence A. Rubin—the great champion and father of the Mackinac Bridge.

DEKALB COUNTY VETERANS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker: Whereas, DeKalb County serves as home for many of our Veterans that have served in the United States Military; and

Whereas, the day-to-day operations of our government on a local, state and federal level impact the lives of our Veterans either directly or indirectly; and

Whereas, our beloved county continues to rely on the wisdom and suggestions from the DeKalb County Veterans Affairs Advisory Board members to address concerns and issues of our military community; and

Whereas, this unique board has given of themselves tirelessly and unconditionally to preserve integrity, advocate for our enlisted service personnel and veterans; and

Whereas, the DeKalb County Veterans Affairs Advisory Board continues to serve our county by being involved in the planning, organizing and conducting of ceremonies that commemorate and recognize those who served our country in the United States military; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the DeKalb County Veterans Affairs Advisory Board for their outstanding service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim May 24, 2010, as DeKalb County Veterans Affairs Advisory Board Day in the Fourth Congressional District.

TRIBUTE TO THE BAKERSFIELD NATIONAL CEMETERY

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. MCCARTHY. Madam Speaker, I rise today to recognize the Bakersfield National Cemetery located in Kern County, California. The Bakersfield National Cemetery opened in July of last year and we will all be honoring veterans at the cemetery's first Memorial Day this weekend. This cemetery will serve as a final resting place for our veterans and their family members for many years to come.

The Bakersfield National Cemetery covers more than five hundred acres and includes full-casket gravesites, pre-placed crypts, in-ground cremation sites and columbarium niches. Additionally, the grounds will include a public information center, a maintenance complex, a flag assembly area, a memorial walkway, a committal service shelter, as well as interment areas, plus irrigation and support facilities that will keep the grounds pristine as the final resting place of many of our heroes from the Central Valley of California who have served and sacrificed for our country.

It is of the utmost importance that the brave men and women who keep us safe be honored. This cemetery provides solace to the families of service personnel; for others, it will serve as a reminder of the sacrifice that patriots have made, and will continue to make, on behalf of our nation.

The Bakersfield National Cemetery is a monument not only to the sacrifice of our local veterans, but also to Kern County's unending commitment to those who serve, and the cause of freedom for all. The Bakersfield National Cemetery is a small token of appreciation for our men and women in uniform who

protect the freedoms that we enjoy today, and I am honored today to recognize its first Memorial Day ceremony.

HONORING THE 60TH WEDDING ANNIVERSARY OF RAYMUNDO M. BARRERA AND PLACIDA P. BARRERA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CUELLAR. Madam Speaker, I rise today to honor the 60th wedding anniversary of Mr. Raymundo M. Barrera and Mrs. Placida P. Barrera. I congratulate the couple on spending over half a century married and going strong together.

The couple is native to South Texas and has contributed to the community through their careers and service. Raymundo was born in 1926 in Mission, Texas to Dr. Cayetano Barrera and Maria L. Martinez. That same year, Placida Pena was born to Reynaldo Pena and Josefa Ramirez in Guerra, Texas.

Their life together began the day they met in Mission, Texas in 1940 at their young age of 14 years old. As fate would have it, Placida lived with her aunt and was next door neighbors to Raymundo's family. At the start of the World War II, a year later, Placida went back to live with her parents in Jim Hogg County in a community name Guerra or El Colorado Ranch. She graduated from the Rio Grande City High School in 1945. Eight years later, she went back to Mission and reunited with Raymundo. Raymundo had served his country by being recruited into the Army and served in Europe in 1945. After Raymundo and Placida saw each other, Raymundo went back to Delaware where he was stationed. The two corresponded through letters while they were apart.

By March 1950, in one of the many letters exchanged—Raymundo asked Placida to marry him. By April, they were engaged and on June 4, they were married. Throughout the years, the two have been stationed at Laredo Air Force Base, South Korea, Yokota, Japan, and Kansas. By 1969, Sgt. Raymundo Barrera retired from the military and moved to Laredo, Texas. Following his retirement, Raymundo attended colleges in Laredo and received his bachelor's degree in criminal justice. Placida earned her bachelor's degree in education and taught in Roma, Texas. She taught for 21 years within the United Independent School District, in Laredo, Texas. In 2001, she retired.

Today, Raymundo and Placida are retired in Laredo, Texas. They have been blessed with six children, 20 grandchildren, and 16 great grandchildren.

I congratulate Raymundo's and Placida's 60th wedding anniversary. They have experienced a great deal together, served the community of South Texas and the nation, and continue going strong jointly.

HONORING WILLIAM (LARRY) LUCAS, VICE PRESIDENT, GOVERNMENT AFFAIRS, PHARMACEUTICAL RESEARCH AND MANUFACTURERS ASSOCIATION (PhRMA)

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mrs. CHRISTENSEN. Madam Speaker, I rise to pay tribute and honor Mr. Larry Lucas—who is retiring from his position as vice president, Government Affairs, of Pharmaceutical Research and Manufacturers Association, PhRMA—for his dedication and illustrious career which, over many decades, has always championed the improved health and wellness of all people, but particularly of the underserved.

During his tenure at PhRMA, Larry honed his expertise and energy around coalition building and grassroots development, and developed strong and strategic partnerships with African-American and Latino state legislators throughout the country. But Larry also worked with a diversity of Members of Congress on both sides of the aisle on issues that were and remain critically important to expanding access not only to medicines, but also to quality health care information, services and treatments. He launched numerous efforts to work with a broad coalition of key stakeholders—from patients, to healthcare providers and administrators, to for-profit and not-for-profit health organizations—to raise greater awareness about the factors that exacerbate the racial and ethnic differences in access to quality health care, as well as in health preferences and health outcomes. Ever the communicator—Larry did a stint in radio as a young man—he also wrote a nationally syndicated monthly column about new developments in the pharmaceutical industry.

Larry's incredible accomplishments, however, began long before he joined PhRMA. Not only did he receive a bachelor of science degree in education from Jackson State University in Mississippi and honorably serve the Nation in the United States Air Force, but he conceptualized and launched a landmark outreach campaign at the Bureau of Census for the 1980 census program that involved over 86,000 government jurisdictions. One testament to the success of this effort—which is but one of many during his 16 years with the Bureau—is that the program was replicated in the 1990 and 2000 censuses.

Recently appointed to the Africa Diaspora North Initiative Strategic Planning Committee Board, as well as to the board of trustees for the National Association for the Advancement of Colored People, NAACP—where he is involved in their contribution fund and health committee—Larry holds numerous leadership positions on the boards of directors, as well as advisory boards and councils of some of the Nations' most influential and prominent organizations. Among them are the following: the Congressional Black Caucus Foundation, Inc., the National Black Caucus of State Legislators, the National Hispanic Medical Foundation and The Joint Center for Political and Eco-

nomic Studies. Larry Lucas also serves on the boards of directors for the Congressional Black Caucus Political Education and Leadership Institute, the Providence Health Foundation Providence Hospital, Yale University's School of Nursing External Advisory Board, and is a founding member of the National Hispanic Caucus of State Legislators' Business Board of Advisors.

Through his commitment to excellence and unwillingness to accept mediocrity, Larry is highly regarded as a respectful, trustworthy, prepared and savvy federal and state legislative affairs expert. Through his perseverance and unrelenting focus on and dedication to reducing racial and ethnic, gender and geographic health disparities, Larry is widely known as one of the Nation's most passionate health equity champions. And, through his continued support of the efforts of not only the Congressional Black Caucus Health Braintrust, but of the Congressional TriCaucus, Larry is not only a brilliant mind, but a great mentor and friend who will be missed, but who also will serve as an inspiration to so many others for many decades to come.

On behalf of all those who have been touched and informed by Larry Lucas's efforts, and whose health, health care, wellness and thus life opportunities have been improved by his myriad professional and personal successes, I thank, honor and congratulate Mr. Lucas today, and wish him health and happiness during a long retirement with his loving wife Camille, family and friends.

RECOGNIZING MR. BOBBY STOUT ON THE OCCASION OF HIS RETIREMENT

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. TIAHRT. Madam Speaker, I rise today to honor a man who has honorably served his country in the United States Navy and his community of the City of Wichita and Sedgwick County, Kansas.

After 53 years of involvement in the local criminal justice system, Mr. Bobby Stout will be retiring from his position as the Wichita Crime Commission's Executive Director, effective June 30th, 2010.

This remarkable achievement is the culmination of an extraordinary career. After completing his military obligation in the United States Navy, he joined the Wichita Police Department as an officer in 1957. He served there for 23 years, retiring in 1980 as Deputy Police Chief to accept his current position.

In the 30 years Mr. Stout has served on the Wichita Crime Commission, he is personally credited with developing advanced and specialty training programs for officers. This year, under his direction, the Crime Commission is conducting its 16th Annual Midwest Law Enforcement Conference on Gangs and Drugs. This annual program has provided training for more than 2500 law enforcement officers state-wide.

His involvement in the "Making Good Choices" program has directly impacted Wichita's youth by highlighting the consequences of

poor decisions before they are faced with them. Mr. Stout was also the face of the weekly "Crime Stoppers" segment on local television, where his work earned him the distinction of Kansas "Crime Stopper" of the Year in 1993.

While tirelessly devoting his efforts to improving the lives of his fellow citizens, Bobby is first and foremost a devoted husband to his wife, Jerry, and a proud father and grandfather.

Madam Speaker, when parents in Wichita, or anywhere in our country, search for role models in their community that their children can aspire to, they need look no further than Bobby Stout. It is my distinct privilege to honor him today in the House of Representatives.

INVESTOR DEPOSIT YARDSTICK
(INDY) ACT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. HARMAN. Madam Speaker, I am pleased to introduce with Rep. DAVID DREIER the bipartisan Investor Deposit Yardstick (INDY) Act.

On July 11, 2008, 6,500 depositors in IndyMac bank woke up to find huge chunks of their life savings had vanished. IndyMac collapsed, and with it went \$233 million in depositor funds.

These small business owners, retirees and working families were not speculating wildly on the stock market—they were saving money in a bank they thought was secure.

Three months later, as the economy cratered, the federal government rode to the rescue of customers of other failing banks. In October 2008, the government raised the FDIC insurance limit from \$100,000 to \$250,000.

But it came too late for IndyMac customers, and for customers of five other banks across the country that were taken over by the FDIC. The new limits applied only prospectively to banks that would fail, not retroactively to those that already had.

IndyMac was the largest savings and loan in the Los Angeles area and its downfall hit California especially hard. Imagine your child's education fund practically wiped out overnight. Imagine your retirement nest egg decimated. And when you go to claim your FDIC insurance coverage, you are told you can't recover up to \$250,000 but your neighbor can.

And many customers claim they were misled by IndyMac employees into believing their savings in excess of \$100,000 were fully insured.

I am pleased to have partnered with Chairman FRANK and the FDIC to resolve this problem, as well as my co-author DAVID DREIER, and I urge prompt passage of this legislation, which is fully paid for out of fees assessed on financial institutions.

IN SUPPORT OF SECTION 45G, THE
SHORT LINE RAILROAD TAX
CREDIT

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. PERRIELLO. Madam Speaker, I rise today in support of the Section 45G Short Line Railroad Tax Credit, which expired on December 31, 2009, so that we can support our nation's railway industry and the jobs that it creates.

Section 45G was enacted in 2004 to help America's lighter-density freight rail lines invest in their infrastructure. Because this credit has not been extended for 2010, the Buckingham Branch Railroad in the 5th district of Virginia has been unable to make track repairs and much needed upgrades, thereby affecting Amtrak schedules and long term planning. Fifty cents of every dollar that the Buckingham Branch Railroad spends on improving its rail infrastructure is directed to labor costs, keeping Virginians employed.

The Short Line Railroad Tax Credit generates 6,890,000 rail track worker-hours each year and 3,305 full-time jobs nationwide. These numbers do not include the tens of thousands of jobs in the American steel, timber, and aggregate industries that make steel rail, railroad ties, and other railway equipment.

Section 45G is vital to enabling railway companies to pay their track employees and invest in tracks that serve local businesses. Short line rail tracks connect many of America's small businesses to the national freight rail network and promote economic development in areas that need it most.

I respectfully encourage the conference committee to ensure that the Short Line Railroad Tax Credit is successfully maintained.

HONORING CHARLES ROLAND
"BUDDY" HUGHES

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker, Whereas, our lives have been touched by the life of this one man, who has given of himself in order for others to stand; and

Whereas, Charles Roland "Buddy" Hughes' work is present in DeKalb County, Georgia for all to see, being an advocate for the youth, the elderly, the poor and ordinary citizens like you and me; and

Whereas, this giant of a man thought there was never an issue that was too tall; he would protest, picket, march and speak out against injustice, because he knew that in order to have a better community it would take us all; and

Whereas, this remarkable man gave of himself, his time, his talent and his life; he never asked for fame or fortune to uplift those in need, he just wanted to do what was right and when he committed to doing something his actions would cut like a knife; and

Whereas, Buddy Hughes was a husband, a father, a son, a brother and a friend; he was our warrior, our general, a man of great integrity who remained true to the uplifting of our community until his end; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow an honorable mention and recognition on Charles Roland "Buddy" Hughes for his leadership, friendship and service to all of the citizens in Georgia and throughout the world; a citizen of great worth and so noted distinction;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby attest to the 111th Congress that Charles Roland "Buddy" Hughes of DeKalb County, Georgia is deemed worthy and deserving of this "Congressional Honorable Mention": Mr. Charles Roland "Buddy" Hughes, U.S. Citizen of Distinction, in the Fourth Congressional District.

OFFICER BENJAMIN L. KELLY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. REICHERT. Madam Speaker, I rise today as a Congressman from the 8th District of Washington, a resident of the great Pacific Northwest, and a former law enforcement officer, to honor a man who acted courageously under perilous circumstances late last year. Seattle Police Department Officer Benjamin Kelly answered the call of duty in the wake of the heinous and unprecedented ambush of four officers in Lakewood, Washington. Because of his efforts, law enforcement officers and residents of Washington could breathe a sigh of relief knowing a violent gunman was no longer walking the streets.

The National Law Enforcement Officers Memorial Fund named Officer Kelly its "Officer of the Month" in March and Officer Kelly has received distinguished praise elsewhere for his brave actions in the early morning hours of December 1, 2009. That morning, Kelly encountered a parked car with its engine running. He pulled up behind the car—which he suspected was stolen—and started the process of documenting his discovery and determining the status of the vehicle. At the same time, Kelly noticed a man standing nearby who was wearing a hooded sweatshirt. Alert, Kelly focused on his task and his surroundings. Suddenly, Kelly spotted the man walking toward his patrol car from behind. Kelly left his vehicle, ordered the man to stop and immediately recognized him as the suspect in the terrible police ambush 48 hours earlier. Instead of stopping, the suspect darted away from the officer while reaching for a weapon. Kelly shot the suspect and killed him, ending the most extensive police manhunt in Washington's history and taking a ruthless killer off the street.

Officer Kelly acted bravely, there is no doubt. I know the courage it takes to confront a dangerous and cold-blooded suspect. He didn't hesitate and placed himself in harm's way without thinking twice. Even more, what I believe distinguished Kelly's actions that morning was his intelligence. He was fully aware,

didn't take any actions for granted, and his mind never stopped processing the scene. This entire House is proud of his distinguished service.

Madam Speaker, Officer Kelly is back on the job, serving the people of Seattle and trying his best to avoid the adulation and spotlight that accompanies his outstanding actions. He is a humble servant; he is an outstanding officer; he is a hero.

HONORING COLONEL EDWARD J. KERTIS FOR A DISTINGUISHED CAREER AND SERVICE TO THE RESIDENTS OF GEORGIA

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. BROWN of Georgia. Madam Speaker, I rise today to honor Col. Edward J. Kertis for a distinguished career and the outstanding help that he has been to me, my staff, and the people in my district.

Col. Kertis assumed command of the Savannah District, U.S. Army Corps of Engineers, on June 29, 2007. Since his appointment, he has been responsible for a \$4 billion military design and construction program; water resources planning, design and construction; hazardous, toxic and radiological waste cleanup; and real estate activities.

Residents of my district are especially grateful for his help with water resources management during an historic drought. As the rains finally began to return, Col. Kertis took the unprecedented step of stopping flow from Thurmond and Hartwell Dams, allowing the lakes to fill while water was flowing into the Savannah River from flooding creeks and streams. This common-sense decision provided economic relief to those communities who rely so heavily on the preservation of the beautiful lakes and parks of the upper Savannah River. But he has served his country in other ways as well.

Prior to his assignment to the Savannah District, Col. Kertis commanded the Walla Walla District, USACE, in Washington State from 2002–2004. He has also served as a platoon leader, staff officer, and battalion executive officer in the 27th Engineer Battalion; company commander in the 41st Engineer Battalion; and engineer company commander in the 1st Special Forces Operational Detachment—Delta. He was also the inaugural commander of the Northern District, Gulf Region Division, Iraq, during Operation Iraqi Freedom, where he managed construction projects in support of Coalition forces and the Iraqi government.

I ask my colleagues to join me in thanking Col. Kertis for his service to the nation and the dedication he has given his duties, and in wishing him a long and wonderful retirement.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. LARSON of Connecticut. Madam Speaker, on May 26, 2010 I missed rollcall vote 302. Had I been present, I would have voted "yea" or "aye."

PHYLLIS REEDER RETIREMENT

HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. VISCLOSKEY. Madam Speaker, it is with great pleasure that I pay tribute to one of the most caring, dedicated, and selfless citizens of Indiana's First Congressional District, Ms. Phyllis Reeder, longtime employee of the Lake County Soil and Water Conservation District (LCSWCD), and current LCSWCD Administrative Treasurer. After serving the community of Lake County, Indiana in this capacity for the past twenty-five years, Phyllis will be retiring at the end of this month. In honor of Phyllis, a retirement open house will be held by the LCSWCD on Friday, May 28, 2010 at the Lake County Soil and Water Conservation District office in Crown Point, Indiana.

Phyllis Reeder is a lifelong resident of Northwest Indiana who is extremely proud of her Hoosier heritage. In 1944, Phyllis was born in LaPorte County, Indiana. Her family later moved to Schererville where Phyllis attended Saint Michael's Elementary School. She went on to graduate from Dyer Central High School in 1963. She then attended and graduated from Keypunch School in Hammond. Phyllis then began to work in the data processing department at Simmons Mattress Company in Munster. Later that year, on November 22, 1963, Phyllis married her beloved husband, Charles "Chuck" Reeder. They started a family and raised four girls: Theresa, Debbie, Donna, and Diana, and one boy, Charles. Phyllis was an active parent and also continued to work at Simmons until July 1980 when the company closed its doors. In 1977, Phyllis and her family moved to a ten-acre mini-farm in Cedar Creek Township. It was during this time that Phyllis's passion for environmental conservation began to grow. On the farm, they have a large garden which, at the time, provided their large family with fruit, vegetables, and herbs. The farm also has a windbreak on the property, which helps to prevent wind erosion and also saves energy. In addition, Phyllis's five children participated in many 4-H projects, which included such topics as water conservation, wetlands, foods, basketry, and food preservation.

In 1985, Phyllis's passion for conservation led to her career at the Lake County Soil and Water Conservation District. Phyllis currently serves as Administrative Treasurer for the LCSWCD, where she is known for her friendly demeanor and positive attitude. She consistently goes out of her way to assist co-workers and customers with their needs. Included in

her many achievements at the LCSWCD, she expanded the LCSWCD's educational program and trained as a facilitator for Project Wild and Aquatic, Project Learning Tree, and Project WET. These workshops are offered throughout the county to local schools and are facilitated by Phyllis. Because of her strong belief in conservation, her efforts extend well beyond her working hours at the LCSWCD. Phyllis is actively involved in numerous volunteer organizations and has served on many boards throughout the community. For her unwavering commitment to environmental conservation efforts and to Northwest Indiana, she is worthy of the highest praise.

Phyllis's dedication to the community and her career is exceeded only by her devotion to her wonderful family. Phyllis and Chuck have been married for 47 years and they enjoy spending much of their time with their beloved children and grandchildren.

Madam Speaker, I ask that you and my other distinguished colleagues join me in commending Phyllis Reeder for her lifetime of leadership, service and dedication to the community of Lake County, Indiana. She has touched the lives of numerous people through her efforts at the Lake County Soil and Water Conservation District and through her extensive volunteer work. While she will be missed by the people with whom she worked, Phyllis's service and selfless dedication will forever be remembered, and I ask that you join me in wishing her well in her retirement.

RECOGNIZING COLONEL RONALD L. MARSELLE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. COSTELLO. Madam Speaker, I rise today to pay tribute to Colonel Ronald L. Marselle for his outstanding service to our nation on the occasion of his retirement. His dedicated service to the citizens of our nation, the Department of Defense, and our Congress is both admirable and commendable.

Colonel Marselle earned his commission as a Distinguished Graduate from the United States Air Force Academy in 1985. He attended undergraduate pilot training at Williams Air Force Base and as an aviator, served as an aircraft commander, instructor, and evaluator in the KC-135 aircraft.

He returned to the Air Force Academy in 1998 where he led, mentored, and developed our nation's future Air Force officers. Colonel Marselle continued his excellent service to our nation in Washington, D.C., as Deputy Division Chief, Future Concepts and Transformation Division, Headquarters U.S. Air Force.

Most recently, Colonel Marselle provided legislative counsel for the Commander of the United States Transportation Command (USTRANSCOM). His in-depth knowledge of the legislative process and USTRANSCOM helped foster the strongest of working relationships. Without doubt, Colonel Marselle's efforts in this regard were instrumental in support of and service to our nation, and will not be forgotten.

Colonel Marselle's successful journey during his many years of service could not have been completed without the support of his loving family.

Madam Speaker, I ask my colleagues to join me in congratulating Colonel Ronald L. Marselle on his well deserved retirement, and in thanking him for his service to our country.

COMMEMORATING THE BICENTENNIAL OF THE REPUBLIC OF ARGENTINA

HON. ALBIO SIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SIRE. Madam Speaker, I rise today in celebration of the bicentennial of the Republic of Argentina. Two hundred years ago in Buenos Aires, a week-long series of revolutionary events took place, known as the Revolucion de Mayo, which set in motion events that led to Argentina's momentous declaration of independence from Spain in 1810.

Since gaining independence, Argentina has emerged as a leader in Latin America and as a valuable ally to the United States. In the western hemisphere, Argentina has always been a friend who shares our values of freedom and democracy. In the global arena, it continues to be an important economic partner, with nearly 500 U.S. companies currently operating within its borders. As a founding member of the United Nations and in its most recent position as Secretary General of the Union of South American Nations, Argentina has also proven to be a cogent diplomat.

Argentina benefits from rich natural resources, a globally competitive agricultural sector, and a diversified industrial base. Additionally, as a country that has been richly endowed with culture, varying from eloquent tangos to loyal soccer fans, Argentina remains one of the cultural epicenters of Latin America.

The positive bilateral relationship between the United States and Argentina has been based on many common strategic and ideological interests, securing Argentina's position as an important ally and friend to the United States. I commemorate this historic occasion with Argentineans in the United States and again congratulate the people of Argentina on 200 years of independence.

CELEBRATING THE BICENTENNIAL ANNIVERSARY OF ARGENTINA'S INDEPENDENCE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. ENGEL. Madam Speaker, I rise today to celebrate the bicentennial of the Republic of Argentina. On May 25, 1810, the Argentine people declared their independence from Spain and since that time, their nation has become an important regional and global actor.

I feel a personal connection to the nation of Argentina. As Chairman of the Subcommittee

on the Western Hemisphere, I have had the privilege to lead two official congressional delegations to Argentina. I am always welcomed with a warmth and respect that speaks to the character of the Argentine people. President Cristina Fernandez de Kirchner is a distinguished leader whose service to her people is impressive. Likewise, Argentina's Ambassador to the United States Hector Timmerman and his excellent team work hard on a daily basis to advance the Argentine cause here in the United States.

In many ways, the United States and Argentina share much more than a hemisphere; we share common values of freedom, equality and a commitment to democracy that transcend national borders. Our nations have also worked closely on issues pertaining to regional security, and Argentina has established itself as a leading voice in the areas of nuclear non-proliferation and counterterrorism. I welcome this cooperation and I look forward to our continued collaboration on these vital fronts.

I hope you will join me in commemorating the 200th anniversary of the independence of the Republic of Argentina. May our two nations grow closer and may our shared values grow ever stronger.

COMMEMORATING THE OPENING OF HARKNESS HOUSE TO PROVIDE TRANSITIONAL HOUSING FOR VETERANS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. DELAURO. Madam Speaker, I rise to applaud the opening today of Harkness House, a four-apartment Victorian in my hometown of New Haven that will provide transitional housing for Connecticut veterans, and thus help to repay those who have served in uniform and now need our help.

Thanks to the hard work of Columbus House, a local organization dedicated to helping homeless Americans, as well as financial and logistical support from the Errera Community Care Center, VA Medical Center in West Haven, and the Department of Veterans Affairs, Harkness House will give up to fourteen homeless male veterans a place to live for up to two years, as they work to get back on their feet and reintegrate themselves into the community.

This new haven for homeless veterans is just one of many very worthwhile programs by Columbus House to alleviate the crushing burdens on the homeless men, women, and children in our midst. They also provide temporary and permanent housing at a number of other facilities around our community, as well as outreach services to this and other at-risk and highly vulnerable populations.

Along with providing a crucial resource to homeless veterans, Harkness House is particularly well-named. Its namesake, Dr. Laurie Harkness, has spent a career working to foster supportive housing for Connecticut's veterans in danger of homelessness. She has played a formative role in the creation of several such residential projects all across the

state, and brought both housing and hope to over 250 homeless veterans and their families. And she has been a dear personal friend to me.

I congratulate Laurie on this well-earned honor today, and I thank Columbus House and everyone else involved for their leadership and commitment to making Harkness House a reality. Because of their efforts, veterans who have sacrificed so much for our country, but have fallen on hard times, will now have a better chance at a second chance.

RECOGNIZING THE ACHIEVEMENTS OF NOLAN KAMITAKI

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Ms. HIRONO. Madam Speaker, I rise today to recognize the achievements of Nolan Kamitaki, a young constituent from Hilo, Hawaii. I would also like to congratulate him on his graduation as valedictorian of Waiakea High School's Class of 2010.

From a young age, Nolan has been deeply fascinated with natural phenomenon and mathematics, and his passion for these pursuits is reflected in his many achievements. He led Waiakea High School's Math League, Math Bowl, and Science Bowl teams, and participated in Japan's International Micro Robot Maze Contest. Nolan's aptitude for science has been recognized at numerous competitions and symposiums including the 2010 International Engineering and Science Fair, where Nolan earned the first place grand award. Nolan has received prestigious recognition as a 2009 Davidson Fellow for his project, "Programming a Network Approach to Contain the Spread of Epidemic."

Nolan's outstanding achievements in academics and his exemplary leadership and community service have earned him distinction as one of two 2010 U.S. Presidential Scholars from Hawaii. He plans to pursue a career that merges biological processes and computer science.

Nolan is a rising star in the sciences and a proud product of the Hawaii public school system. I am inspired by his impressive accomplishments at such a young age, and I look forward to following the career of this future leader.

TRIBUTE TO GILL GALLO, DIRECTOR OF THE RIVERSIDE NATIONAL CEMETERY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual from my Congressional District for his years of service to Riverside, California. Gill Gallo has served as director of the Riverside National Cemetery since May 14, 2006. And after four years, Gill Gallo is leaving this appointment to

serve as the Director of the National Cemetery in San Antonio, Texas.

In his position as director, Gill was responsible for all burial, maintenance and administrative operations at the cemetery. He also trained under Steve Jorgensen, the longtime director at Riverside who helped bring hundreds of volunteers into the cemetery's community support network. Gill often speaks of the historical significance of his work, and has remarked that there is no better place to pay tribute and learn about our veterans than by visiting the headstones and commemorating the fallen in our national cemeteries.

Prior to coming to Riverside National Cemetery, Gill served as director at the Willamette National Cemetery in Oregon. He also served as director of the Abraham Lincoln National Cemetery in Illinois, assistant director of the Willamette National Cemetery, director at the Fort Bliss National Cemetery in El Paso, Texas, director at Eagle Point National Cemetery in Oregon and director at the Santa Fe National Cemetery in New Mexico. Additionally, Gill served more than 20 years in the U.S. Air Force before retiring in 1986. He received an associate's degree from the University of Maryland, European Division in 1984.

Gill and his wife, Amparo, have three children: a son in the U.S. Air Force Reserve; a daughter in San Antonio, Texas; and a son in Colorado Springs, Colorado.

Gill Gallo's tireless passion for community and public service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Gill a fellow community member, American and friend. I know that many people are grateful for his service, and wish him the very best in San Antonio.

HONORING MS. ALMA GAMMAGE

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. JOHNSON of Georgia. Madam Speaker: Whereas, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service; and

Whereas, Ms. Alma Gammage has given of herself as an educator of E.L. Bouie, Sr., Elementary Theme school, a daughter, a mother and friend; and

Whereas, Ms. Gammage has been chosen as this year's Teacher of the Year, representing E.L. Bouie Elementary school; and

Whereas, this phenomenal woman has shared her time and talents for the betterment of our community and our nation through her tireless works, motivational speeches and words of wisdom; and

Whereas, Ms. Gammage is a virtuous woman, a courageous woman and a fearless leader who has shared with the world her vision and passion to help ensure that our future, our children, receive an education that is relevant for today, but also for the future; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this

day to honor and recognize Ms. Alma Gammage for her leadership and service for our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby proclaim April 23, 2010, as Ms. Alma Gammage Day in the Fourth Congressional District.

RECOGNIZING PROSPERO J.J. SANCHEZ FOR HIS DEDICATION TO NEW MEXICO BOYS STATE

HON. HARRY TEAGUE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. TEAGUE. Madam Speaker, I would like to take a moment to recognize Prospero J.J. Sanchez, someone who truly loves our country and is a veteran of the Army who makes his home in Albuquerque, New Mexico.

A few years ago, after some arm twisting by his father, Prospero, Sr., a World War II Marine Veteran, he was taken for the first time 30 years ago to attend the American Legion New Mexico Boys State. After that year there was no more arm twisting involved with Prospero Sanchez attending the annual Boys' State session. This year's American Legion New Mexico Boys' State session being held at the Campus of Eastern New Mexico University will mark Prospero J.J. Sanchez's 30th consecutive session of attendance.

Prospero has held many positions throughout the American Legion New Mexico Boys' State organization which has taught thousands of New Mexico High School Seniors the rights and responsibilities of being citizens of this great country of ours. Numerous members of our society have attended an American Legion Boys State or an American Legion Auxiliary Girls State session held annually on campus across this nation.

The program's alumni has held positions as CEO's, Artists, Athletes, Newscasters, Justices on the Supreme Court, both chambers of the House and Senate and even held the Position of President of the United States. It is organizations such as the American Legion and the American Legion Auxiliary, who after wearing the uniform of our country, return home and continue to selflessly serve the communities to which they belong such as Prospero Sanchez has, not only as a very active member of the American Legion where he is one of the New Mexico's Past Department Commanders and the Current Alternate National Executive Committee Man.

Prospero J.J. Sanchez is commended for his dedication of many years of service to the youth of the nation at American Legion New Mexico Boys State, where he currently holds the position of President of the American Legion New Mexico Boys State Board of Directors. I thank him for his many years of service and I am honored to have the opportunity to have him recognized in the Congress today.

CELEBRATING THE BICENTENNIAL OF ARGENTINA'S INDEPENDENCE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. HONDA. Madam Speaker, I rise today to join my colleague Representative ELIOT ENGEL of New York, in congratulating the great people of Argentina in celebration of the bicentennial anniversary of their independence from Spain, which occurred on the 25th of May of 1810.

Born in 1810 out of a newfound sense of national identity, the trajectory of Argentinean independence is inspired by the same enlightenment ideas of self-determination and representative government that inspired America's independence movement. Like George Washington, Jose de San Martin, the liberator of Argentina, led the fight for freedom in armed struggle against the shackles of Spanish rule. At the heart of the U.S. example was the creation a constitution free from monarchy, building an infant democracy surrounded by European power in the new world. Capitalizing on Napoleonic control, Argentina's cry set in motion the wars of independence across South America and the creation of new republics by the decade's end.

America's 200-year relationship with Argentina commenced officially when President James Monroe promulgated a foreign policy based on the preservation of our republics from imperial intervention, thus securing a shared destiny of independence. In an unprecedented gesture of aid to an unrecognized country, President Monroe sent a representative whose primary objective was to assure the Argentinean people that "U.S. has the most sincere disposition towards its neighbors from Latin America and considers friendly exchanges as mutually beneficial." In 1822, the U.S. became the first non-Latin nation to establish formal diplomatic relations with Argentina. Our countries' friendship has been strong ever since.

An entire week of May leading up to the 25th is devoted to celebrating several events that sparked Argentina's movement towards independence, with expatriates and Argentinean-Americans in cities across the United States also partaking in celebrations. Argentineans have a proud history of enriching the world's literary, art and musical, and sports arenas. Tango performers like Carlos Gardel, and writing artists like Jorge Luis Borges, have injected masterpieces into our global tapestry, while one of the most famous soccer magicians Diego Armando Maradona amazed fans during the 1986 World Cup.

It is with great joy, Madam Speaker, that I ask the rest of my colleagues to congratulate our great neighbor on this historic achievement for their people. I wish the President of Argentina and Argentineans across the world a festive week.

HONORING JEFFREY SIEGEL

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. UPTON. Madam Speaker, I rise today to pay special tribute to Mr. Jeffrey Siegel of Berrien Regional Educational Service Agency. After over three decades of service to the education community of southwest Michigan, Mr. Siegel will be retiring as the Superintendent of Berrien RESA.

After receiving his bachelor's degree in psychology from Adelphi University in New York, Jeff made his way to Mount Pleasant, Michigan where he attended Central Michigan University and earned both his master and specialist degrees.

Mr. Siegel has served as Berrien RESA's superintendent for over seven years and has accomplished many great milestones during his distinguished tenure. Jeff created a Medicaid billing site in southwest Michigan and has worked with local school districts to reduce the number of children referred to special education across the county by nearly 15 percent. He redefined his organization's service scope to include programs and services specifically related to supporting classroom technology, student data management, business office support, career training and school safety.

In addition to his professional responsibilities at Berrien RESA, Mr. Siegel, serves his community as a leader of the Berrien Community Foundation, Berrien Springs/Eau Claire Rotary, Temple B'Nai Shalom, Consortium for Community Development, Community Partnership for Lifelong Learning, and the Great Start Collaborative Early Childhood Investment Corporation. He also serves as a member of a variety of state and local professional organizations and has been appointed by the Michigan Department of Education to provide leadership and oversight to committees related to Medicaid and intermediate school districts.

For over three decades in the Berrien County education community, Jeffrey Siegel's leadership, skills, compassion, and commitment to education have made him an indispensable asset to the citizens of Berrien County. As Mr. Siegel prepares for his retirement, he leaves a legacy that will benefit the community for years to come.

HONORING THE SERVICE OF DR. STEPHEN L. PAGE, ED. D. AS SUPERINTENDENT, HENDERSON COUNTY PUBLIC SCHOOLS, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SHULER. Madam Speaker, I rise today to honor Dr. Stephen L. Page, Ed. D. on his June 30th retirement from his position as the Superintendent of Henderson County Schools. Dr. Page's efforts have been central to the development and success of the public school

system of Western North Carolina where he has served faithfully and effectively for the past 37 years.

Before beginning his career in the public school system, Dr. Page served honorably as a First Lieutenant, Combat Executive Officer, in the United States Army. For his bravery and meritorious service during the Vietnam War, Dr. Page was awarded the Bronze Star.

Dr. Page is also actively involved in the Henderson County Community. He is a member of the Civitan Club of Hendersonville and serves as Chairman of the Civitan Foundation Board of Directors. He serves on the United Way of Henderson County Board of Directors and on the Daniel Boone Council of Boy Scouts of America. Dr. Page also served as the Honorary Chairman of the 2007 March of Dimes WalkAmerica campaign in Henderson County.

Madam Speaker, I am proud to honor Dr. Stephen Page today, to thank him for his tremendous service to the community, and to wish him well in his retirement.

IN SPECIAL RECOGNITION OF
LIEUTENANT COLONEL THOMAS
P. BELKOFE FOR HIS SERVICE
TO THE UNITED STATES OF
AMERICA IN THE THEATER OF
OPERATION ENDURING FREEDOM

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. LATTA. Madam Speaker, it is with a heavy heart that I rise to pay special tribute to a military hero from Ohio's Fifth Congressional District. United States Army LTC Thomas P. Belkofer, 44, of Perrysburg, Ohio, lost his life in combat on May 18, 2010 as a result of wounds sustained in support of Operation Enduring Freedom. Lieutenant Colonel Belkofer was assigned to the headquarters of the 10th Mountain Division out of Fort Drum, New York. He is survived by his dear wife Margaret, and their daughters Alyssa and Ashley.

An individual dedicated to giving his all in everything, Thomas Belkofer was a determined athlete at his alma mater, Rossford High School, where he graduated in 1983. Thomas served in the Ohio Army National Guard, and in the Reserve Officer Training Corps, ROTC, in college. In 1992, Thomas received his Bachelor's Degree from Bowling Green State University in Architecture and Environmental Design. It was this same year he married his college sweetheart, Margaret Maness, and both were commissioned in the United States Army. Lieutenant Colonel Belkofer earned his Masters in Business Administration degree from Syracuse University during his active duty service.

A committed Army officer, Lieutenant Colonel Belkofer served 18 years at various military assignments, including the bases in Fort Hood, Texas; Fort Carson, Colorado; Fort George G. Meade in Maryland; The Pentagon; a 13-month deployment to Afghanistan; Vincenzo, Italy; and Fort Drum, New York. During his first deployment in Afghanistan, Lieutenant Colonel Belkofer assisted with the

establishment of a financial infrastructure for Afghan government employees, many of them soldiers. Lieutenant Colonel Belkofer's life and accomplishments reflect his commitment to his country and the protection of its freedoms.

In addition to his various assignments that have taken Lieutenant Colonel Belkofer all over the world, he received many badges, medals, and ribbons. These include the Overseas Service Bar, Army Staff Identification Badge, Air Assault Badge, Parachutist Badge, Combat Action Badge, Army Joint Meritorious Award, NATO Medal, Overseas Service Ribbon, Army Service Ribbon, Humanitarian Service Medal, Global War on Terrorism Service Medal, Afghanistan Campaign Medal (with the Bronze Service Star), Armed Forces Expeditionary Medal, National Defense Service Medal, Army Reserve Components Achievement Medal, Army Achievement Medal, Army Commendation Medal, Meritorious Service Medal, Defense Meritorious Service Medal, Purple Heart Medal, Bronze Star Medal, and the Legion of Merit Medal.

Madam Speaker, I ask my colleagues to join me in recognizing the life and selfless service of Lieutenant Colonel Thomas P. Belkofer. We stand with his family and loved ones in mourning the loss of America's finest, and remain forever grateful for his sacrifice toward the peace and security of our nation.

COMMEMORATING THE 40TH ANNIVERSARY OF THE JACKSON STATE COLLEGE SHOOTING THAT CLAIMED THE LIVES OF PHILLIP LAFAYETTE GIBBS AND JAMES EARL GREEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to commemorate the 40th anniversary of the Jackson State College shooting that claimed the lives of Phillip Lafayette Gibbs and James Earl Green.

Gibbs was a college student exercising his first amendment right to freedom of speech. Green was a prospective college student looking forward to the opportunity to make his mark during the Civil Rights Movement and define his place in society. Both young men lived in a time and place plagued by racial prejudice and discrimination.

Four decades ago, four students were killed at Kent State University (Ohio) when National Guardsmen opened fire on hundreds of unarmed students during an on campus antiwar rally. The killings received national media and public attention and have annually been remembered in the 40 years that followed.

Just 10 days after the Kent State fatal shooting, on May 14, 1970, around 9:30 p.m., rumors began to circulate that Fayette, Mississippi's Mayor Charles Evers (brother of slain civil rights activist Medgar Evers) and his wife had been shot and killed. Protesters, both students and non-students who were still tense from demonstrations held the day before, gathered throughout the campus grounds of Jackson State College, in Jackson, Mississippi to protest. Some protestors damaged

property and set a construction truck on fire. About 75 law enforcement officers from both the Jackson Police Department and the Mississippi Highway Patrol arrived on the scene armed with carbines, rifles, submachine guns, shot guns, service revolvers and other undocumented, non-service weapons and began to open fire on the student protesters.

It was not until after nearly 30 seconds of continuous, relentless shooting that officers yelled commands to cease fire. An investigation filed later by the Federal Bureau of Investigations reported that Alexander Hall dormitory had been struck over 450 times by bullets or bullet fragments. In that same report the FBI said no evidence was found to support that any officers had come under fire before the shooting started or that anyone in the immediate crowd of protesters had displayed a weapon. Miraculously, many lives were spared during the ordeal, but sadly two were not.

Phillip Lafayette Gibbs, a 21-year-old junior pre-law student, was shot three times in the head and once under his left armpit. Gibbs, who was married and the father of an 18-month old son was pronounced dead at the scene. James Earl Green, a 17-year-old Jim Hill High School student and track standout, was shot once in the side of the chest. Green, just weeks away from graduation, planned to attend the University of California, Los Angeles, collapsed and died just blocks away from his home. In the early morning hours of May 14, 1970, this country lost two potentially prominent and profound components of the legal and sports world.

Unfortunately, this tragic incident, similar to the Kent State shooting, received no national media coverage.

The FBI investigated the incident as well as President Nixon's Commission on Campus Unrest. Both bodies agreed that the shooting was an, "... unreasonable, unjustified over-reaction . . .", and that a law enforcement response of this nature is, "... never warranted." However, no charges or arrest were ever made in the killing of these two young men and justice never prevailed.

In the spirit of remembrance and appreciation I stand before you to bring attention to the loss of two precious lives which sparked the ignition for change for a campus, a community, a state and a nation.

Please join me today in honoring the lives of Phillip Lafayette Gibbs and James Earl Green.

INTRODUCTION OF THE PRIVATE OPTION HEALTH CARE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. PAUL. Madam Speaker, I rise to introduce the Private Option Health Care Act. This bill places individuals back in control of health care by replacing the tax-spend-and-regulate health care law Congress passed last month with reforms designed to restore a free market health care system.

The major problems with American health care are rooted in government policies that encourage excessive reliance on third-party

payers. The excessive reliance on third-party payers removes incentives for individual patients to concern themselves with health care costs. Laws and policies promoting Health Maintenance Organizations, HMOs, resulted from a desperate attempt to control spiraling costs. However, instead of promoting an efficient health care system, HMOs further took control over health care away from patients and physicians. Furthermore, the third-party payer system creates a two-tier health care system where people whose employers can afford to offer "Cadillac" plans have access to top quality health care, while people unable to obtain health insurance from their employers face obstacles in obtaining quality health care.

The Private Option Health Care Act gives control of health care back into the hands of individuals through tax credits and tax deductions, improving Health Savings Accounts and Flexible Savings Accounts. Specifically, the bill:

A. Provides all Americans with a tax credit for 100 percent of health care expenses. The tax credit is fully refundable against both income and payroll taxes;

B. Allows individuals to roll over unused amounts in cafeteria plans and Flexible Savings Accounts (FSA);

C. Provides a tax credit for premiums for high-deductible insurance policies connected with a Health Savings Accounts (HSAs) and allows seniors to use funds in HSAs to pay for medigap policies;

D. Repeals the 7.5 percent threshold for the deduction of medical expenses, thus making all medical expenses tax deductible.

This bill also creates a competitive market in health insurance. It achieves this goal by exercising Congress's authority under the Commerce Clause to allow individuals to purchase health insurance across state lines. The near-monopoly position many health insurers have in many states and the high prices and inefficiencies that result, is a direct result of state laws limiting people's ability to buy health insurance that meets their needs, instead of a health insurance plan that meets what state legislators, special interests, and health insurance lobbyists think they should have. Ending this ban will create a truly competitive marketplace in health insurance and give insurance companies more incentive to offer quality insurance at affordable prices.

The Private Option Health Care Act also provides an effective means of ensuring that people harmed during medical treatment receive fair compensation while reducing the burden of costly malpractice litigation on the health care system. The bill achieves this goal by providing a tax credit for negative outcomes insurance purchased before medical treatment. The insurance will provide compensation for any negative outcomes of the medical treatment. Patients can receive this insurance without having to go through lengthy litigation and without having to give away a large portion of their awards to trial lawyers.

Finally, the Private Option Health Care Act also lowers the prices of prescription drugs by reducing barriers to the importation of Food and Drug Administration (FDA)-approved pharmaceuticals. Under my bill, anyone wishing to import a drug simply submits an application to the FDA, which then must approve the drug

unless the FDA finds the drug is either not approved for use in the United States or is adulterated or misbranded. This process will make safe and available imported medicines affordable to millions of Americans. Letting the free market work is the best means of lowering the cost of prescription drugs.

Madam Speaker, the Private Option Health Care Act allows Congress to correct the mistake it made last month by replacing the new health care law with health care measures that give control to health care to individuals, instead of the federal government and politically-influential corporations. I urge my colleagues to support this bill.

HONORING THOSE WHO PERISHED ON THE DEEPWATER HORIZON OIL PLATFORM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. RANGEL. Madam Speaker, I rise today to honor the 11 workers who lost their lives on April 20, 2010 in the explosion of a deep sea oil rig in the Gulf of Mexico off the coast of Louisiana. I also offer my sympathy to the four workers who were critically injured.

My deepest condolences also go out to the families of the deceased. The offshore drilling industry is known for its dangers. Oil rig workers often labor in severe and uncertain working conditions, fraught with difficulty. We are indebted to these courageous workers for their contributions to our country.

This is a tragedy not only for the workers and their families but the residents of the entire Gulf Coast region, and the United States. We honor the legacy of these men and their families and affirm that their contributions to a field crucial to our society are recognized by all.

We wish a speedy recovery to the four additional workers who were critically injured during the rig explosion. We also offer a heartfelt thank you to the emergency response workers who responded to the disaster. Their efforts are greatly appreciated.

This incident highlights the importance of implementing and enforcing stricter offshore drilling regulations. Oil rig explosions and resulting oil spills can lead to the deaths of workers and cause irreversible damage to our environment, marine life, wildlife, food industries, and our economy. It is important that we address the lack of oversight in the offshore drilling industry and protect the lives of dedicated oil rig workers who make daily sacrifices in the interest of the United States.

RECOGNIZING RALPH KEMP FOR HIS SERVICE TO OUR COUNTRY

HON. HARRY TEAGUE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. TEAGUE. Madam Speaker, I would like to take a moment to recognize a patriotic

American who has given much of himself in securing the future of this country. Mr. Ralph Kemp is a veteran of the Marine Corps and the Vietnam War. Mr. Kemp also served as a retired Albuquerque Police Department Lieutenant in his hometown of Albuquerque, New Mexico a few years after his military service. Some years ago, after some arm twisting he was taken on a trip to attend the American Legion New Mexico Boys' State. After that year there was no more arm twisting involved.

This year's American Legion New Mexico Boys' State session being held at the Campus of Eastern New Mexico University will mark Ralph Kemp's 30th consecutive session of attendance.

Ralph has held many positions throughout the American Legion New Mexico Boys' State organization which has taught thousands of New Mexico High School Seniors the rights and responsibilities of being citizens of this great country of ours. Numerous members of our society have attended an American Legion Boys State or an American Legion Auxiliary Girls' State Session held annual on campus across this nation.

The program's alumni has held positions as CEO's, Artists, Athletes, Newscasters, Justices on the Supreme Court, both chambers of the House and Senate and even held the Position of President of the United States. It is organizations such as the American Legion and the American Legion Auxiliary, who after wearing the uniform of our country, return home and continue to selflessly serve the communities of which they belong such as Ralph Kemp.

Ralph Kemp currently serves as the Executive Director of the American Legion New Mexico Boys' State program. Besides the dedicated week Ralph gives to the Boys' State program he has also served on the American Legion Boys Nation Staff for the past 15 years.

This is a week-and-a-half-long program where two boys from each state are selected to come to the Nation's Capitol to learn about government at the federal level. If two and half weeks of volunteer time working with this nation's youth is not enough, Ralph Kemp volunteers and additional week of his summer serving as the Director of the American Legions Junior Shooters programs annual competition. Ralph Kemp is to be commended for his dedication of many years of service to the youth of the nation at American Legion New Mexico Boys State and American Legion Programs. I thank him for his service and am very proud to have him recognized in the House of Representatives.

CONGRATULATING PRINCIPAL JAN KING ON BEING NAMED THE 2010 WACHOVIA NORTH CAROLINA PRINCIPAL OF THE YEAR

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SHULER. Madam Speaker, I rise today to congratulate Principal Jan King of Glenn C. Marlow Elementary School in Mills River,

North Carolina on being named the 2010 Wachovia North Carolina Principal of the Year. The designation of Principal of the Year not only signifies her effectiveness as an administrator but also the respect she has earned among her students, their parents, and their teachers.

With this honor Mrs. King will be appointed to the State Superintendent's Principal's Advisory Committee and will serve a one-year term as advisor to the State Board of Education. Principal King will also be appointed to a one-year term on the Board of Directors for the North Carolina Public School Forum and will chair the 2011 Wachovia Principal of the Year Selection Committee.

As a native of Jackson County and an educator in the area, Mrs. King has spent most of her life in Western North Carolina. Throughout her educational career, Jan King has set a high educational standard for herself and her peers. In 2003, Mrs. King was named Henderson County Schools' Teacher of the Year and achieved National Board Certification. Mrs. King has also been selected to speak at various events including the North Carolina Gifted Education Conference, North Carolina Social Studies Conference and the National Board for Professional Teaching Standards Conference. She also served as a teacher and a consultant for the Library of Congress American Memory Fellow Program.

The children of today are the leaders of our nation tomorrow. Educators like Principal King are central in providing these children the tools they need in order to be productive citizens in the future.

Madam Speaker, I am proud to congratulate Principal Jan King and to thank her for her tremendous service to the students in Western North Carolina.

MEDIA SHOULD DEMAND ANSWERS FROM OBAMA

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SMITH of Texas. Madam Speaker, today President Obama had his first full news conference in about 10 months.

That's longer than former President George W. Bush ever went between news conferences.

Here's what the Washington Examiner's chief political correspondent, Byron York, wrote recently about why the national media have tolerated President Obama's silence:

While Obama dodges questions, his spokesman stonewalls them.

In one sense, the press, or at least some members of the press, have only themselves to blame.

Obama treats them with contempt because he knows that when big tests come, they've always been on his side.

There's no reason for him to think they won't be there in the future.

Why does Obama do it? Because he can.

The national media should demand answers from the President, not give him a free pass on news conferences.

UNFAIR TREATMENT OF FEDERAL POSTAL WORKERS IN AMERICAN SAMOA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise to bring to your attention an amendment that I proposed to H.R. 5136, the National Defense Authorization Act for FY 2011, but unfortunately was not included for Floor consideration.

This proposed measure would amend the appropriate section of the Non-Foreign Area Retirement Equity Assurance Act of 2009, Subtitle B of Title XIX of Public Law 111-84, the National Defense Authorization Act for Fiscal Year 2010, to allow otherwise eligible workers in American Samoa to be paid territorial cost of living adjustment (TCOLA) rates that match the now frozen TCOLA rates applying to Guam.

Madam Speaker, just a year ago, the Non-Foreign Area Retirement Equity Assurance Act (NAREAA) was signed into law as part of the National Defense Authorization Act for Fiscal Year 2010 or Public Law 111-84. In essence, COLA would be phased out and locality pay would be phased in over 3 years for all current and future Federal employees, regardless of whether or not they received COLA payments.

Before last year, American Samoa was the only non-foreign area in which Federal employees did not receive COLA. Notwithstanding that by law, Federal employees in the U.S. Territory of American Samoa were eligible to receive COLA payments, OPM decided not to create a separate non-foreign COLA-designated area for American Samoa.

This was especially frustrating given that American Samoa faces many of the same issues, driving higher prices for goods, services, and travel that face other territories in similar situations, and its seemed discriminatory that the Office of Personnel Management (OPM) has chosen not to provide COLA to Federal employees in American Samoa.

These were the concerns that I continued to raise with OPM over the years but to no avail until last year and I want to thank my good friend from Hawaii, Senator DANIEL AKAKA for his leadership and efforts on this issue. As a result of NAREAA, GS and white-collar Federal employees in American Samoa are now receiving locality-pay.

Madam Speaker, the enactment of Public Law 111-84 has made more glaring the discrepancy that continue to exist for USPS workers in American Samoa that were not receiving territorial cost of living adjustments (TCOLA) rates.

Only Postal Inspectors and employees of the Postal Service Office Inspector General in non-foreign areas are receiving locality pay like other federal employees in the non-foreign areas. The rest of the USPS employees would continue to receive TCOLA payments.

Unfortunately, USPS workers in American Samoa did not receive any adjustments called for under Public Law 111-84 as OPM has never designated American Samoa to receive TCOLA rates. Despite the fact that American

Samoa by statute is eligible to receive TCOLA payments, OPM continues to deny American Samoa COLA-designation.

Now that COLA is being phased out and we are now in the 10th pay period since locality pay kicked in and COLA rates have been frozen, it is highly unlikely OPM would ever establish American Samoa as a COLA area because there is not more COLA per se and other GS and white-collar Federal employees in American Samoa are now receiving locality pay.

Therefore, the intent of my amendment is to give the USPS employees in American Samoa the same TCOLA treatment accorded to USPS employees in Guam.

Madam Speaker, as I have been saying throughout all these years, it seems unreasonable that OPM asserts that the cost of living in American Samoa is not high enough to justify payment of COLA when no survey has even been conducted in American Samoa. Especially, American Samoa is about 8,000 miles away from Washington, DC with unique economic challenges and issues.

Madam Speaker, while my amendment was not accepted by the U.S. House Committee on Rules, nevertheless, I will continue to pursue a solution to this critical issue for the people of American Samoa. the people of American Samoa.

NETWORKS SHOULD HOLD ADMINISTRATION ACCOUNTABLE FOR OIL SPILL RESPONSE

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

Mr. SMITH of Texas. Madam Speaker, the television news networks failed to hold the Obama administration accountable for its response to the Gulf Coast oil spill crisis, according to an analysis by the Media Research Center.

Out of 157 news stories during the 4 weeks after the disaster, 148—95 percent—featured no criticism of the administration whatsoever.

Just nine had some scrutiny of the administration.

And just two of the stories—about 1 percent—focused on the administration's handling of the crisis.

The national media gave no such leeway to former President George W. Bush's handling of crises during his administration.

The networks should hold the Obama administration accountable, not give them a free pass.

IN MEMORY OF JOSEPH J. HOFFMAN SR., BELOVED GLOUCESTER COUNTY CLERK

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the life and memory of Joseph

J. Hoffman Sr. of Franklinville, who died from pancreatic cancer in his home on May 13, 2010 at the age of 87. He is survived by his wife of 60 years, Wanda, two sons, and six grandchildren. Mr. Hoffman's life made a lasting mark on the Gloucester County community.

Mr. Hoffman was a graduate of Clayton High School, where he was an avid member of the baseball team. His skills as third baseman for Clayton High School were recognized with his early induction into the Gloucester County Sports Hall of Fame. After high school, he had the opportunity to attend training camp for the Philadelphia Athletics minor league team, but turned it down to work on his family's three farms in Franklinville. He remained involved with community sports, playing for many semi-pro South Jersey baseball teams, and later becoming President of the Franklin Township Babe Ruth League.

After nine years as Township Clerk for Franklin Township, he was elected Gloucester County clerk in 1962. Mr. Hoffman served for a record forty-four years as Gloucester County Clerk. He was then successfully re-elected for seven consecutive five year terms, ending with his retirement in 1997. Not only was Mr. Hoffman involved with the local government, he also served 43 years on the board of Newfield National Bank, volunteered with the Franklinville Fire Department, and served as General Chairman of fundraising for Underwood Memorial Hospital in Woodbury. In 1995, his achievements were recognized by the Boy Scouts of America when he received the Southern New Jersey Council Boy Scouts of America Distinguished Citizens Award. He also was rewarded the Public Service Award by the NAACP.

Madam Speaker, Joseph J. Hoffman Sr.'s commitment to Gloucester County and its citizens should not go unrecognized. I express my deepest condolences to his family for their loss and pay tribute to the memory of this outstanding individual.

IN HONOR AND RECOGNITION OF GARY S. ADAMS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Gary S. Adams as he is named by the Cleveland-Marshall Law School Association a 2010 Alumnus of the Year in recognition of his continued entrepreneurship, hard work and business achievement.

Mr. Adams grew up in the Cleveland area. As a graduate of the Cleveland-Marshall College of Law, he has consistently utilized his legal expertise to help support, promote and grow the auto industry throughout Greater Cleveland. In addition, he has maintained a special focus on locally owned dealerships, employees and customers.

For many years, Mr. Adams served as the President of the Greater Cleveland Auto Dealerships' Association and is now the President of the annual Cleveland Auto Show which

draws tens of thousands of visitors every year. Mr. Adams is an expert in his field. He has an unparalleled knowledge of many aspects of the auto industry, including government policy, public relations and consumer rights. Moreover, Mr. Adams is known as man whose kindness, integrity and generosity match his competitive spirit.

Madam Speaker and colleagues, please join me in recognition of Gary S. Adams upon being named as a 2010 Alumnus of the Year by his alma mater, the Cleveland-Marshall College of Law in Cleveland, Ohio. Mr. Adams' leadership, expertise, integrity and dedication to supporting the economic base of our community have made it a better place to live.

CELEBRATION OF THE BIRTHDAY OF ATATURK

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Ms. FOXX. Madam Speaker, As co-chair of the Turkish Study Group in the House, I was invited to a celebration of the birthday of Ataturk, revered as the father of modern Turkey. At the event 16 year old Selin Odabas-Geldiay was asked to speak about the occasion. This very poised young woman gave extremely articulate and pertinent remarks which I felt were worthy of being shared with a much larger audience and am including them here.

REMARKS ON THE OCCASION OF ATATURK'S PROCLAMATION OF YOUTH AND SPORTS DAY IN TURKEY TO MEMORIALIZE THE START OF THE WAR OF INDEPENDENCE, SELIN ODABAS-GELDIAY, MAY 20, 2010, HOME OF MIRAT AND HUDAI YAVALAR

It is a great honor for me to be here tonight and to speak about our great leader Ataturk and the importance of May 19th. Ninety-one years ago yesterday, Ataturk took a very dangerous trip from Istanbul to Samsun, a city on the Black Sea. There he assumed command of the 9th Ottoman Army. This was a turning point for Turks as it represented the beginning of the Independence War. Because of the significance and the importance of that day, Ataturk dedicated this day to the Turkish youth as he had great confidence and trust in the ability of the Turkish youth to protect and continue the Turkish Republic he founded. I am one of those Turkish youth. When Ataturk spoke of the youth, he was not only referring to those young in age but also to those with open minds, ready to embrace and conquer new challenges.

For as long as I can remember, I have taken great pride in my Turkish heritage. Whenever I meet someone new, I always make a point of telling them that even though I was born in the United States, which I love, my roots are from Turkey. Even in my high school, if someone doesn't know me personally, he or she will still know me as "the Turkish girl." I have taken on this identity as a result of my upbringing and how my parents installed this pride in me by example. Ever since I was little, I have watched my parents say with joy, "I live in the United States, but I'm originally from Turkey." This phrase soon became my own as I met new people. As I was growing

up, I remember attending many birthday celebrations for Ataturk at the home of our hosts Mirat and Hudai Yavalar (since May 19th is also considered Ataturk's birthday) and I thank them for also being good role models in teaching young people about Ataturk. Those are the only birthday parties I attended where the person whose birthday we are celebrating is missing in person. But I realize that Ataturk continues to live in our hearts and minds. How many leaders do you know who evoke such strong feelings of love and devotion in people's hearts 72 years after they are gone? Not too many, I assure you.

As a child I attended Turkish school every Sunday. We would learn grammar, history, and music, but most of all we would be learning about Ataturk. His leadership and bravery as a military genius were always highlighted. His achievements as a statesman are unmatched. I do not know of any other nation that has gone through and embraced the kinds of reforms Ataturk introduced in Turkey. Creating a secular republic, giving women the right to vote and be elected, changing the alphabet to Latin letters almost overnight, changing the way people dress are just a few of the incredible reforms he promoted and established in Turkey.

As I mentioned earlier, May 19th is dedicated to young people, not only to those who are young in age, but also those who are young in mind, meaning open to learning new ideas and new things. I am happy to be celebrating this important day with all of you.

Thank you for giving me the opportunity to speak with you tonight.

IN HONOR AND RECOGNITION OF CLEVELAND MAYOR FRANK JACKSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. KUCINICH. Madam Speaker, I rise in recognition of Mayor Frank Jackson as he is named by the Cleveland-Marshall Law Alumni Association as a 2010 Alumnus of the Year for his work and leadership on behalf of those who live and work in the City of Cleveland.

Mayor Jackson has lived in Cleveland his entire life, and today resides in the same neighborhood in which he grew up. He began his formal schooling in the Cleveland Public Schools. He moved on to Cuyahoga Community College, where he earned an associate's degree. Subsequently, he earned a bachelor's and master's degree from Cleveland State University and later earned a law degree from Cleveland-Marshall College of Law. Mayor Jackson was elected to the Cleveland City Council in 1989, where he led the charge to protect our most vulnerable citizens. Mayor Jackson is also a United States Veteran, having served our country in Vietnam with honor.

Mayor Jackson continues to work on issues such as jobs, the foreclosure crisis and affordable housing. He remains a public advocate for the homeless members of our society and he is the first Mayor to attend the annual Homeless Memorial Day event and other events organized by homeless citizens.

Madam Speaker and colleagues, please join me in honoring Mayor Frank Jackson as he is

being recognized by the Cleveland-Marshall Law Alumni Association for his tireless efforts on behalf of the people of Cleveland.

THANKING RICK WEIDEMANN FOR HIS SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement on May 25, 2010, we rise to thank Mr. Rick Weidemann for his 22 years of distinguished service to the U.S. House of Representatives. Rick has served this great institution as a valued employee of the Clerk of the House for 8 years and House Information Resources (HIR) in the Office of the Chief Administrative Officer (CAO) for 14 years.

Rick began his career at the House with the Office of the Clerk in November 1987 as a Data Entry Clerk for the Finance Office. A year later he was promoted to the position of Senior Telecommunications Administrator with the Office of Telecommunications. In June of 1995, Rick joined HIR when the Office of Telecommunications was transferred to the Office of the Chief Administrative Officer. During this time, Rick managed the landlines and wireless requirements of Members, committee, leadership and House support offices.

In recent years, Rick has handled the increased workload and challenges of the position brought on by the explosive growth and variety of personal digital assistants (PDAs) and Smart Phones.

On behalf of the entire House community, we extend congratulations to Rick for his years of dedication and outstanding contributions to the U.S. House of Representatives.

HONORING THE 178TH FIGHTER WING

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. AUSTRIA. Madam Speaker, on behalf of the people of Ohio's Seventh Congressional District, we are honored to recognize the contributions of the 178th Fighter Wing for their 60-plus years of service to our nation during their Hail and Farewell Ceremony on June 5, 2010.

The heritage of the 178th Fighter Wing and 162nd Fighter Squadron traces its roots back to the world famous 357th Fighter Group, the "Yoxford Boys" and the 362nd Fighter Squadron in England.

During World War II, the Wing's combat victories totaled over 695, a mark no other fighter unit anywhere has matched. Ever since, the 178th Fighter Wing has played an active role in air combat and support, training, security forces, engineering, medical, communications, aircraft maintenance, human resources and transportation in support of contingency operations around the world.

As the military's needs evolve with the emergence of new threats and advancing technology, the Base and Wing will be transitioning to new missions that will enable our military to meet the unique challenges of the 21st Century. It would have been impossible to imagine, during World War II, that planes conducting missions over nations half a world away would be piloted by the 178th Fighter Wing in Springfield, Ohio. It would be equally difficult to imagine then the quality and speed of the intelligence gathering process that will also take place in Springfield, through NASIC. We are confident the men and women of the 178th stand ready to meet future challenges and missions successfully, as they begin a new chapter in a proud legacy.

Thus, with great pride, we congratulate the men and women of the 178th Fighter Wing and their families for their exemplary service to this community and our country and extend best wishes to them for the future.

IN HONOR OF DETECTIVE DONALD MALLOY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Detective Donald Malloy as he celebrates retirement after nearly thirty years of excellent service to the City of Cleveland Police Department.

Detective Malloy was appointed to the force on August 7, 1981, and he began as a patrol officer in the 4th District. During his career, Detective Malloy completed the Ohio Fire Academy program, became a certified fingerprint examiner and worked in the Crime Scene Records division. He spent the majority of his career in the Financial Crimes Unit, investigating and assisting in the arrests of numerous perpetrators.

Detective Malloy has been honored with commendation for his service, including awards from the City of Shaker Heights, the Cuyahoga Metropolitan Housing Authority and the former Mayor of Cleveland, Mike White.

Madam Speaker and colleagues, please join me in honor and recognition of Cleveland Police Detective Donald Malloy, whose dedication, expertise and concern for the people of the City of Cleveland has helped to protect our community. We are grateful for his service. I wish Detective Malloy, his family and friends health and happiness.

CONGRATULATING GREATER MOUNT ZION CHURCH

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. PAUL. Madam Speaker, on June 12, 2010 the Greater Mount Zion Church in Brazoria, Texas will observe the Grand Opening and Church Dedication of their new worship facility. Greater Mount Zion Church is one

of the fastest growing churches in Southern Brazoria County, having quadrupled their active membership and attendance since 2005. Greater Mount Zion services Southern Brazoria County with over 40 ministries, including several ministries aimed at serving children, teenagers, and young adults.

In 2005, in order to better serve the people of Brazoria County, the Greater Mount Zion (GMZ) Education and Development Center was created. The GMZ Education and Development Center has implemented a number of programs focusing on areas such as academics, employment, financial management, family stability, and civic involvement.

Greater Mount Zion's newly finished facility will facilitate in continuing partnerships, as well as creating opportunities for new partnerships, with other churches, faith-based groups, schools, community organizations and businesses, thus allowing Greater Mount Zion and GMZ Education and Development Center to better serve their community. While Greater Mount Zion's prior facility consisted of a sanctuary that seated 130 individuals, three classrooms, and a multi-purpose building with a half-gym, the new campus includes a sanctuary which seats approximately 500 individuals, 10 classrooms, and a multi-purpose building with a full gym. The new campus will allow more individuals and organizations to use the facility for academic and other programs that help the residents of Brazoria find employment, achieve financial success, and attain their other personal and professional goals.

Madam Speaker, I once again congratulate the staff and congregation of Greater Mount Zion Baptist Church on the opening of their new facility and I thank them for all they have done for the people of Brazoria County.

CONGRATULATING THE BETHEL A.M.E. CHURCH FOR 59 YEARS OF OUTSTANDING COMMUNITY SERVICE

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. McKEON. Madam Speaker, it gives me great pleasure to congratulate the Bethel A.M.E. Church for 59 years of outstanding community service.

Organizations such as Bethel A.M.E. strengthen communities through faith and selfless charity. From the Church's humble beginnings to the present day, those involved with Bethel A.M.E. have shown steadfast dedication to their surrounding community and have worked diligently to improve the lives of those less fortunate Americans.

Once again, congratulations to Bethel A.M.E. Church on its 59th anniversary. The Church has truly been a force of good in Barstow and I look forward to its continued growth and progress in advancing goodwill throughout California's 25th District.

IN HONOR OF COMMANDER DEBORAH WASHINGTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Commander Deborah Washington as she celebrates retirement after nearly thirty years of exemplary service to the City of Cleveland Police Department.

Commander Washington started as a patrol officer in the 3rd, 4th and 5th districts after she was appointed to the force on June 1, 1981. She worked in the Juvenile/Gang Unit, Complaint Unit, Community Relations Division and the Financial Crimes Unit. On April 30th, 1999, Deborah Washington was appointed to the position of Commander of the City of Cleveland 5th District.

Commander Washington has been honored with numerous awards for her service, including commendations from Playhouse Square, Aftercare Residential Center, the Cuyahoga County Prosecutor's Office, the United States Secret Service and Judge Ronald Adrine's office.

Madam Speaker and colleagues, please join me in honor and gratitude of Commander Deborah A. Washington, whose service and leadership has helped protect the citizens of our community. She has helped keep our streets safe and strengthened the bonds of unity within the Cleveland Police Department. I wish Commander Washington, her family and friends health and happiness.

HONORING THE SERVICE OF JULIANNA MARIE PETRONE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. ISRAEL. Madam Speaker, I rise today to recognize an outstanding individual in our community, Julianna Marie Petrone.

Julie's dedication to serving veterans and active duty military personnel was evident when she first began her career in the federal service at my Congressional District Office in 2002. Julie served the veterans and military personnel of New York's 2nd Congressional District with such passion and determination that she gave new meaning to the phrase "above and beyond the call of duty." Julie has worked tirelessly to ensure that these veterans and military personnel have received their medals and benefits with the dignity and justice they deserve.

Julie is now taking her call to serve our nation to the highest level. On Sunday May 30, 2010, Julie will be commissioned as 1st Lieutenant in the United States Air Force and will be serving at Wright-Patterson Air Force Base following Officers Training.

Julie has touched the lives of veterans on Long Island, and now she will touch the lives of the citizens of our entire nation as she steps into her new leadership role as 1st Lieutenant in the United States Air Force.

I congratulate Julie upon her tremendous achievements and wish her the best in her next step of service.

RECOGNITION OF SANDRA GARDEBRING OGREN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mrs. CAPPS. Madam Speaker, today I rise to honor and celebrate a dedicated public servant and friend, Sandra Gardebring Ogren.

Sandee has served California Polytechnic (Cal Poly) State University remarkably as the Vice President for University Advancement. Drawing upon her long record of distinguished public service, Sandee's leadership has contributed to the university's national recognition as an institute of higher education and excellence. Her tireless efforts have helped the university continue to flourish as an invaluable source of innovation and graduates of the highest academic level.

Prior to her work at Cal Poly, Sandee served as Vice President for University Relations at the University of Minnesota for six years. From 1991 to 1998 she was a member of the Minnesota Supreme Court and for two years previously she was a member of the Minnesota Court of Appeals. Additionally, she has held a variety of other public sector jobs including Commissioner of the Minnesota Department of Human Services, Commissioner of the Minnesota Pollution Control Agency and Director of the U.S. Environmental Protection Agency's Region 5 Enforcement Division.

Clearly, I could talk all day about the extraordinary accomplishments of Sandee and her work in the areas of the law, the environment, human services, transportation, and education, just to name a few. I am honored to work with her and proud to call her my friend.

PERSONAL EXPLANATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, on Thursday, May 27, 2010, I was unable to participate in all of the day's votes due to a family emergency. Had I been present I would have voted: on rollcall No. 306—No—H. Con. Res. 282, Providing for adjournment or recess of the two Houses; on rollcall No. 307—No—H. Res. 1404, Providing for consideration of the bill H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011; on rollcall No. 308—Yes—H. Res. 1161, Honoring the Centennial Celebration of Women at Marquette University, the first Catholic university in the world to offer coeducation as part of its regular undergraduate program; on rollcall No. 309—Yes—H. Res. 1372, Honoring the University of Georgia Graduate School on the occasion of its centennial; on rollcall No. 310—Yes—Skelton of Missouri Amendment No. 1;

on rollcall No. 311—Yes—Marshall of Georgia Amendment No. 4; on rollcall No. 312—Yes—McGovern of Massachusetts Amendment No. 13; on rollcall No. 313—Yes—Inslee of Washington Amendment No. 82; on rollcall No. 314—Yes—Gutierrez of Illinois Amendment No. 21; on rollcall No. 315—No—Eshoo of California Amendment No. 42; on rollcall No. 316—No—Pingree of Maine Amendment No. 80; on rollcall No. 317—No—Patrick Murphy of Pennsylvania Amendment No. 79; on rollcall No. 318—No—Sarbanes of Maryland Amendment No. 47.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. KLEIN of Florida. Madam Speaker, on Thursday, May 27, I was unavoidably detained.

Had I voted, I would have voted "yes" on rollcall No. 312.

APPLAUDING THE MACOUPIN COUNTY COURTHOUSE'S INCLUSION AS ONE OF THE "150 GREAT PLACES IN ILLINOIS"

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. HARE. Madam Speaker, I rise today with great pride to applaud the Macoupin County Courthouse and its inclusion as one of the "150 Great Places In Illinois" as determined by the American Institute of Architects as part of its 150th anniversary celebration. This remarkable courthouse in the City of Carlinville has long had great historical significance. It was built to replace the courthouse where a persuasive attorney named Abraham Lincoln once practiced law, and since its completion it has stood as a central part of the county and local community.

Completed in 1870, the courthouse was designed by Elijah E. Myers, who later designed numerous state capitols. This extraordinary building resembles the Corinthian order with its impressive portico on the north side and south elevation. The large dome, classical detailing and use of native limestone all add to the building's splendor. At the time of its completion, this courthouse was among the largest county courthouses in the United States, rivaled in size only by the one in New York City. Within Illinois it became an impressive symbol of grandeur, as it even outsized the Illinois Statehouse in the Springfield Capital.

Along with its aesthetic appeal, the building also garnered praise for being technologically advanced. The Macoupin County Courthouse was designed and constructed to be nearly fireproof—a characteristic not at all common among structures of the day. Stone, brick and metal were used almost exclusively, with wood used only sparingly. The painted sheet metal was magnificently detailed, and some of the

major doors were constructed from cast iron. The ornate design, materials and construction resulted in a cost of over \$1.3 million dollars once completed, roughly \$19 million by today's standards.

The Macoupin County Courthouse still serves as the seat of the county government 143 years later, which demonstrates the enduring impact and quality of the structure. With its inclusion as one of the "150 Great Places In Illinois," the Macoupin County Courthouse joins other significant landmarks such as the State Capital and the homes designed by Frank Lloyd Wright in Oak Park. I applaud the American Institute of Architects for including the Macoupin County Courthouse and recognize that it will continue to be a proud symbol of Illinois achievement and magnificence for generations to come. I thank the Speaker for allowing me to share this moment of joy stemming from the 17th Congressional District of Illinois.

MEMORIAL DAY TRIBUTE

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Ms. SCHWARTZ. Madam Speaker, as Memorial Day approaches, it is important we each take a moment to pay tribute to the generations of Americans who have given their lives so that we may enjoy the rights and freedoms we hold so dear. It is important to remember and honor those who have served us and have given the ultimate sacrifice.

As the daughter of a veteran of the Korean War, I had the privilege of knowing firsthand the pride commanded through military service by those who served and the families who supported them. As a member of Congress, it has been my honor to work to provide those who have served our Nation with benefits reflective of their service.

This Memorial Day, each of us can express our gratitude with a simple yet powerful act of tribute. Americans are asked to pause at 3 p.m. for a National Moment of Remembrance. Wherever you are, whatever you are doing, stop for just one minute. Consider all the rights and liberties that are guaranteed to us as Americans, but withheld from so many others around the world. Consider the members of the armed forces who served, fought and died so that our great Nation can be strong and we can live with liberty and security.

TRIBUTE TO RETIRING EDUCATORS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. WAXMAN. Madam Speaker, I rise today to pay tribute to Sandra Resnick, Marta Kinsberg, Ruth Sondik, and Sue Faïman for their distinguished careers as educators. The students, faculty, and parents of Taylor Mills School owe them a great debt of gratitude for

their commitment to child development and educational excellence.

We all remember a favorite teacher who inspired us to strive to reach our full potential. While Taylor Mills School community will miss the many years of knowledge and experience these devoted teachers will take with them, their personal influence on thousands of children will be their lasting legacy.

On a personal note, I am delighted that Sandra Resnick's retirement will allow her to spend even more time nurturing the grandchildren we share, who, as she knows, are perfect.

I ask my colleagues to join me in congratulating these wonderful teachers on their retirement and thanking them for their many years of commitment and hard work.

PROTECT CAMP ASHRAF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. TOWNS. Madam Speaker, I am very concerned about the safety and security of the 3,400 members of the main Iranian opposition who are residing in Camp Ashraf, Iraq. The United States Government signed an agreement with each and every individual in that Camp to protect them against potential attacks and mistreatment from Iran or its proxies in Iraq. In return for that promise to protect them, residents of Camp Ashraf voluntarily turned over all their weapons in 2003 to the our military. U.S. Military Forces took on full protection of the camp in 2003, and continued to closely monitor it from their base in FOB Grizzly in Ashraf, beginning in 2009. I am concerned for their continued safety as the United States prepares to rapidly leave Iraq.

America has a moral and legal obligation towards the residents of Camp Ashraf. They are vulnerable to persecution by Tehran's proxies. In addition, many family members of Camp Ashraf residents have been sentenced to death in recent weeks in Iran. I have met with many family members of Camp Ashraf who live in the United States, including in New York State, and they are very committed and dedicated individuals who seek not aid but only the safety and security of their loved ones. Many of the Camp Ashraf residents spent years in Iranian prisons and underwent torture and mistreatment by Tehran's henchmen before they managed to leave Iran and take up residence in Camp Ashraf. Many student leaders, academics, teachers, and intellectuals who were threatened with arrest and execution by the Iranian Revolutionary Guards and Ministry of Intelligence made their way to Camp Ashraf. They are a major source of encouragement for the democracy movement in Iran.

Given the current instability in Iraq, and given the fact that the Maliki Government has stated that it intends to forcibly displace and/or expel the Camp residents, which would certainly lead to further bloodshed, I believe we should be doubly alert about the safety and security of Camp Ashraf's residents. I want to urge President Obama, and Secretary Clinton

to make sure that we live up to our moral obligations. I do not want to see a situation a few months from now, in which we would find ourselves investigating the U.S. role in failing to protect these people.

RECOGNIZING THE DOBSON HIGH WIND SYMPHONY AND JAZZ BIG BAND, SELECTED FOR THE 2010 SHANGHAI WORLD MUSIC EXPO FESTIVAL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize Mesa Arizona's Dobson High Wind Symphony and Jazz Big Band, which will represent our state at the 2010 Shanghai World Music Expo Festival in China. I wish to convey my pride and that of all Arizonans in the efforts of these talented and dedicated students, and thank the Dobson faculty and community for its remarkable support.

As a former teacher, I believe very strongly that participation in the arts, especially on such a global scale, leads to cultural enrichment and enhances education and learning across all subjects. This opportunity to perform on a world stage, and the subsequent rush of community support to make this trip possible, is a well-earned reward for the hard work and commitment of the Dobson High Wind Symphony and Jazz Big Band and its supporters. To make this trip possible, band members raised \$3,000 apiece to pay for travel expenses. I believe in the old saying, "it is hard to be successful unless a lot of other people want you to be." So I also applaud all the parents and community members who helped in this effort as well.

Madam Speaker, I am honored to recognize the Dobson High Wind Symphony and Jazz Big Band as they represent the State of Arizona at the 2010 Shanghai World Music Expo Festival in China. I wish the band all the best during their performance in China and I am confident they will use this trip as an opportunity to learn about a new culture and positively represent our state and country within the global community. I know they will make us all proud.

CELEBRATING THE 10TH ANNUAL MANTUA KIDS CARE CLUB RACCOON RUN

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 10th Anniversary of the Mantua Kids Care Club Raccoon Run. Each year, hundreds of participants and spectators come together for this race to promote charitable action and to celebrate the spirit that makes Mantua the vibrant community that it is today.

The Raccoon Run began in 2000 as a community endeavor to raise funds for Mantua

school families in need. Conceptualized by Joyce Montgomery, the initial name was the "Rocket Run" but was changed to Raccoon Run in honor of the Mantua Elementary School mascot. The Mantua Kids Care Club embraced the idea, and became an early supporter of the race.

When 5th grade teacher Roberta Romano was diagnosed with cancer, the race was restructured to benefit a single cause: Life with Cancer. Life with Cancer is a program administered by the INOVA Health System that provides critical support to caregivers and those afflicted with cancer.

Every year on Mother's Day weekend, we come together to honor the memory of Roberta Romano and to support a worthy cause. In the ten years since the race's inception, the Raccoon Run has raised nearly \$100,000.00 and has benefited countless Northern Virginians. As a resident of Mantua, the former president of the Mantua Civic Association, and most importantly, the father of a Mantua Elementary School graduate, I am grateful for the strong sense of community exemplified by this annual event.

Madam Speaker, I ask that my colleagues join me in applauding the efforts of the Mantua community and in thanking all those who have supported this worthwhile cause. Events like the Raccoon Run are the fabric of a true community and of our society at large.

TRIBUTE TO VIOLA DUVALL STEWART

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to an unsung civil rights pioneer and educational justice advocate. Mrs. Viola Duvall Stewart, who is currently 90 years old, filed the first lawsuit in 1945, seeking equal pay for African American teachers in South Carolina.

Viola Louise Duvall was born the only child of Vincent and Pearl Duvall in Charleston, South Carolina on June 30, 1919. She was named for two of her mother's sisters who died in the Spanish flu pandemic of that era. After her mother and Vincent Duvall were divorced, she married Coleman Wheeler and Viola gained two sisters, Angela and Ruby.

Viola graduated as salutatorian from Conception High School in 1937. That fall she enrolled in Howard University from which she earned a Bachelors of Science degree in chemistry in 1941.

In 1944, Viola Duvall was in her third year teaching science at Burke High School in her hometown of Charleston making just \$12 a week. She was recruited by the South Carolina NAACP to be the plaintiff in a case to equalize teachers' salaries in the State. Due to the intimidation and fear of losing their job, many teachers refused to participate in the lawsuit. Ms. Duvall was shunned by her fellow teachers and neighbors, who were fearful to associate with her for the public stand she was taking.

The case went to trial in April 1944. Ms. Duvall was represented by NAACP Chief

Counsel Thurgood Marshall, who was nervous about being in South Carolina for the first time. The judge on the case was U.S. District Court Judge J. Waites Waring, a member of an old Charleston family.

The case didn't have an auspicious beginning when Judge Waring asked the School Board attorneys for the date of the Donald Murray case in Maryland. Mr. Marshall jumped up to respond and was dismissed by the judge. The same line of questioning continued, each time Mr. Marshall knew the response because he had been the attorney on all the cases in question, but the judge would not allow him to speak. The packed audience began to whisper because they feared Judge Waring would not give Ms. Duvall and her distinguished attorney an opportunity to be heard. And they were right.

Without giving the plaintiff the chance to present her case, Judge Waring turned to Mr. Marshall after he ended his questioning of the School Board attorneys and apologized for seeming rude. It is reported he said, "This is a very simple case, but what I wanted to find out from the School Board was how long it knew it was supposed to pay Negro teachers equal salaries and hadn't paid it. There's no need to take the court's time on this." In less than 15 minutes, without either side making an argument, the case was decided in favor of the plaintiff, Viola Duvall.

As a result of Ms. Duvall's determination and sense of justice, it took just a matter of months to ensure all of South Carolina's 6,000 black teachers received the same pay as their white counterparts. However, she didn't remain in South Carolina long to enjoy the fruits of her labor.

Ms. Duvall met her future husband, Nathaniel C. Stewart, a second lieutenant with the Tuskegee Airmen on a blind date in 1945, when he was stationed in Walterboro, South Carolina. They were married on August 14, 1945, and later that year moved to his hometown of Philadelphia so he could attend pharmacy school. He graduated and went onto become the first African American department head at Philadelphia General Hospital as the director of pharmacy services.

Mrs. Stewart took a break from teaching to focus on her family. She did return to the classroom in 1964, as an intenerate special education instructor serving visually handicapped children around middle and high schools in the Philadelphia Public School District. She retired from teaching in 1981.

Viola and Nathaniel Stewart had two sons, Nathaniel, Jr. and Louis, and five grandchildren. She currently resides in Silver Spring, Maryland. She is a life member of Alpha Kappa Alpha Sorority. She also served for many years as Treasurer of Galilee Baptist Church of Philadelphia, where she has been a member for more than 50 years.

Madam Speaker, I ask you and my colleagues to join me in recognizing the contributions of this remarkable woman. Viola Duvall Stewart is one of the many heroes whose selfless acts led to a better life for so many people. Her name is not one that is recognized, but her actions left an indelible mark on the teaching profession and the civil rights movement in South Carolina. It is my honor to thank Mrs. Stewart for taking a stand despite

the tremendous challenges of the day. It is because of people like her that I, and so many others, are where we are today.

RECOGNIZING NYASHA SPROW AS
A STATE HONOREE IN THE 2010
PRUDENTIAL SPIRIT OF COMMUNITY
AWARDS PROGRAM

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Nyasha Sprow from Prince William County, Va., for being a state honoree in the 2010 Prudential Spirit of Community Awards Program. Nyasha is a volunteer with the Prince William Chapter of the American Red Cross and a seventh-grader at Virginia Virtual Academy. Additionally, she has become a passionate advocate for organ and tissue donation.

Nyasha has become a spokesperson for the National Kidney foundation and she works to stress both the importance of protecting one's organs and the need for more organ donors. She makes presentations at elementary schools, distributes literature at health fairs and community events and does interviews with the local news media. Furthermore, Nyasha participates in fund-raising events sponsored by the National Kidney Foundation and the Regional Transplant Community and has further spread the word about organ donation as a contestant in the National American Miss pageant.

Madam Speaker, Nyasha Sprow represents the best of our nation's youth, and her work with organ and tissue donation demonstrates her dedication to helping those around her. I congratulate her on this award and wish her well in all of her future endeavors.

A TRIBUTE TO BETTY WHITE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Betty White, who is receiving the Greater Los Angeles Zoo Association's (GLAZA) Beastly Ball Award.

Betty began her impressive performing career in the 1940s on the radio. Her first big break was in 1949 when she joined Al Jarvis on a daily, live, local television show, which she eventually hosted. In partnership with writer George Tibbles and producer Don Feddersen, she formed her own production company and produced her first comedy series, *Life with Elizabeth*, receiving an Emmy in 1952. Appearing frequently on major variety and game shows, she was a recurring regular with Jack Paar, Merv Griffin, and Johnny Carson, and a regular on *Mama's Family*.

Ms. White's first appearance on *The Mary Tyler Moore Show* in the show's fourth season led to her becoming a recurring cast member, and her portrayal of Sue Ann Nivens, the

Happy Homemaker, brought two Emmys for supporting actress in 1974-75 and 1975-76. She received her fourth Emmy for Best Daytime Game Show Host for *Just Men*. Nominated seven times for Best Actress in a Comedy Series for *The Golden Girls*, she won the Emmy in 1985, and won a sixth Emmy for Best Guest Actress in a Comedy Series in 1996 on *The John Larroquette Show*. Since 2000, Betty has appeared in *Ally McBeal*, *That 70s Show*, *Boston Legal* and *The Bold and the Beautiful*. In May 2010, Betty hosted *Saturday Night Live*, resulting in the long-running show receiving its highest ratings ever. In June of this year, she will appear in a new weekly TV Land Series, *Hot in Cleveland*. Betty's movies for television credits include *Chance of a Lifetime*, *Stealing Christmas*, *Annie's Point*, and *Animal Planet's The Retriever*. Her big screen endeavors include *Hard Rain*, *Dennis the Menace Strikes Again*, *Bringing Down the House*, *The Proposal*, and *You Again*, which will be released in September 2010.

Along with the Emmys, Betty has won numerous awards during her seventy-year career. They include the Pacific Pioneers in Broadcasting's "Golden Ike" Award, the Genii Award from American Women in Radio and TV, the American Comedy Awards' Funniest Female Award as well as their Lifetime Achievement Award. In addition, she was honored with the Career Achievement Award from the Television Critics Association, the Life Achievement Award from the Screen Actors Guild and the Lifetime Achievement Award in Acting from the American Women in Radio and Television. In 1995, Betty was inducted into the Television Academy's Hall of Fame.

Betty's work on behalf of animals is close to her heart and legendary. She is President Emeritus of the Morris Animal Foundation, serving as a Trustee since 1972, a member on the Board of the Greater Los Angeles Zoo Association since 1974 and an eight-year Los Angeles Zoo Commissioner. Among the awards she has received for her work for animal welfare include the American Veterinary Medical Association's Humane Award, the Jane Goodall Institute's Lifetime Achievement Award, and an honorary doctorate from Western University Veterinary School as "Doctor of Humane Veterinary Sciences." In 2006, Betty was honored by the City of Los Angeles with the title of "Ambassador to the Animals."

The time, energy and devotion Betty has given to GLAZA is extraordinary, and the residents of the greater Los Angeles area have benefited enormously from her generosity. I ask all Members of Congress to join me in commending Betty White upon receiving the 2010 Greater Los Angeles Zoo Association's Beastly Ball Award.

HONORING STANISLAUS COUNTY
MEDICAL SOCIETY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate the Stanislaus County

Medical Society upon celebrating its 100th anniversary. The medical society will be celebrating the anniversary during the annual membership meeting to be held on Thursday, May 27, 2010, at the Del Rio Country Club in Modesto, California.

During the 1820s, early settlers to California began migrating near the Stanislaus River. In 1848, California was ceded to the United States, gold was soon discovered and in 1854 the boundaries were set for Stanislaus County. Between the gold rush and the Central Pacific Railroad laying tracks through the area, Stanislaus County was growing fast. In 1878, there were 10 men listed as licensed to practice medicine in Stanislaus County. By 1891, a county hospital had been built and the number of practicing physicians had risen to 15.

In 1903, Dr. Surryhne built the first private hospital in Stanislaus County. By 1910, the Stanislaus County Medical Society was established with Dr. W.J. Wilhite serving as president and Dr. Surryhne serving as secretary. The society meetings typically took place at the Hotel Modesto, with an attendance of eighteen to twenty members. By 1946, physicians were returning from World War II and the Society grew in numbers and specialties, such as obstetrics and gynecology, orthopedics, G.U., general surgery and internal medicine.

The physicians of the Stanislaus County Medical Society formed the Stanislaus Foundation for Medical Care to guarantee the delivery of quality medical care on a prepayment basis at a just and equitable cost to both the patient and physician. The foundation was incorporated as a non-profit organization in 1957, and acts as a health management system. It was created and operated by local physicians to serve the best interests of the public and professional community.

Today, the Stanislaus County Medical Society has over 650 active, retired and resident members. The members serve the purpose of "promoting and developing the science and art of medicine, conserving and protecting the public health, promoting the betterment of the medical profession, cooperating with organizations of like purposes and uniting with similar societies from other counties of the State to form the California Medical Society."

Madam Speaker, I rise today to commend and congratulate the Stanislaus County Medical Society upon 100 years of service. I invite my colleagues to join me in wishing the Society, and all of the members, many years of continued success.

PRESIDENT OF GABON, ALI BONGO
ONDIMBA

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MEEKS of New York. Madam Speaker, in early March, it was my pleasure and privilege to meet the new President of Gabon, Ali Bongo Ondimba.

President Bongo was in New York in his capacity as head of state of the country that, for the month of March, presided over the United

Nations Security Council. Gabon is one of three African countries that are members of the Security Council on a rotating basis.

President Bongo came to office after the death of his predecessor last year. Between June and October, Acting President Rose Francine Rogombé, who had previously served as president of Gabon's Senate, led a smooth and swift transition.

As a member of the Foreign Affairs subcommittee on Africa and Global Health, and Chair of the Financial Services Subcommittee on International Monetary Policy and Trade, I understand the importance of the relationship between the United States and countries of the Central African region.

In our conversation, I was impressed by President Ali Bongo's determination to improve the quality of life for the people of Gabon. He is committed to eliminating corruption that has plagued Gabon in the past.

I was particularly interested in Gabon's role as one of the six members of the Bank of Central African States and as a member of the Economic Community of Central African States. Gabon's capital city, Libreville, is also the location of one of the key regional offices of the African Development Bank, and it is the headquarters of the locally-owned and operated Gabonese Development Bank.

As one might expect, Central African countries, including Gabon, were hit hard by the global economic meltdown of the past few years. As a report from the International Monetary Fund noted on March 15, "The Gabonese economy went through a difficult year in 2009 due to the unusual domestic environment because of painful social developments and the preparation of the presidential elections on the one hand and to the unfavorable international economic situation on the other."

Given these circumstances, I listened carefully as President Bongo explained what his government and those of neighboring states were doing to stabilize currency in the region and to regularize customs and tariffs. He also expressed his desire for attracting more foreign investment to Gabon—especially beyond the dominant oil-industry sector—and his vision for how to achieve that.

During his visit to the United States, President Bongo met with Secretary of State Hillary Rodham Clinton in Washington. Secretary Clinton said after their meeting that "Gabon is a valued partner of the United States, and this visit gave us an opportunity to discuss a wide range of common concerns." She went on to thank President Bongo "for his and Gabon's efforts on behalf of regional stability in Central Africa and for its leadership on the world stage, particularly at the United Nations."

In line with my own conversation with President Bongo on the same topics, Secretary Clinton said "We are very supportive of Gabon's efforts to diversify its economy, widen the circle of prosperity, and create new opportunities for its people" and added: "I want to recognize President Bongo's efforts to improve government efficiency, eliminate waste, and fight corruption."

To offer a sense of the purpose of President Bongo's visit to the United States, I would like to insert in the RECORD an article from America.gov by Jim Fisher-Thompson entitled "Gabon's President Meets Clinton, Calls Corrup-

tion Africa's Cancer," which was published on March 9.

[From America.gov, Mar. 9, 2010]

GABON'S PRESIDENT MEETS CLINTON, CALLS
CORRUPTION AFRICA'S CANCER

(By Jim Fisher-Thompson)

WASHINGTON.—Gabon's president, Ali Bongo, intends to use his country's two-year seat on the United Nations Security Council to highlight democratic reforms and his fight against corruption, which he terms a "cancer" sapping Africa's strength and potential. "Unfortunately, when it comes to the African body, we have many diseases—and corruption is one of them," Bongo told America.gov in an interview after meeting with Secretary of State Hillary Rodham Clinton March 8 at the State Department.

"Corruption is a major problem that has to be stopped," the African leader said, "which is why we are committed to fighting it. We know if we want to build a better future with responsible people, we especially need accountability, and this is what has been lacking." Gabon, with a population of fewer than 2 million, is largely dependent on the energy and extractive (mining and timber) sectors and is the fifth-largest supplier of oil in sub-Saharan Africa to the United States. In 2009, the nongovernment group Transparency International rated the nation 106 out of 180 countries in its annual corruption index, tied with Argentina, The Gambia, Niger and Benin.

After his election as president in August 2009 and before traveling to the United States, Bongo instituted a number of government reforms, including cutting Cabinet posts while restructuring the Treasury Department and launching an environmental effort called "Green Gabon."

At the same time, he streamlined government by eliminating several agencies and bureaucracies that were hindering innovation and investment in Gabon. He has also threatened criminal penalties for persons attempting to bribe public officials, according to a recent press report.

Despite the challenges of corruption and reform, Bongo told America.gov: "I remain optimistic about Africa's future. We know we will make mistakes; we will struggle, and at times we will fall. But we will get up and move forward."

In international affairs, Bongo said U.S.-Gabon relations are "very good," adding, "We would like more progress on the economic front and are working on a trade agreement with the U.S. government."

Acknowledging Gabon's new responsibilities on the U.N. Security Council, Bongo said, "We are going to work very closely with the United States and all the permanent members of the Security Council to make sure that the world is a better place." He had earlier addressed the Security Council, which Gabon chairs for the month of March.

Speaking to the press after her private meeting with the African leader, Secretary Clinton said, "I want to recognize President Bongo's efforts to improve government efficiency, eliminate waste and fight corruption. "We know, as the president knows, that economic progress depends on responsible governance that rejects corruption, enforces the rule of law, provides good stewardship of natural resources and delivers results that help to change people's lives for the better."

"We stand ready to support Gabon as it further strengthens its democratic institutions and processes," Clinton said.

The secretary added, "We are very supportive of Gabon's efforts to diversify its

economy, widen the circle of prosperity and create new opportunities for its people. Gabon is participating in the Extractive Industries Transparency Initiative and taking other steps that will give confidence both to international investors but, more importantly, to the people of the country."

Speaking two days before the State Department issues its annual human rights report, Clinton said: "I also want to applaud the leadership that Gabon has shown in combating human trafficking. We have forged new partnerships with the Justice Department, and Gabon is moving toward ratifying the U.N. protocol. This is one more example of the reform-minded leadership that President Bongo is bringing to his country."

"We've come a long way," Bongo responded. "We've gone through a democratic process, and now we are moving forward. Good governance, [the] fight against corruption, diversity [in] our economy and our partners. This is what we're doing."

RECOGNIZING THE NATIONAL MUSEUM OF AMERICANS IN WARTIME IN PRINCE WILLIAM COUNTY, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the National Museum of Americans in Wartime (the American Wartime Museum), which will break ground later this year in Prince William County, Va. This museum is being built to honor all Americans who have served or presently serve our country in any branch of the United States military from World War I forward.

It will tell the stories and recognize the contributions and sacrifices of the brave men and women who dedicated themselves to defending and preserving our Nation's freedoms through their service in the U.S. Army, Marine Corps, Navy, Air Force, Coast Guard, the Reserves and the National Guard.

The museum will offer a unique interactive history of major conflicts from the 20th and 21st centuries and focus on educating young Americans about wartime experiences and the sacrifices made by those Americans who "answered the call" in service of our nation.

The American Wartime Museum is the culmination of a partnership between private and government entities. The Museum will be built on a 70 acre site that has been generously donated by the Hylton family of Prince William County. It will feature a large collection of vintage and modern operational military vehicles, some of which will be used for demonstrations and reenactments. There will be large outdoor "Landscapes of War" with authentic replicas of battle scenes. Visitors will be able to hear, touch and experience military vehicles, aircraft and naval vessels. The planned National Veterans Visitor Center will offer special services and activities for veterans including opportunities for military reunions and the ability to record oral histories for future generations of Americans. Visiting the Museum will be truly interactive and will not only educate but actually provide a very realistic sense of the experiences of those who have served in uniform.

This project enjoys broad, bipartisan support from the Prince William Board of County Supervisors, the Commonwealth of Virginia and the United States Congress. George Mason University is a key partner in this endeavor, which will provide new academic and research opportunities for students, historians and the public. The leadership team of the museum includes Craig Stewart, President and CEO; Allan Cors, Chairman of the Board of Trustees; former Virginia Governor and U.S. Senator Chuck Robb; a Medal of Honor recipient and other distinguished veterans; military historians, authors and journalists; and prominent business leaders.

Madam Speaker, I ask my colleagues join me in recognizing the vision and dedication of those individuals and organizations that have worked together to create The American War-time Museum. This museum will educate, inspire, and most importantly, honor all who have served our great nation in uniform.

And as we celebrate Memorial Day this weekend, I also ask my colleagues to join me in expressing our sincerest appreciation to every man and woman who has answered the highest call of duty by serving our country in the United States military. Their sacrifice, honor, and selfless dedication to the defense and protection of our country is deserving of the utmost respect and gratitude of every American.

IN HONOR OF MR. AND MRS. WILLIAM ROBERT AND BETTY CAMPBELL

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. DAVIS of Tennessee. Madam Speaker, I rise today in honor of Mr. and Mrs. William Robert "Bob" and Betty Grigsby Campbell of Franklin, Tennessee. They are long standing residents of the community which I represent and have raised five children in the area. Their children have added twelve grandchildren to the family tree and it is one of their grandchildren that have notified me of this special year of celebrations, the occasion of their 80th birthdays and their 60th wedding anniversary.

Bob grew up in Nashville, TN as the eldest son of a printer and secretary. He attended Vanderbilt University before owning his own business. Betty grew up in the Grigsby family home in Elktion, TN. Her family farmed the home place that was surrounded by cotton fields. Her father was an engineer and her mother was actively involved in the Methodist church and community.

Bob and Betty met on a blind date. They wed in a double wedding ceremony with Betty's sister, Dorothy (Mrs. John Brevard), who also resides in Franklin, TN. Bob and Betty settled in Nashville, TN and their children Bobby, Cindy, Nicky, Cathi and Chuck were born and have fond memories of camping and taking family vacations to Florida in the back of many station wagons. As their children moved on, Betty worked caring for children at their church and Bob continued to develop his small business.

During their retirement they have enjoyed traveling with their friends both throughout the country and internationally. They continue to be active members of the Baptist Church, while Bob maintains his small business restoring antique furniture. They regularly see their grandchildren who are spread from California to Louisiana to Washington, DC. Their grandchildren tell me they are looking forward to enjoying many more holidays with their "MaBet and Papa" in Franklin.

It is clear that the world in which Bob and Betty were born in 1930 was quite a different world than what their grandchildren experience today. But they have taught their children and grandchildren traditions that stand the test of time. Bob and Betty have been role models for their family in Southern hospitality and grace. They have taught the generations that true character is shown by commitment to each other, responsible engagement in community, dedication to God and strong family ties. These values last throughout time, throughout the economic turmoil and throughout the latest fad. I have no doubt that the Campbell family will continue to carry on these traditions for the rest of their lives due to the strong foundation provided by Bob and Betty.

I want to congratulate Bob and Betty on their banner year and wish them and their Campbell Clan good health, safe travels and much more shared laughter.

IN RECOGNITION OF THE ACCOMPLISHMENTS OF LEE HALE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to honor Lee Hale, the recipient of the NASSP/Virco National Assistant Principal of the Year Award for the state of Florida. Mr. Hale is a dedicated educator whose professionalism and innovative ideas have helped many students in my district succeed, and it is a great privilege to recognize him on this day.

Mr. Hale began his career in education after graduating from Samford University with a degree in Business Administration. After subbing at various schools in Okaloosa County, he was hired to teach at Choctawhatchee High School. Mr. Hale taught Alternative Education and Business and Technology courses for ten years all the while pursuing a Master's degree in Education, Global Leadership and Administration from Jones International University. While teaching during the day and advancing his own education through online courses, Mr. Hale made himself available to help struggling students recover credits by coordinating the Choctaw Academy. Mr. Hale's hard work did not go unnoticed, and in 2007, he became an Assistant Principal of Choctawhatchee. Most recently, Mr. Hale is pursuing a Doctor of Education, Curriculum and Instruction from the University of West Florida.

Lee Hale is well-deserving of Florida's Assistant Principal of the Year award, and it is apparent throughout his community leadership positions and continuing professional development activities. Mr. Hale leads Sunday School

and coaches youth baseball and still makes time to attend workshops, such as the Florida Educational Technology Convention, so that his students are well prepared for the future.

Madam Speaker, on behalf of the U.S. Congress it is an honor to recognize the efforts and accomplishments of this outstanding educator. My wife Vicki and I congratulate Mr. Hale on his award and thank him for his 15 plus years of teaching service.

HONORING DR. LYNN WOLAVER

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. AUSTRIA. Madam Speaker, on behalf of the people of Ohio's Seventh Congressional District, I am honored to recognize Dr. Lynn Wolaver, who was inducted into the Ohio Senior Hall of Fame on May 24, 2010.

Dr. Wolaver's contributions to his country and the community are invaluable. A former member of U.S. Army and World War II veteran, he flew in C-47 aircraft in the European Theater of Operations. Following his military service, Lynn devoted himself to public service, holding positions as a member of the Fairborn City Planning Board, City Council, Deputy Mayor and Mayor of Fairborn. He has been an active member of the Fairborn Chamber of Commerce, Fairborn Rotary Club and the American Region. He currently serves on numerous local boards and committees, applying his knowledge and expertise for the betterment of the region.

Along with his natural penchant for service to his country and civic engagement, Dr. Wolaver has an extensive academic background. He studied at the University of Illinois, The Ohio State Extension at Wright Field and at the University of Michigan, where he received his doctoral degree. Dr. Wolaver spent nearly 40 years as an employee at Wright-Patterson Air Force Base in Springfield, OH, holding various positions, including Dean for Research Emeritus at the Air Force Institute of Technology at Wright Patterson Air Force Base. During his time at Wright-Patt, Dr. Wolaver taught and conducted research in the areas of navigation, astrodynamics, bio-engineering and systems analysis, and he has authored over 60 technical papers on these topics. His academic achievements have earned him induction into prestigious honorary societies, and various honors and awards, including the Fairborn Chamber of Commerce's Ed Duncan Distinguished Citizen Award, Fairborn Chamber of Commerce President's Award and University of Illinois Distinguished Alumnus Award.

Finally, as a husband, father of two and grandfather, Dr. Wolaver has demonstrated the importance of balancing various obligations and activities with the needs of family.

Thus, with great pride, I congratulate Dr. Lynn Wolaver for his lifetime of remarkable achievements and his unparalleled contribution to our community.

IN RECOGNITION OF SANDY BOWEN'S DECADES OF SERVICE TO NATIONAL SAFE PLACE AND AMERICA'S YOUNG PEOPLE

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. YARMUTH. Madam Speaker, I rise today to recognize a woman who spent her career tirelessly fighting to ensure young people in crisis have a place to get help, no matter where they are and no matter what they are going through.

National Safe Place is a national organization that oversees a network of shelters and resources that provide young people with immediate assistance, whenever they need it. Sandy Bowen has played an absolutely integral role in spreading the organization's mission across the Nation, transforming Safe Place from a single service located in one community into a nationally-renowned network that has touched the lives of almost a quarter of a million young people in 38 states. And we in Louisville couldn't be more proud that she calls our community home.

As Sandy reaches the end of her exceptional career of service at Safe Place, we should have known from the start that she was destined to live a life dedicated to helping others. Her first job, in fact, was operating a nursery school and a pre-school in her backyard where children could attend for just \$1 a week.

After working in the Jefferson County Public School system and for the 4-H Program, Sandy joined Safe Place. At the time, it was a local program operated in greater Louisville, established to give young people in crises a comfortable and safe place when they have no where else to turn.

Sandy came on board a few months after its founding. Since that time, it is no coincidence that National Safe Place has grown in leaps and bounds, expanding across the country, garnering recognition from Congress and 3 Presidents, and helping and educating tens of thousands of young people.

Safe Place has served 100,000 young people in Kentucky alone, and every citizen of our commonwealth can be particularly proud of its extraordinary work. Our home-grown organization has flourished thanks to Sandy Bowen's leadership, developing into a nationally-recognized symbol of hope and security for young people.

When she retires this year, Sandy Bowen will leave behind a legacy of service to our Nation, a record of commitment to helping those most in need, and a safe place for young people throughout our Nation.

I urge my colleagues to join me in thanking Sandy Bowen for her career of service, and I wish her nothing but luck and continued success in the next chapter of her life.

IN RECOGNITION OF THE 2010 GRECIAN FESTIVAL IN WORCESTER, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. McGOVERN. Madam Speaker, I rise today in recognition of the St. Spyridon Grecian Festival, to be held June 4th, 5th and 6th in Worcester, Massachusetts. The Festival has been held biennially in Worcester since 1976, and has served as a wonderful exhibition of Greek culture, customs, faith and food.

The St. Spyridon Grecian Festival was founded by Father George Stephanides. Upon his arrival in Worcester in 1974, his idea for a large Greek festival was met with skepticism. To prove that such an event would be viable, Father George organized a small food fair in 1975. With its success, the stage was set for the first ethnic festival of its kind in New England. With over twenty thousand visitors in the festival's first year, there was no doubt that the Grecian Festival would become a mainstay in the community for years to come. To this day, the Festival remains one of the largest in New England, with over 25,000 attendees.

For three days in early June, the St. Spyridon Grecian Festival will once again open its doors to the community to enjoy the best of Grecian cuisine and hospitality. From the abundance of Greek food and homemade pastry, to the art exhibits, dance performances, music and cultural displays, the Grecian Festival provides the entire community, both young and old, an opportunity to experience and interact with Greek culture on all levels.

Madam Speaker, I invite the United States House of Representatives to join me in recognizing the St. Spyridon Grecian Festival for the important role it has played over the past thirty-four years in sharing the wonders of Greek culture with our community.

RECOGNIZING DR. JUDY BENSE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to honor Dr. Judy Bense upon being inducted into the Orden de Isabel la Catlica. Dr. Bense is a dedicated archeologist and received this award due to her research strengthening the ties between Northwest Florida and Spain. Madam Speaker, Dr. Bense's commitment to her work is truly remarkable. For that reason, it gives me much pleasure to recognize her on this day.

The Royal Order of Isabella the Catholic is one of Spain's highest civil honors granted in recognition of services that benefit Spain. The Order was created on March 14, 1815 by King Ferdinand of Aragon in honor of his ancestress, Queen Isabella I, with the intent of rewarding the firm allegiance to Spain and the merits of Spanish citizens and foreigners in good standing to the nation.

Dr. Bense was inducted into the Order by Spanish King Juan Carlos for her hard work to defend the shared legacy and strengthening the relationship between Florida and Spain. Just like the Order's namesake, Dr. Bense is an extremely accomplished and distinguished woman. With a career in archeology that has spanned more than three decades; she has been at the forefront of studying Spanish roots in Pensacola, Florida. Currently serving as the President of the University of West Florida, I am certain that her experience and commitment to education will provide the needed leadership to guide the university in its pursuit of academic excellence.

Madam Speaker, Dr. Judy Bense is a leader that I am proud to have serving in the Northwest Florida community. On behalf of the United States Congress and a grateful community, I congratulate Dr. Bense on her significant historical accomplishments.

TRIBUTE TO NATHAN DAVID KEHREIN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. DAVIS of Illinois. Madam Speaker, I rise to pay tribute to the outstanding young men of my community who unfortunately is no longer with us. I also take this opportunity to express condolences to his family as they negotiate their way through this period of transition.

Nathan Kehrein was born the same year that I was first elected to public office and that is around the time that I first got to know his parents, Glen and Lonnie.

Nathan grew up in the Austin Community, as a matter of fact a couple of blocks where I and my family live. He had a normal and exciting childhood, actively involved in youth activities organized and provided by the Rock of our Salvation Church and the Circle Urban Ministries both of which his family were founders of and are actively involved with.

Nathan was a good student and a good athlete. He attended Lane Technical High School and was an All City Football Player. After high school Nathan enlisted in the Armed Services and after a tour of duty, was honorably discharged from the United States Air force.

After Nathan returned home from his military experience he became ill and suffered from bouts with depression; but continued to live as normal a life as he could.

Nathan's life was a journey of experiences; his family lived comprehensively and was intimately associated with many different kinds of people. Nathan's life was a reflection of this upbringing; therefore, one could say that he was an ambassador of goodwill.

I salute Nathan for being the man that he was, thank him for the service he gave to our community and to his country and may his soul rest in peace.

AZERBAIJAN REPUBLIC DAY

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. McMAHON. Madam Speaker, I rise today to honor the people of the Republic of Azerbaijan—as they prepare to celebrate Republic Day on May 28.

Republic Day commemorates the day Azerbaijan first declared independence from the Russian Empire on May 28, 1918. Though the Azerbaijan Republic later succumbed to Soviet forces in 1920, in its 2 years of independence Azerbaijan achieved a number of measures on state-building, armed forces, education, economy, and universal suffrage, from which it benefits today.

Azerbaijan's second opportunity for freedom and independence began in 1990 as Azerbaijanis began gathering in protest against Soviet rule. Following the collapse of the Soviet Union, Azerbaijan declared anew their independence.

On August 30, 1991, Azerbaijan's Parliament adopted the Declaration on the Restoration of the State of Independence of the Republic of Azerbaijan, and on October 18, 1991, their Constitution was approved.

The last 19 years of independence has not been without challenges. The territorial integrity of Azerbaijan was violated and the Nagorno-Karabakh and seven surrounding regions of Azerbaijan have been occupied by neighboring Armenia. In 1993 the UN Security Council adopted four resolutions demanding complete, unconditional, and immediate withdrawal of Armenian forces from the occupied territories of Azerbaijan. NATO, OSCE, EU and other international organizations also repeatedly called for the restoration of Azerbaijan's territorial integrity, and I support a swift, peaceful resolution to this conflict, as well.

Azerbaijan is a key global security partner for the United States. Azerbaijan was among the first nations to offer our own country with unconditional support in its anti-terrorism efforts, providing use of its airspace, airports, and troops for Operation Enduring Freedom in Afghanistan. Azerbaijan was also the first Muslim nation to send troops to Iraq.

Azerbaijan has extended important overflight clearances for U.S. and NATO flights to support ISAF and has regularly provided landing and refueling operations at its airports for U.S. and NATO forces. Also, Azerbaijan plays an important role in the Northern Distribution Network, a supply route to Afghanistan by making available its ground and Caspian naval transportation facilities.

Azerbaijan has opened Caspian energy resources to development by U.S. companies and has emerged as a key player for global energy security. The Baku-Tbilisi-Ceyhan pipeline project is the most successful project contributing to the development of the South Caucasus region and has become the main artery delivering Caspian Sea hydrocarbons to the U.S. and our partners in Europe. Notably, in 2009 Azerbaijan provided nearly one quarter of all crude oil supplies to Israel and is considered a leading potential natural gas provider for the U.S. supported Nabucco pipeline.

Madam Speaker, as a proud member of Congressional Azerbaijan Caucus, I congratulate the Republic of Azerbaijan on the celebration of Republic Day, and commend President Obama's nomination of Matthew Bryza to serve as the U.S. Ambassador to Azerbaijan. I believe that Mr. Bryza has the knowledge and experience necessary to reassure our Azerbaijani friends that the United States appreciates their support and will continue to work with them to achieve peace and stability in the Caucasus. I look forward to further collaboration between our two nations.

IN HONOR OF MAJOR RONALD
WAYNE CULVER, JR.**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. ROSS. Madam Speaker, I rise today to honor a model citizen, revered husband and father and one of our Nation's great heroes. On May 24, 2010, our State and Nation lost a true patriot when Major Ronald Wayne Culver, Jr., aged 44, died in Iraq from injuries sustained during combat operations in support of Operation Iraqi Freedom.

Major Culver was raised in Shreveport, LA, by his loving parents, Ronald and Betty Culver, and graduated from Louisiana State University in Shreveport. He lived and worked in El Dorado, AR, for most of his life and has been the commander of the John C. Carroll VFW Post 2413 in El Dorado for the last three years.

He was an active member of the El Dorado community and served on the Union County 4-H Foundation Board, helping to raise funds for the local 4-H program's activities.

Major Culver served in the Army National Guard for 22 years. He carried out his duties with pride in his country and without reservation and each of us owes him our eternal gratitude for his selfless sacrifice.

Major Culver was a highly-decorated combat veteran and received numerous awards and citations during his 22-year career, including the Bronze Star; Purple Heart; Army Commendation Medal; Army Achievement Medal; Army Reserve Components Achievement Medal; National Defense Service Medal; Iraq Campaign Medal with Bronze Service Star; Global War on Terrorism Expeditionary Medal; Global War on Terrorism Service Medal; Armed Forces Reserve Medal with "M" device; Army Service Ribbon; Overseas Service Ribbon; Louisiana War Cross; Louisiana Commendation Medal; Louisiana Longevity Ribbon; Louisiana Emergency Services Ribbon; Louisiana Cross of Merit; Combat Action Badge; and Overseas Service Bar.

Major Culver committed his life to his family; his community and his country. My deepest thoughts and prayers are with his loving wife, Tracey, and two children who live in El Dorado, his parents and the rest of his friends and family during this extraordinarily difficult time.

Our Nation is safer and stronger because of brave heroes like Major Culver. Today, I ask all Members of Congress to join me as we

honor the life of Major Wayne Culver and his legacy, as well as each man and woman in our Armed Forces who give the ultimate sacrifice in service to our great country.

HONORING THE CHICAGO
BLACKHAWKS IN THE STANLEY
CUP FINALS**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. QUIGLEY. Madam Speaker, I rise today because the Roar is back on Madison.

My Chicago Blackhawks are Western Conference champions and just a day away from Game 1 of the Stanley Cup finals.

Diehard Hawks fans have been waiting since 1961 for the Cup to come home to the Windy City.

And it's on behalf of every last one of them that I want to thank the brain trust that has made this all possible.

In just three years, Rocky Wirtz, Dale Tallon, John McDonough, Stan Bowman, and Jay Blunk have resurrected a franchise and reminded Chicago that it has always been a hockey town.

Tomorrow night the United Center will be bathed in red and rocking so loud folks might just mistake it for the old Chicago Stadium.

As I've said here before, I look forward to coming back this summer with Lord Stanley's Cup freshly engraved with names like Toews, Kane, Byfuglien, and Niemi.

We're just four wins away.

CONGRATULATING THE PATRIOTS
OF PACE HIGH SCHOOL'S BASE-
BALL TEAM**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MILLER of Florida. Madam Speaker, it is my pleasure to rise today and congratulate the Patriots of Pace High School on becoming the Region 1 Class 5A Baseball State Champions. The hard work and dedication of all the young men on the team is truly extraordinary. For that reason, Madam Speaker, I am proud to honor and recognize their accomplishments.

Pace High School's baseball team, led by Coach Charlie Warner, finished the season with an impressive 29-2 record. While they were ultimately able to achieve their goal and bring home a State championship, it was not done without countless hours of practice and immeasurable amounts of sacrifice. The time the team spent together on and off the field will not only be remembered for leading them to a second state title in five years, but the forged friendships and lessons learned will never be forgotten. The character, talent and commitment of the young men on Pace High School's baseball team has indeed set the bar high for their classmates and the community.

On behalf of the United States Congress and the entire community of Northwest Florida, I congratulate Pace High School's baseball team for winning their fourth State championship. Madam Speaker, I am extremely

proud of these young men. My wife Vicki and I wish them much continued success in the future.

RECOGNIZING MAY AS NATIONAL
ARTHRITIS AWARENESS MONTH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mrs. CAPPS. Madam Speaker, May is National Arthritis Awareness Month and I rise to let Americans know how they can prevent and decrease the pain and disability of arthritis. Arthritis is the nation's most common cause of disability in the U.S., affecting 46 million adults and 300,000 children. Arthritis is also a common co-morbidity for most other chronic diseases. For example, 57% of adults with heart disease and 52% of adults with diabetes also have arthritis.

There are over 100 types of arthritis. Osteoarthritis, the most common form, affects 27 million Americans, often causing severe pain and disability, interfering with work productivity, and resulting in joint replacement. The risk of osteoarthritis increases rapidly beginning at age 45, affecting many people in their prime working years. The combination of the aging Baby Boomer population, increased longevity, and the obesity epidemic are creating a "perfect storm" for dramatically increasing the prevalence of osteoarthritis, especially in women.

Despite this troubling prediction, there is some good news. Numerous new initiatives are underway to address these issues. The National Public Health Agenda for Osteoarthritis, developed through a partnership of the Arthritis Foundation, the Centers for Disease Control and Prevention and 50 other organizations, a blueprint for actions to stem the tide of osteoarthritis. The Agenda states the need to increase availability of evidence-based intervention strategies; increase public health attention for prevention and disease management; increase research to better understand disease risk factors and other effective disease management strategies.

In addition, a new national public service advertising campaign is being undertaken and the Arthritis Foundation is encouraging adults to take simple steps to prevent or decrease the pain and disability of osteoarthritis. The new multimedia campaign features messages about the important role that physical activity and weight reduction play in preventing and managing osteoarthritis. The related website—www.fightarthritispain.org—includes important information, like an osteoarthritis risk assessment tool for people to find out their risk level and learn how to fight osteoarthritis pain, and tips, videos and podcasts on how to get moving.

While these are important steps to help individuals cope with arthritis, more needs to be done to research the causes and new interventions for the disease. That is why I am a strong supporter of H.R. 1210, the Arthritis Prevention, Control and Cure Act. This bill, which currently has 173 bipartisan co-sponsors, would invest in needed arthritis research,

provider training, and public education efforts. I encourage my colleagues to join me as a co-sponsor of this legislation to support all Americans currently living with arthritis, and those who will be diagnosed in the future.

HONORING THE OUTSTANDING
SERVICE OF SUSAN TOFT TO
THE CARLSBAD HI-NOON RO-
TARY CLUB

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. BILBRAY. Madam Speaker, I would like to bring to your attention today the many outstanding achievements of Susan Toft, the outgoing president of the Carlsbad Hi-Noon Rotary Club. Susan's leadership during the 2009–2010 Rotary year has contributed significantly to the Hi-Noon Rotary Club, the community of Carlsbad and the mission of Rotary. During her tenure, the Carlsbad Hi-Noon Rotary Club sponsored Interact, a youth service club; RYLA, a youth awareness leadership conference; a Christmas party and provided meals and gifts to needy elementary school children; an Oktoberfest fundraiser that benefited the Carlsbad Women's Resource Center, Carlsbad Boys and Girls Club and other charitable organizations; sponsored a golf tournament which funded scholarships for Carlsbad high school students and provided financial support to needy military personnel and their families; promoted literacy by providing dictionaries for English and Spanish speaking elementary school children; made 1,200 books available to the Jefferson Elementary School students; conducted a business and ethics conference for high school students; participated in a matching funds program with a local college to provide scholarship funds for returning Marines; supported the Boy Scouts of America Food Drive Program; teamed with the Assistance League to provide footwear to needy elementary school students and provided food and support to La Posada, a facility for the homeless.

In addition, under President Susan Toft's leadership the Carlsbad Hi-Noon Rotary and its membership completed a number of other projects. We assisted in the distribution of food, clothing, and toys to over 400 needy Carlsbad families in conjunction with the Carlsbad Christmas Bureau. Through our Gazebo project, a city landmark structure was refurbished and relocated for public enjoyment. In addition, support was provided to the Veteran's Association of North County.

In the international arena, under Susan Toft's leadership, a team of Carlsbad Hi-Noon Rotarians joined with others to build a house in Mexico for a needy family. Through our support of the Paul Harris Foundation, we co-sponsored numerous other humanitarian projects all over the world including the effort to eradicate polio world-wide, and provided funding for the Micro-banking project enabling third world countries to develop entrepreneurial skills and become self sufficient. We also participated in the Shelter Box program to help the needy in Haiti; helped provide com-

puters to students in Belize, collected shoes for Haitian relief and provided support to the needy of Mulege, Mexico as a result of hurricane Jimena. In addition, one of our members made the largest bequest ever to the Rotary International permanent fund so that it may continue to carry out its international humanitarian efforts. I hope my colleagues will join me in recognizing the many fine achievements of Susan Toft. Without question, her leadership and the fine work of the Carlsbad Hi-Noon Rotary Club are worthy of recognition by the House today.

RECOGNIZING THE LIFE AND
ACHIEVEMENTS OF THE LATE
GEORGE ARNOLD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognition of the late George Arnold, a founding faculty member of Southern Illinois University Edwardsville, an avid nature lover, and a steadfast supporter of environmental initiatives. George passed away on May 14, 2010 at the age of 93.

George's great love for the environment began in Carbondale, Illinois, on an old family farm where his mother Elizabeth and his father William grew apples and peaches. From those early days, friends and family of George knew him as an environmental trailblazer, a man well ahead of his time, and an early leader in the green movement of the 1970s.

George received his Doctorate in Environmental Science from Washington University in St. Louis in 1964, proudly boasting the university's first doctorate in air pollution. He also received a Master's Degree in physics and a Bachelor's Degree in education, physics, and mathematics at Southern Illinois University Carbondale.

Though George completed his education at Southern Illinois and Washington University in St. Louis, he never left academia. He taught classes at Kemper Military School, and moved on to teach physics, navigation, and meteorology at Glenview Naval Air Station following his enlistment in the U.S. Naval Reserve. George then became a founding member of Southern Illinois University Edwardsville where he returned as a staple of the college faculty and an influential member of the technology and engineering department. Most notably, Arnold was vital in creating a new environmental studies program for the university in the 1960s.

George was also essential to the green movement outside of education. He laid the foundation for a rich Madison County trails system, advocating for bike trails around the area. His hard work and dedication led some to call him "the grandfather of Illinois bike-ways." In addition, he spent time lobbying for additional mass transit, determined to create livable and accessible communities.

George Arnold was active in numerous organizations and groups. He was the President of the Lewis and Clark Society, archivist for

Marquette-Joliet Tercentennial, co-chair of the Illinois-Missouri Trails Coalition, secretary of the Grassroots Trailnet Committee, chairman of the Piasa Palisades Sierra Group, and president of the Vadalabene Nature Trail Volunteers.

As a celebrated environmental activist and educator, George received several awards and honors. He received the Edwardsville Meritorious Service Award and Southern Illinois University Edwardsville's Distinguished Service Award for his lifetime commitment to the environment. His efforts in securing outstanding bike trails around the region led Madison County Transit to honor him once more.

Madam Speaker, I ask my colleagues to join me to express appreciation and gratitude to Mr. George Arnold for his countless contributions to Madison County and to all of Southwestern Illinois.

HONORING HENRIETTA PLEASANT-LACKS

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. PERRIELLO. Madam Speaker, today I wish to commemorate the Memorial Dedication Service in honor of Henrietta Pleasant-Lacks, which will take place this weekend at St. Matthews Baptist Church in Clover, Virginia. At this ceremony, the descendants of Henrietta Lacks will at last be able to dedicate a headstone for a woman who has for too long been buried in an unmarked grave.

Henrietta Lacks was born Loretta Pleasant on August 1, 1920, in Roanoke Virginia. The granddaughter of slaves, she was raised by her grandfather on a tobacco farm. She married David Lacks in Halifax County, Virginia in 1941, and moved to Baltimore County, Maryland, in search of work. Henrietta and David had five children: Lawrence, Elsie, David, Deborah and Joseph. In February of 1951, Henrietta was diagnosed with cervical cancer. Despite the treatments Henrietta received, she died just eight months later, on October 4, 1951, at the age of thirty-one. She was buried without a tombstone in a family cemetery in Clover, Virginia.

However, the story of Henrietta Lacks was far from over. Without the permission of Lacks, her husband, or any family members, doctors at Johns Hopkins had collected and saved samples of tissue from her cancerous tumor during her hospital stay. These tissue samples were given to George Gey, who had for decades had unsuccessfully attempted to grow cancer cells outside of the body in hopes of studying the causes of and cures for cancer. Lacks's cells finally provided the breakthrough he had been searching for: they doubled in number every 24 hours, and would continue to divide and replenish themselves indefinitely, providing an immortal line of human cells. The line was named "HeLa," and cells were distributed to researchers around the world. These cells are still in use today, and have provided invaluable advances in not only cancer, but also fertility, genetics, and

AIDS research. They also contributed to the invention of the polio vaccine—a fitting end for the cells of a woman who had been a vocal advocate for polio eradication. To date, some twenty tons of these cells have been grown.

The achievements these cells have made possible are undeniably thrilling, but we cannot forget the dark side of this story: that the cells were taken without Henrietta Lacks's consent, that her family was not told for many years what had been done, and that such practices were not uncommon. Lacks was just one of many individuals of that era whose right to consent to procedures performed on her own body was taken away in the name of scientific advancement. Had her cells not been so unusual, her story would likely not be known.

Today we not only honor Henrietta Lacks and her legacy, but we also remember every forgotten individual who because of racial discrimination or poverty was subject to some form of medical injustice. Her story contains at once the greatest heights and most shameful depths of which medicine is capable, and only in acknowledging both can we hope to pursue a world for our future generations that strives for both knowledge and justice.

This more just world requires that we work for access to health care for all, regardless of socioeconomic status. One of the greatest outrages of Henrietta Lacks's story has been that while the medical industry makes millions from advances she made possible, members of her own family have struggled to afford care, and have never been able to benefit from the medical discoveries made. As we fight for solutions to these injustices, I pledge to remember Henrietta's family's words, "We are asking each of you to be her voice." On behalf of the 5th District of Virginia, I thank Dr. Ronald Pattillo of the Morehouse School of Medicine for his support for the tombstone dedication and the Lacks family for their dedicated efforts to telling her story and ensuring that future generations will know that we have Henrietta's immortal cells to thank for countless discoveries made and lives saved.

HONORING HOLY TRINITY GREEK ORTHODOX CHURCH

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MICHAUD. Madam Speaker, I rise today to congratulate the Holy Trinity Greek Orthodox Church in Lewiston, Maine on its 100 year anniversary and its subsequent consecration.

Holy Trinity Greek Orthodox Church in Lewiston, Maine was founded in 1910. As a small church on Lincoln Street in downtown Lewiston, it was established to serve more than 3,000 Greeks in the community who were drawn to the area by jobs in the Bates and surrounding mills. As the mills began to close in the 1950's, the Greek residents migrated south to the Massachusetts mills, and the population of Holy Trinity reduced significantly. Despite this drop in population, a new church was built in 1977 on Hogan Road, and Holy

Trinity continued to be known as a pillar of civic leadership in the area.

On Saturday May 22, 2010, Holy Trinity Greek Orthodox Church celebrated its 100th Anniversary. On the following Sunday, they consecrated their 33-year old church building, marking a commitment to Greek Orthodoxy in Lewiston for generations to come. Greek Orthodox churches are consecrated just once in their lifetime, usually after a milestone has been met to ensure that the building is a permanent part of the parish. Archbishop Metropolitan Methodios chose the Holy Trinity Greek Orthodox Church in Lewiston as one of only two consecrations he would preside over in 2010.

From 2000 to 2008, Holy Trinity, largely under the stewardship of Fr. Ted Toppses, extended its outreach past Lewiston to the surrounding areas and expanded its membership by fifty families. Always a vital part of Lewiston, the Church continues to address the spiritual and social needs of the surrounding communities.

Madam Speaker, please join me in honoring the centennial and consecration of the Holy Trinity Greek Orthodox Church in Lewiston and all of the contributions they make to the communities in the greater Lewiston and Auburn area.

ON INTRODUCING A RESOLUTION RECOGNIZING THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA ON ITS 35TH ANNIVERSARY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution recognizing the Convention on International Trade in Endangered Species of Wild Fauna and Flora on its 35th anniversary.

CITES was created in 1973 to ensure that international trade in wild plants and animals does not threaten their survival. CITES entered into force on July 1, 1975 and thus will celebrate its 35th anniversary on July 1, 2010. Launched with a few signatory nations, CITES has now 175 parties that have an international obligation and responsibility to protect our planets' endangered animals and plants. Nearly 5,000 species of animals and 28,000 species of plants are protected by the Convention against over-exploitation through international trade. Adherence to these protective measures has proven to have benefited the conservation of animals and plants worldwide.

Unfortunately, more and more species are at risk of extinction and international trade, both legal and illegal, has exacerbated the dangers. International wildlife trade is estimated to be worth billions of dollars per year and to include hundreds of millions of live plants and animals and derived products such as food products, leather and fur, ornamentals, medicinal, and timber. Such high levels of exploitation of and trade in wild animals and plants, together with other factors

such as habitat loss, are capable of bringing some species close to extinction.

Between 1979 and 1989 more than 600,000 African elephants were killed for their ivory, cutting the continent's population in half. Nevertheless, poaching has continued with an estimated 38,000 elephants killed annually and 23.2 tons of poached ivory seized since 2007. As sea ice declines, polar bears will not be able to adapt to a terrestrial-based life resulting in increased mortality, reduced reproduction, increased human-bear conflicts, and overall drastic decline of populations. Several sharks have been severely depleted with declines as high as 99 percent in some areas as a result of the high demand for their fins and meat. Overfishing, increased consumer demand and inadequate enforcement of infractions have led to historically low populations of bluefin tuna.

Every two to three years the parties of CITES meet at the Conference of the Parties to review the status of species in danger of extinction and establish trade restrictions. The 15th meeting of the Conference of the Parties was held in March 2010. Several proposals were submitted during the summit, some of them ensuring better protections for endangered species, others trying to downlist species and re-open trade. While proposals to downlist elephant populations in Tanzania and Zambia were successfully defeated, several proposals to establish stronger protections for the polar bear, eight sharks, the bluefin tuna and other species were unfortunately rejected. I am saddened to see that economic interests have prevailed over species conservation, risking to bring species close to extinction. This is unacceptable.

My resolution will congratulate the Convention on its 35th anniversary and recognize the important contributions it has made since its establishment in regulating international trade in endangered species and protecting endangered species worldwide. It will also applaud the Convention's recent leadership in protecting elephants in Tanzania and Zambia. Lastly, the resolution will urge all parties to the Convention to collaborate effectively to curb excessive exploitation of species for international trade and, in particular, to adopt stronger protections for the polar bear, sharks, bluefin tuna and other endangered species at the 16th meeting of the Conference of the Parties in 2013.

Madam Speaker, the United States has a moral obligation to protect endangered species and their natural habitat. Wild animals are a very important part of our commonly held natural resources and contribute to the diversity and stability of our environment. We must continue to maintain a balanced and healthy ecosystem that allows for the coexistence of both human beings and the world's most incredible species.

I urge my colleagues to join me in protecting wildlife and environmental conservation across the globe by supporting this important resolution.

TRIBUTE TO ROBERT J. COLLINS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. HUNTER. Madam Speaker, today I rise to pay tribute to Robert J. Collins, Superintendent of the Grossmont Union High School District, which I have the pleasure of representing.

Bob Collins has served the Grossmont Union High School District with distinction for the past 3 years, and I wish him nothing but the best as a new chapter in his life begins.

Prior to his service in Grossmont, Bob was a 39-year veteran of the Los Angeles Unified School District. Throughout his career Mr. Collins served as a social studies teacher, leadership advisor, assistant principal, principal, assistant superintendent, Superintendent of District One and Chief Instructional Officer for Secondary Schools in the Los Angeles Unified School District.

In November 2007, Bob became superintendent of the Grossmont Union High School District, where he established a singular focus for the district: the academic and personal success of every student. He has excelled in working with local leaders, while creating targeted programs to address the social and emotional needs of students; recognizing that student achievement is not just a classroom issue.

Restoring public confidence in schools has been a continuing theme of his administration that has been marked by significantly increased standardized test scores, greater parent engagement, and strong community and business relations. His efforts and the programs he developed have been recognized at the local, State and national levels and are models in many other schools and districts. His honors include being recognized as Principal of the Year in the State of California in 1989.

Madam Speaker, let us all applaud the 43-year service that Robert Collins has provided to our San Diego and Los Angeles communities. I urge my colleagues to join me in celebrating the many achievements of this great public servant.

BIRTH DEFECTS PREVENTION, RISK REDUCTION AND AWARE- NESS ACT OF 2010

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Ms. DeLAURO. Madam Speaker, I rise today to introduce the Birth Defects Prevention, Risk Reduction, and Awareness Act of 2010 today, which will help provide accurate, evidence-based information to pregnant and breast-feeding women about medications, chemical exposures, foodborne illness and other exposures associated with birth defects or health risks to a breastfed infant.

Women who are pregnant or breast-feeding often have difficult questions, such as if they

should continue taking medications for chronic diseases, or whether they should get vaccinated against H1N1 or the seasonal flu. The bill would establish a grant program to revitalize the national network of pregnancy risk information services (PRISs), more than half of which have closed over the last decade due to lack of funding. Over 70,000 women seek information from these essential services each year.

The legislation, which has been endorsed by the American Academy of Pediatrics, March of Dimes, the Organization of Teratology Information Specialists, Spina Bifida Association, American Academy of Allergy, Asthma and Immunology, and Allergy and Asthma Network/Mothers of Asthmatics, would also call for a national information campaign to help increase public awareness among health providers and at-risk populations. I hereby submit for the RECORD letters of support from these organizations.

There is nothing more important than protecting our children, and this legislation will help expectant and breast-feeding mothers to obtain clear, accurate information about the potential risks of medications, illnesses, and other exposures during pregnancy and breast-feeding, helping them to both avoid risks and improve healthy behaviors like taking folic acid. Unfortunately, research shows that up to half of pregnant women are not counseled by their health care providers about the potential risks of medications they may be taking, and programs to provide this information have been closing due to state and local budget cuts. This legislation will finally help mothers and health care professionals access critical information to help them ensure their babies are healthy, and I urge my colleagues to support our efforts.

AMERICAN ACADEMY OF PEDIATRICS,

May 18, 2010.

Hon. ROSA DeLAURO,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE DeLAURO: On behalf of the American Academy of Pediatrics (AAP), a non-profit professional organization of 60,000 primary care pediatricians, pediatric medical sub-specialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, I would like to share our support for the Birth Defects Prevention, Risk Reduction, and Awareness Act.

Each year, about one in every 33 babies in our nation is born with a birth defect. Birth defects can be caused by genetic factors, environmental exposures, or a combination of the two. For the vast majority of birth defects, however, the cause remains unknown. Research continues to reveal important new information about the causes and prevention of birth defects.

The Birth Defects Prevention, Risk Reduction, and Awareness Act seeks to provide a resource for pregnant women who have questions about whether certain medications, infections, or chemical or environmental exposures might cause or increase the risk of a birth defect, or pose a risk to a breastfeeding baby. The bill would support the provision of pregnancy and breastfeeding information services to women and health care providers seeking information about known or suspected risks. Breastfeeding mothers will receive information about how potential risks

should be weighed against the significant benefits of breastfeeding. These services will address an important need as our understanding of birth defects and their prevention continues to evolve.

The AAP deeply appreciates your commitment to preventing birth defects and educating the public about potential risks. We are pleased to support the Birth Defects Prevention, Risk Reduction, and Awareness Act, and we look forward to continuing to work with you to improve the health of all our nation's children.

Sincerely,

JUDITH S. PALFREY,
President.

MARCH OF DIMES FOUNDATION,
OFFICE OF GOVERNMENT AFFAIRS,
Washington, DC, March 30, 2010.

Hon. ROSA DELAURO,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE DELAURO: On behalf of more than 3 million volunteers and 1,400 staff of the March of Dimes Foundation, I am writing to express support for the "Birth Defects Prevention, Risk Reduction and Awareness Act of 2010." As currently drafted, this bill authorizes funding to conduct a national media campaign, enhance surveillance and research on exposures that may lead to adverse birth outcomes such as birth defects or prematurity. It also authorizes funding to develop best practice guidelines to improve infant health.

Each year, an estimated 120,000 infants are born with major structural birth defects and one in five infant deaths is due to birth defects, which are a leading cause of infant mortality. It is important to ensure that the public—especially women of childbearing age—and health care professionals have access to clinical and evidence based information about exposures during pregnancy and the period of breastfeeding, because it is an important way of helping to decrease the incidence of birth defects and improve infant health. Unfortunately, studies show that up to half of pregnant women are not counseled by their health care providers about the potential teratogenic effects of prescription drugs that they are taking. Pregnancy risk information services can help to address the problem by making available to women information about the potential impact of exposure to medication, illnesses of others, and environmental agents that can affect the developing fetus and infant.

Thank you for your leadership on this very important issue, Representative DeLauro, we look forward to working with you on this and other issues central to the health and wellbeing of children in communities across the nation and around the world.

Sincerely,

DR. MARINA L. WEISS,
Senior Vice President.

UNIVERSITY OF CONNECTICUT
HEALTH CENTER,
West Hartford, Connecticut.

Hon. ROSA DELAURO,
Washington, DC.

DEAR MS. DELAURO: As the coordinator of the Connecticut Pregnancy Exposure Information Service, I want to express my deep appreciation for your willingness to introduce legislation that would establish a program to fund pregnancy risk information services such as ours. As you know, over the past decade, more than half of the state services across the country have closed due to state budget constraints, and those remain-

ing have experienced severe cuts. We simply are not able to reach all the women who need counseling on exposures that may pose a risk to healthy pregnancies. Without a Federal program to support pregnancy risk information services, it is unclear if we can continue to operate. Pregnant women and their health care providers NEED INFORMATION about exposures that pose a risk to pregnancy or breastfeeding infants. Thank you for recognizing this need and for introducing legislation to assure that we can continue to serve the public.

I am an officer of the Organization of Teratology Information Specialists and would welcome the opportunity to meet with you briefly in New Haven and take a photo with you for our newsletter.

Again, thank you so very much for your leadership on this important issue.

Sincerely,

SHARON VOYER LAVIGNE.

SPINA BIFIDA ASSOCIATION,
May 3, 2010.

Hon. ROSA DELAURO,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE DELAURO: On behalf of the Spina Bifida Association (SBA), the only national voluntary health organization working on behalf of the estimated 166,000 individuals who live with all forms of Spina Bifida and their families, I am writing to express our appreciation to you for introducing the Birth Defects Prevention, Risk Reduction and Awareness Act of 2010. This legislation will provide much-needed support to pregnancy risk information services, which play a crucial role in educating women on how to reduce the risk of preventable birth defects, including Spina Bifida.

One of the primary goals of SBA is to increase awareness of the importance of folic acid consumption among the 65 million women in the United States of child-bearing age. The risk of Spina Bifida and other serious birth defects can be reduced by up to 70%, if women of childbearing age consume 400 micrograms (400 mcg) of folic acid (a B-vitamin) every day. Grants funded under the Birth Defects Prevention, Risk Reduction and Awareness Act of 2010 will help ensure that women who are considering becoming pregnant have access to information on the importance of folic acid supplementation, as well as other key steps they can take to ensure a healthy pregnancy.

SBA thanks you for recognizing the importance of pregnancy risk information services. If we can be of any assistance, please feel free to contact me.

Sincerely,

CINDY BROWNSTEIN,
President and Chief Executive Officer.

AMERICAN ACADEMY OF ALLERGY,
ASTHMA & IMMUNOLOGY,

Hon. ROSA DELAURO,
Hon. MICHAEL BURGESS,
Washington, DC.

DEAR MS. DELAURO AND MR. BURGESS: On behalf of the American Academy of Allergy, Asthma, and Immunology, I write to express strong support for legislation you will introduce to fund the national network of pregnancy risk information services that are currently severely underfunded. These services counsel pregnant and breast-feeding women on exposures to medications, chemicals, infections, and other risks to healthy pregnancy and healthy infants.

A pregnant or breast-feeding woman lives in fear of any exposure that might pose a

risk to her pregnancy or her baby. This is because of the paucity of information on the impact of exposures to medications, chemicals, infections and illnesses during pregnancy and nursing. Some exposures can be avoided, but for women with chronic diseases such as asthma, epilepsy, hypertension, or depression, continued use of medication may be essential to the health of both the woman and her infant. Asthma affects about 8% of pregnant women—over 300,000 women per year. Some women simply discontinue their asthma medications during pregnancy out of fear of a potential birth defect. However, uncontrolled asthma may pose a greater risk of complicating the pregnancy. Our organization has initiated a major study of asthma drugs in pregnancy in collaboration with the nation's pregnancy risk information services. This study simply could not be done without the resources available through these services. Unfortunately, more than half of the pregnancy risk information services in the country have closed over the past decade, and those that remain have sustained severe funding cuts. The legislation you are introducing will increase support for these important programs and assure that the vitally important counseling and research services they provide can be reinvigorated.

The American Academy of Allergy, Asthma, and Immunology is the largest professional medical specialty organization in the United States representing allergists, asthma specialists, clinical immunologists, allied health professionals, and others dedicated to improving the treatment of allergic diseases through research and education. We thank you for your leadership in support of prevention and research related to birth defects and are pleased to offer the Academy's support for your legislation.

Sincerely,

MARK BALLOW, M.D.,
President.

HONORING HANDSON NASHVILLE

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. COOPER. Madam Speaker, I rise today to recognize the extraordinary efforts by the citizens of Nashville in response to the recent floods, and the critical role that HandsOn Nashville played in coordinating those efforts.

As my colleagues know, earlier this month water levels in Nashville reached 32 feet above normal and 12 feet above flood level, causing devastating damage. Eighteen people died, hundreds were rescued, and many of our city's most beloved and famous attractions were partially submerged. Entire homes were destroyed, and many families have been displaced. Property damage in Davidson County is now estimated at almost \$2 billion.

Most remarkable about Nashville's story, though, is the spirit of giving and volunteering shown in abundance by the people in Nashville during and after this crisis. With very little fanfare or media attention, people from all across Middle Tennessee got to work to help their neighbors in need.

In particular, I want to salute the team at HandsOn Nashville, led by Executive Director Brian Williams. Between May 2 and May 19,

over 60,000 volunteer hours were donated to flood recovery by HandsOn Nashville volunteers. During that same period, 14,200 Nashville citizens came forward to serve in flood-related programming coordinated by HandsOn Nashville, serving in over 760 separate projects to aid flood victims.

Madam Speaker, I ask you and our colleagues to join me in honoring HandsOn Nashville for their crucial contributions to the Nashville community.

VOTING AGAINST THE FY 2011 NATIONAL DEFENSE AUTHORIZATION ACT

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. TAYLOR. Madam Chair, I supported the version of the Fiscal Year 2011 National Defense Authorization Act that my colleagues and I on the House Armed Services Committee passed through Committee on May 19, 2010 by a unanimous vote of 59–0. The “Don’t Ask, Don’t Tell” issue was never debated or considered by the House Armed Services Committee at all this year during consideration of the National Defense Authorization Act.

I associate myself with the remarks of Ranking Member BUCK McKEON who stated that “The Secretary of Defense and the Chairman of the Joint Chiefs of Staff asked Congress to respect the process they developed to study the ramifications of repealing Don’t Ask, Don’t Tell.” He further stated that “we have a duty to honor that request and hear directly from our military personnel—and their families—before making a decision on a sensitive issue that directly affects them.” I also agree with Chairman SKELTON’s statement on this issue: “In testimony before the House Armed Services Committee this spring and in a recent letter, Secretary Gates and Admiral Mullen asked Congress to defer any legislative action regarding ‘Don’t Ask, Don’t Tell’ until after the Department of Defense completes its comprehensive review later this year. In a statement today, the Pentagon indicated that ideally, Secretary Gates continues to prefer that the Department complete this review before Congress considers legislation. This is a reasonable and responsible request that I respect.” He went on to say that “My position on this issue has been clear—I support the current policy and I will oppose any amendment to repeal ‘Don’t Ask, Don’t Tell.’ I hope my colleagues will avoid jumping the gun and wait for DOD to complete its work on this issue.” I consider it an insult to our military leaders and service members for Congress to legislate change before the military’s comprehensive study is complete.

Unfortunately, last night, during floor consideration, the House voted to attach an amendment to National Defense Authorization Act repealing the military’s current “Don’t Ask, Don’t Tell” policy.

I voted against this amendment and I can no longer support the FY 2011 National Defense Authorization Act if the repeal of “Don’t

Ask, Don’t Tell” is included in the final bill. For the first time in my 20 years in Congress, I will be voting against the House approved version of the National Defense Authorization Act.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. PENCE. Madam Speaker, on Thursday, May 13, 2010, I was absent from the House floor during rollcall vote No. 268 on the Halvorson of Illinois Amendment No. 38 to H.R. 5116, the America COMPETES Reauthorization Act. Had I been present, I would have voted “aye.”

HONORING ELIZABETH A. “BETSY” MOLER

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. BOUCHER. Madam Speaker, I rise today to recognize the achievements of Elizabeth A. “Betsy” Moler and congratulate her on her upcoming retirement. Betsy has been a preeminent voice on energy policy throughout her career and her knowledge, thoughtfulness, and kindness will be sorely missed.

Betsy began her career of public service in the office of Senator Mike Gravel of Alaska where she started out as a staff assistant. She went on to serve on the staff of the Senate Energy and Natural Resources Committee as Counsel for both Chairman Henry M. “Scoop” Jackson of Washington and Chairman J. Bennett Johnston of Louisiana. During her time on the Committee, she was the principal staff member responsible for all natural gas issues and helped craft the Natural Gas Policy Act of 1978. While on the Committee, Betsy became a resource not only to the Chairmen, but also to the other members of the Committee.

In 1988, at the urging of all nineteen members of the Committee, President Ronald W. Reagan nominated her to serve as a Commissioner on the Federal Energy Regulatory Commission, FERC. She was reappointed to the Commission by Presidents George H.W. Bush and William Jefferson Clinton. President Clinton designated her to serve as the Commission’s Chair in 1993. Betsy is the longest serving member of FERC and the only member appointed by three different Presidents. During her tenure as Chair of FERC, Moler led the effort that resulted in the successful restructuring of both the interstate natural gas industry under Order No. 636 and the wholesale electricity industry under Order Nos. 888 and 889. These latter landmark orders required utilities to open their transmission lines on an equal access basis to their competitors, which ushered in a new era of robust competition in wholesale electricity markets. This achievement is perhaps Betsy’s greatest professional legacy.

President Clinton again turned to Betsy to serve, this time nominating her to be Deputy

Secretary of the U.S. Department of Energy, DOE. While at DOE, she was the principal architect of the Clinton Administration’s Comprehensive Electricity Competition Act, which was presented to the Congress in June 1998.

In 2000, Betsy joined Exelon Corporation, formerly Unicom, to head the Washington, DC office where she served as Executive Vice President, Government & Environmental Affairs and Public Policy. In this last position, Betsy remained a vital resource to those concerned about energy policy, testifying before Congress and FERC on numerous occasions. Most importantly, Betsy remained available to share her wise counsel with those seeking to improve our nation’s energy and environmental laws. We thank her for her service and many contributions.

RECOGNITION OF AMBASSADOR OLEH SHAMSHUR

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Ms. KAPTUR. Madam Speaker, on behalf of the people of the United States, please let me express appreciation to Ukraine’s Ambassador to the United States, his Excellency Oleh Shamshur.

Since his appointment in December of 2005, he has worked tirelessly to strengthen ties between our two countries. As a co-chair of the Congressional Ukrainian Caucus, I have had the distinct pleasure of working closely with the Ambassador.

Ambassador Shamshur was integral in the re-establishment of normal trade relations between our countries and the signing of the Trade and Investment Cooperation Agreement. With his help the United States and Ukraine signed an Agreement on Strategic Cooperation in December 2008, which has fostered democratic growth, transparency, and freedom in Ukraine. In addition, it has established goals to cooperate on concrete issues such as military, energy, and scientific cooperation. During the Ambassador’s tenure great steps were taken to strengthen Ukraine’s energy security and ensure its progress towards European integration.

Ambassador Shamshur worked with the Ukrainian-American community to ensure that the victims of the 1932–33 famine-genocide were given the honor they deserve. He understands that history demands truth. Properly securing a nation’s past positions it forward to the future—an important undertaking often undervalued by diplomats and leaders. In addition, he has taken steps to grow Ukrainian-American exchange programs in order to promote democratic values and strengthen the bond between our two nations.

We wish him, his wife Tetiana, and his daughter Tetiana all the best as their journey continues. I know Dr. Shamshur will continue to help Ukraine achieve the democratic freedoms she has fought for since achieving her independence from the Soviet Union in 1991. He is a wonderful representative of Ukraine and her people, a good friend, and a true statesman. Thank you, Ambassador Shamshur, for your service.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. PASCRELL. Madam Speaker, I want to state for the record that yesterday I missed the first four rollcall votes of the day. Unfortunately I missed these votes because I was detained in my district.

Had I been present I would have voted "yea" on rollcall vote No. 306, on Agreeing to the Resolution—H Con. Res. 282—Providing for an adjournment or recess of the two Houses.

I would have voted "yea" on rollcall vote No. 307, on Agreeing to the Resolution—H. Res. 1404—Providing for consideration of the bill H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011.

I would have voted "yea" on rollcall vote No. 308 on Motion to Suspend the Rules and Agree—H. Res. 1161—Honoring the Centennial Celebration of Women at Marquette University, the first Catholic university in the world to offer co-education as part of its regular undergraduate program.

Lastly, had I been present I would have voted "yea" on rollcall vote No. 309, on Motion to Suspend the Rules and Agree—H. Res. 1372—Honoring the University of Georgia Graduate School on the occasion of its centennial.

AADITH MOORTHY OF PALM HARBOR, FLORIDA WINS NATIONAL GEOGRAPHIC BEE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. YOUNG of Florida. Madam Speaker, Aadith Moorthy, a 13-year-old eighth grader from Palm Harbor Middle School, which I have the privilege to represent, won the National Geographic Bee in our Nation's capital this week.

This is quite an accomplishment for this Pinellas County teenager, as this is one of our Nation's most difficult academic competitions. It took hours of studying and preparation time. Aadith says one of his keys to success was his writing down 20 facts at a time and memorizing them. As he got closer to the national competition, he upped his daily routine to writing and memorizing 50 facts a day.

While others were out enjoying our great weather in Florida, Aadith was inside studying 10 hours a day on weekends. His hard work and dedication paid off with this national honor, along with winning a \$25,000 college scholarship and a trip to the Galapagos Islands.

Aadith brought with him to Washington his personal cheering section that included his father Subramaniam, his mother Suguna, and Michelle Anderson, his teacher from Palm Harbor Middle School.

Madam Speaker, following my remarks I will include for the benefit of my colleagues a re-

port from the St. Petersburg Times by Theodora Ageles that describes in detail the tense competition that led to Aadith's title. It also talks about the pride his principal Victoria Hawkins and all of his classmates and teachers at Palm Harbor Middle School have in Aadith and the national acclaim he has brought their school.

Please join me in honoring and congratulating Aadith Moorthy as the 2010 National Geographic Bee champion and for months of hard work and study that resulted in a job well done.

PALM HARBOR STUDENT WINS NATIONAL GEOGRAPHIC BEE

(By Theodora Ageles)

Aadith Moorthy will get the star treatment in New York City today, a day after winning the 22nd annual National Geographic Bee in Washington, D.C.

"I'm going to be interviewed on The Early Show, Fox 13, CNN and MSN tomorrow," he said Wednesday in a telephone interview while en route to the airport for his flight to New York. "I'm happy. I feel relieved that I don't have to study anymore."

The 13-year-old eighth-grader from Palm Harbor Middle School beat out nine other boys in a battle of world knowledge. He wins a \$25,000 college scholarship and a trip to the Galapagos Islands in the Pacific west of Ecuador.

"I can take a break and get back to my singing," said Aadith, who gives local performances of Carnatic music, the classical music of southern India. "I haven't had much time to practice, and I've missed that."

Interestingly enough, he was put on the spot during introductions when host Alex Trebek asked him to sing a Carnatic tune.

The final question asked for the largest city in northern Haiti, which was renamed following Haiti's independence from France. The answer was Cap-Haitien. Aadith had it and gave a small fist pump.

"I feel great," Aadith said with a big smile shortly afterward. "The mission is accomplished."

His father, Subramaniam Satyamoorthy, gave him a hug and bowed slightly before his geography whiz son.

When writing 20 new facts a day helped him win the state championship, Aadith boosted his fact writing to 50 a day studying for the national bee. That preparation helped him advance to the final 10 Tuesday and win it all Wednesday.

By now, "he has enough (knowledge) for a couple of books," his father said.

Aadith spent most of the bee, though, on the edge of defeat. He was the only contestant to answer incorrectly in the first round of Wednesday's finals and would have been eliminated if he was wrong again. He acknowledged he was scared, but nerves didn't throw the aspiring physicist.

"We were worried when he missed that question in the first round," said Aadith's mother, Suguna Moorthy. "Now we are so happy there are no words to express how we feel."

"He spent so many hours preparing. On school days, he studied geography before he completed his homework. On weekends he studied 10 hours a day."

His teacher, Michelle Anderson, who also traveled to Washington to watch Aadith compete, said that misstep didn't shake his confidence.

"His first question was really tough," Anderson said. "It was something about which

city had 71/2 million people within its city limits. He had three choices.

"Aadith knew it wasn't Kiev. When he chose Kuala Lumpur, Malaysia, and it was Kinshasa, he didn't lose his concentration. He stayed focused, which says a lot for his control, his stamina and endurance. And he took the whole competition."

Aadith clinched the victory with knowledge of Botswana, Argentina and Sweden in the best-of-five final round, as his final opponent, 13-year-old Oliver Lucier of Wakefield, R.I., stumbled.

"They were hard. They were really hard," Oliver said of the final questions.

Still, Oliver, a soccer player, will take home a \$15,000 scholarship for second place. Karthik Mouli, 12, of Boise, Idaho, came in third to win a \$10,000 scholarship. Both runners-up also represented their states at the national bee last year.

Right after the victory, Aadith and his proud entourage were giving nonstop interviews to television crews, newspaper reporters and radio show hosts. A few hours later, he was off to New York.

Aadith knows he will get a break on Friday when he comes home, but when he was asked what he's looking forward to, he said, "Sleeping in my own bed."

Principal Victoria Hawkins of Palm Harbor Middle School is thrilled for Aadith, the school and the school district.

"We are so proud of him," she said. "He is an unbelievable student with a huge thirst for knowledge."

His teacher, Anderson, said she "felt a sense of immense joy and pride when he answered the winning question."

"I'm proud to have had a small role in helping him. This was a once-in-a-lifetime experience."

Fast facts

Questions asked in the final round

1. Tswana is a Bantu language spoken by the largest ethnic group in what land-locked country? Answer: Botswana.

2. The Oresund Bridge opened in 2000; it connects Copenhagen, Denmark, with what Swedish city? Answer: Malmö.

3. Cam Ranh Bay has served as a naval base for Japan, France, U.S. and the former Soviet Union. This bay is located in which country. Answer: Vietnam.

HAMMOND ROTARY CLUB HONORS BILL BEATTY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great respect and admiration that I stand before you today to honor Mr. William Beatty, who has been recognized by the Hammond Rotary Club as an outstanding club member who has demonstrated consistent achievement in mentoring young men and women in the community of Hammond and throughout Northwest Indiana. His devotion to teaching young people the importance of community service is to be commended. For his outstanding efforts, he will be presented with the Robert V. Heinze Vocational Service Award by the Hammond Rotary Club on Tuesday, June 1, 2010.

The Hammond Rotary Club was established in 1920, adhering to the principles of Rotary

International: "World Peace through Understanding" and "Service above Self." These values are vigorously upheld by the Hammond Rotary Club members, who passionately serve their community. Each year, the club recognizes an individual or organization who enthusiastically reaches out to the youth of the community by honoring the recipient with the Robert V. Heinze Vocational Service Award, and this year's recipient is William "Bill" Beatty.

Bill Beatty grew up in Hammond, Indiana and is a proud graduate of Hammond High School. He went on to attend Purdue University where he studied mechanical engineering. After college, Bill joined the family business, which at the time was called Beatty Machine, and is now known as Beatty International. In 1975, Bill succeeded his father and became the company's leader. In addition to his amazing career, Bill has been involved with the Hammond Rotary for many years and is recognized for his work with the youth of the community as well as his positive attitude and contagious laugh. He has been the inspiration behind the Hammond Robotics Team, a science and technology competitive team, and has led these students to many State, regional, and national championships. In addition, he has assisted other school districts in forming their own robotics teams. His willingness to encourage and guide the youth of the community is constant and unwavering, and it is because of his efforts that he is the recipient of the 2010 Robert V. Heinze Vocational Service Award.

Bill's dedication to the community and his career is exceeded only by his devotion to his amazing family. Bill and his wonderful wife, Lisa, have two beloved sons, Brian and Jeff.

Madam Speaker, I ask that you and my other distinguished colleagues join me in congratulating Bill Beatty on receiving the Robert V. Heinze Vocational Service Award, and in honoring the Hammond Rotary for their outstanding contributions to the community of Hammond and all of Northwest Indiana. Their constant commitment to improving the quality of life for countless individuals in Northwest Indiana is truly inspirational, and they are worthy of the highest praise.

PERSONAL EXPLANATION

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I rise to address the Chair regarding my absence from rollcall votes 246–248 on Wednesday, May 5, 2010.

Madam Speaker, I was not able to cast my votes during rollcall 246–248 on May 5, 2010 because I was on official business. I would like to state for the record how I would have voted had I been present.

For rollcall vote 246, on motion to suspend the rules and agree as amended to H. Res. 1320, "Expressing support for the vigilance and prompt response of the citizens and law enforcement agencies in New York and Connecticut to the attempted terrorist attack in Times Square, May 1, 2010," I would have voted aye;

For rollcall vote 247, on motion to suspend the rules and agree as to H. Res. 1272, "Commemorating the 40th anniversary of the May 4, 1970, Kent State University shootings," I would have voted aye;

For rollcall vote 248, on motion to suspend the rules and agree as amended, H. Res. 1301, "Supporting the goals and ideals of National Train Day," I would have voted aye.

ON MEMORIAL DAY AND EVERY DAY, LET US REMEMBER ALL THOSE WHO HAVE SERVED OUR NATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MICA. Madam Speaker, as we recognize Memorial Day 2010, I wanted to remember each of the American Service Members from Florida's 7th Congressional District who have lost their life to hostile actions since 1996 as reported to me by the U.S. Department of Defense.

Let us remember all those who have fallen in service to our Nation. Let us never forget those who have served and paid the ultimate price so that we can live in this great land.

We must forever keep these heroes in our thoughts and prayers. Let us today, on Memorial Day and every day, thank the good Lord for their incredible sacrifice.

They have made it possible for all Americans to live in freedom. Let us also remember and pay tribute to the families and loved ones whose loss is immeasurable.

On Memorial Day and every day, let us continue in our hearts and minds to hold dearly all those who have served and are serving this Nation.

May God continue to bless the United States of America.

1. Patrick Fennig, Air Force, Palm Coast—June 25, 1996, Khobar Towers.

2. Michael Heiser, Air Force, Palm Coast—June 25, 1996, Khobar Towers.

3. Brian McVeigh, Air Force, DeBary—June 25, 1996, Khobar Towers.

4. Kenneth Conde, Marines, Orlando—July 1, 2004, Iraq.

5. Jason Dwelley, Navy, Apopka—April 30, 2004, Iraq.

6. Bradley Fox, Army, Orlando—April 20, 2004, Iraq.

7. Arthur Mastrapa, Army, Apopka—June 16, 2004, Iraq.

8. Antoine Smith, Marines, Orlando—November 15, 2004, Iraq.

9. Theodore Bowling, Marines, Casselberry—November 11, 2004, Iraq.

10. Patrick Rapicault, Marines, St. Augustine—November 15, 2004, Iraq.

11. Arthur Williams, Army, Edgewater—December 8, 2004, Iraq.

12. Carlos Gil, Army, Orlando—February 18, 2005, Iraq.

13. Alwyn Cashe, Army, Oviedo—November 8, 2005, Iraq.

14. Gene Hawkins, Army, Orlando—October 12, 2006, Iraq.

15. Sean Tharp, Army, Orlando—March 28, 2006, Iraq.

16. Marco Miller, Army, Longwood—December 5, 2006, Iraq.

17. Nicholas Rogers, Army, Deltona—October 22, 2006, Iraq.

18. Angelo Vaccaro, Army, Deltona—October 3, 2006, Afghanistan.

19. John Mete, Army, Bunnell—September 14, 2007, Iraq.

20. Brandon Bobb, Army, Orlando—July 17, 2007, Iraq.

21. Sandy Britt, Army, Apopka—August 21, 2007, Iraq.

22. Alexander Rosa, Army, Orlando—May 25, 2007, Iraq.

23. Bryan Tutten, Army, St. Augustine—December 25, 2007, Iraq.

24. Adam Quinn, Army, Orange City—October 6, 2007, Afghanistan.

25. Robert Miller, Army, Oviedo—January 25, 2008, Afghanistan.

26. Jason Dahlke, Army, Orlando—August 29, 2009, Afghanistan.

27. Randy Haney, Army, Orlando—September 6, 2009, Afghanistan.

28. Anthony Davis, Army, Daytona Beach—January 6, 2009, Iraq.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. PENCE. Madam Speaker, on Wednesday, May 19, 2010, I was absent from the House floor, during rollcall vote No. 277 on H.R. 5325, the America COMPETES Reauthorization Act. Had I been present, I would have voted "no."

CONGRATULATING MALAYSIA IN ITS 50TH YEAR OF INDEPENDENCE

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. MEEKS of New York. Madam Speaker, I would like to take this opportunity to recognize Malaysia's 50th anniversary of Independence. Since Malaysia gained its independence from the United Kingdom on August 31, 1957, Malaysia has made tremendous progress toward democracy and economic growth. The road to democracy and economic stability has not been easy, with a number of bumps along the way; however, I believe it is important to recognize Malaysia's perseverance in moving its democracy and economy forward.

Today, Malaysia is a middle-income country with a multi-sector economy based on services and manufacturing. It is now our 10th largest trading partner and we are Malaysia's largest foreign investor. Since its independence, Malaysia has had one of the best economic records in Asia. Malaysia's GDP has grown by an average of 6.5 percent per year since 1957. The Malaysian government has taken an active role in ensuring that its economic development also benefits marginalized groups, such as the ethnic Malays and other

indigenous groups. Through economic programs, such as the New Economic Policy of 1971, the National Development policy, and the National Vision Policy, Malaysia has demonstrated its commitment to eradicate poverty, enhance the economic standing of ethnic and indigenous groups, promote education, and its intent to focus on higher-technology production. I believe it is also commendable that Malaysia has set a national goal to become a fully developed economy by the year 2020. With its historical progress, I believe it is feasible and I look forward to witnessing their progress and deepening our bilateral relations in the years to come.

In addition to our robust economic ties with Malaysia, I would also like to highlight our joint efforts to combat international terrorism. Malaysia has been a key ally to the U.S. and a leader in counter-terrorism and counter-narcotics in Southeast Asia. Through intelligence sharing, close cooperation in law enforcement, participation in joint exercises and trainings, Malaysia has been a tremendous partner in security cooperation. In May 2002, Malaysia signed a Memorandum of Understanding with the U.S. on counterterrorism and we made a joint declaration that provides a framework for counterterrorism cooperation. As a progressive and moderate Muslim nation, Malaysia is a good example of a modern, prosperous, multi-racial, and multi-religious society.

Since coming to power in 2003, Malaysian Prime Minister Abdullah Badawi has provided opportunities for the U.S. to improve diplomatic and political relations with Southeast

Asian nations. As a moderate secular Islamic nation, Malaysia's experiences and cooperation could play a key role in coping with religious extremism, countering terrorism, and exerting a moderate influence on the Islamic community in Southeast Asia. Under Prime Minister Badawi's leadership, Malaysia is adopting an "Islam Hadhari" approach, which encourages and emphasizes a view of Islam that is focused on development, social justice, and tolerance. Malaysia's progressiveness is highly commendable and has the potential to have great influence internationally.

Malaysia has come a long way and, as a key ally to the United States, I would like to commend Malaysia for its continued progress and remarkable achievements and congratulate the people of Malaysia in their celebration of 50 years of independence.

HONORING ARCHBISHOP HOVNAN
DERDERIAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. SCHIFF. Madam Speaker, I rise to commend Archbishop Hovnan Derderian on the 30th anniversary of his ordination into the Priesthood and the 20th anniversary of his elevation to the rank of Bishop. Archbishop Derderian is Primate of the Western Diocese of the Armenian Apostolic Church of North

America. The Western Diocese covers the Western United States.

Archbishop Derderian was born in 1957 in Beirut, Lebanon. In 1980, he was ordained as a priest in the Armenian Apostolic Church. In 1987 Archbishop Derderian received his Master's Degree in Theology from Oxford University, and was raised to the rank of "Dzairakuyn Vartabed." In 1990 he was elected Primate of the Diocese of the Armenian Church in Canada, and later in 1990, was ordained as a Bishop by His Holiness Vazken I. On February 18, 1993 he was made an Archbishop. In 2003, Archbishop Derderian was elected Primate of the Western Diocese of the Armenian Church of North America by the 76th Annual Assembly.

Since being elevated to the rank of Archbishop, he has led many projects of great importance to the Church and the community. He created the Christian Youth Mission to Armenia in 2003 which builds ties between youths living in America to Armenia through travel and internship programs. Under his leadership, the Church is nearing completion of the first ever Cathedral of the Armenian Apostolic Church on the West Coast, located in Burbank, California. Additionally, since his appointment as Primate he has ordained five new priests to serve the Western Diocese.

Archbishop Derderian's commitment to serving the faithful and the community are admirable. I congratulate him on his 30 years of service in the Priesthood and thank him for his leadership.

SENATE—Monday, June 7, 2010

The Senate met at 2 p.m. and was called to order by the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, let Your glorious Name be duly honored and loved by all who call You Lord. Send forth Your blessed spirit into our hearts that we may live worthy of Your love.

Bless our lawmakers and use them as instruments for good. Pour down Your wisdom upon them that they may ever promote liberty and justice for all. Strengthen their hearts against temptation, transforming them into more than conquerors by Your grace. Lord, make them one in the common cause for justice, righteousness, and truth.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 7, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FOCUSING ON THE CRISES

Mr. MCCONNELL. Mr. President, first, I welcome everyone back. I hope they had a good break.

As a nation, our focus continues to be on the disaster in the gulf. This is a national tragedy, the full dimensions of which we still do not know. But one thing is clear: The top priority at this point, as it should have been from the start, is to stop the leak. Americans are far less interested in how tough the administration plans to be after the leak is fixed than they are in fixing it. People want action more than they want accusations. There will be plenty of time to assess blame and to tighten regulations after the crisis is met. But weeks of blame has done absolutely nothing to plug the leak. Let's focus on the crisis at hand.

As we work to stem the crisis in the gulf, Congress cannot continue to ignore another pressing crisis—an exploding Federal debt that threatens our very way of life.

This week, the Senate will debate the deficit extenders bill the House passed just before the recess. Just for a little context, let's remind ourselves what this bill is. The original purpose of this bill was to give America's job creators an assurance that the longstanding tax benefits they are counting on to retain workers will not be pulled out from under them. But because Democrats cannot seem to resist any opportunity to use a must-pass bill such as this as a vehicle for more deficit spending, they have piled tens of billions of dollars in unrelated spending and debt on top of it, all at a moment when the national debt has now reached \$13 trillion for the first time in history. This is fiscal recklessness, plain and simple.

The time has come for hard choices. Americans see what is happening in Europe, and they are begging us to bring the debt under control, to cut it down before we face a similar fate here. Instead, Democrats in Washington just keep piling on as if they are oblivious to the consequences.

Some Democrats in the House started to rebel last week, and some Democrats in the Senate have indicated they will ask for amendments on this bill as well. They are demanding that party leaders make an effort to at least acknowledge that this debt crisis exists. But Americans want more than lip service.

Here is what the protests of squeamish Democrats in the House achieved: A bill that was supposed to increase the debt by \$175 billion will now only increase the debt by \$54 billion. In other words, instead of agreeing that the debt is out of control, Democrats played politics—they spent as much money as they could on this bill without losing the votes needed to pass it.

Even in the face of public outrage, Democrats are showing that either they just do not get it on this issue of debt or they just simply do not care. But it is even worse than that because not only are Democrats clearly unserious about this issue, they are not giving the American people the whole picture. They did not lower the price tag on this bill by making tough choices; they just shortened the timetable on the programs it funds by openly promising to add that spending back later. They do not plan to spend any less; they just plan to spend it all by putting it in separate bills, which is a little bit like arguing that you have less debt because you put it on different credit cards.

Clearly, Democrats do not see a \$13 trillion national debt for the emergency it is. So let's remind ourselves where we stand so there is no confusion about the gravity of the situation. As I stand here this afternoon, every man, woman, and child in America would have to cough up more than \$42,000 to pay down our debt. That is \$42,000 for every man, woman, and child in the United States. And that is just the current debt. Remember, it took two centuries—two centuries—to accumulate a \$10 trillion debt. In the first 500 days of this administration, Democrats added \$2.4 trillion to the debt and plan to add another \$1 trillion this year. Americans are as worried as I have ever seen them about the course we are on, and they have a simple message for Congress: Stop spending money we do not have.

One more thing. If all the domestic crises of the past few years have taught us anything, it is that more government is not a solution in itself. Yet this administration has approached virtually every crisis it has faced with more government as the primary solution.

Right now, among other challenges, we have a debt crisis, a jobs crisis, a housing crisis, a financial crisis, and an oilspill to which the American people clearly do not believe government is effectively responding. One can understand the American people's skepticism when they are told that simply adding more government is the solution to government's previous failures.

They are being told that adding more government is the solution to government's previous failures.

Now is not the time to propose more government as a solution to these crises. It is time to rethink the model to start focusing on accountability and on results. And a good place to start is the debt. Americans expect action on this issue, and they expect it right now. Unfortunately, Democrats in Congress do not seem to be listening on this issue any more than they did on health care or the stimulus or financial regulatory reform or, for that matter, anything else.

Mr. President, I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each. At 4:30 p.m. today, we will turn to executive session to consider three nominations, with debate until 5:30 p.m. equally divided and controlled between Senators LEAHY and SESSIONS or their designees. At 5:30 p.m., the Senate will proceed to a series of up to three rollcall votes. Those votes will be on the confirmation of Audrey Fleissing, of Missouri, to be a U.S. district judge for the Eastern District of Missouri; Lucy Koh, of California, to be U.S. district judge for the Northern District of California; and Jane Magnus-Stinson, of Indiana, to be a U.S. district judge for the Southern District of Indiana.

This week, the Senate will consider the House message with respect to the tax extenders legislation. Also, on Thursday, June 10, we will consider S.J. Res. 26, a joint resolution disapproving a rule submitted by the Environmental Protection Agency with respect to greenhouse gases, under provisions of an agreement reached May 25.

JUNE WORK PERIOD, OILSPILL, AND IMPERFECT GAME IN DETROIT

Mr. REID. Mr. President, I welcome back my colleagues from their travels back home. It is always good to see them and my staff. I am grateful for all who are here working hard. I know we all benefit from seeing and speaking with our neighbors and constituents, honoring our Nation's bravest on Memorial Day, and talking about the good work we have done this year.

We have really done a lot. Long overdue health care reform is now the law

of the land. To show how much we have done, Norm Ornstein, one of the most celebrated pundits, columnists, journalists in all of Washington, reported a few weeks ago that this is the most productive Congress in the history of the country. That comes from someone who is not from the left or the right but someone who is a mainstream journalist in America today. The House and Senate have each passed bills to clean up Wall Street. Three million Americans who are going to work today have the Recovery Act to thank for their jobs. In Nevada, the Recovery Act created or saved more than 4,000 jobs in just the past 4 months alone. Again, that is in Nevada.

But every time I go home, I am reminded how much more we have to do and become reenergized to do it. The work period between now and July 4 is short, but our to-do list is very long. We have to pass an emergency extension of unemployment benefits and other matters related to job creation, which will be in the bill that will be put on the Senate floor this afternoon. These benefits have now expired and so should our patience for excuses. These people lost their jobs through no fault of their own. They are struggling to put food on the table and to take their kids to the doctor. It is important that we recognize that. It is an emergency for these families and for our entire country.

Many who oppose this extension gave tax breaks to rich CEOs who shipped American jobs overseas. Now their constituents are looking for a lifeline in a job market they helped sink. I hope both sides can come together to give them the help both they and our economy need.

This legislation cuts taxes for middle-class families and small businesses. This bill includes a host of tax credits, tax extenders, and tax incentives, all of which will help put people back to work—something Democrats and Republicans should come together to finish because it is something we can all support and be proud we did. More than that, it is something each of our States desperately needs.

To this legislation we intend to add a bill for FMAP funding, that is, Medicaid money to ensure the poorest in our communities can afford to stay healthy, which will protect jobs in States such as Nevada and prevent deep cuts to critical services all over the country.

Mr. President, just a few comments about the remarks of my friend, the Republican leader. We all know the debt of our country is significant and of concern to us. But I am stunned by my friend's short memory of history. One reason we have this red ink that is flowing so strongly is we had two wars that weren't paid for. The Iraq war alone cost \$1 trillion. Many say it was a war of choice, not of necessity.

The financial meltdown came about as a result of decisions Republicans made. For example, in the last 3 years of the Clinton administration, we were paying down the national debt. We were spending less money than we were taking in. Some said we were paying down the debt too fast. It was a shock to the markets. We had, in effect, during the Clinton years, something called pay-go, meaning if you had a new program you had to pay for it or raise the revenue to pay for it. It worked extremely well. That is why we were paying down the debt. When President Bush came in, that was eliminated. Pay-go rules went out the window. We have replaced them, in spite of Republicans voting against that.

Mr. President, to show the short memory of my friend, the Republican leader, there was legislation worked on here for a long time—well more than a year—by KENT CONRAD, the chairman of the Budget Committee, and the ranking member, JUDD GREGG. They put together a piece of legislation that had wide support here in the Senate to create a debt commission, similar to what we did with our base closing activities. So I brought this up for a vote. Democrats overwhelmingly voted for it. My Republican colleagues—seven of them who sponsored that legislation—wouldn't vote for it.

We couldn't get the base closing legislation done because every time we wanted to close a base, there would be a Senator from that State who would say: No, we can't do that, and so it was difficult. So we brought that base closing legislation to the floor, and there was an up-or-down vote on it, no amendments. That is the same legislation Senator CONRAD and Senator GREGG brought before the Senate. Because of the Republicans, it was voted down.

To his credit, President Obama, still concerned about the debt, created a commission that must report by the end of this year. We know the debt is an issue. But for my friends to start now criticizing what has always been emergency spending to pay for people who are long-term unemployed I think shows memories are a little short. We should realize Democrats have not created the problems. President Obama, when he was elected, found himself in a real hole created by the prior administration, and we are working our way out of that.

After we finish the bill that will be on the floor this afternoon, we have to pass a bill designed specifically for small businesses—to help them grow and to help them hire more workers. This bill will include more tax incentives and also establishes a new lending facility for small businesses.

This week, we will debate a resolution of disapproval that will prevent the Department of Transportation and the Environmental Protection Agency

from working together to slow the pollution from heavy-duty vehicles. The result of this resolution, if passed, would be to waste at least 450 million more barrels of oil than we need to. That is wrong.

We also would like to finish two important conference reports. One, we have the supplemental war appropriations bill that will give our commanders and troops the equipment and resources they need to succeed and fund disaster assistance in the parts of the world that need it the most. Our military is about to undertake the most important mission of the war in Afghanistan, the largest operation since the war started. We have given them this mission, and now we have to give them what they need to accomplish the mission. Two, we have to finish the Wall Street reform bill. This is legislation that protects families' life savings and seniors' pensions. The bills both the House and Senate passed will enforce the toughest protections ever against Wall Street greed and will guarantee taxpayers they will never again be asked to bail out a big bank and will make sure no bank will become too big to fail. We hope to send our bill to the President this month, after the conference is completed.

There are other items on our agenda as well. We must protect voters and ensure our elections are being decided by the people, not by the richest corporations with the most money to spend. We want to empower public safety employees, such as firefighters, police officers, and paramedics, with a voice in decisions that affect their lives and their livelihoods. We want to ensure they have the same rights in the workplace as everyone else. We have a food safety and child nutrition bill to consider. We have a Defense authorization bill to pass. The Judiciary Committee will start its hearings this month on President Obama's tremendous nominee for the Supreme Court, Elena Kagan.

Although we may not get to it in this short work period, the Senate must take definitive action to hold companies such as BP more accountable for disasters such as the one that is poisoning our waters and shores more and more every day.

About that oilspill. Oil has gushed into the gulf for more than a month and a half now, but we have finally started to see a trickle of good news. BP managed to control some of the spill this weekend, and it is estimated that from 50 to 80 percent of the oil that is bubbling out of the middle of the Earth is being captured. That still leaves a leak of too many barrels every day. That is an enormous and unacceptable amount of pollution harming our water, wildlife, beaches, and businesses. As much as 35 million gallons has already leaked, and that oil is now making its way to the south of Florida,

up the eastern seaboard. It is estimated that the Exxon Valdez, which was an awful mess, was only one-third as big as the BP spill currently is.

Beyond the immediate damage and our anger at those whose irresponsibility allowed it to happen in the first place, this bill underscores our need for a new energy policy. We need a policy that fully recognizes the obvious costs of the way we produce and consume energy today. We need to confront and limit the risks of future catastrophes. We cannot wait to act until after more tragedies and disasters happen.

A new energy policy must strongly encourage companies to invest rapidly in technology that makes us safer, more competitive, and more energy independent. That means immediately refocusing our efforts on clean and renewable energy, such as the Sun, the wind, and geothermal energy, and improving energy efficiency and using more biofuels. We need better options than oil, and we need it done yesterday.

Finally, I wish to say a word about the biggest story in sports over this past week; that is, the near-perfect game thrown by Detroit Tigers pitcher Armando Galarraga. It would have been just the 21st time in 150 years—although, remarkably, already the third time in this young season—that a pitcher had retired every opposing batter over nine innings—no hits, no walks, no errors. The perfect game is one of the most special, most difficult, most coveted accomplishments in sports. It is exceedingly rare, which, by the way, makes it all the more incredible that one of our own colleagues, the junior Senator from Kentucky, JIM BUNNING, himself once a Detroit Tiger like Galarraga, achieved the feat for the Philadelphia Phillies on Father's Day in 1964.

A perfect game means 27 men up, 27 men down. Galarraga had taken care of 26. We all know what happened to the 27th. The play was made, the runner was out, the game should have been over. Galarraga's name should have been added to an elite list that includes giants of the game such as Cy Young, Sandy Koufax, and Randy Johnson. But it didn't end that way. The first base umpire, Jim Joyce, badly blew the call. In an instant, a superhuman success story was spoiled by an all-too-human error.

Yet what makes this story so significant is not what happened in the split second between the pitcher getting the out and the umpire yelling "safe." It is what happened right after that. First of all, the umpire, Jim Joyce, admitted he was wrong. He apologized to the pitcher, the players, and the fans he let down. He didn't make any excuses. This umpire didn't hire a PR firm or run television ads defending the indefensible or try to spin his mistake; he just owned up to it.

Armando Galarraga graciously accepted the apology and moved on. He didn't raise his voice or point his finger. When every sports fan in America pitied the pitcher, the pitcher pitied the umpire. The 28-year-old player summoned the strength to throw the game of his life but then somehow summoned the grace not to throw the tantrum some say he was entitled to. It was an incredible act of class and compassion, an incredible display of perspective and sympathy. It was, appropriately enough, perfect.

In recent days, we have seen insurance companies try to avoid responsibility for denying health care to the sick. We have seen Wall Street executives try to avoid responsibility for millions of layoffs and millions more foreclosed homes. We have seen oil companies try to avoid responsibility for environmental disasters of historic proportions. We have seen too many fail to own up to their own mistakes or take responsibility for their own actions. But more than that, we have seen too many actively turn away when others have tried to hold them to account. In that context, what Jim Joyce did was as exceptional as the perfect game itself.

One call may be just one of hundreds that an umpiring crew makes each day. A single game may be just one of 162 each team will play each year. And even though baseball is the national pastime, it is merely that—a diversion. But in this episode lies a lesson for athletes about sportsmanship, for adversaries about forgiveness, for Members of Congress and for our children about integrity, and for all of us about accountability.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the debate time controlled today by Senator LEAHY with respect to Executive Calendar Nos. 730, 731, and 759 be divided as follows: 5 minutes each for Senators BOXER and MCCASKILL and the remaining 20 minutes under the control of Senator LEAHY.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to speak for up to 45 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE'S ROLE IN SUPREME COURT NOMINATIONS

Mr. SPECTER. Mr. President, I have sought recognition to comment on the way in which the Senate discharges its constitutionally assigned responsibility to consent to the appointment of Justices to the Supreme Court of the United States.

With almost 30 years of experience, my thinking on this subject has evolved and changed. At the outset, I thought the President was entitled to considerable deference, providing the nominee was academically and professionally well qualified, under the principle that elections have consequences. With the composition of the Supreme Court a Presidential campaign issue, it has become acceptable for the President to make ideological selections. As the Supreme Court has become more and more of an ideological battleground, I have concluded that Senators, under the doctrine of separation of power, have equal standing to consider ideology.

For the most part, notwithstanding considerable efforts by Senators, the confirmation process has been sterile. Except for Judge Bork, whose extensive paper trail gave him little choice, nominees have danced a carefully orchestrated minuet, saying virtually nothing about ideology.

As I have noted in the past, nominees say only as much as they think they have to in order to be confirmed. When some nominees have given assurances about a generalized methodology, illustrated by Chief Justice Roberts and Justice Alito, their decisions have been markedly different. In commenting on those Justices, or citing critical professorial evaluations of their deviations, I do not do so to challenge their good faith. There is an obvious difference between testimony before the Judiciary Committee and deciding a case in controversy. But it is instructive to analyze nominees' answers for Senators to try to figure out how to get enough information on judicial ideology to cast an intelligent vote.

In seeking to determine where a nominee will go once confirmed, a great deal of emphasis is placed on the nominee's willingness to commit to, and in fact follow, *stare decisis*. If the nominee maintains that commitment, then there are established precedents to know where the nominee will go. But, as has frequently been the case, the assurances on following *stare decisis* have not been followed. I use the illustrations of Chief Justice Roberts

and Justice Alito as two recent confirmation processes—in 2005 and 2006—as illustrative.

Chief Justice Roberts testified extensively about his purported fidelity to *stare decisis*. For example, during his confirmation hearing, he said:

I do think that it is a jolt to the legal system when you overrule a precedent. Precedent plays an important role in promoting stability and evenhandedness. It is not enough—and the Court has emphasized this on several occasions. It is not enough that you may think the prior decision was wrongly decided. . . . I think one way to look at it is that the Casey decision itself, which applied the principle of *stare decisis* to *Roe v. Wade*, is itself a precedent of the Court, entitled to respect under principles of *stare decisis*.

He went on to say:

Well, I think people's personal views on this issue derive from a number of sources, and there's nothing in my personal views based on faith or other sources that would prevent me from applying the precedents of the Court faithfully under principles of *stare decisis*.

Less than a year later, Justice Alito was no less emphatic. He testified:

I think the doctrine of *stare decisis* is a very important doctrine. It's a fundamental part of our legal system, and it's the principle that courts in general should follow their past precedents. . . . It's important because it protects reliance interests and it's important because it reflects the view that courts should respect the judgment and the wisdom that are embodied in prior judicial decisions.

He went on to say:

There needs to be a special justification for overruling a prior precedent.

Of consequence, along with adhering to the principle of *stare decisis*, is the Justices' willingness to accept the findings of fact made by Congress through the extensive hearing processes in evaluating the sufficiency of a record to uphold the constitutionality of legislative enactments. Here again, Chief Justice Roberts and Justice Alito gave emphatic assurances that they would give deference to congressional findings of fact.

Chief Justice Roberts testified as follows:

The Court can't sit and hear witness after witness after witness in a particular area and develop a kind of a record. Courts can't make the policy judgments about what kind of legislation is necessary in light of the findings that are made. . . . We simply don't have the institutional expertise or the resources or the authority to engage in that type of a process. . . . The courts don't have it. Congress does. It's constitutional authority. It's not our job. It is your job. So the deference to Congressional findings in this area has a solid basis.

Chief Justice Roberts went on to say:

[A]s a judge, you may be beginning to transgress into the area of making a law . . . when you are in a position of reevaluating legislative findings, because that doesn't look like a judicial function.

But what happened in practice was very different, illustrated by the deci-

sion where the Chief Justice, in discussing *McConnell v. Federal Election Commission*, did not say whether *McConnell* was correctly decided. But the Chief Justice did acknowledge, as the Court emphasized in its decision, that the act was a product of an "extraordinarily extensive [legislative] record. . . . My reading of the Court's opinion," said Chief Justice Roberts in his testimony, "is that that was a case where the Court's decision was driven in large part by the record that had been compiled by Congress. . . . [T]he determination there was based . . . that the extensive record carried a lot of weight with the Justices."

When the issue of campaign finance reform came up later before the Court, Chief Justice Roberts took a very different view of the weight to be given to congressional findings of fact. On the issue of the deference to be given to congressional findings of fact, Justice Alito's testimony was equally emphatic. He testified as follows:

[The] judiciary is not equipped at all to make findings about what is going on in the real world, not this sort of legislative findings. And Congress, of course, is in the best position to do that. . . . Congress can have hearings and examine complex social issues, receive statistical data, hear testimony from experts, analyze that and synthesize that and reduce that to findings. . . . I have the greatest respect for [Congressional] findings. This is an area where Congress has the expertise and where the Congress has the opportunity to assemble facts and assess the facts. We on the appellate judiciary don't have that opportunity.

In practice, there was very material deviation by both Chief Justice Roberts and Justice Alito, when it came to evaluating legislation with the point being what deference would be given to congressional factfinding. The commentators have been very critical of both of the Justices. For example, Prof. Geoffrey Stone, the Edward H. Levi Distinguished Service Professor of Law at the University of Chicago Law School, had this to say, referring to the testimony just referred to, given by Chief Justice Roberts in his confirmation hearing. Professor Stone wrote that their records on the Court " . . . speak much louder than their words to Congress." Their "abandon[ment] of *stare decisis*" in "case after case" has required Chief Justice Roberts to "eat" his words.

Professor Stone has written that the two Justices have:

. . . abandoned the principle of *stare decisis* in a particularly insidious manner, and their approach to precedent has been "dishonest."

A similar judgment was rendered by Prof. Ronald Dworkin of the New York University School of Law. Professor Dworkin said Chief Justice Roberts and Justice Alito, "who . . . promised fidelity to the law" during their confirmation hearings, have "brazenly ignore[d] past decisions."

None of the decisions of the Roberts Court speaks more directly to these issues than the case of *Citizens United v. the Federal Election Commission*. In that case, the Supreme Court overruled two decisions—*McConnell v. Federal Election Commission*, decided in 2003, where Justices had, just 7 years earlier, upheld section 203 against a facial challenge to constitutionality; and *Austin v. Michigan Chamber of Commerce*, a 1990 decision where the Supreme Court upheld the constitutionality of even a broader State statute regulating corporate campaign-related expenditures. Overruling *Austin* was especially significant because Congress had specifically relied on that decision in drafting the McCain-Feingold Act.

Justice Stevens said about that decision, in dissent, that “pulling out the rug beneath Congress,” in this manner, “shows great disrespect for a coequal branch.”

Justice Stevens emphasized the deviation from the kinds of commitments which had been made to deference to congressional findings, noting that in that decision the Court, with the backing of Chief Justice Roberts and Justice Alito, can’t decide the “virtual mountain of evidence” establishing the corrupting influence of corporate money on which Congress relied in drafting section 203.

So there you have a much heralded recent decision in *Citizens United*, which has put the campaign finance area upside down; really on its head. In the context of the extensive congressional hearings, the finding of the corrupting influence of money and politics, the forceful assurance given by those two Justices to have it so cavalierly set aside, is a factor which has to be taken into account in how we evaluate the testimony of the nominees.

Where, then, are Senators to look to try to make an evaluation of what is the judicial ideology of the nominee? I suggest there may be a way, looking into the earlier writings of the nominee, paying relatively little if any attention to the testimony on confirmation, to find out what the nominees believe, where they stand on the ideological spectrum.

Some indicators as to where Chief Justice Roberts stood can be gleaned from views he expressed on the remediation of racial discrimination while serving in a political capacity as a member of the Reagan administration, much earlier in his career. His views attracted a great deal of attention when he commented on the 1982 reauthorization of the Voting Rights Act. He then wrote more than two dozen documents urging the administration to reject a provision of the then-pending House bill that would have allowed plaintiffs to establish a violation of the act, not only by establishing that a voting practice was impermissibly motivated, but also by establishing that it had a discriminatory effect.

He claimed the so-called “effects test” would establish a quota system in elections and, more disturbingly still in light of the extensive record of voting rights amassed by congressional committees, he said that “there was no evidence of voting abuses nationwide.” Hardly consistent with the factual record which had been amassed giving some indication as to this predilections at that time.

He then made the comment in a memorandum on the same subject: “Something must be done to educate the Senators on the seriousness of this problem.” Another example in the race discrimination context was a 1981 memorandum that Roberts wrote to the Attorney General questioning the legality of regulations promulgated by the Department of Labor to enforce Executive Order 11246.

Issued in 1965, that order requires private-sector employers to contract with the Federal Government to evaluate whether qualified minorities and women are underutilized in their workforce; that if so, to adopt roles to increase their representation by encouraging women and minorities to apply for positions. It does not require or authorize employers to give any racial or sex-based preference. In fact, its implementing regulations expressly prohibit such preferences.

Roberts then attacked the regulations on the ground that they conflicted with the color blindness principle of Title VII of the Civil Rights Act of 1964 and used “quota-like concepts.” In that context only the most extreme conservatives have questioned the legality of that Executive order.

Roberts, as a younger man, working in the Federal Government, wrote despairingly about “so-called fundamental rights,” including the right to privacy.

Similar traces may be found in examining Justice Alito’s earlier writings. Among them was his characterization of Judge Bork as “one of the most outstanding nominees of this century.”

Justice Alito shared Bork’s antipathy, in particular, to the abortion right first recognized in *Roe v. Wade*. While Justice Alito was serving as assistant to Solicitor General Charles Fried in 1985, he took it upon himself to outline, in the words of Prof. Lawrence Tribe, “a step-by-step process toward the ultimate goal of overruling *Roe*.”

That year, when applying for a position as Assistant Attorney General in the Office of Legal Counsel, Judge Alito unequivocally stated in his cover letter that the Constitution does not provide for a right to terminate a pregnancy.

Justice Alito’s extrajudicial writings also evidence an expansive view of executive power. Among them, in 1989, was a speech defending Justice Scalia’s lone dissent in *Morrison v. Olson*.

There the Court upheld the constitutionality of the independent counsel law passed by Congress in the wake of Watergate.

Justice Scalia was the lone dissenter. He also expressed his agreement with the “unitary” executive theory around which Justice Scalia had framed that dissent. Justice Alito’s conservative views were again evidenced in his support of the expansion of executive power at the expense of Congress reflected in the memorandum he wrote supporting the use of Presidential signing statements to advance a President’s interpretation of a Federal statute. So that in seeking to make a determination of ideology, we have seen from the analysis, the extensive testimony of both Chief Justice Roberts and Justice Alito on two core issues—*stare decisis* and the deference to be afforded to congressional factfinding—a disregard of the platitudes of the generalizations of the methodology so emphatically testified to before the Judiciary Committee, and requiring a search into their views as expressed in other contexts where there is not the motivation for Senate confirmation.

The kinds of answers given by other nominees require similar scrutiny. The Judiciary Committee, for example, should no longer tolerate the sort of answer which Justice Scalia gave during his confirmation hearing when I asked him whether *Marbury v. Madison* was settled precedent. One would think that that would be about the easiest kind of questions to answer.

In 1986, in the so-called courtesy hearing, I asked Justice Scalia, then Judge Scalia, about a bedrock case like *Marbury v. Madison*. As evidenced during the hearing, he refused to answer with a yes or no on the question. He acknowledged only that *Marbury* was a “pillar of our system” and then said:

Whether I would be likely to kick away *Marbury v. Madison*, given not only what I just said, but also what I have said concerning my respect for the principle of *stare decisis*, I think you will have to judge on the basis of my record as a judge in the Court of Appeals, in your judgment as to whether I am, I suppose on that issue, sufficiently intemperate or extreme.

In effect, he was saying that a nominee who kicks the legs out from under *Marbury v. Madison* should be considered “intemperate or extreme,” and hence presumably denied appointment to the Court. Yet he would not forthrightly rule out a possible overturning of *Marbury v. Madison*. And so went the balance of the testimony Justice Scalia gave in his confirmation hearing. It is my suggestion that that kind of response ought no longer to be tolerated. There is an abbreviation for Justice Scalia’s testimony of the famous limitation of comment by someone arrested in a time of war to give only name, rank, and serial number. I think, by any fair standard, Justice Scalia would only give his name and rank,

and we ought to be looking for something substantially more.

Nor can the committee, in my judgment, any longer accept a statement given by Justice Clarence Thomas in 1991 that he did not have an opinion as to whether *Roe* was properly decided, and, more remarkably still, could not recall ever having had a conversation about it.

In searching for some of the bedrock principles which I would suggest the Senators ought to look for in the confirmation process, I would enumerate five. First, I believe a nominee should accept that the 14th and 15th amendments confer substantial power on Congress to enforce their substantive provisions.

In the past 13 years since the case in the *City of Boerne v. Flores*, the Court has adopted a concept of proportionality and congruence, a standard which is impossible to understand, certainly impossible for Congress to know on our legislative findings and our legislative enactments as to what will satisfy the Supreme Court of the United States on what they may, at some later day, consider to be "proportional and congruent."

I suggest that Justice Breyer has the correct standard when he said the courts should ask no more than whether "Congress could reasonably have concluded that a remedy is needed and that the remedy chosen constitutes an appropriate way to enforce the amendments."

A second guiding principle I would suggest is, a nominee should accept that the Constitution, and in particular the due process clause of the 14th amendment, protects facets of individual liberty not yet recognized by the Court. The Court has repeatedly held, through the due process clause of the 14th amendment, the Constitution protects facets of liberty, a realm of personal liberty which the government may not enter, and in accordance with the shifting values of our society has expanded the reach of the due process clause.

A third principle which I suggest the Senate should adopt is a nominee should accept that liberty protected by the Constitution's due process clause includes the right to terminate a pregnancy before the point of viability. I recognize that abortion remains a divisive moral and social issue. But the constitutional status of abortion rights has been settled. The Court has declined the opportunity to overrule *Roe v. Wade* in nearly 40 cases. In *Casey v. Planned Parenthood*, three Republican nominees to the Court joined two other Justices in affirming *Roe*'s central holding.

Even conservative Federal Judge Michael Luttig has characterized *Casey* as "super stare decisis." Even some of *Roe*'s most vociferous critics, including President Reagan's Solicitor General

Charles Fried, who urged the Court in the 1980s to overturn the decision, and the late John Hart Ely, perhaps *Roe*'s most prominent academic critic, have said that the Supreme Court should not at this late date overrule *Roe*.

The fourth principle which I suggest ought to be accepted is that a nominee should accept the equal protection clause of the 14th amendment does not prohibit narrowly tailored race-based measures, that is, does not mandate color blindness so long as the measures do not amount to quotas.

A fifth principle which I think ought to be a standard is that a nominee should accept the constitutionality of statutory restrictions on campaign contributions to candidates for office.

The statement which I have made is an abbreviation of a much more extended written statement, which I ask unanimous consent to have printed in the RECORD with these introductory remarks as I have just made them.

I make this explanation to give a reason why there is obviously some repetition between what I have said in abbreviated form and the full text of the statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLOOR STATEMENT ON CONFIRMATION OF SUPREME COURT NOMINEES

Mr. President, I have sought recognition to comment on the way in which the Senate discharges its constitutionally assigned responsibility to consent to the appointment of Justices to the Supreme Court.

With almost 30 years of experience, my thinking on this subject has evolved and changed. At the outset, I thought the President was entitled to considerable deference providing the nominee was academically and professionally well qualified. Under the principle that elections have consequences with the composition of the Supreme Court a presidential campaign issue, it has been accepted for the President to make ideological selections. As the Supreme Court has become more and more of an ideological battleground, I have concluded that Senators, under the doctrine of separation of power, have equal standing to consider ideology.

For the most part, notwithstanding considerable effort by Senators, the confirmation process has been sterile. Except for Judge Bork, whose extensive paper trail gave him little choice, nominees have danced a carefully orchestrated minuet, saying virtually nothing about ideology. Nominees say only as much as they think they have to in order to be confirmed. When some nominees have given assurances about a generalized methodology, illustrated by Chief Justice Roberts and Justice Alito, their decisions have been markedly different.

In commenting on those Justices or citing critical professorial evaluations of their deviations, I do not do so to challenge their good faith. There is an obvious difference between testimony before the Judiciary Committee and deciding a case in controversy. But it is instructive to analyze nominees answers for Senators to try to figure out how to get enough information on judicial ideology to cast an intelligent vote.

I. As a member of the Committee on the Judiciary since entering the Senate, I have

participated in the confirmation hearings of eleven nominees to the Court (Sandra Day O'Connor, Antonin Scalia, Robert Bork, Anthony Kennedy, David Souter, Clarence Thomas, Ruth Bader Ginsburg, Stephen Breyer, John Roberts, Samuel Alito, and Sonya Sotomayor) and the nomination of then-Associate Justice William Rehnquist to serve as Chief Justice. I chaired the confirmation hearings on two of these nominees, John Roberts and Samuel Alito.

I voted to confirm all but one of the nominees, Judge Robert Bork. His own testimony placed him well outside the judicial mainstream. Judge Bork made clear his view, for instance, that the Fourteenth Amendment's due process clause imposes no substantive limits on governmental actions that infringe upon fundamental rights to conduct one's intimate relations in private, to control one's reproduction, to choose one's spouse, and so forth. Not even Justice Scalia, who reads the due process clauses narrowly, has taken that position. Nor have the Court's newest conservative members, Chief Justice Roberts and Justice Alito.

Still more troubling were Judge Bork's extreme views on the constitutionality of racial discrimination. He went so far as to say that the Court wrongly decided *Bolling v. Sharpe* (1954), which held unconstitutional racial segregation in Washington, DC's public education system; and *Shelley v. Kraemer* (1948), which held unenforceable race-based restrictive covenants in residential housing. Both were unanimous decisions joined by conservative justices.

It was not his mere criticism of these and many other important decisions alone that led me to vote against Judge Bork. It was the very real possibility that he would vote to overturn or resist the application of bedrock precedents of the Court. (Arlen Specter, *Why I Voted Against Bork*, *New York Times*, Oct. 9, 1987.) So objectionable was Judge Bork's judicial ideology that it drew rebukes even from some prominent Republicans. Among them was William Coleman, Jr., one of America's leading lawyers of the twentieth century, and along with Justice Scalia, a member of the Ford Administration.

My vote on Judge Bork proved the right decision. Judge Bork's post-hearing writings beginning with *The Tempting of America: The Political Seduction of the Law* in 1988 left no doubt that his testimony was but a preview of the extremism he would have brought to the Court.

II. I have never demanded that a nominee satisfy an ideological litmus test whether liberal or conservative much less demanded that a nominee commit to reaching a particular certain outcome in any given case. What I have demanded is that a nominee, first, affirm his or her commitment to the doctrine of stare decisis (the policy of following precedent rather than interpreting constitutional and statutory provisions anew in each case, unless compelling reasons demand otherwise); and, second, pledge to honor the legislative powers the Constitution assigns to the Congress, especially its remedial powers to enforce the Fourteenth and Fifteenth Amendments.

Nominees committed to stare decisis and respectful of Congress' lawmaking powers are much less likely to indulge their ideological preferences whether left or right in interpreting the open-ended provisions of the Constitution and federal statutes to which very different meanings could be ascribed. They are, in short, less likely to become activists. Noted Court commentator Jeffrey Rosen made just that point soon before the

Roberts confirmation hearing. He said that the best way to find out whether Chief Justice Roberts was a conservative activist (in the mold of Justices Scalia and Thomas) or a moderate, cautious, and restrained conservative (in the mold of Justice O'Connor) would be to explore Judge Roberts's view of precedents, which the lawyers call *stare decisis*, or let the decision stand. (In *Search of John Roberts*, *The New York Times*, July 21, 2005.)

That is why when I questioned Roberts and Alito in 2005 and 2006, respectively, I focused heavily on the issue of *stare decisis*. Several other Senators did as well. Both Chief Justice Roberts and Justice Alito provided extensive testimony on the subject. Their testimony warrants extensive quotation.

Chief Justice Roberts testified:

Judges are like umpires. Umpires don't make the rules, they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules, but it is a limited role. Nobody ever went to a ball game to see the umpire. Judges have to have the humility to recognize that they operate within a system of precedent shaped by other judges equally striving to live up to the judicial oath. . . .

[T]he importance of settled expectations in the application of *stare decisis* is a very important consideration.

I do think that it is a jolt to the legal system when you overrule a precedent. Precedent plays an important role in promoting stability and evenhandedness. It is not enough and the Court has emphasized this on several occasions. It is not enough that you may think the prior decision was wrongly decided.

Well, I think people's personal views on this issue derive from a number of sources, and there's nothing in my personal views based on faith or other sources that would prevent me from applying the precedents of the Court faithfully under principles of *stare decisis*.

I think one way to look at it is that the *Casey* decision [*Casey v. Planned Parenthood of Southeastern Pennsylvania* (1992)] itself, which applied the principles of *stare decisis* to *Roe v. Wade* [1973], is itself a precedent of the Court, entitled to respect under principles of *stare decisis*. And that would be the body of law that any judge confronting an issue in his care would begin with, not simply the decision in *Roe v. Wade* but its reaffirmation in the *Casey* decision. That is itself a precedent. It's a precedent on whether or not to revisit the *Roe v. Wade* precedent. And under principles of *stare decisis*, that would be where any judge considering the issue in this area would begin.

Testifying a year later, Justice Alito was no less emphatic. He testified:

I think the doctrine of *stare decisis* is a very important doctrine. It's a fundamental part of our legal system, and its the principle that courts in general should follow their past precedents, and its important for a variety of reasons. Its important because it limits the power of the judiciary. Its important because it protects reliance interests, and its important because it reflects the view of the courts should respect the judgments and the wisdom that are embodied in prior judicial decisions. Its not an inexorable command, but it's a general presumption that courts are going to follow prior precedents.

I agree that in every case in which there is a prior precedent, the first issue is the issue of *stare decisis*, and the presumption is that the Court will follow its prior precedents.

There needs to be a special justification for overruling a prior precedent.

I don't want to leave the impression that *stare decisis* is an inexorable command because the Supreme Court has said that it is not, but it is a judgment that has to be based, taking into account all of the factors that are relevant and that are set out in the Supreme Court's cases.

It was not only the nominees themselves who testified that they would follow *stare decisis*. Numerous hearing witnesses made that claim on their behalf. One prominent practitioner before the Court (Maureen E. Mahoney) told the Committee that Chief Justice Roberts had the deepest respect for legal principles and legal precedent. Charles Fried, the conservative Solicitor General during the Reagan Administration, testified that he did not believe that Chief Justice Roberts would vote to overturn *Roe v. Wade* (1973). Commenting in 2007, federal circuit judge Diane Sykes wrote that Chief Justice Roberts's and his supporters hearing testimony portrayed a cautious judge who would be attentive to the discretion-limiting force of decisional rules and precedent (Of a Judiciary Nature: Observations on Chief Justice's First Opinions, 34 *Pepperdine Law Review* 1027 (2007)). In the case of Justice Alito, the late Edward Becker, the former Chief Judge of and Justice Alito's colleague on the Court of Appeals for the Third Circuit, a nationally acclaimed judicial centrist, testified that as circuit court judge Justice Alito scrupulously adhered to precedent. A group of Third Circuit judges backed Judge Becker by speaking out in favor of Justice Alito's confirmation.

Numerous liberal commentators also noted Chief Justice Roberts's and Justice Alito's professed respect for precedent despite their apparent ideological conservatism. *New York Times* Court reporter Linda Greenhouse, for instance, noted that [b]oth Chief Justice John G. Roberts, Jr. and Justice Samuel Alito, Jr., assured their Senate questioners at their confirmation hearing that they . . . respected precedent (Precedents Begin to Fall for Roberts Court, *The New York Times*, July 21, 2007). Chief Justice Roberts's commitment to *stare decisis* even earned him the support of some noted liberal constitutional scholars. Among them was Laurence Tribe, the renowned professor of constitutional law at Harvard Law School, and Geoffrey Stone, the Edward H. Levi Distinguished Service Professor at the University of Chicago Law School. Professor Stone wrote in an op-ed that Chief Justice Roberts is too good of a lawyer, too good a craftsman, to embrace . . . a disingenuous approach to constitutional interpretation. Everything about him suggests a principled, pragmatic justice who will act cautiously and with a healthy respect for precedent (President Bush's Blink, *Chicago Tribune*, July 27, 2005, at 27). He noted in a subsequent law review article that [b]ased largely on Chief Justice Roberts's testimony on *stare decisis*, I publicly supported his confirmation. (The Roberts Court, *Stare Decisis* and the Future of Constitutional Law, 82 *Tulane Law Review* 1533 (2008).) Professor Cass Sunstein of Harvard Law School, who now heads the Obama Administration's Office of Information and Regulatory Affairs (OIRA), likewise supported Chief Justice Roberts's confirmation for this reason. (Minimalist Justice, *The New Republic*, Aug. 1, 2005 [check].) So, too, did Court commentator Jeffrey Rosen. (Jeffrey Rosen, In *Search of John Roberts*, *The New York Times*, July 21, 2005.)

In addition to *stare decisis*, the confirmation hearings also addressed what I bluntly referred to during the Roberts hearing as the denigration by the Court of Congressional authority. I noted several important cases in which the Court had disregarded legislative fact-findings made incidental to Congress's constitutionally assigned legislative powers.

The issue has taken on particular importance with respect to two of the civil rights amendments: the Fourteenth, which forbids a state from (among things) abridging the right of any person within its jurisdiction the equal protection of the laws, and the Fifteenth, which forbids the states and the federal government from denying any citizen the right to vote on account of race. Both amendments give Congress the power to enforce their prohibitions by appropriate legislation. Difficult questions have arisen as to the contours of Congress's powers under the Fourteenth and Fifteenth Amendments. This much, though, should be beyond debate: Congress alone has the institutional fact-finding capacity to investigate whether state practices result in systemic deprivations of the rights guaranteed by these amendments and, having found such deprivations, to fashion appropriate measures to remediate them.

Just as they did on the subject of *stare decisis*, both Chief Justice Roberts and Justice Alito gave the Committee assurances that they would defer to Congressional findings of fact that underlay the exercise of Congress's powers not only under the civil rights amendments but also the Commerce Clause. Chief Justice Roberts testified:

The reason that congressional fact finding and determination is important in these cases is because the courts recognize that they can't do that. Courts can't have, as you said, whatever it was, the 13 separate hearings before passing particular legislation. . . . [The Supreme] Court can't sit and hear witness after witness after witness in a particular area and develop that kind of a record. Courts can't make the policy judgments about what type of legislation is necessary in light of the findings that are made . . . We simply don't have the institutional expertise or the resources or the authority to engage in that type of a process. So that is sort of the basis for the deference to the fact finding that is made. It's institutional competence. The courts don't have it. Congress does. It's constitutional authority. It's not our job. It is your job. So the deference to congressional findings in this area has a solid basis.

I appreciate very much the differences in institutional competence between the judiciary and the Congress when it comes to basic questions of fact finding, development of a record, and also the authority to make the policy decisions about how to act on the basis of a particular record. It's not just disagreement over a record. It's a question of whose job it is to make a determination based on the record . . . [A]s a judge, you may be beginning to transgress into the area of making a law . . . when you are in a position of re-evaluating legislative findings, because that doesn't look like a judicial function.

Chief Justice Roberts also addressed the issue of legislative fact-finding when discussing the Court's decision in *McConnell v. Federal Election Commission* (2003). There the Court rejected a First Amendment facial challenge to a provision of the Bipartisan Campaign Reform Act (commonly known as McCain-Feingold Act) that bars corporations and labor unions from funding advertisements in support of or opposition to a candidate for federal office soon before an election. Although he would not say whether

McConnell was correctly decided, Chief Justice Roberts did acknowledge, as the Court emphasized in its decision, that the Act was the product of an extraordinarily extensive [legislative] record. . . . My reading of the Court's opinion . . . is that that was a case where the Court's decision was driven in large part by the record that had been compiled by Congress. . . . [T]he determination there was based . . . that the extensive record carried a lot of weight with the Justices.

On the subject of legislative fact-finding, Justice Alito's testimony was in accord. Justice Alito testified:

I think that the judiciary should have great respect for findings of fact that are made by Congress. . . .

[The] judiciary is not equipped at all to make findings about what is going on in the real world, not this sort of legislative findings. And Congress, of course, is in the best position to do that.

Congress can have hearings and examine complex social issues, receive statistical data, hear testimony from experts, analyze that and synthesize that and reduce that to findings.

I have the greatest respect for [Congressional] findings. This is an area where Congress has the expertise and where Congress has the opportunity to assemble facts and to assess the facts. We on the appellate judiciary don't have that opportunity.

And when Congress makes findings on questions that have a bearing on the constitutionality of legislation, I think they are entitled to great respect.

III. The record of the newly constituted Roberts Court and, in particular, that of Chief Justice Roberts and Samuel Alito raises serious questions as to the adequacy of the prevailing standard for evaluating nominees to the Court. Although barely four years old, the Roberts Court has already amassed a record of conservative judicial activism that the country has not seen since the early New Deal era. This has manifested, most significantly, in the Court's willingness to overrule precedent and usurp the law-making powers of Congress in service of conservative political objectives.

Numerous commentators have highlighted the contradiction between Chief Justice Roberts's and Justice Alito's testimony, and their actions on the Court. Professor Stone, whose words in support of Chief Justice Roberts I just quoted, has written that their records on the Court speak much louder than their words to Congress. Their abandon[ment] of *stare decisis* in case after case has required Chief Justice Roberts to eat his words about commitment to precedent. (The Roberts Court, *Stare Decisis*, and the Future of Constitutional Law, 82 *Tulane Law Review* 1533 (2008).) Another prominent academic lawyer, Professor Ronald Dworkin of New York University Law School, has said that Justices Roberts and Alito had both declared their intention to respect precedent in their confirmation hearings, and no doubt they were reluctant to admit so soon how little those declarations were worth. (Quoted in Linda Greenhouse, *Precedents Begin to Fall for Roberts Court*, *The New York Times*, June 21, 2007). Professor Dworkin later said that Chief Justice Roberts and Justice Alito, who . . . promised fidelity to the law during their confirmation hearings, have brazenly ignore[d] past decisions (Justice Sotomayor: The Unjust Hearing, *The New York Review of Books*, Sept. 24, 2009). And Jeffrey Rosen of *The New Republic* recently asked in an article, and later in a hearing before the Judi-

ciary Committee, whether the John Roberts who testified before the Senate was the same John Roberts who now sits on the Court (Roberts Versus Roberts: How Radical is the Chief Justice? *The New Republic*, Feb. 17, 2010).

No decision of the Roberts Court supports these assessments more powerfully than *Citizens United v. Federal Election Commission* (2010). A five-four majority of the Court struck down as facially unconstitutional section 203 of the Bipartisan Campaign Act of 2002 (commonly known as the McCain-Feingold Act), which prohibits corporations and unions from making independent campaign expenditures (independent because they are not coordinated with a campaign) to fund any broadcast, cable, or satellite communication that refers to a clearly identified candidate for federal office and is made within 30 days of a primary or 60 days of a general election. (Federal law leaves corporations free to finance television ads, during a campaign or otherwise, addressing whatever political issues they wish and to engage in express advocacy for or against a candidate in print or through other mediums of communication not covered by the statute. It also leaves them free to engage freely in political advocacy, as they often do, through PACs.)

The upshot is that election-related speech by corporations including foreign corporations now apparently enjoys the same constitutional protection as campaign-related speech by citizens. It is little wonder that even three-fourths of Republicans polled have expressed disagreement with the Court's decision.

The much-discussed rebuke of the Court by the President during the last state-of-the-union address was deserved. For the Court's decision did not merely reflect an erroneous, but reasonable, interpretation of the First Amendment. It reflected five Justices willingness to repudiate precedent, history, and Congressional findings to an extraordinary degree. To highlight: (1) The Court went out of its way to overrule two decisions: *McConnell v. Federal Election Commission* (2003), where six Justices (including most notably Chief Justice Roberts's and Justice Alito's predecessors, Chief Justice Rehnquist and Justice O'Connor) had just seven year earlier upheld section 203 against a facial challenge to its constitutionality, and *Austin v. Michigan Chamber of Commerce* (1990), where the Court upheld the constitutionality of even broader state statute regulating corporate campaign-related expenditures. Overruling *Austin* was especially significant because Congress specifically relied on that decision in drafting the McCain Feingold Act. Pulling out the rug beneath Congress in this manner, Justice Stevens noted in dissent, shows great disrespect for a coequal branch. (2) The Court eschewed a number of narrower grounds (both constitutional and statutory) for ruling in favor of the corporate litigant. (3) The Court, in Justice Stevens's words, rewrote the law relating to campaign expenditures by for-profit corporations and unions (emphasis) by putting for-profit corporations on the same constitutional footing as individuals, media corporations, and non-profit advocacy corporations, and made a dramatic break from our past by repudiating a century's history of federal regulation of corporate campaign activity. (4) And the Court, to quote Justice Stevens once more, cast aside the virtual mountain of evidence establishing the corrupting influence of corporate money on which Congress relied in drafting ' 203. Recall the words I quoted ear-

lier of the Chief Justice during his confirmation hearing as to the extensive legislative record on which *McConnell* was based.

Citizens United is the most visible demonstration of Chief Justice Roberts' and Justice Alito's troubling disregard of precedent and usurpation of Congress' constitutionally assigned powers. It is not the only. Let me offer some additional examples first in cases interpreting the Constitution and then in cases interpreting federal statutes.

Especially troubling is *Parents Involved in Community Schools v. Seattle School District No. 1* (2007). The Court struck down narrowly tailored race-conscious remedial plans adopted by two local boards designed to maintain racially integrated school districts. In his opinion for the Court, Chief Justice Roberts concluded that only upon establishing that it had intentionally discriminated in the assignment of students may a school district voluntarily adopt such a plan that is to say, only when the Fourteenth Amendment's equal protection clause would actually require race-conscious remedial efforts. But as Justice Breyer emphasized in his dissenting opinion, a longstanding and unbroken line of legal authority tells us that the Equal Protection Clause [of the Fourteenth Amendment] permits local school boards to use race-conscious criteria to achieve positive race-related goals, even when the Constitution does not compel it. The majority's disregard of that precedent, Justice Breyer wrote in dissent, threatens to substitute for present calm a disruptive round of race-related litigation, and . . . undermines Brown's promise of integrated . . . education that local communities have sought to make a reality. Justice Breyer pointedly asked: What has happened to *stare decisis*? [S]o extreme was Chief Justice Roberts position, *New York Times* Court reporter Linda Greenhouse has written, that concurring Justice Anthony Kennedy, himself a conservative on the equal protection clause, refused to sign it (Op-ed, *The Chief Justice on the Spot*, *The New York Times*, Jan. 9, 2009).

Hein v. Freedom from Religion Foundation, Inc., 127 S. Ct. 2553 (2007), written by Justice Alito, and *Morse v. Frederick*, 127 S. Ct. 1610 (2007), written by Chief Justice Roberts, present two additional examples in the area of constitutional law. *Hein* held that an individual taxpayer did not have standing to challenge the constitutionality of government expenditures to religious organizations under the Bush administration's faith-based initiatives program. That conclusion ran counter to a four-decade-old precedent holding that taxpayers have standing to challenge federal expenditures as violative of the Establishment Clause (*Flast v. Cohen* (1968)). Justice Alito distinguished the precedent on the ground that it involved a program authorized by the legislative branch rather than the executive branch. But as Justice Souter explained in dissent, Justice Alito's distinction has no basis in either logic or precedent.

The second case, *Morse*, held that the suspension of high school students for displaying a banner across the street from their school that read BONG Hits 4 JESUS did not violate the First Amendment. That holding ran counter to another long-standing precedent, *Tinker* (1969), which held unconstitutional the discipline of a public-school student for engaging in First Amendment-protected speech unless it disrupts school activities. Chief Justice Roberts attempted to distinguish *Tinker* on the ground that the banner in the case before him could be read

to encourage illegal drug use. That distinction is unpersuasive. The communicative display held protected in *Tinker* the wearing of an arm band protesting the Vietnam war might just as plausibly be interpreted to encourage illegal activity, i.e., draft dodging.

Nowhere has Chief Justice Roberts's and Justice Alito's disrespect for precedent manifested itself more consistently, perhaps, than in their statutory decisions favoring business and corporate interests over consumers, employees, and civil rights plaintiffs. During the Court's last Term alone, Chief Justice Roberts and Justice Alito voted in three five-to-four decisions to upend precedent in favor of business interests, twice ruling against civil rights claimants. The most recent such case upended the Court's unanimous 1974 decision in *Alexander v. Gardner-Denver Co.* (1974), which held that an employee cannot be compelled to arbitrate a statutory discrimination claim under a collectively bargained-for arbitration clause to which he did not consent. The Court held otherwise in 14 Penn Plaza, LLC v. Pyett (2009), thereby depriving many employees of their right to bring statutory discrimination claims in federal court. Rather than acknowledge that it was overruling *Gardner-Denver*, however, the Court cast that decision's holding in implausibly narrow terms. This prompted the dissenters to lament the Court's subversion of precedent to the policy favoring arbitration. Other examples are cataloged in the record of a 2008 Judiciary Committee hearing on the subject of decisions favoring big business. (Courting Big Business: the Supreme Court's Recent Decisions on Corporation Misconduct and Laws Regulating Corporations, Hearing Before the S. Comm. on the Judiciary, July 23, 2008.)

During the Court's 2006 Term, Chief Justice Roberts and Justices Alito and Thomas joined the majority in two major cases (also decided by bare five-four majorities) overruling precedents so as to favor large corporate interests: *Leegin Creative Leather Products, Inc. v. PSKS* (2007), where the Court overturned a century-old precedent holding that vertical price-fixing agreement per-se violate the federal antitrust laws; and *Ashcroft v. Iqbal* (2009), where the Court, drawing on *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), changed the long-standing rules governing what a plaintiff must allege at the outset of his or her case in order to get into federal court. One reporter has noted that *Iqbal* gives corporate defendants a gift that keeps on giving. (Tony Mauro, Plaintiffs Groups Mount Effort to Undo Supreme Courts *Iqbal* Ruling, *The National Law Journal*, Sept. 21, 2009.)

It is not just that Chief Justice Roberts and Justice Alito have disregarded precedent. It is the matter in which they have done it by distinguishing it on unpersuasive grounds or outright ignoring it without forthrightly overruling it. Professor Stone has written that the two Justices have abandoned the principle of *stare decisis* in a particularly insidious manner and that their approach to precedent has been dishonest (Geoffrey Stone, *The Roberts Court, Stare Decisis, and the Future of Constitutional Law*, 82 *Tulane Law Review* 1533 (2008)). Another notes that [t]his may be a long-term characteristic of the Roberts Court, changing the law, even dramatically, but without expressly overruling precedent. But this may also be a short-term phenomena and reflective of the recent confirmation hearings of John Roberts and Samuel Alito. At both, there was considerable discussion of prece-

dent and even super precedent. Perhaps with these confirmation discussions still fresh in mind, these Justices did not want to expressly overrule recent precedent. But as time passes, the hesitancy may disappear (Erwin Chemerinsky, *Forward*, *Supreme Court Review*, 43 *Tulsa L. Rev.* 627 (2008).)

Even fellow conservative Justices Scalia and Thomas have criticized Chief Justice Roberts and Justice Alito for the way in which they dispense with precedent without forthrightly overruling it. In *Federal Election Commission v. Wisconsin Right to Life* (2007), for instance, Justice Scalia went so far as to accuse Chief Justice Roberts and Justice Alito of practicing what he called faux judicial restraining by effectively overruling *McConnell v. Federal Election Commission* without expressly saying so.

Numerous distinguished academics have criticized the Roberts's Courts record with respect to *stare decisis*. Professor Stone has even said that Chief Justice Roberts's and Alito's conduct during the first term during which they both sat on the Court was the most disheartening judicial performances he has ever witnessed. (The Roberts Court, *Stare Decisis*, and the Future of Constitutional Law, 82 *Tulane Law Review* 1533 (2008).) Similarly, Professor Dworkin has charged Chief Justice Roberts and Justice Alito with leading a revolution Jacobin in its disdain for tradition and precedent, and said of their testimony before the Judiciary Committee that it was actually a coded script for the continuing subversion of the American constitution. (The Supreme Court Phalanx, *New York Review of Books*, Sept. 27, 2007, at 92.) And Dean Erwin Chemerinsky has noted the Roberts Court's pronounced willingness to depart from prior rulings, even recent precedents. (Forward, *Supreme Court Review*, 43 *Tulsa L. Rev.* 627 (2008).)

As for the Roberts Court's denigration of Congressional power, its record is not as extensive as it is with respect to *stare decisis*, but it is troubling nonetheless. I have already discussed *Citizens United*, where the Court overturned a precedent (*Austin v. Michigan Chamber of Commerce* (1990)) on which Congress relied in drafting the McCain-Feingold Act and disregarded a record of legislative fact-finding establishing the corruption of our electoral system by the influx of independent corporate campaign-related expenditures. Two other cases support that assessment.

The first is *Northwest Austin Municipal Utility District v. Holder* (2009). At issue was the constitutionality of '5 of the Voting Rights Act of 1965. Section 5 prohibits changes in the election procedures of states with a history of racial discrimination in voting unless the Attorney General or a three judge district court determines that the change neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. Congress passed the Act under the express power conferred on it by article 2 of the Fifteenth Amendment to enforce the Amendments first section which prohibits racial discrimination in voting by appropriate legislation. Congress reauthorized the Act in 1970 (for five years), in 1975 (for seven years), in 1982 (for twenty-five years), and in 2006 (for another twenty five years). The Court upheld the first three extensions. At issue in *Austin* was whether the 2006 extension was supported by an adequate legislative record.

There was no question that it was. Writing for the Court in *Northwest Austin*, Chief Justice Roberts himself conceded that '2 of the

Fifteenth Amendment empowers Congress, not the Court, to determine in the first instance what legislation is needed to enforce it and that Congress amassed a sizeable record [over ten months in 21 hearings] in support of its record to extend '[5s] preclearance requirements, a record the District Court determined document[ed] contemporary racial discrimination in covered states. Ultimately the Court avoided the constitutional question in *Austin* by deciding the case on a narrow statutory ground. But during oral argument in the case, Chief Justice Roberts made clear that he was disinclined to accept Congress' legislative finding as to the need for '5. He said that, in extending '5s so-called preclearance requirements, Congress was sweeping far more broadly than they need to, to address the intentional discrimination under the Fifteenth Amendment. Numerous Court commentators have suggested that it was only because Chief Justice Roberts could not muster a majority for striking down '5 that he agreed to decide the case on narrow statutory grounds. (E.g., Linda Greenhouse, *Down the Memory Hole*, *The New York Times*, Oct. 2, 2009.) It is difficult to resist that conclusion. There was no reason for four Justices to have granted certiorari in the case unless they wanted to strike down '5. The statutory issue the Court decided was unimportant.

Another example is *Ashcroft v. Iqbal* (2009). Building on its earlier decision in *Bell Atlantic v. Twombly* (2007), the Court there changed the long-standing rules of pleadings the rules governing what a plaintiff must allege in a complaint to have his case heard in federal court under the Federal Rules of Civil Procedure. Until *Twombly* and *Iqbal*, the Federal Rules required no more of a complaint than that it provide a short and plain statement of the claim, sufficient to give the defendant fair notice of what the plaintiffs claim is and the grounds upon which it rested. *Conley v. Gibson* (1957) (quoting Rule 8(a)(2)). A plaintiff was not required to plead the specific facts underlying his allegations. Only if a complaints allegations, accepted as true, failed to support a viable theory of relief that is, fail[ed] to state a claim upon which relief can be granted (Fed. R. Civ. P. 12(b)(6)) could the complaint be dismissed. That rule makes eminent sense: not until receiving a plaintiff's post-discovery evidentiary submission can the court evaluate the sufficiency of his factual allegations. *Twombly* jettisoned notice pleading by requiring that a complaint include sufficiently detailed factual allegations to render its key allegations plausible. *Iqbal* went a substantial distance beyond *Twombly* by requiring courts to draw on [their] judicial experience and common sense in effect, to indulge their subjective judgments without the benefit any evidence in evaluating a complaint's plausibility. No one yet knows the extent to which these new rules will limit Americans' access to the courts. But so far the signs especially in civil rights cases are not encouraging.

The significance of the two decisions, apart from whatever effect they may have on access to the federal courts, is that the Court end ran the Congressionally established process for changing the rules of civil procedure. In the Rules Enabling Act of 1938, Congress delegated to the federal judiciary its power to promulgate procedural rules for cases in the federal courts, but not through the normal mechanism of case-by-case adjudication. Congress recognized that establishing procedural rules is not a judicial function; it is a legislative function. Therefore, Congress required that any proposed

rule change be noticed and subjected to public comment (much as a proposed rule by a administrative agency is subjected to notice-and-comment rulemaking procedures), carefully reviewed by the relevant committees of the Judicial Conference in open proceedings that allows for public participation, and then approved by the Conference. The rule must then be presented to the Supreme Court for approval and, if approved, sent to Congress, which has six months to review and disapprove the rule. Twombly and especially Iqbal represent a brazen disregard for these Congressionally established procedures. No one should let the technical nature of the issues in these cases obscure that fact.

IV. Where does all this leave us? It is clear that we can no longer content ourselves with assurances from a nominee that he or she will respect precedent a promise all nominees now seem to employ, in Laurence Tribe's words, as a magic elixir [citation] and defer to the legitimate exercise of Congressional power (including legislative fact-finding). Chief Justice Roberts' and Justice Alito's performance on the Court demonstrate how little those promises tell us about how a nominee will decide particular cases once seated on the Court. Still less can we content ourselves with vague promises of the sort that we have heard repeatedly from nominees of both Democratic and Republican Presidents in the post-Bork era that they will decide cases according to the law, honor the rule of law, approach each case with an open mind, put aside personal policy preferences when donning their robes, and so on. None of these promises tells us anything meaningful about how a Justice will decide cases.

Nor will a nominee's testimony about what interpretative methodologies he or she will employ in deciding cases or what role he or she envisions for judicial review in our system usually tell us much, if anything useful, about what sort of voting record he or she will have on the Court. As one academic who has carefully studied the confirmation hearing of every nominee beginning with Justice O'Connor in 1982 observes, most Supreme Court nominees say more or less the same thing when answering inquiries about the nominee's general approach to constitutional philosophy or interpretation. (Lori A. Ringhand, I'm Sorry, I Can't Answer That: Positive Scholarship and the Supreme Court Confirmation Process, *University of Pennsylvania Journal of Constitutional Law* 331 (2008).) Solicitor General Kagan made much the same point in 1995 when, in a law review article whose key arguments she still stands by, wrote that a nominee's statements of judicial philosophy may be so abstract as to leave uncertain, especially to the public, much about their real-world consequences. (Elena Kagan, Confirmation Messes, Old and New, *University of Chicago Law Review*, 62 *University of Chicago Law Review* 919, 935 (1995).)

Consider one interpretative methodology that, beginning with Robert Bork, has taken on special prominence in the confirmation process: original intent, sometimes called original meaning. Conservatives claim that only by interpreting the Constitution according to its original intent can judges avoid reading their personal ideological views into the Constitution. But as Christopher Eisgruber, the Provost of Princeton University and a former law professor at New York University School of Law, has observed in an important book, originalist accounts of constitutional meaning . . . reflect the ideological values of the judges who

render them, no less than do other interpretations of the Constitution.

Original intent is not the exclusive province of conservatives. Both liberal and conservatives regularly appeal to original intent to justify their positions. One prominent liberal academic lawyer, paraphrasing another, claims that w[e] are all originalists now. (Laurence H. Tribe, Comment in Antonin Scalia, *A Matter of Interpretation* (1997), p. 67.) It is not surprising that during their confirmation hearings both Judge Bork and Justice Souter Republican nominees who, we later learned, shared very different judicial ideologies subscribed to original intent as an interpretative methodology. The problem is that liberals and conservatives reach competing conclusion as to what the original intent requires with respect to contested constitutional provisions. Sometimes even conservatives disagree among themselves about original intent in particular cases. Professor Eisgruber notes: The originalist Justice Antonin Scalia insists that the framers intended for the free speech clause to establish a principle that protects flag burning; the originalist former judge . . . Robert Bork says that they did not. Scalia says that the framers did not intend the free exercise clause to provide religious believers with exemptions from generally applicable laws; the originalist scholar and federal judge Michael McConnell says that they did. John Paul Stevens and four other moderate-to-liberal justices say that the framers intended to provide term limits for federal legislators; four more conservative justices say that they did not. (The Next Justice (2007), p. 40.) Another of many more recent examples relates to gun rights. Two years ago in *District of Columbia v. Heller* (2008), the Supreme Court was presented with the question whether the Second Amendment guarantees an individual right to bear arms unconnected with service in a state militia. The Court's five conservative Justices answered definitively yes; the Court's four more liberal members answered definitively no. Both relied on the framers' original understanding of the Second Amendment to reach their conclusions. Here, as in many cases where original is invoked, to quote Professor Eisgruber again, the judges' conclusions about the framers wanted align with their own constitutional values.

One reason that neither originalism nor any other neutral interpretative approach will dictate the result in the difficult cases that come before the Court is that the Constitution's most contested provisions set forth general principles using abstract language. The First Amendment prohibits Congress from making a law that respecting an establishing of religion or abridging the freedom of speech. The Fifth and Fourteenth Amendments prohibit the federal government and the states, respectfully, from depriving any person of life, liberty, or property without due process of law. The Eighth Amendment prohibits the imposition of cruel and unusual punishment. And the Fourteenth Amendment prohibits the states from depriving any person within their jurisdiction the equal protection of the laws. Many statutes are similarly open-ended and no less demanding of judicial interpretation. Think, for instance, of the Sherman Antitrust Act, whose main provision declares only that [e]very contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal.

What meaning a Justice gives to such open-ended provisions in particular cases

will depend on a judge's ideology his or her understanding of what these provisions mean when applied to the types of governmental actions that regularly come before the Court. Consider, for example, the Fourteenth Amendment's equal protection clause, perhaps the most open-ended of the open-ended provisions to which I have referred. Does it forbid all (or nearly all) state action based on racial classifications? Does it, that is, always require the state to be color-blind? Or does it allow states to take race into account and sometimes even prefer a person over one race over a person of another in order to diminish inequality, promote diversity, render public institutions more representative of the population (and thereby more legitimate), or otherwise? The text of the equal protection clause cannot answer these questions. Nor, in many cases, can precedent. Only the judges ideology or, if you will, his or her understanding of the clause's purpose can.

The situation is no different when it comes to the interpretation of statutes. On the subject of affirmative action, consider Title VII of the Civil Rights Act of 1964's seemingly straightforward prohibition on employment discrimination because of race. Does this prohibition extend to every sort of differential treatment based on race, in which case affirmative action programs nearly always violate Title VII, or does it just extend to invidious forms of discrimination, in which case at least some carefully drawn affirmative action programs do not violate Title VII? The text of the statute does not answer these questions. Again, only a judge's views of what discrimination means can. That is why, more than forty five years after Title VII's enactment, the Justices have not reached a consensus as to the legality of affirmative action.

The inescapable conclusion I draw from all this that, in future confirmation hearings, the Senate should consider a nominee's substantive judicial ideology or, to use Solicitor General Kagan's words in the article to which I just referred, a nominee's constitutional views and commitments. (Elena Kagan, Confirmation Messes, Old and New, 62 *University of Chicago Law Review* 919, 942 (1995).) I say judicial rather than political ideology because a judge may hold subscribe to a judicial ideology that dictates substantive results he or she would not vote for if sitting as a legislator. A judge may, for instance, be opposed to affirmative action as a political matter but believe that the Constitution cuts a wide swath for Congress to pass race-based remedial measures (as the framers of the Reconstruction Amendments may well have believed). Or a judge may believe legislatures should not ban abortions but that the constitution allows them to do so. Of course, there will often be substantial overlap between a judge's political and legal ideologies, and it may sometimes be difficult to distinguish between the two.

To those who say that it is inappropriate for the Senate, in discharging its advice and consent function, to consider ideology, I would remind them of an oft-reflected reality: presidents choose among candidates for nomination based on ideology. Christopher Eisgruber notes in *The Next Justice* that when people discuss Supreme Court nominations, they usually focus on the Senates role . . . Much less attention gets paid to the process by which presidents nominate justices. . . . However understandable this focus may be, it produces a distorted picture of how Supreme Court Justices get chosen. Handwringing polemics about [Senate] confirmation wars presuppose that presidents

choose nominees on apolitical grounds and that partisanship enters only at the confirmation stage. That is nonsense. Ideological and political considerations have always figured in presidential decisions about whom to nominate to the Court. If the President may consider a nominee's ideology, why may not the Senate do so? Then-Senator Obama made just that point during his well-known floor statement on then-Judge Alito's nomination when he said that the Senate's advice-and-consent function, like the Presidents nominating function, requires an examination of a judge's philosophy, ideology, and record (January 26, 2006).

This raises two questions: First, to what substantive ideological principles should we be confident a nominee subscribes before confirming him or her? And second, how should the Senate ascertain a nominee's position on these matters during a confirmation hearing?

As for the first question, I would be reluctant to suggest a definitive list. Many commentators have offered suggestions as to how the Senate should go about ascertaining a nominee's judicial ideology, but few have offered any specific suggestions as to what that ideology should be, except to say that we should generally prefer ideological moderates. (E.g., Christopher Eisgruber, *The Next Justice* (2007).) The objective would be to identify certain important principles that are specific enough to tell us something about what outcomes a nominee is likely to reach in broad categories of cases, but not too specific as to require the nominee to pre-judge the outcome of particular cases. Let me suggest a tentative list:

(1) A nominee should accept that the Fourteenth and Fifteenth Amendments confer substantial power on Congress to enforce their substantive provisions. Over the last fifteen years, considerable attention has been given to Congress's express power to enforce the Fourteenth and Fifteenth Amendment by appropriate legislation. The Court has significantly limited Congress's remedial powers under those amendments. The main issue in these cases is how much deference the Courts should accord Congress in deciding whether remediation is necessary and, if so, what remedies are appropriate. The Courts conservatives have accorded Congress virtually none. But the drafters of the Fourteenth and Fifteenth Amendment did not make the Court Congress's taskmaster. The Court should ask no more than whether, in Justice Breyer's words, Congress could reasonably have concluded that a remedy is needed and that the remedy chosen constitutes an appropriate way to enforce the amendments. (*Board of Trustees of the University of Alabama v. Garrett* (2001) (Breyer, J., dissenting).) The Senate should look askance at any nominee who does not share Justice Breyer's view.

(2) A nominee should accept that the Constitution and, in particular, the due process clause of the Fourteenth Amendment protects facets of individual liberty not yet recognized by the Court. The Court has held repeatedly that, through the due process clause of the Fourteenth Amendment, the Constitution protects facets of personal liberty a realm of personal liberty which the government may not enter (*Casey v. Planned Parenthood of Southeastern Pennsylvania* (1992)) not tethered to any of the rights expressly enumerated in the Constitution's other amendments. These rights include the right to terminate a pregnancy (*Roe v. Wade* (1973), *Casey*), the right to marry (*Loving v. Virginia* (1967) (alternative holding)), and the

right to enter into intimate personal relationships (*Lawrence v. Texas* (2003)). No nominee since Robert Bork has taken the position that the due process clause is limited to procedure. Not even Justice Scalia has taken that position on the Court. Some Justices, though, have taken an unduly restrictive view of the liberty interests protected by the due process clause so restrictive as to drain it of any meaningful content. Justice Scalia, for instance, has demanded that a personal liberty interest not only be fundamental before it is given constitutional protection but also that it can be shown have been protected against government interference by other rules of the law when the Fourteenth Amendment was ratified. Justice Thomas may have an even more restrictive view. We should ask of nominees that they embrace the proposition that the due process clause protects facets of personal liberty whether involving privacy or otherwise not yet recognized by the Court. This is important because no one can predict what future government actions will infringe on facets of liberty yet unaddressed by the Court.

(3) A nominee should accept that the liberty protected by the Constitution's due process clauses includes the right to terminate a pregnancy before the point of viability. I realize that abortion remains a divisive moral and social issue. But the constitutional status of abortion rights has been settled. The Court has declined the opportunity to overrule *Roe v. Wade* (1973) in nearly forty cases. In *Casey v. Planned Parenthood* (1992), three Republican nominees to the Court (Justices Kennedy, O'Connor, and Souter) joined two other Justices in affirming *Roe*'s central holding. Even conservative federal judge Michael Luttig, a former clerk of Justice Scalia, has characterized *Casey* as *stare decisis*. (*Richmond Medical Center for Women v. Gilmore* (4th Cir. 1998).) *Roe* should now be taken off the table as a candidate for overruling, just as *Brown v. Board of Education* (1954), *Griswald v. Connecticut* (1965), and other bedrock precedents have been taken off the table by recent nominees to the Court (including Justice Alito) in their confirmation testimony. Even some of *Roe*'s most vociferous critics including President Reagan's Solicitor General, Charles Fried, who urged the Court in the 1980s to overturn the decision, and the late John Hart Ely, perhaps *Roe*'s most prominent academic critic, have said that the Supreme Court should not, at this late date, overrule *Roe*.

(4) A nominee should accept that the equal protection clause of the Fourteenth Amendment does not prohibit narrowly tailored race-based remedial measures that is, does not mandate color-blindness so long as they do not amount to quotas. Two of the Courts conservative Justices Scalia and Thomas have adopted the extreme and a historical interpretation of the equal protection clause that denies the government any ability to adopt any race-based preferences to remedy past discrimination, no matter how narrowly drawn. Neither Justice has justified this position, ironically, by reference to the views of the Fourteenth Amendment's framers. Their position is based, rather, on their nakedly political position that, in Justice Scalia's words, affirmative action reinforce[s] and preserve[s] . . . the way of thinking that produced race slavery, race privilege, and race hatred, and in Justice Thomas's words, that affirmative action undermine[s] the moral basis of the equal protection principle. (*Adarand Constructors, Inc. v. Peña* (1995).) Language in Chief Justice Roberts's opinion in *Parents Involved in*

Community Schools v. Seattle School District No. 1 (2007) suggests that he may well share this strong antipathy to race-based remedies.

(5) A nominee should accept the constitutionality of statutory restrictions on campaign contributions to candidates for office. In *Buckley v. Valeo*, 424 U.S. 1 (1976), the Supreme Court upheld limits on contributions by individuals, even as it struck down a provision of federal law prohibiting independent expenditures in support of candidates for office. The Court accepted Congress finding that allowing large individual financial contributions threatens to corrupt the political process and undermine public confidence in it. *Id.* at 26. *Buckley*'s holding on this point has been well-settled law for nearly 35 years.

Let me be clear about what we should not demand of nominees. We should not demand that they promise to reach particular outcomes in particular cases before the Court or likely to come before the Court, or even require that they to state their views on issues with so much specificity that we know how they will probably rule in particular cases. We should not demand, for instance, that a nominee promises to recognize a right to engage in assisted suicide, or to uphold ' 5 of the Voting Rights Act, or to recognize that a particular state regulation imposes an undue burden on the right to an abortion under *Casey*. Nor should we condition a nominee's confirmation on passing a single-issue litmus test. We should not demand ideological purity of nominees. Some ideological diversity on the Court is a good thing.

The second question I have asked how do we ascertain a nominee's judicial ideology? is more easily answered. I would first carefully evaluate the nominee's pre-hearing record for clues to his or her ideology, much as the Presidents staff does. They may provide important clues about a nominee's ideology, especially if the nominee has a limited judicial record on which to draw, as did Chief Justice Roberts, or, also like the Chief Justice, avoided writing law review articles of the sort condemned Robert Bork during his confirmation hearing.

Chief Justice Roberts's and Justices Justice Alito's statements before becoming lower court judges at least raised serious questions (admittedly with the benefit of some hindsight) as to whether they were conservative judicial ideologues. Let me offer some examples.

Most revealing in Chief Justice Roberts's record, perhaps, were the views he expressed on the remediation of racial discrimination while serving in a political capacity as a member of the Reagan administration. None attracted more attention than his views on the 1982 reauthorization of the Voting Rights Act. The Chief Justice wrote more than two dozen documents urging the administration to reject a provision of the then-pending House bill that would have allowed plaintiffs to establish a violation of the Act not only by establishing that a voting practice was impermissibly motivated, but also by establishing that it had a discriminatory effect. Roberts claimed that the so-called effects test would establish a quota system in elections and, more disturbingly still in light of the extensive record of voting-rights abuses amassed by Congressional committees, claimed that there was no evidence of voting abuses nationwide. In one memorandum, for instance, he wrote that something must be done to educate the Senators on the seriousness of this problem. Roberts's position did not prevail. Congress passed a reauthorization bill that included an effects test, and

President Reagan signed into law. The law has worked well to prevent discrimination in voting. No one has seriously contended that the reauthorization established an electoral quota system.

Another example in the race discrimination context (this one not, unfortunately, raised at the confirmation hearing) was a 1981 memorandum that Roberts wrote to the Attorney General questioning the legality of regulations promulgated by the Department of Labor to enforce Executive Order 11246. Issued in 1965, that order requires private-sector employers that contract with the federal government to evaluate whether qualified minorities and women are underutilized in their workforces and, if so, to adopt goals to increase their representation by encouraging women and minorities to apply for positions. It does not require or authorize employers to give any racial or sex-based preferences; in fact, its implementing regulations expressly forbid such preferences. Roberts attacked the regulations on the ground that they conflicted with the color-blindness principle of Title VII of the Civil Rights Act of 1964 and use quota-like concepts. Only the most hardened conservatives have questioned the legality of Executive Order 11246 in this manner.

That is not all. For example, Roberts wrote disparagingly about so-called fundamental rights (including the right to privacy) recognized by the courts, in his view, to arrogate power to themselves; questioned whether Congress had the authority to terminate an overseas military engagement by joint resolution without treading on the Presidents inherent executive powers; and, in one case involving alleged systemic gender discrimination at a prison, urged the Attorney General to reject the advice of the Civil Rights to intervene in the case because, among things, gender classifications should not receive any heightened constitutional scrutiny.

Justice Alito's extra-judicial statements while serving in the Reagan Administration were more even revealing than Chief Justice Roberts's. Among them was his characterization of Robert Bork as one of the most outstanding nominees of this century. Alito shared Bork's antipathy, in particular, to the abortion right first recognized in *Roe v. Wade* (1973). While serving as an assistant to Solicitor General Charles Fried in 1985, Alito took it upon himself to outline, in the words of Professor Laurence Tribe, a step-by-step process toward the ultimate goal of overruling *Roe*. That same year, when applying for a position as the Assistant Attorney General in the Office of Legal Counsel, Judge Alito unequivocally stated in his cover letter the Constitution does not provide for the right to terminate a pregnancy.

Justice Alito's extra-judicial writings also evidenced an expansive view of executive power. Among them was 1989 speech defending Justice Scalias lone dissent in *Morrison v. Olson* (1988). There the Court upheld the constitutionality of the independent counsel law passed by Congress in the wake of Watergate. Justice Scalia was the lone dissenter. Justice Alito expressed his agreement with the unitary executive theory around which Justice Scalia framed his dissent. Alito did so again in 2000 during a speech to the Federalist Society. Justice Alito's support for the expansion of executive at the expense of Congressional power was also reflected in memoranda he wrote supporting the use of presidential signing statements to advance a presidents interpretation of a federal statute. Such statements, Justice Alito con-

tended, could serve as part of a statute's legislative history to compete with floor statements, committee reports, and other expressions of Congressional intent. Professor Erwin Chemerinsky testified that Alitos objective was to shift power from the legislature . . . to the executive. Justice Alito's views on the subject surfaced soon after he was seated on the Court. In *Hamdan v. Rumsfeld* (2006), Justice Alito joined a dissenting opinion by Justice Scalia chiding the majority for relying on legislative history without also consulting President Bush's signing statement.

Another oft-neglected source of information about a nominees ideology that should be taken for granted are those made by the nominating Presidents. Presidents often promise the public to select candidates of particular ideological stripe. President George W. Bush, for instance, said that he would nominate Justices in the mold of Justices Scalia and Thomas. Maybe we should take presidents at their word. Presidents, after all, select nominees to the Court for ideological reason, and presidents, notes Christopher Eisgruber in *The Next Justice*, have numerous opportunities to gather information from Washington insiders about a potential nominee before nominating him or her information to which Senators are often not privy. Professor Eisgruber reports, for example, that Clarence Thomas told White House counsel C. Boyden Gray that he was opposed to affirmative action. That important piece of information did not surface during Justice Thomas's confirmation hearing. (Christopher L. Eisgruber, *The Next Justice* (Princeton, 2007), p. 146.) It is no surprise that Justice Thomas has turned out to be the Court's most unyielding opponent of affirmative action.

What, if any, weight should we give to a nominees own testimony? A few commentators have suggested that the Senate should return to the practice that prevailed before the mid-1950s and dispense with testimony from the nominee altogether. (E.g., Richard Brust, *No More Kabuke Confirmations*, ABA Journal, Oct. 2009.) They say that the nominees reveal nothing important about a nominee's judicial ideology. I have made that complaint myself. At the outset of the Roberts confirmation hearing, I said: It has been my judgment . . . that nominees answer about as many questions as they think they have to in order to be confirmed. It is a subtle minuet . . . Nominees of both parties do the dance. In fact Justice Sotomayor, whose nomination I supported, took the dance to a new level. She said repeatedly that her judicial philosophy was fidelity to the law. That told us nothing about Judge Sotomayor. It is unfathomable to think that any nominee no matter how liberal or conservative would testify that he or she would be unfaithful to the law.

I do not agree, however, that we should dispense with a nominee's testimony. It can be an important and, if the nominee has a limited paper record, critical source of information about the nominee's ideology. It is also important to allow nominees to explain whether positions imputed to her in fact reflected her views and, if so, whether they still do. Perhaps a position a nominee once took was really not his own, but instead his clients. Or perhaps a nominee has abandoned a once-held position. Nominees should be given the opportunity to explain their records. Senators can judge the sincerity of their testimony. Moreover, dispensing with a nominee's testimony would deprive members of the public of an important opportunity to

evaluate the nominee while watching live on television.

Instead, the Judiciary Committee should insist that a nominee actually provide meaningful testimony. Repetitiously reciting platitudes such as I will follow the law or apply the law to the facts or address each case on its merits or approach each case with an open mind can no longer do. They tell us nothing about a nominee's ideology or judicial philosophy. One type of question the Senate might make better use of is to ask the nominee for his opinion on cases already decided by the Court. As Robert Post of Yale Law School has argued, this sort of question, if answered, will reveal information about the nominee's ideology that vague questions about his or her approach to interpretation cannot. (Robert Post & Reval Siegel, *Questioning Justice: Law and Politics in Judicial Confirmation Hearings*, Yale L.J. (The Pocket Part), Jan. 2006.) Senators have asked that sort of question before, but often without adequate follow-up or without demanding answers. A nominee who answers such a question is no more guilty of prejudging a case that may come before the Court than a sitting Justice who decided the particular case in question. Recall that, during Justice Ginsburg's confirmation hearing, she testified that she believed that the Court reached the right result in *Roe*, although she disagreed with its reasoning, just as she had previously done in her academic writings. We need more testimony like that.

Whatever particular mode of questioning is employed, the important point is that, when the Senate cannot ascertain the nominee's judicial ideology from his or her pre-nomination record, the Senate must insist that the nominee be forthcoming with it. The Judiciary Committee should no longer tolerate the sort of answer Justice Scalia gave during his confirmation hearing when I asked him whether *Marbury v. Madison*, the 1803 case holding that the Court has the authority to pass on the constitutionality of a federal law, was a settled precedent not subject to reconsideration. Justice Scalia refused to answer with the yes or no my question deserved. He acknowledged only that *Marbury* was a pillar of our system and then said: Whether I would be likely to kick away *Marbury v. Madison* given not only what I just said but also what I have said concerning my respect for the principle of *stare decisis*, I think you will have to judge on the basis of my record as a judge in the court of appeals, and your judgment as to whether I am, I suppose, on that issue sufficiently intemperate or extreme. In effect, Justice Scalia was saying that a nominee who kicked the legs out from under *Marbury* should be considered intemperate or extreme and hence presumably denied appointment by the Senate and yet he would not forthrightly rule out the possibility of overturning *Marbury*. Nor can the Committee accept a statement like Clarence Thomas's in 1991 that he did not have an opinion as to whether *Roe* was properly decided and, more remarkably still, could not recall ever even having a conversation about it.

It is not just the nominees of Republican Presidents, of course, who have withheld their substantive views from the Judiciary Committee. Every nominee since Robert Bork has done so. In her 1995 law review article on the confirmation process, the current nominee to the Court, Elena Kagan, highlighted the testimony of President Clinton's two Supreme Court appointments, Justices Ginsburg and Breyer to show what was wrong with confirmation hearings. (Elena

Kagan, Confirmation Messes, Old and New, University of Chicago Law Review, 62 University of Chicago Law Review 919, 935 (1995)). Justice Ginsburg refused to answer even as simple a question as to whether the Korean War was, in fact, a war, just as Justice Souter had done over a decade earlier. Justice Breyer, to quote Solicitor General Kagan, declined to answer not merely questions concerning pending cases, but questions relating in any way to any issue that the Supreme Court might one day face. And as I have already noted, Justice Sotomayor, whose confirmation I supported, was even less forthcoming with her views than her two immediate predecessors Chief Justice Roberts and Justice Alito. Numerous commentators supportive of her nomination share my assessment.

And of course, a nominee's testimony must not be the final word. A nominee's testimony should be evaluated, as Professor Laurence Tribe testified during the Alito confirmation hearing, not as though it were burned onto a blank CD to be evaluated on its own, but against an extensive backdrop of the nominee's pre-hearing record.

Mr. SPECTER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BORDER SECURITY

Mr. KYL. Mr. President, I rise to speak on a subject that has certainly had a lot of press coverage, and that is the trip by the Arizona Governor to Washington to speak with the President about the immigration issue in Arizona, recent legislation that was passed, and what we can do to secure the border. Something caught my eye in the Congress Daily which I want to quote and discuss.

The article is entitled "Arizona Gov. Pushes for Obama's Help." It was dated Thursday, June 3, and it talked about the meeting between the Governor and the President. It says they didn't appear to come to any agreements, and then it reads:

White House Press Secretary Robert Gibbs said that both sides expressed their viewpoints, with Obama stressing that border security must be coupled with comprehensive immigration reform.

Why is that? Why is securing the border being held hostage to comprehensive immigration reform? The President has a responsibility and we have a responsibility to enforce our laws. That includes securing our border. So why does the President insist we are not going to secure the border until we have comprehensive immigration reform?

The reality is, if we do secure the border, it will be easier for Congress to pass comprehensive reform, because

people will then understand that the Federal Government is serious about securing the border. They don't believe that today. With articles such as this, why should they? In effect, the President is saying: We are not going to secure the border until we have comprehensive reform.

We don't need comprehensive reform to secure the border, and I submit we do need to secure the border for comprehensive immigration reform.

I have talked a lot on this floor—and so has Senator MCCAIN—about efforts to secure the border and the different segments of the border. In the State of Arizona, there are two segments. One is called the Yuma sector and the other is called the Tucson sector. The Yuma sector has basically been secured in terms of illegal immigration. There is still a lot of illegal drugs crossing in that sector. They are working on that. The Tucson sector is not secure in terms of illegal immigration or drug smuggling. In fact, about half of all illegal immigration comes through the Tucson sector.

Why is the Yuma sector pretty well secured and the Tucson sector not? There are a variety of reasons. First, the Yuma sector pretty much completed the fencing, particularly in the urban area there, the double fencing that has enabled the Border Patrol to apprehend illegal immigrants who try to cross. Secondly, there is an adequate number of Border Patrol agents. Third, in the Yuma sector, there is a program called Operation Streamline, the essence of which is, instead of catch and release, where illegal immigrants are apprehended and then returned to the border in a bus, these illegal immigrants are taken to court and provided a lawyer. But the reality is, almost all of them end up pleading to having crossed the border illegally, and they spend at least 2 weeks in jail. About 17 percent of the people are criminals. Obviously, they don't want to do this so they don't cross in that area anymore. The rest want to come work and make money so they can send it back to their families. They obviously can't do that while they are serving time in jail. The net result is that there is a big deterrent to crossing in the Yuma sector. If they cross there, they go to jail. So they cross somewhere else.

If we had a similar operation in other segments of the border, it appears to me we could go a long way toward having operational control of the border.

The reality is, we can secure the border. I know there are some on the other side who believe if we secured the border, then there would be less incentive for Republicans to support comprehensive immigration reform. Think of that. That is holding national security, border security, hostage to passing a bill in Congress. That should not be. We have a job to secure the border. We should do that irrespective of whether

Congress then passes comprehensive reform.

I remind my colleagues that in 2007, I helped to draft, along with Senator Kennedy, the legislation we brought to the floor. Unfortunately, it was not successful. It was opposed by both Republicans and Democrats. It was supported by both Republicans and Democrats. In the end, it didn't have the votes to pass. The point is, there were many on our side of the aisle as well as the other side who were willing to draft and support legislation for comprehensive reform. It is not true to say that if we secure the border, many of us will, therefore, not have an incentive to support comprehensive reform.

The American people don't believe the Federal Government is serious about securing the border. They are not going to support comprehensive reform until they see some seriousness on the part of the Federal Government. When we hear comments such as those from Robert Gibbs, who says the President stressed that border security must be coupled with comprehensive immigration reform, I say the American people are apparently right. The Federal Government—at least the President—does not appear to be serious about enforcing the laws at the border and securing the border. Otherwise, he wouldn't couple that with a requirement that we have to pass comprehensive reform. We are not going to pass comprehensive reform this year for a variety of reasons. That is a fact. But that doesn't mean we can't secure the border. Indeed, we should.

JOB CREATION

Mr. KYL. Mr. President, I rise to speak about an editorial in the Wall Street Journal. I ask unanimous consent that this June 4 editorial titled "Employers on Strike" be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. It begins with this comment which caught my eye:

It's too bad we can't do the Census every year, because maybe the U.S. economy would then show some jobs growth.

That is pretty interesting. The reason is because of the news last week that was greeted with some degree of concern by folks on Wall Street and elsewhere. Despite the fact that we created a net total of 431,000 jobs in May, 411,000 of those were temporary Census hires. Yes, we created a lot of jobs by hiring temporary Census workers, but those are not private-sector, permanent jobs. That is what we should be doing.

This article notes that:

The private economy—that is, the wealth creation part, not the wealth redistribution

part—gained only 41,000 jobs, down sharply from the encouraging 218,000 in April, and 158,000 in March.

The point being that these temporary Census jobs are not our ticket to economic recovery. These are temporary, government, and they do not add to the employment base that produces wealth.

It is interesting that those who supported the stimulus package, which cost \$862 billion, said there was an economic factor here called the Keynesian multiplier effect, that somehow a dollar in government spending was supposed to produce a dollar and a half in economic output. This is truly the creation of something out of nothing or, more accurately, taking a dollar out of the private sector and somehow creating a dollar and a half worth of value. It turns out it didn't happen. It never does. This is very fuzzy thinking. We cannot take money out of the private sector and expect that it is going to somehow multiply an economic output or job creation factor, when the government spends the money. That is \$862 billion that has been taken out of the productive private sector.

What happens? We either have to borrow it, which makes it harder for the private sector to borrow money, or we have to tax the private sector, thereby reducing the private sector's ability to create jobs in the future. The bottom line, as this editorial notes:

Almost everything Congress has done in recent months has made private businesses less inclined to hire new workers.

That problem is exacerbated by the bill which we take up tomorrow. This is the so-called jobs bill. It is a bill which will cost \$116 billion. It will add \$54 billion to our national debt. It will further weaken the private sector's ability to create jobs.

As this Wall Street Journal editorial notes:

It's too bad we can't do the Census every year, because maybe the U.S. economy would then show some job growth.

That is being facetious, obviously. Those are not the kind of jobs that will productively create economic growth, because they are not in the private sector. They are simply temporary. I hope as we debate the bill over the course of the next several days, the so-called stimulus, we can get away from this notion that somehow or other if we take money out of the productive part of our economy and have the government spend it, that somehow or other, magically, that is going to help engineer economic recovery. It doesn't. Instead what we have is an economic recovery that is exceedingly slow and will be more so, the more regulation and taxation we impose on our private sector.

EXHIBIT 1

[From the Wall Street Journal, June 4, 2010]
EMPLOYERS ON STRIKE

It's too bad we can't do the Census every year, because maybe the U.S. economy would

then show some jobs growth. That quip was one of the rueful asides we heard yesterday as Americans learned that the economy created a net total of 431,000 new jobs in May, including 411,000 temporary Census hires.

The private economy—that is, the wealth creation part, not the wealth redistribution part—gained only 41,000 jobs, down sharply from the encouraging 218,000 in April, and 158,000 in March. The unemployment rate did fall to 9.7% from 9.9%, but that was mainly because the labor force contracted by 322,000. Millions of Americans, beyond the 15 million Americans officially counted as unemployed, have given up looking for work.

Worst of all, nearly half of all unemployed workers in America today (a record 46%) have been out of work for six months or more. Normally job growth accelerates during the early stages of an economic rebound, but this dismal report suggests that the recovery remains well short of becoming a typical expansion.

There were some slivers of good news in the May jobs report. For those who have jobs, the average work week rose by 0.1 hours to 34.2 hours and earnings nudged upward by 0.3%. Manufacturers added 29,000 workers, and their hours worked jumped 5.1%, the best since 1983.

Perhaps this is what White House chief economist Christina Romer was looking at yesterday when she cited “encouraging developments” in the jobs market and “continuing signs of labor market recovery.” We doubt this was the private reaction in the Oval Office, whose occupant was told by Ms. Romer and economic co-religionist Jared Bernstein that the February 2009 stimulus would kick start a recovery in growth and jobs. Whatever happened to the great neo-Keynesian “multiplier,” in which \$1 in government spending was supposed to produce 1.5 times that in economic output?

Imagine if Ms. Romer had instead promised in 2009 that Congress could spend nearly \$1 trillion, and 16 months later the unemployment rate would be nearly 10% and that more than 2.5 million additional Americans would be without jobs. Would Congress have still spent the cash? Well, sure, Congress will always spend what it can get away with, but the American public would have turned against the stimulus even faster than it has.

The multiplier is an illusion because that Keynesian \$1 has to come from somewhere in the private economy, either in higher taxes or borrowing. Its net economic impact was probably negative because so much of the stimulus was handed out in transfer payments (jobless benefits, Medicaid expansions, welfare) that did nothing to change incentives to invest or take risks. Meanwhile, that \$862 billion was taken out of the more productive private economy.

Almost everything Congress has done in recent months has made private businesses less inclined to hire new workers. ObamaCare imposes new taxes and mandates on private employers. Even with record unemployment, Congress raised the minimum wage to \$7.25, pricing more workers out of jobs. The teen unemployment rate rose to 26.4% in May, and for those between the ages of 25 and 34 it rose to 10.5%. These should be some of the first to be hired in an expansion because they are relatively cheap and have the potential for large productivity gains as they add skills.

The “jobs” bill that the House passed last week expands jobless insurance to 99 weeks, while raising taxes by \$80 billion on small employers and U.S.-based corporations. On January 1, Congress is set to let taxes rise on

capital gains, dividends and small businesses. None of these are incentives to hire more Americans.

Ms. Romer said yesterday that to “ensure a more rapid, widespread recovery,” the White House supports “tax incentives for clean energy,” and “extensions of unemployment insurance and other key income support programs, a fund to encourage small business lending, and fiscal relief for state and local governments.” Hello? This is the failed 2009 stimulus in miniature.

It's always a mistake to read too much into one month's jobs data, and we still think the recovery will lumber on. But if Ms. Romer wants this to be more than a jobless recovery, she and her boss should drop their government-creates-wealth illusions and start asking why so many private employers remain on strike.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Arizona. There is no one more thoughtful on finance matters and job creation than he. He has made a very important point. It was a well-intentioned effort by the administration to say: We have an economic recession so we need to stimulate the economy through some government spending. There were proposals on the Republican side to do that to a much lesser extent. But what has happened is, as the Senator has pointed out, the focus has been much too heavily on creating more government jobs, when what we need is an environment for job growth in the private sector. In fact, as the Senator from Arizona pointed out, the actions the government has taken over the last year during this great recession too often make it harder to create jobs in the private sector.

The health care bill taxes job creators and investors. Those are the ones who create the jobs. The stimulus package runs up the debt. The higher the debt goes, the more money it sucks out of the system, and the harder it is to get money and to create jobs. The financial regulation bill makes credit harder to get on Main Street, as we now see it going through the Congress. If you can't get credit, you can't create a job.

Jobs are at the front of everyone's mind. Our friend, the former Governor from Virginia, is here. He knows this very well. The Governor of Tennessee, Phil Bredesen, said the other day that in my State, if he had 100 conversations, 95 would be about jobs. I agree. But clearly a fundamental difference of opinion we seem to have in the Senate is our focus on creating an environment for job growth in the private sector. The Democratic focus seems to me to be much more focused on creating more government jobs. That is not working. Because if the economy continues to grow for the rest of the year at approximately the rate it has grown for the first part of the year, we will end the year with 10 percent unemployment. As we all know, that burden falls

most heavily on lower income Americans.

OILSPILL RESPONSE

Mr. ALEXANDER. Mr. President, I rise to speak on what I call an oilspill response for grownups. The tragic gulf oilspill has produced overreaction, demagoguery, and bad policy. I would cite "Obama's Katrina, end offshore drilling, produce 20 percent of our electricity from windmills" as three examples of overreaction, demagoguery, and bad policy. None of these options helps clean up and move forward a country using 25 percent of the world's energy, as the United States does year-in and year-out.

If we Americans want both clean energy and a high standard of living, then here are 10 steps for thoughtful grownups:

No. 1, figure out what went wrong and make it unlikely to happen again. We do not stop flying after a terrible airplane crash, and we are not going to stop drilling offshore after this terrible spill. Thirty percent of U.S. oil production and 25 percent of our natural gas production come from thousands of active wells in the Gulf of Mexico. Without it, gasoline prices would skyrocket, and we would depend more on tankers from the Middle East with worse safety records than American offshore drillers.

No. 2, learn a safety lesson from the U.S. nuclear industry. That lesson is accountability. For 60 years, reactors on U.S. Navy ships have operated without killing one sailor. Why? The career of a ship's commander can be ended by one mistake. Incidentally, the number of deaths from nuclear accidents at U.S. commercial reactors is also zero.

No. 3, what was the President's cleanup plan and where were the people and equipment to implement it? In 1990, after the Exxon Valdez spill, a new law passed by Congress required that the President "ensure" the cleanup of a spill and have the people and equipment to do it. That is what the law has said since 1990. President Obama effectively delegated this job to the spiller, BP. Is that the President's only real option today? If so, what should future Presidents have on hand for backup if the spiller of oil cannot perform?

No. 4, put back on the table more onshore resources for oil and natural gas. Drilling in a few thousand acres along the edge of the 19 million-acre Alaska National Wildlife Refuge and at other onshore locations would produce vast oil supplies. A spill on land could be contained much more easily than 1 mile deep in water.

No. 5, electrify half our cars and trucks. This is an ambitious goal, but it is the single best way to reduce U.S. oil consumption. Electrifying half our cars and trucks could cut our oil con-

sumption by about one-third, to about 13 million barrels of petroleum product a day. A Brookings Institution study says we can electrify half our cars and trucks without building one single new powerplant if we plug in our cars at night. Last week, Senator DORGAN, Senator MERKLEY, and I introduced legislation to jump-start America's effort to electrify half our cars and trucks. This is a subject about which Republicans and Democrats in the Senate agree.

No. 6, invest in energy research and development. This is another subject about which Republicans and Democrats in the Senate agree. A cost-competitive 500-mile battery would virtually guarantee eventual electrification of half our cars and trucks. While we are at it, reducing the cost of solar power by a factor of 4 would be a good response to a clean energy challenge, as would finding a way for utilities to actually make money from the CO₂ their coal plants produce.

No. 7, stop pretending wind power has anything to do with reducing America's dependence on oil. Windmills generate electricity, not transportation fuel. Wind has become the energy pet rock of the 21st century, as well as a taxpayer ripoff. According to the Energy Information Administration, wind produces only 1.3 percent of U.S. electricity but receives Federal taxpayer subsidies 25 times as much per megawatt hour as subsidies for all other forms of electricity production combined. Wind can be a useful energy supplement, but it has nothing to do with ending our dependence on oil.

No. 8, if we need more green electricity, build nuclear plants. This is another subject upon which Republicans and Democrats agree. The 100 commercial nuclear plants we already have produce 70 percent of our pollution-free, carbon-free electricity. Yet the United States has not broken ground on a new reactor in 30 years, while China starts one every 3 months and France is 80 percent nuclear. We would not put our nuclear navy in mothballs if we were going to war. We should not put our nuclear plants in mothballs if we want low-cost, reliable green energy.

Finally, Nos. 9 and 10.

No. 9, focus on conservation. In the region where I live, the Tennessee Valley Authority could close four of its dirtiest coal plants if we residents of the TVA region reduced our per capita use of electricity just to the national average.

No. 10, make sure liability limits are appropriate for spill damage. The Oil Spill Liability Trust Fund, funded by a per-barrel fee on industry, should be adjusted to pay for cleanup and to compensate those hurt by spills. An industry insurance program like that of the nuclear industry is also an attractive model to consider.

So I offer this afternoon these 10 grownup steps—grownup steps forward that could help turn a tragic event into a stronger America.

I thank the Acting President pro tempore and yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. Yes.

OILSPILL CLOSES IN

Mr. NELSON of Florida. Mr. President, my worst fears are coming true. The wind that had so blessed us in our State of Florida for going on 7 weeks now shifted a few days ago, and this big spill of oil is moving to the east and to the northeast, and it is closing in on the gulf coast, the northwest gulf coast of Florida.

Thus far, most of the more concentrated oil is well off shore. Under the command of the Coast Guard, there are skimmers 25 to 50 miles out from the coast that have a boom that goes out from a fairly decently sized ship that then scoops up that oil into a concentrated area. Then they have what is kind of like a vacuum pump. It is almost like a vacuum cleaner. It sits and floats on top of the water, on top of the oil, and it sucks it up into a pipe, and that goes into a tank or a rubber bladder on top of the ship. Thus far, they have been able to take care of a good bit of that oil.

Of course, that is the strategy—to keep the oil offshore; don't let it get to shore because when it does, it messes up your beach and, even worse, it messes up the wetlands. As a matter of fact, when oil gets into wetlands, into marsh grass, into mangroves, you have a problem. More than likely, it is going to take a while for that marsh grass to come back. Mangroves and oil do not mix. Of course, then we are talking about these unique estuaries that spawn so much of our marine life in the Gulf of Mexico. So what we have is a nightmare that potentially is coming to reality.

There are a lot of people who are working awfully hard. The Coast Guard is working hard, but right now the Coast Guard is stretched to the limit. There are only so many Coastguardsmen. They still have to do all the things the Coast Guard has to do all over the world, including the gulf coast. They still have to do rescue. They still have to do search missions.

Down in south Florida, we still have to have the Coast Guard there going after the drug runners. So there is a limited amount we can have. As good as those men and women are, they are stretched to the limit. They are going around the clock.

As the oil continues to gush, this problem is going to become more and more acute. It could become acute in a number of ways. We are being told—and I can certainly say this Senator has become a skeptic about what is correct information. Remember when we were told it was only 1,000 barrels of oil a day that was gushing into the gulf? A couple of weeks later, that was revised to 5,000 barrels of oil a day, and then that was revised to 12,000, but the report was omitted that said it could be as high as 25,000.

Now we are told that this attempt called the top hat; that is, an attempt to put a cap on the top of that blowout preventer where they cut off the riser pipe, and the oil is going up to the surface to a tanker—they are saying that is now 10,000 barrels a day, but look at the live video and see how much of it is still gushing outside of that top hat.

So how much is going into the gulf? Well, if it is 25,000 barrels a day, if that is the accurate figure, there is still 15,000 barrels of oil a day going into the gulf. And if it keeps going—and the Coast Guard admiral said yesterday it is going to go until September, until they can get the relief wells down and try to plug it with cement down near the oil reservoir, which is some 18,000 feet below the seabed. If it keeps gushing that amount all the way to September, it will be close to the largest oil spill there has ever been on planet Earth in the sea, which was the Ixtoc in the Bay of Campeche spill that spewed for 10 months. By the way, it was only in 150 feet of water, and they couldn't get it stopped. This is in 5,000 feet of water.

If I sound a little distressed and frustrated, it is that I am because this Senator is reflecting the feelings of his people.

What about the fishermen—those fishermen who have offered to use their boats for BP but have not been contracted to use them, but they can't use their boats because the waters are closed or even if the waters are not closed, the fish houses won't buy their fish because fish houses from all over the country are calling in and saying: We don't want your gulf fish; we think it is tainted.

What about those charter boat captains, in the height of the season, summer, on the gulf coast of Florida? Those boat captains don't have the recreational fishermen coming and chartering their boats to go out because over a third of the gulf is closed, and for the same reasons—they are worried about the fish. Are they getting hired by BP? Why are they hiring people

from Tennessee and Arkansas and North Carolina with boats? Why aren't they hiring the Florida fishermen whose livelihoods have vanished?

I am expressing some of the frustration my people are expressing to me.

What about the poor hotel owners? They are at the height of the season. It starts Memorial Day and goes all the way to Labor Day. What about them? What about the restaurants that are in the height of the season? We hope people will come, because the beaches are still some of the most beautiful in the world. But the fact that they now see these silver-dollar-size tar balls—in some cases, hamburger-patty-size tar balls—that are all over the beach, are they still going to come and honor their reservation at the hotel? Will they go to the local restaurant? And if they do go there, will they order the local seafood?

There are a lot of frustrated folks. By the way, Mr. President, the Presiding Officer is the former chief executive of his State. What about the local and State revenues? The State of Florida doesn't have an income tax. The State of Florida has a sales tax. The sales tax—if people are not staying in hotel rooms, and they are not buying meals in restaurants, and if they are not buying down at the local stores, the revenue is starting to dip. What is going to happen to the budgets of the local and the State governments and the revenues they come to expect?

In the midst of all of this, we hear that BP says it will be accountable. Yet, we come out here on this floor—Senator MENENDEZ, Senator LAUTENBERG, and I—and ask unanimous consent that in order to eliminate the artificially low cap of \$75 million on liability for economic losses, there is always an oil State Senator who will stand up and object to our consent request to raise this artificially low cap. BP says it is going to, in fact, take care of legitimate expenses. But at the same time, BP was quick to point out in hearings that have gone on for several weeks—and certainly the nine hearings this week will go on—it will point out that there is a certain responsibility of the operator of the rig, Transocean, and the operator of putting the cement down into the well, around the casing that was supposed to be set, but obviously was imperfect—that operator was Halliburton.

So, in effect, what we are going to have, and already have, is people pointing both ways. There are going to be so many lawsuits that will go on by the time they get to the bottom of this. And the investigation is going to go on for so long. In the meantime, what about our people and their livelihoods? What are they going to do?

I was told by the fishermen that you have to have 14 days in which to actually send in the requisition after you have done your work, once you have

been signed up, and you then expect to be paid within 14 days after you submitted your request for payment. Plus 14 is 28, so where is the fisherman going to get any money within that month in order to pay his deckhands, his assistants, and to pay his bills? It can continue to multiply. You wonder why I sound frustrated? There is so much uncertainty and people are scared.

In the meantime, BP indeed has given some money for an advertising campaign—and that is a good thing—for Florida to run advertisements to say that our beaches are open, come on. But you know the reality of what they are hearing. I hope people will, because I can tell you those tar balls that are there—if people will get out there and clean it up—oh, by the way, it has to be an appropriately recognized group to go out and clean up the tar balls contracted by BP. Why can't we get our local governments to go out there and get those tar balls off the beach, so our guests and visitors can enjoy our God-given assets?

All of these are questions that are still to be answered. So I am going to try several times with my colleagues to continue to get this artificially low cap raised so it will send a message to any oil company that in the future you better not cut corners. You better not have that cozy, incestuous relationship with the government regulator you have had for the last two decades. You better not think you are going to influence the government regulator as you have—as has been stated by the inspector general's report in 2008—with sex, drugs, booze, gifts, trips. And the revolving door, as stated by the most recent IG report last month—the revolving door, where they come out of the industry, the door revolves, and they come in as the MMS, the Minerals Management Service, the government regulator; and then the door revolves and they go right back into the employ of the oil industry. That is a conflict of interest. That is not government oversight of an industry, and it has led to this circumstance, where three apparatuses did not work as back-up mechanisms on the blow-out preventer, and it has led to the sad condition that we now have, where oil is gushing, and has been for 49 days, into the Gulf of Mexico and is ruining a culture and a way of life.

I want to say that the Presiding Officer's State is not immune, and the other Senator on the floor right now, his State—an Atlantic coast State as well—is not immune, because, sadly, sooner or later the winds are going to continue to carry this oil spill to the South. It is going to get in what is known as the Loop Current and some of it is already entrained in the Loop Current.

The Loop Current goes up into the northern Gulf of Mexico and loops back South, all the way down around the

Florida Keys, and it becomes the gulf stream. It then moves North as the gulf stream up the coast of Florida, off the Keys. It then comes in and hugs the southeast coast of Florida quite close—very close—mostly in places less than a mile off the beach. It continues on up to the middle of the peninsula of Florida, and then it takes a turn to the Northeast and parallels the east coast of the United States. It goes up to Cape Hatteras, NC, and depending on winds, I would say to the two Senators who are hearing my words, even though that current, called the gulf stream, that goes off of Cape Hatteras across the Atlantic to Scotland—depending on winds and wave action, it can carry some of that oil to the rest of the Atlantic seaboard and to the States represented by the two very distinguished Senators here on the floor. So this could have profound effects.

The question is, how do we get it stopped and, thus far, nothing has happened. So I think it is time for all hands on deck. I think it is time to realize that we have to throw in every asset we have to try to keep this oil off the coast, and especially out of the wetlands, and don't let what happened to Louisiana happen to the rest of our States, especially those delicate wetlands where you cannot get oil out of them. Then maybe this nightmare will be over.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF AUDREY GOLDSTEIN FLEISSIG, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

NOMINATION OF LUCY HAERAN KOH, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

NOMINATION OF JANE E. MAGNUS-STINSON, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations concurrently, which the clerk will report.

The legislative clerk read the nominations of Audrey Goldstein Fleissig, of Missouri, to be United States District Judge for the Eastern District of Missouri; Lucy Haeran Koh, of California, to be United States District Judge for the Northern District of California; and Jane E. Magnus-Stinson, of Indiana, to be United States District Judge for the Southern District of Indiana.

The PRESIDING OFFICER. Under the previous order, the nominations will be debated concurrently until 5:30 p.m. with the time equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS, or their designees.

The Senator from Vermont.

Mr. LEAHY. Mr. President, it is interesting, as the distinguished Presiding Officer reported, that we are going to have these nominees. I say it is interesting because the Senate is being allowed to confirm only 3 of 19 judicial nominations that have been reported unanimously by the Senate Judiciary Committee over the past several months, but they have been stalled by the Republican leadership.

The distinguished Presiding Officer is one of the most valued members of the Senate Judiciary Committee. He has seen time and time again, we vote a nominee out, with every single Republican voting for the person and every single Democrat voting for the person. Then the nominee spends months waiting because they are being stalled by the Republican side of the aisle.

Of course, it is far more than just an annoyance to the nominees who are being stalled. Say, for instance, that someone receives a nomination from the President of the United States to become a judge. Perhaps they are in a law firm. The partners all come in, congratulate the nominee, and say:

This is absolutely wonderful. When are you leaving?

Now, as a practical matter this person cannot take on new cases, and the law firm has to be hesitant about what they take on so they do not have a conflict of interest later on before the Court. One can see how almost childish it becomes now to hold up a nominee who, eventually, when they are finally allowed to have a vote, will be confirmed unanimously or close to unanimously.

In the meantime, their lives have been disrupted, the judiciary itself is put in disarray, people question our judiciary which is supposed to be non-political, nonpartisan, and all of a sudden, looks as though it is ping pong.

The nominees we have here, these three women, were confirmed in early March. The distinguished Presiding Officer and I were there. They all were reported out without a single objection from the Senate Judiciary Committee, in early March. Three exceptional women. And these three women have been delayed for this considerable period of time by the Republican objections. There is no explanation; no excuse; no reason for these months of delay of these women, especially when all members of the Senate Judiciary Committee, Democratic and Republican, voted for these three women.

But they are just 3 of the backlog of 26 judicial nominees awaiting final Senate action, and 19 of the 26 were reported by the Judiciary Committee without a single negative vote from any Republican or Democratic Senator on the committee. This is not fair to the nominees, certainly not fair to these three women. It is not fair to any of the other nominees. In addition, 6 of the 7 Republicans on the Committee voted in favor of nominee Judge Wynn to the Fourth Circuit, and nearly half of the Republicans on the Committee supported the nomination of Jane Stranch to the Sixth Circuit. It is not fair to these nominees and it is not fair to the Federal judiciary. Still Republicans refuse to enter into time agreements on these nominations. This stalling and obstruction is unprecedented.

The Senate is well behind the pace I set for President Bush's judicial nominees in 2001 and 2002. By this date in President Bush's presidency—and I was chairman at that time—the Senate had confirmed 57 of his judicial nominees, both district court judges and courts of appeal.

Even after the three today will all be confirmed unanimously, the comparison will stand at 28 to 57. That is still less than half of what we were able to achieve by this date in 2002. I mention that because we had a Democratic majority and a Republican President, and we were treating President Bush's nominees far more fairly than they are treating President Obama's nominees.

What makes it even worse than playing politics with the independent judiciary is that Federal judicial vacancies around the country hover around 100. It has been nearly a month since the Senate confirmed a judicial nominee. None of the more than two dozen available for consideration before the Memorial Day recess were considered. This Republican obstruction is unprecedented. This is not how the Senate should act, nor how the Senate has conducted its business in the past. This is new and this is wrong.

In May, just before the last recess, the Republican leader implied in a statement before this body that the Republican obstruction is merely a "sequencing" of judicial nominations that "is acceptable to both sides". That is not true.

Over the recess, I sent a letter to Senator MCCONNELL and to the majority leader concerning these matters. In that letter, I urge as I have since last December, that the Senate schedule votes on judicial nominees without further obstruction and delays; vote them up or vote them down. I called on Republican leadership to work with the majority leader to schedule immediate votes on consensus nominations—many of which I expect will be confirmed unanimously—and consent to time agreements on those which debate is requested. As I said in the letter, if there are judicial nominations that Republicans truly wish to filibuster—after they argued during the Bush administration that such actions would be unconstitutional and wrong—then they should so indicate to allow the majority leader to seek cloture to end the filibuster. Otherwise it is time to vote.

I would think that there should also be some respect for the committee where every single Republican and every single Democrat voted for them. Vote for them. Vote up or vote down. We are not elected to vote "maybe." There are only 100 of us for 300 million Americans, and the American people expect us to say "yes" or say "no," not "maybe." This delay is a big "maybe." It is wrong. It is unfair to these judicial nominees. It is unfair to the independence of the Federal judiciary. It is unfair to the people of America. It is certainly unprecedented in my 36 years here. I have never seen anything such as this.

I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. LEAHY. The Judiciary Committee unanimously reported the nomination of Judge Fleissig to the Eastern District of Missouri more than three months ago, on March 4. She is currently a Federal magistrate judge in that district, previously serving as

that district's U.S. Attorney, as an Assistant U.S. Attorney, and a civil litigator. Judge Fleissig earned the highest possible rating—unanimously well qualified—from the ABA Standing Committee on the Federal Judiciary. She has the support of both of her home state Senators, Republican Senator KIT BOND and Democratic Senator CLAIRE McCASKILL.

Judge Lucy Koh is nominated to fill a vacancy on the Northern District of California determined by the Administrative Office of the U.S. Courts to be a judicial emergency. Judge Koh's nomination was reported favorably by the Judiciary Committee by voice vote with no dissent on March 4, more than three months ago. If confirmed, she will be the first Korean American woman in the Nation to serve as a Federal judge. In addition, she would become the first Asian American to serve on the district court bench in the 150-year history of the Northern District of California. Currently a judge on the Santa Clara County Superior Court, Judge Koh previously practiced law at two Northern California firms and worked as a Federal prosecutor in Los Angeles. She also served in the U.S. Department of Justice and she worked for one year as a fellow on the U.S. Senate Judiciary Committee. Judge Koh has the strong support of both her home state Senators, Senator FEINSTEIN and Senator BOXER.

Judge Jane E. Magnus-Stinson has been nominated to the Southern District of Indiana. If confirmed, Judge Magnus-Stinson will be the third female district court judge in Indiana history. The Judiciary Committee favorably reported her nomination, by unanimous consent, on March 11, nearly three months ago. Judge Magnus-Stinson is currently a Federal magistrate judge on the court to which she is now nominated. She has 15 years of judicial experience, including 12 years as a judge in the major felony division of the Marion Superior Court in Indianapolis. The American Bar Association's Standing Committee on the Federal Judiciary unanimously rated Judge Magnus-Stinson well qualified to serve on the U.S. District Court for the Southern District of Indiana. Judge Magnus-Stinson has the support of both home state Senators, Republican Senator LUGAR and Democratic Senator BAYH.

I congratulate the three nominees who will finally be considered and confirmed today.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 2, 2010.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATE LEADERS: I was very disappointed that in his statement last Thurs-

day evening about the lack of progress on filling judicial vacancies Senator McConnell left the impression that the halting pace of Senate consideration of President's Obama's judicial nominations is merely a "sequencing" of judicial nominations that "is acceptable to both sides." I do not think that is an accurate description of what has led to only 12 Federal circuit and district court nominees being considered all last year and only 13 so far this year.

As you know, I have spoken to these matters a number of times over the last several months and have since last December been urging the Republican leadership to agree to consider and approve the noncontroversial nominees and enter into time agreements to debate those they believe require Senate discussion, but to end the obstruction and unnecessary delays.

As the Senate recessed for Memorial Day, there remained a backlog of 26 judicial nominees awaiting final Senate action. Nineteen of the 26 were reported by the Judiciary Committee without a single negative vote from any Republican or any Democratic Senator on the Committee. In my view the cause of that backlog is Republican refusal to agree to consider these nominations in a timely fashion. In addition, six of the seven Republicans on the Committee voted in favor of Judge Wynn to the Fourth Circuit, and nearly half the Republicans on the Committee supported Jane Stranch's nomination to the Fourth Circuit. I have been supporting Senator Alexander's efforts to get Senate consideration of the Stranch nomination for months.

The same is true of the two North Carolina nominees to the Fourth Circuit supported by Senators Hagan and Burr. It is Republican refusal to enter into time agreements on these nominations that has preventing their consideration and confirmation by the Senate. In all, 26 judicial nominations are currently being stalled from consideration and confirmation of which only three have been scheduled for consideration next week.

Senate Republicans have only allowed the Senate to consider 25 Federal circuit and district court nominations during the entire Obama presidency. The dozen considered in 2009 was the lowest confirmation total in more than 50 years. The stalling and obstruction is unprecedented.

The Senate is well behind the pace I set for President Bush's judicial nominees in the second half of 2001 and through 2002. By this date in President Bush's presidency, the Senate had confirmed 57 of his judicial nominees. Despite the fact that President Obama began sending us judicial nominations two months earlier than President Bush had, the Senate has only confirmed 25 of his Federal circuit and district court nominees to date. The comparison is 25 to 57—and this is while Federal judicial vacancies around the country remain over 100 with 40 of those vacancies categorized as "judicial emergency vacancies" by the Administrative Office of the United States Courts.

During the 17 months that I chaired the Judiciary Committee during President Bush's first two years in office, the Senate confirmed 100 of his judicial nominees. Rather than continue that kind of cooperation, Senate Republicans have chosen to delay consideration of virtually every judicial nominee of President Obama's. Judge David Hamilton was unsuccessfully filibustered. The Majority Leader was forced to file cloture to get votes on the nominations of Judge Barbara Keenan and Judge Denny Chin. Both were then confirmed unanimously by the Senate. These are a few of the

more than 20 nominations on which the Majority Leader has had to file cloture in order to secure a vote.

Before the Memorial Day recess in 2002, there were only six judicial nominations reported by the Senate Judiciary Committee left awaiting final consideration by the Senate and they had all been reported within the last week before the recess began. They were each confirmed promptly in the June 2002 work period. This year, by contrast, Senate Republicans have stalled nominations reported as long ago as last November and only one of the 26 was reported close to this recess. More than two dozen judicial nominees have been languishing without final Senate action because of Republican obstruction. This is not how the Senate should act, nor how the Senate has conducted its business in the past. This is new and it is wrong.

The judicial nominations on the Senate Executive Calendar number 26. They were each considered and favorably reported by the Senate Judiciary Committee after a hearing. They are each still awaiting final Senate action because the Republican leadership has refused for some time to agree to their consideration. As I have consistently urged since last December, the Senate should vote on all of them without further obstruction or delay.

The way to do that is for the Republican leadership to work with the Majority Leader and agree to time agreements on those on which debate is requested. If there are judicial nominations that Republicans truly wish to filibuster—after arguing during the Bush administration that such action would be unconstitutional and wrong—then they should so indicate and the Majority Leader can proceed to that matter and seek cloture to end the filibuster.

I again urge the Republican leadership, as I have consistently since last December, to work with the Majority Leader to take up and confirm the judicial nominees that are not controversial and can be confirmed without further delay by voice vote or a roll call and to enter into time agreements on the others so that the Majority Leader can schedule their consideration by the Senate.

Sincerely,

PATRICK LEAHY,
Chairman.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that I be yielded 5 minutes from Senator SESSIONS' time.

The PRESIDING OFFICER. Without objection, it is so ordered.

GULF OILSPILL

Mr. LEMIEUX. Mr. President, I come today to the floor of the Senate to discuss the environmental and economic disaster that is happening right now with the oilspill from the British Petroleum and Transocean rig in the Gulf of Mexico.

This past weekend I had the opportunity to be in Pensacola, FL, and to walk on the beautiful beaches. The good news is, and the news that is not being reported as much as it is should be by the press, our beaches are open, they are beautiful, people are out there enjoying the Sun and the surf, and it is still safe to go to the beach. It is still safe to go fishing in the Gulf of Mexico off the shores of Florida and do all of the other things people enjoy doing in our beautiful State.

Unfortunately, we are starting to see oil wash up onshore. It is washing up not in the form so much as a tar ball but sort of a goopy substance. We are spotting that on the beach. I have walked on the beaches, and it is distressing to see that. When you pick it up and touch it, it has sort of a pudding-like consistency. It obviously has the touch and feel of oil.

The concern we have, as this disaster approaches day 50, is, how much can this ecosystem bear? How much oil can be spewed into the water before it has a tremendously damaging impact upon the beaches in Florida? We have already seen what it has done to the marshland of Louisiana. Florida has more than 1,200 miles of coastline around the State. Potentially, this oil could impact up to 1,000 miles if the oil gets itself into the Loop Current and makes its way around the southern tip of Florida up the east coast. That is everyone's worst nightmare.

The good news is the people of Florida who are working in city government, local government, and State government are doing an excellent job to prepare. I had the opportunity to meet with Mayor Mike Wiggins of Pensacola, with commission chairman Grover Robinson of the Escambia County Commission, as well as Larry Newsome, county administrator, who are doing a great job of preparing. There are teams of people on the beaches picking up the oil and debris where needed. They have folks on standby, ready to go to work if needed in western Florida.

We need to do more. There needs to be a coherent plan on how we are going to prevent the oil from coming ashore and to mitigate its impact if and when it does. Tourism is tremendously important to Florida. In Florida, our environment and economy are inextricably linked. We cannot have any more damage than the State can sustain in the marsh or beach areas. We do not want oil washing up on the shore all along the coast of Florida.

I have called upon this administration to be more aggressive. I want to see the President in Florida. I want to see him more than just a couple hours there. I want to see him working through the solutions like Governor Jindal is doing in Louisiana, like Governor Crist is doing in Florida, like former Governor Jeb Bush did when we had 9 or 10 hurricanes in 2004 and 2005—on the ground, managing through the crisis, pushing people for solutions. It is not enough to have the good work of the Coast Guard. And they are doing good work. It is not enough to call on the Department of Interior or the Department of Homeland Security. We need the President on the ground pushing for those solutions. He is a very bright man. He is the President of the United States. If he is there, working through these problems the way the

Governors do, we will get better solutions.

We need more skimmers off the coast of Florida. I am sure my other Gulf State friends would like to see skimmers as well. They prevent the oil from coming ashore.

Are we thinking outside the box? Are we looking for every other possible alternative? Are there skimmers that can be brought in, large supertanker skimmers such as were used in the Persian Gulf when they had oilspills?

Who is leading the effort to push for new solutions and new ideas? Who is vetting all of the possible opportunities presented to clean up the oil? We want to see this leadership from the top, from the Commander in Chief. The worst-case scenario is that none of the efforts going on right now are going to stop the oil from spilling. We have this cap collector BP has put on. It is having some success. That is good news. Let's hope it has all the success in the world. But if we have to wait until the end of the summer for the relief wells to go into effect—and what if they don't work as well as intended, what if there are setbacks along the way, what if it is the fall—how many tens of thousands of barrels of oil are going to spill into the Gulf of Mexico? What is the plan? What is being prepared?

We need to see the President show more leadership. The people of Louisiana, Texas, Mississippi, Alabama, and Florida need that. While BP is at fault, this is not a BP problem; this is an American problem. We need to see the President more thoroughly involved. The claims process has already started. British Petroleum has paid out about \$48 million. There is now a claims process center in Pensacola. Senator VITTER and I have put together a piece of legislation to expedite claims. That should get passed by this body. There is a lot we can do here in Washington to help relieve the pain of our fellow Floridians and others in the gulf. Ultimately, job 1 is to stop the oil from spilling. Job 2 is to mitigate and prevent the oil from coming ashore. We want to see the President of the United States leading the effort.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, I rise to spend a couple minutes talking about Judge Audrey G. Fleissig, one of the nominees we will hopefully be voting on within the hour. This is a woman I have known for many years who has an outstanding career in the legal community in Missouri. She was

an assistant U.S. attorney in the Eastern District of Missouri and went on to be the first woman to hold the position of U.S. attorney in the Eastern District of Missouri. Currently, she serves as U.S. magistrate judge in the Eastern District.

I could go on about her background as a litigation attorney for 11 years in one of the most respected law firms in Kansas City. I could spend some time talking about how much she loves to teach and how she has been a trial advocacy teacher for a good deal of the last 20 years. She has taught pretrial practice, trial advocacy, and now evidence at the Washington University School of Law, one of the finest universities in the country. She was also a student intern to the Honorable Edward Filippine, who was a U.S. district judge in the Eastern District of Missouri 30 years ago. She has a J.D. degree, a Dean's Honor Scholar and an Order of the Coif from Washington University Law School and was magna cum laude from Carleton College for her undergrad years.

She has been one of the stars of the legal community in Missouri, but she has also been a mom. She has managed her career while she raised children, and her children are now in their twenties. I have such deep respect for someone who has done well with the demands of a legal career and a judicial career and also done very well on the family front.

She is somebody who believes very much that putting on a robe does not mean one exits the community. We have a lot of judges who take that particular attitude, especially on the Federal bench, that once they become a Federal judge, then they no longer participate in community activities that are so important to the health and vibrancy of our country, our States, and certainly of our metropolitan areas.

When she worked with her children as they were growing up, she was very active in their schools and tried to instill in them a love of reading. Now that her children are grown, she has for the last 10 years worked with Ready Readers, a charitable organization that works with low-income preschool children, ages 3 to 5, to inspire them to want to read. Think about that. She is a U.S. magistrate with a full-time job, with a prestigious black robe. With that kind of career, anyone could, frankly, take a deep breath and say: I am here. Instead, she has spent the last 10 years continuing to volunteer with a charitable organization that tries to inspire young children to love to read.

I have to tell the truth—this is the kind of person we need on the Federal bench. Will she be respectful to litigants? Of course. Will she understand the rules of evidence? She teaches them at one of the best law schools in the country. Does she understand the pressures of litigation? Yes. She has

been one. But most importantly, does she understand there are other needs in the community outside of what goes on in the courtroom, and does that inform her as a judge? She will be fair. She will work extremely hard. She is known as one of the hardest workers in the Federal courthouse in St. Louis.

It was an honor to recommend her to the President. I am so pleased that she reaches this moment in her career where she can become a U.S. Federal district judge and provide the kind of atmosphere for justice that we hold so dear in this Nation. I know she will be impartial. I know she will never let politics dictate a decision. I know the law will be her master and that she will listen carefully to the evidence and never think she knows best—let the litigants try their cases and let the law reign supreme.

I am proud of her accomplishments. I am proud to support her. I have a feeling she will be confirmed by a very wide margin. Don't ask me why she had to sit around on the calendar for 60 days. I won't go into one of my rants about secret holds. I will save that for another day. Today, I will say it is time that we take this vote, and I make a prediction it won't even be close because there is absolutely no reason this woman should not have been on the bench months ago. I look forward to her confirmation today.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that I may speak for 5 minutes at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, thank you very much.

Mr. President, there are so many issues on our plate this week: do everything in our power to work with our President to stop the oilspill in Louisiana, to rescue the fish and wildlife, to try to help the fishermen and the people who are so economically hurt by this, in my view, unnecessary tragedy. We are also working on jobs and the tax extenders bill which is so important so businesses can create jobs. So we know we have a lot on our plate.

I take a couple of minutes to rise in support of a wonderful judicial nominee we will be voting on, Judge Lucy Koh. She has been nominated by the President to the Northern District Court of California.

I thank Chairman LEAHY and his committee for their work in approving this highly qualified nominee, who will be an outstanding addition to the Federal bench. I also thank my dear friend, Senator FEINSTEIN, for her support of Judge Koh.

I was so proud to have recommended this nominee to President Obama. This nominee was interviewed by my Northern District Judicial Advisory Committee, and you can see, after you hear about her, why they were so clear she would make a great Federal judge.

Judge Koh is the daughter of two proud parents who risked much to come to this country and provide for their children. Her mother escaped from North Korea at the age of 10 by walking for 2 weeks into South Korea—a dangerous trek that required her to hide from North Korean soldiers along the way. Her father fought against the Communists in the Korean war and later immigrated to the U.S. of A. Her dad worked as a busboy and a waiter in Maryland while attending Johns Hopkins University, later bringing the rest of the family here.

Judge Koh is the first member of her family to be born in the United States of America. It is a fantastic example of the great American dream that we try to protect here, hopefully, every day. Her family moved to Mississippi, where her mother taught at Alcorn State University—the Nation's first historically African-American land-grant college. During this time, Judge Koh was bused to a predominantly African-American public school, where many of her classmates lived in poverty. Her childhood experiences provided inspiration for her to pursue a career in the law and work for the NAACP Legal Defense Fund during law school.

She attended Harvard-Radcliffe Colleges as a Harry S. Truman Scholar, graduating magna cum laude. After college, she attended Harvard Law School, where she was awarded Best Brief in the school's moot court competition.

Judge Koh has had a diverse career in the practice of law that makes her uniquely qualified to serve as a Federal judge. She has worked in policy, serving as a fellow for a subcommittee of the Senate Judiciary Committee, and in policy positions at the Justice Department. She served as a Federal prosecutor in Los Angeles, where she handled financial fraud, narcotics, public corruption, and violent crime cases. She received awards for her work as a prosecutor, including a Sustained Superior Performance Award and an award from then-FBI Director Louis Freeh for her prosecution of a \$54 million securities fraud case.

She was a litigator in private practice prior to becoming a State court judge. During her time in private practice, Judge Koh worked on complex litigation matters involving securities

and intellectual property, primarily appearing in Federal court. She led the trial and appellate team in the landmark intellectual property case *In re Seagate*, where a new legal standard was established.

With these credentials, it is easy to see why Governor Schwarzenegger appointed her to the California Superior Court in 2008, where she once again excelled as a judge, handling a docket of both criminal and civil cases.

Today, she is poised to become the first Asian-American judge in the history of the Northern District of California. She will also become the first Korean-American woman in U.S. history to serve as a Federal judge. A family's dream is poised to become a part of American history this very day.

To Judge Koh and to her family, I extend my most heartfelt congratulations on this important and historic day. I know I speak for many Californians, especially those in the Korean and Asian-American communities, in expressing our great pride in her.

Support for Judge Koh is diverse. She has been endorsed by a wide group of supporters, such as our Governor and former Massachusetts Republican Governor William Weld; former Presiding Judge Priscilla Gallagher of the Santa Clara County Court; Santa Clara County District Attorney Delores Carr; Santa Clara County Sheriff Laurie Smith; former Bush Office of Legal Policy Director Viet Dinh; the National Asian Pacific American Bar Association; and the Asian American Justice Center.

I close by congratulating Judge Koh and the other nominees and their families, and I urge my colleagues in the Senate to vote to confirm these nominees to the Federal bench.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BAYH. Mr. President, I wish to speak in favor of the nomination of Magistrate Judge Jane Magnus-Stinson. I joined together with Senator LUGAR to recommend Judge Magnus-Stinson because I know firsthand that she is a highly capable lawyer who understands the limited role of the Federal judiciary.

Before I speak to Judge Magnus-Stinson's qualifications, I would like to comment briefly on the state of the judicial confirmation process generally. In my view, this process has too often been consumed by ideological conflict and partisan acrimony. This is not, I believe, how the framers intended us to exercise our responsibility to advise and consent.

During the last Congress, I was proud to work with Senator LUGAR to recommend Judge John Tinder as a bipartisan, consensus nominee for the Seventh Circuit Court of Appeals. Judge Tinder was nominated by President Bush and unanimously confirmed by

the Senate by a vote of 93 to 0. It was my hope that Judge Tinder's confirmation would serve as an example of the benefits of nominating qualified, non-ideological jurists to the Federal bench.

In selecting Jane Magnus-Stinson, President Obama has demonstrated that he also appreciates the benefits of this approach. I was proud to once again join with Senator LUGAR to recommend her to the President, and I hope that going forward other Senators will adopt what I call the "Hoosier approach" of working across party lines to select consensus nominees.

I would also like to personally thank Senator LUGAR for his extraordinary leadership and for the consultative and cooperative approach he has taken to judicial nominations. During my time in Congress, it has been my great privilege to forge a close working relationship with Senator LUGAR across many issues. This has been especially true on the issue of nominations—when a judicial nominee from Indiana comes before the Senate, our colleagues can be confident that the name is being put forward with bipartisan support, regardless of which political party is in the White House or controls a majority in the United States Senate.

On the merits, Jane Magnus-Stinson is an accomplished jurist who is well-qualified for a lifetime appointment to the federal judiciary. She has extensive trial experience, having served as a Judge on the Marion Superior Court from 1995 to 2007. Judge Magnus-Stinson also has valuable experience presiding in federal court, having served as a federal Magistrate Judge in the Southern District of Indiana since 2007.

During this time, she has been recognized as a leader among Indiana jurists, serving on the Board of Directors of the Indiana Judicial Conference and the Board of Managers of the Indiana Judges Association.

Judge Magnus-Stinson's devotion to the fair and efficient administration of justice has been recognized by her fellow Hoosiers. She has been honored as "Judge of the Year" by the Indiana Coalition Against Sexual Assault and as an "Outstanding Judge" by the Indiana Coalition Against Domestic Violence.

Judge Magnus-Stinson has also shown that she is deserving of the public trust. She has demonstrated the highest ethical standards and a firm commitment to applying our country's laws fairly and faithfully.

In recommending Judge Magnus-Stinson, I have the benefit of being able to speak from personal experience, as she served as my Counsel while I was Governor of Indiana.

If you ask Hoosiers about my eight years as Governor, you will find widespread agreement that we charted a moderate, practical, bipartisan course. As my counsel, Jane Magnus-Stinson

helped me craft bipartisan solutions to some of the most pressing problems facing our state.

In addition to her insightful legal analysis, I could always count on Jane for her sound judgment and her common-sense Hoosier values. Like most Hoosiers, she is not an ideologue.

During her service in state government, Judge Magnus-Stinson also developed a deep appreciation for the separation of powers and the appropriate role of the different branches of government. If confirmed, she will also bring to the federal bench a special understanding of the important role of the States in our federal system and will be ever mindful of the proper role of the federal judiciary. She understands that the appropriate role for a judge is to interpret our laws, not to write them.

As someone who personally knows and trusts Judge Magnus-Stinson, I say to my colleagues that she is the embodiment of good judicial temperament, intellect, and even-handedness. If confirmed, she will be a superb addition to the federal bench. I am pleased to give her my highest recommendation.

I urge my colleagues to join me—and Senator LUGAR—in supporting this extremely well-qualified and deserving nominee.●

Mrs. FEINSTEIN. Mr. President, I rise to express my strong support for the nomination of California Superior Court Judge Lucy Koh to be a U.S. district judge for the Northern District of California.

Judge Koh is a well-respected lawyer and judge in California. Over the course of her career, she has been a State trial judge, an intellectual property lawyer, a Federal prosecutor, and a counsel in Congress and the Justice Department.

For the last 2 years, she has been a superior court judge for Santa Clara County and has adjudicated cases ranging from criminal prosecutions to commercial litigation matters to family law disputes.

She spent 8 years representing business clients as an intellectual property litigator at private law firms in Silicon Valley.

She spent 3 years prosecuting bank robberies, securities fraud, and other Federal crimes as an assistant U.S. attorney in southern California.

And she spent 4 years working in Washington as a special assistant to the Deputy Attorney General and a counsel to the Senate Judiciary Committee.

She has received the FBI Director's Award for demonstrated excellence in prosecuting a major criminal case and has been named one of the "Top 40 lawyers under 40" by the Silicon Valley/San Jose Business Journal.

As a Judge, the reviews have been equally positive. California Governor

Arnold Schwarzenegger, for example, has called her “an exemplary jurist with an unparalleled track record,” and described her approach as “careful and balanced.”

She is a talented woman with a solid background in the law. I commend Senator BOXER for recommending her for the district court and the President for nominating her. I have the utmost confidence that she will serve the Northern District of California with distinction as a U.S. district judge.

Judge Koh's confirmation will also be a historic one for our Federal courts.

If confirmed, Judge Koh will be the first Korean American woman ever to serve the United States as a Federal district judge, and she will be the first Asian-American district judge appointed to the U.S. District Court for the Northern District of California. This is a district that serves one of the Nation's largest populations of Asian Pacific Americans, but for over 150 years there has not been a district judge of Asian Pacific descent on the court. Judge Koh will be the first, and her appointment is one for us all to celebrate. I urge my colleagues to support her.

Before I conclude my remarks, I want to call attention to another nominee for this district court whom we unfortunately are not voting on today.

Magistrate Judge Edward Chen has also been nominated to be district judge for the Northern District of California. Here is the timeline:

The President first nominated Magistrate Judge Chen on August 6, 2009. That was over 300 days ago.

The Judiciary Committee reported his nomination to the floor on October 15, 2009.

Although the nomination was pending for 70 days, it was never acted on and there was not consent to allow the nomination to be carried over into 2010.

On January 20, 2010, the President renominated Chen, and on February 4, his nomination was reported out of the Judiciary Committee once again. That was over 120 days ago. Still, he has not received a vote.

I find this extremely disappointing. In my 17 years on the Senate Judiciary Committee, I have voted against only one district court nominee. That was Leon Holmes. I had serious concerns about his views on the role of women in society, and I explained my concerns in detail in a statement on the floor. I have not voted against any other district court nominee.

Yet in just 17 months of the Obama administration, not one, not two, not three, but four district court nominees have come out of committee on straight party-line votes. And they are all still pending on the floor. I think that is a very unfortunate direction for us to go in.

Look at the merits of the Chen nomination. I understand that some have

concerns because he spent time working for the American Civil Liberties Union before he became a magistrate judge. But this is a nominee with a proven track record. There is no need to ask how he will be as a judge—the evidence is in.

Chen has spent 9 years as a magistrate judge and written over 200 published opinions. There has not been a single objection in committee or on the floor to even one of his decisions.

In 2008, an impartial Federal Magistrate Judge Merit Selection Review Panel reviewed his full record. The Panel unanimously recommended him for reappointment.

Federal prosecutors were “uniformly positive” about Chen and called his rulings “balanced” and “well reasoned.” The local civil bar called him “well prepared,” “very intelligent,” and “decisive.” The judgment was made—he is a very good judge.

I asked Republican-appointed U.S. district judges who work with Judge Chen for their opinions. Again the comments were uniformly positive.

District Judge Lowell Jensen served as the No. 2 official in the Reagan Justice Department. He called Chen “an excellent jurist and a person of high character” and said Chen's decisions “reflect not only good judgment, but a complete commitment to the principles of fair trial and the application of the rule of law.”

My own bipartisan selection committee in the Northern District reviewed Chen at length. He was their consensus choice for the district court. A bipartisan selection committee under the Bush administration also recommended him. And the American Bar Association has unanimously rated him “well qualified.”

So this is a nominee with a solid and publicly available track record. He has strong bipartisan support in the community he has been nominated to serve. And he has the support of his two home State Senators.

It is long past time for an up-or-down vote on his nomination.

I urge my colleagues to vote yes on the nomination of Judge Lucy Koh, and I also urge consent on a time agreement to let us move forward on the nomination of Magistrate Judge Edward Chen.

Thank you so very much. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Audrey Goldstein Fleissig, of Missouri, to be United States District Judge for the Eastern District of Missouri?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUE), and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 177 Ex.]

YEAS—90

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| Akaka | Enzi | Merkley |
| Alexander | Feingold | Mikulski |
| Barrasso | Feinstein | Murkowski |
| Baucus | Franken | Murray |
| Begich | Gillibrand | Nelson (NE) |
| Bennet | Graham | Nelson (FL) |
| Bennett | Grassley | Pryor |
| Bingaman | Hagan | Reed |
| Bond | Harkin | Reid |
| Boxer | Hatch | Risch |
| Brown (MA) | Inhofe | Roberts |
| Brown (OH) | Isakson | Rockefeller |
| Brownback | Johanns | Sanders |
| Bunning | Johnson | Schumer |
| Burr | Kaufman | Sessions |
| Burris | Kerry | Shaheen |
| Cantwell | Klobuchar | Shelby |
| Cardin | Kohl | Snowe |
| Carper | Kyl | Specter |
| Casey | Landrieu | Stabenow |
| Chambliss | Lautenberg | Tester |
| Coburn | Leahy | Thune |
| Cochran | LeMieux | Udall (CO) |
| Collins | Levin | Udall (NM) |
| Conrad | Lieberman | Voinovich |
| Corker | Lugar | Warner |
| Cornyn | McCaIn | Webb |
| Dodd | McCaskill | Whitehouse |
| Dorgan | McConnell | Wicker |
| Durbin | Menendez | Wyden |

NOT VOTING—10

| | | |
|--------|-----------|---------|
| Bayh | Ensign | Lincoln |
| Byrd | Gregg | Vitter |
| Crapo | Hutchison | |
| DeMint | Inouye | |

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, if I can get the attention of the Republican leader, I understand on the Republican side there is a wish for a rollcall vote on this nomination but not on the next; is that correct?

Mr. MCCONNELL. I say to the chairman of the Judiciary Committee, yes. The thought was that we would have another rollcall on the second nominee and a voice vote on the third.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, if nobody else seeks recognition, I yield back my time.

The PRESIDING OFFICER. If all time is yielded back, the question is, Will the Senate advise and consent to the nomination of Lucy Haeran Koh, of California, to be United States District Judge for the Northern District of California.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUE), and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from S. Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 178 Ex.]

YEAS—90

| | | |
|------------|------------|-------------|
| Akaka | Enzi | Merkley |
| Alexander | Feingold | Mikulski |
| Barrasso | Feinstein | Murkowski |
| Baucus | Franken | Murray |
| Begich | Gillibrand | Nelson (NE) |
| Bennet | Graham | Nelson (FL) |
| Bennett | Grassley | Pryor |
| Bingaman | Hagan | Reed |
| Bond | Harkin | Reid |
| Boxer | Hatch | Risch |
| Brown (MA) | Inhofe | Roberts |
| Brown (OH) | Isakson | Rockefeller |
| Brownback | Johanns | Sanders |
| Bunning | Johnson | Schumer |
| Burr | Kaufman | Sessions |
| Burris | Kerry | Shaheen |
| Cantwell | Klobuchar | Shelby |
| Cardin | Kohl | Snowe |
| Carper | Kyl | Specter |
| Casey | Landrieu | Stabenow |
| Chambliss | Lautenberg | Tester |
| Coburn | Leahy | Thune |
| Cochran | LeMieux | Udall (CO) |
| Collins | Levin | Udall (NM) |
| Conrad | Lieberman | Voinovich |
| Corker | Lugar | Warner |
| Cornyn | McCain | Webb |
| Dodd | McCaskill | Whitehouse |
| Dorgan | McConnell | Wicker |
| Durbin | Menendez | Wyden |

NOT VOTING—10

| | | |
|--------|-----------|---------|
| Bayh | Ensign | Lincoln |
| Byrd | Gregg | Vitter |
| Crapo | Hutchison | |
| DeMint | Inouye | |

The nomination was confirmed.

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote

on the nomination of Jane E. Magnus-Stinson, of Indiana.

Who yields time?

Mr. REID. I yield back the remaining time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Jane E. Magnus-Stinson to be United States District Judge for the Southern District of Indiana?

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT INSURANCE

Mr. BROWN of Ohio. All of us have just come back to the Senate after a Memorial Day work period, where most of us were traveling our States, meeting with people. I was in Toledo, Youngstown, Cleveland, and around much of my State.

While we have seen signs of recovery in Youngstown, in part because of the Recovery Act, in part because of where those dollars were absolutely well spent on infrastructure, making this expansion possible, in part because of a trade decision the President of the United States made on the dumping of Chinese steel. In real terms—in real English—the dumping of Chinese steel meant the Chinese were cheating. Now we have restored competitiveness to the market so that American companies, with very productive American workers, can make steel and sell that steel at competitive prices.

We have seen an announced expansion and beginning of hiring in the auto industry, into the whole supply chain that leads into the automotive industry that makes the components—the so-called Tier I and Tier II suppliers. We have seen those signs of recovery. But if you are not working or your cousin is not working or your wife has lost her job or your sister or brother isn't working, you know there are still too many people who are hurting. We have not recovered, and we are not close to it, but we are making progress,

while those families continue to struggle.

Too many Americans are waiting for us to act and extend the unemployment insurance they earned and the COBRA insurance they need while they look for work. Let me talk about unemployment insurance for a moment. It is not a vacation. It is not a whole lot of money people get. It is people who have lost their jobs and are looking for work. They have to continue to look for work. They have to show the employment bureau in their States—in new Hampshire, Ohio, wherever—that they are continuing to look for work.

Unemployment insurance is insurance. It is not welfare. You pay in when you are working and you get some help when you are not working. Because of the persistent unemployment caused by several years of bad economic policy, tax cuts for the rich, deregulation of Wall Street, a war that was not paid for—all the things that happened in the last decade which led us to this terrible economy—we have to help those workers who have lost their job through no fault of their own.

We have to help pay for COBRA; that is, helping to keep their health insurance. It is more expensive than a mortgage for most people. How COBRA works is, if you lose your job, you can keep your insurance if you pay for your side of the insurance—the employee's side—and you pay for the employer's contribution to your insurance. You have to pay both. That is clearly expensive. If you lost your job, how would you do that? You are going to be able to do that because of the Recovery Act.

The Congress and the President made a decision—with very few Republicans voting for it, for whatever reason. They do not think these people who are trying to keep their health insurance should be able to get help. But we were able to provide enough subsidy so that in my State tens of thousands of people—and I have met several dozen of them—have been able to keep their health insurance as a result.

A laid-off mechanic, factory worker, electrician, engineer—ask them how it feels to be out of a job. When I see my colleagues voting against unemployment benefits, the question I really want to ask is, Do you know anybody who lost their job? Do you know anybody who really needs this unemployment insurance? Have you really talked to somebody who lost their health insurance and, with a little bit of help, could continue to keep their insurance through COBRA? Ask people in Ohio. Ask somebody in Dayton who has lost a job in the auto industry. Ask somebody in Chillicothe who lost their job at a paper company. Ask somebody in Springfield who lost their job at DHL, the cargo company—how they live with the stress of job loss, compounded by the small number of job

openings, if they exist at all, in or around their communities.

Unemployment insurance, as I said, is just that—it is insurance. Workers pay into an insurance fund while they are working. They have a safety net if they are unemployed, and there are requirements. Those collecting unemployment checks are required to actively seek work.

I know people in my State. They come up to me when I do a townhall or roundtable meeting. Whether I am in Galion or Lima or St. Clairsville or Zanesville, people come up to me and say they send out 10 or 20 or 30 resumes a week. Most of these resumes are not even answered because the economy is far from fully recovered. We are making progress. We are on track to recovery. We are not there yet. People are still out of work in huge numbers.

I hear lectures from those who believe emergency spending should not be used to help out-of-work Americans who lose their unemployment insurance. Yet many people in this body have no problem giving away—extending tax credits, tax cuts for the wealthiest Americans, subsidizing the insurance companies, the drug companies, in the name of Medicare privatization, voting for a war. None of that was paid for. I didn't hear my Republican colleagues saying: We can't do that; it is going to add to the deficit. We can't go to war. We can't raise taxes to pay for the war; it is going to contribute to the deficit.

They will vote for the Medicare privatization bill President Bush had—a giveaway to the drug insurance companies. They didn't say: How do you pay for it? They didn't say that. They didn't say we couldn't do those things. It is only when it is unemployment insurance and COBRA, things extending health insurance to people—it is only those things, and all of a sudden they are all concerned about the budget deficit.

I am concerned about the budget deficit too. One of the reasons I voted against the Medicare giveaway to the drug insurance companies was because of the deficit. One of the reasons I voted against the Iraq war—the primary reason was it was the wrong thing to do, but I was very concerned about the fact that we were not paying for it.

The tax cuts that went to the richest Americans—I didn't hear any Republicans saying we should not do this, with the exception of GEORGE VOINOVICH from my State, who raised that issue. I didn't hear any of them say we should not give those benefits because they are not paid for. Now that it is unemployed workers, people who have lost their insurance, all of a sudden they have some kind of deficit reduction issue in their minds. Lavishing goodies on the drug and insurance companies I guess does not qualify. That

qualifies as emergency spending. That is OK. But helping working families stay afloat in a floundering economy is not OK.

Every day that people do not receive their unemployment insurance is another day more American workers and families will slip into poverty. Do you know what happens if they can't get their unemployment checks, if they are cut, if they no longer get unemployment insurance? We are going to see more home foreclosures. How are you going to have economic recovery when somebody's home is foreclosed on, it is then vandalized, it then plummets in value, then infects houses in the neighborhood, and so they have the same problems and the value of their home gets lower and lower. How is that going to help us with economic recovery? It is a human tragedy, and it is an economic blow our country cannot afford. Poverty reduces consumer spending, and it increases the need for public assistance. That is two steps back.

Not only is unemployment insurance a poverty prevention tool, it is a proven economic stimulus. Senator MCCAIN, who ran, as we know, as Republican nominee for President—his chief economic adviser said unemployment insurance is the single best economic stimulus. Every dollar in jobless benefits, which were earned, as I said—you pay in as insurance, you get out—every dollar in unemployment benefits produces \$1.64 in economic growth. Why is that? It is because they don't take their dollar and put it in their pocket; they spend it on their kids or spend it on the necessities of life. It goes right back into the community. That is why it supports and produces \$1.64 in economic growth.

In the first 6 months following passage of the Recovery Act—and we know that almost every economist, except for those who have their own ideological game going, will say that without the Recovery Act we would be in a much higher unemployment situation today. Frankly, we would have a higher budget deficit as a result because so many more people would be out of work. Unemployment insurance pumped \$19 billion into the economy.

Let me close with a couple of letters from Ohioans. Richard from Cuyahoga County—the northern part of the State on Lake Erie, just east of where I live—writes:

People like me are trying hard to find a job but this economy is presenting challenges for unemployed workers. To those who object to the cost of unemployment insurance—what about the cost of not helping the folks looking for a job and trying to get by? Not helping us means the loss of a strong multiplier effect—

This guy obviously gets it—spending on necessities like mortgage and rent and food and car payments, which stays in the community where we live.

That is exactly right. It is another one of the things government does

sometimes. When you help one person, you are helping society. Look back at what happened in the 1940s when Franklin Roosevelt signed the GI bill. About 7 million, I believe, veterans used GI benefits. So those 7 million people were helped personally, one at a time. They got health care benefits, they got education benefits, they bought homes—whatever. But the GI bill didn't just help those millions of veterans. It created a prosperity like none the world has ever seen, postwar America, where everyone was lifted up. All of society was more prosperous because of this government program that helped one person at a time.

So is unemployment insurance. When you do unemployment insurance, you send a life preserver, if you will, to those individuals, tens of thousands in my State. But you also create prosperity so your next-door neighbor does better because the guy down the street is getting unemployment insurance because he might work at the hardware store or might work in the grocery store where the laid-off worker goes to shop for her food. He is able to keep a job because there is some prosperity created.

The last letter I would like to share for a moment is from David from Franklin county.

Many people like me who are looking for a job are well educated, white collar workers with long work histories. As we continue to look for jobs, we hope businesses will hire again. Unemployment insurance benefits have been a lifeline. I have been able to pay my mortgage, feed my family, and clothe my children. Without these benefits—

This is really key—

I will lose my home, be forced to go on welfare, and see my children go hungry and my family possibly destroyed. Please urge your colleagues to support an unemployment insurance extension. In the richest, most productive country in the world, please do the right thing and stand up for us during our time of need.

Forget about the statistics, forget about the economics of it. Think about somebody like David who knows that without these unemployment benefits—and he is not getting rich; he is barely getting along with a few hundred dollars. What it means is he can pay his mortgage. What it means is he can feed his family. What it means is he will go back, as he keeps looking for work, to being a productive member of society.

We need to act now—not tomorrow, not next week, not next month—now. We must act now.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

KAGAN NOMINATION

Mr. LEAHY. Madam President, 3 weeks from now the Senate Judiciary Committee will hold the confirmation hearing for President Obama's nomination of Elena Kagan to succeed Justice John Paul Stevens as an Associate Justice of the Supreme Court of the United States.

Last year, after reviewing her record, a bipartisan majority of the Senate voted to confirm Elena Kagan to be the Solicitor General of the United States, actually the first woman in America's history to serve as Solicitor General. As the distinguished Presiding Officer knows, oftentimes the Solicitor General is referred to as the "Tenth Justice". Not only are we familiar with Elena Kagan from our review of her nomination last year, but we have already received an extraordinary amount of information about her in connection with this nomination.

Last week we received nearly 50,000 pages of documents from the Clinton Library related to Elena Kagan's service and her significant role in the Clinton White House. My initial review of these documents shows her to have been a pragmatic and thoughtful adviser to President Clinton as she helped him to advance the goals of his administration.

As a law clerk to Justice Thurgood Marshall, as a professor, as a policy adviser to the President, and dean of Harvard Law School, and as Solicitor General of the United States, she appeared to have a clear grasp of how to apply her abilities to meet the challenges of each of these varied positions. I point out in that regard not only is she the first woman to become Solicitor General, she was the first woman to become dean of the Harvard Law School.

I went back and I doublechecked with my staff, Bruce Cohen, Jeremy Paris, and others on my staff, and I said: How does the information we have received on this nomination compare with the Roberts or Alito nominations when there was a Republican President? I am told the committee has received more information from the administration than was made available at this point in the confirmation process for either the Roberts or Alito nominations.

Last year we considered President Obama's nomination of Justice Sonia Sotomayor. Although she was confirmed with 68 votes, I was disappointed that so many chose to oppose her historic nomination, the first Hispanic to the Supreme Court, only the third woman.

I suspected and do suspect that many of those who voted against her confirmation will come to regret their action, if they do not already. Regrettably, many of the Senate Republicans, now that President Obama is in the White House, seem to want to apply a different standard from when they were considering President Bush's nominees to the Supreme Court.

As we begin the process of considering a new nominee to the Supreme Court, I candidly admit that after watching the unfounded opposition to the Sotomayor nomination last year, I would not be surprised if a majority of Republican Senators were to vote against Solicitor General Elena Kagan, despite her qualifications and no matter how she answers questions during the course of the hearing. I have joked that if President Obama nominated Moses, the lawgiver, or Mother Theresa, Senate Republicans would vote against the nomination. Such a willingness of many Republican Senators to heed the extreme ideological test imposed by the far right.

Indeed, were Justice Sandra Day O'Connor the nominee pending today, or Justice David Souter, or Justice John Paul Stevens, or, for that matter, Justice Anthony Kennedy, it is a sad reality that a majority of current Republican Senators would likely vote against their confirmations, as well, for failing the extreme ideological litmus test. Each of these Justices was nominated by a Republican President. I voted in favor of each of them.

Each of these Justices served or are serving now with distinction, and all still contribute to the Nation and its courts. The American people are fortunate to have had all of them serve on the Supreme Court.

Regrettably, most Senate Republicans, now that President Obama is in the White House, seem to want to apply a different standard from when they were considering President Bush's nominees to the Supreme Court. I welcome questions to Solicitor General Kagan about judicial independence. But let's be fair. Let us listen to her answers. No one should presume that this intelligent woman who has excelled during every part of her varied and distinguished career lacks the independence to serve on the U.S. Supreme Court. Indeed, many of the justices who are most revered in this country for their independence came to the Court with a background not unlike that of the nominee.

Not so long ago, Republican Senators contended that a nominee's judicial philosophy was irrelevant. All that should matter, they claimed, was that the nominee was qualified, had gone to elite schools, and had good character. Well, Solicitor General Kagan excelled at Princeton, Oxford, and Harvard Law School. As I have mentioned, she was the first woman to serve as Dean of

Harvard Law School in its 193-year history, and was respected and admired for her inclusiveness. She is the first woman to serve as Solicitor General of the United States in that office's 140-year history. Throughout her career, no one has questioned her character or her integrity. She obviously meets and exceeds the qualifications standard previously espoused by the Senate Republicans.

Now they apparently want to examine something else, which they will call her "judicial philosophy" or "independence". But it is not her philosophy, judgment, or her independence that matters to them. What they really want is assurance that she will rule the way they want so that they will get the end results they want in cases before the Supreme Court. Lack of such assurances was why they and the conservative right wing vetoed President Bush's nomination of Harriet Miers, the third woman to be nominated to the Supreme Court in our history and the only one not to be confirmed. They forced Ms. Miers to withdraw even while Democrats were preparing to proceed with her hearing. They do not want an independent judiciary. They demand Justices who guarantee the results they want, and that is their ideological litmus test.

I reject the ideological litmus test that Senate Republicans would apply to Supreme Court nominees. Unlike those on the right who drove President Bush to withdraw the nomination of Harriet Miers, and those who opposed Justice Sotomayor, I do not require a Supreme Court nominee to swear fealty to the judicial approach and outcomes ordained by adhering to the narrow views of Justice Scalia and Justice Thomas. I expect judges and Justices to faithfully interpret the Constitution and apply the law, and also to look to the legislative intent of our laws and to consider the consequences of their decisions. Based on the review I have made of Solicitor General Kagan's career, I say frankly that I expect she and I will not always agree. I do not agree with every decision Justice Stevens has written, but I have such enormous respect for his judgment, this giant in the law.

I do not always agree with Justice O'Connor, nor with Justice Souter. I have my disagreements with some of Justice Kennedy's decisions. But I have never regretted my vote in favor of their confirmation, because I respect their independence.

I said only half facetiously when President Obama asked me: Why did some come out against Elena Kagan within minutes of her nomination, before they knew anything about her? I said: You have to understand, if you would have nominated Moses, the lawgiver, some of those same people would oppose.

The former First Lady Laura Bush was asked recently about President

Obama's nomination of Elena Kagan and she said: I think it's great. I'm really glad that there will be three [women serving on the Supreme Court] if she is confirmed.

When Justice O'Connor was asked about the nomination she said that she was "pleased" that Solicitor General Kagan seemed "very well qualified academically" and should be confirmed and that "it's fine, just fine" that she is without prior judicial experience. Over the weekend Justice O'Connor elaborated saying: "There is no reason you should have served on the Federal court bench" before becoming a Justice. She had not. Justice Scalia went even farther on that score, saying recently that he was "happy to see that this latest nominee is not a Federal judge—and not a judge at all".

The American people elected the first African-American President, and he is a leader who is committed to the Constitution and rule of law. With his initial selection to the Supreme Court, he named Justice Sonia Sotomayor, the first Hispanic to serve on the High Court. She was confirmed last year and has been a welcome addition to the Supreme Court. Now he has nominated only the fifth woman in the Nation's history to the Court, a nominee who can bring the number of women serving on the Court to an historic high-water mark of three from the time just a little over a year ago when it was just down to one.

This month Justice Stevens will be leaving the Court after nearly 35 years of dedicated public service. The Nation owes him a great debt. When I visited with him earlier this year, Justice Stevens shared with me the note from President Ford in which he recounted that he was prepared to allow history's judgment of his presidency to rest on his nomination of John Paul Stevens to the Supreme Court. I hope that President Obama can look at his Supreme Court appointments, long after his presidency has ended, and feel the same way about his nominees that President Ford felt about Justice Stevens.

RECOGNIZING NORTHEASTERN NEVADA HISTORICAL SOCIETY MUSEUM

Mr. REID. Madam President, I rise today to congratulate the Northeastern Nevada Historical Society Museum on their acceptance to the American Association of Museums' Museum Assessment Program. The Northeastern Nevada Historical Society has been serving Nevada for 54 years, preserving its history and educating communities. Through participation in the Museum Assessment Program, MAP, the museum will undertake extensive improvement projects for the benefit of the entire community.

The Northeastern Nevada Historical Society Museum, located in Elko, is

the only museum in Elko County and the largest museum in northeastern Nevada. The museum houses two history galleries, three art galleries, archives, a theatre, a gift shop, and an extensive library collection. The exhibits range from "Murray" the mastodon, a set of 2-million-year-old mastodon bones discovered in northern Nevada, to modern abstract paintings. Every year 18,000 people from all parts of the country visit the museum. Children from five counties make field trips here to learn about Nevada, wildlife, and history. The museum also runs educational programming and hosts community events, making it one of northern Nevada's most treasured establishments.

Last year, the Northeastern Nevada Historical Society was accepted into the prestigious Museum Assessment Program, which is an intense yearlong improvement process with three phases. In the first phase museums receive guidance from the American Association of Museums, AAM, in the form of written documents to help them assess their own effectiveness and areas for improvement. In the second phase, the museum is peer-reviewed through a visit by a surveyor. Together, the museum staff and surveyor design an improvement plan for the museum, which is implemented in the third phase of the program.

The dedicated staff at the historical society worked tirelessly throughout the first few months of this year to complete the self-assessment portion of the MAP program. Recently, they received a visit from a surveyor, with whom they developed a thorough museum improvement plan. Throughout this process, the historical society has shown the utmost dedication to meeting the highest standards in museum excellence.

I am very thankful to the Northeastern Nevada Historical Society Museum for its work preserving Nevada's history. I have lived in Nevada all of my life and have been deeply influenced by our unique culture and history. The historical society aims to capture this culture and history and share them in a way that is engaging and educational. I am pleased to see that the American Association of Museums has recognized this goal and will be supporting the Northeastern Nevada Historical Society Museum in furthering it. The museum's commitment to the communities it serves is evidenced by its choice to participate in such a rigorous improvement program. I commend the Northeastern Nevada Historical Society for its dedication and look forward to its contribution to Nevada's communities for many years to come.

Mr. COBURN. Mr. President, I ask unanimous consent to have my letter to the Senate minority leader regarding the Global Food Security Act, S.

384, printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
May 27, 2010.

Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I recently objected to a unanimous consent request to pass S. 384, the Global Food Security Act.

As you will recall, I sent a letter to the entire Senate at the beginning of this Congress in which I outlined four basic principles that would give me cause to object to any legislation that violated them. Among them are the principles that any new spending commitment authorized must be paid for by reducing spending in other areas of the federal budget and that any new programs or initiatives should not duplicate existing ones.

Along these lines I have two primary concerns with S. 384. First, according to the Congressional Budget Office, this bill will cost taxpayers \$6.5 billion; yet, the legislation provides no offset to avoid increasing our national debt, which recently reached \$13 trillion.

Second, it appears several components of S. 384 may overlap with existing federal programs and authority relating to agricultural assistance and research. For example, S. 384 creates the Higher Education Collaboration for Technology, Agriculture, Research and Extension program (HECTARE), which authorizes research and teaching activities for academic exchanges for students, faculty, extension educators, and school administrators. However, according to the Congressional Research Service, this section overlaps with several programs at the Department of Agriculture (USDA). Specifically, USDA already has research, extension and teaching activities authorized in Section 1458 of the 2008 farm bill. Other farm bill programs, such as the Competitive Grants for International Science and Education Programs (Sec. 1459A), the Borlaug International Agricultural Science and Technology Fellowship Program (Sec. 1473G), and the Cochran Agricultural Fellowship Program for Middle Income Countries, Emerging Democracies and Emerging Markets (Sec. 1543) also authorize USDA to carry out the kinds of activities that would be funded by the HECTARE program.

Additionally, this bill adds new provisions and authority for conservation farming and other sustainable agriculture techniques. At the same time, USAID already operates the Sustainable Agriculture and Natural Resource Management Collaborative Research Support Program, which American universities carry out to support sustainable agriculture research and natural resource management internationally. USAID also operates the Consultative Group on Program, which American universities carry out to support sustainable agriculture research and natural resource management internationally. USAID also operates the Consultative Group on International Agricultural Research (CGIAR), which is an alliance of international agricultural centers that mobilizes science to benefit the poor by promoting conservation and sustainability of natural resources and biodiversity. Further, the USDA's Natural Resources Conservation Service conducts an International Technical Assistance program. Through this program, the U.S. provides technical assistance internationally to enhance conservation and management of natural resources. Finally, one

component of USDA's Foreign Agricultural Service's mission is to provide food aid and technical assistance in foreign countries.

The statutory authorities to implement these initiatives already exist. Congress should conduct better management of programs already authorized rather than create new ones as outlined in S. 384. The past failures of Congress to streamline federal programs where appropriate have resulted in a vast expansion of our government, often to the detriment of taxpayers and in violation of the principles set forth in the U.S. Constitution.

During this time of national economic unrest, Congress must do the hard work of paying for its commitments rather than passing along debt to future generations and risking financial collapse. Additionally, Congress must first evaluate existing programs to eliminate or consolidate overlapping functions before it creates new programs or embarks on new initiatives.

Please do not hesitate to contact me with any questions you may have. Thank you for your service to our country.

Sincerely,

TOM A. COBURN,
U.S. Senator.

RECOGNIZING AMBASSADOR JEAN KENNEDY SMITH AND VSA

Mr. DODD. Madam President, I wish to recognize VSA, the International Organization on Arts and Disability. VSA is an affiliate of the John F. Kennedy Center for the Performing Arts, and was founded in 1974 by Ambassador Jean Kennedy Smith—a pioneering leader in the area of access and inclusion in the arts for children with disabilities. For over three decades, she has blazed the trail for VSA to become the preeminent international organization on arts and disability. As a result of Ambassador Smith's tireless efforts and sustained vision, VSA is changing perceptions all over the world about people with disabilities. Each year, 7 million people of all ages and abilities participate in VSA programs in dance, music, drama and the visual arts.

Ambassador Smith and VSA have created an extraordinary network of educational resources, programs, festivals, and services that bring the arts into the lives of individuals of all ages—with and without disabilities. VSA programs occur in schools, community centers, hospitals, performing arts centers, art galleries, and college and university campuses. They involve teacher and artist training programs, the development and distribution of educational resources, and performance and exhibition opportunities for individuals of all ages. Through the development, implementation, and dissemination of model programs and initiatives, VSA helps acknowledge the importance of the arts in academic and vocational achievement for individuals of all abilities. These programs operate in all 50 states and in 51 countries around the world.

From June 6 to 12, more than 2,000 people will convene in Washington, DC,

to celebrate Ambassador Smith's vision and to share their talents and accomplishments with all of us. From the Kennedy Center, to the Smithsonian Institution, the Shakespeare Theatre Company, Union Station, AFI Silver Theatre and Cultural Center, and many venues in between, performances and exhibitions will showcase the work of these outstanding artists and provide first-rate entertainment to residents of the Washington metropolitan area as well as visitors from around the world.

Among the professional artists who will lend their talents to this extraordinary gathering are world-renowned artists Dale Chihuly, Dame Evelyn Glennie, Patti LaBelle, Salif Keita, Marlee Maitlin and architect Michael Graves.

As part of the festival, hundreds of educators, policymakers, parents, and disability advocates will convene for the International VSA Education Conference, which will feature sessions that provide participants with tools and resources to advance inclusive education in their own communities.

Countless individuals have worked tirelessly for many years to create and expand the diverse programming and rich history of VSA. The leadership that Ambassador Jean Kennedy Smith has provided for more than 35 years has inspired those efforts and made these many accomplishments possible. The 2010 International VSA Festival is a tribute to her and to those individuals who embraced her vision and shared her passionate belief that all people should have the opportunity to participate in the arts. In honoring VSA and the work done by Ambassador Smith, we recognize the magnitude of her mission, and the importance of the arts not only for individuals with disabilities, but in all of our lives.

HONORING OUR ARMED FORCES

STAFF SERGEANT EDWIN RIVERA

Mr. DODD. Madam President, today I have a heavy heart to mark the passing and commemorate the life of SSgt Edwin Rivera, a native of Waterford, CT, who lost his life in Afghanistan last week at the age of 28.

Staff Sergeant Rivera, the only son of middle-class Puerto Rican parents who came to Connecticut in the 1970s, graduated from Waterford High School in 2000. And they were proud of young Edwin, who served his first deployment in 2006, even as they missed his presence.

"The center of the family shifts back to my house when Edwin is gone," his mother said.

He was gone for 15 months, not the promised 12. And when he came home, he was changed by what he had seen. But he soon became the lively, committed family man, seeing his two sons, Rolando and Lorenzo, off to school, working at the Millstone nu-

clear powerplant, starting a new life with his wife Yesenia.

Last summer, however, he told his mother that he still thought about the sad faces of the children he had seen in Afghanistan, the children who couldn't enjoy the stable, safe life he was providing for his own family.

"When the U.S. soldiers drive by," he told her, "the children will scramble like mad in the dust just to get thrown a simple pencil from us. They don't even have pencils. I was born for this, it's my duty, to protect those families over there."

So Edwin went back, leaving for Afghanistan again in early January with the 1st Battalion of the 102nd Infantry Regiment, a Connecticut National Guard unit based in New Haven. Like Edwin, many of those who went with him were not on their first deployment. But they fought with courage and commitment. And when Staff Sergeant Rivera made the ultimate sacrifice for his country, he did so in defense of his mates.

Staff Sergeant Rivera will be missed. But his selflessness, his commitment to his family, and his love of country will not be forgotten; rather, they will remain as an inspiration to his two young sons and to all of us who honor his service.

SOMALIA

Mr. FEINGOLD. Madam President, once again, I wish to express my concern about the situation in Somalia. To put it frankly, the situation is appalling. Since the start of fighting in 2007, at least 21,000 people have been killed and more than 1.5 million have been displaced. Thousands of refugees continue to pour into overcrowded camps in Kenya, Ethiopia, Yemen, and elsewhere. For those who remain in Somalia, the United Nations refugee and food agencies are unable to reach many of them because of the insecurity and threats to humanitarian staff. The terrorist group al Shebaab and other armed groups continue to wage war against the Transitional Federal Government, the TFG, in Mogadishu as well as against one another in an effort to expand their territorial control. Al Shebaab has resorted to using suicide bombings, most recently in an attack inside a mosque in Mogadishu, which killed dozens of civilians. Meanwhile, al Shebaab is employing increasingly brutal tactics to maintain its control over certain areas—carrying out executions, chopping off hands and legs, and forcibly conscripting youth.

Mr. President, we should be appalled at this situation, but we should also be concerned because of the direct ramifications for our national security. Al Shebaab's leadership has links to al-Qaida, and it has indicated, through public statements, that it intends to provide support to al-Qaida affiliates in

Yemen. Even more disconcerting, it has recruited a number of Americans to travel to the region and fight with it. In October 2008, a Somali-American blew himself up in Somalia as part of a coordinated attack by al Shebaab, reportedly becoming the first known suicide bomber with U.S. citizenship. The Justice Department has since brought terrorist charges against over a dozen people for recruiting and raising funds for Americans to fight with al Shebaab. Last September, the Director of the National Counterterrorism Center, Michael Leiter, testified that “the potential for al-Qaida operatives in Somalia to commission Americans to return to the United States and launch attacks against the Homeland remains of significant concern.” Earlier this year, the New York Times reported that an American from Alabama, Omar Hammami, has become a key figure in al Shebaab. Just this past weekend, two other Americans, neither with family ties in Somalia, were arrested in New Jersey for allegedly planning to fight in Somalia with al Shebaab. This is very troublesome news and brings home the implications of Somalia’s ongoing crisis.

The Obama administration has been right to refocus attention on Somalia—and to consider regional dynamics at the same time. I am also pleased that the administration has been clear in its support for the Djibouti peace process. I am, however, concerned that this process—as currently constituted—is not sufficient to unite Somalis and mitigate the ongoing crisis. As the situation there turns more dreadful, I worry that the process is becoming increasingly detached from events on the ground. Furthermore, we must acknowledge that while the administration continues to provide assistance—both materiel and diplomatic—to the TFG, we still do not have an overarching strategy for Somalia that ties our programs and policies together. As a result, we appear to be grasping at straws to “do something” while our national security increasingly hangs in the balance.

Under the previous administration, our approach toward Somalia lacked coherence and was shortsighted. This discord gave rise to conflicting agendas that undermined each other and our credibility. Without clear policy guidance, the current administration’s efforts—however well intentioned—may fall into the same trap. There is great risk that by focusing too narrowly on tactical decisions we will continue to operate without a larger strategy.

Now, I understand in the early months of the administration there was an interagency effort to review our policy toward Somalia and the Horn of Africa. However, it is also my understanding that no overarching policy was established. Now is the time to renew such an effort, and as part of

this initiative, we need some way to measure whether we are making progress. The administration has rightly pressed the TFG to broaden its appeal and strength, but we have seen no major improvement on that front. With the exception of its agreement with Ahlu Sunna wal Jama, the TFG has done little to expand its reach and undercut its opposition. The TFG has not become more inclusive, and it has not projected an attractive political vision to counter that of armed opposition groups. As a result, it is not becoming more legitimate in the eyes of Somalis.

Going forward, we need clear guidance on what we expect to achieve with our support for the TFG, the Djibouti Process, and our efforts to weaken al Shebaab and provide humanitarian assistance. Without such a coordinated and measurable approach, we run the risk of continuing to fund the same initiatives with little progress made. Such an assessment is important not only so that American taxpayers know their money is being well spent, but also so we know our safety and security are being enhanced.

There are some thoughtful observers who believe that the best option for the United States might be to just disengage altogether and let this crisis play out. The stakes are too high to do that. However, these observers are right that a continuation of the status quo will only further entrench the crisis. The current efforts by the United States and the international community are insufficient to change the fundamental dynamics of the situation. We need to go back to the drawing board and develop a strategy with measurable goals and a clear plan of how we will reach them.

We also need to consider whether appointing a Special Envoy for the Horn of Africa, to help create and drive policy, is once again appropriate. For years I have called for the creation of such a position—at a very senior level—but to no avail. I do believe that now is the time for this position to be considered particularly because of the direct national security implications, but also because the crisis in Somalia requires a regional approach. We need a senior official to regularly connect the dots between a number of countries in the region including Ethiopia, Eritrea, Kenya, and Yemen in order to develop an effective strategy. In addition, having a senior envoy focused on addressing this crisis can help show the people of Somalia that we are finally serious about helping their efforts to achieve a future free of terror and conflict.

In thinking about how we fit counterterrorism concerns into a broader strategy, we must be practical. Mr. President, tactical operations against individuals and networks may be justified in some cases, especially if the targets have clear ties to al-Qaida and pose a direct threat to the United

States. But we need to think hard about the strategic implications and potential risks of these operations because at the same time we need to reach out to, work with, and support all Somalis who seek a more stable and secure country. The perception that the United States is only interested in tactical counterterrorism operations in Somalia has generated suspicion among Somalis and fueled anti-Americanism. Not taking that into account when planning or authorizing any tactical operations is counter-productive.

Equally as important to our counterterrorism goals is the need to continue pressing for an inclusive and functional system of governance that can enforce the rule of law and provide security. In addition to supporting the TFG, we should look for creative ways to work with other governments and non-governmental actors to encourage political consensus and reconciliation among different groups in Somalia. We need to look at the grassroots and local level and see how they can be bolstered and expanded. Helping Somalis to come together around a shared political vision and to translate that vision into a political system that makes a tangible difference in people’s lives is the surest way to address our national security concerns over the long term.

Achieving stability and restoring the rule of law in Somalia will not be easy or quick—nearly two decades of dysfunction have made sure of that—but we must have a strategy in place if we are to proceed. We cannot respond in an uncoordinated and ad hoc manner to the conditions that breed and empower terrorist organizations and we cannot address them on the cheap. Our national security, the fate of Somalia’s people, and the region’s stability demand nothing less.

PRESIDENTIAL RECORDS ACT

Mr. LIEBERMAN. Madam President, recently the Obama administration asked the National Archives to speed up its already planned release of Supreme Court nominee Elena Kagan’s records from her time in the Clinton administration.

I applaud the administration’s openness. But this speedy release of documents is not required by the current Presidential Records Act and might have been impossible under an Executive order issued by former President George W. Bush. That order allowed former Presidents, Vice Presidents, and their heirs to withhold the release of documents indefinitely by claiming Executive privilege.

On his first day in office, President Obama repealed the Bush Executive order, but a future President could just as easily change it back or add new impediments to the timely release of an administration’s records.

I have long championed legislation to make it clear that these documents are

the property of the American people and therefore should be subject to timely release.

But we cannot move forward with this legislation because my friend, colleague, and ranking member on the Judiciary Committee, Senator JEFF SESSIONS, has placed a hold on it.

Regarding the release of the Kagan documents, Senator SESSIONS recently told the Washington Post:

I think all the documents that are producible should be produced. The American people are entitled to know what kind of positions she took, and what kind of issues she was involved with during her past public service.

I agree with Senator SESSIONS and hope he will now release his hold on my legislation so this kind of speedy release of documents and the right of the American people to view them will be the legal standard for all future Presidents.

A little history will help explain how we got to where we are today.

Securing Presidential documents is a problem as old as the Republic. George Washington had planned to build a library on his estate at Mount Vernon to house his Presidential papers. But Washington died before he could get his plan underway and his heirs were not always careful stewards of our Founding President's legacy.

Some of the documents were so badly stored they were eaten by mice. Others were sold off or given away haphazardly. One of Washington's heirs even took to cutting the signature from Washington's correspondence and sending it to collectors.

In a letter, this heir wrote:

I am now cutting up fragments from old letters and accounts, some of 1760 . . . to supply the call for anything that bears the impress of his venerated hand. One of my correspondents says, "Send me only the dot of an i or the cross of a t, made by his hand, and I will be content."

Despite this inauspicious beginning in preserving our Nation's history, for nearly two centuries it was presumed that the papers of former Presidents were their personal property to be disposed of however they or their heirs saw fit.

Think of all our national history that has been lost, destroyed or kept locked away far too long.

The bulk of Andrew Jackson's papers were scattered among at least 100 collections. Jackson's successor, Martin Van Buren, destroyed correspondence he decided was—I quote—"of little value."

The papers of Presidents Harrison, Tyler, Taylor, Arthur, and Harding were destroyed in fires—sometimes by accident, sometimes intentional.

President Lincoln's son Todd burned his father's Civil War correspondence and threatened to burn all of his father's Presidential papers until a compromise was reached with the Library of Congress that kept most of the pa-

pers sealed until 1947. This delay helped fuel conspiracy theories that the papers were kept hidden because they would show that members of Lincoln's Cabinet were part of the assassination plot—in effect, that Lincoln died in a coup.

Of course, when the papers were finally released, they showed that wasn't true, but it took 82 unnecessary years to put the rumor to rest.

These historical records are too valuable to be left to the judgment of former Presidents, the whims of their heirs, the caprice of nature or—as in George Washington's case—the appetite of rodents.

This situation finally began to change under President Franklin Roosevelt who, on December 10, 1938, announced he would build a library on his estate in Hyde Park, NY, to house the papers and collections of his public life that stretched back to 1910, when he was elected to the State Senate of New York.

Roosevelt set a standard for openness, asking his aides and Cabinet Secretaries to contribute to the collection, and almost every President who followed carried on in the spirit of Roosevelt—also building libraries to house their papers.

But this system was voluntary and began to crumble with the resignation of our 37th President, Richard Nixon.

Nixon had an agreement with the General Services Administration, GSA, which would have allowed him to keep all his records locked away, including the infamous Watergate tapes, and mandated many of them be destroyed.

This put us right back where we started, with a former President choosing what historical records the public was entitled to. Congress passed legislation in 1974 specifically ordering that the Federal Government take control of Nixon's records and then in 1978 passed legislation declaring that Presidential papers were public property that must be turned over to the National Archives at the end of an administration and be open to the public after 5 years.

Systems, however, were put in place to allow a former President to review documents—and challenge their release on the grounds of Executive privilege. But the presumption was in favor of openness unless the former President could show the court a compelling reason to withhold the documents.

But then, as mentioned, President Bush weakened the law with Executive Order No. 13233, issued on November 1, 2001. Just to repeat, under this order, not only former Presidents and their heirs, but Vice Presidents and their heirs as well, could withhold the release of documents by claiming Executive privilege.

The order also required those challenging claims of Executive privilege to prove in court that they have a

"demonstrated, specific need" for the documents—an impossibly high standard since only the document's author can know precisely what a document contains.

And since the Executive order also allowed for an indefinite review period, these records—housed in Presidential libraries maintained by the taxpayers—could be locked away for indefinite periods of time, making them about as useful as the ashes of Lincoln's letters.

In reversing Bush's Executive order, President Obama made clear that only the sitting President can claim Executive privilege—not their heirs, and not their Vice Presidents or the Vice Presidents' heirs.

In signing the new Executive order, President Obama said:

Going forward, anytime the American people want to know something that I or a former President wants to withhold, we will have to consult with the Attorney General and the White House Counsel, whose business it is to ensure compliance with the rule of law. Information will not be withheld just because I say so. It will be withheld because a separate authority believes my request is well grounded in the Constitution.

This is wise public policy and should be the law of the land—subject to repeal only by Congress, not by Executive order.

When President Roosevelt dedicated his library and began opening up his records and other artifacts to public view, he made it clear that this kind of openness is good for a democracy. "The dedication of a library," Roosevelt said, "is in itself an act of faith. To bring together the records of the past and to house them in buildings where they will be preserved for the use of men and women in the future, a Nation must believe in three things. It must believe in the past. It must believe in the future. It must, above all, believe in the capacity of its own people so to learn from the past that they can gain in judgment in creating their own future."

This Congress can now reassert Roosevelt's faith in our democracy. That is why I urge my colleague, Senator SESSIONS, to release his hold on H.R. 35 so we can pass it, get it to the President, and make history now by preserving Presidential history as an open resource for Americans to learn from in the future.

NATIONAL CANCER SURVIVOR'S DAY

Mr. JOHNSON. Madam President, I rise today in recognition of the 23rd annual National Cancer Survivor's Day and to celebrate those who have won the battle against this devastating disease.

My wife Barbara is a breast cancer survivor, and I am a prostate cancer survivor. My family and I are well aware of the difficulties that come

with seeing a loved one diagnosed with a serious illness such as cancer and are equally aware of the life-affirming joys that accompany survival.

Cancer affects millions of individuals and families worldwide. Fortunately, more people are expected to survive cancer today than in the past, thanks to advancements in screening, diagnosing, and treating various forms of the disease. The National Cancer Institute estimates that approximately 11.4 million Americans with a history of cancer were alive in 2006.

Saving lives means preventing cancer, finding it early, and continuing the search for a cure. Throughout my career in the U.S. House and Senate, I have strongly supported proposals that would advance research, funding, and education about all forms of cancer, such as those conducted at the National Institutes of Health, the Cancer Research Institute, as well as the Centers for Disease Control and Prevention. Improved understanding of the biological and environmental causes of cancer will bring us ever closer to more effective treatments and eventually a cure.

Today, however, cancer remains the second leading cause of death in the United States. The disease is expected to claim more than half a million lives in 2010, and the American Cancer Society estimates an additional 1.5 million new cases will be diagnosed this year.

While increasing public awareness of cancer risk factors and the importance of early screening helps save lives, winning the war on cancer depends on access to affordable health care. Many cancers can be prevented or treated if caught at an early stage, but lifesaving screenings and treatments remain out of reach for millions of Americans with inadequate insurance or no coverage at all.

This year Congress passed an extensive reform of our Nation's health care system that will benefit all families affected by cancer. This historic legislation emphasizes prevention, expands access to meaningful coverage, ends unfair practices by health insurance companies, and improves quality of life for cancer survivors through better management of chronic diseases.

It is important to note that a survivor's battle does not end with successful treatment. Cancer patients face many side effects to treatment, as well as a continued risk of reoccurrence. Some treatments can permanently alter a patient's well-being and cause other health problems in the short and long terms. The security of meaningful and affordable health coverage is vital for cancer survivors to closely monitor their health for the rest of their lives.

The millions of Americans with a history of cancer who are alive today demonstrate that the battle against this disease can be fought and won. National Cancer Survivor's Day provides

an occasion to recognize cancer survivors, as well as learn more about this illness and its impact on our Nation and our families. Not only does cancer affect the patient but their spouses, children, and other family members as well. National Cancer Survivor's Day distinguishes all those who have experienced cancer in any form.

Ms. LANDRIEU. Madam President, as we near the close of the 2010 National Small Business Week, I am pleased to join Senator OLYMPIA SNOWE in introducing the Small Business Tax Equalization and Compliance Act of 2010, which extends a tax credit to salon owners for FICA taxes paid on employees' tipped income.

Currently, salon owners are required to pay the employer's share of the FICA taxes on tips paid to employees even though owners do not control the amount of tips paid and do not get a share of the tips received. The Small Business Tax Equalization and Compliance Act of 2010 would create a tax credit for employers to offset the matching FICA paid on employees' tips just like restaurants received. In addition, it includes education and reporting requirements which may reveal a valuable new source of tax revenues for the Federal Government.

The salon industry is a vital and growing sector of America's economy. Not only will extending the tip tax credit to salon owners allow them to reinvest in their businesses and employees, but it will also grant new economic and employment opportunities in local communities. I urge my colleagues to support this bill which puts the professional beauty industry back on equal footing with the restaurant industry.

ADDITIONAL STATEMENTS

RECOGNIZING FRENCHTOWN HIGH SCHOOL ACADEMIC TEAM

• Mr. BAUCUS. Madam President, I wish today to recognize the achievements of five very bright students from the Frenchtown High School Academic Team. While academic extracurricular activities may not receive recognition as often as they should, these young individuals have put their brains over brawn to steal the spotlight by qualifying for the Partnership for Academic Competition Excellence Championship, taking them over 2000 miles away from their hometown of Frenchtown, Montana to our Nation's Capital.

The Frenchtown High School Academic Team is here today because of hard work. Taylor Amundsen, Joseph Taylor, Eamon Thomasson, Mary Brooks and Michael Rebarchik have gathered in their advisor's, Merle Johnston, class room during their lunchtime and afterschool for practice. They competed against bigger schools

and won. This season at the Brainfreeze competition, held on their home turf, the Frenchtown team went ten rounds undefeated and went on to edge out their rivals, Billings Skyview for the championship trophy.

This weekend at the national tournament they proudly represented Montana. I congratulate the academic team and their advisor Merle Johnston. These outstanding young people are the future of our Nation, and I know they will continue to make Montana proud.●

REMEMBERING CHARLIE MEYERS

• Mr. BENNET. Madam President, today I wish to honor the memory of Charlie Meyers.

For decades, Charlie Meyers spoke up for Colorado's rivers and wildlife on the pages of the Denver Post. An award-winning outdoors writer and dedicated conservationist, Meyers shined a light on the threats to our State's treasured mountains and fishing holes as only a true outdoorsman could.

In his final column, Meyers told his readers about "Fairplay Beach" in Park County, a "minor marvel," as he called it, "filled with angling delights . . . threatened by a variety of perils that demand attention, and soon."

Meyers was a native of Sicily Island, LA, and a graduate of Louisiana State University. He first joined the Post staff in 1966, and after a brief departure, he returned to stay in 1971. Meyers was inducted into the Colorado Ski Hall of Fame in 1993 and won the International Ski Federation's FIS Journalist Award in 1999. He was the fourth American to win it.

A gifted wordsmith, Meyers was able to illustrate the beauty of Colorado and express just how much that beauty meant to him and to all who cherish the outdoors. And yet it would be difficult to put in words just how much he meant to Colorado's outside spaces and to their protection. Few of us will be able to match his energy and passion, but in his honor, all of us should try.●

TRIBUTE TO HOOSIER ESSAY CONTEST WINNERS

• Mr. LUGAR. Madam President, I wish today to take the opportunity to express my congratulations to the winners of the 2009-2010 Dick Lugar/Indiana Farm Bureau/Indiana Farm Bureau Insurance Companies Youth Essay Contest.

In 1985, I joined with the Indiana Farm Bureau to sponsor an essay contest for eighth grade students in my home State. The purpose of this contest is to encourage young Hoosiers to recognize and appreciate the importance of Indiana agriculture in their lives and subsequently craft an essay responding to the assigned theme. The theme chosen for this year was "Farmers Looking at a Bright Future."

Along with my friends at the Indiana Farm Bureau and Indiana Farm Bureau Insurance Companies, I am pleased with the annual response to this contest and the quality of the essays received over the years. I applaud each of this year's participants on their thoughtful work and wish, especially, to highlight the submissions of the 2009–2010 contest winners—Jordan Cadle of Orleans, Indiana, and Layne Sanders of Greensburg, Indiana. I submit for the RECORD the complete text of Jordan's and Layne's respective essays. I am pleased, also, to include the names of the many district and county winners of the contest.

The winning essays follow:

UNTITLED

(By Jordan Cadle)

With world population skyrocketing, farmers need to step off the treadmill of slow incremental growth and jump into using new revolutionary thoughts. The three main ideas for future generations of farmers meeting this challenge are: perennial crops, multistoried planting beds, and hover robotic machinery.

Putting the knowledge of the crop geneticist to use, I believe the world can create new perennial crops to plant in more evenly balanced climates year around and in greenhouses. If we had corn and soybeans that could survive the winter and keep producing like a tomato plant (in proper growing conditions) this would allow farmers to rarely buy seeds. Also, this would maintain yield throughout the year for consumption. These plants would be bred to have multiple ears, pods, or heads in order to sustain a sufficient yield at all times.

Helping to produce more of these perennial crops, they could be raised on multistoried planting beds. Imagine these being like large parking garages where each layer is a field. Artificial lighting would be used for stories that are not exposed to sunlight. Going upward with fields leaves more room for people to live and natural trees to grow since we will be exhausting our supply of cultivatable land on earth.

Tending to these crops, hover robotic machinery will be used. Utilizing this machinery will allow farmers to plant and tend to crops, while the ground may still be too wet for standard machinery. Also, the line of machinery will be equipped with laser sensors to care for each plants' individual needs. This will minimize input costs. Just like robots in general, one farmer will be able to control several at a time.

I believe hover robotic machinery, multistoried planting beds, and perennial crops will guide farmers running to a brighter future.

FARMERS LOOKING AT A BRIGHT FUTURE

(By Layne Sanders)

Farming has been and will continue to be a major part of Indiana's future. Change is inevitable, and Indiana's farmers will need to learn to change also. A continuing global demand for high quality and economic food puts Indiana in an enviable position. I think the number of farms will decline, and the average size will continue to increase. Large farms will take advantage of continued advancements in technology to increase productivity and decrease labor. GPS systems will allow tractors to drive themselves and apply fertilizers in fields as needed. No-till

farming will play an important role in Indiana's farming future also, no-tilling requires less equipment, less fuel, and is better for the soil. No-till farming reduces soil erosion and saves tons of our precious top soil.

Smaller farmers may need to be more innovative to survive the changing times ahead. I feel there are real opportunities for small farms in specialty markets. Organic farming holds some intriguing possibilities, as Americans and the world are more and more concerned about the quality of their food. Certified organic meats and vegetables marketed thru a farm name brand, using sources like the Internet, traditional grocery stores, and farmers markets, could provide the niche a smaller farm may need to survive.

Livestock farms will have the technology to collect waste from many locations and pump the waste to a centralized location. This animal waste can then be converted into biogas, and used to provide energy for our farms, cities, and industries. Carbon credits could be earned by the farms that contribute to biomass facility, these credits could then be exchanged for energy, fertilizer, or other byproducts from the digester. This is a relatively new technology and the future is really wide open with possibilities. Indeed the future is bright.

2009–2010 DISTRICT ESSAY WINNERS

DISTRICT 1

Luke Kepler and Alexandra Magallon.

DISTRICT 2

Ashley Kain and Curtis Mourey.

DISTRICT 3

Pamela Kuechenmeister and Colton Underwood.

DISTRICT 4

Collin Saxman and Kathleen Jacobs.

DISTRICT 5

Deena Hesselgrave and Joe Littiken.

DISTRICT 6

Carson Bailey and Annie Chalfant.

DISTRICT 7

Hannah Kocher and Seth Black.

DISTRICT 8

Tyler Combs and Layne Sanders.

DISTRICT 9

Jordan Cadle and Jennifer Riedford.

DISTRICT 10

Tess Stoops and Trey Embrey.

2009–2010 COUNTY ESSAY WINNERS

ADAMS

Christian Inniger and Danielle Parr, South Adams Middle School.

ALLEN

Curtis Mourey and Cara Schaad, Saint Joseph Hessen Cassel School.

BARTHOLOMEW

Tyler Combs, Central Middle School.

BENTON

Josh Budreau and Carlene Widmer, Benton Central Junior/Senior High School.

BROWN

Elizabeth Collier, Brown County Junior High School.

CARROLL

Austin Meyers, Rossville Middle School.

CLARK

Evan Cunliffe and Ashleigh Smith, Silver Creek Middle School.

CLAY

Kade Chastain and Paige Stevenson, North Clay Middle School.

DEARBORN

Allison Hilton, South Dearborn Middle School.

DECATUR

Layne Sanders, Greensburg Junior/Senior High School.

FLOYD

Trey Embrey and Morgan Daniel, Our Lady of Perpetual Help School.

FRANKLIN

Alec Stalford and Morgan Blades, Mount Carmel School.

GIBSON

Jennifer Riedford, Fort Branch Community School.

GREENE

Ryan Woodward and Hannah Kocher, Linton Stockton Junior High School.

HAMILTON

Kyle Weaver, Carmel Middle School; and Julie Sinatra, Saint Maria Goretti School.

HENRY

Benjamin Rea and Cora Herbkersman, Tri Junior/Senior High School.

HOWARD

David Schaaf and Erica Plutat, Northwestern Middle School.

HUNTINGTON

Kathleen Jacobs, Riverview Middle School.

JACKSON

Matthew Zarick and Olivia Isaacs, Immanuel Lutheran School.

JASPER

Jordan Phillips and Claire Parmele, Rensselaer Middle School.

JAY

Collin Saxman and Patricia Hein, East Jay Middle School.

JENNINGS

Eric Gasper and Danielle Kirchner, Saint Mary's School.

LAKE

Hunter Ernst and Alexandra Magallon, Our Lady of Grace School.

MARSHALL

Luke Kepler and Libby Moyer, Argos Junior High School.

MIAMI

Zachary Vermillion, Maconaquah Middle School.

MONROE

Camden Sego, Batchelor Middle School.

NEWTON

Christopher McKeown and Pamela Kuechenmeister, North Newton Junior/Senior High School.

ORANGE

Jordan Cadle, Paoli Junior/Senior High School.

POSEY

William Powell and Nora Beuligmann, North Posey Junior High School.

PUTNAM

Joe Littiken and Deena Hesselgrave, Cloverdale Middle School.

RANDOLPH

Annie Chalfant, Twelve-Seven Learning Center.

RUSH

Noah Dawson, Benjamin Rush Middle School.

STARKE

William Sishman and Alivia Jensen, Oregon-Davis Junior/Senior High School.

STEUBEN

Ryder Moore and Ashley Kain, Prairie Heights Middle School.

SULLIVAN

Alek Copeland and Samantha Young, North Central Junior/Senior High School.

SWITZERLAND

Shawn Randolph and Tess Stoops, Switzerland County Middle School.

TIPPECANOE

Colton Underwood, Battle Ground Middle School; and Sarah Campbell, Saint James Lutheran School.

VANDERBURGH

Adam Kissel, Holy Redeemer School.

VIGO

Seth Black, Honey Creek Middle School.

WABASH

Blake Peterson and Erin Dawes, North Field Junior/Senior High School.

WAYNE

Carson Bailey and Nitika Agrawal, Seton Catholic School.

WELLS

Brittany Barger, Norwell Middle School.●

HONORING ARKANSAS'S OUTSTANDING MATH AND SCIENCE TEACHERS

● Mrs. LINCOLN. Madam President, today I salute two Arkansas teachers who have been named as recipients of the prestigious Presidential Award for Excellence in Mathematics and Science Teaching: Lorraine Darwin from Cabot, Math, and Karen Ladd of Jonesboro, Science. This award is given annually to the best pre-college-level science and mathematics teachers from across the country. The winners are selected by a panel of distinguished scientists, mathematicians, and educators.

Lorraine and Karen represent the best of Arkansas. Students and parents in Cabot and Jonesboro are fortunate to have them as educators and as leaders for the community. I commend their hard work and dedication to helping students learn and grow.

There is no issue more intricately connected to the future prosperity of our Nation than the quality of our educational system. A skilled and educated population is critical if we are to create new jobs in Arkansas and sustain economic growth over the long term.

Every student, regardless of background, deserves the chance to achieve his or her full potential, which can only happen with a quality education. That is why I will continue doing all I can to make high-quality education more accessible for Arkansas students and their families.

Again, congratulations to Lorraine and Karen for their dedication to education and for giving our youngest Arkansas citizens a solid foundation for future success.●

TRIBUTE TO MARK HAMILTON

● Ms. MURKOWSKI. Madam President, I wish to honor University of Alaska

President Mark Hamilton on the occasion of his retirement.

A graduate of the U.S. Military Academy at West Point, Mark Hamilton served our Nation for 31 years of Active Duty as a member of the U.S. Army, retiring as major general. During his service, Hamilton helped to negotiate an end to the war in El Salvador, negotiated a period of calm with Somali warlords that allowed for the removal of the U.S. 10th Mountain Division, and advised on NATO planning related to the former Republic of Yugoslavia. In recognition of his distinguished service, Hamilton is the recipient of the Distinguished Service Medal and the Joint Distinguished Service Medal.

In 1998, shortly after retiring from the military, Mark Hamilton chose to return to his adopted State to serve as the 12th president of the University of Alaska. From the beginning, President Hamilton articulated a new vision for the university system a "can-do, grow your own" philosophy based on strict accountability for results. Understanding that effective leadership needs support from all stakeholders, Mark traveled the State to learn more about what Alaskans wanted from their university system and how the university could better meet the State's need for qualified graduates.

Turning vision into action, Mark led the University of Alaska to focus on being more responsive and relevant to Alaskans' needs. Throughout his tenure, President Hamilton has been guided by the following questions when making decisions for the University: Is it good for the students? Is it good for the State? Is it working? This brand of leadership has led to significantly increased support from donors, the business community, the legislature, and the public. As a result, the University of Alaska system has been able to expand degree options for students, make long-needed improvements to its facilities, increase enrollment and student retention, and increase the number of degree-seeking students who graduate.

Realizing that the success of University of Alaska graduates, and hence the future of our State, is inextricably linked to the preparation students receive in our K-12 schools, Mark next turned his attention to entering into collaborative partnerships for teacher recruitment, preparation, and mentoring programs to "grow our own" teachers. He initiated the UA Scholars Program—a full ride scholarship for the top graduates from every high school in the State. Mark also made it a priority to enthusiastically participate in statewide and legislative discussions concerning improving Alaska's K-12 schools and increasing our high school graduation rate.

I could go on and on describing the positive changes Mark Hamilton has spearheaded and supported during his

12 years as president of the University of Alaska. It is sufficient, I think, to say Mark Hamilton has been the crucial force needed to bring the University of Alaska into the 21st century and to set our public university system on a path to make a positive difference in the lives of individuals and the future of our State.

On behalf of the entire Senate, I thank University of Alaska President Mark Hamilton for his many years of service to our Nation and to my State of Alaska, and I wish him well as he is finally able to spend more time with his wife Patty, his four children—Daniel, Kathy, Clay and Doug—and his 10 grandchildren: Renee, Avery, Paige, Max, Archie, Henry, Aubrey, Luke, Lauryn, and Mark.●

TRIBUTE TO CHESTER CHARLES MOELLER, II

● Mr. SESSIONS. Madam President, I wish to tell you about a true leader in Alabama sports, Chet Moeller of Montgomery, AL, who was inducted into the College Football Hall of Fame on May 27, 2010.

Mr. Moeller first gained national recognition for his gridiron accomplishments at the Naval Academy in 1975, where he was elected unanimously as the First Team All-America Eastern College Athletic Conference All-Conference Player of the Year. He continued on to become a two-time ECAC selection and a Naval Academy Athletic Association Sword recipient. In 3 seasons with the Midshipmen, Mr. Moeller averaged 92 tackles per season. He also served as cocaptain of the 1975 team, which won more games than any Midshipmen squad since the 1963 team that played for the national championship. He proved to be a leader in the classroom as well as he was a Second Team Academic All-American.

Mr. Moeller's induction is no small feat. He was selected by more than 12,000 National Football Foundation members and current members of the College Football Hall of Fame. The votes were submitted to the National Football Federation's Honors Court, which deliberated and selected a class from among the 4.72 million Americans who have played college football. To date, only 866 players have earned this prestigious honor.

The discipline and dedication Mr. Moeller developed on the field were applied as he faithfully served his country as a first lieutenant in the U.S. Marine Corps. He has also served his community as a board member for the Fellowship of Christian Athletes and as a deacon in his church. He is currently serving as a church elder. He and his wife Jenny have resided in Montgomery, AL, for over 30 years. They have two children: Trey, who played football for the University of Virginia, and Rachael, who attended Auburn University.

I commend Mr. Moeller for all of his accomplishments and successes. I share with this body today my pleasure in congratulating Mr. Moeller for this prestigious honor, as he is certainly a worthy recipient.●

REMEMBERING WORLD WAR II HEROES

● Mr. INHOFE. Madam President, I wish today to honor and remember all of those magnificent heroes, and their families, who fought and died on D-day during World War II. I ask that this poem penned by Albert Caswell, of the guide service, be printed in the RECORD in remembrance of their selfless sacrifice and service to our Nation, on the upcoming 66th anniversary of D-day on June 6, 1944.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ON THESE BEACHES

On These Beaches. . . .
 Goodness! Evil! Darkness! Light!
 Those Brave Hearts
 Who, evil must fight!
 Who, bring the light!
 On These Beaches!
 Which, now so beseech us. . . .
 All at the very height
 Of what a heart can reach this!
 "D" Day!
 As a time as when, all those
 hearts so prayed
 Heading, into those shores
 As sure death, so lie before. . . .
 All On Those Beaches!
 While, against all odds
 All in their fine cause. . . .
 All in their most selfless sacrifice, these
 most brilliant of all lights!
 That which now, so teach us!
 Of what happened, All On
 These Beaches. . . .
 "D" Day, as a time as when
 Mere men, became like Gods. . . . so then!
 All in their actions!
 Dropping from the air, heroes every-
 where. . . .
 All in their deeds, all for freedom's
 seeds. . . .
 As into, those bloody shores they waded. . . .
 As but, all of their fine lives., they so gave
 it!
 As the ocean turned red. . . .
 As they so died, and bled. . . .
 All in what
 Their most magnificent of all hearts, so said!
 Chapter and verse. . . .
 So many acts of valor and courage, against
 the worst. . . .
 All about a human being's, True Worth!
 Of what, out to all of our souls so teaches!
 "D" Day. . . .
 All On These Beaches
 Their Most Heroic Bodies,
 strewn into pieces
 As everywhere the dark stench of death be-
 seesches!
 So greets us!
 As lies beneath us, Upon These Beaches. . . .
 War is Hell, and Hell is War. . . .
 Is that not what Heaven is for?
 On These Beaches. . . .
 Sight and sounds, men dare not repeat!
 This!
 So, buried now all in their hearts and
 souls of honor, so carried deep! This!

As awaken in cold sweats, from their most
 restless sleeps! This!
 As for them, we now so weep! This!
 As forever, in your hearts . . . we pray you
 keep . . . This!
 Of what, all of these magnificent men so did
 for us. . . .

To Save The World!
 All On These Beaches!
 As on this day. . . .
 I bid you, I but ask you to
 kneel and pray
 And never forget, what happened on that
 day!
 On These Beaches!●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Select Committee on Intelligence.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on June 1, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker has signed the following enrolled bill:

H.R. 5330. An act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2009, the following enrolled bills, previously signed by the Speaker of the House, were signed on June 1, 2010, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD):

H.R. 2711. An act to amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.

H.R. 3250. An act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building".

H.R. 3634. An act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the "George Kell Post Office".

H.R. 3892. An act to designate the facility of the United States Postal Service located

at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office".

H.R. 4017. An act to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the "Ann Marie Blute Post Office".

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building".

H.R. 4139. An act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the "Sergeant Matthew L. Ingram Post Office".

H.R. 4214. An act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office".

H.R. 4238. An act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building".

H.R. 4425. An act to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office".

H.R. 4547. An act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the "Captain Luther H. Smith, U.S. Army Air Forces Post Office".

H.R. 4628. An act to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the "Sergeant Christopher R. Hrbek Post Office Building".

MEASURES DISCHARGED

The following bill was discharged from the Committee on Environment and Public Works, and placed on the calendar:

S.J. Res. 26. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5989. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Conservation Reserve Program; Transition Incentives Program" (RIN0560-AH80) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5990. A communication from the First Vice President, Controller and Chief Accounting Officer, Federal Home Loan Bank of Boston, transmitting, pursuant to law, the Bank's 2009 Management Report and statement on the system of internal control; to the Committee on Banking, Housing, and Urban Affairs.

EC-5991. A communication from the Deputy Secretary of the Treasury, transmitting,

pursuant to law, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-5992. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2009 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-5993. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (FEMA-B-1118)" ((44 CFR Part 65)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5994. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5995. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (FEMA-8131)" ((44 CFR Part 64)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5996. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5997. A communication from the General Counsel, Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Affordable Housing Program Amendments: Federal Home Loan Bank Mortgage Refinancing Authority" (RIN2590-AA04) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-5998. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, MD" ((RIN1625-AA00)(Docket No. USG-2010-0133)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5999. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Extended Debris Removal in the Lake Champlain Bridge Construction Zone (between Vermont and New York), Crown Point, NY" ((RIN1625-AA00)(Docket No. USG-2010-0271)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6000. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lake Havasu Grand Prix, Lake Havasu, AZ" ((RIN1625-AA00)(Docket No. USG-2010-0116)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6001. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; FRONTIER DISCOVERER, Outer Continental Shelf Drillship, Chukchi and Beaufort Sea, Alaska" ((RIN1625-AA00)(Docket No. USG-2009-0955)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6002. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; BWRC Spring Classic, Parker, AZ" ((RIN1625-AA00)(Docket No. USG-2009-1111)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6003. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Neuse River, New Bern, NC" ((RIN1625-AA00)(Docket No. USG-2010-0256)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6004. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; 2010 Veterans Tribute Fireworks, Lake Charlevoix, Boyne City, MI" ((RIN1625-AA00)(Docket No. USG-2010-0177)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6005. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fireworks Display, Patuxent River, Solomons Island Harbor, MD" ((RIN1625-AA00)(Docket No. USG-2010-0179)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6006. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Potomac River, Washington Channel, Washington, DC" ((RIN1625-AA87)(Docket No. USG-2010-0050)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6007. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Calcasieu River and Ship Channel, LA" ((RIN1625-AA87)(Docket No. USG-2009-0317)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6008. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Spe-

cial Local Regulations for Marine Events; Chester River, Chestertown, MD" ((RIN1625-AA08)(Docket No. USG-2010-0081)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6009. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Port of Portland Terminal 4, Willamette River, Portland, OR" ((RIN1625-AA11)(Docket No. USG-2009-0370)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6010. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Inland Navigation Rules" ((RIN1625-AB43)(Docket No. USG-2009-0948)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6011. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures" (RIN0648-AY78; RIN0648-AY59) received in the Office of the President of the Senate on May 20, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6012. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fisheries; 2010 Atlantic Deep-Sea Red Crab Specifications" (RIN0648-AY51) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6013. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XW20) received in the Office of the President of the Senate on May 20, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6014. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Emergency Fisheries Closures in the Southeast Region Due to the Deepwater Horizon Oil Spill; Amendment 2" (RIN0648-AY90) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6015. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (204); Amdt. No. 3372" (RIN2120-AA65) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6016. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (13); Amdt. No. 3373" (RIN2120-AA65) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6017. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International, S.A. CFM56-5B1/P, -5B2/P, -5B3/P, -5B3/P1, -5B4/P, -5B5/P, -5B6/P, -5B7/P, -5B8/P, -5B9/P, -5B1/2P, -5B2/2P, -5B3/2P, -5B3/2P1, -5B4/2P, -5B4/P1, -5B6/2P, -5B4/2P1, and -5B9/2P Turbofan Engines" (RIN2120-AA64)(Docket No. FAA-2008-1353) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6018. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model BAe 146-100A, -200A, and -300A Series Airplanes, and Model Avro 146-RJ70A, 146-RJ85A, and 146-RJ100A Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1250)) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6019. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2-1C, B2-203, B2K-3C, B4-103, B4-203, B4-2C, Airplanes; Model A310 Series Airplanes; and Model A300 B4-601, B4-603, B4-605R, B4-620, B4-622, and B4-622R Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0789)) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6020. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DASSAULT AVIATION Model FALCON 900EX and MYSTERE-FALCON 900 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2000-NM-418)) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6021. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GA 8 Airvan (Pty) Ltd Models GA8 and GA8-TC320 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0463)) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6022. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes" ((RIN2120-AA64)(Docket No.

FAA-2010-0032)) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6023. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0435)) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6024. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Jet Route J-3; Spokane, WA" ((RIN2120-AA66)(Docket No. FAA-2010-0008)) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6025. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (61); Amdt. No. 487" (RIN2120-AA63) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6026. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Emmetsburg, IA" ((RIN2120-AA66)(Docket No. FAA-2009-1153)) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6027. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Mapleton, IA" ((RIN2120-AA66)(Docket No. FAA-2009-1155)) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6028. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Incorporation of Special Permits into Regulations" (RIN2137-AE39) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6029. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to funding made available under the American Recovery and Reinvestment Act of 2009; to the Committee on Commerce, Science, and Transportation.

EC-6030. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Subchapter E—General Contracting Requirements, Subchapter F—Special Categories of Contracting, and Subchapter G—Contract Management" (RIN1991-AB88) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Energy and Natural Resources.

EC-6031. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife; Sea Turtle Conservation; 2010 Annual Determination for Sea Turtle Observer Requirement" (RIN0648-XP96) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Environment and Public Works.

EC-6032. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Volkswagen Hybrid Vehicle Credit Phase Out" (Notice No. 2010-42) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Finance.

EC-6033. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Therapeutic Discovery Project Credit" (Notice No. 2010-45) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Finance.

EC-6034. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Diversification Requirements for Certain Defined Contribution Plans" ((RIN1545-BH04)(TD9484)) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Finance.

EC-6035. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Dividends Received Deduction on Separate Accounts of Life Insurance Companies—Industry Director Directive" (LMSB-4-0510-015) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Finance.

EC-6036. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to Algeria to support the avionics modernization of seventeen C-130H simulators in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-121. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to work with the leadership of the United States dairy industry to identify measures, including change to federal policies and programs, to minimize price volatility risks now being experienced by dairy farmers across the United States; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 25

Whereas, the current absence of profitable prices in the dairy industry for farmers, coupled with an outdated regulatory apparatus,

is causing an economic crisis in the dairy industry; and

Whereas, dairy farm prices are at their lowest level in more than thirty years, while producers' operating costs have steadily risen, exacerbated by the rise in energy prices and feed costs; and

Whereas, milk and dairy products are considered to be essential food and beverage items and basic nutritional building blocks; and

Whereas, there is a need for an immediate examination of existing federal programs and policies impacting the dairy industry in order to develop approaches that better help to stabilize farm incomes, and hence benefit farmers as well as local communities and local infrastructure; and

Whereas, there is a renewed recognition by dairy farm and dairy industry leaders from all sections of the United States that the current pricing crisis is not of benefit to farmers or their customers, including cooperatives, processors, retailers, and consumers; and

Whereas, the Louisiana Legislature recognizes the importance of an economically viable dairy industry, and its benefit to local economies as well as the national economy: Therefore, be it

Resolved, That the Legislature of Louisiana Memorializes the Congress of the United States to work with the leadership of the United States dairy industry, including the leadership of its two major trade organizations, the National Milk Producers Federation and the International Dairy Foods Association, to take steps to bring all industry leaders together immediately to identify measures, including change to federal policies and programs, to minimize price volatility risks now being experienced by dairy farmers across the United States; be it further

Resolved, That Congressional leadership be urged to work cooperatively with the United States Secretary of Agriculture and his staff on these issues inasmuch as federal policies and procedures have an impact on domestic and international dairy prices; be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-122. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to support continued investment and progress in implementing the "Action Plan for Reducing Hypoxia in the North Gulf of Mexico" by expanding cooperative activities throughout the Mississippi River Basin; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 40

Whereas, the spread of a large annual hypoxia zone in the Gulf of Mexico poses a significant threat to the health of Louisiana's productive coastal fishery and the communities and parishes who depend on it; and

Whereas, the state of Louisiana has participated in the national effort to reduce the spread of Gulf hypoxia since the formation of the federal-state Mississippi River/Gulf of Mexico Watershed Nutrient Task Force in 1998; and

Whereas, the Louisiana Legislature has memorialized the Congress and the President of the United States to fulfill their commitment to address this problem through the cooperative framework of the Action Plan for Reducing Hypoxia in the Northern Gulf of Mexico, in House Concurrent Resolution 80

of the 2007 Regular Session of the Legislature of Louisiana and House Concurrent Resolution 148 of the 2009 Regular Session of the Legislature of Louisiana; and

Whereas, the launching of the Mississippi River Basin Healthy Watersheds Initiative by the United States Department of Agriculture in 2009, marks the first targeted federal funding for implementation activities of the Action Plan since it was signed in 2001; and

Whereas, Louisiana has joined the other states in the Mississippi River Basin who are participating in this initiative to engage partners and stakeholders in nominating watersheds to receive federal funding under this program; and

Whereas, the President's Budget for Fiscal Year 2011, also contains funding dedicated to Action Plan implementation activities under the budget of the United States Environmental Protection Agency; and

Whereas, our neighboring state of Mississippi has accepted the role of co-chair of the Mississippi River/Watershed Nutrient Task Force, continuing their active collaboration with Louisiana and federal and basin partners to address problems affecting each state's coast and the Gulf of Mexico; and

Whereas, these steps represent a significant acceleration of progress, while all parties involved recognize that much more remains to be done to reverse the spread of Gulf hypoxia, which requires Congressional participation and support: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to support continued investment and progress in implementing the Action Plan for Reducing Hypoxia in the North Gulf of Mexico by expanding cooperative activities throughout the Mississippi River Basin; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, each member of the Louisiana delegation to the Congress of the United States, and the presiding officers of the Senate and the House of Representatives of the Congress of the United States.

REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of May 28, 2010, the following reports of committees were submitted on June 4, 2010:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 3454. An original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 111-201).

S. 3455. An original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 3456. An original bill to authorize appropriations for fiscal year 2011 for military construction, and for other purposes.

S. 3457. An original bill to authorize appropriations for fiscal year 2011 for defense activities of the Department of Energy, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

On June 4, 2010, under the authority of the order of the Senate of May 28, 2010, the following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 3454. An original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 3455. An original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 3456. An original bill to authorize appropriations for fiscal year 2011 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 3457. An original bill to authorize appropriations for fiscal year 2011 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU (for herself and Mr. CARDIN):

S. 3458. A bill to improve the program under section 8(a) of the Small Business Act and to establish a surety bond pilot program; to the Committee on Small Business and Entrepreneurship.

By Mrs. SHAHEEN (for herself and Mr. COCHRAN):

S. 3459. A bill to amend the Workforce Investment Act of 1998 to authorize additional funding for on-the-job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. SPECTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. KAUFMAN, Mrs. GILLIBRAND, Ms. STABENOW, Mr. LEAHY, Mrs. BOXER, Mr. CASEY, Mr. HARKIN, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, and Mr. KERRY):

S. 3460. A bill to require the Secretary of Energy to provide funds to States for rebates, loans, and other incentives to eligible individuals or entities for the purchase and installation of solar energy systems for properties located in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 3461. A bill to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of

the Interior to renegotiate the terms of the lease known as "Mississippi Canyon 252" with respect to claims relating to the Deepwater Horizon explosion and oil spill that exceed existing applicable economic liability limitations; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 987

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1353

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1353, a bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

S. 1743

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 1788

At the request of Mr. FRANKEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1788, a bill to direct the Secretary of Labor to issue an occupational safety and health standard to reduce injuries to patients, direct-care registered nurses, and all other health care workers by establishing a safe patient handling and injury prevention standard, and for other purposes.

S. 2778

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2778, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

S. 2920

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a co-

sponsor of S. 2920, a bill to amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

S. 2947

At the request of Mr. CARPER, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2947, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 3039

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3087

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 3087, a bill to support revitalization and reform of the Organization of American States, and for other purposes.

S. 3102

At the request of Mr. MERKLEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3102, a bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

S. 3175

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3175, a bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes.

S. 3197

At the request of Mr. FEINGOLD, the name of the Senator from Vermont

(Mr. SANDERS) was added as a cosponsor of S. 3197, a bill to require a plan for the safe, orderly, and expeditious redeployment of United States Armed Forces from Afghanistan.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S. 3235

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 3235, a bill to amend the Act titled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior.

S. 3295

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3295, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. 3305

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3305, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 3306

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3306, a bill to amend the Internal Revenue Code of 1986 to require polluters to pay the full cost of oil spills, and for other purposes.

S. 3324

At the request of Mr. BROWN of Ohio, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3324, a bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit.

S. 3334

At the request of Mr. BURR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3334, a bill to amend the Internal Revenue Code of 1986 to exempt survivor benefit annuity plan payments from the individual alternative minimum tax.

S. 3339

At the request of Mr. KERRY, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3341

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3341, a bill to amend title 5, United States Code, to extend eligibility for coverage under the Federal Employees Health Benefits Program with respect to certain adult dependents of Federal employees and annuitants, in conformance with amendments made by the Patient Protection and Affordable Care Act.

S. 3371

At the request of Mrs. MCCASKILL, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 3371, a bill to amend title 10, United States Code, to improve access to mental health care counselors under the TRICARE program, and for other purposes.

S. 3393

At the request of Mr. BROWN of Ohio, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3393, a bill to provide for extension of COBRA continuation coverage until coverage is available otherwise under either an employment-based health plan or through an American Health Benefit Exchange under the Patient Protection and Affordable Care Act.

S. 3401

At the request of Mr. BURR, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 3401, a bill to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program waiting lists and other cost containment measures impacting State ADAP programs.

S. 3434

At the request of Mr. BINGAMAN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S.J. RES. 29

At the request of Mr. MCCONNELL, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burma Freedom and Democracy Act of 2003.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself and Mr. CARDIN):

S. 3458. A bill to improve the program under section 8(a) of the Small Business Act and to establish a surety bond pilot program; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, along with my distinguished colleague Senator Benjamin Cardin of Maryland, I rise today to introduce the Section 8(a) Improvements Act of 2010. As the Chair of the Committee on Small Business and Entrepreneurship, I have held a number of hearings and roundtables on the issues affecting small businesses that contract with the Federal Government. The Committee has repeatedly heard from small businesses throughout the country that more needs to be done to level the playing field and help our small businesses win Federal contracts. The legislation that I am introducing today seeks to improve access to Federal contracts for small businesses, particularly for socially and economically disadvantaged small businesses. It also represents the third in a series of steps that the Committee is taking to address the disparities and inequalities that currently exist in the Federal procurement process.

As I have explained in previous statements before this chamber, as the largest purchaser in the world, the Federal Government is uniquely positioned to offer new and reliable business opportunities for our small firms. Government contracts are one of the easiest and most inexpensive ways the government can help to immediately increase sales for America's entrepreneurs, leading to the creation of new jobs and helping to move our economy forward. When large businesses get government contracts, they are able to absorb that new work into their existing workforce. When small businesses get government work they must "staff up" to meet the increased demand. By increasing contracts to small businesses by just 1 percent, we can create more than 100,000 new jobs. Today, we need those jobs more than ever.

But the reality is that small businesses need all the help they can get when it comes to accessing Federal contracts. Small businesses face significant challenges in competing for these opportunities, including a maze of complicated regulations, contract bundling issues, size standards with

loopholes for big businesses, and a lack of protections for sub-contractors. Despite the fact that Federal agencies have a statutory goal to spend 23 percent of their contract dollars on contracts to small firms, in recent years the government has often fallen short.

For example, according to the Federal Procurement Data System, in fiscal year 2007 the Federal Government missed its 23 percent contracting goal by .992 percent. That .992 percent doesn't sound like much, but in reality it represents more than \$3.74 billion and 93,500 jobs lost for small businesses. In fiscal year 2008, the Federal Procurement Data System reported that the government missed its goal by 1.51 percent, meaning more than \$6.51 billion and 162,700 jobs lost for our small businesses. At a time when more than 15 million Americans are still out of work, merely meeting that 23 percent goal could mean food on the table for a family struggling to make ends meet.

Clearly we need to do better when it comes to helping our small businesses access Federal contracting opportunities. Even under the best of circumstances our small businesses face significant challenges when seeking Federal contracting opportunities. But these challenges are further compounded for small businesses that face additional obstacles, particularly those that are socially and economically disadvantaged.

The Section 8(a) Improvements Act of 2010 attempts to help socially and economically disadvantaged firms in three ways. First, it makes long overdue and much needed adjustments to the average annual income and net worth thresholds currently in place. Since the establishment of the 8(a) program over 30 years ago, these thresholds have not been significantly updated to account for inflation, placing unrealistic limits on the number of small businesses that are eligible to participate in the program.

Additionally, this legislation requires the SBA to establish maximum net worth thresholds for socially and economically disadvantaged small businesses working in the manufacturing, construction, professional services, and general services industries. Small businesses working in these industries simply face different business conditions as well as higher business costs, which prevent them from participating in the 8(a) program. Making this simple fix will open the program up to a wide array of qualified small businesses.

Secondly, this legislation builds upon the previously mentioned adjustments to the net worth and income thresholds, by extending the amount of time under which a business can participate in the program. For all of the success that many small businesses experience while participating in the program,

upon graduation as many as 70 percent see their businesses fail within several years. By establishing a transition period, businesses that have graduated from the program can continue receiving developmental assistance for up to 3 years after graduation, providing them with much needed stability as they seek to transition their business operations.

The third way this legislation attempts to improve contracting opportunities for small businesses is through the creation of a Surety Bond Pilot Program. Under the program, the SBA can guarantee 90 percent of surety bonds, protecting small businesses against any loss resulting from a breach of the terms on a bond. To supplement the guarantee and help put these small businesses in a stronger position to succeed upon graduation from the 8(a) program, the legislation also requires the SBA to provide educational training and technical assistance on a wide range of topics. Finally, the legislation establishes a revolving fund to support the program, and also creates an advisory board to oversee and evaluate the effectiveness and performance of the program.

It is well past time to provide greater opportunities for the thousands of small business owners who wish to do business with the Federal Government. The Section 8(a) Improvements Act of 2010 represents another significant step towards opening those doors of opportunity, especially for those small businesses that need a little more help. I thank Senator CARDIN for his leadership on this issue, and I hope that all of my colleagues will join us in supporting this important legislation as we work to bring it to the President's desk in the coming months.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Section 8(a) Improvements Act of 2010".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Despite the significant progress businesses owned by socially and economically disadvantaged individuals have made as a result of the business development program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), such businesses remain subject to discrimination that creates substantial barriers to success in the marketplace. The business development program under section 8(a) of the Small Business Act reflects the commitment of the Nation to eradicating discriminatory barriers to the formation and development of viable businesses by socially and economically disadvantaged individuals.

(2) Recent evidence presented in Congressional hearings, roundtables, and academic

studies demonstrates, among other things, the following:

(A) Significant disparities still exist between the number, size, and income of businesses owned by socially and economically disadvantaged individuals and other businesses. These disparities remain even after controlling for factors such as industry, geography, education, age, and labor market status.

(B) Discrimination still limits the ability of socially and economically disadvantaged individuals to access capital. Socially and economically disadvantaged individuals are more often denied loans than individuals who are not minorities, and often pay higher rates of interest on small business loans.

(C) Socially and economically disadvantaged individuals who own businesses often experience—

(i) discrimination from prime contractors and exclusion from critical business networks; and

(ii) discrimination by bonding companies and suppliers that impedes the ability of the businesses to compete equally for Government contracts.

SEC. 3. DEFINITIONS.

In this Act, the terms "Administration" and "Administrator" means the Small Business Administration and the Administrator thereof, respectively.

SEC. 4. PROGRAMS FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS.

(a) NET WORTH THRESHOLD.—

(1) IN GENERAL.—Section 8(a)(6)(A) of the Small Business Act (15 U.S.C. 637(a)(6)(A)) is amended—

(A) by inserting "(i)" after "(6)(A)";

(B) by striking "In determining the degree of diminished credit" and inserting the following:

"(ii)(I) In determining the degree of diminished credit";

(C) by striking "In determining the economic disadvantage" and inserting the following:

"(iii) In determining the economic disadvantage"; and

(D) by inserting after clause (ii)(I), as so designated by this section, the following:

"(II)(aa) Not later than 1 year after the date of enactment of the Section 8(a) Improvements Act of 2010, the Administrator shall—

"(AA) assign each North American Industry Classification System industry code to a category described in item (cc); and

"(BB) for each category described in item (cc), establish a maximum net worth for the socially disadvantaged individuals who own or control small business concerns in the category that participate in the program under this subsection.

"(bb) The maximum net worth for a category described in item (cc) shall be not less than the modified net worth limitations established by the Administrator under section 4(a)(2) of the Section 8(a) Improvements Act of 2010.

"(cc) The categories described in this item are—

"(AA) manufacturing;

"(BB) construction;

"(CC) professional services; and

"(DD) general services.

"(III) The Administrator shall establish procedures that—

"(aa) account for inflationary adjustments to, and include a reasonable assumption of, the average income and net worth of the owners of business concerns that are dominant in the field of operation of the business concern; and

"(bb) require an annual inflationary adjustment to the average income and maximum net worth requirements under this clause.

"(IV) In determining the assets and net worth of a socially disadvantaged individual under this subparagraph, the Administrator shall not consider any assets of the individual that are held in a qualified retirement plan, as that term is defined in section 4974(c) of the Internal Revenue Code of 1986."

(2) TEMPORARY INFLATIONARY ADJUSTMENT.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator shall modify the net worth limitations established by the Administrator for purposes of the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) by adjusting the amount of the net worth limitations for inflation during the period beginning on the date on which the Administrator established the net worth limitations and the date of enactment of this Act.

(B) TERMINATION.—The Administrator shall apply the net worth limitations established under subparagraph (A) until the effective date of the net worth limitations established by the Administrator under clause (ii)(II) of section 8(a)(6)(A) of the Small Business Act (15 U.S.C. 637(a)(6)(A)), as added by this subsection.

(b) TRANSITION PERIOD.—Section 7(j)(15) of the Small Business Act (15 U.S.C. 636(j)(15)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "Subject to" and inserting "(A) Except as provided in subparagraph (B), and subject to"; and

(3) by adding at the end the following:

"(B)(i) A small business concern may receive developmental assistance under the Program and contracts under section 8(a) during the 3-year period beginning on the date on which the small business concern graduates—

"(I) because the small business concern has participated in the Program for the total period authorized under subparagraph (A); or

"(II) under section 8(a)(6)(C)(ii), because the socially disadvantaged individuals who own or control the small business concern have a net worth that is more than the maximum net worth established by the Administrator.

"(ii) After the end of the 3-year period described in clause (i), a small business concern described in clause (i)—

"(I) may not receive developmental assistance under the Program or contracts under section 8(a); and

"(II) may continue to perform and receive payment under a contract received by the small business concern under section 8(a) before the end of the period, under the terms of the contract."

(c) GAO STUDY.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

"(22) REVIEW OF EFFECTIVENESS.—

"(A) GAO STUDY.—Not later than 5 years after the date of enactment of this paragraph, and every 5 years thereafter, the Comptroller General of the United States shall—

"(i) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

"(I) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

“(II) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

“(III) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

“(IV) the number of training sessions offered under the program; and

“(i) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under clause (i).

“(B) SBA REPORT.—Not later than 1 year after the date of enactment of this paragraph, and every year thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report evaluating the program under this section, including an assessment of—

“(i) the regulations promulgated to carry out the program;

“(ii) online training under the program; and

“(iii) whether the structure of the program is conducive to business development.”.

SEC. 5. SURETY BOND PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the terms “bid bond”, “payment bond”, “performance bond”, and “surety” have the meanings given those terms in section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a);

(2) the term “Board” means the pilot program advisory board established under subsection (d)(1);

(3) the term “eligible small business concern” means a socially and economically disadvantaged small business concern that is participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(4) the term “Fund” means the Small Business Surety Bond Pilot Program Fund established under subsection (e)(1);

(5) the term “graduated” has the meaning given that term in section 7(j)(10)(H) of the Small Business Act (15 U.S.C. 636(j)(10)(H));

(6) the term “pilot program” means the surety bond pilot program established under subsection (b)(1); and

(7) the term “socially and economically disadvantaged small business concern” has the meaning given that term in section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(b) PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a surety bond pilot program under which the Administrator may guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by an eligible small business concern.

(2) GUARANTEE PERCENTAGE.—A guarantee under the pilot program shall obligate the Administration to pay to a surety 90 percent of the loss incurred and paid by the surety.

(3) APPLICATION.—An eligible small business concern desiring a guarantee under the pilot program shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may require.

(4) REVIEW.—A surety desiring a guarantee under the pilot program against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto by an eligible small business concern shall—

(A) submit to the Administrator a report evaluating whether the eligible small business concern meets such criteria as the Administrator may establish relating to whether a bond should be issued to the eligible small business concern; and

(B) if the Administrator does not guarantee the surety against loss, submit an update of the report described in subparagraph (A) every 6 months.

(c) TECHNICAL ASSISTANCE AND EDUCATIONAL TRAINING.—

(1) IN GENERAL.—The Administrator shall provide technical assistance and educational training to an eligible small business concern participating in the pilot program or desiring to participate in the pilot program for a period of not less than 3 years, to promote the growth of the eligible small business concern and assist the eligible small business concern in promoting job development.

(2) TOPICS.—

(A) TECHNICAL ASSISTANCE.—The technical assistance under paragraph (1) shall include assistance relating to—

(i) scheduling of employees;

(ii) cash flow analysis;

(iii) change orders;

(iv) requisition preparation;

(v) submitting proposals;

(vi) dispute resolution; and

(vii) contract management.

(B) EDUCATIONAL TRAINING.—The educational training under paragraph (1) shall include training regarding—

(i) accounting;

(ii) legal issues;

(iii) infrastructure;

(iv) human resources;

(v) estimating costs;

(vi) scheduling; and

(vii) any other area the Administrator determines is a key area for which training is needed for eligible small business concerns.

(d) PANEL.—

(1) ESTABLISHMENT.—The Administrator shall establish a pilot program advisory board to evaluate and make recommendations regarding the pilot program.

(2) MEMBERSHIP.—The Board shall be composed of 5 members—

(A) who shall be appointed by the Administrator;

(B) not less than 2 of whom shall have graduated from the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)); and

(C) not more than 1 of whom may be an officer or employee of the Administration.

(3) DUTIES.—The Board shall—

(A) evaluate and make recommendations to the Administrator regarding the effectiveness of the pilot program;

(B) make recommendations to the Administrator regarding performance measures to evaluate eligible small business concerns applying for a guarantee under the pilot program; and

(C) not later than 90 days after the date on which all members of the Board are appointed, and every year thereafter until the authority to carry out the pilot program terminates under subsection (f), submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the activities of the Board.

(e) FUND.—

(1) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund to be known as the “Small Business Surety Bond Pilot Program

Fund”, to be administered by the Administrator.

(2) AVAILABILITY.—Amounts in the Fund shall be available without fiscal year limitation or further appropriation by Congress.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund \$20,000,000.

(4) RESCISSION.—Effective on the day after the date on which the term of all guarantees made under the pilot program have ended, all amounts in the Fund are rescinded.

(f) TERMINATION.—The Administrator may not guarantee a surety against loss under the pilot program on or after the date that is 7 years after the date the date on which the Administrator makes the first guarantee under the pilot program.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4300. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4300. Mr. LEMIEUX submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE —RETURNING SPENDING LEVELS TO 2007 LEVELS

SEC. 01. EXPEDITED CONSIDERATION.

(a) 2007 SPENDING BILL.—For purposes of this title, the term “2007 spending bill” means a bill that reduces outlays for the fiscal year beginning in the year in which the bill is considered to levels not exceeding the levels for fiscal year 2007. The bill may not increase revenues.

(b) EXPEDITED CONSIDERATION OF 2007 SPENDING BILL.—

(1) INTRODUCTION OF 2007 SPENDING BILL.—A 2007 spending bill may be introduced in the House of Representatives and in the Senate not later than July 12, 2010, or any time after the first day of a session for any year thereafter by the majority leader of each House of Congress. If 5 session days after July 12 in 2010 or after the first day of session any year thereafter the majority leader has not introduced a bill, the minority leader of each House of Congress may introduce a 2007 spending bill (during this time the majority leader may not introduce a 2007 spending bill). If a 2007 spending bill is not introduced in accordance with the preceding sentence in either House of Congress within 5 session days, then any Member of that House may introduce a 2007 spending bill on any day thereafter. Upon introduction, the 2007 spending bill shall be referred to the relevant committees of jurisdiction.

(2) COMMITTEE CONSIDERATION.—The committees to which the 2007 spending bill is referred shall report the 2007 spending bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 30 calendar days after the date of introduction of the bill in that House, or the first day thereafter on which that House

is in session. If any committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(3) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(A) PROCEEDING TO CONSIDERATION.—It shall be in order, not later than 7 days of session after the date on which an 2007 spending bill is reported or discharged from all committees to which it was referred, for the majority leader of the House of Representatives or the majority leader's designee, to move to proceed to the consideration of the 2007 spending bill. It shall also be in order for any Member of the House of Representatives to move to proceed to the consideration of the 2007 spending bill at any time after the conclusion of such 7-day period. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the 2007 spending bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(B) CONSIDERATION.—The 2007 spending bill shall be considered as read. The previous question shall be considered as ordered on the 2007 spending bill to its passage without intervening motion except 50 hours of debate, equally divided and controlled by the proponent and an opponent. A motion to limit debate shall be in order during such debate. A motion to reconsider the vote on passage of the 2007 spending bill shall not be in order.

(C) APPEALS.—Appeals from decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to the 2007 spending bill shall be decided without debate.

(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this paragraph, consideration of an 2007 spending bill shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any 2007 spending bill introduced pursuant to the provisions of this subsection under a suspension of the rules pursuant to clause 1 of House Rule XV, or under a special rule reported by the House Committee on Rules.

(E) AMENDMENTS.—It shall be in order to offer amendments to the 2007 spending bill, provided that any such amendment is relevant and would not result in an overall outlay level exceeding the level included in the 2007 spending bill.

(F) VOTE ON PASSAGE.—Immediately following the conclusion of consideration of the 2007 spending bill, the vote on passage of the 2007 spending bill shall occur without any intervening action or motion and shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn. If the 2007 spending bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House.

(4) FAST TRACK CONSIDERATION IN SENATE.—

(A) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 7 days of session after the date on which an 2007 spending bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader's designee to move to proceed to the consideration of the 2007 spending bill. It shall

also be in order for any Member of the Senate to move to proceed to the consideration of the 2007 spending bill at any time after the conclusion of such 7-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the 2007 spending bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the 2007 spending bill is agreed to, the 2007 spending bill shall remain the unfinished business until disposed of.

(B) DEBATE.—Consideration of an 2007 spending bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 50 hours. Debate shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate on the 2007 spending bill is in order. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the 2007 spending bill, including time used for quorum calls and voting, shall be counted against the total 50 hours of consideration.

(C) AMENDMENTS.—It shall be in order to offer amendments to the 2007 spending bill, provided that any such amendment is relevant and would not result in an overall outlay level exceeding the level included in the 2007 spending bill.

(D) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the 2007 spending bill and a single quorum call at the conclusion of the debate if requested. Passage shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(E) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a 2007 spending bill shall be decided without debate.

(5) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

(A) REFERRAL.—If, before the passage by 1 House of an 2007 spending bill of that House, that House receives from the other House an 2007 spending bill, then such proposal from the other House shall not be referred to a committee and shall immediately be placed on the calendar.

(B) TREATMENT OF 2007 SPENDING BILL OF OTHER HOUSE.—If 1 House fails to introduce or consider a 2007 spending bill under this section, the 2007 spending bill of the other House shall be entitled to expedited floor procedures under this section.

(C) PROCEDURE.—

(i) 2007 SPENDING BILL IN THE SENATE.—If prior to passage of the 2007 spending bill in the Senate, the Senate receives an 2007 spending bill from the House, the procedure in the Senate shall be the same as if no 2007 spending bill had been received from the House except that—

(I) the vote on final passage shall be on the 2007 spending bill of the House if it is identical to the 2007 spending bill then pending for passage in the Senate; or

(II) if the 2007 spending bill from the House is not identical to the 2007 spending bill then pending for passage in the Senate and the Senate then passes the Senate 2007 spending bill, the Senate shall be considered to have passed the House 2007 spending bill as

amended by the text of the Senate 2007 spending bill.

(ii) DISPOSITION OF THE 2007 SPENDING BILL.—Upon disposition of the 2007 spending bill received from the House, it shall no longer be in order to consider the 2007 spending bill originated in the Senate.

(D) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If following passage of the 2007 spending bill in the Senate, the Senate then receives an 2007 spending bill from the House of Representatives that is the same as the 2007 spending bill passed by the House, the House-passed 2007 spending bill shall not be debatable. If the House-passed 2007 spending bill is identical to the Senate-passed 2007 spending bill, the vote on passage of the 2007 spending bill in the Senate shall be considered to be the vote on passage of the 2007 spending bill received from the House of Representatives. If it is not identical to the House-passed 2007 spending bill, then the Senate shall be considered to have passed the 2007 spending bill of the House as amended by the text of the Senate 2007 spending bill.

(E) CONSIDERATION IN CONFERENCE.—Upon passage of the 2007 spending bill, the Senate shall be deemed to have insisted on its amendment and requested a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, without any intervening action.

(F) ACTION ON CONFERENCE REPORTS IN SENATE.—

(i) MOTION TO PROCEED.—A motion to proceed to the consideration of the conference report on the 2007 spending bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) CONSIDERATION.—During the consideration in the Senate of the conference report (or a message between Houses) on the 2007 spending bill, and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith, debate (or consideration) shall be limited to 30 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) DEBATE IF DEFEATED.—If the conference report is defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(iv) AMENDMENTS IN DISAGREEMENT.—If there are amendments in disagreement to a conference report on the 2007 spending bill, time on each amendment shall be limited to

30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(G) VOTE ON CONFERENCE REPORT IN EACH HOUSE.—Passage of the conference in each House shall be by an affirmative vote of three-fifths of the Members of that House, duly chosen and sworn.

(H) VETO.—If the President vetoes the bill debate on a veto message in the Senate under this subsection shall be 1 hour equally divided between the majority and minority leaders or their designees.

(6) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively but applicable only with respect to the procedure to be followed in that House in the case of bill under this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 2. EFFECTIVE PERIOD.

This title shall be effective until fiscal year 2020 or the fiscal year spending levels are returned to fiscal year 2007 levels whichever date first occurs.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, June 9, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on issues related to the Department of the Interior's May 27th report: Increased Safety Measures for Energy Development on the Outer Continental Shelf, including oversight of recent actions recommended by the Department to address the safety of offshore oil development.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Abigail_Campbell@energy.senate.gov.

For further information, please contact Linda Lance or Abigail Campbell.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the infor-

mation of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests. The hearing will be held on Wednesday, June 16, 2010, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is receive testimony on the following bills:

S. 3294, to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho;

S. 3310, to designate certain wilderness areas in the National Forest System in the State of South Dakota; and

S. 3313, to withdraw certain land located in Clark County, Nevada from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to testimony@energy.senate.gov.

For further information, please contact David Brooks or Allison Seyferth.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, June 24, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 3452, a bill to designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to testimony@energy.senate.gov.

For further information, please contact David Brooks or Allison Seyferth.

DIRECTION TO DISCHARGE S.J. RES. 26

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Environment and Public Works be discharged of further consideration of S.J. Res. 26, a resolution on providing for congressional disapproval of a rule submitted by the

Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act, and, further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

Lisa Murkowski, Mitch McConnell, Saxby Chambliss, E. Benjamin Nelson (NE), Kay Bailey Hutchison, Richard Burr, Jeff Sessions, Thad Cochran, Richard G. Lugar, George V. Voinovich, Lamar Alexander, John Cornyn, Blanche L. Lincoln, John Barrasso, Mary Landrieu, Chuck Grassley, John Thune, John McCain, Lindsey Graham, Bob Corker, Jim Bunning, Robert F. Bennett, James M. Inhofe, John Ensign, Michael B. Enzi, James E. Risch, Roger F. Wicker, Mike Johanns, Tom Coburn, David Vitter, George LeMieux, Jim DeMint, Orrin G. Hatch, Johnny Isakson, Sam Brownback, Mike Crapo, Kit Bond, Richard Shelby, Jon Kyl, Pat Roberts, Judd Gregg.

NATIONAL APHASIA AWARENESS MONTH

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 512 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 512) designating June 2010 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 512) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 512

Whereas aphasia is a communication impairment caused by brain damage that typically results from a stroke;

Whereas aphasia can also occur with other neurological disorders, such as a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in the right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss of or reduction in the ability to speak, comprehend, read, and write, but the intelligence of a person with aphasia remains intact;

Whereas according to the National Institute of Neurological Disorders and Stroke (referred to in this preamble as the "NINDS"), stroke is the third-leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas the NINDS estimates that there are about 5,000,000 stroke survivors in the United States;

Whereas the NINDS estimates that people in the United States suffer about 750,000 strokes per year, with approximately $\frac{1}{3}$ of the strokes resulting in aphasia;

Whereas according to the NINDS, aphasia affects at least 1,000,000 people in the United States;

Whereas the NINDS estimates that more than 200,000 people in the United States acquire the disorder each year;

Whereas the National Aphasia Association is a unique organization that provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States; and

Whereas as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes the "silent" disability of aphasia and provides opportunity and fulfillment for people affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2010 as "National Aphasia Awareness Month";

(2) supports efforts to increase awareness of aphasia;

(3) recognizes that strokes, a primary cause of aphasia, are the third-largest cause of death and disability in the United States;

(4) acknowledges that aphasia deserves more attention and study in order to find new solutions for individuals experiencing aphasia and their caregivers;

(5) supports efforts to make the voices of people with aphasia heard, because people with aphasia are often unable to communicate with others; and

(6) encourages all people in the United States to observe National Aphasia Awareness Month with appropriate events and activities.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 111-148, appoints the following individuals to serve as members of the Commission on Key National Indicators: Dr. Wade F. Horn of Maryland (for a term of 3 years) and Dr. Nicholas N. Eberstadt of the District of Columbia (for a term of 2 years).

Mr. BROWN of Ohio. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 8, 2010

Mr. BROWN of Ohio. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate recess from 12:30 to 2:15 to allow for the weekly caucus lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. When it is available tomorrow, it is the majority leader's intention to ask the Chair to lay down the House message with respect to H.R. 4213, the tax extenders legislation. Rollcall votes are expected to occur throughout the day in relation to the tax extenders legislation.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:44 p.m., adjourned until Tuesday, June 8, 2010, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate:

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

JAMES R. CLAPPER, OF VIRGINIA, TO BE DIRECTOR OF NATIONAL INTELLIGENCE, VICE DENNIS CUTLER BLAIR, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, June 7, 2010:

THE JUDICIARY

AUDREY GOLDSTEIN FLEISSIG, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI.

LUCY HAERAN KOH, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

JANE E. MAGNUS-STINSON, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 8, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 9

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine issues related to the Department of the Interior's May 27th report entitled, Increased Safety Measures for Energy Development on the Outer Continental Shelf, including oversight of recent actions recommended by the Department to address the safety of offshore oil development.

SD-366

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine local perspectives on the Livable Communities Act.

SD-538

10:30 a.m.

Environment and Public Works

To hold hearings to examine S. 3305, to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills.

SD-406

11 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the significant challenges faced by journalists and independent media throughout the Organization for Security and Co-operation in Europe (OCSE) region, focusing on physical threats and violence targeting journalists, including the murder of scores of investigative reporters.

SVC-210/212

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold an oversight hearing to examine the enforcement of the antitrust laws.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider S. 3386, to protect consumers from certain aggressive sales tactics on the Internet, S. 1938, to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving, S. 3302, to amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public, S. 3084, to increase the competitiveness of United States businesses, particularly small and medium-sized manufacturing firms, in interstate and global commerce, foster job creation in the United States, and assist United States businesses in developing or expanding commercial activities in interstate and global commerce by expanding the ambit of the Hollings Manufacturing Extension Partnership program and the Technology Innovation Program to include projects that have potential for commercial exploitation in non-domestic markets, providing for an increase in related resources of the Department of Commerce, S. 2847, to regulate the volume of audio on commercials, S. 817, to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon and for other purposes, S. 1748, to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter, the nomination of Carl Wieman, of Colorado, to be an Associate Director of the Office of Science and Technology Policy, and a promotion list in the National Oceanic and Atmospheric Administration Commissioned Corps and the Coast Guard.

SR-253

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the National Security Personnel System and performance management in the Federal government.

SD-342

3 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 2891, to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, S. 2779 and H.R. 3671, bills to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the

Upper Mississippi River Basin, S. 3387, to provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, and for other purpose, S. 3404, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and H.R. 4252, to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California.

SD-366

JUNE 10

Time to be announced

Indian Affairs

Business meeting to consider pending calendar business.

SD-628

10 a.m.

Homeland Security and Governmental Affairs

State, Local, and Private Sector Preparedness and Integration Subcommittee

To hold hearings to examine assessing the effects of the Deepwater Horizon oil spill on states, localities and the private sector.

SD-342

Commerce, Science, and Transportation

To hold hearings to examine the nomination of John S. Pistole, of Virginia, to be Assistant Secretary of Homeland Security.

SR-253

Health, Education, Labor, and Pensions

Employment and Workplace Safety Subcommittee

To hold hearings to examine production over protections, focusing on a review of process safety management in the oil and gas industry.

SD-430

Finance

To hold hearings to examine the United States-China economic relationship, focusing on a new approach for a new China.

SD-215

Judiciary

Business meeting to consider S. 193, to create and extend certain temporary district court judgeships, H.R. 1933, to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, H.R. 908, to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program, S. 258, to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors, and the nominations of Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Second Circuit, Scott M. Matheson, Jr., of Utah, to be United States Circuit Judge for the Tenth Circuit, John J. McConnell, Jr., to be United States District Judge for the District of Rhode Island, James Kelleher Bredar, and Ellen Lipton Hollander, both to be a United States District Judge for the District of Maryland, Susan Richard Nelson, to be United States District Judge for the District of Minnesota, and Thomas Edward Delahanty II, to be United States Attorney for the District of Maine, Wendy J. Olson, to be United States Attorney for the District of Idaho, Kevin Charles Harrison, and Donald J. Cazayoux, Jr., both to be United States Marshal for the Middle District of Louisiana, Henry Lee Whitehorn, Sr., to be United States Marshal for the Western District of Louisiana, James A. Lewis, to be United States Attorney for the Central District of Illinois, and Charles Gillen Dunne, to be United States Marshal for the Eastern District of New York, all of the Department of Justice.

SD-226

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Dennis J. Toner, of Delaware, to be a Governor of the United States Postal Service.

SD-342

Intelligence

To hold closed hearings to consider certain intelligence matters.

SH-219

JUNE 15

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine protecting cyberspace as a national asset, focusing on comprehensive legislation for the 21st century.

SD-342

JUNE 16

9:30 a.m.

Veterans' Affairs

To hold hearings to examine Veterans' Affairs health care in rural areas.

SR-418

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 3294, to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, S. 3310, to designate certain wilderness areas in the National Forest System in the State of South Dakota, and S. 3313, to withdraw certain land located in Clark County, Nevada from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SD-366

JUNE 17

9:30 a.m.

Armed Services

To hold hearings to examine the New Strategic Arms Reduction Treaty (START) and the implications for national security programs.

SD-106

10 a.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine the future of the National Park System and to consider the recommendations of the National Parks Second Century Commission in its report "Advancing the National Park Idea".

SD-366

JUNE 24

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine S. 3452, to designate the Valles Caldera National Preserve as a unit of the National Park System.

SD-366

JUNE 30

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine farm bill reauthorization, focusing on maintaining our domestic food supply through a strong United States farm policy.

SR-328A

JULY 1

9:30 a.m.

Veterans' Affairs

To hold hearings to examine veterans' claims processing, focusing on if current efforts are working.

SR-418

JULY 21

9:30 a.m.

Veterans' Affairs

To hold hearings to examine improvements to the post-9/11 Government Issue (GI) Bill.

SR-418

SENATE—Tuesday, June 8, 2010

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, today strengthen our Senators to do Your will on Earth, even as it is done in heaven. Give them the wisdom to put their trust in You, expecting You to shield them from danger and to lead them to a desired destination. May they find joy in obeying Your word.

Lord, let Your glorious Name be duly honored and loved by all who labor for liberty. Give us the humility to know that none of us has a monopoly on Your truth and that we all need one another to discover Your guidance together. You are the judge of all humanity. Look with favor upon us today and always.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 8, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will turn to the consideration of the House message to accompany H.R. 4213, the American Jobs and Closing Tax Loopholes Act. The Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly caucus luncheons. Rollcall votes are expected to occur throughout the day in relation to amendments to the tax extenders bill.

Chairman BAUCUS is here. As soon as the leader remarks are finished, he will lay down the amendment that is the substitute for the House message. I hope people will study this legislation and determine what, if any, amendments they wish to offer. We are going to have to work hard on this legislation. We will not be able to work late today because of some events that are taking place away from the Capitol tonight that involve both Democratic and Republican Senators.

On Thursday, we will deal with the Murkowski resolution. That is under a previous order that has been entered.

I hope that today and tomorrow, people will offer their amendments because we are going to have to wind this down as quickly as we can. I want to make sure people have the opportunity to offer amendments. It is pretty clear what is in it. There are relatively few changes from what has been done in the House. The main change is the fact that we are adding to this money—I think most of us have received calls from our Governors—dealing with Medicare. That is a matter that is going to be laid down by the chairman of the Finance Committee.

GULF OILSPILL

Mr. REID. Madam President, I had the good fortune of having been put on the Environment and Public Works Committee from the first day I came to the Senate. It has been a great experience to serve on that committee. I have served under Chairman Chafee, Chairman Moynihan, and Chairman BAUCUS. Some remember I gave up my chairmanship for Jim Jeffords from Vermont. The committee is terrific. I love the jurisdictional swing that committee has.

As a result of this background, I have watched the oilspill in the gulf very closely. But I say to everyone within the sound of my voice, you do not have to have longstanding experience on the Environment and Public Works Committee to understand how terrible this has been to the environment. We do not know the outcome of the degrada-

tion to our environment as a result of this tragedy, and that is what it is. The Coast Guard admiral who is in charge has indicated there is no longer a plume. There is oil going in different places. Remember, the oil well is a mile below the surface of the ocean. So there are tar balls, sheets of oil for hundreds and hundreds of miles. Sadly, the worst is probably yet to come.

The one thing we tend not to focus on very much is the loss of life. Of course, we see the dead animals, and that is tragic. It is so sad. A pelican is an animal. It is not on the endangered species list. We took it off that list in the last year or so. Now these animals are dying by the dozens every day.

What we do not focus on as a result of the negligence—gross negligence—perhaps criminal acts of BP is that 11 people are dead; 11 people were killed. That seems to be overshadowed a lot of times. Eleven people are dead. Brothers, fathers, and sons were killed on the night of that terrific explosion. I hope we do not, in spite of the horrible conditions that have been caused to our environment, lose track of the fact that this is a personal tragedy for lots of people. Eleven people were killed and many others were injured. The American people are going to have to not forget the personal tragedies of these people who were lost. I am sure they will not.

I thought it important this morning to remind everyone that this is certainly an environmental disaster. But for the persons involved as a result of the cutting of corners that BP did—it is not just me talking. We see it on TV shows and the evidence is coming in. I talked with one oil executive over the weekend, and he is flabbergasted. He is flabbergasted as to what had taken place. There was no redundancy. This company simply did not follow rules that are in place to prevent things like this from happening.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. McCONNELL. Madam President, amid all the various crises Americans face at the moment, one of the most exasperating has to be the increasingly high cost of health care. The American people do not understand how an administration that devoted more than a year talking about health care could

end up with a bill that actually raises the cost of care instead of lowering it.

Seniors are particularly upset about this legislation, and that is why the White House is staging an event today aimed at convincing them they are actually getting a good deal. But seniors are right to be skeptical. They were told this law would strengthen Medicare, when, in fact, it takes \$½ trillion out of Medicare to fund a new government program. They were also told that if they liked their plan, they could keep it. Yet now we hear that millions of seniors will lose their Medicare Advantage benefits they already have and like as a result of the Democratic health care bill.

The centerpiece of today's event is a \$250 rebate check the administration will pass out to the fraction—fraction—of seniors who qualify for it. I am sure anyone who gets these checks is happy to take that extra cash, especially in the current economy. What the administration, however, will not mention at today's event is that for every senior who gets a check, more than three other seniors will see an increase in their prescription drug insurance premiums. In other words, behind every \$250 check is more than three seniors who will be paying more as a result of this bill. The reason for this is that the health care bill Democrats forced on Americans earlier this year requires higher government-mandated minimum standards for everyone. Those who opted for anything below that minimum will now see their premiums go up, and the number of seniors in this category far, far outnumber those getting a check. The administration can tout the check it is giving out to some seniors, but by failing to mention those seniors for whom it is causing rates to go up, it is hiding the whole truth.

That has been the story all along about this bill—a lot of promises that could not be kept. That is why the story now is not the bill itself but the administration's broken promises. Americans never wanted this bill. They never wanted it in the first place. And they are reminded every day why they opposed it.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

Mr. BAUCUS. Madam President, I ask that the Chair lay before the Senate a message from the House with respect to H.R. 4213.

The Acting President pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the House agrees to the amendment of the Senate to the bill (H.R. 4213) entitled "An Act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes," with the House amendment to the Senate amendment.

MOTION TO CONCUR WITH AMENDMENT NO. 4301

(Purpose: In the nature of a substitute)

Mr. BAUCUS. Madam President, I move to concur in the House amendment to the Senate amendment to the House bill with an amendment which I send to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 4301 to the House amendment to the Senate amendment to H.R. 4213.

Mr. BAUCUS. Madam President, I ask unanimous consent that the reading of the amendment be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Madam President, a few moments ago, the Republican leader sought once again to throw mud at the new health care law that Congress enacted earlier this year. Let me take a moment to set the record straight.

The Republican leader said the premiums would go up for some Americans. What the Republican leader did not say is the nonpartisan Congressional Budget Office found that health care reform would lower premiums for the overwhelming majority of Americans. After taking into account the tax credits to help buy insurance, health insurance will cost less for 9 out of 10 Americans—no small amount.

The Republican leader mocked the new payments to seniors the President is highlighting today; that is, the \$250 for drug benefits. The President made the point that that is important for seniors. The truth is, seniors will welcome the help they will soon be receiving to pay for prescription drugs in their coverage gap, the so-called doughnut hole. Starting very soon seniors will receive \$250 to help pay for their prescriptions. By the time health care reform is fully phased in, we will have completely eliminated the doughnut hole. This is something seniors care about very much.

No longer will seniors have to choose between their rent and the prescrip-

tions they need. No longer will seniors have to cut their pills in half just to get by. No longer will seniors live in unnecessary pain just because of drug costs. So the fact is, health care reform will help to control the costs in health care. Health care reform will reduce costs for the taxpayer over the decades to come. That is not my assertion, it is that of the Congressional Budget Office. Health care reform will increase access to lifesaving medical treatments for millions of Americans who all too often now must do without.

Madam President, on the matter before us today, 15 million Americans have lost their jobs during this great recession. Although the unemployment rate came down some last month, it remains near 10 percent. At the depth of the great recession, during the first months of last year, the economy lost an average of 750,000 jobs a month. That is practically the population of my State. We have come a long way since then. Even if we exclude temporary census jobs, in the first 5 months of this year the economy has created nearly half a million new jobs. But we still have a lot more to do. We have to get more Americans back to work.

We began doing just that with the Recovery Act. We enacted that as one of the first things the new Congress did in February of last year. According to the nonpartisan Congressional Budget Office, the Recovery Act increased by between 1.2 million and 2.8 million the number of Americans employed.

We continued getting more Americans back to work with the Hiring Incentives Act that we enacted in March of this year. The HIRE Act should help to bolster job creation in coming months.

We are continuing again today with the American Jobs and Closing Tax Loopholes Act. This bill would create jobs by improving our Nation's infrastructure. It would reduce the cost to local governments to build roads, bridges, and water treatment facilities that would create jobs.

This bill would also extend provisions that expire at the end of May. These provisions would provide important relief for many Americans.

Americans who are out of work are depending on our job creation efforts. This bill extends the needed lifeline of unemployment benefits to more than 5 million Americans who would not be able to support themselves or their families without this help.

We are talking about people who have worked, want to work, and will work again. These are our neighbors. And they need our help.

In my home State of Montana, we have seen some promising signs of recovery. In Yellowstone County, unemployment is down from 6 percent in March to 5.2 percent in April. That is good news. But there still remain people who need our help.

Some counties in Montana have unemployment as high as 16.8 percent. In Montana, as with the rest of country, we have seen an increase in people looking for work.

Unemployment rates will continue to hover around 10 percent even as the economy improves. As the economy adds jobs, many unemployed people grow more hopeful and resume their search for work. That is one reason why economists call unemployment a lagging economic indicator.

The bill that we are considering today includes improvements to the unemployment insurance program. This bill would eliminate the penalty in unemployment insurance for getting part-time or temporary work. Under current law, if people who are unemployed take part-time or temporary jobs, and then lose that job, they receive lower benefits than people who did not take short-term work. This bill corrects that inequity.

This bill also expands the Trade Adjustment Assistance Community College and Career Training Program. The bill would broaden the program to include workers who are eligible for unemployment insurance. This will help more Americans who are looking for work to get the education and looking career training that they need.

If we do not pass this bill, doctors who see Medicare and TRICARE patients will take a 21 percent pay cut. More and more physicians are threatening to leave the Medicare and TRICARE programs if this happens. Seniors and military families could lose access to their doctors.

We cannot keep postponing this issue every month or two. Seniors worry they will lose their doctors. And physicians cannot run a business with this much uncertainty.

We need to pass a long-term reform. I would like to fix the problem permanently. But the votes are not there today. We will permanently reform Medicare's system to compensate doctors as soon as we can.

In the meantime, this bill provides security to doctors and the patients they see for the next year and a half through 2011. It provides a modest payment increase to physicians for the rest of this year and next year.

This multi-year provision would prevent the untenable cut in physician payments. And this bill would provide a pathway to a permanent change in how doctors are paid.

The budget rules have to score a permanent reform as a cost. But we all know that this is something that we have to do for America's seniors, military families, and doctors.

This bill would also provide tax relief for American families and businesses. This bill would help communities that have suffered a natural disaster. And this bill includes important tax incentives to improve America's energy independence.

For individuals and families, this bill provides much-needed tax relief in a time of economic uncertainty.

This bill would extend the teacher expense deduction for teachers who buy school supplies for their classrooms. And it would extend the qualified tuition deduction to help with college costs.

This bill would extend much-needed relief for communities that have suffered from natural disasters.

And it would extend important business tax provisions to help create jobs and make our companies competitive in a global economy.

The bill would extend the research and development credit to help businesses to continue to be on the cutting edge.

The bill would also extend important energy tax incentives. For example, the bill would extend the dollar-per-gallon credit for biodiesel and renewable diesel. And the bill would extend the manufacturer's credit for the construction of new energy-efficient homes.

In addition to these important provisions that provide direct assistance in job creation, the bill includes other proposals that will provide relief for businesses and individuals.

One such provision is pension funding relief.

With the weak economy, American employers are faced with the need to make higher pension contributions. Several factors have combined to require these higher contributions.

There is the funding changes of the Pension Protection Act of 2006.

There is the slide in the stock market in 2008.

And then there is the ensuing great recession.

These requirements for higher contributions are coming upon employers just when they are facing lower asset values and lower cash flow. Meeting the new funding rules could divert resources that employers could use to keep workers on the payroll.

We addressed this bind temporarily in 2008. But employers are still facing the prospect of closing plants and stores. Employers are still faced with the possibility of letting workers go in order to make up for lost asset values.

This bill contains additional temporary, targeted, and appropriate relief for these employers. And at the same time, the bill still maintains the pension security system.

These tough economic times have hit the States hard, as well. In last month's employment report, for example, State and local governments cut 22,000 jobs.

So, included in the substitute amendment is a 6-month extension of the additional Federal financial assistance for State Medicaid programs. This would allow States to plan for their next fiscal year with the greater certainty.

Additional Federal Medicaid match money, known as FMAP, helps the economy grow. According to the economist Mark Zandi, this funding has a return on investment of about \$1.40 for every dollar invested.

The nation's governors have repeatedly asked for an extension of this Federal assistance. And this bill answers their pleas.

With so many Americans out of work, our country needs Congress to enact this legislation.

This bill continues valuable tax incentives to families and businesses that will help them in these difficult economic times. And the bill sustains vital safety-net programs that will also help foster economic growth.

This legislation is important to the American people. It would prevent millions of Americans from falling through the safety net. It would extend vital programs that are set to expire. It would put cash in the hands of Americans who would spend it quickly, boosting economic demand. And it would extend critical programs and tax incentives that create jobs.

And so, let us help America's businesses to create more jobs. Let us join together to work across the aisle on this common-sense legislation. Let us enact these tax incentives and safety-net provisions into law.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, I get a fair amount of mail. I received the other day a nice envelope from the Department of Health and Human Services addressed to Andrew L. Alexander, Jr., in my Nashville residence, with a nice brochure here: Medicare and the New Health Care Law; What It Means to You.

I am one of those 40 million Americans who is 65 or older, so I am a part of Medicare. I was very interested to read the brochure, because I spent a lot of time, as did the Senator from New Hampshire, and the Senator from Montana probably spent even more, on the new health care law.

As I read through this brochure, it did not bear very much relationship to the way I understood the law I voted on Christmas Eve at the end of last year when we passed this health care law.

This brochure, which has been mailed at taxpayer expense to more than 40 million Americans, is an attempt by the administration to explain that the health care law does what it does not

do or does not do what it does. Let me be specific about why I say that. Throughout the debate, those of us on the Republican side of the aisle said the health care law would cut Medicare, raise premiums, raise taxes, pass Medicaid costs on to States, and add to our national debt. Those on the other side said we were wrong. Since they had the votes, they passed the bill. It is now law. But let me take two or three examples from the mail I got the other day. The brochure claims, in the first paragraph, that the new health care law will result in "increased quality health care." Well, that would mean, to me, I would think, as I read that, that I, an individual on Medicare, or that any individual in the United States, would continue to have at least the coverage I am having today and hopefully more.

Yet Medicare's own Chief Actuary noted in an April 22 memorandum that without intervening legislation to correct a payment cut in the new law, some providers would "end their participation in the program"—that is Medicare—with the effect of "possibly jeopardizing access for beneficiaries."

It looks to me if you want to be accurate in writing 40 million Americans about what is happening with Medicare, you would add that in there and say there is another view by the Chief Actuary of Medicare in the Obama administration.

The Chief Actuary also concluded that 15 percent of Part A providers—we mean by that hospitals, skilled nursing facilities, hospices, home health agencies—may be unable to sustain their operation in the next 10 years as a result of drastic Medicare cuts in the new law. That does not sound like "increased quality health care" to me.

No. 2, the second paragraph of the brochure says: The new health care law will keep Medicare strong and solvent.

Here is the truth, at least as we see it. The \$529 billion in cuts to Medicare—no one disputes that we have those—are being used to pay for a \$1 trillion—when fully implemented over 10 years—health care bill, not to shore up Medicare.

According to the same people who put out this brochure, the CMS Chief Actuary, you cannot double-count the Medicare cuts as both paying for expanding the health care delivery system and increasing the solvency of the program. I mean, common sense says if you take \$529 billion out of Medicare over the first 10 years, or \$1 trillion out of Medicare over 10 years, when it is fully implemented, and you spend almost all of that on something other than Medicare, that is not the way to make Medicare more solvent, even if it is a new Medicare Program. Any savings from Medicare, we believe, ought to be spent on Medicare, rather than running up the fiscal deficit in Medicare.

No. 3, on the second page, the brochure says if you are in a Medicare Advantage plan, you will still receive guaranteed Medicare benefits. This is one of the most disingenuous comments in the brochure. If you read that and are one of the more than 11 million people on Medicare Advantage, you would think: My Medicare Advantage must be OK. The truth is, Medicare Advantage plans will have less generous benefit packages, according to the CMS, the group that puts this out, according to the Chief Actuary. He says it will result in less generous benefit packages. The Congressional Budget Office Director Doug Elmendorf testified that fully half the benefits currently provided to seniors under Medicare Advantage would disappear under the proposal in the earlier bills offered by the Senator from Montana, which were virtually the same as this bill.

Here is the difference. They will come back and say: But we said "guaranteed benefits." They would be right about that. But guaranteed Medicare benefits are what everybody has. If one wants Medicare Advantage, which they pay a little more for to cover dental, vision, and hearing, or other extra benefits, that is why they buy Medicare Advantage. The truth is, the Medicare cuts in the health care law will limit plan choices and reduce benefits for almost 11 million seniors enrolled in Medicare Advantage on those extra benefits. That is relatively one-fourth of all seniors in Medicare, and there are 40 million of us in Medicare. In my State of Tennessee, there are nearly a quarter of a million on Medicare Advantage who will lose those benefits. So it is not true—or at least it is disingenuous—that benefits will not change. Guaranteed benefits won't, but extra benefits likely will.

Finally, it says the new law preserves and strengthens Medicare. That is also disingenuous, because the new law does not include paying doctors who serve Medicare patients proper compensation. We call this the sustainable growth rate, the SGR. Some people call it the doc-fix. One would think a comprehensive health care law would include proper compensation for doctors who serve Medicare patients, but it does not. Why? It would have, according to the President's budget, added \$371 billion to the cost of the bill and made it add to the debt, which we said it would.

So what did we do instead? We simply passed a health care law, the majority did, and claimed it doesn't add to the debt, expand the health care delivery system—which we all know costs too much already—and went on our way. And we still have with us the big cut in payments to doctors which will increasingly create, for those on Medicare, a sort of health care bridge to nowhere or to the emergency room, as we find Americans who are on the big gov-

ernment programs, Medicare and Medicaid, unable, in the case of Medicaid or Medicare, to find doctors who are willing to serve them at the lower rates and, in the case of those who go to Walgreens in Washington State, a drugstore company that won't fill present description drugs for Medicaid patients because of the low rates.

I am disappointed that the administration, in its effort to make the health care law sound better, would send out what amounts to propaganda. There is a Federal law against propaganda. It says annual appropriations can't be used for publicity or propaganda purposes within the United States. I know a little about that. When I was Education Secretary in 1991 and 1992, I sent out what I thought was a very carefully written article to teachers about President Bush's, the first, education program, and the Democrats in Congress hauled me up before the committee and had the General Accounting Office investigate me and castigated me for putting out publicity and propaganda in violation of the law. Some House Members have written the General Accounting Office and said this violates the law. I don't know whether it violates the law, but it doesn't tell the truth in the way we Medicare beneficiaries deserve to have the truth told to us about what the health care law does. I am disappointed in it. I hope the Center for Medicare and Medicaid Services will be more accurate in the future and present a more balanced characterization of the law. I am sure during the rest of this year there will be a great many Americans who will take a closer look at the law and agree with Republicans who said no to this because it will raise premiums, raise taxes, and it will send new costs to States and will cut Medicare.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Montana.

Mr. BAUCUS. Madam President, it is with interest that I listened to my colleague from Tennessee for several reasons. One, he is debating a law that has already passed. It is strange to me that he wants to relitigate health care reform. But it is not so strange because I know that that is the tack the other side is going to be taking for the rest of this year. At every opportunity, Senators on the other side of the aisle, all of whom voted against health care reform, will sow the seeds of doubt in the minds of the American people. They don't come up with constructive ideas on how to improve the work of something that has already passed into law. Rather, they stand on the law and tear down something that has passed, sowing the seeds of doubt with misinformation.

It is unfortunate, because it has caused the American people to wonder who they can trust, especially when

one side only speaks ill of a major program such as health care rather than trying to come up with constructive ideas. That is what is happening right now. We heard a statement from a Senator who is trying to basically score points in the November elections by sowing the seeds of doubt and confusion over health care reform.

The truth is not what the Senator just said. The Senator from Tennessee takes issue with efforts of the government to explain the new health care law. He is implying that it is disingenuous, that it is not fair, that it is one-sided. I remind all my colleagues that when the drug benefit came out, proposed by the administration of a different political philosophy, they didn't pay for it—all unpaid for, every red cent. They put all kinds of literature out, all kinds of brochures to tout the drug benefit. There were some who thought it wasn't fair. There were some who thought it was biased. I will not litigate that issue, but I do know that charge was made many times when the administration of a different political persuasion was touting the drug benefit legislation that passed not too long ago.

I have spoken with this administration several times about getting the proper information out; that is, not to tilt, gild the lily, bias. At hearings I have made that clear to administration officials. I for one do not want this administration or any administration to be unfair in explaining the program to the American people. I think the brochure the Senator talks about is fair and straightforward. I just happened to pull up the Web site yesterday and looked at it to see what it said. I was impressed. There is a lot of information there I didn't know about. It didn't at all come across to me, trying to be objective and fair, as one-sided. It was an honest effort to explain to the American people what health care reform is.

The new law takes steps to improve the quality of health care. Let me go back to what the Senator said. No. 1, he took issue with the paragraph that said the new law increases the quality of health care. Of course, the new law increases the quality of health care. The Senator from Tennessee is sowing the seeds of doubt as to whether this new law actually does increase the quality of health care. Let me explain how it does. First, there is delivery system reform. We get rid of a lot of the waste in the American health care system. It is paid on the basis of quality, not on the basis of quantity and volume. Every expert who has looked at the American health care system knows we have to move in this direction. This bill does that. It is going to reimburse doctors, hospitals, and health care providers more on the basis of quality outcomes than on the basis of the number of services provided or the quantity of services.

The doughnut hole will be filled. That will increase the quality of health care for seniors. The statement that the Senator refers to from the HHS Actuary actually says that health care reform will extend the life of the Medicare trust fund for another decade. I think that improves the quality of health care. Anyone who objectively has looked at the health care reform legislation and attempted to determine one issue; that is, the life of the Medicare trust fund, has concluded that the passage of health care reform will extend the life of the Medicare trust fund for 8 to 10 years. That clearly gives seniors a little peace of mind. It is going to be there. It gives peace of mind to people who are about to be seniors, that it is going to be there. That is a major improvement in quality.

It is true what the brochure says. It does increase the quality of health care. There is no doubt about it. Anyone who thinks otherwise should think through the entire legislation and be objective about it.

No. 2, he refers to the assertion that it keeps Medicare strong and solvent and claims that is not true. The Actuary says that health care reform will extend the life of the Medicare trust fund for another decade. That is 100 percent refuted.

Third, the Senator from Tennessee quibbles with the assertion that Medicare Advantage beneficiaries will continue to receive their guaranteed benefits. The Senator at first admits this is true, but the larger point is that health care reform reduces overpayment to Medicare Advantage plans. And why should other beneficiaries pay extra for the overpayments made to some people who are beneficiaries of Medicare Advantage plans? I have talked to a lot of executives who work for Medicare Advantage plans in the last week or so. They are interested, and they like it. They like the change in the law. Why? Because they know they are going to be reimbursed now more on the basis of quality.

Medicare Advantage plans will be paid more if they can show better outcomes, higher quality, not just the standard "you get the same rate" benchmark compared with fee for service and so forth. A CEO of a major Medicare Advantage plan said: Senator, we think that is good policy. We like that. We are ready. We are anxious. We want to do a real good job. We think that is a good change in the law. That is going to, frankly, help seniors—higher quality, better benefits under Medicare Advantage plans. That will help.

Essentially, I want to make it clear, the Senator from Tennessee complains the health care law did not correct for payment of doctors. Here is his opportunity. He could vote for this bill today. If he doesn't want doctors to

take a 21-percent cut, if he doesn't want that, he should vote for this bill. This bill before us today would prevent that cut from taking place.

I very much look forward to seeing the Senator from Tennessee voting for this bill so that doctors do not get a cut in their payment. That would be the right thing to do, support this bill so doctors don't get cut.

Again, the Senator takes issue with the assertion that health care reform would help keep Medicare solvent. The fact is, the nonpartisan Medicare Actuary said health care reform will extend the life of the Medicare trust fund for a decade longer.

I return to my first point: The health care reform law has passed. The President signed it. My gosh, why don't we work together constructively, both sides, with good points, praise, criticism, both sides of the aisle, all constructively to help the American people? Why are we here? We are here to help the American people. We are not here to score political points. We are the hired hands. We are the employees. We work for the American people. The American people want good health care reform. They want costs lower, and they want higher quality care. So let us work together to help the American people get that. That is what we should be doing here, not trying to score political points and cause disruptions for the American people for the upcoming elections in November.

I yield the floor.

THE PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I ask unanimous consent to speak as in morning business.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VENEZUELA

Mr. LEMIEUX. Mr. President, I am here again today to talk about my concerns that are emerging from the problems we are seeing in Venezuela.

Last May 25—just a couple weeks ago—I wrote a letter to the Secretary of State, Secretary Clinton, that was signed by 11 of my colleagues and myself. Senator ENSIGN from Nevada and I wrote this letter together, and we were welcome to have 10 other Senators join in the letter to Secretary Clinton to speak about our concern—in fact, what we would call a gathering storm of concern—about the country of Venezuela.

The letter seeks to have a review by the Secretary of State and the Department of State as to whether Venezuela should be added to the list of states that we consider state sponsors of terror. The letter goes through a number of issues I have spoken about on the floor before concerning some very questionable behavior by Hugo Chavez and Venezuela.

One of the issues it talks about is the support of Venezuela for the narcoterrorists in Colombia, the FARC. Evidence has come forward that Venezuela's weapons have found their way into the hands of these narcoterrorists.

Another of the things we talk about in the letter is the concern with a plot that was revealed by a Spanish judge in March of this past year—a plot to assassinate President Uribe in Colombia, where the Spanish judge has accused Venezuela of being behind that plot, along with a Spanish terrorist group called the ETA.

The letter also speaks about Hezbollah's activities in Venezuela—Hezbollah, the Middle Eastern terrorist group, supported by Iran.

The letter also speaks of the troubling new information that for at least 3 years Venezuela and Iran have been putting factories together in remote areas of eastern Venezuela, which is the area believed to be rich in uranium.

In December of 2008, Turkish customs authorities caught one of these joint companies, literally called VenIran—“Ven” for Venezuela—a “tractor factory,” attempting to smuggle 22 containers of explosive materials labeled as “tractor parts.”

Since 2007, we have pointed out, there have been direct flights between Caracas, Venezuela, and Tehran, Iran, without proper controls or customs verifications.

We have also pointed out in the letter there are increasing paramilitary Iranian forces operating in Venezuela.

We know from recent reports from the IAEA, the International Atomic Energy Agency, that Iran now looks to have the nuclear fuel which will give them the capability to build nuclear weapons. We have had open testimony in front of the Armed Services Committee that within 3 to 5 years Iran may have the intercontinental ballistic capability to deliver those weapons across the ocean and put the United States in jeopardy.

But Venezuela is a lot closer. There is no need for an ICBM from Venezuela. In fact, a flight from Venezuela to Florida is about the same length in time as a flight from Florida to Washington, DC.

So we brought this letter to the attention of Secretary Clinton in May. We wrote this letter on May 25, 2010.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, May 25, 2010.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, U.S. Department of State,
Washington, DC.

DEAR SECRETARY CLINTON: We are deeply concerned about Venezuelan President Hugo Chávez' growing ties with U.S.-designated foreign terrorist organizations and state

sponsors of terrorism. This letter is to present you with a number of questions that we believe should be thoroughly addressed within the Department of State's 2009 Country Report on Terrorism which was due to Congress on April 30, 2010. We realize that thorough answers to some of these questions may require a classified annex.

PRESIDENT CHÁVEZ' SUPPORT OF FARC

The Revolutionary Armed Forces of Colombia (FARC) is South America's oldest and best armed terrorist group. As pointed out in the 2008 Country Report on Terrorism, the FARC is notorious for carrying out a full range of terrorist activities to include kidnappings, murders, mortar attacks, hijackings, and bombings against Colombian political, military, and economic targets.

On March 1, 2008, a Colombian military strike against a FARC camp in Ecuadorian territory successfully killed senior FARC members, including Luis Edgar Devia Silva (aka Raúl Reyes). Silva was a known terrorist responsible for numerous atrocities within Colombia, and his death and the subsequent capture of his computer laptop provided a treasure trove of intelligence. Chávez mourned the loss of Reyes and eulogized this terrorist as a “good revolutionary” while amassing troops on the Colombian border in an attempt to intimidate his Latin American neighbor.

In light of what the U.S. government has discovered from the “Reyes” documents and other sources, we ask that the annual terrorism report provide attention to the following questions:

What does the information found on Reyes' computer reveal with regard to the depth of the relationship and support that the FARC receives from high-ranking officials in the Chávez government? Based on information gleaned from the laptop, what type of surface-to-air missiles or man-portable air defense systems (MANPADs) has Venezuela provided to the FARC or enabled the FARC to obtain, and what threat do those systems pose to Colombia and U.S. counterdrug efforts in the region?

In September 2008, the U.S. Department of the Treasury's Office of Foreign Assets Control designated two senior Venezuelan intelligence officials, Hugo Armando Carvajal Barrios and Henry de Jesus Rangel Silva, and one former senior security official, Ramon Rodríguez Chacín, for materially assisting the FARC's illicit activities.

What types of weapons have these three senior Venezuelan government officials enabled the FARC to acquire? To what extent does the FARC use proceeds from illicit drug trafficking to acquire weapons from the Venezuelan government?

In late July 2009, the government of Sweden requested an explanation from Venezuela about how the FARC obtained Swedish-made anti-tank rocket launchers that had been sold to Venezuela in the 1980s. Three of the launchers, matched by their serial numbers, were recovered from a captured FARC arms cache in October 2008.

Do we have the intelligence resources in place to properly monitor the flow of guns and money from Venezuela to the FARC? Are known FARC officials, such as Rodrigo Granda, Marín Arango (aka Ivan Marquez), and Rodrigo London Echeverry (aka Timochenko or Timoleon Jimenez) able to operate and move freely within Venezuela?

Do you agree with Director of National Intelligence (DNI) Dennis Blair's March 2009 testimony before the Senate Armed Services Committee in which he stated that despite setbacks brought about by the Colombian

government's tireless efforts “the FARC leadership has shown no signs it seeks to end hostilities or participate in serious peace talks” and further, that the FARC benefits from cross-border sanctuaries in Venezuela?

It is well known that cocaine trafficking funds FARC operations. The United Nations World Drug Report for 2009 revealed that nearly one-third of all cocaine produced in the Andean region passes through Venezuela. To what extent does the Venezuelan government's involvement in the international drug trade allow for millions of dollars to flow into the coffers of narco-terrorists?

Recently, the Treasury Department, in an unprecedented move, labeled an active foreign military official as an international drug “kingpin” for enabling massive shipments of cocaine from Venezuela into West Africa. Americans are now banned from doing business with Ibraima Pap Camara, the Air Force Chief of Staff in Guinea-Bissau and the former head of Guinea-Bissau's Navy and Jose Americo Bubo Na Tchuto, and any assets the two might have had in the United States are now frozen.

To what extent are drugs from Venezuela flowing into West Africa, and what impact does that have on political corruption, drug smuggling, and terrorist operations in the region? Should President Chávez be held accountable under the Kingpin Act for his role in the flow of drugs to the rest of the world?

How much do terrorist groups such as Al-Qaida in the Islamic Maghreb (AQIM) profit from trafficking drugs that originate in or flow through Venezuela? What specific steps is the United States taking to cooperate effectively with countries in South America, North Africa, and the Sahel to blunt the trafficking of drugs across the Atlantic and into West Africa?

HEZBOLLAH'S ACTIVITIES IN VENEZUELA

Prior to September 11, 2001, no terrorist group had killed more Americans than Lebanon-based Hezbollah. On June 18, 2008, the U.S. Treasury Department's Office of Foreign Assets Control announced that it was freezing the U.S. assets of two Venezuelan based supporters of Hezbollah—Ghazi Nasr al Din (a Chávez employed “diplomat”) and Fawzi Kan'an for providing direct support to Hezbollah. According to the Department of Treasury, these two individuals were involved in the planning of Hezbollah operations, including terrorist attacks and kidnappings.

What is your assessment of the presence and activities of Hezbollah inside Venezuela? What is your assessment of the purpose and implications of a meeting in Beirut on or about February 1, 2010, between Adel El Zabayar and Imad Saab, deputies of the Venezuelan National Assembly, and Nawaf Musawi, director of international relations of Hezbollah?

On November 3, 2009, our Israeli allies stopped the cargo ship MV Francop before it could reach its destination in Syria, which is a state sponsor of terrorism. The Francop was loaded with 36 shipping containers holding 500 tons of Katyusha rockets, mortars, grenades, and a half-million rounds of small-arms ammunition suspected to be bound for Hezbollah.

Is there information confirming that the Francop had stopped in the Venezuelan port of Guanta before sailing for Syria and at the same time that Venezuelan Foreign Minister Nicolas Maduro was in Damascus visiting with Syrian President Bashar Al-Assad? Are there any indications of a substantial Iranian security presence in Guanta?

PRESIDENT CHÁVEZ SUPPORT FOR STATE
SPONSORS OF TERRORISM

In addition to his documented support for Hezbollah and the FARC, President Chávez has closely aligned himself with Cuba and Iran, both of which are already on the State Sponsors of Terrorism List.

Venezuela's financial support for state sponsors of terrorism is evident by Chávez's extensive support of the Castro regime in Cuba, which is calculated to amount to \$1 billion a year. To what extent does Venezuelan assistance to the Cuban regime facilitate the regime's ongoing repression of the pro-democracy movement and forestall a transition to democracy in Cuba? How deeply are Cuban advisors involved in the intelligence and security apparatus of the Venezuelan government?

What is your assessment of the role of long-term Castro confidant Ramiro Valdez as a special advisor to the government of Venezuela and the impact it will have on pro-democracy leaders and movements in Venezuela? What role, if any, did Valdez play in the recent purge of over 100 Venezuelan military officers?

With respect to Iran, President Chávez has repeatedly expressed support for that country's covert nuclear program and announced in September 2009 a plan for the construction of a "nuclear village" in Venezuela with Iranian assistance.

In your judgment, to what extent is Venezuela supporting Iran's covert nuclear enrichment program development? What is the current state of Venezuela's nuclear program, and to what extent is Iran providing nuclear knowhow to Venezuela? Under the present conditions, does Venezuelan-Iranian nuclear cooperation violate the Nuclear Non-Proliferation Treaty and United Nations International Atomic Energy Agency protocols?

We have seen reports of suspicious Venezuelan-Iranian companies sprouting in remote areas of Venezuela, including the VenIran "tractor factory." In December 2008, Turkish customs inspectors intercepted 22 shipping containers bound for VenIran that were labeled "tractor parts" but instead contained an "explosives lab" and chemicals that could be used to manufacture explosives. What is your assessment of the activities carried out by VenIran? Is it possible that its facilities are a front for illicit, possibly even nuclear, technology-related activities?

Congress is close to authorizing a comprehensive set of sanctions aimed at restricting Iranian access to refined fuels in a bid to stop Iran from acquiring nuclear weapons. At the same time, Iran has a growing financial presence in Venezuela, and President Chávez has pledged to provide Iran with 20,000 barrels of gasoline per day.

To what extent are Venezuela's financial institutions assisting the Iranian nuclear enrichment program? Are you concerned about the activities of the Venezuelan Banco Internacional de Desarrollo and the Banco Binacional Irani-Venezolano? To what extent could Venezuela's financial institutions and energy resources help Iran undermine bilateral or international sanctions designed to stop its covert nuclear program?

The 2008 Country Report on Terrorism confirmed that Iran and Venezuela continued weekly flights connecting Tehran, Syria, and Caracas and that passengers on these flights were only subject to " cursory immigration and customs controls." What is the U.S. government's understanding of the number of passengers and nature of their travel as well

as the type of cargo transported on these flights? Is the Administration concerned that these flights are being used for nefarious purposes?

On April 21, the Secretary of Defense issued a report regarding the current and future military strategy of Iran. The report states that Iran's Islamic Revolutionary Guard Corps-Qods Force maintains worldwide operational capabilities and that "recent years have witnessed an increased presence in Latin America, particularly Venezuela."

What threat does the Islamic Revolutionary Guard Corps-Qods Force presence in Venezuela pose to the United States and our interests in Latin America? What if any measures is the Administration taking to verify the extent of terrorism activities in Venezuelan territory? How is the Administration ensuring that all appropriate branches of the U.S. government are aware of these key findings?

IMPLICATIONS OF ADDING VENEZUELA TO THE
STATE SPONSORS OF TERRORISM LIST

The State Department currently designates four nations—Syria, Cuba, Sudan, and Iran—as state sponsors of terrorism. These countries provide ideological support and material assistance to terrorist groups. Once you consider the evidence behind Venezuela's substantial ties with U.S.-designated terrorist organizations and state sponsors of terrorism, we would like to know the strategic implications of designating Venezuela a state sponsor of terrorism. We would also like to know the implications for the integrity of this list if Venezuela continues to evade designation.

Looking into the future—and short of designating Venezuela a "State Sponsor of Terrorism"—what other concrete measures are available to curb President Chávez' threatening ties with terrorist groups and state sponsors of terrorism? Under what conditions would the Administration apply such measures? Does the U.S. government have a contingency plan to respond to a sudden and prolonged unavailability of Venezuelan oil exports to the United States?

Given that Chávez is expected to receive a \$20 billion loan from the Chinese Government and his government has just signed yet another multi-billion dollar arms deal with Russia for weapons that far exceed any rational analysis of Venezuela's national defense requirements—it is clear that this is the time to revisit our policies within the region. We encourage you to work with all appropriate federal agencies in obtaining thorough answers to these questions. We look forward to further discussions about what steps the Administration plans to take in order to address these disturbing developments within our hemisphere.

Sincerely,
John Ensign,
George S. LeMieux,
James M. Inhofe,
Jon Kyl,
John McCain,
James E. Risch,
Roger F. Wicker,
Sam Brownback,
Jim Bunning,
Scott Brown,
Robert F. Bennett,
John Cornyn.

Mr. LEMIEUX. We hope to receive a response from the Department of State. I know firsthand that Secretary Clinton is focused on Latin America. I have spoken to her on several occa-

sions. I know she knows we need to do a better job promoting democracy in Latin America. She shares that concern. We have had those conversations.

For too long, Latin America has been neglected by the United States in our diplomatic relations. For a variety of reasons, some of them with good merit, we have been focusing to the east. But we cannot neglect our friends in Central and South America. We cannot neglect our friends in Colombia, for example, or in Panama. That is why I have come to the floor on several occasions and called for the ratification of the free-trade agreements between our country and those countries that only makes sense. It not only makes sense for jobs and commerce, but it also makes sense in terms of our good relations with our friends in the region. No better friend do we have than in Colombia, right next door to this very concerning state of Venezuela.

The reason I come to the floor specifically today is that when we sent this letter on May 25, we expected to receive a response. Yet just last Friday, Assistant Secretary Arturo Valenzuela, Assistant Secretary of State for Western Hemisphere Affairs, was asked about this letter because there was an upcoming trip by the Secretary of State to South America.

Secretary Valenzuela was asked why Secretary Clinton was not going to Venezuela, and he explained. Then the question of this letter came up, and his response was:

Oh, I don't—because I was traveling. I don't know anything about that letter, so I'd have to find out.

Now, I know they get a lot of letters over at the Department of State, but this letter is signed by 12 Senators. It has been widely covered in the media. It was relevant enough that someone would ask the question at a press conference. Yet Mr. Valenzuela, through some oversight, was unaware of the letter.

I look forward to getting a response from Secretary Clinton and Assistant Secretary Valenzuela to this letter. There is a gathering storm in Venezuela. As much as we have to look across the ocean to our fears about Iran, their development of nuclear weapons and what they are going to do with those nuclear weapons, there is a concern to our south, very close to our shores in Venezuela, and a dangerous combination which is occurring between Iran and Venezuela, Ahmadinejad and Hugo Chavez.

If we do not stay focused on it, mark my words, 3, 5 years from now we are going to be seeing all the same developments in Venezuela we have seen in Iran. We are going to see them starting to develop a nuclear presence for "peaceful" purposes. They are going to be playing from the same playbook Ahmadinejad has played from in Iran.

We have to take aggressive measures against Iran. I have called, as many

Senators have, for this administration to get to work in a more expeditious way to impose those sanctions—meaningful, hard sanctions on Iran to stop their nuclear program. We are reading in the newspaper today about Iran—all the circuitous efforts it takes to reflag ships, rename ships so they can get weapons back into Iran and avoid our sanctions. We have to crack down on that. That is the diplomatic and foreign affairs problem of today. But the diplomatic and foreign affairs problem of tomorrow is Venezuela, and steps should be taken right now to work ahead of that problem so that 3 to 5 years from now we are not having all the same troubles with Venezuela that we are now having with Iran. Yet they are far closer to the United States than Iran is.

So we sent this letter, and we look forward to the response. There are a lot of ramifications of declaring a country a state sponsor of terror. I am not asking that be done today. But I am asking it be seriously evaluated. That is why Senator ENSIGN and myself, along with 10 other of our colleagues, sent this letter, and we would like to hear a response. We would like it to be taken seriously. We would like this administration to focus on Venezuela before it is a problem that gets ahead of us, before it is a problem we do not have enough time to address in a proactive and thoughtful manner.

Little problems become big problems. This problem is already beyond being little. Let's get on top of it. Let's evaluate it. We hope we get a response to this letter as soon as possible, from the Secretary of State and the Assistant Secretary of State for Western Hemisphere Affairs.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GULF COAST OILSPILL

Mr. DORGAN. Mr. President, I wish to say a few words about the oilspill in the gulf and what has or has not been happening recently. I don't think there is an American citizen who can really avoid seeing on television or hearing on the radio or reading in the newspapers about the devastating consequences of the oilspill in the Gulf of Mexico.

The fact is, we have drilled for oil and have been producing oil in the gulf for a long time, dating back to the 1940s. I believe something like 50,000 wells have been dug offshore. So it is not a surprise that there has been oil development offshore in this country,

and we have achieved drilling a fair amount of oil for the needs of this country. But it is also the case that deep well drilling—in this case, a well that is drilled into the ocean floor a full mile below the surface of the water and then down another 30,000 feet below that—is a very different situation.

It is also now clear that this company, the company that was engaged in drilling this well, did not have the wherewithal, the technical capability to decide: If something disastrous happens, we should be able to shut down the gusher of oil. I would have thought and would have expected that the company would have covered the worst possible circumstances. What if the worst thing happens? Do we have the capability to address it? The answer at this point is no.

This is the 50th day in which oil has been gushing out into the Gulf of Mexico from this oil rig blowup. It is pretty clear to everybody that, after trying a series of different things, the BP Corporation does not know how to address this gusher of oil into the gulf.

I was reading this morning another news story about this.

I confess to my colleagues that I don't live on the gulf. I am not from one of those States. They would, perhaps, know much more about it than I would. But most of us in this country are learning from the investigations that are being done, and we are learning more and more about not only what has happened, but what the consequences are.

The story this morning: "Rate of Oil Leak, Still Not Clear . . ." So 50 days later, we don't understand how much is coming out of the faucet, how much is spilling from this gusher into the Gulf of Mexico.

It is difficult or almost impossible to measure what has been the effect in recent days of some amount of containment that has been successful. We know they are not containing all of the oil, but they are gathering some of the oil. The question is, What amount? What percentage of the oil that is gushing into the gulf is being contained?

One of the things that bothered me a fair amount is I am quoting now from a New York Times piece:

On Sunday, engineers halted their efforts to close all four vents on the capping device, because even with one vent closed, the amount of oil being captured was approaching 15,000 barrels a day, the processing capacity of the collection ship on the surface.

If you are going to be able to collect more oil, why would you not have enough ships on the surface to be able to allow you to close more of those vents and to capture more oil and have the requisite number of ships on the surface to deal with it? I don't understand that at all. But it seems to me that every time we read something new about this, it is that somebody didn't

plan properly to try to address this issue.

The story goes on to say:

Some scientists involved in the Flow Rate Technical Group say they would like to produce a better estimate, but they are frustrated by what they view as stonewalling on BP's part, including tardiness in producing high-resolution video that could be subjected to computer analysis, as well as the company's reluctance to produce a direct measurement of the flow rate.

Continuing to quote:

They said the installation of the new device and the rising flow of oil to the surface had only reinforced their conviction they did not have enough information.

A Dr. Leifer said:

It's apparent that BP is playing games with us, presumably under the advice of their legal team. It's six weeks that it's been dumping into the gulf, and still no measurements.

Again, that is a direct quote from Dr. Leifer in this article.

All of us understand that the consequences of this are devastating. We stand here and debate and talk and we go to hearings, yet there are people at the end of a dock in some small town who look out, and all of those fishing boats are idle, sitting at the dock, because it has destroyed the fishing in that area. The shrimpers who would normally be out dealing with the shrimp beds, their boats are idle, their nets are idle. Those are people who are losing money every day, the people who can't make a monthly payment on their boat that is sitting on the dock because they can't go out because their fishing industry is gone. Those people have to make payments at the end of the month. The person with the cafe or the restaurant on the dock that has very few people visiting these days is losing money hand over fist. You could go on and on about the consequences of what this has meant to the gulf—to the families, to small businesses, to the fishing industry, the shrimpers, and so on.

So it seems to me it is time now, after 50 days, to ask a couple of other questions, and I am going to make a suggestion. I asked at a hearing recently whether the BP commitment, which says: We will pay or reimburse for all "legitimate" costs—I asked the Justice Department in a hearing: Is this pledge by BP a binding commitment? Does it bind anybody? The answer by the Justice department representative is that, no, it is not binding. It is a pledge.

I think that is certainly better than not having a pledge—to have a company whose rig has caused this gusher of oil, this unbelievable spill into the Gulf of Mexico—if that company makes a pledge, it is better than having a company walk away. On the other hand, a pledge without a binding commitment doesn't mean very much.

What I suggest at this point is that we, after 50 days, decide to go beyond

that pledge. I have seen people interviewed who have said: we have submitted to BP what is happening to our small business, our families, and our boats, and haven't gotten a response, or we got turned down, or this or that. It seems that we ought to understand the consequences of this, and the depth of the costs is going to require something very different.

What I propose is the following: I think on this 50th day of the spill, what I believe should happen is that the Justice Department should go to BP and say: Let us formalize an agreement in which you put the first \$10 billion from BP into a gulf coast recovery program. That gulf coast recovery fund would be available and would be run by two interests. One would be a special master who would represent the public interest, and the second would be a counselor who would represent BP's interest, and they would jointly manage the \$10 billion gulf coast recovery funds—and it may need much more than that. At least the first step is that you have \$10 billion in a fund, and you have some public interest that is now involved in making judgments. Look, BP has its own interests at heart. I don't doubt that it wants this gusher stopped. I understand that. I don't doubt at all that BP wants to minimize the damage. I am not suggesting otherwise.

I am suggesting this: When presented with a range of alternatives, or of opportunities, or of actions, that a company will have to act in its best interest. That is the requirement for its shareholders. That may well not be in tandem or may not travel parallel with what is in the public's interest. That is why I think that it is now time to say to BP that you have made a pledge; is the pledge binding? Does it have real money behind it?

We read and see that they have spent \$1.5 billion at this point. This is a company that made \$150 billion in net profit in 10 years. That is \$15 billion a year. Again, what I suggest is a \$10 billion payment into a gulf coast recovery fund, which the company would have a part in the management of, and a special master representing the public interest would have the management of, and that we proceed from there and determine how much more is required.

Perhaps if the \$10 billion is not all required, the company gets reimbursed. My own expectation is that the cost of this spill will far exceed the \$10 billion when it is all done. This is going to last for years. We know that. This is not something that will be resolved in the next 6 months. I am talking now about the costs. Let us hope that finally, at long last, this spill, this gusher, gets shut down. But when that happens, there is so much more to do to try to understand what this means to the families who made their living on that coast. What does it mean to them? How do we go forward and recover? With

what? That is why I think this gulf coast recovery fund, with BP's money and a special master involved in at least bringing the public interest into the discussion about what kind of outlays from that fund are made and to whom and for what purposes, is critical.

I am going to write to the Justice Department today suggesting that this is an approach that should be taken. Look, if BP is approached and BP says, you know what, we don't intend to put money into a fund, that tells us a little something, doesn't it? Is the money going to be there, or isn't it? That is a partial answer to that. If the company says we don't intend to put money into a gulf coast recovery fund—if that is the case, then we have legislation on the floor with which we could address that issue. There are ways to address this with fees and other applications to the company that caused this damage. Better, it seems to me, to take the company at its word when it pledges that it will reimburse legitimate costs; but also say to them, as a result of that pledge, let's now make it binding and let's begin to put together this gulf coast recovery fund that represents a binding commitment from the company.

If the company ultimately doesn't pay these costs, we know what would happen. It will go on the backs of the American taxpayer. That is not a fair way to resolve this, and it is not acceptable. It is a very large company. It has made a substantial amount of money. It made \$6 billion, as reported, in the first quarter of this year alone. Surely a \$10 billion initial commitment into a gulf coast recovery fund is not too much to ask, to begin the construction of a fund that would merge both the public interest, which is important, with the private interest of BP, to make sure the funding is not only made available but that it is used in a way that addresses the significant costs that have been visited upon the people who live and work in that region.

I know there are many ideas that are being kicked around in the Congress and elsewhere to try to address a wide range of issues. Many of them have great merit. It seems to me that we need to do something for the family this morning who is wondering whether it is going to survive, whether its business can survive, whether it can make its boat payment on the fishing boat at the end of the month when there are no fish to catch. When the restaurant pulls the shades because it has no customers and it is right near the dock—all these folks, and so many others, who have lost their jobs and who confront this questions of: What about us? What are we going to do? Will there be recovery for us, for my family, and for our small town?

I think the best way for us to address this is to say let's make sure the

pledge made by BP becomes a binding one. I think that can be done without legislation. It can be done by this administration and the Justice Department reaching out and signing an agreement creating such a fund, creating a special master with BP, having BP deposit the money so it could begin a robust, significant, and real recovery fund. If this company says that is not their intent, that they don't intend to do that, or they are not interested in doing that, then it seems to me a binding requirement is one we should take up here on the floor of the Senate, and very quickly. There are plenty of ways—and I will not go into them now—for us to address the question of whether the company that caused this spill, this gusher of oil, which is certainly the most significant disaster in the gulf in the last century and perhaps more—if the company that caused that—whose rig caused that, says we don't intend to be a part of something like this, then there are approaches we can use here in the Senate to make that company responsible for it in a binding way.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4303 TO AMENDMENT NO. 4301
(Purpose: To establish 3 year discretionary spending caps)

Mr. SESSIONS. Mr. President, I call up the amendment that is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself and Mrs. McCASKILL, proposes an amendment numbered 4303 to amendment 4301.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SESSIONS. Mr. President, Senator McCASKILL and I are again offering this amendment that would place a cap on discretionary spending in which we participate in every day but that tends to violate the budget.

Our budget is a critically important component of our financial management. I have been a member of the Budget Committee for a number of years, and it is very frustrating to see how it has gotten around the budget. The legislation that is before us is just another example of violating the budget in ways that are not responsible. For

example, the unemployment compensation and the payments to physicians are not emergencies. They are just not. Any responsible household, any responsible city, county, or State government knows that. When those leaders deal with financial crises, they have to figure out how to handle them.

What we are doing with this legislation before us is borrowing money to pay a fundamental obligation of the United States of America, which is to pay doctors an adequate wage for doing Medicare work. They are already paid less for Medicare than private insurance pays them for doing the very same procedures, but we have another shortfall here. If Congress does not pass legislation, physicians will take a 21-percent cut in the amount of money they are paid. That cannot work because our physicians are already, in many cases, losing money on Medicare treatment of our seniors. They cannot take a 21-percent cut. They will quit doing the work. This is not a matter of debate. It will collapse the Medicare system. We need to do this, but that is the kind of expenditure that is fundamental. It is part of the obligation we have had for many years to pay physicians to do Medicare work. They do not do it for nothing. It ought not to be paid for by borrowing the money on top of all the debt we are now running up in this country.

Our national debt just hit \$13 trillion. We will, in 5 years—now 4—double the national debt, and in 10 years we will triple the national debt. Why? Because we are taking items that are baseline requirements of this government and miraculously converting them to emergencies and then breaking the budget. If anybody objects, such as Senator BUNNING did on behalf of his 40-some-odd grandchildren, he is attacked as being against physicians or against the unemployed. Senator COBURN has raised these issues. I support both of them. They are both right.

If the American people understood how irresponsibly we are managing their money, they would be even more upset with us than they already are. The American people are right to be upset with us. We are converting fundamental governmental obligations to emergency spending. Why? Because we do not have to pay for it; we can just borrow it. That is not right.

Senator McCASKILL, my Democratic colleague, is concerned about these issues. We have worked together to offer this amendment that would make it harder to violate the budget caps, to make it more difficult and to help us to be more responsible in our spending. Quite a number of my Democratic colleagues joined with us in this amendment and voted for it. Fifty-nine Senators voted for it on one of our previous votes. We were one short of what is necessary to make it law—just one vote short.

We are offering this amendment again. We have taken quite a number of steps to make this legislation palatable and to respond to concerns that some have raised, such as, would it impact the military? No. Would it impact legitimate emergency spending? No.

We have done some things that some may believe weaken the amendment a bit, but it still adds some real strength to it and real value. This kind of budget cap legislation is what allowed us to balance the budget in the late 1990s. I know President Clinton has touted that he balanced the budget. If I recall, Congress—which appropriates every dollar that is spent—shut the government down at one point to try to contain President Clinton's proposed spending, and succeeded in doing so. That eventually led to a balanced budget. The legislation that was in effect at that time, which was very similar to this proposal, expired, and this is one reason spending has surged.

I thank the Chair for the opportunity to offer this amendment. We will talk on it again later. I hope that we can enact these provisions into law and that we will get that one extra vote necessary to make a real bipartisan statement. We had bipartisan support for this amendment last time, and it would make a real bipartisan statement to the whole financial world that we are beginning to take seriously our responsibility to reduce this surging deficit. Only then will we begin to see the kind of stability in our economic markets that we must have.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, today, our body starts debate on expiring tax and health provisions. Around this Capitol building, the nickname of these items is called extenders. I wish to make a couple of points on the process before I get into the substance of the substitute. My first point will reflect on how much the Democratic leadership has avoided a simpler, clearer, bipartisan approach. My second point will consider all of the other time-sensitive, unfinished tax legislation that appears to be abandoned with only a few weeks left in this session.

My first point deals with a conscious decision to use a partisan process for bipartisan issues. What I find surprising is that we are taking up a package that, like the HIRE Act jobs bill of a few weeks ago, absolutely belongs to the bicameral House and Senate Democratic leadership. It was negotiated between House and Senate Democratic leaders, with some input from their tax-writing committees and staff. These discussions occurred entirely behind closed doors. As far as I know, it was a Democrats-only discussion. It is not a conference agreement, where things are worked out in a sophisti-

cated conference committee made up of people from the House and Senate.

Then, in addition, at the very last minute, the compromise took on the properties of an amoeba. In that amoeba fashion, the House Rules Committee split the bill into two pieces, one dealing with the so-called Medicare doctor fix and the rest of the bill dealing with the balance of that package. Then, under the magic of the House Rules Committee, this amoeba-like bill was reconstituted into one legislative product, and that is the underlying bill Leader REID has brought before the Senate this very day.

I am relieved to see that it appears the Senate will process extenders in a way that is different from the way the HIRE Act jobs bill was handled. It looks as though we Senators will have a chance to represent our constituents and shape this bill, because Leader REID has not filled the amendment tree or filed cloture at the start of debate. That is a real relief around this body, where amendment trees have been filled and cloture has been filed.

Back home, folks wonder why it is taking Congress so long to deal with these routine extenders. As an example: As I left church Sunday in Cedar Falls, IA, a person who has investment in a biodiesel plant wants to know when we are going to pass the biodiesel tax credit bill. Most of the tax provisions expired almost a half a year ago, on December 31, 2009. Folks are angry that Congress seems to be dithering, among other things, on the 71 tax provisions. In my State, it is a biodiesel tax credit that always comes up, but people are wondering about the dithering generally. And, of course, we even have physicians across the country being frustrated that this Congress has allowed a 21-percent cut in payments to go into effect again this year. Payment cuts of this magnitude severely impact physicians and health care providers and practitioners throughout the country, and they significantly threaten beneficiary access to care.

Medicare beneficiaries' access to physicians and other needed medical care has been jeopardized this year as never before because Senate Democratic leadership has once again failed to pass an essential physician update in a timely manner. We could have wrapped up this time-sensitive legislative business 4 months ago. We could have taken up a bipartisan package that I put together with my friend, Finance Committee Chairman BAUCUS of Montana. To be sure, some of the structure in this package reflects the agreement that my friend and I reached. But this package, in terms of the impact on the deficit, is likely several times the size of the package we agreed upon. Virtually all of the additional cost is due to proposals I would not have agreed to in representing my Republican Conference.

I was under the impression that the Senate Democratic leadership was genuine in its desire to work on a bipartisan basis, but clearly I was mistaken. Although the Senate Democratic leadership was highly involved in the development of a bipartisan bill, they arbitrarily decided to replace it with a bill that skews toward their liberal wing. That is why we are where we are this very day. There is a liberal agenda that exalts open-ended deficit hiking, spending, and tax increases, and doing it above everything else. Angry vocal members with that view seem to have dominated the decisionmaking of the Democratic leadership in resolving routine items.

The actions in the House a couple of weeks ago go on to further prove my point. The Senate Republican leaders backed the Baucus-Grassley compromise of last February. To them, it seemed to be a balanced package. It was largely offset, it was leaner than most Democrats wanted, but it was thicker than most Republicans wanted. Republicans preferred a fully offset package using spending cuts; Democrats resisted most spending cut offsets and wanted many multiples of the level of spending with which Republicans were comfortable. So it is ideal, because this is the way it works most of the time between Senator BAUCUS and me.

The Baucus-Grassley compromise was a genuine middle ground. But for the liberal core of the Democratic caucus, it was their way or the highway. Leader REID responded to that pressure and scuttled the Baucus-Grassley compromise. Ironically, almost 4 months later, it looks as though the Democratic caucus is moving closer to the structure of the Baucus-Grassley compromise of last February.

The Senate Republican Conference, seeing the alarming growth in deficits and debt in the intervening 4 months, will press hard for a fully offset package. For those in my conference, several fiscal events—and these all occurring in the intervening 4 months since the Baucus-Grassley bill was scuttled—have been compelling on my side of the aisle viewing this legislation a little bit differently.

The first event is the second opinions we are receiving on the fiscal impact of the health care bill. The Congressional Budget Office has revised the official spending upward.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the CBO's May 11 letter to Congressman JERRY LEWIS. The letter is accompanied by two tables that identify explicit authorizations of discretionary funding. These tables are available along with the full text of the letter on the CBO's website at www.cbo.gov.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 2010.

Hon. JERRY LEWIS,
Ranking Member, Committee on Appropriations,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN: As you requested, the Congressional Budget Office is providing additional information about the potential effects of H.R. 3590, the Patient Protection and Affordable Care Act (PPACA, Public Law 111-148), on discretionary spending. The following analysis updates and expands upon the analysis of potential discretionary spending under PPACA that CBO provided on March 13, 2010. In particular, it provides an update of the earlier tally of specified authorization amounts, as well as a list of programs or activities for which no specific funding levels are identified in the legislation but for which the act authorizes the appropriation of "such sums as may be necessary."

Potential discretionary costs under PPACA arise from the effects of the legislation on a variety of federal programs and agencies. The law establishes a number of new programs and activities, as well as authorizing new funding for existing programs. By their nature, however, all such potential effects on discretionary spending are subject to future appropriation actions, which could result in greater or smaller costs than the sums authorized by the legislation. Moreover, in many cases, the law authorizes future appropriations but does not specify a particular amount.

CBO does not have a comprehensive estimate of all of the potential discretionary costs associated with PPACA, but we can provide information on the major components of such costs. Those discretionary costs fall into three general categories:

The costs that will be incurred by federal agencies to implement the new policies established by PPACA, such as administrative expenses for the Department of Health and Human Services (HHS) and the Internal Revenue Service for carrying out key requirements of the legislation.

Explicit authorizations for a variety of grant and other program spending for which specified funding levels for one or more years are provided in the act. (Such cases include provisions where a specified funding level is authorized for an initial year along with the authorization of such sums as may be necessary for continued funding in subsequent years.)

Explicit authorizations for a variety of grant and other program spending for which no specific funding levels are identified in the legislation. That type of provision generally includes legislative language that authorizes the appropriation of "such sums as may be necessary," often for a particular period of time.

CBO estimates that total authorized costs in the first two categories probably exceed \$115 billion over the 2010-2019 period, as detailed below. We do not have an estimate of the potential costs of authorizations in the third category.

Implementation Costs for Federal Agencies—The administrative and other costs for federal agencies to implement the act's provisions will be funded through the appropriations process; sufficient discretionary funding will be essential to implement this legislation in the time frame called for. Major costs for such implementation activities will include:

Costs to the Internal Revenue Service (IRS) of implementing the eligibility deter-

mination, documentation, and verification processes for premium and cost-sharing credits. CBO expects that those costs will probably total between \$5 billion and \$10 billion over 10 years.

Costs to HHS, especially the Centers for Medicare and Medicaid Services, and the Office of Personnel Management for implementing the changes in Medicare, Medicaid, and the Children's Health Insurance Program, as well as certain reforms to the private insurance market. CBO expects that those costs will probably total at least \$5 billion to \$10 billion over 10 years.

Explicit Authorizations of Discretionary Funding—Explicit authorizations are identified in Tables 1 and 2. Table 1 presents a list of items for which PPACA specifies the authorized amount of funding for at least one year. It also includes items for which initial specified funding levels existed under prior law but for which PPACA extends the authority for continued spending. The specified and estimated amounts shown in Table 1 total about \$105 billion over the 2010-2019 period.

Table 1 differs from CBO's table of specified authorizations provided on March 13, 2010, in the following ways:

Certain provisions that extend (existing) authorizations with a specified level have been added. (In the previous version of that table, only new authorizations were included.) Also, provisions that provide mandatory grants for 2010 but authorize future spending of such sums as necessary (subject to appropriation) have been included. Those provisions are noted in the updated table.

Table 1 includes an estimate of the cost of section 10221 of PPACA, which incorporates the provisions of S. 1790, the Indian Health Care Improvement Reauthorization and Extension Act by reference. (CBO had not completed an estimate of the Indian health provisions for the March 13 version of the authorization table.) Those provisions authorize the appropriation of such sums as are necessary for the Indian Health Service (IHS) for carrying out responsibilities broadly similar to those in law prior to enactment of PPACA. As a result, the amounts included in Table 1 reflect recent appropriations for those IHS programs, with adjustments for anticipated inflation in later years.

Table 1 also includes a few corrections to the table provided on March 13. For example, section 5207, which authorizes funding for the National Health Service Corps, was inadvertently left off the March 13 table but is included in Table 1.

Table 2 presents a list of new activities for which PPACA includes only a broad authorization for the appropriation of "such sums as may be necessary." For those activities, the lack of guidance in the legislation about how new activities should be conducted means that, in many cases, CBO does not have a sufficient basis for estimating what the "necessary" amounts might be over the 2010-2020 period.

Although Tables 1 and 2 provide more information about the discretionary costs associated with PPACA, they do not represent all of the potential budgetary implications of changes to existing discretionary programs—including both potential increases and decreases relative to recent appropriations. Some of those changes could affect spending under existing authorizations or may lead the Congress to consider making changes—up or down—in the funding for existing programs. Moreover, some of the potential new costs for individual provisions of the legislation may be covered by the broad

estimate of \$5 billion to \$10 billion for administrative costs to HHS.

I hope you find this information useful. If you have any questions about this updated analysis of PPACA's implications for future discretionary appropriations, please contact me or CBO staff. The primary staff contacts for this analysis are Jean Hearne and Julie Lee.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Mr. GRASSLEY. That letter documents CBO's projections that health reform will result in at least \$115 billion in additional spending beyond what was previously included in the total of last March.

In addition, Douglas Elmendorf, Director of the Congressional Budget Office, recently indicated that the landmark health care reform bill would not accomplish its primary fiscal objective of reducing Federal health expenditures.

Dr. Elmendorf made this point in a presentation to the Institute of Medicine on May 26, of this year. The presentation is titled "Health Costs and the Federal Budget" and is available on the CBO website as well.

The second event is the record buildup of public debt. Last week, the Federal public debt passed \$13 trillion. On that monstrous number, \$1 trillion was added in the last year all by itself.

The third event is the continuous mounting of the cost of the stimulus bill. Recent Congressional Budget Office scoring shows that policy, instead of being roughly \$800 billion, is now exceeding \$1 trillion.

The fourth event is the fiscal troubles in the country of Greece. Too much spending and public debt has put Greek public finance in a state of distress.

The fifth event is the troubling developments in States with large open-ended social spending programs and already very high income taxes. The people who send us here are also reading these reports and they are rightfully worried about these fiscal troubles. They are sending one message to Washington, and it is as clear as any bell. They are saying: Reverse course on deficits and debt. They say we in Congress ought to restrain ourselves and our policies; pull back on extra spending. Republicans heard that message a while ago, and it looks to me as though Democrats are hearing the same thing.

To sum up at this point, on the first point I have been speaking about—on process—the Democratic leadership, by avoiding a genuine bipartisan compromise, is continuing to take a very long path to resolving this overdue unfinished business. The bipartisan path to succeed was set forth almost 4 months ago—early February—and that was the Baucus-Grassley compromise.

Unfortunately, the tax offsets—largely noncontroversial—were lifted from that compromise and used for some-

thing totally unrelated, but to cover the bloated spending in the health care bill. To retain the spirit of that compromise, those offsets would need to be replaced by restraints on spending. Republicans, in our alternative, will show the way to achieve those savings.

As has been the case for the last year and a half, those who pay income tax and those who receive government checks aren't treated similarly.

Even with those revisions, keep in mind on net, the taxpayer is paying at least \$40 billion more in this bill. Spending constituents receive almost \$100 billion in new spending.

My second process point goes to time-sensitive legislative business that is yet unfinished in terms of revenue and taxpayers affected. The other unfinished tax legislative business dwarfs the measures in this bill now before the Senate.

There are three major policy areas that need to be addressed. I do not know when they are going to be addressed. These three issues are the death tax, the current alternative minimum tax fix—that is an annual process we go through—and, three, the bipartisan 2001 and 2003 tax relief plans. So I want to go into these in some detail.

I have a chart that shows the status of these three policy issues. Let's start with the death tax, or the estate tax, whatever you want to call it. Since the first of the year there has been no death tax. If you died, up to this point, presumably, your estate is going to be tax free. At the end of this year, the death tax then reappears, and not in a very friendly way.

After failing to act for almost 3 years in the majority, the House Democratic leadership put a death tax reform measure before the House last year at the same time it should have been discussed in the Senate. But the Senate has not acted on the House bill.

I might suggest to you that we had to act on that health care bill because it takes effect in 2014, but tax extenders and the estate tax that had to be settled in December were not even discussed.

In Iowa I can tell you that confusion and the anxiety over the uncertain state of the death tax comes up in my town meetings all the time. I would be surprised if other Senators are not hearing the same thing. I got a letter signed by 750 lawyers and accountants in my State saying: How do we advise our clients? What is the estate tax going to be for the future?

It is not a case of just what the tax law is, it is the case of millions of people wanting to plan estates and cannot do it. I refer again to my friend, Chairman BAUCUS, who was working on a compromise proposal with Senators LINCOLN, KYL, and myself.

Unfortunately, the liberal core of the Senate Democratic caucus seems to

prefer no action at all. My friend, the junior Senator from Vermont, has been transparent about his desire to leave the law as it is; in other words, next year only have a million-dollar exemption.

Others feel just as strongly, but perhaps are not as transparent as the junior Senator from Vermont. In any event, the effect of failing to reform current law will be to raise the number of people hit by the death tax by a factor of 10 times. What I am saying is, stalling out a bipartisan reform, which seems to be the liberal core's objective, will likely mean 10 times as many family farmers and small businesses will be hit with the death tax. A reform like the one envisioned by Senators LINCOLN and KYL will mean only the richest 10 percent of dead peoples' estate will face the death tax.

Now I would like to turn to a second major area of unfinished business; that is, the alternative minimum tax fix. This is one of those yearly or biannual things the Congress goes through so that middle-class Americans will not pay a tax that was meant just for the very wealthy. So we are talking about this year's tax fix already.

The law says 30 million Americans, or maybe more accurately 24 million Americans, ought to be paying this income tax right now. The trouble is they do not file until next year, so it gives us a chance to do something about it. But for those filing quarterly, if they are not taking that into consideration they are violating the law.

In the next week, on June 15, the second installment of this year's estimated income tax is due. Last year, 24 million middle-income families were spared from the unfair hit of the alternative minimum tax. The fix meant \$2,300 per family. This year those figures are going to go up.

If the law is not changed, all those families will have to pay at least \$2,300 more per family. In my State of Iowa, it means at least 124,000 middle-income families will be paying additional income tax that was only meant for the very wealthy.

No bill has been marked up or passed in the House that deals with this problem. Under current law, some of these millions of families should be paying estimated tax next week, June 15.

Finally, let's take a look at the third major area of unfinished tax business. Here we have a chart, and I am referring to the widely applicable rate cuts in family tax relief from the 2001 and 2003 bipartisan tax relief plans.

Virtually every American who pays income tax, and millions more who do not under current law, will have a higher tax bill if we do not extend the 2001 and 2003 bipartisan tax relief bills. For years I have referred to the sunset of these plans as a tax wall. Middle-income families will run right into a very firm wall of tax increases.

For a family of four with an income of \$50,000, that tax wall is \$2,300. For a single mom with two kids earning \$30,000, that tax wall is \$1,100. No bill has been marked up or passed in the House that deals with this problem.

You may hear some on the other side say: Too bad about the sunset. They argue that the bipartisan group wrote the tax relief plans with a sunset. The sunset, therefore, is the responsibility of the bipartisan authors of these plans.

If that argument is advanced by members of the current majority, keeping in mind they have had control of Congress for 3½ years, I wait for that as an opportunity to quickly respond. My response will be to provide a citation of all of the filibusters led by the Democratic leadership on Republican attempts to make all three of these areas of bipartisan tax relief permanent law.

The bill before us has very timely and important measures. In nearly all instances, the expiring tax provisions are treated the same way as they were treated under the Baucus-Grassley agreement of almost 4 months ago, going back to early February.

I thank my friend, the chairman of the committee, Senator BAUCUS, and the Democratic leadership for holding on to those pieces of the Baucus-Grassley agreement. Especially important is an extension of the biodiesel tax credit because we have thousands of workers—and I have seen the figure of 23,000—who have been idled throughout 44 States of the United States as they have shut down the plants.

So if you really want a jobs bill, reinstate the biodiesel tax credit and you will put thousands of workers in Iowa back to work, and about 23,000 nationally.

Likewise, Iowa companies, such as Rockwell Collins in Cedar Rapids, IA, have taken charges to earnings as the research and development credit has lapsed. Unfortunately, there are some notable deviations from the Baucus-Grassley agreement of last February. Two pieces of the Midwestern disaster relief package were dropped from the Baucus-Grassley agreement in the Senate bill. The alternative fuels credit was altered to remove coal-to-liquids and other promising cutting edge technologies.

The bill before us actually also leaves out some very important provisions of rural health care. These rural health care provisions were included in the Baucus-Grassley agreement of last February but have since been dropped by the Democratic leadership.

Here again we will have a Republican alternative that will show the way on including these important items and having them offset; in other words, they will be paid for. These important rural health care provisions would keep ambulances running in rural areas and

improve Medicare payments for both urban and rural hospitals so they are able to keep their doors open.

There is also an important provision left off the bill that ensures that physicians in rural areas are paid fairly relative to urban States.

Is that such a hard thing to figure, that if you are under Medicare, a national program, you ought to be treated the same in rural areas as urban America?

The bill before us also fails to protect beneficiaries from having their physical and occupational therapy cut off. It also fails to extend the add-on payment for Medicare mental health services furnished by psychologists and mental health counselors.

This add-on has been critical in improving access to mental health care services for Medicare beneficiaries and even military personnel suffering from stress and other mental health issues. Again, the Republican alternative will afford these protections and offset the costs; in other words, it will be paid for.

The bill before us also fails to extend the Q-I program, which provides assistance to low-income beneficiaries. The Q-I program covers the Part B premium and out-of-pocket costs for seniors. Without it, many low-income seniors will be forced to decide between getting needed medical care and basic necessities such as food.

The bill before us misses the opportunity to fix the incredibly short-sighted policy in the health reform bill that created a Medicaid payment cliff for primary care providers.

Have we not learned anything from our Medicare provider payment problems? The Republican alternative converts the 2-years of additional payments to Medicare providers to a grant program to get States to increase payments to providers. The same dollars, but we do not end up having a cliff where there will have to be a lot of money made up at some future time.

On the offsets side, as I indicated above, revenue raisers that were non-controversial were lifted, and these were, in a sense, transferred for yet more spending in that bloated health care reform bill that passed in March.

This meant the bicameral Democratic leadership had to yet scrape deeper to this offset barrel. They pulled out a House-passed change on carried interest. They raided the international tax policy area. They moved revenue-raising ideas out of that area and used them to offset proposals like yet another expansion of the Build America Bonds. That is a program I have questioned in the past.

This transaction cannot bode well for efforts to reform our outdated and uncompetitive international tax titles.

It follows the destruction of the bipartisan tax policy reform of the worldwide interest allocation rules.

The losers are U.S.-based companies and their workers. The net tax cost of doing business globally will rise for American-based firms. We already have a noncompetitive corporate tax system. Why would we want to make it more uncompetitive? Why would we want to transfer more jobs overseas? This won't rise for competing firms based in other countries. So Japan, the UK, Germany—name any country—those competing firms will have a leg up because of the tax policy in this bill.

Some characterized these generic tax increases as ending a tax incentive for shipping jobs overseas. As I have indicated, the opposite will occur. The embedded higher taxes burden only U.S.-based companies. In a globally competitive environment, with much of the growth in sales overseas, the impact of those taxes will have to be absorbed here in the United States. The after-tax rate of return on those U.S.-based business activities will decline. The costs will have to be cut elsewhere to pull the rate of return back up to a competitive level because, in this global economy, we have to compete. U.S.-based labor and other expenses will, as we might not be surprised, be cut.

As with the health care bill, the American people are sending a message to those of us representing them in the Congress. The message is this: Finish these time-sensitive matters and do it in a fiscally responsible manner. Of course, that is a message that has been ignored for several months.

Now we get to these tax extenders. They have been attacked as fat-cat tax breaks one week. Then a week later the same critics have labeled them as job incentives. They have been hijacked and manipulated for partisan purposes. That is why, 4 months after scuttling a bipartisan compromise on bipartisan policy, the Senate finds itself struggling to complete this bill. It could have been done so easily in February. This is somehow routine, unfinished business the American people rightly expect us to complete.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I take this time to talk about amendment No. 4304, which I hope I will be able to get cleared by setting aside the pending amendment in order to offer it.

At this time, let me bring to the attention of my colleagues what the amendment would do. This amendment would affect the Federal employees' health benefit plans by allowing the administrator to change the current rules to enroll children up to the age of 26. Currently, the restriction for Federal employees is that they can only enroll unmarried children to age 22.

There are 8 million Federal employees and retirees covered under the Federal Employees Health Benefits Plan. As I am sure everyone is aware, under

the law recently passed and signed by President Obama, we have now extended coverage for children up to the age of 26. However, that becomes effective under the law for plans entered into after September 23, 2010. For most plans, the requirement to include children being able to enroll up to age 26 would begin on January 1 of next year when the plan year begins.

Private insurance companies have responded. They understand that this is not really a cost issue and that it makes sense to allow the children of the plan holders up to the age of 26 to be enrolled immediately. Most of the private insurance companies have responded by opening enrollment now.

OPM Director John Berry would like to do the same. He has stated he would like to begin expanding coverage for enrollee adult children now, rather than wait until January to offer this cost-saving benefit. The problem is, current law prevents him from doing that because of the definition of a dependent child being an unmarried child, age 22.

The purpose of this amendment is to give OPM the authority to start to enroll now children who have not reached their 26th birthday. This is particularly important knowing we are in the graduation season. Many of us are very proud to attend our children's graduations. Many of these children would like to remain on their parents' policy now that they are no longer eligible for insurance at college. Unfortunately, without this change, they will have to wait until January of next year, which will cause a lapse in coverage.

The scoring of this is insignificant. We are not talking about a significant amount of additional cost. In fact, we believe it is really a cost-savings issue.

This amendment was offered as a bill and enjoys bipartisan support. Senators COLLINS, LIEBERMAN, AKAKA, ROCKEFELLER, MIKULSKI, BINGAMAN, JOHNSON, KAUFMAN, KERRY, LANDRIEU, STABENOW, WARNER, DODD, DORGAN, LEVIN, CANTWELL, CASEY, and HAGAN have joined in cosponsoring this legislation. It has the support of the National Active and Retired Federal Employees Association, the National Federation of Federal Employees, the American Federation of Government Employees, the National Treasury Employees Union, and the list goes on.

This amendment makes abundant sense. Our clear intent is to allow those who are under Federal employees' health benefit plans to take advantage of enrolling their children now. This amendment basically clarifies that law so that OPM can move forward to enroll children up to the age of 26 immediately and not wait until January of next year, causing a lapse in coverage. It is a bipartisan amendment, insignificant cost. I hope it will be cleared so I may offer it, and hopefully we can act on it without too much time.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010—Continued

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the Senator from Alabama took issue with the use of an emergency designation in the substitute before us. Let me take a moment to explain why that use of the emergency designation is entirely appropriate.

First, the concluding section of the amendment designates two items as emergency items. Those items are unemployment insurance and additional payments to States under Medicaid. Both of these items are directly related to the economic emergency that we find ourselves in; namely, the great recession.

From the beginning of emergency designations, with the Budget Enforcement Act of 1990, Congress has recognized periods of recession as true emergencies, and that makes good economic sense as well. It makes good sense to allow automatic stabilizers such as unemployment insurance and Medicaid to spend more when the economy is in rough shape. Programs such as unemployment insurance and Medicaid help to cushion the blow for those hurt by bad economic times. Programs such as unemployment insurance and Medicaid help to increase economic demand, and that helps to keep the recession shorter than it otherwise would be.

That is why the old Gramm-Rudman-Hollings law provided for exceptions to budget discipline in periods of recession. It is why the Budget Enforcement Act carried on that policy by allowing exceptions for budget emergencies, and budget resolutions have carried that policy further to the current day.

The Senator from Alabama also took issue with the budgetary treatment of payments to doctors under Medicare. That provision is in our amendment, paying doctors at the end of next year. In our amendment, the provision on doctors' payments simply says this

provision will be accounted for as Congress provided in the Pay-As-You-Go Act. This provision does not evade the budget law. This provision merely provides for this bill's treatment in accordance with the budget law. So the budgetary treatment of this bill is consistent with the budget law and it is entirely appropriate.

The Senator from Alabama has once again offered his amendment to put caps on appropriated spending. That is basically the same amendment the Senate has repeatedly rejected. The Senator from Hawaii, the distinguished chairman of the Appropriations Committee, will no doubt have more to say about this in due course. At this point let me note the Sessions amendment violates the Congressional Budget Act and I expect a point of order to be raised against the Sessions amendment later today.

Mr. President, I now ask unanimous consent that the Sessions amendment be temporarily laid aside so the Senator from Maryland may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

AMENDMENT NO. 4304 TO AMENDMENT NO. 4301

Mr. CARDIN. Mr. President, I call up my amendment No. 4304.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 4304 to amendment No. 4301.

Mr. CARDIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the extension of dependent coverage under the Federal Employees Health Benefits Program)

At the appropriate place, insert the following:

SEC. ____ . EXTENSION OF DEPENDENT COVERAGE UNDER FEHBP.

(a) SHORT TITLE.—This section may be cited as the "FEHBP Dependent Coverage Extension Act".

(b) IN GENERAL.—

(1) PROVISIONS RELATING TO AGE.—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8901(5)—

(i) in the matter before subparagraph (A), by striking "22 years of age" and inserting "26 years of age"; and

(ii) in the matter after subparagraph (B), by striking "age 22" and inserting "age 26"; and

(B) in section 8905(c)(2)(B)—

(i) in clause (i), by striking "22 years of age" and inserting "26 years of age"; and

(ii) in clause (ii), by striking "age 22" and inserting "age 26".

(2) PROVISIONS RELATING TO MARITAL STATUS.—Chapter 89 of title 5, United States Code, is further amended—

(A) in section 8901(5) and subsections (b)(2)(A), (c)(2)(B), (e)(1)(B), and (e)(2)(A) of section 8905a, by striking "an unmarried dependent" each place it appears and inserting "a dependent"; and

(B) in section 8905(c)(2)(B), by striking “unmarried dependent” and inserting “dependent”.

(C) EFFECTIVE DATE.—The amendments made by this section shall become effective as if included in the enactment of section 1001 of the Patient Protection and Affordable Care Act (Public Law 111-148), except that the Director of the Office of Personnel Management may implement such amendments for such periods before the effective date otherwise provided in section 1004(a) of such Act as the Director may specify.

Mr. CARDIN. Mr. President, I took the floor a little earlier today to explain that this amendment allows the members of the Federal Employees Health Benefits plan to be able to enroll their children up to age 26 immediately rather than waiting for the beginning of the year, which would effectively deny those who are graduating from college today, who may not qualify as being under 22 and single, to be able to stay or enroll on their parents' Federal Employee Benefits plan. This is an amendment that the OPM Director supports in that he would like to do this but can't do it under the current law. It has minimal cost.

Private insurance companies are allowing up to 26-year-olds to enroll on their parents' policies today. This allows the government workforce to have those same rights. It would normally take effect at the beginning of the year. It makes sense to do this now. It is bipartisan. It is supported by Democratic and Republican Senators. I urge my colleagues to support this amendment.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Mr. KYL. Madam President, I rise to speak to the pending bill and a potential amendment Senator VITTER is preparing and hopes to offer, an amendment which would make sure that any increase in the trust fund for oil spills would be spent on cleaning up oil spills. That might seem rather obvious, but it turns out that the bill before us increases the required contribution of oil companies to this trust fund to clean up oil spills from 8 cents to 41 cents per barrel and then spends the money not to clean up oil spills but, rather, to pay for other items in the underlying legislation, the so-called extenders bill. That is not right. If we are going to increase the money to pay for oil spills, we ought to spend the money to clean up oil spills.

What the Vitter amendment does is very simple. It says if that is what we are raising the money to do, then that

is what we should spend it on. I will quote from the amendment:

The revenue resulting from any increase in the Oil Spill Liability Trust Fund financing rate under section 4611 of the Internal Revenue Code of 1986 shall—

(1) not be counted for purposes of offsetting revenues, receipts, or discretionary spending under the Congressional Budget Act of 1974 or the Statutory Pay-As-You-Go Act of 2010; and

(2) shall only be used for the purposes of the Oil Spill Liability Trust Fund.

It is fairly straightforward.

Why do we have to have this amendment? Because the underlying bill, the extenders bill, raises the required contribution to the trust fund and then spends that money not on cleaning up oil spills but to pay for the extension of benefits under the so-called extenders bill. It doesn't pay for anything in particular; it is simply used to offset the \$100-plus billion expenses in this legislation.

The particular provision in the underlying bill that raises the contribution of the oil companies from 8 cents a barrel excise oil tax to 41 cents is section 431. The House-passed extenders package increased it to 34 cents a barrel, and then, under the provisions of this legislation, it is increased to 41 cents a barrel.

Why is this being done? The reason this is being done is to offset part of the expense of the \$100-plus billion of this extenders bill. It doesn't offset all of the expenses, obviously.

If we are going to raid the oil trust fund, which otherwise would be used to clean up the oil spill, we better have a very good reason for doing so, especially since all attention is focused right now on the very difficult job of dealing with this big disaster. In fact, it has been described as the biggest disaster of its kind in all of history for the United States. We are going to need every dime we can get in order to pay for the oil spill.

What happens? About the time we seek to get the money to deal with this disaster, whoever is in charge of the money says: We are sorry. It is all gone. We spent it on the tax extenders bill.

We ask: What does the tax extenders bill have to do with the 41 cents per barrel collected from the oil companies?

Nothing. But we needed the money, so we spent it instead.

That reminds me of two other examples. We pay into the Social Security trust fund so that when we retire, the funds are there to pay us. It turns out that each year more money is paid into the fund than is necessary to pay out in benefits. As a result, we take that money and we put it away so we will have it in the future, right? Wrong. Congress spends it.

So when Social Security needs that money to pay seniors' retirement, it goes to the bank and says: We need some of that money now.

The bank says: We are sorry. Congress has already spent it all. You will have to raise taxes on the American public so there is enough money to pay seniors their retirement.

But didn't seniors already pay into the retirement?

Yes, they did.

What happened to the money?

Congress spent it.

A more recent example is the health care legislation. We decided—not we; the other side—it would be a good idea to save \$500 billion from Medicare; in other words, to reduce the expenses of Medicare by $\frac{1}{2}$ trillion over 10 years. Some of us thought it is certainly the case that the Medicare trust fund is in trouble. There isn't enough money in the Medicare trust fund to continue to pay benefits for seniors' health care. At least what they are trying to do will extend the life of Medicare. In fact, the claim was made by many on this side of the aisle: This is going to extend the life of Medicare, extend the trust fund's viability for 17 years. It was either 17 years or until the year 2017—I cannot remember.

Then the Actuary of CMS issued a report and said: Not so fast. It turns out that money is not going to be used to extend the viability of Medicare. We are going to spend it on new entitlements in the health care legislation.

I remember talking to the distinguished chairman of the Finance Committee at the time in the Chamber. Since the Actuary of CMS says we can't spend this money twice, we can't spend it both on the new entitlement in the health care legislation and still count it as preserving the viability of Medicare, which is it going to be? We never got an answer. In truth, I suspect it is going to be spent on the new entitlement and we will not be extending the viability of Medicare. You can't spend the same dollar twice. That is what the CMS Actuary pointed out.

Time and time again, when Congress is deceiving the American people by raising funds for something, a specific purpose—to clean up the oil spill, to save Medicare, to fund Social Security—we steal that money from the fund that was created for a specific purpose and spend it on other things. We should be honest with the American people.

The Vitter amendment will at least make clear that to the extent we raise money by raising the price per barrel oil companies must pay into the trust fund, to the extent we collect money from that, we have to spend it on cleaning up the oil spill, not on the other things in the bill that is pending.

I hope when the time comes we will be able to consider the Vitter amendment and we will be honest with the American people and say that one of the first things we have to do is to make sure we can clean up the oil spill. And if we think it is a good idea to

make the oil companies spend more money in order to do that, then that is where we ought to be spending the money, not taking that money and using it to pay for other things in this legislation. We have already done it with Social Security. We have already done it with health care. We have done it with a lot of other things.

The American people are getting sick and tired of this duplicity on the part of the Congress. All we do is spend around here. Then when it comes time to pay for it, we say: We are going to pay for it. We are not going to increase the deficit. We will pay for it by taking it from some other fund. The money was raised for some other purpose. That is how we will pay for it. That is as dishonest as not paying for it in the first instance and instead sending the bill to our kids and grandkids.

At some point, Congress has to start paying for what we are spending money on. If we really want to continue to increase spending—and this bill spends over \$100 billion—let's be honest and find sources of revenue that really reduce spending in some case so that we can then apply that funding here, or if the other side would like to raise taxes—and there are certainly a lot of taxes in this legislation, which I oppose—the other way we can do it is to raise taxes and hurt businesses so that we don't create as many jobs. That is a great thing to do in the middle of a recession, but that is another way to do it. Either reduce spending somewhere else or generate more revenue through taxes. But don't generate revenue for the oilspill trust fund and then immediately take that revenue and spend it on this bill. That is not an honest way to offset spending in the underlying legislation.

This is another example of why the American people are upset with the Congress.

I would hope that before this legislation is finally disposed of, we would either drop this provision from the bill, this section 431, or we would adopt the Vitter amendment which would ensure whatever funds are collected under that provision are used for the purposes for which they were collected; namely, to clean up the oilspill, and not to offset spending in other parts of the bill.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Minnesota.

AMENDMENT NO. 4311 TO AMENDMENT NO. 4301

Mr. FRANKEN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 4311 be called up.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The clerk will report the amendment. The bill clerk read as follows:

The Senator from Minnesota [Mr. FRANKEN], for himself, Ms. SNOWE, and Mrs.

MURRAY, proposes an amendment numbered 4311 to amendment No. 4301.

Mr. FRANKEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish the Office of the Homeowner Advocate for purposes of addressing problems with the Home Affordable Modification Program)

At the appropriate place, insert the following:

TITLE —OFFICE OF THE HOMEOWNER ADVOCATE

SEC. 01. OFFICE OF THE HOMEOWNER ADVOCATE.

(a) ESTABLISHMENT.—There is established in the Department of the Treasury an office to be known as the "Office of the Homeowner Advocate" (in this title referred to as the "Office").

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Office of the Homeowner Advocate (in this title referred to as the "Director") shall report directly to the Assistant Secretary of the Treasury for Financial Stability, and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) APPOINTMENT.—The Director shall be appointed by the Secretary, after consultation with the Secretary of the Department of Housing and Urban Development, and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

(3) QUALIFICATIONS.—An individual appointed under paragraph (2) shall have—

(A) experience as an advocate for homeowners; and

(B) experience dealing with mortgage servicers.

(4) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as Director only if such individual was not an officer or employee of either a mortgage servicer or the Department of the Treasury during the 4-year period preceding the date of such appointment.

(5) HIRING AUTHORITY.—The Director shall have the authority to hire staff, obtain support by contract, and manage the budget of the Office of the Homeowner Advocate.

SEC. 02. FUNCTIONS OF THE OFFICE.

(a) IN GENERAL.—It shall be the function of the Office—

(1) to assist homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary, authorized under the Emergency Economic Stabilization Act of 2008 (in this title referred to as the "Home Affordable Modification Program");

(2) to identify areas, both individual and systematic, in which homeowners, housing counselors, and housing lawyers have problems in dealings with the Home Affordable Modification Program;

(3) to the extent possible, to propose changes in the administrative practices of the Home Affordable Modification Program, to mitigate problems identified under paragraph (2);

(4) to identify potential legislative changes which may be appropriate to mitigate such problems; and

(5) to implement other programs and initiatives that the Director deems important to assisting homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program, which may include—

(A) running a triage hotline for homeowners at risk of foreclosure;

(B) providing homeowners with access to housing counseling programs of the Department of Housing and Urban Development at no cost to the homeowner;

(C) developing Internet tools related to the Home Affordable Modification Program; and

(D) developing training and educational materials.

(b) AUTHORITY.—

(1) IN GENERAL.—Staff designated by the Director shall have the authority to implement servicer remedies, on a case-by-case basis, subject to the approval of the Assistant Secretary of the Treasury for Financial Stability.

(2) LIMITATIONS ON FORECLOSURES.—No homeowner may be taken to a foreclosure sale, until the earlier of the date on which the Office of the Homeowner Advocate case involving the homeowner is closed, or 60 days since the opening of the Office of the Homeowner Advocate case involving the homeowner have passed, except that nothing in this section may be construed to relieve any loan servicers from any otherwise applicable rules, directives, or similar guidance under the Home Affordable Modification Program relating to the continuation or completion of foreclosure proceedings.

(3) RESOLUTION OF HOMEOWNER CONCERNS.—The Office shall, to the extent possible, resolve all homeowner concerns not later than 30 days after the opening of a case with such homeowner.

(c) COMMENCEMENT OF OPERATIONS.—The Office shall commence its operations, as required by this title, not later than 3 months after the date of enactment of this Act.

(d) SUNSET.—The Office shall cease operations as of the date on which the Home Affordable Modification Program ceases to operate.

SEC. 03. RELATIONSHIP WITH EXISTING ENTITIES.

(a) TRANSFER.—The Office shall coordinate and centralize all complaint escalations relating to the Home Affordable Modification Program.

(b) HOTLINE.—The HOPE hotline (or any successor triage hotline) shall reroute all complaints relating to the Home Affordable Modification Program to the Office.

(c) COORDINATION.—The Office shall coordinate with the compliance office of the Office of Financial Stability of the Department of the Treasury and the Homeownership Preservation Office of the Department of the Treasury.

SEC. 04. REPORTS TO CONGRESS.

(a) TESTIMONY.—The Director shall be available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not less frequently than 4 times a year, or at any time at the request of the Chairs of either committee.

(b) REPORTS.—Once annually, the Director shall provide a detailed report to Congress on the Home Affordable Modification Program. Such report shall contain full and substantive analysis, in addition to statistical information, including, at a minimum—

(1) data and analysis of the types and volume of complaints received from homeowners, housing counselors, and housing lawyers, broken down by category of servicer,

except that servicers may not be identified by name in the report;

(2) a summary of not fewer than 20 of the most serious problems encountered by Home Affordable Modification Program participants, including a description of the nature of such problems;

(3) to the extent known, identification of the 10 most litigated issues for Home Affordable Modification Program participants, including recommendations for mitigating such disputes;

(4) data and analysis on the resolutions of the complaints received from homeowners, housing counselors, and housing lawyers;

(5) identification of any programs or initiatives that the Office has taken to improve the Home Affordable Modification Program;

(6) recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by Home Affordable Modification Program participants; and

(7) such other information as the Director may deem advisable.

SEC. 05. FUNDING.

Amounts made available for the costs of administration of the Home Affordable Modification Program that are not otherwise obligated shall be available to carry out the duties of the Office. Funding shall be maintained at levels adequate to reasonably carry out the functions of the Office.

Mr. FRANKEN. Mr. President, I rise today to speak about an issue I am very concerned about, and I know every Member of this body is concerned about: the number of families losing their homes to foreclosure.

When I go back to Minnesota, and I know when the Presiding Officer goes home to Delaware, we are bombarded by stories from folks in our States who have worked their entire lives to own a home but who may lose it. They want to know why this is happening to them after they have worked so hard and why the government is not doing more to help.

The reality is, the government has done something. The President created a program called HAMP, which incentivizes mortgage servicers to modify home loans to keep families in their houses. But while that program is a good step forward, it has also been plagued by mistakes. People are losing their homes just because of human error. Let me repeat that. People are losing their homes simply due to errors.

When I spoke about this previously on the Senate floor, I mentioned a homeowner named Barbara, who lives in Minneapolis. She fell behind in mortgage payments because her husband lost his job and her son got cancer. But when she tried to use the President's mortgage modification program, her mortgage servicer claimed she was not eligible for a mortgage modification, and he did so using incorrect information about her finances. When she pointed out the problem, they claimed there was nothing she could do because she had already been denied.

Take another woman from Minneapolis. Let's call her Susan. She did

not want me to use her real name. After Susan fell behind in mortgage payments, she went through HAMP and paid all of her monthly payments on time. Her mortgage servicer, however, seems unwilling or unable to decide one way or another if she is eligible for a "final modification," which would allow her to continue paying a lower amount on her mortgage and stay in her home.

In the meantime, the company continues to schedule sheriff sales for the property, which, in turn, increases the amount that Susan owes in fees. In other words, because HAMP is not working the way it should, Susan may owe more money than she would otherwise, and she may be even more at risk of losing her home.

This is not the way the government is supposed to work. If we are going to have a government program, let's make sure it operates effectively. I think we can all agree on that. Let's have good governance. People should not be losing their homes just because we cannot get all our ducks in a row.

Today, Senator SNOWE and I are offering an amendment to fix the HAMP appeals process so that homeowners have a place to turn when the system fails. This amendment would create an Office of the Homeowner Advocate within Treasury, modeled after the very successful Office of the Taxpayer Advocate at the IRS, which has worked wonderfully. Homeowners would be able to call this Treasury office and know that someone has their back—someone with the authority to actually fix the problem.

Staff at the Office of the Homeowner Advocate would have two important powers. First, they could make sure servicers actually follow the rules of the program or suffer the consequences. Secondly, they would be able to temporarily delay a servicer's ability to sell a person's home, giving the office time to resolve the problem before it is too late.

The office would be temporary, lasting only as long as HAMP does. While it lasts, though, it would make sure that government actually works the way it is supposed to work. If we are going to set up a program to help keep people in their homes, let's actually make sure it keeps people in their homes.

Significantly, this amendment does not authorize any additional appropriations. Let me repeat that. There are no additional appropriations. It would be funded by existing HAMP administrative funds.

Our amendment is supported by a large number of national groups, including the Center for Responsible Lending, the National Consumer Law Center, the Leadership Conference on Civil and Human Rights, the Consumers Union, the Consumer Federation of America, the Service Employ-

ees International Union, and the National Council of La Raza. I am happy to say the amendment is supported by over a dozen groups in Minnesota.

Senator SNOWE and I first proposed this amendment during the Wall Street reform debate. The amendment was supported by the Treasury Department and made the White House's list of the top 10 amendments that would improve the bill. But it never received a vote.

Now we are putting it to the Senate again. Let's have an actual vote on this issue on whether to fix this foreclosure program we have created. Homeowners in all our States deserve that much.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GULF OILSPILL

Mr. VITTER. Mr. President, I come to the floor to talk about the ongoing oil disaster in the gulf. Being from Louisiana, we view this, correctly, as an ongoing disaster. This is not history. This is not a past event. This is not just some issue to debate in Washington. It is an ongoing crisis, an ongoing oil flow that continues to pollute the gulf and continues to devastate the region economically.

So in that context, there is, perhaps, only one thing that is more frustrating than an inadequate response from BP or an inadequate Federal response. The only thing more frustrating than that—in fact, more infuriating—is when this ongoing crisis and disaster is used and abused politically for other purposes.

I think that is exactly what is going on in this extenders bill. Because in this bill there is a huge increase in taxes that go to the Oil Pollution Act trust fund, but that money is not going to oil cleanup in the gulf. It is primarily being used to go into the trust fund to be stolen from it for unrelated spending to mask the deficit spending in this bill. Quite frankly, when we are going through an ongoing crisis in the gulf, that is not frustrating, it is outrageous.

What am I talking about exactly? This is what I am talking about: Right now, under Federal law, there is a tax levied on petroleum products of 8 cents per barrel. That funds the Oil Pollution Act trust fund. In this extenders bill, that tax is proposed to be increased by the majority side from 8 cents to 41 cents—over a fivefold increase.

If that were necessary and crucial to fund cleanup operations in the gulf, I would be completely open to it. We need to do whatever it takes. But that is not how that money is being used. It

is being used as a cover to increase taxes and to offset other unrelated spending. Because in this bill that tax is increased from 8 cents to 41 cents, and then, just as quickly, that money is stolen from the trust fund to pay for other unrelated items in the bill.

Put another way, it is double counted. It is used as an offset on other spending items in the bill that have nothing to do with the oil disaster, nothing to do with the cleanup. It is double counting. It is an unfair offset. It is stealing from the trust fund to mask other spending. Unfortunately, I think this is a classic example of the old Rahm Emanuel quote from early on during this administration. Around February of 2009, Rahm Emanuel, the White House Chief of Staff, said: We are not going to let a good crisis go to waste. At the time, he was talking about the financial crisis and harnessing that to push forward the Obama administration's unrelated, left-leaning agenda.

Tragically, exactly the same thing is going on here: We are not going to let a good crisis go to waste. They are going to use the ongoing oil disaster in the gulf to help mask runaway Federal spending. Because, again, they are proposing to increase this tax from 8 cents to 41 cents—over a fivefold increase—but it does not go for gulf cleanup. It is stolen from there just as quickly as it is levied to pay for unrelated spending. It is double counted to mask the runaway spending also in the bill.

Again, that is not just frustrating; as a Member from Louisiana, that is downright offensive. This is an ongoing crisis. It is an ongoing challenge and we need to meet it. We need to focus on it. We need to deal with it. We do not need to use it and abuse it politically to push forward a preexisting, leftist agenda up here to pay for runaway and unrelated Federal Government spending.

I will have an amendment on the floor in this debate to address this issue. I will formally offer it and make it pending tomorrow. But my amendment, which will be cosponsored by Senator JUDD GREGG, the ranking member of the Budget Committee, is real simple. It is going to say that whatever Congress does with this new revenue into the OPA trust fund, it cannot steal that revenue for unrelated spending. It cannot use that revenue, double count that revenue to mask other unrelated runaway deficit spending. That is what my amendment is going to say and that is what my amendment is going to do.

We have a crisis in the gulf. It is ongoing. It is not over yet, unfortunately, by a long shot, because the flow is ongoing, the pollution is ongoing, and it is getting worse and worse. We need to meet that crisis. We need to meet that challenge and do whatever it takes. We don't need to use and abuse that crisis

to push forward other unrelated agendas here in Washington, DC.

This provision in the extenders package is doing just that. It is using and abusing that crisis to put money in the OPA trust fund just to take it out, to steal it for unrelated programs, to double count it, to mask runaway deficit spending completely unrelated to the oil disaster. As a Senator from Louisiana, I am crying foul. I am saying that is not only wrong, it is offensive. We shouldn't use and abuse an ongoing crisis in the gulf for other unrelated political purposes.

So, again, I will have a very clear amendment. It will say whatever we do with the OPA trust fund, that money can't be stolen from the trust fund and used for unrelated purposes. That money can't be double counted to help mask runaway government spending having nothing to do with the ongoing crisis in the gulf. If it is a trust fund, let's treat it as a trust fund, and that means we take the revenue and we truly preserve it for that use and that use alone and it can't be stolen for anything else, and it can't be double counted to mask other deficit spending.

I think it comes down to a pretty fundamental decision: Are we here in the Senate going to meet the ongoing crisis in the gulf? Are we going to meet that challenge? Are we going to come together across party lines and do the right thing? Or, are some folks here going to use it and abuse it to advance an unrelated political agenda; to steal that money for unrelated spending; to double count it and help mask unrelated, runaway Federal Government spending? We shouldn't do that. That is rubbing salt in the wound of gulf coast residents. That is truly offensive and truly wrong.

I urge all of my colleagues, Democrats and Republicans, to support this amendment. I will formally introduce it and make it pending tomorrow. Again, the idea is very simple. Whatever we do with the OPA trust fund, it should be to deal with the crisis in the gulf. It should be to preserve that and protect that in a true trust fund; not to steal it out of the trust fund to pay for unrelated spending; not to double count it to mask soaring Federal Government deficits having nothing to do with our response in the gulf.

Thank you, Mr. President. I look forward to continuing this debate. I look forward to filing, introducing, and making this amendment pending tomorrow, and I look forward to a positive vote.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I am here to speak to this bill we are considering, the American Jobs and Closing Tax Loopholes Act. Too many people in New Hampshire and across this country are still struggling. I wish to talk today about some of the provisions that are in the legislation before us, provisions that will create jobs, grow small businesses, and help unemployed Americans who are still struggling to get back to work.

As you know, Mr. President, we have been here before. On March 10 of this year, almost 3 months ago, the Senate took up and passed a bill that contained most of the provisions we are considering today. That day, the Senate voted, with bipartisan support, to stand with working families and extend the safety net legislation and investment incentives that are helping us get through and out of this recession.

Unfortunately, we have not yet been able to send this bill to President Obama for his signature. For the last 3 months, we have had almost weekly standoffs on temporary measures to do what we already voted to do back in March, which is help people throughout this country get back to work. This delay has had real consequences. Over the last 6 months, the Federal unemployment program has expired four times—most recently, over Memorial Day.

Mr. President, you and I know the American people deserve better. The legislation before us will create jobs, it will increase demand for goods and services, and it will provide stability for Americans who have lost their jobs during this recession. In addition to extending unemployment benefits through November, the bill also renews a tax credit to support research and development; it waives the fees on business owners who take out Small Business Administration loans; it helps municipalities make critical infrastructure improvements; and it funds a much needed summer youth jobs program.

I know there are some people who think we have done all we should do. I, too, believe we must get back on a path to a balanced budget, but the best way to do that is to get this economy moving again. The latest jobs report from last Friday showed that we still have a lot of ground to make up. During these very difficult economic times, it is still necessary for the Federal Government to step up and help stimulate job creation through investments and tax cuts.

The national unemployment rate is still over 9 percent. In many communities, it is much higher than that. What is more, nearly 7 million people—nearly half of all Americans collecting unemployment benefits—have been out of work for 6 months or longer. They

have run out of the benefits provided by their States. These are the workers who are collecting Federal unemployment benefits, which they are using to pay the rent, make mortgage payments, buy groceries, and put gas in their cars to go out and look for the next job. This legislation extends this vital program until the end of November.

Another group of Americans who are helped by this legislation and who are hurting right now are teenagers. These young people have an unemployment rate that is more than double the national average. In fact, right now young people are having a harder time finding jobs than at any time since World War II.

Last week, I visited Nashua, NH, and Dover High School in Dover, NH, where I used to teach school. A lot of the students in both of those communities are pretty excited about summer beginning. Many of those students want to work this summer. Many of them need to work to help save for college, to help their families. Unfortunately, because of the recession, it is more difficult for a teenager to get a job today than it has been in a very long time. High unemployment has forced more adults to compete for every job, and they are often filling jobs that once went to young people. That is a problem for young people, and it is a threat to the future of the economy.

Last year, Congress stepped in and created a summer jobs program to employ tens of thousands of teens, which included over 500 young people in New Hampshire.

I got to meet two of those students last week. Dawn White, who will be a senior at Dover High School this fall, talked to me about her "life-changing summer job experience" that she had last summer as a result of the dollars we put in to help fund summer jobs. She worked setting up exhibits at a local children's museum. Dawn told me that having that summer job built her confidence and helped her identify a new goal for the future to work with children. In Nashua, I met Elizabeth Madol, a senior at Trinity High School in Manchester. She worked at the public library in Manchester and helped young children with summer reading and other activities. She told me that this had been her first job and that because of it she now has the skills and work experience she needs to get another job this year. Those are just two stories out of hundreds of young people in New Hampshire and all across this country. Those are young people who, because of those summer jobs, have had phenomenal results.

An independent study showed that young people were excited by the skills they gained through summer work and they left better prepared to join the workforce. They were exposed to new careers and new opportunities. They

learned about responsibility and developed professional relationships. Many even left with job offers for after they graduated. This is particularly important for us because many of these young people are young people who, without those summer jobs, would never have a chance to enter the workforce or they would enter at a time that would leave them behind for years to come.

The legislation before us contains \$1 billion to extend the summer jobs program for another year, creating tens of thousands of jobs and giving hundreds more young people in New Hampshire and hundreds of thousands more across this country the chance to work. We can't build a 21st-century economy unless we start building our young workforce. We need workers with all kinds of skills and interests. By giving teenagers a foot in the door today, they will give back to our economy in the future. That is the power of what the funds in this legislation for summer jobs can do.

Finally, the legislation we are considering takes away tax breaks that reward corporations for sending jobs overseas, and it gives tax incentives to small businesses to create jobs right here in America.

This is a good bill. It is legislation that will make a real difference in our communities by creating jobs and helping struggling families. It is an investment in our present, and it is an investment in our future. I urge my colleagues to once again support the American Jobs and Closing Tax Loopholes Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BARRASSO. Mr. President, I come to the floor today because the President of the United States earlier today had a townhall meeting to talk about the new health care law, the law he has promoted and talked about and which has been a major point of discussion, debate, and then vote in this Chamber over the last year.

I come as someone who has practiced medicine in Casper, WY, since 1983, as an orthopedic surgeon, taking care of families all around the State of Wyoming, and working on prevention, working on early detection of medical problems through what is called Wyoming Health Fairs.

I come to the floor today, having watched and read the comments by the President, to take a look at some of those comments and see what the American people heard from the President and what I see as my doctor's second opinion about this health care law.

It is a law that I believe is bad for patients, bad for payers—the American taxpayers—and bad for our medical providers—our nurses and our doctors—who take care of those patients. Like most Americans, I believe this is going to, unfortunately, raise the cost of care for American families and lower the availability and quality of that care.

I wish to point out a few of the comments the President of the United States said today, and I want to do that from my perspective as someone who goes home to Wyoming on weekends and visits with patients. Just a few minutes ago, earlier today, I visited with a patient, someone I had operated on, done surgery on her knee about 10 years ago.

One of the things the President talked about today was Medicare Advantage. Medicare Advantage, in my opinion, is a program that has a lot of advantages. That is why one out of four Americans on Medicare signs up for Medicare Advantage. It deals with preventive care. It deals with coordinating care, so care is coordinated in a way that patients get better care.

The President said Medicare Advantage benefits will not change. He said:

First and foremost, what you need to know is that the guaranteed Medicare benefits that you've earned will not change, regardless of whether you receive them through Medicare or Medicare Advantage.

Seniors who know a lot about Medicare Advantage know that is not the case. You do not have to go very far back to find it. Yesterday's Wall Street Journal talked about Medicare, and specifically Medicare Advantage. I will quote from this article. It says:

Dozens of Medicare Advantage providers—

These are the insurance companies that help with Medicare Advantage—plan to cut back vision, dental and prescription benefits.

"Plan to cut back vision, dental and prescription benefits."

Some plans are eliminating free teeth cleanings and gym memberships, and raising fees for hearing aides, eye glasses and emergency-room visits.

Wait a second. The President of the United States said Medicare Advantage benefits will not change. This says there are a couple of reasons why he is wrong. One of the reasons is that the rate the government will pay private insurers to run the plan is frozen. It is frozen in 2011 at the 2010 levels, while medical costs are expected to increase an average of at least 6 percent.

I thought we went into this whole health care debate and discussion with the idea of getting the costs down. Now what we are seeing is, no, costs are going to go up in spite of, or perhaps because of, this legislation. "Such price increases and benefit cuts will help" the companies "recoup that difference . . ."—the losses.

Medicare Advantage benefits are certainly going to change, and they are

going to change in a way that is detrimental to the seniors of the country regardless of what the President said today in his townhall meeting.

Then he went on and said the health bill "will actually reduce the deficit, reduce costs." That is what the President said today at his townhall meeting in Maryland.

It is astonishing because I do not believe any person in this Chamber believes that. I do not think anyone listening at home or at the townhall meeting believed it. And the President's Chief Actuary does not believe it. Actually, the Chief Actuary a month or so after the bill was passed, after it was signed into law, released projections that said the health care overhaul will likely cost about \$115 billion more—more—in spending over the next 10 years than the original cost projections, taking the total estimated costs to above \$1 trillion.

The President says this will actually reduce the deficit and reduce costs. This is at a time of record deficits, when the American people are very concerned about the deficits and the incredible debt.

From the transcript of the President's speech, as he goes through, he says:

And finally, we're going to reduce by half the amount of waste, fraud and abuse in the Medicare system. . . .

That is an admirable goal. There is significant waste, fraud, and abuse in the Medicare system. How much waste, fraud, and abuse is there? I am not sure anyone knows for sure exactly how much there is, but the Associated Press, with a lot of study, has said it is about \$47 billion a year—\$47 billion a year.

What do the budget people who looked at this health care law say about how good is it going to be, how effective? The President is talking about cutting it in half from \$47 billion. If you can save \$23 billion a year, that is an accomplishment. The Congressional Budget Office estimated that Medicare, Medicaid, and the Children's Health Program, with the integrity provisions—those are the provisions aimed at waste, fraud, and abuse—they are thinking that over the next 4 years, they will save about \$2.2 billion and over the next 10 years, they will save almost \$7 billion.

Savings are good, but they are going to save \$7 billion over 10 years when, according to the Associated Press, we are losing almost \$500 billion over 10 years to waste, fraud, and abuse.

The savings, according to the Congressional Budget Office, are minuscule, but yet the President today, talking to this crowd, said we are going to reduce it by half.

I don't know, maybe he is talking about introducing a new law because it sure is not in the health care bill that was signed into law and passed with 60 votes in this body.

After the President went through all of these, he then said:

So that's what the law does. Now, having said that, there—some of the folks who were against health reform in Congress—

I don't think anybody is actually against health reform. But I will say there are a lot of people who are against this bill. He said:

In fact, you have an entire party out there that's running on a platform of repeal.

It is not a party. Sixty percent of the American people are saying we should repeal and replace this health care law.

The President had this meeting, but there are a lot of things the President of the United States did not tell the American people. It is those things—that is the reason 60 percent of the American people are opposed to this new law.

He did not mention that Medicare cuts will be \$550 billion, and those are cuts to hospitals, cuts to nursing homes, cuts to home health agencies, cuts to hospice to help people in the final days and hours of their lives. He did not mention that at all.

He did not mention that the new Medicare Director—someone he recently named—loves the British health care system and says we are going to need to ration care. The new Director of Medicare is planning to ration care. We did not hear that mentioned to the seniors today.

We did not hear him mention the fact that up to \$18 million has been spent on a mailer about the new health care law that many have referred to as propaganda because it fails to clearly and honestly express what is going to happen to people on Medicare as they cut \$550 billion from their health care over the next years.

I do not think he mentioned that one in six hospitals is going to find they are in the red living under the new system. That is what the Chief Actuary has said.

I don't think he mentioned the \$25 million plan that was mentioned yesterday in the New York Times: "White House and Allies Set to Build Up Health Law and Democrats Who Backed It." It said:

President Obama and his allies, concerned about deep skepticism over his landmark health care overhaul, are orchestrating an elaborate campaign to sell the public on the law, including a new tax-exempt group that will spend millions of dollars on advertising to beat back attacks on the measure and Democrats who voted for it.

That is what we hear. We now have a health care law that, as NANCY PELOSI said, you have to pass before you get to find out what is in it. The American people are finding out what is in it. Week after week, they are finding some new unintended consequence, something they do not want, something they do not think is good for them. That is why week after week I come back to the floor to talk about a health

care law that failed to pay for doctors who take care of patients, failed to pay to train doctors, and failed to deal with lawsuit abuse.

It did have money for a lot of new IRS agents to try to enforce the law that is mandating everyone to buy insurance. But I think if you talk with people in any of our home States, they are going to say: We need more new doctors; we don't need more IRS agents.

That is why I come to the floor with my second opinion, an opinion which says it is time to repeal the legislation and replace it with legislation that is really a health care system and program that is patient centered, that will allow Americans to buy insurance across State lines, that will provide the same tax relief for individuals who buy their health insurance personally—they would get the same tax relief that the big companies get—that would provide individual incentives, such as premium breaks, to encourage healthy behavior, that would deal with lawsuit abuse, and would allow small businesses to join together to provide less expensive health insurance for their employees.

That is why today I offer my second opinion that it is time to repeal and replace this bill and get patient-centered care for the American people.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4302 TO AMENDMENT NO. 4301

Mr. CORNYN. Madam President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 4302.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Texas [Mr. CORNYN], for himself and Mr. KYL, proposes an amendment numbered 4302 to amendment No. 4301.

Mr. CORNYN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase transparency regarding debt instruments of the United States held by foreign governments, to assess the risks to the United States of such holdings, and for other purposes)

At the appropriate place, add the following:

TITLE —TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT**SEC. 01. SHORT TITLE.**

This title may be cited as the “Foreign-Held Debt Transparency and Threat Assessment Act”.

SEC. 02. DEFINITIONS.

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives.

(2) **DEBT INSTRUMENTS OF THE UNITED STATES.**—The term “debt instruments of the United States” means all bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States Government, including any Government-sponsored enterprise.

SEC. 03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) the increasing dependence of the United States on foreign creditors has the potential to make the United States vulnerable to undue influence by certain foreign creditors in national security and economic policymaking;

(3) the People’s Republic of China is the largest foreign creditor of the United States, in terms of its overall holdings of debt instruments of the United States;

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved, particularly regarding the holdings of the People’s Republic of China;

(5) through the People’s Republic of China’s large holdings of debt instruments of the United States, China has become a super creditor of the United States;

(6) under certain circumstances, the holdings of the People’s Republic of China could give China a tool with which China can try to manipulate the domestic and foreign policymaking of the United States, including the United States relationship with Taiwan;

(7) under certain circumstances, if the People’s Republic of China were to be displeased with a given United States policy or action, China could attempt to destabilize the United States economy by rapidly divesting large portions of China’s holdings of debt instruments of the United States; and

(8) the People’s Republic of China’s expansive holdings of such debt instruments of the United States could potentially pose a direct threat to the United States economy and to United States national security. This potential threat is a significant issue that warrants further analysis and evaluation.

SEC. 04. QUARTERLY REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) **QUARTERLY REPORT.**—Not later than March 31, June 30, September 30, and December 31 of each year, the President shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) **MATTERS TO BE INCLUDED.**—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 7 months preceding the date of the report.

(2) The country of domicile of all foreign creditors who hold debt instruments of the United States.

(3) The total amount of debt instruments of the United States that are held by the foreign creditors, broken out by the creditors’ country of domicile and by public, quasi-public, and private creditors.

(4) For each foreign country listed in paragraph (3)—

(A) an analysis of the country’s purpose in holding debt instruments of the United States and long-term intentions with regard to such debt instruments;

(B) an analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by each country’s holdings of debt instruments of the United States; and

(C) a specific determination of whether the level of risk identified under subparagraph (B) is acceptable or unacceptable.

(c) **PUBLIC AVAILABILITY.**—The President shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

SEC. 05. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) **IN GENERAL.**—Not later than December 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) **CONTENT OF REPORT.**—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) A specific determination of whether the levels of risk identified under paragraph (1) are sustainable.

(3) If the determination under paragraph (2) is that the levels of risk are unsustainable, specific recommendations for reducing the levels of risk to sustainable levels, in a manner that results in a reduction in Federal spending.

SEC. 06. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE AND UNSUSTAINABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

In any case in which the President determines under section 04(b)(4)(C) that a foreign country’s holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, or the Comptroller General of the United States makes a determination under section 5(b)(3), the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce the risk level to an acceptable and sustainable level, in a manner that results in a reduction in Federal spending;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

Mr. CORNYN. Madam President, I won’t detain the Senate long, but I did want to call up this important amendment early on in considering this underlying legislation.

This amendment would improve transparency in reporting of foreign holdings of our debt, providing taxpayers with more information about which countries are financing our deficit spending. This amendment is based on legislation Senator KYL and I introduced in April called the Foreign-Held Debt Transparency and Threat Assessment Act. This legislation would require the President to provide Congress with quarterly risk assessments on the national security and economic hazards posed by current levels of foreign holdings of our debt. It would require the President, in the event that risk level was too high, to submit a plan of action to the Congress to bring down the risk in a way that reduces Federal spending.

Regarding the national debt itself, the bill instructs the GAO to provide Congress with an annual risk assessment on national security and economic hazards posed by the national debt as well as recommendations for reducing Federal spending.

We know the President’s budget puts this Nation on a roadmap for doubling the national debt in 5 years and tripling it in 10 years. The interest payments alone will reach \$900 billion in 10 years, which is more than the United States currently spends on education and national defense combined. In addition, according to the nonpartisan Congressional Budget Office, the pending legislation will add almost \$80 billion to the deficit.

While the President likes to say he inherited the Nation’s debt from his predecessor, the fact is, from the day President Obama took office until the last day of fiscal year 2010, the debt held by the public will have grown by \$2.3 trillion, according to the White House Office of Management and Budget.

It is important to note that the explosion in the Nation’s debt is being financed by foreign investors who, unsurprisingly, may not always have our best interests at heart. The more we need to borrow from foreign investors, concerns about our Nation’s fiscal health increase.

The chairman of the Budget Committee noted at a hearing last February that last year, 68 percent of the new debt financing came from abroad, with China now the biggest funder of the United States. We have had the Chinese warn us publicly and privately that they are increasingly reluctant to finance that debt.

In fact, it is worse than that. Chinese Government officials have threatened

to use their debt holdings to retaliate against U.S. policies they oppose. In a recent response to a U.S. decision to sell defensive weapons to Taiwan, an official of China's People's Liberation Army warned that China might sanction the United States by dumping U.S. Government bonds.

Many believe a rapid Chinese divestment of U.S. debt holdings would have a destabilizing effect on the U.S. economy.

For all these reasons, I ask my colleagues to support this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, we are on the jobs and tax bill, but we seem not to be making a lot of progress tonight. Senators are under no constraint to come to the floor and say what is on their minds about any subject under the Sun.

I wish to address a couple remarks given by Senators recently.

Most recently, I share the concerns of the Senator from Texas about the debt that is owned by lots of different folks, not just Americans but owned by foreigners. He made special reference to China. I think it would be better if the United States could avoid borrowing so much. It is unfortunate the United States has borrowed a lot to run its affairs.

So have other countries, I might add. It is not just the United States. There are many countries, regrettably, that have overborrowed. Greece comes to mind, as do other European countries: Spain, Portugal, perhaps even Hungary. It is becoming quite a concern worldwide. It is one reason we have the Deficit Reduction Commission set up to figure out the proper way to reduce our deficits, which by definition would mean that other countries would be borrowing less from other countries.

But I also think we need to act responsibly. The Senator from Texas sent a resolution—I think it is a resolution—which was pretty strongly worded in its implied criticism of China. It somewhat reminds me of the Pogo cartoon: We have met the enemy, and he is us. But, in any regard, we need to avoid taking actions that might unsettle bond markets in these very uncertain times. The markets are jittery right now. So I look forward to working with the Senator from Texas to improve his amendment. We have to be very responsible on this subject and not cause a greater problem by acting too precipitously.

On another matter, Madam President, just prior to the Senator from

Texas speaking, the Senator from Wyoming addressed the Senate, and he delivered a full-throated diatribe against health care reform. He called his attack “a second opinion.” But instead of offering a second opinion, which he did not do at all, he delivered, frankly, the same old negative criticisms that many on his side of the aisle have been delivering since enactment of health care reform. Not one Republican voted for health care reform—not one—and that bill passed. We do live in a democracy. The majority vote rules. The President signed the bill. I would think that issue has been settled. Health care reform has been enacted into law, signed by the President. So I am a little confused as to why he still wants to criticize this bill so much, except he does say: Well, gee, it should be repealed.

The Senator from Wyoming, for example, derided the antifraud provisions in the health care reform bill. He called them “miniscule.” But I might say, as a matter of fact, we advanced every antifraud provision we could possibly find. In the meantime, working with the Senator from Florida, Mr. LEMIEUX, we are also looking to find other antifraud provisions to cut back waste and get rid of the waste in our health care system.

But we needed the health care reform law to pass so we can weed out that waste, get rid of that waste, and to pass these antifraud provisions. If the Senator has another health care fraud measure, I sure would like to hear it. It reminds me of that phrase: Where's the beef. He keeps criticizing, but I hear no solutions. I hear no alternatives. I am a little surprised at that because he is my neighbor. We in Montana know a lot of folks in Wyoming, and we like to think we are people who do not just bellyache and complain but we are, rather, people who come up with positive solutions, constructive solutions, as good neighbors do.

The Senator from Wyoming goes on further to say that the President's nominee to head CMS “plans to ration care.” This is simply a libel, Madam President. If the Senator were not protected by the speech and debate clause, he would be subject to a suit for slander. Certainly truth would not be a defense. The Senator from Wyoming uttered a slanderous statement. He is protected by the speech and debate clause of the Constitution of the United States, and that is about the only place he could make slanderous statements like that with impunity.

The Senator from Wyoming says his “second opinion” is that Congress should repeal the new health care law—just repeal it. But by calling for repeal of health care reform, the Senator from Wyoming apparently seeks to repeal one of the biggest budget reduction measures in the decade. I say that because the nonpartisan Congressional

Budget Office tells us that health care reform will reduce the Federal deficit by one-half of 1 percent of GDP in its second decade. It will reduce the deficit.

I would think the Senator from Wyoming would like to reduce the Federal budget deficit. I am quite certain he wants to reduce the Federal budget deficit. But if he asks for repeal of health care reform, I guess he no longer cares about reducing our Federal budget deficit.

By calling for repeal of health care reform, the Senator from Wyoming seeks to repeal the law that reins in insurance companies. Boy, in the private market there is just so much abuse of individuals by insurance companies. By calling for the repeal of health care reform, apparently the Senator from Wyoming wants to bring back the ability of insurance companies to discriminate against people who have preexisting conditions, to discriminate against Americans who are denied insurance based upon some health care status or to go back and deal with the rating provisions of States where the States, unfortunately, allowed insurance companies to take advantage of certain groups of people.

By calling for repeal of health care reform, apparently he seeks to bring back the doughnut hole and preserve it in the future. He seeks to continue hardships for seniors who need help paying for their prescriptions.

Madam President, this health care reform bill closes the doughnut hole. What is the doughnut hole? That is the dollar amounts above which and under which people have to pay all their prescription drug benefits. When they get up to the doughnut hole, they get a certain break. When they get above the doughnut hole, I guess 90 percent of their drugs are paid for—something like that.

But within the doughnut hole, if you are a senior, you do not get any help. Apparently, the Senator from Wyoming says: Oh, that is fine. Those people don't deserve to get any breaks in their prescription drug benefits. He wants to repeal health care reform, so the effect of that would be: Seniors, you are not going to get any help. Sorry. No help in the doughnut hole.

By calling for repeal of health care reform, the Senator from Wyoming seeks to eliminate the tax credits that the new law will give Americans to help them buy insurance. I guess he does not care about that, the Senator from Wyoming. He does not want to give people tax credits. He does not want to give people tax credits to help them buy insurance.

And by calling for repeal of health care reform, the Senator seeks nothing less than the continuation of a system where millions of Americans struggle, struggle by, struggle without health insurance, struggle without quality

health care. They struggle because of greater pain and discomfort and greater risk of early death.

I could go on and on and on and on as to the reasons the Senator from Wyoming's so-called second opinion is defective, to say the least. I know some on the other side oppose health care reform. But this is, as I mentioned earlier, a democracy. In our country, the majority generally determines whether a law passes. Congress and the President enacted health care reform, and I wish my colleagues on the other side of the aisle would just stop fighting the last war—stop fighting the last war. Rather, let us try to find opportunities to work together to improve the law together. Let's leave behind the politics of destruction. Let's work together to build a better health care system for America because, after all, we are here to help the people who sent us here. The people who sent us here want a better health care system than they now have.

So let's work together to find that better solution. Let's not forget that health care is basically indiscriminate. Poor people, wealthy people get cancer. Women, men get cancer. Cancer strikes anybody. It does not make a difference whether you are a Republican or a Democrat. The same thing is true with any other health discomfort or condition.

So I am just beside myself in trying to figure out why it is that the other side of the aisle just keeps attacking health care reform. The only conclusion I can come up with is they just want to stir up things. They want to cast all kinds of doubt and confusion in the minds of Americans, with respect to perhaps these elections coming up this next November. That is a conclusion I do not like to reach but, logically, it is the only one I can possibly come up with.

I will say something else. This health care reform is going to be relitigated again when we in the Finance Committee take up the nomination of Don Berwick to be the new CMS Director. I know, as sure as I am standing here, those who voted against health care reform—and they all happen to be Republicans—are going to be just relitigating health care reform. They are going to accuse this administration of about anything under the Sun, including Don Berwick. It is going to be very unfortunate. It is my job—it is going to have to be as chairman of the committee—to try to keep the debate, if you will—it will not even be a debate; in part, it will be a diatribe in certain circumstances—to just keep the discussion, the debate on a constructive level so we can serve our country and serve our people. But I felt compelled to speak in the wake of the remarks by the Senator from Wyoming because they deserved a response.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, we have had an interesting start today on the jobs-tax bill, but it has been fruitful and productive. We have four amendments pending. That is progress. Tomorrow, I want to move ahead and clear out the underbrush, if you will, to get those amendments disposed of. I have spoken with the leader, and we have agreed that it makes good sense to get those four amendments processed tomorrow morning before we do much else and that we go to other amendments subsequent to that. I hope we can get those amendments processed so that we can proceed.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOSH MILLER HEARTS ACT

Mr. BROWN of Ohio. Mr. President, half of heart-related deaths in the United States are caused by a hard-to-diagnose condition called sudden cardiac arrest, SCA. Different from a heart attack, SCAs are caused by an electrical problem in the heart that, once triggered, requires immediate treatment: survival rates plummet 7 to 10 percent with every minute that passes. Each year, only 8 percent of the 295,000 people who suffer an SCA outside of a hospital survive. A few years ago, June 1–June 7 was designated as CPR/AED Awareness Week to share these startling statistics and to begin to change them. By educating and encouraging communities to establish organized programs that could provide CPR and AED training to the public, lives have already been saved. Anyone can suffer a sudden cardiac arrest, no matter one's age or gender. In fact, many victims appear healthy, not having a known heart disease or any other risk factors. For example, student athletes with no previous heart ailments have been stricken with SCA in the middle of practice or during games.

Josh Miller was one such student athlete. The act that bears his name—the Josh Miller HEARTS, Helping Everyone Access Responsible Treatment in Schools, Act—creates a grant program through the Department of Education for public and private schools to

purchase automated external defibrillators, AEDs, and to train staff in the use of CPR and defibrillation within the context of a coordinated emergency response plan. Josh was a 15-year-old high school honor student from Barberton, OH, who suffered sudden cardiac arrest during a high school football game. Though Josh had never previously demonstrated symptoms of a heart problem, he passed away before paramedics arrived at the scene. There were no AEDs on site that might have been used to save Josh's life.

The U.S. House of Representatives passed the Josh Miller HEARTS Act on June 2, 2009, and Senator GEORGE VOINOVICH and I introduced the bill in the Senate on June 8, 2009. Currently, the legislation has seven cosponsors and is pending before the Committee on Health, Education, Labor, and Pensions.

The combination of early, immediate CPR and defibrillation helps restore normal heart rhythm before emergency personnel arrive and increases a victim's chances of survival. Tragically, lives are lost every day because there are not enough AEDs and persons trained in using the devices and performing CPR to provide this life-saving treatment. On average, response times for emergency medical teams run approximately 6 to 12 minutes. Yet according to the American Heart Association, the chance of survival of sudden cardiac arrest decreases by 7 to 10 percent with every passing minute.

In order to have a strong emergency response system, communities need the resources to help save lives. I encourage my colleagues to follow the House's lead and take up and pass the Josh Miller HEART Act as soon as possible.

MEMORIAL DAY 2010

Mr. BEGICH. Mr. President, the English author Albert Pine wrote: "What we have done for ourselves alone, dies with us; what we have done for others and the world remains and is immortal." On Memorial Day we come together to recognize and honor those who have truly "done for others and the world" and to ensure their service and sacrifice remains immortal.

Each year since 1868 we have paused to pay tribute to those who have made the ultimate sacrifice for our freedom and democracy. This freedom we cherish is not free and comes at a horrific price, a price borne by our veterans, both past and present. Our veterans never fought for empires or dominance but, rather, for a cause bigger than any one individual. That cause is freedom and democracy, something many of them would sadly never live to see.

There is no greater service to one's country and no greater act of heroism than to stand between our Nation and those who would do us harm. So it is

today, Memorial Day 2010, we again come together as a nation recognizing and honoring the valor and courage of the men and women who have given so much—warriors who paved the road of freedom with their service and sacrifices.

Alaska has a proud tradition of military service. During World War II, long before Alaska's statehood, the Alaska Territorial Guard stepped up and played a key role in defending Alaska and protecting America's interests. Today Alaska is home to more than 28,000 Active-Duty men and women, many of whom have served multiple tours of duty in the wars in Iraq and Afghanistan. The Alaska Army and Air National Guard is also playing a key role in these conflicts by deploying hundreds of Alaskans to combat duty.

It is all of our Active-Duty men and women—and their families—whom we should also thank and honor today. To the veterans among us—thank you for your service. We also remember warriors still missing and unaccounted for and continue our commitment to provide the fullest possible accounting and to return them home.

THE RELEVANCE AND IMPORTANCE OF NATIONAL SERVICE

Ms. MIKULSKI. Mr. President, I ask unanimous consent to have the following statement by Patrick Corvington, chief executive officer of the Corporation for National and Community Service, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Patrick Corvington, CEO, Corporation for National and Community Service In School and On Track

CITY YEAR NATIONAL LEADERSHIP SUMMIT ON SERVICE AND EDUCATION

(Los Angeles, CA, May 18, 2010)

Thank you, Michael for that gracious introduction. And thank you for the opportunity to join with City Year as well as the Entertainment Industry Foundation as we shine a spotlight on the essential role of national service in solving America's drop-out crisis.

I want to begin by congratulating Michael and City Year for your visionary leadership in this work. We often hear many stories about young college roommates starting new companies from their dorm rooms and becoming billionaires. Michael and Alan had a different idea. In 1988, these two Harvard Law School roommates enriched us all by acting on their belief in the power of citizen service by creating City Year.

And now as a key member of the AmeriCorps network, City Year and its growing cadre of diverse and talented corps members has become a model for service in America. Thank you, Michael for this gift to the nation.

I also want to thank Lisa Paulsen, President and CEO of the Entertainment Industry Foundation for co-sponsoring this summit and for adding the drop-out crisis to your growing portfolio of service campaigns. Lisa has been a good friend to me and to the Cor-

poration. Last year, under her leadership, EIF launched iParticipate. As part of that effort, last October, more than 100 TV shows focused their programming and storylines on service. EIF has also been a supporter of City Year, ServiceNation and a number of other service organizations. Thank you, Lisa, for inviting Hollywood into our service family.

As many of you know, I was confirmed as CEO of the Corporation for National and Community Service on February 18th, so today marks my third month on the job. I've been out on the road to see the impact that our programs, members and partners are having across the country.

A couple of weeks ago, I was in San Antonio delivering the commencement address at the University of Texas and had the pleasure of seeing the Diplomas Now collaborative in action during a visit to McAuliffe Middle School. One of the most illuminating aspects of that visit was when the school principal told me that City Year and Communities in Schools had been working in McAuliffe for some time. But it was when they chose to partner and focus single-mindedly on helping students that he began to see remarkable progress.

Los Angeles is also a place where Diplomas Now is making a real difference. Early results from two of LA's toughest middle schools—Leitchy and Hollenbeck—show remarkable progress: a 40 percent decrease in students failing math and a 43 percent decrease in students failing English.

I remember coming to this country as an immigrant and hearing from my high school counselor, as he looked across the table with earnest concern, that I wasn't college material and that I should go to trade school—I ended up going to night school and working my way through college. After seeing Diplomas Now in action, I wonder how different my journey would have been had I been surrounded by young people in red jackets who were more interested in seeing me succeed than in telling me that I couldn't.

Your red jackets have become a symbol of hope for a whole generation of young people who might otherwise be shackled with the chains of low expectations.

It is fitting that this summit has brought us here to Los Angeles—a city of many community challenges but also of tremendous assets and wealth. A place where diversity and disparity live side by side.

City Year is changing lives here in LA, in Chicago, Philadelphia, New Orleans and throughout this nation. The results you are achieving show us we have the power to beat back the drop-out crisis, and that service has a central role to play in this effort. Education is the engine that drives our nation's progress. But more than that, it is the gateway to a life of purpose and meaning.

In this global economy, education will be the fault line between success and failure, not only for our young people, but for our country.

Ben Franklin said, "An investment in knowledge always pays the best dividends."

There is nothing more critical to the future of this nation than making sure that every school . . . in every community . . . is equipped to give every young person in America the knowledge and the skills . . . to build lives of meaning . . . and to compete and win in the global economy.

But make no mistake—this is an unforgiving competition—one in which there are no excuses for failure and few second chances.

Since our inception, education has been one of our top priorities at the Corporation.

We understand that closing the achievement gap and reducing the drop-out rate requires not only government action, but also the involvement of families and communities. In the past 15 years, we have supported a number of education programs throughout the country.

For example, right here in Los Angeles, through their work with the National Farm Workers Service Center, AmeriCorps members are achieving remarkable results. They are raising reading and math scores for children of families living 60 percent below the poverty line. Families that are too often overlooked and left behind.

I believe one of the significant challenges we face in service today is how we build communities from the inside out while also ensuring that they have access to the best national resource like City Year. That is where success lies. We cannot continue to believe that we can change lives, change communities but leave them out of the change process. We need to do a better job of aligning our resources in communities, engage stakeholders, and demonstrate the power of service.

You know, many of us think of ourselves as organizers—movement builders. If we are to use the rhetoric of grass roots organizing, then it should be grass roots and it should be organized.

Only by bringing together national leaders and communities can we demonstrate the power of service in solving problems.

I saw this very thing yesterday when I visited Hope for the Homeless here in L.A. This program is changing the face of AmeriCorps. They have recruited AmeriCorps members who have lived the very lives they are trying to change.

Sitting before me in their blue shirts, they talked about leading lives of purpose, about leading lives of meaning, about realizing what it means to have people depend on them, believe in them.

Some have spent the better parts of their lives in prison, others on the streets, but all in the crippling prison of despair. But all of them—every single one of them, has been transformed by AmeriCorps, by service.

I was struck. Not just by their stories, but also by how similar those stories were to those I've heard from other AmeriCorps members—from NCCC members in Colorado, from VISTA Volunteers in West Virginia, and from City Year members in Texas.

No matter where they come from, no matter what their experience—blue shirts or red jackets, the transformation is real, it is tangible, it is profound.

Transformation is not easy. If it were, we'd have it done by now. It takes courage. The courage to cross boundaries, the courage to reach out of our comfort zones, most of all the courage of humility. But if the AmeriCorps members at Hope for the Homeless have the courage to change their lives, and the City Year Corps members have the courage to go into some of the toughest schools in the toughest communities, then surely we have the courage to be bold.

That's really why all of us are here today. This is not about feeling good and good intentions—it is about the kind of future we are creating for ourselves, our children.

This is an exciting time to be in what I like to call the solutions business. We now have a President and a First Lady who understand something we've known for a very long time—service is not secondary to solving the drop-out crisis and other pressing problems—it is essential to solving them. President Obama has issued a challenge that

every American become engaged in some way in their community.

Every American, everyone, has a role, and service can illuminate that path, can help people find themselves in the solution.

Last year, with the help of many of you in this room, the President signed into law the Serve America Act, the most sweeping expansion of national service in a generation.

The Act challenges us to do a better job of demonstrating and measuring our effectiveness in solving problems.

Undergirding that mandate are four major goals: First, to fulfill the promise to make service a solution for big national problems. Second, to expand opportunities for more Americans of all ages and backgrounds to serve. With new and diverse voices come new and innovative ways to approach and solve problems. So we need to embrace innovation by expanding proven programs and seeding promising emerging ones and finally we need to build the capacity of individuals, organizations and communities by giving them the tools they need to succeed.

City Year, with its laser focus on solving the drop-out crisis is a case-study in the fulfillment of all these goals. You are making service a solution. You are expanding opportunities for young people from diverse communities to serve.

And you're building the capacity of teachers, administrators and communities to turnaround failing schools but most of all you are giving students who need it most, the help they need to succeed. The entire service community has much to learn from you.

While Congress has expanded our mandate and given us more resources, the American people now expect us to use this opportunity to take service to the next level.

That means more of a focus on measuring outcomes to ensure that our efforts are making a difference.

At the end of the day, it won't mean a thing if we increase the number of volunteers and a million kids are still dropping out of school. It won't mean a thing if 15 million people are still out of work. It won't mean a thing if our communities continue to decline.

For too long, too many of us have been satisfied with saying that "we tried." That's no longer good enough. We must not only try, we must succeed. But the only way we will be successful, the only way we will win, is if we have the courage to plant a stake in the ground, draw a line in the sand and say that we are willing to be measured, to be judged, to be held to account.

At a time of great need, Americans are responding to President Obama's challenge.

But, to fulfill this new vision for service, we need a stronger investment from every sector. We don't only need more volunteers; we need them focused, like City Year, on solving specific problems. We don't just need more volunteer hours; we need to make sure those hours add up to results.

In order to do this, we need full funding of the President's budget request for the Corporation and its programs. The President's 2011 budget request of \$1.4 billion will strengthen our nation's civil society, foster innovation and civic engagement, and engage more than 6 million Americans in solving problems through service. If we make these needed investments. If we face the future with the courage to change. Then, and only then, will we fulfill our commitment to the American people.

So, let me say again, thank you to City Year for showing us the way. Thank you to

the young AmeriCorps and City Year members who go into classrooms everyday to mentor, teach, and inspire struggling students. And thank you to everyone in this room who is a part of making service a solution.

The great American educator, Mary McLeod Bethune once said, "We have a powerful potential in our youth, and we must have the courage to change old ideas and practices so that we may direct their power towards good ends."

What I've seen City Year do in classrooms throughout this country is give young people the hope for a better tomorrow . . . the support they need to overcome the odds . . . the strength and the courage to dream big dreams. And so, I want to say to Michael and the City Year corps members here today, when someone asks you 20 years from now where did you stand when more than half of young people in some of our largest cities were not finishing high school . . . Where did you stand when more than 12 million children were living in poverty . . . where did you stand when we were struggling to lift up students whose dreams were crumbling as fast as the schools around them . . . you can proudly say, I stood with City Year. I stood with AmeriCorps. I stood with service. Thank you.

ADDITIONAL STATEMENTS

2010 NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARD

• Mrs. SHAHEEN. Mr. President, today I congratulate the recipients of the 2010 New Hampshire Excellence in Education Award. The New Hampshire Excellence in Education Awards, or "ED"ies, honor the best and the brightest among New Hampshire's educators and schools.

For the past 17 years, the "ED"ies have been presented to teachers, administrators, schools, and school boards who demonstrate the highest level of excellence in education. Outstanding individuals have been compared against criteria set by others in their discipline through their sponsoring organization. Experienced educators and community leaders select outstanding elementary, middle, and secondary schools based upon guidelines established by the New Hampshire Excellence in Education Board of Directors.

It is very important that our children receive a high quality education so that they can succeed in today's global economy. I am proud to recognize this year's recipients who will receive this prestigious award on June 12, 2010, for the positive examples they provide for their peers and the lasting impacts they have made on our future workforce.

The names of the 2010 New Hampshire Excellence in Education Award winners are as follows:

Shelia Adams, Susan Janosz Technology Impact Award.

David April, Meritorious Achievement Award.

Gerard Bastien, Distinguished Music Educator of the Year.

Barbara Belak, Elementary School Counselor of the Year.

Celeste Best, Pat Keyes Technology Award.

Catherine Bond, High School Counselor of the Year.

Daniel J. Clary, Assistant Principal of the Year.

Kathleen Conlin, Special Education Director of the Year.

Andrew Corey, Middle School Principal of the Year.

Anna Marie Davis, School Nurse of the Year.

Moir DeBois, School Psychologist of the Year.

James Dowding, Business Education Achievement Award.

Julia M. Dutton, World Language Teacher of the Year.

Paul Flynn, Outstanding Service Award.

Duane Ford, School Business Administrator of the Year.

Terri Forsten, Supervision and Curriculum Development Award.

Pamela Harland, School Librarian of the Year.

Christine Haswell, Outstanding Community/Business/School Partnership.

Kenneth Heuser, EdD, The Dennis Maslakowski PDK Education Award.

Shea Higley, Family and Consumer Sciences Teacher of the Year.

Michael R. Jette, Secondary School Principal of the Year.

Jennifer Lemoine, D.A.R.E. Officer of the Year.

Robert Mailloux, Middle School Counselor of the Year.

Dr. Michael J. Martin, Superintendent of the Year.

Greta S. Mills, Christa McAuliffe Sabbatical Award.

Teresa Minogue, Presidential Award for Excellence in Math and Science Teaching.

Teresa Morris, Educator of the Gifted Award.

Edward R. Murdough, Alexander J. Blastos Distinguished Service Award.

Eric Nash, Teacher of the Year.

Katy O'Gorman Rhodebeck, Art Educator of the Year.

Joan Ostrowski, Elementary School Principal of the Year.

Janet Prior, English/Language Arts Teacher of the Year.

Julie Ramsey, Educator of the Gifted Award.

Joan Rees, Special Educator of the Year.

Christine Roderick, Reading Teacher of the Year.

Matthew Siranian, Technology Education Teacher of the Year.

Thomas Starratt, Middle School Principal of the Year.

Amy Vandersall, Social Studies Teacher of the Year.

Mascenic Regional School Board, School Board of the Year.

Milan Village School, Elementary School of the Year.

Timberlane Regional Middle School, Middle School of the Year.

Newfound Regional High School, High School of the Year. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13405 OF JUNE 16, 2006, WITH RESPECT TO BELARUS—PM 59

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2010.

Despite the release of internationally recognized political prisoners in the fall of 2008 and our continuing efforts to press for further reforms related to democracy, human rights, and the rule of law in Belarus, serious challenges remain. The actions and policies of certain members of the Government of Belarus and other persons to undermine Belarus democratic processes or institutions, to commit human rights abuses related to political repression, and to engage in public corruption pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared to deal with this threat and the related measures blocking the property of certain persons.

BARACK OBAMA.

THE WHITE HOUSE, June 8, 2010.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13219 OF JUNE 26, 2001, WITH RESPECT TO THE WESTERN BALKANS—PM 60

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Western Balkans emergency is to continue in effect beyond June 26, 2010.

The crisis constituted by the actions of the persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia, United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, or the Ohrid Framework Agreement of 2001 in Macedonia, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219, and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, June 8, 2010.

MESSAGE FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; with an amendment to the Senate amendment to the bill, in which it requests concurrence of the Senate.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6037. A communication from the Acting Administrator, Rural Business-Cooperative

Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Value-Added Producer Grant Program" (RIN0570-AA79) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6038. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid polymer, with 1,3-butadiene and ethenylbenzene; Tolerance Exemption" (FRL No. 8827-4) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6039. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerances" (FRL No. 8829-2) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6040. A communication from the Director of the Legislative Affairs Division, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Conservation Stewardship Program" (RIN0578-AA43) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6041. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Finland-Public Interest Exception to the Buy American Act" (DFARS Case 2009-D022) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Armed Services.

EC-6042. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Harold D. Starling II, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-6043. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General David P. Valcourt, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6044. A communication from the Assistant Secretary of Defense (Logistics and Material Readiness), transmitting, pursuant to law, a report relative to the destruction of a commercial helicopter under contract with the Department of Defense by hostile fire; to the Committee on Armed Services.

EC-6045. A communication from the Under Secretary of Defense (Logistics and Material Readiness), transmitting, pursuant to law, the Defense Environmental Programs report for fiscal year 2009; to the Committee on Armed Services.

EC-6046. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured DDG 1000 Zumwalt Class Destroyer

program; to the Committee on Armed Services.

EC-6047. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured Remote Minehunting System (RMS) program; to the Committee on Armed Services.

EC-6048. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured Wideband Global SATCOM (WGS) program; to the Committee on Armed Services.

EC-6049. A communication from the Assistant Secretary (Reserve Affairs), Department of Defense, transmitting, pursuant to law, the annual National Guard and Reserve Equipment Report for fiscal year 2011; to the Committee on Armed Services.

EC-6050. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General David A. Deptula, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6051. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled "96th Annual Report of the Board of Governors of the Federal Reserve System"; to the Committee on Banking, Housing, and Urban Affairs.

EC-6052. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (75 FR 14356)" ((44 CFR Part 64)(Docket No. FEMA-2010-000)) received during adjournment of the Senate in the Office of the President of the Senate on June 3, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6053. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Final Flood Elevation Determinations (75 FR 18088)" ((44 CFR Part 65)(Docket No. FEMA-2010-000)) received in the Office of the President of the Senate on June 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6054. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Final Flood Elevation Determinations (75 FR 18070)" ((44 CFR Part 65)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on June 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6055. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Final Flood Elevation Determinations (75 FR 29199)" ((44 CFR Part 65) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on June 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6056. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2010-0003)) received in the Office

of the President of the Senate on June 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6057. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Final Flood Elevation Determinations (75 FR 18076)" ((44 CFR Part 65) (Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on June 3, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6058. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Singapore; to the Committee on Banking, Housing, and Urban Affairs.

EC-6059. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Kingdom of Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC-6060. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Municipal Securities Disclosure" (RIN3235-AJ66) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6061. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Export Administration Regulations: Technical Corrections" (RIN0694-AE69) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6062. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation Changes from the 2009 Annual Review of the Entity List" (RIN0694-AE88) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6063. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting, pursuant to law, the Bank's 2009 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-6064. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL No. 9139-7) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Environment and Public Works.

EC-6065. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonable Further Progress Plan, 2002 Base Year Emission Inventory, Contingency Meas-

ures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Philadelphia 1997 8-Hour Moderate Ozone Nonattainment Area" (FRL No. 9160-3) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Environment and Public Works.

EC-6066. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution" (FRL No. 9160-2) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Environment and Public Works.

EC-6067. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Technical Corrections and Clarifications Rule" (FRL No. 9158-5) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Environment and Public Works.

EC-6068. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufacturing; Amendments" (FRL No. 9158-1) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Environment and Public Works.

EC-6069. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Determination of Attainment of the 1997 Ozone Standard" (FRL No. 9157-4) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Environment and Public Works.

EC-6070. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonable Further Progress Plan, 2002 Base Year Emission Inventory, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Baltimore 1997 8-Hour Moderate Ozone Nonattainment Area" (FRL No. 9158-4) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Environment and Public Works.

EC-6071. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Nitrogen Oxide Emissions from Industrial Boilers and Process Heaters at Petroleum Refineries" (FRL No. 9158-3) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Environment and Public Works.

EC-6072. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standards; Withdrawal of Direct Final Rule" (FRL No. 9157-9) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Environment and Public Works.

EC-6073. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit Section 110 State Implementation Plans for Interstate Transport for the 2006 National Ambient Air Quality Standards for Fine Particulate Matter" (FRL No. 9159-5) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Environment and Public Works.

EC-6074. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency" (FRL No. 9158-9) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Environment and Public Works.

EC-6075. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Status of State Small Business Compliance Assistance Programs for 2007-2008; to the Committee on Environment and Public Works.

EC-6076. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: United States and Area Median Gross Income Figures" (Rev. Proc. 2010-23) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Finance.

EC-6077. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Rev. Proc. 2009-50" (Rev. Proc. 2010-24) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Finance.

EC-6078. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Prevention of Over-Withholding and U.S. Tax Avoidance with Respect to Certain Substitute Dividend Payments" (Notice No. 2010-46) received in the Office of the President of the Senate on June 7, 2010; to the Committee on Finance.

EC-6079. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Health Savings Accounts Inflation Adjustments for 2011" (Rev. Proc. 2010-22) received in the Office of the President of the Senate on June 7, 2010; to the Committee on Finance.

EC-6080. A communication from the Office Manager, Centers for Medicare and Medicaid

Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates and to the Long Term Care Hospital Prospective Payment System and Rate Year 2010 Rates: Final Fiscal Year 2010 Wage Indices and Payment Rates Implementing the Affordable Care Act" (RIN0938-AQ03) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Finance.

EC-6081. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Premiums and Cost Sharing (CMS-2244-FC)" (RIN0938-AP73) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Finance.

EC-6082. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the Proton launch of the Yamal 401 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6083. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the Proton launch of the Intelsat 23 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6084. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the Proton launch of the Yamal 402 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6085. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the NIMIQ 6 Commercial Communications Satellite Program of Canada in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6086. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the HYLAS 2 Commercial Communications Satellite Program of the United Kingdom in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6087. A communication from the Executive Analyst, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the po-

sition of General Counsel of the Department of Health and Human Services, received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6088. A communication from the Secretary of the Department of Health and Human Services, transmitting, pursuant to law, a report relative to animal drug user fees and related expenses for Fiscal Year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-6089. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Auditor's Certification of the District Department of Transportation's Fiscal Year 2008 Performance Accountability Report"; to the Committee on Homeland Security and Governmental Affairs.

EC-6090. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-413, "Master Public Facilities Plan Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6091. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-416, "Old Naval Hospital Community Obligation Requirements Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6092. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-417, "Medicaid Resource Maximization Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6093. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-418, "Withholding of Tax on Lottery Winnings Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6094. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-419, "Third and H Streets, N.E., Economic Development Technical Clarification Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6095. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-429, "Legalization of Marijuana for Medical Treatment Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-6096. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6097. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010 and the Inspector General's Compendium of Unimplemented Recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC-6098. A communication from the Administrator of the Agency for International

Development (USAID), transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6099. A communication from the Secretary of the Department of the Treasury, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010 and the Semi-Annual Report of the Treasury Inspector General for Tax Administration; to the Committee on Homeland Security and Governmental Affairs.

EC-6100. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6101. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Management Report and the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6102. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010 and the Chairman's Semi-Annual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports; to the Committee on Homeland Security and Governmental Affairs.

EC-6103. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6104. A communication from the Secretary of the Department of Energy, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6105. A communication from the Secretary of the Department of Veterans Affairs, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6106. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6107. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6108. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from Octo-

ber 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6109. A communication from the Chair of the U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010 and the Semi-Annual Management Report for the period ending March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6110. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010 and the Attorney General's Semi-Annual Management Report; to the Committee on Homeland Security and Governmental Affairs.

EC-6111. A communication from the Section Chief, Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "FBI Records Management Division National Name Check Section User Fees" (RIN1110-AA29) received in the Office of the President of the Senate on May 28, 2010; to the Committee on the Judiciary.

EC-6112. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Automatic Dependent Surveillance—Broadcast (ADS-B) Equipage Mandate to Support Air Traffic Control Service" ((RIN2120-A192)(Docket No. FAA-2007-29305)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6113. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to the Credit Card Accountability Responsibility and Disclosure Act of 2009; to the Committee on Commerce, Science, and Transportation.

EC-6114. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fees for the Unified Carrier Registration Plan and Agreement" (RIN2126-AB19) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6115. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Lake Champlain Bridge Construction Zone, NY and VT" ((RIN1625-AA11)(Docket No. USG-2010-0176)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6116. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendment to Emergency Fisheries Closure in the Gulf of Mexico Due to the Deepwater Horizon Oil Spill" (RIN0648-AY87) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Com-

mittee on Commerce, Science, and Transportation.

EC-6117. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Jet Route J-120; Alaska" ((RIN2120-AA66)(Docket No. FAA-2009-0007)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6118. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Marion, IL" ((RIN2120-AA66)(Docket No. FAA-2009-1154)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6119. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Claremore, OK" ((RIN2120-AA66)(Docket No. FAA-2009-0538)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6120. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, and 1S1 Turboshift Engines" ((RIN2120-AA64)(Docket No. FAA 05-21242)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6121. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-92A Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0060)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6122. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell-Douglas Corporation Model DC-9-30, DC-9-40, and DC-9-50 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0685)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6123. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate No. A00010WI Previously Held by Raytheon Aircraft Company) Model 390 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0158)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6124. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and 145, 145ER, 145MR, 145LR, 145XR, 145MP, and 145EP Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0714)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6125. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, and 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0792)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6126. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1066)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6127. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0475)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6128. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model BAe 146 and Avro 146-RJ70A, 146-RJ85A, and 146-RJ100A Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1254)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6129. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A, B, and C Helicopters" ((RIN2120-AA64)(Docket No. FAA-2006-24587)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6130. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A.

(EMBRAER) Model ERJ 170 and Model ERJ 190 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0614)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6131. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-20-0476)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6132. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Issuance of Airman Medical Certificates to Applicants Being Treated with Certain Antidepressant Medications; Re-Opening of Comment Period" ((RIN2120-AJ37)(Docket No. FAA-2009-0773)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6133. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Penalty Inflation Adjustment for Commercial Space Adjudications" ((RIN2120-AJ63)(Docket No. FAA-2009-1240)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6134. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Clarification of Parachute Packing Authorization" ((RIN2120-AJ08)(Docket No. FAA-2007-28518)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6135. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Marianna, AR" ((RIN2120-AA66)(Docket No. FAA-2009-1167)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6136. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Manila, AR" ((RIN2120-AA66)(Docket No. FAA-2009-1184)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6137. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Mountain View, AR" ((RIN2120-AA66)(Docket No. FAA-2009-1181)) received during adjournment of the Senate in the Of-

fice of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6138. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Batesville, AR" ((RIN2120-AA66)(Docket No. FAA-2009-1177)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6139. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Beatrice, NE" ((RIN2120-AA66)(Docket No. FAA-2009-0697)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6140. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Restricted Area R-2502A; Fort Irwin, CA" ((RIN2120-AA66)(Docket No. FAA-2010-0471)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6141. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Area Navigation Route Q-15; California" ((RIN2120-AA66)(Docket No. FAA-2010-0028)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6142. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Avon Park Air Force Range; FL" ((RIN2120-AA66)(Docket No. FAA-2008-1261)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6143. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Teledyne Continental Motors (TCM) 240, 346, 360, 470, 520, and 550 Series and Rolls-Royce Motors, Ltd. (R-RM) IO-240-A Reciprocating Engines" ((RIN2120-AA64)(Docket No. FAA-2009-1156)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6144. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (ECF) Model AS332L1 and AS332L2 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0489)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6145. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0491)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6146. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron (Bell) Model 205A, 205A-1, 205B, 212, 412, 412EP, and 412CF and Agusta S.p.A. (Agusta) Model AB412, AB412EP Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0487)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 554. A bill to improve the safety of motorcoaches, and for other purposes (Rept. No. 111-202).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. Res. 339. A resolution to express the sense of the Senate in support of permitting the televising of Supreme Court proceedings.

S. 446. A bill to permit the televising of Supreme Court proceedings.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Ms. LANDRIEU from the Committee on Small Business and Entrepreneurship.

*Marie Collins Johns, of the District of Columbia, to be Deputy Administrator of the Small Business Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN (for herself, Mrs. MURRAY, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. BEGICH, Mr. CASEY, Mr. DORGAN, Mr. BENNET, Mr. SCHUMER, Mr. FRANKEN, Mrs. FEINSTEIN, Mr. KAUFMAN, and Mr. WHITEHOUSE):

S. 3462. A bill to provide subpoena power to the National Commission on the British Petroleum Oil Spill in the Gulf of Mexico, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. DURBIN, and Mr. WHITEHOUSE):

S. 3463. A bill to amend chapter 303 of title 46, United States Code, to provide fair treatment for the families of those killed on the high seas; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 504

At the request of Mr. ROBERTS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 504, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

S. 732

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 732, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 1011

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1011, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 1204

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1204, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1619

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1836

At the request of Mr. MCCAIN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from

Utah (Mr. HATCH) were added as cosponsors of S. 1836, a bill to prohibit the Federal Communications Commission from further regulating the Internet.

S. 1966

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1966, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 2765

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2765, a bill to amend the Small Business Act to authorize loan guarantees for health information technology.

S. 3112

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3112, a bill to remove obstacles to legal sales of United States agricultural commodities to Cuba and to end certain travel restrictions to Cuba.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3235

At the request of Mr. DORGAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3235, a bill to amend the Act titled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior.

S. 3246

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3246, a bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

S. 3266

At the request of Mr. BENNET, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3266, a bill to ensure the availability of loan guarantees for rural homeowners.

S. 3278

At the request of Mr. BENNET, the name of the Senator from Georgia (Mr.

ISAKSON) was added as a cosponsor of S. 3278, a bill to establish the Meth Project Prevention Campaign Grant Program.

S. 3324

At the request of Mr. BROWN of Ohio, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3324, a bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit.

S. 3326

At the request of Ms. CANTWELL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3326, a bill to provide grants to States for low-income housing projects in lieu of low-income housing credits, and to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of the low-income housing credit, and for other purposes.

S. 3339

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3341

At the request of Mr. CARDIN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Alaska (Mr. BEGICH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3341, a bill to amend title 5, United States Code, to extend eligibility for coverage under the Federal Employees Health Benefits Program with respect to certain adult dependents of Federal employees and annuitants, in conformance with amendments made by the Patient Protection and Affordable Care Act.

S. 3419

At the request of Mr. MERKLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3419, a bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S.J. RES. 29

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mrs. FEINSTEIN, the names of the Senator from Colorado (Mr. BENNET), the Senator from Penn-

sylvania (Mr. CASEY), the Senator from Vermont (Mr. LEAHY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S.J. Res. 29, supra.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. DURBIN, and Mr. WHITEHOUSE):

S. 3463. A bill to amend chapter 303 of title 46, United States Code, to provide fair treatment for the families of those killed on the high seas; to the Committee on Commerce, Science, and Transportation.

Mr. LEAHY. Mr. President, today I introduce the Survivors Equality Act to ensure that everyone is treated equally under the Death on the High Seas Act. I thank Senator WHITEHOUSE for joining me in this important effort to provide justice for victims. Earlier today, the Senate Judiciary Committee held a hearing to examine liability issues related to the British Petroleum, BP, oil spill disaster in the Gulf of Mexico. The testimony received at this hearing made it clear that several of our laws need updating.

As a result of the BP oil spill, countless Americans in the Gulf Region have been devastated. Waters, fisheries, wetlands, and coastlines, and the wildlife that enriches those environments, have been injured profoundly. Their livelihoods and way of life will take years of hard work to reclaim.

Among the victims of the explosion that led to the oil spill are 11 men who lost their lives on the Deepwater Horizon oil rig. Their families, including more than a dozen children, have experienced a terrible loss. As Congress responds to the needs of the Gulf Region, these men and the families who lost them must have justice. The legislation I introduce today is a step toward that goal.

The Death on the High Seas Act is one of few Federal remedies for the sur-

vivors of those who were killed on the Deepwater Horizon. The families of these men cannot seek justice under the laws of their states.

In 2000, in response to a tragic airline crash, Congress amended the Death on the High Seas Act to permit recovery of non-pecuniary losses for the surviving family members of air crash victims. While this was the right thing to do, it did not go far enough. Though well-intentioned, this amendment resulted in an inequity based solely on the manner in which a victim was killed. Congress made some strides in modernizing this law then. Now it must finish the job.

Current law provides greater protection to a person killed in an aircraft disaster over international waters than it does for a person killed in a boat or other ocean vessel such as an oil drilling rig. Under the Act today, the surviving family members of a person wrongfully killed in international waters in a boat or other ocean vessel may only recover pecuniary damages. This means they can only seek the lost income of their loved one, and what that person provided to the family in monetary terms.

Not only is this law internally inconsistent, it is out of the legal mainstream. Families who lose a loved one in a workplace accident on land are eligible for more compensation. For example, the families of the 15 employees who were killed in a 2005 BP Texas City refinery explosion had a full range of legal remedies simply because the facility was on dry land. It is unfair that the men on the Deepwater Horizon are afforded less protection because that facility was at sea. Their jobs were no less dangerous, and their losses no less tragic.

In the Judiciary Committee this morning, Senators heard testimony from Christopher Jones. Mr. Jones' brother, Gordon Jones, was among the 11 men who perished on the Deepwater Horizon rig. He died while working to support his young family. Yet simply because of where he was working, his family has less protection under the law than the survivors of a person who loses their life in an aircraft. This is nonsensical and wrong.

Where Federal law provides an exclusive remedy to those who lose their lives in international waters, it should not be unfair. In the law, as in society, great value is placed on the bonds that hold together families. The destruction of those bonds through the misconduct of another is a loss that is recognized by the law. Today, the Death on the High Seas Act fails to recognize universally what it means to a child who will no longer have the guidance of a loving father or a spouse who will no longer have the care and comfort of a devoted wife or husband. It is time for Congress to finish the work that was started a decade ago and make this law fair for all to whom it applies.

As Congress moves forward to address the terrible tragedy that has occurred in the Gulf of Mexico, I urge all Senators to join me in support of this legislation to help the families of the 11 hardworking Americans who were killed during the explosion.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Survivors Equality Act of 2010”.

SEC. 2. FAIR TREATMENT FOR THE FAMILIES OF THOSE KILLED ON THE HIGH SEAS.

Chapter 303 of title 46, United States Code, is amended by striking section 30303 and inserting the following:

“§30303. Amount and apportionment of recovery

“(a) DEFINITION.—In this section, the term ‘nonpecuniary loss’ means loss of care, comfort, and companionship.

“(b) RECOVERY.—The recovery in an action under this chapter shall be a fair compensation for the pecuniary and nonpecuniary loss sustained by the individuals for whose benefit the action is brought. The individuals for whose benefit the action is brought may also recover damages for the decedent’s pre-death pain and suffering.”.

SEC. 3. EFFECTIVE DATE.

The amendment made by this Act shall take effect on the date of enactment of this Act and apply to any civil action filed on or after that date.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4301. Mr. BAUCUS proposed an amendment to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 4302. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4303. Mr. SESSIONS (for himself and Mrs. McCASKILL) proposed an amendment to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4304. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. CASEY, Mr. KAUFMAN, Mrs. HAGAN, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4305. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4306. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4307. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4308. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4309. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4310. Mr. SCHUMER (for himself, Ms. STABENOW, Mr. LEVIN, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4311. Mr. FRANKEN (for himself, Ms. SNOWE, and Mrs. MURRAY) proposed an amendment to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4312. Mr. VITTER (for himself, Mr. GREGG, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4313. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4314. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4315. Mr. SESSIONS (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4316. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4317. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4301. Mr. BAUCUS proposed an amendment to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the amendment of the House, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “American Jobs and Closing Tax Loopholes Act of 2010”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in titles I, II, and IV of this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—INFRASTRUCTURE INCENTIVES

Sec. 101. Extension of Build America Bonds.

Sec. 102. Exempt-facility bonds for sewage and water supply facilities.

Sec. 103. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.

Sec. 104. Extension and additional allocations of recovery zone bond authority.

Sec. 105. Allowance of new markets tax credit against alternative minimum tax.

Sec. 106. Extension of tax-exempt eligibility for loans guaranteed by Federal home loan banks.

Sec. 107. Extension of temporary small issuer rules for allocation of tax-exempt interest expense by financial institutions.

TITLE II—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

Sec. 201. Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.

Sec. 202. Incentives for biodiesel and renewable diesel.

Sec. 203. Credit for electricity produced at certain open-loop biomass facilities.

Sec. 204. Extension and modification of credit for steel industry fuel.

Sec. 205. Credit for producing fuel from coke or coke gas.

Sec. 206. New energy efficient home credit.

Sec. 207. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.

Sec. 208. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.

Sec. 209. Suspension of limitation on percentage depletion for oil and gas from marginal wells.

Sec. 210. Direct payment of energy efficient appliances tax credit.

Sec. 211. Modification of standards for windows, doors, and skylights with respect to the credit for non-business energy property.

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

Sec. 221. Deduction for certain expenses of elementary and secondary school teachers.

Sec. 222. Additional standard deduction for State and local real property taxes.

Sec. 223. Deduction of State and local sales taxes.

Sec. 224. Contributions of capital gain real property made for conservation purposes.

Sec. 225. Above-the-line deduction for qualified tuition and related expenses.

Sec. 226. Tax-free distributions from individual retirement plans for charitable purposes.

Sec. 227. Look-thru of certain regulated investment company stock in determining gross estate of non-residents.

PART II—LOW-INCOME HOUSING CREDITS

Sec. 231. Election for direct payment of low-income housing credit for 2010.

Subtitle C—Business Tax Relief

Sec. 241. Research credit.

Sec. 242. Indian employment tax credit.

Sec. 243. New markets tax credit.

Sec. 244. Railroad track maintenance credit.

Sec. 245. Mine rescue team training credit.

- Sec. 246. Employer wage credit for employees who are active duty members of the uniformed services.
- Sec. 247. 5-year depreciation for farming business machinery and equipment.
- Sec. 248. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
- Sec. 249. 7-year recovery period for motor-sports entertainment complexes.
- Sec. 250. Accelerated depreciation for business property on an Indian reservation.
- Sec. 251. Enhanced charitable deduction for contributions of food inventory.
- Sec. 252. Enhanced charitable deduction for contributions of book inventories to public schools.
- Sec. 253. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
- Sec. 254. Election to expense mine safety equipment.
- Sec. 255. Special expensing rules for certain film and television productions.
- Sec. 256. Expensing of environmental remediation costs.
- Sec. 257. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
- Sec. 258. Modification of tax treatment of certain payments to controlling exempt organizations.
- Sec. 259. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.
- Sec. 260. Timber REIT modernization.
- Sec. 261. Treatment of certain dividends of regulated investment companies.
- Sec. 262. RIC qualified investment entity treatment under FIRPTA.
- Sec. 263. Exceptions for active financing income.
- Sec. 264. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
- Sec. 265. Basis adjustment to stock of S corps making charitable contributions of property.
- Sec. 266. Empowerment zone tax incentives.
- Sec. 267. Tax incentives for investment in the District of Columbia.
- Sec. 268. Renewal community tax incentives.
- Sec. 269. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
- Sec. 270. Payment to American Samoa in lieu of extension of economic development credit.
- Sec. 271. Election to temporarily utilize unused AMT credits determined by domestic investment.
- Sec. 272. Study of extended tax expenditures.
- Subtitle D—Temporary Disaster Relief Provisions
- PART I—NATIONAL DISASTER RELIEF
- Sec. 281. Waiver of certain mortgage revenue bond requirements.
- Sec. 282. Losses attributable to federally declared disasters.
- Sec. 283. Special depreciation allowance for qualified disaster property.
- Sec. 284. Net operating losses attributable to federally declared disasters.
- Sec. 285. Expensing of qualified disaster expenses.
- PART II—REGIONAL PROVISIONS
- SUBPART A—NEW YORK LIBERTY ZONE
- Sec. 291. Special depreciation allowance for nonresidential and residential real property.
- Sec. 292. Tax-exempt bond financing.
- SUBPART B—GO ZONE
- Sec. 295. Increase in rehabilitation credit.
- Sec. 296. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.
- Sec. 297. Extension of low-income housing credit rules for buildings in GO zones.
- TITLE III—PENSION FUNDING RELIEF
- Subtitle A—Single-Employer Plans
- Sec. 301. Extended period for single-employer defined benefit plans to amortize certain shortfall amortization bases.
- Sec. 302. Application of extended amortization period to plans subject to prior law funding rules.
- Sec. 303. Suspension of certain funding level limitations.
- Sec. 304. Lookback for credit balance rule.
- Sec. 305. Information reporting.
- Sec. 306. Rollover of amounts received in airline carrier bankruptcy.
- Subtitle B—Multiemployer Plans
- Sec. 311. Optional use of 30-year amortization periods.
- Sec. 312. Optional longer recovery periods for multiemployer plans in endangered or critical status.
- Sec. 313. Modification of certain amortization extensions under prior law.
- Sec. 314. Alternative default schedule for plans in endangered or critical status.
- Sec. 315. Transition rule for certifications of plan status.
- TITLE IV—REVENUE OFFSETS
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- Sec. 401. Rules to prevent splitting foreign tax credits from the income to which they relate.
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- Sec. 405. Special rule with respect to certain redemptions by foreign subsidiaries.
- Sec. 406. Modification of affiliation rules for purposes of rules allocating interest expense.
- Sec. 407. Termination of special rules for interest and dividends received from persons meeting the 80-percent foreign business requirements.
- Sec. 408. Source rules for income on guarantees.
- Sec. 409. Limitation on extension of statute of limitations for failure to notify Secretary of certain foreign transfers.
- Subtitle B—Personal Service Income Earned in Pass-thru Entities
- Sec. 411. Partnership interests transferred in connection with performance of services.
- Sec. 412. Income of partners for performing investment management services treated as ordinary income received for performance of services.
- Sec. 413. Employment tax treatment of professional service businesses.
- Subtitle C—Corporate Provisions
- Sec. 421. Treatment of securities of a controlled corporation exchanged for assets in certain reorganizations.
- Sec. 422. Taxation of boot received in reorganizations.
- Subtitle D—Other Provisions
- Sec. 431. Modifications with respect to Oil Spill Liability Trust Fund.
- Sec. 432. Time for payment of corporate estimated taxes.
- TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE
- Subtitle A—Unemployment Insurance and Other Assistance
- Sec. 501. Extension of unemployment insurance provisions.
- Sec. 502. Coordination of emergency unemployment compensation with regular compensation.
- Sec. 503. Extension of the Emergency Contingency Fund.
- Subtitle B—Health Provisions
- Sec. 511. Extension of section 508 reclassifications.
- Sec. 512. Repeal of delay of RUG-IV.
- Sec. 513. Limitation on reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
- Sec. 514. Funding for claims reprocessing.
- Sec. 515. Medicaid and CHIP technical corrections.
- Sec. 516. Addition of inpatient drug discount program to 340B drug discount program.
- Sec. 517. Continued inclusion of orphan drugs in definition of covered outpatient drugs with respect to children's hospitals under the 340B drug discount program.
- Sec. 518. Conforming amendment related to waiver of coinsurance for preventive services.
- Sec. 519. Establish a CMS-IRS data match to identify fraudulent providers.
- Sec. 520. Clarification of effective date of part B special enrollment period for disabled TRICARE beneficiaries.
- Sec. 521. Physician payment update.
- Sec. 522. Adjustment to Medicare payment localities.
- Sec. 523. Clarification of 3-day payment window.
- Sec. 524. Extension of ARRA increase in FMAP.
- TITLE VI—OTHER PROVISIONS
- Sec. 601. Extension of national flood insurance program.
- Sec. 602. Allocation of geothermal receipts.
- Sec. 603. Small business loan guarantee enhancement extensions.
- Sec. 604. Emergency agricultural disaster assistance.

- Sec. 605. Summer employment for youth.
 Sec. 606. Housing Trust Fund.
 Sec. 607. The Individual Indian Money Account Litigation Settlement Act of 2010.
 Sec. 608. Appropriation of funds for final settlement of claims from In re Black Farmers Discrimination Litigation.
 Sec. 609. Expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all chapter 61 disability retirees regardless of disability rating percentage or years of service.
 Sec. 610. Extension of use of 2009 poverty guidelines.
 Sec. 611. Refunds disregarded in the administration of Federal programs and federally assisted programs.
 Sec. 612. State court improvement program.
 Sec. 613. Qualifying timber contract options.
 Sec. 614. Extension and flexibility for certain allocated surface transportation programs.
 Sec. 615. Community College and Career Training Grant Program.
 Sec. 616. Extensions of duty suspensions on cotton shirting fabrics and related provisions.
 Sec. 617. Modification of Wool Apparel Manufacturers Trust Fund.
 Sec. 618. Department of Commerce Study.
 Sec. 619. ARRA planning and reporting.
 Sec. 620. Amendment of Travel Promotion Act of 2009.

TITLE VII—BUDGETARY PROVISIONS

- Sec. 701. Budgetary provisions.

TITLE I—INFRASTRUCTURE INCENTIVES

SEC. 101. EXTENSION OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 54AA(d)(1) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

(b) EXTENSION OF PAYMENTS TO ISSUERS.—

(1) IN GENERAL.—Section 6431 is amended—

(A) by striking “January 1, 2011” in subsection (a) and inserting “January 1, 2013”; and

(B) by striking “January 1, 2011” in subsection (f)(1)(B) and inserting “a particular date”.

(2) CONFORMING AMENDMENTS.—Subsection (g) of section 54AA is amended—

(A) by striking “January 1, 2011” and inserting “January 1, 2013”; and

(B) by striking “QUALIFIED BONDS ISSUED BEFORE 2011” in the heading and inserting “CERTAIN QUALIFIED BONDS”.

(c) REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.—Subsection (b) of section 6431 is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(2) by striking “35 percent” and inserting “the applicable percentage”; and

(3) by adding at the end the following new paragraph:

“(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term ‘applicable percentage’ means the percentage determined in accordance with the following table:

| “In the case of a qualified bond issued during calendar year:” | The applicable percentage is: |
|--|-------------------------------|
| 2009 or 2010 | 35 percent |
| 2011 | 32 percent |
| 2012 | 30 percent”. |

(d) CURRENT REFUNDINGS PERMITTED.—Subsection (g) of section 54AA is amended by

adding at the end the following new paragraph:

“(3) TREATMENT OF CURRENT REFUNDING BONDS.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘qualified bond’ includes any bond (or series of bonds) issued to refund a qualified bond if—

“(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

“(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

“(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

“(B) APPLICABLE PERCENTAGE.—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

“(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).”.

(e) CLARIFICATION RELATED TO LEVEES AND FLOOD CONTROL PROJECTS.—Subparagraph (A) of section 54AA(g)(2) is amended by inserting “(including capital expenditures for levees and other flood control projects)” after “capital expenditures”.

SEC. 102. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting “(4), (5),” after “(2).”.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking “(4), (5), (6),” and inserting “(6)”.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

“(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).”.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking “paragraph (3)” and inserting “paragraphs (3) and (4).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 103. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 104. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) EXTENSION OF RECOVERY ZONE BOND AUTHORITY.—Section 1400U-2(b)(1) and section 1400U-3(b)(1)(B) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.—Section 1400U-1 is amended by adding at the end the following new subsection:

“(c) ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.—

“(1) IN GENERAL.—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

“(2) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9 percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

“(3) ALLOCATIONS BY STATES.—

“(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county’s or municipality’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all the counties and large municipalities (as so defined) in such State.

“(B) 2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.—Each State shall reduce (but not below zero)—

“(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

“(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

“(C) WAIVER OF SUBALLOCATIONS.—A county or municipality may waive any portion of an allocation made under this paragraph. A county or municipality shall be treated as having waived any portion of an allocation made under this paragraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.

“(D) SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

“(4) 2009 UNEMPLOYMENT NUMBER.—For purposes of this subsection, the term ‘2009 unemployment number’ means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

“(5) 2010 NATIONAL LIMITATIONS.—

“(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—The 2010 national recovery zone economic development bond limitation is \$10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-2 in the same manner as an allocation of national recovery zone economic development bond limitation.

“(B) RECOVERY ZONE FACILITY BONDS.—The 2010 national recovery zone facility bond limitation is \$15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-3 in the same manner as an allocation of national recovery zone facility bond limitation.”.

(C) AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.—Subparagraph (A) of section 1400U-1(a)(3) is amended by adding at the end the following: “A county or municipality shall be treated as having waived any portion of an allocation made under this subparagraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.”.

SEC. 105. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

“(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2012.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

SEC. 106. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 107. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking “or 2010” and inserting “, 2010, or 2011”.

(b) CONFORMING AMENDMENT.—Subparagraph (G) of section 265(b)(3) is amended by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

TITLE II—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

SEC. 201. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

SEC. 202. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 203. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended—

(1) by striking “5-year period” and inserting “6-year period”; and

(2) by adding at the end the following: “In the case of the last year of the 6-year period described in the preceding sentence, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 80 percent of such credit determined without regard to this sentence.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

SEC. 204. EXTENSION AND MODIFICATION OF CREDIT FOR STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

“(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.”.

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking “(or any modification to a facility)”;

(2) by inserting “or after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010 and before January 1, 2011,” after “2010.”.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting “, a blend of coal and petroleum coke, or other coke feedstock” after “on coal”.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

“With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person’s rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.”.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

“(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.”.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting “(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))” after “service”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

SEC. 205. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) IN GENERAL.—Paragraph (1) of section 45K(g) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 206. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 207. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of paragraph (2), and

“(C) December 31, 2009, in any other case.”.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of subsection (d)(2), and

“(C) December 31, 2009, in any other case.”.

(c) PAYMENT AUTHORITY.—

(1) IN GENERAL.—Paragraph (6) of section 6427(e) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “, and”, and by adding at the end the following new subparagraph:

“(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2010.”.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6427(e)(6) is amended by inserting “or (E)” after “subparagraph (D)”.

(d) EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.—The last sentence of section 6426(d)(2) is amended by striking “or biodiesel” and inserting “biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 208. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

“(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order—

“(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

“(II) to be independent from market participants or to be an independent transmission company within the meaning of such Commission’s rules applicable to independent transmission providers, and”.

(2) RELATED PERSONS.—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

“For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to dispositions after December 31, 2009.

(2) MODIFICATIONS.—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

SEC. 209. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 210. DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax

imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

SEC. 211. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking “unless” and all that follows and inserting “unless—

“(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

“(B) in the case of any component placed in service after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

“(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

SEC. 221. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 222. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 223. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 224. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 225. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

(c) TEMPORARY COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—In the case of any taxpayer for any taxable year beginning in 2010, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer’s net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 26 of such Code).

SEC. 226. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

SEC. 227. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

PART II—LOW-INCOME HOUSING CREDITS

SEC. 231. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) ELECTION FOR DIRECT PAYMENT OF CREDIT.—

“(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, multiplied by

“(B) 10.

“(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the

amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “42(n),” after “36C,”.

Subtitle C—Business Tax Relief

SEC. 241. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 242. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 243. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (F) of section 45D(f)(1) is amended by inserting “and 2010” after “2009”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2015”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

SEC. 244. RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

SEC. 245. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4), as amended by section 105, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

“(vii) the credit determined under section 45N.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) ALLOWANCE AGAINST AMT.—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 246. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 247. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) IN GENERAL.—Clause (vii) of section 168(e)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 248. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010,”.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 249. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 250. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 251. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 252. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 253. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 254. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 255. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 256. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 257. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”; and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 258. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 259. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

SEC. 260. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking “means” and all that follows and inserting “means December 31, 2010.”

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking “the first taxable year beginning after the date of the enactment of this subparagraph” and inserting “a taxable year beginning on or before the termination date”.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting “in taxable years beginning” after “dispositions”.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting “in a taxable year beginning” after “sale”.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting “in a taxable year beginning” after “In the case of a sale”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 261. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 262. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 263. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 264. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 265. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 266. EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2010”; and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(2) by striking “2014” in the heading and inserting “2015”.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

SEC. 267. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking “December 31, 2009” each place it appears and inserting “December 31, 2010”.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(ii) by striking “2014” in the heading and inserting “2015”.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking “December 31, 2014” and inserting “December 31, 2015”.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) HOMEBUYER CREDIT.—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

SEC. 268. RENEWAL COMMUNITY TAX INCENTIVES.

(a) IN GENERAL.—Subsection (b) of section 1400E is amended—

(1) by striking “December 31, 2009” in paragraphs (1)(A) and (3) and inserting “December 31, 2010”; and

(2) by striking “January 1, 2010” in paragraph (3) and inserting “January 1, 2011”.

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) LIMITATION ON PERIOD OF GAINS.—Paragraph (2) of section 1400F(c) is amended—

(A) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(B) by striking “2014” in the heading and inserting “2015”.

(3) CLERICAL AMENDMENT.—Subsection (d) of section 1400F is amended by striking “and ‘December 31, 2014’ for ‘December 31, 2014’”.

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

(1) IN GENERAL.—Subsection (g) of section 1400I is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 1400I(d)(2) is amended by striking “after 2001 and before 2010” and inserting “which begins after 2001 and before the date referred to in subsection (g)”.

(d) INCREASED EXPENSING UNDER SECTION 179.—Subparagraph (A) of section 1400J(b)(1) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) ACQUISITIONS.—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

(A) IN GENERAL.—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) CONFORMING AMENDMENT.—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

SEC. 269. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 270. PAYMENT TO AMERICAN SAMOA IN LIEU OF EXTENSION OF ECONOMIC DEVELOPMENT CREDIT.

The Secretary of the Treasury (or his designee) shall pay \$18,000,000 to the Government of American Samoa for purposes of economic development. The payment made under the preceding sentence shall be treated for purposes of section 1324 of title 31, United States Code, as a refund of internal revenue collections to which such section applies.

SEC. 271. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

“(g) ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.—

“(1) IN GENERAL.—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

“(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term ‘AMT credit adjustment amount’ means, the lesser of—

“(A) 50 percent of a corporation’s minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

“(B) 10 percent of new domestic investments made during such taxable year.

“(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term ‘new domestic investments’ means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

“(A) the original use of which commences with the taxpayer during the taxable year, and

“(B) which is placed in service in the United States by the taxpayer during such taxable year.

“(4) CREDIT REFUNDABLE.—For purposes of subsection (b) of section 6401, the aggregate increase in the credits allowable under this part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

“(5) ELECTION.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

“(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, a corporation shall take into account its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

“(7) NO DOUBLE BENEFIT.—

“(A) IN GENERAL.—A corporation making an election under this subsection may not make an election under subparagraph (H) of section 172(b)(1).

“(B) SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET OPERATING LOSSES.—In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

“(i) ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.—The election under such subparagraph (H) shall (notwithstanding clause (iii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

“(ii) COORDINATION WITH PROVISION FOR EXPEDITED REFUND.—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

“(iii) APPLICATION OF STATUTE OF LIMITATIONS.—With respect to the revocation of an election under clause (i)—

“(I) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

“(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

“(C) EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

“(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.”

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting “53(g),” after “53(e).”

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting “53(g),” after “53(e).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 272. STUDY OF EXTENDED TAX EXPENDITURES.

(a) FINDINGS.—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is constructive for legislation extending these provisions to include a study of such provisions.

(b) REQUIREMENT TO REPORT.—Not later than November 30, 2010, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) ROLLING SUBMISSION OF REPORTS.—The Chief of Staff of the Joint Committee on Taxation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the

tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) CONTENTS OF REPORT.—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure’s overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) MINIMUM ANALYSIS BY DEADLINE.—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

SEC. 281. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking “January 1, 2010” in subparagraphs (A)(i) and (B)(i) and inserting “January 1, 2011”.

(c) TECHNICAL AMENDMENT.—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—The amendments

made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) **TECHNICAL AMENDMENT.**—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

SEC. 282. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) **IN GENERAL.**—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **\$500 LIMITATION.**—Paragraph (1) of section 165(h) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) **\$500 LIMITATION.**—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

SEC. 283. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) **IN GENERAL.**—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

SEC. 284. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) **IN GENERAL.**—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

SEC. 285. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) **IN GENERAL.**—Subparagraph (A) of section 198A(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

SEC. 291. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.

(a) **IN GENERAL.**—Subparagraph (A) of section 1400L(b)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 292. TAX-EXEMPT BOND FINANCING.

(a) **IN GENERAL.**—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone

SEC. 295. INCREASE IN REHABILITATION CREDIT.

(a) **IN GENERAL.**—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 296. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) **IN GENERAL.**—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

SEC. 297. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

TITLE III—PENSION FUNDING RELIEF

Subtitle A—Single-Employer Plans

SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) **ERISA AMENDMENTS.**—

(1) **IN GENERAL.**—Section 303(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)(2)) is amended by adding at the end the following subparagraphs:

“(D) **SPECIAL RULE.**—

“(i) **IN GENERAL.**—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

“(ii) **2 PLUS 7 AMORTIZATION SCHEDULE.**—The shortfall amortization installments described in this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (determined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

“(iii) **15-YEAR AMORTIZATION.**—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting ‘15 plan-year period’ for ‘7-plan-year period’.

“(iv) **ELECTION.**—

“(I) **IN GENERAL.**—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years, to determine shortfall amortization installments under this subparagraph. An election under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

“(II) **ELIGIBILITY FOR ELECTION.**—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

“(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 of the Internal Revenue Code of 1986,

“(cc) there is no lien in favor of the plan under subsection (k) or under section 430(k) of such Code, and

“(dd) a distress termination has not been initiated for the plan under section 4041(c).

“(III) **RULES RELATING TO ELECTION.**—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary of the Treasury and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as such Secretary may prescribe.

“(E) **APPLICABLE PLAN YEAR.**—

“(i) **IN GENERAL.**—For purposes of this paragraph, the term ‘applicable plan year’ means, subject to the election of the plan sponsor under subparagraph (D)(iv), each of not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

“(ii) **SPECIAL RULE RELATING TO 2008.**—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

“(F) **INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.**—

“(i) **IN GENERAL.**—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

“(ii) **BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.**—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

“(iii) **INSTALLMENT ACCELERATION AMOUNT.**—For purposes of this subparagraph—

“(I) **IN GENERAL.**—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

“(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

“(bb) the dividend and redemption amount determined under clause (v) for the plan year.

“(II) **CUMULATIVE LIMITATION.**—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

“(bb) the sum of the shortfall amortization installments for such plan year and all such

preceding plan years, determined after application of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

“(III) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(aa) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

“(bb) CAP TO APPLY.—If any amount treated as an installment acceleration amount under item (aa) or this item with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan year, exceeds the limitation under subclause (II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(cc) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

“(dd) ORDERING RULES.—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(iv) EXCESS EMPLOYEE COMPENSATION.—

“(I) IN GENERAL.—For purposes of this paragraph, the term ‘excess employee compensation’ means the sum of—

“(aa) with respect to any employee, for any plan year, the excess (if any) of—

“(AA) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(BB) \$1,000,000, plus

“(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor.

“(II) NO DOUBLE COUNTING.—No amount shall be taken into account under subclause (I) more than once.

“(III) EMPLOYEE REMUNERATION.—For purposes of this clause, the term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of the Internal Revenue Code of 1986 for the taxable year ending during such calendar year, and the term ‘remuneration’ shall include earned income of such an individual.

“(IV) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—There shall not be taken into account under subclause (I)(aa) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted

stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(V) ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

“(VI) COMMISSIONS.—

“(aa) IN GENERAL.—There shall not be taken into account under subclause (I)(aa) any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(bb) SPECIFIED EMPLOYEES.—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i) of the Internal Revenue Code of 1986) or any employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

“(VII) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

“(aa) such dollar amount, multiplied by

“(bb) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$20,000, such increase shall be rounded to the next lowest multiple of \$20,000.

“(v) CERTAIN DIVIDENDS AND REDEMPTIONS.—

“(I) IN GENERAL.—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

“(aa) the excess of—

“(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

“(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(bb) the sum of—

“(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

“(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

“(II) DEFINITIONS.—

“(aa) ADJUSTED ANNUAL NET INCOME.—For purposes of subclause (I)(aa)(BB), the term ‘adjusted annual net income’ with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

“(bb) DIVIDEND BASE AMOUNT.—For purposes of this clause, the term ‘dividend base amount’ means, with respect to a plan year, an amount equal to the greater of—

“(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

“(III) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(IV) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under subclause (I).

“(V) EXCEPTION FOR STOCK DIVIDENDS.—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

“(VI) EXCEPTION FOR CERTAIN REDEMPTIONS.—The following shall not be taken into account under subclause (I):

“(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

“(AA) are made pursuant to a pension plan that is qualified under section 401 of the Internal Revenue Code of 1986 or a shareholder-approved program, or

“(BB) are made on account of an employee’s termination of employment with the plan sponsor, or the death or disability of a shareholder.

“(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

“(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

“(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

“(vi) OTHER DEFINITIONS AND RULES.—For purposes of this subparagraph—

“(I) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(II) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

“(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

“(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

“(III) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this subparagraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

“(G) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of subparagraphs (D) and

(F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

“(H) REGULATIONS AND GUIDANCE.—The Secretary of the Treasury may prescribe such regulations and other guidance of general applicability as such Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).”.

(2) NOTICE REQUIREMENT.—Section 204 of such Act (29 U.S.C. 1054) is amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection:

“(k) NOTICE IN CONNECTION WITH SHORTFALL AMORTIZATION ELECTION.—

“(1) IN GENERAL.—Not later 30 days after the date of an election under clause (iv) of section 303(c)(2)(D) in connection with a single-employer plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and beneficiaries, and the Pension Benefit Guaranty Corporation.

“(2) MATTERS INCLUDED IN NOTICE.—Each notice provided pursuant to this subsection shall set forth—

“(A) a statement that recently enacted legislation permits employers to delay pension funding;

“(B) with respect to required contributions—

“(i) the amount of contributions that would have been required had the election not been made;

“(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

“(iii) the number of plan years to which such reduction will apply;

“(C) with respect to a plan’s funding status as of the end of the plan year preceding the applicable plan year—

“(i) the liabilities determined under section 4010(d)(1)(A); and

“(ii) the market value of assets of the plan; and

“(D) with respect to installment acceleration amounts (as defined in section 303(c)(2)(F)(iii)(I))—

“(i) an explanation of section 303(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

“(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be provided in the annual funding notice provided pursuant to section 101(f).

“(3) OTHER REQUIREMENTS.—

“(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant. The Secretary of the Treasury shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

“(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

“(4) EFFECT OF EGREGIOUS FAILURE.—

“(A) IN GENERAL.—In the case of any egregious failure to meet any requirement of this subsection with respect to any election, such

election shall be treated as having not been made.

“(B) EGREGIOUS FAILURE.—For purposes of subparagraph (A), there is an egregious failure to meet the requirements of this subsection if such failure is in the control of the plan sponsor and is—

“(i) an intentional failure (including any failure to promptly provide the required notice or information after the plan administrator discovers an unintentional failure to meet the requirements of this subsection),

“(ii) a failure to provide most of the participants and beneficiaries with most of the information they are entitled to receive under this subsection, or

“(iii) a failure which is determined to be egregious under regulations prescribed by the Secretary of the Treasury.

“(5) USE OF NEW TECHNOLOGIES.—The Secretary of the Treasury may, in consultation with the Secretary, by regulations or other guidance of general applicability, allow any notice under this subsection to be provided using new technologies.”.

(C) SUBSEQUENT SUPPLEMENTAL NOTICES.—Section 101(f)(2)(C) of such Act (29 U.S.C. 1021(f)(2)(C)) is amended—

(i) by striking “and” at the end of clause (i);

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following new clause:

“(ii) any excess employee compensation amounts and any dividends and redemptions amounts determined under section 303(c)(2)(F) for the preceding plan year with respect to the plan, and”.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 303(j)(3) of such Act (29 U.S.C. 1083(j)(3)) is amended by adding at the end the following new subparagraph:

“(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).”.

(4) CONFORMING AMENDMENT.—Section 303(c)(1) of such Act (29 U.S.C. 1083(c)(1)) is amended by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”.

(b) IRC AMENDMENTS.—

(1) IN GENERAL.—Section 430(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following subparagraphs:

“(D) SPECIAL RULE.—

“(i) IN GENERAL.—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments described in this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (deter-

mined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting ‘15 plan-year period’ for ‘7-plan-year period’.

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years, to determine shortfall amortization installments under this subparagraph. An election under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

“(II) ELIGIBILITY FOR ELECTION.—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

“(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971,

“(cc) there is no lien in favor of the plan under subsection (k) or under section 303(k) of the Employee Retirement Income Security Act of 1974, and

“(dd) a distress termination has not been initiated for the plan under section 4041(c) of such Act.

“(III) RULES RELATING TO ELECTION.—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as the Secretary may prescribe.

“(E) APPLICABLE PLAN YEAR.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘applicable plan year’ means, subject to the election of the plan sponsor under subparagraph (D)(iv), each of not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

“(ii) SPECIAL RULE RELATING TO 2008.—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

“(F) INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.—

“(i) IN GENERAL.—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

“(ii) BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to

the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

“(iii) **INSTALLMENT ACCELERATION AMOUNT.**—For purposes of this subparagraph—

“(I) **IN GENERAL.**—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

“(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

“(bb) the dividend and redemption amount determined under clause (v) for the plan year.

“(II) **CUMULATIVE LIMITATION.**—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

“(bb) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

“(III) **CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.**—

“(aa) **IN GENERAL.**—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

“(bb) **CAP TO APPLY.**—If any amount treated as an installment acceleration amount under item (aa) or this item with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan year, exceeds the limitation under subclause (II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(cc) **LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.**—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

“(dd) **ORDERING RULES.**—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(iv) **EXCESS EMPLOYEE COMPENSATION.**—

“(I) **IN GENERAL.**—For purposes of this paragraph, the term ‘excess employee compensation’ means the sum of—

“(aa) with respect to any employee, for any plan year, the excess (if any) of—

“(AA) the aggregate amount includible in income under chapter 1 for remuneration

during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(BB) \$1,000,000, plus

“(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor.

“(II) **NO DOUBLE COUNTING.**—No amount shall be taken into account under subclause (I) more than once.

“(III) **EMPLOYEE; REMUNERATION.**—For purposes of this clause, the term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term ‘remuneration’ shall include earned income of such an individual.

“(IV) **CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.**—There shall not be taken into account under subclause (I) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(V) **ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.**—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

“(VI) **COMMISSIONS.**—

“(aa) **IN GENERAL.**—There shall not be taken into account under subclause (I)(aa) any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(bb) **SPECIFIED EMPLOYEES.**—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i)) or any employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

“(VII) **INDEXING OF AMOUNT.**—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

“(aa) such dollar amount, multiplied by

“(bb) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$20,000, such increase shall be rounded to the next lowest multiple of \$20,000.

“(v) **CERTAIN DIVIDENDS AND REDEMPTIONS.**—

“(I) **IN GENERAL.**—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

“(aa) the excess of—

“(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

“(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(bb) the sum of—

“(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

“(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

“(II) **DEFINITIONS.**—

“(aa) **ADJUSTED ANNUAL NET INCOME.**—For purposes of subclause (I)(aa)(BB), the term ‘adjusted annual net income’ with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

“(bb) **DIVIDEND BASE AMOUNT.**—For purposes of this clause, the term ‘dividend base amount’ means, with respect to a plan year, an amount equal to the greater of—

“(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

“(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

“(III) **ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.**—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(IV) **EXCEPTION FOR INTRA-GROUP DIVIDENDS.**—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under subclause (I).

“(V) **EXCEPTION FOR STOCK DIVIDENDS.**—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

“(VI) **EXCEPTION FOR CERTAIN REDEMPTIONS.**—The following shall not be taken into account under subclause (I):

“(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

“(AA) are made pursuant to a pension plan that is qualified under section 401 or a shareholder-approved program, or

“(BB) are made on account of an employee’s termination of employment with the plan sponsor, or the death or disability of a shareholder.

“(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

“(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

“(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

“(vi) **OTHER DEFINITIONS AND RULES.**—For purposes of this subparagraph—

“(I) **PLAN SPONSOR.**—The term ‘plan sponsor’ includes any group of which the plan sponsor is a member and which is treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

“(II) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

“(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

“(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

“(III) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this subparagraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

“(G) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of subparagraphs (D) and (F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

“(H) REGULATIONS AND GUIDANCE.—The Secretary may prescribe such regulations and other guidance of general applicability as the Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).”.

(2) NOTICE REQUIREMENT.—

(A) IN GENERAL.—Section 4980F of such Code is amended—

(i) by striking “subsection (e)” each place it appears in subsection (a) and paragraphs (1) and (3) of subsection (c) and inserting “subsections (e) and (f)”;

(ii) by striking “subsection (e)” in subsection (c)(2)(A) and inserting “subsection (e), (f), or both, as the case may be”; and

(iii) by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) NOTICE IN CONNECTION WITH SHORTFALL AMORTIZATION ELECTION.—

“(1) IN GENERAL.—Not later 30 days after the date of an election under clause (iv) of section 430(c)(2)(D) in connection with a plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and beneficiaries, and the Pension Benefit Guaranty Corporation.

“(2) MATTERS INCLUDED IN NOTICE.—Each notice provided pursuant to this subsection shall set forth—

“(A) a statement that recently enacted legislation permits employers to delay pension funding;

“(B) with respect to required contributions—

“(i) the amount of contributions that would have been required had the election not been made;

“(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

“(iii) the number of plan years to which such reduction will apply;

“(C) with respect to a plan’s funding status as of the end of the plan year preceding the applicable plan year—

“(i) the liabilities determined under section 4010(d)(1)(A) of the Employee Retirement Income Security Act of 1974; and

“(ii) the market value of assets of the plan; and

“(D) with respect to installment acceleration amounts (as defined in section 430(c)(2)(F)(iii)(I))—

“(i) an explanation of section 430(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

“(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be provided in the annual funding notice provided pursuant to section 101(f) of the Employee Retirement Income Security Act of 1974.

“(3) OTHER REQUIREMENTS.—

“(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations or other guidance of general applicability prescribed by the Secretary) to allow plan participants and beneficiaries to understand the effect of the election. The Secretary shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

“(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.”.

(B) CONFORMING AMENDMENT.—Subsection (g) of section 4980F of such Code is amended by inserting “or (f)” after “subsection (e)”.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 430(j)(3) of such Code is amended by adding at the end the following new subparagraph:

“(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).”.

(4) CONFORMING AMENDMENT.—Paragraph (1) of section 430(c) of such Code is amended by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

“SEC. 107. APPLICATION OF FUNDING RELIEF TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) ALTERNATIVE ELECTIONS.—

“(1) IN GENERAL.—Subject to this section, a plan sponsor of a plan to which section 104, 105, or 106 of this Act applies may either elect the application of subsection (b) with respect to the plan for not more than 2 applicable plan years or elect the application of subsection (c) with respect to the plan for 1 applicable plan year.

“(2) ELIGIBILITY FOR ELECTIONS.—An election may be made by a plan sponsor under paragraph (1) with respect to a plan only if at the time of the election—

“(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(B) there are no accumulated funding deficiencies (as defined in section 302(a)(2) of the Employee Retirement Income Security Act of 1974 (as in effect immediately before the enactment of this Act) or in section 412(a) of the Internal Revenue Code of 1986 (as so in effect)) with respect to the plan,

“(C) there is no lien in favor of the plan under section 302(d) (as so in effect) or under section 412(n) of such Code (as so in effect), and

“(D) a distress termination has not been initiated for the plan under section 404(c) of the Employee Retirement Income Security Act of 1974.

“(b) ALTERNATIVE ADDITIONAL FUNDING CHARGE.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of the Employee Retirement Income Security Act of 1974 (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of the Internal Revenue Code of 1986 (as so in effect)—

“(1) the deficit reduction contribution under paragraph (2) of such section 302(d) and paragraph (2) of such section 412(l) for such plan for any applicable plan year, shall be zero, and

“(2) the additional funding charge under paragraph (1) of such section 302(d) and paragraph (1) of such section 412(l) for such plan for any applicable plan year shall be increased by an amount equal to the installment acceleration amount (as defined in sections 303(c)(2)(F)(iii)(I) of such Act (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 430(c)(2)(F)(iii)(I) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined by treating the later of such plan year or the first plan year beginning after December 31, 2009, as the restriction period.

“(c) APPLICATION OF 15-YEAR AMORTIZATION.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of such Code (as so in effect)—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in paragraph (4)(C) of such section 302(d) and paragraph (4)(C) of such section 412(l) for any pre-effective date plan year beginning with or after the applicable plan year shall be the ratio of—

“(A) the annual installments payable in each plan year if the increased unfunded new liability for such plan year were amortized in equal installments over the period beginning with such plan year and ending with the last plan year in the period of 15 plan years beginning with the applicable plan year, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year,

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section, and

“(3) the additional funding charge with respect to the plan for a plan year shall be increased by an amount equal to the installment acceleration amount (as defined in section 303(c)(2)(F)(iii) of such Act (as amended

by the American Jobs and Closing Tax Loopholes Act of 2010 and section 430(c)(2)(F)(iii) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined without regard to subclause (II) of such sections 303(c)(2)(F)(iii) and 430(c)(2)(F)(iii).

“(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) APPLICABLE PLAN YEAR.—

“(A) IN GENERAL.—The term ‘applicable plan year’ with respect to a plan means, subject to the election of the plan sponsor under subsection (a), a plan year beginning in 2009, 2010, or 2011.

“(B) ELECTION.—

“(i) IN GENERAL.—The election described in subsection (a) shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary of the Treasury.

“(ii) REDUCTION IN YEARS WHICH MAY BE ELECTED.—The number of applicable plan years for which an election may be made under section 303(c)(2)(D) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) or section 430(c)(2)(D) of the Internal Revenue Code of 1986 (as so amended) shall be reduced by the number of applicable plan years for which an election under this section is made.

“(C) ALLOCATION OF INSTALLMENT ACCELERATION AMOUNT FOR MULTIPLE PLAN ELECTION.—In the case of an election under this section with respect to 2 or more plans by the same plan sponsor, the installment acceleration amount shall be apportioned ratably with respect to such plans in proportion to the deficit reduction contributions of the plans determined without regard to subsection (b)(1).

“(2) PLAN SPONSOR.—The term ‘plan sponsor’ shall have the meaning provided such term in section 303(c)(2)(F)(vi)(I) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and section 430(c)(2)(F)(vi)(I) of the Internal Revenue Code of 1986 (as so amended).

“(3) PRE-EFFECTIVE DATE PLAN YEAR.—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(4) INCREASED UNFUNDED NEW LIABILITY.—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(c)(2) of such Code (as so in effect) equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act (as so in effect) and 412(l)(8)(B) of such Code (as so in effect)) of the plan for the second plan year preceding the first applicable plan year of such plan for which an election under this section is made.

“(5) OTHER DEFINITIONS.—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act (as so in effect) and section 412(l) of such Code (as so in effect).

“(6) ADDITIONAL FUNDING CHARGE INCREASE NOT TO EXCEED RELIEF.—

“(A) ELECTION UNDER SUBSECTION (B).—In the case of an election under subsection (b), an increase resulting from the application of

subsection (b)(2) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

“(i) the deficit reduction contribution under section 302(d)(2) of such Act (as so in effect) and section 412(l)(2) of such Code (as so in effect) for such plan year, determined as if the election had not been made, over

“(ii) the deficit reduction contribution under such sections for such plan (determined without regard to any increase under subsection (b)(2)).

“(B) ELECTION UNDER SUBSECTION (C).—An increase resulting from the application of subsection (c)(3) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

“(i) the sum of the deficit reduction contributions under section 302(d)(2) of such Act (as so in effect) and section 412(l)(2) of such Code (as so in effect) for such plan year and for all preceding plan years beginning with or after the applicable plan year, determined as if the election had not been made, over

“(ii) the sum of the deficit reduction contributions under such sections for such plan years (determined without regard to any increase under subsection (c)(3)).

“(e) NOTICE.—Not later 30 days after the date of an election under subsection (a) in connection with a plan, the plan administrator shall provide notice pursuant to, and subject to, rules similar to the rules of sections 204(k) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 4980F(f) of the Internal Revenue Code of 1986 (as so amended).”

“(b) ELIGIBLE CHARITY PLANS.—Section 104 of such Act is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”; and

(2) by adding at the end the following new subsection:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if—

“(1) the plan is maintained by one or more employers employing employees who are accruing benefits based on service for the plan year,

“(2) such employees are employed in at least 20 States,

“(3) each such employee (other than a de minimis number of employees) is employed by an employer described in section 501(c)(3) of such Code and the primary exempt purpose of each such employer is to provide services with respect to children, and

“(4) the plan sponsor elects (at such time and in such form and manner as shall be prescribed by the Secretary of the Treasury) to be so treated.

Any election under this subsection may be revoked only with the consent of the Secretary of the Treasury.”

(c) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out the purposes of the amendments made by this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2009.

(2) ELIGIBLE CHARITY PLANS.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2009.

SEC. 303. SUSPENSION OF CERTAIN FUNDING LEVEL LIMITATIONS.

(a) LIMITATIONS ON BENEFIT ACCRUALS.—Section 203 of the Worker, Retiree, and Em-

ployer Recovery Act of 2008 (Public Law 110-458; 122 Stat. 5118) is amended—

(1) by striking “the first plan year beginning during the period beginning on October 1, 2008, and ending on September 30, 2009” and inserting “any plan year beginning during the period beginning on October 1, 2008, and ending on December 31, 2011”; and

(2) by striking “substituting” and all that follows through “for such plan year” and inserting “substituting for such percentage the plan’s adjusted funding target attainment percentage for the last plan year ending before September 30, 2009.”; and

(3) by striking “for the preceding plan year is greater” and inserting “for such last plan year is greater”.

(b) SOCIAL SECURITY LEVEL-INCOME OPTIONS.—

(1) ERISA AMENDMENT.—Section 206(g)(3)(E) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new sentence: “For purposes of applying clause (i) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 204(b)(1)(G)).”

(2) IRC AMENDMENT.—Section 436(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “For purposes of applying subparagraph (A) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 411(a)(9)).”

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to annuity payments the annuity starting date for which occurs on or after January 1, 2011.

(B) PERMITTED APPLICATION.—A plan shall not be treated as failing to meet the requirements of sections 206(g) of the Employee Retirement Income Security Act of 1974 (as amended by this subsection) and section 436(d) of the Internal Revenue Code of 1986 (as so amended) if the plan sponsor elects to apply the amendments made by this subsection to payments the annuity starting date for which occurs on or after the date of the enactment of this Act and before January 1, 2011.

(c) APPLICATION OF CREDIT BALANCE WITH RESPECT TO LIMITATIONS ON SHUTDOWN BENEFITS AND UNPREDICTABLE CONTINGENT EVENT BENEFITS.—With respect to plan years beginning on or before December 31, 2011, in applying paragraph (5)(C) of subsection (g) of section 206 of the Employee Retirement Income Security Act of 1974 and subsection (f)(3) of section 436 of the Internal Revenue Code of 1986 in the case of unpredictable contingent events (within the meaning of section 206(g)(1)(C) of such Act and section 436(b)(3) of such Code) occurring on or after January 1, 2010, the references, in clause (i) of such paragraph (5)(C) and subparagraph (A) of such subsection (f)(3), to paragraph (1)(B) of such subsection (g) and subsection (b)(2) of such section 436 shall be disregarded.

SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement

Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN PLAN YEARS.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.”.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN PLAN YEARS.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary.”.

SEC. 305. INFORMATION REPORTING.

(a) IN GENERAL.—Section 4010(b) of the Employee Retirement Security Act of 1974 (29 U.S.C. 1310(b)) is amended by striking paragraph (1) and inserting the following:

“(1) either of the following requirements are met:

“(A) the funding target attainment percentage (as defined in subsection (d)(2)(B)) at the end of the preceding plan year of a plan maintained by the contributing sponsor or any member of its controlled group is less than 80 percent; or

“(B) the aggregate unfunded vested benefits (as determined under section 4006(a)(3)(E)(iii)) of plans maintained by the contributing sponsor and the members of its controlled group exceed \$75,000,000 (disregarding plans with no unfunded vested benefits);”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after 2009.

SEC. 306. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and

transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008 may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2011).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term “airline payment amount” means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007; and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to

deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term “qualified airline employee” means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code; and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term “traditional IRA” means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term “Roth IRA” has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

Subtitle B—Multiemployer Plans

SEC. 311. OPTIONAL USE OF 30-YEAR AMORTIZATION PERIODS.

(a) ELECTIVE SPECIAL RELIEF RULES.—

(1) ERISA AMENDMENT.—Section 304(b) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new paragraph:

“(8) ELECTIVE SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses or gains to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year for which the allocable portion is determined, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If an election is made under clause (i) for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the

plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

“(iii) DEFINITIONS AND RULES.—For purposes of this subparagraph—

“(I) NET INVESTMENT LOSSES.—

“(aa) IN GENERAL.—The net investment loss incurred by a plan in a plan year is equal to the excess of—

“(AA) the expected value of the assets as of the end of the plan year, over

“(BB) the market value of the assets as of the end of the plan year,

including any difference attributable to a criminally fraudulent investment arrangement.

“(bb) EXPECTED VALUE.—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

“(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

“(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(III) AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

“(IV) ALLOCABLE PORTION OF NET INVESTMENT LOSSES.—Except as provided in subclause (V), the net investment loss incurred in a plan year shall be allocated among the 5 plan years following the plan year in which the investment loss is incurred in accordance with the following table:

| Plan year after the plan year in which the net investment loss was incurred | Allocable portion of net investment loss |
|--|---|
| 1st | 1/2 |
| 2nd | 0 |
| 3rd | 1/6 |
| 4th | 1/6 |
| 5th | 1/6 |

“(V) SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection (c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is incurred is the same as determined under subclause (IV), but the remaining 1/2 of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

“(VI) SPECIAL RULE FOR OVERSTATEMENT OF LOSS.—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

“(VII) SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

“(B) SOLVENCY TEST.—

“(i) IN GENERAL.—An election may be made under this paragraph if the election includes certification by the plan actuary in connection with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

“(ii) FUNDED PERCENTAGE.—For purposes of clause (i), the term ‘funded percentage’ has the meaning provided in section 305(i)(2), except that the value of the plan’s assets referred to in section 305(i)(2)(A) shall be the market value of such assets.

“(iii) ACTUARIAL ASSUMPTIONS.—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 305, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 305(c) or under section 432(c) of the Internal Revenue Code of 1986 or rehabilitation plans adopted under section 305(e) or under section 432(e) of such Code, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

“(C) ADDITIONAL RESTRICTION ON BENEFIT INCREASES.—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

“(II) the plan’s funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner as the Secretary of the Treasury may prescribe.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such election to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.”.

(2) IRC AMENDMENT.—Section 431(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(8) ELECTIVE SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses and gains to be amortized in equal annual installments (until fully amortized) over the period—

“(I) beginning with the plan year for which the allocable portion is determined, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If an election is made under clause (i) for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

“(iii) DEFINITIONS AND RULES.—For purposes of this subparagraph—

“(I) NET INVESTMENT LOSSES.—

“(aa) IN GENERAL.—The net investment loss incurred by a plan in a plan year is equal to the excess of—

“(AA) the expected value of the assets as of the end of the plan year, over

“(BB) the market value of the assets as of the end of the plan year,

including any difference attributable to a criminally fraudulent investment arrangement.

“(bb) EXPECTED VALUE.—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

“(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

“(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(III) AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

“(IV) ALLOCABLE PORTION OF NET INVESTMENT LOSSES.—Except as provided in subclause (V), the net investment loss incurred in a plan year shall be allocated among the 5 plan years following the plan year in which the investment loss is incurred in accordance with the following table:

“Plan year after the plan year in which the net investment loss was incurred

| | Allocable portion of net investment loss |
|-----------|---|
| 1st | ½ |
| 2nd | 0 |
| 3rd | ¼ |
| 4th | ¼ |
| 5th | ¼ |

“(V) SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection (c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is incurred is the same as determined under subclause (IV), but the remaining ½ of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

“(VI) SPECIAL RULE FOR OVERSTATEMENT OF LOSS.—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

“(VII) SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

“(B) SOLVENCY TEST.—

“(i) IN GENERAL.—An election may be made under this paragraph if the election includes certification by the plan actuary in connection with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

“(ii) FUNDED PERCENTAGE.—For purposes of clause (i), the term ‘funded percentage’ has the meaning provided in section 432(i)(2), except that the value of the plan’s assets referred to in section 432(i)(2)(A) shall be the market value of such assets.

“(iii) ACTUARIAL ASSUMPTIONS.—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 432, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 432(c) or under section 305(c) of the Employee Retirement Income Security Act of 1974 or rehabilitation plans adopted under section 432(e) or under section 305(e) of such Act, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

“(C) ADDITIONAL RESTRICTION ON BENEFIT INCREASES.—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

“(II) the plan’s funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I or to comply with other applicable law.

“(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner as the Secretary may prescribe.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such election to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.”.

(b) ASSET SMOOTHING FOR MULTIEMPLOYER PLANS.—

(1) ERISA AMENDMENT.—Section 304(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(c)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

“(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary of the Treasury shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but only if, in the case that the plan sponsor has made an election under subsection (b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.”.

(2) IRC AMENDMENT.—Section 431(c)(2) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

“(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but only if, in the case that the plan sponsor has made an election under subsection (b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.”.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the first day of the first plan year beginning after June 30, 2008, except that any election a plan sponsor makes pursuant to this section or the amendments made thereby that affects the plan’s funding standard account for any plan year beginning before October 1, 2009, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to that plan year.

(2) DEEMED APPROVAL FOR CERTAIN FUNDING METHOD CHANGES.—In the case of a multiemployer plan with respect to which an election has been made under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 (as amended by this section) or section 431(b)(8) of the Internal Revenue Code of 1986 (as so amended)—

(A) any change in the plan’s funding method for a plan year beginning on or after July 1, 2008, and on or before December 31, 2010, from a method that does not establish a base for experience gains and losses to one that does establish such a base shall be treated as approved by the Secretary of the Treasury; and

(B) any resulting funding method change base shall be treated for purposes of amortization as a net experience loss or gain.

SEC. 312. OPTIONAL LONGER RECOVERY PERIODS FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) ERISA AMENDMENTS.—

(1) FUNDING IMPROVEMENT PERIOD.—Section 305(c)(4) of the Employee Retirement Income Security Act of 1974 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

“(C) ELECTION TO EXTEND PERIOD.—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.”.

(2) REHABILITATION PERIOD.—Section 305(e)(4) of such Act is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking “subparagraph (B)” each place it appears and inserting “subparagraph (C)”; and

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) ELECTION TO EXTEND PERIOD.—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.”.

(b) IRC AMENDMENTS.—

(1) FUNDING IMPROVEMENT PERIOD.—Section 432(c)(4) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

“(C) ELECTION TO EXTEND PERIOD.—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary may prescribe.”.

(2) REHABILITATION PERIOD.—Section 432(e)(4) of such Code is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking “subparagraph (B)” each place it appears and inserting “subparagraph (C)”; and

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) ELECTION TO EXTEND PERIOD.—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary may prescribe.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funding improvement periods and rehabilitation periods in connection with funding improvement plans and rehabilitation plans adopted or updated on or after the date of the enactment of this Act.

SEC. 313. MODIFICATION OF CERTAIN AMORTIZATION EXTENSIONS UNDER PRIOR LAW.

(a) IN GENERAL.—In the case of an amortization extension that was granted to a multiemployer plan under the terms of section 304 of the Employee Retirement Income Security Act of 1974 (as in effect immediately prior to enactment of the Pension Protection Act of 2006) or section 412(e) of the Internal Revenue Code (as so in effect), the determination of whether any financial condition on the amortization extension is satisfied shall be made by assuming that for any plan year that contains some or all of the period beginning June 30, 2008, and ending October 31, 2008, the actual rate of return on the plan assets was equal to the interest rate used for purposes of charging or crediting the funding standard account in such plan year, unless the plan sponsor elects otherwise in such form and manner as shall be prescribed by the Secretary of Treasury.

(b) REVOCATION OF AMORTIZATION EXTENSIONS.—The plan sponsor of a multiemployer plan may, in such form and manner and after such notice as may be prescribed by the Secretary, revoke any amortization extension described in subsection (a), effective for plan years following the date of the revocation.

SEC. 314. ALTERNATIVE DEFAULT SCHEDULE FOR PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) ERISA AMENDMENTS.—

(1) ENDANGERED STATUS.—Section 305(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(c)(7)) is amended by adding at the end the following new subparagraph:

“(D) ALTERNATIVE DEFAULT SCHEDULE.—

“(i) IN GENERAL.—A plan sponsor may, for purposes of this paragraph, designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

“(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”.

(2) CRITICAL STATUS.—Section 305(e)(3) of such Act (29 U.S.C. 1085(e)(3)) is amended by adding at the end the following new subparagraph:

“(D) ALTERNATIVE DEFAULT SCHEDULE.—

“(i) IN GENERAL.—A plan sponsor may, for purposes of subparagraph (C), designate an

alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

“(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”.

(b) INTERNAL REVENUE CODE AMENDMENTS.—

(1) ENDANGERED STATUS.—Section 432(c)(7) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(C) ALTERNATIVE DEFAULT SCHEDULE.—

“(i) IN GENERAL.—A plan sponsor may, for purposes of this paragraph, designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

“(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”.

(2) CRITICAL STATUS.—Section 432(e)(3) of such Code is amended by adding at the end the following new subparagraph:

“(D) ALTERNATIVE DEFAULT SCHEDULE.—

“(i) IN GENERAL.—A plan sponsor may, for purposes of subparagraph (C), designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

“(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to designations of default schedules by plan sponsors on or after the date of the enactment of this Act.

(d) CROSS-REFERENCE.—For sunset of the amendments made by this section, see section 221(c) of the Pension Protection Act of 2006.

SEC. 315. TRANSITION RULE FOR CERTIFICATIONS OF PLAN STATUS.

(a) IN GENERAL.—A plan actuary shall not be treated as failing to meet the requirements of section 305(b)(3)(A) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3)(A) of the Internal Revenue Code of 1986 in connection with a certification required under such sections the deadline for which is after the date of the enactment of this Act if the plan actuary makes such certification at any time earlier than 75 days after the date of the enactment of this Act.

(b) REVISION OF PRIOR CERTIFICATION.—

(1) IN GENERAL.—If—

(A) a plan sponsor makes an election under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 and section 431(b)(8) of the Internal Revenue Code of 1986, or under section 304(c)(2)(B) of such Act and section 432(c)(2)(B) such Code, with respect to a plan for a plan year beginning on or after October 1, 2009; and

(B) the plan actuary's certification of the plan status for such plan year (hereinafter in this subsection referred to as “original certification”) did not take into account any election so made,

then the plan sponsor may direct the plan actuary to make a new certification with respect to the plan for the plan year which takes into account such election (hereinafter in this subsection referred to as “new certification”) if the plan's status under section 305 of such Act and section 432 of such Code would change as a result of such election. Any such new certification shall be treated as the most recent certification referred to in section 304(b)(3)(B)(iii) of such Act and section 431(b)(8)(B)(iii) of such Code.

(2) DUE DATE FOR NEW CERTIFICATION.—Any such new certification shall be made pursuant to section 305(b)(3) of such Act and section 432(b)(3) of such Code; except that any such new certification shall be made not later than 75 days after the date of the enactment of this Act.

(3) NOTICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any such new certification shall be treated as the original certification for purposes of section 305(b)(3)(D) of such Act and section 432(b)(3)(D) of such Code.

(B) NOTICE ALREADY PROVIDED.—In any case in which notice has been provided under such sections with respect to the original certification, not later than 30 days after the new certification is made, the plan sponsor shall provide notice of any change in status under rules similar to the rules such sections.

(4) EFFECT OF CHANGE IN STATUS.—If a plan ceases to be in critical status pursuant to the new certification, then the plan shall, not later than 30 days after the due date described in paragraph (2), cease any restriction of benefit payments, and imposition of contribution surcharges, under section 305 of such Act and section 432 of such Code by reason of the original certification.

TITLE IV—REVENUE OFFSETS

Subtitle A—Foreign Provisions

SEC. 401. RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE.

(a) IN GENERAL.—Subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new section:

“SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.

“(a) IN GENERAL.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

“(b) SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

“(1) for purposes of section 902 or 960, or

“(2) for purposes of determining earnings and profits under section 964(a), before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

“(c) SPECIAL RULES.—For purposes of this section—

“(1) APPLICATION TO PARTNERSHIPS, ETC.—In the case of a partnership, subsections (a)

and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

“(2) TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

“(d) DEFINITIONS.—For purposes of this section—

“(1) FOREIGN TAX CREDIT SPLITTING EVENT.—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

“(2) FOREIGN INCOME TAX.—The term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(3) RELATED INCOME.—The term ‘related income’ means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

“(4) COVERED PERSON.—The term ‘covered person’ means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the ‘payor’)—

“(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

“(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

“(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

“(D) any other person specified by the Secretary for purposes of this paragraph.

“(5) SECTION 902 CORPORATION.—The term ‘section 902 corporation’ means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

“(e) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

“(1) appropriate exceptions from the provisions of this section, and

“(2) for the proper application of this section with respect to hybrid instruments.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

“Sec. 909. Suspension of taxes and credits until related income taken into account.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued after May 20, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only

for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

SEC. 402. DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

“(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

“(A) shall not be taken into account in determining the credit allowed under subsection (a), and

“(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

“(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term ‘covered asset acquisition’ means—

“(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

“(B) any transaction which—

“(i) is treated as an acquisition of assets for purposes of this chapter, and

“(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

“(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

“(D) to the extent provided by the Secretary, any other similar transaction.

“(3) DISQUALIFIED PORTION.—For purposes of this section—

“(A) IN GENERAL.—The term ‘disqualified portion’ means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

“(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

“(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

“(B) ALLOCATION OF BASIS DIFFERENCE.—For purposes of subparagraph (A)(i)—

“(i) IN GENERAL.—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

“(ii) SPECIAL RULE FOR DISPOSITION OF ASSETS.—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

“(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

“(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

“(C) BASIS DIFFERENCE.—

“(i) IN GENERAL.—The term ‘basis difference’ means, with respect to any relevant foreign asset, the excess of—

“(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

“(II) the adjusted basis of such asset immediately before the covered asset acquisition.

“(ii) BUILT-IN LOSS ASSETS.—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

“(iii) SPECIAL RULE FOR SECTION 338 ELECTIONS.—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

“(4) RELEVANT FOREIGN ASSETS.—For purposes of this section, the term ‘relevant foreign asset’ means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

“(5) FOREIGN INCOME TAX.—For purposes of this section, the term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(6) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

“(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after—

(A) May 20, 2010, if the transferor and the transferee are related; and

(B) the date of the enactment of this Act in any other case.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section

267 or 707(b) of the Internal Revenue Code of 1986.

SEC. 403. SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES.

(a) IN GENERAL.—Subsection (d) of section 904 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

“(6) SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.—

“(A) IN GENERAL.—If—

“(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

“(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

“(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

“(B) COORDINATION WITH OTHER PROVISIONS.—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

“(C) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 404. LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS.

(a) IN GENERAL.—Section 960 is amended by adding at the end the following new subsection:

“(c) LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.—

“(1) IN GENERAL.—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

“(2) AUTHORITY TO PREVENT ABUSE.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation's foreign income taxes not deemed paid by reason of paragraph (1).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to acquisitions of United States property (as defined in

section 956(c) of the Internal Revenue Code of 1986) after May 20, 2010.

SEC. 405. SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES.

(a) IN GENERAL.—Paragraph (5) of section 304(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would not—

“(i) be subject to tax under this chapter for the taxable year in which the dividends arise, or

“(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to acquisitions after May 20, 2010.

SEC. 406. MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOWING INTEREST EXPENSE.

(a) IN GENERAL.—Subparagraph (A) of section 864(e)(5) is amended by adding at the end the following: “Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

“(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

“(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 407. TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.

(a) IN GENERAL.—Paragraph (1) of section 861(a) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 871(i)(2) is amended to read as follows:

“(B) The active foreign business percentage of—

“(i) any dividend paid by an existing 80/20 company, and

“(ii) any interest paid by an existing 80/20 company.”.

(2) DEFINITIONS AND SPECIAL RULES.—Section 871 is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

“(l) RULES RELATING TO EXISTING 80/20 COMPANIES.—For purposes of this subsection and subsection (i)(2)(B)—

“(1) EXISTING 80/20 COMPANY.—

“(A) IN GENERAL.—The term ‘existing 80/20 company’ means any corporation if—

“(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the enactment of this subsection) for such corporation's last taxable year beginning before January 1, 2011,

“(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

“(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

“(B) FOREIGN BUSINESS REQUIREMENTS.—

“(i) IN GENERAL.—A corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

“(ii) ACTIVE FOREIGN BUSINESS INCOME.—For purposes of clause (i), the term ‘active foreign business income’ means gross income which—

“(I) is derived from sources outside the United States (as determined under this subchapter), and

“(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

“(iii) TESTING PERIOD.—For purposes of this subsection, the term ‘testing period’ means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

“(2) ACTIVE FOREIGN BUSINESS PERCENTAGE.—The term ‘active foreign business percentage’ means, with respect to any existing 80/20 company, the percentage which—

“(A) the active foreign business income of such company for the testing period, is of

“(B) the gross income of such company for the testing period from all sources.

“(3) AGGREGATION RULES.—For purposes of applying paragraph (1) (other than subparagraph (A)(i) thereof) and paragraph (2)—

“(A) IN GENERAL.—The corporation referred to in paragraph (1)(A) and all of such corporation's subsidiaries shall be treated as one corporation.

“(B) SUBSIDIARIES.—For purposes of subparagraph (A), the term ‘subsidiary’ means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting ‘50 percent’ for ‘80 percent’ each place it appears and without regard to section 1504(b)(3)).

“(4) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 861 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) is amended to read as follows:

“(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources within the

United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.”.

(3) Subsection (c) of section 2104 is amended in the last sentence by striking “or to a debt obligation of a domestic corporation” and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

SEC. 408. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 is amended by adding at the end the following new paragraph:

“(9) GUARANTEES.—Amounts—

“(A) received with respect to a guarantee of an obligation of a noncorporate resident or domestic corporation, and

“(B) paid by any foreign person with respect to guarantees if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.”.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 is amended by striking “and” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “; and”, and by adding at the end the following new paragraph:

“(9) amounts received with respect to guarantees other than those derived from sources within the United States as provided in section 861(a)(9).”.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) is amended by striking “dividends or interest” and inserting “dividends, interest, or amounts with respect to guarantees”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

SEC. 409. LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS.

(a) IN GENERAL.—Paragraph (8) of section 6501(c) is amended—

(1) by striking “In the case of any information” and inserting the following:

“(A) IN GENERAL.—In the case of any information”; and

(2) by adding at the end the following:

“(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if

included in section 513 of the Hiring Incentives to Restore Employment Act.

Subtitle B—Personal Service Income Earned in Pass-thru Entities

SEC. 411. PARTNERSHIP INTERESTS TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES.

(a) MODIFICATION TO ELECTION TO INCLUDE PARTNERSHIP INTEREST IN GROSS INCOME IN YEAR OF TRANSFER.—Subsection (c) of section 83 is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) PARTNERSHIP INTERESTS.—Except as provided by the Secretary, in the case of any transfer of an interest in a partnership in connection with the provision of services to (or for the benefit of) such partnership—

“(A) the fair market value of such interest shall be treated for purposes of this section as being equal to the amount of the distribution which the partner would receive if the partnership sold (at the time of the transfer) all of its assets at fair market value and distributed the proceeds of such sale (reduced by the liabilities of the partnership) to its partners in liquidation of the partnership, and

“(B) the person receiving such interest shall be treated as having made the election under subsection (b)(1) unless such person makes an election under this paragraph to have such subsection not apply.”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 83(b) is amended by inserting “or subsection (c)(4)(B)” after “paragraph (1)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interests in partnerships transferred after the date of the enactment of this Act.

SEC. 412. INCOME OF PARTNERS FOR PERFORMING INVESTMENT MANAGEMENT SERVICES TREATED AS ORDINARY INCOME RECEIVED FOR PERFORMANCE OF SERVICES.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:

“SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIP.

“(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

“(1) IN GENERAL.—Notwithstanding section 702(b)—

“(A) any net income with respect to such interest for any partnership taxable year shall be treated as ordinary income, and

“(B) any net loss with respect to such interest for such year, to the extent not disallowed under paragraph (2) for such year, shall be treated as an ordinary loss.

All items of income, gain, deduction, and loss which are taken into account in computing net income or net loss shall be treated as ordinary income or ordinary loss (as the case may be).

“(2) TREATMENT OF LOSSES.—

“(A) LIMITATION.—Any net loss with respect to such interest shall be allowed for any partnership taxable year only to the extent that such loss does not exceed the excess (if any) of—

“(i) the aggregate net income with respect to such interest for all prior partnership taxable years, over

“(ii) the aggregate net loss with respect to such interest not disallowed under this subparagraph for all prior partnership taxable years.

“(B) CARRYFORWARD.—Any net loss for any partnership taxable year which is not allowed by reason of subparagraph (A) shall be treated as an item of loss with respect to such partnership interest for the succeeding partnership taxable year.

“(C) BASIS ADJUSTMENT.—No adjustment to the basis of a partnership interest shall be made on account of any net loss which is not allowed by reason of subparagraph (A).

“(D) PRIOR PARTNERSHIP YEARS.—Any reference in this paragraph to prior partnership taxable years shall only include prior partnership taxable years to which this section applies.

“(3) NET INCOME AND LOSS.—For purposes of this section—

“(A) NET INCOME.—The term ‘net income’ means, with respect to any investment services partnership interest for any partnership taxable year, the excess (if any) of—

“(i) all items of income and gain taken into account by the holder of such interest under section 702 with respect to such interest for such year, over

“(ii) all items of deduction and loss so taken into account.

“(B) NET LOSS.—The term ‘net loss’ means, with respect to such interest for such year, the excess (if any) of the amount described in subparagraph (A)(i) over the amount described in subparagraph (A)(i).

“(4) SPECIAL RULE FOR DIVIDENDS.—Any dividend taken into account in determining net income or net loss for purposes of paragraph (1) shall not be treated as qualified dividend income for purposes of section 1(h).

“(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

“(1) GAIN.—Any gain on the disposition of an investment services partnership interest shall be—

“(A) treated as ordinary income, and

“(B) recognized notwithstanding any other provision of this subtitle.

“(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

“(A) the aggregate net income with respect to such interest for all partnership taxable years to which this section applies, over

“(B) the aggregate net loss with respect to such interest allowed under subsection (a)(2) for all partnership taxable years to which this section applies.

“(3) EXCEPTION FOR CERTAIN DISPOSITIONS OF INTERESTS IN A PUBLICLY TRADED PARTNERSHIP.—

“(A) IN GENERAL.—Paragraphs (1), (2), and (7) shall not apply in the case of an applicable disposition of an investment services partnership interest which is an interest in a publicly traded partnership (as defined in section 7704) if—

“(i) in the case of a disposition described in subparagraph (C)(i), neither the individual nor any member of such individual’s family (within the meaning of section 318(a)(1)), or

“(ii) in the case of a disposition described in subparagraph (C)(ii), neither the regulated investment company or real estate investment trust (nor any person related (within the meaning of section 267(b)) to such company),

has (at any time) provided (directly or indirectly through a partnership, S corporation, estate or trust) any of the services described in subsection (c)(1) with respect to assets held (directly or indirectly) by such publicly traded partnership.

“(B) LIMITATION ON APPLICATION OF SECTION.—This paragraph shall apply to an interest in a publicly traded partnership (as

defined in section 7704) only if substantially all of such partnership's gross income consists of those items described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)) of section 7704.

“(C) APPLICABLE DISPOSITION.—For purposes of this paragraph, the term ‘applicable disposition’ means a disposition (directly or indirectly through a partnership, S corporation, estate or trust) by—

“(i) an individual, or

“(ii) either—

“(I) a regulated investment company other than a regulated investment company treated as closely held (within the meaning of section 856(h)(1)), or

“(II) except as provided by the Secretary, a real estate investment trust.

“(4) ELECTION WITH RESPECT TO CERTAIN EXCHANGES.—Paragraph (1)(B) shall not apply to the contribution of an investment services partnership interest to a partnership in exchange for an interest in such partnership if—

“(A) the taxpayer makes an irrevocable election to treat the partnership interest received in the exchange as an investment services partnership interest, and

“(B) the taxpayer agrees to comply with such reporting and recordkeeping requirements as the Secretary may prescribe.

“(5) DISPOSITION OF PORTION OF INTEREST.—In the case of any disposition of an investment services partnership interest, the amount of net loss which otherwise would have (but for subsection (a)(2)(C)) applied to reduce the basis of such interest shall be disregarded for purposes of this section for all succeeding partnership taxable years.

“(6) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner—

“(A) the excess (if any) of—

“(i) the fair market value of such property at the time of such distribution, over

“(ii) the adjusted basis of such property in the hands of the partnership,

shall be taken into account as an increase in such partner's distributive share of the taxable income of the partnership (except to the extent such excess is otherwise taken into account in determining the taxable income of the partnership),

“(B) such property shall be treated for purposes of subpart B of part II as money distributed to such partner in an amount equal to such fair market value, and

“(C) the basis of such property in the hands of such partner shall be such fair market value.

Subsection (b) of section 734 shall be applied without regard to the preceding sentence. In the case of a taxpayer which satisfies requirements similar to the requirements of subparagraphs (A) and (B) of paragraph (4), this paragraph and paragraph (1)(B) shall not apply to the distribution of a partnership interest if such distribution is in connection with a contribution (or deemed contribution) of any property of the partnership to which section 721 applies pursuant to a transaction described in paragraph (1)(B) or (2) of section 708(b).

“(7) APPLICATION OF SECTION 751.—In applying section 751, an investment services partnership interest shall be treated as an inventory item.

“(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

“(1) IN GENERAL.—The term ‘investment services partnership interest’ means any interest in a partnership which is held (di-

rectly or indirectly) by any person if it was reasonably expected (at the time that such person acquired such interest) that such person (or any person related to such person) would provide (directly or indirectly) a substantial quantity of any of the following services with respect to assets held (directly or indirectly) by the partnership:

“(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

“(B) Managing, acquiring, or disposing of any specified asset.

“(C) Arranging financing with respect to acquiring specified assets.

“(D) Any activity in support of any service described in subparagraphs (A) through (C).

“(2) SPECIFIED ASSET.—The term ‘specified asset’ means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate held for rental or investment, interests in partnerships, commodities (as defined in section 475(e)(2)), or options or derivative contracts with respect to any of the foregoing.

“(3) EXCEPTION FOR FAMILY FARMS.—The term ‘specified asset’ shall not include any farm used for farming purposes if such farm is held by a partnership all of the interests in which are held (directly or indirectly) by members of the same family. Terms used in the preceding sentence which are also used in section 2032A shall have the same meaning as when used in such section.

“(4) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b).

“(d) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

“(1) IN GENERAL.—In the case of any portion of an investment services partnership interest which is a qualified capital interest, all items of income, gain, loss, and deduction which are allocated to such qualified capital interest shall not be taken into account under subsection (a) if—

“(A) allocations of items are made by the partnership to such qualified capital interest in the same manner as such allocations are made to other qualified capital interests held by partners who do not provide any services described in subsection (c)(1) and who are not related to the partner holding the qualified capital interest, and

“(B) the allocations made to such other interests are significant compared to the allocations made to such qualified capital interest.

“(2) AUTHORITY TO PROVIDE EXCEPTIONS TO ALLOCATION REQUIREMENTS.—To the extent provided by the Secretary in regulations or other guidance—

“(A) ALLOCATIONS TO PORTION OF QUALIFIED CAPITAL INTEREST.—Paragraph (1) may be applied separately with respect to a portion of a qualified capital interest.

“(B) NO OR INSIGNIFICANT ALLOCATIONS TO NONSERVICE PROVIDERS.—In any case in which the requirements of paragraph (1)(B) are not satisfied, items of income, gain, loss, and deduction shall not be taken into account under subsection (a) to the extent that such items are properly allocable under such regulations or other guidance to qualified capital interests.

“(C) ALLOCATIONS TO SERVICE PROVIDERS' QUALIFIED CAPITAL INTERESTS WHICH ARE LESS THAN OTHER ALLOCATIONS.—Allocations shall not be treated as failing to meet the requirement of paragraph (1)(A) merely because the allocations to the qualified capital interest represent a lower return than the allocations made to the other qualified capital interests referred to in such paragraph.

“(3) SPECIAL RULE FOR CHANGES IN SERVICES.—In the case of an interest in a partnership which is not an investment services partnership interest and which, by reason of a change in the services with respect to assets held (directly or indirectly) by the partnership, would (without regard to the reasonable expectation exception of subsection (c)(1)) have become such an interest—

“(A) notwithstanding subsection (c)(1), such interest shall be treated as an investment services partnership interest as of the time of such change, and

“(B) for purposes of this subsection, the qualified capital interest of the holder of such partnership interest immediately after such change shall not be less than the fair market value of such interest (determined immediately before such change).

“(4) SPECIAL RULE FOR TIERED PARTNERSHIPS.—Except as otherwise provided by the Secretary, in the case of tiered partnerships, all items which are allocated in a manner which meets the requirements of paragraph (1) to qualified capital interests in a lower-tier partnership shall retain such character to the extent allocated on the basis of qualified capital interests in any upper-tier partnership.

“(5) EXCEPTION FOR NO-SELF-CHARGED CARRY AND MANAGEMENT FEE PROVISIONS.—Except as otherwise provided by the Secretary, an interest shall not fail to be treated as satisfying the requirement of paragraph (1)(A) merely because the allocations made by the partnership to such interest do not reflect the cost of services described in subsection (c)(1) which are provided (directly or indirectly) to the partnership by the holder of such interest (or a related person).

“(6) SPECIAL RULE FOR DISPOSITIONS.—In the case of any investment services partnership interest any portion of which is a qualified capital interest, subsection (b) shall not apply to so much of any gain or loss as bears the same proportion to the entire amount of such gain or loss as—

“(A) the distributive share of gain or loss that would have been allocated to the qualified capital interest (consistent with the requirements of paragraph (1)) if the partnership had sold all of its assets at fair market value immediately before the disposition, bears to

“(B) the distributive share of gain or loss that would have been so allocated to the investment services partnership interest of which such qualified capital interest is a part.

“(7) QUALIFIED CAPITAL INTEREST.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified capital interest’ means so much of a partner's interest in the capital of the partnership as is attributable to—

“(i) the fair market value of any money or other property contributed to the partnership in exchange for such interest (determined without regard to section 752(a)),

“(ii) any amounts which have been included in gross income under section 83 with respect to the transfer of such interest, and

“(iii) the excess (if any) of—

“(I) any items of income and gain taken into account under section 702 with respect to such interest, over

“(II) any items of deduction and loss so taken into account.

“(B) ADJUSTMENT TO QUALIFIED CAPITAL INTEREST.—

“(i) DISTRIBUTIONS AND LOSSES.—The qualified capital interest shall be reduced by distributions from the partnership with respect to such interest and by the excess (if any) of

the amount described in subparagraph (A)(iii)(II) over the amount described in subparagraph (A)(iii)(I).

“(ii) SPECIAL RULE FOR CONTRIBUTIONS OF PROPERTY.—In the case of any contribution of property described in subparagraph (A)(i) with respect to which the fair market value of such property is not equal to the adjusted basis of such property immediately before such contribution, proper adjustments shall be made to the qualified capital interest to take into account such difference consistent with such regulations or other guidance as the Secretary may provide.

“(8) TREATMENT OF CERTAIN LOANS.—

“(A) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS QUALIFIED CAPITAL INTEREST OF SERVICE PROVIDING PARTNERS.—For purposes of this subsection, an investment services partnership interest shall not be treated as a qualified capital interest to the extent that such interest is acquired in connection with the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any other partner or the partnership (or any person related to any such other partner or the partnership).

“(B) REDUCTION IN ALLOCATIONS TO QUALIFIED CAPITAL INTERESTS FOR LOANS FROM NON-SERVICE PROVIDING PARTNERS TO THE PARTNERSHIP.—For purposes of this subsection, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services described in subsection (c)(1) to the partnership (or any person related to such partner) shall be taken into account in determining the qualified capital interests of the partners in the partnership.

“(e) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

“(1) IN GENERAL.—If—

“(A) a person performs (directly or indirectly) investment management services for any entity,

“(B) such person holds (directly or indirectly) a disqualified interest with respect to such entity, and

“(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income. Rules similar to the rules of subsections (a)(4) and (d) shall apply for purposes of this subsection.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) DISQUALIFIED INTEREST.—

“(i) IN GENERAL.—The term ‘disqualified interest’ means, with respect to any entity—

“(I) any interest in such entity other than indebtedness,

“(II) convertible or contingent debt of such entity,

“(III) any option or other right to acquire property described in subclause (I) or (II), and

“(IV) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

“(ii) EXCEPTIONS.—Such term shall not include—

“(I) a partnership interest,

“(II) except as provided by the Secretary, any interest in a taxable corporation, and

“(III) except as provided by the Secretary, stock in an S corporation.

“(B) TAXABLE CORPORATION.—The term ‘taxable corporation’ means—

“(i) a domestic C corporation, or

“(ii) a foreign corporation substantially all of the income of which is—

“(I) effectively connected with the conduct of a trade or business in the United States, or

“(II) subject to a comprehensive foreign income tax (as defined in section 457A(d)(2)).

“(C) INVESTMENT MANAGEMENT SERVICES.—The term ‘investment management services’ means a substantial quantity of any of the services described in subsection (c)(1).

“(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance to—

“(1) provide modifications to the application of this section (including treating related persons as not related to one another) to the extent such modification is consistent with the purposes of this section,

“(2) prevent the avoidance of the purposes of this section, and

“(3) coordinate this section with the other provisions of this title.

“(g) SPECIAL RULES FOR INDIVIDUALS.—In the case of an individual—

“(1) IN GENERAL.—Subsection (a)(1) shall apply only to the applicable percentage of the net income or net loss referred to in such subsection.

“(2) DISPOSITIONS, ETC.—The amount which (but for this paragraph) would be treated as ordinary income by reason of subsection (b) or (e) shall be the applicable percentage of such amount.

“(3) PRO RATA ALLOCATION TO ITEMS.—For purposes of applying subsections (a) and (e), the aggregate amount treated as ordinary income for any such taxable year shall be allocated ratably among the items of income, gain, loss, and deduction taken into account in determining such amount.

“(4) SPECIAL RULE FOR RECOGNITION OF GAIN.—Gain which (but for this section) would not be recognized shall be recognized by reason of subsection (b) only to the extent that such gain is treated as ordinary income after application of paragraph (2).

“(5) COORDINATION WITH LIMITATION ON LOSSES.—For purposes of applying paragraph (2) of subsection (a) with respect to any net loss for any taxable year—

“(A) such paragraph shall only apply with respect to the applicable percentage of such net loss for such taxable year,

“(B) in the case of a prior partnership taxable year referred to in clause (i) or (ii) of subparagraph (A) of such paragraph, only the applicable percentage (as in effect for such prior taxable year) of net income or net loss for such prior partnership taxable year shall be taken into account, and

“(C) any net loss carried forward to the succeeding partnership taxable year under subparagraph (B) of such paragraph shall—

“(i) be taken into account in such succeeding year without reduction under this subsection, and

“(ii) in lieu of being taken into account as an item of loss in such succeeding year, shall be taken into account—

“(I) as an increase in net loss or as a reduction in net income (including below zero), as the case may be, and

“(II) after any reduction in the amount of such net loss or net income under this subsection.

A rule similar to the rule of the preceding sentence shall apply for purposes of subsection (b)(2)(A).

“(6) COORDINATION WITH TREATMENT OF DIVIDENDS.—Subsection (a)(4) shall only apply to the applicable percentage of dividends described therein.

“(7) APPLICABLE PERCENTAGE.—For purposes of this subsection—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘applicable percentage’ means 65 percent (50 percent in the case of any taxable year beginning before January 1, 2013).

“(B) EXCEPTIONS FOR SALES OF ASSETS HELD AT LEAST 7 YEARS.—In the case of any taxable year beginning after December 31, 2012, the applicable percentage shall be 55 percent with respect to any net income or net loss under subsection (a)(1), or any income or gain under subsection (e), which is properly allocable to gain or loss from the sale or exchange of any asset which is held at least 7 years.

“(h) CROSS REFERENCE.—For 40 percent penalty on certain underpayments due to the avoidance of this section, see section 6662.”.

(b) TREATMENT FOR PURPOSES OF SECTION 7704.—Subsection (d) of section 7704 is amended by adding at the end the following new paragraph:

“(6) INCOME FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS NOT QUALIFIED.—

“(A) IN GENERAL.—Items of income and gain shall not be treated as qualifying income if such items are treated as ordinary income by reason of the application of section 710 (relating to special rules for partners providing investment management services to partnership). The preceding sentence shall not apply to any item described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)).

“(B) SPECIAL RULES FOR CERTAIN PARTNERSHIPS.—

“(i) CERTAIN PARTNERSHIPS OWNED BY REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Such partnership is treated as publicly traded under this section solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

“(II) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

“(III) Such partnership meets the requirements of paragraphs (2), (3), and (4) of section 856(c).

“(ii) CERTAIN PARTNERSHIPS OWNING OTHER PUBLICLY TRADED PARTNERSHIPS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

“(I) Substantially all of the assets of such partnership consist of interests in one or more publicly traded partnerships (determined without regard to subsection (b)(2)).

“(II) Substantially all of the income of such partnership is ordinary income or section 1231 gain (as defined in section 1231(a)(3)).

“(C) TRANSITIONAL RULE.—Subparagraph (A) shall not apply to any taxable year of the partnership beginning before the date which is 10 years after the date of the enactment of this paragraph.”.

(c) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (7) the following new paragraph:

“(8) The application of subsection (e) of section 710 or the regulations prescribed under section 710(f) to prevent the avoidance of the purposes of section 710.”.

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:

“(k) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(8), subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.”.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended by striking “or (i)” and inserting “, (i), or (k)”.

(3) SPECIAL RULES FOR APPLICATION OF REASONABLE CAUSE EXCEPTION.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by striking “paragraph (3)” in paragraph (5)(A), as so redesignated, and inserting “paragraph (4)”; and

(C) by inserting after paragraph (2) the following new paragraph:

“(3) SPECIAL RULE FOR UNDERPAYMENTS ATTRIBUTABLE TO INVESTMENT MANAGEMENT SERVICES.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any portion of an underpayment to which this section applies by reason of subsection (b)(8) unless—

“(i) the relevant facts affecting the tax treatment of the item are adequately disclosed,

“(ii) there is or was substantial authority for such treatment, and

“(iii) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

“(B) RULES RELATING TO REASONABLE BELIEF.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of subparagraph (A)(iii).”.

(d) INCOME AND LOSS FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS TAKEN INTO ACCOUNT IN DETERMINING NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) INTERNAL REVENUE CODE.—Section 1402(a) is amended by striking “and” at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting “; and”, and by inserting after paragraph (17) the following new paragraph:

“(18) notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710 with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.”.

(2) SOCIAL SECURITY ACT.—Section 211(a) of the Social Security Act is amended by striking “and” at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting “; and”, and by inserting after paragraph (16) the following new paragraph:

“(17) Notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) of the Internal Revenue Code of 1986 with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710 of such Code with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.”.

(e) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 is amended by inserting “section 710(b)(4) (relating to distributions of partnership property),” after “to the extent otherwise provided by”.

(2) Section 741 is amended by inserting “or section 710 (relating to special rules for partners providing investment management services to partnership)” before the period at the end.

(3) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:

“Sec. 710. Special rules for partners providing investment management services to partnership.”.

(F) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after December 31, 2010.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes December 31, 2010, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—Section 710(b) of the Internal Revenue Code of 1986 (as added by this section) shall apply to dispositions and distributions after December 31, 2010.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(e) of such Code (as added by this section) shall take effect on December 31, 2010.

SEC. 413. EMPLOYMENT TAX TREATMENT OF PROFESSIONAL SERVICE BUSINESSES.

(a) IN GENERAL.—Section 1402 is amended by adding at the end the following new subsection:

“(m) SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.—

“(1) SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.—

“(A) IN GENERAL.—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the professional service business referred to in subparagraph (C) shall take into account such shareholder's pro rata share of all items of income or loss described in section 1366 which are attributable to such business in determining the shareholder's net earnings from self-employment.

“(B) TREATMENT OF FAMILY MEMBERS.—Except as otherwise provided by the Secretary, the shareholder's pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such shareholder's family (within the meaning of section 318(a)(1)) who does not provide substantial services with respect to such professional service business.

“(C) DISQUALIFIED S CORPORATION.—For purposes of this subsection, the term ‘disqualified S corporation’ means—

“(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

“(ii) any other S corporation which is engaged in a professional service business if

the principal asset of such business is the reputation and skill of 3 or fewer employees.

“(2) PARTNERS.—In the case of any partnership which is engaged in a professional service business, subsection (a)(13) shall not apply to any partner who provides substantial services with respect to such professional service business.

“(3) PROFESSIONAL SERVICE BUSINESS.—For purposes of this subsection, the term ‘professional service business’ means any trade or business if substantially all of the activities of such trade or business involve providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.

“(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations which prevent the avoidance of the purposes of this subsection through tiered entities or otherwise.

“(5) CROSS REFERENCE.—For employment tax treatment of wages paid to shareholders of S corporations, see subtitle C.”.

(b) CONFORMING AMENDMENT.—Section 211 of the Social Security Act is amended by adding at the end the following new subsection:

“(1) SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.—

“(1) SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.—

“(A) IN GENERAL.—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the professional service business referred to in subparagraph (C) shall take into account such shareholder's pro rata share of all items of income or loss described in section 1366 of the Internal Revenue Code of 1986 which are attributable to such business in determining the shareholder's net earnings from self-employment.

“(B) TREATMENT OF FAMILY MEMBERS.—Except as otherwise provided by the Secretary of the Treasury, the shareholder's pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such shareholder's family (within the meaning of section 318(a)(1) of the Internal Revenue Code of 1986) who does not provide substantial services with respect to such professional service business.

“(C) DISQUALIFIED S CORPORATION.—For purposes of this subsection, the term ‘disqualified S corporation’ means—

“(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

“(ii) any other S corporation which is engaged in a professional service business if the principal asset of such business is the reputation and skill of 3 or fewer employees.

“(2) PARTNERS.—In the case of any partnership which is engaged in a professional service business, subsection (a)(12) shall not apply to any partner who provides substantial services with respect to such professional service business.

“(3) PROFESSIONAL SERVICE BUSINESS.—For purposes of this subsection, the term ‘professional service business’ means any trade or business if substantially all of the activities of such trade or business involve providing services in the fields of health, law, lobbying,

engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

Subtitle C—Corporate Provisions

SEC. 421. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) **IN GENERAL.**—Section 361 (relating to nonrecognition of gain or loss to corporations; treatment of distributions) is amended by adding at the end the following new subsection:

“(d) **SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.**—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355—

“(1) this section shall be applied by substituting ‘stock other than nonqualified preferred stock (as defined in section 351(g)(2))’ for ‘stock or securities’ in subsections (a) and (b)(1), and

“(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of the liabilities assumed (within the meaning of section 357(c))).”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) **TRANSITION RULE.**—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on March 15, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

SEC. 422. TAXATION OF BOOT RECEIVED IN REORGANIZATIONS.

(a) **IN GENERAL.**—Paragraph (2) of section 356(a) is amended—

(1) by striking “If an exchange” and inserting “Except as otherwise provided by the Secretary—

“(A) **IN GENERAL.**—If an exchange”;

(2) by striking “then there shall be” and all that follows through “February 28, 1913” and inserting “then the amount of other property or money shall be treated as a dividend to the extent of the earnings and profits of the corporation”; and

(3) by adding at the end the following new subparagraph:

“(B) **CERTAIN REORGANIZATIONS.**—In the case of a reorganization described in section 368(a)(1)(D) to which section 354(b)(1) applies or any other reorganization specified by the Secretary, in applying subparagraph (A)—

“(i) the earnings and profits of each corporation which is a party to the reorganization shall be taken into account, and

“(ii) the amount which is a dividend (and source thereof) shall be determined under

rules similar to the rules of paragraphs (2) and (5) of section 304(b).”.

(b) **EARNINGS AND PROFITS.**—Paragraph (7) of section 312(n) is amended by adding at the end the following: “A similar rule shall apply to an exchange to which section 356(a)(1) applies.”.

(c) **CONFORMING AMENDMENT.**—Paragraph (1) of section 356(a) is amended by striking “then the gain” and inserting “then (except as provided in paragraph (2)) the gain”.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) **TRANSITION RULE.**—The amendments made by this section shall not apply to any exchange between unrelated persons pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described in a public announcement or filing with the Securities and Exchange Commission on or before such date.

(3) **RELATED PERSONS.**—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

Subtitle D—Other Provisions

SEC. 431. MODIFICATIONS WITH RESPECT TO OIL SPILL LIABILITY TRUST FUND.

(a) **EXTENSION OF APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.**—Paragraph (2) of section 4611(f) is amended by striking “December 31, 2017” and inserting “December 31, 2020”.

(b) **INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.**—Subparagraph (B) of section 4611(c)(2) is amended to read as follows:

“(B) the Oil Spill Liability Trust Fund financing rate is 41 cents a barrel.”.

(c) **INCREASE IN PER INCIDENT LIMITATIONS ON EXPENDITURES.**—Subparagraph (A) of section 9509(c)(2) is amended—

(1) by striking “\$1,000,000,000” in clause (i) and inserting “\$5,000,000,000”;

(2) by striking “\$500,000,000” in clause (ii) and inserting “\$2,500,000,000”; and

(3) by striking “\$1,000,000,000 PER INCIDENT, ETC” in the heading and inserting “PER INCIDENT LIMITATIONS”.

(d) **EFFECTIVE DATE.**—

(1) **EXTENSION OF FINANCING RATE.**—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) **INCREASE IN FINANCING RATE.**—The amendment made by subsection (b) shall apply to crude oil received and petroleum products entered during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

SEC. 432. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 36 percentage points.

TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

Subtitle A—Unemployment Insurance and Other Assistance

SEC. 501. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) **IN GENERAL.**—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Pub-

lic Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “November 30, 2010”;

(B) in the heading for subsection (b)(2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

(C) in subsection (b)(3), by striking “November 6, 2010” and inserting “April 30, 2011”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “June 2, 2010” and inserting “November 30, 2010”;

(B) in the heading for paragraph (2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

(C) in paragraph (3), by striking “December 7, 2010” and inserting “May 31, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “December 1, 2010”; and

(B) in subsection (c), by striking “November 6, 2010” and inserting “May 1, 2011”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “November 6, 2010” and inserting “April 30, 2011”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking “and” at the end; and

(2) by inserting after subparagraph (E) the following:

“(F) the amendments made by section 501(a)(1) of the American Jobs and Closing Tax Loopholes Act of 2010; and”.

(c) **CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.**—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before “shall apply” the following: “(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111–157).

SEC. 502. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.

(a) **CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR BENEFITS.**—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(g) **COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.**—

“(1) If—

“(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

“(B) that benefit year has expired,

“(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

“(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either \$100 or 25 percent less than the individual’s weekly benefit amount in the benefit year referred to in subparagraph (A),

then the State shall determine eligibility for compensation as provided in paragraph (2).

“(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

“(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(C) The State shall pay, if permitted by State law—

“(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

“(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

“(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

SEC. 503. EXTENSION OF THE EMERGENCY CONTINGENCY FUND.

(a) **IN GENERAL.**—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting “, and for fiscal year 2011, \$2,500,000,000” before “for payment”;

(2) by striking paragraph (2)(B) and inserting the following:

“(B) **AVAILABILITY AND USE OF FUNDS.**—

“(i) **FISCAL YEARS 2009 AND 2010.**—The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2009 shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with paragraph (3), except that the amounts shall remain available through fiscal year 2011 to make grants and payments to States in accordance with paragraph (3)(C) to cover expenditures to subsidize employment positions held by individuals placed in the positions before fiscal year 2011.

“(ii) **FISCAL YEAR 2011.**—Subject to clause (iii), the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall remain available through fiscal year 2012 and shall be used to make grants to States based on expenditures in fiscal year 2011 for benefits and services provided in fiscal year 2011 in accordance with the requirements of paragraph (3).

“(iii) **RESERVATION OF FUNDS.**—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, \$500,000 shall be placed in reserve for

use in fiscal year 2012, and shall be used to award grants for any expenditures described in this subsection incurred by States after September 30, 2011.”;

(3) in paragraph (2)(C), by striking “2010” and inserting “2012”;

(4) in paragraph (3)—

(A) in clause (i) of each of subparagraphs (A), (B), and (C)—

(i) by striking “year 2009 or 2010” and inserting “years 2009 through 2011”;

(ii) by striking “and” at the end of subclause (I);

(iii) by striking the period at the end of subclause (II) and inserting “; and”; and

(iv) by adding at the end the following:

“(III) if the quarter is in fiscal year 2011, has provided the Secretary with such information as the Secretary may find necessary in order to make the determinations, or take any other action, described in paragraph (5)(C).”; and

(B) in subparagraph (C), by adding at the end the following:

“(iv) **LIMITATION ON EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.**—An expenditure for subsidized employment shall be taken into account under clause (ii) only if the expenditure is used to subsidize employment for—

“(I) a member of a needy family (without regard to whether the family is receiving assistance under the State program funded under this part); or

“(II) an individual who has exhausted (or, within 60 days, will exhaust) all rights to receive unemployment compensation under Federal and State law, and who is a member of a needy family.”;

(5) by striking paragraph (5) and inserting the following:

“(5) **LIMITATIONS ON PAYMENTS; ADJUSTMENT AUTHORITY.**—

“(A) **FISCAL YEARS 2009 AND 2010.**—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2009 and 2010 combined shall not exceed 50 percent of the annual State family assistance grant.

“(B) **FISCAL YEAR 2011.**—Subject to subparagraph (C), the total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 30 percent of the annual State family assistance grant.

“(C) **ADJUSTMENT AUTHORITY.**—If the Secretary determines that the Emergency Fund is at risk of being depleted before September 30, 2011, or that funds are available to accommodate additional State requests under this subsection, the Secretary may, through program instructions issued without regard to the requirements of section 553 of title 5, United States Code—

“(i) specify priority criteria for awarding grants to States during fiscal year 2011; and

“(ii) adjust the percentage limitation applicable under subparagraph (B) with respect to the total amount payable to a single State for fiscal year 2011.”; and

(6) in paragraph (6), by inserting “or for expenditures described in paragraph (3)(C)(iv)” before the period.

(b) **CONFORMING AMENDMENTS.**—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(2)—

(A) by striking “2010” and inserting “2011”; and

(B) by striking all that follows “repealed” and inserting a period; and

(2) in subsection (d)(1), by striking “2010” and inserting “2011”.

(c) **PROGRAM GUIDANCE.**—The Secretary of Health and Human Services shall issue pro-

gram guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section to a jurisdiction for subsidized employment do not support any subsidized employment position the annual salary of which is greater than, at State option—

(1) 200 percent of the poverty line (within the meaning of section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section 673(2)) for a family of 4; or

(2) the median wage in the jurisdiction.

Subtitle B—Health Provisions

SEC. 511. EXTENSION OF SECTION 508 RECLASSIFICATIONS.

(a) **IN GENERAL.**—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and sections 3137(a) and 10317 of Public Law 111-148, is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

(b) **CONFORMING AMENDMENT.**—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended by inserting “in fiscal years 2008 and 2009” after “For purposes of implementation of this subsection”.

SEC. 512. REPEAL OF DELAY OF RUG-IV.

Effective as if included in the enactment of Public Law 111-148, section 10325 of such Act is repealed.

SEC. 513. LIMITATION ON REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 3122 of Public Law 111-148 is repealed and the provision of law amended by such section is restored as if such section had not been enacted.

SEC. 514. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of such title that involve reprocessing of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$175,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 515. MEDICAID AND CHIP TECHNICAL CORRECTIONS.

(a) **REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.**—Section 6502 of Public Law 111-148 is repealed and the provisions of law amended by such section are restored as if such section had never been enacted. Nothing in the previous sentence shall affect the execution or placement of the insertion made by section 6503 of such Act.

(b) **INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.**—Effective as if included in the enactment of Public Law 111-148, section 2001(a)(5)(B) of such Act is amended by striking all that follows “is amended” and inserting the following: “by inserting after ‘100 percent’ the following: ‘(or, beginning January 1, 2014, 133 percent)’.”.

(c) **CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.**—Section 601(b) of the Children’s Health Insurance Program Reauthorization

Act of 2009 (Public Law 111-3) is amended by adding at the end the following: "The Secretary is not required under this subsection to calculate or publish a national or a State-specific error rate for fiscal year 2009 or fiscal year 2010."

(d) CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking "PER PERSON" in the heading; and

(B) by striking "each employee" and inserting "employees"; and

(2) in subparagraph (C), by striking "on a case-by-case basis,"

(e) ELECTRONIC HEALTH RECORDS.—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking "reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)" and inserting "reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)"; and

(2) in paragraph (6)(B), by inserting before the period the following: "and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost".

(f) CORRECTIONS OF DESIGNATIONS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking "and" before "(XVI) the medical" and by striking "(XVI) if" and inserting "(XVII) if"; and

(B) in subsection (ii)(2), by striking "(XV)" and inserting "(XVI)".

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111-148 as subparagraph (O).

SEC. 516. ADDITION OF INPATIENT DRUG DISCOUNT PROGRAM TO 340B DRUG DISCOUNT PROGRAM.

(a) ADDITION OF INPATIENT DRUG DISCOUNT.—Title III of the Public Health Service Act is amended by inserting after section 340B (42 U.S.C. 256b) the following:

"SEC. 340B-1. DISCOUNT INPATIENT DRUGS FOR INDIVIDUALS WITHOUT PRESCRIPTION DRUG COVERAGE.

"(a) REQUIREMENTS FOR AGREEMENTS WITH THE SECRETARY.—

"(1) IN GENERAL.—

"(A) AGREEMENT.—The Secretary shall enter into an agreement with each manufacturer of covered inpatient drugs under which the amount required to be paid (taking into account any rebate or discount, as provided by the Secretary) to the manufacturer for covered inpatient drugs (other than drugs described in paragraph (3)) purchased by a covered entity on or after January 1, 2011, does not exceed an amount equal to the average manufacturer price for the drug under title XIX of the Social Security Act in the preceding calendar quarter, reduced by the rebate percentage described in paragraph (2). For a covered inpatient drug that also is a

covered outpatient drug under section 340B, the amount required to be paid under the preceding sentence shall be equal to the amount required to be paid under section 340B(a)(1) for such drug. The agreement with a manufacturer under this subparagraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B.

"(B) CEILING PRICE.—Each such agreement shall require that the manufacturer furnish the Secretary with reports, on a quarterly basis, of the price for each covered inpatient drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the 'ceiling price'), and shall require that the manufacturer offer each covered entity covered inpatient drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.

"(C) ALLOCATION METHOD.—Each such agreement shall require that, if the supply of a covered inpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section.

"(2) REBATE PERCENTAGE DEFINED.—

"(A) IN GENERAL.—For a covered inpatient drug purchased in a calendar quarter, the 'rebate percentage' is the amount (expressed as a percentage) equal to—

"(i) the average total rebate required under section 1927(c) of the Social Security Act (or the average total rebate that would be required if the drug were a covered outpatient drug under such section) with respect to the drug (for a unit of the dosage form and strength involved) during the preceding calendar quarter; divided by

"(ii) the average manufacturer price for such a unit of the drug during such quarter.

"(B) OVER THE COUNTER DRUGS.—

"(1) IN GENERAL.—For purposes of subparagraph (A), in the case of over the counter drugs, the 'rebate percentage' shall be determined as if the rebate required under section 1927(c) of the Social Security Act is based on the applicable percentage provided under section 1927(c)(3) of such Act.

"(ii) DEFINITION.—The term 'over the counter drug' means a drug that may be sold without a prescription and which is prescribed by a physician (or other persons authorized to prescribe such drug under State law).

"(3) DRUGS PROVIDED UNDER STATE MEDICAID PLANS.—Drugs described in this paragraph are drugs purchased by the entity for which payment is made by the State under the State plan for medical assistance under title XIX of the Social Security Act.

"(4) REQUIREMENTS FOR COVERED ENTITIES.—

"(A) PROHIBITING DUPLICATE DISCOUNTS OR REBATES.—

"(i) IN GENERAL.—A covered entity shall not request payment under title XIX of the Social Security Act for medical assistance described in section 1905(a)(12) of such Act with respect to a drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act.

"(ii) ESTABLISHMENT OF MECHANISM.—The Secretary shall establish a mechanism to ensure that covered entities comply with

clause (i). If the Secretary does not establish a mechanism under the previous sentence within 12 months of the enactment of this section, the requirements of section 1927(a)(5)(C) of the Social Security Act shall apply.

"(iii) PROHIBITING DISCLOSURE TO GROUP PURCHASING ORGANIZATIONS.—In the event that a covered entity is a member of a group purchasing organization, such entity shall not disclose the price or any other information pertaining to any purchases under this section directly or indirectly to such group purchasing organization.

"(B) PROHIBITING RESALE, DISPENSING, OR ADMINISTRATION OF DRUGS EXCEPT TO CERTAIN PATIENTS.—With respect to any covered inpatient drug that is subject to an agreement under this subsection, a covered entity shall not dispense, administer, resell, or otherwise transfer the covered inpatient drug to a person unless—

"(i) such person is a patient of the entity; and

"(ii) such person does not have health plan coverage (as defined in subsection (c)(3)) that provides prescription drug coverage in the inpatient setting with respect to such covered inpatient drug.

For purposes of clause (ii), a person shall be treated as having health plan coverage (as defined in subsection (c)(3)) with respect to a covered inpatient drug if benefits are not payable under such coverage with respect to such drug for reasons such as the application of a deductible or cost sharing or the use of utilization management.

"(C) AUDITING.—A covered entity shall permit the Secretary and the manufacturer of a covered inpatient drug that is subject to an agreement under this subsection with the entity (acting in accordance with procedures established by the Secretary relating to the number, duration, and scope of audits) to audit at the Secretary's or the manufacturer's expense the records of the entity that directly pertain to the entity's compliance with the requirements described in subparagraph (A) or (B) with respect to drugs of the manufacturer. The use or disclosure of information for performance of such an audit shall be treated as a use or disclosure required by law for purposes of section 164.512(a) of title 45, Code of Federal Regulations.

"(D) ADDITIONAL SANCTION FOR NONCOMPLIANCE.—If the Secretary finds, after notice and hearing, that a covered entity is in violation of a requirement described in subparagraph (A) or (B), the covered entity shall be liable to the manufacturer of the covered inpatient drug that is the subject of the violation in an amount equal to the reduction in the price of the drug (as described in subparagraph (A)) provided under the agreement between the Secretary and the manufacturer under this subsection.

"(E) MAINTENANCE OF RECORDS.—

"(i) IN GENERAL.—A covered entity shall establish and maintain an effective record-keeping system to comply with this section and shall certify to the Secretary that such entity is in compliance with subparagraphs (A) and (B). The Secretary shall require that hospitals that purchase covered inpatient drugs for inpatient dispensing or administration under this subsection appropriately segregate inventory of such covered inpatient drugs, either physically or electronically, from drugs for outpatient use, as well as from drugs for inpatient dispensing or administration to individuals who have (for purposes of subparagraph (B)) health plan

coverage described in clause (ii) of such subparagraph.

“(ii) CERTIFICATION OF NO THIRD-PARTY PAYER.—A covered entity shall maintain records that contain certification by the covered entity that no third party payment was received for any covered inpatient drug that is subject to an agreement under this subsection and that was dispensed to an inpatient.

“(5) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the distinct part of the hospital shall not be considered a covered entity under this subsection unless the hospital is otherwise a covered entity under this subsection.

“(6) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered inpatient drugs and single State agencies under section 1902(a)(5) of the Social Security Act of the identities of covered entities under this subsection, and of entities that no longer meet the requirements of paragraph (4), by means of timely updates of the Internet website supported by the Department of Health and Human Services relating to this section.

“(7) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

“(b) COVERED ENTITY DEFINED.—In this section, the term ‘covered entity’ means an entity that meets the requirements described in subsection (a)(4) and is one of the following:

“(1) A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act) that—

“(A) is owned or operated by a unit of State or local government, is a public or private non-profit corporation which is formally granted governmental powers by a unit of State or local government, or is a private nonprofit hospital which has a contract with a State or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act or eligible for assistance under the State plan for medical assistance under title XIX of such Act; and

“(B) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined using the methodology under section 1886(d)(5)(F) of the Social Security Act as in effect on the date of enactment of this section) greater than 20.20 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act (as so in effect on the date of enactment of this section).

“(2) A children’s hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

“(3) A free-standing cancer hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(v) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

“(4) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of paragraph (1)(A).

“(5) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of paragraph (1)(A) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.

“(c) OTHER DEFINITIONS.—In this section:

“(1) AVERAGE MANUFACTURER PRICE.—

“(A) IN GENERAL.—The term ‘average manufacturer price’—

“(i) has the meaning given such term in section 1927(k) of the Social Security Act, except that such term shall be applied under this section with respect to covered inpatient drugs in the same manner (as applicable) as such term is applied under such section 1927(k) with respect to covered outpatient drugs (as defined in such section); and

“(ii) with respect to a covered inpatient drug for which there is no average manufacturer price (as defined in clause (i)), shall be the amount determined under regulations promulgated by the Secretary under subparagraph (B).

“(B) RULEMAKING.—The Secretary shall by regulation, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, establish a method for determining the average manufacturer price for covered inpatient drugs for which there is no average manufacturer price (as defined in subparagraph (A)(i)). Regulations promulgated with respect to covered inpatient drugs under the preceding sentence shall provide for the application of methods for determining the average manufacturer price that are the same as the methods used to determine such price in calculating rebates required for such drugs under an agreement between a manufacturer and a State that satisfies the requirements of section 1927(b) of the Social Security Act, as applicable.

“(2) COVERED INPATIENT DRUG.—The term ‘covered inpatient drug’ means a drug—

“(A) that is described in section 1927(k)(2) of the Social Security Act;

“(B) that, notwithstanding paragraph (3)(A) of section 1927(k) of such Act, is used in connection with an inpatient service provided by a covered entity that is enrolled to participate in the drug discount program under this section; and

“(C) that is not purchased by the covered entity through or under contract with a group purchasing organization.

“(3) HEALTH PLAN COVERAGE.—The term ‘health plan coverage’ means—

“(A) health insurance coverage (as defined in section 2791, and including coverage under a State health benefits risk pool);

“(B) coverage under a group health plan (as defined in such section, and including coverage under a church plan, a governmental plan, or a collectively bargained plan);

“(C) coverage under a Federal health care program (as defined by section 1128B(f) of the Social Security Act); or

“(D) such other health benefits coverage as the Secretary recognizes for purposes of this section.

“(4) MANUFACTURER.—The term ‘manufacturer’ has the meaning given such term in section 1927(k) of the Social Security Act.

“(d) PROGRAM INTEGRITY.—

“(1) MANUFACTURER COMPLIANCE.—

“(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

“(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

“(i) The establishment of a process to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

“(I) Developing and publishing through an appropriate policy or regulatory issuance, precisely defined standards and methodology for the calculation of ceiling prices under such subsection.

“(II) Comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary.

“(III) Conducting periodic monitoring of sales transactions by covered entities.

“(IV) Inquiring into any discrepancies between ceiling prices and manufacturer pricing data that may be identified and taking, or requiring manufacturers to take, corrective action in response to such discrepancies, including the issuance of refunds pursuant to the procedures set forth in clause (ii).

“(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including the following:

“(I) Providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued.

“(II) Oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time.

“(iii) The provision of access through the Internet website supported by the Department of Health and Human Services to the applicable ceiling prices for covered inpatient drugs as calculated and verified by the Secretary in accordance with this section, in a manner (such as through the use of password protection) that limits such access to covered entities and adequately assures security and protection of privileged pricing data from unauthorized re-disclosure.

“(iv) The development of a mechanism by which—

“(I) rebates, discounts, or other price concessions provided by manufacturers to other purchasers subsequent to the sale of covered inpatient drugs to covered entities are reported to the Secretary; and

“(II) appropriate credits and refunds are issued to covered entities if such discounts, rebates, or other price concessions have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

“(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

“(vi) The establishment of a requirement that manufacturers and wholesalers use the identification system developed by the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

“(vii) The imposition of sanctions in the form of civil monetary penalties, which—

“(I) shall be assessed according to standards and procedures established in regulations to be promulgated by the Secretary not later than January 1, 2011;

“(II) shall not exceed \$10,000 per single dosage form of a covered inpatient drug purchased by a covered entity where a manufacturer knowingly charges such covered entity a price for such drug that exceeds the ceiling price under subsection (a)(1); and

“(III) shall not exceed \$100,000 for each instance where a manufacturer withholds or provides materially false information to the Secretary or to covered entities under this section or knowingly violates any provision of this section (other than subsection (a)(1)).

“(2) COVERED ENTITY COMPLIANCE.—

“(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by covered entities with the requirements of this section in order to prevent diversion and violations of the duplicate discount provision and other requirements specified under subsection (a)(4).

“(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

“(i) The development of procedures to enable and require covered entities to update at least annually the information on the Internet website supported by the Department of Health and Human Services relating to this section.

“(ii) The development of procedures for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

“(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered inpatient drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(4)(A).

“(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site and each covered entity's purchasing status under sections 340B and this section can be identified by manufacturers, distributors, covered entities, and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

“(v) The imposition of sanctions in the form of civil monetary penalties, which—

“(I) shall be assessed according to standards and procedures established in regulations promulgated by the Secretary; and

“(II) shall not exceed \$10,000 for each instance where a covered entity knowingly violates subsection (a)(4)(B) or knowingly violates any other provision of this section.

“(vi) The termination of a covered entity's participation in the program under this section, for a period of time to be determined by the Secretary, in cases in which the Secretary determines, in accordance with standards and procedures established by regulation, that—

“(I) the violation by a covered entity of a requirement of this section was repeated and knowing; and

“(II) imposition of a monetary penalty would be insufficient to reasonably ensure compliance with the requirements of this section.

“(vii) The referral of matters, as appropriate, to the Food and Drug Administration, the Office of the Inspector General of the Department of Health and Human Services, or other Federal or State agencies.

“(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—From amounts appropriated under

subsection (f), the Secretary may establish and implement an administrative process for the resolution of the following:

“(A) Claims by covered entities that manufacturers have violated the terms of their agreement with the Secretary under subsection (a)(1).

“(B) Claims by manufacturers that covered entities have violated subsection (a)(4)(A) or (a)(4)(B).

“(e) AUDIT AND SANCTIONS.—

“(1) AUDIT.—From amounts appropriated under subsection (f), the Inspector General of the Department of Health and Human Services (referred to in this subsection as the ‘Inspector General’) shall audit covered entities under this section to verify compliance with criteria for eligibility and participation under this section, including the antidiversion prohibitions under subsection (a)(4)(B), and take enforcement action or provide information to the Secretary who shall take action to ensure program compliance, as appropriate. A covered entity shall provide to the Inspector General, upon request, records relevant to such audits.

“(2) REPORT.—For each audit conducted under paragraph (1), the Inspector General shall prepare and publish in a timely manner a report which shall include findings and recommendations regarding—

“(A) the appropriateness of covered entity eligibility determinations and, as applicable, certifications;

“(B) the effectiveness of antidiversion prohibitions; and

“(C) the effectiveness of restrictions on inpatient dispensing and administration.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2011 and each succeeding fiscal year.”

(b) RULEMAKING.—Not later than January 1, 2011, the Secretary shall promulgate regulations implementing section 340B-1 of the Public Health Service Act (as added by subsection (a)).

(c) CONFORMING AMENDMENT TO SECTION 340B.—Paragraph (1) of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended by adding at the end the following: “Such agreement shall further require that, if the supply of a covered outpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section. The agreement with a manufacturer under this paragraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B-1.”

(d) CONFORMING AMENDMENTS TO MEDICAID.—Section 1927 of the Social Security Act (42 U.S.C. 1396r-8) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence, by striking “and paragraph (6)” and inserting “, paragraph (6), and paragraph (8)”; and

(B) by adding at the end the following new paragraph:

“(8) LIMITATION ON PRICES OF DRUGS PURCHASED BY 340B-1-COVERED ENTITIES.—

“(A) AGREEMENT WITH SECRETARY.—A manufacturer meets the requirements of this paragraph if the manufacturer has entered into an agreement with the Secretary that meets the requirements of section 340B-1 of the Public Health Service Act with respect to covered inpatient drugs (as defined in

such section) purchased by a 340B-1-covered entity on or after January 1, 2011.

“(B) 340B-1-COVERED ENTITY DEFINED.—In this subsection, the term ‘340B-1-covered entity’ means an entity described in section 340B-1(b) of the Public Health Service Act.”; and

(2) in subsection (c)(1)(C)(i)(I)—

(A) by striking “or” before “a covered entity”; and

(B) by inserting before the semicolon the following: “, or a covered entity for a covered inpatient drug (as such terms are defined in section 340B-1 of the Public Health Service Act)”.

SEC. 517. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) DEFINITION OF COVERED OUTPATIENT DRUG.—

(1) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking “covered entities described in subparagraph (M)” and inserting “covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r-8(a)(5)) is amended by striking “and a children's hospital” and all that follows through the end of the subparagraph and inserting a period.

SEC. 518. CONFORMING AMENDMENT RELATED TO WAIVER OF COINSURANCE FOR PREVENTIVE SERVICES.

Effective as if included in section 10501(i)(2)(A) of Public Law 111-148, section 1833(a)(3)(A) of the Social Security Act (42 U.S.C. 1395l(a)(3)(A)) is amended by striking “section 1861(s)(10)(A)” and inserting “section 1861(ddd)(3)”.

SEC. 519. ESTABLISH A CMS-IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.

(a) AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(22) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

“(A) IN GENERAL.—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

“(i) the taxpayer identity information with respect to such taxpayer;

“(ii) the amount of the delinquent tax debt owed by that taxpayer; and

“(iii) the taxable year to which the delinquent tax debt pertains.

“(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent

necessary in, establishing the taxpayer's eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

“(C) DELINQUENT TAX DEBT.—For purposes of this paragraph, the term ‘delinquent tax debt’ means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.”.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111-148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking “or (17)” and inserting “(17), or (22)” each place it appears.

(b) SECRETARY'S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111-148, is further amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(1)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.”.

(c) AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.—Section 1866(j)(5) of the Social Security Act (42 U.S.C. 1395cc(j)(5)), as inserted by section 6401(a) of Public Law 111-148, is amended—

(1) in the paragraph heading, by striking “PAST-DUE” and inserting “MEDICARE”;

(2) in subparagraph (A), by striking “past-due obligations described in subparagraph (B)(ii) of an” and inserting “amount described in subparagraph (B)(ii) due from such”; and

(3) in subparagraph (B)(ii), by striking “a past-due obligation” and inserting “an amount that is more than the amount required to be paid”.

SEC. 520. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.

Effective as if included in the enactment of Public Law 111-148, section 3110(a)(2) of such Act is amended to read as follows:

“(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made after the date of the enactment of this Act.”.

SEC. 521. PHYSICIAN PAYMENT UPDATE.

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended—

(1) in paragraph (10), in the heading, by striking “PORTION” and inserting “THE FIRST 5 MONTHS”; and

(2) by adding at the end the following new paragraphs:

“(11) UPDATE FOR THE LAST 7 MONTHS OF 2010.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on June 1, 2010, and ending on December 31, 2010, the update to the single conversion factor shall be 2.2 percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.

“(12) UPDATE FOR 2011.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2011, the update to the single conversion factor shall be 1.0 percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraph (A) had never applied.”.

(b) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

SEC. 522. ADJUSTMENT TO MEDICARE PAYMENT LOCALITIES.

(a) IN GENERAL.—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) is amended by adding at the end the following new paragraph:

“(6) TRANSITION TO USE OF MSAS AS FEE SCHEDULE AREAS IN CALIFORNIA.—

“(A) IN GENERAL.—

“(i) REVISION.—Subject to clause (ii) and notwithstanding the previous provisions of this subsection, for services furnished on or after January 1, 2012, the Secretary shall revise the fee schedule areas used for payment under this section applicable to the State of California using the Metropolitan Statistical Area (MSA) iterative Geographic Adjustment Factor methodology as follows:

“(I) The Secretary shall configure the physician fee schedule areas using the Metropolitan Statistical Areas (each in this paragraph referred to as an ‘MSA’), as defined by the Director of the Office of Management and Budget as of the date of the enactment of this paragraph, as the basis for the fee schedule areas.

“(II) For purposes of this clause, the Secretary shall treat all areas not included in an MSA as a single rest-of-State MSA and any reference in this paragraph to an MSA shall be deemed to include a reference to such rest-of-State MSA.

“(III) The Secretary shall list all MSAs within the State by Geographic Adjustment Factor described in paragraph (2) (in this paragraph referred to as a ‘GAF’) in descending order.

“(IV) In the first iteration, the Secretary shall compare the GAF of the highest cost MSA in the State to the weighted-average GAF of all the remaining MSAs in the State. If the ratio of the GAF of the highest cost MSA to the weighted-average of the GAF of remaining lower cost MSAs is 1.05 or greater, the highest cost MSA shall be a separate fee schedule area.

“(V) In the next iteration, the Secretary shall compare the GAF of the MSA with the second-highest GAF to the weighted-average GAF of all the remaining MSAs (excluding MSAs that become separate fee schedule areas). If the ratio of the second-highest MSA's GAF to the weighted-average of the remaining lower cost MSAs is 1.05 or greater, the second-highest MSA shall be a separate fee schedule area.

“(VI) The iterative process shall continue until the ratio of the GAF of the MSA with highest remaining GAF to the weighted-average of the remaining MSAs with lower GAFs is less than 1.05, and the remaining group of MSAs with lower GAFs shall be treated as a single rest-of-State fee schedule area.

“(VII) For purposes of the iterative process described in this clause, if two MSAs have identical GAFs, they shall be combined.

“(ii) TRANSITION.—For services furnished on or after January 1, 2012, and before January 1, 2017, in the State of California, after calculating the work, practice expense, and malpractice geographic indices that would otherwise be determined under clauses (i), (ii), and (iii) of paragraph (1)(A) for a fee schedule area determined under clause (i), if the index for a county within a fee schedule area is less than the index that would otherwise be in effect for such county, the Secretary shall instead apply the index that would otherwise be in effect for such county.

“(B) SUBSEQUENT REVISIONS.—After the transition described in subparagraph (A)(ii), not less than every 3 years the Secretary shall review and update the fee schedule areas using the methodology described in subparagraph (A)(i) and any updated MSAs as defined by the Director of the Office of Management and Budget. The Secretary shall review and make any changes pursuant to such reviews concurrent with the application of the periodic review of the adjustment factors required under paragraph (1)(C) for California.

“(C) REFERENCES TO FEE SCHEDULE AREAS.—Effective for services furnished on or after January 1, 2012, for the State of California, any reference in this section to a fee schedule area shall be deemed a reference to a fee schedule area established in accordance with this paragraph.”.

(b) CONFORMING AMENDMENT TO DEFINITION OF FEE SCHEDULE AREA.—Section 1848(j)(2) of the Social Security Act (42 U.S.C. 1395w(j)(2)) is amended by striking “The term” and inserting “Except as provided in subsection (e)(6)(C), the term”.

SEC. 523. CLARIFICATION OF 3-DAY PAYMENT WINDOW.

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) by adding at the end of subsection (a)(4) the following new sentence: “In applying the first sentence of this paragraph, the term ‘other services related to the admission’ includes all services that are not diagnostic services (other than ambulance and maintenance renal dialysis services) for which payment may be made under this title that are provided by a hospital (or an entity wholly owned or operated by the hospital) to a patient—

“(A) on the date of the patient’s inpatient admission; or

“(B) during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of such admission unless the hospital demonstrates (in a form and manner, and at a time, specified by the Secretary) that such services are not related (as determined by the Secretary) to such admission.”; and

(2) in subsection (d)(7)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period and inserting “, and”; and

(C) by adding at the end the following new subparagraph:

“(C) the determination of whether services provided prior to a patient’s inpatient admission are related to the admission (as described in subsection (a)(4)).”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.

(c) **NO REOPENING OF PREVIOUSLY BUNDLED CLAIMS.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services may not reopen a claim, adjust a claim, or make a payment pursuant to any request for payment under title XVIII of the Social Security Act, submitted by an entity (including a hospital or an entity wholly owned or operated by the hospital) for services described in paragraph (2) for purposes of treating, as unrelated to a patient’s inpatient admission, services provided during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of the patient’s inpatient admission.

(2) **SERVICES DESCRIBED.**—For purposes of paragraph (1), the services described in this paragraph are other services related to the admission (as described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as amended by subsection (a)) which were previously included on a claim or request for payment submitted under part A of title XVIII of such Act for which a reopening, adjustment, or request for payment under part B of such title, was not submitted prior to the date of the enactment of this Act.

(d) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of this section (and amendments made by this section) by program instruction or otherwise.

(e) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section shall be construed as changing the policy described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as applied by the Secretary of Health and Human Services before the date of the enactment of this Act, with respect to diagnostic services.

SEC. 524. EXTENSION OF ARRA INCREASE IN FMAP.

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(3), by striking “first calendar quarter” and inserting “first 3 calendar quarters”;

(2) in subsection (c)—

(A) in paragraph (2)(B), by striking “July 1, 2010” and inserting “January 1, 2011”;

(B) in paragraph (3)(B)(i), by striking “July 1, 2010” and inserting “January 1, 2011” each place it appears; and

(C) in paragraph (4)(C)(ii), by striking “the 3-consecutive-month period beginning with

January 2010” and inserting “any 3-consecutive-month period that begins after December 2009 and ends before January 2011”;

(3) in subsection (e), by adding at the end the following:

“Notwithstanding paragraph (5), effective for payments made on or after January 1, 2010, the increases in the FMAP for a State under this section shall apply to payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to nonpregnant childless adults made eligible under a State plan under such title (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) who would have been eligible for child health assistance or other health benefits under eligibility standards in effect as of December 31, 2009, of a waiver of the State child health plan under the title XXI of such Act.”;

(4) in subsection (g)—

(A) in paragraph (1), by striking “September 30, 2011” and inserting “March 31, 2012”;

(B) in paragraph (2), by inserting “of such Act” after “1923”; and

(C) by adding at the end the following:

“(3) **CERTIFICATION BY CHIEF EXECUTIVE OFFICER.**—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds.”; and

(5) in subsection (h)(3), by striking “December 31, 2010” and inserting “June 30, 2011”.

TITLE VI—OTHER PROVISIONS

SEC. 601. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) **EXTENSION.**—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 7(a) of Public Law 111-157, is amended by striking “by substituting” and all that follows through the period at the end, and inserting “by substituting December 31, 2010, for the date specified in each such section.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be considered to have taken effect on May 31, 2010.

SEC. 602. ALLOCATION OF GEOTHERMAL RECEIPTS.

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

SEC. 603. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) **APPROPRIATION.**—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration—Business Loans Program Account”, \$505,000,000,

to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section.

Such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) **EXTENSION OF PROGRAMS.**—

(1) **FEES.**—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) is amended by striking “September 30, 2010” each place it appears and inserting “December 31, 2010”.

(2) **LOAN GUARANTEES.**—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking “May 31, 2010” and inserting “December 31, 2010”.

(c) **APPROPRIATION.**—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for “Small Business Administration—Salaries and Expenses”.

SEC. 604. EMERGENCY AGRICULTURAL DISASTER ASSISTANCE.

(a) **DEFINITIONS.**—Except as otherwise provided in this section, in this section:

(1) **DISASTER COUNTY.**—

(A) **IN GENERAL.**—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) **EXCLUSION.**—The term “disaster county” does not include a contiguous county.

(2) **ELIGIBLE AQUACULTURE PRODUCER.**—The term “eligible aquaculture producer” means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) **ELIGIBLE PRODUCER.**—The term “eligible producer” means an agricultural producer in a disaster county.

(4) **ELIGIBLE SPECIALTY CROP PRODUCER.**—The term “eligible specialty crop producer” means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced specialty crop losses in a disaster county due to drought, excessive rainfall, or a related condition.

(5) **QUALIFYING NATURAL DISASTER DECLARATION.**—The term “qualifying natural disaster declaration” means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(7) **SPECIALTY CROP.**—The term “specialty crop” has the meaning given the term in section 3 of the Specialty Crops Competitive-ness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note).

(b) **SUPPLEMENTAL DIRECT PAYMENT.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than specialty crops or crops intended for grazing) suffer at least a 5-percent crop loss on a farm due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) **ACRE PROGRAM.**—Eligible producers that received direct payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 112.5 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) **RELATIONSHIP TO OTHER LAW.**—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) **SPECIALTY CROP ASSISTANCE.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) \$150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

(2) **NOTIFICATION.**—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) **PROVISION OF GRANTS.**—

(A) **IN GENERAL.**—The Secretary shall make grants to States for disaster counties on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 calendar year, as determined by the Secretary.

(B) **ADMINISTRATIVE COSTS.**—State Secretary of Agriculture may not use more than five percent of the funds provided for costs associated with the administration of the grants provided in paragraph (1).

(C) **ADMINISTRATION OF GRANTS.**—State Secretary of Agriculture may enter into a con-

tract with the Department of Agriculture to administer the grants provided in paragraph (1).

(D) **TIMING.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(E) **MAXIMUM GRANT.**—The maximum amount of a grant made to a State for counties described in paragraph (1)(B) may not exceed \$40,000,000.

(4) **REQUIREMENTS.**—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to issue payments to eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(D) **RELATION TO OTHER LAW.**—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) **COTTONSEED ASSISTANCE.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) **GENERAL TERMS.**—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109-234; 120 Stat. 477).

(3) **DISTRIBUTION OF ASSISTANCE.**—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) **PAYMENT RATE.**—The payment rate shall be equal to the quotient obtained by dividing—

(A) the total funds made available to carry out this subsection; by

(B) the sum of the county-eligible production, as determined under paragraph (5).

(5) **COUNTY-ELIGIBLE PRODUCTION.**—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop,

excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) **AQUACULTURE ASSISTANCE.**—

(1) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(2) **NOTIFICATION.**—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(3) **PROVISION OF GRANTS.**—

(A) **IN GENERAL.**—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2009 calendar year, as determined by the Secretary.

(B) **TIMING.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(4) **REQUIREMENTS.**—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible aquaculture producers;

(B) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided per species of aquaculture; and

(iii) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(5) **REDUCTION IN PAYMENTS.**—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(6) **REPORT TO CONGRESS.**—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (4)(C).

(f) **HAWAII TRANSPORTATION COOPERATIVE.**—Notwithstanding any other provision of law, the Secretary shall use \$21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) **LIVESTOCK FORAGE DISASTER PROGRAM.**—

(1) **DEFINITION OF DISASTER COUNTY.**—In this subsection:

(A) **IN GENERAL.**—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) **INCLUSION.**—The term “disaster county” includes a contiguous county.

(2) **PAYMENTS.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) **CRITERIA.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) **DROUGHT INTENSITY.**—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) **AMOUNT.**—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) **RELATION TO OTHER LAW.**—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) **EMERGENCY LOANS FOR POULTRY PRODUCERS.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **ANNOUNCEMENT DATE.**—The term “announcement date” means the date on which the Secretary announces the emergency loan program under this subsection.

(B) **POULTRY INTEGRATOR.**—The term “poultry integrator” means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) **LOAN PROGRAM.**—

(A) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than \$75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) **TERMS AND CONDITIONS.**—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) **LOANS.**—

(A) **IN GENERAL.**—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) **ELIGIBILITY.**—

(i) **IN GENERAL.**—To be eligible for an emergency loan under this subsection, not later

than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) **REQUIREMENT TO OFFER LOANS.**—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) **ADDITIONAL REQUIREMENTS.**—

(A) **IN GENERAL.**—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender for the purchase, improvement, or operation of the poultry farm.

(B) **CONVERSION OF THE LOAN.**—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) **STATE AND LOCAL GOVERNMENTS.**—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting “(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)” before the period at the end.

(j) **ADMINISTRATION.**—

(1) **REGULATIONS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section and the amendment made by this section.

(B) **PROCEDURE.**—The promulgation of the regulations and administration of this section and the amendment made by this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(C) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) **ADMINISTRATIVE COSTS.**—Of the funds of the Commodity Credit Corporation, the Secretary may use up to \$10,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) **PROHIBITION.**—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

SEC. 605. SUMMER EMPLOYMENT FOR YOUTH.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Department of Labor—Employment and Training Administration—Training and Employment Services” for activities under the Workforce In-

vestment Act of 1998 (“WIA”), \$1,000,000,000 shall be available for obligation on the date of enactment of this Act for grants to States for youth activities, including summer employment for youth: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed \$1,000,000,000: *Provided further*, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting “age 24” for “age 21”: *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds: *Provided further*, That an amount that is not more than 1 percent of such amount may be used for the administration, management, and oversight of the programs, activities, and grants carried out with such funds, including the evaluation of the use of such funds: *Provided further*, That funds available under the preceding proviso, together with funds described in section 801(a) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), and funds provided in such Act under the heading “Department of Labor—Departmental Management—Salaries and Expenses”, shall remain available for obligation through September 30, 2011.

SEC. 606. HOUSING TRUST FUND.

(a) **FUNDING.**—There is hereby appropriated for the Housing Trust Fund established pursuant to section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568), \$1,065,000,000, for use under such section: *Provided*, That of the total amount provided under this heading, \$65,000,000 shall be available to the Secretary of Housing and Urban Development only for incremental project-based voucher assistance to be allocated to States to be used solely in conjunction with grant funds awarded under such section 1338, pursuant to the formula established under section 1338 and taking into account different per unit subsidy needs among states, as determined by the Secretary.

(b) **AMENDMENTS.**—Section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568) is amended—

(1) in subsection (c)—

(A) in paragraph (4)(A) by inserting after the period at the end the following: “Notwithstanding any other provision of law, for the fiscal year following enactment of this sentence and thereafter, the Secretary may make such notice available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.”;

(B) in paragraph (5)(C), by striking “(8)” and inserting “(9)”; and

(C) in paragraph (7)(A)—

(i) by striking “section 1335(a)(2)(B)” and inserting “section 1335(a)(1)(B)”; and

(ii) by inserting “the units funded under” after “75 percent of”; and

(2) by adding at the end the following new subsection:

“(k) **ENVIRONMENTAL REVIEW.**—For the purpose of environmental compliance review, funds awarded under this section shall be subject to section 288 of the HOME Investment Partnerships Act (12 U.S.C. 12838) and

shall be treated as funds under the program established by such Act.”.

SEC. 607. THE INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.

(a) **SHORT TITLE.**—This section may be cited as the “Individual Indian Money Account Litigation Settlement Act of 2010”.

(b) **DEFINITIONS.**—In this section:

(1) **AMENDED COMPLAINT.**—The term “Amended Complaint” means the Amended Complaint attached to the Settlement.

(2) **LAND CONSOLIDATION PROGRAM.**—The term “Land Consolidation Program” means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractional interests in trust or restricted land.

(3) **LITIGATION.**—The term “Litigation” means the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, Civil Action No. 96-1285 (JR).

(4) **PLAINTIFF.**—The term “Plaintiff” means a member of any class certified in the Litigation.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **SETTLEMENT.**—The term “Settlement” means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(7) **TRUST ADMINISTRATION CLASS.**—The term “Trust Administration Class” means the Trust Administration Class as defined in the Settlement.

(c) **PURPOSE.**—The purpose of this section is to authorize the Settlement.

(d) **AUTHORIZATION.**—The Settlement is authorized, ratified, and confirmed.

(e) **JURISDICTIONAL PROVISIONS.**—

(1) **IN GENERAL.**—Notwithstanding the limitation of jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) **CERTIFICATION OF TRUST ADMINISTRATION CLASS.**—

(A) **IN GENERAL.**—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) **TREATMENT.**—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) **TRUST LAND CONSOLIDATION.**—

(1) **TRUST LAND CONSOLIDATION FUND.**—

(A) **ESTABLISHMENT.**—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Trust Land Consolidation Fund”.

(B) **AVAILABILITY OF AMOUNTS.**—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) **DEPOSITS.**—

(i) **IN GENERAL.**—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund \$2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) **CONDITIONS MET.**—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause (i).

(D) **TRANSFERS.**—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than \$60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) **INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.**—

(A) **ESTABLISHMENT.**—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Indian Education Scholarship Holding Fund”.

(B) **AVAILABILITY.**—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) **ACQUISITION OF TRUST OR RESTRICTED LAND.**—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) **TREATMENT OF UNLOCATABLE PLAINTIFFS.**—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(g) **TAXATION AND OTHER BENEFITS.**—

(1) **INTERNAL REVENUE CODE.**—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code of 1986 that takes into account excludible income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) **OTHER BENEFITS.**—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

SEC. 608. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.

(a) **DEFINITIONS.**—In this section:

(1) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the parties and approved by the court under that agreement) between certain plaintiffs, by

and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209).

(2) **PIGFORD CLAIM.**—The term “Pigford claim” has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2210).

(b) **APPROPRIATION OF FUNDS.**—There is hereby appropriated to the Secretary of Agriculture \$1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable. The funds appropriated by this subsection are in addition to the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) **USE OF FUNDS.**—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) **TREATMENT OF REMAINING FUNDS.**—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.), or for any other purpose.

(e) **RULES OF CONSTRUCTION.**—Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into the Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) **CONFORMING AMENDMENTS.**—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209) is amended—

(1) in subsection (c)(1)—

(A) by striking “subsection (h)” and inserting “subsection (g)”; and

(B) by striking “subsection (i)” and inserting “subsection (h)”;;

(2) by striking subsection (e);

(3) in subsection (g), by striking “subsection (f)” and inserting “subsection (e)”;;

(4) in subsection (i)—

(A) by striking “(1) IN GENERAL.—Of the funds” and inserting “Of the funds”; and

(B) by striking paragraph (2);

(5) by striking subsection (j); and

(6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

SEC. 609. EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION TO INCLUDE ALL CHAPTER 61 DISABILITY RETIREES REGARDLESS OF DISABILITY RATING PERCENTAGE OR YEARS OF SERVICE.

(a) PHASED EXPANSION CONCURRENT RECEIPT.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

“(a) PAYMENT OF BOTH RETIRED PAY AND DISABILITY COMPENSATION.—

“(1) PAYMENT OF BOTH REQUIRED.—

“(A) IN GENERAL.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (in this section referred to as a ‘qualified retiree’) is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

“(B) APPLICABILITY OF FULL CONCURRENT RECEIPT PHASE-IN REQUIREMENT.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c).

“(C) PHASE-IN EXCEPTION FOR 100 PERCENT DISABLED RETIREES.—The payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following qualified retirees:

“(i) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

“(ii) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

“(D) TEMPORARY PHASE-IN EXCEPTION FOR CERTAIN CHAPTER 61 DISABILITY RETIREES; TERMINATION.—Subject to subsection (b), during the period beginning on January 1, 2011, and ending on September 30, 2012, subsection (c) shall not apply to a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

“(2) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section:

“(A) 50 PERCENT RATING THRESHOLD.—In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs. However, during the period specified in paragraph (1)(D), members or former members receiving retired pay under chapter 61 with 20 years or more of creditable service computed under section 12732 of this title, but not otherwise entitled to retired pay under any other provision of this title, shall qualify in accordance with subparagraphs (B) and (C).

“(B) INCLUSION OF MEMBERS NOT OTHERWISE ENTITLED TO RETIRED PAY.—In the case of a member or former member receiving retired pay under chapter 61 of this title, but who is not otherwise entitled to retired pay under any other provision of this title, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans

Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

“(i) January 1, 2011, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent.

“(ii) January 1, 2012, rated 80 percent or 70 percent.

“(iii) January 1, 2013, rated 60 percent or 50 percent.

“(C) ELIMINATION OF RATING THRESHOLD.—In the case of a member or former member receiving retired pay under chapter 61 regardless of being otherwise eligible for retirement, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

“(i) January 1, 2014, rated 40 percent or 30 percent.

“(ii) January 1, 2015, any rating.

“(3) LIMITED DURATION.—Notwithstanding the effective date specified in each clause of subparagraphs (B) and (C) of paragraph (2), the clause—

“(A) shall apply only if the termination date specified in paragraph (1)(D) would occur during or after the calendar year specified in the clause; and

“(B) shall not apply beyond the termination date specified in paragraph (1)(D).”.

(b) CONFORMING AMENDMENT TO SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—Subsection (b) of such section is amended to read as follows:

“(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES WHEN ELIGIBILITY HAS BEEN ESTABLISHED FOR SUCH RETIREES.—

“(1) GENERAL REDUCTION RULE.—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the members retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

“(2) CHAPTER 61 RETIREES NOT OTHERWISE ENTITLED TO RETIRED PAY.—

“(A) BEFORE TERMINATION DATE.—If a member with a qualifying service-connected disability (as defined in subsection (a)(2)) is retired under chapter 61 of this title, but is not otherwise entitled to retired pay under any other provision of this title, and the termination date specified in subsection (a)(1)(D) has not occurred, the retired pay of the member is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

“(B) AFTER TERMINATION DATE.—Subsection (a) does not apply to a member described in subparagraph (A) if the termination date specified in subsection (a)(1)(D) has occurred.”.

(c) CONFORMING AMENDMENT TO FULL CONCURRENT RECEIPT PHASE-IN.—Subsection (c) of such section is amended by striking “the second sentence of”.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 1414. Concurrent receipt of retired pay and veterans' disability compensation”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

“1414. Concurrent receipt of retired pay and veterans' disability compensation.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

SEC. 610. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111-157), is amended—

(1) by striking “before May 31, 2010”; and

(2) by inserting “for 2011” after “until updated poverty guidelines”.

SEC. 611. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

“(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

“(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.”.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

SEC. 612. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking “2010” and inserting “2011”; and

(2) in subsection (e), by striking “2010” and inserting “2011”.

SEC. 613. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term “qualifying contract” means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term “timber purchaser” means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser’s written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

SEC. 614. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED SURFACE TRANSPORTATION PROGRAMS.

(a) MODIFICATION OF ALLOCATION RULES.—Section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 80) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “1301, 1302,”; and

(ii) by striking “1198, 1204,”; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking “apportioned under sections 104(b) and 144 of title 23, United States Code,” and inserting “specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),”; and

(ii) in clause (ii) by striking “apportioned under such sections of such Code” and inserting “specified in such section 105(a)(2) (except the high priority projects program),”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “1301, 1302,”; and

(ii) by striking “1198, 1204,”; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking “apportioned under sections 104(b)

and 144 of title 23, United States Code,” and inserting “specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),”; and

(ii) in clause (ii) by striking “apportioned under such sections of such Code” and inserting “specified in such section 105(a)(2) (except the high priority projects program),”; and

(3) by adding at the end the following:

“(5) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAMS.—

“(A) REDISTRIBUTION AMONG STATES.—Notwithstanding sections 1301(m) and 1302(e) of SAFETEA-LU (119 Stat. 1202 and 1205), the Secretary shall apportion funds authorized to be appropriated under subsection (b) for the projects of national and regional significance program and the national corridor infrastructure improvement program among all States such that each State’s share of the funds so apportioned is equal to the State’s share for fiscal year 2009 of funds apportioned or allocated for the programs specified in section 105(a)(2) of title 23, United States Code.

“(B) DISTRIBUTION AMONG PROGRAMS.—Funds apportioned to a State pursuant to subparagraph (A) shall be—

“(i) made available to the State for the programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

“(I) the amount apportioned to the State for that program for fiscal year 2009; bears to

“(II) the amount apportioned to the State for fiscal year 2009 for all such programs; and

“(ii) administered in the same manner and with the same period of availability as funding is administered under programs identified in clause (i).”

(b) EXPENDITURE AUTHORITY FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2010” and inserting “American Jobs and Closing Tax Loopholes Act of 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 78 et seq.) and shall be treated as being included in that Act at the time of the enactment of that Act.

(d) SAVINGS CLAUSE.—

(1) IN GENERAL.—For fiscal year 2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010, the amount of funds apportioned to each State under section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111–147) that is determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out the projects of national and regional significance program and national corridor infrastructure improvement program shall be the greater of—

(A) the amount that the State was authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program according to the provisions of that Act, as in effect on the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program pursuant to the provisions of that Act, as amended by the amendments made by this section.

(2) OBLIGATION AUTHORITY.—For fiscal year 2010, the amount of obligation authority dis-

tributed to each State shall be the greater of—

(A) the amount that the State was authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the date of enactment of this Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this subsection.

(4) INCREASE IN OBLIGATION LIMITATION.—The limitation under the heading “Federal-aid Highways (Limitation on Obligations) (Highway Trust Fund)” in Public Law 111–117 is increased by such sums as may be necessary to carry out this subsection.

(5) CONTRACT AUTHORITY.—Funds made available to carry out this subsection shall be available for obligation and administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(6) AMOUNTS.—The dollar amount specified in section 105(d)(1) of title 23, United States Code, the dollar amount specified in section 120(a)(4)(B) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117), and the dollar amount specified in section 120(b)(10) of such title shall each be increased as necessary to carry out this subsection.

SEC. 615. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.

(a) IN GENERAL.—Section 278(a) of the Trade Act of 1974 (19 U.S.C. 2372(a)) is amended by adding at the end the following:

“(3) RULE OF CONSTRUCTION.—For purposes of this section, any reference to ‘workers’, ‘workers eligible for training under section 236’, or any other reference to workers under this section shall be deemed to include individuals who are, or are likely to become, eligible for unemployment compensation as defined in section 85(b) of the Internal Revenue Code of 1986, or who remain unemployed after exhausting all rights to such compensation.”

(b) DEFINITION OF ELIGIBLE INSTITUTION.—Section 278(b)(1) of the Trade Act of 1974 (19 U.S.C. 2372(b)(1)) is amended—

(1) by striking “section 102” and inserting “section 101(a),”; and

(2) by striking “1002” and inserting “1001(a).”

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 279 of the Trade Act of 1974 (19 U.S.C. 2372a) is amended—

(1) in subsection (a), by striking the last sentence; and

(2) by adding at the end the following:

“(c) ADMINISTRATIVE AND RELATED COSTS.—The Secretary may retain not more than 5 percent of the funds appropriated under subsection (b) for each fiscal year to administer, evaluate, and establish reporting systems for the Community College and Career Training Grant program under section 278.

“(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under subsection (b) shall be used to supplement and not supplant other

Federal, State, and local public funds expended to support community college and career training programs.

“(e) AVAILABILITY.—Funds appropriated under subsection (b) shall remain available for the fiscal year for which the funds are appropriated and the subsequent fiscal year.”.

SEC. 616. EXTENSIONS OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.

(a) EXTENSIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective date column and inserting “12/31/2013”:

- (1) Heading 9902.52.08 (relating to woven fabrics of cotton).
- (2) Heading 9902.52.09 (relating to woven fabrics of cotton).
- (3) Heading 9902.52.10 (relating to woven fabrics of cotton).
- (4) Heading 9902.52.11 (relating to woven fabrics of cotton).
- (5) Heading 9902.52.12 (relating to woven fabrics of cotton).
- (6) Heading 9902.52.13 (relating to woven fabrics of cotton).
- (7) Heading 9902.52.14 (relating to woven fabrics of cotton).
- (8) Heading 9902.52.15 (relating to woven fabrics of cotton).
- (9) Heading 9902.52.16 (relating to woven fabrics of cotton).
- (10) Heading 9902.52.17 (relating to woven fabrics of cotton).
- (11) Heading 9902.52.18 (relating to woven fabrics of cotton).
- (12) Heading 9902.52.19 (relating to woven fabrics of cotton).
- (13) Heading 9902.52.20 (relating to woven fabrics of cotton).
- (14) Heading 9902.52.21 (relating to woven fabrics of cotton).
- (15) Heading 9902.52.22 (relating to woven fabrics of cotton).
- (16) Heading 9902.52.23 (relating to woven fabrics of cotton).
- (17) Heading 9902.52.24 (relating to woven fabrics of cotton).
- (18) Heading 9902.52.25 (relating to woven fabrics of cotton).
- (19) Heading 9902.52.26 (relating to woven fabrics of cotton).
- (20) Heading 9902.52.27 (relating to woven fabrics of cotton).
- (21) Heading 9902.52.28 (relating to woven fabrics of cotton).
- (22) Heading 9902.52.29 (relating to woven fabrics of cotton).
- (23) Heading 9902.52.30 (relating to woven fabrics of cotton).
- (24) Heading 9902.52.31 (relating to woven fabrics of cotton).

(b) EXTENSION OF DUTY REFUNDS AND PIMA COTTON TRUST FUND; MODIFICATION OF AFFIDAVIT REQUIREMENTS.—Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 3060) is amended—

- (1) in subsection (b)—
 - (A) in paragraph (1), by striking “amounts determined by the Secretary” and all that follows through “5208.59.80” and inserting “amounts received in the general fund that are attributable to duties received since January 1, 2004, on articles classified under heading 5208”; and
 - (B) in paragraph (2), by striking “October 1, 2008” and inserting “December 31, 2013”;
 - (2) in subsection (d)—
 - (A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1), by inserting “during the year in which the affidavit is filed and” after “imported cotton fabric”; and

(3) in subsection (f)—

- (A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1), by inserting “during the year in which the affidavit is filed and” after “United States”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply with respect to affidavits filed on or after such date of enactment.

SEC. 617. MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND.

(a) IN GENERAL.—Section 4002(c)(2)(A) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2600) is amended by striking “chapter 51” and inserting “chapter 62”.

(b) FULL RESTORATION OF PAYMENT LEVELS IN FISCAL YEAR 2010.—

(1) TRANSFER OF AMOUNTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to amounts received in the general fund that are attributable to the duty received on articles classified under chapter 62 of the Harmonized Tariff Schedule of the United States, subject to the limitation in subparagraph (B).

(B) LIMITATION.—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010, equal the total amount of payments authorized to be provided to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010; and

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010.

(2) PAYMENT OF AMOUNTS.—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 30 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(c) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to affect the availability of amounts transferred to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

SEC. 618. DEPARTMENT OF COMMERCE STUDY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall report to Congress detailing—

- (1) the pattern of job loss in the New England, Mid-Atlantic, and Midwest States over the past 20 years;
- (2) the role of the off-shoring of manufacturing jobs in overall job loss in the regions; and
- (3) recommendations to attract industries and bring jobs to the region.

SEC. 619. ARRA PLANNING AND REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 287) is amended—

(1) in subsection (d)—

- (A) in the subsection heading, by inserting “PLANS AND” after “AGENCY”;
- (B) by striking “Not later than” and inserting the following:

“(1) DEFINITION.—In this subsection, the term ‘covered program’ means a program for which funds are appropriated under this division—

“(A) in an amount that is—

“(i) more than \$2,000,000,000; and

“(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

“(B) that did not exist before the date of enactment of this Act.

“(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

“(A) a description of the goals for the covered program using recovery funds;

“(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

“(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

“(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

“(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

“(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

“(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

“(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

“(3) REPORTS.—

“(A) IN GENERAL.—Not later than”; and

(C) by adding at the end the following:

“(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph

(2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

“(i) discusses the progress of the agency in implementing the plan;

“(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

“(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

“(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

“(v) discusses—

“(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

“(II) if the covered program has failed to meet the milestones, the reasons why; and

“(III) any changes in the milestones for the covered program, including the reasons for the change;

“(vi) discusses the performance of the covered program, including—

“(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

“(II) if the covered program has failed to meet the performance measures, the reasons why; and

“(III) any trends in information relating to the performance of the covered program; and

“(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.”;

(2) in subsection (f)—

(A) by striking “Within 180 days” and inserting the following:

“(1) IN GENERAL.—Within 180 days”; and

(B) by adding at the end the following:

“(2) PENALTIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than \$250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

“(B) NOTIFICATION.—

“(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

“(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

“(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

“(i) the number of times the recipient has failed to provide the information required under subsection (c);

“(ii) the amount of recovery funds provided to the recipient;

“(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

“(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

“(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

“(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

“(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

“(4) PUBLIC LISTING.—

“(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

“(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for non-compliance.

“(5) REGULATIONS AND REPORTING.—

“(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

“(B) REPORTING.—

“(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include—

“(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

“(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

“(III) any other information determined appropriate by the Director.”; and

(3) by adding at the end the following:

“(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.”.

SEC. 620. AMENDMENT OF TRAVEL PROMOTION ACT OF 2009.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Na-

tionality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) by striking “subsection (d) of section 11 of the Travel Promotion Act of 2009.” in clause (i) and inserting “subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)).”; and

(2) by striking “September 30, 2014.” in clause (iii) and inserting “September 30, 2015.”.

(b) IMPLEMENTATION BEGINNING IN FISCAL YEAR 2011.—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) by striking “For fiscal year 2010, the” in paragraph (2)(A) and inserting “The”; and

(2) by striking “quarterly, beginning on January 1, 2010,” in paragraph (2)(A) and inserting “monthly, immediately following the collection of fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)).”; and

(3) by striking “fiscal years 2011 through 2014,” in paragraph (2)(B) and inserting “fiscal years 2012 through 2015.”;

(4) by striking “fiscal year 2010,” in paragraph (3)(A) and inserting “fiscal year 2011.”;

(5) by striking “fiscal year 2011,” each place it appears in paragraph (3)(A) and inserting “fiscal year 2012.”; and

(6) by striking “fiscal year 2010, 2011, 2012, 2013, or 2014” in paragraph (4)(B) and inserting “fiscal year 2011, 2012, 2013, 2014, or 2015”.

TITLE VII—BUDGETARY PROVISIONS

SEC. 701. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘Budgetary Effects of PAYGO Legislation’ for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EMERGENCY DESIGNATIONS.—Sections 501 and 524—

(1) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, are designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4302. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, add the following:

TITLE —TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

SEC. .01. SHORT TITLE.

This title may be cited as the “Foreign-Held Debt Transparency and Threat Assessment Act”.

SEC. .02. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives.

(2) DEBT INSTRUMENTS OF THE UNITED STATES.—The term “debt instruments of the United States” means all bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States Government, including any Government-sponsored enterprise.

SEC. 03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) the increasing dependence of the United States on foreign creditors has the potential to make the United States vulnerable to undue influence by certain foreign creditors in national security and economic policy-making;

(3) the People's Republic of China is the largest foreign creditor of the United States, in terms of its overall holdings of debt instruments of the United States;

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved, particularly regarding the holdings of the People's Republic of China;

(5) through the People's Republic of China's large holdings of debt instruments of the United States, China has become a super creditor of the United States;

(6) under certain circumstances, the holdings of the People's Republic of China could give China a tool with which China can try to manipulate the domestic and foreign policymaking of the United States, including the United States relationship with Taiwan;

(7) under certain circumstances, if the People's Republic of China were to be displeased with a given United States policy or action, China could attempt to destabilize the United States economy by rapidly divesting large portions of China's holdings of debt instruments of the United States; and

(8) the People's Republic of China's expansive holdings of such debt instruments of the United States could potentially pose a direct threat to the United States economy and to United States national security. This potential threat is a significant issue that warrants further analysis and evaluation.

SEC. 04. QUARTERLY REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) QUARTERLY REPORT.—Not later than March 31, June 30, September 30, and December 31 of each year, the President shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 7 months preceding the date of the report.

(2) The country of domicile of all foreign creditors who hold debt instruments of the United States.

(3) The total amount of debt instruments of the United States that are held by the foreign creditors, broken out by the creditors' country of domicile and by public, quasi-public, and private creditors.

(4) For each foreign country listed in paragraph (3)—

(A) an analysis of the country's purpose in holding debt instruments of the United States and long-term intentions with regard to such debt instruments;

(B) an analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by each country's holdings of debt instruments of the United States; and

(C) a specific determination of whether the level of risk identified under subparagraph (B) is acceptable or unacceptable.

(c) PUBLIC AVAILABILITY.—The President shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

SEC. 05. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) IN GENERAL.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) CONTENT OF REPORT.—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) A specific determination of whether the levels of risk identified under paragraph (1) are sustainable.

(3) If the determination under paragraph (2) is that the levels of risk are unsustainable, specific recommendations for reducing the levels of risk to sustainable levels, in a manner that results in a reduction in Federal spending.

SEC. 06. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE AND UNSUSTAINABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

In any case in which the President determines under section 04(b)(4)(C) that a foreign country's holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, or the Comptroller General of the United States makes a determination under section 5(b)(3), the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce the risk level to an acceptable and sustainable level, in a manner that results in a reduction in Federal spending;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

SA 4303. Mr. SESSIONS (for himself and Mrs. MCCASKILL) proposed an

amendment to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of the amendment, insert the following:

SEC. 000. DISCRETIONARY SPENDING LIMITS.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

(b) LIMITS.—In this section, the term “discretionary spending limits” has the following meaning subject to adjustments in subsection (c):

(1) For fiscal year 2011—

(A) for the defense category (budget function 050), \$564,293,000,000 in budget authority; and

(B) for the nondefense category, \$540,116,000,000 in budget authority.

(2) For fiscal year 2012—

(A) for the defense category (budget function 050), \$573,612,000,000 in budget authority; and

(B) for the nondefense category, \$543,790,000,000 in budget authority.

(3) For fiscal year 2013—

(A) for the defense category (budget function 050), \$584,421,000,000 in budget authority; and

(B) for the nondefense category, \$551,498,000,000 in budget authority.

(4) With respect to fiscal years following 2013, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

(c) ADJUSTMENTS.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

(i) with respect to fiscal year 2011, \$50,000,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, \$50,000,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, \$50,000,000,000 in new budget authority.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, \$7,171,000,000, for fiscal year 2012, \$7,243,000,000, and for fiscal year 2013, \$7,315,000,000.

(II) For fiscal year 2011, \$899,000,000, for fiscal year 2012, and \$908,000,000, for fiscal year 2013, \$917,000,000.

(C) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, \$276,000,000, for fiscal year 2012, \$278,000,000, and for fiscal year 2013, \$281,000,000.

(II) For fiscal year 2011, \$490,000,000; for fiscal year 2012, and \$495,000,000; for fiscal year 2013, \$500,000,000.

(iii) ASSET VERIFICATION.—

(i) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

(ii) AMOUNTS.—For fiscal year 2011, \$34,340,000, for fiscal year 2012, \$34,683,000, and for fiscal year 2013, \$35,030,000.

(D) HEALTH CARE FRAUD AND ABUSE.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2011, \$314,000,000, for fiscal year 2012, \$317,000,000, and for fiscal year 2013, \$320,000,000.

(E) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes \$10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that

measure for that initiative but not to exceed—

(i) with respect to fiscal year 2011, \$51,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, \$51,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, \$52,000,000 in new budget authority.

(F) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes \$3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to \$1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed \$1,900,000,000.

(d) EMERGENCY SPENDING.—

(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of this section, sections 302 and 311 of this Act, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress).

(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

(4) DEFINITIONS.—In this subsection, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) POINT OF ORDER.—

(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal

of the ruling of the Chair on a point of order raised under this paragraph.

(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(6) CRITERIA.—

(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

(f) POINT OF ORDER IN THE SENATE.—

(1) WAIVER.—The provisions of subsections (a)–(e) of this section shall be waived or suspended in the Senate only—

(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(g) LIMITATIONS ON CHANGES TO THIS SECTION.—It shall not be in order in the Senate or the House of Representatives to consider

any bill, resolution, amendment, or conference report that would repeal or otherwise change this section.

SA 4304. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. CASEY, Mr. KAUFMAN, Mrs. HAGAN, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF DEPENDENT COVERAGE UNDER FEHBP.

(a) **SHORT TITLE.**—This section may be cited as the “FEHBP Dependent Coverage Extension Act”.

(b) **IN GENERAL.**—

(1) **PROVISIONS RELATING TO AGE.**—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8901(5)—

(i) in the matter before subparagraph (A), by striking “22 years of age” and inserting “26 years of age”; and

(ii) in the matter after subparagraph (B), by striking “age 22” and inserting “age 26”; and

(B) in section 8905(c)(2)(B)—

(i) in clause (i), by striking “22 years of age” and inserting “26 years of age”; and

(ii) in clause (ii), by striking “age 22” and inserting “age 26”.

(2) **PROVISIONS RELATING TO MARITAL STATUS.**—Chapter 89 of title 5, United States Code, is further amended—

(A) in section 8901(5) and subsections (b)(2)(A), (c)(2)(B), (e)(1)(B), and (e)(2)(A) of section 8905a, by striking “an unmarried dependent” each place it appears and inserting “a dependent”; and

(B) in section 8905(c)(2)(B), by striking “unmarried dependent” and inserting “dependent”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall become effective as if included in the enactment of section 1001 of the Patient Protection and Affordable Care Act (Public Law 111-148), except that the Director of the Office of Personnel Management may implement such amendments for such periods before the effective date otherwise provided in section 1004(a) of such Act as the Director may specify.

SA 4305. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subpart B of part II of subtitle D of title II, add the following:

SEC. _____. TAX-EXEMPT BOND FINANCING.

(a) **IN GENERAL.**—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) **CONFORMING AMENDMENTS.**—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3913, 3919) are each amended by striking “January 1, 2011” each place it appears and inserting “January 1, 2012”.

SA 4306. Mr. WICKER submitted an amendment intended to be proposed to

amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subpart B of part II of subtitle D of title II, add the following:

SEC. _____. SPECIAL DEPRECIATION ALLOWANCE.

(a) **IN GENERAL.**—Paragraph (6) of section 1400N(d)(6) is amended by striking subparagraph (D).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SA 4307. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 6 _____. ENCOURAGEMENT OF CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES BY NATIVE CORPORATIONS.

(a) **IN GENERAL.**—Paragraph (2) of section 170(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

“(C) **QUALIFIED CONSERVATION CONTRIBUTIONS BY CERTAIN NATIVE CORPORATIONS.**—

“(i) **IN GENERAL.**—Any qualified conservation contribution (as defined in subsection (h)(1)) which—

“(I) is made by a Native Corporation, and

“(II) is a contribution of property which was land conveyed under the Alaska Native Claims Settlement Act,

shall be allowed to the extent that the aggregate amount of such contributions does not exceed the excess of the taxpayer’s taxable income over the amount of charitable contributions allowable under subparagraph (A).

“(ii) **LIMITATION.**—This subparagraph shall not apply to any contribution of property described in clause (i)(II) which, by itself or when aggregated to any other property to which this subparagraph applies, is a contribution of more than 10 percent of the land conveyed to the Native Corporation described in clause (i)(I) under the Alaska Native Claims Settlement Act.

“(iii) **CARRYOVER.**—If the aggregate amount of contributions described in clause (i) exceeds the limitation of clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(2)) as a charitable contribution to which clause (i) applies in each of the 5 succeeding years in order of time.

“(iv) **DEFINITION.**—For purposes of this subparagraph, the term ‘Native Corporation’ has the meaning given such term by section 3(m) of the Alaska Native Claims Settlement Act.

“(v) **TERMINATION.**—This subparagraph shall not apply to any contribution in any taxable year beginning after December 31, 2010.”.

(b) **CONFORMING AMENDMENT.**—Section 170(b)(2)(A) of such Code is amended by striking “subparagraph (B) applies” and inserting “subparagraphs (B) or (C) apply”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contribu-

tions made after the date of the enactment of this Act.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section or the amendments made by this section shall be construed to modify any existing property rights conveyed to Native Corporations (with the meaning of section 3(m) of the Alaska Native Claims Settlement Act) under such Act.

SEC. 6 _____. INCREASE IN PENALTY FOR FAILURE TO FILE A PARTNERSHIP OR S CORPORATION RETURN.

(a) **IN GENERAL.**—Sections 6698(b)(1) and 6699(b)(1) of the Internal Revenue Code of 1986 are each amended by striking “\$195” and inserting “\$205”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to returns for taxable years beginning after December 31, 2010.

SA 4308. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, between lines 18 and 19, insert the following:

SEC. 293. SPECIAL INVESTMENT RULE FOR CERTAIN QUALIFIED NEW YORK LIBERTY BOND PROCEEDS.

For purposes of section 149(g) of the Internal Revenue Code of 1986, the proceeds of any qualified New York Liberty Bond (as defined in section 1400L(d)(2)) issued after September 30, 2009, and before January 1, 2010, which are invested in United States Treasury Obligations – State and Local Government Series shall be treated as invested in bonds described in paragraph (3)(B)(i) of such section.

SA 4309. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 6 _____. CHARITABLE DEDUCTION FOR COSTS ASSOCIATED WITH DONATIONS OF WILD GAME MEAT.

(a) **IN GENERAL.**—Subsection (e) of section 170 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(8) **SPECIAL RULE FOR CONTRIBUTIONS OF WILD GAME MEAT.**—

“(A) **IN GENERAL.**—In the case of a charitable contribution by an individual of qualified wild game meat, the amount of such contribution otherwise taken into account under this section (after the application of paragraph (1)(A)) shall be increased by the amount of the qualified processing fees paid with respect to such contribution.

“(B) **QUALIFIED WILD GAME MEAT.**—For purposes of this paragraph, the term ‘qualified wild game meat’ means the meat of any animal which is typically used for human consumption, but only if—

“(i) such animal is killed in the wild by the individual making the charitable contribution of such meat (not including animals raised on a farm for the purpose of sport hunting),

“(ii) such animal is hunted or taken in accordance with all State and local laws and

regulations, including season and size restrictions.

“(iii) such meat is processed for human consumption by a processor which is licensed for such purpose under the appropriate Federal, State, and local laws and regulations and which is in compliance with all such laws and regulations, and

“(iv) such meat is apparently wholesome (under regulations similar to the regulations under section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act).

“(C) QUALIFIED PROCESSING FEE.—For purposes of this paragraph, the term ‘qualified processing fee’ means any fee or charge paid to a processor which fulfills the requirements of subparagraph (B)(iii) for the purpose of processing wild game meat, but only to the extent that such meat is donated as a charitable contribution under this section.”.

(b) EXCLUSION OF PROCESSOR’S INCOME FROM TAX EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before section 140 the following new section:

“SEC. 139F. CERTAIN INCOME RECEIVED FROM CHARITABLE ORGANIZATIONS.

“(a) IN GENERAL.—Gross income of a qualified meat processor shall not include any amount paid to such processor as a qualified processing fee by a charitable organization for the processing of donated wild game meat.

“(b) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED MEAT PROCESSOR.—The term ‘qualified meat processor’ means a processor which fulfills the requirements of section 170(e)(8)(B)(iii).

“(2) CHARITABLE ORGANIZATION.—The term ‘charitable organization’ means an entity to which a charitable contribution may be made under section 170(c) and the charitable purpose of which is to provide free food to individuals in need of food assistance.

“(3) DONATED WILD GAME MEAT.—The term ‘donated wild game meat’ means qualified wild game meat (as defined in section 170(e)(8)(B), without regard to clause (iii) thereof) which is received as a charitable contribution (as defined in section 170(c)) by a charitable organization.

“(4) QUALIFIED PROCESSING FEE.—The term ‘qualified processing fee’ means any fee or charge paid to a qualified meat processor for the purpose of processing donated wild game meat.”.

(2) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before the item relating to section 140 the following new item:

“Sec. 139F. Certain income received from tax exempt organizations.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to donations made, and fees received, after the date of the enactment of this Act.

SA 4310. Mr. SCHUMER (for himself, Ms. STABENOW, Mr. LEVIN, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 6. MODIFICATION OF EXCISE TAX ON INVESTMENT INCOME OF PRIVATE FOUNDATIONS.

(a) IN GENERAL.—Subsection (a) of section 4940 of the Internal Revenue Code of 1986 is amended by inserting “(1.39 percent in the case of taxable years beginning before January 1, 2015)” after “2 percent”.

(b) TEMPORARY ELIMINATION OF REDUCED TAX WHERE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—Subsection (e) of section 4940 of such Code is amended by adding at the end the following new paragraph:

“(7) APPLICATION.—Paragraph (1) shall not apply for any taxable year beginning after December 31, 2009, and before January 1, 2015.”.

(c) STUDY.—Not later than December 31, 2013, the Secretary of the Treasury shall conduct and submit to the Congress a study which examines the effect of the change in the rate of tax under section 4940 of the Internal Revenue Code of 1986 (as amended by this section) has on the level of grantmaking by private foundations.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SA 4311. Mr. FRANKEN (for himself, Ms. SNOWE, and Mrs. MURRAY) proposed an amendment to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —OFFICE OF THE HOMEOWNER ADVOCATE

SEC. 01. OFFICE OF THE HOMEOWNER ADVOCATE.

(a) ESTABLISHMENT.—There is established in the Department of the Treasury an office to be known as the “Office of the Homeowner Advocate” (in this title referred to as the “Office”).

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Office of the Homeowner Advocate (in this title referred to as the “Director”) shall report directly to the Assistant Secretary of the Treasury for Financial Stability, and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) APPOINTMENT.—The Director shall be appointed by the Secretary, after consultation with the Secretary of the Department of Housing and Urban Development, and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

(3) QUALIFICATIONS.—An individual appointed under paragraph (2) shall have—

(A) experience as an advocate for homeowners; and

(B) experience dealing with mortgage servicers.

(4) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as Director only if such individual was not an officer or employee of either a mortgage servicer or the Department of the Treasury during the 4-year period preceding the date of such appointment.

(5) HIRING AUTHORITY.—The Director shall have the authority to hire staff, obtain support by contract, and manage the budget of the Office of the Homeowner Advocate.

SEC. 02. FUNCTIONS OF THE OFFICE.

(a) IN GENERAL.—It shall be the function of the Office—

(1) to assist homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary, authorized under the Emergency Economic Stabilization Act of 2008 (in this title referred to as the “Home Affordable Modification Program”);

(2) to identify areas, both individual and systematic, in which homeowners, housing counselors, and housing lawyers have problems in dealings with the Home Affordable Modification Program;

(3) to the extent possible, to propose changes in the administrative practices of the Home Affordable Modification Program, to mitigate problems identified under paragraph (2);

(4) to identify potential legislative changes which may be appropriate to mitigate such problems; and

(5) to implement other programs and initiatives that the Director deems important to assisting homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program, which may include—

(A) running a triage hotline for homeowners at risk of foreclosure;

(B) providing homeowners with access to housing counseling programs of the Department of Housing and Urban Development at no cost to the homeowner;

(C) developing Internet tools related to the Home Affordable Modification Program; and

(D) developing training and educational materials.

(b) AUTHORITY.—

(1) IN GENERAL.—Staff designated by the Director shall have the authority to implement servicer remedies, on a case-by-case basis, subject to the approval of the Assistant Secretary of the Treasury for Financial Stability.

(2) LIMITATIONS ON FORECLOSURES.—No homeowner may be taken to a foreclosure sale, until the earlier of the date on which the Office of the Homeowner Advocate case involving the homeowner is closed, or 60 days since the opening of the Office of the Homeowner Advocate case involving the homeowner have passed, except that nothing in this section may be construed to relieve any loan servicers from any otherwise applicable rules, directives, or similar guidance under the Home Affordable Modification Program relating to the continuation or completion of foreclosure proceedings.

(3) RESOLUTION OF HOMEOWNER CONCERNS.—The Office shall, to the extent possible, resolve all homeowner concerns not later than 30 days after the opening of a case with such homeowner.

(c) COMMENCEMENT OF OPERATIONS.—The Office shall commence its operations, as required by this title, not later than 3 months after the date of enactment of this Act.

(d) SUNSET.—The Office shall cease operations as of the date on which the Home Affordable Modification Program ceases to operate.

SEC. 03. RELATIONSHIP WITH EXISTING ENTITIES.

(a) TRANSFER.—The Office shall coordinate and centralize all complaint escalations relating to the Home Affordable Modification Program.

(b) HOTLINE.—The HOPE hotline (or any successor triage hotline) shall reroute all complaints relating to the Home Affordable Modification Program to the Office.

(c) COORDINATION.—The Office shall coordinate with the compliance office of the Office of Financial Stability of the Department of the Treasury and the Homeownership Preservation Office of the Department of the Treasury.

SEC. 04. REPORTS TO CONGRESS.

(a) TESTIMONY.—The Director shall be available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not less frequently than 4 times a year, or at any time at the request of the Chairs of either committee.

(b) REPORTS.—Once annually, the Director shall provide a detailed report to Congress on the Home Affordable Modification Program. Such report shall contain full and substantive analysis, in addition to statistical information, including, at a minimum—

(1) data and analysis of the types and volume of complaints received from homeowners, housing counselors, and housing lawyers, broken down by category of servicer, except that servicers may not be identified by name in the report;

(2) a summary of not fewer than 20 of the most serious problems encountered by Home Affordable Modification Program participants, including a description of the nature of such problems;

(3) to the extent known, identification of the 10 most litigated issues for Home Affordable Modification Program participants, including recommendations for mitigating such disputes;

(4) data and analysis on the resolutions of the complaints received from homeowners, housing counselors, and housing lawyers;

(5) identification of any programs or initiatives that the Office has taken to improve the Home Affordable Modification Program;

(6) recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by Home Affordable Modification Program participants; and

(7) such other information as the Director may deem advisable.

SEC. 05. FUNDING.

Amounts made available for the costs of administration of the Home Affordable Modification Program that are not otherwise obligated shall be available to carry out the duties of the Office. Funding shall be maintained at levels adequate to reasonably carry out the functions of the Office.

SA 4312. Mr. VITTER (for himself, Mr. GREGG, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the subtitle D of title IV, add the following:

SEC. ____ . NEW REVENUES TO THE OIL SPILL LIABILITY TRUST FUND.

The revenue resulting from any increase in the Oil Spill Liability Trust Fund financing rate under section 4611 of the Internal Revenue Code of 1986 shall—

(1) not be counted for purposes of offsetting revenues, receipts, or discretionary spending under the Congressional Budget Act of 1974 or the Statutory Pay-As-You-Go Act of 2010; and

(2) shall only be used for the purposes of the Oil Spill Liability Trust Fund.

SA 4313. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(h) ATTORNEYS' FEES AND INCENTIVE AWARDS.—

(1) IN GENERAL.—Any award of attorneys' fees, expenses, and costs or any incentive award in connection with the Litigation shall be within the discretion of the United States District Court for the District of Columbia (referred to in this section as the "Court") and in accordance with controlling law, including paragraphs (2) and (3).

(2) ATTORNEYS' FEES, EXPENSES, AND COSTS.—

(A) IN GENERAL.—Any motion or request for attorneys' fees, expenses, and costs incurred in the Litigation shall be supported by complete and contemporaneous daily time, expense, and cost records for all such fees, expenses, and costs.

(B) PRE-SETTLEMENT.—Notwithstanding any other provision of law, any award of attorneys' fees, expenses, and costs incurred in the Litigation on or before December 7, 2009, shall not exceed \$50,000,000 above amounts previously paid by the defendants in the Litigation.

(3) INCENTIVE AWARDS.—Notwithstanding any other provision of law, any incentive awards to class representatives in connection with the Litigation—

(A) shall not exceed, in the aggregate, \$15,000,000; and

(B) shall be limited to reimbursement of documented expenses and costs that—

(i)(I) were paid by the class representative with the funds of that class representative; or

(II) were paid by the class representative with borrowed funds that the class representative has a binding legal obligation to repay; and

(ii) have not otherwise been paid or reimbursed by the United States, Class Counsel, or any other person or entity other than the class representative petitioning for the award.

(i) SELECTION OF 1 OR MORE QUALIFYING BANKS.—The Court, in exercising the discretion of the Court to approve the selection of any proposed Qualifying Bank under paragraph A.1. of the Settlement, shall consider, in addition to the requirements of paragraph A.29. of the Settlement and any other requirements or factors that the Court determines to be relevant, whether the bank—

(1) employs officers and staff with experience in administering and collateralizing large deposits of settlement funds;

(2) has a demonstrated record of compliance with all applicable banking laws (including regulations); and

(3) offers competitive rates of interest on deposits and competitive fees or charges for any services that the bank will perform under the Settlement.

(j) TRUST LAND CONSOLIDATION FUND.—

(1) CONSULTATION.—In implementing paragraph F. of the Settlement, the Secretary shall consult with federally recognized Indian tribes with respect to—

(A) prioritizing and selecting tracts of land for consolidation of fractionated interests; and

(B) otherwise implementing the Settlement with regard to consolidation of fractionated interests under the Settlement.

(2) CONTRACTING AND COMPACTING.—Notwithstanding any provision of the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), the activities in implementing paragraph F. of the Settlement shall be subject to contracting and compacting under titles I and IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(k) TRUST ADMINISTRATION CLASS ADJUSTMENTS.—

(1) IN GENERAL.—In addition to any amounts deducted from the Accounting/Trust Administration Fund under paragraph E.4.b.2. of the settlement, the Court shall require the Claims Administrator (as defined in paragraph A.5. of the Settlement) to set aside, from the funds paid into the Accounting/Trust Administration Fund (as defined in paragraph A.1 of the Settlement) pursuant to paragraph E.2.a. of the Settlement, \$50,000,000 for making equitable adjustments to the payments to members of the Trust Administration Class pursuant to this subsection.

(2) PURPOSE OF ADJUSTMENTS.—The purpose of the adjustments under this subsection is to provide additional compensation to any member of the Trust Administration Class who demonstrates that the pro rata formula calculated under paragraph E.4.b.(3) of the Settlement does not provide fair compensation.

(3) PROCEDURES.—Except as provided in paragraph (5), the procedures, sufficiency of proof, and other requirements for members of the Trust Administration Class to receive adjustments under this subsection shall be established by, and be within the discretion of, the Court.

(4) AMOUNT OF ADJUSTMENTS.—Whether an adjustment authorized under this subsection should be made and the amount of any such adjustment shall be within the discretion of the Court and not subject to appeal.

(5) TIMING OF ADJUSTMENTS.—Any adjustment payments authorized under this subsection shall be distributed after payments have been made to class members under paragraphs E.3. and 4. of the Settlement.

(6) REMAINING FUNDS.—Any funds remaining in the amount set aside under paragraph (1) after completing the payments of equitable adjustments under this subsection shall be distributed to all members of the Trust Administration Class in accordance with the pro rata percentages calculated for the members of that class under paragraph E.4.b.(3) of the Settlement.

(7) SPECIAL MASTER.—

(A) IN GENERAL.—At the discretion of the Court, the determination of the amount of equitable adjustments under this subsection may be made by the special master appointed under the Settlement.

(B) REVIEW AND APPROVAL.—Any adjustments made by the special master under subparagraph (A) shall be subject to the review of the Court.

SA 4314. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —HONEST EXPENDITURE LIMITATION PROGRAM

SEC. 01. SHORT TITLE; EXPIRATION.

(a) **SHORT TITLE.**—This title may be cited as the “Honest Expenditure Limitation Program Act of 2010” or the “HELP Act”.

(b) **EXPIRATION.**—This title shall expire at the end of fiscal year 2020.

Subtitle A—Congressional Non-security Discretionary Spending Limits

SEC. 101. NON-SECURITY DISCRETIONARY SPENDING LIMITS.

(a) **IN GENERAL.**—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

“NON-SECURITY DISCRETIONARY SPENDING LIMITS

“SEC. 316. (a) **NON-SECURITY DISCRETIONARY SPENDING LIMITS.**—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the non-security discretionary spending limits as set forth in subsection (b) to be exceeded.

“(b) **LIMITS.**—The non-security discretionary spending limits are as follows:

“(1) For fiscal years 2011 through 2015, the spending level for such spending in fiscal year 2010 reduced each year thereafter on a pro rata basis so that the level for fiscal year 2015 does not exceed the level for fiscal year 2008.

“(2) For fiscal years 2016 through 2020, the spending level for fiscal year 2015.

“(c) **NON-SECURITY SPENDING.**—In this section, the term ‘non-security discretionary spending’ means discretionary spending other than spending for the Department of Defense, homeland security activities, intelligence related activities within the Department of State, the Department of Veterans Affairs, and national security related activities in the Department of Energy.

“(d) **LIMITATIONS ON CHANGES TO THIS SECTION.**—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would—

“(1) repeal or otherwise change this section; or

“(2) exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

“(e) **POINT OF ORDER IN THE SENATE.**—

“(1) **WAIVER.**—The provisions of this section shall be waived or suspended in the Senate only—

“(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

“(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

“(2) **APPEAL.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.”.

(b) **TABLE OF CONTENTS.**—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Non-security discretionary spending limits.”.

Subtitle B—Statutory Non-security Discretionary Spending Limits

PART I—DEFINITIONS, ADMINISTRATION, AND SEQUESTRATION

SEC. 211. DEFINITIONS.

In this title:

(1) **ACCOUNT.**—The term “account” means—

(A) for discretionary budget authority, an item for which appropriations are made in any appropriation Act; and

(B) for items not provided for in appropriation Acts, direct spending and outlays therefrom identified in the program and finance schedules contained in the appendix to the Budget of the United States for the current year.

(2) **BREACH.**—The term “breach” means, for any fiscal year, the amount by which discretionary budget authority enacted for that year exceeds the spending limit for budget authority for that year.

(3) **BUDGET AUTHORITY; NEW BUDGET AUTHORITY; AND OUTLAYS.**—The terms “budget authority”, “new budget authority”, and “outlays” have the meanings given to such terms in section 3 of the Congressional Bud-

get and Impoundment Control Act of 1974 (2 U.S.C. 622).

(4) **BUDGET YEAR.**—The term “budget year” means, with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

(5) **CBO.**—The term “CBO” means the Director of the Congressional Budget Office.

(6) **CURRENT.**—The term “current” means—

(A) with respect to the Office of Management and Budget estimates included with a budget submission under section 1105(a) of title 31, United States Code, the estimates consistent with the economic and technical assumptions underlying that budget;

(B) with respect to estimates made after that budget submission that are not included with it, the estimates consistent with the economic and technical assumptions underlying the most recently submitted President’s budget; and

(C) with respect to the Congressional Budget Office, estimates consistent with the economic and technical assumptions as required by section 202(e)(1) of the Congressional Budget Act of 1974.

(7) **CURRENT YEAR.**—The term “current year” means, with respect to a budget year, the fiscal year that immediately precedes that budget year.

(8) **DISCRETIONARY APPROPRIATIONS AND DISCRETIONARY BUDGET AUTHORITY.**—The terms “discretionary appropriations” and “discretionary budget authority” shall have the meaning given such terms in section 3(4) of the Congressional Budget Act of 1974.

(9) **NON-SECURITY DISCRETIONARY SPENDING LIMIT.**—The term “non-security discretionary spending limit” shall mean the amounts specified in section 222.

(10) **OMB.**—The term “OMB” means the Director of the Office of Management and Budget.

(11) **SEQUESTRATION.**—The term “sequestration” means the cancellation or reduction of budget authority (except budget authority to fund mandatory programs) provided in appropriation Acts.

SEC. 212. ADMINISTRATION AND EFFECT OF SE- QUESTRATION.

(a) **TIMETABLE.**—The timetable with respect to this title is as follows:

On or before:

5 days before the President’s budget submission required under section 1105 of title 31, United States Code

The President’s budget submission

10 days after end of session

15 days after end of session

Action to be completed:

CBO Discretionary Sequestration Preview Report.

OMB Discretionary Sequestration Preview Report.

CBO Final Discretionary Sequestration Report.

OMB Final Discretionary Sequestration/Presidential Sequestration Order.

(b) **PRESIDENTIAL ORDER.**—

(1) **IN GENERAL.**—On the date specified in subsection (a), if in its Final Sequestration Report, OMB estimates that any sequestration is required, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

(2) **SPECIAL RULE.**—If the date specified for the submission of a Presidential order under subsection (a) falls on a Sunday or legal holiday, such order shall be issued on the following day.

(c) **EFFECTS OF SEQUESTRATION.**—The effects of sequestration shall be as follows:

(1) Budgetary resources sequestered from any account shall be permanently cancelled, except as provided in paragraph (5).

(2) Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects, and activities within a budget account (with programs, projects, and

activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account).

(3) Administrative regulations or similar actions implementing a sequestration shall be made within 120 days of the sequestration order. To the extent that formula allocations differ at different levels of budgetary resources within an account, program, project, or activity, the sequestration shall be interpreted as producing a lower total appropriation, with the remaining amount of the appropriation being obligated in a manner consistent with program allocation formulas in substantive law.

(4) Except as otherwise provided in this part, obligations or budgetary resources in sequestered accounts shall be reduced only in the fiscal year in which a sequester occurs.

(5) Budgetary resources sequestered in special fund accounts and offsetting collections

sequestered in appropriation accounts shall not be available for obligation during the fiscal year in which the sequestration occurs, but shall be available in subsequent years to the extent otherwise provided in law.

(d) **SUBMISSION AND AVAILABILITY OF REPORTS.**—Each report required by this section shall be submitted, in the case of CBO, to the House of Representatives, the Senate, and OMB and, in the case of OMB, to the House of Representatives, the Senate, and the President on the day it is issued. On the following day a notice of the report shall be printed in the Federal Register.

PART II—NON-SECURITY DISCRETIONARY SPENDING LIMITS

SEC. 221. DISCRETIONARY SEQUESTRATION RE- PORTS.

(a) **DISCRETIONARY SEQUESTRATION PREVIEW REPORTS.**—

(1) **REPORTING REQUIREMENT.**—On the dates specified in section 212(a), OMB shall report

to the President and Congress and CBO shall report to Congress a Discretionary Sequestration Preview Report regarding discretionary sequestration based on laws enacted through those dates.

(2) **DISCRETIONARY.**—The Discretionary Sequestration Preview Report shall set forth estimates for the current year and each subsequent year through 2014 of the applicable discretionary spending limits and a projection of budget authority exceeding discretionary limits subject to sequester.

(3) **EXPLANATION OF DIFFERENCES.**—The OMB reports shall explain the differences between OMB and CBO estimates for each item set forth in this subsection.

(b) **DISCRETIONARY SEQUESTRATION REPORTS.**—On the dates specified in section 212(a), OMB and CBO shall issue Discretionary Sequestration Reports, reflecting laws enacted through those dates, containing all of the information required in the Discretionary Sequestration Preview Reports.

(c) **FINAL DISCRETIONARY SEQUESTRATION REPORTS.**—

(1) **REPORTING REQUIREMENTS.**—On the dates specified in section 212(a), OMB and CBO shall each issue a Final Discretionary Sequestration Report, updated to reflect laws enacted through those dates.

(2) **DISCRETIONARY SPENDING.**—The Final Discretionary Sequestration Reports shall set forth estimates for each of the following:

(A) For the current year and each subsequent year through 2014; the applicable discretionary spending limits.

(B) For the current year, if applicable, and the budget year; the new budget authority and the breach, if any.

(C) The sequestration percentages necessary to eliminate the breach.

(D) For the budget year, for each account to be sequestered, the level of enacted, sequesterable budget authority and resulting estimated outlays flowing therefrom.

(3) **EXPLANATION OF DIFFERENCES.**—The OMB report shall explain—

(A) any differences between OMB and CBO estimates for the amount of any breach and for any required discretionary sequestration percentages; and

(B) differences in the amount of sequesterable resources for any budget account to be reduced if such difference is greater than \$5,000,000.

(d) **ECONOMIC AND TECHNICAL ASSUMPTIONS.**—In all reports required by this section, OMB shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31, United States Code.

SEC. 222. LIMITS.

(a) **DISCRETIONARY SPENDING LIMITS.**—As used in this title, the term “non-security discretionary spending limit” shall have the same meaning as in section 316 of the Congressional Budget Act of 1974.

(b) **ENFORCEMENT.**—

(1) **SEQUESTRATION.**—On the date specified in section 212(a), there shall be a sequestration to eliminate a budget-year breach.

(2) **ELIMINATING A BREACH.**—Each non-security discretionary account shall be reduced by a dollar amount calculated by multiplying the enacted level of budget authority for that year in that account at that time by the uniform percentage necessary to eliminate a breach of the discretionary spending limit.

(3) **PART-YEAR APPROPRIATIONS.**—If, on the date the report is issued under paragraph (1), there is in effect an Act making continuing appropriations for part of a fiscal year for

any budget account, then the dollar sequestration calculated for that account under paragraph (2) shall be subtracted from—

(A) the annualized amount otherwise available by law in that account under that or a subsequent part-year appropriation; and

(B) when a full-year appropriation for that account is enacted, from the amount otherwise provided by the full-year appropriation.

(4) **LOOK-BACK.**—If, after June 30, an appropriation for the fiscal year in progress is enacted that causes a breach for that year (after taking into account any previous sequestration), the discretionary spending limit for the next fiscal year shall be reduced by the amount of that breach.

(5) **WITHIN-SESSION SEQUESTRATION REPORTS AND ORDER.**—If an appropriation for a fiscal year in progress is enacted (after Congress adjourns to end the session for that budget year and before July 1 of that fiscal year) that causes a breach, 10 days later CBO shall issue a report containing the information required in section 221(c). Fifteen days after enactment, OMB shall issue a report containing the information required in section 221(c). On the same day as the OMB report, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

(c) **ESTIMATES.**—

(1) **CBO ESTIMATES.**—As soon as practicable after Congress completes action on any legislation providing discretionary appropriations, CBO shall provide an estimate to OMB of that legislation.

(2) **OMB ESTIMATES.**—Not later than 7 calendar days (excluding Saturdays, Sundays, and legal holidays) after the date of enactment of any discretionary appropriations, OMB shall transmit a report to the Senate and to the House of Representatives containing—

(A) the CBO estimate of that legislation;

(B) an OMB estimate of that legislation using current economic and technical assumptions; and

(C) an explanation of any difference between the 2 estimates.

(3) **DIFFERENCES.**—If during the preparation of the report under paragraph (2), OMB determines that there is a difference between the OMB and CBO estimates, OMB shall consult with the Committees on the Budget of the House of Representatives and the Senate regarding that difference and that consultation, to the extent practicable, shall include written communication to such committees that affords such committees the opportunity to comment before the issuance of that report.

(4) **ASSUMPTIONS AND GUIDELINES.**—OMB and CBO shall prepare estimates under this paragraph in conformance with scorekeeping guidelines determined after consultation among the House and Senate Committees on the Budget, CBO, and OMB.

SA 4315. Mr. SESSIONS (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. ____ . DISCRETIONARY SPENDING LIMITS.

(a) **POINT OF ORDER.**—It shall not be in order in the House of Representatives or the

Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

(b) **LIMITS.**—In this section, the term “discretionary spending limits” has the following meaning subject to adjustments in subsection (c):

(1) For fiscal year 2011—

(A) for the defense category (budget function 050), \$564,293,000,000 in budget authority; and

(B) for the nondefense category, \$540,116,000,000 in budget authority.

(2) For fiscal year 2012—

(A) for the defense category (budget function 050), \$573,612,000,000 in budget authority; and

(B) for the nondefense category, \$543,790,000,000 in budget authority.

(3) For fiscal year 2013—

(A) for the defense category (budget function 050), \$584,421,000,000 in budget authority; and

(B) for the nondefense category, \$551,498,000,000 in budget authority.

(4) With respect to fiscal years following 2013, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

(c) **ADJUSTMENTS.**—

(1) **IN GENERAL.**—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) **MATTERS DESCRIBED.**—Matters referred to in paragraph (1) are as follows:

(A) **OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.**—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

(i) with respect to fiscal year 2011, \$50,000,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, \$50,000,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, \$50,000,000,000 in new budget authority.

(B) **INTERNAL REVENUE SERVICE TAX ENFORCEMENT.**—

(i) **IN GENERAL.**—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, \$7,171,000,000, for fiscal year 2012, \$7,243,000,000, and for fiscal year 2013, \$7,315,000,000.

(II) For fiscal year 2011, \$899,000,000, for fiscal year 2012, and \$908,000,000, for fiscal year 2013, \$917,000,000.

(C) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, \$276,000,000, for fiscal year 2012, \$278,000,000, and for fiscal year 2013, \$281,000,000.

(II) For fiscal year 2011, \$490,000,000; for fiscal year 2012, and \$495,000,000; for fiscal year 2013, \$500,000,000.

(iii) ASSET VERIFICATION.—

(I) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

(II) AMOUNTS.—For fiscal year 2011, \$34,340,000, for fiscal year 2012, \$34,683,000, and for fiscal year 2013, \$35,030,000.

(D) HEALTH CARE FRAUD AND ABUSE.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2011, \$314,000,000, for fiscal year 2012, \$317,000,000, and for fiscal year 2013, \$320,000,000.

(E) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes \$10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

(i) with respect to fiscal year 2011, \$51,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, \$51,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, \$52,000,000 in new budget authority.

(F) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes

\$3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to \$1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed \$1,900,000,000.

(d) EMERGENCY SPENDING.—

(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of this section, sections 302 and 311 of this Act, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress).

(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

(4) DEFINITIONS.—In this subsection, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) POINT OF ORDER.—

(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) SUPERMAJORITY WAIVER AND APPEALS.—

(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(6) CRITERIA.—

(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

(f) POINT OF ORDER IN THE SENATE.—

(1) WAIVER.—The provisions of subsections (a) and (e) of this section shall be waived or suspended in the Senate only—

(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(g) LIMITATIONS ON CHANGES TO THIS SECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this section.

SA 4316. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 255, line 18, strike “a drug” and insert “a covered inpatient drug”.

On page 256, line 24, strike “a patient” and insert “an inpatient”.

On page 260, line 17, after “subsection (a)(4)” insert the following: “that has applied for and enrolled in the program described under this section”.

On page 261, line 15, strike “20.20” and insert “11.75”.

On page 275, strike line 2 and insert the following: each succeeding fiscal year.

“(g) EFFECT OF SECTION.—Nothing in this section shall be construed to apply to section 340B.”.

SA 4317. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 255, strike line 14 and all that follows through line 2 on page 275 and insert the following:

“(i) IN GENERAL.—A covered entity shall not request payment under title XIX of the Social Security Act for medical assistance described in section 1905(a)(12) of such Act with respect to a covered inpatient drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act.

“(ii) ESTABLISHMENT OF MECHANISM.—The Secretary shall establish a mechanism to ensure that covered entities comply with clause (i). If the Secretary does not establish a mechanism under the previous sentence within 12 months of the enactment of this section, the requirements of section 1927(a)(5)(C) of the Social Security Act shall apply.

“(iii) PROHIBITING DISCLOSURE TO GROUP PURCHASING ORGANIZATIONS.—In the event that a covered entity is a member of a group purchasing organization, such entity shall not disclose the price or any other information pertaining to any purchases under this section directly or indirectly to such group purchasing organization.

“(B) PROHIBITING RESALE, DISPENSING, OR ADMINISTRATION OF DRUGS EXCEPT TO CERTAIN PATIENTS.—With respect to any covered inpatient drug that is subject to an agreement under this subsection, a covered entity shall not dispense, administer, resell, or otherwise transfer the covered inpatient drug to a person unless—

“(i) such person is an inpatient of the entity; and

“(ii) such person does not have health plan coverage (as defined in subsection (c)(3)) that provides prescription drug coverage in the inpatient setting with respect to such covered inpatient drug.

For purposes of clause (ii), a person shall be treated as having health plan coverage (as defined in subsection (c)(3)) with respect to a covered inpatient drug if benefits are not payable under such coverage with respect to such drug for reasons such as the application of a deductible or cost sharing or the use of utilization management.

“(C) AUDITING.—A covered entity shall permit the Secretary and the manufacturer of a covered inpatient drug that is subject to an agreement under this subsection with the entity (acting in accordance with procedures established by the Secretary relating to the number, duration, and scope of audits) to audit at the Secretary’s or the manufacturer’s expense the records of the entity that di-

rectly pertain to the entity’s compliance with the requirements described in subparagraph (A) or (B) with respect to drugs of the manufacturer. The use or disclosure of information for performance of such an audit shall be treated as a use or disclosure required by law for purposes of section 164.512(a) of title 45, Code of Federal Regulations.

“(D) ADDITIONAL SANCTION FOR NONCOMPLIANCE.—If the Secretary finds, after notice and hearing, that a covered entity is in violation of a requirement described in subparagraph (A) or (B), the covered entity shall be liable to the manufacturer of the covered inpatient drug that is the subject of the violation in an amount equal to the reduction in the price of the drug (as described in subparagraph (A)) provided under the agreement between the Secretary and the manufacturer under this subsection.

“(E) MAINTENANCE OF RECORDS.—

“(i) IN GENERAL.—A covered entity shall establish and maintain an effective record-keeping system to comply with this section and shall certify to the Secretary that such entity is in compliance with subparagraphs (A) and (B). The Secretary shall require that hospitals that purchase covered inpatient drugs for inpatient dispensing or administration under this subsection appropriately segregate inventory of such covered inpatient drugs, either physically or electronically, from drugs for outpatient use, as well as from drugs for inpatient dispensing or administration to individuals who have (for purposes of subparagraph (B)) health plan coverage described in clause (ii) of such subparagraph.

“(ii) CERTIFICATION OF NO THIRD-PARTY PAYER.—A covered entity shall maintain records that contain certification by the covered entity that no third party payment was received for any covered inpatient drug that is subject to an agreement under this subsection and that was dispensed to an inpatient.

“(5) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the distinct part of the hospital shall not be considered a covered entity under this subsection unless the hospital is otherwise a covered entity under this subsection.

“(6) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered inpatient drugs and single State agencies under section 1902(a)(5) of the Social Security Act of the identities of covered entities under this subsection, and of entities that no longer meet the requirements of paragraph (4), by means of timely updates of the Internet website supported by the Department of Health and Human Services relating to this section.

“(7) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

“(b) COVERED ENTITY DEFINED.—In this section, the term ‘covered entity’ means an entity that meets the requirements described in subsection (a)(4) that has applied for and enrolled in the program described under this section and is one of the following:

“(1) A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act) that—

“(A) is owned or operated by a unit of State or local government, is a public or private non-profit corporation which is formally granted governmental powers by a unit of State or local government, or is a pri-

vate nonprofit hospital which has a contract with a State or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act or eligible for assistance under the State plan for medical assistance under title XIX of such Act; and

“(B) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined using the methodology under section 1886(d)(5)(F) of the Social Security Act as in effect on the date of enactment of this section) greater than 11.75 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act (as so in effect on the date of enactment of this section).

“(2) A children’s hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

“(3) A free-standing cancer hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(v) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

“(4) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of paragraph (1)(A).

“(5) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of paragraph (1)(A) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.

“(c) OTHER DEFINITIONS.—In this section:

“(1) AVERAGE MANUFACTURER PRICE.—

“(A) IN GENERAL.—The term ‘average manufacturer price’—

“(i) has the meaning given such term in section 1927(k) of the Social Security Act, except that such term shall be applied under this section with respect to covered inpatient drugs in the same manner (as applicable) as such term is applied under such section 1927(k) with respect to covered outpatient drugs (as defined in such section); and

“(ii) with respect to a covered inpatient drug for which there is no average manufacturer price (as defined in clause (i)), shall be the amount determined under regulations promulgated by the Secretary under subparagraph (B).

“(B) RULEMAKING.—The Secretary shall by regulation, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, establish a method for determining the average manufacturer price for covered inpatient drugs for which there is no average manufacturer price (as defined in subparagraph (A)(i)). Regulations promulgated with respect to covered inpatient drugs under the preceding sentence shall provide for the application of methods for determining the average manufacturer price that

are the same as the methods used to determine such price in calculating rebates required for such drugs under an agreement between a manufacturer and a State that satisfies the requirements of section 1927(b) of the Social Security Act, as applicable.

“(2) COVERED INPATIENT DRUG.—The term ‘covered inpatient drug’ means a drug—

“(A) that is described in section 1927(k)(2) of the Social Security Act;

“(B) that, notwithstanding paragraph (3)(A) of section 1927(k) of such Act, is used in connection with an inpatient service provided by a covered entity that is enrolled to participate in the drug discount program under this section; and

“(C) that is not purchased by the covered entity through or under contract with a group purchasing organization.

“(3) HEALTH PLAN COVERAGE.—The term ‘health plan coverage’ means—

“(A) health insurance coverage (as defined in section 2791, and including coverage under a State health benefits risk pool);

“(B) coverage under a group health plan (as defined in such section, and including coverage under a church plan, a governmental plan, or a collectively bargained plan);

“(C) coverage under a Federal health care program (as defined by section 1128B(f) of the Social Security Act); or

“(D) such other health benefits coverage as the Secretary recognizes for purposes of this section.

“(4) MANUFACTURER.—The term ‘manufacturer’ has the meaning given such term in section 1927(k) of the Social Security Act.

“(d) PROGRAM INTEGRITY.—

“(1) MANUFACTURER COMPLIANCE.—

“(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

“(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

“(i) The establishment of a process to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

“(I) Developing and publishing through an appropriate policy or regulatory issuance, precisely defined standards and methodology for the calculation of ceiling prices under such subsection.

“(II) Comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary.

“(III) Conducting periodic monitoring of sales transactions by covered entities.

“(IV) Inquiring into any discrepancies between ceiling prices and manufacturer pricing data that may be identified and taking, or requiring manufacturers to take, corrective action in response to such discrepancies, including the issuance of refunds pursuant to the procedures set forth in clause (ii).

“(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including the following:

“(I) Providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued.

“(II) Oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time.

“(iii) The provision of access through the Internet website supported by the Department of Health and Human Services to the applicable ceiling prices for covered inpatient drugs as calculated and verified by the Secretary in accordance with this section, in a manner (such as through the use of password protection) that limits such access to covered entities and adequately assures security and protection of privileged pricing data from unauthorized re-disclosure.

“(iv) The development of a mechanism by which—

“(I) rebates, discounts, or other price concessions provided by manufacturers to other purchasers subsequent to the sale of covered inpatient drugs to covered entities are reported to the Secretary; and

“(II) appropriate credits and refunds are issued to covered entities if such discounts, rebates, or other price concessions have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

“(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

“(vi) The establishment of a requirement that manufacturers and wholesalers use the identification system developed by the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

“(vii) The imposition of sanctions in the form of civil monetary penalties, which—

“(I) shall be assessed according to standards and procedures established in regulations to be promulgated by the Secretary not later than January 1, 2011;

“(II) shall not exceed \$10,000 per single dosage form of a covered inpatient drug purchased by a covered entity where a manufacturer knowingly charges such covered entity a price for such drug that exceeds the ceiling price under subsection (a)(1); and

“(III) shall not exceed \$100,000 for each instance where a manufacturer withholds or provides materially false information to the Secretary or to covered entities under this section or knowingly violates any provision of this section (other than subsection (a)(1)).

“(2) COVERED ENTITY COMPLIANCE.—

“(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by covered entities with the requirements of this section in order to prevent diversion and violations of the duplicate discount provision and other requirements specified under subsection (a)(4).

“(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

“(i) The development of procedures to enable and require covered entities to update at least annually the information on the Internet website supported by the Department of Health and Human Services relating to this section.

“(ii) The development of procedures for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

“(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered inpatient drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(4)(A).

“(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site and each covered entity’s purchasing status under sections 340B and this section can be identified by manufacturers, distributors, covered entities, and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

“(v) The imposition of sanctions in the form of civil monetary penalties, which—

“(I) shall be assessed according to standards and procedures established in regulations promulgated by the Secretary; and

“(II) shall not exceed \$10,000 for each instance where a covered entity knowingly violates subsection (a)(4)(B) or knowingly violates any other provision of this section.

“(vi) The termination of a covered entity’s participation in the program under this section, for a period of time to be determined by the Secretary, in cases in which the Secretary determines, in accordance with standards and procedures established by regulation, that—

“(I) the violation by a covered entity of a requirement of this section was repeated and knowing; and

“(II) imposition of a monetary penalty would be insufficient to reasonably ensure compliance with the requirements of this section.

“(vii) The referral of matters, as appropriate, to the Food and Drug Administration, the Office of the Inspector General of the Department of Health and Human Services, or other Federal or State agencies.

“(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—From amounts appropriated under subsection (f), the Secretary may establish and implement an administrative process for the resolution of the following:

“(A) Claims by covered entities that manufacturers have violated the terms of their agreement with the Secretary under subsection (a)(1).

“(B) Claims by manufacturers that covered entities have violated subsection (a)(4)(A) or (a)(4)(B).

“(e) AUDIT AND SANCTIONS.—

“(1) AUDIT.—From amounts appropriated under subsection (f), the Inspector General of the Department of Health and Human Services (referred to in this subsection as the ‘Inspector General’) shall audit covered entities under this section to verify compliance with criteria for eligibility and participation under this section, including the antidiversion prohibitions under subsection (a)(4)(B), and take enforcement action or provide information to the Secretary who shall take action to ensure program compliance, as appropriate. A covered entity shall provide to the Inspector General, upon request, records relevant to such audits.

“(2) REPORT.—For each audit conducted under paragraph (1), the Inspector General shall prepare and publish in a timely manner a report which shall include findings and recommendations regarding—

“(A) the appropriateness of covered entity eligibility determinations and, as applicable, certifications;

“(B) the effectiveness of antidiversion prohibitions; and

“(C) the effectiveness of restrictions on inpatient dispensing and administration.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2011 and each succeeding fiscal year.

“(g) EFFECT OF SECTION.—Nothing in this section shall be construed to apply to section 340B.”.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 10, 2010, at 3 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting on pending committee issues.

1. Nomination of Tracie L. Stevens to serve as Chair of the National Indian Gaming Commission;

2. Nomination of JoAnn Balzer to serve as Member, Board of Trustees, Institute of American Indian and Alaska Native Culture and Arts Development;

3. Nomination of Cynthia Chavez Lamar to serve as Member, Board of Trustees, Institute of American Indian and Alaska Native Culture and Arts Development;

4. S. 2802, the Blackfoot River Land Settlement Act of 2009;

5. S. 2906, a bill to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes in Washington; and

6. S. 1448, a bill to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 8, 2010, at 10 a.m., to hold a hearing entitled “The New START Treaty (Treaty Doc. 111-5): The Negotiations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “The State of the American Child” on June 8, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 8, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Risky Business of Big Oil: Have Recent Court Decisions and Liability Caps Encouraged Irresponsible Corporate Behavior?”

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 8, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEAR EAST SUBCOMMITTEE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 8, 2010, at 3 p.m., to hold a Near Eastern subcommittee hearing entitled “Assessing the Strength of Hezbollah.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff from the Finance Committee be allowed on the Senate floor for the duration of the debate on the tax extenders legislation: Logan Timmerhoff, Kathryn Spika, Logan Baker, Benjamin Furnas, John Merrick, Andrew Fishburn, Mary Baker, Emily Freeman, Drew Colling, Ellen Montz, Randy Aussenberg, and Jenn Rigger.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on the tax extenders legislation: Greg Sullivan, Nicole Marchman, Chris Goble, and Claire Green.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JUNE 9, 2010

Mr. BAUCUS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it ad-

journal until 10 a.m. tomorrow, Wednesday, June 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message with respect to H.R. 4213, the tax extenders legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAUCUS. Mr. President, Senators should expect rollcall votes in relation to amendments to the tax extenders legislation to occur throughout the day tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BAUCUS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:10 p.m., adjourned until Wednesday, June 9, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MAURA CONNELLY, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

DANIEL BENNETT SMITH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

NATIONAL SCIENCE FOUNDATION

SUBRA SURESH, OF MASSACHUSETTS, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS, VICE ARDEN BEMENT, JR., RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be captain

DAVID A. SCORE
RANDALL J. TEBEEST
ANNE K. LYNCH
ANITA L. LOPEZ

To be commander

KEITH W. ROBERTS
RICHARD T. BRENNAN
ADAM D. DUNBAR
PETER C. FISCHER
JEREMY M. ADAMS
MICHAEL J. SILAH
SCOTT M. SIROIS
MARK A. WETZLER
KURT A. ZEGOWITZ
TIMOTHY J. GALLAGHER
NATHAN H. HANCOCK
DEMIAN A. BAILEY

DISCHARGED NOMINATION

The Senate Committee on Finance was discharged from further consideration of the following nomination pursuant to Sec. 411(c) of P.L. 109-280 and the nomination was placed on the Executive Calendar on June 7, 2010:

*JOSHUA GOTBAUM, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 8,

2010 withdrawing from further Senate consideration the following nomination:

PAUL STEVEN MILLER, OF WASHINGTON, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2016, VICE CAROLYN L. GALLAGHER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON FEBRUARY 1, 2010.

HOUSE OF REPRESENTATIVES—Tuesday, June 8, 2010

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Ms. ZOE LOFGREN of California).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 8, 2010.

I hereby appoint the Honorable ZOE LOFGREN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: God of wisdom and love, You are the source of life and have gifted us with many blessings.

Open our minds and hearts to receive graciously the art of patience and the discipline of prudence.

May all our decisions set us on the path of truth and all our actions manifest Your goodness.

To You be honor and glory both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from Sarah Gerber, Office of the Sergeant at Arms:

OFFICE OF THE SERGEANT AT ARMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a trial subpoena issued by the Superior Court of the District of Columbia for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

SARAH GERBER,
Chamber Support Services.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Monday, May 31, 2010:

H.R. 5330, to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

TITLE AMENDMENT TO H.R. 5136, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

The SPEAKER pro tempore. Without objection, the title to H.R. 5136 is amended so as to read: "A bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes."

There was no objection.

FISCAL DISCIPLINE

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIRKPATRICK of Arizona. Madam Speaker, the administration is acknowledging what I and folks across the country have been saying for months: The time for business as usual in Washington is over and the time to cut spending is right now. Our demands for action are finally being heard.

I have repeatedly called on the White House to crack down on this kind of waste. If done right, this push could mean real progress toward a balanced

budget. But this is Washington, and everyone knows it's easier to talk about eliminating inefficiency than to make the tough choices required to actually get it done.

We need to hold this plan to its promises. The Federal Government has to fully commit to doing more with less. Agencies must be creative and aggressive, using 5 percent cuts at a minimum and not a final goal. This Congress should also play an active role in finding cost-effective ways to achieve our goals. This is an opportunity that cannot be allowed to slip by.

CONGRESS MUST ACT TO AVERT A DEBT CRISIS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, we've got a debt problem in America. The Federal Government keeps spending money and running up the national credit card at a record clip: \$8.5 trillion over 10 years. Congress can't just cross its fingers and hope everything works out. That will only make the debt crisis that much more severe for our children and grandchildren.

We must start cutting spending and reducing the deficit now. To do otherwise and watch as our national debt prepares to overtake us is reckless. It is as if we are on the Titanic; we know there is an iceberg ahead of us in the darkness, but we refuse to change course. No amount of denying our debt crisis will change the fact that this iceberg exists. We can avert disaster, but we must act quickly to restore fiscal responsibility before it is too late.

RECOGNIZING DETROIT TIGERS PITCHER ARMANDO GALARRAGA'S NEAR PERFECT GAME

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Madam Speaker, I rise today to honor the Detroit Tigers and the pitcher Armando Galarraga for his spectacular performance against the Cleveland Indians last week. During a game on June 2, Galarraga threw 8 $\frac{2}{3}$ innings perfectly against Cleveland, without giving up a hit, walk, or error.

On what would have been his 27th out, Major League Baseball umpire Jim Joyce made what he admitted was a mistaken call, spoiling what would

have been the Detroit Tigers' first perfect game in franchise history. Joyce has since conceded that Donald was out and has apologized to both Galarraga and the Tigers' manager, Jim Leyland, for a missed call.

Throughout the ensuing controversy, Joyce and Galarraga have displayed extraordinary grace under pressure and tremendous sportsmanship, setting a fine example for sports fans everywhere. It's my hope the Major League Baseball commissioner will reconsider the decision and will correct what was clearly a faulty call.

With the full support of the entire Michigan delegation, I am introducing a resolution today declaring that Galarraga pitched a perfect game and urging the MLB to overturn a mistaken "safe" call. I believe that to do so will more than please the 17,000 fans who were in the stands that day and place Galarraga in a part of the game's history of having pitched a perfect game.

HEALTH CARE REFORM'S LOST OPPORTUNITY

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, just within the past hour, Governor Mitch Daniels came and addressed the Congressional Health Care Caucus. He gave us some particular insights as to what's been happening in his State of Indiana with regards to health care costs.

But, in particular, he expressed how distressed he was over the health care bill that this Congress passed in March. He described it as a "lost opportunity of historic proportions that perpetuates and extends the problems of the existing system." The plan is administratively complex, and States, in fact, have no hope of complying. In fact, the cost to States, the significant financial burden proposed to the States are truly going to be obstacles.

It's odd. You know, every time consumer-directed health care posts a win, we find a way not to recognize the success, but Governor Daniels has. He described us as heading at warp speed down a dead-end road with a debt burden that threatens the actual vitality of our Republic.

There is a better way. The simple truth is that something magic happens when people spend their own money. Governor Daniels, employing a system of consumer-directed health care in his State of Indiana, has held health care costs down by 11 percent in the past year. I wish Medicare and Medicaid could say the same.

MISTAKEN SUDAN POLICY

(Mr. WOLF asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, BBC reported yesterday that roughly 600 people were killed in Darfur in May, a new high since peacekeepers were deployed in 2008. Additional thousands have fled their homes.

Against this backdrop, an internationally indicted war criminal was inaugurated as President of Sudan. And, unbelievably, the Obama administration sent a U.S. Government representative to the ceremony, thereby conferring a sense of legitimacy on Bashir's genocidal rule.

Leading Sudan advocacy groups expressed their dismay. Enough's John Prendergast said, quote, "The administration missed an opportunity to build leverage and lead by example. Getting nothing in return for this reversal of longstanding U.S. policy is baffling and ineffective diplomacy." I could not agree more.

Vice President BIDEN is leading a delegation to Africa this week. He will be the highest-ranking U.S. official to meet with Southern Sudanese President Salva Kiir. We can only hope that this trip marks the start of a new beginning for the administration's long-faltering and ineffective Sudan policy.

SPENDING

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Madam Speaker, the national debt now exceeds \$13 trillion. It took 206 years to get the first trillion dollars of national debt; the last trillion it took 6 months. If you took 13 trillion dollars and stacked them next to each other, you could go to Jupiter and back.

We talk about Greece and their challenges. We are the next Greece if we don't balance the budget and get serious about our national debt and our deficits. Last year, \$1.4 trillion in deficit; this year, we are expected to exceed \$1.5 trillion. We need to balance the budget now.

My first year, 3½ years ago, I introduced a balanced budget amendment that just says we don't spend more than we take in. We need to do that or we are going to be the next Greece.

DAY 50 OF THE GULF OIL DISASTER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, in the last 50 days, approximately 35 million gallons of oil have spewed into the gulf, resulting in the worst environmental disaster in American history. The oil spill has destroyed wildlife, wreaked havoc on our marine eco-

systems, and debilitated thousands of families who depend on fishing and tourism for their way of life.

While BP has stated that it will provide compensation to those individuals and businesses economically impacted by the oil spill, its claim offices in the Florida Keys, in my congressional district, have provided little assistance to those seeking relief. Individuals so overwhelmed by the BP claims process have actually had to hire lawyers to help sift through the mounds of paperwork required. These additional burdens imposed by BP are deplorable.

If BP is committed to fixing this disaster and rebuilding our devastated communities, then it must act quickly and responsibly in processing these claims.

□ 1415

ELENA KAGAN'S BANISHMENT OF MILITARY RECRUITERS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, when Elena Kagan was dean of the Harvard Law School, for personal and biased reasons, she banned military recruiters from campus. By her actions, she violated the right of free speech—in a university setting, of all places. A college campus is just the place for free thought, free expression, free speech from all points of view.

Kagan's actions also denied the students the right to hear the information. She denied students their right even to discuss the military career as a choice because of her own prejudices. And when Kagan personally joined a lawsuit to uphold her banishment of the military recruiters, the very Supreme Court she wants to join unanimously said she was wrong in her judgement.

Elena Kagan is hostile to the First Amendment. She wants control over free thought and free expression unless she personally agrees with it. Kagan's attack on the First Amendment shows her dangerous distrust for the principles of the Constitution. Her lack of objective judgment shows she has no business sitting in judgment on the most powerful court in the world.

And that's just the way it is.

POLITICAL BALANCE IN WASHINGTON

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, with the Democrats in control, millions of jobs have been lost. The main job creation has been in the Federal Government, not the private sector. The national debt has doubled and the

national deficit has tripled. Taxes have gone up and will increase even more at the end of the year. And the Democrats in the House haven't even bothered to propose a Federal budget. If a budget is not approved this year, it will be the first time since the Budget Act was enacted in 1974.

One party controls the House of Representatives, the Senate, and the White House. We need a political balance in Washington, not a one-party monopoly.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings

today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

HOOVER POWER ALLOCATION ACT OF 2010

Mrs. NAPOLITANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4349) to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hoover Power Allocation Act of 2010”.

SEC. 2. ALLOCATION OF CONTRACTS FOR POWER.

(a) SCHEDULE A POWER.—Section 105(a)(1)(A) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(A)) is amended—

- (1) by striking “renewal”;
- (2) by striking “June 1, 1987” and inserting “October 1, 2017”; and
- (3) by striking Schedule A and inserting the following:

“Schedule A

Long-term Schedule A contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

| Contractor | Contingent capacity (kW) | Firm energy (thousands of kWh) | | |
|--|--------------------------|--------------------------------|-----------|-------------|
| | | Summer | Winter | Total |
| Metropolitan Water District of Southern California | 249,948 | 859,163 | 368,212 | 1,227,375 |
| City of Los Angeles | 495,732 | 464,108 | 199,175 | 663,283 |
| Southern California Edison Company | 280,245 | 166,712 | 71,448 | 238,160 |
| City of Glendale | 18,178 | 45,028 | 19,297 | 64,325 |
| City of Pasadena | 11,108 | 38,622 | 16,553 | 55,175 |
| City of Burbank | 5,176 | 14,070 | 6,030 | 20,100 |
| Arizona Power Authority | 190,869 | 429,582 | 184,107 | 613,689 |
| Colorado River Commission of Nevada | 190,869 | 429,582 | 184,107 | 613,689 |
| United States, for Boulder City | 20,198 | 53,200 | 22,800 | 76,000 |
| Totals | 1,462,323 | 2,500,067 | 1,071,729 | 3,571,796”. |

(b) SCHEDULE B POWER.—Section 105(a)(1)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(B)) is amended to read as follows:

“(B) To each existing contractor for power generated at Hoover Dam, a contract, for delivery commencing October 1, 2017, of the amount of contingent capacity and firm en-

ergy specified for that contractor in the following table:

“Schedule B

Long-term Schedule B contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

| Contractor | Contingent capacity (kW) | Firm energy (thousands of kWh) | | |
|-------------------------|--------------------------|--------------------------------|---------|-----------|
| | | Summer | Winter | Total |
| City of Glendale | 2,020 | 2,749 | 1,194 | 3,943 |
| City of Pasadena | 9,089 | 2,399 | 1,041 | 3,440 |
| City of Burbank | 15,149 | 3,604 | 1,566 | 5,170 |
| City of Anaheim | 40,396 | 34,442 | 14,958 | 49,400 |
| City of Azusa | 4,039 | 3,312 | 1,438 | 4,750 |
| City of Banning | 2,020 | 1,324 | 576 | 1,900 |
| City of Colton | 3,030 | 2,650 | 1,150 | 3,800 |
| City of Riverside | 30,296 | 25,831 | 11,219 | 37,050 |
| City of Vernon | 22,218 | 18,546 | 8,054 | 26,600 |
| Arizona | 189,860 | 140,600 | 60,800 | 201,400 |
| Nevada | 189,860 | 273,600 | 117,800 | 391,400 |
| Totals | 507,977 | 509,057 | 219,796 | 728,853”. |

(c) SCHEDULE C POWER.—Section 105(a)(1)(C) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(C)) is amended—

(1) by striking “June 1, 1987” and inserting “October 1, 2017”; and

(2) by striking Schedule C and inserting the following:

**“Schedule C
Excess Energy**

| Priority of entitlement to excess energy | State |
|---|-----------------------------------|
| First: Meeting Arizona’s first priority right to delivery of excess energy which is equal in each year of operation to 200 million kilowatthours: Provided, That in the event excess energy in the amount of 200 million kilowatthours is not generated during any year of operation, Arizona shall accumulate a first right to delivery of excess energy subsequently generated in an amount not to exceed 600 million kilowatthours, inclusive of the current year’s 200 million kilowatthours. Said first right of delivery shall accrue at a rate of 200 million kilowatthours per year for each year excess energy in an amount of 200 million kilowatthours is not generated, less amounts of excess energy delivered. | Arizona |
| Second: Meeting Hoover Dam contractual obligations under Schedule A of subsection (a)(1)(A), under Schedule B of subsection (a)(1)(B), and under Schedule D of subsection (a)(2), not exceeding 26 million kilowatthours in each year of operation. | Arizona, Nevada, and California |
| Third: Meeting the energy requirements of the three States, such available excess energy to be divided equally among the States. | Arizona, Nevada, and California”. |

(d) SCHEDULE D POWER.—Section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2)(A) The Secretary of Energy is authorized to and shall create from the apportioned allocation of contingent capacity and firm energy adjusted from the amounts authorized in this Act in 1984 to the amounts shown

in Schedule A and Schedule B, as modified by the Hoover Power Allocation Act of 2010, a resource pool equal to 5 percent of the full rated capacity of 2,074,000 kilowatts, and associated firm energy, as shown in Schedule D (referred to in this section as ‘Schedule D contingent capacity and firm energy’):

“Schedule D

Long-term Schedule D resource pool of contingent capacity and associated firm energy for new allottees

| State | Contingent capacity (kW) | Firm energy (thousands of kWh) | | |
|---|--------------------------|--------------------------------|--------|---------|
| | | Summer | Winter | Total |
| New Entities Allocated by the Secretary of Energy | 69,170 | 105,637 | 45,376 | 151,013 |
| New Entities Allocated by State | | | | |
| Arizona | 11,510 | 17,580 | 7,533 | 25,113 |
| California | 11,510 | 17,580 | 7,533 | 25,113 |
| Nevada | 11,510 | 17,580 | 7,533 | 25,113 |
| Totals | 103,700 | 158,377 | 67,975 | 226,352 |

“(B) The Secretary of Energy shall offer Schedule D contingency capacity and firm energy to entities not receiving contingent capacity and firm energy under subparagraphs (A) and (B) of paragraph (1) (referred to in this section as ‘new allottees’) for delivery commencing October 1, 2017 pursuant to this subsection. In this subsection, the term ‘the marketing area for the Boulder City Area Projects’ shall have the same meaning as in appendix A of the General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects published in the Federal Register on December 28, 1984 (49 Federal Register 50582 et seq.) (referred to in this section as the ‘Criteria’).”

“(C)(i) Within 36 months of the date of enactment of the Hoover Power Allocation Act of 2010, the Secretary of Energy shall allocate through the Western Area Power Administration (referred to in this section as ‘Western’), for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 66.7 percent of the Schedule D contingent capacity and firm energy to new allottees that are located within the marketing area for the Boulder City Area Projects and that are—

“(I) eligible to enter into contracts under section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d); or

“(II) federally recognized Indian tribes.

“(ii) In the case of Arizona and Nevada, Schedule D contingent capacity and firm energy for new allottees other than federally recognized Indian tribes shall be offered through the Arizona Power Authority and the Colorado River Commission of Nevada, respectively. Schedule D contingent capacity

and firm energy allocated to federally recognized Indian tribes shall be contracted for directly with Western.

“(D) Within 1 year of the date of enactment of the Hoover Power Allocation Act of 2010, the Secretary of Energy also shall allocate, for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 11.1 percent of the Schedule D contingent capacity and firm energy to each of—

“(i) the Arizona Power Authority for allocation to new allottees in the State of Arizona;

“(ii) the Colorado River Commission of Nevada for allocation to new allottees in the State of Nevada; and

“(iii) Western for allocation to new allottees within the State of California, provided that Western shall have 36 months to complete such allocation.

“(E) Each contract offered pursuant to this subsection shall include a provision requiring the new allottee to pay a proportionate share of its State’s respective contribution (determined in accordance with each State’s applicable funding agreement) to the cost of the Lower Colorado River Multi-Species Conservation Program (as defined in section 9401 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1327)), and to execute the Boulder Canyon Project Implementation Agreement Contract No. 95–PAO–10616 (referred to in this section as the ‘Implementation Agreement’).

“(F) Any of the 66.7 percent of Schedule D contingent capacity and firm energy that is to be allocated by Western that is not allocated and placed under contract by October

1, 2017, shall be returned to those contractors shown in Schedule A and Schedule B in the same proportion as those contractors’ allocations of Schedule A and Schedule B contingent capacity and firm energy. Any of the 33.3 percent of Schedule D contingent capacity and firm energy that is to be distributed within the States of Arizona, Nevada, and California that is not allocated and placed under contract by October 1, 2017, shall be returned to the Schedule A and Schedule B contractors within the State in which the Schedule D contingent capacity and firm energy were to be distributed, in the same proportion as those contractors’ allocations of Schedule A and Schedule B contingent capacity and firm energy.”

(e) TOTAL OBLIGATIONS.—Paragraph (3) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended—

(1) in the first sentence, by striking “schedule A of section 105(a)(1)(A) and schedule B of section 105(a)(1)(B)” and inserting “paragraphs (1)(A), (1)(B), and (2)”; and

(2) in the second sentence—

(A) by striking “any” and inserting “each”;;

(B) by striking “schedule C” and inserting “Schedule C”; and

(C) by striking “schedules A and B” and inserting “Schedules A, B, and D”.

(f) POWER MARKETING CRITERIA.—Paragraph (4) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended to read as follows:

“(4) Subdivision E of the Criteria shall be deemed to have been modified to conform to

this section, as modified by the Hoover Power Allocation Act of 2010. The Secretary of Energy shall cause to be included in the Federal Register a notice conforming the text of the regulations to such modifications.”.

(g) **CONTRACT TERMS.**—Paragraph (5) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) in accordance with section 5(a) of the Boulder Canyon Project Act (43 U.S.C. 617d(a)), expire September 30, 2067.”;

(2) in the proviso of subparagraph (B)—

(A) by striking “shall use” and inserting “shall allocate”; and

(B) by striking “and” after the semicolon at the end;

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(D) authorize and require Western to collect from new allottees a pro rata share of Hoover Dam repayable advances paid for by contractors prior to October 1, 2017, and remit such amounts to the contractors that paid such advances in proportion to the amounts paid by such contractors as specified in section 6.4 of the Implementation Agreement;

“(E) permit transactions with an independent system operator; and

“(F) contain the same material terms included in section 5.6 of those long-term contracts for purchases from the Hoover Power Plant that were made in accordance with this Act and are in existence on the date of enactment of the Hoover Power Allocation Act of 2010.”.

(h) **EXISTING RIGHTS.**—Section 105(b) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(b)) is amended by striking “2017” and inserting “2067”.

(i) **OFFERS.**—Section 105(c) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(c)) is amended to read as follows:

“(c) **OFFER OF CONTRACT TO OTHER ENTITIES.**—If any existing contractor fails to accept an offered contract, the Secretary of Energy shall offer the contingent capacity and firm energy thus available first to other entities in the same State listed in Schedule A and Schedule B, second to other entities listed in Schedule A and Schedule B, third to other entities in the same State which receive contingent capacity and firm energy under subsection (a)(2) of this section, and last to other entities which receive contingent capacity and firm energy under subsection (a)(2) of this section.”.

(j) **AVAILABILITY OF WATER.**—Section 105(d) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(d)) is amended to read as follows:

“(d) **WATER AVAILABILITY.**—Except with respect to energy purchased at the request of an allottee pursuant to subsection (a)(3), the obligation of the Secretary of Energy to deliver contingent capacity and firm energy pursuant to contracts entered into pursuant to this section shall be subject to availability of the water needed to produce such contingent capacity and firm energy. In the event that water is not available to produce the contingent capacity and firm energy set forth in Schedule A, Schedule B, and Schedule D, the Secretary of Energy shall adjust the contingent capacity and firm energy offered under those Schedules in the same proportion as those contractors’ allocations of Schedule A, Schedule B, and Schedule D contingent capacity and firm energy bears to

the full rated contingent capacity and firm energy obligations.”.

(k) **CONFORMING AMENDMENTS.**—Section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) is amended—

(1) by striking subsections (e) and (f); and

(2) by redesignating subsections (g), (h), and (i) as subsections (e), (f), and (g), respectively.

(l) **CONTINUED CONGRESSIONAL OVERSIGHT.**—Subsection (e) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended—

(1) in the first sentence, by striking “the

renewal of”; and

(2) in the second sentence, by striking “June 1, 1987, and ending September 30, 2017” and inserting “October 1, 2017, and ending September 30, 2067”.

(m) **COURT CHALLENGES.**—Subsection (f)(1) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended in the first sentence by striking “this Act” and inserting “the Hoover Power Allocation Act of 2010”.

(n) **REAFFIRMATION OF CONGRESSIONAL DECLARATION OF PURPOSE.**—Subsection (g) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended—

(1) by striking “subsections (c), (g), and (h) of this section” and inserting “this Act”; and

(2) by striking “June 1, 1987, and ending

September 30, 2017” and inserting “October 1, 2017, and ending September 30, 2067”.

SEC. 3. PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Madam Speaker, H.R. 4349 would update the statutory allocation of electric power generated at the Hoover Dam, located on the Colorado River, to its various users. The current allocation of this hydropower resource expires at the end of fiscal year 2017.

In this regard, H.R. 4349 would increase the amount of electricity to be marketed by the Western Area Power Administration, known as WAPA, and provide to Native American tribes and other previously excluded entities the

opportunity to acquire Federal power. The revised allocation would remain in effect from 2017 to 2067.

H.R. 4349 has 43 bipartisan cosponsors. This hydroelectric generation, which provides a renewable, affordable, and accessible resource to the American Southwest, is, in this bill, being made now available to additional users through this legislation. Western Area Power has committed to implement a full and transparent process in the allocation of this resource. We expect that the State regulatory agencies of Arizona and Nevada will follow the same procedures and commitment to an impartial and unbiased allocation determination.

Hydropower is a valuable resource for our country. The 50-year time frame for allocation of this resource matches the commitment by collaborators to fund the Lower Colorado River Multi-Species Conservation Program. The conservation program is a nationally recognized example of how diverse stakeholders can, together, find solutions without litigation that allow everyone to use the Lower Colorado River to promote economic growth while supporting compliance with the Endangered Species Act and then protecting more than 100 species which the Lower Colorado River floodplain has within the river.

Madam Speaker, I ask my colleagues to support the passage of H.R. 4349, and I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

The Hoover Dam may be 85 years old, but its legacy of providing emissions-free electricity, water for cities and farms, recreation for millions of boaters, flood control, and environmental protection remains to this day. It is a symbol of what our Nation’s legendary infrastructure has done and will continue to do for generations to come.

This legislation specifically continues the promise of delivering clean and renewable hydropower generated at the legendary Hoover Dam. This hydropower helped make the southwest United States what it is today. This bill costs nothing, which is an important aspect in these tight financial times since all of the costs to generate and deliver this hydropower will be borne by the electricity ratepayers. This bill is a reminder of the “beneficiary pays” principle that western water and power projects are based on can still work and thrive today.

I appreciate the gentlewoman for bringing this bill forward, the bipartisan manner in which it was crafted, and I urge my colleagues to support this important piece of legislation.

I yield back the balance of my time.

Mrs. NAPOLITANO. I want to thank my colleague for being with us today and to all of my other colleagues who are supporting and endorsing this bill,

especially the staff of the Water Subcommittee on our side and on the minority staff. The collaborative effort that has gone into this is exemplary of how we can work together to get things done, and I am very happy that we are able to do that in this bill. I urge my colleagues to vote for this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 4349, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT

Mrs. NAPOLITANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2008) to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bonneville Unit Clean Hydropower Facilitation Act".

SEC. 2. DIAMOND FORK SYSTEM DEFINED.

For the purposes of this Act, the term "Diamond Fork System" means the facilities described in chapter 4 of the October 2004 Supplement to the 1988 Definite Plan Report for the Bonneville Unit.

SEC. 3. COST ALLOCATIONS.

Notwithstanding any other provision of law, in order to facilitate hydropower development on the Diamond Fork System, the amount of reimbursable costs allocated to project power in Chapter 6 of the Power Appendix in the October 2004 Supplement to the 1988 Bonneville Unit Definite Plan Report, with regard to power development within the Diamond Fork System, shall be considered final costs as well as costs in excess of the total maximum repayment obligation as defined in section 211 of the Central Utah Project Completion Act of 1992 (Public Law 102-575), and shall be subject to the same terms and conditions.

SEC. 4. NO PURCHASE OR MARKET OBLIGATION; NO COSTS ASSIGNED TO POWER.

Nothing in this Act shall obligate the Western Area Power Administration to purchase or market any of the power produced by the Diamond Fork power plant and none of the costs associated with development of transmission facilities to transmit power from the Diamond Fork power plant shall be assigned to power for the purpose of Colorado River Storage Project ratemaking.

SEC. 5. PROHIBITION ON TAX-EXEMPT FINANCING.

No facility for the generation or transmission of hydroelectric power on the Dia-

mond Fork System may be financed or refinanced, in whole or in part, with proceeds of any obligation—

(1) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986, or

(2) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

SEC. 6. REPORTING REQUIREMENT.

If, 24 months after the date of the enactment of this Act, hydropower production on the Diamond Fork System has not commenced, the Secretary of the Interior shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate stating this fact, the reasons such production has not yet commenced, and a detailed timeline for future hydropower production.

SEC. 7. PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Madam Speaker, H.R. 2008, introduced by our colleague Representative JIM MATHESON, would declare as final the cost allocation of \$161 million to hydroelectric power generation on the Diamond Fork System in Utah and would defer those costs indefinitely in accordance with section 211 of the Central Utah Project Completion Act of 1992.

H.R. 2008 is a perfect example of a win-win situation. This legislation will facilitate the development of 50 megawatts of clean hydroelectric power while generating revenue for the government for the use of its water facilities. This has been another collaborative effort, and I am very glad that we are able to bring it to the floor.

I ask my colleagues to support the bill, and I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

I want to thank my colleague, the gentleman from Utah, Mr. JIM MATHESON, for introducing this important

piece of legislation. It's been a pleasure to work with him and his staff in moving this bill forward as it does benefit both the districts and, truly, the population of the State of Utah and, consequently, the United States of America.

The facilities and beneficiaries of this bill are located, like you said, in both districts. And we, again, appreciate Mr. MATHESON and his leadership on this issue.

The Diamond Fork System of the Bonneville Unit was constructed under the Central Utah Project Completion Act. The Bonneville Unit is a system of dams and pipelines and tunnels that transports water from the eastern mountains in Utah to the Wasatch front population centers.

This legislation allows for a hydropower developer to install up to 50 megawatts of clean, renewable, and emissions-free electricity at the existing Federal facilities in the Diamond Fork System. This will benefit the people of my district and the U.S. taxpayers in a variety of ways.

This legislation expands on the historical benefits of a proven green technology. Hydropower is the original green electricity that time and again has kept the lights on in the western United States. With an additional 50 megawatts of hydroenergy, combined with other wind, geothermal, and natural gas facilities, my district will again be at the forefront of America's balanced energy future.

This bill will be paid for by the power users, not the taxpayers. Once signed into law, this bill will generate money for the Federal Government by allowing a non-Federal developer to pay for the right to generate hydropower. Without passage, the Congressional Budget Office determines the existing facilities would not be developed anytime within the next decade because the initial investment would be uneconomical for potential developers.

This is a good, bipartisan bill that benefits the environment, the taxpayers, and the people of Utah. I urge my colleagues to support it. I again appreciate the bipartisan approach in developing this piece of legislation.

I yield back the balance of my time.

Mrs. NAPOLITANO. Madam Speaker, I certainly want to commend my colleagues for working on this particular bill, and I thank them very much for the bipartisan way this was carried out. Water has no boundaries, no color, no political designation, and we need to continue working on these issues that are going to help the American people be able to have clean, sustainable green power.

So, with that, I want to thank the staffs on both sides for their marvelous work.

Mr. MATHESON. Madam Speaker, I rise today in support of H.R. 2008, the Bonneville Unit Clean Hydropower Facilitation Act, bipartisan legislation that I introduced with my colleague, Rep. CHAFFETZ.

The Bonneville Unit is a large system of dams, pipelines and tunnels which bring water from the eastern mountains in Utah to the Wasatch front population centers. It was constructed as part of the completion of the Central Utah Project Completion Act in 1992.

One of the components of the Bonneville unit is the Diamond Fork Project. The Diamond Fork Project has the capability to generate up to 50 megawatts of hydroelectric power. My bill removes a barrier that is infringing on the ability to develop the hydropower.

The Congressional Budget Office estimates the Federal Government will receive payments totaling \$2 million dollars over the 2010–2019 period as a result of the hydroelectric project.

The proposed hydroelectric project will be installed within existing structures of the Diamond Fork facility.

I'd like to thank the Water and Power Subcommittee for their tireless work on this bill and Subcommittee Chairwoman GRACE NAPOLITANO and House Natural Resources Chairman RAHALL for their commitment to moving this bill forward.

This is common sense, bipartisan legislation that allows for development of clean hydropower at Diamond Fork. I urge my colleagues to support its passage.

Mrs. NAPOLITANO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 2008, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HOH INDIAN TRIBE SAFE HOMELANDS ACT

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1061) to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hoh Indian Tribe Safe Homelands Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 37-acre parcel of land—

(A) administered by the National Park Service;

(B) located in sec. 20, T. 26N, R. 13W, W.M., south of the Hoh River; and

(C) depicted on the Map.

(2) **MAP.**—The term “Map” means the map entitled “Hoh Indian Tribe Safe Homelands Act Land Acquisition Map” and dated May 14, 2009.

(3) **NON-FEDERAL LAND.**—The term “non-Federal land” means the approximately 434 acres of land—

(A) owned by the Tribe; and

(B) depicted on the Map.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **TRIBE.**—The term “Tribe” means the Hoh Indian Tribe.

SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF TRIBE.

(a) **FEDERAL LAND.**—

(1) **IN GENERAL.**—Effective beginning on the date of enactment of this Act—

(A) all right, title, and interest of the United States in and to the Federal land are considered to be held in trust by the United States for the benefit of the Tribe, without any action required to be taken by the Secretary; and

(B) the Federal land shall be excluded from the boundaries of Olympic National Park.

(2) **SURVEY BY TRIBE.**—

(A) **IN GENERAL.**—The Tribe shall—

(i) conduct a survey of the boundaries of the Federal land; and

(ii) submit the survey to the Director of the National Park Service for review and concurrence.

(B) **ACTION BY DIRECTOR.**—Not later than 90 days after the date on which the survey is submitted under subparagraph (A)(ii), the Director of the National Park Service shall—

(i) complete the review of the survey; and

(ii) provide to the Tribe a notice of concurrence with the survey.

(C) **AVAILABILITY OF SURVEY.**—Not later than 120 days after the date on which the notice of concurrence is provided to the Tribe under subparagraph (B)(ii), the Secretary shall—

(i) submit a copy of the survey to the appropriate committees of Congress; and

(ii) make the survey available for public inspection at the appropriate office of the Secretary.

(b) **NON-FEDERAL LAND.**—

(1) **IN GENERAL.**—On fulfillment of each condition described in paragraph (2), and upon compliance with the National Environmental Policy Act of 1969, the Secretary shall take the non-Federal land into trust for the benefit of the Tribe.

(2) **CONDITIONS.**—The conditions referred to in paragraph (1) are that the Tribe shall—

(A) convey to the Secretary all right, title, and interest in and to the non-Federal land; and

(B) submit to the Secretary a request to take the non-Federal land into trust for the Tribe.

(c) **CONGRESSIONAL INTENT.**—It is the intent of Congress that—

(1) the condition of the Federal land as in existence on the date of enactment of this Act should be preserved and protected;

(2) the natural environment existing on the Federal land on the date of enactment of this Act should not be altered, except as otherwise provided by this Act; and

(3) the Tribe and the National Park Service shall work cooperatively regarding issues of mutual concern relating to this Act.

(d) **AVAILABILITY OF MAP.**—Not later than 120 days after the survey required by subsection (a)(2)(A) has been reviewed and concurred in by the National Park Service, the Secretary shall make the Map available to the appropriate congressional committees. The Map also shall be available for public inspection at the appropriate offices of the Secretary.

SEC. 4. USE OF FEDERAL LAND BY TRIBE; COOPERATIVE EFFORTS.

(a) **USE OF FEDERAL LAND BY TRIBE.**—

(1) **RESTRICTIONS ON USE.**—The use of the Federal land by the Tribe shall be subject to the following conditions:

(A) **BUILDINGS AND STRUCTURES.**—No commercial, residential, industrial, or other building or structure shall be constructed on the Federal land.

(B) **NATURAL CONDITION AND ENVIRONMENT.**—The Tribe—

(i) shall preserve and protect the condition of the Federal land as in existence on the date of enactment of this Act; and

(ii) shall not carry out any activity that would adversely affect the natural environment of the Federal land, except as otherwise provided by this Act.

(C) **LOGGING AND HUNTING.**—To maintain use of the Federal land as a natural wildlife corridor and provide for protection of existing resources of the Federal land, no logging or hunting shall be allowed on the Federal land.

(D) **ROADS.**—

(i) **ROUTINE MAINTENANCE.**—Routine maintenance may be conducted on the 2-lane county road that crosses the Federal land as in existence on the date of enactment of this Act.

(ii) **EXPANSION.**—The county road described in clause (i) may not be widened or otherwise expanded.

(iii) **RECONSTRUCTION.**—If the county road described in clause (i) is compromised due to a flood or other natural or unexpected occurrence, the county road may be reconstructed to ensure access to relevant areas.

(iv) **OTHER ACCESS ROUTES.**—Except as provided in clause (iii) and subsection (b)(2), no other road or access route shall be permitted on the Federal land.

(2) **USES APPROVED BY TREATY.**—

(A) **IN GENERAL.**—The Tribe may authorize any member of the Tribe to use the Federal land for—

(i) ceremonial purposes; or

(ii) any other activity approved by a treaty between the United States and the Tribe.

(B) **NO EFFECT ON TREATY RIGHTS OF TRIBE.**—Nothing in this Act affects any treaty right of the Tribe in existence on the date of enactment of this Act.

(b) **COOPERATIVE EFFORTS.**—The Secretary and the Tribe—

(1) shall enter into cooperative agreements—

(A) for joint provision of emergency fire aid, on completion of the proposed emergency fire response building of the Tribe; and

(B) to provide opportunities for the public to learn more regarding the culture and traditions of the Tribe;

(2) may develop and establish on land taken into trust for the benefit of the Tribe pursuant to this Act a multipurpose, non-motorized trail from Highway 101 to the Pacific Ocean; and

(3) shall work cooperatively on any other issues of mutual concern relating to land taken into trust for the benefit of the Tribe pursuant to this Act.

SEC. 5. TREATMENT OF TRUST LAND AS PART OF RESERVATION.

All land taken into trust for the benefit of the Tribe pursuant to this Act shall be a part of the reservation of the Tribe.

SEC. 6. GAMING PROHIBITION.

The Tribe may not conduct on any land taken into trust pursuant to this Act any gaming activities—

(1) as a matter of claimed inherent authority; or

(2) under any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated by the Secretary or the National

Indian Gaming Commission pursuant to that Act)).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, H.R. 1061 would transfer certain Federal and non-Federal land in the State of Washington to the Hoh Indian Tribe to be held in trust by the United States for the benefit of the tribe.

The Hoh Indian Tribe is located on the coast of Washington. Its coastline is situated such that it is subject to frequent flooding and is located in a tsunami zone. The tribe has acquired approximately 420 acres of land from private sources to relocate its government offices and tribal members. The bill would place this newly acquired 420 acres of land into trust for the tribe.

H.R. 1061 would also transfer approximately 37 acres of land from the Olympic National Park into trust for the tribe in order to connect the tribes' newly acquired lands to its current lands. The National Park Service has no objection to this transfer. No gaming may be conducted on any lands placed into trust pursuant to this act. In addition, there are several restrictions on the land being transferred to the tribe from the Olympic National Park.

I want to commend our colleague, Madam Speaker, Mr. DICKS of Washington, for his hard work and dedication to this legislation, and I ask my colleagues to support its passage.

I reserve the balance of my time.

□ 1430

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I commend the Democrat majority for scheduling H.R. 1061 under suspension of the rules today. Today, the House is setting a valuable precedent by removing certain lands managed as part of Olympic National Park from Federal ownership to meet a legitimate need. The National Park Service has expressed support for conveying these Federal lands to the Hoh Indian Tribe without consideration. To date, we have not been made aware of any opposition lodged by environmental groups to this national park land transfer.

The Hoh Tribe has demonstrated a compelling need to add lands to its existing reservation to provide a safe area in which to construct housing and other facilities for its members. The tribe's reservation currently lies within one of the rainiest areas of the country on the Olympic Peninsula of Washington. Classified as a tsunami zone and prone to major flooding, the reservation receives 140 inches of rain per year. The transfer of land by H.R. 1061 enables the tribe to expand the eastern side of its reservation a little further upland and a safe distance from major flooding. The lands so transferred are currently part of Olympic National Park, one of the most beautiful and pristine parks in the United States of America.

The precedent we set today should encourage the House to consider additional Federal land transfers that have the potential to benefit communities for safe, affordable housing, access, and other economic development interests.

Again, Madam Speaker, I am pleased to express my support for H.R. 1061 and urge the House to pass it in a bipartisan way.

With that, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I appreciate very much the distinguished gentlelady yielding to me.

I rise to urge passage of H.R. 1061, the Hoh Indian Tribe Safe Homelands Act, which I sponsored. The Hohs are one of eight tribes in the district I represent. This legislation is primarily for the safety of the Hoh Tribe to help them relocate out of a tsunami zone and floodplain. The legislation accomplishes this goal by transferring a small parcel of land in the Olympic National Park to the tribe. In addition, the legislation will place into trust this transferred park service land, along with other lands recently acquired by the tribe. There is a companion bill in the other body which is sponsored by Senator MURRAY and cosponsored by Senator CANTWELL.

The Hoh Tribe lives in an extraordinarily spectacular place on the Olympic Peninsula where the Hoh River empties into the Pacific Ocean. But with this spectacular beauty comes real danger. Throughout the year, the Hoh Tribe must deal with the threat of tsunamis. The Pacific Coast is an extremely active seismic zone. Every time there is an earthquake in the eastern Pacific area, the Hoh Tribe, along with other coastal tribes in Washington State, must be vigilant for a tsunami, which could prove devastating.

In addition to the tsunami threat, the tribe must deal with severe flooding on a more or less annual basis dur-

ing the winter storm season, which lasts far longer than the time period officially designated as winter. The tribe's dry lands on their already small reservation have shrunk over the years because the Hoh River and the Pacific Ocean are encroaching upon their lands. They have suffered through high floods that have destroyed homes, tribal buildings, and other tribal infrastructure. A few years ago, my office had to call the Washington State National Guard in order to help the tribe place sandbags during a flood emergency.

Let me reiterate that all of the tribe's current reservation is located within a tsunami zone and nearly all of it within a floodplain. Sadly, it has become an unsafe place for the tribal members who live on the reservation. These threats preclude Federal agencies, including the BIA, FEMA, and HUD, from providing assistance due to the location within a flood-prone area. This clearly is an unacceptable situation for the tribe.

In response, the Hoh Tribe has come up with its own plan on how to solve this problem, and I support it strongly. The tribe has purchased several parcels of land a short distance and upland from the current reservation that would be acceptable for housing, infrastructure, and other tribal projects. More importantly, this newly acquired land is away from the floodplain and tsunami zone. The State of Washington's Department of Natural Resources also has given the tribe a parcel of logged land in this same area.

To add to the newly acquired property, this legislation would transfer to the tribe a 37-acre parcel of land currently part of Olympic National Park. This small parcel would make all of these lands contiguous to the existing reservation. In addition, the main road for the tribe runs through this parcel currently owned by the National Park Service. The tribe, Olympic National Park, and others within the park service have agreed to transfer the parcel to the tribe, with certain restrictions on development, including a prohibition on gaming. This is a mutually agreeable arrangement worked out by the tribe and the National Park Service.

The transfer of this land to the Hoh Tribe is also of benefit to the Park Service. This land has been logged repeatedly and therefore is not considered to be high-value from an ecological point of view. The parcel in its current state also is difficult for the park service to manage because it is a small 37-acre sliver of land surrounded by non-Federal land.

Another reason the land transfer is beneficial to the park service is that it further demonstrates how Olympic National Park is a good neighbor. Any of my colleagues who represent districts with Federal land know how important

it is for these agencies to respect their non-Federal neighbors and to provide them benefit.

The tribe has done a good job reaching out to its neighbors in the area and gaining support for this project. Local landowners, the Hoh River Trust, environmental organizations, and others support this legislation. Elected officials who support this legislation include Governor Gregoire, the local State representatives and senators, and the Jefferson County commissioners.

So, clearly, it is time for the Congress to do its part and pass this legislation. We need to clear the way for Federal assistance from FEMA, BIA, HUD, and other Federal agencies in an area desperately in need of it.

I want to thank Chairman RAHALL and Ranking Member HASTINGS for shepherding this legislation through the process that brought us here to the House floor today. I also want to thank Janet Ericson who is the new staff director of the Office of Indian Affairs. And I would be remiss if I did not recognize the hard work on this bill by Janet's predecessor, Marie Howard.

In closing, I want to commend the Hoh Tribe and tribal council, Chairwoman Maria Lopez, and Alexis Berry, the executive director, for their vision, their steadfastness of purpose, and their sustained effort to fix a serious problem. You have done a remarkable job of doing your part to solve the very difficult problem that you face. Now it is up to the House to pass this legislation so it can soon be signed into law.

I appreciate the gentlewoman yielding me time today. This is an important issue in my district, and I appreciate the bipartisan cooperation that we have received on this bill.

Mr. CONYERS. Madam Speaker, I rise tonight in support of the "Hoh Indian Tribe Safe Homelands Act." This act declares that 37 acres of land within Olympic National Park is held in trust by the United States for the benefit of the Hoh Indian Tribe, a federally recognized tribe.

The Hoh Tribe has demonstrated a compelling need to add lands to its existing Reservation to provide a safe area in which to construct housing and other facilities for its members. The present reservation area is in a tsunami zone and prone to major flooding. Additionally, Federal agencies such as the Bureau of Indian Affairs, the Department of Housing and Urban Development, and the Federal Emergency Management Agency have limited authority to assist the tribe with housing and other improvements and services due to the dangerous and unsustainable location of the reservation.

I applaud Chairman RAHALL for his diligence in transferring this land to the Hoh Indian Tribe to enable them to live with a sense of stability and without fear of flooding.

I encourage my colleagues to support the bill.

Ms. RICHARDSON. Madam Speaker, as a member of the Native American Caucus, I rise today in strong support of H.R. 1061, the Hoh

Indian Tribe Safe Homelands Act, which declares that certain federal land in the state of Washington is held in trust by the United States for the benefit of the Hoh Indian Tribe.

I would like to thank Speaker PELOSI for her leadership in bringing this important bill to the floor. I would also like to thank my colleague Congressman NORM DICKS, the author of this legislation, who worked so hard to help this tribe solve the serious land and water problems they face.

Madam Speaker, the Hoh Indian Tribe Safe Homelands Act directs the Secretary of the Interior, on conveyance of certain nonfederal land owned by the Tribe to the Secretary, to take such land into trust for the Tribe. This bill prohibits the placement of commercial, residential, or industrial buildings or other structures, any actions that would adversely affect the natural environment, or logging and hunting activities. H.R. 1061 also directs the Secretary and the Tribe to make cooperative agreements for mutual emergency fire aid and to provide opportunities for the public to learn more about the Tribe's culture and traditions.

As a long time friend and supporter of the Native American community, I am so pleased to champion a bill such as H.R. 1061, which will help the Hoh tribe grow and prosper on lands that are safe for their children and elders.

Madam Speaker, I urge my colleagues to join me in supporting H.R. 1061.

Mr. CHAFFETZ. Madam Speaker, I again urge passage of this important bill and support its passage.

I have no further requests for time, and I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I again urge Members to support this bill.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1061, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE LIFE OF JACQUES-YVES COUSTEAU

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 518) honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 518

Whereas Jacques-Yves Cousteau was born on June 11, 1910, in Saint-Andre-de-Cubzac, France, to Daniel and Elizabeth Cousteau;

Whereas Jacques-Yves Cousteau in 1930, after having made his preparatory studies at the College Stanislas in Paris, entered the Naval Academy in Brest and became an officer gunner;

Whereas after serving in the French Army during World War II, he was decorated with the Legion of Honor, France's highest honor;

Whereas in 1950, Jacques-Yves Cousteau founded the French Oceanographic Campaigns (COF), and he leased a ship called Calypso and equipped her as a mobile laboratory for field research and as a support base for diving and filming where he traversed the most interesting seas of the planet as well as big and small rivers;

Whereas from 1952 to 1953, Jacques-Yves Cousteau took the Calypso to the Red Sea and shot the first color footage ever taken at a depth of 150 feet, for a documentary titled "The Silent World";

Whereas "The Silent World" was filmed using ground-breaking skin-diving gear that Cousteau invented with engineer Emile Gagnan in 1943, freeing divers from heavy helmets and allowing them to be free and weightless as if in space;

Whereas in 1956, "The Silent World" won the top award at the Cannes Film Festival and the Academy Award for Best Documentary Feature in the United States;

Whereas in 1973, Jacques-Yves Cousteau created the Cousteau Society for the Protection of Ocean Life;

Whereas in 1977, Jacques-Yves Cousteau was awarded the United Nations International Environment prize for outstanding contributions in environmental advocacy;

Whereas in 1977, the "Cousteau Odyssey" series premiered on PBS, and seven years later, the "Cousteau Amazon" series made its television premiere;

Whereas in 1985, in honor of his achievements, Jacques-Yves Cousteau received the Grand Croix dans l'Ordre National du Mérite from the French government and the United States Presidential Medal of Freedom from President Ronald Reagan;

Whereas throughout all of his voyages, Jacques-Yves Cousteau produced over 120 films and authored or contributed to roughly 50 books; and

Whereas Jacques-Yves Cousteau passed away in Paris on June 25, 1997, after spending a lifetime of 87 years inventing, exploring, and storytelling; Now, therefore, be it

Resolved, That the House of Representatives honors the life, achievements, and distinguished career of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation.

The SPEAKER pro tempore (Mr. SALAZAR). Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 518. It's a resolution to honor the life and achievements of Jacques-Yves Cousteau, introduced by my good friend from Florida, ILEANA ROS-LEHTINEN.

Mr. Cousteau spent his lifetime as a researcher, explorer, and pioneer in the field of marine conservation. He produced more than 120 films, wrote more than 50 books, and was the first diver to take color footage at a depth over 150 feet. Mr. Cousteau's work brought the colorful, exotic, and unknown world of undersea life to the homes of people around the world and, in doing so, sparked a generation of conservation-minded ocean activists.

The Cousteau Society for the Protection of Ocean Life, founded by Cousteau in 1973, today boasts more than 360,000 members globally. House Resolution 518 would officially honor the brilliant and inspirational work of Jacques-Yves Cousteau and recognize his invaluable contributions to our understanding of the world's oceans. It is most fitting that we honor him today, Mr. Speaker, because today is World Oceans Day.

With that, I ask Members on both sides of the aisle to support the passage of this resolution.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield such time as she may consume to the author of this legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend, the gentleman from Utah, Congressman CHAFFETZ, for yielding me the time.

Mr. Speaker, as the author of House Resolution 518, I would like to also thank the Natural Resources Committee ranking member, Congressman DOC HASTINGS, as well as Chairman NICK RAHALL for their support and their assistance in moving this resolution to the floor today. Today is World Oceans Day.

I would also like to recognize the bipartisan support by members of the Natural Resources Committee, including Oceans Subcommittee chair MADELINE BORDALLO. Thank you very much, Madam Chair, and Congresswoman LOTS CAPPs of California.

Later this evening, Mr. Speaker, Congresswoman CAPPs and I will be honored by the National Marine Sanctuary Foundation for our work on ocean issues, namely, coastal restoration and coral reef rehabilitation. Of course, we take inspiration from the extraordinary life and career of Captain Jacques-Yves Cousteau.

Captain Cousteau was a pioneering explorer of the seas and of the many

environmental issues that we face today. When explaining his relentless passion for ocean exploration and conservation, he said, "People protect what they love."

My congressional district, Mr. Speaker, includes the Florida Keys National Marine Sanctuary, one of the largest coral reef tracts in the world, countless species of fish and wildlife, and three national parks.

Today, countless small business owners and their families are fighting to protect the ecosystem and the way of life that they hold dear. For 50 days, crude oil from the Deepwater Horizon oil rig has spewed 40 million gallons of oil in the Gulf of Mexico, resulting in the worst environmental disaster in American history.

According to recent analysis by the University of Central Florida, the oil rig disaster will cost Florida's economy \$2.2 billion and 39,000 jobs in the tourism and fishing industry. I am certain that Captain Cousteau would be horrified by BP's nonchalance in responding to this crisis.

My constituents in the beautiful Florida Keys are particularly frustrated and angry at the lack of transparency and lag response times by BP. BP must work on all fronts at once. It is responsible for capping the leak to prevent more oil from gushing into the gulf, and it must provide the financial support to those individuals whose livelihoods have been devastated.

□ 1445

BP and the Coast Guard must also make a stronger effort at coordinating with our local governments, especially in the Keys, and utilizing the expertise and know-how of local businessmen and fishermen, as well as our many research facilities in Florida's colleges and universities.

As oil makes its way further into north Florida beaches, hundreds of fishermen, environmental activists, students, and other concerned residents have gathered together ready to assist in the cleanup effort. Commercial fishermen and charter boat captains have offered their assistance to lay boom and to skim oil before it reaches the shore.

In Key West, organizations like the United Way and the Florida Keys Environment Coalition have gathered volunteers ready to patrol the shoreline for tar balls. I am so grateful for the leadership of these great local organizations during this crisis. Their daily activism is a tribute to Jacques Cousteau.

Ms. BORDALLO. Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 518 recognizes the life of Jacques Cousteau for bringing the underwater world to the living rooms of the Nation through his television shows and documentaries.

I, like countless others, was impacted by the dramatic way in which he showed us a world that was so foreign and so far away. The work that he did, with that staff and that crew, had a profound impact upon countless people, including myself. It's an honor to stand here in support of the passage of this important resolution and thank him and the great impact that he had for the deep appreciation and education that he gave relating to our oceans.

We urge passage of this resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, in closing, I want to go on record to say that I agree with the gentlewoman from Florida that this oil spill is a tragedy. I will work very closely with our chairman, Mr. NICK RAHALL, to ensure that the laws are changed to prevent such a disaster in the future.

Mr. Speaker, I again urge Members to support this resolution.

Mr. FALEOMAVEGA. Mr. Speaker, I rise today in support of H. Res. 518, legislation honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation.

First I want to thank the chief architect, the gentle lady from Florida, Ms. ILEANA ROS-LEHTINEN, for her leadership on this important resolution. I also want to thank the gentle lady from Guam, Chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife, my good friend MADELINE BORDALLO, and all my colleagues on the Natural Resources Committee for their support on H. Res. 518.

This house resolution enjoys bi-partisan support as well as the blessings of the Cousteau family. And it is most fitting that we approve this measure to recognize the life and accomplishments of Jacques Cousteau on the 100th anniversary of his birth on June 11, 1910.

Mr. Speaker, H. Res. 518 recognizes an exceptional individual that has left an indelible mark on marine science, research and conservation. Over the span of his career, Mr. Cousteau produced over 120 films, authored or contributed to 50 books, invented the skin diving gear, and was awarded the prestigious United Nations International Environmental prize as well as the Presidential Medal of Freedom from President Ronald Reagan.

In 1952–53, Mr. Cousteau sailed to the Red Sea on the Calypso and filmed the first color footage ever taken at 150 feet depth. Called "The Silent World", the documentary won the Academy Award for the Best Documentary Feature in the United States and was also awarded the top honor award at the Cannes Films Festival in 1956.

Mr. Speaker, I am pleased to know that the legacy of Cousteau lives on with his family. An article by Shelly Banjo in today's edition of the Wall Street Journal highlighted the works of Fabien Cousteau, grandson of Jacques Cousteau. Following the footsteps of his grandfather, the younger Cousteau is pursuing marine conservation projects to restore and protect bodies of water around the world. These efforts are not only important to sustain our oceans and marine resources, but they

would also teach and educate everyone on the value of our oceans and aquatic life.

At the time when our nation is facing one of its worst oil spills in our history, the legacy of Cousteau continues to serve as a reminder to all of us about the importance and values in marine conservation and about managing our natural resources.

Mr. Speaker, I urge my colleagues to support H. Res. 518.

Mrs. CAPPS. Mr. Speaker, I rise to offer my support for H. Res. 518, a resolution honoring the life and accomplishments of the great environmentalist Jacques Cousteau.

Jacques Cousteau was an inventor, an explorer and a concerned citizen of our world.

He invented a waterproof housing for an underwater movie camera in 1936, and in 1943, with French engineer Emile Gagnon created the Aqualung, which allowed divers to swim untethered underwater for several hours. Cousteau fought for the French in World War II, and the Aqualung was used by divers to locate and remove enemy mines after the war.

In 1950 he purchased the ship *Calypso* from which to conduct his explorations of the world oceans, beginning the work for which he is perhaps best known: bringing the excitement of the oceans to the public.

He showed people around the world the beauty of ocean ecosystems—from the Red Sea to Antarctica and from the Caribbean to the Indian Ocean—exploring the depths with a sense of adventure and exposing the oceans as the last earthy frontier to be explored.

He also lectured, produced amazing underwater photography, and published many books. Two of his films, “The Silent World” and “World Without Sun” won Academy Awards for best documentary.

His television program, “The Undersea World of Jacques Cousteau,” which aired from 1968 to 1976, won multiple Emmy’s and brought the marvels of his expeditions and the undersea world into American homes, inspiring many to love the sea and to pursue careers in marine science.

In 1974 he founded The Cousteau Society to help raise public awareness of ocean issues and help promote wise management of our ocean resources. And in 1985 he was awarded the Medal of Freedom by President Ronald Reagan. Finally, in 1989 he was honored by the French with membership in the French Academy.

Mr. Speaker, Jacques Cousteau taught the world how to appreciate, understand, explore, use, and preserve the oceans. We all owe a debt of gratitude to him and his family for raising the public awareness and support for the wonder and beauty of the world’s oceans.

As we celebrate World Oceans Week, it is my hope that we can honor the wisdom of Jacques Cousteau by working together to improve the health of our oceans, so that our children and grandchildren will have a chance to enjoy and cherish them as he did.

I encourage all of my colleagues to join me in supporting this resolution honoring the world renowned Jacques Cousteau.

Ms. BORDALLO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms.

BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 518, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Ms. BORDALLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 2 o’clock and 48 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. ESHOO) at 6 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5072, FHA REFORM ACT OF 2010, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-503) on the resolution (H. Res. 1424) providing for consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1061, by the yeas and nays;

H. Res. 518, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

HOH INDIAN TRIBE SAFE HOMELANDS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and pass the bill (H.R. 1061) to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 347, nays 0, not voting 84, as follows:

[Roll No. 337]

YEAS—347

| | | |
|----------------|-----------------|------------------|
| Aderholt | Crowley | Hinchey |
| Adler (NJ) | Cuellar | Hinojosa |
| Akin | Culberson | Hirono |
| Alexander | Cummings | Holden |
| Altmire | Dahlkemper | Honda |
| Arcuri | Davis (AL) | Hunter |
| Austria | Davis (CA) | Inlee |
| Baca | Davis (IL) | Israel |
| Bachmann | Davis (KY) | Jackson (IL) |
| Bachus | Davis (TN) | Jackson Lee |
| Baird | DeFazio | (TX) |
| Baldwin | DeGette | Jenkins |
| Barrow | Delahunt | Johnson (GA) |
| Bartlett | DeLauro | Johnson (IL) |
| Barton (TX) | Dent | Johnson, E. B. |
| Bean | Deutch | Johnson, Sam |
| Becerra | Diaz-Balart, L. | Jones |
| Berman | Diaz-Balart, M. | Jordan (OH) |
| Biggert | Dicks | Kagen |
| Billbray | Dingell | Kanjorski |
| Billirakis | Djou | Kaptur |
| Bishop (GA) | Doggett | Kildee |
| Bishop (NY) | Donnelly (IN) | Kind |
| Bishop (UT) | Dreier | King (IA) |
| Blackburn | Driehaus | King (NY) |
| Boccheri | Duncan | Kingston |
| Boozman | Edwards (MD) | Kirk |
| Boren | Ehlers | Kirkpatrick (AZ) |
| Boswell | Ellison | Kissell |
| Boucher | Ellsworth | Klein (FL) |
| Boustany | Emerson | Kline (MN) |
| Boyd | Engel | Kosmas |
| Brady (PA) | Eshoo | Kratovil |
| Braley (IA) | Etheridge | Kucinich |
| Bright | Farr | Lamborn |
| Brown (GA) | Fattah | Lance |
| Brown, Corrine | Filner | Larsen (WA) |
| Brown-Waite, | Fleming | Latham |
| Ginny | Forbes | Latta |
| Buchanan | Fortenberry | Lee (CA) |
| Burton (IN) | Foster | Lee (NY) |
| Butterfield | Fox | Levin |
| Buyer | Frank (MA) | Lewis (GA) |
| Camp | Franks (AZ) | Linder |
| Cantor | Frelinghuysen | Lipinski |
| Cao | Fudge | LoBiondo |
| Capito | Gallely | Loeb |
| Capps | Garamendi | Loeb |
| Capuano | Garrett (NJ) | Lucas |
| Carnahan | Gingrey (GA) | Luetkemeyer |
| Carney | Gohmert | Lujan |
| Carson (IN) | Gonzalez | Lummis |
| Cassidy | Goodlatte | Lungren, Daniel |
| Castle | Graves | E. |
| Castor (FL) | Grayson | Lynch |
| Chaffetz | Green, Al | Maffei |
| Chandler | Green, Gene | Maloney |
| Childers | Guthrie | Manzullo |
| Chu | Hall (NY) | Marchant |
| Clay | Hall (TX) | Markey (CO) |
| Cleaver | Halvorson | Markey (MA) |
| Coble | Hare | Marshall |
| Coffman (CO) | Harper | Matheson |
| Cohen | Hastings (FL) | Matsui |
| Cole | Hastings (WA) | McCarthy (CA) |
| Conaway | Heinrich | McCarthy (NY) |
| Connolly (VA) | Heller | McCaul |
| Cooper | Hensarling | McClintock |
| Costello | Herseth Sandlin | McCormack |
| Courtney | Higgins | McCotter |
| Crenshaw | Hill | McGovern |
| Critz | Himes | McIntyre |
| | | McKeon |

| | | |
|-----------------|------------------|---------------|
| McMahon | Poe (TX) | Shuler |
| McNerney | Polis (CO) | Shuster |
| Meek (FL) | Pomeroy | Simpson |
| Meeks (NY) | Posey | Skelton |
| Melancon | Putnam | Smith (NE) |
| Mica | Quigley | Smith (NJ) |
| Michaud | Rahall | Smith (TX) |
| Miller (FL) | Rangel | Snyder |
| Miller (MI) | Rehberg | Space |
| Miller (NC) | Reichert | Stearns |
| Minnick | Reyes | Sullivan |
| Mitchell | Roe (TN) | Sutton |
| Moore (KS) | Rogers (AL) | Tanner |
| Moore (WI) | Rogers (KY) | Taylor |
| Moran (KS) | Rogers (MI) | Teague |
| Moran (VA) | Rooney | Terry |
| Murphy (CT) | Ros-Lehtinen | Thompson (MS) |
| Murphy (NY) | Roskam | Thompson (PA) |
| Murphy, Patrick | Ross | Thornberry |
| Murphy, Tim | Rothman (NJ) | Tiahrt |
| Myrick | Roybal-Allard | Tiberi |
| Napolitano | Royce | Tonko |
| Neal (MA) | Ruppersberger | Turner |
| Neugebauer | Rush | Upton |
| Nunes | Ryan (WI) | Van Hollen |
| Nye | Salazar | Velazquez |
| Oberstar | Sánchez, Linda | Visclosky |
| Obey | T. | Walden |
| Olson | Sanchez, Loretta | Walz |
| Olver | Sarbanes | Wasserman |
| Ortiz | Scalise | Schultz |
| Owens | Schauer | Watt |
| Pallone | Schiff | Weiner |
| Pascarell | Schmidt | Welch |
| Pastor (AZ) | Schock | Westmoreland |
| Paul | Schrader | Whitfield |
| Paulsen | Scott (GA) | Wilson (OH) |
| Pence | Scott (VA) | Wittman |
| Perlmutter | Sensenbrenner | Wolf |
| Perriello | Serrano | Woolsey |
| Peters | Sessions | Wu |
| Peterson | Sestak | Yarmuth |
| Petri | Shadegg | Young (AK) |
| Pingree (ME) | Shea-Porter | Young (FL) |
| Pitts | Sherman | |
| Platts | Shimkus | |

NOT VOTING—84

| | | |
|--------------|-----------------|---------------|
| Ackerman | Griffith | Payne |
| Andrews | Grijalva | Price (GA) |
| Barrett (SC) | Gutierrez | Price (NC) |
| Berkley | Harman | Radanovich |
| Berry | Herger | Richardson |
| Blumenauer | Hodes | Rodriguez |
| Blunt | Hoekstra | Rohrabacher |
| Boehner | Holt | Ryan (OH) |
| Bonner | Hoyer | Schakowsky |
| Bono Mack | Inglis | Schwartz |
| Brady (TX) | Issa | Sires |
| Brown (SC) | Kennedy | Slaughter |
| Burgess | Kilpatrick (MI) | Smith (WA) |
| Calvert | Kilroy | Speier |
| Campbell | Langevin | Spratt |
| Cardoza | Larson (CT) | Stark |
| Carter | LaTourette | Stupak |
| Clarke | Lewis (CA) | Thompson (CA) |
| Clyburn | Lofgren, Zoe | Tierney |
| Conyers | Lowey | Titus |
| Costa | Mack | Towns |
| Doyle | McDermott | Tsongas |
| Edwards (TX) | McHenry | Wamp |
| Fallin | McMorris | Waters |
| Flake | Rodgers | Watson |
| Gerlach | Miller, Gary | Waxman |
| Giffords | Miller, George | Wilson (SC) |
| Gordon (TN) | Mollohan | |
| Granger | Nadler (NY) | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1826

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 337, had I been present, I would have voted “yes.”

Mr. McDERMOTT. Mr. Speaker, on rollcall No. 337, had I been present, I would have voted “yea.”

HONORING THE LIFE OF JACQUES-YVES COUSTEAU

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 518) honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 518, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 354, nays 0, not voting 77, as follows:

[Roll No. 338]

YEAS—354

| | | |
|----------------|-----------------|-----------------|
| Aderholt | Chandler | Foster |
| Adler (NJ) | Childers | Foxx |
| Akin | Chu | Frank (MA) |
| Alexander | Clarke | Franks (AZ) |
| Altmire | Clay | Frelinghuysen |
| Arcuri | Cleaver | Fudge |
| Austria | Coble | Gallely |
| Baca | Coffman (CO) | Garamendi |
| Bachmann | Cohen | Garrett (NJ) |
| Bachus | Cole | Gingrey (GA) |
| Baldwin | Conaway | Gohmert |
| Barrow | Connolly (VA) | Gonzalez |
| Barlett | Cooper | Goodlatte |
| Bean | Costa | Granger |
| Becerra | Costello | Graves |
| Berman | Courtney | Grayson |
| Biggert | Crenshaw | Green, Al |
| Bilbray | Critz | Green, Gene |
| Bilirakis | Crowley | Guthrie |
| Bishop (GA) | Cueellar | Hall (NY) |
| Bishop (NY) | Cuberson | Hall (TX) |
| Bishop (UT) | Cummings | Halvorson |
| Blackburn | Dahlkemper | Hare |
| Boccheri | Davis (AL) | Harper |
| Boozman | Davis (CA) | Hastings (FL) |
| Boren | Davis (IL) | Hastings (WA) |
| Boswell | Davis (KY) | Heinrich |
| Boucher | Davis (TN) | Heller |
| Boustany | DeFazio | Hensarling |
| Boyd | Delahunt | Henger |
| Brady (PA) | DeLauro | Herseth Sandlin |
| Braley (IA) | Dent | Higgins |
| Bright | Deutch | Hill |
| Broun (GA) | Diaz-Balart, L. | Himes |
| Brown, Corrine | Diaz-Balart, M. | Hinchey |
| Brown-Waite, | Dingell | Hinojosa |
| Ginny | Djou | Holden |
| Buchanan | Doggett | Holt |
| Burgess | Donnelly (IN) | Honda |
| Burton (IN) | Dreier | Hunter |
| Butterfield | Driebehaus | Inslee |
| Buyer | Duncan | Israel |
| Camp | Edwards (MD) | Jackson (IL) |
| Cantor | Ehlers | Jackson Lee |
| Cao | Ellison | (TX) |
| Capito | Ellsworth | Jenkins |
| Capps | Emerson | Johnson (GA) |
| Capuano | Engel | Johnson (IL) |
| Cardoza | Eshoo | Johnson, E. B. |
| Carnahan | Etheridge | Johnson, Sam |
| Carney | Farr | Jones |
| Carson (IN) | Fattah | Jordan (OH) |
| Cassidy | Filner | Kagen |
| Castle | Fleming | Kanjorski |
| Castor (FL) | Forbes | Kaptur |
| Chaffetz | Fortenberry | Kildee |

| | | |
|------------------|-----------------|------------------|
| Kilroy | Miller (NC) | Sánchez, Linda |
| Kind | Minnick | T. |
| King (IA) | Mitchell | Sanchez, Loretta |
| King (NY) | Moore (KS) | Sarbanes |
| Kingston | Moore (WI) | Scalise |
| Kirk | Moran (KS) | Schauer |
| Kirkpatrick (AZ) | Moran (VA) | Schiff |
| Kissell | Murphy (CT) | Schmidt |
| Klein (FL) | Murphy (NY) | Schock |
| Kline (MN) | Murphy, Patrick | Schrader |
| Kosmas | Murphy, Tim | Schwartz |
| Kratovil | Myrick | Scott (GA) |
| Kucinich | Nadler (NY) | Scott (VA) |
| Lamborn | Napolitano | Sensenbrenner |
| Lance | Neal (MA) | Serrano |
| Langevin | Neugebauer | Sessions |
| Larsen (WA) | Nunes | Sestak |
| Latham | Nye | Shadegg |
| Latta | Oberstar | Shea-Porter |
| Lee (CA) | Obey | Sherman |
| Lee (NY) | Olson | Shimkus |
| Levin | Olver | Shuler |
| Lewis (GA) | Ortiz | Shuster |
| Linder | Owens | Simpson |
| Lipinski | Pallone | Skelton |
| LoBiondo | Pascarell | Slaughter |
| Loebsack | Pastor (AZ) | Smith (NE) |
| Lowey | Paul | Smith (NJ) |
| Lucas | Paulsen | Smith (TX) |
| Luetkemeyer | Pence | Snyder |
| Luján | Perlmutter | Space |
| Lummis | Perriello | Stearns |
| Lungren, Daniel | Peters | Sullivan |
| E. | Peterson | Sutton |
| Lynch | Petri | Tanner |
| Maffei | Pingree (ME) | Taylor |
| Maloney | Platts | Teague |
| Marchant | Poe (TX) | Terry |
| Markey (CO) | Polis (CO) | Thompson (MS) |
| Markey (MA) | Pomeroy | Thompson (PA) |
| Marshall | Posey | Thornberry |
| Matheson | Price (GA) | Tiahrt |
| Matsui | Putnam | Tiberi |
| McCarthy (CA) | Quigley | Tonko |
| McCarthy (NY) | Rahall | Turner |
| McCaul | Rangel | Upton |
| McClintock | Rehberg | Velazquez |
| McCollum | Reichert | Visclosky |
| McCotter | Reyes | Walden |
| McDermott | Roe (TN) | Walz |
| McGovern | Rogers (KY) | Wasserman |
| McIntyre | Rogers (MI) | Schultz |
| McKeon | Rooney | Watt |
| McMahon | Ros-Lehtinen | Weiner |
| McMorris | Roskam | Welch |
| Rodgers | Ross | Whitfield |
| McNerney | Rothman (NJ) | Wilson (OH) |
| Meek (FL) | Roybal-Allard | Wittman |
| Meeks (NY) | Royce | Wolf |
| Melancon | Ruppersberger | Woolsey |
| Mica | Rush | Wu |
| Michaud | Ryan (OH) | Yarmuth |
| Miller (FL) | Ryan (WI) | Young (AK) |
| Miller (MI) | Salazar | Young (FL) |

NOT VOTING—77

| | | |
|--------------|-----------------|---------------|
| Ackerman | Giffords | Price (NC) |
| Andrews | Gordon (TN) | Radanovich |
| Baird | Griffith | Richardson |
| Barrett (SC) | Grijalva | Rodriguez |
| Barton (TX) | Gutierrez | Rogers (AL) |
| Berkley | Harman | Rohrabacher |
| Berry | Hirono | Schakowsky |
| Blumenauer | Hodes | Sires |
| Blunt | Hoekstra | Smith (WA) |
| Boehner | Hoyer | Speier |
| Bonner | Inglis | Spratt |
| Bono Mack | Issa | Stark |
| Brady (TX) | Kennedy | Stupak |
| Brown (SC) | Kilpatrick (MI) | Thompson (CA) |
| Calvert | Larson (CT) | Tierney |
| Campbell | LaTourette | Titus |
| Carter | Lewis (CA) | Towns |
| Clyburn | Lofgren, Zoe | Tsongas |
| Conyers | Mack | Van Hollen |
| DeGette | Manzullo | Wamp |
| Dicks | McHenry | Waters |
| Doyle | Miller, Gary | Watson |
| Edwards (TX) | Miller, George | Waxman |
| Fallin | Mollohan | Westmoreland |
| Flake | Payne | Wilson (SC) |
| Gerlach | Pitts | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Three minutes remain in this vote.

□ 1834

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on June 8, 2010, I regret that I was not present to vote on H.R. 1061 and H. Res. 518.

Had I been present, I would have voted "yea" on both bills.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was not able to attend to several votes today. Had I been present, I would have voted "aye" on final passage of H.R. 1061, and "aye" on final passage of H. Res. 518.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. Had I been present, I would have voted "yea" on rollcall votes 337 and 338.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, June 8, 2010 at 3:08 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to Western Balkans first declared in Executive Order 13219 of June 26, 2001.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-118)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred

to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the Western Balkans emergency is to continue in effect beyond June 26, 2010.

The crisis constituted by the actions of the persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia, United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, or the Ohrid Framework Agreement of 2001 in Macedonia, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219, and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, June 8, 2010.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, June 8, 2010 at 3:08 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to Belarus first declared in Executive Order 13405 of June 16, 2006.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO BELARUS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-119)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2010.

Despite the release of internationally recognized political prisoners in the fall of 2008 and our continuing efforts to press for further reforms related to democracy, human rights, and the rule of law in Belarus, serious challenges remain. The actions and policies of certain members of the Government of Belarus and other persons to undermine Belarus democratic processes or institutions, to commit human rights abuses related to political repression, and to engage in public corruption pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared to deal with this threat and the related measures blocking the property of certain persons.

BARACK OBAMA.

THE WHITE HOUSE, June 8, 2010.

CONGRATULATING CHARLES COLE MEMORIAL HOSPITAL

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate Charles Cole Memorial Hospital in Coudersport, Pennsylvania, for winning a 2010 Achievement Award from the Hospital and Healthsystem Association of Pennsylvania.

Charles Cole Memorial was among 17 winners chosen from a pool of 134 entries. Through their incredibly successful efforts to solidify their connection to the community, the Charles Cole

leaders and staff showed the importance of transparency and accessibility in the health care field.

The hospital established five Community Benefit Advisory Committees as outlets for the community to become involved in planning, operations, and governance. Committees met several times, both regionally and as part of the organization, and continue to serve as integral team members and community correspondents for the hospital staff. Recent data, when compared to baseline data taken before the establishment of these advisory committees, showed improvement in every major field, including the image of the hospital, visibility in the community, and quality of care.

The hospital will continue this great program. And as a person who spent many years in the health care field, I understand the importance of this effort and hope to see Charles Cole Memorial Hospital continue to succeed in the future.

CONGRATULATING FORT BEND BAPTIST EAGLES

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I rise today to commend the Fort Bend Baptist Eagles on their second consecutive 4A Texas Association of Private and Parochial Schools softball title.

The Eagles beat Fort Worth Christian on May 14 in Belton, Texas. They won 1-0 behind senior Rachel Fox's 10 strikeouts. Coach Kelly Ferguson coached her third team in 4 years to a State championship.

Participating in high school sports builds leadership and confidence in student athletes, and the Eagles have exemplified those traits in spades. The Fort Bend Baptist Eagles are proven role models for their school and community. Through hard work and dedication, they have achieved the goals they set themselves at the beginning of the season.

Mr. Speaker, I congratulate the Fort Bend Baptist Eagles on their back-to-back championship titles. I thank them for representing their community and their school with pride.

ISRAEL'S RIGHT TO SELF-DEFENSE

(Mr. HERGER asked and was given permission to address the House for 1 minute.)

Mr. HERGER. Mr. Speaker, I rise to affirm Israel's right to self-defense and to express my outrage over the knee-jerk international condemnation of our strong ally following the recent flotilla incident.

The video is clear: The activists ignored warnings from Israeli forces to

turn away from Gaza, and they disregarded invitations to offload their supplies elsewhere. Worst of all, they placed Israeli forces in grave danger by brutally attacking them.

Many countries immediately condemned Israel. Their reactions sharply contrast with their failures to denounce the hostile behavior of Iran and North Korea.

I applaud the Obama administration for avoiding this double standard. The United States must always stand against the unfair treatment of an important ally.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

UNQUALIFIED JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the new Supreme Court pick, Elena Kagan, has never been a judge. She's never seen a courtroom from the bench. She's never had a judge's responsibilities. Elena Kagan has never instructed a jury. She's never ruled on a point of law—any point of law. She has not decided even one constitutional issue. She's never tried a criminal case. She's never tried a civil case. She's never even tried a traffic case.

We don't know whether or not she believes the Constitution is the foundation of American law or whether she thinks, like many, the Constitution constantly changes based upon the personal opinions of Supreme Court Justices. But either way, Elena Kagan has never had to make a constitutional call in a court of law in the heat of a trial.

□ 1845

She has never admitted evidence or ruled out evidence or ruled on the chain of custody regarding evidence. She has never made even one decision regarding any rule of evidence.

She has never ruled on the exclusionary rule, the Miranda doctrine, an unlawful search and seizure allegation, a due process claim, an equal protection violation or any constitutional issue.

She has never empaneled a jury. She has never instructed a jury on a reasonable doubt or sentenced a person to the penitentiary.

She has never had to decide whether a witness was telling the truth or not. As a judge, she has never heard a plaintiff, a defendant, a victim, or a child testify as a witness. She has never made that all-important decision of de-

ciding whether or not a person is guilty or not guilty of a crime.

She has never held a gavel in a courtroom, and she has never made any decision in the heat of a trial. She has never ruled on a life-or-death issue.

Elena Kagan has never made a judgment call from the bench—not a single one. Yet, as a Supreme Court Justice, she would be second-guessing trial judges and trial lawyers who had been through the mud, blood, and tears of actual trials in actual courts of law. How can she possibly be qualified to fill the post of a Supreme Court Justice?

Kagan is an elitist academic who has spent most of her time out of touch with the real world and with the way things really are. Being a judge would be an exercise to the new Supreme Court nominee. She has read about being a judge in books, I suppose. She might even have played pretend in her college classroom. But she has never been a judge. She has never made a judicial decision, and her first one should not be as a member of the United States Supreme Court. She has never determined justice—not a single time. Yet she wants to be a Supreme Court Justice.

Besides never being a judge, she has never even been a trial lawyer. She has never questioned a witness, argued a case to a jury, or tried any case to any jury anywhere in the United States. She has absolutely no courtroom trial experience as a judge or as a lawyer. Real-world experience makes a difference. Reading books about something and actually doing it are two completely different things.

People's lives and livelihoods are at stake in these courtroom decisions. Courtroom experience is fundamental to being a judge on the Supreme Court. As anyone who has been through the court system can testify, a courtroom is a whole different world.

Putting Elena Kagan on the United States Supreme Court is like putting someone in charge of a brain surgery unit who has never done an operation. She may be qualified for the classroom, but she is certainly not qualified for the courtroom. She should stay in the schoolhouse since she has never been in trial at the courthouse. We cannot put the Constitution in the hands of someone who has never had to use it in the trial of a real case in a real court of law.

Elena Kagan—unqualified justice. And that's just the way it is.

THE 10TH AMENDMENT TASK FORCE

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 6, 2009, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP of Utah. Thank you, Mr. Speaker.

I appreciate the opportunity to be here and for talking especially about the 10th Amendment and about some of the efforts that Members of this House are making in a way to try and emphasize the significance and the importance of that particular amendment to the Constitution.

You know, Mr. Speaker, for the people who are allowed to work in this Chamber or for those who come in to visit, there are all sorts of historical references that they can see.

Up around the top of the wall over here, there are the cameos of the great icons of the world, of the great lawgivers of the world. Moses is the greatest of all lawgivers. He is the only one who has a full face, and he is looking directly at the Speaker. Everyone else has a side view going around here.

And there are only two Americans in this pantheon of great lawgivers in the history of the world, George Mason and Thomas Jefferson, who are on either side of the Speaker's rostrum, with some great language from Webster, telling us to use our resources to develop this country, which is in between the two.

I always thought it was somewhat ironic that Jefferson and Mason were the two great lawgivers whom we have from the United States in this Chamber, because neither of them actually signed the Constitution. Jefferson was not present at the time, and George Mason was one of three people who spent the entire time at the Constitutional Convention but who, at the end of that time, still refused to affix his signature to the document itself.

As I was teaching school, I insisted that every one of my kids had to say why Mason was one of those who did not sign the document. What was his rationale for it? Of course, it was because the document did not have a Bill of Rights.

Now, I was always hoping that one of my students would ask what I still think is a more significant question, which is not why did Mason not sign but, rather, why did all of the other brilliant men, the Founding Fathers—Washington and Franklin and Madison and Hamilton and Wilson and Dickinson and the rest—not go along with Mason? Why did they not add a Bill of Rights into the base document?

It was certainly not because these Founding Fathers did not believe in the idea of individual liberty. They had another method, another mechanism, that they thought more specific than actually listing down what our rights are and are not. It was the structure of government. Though not specifically named in the document, it becomes the essential element of the Constitution. And the purpose of that structure was to ensure that individual liberties would be maintained and that personal dignity and personal freedoms would be benefited and would grow in this country.

So those Founding Fathers, when they built our system of government, divided power horizontally between the three branches of government—executive, legislative, and judicial—with the goal and purpose of balancing those three so that individual liberties would be protected. Indeed, the problem is, if ever those three branches horizontally are out of balance, where one branch of government has far more ability to control the outcome of policy than the other, it is individual people who are hurt. It is their rights that are put in jeopardy.

Now, they thought it was going to be very easy for those three branches of government to maintain that special balance because each one would have a vested interest in maintaining their particular roles within the system. Yet what is often forgotten, especially in public school classes about government, is, in addition to that horizontal balance of power, equally important to the Founding Fathers was a vertical balance of power between the national government and the States.

Once again, the purpose of that balance was supposed to be to protect individual liberties. Again, if that balance is off kilter, then individuals are harmed. But the question always was: Would the Federal Government, the national government, be sufficient to try and maintain itself and to govern itself to create and maintain that balance?

In the Federalist Papers, obviously people like Madison and Hamilton, who wrote those Federalist Papers, envisioned this. This was part of their argument to this Nation on why the Constitution should be adopted.

Madison, in Federalist 45, said that the powers delegated by this proposed Constitution are few and defined. Those which are to remain in the State government are numerous and indefinite. Why? Because powers reserved to the States will extend to all the objects which concern the lives, liberties, and properties of the people.

In Federalist 32, Hamilton said the same thing when he simply said that any attempt on the part of the national government to abridge any State power would be a violent assumption of power unwanted by any article or clause of the Constitution.

Indeed, when Hamilton was arguing on whether to add a Bill of Rights to the Constitution itself, he simply asked the question: Why should we prohibit that which cannot be done? The assumption always was that there would be limitations on what the Federal Government can do, not so on the States.

Now, the final one from Federalist 51, also by Madison, said that the dependence on the people is, no doubt, the primary control on government, but experience has taught mankind the necessity of auxiliary precautions.

The 10th Amendment to the Constitution—this concept of separating

power horizontally between the three branches of government and vertically between the two levels of government—is one of those auxiliary precautions that the Founding Fathers realized we needed to have.

Scalia, in an opinion of the Supreme Court, once said that that Constitution's brilliance—and I'm paraphrasing this—is to divide powers among different levels and different branches of government to resist the temptation of consolidating power as a simplistic solution to the emergency of the day. That's what we are talking about.

Now, I want to emphasize very clearly that this is not the same thing as States' rights. States' rights, as we traditionally use that term, was an idea about power designed actually by Jefferson and Madison when they were talking about the Kentucky and Virginia resolutions and by Calhoun when he was talking about nullification and by Jefferson Davis when he was trying to fight the Civil War and by other groups when a lot of evils have actually been perpetuated.

States' rights is about power. Federalism and the 10th Amendment are about balancing power between branches of government, between the national government and the State government. And the balance—not control—the balance is there to protect individuals.

Because it is so easy for the Federal Government to ignore that or to forget it, we have formed a 10th Amendment Task Force. The goal and propensity of that task force is, once again, to try and reemphasize the significance of federalism and to disperse power from Washington to restore that constitutional balance of power through the liberty-enhancing elements of federalism.

We have five goals: One is to educate Congress and the public about federalism. Two is to develop proposals to disperse power to regions, to States, to local governments, and to private institutions, to families and to individuals. Three is to elevate federalism as a core focus of our leadership in Congress. Four is to monitor threats to 10th Amendment principles and to federalism. Five is to help build and foster a federalist constituency.

What we are trying to do is to make people more aware of the importance of federalism, of the importance of the 10th Amendment and how it impacts their lives and also to find ways to empower States so they can stand up to the national government and so they can reestablish the balance that was always intended to be there. Because, once again, if that balance is out of kilter, then all of a sudden individuals are harmed and people are harmed. It affects their daily lives.

If I could interrupt at this point, I would like to introduce one of the members, one of the 10 founders of this

10th Amendment Task Force to perhaps talk to you a little bit about the importance of the 10th Amendment and about the importance of federalism in restoring personal liberties and in making sure that government does not have the heavy hand that hurts and harms people, which was the intention of the Founding Fathers.

So I would yield to the gentleman from Texas for as much time as he wishes to consume at this point.

Mr. NEUGEBAUER.

Mr. NEUGEBAUER. Well, I thank the gentleman, and he brings up some excellent points.

I am a proud member of the 10th Amendment Task Force because I think one of the things that we have to do in order to restore order in this country is to get back to some of the principles that our Founders intended. They didn't intend for government to be the answer to every issue in this country.

One of the things I think back to happened a few years ago in my congressional district, which was not too long after we had the Katrina incident in New Orleans. We had a major fire in an area called Cross Plains, Texas. I went down there the next day, and the people in that region had already brought clothes to the church, so the people who had lost everything in the fire were able to receive clothes. For the people who had lost livestock, other people were going out and helping them. For people who had lost their homes, people in the community had provided temporary housing.

□ 1900

And within a very short period of time, the people in this community met their own needs. And I got an interesting phone call from a member of the media, and that person said, well, what is the government doing for the people in Cross Plains today? And I said, well, you know, the good news, we didn't need the government in Cross Plains today because the people responded to that.

And I think what we've gotten away from, as the gentleman points out, is we've kind of turned the whole concept of what the Founders thought about this country upside down. They never intended for the government to be the solution and, in fact, the best solutions happen when you keep the government closest to the people.

So the Tenth Amendment Task Force, what we're going to try to do is not only analyze some of the things we've already done; but as legislation is brought to this very floor, we're going to try to remind our colleagues of the principle of federalism, and is this the right place for this particular piece of legislation to be originated, or should this be left to the people, because every time the Federal Government puts a new law in place, individuals' liberties and freedoms are eroded.

Now, one of the things that we've been talking about in this body for a number of months now is these record deficits in our country. It wasn't many years ago that this country had a budget of \$100 billion, in fact, back in, I think, 1962. This year the President of the United States brought a budget to this floor that spent over \$3.7 trillion. And by the way, it's \$3.7 trillion, and we don't have \$3.7 trillion. In fact, we're going to borrow 42 cents for every dollar we're going to spend.

One of the reasons that we are running these record deficits is we have all of this money being funneled into the Federal system, and then we have all of these people up here in Washington trying to figure out how to spend the taxpayers' dollars, and then those monies go down to the States, and the States try to figure out how to distribute those dollars, and then the States pass them out maybe to the local communities. And here's what happens:

Here is a dollar bill that the taxpayers pay in taxes. Now, what happens is, after Washington washes this money in this massive federalism, then we have the dollar that actually gets back to the intended purpose. It's a shrunk dollar. And one of the things we can do if we really want to be serious about, one, being more government efficient is getting the government out of some of the businesses they're in so that this dollar is the dollar that gets to the people, and not this dollar that's been washed through Washington and through the States, but back to the local governments.

As I close and yield back to the gentleman, I think about the days when I was on the city council in Lubbock, Texas. And it was so discouraging to me where we would be sitting in council meetings, and we would be sitting with staff, and someone would have an innovative idea of better ways to serve our citizenry in Lubbock, Texas. But we would always hear from some of the staffers, well, there's a Federal regulation that we'll have to check on; or I'm not sure that that is in keeping with certain regulations that would keep Lubbock from getting certain kinds of funding, because it was stifling creativity in our local communities.

And so, as the gentleman points out, the Founders were very sincere about not letting the Federal Government have very many powers, because they knew where the best work happens, that to keep innovation and liberty and freedom in place was to limit the powers of our Federal Government. Some way along the line we lost our way.

And one of the reasons I joined the Tenth Amendment Task Force was to see if we can restore the spirit of the Constitution back to this body.

And with that, I yield back to the gentleman and thank him for his time.

Mr. BISHOP of Utah. I thank the gentleman from Texas for going over some specific examples of what this means to individuals.

Mr. Speaker, I hate to admit this: I'm an old school teacher. I taught history. So when I read about what the Founding Fathers intended and how they tried to structure this government, I find that fascinating.

I also recognize, unfortunately, for most people, when you talk about federalism or the Tenth Amendment, their eyes will glaze over. All they remember from those concepts is probably some essay they had to write in high school and something they didn't enjoy then and probably don't want to think about it now.

But the bottom line is, the Founding Fathers actually foresaw our day. They recognized that the solutions we need for the crisis of this day that impacts real people today is the concept of federalism. That balance, that balance which, unfortunately, has been out of balance for quite some time, is that solution and, indeed, the salvation of our future.

But, as you can obviously tell, I'm old, which is something that bothers me. However, I also recognize that the world is different. When I was a kid, television was a whole lot easier. There were only three channels and one PBS station. The dial only had 13 options on it, and, yeah, I had to actually get up and go to the TV and change the dial, so I didn't change channels that often. But that was life.

Now, when I go back this evening to my apartment, I will have a television set that gives me the option of 161 channels. Okay, it's true I still watch the same five all the time anyway, but I do have 161 options in front of me.

No longer do we have simply a telephone that's on the wall with the telephone company telling me what to do. I can go into a store and find all sorts of plans on how to communicate with other people in television today.

There are 14 kinds of wheat thins. There are 16 different varieties of Pringle potato chips. There are 160 different kinds of Campbell soup.

Even if I want vanilla, I can still go to a store that offers me 31 opportunities to pick something else.

The entire life of everyone today in the business world is one that deals with giving people choices and options. Whether it's telephone plans or kinds of cereal to buy, I have all sorts of options and choices in front of me. The business world has recognized that if they want business from me, they have to give me choice and options.

Everywhere in our life today we give choices and options. When I was a kid and I heard a song I liked, I had to go to the store and by the entire vinyl record and then put it on and hope I could drop the needle in the correct groove without destroying the record. I

don't need to do that anymore. Today my kids have given me an Ipod, which means if I hear a song I like, all I now have to do is call up one of my kids and say, come over and put it on my Ipod because I don't know how to work the stupid thing. But I still have a choice.

Even—and I'm not trying to be a snob here—even in Dvorak's "New World Symphony," which I like, I have to admit I like the first and the third movement, and not the second, so no longer do I have to sit through about 15 minutes of stuff I don't like before going from the first to the third. I simply took it out so I can go directly from the first to the third. Those are options.

Everybody in America today has choices or options given to them, until it comes to dealing with the government, especially with the Federal Government, because once again, all of a sudden now you come back to Washington and you find out that Washington still believes in one-size-fits-all mentality programs and mandates. This is the only area where that's found. And the question you should be asking is: Why?

Well, it's very simple. That's our purpose of being the Federal Government. If you need to have something occurring in this country, where everyone is doing the exact same thing at the exact same time in the exact same way, the Federal Government, the national government here in Washington, is the only one that can orchestrate and mandate that. So if we have to be in lockstep, this is the level to go. This is the place to accomplish that task.

But, if, indeed, maybe something different is needed and creativity and options are important, it's not going to happen from Washington. Never has, and I don't think it ever will in the near future. If indeed you want something different, then you have to empower State and local governments to accomplish that task. If you want creativity, you allow States and local governments to fit situations to their particular needs and demographics.

Like my State of Utah is unique among the other States. We have more kids than any other State as a percentage of our population. We have more small businesses than other State as a percentage of our population. And we have a higher percentage of our small businesses with no insurance that they offer their employees than any other State in the Nation.

If you want to do some kind of health care program, for example, that fits the needs of Utah, with their high student population, their high small business population, you're going to have a program that's going to be vastly different from a State on the east coast. That doesn't happen here in Washington. It will happen if you empower States to come up with a new idea.

If you want efficiency, you empower States. If you want justice so that cir-

cumstances to a local level that are mitigating circumstances can be taken into effect, it can only happen if you empower State and local governments to do that.

Louis Brandeis, in one of his Supreme Court minority decisions, again talked about the States as the laboratory of democracy, which simply meant, if you want people to explore creative ideas, allow them to do so. If States are the ones who are exploring those creative ideas and they do something well, it can be replicated by everyone else and maybe molded to fit the demographics of everyone else.

But if a State makes a mistake and it is wrong, only that State is negatively impacted. When Washington makes a mistake, everyone is impacted negatively, and it is very difficult to try and get out of that particular situation.

That's what the Founding Fathers were talking about. That idea of trying to give people choices and options can be accomplished if one truly believes in the idea of balance between a national government and States so States are empowered to be created, to be innovative, to come up with new ways, new approaches, and new ideas. And when we in Washington try and set mandates down to tell States how they will do things, we take away the creativity. And unfortunately, we also take away efficiency, and we take away choices and options from people.

That's what federalism means. It's not an essay to write in high school. It's about how people can live their lives to make choices for themselves. And it's very important.

With that, I'd like to take a break here and yield some time, or as much time as he may consume, as well to another great Representative from the State of Texas, who also is one of the participants with this task force, who recognizes the significance and importance of allowing people choices in their lives, and that does not come when the Federal Government sets its one-size-fits-all agenda on top of people. I yield to the gentleman from Texas for as much time as he may consume.

Mr. CONAWAY. Well, I thank the gentleman from Utah for yielding and for hosting this night's hour to talk about the Tenth Amendment and federalism.

It's probably been read into the RECORD 11 dozen times, but I want to read a quote from James Madison into the RECORD that sets the tone for what I want to talk about.

James Madison, in Federalist 45 said: "The powers delegated to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects such as war, peace, negotiation and foreign com-

merce. And the powers reserved to the several States will extend to all of the objects in which, in the ordinary course of affairs concerns the lives, liberties and properties of the people."

Mr. Speaker, I'd argue that therein lies much of the problems that we face today as a Federal Government. Since 1995, this Congress and the various administrative agencies across this vast Federal Government have issued some 60,000 new rules and regulations, everything from regulating the size of the holes in Swiss cheese to the colors for surgical sutures. And I would argue that the size of the holes in Swiss cheese probably should be defined by the folks in Wisconsin where they do a lot of cheese. But a Federal rule, Federal law that delves into that detail into the, as Madison would have referred to it as the ordinary course of affairs that concern the lives, liberties and properties of the people, that's a government that's overreached.

Part of our problem is we send people to Congress who are, at their core, can-do people, solution people, folks who want to solve issues. And our focus here is on every single problem. While our Constitution, though, says that we really are limited by the powers granted in the Constitution to this government as to those problems which we ought to take up, clearly national defense, clearly homeland security, post office roads as the phrase is used. But much of what we deal with every single day here in Congress is beyond those limited powers, because we are solutions-oriented kinds of folks and it's our nature to grab the bull by the horns and move forward with it, losing sight, of course, that the Constitution says that's not a real good thing for us to be doing.

Let me reemphasize that last sentence: "The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties and properties of the people."

Mr. Speaker, that's an awful lot of the area of lives that committees like Education and Workforce or Labor, many of the committees up here deal in the ordinary course of affairs of the lives of people.

Now, part of the rancor that we see across this country related to the Federal Government is a sense of powerlessness by the good folks back home over issues that really ought to be dealt with back home.

□ 1915

This rage that we're seeing is driven by an overreaching Federal Government. Decisions that are best made at the local level and controlled by those people are being usurped and taken care of by 435 people here in Washington and the 100 Senators on the other side. And much of that frustration at being out of control is as a result of this Congress taking over jobs

and areas that are much better left to counties and cities and States as the Founding Fathers had intended. If we were to quit delving into their personal lives affairs and ordinary course affairs, much of the conflict that is out there would disappear and would be focused on the local level where the decisions are made best as to the solution that best fits those local folks.

I get asked often by mayors and county judges and city councilmen and county commissioners and school superintendents and others, What can we do to help? What can we do to address the growing size of this Federal Government? One of the ways I ask them to help is to do a better job of vetting your requests to me and to your Federal Government for help. Make sure that whatever it is that you're asking us to do is a good idea, that there is a nexus to the Constitution, that there is a link in the Constitution that delegates the powers to this Federal Government for it to even deal with the particular problem you're bringing to us.

I would argue that much of our overspending today is driven by good-hearted people who have lost sight of the 10th amendment, have come up here and asked for help from this Federal Government, not of course realizing the strings that are going to be attached to the Federal laws that get put in place, when the solution would much better have been dealt with at the local level. Federalism, as my colleague from Utah has just stated, it's not really a left or right issue. It's not really a Democratic issue or a Republican issue. There are good things to be had by both sides. Both sides of the aisle should be able to embrace this concept so that the States do most of the heavy lifting and the counties and cities and local governments do the work that deals with the issues confronting their people. So this really shouldn't be a particularly partisan effort as we move forward.

My friend mentioned earlier about the idea that the States should be the incubators or the laboratories for experiments with how government addresses a particular program. There are two examples that I can think of off the top of my head. One is the health care experiment going on in Massachusetts. They've been at it now 3 or 4 years and it's different than what they thought it would be, they may not be able to push that to the scale of the United States, and the people of Massachusetts are struggling with how to pay for health care under the universal plan that they've put in place where everybody was mandated to have insurance. It doesn't look to me like it's working. Why would you then want to take that policy and try to extend it across the United States? I don't think you would.

An area where it has worked, and I'll brag on Texas. Six years ago, Texas put

in place a tort reform program that limited the punitive damages on medical malpractice suits. So we've had a 6- or 7-year experiment involving 25 million people in Texas and it has worked. Doctors are coming to Texas because their malpractice insurance rates are lower, and the citizens of Texas are getting the care that they need. If a hospital and a physician make a mistake, the economic damages in trying to put that person back to as close to what they would have been before the mistake was made, that gets done. But these punitive damages, which sometimes just defy logic, are no longer on the table in Texas.

And so that experiment, as the President called for in his health care speech, to test medical malpractice reform in and around the country, I would argue that we've had a 6-, almost 7-year test now working with the State of Texas on medical malpractice reform, tort reform, that really works. So in that vein, to the extent that this would be needed at the Federal level to deal with the vast medical programs that we have in place, could be replicated on a much larger scale because we've had a big enough test through the State that it makes sense.

Let me finish up by saying that because they lived 230 plus years ago, we sometimes give our Founding Fathers short shrift as to how intelligent they really were. We think because we are the most intelligent people walking the face of the earth, that we've got all the great ideas, that we don't really need to look back in the history to see and understand what they had in mind.

Quoting Madison again out of the Federalist Papers, "The powers delegated to the Federal Government are few and defined." That means if you've got a plan that doesn't fit under one of those powers, then the Federal Government really at the end of the day should not pass laws that deal with that. We should have the backbone to say, "That's a really tough problem, it's really important to people, but it's not the Federal Government's responsibility to address that. You need to work within your own system back home to address that issue."

That's one of the hardest things Members of Congress do. We hate to tell constituents, "No, that's really not something that the Federal Government should be dealing with," and yet that really should be the answer to many of the requests that we get from back home, is that these aren't federal issues. Quoting Madison again, "Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, such as war, peace, negotiation and foreign commerce. The powers reserved to the several States will extend to all the objects which again in the ordinary

course of affairs concern the lives, liberties and properties of the people."

Mr. Speaker, I would argue that all of us would learn a much better appreciation of how limited this Federal Government really should be if we were to go back and take a look at our Founding Fathers' comments and just periodically read the Constitution. It is a requirement on my staff, and I've introduced legislation that would encourage Members of Congress and their staffs to read the Constitution once a year. We all have the little pocket versions that we write in the front cover. When's the last time that we read the Constitution? It's not a long tome. It's 2,500 words or so. It's not like trying to wade through War and Peace. You can sit down and read it and understand exactly what your Federal Government should be doing, and then everything else is left to the States.

With that, I appreciate the time from my colleague from Utah.

Mr. BISHOP of Utah. I appreciate Mr. CONAWAY from Texas for once again putting it in perspective and giving us some specific examples. One more time: If you're dealing with the difference of whether Washington comes up with a program or dealing with whether a State has the ability of coming up with a program, it's one more time where if the State does it, the efficiency of that program is far superior.

Let me give you a couple of examples of what we have done this year in this Congress. We passed a bill in the House, I don't think it's gone through the Senate yet, dealing with school construction, allowing the Federal Government to assist States with school construction. Now on the surface that sounds like a nice idea. The State of Utah, though, happens to be one of the States that has an equalization program which means already, districts that don't have a need and have extra money for construction will have some of that money taken away and given to districts where there is a greater need.

As I asked the sponsor of that bill, how will this Federal aid affect equalization, the answer was simply they didn't know; no one had ever thought about that kind of a concept. And indeed as the bill was developed to try and make sure that the aid went out to what we thought as Congress would be equitable, aid went out to Title I schools only, under the assumption that if you were a Title I school, you had poorer kids. Therefore, as a poorer district, you would need more assistance. Well, the bottom line is any aid money that would flow under our Federal program to the State of Utah would go to districts that didn't need the aid in construction. The districts that did need the aid in construction or that help and benefit didn't get anything.

And that system unfortunately was replicated in other States, where districts that did not need extra Federal help in school construction would indeed have gotten extra Federal help. It simply means that we don't necessarily know all of the variances that a State and local government does and therefore we make different decisions.

When I was Speaker of the House in Utah, I was obviously always upset with the Federal Government for putting more restrictions on me as a State legislator. There was one year in which the Federal Government in all their wisdom insisted that we buy a new computer system. That was back in the era when computers were big and bulky and they took up most of a room. We didn't want it but we did not have any option. If we wanted to have Carl Perkins funds, which go to technical education, we had to buy a new system, a new computer system, out of State funds. We couldn't transfer money. It had to come out of State funds. The bottom line is we did not spend as much on kids for technical education that year because instead we had to take our funds and spend it on a computer system that we didn't want, that we didn't need, and we also never used; simply because it was a Federal mandate. That's what you lose in this process.

Utah had some great registration rolls, until the Federal Government insisted that motor voter had to be a mandate that every State did. So instead of being able to go through our election rolls, our voter rolls, every 4 years as we were doing to make sure they were current, we now could not do it until 10 years had passed. Consequently, if you look at the number of people who are now registered in the State of Utah and the number of kids we have, the numbers quite frankly don't add up. Our voter rolls are in worse shape because the Federal Government insisted the State had to do it a particular way in every State, whether it made sense or not, and the State had to actually pay for that opportunity at the same time.

We had a bill before us a few weeks ago in which we tried to mandate physical education. There is nothing wrong with physical education in our public schools. There is nothing wrong with emphasizing it. There is nothing wrong with kids needing it. What is wrong is that Congress is not a school board. And school boards should be making those kinds of decisions.

One of the things that we have to realize is that words in the course of history change their meaning. If you went back to the time of the Constitution and you used the word "awful," awful back then did not mean something that was bad; awful meant something that was good and inspired awe. If you talked about a natural man, a natural man was somebody back then who was

a reasonable individual. If you also talked about the verb to discover, discover back then did not mean to find something you don't know about; it meant to reveal something about which you do know to someone else. Words have different meanings.

One of the phrases that's in the Constitution, both in the first article as well as in the preamble, is the phrase "general welfare." That's one of the phrases that means different things. Today we have the tendency of reading that word and emphasizing the last word of "welfare." The Founding Fathers when they wrote that phrase emphasized the first word of "general," which simply meant that the Federal Government was only supposed to do things that impacted the general welfare, with emphasis on the word "general." It meant only doing those things that impacted everybody in this country, not a particular person. That's why Presidents Madison and Monroe vetoed road projects. Jackson vetoed a road project because the road project only helped and benefited people in the area of that road and therefore was not general welfare. Well, we have changed that concept as time simply has gone on, not necessarily for the better.

I was giving a speech once on this very floor in which I talked about how they meant general welfare to be and how it was a restricting concept, not an expansive concept, and I got a call from one of the C-SPAN viewers the next day saying I appreciated the speech, it was very nice; however, she took umbrage at what I said because she said there were certain programs the government did that she liked. I said, "Ma'am, you have missed the very point I and the Founding Fathers were taking." The Founding Fathers said you don't have to have all these programs. What they said is not every program has to be designed and administered and funded through Washington; that those programs are opportunities and can be done equally as well being done by a State and local government as they are here.

Through all my life, my party has talked about trying to reduce the size and scope of government. I think as the gentleman from Texas (Mr. NEUGEBAUER) pointed out, that the deficit we had in 1962 was \$100 million, our deficit today should be somewhere around \$3.5 trillion. Obviously we have failed somewhere. In the history of this country over the last half century, both Republicans and Democrats, the growth of government in Washington has continued. The best thing I can say is one party has had a slower growth pattern than the other party, but that's about the best you can say, because growth has happened. It is almost as if leaders in Washington, regardless of party, are unable to stop the size and the expansion and the growth of the Federal Government.

The reality is that our current system is basically rigged in favor of government growth. The incentives, the bureaucracy, power structure, institutions of Washington, have all evolved to help the Federal Government to acquire more power and influence, not less. What we need to do is look at the change in approach, and that's what the Founding Fathers were talking about. Not our goal but our approach. What the Founding Fathers were talking about is not simply cutting government, it was dispersing government, so different levels of government could do different kinds of programs and not everything has to come through Washington.

□ 1930

That's one of the things we're talking about with the 10th Amendment Caucus is how can we find ways to disperse government programs back to local governments where they can be done more creatively, more efficiently, and understanding local circumstances, whether it be P.E. programs or school constructions or technical education or voter registration rolls or roads or anything else.

Now, that's what the Founding Fathers intended, that the programs be implemented at State level and the tax money for those programs remain at those State and local levels, which is why, as Mr. CONAWAY said, this is not a program about liberals and conservatives. If a liberal wants to expand government, fine. It can be done under federalism. But what you do is make sure that the government that is closest to the people runs it so it is a much more effective and efficient government program. And if you are a conservative who wants limited government in some way, then fine, you can do that as well. You both get what you want if federalism and the 10th Amendment are respected here in Washington as true principles as the way we govern ourselves and how we conduct ourselves in the future.

That is, indeed, the goal of what should be here: the goal of the importance. That's the importance of the 10th Amendment. It should allow people to get what they want, which is better government, more efficient government, better and more efficient programs.

I recognize that we have a couple of others who have joined us here.

I am appreciative that the gentlelady from North Carolina, Representative FOXX, is here. I'd like to yield her as much time as she may wish to consume on this topic as well.

Ms. FOXX. Well, I thank Mr. BISHOP, the gentleman from Utah, for being in charge of this Special Order tonight and bringing to the American people what I think is one of the most critical issues facing us in this country, and that is the issue of federalism and the

need for us to adhere to the 10th Amendment of the Constitution of the United States.

Too few people really understand the role of the Federal Government in our country. We've gotten away from the teaching of the Constitution. We've gotten away from the teaching of the role of government in our country. People have this notion that they have this right and that right, and if you press them to tell you whether they've read the Constitution or not, most of them will tell you they have not. And they really do not understand, again, what the roles of our respective governments are.

In the last week, while we had a little bit of time away from Washington and I managed to squeeze out some quiet time, I had the chance to read a Joseph Ellis book called "American Creation," which talks about the triumphs and the tragedies of the beginning of our country. And it's really important that we understand that there were a lot of conflicts that came about in the founding of the United States. It wasn't as smooth a thing as many of us think that it was. But one thing that was very clear to all of the Founders was the issue of federalism.

The idea of the United States of America was a radical idea to begin with. Never before had people believed that they had freedoms and that they had inalienable rights given to them by God. So it was a totally radical idea. But add to that the idea that you shouldn't have a Federal Government that would control everything from Washington, and it was absolutely radical. And we owe a great deal to George Washington, our first President, for not trying to be king and understanding that we needed to send power, delegate power, let power be held at the State and local levels.

We can see the unhealthiness of the growing role of the Federal Government fairly easy in numbers, and I'm going to quote a couple of numbers for you.

Since 1995 alone, the Federal Government has issued nearly 60,000 new rules governing everything from the size of the holes in Swiss cheese to what colors are allowed for surgical stitches. Federal spending surpassed a hundred billion dollars only in 1962 for the first time. That was a huge amount of money in 1962. And back then, people were saying a million here, a million there, and pretty soon you're talking about real money. In 2010, the Federal spending will surpass \$3.5 trillion.

I think there are very few people in the country who really believe that the best way to do things is to have them done by the Federal Government. I'm a very, very strong 10th Amendment person, as are my colleagues here, and I'm really pleased to be a part of the 10th Amendment Task Force. And perhaps my colleagues went over these earlier,

but I'm going to mention them very quickly, what our mission is and what our goals are.

Our mission is to disperse power from Washington and restore the constitutional balance of power through liberty-enhancing federalism. And we have five goals:

Educate Congress and the public about federalism. You might wonder why Congress needs to be educated, but many Members of Congress really don't understand the concept of federalism;

Number two, develop proposals to disperse power to regional entities, States, local governments, private institutions, community groups, families, and individuals;

Three, elevate federalism as a core Republican focus;

Four, monitor threats to the 10th Amendment principles; and

Five, help build and foster a federalist constituency.

So we know what it is we need to be doing. We have worked as a Constitutional Caucus in the past to do our best to educate people, but focusing, I think, on the 10th Amendment is very, very important. And again, I'm very pleased to be a part of this.

Let me say some more about federalism.

The term is foreign to many people, but most Americans care about the things that federalism brings without even knowing it. Federalism brings choice, options, flexibility, and freedom. Federalism is not a concept of either the right or the left. It is neither a Republican nor a Democrat idea. Decentralization and community empowerment can be a worthy goal of both the left and the right. Both sides have something to gain under a federalist revival.

And this is not yesterday's States rights arguments. It's much bigger than that. This is about better governance. This is about adjusting modern politics to modern life. This is about breaking up big, inefficient, unresponsive government and returning power to the people.

As my colleague was using some illustrations a little bit ago about education, as one who was involved with education a great deal before coming to Congress, I wholly subscribe to the concepts which he presented.

Let me give a couple of other things about federalism, and then I'm going to turn it back to my colleague from Utah or to my colleague from Texas, both of whom who are extremely eloquent on this issue.

In a nutshell, federalism is the best system, because it brings government closer to the people. It nurtures civic virtue. It protects liberty. It takes advantage of local information. It stimulates policy innovation, and it alleviates political tensions.

In other words, federalism was the Founders' original formula for freedom

and good government. It's time to rein-vigorate this freedom-enhancing principle of government.

Again, I know very few people who believe that we should go to the Federal Government to solve all of our problems. We should first solve the problems that government needs to solve at the local level, then at the State level, and as a last resort, go to the Federal Government. Unfortunately, too many people think of the Federal Government first, and that complicates our lives.

We have a huge deficit and a huge debt right now because too many people have looked to the Federal Government to solve problems that could have been solved at the local and State levels for much less money and in a much more efficient way. I'll just give one example.

The problem that we're having in the gulf right now, that is a problem that does need to be solved by the Federal Government. But is the Federal Government prepared to do that? No. Why? Because the Federal Government's involved with way too many other things. The Federal Government should be looking after national security, I think national parks, our interstate highways, maybe the Federal Aviation Administration. But we're doing too much or attempting to do too much at the Federal level and not doing those things that we should be doing as well as we should be doing.

So, again, I want to thank my colleague from Utah for being in charge of this Special Order tonight and giving us a chance to do all that we can to educate others.

I'm VIRGINIA FOXX from the Fifth District of North Carolina, and if you'd like more information about this issue, please go to my Web site or contact me and I'll be more than happy to share information about this, because, as Jefferson said, the price of freedom is eternal vigilance, and we must help educate our fellow Americans on this issue if we want to maintain the wonderful country that we have.

And with that, I'll yield to the gentleman from Utah, Mr. BISHOP.

Mr. BISHOP of Utah. I thank the gentlelady from North Carolina for coming down here and helping assist with this. She did a wonderful job in trying to put everything in some kind of perspective.

I think what we've talked about tonight is an effort to try and ensure that what the Founding Fathers did when they wrote the 10th Amendment in the First Congress, when that was part of the Bill of Rights, and indeed what they did in Philadelphia is they structured government the way it was. It had a purpose—separating power horizontally between the branches of government and, equally important, separating vertically between the national and States—had a specific purpose, and it was to ensure that there

would always be a balance so that not one entity had too much power to use that to abuse people.

Making sure there is a balance is the key element to protecting individual rights and individual liberty. By allowing States to have a primary function, we become more creative. We have differing ideas, which means if people really want choices and options and a way of making sure that government is efficient and government is what they want in their particular area, you must empower State and local government to do that; which means you have to take away the power and the authority of the programs from Washington—which, by its very nature, can only come up with a one-size-fits-all system—and disperse that power, authority, and programs back down to State and local governments where people, once again, can have greater impact, greater input, and those programs can be done to meet the needs of our particular area.

This is a great country because of our size and diversity. But it also means if you want to have a government program that helps people and is not simply to blindly put a standard, as Nelson Rockefeller said, by the deafening hands of bureaucrats, then you need to make sure that we empower State and local governments so they do those programs. General welfare means that State and local governments get a greater role in how government programs are run because they can do it much more effectively and much more efficiently.

I have a few minutes remaining, Mr. Speaker, and I would like to yield those few minutes to another great legislator from the State of Texas, which is blessed by a lot of good legislators we have here in Congress, and Mr. GOHMERT would like to talk for a few minutes about Article V of the Constitution. I would like to yield time to him to accomplish that.

Mr. GOHMERT. As kind of a supplemental discussion from my friend from Utah—and I would love to have had one of the gentleman's classes in Utah. We would love to have had you teach in Texas. You are such a good teacher.

Supplementing the teaching that you've already provided, I'd just like to take people, Mr. Speaker, to Article V of the Constitution. It's a great document. I want to encourage people to read that, as my friends have already mentioned.

Some have said you would never want to have an amendment convention because it might be full of people who would come up with crazy amendments that would destroy the country, and so you would never want to do that. Some have said these guys that wrote the Constitution did such a perfect job, we should never allow an Amendment Constitution provided under Article V because that might mess it up.

□ 1945

But then on the other hand, if these guys did such a perfect job on the Constitution, then they must have put Article V in here for a reason.

Article V simply says, "The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

Now, some have said, well, if you allowed the second part, the part that has never been utilized in the whole history of the United States, it would be destructive to the country. My point is, if we don't do something radical—and I'm not talking violence, that's completely unnecessary—but something radical from a congressional standpoint, from a national standpoint, we see where this is all going.

Just as my friends have been talking about, the excesses and the abuses are bringing this country to an incredible cliff. You know, we just read that China has now bought enough that it is approaching \$1 trillion that it owns of the United States' debt. Well, that makes it a little tougher, doesn't it, to use leverage against China when we owe them that much money. Growing up, I had Sunday school lessons about the Bible teaching whoever you borrow money from becomes your master, and we've done that because we can't control the spending.

So we need something that is a little out of the ordinary to bring this thing in, and what better method than the one that the constitutional founders, the drafters, put in there, approved, and the States ratified, and that is to say, you know what, it's time for an amendment convention.

We have usurped so much power from the States—and this latest health care debacle, the health care reform bill that was passed and signed into law now, has the potential to bankrupt States that were having a hard enough time as it is.

Well, those States have power under our Constitution, and as we know, up until the 17th amendment, when those in Washington—and this was apparently pushed by Woodrow Wilson. He liked the idea of the Federal Government running everything, and he would have been really proud of the health care bill because it was all about the GRE, the government running everything.

So this 17th amendment was an effective way of taking away any check or

balances that the States were provided under the Constitution because, under the Constitution, the State legislatures selected the U.S. Senators. Most students were never taught that. But the founders felt like there had to be a way that the Federal Government could be prevented from just usurping all the power from the States and the people as the tenth amendment talks about, and this would be it, because you would never send a Senator up here from your State, if you're a State legislature, if he's going to add unfunded mandates to your responsibilities in the States and take away your power at the same time. There were Senators that were recalled.

So, from the day after the health care bill was passed here in the House, I've been talking about an Article V amendment convention that would allow the States to come together and propose amendments. Now, there's difference of opinion. I had a wonderful conversation with former Attorney General Ed Meese about this. He has some good ideas as well.

But we have got to do something. And I am not in favor of repealing the 17th amendment, have never been in favor of repealing the 17th amendment, but there are some wonderful ways of reining in the Federal Government, maybe giving the States the right to veto legislation. So, there are a number of things, and as we saw back when the States were gathering momentum to have an amendment convention, Congress got scared that that would really happen so they rushed in and voted to repeal prohibition, proposed that of course a constitutional amendment and it passed.

So maybe the States need to start that gathering storm, and we could get Congress to do what it needs and, that is, give the States some power like they originally had.

I appreciate so much my friend from Utah yielding.

JOBS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, interesting news came out Friday about jobs. There was a good Wall Street Journal article June 4. It talked about this wonderful news that we heard from Washington that last month the job total increased by 431,000. That is fantastic news, just wonderful. But there's a little problem in it. The U.S. Department of Labor released statistics saying, yes, there were 431,000 jobs created last month and that's fantastic and all, but unfortunately, 411,000 of them were temporary census worker jobs. Well, it's just hard to feel really good about the economy when out of

431,000 new jobs, according to the U.S. Department of Labor last month, 411,000 of them were government jobs. Not just government, temporary government jobs.

I've talked to some census workers. We had a job fair in my district in Marshall, Texas, at the East Texas Baptist University. They're very cooperative and helpful. We had one previously at Laterno University. Texas Workforce Commission does such a great job. We've partnered together with them and Laterno and Longview and many other partners to have a job fair previously. We've had one in Lufkin, partnered with Angelina College and the Texas Workforce Commission, and this one was in Marshall.

On one hand, anytime you throw a party and a lot of people show up, you're thrilled; this worked out great. But on a very human basis, you know that every one of the people that come seeking jobs have broken hearts. Most of them have families who need them to get jobs. So many of them, you know, long-time employees somewhere, and we have not done them any favors by the work that's been done here in Congress going back to failing to reform Fannie Mae and Freddie Mac which really put us to the brink of economic collapse. Complete failure to do that, to reform them.

Then in September, October of 2008, as a potential meltdown began, many people don't know but there were more homes sold in September of 2008 than in any month in the last 5 years before that. But of course, once the Secretary of Treasury went out and said unless Congress gives me \$700 billion, there's going to be a total meltdown, but give me \$700 billion in a slush fund and I'll pay off my buddies on Wall Street and I'll get everything going good, and you know, basically inferring that—and I think he legitimately believed, if all the people that he had worked with and knew so well on Wall Street maintained their wealth, continued to get rich or richer, didn't go bankrupt, then it surely would be good for the rest of America.

Little did he know that that was not the case. We bailed out folks, and you know, it's interesting. It also said something about the morality in America because there was a time in America if you got greedy, a little hasty, and drove your cart off in a ditch and your neighbors helped you get your cart out of that ditch, then you felt a little guilty. It was a moral thing. You had a conscience and you felt guilty because your neighbors helped you get your cart out of the ditch, and they did not contribute at all in you getting it there. It was your own negligence, your own greed.

And so nowadays we've gotten to the point where AIG, Goldman Sachs, Wall Street, some of them at least—they let Lehman Brothers go because they were

a competitor of Goldman Sachs—but anyway, they got greedy, extremely greedy, careless, and ran their cart into a ditch, and there was no way they were going to get out. They should have been forced to go into bankruptcy and reorganize like every other entity but they didn't.

America, most of us didn't like the idea. We didn't support it. We were totally against it, but nonetheless we were forced to get Goldman Sachs' cart out of the ditch. And what has happened since? Well, they've gotten in their cart, motorized it, and run over the rest of us.

So that didn't work out so well, and in January of 2009, when we heard that Timothy Geithner was going to be appointed to be Secretary of the Treasury, well, what we heard from folks down the other end of the hall was, well, we need to confirm him as Treasury Secretary because he worked with Paulson on the plan. To my way of thinking, this meant this guy should not get near the Treasury Department, but that's not what happened.

So we've continued to have the Federal Government continue to take over more and more authority, usurp more of individuals' moneys, their credit, the potential capital out there to create private jobs, just sucked it up in Washington, and in the meantime, the Federal Reserve apparently is printing lots of money. And so we're just doing all kinds of good things, and it is continuing to drive us toward a cliff.

And for anybody to stand up and try to make it sound like great news, 431,000 new jobs last month, that's the most in a number of years, it's fantastic, it's great, and not realize or not be forthcoming enough to point out that nearly all those jobs, the vast majority of them, were temporary census jobs is just not right, and it's not doing right by America.

So in this article, The Wall Street Journal points out some of the problems. This says, because the temporary workforce is more productive, the bureau is closing some offices earlier than planned. So it goes on to talk about the Census Bureau. Really tragic. That's the best we've got. That's the best we can offer to America.

I yield to my friend from Utah.

Mr. BISHOP of Utah. I appreciate the gentleman from Texas broaching this particular issue. Some people have asked me what is the Federal Government going to do about jobs. It's very clear the Federal Government has two options. One is you can actually create Federal jobs and fund them and run them and hire people for them, and the second is the Federal Government can create an environment that encourages the private sector to create jobs.

Indeed, at the beginning of the Great Depression in the 1930s, one of the problems that the country had was there were a great many people that

had money that did not invest that money. They sat on the money because they were watching what the government would do and had a great deal of anxiety as to what the government would do, would it attack business or would it build a climate that was favorable to business.

In some respects, I think we have that same situation today where there are people out there with money that could invest and expand the economy but, indeed, are waiting and watching to see what the policies of this country will be with some level of anxiety as to what that policy actually would be.

If I can try and put this on a very personal level, I'm doing a history of my family and my father. My father, who was older when I was born, went 2 years at the depths of the Depression without a permanent job.

□ 2000

I have sometimes wondered what it would be like to be in that situation. Indeed, in the depths of the Depression, he was finally bailed out by collecting a job that was actually a government job. He got one of the New Deal-era jobs.

As much as he was grateful for that, he always warned me to be wary of those types of jobs created by the government, for he told me that a government that could create the job to give to you is also a government that can create and defund the job and take it away. Indeed, that is exactly what happened to him a few years later. The government decided to change courses, and that job was no longer there.

I thought it was very wise of him to recognize that those distinct possibilities were there and the Federal Government has two things we can do: one is create jobs, which is temporary at best; or one is create climate and an atmosphere that expands the private sector. I think I would at least argue at this point that that would be the wisest approach for this government to take.

Mr. GOHMERT. I really appreciate that point. Of course, it's the problem we have right now. When the Federal Government is moving toward a 1.3 to \$1.6 trillion deficit in 1 year, they are sucking the capital from every corner of the world, printing some, and there is not money for the private sector. We have had meetings with the Federal Reserve people, including Chairman Bernanke. We have had meetings with people in the OCC, Office of the Comptroller of the Currency, and from the FDIC.

In the last couple of years we have had a number of meetings, and what we hear from people who are trying to borrow money to stay in business, people that have had lines of credit at their local bank for 20 years are now being told we are not going to continue your line of credit. And when they asked,

have I ever been late, have I missed a payment, what is the problem?

Well, our banking regulators have told us that they are going to, you know, be all over our bank and we can't handle the pressure if we keep loaning you money, extending your line of credit.

We broached that subject with Chairman Bernanke, that some of the regulators are requiring more capital and more money in reserve than is required under the law, and they are putting pressure on the bank not to make loans that they made for years, and it's loans that make banks most of their money. If you don't allow them to loan money, then they are not going to make money, and they are going to go under.

Then heaven help us, the FDIC insurance account will be hit more, and we will have to bail out more banks and what-not, all because we had some silly regulators who were concerned that a bank they were supervising might some day go under and it might look bad for their career advancement, and so they put too much heat on a local bank.

Now, there is greed, there is avarice that has gone on in some places; but most of that was in the investment banks, not in the local community banks, which were doing okay until "Chicken Little" Paulson started running around screaming the financial sky was falling. And the next month we went from selling more homes than any time in 5 years to selling no homes. We went from people buying cars to people not buying any cars, and it put us in a terrible funk.

It was all because this so-called financial genius that was chairman, and his protege is now running Treasury now, wasn't smart enough or educated enough in the ways of the world that when you go out and say we are going to have a depression, banks are going to fail one after another. When you create panic yourself, it is a self-fulfilling prophecy.

That's why, when they went out, and he talked, bless his heart, he talked President Bush into going out and joining ranks with him and getting on the chicken little brigade, that the financial sky was falling and scared America. When you go out and the President and Secretary of the Treasury are saying that if they don't pass this particular bill, whatever, it wouldn't matter—if they don't pass this bill on Monday in the House, then the market is going to crash a lot worse than 1929.

It's a self-fulfilling prophecy. It fell 777 points; people panicked. Many Republicans got talked into voting for the bill and joining most of the Democrats that voted for the TARP bailout bill. It should have been ended long ago; it was a big mistake.

But, boy, everybody needs to feel good, though. Goldman Sachs had their biggest profit year in their history last

year. So their jobs are secure; they are doing good.

But for the rest of America, there is a problem with capital; there is a problem with too little regulation over the investment banks, no reform over Fannie Mae and Freddie Mac, none. It is not even in this so-called financial reform that's really a financial deform bill, because it has a systemic risk council that allowed the Federal Government, in complete abrogation of what my friends were talking about in the prior hour about the 10th Amendment, and the power reserved of the States and people, just a complete ignoring of all of that. They are going to pick and choose winners and losers.

Your company is too big too fail; we will never let it fail. So that means they can run in the red; they can run their competition out of business. They will be the last business standing in that particular area because our systemic risk council from Washington, their lofty Mount Zion realm, said we picked this one to be the systemic risk.

The government was never supposed to have that kind of power. This country never got to be the greatest country in the history of the world by having Washington pick and choose winners and losers, and that's what that financial deform bill does, and I hope that it doesn't come with many of the provisions that are in there now, but it looks like that's what is going to happen.

But, anyway, we're sucking the capital out, we are preventing the private sector from creating the jobs. And then they saw this health care bill, they saw it passed.

As our Speaker pointed out, we had to pass the bill so we could find out what's in it. Some of us actually read most of it, so we had a good idea what was coming and that's why we fought so hard against it.

There are going to be more jobs lost. There have already been jobs lost because of that bill. There's going to be more jobs lost.

When I hear people who didn't read the bill and didn't know what all it did, but they just took the word of people pushing it, they really believed when they said here on the floor, it's going to help the working poor. It's going to help those hardworking folks that don't have enough money. If you read the bill, you find out that actually if you don't make enough money to buy as good a policy as the government is mandating, we know you are working poor, we know you are struggling.

If you had the money, you would buy better health insurance. But since you don't, we are going to pop you with another additional income tax. We are going to add a couple of percent to your income tax. Merry Christmas. You don't have enough money to buy the insurance, we tell you, bless your heart, you are working poor, you are

going to be poorer because of this health care bill.

During the job fair last week, I was talking to an employer who was saying, you know, we have got a number of jobs that are entry level so they are making minimum wage, but it's a good entry-level place and we provide some good health insurance. So it's minimum wage, but we provide them health insurance. It's a great place for somebody young just starting out, get their foot in the door, get experience and be able to advance up from there.

Well, guess what, under the health care bill that was passed and signed into law this spring, he can't do that for people that make 133 percent or less of the poverty level. So those people who would go take that job because even though it's minimum wage, provides health insurance, bad news. Under the bill, they are going to have to go on to Medicaid, not Medicare, but Medicaid.

Now, some States have increased some of the reimbursement rates under Medicaid. Well, that's coming to an end real quick because of all the additional unfunded mandates on the States that's going to add billions to what they have to come up with. They are not going to be able to do that.

We already saw there was polling, New England Journal of Medicine and others, doctor polling that indicates 35 percent, some as much as 55 percent of the current physicians, when this kicks into law, will retire and quit practicing medicine. Oh, well, that's great, that's really going to be good for the working poor and how about the President's own words when he said on the day before the bill passed here, his own words: where as in the past you went to the doctor and you got five tests, now you will go to the doctor and you will get one test. Well, wasn't that good news?

Some of us know that's not a good idea. In some cases, there are tests that are given, purely from doctors practicing defensive medicine because of lawsuits that are threatened and that they worry about. But on the other hand, there are doctors who conduct tests because they know there is something there. They know there is something there. And one test doesn't show up, well, let's try this, because I know there's something there.

That's what was the case with my mother in 1976. It took them 6 days to find her brain tumor. Our local doctor, one of the local doctors where I grew up, had told my dad that if she gets much worse you may just end up needing to commit her. Well, it was very tough for a woman as brilliant as my late mother to think that she was going crazy. But that's what the local doctor thought because he was a general practitioner; he didn't have the expertise of terrific experts.

But after 5 or 6 days of testing, they found she had a little brain tumor. She

wasn't going crazy; she had a little brain tumor that was causing her problems. Because they found it when they did, we got to keep my mother for 15 more years.

So I would kind of have hated for my mother to have had one test, like that's some kind of good news. That means she may well have been committed to an insane asylum on the recommendation of a general practitioner.

But if you look at what the health care bill does, it pushes people more and more to general practitioners and thank God for them. Some of my closest friends are general practitioners. They do an incredible job. They have to know so much about so many different areas of medicine. Then they are able to figure out, ah, you have got that problem, let's get you over to the specialist. Then the specialist can home in for their whole career on a specific problem. Under this health care bill, that's not going to be the case.

But I got off on this from the job situation. Well, you don't have to worry about your health care; we are going to fix it to where we cut \$500 billion out of Medicare. You don't think that's going to help pay or that's going to be funded partially by what the President promised? In the past, you go to the doctor and get five tests and now you go and get one test. Okay.

Then how about the \$500 billion in new taxes? Well, I have talked to employers. Last week, we were not in session. I talked to employers that say, there is so much being stacked on top of my head, and I can't get my line of credit extended. You know, there is no sense in me continuing this. This is nuts. I am not hiring.

Then because of the provision in the bill, in the health care bill, which starts popping a tax above a certain level of employees, lots of employers that I have talked to are going to start making sure they don't go over that. They could use more people, but they are not going to go over the limit because they don't want to start paying that \$2,000 per employee tax that you get popped with once you have too many employees.

You know, and it—I just wonder, do we not notice what kinds of incentives we are putting in place? We are putting incentives in place to hire fewer people. We are eliminating capital, making it, that would have made it easier for the private sector to hire people than for Congress and for the Federal Government.

But these Census jobs, as this headline in *The Wall Street Journal* says, Census jobs end all too soon, and they will, and it's going to be tough when they do, 411,000 temporary workers hired last month by the Census. We are going in the wrong direction.

□ 2015

This is not a good thing. We are doing more damage. And even before

Republicans lost the majority in 2006, there were so many of us that were pleading, Look, we're in a hole. It's time to stop digging. And in November of 2006, because Republicans had the audacity to run up a \$100 billion, \$200 billion deficit in 1 year, it was outrageous, and Democrats rightfully won the majority because Republicans had not been as conscientious about making sure we didn't run this government into a ditch ourselves. And with the promise that their majority would see there were no more deficits, we would get this country on track, we would stop the craziness that the Republicans had in this deficit spending, we now find this year a projection of a \$1.3 to \$1.6 trillion deficit in 1 year. It's just hard to get my mind around—not that I have much of a mind to get around anything, but that is such an extraordinary amount of money to be in the hole in 1 year.

I read an article somewhere where around the world people are starting to say, Well, one thing we know for sure, since the United States is willing to run up over a \$1 trillion deficit in 1 year, then clearly they're not serious about paying their debts. Well, some people can't remember what happens when a government spends so much money that it doesn't have that no one will loan them money again. And we've also forgotten a lesson from history of what happens if you try to print your way out of debt by printing money. Germany tried that, and it just created such runaway inflation—remember the cartoons, the wheelbarrow full of money to go buy a loaf of bread? Well, we're printing money at record rates. We are running a deficit at never even comprehended rates.

For those who can remember, basically, the Soviet leader had to stand up and say—this was basically the essence—We can't borrow enough money anymore to stay in business. We can't print enough money to stay in business. We're out of business. States are each on their own now.

Well, there are some in this country that think that might be a good idea. But this Nation got to be the greatest in history because we were together as a Nation, all 50 States, fussing and disagreeing among ourselves as family, but never before in history have we come so close to voluntarily going over a cliff. I mean, World War II, record amounts of money were being spent. We were fighting for our very lives, for liberty and for freedom.

Some don't remember. There were Germans that came ashore. One American citizen was with them, and of course they were captured. They were going to commit war crimes here in the United States. They were captured, tried—by military commission, by the way—but under the rules of law, you can hang on to them as long as there's a war going on. That's a whole other

issue, but it's a way in which we're not learning from history. We're thinking that when people are at war with you, you can treat them better than our own soldiers are being treated in courts martial, give them more rights than our own soldiers have.

It's because people don't understand the Constitution. They don't understand the Constitution embraces the congressionally passed Uniform Code of Military Justice that embraces, as the Supreme Court pronounced, the Military Commission Act of 2006, as amended last year. Of course, the amendment mainly required us to quit calling them "enemy combatants" and now, under the new law last year, we call them "unprivileged alien enemy belligerents," not "combatants."

We're not learning the lessons of history. And when nations fail to do that, it becomes clear, eventually, that they are well on their way to the dustbin of history. We don't have to do that. This country could last 200 more years, 400 more years, but we have to learn the lessons and the mistakes of the past and grow and learn from them. We haven't done that.

We are not going to see private sector jobs created as long as the Federal Government is sucking up all the money, sucking up all the capital. There's not much left to loan. And the private sector can do so much more creating jobs than the Federal Government does because obviously—you know, the Federal Government itself is a giant Ponzi scheme. You know, adding 411,000 workers in 1 month, you can't keep doing that and still pay for it. The Ponzi scheme known as the Soviet Union went out of business. That's what will happen to us as well.

So, anyway, one of the things that we have failed to learn from history—I wanted to talk about jobs a little bit and then spend the remaining time talking about another area in which people just don't seem to be learning here in Washington from history. It's not hard to find. It's more accessible than it has ever been in the history of mankind. We've got the Internet. You can find all kinds of credible information. You want to go back and read John Quincy Adams' incredible closing arguments that went on for over 2 days in the *Amistad* case? You can get it. You want to read Ben Franklin's entire speech before the Constitutional Convention, 1787, where he said, If a sparrow cannot fall to the ground without His notice, is it possible an empire can rise without His—the Lord's—aid? He said, We are told in the sacred writing that unless the Lord build the house, they labor in vain that build it. And he said, I also firmly believe that without His—God's—concurring aid, we shall succeed in this political building no better than the builders of Babel. We shall be confounded by our local partial interests, and we, ourselves, shall become a byword down through the ages.

He went on. But you can find that whole speech, you can find all that material. You can find the lessons that have been learned through history.

If you don't have a Bible and you wonder what was the most quoted book here in the House of Representatives for the first 100-plus years of our history, it may have been 150 years, the most quoted book here on the House floor was the Bible. I have one right here, the most quoted book in the House of Representatives for most of its history. If you wanted a bill to be passed, then you better find some wisdom in Scripture and share it with people so they understand.

Well, we had something last week. It was called by some a "peace flotilla," but it was quite clear that there was a lot more to it than that, that this was a contrived plan. This was an effort to embarrass Israel, because the proponents knew that Israel would have to defend itself, there was no question about that. They have been hit with so many thousands of rockets from the Gaza Strip, they had to eventually defend themselves. And lest we forget, the Gaza Strip was controlled as part of Israel until Israel's leaders thought, You know what? It's not part of any treaty. It's not part of any demand, but what if we gave the Gaza Strip to the Palestinians? What if we just gave that unilaterally, not asking anything in return? I mean, what an incredible show of good faith that would be. That would surely provoke our adversaries into realizing we do want peace, so let's give away the Gaza Strip.

Now, they hadn't learned a whole lot from the fact that you could give away a part of what was part of Israel at the time, controlled by Israel, give that to southern Lebanon and they will know that we are really interested in peace and things should really go well, continuing not to get the message that every time it seems that Israel gives away land, even going back to its early inception centuries and centuries and centuries before there was Muhammad, there was Islam, Israel, if they gave away land, it was normally used as a staging area later to attack them because they had given away something that was under their control.

And I wondered about the mentality—do you guys not get it? You give away land. You get attacked from it every time you seem to give it away—until I made a couple of trips over and you begin to realize the mentality: after years and years of suicide bombs, family members just having coffee at this restaurant, alive one minute, laughing with kids, with their children, dead the next minute; a suicide bomber walking down into an area of school children so he can blow himself up and kill children; when you see and you understand there have been so many rockets flying into Israel and you find out the mentality apparently

for so many Israelis has been, Look, we just want to be left alone. We just want to be left alone. We will give you land, unilaterally give it away, not demand, just please leave us alone.

I was reminded of the routine Bill Cosby talked about where—and I think out of the first six albums I ever had, three of them were Bill Cosby. He had a way of taking life and helping you to look at yourself and laugh. But he talked about as a parent, the youngest one screaming and hollering, and he said, Hey, stop. And the little girl screams, Well, I want this. And the other kids saying, It's ours. It's ours. And he says, I don't care. Let her have it. You've got to stop the screaming. She's got a lot of my stuff, too. Just let her have it so she will quit screaming.

And I thought about Bill Cosby's comment because I get that impression, you know, the Israelis were so tired of the death and the suicide bombs and rockets and grenades, they said, Look, we'll just give you land if you will leave us alone. Let us live in peace.

So I understand better the mentality that says, Here, we will unilaterally give away land that actually makes it harder for us to protect ourselves, because they're thinking that that will bring about acts of kindness on the other side, not realizing when you're dealing with people who, because of religious zealotry, have made clear that they want to see your nation wiped completely off the map, they're not really going to get all touchy-feely over some gift that you make. That's what has happened with Gaza. They acted out of such wonderful intentions. Let's give this land to the Palestinians.

And after you've seen what was there—there were greenhouses. There were ways that people could make a living there, and there were ways that people could produce their own food there. Instead, once they gave the land away, the greenhouses were destroyed. So many were plundered, just acts of violence. Well, it was the Israelis, so destroy it. These were ways they could have lived and eaten and made a good living, and they destroyed it.

□ 2030

So, hopefully, people in Israel are beginning to understand you've got to defend yourself and that acts of peacefulness are not going to be met with acts of peace in response. They are going to be met with flotillas, with Kazan rockets, and with death in your own country.

Because the idea is not to get a strip of land here at Gaza; it is not to get a strip of land here in the northern part of Israel; it is not to get the Golan Heights. You know, it is not to get the West Bank and to enlarge that. No, not at all. It is to wipe Israel off the map.

It's interesting how and it grieves me much, actually, to know that there are

well-educated people who have gone through life thinking that the Israelis, the Jewish people, had no history prior to the Palestinians in that area, that their history was more in Germany and in Poland and in America. America didn't even have any idea that Israel existed, other than the Native Americans.

A tragic thing happened here just recently. For the first time in United States history, the United States decided to ignore thousands of years of lessons and to demand, with Israel's enemies, that they let the world know exactly what weaponry they have, what nuclear weaponry they have. Let everybody know exactly what you've got. It was well-intentioned, I'm sure, on the part of this administration, but what a disastrous mistake.

I thought about Hezekiah, King of Israel, long before the days of Mohammad, when Israel was a nation in the land where they now are. King Hezekiah was the son of Ahaz.

For a little history, Ahaz, as King of Israel, had seen the northern kingdom make an alliance with Assyria, and it made a very powerful alliance in military. They were marching toward Jerusalem, and it appeared there was no way they could be stopped. And that's when, according to scripture, God told Isaiah to go find Ahaz at the cistern and tell him, I'm not going to let that alliance take Jerusalem. Isaiah did that, and they did not take Jerusalem. Ahaz changed his ways, and Israel was blessed centuries before there was Mohammad. They were greatly blessed.

Then his son Hezekiah came along, and things went well for much of his reign. You know, there were ups and down, as any nation has. There were ups and downs in Hezekiah's private life.

Following the tradition that for most of this nation's history was a reading and quoting from the Bible as the most quoted book here on the House floor, 2 Kings 20:14—and I'm skipping a lot:

Then Isaiah, the prophet, came to King Hezekiah and said to him, What did these men say, and from where have they come to you? Hezekiah, who was king, said, They have come from a far country, from Babylon.

Isaiah said, What have they seen in your house?

Hezekiah answered, They have seen all that is in my house. There is nothing among my treasures that I have not shown them.

You know, Isaiah knew that was absolutely stupid to bring in people who would like to see his country destroyed and gone, who would like to have his treasure that he had built and created and to show them everything he had.

I mean, it's like saying for people who play poker, "I am such a benevolent poker player. Let me show you my cards. I'll take two cards, and I'll show you what they are, and now here is my

five. Okay. Who wants to bet?" You don't do that.

It would be like playing chess and saying, "Now, I want to be benevolent, and so I'm going to tell you you're tempted to move here. If do you that, I'm going to move here, here, and here, and it will be checkmate." You can't do that. That lesson should have been learned repeatedly, and it was not.

Isaiah foretold to Hezekiah, continuing on in verse 16:

Hear the word of the Lord: Behold, the days are coming when all that is in your house and that all that your fathers have laid up in store to this day shall be carried to Babylon. Nothing shall be left, says the Lord.

I don't care whose history it is. If you fail to learn from history, you're asking for disaster. To borrow a line from Proverbs, which was later the title of a movie: You're going to inherit the wind.

You can't do that. This great country of ours can't now turn on Israel and demand of Israel to make the disastrous, disastrous mistake that Hezekiah did. Sure, we'll bring you in. We'll show you everything we've got. We're demanding that now, with Israel's enemies, that they've got to show everything they've got to those who want to see them gone. And to people like Ahmadinejad who has pledged that Israel will be wiped off the map? You're going to let them know every defense—everything that Israel has?

What kind of naivete is running the place? I know it's well-intentioned. Just like the health care bill, it's well-intentioned; but as a result, people are going to be put on lists like they have been in England, like they have been in Canada, and they're going to die, waiting for their treatments, for their tests. Here we are, well-intentioned, refusing to learn the clear lessons of history.

So what did we see last week? Well, actually, we can go back to May 25, 2010. Israel became aware that there was a Free Gaza flotilla, so they advised Turkey and other governments, whose nationals Israel knew were going to participate, that Israel could not allow the self-styled humanitarian mission to breach its defensive and able blockade of Gaza.

Now, it would be like, after 9/11, people who would like to see this country wiped off the map, the United States. Ahmadinejad has made that clear, that Israel is the little Satan and that the U.S. is the big Satan. He wants to see us gone. It would be like a group of peace-loving people saying, "We're coming onto an airplane, and we're not going to let you check us. We're not going to go through your metal detectors. We're coming, and there are lots of us. By the way, we also have metal poles and knives, and we will shoot you, too, when you try to stop us. We're going to get on those planes,

whether you want it or not, because we're going to style ourselves the Free America flotilla—airtilla. We're going to be 'Airtilla the Hun.' We're going to bring people into the airports. We're going to overwhelm the security, and we're going to get on those airplanes without being checked."

This is what is being done to Israel after thousands and thousands and thousands of rockets have been launched from the Gaza Strip into Israel, killing Israelis, maiming children. I mean, Israel couldn't let that go on.

So, sure, we'll let the humanitarian aid through. They made that clear. But they made clear back as early as May 25 that they were not going to allow anybody to breach the naval blockade.

So, apparently, the nations that Israel warned did not take it to heart. In fact, one flotilla participant said on May 28 that this mission is not about delivering humanitarian supplies; it's about breaking Israel's siege on 1.5 million Palestinians, and that's the truth.

By the way, en route, the Arab news channel Al Jazeera exalted jihadist martyrdom and sang Palestinian intifada songs. On May 29, Hamas consents to broadcast on its state-controlled television in Gaza an interview with a leading Gaza professor, calling on flotilla passengers to engage in martyrdom with the people of Gaza.

On May 30, despite repeated warnings from Israel defense forces, the six vessels continued their voyage toward the security zone. Aboard one of the ships, one person told Turkish television, "We will definitely resist, and we will not allow the Israelis to enter here." Another said, "If Israel wants to board this ship, it will meet strong resistance." Israel's mistake was not taking those quotes to heart, not taking them literally.

On May 31, 2010, Israeli Navy personnel warned all six flotilla ships that they are about to enter restricted waters. Again, Israel offers to collect humanitarian aid and have it delivered to the Gaza Strip by the United Nations, but the ships again refuse to comply. Aboard one of the ships, it is announced, "We are going to resist, and resistance will win." Militants on the ship begin yelling, "Intifada, intifada."

Well, we know what happened from there. Some don't. Some haven't watched. I mean, they've watched mainstream America and they haven't seen the Israelis being beaten with metal pipes, they haven't seen the Israelis being stabbed, they haven't seen Israeli soldiers shot and thrown overboard.

How would we react in America if people decided to peacefully overwhelm security at our airports, to get on airplanes for benevolent causes, who then stabbed or beat security agents at our airports? We wouldn't put up with that.

Well, I don't know. Maybe this administration would; hard to say. But we know from history that's a big mistake.

What really breaks my heart is some of us have been seeing this stuff coming, and I wanted this to be a very bipartisan effort. So, for some months, I've been trying to get a pro-Israel group on board, I've been trying to get friends across the aisle on board with a resolution that would make very clear that we support Israel's defending itself, whatever needs to be done, and if nothing else has worked, that the military means are supported by this Nation.

Instead, this administration has been snubbing Israel. He snubbed their Prime Minister previously when he came to Washington. He walked off. "I'm going to go have dinner with my family. Why don't you just stay here in the White House for the night so you can come around and do what I've demanded, and you can let me know when you get ready to do what I've demanded." Prime Minister Netanyahu appropriately didn't stay. He went to the Embassy. He didn't need to be blackmailed into anything.

I realize, you know, we're all victims of the environment in which we grew up, and if you grew up in an environment, say, for example, Chicago, where you're used to snubbing folks—you do that in France, and it's no big deal. So it's understandable that would be brought to the White House.

□ 2045

But the trouble is, when you're the most powerful executive in the world, and you snub a friend, there are international implications. Things like that have been known to start wars and cost thousands and thousands of lives. Activity like that has consequences, and the world has been watching while we snubbed our ally, who has more of the same rights in their nation that we have in this one than any nation in the Middle East. And we're snubbing them? And we're trying to force them to do what they did in giving away land to southern Lebanon, giving away the Gaza Strip, not defending itself, now demanding that they show all of their weaponry? That has consequences. It can start wars.

And the reason that I've been working behind the scenes for so long trying to get people on both sides of the aisle, and I've got plenty of this side of the aisle support, and I have a few Jewish friends on the other side of the aisle that are supportive, but it wasn't enough. But now I agree with some other friends that said, you can't keep this private; you've got to put the pressure on publicly. And hopefully, Mr. Speaker, people would contact their Members of Congress and let them know that they need to get on board with the resolution that says Israel can defend itself.

Sanctions, what a lovely thing to talk about. And when you have years and years and years to work with, whether it's South Africa or somewhere, that's one thing. But when you've got centrifuges spinning, and the IAEA already tells us that Iran has probably enough enriched uranium for two nuclear weapons, and the centrifuges are still spinning, and we're still trying to talk to other nations in the world about getting on board with our sanctions, Israel is more at risk every day.

And not only have we not gotten other nations to get on board with sanctions; Russia has cut a deal. They're going to provide them their best anti-aircraft weaponry as 300 is coming to Iran. And the days are growing and building. And we're putting all the wrong pressure on our dear ally.

And some know in this body that I've been pushing, all three terms I've been here, what I title the U.N. Voting Accountability Act. One of these days I'm going to get it to the floor for a vote. I got it as an amendment. We had over 100 votes on it. That was back in 2005. I'm hoping to get it the floor as a bill at some point to bring about sanity to our foreign assistance policy.

But it basically says this: Hey, these nations around the world, you're sovereign nations. You can do whatever you want as long as it doesn't hurt us, because we'll protect ourselves. But any nation that votes against the United States position more than half the time in the U.N. won't get any financial assistance from us in the subsequent year. March 31 every year a report comes out about who voted which way on all the contested votes. You look at those, you see who voted against our position more than half the time and you just say, fine; that's your position. We are not going to keep paying people to hate us. We have found we can get people to hate us for free. And we don't have to get taxpayers to keep paying taxes to pay people to hate us when they'll do it for free.

We're paying Israel's enemies about as much as we're supporting Israel with. It's a big mistake.

One thought I had that would be a clear image to the world, and I appreciate the few friends across the aisle that have said they have supported the idea, and that is, we need an image, a visual image going to the rest of the world so they know, there may be a little bickering with our friend, our close ally Israel. But when people saw both sides of this aisle standing and applauding Prime Minister Netanyahu in a joint session, then they would get the picture; hey, we may fuss among ourselves, but we will defend them.

There are still some historians that believe that it was Secretary of State Acheson saying basically that Korea was beyond our sphere of influence, which led, and apparently Korea was

already massing forces. But you can't help but wonder if once they heard that that's beyond our sphere of influence, we won't come to South Korea's aid, that's when the Korean War started. You start wars, oftentimes, when the strongest friend snubs their ally, then enemies of that ally think they can act against that ally without the strong supporter stepping forward.

And we need to let the world know that Israel is still our friend. They still vote with us more than way over 90 percent of the rest of the people in the U.N., and a friend like that is a friend we ought to support. And you won't get peace until you show you're willing to stand up against the bad guys. And then the bad guys understand that and you have peace for a while.

But, Mr. Speaker, I see my time has expired, so I appreciate your indulgence tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today and the balance of the week on account of a death in the family.

Ms. RICHARDSON (at the request of Mr. HOYER) for today on account of primary election in the district.

Mr. CARTER (at the request of Mr. BOEHNER) for today on account of travel delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CONNOLLY of Virginia) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, June 9, 10, and 11.

Mr. POE of Texas, for 5 minutes, today, June 9, 10, 11, 14, and 15.

Mr. JONES, for 5 minutes, today, June 9, 10, 11, 14, and 15.

Mr. MORAN of Kansas, for 5 minutes, today, June 9, 10, 11, 14, and 15.

Mr. LATTA, for 5 minutes, June 9.

Ms. ROS-LEHTINEN, for 5 minutes, June 10.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the fol-

lowing title, which was thereupon signed by the Speaker:

H.R. 5330. An act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 28, 2010 she presented to the President of the United States, for his approval, the following bill:

H.R. 5128. To designate the United States Department of the Interior Building in Washington, District of Columbia, as the "Stewart Lee Udall Department of the Interior Building".

Lorraine C. Miller, Clerk of the House reports that on June 1, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 5330. To amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

H.R. 3250. To designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building".

H.R. 3634. To designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the "George Kell Post Office".

H.R. 3892. To designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office".

H.R. 4017. To designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the "Ann Marie Blute Post Office".

H.R. 4095. To designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building".

H.R. 4139. To designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the "Sergeant Matthew L. Ingram Post Office".

H.R. 4214. To designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office".

H.R. 4238. To designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building".

H.R. 4425. To designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office".

H.R. 4547. To designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the "Captain Luther H. Smith, U.S. Army Air Forces Post Office".

H.R. 4628. To designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the "Sergeant Christopher R. Hrbeek Post Office Building".

H.R. 2711. To amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes p.m.), the House adjourned until to-

morrow, Wednesday, June 9, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 2008, the Bonneville Unit Clean Hydropower Facilitation Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 2008, THE BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT, AS TRANSMITTED TO CBO ON JUNE 7, 2010^a

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | |
|--------------------------------------|---|------|------|------|------|------|------|------|------|------|------|-----------|-----------|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 |
| | Net Increase or Decrease (–) in the Deficit | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | –2 |

^a CBO expects enactment of H.R. 2008 would lead to development of hydropower facilities by a nonfederal entity within a few years. Assuming enactment of H.R. 2008 in 2010, we expect such a project would be completed by 2016 at which time the government would collect annual fees from the project developer totaling about \$400,000 a year for the life of the project.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4349, the Hoover Power Allocation Act, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 4349, AS AMENDED

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | |
|--------------------------------------|---|------|------|------|------|------|------|------|------|------|------|-----------|-----------|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 |
| | Net Increase or Decrease (–) in the Deficit | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7725. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-09-0089; FV10-932-1FR] received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7726. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Cotton Research and Promotion Program: Designation of Cotton-Producing States [Doc. #: AMS-CN-10-0027; CN-08-003] (RIN: 0581-AC84) received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7727. A letter from the Secretary, Department of the Air Force, Department of Defense, transmitting a report detailing an Average Procurement Unit Cost and a Program Acquisition Unit Cost breach for the C-130 AMP, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

7728. A letter from the President, Uniformed Services University of the Health Sciences, Department of Defense, transmitting the Department's Evaluation of the TRICARE Program Fiscal Year (FY) 2010 Report to Congress, pursuant to Public Law 104-106, section 717; to the Committee on Armed Services.

7729. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restrictions on the Use of Mandatory Arbitration Agreements (DFARS Case 2010-D004) (RIN:

0750-AG70) received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7730. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Ground and Flight Risk Clause (DFARS Case 2007-D009) (RIN: 0750-AF72) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7731. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's 2009 annual report on the Activities of the Western Hemisphere Institute for Security Cooperation, pursuant to 10 U.S.C. 2166(i); to the Committee on Armed Services.

7732. A letter from the Under Secretary, Department of Defense, transmitting report on the potential effects of expanding the list of persons under section 10 U.S.C. 1482(c) for the disposition of the remains of those serving in the Armed Services; to the Committee on Armed Services.

7733. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contract Authority for Advanced Component Development or Prototype Units (DFARS Case 2009-D034) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7734. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; New Designated Country-Taiwan (DFARS Case 2009-D010) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7735. A letter from the Under Secretary, Department of Defense, transmitting notifi-

cation regarding authorizing the use of a multiyear procurement (MYP) contract for the 124 F/A-18E/F and EA-18G aircraft in Fiscal Years (FYs) 2010 through 2013; to the Committee on Armed Services.

7736. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's semiannual report to Congress from October 1, 2009 to March 31, 2010; to the Committee on Armed Services.

7737. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting the Department's annual report describing the activities of the DPA Title III Fund, pursuant to 50 U.S.C. 2094(f)(3) section 304(f)(3); to the Committee on Financial Services.

7738. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7739. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule—Affordable Housing Program Amendments: Federal Home Loan Bank Mortgage Refinancing Authority (RIN: 2590-AA04) received May 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7740. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—Individual-Level Characteristics Related to Employment Among Individuals with Disabilities Catalog of Federal Domestic Assistance (CFDA) Number: 84.133B-1 received May 18, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Education and Labor.

7741. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Project (DRRP)—Transition to Employment Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A-1 received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7742. A letter from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2007, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

7743. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Report to Congress Related to Comprehensive Tuberculosis Elimination Act of 2008"; to the Committee on Energy and Commerce.

7744. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule—Medicaid Program; Premiums and Cost Sharing [CMS-2244-FC] (RIN: 0938-AP73) received May 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7745. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Center for Devices and Radiological Health; New Address Information [Docket No.: FDA-2010-N-0010] received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7746. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule—Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 under the Patient Protection and Affordable Care Act [OCIO-4150-IFC] (RIN: 0991-AB66) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7747. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual Report on the Food and Drug Administration Advisory Committee Vacancies and Public Disclosures, pursuant to Section 712(e) of the Federal Food, Drug, and Cosmetic Act; to the Committee on Energy and Commerce.

7748. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule—Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 Under the Patient Protection and Affordable Care Act [OCIO-4150-IFC] (RIN: 1210-AB41) received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7749. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation [EPA-HQ-OAR-2003-0064; FRL-9150-5] (RIN: 2060-AP80)

received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7750. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations. (Seaford, Delaware) [MB Docket No.: 09-230] received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7751. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NUHOMS HD System Revision 1 [NRC-2009-0538] (RIN: 3150-A175) received May 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7752. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification that effective March 14, 2010, the 15% Danger Pay Allowance for USG civilian employees serving in Ciudad Juarez, Matamoros, Monterrey, Nogales, Nuevo Laredo, and Tijuana, Mexico has been established, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

7753. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Canada (Transmittal No. 03-10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7754. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-19, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7755. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Authorization for Validated End-User Applied Materials China, Ltd. [Docket No.: 100205081-0149-01] (RIN: 0694-AE86) received May 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7756. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 09-10 informing of an intent to sign a Memorandum of Understanding with the State of Israel; to the Committee on Foreign Affairs.

7757. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 05-10 informing of an intent to sign the Project Arrangement with Italy, Spain and the United Kingdom; to the Committee on Foreign Affairs.

7758. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-034, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7759. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-007, certification of a proposed technical assist-

ance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7760. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Secretary's determination that eight countries are not cooperating fully with U.S. antiterrorism efforts: Cuba, Eritrea, Iran, North Korea (DPRK), Syria, and Venezuela; to the Committee on Foreign Affairs.

7761. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-047, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7762. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Foreign Affairs.

7763. A letter from the Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Foreign Affairs.

7764. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Audit of the Fleet Management Administration of the Department of Public Works", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7765. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-414, "Job Growth Incentive Act of 2010"; to the Committee on Oversight and Government Reform.

7766. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-415, "Health Insurance for Dependents Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

7767. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-416, "Old Naval Hospital Community Obligation Requirements Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

7768. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-413, "Master Public Facilities Plan Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

7769. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-420, "Adoption and Guardianship Subsidy Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

7770. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-419, "Third & H

Streets, N.E., Economic Development Technical Clarification Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

7771. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-418, "Withholding of Tax on Lottery Winnings Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

7772. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-417, "Medicaid Resource Maximization Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

7773. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-429, "Legalization of Marijuana for Medical Treatment Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

7774. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-428, "Healthy Schools Act of 2010"; to the Committee on Oversight and Government Reform.

7775. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General of the Farm Credit Administration for the period October 1, 2009 through March 31, 2010; and the semiannual Management Report on the Status of Audits for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7776. A letter from the Inspector General, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General of the Farm Credit Administration for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7777. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's FY 2009 Annual Report pursuant to Section 203, Title II of the Notification and Federal Antidiscrimination and Retaliation (No FEAR) Act of 2002; to the Committee on Oversight and Government Reform.

7778. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Chicago, transmitting the 2009 management reports and statements on the system of internal controls of the Federal Home Loan Bank of Chicago, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7779. A letter from the Chairman, Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending March 31, 2010, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

7780. A letter from the Vice President, Congressional and Public Affairs, Millennium Challenge Corporation, transmitting Fiscal year 2009 Annual Performance Report; to the Committee on Oversight and Government Reform.

7781. A letter from the Director, Office of Management and Budget, transmitting the Office's annual report for fiscal year 2009, in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7782. A letter from the Chair, Pension Benefit Guaranty Corporation, transmitting the 35th Annual Report of the Pension Benefit Guaranty Corporation; to the Committee on Oversight and Government Reform.

7783. A letter from the Senior Vice President, Diversity and Labor Relations, Tennessee Valley Authority, transmitting the Authority's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7784. A letter from the Acting Director, Fish and Wildlife Services, Department of the Interior, transmitting the 2008 annual report on reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Natural Resources.

7785. A letter from the Regulatory Affairs, Department of the Interior, transmitting the Department's final rule—Visitor Services (RIN: 1004-AD96) received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7786. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act", related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202(a)(1)(C); to the Committee on the Judiciary.

7787. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report entitled, "Report of the Proceedings of the Judicial Conference of the United States" for the September 2009 session and the June 2009 special session; to the Committee on the Judiciary.

7788. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report on applications for orders authorizing or approving the interception of wire, oral, or electronic communications and the number of orders and extensions granted or denied during calendar year 2009, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

7789. A letter from the Congressional Medal of Honor Society of the United States of America, transmitting the Society's annual financial report for 2008 and 2009, pursuant to 36 U.S.C. 1101(19) and 1103; to the Committee on the Judiciary.

7790. A letter from the Chair, United States Sentencing Commission, transmitting the Commission's amendments to the federal sentencing guidelines, policy statements, and official commentary, together with the reasons for the amendments, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

7791. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's "Major" final rule—Fees for the Unified Carrier Registration Plan and Agreement [Docket No.: FMCSA-2009-0231] (RIN: 2126-AB19) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7792. A letter from the Chairperson, National Commission on Children and Disasters, transmitting ad-hoc Progress Report; to the Committee on Transportation and Infrastructure.

7793. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting an extension of the Department's Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Pre-hispanic Cultures of the Republic of El Salvador, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

7794. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Further Consolidation of CBP Drawback Centers [USCBP-2009-0035] (RIN: 1651-AA79) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7795. A letter from the Chief, Publications and Regulations Branch, Department of the Treasury, transmitting the Service's final rule—Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-40] received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7796. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Transitional Guidance for Taxpayers Claiming Relief Under the Military Spouses Residency Relief Act for Taxable Year 2009 [Notice 2010-30] received May 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7797. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Section 1274—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010-12) received May 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7798. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Regulations under the Patient Protection and Affordable Care Act [TD 9482] received May 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7799. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue Paper Savings and Loan Industry Supervisory Goodwill UIL 597.13-00 [LMSB4-1109-042] received May 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7800. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Use of Delegation Order (DO) 4-25 on Appeals Settlement Position (ASP) for the I.R.C. Sec. 41 Research Credit—Intra-Group Receipts From Foreign Affiliates (IRM 4.46.56) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7801. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's quarterly report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects (dated April 15, 2010); jointly to the Committees on Armed Services and Appropriations.

7802. A letter from the Secretary, Federal Trade Commission, transmitting a report entitled "Report on Emergency Technology For Use With ATMs"; jointly to the Committees on Financial Services and the Judiciary.

7803. A letter from the Secretary, Department of Energy, transmitting proposed legislation to eliminate the need for annual updates of the workforce restructuring plans for defense nuclear facilities; jointly to the Committees on Energy and Commerce and Armed Services.

7804. A letter from the Secretary Attorney General, Department of Health and Human Services Department of Justice, transmitting the twelfth Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2009; jointly to the Committees on Energy and Commerce and Ways and Means.

7805. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101-162, section 609(b); jointly to the Committees on Natural Resources and Appropriations.

7806. A letter from the Assistant Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807 50 U.S.C. 1862; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

7807. A letter from the Staff Director, Commission on Civil Rights, transmitting a report entitled "Title IX Athletics Accommodating Interests and Abilities"; jointly to the Committees on the Judiciary and Education and Labor.

7808. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1889-DR for the State of New Jersey; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

7809. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1892-DR for the State of New Hampshire; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7810. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1893-DR for the State of West Virginia; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7811. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1891-DR for the State of Maine; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7812. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1890-DR for the District of Columbia; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7813. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1888-DR for the State of Arizona; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 1424. Resolution providing for consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, and providing for consideration of motions to suspend the rules (Rept. 111-503). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BLUMENAUER (for himself, Mr. BRADY of Texas, Mr. TANNER, Mr. SHUSTER, Mr. DEFAZIO, Mr. MCMAHON, Mr. WU, Mrs. DAHLKEMPER, Mr. PETRI, Mr. CARNEY, Mr. SCHRADER, Mr. THOMPSON of Pennsylvania, Mr. FILNER, Mr. SMITH of Texas, Mr. PAUL, Mr. MANZULLO, Mr. COSTELLO, Mr. GERLACH, Mr. GRIJALVA, Ms. GRANGER, Mr. TIM MURPHY of Pennsylvania, Mr. MORAN of Kansas, Mr. LATHAM, Mr. BERRY, Mr. WESTMORELAND, Mr. McDERMOTT, Mr. LIPINSKI, Mr. RODRIGUEZ, Ms. JENKINS, Mr. BOSWELL, Mr. LOEBACK, Mr. HOLDEN, Mr. BACHUS, Mr. INGLIS, Mr. ROSS, Mr. MICA, Mr. CARTER, Mr. SPRATT, Ms. CORRINE BROWN of Florida, Mr. GRAVES, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, Mr. OLSON, Mr. CARNAHAN, Mr. QUIGLEY, Mr. MCGOVERN, Mrs. BLACKBURN, Mr. DICKS, Mr. SNYDER, and Mr. RAHALL):

H.R. 5478. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to encourage the replacement of inefficient, outdated freight railcars with greener, more fuel efficient vehicles; to the Committee on Ways and Means.

By Mr. RAHALL (for himself and Mr. BOUCHER):

H.R. 5479. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, and for other purposes; to the Committee on Natural Resources.

By Mr. POLIS:

H.R. 5480. A bill to amend the Richard B. Russell National School Lunch Act to direct the Secretary to competitively award grants to, or enter into cooperative agreements with, Governors of States to carry out comprehensive and innovative strategies to end childhood hunger, including establishing public-private partnerships and alternative models for service delivery that promote the reduction or elimination of childhood hunger by 2015; to the Committee on Education and Labor.

By Mrs. CAPPS (for herself, Mr. MARKEY of Massachusetts, Mr. GEORGE MILLER of California, Mr. THOMPSON of California, Mr. GRIJALVA, Ms. MCCOLLUM, Mr. DEUTCH, Ms. BERKLEY, Mrs. MALONEY, Mr. SHERMAN, Ms. SPEIER, Mr. MICHAUD, Ms. MATHSUI, Ms. HIRONO, and Ms. SUTTON):

H.R. 5481. A bill to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drill-

ing; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES (for himself and Mr. COBLE):

H.R. 5482. A bill to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Natural Resources.

By Mrs. LOWEY:

H.R. 5483. A bill to award a Congressional Gold Medal to the United States Cadet Nurse Corps; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEAGUE:

H.R. 5484. A bill to direct the Secretary of Veterans Affairs to establish an annual award program to recognize businesses for their contributions to veterans' employment, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TONKO:

H.R. 5485. A bill to expand the National Domestic Preparedness Consortium to include the SUNY National Center for Security and Preparedness; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself and Mrs. McMorris Rodgers):

H. Con. Res. 284. Concurrent resolution recognizing the work and importance of special education teachers; to the Committee on Education and Labor.

By Mr. DINGELL (for himself, Mr. SCHAUER, Mr. HOEKSTRA, Mr. PETERS, Mrs. MILLER of Michigan, Mr. UPTON, Mr. MCCOTTER, Ms. KILPATRICK of Michigan, Mr. CONYERS, Mr. ROGERS of Michigan, Mr. STUPAK, Mr. CAMP, Mr. LEVIN, Mr. KILDEE, and Mr. EHLERS):

H. Res. 1425. A resolution recognizing pitcher Armando Galarraga of the Detroit Tigers for pitching a near-perfect game, declaring that Galarraga pitched a perfect game, and urging Major League Baseball to overturn the mistaken safe call by the umpire that spoiled the perfect game; to the Committee on Oversight and Government Reform.

By Ms. MCCOLLUM (for herself and Mr. ELLISON):

H. Res. 1426. A resolution urging the Government of the Republic of Rwanda and President Paul Kagame to immediately release human rights lawyer Professor Peter Erlinder from jail and allow him to return to the United States; to the Committee on Foreign Affairs.

By Mr. WAXMAN (for himself, Ms. HARMAN, Ms. RICHARDSON, Mr. SCHIFF, Mr. BERMAN, Mrs. CAPPS, Ms. WATSON, Ms. MATSUI, Mr. SHERMAN, Mrs. NAPOLITANO, Mr. MURPHY of Connecticut, Mr. MATHESON, Mr. HONDA, Ms. LINDA T. SANCHEZ of California, Ms. ROYBAL-ALLARD, Mr. ELLSWORTH, Mr. VISLOSKEY, Mr. DONNELLY of Indiana, Mr. CAMPBELL, Ms.

LORETTA SANCHEZ of California, Ms. ZOE LOFGREN of California, Mr. MCCLINTOCK, Mr. BUYER, Mr. SHULER, Mr. HILL, Ms. CHU, and Mr. DREIER):
H. Res. 1427. A resolution honoring the life of John Robert Wooden; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. HASTINGS of Florida.
H.R. 197: Mr. PRICE of Georgia.
H.R. 235: Mrs. KIRKPATRICK of Arizona.
H.R. 272: Mr. LAMBORN.
H.R. 333: Mrs. BACHMANN.
H.R. 450: Mr. DUNCAN.
H.R. 571: Mr. TONKO and Mr. MAFFEI.
H.R. 690: Mr. HOLT.
H.R. 731: Mr. YARMUTH.
H.R. 745: Mr. LYNCH and Mr. WILSON of South Carolina.
H.R. 891: Mr. RUPPERSBERGER.
H.R. 930: Mr. MARKEY of Massachusetts and Ms. HARMAN.
H.R. 1193: Mr. PASCRELL.
H.R. 1221: Mr. MELANCON.
H.R. 1240: Mr. COHEN.
H.R. 1255: Mr. PAYNE.
H.R. 1294: Mr. CASTLE.
H.R. 1326: Mr. RANGEL.
H.R. 1347: Mrs. MCCARTHY of New York and Ms. HIRONO.
H.R. 1351: Mrs. BLACKBURN.
H.R. 1526: Ms. TSONGAS.
H.R. 1557: Mr. WELCH.
H.R. 1806: Mr. WHITFIELD, Mr. MAFFEI, Mr. SCHRADER, Mr. FATTAH, and Mr. WU.
H.R. 1908: Mrs. LUMMIS.
H.R. 1912: Mr. PUTNAM.
H.R. 2035: Mr. CRITZ.
H.R. 2049: Ms. KOSMAS and Mr. SHADEGG.
H.R. 2067: Mr. CARNEY and Mr. LARSEN of Washington.
H.R. 2103: Mr. MAFFEI and Mr. LYNCH.
H.R. 2112: Ms. MOORE of Wisconsin.
H.R. 2142: Mr. MITCHELL.
H.R. 2149: Mr. FATTAH and Mr. CHANDLER.
H.R. 2161: Mr. CAPUANO.
H.R. 2240: Mr. ELLISON.
H.R. 2408: Ms. RICHARDSON.
H.R. 2483: Mr. VISCLOSKEY and Ms. CHU.
H.R. 2624: Mr. GRIJALVA.
H.R. 2740: Mr. NADLER of New York.
H.R. 3025: Mr. ISRAEL.
H.R. 3077: Mr. MAFFEI.
H.R. 3140: Mr. PLATTS.
H.R. 3186: Mr. RYAN of Ohio.
H.R. 3202: Ms. HIRONO.
H.R. 3225: Mr. COHEN.
H.R. 3264: Mr. MORAN of Virginia.
H.R. 3349: Mr. MITCHELL.
H.R. 3375: Mr. MCCOTTER.
H.R. 3380: Mr. RODRIGUEZ.
H.R. 3415: Mr. REHBERG and Mr. ELLSWORTH.
H.R. 3464: Mr. HINCHEY.
H.R. 3517: Mr. CAPUANO.
H.R. 3564: Mr. GENE GREEN of Texas.
H.R. 3656: Mr. NYE.
H.R. 3712: Mr. MOORE of Kansas, Mr. HARE, Mr. PETERSON, Mr. OLVER, Mrs. MALONEY, Mr. CRITZ, and Mr. PAYNE.
H.R. 3734: Mrs. DAVIS of California.
H.R. 3745: Mr. TONKO.
H.R. 3781: Mr. GORDON of Tennessee.
H.R. 3790: Mr. FORTENBERRY and Mr. NYE.
H.R. 3910: Mr. INSLEE.
H.R. 3974: Mr. ROSS, Mr. VAN HOLLEN, and Mr. DAVIS of Illinois.
H.R. 4179: Ms. LINDA T. SANCHEZ of California.

H.R. 4239: Mr. RYAN of Ohio.
H.R. 4278: Mr. GRAVES, Mr. TERRY, and Mr. TAYLOR.
H.R. 4296: Mr. JOHNSON of Georgia.
H.R. 4353: Mr. HELLER.
H.R. 4383: Ms. LEE of California.
H.R. 4544: Ms. RICHARDSON, Mr. CONYERS, and Ms. SUTTON.
H.R. 4598: Mr. HONDA.
H.R. 4599: Ms. BERKLEY and Mr. INSLEE.
H.R. 4645: Mr. HONDA and Ms. WOOLSEY.
H.R. 4671: Mr. BOUCHER and Mr. PUTNAM.
H.R. 4678: Mr. PAYNE.
H.R. 4687: Ms. LEE of California.
H.R. 4722: Mr. WAXMAN and Mr. GARAMENDI.
H.R. 4733: Mr. BISHOP of New York.
H.R. 4796: Mr. BACA, Mr. GENE GREEN of Texas, Mr. TERRY, and Mr. HOLDEN.
H.R. 4812: Ms. LORETTA SANCHEZ of California.
H.R. 4844: Mr. LYNCH and Mr. HOEKSTRA.
H.R. 4869: Mrs. MALONEY.
H.R. 4870: Mr. DOYLE.
H.R. 4871: Mr. WELCH.
H.R. 4886: Mr. BURTON of Indiana, Mr. ENGEL, Mr. CAO, and Mr. SCHOCK.
H.R. 4925: Mr. DOYLE and Mrs. MCCARTHY of New York.
H.R. 4926: Mr. EHLERS and Ms. FUDGE.
H.R. 4937: Mr. STARK.
H.R. 4951: Mr. BROUN of Georgia.
H.R. 4959: Mr. MAFFEI and Mr. JOHNSON of Georgia.
H.R. 4995: Mr. BROUN of Georgia and Mrs. MCMORRIS RODGERS.
H.R. 5012: Ms. RICHARDSON, Mr. MCGOVERN, and Mr. BACA.
H.R. 5015: Mr. MARKEY of Massachusetts.
H.R. 5029: Mr. WAMP.
H.R. 5034: Mr. LATTI, Mr. COLE, Ms. CASTOR of Florida, Mr. BOCCIERI, Mr. KING of New York, Mr. PETERSON, and Ms. KOSMAS.
H.R. 5041: Mr. CARNEY and Mr. CONYERS.
H.R. 5043: Mr. ACKERMAN.
H.R. 5049: Mr. GRAYSON.
H.R. 5054: Mr. BROUN of Georgia.
H.R. 5090: Mr. MARSHALL.
H.R. 5092: Mrs. HALVORSON, Mr. LARSON of Connecticut, Mr. WALZ, and Mr. MURPHY of Connecticut.
H.R. 5102: Mr. SESTAK.
H.R. 5141: Mr. BONNER and Mr. BROUN of Georgia.
H.R. 5142: Ms. LINDA T. SANCHEZ of California.
H.R. 5143: Mr. KENNEDY and Mr. MORAN of Virginia.
H.R. 5162: Mrs. MCMORRIS RODGERS and Mr. MICHAUD.
H.R. 5173: Mr. MARSHALL.
H.R. 5207: Mr. MELANCON.
H.R. 5211: Mr. GRIJALVA, Ms. CHU, and Mr. FILNER.
H.R. 5213: Mr. SABLAN.
H.R. 5214: Mr. MAFFEI, Mr. LEVIN, Mr. ROTHMAN of New Jersey, and Mr. SIRES.
H.R. 5234: Mr. JONES and Mr. BOYD.
H.R. 5235: Mr. HOLDEN.
H.R. 5268: Ms. ROYBAL-ALLARD, Mr. MAFFEI, and Mr. OLVER.
H.R. 5298: Ms. WATERS.
H.R. 5299: Mrs. CAPITO.
H.R. 5309: Mr. PRICE of North Carolina.
H.R. 5313: Mr. CASTLE.
H.R. 5318: Mr. JONES and Mr. PRICE of Georgia.
H.R. 5324: Mr. FRANK of Massachusetts.
H.R. 5355: Mr. RYAN of Ohio, Mr. BRALEY of Iowa, Mr. ACKERMAN, Ms. SCHAKOWSKY, and Mr. KILDEE.
H.R. 5361: Mr. ELLISON.
H.R. 5371: Mrs. MALONEY.
H.R. 5412: Mr. HOLDEN and Mr. LOEBSACK.
H.R. 5424: Mr. ROGERS of Kentucky, Mrs. BLACKBURN, Mr. DUNCAN, and Mr. CRENSHAW.

H.R. 5434: Mr. NADLER of New York, Mr. MORAN of Virginia, Mr. CASTLE, Mr. CONNOLLY of Virginia, Ms. HIRONO, Mr. COHEN, Mr. BROWN of South Carolina, Mrs. DAVIS of California, and Mr. PAYNE.
H.R. 5441: Ms. HIRONO and Mr. FARR.
H.R. 5443: Mr. ORTIZ.
H.R. 5449: Mr. CONYERS, Ms. RICHARDSON, and Ms. SHEA-PORTER.
H.R. 5453: Mr. TIM MURPHY of Pennsylvania, Mrs. LUMMIS, and Mr. DJOU.
H.R. 5459: Ms. BALDWIN and Ms. SUTTON.
H.R. 5462: Mr. WELCH.
H.R. 5477: Mr. CAPUANO.
H.J. Res. 37: Mr. GOODLATTE.
H.J. Res. 86: Mr. LAMBORN, Ms. SLAUGHTER, Mr. WILSON of South Carolina, Mr. MCGOVERN, Mr. PAYNE, Mr. MEEKS of New York, Mr. BISHOP of New York, Mr. KENNEDY, Mr. POMEROY, Mr. BOUSTANY, Mr. BOSWELL, Mr. ADERHOLT, Ms. CLARKE, and Mr. CUMMINGS.
H. Con. Res. 266: Mr. LAMBORN and Mr. BONNER.
H. Con. Res. 281: Mr. INGLIS, Mr. MCCAUL, Mr. PENCE, Mrs. MYRICK, Mr. WESTMORELAND, Mr. BLUNT, and Mrs. MCMORRIS RODGERS.
H. Res. 173: Ms. MARKEY of Colorado, Mr. STUPAK, Mr. RUSH, Ms. TSONGAS, Mr. HASTINGS of Florida, Mrs. MILLER of Michigan, Mr. CROWLEY, and Mr. KIRK.
H. Res. 518: Mr. FALEOMAVAEGA.
H. Res. 536: Mr. CARNEY.
H. Res. 546: Mr. MAFFEI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. RYAN of Ohio, Mr. BOSWELL, Mrs. CHRISTENSEN, Mr. QUIGLEY, Ms. MOORE of Wisconsin, Mr. McDERMOTT, Mr. RANGEL, Mr. LOEBSACK, Ms. ROYBAL-ALLARD, Mr. NADLER of New York, Mrs. HALVORSON, Mr. RUSH, and Ms. SCHAKOWSKY.
H. Res. 637: Mr. MCCLINTOCK, Mr. MCCARTHY of California, Mr. NUNES, Mr. CARTER, Mr. EHLERS, Mrs. BLACKBURN, and Mr. BROUN of Georgia.
H. Res. 989: Mr. McDERMOTT.
H. Res. 1035: Mr. HOLDEN, Mr. ANDREWS, Mr. HALL of New York, Ms. ROYBAL-ALLARD, Ms. FUDGE, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. CARNEY, and Mr. TIM MURPHY of Pennsylvania.
H. Res. 1207: Mr. HINCHEY.
H. Res. 1219: Mr. GRAYSON, Mrs. MYRICK, Mr. PRICE of North Carolina, Mr. STUPAK, and Mr. HONDA.
H. Res. 1240: Mr. DOYLE.
H. Res. 1241: Mr. SENSENBRENNER and Mrs. MYRICK.
H. Res. 1275: Mr. FRANK of Massachusetts and Mr. GRAYSON.
H. Res. 1279: Mr. CARTER.
H. Res. 1302: Ms. ROYBAL-ALLARD.
H. Res. 1306: Ms. EDWARDS of Maryland.
H. Res. 1365: Mr. CAMPBELL.
H. Res. 1368: Mr. GORDON of Tennessee, Mr. FRANK of Massachusetts, and Mr. MURPHY of Connecticut.
H. Res. 1379: Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, and Ms. MOORE of Wisconsin.
H. Res. 1383: Mr. AKIN.
H. Res. 1398: Mr. CROWLEY and Mrs. MALONEY.
H. Res. 1401: Mr. COSTELLO, Mrs. MILLER of Michigan, Ms. WASSERMAN SCHULTZ, Mrs. CAPPS, Mr. SCOTT of Georgia, Ms. HIRONO, and Mr. LEWIS of Georgia.
H. Res. 1414: Mr. QUIGLEY, Mr. SHIMKUS, Mr. COSTELLO, Mr. SCHOCK, Ms. JACKSON-LEE of Texas, Mr. ROSKAM, Mr. LIPINSKI, and Mr. MEEKS of New York.
H. Res. 1420: Ms. LINDA T. SANCHEZ of California, Mrs. CHRISTENSEN, Mr. FARR, Mr. FALEOMAVAEGA, Mr. CONNOLLY of Virginia, Mr. DEUTCH, Ms. HIRONO, and Mr. GRIJALVA.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

limited tax benefits, or limited tariff benefits were submitted as follows:

contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

The amendment to be offered by Representative WATERS, or a designee, to H.R. 5072, the FHA Reform Act of 2010, does not

EXTENSIONS OF REMARKS

RECOGNIZING RECIPIENTS OF THE 2010 SHELTER HOUSE VOLUNTEER AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 08, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Shelter House, Inc., and particularly the contributions that its volunteers make in service to our community. Shelter House and its outstanding volunteers serve Northern Virginia by coming to the aid of some of those most in need of support and assistance. Volunteers are critical in helping Shelter House achieve its mission of breaking the cycle of homelessness by providing crisis intervention, temporary housing, training, counseling, and programs to promote self sufficiency.

Shelter House is a community-based, non-profit organization. It was formed in 1981 when several ecumenical groups came together to better serve low-income individuals and families. Shelter House operates three shelters, the Katherine K. Hanley Family Shelter and the Patrick Henry Family Shelter, which provide temporary housing for families in our community who find themselves homeless, and also Artemis House, Fairfax County's Domestic Violence Shelter. This year, Shelter House was named to the Catalogue for Philanthropy: Greater Washington, as "One of the Best" area non profits.

In addition, Shelter House offers transitional housing services throughout Fairfax County. As part of the effort to stop the cycle of homelessness, the services provided by Shelter House continue even after individuals enter permanent housing.

Individuals, organizations, and businesses dedicate their time, money, and wherewithal to help Shelter House succeed in its efforts to end homelessness in Fairfax County. These relationships are critical assets to Shelter House and a leading cause for its successes. Shelter House has recognized the specific contributions from its partners and volunteers and named the following recipients of its 2010 Volunteer Awards:

Ending Homelessness Award: Great Falls Women's Club

Friend of Shelter House Kids Award at the Patrick Henry Family Shelter: Kate Seikaly

Friend of Shelter House Kids Award at the Katherine K. Hanley Family Shelter: Clifton—Community Women's Club

Friend of Shelter House Kids Award at Artemis House: Rhonda Gary

Community Partner Award at the Patrick Henry Family Shelter: Northern Virginia Urban League

Community Partner Award at the Katherine K. Hanley Family Shelter: National Charity League, —Inc., Cherry Blossom Chapter

Community Partner Award at Artemis House: Delta Sigma Theta Sorority, Inc.—Fairfax County —Alumnae Chapter

Youth Volunteer Award: Lexi Hamilton

Unsung Hero Award: Anika Armstrong

Special Event Volunteer Award: Tanika Siler

Community Champion Award: Balfour Beatty Construction

We also must acknowledge the impact of all Shelter House volunteers who work to provide secure, structured environments and connect families with the supportive services they require. These volunteers help make Shelter House one of the most effective organizations in the battle to end homelessness by empowering families to reach their full potential.

Madam Speaker, I ask my colleagues to join me in expressing our gratitude for the efforts of these volunteers and their colleagues at Shelter House. The selfless commitment of these individuals provides enumerable benefits to the Northern Virginia community as well as life-changing services to individuals in need.

IN HONOR OF THE 25TH ANNIVERSARY OF TEMPLE SINAI

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to recognize and congratulate Temple Sinai in Cinnaminson, New Jersey for providing a place of religious education, worship, and community service. Temple Sinai has served as a loyal establishment for the South Jersey Jewish community for 25 great years.

The traditions of Temple Sinai, a family growing, learning, worshipping, and working together, are still upheld today. These valuable practices are due to the wonderful leadership by Rabbi Steven Fineblum, teachers, and most importantly, dedicated members to the synagogue.

In recognition to the many years of dedicated religious practice and service to the community, I urge my colleagues to join me in congratulating Temple Sinai on its 25th anniversary.

HONORING RAFAEL LORENZO GALLEGOS

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. SALAZAR. Madam Speaker, I would like to take a moment today to pay tribute to a dedicated public servant in the State of Colorado. Former State Representative Rafael

Lorenzo Gallegos passed away on Monday, May 24, 2010. Colorado and the San Luis Valley have lost a tremendously respected leader.

Representative Gallegos led a remarkable life. He served in the United States Air Force Reserve in the 1950s while he completed his high school education. He then went on to Colorado State University in Pueblo and then to the National Weather Service. He was elected Mayor of Antonito, Colorado in 2002 and went on to represent the San Luis Valley in the Colorado legislature from 2005 to 2008.

While serving in the legislature, Representative Gallegos focused on issues important to southern Colorado. He was passionate about water and agriculture, and about taking care of our veterans. He also worked to bring economic development to the San Luis Valley. Always a friendly face, the former weather man was known throughout the Capitol for delivering the weather forecast every Friday on the House floor before members had to travel home to their districts for the weekend.

First and foremost, Rafael Gallegos was a servant to his constituents, an example to those of us who strive to serve the public. He once said, "I am there for the people. . . . Whatever I do and however I vote will be in this district's best interest." Representative Gallegos never forgot where he came from and he lived to serve others so that they could have a brighter future.

My condolences go out to his family during this difficult time. He will be missed but his legacy will live on through all of the lives that he touched in Southern Colorado.

HONORING WILBUR J. COHEN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. VAN HOLLEN. Madam Speaker, I speak today to honor a remarkable American, Wilbur J. Cohen, on the 97th anniversary of his birth.

From the programs of the New Deal to the Great Society, Wilbur Cohen was a key player in nearly every significant effort that involved social legislation. Nicknamed "The Man Who Built Medicare," Mr. Cohen was responsible for improving the quality of life of millions of elderly Americans. As an acquaintance of Mr. Cohen once said, "he feels every person in the country who is home alone sick is his personal responsibility."

Mr. Cohen was born on June 10, 1913 in Milwaukee, Wisconsin. After graduating from the University of Wisconsin—Madison in 1934, Mr. Cohen relocated to Washington, D.C. to pursue his dreams of public service. In short order, he became a key drafter of the Social Security Act. He then became the Director of the Bureau of Research and Statistics, which

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

managed program development and legislative coordination with Congress for the Social Security Board—renamed the Social Security Administration in 1946. Shortly after his election, President John F. Kennedy appointed Mr. Cohen as Assistant Secretary for Legislation of the U.S. Department of Health, Education, and Welfare. During President Kennedy's administration, Mr. Cohen was responsible for obtaining congressional approval of over sixty-five bills. In 1965, President Lyndon B. Johnson appointed Mr. Cohen Under Secretary and, in 1968, Secretary of Health, Education, and Welfare. During the Johnson Administration, Mr. Cohen ensured the passage of the historic Medicare bill and the landmark education bill that granted federal aid to elementary and secondary schools. Not limiting his attention to welfare, Social Security, and Medicare, however, Mr. Cohen also dedicated his efforts to addressing the concerns of school dropouts, Indian health, consumer protection, and the budgetary needs of St. Elizabeth's Hospital, to name a few other issues of concern.

Portrayed by Time magazine as a man of "boundless energy, infectious enthusiasm, and a drive for action," Mr. Cohen's exemplary spirit and selfless dedication to public service have allowed countless people to live healthier and more fulfilling lives. This drive for a better America earned the support of lawmakers on both sides of the aisle for the expansion of social programs to those most in need. A true visionary and a lifelong believer in social justice, Mr. Cohen was an inspiration to all Americans for his tireless advocacy on behalf of the less fortunate. On May 17, 1987, Mr. Cohen passed away, and the United States lost a great pioneer of social legislation.

Madam Speaker, I urge my colleagues to join me in celebrating the life and accomplishments of Mr. Wilbur J. Cohen.

RECOGNIZING 2010 LORDS AND
LADIES OF FAIRFAX

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 08, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize a dedicated group of men and women in Northern Virginia. For the past twenty-six years, each member of the Fairfax County Board of Supervisors has selected two people from their district who have demonstrated an exceptional commitment to our community. Since the program's inception in 1984, nearly 500 individuals have been recognized as a Lord or Lady Fairfax by their representative on the Board of Supervisors.

Individuals recognized as Lords and Ladies of Fairfax have made significant contributions in their communities. This year, the Fairfax County Board of Supervisors recognized outstanding individuals who have made tremendous impacts through their support of our public schools, parks, youth sports leagues, arts community, public safety providers, and human service programs. It is nearly impossible to fully describe the diversity of accomplishments by the honorees. Their efforts con-

tribute greatly to the quality of life for the residents of Fairfax County and should be commended.

The following individuals were recognized as Lord and Lady Fairfax honorees for 2010. Each of these individuals was selected as a result of his or her outstanding volunteer service, heroism, or other special achievements. These individuals have earned our praise and appreciation.

At Large: Lady Luella F. Brown and Lord Verdia L. Haywood

Braddock District: Lady Shirley DiBartolo and Lord Sam DiBartolo

Dranesville District: Lady Tanveer A. Mirza and Lord Cantor Michael A. Schochet

Hunter Mill District: Lady Carol Ann Bradley and Lord Patrick Kane

Lee District: Lady Suzette Kern and Lord Harry H. Zimmermann

Mason District: Lady Cindy Waters and Lord Mike Magill

Mt. Vernon District: Lady Glenda Booth and Lord Linwood Gorham

Providence District: Lady Sarah M. Lahr and Lord Ken A. Quincy

Springfield District: Lady Lynne M. Garvey-Hodge and Lord Tom Peterson

Sully District: Lady Deborah J. Robison and Lord Steven T. Ratliff

Madam Speaker, I ask my colleagues to join me in expressing our gratitude to these men and women who volunteer their time and energy on behalf of our community. The selfless commitment of these individuals provides enumerable benefits to Northern Virginia and serves to strengthen and enrich our communities.

HONORING RILEY WALTER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Riley Walter upon thirty years of business in the legal field. Mr. Riley will be honored at a reception on Tuesday, June 1, 2010.

Mr. Riley Walter attended California Polytechnic State University, San Luis Obispo (Cal Poly) and earned a Bachelor of Arts degree in 1973 and a Master of Arts degree in 1974, both in Agriculture. While working towards his Masters degree, he worked as an assistant professor of agriculture business management at Cal Poly, Pomona. Upon completing the masters program, Mr. Walter attended Western State University in southern California and received a Juris Doctorate in 1980. During this time, he was also working toward becoming a tenured associate professor at Cal Poly, San Luis Obispo. Later, Mr. Walter became certified as a Business Bankruptcy Specialist by the American Board of Bankruptcy Certification.

In 1980, Mr. Walter passed the bar and in May began practicing in a commercial law firm where he was working on reorganization, insolvency and bankruptcy law in Central California, from Bakersfield to Sacramento. His primary area of practice has become insol-

vency law, specifically Chapter 11 and specializing in large scale agricultural and agribusiness cases including creameries, processors, wineries, feed mills, farms, ranches and dairies. Mr. Walter also works on consensual restructuring, workouts, liquidations, receiverships, assignment for benefit of creditors and other insolvency and restructuring matters. For these types of issues, Mr. Walter has Worked with cities, hospitals, developers, energy companies, manufacturing, service and retail businesses. During his thirty years of practice, he has represented debtors and trustees in over three thousand cases under Chapter 11, 12, 7 and 9.

Mr. Walter is actively involved with many legal organizations. He has served as president and director of the Central California Bankruptcy Association and the San Joaquin Valley Chapter of the Federal Bar Association. He has served as the chair of Business Law Section and the Agricultural Law Section of the Fresno County Bar Association. Mr. Walter also served as the director and co-chair of the California State Bar Agribusiness Committee. He has served as director of the California Bankruptcy Forum and the Central California Receivers Forum. He is, or has been, a member of the American Bar Association, American Bankruptcy Institute, American Inns of Court and Society of Agricultural Lenders. He is a former chair of the Agricultural Law Review Advisory Committee at San Joaquin College of Law. He is a fellow of the American College of Bankruptcy, Class XIII and is a Delegate to the Ninth Circuit Judicial Conference. Mr. Walter was selected as a Northern California Super Lawyer for 2004 through 2009.

Outside of his practice, Mr. Walter taught agriculture law as an adjunct professor at San Joaquin College of Law in Fresno from 1989 through 1993. He was also an adjunct professor of management (entrepreneurial studies) at California State University, Fresno. He has authored, co-authored or contributed to many articles. Because of his extensive experience and involvement, Mr. Walter has lectured on bankruptcy topics to business and legal groups numerous times.

Mr. Walter has a long history of involvement in civic and cultural organizations. He currently serves as the vice chair on the board of the Lyles Center for Entrepreneurship and Innovation of California State University, Fresno. He is general counsel to the Central Valley Business Incubator and the Bulldog Fund. Mr. Walter recently retired from the board of the Central Valley Business Incubator, after thirteen years of service with the organization. He was formerly on the boards of the Fresno Business Council, the Fresno Metropolitan Museum, Fresno City and County Historical Society and the Lee Institute for Japanese Art.

Madam Speaker, I rise today to commend and congratulate Riley Walter upon thirty years of legal service to the Central Valley. I invite my colleagues to join me in wishing Mr. Walter many years of continued success.

GIRL SCOUT GOLD AWARD
CONGRATULATIONS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 08, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize a group of outstanding young girls for achieving the Girl Scout Gold Award, the highest award in Girl Scouting. This year's honorees from Virginia's 11th Congressional District are Michelle Bedker, Randi Beil, Michelle Biwer, Lindsey Brock, Lauren Falkenstein, Kathryn Forestello, Nicole Gray, Brynna Heflin, Carolyn Iwicki, Cassady Keller, Jessica McEvoy, Allison Moats and Ashley Pettway.

The Gold Award is a prestigious award that is earned by a select group of Girl Scouts who have demonstrated a higher commitment not only to community service, but to advocating for lasting change. Each girl carefully evaluated her community's needs and determined the nature and scope of her project and then submitted project proposals to the Gold Award Panel. Additionally, while working on the project, each girl dedicated a minimum of 65 hours. This year's projects ranged from teaching young people to read or play an instrument to protecting the environment and helping the homeless.

Madam Speaker, I ask my colleagues to join me in congratulating these girls on their achievements and for their contributions to their community. I wish them well in all of their future endeavors.

HONORING FAIRFIELD,
WASHINGTON

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to applaud the town of Fairfield, Washington for its ongoing commitment to one of our Nation's most symbolic treasures—the American Flag. On June 12, 2010, Fairfield, Washington will host its one-hundredth Flag Day parade. Long known as the "Town that Celebrates the Flag," Fairfield embodies the patriotic, hard working principles that have made this Nation great for over two-hundred thirty-four years.

Originally established in 1777 and celebrated each year on June 14, Flag Day commemorates the unification of this great union under the United States Flag. As part of its Centennial celebration, Fairfield will dedicate a newly installed flag pole to the men and women who have selflessly served in our Nation's armed services. At a time when our Nation's military is involved in multiple conflicts and humanitarian aid missions, this solemn dedication is entirely fitting of Congress' recognition.

I would also like to mention that Fairfield residents' strong beliefs in family, community, and civic responsibility reflect the characteristics the Founders envisioned for the citizens of

this great Republic. I am honored to represent these proud Americans and congratulate them and the town of Fairfield on its one-hundredth Flag Day parade.

HONORING MILTON CLOWERS

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. WESTMORELAND. Madam Speaker, I rise today to pay respect to Fayetteville, Georgia's Milton Clowers, who passed away last week. A good friend to many, he leaves behind his wife Randi and loving children: son Eric and his wife Amy and a daughter, Cameron. His extended family included several brothers and sisters who preceded him in death and four brothers and two sisters who survive. Probably most special to him were his five grandchildren—Gracelyn, Reginald, Khalil, Tyler and Gabrielle.

Milton was a good friend to me, having known him both personally and professionally. He was born in Tennessee and attended Tennessee State University. Milton pursued a career in the electrical industry, which brought him to Atlanta where he was accepted into the International Brotherhood of Electrical Workers (IBEW) Local 613/National Electrical Contractors Apprenticeship program.

Milton worked hard and diligently to excel in the electrical industry. From the early days at Grove Park Electric to Dixie Electric Company—where he helped bring on Yukon Electric as a joint venture partner for projects for Delta Air Lines—Milton enjoyed a successful career. The highlight of his career was making UpTime Electric the successful electrical contracting firm it is today.

Milton also served on several industry boards including the Atlanta Electrical Contractors Association where he was a President, Governor and Chairman.

Career and community work are important, but a man is only as good as the family and friends who support him. Fortunately, Milton was blessed with an abundance of both. He was a loving and devoted husband, father, brother and friend. He was a strong, multitalented and compassionate man who gave so much to so many. I am proud to speak about him today and honor his life and contribution.

CHESAPEAKE BAY FOUNDATION
ENVIRONMENTAL EDUCATORS
OF THE YEAR

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 08, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize three Fairfax County Public School Principals for receiving the Chesapeake Bay Foundation's 2009 Environmental Educators of the Year Award.

The honorees for this award were Ms. Debra Lane, principal at Rolling Valley Elementary School, Mr. Sal Rivera, principal at

Flint Hill Elementary School, and Mr. Dwayne Young, principal at Centreville Elementary School.

These educators have actively infused environmental education in the curricula of their schools and worked to include more outdoor experiences for their teachers and students. Furthermore, these principals were instrumental in establishing a teacher professional development program called "Chesapeake Classrooms," which focuses on the Chesapeake Bay for county principals and teachers.

Madam Speaker, Ms. Lane, Mr. Rivera, and Mr. Young's hard work have shown their commitment to the community and the importance of educating our young people on the values of environmental stewardship. I ask my colleagues to join me in congratulating them on this wonderful accomplishment and wish them well in all of their future endeavors.

CELEBRATING THE LIFE AND
MEMORY OF MR. GERALD A.
WILLIAMS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to celebrate the life of and express sadness over the untimely death of lawyer and friend Gerald A. Williams.

Mr. Williams was not only a friend but a brilliant lawyer whose mission was to serve our community in South Florida. He was a humble man and a true role model.

He had served as the chief counsel to the Palm Beach County School Board since November 2005 and was responsible for all legal matters involving the School Board. Prior to serving as Chief Counsel, he served for four years as Chief Negotiator and Chief Officer of Administration for the school district.

In numerous appointments and positions, Mr. Williams also served as general counsel for the Virgil Hawkins Florida Chapter of the National Bar Association, as treasurer and executive board member for the Urban League of Palm Beach County, and as co-founder and president of the Suncoast Chamber of Commerce in West Palm Beach.

Mr. Williams became one of the first black graduates of the University of Florida College of Law in 1975. His firm, Haygood & Williams, grew into the largest all-black law firm in the state. Mr. Williams left private practice in 1997 to serve as Chief Labor Counsel, and Chief Officer of Labor and Legislative Relations for Dade County Public Schools.

In 2009, Mr. Williams was recognized by Florida Trend Magazine as one of Florida's Legal Elite and identified as one of the top government attorneys in the state.

Mr. Williams was a husband, a father, a brother, an uncle, a godfather, a dedicated public service attorney and community leader. I am grateful for Mr. Williams' contributions and dedication to Palm Beach County. He will be greatly missed. My thoughts and prayers go out to his family, friends and to the greater community during this difficult time.

IN HONOR OF JOSEPH CARUSO

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor Joseph Caruso, a resident of Delanco, New Jersey and dedicated volunteer at Catholic Charities, Emergency and Community Services.

Joe has been volunteering with Emergency and Community Services for the past two years as a trained tax preparer. As one of two tax preparers, Joe has provided free tax preparation for hundreds of seniors and low-income residents of Burlington County.

In addition to his tax services, Joe took on the temporary duties of the Pantry Manager. Through his dedication and commitment to the program's goals, he reorganized the food pantry, handled all food and household donation pick-ups, developed a food inventory tracking system, provided routine maintenance of the pantry's refrigerators and freezers, and advocated with donors to secure additional food items for the pantry program.

Joe does whatever is necessary to make sure that our hungry neighbors do not go without food and quietly goes about his work not expecting or wanting any accolades. He has been a valuable asset to the program and his selfless efforts have to be recognized.

Madam Speaker, I ask that you please join me in congratulating Joe for his outstanding and dedicated service to the less fortunate in our South Jersey communities.

MARYLAND WOMEN'S LACROSSE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. HOYER. Madam Speaker, I rise to congratulate the women's lacrosse team of my alma mater, the University of Maryland, on its record tenth national championship. In the March 31st championship game, Maryland defeated Northwestern University, a lacrosse dynasty in its own right, by a score of 13-11.

Congratulations are especially due to Coach Cathy Reese, who was rewarded with success after returning to coach at her alma mater; to senior Caitlyn McFadden, who starred in her last collegiate game with two goals and an assist, and was named the tournament's Most Outstanding Player; and to the Maryland fans, who turned out to support their Terrapins in record numbers. This championship is the product of outstanding athletes and coaches, untold hours of hard work, and the passionate support of the University of Maryland community. The University of Maryland demonstrates excellence in both academics and athletics, and I'm proud of this team for contributing to that legacy.

RECOGNIZING FOREST PARK HIGH SCHOOL PRINCIPAL ERIC BRENT ON RECEIVING THE WASHINGTON POST DISTINGUISHED EDUCATIONAL LEADERSHIP AWARD

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 08, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Principal Eric Brent, the winner of the Washington Post Distinguished Educational Leadership Award for Prince William County Schools.

Principal Brent has more than 23 years of educational experience and is currently the principal of Forest Park High School. He has served as a secondary classroom teacher, coach, sponsor, guidance counselor, director of student services, assistant principal, and principal during his career. He is a student body favorite and is known as a devoted mentor who takes a sincere interest in the lives of his students. Teachers and parents cite his administrative style as polite and collaborative. His diverse experience and enthusiasm for education have given him the skills and talent to be a first-class principal.

His work at Forest Park High has produced a long list of results and accolades. In 2008, Newsweek magazine ranked Forest Park High School on its annual list of "America's Top Public High Schools." During his tenure, student scores on the SAT improved from 1511 to 1528 and the number of graduates attending four-year higher education programs increased from 50 percent to 60 percent. In 2009, Principal Brent was recognized for these accomplishments when he was named Principal of the Year in Prince William County.

Madam Speaker, I ask that my colleagues join me in congratulating Principal Eric Brent for receiving the Washington Post Distinguished Educational Leadership Award for Prince William County Schools. He is an asset to our local school system, and his work is helping countless children and setting them on the right path for a positive future.

THE GAZA FLOTILLA INCIDENT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. SCHIFF. Madam Speaker, Israel has the right and the duty to defend its citizens from attack, and it is both reasonable and prudent to interdict weapons from being smuggled into Gaza.

Last Monday's confrontation between Israeli naval forces and a group of activists seeking to bring supplies to the Hamas-governed Gaza Strip was tragic, and I join the worldwide outpouring of grief over the deaths of nine people aboard the *Mavi Marmara*.

In the midst of his tragedy, we must not forget that Israel has been engaged in a protracted struggle with Hamas, a terrorist organization that has repeatedly stated that it will never accept Israel's right to exist, and which

has used the 1.4 million people of Gaza as human shields for rocket attacks and other acts of terror against Israeli citizens.

The Turkish group that organized the flotilla, the IHH, must accept responsibility for the loss of life aboard the ship by deliberately provoking a confrontation with Israeli Navy personnel enforcing a legal blockade of Gaza. Rather than accepting Israel's offer to offload its cargo in Israel for subsequent transport via the land crossings into Gaza, the *Mavi Marmara* chose to try to run the blockade and then resisted the Israeli boarding party, beating Israeli troops with metal pipes and other weapons. In the days since the incident, it has been revealed some of those aboard the ship were jihadist provocateurs seeking a clash with the Israeli military. And regrettably in this, they were successful.

The international community must show greater resolve in forcing Hamas to renounce terror, accept Israel's right to exist, and abide by prior agreements. We must work together with Israel to meet the urgent needs of the people of Gaza, but Hamas bears ultimate responsibility for the continued suffering of the people of that region.

CONGRATULATING NASCENT SOLUTIONS, INCORPORATED ON ITS FIFTH ANNIVERSARY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Nascent Solutions, Incorporated on its fifth anniversary. Nascent Solutions is a humanitarian and development organization headquartered in the Commonwealth of Virginia which benefits several impoverished African countries.

Founded in 2004 by Dr. Beatrice Wamey in Fairfax Station, VA, Nascent Solutions has grown over the past 5 years with the help of donations and partnerships with other international and faith-based organizations. Now registered as a Public Volunteer Organization with the United States Agency for International Development, this organization is devoted to building the capacity for the poor in rural Africa to achieve self-sufficiency and assume total responsibility for their well-being.

Among the organization's primary objectives are care for orphans and vulnerable children, literacy and skills development, basic health and child care, agricultural development and food security, and protection of the rights of women and children. This organization empowers young people and women in underprivileged African environments by providing resources and skills development programs that would have otherwise been absent from their lives. Through these efforts, Nascent Solutions effectively responds to the immediate needs of the people and encourages them to recognize and strive to work towards their potential.

Over the past 5 years, Nascent Solutions has been able to respond to natural disasters with relief efforts, provide food and clothing to underprivileged children, improve the health of

the African people through agricultural development, promote and expand civil rights, and improve the education system. This organization models the selflessness and concern for humanity for which we all strive.

Madam Speaker, I ask my colleagues to join me in recognizing the vision and dedication of those individuals who have worked to create an organization so committed to international development. I wish Nascent Solutions continued success in its work to provide help and hope to those who so desperately need it.

RECOGNIZING THE NATIONAL MUSEUM OF AMERICAN JEWISH HISTORY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor and commemorate the National Museum of American Jewish History.

Originally established in 1976, the National Museum of American Jewish History is the only museum in our great Nation which has devoted itself fully to the preservation and exploration of the American Jewish experience. This important museum was founded by the Congregation Mikveh Israel, one of the oldest synagogues in the United States. Established in 1740 as the "Synagogue of the American Revolution," the Congregation Mikveh Israel stands for values and ideals which all Americans share.

The National Museum of American Jewish History is a vibrant component in the cultural life of Philadelphia. Through its lectures, panel discussions, authors' talks, films, children's activities, theater, and music, this museum educates us all about the rich cultural heritage of Judaism in America. It has an impressive record of preservation, conservation and collections management and is the largest repository of Jewish Americana in the world, with more than 25,000 objects.

Honoring and remembering the American Jewish experience is crucial to a deeper understanding of our values as Americans. Located at the birthplace of American liberty, this institution represents our freedoms, the same freedoms that have made it possible for Jewish Americans to flourish.

Madam Speaker, I am proud to offer my ongoing support for the National Museum of American Jewish History and for its project of preserving the material culture of Jewish Americans. It is my belief that we must recognize the great efforts of this institution to educate Americans about this important piece of our shared history.

TRIBUTE TO DR. ROSA ATKINS

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. PERRIELLO. Madam Speaker, today I wish to recognize Dr. Rosa Atkins, who was

named Virginia's Superintendent of the Year on May 20, 2010. Last October, U.S. Education Secretary Arne Duncan attended a roundtable discussion at Greenbrier Elementary—our Blue Ribbon school—with area school superintendents. In that meeting, Secretary Duncan saw in Rosa Atkins what we see every day, and what the Virginia Association of School Superintendents recognized with this award—an educator fiercely determined to lift all of her students.

It is a task worthy of Hercules, but she accomplishes it with grace and seemingly with ease.

But we know closing the achievement gap is not easy. It is especially difficult in tough economic times. But Dr. Atkins has tenaciously persevered and the results are remarkable—and ongoing.

You would be hard pressed to identify a single job more important to a community than school superintendent, and you would be hard pressed to identify a single individual better suited to that job than Dr. Rosa Atkins. On behalf of Virginia's 5th District, I offer my deepest appreciation for her service to our students.

TRIBUTE TO MR. JEFF THEERMAN, PRESIDENT OF THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. CLAY. Madam Speaker, I rise today to congratulate Mr. Jeff Theerman, Executive Director of the Metropolitan St. Louis Sewer District, MSD, on his election as the new President of the National Association of Clean Water Agencies, NACWA.

Mr. Theerman is an accomplished leader and committed environmental steward. He has dedicated his career to the improvement of the environment and public health in Missouri, and throughout the Nation. Without a doubt, he is ideally suited for this national leadership position with NACWA.

Mr. Theerman has served Missouri through his work at MSD for over 25 years. In October of 2003 he was named MSD's executive director, willingly and ably accepting accountability for all aspects of the utility's operations.

As MSD's executive director, Mr. Theerman leads one of the Nation's largest wastewater and stormwater management utilities, providing services to approximately 1.4 million people in the city of St. Louis and St. Louis County. Under his leadership the MSD currently operates seven wastewater treatment facilities, treating an average of 330 million gallons of water per day and maintaining 9,649 miles of sewers.

Since joining others in founding NACWA 40 years ago, the Metropolitan St. Louis Sewer District has benefitted from his active engagement with the organization. A member of NACWA's board of directors since 2004, Mr. Theerman has served as the organization's secretary, treasurer and vice president. It is fitting that his election as president coincides

with the 40th anniversary of NACWA's advocacy on behalf of the Nation's clean water agencies—and the environment we all value so much.

When I hear terms like "accountable" and "responsive," I think of public servants like Mr. Theerman. Under his able leadership NACWA looks forward to proactively and effectively addressing the complex 21st century water quality challenges we face as a Nation.

It is my sincere pleasure to congratulate Jeff Theerman on becoming president of NACWA. I am certain his actions will ensure continued water quality progress for St. Louis, Missouri, and the Nation.

IN RECOGNITION OF THE RECIPIENTS OF THE 2010 VOLUNTEER PRINCE WILLIAM, VOLUNTEER APPRECIATION AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the recipients of 2010 Volunteer Prince William, Volunteer Appreciation Awards.

Every year since 1981, Volunteer Prince William and the Volunteer Coordinators Network host a Volunteer Recognition Ceremony. The organizations gather and celebrate the accomplishments of hundreds of Prince William volunteers. These citizens of all ages and abilities work in agencies throughout the community to help citizens in need; feeding the hungry, building houses, keeping seniors safe in their homes, tutoring children, protecting our resources, sharing our history, responding to disasters or simply being a good neighbor.

It is my pleasure to enter into the CONGRESSIONAL RECORD the recipients of the 2010 Volunteer Prince William, Volunteer Appreciation Awards.

31st District Court Service Unit: Pamela Millett, Charles Trepel, Sharon Stefl, Lindsey Washington, Christopher Taylor, Kalisha Spence, and Kiara Ayenson.

Action in Community Through Service: Dave Forcier, Elsa Lewis, William Parker, Mocha Moms, Lee McCormack, Latonya Thomas, Alexis Thompson, Shakira McEachren, Jalishka McEachern, Martha Hendley, Beth Madden, Jason Burgess, and Mary Manning.

Citizen Corps Council: Howard Horner, Matt Dixon, Jacob Koch, Jonathan Leonhard, Debra Bobbitt, Pastor Heath Butler, Tom Wheeler, Katherine Wheeler, Camille Apicella, Miquela Apicella, Joe Hall, Shane Hall, Lori Hall, Griffitt Peters, Beth Peters, Vivian Rivero, Kayla Hernandez, Karina Hernandez, Jamie Shalvey, Danielle Johnson, Dorothy Hill, Peggy Ho, Christian Reotuter, Melissa Murden, Brian Shaw, Tyler Bezek, Zachary Bezek, James Harbour, John Harbour, George Killian, Paul Neiderer, Sam Neiderer, Conor Sanderson, Gregory Stoffa, Caleb Voelker, Forest Voelker, Spencer Voelker, Bill Bezek, Mark Harbour, David Neiderer, Albert Stoffa, Danielle Voelker, Jordan Tibbs, Jonathan Tibbs, Devante Thomas, Joan Beaner, Dan Bergin, Silvana Ellis, Dave Ellis, and Alexis Thomas.

Habitat for Humanity: Mark Luiggi, Lynn Ashe, Steve Fedos, Betty Reichert, Jasmin McDonald, George Braun, Frank Jacquette, David Dallas, Marci Swanson, Irene DuBois, Marlena Kauer, Al Harris, Sheila Lueking, Lynn Eklund, Mayumi Ferrin, Christina Arllen, Jessica Baker, Jody Miller, Bob Gainer, Sarah Awwad, Shawn Byers, Joseph Bolos, Donita Ruehs, Jarvis Jones, Patricia McKenzie, Kelli Akremi, David McKissick, Josue Garcia, Iain Shaw, and Kelly Atkinson.

Manassas Park Police Department: Tricia Sutherland and Heather Gustin.

Prince William County Historic Preservation Division Volunteers: Morgan Breeden, Mary Kay Breeden, Daniel Breeden, Vanessa Bulk, Gladys Eanes, David Eanes, Charles Elder, Kenneth Garlem, Kyle Lee, Howard Margolies, Pat Margolies, Tony Meadows, Georgia Meadows, Suzanne Obetz, Roger Pelletier, Angela Pelletier, Pamela Sackett, Bill Scott, Barbara Ziman, Kareen Attreed, Brenda Caricofe, Nerine Clemenzi, Sandra Dawson, Kathryn Fullerton, Leslie Harris, Kelly Hunsaker, Chris LeGrand, Sandy Melson, Gay Misso, Janice Overman, John Overman, Joanne Porreco, Patsy Smith, Winnie Tierney, Linda Weeks, Pat Wink, Mary Anne Burgess, Maria Burgess, Rose Ann Carlsen, Sharon Dougherty, Florence Gish, Linda Lasko, Michaelaileen McGettigan, Nellie Elaine Armstrong, Elizabeth Cardinal, Norma Newbold, Nikki Ott, Lucille Selfridge, Wanda Simpson, Linda Stauffer, Carolyn Werle, Jill Wiest, Don Wiest, Diana Turner, Patrice Malley, Avery Born, Dave Born, Sue Born, James Craft, Joanne Craft, Gisela Glodeck, Phyllis Ingram, Phil Maddox, Kyle Maddox, Matt Maddox, and Bonnie Swank.

Juvenile Detention Center: Substance Abuse Prevention, Virginia Hills Youth Ministries, Ebenezer Baptist Youth Ministries, First Mt. Zion Youth Services, Friends of Juvenile Detention Center Youth Ministries, Girls Circle, Greenhouse Gardening with Youth Master Gardner, Heritage Fellowship Youth Ministries, Life Skills Instructor, Reconciliation Community Church, St. Francis Youth Ministries, Youth Ministries from St. Francis Middle School, St. Paul's Youth Ministries, Success Oriented Students-Court Smart, Star of Bethlehem Youth Ministries, Tri-County Ministries, Youth Outreach Services-Youth Services, and St. Mark's Lutheran Friendship House.

Prince William County Police Department: Bill Graham, Barbara Merer-Brice, Rick Mensch, Lee Ann Smith, Vicky Smith, Karen Wilkens, Chaplain J. Douglas Duty, Jr., Ed Roman, Dave Whitman, and Patricia Whitman.

Prince William County Sheriff's Office: Mike Fradette, Paula Adams, Nikki Adams, Ritchie Dennison, Tom Muddiman, Bryan Kelly, Jim Lippold, Jack Fulmore, E. Phillips Grier, Burnadeane Day, Betty Ann Blanton, Sharon Livingston, Sandy Sindlinger, Debbie Stryker, and Jamie Esquerra.

Project Mend-A-House: Dean Quick, Scott Sells, Linda Pulley, Jeff Hintosh, Howard Horner, Raymond Stuckey, Laurie Zeiszler, Brian Henkel, Robin Bales, Joe Swetnam, Walt Koscinski, Marti Hale, and Myrna Andres.

Retired & Senior Volunteer Program: Penny Spatzer, Ellen Newdord, Linda Pulley, Dave Forcier, Bob Finch, Ed Roman, Mitzi Roman, Kim Roman, Janelle Bryant, Ronda Davis,

Jayne Frelin, Anna Griffin, Leticia Click, Pete Click, JoAnn Barron, Cindy Zelinski, and Cara Sundholm.

SERVE—A Program of Northern Virginia Family Services: Mickey Heyward, Ginny Heyward, Amy Sue Huheey, Rob Huheey, Justine Huheey, John Durkin, Maggie Hart, Anna Hooker, Esther Caesar, Marilyn Ruland, Leigh Anderson, Sue Johnston, Rana Chehreh, Tom Bohacek, Steve Fritter, Ralph Lickey, Jane Lickey, Pat Margolies, Howard Margolies, Don Shaw, Mona Shaw, Paul Perdue, and Rachel Hall.

Volunteer Prince William: Connie Beck.

Madam Speaker, I ask my colleagues to join me in commending the recipients of the 2010 Volunteer Prince William, Volunteer Appreciation Awards. A vibrant and robust culture of volunteerism is the backbone of a healthy community. I extend my appreciation to the dedicated individuals who selflessly contribute their time to alleviating the plight of others.

RECOGNIZING BEN ARREDONDO,
RETIRING MEMBER OF THE
TEMPE CITY COUNCIL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. MITCHELL. Madam Speaker, I rise today in recognition of Ben Arredondo and his 16 years of service as a member of the Tempe City Council. I wish to thank him for his dedication to public service and look forward to seeing his future accomplishments within our community.

Councilmember Arredondo's contribution to Tempe has been both earnest and extensive. His years of teaching and service on school boards and the City Council have revealed him to be a fierce champion for improvement of education and commitment to our youth and to the community. As a former teacher and Mayor of Tempe, I respect and share Ben's commitment to public service and education, and wish to thank him for his tireless efforts and leadership.

Though Ben will be retiring from the Tempe City Council, his service to his community will surely continue in other capacities. Also, his family's legacy of service to Tempe will continue through his niece, Robin Arredondo-Savage, who was recently elected to the City Council. I am honored to call Ben a friend, and I wish him all the best in his next endeavor.

Madam Speaker, please join me in recognizing Ben Arredondo's 16 years of outstanding service as a member of the Tempe City Council.

HONORING THE NANTAHALA
SCHOOL BASKETBALL TEAM OF
MACON COUNTY, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. SHULER. Madam Speaker, I rise today to honor the basketball team of the Nantahala School in Macon County, North Carolina. The team had an exceptional season, finishing with a record of 23–7 and an appearance in the regional semi-final game.

Their season would be considered impressive for a team from any school, but this team comes from remarkable circumstances. There are only 36 students in the school, 18 of which are men. Over half the eligible students play on the basketball team. From one of the smallest schools in the State of North Carolina, this group of young men was able to hold their own against teams from much larger schools.

Making their success less probable, the school graduated some excellent basketball players last year, retiring three jerseys. The class of 2009 accounted for over 3,000 career points. Fortunately, this year's seniors—Jordan West, Wesley Holden, Josh Griffith, Jerrod Crosby, and Woody Passmore—were equally impressive in fulfilling their leadership roles.

The team's final game against Hendersonville High School in the regional semifinals was a testament to their perseverance. Trail-ing at one point by 16 points, it seemed the odds were against them. Still, the team played with everything they had. With 43 seconds remaining, Jordan West gave Nantahala the lead. Hendersonville managed to pull back ahead, but Nantahala fell only three points short of playing in the regional finals for a spot in the North Carolina State championship game.

Some of the team achieved special recognition for their outstanding seasons. Wesley Holden averaged 13 points per game and was selected to play in the Blue-White all-star game. Josh Griffith, averaging 18 points per game, was selected to play in the Blue-White all-star game and the regional all-tournament team. Coach Josh Taylor and Assistant Coach Tom Dillard have created a strong program, and I doubt this is the last we have heard from this small school in the mountains.

Madam Speaker, I ask my colleagues to join me in recognizing the impressive Nantahala School basketball team for their accomplishments and wishing them continued success in future years.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, on Thursday, May 19, 2010 and Monday, May 24, 2010 through Friday, May 28, 2010 I was unable to be in Washington, DC due to a family

emergency and thus missed several rollcall votes. Had I been present, I would have voted "yea" on Nos. 276, 278, 279, 280, 281, 282, 283, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 308, 309, 310, 311, 312, 313, 314, 320, 326, 327, 328, 329, 330, 331, 333, 335 and "nay" on Nos. 277, 306, 307, 315, 316, 317, 318, 319, 321, 322, 323, 324, 325, 332, 334, 336.

RECOGNIZING THE "STAR OF LIFE" AWARD RECIPIENT FRANCISCO "CISCO" PRECIADO

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. MITCHELL. Madam Speaker, I rise today in recognition of Mr. Francisco "Cisco" Preciado, to whom the "Star of Life" medal, a national award which recognizes the country's most outstanding Paramedics and Emergency Medical Technicians, was re-presented.

Previously a member of the U.S. Navy and U.S. Coastguard, Mr. Preciado started his career as a paramedic in 2005. His efforts established him as a dependable worker who was one of the best and brightest in his field. In 2009, his hard work under Southwest Ambulance was recognized in the form of the prestigious "Star of Life" medal. Preciado gave away his medal earlier this year, in a touching tribute to a friend and co-worker—EMT Mark Vernick—who was killed in a motorcycle collision. In what he thought was a private tribute, Preciado placed his medal in Vernick's casket.

I extended this honor again not only to commend his performance as a paramedic, but to pay tribute to the quality of his character. Mr. Preciado unselfishly placed his original medal inside the casket of his friend and co-worker, Mark Vernick. This action speaks to the strength of his integrity. It is for this reason that I offered Mr. Preciado a replacement "Star of Life" medal.

Madam Speaker, please join me in recognizing the presentation of the "Star of Life" medal to Mr. Francisco Preciado.

HONORING THE CONTRIBUTIONS OF INNOVATOR AND PHILANTHROPIST JOHN SOTO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Ms. DeLAURO. Madam Speaker, I rise today to honor a self-made man and former New England Businessman of the Year, and one who has given of himself time and again to improve our Connecticut community—John Soto.

After a boyhood in Puerto Rico and some apprenticeship in the business and mechanical arts as a machinist in Manhattan, John founded Space-Craft Manufacturing, Inc. in Milford, Connecticut in 1970. Starting with just four employees, Space-Craft has, thanks to John's eye for innovation and business savvy, grown

to become an industry leader in aircraft engine and airframe components over the past four decades, even earning the National Supplier of the Year award from the U.S. Air Force in 2001.

These entrepreneurial and engineering accomplishments have been matched by John's passion for community service and a strong commitment to public investment. So that others may follow in his footsteps, John has founded several scholarships for Latino students and been a continual presence in Connecticut inner-city schools. He has also contributed generously to Youth at Risk, Junior Achievement, New Haven's Latino Youth Development Program, and other very worthwhile organizations aimed at helping Connecticut's underprivileged and least fortunate.

In both his company's success and his dedication to public service, John has been an embodiment of the American dream. From modest beginnings, he has contributed mightily to his community, his state, and to the United States military. I congratulate him and his wife Gladys on this long career of personal success and public service, and I know that they will continue to be a credit to our district for years to come.

HONORING CRAIG BIEGEL

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize Craig Biegel, the Award of Merit Winner for the 4th Congressional District's high school art competition, "An Artistic Discovery." An Artistic Discovery recognizes and encourages the artistic talent in the nation, as well as in each congressional district. The Congressional Art Competition began in 1982 to provide an opportunity for Members of Congress to encourage and recognize the artistic talents of their young constituents. Since then, over 650,000 high school students have been involved with the nationwide competition.

Craig Biegel, a resident of the 4th Congressional District, is currently a senior at Lynbrook High School in Lynbrook, New York. Mr. Biegel offered his piece, "Angioplasty", which was an acrylic on canvas painting depicting a close-up view of the inside of the heart with a catheter in the aorta, leading to a stent insertion in the right coronary artery. Craig's attention to detail in this piece is certainly a testament to his achievement.

The contest in the 4th Congressional District continues to flourish and I owe it to all of the talented students like Craig from our high schools that submitted their art to be displayed in this distinguished contest. It is essential for art programs and curricula to remain in our schools and communities. I believe that having a forum for our young people to express themselves in a creative way is extraordinarily important and I will continue to work in Congress to ensure that the arts are preserved.

The future of this country depends on the hopes and dreams of its children. Our community, and our nation, is enhanced by the con-

tributions of students like Craig Biegel. Additionally, I would like to recognize the work of the teachers and administrators at Lynbrook High School who dedicate their lives to their students. The staff is the backbone of the students' success and I thank them for all that they do on a daily basis.

Madam Speaker, it is with pride and admiration that I offer my thanks and recognition to Craig Biegel.

INVESTING INCOME AT HOME ACT OF 2010

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the "Investing Income at Home Act of 2010." This legislation would increase investment in the U.S. economy by allowing "closely held" companies that earn money abroad to create American jobs by investing overseas profits here at home. This would be accomplished by updating an outdated relic of the Tax Code, the personal holding company, or "PHC," tax structure.

Under current law, a personal holding company's undistributed income is taxed at 15 percent. This rate is scheduled to return to the highest individual tax rate of 39.6 percent in 2011 when the 2001 and 2003 tax cuts expire. Unfortunately the personal holding company tax has not evolved to keep up with modern business realities. Family-run companies can be subject to this tax—which they would not pay if they were publicly owned.

The Investing Income at Home Act will modify the definition of "PHC income" to exclude dividends received from foreign affiliates if those dividends are reinvested in the United States. Importantly, these dividends brought back into the United States could not be used by any company to pay executive salaries or benefits.

This bill will ensure closely held corporations impacted by the PHC tax regime would pay the same level of corporate tax as similarly situated publicly traded corporations. This would free them to invest dividends from foreign sources into the U.S. economy helping to create much-needed jobs here in America.

I urge my colleagues to join me in supporting this legislation.

RECOGNIZING FOUNTAIN HILLS HIGH SCHOOL'S UNOFFICIAL GUINNESS WORLD RECORD IN POTATO LAUNCHING

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize an outstanding group of chemistry students from Fountain Hills High School, who unofficially broke the Guinness World Record for most potatoes launched in three minutes.

The students in AP chemistry and honors-chemistry classes used savvy, creativity and teamwork to break an existing Guinness World Record. Although Guinness has yet to officially acknowledge the record, I am confident that the evidence is sufficient and that approval will be received shortly. One student, Fountain Hills junior Kyle Link, nearly doubled the previous record of potatoes launched in three minutes.

In all, seven different teams broke the record, demonstrating tactfulness in assembling their launchers. The students used applied lessons in engineering, technology, and chemical gas laws while constructing these devices.

I would also like to recognize Dr. Paul McElligott, head of the science department at Fountain Hills High School, for his leadership and instruction in the record-breaking feat. Along with breaking world records, Dr. McElligott is in contention to receive a prestigious Lemelson-MIT Grant worth \$10,000 to fund his proposal regarding safety devices for handicapped patients. His dedication will inspire these students to aim to achieve greatness in their current and future endeavors. We need more fine educators like this man in our country.

I am honored to call Dr. McElligott and his students at Fountain Hills High my constituents. Madame Speaker, please join me in congratulating them on their World Record.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,052,204,878,286.76.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$ 2,413,779,131,992.90 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING CECIL GROVES FOR HIS SERVICE TO SOUTHWESTERN COMMUNITY COLLEGE AND WESTERN NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. SHULER. Madam Speaker, I rise today to honor Dr. Cecil Groves for his 40 years of service in higher education and to congratulate him on his retirement after 13 years as president of Southwestern Community College in Sylva, North Carolina. Under his leadership, Southwestern experienced significant expansion, serving as a catalyst for further growth throughout the region.

Dr. Groves received his Ph.D. in Higher Education Administration from the University of Texas. His first job was as the president of Delgado College in New Orleans, Louisiana. Dr. Groves was able to lead Delgado College to national accreditation in the midst of the turmoil of desegregation. Seven years later, he became President of Austin Community College in Austin, Texas. In a city dominated by a major research university, Dr. Groves created a model of the community college as a stepping stone to enrollment at a four-year university. He grew Austin Community College into a 16,000 student campus, creating jobs and allowing students a pathway to achieve their dreams.

After working at Pikes Peak Community College in Colorado Springs, Colorado and serving as Provost of Texas State Technical Colleges System, Dr. Groves moved to the mountains of Western North Carolina to become the president of Southwestern Community College. He would transform this small school with a strong sense of community into one of the best community colleges in the nation.

During his tenure, Southwestern Community College opened a new campus in Macon County, North Carolina and graduated the largest class in its history. Dr. Groves instituted a new technology platform for delivering education to students, offering Internet learning without sacrificing a sense of community. He encouraged teachers who found their most effective teaching method to continue to succeed, and he pushed those who struggled to continue to work toward becoming better teachers. Most importantly, he was widely loved by the faculty, staff, and students.

Even those in Western North Carolina who are not directly a part of the Southwestern Community College family benefited from Dr. Groves' tenure. One of his biggest contributions to the region was the creation of the Balsam West FiberNET. After an attempt to convert the school's Interactive Television system to digital proved too costly, Dr. Groves began investigating a regional broadband system. Southwestern Community College helped bring together Drake Enterprises and the Eastern Band of the Cherokee to form Balsam West FiberNET. This private, for-profit partnership constructed a 300-mile broadband ring, benefiting both Southwestern Community College and the entire mountain community.

Outside of his duties as president, Dr. Groves has taken an active interest in community development—on a regional, state, and national level. He served as an appointed advisor to governors in two states and testified in front of Congress. As a founding member of the National Coalition for Advanced Manufacturing, a part of the National Association of Manufacturers, and the National Coalition for Advanced Technology Centers, Dr. Groves has helped modernize U.S. manufacturing and education technology. He has also been active in successfully recruiting several companies to conduct business in the regions where he worked.

Dr. Groves is now retiring and moving closer to two of his children. Madam Speaker, I ask my colleagues to rise with me to thank Dr. Groves for his many years of invaluable service to both Southwestern Community College and the broader mountain community of Western North Carolina.

COMMENDING GARY DAIGNEAULT OF TWENTYNINE PALMS, CA ON HIS SELECTION TO THE BROADCASTER HALL OF FAME

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LEWIS of California. Madam Speaker, I rise today to join the community of Twentynine Palms and the Morongo Basin of California in congratulating long-time broadcaster Gary Daigneault in being named to the Associated Press Television-Radio Association Hall of Fame.

Gary Daigneault has been on the air for 31 years as a newscaster in the eastern desert area of California known as the Morongo Basin. When he went to work for stations KDHY/KQYN in 1979, the area was made up of small towns with a few thousand people scattered over vast desert vistas. I came to know both the desert communities—and Gary—as the member of Congress for the area. He was a bright and earnest young reporter serving a small but devoted radio audience.

Over the years, the small towns of Yucca Valley, Joshua Tree, Morongo Valley and Twentynine Palms have grown dramatically, with tens of thousands of people now tuning in to listen to Mr. Daigneault, who has been the community's voice for news with a morning news program for the entire 31 years.

Mr. Daigneault invested in the community and became an owner-broadcaster in 1989 when he and his wife Cindy started up their own station, KCDZ, making local news a priority.

Although the area is still considered a "small market" for news, it is one with a worldwide focus because it is home to the Marine Corps Air-Ground Combat Center, a premier training center that has hosted tens of thousands of Marines each year. Many of those Marines now living around the country would recognize the voice of Mr. Daigneault, who has done an exemplary job of covering the base and its units.

In perhaps his most dramatic accomplishment in covering the Marines, Mr. Daigneault in 1992 was the only "embedded" journalist covering the peace-keeping action in Somalia, which won him one of his many broadcasting awards.

He came home from that mission and was quickly put to the test again when a 7.3 earthquake struck the desert town of Landers, causing widespread damage and disruption to the area. He stayed on the air and was the only source of news for many of the desert residents cut off by the quake—an effort that won him yet another award for broadcasting excellence.

Gary has been recognized by the Associated Press for breaking more than 40 national and major regional news stories over the years. In 2000, KCDZ was declared "station of the year." He was given the prestigious Mark Twain Award for news writing in small market radio and the Golden Mike award for best small market radio news broadcast.

Gary Daigneault is considered a community leader in Twentynine Palms. He is the president of the Theatre 29 community theater

group, president of the Twentynine Palms Chamber of Commerce and the immediate past president of the local Rotary Club. He has also served twice as president of APTRA, and has taught broadcasting classes for the past 21 years.

Madam Speaker, Gary Daigneault has been the voice of news for an important part of my district for the past three decades, and he and his wife Cindy have been community leaders in the eastern desert area of California. His election to the radio-television news Hall of Fame is much deserved, and I ask you and my colleagues to join me in congratulating him and thanking him for his lifetime of service.

NANJING CITY, A MODEL FOR INTERNATIONAL COOPERATION, EXPANDING EDUCATIONAL, INNOVATIVE AND ENTREPRENEURIAL PARTNERSHIPS BETWEEN THE UNITED STATES AND CHINA IN A SPIRIT OF GLOBAL COOPERATION

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. TIERNEY. Madam Speaker, I rise today to speak about a model for international cooperation that is said to hold promise and future opportunities for the United States. The City of Nanjing is working to improve the quality of life of its residents with a global initiative that has potential to create a great opportunity for some in the United States.

For over a decade, the City of Nanjing, China, under the leadership of Secretary Zhu Shanlu, has reached beyond the borders of the People's Republic of China to create new strategies in education, innovation and entrepreneurship, increasing the level of understanding between our two nations and stimulating U.S.-China idea exchange. It is expected that this international cooperative initiative will inure to the benefit of the residents of Nanjing as well to the residents of the United States, including businesses, residents and educational institutions in the Commonwealth of Massachusetts.

To this end, Mr. Zhu in his role as Secretary for Education and Technology in Beijing traveled to many United States cities to discuss the growth of education collaboration. These meetings resulted in numerous programs that served global higher education, leading to a first-of-its-kind scholarship program offered through the New England Board of Higher Education providing annual scholarships for deserving students in the region. This work also forged new opportunities for United States colleges and universities with a strong focus on New England, specifically on Massachusetts, as representatives of several New England institutions were hosted by then Secretary Zhu at the Beijing Education Expo, a showcase of the promise of global education. Educational leaders exchanged ideas, and as a result, opportunities for educational exchanges were expanded creating new frontiers for American students to pursue studies in China and similar opportunities for Chinese

students to benefit from programs offered in American colleges and universities from coast-to-coast.

Now under Mr. Zhu's leadership, the city of Nanjing has embarked on a new initiative in an effort to strengthen the bridge of partnership between the United States and China. Nanjing has created a number of avenues inviting United States companies and universities to expand opportunities into the Chinese market. In 2010, the City of Nanjing is scheduled to host conferences on Global Innovation in China, Global Entrepreneurship in China and Global University—R&D City. The conferences are expected to create special opportunities to develop concepts for development opportunities for green energy, life science and related industries. Small and mid size American companies may wish to explore offering technologies to improve the life of Chinese citizens and expand their business horizons.

One of the innovative American enterprises prepared to explore such potential opportunities calls Gloucester, Massachusetts and the 6th Massachusetts congressional district its home. Free Flow Power is looking to expand opportunities to develop and manage hydro-power and hydrokinetic facilities to generate clean renewable energy from flowing water. They will join other companies from across the country in Nanjing.

I would like to acknowledge the efforts of the City of Nanjing and its leaders as well as those of the American participants in the program for having a vision that looks to the future by supporting a stronger educational exchange and the potential for green energy and technology partnerships in a spirit of global cooperation between the United States and China.

GRAND OPENING OF THE MADISON STREET VETERANS TRANSITIONAL HOUSING CENTER

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. MITCHELL. Madam Speaker, I rise today to celebrate the recent grand opening of the Madison Street Veterans Transitional Housing Center, a shelter and service center for homeless veterans run by veterans.

The Madison Street Veterans Association is a group of formerly homeless veterans who banded together, first for their own safety, and over time became a grassroots non-profit model for veterans' homeless outreach nationwide. Their centers provide veterans with the documents to apply for jobs, educational opportunities and government assistance. The MSVA mission is to encourage and prepare homeless veterans to become active and productive members of their community.

The veterans at the MSVA work tirelessly to get their fellow veterans back on their feet. The organization's early success stories include people like Bruce Roberts, an Army Airborne veteran who, after a family tragedy, struggled to stay employed and ended up homeless. After work with the association,

Bruce now works for the organization as its public relations officer and is helping to end homelessness for others.

Madam Speaker, please join me once more in congratulating the Madison Street Veterans Association for the opening of its new transitional housing center.

HONORING HON. L. BRYCE CHASE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. COSTA. Madam Speaker, I rise today to pay special tribute to the Honorable L. Bryce Chase. On June 2, 2010, after 29 years, Justice Chase retired as Judge of the North Kern Municipal Court in Delano, California.

Mr. Chase was born in Eugene, Oregon on March 30, 1945. He moved with his family to Shafter, California in 1949, and then to Delano, California in 1954. Upon graduating from Delano High School in 1962, Bryce attended Bakersfield College and Linfield College. He then attended University of Southern California, and graduated with a Bachelor of Arts Degree. Bryce served in the United States Army from 1967–1969, stationed at Fort Lewis, Washington and Fort Gordon, Georgia. In 1972, he began law school at Northwestern School of Law at Lewis and Clark College in Portland, Oregon. Bryce graduated with his Juris Doctorate degree in 1975 and was subsequently admitted to the California State Bar. He was a Legal Clerk and Associate Attorney with M. Dwain Smith from 1975 until 1977, when he began his sole private practice in Delano, California.

Mr. Chase became a judge of the Delano-McFarland Justice Court in 1981. The Delano-McFarland Justice Court became the North Kern Municipal Court in 1990, and Judge Chase continued to serve as a judicial officer. As a judge, Bryce was involved in several county-wide programs. He established the first self-funded court and community service program in Kern County, served three terms on the Kern County Trial Coordination Committee and one year on the Administrative Structure Committee for Kern County. In addition, Judge Chase was also Chairman of the Sub-Committee on Uniform Rules of Court for Kern County, served on the Trial Court Presiding Judges Advisory Committee and is an active member of California Judges Association.

Judge Chase has always played a large role in the community of Delano. He has been an active member of the Delano Kiwanis Club and Greater Delano Area Youth Foundation since 1982, where he served as President for both organizations. He is a member of the First Baptist Church and has been honored for his community service by Proteus Training, Mothers Against Drunk Driving, Past Lieutenant Governor Leo McCarthy and yours truly, when I was a member of the California State Senate.

Madam Speaker, it goes without saying that Judge Chase's dedication and accomplishments to the community of Delano have gained him respect and appreciation from all who have worked with him and know him. We

owe L. Bryce Chase a magnificent collective thank you. I ask my colleagues to please join me in honoring Judge Bryce Chase for his productive years of public service to the community of Delano.

RECOGNIZING CESAR CHAVEZ PUBLIC CHARTER SCHOOL STUDENTS FOR THEIR PARTICIPATION IN THE WE THE PEOPLE: THE CENTER FOR CIVIC EDUCATION NATIONAL FINALS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Ms. NORTON. Madam Speaker, in April 2010, more than 1,200 students from across the country took part in the We the People: The Citizen and the Constitution national finals in Washington, D.C. I am proud to announce that a class from Cesar Chavez Public Charter School—Capitol Hill Campus represented the District of Columbia at this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their city-wide competition earning the chance to compete at the national level.

While in Washington, the students participated in a three-day academic competition that simulated a congressional hearing, in which students demonstrated their knowledge and skills as they evaluated and defended positions on historical and contemporary constitutional issues. Annual surveys consistently show that high school students who take part in the We the People academic competition outperform other students in the National Assessment of Educational Progress political test by at least 22 percent.

Madam Speaker, the names of these outstanding students from Cesar Chavez Public Charter School—Capitol Hill Campus are: Kim Diaz, Marco Gomez, Karen Mejia, Jason Allen, Jesse Balderas, Briana Bullock, Joel Carela, Jaleel Dyson, Kendra Goodwin, Ely Guerrero, Corey Johnson, Jose Maheda, Anthony McCannon, Christian Mondragon, Nakea Paige, Ryan Pope, Alexis Rhett, Leticia Rivera, Elizabeth Rogers, Paul Schmidt, Jaztina Somerville, and Jade Vaughn.

I also wish to commend the teacher of the class, Dionna Shinn, who was responsible for preparing these young constitutional experts for the national finals. Also worthy of special recognition is Julie Harris, Director of Public Policy at Cesar Chavez Public Charter School, for her tireless commitment to the students on the District's team and implementation of the rigorous curriculum at the Cesar Chavez Public Charter School.

I congratulate these young constitutional experts on their outstanding achievement at the We the People national finals.

HONORING THE 60TH ANNIVERSARY OF THE OPENING NIGHT OF UNTO THESE HILLS

HON. HEATH SHULER

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 8, 2010

Mr. SHULER. Madam Speaker, I rise today to honor the past, present, and future members of the production of Unto These Hills. An outdoor dramatic rendering of the history of the Cherokee people, the play is nearing the 60th anniversary of its opening night.

The show has achieved remarkable success, selling over 6 million tickets since its opening on July 1, 1950. It is the second longest continuously running outdoor drama in the United States, behind only The Lost Colony, which is performed in Manteo, North Carolina. Over sixty years, countless skilled actors and actresses have taken part in the performances. Among them are some who have reached the heights of fame, including Morgan Freeman and Michael Rosenbaum.

For 60 years, Unto These Hills has provided entertainment and education for visitors to historic and scenic Cherokee. The format is especially effective for the many school groups that visit Cherokee; the dramatic rendering passes important lessons of history on to future generations.

The show is an integral part of preserving the heritage of the Cherokee people, a group integral to our mountain community. The ongoing legacy of the Eastern Band of the Cherokee is an important part of our broader mountain heritage. With a new and more accurate script, the show portrays the history of the Cherokee from the height of their power to the depths of their despair during the Trail of Tears. An accurate dramatic retelling is an important way to remember the tragedy of the Trail of Tears and help us learn from that event.

With the new script and a recently renovated theater, Unto These Hills is poised to continue to build on its impressive record of success. Madam Speaker, I ask my colleagues today to join me in recognizing Unto These Hills for its remarkable success and its important role in preserving and reliving such a profound moment in American history.

RECOGNIZING ROBIN ARREDONDO-SAVAGE'S INDUCTION AS A MEMBER OF THE TEMPE CITY COUNCIL

HON. HARRY E. MITCHELL

OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 8, 2010

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Robin Arredondo-Savage on her recent induction as a member of the Tempe City Council.

Robin is a lifelong resident of my hometown of Tempe who has always been actively involved in our community. Previously the Chairman of the Tempe Chamber of Commerce and a small business manager, she has

shown a commitment to the development of jobs and the growth of the economy in Tempe. Through this and her position as the President of the Tempe Union High School District Governing Board, Robin has proven herself to be a strong and dedicated leader and public servant for her community and its youth.

Robin is also a U.S. Army veteran who served our nation with distinction. She has shown that same commitment and dedication in the many community boards, commissions and youth sports activities where she has volunteered her time. I am honored to call Robin a friend and I look forward to seeing what her future in public service brings to our community.

Madam Speaker, please join me in recognizing Robin Arredondo-Savage's induction as a member of the Tempe City Council.

A TRIBUTE TO DR. J. CAMERON THORNHILL

HON. EDOLPHUS TOWNS

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 8, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. J. Cameron Thornhill, a doctor whose work has been invaluable to the Brooklyn community.

Dr. J. Cameron Thornhill was born August 28, 1909, in Christ Church, Barbados, West Indies, and will celebrate his 101st birthday on August 28, 2010.

Dr. Thornhill graduated from Boys High Evening School in Brooklyn in 1934. He attended Lincoln University in Pennsylvania from 1936–1940, where he earned his Bachelor of Arts. He attended Meharry Medical College in Nashville, Tennessee, from 1940 to 1944, where he was awarded his Medical Doctor degree. Between 1944 and 1946, Dr. Thornhill did an internship and residency at Kansas City, Missouri, General Hospital Number Two. He started a medical practice in 1946 in Brooklyn, NY.

From 1950 to 1952, he served as a medical officer, Captain, in the U.S. Army and was stationed in Germany. Between 1953 and 1957, Dr. Thornhill performed various surgical residencies at Bethel Hospital, now known as Brookdale Hospital, in Brooklyn, New York; Veterans Hospital of East Orange, New Jersey; and Harlem Hospital, New York City, where he remained on staff for over 15 years. From 1958 to 1996, he opened and operated a surgical family practice in Brooklyn, while working at St. John's Hospital, which is now Interfaith Hospital, and Lefferts General Hospital of Brooklyn, New York. He served the Brooklyn community for over 40 years before fully retiring at the age of 84 from the New York State Workers Compensation Board as a Medical Examiner.

Dr. Thornhill is an emeritus member of the Kings County Medical Society, National Medical Association, and the American Medical Association. He has been honored by the Provident Clinical Society of Brooklyn, New York and most recently received special recognition at the 2009 National Medical Association Convention.

Dr. Thornhill and his wife, Mercedes Murray, were married on April 3, 1947. They have four children: J. Cameron Thornhill Jr., Dr. Monica Thornhill-Joynes, MD, Dr. D. Blair Thornhill, MD, and Ms. Donna Thornhill. His eldest child Cameron, Jr., predeceased him in 2008. He is the proud grandfather of five grandchildren and the proud great grandfather of two great grandchildren. His brother Cleveland Thornhill is 97 years old, and his sister Gladys Minnette Powell passed away on August 21, 2009, at the age of 98.

Dr. Thornhill loves the outdoors and has vacationed at Chenango Valley State Park in upstate New York every year with family and friends since 1955. He is an avid handball and paddle ball player and played the game until the age of 98. He enjoys golf and bridge. Additionally, Dr. Thornhill is an avid traveler and has visited several nations in Africa and walked the Great Wall of China in his 90's. He has visited many Caribbean countries on numerous trips, including Cuba and Panama.

He has been attending Siloam Presbyterian Church of Brooklyn, New York for more than 50 years. Dr. Thornhill is a member of Phi Beta Sigma Fraternity. He is a tenacious motivator who continues to avidly inspire the pursuit of education to his family members and the community at large.

Dr. Thornhill is a pillar of his community and has always been a loving and giving person to his family, friends and community.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Dr. J. Cameron Thornhill.

MIKE DIERINGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Mike Dieringer. Mike is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and earning the most prestigious award of Eagle Scout.

Mike has been very active with his troop, participating in many scout activities. Over the many years Mike has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Mike and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Mike Dieringer for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING PENNSWOOD
VILLAGE ON ITS 30TH ANNIVER-
SARY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize and congratulate Pennswood Village and its residents on their 30th Anniversary.

What began as a desire among friends to turn unused farm land into something useful has since blossomed into a community that has contributed significantly to the lives of our senior citizens.

Since it's opening on June 10, 1980, Pennswood Village has excelled at delivering a senior program that is truly representative of the needs of our seniors. With 435 residents and 420 employees, Pennswood Village stands as one of the outstanding continuing care retirement communities in Bucks County.

Madam Speaker, I am proud to recognize and congratulate Pennswood Village on its 30th Anniversary and I am sure that as Pennswood Village moves forward, it will continue to exemplify the meaning of senior care.

TRIBUTE TO THE ICS

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mrs. DAVIS of California. Madam Speaker, I am pleased to recognize the International Court System (ICS) as it celebrates the 45th anniversary of its founding. A non-profit charity and international social service organization, ICS is one of the oldest LGBT charities in the world, with chapters in over 68 cities within the United States, Canada, and Mexico.

ICS fundraising efforts have benefited countless causes both within and outside of the LGBT community including numerous children's charities, AIDS organizations, and cancer patient advocacy groups. In fact, several AIDS social service organizations were established in the 1980's by organization members. In addition, there are over 30 student scholarship programs within the International Court System of the United States and Mexico. The ICS welcomes all and is proud of its diversity.

The first ICS chapter was established in 1965 in San Francisco, California by World War II veteran and Hispanic gay activist, Jose Julio Sarria. In 1961, he made history as the first openly gay citizen to run for public office in North America when he ran for the San Francisco Board of Supervisors. For his activism, the Board named a public street in his honor.

In 2007, Sarria stepped down as titular leader of the International Court System and was succeeded by my constituent, San Diego City Commissioner Nicole Murray Ramirez who himself has been a Latino and gay activist for over 40 years. Commissioner Ramirez currently serves on the board of the National Gay Lesbian Task Force and is a past national

board member of the Human Rights Campaign. Ramirez is a recipient of the Cesar Chavez Social Justice Award and is currently the National Co-Chair of the Harvey Milk Foundation's Citizen Advisory Board.

I commend Jose Julio Sarria and Nicole Murray Ramirez for their dedication and community service that has benefitted so many. I congratulate the ICS on the occasion of its 45th anniversary, and I am proud to honor its legacy of activism and philanthropy.

H.R. 5145, ASSURING QUALITY
CARE FOR VETERANS ACT

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. TIAHRT. Madam Speaker, I join my colleagues in strong support of H.R. 5145, Assuring Quality Care for Veterans Act. This legislation authorizes the Secretary of Veterans Affairs (VA) to reimburse VA health professionals for continuing professional education expenses.

Our Nation's veterans deserve high-quality medical care. This means having top-notch facilities and equipment, and highly-trained medical professionals. Many professions require continuing education, and it is absolutely essential in the medical field. With constantly changing techniques, procedures and treatments, continuing education is indispensable for medical providers. This legislation rightfully will ensure that our VA medical professionals have access to continuing training and therefore ensure that our veterans receive the best care possible.

I urge all my colleagues to join with me in support of H.R. 5145 to provide high-quality medical care for our Nation's veterans.

AARON A. PINE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron A. Pine. Aaron is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many scout activities. Over the many years Aaron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Aaron and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Aaron A. Pine for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF CHAD BOUTON,
BATTELLE INVENTOR OF THE
YEAR

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Ms. KILROY. Madam Speaker, I rise today to recognize the accomplishments of Chad Bouton who on April 30, 2010, was named the Inventor of the Year for Battelle, the world's largest independent research and development organization. Battelle, with its team of researchers and inventors like Chad Bouton, helps make central Ohio a leader in cutting-edge research.

Chad came to Battelle in 1997 and since then has shown his true worth to this important Columbus, Ohio nonprofit charitable trust by excelling in a variety of fields. Chad Bouton has been the primary innovator, inventor and/or principal investigator for dozens of medical device projects, from enabling paraplegics to control wheelchairs with their thoughts to providing surgeons with tools that aid in minimally invasive surgical procedures.

Chad Bouton developed processing algorithms for a medical device that allows people to control computers entirely by their thoughts. He also was central to the development of a system used in minimally invasive surgical procedures that evaluates the potential spread of cancer to lymph node tissues and organs. Additionally, his research contributed to a detection system to ensure that contrast media injections into a patient do not do unwanted damage.

Chad is known for his expertise in control systems, automated and robotics systems, sensor development, and signal processing of electrophysiological parameters including neurological types. He also has extensive experience in electrical and electromechanical device design methodologies and techniques and holds 15 patents with six others pending.

Tangible results of Chad Bouton's success come in various forms, first and foremost that his inventions have affected the quality of life of patients around the world. He also has been the recipient of two R&D Magazine Top 100 awards and a Battelle Outstanding Technical Achievement Awards and has published nine works in scholarly journals. Chad's prowess has resulted in more than half a billion dollars worth of contract research for Battelle.

I would like to extend my heartfelt congratulations and well-wishes to Chad, and wish him great successes in innovations of the future. With people like Chad working to use science to help mankind, Columbus, Ohio and America will continue to lead the world in compassionate research.

INTRODUCING GREEN RAILCAR
ENHANCEMENT ACT OF 2010

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. BLUMENAUER. Madam Speaker, today I rise to introduce the Green Railcar Enhancement Act of 2010 with 49 of my colleagues.

This legislation will help save a critical domestic industry, create 32,000 to 50,000 family-wage jobs, enhance the fuel economy of freight rail, and reduce the carbon emissions of the freight and logistics industry.

As a result of the financial crisis and subsequent recession, the freight railcar industry neared collapse. New car deliveries declined from 75,000 in 2006 to fewer than 10,000 in 2010. Only a handful of suppliers remain operating today and there is great concern that several of them may not survive this downturn. Without any action to pull forward some future market demand, the potential loss of the American rail supply base is at great risk.

The Green Railcar Enhancement Act provides a 25 percent tax credit for replacing or rebuilding old, inefficient railcars. The tax credit is limited to cars built in 2010 or 2011 and requires a minimum 8 percent increase in capacity or fuel efficiency. In effect, the legislation shifts market demand from 2012-14 to this year and the next, which will help the rail supply industry survive these two treacherous years.

This bill will continue to improve the great efficiency of rail transportation, which currently gets 480 ton-miles to the gallon. In fact, if 10 percent of the long-distance freight currently moved by truck switched to rail, then the national fuel savings would exceed one billion gallons each year. Requiring increasingly efficient rail cars will improve these figures.

Upgrading our fleet of railcars will also make the rail industry more competitive, reduce costs for consumers, and will help relieve our congested highways. In fact, one freight train can carry a load equivalent to that hauled by 280 trucks. Shifting the movement of freight to rail clears congestion from our roadways, eases wear and tear on our commercial corridors, and clears our air. In addition to these environmental and system capacity benefits, rail transport continues to be a leader in worker safety, with one of the lowest worker injury rates in the transportation sector.

Finally, by helping to pull market demand forward, our Nation will maintain the strong railroad supply industry and manufacturing base necessary to the Nation's defense.

I look forward to working with my colleagues to pass this important legislation.

IN HONOR OF CATHOLIC CHARITIES,
EMERGENCY AND COMMUNITY SERVICES

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor Catholic Charities, Emergency and Community Services (ECS), a non-profit organization that has been feeding hungry Burlington County residents for the past 29 years.

The ECS food pantry program is available to any county resident in need of food and no one is turned away because of their income or life circumstances. The food pantry serves consumers throughout Burlington County and distributes food to over 9,800 households, or 32,700 individuals annually.

Madam Speaker, I hope you will join me in honoring Emergency and Community Services on their nearly three decades of hard work and extraordinary commitment in ensuring that those individuals and families in Burlington County have the food they need to carry on with their daily lives.

CODY BARTHOLOME

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cody Bartholome. Cody is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 460, and earning the most prestigious award of Eagle Scout.

Cody has been very active with his troop, participating in many scout activities. Over the many years Cody has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Cody and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Cody Bartholome for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN MEMORY OF RETINELLA
"NELLA" OCTAVIA ELIZABETH
EDGAR CROOKS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor the memory of Retinella "Nella" Octavia Elizabeth Edgar Crooks, a lady I was proud to call my friend and constituent. An accomplished public servant and educator, Mrs. Crooks passed away on May 30, 2010, at the age of 108.

Mrs. Crooks lived a very long and full life. She was born in Watt Town, Jamaica, on October 1, 1901. She was educated in Jamaica and then immigrated to the United States in 1924 where she met her husband, Dr. Kenneth B.M. Crooks. The happy couple was blessed with four children, twelve grandchildren, and nine great-grandchildren.

After ten years at the Hampton Institute, which is now Hampton University, Dr. and Mrs. Crooks moved from the United States to Jamaica where they worked at Happy Grove, a Quaker secondary school. Mrs. Crooks served there as a missionary educator, a member of the Jamaica Federation of Women, and as a fundraiser for the Religious Society of Friends.

In 1957, Dr. and Mrs. Crooks returned to the United States and became very involved in

Georgia's Second Congressional District. Mrs. Crooks served as a resident manager at what is now Fort Valley State University. While at Fort Valley State University, Mrs. Crooks became known for her unparalleled hospitality hosting teas. Of the many national and international dignitaries she entertained, she was very proud to include Dr. Martin Luther King, Jr. among her guests.

Following a short stay at Fort Valley, Dr. and Mrs. Crooks moved to Grambling College in Louisiana. There she completed her Bachelor of Arts Degree while serving as a resident manager for the college. However, in 1959 her husband, Dr. Crooks, sadly passed away.

Mrs. Crooks then returned to Fort Valley and earned her Master's Degree in counseling at the young age of 64. She was a member of the college faculty and published several books, including two books of poetry, her travel diary, her husband's biography, and her autobiography.

Throughout her long and blessed life, she remained a very active member of the Episcopal Church, a YWCA organizer, and her beloved sorority, Delta Sigma Theta. She also worked tirelessly for her community, founding a children's reading club and volunteering for seniors' organizations.

Madam Speaker, the State of Georgia, and especially the Second Congressional District of Georgia, have been truly blessed to have benefited from the tremendous contributions of Nella Edgar Crooks. She will be remembered for her compassion, her intense desire to help others, her unwavering love for her family, and her dedication to education, which lives on through the Nella Crooks Scholarship Fund at Fort Valley State University. It is a fitting tribute to her life and academic legacy, which was as long in accomplishments as it was in years. May she continue to serve as an inspiration to others.

HONORING THE LIFE OF HAYWOOD HARRIS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. DUNCAN. Madam Speaker, the University of Tennessee sports family and the city of Knoxville, Tennessee have lost a legend and dear friend.

Haywood Harris recently passed away at the age of 80. I have always said that the colors orange and white are almost as patriotic in my District as red, white, and blue. Anyone who bleeds big orange knows the name and work of Haywood Harris.

Haywood served as Sports Information Director, Assistant Athletic Director, and Associate Athletic Director for the University of Tennessee from 1961–2000. Following retirement, he took on the role as the athletic department's historian.

I have known Haywood since I sold programs, popcorn and Cokes at UT athletic events as a small boy. He is a very close and longtime personal friend.

Haywood's life and legacy is shaped not just by his knowledge and love of UT athletics and

extraordinary professional success but also by the way he treated others every step of the way.

Upon word of his death, tributes from every corner of the sports world poured in. The Knoxville News Sentinel published many of these reflections, and I was taken aback by the tales of his humility, generosity and kindness. He held the esteem of everyone who ever knew him.

"The word legend gets thrown around way too much, but Haywood is a legend," said Tony Barnhart of the Atlanta Journal-Constitution. "He is one those special people who made the SEC what it is today."

"I am convinced Haywood was one of the best sports information directors in America—ever," said Marvin West, former Knoxville News Sentinel sports editor. "He was gracious, patient and efficient," and "as good as he was as a professional, he was a better man."

John Pruett of The Huntsville Times wrote about an occasion where, as a young reporter who had lost his press pass on a UT opening day, Haywood came down from the press box to let him into the stadium. "Not a blockbuster anecdote, maybe. But I never forgot Haywood's courtesy and professionalism that day to an out-of-state sportswriter who was little more than a casual acquaintance at that time," he concluded.

Brent Hubbs of volquest.com was a UT student when Haywood went out of his way to help him with a project for a television class. "Haywood's nature was to treat everyone like they were the most important person in the world," he said. "And he did it for a 19-year-old student for a project that was never going to air anywhere but in the classroom for teachers to grade."

"He always had a keen interest in what you were doing and what might have been going on in your life. Kind, thoughtful and sharp as a tack when it came to UT sports history," writes Rick Russo of WVLT-TV in Knoxville.

Even simple encounters with Haywood Harris turned into lasting memories for those who had the pleasure of meeting him. Mark Bradley of the Atlanta Journal Constitution recalls, "The highlight of my life—then, and maybe still—was being a guest on Haywood's pregame radio show back in 1981."

Chris Dortch of the Blue Ribbon Yearbook writes, "I can say with absolute certainty that Haywood Harris is the kindest, most gracious sports information director I've met, worked with or heard tell of."

WATE-TV's Jim Wogan said, "My first year in Knoxville wasn't without a few bumps, and Haywood was always polite, patient and a go-to source for background on Tennessee sports."

"Haywood Harris is a person you never forget once you meet him. He was salt of the earth and loved Tennessee down to the bone. Institutions like Haywood are far too few today," said Joe Biddle of The Tennessean.

Chris Low of ESPN.com, a UT alumnus himself, writes, "... to Haywood, it was never a job. The University of Tennessee was his life, which is why he was so good at what he did."

And The Knoxville News Sentinel's Mike Strange puts it simply, "Not just a nice guy. The nicest guy."

Haywood will not only be missed by his many friends, family, and colleagues but also by his many fans. He co-hosted a radio show, "The Locker Room," with Gus Manning for decades. Gus told The Knoxville News Sentinel, "I have lost an incredible friend."

Haywood holds many awards for his work, too many to fully recount here. He was an inductee in the College Sports Information Directors Hall of Fame, the Knoxville Sports Hall of Fame, Tennessee Sports Hall of Fame, and he received the very prestigious Arch Award in 1991 and UT Chancellor's Citation in 1992.

As much as Haywood loved sports, he had other interests as well. One was his great attention to politics and national issues of importance. He was a patriotic American with a great love for his country and native east Tennessee.

Even many of Haywood's Democratic friends commented after his death that they respected his deep love and strong loyalty to the Republican Party.

Haywood's grandson, Matthew Lehigh, is a former member of my staff. I find that Matt holds many of his grandfather's qualities, and I can think of no better legacy for Haywood than his values and character living on through his three children, four grandchildren, and two great-grandchildren. I extend my deepest sympathies to them and his wife Carolyn Jo.

Madam Speaker, I call the life of Haywood Harris and the remarkable impact he made on my district to the attention of my colleagues and other readers of the RECORD. Haywood's close friend and longtime Voice of the Vols announcer John Ward sums up his life best: "Haywood didn't ask for credit; didn't want it. He simply did what a really smart person does—help other people."

DALTON EVAN GREEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Dalton Evan Green. Dalton is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and earning the most prestigious award of Eagle Scout.

Dalton has been very active with his troop, participating in many scout activities. Over the many years Dalton has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Dalton and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Dalton Evan Green for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RELAY FOR LIFE EVENT

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mrs. BLACKBURN. Madam Speaker, affecting countless across the world, cancer strikes at the core of our lives, our health, our families, and our communities. Sometimes silent, sometimes ravaging, and often all-encompassing, cancer can take what we hold most dear: life. Events like Relay for Life allows communities to come together, tennis shoes laced, and fight against such an enemy.

The multi-purposed Relay for Life generates awareness, promotes outreach, supports recovery, and builds survivorship. In its 26th year, Relay for Life is held across the country, in more than 600 communities internationally, and spans 21 countries.

I congratulate the participants of Williamson County's Relay for Life event. By honoring those who lost their battles with this horrific disease and celebrating those who have yet to cease in the struggle, your hopeful passion encourages us all. I ask my colleagues to join me in thanking the event's organizers, team captains, walkers, and all who still seek a cure.

H.R. 1017, CHIROPRACTIC CARE
AVAILABLE TO ALL VETERANS
ACT

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. TIAHRT. Madam Speaker, I join my colleagues in strong support of H.R. 1017, the Chiropractic Care Available to All Veterans Act. This legislation ensures that chiropractic care and services will be offered to all veterans through Department of Veteran Affairs (VA) medical centers and clinics by the end of 2012.

The benefits of chiropractic care are widely known, and make a tremendous difference in the quality of life for so many Americans. As a regular chiropractic patient, I can attest to the benefits of this valuable service.

Veterans deserve a wide-range of services to meet their individual needs. As chiropractic care has grown in popularity, it is only logical to offer this service to our veterans. I am pleased, therefore, that this legislation will ensure access to chiropractic care for Kansas veterans.

I urge all my colleagues to join with me in support of H.R. 1017.

CONGRATULATING NESHAMINY
MANOR

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to congratulate

Neshaminy Manor Long Term Care Facility for achieving My InnerView's National Excellence in Action Award.

This award, which recognizes nursing homes that have received the highest satisfaction ratings from residents, families and employees, was bestowed upon Neshaminy Manor for its excellence in providing outstanding continuing care and setting a positive example for other long term care facilities to follow.

Established on April 30, 2000, Neshaminy Manor has offered the community an invaluable service by contributing significantly to the lives of our most vulnerable citizens. This award illustrates the leadership and dedication exhibited by the facility's staff and underscores the remarkable impact they have had on the lives of Neshaminy Manor's residents and their families.

Neshaminy Manor has demonstrated its commitment to providing exceptional care and service to ensure that residents enjoy the quality of life they deserve as well as providing employees with a great place to work.

Madam Speaker, I am proud to recognize and congratulate Neshaminy Manor for achieving this award, and I would like to thank the staff for their tremendous work and contribution to our community.

DONOVAN L. EDMUNDS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Donovan L. Edmunds. Donovan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and earning the most prestigious award of Eagle Scout.

Donovan has been very active with his troop, participating in many scout activities. Over the many years Donovan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Donovan and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Donovan L. Edmunds for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ST. MARY'S COLLEGE OF
MARYLAND SAILING TEAM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. HOYER. Madam Speaker, I rise today to recognize the St. Mary's College of Maryland Varsity Sailing Team on winning the

Inter-Collegiate Sailing Association's Team Race National Championship. This year's event was held May 29–31 on Lake Mendota in Madison, WI.

Unlike traditional fleet sailing, the team race event pits three boats against three boats. This event is often described as "chess on water" as sailors use unconventional tactics like slowing down and trapping their opponents to help teammates who are trailing to catch up. To win a race, the team of three must have a winning combination of finishes which total 10 points or fewer.

In the first round of competition, in which each team competes in six races, the Seahawks went undefeated in Group 1. In the second round among the top eight teams, the Seahawks had the best record with 11 wins and three losses. At the end of final round of the four winningest teams, the Seahawks went one and two, had a final record of 12 wins and 5 losses, and won the event.

I want to extend my congratulations to the following members of the Varsity Sailing Team who competed in this event: Ted Hale, Francis Kupersmith, Michael Menninger, Kelly Wilbur, Jesse Kirkland, Madeline Jackson, and Mike Kuschner. I want to commend Head Coach Adam Werblow, who has been with this program for 22 years, and Bill Ward, Director of Sailing, for their leadership of this team.

I urge my colleagues to join me in congratulating the entire St. Mary's College sailing team for their diligent training, teamwork and dedication to the sport, and for continuing the legacy of excellence in racing at the college.

DINNER HONORING THE 40TH AN-
NIVERSARY OF THE LEAGUE OF
CONSERVATION VOTERS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor and acknowledge the celebration that will take place on June 9, 2010 in honor of the 40th anniversary of the League of Conservation Voters, LCV. Since its inception in 1969, LCV has transformed environmental policy into national priorities. I believe that protecting our environment is vital to the health of all Americans and LCV has continued to make that commitment over the past 40 years. With an ultimate goal of ensuring the survival and sustainability of the planet, LCV continues to inform the public about the most important environmental issues facing our nation.

Through organizing at the grassroots level, building coalitions and training the next generation of environmental leaders, LCV is fighting for the future of our environment. Madam Speaker, the League of Conservation Voters has been an invaluable resource for voters across the nation and advocate of the preservation of our natural resources and environmental policies. I would like to congratulate the League of Conservation Voters and wish them much continued success. The dinner honoring the LCV on this landmark anniversary is truly a celebration of a momentous occasion.

JONATHAN D. SCHANUEL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jonathan D. Schanuel. Jonathan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and earning the most prestigious award of Eagle Scout.

Jonathan has been very active with his troop, participating in many scout activities. Over the many years Jonathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Jonathan and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Jonathan D. Schanuel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO THE 2010 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise today to congratulate the 2010 recipients of the coveted Ellis Island Medal of Honor. Presented annually by the National Ethnic Coalition, NECO, the Ellis Island Medal of Honor pays tribute to our Nation's immigrant heritage, as well as individual achievement. The medals are awarded to U.S. citizens from various ethnic backgrounds who exemplify outstanding qualities in both their personal and professional lives, while continuing to preserve the richness of their particular heritage. Since NECO's founding in 1986, more than 2,000 American citizens have received Ellis Island Medals of Honor, including six American Presidents, several United States Senators, Congressmen, Nobel Laureates, outstanding athletes, artists, clergy, and military leaders.

As we all know, citizens of the United States can trace their ancestry to many nations. The richness and diversity of American life makes us unique among the Nations of the world and is in many ways the key to why America is the most innovative country in the world. The Ellis Island Medals of Honor not only celebrate select individuals but also the pluralism and democracy that enabled our ancestors to celebrate their cultural identities while still embracing the American way of life. This medal is not about money, but about people who really seized the opportunities this great country has to offer and who used those opportunities to not only better their own lives but make a difference in the lives of those around them. By

honoring these outstanding individuals, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America. I commend NECO and its Board of Directors headed by my good friend, Nasser J. Kazeminy, for honoring these truly outstanding individuals for their tireless efforts to foster dialogue and build bridges between different ethnic groups, as well as promotes unity and a sense of common purpose in our Nation.

Madam Speaker, I ask all of my colleagues to join me in recognizing the good works of NECO, and congratulating all of the 2010 recipients of the Ellis Island Medals of Honor. I also ask unanimous consent that the names of this year's recipients be placed into the CONGRESSIONAL RECORD following my statement.

Ichak K. Adizes, PhD; Adrienne G. Alexanian; Richard F. Ambinder, MD; Cyrus Amir-Mokri; Anousheh Ansari; Rao S. Anumolu; Robert S. Atallah; Mohamed A. Atassi, MD, FACC; Kevork D. Atiniazian; Nancy H. Bailey; Hon. Rosemary Barkett; Samira Kanaan Beckwith; Sarkis Bedevian; Jerold E. Beeve, MD; Dorothy Beeve, RN; Suraj P. Bhatia; Carole Black; George F. Brown; Richard R. Burey, Jr.; Michael Capasso; Dominic Chianese; Mr. Hank Hyunho Choi; Yen S. Chou; Lin-Chi Chu; Carl J. Clause; Eugene P. Conese, Sr.; John F. Conley; Thomas J. Cook; Edward Cruz; Paul R. Davies; Chief Raymond Diaz; Dr. Edward B. Diethrich; Andre C. Dimitriadis, PhD; Borko B. Djordjevic, MD; Thomas J. Donohue; David Du; David B. Falk; Lina Fang; Eric Friedberg; Col. Arnald D. Gabriel (Ret.); Rod G. Gilbert; Col. David G. Goulet; E. Bulkeley Griswold; Col. Gina M. Grosso; S. K. Gupta; Wolf Hengst; Gregory M. Hodge, PhD; Maj. Gen. Karl R. Horst; Hon. Jerry M. Hultin; Chief James Jephthah; Ted Johnson; James Keach; Alan Krutchkoff; Tak W. Kwan, MD; William K. Lee, MD; Robert J. Loggia; Wing K. Ma; Vahid Majidi; Fouad Malouf; James Malpeso, MD; MSgt. Chester L. Marcus, Jr.; Chief Denis McGowan; Shekhar Mitra, PhD; Moshen Moazami; Curtis E. Moll; Yasmin Motamedi; Jeremiah A. Mullins; Agneta E. Nilsson; RADM Joseph L. Nimmich; Sr. Irene M. O'Neill; Bedros S. Oruncakci; Hemant Patel, MD; Francis J. Pearn; Richard R. Pergolis; Timothy A. Phillips; Michael J. Piazza; Hon. Rose Pierre-Louis; Kappana Ramanandan; Maj. Gen. Michael S. Repass; Hon. Edward Rollins; Stanley M. Rumbough, Jr.; William J. Ryan; Kenan E. Sahin, PhD; Joseph M. Saponaro; John F. Scarpa; Jane Seymour; Faryar Shirzad; John Shu, Esq.; Dr. Ruth J. Simmons; Prasad Srinivasan, MD; Bert R. Sugar; Hon. Eugene R. Sullivan (Ret.); Jordan P. Thomas; Annie S. Totah; Suzanne von Liebig, PhD; William D. Walsh; RADM Philip A. Whitacre (Ret.); Morrill Worcester; Mohammad Yahyavi; Vartkes Yeghiayan, Esq.; Matt H. Yildizlar; Chang Bin Yim.

HONORING YOSEMITE CONSERVANCY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate the Yosemite Conservancy upon its conception. The Yosemite Association and the Yosemite Fund have come together to launch this new organization to protect Yosemite National Park and inspire enduring connections for current and future generations.

In January 2010 the Yosemite Association and the Yosemite Fund, two non-profits with over one hundred years of combined experience in supporting the park, merged. Since 1923, the Yosemite Association has provided opportunities for people to learn about, enjoy and experience Yosemite National Park. The focus has primarily been on providing publications, outdoor programs, history museums, volunteering and a wealth of visitor services. The Yosemite Fund was established in 1988 to focus on projects that enhance the visitor experience, including trails, restoration of vital habitats, preservation of art and artifacts. The Yosemite Fund has supported over three hundred projects funded through fifty-five million dollars in grants. The Yosemite Fund has more than forty projects planned for 2010. The organization has four hundred volunteers annually to assist park visitors, restore natural areas and help with operations, events and fundraising activities. With the merging of these two organizations, the Yosemite Conservancy was created.

The Yosemite Conservancy is the only philanthropic organization dedicated exclusively to the protection and preservation of Yosemite National Park and enhancement of the visitor experience. With the experience and knowledge of the Yosemite Fund and the Yosemite Association, the Yosemite Conservancy will provide the best of both organizations. It will aim to create new benchmarks in innovation and quality through its programs and projects. The 2010 signature project is a one million dollar effort to support Youth in Yosemite an experimental learning program that will also improve campgrounds, repair trails, preserve images from Yosemite's archives and expand educational programs and exhibits at Happy Isle Nature Center. Different programs and projects will be put in place in 2010 as well, such as Outdoor Adventures programs to teach people about the park, Yosemite Art and Education programs, meadow restoration, big-horn sheep monitoring and pacific fisher research and bear canister rental and wilderness permits.

Under the leadership of Mike Tollefson, former superintendent of Yosemite National Park, the Board of Trustees and the permanent staff, the Yosemite Conservancy will work toward their mission to provide for Yosemite's future by inspiring people to support projects and programs that preserve and protect Yosemite National Park's resources and enrich the visitor experience.

Madam Speaker, I rise today to commend the Yosemite Conservancy for its commitment

to better serve and protect Yosemite National Park. I invite my colleagues to join me in wishing the organization many years of continued success.

HONORING HARVEY ZEIGLER

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize a remarkable American on the occasion of his 90th birthday.

Mr. Harvey Zeigler, the sixth of thirteen children, grew up amid the de facto segregation of the 1920s in Damascus, Maryland, where his grandfather settled in 1863 after escaping slavery via the Underground Railroad. Three years after graduating from an all African-American high school, on December 8, 1941 Mr. Zeigler was drafted into the United States Army.

A member of the 329th segregated unit of the U.S. Army, Mr. Zeigler courageously fought for his country, only to return home to face oppressive discrimination. An early advocate of civil rights, Mr. Zeigler battled the discriminatory practices of local banks after he was denied funds for a start-up business venture because of his race. Even after securing a loan from a local bank, Mr. Zeigler continued to fight for equal treatment until all bank services were opened to all African-Americans in his community.

In 1959, Mr. Zeigler was hired as a custodian for the new Atomic Energy Commission in Germantown, Maryland. After he and other minority employees were passed over for numerous promotions, Mr. Zeigler, with the assistance of the NAACP, sued the AEC. Despite overwhelming odds, Mr. Zeigler and the NAACP won the case and forced the AEC to offer African-Americans opportunities for advancement to the higher-paying skilled-labor jobs.

Mr. Zeigler continued to play a critical role in his community in numerous ways. He organized Montgomery County community members' involvement in the historic March on Washington. He led protests to integrate public facilities, including movie theaters, amusement parks, and country clubs. He was instrumental in enabling African-American teachers and counselors to obtain positions in the Montgomery County Public Schools and for African-Americans to become firefighters in Damascus.

Mr. Zeigler retired from federal service in 1977. In retirement, Mr. Zeigler worked tirelessly with the NAACP, leading youth services, organizing church activities, and integrating many of the United Methodist Churches in Montgomery County.

Mr. Zeigler, a man of extraordinary conviction and perseverance, has been a role model throughout his inspirational life of service to our Nation and to the African-American community. His brave leadership helped to change our Nation's history in critically important ways.

Madam Speaker, I am honored to recognize Mr. Harvey Zeigler on his 90th birthday and to

thank him for his courageous leadership and service to our country.

TRIBUTE TO THE WATERLOO FREE METHODIST CHURCH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise today to congratulate the members of the Waterloo Free Methodist Church, Lighthouse Fellowship of Waterloo, Iowa, on celebrating their 50th anniversary as a congregation at their current location.

The church was formed in 1883 and after several sites built the facilities at the present location of 1737 Cornwall Avenue in Waterloo, IA in 1958–1959. The church now goes by the name Lighthouse Fellowship and is a member of the Free Methodist organization.

The Lighthouse Fellowship has been an integral part of the surrounding Waterloo community, and I offer them my utmost congratulations and thanks on a prosperous history. I wish all the parishioners of Lighthouse Fellowship and the current pastor Reverend Al Taylor continued success, grace, peace and celebration as a community.

MICHAEL HUBBERT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Hubbert. Michael is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many scout activities. Over the many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Michael and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Michael Hubbert for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR AND RECOGNITION OF THE 175TH ANNIVERSARY OF THE OLMSTED UNITARIAN UNIVERSALIST CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the Olmsted

Unitarian Universalist Church of North Olmsted, Ohio, as they celebrate 175 years of spirituality rooted in diversity and a deep sense of community.

The First Universalist Church of Olmsted was founded in 1834. The founding members included early leaders of North Olmsted such as the Coes, Kennedys, Roots, Stearnses and Fitches. In 1847, church members built the first building at the corner of Lorain and Butternut Ridge Roads.

Cast in 1851, the large bell in the belfry continues today to act as a symbol of inclusion and emancipation. Before and during the Civil War, the bell tower was used as a station on the Underground Railroad to hide escaping slaves and their families. In 1963, this historic landmark structure was moved to its current site at Porter Road in North Olmsted. More than a thousand Unitarian Universalist churches exist throughout North America. They operate autonomously, with each congregation having the right to decide its own worship styles and ministers.

Madam Speaker and colleagues, please join me in honor and recognition of the congregation and ministry of the Unitarian Universalist church of North Olmsted as they celebrate their 175th anniversary. May this church continue to act as a beacon of spiritual truth, tolerance, and diversity for the people of Greater Cleveland.

TRIBUTE TO EMILY STOLL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Emily Stoll, of Indianola, Iowa, and congratulate her on her acceptance to the People to People World Leadership Forum held in Washington, D.C. from the 1st through the 7th of July 2010.

Chosen for her academic excellence, community involvement and leadership potential, this forum will provide Emily with daily leadership oriented curriculum, as well as allow her to visit the historic sights of Washington, D.C. and its surrounding areas.

The People to People Ambassador Programs, founded by President Eisenhower in 1956 to promote cross cultural and political understanding, currently operates on all seven continents, has over 400,000 alumni and provides students with the opportunity to learn and establish the necessary tools to become an effective leader.

Madam Speaker, I commend Emily Stoll for her commitment to academic and personal development. She is a future leader of this country of whom Iowa is very proud. I am honored to represent Emily and her family in the United States Congress and I wish her the best in her future endeavors.

MEMORIAL RESOLUTION FOR TAM
TRAN AND CINTHYA FELIX

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. HONDA. Madam Speaker, I rise today to honor the lives of two young graduate students, Tam Tran and Cinthya Felix, who both died in a tragic car accident on the 25th of May of 2010. They were 27 and 26 years of age, respectively.

Tam Tran was born in Germany to Vietnamese refugee parents and moved to the United States at the age of 6. Denied political asylum in the United States, unable to return to Vietnam for risk of political persecution, and refused entry to Germany, her immigration status was in limbo, but Tran proceeded to excel and graduate from Santiago High school in Garden Grove, California, and be admitted to the University of California, Los Angeles (UCLA). As an undergraduate and vocal supporter of the Development, Relief and Education for Alien Minors (DREAM) Act, she joined Improving Dreams, Equality, Access and Success (IDEAS), a student organization that advocates for undocumented immigrant youth and students. Tran shared her story in congressional testimony, newspaper interviews, and events across the country. She eventually produced a collaborative student publication entitled, *Underground Undergrads: UCLA Undocumented Immigrant Students Speak Out*, an account of the struggle facing undocumented UCLA students and relevant legislation. She went on to become a Ph.D. candidate in American Civilization at Brown University.

Cinthya Felix was born in Mexico and immigrated to the United States at the age of 15. Despite a late start, she eventually graduated from Garfield High School in East Los Angeles at the top of her class and was admitted to UCLA in 2003. As an undocumented student, she conducted research on educational inequalities and was one of the founders of the student run organization IDEAS, where she worked with Tran. She graduated from UCLA in 2007 with a double major in English World Literature and Spanish Literature and was admitted to Masters in Public Health programs at Colombia University and the University of Michigan. Because of her undocumented status, Felix was unable to access financial aid and had to defer her admissions. With much determination, Felix spearheaded an online fundraising campaign and was able to matriculate at Colombia University a year later, becoming the first undocumented student in the history of the school's public health program. Her goal was to pursue medical school and to return home as a practicing physician to help underserved communities.

Over three million students graduate from U.S. high schools every year. Most get the opportunity to continue on and live their American dream, but approximately 65,000 youth are denied this possibility because of their undocumented status. Tran and Felix were both outspoken advocates on this issue. The DREAM act can solve this injustice by allowing qualifying undocumented youth a condi-

tional path to citizenship through the completion of a college degree or military service. As Chair of the Congressional Asian Pacific American Caucus, I recognize the needs of immigrants, especially those that concern our youth, and have long made comprehensive immigration reform one of our caucus' top priorities. Although Tran's and Felix's lives were tragically cut short, let us not forget their mission. Let us continue to work towards making the DREAM act a law.

Madam Speaker, I ask my fellow members to join me in remembering Tam Tran and Cinthya Felix. The adversity they faced and their stories of perseverance in achieving the American dream are an inspiration to every American student who wishes to pursue life's endeavors.

IN HONOR OF HOWARD R.
CATHERS, JR.

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor Howard R. Cathers Jr. who passed away on May 28, 2010 at the age of 90. Howard was a devoted and loving husband, father of four, grandfather of eleven, and great-grandfather of twenty-four.

Mr. Cathers served his country honorably in the U.S. Navy during World War II, in Okinawa, Japan, and was a member of Browns Mills Memorial Veterans of Foreign Wars Post 6805 and the Seabees.

Howard was a resident of Browns Mills for forty-eight years. He was a stationary engineer for Buttonwood Hospital, drove a school bus for the Pemberton Township Board of Education, and he and his late wife, Frances, worked for the Burlington County Times as newspaper carriers. Howard was also a member of Browns Mills Senior Citizen Club and St. Ann's Church. In his retirement he enjoyed making miniature doll house furniture.

Madam Speaker, I hope you will join me and a grateful nation in paying tribute to the life of this honorable man for his many contributions to his community and to our great country.

TRIBUTE TO MAJOR KERRY M.
STUDER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Major Kerry M. Studer as a recipient of a Bronze Star Medal for his noble service as Commanding Officer of the 443rd Transportation Company in support of Operation Iraqi Freedom. Major Studer is a native of Mallard, Iowa and is a current resident of Des Moines.

Major Studer earned the Bronze Star, the Department of Defense's fourth highest award given, for his meritorious service, fearless

leadership, and dedication to service during his twenty-one years in the Army Reserve. Major Studer has been deployed during Desert Shield, Desert Storm, and twice during Operation Iraqi Freedom.

Major Studer's commitment and courage during his service in the United States Military serves as an inspiration for soldier and citizen alike. I commend Major Studer for his selfless dedication to our great nation and consider it an honor to represent Major Studer and his family in the United States Congress. I know my colleagues join me in congratulating him and wishing him the best in his future service to our country.

MAY AS WORLD HEPATITIS
AWARENESS MONTH

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. HONDA. Madam Speaker, I rise to recognize May as World Hepatitis Awareness Month and May 19th as World Hepatitis Day.

I commend the House Energy and Commerce Committee and House Foreign Affairs Committee for their support for raising awareness of the risks and consequences of undiagnosed Hepatitis B and Hepatitis C infections and the need for governmental and public health actions. I also want to thank my good friends Rep. Ed Towns and Rep. Bill Cassidy for working with me on hepatitis issues and speaking out on World Hepatitis Day.

An estimated 5.3 million people living in the United States are infected with either Hepatitis B or Hepatitis C. Hepatitis viruses are highly contagious viruses that infect the liver, cause liver disease, liver cancer, and premature death. Hepatitis patients are found in every Congressional district in every state across the U.S. Tragically, more than half are unaware of their status. Hepatitis is often called a silent crisis, but we cannot afford to be silent any more, and we will not be silent any more.

I introduced H.R. 3974, the Viral Hepatitis and Liver Cancer Control and Prevention Act of 2009 to unite the Hepatitis B and Hepatitis C community in a singular cause. H.R. 3974 will amend the Public Health Service Act to make critical improvements for education for patients and health care providers, access to immunization and screening, and surveillance and referral to care programs. The Act will also put in place a coordinated federal response to fight viral hepatitis. Through this legislation, and with strategic investments in public health and prevention programs, the lives of tens of thousands of people across the nation will be improved.

I commend the Obama Administration and Assistant Secretary for Health at the Department of Health and Human Services Dr. Howard Koh for developing an intradepartmental viral hepatitis working group to improve the public health response to the disease, and for working with outside partners to increase access to quality health care and reduce the health effects from viral hepatitis.

I urge all of my colleagues to support the goals and ideals of World Hepatitis Awareness

Month and to support H.R. 3974. Through comprehensive education, research, and coordination, we can highlight the global nature of chronic viral hepatitis epidemics, work to improve the quality of life for those diagnosed, and prevent further spread of the disease.

RECOGNIZING THE 130TH ANNIVERSARY OF THE FIRST NATIONAL BANK OF WEATHERFORD, TEXAS

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Ms. GRANGER. Madam Speaker, I rise today to recognize the First National Bank of Weatherford, Texas, which has been serving the banking needs of the families and businesses of Weatherford and Parker County for 130 years.

The First National Bank has operated in the City of Weatherford, Texas, continuously since May 15, 1880, and is the oldest national bank charter in the state. Given the trouble the banking industry has faced in the last several years we can all appreciate this enormous accomplishment, which speaks to the strong leadership that has steered the bank over the course of its impressive history.

First National Bank is a true community bank with directors, officers, and employees who are committed to serving the needs of its customers. As with so many community banks the employees are so engaged in the Weatherford community because they are from the community.

The bank has a strong record as a good neighbor, contributing to the growth of the City of Weatherford and Parker County by supporting commerce, local charities and community events.

I congratulate the First National Bank on this significant milestone and wish them continued success in the future.

TRIBUTE TO JOYCE PATTERSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Joyce Patterson on the occasion of her retirement after 22 years of dedicated service as 4-H youth coordinator with the Iowa State University Extension of Boone County, Iowa.

Joyce has not only been a dedicated employee but she has touched every aspect of the 4-H Community. She has been actively involved in 4-H for the past 25 years as a member, club leader, employee, and pioneer in this organization.

Joyce's service to the youth of Boone County is truly something to be admired. The 4-H mission is to empower youth to reach their full potential, working and learning in partnership with caring adults, and Joyce is a shining example of 4-H at its best. She is an exemplary citizen who has instilled the Iowa values of

hard work, self-reliance, and community service in many of Iowa's youth.

I know that my colleagues in the United States Congress join me in recognizing Joyce Patterson's service to the youth of Boone County. I consider it an honor to represent Joyce in Congress, and I wish her much happiness during her retirement.

HONORING GLORIA GUARD, RETIRING AS PRESIDENT OF THE PEOPLE'S EMERGENCY CENTER OF PHILADELPHIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. FATTAH. Madam Speaker, one of Philadelphia's most forceful and effective advocates for homeless women and children is moving into well earned retirement at the end of this month.

Gloria Guard has been President of the People's Emergency Center since 1983—when she started by overseeing rented space in an old church that was only open weekends. On July 1 she bequeaths to her still-to-be-chosen successor a nationally respected \$6 million agency that serves 400 women and children a year while developing almost 200 affordable and special needs housing units in the Powelton neighborhood of West Philadelphia in the 2nd Congressional District. Not only that, she has led PEC to establish 25 small businesses, eliminate 110 vacant lots, and repair houses and storefronts seemingly everywhere in Powelton.

It is a large footprint, and it is a visionary approach to the changing face of homelessness. It is Gloria Guard's approach. John Kromer, former director of Philadelphia's Office of Housing and Community Development, put it best in a newspaper interview about Gloria's retirement announcement: "PEC is not just about homelessness. It's about bringing up the entire neighborhood."

Gloria Guard has brought \$80 million into the People's Emergency Center and to her causes, much of it in federal affordable housing resources. I have been an admirer and a willing target of Gloria's smiling determination to get what she and her clients need. That has made me a frequent visitor at the joyous ribbon cutting ceremonies and hopeful house tours she has arranged that have pointed the way toward a better life for thousands of Philadelphians.

One of the statistics Gloria Guard showcases is that over 90 percent of PEC's shelter and transitional housing residents remain self-sufficient after graduating from the Center's programs. While she directs the hands-on work of PEC, she has stepped up as a compelling advocate for changes in local and national policy that reflect the community of the homeless that she knows so well. She has pushed hard to change federal priorities and funding to deal with the women and children who increasingly face long-term homelessness for a complexity of reasons, not just concentrating on the predominantly male homeless population that is most visible on city streets.

Guard has stated: "I am most proud of the hundreds of homeless families that we helped at PEC who today are independent, working, solid parents and engaged citizens—totally invisible and immersed in the mainstream. Formerly homeless children are succeeding in high school, and a number have gone on to college. I have been truly blessed to encounter so many good people who have overcome such extraordinarily difficult circumstances. They are an inspiration to all of us."

Gloria Guard is not only a winner, she's an award winner. Her work earned her the 2004 Philadelphia Award, an honor reserved for the city's most notable philanthropists, artists, political visionaries, and social activists. She has also received the Sower's Seed Award from Trinity Washington University (2009), the Gold Coin Award from Inglis Foundation (2008), and was named one of the 75 Greatest Living Philadelphians by the Philadelphia Eagles and Dunkin' Donuts (2007) and Citizen Volunteer of the Year by the United Way of Southeastern Pennsylvania (2001). Other honors include the Community Champion Award of the National Association of Housing and Redevelopment Officials (2005), the Philadelphia Bar Foundation's Louis D. Apothaker Award (2000), and the Professional Women's Roundtable award for 2009.

Now she can add yet another honor: Tonight, on Tuesday June 8, 2010, Gloria Guard is being feted by the People's Emergency Center and awarded PEC's own 2010 Imprint Award for "Nurturing Families, Strengthening Families, Driving Change." The venue is one of Philadelphia's most glittering, the Crystal Tea Room at the Wanamaker Building, across from City Hall. The invitation beckons Gloria's friends, supporters, admirers, staff, volunteers, PEC alumni and alumnae to salute this "passionate voice of homeless families in Philadelphia, the power behind neighborhood revitalization, and nationally recognized public policy leader who gets results. Join us to thank Gloria for devoting her life to social justice and the public interest."

Amen to that. Philadelphia is a better place, a more nurturing and supportive community, a place where women and children can find safety, security and vital services, because for 27 years Gloria Guard has worked relentlessly, passionately through the People's Emergency Center to end family homelessness. Gloria Guard's legacy is secure, and it is magnificent.

RECOGNIZING THE BEACON GROUP AND THE ABILITYONE GROUP

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRIJALVA. Madam Speaker, today I rise to recognize the AbilityOne program, which over the past several years has offered skills and jobs training to more than 42,000 Americans who are blind or have significant disabilities.

The AbilityOne Program harnesses the purchasing power of the Federal Government to buy products and services from participating

community-based nonprofit agencies dedicated to training and employing individuals with disabilities. This program affords Americans with disabilities the opportunity to receive good wages and benefits and gain greater independence and quality of life.

Employment opportunities through the AbilityOne Program have significantly contributed to bringing people who are blind or have significant disabilities into the wider working society.

It is with great pride that I also acknowledge the Beacon Group Inc., one of the many social enterprises dedicated to enriching the lives of people with disabilities.

Since its beginning in 1952, the Beacon Group has been committed to providing employment-related opportunities to people with disabilities. It provides access to real work for a segment of the community that traditionally bears an unacceptably high unemployment rate. The Beacon Group now serves over 1,600 people with disabilities annually by providing a variety of employment opportunities and educational and social rehabilitation programs, all of which help lead to more meaningful and productive lives.

Madam Speaker, it is with great pleasure that I offer my support to the AbilityOne Program and commend the dedication and commitment of the Beacon Group's President, Mr. Steven King, and his staff, for helping individuals who are blind or have significant disabilities find employment. Their work helps people live fuller lives and become more active members of society. I also commend the many AbilityOne employees who work every day to improve the lives of others and make our country a better place to live.

TRIBUTE TO LUCY CHEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Lucy Chen, of Ames, Iowa, who is among the outstanding U.S. high school students selected to attend the annual Research Science Institute sponsored by the Center for Excellence of Technology and the Massachusetts Institute of Technology (MIT).

The mission of the Center for Excellence of Technology is to nurture young scholars to careers of excellence and leadership in science, technology, engineering, and mathematics. The Research Science Institute is a highly competitive six-week program which emphasizes advanced theory and research in mathematics, the sciences, and engineering. Lucy was selected for this program upon scoring in the upper one-percent of U.S. student PSAT exam scores. From June to July 2010, Lucy will learn from distinguished professors and conduct a research project at MIT.

I commend Lucy for her commitment to academic achievement and leadership in science and technology. She is a future leader of this country of whom Iowa is very proud. I am honored to represent Lucy and her family in the United States Congress and I wish her the best in her future endeavors.

HONORING BRIGADIER GENERAL RICHARD L. SIMCOCK, UNITED STATES MARINE CORPS

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. ISSA. Madam Speaker, I rise today to recognize Brigadier General Richard L. Simcock, United States Marine Corps.

From August 2009 to June 2010, Brigadier General Simcock distinguished himself through meritorious service while serving as the Legislative Assistant to the Commandant of the Marine Corps. Utilizing his leadership, communication skills, and dedication to duty, Brigadier General Simcock contributed to numerous successes of the overall Marine Corps mission. His knowledge of and experience in Congressional affairs, combined with an emphasis on Congressional relationships advanced the Commandant's strategy and vision. His leadership during this period has enabled the Marine Corps to continue to succeed despite high operational tempo and unprecedented interest in Marine Corps activities.

Brigadier General Simcock has developed an exceptional relationship with Members of Congress and staff members. We benefitted from his counsel and tireless work to provide answers to our questions about the Marine Corps, Marines and their families. This strong professional relationship is a direct reflection on Brigadier General Simcock's dedication, foresight, and proactive approach during his time as the Commandant's Legislative Assistant.

Working in concert, Brigadier General Simcock, the Armed Services Committees and numerous other Members of Congress, have helped to ensure the health of the Marine Corps. In the past year, Brigadier General Simcock's input and experience were paramount in the continued development, support, acquisition, and championing of Marine Corps initiatives and programs such as the Joint Strike Fighter. During this period, excluding hearings and official travel, General Simcock has responded to 3,886 Congressional Inquiries, 779 official requests-for-information from Members and Professional Staff, and connected Members with Marine General Officers on 425 occasions. His understanding of the legislative processes, his responsiveness and accurate, forthright communication with the Congress has furthered comprehensive support for the Marine Corps.

Brigadier General Simcock's leadership has set a new standard for the Office of Legislative Affairs and his genuine devotion to Corps and Country will ensure the Marine Corps is "most ready when the Nation is least ready" for many years to come.

TRIBUTE TO CHARLIE HEIDERSHEIT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Charlie Heidersheit, a native of Osage, Iowa who is stepping down after 33 years as the Executive County Farm Service Agency Director of Mitchell County, Iowa.

After studying at Loras College in Dubuque, Charlie came to Osage to begin his job as County FSA Director. This agency is in charge of delivering federal farm programs directly to Iowa Farmers. His dedicated service has helped countless Iowa farmers and contributed to Iowa's strong agricultural economy.

Although Charlie is retiring from his position as County FSA Director, he plans to continue to be an active member of Sacred Heart Catholic Church in Osage and spend more time volunteering in the community through many of the local organizations he has been active in including the Osage Knights of Columbus, Osage Lions Club, Osage Kiwanis, and Osage Cub Scouts.

I know that my colleagues in the United States Congress join me in recognizing Charlie Heidersheit and thanking him for his service to the State of Iowa. I consider it an honor to represent Charlie in Congress, and I wish him a long, happy and healthy retirement.

SHAWNEETOWN BICENTENNIAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. SHIMKUS. Madam Speaker, I rise today to honor the City of Shawneetown, Illinois, upon its bicentennial. Shawneetown was established as a city by the Federal Government in 1810 and is the oldest chartered city in the State of Illinois.

Shawneetown was home to the first bank in the Illinois Territory, chartered in 1816 and located in the John Marshall residence near the Ohio River Bridge. The first State bank in Illinois was built in 1839-1840 in Shawneetown.

General Marquis de LaFayette, of France, visited Shawneetown in 1825, as part of his famous tour of America after he had served so valiantly during the American Revolution.

Shawneetown was flooded by great flood of 1937. The gauge read 66 feet, which was five feet higher than the top of the levee. Following the 1937 flood, Shawneetown moved three miles west and was surveyed by the Federal Government.

Today, Shawneetown is the home of Bunge Grain Corporation, Power Inc., Shawneetown Harbor Service, Inc., a Peabody Coal Company River Dock and several other small businesses.

I would like to congratulate the citizens of Shawneetown as they celebrate 200 years of success. May God bless Shawneetown for many years to come.

RECOGNIZING DONALD DYE—WINNER OF THE TOP TEACHER AWARD

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Donald Dye, an English teacher at the Belmond-Klemme Community School District in Belmond, Iowa, for winning the national "Top Teacher Award" search. Mr. Dye was named the top teacher on the Live with Regis and Kelly television program.

Mr. Dye was recommended for the award by Jim and Dianna Suntken and Curt and Diane Stadlander, who wrote of Don in their nomination essay:

"Teaching is his passion! He believes in a good education for all and that school pride makes good citizens and a better world. Mr. Dye is affectionately known to his students and friends as "Mr. D". He is a compassionate, unselfish teacher who believes that all students, no matter their life styles or race, are all worthy and should always be taken seriously. All students are treated equal and special by him.

"Don Dye teaches English/literature and short stories at the Belmond/Klemme high school in our small community of Belmond, Iowa, where he has taught many different age levels for 37 years. He is respected and looked to for advice by fellow teachers not only for his teaching expertise, but for his warm and bubbly personality and incredible sense of humor. He has been on many committees and boards in the local school, area, and state.

"On the first day of school, Mr. D supplies the students with his home and cell phone number and strongly encourages them to call him night or day, no matter what the problem—whether if its to retrieve something from a locker, help writing a paper, and most importantly if they need a friend or someone to listen to them. He always says no problem is too big or small. He is always available 24-7 without fail. His family and friends tease him about not getting enough sleep, because his phone is always ringing. Just the other day a young boy needed someone to talk to about his sister lying in a hospital bed while taking chemotherapy and he knew that Mr. D always has time to listen. His closest friends know that he keeps his simple apartment, so he can have time to help people and families in need. Many years ago he lost the love of his life in a car accident; and since then he has devoted his life to helping others.

"Don Dye also takes great pride in our community. He has served on many boards, community events, and helped with many fundraisers for students or people in the community suffering from cancer, needing organ transplants, or other crises. He makes hospital visits, always surprising people with baked goods, and helping neighbors in need in some way—even if they don't think they are "in need". If someone is short on money, he will help them financially or lend a listening ear. He says he is just "doin' what his mamma and papa taught him", being raised a Pastor's kid

and learning this as a child. Don is very active in church, including his second biggest passion of sharing his talent of music—playing the organ or singing in choirs. He is often found helping involve other people and youngsters to share their musical talents.

"But the "job" that Mr. Dye is the most passionate about is his teaching. You will often find him on the weekends at the school working on papers, thinking of great ways to involve the students and present his literature, helping students fill out scholarship papers, or helping former students with college work. And his cell phone still rings with college students needing advice not only in academics, but often adapting to college life or dealing with life's struggles. You will find college students stopping by the school just to check in with Mr. D.

"All students' self worth and pride are very important to Mr. Dye. He wants them to feel good about themselves. He will often brighten their moods or spark up their energy levels with music and a "little dance" as they enter class. No student will ever go hungry around Mr. D, due to lack of time or money. There is always a tub of healthy food. He feels that if students are hungry, their minds are not as sharp. Students also know where to get a tie for speech day, socks or sweatshirts if they are cold, or many other necessities that can be found in his cupboards.

"We hope you will carefully consider Mr. Donald Dye as one of your top teachers, because he never expects any praise or to be in the spotlight. Belmond parents are very grateful to have him as a teacher for their children and role model for all. His favorite motto is "Celebrate the Day", so we want to celebrate a day for Mr. Dye!"

Madam Speaker, Mr. Dye's award also underscores the powerful sense of community in the Belmond-Klemme School District, which rallied around Mr. Dye when it was announced that he was a finalist for the award. Always a humble man, Mr. Dye is among the first to acknowledge that this award, which was determined by online voting and presented live on "Regis and Kelly," couldn't have happened without the community-wide effort and support.

The award underscores the value that Iowa has always placed on education. Every student who has gone to school in Iowa knows a great teacher like Mr. Dye, and every community in the state does everything it can to make sure students have the best possible chance to succeed in the classroom. Iowans know that the best way to invest in the future of our state is to invest in the education of our children. Mr. Dye's award is a testament to the commitment we place on education.

Mr. Dye is an incredible teacher, and his dedication to his profession and to his students should make every Iowan proud. It's an honor to represent him and the people of the Belmond-Klemme Community School District in the United States Congress, and I know that my colleagues in the House join me in congratulating "Mr. D" on this well-deserved award and thanking him for his dedicated service to his community and America's youth.

IN SUPPORT OF "LEAVE NO CHILD INSIDE MONTH"

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. QUIGLEY. Madam Speaker, June is "Leave No Child Inside Month," a time when parents and children are urged to explore, play and enjoy the outdoors in Illinois.

From Millennium Park to Lincoln Park Zoo, the Greenbelt Forest Preserve to McHenry Dam, families will be fishing, picnicking and learning beneath trees, beside beautiful lakes and amidst the natural treasures of Illinois.

This January, I passed a resolution honoring the Chicago Wilderness and the 250 organizations that make up this group of environmental enthusiasts.

They understand that children who grow up with an understanding of the land, air and water surrounding them grow into environmentally conscious adults.

These adults are actively involved in efforts to clean, restore and preserve our precious resources.

This month shows children that catching-and-releasing fish, playing with mud, and building a fort beat a video game any day.

I look forward to joining the fun.

WESLEYAN CHRISTIAN ACADEMY
WINS IT ALL AGAIN

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to extend our congratulations to the Wesleyan Christian Academy's baseball team for winning its second North Carolina Independent Schools Athletic Association 3A state championship in three seasons.

Wesleyan Christian Academy defeated Forsyth Country Day School for the title. The team at Wesleyan Christian Academy fought hard to obtain its second state title. The team exhibited exorbitant amounts of determination and teamwork in order to claim the championship title for the second time. Trojan catcher, Chris Ferrante, hit a three-run homer against Forsyth Country Day, which proved to be just enough to defeat the Furies. Ferrante along with teammates, David Anderson and Bennett Hixon, displayed excellent fieldwork that further solidified Wesleyan Christian's lead. This championship game required tremendous skill and athleticism, not to mention, great advice and wisdom from Head Coach Scott Davis and his coaching staff.

The championship team members included Donnie Caldwell, Casey Corn, Cameron Hendrix, Bennett Hixon, Nick Blackwood, Kyle Washam, David Anderson, Nathan Midkiff, Chris Ferrante, Vincent Banks, Greg Key, Cameron George, and Ethan Brown. The coaching was led by Scott Davis, and his able assistant John Pavlack.

Again, on behalf of the Sixth District of North Carolina, we would like to congratulate

the Wesleyan Christian Academy baseball team, the faculty, staff, students, and fans for an outstanding season.

CONGRATULATING EL PRIMER
PASO LTD.

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor El Primer Paso Ltd., a preschool located in Dover, Morris County, New Jersey, which is celebrating its fortieth anniversary.

In 1969, a group of volunteers formed El Primer Paso with the intent of preparing children from the local Hispanic community for the public school education curriculum. Realizing the unparalleled importance of a solid educational foundation, these volunteers aimed to help local children of preschool age in valuable areas such as the English language and developmental growth.

The Trinity Lutheran Church of Dover loaned El Primer Paso meeting space for its first year, but in 1970 it moved to a house on Richards Avenue, owned by the Holy Rosary Church. Seven years later, the organization received a Comprehensive Employment and Training Act grant, its first government assistance. This grant allowed El Primer Paso to pay the salaries of two teachers, paving the way for the establishment of a formal program, complete with two half-day sessions, five days a week.

In 1980, El Primer Paso added adult language courses in response to numerous requests from parents of the preschoolers. These courses have since flourished into a thriving English as a Second Language Program, teaching local adults valuable communication skills for both work and social environments.

In 1984, El Primer Paso further expanded to include a preschool program for three year-olds. Four years later, the organization also began sponsorship of a Family Childcare Program, which provides training to those who desire to open Family Childcare homes. It also became a sponsor in the New Jersey Department of Agriculture's Family Child Care Food Program, ensuring that children receiving childcare from registered providers would receive nutritionally balanced meals and snacks at no cost to their parents.

Finally, in November 2000, after many years of borrowing space from the Holy Rosary Church, El Primer Paso opened the doors to its brand new facility at 29 Segur Street in Dover. Then, in 2009, the organization received accreditation from the National Association for the Education of Young Children, a standard met by fewer than ten percent of preschools across the nation.

El Primer Paso continues to look toward tomorrow as it prepares to expand its facilities. As they have the most devoted staff and trustees, the future of their school, as well as their students, is sure to be bright.

Madam Speaker, I ask you and my colleagues to join me in congratulating El Primer

Paso Ltd., for its 40 years of admirable service to the community.

A SPECIAL TRIBUTE TO THE OHIO
ARMY NATIONAL GUARD'S
1483RD TRANSPORTATION COM-
PANY UPON ITS RETURN FROM
DEPLOYMENT

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to a brave group of individuals from Ohio. The 1483rd Transportation Company is celebrating its return from service in the theater of Operation Iraqi Freedom and the broader conflict of America's Global War on Terror.

There is no question the Ohio National Guard is one of the fundamental military components of our country. Over its brief but active course of service to our great nation, the Ohio Army National Guard's 1483rd Transportation Company has demonstrated its commitment to the cause of freedom. These soldiers have contributed to the long history of the U.S. Army Transportation Corps, dating back to 1942.

This Walbridge, Ohio-based Guard unit travelled over 325,000 miles, carrying with it almost 33,000 tons of equipment in support of America's efforts in Iraq. These soldiers conducted nearly 150 combat patrols, five vehicle recovery operations and a humanitarian mission where educational materials were shipped abroad. The 1483rd Transportation Company also moved over 400 Mine Resistant Ambush Protected vehicles, nearly 150 Bradley Fighting Vehicles and M1 Abrams tanks, and also helped in the U.S. military drawdown initiative in Iraq.

The 1483rd Transportation Company is deserving of the greatest respect and our highest honor. These individuals have not only ably and faithfully served our great nation in the theater of war, but have selflessly supported humanitarian efforts in the wake of Hurricanes Katrina and Gustav. Surely, America's safety and wellbeing have been strengthened by its steadfast service.

Madam Speaker, I ask my colleagues to join me in paying special tribute to the Ohio Army National Guard's 1483rd Transportation Company. America is well served by dedicated service men and women who have gone above and beyond the call of duty to protect our beloved nation. On behalf of the people of the Fifth Congressional District of Ohio, I am proud to recognize these citizen soldiers upon their return from serving America's interests in Operation Iraqi Freedom.

REID JOHNSON AND PAL

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. REICHERT. Madam Speaker, I rise today in recognition of an enthusiastic public

servant, someone who works tirelessly in our community, and who has a big heart for young people and a dedication to law enforcement. Reid Johnson, a King County Sheriff's Office Sergeant and the Executive Director of the Greater King County Police Activities League (GKCPAL), continues to make a remarkable difference in the lives of thousands of young people throughout King County.

Madam Speaker, the GKCPAL is not an extension of the King County Sheriff's office. It is a chapter of the nationwide PAL program; in other words, everyone working on behalf of the GKCPAL is a volunteer. No one, Madam Speaker, gives more time than Reid. His name is now synonymous with law enforcement and public service in King County. He spends time at schools, gymnasiums, and local hangouts—anywhere young people may need guidance and direction. Reid is doing so much to make our community a better place, Madam Speaker, and I thank him for his service.

The national PAL program is recognized by the Department of Justice as a juvenile delinquency reduction program. In King County, PAL gives young people a productive outlet through mentoring, music, and a variety of other activities. Reid doesn't sit in an office and direct these programs. He is constantly in engaging individuals and families, and developing new and unique ways to make a difference. Madam Speaker, I urge every one of my colleagues to support their local PAL chapter—the programs available make a big difference in the lives of our young people, and to our overall public safety.

Reid's work with PAL is helped by his work overseeing the School Resource Officers with the King County Sheriff's Office. Reid is efficient and effective at what he does because everyone he encounters knows he means what he says. Reid is a dedicated servant. He's a special man and King County is a better place because of him.

Madam Speaker, I ask this House to join me in thanking Reid for his service and to wish him the very best as he continues to mentor and affect the lives of our promising young people.

FREEDOM FOR PEOPLE OF IRAN

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GARRETT of New Jersey. Madam Speaker, on Saturday, June 12, 2009, the Iranian people went to the polls to vote in Iran's tenth presidential election. Today, almost exactly one year later, two things have become much clearer.

First, we have seen just how oppressive and authoritarian the Iranian regime is. When Iranian citizens took to the streets to dispute the results of the election, government officials responded with violence, murdering innocent people like Neda Soltan and assaulting others. Rather than apologizing for these atrocities, President Ahmadinejad dismissed the initial unrest as "not important" and accused foreign media of launching a "psychological war"

against Iran. In the months following the election, government officials continued to arrest, torture, and imprison protestors and their family members.

Even now, the government's persecution of pro-democracy demonstrators continues. On May 9, five political prisoners, four of them Kurds, were hung. The following day, the Iranian court sentenced a Newsweek reporter, in abstentia, to 13 years in prison. In addition, Amnesty International reported a few weeks ago that 6 more people were sentenced to death for their association with the banned Iranian opposition, or having visited the group's Camp Ashraf, in Iraq.

Second, we have seen just how much the Iranian people desire freedom from the current regime. Despite the threat of injury and even death, Iranian citizens continue to express their displeasure with the current government. In December, Iranian activists participated in demonstrations in Tehran and other cities across the country. When President Ahmadinejad visited Tehran University a month ago, student demonstrators protested.

In light of these events, I recently joined twelve of my colleagues in signing a bipartisan letter to President Obama, encouraging him to support the Iranian dissidents' efforts and work with international partners to put pressure on Iran.

I am also a co-sponsor of H. Res 704 that has 224 bi-partisan co-sponsors and supports the rights of the Iranian dissident members in Camp Ashraf, Iraq. We must condemn attempts by the Iranian regime and the Al-Maliki Government to harm these Iranian political refugees.

Finally, I praise New Jersey Assemblyman John Bramnick and the teen advocacy program No Nukes for Iran for planning a rally in Trenton on June 10. This event is sponsored by numerous Jewish organizations who wish to raise awareness of the danger a nuclear Iran poses for the citizens of Iran, as well as Israel and the U.S. As a conferee on the Iran Sanctions Conference Committee, I will continue to support prompt, aggressive action to deter Iran's nuclear ambitions. I also praise New Jersey government officials and non-profit groups for divesting pension and annuity funds from companies that do business with Iran's petroleum sector.

I am honored to stand with the thousands of Iranians who have dared to voice their opposition to the current regime and the journalists who have had the courage to cover their actions.

CONGRATULATIONS TO THE
CONCORDIA ORIOLES BASEBALL
TEAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. SKELTON. Madam Speaker, it is my honor to inform you that on Thursday, June 3,

the Concordia High School Orioles baseball team became the 2010 1-A Missouri State Champions. Under Head Coach Nathan Beissenherz and Assistant Coach Brandon Figg, the team finished the season with a 19-3 record. This is the first state championship for any sport in Concordia High School history.

After a 15-3 regular season record, the Orioles defeated Wellington (4-2) in the Class 1-A Sectional and then defeated Liberal (5-2) in Quarterfinal play. This earned the club a trip to the finals in Springfield, Missouri, which was hosted at Drury University's Meador Park. The Orioles then defeated St. Elizabeth (9-3) and played Brashear in the final game. The team played solid defense and took advantage of opportunities in the field and at the plate, which propelled the CHS Orioles baseball team over Brashear (6-1) to win the state championship.

Members of the Concordia Orioles baseball team include: Collin Werths, Drew Smith, Kent Schuette, Dustin Heineken, Alic Frerking, Blake Smith, Tyler Tolias, Blake Heimsoth, Travis Flandermeyer, Jesse Flandermeyer, Carter Brown, Hayden Brown, Jacob Summers, Jacob Harms, Cale Brunkhorst, Zach Wolski, J.R. Langkrah, Chris Latty, Josh Kock, assistant coach Brandon Figg and head coach Nathan Beissenherz.

Madam Speaker, the members of the Concordia High School Orioles baseball team have distinguished themselves as the 2010 Class 1-A Missouri High School Baseball State Champions as well as the first state champions in Concordia High School history. I am sure that my colleagues will join me in wishing Coach Beiz and his team all the best.

ROSELAWN AMERICAN LEGION
AUXILIARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I stand before you today to honor one of America's finest organizations, the American Legion, and to recognize one of its local Auxiliary units, Roselawn American Legion Auxiliary Unit 238, as they recognize their newly elected officials. The members of the American Legion Auxiliary Unit 238, as well as the Legionnaires and the Sons of the American Legion, will be recognizing these individuals at the Installation of Officers Awards Dinner held on Wednesday, June 2, 2010 at the American Legion Post 238 in Roselawn, Indiana.

For many years, Roselawn American Legion Post 238 has been an extraordinary example of the ideals and mission of the American Legion. The American Legion Auxiliary was established in 1919 to assist the American Legion and has quickly become the world's largest women's patriotic service organization. For

volunteering many hours to our American veterans and to the community of Roselawn, as well as all of Northwest Indiana, the American Legion Auxiliary Unit 238 and its newly elected officers are to be honored.

Please join me in recognizing the 2010-2011 newly elected officers for the Auxiliary Unit 238: Tina Stevens—President, Elizabeth Albright—First Vice President, Roxanne Hepworth—Second Vice President, Jane Bower—Recording/Corresponding Secretary, Adrian Mandernach—Chaplain, Natalie Haberbarker—Historian and Parliamentarian, Lupe Hinch—Sergeant-At-Arms, and Jeannette Sutton, Nancy Lanier, and Phyllis Lindley—Executive Board Members.

Madam Speaker, I ask that you and my other distinguished colleagues join me in recognizing the American Legion Auxiliary Unit 238 and its newly elected officers. I also ask that you join me in honoring its membership for their service to their community, its veterans, and their devotion to the ideals of the American Legion.

HONORING VETERANS OF DELTA
COMPANY

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the distinct patriotic and heroic service of the Army Veterans of Delta Company, 1st Battalion, 501st Infantry, 101st Airborne Division, including three brave soldiers who lost their lives serving the United States in this Division. These soldiers of the United States Army made the ultimate sacrifice and dedicated their lives to serving the United States in 1970 and 1971.

The patriotism and heroism displayed by this Division are profound and immeasurable. They left their families and friends to fight for this country. They risked everything to fight for America and its future generations. In battle, these soldiers faced extraordinary circumstances and physical hardships. For this, we as a nation are forever in their debt and grateful for their loyalty and bravery.

Madam Speaker, I ask my colleagues to join me in recognizing the Veterans of the 101st Airborne Division for their invaluable service to our nation in time of war. It is my honor and privilege to pay tribute to these veterans and their families who proudly wore the uniform of their country, endured the rigors of war, and fought for our liberty and the freedom of future generations of Americans.

SENATE—Wednesday, June 9, 2010

The Senate met at 10 a.m. and was called to order by the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who turns night shadows into morning, we pause in the freshness of this new day to seek Your guidance and to understand Your will.

Lead our lawmakers as they strive to serve the American people. Mold our Senators to Your purposes, fashion them with Your hands, and shape them into instruments for Your use. May they be sincere and honest in their relationships with one another, modeling integrity in all they do. Lord, empower them to do justly, to love mercy, and to walk humbly with You.

Bring sense and system to our disordered world so that we may find the pathway that leads to peace.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL F. BENNET led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 9, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BENNET thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will re-

sume consideration of the House message to accompany H.R. 4213, which is a bill to extend a number of expiring provisions, some of the tax issues we have to deal with every year, and some other good things to create jobs. There are going to be rollcall votes throughout the day.

We have four amendments that are pending. The chairman and I spoke last night. We believe we need to clear some of these amendments out of the way before we start piling on more amendments. We really need Members to come forward. If they have amendments, talk with the managers of the bill. We need to move forward on this legislation. We cannot sit here, as we did yesterday, and not do a lot.

Tomorrow, as everyone knows, we are going to spend a lot of time on the Murkowski resolution. That could take as many as 7 hours of floor time.

We need to move forward. We are out of session on Friday and Monday, really the only two nonvote days we have this entire work period.

PRIMARY NIGHT

Mr. President, it was primary night last night. I expressed in many different ways—I was up early this morning with my supporters in Nevada, telling them I appreciate their help.

I congratulated my Republican opponent in the general election, Sharron Angle, on the campaign she ran. She actually came from nowhere in a 13-person field in the Republican primary to win this election. I extended my appreciation to her in that regard.

BASEBALL

Mr. President, as a little sidenote, because we have 5 months to campaign all over the country, including Nevada, I want to take a pause and think about some of the things going on in the country.

One of the things going on in the Nation's Capital is tremendously interesting to me, and that is baseball. I watched on television last night much of the performance of this 21-year-old phenom, Stephen Strasburg. I watched not only him pitch but the interview after the game. He is 21 years old. He carried himself so well. In 7 innings, he struck out 14 Major League Baseball players. He did it very well. He is right-handed, but he reminded me so much of Sandy Koufax because he throws more than 100 miles an hour. He throws a curveball about 85 miles an hour. People who follow baseball know that is remarkable. That is great control. The reason I mention that is because he was the No. 1 draft choice for the Washington Nationals.

The No. 1 draft choice for the Washington Nationals a couple of days ago

was a 17-year-old boy from Las Vegas, NV, named Bryce Harper. When Bryce Harper was 15 years old, he hit a home run more than 550 feet, which is a Mickey Mantle-type of home run, which Mickey Mantle did not do often. He took the GED when he finished his sophomore year in high school. He went immediately to junior college and played in the Junior College World Series this year. He is a wonderful young man. He has a great family. He is going to be in Washington playing Major League Baseball very soon. I think he will probably start playing in the Major Leagues at about the same age as Al Kaline did, who was a Major League Baseball player. He throws as well as Al Kaline. He hits probably better than Al Kaline did.

Washington is fortunate to have these two fine young men. Not only are they great baseball players, but from everything we know about the two young men, they are good role models for young men and women around the country.

Mr. MCCONNELL. Mr. President, will the majority leader yield before changing the subject?

Mr. REID. Yes.

Mr. MCCONNELL. Mr. President, I say to my friend from Nevada, I was there. I had a chance to see Strasburg. As remarkable as the 14 strikeouts my friend referred to is the fact he did not walk anybody. What a remarkable athlete. We can only hope and pray that his arm holds up and that he has the kind of career everyone is anticipating. There was literally electricity in the air. It was an exciting event. It was great to be there.

Mr. REID. I so appreciate my counterpart talking about that. I wish I could have been there. But it was, even watching it on TV—gee whiz, there are those of us who love sports, and I know my friend loves basketball, especially that which takes place in Kentucky and the others, of course, in Kentucky. But this was really a remarkable performance. For Washington, which has been so starved for a good athletic team of some kind, it was nice.

I say to my friend through the Chair, when I was going to law school here, I watched two Major League Baseball games in the old Griffith Stadium. Oh, they were so much fun. I don't know who won. I am sure the Washington team lost. I know the two teams they played both times were the Yankees, where I watched Roger Maris, Mickey Mantle, Yogi Berra, and all those great players.

From this work in which we are engaged, which is always so serious, it is

nice once in a while to divert our attention to something that is a little more relaxing. That baseball game last night was not relaxing, but it sure was a lot of fun.

Mr. President, my staff just indicated that I said we would not be in on Friday and Monday. We probably will be in; there will just be no votes.

Mr. MCCONNELL. Mr. President, if I may add one point, the majority leader mentioned that Bryce Harper was drafted by the Nationals on Monday. I look forward to him being the next Nevada contribution to the Washington area, right after my friend the majority leader.

Mr. REID. Mr. President, I say to my friend, it is a wonderful story. His brother, who was a great pitcher at California State Fullerton—which won the NCAA National Baseball Championship—his brother thought so much of his little brother, who is 4 years younger than he is, that he transferred from California State Fullerton to a junior college so he could play with his brother. The elder Harper is a pitcher, and the catcher is his little brother. The senior member of the brotherhood of Harper ball players, his record was 12 and 1 this year.

Another word about Bryce Harper. Community college baseball is very competitive. The record for the most home runs for any player in junior college baseball was 12. Bryce Harper hit 30. His batting average as a 17-year-old boy playing with men was .450. In one game, he was six for six. I think he had three or four home runs. It is an interesting story.

Mr. MCCONNELL. Mr. President, I will say that what one can conclude from this is that next year, when the Senate is not in session in the evening, both the Democratic and Republican leaders will be at the Nats games.

Mr. REID. I think that is pretty clear.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

URGENT CRISES

Mr. MCCONNELL. Mr. President, our Nation faces many urgent crises at the moment. Americans are looking for solutions. They are not getting any from Washington. Whether it is the housing crisis or the financial crisis, the debt crisis or the crisis in the gulf, what they are getting is a White House and a Democratic majority in Congress that seems more intent on pursuing a government-driven political agenda than finding commonsense solutions to the problems about which all of us are concerned.

Americans are exasperated by all this, but they should not be surprised

because if there is one motto that defines this administration, it is the one delivered by the White House Chief of Staff in a revealing moment just after the President's election. I am referring, of course, to what Rahm Emanuel famously referred to as "Rule 1: Never allow a crisis to go to waste." It is a fitting slogan for an administration which saw a crisis at some of America's great automaking firms as an opportunity for the government to extend its reach into industrial policy, which saw the panic on Wall Street as an opportunity for government to extend its reach further into Main Street, which saw out-of-control costs in health care as an opportunity to extend government's reach further into health care decisions of every American, and which is now talking about using a nightmarish environmental calamity in the gulf as a prime opportunity to extend government's reach even further into Americans' lives through a new, job-killing national energy tax that would hit every single household and business, small or large, in our country.

Think about it. For more than 50 straight days, an underwater geyser of oil, now roughly the size of Vermont, has been polluting the gulf. This is the kind of crisis that in the past would have united the Nation in a focused effort to solve the problem. Yet day after day, as this toxic oil continues to flow, what we get from the administration is some new twist on the blame game or some ham-handed effort to appear in control of the situation.

Meanwhile, in Congress, we are getting much the same thing. The deficit extenders bill that is now on the floor was supposed to be about giving job creators some assurance that the tax benefits they currently are receiving and on which they depend to retain workers will be there the next time they have to make a major business-related decision. Yet Democrats are using this bill as another opportunity to extend government's reach. Desperate for funds to bail out programs, they are raiding a trust fund—get this—created to pay for just the kind of cleanup we now need in the gulf. They are quintupling the tax that oil companies pay into the Oil Spill Liability Trust Fund that was created in the wake of the Exxon Valdez fix, and instead of using this money to clean up the oil that is spewing in the gulf, they are raiding the trust fund to pay for new unrelated spending.

Dipping into the oilspill trust fund in order to pay for something else—in other words, they are using the crisis in the gulf not only as a cover for even more government spending but as a major source of funding for it. This is really an outrage, and it should give every American a window into the Democratic approach to spending, as well as the lack of seriousness about the debt. Frankly, they just cannot re-

strain themselves. That is the only possible excuse for raiding this trust fund for unrelated government spending.

At the same time, as Americans wonder when this gusher will ever be plugged, we hear word that the administration and my good friend, the majority leader, want to piggyback their controversial new national energy tax—also known as cap and trade—to an oilspill response bill that could and should be an opportunity for true bipartisan cooperation. So again we see the administration using a crisis—in this case the disaster in the gulf—as an opportunity to muscle through Congress another deeply unpopular bill that has profound implications for small businesses and struggling households.

Look, if the health care debate taught us anything—anything at all—it is that Americans want these kinds of massive bills to be debated out in the open, not rushed past them on a holiday or tucked into a must-pass bill aimed at alleviating the kind of suffering we are seeing in the gulf. The problem for Democrats is that debating the Democratic cap-and-trade bill might not fit neatly into the White House messaging plan since it has been widely reported that a major part—a major part—of the Kerry-Lieberman bill was essentially written by BP.

Let me say that again: A major part of the Kerry-Lieberman bill was written by BP. This is clearly an inconvenient fact. An administration that seems to spend most of its time coming up with ways to show how angry it is with BP is pushing a proposal that BP actually helped to write. I can't understand, and I don't think the American people will understand, why the majority believes it makes sense to respond to the BP oilspill by imposing a gas tax increase on the American people that was advocated by BP.

I think the American people want us to work together to address the disaster in the gulf, not exploit it—not exploit it—for partisan political purposes. The oilspill trust fund ought to be used to clean up oilspills. The oilspill trust fund ought to be used to clean up oilspills. This is one crisis Americans will not let Democrats exploit for their policy purposes.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 4213, which the clerk will report.

The legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment to H.R. 4213, an act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus amendment No. 4301 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute;

Sessions/McCaskill amendment No. 4303 (to amendment No. 4301), to establish 3-year discretionary spending caps;

Cardin amendment No. 4304 (to amendment No. 4301), to provide for the extension of dependent coverage under the Federal Employees Health Benefits Program;

Franken amendment No. 4311 (to amendment No. 4301), to establish the Office of the Homeowner Advocate for purposes of addressing problems with the Home Affordable Modification Program; and

Cornyn/Kyl amendment No. 4302 (to amendment No. 4301), to increase transparency regarding debt instruments of the United States held by foreign governments, to assess the risks to the United States of such holdings.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, in a few moments I will speak on the pending business before the Senate—the American Jobs and Closing Tax Loopholes Act—but before I do, I would like to refer to the comments of the Republican leader, as well as the statement of the Senator from Louisiana that he gave yesterday.

For several months now, Americans have witnessed a massive oilspill in the Gulf of Mexico, Americans have seen the sweeping environmental damage, and Americans have seen the dramatic economic effects. It is something that is overwhelming, it is appalling, and it is incredible how much damage is being created by the BP gulf oilspill. I am sure to the average observer there might seem no better time than now to ask oil companies to contribute more to shoulder the burden of the oilspill. Actually, they have caused the spill—at least one company has—and they should bear the burden.

This, then, would seem to be an appropriate time to raise the oilspill liability tax. The oilspill liability tax is pretty small. It is 8 cents a barrel. That is all it is currently. One would have to come up with a pretty creative argument if one wanted to protect big oil companies from this fee.

Well, the Senator from Louisiana, and just now the Republican leader, have done that. They have come up with a pretty creative argument to protect the oil companies. The Senator from Louisiana, for example, has returned to the last refuge of bean counters, and he has cried double counting. The double counting argument seems to be a favorite among bean counters, Mr. President. It seems

to be the argument one falls back on when one cannot argue the substance and one just wants to muddy the waters. In reality, the funds collected by raising the oilspill liability tax will strengthen the Oil Spill Liability Trust Fund. That is simple arithmetic. But opponents of raising the tax on big oil companies want to make it less attractive for doing so. They want to make it so that the funds collected by raising taxes on big oil do not count in the Federal budget. That way it will be less effective and less attractive to raise taxes on big oil.

So don't be misled by the green eyeshades talk. Don't be misled by the bogus charges of double counting. Don't buy into the arguments of those who want to protect big oil. I urge my colleagues that when we get to it later today to vote against the Vitter amendment and to reject the arguments we have been hearing today that raising the per-barrel tax for funds which go into the oilspill liability fund is somehow double counting because, clearly, that money goes into the trust fund, and funds from that trust fund are then used to pay for the cleanup and some damage that has occurred and also counts toward reducing the Federal deficit because it is extra money that goes to government debt and, therefore, is money which is not doubled counted.

I urge my colleagues to reject those arguments.

Mr. DURBIN. Will the Senator from Montana yield for a question?

Mr. BAUCUS. I will yield to the Senator.

Mr. DURBIN. I listened to the statements made today by the Republican leader about the increase in this fee that is to be paid into the Oil Spill Liability Trust Fund. I would like to ask the chairman of the Finance Committee, currently, the fee is 8 cents a barrel?

Mr. BAUCUS. That is correct.

Mr. DURBIN. And the price of a barrel of oil, as of this morning's Wall Street Journal, is \$71.99 a barrel?

Mr. BAUCUS. That is correct.

Mr. DURBIN. So this is a small, tiny fraction—one-tenth—

Mr. BAUCUS. Of the current fee.

Mr. DURBIN. Of the current fee. One-tenth of 1 percent as best I can calculate it.

Mr. BAUCUS. That is true.

Mr. DURBIN. That is being paid by oil companies into a fund so that if there would be a spill and the oil company responsible couldn't pay for it, they would have at least accumulated enough money to protect the taxpayers—

Mr. BAUCUS. That is correct.

Mr. DURBIN. From this liability.

Mr. BAUCUS. That is correct. I might also say this fund was created in the wake of the Exxon Valdez spill.

Mr. DURBIN. Twenty-one years ago. I might also ask the chairman of the

Finance Committee, it is my understanding that the total value of the current Oil Spill Liability Trust Fund is somewhere in the range of \$1.5 billion?

Mr. BAUCUS. I think that is the amount. I am not certain, but it is about that.

Mr. DURBIN. So the effort in this bill is to increase that per-barrel tax paid by oil companies for this oilspill liability fund to—

Mr. BAUCUS. Forty-one cents.

Mr. DURBIN. Forty-one cents. So 41 cents would represent, as I calculate it, one-half of 1 percent of the current cost of a barrel of oil.

Mr. BAUCUS. The current oil priced at \$71 a barrel.

Mr. DURBIN. Right. So the argument from the other side is that even if we accumulated this money and put it into this fund for cleaning up spills, we shouldn't count it as additional money being held by the Federal Government at the same time; is that correct?

Mr. BAUCUS. That is correct.

Mr. DURBIN. And if we fail to count it as an additional source of revenue being held by the Federal Government, is it not true that it would be subject to a budget point of order, which would then require 60 votes, and that would allow the oil companies to find 41 friends on the Senate floor—and I think I know where they will start looking—to defeat this effort to create this tax?

Mr. BAUCUS. I might say that is my reading of the Budget Act; that is correct.

Mr. DURBIN. Could I also ask the chairman of the Finance Committee, in this situation—where BP is clearly responsible for the mess in the Gulf of Mexico and has at least stated its responsibility; where we have a deep-pocket defendant that declared \$5.6 billion in profits the first quarter of this year—if the next spill or the next accident resulting in multibillion-dollar damage to the Gulf of Mexico, or wherever, is caused by a company without deep pockets, is this fund the only place to turn to protect taxpayers?

Mr. BAUCUS. That is exactly correct.

Mr. DURBIN. And if we fail to increase this tax and increase the size of this fund, it means the taxpayers would be called on to bail out other oil companies that may be responsible for similar damage in the future?

Mr. BAUCUS. That is the precise theory of all trust funds in the first place, but now the cap needs to be raised.

Mr. DURBIN. So all the protests from the other side of the aisle about this 40-cent tax on big oil companies is basically not only to protect the big oil companies but to put the taxpayers on the hook for another bailout—

Mr. BAUCUS. That is correct.

Mr. DURBIN. If we run into another oilspill?

Mr. BAUCUS. If the fund is not large enough, that is exactly correct.

Mr. DURBIN. I thank the Senator.

Mr. BAUCUS. Mr. President, I know my friend wants to speak, but let me just set the lay of the land so my friend from Vermont can speak.

The Senate has returned to the American Jobs and Closing Tax Loopholes Act. I want to remind my colleagues this bill is about jobs. It is about helping 15 million Americans who have lost their jobs as well. We are talking about people who have worked, who want to work, and who will work again. These are our neighbors, and they need our help.

The Labor Department just reported that although things are getting better, there are still five unemployed Americans for every job opening available—five. For comparison, throughout 2007 there were fewer than two unemployed workers for every job opening. Again, today there are five. We need to do more to help create jobs. We need to continue to help those who do not have jobs to get by.

Let me also remind my colleagues that hundreds of thousands of unemployed Americans need the assistance in this bill just to get by. The Senate needs to pass this bill, and we need to do it soon. As I have noted, this bill is about jobs. This bill is about helping the 15 million Americans who have lost their jobs. I remind my colleagues about that because, so far, aside from the substitute, none of the amendments offered is about jobs or about helping the 15 million Americans who have lost their jobs.

Many of the pending amendments are worthy efforts, but I encourage my colleagues to stick to the task, to address the subject at hand, and to pass this bill. People need help.

Right now, we have five amendments pending: this Senator's amendment in the nature of a substitute, the Sessions amendment to cap appropriations, the Cardin amendment to provide for dependent coverage under the Federal Employees Health Benefits Plan, the Franken amendment to create the homeowner advocate in the Home Affordable Modification Program, and the Cornyn amendment for more reports on government debt.

The majority leader has requested that the Senate address the backlog of pending amendments before we allow more amendments to become pending. That is why I am serving notice that until we have voted on some of the pending amendments, I will be obliged to object to setting aside any of the pending amendments in order to allow further amendments to become pending. Thus, we would like to line up some of the votes, Mr. President.

If possible, we would like to have votes at least by noon or, at the very latest, 2 p.m. We very much hope we can make some progress today—not

just hopefully but make progress. It is our obligation to make progress. That is our job. People elected us to do what is right for America. It is right to help extend these so-called tax extenders, the R&D tax credit, and so on and so forth, but it is also right to make sure unemployment benefits are available for those who are out of work.

I urge us to come together and do our work in these next couple of days. I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Vermont.

Mr. SANDERS. Mr. President, I want to speak briefly about an amendment I have filed and look forward to getting pending in a short while. This is an amendment which addresses many of the issues we have been hearing about this morning about which the American people are concerned.

This amendment helps us lower the record-breaking deficit this country is facing, and this amendment will help us transform our energy system away from fossil fuel—away from the oil disaster that we are seeing in the gulf right now—to energy efficiency and sustainable energy. So for all my colleagues who are concerned about record-breaking deficits, I hope they will support this amendment which I will explain in a moment. And for all of my colleagues who understand that the future of this country is not offshore drilling, I hope they will support this amendment.

Let me explain briefly what this amendment does. At a time when the profits of big oil companies are soaring, at a time when we are in the midst of the largest oilspill in our Nation's history—one of the greatest ecological disasters this country has ever experienced—at a time when we desperately need to end our dependence on oil and gas and seriously transform our energy system by investing in energy efficiency, conservation, and renewable energy, this amendment is simple and it is straightforward and I think it addresses all of those concerns.

This amendment simply repeals over \$35 billion in tax breaks to the oil and gas industry. Let me repeat that. This amendment simply repeals over \$35 billion in tax breaks to the oil and gas industry, all of which were recommended for elimination in President Obama's fiscal year 2011 budget. What this amendment is doing is simply bringing to the floor of the Senate the recommendations that were in President Obama's budget.

According to OMB, the repeal of these tax breaks would be equivalent to about 1 percent of domestic oil and gas industry revenues over the next decade. This is not an onerous attack on the oil industry. In other words, the cost to the oil and gas industry of repealing these tax breaks is negligible. And \$25 billion of the money saved

under this amendment would be used to reduce the deficit and \$10 billion would be used to invest in the highly successful Energy Efficiency and Conservation Block Grant Program over a 5-year period.

This amendment does two things. For all of my friends, and every American who is concerned about a \$13 trillion national debt and record-breaking deficits, this amendment says let us put \$25 billion into deficit reduction. For all of us who are concerned about transforming our energy system away from fossil fuel to energy efficiency and sustainable energy, this amendment says, over the next 5 years let's put \$10 billion into the Energy Efficiency and Conservation Block Grant Program, which provides funding to States, cities, and towns all over America to begin transforming energy in their communities.

This amendment is supported by Physicians for Social Responsibility, Friends of the Earth, Public Citizen, moveon.org, Center for Biological Diversity, One Sky, Environment America, the Sierra Club, and Greenpeace.

If there is anything we should be learning from the gulf disaster, the horrendous disaster we are experiencing today on the gulf coast, it is that it is time to move aggressively away from polluting and unsafe fossil fuels which are getting more and more difficult to produce as we move farther and farther offshore to drill for them. With a \$13 trillion national debt, the last thing we need to be doing is giving huge tax breaks to big oil and gas companies that have been making record-breaking profits year after year.

As I indicated before, all of the oil and gas tax breaks that my amendment seeks to repeal have been targeted for elimination in President Obama's fiscal year 2011 budget. So here we are. For all of my deficit hawk friends: \$25 billion into deficit reduction by asking the oil industry, which has been hugely profitable in recent years, to start paying their fair share of taxes.

Let me quote from a speech that President Obama gave on this subject.

Our continued dependence on fossil fuels will jeopardize our national security. It will smother our planet. And it will continue to put our economy and our environment at risk. . . . If we refuse to take into account the full cost of our fossil fuel addiction—if we don't factor in the environmental costs and national security costs and true economic costs—we will have missed our best chance to seize a clean energy future. . . . The time has come once and for all for this Nation to fully embrace a clean energy future. Now, that means . . . rolling back billions of dollars of tax breaks to oil companies so that we can prioritize investments in clean energy research and development.

That is the end of the quote from President Barack Obama. Frankly, that is what this amendment is all about.

Let me give one interesting example of the absurdity of continuing to provide tax breaks to the oil and gas industry. Last year, ExxonMobil, the most profitable corporation in the history of the world, reported to the SEC that not only did it avoid paying any Federal taxes, it actually received a \$46 million refund from the IRS. How is that, folks? So, for all of the taxpayers in this country, people who are making \$30,000 or \$40,000 a year, who are prepared to pay their fair share of taxes, we have a situation where last year ExxonMobil, the most profitable corporation in the history of the world, reported to the SEC that not only did it avoid paying any Federal taxes, it actually received a \$46 million refund from the IRS.

We have a lot of working people in the State of Vermont who make \$50,000 or \$60,000 a year, working 6 or 7 days a week in order to take care of their family. They pay taxes. ExxonMobil, the most profitable corporation in America, gets a refund from the IRS. If anyone thinks that makes sense I would like to hear about it.

ExxonMobil is the same huge oil company that had enough money to pay a \$398 million retirement package to its outgoing CEO, Lee Raymond, a few years ago, so it is a real struggling company. They make more profits than any company in the history of the world and paid their outgoing CEO \$398 million in a retirement package but they cannot afford to pay a nickel in taxes. In fact, they get a tax refund. Do you think we need to change that system? I do.

ExxonMobil is the same company that is making its profits by gouging consumers at the pump by charging higher and higher prices for gasoline even when demand is low and supply is high. In Vermont, gas is now \$2.85 a gallon. That has to stop.

This amendment would begin to make sure that ExxonMobil, BP, and other big oil companies pay at least a minimal amount of their record-breaking profits in taxes to the Federal Government so we can begin to deal with our record-breaking deficit; so we can begin the process of transforming our energy system.

Let me be clear. As millions of Americans have lost their jobs, their homes, their life savings, and their ability to send their kids to college because of this horrendous Wall Street recession, we cannot continue to allow big oil companies to make out like bandits. In the first quarter—I refer people to this chart—in the first quarter of 2009, when our gross domestic product shrank by 6.4 percent and overall corporate profits decreased by 5.25 percent—that is what a recession is about; profits are down, overall corporate profits—the five largest oil companies were still able to earn over \$13 billion in profits. As this chart shows, during the last 10

years the five largest oil companies—ExxonMobil, Shell, BP, ChevronTexaco, and ConocoPhillips—earned over \$750 billion in profits: a 10-year period, \$750 billion in profits. That is not chickenfeed.

During the first quarter of this year, big oil's profits increased by 85 percent—not bad, 85 percent. Instead of using these profits to invest in renewable energy and to prevent oil spills, big oil and gas companies are primarily using this money to buy back their own stock and enrich their CEOs. According to the American Petroleum Institute, between 2000 and 2007 the entire oil and gas industry, of all of their profits—remember, \$750 billion of profits over the last 10 years—invested only \$1.5 billion in North American “nonhydrocarbon investments” aimed at reducing the Nation's dependence on oil. That is less than one-quarter of 1 percent of their profits during this time period.

Meanwhile, the CEOs of big oil companies have received hundreds of millions in retirement packages and total compensation. Over the last 5 years, Ray Irani, the CEO of Occidental Petroleum, received over \$725 million in total compensation; John Hess, the CEO of the Hess Oil Company, has received over \$240 million in total compensation; David Lesar, the CEO of Halliburton, has received over \$114 million in total compensation; James Mulva, the CEO of ConocoPhillips, has received over \$95 million in total compensation; and Rex Tillerson, the CEO of ExxonMobil, made over \$30 million in total compensation over that 5-year period. Further, since 2002, the five largest oil companies have repurchased almost \$270 billion of their own stock.

It is important for the American people to understand how excessively we are subsidizing fossil fuels and benefiting big oil. It is not only that they are making record-breaking profits; it is not only that they are not paying their fair share of taxes; it is not only that they are not investing in renewable energy so we can break our dependency on fossil fuel and clean up this planet, but in addition to that, they are receiving huge amounts of taxpayer subsidies. These guys who tell us how terrible the big government is are not hesitant to be running here to Capitol Hill to get their fair share of their welfare payments.

As this chart shows, according to the Environmental Law Institute, from 2002 to 2008, the U.S. Government provided more than \$70 billion in fossil fuel subsidies compared to just over \$12 billion for wind, solar, geothermal, biomass, and other renewable energies which in fact are the future of this country in terms of energy. This set of priorities is totally absurd. We have to put an end to the outrageous tax breaks and subsidies that have been given to big oil and gas companies.

But that, again, is not all this amendment would do. It is not only \$25 billion in deficit reductions. This amendment begins to move us away from fossil fuel to energy efficiency and renewable energy by investing \$10 billion into the Energy Efficiency and Conservation Block Grant Program. The stimulus package provided \$3.2 billion for this highly successful program, and that money is filtering throughout 50 States in America. Hundreds and hundreds and thousands of communities are now making energy efficiency improvements in their town-halls, in their schools, and they are moving toward sustainable energy as a result of this program. We would put \$10 billion more, over a 5-year period, into a program which finally moves us away from fossil fuel to sustainable energy and energy efficiency.

Let me give an example of how this program is working. This program is helping to build wind turbines in Carmel, IN, to power its city sewer treatment plant. It is being used in Salt Lake City, UT, to provide loans to businesses to make energy efficiency upgrades. It is being used in Columbus, OH, to make 29 public buildings more energy efficient.

I think, as everybody knows, the most significant thing we can do today, the best return on our dollar, is energy efficiency. That is what they are doing in Columbus, OH. That is what they are doing in Vermont. That is what they are doing, in fact, all over this country, as a result of programs such as the Energy Efficiency Block Grant Program. It is being used in Portland, ME, to retrofit 55 public buildings. It is being used in Miami, FL, to convert landfill gas into the production of electricity. Methane gas out of rotting organic matter in a landfill provides electricity. What can be smarter than that? It is being used in New York City to help homeowners and businesses with energy efficiency and renewable energy loans, among many other projects we are seeing all over America, 50 States utilizing this program, young people getting involved in thinking about energy, energy efficiency, sustainable energy. We need to keep these investments in energy efficiency and conservation going and that is what this amendment does.

Finally, this amendment would dedicate \$25 billion for deficit reduction. At a time of record-breaking deficits and debt, we simply cannot continue to give oil and gas companies huge tax breaks.

When it comes down to it, this amendment asks a very simple question: Which side are you on? Which side are you on? Are you on the side of big oil and gas companies or are you on the side of reducing the deficit, reducing our dependence on oil, saving consumers and businesses money on their energy bills, and saving the planet we

live on? I would hope most of our colleagues here are on the side of doing what is right for the American people. That is what this amendment is about. I understand that anytime you stand up to big oil and to big gas companies, there is going to be a lot of political push back. We know that since 1990 the oil and the gas industry has made over \$238 million in campaign contributions, and over the past 2 years alone, they spent over \$210 million on lobbying. With the BP disaster in the gulf coast, my guess is these guys are all over the place now lobbying and sending out their campaign contributions. But this amendment is the right thing to do. It should bring together all of us who are concerned about transforming our energy system, all of us who are concerned about lowering our record-breaking deficits.

I intend to be offering this amendment. I look for widespread support on both sides of the aisle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN LAW AND THE U.S. CONSTITUTION

Mr. COBURN. Mr. President, I send to the desk to have printed in the RECORD a letter I sent to Justice Sonia Sotomayor dated the day before yesterday. The reason for that concern is our Supreme Court process has broken down.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 8, 2010.

Justice SONIA SOTOMAYOR,
Supreme Court of the United States,
Washington, DC.

DEAR JUSTICE SOTOMAYOR: I write to inquire about your decision to join Justice Anthony Kennedy's opinion in the case of *Graham v. Florida*, No. 08-1224. In that case, a 5-4 majority of the Court ruled that sentencing a juvenile offender to life in prison without parole for a nonhomicide crime is unconstitutional.

In Justice Kennedy's opinion, he employs a methodology similar to that used in *Roper v. Simmons*. In *Roper* and *Graham*, the majority relies on what five Justices perceive to be "evolving standards of decency" in concluding that the punishment in question violates the Eighth Amendment's ban on cruel and unusual punishment. In arriving at this conclusion, Justice Kennedy looked to both the sentencing practices of the states and the federal government and to the "judgments of other nations." Justice Kennedy's opinion in *Graham*, which you joined, states, "[the] global consensus against the sentencing practice in question" provides "support for our conclusion" that the punishment is unconstitutional. He further writes, the "judgments of other nations and the international community" and the "climate of international opinion" are "not irrele-

vant" to determining the "acceptability of a particular punishment." Specifically, the opinion notes, "the overwhelming weight of international opinion against life without parole for nonhomicide offenses committed by juveniles 'provide[s] respected and significant confirmation for our own conclusion' that it violates the Eighth Amendment."

Given your testimony at your confirmation hearing, I have serious concerns about your decision to join Justice Kennedy's opinion, which extensively cites foreign law. At your hearing, I asked you the following question: "[W]ill you affirm to this Committee and the American public that, outside of where you are directed to do so through statute or through treaty, refrain from using foreign law in making the decisions that you make that affect this country and the opinions that you write?" You responded: "I will not use foreign law to interpret the Constitution or American statutes. I will use American law, constitutional law to interpret those laws, except in the situations where American law directs a court." I sought further clarification and asked: "So you stand by it? There is no authority for a Supreme Court justice to utilize foreign law in terms of making decisions based on the Constitution or statutes?" You responded: "Unless the statute requires you or directs you to look at foreign law . . . the answer is no."

Your decision to join Justice Kennedy's opinion that uses foreign law to "support" its conclusion conflicts with your pledge to the Judiciary Committee and the American public not to "use foreign law to interpret the Constitution." In light of that conflict, I respectfully request that you explain why you chose to join the majority's opinion in *Graham*. I recognize that Justice Kennedy's opinion does not rely on foreign law as precedent for its decision; however, if foreign law is of no value to the reasoning of the opinion and did not influence the final outcome, then please explain why you supported its inclusion in the opinion. These questions are particularly relevant as the Senate is faced with evaluating another Supreme Court nominee in the coming months. Accordingly, I would appreciate a prompt response.

Sincerely,

TOM COBURN, M.D.,
U.S. Senator.

Mr. COBURN. I want to read you some quotes of the Justice, and then I want to read you the answers she gave to my queries during her hearing on the Judiciary Committee. I think it is going to be plain to see that we have to change what we are doing on Supreme Court nominees.

Previous quotes from Judge Sotomayor on foreign law; the use of foreign law to interpret the U.S. Constitution, which is forbidden under the Constitution, except in those international treaties where it is so directed under statute and treaty.

Statement of Judge Sotomayor:

To suggest to anyone that you can outlaw the use of foreign or international law is a sentiment that is based on a fundamental misunderstanding. What you would be asking American judges is to close their minds to good ideas. Nothing in the American legal system prevents us from considering the ideas.

That is true.

The international law and foreign law will be very important in the discussion of how

we think about unsettled issues in our own legal system. It is my hope that judges everywhere will continue to do this. Within the American legal system, we are commanded to interpret our law in the best way we can. That means looking to what anyone has said to see if it has pervasive value.

Well, that is wrong. The Constitution defines what judges look at in considering their decisions. So I asked her the following questions during her confirmation hearing before the Judiciary Committee:

[W]ill you affirm to this Committee and the American public that outside of where you are directed to do so through statute or through treaty, refrain from using foreign law in making the decisions that you make that affect this country and the opinions that you write? [or concur with.]

Sotomayor's response:

I will not use foreign law to interpret the Constitution or American statutes. I will use American law, constitutional law to interpret those laws, except in situations where American law directs a court [to do otherwise.]

So you stand by it?

These are my words.

There is no authority for a Supreme Court Justice to utilize foreign law in terms of making decisions based on the Constitution or our statutes?

Here is her response.

Unless the statute requires you or directs you to look at foreign law, the answer is no.

So her statements before she comes before the committee are totally opposite of what she tells the committee, and then what she has done since proves that her testimony before the committee was totally meaningless.

On May 17, Justice Sotomayor joined an opinion citing the "judgments of other nations" when interpreting the eighth amendment to prohibit sentencing of a juvenile offender. The opinion states the following:

[The] global consensus against the sentencing practice in question provides support for our conclusion.

Well, either she was dishonest with us in the committee or she does not know what she is signing on to, which tells you that our process for intervening and holding Supreme Court candidates is a failure.

The opinion further states that:

The judgments of other nations and the international community [and the] climate of international opinion are not irrelevant to determining the acceptability of a particular punishment.

That is a total violation of the U.S. Constitution and its statutes. It is a total negation of what she told the committee as she came through the committee process. That is one of the reasons I did not believe her, because I believed her earlier statements to be her true feeling.

So what we have before the Judiciary Committee—and we have another nominee coming up now—is the ability for Justices to say whatever we want to hear, and then do whatever they

want to do and ignore the U.S. Constitution, as she did, and in her testimony before the committee.

As journalist Stuart Taylor recently wrote in *The Atlantic*—this opinion that she cosigned onto:

The opinion was based on little more than the personal policy preferences of the five majority justices. And it looked abroad for consensus that so plainly does not exist here and violates our own U.S. Constitution.

So it did not matter what she told the committee. She did exactly the opposite of what she told the committee as she signed onto this opinion. We are going to need more than promises from the next nominee. An acceptable Supreme Court nominee must have a demonstrated record of adhering to the Constitution and their judicial oath by strictly interpreting the Constitution, according to our Founders' intent, not international opinion or consensus. It has no role in the interpretation of our Constitution. Senators cannot simply accept pledges from Supreme Court nominees that they will not use foreign law when interpreting the U.S. Constitution. The nominee to come before us, Solicitor General Kagan, wrote the following:

There are some circumstances in which it may be proper for judges to consider foreign law sources in ruling on constitutional questions.

Oh, really? Is that what our Constitution says? Is that what this candidate believes? Here is what she said. What is she going to say before us in committee, that she will not? What value is that if, in fact, she knows that to be the law, she admits that is what the U.S. Constitution says, and as soon as she is affirmed, does exactly the opposite? The process has to be changed. We can no longer take it on faith because, in fact, the process under which—since Bork actually spoke what he believed, since him, nobody has said what they believe. They have all chiseled on what they believe. They will not be accountable to what they believe. So we have to change that process.

The other concerning thing about Nominee Kagan is that when she went to Harvard, she made international law mandatory in terms of getting a degree out of law school at Harvard. But do you realize Harvard does not require its lawyers to take constitutional law? You can graduate from Harvard Law School and never have studied U.S. constitutional law. That tells you the trend this country is going in; we are abandoning our Constitution and the very wisdom that gives us the freedom we have today.

I will finish by saying, the consideration of any judge in the future, in terms of this Senator, is going to be borne out by what they have said before they got to the committee, not what they say to the committee, because we can no longer, as a body, trust what the nominees say in committee.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, pending before the Senate is a bill that includes many provisions. It is known in shorthand as the extenders bill because each year there are portions of the Tax Code which expire, and they relate to a lot of different things we kind of take for granted—the biofuels tax credit, for example—and other things. Each year, Congress extends or reauthorizes those portions of the Tax Code, and most of them are noncontroversial.

The obvious question many people ask who are affected by them is, Why do you do this every year and go through this exercise? It is an honest and legitimate question. I just say that the honest answer is, Because the extenders themselves are not controversial; they are popular. They become the spoonful of sugar that helps the medicine go down because they usually accompany other things that have more controversy with them. That is the way politics works. That is the way the Congress works, and that is what we do each year. This year is no exception, and we are considering the extension of portions of the Tax Code and including with it other things that will have an impact on the country and on the economy.

When I look at what is included in this bill, which is going to be important, there are several provisions that I think are critically important for the economy.

Most of us believe we would be better off in America if we stopped exporting good-paying American jobs overseas. So the President has said repeatedly and many of us have said in our speeches on the floor and back home that we want to stop rewarding in the Tax Code companies that decide it is to their economic advantage to locate overseas, closing down a factory in Galesburg, IL, and moving over to Europe or Japan or China or India or wherever it happens to be. So this bill, first and foremost, eliminates major tax cuts and loopholes available to U.S. corporations that want to relocate their business operations overseas. I think that is eminently sensible. Why would we in our Tax Code reward companies that want to leave the country, companies that want to eliminate American jobs? That is the No. 1 thing this extenders package does, in addition to extending some of the tax provisions I mentioned earlier.

It also provides help for small businesses across America. If we are going to get out of this recession sooner rather than later, we really need to depend on small businesses in America that will be able to step up and hire more people. We all think about the big company that is going to locate its new plant in our hometown and create 1,000 or 2,000 jobs. Occasionally, that happens. But more likely than not, the job growth in most communities and most cities will be when smaller businesses can hire 1 or 2 people or maybe 10 or 20 people. Cumulatively, those efforts result in a growth in the American workforce. This bill, as a second part, creates tax incentives and help for small businesses to hire more people in this weak economy.

Those are the two pillars of the bill: stop the export of American jobs by eliminating the tax incentives in our American laws that reward companies for sending jobs overseas and, secondly, create an environment in our Tax Code and programs that help small businesses retain and hire more American workers. I cannot think of two better things to do in a weak economy. Yet it seems there is opposition to this bill from the Republican side of the aisle. There are some who may support it, and I hope they do. I hope it genuinely becomes a bipartisan bill.

But there is a genuine concern about some other provisions that I would like to address.

I don't know that there is an American alive today who is unaware of what is going on in the Gulf of Mexico. I don't know what day we are in—60, 61—of this terrible environmental disaster where the BP rig blew up, killing 11 innocent people, and then the oil started spewing into the Gulf of Mexico. British Petroleum came in and has been trying vainly to stop this oil from flowing into the gulf. They have said repeatedly that they will make this all whole at the end of the day; they will stop the oil from flowing and set about repairing the damage, which is extensive.

Twenty-one years ago, I was on a congressional trip up to Prince William Sound in Alaska. The Exxon Valdez, a large tanker, had run aground because the captain, they think—it was alleged—had been drinking and didn't pay attention. It gashed the hull of the boat and ended up spewing oil in every direction. I will never forget that as long as I live because there was this black, dirty, sludgy oil all over everything. We went out on a Coast Guard ship and looked at it. You would see these horrible situations where, in this pristine Alaskan environment, everything would be covered with this black oil, and you would look down into the rocks and you could see as deep as you could see that there was more and more of that oil.

I asked Senator MURKOWSKI of Alaska what Prince William Sound is like

21 years later, and she said things have gotten back to a more normal state but some things have changed forever. Some species of fish, such as the herring, are just gone from this particular place. Maybe at some distant point in the future, they will return, but for the last 20 years, they have been extinct and gone. I hope Mother Nature takes care of that over time. You can see that it will take a long period of time.

We don't know what is going to happen in the Gulf of Mexico, but we know it will be expensive, first, in terms of human life—losing 11 people—and, second, in terms of the environmental damage, which is incalculable at this moment; that is, the economic cost of the damage.

If there is any encouraging thing—and there isn't much—in this whole conversation, it is the fact that British Petroleum is a very wealthy company. In the first 3 months of this year, they announced \$5.6 billion in profits. When they say they can pay for the damage, it is clear that they have deep pockets and they can pay. And they will pay. The taxpayers will not pay.

There is a provision in this bill relating to this issue that has become controversial on the floor. We decided back in the time of the Exxon Valdez spill that we would create an oilspill liability fund. In other words, we would collect money and put it into a "rainy day fund" that would be there in case of an environmental disaster to pay for the damage. We collect, under current law, 8 cents for every barrel of oil to put into this fund. This morning's paper tells us that a barrel of oil is selling for \$71.99, so 8 cents represents about one-tenth of 1 percent of the cost of a barrel of oil. It is a tiny, small amount.

Over time, with all the oil that has been explored and produced, we have collected over \$1 billion into this oilspill liability fund, thinking we were prepared for the worst. We couldn't imagine what happened in the Gulf of Mexico, where \$1.5 billion wouldn't even come close to paying for the damage that has been created by this BP disaster. So this bill will increase the amount of tax on a barrel of oil to 41 cents a barrel.

Remember, the price of a barrel of oil is \$71.99, and we are going to charge 41 cents to be put into this oilspill liability fund. There is an objection to this from the Republican side of the aisle. Their objection is a little hard to follow because they are kind of tied up in a budgetary argument here. I think it is pretty clear to see what the choices will be. If we don't collect this money for every barrel of oil and put it into an oilspill liability fund, God forbid if there is another environmental disaster; there won't be enough money to pay for it.

Today, British Petroleum has its slimy fingerprints all over this mess.

We know they are going to end up holding the bag, as they should. They have the money to pay for the damages associated with it. But what about tomorrow? What if the company involved is not as well off as BP? What if they are bankrupted by an environmental disaster and they go out of business? Who then is going to compensate the shrimpers, the oystermen, the fishermen, the tourist industry, the resorts, and all the others who are affected by all this? At that point in time, you would look to this oilspill liability fund. But the \$1.5 billion it currently holds is not enough to do the job. That is why this bill increases the amount per barrel of oil from 8 to 41 cents, so instead of one-tenth of 1 percent, it is about one-half of 1 percent of the current cost of a barrel of oil that will be set aside as an insurance fund.

The Republicans are objecting to this. You have to ask them, what is the alternative? If the oil companies don't pay so that we have an insurance fund for the next environmental disaster, who will pay? I think we know the answer. It will require another taxpayer bailout, which means taxpayers across America will be called on to come up with the emergency disaster funds to pay for the next environmental disaster, God forbid it ever occurs. Isn't it better to have the industry drilling for oil building up the reserves in this oilspill liability fund so that the taxpayers don't end up ultimately paying for the cleanup? It is obvious to me. The alternative is unacceptable, but the alternative is what is being argued for on the Republican side of the aisle. They want to step aside from what is the clear responsibility of the big oil companies and those who would drill.

Yesterday, we had a hearing in the Senate Judiciary Committee, and we talked about the liability of the oil companies in this situation. It turns out that Senator PATRICK LEAHY, of Vermont, and Senator SHELDON WHITEHOUSE, from Rhode Island, did some research on it and found that most of the law that governed this situation was ancient law—150, 160 years old. The law, for example, for the 11 people who died on this oil rig in the explosion limits the recovery of their surviving families to the actual monetary losses—in other words, how much future income will be lost to that family because of the death of that worker. They cannot collect for any loss of companionship due to the death of a father or husband, and they cannot collect punitive damages, except to the amount of the actual compensatory damages—one to one. There is a limit to what they can recover.

Yesterday, Christopher Jones testified about his brother Gordon, who died as a result of the explosion on this rig in the Gulf of Mexico. He showed us photos of the family, the two little boys—one born after the father died

and another young boy and his mom. It was so compelling.

The argument was made by a man representing the oil and energy industry that it would be reckless for us to expand the liability of oil companies beyond the current limitations in the law. I think it is reckless for us to consider allowing anybody to drill in the Gulf of Mexico who doesn't have the bonding and wherewithal to stand up for any damages they should incur. Why in the world would we allow anybody to go out in this circumstance, when we can see what happens when it goes wrong, and do it again without having some sort of insurance that protects those involved working there, as well as those who are affected by the environment around the Gulf of Mexico? They have no business drilling, as far as I am concerned, if they are not financially responsible and if they cannot stand behind their operations to make sure the taxpayers don't end up in a situation where they are vulnerable.

The Republican position that says we should not impose a new tax on oil companies to make sure there is enough money in an oilspill fund so that the taxpayers won't have to pay for these disasters in the future is a position that is indefensible. It is a position that makes no sense.

They argue, incidentally, that if we collect this money, we should somehow say it won't be used for any other purpose. Well, the money will be used for the purpose of oilspill cleanup, but because it will be a new asset of the Federal Government, it will be shown on the books on the positive side. We are collecting the tax, gaining the asset, and increasing in a small way our budget picture on the positive side. I think they are lost in a budgetary argument that really is, in effect, trying to protect the oil companies from this new tax.

I hope my colleagues won't be discouraged in this debate but will stand by the efforts of the committee to impose this new tax responsibility. I hope that as Members of the Senate consider this bill—and I see my friend from Ohio here, and I will yield momentarily to him—they will try to understand how difficult it might be to explain why they voted against a bill that eliminates tax breaks for American companies that want to locate their businesses overseas and why they voted against a bill that provides help for small businesses in America to hire more workers in a time of high unemployment. Those are the two most important elements in this so-called extension bill. I hope—wouldn't it be a great day—we could have bipartisan support for those two basic ideas and at the end of the day do something on the floor to create jobs in America and, in the process, do it in a sensible way that builds for our future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I stand here a bit incredulous about the comments of Senator DURBIN, the assistant majority leader, about the oil industry and Republican opposition to simply making them pay for potential problems they cause.

I say I am incredulous, but as I think a little longer, I realize that is par for the course. I have only been in the Senate 3½ years. I have seen the Republicans side with the insurance companies on health care reform. I have seen them side with the drug companies on Medicare issues. I have seen them side with big Wall Street banks on Wall Street reform. Now they side with the oil industry, with BP, with Exxon and these companies that have had—literally, BP's profits were over \$1 billion, several billion, multibillion-dollar profits per quarter. And my friends on the other side of the aisle—I don't know if it is the campaign contributions, social connections, what it is with the oil industry—it is always the oil industry first, taxpayers second, and the consuming public third with them. I don't get that.

COBRA SUBSIDY PAYMENTS

I wish to talk about an amendment Senator CASEY is offering and of which I am a primary cosponsor dealing with COBRA, the health insurance issue. When this recession started and unemployment began to spike, most of us in Congress acted to help those in clear need with the stimulus package and with the extension of unemployment insurance.

Remember, it is insurance; it is not welfare. People pay into the unemployment insurance fund when they are working, and when they lose their jobs, through no fault of their own, they get assistance from the unemployment insurance fund.

Another part of that is, when someone in Joliet or Cleveland or Springfield, IL, or Springfield, OH, loses their job, they all too often lose their insurance. There is a Federal program, a Federal law, that you can continue to draw health insurance when you lose your job if you, the employee, pay for your part of it and you pay the employer contribution for your health insurance, which at least doubles, sometimes triples the amount of money you were paying for health insurance when you were working.

That means simply, when you are working, you are paying X dollars, which is never cheap. When you lose your job, you are paying 2X or 3X, and almost nobody can afford that. If you have lost your job, how can you pay more money for health insurance than before you lost it?

That is why in the Recovery Act a year and a half ago, I wrote legislation, later amended in the bill, to give a sig-

nificant subsidy to those people who lost their job but are trying and struggling to keep their insurance. It allows newly unemployed workers to stay on their former employer's health plan with that subsidy.

I have received countless letters and e-mails from Ohioans who describe how COBRA is more expensive than rent or food. That is why we stepped in. We did a 65-percent subsidy. In other words, if you lose your job, instead of paying your part of the insurance and your employer's part, instead of paying that combined amount, which was Federal law for years, we are subsidizing 65 percent of that amount.

I cannot count the number of people I have talked with in the last year who have come up to me and said: I still have insurance because I was able—it is still difficult; it is not as though money is growing on trees for these people who lost their jobs. It is still difficult. But so many people have come up to me and said: I still have my insurance because of that subsidy.

In this legislation, the House took away the COBRA subsidy under the view that we simply cannot afford this subsidy anymore. The Casey-Brown amendment says: Yes, we can, and we are going to do it.

A recent report by the U.S. Department of Treasury concludes COBRA "has been an important source of insurance coverage during the recession, especially for the middle class."

It said that COBRA has "significantly slowed the growth of the uninsured population, which had been skyrocketing through February 2009." In other words, this government report showed what we are doing is working. A lot more people have insurance as a result of the COBRA subsidy, just as a lot more people have jobs today because of the stimulus package.

Granted, it is not good. There are too many people who have lost their insurance and too many people who have lost their jobs. More people have jobs because of the stimulus package and a whole lot more people have health insurance and are not a burden on the State, their community, or their families because they actually have insurance through COBRA.

The COBRA subsidy expired for newly unemployed Americans on May 31, 9 days ago. The managers' amendment includes an extension of the unemployment insurance program, which is a good thing, but it does not include an extension of COBRA.

This absence is striking, given the fact that a recent survey shows that 15 percent of unemployed insurance recipients rely on COBRA for affordable coverage. Unemployment insurance is an important lifeline. Of course, we need to do that. But it does not give enough money for a family to pay for their insurance.

Again, look at the math. Your unemployment insurance is less than you

were making when you were working. Your insurance payment for COBRA, if we do not subsidize it, is a lot more, a factor of two or three times, in most cases, what you were paying for insurance when you were working. You have less income and significantly higher health care costs. That is why that subsidy is so very important. That is why I am joining with Senator CASEY in offering an amendment that will extend the COBRA Premium Assistance Program for another 6 months.

Let me conclude with a couple letters from Ohioans who explain the personal side of this issue. We all come to the floor and talk about policy. We all are a little geeky sometimes. I like to come to the floor and read letters from people I represent in my State.

Robert and Rachel are from Montgomery County. That is Dayton, Kettering, Huber Heights, West Carrollton—those communities:

One month after I was laid off, my wife, a registered nurse, had a stroke.

Since that time, we have struggled but managed to keep our heads above water because of the COBRA subsidy. We have four children, and simply cannot live without health insurance, because the cost can be devastating.

Understand, too, if you lose your insurance, trying to get insurance again is so difficult and so expensive. We do not want this interrupted.

Robert writes:

We feel the need to be one more voice encouraging your colleagues to speak out for the families that have been hurt the most by this economic disaster.

Please keep fighting for us.

Montgomery County, Dayton, has been inflicted with a GM plant closing. National Cash Register, NCR, one of the oldest companies people associate with the city of Dayton—the CEO did not talk to anybody. He pulled the company up, left, and moved to Atlanta. DHL, a large cargo carrier, a German company, pulled out of Wilmington nearby. That was several thousand jobs. They have had that kind of economic hardship in Dayton.

We absolutely need to extend the COBRA subsidy for people such as Robert and Rachel.

The last note I wish to read is from Mary from Cuyahoga County, which is the northeastern Ohio area:

I live in northeast Ohio and have been out of work 13 months. I live alone with no dependents, yet I can barely meet my monthly financial challenges.

I became a cancer victim last year, but when my COBRA subsidy is stopped, it will feel like an additional cancer in my life.

The COBRA subsidy has bought me time to explore what I hope to be an improving job market.

We are seeing good signs in northeast Ohio of increased job numbers and companies hiring people.

The COBRA subsidy has bought me time to explore what I hope to be an improving job market. And not only would it buy me time, it would renew my faith in government.

I urge my colleagues to support this amendment to continue the COBRA subsidy. It clearly is the right thing to do. It is going to matter to so many families.

I don't understand why so many on the other side would oppose something such as this. It simply makes sense. I urge my colleagues to support the Casey-Brown amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise today to speak about an urgent issue that faces the American people, and it is an issue the Senate as well as the House must deal with, in my judgment; that is, the issue of extending COBRA premium assistance, health insurance assistance, to many Americans who, through no fault of their own, are out of work; in many instances, millions of Americans who have been out of work for a long time.

Mr. President, I ask unanimous consent to add the following Senators as cosponsors of an amendment I have that extends COBRA premium assistance. These are Senators who will be added beyond those who were original cosponsors.

They are Senators FRANKEN, STABENOW, REED of Rhode Island, and GILLIBRAND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise today to speak about the basic issue to have health insurance coverage for those who have been out of work. I know I join Senator BROWN and the other cosponsors of this amendment to urge support for the extension of the eligibility period of the COBRA Premium Assistance Program, which was authorized under the Recovery and Reinvestment Act of 2009.

I do want to commend and note my appreciation for the support of Senators BEGICH, WHITEHOUSE, LAUTENBERG, KERRY, WYDEN, HARKIN, LEVIN, BURRIS—the Presiding Officer—FRANKEN, REED of Rhode Island, and STABENOW, who have cosponsored the amendment.

We continue to recover from this economic recession, a horrific chapter in American history almost too difficult or too complicated for some of us to fully understand because we haven't lived through it ourselves. We in the Senate haven't lost our jobs or lost our health insurance. But we hear from and know of people who have, and that is one of the main reasons we are here to talk about this issue today.

We are recovering but we haven't recovered fully, and now is not the time to pull up the ladder on people who are still hanging on, in some cases to the last rung of the ladder. These basic, and I would argue, vital safety net programs—whether it is unemployment insurance or COBRA premium assistance for health care—are programs that we can't short-circuit. We can't cut people off at this point.

The American people agree with us, by the way. They understand we have made progress on economic recovery, but the unemployment rate is still far too high. It has just been a little bit less than 10 percent for far too long. In my home State of Pennsylvania, fortunately it is lower than that. It has been lower than 9 percent a long time but has bumped up to around 9. But that doesn't really matter. The percentage doesn't really tell the story. In our State, we have over 580,000 people out of work, and the total number or the percentage number is a lot higher in many other States. So we just can't pull up the ladder and pretend we have fully recovered, that we can begin to transition to a different strategy.

For millions of Americans out of work, through no fault of their own, medical costs continue to rise while their personal savings dwindle or in some cases have been wiped out because of this recession, leaving millions of Americans without adequate health care coverage and leading many to refuse necessary treatment due to the high cost.

Americans who lose their coverage through job loss cannot be expected to purchase expensive health care plans while they are unemployed. It is difficult enough for someone who has a job to pay for health insurance. We know that is difficult. A lot of small businesses were telling us about that throughout the health care debate. But just imagine if you are out of work and you are trying to survive and you are called upon or required to pay for an expensive health care plan. So we should act, and we should act now, to provide an extension for COBRA subsidies to ease the economic strain of expensive health care coverage for the unemployed.

The amendment I have offered, and that today I am just speaking about, will provide much needed relief at a very difficult time for many families as unemployed workers focus on finding new employment rather than having to worry—and worry doesn't even begin to describe the anguish people feel—about receiving adequate health care coverage for themselves and their families. We ought to provide them some peace of mind so they can concentrate on finding a job instead of worrying about whether they, someone in their family, or a loved one is going to get the medical treatment they deserve.

The COBRA Premium Assistance Program has already been successful in

ensuring that Americans receive quality health care. Let me give one example from a letter I received from Susan, in LeHigh County, PA. She is a cancer survivor, but due to her treatments she has been diagnosed with congestive heart failure as well. She is on five different medications. Susan has relied upon her husband's health insurance, but in September of 2009 her husband lost his job.

What I am describing has happened to millions of people. This isn't isolated. This isn't anecdotal. This is a situation that millions of Americans, if not tens of thousands, at a minimum, in a State such as Pennsylvania have faced. So what does Susan do at that point? She has to rely upon her husband's health insurance, he loses his job, and now they have nothing. They have no coverage at all.

So Susan and her husband were able to utilize the COBRA Premium Assistance Program as a means to keep their health insurance. Thank goodness the Recovery Act provided that kind of help. When my office followed up with Susan, we were happy to learn her husband had found a new job and they were off of their COBRA Premium Assistance Program and on her husband's new health insurance. Fortunately, that has a good ending, but a lot of stories don't end that way.

Susan's story is a perfect example of the purpose behind the COBRA Premium Assistance Program which helps people transition.

Here is another letter, which I will refer to in pertinent part. This is a letter I received from another constituent in Pennsylvania by the name of Lisa. I will not read her full name because I don't have permission, but this is a letter she sent to us in early March, and here, in pertinent part, is what she wrote about her own health care situation. She said:

I have been receiving chemotherapy nearly every other week for the past 18 months. The treatments were covered by my COBRA benefits and has kept me alive.

So she is not saying the premium assistance from COBRA was something that just gave her a little help when she needed it. She isn't just saying: Thank goodness the COBRA premium assistance can pay for my treatments—the chemotherapy that she needed. She is saying the COBRA benefits “kept me alive.” That is a direct quotation from her letter. Then she says:

I must continue chemotherapy but ran into a problem when an extension of my COBRA coverage was denied.

In this country, with all the challenges we have, some things aren't difficult to solve. If we pass an extension of COBRA premium assistance, Lisa doesn't have to worry whether she is going to be able to continue her chemotherapy treatments. Why should she have to worry when we can help her here?

I know we will hear from people in Washington—a lot of hot air, a lot of lecturing, a lot of speeches—that it is time to transition; that the economy is getting better and it is time to transition now and let Lisa get her treatments on her own. We hope she lives. But some people in Washington may not want to help her any longer.

We know the American people support this extension. We know they understand what real people are up against because, guess what, they are living with it. People in Washington who come to the Senate every day and are Senators and Congressmen, they do not quite understand this sometimes. We don't have a full appreciation for how difficult it is for Lisa and her chemotherapy treatments. We don't have a full appreciation here for how difficult it has been for Susan. Thank goodness her husband was able to get a job, but it was pretty tough when they didn't have a job and they didn't have health insurance.

So COBRA helps a lot of people, and we should know what the consequences are of inaction, without the extension of the COBRA Premium Assistance Program. A report from the National Employment Law Projects predicts that as many as 150,000 Americans each month will lose out on the subsidies necessary to afford quality health care. A study by Families USA shows that 4 million Americans, including almost 100,000 in Pennsylvania, lost their employer-based coverage due to job loss in 2009 alone—4 million Americans.

The average cost of COBRA family coverage is three-fourths of the monthly unemployment benefits in Pennsylvania and 40 other States. So the good news is you have unemployment coverage if you lost your job, but the bad news is three-fourths of that goes for your health insurance. We shouldn't force people to be in those situations.

In some States, health premiums actually cost more than the monthly unemployment benefits, slowly driving families further into debt. Providing continued relief for Americans is not just necessary, it is essential to keep some people alive, literally—no exaggeration—as Lisa's letter tells us. Giving people assistance in their greatest time of need will allow them to focus on finding employment, caring for their families rather than avoiding expensive treatments or teetering on the brink of bankruptcy.

In conclusion, besides the amendment that Senator BROWN and I have been working on, along with our cosponsors, we circulated a letter that will be delivered to Senator REID and Senator BAUCUS this afternoon that urges both to support the extension of the program and also the pleas from people in Pennsylvania and a lot of other States who are telling us how important this is—to provide an extension through the end of November for

COBRA premium assistance, so people can have health care and in a larger sense, I guess, to have peace of mind to know even though they are out of work we care about them, we are going to fight for them, and we are going to make sure they have health insurance coverage as they try to go from joblessness to transition into having a job.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4303

Mrs. MCCASKILL. Madam President, today, once again, the Senate is going to consider the Sessions-McCaskill discretionary spending cap. I wish to take a couple of minutes and try to, once again, talk some common sense about Congress and our spending habits and about this very modest baby step we must take if we are ever going to do the right thing when it comes to spending in the U.S. Government.

What is this amendment about? Well, at its heart, this amendment is about trying to regain the trust of the American people. We have had to do big, bold things because of an economic crisis. No question this President inherited a mess, and that we had to do some big, bold things to try to get out of the ditch.

But in the process, we have also, I hope, begun to realize that there is a two-step here. One is, big, bold things we had to do to get the economy back on track, and the other is beginning to recognize, maybe for the first time in a long time, that the path we are on is unsustainable.

Chairman Bernanke said it yesterday. It is unsustainable, the path we are on, in terms of spending in Washington, DC. What this amendment does is something that is very responsible and, frankly, modest. It is not a cut in spending. In this economy, I understand many economists would argue it is not the time to cut spending, but is it not time we capped growth?

Think about it for a minute. Everywhere in America, whether it is at a family's kitchen table or whether it is at a school board meeting or whether it is at a city council meeting or a county legislative body meeting or a State legislative budget hearing, everywhere in America they are having to trim their sails, cut their budgets, try to find a meaningful way to do more with less.

And what are we doing here? We cannot agree to cap growth? Are you kidding me? We cannot even say to the American people, we are not going to grow by as much over the next 3 years?

This does not even try to cut spending, it tries to cap growth. There are

actually people in this body who think we cannot take this small modest step to say we are not going to grow as quickly or by as much over the next several years?

How on Earth can we do hard stuff? How on Earth can we live up to our responsibility as Members of the Senate, when it comes to fiscal policy? How can we ever in the future do what we are going to have to do to rein in this government if we cannot even cap spending at a time when everybody in America is cutting? Reining in growth should not be a hard vote. It should not be a hard vote.

There are people, and I understand this, I understand there are a lot of people in this body who have made it their work to appropriate, and that has been the committee everybody wants to get on. It has been the powerful committee. Everybody knows around here, if you spend the money, you have power. I understand this is like the Earth shifting a little bit, that all of a sudden people who appropriate around here are going to have to take a different view of what their job is.

It is inevitable that that happens. Whether it happens this year, next year, or the next decade, anybody knows we cannot sustain the course we are on. But what is frustrating to me is that some of the people who are so anxious to defeat this amendment are using such old-fashioned fear tactics it is almost insulting. There are talking points that are being circulated against this amendment that I think you ought to blush if you are responsible for. The notion is that we are going to make these cuts in our most important programs. There is a talking point going around that this would make us have to cut Border Patrol. Come on. That we are going to have to cut the priorities of this government right now. No, we are not. We may have to cut back on some of the earmarking? Yes, probably. And cut that money from the budget.

Would we have to maybe cut out some low-performing government programs? Yes, we would. In fact, the President announced that he wants everyone in the executive branch to identify 5 percent of their low-performing programs. Then the next step would be that he would cut half of that, 2½ percent. He is asking them to find cuts in government.

All this amendment is doing is saying, we are going to curb growth. So this amendment is not going as far as the President has asked his executive branch to do. The other thing about this is I keep getting pushed at, well, these are priorities, our domestic discretionary spending—and this is from a lot of my colleagues on this side of the aisle. But this amendment is not just about domestic discretionary spending. It is about defense discretionary spending. It exempts out \$50 billion a year

for our overseas contingency operations. It clearly exempts out emergencies, and there have always been more than 67 votes when we have appropriated for emergencies in this country. It is not as though 67 votes are hard to get after a Katrina, after some kind of emergency that demands we respond to it.

The notion that we have now for the first time gotten the kind of support this amendment has received from Republican Senators to freeze the growth on defense spending is huge. It is huge. Anybody who has spent any time looking around at contracting in the Department of Defense, which I have spent a lot of time on, or the way money is spent at the Pentagon, knows there are savings there. To curb the growth in spending, in discretionary spending in the Defense Department is a wonderful step forward. So it is not just domestic that is impacted by this amendment, it is both domestic spending and defense spending, and it is time. It is time.

I hope everyone who has voted against this amendment in the past does a gut check this time and thinks of themselves in front of a bunch of people they work for in their home State, explaining to them why they could not vote to curb growth in the Federal Government's budget. I am telling you what, that is one explanation I would not want to have to give right now at home. I would not want to tell the people in Missouri that it was impossible for us to even put a lid on the growth of the Federal Government, right now at this time in this Nation's history, with all of the economic issues that are swirling around.

I think it would have a positive impact on our economy, to send this signal. I think it would have a positive effect on our markets. I think it would have a positive global effect as we look at what is going on in Europe, that the Federal Government is finally acknowledging we have got to begin to curb the growth of our expenditures.

These votes have been close. We got 56 the first time. We got 59, and then everybody got nervous because we got 59 votes. Then the next time we got 57. Three more votes. Three more votes, and we will send the right signal to the American people that we get it. I hope today is the day we send the signal to the American people that we know there are hard decisions ahead and we are beginning to take some modest steps to show we have the guts and the fortitude to make those decisions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I stand to strongly support my amendment No. 4312, which I introduced today, along with Senators GREGG, CORNYN, ENZI, ALEXANDER, and HUTCHISON, and I urge all of my col-

leagues, both sides of the aisle, to support this commonsense amendment.

This is about something at issue in this present extenders bill on the floor now that is near and dear to my heart, because it is directly related to the ongoing oil disaster, the ongoing crisis in the gulf, and that is an increase in taxes to supposedly fund the Oil Spill Liability Trust Fund but which does not do that at all, which is stolen from that trust fund, used for completely unrelated purposes.

Put another way, it is double counted. It is used as a fraudulent offset to mask other spending, other deficit spending in the bill. We have a real crisis on our hands. Obviously it affects my State more than any other. But it is a national challenge and a national crisis. I have a pretty modest suggestion, in my opinion. Let's focus on the challenge. Let's meet the challenge, not use it and abuse it politically for other unrelated goals up here in Washington.

But I am afraid the Oil Spill Liability Trust Fund is being used and abused in this bill for those other completely unrelated goals. I am afraid it is a perfect example of Rahm Emanuel's now famous phrase from around February 2009, "We are not going to let a good crisis go to waste."

Well, this is a crisis. This is a whopper. But I take offense to not letting it go to waste, meaning to using and abusing it for other purposes. This bill proposes increasing the tax which ultimately is a consumer tax on energy products that is supposed to be for the Oil Spill Liability Trust Fund.

It increases that tax from 8 cents a barrel to 41 cents a barrel. That is an over fivefold increase. If that is necessary to clean up oil spills, to have it ready for the future, I am completely open to it. But that is not where the number came from. The number was pulled out of thin air. Because as soon as that money supposedly goes into the trust fund, it is stolen. It pays for completely unrelated spending items in the bill—for example, \$15 billion over 10 years, and in this bill that is double-counted because it is used as an offset to mask deficit spending, to mask other spending items. That is wrong.

Amendment No. 4312 is simple and straightforward. It says and does two things. No. 1, it says that the revenue supposedly going into the Oil Spill Liability Trust Fund can only be used to clean up oil spills. It is supposed to be there to clean up oil spills, it is supposed to be a trust fund, so it can only be used for that purpose. Secondly, it says that it cannot be double-counted. It is not be used as an offset under the Congressional Budget Act or pay-as-you-go or anything else, as an offset for unrelated spending, to hide other deficit spending.

That is the amendment—two things, pure and simple. A number of the lead-

ership of the majority have come to the floor concerned about this, as they should be, because it stinks, and the American people know it stinks, and have done gyrations and backflips to try to say they are not stealing the money, they are not double-counting, it will be there. If they really mean that, it is simple: No. 1, they should support my amendment. No. 2, they should publicly admit that the true deficit cost of this bill is not what they say it is. It is \$15 billion more. It is not \$79 billion; it is \$94 billion. If they are sincere, if they mean it, great. Support my amendment and admit that the true deficit cost of the bill before us is \$15 billion more. But don't steal from that trust fund. Don't use that money that is supposed to be there to clean up oil spills, such as the one that is hammering my State, for completely unrelated purposes. Don't double-count it. Don't use it as Enron accounting, a fraud to mask other spending, to artificially lower the deficit impact of this bill. That is wrong. That is using a crisis. That is "not letting a crisis go to waste."

We have a crisis. It is a heck of a crisis. It is a serious crisis. We should solve it. We should go at it. We should address it together as a national challenge. We should not use it and abuse it politically for an unrelated tax-and-spend agenda in Washington.

I urge all colleagues to come together, support amendment 4312, protect the Oil Spill Liability Trust Fund, prevent it from being used and abused, double-counted—Enron accounting to mask deficit spending. Do the right thing by the people of Louisiana and by the people of this Nation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BURNING OF THE GASPEE

Mr. WHITEHOUSE. Madam President, here in this historic Chamber it is appropriate to recall those who came before us and risked their lives to create the great Republic we serve in this Senate.

Today, I would like to talk about a group of men who, 238 years ago, on this date, engaged in a daring act of defiance against the British Crown—the first bloody act of defiance in the conflict that became the American Revolution.

For many, the Boston Tea Party is considered a first act of defiance. Growing up, we were taught how, on December 16, 1773, Bostonians poured shipments of tea overboard into Boston Harbor to defend the principle, "no taxation without representation." I

think almost every schoolchild in America has heard of the Boston Tea Party.

Conspicuously missing from those children's education is the story of the brave Rhode Islanders who dared to challenge the British Crown more than a year before those Bostonians threw tea into the Boston Harbor. Today I would like to take us back to the real beginning of America's fight for independence and share with all of you the story of the British vessel, the HMS Gaspee, and to introduce some little known names, heroes from history, who seem now to be lost in history's footnotes.

In 1772, amidst growing tensions with American Colonies, King George, III, stationed the HMS Gaspee in Rhode Island to prevent smuggling and enforce the payment of taxes to the Crown. But to Rhode Islanders, the Gaspee quickly became a symbol of oppression.

The patronizing presence of the Gaspee was matched by the patronizing and domineering manner of its captain, LT William Dudingston. Lieutenant Dudingston was known for destroying fishing vessels and confiscating their contents and flagging down ships only to harass, humiliate, and interrogate their sailors. But on June 9, 1772, an audacious Rhode Islander named Captain Benjamin Lindsey took a stand.

Aboard his boat, the Hannah, Captain Lindsey set sail from Newport to Providence. When he was hailed by Lieutenant Dudingston to stop for a search by the Gaspee, the defiant Captain Lindsey continued on his course. Gunshots were fired, and the Hannah sped north up Narragansett Bay with the Gaspee in full chase behind.

Outsized and outgunned, Captain Lindsey drew courage and confidence from his and his crew's keen familiarity with Rhode Island waters. He led the Gaspee into the shallow waters of Pawtuxet Cove, where the smaller Hannah cruised over the sandbars and the heavier Gaspee ran aground. The Gaspee was stranded in a falling tide, and it would be hours before high tide would again set her free.

Captain Lindsey took advantage of this favorable situation. Arriving triumphantly in Providence, Captain Lindsey visited John Brown, whose family helped found Brown University. Knowing the Gaspee's helpless state, the two men rallied a group of patriots at Sabin's Tavern—one daren't speculate on the form of refreshment they took there—in what is now the east side of Providence.

The Gaspee was universally despised by colonists who had been bullied in their own waters, and the vulnerability now of this once powerful vessel presented these patriots an irresistible opportunity. On that dark night, 60 men in longboats with muffled oars, led by Captain Lindsey and Abraham Whipple, moved quietly down the dark waters of Narragansett Bay.

As they encircled the Gaspee, Brown shouted a demand for Lieutenant Dudingston to surrender his ship. Dudingston refused and instead ordered his men to fire upon anyone who tried to board. The fearless Rhode Islanders took this as a cue to force their way onto the Gaspee and forward they charged in a raging uproar of screams, gunshots, powder smoke, and clashing swords. It was amidst this violent struggle that Lieutenant Dudingston was shot by a musket ball. Right there in Rhode Island, right then, the very first blood of the conflict that would lead to the American Revolution was drawn. Victory was soon in the hands of the Rhode Islanders.

Brown and Whipple took the captive Englishmen back to shore and returned to set the abandoned Gaspee afire. She burned prodigiously through the night, until the flames reached her powder magazine. Then, with a convulsive explosion, she was flung in pieces across the bay. The site of this historic victory would later be named Gaspee Point.

Too few people know of this bold undertaking which occurred 16 full months before the heroes of Boston painted their faces and threw tea into the Boston Harbor in the event that became known as the Boston Tea Party. I hope the tale of the Gaspee will work its way into the history books. It preceded the Tea Party. It was more significant than the Tea Party. It was more violent than the Tea Party. And I think it set the stage of conflict that led to our independence and the freedoms we enjoy today.

So I hope Americans will think not just of the date of the Boston Tea Party but will remember June 9, the day the Hannah led the Gaspee across the sandbars of Pawtuxet Cove, stranding her, and those 60 Rhode Islanders came down by oar to attack, burn, and destroy the Gaspee and engage in armed conflict with her crew.

I do know these events are not forgotten in my home State. Over the years, I have often had the chance to march in the annual Gaspee Day's parade through Warwick, RI, as every year we recall the courage and the zeal of these men who risked it all for the freedoms we enjoy today, drawing the first blood of our later Revolutionary conflict.

I hope the young pages I see in the Chamber who, I assume, have all heard of the Boston Tea Party—I see heads nodding, yes, they have—and may not have heard of the Gaspee—I see heads shaking, they have not heard of the Gaspee—at least a small audience of young people today has been educated that it was Rhode Islanders first, Rhode Islanders more energetically, Rhode Islanders more aggressively, and Rhode Islanders more defiantly than anyone else at the early stages of the Revolution.

I thank the Presiding Officer, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISLANDS OF SECRECY

Mr. DORGAN. Madam President, this week there was a full-page advertisement in the magazine *Politico*. It was actually a letter to me, an open letter to Senator BYRON DORGAN, and then it says: "Setting the Record Straight About the Cayman Islands." It is signed by a man named Anthony Travers, chairman of the Cayman Islands Financial Services Association. The letter says:

During the recent debate over financial regulatory reform, you—

Meaning me—

perpetuated the myth that the Cayman Islands is a tax secrecy jurisdiction with unbelievably enormous loopholes. Neither of these claims are true.

And so on. I thought I would respond to Mr. Travers. I don't know Mr. Travers from a cord of wood, but since he bothered to buy a full-page ad in the newspaper *Politico* setting me straight, I thought perhaps it would be useful for those who might ever have read this to know the facts.

The Cayman Islands is a wonderful place. It has I guess the nicest water I have ever seen; blue-green, beautiful water, beautiful beaches. I don't know much about the Cayman Islands. I have visited there. I know about some of the Cayman Islands from a number of things I have read and seen about their banking system. What I have done on many occasions on the floor of the Senate when I have been talking about those who have been trying to avoid paying taxes to the United States and those who want all that America has to offer them, except they don't want to meet the obligations of citizenship by paying the taxes they owe, is I have held up a picture of a house in the Cayman Islands. So I will do it again today. This is called the Ugland House. A very enterprising reporter named David Evans from Bloomberg News brought this to my attention the first time.

This is a five-story white house. It sits on Church Street in the Cayman Islands. It is a building that has 18,857 corporations that call it home.

The first time I showed this on the floor, this five-story white building on Church Street in the Cayman Islands, it had, I believe, 12,748 corporations that say this is our corporate home. Now it has grown. There are actually 18,857 companies in this five-story building. Oh, they are not there; it is

just a fiction. They claim a mailbox in this little white stucco building in order to find a way to avoid responsibilities to others outside of the Cayman Islands. Many of them would be American companies searching for ways to provide secrecy for their financial transactions and presumably searching for ways to avoid paying their tax obligations.

The fellow who wrote to me, whose name is Anthony Travers—and let me describe who he is. Mr. Travers, says the Cayman Islands News Service, is chairman of CSI Stock Exchange and a former partner of Maples and Calder. Anthony Travers apparently chairs the Cayman Islands Financial Services Association. So he is a former partner of Maples and Calder. Who is Maples and Calder? The law firm of Maples and Calder is the only occupant of the Ugland House. Isn't that interesting? They have 18,857 companies that claim to be there—that is pretty crowded, right—18,857 companies claim to be crowded into this five-story white stucco building. But these companies are just there to claim a mailbox—perhaps they all use the same mailbox—to avoid their obligations to other countries, especially our country.

So Mr. Travers has an epileptic seizure because I suggest that the Cayman Islands is a place where there is tax secrecy and he writes a letter to set the record straight. He does no such thing. He doesn't have the foggiest idea what he is talking about. I know what I am talking about. This is a place he used to work. This is where the law firm he worked for existed. They are the ones that accomplished apparently the opportunity to have 18,857 companies claim a mail box as their legal address.

Well, if that is not enough, let me say this: The Wall Street Journal had an opinion piece by Robert Morgenthau in New York, he said:

There is \$1.9 trillion—

He is talking about the lack of financial transparency and the activities of principals in the financial markets—

There is \$1.9 trillion, almost all of it run out of the New York metropolitan area, that sits in the Cayman Islands, a secrecy jurisdiction. Let me say that again: "A secrecy jurisdiction."

That is from Mr. Robert Morgenthau, who knows what he is talking about.

By the way, let me also say that McClatchy reported this:

Goldman Sachs used offshore tax havens to shuffle its mortgage-backed securities to institutions worldwide, including European and Asian banks, often in secret deals run through the Cayman Islands, a British territory in the Caribbean that companies use to bypass U.S. disclosure requirements.

Well, I guess Mr. Travers sure did set me straight, except he didn't have the facts. He knows what the facts are because he has been in this building with 18,857 corporations. One wonders where

he could find a chair or even find lunch—a pretty crowded place.

Let me further then say, the Asset Protection Law Center, reportedly run out of a law firm located in California, describes this as the four main factors for being involved in the Caymans and being involved in what they are doing:

No. 1: There are no income taxes, capital gains taxes, profits tax or estate taxes.

No. 2: The bank secrecy laws are among the strictest in the world with criminal penalties for unauthorized disclosure.

No. 3: The law allows companies to be formed with a minimum of paperwork, and shares can be held anonymously in bearer form or by nominees.

No. 4: The law regarding the formation of trusts is highly developed and allows an excellent level of flexibility—

I will bet it does—

an excellent level of flexibility, asset protection, and privacy.

I guess that describes what we have in the Cayman Islands. Again, the letter from Mr. Travers to myself explains how the claims of tax secrecy jurisdictions are untrue.

Then, if I might, one more time, without being too repetitious, the five-story white building where Mr. Travers—or at least Mr. Travers' old firm—occupies and accommodated 18,857 neighbors to join them for the purpose of getting their mail there in order to claim that is where their business location exists. Is it because they have relatives in this building? No, no relatives. Is it because they visit the building from time to time? No, likely they have never seen the building. Is it because they want to claim an address in the Cayman Islands because they like blue and green water or beaches? No. It is because they need a location in an area where you have unbelievable secrecy so you can claim this is home to avoid taxes and to avoid other disclosures of what you are doing with a substantial amount of money.

Mr. Morgenthau had it correct. Mr. Morgenthau talked about \$1.9 trillion that has been run around through these orifices, in this case a five-story building in the Cayman Islands. All I say to Mr. Travers is this: I have certain expectations of those who want everything that America has to offer. If you are an American citizen or an American corporation, which is an artificial person, if in those circumstances you want all that America has to offer, then I believe you have responsibilities to pay your taxes and become productive citizens and meet the responsibilities that citizens have in this country. Most of the people I represent up the street and down the block and out on the farm don't have the ability or the willingness to decide to hide their income from their government. But some of the biggest enterprises in the country do, so they find a willing partner in a little white building on Church Street in the Cayman Islands that allows them to do that. That is very unfortunate.

I would say to Mr. Travers: Next time you try to set somebody straight, use a few facts. Perhaps it will buttress your argument. But don't try to fool me or the Congress or the American people about what is going on inside of this white building. We understand what is going on inside this building, and I think the people who allow that to happen and to decide it is a legitimate way to do business ought to be ashamed of themselves.

GULF OILSPILL

Madam President, if I might—I understand some colleagues are here—I wish to make some very brief comments about a hearing we had this morning in the Energy Committee with Secretary Salazar dealing with the oil-spill.

I asked this morning again about the promise and the pledge that BP has made that they will cover all of the "legitimate" costs that occur as a result of this oilspill. I have asked this question to the U.S. Justice Department, I talked to the President about it yesterday, and I talked to Secretary Salazar about it. Isn't it time now, on the 51st day of this gusher, for us to say to BP that we expect you to pay and we don't expect the American taxpayer to bear the burden of your mistakes? If, in fact, you have made a pledge—and they have repeatedly—to cover all legitimate costs, let us finally take steps to make that pledge binding. BP is a very large company that has made \$150 billion in net profits over the last 10 years, averaging \$15 billion a year. This company made \$6 billion in net profits in the first quarter of this year. It is time to say to that company: If you are serious and your commitment is real, then let's make a binding commitment.

I believe we ought to ask BP to put \$10 billion in a gulf coast recovery fund now, and that fund ought to be the result of a signed agreement between our government and BP. That signed agreement ought to create a special master and a special counselor from BP working together to disperse funds from that \$10 billion which will be the first tranche of funds that likely will be necessary to respond to this oilspill.

As I speak, there are people standing on a dock in a small town on the gulf and they have a fishing boat at the end of a pier that is going nowhere because there is no fishing to be done. They have to make a payment on that boat at the end of this month. Also, there is likely a small cafe on that pier and the people who put their life savings into that don't have any customers. Who is going to help them? Who is going to respond to their needs, and when? It is time, in my judgment—past the time—for us to make this commitment that BP has said they will pledge a binding commitment.

The initiation of that, in my judgment—I have written to the Justice

Department. I hope very much they will initiate that effort to do this. If BP says, You know what, no, we are just going to give you a pledge, I would say we have seen that pledge and heard that pledge before, and long after people are dead. I am talking about Exxon Valdez. A company that was still objecting to paying, despite the fact they made the same pledge.

I want BP to make that pledge binding, and that can be done I believe contractually through our government and BP by establishing a gulf coast recovery fund. Placing the first \$10 billion into that fund and having a special master and counselor be in charge of that fund in order to respond to those people out on the dock who are wondering: How do I make my payment? How do I make my living? What do I do tomorrow, next week, next month?

This is a very important issue, and I hope in the coming days the administration and the Congress will be able to address this.

Let me make one final point. I know there are people trying to create other issues from this disaster in the gulf. This President, President Obama, did not punch that hole in the planet, he didn't drill that well, and he can't cap that well. The fact is he, his administration, and others have done everything possible.

This morning I met with Dr. Tom Hunter. I don't know whether people know Dr. Tom Hunter. He is the head of Sandia National Laboratory. He is one of the extraordinary minds, one of the really interesting people in this country. Dr. Tom Hunter had some health issues some many months ago, but I will tell my colleagues where he has spent his last 51 days. He, as a part of a group with the other best thinkers in this country, has been called by this administration to represent the core of competent people to try to figure out how to address this issue. When I heard Dr. Hunter was working on this with Dr. Steve Chu, the Energy Secretary, Ken Salazar and so many others, I told the Secretary of the Interior this morning: You know what, you look like you need 10, 12 hours of sleep.

I said: That doesn't mean you look awful; I just know how weary it has been working every day for 51 days. This administration has tried very hard, and they are continuing to try. The fact is, there are a lot of people playing politics with this oilspill. We don't need to point fingers. We need to gather together and join hands and understand this was a national disaster, and the consequences of it will be with us for a long time.

Now our first responsibility is simply to work together to figure out how to shut off this gusher. Second, how do we deal with the problems that exist for so many people as a result? How do we begin the process of trying to clean up the environmental damage it has done?

Third, it is quite clear to me things aren't going to change with respect to offshore drilling.

We need oil production. Thirty percent of our domestic production comes from offshore drilling. Perhaps there is a difference between shallow water and deep water production. There will be changes in regulations and in approaches. All of that is necessary. But first and foremost, we need to stop this gusher and then begin work to find a way to address the needs of so many people who have lost hope and their livelihoods. We can do that.

Let me just say again that this administration has done everything it can, and it continues to do that. I am pleased to see Dr. Hunter and so many of the others with the best minds in America brought together, brought to bear on this issue. If this gusher can be stopped—and it will be—it will be because some of the best people in the country have worked 51 days overtime trying to find a way to address this very significant disaster.

I apologize to my colleague for the waiting. I will perhaps come back again if Mr. Traverse from the Cayman Islands wishes to send additional information out about the Uglad House. Maybe I should visit the Uglad House, if it is not too crowded with the 18,857 companies calling it home. But that is perhaps for another speech and another day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I enjoy it very much and I learn a lot every time the Senator from North Dakota gets up to speak. There is no one in this body who better states the issues I am concerned about than he does. This house in the Cayman Islands—maybe we should take a codel down there. Also, his comments on the gulf are absolutely right on point. Not only am I not disturbed, I enjoyed the opportunity to hear him speak once again.

IN PRAISE OF JUDGE TIMOTHY RICE

Mr. KAUFMAN. Madam President, I rise today to recognize another of our Nation's great Federal employees.

Since first embarking on this series over a year ago, I have honored so many dedicated public employees from across the executive branch. I have shared the stories of some who work in the legislative branch as well. Today, it is my distinct privilege to highlight an outstanding public servant from the Federal judiciary.

Ever since the First Congress passed the Judiciary Act of 1789, one of the hallmarks of American life has been our fair and independent judicial sys-

tem. Indeed, our courts have long been the envy of the world and a model for other nations.

It has been an honor to serve on the Judiciary Committee and to participate in the confirmation of Federal judges. Over the past year in office and in my many years of working as chief of staff for the former Judiciary chairman, JOE BIDEN, I have met so many highly qualified judges.

America's Federal judges have, at times, faced great danger. From those who served on the frontier in the 19th century to those who today face ever-increasing threats from angry litigants and others, Federal judges honor us all through selfless devotion to duty.

Although they come from diverse backgrounds, judges must all share a dedication to justice and the law. For so many, these are truly a passion. They don their robes each day inspired by the biblical pronouncement: "justice, justice, you shall pursue."

The great Federal employee I am honoring today serves as a magistrate judge for the district court for the Eastern District of Pennsylvania. That court falls under the jurisdiction of the Third Circuit, which also covers Delaware.

Judge Timothy Rice has been a Federal magistrate judge since 2005. Before coming to the bench, Tim spent 17 years working for the Justice Department as an assistant U.S. attorney. He served as chief of the Eastern District's financial crimes section from 1995–1997 and later as chief of the public corruption section from 1997–2002. In his last 3 years as an assistant U.S. attorney, Tim served as chief of the criminal division.

While obtaining his law degree magna cum laude from Temple University, he held the position of editor-in-chief of the Temple Law Review. After graduating he clerked for Judge Anthony Scirica of the Third Circuit Court of Appeals.

Before attending law school, Tim worked for 4 years as a news reporter for the Observer-Dispatch in Utica, NY.

Despite his busy schedule presiding over a wide range of criminal and civil matters, Tim makes time to give back to his community and his country. He has taught courses at the Temple University School of Law since 1990, and he was appointed last year by Chief Justice John Roberts to serve on the Advisory Committee on Federal Rules of Criminal Procedure of the U.S. Judicial Conference.

Tim volunteers his time with a number of charitable Catholic organizations, such as the St. Vincent De Paul Society and ResponseAbility. He also works with Philadelphia Reads, a literacy mentorship program for second grade students.

As a magistrate judge, Tim co-founded the Supervision to Aid Reentry or "STAR" program to help reduce recidivism among ex-offenders.

Not only has the 3-year-old STAR program helped dozens of ex-offenders make a smoother transition back into society, it has also saved the Federal prison system an estimated \$380,000. With volunteers from the court system, the Philadelphia Bar Association, and area law schools, as well as support from local charitable organizations, the STAR program mentors ex-offenders to finish high school or college, find employment, and avoid a return to crime. Thanks in large part to Tim's commitment, energy, and vision, the STAR model is being replicated elsewhere around the country.

Tim and his wife Elaine have passed on a love of public service to their daughters, Meghan and Courtney, who work for the State Department and have been assigned to numerous overseas posts since 2005, including wartime service by both in Iraq. Their youngest daughter, Caitlin, just graduated from the College of Charleston.

Judge Timothy Rice is just one of hundreds of Federal judges across the Nation working day in and day out to fulfill the promise of our Constitution's preamble to "establish justice" throughout this land. I hope my colleagues will join me in thanking him and all those serving in the Federal judiciary for their tireless work to protect our lives and our liberties. They are all truly great Federal employees.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION OF DISAPPROVAL

Mr. DURBIN. Mr. President, pending before us on the floor is the bill from the Senate Finance Committee, the extenders bill relating to the Tax Code, but I would like to address an issue which is to come before the Senate tomorrow. It is an issue that rarely comes here under a procedure that was designed to give Congress a voice in the determination of regulations and rules promulgated by a President and the administration.

The Senate has entered into a unanimous consent agreement to consider S.J. Res. 26 tomorrow, which would disapprove of the Environmental Protection Agency's endangerment. As a result of this action by the Senate, if we vote, we will vote in disapproval of this endangerment. The EPA's action was in response to a Supreme Court order

that it make a determination about whether greenhouse gases as pollutants could be reasonably anticipated to endanger public health or welfare.

This is an interesting story because it began with a question that was posed to Carol Browner, then head of the Environmental Protection Agency under President Bill Clinton. As I was told the story, the Republican leader in the House, Tom DeLay, asked Carol Browner of the EPA whether the Clean Air Act covered greenhouse gases, and she said she would have to get back to him because that particular question had never been directly asked or answered. After long study, she replied in the affirmative, which was not the reply the gentleman from Texas was expecting. This led to a flurry of lawsuits and questions because it really raised the question as to whether greenhouse gases, as we know them, going into the atmosphere are dangerous to the health and safety of people living on Earth and particularly here in the United States.

The EPA studied this for a long period of time. The Supreme Court considered this case, as to whether the Clean Air Act applied to greenhouse gases, and ultimately concluded that it did but left it to the EPA to make the final determination as to whether in fact these greenhouse gases were dangerous. The EPA responded to the direction provided by the Supreme Court by proposing to find that the emission of six greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluorides—threatened the public health and welfare of current and future generations and the combined emissions of these same gases from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these greenhouse gases and hence the threat of climate change.

So, literally, tomorrow the Senate will be debating and voting on the question of climate change and whether greenhouse gases in fact are dangerous to the environment and the health and safety of people living in the United States. This has been a long, torturous process that led us to this moment. But the resolution being offered by the Senator from Alaska, Ms. MURKOWSKI, would basically ask the Senate to find against the scientific findings linking greenhouse gases and climate change. The judgment of the EPA was based on scientific findings that showed that the concentration of greenhouse gases is at unprecedented levels compared to the recent and distant past; the effects of climate change observed to date and projected to occur in the future will have impacts on public health and welfare; and the emissions of greenhouse gases from on-road vehicles regulated by the Clean Air Act contribute to climate change.

There are those who deny the connection between greenhouse gases and what is happening to the Earth, the world in which we live. There are some who do not believe in climate change, they do not believe in global warming, and they are very vocal in their positions.

I have had many groups come to see me on the issue from my State of Illinois. Many of them are farmers, agricultural groups, and I have made a point of asking these farmers—as they tell me they oppose any type of efforts to control carbon, to tax it or measure it in the future—a very basic question: Do you believe human activity on Earth is leading to changes in the world we live in—climate changes, the melting of glaciers, different problems with pollution, public health issues, asthma, lung problems? And I have been surprised, at least initially, to find that none of them believed it—not one. Three—after I asked this repeatedly—three said they had some questions about it, but not one said they believed it; that human activity was changing the world in which we live. I said to them: It is very difficult for us to have a conversation let alone a debate about this issue if you don't buy the premise, if you don't buy the starting point that things we are doing—the way we live, the way we produce electricity, the way we move from one place to another—create pollution which changes the Earth.

This resolution by Senator MURKOWSKI basically takes the same position: that the Environmental Protection Agency's finding that these greenhouse gases are a danger to us in the future and now is wrong. The EPA did not reach this conclusion lightly, as to whether there was a connection between greenhouse gases and the safety and health of people living on Earth. They had over 380,000 public comments they elicited for this work.

The EPA endangerment finding has been supported not only by their conclusions but peer-reviewed literature in the work of the Intergovernmental Panel on Climate Change and the Proceedings of the National Academy of Sciences. For the Senate to decide tomorrow that greenhouse gases do not pose a danger to our environment or our own health is comparable to the Senate voting against gravity, saying basically we are going to disagree with the scientific conclusion on gravity.

I could argue without gravity the space program would be a lot cheaper. But the fact is, gravity is a scientific finding backed up by virtually everyone. Here we have a scientific finding backed up by the National Academy of Sciences, and the Senator from Alaska is going to ask us to vote tomorrow to reject it—the Senate to reject it. We will stand in judgment of these scientists and find they are wrong.

By what authority could we reach that conclusion? They have gone

through this long process of concluding that greenhouse gas emissions endanger the planet we live on and our lives in the future. They have suggested we need to take that into consideration when we talk about the fuels we burn in the future, the way we generate electricity in the future, and start making plans to improve fuel efficiency, energy efficiency, to reduce the dangers associated with this.

I think this is an important vote, maybe a historic vote. It is also interesting who supports the position of Senator MURKOWSKI that we basically reject the sound science behind the EPA position. It is a position backed by many groups but particularly supported by big oil. The big oil companies are concerned about the impact of measuring greenhouse gas emissions and carbon emissions on the environment because it directly impacts the product they create and produce and sell.

Here we are in the midst of an environmental disaster in the Gulf of Mexico brought on by one of the biggest oil companies on Earth, and we are now going to consider in the Senate a Murkowski resolution that is supported by the same big oil interests asking us to reject the finding by the EPA that greenhouse gas emissions do pose a danger to our environment and the people living in the United States.

I say to my colleagues, tomorrow I hope they will think long and hard about this vote. This is not just another vote about another political issue. The credibility of the Senate is at issue. If we are going to stand in judgment of these scientific findings and reject them, then I think we will at least subject ourselves to a level of criticism that we have not accepted basic and sound science as it has been developed.

There are many groups supporting the Murkowski resolution. I mentioned big oil. But there are many groups that oppose the Murkowski resolution. Among them are the American Academy of Pediatrics, the Children's Environmental Health Network, the American Nurses Association, the American Lung Association, Public Health Association, Physicians for Social Responsibility, the Association of Schools of Public Health, Union of Concerned Scientists—the list goes on and on.

It is interesting, too, that automobile manufacturers oppose the Murkowski effort to reject the science behind greenhouse gas emissions. An alliance of automobile manufacturers and 11 member companies have written to us expressing concern over the Murkowski resolution that would overturn the EPA's endangerment finding on greenhouse gas emissions.

... if these resolutions are enacted into law, the historic agreement creating the One National Program for regulating vehicle fuel economy and greenhouse gas emissions would collapse.

They are, of course, referring to an agreement which is trying to move toward more fuel-efficient vehicles and vehicles that pollute less. An agreement is being reached. Most Americans would agree that is a good thing. But the basis for agreeing it is a good thing is the belief that what is coming out of your tailpipe is not necessarily good for the world we live in, and if we can reduce the greenhouse gas emissions by moving toward hybrid engines, electric cars, getting better mileage in cars we do use, it is a good thing for the American owning the car—they buy less fuel oil—and it is a good thing for the environment because there are fewer emissions.

If the Murkowski resolution prevails, we are rejecting the scientific basis for believing that what comes out of your tailpipe can be harmful to the world in which we live. That is a position which is hard to understand and difficult to explain.

The auto workers have written to us asking us to vote against the Murkowski resolution, saying they are very concerned that such a vote "would unravel the historic agreement on one national standard for fuel economy and greenhouse gas emissions."

We have had EPA Administrators from Presidents, both Democratic and Republican—under Nixon, Ford, and Reagan—who oppose the Murkowski resolution: Russell Train, William Ruckelshaus, many faith groups, a long list of environmental groups, and key stakeholders who oppose this Murkowski resolution. The list goes on and on.

It will be an interesting vote tomorrow to see if this Senate, this historic and traditional body, will be looking forward to the future and realizing if we do not take better care of the world we live in, we will not be leaving as clean a world, as safe a world to our children in the future.

The Murkowski resolution says ignore the science, ignore the findings, and ignore the responsibility we face to do something about this problem. I think that is clearly a move in the wrong direction, and I hope my colleagues will reject this resolution when it comes before us tomorrow.

There are some who have argued if we do not pass the Murkowski resolution the EPA will start regulating just about everything in sight. When my farmers come here and start worrying about the tractors they drive in the fields, I wonder if they have taken a close look at what the EPA rule has suggested.

There are approximately 900 currently regulated facilities, and the EPA estimates there will be about 550 more that would be affected by this rule. No small farms, restaurants, or midsize commercial facilities emit enough carbon to be regulated by the EPA. Many of these entities have been

frightened by people who have been exaggerating the reach of the EPA or their interest in this particular issue.

When you look at the phase-in called for by the EPA, they are dealing with the largest emitters of pollution in our country. What I think it does is, unfortunately, make the debate somewhat distorted to suggest it is going to apply to a farmer or small businessperson because the EPA's schedule and rules do not.

The alternative of doing nothing is unacceptable from my point of view. I do believe, sadly, things are changing for the worse in many respects when it comes to the environment of the world in which we live. I do believe there has been, as the EPA has found, an increase in greenhouse gas emissions and accumulation of those emissions in the environment which have had a negative impact on the world.

I have seen the photos—most everyone has—about the warming of this Earth. Although there are clearly days and weeks when we have a lot of cold weather—we had it in Washington—we know on average the temperature of the world we live in is going up. As it does, things change: glaciers melt, there is more water in the oceans, currents change, the temperature of the water that moves around the world changes, and climate patterns start to change as well.

We need to do something about it. Voting for the Murkowski resolution is a step in the wrong direction. It basically says we are walking away from our responsibility, a responsibility which, though it is politically difficult, I think is a responsibility we must face because the science and our human experience lead us to that conclusion.

I know it is going to mean some changes in the world. I come from a State where there is a lot of coal. That coal is a source of a lot of energy. But it also could be the source of a lot of pollution. There are ways to deal with it.

I see the Senator from Missouri on the Senate floor. He and I have come together, not on every issue but at least on the notion of carbon sequestration. The idea is to take the emissions from an electric powerplant using coal, for example, and pipe them deep into the earth well below any surface where they could escape. I think this is one of the technologies, one of the scientific processes that should be researched as a possibility.

Let me conclude, because I see my colleague on the floor, by urging my colleagues to oppose the Murkowski resolution tomorrow. This resolution wants to basically reject scientific findings that have been backed up across the world. It would subject this body to not only criticism but maybe even ridicule for us to step away from basic scientific findings which have linked the activities of humans on

Earth and a change in the Earth in which we live. We need to accept that basic premise and accept that basic responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I wish to make some remarks on this extenders bill now before us. It would seem to me, from what I have heard as I traveled this past week, that Americans want to send a very clear message to Washington. They have had enough of runaway spending, exploding debt, the bailouts, and the job-killing policies coming out of this Congress and this administration.

Unfortunately, with the bill on the floor now, it is clear that Washington, or most of it, has stopped listening to the American people. This bill is supposed to be about getting job creators some certainty that temporary tax benefits they rely on to retain workers will continue to be there. Instead, it seems Democrats cannot resist the opportunity to use this bill to expand the debt and extend the government reach because this \$126 billion baby does all of the above. It is loaded up with unrelated spending that has nothing to do with extending necessary benefits and creating jobs. It is not fully paid for and would add another \$78.7 billion to the debt.

With the national debt at now a whopping \$13 trillion, the American people have said enough. Our children and grandchildren, if they were here, would say: Don't put any more on our credit cards. Our debt is now at an unprecedented \$13 trillion for the first time in history. This is no small milestone.

Make no mistake, the next crisis our Nation must deal with is the exploding debt crisis that is upon us. I believe Chairman Bernanke referred to that today.

I support the provisions in this bill that would give our small businesses, our job creators, the security that longstanding tax benefits they are counting on will continue. I also support extending necessary benefits such as the Medicare reimbursements to keep doctors supplying Medicare patients with health care. This was left out of the ObamaCare bill to make it look not as expensive as it really was. But we need to pay for that.

The difference between our view on this side of the aisle and that of those on the other side of the aisle is that we should pay for temporary tax extensions with reductions and cuts in spending, not with permanent tax increases. We want to pay for necessary benefits with cuts now, not saddle our children and grandchildren with even more debt down the road.

I believe most of my colleagues on this side of the aisle agree. Like me, many Republicans support some of the

provisions buried in this boondoggle of a bill. In fact, many of these provisions would easily sail through the Senate, but Democrats continue to bury these provisions in massive spending bills such as the ones before us, compelling anyone who cares about our Nation's fiscal health to vote no. Americans are demanding that we say no, that we put an end to the Washington-gone-wild policies.

They have had enough spending, tax increases, debt, bailout, government overreaching, and job-killing policies. Right now it appears that the majority is not listening. This bill contains provisions that will severely curtail the ability of U.S. businesses that operate internationally, and will drive countless more jobs and corporate headquarters overseas at a time when we should be focusing on job creation and improving the competitiveness of the United States.

These tax increases are a step in the wrong direction. The President has even said we are going to have an economic recovery driven by exports. Well, he has not stepped up and said we need to do free trade agreements which would do that; free trade with Colombia, South Korea, Panama.

This bill, by taxing the people who go overseas to create the opportunity for more exports of American goods, will obviously destroy our ability and lessen our ability to export more. As a technical matter, six of the eight international tax increases in the extenders bill have not even been considered in the committee. Two of the eight were in the President's Greenbook. The other six were only publicly bounced out for the first time May 20. This is \$14.5 billion of tax increases over the next 10 years.

Let me point out, as I have traveled overseas and looked at job creation, I have been stunned to see that America is one of only two countries that taxes businesses overseas and taxes them at home. Most other countries which are growing in their export and their influence overseas do not tax double.

Well, we are taxing double and we are increasing those taxes now. Several of the international tax increases are retroactive tax increases. Many companies, in their reports with the SEC for the benefit of the investing public, have already claimed financial statement benefit for certain foreign tax credits they have already earned but for which they have not yet claimed credit.

The retroactive tax increases affect companies that have already claimed credit for the tax credits to which they were entitled. They have been treated properly as money in the bank. This extenders bill would cause such companies to lose the credits, issue earnings restatements and perhaps even lay off U.S. employees.

These international tax increases are permanent changes to the Internal

Revenue Code, meant to pay for 1 year of temporary provisions in the Internal Revenue Code, a real mismatch. And how will the extenders be paid for next year?

Some on the other side may say these tax increases are necessary to preserve American jobs or keep business in America. Well, I can tell you firsthand that is not the way it works. If you say that, you do not understand economics and international business.

I have made many statements on this floor and written a book about how the best foreign policy we can have is export and foreign investment from this country. It is vitally important as a foreign policy imperative, but also, I have seen firsthand that investment overseas not only creates wealth overseas, but it brings more exports from the United States, creating more jobs here. So it is a win-win for both countries.

Foreign countries where we want to strengthen their economy are crying for investments and for more of our exports because that is how we can help them grow. But these tax increases make it less likely that American businesses will hire, that American businesses will grow. Instead, Germany, India, and Chinese companies, Australia, and the British will outcompete us. They will be hiring more as they grow overseas and as we shrink. This is not the way we should move forward in job creation.

You may say there are reforms needed in the international tax arena, but I think the biggest reform is to put us back on the same footing as most other countries in the world that do not tax overseas. Why are we the only ones? We are one of only two that do it. Does it make good economic sense to penalize productive investment abroad which brings back profits, capital, and export opportunities here at home? That is just one. That is a \$14½ billion job killer.

Another \$14 billion job killer is on entrepreneurs, the people who are creating jobs and need to have venture capital. This is designed to cut the ability of venture capital groups to put together the money you need for researchers or inventors who are creating jobs. I happen to be very interested in this, because my State of Missouri has tremendous research in universities and in organizations such as the Danforth Plant Science Center coming up with innovation in agricultural biotechnology that can provide better food, better products, pharmaceuticals, improve the environment, and improve the well being of people around the world. But there is a big jump between having something in the lab that may work and getting it out in sufficient quantity to supply the Nation and the world. Under the current law, entrepreneurs have a clear signal to take risks on investments in partnerships.

The signal is this: They pay a 15-percent tax if they put their time and effort to bring money and ideas together and make it workable. They have to pay a 15-percent tax when it becomes valuable enough to sell.

That clear signal incentivizes the flow of capital into startup and other ventures. You cut that off and we are going to see venture capital-driven new business opportunities disappear. What are we thinking about? Let's go back.

The No. 1 concern of Missourians, of Americans, is creating jobs. These are the jobs of the 21st century. We are losing lots of jobs of the 20th century. We have to replace them with the jobs of the 21st century. That is where venture capital comes in working with entrepreneurs, working with researchers, bringing together the business acumen, the business skill to get these good ideas into provable products in the marketplace and supply the needs of the people in the world.

Unfortunately, the majority and the Obama administration want to raise that rate to 33 percent in a little over 6 months. This 33-percent hit is set to be augmented by an additional tax hike on the part of the partnership gain attributable to carried interest. It means there is a double whammy coming at startups and other business entities seeking capital to grow and, by the way, not incidentally, primarily create jobs.

We want jobs. Stop the idea of taxing people who are going to create jobs. Rule 1, if you want more of something, tax it less. If you want less of something, tax it more. We want less jobs. That is the message this substitute sends. The double whammy on startups and other businesses would mean that almost half that carried interest, that is now capital gain, would be treated as ordinary income. So with ordinary rates set to rise to almost 40 percent, which will help kill small businesses, it means two-thirds of that carried interest would be almost 40 percent. That is a lot worse deal. That is the kind of thing this country cannot afford when we need jobs. Even though many in the business sector said they want some of the extenders, the temporary extenders the bill includes, research and development and other things, they do not want them if the price of getting them is these international tax increases.

Those opposing the bill include the Chamber of Commerce, the Business Roundtable, the National Foreign Trade Council, the National Association of Manufacturers, the Information Technology Council, IBM, and Microsoft. You can see that the innovative companies in our country know this is going to shrink their business if these tax increases go forward and it is going to cut both in international exports and to startup venture capital.

This goes back to what the Gallup poll has shown, that only 16 percent of

Americans approve of the job Congress is doing, and 80 percent disapprove. If you poll those who will lose their jobs, the disapproval rate would be even higher.

I believe the only way to restore America's confidence in elected officials, particularly in this body, is to prove we are listening. The folks in my home State of Missouri, like most Americans, want Congress and the President to quit treating their hard-earned tax dollars like Monopoly money. The folks in Missouri want me to vote no and oppose any effort to pile more debt on our children and grandchildren, and to oppose efforts that would tax exports and job-creating investments in small and growing businesses.

I have heard. I am listening. I want to act on it. I hope my colleagues will join me.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE CAMPAIGN

Mr. MCCAIN. Mr. President, here we are the day after some elections in various States around the country. I think everybody will draw their own conclusion as a result of those elections, but it is hard to dispute the assertion that the so-called tea party candidates did rather well in the elections around the country.

Those people who believe the disconnect between themselves and their neighbors and their fellow citizens and what we do here in our Nation's capital is clearly disconnected. The anger and dissatisfaction continues to be displayed in poll after poll and election after election. And why are they so upset?

Well, our national debt has just surpassed \$13 trillion for the first time. We now, this morning, in a prediction, have predictions that it will surpass \$19 trillion in 5 years.

In the first 206 years of this Nation's existence, we were able to accumulate a national debt of \$1 trillion. Now it is going to take us 5 years to add \$4 more trillion, up to \$19 trillion. So what is the response now by the administration and my colleagues across the aisle? Another bill that addresses \$10, \$20, \$30, \$40, \$50, \$100 billion additional to the debt and, of course, not paid for. And here we are, after spending a good part of a \$787 billion stimulus package, where we were promised and assured that if we passed that the maximum unemployment in the United States would be 8 percent. As we all know, it is now at 9.7 percent, with the latest

job information with a paltry 41,000 new jobs, and 400,000 temporary government Census jobs.

So is it surprising to anyone that there is great anger and dissatisfaction throughout the country? We seem to be not just tone deaf but deaf, which brings me to the issue of the so-called health care reform.

CBO recently came forward and said, the real cost of the reform in its new authorization is over \$1 trillion, something we were assured at the time, in the year-long debate, that it would not be over \$1 trillion. It will cost over \$2.6 trillion over its first 10 years of full implementation.

I guess there was the assumption that either the American people would forget the debate that was held here in the Congress or would forget these promises were made about the benefits of health care reform, but they were wrong. Recent polls show that about 60 percent of the American people still oppose the legislation that was passed through the Congress and signed by the President, to great fanfare.

In the immortal words of the Speaker of the House, who said, "We have to pass the bill so that you can find out what is in it," the American people are finding out what is in it, including medical device makers who assert that the new tax on them will cost jobs because of a 2.3-percent excise tax on companies that supply medical devices such as heart defibrillators and surgical tools to hospitals. It will cost an estimated \$20 billion. The list of taxes goes on and on.

The response of those on the other side of the aisle is to launch a \$125 million health campaign. They will spend an estimated \$25 million a year over 5 years so that, quoting from a Politico story:

The extraordinary campaign, which could provide an unprecedented amount of cover for a White House in a policy debate, reflects urgency among Democrats to explain, defend and depoliticize health care reform now that people are beginning to feel the new law's effects.

Interesting—\$125 million.

To do its bit, the Medicare people have decided to spend—because we have lots of money; there are no worries—\$18 million—chicken feed—in Medicare funds to send a mailer to Medicare beneficiaries. The flier is entitled "Medicare and the New Health Care Law, What it Means for You." It was sent to 43 million Medicare beneficiaries under the guise of explaining how the new law will impact them. However, the brochure goes into great detail about provisions of the law that do not even apply to seniors and leaves out any mention of the cuts they will face. For example, 330,000 of my fellow citizens in Arizona are enjoying a program called Medicare Advantage. Medicare Advantage does what the government doesn't want our Medicare recipients to do, and that is to give people

choices on dental care, eyeglasses, other decisions they would make. Of course, those people will see the Medicare Advantage program, which is very popular, dismantled under this law.

The flier and the President point out that over \$500 billion in Medicare cuts could jeopardize seniors' health care, forcing millions to pay more. The cuts, according to the Obama administration's own Medicare actuaries, will lead to 7.4 million Medicare beneficiaries losing their health plan because of the \$206 billion in cuts to Medicare Advantage. The CBO estimates that Medicare prescription drug coverage premiums will increase by 9 percent as a result of that law.

I look forward to continuing this debate with the President and my friends. He took time out from his musical evenings to have a health care townhall yesterday to talk about this great benefit to the American people that his legislation has brought. Unfortunately, seniors and the American people are not fooled.

I quote from a Wall Street Journal article of May 28, 2010:

In the full-circle department, recall the moment last September when Senator Max Baucus and Medicare went after the insurer Humana for having the nerve to criticize one part of ObamaCare. It turns out those same regulators have different standards for their own political advocacy.

This week Medicare sent a flyer to seniors, ostensibly to inform them of what ObamaCare "means for you." Many elderly Americans are worried—and rightly so—about where they'll rank in national health care, given that the new entitlement is funded by nearly a half-trillion dollars in Medicare cuts. They must have been relieved to hear that "The Affordable Care Act passed by Congress and signed by President Obama this year will provide you and your family greater savings and increased quality health care."

That's the first sentence of the four-page mailer, and it gives a flavor of the Administration's respect for the public's intelligence. It goes on to mention "improvements to Medicare Advantage," the program that Democrats hate because it gives nearly one out of four seniors private health insurance options. "If you are in a Medicare Advantage plan, you will still receive guaranteed Medicare benefits."

But that's not what Medicare's own actuaries think. In an April memo, Richard Foster estimated that the \$206 billion hole in Advantage will reduce benefits, cause insurers to withdraw from the program and reduce overall enrollment by half. Doug Elmendorf and his team at the Congressional Budget Office came to the same conclusion, as did every other honest expert.

I don't know if my colleagues will recall, but the first amendment we had proposed from this side when the bill came to the floor was to prohibit cuts in Medicare. Now we are seeing that there will be a \$206 billion hole in Medicare Advantage that will reduce benefits and cause insurers to withdraw from the program and reduce overall enrollment by half, just as we predicted on the floor of the Senate.

I look forward to coming back to the floor with my friend from Tennessee and others as we continue this debate. Perhaps we should have been discussing it more all along. I can assure my colleagues, from the many townhall meetings I am having all over the State of Arizona, the people of Arizona, especially those in programs such as Medicare Advantage and others, are deeply concerned and deeply skeptical.

Our proposal still remains valid. Starting next January, we will make every effort to repeal and replace because we cannot lay this burden on future generations of Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Arizona for his leadership and for his thoughtful comments on the health care law. We fought those battles last year. We won the argument but lost the vote. That is not so good for the country, as our country is now finding out.

I am one of those 40 million Americans who are eligible for Medicare, who received that brochure in the mail last week. I spoke about it yesterday. I found it very disingenuous and misleading and unfortunate.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 3470 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 4325 TO AMENDMENT NO. 4301

Mr. ROBERTS. Mr. President, I ask unanimous consent to call up amendment No. 4325.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 4325 to amendment No. 4301.

Mr. ROBERTS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exempt pediatric medical devices from the medical device tax, and for other purposes)

At the end of title VI, add the following:

SEC. ____ EXEMPTION FOR PEDIATRIC MEDICAL DEVICES.

(a) IN GENERAL.—Paragraph (2) of section 4191(b) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (C) the following new subparagraph:

"(D) medical devices primarily designed to be used by or for pediatric patients, and".

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section

5000A(e)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "8 percent" and inserting "5 percent".

Mr. ROBERTS. Mr. President, it is my understanding that we have reached an understanding that this amendment will be a side-by-side amendment to the amendment offered by Senator CARDIN. So at the time it would be considered we would have the vote.

Mr. President, included in the $\frac{1}{2}$ trillion of new taxes in the health care reform law is a tax hike of \$20 billion on medical devices. That is right. This new law imposes a \$20 billion excise tax, a tax of 2.3 percent, on lifesaving medical devices.

The nonpartisan Congressional Budget Office and the Joint Committee on Taxation both confirmed that these excise taxes will not be borne by the medical device industry—will not be borne by the medical device industry. Instead, the tax will be passed on to patients in the form of higher prices and higher insurance premiums.

Recognizing that this tax, as initially proposed, was unpopular—because as written it would have increased taxes on medical devices such as eyeglasses and hearing aids—the bill was modified to exclude these and other items that are generally purchased by the general public at retail for individual use.

Yet even with these exemptions, patients still bear the burden of this new tax. Here are just a few examples of the people who will be hit by this new tax and the types of devices that will be taxed. People with disabilities, diabetics, amputees, people with cancer, and those with heart problems are just some of the people who will see their health care costs go up because of this tax.

During debate on the health care bill, I offered amendments to simply strike this unfair tax. Unfortunately, the majority did not approve these amendments. My amendment today prevents this new tax from raising the costs for pediatric medical devices—those devices that treat the youngest in our population: children who have serious or life-threatening illnesses such as cancer or a heart problem. The amendment exempts from the excise tax medical devices primarily designed to be used by or for pediatric patients.

This tax on medical devices is a tax on innovation as well. It harms research and development that leads to medical advancement. It creates an additional burden for medical device manufacturers to develop new products or to redesign them to meet the specific needs of pediatric patients.

As the FDA notes on its Web site:

Designing pediatric medical devices can be challenging: [Obviously] children are often smaller and more active than adults, body structures and functions change throughout childhood, and children may be long-term device users.

With these challenges and other barriers that exist to the development, approval, and availability of pediatric devices, it seems to me—and I think it should be clear to everyone, all of my colleagues—we should not add another barrier by taxing medical device manufacturers who develop and manufacture pediatric devices. Imposing the excise tax on pediatric medical devices will do nothing but slow innovation for these necessary and lifesaving devices.

So when innovative and lifesaving technologies are taxed, when the cost of many tests increases because the devices used in the tests are taxed, when new devices are not developed, and when fewer manufacturers are able to survive in the anticompetitive environment this tax will create, the consumers of health care will suffer for it.

I urge my colleagues to support this amendment to exempt pediatric medical devices from the excise tax to ensure that the youngest patients who need the lifesaving treatment these devices can offer do not have to pay more for that treatment. This is a step in the right direction to correcting the serious flaws in the health care law.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, we are hoping to reach an agreement soon on a procedure during which we can cast votes on various amendments. The first would be an amendment by Mr. CARDIN; the next, Mr. ROBERTS; and then the Sessions amendment. At the conclusion of the Sessions amendment, I think we will then have 40 minutes of debate, and then the Baucus amendment and then the Cornyn amendment, but that will be outlined much more specifically in a unanimous consent request which I think should be coming fairly quickly.

I wish to say a word or two about the Roberts side-by-side amendment with respect to medical devices. I think it is important to remind ourselves that we are a democracy. Sometimes I think that is forgotten. That is, we are a country of laws. This is a country where we live by the will of the majority, as enacted into law.

It used to be that we here in the Senate would air our differences, vote, and then move on. I must say that lately, and especially with regard to health care reform, many on the other side of the aisle appear to be unable to move on. Many on the other side of the aisle

appear unwilling to accept the results of our legislative process as enacted into law and signed by the President. Many on the other side of the aisle appear simply unwilling to accept the new health care law. Some come to the floor daily to complain about it and, in a sense, relitigate it. It is already passed. It is the law. For the life of me, I don't understand why Senators don't realize that now is the time, since the law has been enacted, to offer constructive remarks to help make sure it works even better. We are here to serve the American people. We are not here to score partisan political points. I think most people at home want the Senate to work to offer ideas to help make the recently enacted health care reform law work even better.

So today, unfortunately, we have again an amendment to carve out an exception to the medical device fee that helps pay for health care reform. This amendment would pay for the loss of revenue by leaving more Americans without health insurance. We are in a situation where if we cut out this medical device provision, then we have to make it up in some way, so this amendment would pay for the lost revenue by leaving more Americans without health insurance.

Senator ROBERTS offered this amendment a few minutes ago, and it would again seek to make changes to the medical device excise tax that is set to go into effect in the year 2013. The Senate rejected an amendment earlier in the year very much like this one. It rejected it during consideration of the Health Reconciliation Act on March 24. We have already been there. We voted on this, not only in the health care reform bill that passed, but we also already voted on this amendment, and the Senate rejected an amendment very similar to this and rejected it soundly by a vote of 57 to 40. Here we are again.

But, still, some on the other side of the aisle appear unwilling to move on. So for the same reasons we rejected this amendment in March, we should reject it again today. We should not exempt one set of medical device manufacturers from contributing their fair share toward health care reform. We should not decrease the number of Americans with health insurance, which this amendment would do—decrease the number of Americans with health insurance. We should, therefore, reject the Roberts amendment.

Let me describe the amendment in a little bit more detail. First, the amendment tries to exclude certain medical device sales from assessment. As my colleagues will recall, a fee was placed on various providers to help pay for health care reform, and in virtually every case, the providers agreed to the fee. They would rather not have to pay a fee, but they agreed to it. They didn't cause a big fuss. Why? Because, as a re-

sult, more people would have health insurance, and with more health insurance, providers generally make a little more money. What they may lose on markup they could make up in volume as more people would have health insurance.

Products that consumers will buy at retail are already excluded. Further attempts to exclude devices are attempts to undermine the entire medical device policy.

The health care reform bill included shared responsibility for all health care industries. I would remind my colleagues, that was the basic premise of health care reform. We are all in this together. Shared responsibility. All Americans help share responsibility—individuals, companies, insurance companies, manufacturers, doctors, hospitals. It is shared. All Americans share. It is about the only way we could make health care reform work in this country, and reform we must because of all the waste that otherwise occurs in our system. There are some estimates that there is up to 29 percent waste in the American health care system. That is a lot of money. We spend about \$2.5 trillion a year on health care reform and waste in the American health care system. That is a lot of money. We spend about \$2.5 trillion a year on health care reform, and 29 percent comes out to around over \$800 billion of waste. I am not saying we can get all of that waste out of the system, but I am saying the passage of this legislation will go a long way, in many respects because of its very strong provisions to attack fraud and abuse in Medicaid and Medicare.

The health care reform bill included shared responsibility for all health care industries. Medical device companies pledged to do their part. They pledged to do their part, and they must do their part. This is particularly true since that industry will see at least 32 million more customers as a result of reform, leading to substantial new profits. The device industry and many other industries in health care will see 32 million more customers as a result of this health care reform law we passed, leading to substantial new profits for them.

This amendment offered by the Senator from Kansas also seeks to weaken the individual responsibility requirement in health reform—weaken it. Remember, this is a shared responsibility. He wants us to weaken a large part. The Congressional Budget Office has indicated that the requirement is one of the most critical pieces of reform; that is, that requirement that the Senator wishes to weaken. CBO, again, states this requirement is one of the most critical pieces of reform. Without it, we lose coverage for millions of Americans. Without it—without that reform—premiums could spike by up to 15 to 20 percent in the nongroup market. Premiums were likely to go up 15

to 20 percent in the nongroup market if this health care reform bill had not passed. That is the analysis of the nonpartisan Congressional Budget Office.

So, clearly, we must resist efforts to weaken the individual responsibility policy in the health care reform bill. I, therefore, do not support this amendment.

I have a couple of other matters. I have not had much opportunity to speak today, so I wish to speak on those matters. I see my good friend from Utah wishes to speak and I will try to speak quickly so he can make his remarks.

The Senator from Arizona came to the floor a few moments ago to attack a number of laws we have enacted this Congress. First, he attacked the Recovery Act. The Senator from Arizona ridiculed the Recovery Act's effects. But we here turn to the nonpartisan Congressional Budget Office for the straight facts. What are the facts? I think it was the late Senator Moynihan from New York who once said, you know, you can argue the policy, but you can't argue facts. Facts are facts. Facts are very tenacious things that are there that you can't wish away. So what are the facts, according to the Congressional Budget Office? The nonpartisan Congressional Budget Office says that in the first quarter of calendar year 2010, the Recovery Act's policies raised the level of real gross domestic product—that is adjusted for inflation—raised the level of gross domestic product by between 1.7 percent and 4.2 percent—not zero, not decreased but raised—raised the gross domestic product in the United States between 1.7 percent and 2.4 percent. Also, CBO says the Recovery Act lowered the unemployment rate by between .7 percentage point and 1.5 percentage points. That is the conclusion of the Congressional Budget Office.

What else did the Congressional Budget Office say? That the Recovery Act increased the number of people employed by between 1.2 million and 2.8 million—increased the number of people employed. That is the consequence of the act. The Congressional Budget Office further states that it increased the number of full-time equivalent jobs by 1.8 million to 4.1 million compared with what those amounts would have been otherwise. I think that is pretty clear.

I respect the ability of the Senator from Arizona to state his own thoughts. That is why we are here in the Senate, in many respects. But we can't dispute the facts as stated by the nonpartisan Congressional Budget Office, the facts which I just recited.

Mr. President, I ask unanimous consent that at 4 p.m. today, the Senate proceed to vote in relation to the following amendments in the order listed and that no intervening amendment be in order prior to the votes, with 2 min-

utes of debate prior to each vote, with the time equally divided and controlled in the usual form; that after the first vote in the sequence, the succeeding votes be limited to 10 minutes each: Cardin amendment No. 4304; Roberts amendment No. 4325; Sessions amendment No. 4303, with a modification which is at the desk, and that the amendment be modified.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. HATCH. Mr. President, reserving the right to object, and I won't object, but I want to make sure I have enough time to give the remarks I was supposed to give.

Mr. BAUCUS. That depends on how long the remarks are going to be.

Mr. HATCH. They will be wonderful remarks.

Mr. BAUCUS. I am sure they are going to be wonderful. That wasn't the question.

Mr. HATCH. I am hopeful that I can be finished by 4 o'clock.

Mr. BAUCUS. We will work it out. We can always delay the first vote until, say, 5 minutes after 4 to accommodate the Senator from Utah.

Mr. HATCH. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 4303, as modified, is as follows:

At the end of the amendment, insert the following:

SEC. ____ . DISCRETIONARY SPENDING LIMITS.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

(b) LIMITS.—In this section, the term "discretionary spending limits" has the following meaning subject to adjustments in subsection (c):

(1) For fiscal year 2011—

(A) for the defense category (budget function 050), \$564,293,000,000 in budget authority; and

(B) for the nondefense category, \$540,116,000,000 in budget authority.

(2) For fiscal year 2012—

(A) for the defense category (budget function 050), \$573,612,000,000 in budget authority; and

(B) for the nondefense category, \$543,790,000,000 in budget authority.

(3) For fiscal year 2013—

(A) for the defense category (budget function 050), \$584,421,000,000 in budget authority; and

(B) for the nondefense category, \$551,498,000,000 in budget authority.

(4) With respect to fiscal years following 2013, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

(c) ADJUSTMENTS.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary

spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

(i) with respect to fiscal year 2011, \$50,000,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, \$50,000,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, \$50,000,000,000 in new budget authority.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, \$7,171,000,000, for fiscal year 2012, \$7,243,000,000, and for fiscal year 2013, \$7,315,000,000.

(II) For fiscal year 2011, \$899,000,000, for fiscal year 2012, and \$908,000,000, for fiscal year 2013, \$917,000,000.

(C) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, \$276,000,000, for fiscal year 2012, \$278,000,000, and for fiscal year 2013, \$281,000,000.

(II) For fiscal year 2011, \$490,000,000; for fiscal year 2012, and \$495,000,000; for fiscal year 2013, \$500,000,000.

(iii) ASSET VERIFICATION.—

(I) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security

Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

(II) AMOUNTS.—For fiscal year 2011, \$34,340,000, for fiscal year 2012, \$34,683,000, and for fiscal year 2013, \$35,030,000.

(D) HEALTH CARE FRAUD AND ABUSE.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2011, \$314,000,000, for fiscal year 2012, \$317,000,000, and for fiscal year 2013, \$320,000,000.

(E) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes \$10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

(i) with respect to fiscal year 2011, \$51,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, \$51,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, \$52,000,000 in new budget authority.

(F) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes \$3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to \$1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed \$1,900,000,000.

(D) EMERGENCY SPENDING.—

(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of this section, sections 302 and 311 of this Act, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress).

(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

(4) DEFINITIONS.—In this subsection, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) POINT OF ORDER.—

(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) SUPERMAJORITY WAIVER AND APPEALS.—

(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(6) CRITERIA.—

(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated

emergencies, particularly when normally estimated in advance, is not unforeseen.

(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

(f) POINT OF ORDER IN THE SENATE.—

(1) WAIVER.—The provisions of subsections (a) and (e) of this section shall be waived or suspended in the Senate only—

(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(g) LIMITATIONS ON CHANGES TO THIS SECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this section.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate my colleague's remarks and I appreciate his leadership on the Finance Committee. He is a fine man. We have been friends for a long time. He has had a very tough job on health care.

But I was a little amazed that he would suggest the Republicans are opening up the health care bill after the distinguished Senator from Maryland actually opened it up with his amendment. I suspect there is going to be a lot of opening by Democrats, as well as Republicans, of the health care bill because it is a colossally bad bill. There is no sin in doing that. Plus I have to say, coming from one of the States that is one of the major producers of medical devices, most of those device companies hardly agreed to what has happened to them. They are going to have to pass those additional taxes on to consumers.

I make those remarks to correct the record a little bit. I realize what my friend is saying. I suspect there will be a lot of amendments to what I consider to be a bill that I think will be a problem for the rest of our lives if we don't reform it.

I rise today to express my deep concern about the so-called American Jobs and Closing Tax Loopholes Act. I also wish to relay my growing frustration with the partisan gamesmanship and lack of leadership by the majority of this body that has brought us to the deplorable state in which we find ourselves in connection with the expired tax provisions.

As a long-time member of the Committee on Finance, it has been my privilege to work with my colleagues

on both sides of the aisle to try to improve the tax laws of this country. While we have had our share of partisan fights over the nearly 20 years I have served on the committee, there has been an overall spirit of cooperation and bipartisanship that has set this panel apart from all the others on which I have served. Unfortunately, this positive spirit, which is so badly needed in the Congress today, has been unraveling for some time now.

Nowhere is this degradation of bipartisan cooperation more evident than in taking care of what used to be the routine business of extending expiring tax provisions. This, of course, is a major objective of the bill before us.

Let us move back a few steps and take an objective look at what we are attempting to do here with this bill. This legislation started out with the purpose of reinstating a growing number of important tax provisions that expired at the end of last year. I recall a time not so long ago when the Senate took care of expiring provisions before they lapsed, not 6 months or even more, after their sunset.

The problem is not with the provisions themselves—they almost universally enjoy wide and deep support on both sides of the aisle. Nor is it a problem that these provisions are not important to the American economy. Admittedly, some of them are more significant than others. The research credit, for example, is vital to our battle to keep R&D activities here in the U.S.—which, by the way, is a battle we are in danger of losing to many of our trading partners, who are working hard to attract these activities away from our shores.

Rather, the problem is twofold—a lack of taking care of needed business on the part of the Senate leadership and the tendency of the majority to use the expired tax provisions as a pawn in the games of politics they are playing.

Let me offer several examples of this. First, it has sadly become commonplace for the leadership of the Senate to not even begin to take the extension of expiring tax provisions seriously until after they have expired. We have, so many times now, routinely extended these provisions after the fact on a retroactive basis, that we have created a sort of expectation that this is a normal and fine way of doing things. This is true despite the fact that we know and admit that this sloppy way of managing public policy will create additional complexity and burdens to the taxpayers that are dependent on these provisions.

Second, the majority had ample opportunity before now to take up and pass the tax extenders, but political games got in the way. For example, early this year in a demonstration of bipartisanship worthy of the reputation of the Finance Committee, Chair-

man BAUCUS reached out to Senator GRASSLEY and other committee members on both sides of the aisle in an attempt to put together a job creation bill. This bill, which was eventually enacted as the HIRE Act, was to have included the expired tax provisions. Practically everyone agrees that these provisions are job creators, and both sides wanted to put them in the bill.

Instead, however, the majority leader essentially hijacked this cooperation and turned it into a partisan game where it was impossible for our side to participate. In the process of doing so, he inexplicably removed from the bill the expired tax provisions and trashed them as Republican-only initiatives. Thus, these tax extenders could have been enacted in March but the Democratic leadership demonstrated that it would rather play political games than get these important provisions taken care of, which we all pretty much supported.

Third, when the majority finally did turn its attention to extending these expired tax provisions, it decided to attach unrelated provisions that it felt it could push through the Congress because extender bills eventually become “must pass” legislative vehicles. These unrelated provisions include an expansion of the controversial Build America Bonds program and a Medicare “doc fix” provision that had been promised in the so-called health care reform bill. Adding these provisions effectively turned the extenders into a pawn in this game of politics.

Finally, the majority has engaged in a strange game of insisting that the expired tax provisions be offset with tax increases on other taxpayers, while allowing far larger portions of the bill, such as the extension of unemployment benefits, to remain un-offset under the guise that we are in an emergency.

Mr. President, we are indeed in an emergency, but it is an emergency caused by too-high taxes and by lack of spending restraint. And by national debt that is compounding itself day after day, year after year, until we double our deficit in the next 5 years and triple it in 10, if we are lucky.

The solution is certainly not to raise taxes and increase spending, yet this is exactly what this bill does. It is to these tax increases included in the bill that I wish to address the remainder of my remarks.

Most of my colleagues know that I have been a strong and long-time supporter of many of the expired tax provisions. Let me again mention the importance of the research tax credit. I, along with Senator BAUCUS, have long championed this provision, and I have worked to make it a permanent credit so we do not have to see these repetitive lapses in its coverage, which only make it less effective as an incentive.

I wish this bill included a permanent research tax credit, which many of my

colleagues on the other side of the aisle and the Obama administration insist they are in favor of enacting. Knowing that a permanent extension was out of the question, I attempted to strengthen the credit on a temporary basis, along the lines of the bill that Senator BAUCUS and I introduced last year, but the other side was not even willing to do this. Nevertheless, a straight extension of the current law research tax credit is significant and is of dire necessity.

I hasten to point out it would not have been as effective as the strengthening provision that we both had agreed should be in the bill.

Why, then, am I planning to vote against this bill? Along with the huge increase in un-offset spending, it is for the same reason that much of the business community is opposed to this legislation—the tax increases added to the bill will damage the economy and job creation and outweigh the benefits of extending the expired tax provisions.

That is at a time when we know that unemployment is not coming down, nor is the economy getting that much better.

Let us take a look at some of these so-called tax loopholes that this legislation is attempting to close.

The largest revenue raiser in the bill is the so-called carried interest provision. For several years now, we have heard it stated with outrage that hedge fund managers get by with paying a lower tax rate on their billion dollar compensation packages than the tax rate their secretaries pay on their relatively meager salaries. Well, if it were this simple, maybe this is a legitimate loophole that we should have closed a long time ago. Unfortunately, it is not this simple.

Rather, the carried interest issue is a complex one that permeates through many structures throughout our economy in ways that are difficult to understand. For example, the same partnership structure that is often utilized by a hedge fund is also used by venture capitalists and real estate developers. These structures have long been part of our tax law and many multi-billion dollar deals that have created millions of jobs have been built upon them.

I am not here to say that from a tax policy point of view, the way we tax carried interest should not be examined and possibly changed. What I am here to say is that we need to use extreme caution in making any changes to the taxation of these structures. Why? Because the simple fact is that if we increase the tax rates and change the nature of income from these partnerships, the economic hurdle rates will rise, and fewer deals will get done. And if fewer deals are done, less economic activity will be generated and fewer jobs will be created. At this time of economic strife in this country, this is not a chance we should take.

The problem Mr. President, is that these offsets are being considered for one reason and one reason only—for the tax revenue they are projected to provide. We are trying to fill a hole and we need a certain amount of new taxes to do it. We are not looking to improve tax policy here. If we were, we would approach this matter with the caution it warrants.

Another big tax change in this bill before us also needs to be reconsidered. I refer to the provision to change the way certain owners of S corporations are subject to self-employment tax. This \$11 billion plus revenue raiser will create all kinds of headaches for legitimate small businesses that are currently playing by the rules.

The proponents of this change say that it is needed to close a loophole made famous by a former colleague of ours who will remain unnamed. However, the Internal Revenue Service already has all the tools it needs, in the form of existing tax rules, to enforce the kind of abuses that have occurred in this area.

The provision in this bill to correct this problem would arbitrarily afflict certain small businesses whose only sin is that they might have three skilled professionals rather than four. Essentially, the provision creates a raft of unanswered and complex questions that will likely bedevil hundreds of thousands of small business owners who would much rather be concentrating on surviving the tough economic climate and possibly creating some new jobs.

Finally, I must say a few words about another category of offsets in this bill that are entirely unjustified and were not well considered. These are the set of changes to the foreign tax credit rules that suddenly appeared on the scene just a few days ago. Unlike most other tax offsets that we discuss in the Finance Committee, which have been around for a long time and have had the benefit of examination by the professional tax community, these were sprung on us just a few days ago. They were not part of the administration's budget proposal and have not been subject to any kind of hearing in either House.

Rather, they were apparently concocted by some backroom bureaucrats in the bowels of the executive branch and brought forth in the guise that these are glaring loopholes that must be closed for the sake of the future of the federal fisc. However, what I have been told by seasoned tax professionals in the business community is that these are, in large part, not loopholes at all but legitimate tax planning techniques that the Treasury and Internal Revenue Service have known about for years.

What is worse is that the effective date of these provisions in this bill would have a retroactive effect. We all

know that retroactive tax increases belie good public policy. Moreover, many on the majority side, including the chairmen of both of the tax-writing committees, earlier agreed that international tax reform provisions should be discussed in connection with international tax reform, not as a knee-jerk reaction to a perceived need for revenues on an unrelated bill. This is not good lawmaking and we should abandon consideration of these revenue raisers until we can examine them from a tax policy point of view.

In conclusion, we are on the low road with this bill. I am frankly ashamed to tell Utahns who ask me about the expired provisions that Congress has not dealt with them yet, and that the reason why is that we are too busy playing partisan games to manage the affairs of the nation in a responsible way.

It is not too late. Let us walk away from this mess and start again. Let us take up a clean bill to extend the expired provisions, which we all agree should be enacted, and then deal with these other issues separately. Most importantly, let us not increase taxes on anyone when the economy is in such a precarious position.

As our side has stated many times before, these tax provisions have been paid for many times over in previous years, by enacting permanent offsets to go along with their temporary extension. Let us not hurt our constituents in the name of false fiscal responsibility. Let us instead employ real fiscal responsibility and start finding ways to address our runaway spending addiction.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

AMENDMENT NO. 4304

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4304, offered by the Senator from Maryland, Mr. CARDIN.

The Senator from Maryland.

Mr. CARDIN. Mr. President, the amendment we will be voting on is an amendment that allows the Federal Employees Health Benefits Plan enrollees to enroll their children up to age 26 immediately rather than waiting until January 1, which is what the new law provides. Private insurance companies are providing this opportunity now for their individuals.

Let me point out that I understand a point of order might be raised under the Budget Act. This has negligible costs. In fact, it will save some money

in that children who reach the age of 22 between now and the end of the year will be required to disenroll and then reenroll again after January 1, which makes no sense whatsoever.

The Office of Personnel Management wants to implement this plan now. They have the capacity to do it, but they need the legal authority to do it.

For the sake of our 8 million active Federal workers, retirees, and their families, it makes sense for us in an orderly way to allow their children up to age 26 to be part of the Federal Employees Health Benefits Plan now rather than have to wait until January 1.

I urge my colleagues to support the amendment and to support the waiver of the budget point of order.

Mr. BAUCUS. Mr. President, prior to enactment of health care reform, there was no law that required insurers to extend coverage for young adults to remain on their parents' plans.

For years, getting a diploma also meant losing your health insurance. And whether you went on to college or not, it was often hard as a young person to find affordable coverage.

Overall, Americans in their twenties were twice as likely to go without health insurance as older Americans.

For too many young Americans over the years, the answer to these questions was simply to go without health insurance and hope that you stayed healthy.

Under the new health reform law, insurers will be required to allow all Americans under the age of 26 who do not get health insurance through their job to stay on their parents' plan.

And beginning in 2014, children up to age 26 can stay on their parent's employer plan even if they have another offer of coverage through an employer.

This provision is scheduled to go into effect in September. But every major insurance company—more than 65 in total—and several major self-insured organizations have said they will provide continuous coverage for young adults this summer.

The amendment by the Senator from Maryland would make it possible for the Federal Employee Health Benefit Program to follow the lead of private insurance companies and make this coverage available sooner, as well.

This is a worthy goal. And the amendment would have negligible effects on the budget. And so I support the motion by the Senator from Maryland and urge my colleagues to vote for it.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Utah.

Mr. HATCH. Mr. President, I have been asked to raise a point of order that the Cardin amendment violates section 311 of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask that there be a waiver of all points of order.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—57

| | | |
|------------|------------|-------------|
| Akaka | Gillibrand | Murray |
| Baucus | Hagan | Nelson (NE) |
| Bayh | Harkin | Nelson (FL) |
| Begich | Inouye | Pryor |
| Bennet | Johnson | Reed |
| Bingaman | Kaufman | Reid |
| Boxer | Kerry | Rockefeller |
| Brown (OH) | Klobuchar | Sanders |
| Burris | Kohl | Schumer |
| Cantwell | Landrieu | Shaheen |
| Cardin | Lautenberg | Specter |
| Carper | Leahy | Stabenow |
| Casey | Levin | Tester |
| Conrad | Lieberman | Udall (CO) |
| Dodd | Lincoln | Udall (NM) |
| Dorgan | McCaskill | Warner |
| Durbin | Menendez | Webb |
| Feinstein | Merkley | Whitehouse |
| Franken | Mikulski | Wyden |

NAYS—42

| | | |
|------------|-----------|-----------|
| Alexander | Crapo | LeMieux |
| Barrasso | DeMint | Lugar |
| Bennett | Ensign | McCain |
| Bond | Enzi | McConnell |
| Brown (MA) | Feingold | Murkowski |
| Brownback | Graham | Risch |
| Bunning | Grassley | Roberts |
| Burr | Gregg | Sessions |
| Chambliss | Hatch | Shelby |
| Coburn | Hutchison | Snowe |
| Cochran | Inhofe | Thune |
| Collins | Isakson | Vitter |
| Corker | Johanns | Voinovich |
| Cornyn | Kyl | Wicker |

NOT VOTING—1

Byrd

The PRESIDING OFFICER. On this vote the yeas are 57 and the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. BAUCUS. Mr. President, the Senate is not in order.

AMENDMENT NO. 4325

The PRESIDING OFFICER. The Senate will be in order.

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4325, offered by the Senator from Kansas, Mr. ROBERTS.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, much like Senator CARDIN's amendment, my amendment also recognizes the need to ensure that the youngest in our popu-

lation have access to health care. My amendment does this by exempting medical devices primarily to be used by or for pediatric patients. The CBO and the Joint Committee on Taxation both confirmed that these excise taxes will not be borne by the medical device industry. The tax will be passed on to patients in the form of higher prices and higher insurance premiums.

My amendment prevents this new tax from raising the cost for pediatric medical devices—those devices that treat the youngest in our population, children who have serious or life-threatening illnesses, such as a heart patient or a cancer patient.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Roberts amendment would address almost exactly the same matter the Senate voted on March 24. We rejected it then and we should reject it now.

The amendment would carve out an exemption for certain medical device manufacturers from paying their fair share of costs for health care reform and it will be paid for by reducing the number of people to be covered by health insurance. The last thing we should do is cut back on health insurance coverage, and I urge my colleagues to oppose the amendment.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—55

| | | |
|------------|------------|-------------|
| Akaka | Gillibrand | Nelson (FL) |
| Baucus | Hagan | Pryor |
| Bayh | Harkin | Reed |
| Begich | Inouye | Reid |
| Bennet | Johnson | Rockefeller |
| Bingaman | Kaufman | Sanders |
| Brown (OH) | Kerry | Schumer |
| Burris | Kohl | Shaheen |
| Cantwell | Landrieu | Specter |
| Cardin | Lautenberg | Stabenow |
| Carper | Leahy | Tester |
| Casey | Levin | Udall (CO) |
| Conrad | Lieberman | Udall (NM) |
| Dodd | Lincoln | Warner |
| Dorgan | McCaskill | Webb |
| Durbin | Menendez | Whitehouse |
| Feingold | Merkley | Wyden |
| Feinstein | Mikulski | |
| Franken | Murray | |

NAYS—44

| | | |
|-----------|------------|-----------|
| Alexander | Bond | Brownback |
| Barrasso | Boxer | Bunning |
| Bennett | Brown (MA) | Burr |

| | | |
|-----------|-----------|-------------|
| Chambliss | Gregg | Murkowski |
| Coburn | Hatch | Nelson (NE) |
| Cochran | Hutchison | Risch |
| Collins | Inhofe | Roberts |
| Corker | Isakson | Sessions |
| Cornyn | Johanns | Shelby |
| Crapo | Klobuchar | Snowe |
| DeMint | Kyl | Thune |
| Ensign | LeMieux | Vitter |
| Enzi | Lugar | Voinovich |
| Graham | McCain | Wicker |
| Grassley | McConnell | |

NOT VOTING—1

Byrd

The motion was agreed to.

AMENDMENT NO. 4303, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4303, as modified, offered by the Senator from Alabama, Mr. SESSIONS.

The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I rise to spend a few moments to talk about this amendment. We have voted on this amendment before, although we have made a couple of changes: exempting moneys that are being spent on contingency operations for our military overseas and lowering the vote threshold for emergencies where we need to go beyond the spending cap.

But this is the bottom line: On kitchen tables all across this country families are cutting their budgets. In county courthouses all over this country people are cutting budgets. In State legislatures all over this country people are cutting budgets. In city council chambers all over this country people are cutting budgets.

Then we get to Washington, and what we are trying to do here is not cut a budget. That is the amazing part about this. This does not cut a penny. All it does is curb the growth. Are we going to say to this country that we are unable to cap the growth of this government over the next 3 years?

This is a baby step. This is not a major assault on the spending of the Federal Government. This is a baby step.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MCCASKILL. I urge the adoption of the amendment.

Mr. INOUE. Mr. President, this will be the fourth time this year the Senate will be voting on an amendment offered by the Senator from Alabama which seeks to constrain discretionary spending. Each one of the amendments has been similar.

This is the fifth time I have risen to speak in opposition to this amendment, and I must admit I find myself somewhat at a loss for words. There are only so many ways to highlight the negative impact of this amendment on current services and the President's initiatives, while explaining how it does not address real deficit reduction.

Fortunately, the Senate has voted this amendment down three times already. I thank my colleagues for rejecting this amendment in the past,

and I certainly hope we will do so again.

There are a number of reasons why this amendment is a bad idea. Let me remind my colleagues, again, of several of those reasons:

The Senator from Alabama uses last year's budget resolution as his starting point. He believes that since Congress passed a budget resolution last year with a nonbinding target for this year, that we should now make that target binding.

But, since this amendment was originally proposed, the Budget Committee has reviewed the President's budget request for fiscal year 2011 and has marked up a new budget resolution. In doing so, the committee has changed their recommendation.

Since the committee with jurisdiction has determined the levels that it believes the Congress should keep to, I am not sure what advantage the Senate would have in agreeing to the notional targets in last year's resolution.

I have stated this before, but it is important to note again for my colleagues. The President's budget proposal for fiscal year 2011 allows growth in Homeland Security; this amendment does not assume growth. This could result in fewer border patrol agents and firefighting grants and would weaken TSA's ability to respond to threats to aviation security.

The President has requested more than \$732 billion in his budget for national defense for fiscal year 2011, including the cost of war. This amendment not only allocates \$614 billion.

As I stated several weeks ago, over the 3 years covered in this amendment, the caps that would be put into place are \$141 billion below President Obama's 3-year plan, including \$50 billion below defense and \$91 billion below nondefense spending.

The Sessions amendment is \$82 billion below the budget resolution which the committee adopted, and includes a cut of \$50 billion from Defense, over 3 years. In the near term, for fiscal year 2011, the Sessions amendment will require the Appropriations Committee to cut defense spending by \$9.5 billion and nondefense spending by about \$11 billion.

Such across-the-board cuts make for a great photo opportunity for appearing to reduce the deficit, but the consequences could be severe. The lack of direction is reckless. Important needs would go unmet. This amendment could result in cutting research funds for traumatic brain injury, worsening the shortage of air traffic controllers, cutting afterschool centers and veterans employment programs, to name just a few.

This week, the President has asked Federal agencies to identify 5 percent in spending cuts for fiscal year 2012 to areas that are not critical to their overall mission. A more thorough, de-

liberative approach such as this is clearly more sensible than slashing budgets across-the-board with little or no consideration of the consequences.

As I have said now several times before, a critical flaw in this amendment is it does nothing to seriously reduce the deficit. It fails to address the two principal reasons for the government's current financial distress.

The two drivers behind the growth in the debt are unchecked mandatory spending and the huge tax cuts for the wealthy passed, with no offsets, by the previous administration. This amendment fails to address either of those two problems. It simply does not get the job done. Further, it hinders the efforts of those who do seek to address the deficit in a comprehensive manner.

The fact of the matter is that many of our Republican colleagues are more than willing to put a cap on discretionary spending. At the same time, they refuse to support policies that would ensure the Nation has sufficient incoming revenue to make a real impact on the deficit, even though mandatory spending has increased significantly for the last few years.

We all know that it is impossible to achieve a balanced budget simply by freezing discretionary spending. In fact, we could eliminate all discretionary spending increases for defense and nondefense spending and still not even come close to balancing the budget.

And again, I remind my Democratic colleagues that if we cut discretionary spending without also reaching an agreement on mandatory spending and taxes, we will find it impossible to get those who do not want to address revenues to come to a meaningful compromise.

I would also remind my colleagues that the deficit reduction commission is working, as we speak, to come up with a comprehensive solution to the current systemic imbalances we face.

And in the fall, they will make their recommendations to the Congress, and we have a firm commitment to bring those recommendations up for a vote.

The Senate has already rejected this flawed plan three times this year. The flaws remain, and the Senate should reject it a fourth time.

This amendment fails to address the real causes of our deficits and the national debt in a fair and comprehensive manner. It would provide far less funding than either the President or the Senate Budget Committee recommend.

For all of these reasons, I urge my colleagues once again to vote no.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is the Sessions-McCaskill amendment. We have voted at least four times on this amendment. The Senator from Alabama has offered pretty much the same amendment.

For now, four times the Senator from Alabama has sought to fix caps on the work of the appropriations process. Three times the Senate has rejected this amendment. I think we should do so today. The amendment by the Senators from Alabama and Missouri robs the Appropriations Committee and the Congress of flexibility to respond to changed circumstances in years to come. It would set budget caps, binding years into the future, no matter what happens between now and then.

So for all of the reasons the Senate rejected this amendment three times before, I believe we should reject it again today. The Sessions amendment seeks to change the budget process; therefore, it violates the Congressional Budget Act. I thus raise a point of order that the Sessions amendment violates section 306 of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I move to waive the applicable section of the budget resolution with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The question is on agreeing to the motion.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—57

| | | |
|------------|-----------|-------------|
| Alexander | Cornyn | Lugar |
| Barrasso | Crapo | McCain |
| Bayh | DeMint | McCaskill |
| Begich | Ensign | McConnell |
| Bennet | Enzi | Murkowski |
| Bennett | Graham | Nelson (NE) |
| Bond | Grassley | Nelson (FL) |
| Brown (MA) | Gregg | Risch |
| Brownback | Hagan | Sessions |
| Bunning | Hatch | Shaheen |
| Burr | Hutchison | Shelby |
| Cantwell | Inhofe | Snowe |
| Carper | Isakson | Thune |
| Casey | Johanns | Udall (CO) |
| Chambliss | Klobuchar | Vitter |
| Coburn | Kyl | Voinovich |
| Cochran | LeMieux | Warner |
| Collins | Lieberman | Webb |
| Corker | Lincoln | Wicker |

NAYS—41

| | | |
|------------|------------|-------------|
| Akaka | Feinstein | Levin |
| Baucus | Franken | Menendez |
| Bingaman | Gillibrand | Merkley |
| Boxer | Harkin | Mikulski |
| Brown (OH) | Inouye | Murray |
| Burris | Johnson | Pryor |
| Cardin | Kaufman | Reed |
| Conrad | Kerry | Reid |
| Dodd | Kohl | Rockefeller |
| Dorgan | Landrieu | Sanders |
| Durbin | Lautenberg | Schumer |
| Feingold | Leahy | |

Specter
Stabenow

Tester
Udall (NM)

Whitehouse
Wyden

NOT VOTING—2

Byrd

Roberts

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that there now be 20 minutes of debate, with the time equally divided, with respect to the Cornyn amendment No. 4302, and that the amendment be modified with the changes at the desk; that Senator BAUCUS then be recognized to offer an amendment on the same subject as the Cornyn amendment; that the two amendments be debated concurrently for the total time as specified above, with no intervening amendment in order to either amendment; that upon the use or yielding back of time, the Senate proceed to vote with respect to the Baucus amendment, to be followed by a vote in relation to the Cornyn amendment, as modified; that prior to any succeeding votes in this sequence, there be 2 minutes of debate, equally divided and controlled in the usual form, and that any succeeding votes be limited to 10 minutes; that the next amendment to be offered be from the majority and then an amendment from the Republican side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, the Cornyn amendment No. 4302 is modified with the changes at the desk.

The amendment, as modified, is as follows:

At the appropriate place, add the following:

TITLE —TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

SEC. 01. SHORT TITLE.

This title may be cited as the “Foreign-Held Debt Transparency and Threat Assessment Act”.

SEC. 02. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives.

(2) DEBT INSTRUMENTS OF THE UNITED STATES.—The term “debt instruments of the United States” means all bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States Government, including any Government-sponsored enterprise.

SEC. 03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) the increasing dependence of the United States on foreign creditors has the potential to make the United States vulnerable to undue influence by certain foreign creditors in national security and economic policy-making;

(3) the People's Republic of China is the largest foreign creditor of the United States, in terms of its overall holdings of debt instruments of the United States;

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved, particularly regarding the holdings of the People's Republic of China;

(5) through the People's Republic of China's large holdings of debt instruments of the United States, China has become a super creditor of the United States;

(6) under certain circumstances, the holdings of the People's Republic of China could give China a tool with which China can try to manipulate the domestic and foreign policymaking of the United States, including the United States relationship with Taiwan;

(7) under certain circumstances, if the People's Republic of China were to be displeased with a given United States policy or action, China could attempt to destabilize the United States economy by rapidly divesting large portions of China's holdings of debt instruments of the United States; and

(8) the People's Republic of China's expansive holdings of such debt instruments of the United States could potentially pose a direct threat to the United States economy and to United States national security. This potential threat is a significant issue that warrants further analysis and evaluation.

SEC. 04. QUARTERLY REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) QUARTERLY REPORT.—Not later than March 31, June 30, September 30, and December 31 of each year, the President shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 7 months preceding the date of the report.

(2) The country of domicile of all foreign creditors who hold debt instruments of the United States.

(3) The total amount of debt instruments of the United States that are held by the foreign creditors, broken out by the creditors' country of domicile and by public, quasi-public, and private creditors.

(4) For each foreign country listed in paragraph (3)—

(A) an analysis of the country's purpose in holding debt instruments of the United States and long-term intentions with regard to such debt instruments;

(B) an analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by each country's holdings of debt instruments of the United States; and

(C) a specific determination of whether the level of risk identified under subparagraph (B) is acceptable or unacceptable.

(c) PUBLIC AVAILABILITY.—The President shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

SEC. 05. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) IN GENERAL.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) CONTENT OF REPORT.—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) A specific determination of whether the levels of risk identified under paragraph (1) are sustainable.

(3) If the determination under paragraph (2) is that the levels of risk are unsustainable, specific recommendations for reducing the levels of risk to sustainable levels, in a manner that results in a reduction in Federal spending.

SEC. 06. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE AND UNSUSTAINABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

In any case in which the President determines under section 04(b)(4)(C) that a foreign country's holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce the risk level to an acceptable and sustainable level, in a manner that results in a reduction in Federal spending;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 4302, AS MODIFIED

Mr. CORNYN. Mr. President, according to the nonpartisan Congressional Budget Office, the pending legislation before the Senate will add \$80 billion to the Federal deficit. The Treasury Department, in a report to Congress last week, projects that by 2015 the national debt will reach \$19.6 trillion.

My amendment represents a modest attempt to ensure that Congress is kept informed on the economic and national security implications of two important matters: first, the ballooning national debt; and, secondly, the foreign financing of our deficit spending.

I believe it is only prudent for Congress to get regular analyses on these issues, ones as critical as these.

My amendment has two components. First, it requires the General Accounting Office to provide Congress with an annual risk assessment on the national security and economic hazards posed by the national debt. Secondly, it would require the President to provide Congress with quarterly risk assessments on the national security and economic hazards posed by current levels of foreign holdings of our debt. In the event the risk level is found to be too high, the President would have to put together and then execute a plan to mitigate that risk in a way that reduces Federal spending.

It is the worst kept secret in the world that our deficit spending is being financed by foreign investors who may not always have our Nation's best interests at heart. We need to be thinking openly and clearly about the potential consequences of this, as well as the consequences of allowing our national debt to reach such massive proportions.

The chairman of the Finance Committee apparently opposes my amendment and will offer an alternate based closely on mine. I regret to say, though, his amendment makes changes to the legislative language that could potentially result in tax increases on American taxpayers, which could not come at a worse time.

Under my amendment, the Government Accountability Office would be required to recommend to Congress ways to bring down the security and economic risks posed by the huge national debt. These recommendations would be required to focus on spending reductions, not tax increases. By contrast, under the Baucus amendment, this limitation is deleted, effectively paving the way for the GAO to recommend that Congress raise taxes rather than cut spending.

Similarly, in cases where foreign holdings of our debt pose unacceptable risks to our security and economy, my amendment would require the President of the United States to formulate and execute a plan to mitigate those risks. His plan would have to reduce Federal spending. The Baucus amendment deletes that limitation, opening the door for the President's plan to include tax hikes on the American taxpayer.

The Baucus amendment also substantially weakens the requirements for the two types of debt risk assessments. First, it cuts the frequency of the President's reporting requirements on the risks posed by foreign debt holdings, making them annual rather than quarterly, and it also shifts the requirement over to the Secretary of the Treasury. It makes the reports more vague and, as a result, less useful to Members of Congress who need this information.

Perhaps most puzzling, the Baucus amendment eliminates the require-

ment for the GAO to determine whether our country can sustain the security and economic risks posed by growing national debt. I recognize it may be unpleasant—or even inconvenient—to think about this, but it is a risk to our country, and it is an important question that needs transparency and our best thinking.

We have an obligation to think openly and honestly about what effect Congress's runaway spending may have on our Nation's future which, of course, is the purpose of my amendment.

Mr. President, I ask my colleagues to oppose the Baucus amendment and to support mine.

I yield the floor and reserve the remainder of my time.

THE PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 4326 TO AMENDMENT NO. 4301

Mr. BAUCUS. Mr. President, pursuant to the previous order, I call up my amendment No. 4326 and ask unanimous consent that reading of the amendment be dispensed with once it is reported.

THE PRESIDING OFFICER. The clerk will report the amendment by number.

The assistant editor of the Daily Digest read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. KERRY, and Mr. DODD, proposes an amendment numbered 4326 to amendment No. 4301.

The amendment is as follows:

(Purpose: To increase transparency regarding debt instruments of the United States held by foreign governments, to assess the risks to the United States of such holdings, and for other purposes)

At the appropriate place, insert the following:

TITLE —TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

SEC. .01. SHORT TITLE.

This title may be cited as the "Foreign-Held Debt Transparency and Threat Assessment Act".

SEC. .02. DEFINITIONS.

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, the Committee on Financial Services, and the Committee on the Budget of the House of Representatives.

(2) **DEBT INSTRUMENTS OF THE UNITED STATES.**—The term "debt instruments of the United States" means all bills, notes, and bonds held by the public and issued or guaranteed by the United States or by an entity of the United States Government.

SEC. .03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) large foreign holdings of debt instruments of the United States have the potential to make the United States vulnerable to undue influence by foreign creditors in national security and economic policymaking;

(3) the People's Republic of China, Japan, and the United Kingdom are the 3 largest foreign holders of debt instruments of the United States; and

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved.

SEC. .04. ANNUAL REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) **ANNUAL REPORT.**—Not later than March 31 of each year, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) **MATTERS TO BE INCLUDED.**—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 9 months preceding the date of the report.

(2) The total amount of debt instruments of the United States that are held by foreign residents, broken out by the residents' country of domicile and by public and private residents.

(3) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by foreign holdings of debt instruments of the United States.

(c) **PUBLIC AVAILABILITY.**—The Secretary of the Treasury shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

SEC. .05. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) **IN GENERAL.**—Not later than March 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) **CONTENT OF REPORT.**—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) Specific recommendations for reducing the levels of risk resulting from the Federal debt.

SEC. .06. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

If the President determines that foreign holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce such risk;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

Mr. BAUCUS. Mr. President, I support transparency. I think most of us do, certainly in concept. I support the transparency and deficit reduction goals of the Cornyn-Kyl amendment. But that amendment is unworkable. Why? Because it requires Treasury to speculate about the intent behind foreign purchases of U.S. Treasuries. How in the world is Treasury going to be able to know the intent behind foreign purchases of U.S. treasuries?

The Cornyn-Kyl amendment also sends the wrong message that the United States is deeply suspicious of foreign holders of U.S. debt, and it potentially could chill foreign purchases of U.S. Treasury bonds. I do not think we want to do that now.

Purchases of U.S. Treasury bonds have held interest rates very low. We are very lucky. We are very lucky. I do not think many appreciate this: With the budget deficits we have, and even with unemployment way too high, things could be much worse; that is, if interest rates were much higher. But investors like the safe haven of U.S. Treasuries—and that is domestic and foreign purchases of U.S. Treasuries—and that is helping to keep interest rates down at very low rates, and that is keeping inflation down at very low rates. We are lucky that is a condition we are experiencing in the United States today.

With America just beginning to recover from the financial crisis, we cannot risk our ability to finance the debt. We cannot risk it. For those reasons, I must oppose the Cornyn amendment.

However, I urge Senators to support my side-by-side amendment, which meets the transparency objectives of the Cornyn-Kyl amendment, but could actually be implemented and will avoid roiling financial markets in this time of uncertainty.

Think a bit about what is happening in Europe. This is an uncertain time. This is not a time to be taking big risks. Rather, it is a time to be steady as she goes and be smart and be steady.

My amendment would require the President to submit an assessment to Congress on the risks posed by foreign holdings of U.S. debt, but without unnecessarily singling out individual countries. I do not think we want to single out individual countries because that has too great a risk of unintended consequences.

My amendment would require the GAO to assess the risk associated with Federal debt, but it would not impose an unconstitutional requirement on the President.

I am joined in this amendment by the chairman of the Foreign Relations Committee, Senator KERRY, and the chairman of the Banking Committee,

Senator DODD. I urge Senators to support the Baucus-Kerry side-by-side amendment and oppose the Cornyn-Kyl amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes twenty seconds.

Mr. CORNYN. Mr. President, I will respond briefly.

The reason why we require, in my amendment, the President of the United States to make the report on the risks to our national security and our financial system is because only the President can command all of the resources of the U.S. Government, including that of our intelligence services, which may have something to say about the national security risks associated with countries such as China owning so much of our debt. We know that, for example, leaders in the Chinese military have threatened retaliation in exchange for the United States selling defensive weapons to the country of Taiwan. I would think the Treasury Department, which in the Baucus amendment would be required to make that report, would not have access to the intelligence and the other information necessary—or from the Department of Defense—in dealing with China.

The Senator from Montana also says we should not rock the boat. We ought to go steady as she goes. The problem is our boat is going to sink and go to the bottom of an ocean of debt if we do not change our ways. This is a first step to try to provide additional transparency to let the American people assess for themselves whether they think this is a good idea or whether their elected representatives in Congress should do something about rising debt and runaway spending. I understand the Senator from Montana saying we don't want to single out special countries. It is true that some of our closest allies such as Japan and the United Kingdom also purchased large amounts of our debt, but, frankly, I am not as worried about those allies of the United States as I am the intention of China, which is not an ally, which is a rival, to say the least, and one whose actions we need to be appropriately skeptical about and discerning.

So unfortunately, I think the alternative amendment offered by the Senator from Montana waters down this important amendment, and I think it would obscure the facts from the American people and policymakers here in Congress. So I ask my colleagues to vote against the Baucus alternative and vote for the Cornyn amendment.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am prepared to yield back the rest of my time, and I wonder if the Senator from Texas is prepared to yield back his.

Mr. CORNYN. I yield back the remaining time.

Mr. BAUCUS. I yield back our time as well, and I move to table the Cornyn amendment. Wait. Which amendment is up first?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, as I understand it, although the Senator from Texas personally is, the other side is not prepared to yield back the rest of their time. Therefore, I ask unanimous consent to reclaim my time and Senator CORNYN's time as well.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, parliamentary inquiry: My understanding is that the Senator from Montana was yielding back. I was willing to yield back my time and ask for a vote as soon as it can be conveniently arranged.

Mr. BAUCUS. That is correct. I understand you are OK, but your side is—now they are OK. So now that we have that settled, all time is yielded back.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to amendment No. 4326 of the Senator from Montana.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—58

| | | |
|------------|------------|-------------|
| Akaka | Dodd | Kohl |
| Baucus | Dorgan | Landrieu |
| Bayh | Durbin | Lautenberg |
| Begich | Feingold | Leahy |
| Bennet | Feinstein | Levin |
| Bingaman | Franken | Lieberman |
| Boxer | Gillibrand | Lincoln |
| Brown (OH) | Hagan | McCaskill |
| Burris | Harkin | Menendez |
| Cantwell | Inouye | Merkley |
| Cardin | Johnson | Mikulski |
| Carper | Kaufman | Murray |
| Casey | Kerry | Nelson (NE) |
| Conrad | Klobuchar | Nelson (FL) |

| | | |
|-------------|------------|------------|
| Pryor | Shaheen | Warner |
| Reed | Specter | Webb |
| Reid | Stabenow | Whitehouse |
| Rockefeller | Tester | Wyden |
| Sanders | Udall (CO) | |
| Schumer | Udall (NM) | |

NAYS—41

| | | |
|------------|-----------|-----------|
| Alexander | Crapo | Lugar |
| Barrasso | DeMint | McCain |
| Bennett | Ensign | McConnell |
| Bond | Enzi | Murkowski |
| Brown (MA) | Graham | Risch |
| Brownback | Grassley | Roberts |
| Bunning | Gregg | Sessions |
| Burr | Hatch | Shelby |
| Chambliss | Hutchison | Snowe |
| Coburn | Inhofe | Thune |
| Cochran | Isakson | Vitter |
| Collins | Johanns | Voinovich |
| Corker | Kyl | Wicker |
| Cornyn | LeMieux | |

NOT VOTING—1

Byrd

The amendment (No. 4326) was agreed to.

Mr. FEINGOLD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4302, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, to be equally divided, on the amendment offered by the Senator from Texas, as modified.

Who yields time?

Mr. CORNYN. Mr. President, I urge my colleagues to support the Cornyn amendment. This is a transparency amendment. It just gives the American people and Congress the information we need in order to make a determination of whether Third World countries owning our debt poses a national security or a financial risk to the United States. I ask for your support.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Cornyn amendment is a dangerous one. It would send the wrong message to people who are buying America's debt. It would send a message that we are suspicious of people who buy our debt and would require the Treasury to opine the intent of purchasers of U.S. debt. It would thus discourage people from buying American debt. This would cause us to have to pay higher interest rates on our debt, and that would mean higher rates of inflation. It would roil the bond markets at a sensitive time. Look at what has happened in Europe and the softness there.

For lots of reasons I think it is unwise to undertake this risky adventure.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, will the Senator withhold for a brief minute.

Mr. BAUCUS. Yes.

Mr. REID. As soon as this vote is complete, that will be the last vote for this evening. We are going to come in tomorrow morning at 9:45 and immediately go to the Murkowski resolution. There are 6 hours set aside for

that, and then a motion to proceed, and then an hour if the motion to proceed succeeds. So everyone should be prepared tomorrow for a long day. We will be in session on Friday more than likely. There will be no votes on Friday or Monday. I remind everyone these are the only days during the entire work period that there will be no votes.

Mr. BAUCUS. Mr. President, I move to table the Cornyn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to table. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—38

| | | |
|------------|------------|-------------|
| Akaka | Hagan | Mikulski |
| Baucus | Harkin | Pryor |
| Bayh | Inouye | Reed |
| Bingaman | Johnson | Rockefeller |
| Burris | Kaufman | Sanders |
| Cardin | Kerry | Schumer |
| Carper | Kohl | Stabenow |
| Casey | Landrieu | Tester |
| Dodd | Lautenberg | Udall (CO) |
| Durbin | Leahy | Udall (NM) |
| Feinstein | Levin | Warner |
| Franken | McCaskill | Whitehouse |
| Gillibrand | Menendez | |

NAYS—61

| | | |
|------------|-----------|-------------|
| Alexander | DeMint | Merkley |
| Barrasso | Dorgan | Murkowski |
| Begich | Ensign | Murray |
| Bennet | Enzi | Nelson (NE) |
| Bennett | Feingold | Nelson (FL) |
| Bond | Graham | Reid |
| Boxer | Grassley | Risch |
| Brown (MA) | Gregg | Roberts |
| Brown (OH) | Hatch | Sessions |
| Brownback | Hutchison | Shaheen |
| Bunning | Inhofe | Shelby |
| Burr | Isakson | Snowe |
| Cantwell | Johanns | Specter |
| Chambliss | Klobuchar | Thune |
| Coburn | Kyl | Vitter |
| Cochran | LeMieux | Voinovich |
| Collins | Lieberman | Webb |
| Conrad | Lincoln | Wicker |
| Corker | Lugar | Wyden |
| Cornyn | McCain | |
| Crapo | McConnell | |

NOT VOTING—1

Byrd

The motion to table was rejected.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 4302), as modified, is agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4318 TO AMENDMENT NO. 4301

Mr. SANDERS. Mr. President, I move to set aside the pending amendment to call up amendment No. 4318 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report.

The assistant bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 4318 to amendment No. 4301.

Mr. SANDERS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows.

(Purpose: To amend the Internal Revenue Code of 1986 to eliminate big oil and gas company tax loopholes, and to use the resulting increase in revenues to reduce the deficit and to invest in energy efficiency and conservation)

At the end of subtitle D of title IV, insert the following:

SEC. —. REPEAL OF EXPENSING AND 60-MONTH AMORTIZATION OF INTANGIBLE DRILLING COSTS.

Subsection (c) of section 263 is amended by striking the period at the end of the third sentence and inserting “, or to any costs paid or incurred after December 31, 2010.”.

SEC. —. REPEAL OF PERCENTAGE DEPLETION FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613 is amended by adding at the end the following new subsection:

“(f) TERMINATION OF PERCENTAGE DEPLETION FOR OIL AND GAS PROPERTIES.—In the case of oil and gas properties, this section shall not apply to any taxable year beginning after December 31, 2010.”.

(b) LIMITATIONS ON PERCENTAGE DEPLETION IN CASE OF OIL AND GAS WELLS.—Section 613A is amended by adding at the end the following new subsection:

“(f) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2010.”.

SEC. —. DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) is amended by striking “or” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, or”, and by inserting after clause (iii) the following new clause:

“(iv) the production, refining, processing, transportation, or distribution of oil, natural gas, or any primary product thereof.”.

(b) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

“For purposes of clause (iv), the term ‘primary product’ has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 199(c)(4) is amended—

(A) in subparagraph (A)(i)(III) by striking “electricity, natural gas,” and inserting “electricity”, and

(B) in subparagraph (B)(ii) by striking “electricity, natural gas,” and inserting “electricity”.

(2) Section 199(d) is amended by striking paragraph (9) and by redesignating paragraph (10) as paragraph (9).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. —. APPROPRIATION OF FUNDS.

Out of any funds in the Treasury not otherwise appropriated, there is appropriated to

the Energy Efficiency and Conservation Block Grant Program, under subtitle E of the Energy Independence and Security Act of 2007, \$2,000,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015.

AMENDMENT NO. 4312 TO AMENDMENT NO. 4301

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I ask unanimous consent to set aside the pending amendment to call up amendment No. 4312 to amendment No. 4301.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The assistant bill clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. GREGG, and Mr. CORNYN, proposes an amendment numbered 4312 to amendment No. 4301.

Mr. VITTER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that any new revenues to the Oil Spill Liability Trust Fund will be used for the purposes of the fund and not used as a budget gimmick to offset deficit spending)

At the end of the subtitle D of title IV, add the following:

SEC. _____. NEW REVENUES TO THE OIL SPILL LIABILITY TRUST FUND.

The revenue resulting from any increase in the Oil Spill Liability Trust Fund financing rate under section 4611 of the Internal Revenue Code of 1986 shall—

(1) not be counted for purposes of offsetting revenues, receipts, or discretionary spending under the Congressional Budget Act of 1974 or the Statutory Pay-As-You-Go Act of 2010; and

(2) shall only be used for the purposes of the Oil Spill Liability Trust Fund.

Mr. VITTER. With that, I relinquish the floor and thank my colleague for the courtesy of letting me call it up.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4318

Mr. SANDERS. Mr. President, at a time when the profits of big oil companies are soaring, at a time when we are in the midst of a horrendous and huge oilspill on the gulf coast, at a time when we desperately need to end our dependence on oil and gas and significantly increase our investment in energy efficiency and renewable energy, the amendment I am offering is simple and it is straightforward. This amendment simply repeals over \$35 billion in tax breaks to the oil and gas industry, all of which were recommended for elimination in President Obama's fiscal year 2011 budget.

Specifically, according to the Joint Committee on Taxation, the repeal of expensing of intangible drilling costs, repeal of percentage depletion for oil and gas wells, and repeal of the domes-

tic manufacturing deduction for oil and gas production would save \$35.3 billion over a 10-year period. According to OMB, the repeal of these tax breaks would be equivalent to about 1 percent of domestic oil and gas industry revenues over the next decade—1 percent. In other words, the costs to the oil and gas industry of repealing these tax breaks is negligible.

More than \$25 billion of the money saved under this amendment would be used to reduce the deficit, and \$10 billion would be used to invest in the highly successful Energy Efficiency and Conservation Block Grant Program over a 5-year period.

So we are accomplishing two very important goals. Every day, Members of the Senate come down here and they say we have to deal with the deficit. Under this amendment, we would save \$25 billion for deficit reduction. That is pretty significant. Second, Members come down here every day and talk about the need to transform our energy system, to move to energy efficiency and sustainable energy—wind, solar, biomass, geothermal, other technologies. This amendment puts \$10 billion in moving us away from fossil fuel. So it accomplishes two very important purposes.

This amendment is cosponsored by Senator WHITEHOUSE and Senator WYDEN. We have support for funding for the Energy Efficiency and Conservation Block Grant Program from the U.S. Conference of Mayors, from the National Association of State Energy Officials, and the National League of Cities. Taxpayers for Common Sense strongly supports our efforts to repeal the oil and gas tax breaks and pay down the deficit. Also supporting our amendment are the Sierra Club, Greenpeace, the American Council for an Energy Efficient Economy, Conservation Law Foundation, Physicians for Social Responsibility, Friends of the Earth, Public Citizen, moveon.org, Center for Biological Diversity, One Sky, Environment America, and Oceana.

If there is anything we should be learning from the gulf disaster, it is that it is time to move aggressively away from polluting and unsafe fossil fuels which are getting more difficult to produce and more expensive to produce and that we must move toward safe, clean energy.

With a \$13 trillion national debt, the last thing we need to be doing is giving tax breaks to big oil and gas companies that have been making recordbreaking profits, year after year.

I know there are some people who come down here and say that one way to deal with the deficit problem is to privatize Social Security, to privatize Medicare, to place at risk the retirement benefits of millions of senior citi-

zens. I think that is a very bad idea. There are other people who come down to the floor and talk about cuts in education, cuts to health care that the middle-class and working families of this country desperately need. I think cutting those programs is a bad idea. But I think going after some of the largest and most profitable corporations in this country, which have not paid their fair share of taxes, is a positive and intelligent way to deal with deficit reduction.

Let me quote from the President of the United States, Barack Obama, in his statements on this subject. Again, what we are proposing is what President Obama has recommended in his 2011 budget. This is what President Obama said:

Our continued dependence on fossil fuels will jeopardize our national security. It will smother our planet. And it will continue to put our economy and our environment at risk. . . . If we refuse to take into account the full cost of our fossil fuel addiction—if we don't factor in the environmental costs and national security costs and true economic costs—we will have missed our best chance to seize a clean energy future. . . . The time has come, once and for all, for this nation to fully embrace a clean energy future. Now that means . . . rolling back billions of dollars of tax breaks to oil companies so we can prioritize investments in clean energy research and development.

That is exactly what this amendment is all about. Let me give just one example. I hope people are listening to this one. Let me give one example of the absurdity of continuing to provide tax breaks to the oil and gas industry.

Last year, ExxonMobil, the most profitable corporation in the history of the world, reported to the SEC that not only did it avoid paying any Federal income taxes, it actually received a \$156 million refund from the IRS. So middle-class Americans, people in Vermont and all over this country who are working 50 and 60 hours in order to provide the necessary income they need to pay the bills for their families, those folks go out and they pay their income tax. They may not be too happy about it, but they understand that in a civilized society you have to pay taxes to pay the bills of government. Not ExxonMobil. The most profitable corporation in the history of the world last year not only avoided paying any Federal income taxes, it actually received a \$156 million refund from the IRS. If that makes sense to anybody—maybe it does—it surely does not make sense to me.

I ask unanimous consent to have printed in the RECORD the page of ExxonMobil's 10-K report to the SEC that discloses this information.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SECURITIES AND EXCHANGE COMMISSION
FORM 10-K—ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS—18. INCOME, SALES-BASED AND OTHER TAXES

(Millions of dollars)

| | 2009 | | | 2008 | | | 2007 | | |
|---|----------|----------|----------|----------|-----------|-----------|----------|----------|-----------|
| | U.S. | Non-U.S. | Total | U.S. | Non-U.S. | Total | U.S. | Non-U.S. | Total |
| Income taxes: | | | | | | | | | |
| Federal and non-U.S.: | | | | | | | | | |
| Current | | | | | | | | | |
| Deferred—net | \$ (838) | \$15,830 | \$14,992 | \$3,005 | \$31,377 | \$34,382 | \$4,666 | \$24,329 | \$28,995 |
| U.S. tax on non-U.S. operations | 650 | (665) | (15) | 168 | 1,289 | 1,457 | (439) | 415 | (24) |
| Total federal and non-U.S. | 32 | | 32 | 230 | | 230 | 263 | | 263 |
| State | (156) | 15,165 | 15,009 | 3,403 | 32,666 | 36,069 | 4,490 | 24,744 | 29,234 |
| Total income taxes | 110 | | 110 | 461 | | 461 | 630 | | 630 |
| Sales-based taxes | (46) | 15,165 | 15,119 | 3,864 | 32,666 | 36,530 | 5,120 | 24,744 | 29,864 |
| All other taxes and duties: | 6,271 | 19,665 | 25,936 | 6,646 | 27,862 | 34,508 | 7,154 | 24,574 | 31,728 |
| Other taxes and duties | 581 | 34,238 | 34,819 | 1,663 | 40,056 | 41,719 | 1,008 | 39,945 | 40,953 |
| Included in production and manufacturing expenses | 699 | 1,318 | 2,017 | 915 | 1,720 | 2,635 | 825 | 1,445 | 2,270 |
| Included in SG&A expenses | 197 | 538 | 735 | 209 | 660 | 869 | 215 | 653 | 868 |
| Total other taxes and duties | 1,477 | 36,094 | 37,571 | 2,787 | 42,436 | 45,223 | 2,048 | 42,043 | 44,091 |
| Total | \$7,702 | \$70,924 | \$78,626 | \$13,297 | \$102,964 | \$116,261 | \$14,322 | \$91,361 | \$105,683 |

All other taxes and duties include taxes reported in production and manufacturing and selling, general and administrative (SG&A) expenses. The above provisions for deferred income taxes include net credits for the effect of changes in tax laws and rates of \$9 million in 2009, \$300 million in 2008 and \$258 million in 2007.

Mr. SANDERS. ExxonMobil is the same huge oil company that has had enough money to provide a \$398 million retirement package to its outgoing CEO, Lee Raymond, just a few years ago. They made more money than any corporation in the history of the world last year. They did not pay any Federal taxes. In fact, they got a huge refund from the Federal Government. And some years ago this particular corporation paid out \$398 million in retirement package for its CEO. I do not think that makes a whole lot of sense. I think we ought to end that nonsense and end it now. This country is at record-breaking deficits. We cannot allow large corporations such as ExxonMobil not to pay taxes.

ExxonMobil is the same oil company that is making its profits by gouging consumers at the pump by charging higher and higher prices for gasoline even when demand is low and supply is high. In Vermont, it is \$2.85 a gallon. Working people are having a hard time paying high prices for gas. It does not matter whether demand is high or low, it appears that gas prices go up. This amendment would begin to make sure that ExxonMobil, BP, and the other big oil companies pay at least a minimal amount of their huge profits in taxes to the Federal Government. That, it seems to me, is the very least we can do.

Let's be clear. As millions of Americans have lost their jobs, their homes, their life savings, and their ability to send their kids to college as a result of this Wall Street-induced recession, we cannot continue to allow big oil companies to make out like bandits. Enough is enough. In the first quarter of 2009, when our gross domestic product shrank by 6.4 percent, and overall corporate profits decreased by 5.25 percent, the five largest oil companies were still able to earn over \$13 billion in profits. That is in the middle of a severe recession.

As this chart shows, the combined annual profits of the five largest oil companies during the last 10 years—

these five companies, ExxonMobil, Shell, BP, ChevronTexaco, and ConocoPhillips—earned over \$750 billion in profits. Not bad. Not bad.

During the first quarter of this year, big oils' profits increased by 85 percent. Instead of using these profits to invest in renewable energy and to prevent oil-spills, big oil and gas companies are primarily using this money to buy back their own stock and enrich their CEOs.

According to the American Petroleum Institute, between 2000 and 2007, the entire oil and gas industry invested only \$1.5 billion in North American nonhydrocarbon investments aimed at reducing the Nation's dependence on oil. That is less than one-quarter of 1 percent of their total profits during this time period. So here you have these companies making huge profits. They are not reinvesting that money in making our country cleaner and in moving us away from fossil fuels.

Meanwhile, the CEOs of the big oil companies have received hundreds of millions of dollars in retirement packages and total compensation. Over the past 5 years Ray Irani, the CEO of Occidental Petroleum, received over \$725 million in total compensation—\$725 million, in a 5-year period, is not too sloppy.

John Hess, the CEO of the Hess Oil Company, has received over \$240 million in total compensation; David Lesar, the CEO of Halliburton, has received over \$114 million; James Mulva, the CEO of ConocoPhillips, has received over \$95 million; and Rex Tillerson, the CEO of ExxonMobil, made over \$30 million in total compensation over the past 5 years.

Further, since 2002, the five largest oil companies have repurchased almost \$270 billion of their own stock. When we talk about asking the oil companies to start paying their fair share of taxes, we should also remember that the Federal Government has provided very generous subsidies above and beyond tax breaks for the oil companies. As this chart shows, according to the

Environmental Law Institute, from 2002 to 2008, the United States provided more than \$70 billion for fossil fuel subsidies, compared to just \$12 billion for wind, solar, geothermal, biomass, and other renewable energy. This makes no sense at all. We have got to put an end to the outrageous tax breaks and subsidies we have been giving to oil and gas companies.

But that is not all this amendment would do. This amendment would also invest \$10 billion into the Energy Efficiency and Conservation Block Grant Program. The American Recovery and Reinvestment Act provided \$3.2 billion for this highly successful program. It is already having a very positive impact in creating jobs, in saving energy in all 50 States of our country.

I am now quoting from a letter sent, in support of the \$10 billion block grant funding that this amendment provides, from Tom Cochran, the executive director of the U.S. Conference of Mayors. This is what Mr. Cochran says:

Throughout the United States more than 1,200 cities are now receiving direct funding under the EECBG program. We strongly support your efforts to secure predictable and ongoing funding for the EECBG program allowing the nation to continue to invest in these successful local energy and climate initiatives which have been shown to reduce energy use, harmful greenhouse gas emissions and environmental degradation.

Let me give you some examples of how this program, of which this amendment would provide \$10 billion over a 5-year period, is working. This program is helping to build wind turbines in Carmel, IN, to power a city sewer treatment plant. It is being used in Salt Lake City, UT, to provide loans to businesses to make energy efficiency upgrades. It is being used in Columbus, OH, to make 29 public buildings more energy efficient. It is being used in Portland, ME, to retrofit 55 public buildings. It is being used in Miami to convert landfill gas into the production of electricity. It is being

used in New York City to help homeowners and businesses with energy efficiency and renewable energy loans, among many other areas.

I know in my State of Vermont, dozens and dozens of communities and schools are using this money to make their buildings more energy efficient and, in some cases, move to sustainable energy. We need to keep these investments in energy efficiency and conservation going. That is exactly what this amendment would do to the tune of \$10 billion.

Finally, this amendment would dedicate \$25 billion for deficit reduction, \$10 billion for the block grant program to make our country more energy efficient. And the \$25 billion for deficit reduction at a time of record-breaking deficits and debt, we simply cannot continue to give oil and gas companies huge tax breaks.

I know it is easy for some of my colleagues to come to the floor and talk about the deficit, talk about the debt we are leaving our kids and grandkids. It makes for great rhetoric. But, occasionally, you are going to have to stand up if you are serious about the debt and deficit and take on some of those very powerful special interests who are getting huge tax breaks, do not need those tax breaks and do not deserve those tax breaks. It is more important to protect our kids and grandchildren here and the deficit than it is to give tax breaks to ExxonMobil. When it comes down to it, this amendment asks a very simple question: Which side are you on? Are you on the side of big oil and gas companies, companies that year after year after year are making huge profits or are you on the side of reducing the deficit, reducing our dependence on oil, saving consumers and businesses money on their energy bills, and saving the planet we live on? That is what this amendment is about.

I understand that there will be opposition to this amendment. I have seen it surface already. After all, since 1990, the oil and gas industry has made over \$238 million in campaign contributions. And over the past 2 years alone, this industry has spent \$210 million on lobbying, probably half a billion dollars since 1990 on campaign contributions and lobbying. They have gotten a lot for that, I must confess. For that investment, they have gotten a lot in tax breaks and subsidies. But I think now is the time, given the oilspill in the gulf, because of the threat of global warming, in order to clean up our country, in order to create jobs and energy efficiency and sustainable energy, we have got to say to big oil: Sorry. No more. No more. You are going to have to start paying your fair share of taxes so we can transform our energy system and so we can begin to deal with this very serious deficit problem.

This amendment is the right thing to do for deficit reduction. It is the right

thing to do to transform our energy system. It is the right thing to do for consumers. I ask my colleagues to vote for the amendment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH FORK WATERSHED PROTECTION

Mr. BAUCUS. Mr. President, I rise today to speak about one of the things that I love most about Montana—the North Fork of the Flathead River. Everyone who experiences the Flathead Valley in northwestern Montana is awed by its pristine waters, larger than life landscapes, and breathtaking views. With its headwaters in British Columbia, the North Fork of the Flathead River forms the western boundary of Glacier National Park—it is one of the last untouched places on our continent.

For decades, the North Fork has been threatened by oil and gas and mining proposals in British Columbia. For the last 35 years, I have battled these proposals, one by one. After 35 years of work, we are beginning a new chapter of international cooperation in our efforts to protect the North Fork. I am very pleased that Conoco Phillips is a part of this.

In February of this year, British Columbia and Montana announced their intent to prevent mining, oil and gas, and coalbed methane development in the North Fork on the lands they control. Senator TESTER and I pledged to do our part to establish extra protections south of the border, where 90 percent of the North Fork watershed is already federally owned.

So, on March 4, we introduced the North Fork Watershed Protection Act, S. 3075, which bans future mining, oil and gas, and coalbed methane development on Federal lands in the watershed. The bill enjoys support from business and conservation interests alike from all over the State, including the Kalispell Chamber, Whitefish Mountain Resort, the Billings Rod and Gun Club, and a long list of others. This breadth of support shows the importance of the

North Fork for Montana's economy as well as our State's outdoor heritage.

There are some current leases in the area that have been dormant since the late 1980s, when a court decision found that they were improperly issued. Senator TESTER and I have been engaged in active discussions with the current owners to retire these old leases. On April 28, I was proud to announce that ConocoPhillips, the primary leaseholder in the North Fork watershed, elected to voluntarily relinquish its interest in 108 Federal oil and gas leases covering approximately 169,000 acres, representing 71 percent of the leased area in the North Fork watershed.

ConocoPhillips should be commended for this decision and their stewardship of this very unique, special place. Their action is further evidence of the consensus that exists between the United States and Canada and among businesses and conservationists, that the withdrawal of these Federal lands from leasing is the only path forward.

In 1975, during my first term in the House of Representatives, I introduced a bill to designate the Flathead River as a Wild and Scenic River. It was designated in 1976. For me, that began a lifelong effort to protect the North Fork. At that time I said:

A hundred years from now, and perhaps much sooner, those who follow us will survey what we have left behind.

This action brings us one step closer to ensuring that that every Montanan, every American, and every Canadian who follows us will have the opportunity to share our feeling of awe-struck wonder that such a place still exists, almost untouched by the modern world.

TRIBUTE TO DONALD C. STONE

Mrs. FEINSTEIN. Mr. President, today I wish to recognize Donald C. Stone, who is one of the most experienced members on the staff of the Senate Select Committee on Intelligence who has brought unique skills to the committee during his tenure. Friday, June 11 will mark Don's last day in government.

After 27 years, Don will be leaving the public sector and taking on new challenges. He has had an extraordinary career, mostly in the secret world of secured offices while he served his country well overseeing our Nation's intelligence agencies.

Don comes from this area. He grew up in Maryland and received a bachelor of arts in business administration and a master's in business administration from Loyola College in Baltimore. He now lives in Falls Church, VA, with his wife Dana and their two sons Robert and Andrew.

Don did not waste any time getting into the national security world. Right out of graduate school he went to work at the Central Intelligence Agency

with the inspector general's audit staff. He worked there for 11 years on very sensitive classified projects both here and abroad, sometimes under very trying circumstances. While working with the CIA inspector general, Don had a rotational assignment with the National Reconnaissance Office's inspector general audit staff from 1993 to 1995, where he worked to make sure our Nation's spy satellite programs were run well and that the tax dollars spent in the secret world of spy agencies would pass muster if exposed to the light of review.

Don first came to the Senate Select Committee on Intelligence in June 1995 to serve as an auditor on the committee's audit team. The committee had created the audit staff in 1988 to provide "a credible independent arm for Committee review of covert action programs and other specific Intelligence Community functions and issues." Don's aptitude for this work quickly led to his being named the committee's chief of the audit staff in September 1998. Mr. Stone then crossed the Capitol to work on the House Permanent Select Committee on Intelligence in March 2005 as the deputy staff director of the Subcommittee on Oversight. We were fortunate enough to bring Don back to the SSCI in January 2007 as our director of Audit and Evaluations.

During his time on the committee, Don has completed many reviews and audits to assure us that our intelligence agencies spent our tax money appropriately and legally, and that they managed their programs effectively within the law.

Over the years, Don has conducted audits of major acquisition systems, major espionage cases and their related damage assessments, the Foreign Intelligence Surveillance Act, budget and personnel growth, and information sharing. He has led the committee's review of financial statements of nominees for key intelligence positions, for keeping up with what the inspectors general of the intelligence community agencies were investigating, and for reviewing dozens of whistleblower and other complaint cases. Don has been properly persistent in reminding intelligence agencies of their need to do better.

He is also largely responsible for the effort, underway for the past several years, to push intelligence agencies to improve their financial auditability. A notable example of this was last year when the committee expressed concern and displeasure over the lack of progress that one intelligence agency was making toward being able to produce an auditable financial statement. I received a call from the agency's director, who was not very pleased about the committee's critical view. The committee staff and the agency staff met, and due in large part to Don's thorough research, the agency

came away with a clearer picture of what steps it needed to take and, I hope, appreciative of the constructive role the committee was playing.

As this body of work reflects, Don has the talents required to conduct congressional oversight. He is able to see both the forest and the trees, and when necessary he can examine the individual leaves and roots. He has an extraordinary ability to focus on the details without losing knowledge of how they fit within a larger context. We have benefitted as a nation when he has cast his gaze on the workings of our national security apparatus.

At home he practices his attention to detail on his model car collection and taking up the hammer and paint brush to do the home improvement work he truly enjoys.

I would be remiss without noting Don's passion for the local sports teams. Don lives and breathes the burgundy and gold of his hometown Washington Redskins and his residence is covered in red, white and blue not just because he's a true patriot, but also because he's an avid fan of the Washington Capitals hockey team.

Don's love of hockey has rubbed off on his two sons who now play on the ice and led him to take active roles in organizing and managing a local hockey league. This year, he is serving as the president of that league and we can be certain the games are starting on time, the kids are playing hard and having fun, and the league's finances are in order.

Even with his retirement from government service, Don will be putting his skills and expertise to use in the private sector, but still working in the intelligence arena.

Donald Stone has worked in the shadows both in the clandestine world of our Nation's spy agencies and out of the public limelight. It is my pleasure that now, as he leaves public service, we can openly acknowledge and praise the admirable work he has done to keep our Nation safe.

Mr. Stone, on behalf of myself and all the members of the Senate Select Committee on Intelligence during your years of service, I am pleased to say on the Senate floor how greatly we appreciate your fine work and your exemplary career. We will miss your insights and your professionalism. And I wish you all the best as you move on to the next stage of your life.

ADDITIONAL STATEMENTS

TRIBUTE TO GRACE AND CHARLES MAHONY

• Mr. ISAKSON. Mr. President, today I wish to honor two of my constituents on a very special and rare milestone. Later this month, Grace and Charles Mahony of Atlanta will celebrate their 50th wedding anniversary.

Avid skiers, Grace and Charles met at a ski club, and Charles proposed in Aspen, CO. They were married on June 18, 1960, at Saint Clement Roman Catholic Church in Dearborn, MI. As a result of their union, Grace and Charles have been blessed with three children, Patricia, Maureen, and Kevin as well as one grandchild, Olivia Grace Mahony.

It is a privilege to honor this tremendous milestone that embodies the profound love and commitment Grace and Charles have for one another. Their marriage is an inspiration to us all.●

125TH ANNIVERSARY OF OLIVE GROVE BAPTIST CHURCH

• Ms. LANDRIEU. Mr. President, today I ask my colleagues to join me in recognizing the 125th anniversary of Olive Grove Baptist Church in Choudrant, LA.

In 1885, a small group of determined men and women founded what would become Olive Grove Baptist Church under the guidance of Rev. Andrew Moaten. Worshipping alongside Reverend Moaten were Deacon Henry Waters, Taylor and Martha Waters, Sister Mattie Hamilton, Deacon Mike Taylor, and Deacon State Wright.

These early members held services in a brush arbor for about 1 year before the first small structure, originally lit by kerosene lamps, was built. As the needs of its parishioners grew, so did Olive Grove Baptist Church. A new church was completed in 1926 under the guidance of Rev. H.J. Jordan, and in 1944 members began to raise money for yet another church. A storm destroyed the church in 1986, and current members now worship in the fifth Olive Grove Church to stand in Choudrant.

The church is currently led by the Rev. Derric Chatman, a dynamic young pastor. Current members, children of deceased members, individuals with community ties, and the general public continue to support the church with generous financial backing, allowing the church to remain active in its various ministries and demonstrating the important role that Olive Grove Baptist plays in the local community.

I ask that my colleagues join me in congratulating Olive Grove Baptist Church on their 125th anniversary and in wishing them the best for years to come.●

TRIBUTE TO CHARLES A. HURLEY

• Mr. LAUTENBERG. Mr. President, today I pay tribute to Charles A. "Chuck" Hurley upon his retirement as chief executive officer of Mothers Against Drunk Driving. Chuck is a true safety advocate, and his longstanding commitment to that cause is more than worthy of recognition.

Throughout my time in the Senate, Chuck and I have worked together on

numerous highway safety initiatives, including the national age 21 drinking law, the national .08 BAC standard, primary seat belt laws, and teen driver graduated licensing programs. Chuck was instrumental in creating the "Click it or Ticket" Campaign in North Carolina, establishing the Nation's first pilot program to ensure drivers and passengers were buckling up. He also helped to launch the National SAFE KIDS Campaign, the national nonprofit organization dedicated solely to the prevention of unintentional childhood injury.

A longtime supporter of MADD, Chuck has been involved in the organization since the very beginning. He attended MADD's first national press conference in Washington, DC, in 1980, and strongly supported the passage of my National 21 Minimum Drinking Age Act in 1984. From 1993 to 1998, Chuck served on the MADD National Board of Directors and was later named to the MADD National Board of Advisors.

In 2005, Chuck became MADD CEO. Since then, he has developed MADD's Campaign to Eliminate Drunk Driving, which successfully encourages States to require drunk drivers to use an ignition interlock device. He has also been an outspoken advocate for the development of advanced alcohol detection technology, which could someday completely eliminate drunk driving.

Chuck graduated with a bachelor of arts in political science from Dickinson College in Pennsylvania. From 1968 to 1970, he served in the U.S. Navy as an intelligence officer in Taipei, Taiwan. Chuck then worked for Congressman Bill Steiger, where he helped create the Occupational Safety and Health Administration.

In the early 1980s, Chuck helped found the Lifesavers Conference, which is dedicated to reducing the tragic toll of deaths and injuries on our Nation's roadways. Chuck also served as the vice president of the Transportation Safety Group for the National Safety Council and as the executive director of the Council's Air Bag and Seat Belt Safety Campaign. In addition, Chuck served as a senior official at the Insurance Institute for Highway Safety.

Chuck has dedicated his career to making our highways safer for drivers and passengers. On behalf of everyone who uses our Nation's roadways, I am honored to express my gratitude and congratulations to Charles A. "Chuck" Hurley and extend my best wishes for a long and happy retirement.●

RECOGNIZING SMITH & WESSON

● Ms. SNOWE. Mr. President, today I pay tribute to Smith & Wesson in Houlton, ME—an Aroostook County economic anchor and an undeniable beacon for businesses in our great State and the Nation, especially in these precarious economic times. In-

deed, the name Smith & Wesson has been synonymous with excellence since 1852, and I am proud to say it has been part of Maine's history since 1966 when the Houlton facility first opened its doors.

Over the Easter recess, I was privileged to visit the Smith & Wesson plant where its employees, in demonstrating their meticulous craftsmanship in manufacturing handcuffs and handguns, truly exemplify Maine's legendary work ethic and can-do spirit. As I toured the facility and spoke with these committed team members, I had the opportunity to learn about the vital role they play in assembling their products—and I couldn't help but beam with pride in their dedication to their craft. Their inexhaustible energy was palpable throughout their newly expanded plant, which now allows for shifts 24 hours a day, 7 days a week.

I was also impressed to meet and speak with Smith & Wesson's plant manager, Terry Wade, who has been with the branch since 1972. Terry clearly is deeply devoted to his work as he labors side by side with his employees. A humble individual who credits even his own successes to others, Terry is a force for innovation—and as I discovered, he invented a handcuff model, currently being produced by the company, for which he holds a patent. Terry is a shining testament to the loyalty and drive of Houlton's Smith & Wesson workers, many of whom have been there for more than 20 years.

And let me just say, what began over 40 years ago as a small manufacturing arm of the larger parent company—making parts for revolver assembly and shipping just one 40-pound box of parts a week from a 2,000 square foot building—has evolved steadily from a staff of 18 to today's 160 dedicated men and women who are second to none. In fact, the Houlton plant just completed a hiring phase which, frankly, is outstanding when we consider the tenuous state of our economy and the herculean challenge of creating jobs. Individuals and families are still experiencing the troubling effects of the worst recession since World War II, with unemployment hovering near 10 percent nationwide, so I and, indeed, all of us in this Chamber cannot commend the Houlton facility enough for bucking this trend and hiring more staff.

In addition to developing Smith & Wesson's exemplary line of restraints, the Houlton plant also makes all of the company's semi-automatic rimfire pistols, the Walther PPK and PPK/S, and the SW1911 Series pistols. Due in large part to the exceptional team in Houlton, Smith & Wesson ranks first in the supply of restraints to law enforcement and their weapons are highly sought after by police agencies, security divisions, and military organizations—who surely all recognize the invaluable expertise and reliable quality that goes into each item.

The accomplishments of this phenomenal enterprise in Maine are remarkable. In March 2009, the plant reached an extraordinary milestone when after 30 years of producing high quality handcuffs, it made its six millionth pair. What a landmark occasion for a signature product used worldwide. And with the recent increase in the workforce—not to mention an impressive half-million dollar expansion to their firing range—Smith & Wesson in Houlton was recently named Houlton Business of the Year for 2009—a well-deserved accolade.

President Theodore Roosevelt once said that, "far and away the best prize that life has to offer is the chance to work hard at work worth doing." Those words could not ring more true as we recognize this American success story. Smith & Wesson could not be more emblematic of the world-class industry and workforces that are associated with our great State of Maine. No wonder our State motto is "Dirigo" or "I lead," as that is just what this Smith & Wesson plant in Houlton has been doing for more than 44 years.●

RECOGNIZING MONROE, LOUISIANA ROTARY CLUB

● Mr. VITTER. Mr. President, today I am proud to recognize the members of the Monroe, LA, Rotary Club who have served our country honorably during war.

I would like to thank Charles C. Archibald, Raymond Armstrong, John Baker, Robert Barham, Ronald Blate, Reneau Breard, Lamar Buffington, Roy Cole, Jr., Barry Delcambre, Sam Donald, R.D. Farr, Leon Garfield, Hershal Gentry, James Greenlaw, William Guy, Harvey Hales, Robert Hammock, Howard John, Charles Johns, Barney Jones, Billy Lea, Earl Lingle, Miles Luke, Jim Myers, Ray Patron, Gregg Riley, Jack Tarver, Elbert L. Via and George Weeks for their courageous military service during wartime and for continued civic service in the greater Monroe area.

With the motto "Service Above Self," it is no surprise that these men would be inclined to be members of Rotary. Their lifetime of service is exhibited not only in service to their fellow citizens during a time of war but also in continued commitment to their community.

Rotary's four-way test asks four questions of all things members think, say, and do. These questions are: Is it the truth? Is it fair to all concerned? Will it build goodwill and better friendships? Will it be beneficial to all concerned? These four simple questions have proven to be excellent guidelines for a life of service. We thank these men for serving the Monroe community with these principles. The Monroe Rotary Club has sponsored many local projects including Boy Scouts, Girl

Scouts, youth baseball, the Food Bank of Northeast Louisiana, and the Salvation Army, to name just a few.

Thus, today, I honor these veterans for their distinguished service in the U.S. armed services during wartime, and for their continued service to the State of Louisiana in the Monroe Rotary Club.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE SUSPENSIONS UNDER SECTION 902(A)(3) OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991 WITH RESPECT TO ISSUANCE OF PERMANENT MUNITIONS EXPORT LICENSES FOR EXPORTS TO THE PEOPLE'S REPUBLIC OF CHINA INsofar AS SUCH RESTRICTIONS PERTAIN TO THE LIGHT SCANNER 32 SYSTEM USED FOR GENE MUTATION GENOTYPING FOR INDIVIDUALIZED CANCER TREATMENT—PM 61

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246)(the "Act"), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902(a)(3) of the Act with respect to the issuance of permanent munitions export licenses for exports to the People's Republic of China insofar as such restrictions pertain to the LightScanner® 32 System used for gene mutation genotyping for individualized cancer treatment. License requirements remain in place for these exports and require review on a case-by-case basis by the United States Government.

BARACK OBAMA.
THE WHITE HOUSE, June 9, 2010.

MESSAGES FROM THE HOUSE

At 10:20 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1061. An act to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

H.R. 4349. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

At 12:43 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5136. An act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At 5:21 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2008. An act to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.

H.R. 5116. An act to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2008. An act to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project; to the Committee on Energy and Natural Resources.

H.R. 4349. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1061. An act to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

H.R. 5136. An act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities

of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 1507. A bill to amend chapter 89 of title 5, United States Code, to reform Postal Service retiree health benefits funding, and for other purposes (Rept. No. 111-203).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Carl Wieman, of Colorado, to be an Associate Director of the Office of Science and Technology Policy.

*Coast Guard nominations beginning with Rear Adm. (lh) Joseph R. Castillo and ending with Rear Adm. (lh) Keith A. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on December 2, 2009.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nominations beginning with Emily S. McIntyre and ending with Scott J. McCann, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2010.

*National Oceanic and Atmospheric Administration nominations beginning with Rebecca J. Almeida and ending with Oliver E. Brown, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2010.

*National Oceanic and Atmospheric Administration nominations beginning with Timothy C. Sinquefield and ending with Larry V. Thomas, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2010.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself, Mr. GRAHAM, and Ms. MURKOWSKI):

S. 3464. A bill to establish an energy and climate policy framework to reach measurable gains in reducing dependence on foreign oil, saving Americans money, improving energy security, and cutting greenhouse gas emissions, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. BROWN of Massachusetts):

S. 3465. A bill to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the "Michael C. Rothberg Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY:

S. 3466. A bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Ms. COLLINS, and Mrs. GILLIBRAND):

S. 3467. A bill to require a Northern Border Counternarcotics Strategy; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Ms. KLOBUCHAR):

S. 3468. A bill to amend chapter 87 of title 18, United States Code, to end the terrorizing effects of the sale of murderabilia on crime victims and their families; to the Committee on the Judiciary.

By Mr. BENNETT (for himself and Mr. BROWN of Ohio):

S. 3469. A bill to build capacity and provide support at the leadership level for successful school turnaround efforts; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself and Mr. CORCKER):

S. 3470. A bill to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DORGAN (for himself, Mr. JOHNSON, and Mr. BEGICH):

S. 3471. A bill to improve access to capital, bonding authority, and job training for Native Americans and promote native community development financial institutions and Native American small business opportunities, and for other purposes; to the Committee on Indian Affairs.

By Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. SANDERS, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. KAUFMAN, Mrs. MURRAY, Mr. REED, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. DURBIN, Mr. MERKLEY, Mr. CASEY, Mr. LEAHY, Ms. MIKULSKI, Mr. FRANKEN, Mr. HARKIN, Ms. KLOBUCHAR, Mrs. SHAHEEN, and Ms. STABENOW):

S. 3472. A bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full costs of oil spills, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID:

S. 3473. A bill to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill; considered and passed.

By Mr. FEINGOLD (for himself, Mr. CARPER, Mr. MCCAIN, Mr. GREGG, Mrs. MCCASKILL, Mr. COBURN, Mr. WHITEHOUSE, Mr. BENNETT, and Mr. UDALL of Colorado):

S. 3474. A bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes; to the Committee on the Budget.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself and Mr. MENENDEZ):

S. Res. 547. A resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN:

S. Res. 548. A resolution to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 941

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 981

At the request of Mr. REID, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 1319

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2800

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2800, a bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes.

S. 3000

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3000, a bill to extend the increase in the FMAP provided in the American Recovery and Reinvestment Act of 2009 for an additional 6 months.

S. 3058

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S.

3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3072

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3072, a bill to suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes.

S. 3171

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3171, a bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program.

S. 3231

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3231, a bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol.

S. 3278

At the request of Mr. BENNETT, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3278, a bill to establish the Meth Project Prevention Campaign Grant Program.

S. 3311

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3311, a bill to improve and enhance the capabilities of the Department of Defense to prevent and respond to sexual assault in the Armed Forces, and for other purposes.

S. 3345

At the request of Mr. WHITEHOUSE, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3345, a bill to amend title 46, United States Code, to remove the cap on punitive damages established by the Supreme Court in *Exxon Shipping Company v. Baker*.

S. 3346

At the request of Mr. WHITEHOUSE, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3346, a bill to increase the limits on liability under the Outer Continental Shelf Lands Act.

S. 3412

At the request of Mr. DODD, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors

of S. 3412, a bill to provide emergency operating funds for public transportation.

S. 3430

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3430, a bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector.

S. 3462

At the request of Mrs. SHAHEEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3462, a bill to provide subpoena power to the National Commission on the British Petroleum Oil Spill in the Gulf of Mexico, and for other purposes.

S.J. RES. 29

At the request of Mr. MCCONNELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S.J. RES. 30

At the request of Mr. ISAKSON, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S.J. Res. 30, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election procedures.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

AMENDMENT NO. 4302

At the request of Mr. CORNYN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 4302 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4304

At the request of Mr. CARDIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 4304 proposed to H.R. 4213, a bill to amend the Internal Revenue

Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4311

At the request of Mr. FRANKEN, the names of the Senator from Connecticut (Mr. DODD), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 4311 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4312

At the request of Mr. VITTER, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SESSIONS), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. RISCH), the Senator from Mississippi (Mr. WICKER) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 4312 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Mr. BROWN of Massachusetts):

S. 3465. A bill to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the "Michael C. Rothberg Post Office"; to the Committee on Homeland Security and Government Affairs.

Mr. KERRY. Mr. President, I am proud to introduce legislation to designate the United States Postal Service in Sharon, Massachusetts, as the Michael C. Rothberg Post Office.

Michael Craig Rothberg was born and raised in Sharon. Upon graduation from Sharon High School, Michael earned both undergraduate and master's degree in math and computer science from McGill University in Montreal. Unfortunately, Michael Rothberg's life was tragically cut short on the morning of September 11, 2001, at age 39, while working in his Cantor Fitzgerald office on the 104th floor of the World Trade Center.

During his lifetime, Michael Rothberg created much more than a successful professional life. He used his resources generously contributing not only financial support, but also his time and energy for causes he believed in. He worked hard for causes such as the Dana Farber Cancer Institute's Jimmy Fund, the Multiple Sclerosis Foundation, and Mutual Funds against Cancer. His spirit is remembered through many contributions to the

Town of Sharon through the Michael C. Rothberg Memorial Scholarship and other notable charitable contributions to students, athletes and the community of Sharon, Massachusetts.

The people of Sharon, Massachusetts are very proud of Michael and the example he set. It is fitting then that when people go to or pass by the post office in Sharon, they will be reminded of a local man who understood how important it is to give back to causes that touch your heart.

By Mr. LEAHY:

S. 3466. A bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I introduce the Environmental Crimes Enforcement Act, ECEA, common sense legislation that will ensure that those who destroy the lives and livelihoods of Americans through environmental crime are held accountable.

It has been 50 days since the collapse of British Petroleum's Deepwater Horizon Oil Rig, which killed 11 men. Oil continues to gush into the Gulf of Mexico, and deadly contaminants are washing up on the shores and wetlands of Gulf Coast States. This catastrophe threatens the livelihood of many thousands of people throughout the region, as well as precious natural resources and habitats. The people responsible for this catastrophe must be held accountable; they, not the American taxpayers, should pay for the damage and the recovery. The bill I introduce today aims to deter environmental crime, protect and compensate its victims, and encourage accountability among corporate actors.

First, ECEA will deter schemes by Big Oil and other corporations and industries that damage our environment and hurt hardworking Americans by increasing sentences for environmental crimes. All too often, corporations treat fines and monetary penalties as merely a cost of doing business to be factored against profits. To deter criminal behavior by corporations, it is important to have laws resulting in prison time. In that light, this bill directs the United States Sentencing Commission to amend the sentencing guidelines for environmental crimes to reflect the seriousness of these crimes.

Criminal penalties for Clean Water Act violations are not as severe as for other white-collar crimes, despite the widespread harm such crimes can cause. As the current crisis makes clear, Clean Water Act offenses can have serious consequences on people's lives and livelihoods, which should be reflected in the sentences given to the criminals who commit them. This bill takes a reasonable approach, asking the Sentencing Commission to study

the issue and raise sentencing guidelines appropriately, and it will have a real deterrent effect.

This bill also aims to help victims of environmental crime—the people who lose their livelihoods, their communities, and even their loved ones—reclaim their natural and economic resources. To do that, ECEA makes restitution mandatory for criminal Clean Water Act violations.

Currently, restitution in environmental crimes—even crimes that result in death—is discretionary, and only available under limited circumstances. Under this bill, those who commit Clean Water Act offenses would have to compensate the victims of these offenses for their losses. That restitution will help the people of the Gulf Coast rebuild their coastline and wetlands, their fisheries, and their livelihoods should criminal liability be found.

Importantly, this bill will allow the families of those killed to be compensated for criminal wrongdoing. As we have seen in the BP case, arbitrary laws prevent those killed in tragedies like this one from bringing civil lawsuits for compensation. This bill would ensure that, when a crime is committed, the criminal justice system can provide for restitution to victims, providing some small measure of security for the families of those killed.

This bill takes two common sense steps—well-reasoned increases in sentences and mandatory restitution for environmental crime. These measures are tough, but fair. They are important steps toward deterring criminal conduct that can cause environmental and economic disaster and toward helping those who have suffered so much from the wrongdoing of Big Oil and other large corporations. I hope all Senators will join me in supporting this important reform.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Environmental Crimes Enforcement Act of 2010”.

SEC. 2. ENVIRONMENTAL CRIMES.

(a) SENTENCING GUIDELINES.—

(1) DIRECTIVE.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), in order to reflect the intent of Congress that penalties for the offenses be increased in comparison to those provided on the date of enactment of this Act under the guidelines and policy statements, and appropriately account for the ac-

tual harm to the public and the environment from the offenses.

(2) REQUIREMENTS.—In amending the Federal Sentencing Guidelines and policy statements under paragraph (1), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2Q1.2 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in paragraph (1);

(ii) the need for an effective deterrent and appropriate punishment to prevent the offenses; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider the extent to which the guidelines appropriately account for the actual harm to public and the environment resulting from the offenses;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to guidelines; and

(E) ensure that the guidelines relating to offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) adequately meet the purposes of sentencing, as set forth in section 3553(a)(2) of title 18, United States Code.

(b) RESTITUTION.—Section 3663A(c)(1) of title 18, United States Code, is amended—

(1) in clause (ii), by striking “or” at the end;

(2) in clause (iii), by striking “and” at the end and inserting “or”; and

(3) by adding at the end the following:

“(iv) an offense under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and”.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 3470. A bill to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ALEXANDER. Mr. President, on behalf of Senator CORKER and myself, I rise to introduce the Tennessee Wilderness Act of 2010. The legislation will implement an important next step in conservation for some of the wildest, most beautiful and pristine areas in east Tennessee near where I live. To say that these are among the wildest, most pristine and beautiful areas sets a very high bar since the region is home to the Appalachian Mountains, and our Nation’s most visited national park, a World Heritage site—in fact, one of the most visited sites in the world—the Great Smoky Mountains National Park, much of which is managed as if it were a wilderness area.

From growing up in these mountains and my many years of hiking the quiet trails of the Cherokee National Forest, I can attest that the wilderness areas we protected there are something very special. Congress began protecting wilderness areas in the Cherokee National Forest in 1975, with additional wilderness areas being established by the Tennessee Wilderness Act of 1984 and

the Tennessee Wilderness Act of 1986. I was Governor of Tennessee during that time. I remember testifying on behalf of and strongly supporting our congressional delegation as we did that. I know sometimes our western friends are surprised to see Tennessee Republicans advocating wilderness, bragging about the fact that the Great Smoky Mountains National Park is managed in large extent as if it were a wilderness area and adding certain sections of the Cherokee National Forest to wilderness.

The Federal Government doesn’t own very much of our land, but we have lots of visitors. Two or three times as many people visited the Great Smokies as visit Yellowstone. We have lots of visitors but very little Federal land. We like to protect it. We like to have clean air. We like to enjoy it ourselves.

We like the Cherokee National Forest because it gives us an opportunity to do some things we can’t do in the national park. We can hunt, fish, ride horses, camp, do things in a great many ways. I believe this legislation, the Tennessee Wilderness Act of 2010, will create for Tennessee families and especially Tennessee youngsters, who need to be outdoors and away from the computer screens and television screens, an even more attractive opportunity to enjoy this beautiful part of our natural heritage.

I emphasize that the lands that will be designated as wilderness by this legislation are already Federal lands. They are part of the Cherokee National Forest. The areas covered were recommended for wilderness by the U.S. Forest Service in the development of its comprehensive 2004 forest plan which included extensive opportunities for public comment. Those areas have been managed as if they were wilderness areas since that time.

This new bill will officially designate as wilderness nearly 20,000 acres as recommended by the Forest Service. The bill establishes one new wilderness area, the 9,038 acre Upper Bald River Wilderness in Monroe County. This new area complements the existing Bald River Gorge Wilderness. It lies just south of that existing area, separated only by the Bald River Road, which will, of course, remain an open public road.

By protecting the Upper Bald River Wilderness as well as the existing wilderness area, we will be protecting most of the Bald River watershed. Excellent trails traverse the Upper Bald River area, including the Benton MacKaye Trail, offering excellent hiking, backpacking, and horseback riding, as well as access for hunters and fishermen.

The rest of the lands designated as wilderness in this legislation are relatively small but important additions to some of the areas Congress established in 1975, 1984 and 1986. They have

the effect of better protecting not only ecosystems and watersheds but also the diverse recreational value of these areas.

At the southern end of the Cherokee National Forest is one of the largest national forest wilderness complexes in the Southeastern United States. It comprises the Cohutta Wilderness, most of which lies in Georgia, and the Big Frog Wilderness in Polk County, TN. The new legislation makes a small but important addition of 348 acres to the Big Frog Wilderness. The Big Frog-Cohutta combination, with adjacent primitive areas, creates the largest track of wilderness on national forest lands in the Eastern United States.

In the same way, the new legislation makes two small but important additions to the Little Frog Mountain Wilderness, also in Polk County. These additions, totaling 966 acres, were recommended by the Forest Service to give more logical boundaries to the Little Frog Mountain Wilderness and protect the corridor for the Benton MacKaye Trail.

In upper east Tennessee, in Unicoi and Washington Counties, this new legislation would add 2,922 acres to the Sampson Mountain Wilderness. This is at the heart of a marvelous scenic region of our State. Along these scenic trails, visitors can see flame azalea, mountain laurel, rhododendron, trailing arbutus, crested dwarf iris, mayapple, bloodroot, toothwort, magnolia, dogwood, redbud, and many other flowering plants, shrubs, and trees. The last 2 or 3 months have been the time of year to visit that area with its many species of shrubs and trees.

The 1986 Tennessee Wilderness Act established the Big Laurel Branch Wilderness in Carter and Johnson Counties at the furthest upper east Tennessee end of our State. The new legislation proposes to add 4,446 acres, including some 4.5 miles of the Appalachian National Scenic Trail. The addition lies along the slopes of Iron Mountain just north of Watauga Lake, one of the cleanest lakes in America.

The final element of the new legislation is an important addition to the Joyce Kilmer-Slickrock Wilderness. Here visitors will find perhaps the most impressive stands of virgin eastern forest in the United States. The 1,836-acre addition includes remnant old-growth forest. The Benton MacKaye Trail passes through this area, making it a popular destination for horseback riders and hikers.

This is a simple bill, but it will make a significant contribution for these wild and pristine areas of the Cherokee National Forest.

I thank and salute the Cherokee National Forest staff and the many citizens of Tennessee who worked to define these proposals and to build grassroots support. These proposals have broad support from outdoors clubs, trail

maintenance groups, local businesses, and conservation organizations.

I specifically want to thank Will Skelton, a Knoxville lawyer who has been instrumental in conservation for decades in Tennessee. No one has done more to help more families appreciate, enjoy, and hike in the Cherokee National Forest than has Will Skelton. I thank the Tennessee Wild group for their role in this proposal.

Getting out in the woods and mountains of east Tennessee is an ever more popular activity. People go to the wilderness to experience nature most wild, walking a trail to some resting place where the noises are trees creaking, the smells are of wet moss and leaves, the colors are pure, and the world is at peace. That is why these protected wilderness areas have such immense value for our people, and it is why the value will multiply many times as our world grows more crowded.

The foundational statute under which we protect the wilderness areas is the 1964 Wilderness Act. The Congress of that time showed extraordinary prescience about the threats that destroy wilderness:

In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas of the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.

We need more opportunities for young Americans to get away from the computer screens and into the American outdoors. Eastern Tennessee provides a beautiful place to do that, and this act will provide more opportunities for that as well.

Mr. President, I ask unanimous consent that the text of the bill and support material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tennessee Wilderness Act of 2010".

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term "Map" means the map entitled "Proposed Wilderness Areas and Additions-Cherokee National Forest" and dated January 20, 2010.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) STATE.—The term "State" means the State of Tennessee.

SEC. 3. ADDITIONS TO CHEROKEE NATIONAL FOREST.

(a) DESIGNATION OF WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands in the Cherokee National Forest in the State of

Tennessee are designated as wilderness and as additions to the National Wilderness Preservation System:

(1) Certain land comprising approximately 9,038 acres, as generally depicted as the "Upper Bald River Wilderness" on the Map and which shall be known as the "Upper Bald River Wilderness".

(2) Certain land comprising approximately 348 acres, as generally depicted as the "Big Frog Addition" on the Map and which shall be incorporated in, and shall be considered to be a part of, the Big Frog Wilderness.

(3) Certain land comprising approximately 630 acres, as generally depicted as the "Little Frog Mountain Addition NW" on the Map and which shall be incorporated in, and shall be considered to be a part of, the Little Frog Mountain Wilderness.

(4) Certain land comprising approximately 336 acres, as generally depicted as the "Little Frog Mountain Addition NE" on the Map and which shall be incorporated in, and shall be considered to be a part of, the Little Frog Mountain Wilderness.

(5) Certain land comprising approximately 2,922 acres, as generally depicted as the "Sampson Mountain Addition" on the Map and which shall be incorporated in, and shall be considered to be a part of, the Sampson Mountain Wilderness.

(6) Certain land comprising approximately 4,446 acres, as generally depicted as the "Big Laurel Branch Addition" on the Map and which shall be incorporated in, and shall be considered to be a part of, the Big Laurel Branch Wilderness.

(7) Certain land comprising approximately 1,836 acres, as generally depicted as the "Joyce Kilmer-Slickrock Addition" on the Map and which shall be incorporated in, and shall be considered to be a part of, the Joyce Kilmer-Slickrock Wilderness.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file maps and legal descriptions of the wilderness areas designated by subsection (a) with the appropriate committees of Congress.

(2) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Cherokee National Forest.

(3) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the maps and descriptions.

(c) ADMINISTRATION.—Subject to valid existing rights, the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

TO PROTECT AND TO PRESERVE

[From the Chattanooga Times Free Press,
Sept. 8, 2009]
(Editorial Board)

There seemingly are few exceptions to the paroxysms of partisanship that have paralyzed the nation's capital lately, but there is at last one issue of vital importance where widespread agreement provides immeasurable benefit to the nation. Even in the current political climate, usually antagonistic members of Congress continue to provide

broad support for the federal wilderness program. Good for them.

Such bipartisan agreement has been the case since the inception of the Wilderness Act, which was signed into law by President Lyndon B. Johnson 45 years ago this month. At its inception, the program protected 9 million acres in 54 wilderness areas. Today, there are more than 109 million protected acres in 44 states. Expansion efforts, thank goodness, continue unabated.

It is a matter of record that the valuable program has grown continuously under both Democratic and Republican administrations. President Ronald Reagan, a Republican, signed more laws to increase wilderness property than any other president, but Democrat occupants of the White House have done their duty as well.

President Barack Obama is the latest to do so. In March, he signed a bill that established 52 new wilderness areas and that increased acreage at more than two dozen existing wilderness areas. His signature added more than 2 million acres to the protection program.

Every president since Mr. Johnson has now signed legislation to expand wilderness areas. An examination of the record, in fact, shows a steady increase over the years in the number of protected acres regardless of who occupies the White House or which party controls Congress. It's proof that unanimity of purpose in politics is possible if not always procurable.

There are now more than 800 wilderness areas in the United States. They range in size from tiny—the five-acre Rocks and Islands Wilderness in California—to the stagger-the-imagination nine million acres in the Wrangeli-Saint Elias Wilderness in Alaska. The latter state has the most protected acreage with more than 57 million acres. Ohio, with 77 acres, has the least.

Georgia and Tennessee are in the middle of the pack. The former has nearly 500,000 protected wilderness acres and the latter just over 66,000 acres. Those numbers are likely to grow. Efforts to add acreage to protected wilderness areas and to related areas such as the nearby Cherokee National Forest, already the largest tract of public land in Tennessee, are ongoing. All deserve widespread support.

By law, wilderness areas are protected and managed to preserve their natural condition. Use of the land is severely restricted, and properly so, to non-invasive activities such as hiking, backpacking and horseback riding. That's appropriate. Wilderness preservation and protection programs help ensure that future generations can enjoy the nation's patrimony. They also are powerful reminders that we all share an obligation to preserve and to protect such singularly American open spaces.

OP-ED—SKELTON: NEW AREAS NEED PROTECTION

[From the Knoxville News Sentinel, Oct. 24, 2009]

(By Will Skelton)

On Oct. 30, 1984, President Ronald Reagan signed into law a landmark bill that protected many of the outstandingly scenic portions of the southern Cherokee National Forest in Tennessee from timber harvesting, mining and road building.

Thousands of Tennesseans and Americans have used and enjoyed those areas protected as wilderness in 1984; without that bill, many such areas would have been clear cut and roads built through them. The areas range from the lofty peaks of the Citico Creek and

Big Frog Wildernesses to the waterfalls of the Bald River Wilderness and to the quieter streams of Little Frog Mountain Wilderness.

The bill was called the Tennessee Wilderness Act of 1984 and was supported by then-governor Lamar Alexander, then-U.S. representative John J. Duncan, and both of our senators, Howard Baker and James Sasser. The bill protected 32,606 acres (out of a total of 640,000 acres in the Cherokee) in areas known as Big Frog Mountain, Bald River Gorge, Citico Creek, and Little Frog Mountain.

Such areas were designated as “wilderness,” the highest form of protection for our federally owned public lands. It protects forests “in perpetuity” from logging, mining and road building while allowing for traditional activities like hiking, hunting, horseback riding, fishing and camping. Wilderness also protects wildlife habitat, ensures clean water supplies, and sequesters carbon.

I was coordinator of the Cherokee National Forest Wilderness Coalition that led the effort to have these areas protected. I edited a guidebook to the Cherokee's trails that was published by University of Tennessee Press (“Hiking Guide to the Cherokee National Forest”), and to which Alexander did the forward for both the first (1992) and second (2005) editions.

It has been 25 years since any additional wilderness has been protected in the Cherokee National Forest, in spite of several qualified candidates. These areas include the wonderful Upper Bald River and several additions to existing wilderness areas. The U.S. Forest Service recommended wilderness protection for most of these areas. However, its recommendations can only become “wilderness” if Congress approves under the Wilderness Act of 1964.

A newly formed coalition, Tennessee Wild (<http://tnwild.org>), is urging the protection of the additional areas recommended by the forest service.

Several points are important to consider regarding this current wilderness proposal:

1. The Cherokee National Forest consists of 640,000 acres, roughly the same as the Great Smoky Mountains National Park, with 340,969 in the northern Cherokee and 298,998 in the southern Cherokee. Only 66,389 acres or 10.37 percent of the forest is designated as wilderness; the areas listed above would add only 17,785 acres, so we are talking about a very modest increase.

2. No land is to be acquired by the forest service, as the land proposed for wilderness is already owned by the government.

3. Pursuant to the forest service's current management plan, the service's recommended areas are currently managed as wilderness. So no additional management or change would be required and, because of the nature of wilderness, its management is extremely low cost.

4. No roads would be closed; nor would any facilities be affected as a result of the forest service's recommendation.

5. Finally, and maybe most important, the areas recommended for wilderness are the best unprotected scenic and natural areas in the southern Cherokee National Forest.

We are hopeful that our current political leaders, especially Rep. John J. Duncan Jr. and Sens. Alexander and Bob Corker, will act to protect these additional areas. Let the words of John Muir, featured recently in the Ken Burns' PBS special on our national parks, inspire us to action: “Everybody needs beauty as well as bread, places to play in and pray in, where nature may heal and give strength to body and soul.”

By Mr. REID:

S. 3473. A bill to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill; considered and passed.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADVANCES FROM OIL SPILL LIABILITY TRUST FUND FOR DEEPWATER HORIZON OIL SPILL.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence—

(1) by inserting “(1)” after “Coast Guard”; and

(2) by inserting before the period at the end the following: “and (2) in the case of the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain 1 or more advances from the Fund as needed, up to a maximum of \$100,000,000 for each advance, with the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986, and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance”.

SEC. 2. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mr. FEINGOLD (for himself, Mr. CARPER, Mr. MCCAIN, Mr. GREGG, Mrs. MCCASKILL, Mr. COBURN, Mr. WHITEHOUSE, Mr. BENNET, and Mr. UDALL of Colorado):

S. 3474. A bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes; to the Committee on the Budget.

Mr. FEINGOLD. Mr. President, I am pleased to join with the Senator from Delaware, Mr. CARPER, and the Senator from Arizona, Mr. MCCAIN, and others in introducing the Reduce Unnecessary Spending Act of 2010, a bill which effectively gives the President a line item veto to cancel wasteful spending.

Based on President Obama's proposal, our measure would permit the President to get expedited consideration in both the House and Senate of a package of proposed spending cuts within larger spending bills Congress sends to the President. The President would have 45 days from when the initial spending measure was enacted to

submit his proposed cuts, and once that package of cuts is sent to the Hill, Congress would have less than a month to act on them. Any savings produced if Congress enacts these spending cut packages would go directly to reduce the deficit.

Just a few weeks ago, I chaired a hearing of the Senate Judiciary Committee's Constitution Subcommittee at which this proposal and similar proposals were reviewed, and I am pleased to say that the consensus of that hearing is that the bill we are introducing today is clearly constitutional.

When he took office, President Obama was handed perhaps the worst economic and fiscal mess facing any administration since Franklin Roosevelt took office in 1933. The legacy President Obama inherited poses a gigantic challenge.

There is no magic bullet that will solve all our budget problems. Congress has to make some tough decisions, and there will be no avoiding them if we are to get our fiscal house in order. But we can take some steps that will help Congress make the right decisions, and that can sustain the progress we make.

A line-item veto, properly structured and respectful of the constitutionally central role Congress plays, as this legislation is, can help us get back on track.

As I noted before, Mr. President, I am joined in this effort by a number of colleagues, but most notably by Senator CARPER and Senator MCCAIN. I have been privileged to work on a number of critical budget reforms with Senator CARPER. He has long been an advocate of this kind of expedited rescission or line item veto authority, and was the lead author of a similarly structured measure when he served in the other body.

I have also been pleased to work with Senator MCCAIN on budget matters. He and I have worked together for the past two decades to oppose wasteful earmark spending, and more recently I have been pleased to work with him on line item veto proposals, including this one.

I also thank my colleague from Wisconsin, Congressman PAUL RYAN, for working with me on this issue for several years now. He and I belong to different political parties, and differ on many issues. But we do share at least two things in common—our hometown of Janesville, Wisconsin, and an abiding respect for Wisconsin's tradition of fiscal responsibility. Earlier this year, Congressman RYAN raised this issue with President Obama at a meeting in Baltimore, and I thank him for his efforts to advance this issue.

The bill we introduce today is a significant step forward in our joint efforts to provide the President with the kind of authority needed to cut wasteful spending. As I noted earlier, this legislation is essentially the bill Presi-

dent Obama proposed just a few weeks ago. It provides the President the ability to get quick and definitive congressional action on cuts to individual programs in large spending bills.

Currently, the President must choose between vetoing a bill in its entirety, or signing it and possibly enacting billions of dollars of wasteful spending. With this bill, the President will have a third option—signing a spending bill, but then submitting a package of proposed cuts from that spending bill to Congress for quick review. The package of cuts proposed by the President will get an up or down vote in the House and, if it passes there, an up or down vote in the Senate.

Our line item veto bill covers earmark discretionary spending as well as broader non-entitlement spending accounts. The measure excludes entitlement spending and tax expenditures from the expedited rescission approach. Spending done through entitlements and tax expenditures make up an enormous amount of the total spending done by the Federal Government. However, unlike the programmatic spending done in discretionary programs, where cuts can be made by zeroing out or reducing a number for a specific account, reducing spending in entitlements or tax expenditures often requires a change in the underlying policy. Indeed, Congress already has a fast-track procedure designed specifically for considering legislation that reduces spending done through entitlements and tax expenditures. It is called reconciliation, and it was used effectively in the 1990s to reduce the deficit.

As I mentioned, a key target of this new line item veto bill is the unauthorized earmark spending that too often finds its way into large appropriations bills. Earmark spending was what Congressman RYAN and I targeted in our line item veto proposal, and it is the example every line-item veto proponent cites when promoting their legislation.

When President Bush asked for this kind of authority, the examples he gave when citing wasteful spending he wanted to target were congressional earmarks. When Members of the House or Senate tout a new line-item veto authority to go after government waste, the examples they give are congressional earmarks. When editorial pages argue for a new line-item veto, they, too, cite congressional earmarks as the reason for granting the President this new authority.

Unauthorized congressional earmarks are a serious problem. We won't solve our budget problems just by addressing earmarks, but if we are to get our fiscal house in order, eliminating earmarks has to be part of the solution. For all the lip service Congress pays to this issue, there are still thousands of earmarked spending provisions enacted every year. Just last year, the

Omnibus Appropriations bill for fiscal year 2009 passed in March of 2009 contained more than 8,000 earmarks costing \$7 billion, and the Consolidated Appropriations bill for fiscal year 2010 passed in December of 2009 included nearly 5,000 earmarks, costing \$3.7 billion.

There is no excuse for a system that allows that kind of wasteful spending year after year. And given the unwillingness of Congress to discipline itself in this regard, it is appropriate to provide the President some additional authority to seek an up or down vote in Congress on proposed cuts in this area of spending.

This is not a cure-all. We will not balance the budget just by passing a line item veto-like authority for the President. Nor will we balance the budget just by eliminating wasteful earmark spending. But we can make real progress in getting our fiscal house in order, and in changing the culture of Washington which over the last 2 decades has seen an explosion of spending done through unauthorized earmarks that circumvent regular congressional review and the scrutiny of the competitive grant process.

Like the measure Congressman RYAN and I introduced, under this proposal, wasteful spending doesn't have anywhere to hide. It's out in the open, so that both Congress and the President have a chance to get rid of wasteful projects before they begin. The taxpayers—who pay the price for these projects—deserve a process that shows some real fiscal discipline, and that is what this legislation promotes.

President Obama recognizes the pernicious effect earmarks have on the entire process. When he asked Congress to take the extraordinary step of sending him a massive economic recovery package, he knew such a large package of spending and tax cuts would naturally attract earmarks. He also recognized that were earmarks to be added to the bill, it would undermine his ability to get it enacted, so he rightly insisted it be free of earmarks.

I am delighted he has stepped forward to propose a new line item veto-like authority, and I am especially pleased to be introducing that proposal with my colleagues today.

Mr. President, I ask unanimous consent that the text of the bill printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND PURPOSES.

(a) **SHORT TITLE.**—This Act may be cited as the "Reduce Unnecessary Spending Act of 2010".

(b) **PURPOSE.**—The purpose of this Act is to create an optional fast-track procedure the President may use when submitting rescission requests, which would lead to an up-or-

down vote by Congress on the President's package of rescissions, without amendment.

SEC. 2. RESCISSIONS OF FUNDING.

The Impoundment Control Act of 1974 is amended by striking part C and inserting the following:

"PART C—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS

"SEC. 1021. APPLICABILITY AND DISCLAIMER.

"The rules, procedures, requirements, and definitions in this part apply only to executive and legislative actions explicitly taken under this part. They do not apply to actions taken under part B or to other executive and legislative actions not taken under this part.

"SEC. 1022. DEFINITIONS.

"In this part:

"(1) The terms 'appropriations Act', 'budget authority', and 'new budget authority' have the same meanings as in section 3 of the Congressional Budget Act of 1974.

"(2) The terms 'account', 'current year', 'CBO', and 'OMB' have the same meanings as in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985 as in effect on September 30, 2002.

"(3) The term 'days of session' shall be calculated by excluding weekends and national holidays. Any day during which a chamber of Congress is not in session shall not be counted as a day of session of that chamber. Any day during which neither chamber is in session shall not be counted as a day of session of Congress.

"(4) The term 'entitlement law' means the statutory mandate or requirement of the United States to incur a financial obligation unless that obligation is explicitly conditioned on the appropriation in subsequent legislation of sufficient funds for that purpose, and the Supplemental Nutrition Assistance Program.

"(5) The term 'funding' refers to new budget authority and obligation limits except to the extent that the funding is provided for entitlement law.

"(6) The term 'rescind' means to eliminate or reduce the amount of enacted funding.

"(7) The terms 'withhold' and 'withholding' apply to any executive action or inaction that precludes the obligation of funding at a time when it would otherwise have been available to an agency for obligation. The terms do not include administrative or preparatory actions undertaken prior to obligation in the normal course of implementing budget laws.

"SEC. 1023. TIMING AND PACKAGING OF RESCISSION REQUESTS.

"(a) TIMING.—If the President proposes that Congress rescind funding under the procedures in this part, OMB shall transmit a message to Congress containing the information specified in section 1024, and the message transmitting the proposal shall be sent to Congress not later than 45 calendar days after the date of enactment of the funding.

"(b) PACKAGING AND TRANSMITTAL OF REQUESTED RESCISSIONS.—Except as provided in subsection (c), for each piece of legislation that provides funding, the President shall request at most 1 package of rescissions and the rescissions in that package shall apply only to funding contained in that legislation. OMB shall deliver each message requesting a package of rescissions to the Secretary of the Senate if the Senate is not in session and to the Clerk of the House of Representatives if the House is not in session. OMB shall make a copy of the transmittal message publicly available, and shall publish in the Federal Register a notice of the message and information on how it can be obtained.

"(c) SPECIAL PACKAGING RULES.—After enactment of—

"(1) a joint resolution making continuing appropriations;

"(2) a supplemental appropriations bill; or

"(3) an omnibus appropriations bill; covering some or all of the activities customarily funded in more than 1 regular appropriations bill, the President may propose as many as 2 packages rescinding funding contained in that legislation, each within the 45-day period specified in subsection (a). OMB shall not include the same rescission in both packages, and, if the President requests the rescission of more than one discrete amount of funding under the jurisdiction of a single subcommittee, OMB shall include each of those discrete amounts in the same package.

"SEC. 1024. REQUESTS TO RESCIND FUNDING.

"For each request to rescind funding under this part, the transmittal message shall—

"(1) specify—

"(A) the dollar amount to be rescinded;

"(B) the agency, bureau, and account from which the rescission shall occur;

"(C) the program, project, or activity within the account (if applicable) from which the rescission shall occur;

"(D) the amount of funding, if any, that would remain for the account, program, project, or activity if the rescission request is enacted; and

"(E) the reasons the President requests the rescission;

"(2) designate each separate rescission request by number; and

"(3) include proposed legislative language to accomplish the requested rescissions which may not include—

"(A) any changes in existing law, other than the rescission of funding; or

"(B) any supplemental appropriations, transfers, or reprogrammings.

"SEC. 1025. GRANTS OF AND LIMITATIONS ON PRESIDENTIAL AUTHORITY.

"(a) PRESIDENTIAL AUTHORITY TO WITHHOLD FUNDING.—Notwithstanding any other provision of law and if the President proposes a rescission of funding under this part, OMB may, subject to the time limits provided in subsection (c), temporarily withhold that funding from obligation.

"(b) EXPEDITED PROCEDURES AVAILABLE ONLY ONCE PER BILL.—The President may not invoke the procedures of this part, or the authority to withhold funding granted by subsection (a), on more than 1 occasion for any Act providing funding.

"(c) TIME LIMITS.—OMB shall make available for obligation any funding withheld under subsection (a) on the earliest of—

"(1) the day on which the President determines that the continued withholding or reduction no longer advances the purpose of legislative consideration of the rescission request;

"(2) starting from the day on which OMB transmitted a message to Congress requesting the rescission of funding, 25 calendar days in which the House of Representatives has been in session or 25 calendar days in which the Senate has been in session, whichever occurs second; or

"(3) the last day after which the obligation of the funding in question can no longer be fully accomplished in a prudent manner before its expiration.

"(d) DEFICIT REDUCTION.—

"(1) IN GENERAL.—Funds that are rescinded under this part shall be dedicated only to reducing the deficit or increasing the surplus.

"(2) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later

than 5 days after the date of enactment of an approval bill as provided under this part, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the repeal or cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

"SEC. 1026. CONGRESSIONAL CONSIDERATION OF RESCISSION REQUESTS.

"(a) PREPARATION OF LEGISLATION TO CONSIDER A PACKAGE OF EXPEDITED RESCISSION REQUESTS.—

"(1) IN GENERAL.—If the House of Representatives receives a package of expedited rescission requests, the Clerk shall prepare a House bill that only rescinds the amounts requested which shall read as follows:

"There are enacted the rescissions numbered [insert number or numbers] as set forth in the Presidential message of [insert date] transmitted under part C of the Impoundment Control Act of 1974 as amended.

"(2) EXCLUSION PROCEDURE.—The Clerk shall include in the bill each numbered rescission request listed in the Presidential package in question, except that the Clerk shall omit a numbered rescission request if the Chairman of the Committee on the Budget of the House, after consulting with the Chairman of the Committee on the Budget of the Senate, CBO, GAO, and the House and Senate committees that have jurisdiction over the funding, determines that the numbered rescission does not refer to funding or includes matter not permitted under a request to rescind funding.

"(b) INTRODUCTION AND REFERRAL OF LEGISLATION TO ENACT A PACKAGE OF EXPEDITED RESCISSIONS.—The majority leader or the minority leader of the House or Representatives, or a designee, shall (by request) introduce each bill prepared under subsection (a) not later than 4 days of session of the House after its transmittal, or, if no such bill is introduced within that period, any member of the House may introduce the required bill in the required form on the fifth or sixth day of session of the House after its transmittal. If such an expedited rescission bill is introduced in accordance with the preceding sentence, it shall be referred to the House committee of jurisdiction. A copy of the introduced House bill shall be transmitted to the Secretary of the Senate, who shall provide it to the Senate committee of jurisdiction.

"(c) HOUSE REPORT AND CONSIDERATION OF LEGISLATION TO ENACT A PACKAGE OF EXPEDITED RESCISSIONS.—The House committee of jurisdiction shall report without amendment the bill referred to it under subsection (b) not more than 5 days of session of the House after the referral. The committee may order the bill reported favorably, unfavorably, or without recommendation. If the committee has not reported the bill by the end of the 5-day period, the committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

"(d) HOUSE MOTION TO PROCEED.—

"(1) IN GENERAL.—After a bill to enact an expedited rescission package has been reported or the committee of jurisdiction has been discharged under subsection (c), it shall be in order to move to proceed to consider the bill in the House. A Member who wishes to move to proceed to consideration of the bill shall announce that fact, and the motion to proceed shall be in order only during a time designated by the Speaker within the

legislative schedule for the next calendar day of legislative session or the one immediately following it.

“(2) FAILURE TO SET TIME.—If the Speaker does not designate a time under paragraph (1), 3 or more calendar days of legislative session after the bill has been reported or discharged, it shall be in order for any Member to move to proceed to consider the bill.

“(3) PROCEDURE.—A motion to proceed under this subsection shall not be in order after the House has disposed of a prior motion to proceed with respect to that package of expedited rescissions. The previous question shall be considered as ordered on the motion to proceed, without intervening motion. A motion to reconsider the vote by which the motion to proceed has been disposed of shall not be in order.

“(4) REMOVAL FROM CALENDAR.—If 5 calendar days of legislative session have passed since the bill was reported or discharged under this subsection and no Member has made a motion to proceed, the bill shall be removed from the calendar.

“(e) HOUSE CONSIDERATION.—

“(1) CONSIDERED AS READ.—A bill consisting of a package of rescissions under this part shall be considered as read.

“(2) POINTS OF ORDER.—All points of order against the bill are waived, except that a point of order may be made that 1 or more numbered rescissions included in the bill would enact language containing matter not requested by the President or not permitted under this part as part of that package. If the Presiding Officer sustains such a point of order, the numbered rescission or rescissions that would enact such language are deemed to be automatically stripped from the bill and consideration proceeds on the bill as modified.

“(3) PREVIOUS QUESTION.—The previous question shall be considered as ordered on the bill to its passage without intervening motion, except that 4 hours of debate equally divided and controlled by a proponent and an opponent are allowed, as well as 1 motion to further limit debate on the bill.

“(4) MOTION TO RECONSIDER.—A motion to reconsider the vote on passage of the bill shall not be in order.

“(f) SENATE CONSIDERATION.—

“(1) REFERRAL.—If the House of Representatives approves a House bill enacting a package of rescissions, that bill as passed by the House shall be sent to the Senate and referred to the Senate committee of jurisdiction.

“(2) COMMITTEE ACTION.—The committee of jurisdiction shall report without amendment the bill referred to it under this subsection not later than 3 days of session of the Senate after the referral. The committee may order the bill reported favorably, unfavorably, or without recommendation.

“(3) DISCHARGE.—If the committee has not reported the bill by the end of the 3-day period, the committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

“(4) MOTION TO PROCEED.—On the following day and for 3 subsequent calendar days in which the Senate is in session, it shall be in order for any Senator to move to proceed to consider the bill in the Senate. Upon such a motion being made, it shall be deemed to have been agreed to and the motion to reconsider shall be deemed to have been laid on the table.

“(5) DEBATE.—Debate on the bill in the Senate under this subsection, and all debatable motions and appeals in connection

therewith, shall not exceed 10 hours, equally divided and controlled in the usual form. Debate in the Senate on any debatable motion or appeal in connection with such a bill shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form. A motion to further limit debate on such a bill is not debatable.

“(6) MOTIONS NOT IN ORDER.—A motion to amend such a bill or strike a provision from it is not in order. A motion to recommit such a bill is not in order.

“(g) SENATE POINT OF ORDER.—It shall not be in order under this part for the Senate to consider a bill approved by the House enacting a package of rescissions under this part if any numbered rescission in the bill would enact matter not requested by the President or not permitted under this Act as part of that package. If a point of order under this subsection is sustained, the bill may not be considered under this part.”.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the matter for part C of title X and inserting the following:

“PART C—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS

“Sec. 1021. Applicability and disclaimer.

“Sec. 1022. Definitions.

“Sec. 1023. Timing and packaging of rescission requests.

“Sec. 1024. Requests to rescind funding.

“Sec. 1025. Grants of and limitations on presidential authority.

“Sec. 1026. Congressional consideration of rescission requests.”.

(b) TEMPORARY WITHHOLDING.—Section 1013(c) of the Impoundment Control Act of 1974 is amended by striking “section 1012” and inserting “section 1012 or section 1025”.

(c) RULEMAKING.—

(1) 904(A).—Section 904(a) of the Congressional Budget Act of 1974 is amended by striking “and 1017” and inserting “1017, and 1026”.

(2) 904(D)(1).—Section 904 (d)(1) of the Congressional Budget Act of 1974 is amended by striking “1017” and inserting “1017 or 1026”.

SEC. 4. AMENDMENTS TO PART A OF THE IMPOUNDMENT CONTROL ACT.

(a) IN GENERAL.—Part A of the Impoundment Control Act of 1974 is amended by inserting at the end the following:

“SEC. 1002. SEVERABILITY.

“If the judicial branch of the United States finally determines that 1 or more of the provisions of parts B or C violate the Constitution of the United States, the remaining provisions of those parts shall continue in effect.”.

(b) TABLE OF CONTENTS.—Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting at the end of the matter for part A of title X the following:

“Sec. 1002. Severability.”.

SEC. 5. EXPIRATION.

Part C of the Impoundment Control Act of 1974 (as amended by this Act) shall expire on December 31, 2014.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 547—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO (for himself and Mr. MENENDEZ) submitted the following

resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 547

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas according to the Centers for Disease Control and Prevention, between ages 45 and 54, men are over 1½ times more likely than women to die of heart attacks;

Whereas according to the Centers for Disease Control and Prevention, men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas according to the American Cancer Society, the number of cases of colon cancer among men will reach almost 49,470 in 2010, and nearly 50 percent of men diagnosed with colon cancer will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas according to the American Cancer Society, the number of men developing prostate cancer in 2010 will reach more than 217,730 and an estimated 32,050 of those men will die from the disease

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas according to the Bureau of the Census, more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men 4 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 2 times more likely than men to visit their doctor for annual examinations and preventive services;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas Congress established National Men's Health Week in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 13 through 20, 2010, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

SENATE RESOLUTION 548—TO EXPRESS THE SENSE OF THE SENATE THAT ISRAEL HAS AN UNDENIABLE RIGHT TO SELF-DEFENSE, AND TO CONDEMN THE RECENT DESTABILIZING ACTIONS BY EXTREMISTS ABOARD THE SHIP MAVI MARMARA

Mr. CORNYN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 548

Whereas the State of Israel, since its founding in 1948, has been a strong and steadfast ally of the United States, standing alone in its commitment to democracy, individual liberty, and free-market principles in the Middle East, a region characterized by instability and violence;

Whereas the special bond between the United States and Israel, forged through common values and mutual interests, must never be broken;

Whereas Israel has an undeniable right to defend itself against any threat to its security, as does every nation;

Whereas Hamas is a terrorist group, formally designated as a Foreign Terrorist Organization by the Secretary of State, and similarly designated by the European Union;

Whereas Hamas is committed to the annihilation of Israel and opposes the peaceful resolution of the Israeli-Palestinian conflict;

Whereas Hamas took control of the Gaza Strip in 2007 through violent means and has maintained control ever since;

Whereas Hamas routinely violates the human rights of the residents of Gaza, including attempting to control and intimidate political rivals through extra-judicial killing, torture, severe beatings, maiming, and arbitrary detentions;

Whereas Hamas continues to hold prisoner Israeli Staff Sergeant Gilad Shalit, who was seized on Israeli soil and has been denied

basic rights, including contact with the International Red Cross;

Whereas the military build-up of Hamas has been enabled by the smuggling of arms and other materiel into Gaza;

Whereas the Government of Iran has materially aided and supported Hamas by providing extensive funding, weapons, and training;

Whereas, since 2001, Hamas and other Palestinian terrorist organizations have fired more than 10,000 rockets and mortars from Gaza into Israel, killing at least 18 Israelis and wounding dozens more;

Whereas approximately 860,000 Israeli civilians, more than 12 percent of Israel's population, reside within range of rockets fired from Gaza and live in fear of attacks;

Whereas, in 2007, the Government of Israel, out of concern for the safety of its citizens, put in place a legitimate and justified blockade of Gaza, which has been effective in reducing the flow of weapons into Gaza and the firing of rockets from Gaza into southern Israel;

Whereas, at the same time, the Government of Egypt imposed a blockade of Gaza from its land border;

Whereas, according to Michael Oren, the Israeli Ambassador to the United States, "If the sea lanes are open to Hamas in Gaza . . . they will acquire thousands of rockets that will threaten every single citizen in the state of Israel and also kill the peace process. . . . Hamas armed with thousands of rockets not only threatens 7,500,000 Israelis but it's the end of the peace process.";

Whereas the Israeli blockade has not hindered the transfer of approximately 1,000,000 tons of humanitarian supplies into Gaza over the last 18 months to aid its 1,500,000 residents;

Whereas, on May 28, 2010, the "Free Gaza" flotilla, which included the Mavi Marmara and 5 other ships, departed from a port in Turkey and sailed towards Israel's defensive naval blockade of Gaza;

Whereas the sponsor of the flotilla was a Turkish organization, the Humanitarian Relief Foundation;

Whereas the Humanitarian Relief Foundation has aided al Qaeda in the past, "basically helping al Qaeda when [Osama] bin Laden started to want to target U.S. soil," according to statements by a former French counterterrorism official, in a June 2, 2010, Associated Press interview;

Whereas the Humanitarian Relief Foundation has a clear link to Hamas, according to a 2008 order of the Government of Israel, and the Humanitarian Relief Foundation is a member of the Union for Good, a United States-designated terrorist organization created by Hamas leaders in 2000 to help fund Hamas;

Whereas there were at least 5 active terrorist operatives among the passengers on the Mavi Marmara, with affiliations with terrorist groups such as al Qaeda and Hamas, according to the Israel Defense Forces;

Whereas the flotilla's primary aim was to break the Israeli blockade of Gaza, under the guise of delivering humanitarian aid to the residents of Gaza;

Whereas, on May 27, 2010, while the flotilla was moving towards Gaza, one of its organizers admitted, "This mission is not about delivering humanitarian supplies, it's about breaking Israel's siege on 1,500,000 Palestinians," according to news reports;

Whereas, based on interviews with Mavi Marmara passengers after the incident, the actual intention of passengers on the Mavi Marmara had been to achieve "martyrdom" at the hands of the Israel Defense Forces;

Whereas Saleh Al-Azraq, a journalist who was aboard the ship, recounted that, "The moment the ship set sail, the cries of 'Allahu Akbar' began. . . . It made you feel as if you were going on an Islamic conquest or raid," according to an interview recorded on Al-Hiwar TV on June 4, 2010;

Whereas Hussein Orush, a Humanitarian Relief Foundation official, read from the diary of a dead Mavi Marmara passenger: "The last lines he wrote before the attack were: 'Only a short time left before martyrdom. This is the most important stage of my life. Nothing is more beautiful than martyrdom, except for one's love for one's mother. But I don't know what is sweeter—my mother or martyrdom.'" and also stated, "All the passengers on board the ship were ready for this outcome. Everybody wanted and was ready to become a martyr. . . . Our goal was to reach Gaza or to die trying. All the ship's passengers were ready for this. IHH was ready for this too," according to an interview recorded on Al-Jazeera TV on June 5, 2010;

Whereas Ali Haider Banjinin, another dead Mavi Marmara passenger, told his family before departing on the flotilla, "I am going to be a martyr, I dreamed about it," according to news reports in Turkey;

Whereas Ali Ekber Yaratilmis, another dead Mavi Marmara passenger, "always wanted to become a Martyr," one of his friends told Al-Hayat Al-Jadida newspaper in an interview on June 3, 2010;

Whereas one female passenger on the deck of the Mavi Marmara stated, "Right now we face one of two happy endings: either martyrdom or reaching Gaza," according to Al Jazeera footage taken prior to the incident;

Whereas the Government of Israel had extended a reasonable offer to transfer the flotilla's humanitarian cargo to Gaza;

Whereas the Mavi Marmara and the other ships of the flotilla ignored repeated Israeli calls to turn around or be peacefully escorted to an Israeli port outside of Gaza;

Whereas, on May 31, 2010, the Israeli Navy intercepted the Mavi Marmara 75 miles west of Haifa, Israel, in an effort to maintain the integrity of the blockade and prevent potential smuggling of arms and other materiel into the hands of Hamas;

Whereas, upon the boarding of the Mavi Marmara by the Israeli Navy, the Mavi Marmara's passengers brutally and violently attacked the members of the Israeli Navy with knives, clubs, pipes, and other weapons, injuring several of them;

Whereas the members of the Israeli Navy, under attack and in grave danger, reacted in self-defense and used lethal force against their attackers on the Mavi Marmara, shooting and killing 9 of them;

Whereas the incident has fomented unwarranted international criticism of Israel and its blockade of Gaza;

Whereas, in the time since the attack, the United Nations has unjustly criticized the actions of the Government of Israel and called for an investigation of such actions; and

Whereas the actions of the United Nations are undermining Israel's inherent right to self-defense, compromising its sovereignty, and helping to legitimize Hamas: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that Israel has an inherent and undeniable right to defend itself against any threat to the safety of its citizens;

(2) to reaffirm that the United States stands with Israel in pursuit of shared security goals, including the security of Israel;

(3) to condemn the violent attack and provocation by extremists aboard the Mavi Marmara, who created a highly destabilizing incident in a region that cannot afford further instability;

(4) to condemn any future such attempts to break the Israeli blockade of Gaza for the purpose of creating or provoking violent confrontation or otherwise undermining the security of Israel;

(5) to condemn Hamas for its failure to recognize the right of Israel to exist, its human rights abuses against the residents of Gaza, and its continued rejection of a constructive path to peace for the Israeli and Palestinian people;

(6) to condemn the Government of Iran for its role, past and present, in directly supporting Hamas and undermining the security of Israel;

(7) to encourage the Government of Turkey to recognize the importance of continued strong relations with Israel and the necessity of closely scrutinizing organizations with potential ties to terrorist groups; and

(8) to express profound disappointment with the counterproductive actions of the United Nations regarding this incident.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4318. Mr. SANDERS (for himself, Mr. WHITEHOUSE, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 4319. Mr. SANDERS (for himself, Mr. GRASSLEY, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4320. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4321. Mr. CASEY (for himself, Mr. BROWN, of Ohio, Mr. BEGICH, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mr. KERRY, Mr. WYDEN, Mr. HARKIN, Mr. LEVIN, Mr. BURRIS, Mr. FRANKEN, Ms. STABENOW, Mr. REED, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4322. Ms. LANDRIEU (for herself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4323. Mrs. FEINSTEIN (for herself, Mr. GREGG, Ms. SNOWE, Mr. BARRASSO, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4324. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mrs. FEINSTEIN, Mr. KAUFMAN, Mr. PRYOR, Mr. SPECTER, Mr. GRAHAM, Ms. LANDRIEU, Mr. MENENDEZ, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4325. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4326. Mr. BAUCUS (for himself, Mr. KERRY, and Mr. DODD) submitted an amend-

ment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4327. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4328. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4329. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4330. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4331. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4332. Mr. KOHL (for himself, Mr. GRASSLEY, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4333. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4318. Mr. SANDERS (for himself, Mr. WHITEHOUSE, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IV, insert the following:

SEC. —. REPEAL OF EXPENSING AND 60-MONTH AMORTIZATION OF INTANGIBLE DRILLING COSTS.

Subsection (c) of section 263 is amended by striking the period at the end of the third sentence and inserting “, or to any costs paid or incurred after December 31, 2010.”.

SEC. —. REPEAL OF PERCENTAGE DEPLETION FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613 is amended by adding at the end the following new subsection:

“(f) **TERMINATION OF PERCENTAGE DEPLETION FOR OIL AND GAS PROPERTIES.**—In the case of oil and gas properties, this section shall not apply to any taxable year beginning after December 31, 2010.”.

(b) **LIMITATIONS ON PERCENTAGE DEPLETION IN CASE OF OIL AND GAS WELLS.**—Section 613A is amended by adding at the end the following new subsection:

“(f) **TERMINATION.**—This section shall not apply to any taxable year beginning after December 31, 2010.”.

SEC. —. DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) is amended by striking “or” at

the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, or”, and by inserting after clause (iii) the following new clause:

“(iv) the production, refining, processing, transportation, or distribution of oil, natural gas, or any primary product thereof.”.

(b) **PRIMARY PRODUCT.**—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

“For purposes of clause (iv), the term ‘primary product’ has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.”.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 199(c)(4) is amended—

(A) in subparagraph (A)(i)(III) by striking “electricity, natural gas,” and inserting “electricity”, and

(B) in subparagraph (B)(ii) by striking “electricity, natural gas,” and inserting “electricity”.

(2) Section 199(d) is amended by striking paragraph (9) and by redesignating paragraph (10) as paragraph (9).

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. —. APPROPRIATION OF FUNDS.

Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Energy Efficiency and Conservation Block Grant Program, under subtitle E of the Energy Independence and Security Act of 2007, \$2,000,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015.

SA 4319. Mr. SANDERS (for himself, Mr. GRASSLEY, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. CERTIFICATION REQUIREMENT.

(a) **SHORT TITLE.**—This section may be cited as the “Employ America Act”.

(b) **IN GENERAL.**—The Secretary of Homeland Security may not approve a petition by an employer for any visa authorizing employment in the United States unless the employer has provided written certification, under penalty of perjury, to the Secretary of Labor that—

(1) the employer has not provided a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) during the 12-month period immediately preceding the date on which the alien is scheduled to be hired; and

(2) the employer does not intend to provide a notice of a mass layoff pursuant to such Act.

(c) **EFFECT OF MASS LAYOFF.**—If an employer provides a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act after the approval of a visa described in subsection (b), any visas approved during the most recent 12-month period for such employer shall expire on the date that is 60 days after the date on which such notice is provided. The expiration of a visa under this subsection shall not be subject to judicial review.

(d) **NOTICE REQUIREMENT.**—Upon receiving notification of a mass layoff from an employer, the Secretary of Homeland Security shall inform each employee whose visa is scheduled to expire under subsection (c)—

(1) the date on which such individual will no longer be authorized to work in the United States; and

(2) the date on which such individual will be required to leave the United States unless the individual is otherwise authorized to remain in the United States.

(e) **EXEMPTION.**—An employer shall be exempt from the requirements under this section if the employer provides written certification, under penalty of perjury, to the Secretary of Labor that the total number of the employer's workers who are United States citizens and are working in the United States have not been, and will not be, reduced as a result of a mass layoff described in subsection (c).

(f) **RULEMAKING.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Labor shall promulgate regulations to carry out this section, including a requirement that employers provide notice to the Secretary of Homeland Security of a mass layoff (as defined in section 2 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101)).

SA 4320. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. 4. ALTERNATIVE MINIMUM TAX RATE FOR PUBLIC CORPORATIONS INCORPORATED IN FOREIGN TAX HAVENS.

(a) **IN GENERAL.**—Section 11 of the is amended by adding at the end the following:

“(e) **ALTERNATIVE MINIMUM TAX FOR PUBLIC CORPORATIONS INCORPORATED IN FOREIGN TAX HAVENS.**—

“(1) **TAX IMPOSED.**—A tax is hereby imposed (in addition to any other tax imposed by this subtitle) for each taxable year on the net book income of each disqualified corporation.

“(2) **AMOUNT OF TAX.**—The amount of the tax imposed by paragraph (1) shall be equal to the excess (if any) of—

“(A) 35 percent of the net book income of the disqualified corporation, over

“(B) the sum of any other taxes imposed on the income of such disqualified corporation under this subtitle.

“(3) **NOT TREATED AS TAX FOR CERTAIN PURPOSES.**—The tax imposed by paragraph (1) shall not be treated as a tax imposed under this chapter for the purpose of determining—

“(A) the amount of any credit allowable under this chapter, or

“(B) the amount of the minimum tax imposed by section 55.

“(4) **DISQUALIFIED CORPORATION.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘disqualified corporation’ means any public corporation which—

“(i) is chartered or incorporated in an offshore secrecy jurisdiction, or

“(ii) owns, directly or indirectly, 50 percent or more (by vote or value) of the stock of a corporation chartered or incorporated in an offshore secrecy jurisdiction.

“(B) **PUBLIC CORPORATION.**—The term ‘public corporation’ means any issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)), the securities of which are registered under section 12 of that Act (15 U.S.C. 78l), or that is required to file

reports under section 15(d) of that Act (15 U.S.C. 78o(d)), or that files or has filed a registration statement that has not yet become effective under the Securities Act of 1933 (15 U.S.C. 77a et seq.), and that it has not withdrawn.

“(C) **OFFSHORE SECRECY JURISDICTION.**—

“(i) **IN GENERAL.**—The term ‘offshore secrecy jurisdiction’ means any foreign jurisdiction which is listed by the Secretary as an offshore secrecy jurisdiction for purposes of this subsection.

“(ii) **DETERMINATION OF JURISDICTIONS ON LIST.**—A jurisdiction shall be listed under clause (i) if the Secretary determines that such jurisdiction has corporate, business, bank, or tax secrecy rules and practices which, in the judgment of the Secretary, unreasonably restrict the ability of the United States to obtain information relevant to the enforcement of this title, unless the Secretary also determines that such country has effective information exchange practices.

“(iii) **SECRECY OR CONFIDENTIALITY RULES AND PRACTICES.**—For purposes of clause (ii), corporate, business, bank, or tax secrecy or confidentiality rules and practices include both formal laws and regulations and informal government or business practices having the effect of inhibiting access of law enforcement and tax administration authorities to beneficial ownership and other financial information.

“(iv) **INEFFECTIVE INFORMATION EXCHANGE PRACTICES.**—For purposes of clause (ii), a jurisdiction shall be deemed to have ineffective information exchange practices unless the Secretary determines, on an annual basis, that—

“(I) such jurisdiction has in effect a treaty or other information exchange agreement with the United States that provides for the prompt, obligatory, and automatic exchange of such information as is foreseeably relevant for carrying out the provisions of the treaty or agreement or the administration or enforcement of this title,

“(II) during the 12-month period preceding the annual determination, the exchange of information between the United States and such jurisdiction was in practice adequate to prevent evasion or avoidance of United States income tax by United States persons and to enable the United States effectively to enforce this title, and

“(III) during the 12-month period preceding the annual determination, such jurisdiction was not identified by an intergovernmental group or organization of which the United States is a member as uncooperative with international tax enforcement or information exchange and the United States concurs in such identification.

“(v) **INITIAL LIST OF OFFSHORE SECRECY JURISDICTIONS.**—For purposes of this subparagraph, each of the following foreign jurisdictions, which have been previously and publicly identified by the Internal Revenue Service as secrecy jurisdictions in Federal court proceedings, shall be deemed listed by the Secretary as an offshore secrecy jurisdiction unless delisted by the Secretary under clause (vi)(II):

“(I) Anguilla.

“(II) Antigua and Barbuda.

“(III) Aruba.

“(IV) Bahamas.

“(V) Barbados.

“(VI) Belize.

“(VII) Bermuda.

“(VIII) British Virgin Islands.

“(IX) Cayman Islands.

“(X) Cook Islands.

“(XI) Costa Rica.

“(XII) Cyprus.

“(XIII) Dominica.

“(XIV) Gibraltar.

“(XV) Grenada.

“(XVI) Guernsey/Sark/Alderney.

“(XVII) Hong Kong.

“(XVIII) Isle of Man.

“(XIX) Jersey.

“(XX) Latvia.

“(XXI) Liechtenstein.

“(XXII) Luxembourg.

“(XXIII) Malta.

“(XXIV) Nauru.

“(XXV) Netherlands Antilles.

“(XXVI) Panama.

“(XXVII) Samoa.

“(XXVIII) St. Kitts and Nevis.

“(XXIX) St. Lucia.

“(XXX) St. Vincent and the Grenadines.

“(XXXI) Singapore.

“(XXXII) Switzerland.

“(XXXIII) Turks and Caicos.

“(XXXIV) Vanuatu.

“(vi) **MODIFICATIONS TO LIST.**—The Secretary—

“(I) shall add to the list under clause (i) jurisdictions which meet the requirements of clause (ii), and

“(II) may remove from such list only those jurisdictions which do not meet the requirements of clause (ii).

“(5) **NET BOOK INCOME.**—For purposes of this subsection, the term ‘net book income’ means, with respect to a taxable year, the net income (if any) reported by the disqualified corporation in its financial statement to its shareholders, subject to such regulations as the Secretary may prescribe.

“(6) **CONTROLLED GROUP.**—For purposes of applying this subsection, all component members of a controlled group of corporations (as defined in section 1563) shall be treated as one corporation.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SA 4321. Mr. CASEY (for himself, Mr. BROWN of Ohio, Mr. BEGICH, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mr. KERRY, Mr. WYDEN, Mr. HARKIN, Mr. LEVIN, Mr. BURRIS, Mr. FRANKEN, Ms. STABENOW, Mr. REED, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title V of the amendment, insert the following:

SEC. ____ EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) **EXTENSION OF ELIGIBILITY PERIOD.**—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(a) of the Continuing Extension Act of 2010 (Public Law 111-157), is amended by striking “May 31, 2010” and inserting “November 30, 2010”.

(b) **RULES RELATING TO 2010 EXTENSION.**—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(b) of the Continuing Extension Act of 2010 (Public Law 111-157), is amended by adding at the end the following:

“(19) **ADDITIONAL RULES RELATED TO 2010 EXTENSION.**—In the case of an individual who,

with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after June 1, 2010, and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs.”.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SA 4322. Ms. LANDRIEU (for herself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, between lines 3 and 4, insert the following:

SEC. 621. DISASTER LOANS PROGRAM ACCOUNT.

(a) **IN GENERAL.**—From unobligated balances in the appropriations account appropriated under the heading “DISASTER LOANS PROGRAM ACCOUNT” under the heading “SMALL BUSINESS ADMINISTRATION”, up to \$100,000,000 shall be available to the Administrator of the Small Business Administration (in this section referred to as the “Administrator”) to waive the payment, for a period of not more than 3 years, of not more than \$15,000 in interest on loans made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to businesses located in an area affected by a hurricane occurring during 2005 or 2008 for which the President declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(b) **PRIORITY.**—The Administrator shall, to the extent practicable, give priority to an application for a waiver of interest under the program established under this section by a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) with not more than 50 employees or that the Administrator determines suffered a substantial economic injury as a result of the Deepwater Horizon oil spill of 2010.

(c) **TERMINATION.**—The Administrator may not approve an application under the program established under this section after December 31, 2010.

(d) **OTHER DISASTERS.**—If a disaster is declared under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) during the period beginning on the date of enactment of this Act and ending on December 31, 2010, and to the extent there are inadequate funds in the appropriations account described in subsection (a) to provide assistance relating to the disaster under section 7(b) of the Small Business Act and waive the payment of interest under the program established under this section, the Administrator shall give priority in using the funds to applications under section 7(b) of the Small Business Act relating to the disaster.

(e) **BUDGETARY PROVISION.**—This section is designated as an emergency for purposes of pay-as-you-go principles. The amount made available under this section is designated as an emergency requirement pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. The amount made available under this section is

designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SA 4323. Mrs. FEINSTEIN (for herself, Mr. GREGG, Ms. SNOWE, Mr. BARASSO, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT CHECKS IN PRISON EMPLOYMENT PROGRAMS.

(a) **PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.**—

(1) **IN GENERAL.**—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

“(x) No Federal, State, or local agency may display the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply with respect to checks issued after the date that is 3 years after the date of enactment of this Act.

(b) **PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.**—

(1) **IN GENERAL.**—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (a)) is amended by adding at the end the following:

“(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the Social Security account numbers of other individuals. For purposes of this clause, the term ‘prisoner’ means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual’s conviction of a criminal offense.”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

SA 4324. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mrs. FEINSTEIN, Mr. KAUFMAN, Mr. PRYOR, and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 364, after line 4, add the following:

TITLE VIII—REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS

SEC. 801. FINDINGS.

Congress makes the following findings:

(1) Each year, many people in the United States are injured by defective products

manufactured or produced by foreign entities and imported into the United States.

(2) Both consumers and businesses in the United States have been harmed by injuries to people in the United States caused by defective products manufactured or produced by foreign entities.

(3) People in the United States injured by defective products manufactured or produced by foreign entities often have difficulty recovering damages from the foreign manufacturers and producers responsible for such injuries.

(4) The difficulty described in paragraph (3) is caused by the obstacles in bringing a foreign manufacturer or producer into a United States court and subsequently enforcing a judgment against that manufacturer or producer.

(5) Obstacles to holding a responsible foreign manufacturer or producer liable for an injury to a person in the United States undermine the purpose of the tort laws of the United States.

(6) The difficulty of applying the tort laws of the United States to foreign manufacturers and producers puts United States manufacturers and producers at a competitive disadvantage because United States manufacturers and producers must—

(A) abide by common law and statutory safety standards; and

(B) invest substantial resources to ensure that they do so.

(7) Foreign manufacturers and producers can avoid the expenses necessary to make their products safe if they know that they will not be held liable for violations of United States product safety laws.

(8) Businesses in the United States undertake numerous commercial relationships with foreign manufacturers, exposing the businesses to additional tort liability when foreign manufacturers or producers evade United States courts.

(9) Businesses in the United States engaged in commercial relationships with foreign manufacturers or producers often cannot vindicate their contractual rights if such manufacturers or producers seek to avoid responsibility in United States courts.

(10) One of the major obstacles facing businesses and individuals in the United States who are injured and who seek compensation for economic or personal injuries caused by foreign manufacturers and producers is the challenge of serving process on such manufacturers and producers.

(11) An individual or business injured in the United States by a foreign company must rely on a foreign government to serve process when that company is located in a country that is a signatory to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at The Hague November 15, 1965 (20 UST 361; TIAS 6638).

(12) An injured person in the United States must rely on the cumbersome system of letters rogatory to effect service in a country that did not sign the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. These countries do not have an enforceable obligation to serve process as requested.

(13) The procedures described in paragraphs (11) and (12) add time and expense to litigation in the United States, thereby discouraging or frustrating meritorious lawsuits brought by persons injured in the United States against foreign manufacturers and producers.

(14) Foreign manufacturers and producers often seek to avoid judicial consideration of

their actions by asserting that United States courts lack personal jurisdiction over them.

(15) The due process clauses of the fifth amendment to and section 1 of the 14th amendment to the Constitution govern United States court assertions of personal jurisdiction over defendants.

(16) The due process clauses described in paragraph (15) are satisfied when a defendant consents to the jurisdiction of a court.

(17) United States markets present many opportunities for foreign manufacturers.

(18) Creating a competitive advantage for either foreign or domestic manufacturers violates the principles of United States trade agreements with other countries.

(19) In choosing to import products into the United States, a foreign manufacturer or producer subjects itself to the laws of the United States. Such a foreign manufacturer or producer thereby acknowledges that it is subject to the personal jurisdiction of the State and Federal courts in at least one State.

SEC. 802. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) foreign manufacturers and producers whose products are sold in the United States should not be able to avoid liability simply because of difficulties relating to serving process upon them;

(2) to avoid such lack of accountability, foreign manufacturers and producers of foreign products distributed in the United States should be required, by regulation, to register an agent in the United States who is authorized to accept service of process for such manufacturer or producer;

(3) it is unfair to United States consumers and businesses that foreign manufacturers and producers often seek to avoid judicial consideration of their actions by asserting that United States courts lack personal jurisdiction over them;

(4) those who benefit from importing products into United States markets should expect to be subject to the jurisdiction of at least one court within the United States;

(5) importing products into the United States should be understood as consent to the accountability that the legal system of the United States ensures for all manufacturers and producers, foreign, and domestic;

(6) importers recognize the scope of opportunities presented to them by United States markets but also should recognize that products imported into the United States must satisfy Federal and State safety standards established by statute, regulation, and common law;

(7) foreign manufacturers should recognize that they are responsible for the contracts they enter into with United States companies;

(8) foreign manufacturers should act responsibly and recognize that they operate within the constraints of the United States legal system when they import products into the United States;

(9) foreign manufacturers who are unwilling to act and recognize as described in paragraphs (6), (7), and (8) should not have access to United States markets;

(10) United States laws and the laws of United States trading partners should not put burdens on foreign manufacturers and importers that do not apply to domestic companies;

(11) it is fair to ensure that foreign manufacturers, whose products are distributed in commerce in the United States, are subject to the jurisdiction of State and Federal courts in at least one State because all United States manufacturers are subject to

the jurisdiction of the State and Federal courts in at least one State; and

(12) it should be understood that, by registering an agent for service of process in the United States, the foreign manufacturer or producer acknowledges consent to the jurisdiction of the State in which the registered agent is located.

SEC. 803. DEFINITIONS.

In this title:

(1) APPLICABLE AGENCY.—The term “applicable agency” means, with respect to covered products—

(A) described in subparagraphs (A) and (B) of paragraph (3), the Food and Drug Administration;

(B) described in paragraph (3)(C), the Consumer Product Safety Commission;

(C) described in subparagraphs (D) and (E) of paragraph (3), the Environmental Protection Agency.

(2) COMMERCE.—The term “commerce” means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside thereof; or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(3) COVERED PRODUCT.—The term “covered product” means any of the following:

(A) Drugs, devices, and cosmetics, as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(B) A biological product, as such term is defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(C) A consumer product, as such term is used in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052).

(D) A chemical substance or new chemical substance, as such terms are defined in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602).

(E) A pesticide, as such term is defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(4) DISTRIBUTE IN COMMERCE.—The term “distribute in commerce” means to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

SEC. 804. REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

(a) REGISTRATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and except as provided in paragraph (3), the head of each applicable agency shall require foreign manufacturers and producers of covered products distributed in commerce (or component parts that will be used in the United States to manufacture such products) to establish a registered agent in the United States who is authorized to accept service of process on behalf of such manufacturer or producer for the purpose of all civil and regulatory actions in State and Federal courts, if such service is made in accord with the State or Federal rules for service of process in the State in which the case or regulatory action is brought.

(2) LOCATION.—The head of each applicable agency shall require that an agent of a foreign manufacturer or producer registered under paragraph (1) be located in a State with a substantial connection to the importation, distribution, or sale of the products of such foreign manufacturer or producer.

(3) MINIMUM SIZE.—Paragraph (1) shall only apply to foreign manufacturers and pro-

ducers that manufacture or produce covered products (or component parts that will be used in the United States to manufacture such products) in excess of a minimum value or quantity established by the head of the applicable agency under this section.

(b) REGISTRY OF AGENTS OF FOREIGN MANUFACTURERS.—

(1) IN GENERAL.—The Secretary of Commerce shall, in cooperation with each head of an applicable agency, establish and keep up to date a registry of agents registered under subsection (a).

(2) AVAILABILITY.—The Secretary of Commerce shall make the registry established under paragraph (1) available to the public through the Internet website of the Department of Commerce.

(c) CONSENT TO JURISDICTION.—A foreign manufacturer or producer of covered products that registers an agent under this section thereby consents to the personal jurisdiction of the State or Federal courts of the State in which the registered agent is located for the purpose of any civil or regulatory proceeding.

(d) REGULATIONS.—Not later than the date described in subsection (a)(1), the Secretary of Commerce and each head of an applicable agency shall prescribe regulations to carry out this section.

SEC. 805. PROHIBITION OF IMPORTATION OF PRODUCTS OF MANUFACTURERS WITHOUT REGISTERED AGENTS IN UNITED STATES.

(a) IN GENERAL.—Beginning on the date that is 180 days after the date the regulations required under section 804(d) are prescribed, a person may not import into the United States a covered product (or component part that will be used in the United States to manufacture a covered product) if such product (or component part) or any part of such product (or component part) was manufactured or produced outside the United States by a manufacturer or producer who does not have a registered agent described in section 804(a) whose authority is in effect on the date of the importation.

(b) ENFORCEMENT.—The Secretary of Homeland Security shall prescribe regulations to enforce the prohibition in subsection (a).

SEC. 806. STUDY ON REGISTRATION OF AGENTS OF FOREIGN FOOD PRODUCERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture and the Commissioner of Food and Drugs shall jointly—

(1) complete a study on the feasibility and advisability of requiring foreign producers of food distributed in commerce to establish a registered agent in the United States who is authorized to accept service of process on behalf of such producers for the purpose of all civil and regulatory actions in State and Federal courts; and

(2) submit to Congress a report on the findings of the Secretary with respect to such study.

SEC. 807. RELATIONSHIP WITH OTHER LAWS.

Nothing in this title shall affect the authority of any State to establish or continue in effect a provision of State law relating to service of process or personal jurisdiction, except to the extent that such provision of law is inconsistent with the provisions of this title, and then only to the extent of such inconsistency.

SA 4325. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr.

BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. ____ . EXEMPTION FOR PEDIATRIC MEDICAL DEVICES.

(a) IN GENERAL.—Paragraph (2) of section 4191(b) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (C) the following new subparagraph:

“(D) medical devices primarily designed to be used by or for pediatric patients, and”.

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “8 percent” and inserting “5 percent”.

SA 4326. Mr. BAUCUS (for himself, Mr. KERRY, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

SEC. ____01. SHORT TITLE.

This title may be cited as the “Foreign-Held Debt Transparency and Threat Assessment Act”.

SEC. ____02. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, the Committee on Financial Services, and the Committee on the Budget of the House of Representatives.

(2) DEBT INSTRUMENTS OF THE UNITED STATES.—The term “debt instruments of the United States” means all bills, notes, and bonds held by the public and issued or guaranteed by the United States or by an entity of the United States Government.

SEC. ____03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) large foreign holdings of debt instruments of the United States have the potential to make the United States vulnerable to undue influence by foreign creditors in national security and economic policymaking;

(3) the People's Republic of China, Japan, and the United Kingdom are the 3 largest foreign holders of debt instruments of the United States; and

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved.

SEC. ____04. ANNUAL REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) ANNUAL REPORT.—Not later than March 31 of each year, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 9 months preceding the date of the report.

(2) The total amount of debt instruments of the United States that are held by foreign residents, broken out by the residents' country of domicile and by public and private residents.

(3) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by foreign holdings of debt instruments of the United States.

(c) PUBLIC AVAILABILITY.—The Secretary of the Treasury shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

SEC. ____05. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) CONTENT OF REPORT.—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) Specific recommendations for reducing the levels of risk resulting from the Federal debt.

SEC. ____06. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

If the President determines that foreign holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce such risk;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

SA 4327. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and

for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle B of title II, add the following:

SEC. ____ . PERMANENT EXTENSION OF ELECTIVE TAX TREATMENT FOR ALASKA NATIVE SETTLEMENT TRUSTS.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset provisions) shall not apply to the provisions of, and amendments made by, section 671 of such Act (relating to tax treatment and information requirements of Alaska Native Settlement Trusts).

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective upon the date of enactment of this Act.

SA 4328. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 251, insert the following:

SEC. 251A. CHARITABLE CONTRIBUTIONS OF APPARENTLY WHOLESOME FOOD TO INDIAN TRIBES.

(a) IN GENERAL.—Section 170(e)(3) (relating to special rule for contributions of inventory and other property) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) SPECIAL RULE FOR INDIAN TRIBES.—

“(i) IN GENERAL.—For purposes of this paragraph, an Indian tribe (as defined in section 7871(c)(3)(E)(ii)) shall be treated as an organization eligible to be a donee under subparagraph (A) with respect to apparently wholesome food (as defined in section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)) (as in effect on the date of the enactment of this subparagraph)) only.

“(ii) USE OF PROPERTY.—For purposes of subparagraph (A)(i), if the use of the apparently wholesome food donated is related to the exercise of an essential governmental function of the Indian tribal government (within the meaning of section 7871), such use shall be treated as related to the purpose or function constituting the basis for the organization's exemption.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SA 4329. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—PENSION BENEFIT GUARANTY CORPORATION GOVERNANCE IMPROVEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the “Pension Benefit Guaranty Corporation Governance Improvement Act of 2010”.

SEC. 802. BOARD OF DIRECTORS OF THE PENSION BENEFIT GUARANTY CORPORATION.

(a) IN GENERAL.—Section 4002(d) of the Employee Retirement Income Security Act of

1974 (29 U.S.C. 1302(d)) is amended to read as follows:

“(d)(1) The board of directors of the corporation consists of—

“(A) the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Commerce;

“(B) a member that is a representative of employers offering defined benefit plans;

“(C) a member that is a representative of organized labor and employees; and

“(D) 2 other members.

“(2)(A) The members of the board of directors described under subparagraphs (B) through (D) of paragraph (1)—

“(i) shall be appointed by the President by and with the advice and consent of the Senate—

“(I) at the beginning of the second year of the President’s term of office, with respect to such members described under subparagraphs (B) and (C) of paragraph (1); and

“(II) at the beginning of the fourth year of the President’s term of office, with respect to such members described under subparagraph (D) of paragraph (1); and

“(ii) shall serve for a term of 4 years.

“(B) Not more than 2 members of the board of directors described under subparagraphs (B) through (D) of paragraph (1) shall be affiliated with the same political party.

“(C) Each member of the board of directors described under subparagraphs (B) through (D) of paragraph (1) shall not have a direct financial interest in the decisions of the corporation.

“(3) Each member of the board of directors described under subparagraph (A) of paragraph (1) shall designate in writing an official, not below the level of Assistant Secretary, to serve as the voting representative of such member on the board. Such designation shall be effective until revoked or until a date or event specified therein. Any such representative may refer for board action any matter under consideration by the designating board member.

“(4) The members of the board of directors described under—

“(A) subparagraph (A) of paragraph (1), shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the board; and

“(B) subparagraphs (B) through (D) of paragraph (1) shall, for each day (including traveltime) during which they are attending meetings or conferences of the board or otherwise engaged in the business of the board, be compensated at a rate fixed by the corporation which is not in excess of the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

“(5)(A) The Secretary of Labor is the chairman of the board of directors.

“(B) The President shall designate 1 of the members appointed under paragraph (2) as the vice-chairman of the board of directors.

“(6) The Inspector General of the corporation shall report to the board of directors, and not less than twice a year, shall attend a meeting of the board of directors to provide a report on the activities and findings of the Inspector General, including with respect to monitoring and review of the operations of the corporation.

“(7) The General Counsel of the corporation shall—

“(A) serve as the secretary to the board of directors, and shall advise such board as needed; and

“(B) have overall responsibility for all legal matters affecting the corporation and provide the corporation with legal advice and opinions on all matters of law affecting the corporation, except that the authority of the General Counsel shall not extend to the Office of Inspector General and the independent legal counsel of such Office.

“(8) Notwithstanding any other provision of this Act, the Office of Inspector General and the legal counsel of such Office is independent of the management of the corporation and the General Counsel of the corporation.”.

(b) NUMBER OF MEETINGS; PUBLIC AVAILABILITY.—Section 4002(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(e)) is amended—

(1) by striking “The board” and inserting “(1) The board”;

(2) by striking “the corporation.” and inserting “the corporation, but in no case less than 4 times a year with a quorum of not less than 5 members. Not less than 1 meeting of the board of directors during each year shall be a joint meeting with the advisory committee under subsection (h).”; and

(3) by adding at the end the following:

“(2) The chairman of the board of directors shall make available to the public the minutes from each meeting of the board, unless the chairman designates a meeting or portion of a meeting as closed to the public, based on the confidentiality of the matters to be discussed during such meeting.”.

(c) ADVISORY COMMITTEE.—

(1) ISSUES CONSIDERED BY THE COMMITTEE.—Section 4002(h)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(h)(1)) is amended—

(A) by striking “, and (D)” and inserting “, (D)”;

(B) by striking “time to time.” and inserting “time to time, and (E) other issues as determined appropriate by the advisory committee.”.

(2) JOINT MEETING.—Section 4002(h)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(h)(3)) is amended by adding at the end the following: “Not less than 1 meeting of the advisory committee during each year shall be a joint meeting with the board of directors under subsection (e).”.

SEC. 803. AVOIDING CONFLICTS OF INTEREST.

Section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) is amended by adding at the end the following:

“(j) The Director of the corporation, and each member of the board of directors described under subparagraphs (B) through (D) of subsection (d)(1), shall agree in writing to recuse him or herself from participation in activities which present a potential conflict of interest or appearance of such conflict, including by not serving on a technical evaluation panel.”.

SEC. 804. SENSE OF CONGRESS.

(a) FORMATION OF COMMITTEES.—It is the sense of Congress that the board of directors of the Pension Benefit Guaranty Corporation established under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302), as amended by this title, should form committees, including an audit committee and an investment committee, to enhance the overall effectiveness of the board of directors.

(b) RISK MANAGEMENT POSITION.—It is the sense of Congress that the Pension Benefit Guaranty Corporation established under sec-

tion 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302), as amended by this title, should establish a risk management position that evaluates and mitigates the risk that the corporation might experience. The individual in such position should coordinate the risk management efforts of the corporation, explain risks and controls to senior management and the board of directors of the corporation, and make recommendations.

SA 4330. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. ____ . PARTICIPATION OF PRESIDENT, VICE PRESIDENT, MEMBERS OF CONGRESS, POLITICAL APPOINTEES, AND CONGRESSIONAL STAFF IN THE HEALTH INSURANCE EXCHANGES.

(a) IN GENERAL.—Section 1312(d)(3)(D) of the Patient Protection and Affordable Care Act is amended to read as follows:

“(D) PRESIDENT, VICE PRESIDENT, MEMBERS OF CONGRESS, POLITICAL APPOINTEES, AND CONGRESSIONAL STAFF IN THE EXCHANGE.—

“(i) IN GENERAL.—Notwithstanding chapter 89 of title 5, United States Code, or any provision of this title—

“(I) the President, Vice President, each Member of Congress, each political appointee, and each Congressional employee shall be treated as a qualified individual entitled to the right under this paragraph to enroll in a qualified health plan in the individual market offered through an Exchange in the State in which the individual resides; and

“(II) any employer contribution under such chapter on behalf of the President, Vice President, any Member of Congress, any political appointee, and any Congressional employee may be paid only to the issuer of a qualified health plan in which the individual enrolled in through such Exchange and not to the issuer of a plan offered through the Federal employees health benefit program under such chapter.

This subparagraph shall not apply to any individual until an Exchange is operating in the State in which the individual resides.

“(ii) PAYMENTS BY FEDERAL GOVERNMENT.—The Secretary, in consultation with the Director of the Office of Personnel Management, shall establish procedures under which—

“(I) the employer contributions under such chapter on behalf of the President, Vice President, each Member of Congress, each political appointee, and each Congressional employee are determined and actuarially adjusted for individual or family coverage, rating areas, and age (in accordance with clauses (i) through (iii) of section 2701(a)(1)(A) of the Public Health Service Act); and

“(II) the employer contributions may be made directly to an Exchange for payment to an issuer.

“(iii) POLITICAL APPOINTEE.—In this subparagraph, the term ‘political appointee’ means any individual who—

“(I) is employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

“(II) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; or

“(III) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

“(iv) CONGRESSIONAL EMPLOYEE.—In this subparagraph, the term ‘Congressional employee’ means an employee whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the Patient Protection and Affordable Care Act.

SA 4331. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE ————OFFSETTING THE COSTS OF THIS ACT

SEC. ————01. DISCLOSING TRUE COST OF CONGRESSIONAL BORROWING AND SPENDING.

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (<http://www.senate.gov/>) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by Congressional Budget Office.

(3) The number of new Government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

SEC. ————02. REDUCING BUDGETS OF MEMBERS OF CONGRESS.

Of the funds made available under Public Law 111–68 for the legislative branch, \$100,000,000 in unobligated balances are permanently rescinded with \$50,000,000 from the House of Representatives and \$50,000,000 from the Senate: Provided, That the rescissions made by the section shall not apply to funds made available to the Capitol Police.

SEC. ————03. ENACTING THE WHITE HOUSE'S PROPOSED 5 PERCENT CUT ON GOVERNMENT SPENDING.

(a) RESCISSIONS OF EXCESSIVE SPENDING.—There is rescinded an amount equal to 5 percent of—

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2010 for

any discretionary account in any other fiscal year 2010 appropriation Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2010 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2010 for any program subject to limitation contained in any fiscal year 2010 appropriation Act.

(b) EXCEPTIONS.—This section shall not apply to discretionary authority appropriated or otherwise made available to the Department of Veterans Affairs and the Department of Defense: Provided, That the Secretary of Defense shall submit a report to Congress no later than one year after the enactment of this Act outlining potential savings within the Department that could be obtained by eliminating outdated, unneeded, inefficient, poorly performing, or duplicative programs and initiatives.

(c) OMB REPORT.—Within 30 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section and the report shall be posted on the public website of the Office of Management and Budget.

SEC. ————04. ELIMINATING NONESSENTIAL GOVERNMENT TRAVEL.

Within 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the heads of the Federal departments and agencies, shall establish a definition of ‘non-essential travel’ and criteria to determine if travel-related expenses and requests by Federal employees meet the definition of ‘non-essential travel’. No travel expenses paid for, in whole or in part, with Federal funds shall be paid by the Federal Government unless a request is made prior to the travel and the requested travel meets the criteria established by this section. Any travel request that does not meet the definition and criteria shall be disallowed, including reimbursement for air flights, automobile rentals, train tickets, lodging, per diem, and other travel-related costs. The definition established by the Director of the Office of Management and Budget may include exemptions in the definition, including travel related to national defense, homeland security, border security, national disasters, and other emergencies. The Director of the Office of Management and Budget shall ensure that all travel costs paid for in part or whole by the Federal Government not related to national defense, homeland security, border security, national disasters, and other emergencies do not exceed \$5,000,000,000 annually.

SEC. ————05. REDUCING UNNECESSARY PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs over the 10-year period beginning with fiscal year 2010, except that the Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available;

(2) establish government-wide Federal guidelines on employee printing;

(3) issue on the Office of Management and Budget's public website the results of a cost-benefit analysis on implementing a digital signature system and on establishing employee printing identification systems, such as the use of individual employee cards or codes, to monitor the amount of printing done by Federal employees; except that the Director of the Office of Management and Budget shall ensure that Federal employee printing costs unrelated to national defense, homeland security, border security, national disasters, and other emergencies do not exceed \$860,000,000 annually; and

(4) issue guidelines requiring every department, agency, commission or office to list at a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government the following:

(A) The name of the issuing agency, department, commission or office.

(B) The total number of copies of the document printed.

(C) The collective cost of producing and printing all of the copies of the document.

(D) The name of the firm publishing the document.

SEC. ————06. DISPOSING OF UNNEEDED AND UN-USED GOVERNMENT PROPERTY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“§ 621. Definitions

“In this subchapter:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(2) EXPEDITED DISPOSAL OF A REAL PROPERTY.—The term ‘expedited disposal of a real property’ means a demolition of real property or a sale of real property for cash that is conducted under the requirements of section 545.

“(3) LANDHOLDING AGENCY.—The term ‘landholding agency’ means a landholding agency as defined under section 501(i)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)(3)).

“(4) REAL PROPERTY.—

“(A) IN GENERAL.—The term ‘real property’ means—

“(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

“(I) excess;

“(II) surplus;

“(III) underperforming; or

“(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

“(ii) a building or other structure located on real property described under clause (i).

“(B) EXCLUSION.—The term ‘real property’ excludes any parcel of real property or building or other structure located on such real property that is to be closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

“§ 622. Disposal program

“(a) The Director of the Office of Management and Budget shall dispose of by sale or auction not less than \$15,000,000,000 worth of real property that is not meeting Federal Government from fiscal year 2010 to fiscal year 2015.

“(b) Agencies shall recommend candidate disposition real properties to the Director

for participation in the pilot program established under section 622.

“(c) The Director, with the concurrence of the head of the executive agency concerned and consistent with the criteria established in this subchapter, may then select such candidate real properties for participation in the program and notify the recommending agency accordingly.

“(d) The Director shall ensure that all real properties selected for disposition under this section are listed on a website that shall—

“(1) be updated routinely; and

“(2) include the functionality to allow members of the public, at their option, to receive such updates through electronic mail.

“(e) The Director may transfer real property identified in the enactment of this section to the Department of Housing and Urban Development if the Secretary of Housing and Urban Development has determined such properties are suitable for use to assist the homeless.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“Sec. 621. Definitions.

“Sec. 622. Disposal program.”.

SEC. 7. AUCTIONING AND SELLING OF UNUSED AND UNNEEDED EQUIPMENT.

(a) **IN GENERAL.**—Notwithstanding section 1033 of the National Defense Authorization Act of 1997 or any other provision of law, the Secretary of Defense shall auction or sell unused, unnecessary, or surplus supplies and equipment without providing preference to State or local governments.

(b) **EXCEPTIONS.**—The Secretary may make exceptions to the sale or auction of such equipment for transfers of excess military property to state and local law enforcement agencies related to counter-drug efforts, counter-terrorism activities, or other efforts determined to be related to national defense or homeland security. The Secretary of Defense may sell such equipment to State and local agencies at fair market value.

SEC. 8. CAPPING THE TOTAL NUMBER OF FEDERAL EMPLOYEES.

(a) **IN GENERAL.**—Not later than 3 months after the date of enactment of this Act, the head of each relevant Federal department or agency shall collaborate with the Director of the Office of Management and Budget to determine how many full-time employees the department or agency employs. For each new full-time employee added to any Federal department or agency for any purpose, the head of such department or agency shall ensure that the addition of such new employee is offset by a reduction of one existing full-time employee at such department or agency.

(b) **INFORMATION ON TOTAL EMPLOYEES.**—The Director of the Office of Management and Budget shall publicly disclose the total number of Federal employees, as well as a breakdown of Federal employees by agency and the annual salary by title of each Federal employee at an agency and update such information not less than once a year.

SEC. 9. TEMPORARY ONE-YEAR FREEZE ON COST OF FEDERAL EMPLOYEES SALARIES.

Notwithstanding any other provision of law, the total amount of funds expended on salaries for civilian employees of the Federal Government in fiscal year 2011 shall not exceed the total costs for such salaries in Fiscal Year 2009: Provided the amounts spent on

salaries of members of the armed forces are exempted from the provisions of this section; Provided further, nothing in this section prohibits an employee from receiving an increase in salary or other compensation so long as such an increase does not increase an agency's net expenditures for employee salaries.

SEC. 10. COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) **IN GENERAL.**—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

“§ 7381. Collection of unpaid taxes from employees of the Federal Government

“(a) **DEFINITION.**—For purposes of this section—

“(1) the term ‘seriously delinquent tax debt’ means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

“(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

“(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending; and

“(2) the term ‘Federal employee’ means—

“(A) an employee, as defined by section 2105; and

“(B) an employee of the United States Congress, including Members of the House of Representatives and Senators.

“(b) **COLLECTION OF UNPAID TAXES.**—The Internal Revenue Service shall coordinate with the Department of the Treasury and the hiring agency of a Federal employee who has a seriously delinquent tax debt to collect such taxes by withholding a portion of the employee's salary over a period set by the hiring agency to ensure prompt payment.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

“Sec. 7381. Collection of unpaid taxes from employees of the Federal Government.”.

SEC. 11. REDUCING EXCESSIVE DUPLICATION AND OVERHEAD WITHIN THE FEDERAL GOVERNMENT.

(a) **REDUCING DUPLICATION.**—The Director of the Office of Management and Budget and the Secretary of each department (or head of each independent agency) shall work with the Chairman and ranking member of the relevant congressional appropriations subcommittees and the congressional authorizing committees and the Director of the Office of Management and Budget to consolidate programs with duplicative goals, missions, and initiatives.

(b) **CONTROLLING BUREAUCRATIC OVERHEAD COSTS.**—Each Federal department and agency shall reduce annual administrative expenses by at least five percent in fiscal year 2011.

SEC. 12. ELIMINATING BONUSES FOR POOR PERFORMANCE BY GOVERNMENT CONTRACTORS.

(a) **GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO OUTCOMES.**—Not later than

180 days after the date of enactment of this Act, each Federal department or agency shall issue guidance, with detailed implementation instructions (including definitions), on the appropriate use of award and incentive fees in department or agency programs.

(b) **ELEMENTS.**—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be excellent or superior and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be acceptable, average, expected, good, or satisfactory;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure that the Department or agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis; and

(8) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes.

(c) **RETURN OF UNEARNED BONUSES.**—Any funds intended to be awarded as incentive fees that are not paid due to contractors inability to meet the criteria established by this section shall be returned to the Treasury.

SEC. 13. \$1 BILLION LIMITATION ON VOLUNTARY PAYMENTS TO THE UNITED NATIONS.

Notwithstanding any other provision of law, the Secretary of State shall ensure no more than \$1,000,000,000 is provided to the United Nations each year in excess of the United States' annual assessed contributions.

SEC. 14. RETURNING EXCESSIVE FUNDS FROM AN UNNECESSARY, UNNEEDED, UNREQUESTED, DUPLICATIVE RESERVE FUND THAT MAY NEVER BE SPENT.

Notwithstanding any other provision of law, unobligated funds for the Women, Infants and Children special supplemental nutrition program appropriated and placed in reserve by Public Law 111-5 are rescinded.

SEC. 15. RESCINDING A STATE DEPARTMENT TRAINING FACILITY UNWANTED BY RESIDENTS OF THE COMMUNITY IN WHICH IT IS IT IS PLANNED TO BE CONSTRUCTED.

Notwithstanding any other provision of law, no Federal funds may be spent to construct a State Department training facility in Ruthsburg, Maryland, and any funding obligated for the facility by Public Law 111-5 are rescinded, except that, this section does not prohibit funds otherwise appropriated to

be spent by the State Department for training facilities in other jurisdictions in accordance with law.

SEC. 16. ELIMINATING A WASTEFUL AND INEFFICIENT GOVERNMENT PROGRAM.

Within 30 days after the date of enactment of this Act, the Energy Star program administered by the United States Environmental Protection Agency shall be terminated and no Federal tax rebates or tax credits related to the Energy Star program shall be any longer available.

SEC. 17. RESCINDING UNSPENT FEDERAL FUNDS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, of all unobligated Federal funds available, \$100,000,000,000 in appropriated discretionary unexpired funds are rescinded.

(b) **IMPLEMENTATION.**—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

(c) **EXCEPTION.**—This section shall not apply to the unobligated Federal funds of the Department of Defense or the Department of Veterans Affairs.

SEC. 18. REDUCING WASTEFUL ENERGY COSTS BY THE DEPARTMENT OF ENERGY.

Notwithstanding any other provision of law, \$13,800,000 is rescinded from the Department of Energy intended for administrative funds, except that the Secretary of Energy shall implement policies to reduce unnecessary energy costs by the Department by \$13,800,000.

SEC. 19. STRIKING AN EARMARK THAT INCREASES THE MEDICARE PAYMENTS FOR SOME CALIFORNIA DOCTORS.

Notwithstanding any other provision of this Act, section 522, relating to adjustment to Medicare payment localities, shall have no force or effect of law.

SEC. 20. NO NEW TAXES.

Notwithstanding any other provision of this Act, title IV, relating to revenue offsets, shall have no force or effect of law.

SA 4332. Mr. KOHL (for himself, Mr. GRASSLEY, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE —PRESERVE ACCESS TO AFFORDABLE GENERICS ACT

SEC. 01. SHORT TITLE.

This title be cited as the “Preserve Access to Affordable Generics Act”.

SEC. 02. UNLAWFUL COMPENSATION FOR DELAY.

(a) **IN GENERAL.**—The Federal Trade Commission Act (15 U.S.C. 44 et seq.) is amended by—

(1) redesignating section 28 as section 29; and

(2) inserting before section 29, as redesignated, the following:

“SEC. 28. PRESERVING ACCESS TO AFFORDABLE GENERICS.

“(a) **IN GENERAL.**—

“(1) **ENFORCEMENT PROCEEDING.**—The Federal Trade Commission may initiate a proceeding to enforce the provisions of this section against the parties to any agreement resolving or settling, on a final or interim basis, a patent infringement claim, in connection with the sale of a drug product.

“(2) **PRESUMPTION.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), in such a proceeding, an agreement shall be presumed to have anticompetitive effects and be unlawful if—

“(i) an ANDA filer receives anything of value; and

“(ii) the ANDA filer agrees to limit or forego research, development, manufacturing, marketing, or sales of the ANDA product for any period of time.

“(B) **EXCEPTION.**—The presumption in subparagraph (A) shall not apply if the parties to such agreement demonstrate by clear and convincing evidence that the procompetitive benefits of the agreement outweigh the anticompetitive effects of the agreement.

“(b) **COMPETITIVE FACTORS.**—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall consider—

“(1) the length of time remaining until the end of the life of the relevant patent, compared with the agreed upon entry date for the ANDA product;

“(2) the value to consumers of the competition from the ANDA product allowed under the agreement;

“(3) the form and amount of consideration received by the ANDA filer in the agreement resolving or settling the patent infringement claim;

“(4) the revenue the ANDA filer would have received by winning the patent litigation;

“(5) the reduction in the NDA holder’s revenues if it had lost the patent litigation;

“(6) the time period between the date of the agreement conveying value to the ANDA filer and the date of the settlement of the patent infringement claim; and

“(7) any other factor that the fact finder, in its discretion, deems relevant to its determination of competitive effects under this subsection.

“(c) **LIMITATIONS.**—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall not presume—

“(1) that entry would not have occurred until the expiration of the relevant patent or statutory exclusivity; or

“(2) that the agreement’s provision for entry of the ANDA product prior to the expiration of the relevant patent or statutory exclusivity means that the agreement is procompetitive, although such evidence may be relevant to the fact finder’s determination under this section.

“(d) **EXCLUSIONS.**—Nothing in this section shall prohibit a resolution or settlement of a patent infringement claim in which the consideration granted by the NDA holder to the ANDA filer as part of the resolution or settlement includes only one or more of the following:

“(1) The right to market the ANDA product in the United States prior to the expiration of—

“(A) any patent that is the basis for the patent infringement claim; or

“(B) any patent right or other statutory exclusivity that would prevent the marketing of such drug.

“(2) A payment for reasonable litigation expenses not to exceed \$7,500,000.

“(3) A covenant not to sue on any claim that the ANDA product infringes a United States patent.

“(e) **REGULATIONS AND ENFORCEMENT.**—

“(1) **REGULATIONS.**—The Federal Trade Commission may issue, in accordance with section 553 of title 5, United States Code, regulations implementing and interpreting this section. These regulations may exempt certain types of agreements described in subsection (a) if the Commission determines such agreements will further market competition and benefit consumers. Judicial review of any such regulation shall be in the United States District Court for the District of Columbia pursuant to section 706 of title 5, United States Code.

“(2) **ENFORCEMENT.**—A violation of this section shall be treated as a violation of section 5.

“(3) **JUDICIAL REVIEW.**—Any person, partnership or corporation that is subject to a final order of the Commission, issued in an administrative adjudicative proceeding under the authority of subsection (a)(1), may, within 30 days of the issuance of such order, petition for review of such order in the United States Court of Appeals for the District of Columbia Circuit or the United States Court of Appeals for the circuit in which the ultimate parent entity, as defined at 16 C.F.R. 801.1(a)(3), of the NDA holder is incorporated as of the date that the NDA is filed with the Secretary of the Food and Drug Administration, or the United States Court of Appeals for the circuit in which the ultimate parent entity of the ANDA filer is incorporated as of the date that the ANDA is filed with the Secretary of the Food and Drug Administration. In such a review proceeding, the findings of the Commission as to the facts, if supported by evidence, shall be conclusive.

“(f) **ANTITRUST LAWS.**—Nothing in this section shall be construed to modify, impair or supersede the applicability of the antitrust laws as defined in subsection (a) of the 1st section of the Clayton Act (15 U.S.C. 12(a)) and of section 05 of this title to the extent that section 5 applies to unfair methods of competition. Nothing in this section shall modify, impair, limit or supersede the right of an ANDA filer to assert claims or counterclaims against any person, under the antitrust laws or other laws relating to unfair competition.

“(g) **PENALTIES.**—

“(1) **FORFEITURE.**—Each person, partnership or corporation that violates or assists in the violation of this section shall forfeit and pay to the United States a civil penalty sufficient to deter violations of this section, but in no event greater than 3 times the value received by the party that is reasonably attributable to a violation of this section. If no such value has been received by the NDA holder, the penalty to the NDA holder shall be sufficient to deter violations, but in no event greater than 3 times the value given to the ANDA filer reasonably attributable to the violation of this section. Such penalty shall accrue to the United States and may be recovered in a civil action brought by the Federal Trade Commission, in its own name by any of its attorneys designated by it for such purpose, in a district court of the United States against any person, partnership or corporation that violates this section. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate.

“(2) **CEASE AND DESIST.**—

“(A) IN GENERAL.—If the Commission has issued a cease and desist order with respect to a person, partnership or corporation in an administrative adjudicative proceeding under the authority of subsection (a)(1), an action brought pursuant to paragraph (1) may be commenced against such person, partnership or corporation at any time before the expiration of one year after such order becomes final pursuant to section 5(g).”

“(B) EXCEPTION.—In an action under subparagraph (A), the findings of the Commission as to the material facts in the administrative adjudicative proceeding with respect to such person's, partnership's or corporation's violation of this section shall be conclusive unless—

“(i) the terms of such cease and desist order expressly provide that the Commission's findings shall not be conclusive; or

“(ii) the order became final by reason of section 5(g)(1), in which case such finding shall be conclusive if supported by evidence.

“(3) CIVIL PENALTY.—In determining the amount of the civil penalty described in this section, the court shall take into account—

“(A) the nature, circumstances, extent, and gravity of the violation;

“(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, any effect on the ability to continue doing business, profits earned by the NDA holder, compensation received by the ANDA filer, and the amount of commerce affected; and

“(C) other matters that justice requires.

“(4) REMEDIES IN ADDITION.—Remedies provided in this subsection are in addition to, and not in lieu of, any other remedy provided by Federal law. Nothing in this paragraph shall be construed to affect any authority of the Commission under any other provision of law.

“(h) DEFINITIONS.—In this section:

“(1) AGREEMENT.—The term ‘agreement’ means anything that would constitute an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of this Act.

“(2) AGREEMENT RESOLVING OR SETTLING A PATENT INFRINGEMENT CLAIM.—The term ‘agreement resolving or settling a patent infringement claim’ includes any agreement that is entered into within 30 days of the resolution or the settlement of the claim, or any other agreement that is contingent upon, provides a contingent condition for, or is otherwise related to the resolution or settlement of the claim.

“(3) ANDA.—The term ‘ANDA’ means an abbreviated new drug application, as defined under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

“(4) ANDA FILER.—The term ‘ANDA filer’ means a party who has filed an ANDA with the Food and Drug Administration.

“(5) ANDA PRODUCT.—The term ‘ANDA product’ means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

“(6) DRUG PRODUCT.—The term ‘drug product’ means a finished dosage form (e.g., tablet, capsule, or solution) that contains a drug substance, generally, but not necessarily, in association with 1 or more other ingredients, as defined in section 314.3(b) of title 21, Code of Federal Regulations.

“(7) NDA.—The term ‘NDA’ means a new drug application, as defined under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

“(8) NDA HOLDER.—The term ‘NDA holder’ means—

“(A) the party that received FDA approval to market a drug product pursuant to an NDA;

“(B) a party owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the ‘FDA Orange Book’) in connection with the NDA; or

“(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subparagraphs (A) and (B) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

“(9) PATENT INFRINGEMENT.—The term ‘patent infringement’ means infringement of any patent or of any filed patent application, extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition and extensions thereof.

“(10) PATENT INFRINGEMENT CLAIM.—The term ‘patent infringement claim’ means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product may infringe any patent held by, or exclusively licensed to, the NDA holder of the drug product.

“(11) STATUTORY EXCLUSIVITY.—The term ‘statutory exclusivity’ means those prohibitions on the approval of drug applications under clauses (ii) through (iv) of section 505(c)(3)(E) (5- and 3-year data exclusivity), section 527 (orphan drug exclusivity), or section 505A (pediatric exclusivity) of the Federal Food, Drug, and Cosmetic Act.”

(b) EFFECTIVE DATE.—Section 28 of the Federal Trade Commission Act, as added by this section, shall apply to all agreements described in section 28(a)(1) of that Act entered into after November 15, 2009. Section 28(g) of the Federal Trade Commission Act, as added by this section, shall not apply to agreements entered into before the date of enactment of this title.

SEC. 03. NOTICE AND CERTIFICATION OF AGREEMENTS.

(a) NOTICE OF ALL AGREEMENTS.—Section 1112(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note) is amended by—

(1) striking “the Commission the” and inserting the following: “the Commission—

“(1) the”;

(2) striking the period and inserting “; and”;

(3) inserting at the end the following:

“(2) any other agreement the parties enter into within 30 days of entering into an agreement covered by subsection (a) or (b).”

(b) CERTIFICATION OF AGREEMENTS.—Section 1112 of such Act is amended by adding at the end the following:

“(d) CERTIFICATION.—The Chief Executive Officer or the company official responsible for negotiating any agreement required to be filed under subsection (a), (b), or (c) shall execute and file with the Assistant Attorney General and the Commission a certification as follows: ‘I declare that the following is true, correct, and complete to the best of my knowledge: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related

to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.’”

SEC. 04. FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.

Section 505(j)(5)(D)(i)(V) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(V)) is amended by inserting “section 28 of the Federal Trade Commission Act or” after “that the agreement has violated”.

SEC. 05. COMMISSION LITIGATION AUTHORITY.

Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (D), by striking “or” after the semicolon;

(2) in subparagraph (E), by inserting “or” after the semicolon; and

(3) inserting after subparagraph (E) the following:

“(F) under section 28;”.

SEC. 06. STATUTE OF LIMITATIONS.

The Commission shall commence any enforcement proceeding described in section 28 of the Federal Trade Commission Act, as added by section 3, except for an action described in section 28(g)(2) of the Federal Trade Commission Act, not later than 3 years after the date on which the parties to the agreement file the Notice of Agreement as provided by sections 1112(c)(2) and (d) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (21 U.S.C. 355 note).

SEC. 07. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such title or amendments to any person or circumstance shall not be affected thereby.

SA 4333. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “American Jobs and Closing Tax Loopholes Act of 2010”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in titles I, II, and IV of this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—INFRASTRUCTURE INCENTIVES

Sec. 101. Exempt-facility bonds for sewage and water supply facilities.

Sec. 102. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.

Sec. 103. Allowance of new markets tax credit against alternative minimum tax.

Sec. 104. Extension of tax-exempt eligibility for loans guaranteed by Federal home loan banks.

Sec. 105. Extension of temporary small issuer rules for allocation of tax-exempt interest expense by financial institutions.

TITLE II—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

Sec. 201. Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.

Sec. 202. Incentives for biodiesel and renewable diesel.

Sec. 203. Extension and modification of credit for steel industry fuel.

Sec. 204. Credit for producing fuel from coke or coke gas.

Sec. 205. New energy efficient home credit.

Sec. 206. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.

Sec. 207. Suspension of limitation on percentage depletion for oil and gas from marginal wells.

Sec. 208. Direct payment of energy efficient appliances tax credit.

Sec. 209. Modification of standards for windows, doors, and skylights with respect to the credit for non-business energy property.

Sec. 210. Credit for electricity produced at certain open-loop biomass facilities.

Sec. 211. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.

Sec. 212. Credit for refined coal facilities.

Sec. 213. Credit for production of low sulfur diesel fuel.

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

Sec. 221. Deduction for certain expenses of elementary and secondary school teachers.

Sec. 222. Additional standard deduction for State and local real property taxes.

Sec. 223. Deduction of State and local sales taxes.

Sec. 224. Contributions of capital gain real property made for conservation purposes.

Sec. 225. Above-the-line deduction for qualified tuition and related expenses.

Sec. 226. Tax-free distributions from individual retirement plans for charitable purposes.

Sec. 227. Look-thru of certain regulated investment company stock in determining gross estate of non-residents.

PART II—LOW-INCOME HOUSING CREDITS

Sec. 231. Election for direct payment of low-income housing credit for 2010.

Subtitle C—Business Tax Relief

Sec. 241. Research credit.

Sec. 242. Indian employment tax credit.

Sec. 243. New markets tax credit.

Sec. 244. Railroad track maintenance credit.

Sec. 245. Mine rescue team training credit.

Sec. 246. Employer wage credit for employees who are active duty members of the uniformed services.

Sec. 247. 5-year depreciation for farming business machinery and equipment.

Sec. 248. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.

Sec. 249. 7-year recovery period for motor-sports entertainment complexes.

Sec. 250. Accelerated depreciation for business property on an Indian reservation.

Sec. 251. Enhanced charitable deduction for contributions of food inventory.

Sec. 252. Enhanced charitable deduction for contributions of book inventories to public schools.

Sec. 253. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.

Sec. 254. Election to expense mine safety equipment.

Sec. 255. Special expensing rules for certain film and television productions.

Sec. 256. Expensing of environmental remediation costs.

Sec. 257. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.

Sec. 258. Modification of tax treatment of certain payments to controlling exempt organizations.

Sec. 259. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.

Sec. 260. Timber REIT modernization.

Sec. 261. Treatment of certain dividends of regulated investment companies.

Sec. 262. RIC qualified investment entity treatment under FIRPTA.

Sec. 263. Exceptions for active financing income.

Sec. 264. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.

Sec. 265. Basis adjustment to stock of S corps making charitable contributions of property.

Sec. 266. Empowerment zone tax incentives.

Sec. 267. Renewal community tax incentives.

Sec. 268. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.

Sec. 269. Payment to American Samoa in lieu of extension of economic development credit.

Sec. 270. Election to temporarily utilize unused AMT credits determined by domestic investment.

Sec. 271. Reduction in corporate rate for qualified timber gain.

Sec. 272. Study of extended tax expenditures.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

Sec. 281. Waiver of certain mortgage revenue bond requirements.

Sec. 282. Losses attributable to federally declared disasters.

Sec. 283. Special depreciation allowance for qualified disaster property.

Sec. 284. Net operating losses attributable to federally declared disasters.

Sec. 285. Expensing of qualified disaster expenses.

Sec. 286. Special depreciation allowance.

PART II—REGIONAL PROVISIONS

SUBPART A—NEW YORK LIBERTY ZONE

Sec. 291. Special depreciation allowance for nonresidential and residential real property.

Sec. 292. Tax-exempt bond financing.

SUBPART B—GO ZONE

Sec. 295. Increase in rehabilitation credit.

Sec. 296. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.

Sec. 297. Extension of low-income housing credit rules for buildings in GO zones.

Sec. 298. Tax-exempt bond financing.

SUBPART C—MIDWESTER DISASTER AREAS

Sec. 299. Special rules for use of retirement funds.

Sec. 300. Exclusion of cancellation of mortgage indebtedness.

TITLE III—PENSION PROVISIONS

Subtitle A—Single Employer Plans

Sec. 301. Extended period for single-employer defined benefit plans to amortize certain shortfall amortization bases.

Sec. 302. Application of extended amortization period to plans subject to prior law funding rules.

Sec. 303. Lookback for certain benefit restrictions.

Sec. 304. Lookback for credit balance rule for plans maintained by charities.

Subtitle B—Multiemployer Plans

Sec. 321. Adjustments to funding standard account rules.

TITLE IV—REVENUE OFFSETS

Sec. 401. Rollovers from elective deferral plans to Roth designated accounts.

Sec. 402. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.

Sec. 403. Temporary one-year freeze on raises, bonuses, and other salary increases for Federal employees.

Sec. 404. Capping the total number of Federal employees.

Sec. 405. Collection of unpaid taxes from employees of the Federal Government.

Sec. 406. Reducing printing and publishing costs of Government documents.

Sec. 407. Reducing excessive duplication, overhead and spending within the Federal Government.

Sec. 408. Eliminating nonessential Government travel.

Sec. 409. Eliminating bonuses for poor performance by Government contractors.

Sec. 410. \$1,000,000,000 limitation on voluntary payments to the United Nations.

Sec. 411. Rescinding a State department training facility unwanted by residents of the community in which it is planned to be constructed.

Sec. 412. Reducing budgets of Members of Congress.

Sec. 413. Disposing of unneeded and unused government property.

Sec. 414. Auctioning and selling of unused and unneeded equipment.

Sec. 415. Rescinding unspent Federal funds.
 Sec. 416. Use of stimulus funds to offset spending.

Sec. 417. Deficit Reduction Trust Fund.

TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

Subtitle A—Unemployment Insurance and Other Assistance

Sec. 501. Extension of unemployment insurance provisions.

Sec. 502. Coordination of emergency unemployment compensation with regular compensation.

Subtitle B—Physician Payment Update and Other Provisions

PART I—PHYSICIAN PAYMENT UPDATE

Sec. 511. Physician payment update.

PART II—EXTENSION OF EXPIRING PROVISIONS

Sec. 521. Extension of MMA section 508 reclassifications.

Sec. 522. Extension of Medicare work geographic adjustment floor.

Sec. 523. Extension of exceptions process for Medicare therapy caps.

Sec. 524. Extension of payment for technical component of certain physician pathology services.

Sec. 525. Extension of ambulance add-ons.

Sec. 526. Extension of physician fee schedule mental health add-on payment.

Sec. 527. Extension of outpatient hold harmless provision.

Sec. 528. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.

Sec. 529. Extension of the qualifying individual (QI) program.

Sec. 530. Extension of Transitional Medical Assistance (TMA).

Sec. 531. Extension of DRA court improvement grants.

PART III—CHANGES TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND ADDITIONAL PROVISIONS

SUBPART A—CHANGES TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND ADDITIONAL PROVISIONS

Sec. 541. Expansion of affordability exception to individual mandate.

Sec. 542. Replacement of Medicaid primary care payment cliff.

Sec. 543. Establish a CMS-IRS data match to identify fraudulent providers.

Sec. 544. Funding for claims reprocessing.

SUBPART B—MEDICAL LIABILITY REFORM

Sec. 551. Short title.

Sec. 552. Findings and purpose.

Sec. 553. Definitions.

Sec. 554. Encouraging speedy resolution of claims.

Sec. 555. Compensating patient injury.

Sec. 556. Maximizing patient recovery.

Sec. 557. Additional health benefits.

Sec. 558. Punitive damages.

Sec. 559. Authorization of payment of future damages to claimants in health care lawsuits.

Sec. 560. Effect on other laws.

Sec. 561. State flexibility and protection of states' rights.

Sec. 562. Applicability; effective date.

TITLE VI—OTHER PROVISIONS

Sec. 601. Extension of national flood insurance program.

Sec. 602. Small business loan guarantee enhancement extensions.

Sec. 603. Summer employment for youth.

Sec. 604. Expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all chapter 61 disability retirees regardless of disability rating percentage or years of service.

Sec. 605. Extension of use of 2009 poverty guidelines.

Sec. 606. Refunds disregarded in the administration of Federal programs and federally assisted programs.

Sec. 607. ARRA planning and reporting.

TITLE VII—BUDGETARY PROVISIONS

Sec. 701. Determination of budgetary effects.

TITLE I—INFRASTRUCTURE INCENTIVES

SEC. 101. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting “(4), (5),” after “(2),”.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking “(4), (5), (6),” and inserting “(6)”.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

“(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).”

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 102. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 103. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

“(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity in-

vestments (as defined in section 45D(b)) initially made before January 1, 2012.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

SEC. 104. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 105. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking “or 2010” and inserting “, 2010, or 2011”.

(b) CONFORMING AMENDMENT.—Subparagraph (G) of section 265(b)(3) is amended by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

TITLE II—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

SEC. 201. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

SEC. 202. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 203. EXTENSION AND MODIFICATION OF CREDIT FOR STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

“(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.”

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking “(or any modification to a facility)”;

(2) by striking “2010” and inserting “2011”.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting “, a blend of coal and petroleum coke, or other coke feedstock” after “on coal”.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

“With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person’s rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.”.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

“(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.”.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting “(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(i)(II))” after “service”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

SEC. 204. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) IN GENERAL.—Paragraph (1) of section 45K(g) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 205. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 206. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

“(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the

Federal Power Act (16 U.S.C. 824b) or by declaratory order—

“(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

“(II) to be independent from market participants or to be an independent transmission company within the meaning of such Commission’s rules applicable to independent transmission providers, and”.

(2) RELATED PERSONS.—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

“For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to dispositions after December 31, 2009.

(2) MODIFICATIONS.—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

SEC. 207. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 208. DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

SEC. 209. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking “unless” and all that follows and inserting “unless—

“(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

“(B) in the case of any component placed in service after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

“(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 210. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended by striking “5-year period” and inserting “6-year period”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

SEC. 211. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 212. CREDIT FOR REFINED COAL FACILITIES.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 45(d)(8) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 213. CREDIT FOR PRODUCTION OF LOW SULFUR DIESEL FUEL.

(a) APPLICABLE PERIOD.—Paragraph (4) of section 45H(c) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 339 of the American Jobs Creation Act of 2004.

Subtitle B—Individual Tax Relief**PART I—MISCELLANEOUS PROVISIONS****SEC. 221. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 222. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by striking “or 2009” and inserting “2009, or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 223. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 224. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 225. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) **IN GENERAL.**—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 226. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) **IN GENERAL.**—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

SEC. 227. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) **IN GENERAL.**—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

PART II—LOW-INCOME HOUSING CREDITS

SEC. 231. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.

(a) **IN GENERAL.**—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) **ELECTION FOR REFUNDABLE CREDITS.**—

“(1) **IN GENERAL.**—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

“(2) **2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.**—For purposes of this subsection, the term ‘2010 low-income housing refundable credit election amount’ means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

“(A) the sum of—

“(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any increase in the State housing credit ceiling for 2010 made by reason of section 1400N(c) (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

“(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any increase in the State housing credit ceiling for 2010 made by reason of the application of such section 702(d)(2) and 704(b), multiplied by

“(B) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) shall be applied without regard to clause (i).

“(3) **COORDINATION WITH NON-REFUNDABLE CREDIT.**—For purposes of this section, the amounts described in clauses (i) through (iv)

of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) **SPECIAL RULE FOR BASIS.**—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) **PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.**—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1, 2012’ for ‘January 1, 2011’.”.

(b) **CONFORMING AMENDMENT.**—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “42(n),” after “36C,”.

Subtitle C—Business Tax Relief

SEC. 241. RESEARCH CREDIT.

(a) **IN GENERAL.**—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **CONFORMING AMENDMENT.**—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 242. INDIAN EMPLOYMENT TAX CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 243. NEW MARKETS TAX CREDIT.

(a) **IN GENERAL.**—Subparagraph (F) of section 45D(f)(1) is amended by inserting “and 2010” after “2009”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2015”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to calendar years beginning after 2009.

SEC. 244. RAILROAD TRACK MAINTENANCE CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 45G is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

SEC. 245. MINE RESCUE TEAM TRAINING CREDIT.

(a) **IN GENERAL.**—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **CREDIT ALLOWABLE AGAINST AMT.**—Subparagraph (B) of section 38(c)(4), as amended by section 104, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

“(vii) the credit determined under section 45N,”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) **ALLOWANCE AGAINST AMT.**—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 246. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) **IN GENERAL.**—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 247. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) **IN GENERAL.**—Clause (vii) of section 168(e)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 248. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) **IN GENERAL.**—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **CONFORMING AMENDMENTS.**—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010,”.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 249. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) **IN GENERAL.**—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 250. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) **IN GENERAL.**—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 251. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) **IN GENERAL.**—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 252. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) **IN GENERAL.**—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 253. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 254. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 255. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 256. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 257. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 5 taxable years”; and

(2) by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 258. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 259. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

SEC. 260. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking “means” and all that follows and inserting “means December 31, 2010”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking “the first taxable year beginning after the date of the enactment of this subparagraph” and inserting “a taxable year beginning on or before the termination date”.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting “in taxable years beginning” after “dispositions”.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting “in a taxable year beginning” after “sale”.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting “in a taxable year beginning” after “In the case of a sale”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 261. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 262. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 263. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 264. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 265. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 266. EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2010”; and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(2) by striking “2014” in the heading and inserting “2015”.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

SEC. 267. RENEWAL COMMUNITY TAX INCENTIVES.

(a) IN GENERAL.—Subsection (b) of section 1400E is amended—

(1) by striking “December 31, 2009” in paragraphs (1)(A) and (3) and inserting “December 31, 2010”; and

(2) by striking “January 1, 2010” in paragraph (3) and inserting “January 1, 2011”.

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(2) LIMITATION ON PERIOD OF GAINS.—Paragraph (2) of section 1400F(c) is amended—

(A) by striking “December 31, 2014” and inserting “December 31, 2015”; and

(B) by striking “2014” in the heading and inserting “2015”.

(3) CLERICAL AMENDMENT.—Subsection (d) of section 1400F is amended by striking “and ‘December 31, 2014’ for ‘December 31, 2014’”.

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

(1) IN GENERAL.—Subsection (g) of section 1400I is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 1400I(d)(2) is amended by striking “after 2001 and before 2010” and inserting “which begins after 2001 and before the date referred to in subsection (g)”.

(d) INCREASED EXPENSING UNDER SECTION 179.—Subparagraph (A) of section 1400J(b)(1) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(e) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such

section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) ACQUISITIONS.—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

(A) IN GENERAL.—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) CONFORMING AMENDMENT.—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

SEC. 268. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 269. PAYMENT TO AMERICAN SAMOA IN LIEU OF EXTENSION OF ECONOMIC DEVELOPMENT CREDIT.

The Secretary of the Treasury (or his designee) shall pay \$18,000,000 to the Government of American Samoa for purposes of economic development. The payment made under the preceding sentence shall be treated for purposes of section 1324 of title 31, United States Code, as a refund of internal revenue collections to which such section applies.

SEC. 270. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

“(g) ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.—

“(1) IN GENERAL.—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

“(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term ‘AMT credit adjustment amount’ means, the lesser of—

“(A) 50 percent of a corporation's minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

“(B) 10 percent of new domestic investments made during such taxable year.

“(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term ‘new domestic investments’ means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

“(A) the original use of which commences with the taxpayer during the taxable year, and

“(B) which is placed in service in the United States by the taxpayer during such taxable year.

“(4) CREDIT REFUNDABLE.—For purposes of subsection (b) of section 6401, the aggregate increase in the credits allowable under this

part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

“(5) ELECTION.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

“(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, a corporation shall take into account its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

“(7) NO DOUBLE BENEFIT.—

“(A) IN GENERAL.—A corporation making an election under this subsection may not make an election under subparagraph (H) of section 172(b)(1).

“(B) SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET OPERATING LOSSES.—In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

“(i) ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.—The election under such subparagraph (H) shall (notwithstanding clause (iii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

“(ii) COORDINATION WITH PROVISION FOR EXPEDITED REFUND.—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

“(iii) APPLICATION OF STATUTE OF LIMITATIONS.—With respect to the revocation of an election under clause (i)—

“(I) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

“(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

“(C) EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

“(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting “53(g),” after “53(e),”.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting “53(g),” after “53(e),”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 271. REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Paragraph (1) of section 1201(b) is amended by striking “ending” and all that follows through “such date”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1201(b) is amended to read as follows:

“(3) APPLICATION OF SUBSECTION.—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account any portion of such taxable year after December 31, 2010.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 272. STUDY OF EXTENDED TAX EXPENDITURES.

(a) FINDINGS.—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is constructive for legislation extending these provisions to include a study of such provisions.

(b) REQUIREMENT TO REPORT.—Not later than November 30, 2010, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) ROLLING SUBMISSION OF REPORTS.—The Chief of Staff of the Joint Committee on Taxation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) CONTENTS OF REPORT.—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure's overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) **MINIMUM ANALYSIS BY DEADLINE.**—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

SEC. 281. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.

(a) **IN GENERAL.**—Paragraph (11) of section 143(k) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.**—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking “January 1, 2010” in subparagraphs (A)(i) and (B)(i) and inserting “January 1, 2011”.

(c) **TECHNICAL AMENDMENT.**—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) **RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.**—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) **TECHNICAL AMENDMENT.**—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

SEC. 282. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) **IN GENERAL.**—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **\$500 LIMITATION.**—Paragraph (1) of section 165(h) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) **\$500 LIMITATION.**—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

SEC. 283. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) **IN GENERAL.**—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

SEC. 284. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) **IN GENERAL.**—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

SEC. 285. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) **IN GENERAL.**—Subparagraph (A) of section 198A(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

SEC. 286. SPECIAL DEPRECIATION ALLOWANCE.

(a) **IN GENERAL.**—Paragraph (6) of section 1400N(d)(6) is amended by striking subparagraph (D).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

SEC. 291. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.

(a) **IN GENERAL.**—Subparagraph (A) of section 1400L(b)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 292. TAX-EXEMPT BOND FINANCING.

(a) **IN GENERAL.**—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone

SEC. 295. INCREASE IN REHABILITATION CREDIT.

(a) **IN GENERAL.**—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 296. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) **IN GENERAL.**—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

SEC. 297. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

SEC. 298. TAX-EXEMPT BOND FINANCING.

(a) **IN GENERAL.**—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) **CONFORMING AMENDMENTS.**—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3913, 3919) are each amended by

striking “January 1, 2011” each place it appears and inserting “January 1, 2012”.

Subpart C—Midwestern Disaster Areas

SEC. 299. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

(a) **IN GENERAL.**—Section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended—

(1) by striking “January 1, 2010” both places it appears and inserting “January 1, 2011”, and

(2) by striking “December 31, 2009” both places it appears and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008.

SEC. 300. EXCLUSION OF CANCELLATION OF MORTGAGE INDEBTEDNESS.

(a) **IN GENERAL.**—Section 702(e)(4)(C) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3918) is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2009.

TITLE III—PENSION PROVISIONS

Subtitle A—Single Employer Plans

SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) **AMENDMENTS TO ERISA.**—

(1) **IN GENERAL.**—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

“(D) **SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.**—

“(i) **IN GENERAL.**—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) **2 PLUS 7 AMORTIZATION SCHEDULE.**—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) **15-YEAR AMORTIZATION.**—The shortfall amortization installments determined under this subparagraph are the amounts necessary

to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for

an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this

clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term ‘compensation’

shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor’s income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) PLAN SPONSOR.—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 302(d)(3)).

“(ii) RESTRICTION PERIOD.—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

“(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

“(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an ‘election year’), then, notwithstanding subparagraphs (A) and (B)—

“(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

“(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

“(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

“(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

“(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan

for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

“(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

“(iv) ELECTION.—

“(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

“(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

“(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

“(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

“(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

“(I) give notice of the election to participants and beneficiaries of the plan, and

“(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

“(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).”.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

“(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

“(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

“(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

“(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

“(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

“(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘installment acceleration amount’ means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

“(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

“(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

“(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

“(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

“(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

“(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

“(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

“(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect to any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

“(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

“(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

“(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘excess employee compensation’ means, with respect to any employee for any plan year, the excess (if any) of—

“(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

“(II) \$1,000,000.

“(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

“(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

“(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

“(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

“(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

“(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

“(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

“(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term ‘employee’ includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable

year ending during such calendar year, and the term ‘compensation’ shall include earned income of such individual with respect to such self-employment.

“(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of \$1,000, such increase shall be rounded to the next lowest multiple of \$1,000.

“(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

“(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

“(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

“(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

“(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

“(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

“(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

“(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

“(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor’s income, and interest accrues on any unpaid dividends with respect to such stock.

“(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term ‘applicable preferred stock’ means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

“(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

“(i) **PLAN SPONSOR.**—The term ‘plan sponsor’ includes any member of the plan sponsor’s controlled group (as defined in section 412(d)(3)).

“(ii) **RESTRICTION PERIOD.**—The term ‘restriction period’ means, with respect to any election year—

“(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

“(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

“(iii) **ELECTIONS FOR MULTIPLE PLANS.**—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan’s relative reduction in the plan’s shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

“(iv) **MERGERS AND ACQUISITIONS.**—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).”

(3) **CONFORMING AMENDMENTS.**—Section 430 is amended—

(A) in subsection (c)(1), by striking “the shortfall amortization bases for such plan year and each of the 6 preceding plan years” and inserting “any shortfall amortization base which has not been fully amortized under this subsection”, and

(B) in subsection (j)(3), by adding at the end the following:

“(F) **QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.**—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) **IN GENERAL.**—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

“SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

“(a) **IN GENERAL.**—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an ‘election year’), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to ‘such Act’ or ‘such Code’ shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

“(b) **APPLICATION OF 2 AND 7 RULE.**—In the case of an election year to which this subsection applies—

“(1) **2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CER-**

TAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

“(2) **CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.**—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

“(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

“(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(c) **APPLICATION OF 15-YEAR AMORTIZATION.**—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

“(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

“(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

“(B) the increased unfunded new liability for such plan year, and

“(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

“(d) **ELECTION.**—

“(1) **IN GENERAL.**—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

“(2) **AMORTIZATION SCHEDULE.**—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

“(3) **OTHER RULES.**—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

“(e) **DEFINITIONS.**—For purposes of this section—

“(1) **ELIGIBLE PLAN YEAR.**—For purposes of this subparagraph, the term ‘eligible plan year’ means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

“(2) **PRE-EFFECTIVE DATE PLAN YEAR.**—The term ‘pre-effective date plan year’ means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

“(3) **INCREASED UNFUNDED NEW LIABILITY.**—The term ‘increased unfunded new liability’ means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan’s assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

“(4) **OTHER DEFINITIONS.**—The terms ‘unfunded new liability’ and ‘current liability’ shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.”

(b) **ELIGIBLE CHARITY PLANS.**—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking “eligible cooperative plan” wherever it appears in subsections (a) and (b) and inserting “eligible cooperative plan or an eligible charity plan”, and

(2) by adding at the end the following new subsection:

“(d) **ELIGIBLE CHARITY PLAN DEFINED.**—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.”

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) **ELIGIBLE CHARITY PLAN.**—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) **IN GENERAL.**—

(1) **AMENDMENT TO ERISA.**—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“(D) **SPECIAL RULE FOR CERTAIN YEARS.**—Solely for purposes of any applicable provision—

“(i) **IN GENERAL.**—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(I) such percentage, as determined without regard to this subparagraph, or

“(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) **SPECIAL RULE.**—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term ‘applicable provision’ means—

“(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(II) paragraph (4).”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

“(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

“(i) such percentage, as determined without regard to this paragraph, or

“(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

“(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

“(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term ‘applicable provision’ means—

“(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

“(ii) subsection (e).”.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day

of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

“(I) such ratio, as determined without regard to this subparagraph, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.”.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

“(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

“(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

“(I) such ratio, as determined without regard to this subsection, or

“(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

“(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

“(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

“(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

“(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

Subtitle B—Multiemployer Plans

SEC. 321. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subclauses (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the

changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

“(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

“(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

“(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

“(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

“(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

“(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

“(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

“(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

“(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

“(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

“(B) EXPANDED SMOOTHING PERIOD.—

“(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

“(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

“(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

“(III) makes both changes described in subsections (I) and (II) to such method.

“(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

“(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

“(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

“(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

“(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

“(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

“(i) the plan actuary certifies that—

“(I) any such increase is paid for out of additional contributions not allocated to the

plan immediately before the application of this paragraph to the plan, and

“(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

“(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

“(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

“(i) give notice of such application to participants and beneficiaries of the plan, and

“(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

TITLE IV—REVENUE OFFSETS

SEC. 401. ROLLOVERS FROM ELECTIVE DEFERENTIAL PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

“(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

“(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

“(ii) section 72(t) shall not apply, and

“(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

“(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

“(C) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3)

(as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.”.

SEC. 402. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

“(2) ELECTIVE DEFERRAL.—The term ‘elective deferral’ means—

“(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

“(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 403. TEMPORARY ONE-YEAR FREEZE ON RAISES, BONUSES, AND OTHER SALARY INCREASES FOR FEDERAL EMPLOYEES.

Notwithstanding any other provision of law, civilian employees of the Federal Government in fiscal year 2011 shall not receive a cost of living adjustment or other salary increase, including a bonus. The salaries of members of the armed forces are exempt from the provisions of this section.

SEC. 404. CAPPING THE TOTAL NUMBER OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the head of each relevant Federal department or agency shall collaborate with the Director of the Office of Management and Budget to determine how many full-time employees the department or agency employs. For each new full-time employee added to any Federal department or agency for any purpose, the head of such department or agency shall ensure that the addition of such new employee is offset by a reduction of one existing full-time employee at such department or agency.

(b) INFORMATION ON TOTAL EMPLOYEES.—The Director of the Office of Management and Budget shall publicly disclose the total number of Federal employees, as well as a breakdown of Federal employees by agency and the annual salary by title of each Federal employee at an agency and update such information not less than once a year.

SEC. 405. COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

“§ 7381. Collection of unpaid taxes from employees of the Federal Government

“(a) DEFINITION.—For purposes of this section—

“(1) the term ‘seriously delinquent tax debt’ means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

“(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

“(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending; and

“(2) the term ‘Federal employee’ means—

“(A) an employee, as defined by section 2105; and

“(B) an employee of the United States Congress, including Members of the House of Representatives and Senators.

“(b) COLLECTION OF UNPAID TAXES.—The Internal Revenue Service shall coordinate with the Department of Treasury and the hiring agency of a Federal employee who has a seriously delinquent tax debt to collect such taxes by withholding a portion of the employee’s salary over a period set by the hiring agency to ensure prompt payment.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

“Sec. 7381. Collection of unpaid taxes from employees of the Federal Government.”.

SEC. 406. REDUCING PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Within 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs by no less than a total of \$4,600,000 over the 10-year period beginning with fiscal year 2010. The Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available.

SEC. 407. REDUCING EXCESSIVE DUPLICATION, OVERHEAD AND SPENDING WITHIN THE FEDERAL GOVERNMENT.

(a) REDUCING DUPLICATION.—The Director of the Office of Management Budget and the Secretary of each department (or head of each independent agency) shall work with the Chairman and ranking member of the relevant congressional appropriations subcommittees and the congressional authorizing committees and the Director of the Office of Management Budget to consolidate programs with duplicative goals, missions, and initiatives.

(b) CONTROLLING BUREAUCRATIC OVERHEAD COSTS.—Each Federal department and agency shall reduce annual administrative expenses by at least five percent in fiscal year 2011.

(c) RESCISSIONS OF EXCESSIVE SPENDING.—There is hereby rescinded an amount equal to 5 percent of—

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2010 for any discretionary account in any other fiscal year 2010 appropriation Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2010 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2010 for any program subject to limitation contained in any fiscal year 2010 appropriation Act.

(d) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President’s budget)

(e) EXCEPTIONS.—This section shall not apply to discretionary authority appropriated or otherwise made available to the Department of Veterans Affairs and the Department of Defense.

(f) OMB REPORT.—Within 30 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section and the report shall be posted on the public website of the Office of Management and Budget.

SEC. 408. ELIMINATING NONESSENTIAL GOVERNMENT TRAVEL.

Within 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the heads of the Federal departments and agencies, shall establish a definition of “non-essential travel” and criteria to determine if travel-related expenses and requests by Federal employees meet the definition of “non-essential travel”. No travel expenses paid for, in whole or in part, with Federal funds shall be paid by the Federal Government unless a request is made prior to the travel and the requested travel meets the criteria established by this section. Any travel request that does not meet the definition and criteria shall be disallowed, including reimbursement for air flights, automobile rentals, train tickets, lodging, per diem, and other travel-related costs. The definition established by the Director of the Office of Management and Budget may include exemptions in the definition, including travel related to national defense, homeland security, border security, national disasters, and other emergencies. The Director of the Office of Management and Budget shall ensure that all travel costs paid for in part or whole by the Federal Government not related to national defense, homeland security, border security, national disasters, and other emergencies do not exceed \$5,000,000,000 annually.

SEC. 409. ELIMINATING BONUSES FOR POOR PERFORMANCE BY GOVERNMENT CONTRACTORS.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO OUTCOMES.—Not later than 180 days after the date of enactment of this Act, each Federal department or agency shall issue guidance, with detailed implementation instructions (including definitions), on the appropriate use of award and incentive fees in department or agency programs.

(b) ELEMENTS.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be excellent or superior and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be acceptable, average, expected, good, or satisfactory;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure that the Department or agency—
(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis; and

(8) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes.

(c) **RETURN OF UNEARNED BONUSES.**—Any funds intended to be awarded as incentive fees that are not paid due to contractors inability to meet the criteria established by this section shall be returned to the Treasury.

SEC. 410. \$1,000,000,000 LIMITATION ON VOLUNTARY PAYMENTS TO THE UNITED NATIONS.

Notwithstanding any other provision of law, the Secretary of State shall ensure no more than \$1,000,000,000 is provided to the United Nations each year in excess of the United States' annual assessed contributions.

SEC. 411. RESCINDING A STATE DEPARTMENT TRAINING FACILITY UNWANTED BY RESIDENTS OF THE COMMUNITY IN WHICH IT IS PLANNED TO BE CONSTRUCTED.

Notwithstanding any other provision of law, no Federal funds may be spent to construct a State Department training facility in Ruthsburg, Maryland, and any funding obligated for the facility by Public Law 111-5 are rescinded. *Provided That*, this section does not prohibit funds otherwise appropriated to be spent by the State Department for training facilities in other jurisdictions in accordance with law.

SEC. 412. REDUCING BUDGETS OF MEMBERS OF CONGRESS.

(a) **IN GENERAL.**—Of the funds made available under Public Law 111-68 for the legislative branch, \$100,000,000 in unobligated balances are permanently rescinded on a pro rata basis: *Provided*, That the rescissions made by the section shall not apply to funds made available to the Capitol Police.

(b) **REPORTING.**—The Director of the Office of Management and Budget shall report to Congress the amounts rescinded under subsection (a).

SEC. 413. DISPOSING OF UNNEEDED AND UNUSED GOVERNMENT PROPERTY.

(a) **IN GENERAL.**—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“§ 621. Definitions

“In this subchapter:

“(1) **DIRECTOR.**—The term ‘Director’ means the Director of the Office of Management and Budget.

“(2) **EXPEDITED DISPOSAL OF A REAL PROPERTY.**—The term ‘expedited disposal of a real property’ means a demolition of real property or a sale of real property for cash that is conducted under the requirements of section 545.

“(3) **LANDHOLDING AGENCY.**—The term ‘landholding agency’ means a landholding agency as defined under section 501(i)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)(3)).

“(4) **REAL PROPERTY.**—

“(A) **IN GENERAL.**—The term ‘real property’ means—

“(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

“(I) excess;

“(II) surplus;

“(III) underperforming; or

“(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

“(ii) a building or other structure located on real property described under clause (i).

“(B) **EXCLUSION.**—The term ‘real property’ excludes any parcel of real property or building or other structure located on such real property that is to be closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

“§ 622. Disposal program

“(a) The Director of the Office of Management and Budget shall dispose of by sale or auction not less than \$15,000,000 worth of real property that is not meeting Federal Government from fiscal year 2010 to fiscal year 2015.

“(b) Agencies shall recommend candidate disposition real properties to the Director for participation in the pilot program established under section 622.

“(c) The Director, with the concurrence of the head of the executive agency concerned and consistent with the criteria established in this subchapter, may then select such candidate real properties for participation in the program and notify the recommending agency accordingly.

“(d) The Director shall ensure that all real properties selected for disposition under this section are listed on a website that shall—

“(1) be updated routinely; and

“(2) include the functionality to allow members of the public, at their option, to receive such updates through electronic mail.

“(e) The Director may transfer real property identified in the enactment of this section to the Department of Housing and Urban Development if the Secretary of Housing and Urban Development has determined such properties are suitable for use to assist the homeless.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“Sec. 621. Definitions .

“Sec. 622. Disposal program.”.

SEC. 414. AUCTIONING AND SELLING OF UNUSED AND UNNEEDED EQUIPMENT.

(a) Notwithstanding section 1033 of the National Defense Authorization Act of 1997 or any other provision of law, the Secretary of Defense shall auction or sell unused, unnecessary, or surplus supplies and equipment

without providing preference to State or local governments.

(b) The Secretary may make exceptions to the sale or auction of such equipment for transfers of excess military property to state and local law enforcement agencies related to counter-drug efforts, counter-terrorism activities, or other efforts determined to be related to national defense or homeland security. The Secretary of Defense may sell such equipment to State and local agencies at fair market value.

SEC. 415. RESCINDING UNSPENT FEDERAL FUNDS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, of all available unobligated Federal funds, \$80,000,000,000 in appropriated discretionary unexpired funds are rescinded.

(b) **IMPLEMENTATION.**—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

(c) **EXCEPTION.**—This section shall not apply to the unobligated Federal funds of the Department of Defense or the Department of Veterans Affairs.

SEC. 416. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded such that the aggregate amount of such rescissions equal \$37,500,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SEC. 417. DEFICIT REDUCTION TRUST FUND.

(a) **IN GENERAL.**—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

“§ 3114. Certain rescinded stimulus funds to reduce public debt

“(a) There is established in the Treasury of the United States a trust fund to be known as the ‘Deficit Reduction Trust Fund’ (in this section referred to as the ‘Trust Fund’).

“(b) There is appropriated to the Trust Fund the following amounts:

“(1) Amounts equivalent to the reductions in Federal spending, as estimated by the Secretary from time to time, as a result of the provisions of sections 403, 404, 406, 407 (other than subsection (c) thereof), 408, 409, 410, and 414 of the American Jobs and Closing Tax Loopholes Act of 2010.

“(2) Amounts equivalent to the amounts rescinded under sections 407(c), 411, 412, 415, and 416 of the American Jobs and Closing Tax Loopholes Act of 2010.

“(3) Amounts equivalent to the amounts received under the program established under section 622 of title 5, United States Code.

“(4) The amount of taxes received in the Treasury attributable to section 7384 of the Internal Revenue Code of 1986 and the amendments made by sections 401 and 402 of the American Jobs and Closing Tax Loopholes Act of 2010, as estimated by the Secretary.

“(c) The Secretary of the Treasury shall use the moneys in the Trust Fund solely to pay at maturity, or to redeem or buy before maturity, an obligation of the Government included in the public debt.

“(d) Any obligation of the Government which is paid, redeemed, or bought with money from the Trust Fund shall be canceled and retired and may not be reissued.”.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new item:

“3114. Certain rescinded stimulus funds to reduce public debt.”.

TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

Subtitle A—Unemployment Insurance and Other Assistance

SEC. 501. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “November 30, 2010”;

(B) in the heading for subsection (b)(2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

(C) in subsection (b)(3), by striking “November 6, 2010” and inserting “April 30, 2011”.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking “June 2, 2010” and inserting “November 30, 2010”;

(B) in the heading for paragraph (2), by striking “JUNE 2, 2010” and inserting “NOVEMBER 30, 2010”; and

(C) in paragraph (3), by striking “December 7, 2010” and inserting “May 31, 2011”.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “June 2, 2010” each place it appears and inserting “December 1, 2010”; and

(B) in subsection (c), by striking “November 6, 2010” and inserting “May 1, 2011”.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “November 6, 2010” and inserting “April 30, 2011”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking “and” at the end; and

(2) by inserting after subparagraph (E) the following:

“(F) the amendments made by section 501(a)(1) of the American Jobs and Closing Tax Loopholes Act of 2010; and”.

(c) CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before “shall apply” the following: “(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111-157).

SEC. 502. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.

(a) CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR BENEFITS.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(g) COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—

“(1) If—

“(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

“(B) that benefit year has expired,

“(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

“(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either \$100 or 25 percent less than the individual’s weekly benefit amount in the benefit year referred to in subparagraph (A), then the State shall determine eligibility for compensation as provided in paragraph (2).

“(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

“(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

“(C) The State shall pay, if permitted by State law—

“(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

“(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

“(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

Subtitle B—Physician Payment Update and Other Provisions

PART I—PHYSICIAN PAYMENT UPDATE

SEC. 511. PHYSICIAN PAYMENT UPDATE.

Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (d)—

(A) in paragraph (10), in the heading, by striking “PORTION” and inserting “THE FIRST 5 MONTHS”; and

(B) by adding at the end the following new paragraph:

“(11) UPDATE FOR THE LAST 7 MONTHS OF 2010 AND FOR 2011 AND 2012.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply—

“(i) for 2010 for the period beginning on June 1, 2010, and ending on December 31, 2010, the update to the single conversion factor shall be 2.0 percent; and

“(ii) for each of 2011 and 2012, the update to the single conversion factor shall be 2.0 percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2013 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2013 and subsequent years as if subparagraph (A) had never applied.”; and

(2) in subsection (f), by adding at the end the following new paragraph:

“(5) TEMPORARY ADJUSTMENT.—In determining the growth rate under paragraph (2) for 2014, the Secretary’s estimate of the percentage change otherwise determined under paragraph (2)(D) shall be reduced by 4.0 percentage points.”.

PART II—EXTENSION OF EXPIRING PROVISIONS

SEC. 521. EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

SEC. 522. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)), as amended by section 3102 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “before January 1, 2011” and inserting “before January 1, 2012”.

SEC. 523. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “and ending on” and all that follows through “2010” and inserting “and ending on December 31, 2011”.

SEC. 524. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and section 3104 of the Patient Protection and Affordable Care Act (Public Law 111-148) is amended by striking “and 2010” and inserting “2010, and 2011”.

SEC. 525. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42

U.S.C. 1395m(1)(13)(A)), as amended by sections 3105(a) and 10311(a) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended—

(1) in the matter preceding clause (i), by striking “2011” and inserting “2012”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2011” and inserting “January 1, 2012” each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 10311(b) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(1)(12)(A)), as amended by sections 3105(c) and 10311(c) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “2011” and inserting “2012”.

SEC. 526. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 527. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “2011” and inserting “2012”; and

(B) in the second sentence, by striking “or 2010” and inserting “2010, or 2011”; and

(2) in subclause (III), by striking “January 1, 2011” and inserting “January 1, 2012”.

SEC. 528. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l-4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), section 107 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395l note), and section 3122 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “the 1-year period beginning on July 1, 2010” and inserting “the 2-year period beginning on July 1, 2010”.

SEC. 529. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2010” and inserting “December 2011”.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (M);

(B) in subparagraph (N), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

“(O) for the period that begins on January 1, 2011, and ends on September 30, 2011, the total allocation amount is \$720,000,000; and

“(P) for the period that begins on October 1, 2011, and ends on December 31, 2011, the total allocation amount is \$280,000,000.”; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “or (N)” and inserting “(N), or (P)”.

SEC. 530. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 531. EXTENSION OF DRA COURT IMPROVEMENT GRANTS.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking “2010” and inserting “2011”; and

(2) in subsection (e), by striking “2010” and inserting “2011”.

PART III—CHANGES TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND ADDITIONAL PROVISIONS

Subpart A—Changes to the Patient Protection and Affordable Care Act and Additional Provisions

SEC. 541. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.

Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “8 percent” and inserting “5 percent”.

SEC. 542. REPLACEMENT OF MEDICAID PRIMARY CARE PAYMENT CLIFF.

(a) PAYMENTS TO PRIMARY CARE PROVIDERS.—

(1) GRANTS TO STATES TO INCREASE PAYMENTS.—From the amounts appropriated under paragraph (2), the Secretary of Health and Human Services shall award grants to States with an approved State plan amendment under the Medicaid program under title XIX of the Social Security Act to permanently increase payment rates to primary care providers under the State Medicaid program above the rates applicable under the State Medicaid program on the date of enactment of this Act. Funds paid to a State from such a grant shall only be used for expenditures attributable to the additional amounts paid to such providers as a result of the increase in such rates.

(2) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Health and Human Services on January 1, 2013, \$8,000,000,000, to remain available until expended.

(b) REPEAL OF MEDICAID PRIMARY CARE PAYMENT CLIFF.—Section 1202 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152) (and the amendments made by such section) is repealed.

SEC. 543. ESTABLISH A CMS-IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.

(a) AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(22) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

“(A) IN GENERAL.—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

“(i) the taxpayer identity information with respect to such taxpayer;

“(ii) the amount of the delinquent tax debt owed by that taxpayer; and

“(iii) the taxable year to which the delinquent tax debt pertains.

“(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent necessary in, establishing the taxpayer’s eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

“(C) DELINQUENT TAX DEBT.—For purposes of this paragraph, the term ‘delinquent tax debt’ means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.”.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111-148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking “or (17)” and inserting “(17), or (22)” each place it appears.

(b) SECRETARY’S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111-148, is further amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(l)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.”.

(c) AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.—Section 1866(j)(6) of the Social Security Act (42 U.S.C. 1395cc(j)(6)), as inserted by section 6401(a) of Public Law 111-148, is amended—

(1) in the paragraph heading, by striking “PAST-DUE” and inserting “MEDICARE”; and

(2) in subparagraph (A), by striking “past-due obligations described in subparagraph

(B)(ii) of an” and inserting “amount described in subparagraph (B)(ii) due from such”; and

(3) in subparagraph (B)(ii), by striking “a past-due obligation” and inserting “an amount that is more than the amount required to be paid”.

SEC. 544. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of such title that involve reprocessing of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$175,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

Subpart B—Medical Liability Reform

SEC. 551. SHORT TITLE.

This subpart may be cited as the “Medical Care Access Protection Act of 2010” or the “MCAP Act”.

SEC. 552. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) EFFECT ON FEDERAL SPENDING.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this subpart to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of “defensive medicine” and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 553. DEFINITIONS.

In this subpart:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term “alternative dispute resolution system” or “ADR” means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term “claimant” means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term “collateral source benefits” means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers’ compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term “compensatory damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. Such term includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term “contingent fee” includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term “economic damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses,

loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE GOODS OR SERVICES.—The term “health care goods or services” means any goods or services provided by a health care institution, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, care, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(8) HEALTH CARE INSTITUTION.—The term “health care institution” means any entity licensed under Federal or State law to provide health care services (including but not limited to ambulatory surgical centers, assisted living facilities, emergency medical services providers, hospices, hospitals and hospital systems, nursing homes, or other entities licensed to provide such services).

(9) HEALTH CARE LAWSUIT.—The term “health care lawsuit” means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of (or the failure to provide) health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(10) HEALTH CARE LIABILITY ACTION.—The term “health care liability action” means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(11) HEALTH CARE LIABILITY CLAIM.—The term “health care liability claim” means a demand by any person, whether or not pursuant to ADR, against a health care provider or health care institution, including third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(12) HEALTH CARE PROVIDER.—

(A) IN GENERAL.—The term “health care provider” means any person (including but not limited to a physician (as defined by section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)), registered nurse, dentist, podiatrist, pharmacist, chiropractor, or optometrist) required by State or Federal law to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(B) TREATMENT OF CERTAIN PROFESSIONAL ASSOCIATIONS.—For purposes of this subpart, a professional association that is organized under State law by an individual physician or group of physicians, a partnership or limited liability partnership formed by a group of physicians, a nonprofit health corporation certified under State law, or a company

formed by a group of physicians under State law shall be treated as a health care provider under subparagraph (A).

(13) **MALICIOUS INTENT TO INJURE.**—The term “malicious intent to injure” means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) **NONECONOMIC DAMAGES.**—The term “noneconomic damages” means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) **PUNITIVE DAMAGES.**—The term “punitive damages” means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider or health care institution. Punitive damages are neither economic nor noneconomic damages.

(16) **RECOVERY.**—The term “recovery” means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys’ office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(17) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 554. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

(a) **IN GENERAL.**—Except as otherwise provided for in this section, the time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first.

(b) **GENERAL EXCEPTION.**—The time for the commencement of a health care lawsuit shall not exceed 3 years after the date of manifestation of injury unless the tolling of time was delayed as a result of—

- (1) fraud;
- (2) intentional concealment; or
- (3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

(c) **MINORS.**—An action by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that if such minor is under the full age of 6 years, such action shall be commenced within 3 years of the manifestation of injury, or prior to the eighth birthday of the minor, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care institution have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

(d) **RULE 11 SANCTIONS.**—Whenever a Federal or State court determines (whether by motion of the parties or whether on the motion of the court) that there has been a violation of Rule 11 of the Federal Rules of Civil Procedure (or a similar violation of applicable State court rules) in a health care liability

action to which this subpart applies, the court shall impose upon the attorneys, law firms, or pro se litigants that have violated Rule 11 or are responsible for the violation, an appropriate sanction, which shall include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorneys’ fee. Such sanction shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the party or parties injured by such conduct.

SEC. 555. COMPENSATING PATIENT INJURY.

(a) **UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.**—In any health care lawsuit, nothing in this subpart shall limit the recovery by a claimant of the full amount of the available economic damages, notwithstanding the limitation contained in subsection (b).

(b) **ADDITIONAL NONECONOMIC DAMAGES.**—

(1) **HEALTH CARE PROVIDERS.**—In any health care lawsuit where final judgment is rendered against a health care provider, the amount of noneconomic damages recovered from the provider, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties other than a health care institution against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(2) **HEALTH CARE INSTITUTIONS.**—

(A) **SINGLE INSTITUTION.**—In any health care lawsuit where final judgment is rendered against a single health care institution, the amount of noneconomic damages recovered from the institution, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(B) **MULTIPLE INSTITUTIONS.**—In any health care lawsuit where final judgment is rendered against more than one health care institution, the amount of noneconomic damages recovered from each institution, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence, except that the total amount recovered from all such institutions in such lawsuit shall not exceed \$500,000.

(c) **NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.**—In any health care lawsuit—

- (1) an award for future noneconomic damages shall not be discounted to present value;
- (2) the jury shall not be informed about the maximum award for noneconomic damages under subsection (b);
- (3) an award for noneconomic damages in excess of the limitations provided for in subsection (b) shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law; and
- (4) if separate awards are rendered for past and future noneconomic damages and the combined awards exceed the limitations described in subsection (b), the future noneconomic damages shall be reduced first.

(d) **FAIR SHARE RULE.**—In any health care lawsuit, each party shall be liable for that

party’s several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party’s percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant’s harm.

SEC. 556. MAXIMIZING PATIENT RECOVERY.

(a) **COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.**—

(1) **IN GENERAL.**—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants.

(2) **CONTINGENCY FEES.**—

(A) **IN GENERAL.**—In any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant’s damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity.

(B) **LIMITATION.**—The total of all contingent fees for representing all claimants in a health care lawsuit shall not exceed the following limits:

- (i) 40 percent of the first \$50,000 recovered by the claimant(s).
- (ii) 33⅓ percent of the next \$50,000 recovered by the claimant(s).
- (iii) 25 percent of the next \$500,000 recovered by the claimant(s).
- (iv) 15 percent of any amount by which the recovery by the claimant(s) is in excess of \$600,000.

(b) **APPLICABILITY.**—

(1) **IN GENERAL.**—The limitations in subsection (a) shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution.

(2) **MINORS.**—In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

(c) **EXPERT WITNESSES.**—

(1) **REQUIREMENT.**—No individual shall be qualified to testify as an expert witness concerning issues of negligence in any health care lawsuit against a defendant unless such individual—

(A) except as required under paragraph (2), is a health care professional who—

- (i) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and
- (ii) typically treats the diagnosis or condition or provides the type of treatment under review; and

(B) can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience in the evaluation, diagnosis, and treatment of the disease or injury which is the subject matter of the lawsuit against the defendant, the individual was substantially familiar with applicable standards of care and practice as they relate to the act or omission which is the subject of the lawsuit on the date of the incident.

(2) **PHYSICIAN REVIEW.**—In a health care lawsuit, if the claim of the plaintiff involved treatment that is recommended or provided by a physician (allopathic or osteopathic), an individual shall not be qualified to be an expert witness under this subsection with respect to issues of negligence concerning such

treatment unless such individual is a physician.

(3) **SPECIALTIES AND SUBSPECIALTIES.**—With respect to a lawsuit described in paragraph (1), a court shall not permit an expert in one medical specialty or subspecialty to testify against a defendant in another medical specialty or subspecialty unless, in addition to a showing of substantial familiarity in accordance with paragraph (1)(B), there is a showing that the standards of care and practice in the two specialty or subspecialty fields are similar.

(4) **LIMITATION.**—The limitations in this subsection shall not apply to expert witnesses testifying as to the degree or permanency of medical or physical impairment.

SEC. 557. ADDITIONAL HEALTH BENEFITS.

(a) **IN GENERAL.**—The amount of any damages received by a claimant in any health care lawsuit shall be reduced by the court by the amount of any collateral source benefits to which the claimant is entitled, less any insurance premiums or other payments made by the claimant (or by the spouse, parent, child, or legal guardian of the claimant) to obtain or secure such benefits.

(b) **PRESERVATION OF CURRENT LAW.**—Where a payor of collateral source benefits has a right of recovery by reimbursement or subrogation and such right is permitted under Federal or State law, subsection (a) shall not apply.

(c) **APPLICATION OF PROVISION.**—This section shall apply to any health care lawsuit that is settled or resolved by a fact finder.

SEC. 558. PUNITIVE DAMAGES.

(a) **PUNITIVE DAMAGES PERMITTED.**—

(1) **IN GENERAL.**—Punitive damages may, if otherwise available under applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer.

(2) **FILING OF LAWSUIT.**—No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages.

(3) **SEPARATE PROCEEDING.**—At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(A) whether punitive damages are to be awarded and the amount of such award; and

(B) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(4) **LIMITATION WHERE NO COMPENSATORY DAMAGES ARE AWARDED.**—In any health care lawsuit where no judgment for compensatory damages is rendered against a person, no punitive damages may be awarded with respect to the claim in such lawsuit against such person.

(b) **DETERMINING AMOUNT OF PUNITIVE DAMAGES.**—

(1) **FACTORS CONSIDERED.**—In determining the amount of punitive damages under this

section, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) **MAXIMUM AWARD.**—The amount of punitive damages awarded in a health care lawsuit may not exceed an amount equal to two times the amount of economic damages awarded in the lawsuit or \$250,000, whichever is greater. The jury shall not be informed of the limitation under the preceding sentence.

(c) **LIABILITY OF HEALTH CARE PROVIDERS.**—

(1) **IN GENERAL.**—A health care provider who prescribes, or who dispenses pursuant to a prescription, a drug, biological product, or medical device approved by the Food and Drug Administration, for an approved indication of the drug, biological product, or medical device, shall not be named as a party to a product liability lawsuit invoking such drug, biological product, or medical device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug, biological product, or medical device.

(2) **MEDICAL PRODUCT.**—The term “medical product” means a drug or device intended for humans. The terms “drug” and “device” have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321), respectively, including any component or raw material used therein, but excluding health care services.

SEC. 559. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) **IN GENERAL.**—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding \$50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) **APPLICABILITY.**—This section applies to all actions which have not been first set for trial or retrial before the effective date of this subpart.

SEC. 560. EFFECT ON OTHER LAWS.

(a) **GENERAL VACCINE INJURY.**—

(1) **IN GENERAL.**—To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this subpart shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this subpart in conflict with a rule of law of such title XXI shall not apply to such action.

(2) **EXCEPTION.**—If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law

under title XXI of the Public Health Service Act does not apply, then this subpart or otherwise applicable law (as determined under this subpart) will apply to such aspect of such action.

(b) **SMALLPOX VACCINE INJURY.**—

(1) **IN GENERAL.**—To the extent that part C of title II of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a smallpox vaccine-related injury or death—

(A) this subpart shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this subpart in conflict with a rule of law of such part C shall not apply to such action.

(2) **EXCEPTION.**—If there is an aspect of a civil action brought for a smallpox vaccine-related injury or death to which a Federal rule of law under part C of title II of the Public Health Service Act does not apply, then this subpart or otherwise applicable law (as determined under this subpart) will apply to such aspect of such action.

(c) **OTHER FEDERAL LAW.**—Except as provided in this section, nothing in this subpart shall be deemed to affect any defense available, or any limitation on liability that applies to, a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 561. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) **HEALTH CARE LAWSUITS.**—The provisions governing health care lawsuits set forth in this subpart shall preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this subpart. The provisions governing health care lawsuits set forth in this subpart supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this subpart; or

(2) prohibits the introduction of evidence regarding collateral source benefits.

(b) **PREEMPTION OF CERTAIN STATE LAWS.**—No provision of this subpart shall be construed to preempt any State law (whether effective before, on, or after the date of the enactment of this subpart) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this subpart, notwithstanding section 555(a).

(c) **PROTECTION OF STATE'S RIGHTS AND OTHER LAWS.**—

(1) **IN GENERAL.**—Any issue that is not governed by a provision of law established by or under this subpart (including the State standards of negligence) shall be governed by otherwise applicable Federal or State law.

(2) **RULE OF CONSTRUCTION.**—Nothing in this subpart shall be construed to—

(A) preempt or supersede any Federal or State law that imposes greater procedural or substantive protections (such as a shorter statute of limitations) for a health care provider or health care institution from liability, loss, or damages than those provided by this subpart;

(B) preempt or supercede any State law that permits and provides for the enforcement of any arbitration agreement related

to a health care liability claim whether enacted prior to or after the date of enactment of this subpart;

(C) create a cause of action that is not otherwise available under Federal or State law; or

(D) affect the scope of preemption of any other Federal law.

SEC. 562. APPLICABILITY; EFFECTIVE DATE.

This subpart shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this subpart, except that any health care lawsuit arising from an injury occurring prior to the date of enactment of this subpart shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

TITLE VI—OTHER PROVISIONS

SEC. 601. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 7(a) of Public Law 111-157, is amended by striking “by substituting” and all that follows through the period at the end, and inserting “by substituting December 31, 2010, for the date specified in each such section.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on May 31, 2010.

SEC. 602. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Small Business Administration—Business Loans Program Account”, \$505,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this section.

Such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) is amended by striking “September 30, 2010” each place it appears and inserting “December 31, 2010”.

(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking “May 31, 2010” and inserting “December 31, 2010”.

(c) APPROPRIATION.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for “Small Business Administration—Salaries and Expenses”.

SEC. 603. SUMMER EMPLOYMENT FOR YOUTH.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for “Department of Labor—Employment and Training Administration—Training and Employment Serv-

ices” for activities under the Workforce Investment Act of 1998 (“WIA”), \$1,000,000,000 shall be available for obligation on the date of enactment of this Act for grants to States for youth activities, including summer employment for youth: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed \$1,000,000,000: *Provided further*, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting “age 24” for “age 21”: *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds: *Provided further*, That an amount that is not more than 1 percent of such amount may be used for the administration, management, and oversight of the programs, activities, and grants carried out with such funds, including the evaluation of the use of such funds: *Provided further*, That funds available under the preceding proviso, together with funds described in section 801(a) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and funds provided in such Act under the heading “Department of Labor—Departmental Management—Salaries and Expenses”, shall remain available for obligation through September 30, 2011.

SEC. 604. EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS’ DISABILITY COMPENSATION TO INCLUDE ALL CHAPTER 61 DISABILITY RETIREES REGARDLESS OF DISABILITY RATING PERCENTAGE OR YEARS OF SERVICE.

(a) PHASED EXPANSION CONCURRENT RECEIPT.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

“(a) PAYMENT OF BOTH RETIRED PAY AND DISABILITY COMPENSATION.—

“(1) PAYMENT OF BOTH REQUIRED.—

“(A) IN GENERAL.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans’ disability compensation for a qualifying service-connected disability (in this section referred to as a ‘qualified retiree’) is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

“(B) APPLICABILITY OF FULL CONCURRENT RECEIPT PHASE-IN REQUIREMENT.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c).

“(C) PHASE-IN EXCEPTION FOR 100 PERCENT DISABLED RETIREES.—The payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following qualified retirees:

“(i) A qualified retiree receiving veterans’ disability compensation for a disability rated as 100 percent.

“(ii) A qualified retiree receiving veterans’ disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

“(D) TEMPORARY PHASE-IN EXCEPTION FOR CERTAIN CHAPTER 61 DISABILITY RETIREES;

TERMINATION.—Subject to subsection (b), during the period beginning on January 1, 2011, and ending on September 30, 2012, subsection (c) shall not apply to a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

“(2) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section:

“(A) 50 PERCENT RATING THRESHOLD.—In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs. However, during the period specified in paragraph (1)(D), members or former members receiving retired pay under chapter 61 with 20 years or more of creditable service computed under section 12732 of this title, but not otherwise entitled to retired pay under any other provision of this title, shall qualify in accordance with subparagraphs (B) and (C).

“(B) INCLUSION OF MEMBERS NOT OTHERWISE ENTITLED TO RETIRED PAY.—In the case of a member or former member receiving retired pay under chapter 61 of this title, but who is not otherwise entitled to retired pay under any other provision of this title, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

“(i) January 1, 2011, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent.

“(ii) January 1, 2012, rated 80 percent or 70 percent.

“(iii) January 1, 2013, rated 60 percent or 50 percent.

“(C) ELIMINATION OF RATING THRESHOLD.—In the case of a member or former member receiving retired pay under chapter 61 regardless of being otherwise eligible for retirement, the term ‘qualifying service-connected disability’ means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

“(i) January 1, 2014, rated 40 percent or 30 percent.

“(ii) January 1, 2015, any rating.

“(3) LIMITED DURATION.—Notwithstanding the effective date specified in each clause of subparagraphs (B) and (C) of paragraph (2), the clause—

“(A) shall apply only if the termination date specified in paragraph (1)(D) would occur during or after the calendar year specified in the clause; and

“(B) shall not apply beyond the termination date specified in paragraph (1)(D).”.

(b) CONFORMING AMENDMENT TO SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—Subsection (b) of such section is amended to read as follows:

“(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES WHEN ELIGIBILITY HAS BEEN ESTABLISHED FOR SUCH RETIREES.—

“(1) GENERAL REDUCTION RULE.—The retired pay of a member retired under chapter

61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the members retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

“(2) CHAPTER 61 RETIREES NOT OTHERWISE ENTITLED TO RETIRED PAY.—

“(A) BEFORE TERMINATION DATE.—If a member with a qualifying service-connected disability (as defined in subsection (a)(2)) is retired under chapter 61 of this title, but is not otherwise entitled to retired pay under any other provision of this title, and the termination date specified in subsection (a)(1)(D) has not occurred, the retired pay of the member is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

“(B) AFTER TERMINATION DATE.—Subsection (a) does not apply to a member described in subparagraph (A) if the termination date specified in subsection (a)(1)(D) has occurred.”.

(c) CONFORMING AMENDMENT TO FULL CONCURRENT RECEIPT PHASE-IN.—Subsection (c) of such section is amended by striking “the second sentence of”.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 1414. Concurrent receipt of retired pay and veterans' disability compensation”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

“1414. Concurrent receipt of retired pay and veterans' disability compensation.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

SEC. 605. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111-118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111-157), is amended—

(1) by striking “before May 31, 2010”; and

(2) by inserting “for 2011” after “until updated poverty guidelines”.

SEC. 606. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

“(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligi-

bility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

“(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.”.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

SEC. 607. ARRA PLANNING AND REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting “PLANS AND” after “AGENCY”; and

(B) by striking “Not later than” and inserting the following:

“(1) DEFINITION.—In this subsection, the term ‘covered program’ means a program for which funds are appropriated under this division—

“(A) in an amount that is—

“(i) more than \$2,000,000,000; and

“(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

“(B) that did not exist before the date of enactment of this Act.

“(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

“(A) a description of the goals for the covered program using recovery funds;

“(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

“(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

“(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

“(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

“(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

“(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

“(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

“(3) REPORTS.—

“(A) IN GENERAL.—Not later than”; and

(C) by adding at the end the following:

“(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

“(i) discusses the progress of the agency in implementing the plan;

“(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

“(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

“(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

“(v) discusses—

“(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

“(II) if the covered program has failed to meet the milestones, the reasons why; and

“(III) any changes in the milestones for the covered program, including the reasons for the change;

“(vi) discusses the performance of the covered program, including—

“(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

“(II) if the covered program has failed to meet the performance measures, the reasons why; and

“(III) any trends in information relating to the performance of the covered program; and

“(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.”.

(2) in subsection (f)—

(A) by striking “Within 180 days” and inserting the following:

“(1) IN GENERAL.—Within 180 days”; and

(B) by adding at the end the following:

“(2) PENALTIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than \$250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

“(B) NOTIFICATION.—

“(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

“(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

“(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

“(i) the number of times the recipient has failed to provide the information required under subsection (c);

“(ii) the amount of recovery funds provided to the recipient;

“(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

“(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

“(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

“(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

“(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

“(4) PUBLIC LISTING.—

“(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

“(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for non-compliance.

“(5) REGULATIONS AND REPORTING.—

“(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

“(B) REPORTING.—

“(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include—

“(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

“(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

“(III) any other information determined appropriate by the Director.”; and

(3) by adding at the end the following:

“(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.”.

TITLE VII—BUDGETARY PROVISIONS

SEC. 701. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—In the House of Representatives, this Act, with the exception of section 511, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 511, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy. The hearing will be held on Tuesday, June 15, 2010, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 3460, a bill to require the Secretary of Energy to provide funds to states for rebates, loans, and other incentives to eligible individuals or entities for the purchase and installation of solar energy systems for properties located in the United States, and for other purposes.

S. 3396, a bill to amend the Energy Policy and Conservation Act to establish within the Department of Energy a Supply Star program to identify and promote practices, companies, and products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

S. 3251, a bill to improve energy efficiency and the use of renewable energy by Federal agencies, and for other purposes.

S. 679, a bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes.

S. 3233, a bill to amend the Atomic Energy Act of 1954 to authorize the Secretary of Energy to barter, transfer,

or sell surplus uranium from the inventory of the Department of Energy, and for other purposes.

S. 2900, a bill to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle and simple cycle power generation systems.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Abigail_Campbell@energy.senate.gov.

For further information, please contact Alicia Jackson or Abigail Campbell.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 9, 2010, at 10 a.m. to conduct a hearing entitled “Local Perspectives on the Livable Communities Act.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 9, 2010, in room SR-253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on June 9, 2010, 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 9, 2010, at 10:30 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION
POLICY, AND CONSUMER RIGHTS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, on June 9, 2010, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight of the Enforcement of the Antitrust Laws."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT, THE FEDERAL WORKFORCE,
AND THE DISTRICT OF COLUMBIA

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on June 9, 2001, at 2:30 p.m. to conduct

a hearing entitled "The National Security Personnel System and Performance Management in the Federal Government."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate to conduct a hearing on June 9, 2010, at 3 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL SPILL LIABILITY TRUST FUND

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3473, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 3473, A BILL TO AMEND THE OIL POLLUTION ACT OF 1990 TO AUTHORIZE ADVANCES FROM OIL SPILL LIABILITY TRUST FUND FOR THE DEEPWATER HORIZON SPILL, AS PROVIDED TO CBO BY THE SENATE BUDGET COMMITTEE ON JUNE 8, 2010

By fiscal year in millions of dollars—

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010– 2015 | 2010– 2020 |
|--------------------------------|------|------|------|------|------|------|------|------|------|------|------|---------------|---------------|
| Statutory Pay-As-You-Go Impact | 50 | 0 | –50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Net Increase or Decrease (–) in the Deficit

Note: The bill would allow the Coast Guard to draw up to an additional \$850 million from the Oil Spill Liability Trust Fund to respond to the Deepwater Horizon oil spill. CBO estimates that additional spending would be recovered from the responsible party.

Mr. SANDERS. I ask unanimous consent that the bill be read three times, that the bill be passed, and the motion to reconsider be laid upon the table; further, that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3473) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADVANCES FROM OIL SPILL LIABILITY TRUST FUND FOR DEEPWATER HORIZON OIL SPILL.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence—

(1) by inserting "(1)" after "Coast Guard"; and

(2) by inserting before the period at the end the following: "and (2) in the case of the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain 1 or more advances from the Fund as needed, up to a maximum of \$100,000,000 for each advance, with the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986, and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance".

SEC. 2. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

UNANIMOUS-CONSENT
AGREEMENT—S.J. RES. 26

Mr. SANDERS. Mr. President, I ask unanimous consent that the order with respect to Senate consideration of S.J. Res. 26 be modified to provide that the debate time on the motion to proceed be allotted in 30-minute alternating blocks, with Senator MURKOWSKI controlling the first 30-minute block, and with the first block commencing at 9:45 a.m., Thursday, June 10.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 10,
2010

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Thursday, June 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be

A bill (S. 3473) to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO Legislation for S. 3473. This statement has been prepared pursuant to section 4 of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139), and is being submitted for printing in the CONGRESSIONAL RECORD prior to passage of S. 3473 by the Senate.

Total Budgetary Effects of S. 3473 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of S. 3473 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this act.

deemed expired, the time for the two leaders be reserved for their use later in the day, and that following leader remarks, the Senate consider S.J. Res. 26, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANDERS. Mr. President, tomorrow the Senate will debate, for up to 6 hours, the motion to proceed to the joint resolution of disapproval of the EPA findings with respect to greenhouse gases. If all time is used, Senators should expect the vote on the motion to proceed to occur at around 3:45 p.m.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. SANDERS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Thursday, June 10, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

AFRICAN DEVELOPMENT FOUNDATION

MIMI E. ALEMAYEHOU, EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2015, VICE LLOYD O. PIERSON, TERM EXPIRED.

JOHNNIE CARSON, AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2015, VICE JENDAYI ELIZABETH FRAZER, TERM EXPIRED.

EDWARD W. BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2011, VICE CLAUDE A. ALLEN, TERM EXPIRED.

DEPARTMENT OF STATE

JAMES FREDERICK ENTWISTLE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

DEPARTMENT OF JUSTICE

MARK LLOYD ERICKS, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE WILLIAM JOSEPH HAWK.

JOSEPH PATRICK FAUGHNAN, SR., OF CONNECTICUT, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS, VICE JOHN FRANCIS BARDELLI, RESIGNED.

HAROLD MICHAEL OGLESBY, OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT

OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE RICHARD JAMES O'CONNELL, TERM EXPIRED.

DONALD MARTIN O'KEEFE, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE FEDERICO LAWRENCE ROCHA, TERM EXPIRED.

CHARLES THOMAS WEEKS II, OF OKLAHOMA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE MICHAEL WADE ROACH, TERM EXPIRED.

KENNETH JAMES RUNDE, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE TIMOTHY ANTHONY JUNKER, TERM EXPIRED.

ROBERT E. O'NEILL, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE A. BRIAN ALBRITTON.

HOUSE OF REPRESENTATIVES—Wednesday, June 9, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 9, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Great are Your judgements, Lord our God. Beyond all description are the ways You lead Your people. Your mercy extends from one generation to the next.

In every age You have exalted Your people and made them glorious, as long as they were attentive to Your Word. You created a road through the sea and opened a path through the desolate land to lead Your people to the awareness of lasting freedom.

Be with this Congress and this government of the people and for Your people. In our day lead this Nation to a new and glorious day.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests

for 1-minute speeches on each side of the aisle.

JOBS AND THE ECONOMY

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, John Adams once said, "Facts are stubborn things, and whatever may be our wishes . . . they cannot alter the state of facts and evidence."

Well, when it comes to the economy, the facts are on our side. It's a fact that Bush's economic policies created the worst financial crisis since the Great Depression. It's a fact that Republicans produced a recession with nearly 800,000 job losses each month and almost doubled our national debt. It's a fact that 8 years of tax cuts for the rich and trickle-down economics only left the American people hosed.

And it's a fact that this Congress ended those flawed policies and enacted tax cuts for working-class families and small businesses across America. Democrats created nearly 200,000 jobs a month this year, cut over \$800 billion in taxes, and we're about to cut almost \$300 billion more.

Democrats are rebuilding consumer demand, creating new jobs, and getting our economy back on track. And that's a fact, no matter how stubborn the minority wants to be.

THE NEED TO PRODUCE A BUDGET

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, with all due respect to the gentlewoman who just stood here, the fact remains the Democrats are not introducing a budget. One of the fundamental principle things that this Congress should do is introduce a budget. This Congress should be embarrassed that they haven't introduced a budget that we can debate and discuss. It's one of the things that's lacking in this so-called leadership here.

They may want to talk about Bush, but the reality is the Democrats have the House and Senate and the Presidency, and they owe it to the American people, they owe it to this institution to produce a budget so that we can debate and discuss it in the United States Congress. It's one of the fundamental things we should do.

This Congress should be embarrassed that it has yet to produce a budget.

HEALTH OF OIL SPILL CLEANUP WORKERS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, the BP oil spill has caused a great emergency along our gulf coast. I hope as the response to it continues, we never forget the lessons of the Ground Zero workers.

In the wake of 9/11, thousands of men and women labored tirelessly. Driven by a sense of urgent purpose, safety precautions were not taken and assurances were given that proved to be false. The health of far too many of those who worked on that toxic pile, they suffered long-term health consequences.

Now, in the gulf, men and women are once again being exposed to a toxic sea of elements. After just 40-some days, there are already reports that workers have suffered from exposure to the oil. And this cleanup will go on for years.

The time to address the issue of the health of the cleanup workers is now, before they lose it.

DUBOIS BUSINESS COLLEGE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the DuBois Business College started teaching courses in DuBois, Pennsylvania, 125 years ago. They pride themselves on a small student-to-teacher ratio and a stellar success rate for students. From legal assistants to clinical medical assistants, the college has spent decades helping to move people into careers with a future and a good paycheck.

In 1996, the college opened branches in the nearby communities of Huntingdon and Oil City. Then, in 2001, a core group of eight veteran instructors and working administrators purchased the college and committed themselves to continuing the college tradition of excellence.

The college will be celebrating its anniversary throughout the year, but this weekend they'll hold an open house and tours of their newly remodeled facility and new student annex as a commemorative celebration.

In an area where there are no community colleges, DuBois Business College has filled a need over its history

and continues to offer quality and affordable education in the fields of accounting, business management, medical, legal, information technology, graphic arts, computer applications, and even movie making.

It is my pleasure to congratulate this institution on its anniversary and to wish them continued success and growth.

AMERICA IS RECOVERING

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, the research by USA Today shows that Americans are paying the lowest tax rates since the 1950s—not the 1990s, not 2001 or 2002, but since the 1950s. The Democrats' tax cuts for middle class and small businesses are helping this economy. The economy continues to move in the right direction and it is being sustained. Unemployment is going down in 90 percent of our metropolitan areas.

And the President is attacking the BP oil spill in the right way. But as I represent the gulf region where fishermen and oystermen are, as well as oil workers, we've got to ensure that we continue to save jobs. That means the industry has to reform itself. No permit should be issued unless there is a defined recovery plan that is approved and vetted by experts that are independent of the government and the industry.

We are saving and creating jobs, but we are as concerned about safety and security. This is the right path. Democrats reduced taxes. The President is in charge. We're going to be able to see America recover.

REALITIES BEHIND HEALTH CARE TAKEOVER

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday the administration held a town hall by telephone with seniors across the country to promote a health care takeover bill that costs more by the minute. Seniors need more than a sales pitch. They need to know the facts about this bill.

Fifty percent who depend on Medicare Advantage could lose this coverage. The impact of the bill could be devastating. In Texas, 300 doctors have already stopped seeing seniors. Seniors' loved ones will be deeply impacted by the takeover bill with a \$2,100 hit. This is the amount the nonpartisan Congressional Budget Office has predicted that early retirees, the self-employed, small business workers, and millions of others who buy family coverage in the individual market will pay more for their health insurance.

Instead of spending time selling a broken product, lawmakers need to repeal it and offer seniors a patient-centered health care plan that lowers costs and expands access.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

PART D DOUGHNUT HOLE

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, there's great news for seniors, and I think that they'll be receiving it in the mail soon. The notorious doughnut hole is going to be closed. And starting this week, the part D doughnut hole where seniors have to pay for their drugs at an immense amount that hurts them will start to be filled because of the health care bill we passed in this House without a single Republican vote that made it law. The Democrats did it.

And \$250 one-time rebate checks will go out as early as this week to seniors who are in the doughnut hole. They will start to be mailed out tomorrow, June 10. Seniors who fall into that hole can expect a \$250 tax rebate check in their mailbox to help them cover those costs, part of the Democratic bill that reformed health care that didn't have a single Republican vote to help it become law. There were 217, 218 Democratic votes up to make that law.

Eventually, the doughnut hole will be eliminated, but we start with these \$250 checks. And I am proud to have voted for it, proud to have supported it, and pleased to give seniors relief from drug bills that are hurting them every day.

WHY WE HAVE NO BUDGET

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, here's one way the American people can tell that it's an election year. After racking up record deficits, congressional Democrats are now trying to run away from the truth about their out-of-control spending.

Last fiscal year, Democrats in Congress tallied a record \$1.4 trillion of deficit spending. Through the first 7 months of this year, they've already overspent by \$800 billion.

So it's no wonder, with elections coming up in just a few months, that they don't want you to know how much deficit spending they plan to do next year. That's why we have no budget.

House Democrats are not putting a budget on the table. They don't want to own up to their numbers. They don't want you to see another trillion dollars added to the deficit. So they'll just leave the books open without a plan and spend without restraint.

About the only thing that will stop them is if the American people speak up and say this is not acceptable. We sent you to Congress to lead; so write a budget.

GOVERNMENT MUST ENFORCE POLLUTION LAWS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, this morning the Sustainable Energy and Environment Caucus had a meeting with Environmental Protection Agency Administrator Lisa Jackson, and she told us something that I thought was encouraging, which is that the United States Federal Government has insisted that British Petroleum drill a second relief well to make sure that we've got a relief well that can ultimately stop this horrific spill in the gulf coast.

And it's encouraging because the Federal Government has to be the ultimate decider to make sure this job gets done. BP only wanted to do one well, but the President and his administration insisted that they do two wells to make sure that we get one that works.

But there's a disturbing effort now going on in the U.S. Senate to deprive the EPA of the ability to clean up the industry that is now putting pollution in the air as well. We've got to preserve the Federal Government's ability to enforce our air pollution and clean water laws. The American people deserve that. We ought to stand strong to have a sheriff in charge of this operation.

HIGH-DEDUCTIBLE HEALTH PLANS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, a recent report has shown that enrollment in high-deductible health plans associated with health savings accounts grew by 25 percent in 2009 to a total of 10 million Americans. These plans, which often provide the lowest-priced health insurance, are targeted in the newly enacted health care bill.

ObamaCare will increase taxes on HSAs from 10 percent to 20 percent and will prevent over-the-counter drugs from being reimbursed tax free from the health savings accounts. Millions of Americans rely on HSAs to cover deductibles, insurance copays, over-the-counter medications, and a plethora of other medical expenses. Furthermore, HSAs are an excellent tool to cut health care costs, while ObamaCare, itself, provides no such tools.

If you truly support health care affordability, I ask you to support my legislation, H.R. 5126, which restores the valuable tool that saves costs.

□ 1015

SARAH NOBLE SCHOOL WALKING PROJECT

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, more than 52,000 miles in 4 weeks. That is what 10,000 steps, or 5 miles, every single day is. That's what the kids at Sarah Noble School in New Milford, Connecticut, accomplished in May. In their fourth annual school walking project for fifth graders, students lived by the "Triple E" mantra: exercise, eating healthy, and protecting the environment. These students are putting themselves on a path to a healthier life by investing in walking. Healthy habits that can start now can pay off as they grow older because, as we know, obese youth are becoming an epidemic. They are more likely to have high-risk factors for cardiovascular disease such as high cholesterol and high blood pressure, as well as Type II diabetes and several types of cancer.

We've got to break this cycle, and it starts with a single step, some healthy snacks, and keeping the air we breathe clean. At Sarah Noble School, fifth graders are already doing their part, and they have given me this pedometer to help me do the same. Together, we can all strive to be healthy, one step at a time.

AMERICA SPEAKING OUT TOWN HALL

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, in an effort to engage Floridians to talk about the challenges facing our country, I hosted an America Speaking Out town hall meeting in Plant City, Florida, late last week. City Hall was packed with people who are concerned about the direction our country is headed. Their message was loud and clear: Washington has ignored the voice of the American people and pushed through an agenda that does nothing but grow the size of government and our national debt.

Mr. Speaker, instead of handing an IOU to future generations in an effort to radically grow the government, Washington should exercise fiscal restraint and produce economic solutions that let people and businesses keep more of what they earn so they can innovate, grow, and create jobs to kick-start our economy.

Mr. Speaker, Washington can no longer ignore the voice of the people. Americans are speaking out and Washington needs to listen.

JOBS AND THE ECONOMY

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Last week, the unemployment rate dropped to 9.7 percent, and the economy added over 400,000 jobs. Since the beginning of last year, we have added an average of 200,000 jobs a month. Unemployment rates dropped in 90 percent of the Nation's largest metro areas, with much of the improvement seen in the manufacturing sector instead of outsourcing like it was done in the past administration. And thanks in large part to the first-time home buyers tax credit, home sales rose in April as well.

But while our economy is showing signs of progress, our work is far from over. We must continue to focus on solid, job-creating bills that will help our economy move forward. Yet even though progress has been made, Republicans want to continue to side with Wall Street and the big banks that caused the crisis. Saying "no" over and over again is not progress; it is destructive.

Democrats are committed to keep on working and focusing on initiatives that will correct the failed policies of the past, but we all must work together.

WHERE HAVE ALL THE INVESTIGATIVE REPORTERS GONE?

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, investigative journalists pursued alleged scandals involving former House majority leader Tom DeLay and former White House deputy chief of staff Karl Rove, even though neither was ever convicted of any wrongdoing. But today, few investigative reporters are focused on what could be a criminal attempt by the Obama administration to manipulate the Democratic Senate primaries in Pennsylvania and Colorado.

While we don't know all the facts about the administration's actions, we do know the following: It is against the law to offer a government job in exchange for dropping out of a political race. It is against the law for administration officials to interfere in the nominee process of a Senate election. And it is against the law to obstruct justice.

Rather than a swarm of investigative reporters demanding answers from the administration, we hear only the sound of crickets chirping on the White House lawn.

JOBS

(Ms. FUDGE asked and was given permission to address the House for 1 minute.)

Ms. FUDGE. Mr. Speaker, I am amazed and disheartened by congressional Republicans' attempts to reinstitute the same flawed policies that created the economic crisis we find ourselves in today. Congressional Republicans are determined to abandon Americans who have lost their jobs and partner with special interest groups like the Wall Street banks, credit card companies, Big Oil, and insurance companies.

Their intent is shown in their voting record. Republicans have voted against every major piece of economic legislation we've taken up this year. They voted "no" on the Recovery Act. They voted "no" to rein in banks through Wall Street reform. They even voted "no" for summer jobs.

I am proud to be a Democrat in this Congress and stand up for hard-working Americans. Our party is dedicated to moving America in a new direction, creating good American jobs, lowering taxes for the middle class and small businesses, and building a strong new foundation for the economy and for Main Street.

The growing signs of economic recovery show our policies are working. Consider that American jobs have been created in six of the last seven months, averaging nearly 200,000 jobs a month this year. While more needs to be done, Mr. Speaker, America is on the road to recovery.

ENOUGH IS ENOUGH

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. A recent Gallup poll showed 79 percent of Americans now view the Federal debt as a serious threat to the future well-being of this Nation. It's no wonder because the administration just announced that the Nation's debt will reach 93 percent of GDP this year, a new high. Economic experts predict that unprecedented debt level could squash at least 1 million more jobs. The news came the same day the Labor Department reported that nearly all of the new jobs were temporary hires at the Census and some of them rehires at that.

Make no mistake, the out-of-control government spending, coupled with the heavy debt, prevent us from creating the quality jobs and the bright future America Americans want, need, and deserve.

It's time to get our fiscal house in order, once and for all. The stimulus, the bailouts, government-run health care: Enough is enough.

NO MORE BAILOUTS

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, last week I listened to families in Green Bay, Marinette, Niagara, Crandon, Wausaukee, Crivitz, Minocqua, Woodruff, Waupaca, Shawano, Greenville, and Appleton. Everywhere I went people were saying the same thing, and they're playing by the rules, playing and living by the rules. They're working hard and paying their bills on time. It's the Wisconsin way.

They've asked me to deliver this message to Washington: No more bailouts for Wall Street corporations; no bailouts of Big Oil companies who have determined our energy policy for decades. And to British petroleum, we say, You broke it, you fix it.

On May 19, I gave British Petroleum president Lamar McKay an opportunity to live up to his corporate word immediately, not 10 years from now, when I asked him to put \$25 billion into the United States Treasury to begin cleaning up the worst environmental disaster in our Nation's history, but when asked to take responsibility, he took a pass.

People in Wisconsin believe in responsibility, both personal and corporate. People in Wisconsin want BP to pay up front, and that is why I'm introducing the Oil Spill Responsibility Act of 2010, requiring immediate payment of \$25 billion by BP.

ISRAEL HAS A RIGHT TO DEFEND ITSELF

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. As a member of the House Foreign Affairs Committee, I have been a strong supporter of the U.S.-Turkish alliance. I've been to Ankara, Turkey. I have met with officials there. I knew the President before he was President of Turkey.

So you can imagine my dismay, Mr. Speaker, with the recent aggressive action by Turkey toward our most cherished ally, Israel. The complicity of Turkey in launching a flotilla to challenge the blockade in Gaza, the ensuing violence that occurred, the grievous loss of life is deeply troubling to those of us who have supported the U.S.-Turkish alliance in the past.

A few things need to be said. We grieve the loss of life, but Israel has a right to defend itself, and Turkey must know that America will stand with Israel in her inviolate right to defend herself. There is no humanitarian crisis in Gaza. Ten thousand tons of food and medical supplies are transferred into Gaza every single week, and the blockade has saved lives.

Hamas used the Gaza strip to launch vicious and brutal attacks, thousands of rockets on civilians. It costs lives in Gaza. It costs lives in Israel. Turkey needs to count the cost. Turkey needs

to decide whether its present course is in its long-term interests, but America will stand with Israel.

CELEBRATING THE LIFE OF REV. LEMUEL YAZZIE

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise to celebrate the life of a true American hero. On May 28, we lost another of the last surviving Navajo code talkers: Reverend Lemuel Yazzie of Whitecone, Arizona.

Navajo code talkers saved the lives of countless Americans during World War II and the Korean War by using Dine to help the Marines communicate without risk of interception by the enemy. Reverend Yazzie served bravely and honorably as part of this legendary group.

After leaving the military, he kept giving back, serving for years as a missionary, staying involved with community work, and helping organize a committee to aid workers suffering from the effects of uranium exposure.

An active member of the Navajo Cold Talker Association, Reverend Yazzie was dedicated to recognizing all Dine fighting men and women have done for this country. We must follow his lead.

In his honor, I will continue my efforts to keep our promises to veterans in Navajo Country and across the Indian Nation.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2008, BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT

Mr. INSLEE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 2008) to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project, the Clerk be directed to carry out the modification that I have placed at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

At the end of the bill, add the following new section:

SEC. 8. LIMITATION ON THE USE OF FUNDS.

The authority under the provisions of section 301 of the Hoover Power Plant Act of 1984 (Public Law 98-381; 42 U.S.C. 16421a) shall not be used to fund any study or construction of transmission facilities developed as a result of this Act.

Mr. INSLEE (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Washington?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

URGING U.S. ACTION AND INTERNATIONAL AGREEMENT ON OCEAN ACIDIFICATION

Mr. INSLEE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 989) expressing the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects of ocean acidification on marine ecosystems and coastal economies.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 989

Whereas the world's oceans have absorbed more than a quarter of the carbon dioxide released into the atmosphere since the start of the Industrial Revolution;

Whereas the increased absorption of carbon dioxide by the world's oceans alters the form of nutrients and chemicals in the oceans and results in ocean acidification;

Whereas ocean acidification threatens carbonate-forming species such as coral, shellfish, and marine plankton, and may cause major ripple effects throughout marine ecosystems and food webs, ultimately affecting the largest marine organisms and many commercial fisheries;

Whereas ocean acidification will affect the growth, reproduction, disease resistance, and other biological and physiological processes of many marine organisms;

Whereas ocean acidification will be accelerated in Arctic waters because carbon dioxide is more soluble in colder waters and lower salinity diminishes the capacity of oceans to buffer against acidification;

Whereas over 60 percent of the United States population lives in coastal States and could be affected by changes to marine ecosystems;

Whereas coastal communities depend on revenue from the fishing and tourism industries, which rely on the health and stability of marine ecosystems;

Whereas commercial and recreational fisheries contribute more than \$73,000,000,000 annually to the United States economy and support more than 2,000,000 jobs in the United States;

Whereas coastal tourism and recreation produce \$70,000,000,000 in annual revenue in the United States;

Whereas coral ecosystems are a source of food for millions; protect coastlines from storms and erosion; provide habitat, spawning, and nursery grounds for economically important fish species; provide jobs and income to local economies from fishing, recreation, and tourism; are a source of new medicines; and are hotspots of marine biodiversity;

Whereas 500,000,000 people worldwide rely on reefs for food, income, and protection;

Whereas coral reefs support an estimated 25 percent of marine species globally and produce a net global economic benefit of about \$30,000,000,000 per year;

Whereas if current trends in global emissions of carbon dioxide continue, corals could be functionally extinct by the middle to the end of this century; and

Whereas the Congress has recognized the need to address the impacts of ocean acidification by enacting the Federal Ocean Acidification Research and Monitoring Act of 2009 as part of Public Law 111-11: Now, therefore be it

Resolved, That it is the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects of ocean acidification on marine ecosystems and coastal economies.

□ 1030

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. INSLEE) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. INSLEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. INSLEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a resolution before us that deals with a problem of extraordinary dimensions having to do with the health of our oceans. I want to thank Chairman RAHALL, Chairwoman BORDALLO, Majority Leader HOYER, Subcommittee Chair BRIAN BAIRD and their help in getting a resolution to the floor to deal with this extraordinary threat.

We know how much Americans today are feeling heartsick about the damage to our gulf and perhaps the Atlantic Ocean as a result of the oil spill we are now suffering.

But what our resolution attempts to do is to focus on another perhaps worse threat to the oceans today associated with the burning of fossil fuels, and that is the sad, unalterable, unambiguous, scientifically certain fact that our oceans are becoming more acidic, substantially more acidic, as a result of carbon-based pollution from our

burning of oil and coal and other fossil fuels.

Because what we have learned in our research—and we have had a number of hearings on this—is the scientific community is telling us that, because of carbon dioxide pollution that comes from burning oil and coal, what happens is that the carbon dioxide that is coming out of our smokestacks and our tailpipes is going over the oceans and then is going into solution into the oceans of the world.

Fully over a quarter of all the carbon that we have burned, after digging it out of the ground and piping it up from below, has now found its way into the oceans. This is a scientific fact. All scientists, Republicans and Democrats, agree on this. As that carbon dioxide goes into the ocean, it creates acid, it creates acidic conditions. Today, the oceans are almost a third, 26 percent, more acidic than they were before we started to burn fossil fuels.

Now, the disturbing part of this is that acid, as you can imagine, does not seem a safe, benign condition in our oceans. The bad news is that the scientists have told us in our investigations that this acidification of the oceans is now increasing at dramatic rates. The oceans are 26 percent more acidic than they were before we started to burn coal and oil. But by the end of the century, by the end of my grandchild's lifetime, the oceans will be 100 percent, they will be twice as acidic as they have ever been during humans' time on Earth. And this is presenting extraordinary danger to humans because we have an attachment to the oceans.

And what we are being told by the scientific community is that the danger of these acidic conditions are that it makes it difficult, if not impossible, for huge swathes of the life in the ocean to survive. The reason is that large parts of the ocean community depend on taking calcium carbonate out of the water. They precipitate—that's a scientific term—they precipitate calcium carbonate into their shells.

Coral reefs take calcium carbonate to make coral reefs. Clams take calcium carbonate out to make shells. Perhaps most importantly, large amounts of the plankton that are the base of the food chain take calcium carbonate out to make the little structures of their bodies that make these little shell-like forms.

And as the water becomes more acidic—and this is what's disturbing and this resolution is intended to focus America's attention on—as the waters become more acidic, these life forms actually dissolve in the acidic water of the oceans. We are now approaching the area, the level, where the acidic waters of the Pacific, Atlantic, Southern, Northern oceans will actually dissolve these life forms.

Let me tell you how dangerous this is. Dr. Jane Lubchenco, the director of

the National Oceanic and Atmospheric Administration, has come to us and actually shown us photographic evidence of shells, the little calcium carbonate sources of 40 percent of the base of the food chain. She showed us pictures of these little creatures actually dissolving in water that will be as acidic as it will be at the end of the century if we don't change things.

Now, there is no mystery about this. It's a scientific fact that the waters are becoming more acidic because of carbon dioxide, and it's a scientific fact that large parts of the Earth's oceans are dependent on this phenomena of taking calcium to form their life.

So what does that mean to us? Well, what it means to us in our grandchildren's lifetime is if we don't change what we are doing in an industrial basis, we will have significant reduction in mankind's use of the oceans, because fully 500 million people in the world depend on their protein from the oceans. Many Americans, including 2 million Americans, make their livelihood from the oceans that are going to be in jeopardy because of ocean acidification.

Seventy billion dollars a year of the U.S. economy is dependent on what is now jeopardized by the oil spill today in the gulf. But when you see those shrimp farmers and oystermen and fishermen whose livelihoods are at jeopardy in the gulf coast today, it is all the fishermen around the world whose livelihood is jeopardized by ocean acidification.

Let me note some of the scientific evidence about this. I will quote from Dr. Richard Feely of Texas Tech. Quote, "Already we've seen water showing up off the coast of northern California that's acidic enough to actually start dissolving seashells. It's thought that this kind of corrosive water showing up will become more and more common."

A quote from Nature magazine this year: "By mid-century, if we continue emitting carbon dioxide the way we have been, entire vast areas of both the Southern Ocean and the Arctic Ocean will be so corrosive that it will cause seashells to dissolve," close quote.

Quote from Nature: Quote, "In decades, rising ocean acidity may challenge life on a scale that has not occurred for tens of millions of years," close quote.

Perhaps the most disturbing quote I have heard is from Ken Caldeira, an oceanographer from Stanford, who basically has told me we're heading for something he likens as an ocean full of weeds because of the destruction of these multiple life forms.

And the one that's most telling to what we are seeing today in the gulf, a quote from Donald Waters, a commercial fisherman who fishes for red snapper and king mackerel out of Pensacola, Florida: Quote, "This is a devastating ghost lurking in the shadows

that would change our whole lives," close quote.

So what we have today is a resolution by the House that we need to adopt policies and move forward in efforts to reduce this evil that is now lurking in the oceans of ocean acidification. We know what the culprit is; it is carbon dioxide. We know what the solution is, which is new clean energy technologies that we can embrace to try to reduce this pollution. And we know the ultimate outcome if we do not act, which is that our grandkids are not going to have an ocean as we know them.

And, personally, I can tell you it's already hit my State. Our oyster production now in the State of Washington has been severely dampened, probably because of ocean acidification that prevents the oyster larva from surviving. We don't know this for an absolute certainty yet, but this is the kind of thing that we are starting to see happen.

We are better than this. We know what the oceans mean to us, and we do not intend to leave behind an ocean without the Creator's creation of coral reefs and all the other creations of the ocean. So I commend this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 989 would urge the United States to adopt national policies and pursue international agreements to prevent ocean acidification to study the impacts of ocean acidification and to address the effects of ocean acidification on marine ecosystems and coastal economies.

As stated in the resolution, Congress passed the Federal Ocean Acidification Research and Monitoring Act last year. This legislation authorized funding for research activities to better understand ocean acidification. This is to the tune of approximately \$76 million.

I would stress that, prior to adopting national policies and international agreements which could adversely impact American jobs, the administration needs to continue its efforts to conduct research to better understand ocean acidification to ensure that efforts to address its effects do not necessarily harm the United States economy. We have dedicated significant money for this over the course of time.

Mr. Speaker, I reserve the balance of my time.

Mr. INSLEE. Mr. Speaker, I have no further requests for time, and I commend this to the House.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, would the gentleman help me understand why this resolution is needed at this time. I don't want to try to debate—I appreciate your passion for this topic. It's evident and I appreciate that.

But given that we already passed the Federal Ocean Acidification Research

and Monitoring Act and authorized some \$76 million, why the need for this additional resolution?

Mr. INSLEE. If the gentleman will yield, it's a great question, and the answer is clear.

You look at Americans who today have it really deep in their hearts what's happening in the gulf. I know in your district, all of our folks, Republicans and Democrats, understand the damage that's being occasioned.

What Americans are not aware of yet is this other looming potential disaster in the oceans. We believe it's important for the U.S. Congress to go on record to say we, in fact, are going to deal with this, not just in a research component—and I appreciate the gentleman's pointing it out; we have passed a component to increase our research.

But research is not enough. We need action in the oceans. We need to reduce our carbon pollution in the oceans. And simply studying this problem is not enough. We can't study the problem for the next several decades and let the oceans die. So that's the reason for this resolution.

Mr. CHAFFETZ. Thank you. And if the gentleman will respond to another question.

It talks in the very first sentence, "Expressing the sense of the House of Representatives that the United States should adopt national policies." By "national policies" does the gentleman mean the cap-and-trade?

What are national policies, in your mind?

Mr. INSLEE. Well, there are numerous policies that could deal with this problem, and our resolution does not specify any particular policy.

We look to the bipartisan efforts that we hope will succeed here in an effort that will reduce what causes ocean acidification, which is carbon pollution. There are many policies that can do that.

Mr. CHAFFETZ. Would cap-and-trade be one of those?

Mr. INSLEE. A cap could be one of those, but there are many other policies that could be beneficial, many of which have already passed the House of Representatives, including our efforts to start building electric cars in America rather than China, building lithium ion batteries. We are opening up our first plant in Michigan where we are putting to work hundreds of out-of-work autoworkers.

All of these are great policies. We do not specify in this resolution any particular policy.

Mr. CHAFFETZ. Reclaiming my time, I concur with the gentleman and the idea that we need to pursue green technologies. In my opinion, that includes nuclear technologies, getting the regulatory bodies out of the way so that we can pursue the adoption of natural gas vehicles and other types of

things and technologies that would truly help our environment.

I would simply also, Mr. Speaker, suggest that when the characterizations of where the scientific community is on this—I do personally object to the quote "all scientists agree," end quote.

I don't think that is the case. From my purview and my perspective, I don't believe that, quote, "all scientists agree." I do think there is still debate in the scientific community, and I think that's a healthy thing along the way.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address remarks in debate to the Chair and not in the second person.

Mr. INSLEE. May I inquire how much time we have remaining on our side?

The SPEAKER pro tempore. The gentleman from Washington has 11½ minutes.

Mr. INSLEE. I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I want to thank the sponsor of this resolution. He has been a leader on this. And the fact is, they say that politicians think of the next election, statesmen think of the next generation.

This resolution is about the next generation. And the next generation and the generation after that need to have an Earth that they can inhabit that's similar to the Earth that was inhabited by our predecessors, because we are polluting it. And we need to be careful about what we are doing to the ocean. It's the last frontier, and we are polluting it greatly.

I want to bring up the work of a lady, no relation to me, whose name is Dianna Cohen. Dianna is in Barcelona, Spain, and she is doing an exhibition on plastics. She is the founder of a group called the Plastic Pollution Coalition.

The fact is, plastics break up and spread poisons and toxins that threaten our sea life, our marine life, get into our systems through our ingesting and eating those animals, and are a threat to our own present existence. When plastics are produced and they are put into the atmosphere and into the environment and end up in the ocean, they threaten us.

So what she has done in Barcelona, Spain, on the 8th of June, which is World Ocean Day, is have an Ocean of Plastic exhibit and taken plastics from the ocean and created art. It is teaching students there about the dangers of plastics, the threat to our ocean life and to our marine future.

I commend Dianna Cohen for her work. I commend Mr. INSLEE for his work, being a statesman and looking

out for the next generation and for Mother Earth, which we have a duty to preserve.

Mr. CHAFFETZ. Mr. Speaker, one of the concerns I have about this resolution is the vague nature of what these so-called national policies would be. Again, I would like to ask the gentleman if he would respond to a question.

Is H.R. 2454, the Waxman-Markey bill, one of the, quote, "national policies"?

I yield to the gentleman.

Mr. INSLEE. Well, the national policies will be decided by this Congress rather than just myself or the gentleman. This will be a decision, the policies that we will make, hopefully, on a bipartisan basis.

The resolution does not pertain to any particular policy. There are probably a thousand good ideas here. We hope to find the best thousand and put them all to work.

□ 1045

Mr. CHAFFETZ. I reserve the balance of my time.

Mr. INSLEE. I yield myself such time as I may consume.

I would like to just make a couple of points. First off, I want to make clear that there really is no scientific debate or uncertainty about a couple of physical facts, and I just want to make this pretty clear. You can really search the world over, and you really will not find any scientist who will dispute the conclusion that when we put carbon dioxide into the air, much of it ends up in the ocean and dissolves and creates more acidic conditions. That's an established scientific fact. The second scientific established fact is now, because of some of the great work done in part by NOAA on behalf of the Federal Government, we are finding that the oceans are becoming more acidic.

I met the NOAA ships when they docked in Seattle about a year and a half ago when they came in. They did very specific studies where they dipped little containers in the water at various places in the water column. They bring it up and they do a pH experiment to determine its acidity. We did this as juniors and seniors in high school. This is very well established science. That is an established fact. There is really no debate in the scientific community about this.

Now, there is a question of how soon the coral reefs will disappear. Is it 40 years? Is it 60 years? Is it 100 years? There is still scientific research to be done on that, but we know at some point the acidity changes the ability of these life forms to exist in the water. That is very disturbing because vast amounts of the ocean is dependent on these creatures at the bottom of the food chain. At least 15 percent of food from around the world comes from fish that are dependent on coral reefs, and

when they're gone, the fish are gone. When 40 percent of the plankton are gone, the salmon are gone that my people like to go out on a Saturday and catch. I can tell you with a scientific certainty that my people do not want to risk the survival of salmon because we continue this pollution policy without dealing with it. That is a political certainty. So I think there is plenty of certainty.

Now, what policies we adopt on this, the gentleman knows there are many things to do. One of the policies that we have adopted on our energy bill would call for research to find out if there is a way we can sequester carbon dioxide from burning coal, for instance, so that if we can bury the carbon dioxide from the coal, we can continue the burning coal. That is part of our energy bill that we passed in the House of Representatives, just one of the policies of many we have.

One other comment I want to make. There is a lot of disagreement in the House about climate change and the science of climate change. We understand that. But I want to make people understand that this resolution has to do with a connected, but separate, phenomenon. If you don't think there is any climate change, if you believe that the melting of the Arctic in the tundra and Greenland is not associated with burning carbon dioxide, that's fine; but this issue we ought to have total bipartisan consensus on because there really is no disagreement about where the carbon dioxide goes. A substantial amount of it goes into the ocean and makes acidic conditions.

So I am hoping we have bipartisan consensus on this. This is related, but you don't have to be a believer in climate science to understand the clear acidification science. When you add carbon dioxide to the water, it makes it acidic. We learned this in high school. And now it's time for us to do something about it.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, there have been some assertion that this is a worse threat than what's going on in the gulf. The most immediate threat to the oceans, at least that we see, is what's going on with the oil spill in the gulf. And it is nothing short of shocking that this President has yet to even call the leader of British Petroleum. Why he can't even make a call after nearly 50 days is truly absolutely shocking.

Again, I think we need to continue to have a debate and talk about the need to address the acidification in the oceans, but I do find that this House resolution is ambiguous when it talks about adopting national policies, which I think is a thinly veiled attempt to say that we should be adopting the cap-and-trade bill.

Further, I find that this bill is redundant in terms of the fact that Congress

passed the Federal Ocean Acidification Research and Monitoring Act last year, authorizing money to the tune of some \$76 million.

Mr. Speaker, I reserve the balance of my time.

Mr. INSLEE. Mr. Speaker, I just want to make the point and make sure Members know we are not advocating any particular policy. What we are advocating here is that we, on a bipartisan basis, take the blinders off to a problem that we have to face on a bipartisan basis. You can't run or hide from ocean acidification. The oceans will have 150 percent increase in the acidity of the oceans if we don't find a bipartisan solution to this problem. We will have more CO₂ in the oceans than the last 650,000 years if we don't find some bipartisan solution to this problem.

So we just think the first step of any solution is recognizing the problem. We think we ought to recognize reality. We ought to take the blinders off, and we ought to take the first step of recognizing the problem.

Mr. Speaker, I reserve the balance of my time to close.

Mr. CHAFFETZ. Mr. Speaker, again, I appreciate the gentleman who is presenting this bill and his clear passion for this. But, Mr. Speaker, when it says in the very first sentence that the United States should adopt national policies, in my mind, Mr. Speaker, this is clearly an attempt to try to say that we should be passing the cap-and-trade bill, which I am totally opposed to.

I would urge my colleagues to vote against this bill; I don't think it's needed. We have made a commitment, on behalf of the United States of America, with the Federal Ocean Acidification Research and Monitoring Act that was passed in an omnibus bill last year. The money has been set aside. The administration needs to do its work, and I would encourage them to do that. This is an issue that does need to be addressed. We don't try to dismiss that in any way, shape or form; but, Mr. Speaker, this resolution is not needed at this time, and I urge my colleagues to vote against it.

Mr. Speaker, I yield back the balance of my time.

Mr. INSLEE. To close, I would just like to comment. We're going to have lots of debates about the right policy to deal with this problem, but the country that put a man on the Moon should not be the country to blind itself to an obvious problem. And we are going to be swallowed by this and the oceans are going to be swallowed by this unless we first recognize the problem. It's a simple bipartisan step to say we've got a problem, we've got to work together to solve it. Let's do that. I commend this and move the motion.

Mr. SABLON. Mr. Speaker, most of us know how the build-up of carbon dioxide in the

Earth's atmosphere is causing global temperatures to rise.

Less well known is how the build-up of atmospheric carbon dioxide is changing the chemistry of the oceans.

Because the oceans absorb atmospheric CO₂.

In a way, this is beneficial: reducing atmospheric carbon dioxide slows down the global warming effect.

But as the oceans absorb CO₂, the oceans themselves become increasingly acidic.

And the increasingly acid ocean waters can actually eat away the carbon shells of corals and a myriad of other sea life.

The people I represent live on islands surrounded by coral reefs.

Coral reefs protect us from storms and provide habitat for fish and shelled animals that are a traditional source of food.

The existence of coral reefs attract hundreds of thousands of tourists to the Northern Mariana Islands each year.

Economists have valued our coral reefs at up to \$70 million annually. Yet each year the oceans grow more acidic that economic value is being eroded.

I thank Mr. INSLEE for focusing on this issue.

I urge my colleagues to support House Resolution 989 and national and international policies to prevent ocean acidification.

Mr. FALOMAVEGA. Mr. Speaker, I rise in strong support of H. Res. 989, expressing the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects of ocean acidification on marine ecosystems and coastal economies.

We know ocean acidification occurs as a consequence of high levels of man-made carbon dioxide emissions. But we do not know the full ramifications of ocean acidification. As H. Res. 989 suggests, the United States should pursue national and international activities and agreements to develop a full body of scientific research in addition to the work that will be done by the National Oceanic and Atmospheric Administration as part of the Federal Ocean Acidification Research and Monitoring Act of 2009.

H. Res. 989 emphasizes that we must do more monitoring and research on ocean acidification in order to protect and preserve the ocean, which serves as a source of food, income and cultural identity for hundreds of millions people living in the United States and around the world.

As Chairman of the Foreign Affairs Subcommittee for Asia, the Pacific and the Global Environment, I know firsthand how important it is for the U.S. Congress to act as a primary supporter of efforts aimed at curbing climate change and its consequences, including ocean acidification. And in representing a district whose livelihood and heritage were shaped by the South Pacific, preserving the ocean environment will always be one of my paramount concerns. I urge my colleagues to join with the 53 Members who have already cosponsored H. Res. 989 and support its passage.

Mr. INSLEE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Washington (Mr. INSLEE) that the House suspend the rules and agree to the resolution, H. Res. 989.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CHAFFETZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GRID RELIABILITY AND INFRASTRUCTURE DEFENSE ACT

Mr. MARKEY of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5026) to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States from cybersecurity and other threats and vulnerabilities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grid Reliability and Infrastructure Defense Act" or the "GRID Act".

SEC. 2. AMENDMENT TO THE FEDERAL POWER ACT.

(a) CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding after section 215 the following new section:

"SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

"(a) DEFINITIONS.—For purposes of this section:

"(1) BULK-POWER SYSTEM; ELECTRIC RELIABILITY ORGANIZATION; REGIONAL ENTITY.—The terms 'bulk-power system', 'Electric Reliability Organization', and 'regional entity' have the meanings given such terms in paragraphs (1), (2), and (7) of section 215(a), respectively.

"(2) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—The term 'defense critical electric infrastructure' means any infrastructure located in the United States (including the territories) used for the generation, transmission, or distribution of electric energy that—

"(A) is not part of the bulk-power system; and

"(B) serves a facility designated by the President pursuant to subsection (d)(1), but is not owned or operated by the owner or operator of such facility.

"(3) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE VULNERABILITY.—The term 'defense critical electric infrastructure vulnerability' means a weakness in defense critical electric infrastructure that, in the event of a malicious act using electronic communication or an electromagnetic pulse, would pose a substantial risk of disruption of those electronic devices or communications networks, including hardware, software, and data, that

are essential to the reliability of defense critical electric infrastructure.

"(4) ELECTROMAGNETIC PULSE.—The term 'electromagnetic pulse' means 1 or more pulses of electromagnetic energy emitted by a device capable of disabling, disrupting, or destroying electronic equipment by means of such a pulse.

"(5) GEOMAGNETIC STORM.—The term 'geomagnetic storm' means a temporary disturbance of the Earth's magnetic field resulting from solar activity.

"(6) GRID SECURITY THREAT.—The term 'grid security threat' means a substantial likelihood of—

"(A)(i) a malicious act using electronic communication or an electromagnetic pulse, or a geomagnetic storm event, that could disrupt the operation of those electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of the bulk-power system or of defense critical electric infrastructure; and

"(ii) disruption of the operation of such devices or networks, with significant adverse effects on the reliability of the bulk-power system or of defense critical electric infrastructure, as a result of such act or event; or

"(B)(i) a direct physical attack on the bulk-power system or on defense critical electric infrastructure; and

"(ii) significant adverse effects on the reliability of the bulk-power system or of defense critical electric infrastructure as a result of such physical attack.

"(7) GRID SECURITY VULNERABILITY.—The term 'grid security vulnerability' means a weakness that, in the event of a malicious act using electronic communication or an electromagnetic pulse, would pose a substantial risk of disruption to the operation of those electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of the bulk-power system.

"(8) LARGE TRANSFORMER.—The term 'large transformer' means an electric transformer that is part of the bulk-power system.

"(9) PROTECTED INFORMATION.—The term 'protected information' means information, other than classified national security information, designated as protected information by the Commission under subsection (e)(2)—

"(A) that was developed or submitted in connection with the implementation of this section;

"(B) that specifically discusses grid security threats, grid security vulnerabilities, defense critical electric infrastructure vulnerabilities, or plans, procedures, or measures to address such threats or vulnerabilities; and

"(C) the unauthorized disclosure of which could be used in a malicious manner to impair the reliability of the bulk-power system or of defense critical electric infrastructure.

"(10) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(11) SECURITY.—The definition of 'security' in section 3(16) shall not apply to the provisions in this section.

"(b) EMERGENCY RESPONSE MEASURES.—

"(1) AUTHORITY TO ADDRESS GRID SECURITY THREATS.—Whenever the President issues and provides to the Commission (either directly or through the Secretary) a written directive or determination identifying an imminent grid security threat, the Commission may, with or without notice, hearing, or report, issue such orders for emergency measures as are necessary in its judgment to

protect the reliability of the bulk-power system or of defense critical electric infrastructure against such threat. As soon as practicable but not later than 180 days after the date of enactment of this section, the Commission shall, after notice and opportunity for comment, establish rules of procedure that ensure that such authority can be exercised expeditiously.

“(2) NOTIFICATION OF CONGRESS.—Whenever the President issues and provides to the Commission (either directly or through the Secretary) a written directive or determination under paragraph (1), the President (or the Secretary, as the case may be) shall promptly notify congressional committees of relevant jurisdiction, including the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, of the contents of, and justification for, such directive or determination.

“(3) CONSULTATION.—Before issuing an order for emergency measures under paragraph (1), the Commission shall, to the extent practicable in light of the nature of the grid security threat and the urgency of the need for such emergency measures, consult with appropriate governmental authorities in Canada and Mexico, entities described in paragraph (4), the Secretary, and other appropriate Federal agencies regarding implementation of such emergency measures.

“(4) APPLICATION.—An order for emergency measures under this subsection may apply to—

“(A) the Electric Reliability Organization;

“(B) a regional entity; or

“(C) any owner, user, or operator of the bulk-power system or of defense critical electric infrastructure within the United States.

“(5) DISCONTINUANCE.—The Commission shall issue an order discontinuing any emergency measures ordered under this subsection, effective not later than 30 days after the earliest of the following:

“(A) The date upon which the President issues and provides to the Commission (either directly or through the Secretary) a written directive or determination that the grid security threat identified under paragraph (1) no longer exists.

“(B) The date upon which the Commission issues a written determination that the emergency measures are no longer needed to address the grid security threat identified under paragraph (1), including by means of Commission approval of a reliability standard under section 215 that the Commission determines adequately addresses such threat.

“(C) The date that is 1 year after the issuance of an order under paragraph (1).

“(6) COST RECOVERY.—If the Commission determines that owners, operators, or users of the bulk-power system or of defense critical electric infrastructure have incurred substantial costs to comply with an order under this subsection and that such costs were prudently incurred and cannot reasonably be recovered through regulated rates or market prices for the electric energy or services sold by such owners, operators, or users, the Commission shall, after notice and an opportunity for comment, establish a mechanism that permits such owners, operators, or users to recover such costs.

“(c) MEASURES TO ADDRESS GRID SECURITY VULNERABILITIES.—

“(1) COMMISSION AUTHORITY.—If the Commission, in consultation with appropriate Federal agencies, identifies a grid security vulnerability that the Commission deter-

mines has not adequately been addressed through a reliability standard developed and approved under section 215, the Commission shall, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability. Before promulgating a rule or issuing an order under this paragraph, the Commission shall, to the extent practicable in light of the urgency of the need for action to address the grid security vulnerability, request and consider recommendations from the Electric Reliability Organization regarding such rule or order. The Commission may establish an appropriate deadline for the submission of such recommendations.

“(2) CERTAIN EXISTING CYBERSECURITY VULNERABILITIES.—Not later than 180 days after the date of enactment of this section, the Commission shall, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, promulgate a rule or issue an order requiring the implementation, by any owner, user, or operator of the bulk-power system in the United States, of such measures as are necessary to protect the bulk-power system against the vulnerabilities identified in the June 21, 2007, communication to certain ‘Electricity Sector Owners and Operators’ from the North American Electric Reliability Corporation, acting in its capacity as the Electricity Sector Information and Analysis Center.

“(3) RESCISSION.—The Commission shall approve a reliability standard developed under section 215 that addresses a grid security vulnerability that is the subject of a rule or order under paragraph (1) or (2), unless the Commission determines that such reliability standard does not adequately protect against such vulnerability or otherwise does not satisfy the requirements of section 215. Upon such approval, the Commission shall rescind the rule promulgated or order issued under paragraph (1) or (2) addressing such vulnerability, effective upon the effective date of the newly approved reliability standard.

“(4) GEOMAGNETIC STORMS.—Not later than 1 year after the date of enactment of this section, the Commission shall, after notice and an opportunity for comment and after consultation with the Secretary and other appropriate Federal agencies, issue an order directing the Electric Reliability Organization to submit to the Commission for approval under section 215, not later than 1 year after the issuance of such order, reliability standards adequate to protect the bulk-power system from any reasonably foreseeable geomagnetic storm event. The Commission’s order shall specify the nature and magnitude of the reasonably foreseeable events against which such standards must protect. Such standards shall appropriately balance the risks to the bulk-power system associated with such events, including any regional variation in such risks, and the costs of mitigating such risks.

“(5) LARGE TRANSFORMER AVAILABILITY.—Not later than 1 year after the date of enactment of this section, the Commission shall, after notice and an opportunity for comment and after consultation with the Secretary

and other appropriate Federal agencies, issue an order directing the Electric Reliability Organization to submit to the Commission for approval under section 215, not later than 1 year after the issuance of such order, reliability standards addressing availability of large transformers. Such standards shall require entities that own or operate large transformers to ensure, individually or jointly, adequate availability of large transformers to promptly restore the reliable operation of the bulk-power system in the event that any such transformer is destroyed or disabled as a result of a reasonably foreseeable physical or other attack or geomagnetic storm event. The Commission’s order shall specify the nature and magnitude of the reasonably foreseeable attacks or events that shall provide the basis for such standards. Such standards shall—

“(A) provide entities subject to the standards with the option of meeting such standards individually or jointly; and

“(B) appropriately balance the risks associated with a reasonably foreseeable attack or event, including any regional variation in such risks, and the costs of ensuring adequate availability of spare transformers.

“(d) CRITICAL DEFENSE FACILITIES.—

“(1) DESIGNATION.—Not later than 180 days after the date of enactment of this section, the President shall designate, in a written directive or determination provided to the Commission, facilities located in the United States (including the territories) that are—

“(A) critical to the defense of the United States; and

“(B) vulnerable to a disruption of the supply of electric energy provided to such facility by an external provider.

The number of facilities designated by such directive or determination shall not exceed 100. The President may periodically revise the list of designated facilities through a subsequent written directive or determination provided to the Commission, provided that the total number of designated facilities at any time shall not exceed 100.

“(2) COMMISSION AUTHORITY.—If the Commission identifies a defense critical electric infrastructure vulnerability that the Commission, in consultation with owners and operators of any facility or facilities designated by the President pursuant to paragraph (1), determines has not adequately been addressed through measures undertaken by owners or operators of defense critical electric infrastructure, the Commission shall, after notice and an opportunity for comment and after consultation with the Secretary and other appropriate Federal agencies, promulgate a rule or issue an order requiring implementation, by any owner or operator of defense critical electric infrastructure, of measures to protect the defense critical electric infrastructure against such vulnerability. The Commission shall exempt from any such rule or order any specific defense critical electric infrastructure that the Commission determines already has been adequately protected against the identified vulnerability. The Commission shall make any such determination in consultation with the owner or operator of the facility designated by the President pursuant to paragraph (1) that relies upon such defense critical electric infrastructure.

“(3) COST RECOVERY.—An owner or operator of defense critical electric infrastructure shall be required to take measures under paragraph (2) only to the extent that the owners or operators of a facility or facilities designated by the President pursuant to

paragraph (1) that rely upon such infrastructure agree to bear the full incremental costs of compliance with a rule promulgated or order issued under paragraph (2).

“(e) PROTECTION OF INFORMATION.—

“(1) PROHIBITION OF PUBLIC DISCLOSURE OF PROTECTED INFORMATION.—Protected information—

“(A) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

“(B) shall not be made available pursuant to any State, local, or tribal law requiring disclosure of information or records.

“(2) INFORMATION SHARING.—

“(A) IN GENERAL.—Consistent with the Controlled Unclassified Information framework established by the President, the Commission shall promulgate such regulations and issue such orders as necessary to designate protected information and to prohibit the unauthorized disclosure of such protected information.

“(B) SHARING OF PROTECTED INFORMATION.—The regulations promulgated and orders issued pursuant to subparagraph (A) shall provide standards for and facilitate the appropriate sharing of protected information with, between, and by Federal, State, local, and tribal authorities, the Electric Reliability Organization, regional entities, and owners, operators, and users of the bulk-power system in the United States and of defense critical electric infrastructure. In promulgating such regulations and issuing such orders, the Commission shall take account of the role of State commissions in reviewing the prudence and cost of investments within their respective jurisdictions. The Commission shall consult with appropriate Canadian and Mexican authorities to develop protocols for the sharing of protected information with, between, and by appropriate Canadian and Mexican authorities and owners, operators, and users of the bulk-power system outside the United States.

“(3) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall permit or authorize the withholding of information from Congress, any committee or subcommittee thereof, or the Comptroller General.

“(4) DISCLOSURE OF NON-PROTECTED INFORMATION.—In implementing this section, the Commission shall protect from disclosure only the minimum amount of information necessary to protect the reliability of the bulk-power system and of defense critical electric infrastructure. The Commission shall segregate protected information within documents and electronic communications, wherever feasible, to facilitate disclosure of information that is not designated as protected information.

“(5) DURATION OF DESIGNATION.—Information may not be designated as protected information for longer than 5 years, unless specifically redesignated by the Commission.

“(6) REMOVAL OF DESIGNATION.—The Commission may remove the designation of protected information, in whole or in part, from a document or electronic communication if the unauthorized disclosure of such information could no longer be used to impair the reliability of the bulk-power system or of defense critical electric infrastructure.

“(7) JUDICIAL REVIEW OF DESIGNATIONS.—Notwithstanding subsection (f) of this section or section 313, a person or entity may seek judicial review of a determination by the Commission concerning the designation of protected information under this subsection exclusively in the district court of the United States in the district in which

the complainant resides, or has his principal place of business, or in the District of Columbia. In such a case the court shall determine the matter de novo, and may examine the contents of documents or electronic communications designated as protected information in camera to determine whether such documents or any part thereof were improperly designated as protected information. The burden is on the Commission to sustain its designation.

“(f) JUDICIAL REVIEW.—The Commission shall act expeditiously to resolve all applications for rehearing of orders issued pursuant to this section that are filed under section 313(a). Any party seeking judicial review pursuant to section 313 of an order issued under this section may obtain such review only in the United States Court of Appeals for the District of Columbia Circuit.

“(g) PROVISION OF ASSISTANCE TO INDUSTRY IN MEETING GRID SECURITY PROTECTION NEEDS.—

“(1) EXPERTISE AND RESOURCES.—The Secretary shall establish a program, in consultation with other appropriate Federal agencies, to develop technical expertise in the protection of systems for the generation, transmission, and distribution of electric energy against geomagnetic storms or malicious acts using electronic communications or electromagnetic pulse that would pose a substantial risk of disruption to the operation of those electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of such systems. Such program shall include the identification and development of appropriate technical and electronic resources, including hardware, software, and system equipment.

“(2) SHARING EXPERTISE.—As appropriate, the Secretary shall offer to share technical expertise developed under the program under paragraph (1), through consultation and assistance, with owners, operators, or users of systems for the generation, transmission, or distribution of electric energy located in the United States and with State commissions. In offering such support, the Secretary shall assign higher priority to systems serving facilities designated by the President pursuant to subsection (d)(1) and other critical-infrastructure facilities, which the Secretary shall identify in consultation with the Commission and other appropriate Federal agencies.

“(3) SECURITY CLEARANCES AND COMMUNICATION.—The Secretary shall facilitate and, to the extent practicable, expedite the acquisition of adequate security clearances by key personnel of any entity subject to the requirements of this section to enable optimum communication with Federal agencies regarding grid security threats, grid security vulnerabilities, and defense critical electric infrastructure vulnerabilities. The Secretary, the Commission, and other appropriate Federal agencies shall, to the extent practicable and consistent with their obligations to protect classified and protected information, share timely actionable information regarding grid security threats, grid security vulnerabilities, and defense critical electric infrastructure vulnerabilities with appropriate key personnel of owners, operators, and users of the bulk-power system and of defense critical electric infrastructure.

“(h) CERTAIN FEDERAL ENTITIES.—For the 11-year period commencing on the date of enactment of this section, the Tennessee Valley Authority and the Bonneville Power Administration shall be exempt from any requirement under subsection (b) or (c) (except

for any requirement addressing a malicious act using electronic communication).’”

(b) CONFORMING AMENDMENTS.—

(1) JURISDICTION.—Section 201(b)(2) of the Federal Power Act (16 U.S.C. 824(b)(2)) is amended by inserting “215A,” after “215,” each place it appears.

(2) PUBLIC UTILITY.—Section 201(e) of the Federal Power Act (16 U.S.C. 824(e)) is amended by inserting “215A,” after “215,”.

SEC. 3. BUDGETARY COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. MARKEY of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Right now, Mr. Speaker, America's electric grid is vulnerable to cyber or other attacks by terrorists or hostile countries. Our adversaries are actively probing these weaknesses and already have the capacity to exploit them. The consequences of such an attack could be devastating. The commercially operated grid provides 99 percent of the power used by our defense facilities. Every one of our Nation's critical civilian systems—water, communications, health care, transportation, law enforcement, and financial services—depends on that grid. Classified Member briefings have underscored the urgency of this threat.

The GRID Act, which has been produced out of the Energy and Environment Subcommittee of the Energy and Commerce Committee, working with Mr. UPTON, the ranking member of the subcommittee, passed by a unanimous 47-0 vote. It is the product of months of bipartisan work led by Chairman WAXMAN and Ranking Members Barton and Upton. It reflects important work by Mr. BARROW and other members of the Energy and Commerce Committee and by Chairman THOMPSON, Representative CLARKE—Chairwoman Clarke—and others on the Homeland Security Committee. And it shows that when it comes to the nexus between national security and energy, all Americans

agree that we must chart a more secure path.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, want to compliment the members on our committee, both Republican and Democrat, not only in our subcommittee that Mr. MARKEY chairs and I'm the ranking member, but also Chairman WAXMAN and Ranking Member BARTON.

This has been a multiyear effort; it really has. This bill is a product of that work. We've had a number of classified hearings and discussions and briefings over the last couple of years with Members attending for hours at a time. We've had some public hearings as well; and this bill is a product of that, which is exactly why the bill passed out of full committee 47-0 on a roll call vote.

The security of our Nation's energy infrastructure from attack is one of the most important issues that this Congress might address this year, and it's not an issue that we can take lightly. Energy, as we know, electricity literally powers our economy in everything that we do. Even small price spikes and supply disruptions can wreak havoc on our economy for perhaps who knows how long, and it is imperative that the security of our Nation's energy infrastructure gets all of the attention that it deserves. This legislation is a step in the right direction to protect our critical energy and defense infrastructure.

Let me tell you a couple of things that this bill does. As it relates to cyber- and electromagnetic weapons, it gives FERC the authority to establish standards to protect the bulk power system against vulnerabilities to malicious acts using electronic communications or electromagnetic weapons.

Geomagnetic storms: The bill requires FERC to direct NERC to submit for approval a reliability standard under section 215 to protect the bulk power infrastructure. And for large transformers, the bill requires FERC again to direct NERC to submit for approval a reliability standard under section 215 to require adequate availability of large transformers to ensure the reliability of the bulk power infrastructure in the event of a physical or other attack with a geomagnetic storm.

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I would like to cite just a few words in a letter that was signed by some real national security experts—James Woolsey, Stephen Hadley, John Hamre, Rudy de Leon, James Schlesinger, William Perry, and Willy Schneider, Jr. It's an official-use only letter, so I cannot submit this letter for the RECORD or read more than just a few words.

They say together: We strongly endorse the timely passage of this legis-

lation in recognition that the electricity grid is a critical national security asset, the backbone of defense capability in modern civilization and also in recognition that the grid is vulnerable.

The letter goes on: We don't want a vulnerable grid. We, as a society, cannot live with a vulnerable grid. This bill corrects many of the flaws in what could otherwise be standard operating procedure.

Again, I applaud and thank Chairmen WAXMAN and MARKEY, Ranking Member BARTON, and all of the members of our committee who have spent many hours to address this situation with this legislation.

I reserve the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield such time as he may consume to the chairman of the full Energy and Commerce Committee, the gentleman from the State of California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in support of the Grid Reliability and Infrastructure Defense Act.

When it is signed by the President, this will be a bipartisan law, and it will be vital in protecting the Nation's electric grid from cyberattacks, from direct physical attacks, from electromagnetic pulses, and from solar storms.

Beginning in the last Congress, on a bipartisan basis, a group of Members worked on this legislation—ED MARKEY, JOE BARTON, FRED UPTON, and I. JOHN DINGELL and RICK BOUCHER have also played significant roles in developing the proposal. JOHN BARROW had a very important part in this legislation as well. I commend all of them for working together with me in preparing for this legislation that we are presenting to our colleagues today.

The staffs of both the majority and minority had extensive discussions with interested stakeholders and agencies. We worked with many Members to answer their questions, to address their concerns, and to consider their constructive suggestions. Their input has strengthened this bill. It has been a cooperative process that has produced strong bipartisan legislation. In fact, the Energy and Commerce Committee favorably reported the bill by a unanimous vote of 47-0.

Today, our electric grid simply isn't adequately protected from a range of potential threats in an emergency situation. Where the grid faces an imminent threat, the Federal Energy Regulatory Commission currently lacks the authority to require the necessary protective measures. There is also an ever-growing number of grid security vulnerabilities. These are weaknesses in the grid that could be exploited by criminals, by terrorists, or by other countries to damage our electric grid. There are weaknesses that even make the grid vulnerable to naturally occurring geomagnetic storms.

This bipartisan legislation will provide the Federal Energy Regulatory Commission with the authorities it needs to address these threats. It also directs the Commission to look at the long-term threats, not just at the imminent threats, with standards written or approved by the Commission. In addition, the bill includes provisions that focus specifically on the portions of the grid that serve facilities critical to the defense of the United States.

These are important national security and grid reliability issues. We have heard from the Defense Department, from former Defense Secretaries, from national security advisers, and from CIA Directors. They have told us that the changes made by this bill are critical to our national security, and the Congressional Budget Office confirms that the final bill is budget neutral.

Today's legislation is an opportunity for all of us to work together, and I urge my colleagues to seize this opportunity and to support this important bipartisan legislation.

Mr. UPTON. Mr. Speaker, I know that we have one other Member who wishes to speak, but I do not see him on the floor; so I continue to reserve the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARROW), to whom Chairman WAXMAN has already made reference. Mr. BARROW is probably the longest-standing Member who has been working on this issue.

Mr. BARROW. I thank the gentleman for yielding. I thank him for his work on this important subject.

Mr. Speaker, the grid that generates and distributes electricity across our country is one of the engineering wonders of the world, but it took generations to build, and it grew up in peacetime, safely removed from any threat of physical attack by our enemies, and it was long before the Internet. Today, we use the Internet to run this vast infrastructure, and that leaves us vulnerable to a potentially devastating cyberattack.

The GRID Act takes the first steps toward protecting our electric grid from those who want to do us harm. The necessary costs are modest compared to the cost of doing nothing. We cannot count on our enemies to wait for us. The threat is real, and the solution is in our hands, so I encourage my colleagues to support the bill.

Mr. UPTON. In seeing that the Member is not here, I would ask again for a strong "yea" vote, and I would hope that our Senate colleagues are listening so that they will be able to move this legislation as quickly as possible.

Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), who, in the last Congress, was

the chair of what is now the Emerging Threats Subcommittee on the Homeland Security Committee. I have worked with him under his leadership on these issues for years.

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 5026, legislation to protect our national electric grid system. I would particularly like to thank Chairman MARKEY for his outstanding leadership and dedication to this important national security issue. I know he has given great time and effort and thought to this, and I thank him for that.

I would also like to thank Chairman WAXMAN for his attention to this issue.

I would also like to recognize and to thank my good friend Mr. THOMPSON, chairman of the full Homeland Security Committee, for working with me in 2008 to hold hearings and to closely examine what actions our country must absolutely take to prevent attacks on our national security electric grid.

Two years ago, I testified before Chairman MARKEY's subcommittee about the threats to our bulk power system from cyberattack. In the 110th Congress, as chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, I conducted a detailed and thorough examination of cyberthreats to our critical infrastructure, and I want to reiterate what I made clear in my testimony.

I believe that America is still vulnerable to a cyberattack against the electric grid, which would cause severe damage, not only to our critical infrastructure, but also to our economy and to the welfare of our citizens. The vast majority of our critical assets is in private hands. In many sectors, private entities are largely self-regulated and are responsible for developing and for implementing their own standards according to their own priorities.

This bill will ensure that serious threats to our electric grid are addressed by giving the Federal Government the ability to require strong safety measures in our electric power system. It has the foresight to not only specifically focus on cyberthreats but also to focus on other potentially devastating issues, such as electromagnetic interference. These measures will help to ensure that we prepare for the worst case scenarios and that we protect our citizens in the case of a devastating attack or accident.

So, again, I really want to thank Chairman MARKEY for his attention to this important issue, and I look forward to working with the Energy and Commerce Committee in continuing to raise awareness about securing our critical infrastructure and in protecting our citizens from cyberattack.

Mr. Speaker, I rise today in support of H.R. 5026, legislation to protect our national electric

grid system. I would like to thank Chairman MARKEY for his leadership on this important national security issue. I would also like to recognize my good friend and Chairman of the Homeland Security Committee, Mr. THOMPSON, for working with me in 2008 to hold hearings and closely examine what actions our country must take to prevent attacks on our national grid.

Two years ago, on September 11, 2008, I testified before Chairman MARKEY's Subcommittee about the threats to our bulk power system from cyber attack. In the 110th Congress, as Chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity, Science and Technology, I conducted a detailed and thorough examination of cyber threats to our critical infrastructure, and I want to reiterate what I made clear in my testimony. I believe America remains vulnerable to a cyber attack against the electric grid that would cause severe damage to not only our critical infrastructure, but also our economy and the welfare of our citizens.

The vast majority of our critical assets are in private hands. In many sectors, private entities are largely self-regulated and are responsible for developing and implementing their own standards according to their own priorities. This bill will ensure that serious threats to our grid are addressed by giving relevant government agencies, such as the Department of Homeland Security, the ability to require strong safety measures in our electric power system. The bill also has the foresight to not only specifically focus on cyber threats but also on other potentially devastating issues such as electromagnetic interference. The scope of the bill includes the bulk power system, which should also protect critical distribution systems in major cities, like New York and Washington, DC from a cyber attack. Additionally, by empowering the Federal Energy Regulatory Commission, FERC, this legislation goes a long way to enabling a faster response by both government and industry in case of an imminent threat. These measures will help ensure that we prepare for worst-case scenarios and protect our citizens in the case of a devastating attack or catastrophe.

I applaud the attention being focused on this issue by the Congress, and I want to once again thank Chairman MARKEY for his attention to this important issue. I look forward to working with the Energy and Commerce Committee and to securing our critical infrastructure and protecting our citizens from cyber attack.

Mr. UPTON. Mr. Speaker, I ask unanimous consent to reclaim the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. I yield 2 minutes to the distinguished gentleman from Maryland (Mr. BARTLETT), who is in support of the bill.

Mr. BARTLETT. Mr. Speaker, I rise in strong support of the bipartisan bill, H.R. 5026, which has been approved unanimously by a vote of 47-0 by the Energy and Commerce Committee. That doesn't happen very often in today's Congress.

According to the National Academy of Sciences, this bill is necessary because there is one event that we will not avoid, and that is solar geomagnetic interference—a solar storm. If—really, when—we have a big one like the Carrington event that occurred in 1859, this will shut down our whole grid. It would cost us only about \$100 million to protect the grid from EMP. This investment won't be made without H.R. 5026. The consequences of inaction are dire. If our grid is destroyed by EMP or by a Carrington event, which is an electromagnetic storm, the National Academies warn it will cost us between \$1 trillion and \$2 trillion in damages, and it will take 4 to 10 years to recover.

With the grid's being down, more or less, for 4 to 10 years, one can only imagine the consequences to our society. This is a really important bipartisan bill, and I rise in very strong support.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

The GRID Act has three basic components.

First, it establishes Federal authority to address emergency situations. If the President identifies an imminent threat to the bulk power system or to other parts of the grid that serve critical defense facilities, the Federal Energy Regulatory Commission can issue an emergency order requiring measures to protect against this threat. This authority covers threats from cyberattacks, from electromagnetic weapons, from direct physical attacks, or from solar storms.

However, in many cases, we will not know about a cyberattack or other threat to the grid until it's too late. Accordingly, the GRID Act establishes measures to protect the grid against key vulnerabilities so that, if and when an emergency does happen, we are already prepared.

Most importantly, if FERC identifies a vulnerability to a cyber or to an electromagnetic attack that has not adequately been addressed, it has the authority to require intrameasures to protect the bulk power system.

The legislation also requires FERC, within 6 months of enactment, to establish measures to protect against the Aurora vulnerability to cyberattack. That vulnerability was identified nearly 3 years ago, but the current standard-setting process has not addressed it. That is unacceptable. It must be fixed.

Ranking Member UPTON and other members of our committee sat through a top secret briefing last October with regard to the threat that this Aurora vulnerability and that other vulnerabilities pose as potential threats to our country and which could be exploited by other countries or by subnational groups or by domestic terrorists. This

is something that we must close. I think every Member in that top secret briefing left, having experienced a sobering moment in their lives, realizing the great responsibility we have to pass legislation that can deal with this problem.

The GRID Act also deals with other critical vulnerabilities. Solar flares cause geomagnetic currents that can destroy large electric transformers. Experts agree that it is only a matter of time before we experience a solar storm large enough to bring down a large portion of the grid, potentially causing trillions of dollars in damage. In addition, the grid is highly vulnerable to attack because the large transformers upon which it relies are built overseas and can take years to replace. The GRID Act addresses these issues by requiring the development of reliability standards to protect against geomagnetic storms and to ensure the availability of adequate backup supplies of large transformers.

Finally, the GRID Act gives FERC the authority to protect portions of the grid that serve the top 100 critical defense facilities against a cyber or an electromagnetic weapons attack.

The amended version of the bill now before the House makes one change to the version reported out of committee. In order to make the bill deficit neutral, the amended bill exempts the Bonneville Power Administration and the Tennessee Valley Authority from requirements other than cyberprotections during the first 11 years after enactment. With this change, the Congressional Budget Office has determined that the bill will not affect direct Federal spending. The amended bill does not score.

Colleagues, the electric grid's vulnerability to cyber and to other attacks is one of the single greatest threats to our national security. This bipartisan legislation is critical to empowering the Federal Government and the private sector with the capacities they will need to protect us against that threat.

□ 1115

There are people plotting right now that, if they could, would exploit this vulnerability.

I urge all Members to vote "yes" on the GRID Act. It is a moment that we must all come together in order to protect our country.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the full committee, the gentleman from Texas (Mr. BARTON), in support of the bill.

Mr. BARTON of Texas. Mr. Speaker, I want to compliment Chairman MARKEY for referring to Mr. UPTON as "Chairman UPTON." That may be a foreteller of things to come, and we ap-

preciate his prescience in acknowledging that possibility.

Mr. Speaker, I do rise in support of H.R. 5026, the Grid Reliability and Infrastructure Defense Act, better known as the GRID Act.

This is an example of legislation that has come to the floor after a 47-0 bipartisan vote in the Energy and Commerce Committee that shows what the Congress can do when Republicans are allowed into the room to help draft and put into place legislation. While it is a rare occasion in this Congress, it certainly is something that both sides of the aisle can be proud of.

I want to especially commend Subcommittee Chairman MARKEY, Full Committee Chairman WAXMAN, Ranking Member UPTON, and others on both sides of the aisle to make this day possible.

Our electric grid is increasingly vulnerable to cyber attack, and if a nation-state or a terrorist group were successful in crippling our electric grid, it would have devastating consequences for our economy and our national defense. We've read news stories reporting allegations that spies may have penetrated the mechanisms that control our power supplies.

Cybersecurity experts report that the "smart grid" we are counting on to improve reliability and enhance consumer choices could also increase our exposure to hackers in places like China and Russia. Our defense community is concerned about possible electromagnetic attacks from terrorist or hostile countries. We must take substantive action to address the susceptibility of our electric systems to such attacks. The stakes are just too high for us to do nothing.

The GRID Act, Mr. Speaker, takes care of all these problems.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UPTON. I yield the gentleman 1 additional minute.

Mr. BARTON of Texas. I appreciate the ranking member's yielding additional time.

The GRID Act would shield both our bulk power system and the infrastructure serving critical defense facilities. The legislation authorizes the President to address imminent grid security threats through the Federal Energy Regulatory Commission, better known as FERC. It would give FERC the authority to issue notice-and-comment rule to address grid security vulnerabilities.

As Mr. MARKEY pointed out, this bill is revenue-neutral. It does not increase the Federal deficit in any shape, form, or fashion. It is worthy of support.

I want to repeat again, it came out the Energy and Commerce Committee 47-0. I hope the House will unanimously vote for this and send it to the other body.

Mr. MARKEY of Massachusetts. I thank the gentleman from Michigan

for working with the majority in such a cooperative fashion. National defense is an area where we should be trying to cooperate, and this bill is a preeminent example of that happening in this Congress. And I want to thank him and the gentleman from Texas (Mr. BARTON) for creating that atmosphere which made it possible.

I think that this is a historic piece of legislation. Mr. WAXMAN and I and all of the Members on our side really do believe that this is the way Congress should work. I congratulate the gentleman for his work on it.

I have no further requests for time, and I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself the balance of my time.

I just want to say, this is an issue that we sat down together for the last, actually, couple of years examining the facts. Many of us that particularly live in areas—for me, the Midwest, coming from Michigan, we had a devastating tornado come through this weekend, and for many of us, myself included, our electricity went out for a number of hours. And then a number of times, particularly during the winter and even in the summer where these electric storms that come through, sometimes the electricity may be out for a couple of days.

We look to our friends down in Haiti who, many of them still may not have electricity after the devastating earthquake that hit there a number of months ago. Can you imagine if that happened here in this country, where, because of our grid vulnerabilities, you could be perhaps out of electricity for a year or 2, trying to get gasoline to get out of there, trying to get refrigeration for your food, trying to have a job, take care of your family?

Some of us read the book "The Road." Lots of different scenarios that are out there. We need to be prepared. This bill moves us down that road.

And I again want to compliment my friend, Mr. MARKEY, to make sure that this legislation did move through. We had a lot of bipartisan support, a lot of eyes opened and ears too, particularly as we sat through some of those classified briefings. Let's hope that the Senate moves quickly, the President signs it swiftly, and, in fact, we can see legislation move to make sure that those scenarios remain that way and don't become realities.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 5026, the Grid Reliability and Infrastructure Defense—or GRID—Act.

As Chairman of the House Committee on Homeland Security, I am well aware of the need to protect our Nation's critical infrastructure.

Our Committee has held numerous classified briefings and public hearings on threats to the electric grid. Again and again, we received testimony from expert witnesses that our Nation's electric grid has inadequate protections

against cyber attacks and against significant disruptions from electromagnetic threats, EMP, such as solar storms and radio frequency devices.

Further, the Federal Government does not have the authority to ensure its security, nor has it partnered effectively with the private sector to do so.

Protecting our electric grid from EMP will require the best efforts from both government and industry. To date, the electric sector has had a difficult time protecting their assets from EMP threats because although the potential impacts are huge, the frequency of their occurrence is very low.

This is one of those cases where government intervention seems necessary to protect our most important national critical infrastructure.

Last year, I, along with my ranking member PETER KING and many other bipartisan members of our Committee introduced H.R. 2195 to give the Federal Energy Regulatory Commission authority to require protections to be put in place for high impact, low frequency events.

H.R. 5026 is the product of collaborative work between this Committee and our colleagues on the Energy and Commerce Committee, most notably Chairman WAXMAN and Representatives MARKEY and BARROW.

Our electric grid is currently strained to capacity.

We saw during the Northeast Blackout of 2003 what can happen when the strained system finally breaks. That blackout interrupted electricity delivery to 55 million people in the U.S. and Canada. Luckily, major outages only lasted a day or so.

But just imagine what would happen if the power did not come back on for a week, or a month, or several months. What would happen?

An electromagnetic pulse could make such an incredible scenario a reality.

The one that most people have heard about is from a high altitude burst of a nuclear weapon.

Also of concern are smaller radio or microwave devices, usually termed "Intentional Electromagnetic Interference" or "IEMI".

Of particular concern are "geomagnetically induced currents", GIC, caused by solar activity.

A 2008 National Academy of Sciences report warned that our Sun will inevitably inflict a severe geomagnetic storm with the largest geographic footprint of any natural disaster. The damage caused by this event could be \$1 trillion to \$2 trillion, and recovery could take 4 to 10 years.

The next period of maximum solar activity is only two years away.

From a homeland security perspective, it is important that we take an "all hazards" approach to the risk and increase preparedness for both intentional and naturally occurring events.

While some may argue that the threat of a high-altitude nuclear weapon burst perpetrated by a rogue state or a terrorist group is remote, I do not discount it. Given the high-consequence nature of such an attack, I take it very seriously.

On the other hand, scientists tell us that the likelihood of a severe naturally occurring geo-

magnetic event capable of crippling our electric grid is 100 percent. It will happen; it is just a question of when.

GIC is a natural occurrence just like earthquakes, wildfires, tornadoes or hurricanes.

Similarly, geomagnetic storms occur from time to time as part of the natural activity of the Sun. One such storm, in 1989, disrupted power throughout most of Quebec, and resulted in auroras as far south as Texas.

With the significant investments we are making in "Green Energy" and the "Smart Grid", we find ourselves at an opportune moment to protect our grid from an EMP and cyber attacks.

As we expand and improve our grid, we must also build in physical and cyber protections from the start, and we must retrofit key elements of the existing grid in order to protect it.

Federal authority and funding are needed if this effort is to succeed. H.R. 5026 represents a critical step forward in our efforts to meet these homeland security challenges and deserves support from this House.

Therefore, I urge Members to join me and support H.R. 5026.

Ms. CLARKE. Mr. Speaker, I rise today in strong support of H.R. 5026, the Grid Reliability and Infrastructure Defense Act, and urge my colleagues to support it. I thank my colleague Chairman MARKEY for bringing this important legislation to the floor.

The GRID Act empowers the Federal Energy Regulatory Commission, in the event of a Presidential emergency declaration, to take actions needed to protect our grid.

I have said this before but it bears repeating: A modern society is characterized by the presence of three things: clean available water, properly functioning sewage and sanitation services, and electricity.

I would further assert that the way our present systems function, electricity is needed to power those other critical systems. So at a minimum, we rely on electricity to function as a modern society.

It is our very reliance on this infrastructure that makes it an obvious target for attack. We know that many of our adversaries—from terrorist groups to nation states—have and continue to develop capabilities that would allow them to attack and destroy our grid at a time of their choosing.

There are two significant threats to the electric grid. One is the threat of cyber attack. Many nation states, like Russia, China, North Korea, and Iran, have offensive cyber attack capabilities, while terrorist groups like Hezbollah and al Qaeda continue to work to develop capabilities to attack and destroy critical infrastructure like the electric grid through cyber means.

If you believe intelligence sources, our grid is already compromised. An April 2009 article in the Wall Street Journal cited intelligence sources who claim that the grid has already been penetrated by cyber intruders from Russia and China who are positioned to activate malicious code that could destroy portions of the grid at their command.

The other significant threat to the grid is the threat of a physical event that could come in the form of a natural or manmade Electromagnetic Pulse, known as EMP. The poten-

tially devastating effects of an EMP to the grid are well documented.

During the Cold War, the U.S. government simulated the effects of EMP on our infrastructure, because of the threat of nuclear weapons, which emit an EMP after detonation. Though we may no longer fear a nuclear attack from Soviet Russia, rogue adversaries (including North Korea and Iran) possess and test high altitude missiles that could potentially cause a catastrophic pulse across the grid.

These are but two of the significant emerging threats we face in the 21st century. Our adversaries openly discuss using these capabilities against the United States. According to its "Cyber Warfare Doctrine," China's military strategy is designed to achieve global "electronic dominance" by 2050, to include the capability to disrupt financial markets, military and civilian communications capabilities, and the electric grid prior to the initiation of traditional military operations.

Cyber and physical attacks against the grid could both be catastrophic and incredibly destructive events, but they are not inevitable. Protections can—and must—be put in place ahead of time to mitigate the impact of these attacks.

The time for action is now, support the GRID Act and help ensure America's future.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY of Massachusetts. I yield back the balance of my time with the urging of an "aye" vote by the Members.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. MARKEY) that the House suspend the rules and pass the bill, H.R. 5026, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities."

A motion to reconsider was laid on the table.

WORLD OCEAN DAY

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1330) recognizing June 8, 2010, as World Ocean Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1330

Whereas in 2008, the United Nations General Assembly decided that, as of 2009, June 8 would be designated by the United Nations as "World Ocean Day";

Whereas many countries have celebrated World Ocean Day following the United Nations Conference on Environment and Development, which was held in Rio de Janeiro, Brazil, in 1992;

Whereas World Ocean Day allows us the yearly opportunity to pay tribute to the ocean for what it provides;

Whereas we have an individual and collective duty, both nationally and internationally, to protect, conserve, maintain, and rebuild our ocean and its resources;

Whereas our present ocean stewardship is necessary to provide for current and future generations;

Whereas the world depends on the health of our ocean for a full range of ecological, economic, educational, scientific, social, cultural, nutritional, and recreational benefits;

Whereas the ocean is linked to adaptation to climate and other environmental change, foreign policy, and national and homeland security;

Whereas we must ensure accountability for our actions, and serve as a model country promoting balanced, productive, efficient, sustainable, and informed ocean, coastal, and Great Lakes use, management, and conservation within the global community; and

Whereas our ocean is in need of strong policies that support ecosystem-based management, coastal and marine spatial planning, informed science-based decision making and improved understanding, government coordination, regional ecosystem protection and restoration, enhanced water quality and sustainable practices on land, changing conditions in the Arctic as well as ocean, coastal, and Great Lakes observations and infrastructure: Now, therefore, be it

Resolved, That the House of Representatives recognizes World Ocean Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I'm happy to rise in support of House Resolution 1330. This measure recognizes June 8, 2010, as World Ocean Day.

World Ocean Day offers the opportunity to celebrate the wonders of the underwater world and look carefully at our interactions with the sea.

The timing of this measure is critical. Today we find ourselves in the midst of the worst ocean oil disaster in our Nation's history. With our addiction to oil jeopardizing the vibrant and economically vital marine life of America's seas, we are being reminded daily of the often-forgotten value of these resources and our responsibility to protect them.

The world's oceans cover more than 70 percent of our planet's surface, and the rich web of life that they support is the result of hundreds of millions of

years of evolution. Great human civilizations, from the Egyptians to the Polynesians, relied on the sea for commerce and transport.

And now, in the 21st century, our fate is as tied to the oceans as ever. We still rely on fish for a significant portion of our daily protein needs. And more than \$500 billion of the world's economy is tied to ocean-based industries, such as coastal tourism and shipping.

But all is not well in the sea. Increased pressures from overfishing, habitat destruction, pollution, and introduction of invasive alien species have combined in recent decades to threaten the diversity of life in our oceans.

The first observance of World Ocean Day will allow us to highlight the many ways in which oceans contribute to society. It is also an opportunity to recognize the considerable challenges we face in maintaining the capacity to regulate global climate, supply essential ecosystem services, and provide sustainable livelihoods and safe recreation.

As the oil continues to spill into the gulf, it is time to recognize a World Ocean Day and take the first critical steps to saving this vital resource.

House Resolution 1330 was introduced by our colleague, the gentleman from California, Representative SAM FARR, on May 5, 2010. The measure was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on May 20, 2010. The measure has the support of over 50 Members of the House.

I thank the gentleman from California for introducing this measure, and I'd also like to thank Chairman TOWNS and Ranking Member ISSA for their support for the bill. I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1330, recognizing June 8, 2010, as World Ocean Day.

It is particularly fitting that today this resolution gives us the opportunity to take some time and appreciate the beauty of our oceans and to think about ways that we can work to protect our oceans for generations to come.

All Americans, as well as people from around the world, realize the importance of oceans. Millions of people enjoy playing, boating, surfing, fishing, or simply being along the beachscape and along our oceans. Oceans fascinate many children who learn about the interesting aspects of the oceans and the animals that live under the sea.

Certainly, in light of the national crisis that is currently occurring in the gulf with the oil leak, this resolution gives us context in which to under-

stand the risks from the delayed response that is occurring to stop the leak in the gulf.

We rely on oceans every day for our regular way of life. Oceans provide thousands of jobs for fishermen, sailors, and many other professions. All Americans are served by oceans in numerous ways, including for food and transport for the vast array of goods that are transported by cargo ships across oceans.

Mr. Speaker, our oceans are an incredibly precious resource, and we should protect them for the future. I ask that my colleagues join in support of this resolution.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield 5 minutes to the gentleman from California, Representative FARR.

□ 1130

Mr. FARR. Mr. Speaker, I rise in support of the resolution, which I sponsored with many other Members of Congress. And I would first of all like to thank the committee and the leadership they provided in a bipartisan fashion to bring this bill to the floor.

As has been stated, the ocean is our largest public trust. It covers two-thirds of the planet. It's responsible for one-third of the total gross domestic product of the United States. It is closely linked to our day-to-day activities and, frankly, to the success of our Nation.

Tom Friedman said, "A crisis is a terrible thing to waste." We cannot let the crisis that has happened in the gulf pass us by. We've faced disasters in this country before, and we have moved to act. After Rachel Carson wrote "Silent Spring" in 1962, and the Santa Barbara oil spill happened in 1969, the environmental movement took a strong hold in the United States. Congress followed up by adopting the Clean Air Act, the Clean Water Act, the National Environmental Policy Act in short order. We will debate the acts that we have to take following the crisis in the gulf, but today we are joined in unanimous thought that the ocean is important, and it warrants its recognition.

We might say it's a very salty week here in Washington. June is the National Oceans Month. This week is the Capitol Hill Oceans Week, where members of the ocean interests and science community come to Washington to petition their government. And yesterday was World Ocean Day. For over a month now, the Nation has been experiencing the worst marine disaster in history.

World Ocean Day was first recognized in 1992's Earth Summit in Rio de Janeiro, and has been celebrated unofficially ever since. The United Nations took official recognition of the day last year. I am proud to lead the effort here in Congress this year.

The resolution that we are adopting emphasizes we have an individual and

collective duty, both nationally and internationally, to be ocean stewards. The resolution also petitions the President to set priorities using his Ocean Policy Task Force. I will continue in my role as representing the coast of California and one of the marine science leading geography areas in the world of marine science to bring to this floor issues important to the ocean. But right now I want to join my colleagues in celebrating that we all agree that it's important to recognize the oceans.

Mr. TURNER. Mr. Speaker, as Congress takes this time to recognize World Ocean Day, I think it is absolutely appropriate for us to ask the administration for answers on the gulf oil leak and the tragedy that is occurring there. I think the American people are outraged, and they want to know how did this happen, they want to know how is it going to be stopped, and how is it going to be cleaned up. I think the administration needs to tell us what their game plan is and what their actions are.

Currently, it is as if the administration is merely telling what BP is saying. And I think the American people want to know, and as Congress takes this action, it would be appropriate for the administration to step forward and say how did this happen, how are we going to stop this, and how are we going to clean it up, and how are we going to make certain this doesn't happen again. I know that in Ohio people look down to the gulf with just outrage of the risk that is occurring to wildlife, our beaches. And they want to know what is this administration going to do, what is the plan, and how is this going to be stopped.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Congressman FARR, thank you for your leadership on this. This is not a new issue for you. I remember your days in the California legislature, where you carried such legislation. You do represent one of the most pristine and one of the most precious parts of the California coast, the Monterey Bay. Therefore, it's appropriate for you to carry and it's appropriate for this Congress to act on this resolution, recognizing World Ocean Day and, beyond that, recognizing the critical importance of oceans to all of us.

It is the birthplace of life. It is the place where we find our climate, our oxygen, a lot of our food, and our commerce. It's also the place that we have over the years trashed. Trash is flowing into the ocean, sewage is flowing into the ocean, pollution of all kinds, and now the ultimate pollution of a blowout of an oil well in the Gulf of Mexico.

It's time for us to not only pay attention to the ocean, which this resolution

does; it's also time for us to protect the oceans. We know that climate change, the increasing carbon dioxide in the atmosphere is leading to the acidification of oceans. And that will kill much of the life of the ocean if it were to continue to increase.

What are we doing about it? Well, we are recognizing it today. We will take this as step one. Yes, the administration needs to be forthcoming with information. But we also need to rein in the oil industry and make sure that any drilling in the oceans is done in a maximum safe way. For the west coast, I have authored the West Coast Ocean Protection Act that would prohibit new leases off the west coast of California, Oregon, and Washington. That is the maximum protection. More needs to be done. This is a starting point.

This is a recognition of our responsibility as Members of Congress to take action not only with a resolution recognizing this day, but with solid laws that require the protection and provide the protection necessary for the ocean.

Mr. TURNER. Mr. Speaker, again as we take up this resolution for World Ocean Day, America has questions for this administration on how they are going to stop this leak, how we are going to protect our oceans and the wildlife, and how this is going to be cleaned up.

You know, most administrations when they take office say, We are ready for the job day one. Well, day one was a year-and-a-half ago, and we still have a crisis in the gulf, and people want to know, Well, where is the administration? We are on day 51 of the leak down in the gulf. Day 51.

Perhaps in addition to World Ocean Day, every day Congress should pass a resolution proclaiming a day in honor of the tragedy that's occurring down in the gulf. Day 51 and we still don't have an answer, we don't know how this is going to be stopped, we don't know what the administration's plans are, and we don't know what the administration's plans are for cleaning this up.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman for yielding.

I rise in support of the resolution, June 8 as World Ocean Day. But for the past 50 days, and for the next 6 months at least, every other day is going to be "ruin our oceans day."

We like to think, well, this is all about BP. I think we have to go a little bit further. We have to understand that we have been pursuing a way of life that is not sustainable. It's not sustainable for us as human beings; it's not sustainable for our planet.

So we can be here today to talk about the oceans, and we should; but we have to keep in mind, Mr. Speaker,

that our oceans receive billions of gallons of runoff flows, pesticides, metals like mercury and lead, massive amounts of fertilizer, volatile organic compounds, countless other chemicals. Even before the Deepwater disaster, this runoff caused the single biggest dead zone in the Gulf of Mexico.

Our oceans are absorbing the malfeasance of oil companies who are not only responsible for at least three separate major oil gushers as we speak, but are responsible as being one of two major contributors causing climate change. And we are subsidizing them with taxpayers' money. Our oceans are absorbing the malfeasance of coal companies, the other major fossil fuel contributor to climate change. For decades the oceans have been our repository for the greenhouse gases that come mostly from the burning of fossil fuel. The result is that oceans have grown more acidic. Coral is dying; underwater temperature patterns are shifting, undermining entire ecosystems.

There are signs our oceans have reached the limit. Some studies indicate oceans won't be able to absorb any more, if any, greenhouse gases out of the atmosphere. That only increases the urgency with which we must act to achieve a carbon-free and even nuclear-free energy portfolio.

But the ultimate challenge that we have about upholding the environmental integrity of our oceans comes because we have really disassociated ourselves from nature. We see nature as being out there. We see nature as not even being a part of us. And because we are avoiding our responsibility to protect God's creation, the price we are going to be paying in the future will keep getting higher: oceans that are poisoned, a planet ruined, and all of life threatened with extinction.

So we can keep temporizing about what's going on in the gulf, but the fact of the matter is that sooner or later we must come to an accounting with the kind of energy that we are using and the damage it does to the environment and to the human race and all other life on the planet.

Mr. TURNER. Mr. Speaker, I appreciate Mr. KUCINICH from Ohio's comments on the issues of how we need to look at how we are treating the environment. And as we are into day 51 of this crisis in the gulf, Congress has begun to have hearings, the House and the Senate, asking questions about what happened. But I think the administration needs to come forward and give some serious answers to the American people. As people look to the news and to the Web cams of the leak, they want to know from this administration what's the answer. How is this going to be stopped? How is this going to be addressed? How is it going to be cleaned up?

Fifty-one days into this, we don't know yet how this is going to be

stopped or what manner by which it should be stopped. We are still listening to BP give us the answers instead of the administration telling us, well, what is the standard? What should be happening? How should we be protecting the coast?

And it makes you wonder, a year-and-a-half into this administration, well, how are we doing on the other oil rigs that are there? Is this administration prepared in determining whether or not the other oil rigs currently represent a threat? What inspections are they doing? What compliance are they doing?

As Congress passes World Ocean Day, the administration should pause and turn to the American people and give us some answers as to what their response is going to be to this 51 days into a terrible crisis down in the gulf.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I am intrigued with my colleague from Ohio's approach, because when the other team was in charge, we had a series of programs that undercut the ability to have government equipped moving forward: the scandals in the MMS, the appointment of people literally from the industry to sort of look at their former colleagues, people who were literally in bed with the people that they were supposed to regulate.

A series of efforts, the litany that we have heard from our colleagues when they were in charge was to cut back on regulation, to move it faster, to do more drill, baby, drill. And with all due respect, I think looking at the history of 10 years of moving in the other direction, to now somehow fault the administration, who inherited an unparalleled economic collapse, problems with EPA, with MMS around the whole array of areas that are a consequence of policies that were put in place by our friends on the other side of the aisle.

I feel it's somewhat ironic that we are celebrating Ocean Day on the 51st day of the disaster. I am hopeful that it is an area that we are not somehow going to spend—I am happy to go toe to toe with my friend in terms of what the Republicans did and their policies to strip the Federal Government of the ability to move forward, but I think what we need to do is talk about where we are going forward to reduce our reliance on imported oil and domestically produced fossil fuels.

We need to move to a cleaner, greener approach, where we have more energy efficiency. We absolutely need to be aggressive in making sure that the laws are enforced. We need to have people who stop being apologists for the industry, whether it's BP or mining disasters, and move forward with a new era of more efficient-energy use, and respect for the oceans.

I am honored to be on the floor with my colleague Mr. FARR, who has been a champion for as long as I have been in Congress in this area that deserves far more attention, far more resources, far more work on the part of the Congress.

I would hope that respect for the oceans, that research and protections would be something that brings us together so that not only do we avoid disasters like this in the future, but we are able to do a better job with the wide range of areas that are going to make such a difference for the future of the planet.

Mr. TURNER. With all due respect to the gentleman from Oregon, since the Democrats have been in charge of the House for the past 3½ years, if there were any regulatory or legislative issues or resolutions that needed to be passed, certainly we would have seen those and they would have moved forward out of this House. Unfortunately, what we see out of this House is a resolution for World Ocean Day, a resolution for World Ocean Day while we have this crisis going on down in the gulf and the administration is still not giving us answers as to how is this going to be addressed.

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The big question that everybody has in the news is not what is BP doing or what is it going to be doing next or is the fix that they currently are pursuing going to work, but what is this administration's answer to how this should be addressed, what should be done. This administration has been in office for 1½ years. This crisis has been going on for 51 days. Surely in the past 51 days the administration should be able to step forward and give the American people a clear answer as to how did this happen, how is it going to be stopped, and how are we going to clean this up. This is something that I think everyone, as we pause for World Ocean Day, would certainly pause for those answers.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield 3 minutes to the gentlewoman from California, Congresswoman CAPPs.

Mrs. CAPPs. Mr. Speaker, I thank my colleague for yielding, and I rise today to express my strong support for H. Res. 1330, a resolution recognizing June 8 as World Ocean Day.

I want to thank my colleague and dear friend SAM FARR, who represents a neighboring district to mine on the central coast of California, for introducing this important resolution of which I am a proud cosponsor.

We are a water planet, Mr. Speaker. The oceans cover 71 percent of the Earth's surface and contain 97 percent of the planet's water. They regulate our climate. They regulate our weather. We depend on them for the air we breathe, for protein in our diets, for our quality of life.

Yesterday, the international community celebrated World Ocean Day. Now, more than ever, it is time for us to pay tribute to our oceans and to their resources.

Two national commissions have found our oceans are under increasing pressure. They are showing signs of serious decline from oxygen-deprived dead zones to depleted fish populations to contaminated beach waters, and now we must add a massive oil spill to the list. This disastrous gulf oil spill is the worst environmental disaster in our Nation's history.

There is no doubt our addiction to oil jeopardizes the vibrant and economically important marine life of our world's oceans. We are being reminded every day of the often-forgotten value of these resources, and it's our responsibility to protect them.

A national ocean policy is needed, Mr. Speaker, perhaps now more than ever. Such a policy would ensure that activities occurring off our shores, like offshore drilling, that these activities meet the basic requirements of protecting, maintaining, and restoring our ocean ecosystems and resources. President Obama has already erected a task force to develop, with public input, recommendations for a national ocean policy, which are expected soon. This is an important first step that will better protect our oceans.

But there's another step that Congress can take. So I urge my colleagues to join with me not only in supporting this important resolution recognizing World Ocean Day, but as our colleague from Oregon has just stated, moving forward, taking the collective responsibility, the stewardship that we share to defend and care for our water planet.

Mr. TURNER. Mr. Speaker, the prior speaker indicated that the President has pulled together a task force for a national ocean policy and is looking for public input. I think we know what that public input is. It's, Mr. President, tell the American people how this leak is going to be stopped. Tell us how this cleanup is going to occur, and tell us how this is going to be avoided in the future. The public input is, Stop the leak.

I reserve the balance of my time.

Ms. CHU. I now yield 3 minutes to the author of this resolution, Representative FARR, the gentleman from California.

Mr. FARR. I appreciate the support for this bill on both sides of the aisle.

I would just like to address that although the resolved clause is very simple, it recognizes for the first time that Congress recognizes for the first time that we ought to recognize a day when the whole world is trying to recognize the ocean. I mean, it does cover two-thirds of our planet, and it is very important to the ecosystem and the health and well-being of mankind to have a healthy ocean.

And that's, you know, in a way, as the minority speaker said, that's not a big deal when there's a huge crisis going on, but it's the first time Congress has recognized the ocean in that sense. So it is important as a first step. I think what's more important and answers some of the questions that you raise, not just the questions of cleanup in the gulf but a much bigger question that a lot of us in Congress have been asking, is: Where is our national ocean policy?

We have had policy about clean water and how we want to govern that and set up a process for determining how we can ensure that water that we drink and that we disperse into the oceans is clean. We have national policy on air quality of the air we breathe, but we have no national policy on health of the oceans or even use of the oceans for fishing, for mining, for other kinds of purposes. And that is what's lacking.

We're governing in a crisis because we have an oil spill. And what I respect the committee in doing in their unanimous consent is looking at these "whereases" in this bill that really calls for these bigger policies so that we don't get into this problematic area, kind of going at things blindly. And I think that's what really the importance is here.

This bill coming at this time—it was introduced before the oil spill began but certainly has developed a lot of popularity because people want to say, Yes, we do recognize the oceans. And I think this is a first start for Congress to really look at a comprehensive package of issues.

We can go into the debates, going to get into a lot of things you heard today. But it's very important that we together, in a unanimous, bipartisan way, look at the fact that the ocean is a very critical resource to the well-being of the world, much less the well-being of the United States. And I appreciate the bipartisan support to bring this bill to the floor, and I ask that we have a unanimous vote on it.

Mr. TURNER. Mr. Speaker, as Congress takes up World Ocean Day, we are 51 days into a crisis in the gulf where this administration, 1½ years into this administration, still has not provided the American people with answers as to how will this leak be stopped, how will this be cleaned up, how will this be avoided in the future. The American people, as we take up World Ocean Day, pause, looking at the 51 days of the continuing crisis in the gulf, and look for answers.

Ms. BORDALLO. Mr. Speaker, I rise in support of House Resolution 1330, introduced by my colleague Mr. SAM FARR of California. The Resolution calls upon the United States to recognize World Oceans Day, where we pay tribute to the oceans for what it provides and recognize our duty to protect, conserve, maintain, and rebuild our ocean and its resources so it may continue to be enjoyed by future generations.

As the Chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife, I fully support House Resolution 1330, which brings attention to the importance of our world's oceans in our cultural, social, economic and scientific life. Since 1992, the world has celebrated World Oceans Day, with the first celebrated at the Earth Summit in Rio de Janeiro. This year's theme, "Oceans of Life," is fitting as our oceans contain great biodiversity that sustain our human population.

The people in my home district of Guam fully understand the significance of our oceans. As an island community in the Western Pacific, our economy relies on the natural beauty of our beaches to support our tourism industry. Understanding that our beaches allow both residents and tourists to engage in recreational activities, the people of Guam remain responsible environmental stewards. The oceans surrounding Guam, which continue to sustain life on the island, are a central part of Chamorro culture. This appreciation of the ocean by all of Guam's residents is rooted in an understanding that it is important to protect our natural resources, which include our coral reefs, fish and marine life.

Unfortunately, the health of our oceans is threatened at all levels. From climate change affecting our ocean's biodiversity to the most recent oil disaster in the Gulf Coast, we must continue to work to address these issues so that future generations are able to experience the educational, recreational and economic benefits of our world's oceans.

With that, I ask all my colleagues on both sides of the aisle to support House Resolution 1330, recognizing World Ocean Day.

Ms. HIRONO. Mr. Speaker, I rise today in support of H. Res. 1330, a resolution recognizing June 8 as World Ocean Day. Hawaii is the only state in the nation that is surrounded entirely by ocean, giving us a unique appreciation for the vast resource that is the Pacific Ocean. Almost every household good in Hawaii was shipped over the ocean. Our state's economy relies on our harbors—large and small—and the beaches that draw visitors to Hawaii. The ocean provides recreational activities such as surfing, swimming, and fishing for our residents and visitors to enjoy. It would be difficult to find an aspect of life in Hawaii that is not somehow affected by the Pacific Ocean.

The Native Hawaiian culture is also deeply tied to the ocean. Polynesian explorers discovered Hawaii traveling tremendous distance in canoes, long before the so-called "discovery" of Hawaii by Captain Cook. The Kumulipo chant, known as the Hawaiian creation chant, places the origin of life in the oceans, beginning with the coral polyp.

Hawaii is home to the world's most ancient seal, the Hawaiian monk seal. My district includes the largest marine protected area in the United States, the Papahānaumokuākea Marine National Monument in the Northwestern Hawaiian Islands, as well as one of the most important breeding grounds for the endangered Humpback Whale.

The people of Hawaii have always relied on the ocean, but the situation in the Gulf Coast illustrates that the oceans belong to the world. Countries have political boundaries, but the ocean and its denizens do not. The oil spill in the Gulf of Mexico has devastated that region

and now threatens the entire East Coast because of the Loop Current, the Gulf Stream, and other ocean currents.

People in landlocked states also depend on the oceans, which absorb up to a quarter of the world's carbon dioxide. As humans have increased their carbon dioxide output in recent decades, the ocean has grown increasingly acidic. Over the last five years, we have learned that this acidification endangers coral, algae, shellfish, and other small organisms that support the base of the food chain.

What happens to the ocean happens to the world. Whether landlocked or surrounded by ocean, we all depend on the benefits of healthy oceans. Fish stocks, ocean currents, and carbon dioxide do not abide by political boundaries. We, too, must work across our borders to unite with other nations in order to be careful and conscientious stewards of the ocean. For these reasons, I urge my colleagues to support this resolution to recognize June 8 as World Ocean Day.

Mr. HASTINGS of Florida. Mr. Speaker, World Ocean Day has been acknowledged annually around the world since 1992. Officially celebrated by the United Nations for the first time in 2009, World Ocean Day this year falls on June 8. This serves as an opportunity to recognize all that the oceans have given us, to acknowledge the crucial role the oceans play in our survival as a species and society, and to affirm our intent to ensure the oceans themselves survive.

A source for food, recreation, scientific and educational opportunities, the oceans are a fundamental building block of our society. Human beings have depended upon the waters for their livelihoods since the earliest days. Our forefathers crossed and fished them in generally the same manner that we do today. It's a testament to the fortitude of the oceans that they can persist when our technology and cultures have changed so much. That resiliency, however, is far from infinite. Should the oceans become no longer able to sustain life, we would very quickly feel the consequences.

The oceans are also often the beginning and end of discussions on "the environment." Home to so many natural wonders and inherent beauty, the world's oceans are justifiably precious. And as such an integral element in global climate change, the oceans are a primary concern for environmentalists and nature-lovers alike. They deserve and need our absolute devotion.

Because of all we have taken from them and because we are the only ones with the capacity to do so, human beings are the de facto caretakers of the oceans. With that responsibility, we must protect them and ensure their viability. The oceans have been subjected to so much—acidification, global warming, pollution. We must make sure the oceans can contribute to our grandchildren's grandchildren as they've done for us and our ancestors.

We have been shown by recent events how fragile and delicate our oceans truly are and how quickly devastation can set in. We can see how much we still don't know about these bodies that make up the vast majority of our planet. Let us take World Ocean Day to enjoy the beauty of the innumerable mysteries hidden only in the deeps and make sure we do

our part to look after them. By so doing, we act on behalf of the future of Earth.

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of H. Res. 1330, recognizing June 8 as World Ocean Day. This is only the second year that World Ocean Day has been officially recognized. Unfortunately, now is a tragically appropriate time for all of us to recognize and honor our nation's oceans.

The ongoing British Petroleum oil spill makes all of us realize how much our lives and the fate of our planet are intertwined with the well-being of our oceans. It should not have taken millions of gallons of oil destroying the Gulf to have served as a wakeup call that our ocean waters are treasures that must be preserved and protected. The workers who risk their lives every day on oil rigs to provide for America's energy needs knew how vital these oceans were. So did those of us who enjoy the bounty of shrimp and oysters harvested from the sea. The dolphins, sea turtles and pelicans and thousands of species dependent on the health of our waters were already aware about the precarious state of our oceans.

Oil-soaked beaches in the Gulf now threaten the livelihoods of thousands of small business owners and fishermen as well as wildlife on and below the water's surface. British Petroleum was drilling in waters owned by the American people. The ocean belongs to all of us collectively, and none of us as individuals—or corporations. Even before this disaster, they were in a crisis, thanks to coastal development and sprawl, pollution, overfishing and an absence of government leadership.

I am pleased to support this resolution to highlight the many benefits the ocean provides. The oceans are an economic, ecological and cultural resource that we in Congress and the international community must exercise the proper stewardship over for our future generations. I urge my colleagues to take up this responsibility that has been entrusted to us and honor our oceans by supporting H. Res. 1330.

Mr. TURNER. I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1330, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CHU. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PRESIDENT RONALD W. REAGAN POST OFFICE BUILDING

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5278) to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRESIDENT RONALD W. REAGAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, shall be known and designated as the "President Ronald W. Reagan Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "President Ronald W. Reagan Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, it is my great privilege as a member of the California delegation to rise in support of H.R. 5278. This measure designates the United States postal building located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building."

President Reagan hardly needs an introduction on this floor. Many of those who knew President Reagan referred to him as "the Great Communicator." Thus, it is very fitting that we commemorate his legacy through the naming of this post office.

The son of a shoe salesman, Ronald Reagan was born in Illinois in 1911. He was a construction worker, a lifeguard, radio announcer, and actor. After serving in the Air Force, he returned to acting before successfully running for California Governor, despite never having held public office before.

President Reagan successfully obtained legislation to stimulate economic growth, curb inflation, and increase employment. His contributions on behalf of freedom around the world

are unparalleled since the end of World War II. There is no more Cold War. There is no more Berlin Wall, and it was because of the leadership of President Ronald Reagan. He was instrumental in bringing the breath of freedom to millions of people around the world who had spent decades under the yoke of tyranny. President Reagan left a lasting imprint on American politics, diplomacy, culture, and economics.

As a California resident, I am honored to support H.R. 5278. It was introduced by our colleague, the gentleman from Illinois, Representative BILL FOSTER, on May 12, 2010. The measure was referred to the Committee on Oversight and Government Reform, which ordered it reported by unanimous consent on May 6, 2010. The measure has the support of the entire Illinois delegation.

I thank the gentleman from Illinois for introducing this measure, and I would also like to thank Chairman TOWNS and Ranking Member ISSA for their support for the bill.

I urge my colleagues to support this measure, and I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5278, to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building."

Ronald Reagan was born in Illinois in 1911. He attended high school in Dixon, Illinois, after which he worked his way through Eureka College. While at Eureka College, Mr. Reagan began acting in school plays, along with his studies of economics and sociology.

After graduating college, he had a life led with achievements. He was a sports radio announcer, a noted actor appearing in 53 films, two-time president of the Screen Actors Guild, and host of a long-running television series.

As a self-described citizen politician in 1966, he was elected as the 33rd Governor of California by over a million votes. He was then reelected Governor in 1970. His many successes while Governor in California made him into a national political figure as he became a standard bearer within the Republican Party.

After a failed attempt to receive the Republican nomination in 1976, he was selected by his party and was elected by the American people to President in 1980. Shortly after taking office as President of the United States in 1981, he was shot and wounded by a would-be assassin but soon recovered and returned to work showing his trademark of grace under fire.

During Ronald Reagan's Presidential terms from 1981 to 1988, he dealt successfully with a number of momentous economic, political, and foreign affairs challenges. Even as he was faced with

matters involving the global interests of the United States in various areas of the world, he did not neglect serious problems in the Western Hemisphere. His style of seeking peace through strength while in office proved to be a tactic that was highly successful and very popular with the American people.

Ronald Reagan remains one of our most popular and beloved Presidents. His two terms as President were marked with many achievements, none greater than being a catalyst for the end of the Cold War. One of Ronald Reagan's most memorable sayings, "Trust, but verify," remains appropriate for us today.

His life was a truly unique American story as he rose from humble beginnings, persevered through hardships, and enjoyed the bounty of dedication and hard work, which was indeed a movie script story that became reality.

Madam Speaker, Ronald Reagan embodied the American spirit, the American Dream. And as he said in his farewell address to the Nation in January of 1989, he spoke of the determination to rediscover our values and our common sense. Ronald Reagan trusted and believed in "We, the people," and I believe he was one of America's greatest Presidents.

And today his statue, which was placed in the Capitol dome, includes pieces of the Berlin Wall which he called to be torn down, ending the grip of communism in Europe.

I ask all Members to support this bill, and I reserve the balance of my time.

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Ms. CHU. Madam Speaker, I yield 3 minutes to the author of this resolution, the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. Madam Speaker, 6 years ago today, President Ronald Reagan lay in State in the Capitol Rotunda, a high and fitting honor for this consequential President and native son of my congressional district. Today, I bring to the floor a far more modest tribute, a bill that would designate the post office in his boyhood hometown of Dixon, Illinois, the President Ronald W. Reagan Post Office Building.

Born in Tampico, Illinois, in 1911 and raised in Dixon, President Reagan spent his life upholding the strong values of small-town America, but it is easy to overlook the humble Midwestern origins of a man whose career took him from Hollywood to the White House. In his autobiography, President Reagan said of Dixon, "It was a small universe where I learned the standards and values that would guide me the rest of my life."

While living in Dixon, President Reagan attended grade school and high school. Decades before standing at the Brandenburg Gate, he stood guard at the beach in Lowell Park where, ac-

cording to local lore, he saved the lives of 77 swimmers on the Rock River.

For the centennial of President Reagan's birth next year, the communities of Tampico and Dixon are planning numerous commemorative activities to honor this local hero and American icon. There will be a gala event in Tampico in February, followed later that month by the premiere of the "Reagan Suite," an arrangement commissioned by the Dixon Municipal Band and Reagan Centennial Commission. Later in the year, Dixon will host an Alzheimer's Walk and education workshop in honor of the late President.

With the help of my colleagues in the House, we can contribute in a small way to the outstanding efforts of many committed local officials who will make Dixon and Tampico true focal points of the Reagan centennial in 2011.

This is a truly bipartisan bill, with 41 Democratic and Republican cosponsors representing congressional districts from across the country. I urge my colleagues to support it.

Mr. TURNER. I yield back the balance of my time.

Ms. CHU. Madam Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. McCOLLUM). The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, H.R. 5278.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CHU. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

STAFF SERGEANT FRANK T. CARVILL AND LANCE CORPORAL MICHAEL A. SCHWARZ POST OFFICE BUILDING

Ms. CHU. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5133) to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the "Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAFF SERGEANT FRANK T. CARVILL AND LANCE CORPORAL MICHAEL A. SCHWARZ POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, shall be known and designated as the "Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on behalf of the House Committee on Oversight and Government Reform, it is my honor to rise in support of H.R. 5133. This measure designates the United States Postal Building located at 331 1st Street in Carlstadt, New Jersey, as the Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building.

Staff Sergeant Frank T. Carvill of Carlstadt, New Jersey, was killed on June 4, 2004, when his convoy was attacked by improvised explosive devices and rocket-propelled grenades in Baghdad. At 51, Carvill, an Army sergeant with the New Jersey National Guard, was among the oldest soldiers to die in Iraq. He was killed when his Humvee was ambushed in the Sadr City district of Baghdad in an attack that also claimed the lives of four other Guard members.

Carvill had escaped both terrorist attacks at the World Trade Center where he worked as a paralegal. In 1993, he helped a co-worker down 54 floors to safety. On September 11, 2001, he left the north tower moments before one of the hijacked planes plowed into the building.

Carvill was a voracious reader who loved politics, an outdoorsman who enjoyed kayaking, and a trusted friend who had the same buddies for 30 years.

Marine Lance Corporal Michael A. Schwarz was killed in action on November 27, 2006, from wounds suffered while conducting combat operations in al Anbar Province in Iraq. The son and brother of auto mechanics, Schwarz graduated from Becton Regional High School in 2004. Along with his brother,

Frank, Michael Schwarz served in the local volunteer fire department. Their father, Kenneth, headed the department for years.

Friends and relatives remembered Michael Schwarz as fun-loving and outgoing. Friends recalled off-road outings in Schwarz's customized Jeep. Most of all, there was Schwarz's love of the military and his desire to enlist in the Marines, a wish he expressed even when he was a young child.

H.R. 5133 was introduced by our colleague, the gentleman from New Jersey, Representative ROTHMAN, on April 22, 2010. The measure was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on May 6, 2010. The measure has the support of the entire New Jersey delegation.

I thank the gentleman from New Jersey for introducing this measure, and I would also like to thank Chairman Towns and Ranking Member Issa for their support for the bill.

Madam Speaker, the lives of Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz stand as a testament to the courage and dedication of all our brave servicemen and -women who have made the ultimate sacrifice in defense of our Nation. Let us pay tribute to their lives through the passage of this legislation, H.R. 5133, to designate the Carlstadt, New Jersey, postal facility in their honor.

I urge all of my colleagues to join us in supporting H.R. 5133.

I reserve the balance of my time.

Mr. TURNER. Madam Speaker, I yield myself such time as I may consume.

I rise today to express my support of H.R. 5133, designating the post office located at 331 First Street in Carlstadt, New Jersey, as the Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building.

Carlstadt, New Jersey, is home to 6,000 residents and is barely 5 blocks long. Losing two of their own in the line of duty truly affected everyone in the close-knit environment.

Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz had very different careers; however, the unfortunate similarity of the two was their fate. Both were killed in action while bravely serving the United States in the war on terror.

Lance Corporal Michael A. Schwarz is described by friends as an all-American and fun-loving guy, knowing what was at stake when he joined the Marines right out of Henry P. Becton Regional High School in 2004. Schwarz was passionate about the Marines. It was his dream. His father recalls, "Since he was maybe 10 years old he didn't like regular clothes; it was always Army clothes. Even when he graduated high school, under his cap and gown he had his camos on."

He was said to have understood the danger of being in the Marines and was ready to face it head-on. He loved his country, the idea of being a soldier and preserving freedom. He willingly sacrificed his life to better the people of Iraq and to protect the United States. On November 27, 2006, at the age of 20, Lance Corporal Michael A. Schwarz was killed while conducting combat operations in the Iraqi province of Anbar. He was part of the Marine Expeditionary Force of the 1st Battalion, 6th Marine Regiment, 2nd Marine Division.

Army National Guard Sergeant Frank Carvill, a paralegal, left his office at the World Trade Center minutes before the first jetliner hit the towers on September 11, 2001, and was not injured in the terrorist attack. Years before, he had helped assist others in the 1993 bombings of the north tower office. He was an American patriot, assisting others and making personal sacrifices to help those in need while a civilian and as well as being in the military.

Having been enlisted for 20 years in the National Guard, Carvill was 51 when his unit was deployed to Iraq. Carvill was a member of the National Guard's task force in Baghdad to protect convoys and set up traffic control points.

Always willing to help, the day he was to head home on leave, Carvill gave up his seat on the plane to another soldier who had a family emergency. Sadly, on June 4, 2004, the same day he gave his seat to a fellow soldier, Sergeant Frank Carvill was killed when his Humvee was ambushed in a suburb of Baghdad.

The families express that both men made a personal choice to go to Iraq because they believed that what they were doing was right. These men were true American patriots.

I urge my colleagues to support this bill honoring these brave and courageous men who gave their lives to protect and preserve our great Nation. They sacrificed their lives in defense of freedom, and they should forever be remembered.

With that, Madam Speaker, I reserve the balance of my time.

Ms. CHU. Madam Speaker, I yield 5 minutes to the author of this resolution, the gentleman from New Jersey, Representative ROTHMAN.

Mr. ROTHMAN of New Jersey. Madam Speaker, I thank the gentleman from California for your leadership on this matter and for the very kind words you said about these two heroes, and I'd like to associate myself with your words, as well as the gentleman from Ohio's words which were equally eloquent and true. These were great American heroes who lost their lives defending our country and our country's interests in Iraq.

I wanted to take a few moments, Madam Speaker, to share with you a bit of the pain that the people of

Carlstadt still feel in their hearts when they think about the loss of these two citizens. This matter was brought to my attention by a friend, indicating to me that the families would be sympathetic and would be honored if this post office was renamed in honor of Frank T. Carvill and Lance Corporal Michael A. Schwarz. When I called the mayor of the town and I said, Is this true, I don't want to intrude on anyone's privacy, and he assured me that this was, in fact, the case.

As was said before, the town of Carlstadt, New Jersey, is only a few miles from what were the twin towers, and my district in northeastern New Jersey suffered a number of lost lives on that terrible day on 9/11, and then, again, we suffered the loss of these two individuals.

Memorial Day just passed, and I remember saying to all of our veterans and all of our young people gathered at these ceremonies, why is Memorial Day important, and in a sense, why would it be important to rename this local post office after these two individuals. It is not just so that we have a daily reminder in Carlstadt, New Jersey, of the heroism and sacrifice of these two brave individuals—and certainly, we hope and expect that the renaming of this post office will have that effect—but also, Madam Speaker, it will be to remind everyone, whether they knew these two fine heroes or not, of the price of liberty for all of us here in America, paid not only by these two outstanding men but by every man and woman who has paid the ultimate price to defend our country.

So I am indeed honored and proud to have the opportunity to express the sentiment of the people of Carlstadt, New Jersey, who want the families to know, who want their fellow Americans to know, and who want the world to know how proud they are of these two men and that we still live in a country with brave men and women like Army Staff Sergeant Frank T. Carvill and Marine Lance Corporal Michael A. Schwarz, people willing to defend our Nation and protect the greatest Nation on the face of the earth.

Mr. TURNER. I yield back the balance of our time.

Ms. CHU. Madam Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, H.R. 5133.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CHU. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1215

CONGRATULATING CLINTON COUNTY, OHIO

Ms. CHU. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1121) congratulating Clinton County and the county seat of Wilmington, Ohio, on the occasion of their bicentennial anniversaries.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1121

Whereas Clinton County, originally known as the Virginia Military District because it had been set aside to reward the soldiers of the Revolutionary War, was established on February 19, 1810, 7 years after Ohio was admitted into the Union as the 17th State;

Whereas Clinton County was named after George Clinton, one of the Founding Fathers, and the fourth Vice President of the United States;

Whereas Clinton County was a station on the Underground Railroad prior to the Civil War, and a destination for thousands of persons escaping slavery and seeking freedom;

Whereas the county seat of Clinton County is located in Wilmington, a community founded in 1810 and settled by the Dutch, German, English, and Scotch-Irish pioneer stock, as well as by the Society of Friends (Quakers) who migrated to southwest Ohio from Virginia and North Carolina because of their opposition to slavery;

Whereas Clinton County is home to 2 outstanding institutions of higher learning that have prepared generations of students, past and present, for a successful future;

Whereas Southern State Community College is a 2-year institution serving a 5-county rural area where students seeking specific career training acquire the skills and knowledge they need to succeed in the workforce;

Whereas Wilmington College is a 4-year career-oriented liberal arts institution, founded by the Quakers in 1870, that is dedicated to the intellectual, emotional, physical, and spiritual development of its students;

Whereas Clinton County is home to Clinton Memorial Hospital, a community-based rural health facility that has been a leading provider of compassionate, accessible, quality health care to individuals and families in Clinton County and the surrounding region for almost 60 years;

Whereas Clinton County is home to the Murphy Theatre, a local historic treasure and community center that is located in the heart of downtown Wilmington;

Whereas the Murphy Theater was built in 1918 by Charles Webb Murphy, the owner of the Chicago Cubs, and it continues to host a wide range of events;

Whereas Clinton County is home to Cowan Lake State Park, a popular recreational haven that was once a stronghold of the Miami and Shawnee Indians;

Whereas the park offers families an opportunity to enjoy a variety of outdoor activi-

ties that include sailing, swimming, hiking, fishing, hunting, and camping;

Whereas Clinton County holds the distinction of being the birthplace of one of the Nation's favorite desserts, the banana split;

Whereas the banana split was invented at Hazard's Drug Store in Wilmington, in 1907;

Whereas each summer, the city of Wilmington hosts the annual Banana Split Festival, a 2-day weekend event celebrated on the second full weekend of June; and

Whereas Clinton County today is home to approximately 43,200 residents in an area that is known to be one of the best places in the United States to live and raise a family: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significant history of Clinton County and the county seat of Wilmington, Ohio;

(2) congratulates the citizens of Clinton County and Wilmington, Ohio, on the occasion of their bicentennial anniversaries; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Clinton County and the county seat of Wilmington, Ohio, for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 1121, a measure congratulating Clinton County, Ohio, and its county seat of Wilmington on their bicentennial.

House Resolution 1121 was introduced by our colleague, the gentleman from Ohio, Representative MICHAEL TURNER, on February 25, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on May 20, 2010. The measure enjoys the support of 50 Members of the House.

Madam Speaker, the history of Clinton County plays a strong part in the history of our country. It was originally known as the Virginia Military District because it had been set aside to reward the soldiers of the Revolutionary War. The county was established on February 19, 1810, 7 years after Ohio was admitted into the Union as the 17th State.

It takes its name, Clinton County, from George Clinton, the fourth Vice President of the United States and one of our Founding Fathers. Before the Civil War later that century, Clinton County would be a station of the Un-

derground Railroad, providing refuge to thousands of people seeking to escape the horrors of slavery.

Today, Clinton County is home to about 43,200 residents. And let us acknowledge them today as we celebrate the bicentennial of their historic home.

In closing, I urge my colleagues to support this measure.

Madam Speaker, I reserve the balance of my time.

Mr. TURNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Resolution 1121, congratulating Clinton County and the county seat of Wilmington, Ohio, on the occasion of their bicentennial anniversaries.

For 200 years now, Clinton County, Ohio, which is in my congressional district, has been an interesting part of American history. What is now Clinton County was initially called the Virginia Military District because the government had reserved the land to give veterans of the Revolutionary War as a reward for their service.

Clinton County was established in 1810 and was named Clinton County in honor of George Clinton. Clinton was one of America's Founding Fathers and served as Vice President under both Thomas Jefferson and James Madison.

Clinton County was a very important part of the anti-slavery movement before the Civil War because it had a station that was part of the Underground Railroad, helping thousands of slaves escape.

Also, a less serious aspect of Clinton County's history is that it is the place where the first banana split was created. And every year Wilmington has its annual Banana Split Festival.

Madam Speaker, I want to thank my Ohio colleagues, all of whom are original cosponsors of this resolution, and thank Chairman TOWNS and Ranking Member ISSA for their support in moving this bill through the committee process.

I urge all of my colleagues to vote in favor of this resolution and congratulate the more than 43,000 residents of Clinton County on the bicentennial anniversary of their county.

Madam Speaker, I yield back the balance of my time.

Ms. CHU. Madam Speaker, I also urge my colleagues to join me in supporting this measure.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1121.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CHU. Madam Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING THE NATIONAL MUSEUM OF AMERICAN JEWISH HISTORY

Mr. BRADY of Pennsylvania. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1381) recognizing the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the Nation dedicated exclusively to exploring and preserving the American Jewish experience.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1381

Whereas the National Museum of American Jewish History will illustrate how the freedom of America and its associated choices, challenges, and responsibilities fostered an environment in which Jewish Americans have made and continue to make extraordinary contributions in all facets of American life;

Whereas the mission of the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, is to connect Jews more closely to their heritage and to inspire in people of all backgrounds a greater appreciation for the diversity of the American experience and the freedoms to which all Americans aspire;

Whereas the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, was founded in 1976 by members of historic Congregation Mikveh Israel, itself established in 1740 and known as the "Synagogue of the American Revolution";

Whereas the National Museum of American Jewish History has attracted a broad audience to its public programs, while exploring American Jewish identity through lectures, panel discussions, authors' talks, films, children's activities, theater, and music;

Whereas the National Museum of American Jewish History is the repository of the largest collection of Jewish Americana in the world, with more than 25,000 objects; and

Whereas the National Museum of American Jewish History is currently building a 100,000-square-foot, 5-story, state-of-the-art museum on Independence Mall, standing just steps from the Liberty Bell and Independence Hall, to serve as a cornerstone of the American Jewish community and a source of national pride: Now, therefore, be it

Resolved, That the House of Representatives recognizes—

(1) the importance of the continuing study and preservation of the unique American Jewish experience; and

(2) the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the Na-

tion dedicated exclusively to exploring and preserving the American Jewish experience and, as such, as the national museum of American Jewish history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Madam Speaker, this resolution recognizes the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum dedicated exclusively to exploring and preserving the American Jewish experience.

I am fortunate to have this outstanding institution in my district. Founded in 1976, the National Museum of American Jewish History currently has the largest collection of Jewish Americana in the world. Even so, it is expanding to a new building on Independence Mall in Philadelphia.

I cannot think of a more appropriate place for this institution than at the heart of our Nation's birth, just steps from Independence Hall and the Liberty Bell. I applaud the museum for its dedication to connecting the Jewish community to their heritage and to reminding Americans of all backgrounds of their freedoms and diversity we all enjoy.

I urge Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I congratulate the gentleman from Pennsylvania for bringing this to the floor.

I rise today in support of H. Res. 1381, recognizing the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the Nation dedicated exclusively to exploring and preserving the American Jewish experience.

This resolution simply commends and congratulates the National Museum of American Jewish History for its outstanding work in presenting and preserving the Jewish American experience and in teaching all Americans about the importance of freedom, respect, and diversity.

Opening on July 4, 1976, the museum holds the largest collection in the world of Jewish Americana and is currently expanding to a beautiful new facility appropriately located on Independence Mall in Philadelphia near Independence Hall, the National Constitution Center, and the Liberty Bell. There it will continue to showcase how the freedom of America fostered an environment in which Jewish Americans made and continue to make significant contributions to American life.

The National Museum of American Jewish History shares its current site with a Jewish congregation established in the 1740s. This was one of the first organized Jewish congregations in the colonies and was later called the Synagogue of the American Revolution. Indeed, Madam Speaker, our founding documents and the principles upon which our Nation was built reflect our Founding Fathers' adherence to Judeo-Christian values and ethics.

From the 1 million Jews in the United States in 1900, to the 550,000 Jews who served in the U.S. military during World War II, to the Jewish peoples liberated by American forces, to the approximately 6 million Jewish Americans with us today, Jews, Americans, and Jewish Americans have been intertwined in their support for liberty and have been vital to our self-governing and culturally rich Republic.

Madam Speaker, I would be remiss if I didn't say that this resolution comes at a time when current events have subjected the American Jewish community and Jews around the world to greater concern than they have been subjected to for some time. The statements of madmen who have positions of authority in some countries should have us recall the madman of World War II who said similar things.

The descriptions utilized by those who vent hatred today against those of the Jewish faith and Jewish ethnicity, those words of vitriol and hatred can do nothing but foster uncertainty, fear, confusion, and ultimately can incite violence.

We should recall that a good portion of the world, the free world, stood silently some 65 or 70 years ago when those words were uttered by Adolf Hitler, some saying he is nothing but a madman and Germany is such a distinguished, scientifically advanced, culturally progressive society, that certainly these words of a madman will never take real form. Yet, we know they did.

Today, unfortunately, we hear the words of a madman in the country of Iran. In my judgment, too many people say it doesn't mean much, they are just the rantings of someone without real power and, from a country that has the tremendous history of the Persian culture, they certainly would not act on those statements made by that man. Well, we ought to pay attention to history.

I would advise Members of this Chamber, perhaps, to read George Gilder's excellent work that was published a year and a half ago called "The Israel Test." In there, he talks about the tremendous contribution of Israelis who have come to the United States and become American citizens and also Americans who have gone to Israel and become tremendous citizens of that country, and the continuing relationship between our two countries and our two cultures, which is to the advantage of both, and the fact that over and over again we have to remind ourselves that those in the State of Israel share common values with the United States and that those common values should not be taken for granted. When they have been taken for granted, they have either been lost or they have been destroyed for some period of time.

So, as we today salute this museum for its historic value, we should remember that museums are, in many ways, invitations to study history so that we might not repeat the terrible mistakes of history but, rather, be inspired by the tremendous advances of history.

So I would like to thank my good friend for offering this resolution. I would urge all my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from the great State of Pennsylvania, ALLYSON SCHWARTZ.

Ms. SCHWARTZ. Madam Speaker, I rise today to speak in support of House Resolution 1381 and have appreciated working with my colleague, Congressman BRADY, to bring this to the floor.

This resolution recognizes the National Museum of American Jewish history, an affiliate of the Smithsonian Institution, as you have heard, the only museum in the Nation dedicated exclusively to exploring and preserving the American Jewish experience.

As the museum completes its new, expanded facility on Philadelphia's Independence Mall, the museum will have a greater capacity to inspire people of all backgrounds with a deep appreciation for the diversity of the American Jewish experience and, more broadly, the freedoms and the opportunities to which all Americans aspire.

Freedom, liberty, and the opportunity to thrive in America is the museum's overarching theme that will be a powerful experience for people of all ethnic and racial backgrounds. The new facility will be better able to tell the American immigrant story of the individuals meeting challenges and embracing and often fulfilling the American values of self-determination, equality, and opportunity.

□ 1230

The museum highlights the great contributions of Jewish Americans

that were made over the history of our Nation to the sciences, public service, and the arts. I encourage all of my colleagues to visit this remarkable institution when it opens its new building on November 14, 2010.

For me, the experience of the National American Jewish History Museum is marked by the remarkable yet familiar story of one immigrant to America. Over 60 years ago, a young woman named Renee Perl was forced to flee Austria to escape the Holocaust. She arrived alone on the shores of America as a 16-year-old without family or friends. She arrived after years of fear and uncertainty, deeply grateful for the security that America offered and hopeful about her future. Renee Perl was my mother. She instilled in me a deep love for this country and its capacity to provide not only a safe harbor, but also freedom and opportunity.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BRADY of Pennsylvania. I yield the gentlelady 1 additional minute.

Ms. SCHWARTZ. I thank the gentleman.

Her story and her life are a constant reminder to me of the importance of our democracy and our shared responsibility to meet the goals and ideals of our Nation. The National Jewish American History Museum in its new location honors and elaborates on the stories of Jewish Americans like my mother, both ordinary and extraordinary, which make up the fabric of who we are as Americans. I am proud to honor the occasion of the opening of this new facility and look forward to the role the museum will play in telling a part, and for me a very personal part, of our Nation's history.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I would just say again that I urge my colleagues to support this bill. I hope there is a unanimous vote for it, and I thank the gentleman for bringing it to the floor.

Madam Speaker, I yield back the balance of my time.

Mr. BRADY of Pennsylvania. I thank the gentleman for his support.

Madam Speaker, I yield back the balance of my time and urge the passage of this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, H. Res. 1381.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

DIRECTING CLERK OF THE HOUSE TO ENSURE THAT CBO COST ESTIMATES ARE PUBLICLY AVAILABLE

Mr. BRADY of Pennsylvania. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1178) directing the Clerk of the House of Representatives to compile the cost estimates prepared by the Congressional Budget Office which are included in reports filed by committees of the House on approved legislation and post such estimates on the official public Internet site of the Office of the Clerk, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1178

Resolved,

SECTION 1. INTERNET POSTING OF CONGRESSIONAL BUDGET OFFICE COST ESTIMATES.

(a) INTERNET POSTING.—The Clerk of the House of Representatives shall ensure that cost estimates prepared by the Congressional Budget Office are available to the public by including a link to the official web site of the Congressional Budget Office on the official public Internet site of the Office of the Clerk.

(b) REGULATIONS.—The Clerk shall carry out this resolution in accordance with regulations promulgated by the Committee on House Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the measure now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

The American people are increasingly interested in the nuts and bolts of the legislative process. Americans are especially interested in the Congressional Budget Office's estimates of how pending legislation may increase or decrease the budget deficit.

Under House rules, CBO cost estimates are included in committee reports which are printed once filed with the Clerk and later made available online, but the cost estimates in committee reports are not particularly easy to find online within those committee reports, even if one knows where to look. The gentleman's resolution will make it easier to find cost estimates by having the Clerk link her

Web site directly to the CBO public site. This excellent proposal will make CBO spending-related information more widely available than it is now. I have consulted with the Clerk's office, which supports the idea and has assured me the cost will be minimal.

Madam Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to H. Res. 1178, directing the Clerk of the House of Representatives to ensure that cost estimates prepared by the Congressional Budget Office are available to the public. Shouldn't we be spending our time perhaps having the Budget Committee meet and giving us a budget this year? I mean, the distinguished chairman of the Budget Committee, Mr. SPRATT, whom I hold in tremendous regard, said a number of years ago when the Republicans were in charge, If you can't set a budget, you can't govern. So instead of us giving meat, we're giving what? I don't know what you would call this? It's not even broth.

While I approve of measures that will help the American people know where their money is being spent, that really is the definition of a budget: a budget is the blueprint. In the mid-1970s, we passed the Budget and Impoundment Act for the purpose, purportedly, of making sure that Congress was required to come up with a blueprint that would guide it. Now, it's supposed to be a concurrent resolution, meaning that both Houses pass it. It doesn't go to the President for a signature, so it's an internal document to this institution, that is, the Congress of the United States. And its purpose is to set out markers that will establish the guidelines for spending for the year.

That's one of the reasons we have a Rules Committee that would be required to give a waiver on a budget if an appropriations bill came here in violation of the budget. Well, we're not going to have that this year because we're not going to have a budget. Maybe what we're going to do is we're going to deem things. Remember that from the health care bill: we're going to deem it passed. And when the American people heard about that, they said, well, you can't do that. And finally the majority fell off on that one. But I suppose that's what we're going to do when we bring appropriation bills to the floor. They're going to be deemed to meet the budget that doesn't exist. So instead of us giving us meat like that, we're going to bring up this bill.

What does it do? What does it do? It requires the Clerk of the House to have on her Web site a link to the CBO analysis. Well, that would be important if they weren't available already, but they're available both through Thom-

as.gov and the CBO Web site. So I thought maybe it's because the Clerk has some responsibility over the Congressional Budget Office, but that's not the case. If you look at all of the obligations that the Clerk of the House has, they have absolutely nothing to do with the Congressional Budget Office.

So what are we doing here? We're bringing a bill to the floor which pretends, it seems to me, to do something about the budget; and it's nothing more than a distraction. The fact of the matter is we do not have a budget this year; we will not have a budget this year. The majority has said they don't want to bring a budget forward. Now, certain news reports have suggested the reason why we will not have a budget is that it will be too embarrassing for us to bring a budget to the floor, particularly before an election. Now, I don't know whether that's true or not, but that has been cited in the public press.

We've been hearing a lot lately from our friends on the other side about the importance of disclosure. Section 301 of their highly touted DISCLOSE Act requires reporting organizations to post a link from their home page to the page where its financial disclosure information is available; yet in this bill there is no requirement for a CBO link for the House's home page or for the Members' home page or from the committee's home page or for Members who voted for the spending that will impact the budget, but just from the Clerk's. I really don't understand what this is really going to do.

It is telling, while the majority attempts to pass measures like this, we're doing nothing to actually take less of the hard-earned tax dollars of the American people. I was home for the last 10 days in my district, or at least preceding yesterday, and I didn't hear a single person beg me to put a link on the Clerk's Web site for this information. They demanded that we do something about the budget. And when I told them at home we're doing nothing about the budget because the majority has decided we're not even going to bring a budget up—this will be the first time since we passed that law in the seventies that the House has not passed a budget. Now I hear them say, When the Republicans were in charge we didn't have a budget. That is true. Sometimes the Senate and the House weren't able to reconcile it, but we always passed a budget document from the House of Representatives.

So we will be making history this year: no budget for the American people. But they can get on a link and they can go to CBO and they can find out what it costs for a particular bill, but they can't tell whether it's in the budget or not because we don't have a budget. We don't even have to have budget waivers this year from the Rules Committee because there's noth-

ing to waive. Where are the points of order against excessive spending? That's what this House is built on, rules that are supposed to protect the taxpayer. We now are exempting ourselves from our own rules.

When I go home, people say, Why doesn't Congress work under the same rules that the rest of the world works under? And I have to agree with them. Now, when I go back to my district and I talk to folks, they talk about the budget for their household. I met with a number of small business people, all the way from a small community in my district called Copperopolis, which celebrated its 150th anniversary, to Folsom, where we celebrated the 150th reenactment of the Pony Express—actually, they may have the Pony Express there, they also have Intel there—down to Citrus Heights in my district, talking to people all the time, and they kept saying, Why are you taxing so much? Why are you spending so much? Why are you busting the budget? Why are you putting all of this heavy debt burden on our kids? And I said, Those are the same questions I'm asking. When I go back, I'll ask them again. So I'm asking right here, Why are we doing it? And instead of us getting serious, we're going to have this: give you a link to the Clerk's office so that somehow you can find the estimate that's already available on two other Web sites.

Now, what are we doing? Have we run out of post offices to name? We have rid the world of the scourge of unnamed post offices in this Congress, and now maybe we're going to start going link by link by link by link. I've been in this Congress for a number of years. I didn't realize it took us to pass a resolution to allow the Clerk to do this. Maybe that's something we have to do from now on.

Madam Speaker, instead of wasting the time of this House, maybe we should actually lower the cost estimates produced by the CBO. That would be a good thing; we'll actually take an effort to try and lower them. But the first way you do that is adopt a budget where you debate it and we come to the floor and we say this is what we can afford and this is what we can't afford. We're not even doing that.

It would be irresponsible for any family in my district to not have a budget. It would be irresponsible for any business in my district to not have a budget. It would be irresponsible for any local government in my district to not have a budget, yet we don't have a budget. So instead of dealing with that, we are here dealing with this bill.

I don't question the gentleman's sincerity in offering this bill. I don't suggest he doesn't want more transparency. But, frankly, transparency over a system that doesn't have the essential foundation of a budget is really a wisp in the wind.

Madam Speaker, I reluctantly oppose this.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, I am pleased to yield 5 minutes to the distinguished sponsor of the resolution, the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Thank you, Mr. BRADY, for yielding.

I rise today in support of my resolution, House Resolution 1178, requiring the Clerk of the House to make available Congressional Budget Office cost estimates for each bill considered by the House by including a link to the official CBO Web site on the Clerk's official Web site.

For every bill that comes to the House floor from committee, there is included a cost estimate or a score. This estimate is included with the conference report. We here in the House all know this and we use these scores to make informed decisions about our votes every day. But the CBO score can be difficult to find for my constituents. I've had many complaints about this from people in my district looking to find out what we are spending our money on here.

The Clerk's office keeps the official records of the bills that we are working on; and by including this link, it will be much easier for constituents all over the country to get access to this important spending information and how these bills that we're working on will affect the bottom line of government finance.

□ 1245

The CBO score lets us know how this legislation will affect our long-term fiscal solvency and whether it will increase our debt. Obviously, as we live in this time of very great debt, it is something that is very important to my constituents. Making sure that our constituents have the information they need to see how legislation will affect them and their families is not only good policy but good government. By promoting openness and transparency in everything we do here in Congress, we can begin to restore the public's trust in this body.

For me, openness and transparency are things I've been working on since I got here just a year ago, and there are many opportunities for us in Congress to do this and to dialogue more effectively with our constituents so they know what we are doing here in Washington. For me, that includes posting my schedule online so that people can find out what I'm doing every day on their behalf. It includes posting appropriations requests online so that people can see for what money I am asking for my district. This is the kind of transparency that people tell me every day they want to see, and this resolution will do that with respect to CBO scores and making them available about the legislation we are considering here.

This legislation is only one piece of the equation in increasing openness and transparency in Congress, but it is a critical component to ensure that our constituents have the information they need to accurately judge our actions here in Congress and to ensure that we continue to uphold the standards of our office. Beyond reforms like this, it is our responsibility as Representatives to do our own part to promote openness and transparency. It is the only way that we can restore faith in this broken system.

Again, I would like to thank Chairman BRADY and Ranking Member LUNGREN for their support in bringing this resolution to the floor.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Madam Speaker, I appreciate what the gentleman said. However, the CBO scores are already linked for the public to view through Thomas.gov as well as a large number of other House, Senate, and other private Web sites.

To find out how many, we went and we did a Google search. It reveals over 1,180 Web sites which link to the CBO home page. 1,180 Web sites are already linked to the CBO home page. In addition, the estimates are already publicly available on the CBO Web site, so adding a link there from the Clerk's Web page doesn't make it any more available than it already is.

Again, I would just say this: When I was home, not a single person said the way to solve the problem is to put a link on the Clerk's Web site to the CBO estimates that are already available on 1,180 Web sites. What people back home said is, Get a grip on reality. Stop spending too much. Stop taxing too much. Stop putting us into debt—and for God's sake, can't you at least spend time coming up with a budget?

I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I want to thank my colleague from California for his comments.

Madam Speaker, I guess the question I would have is: Is there anything in our rules that would prohibit the Clerk from just doing this without legislation, without a resolution? Has anybody just asked the Clerk to do this?

Do you know?

Mr. DANIEL E. LUNGREN of California. If the gentleman would yield, frankly, I don't know. That has not been presented to us at all.

Mr. WALDEN. It would seem to me that the Clerk works for the House, and if the majority party just wanted to ask the Clerk to put a link on the Web site, it should be able to be done. It shouldn't be a problem.

Besides that, I want to get to the real issue here, which is: Where is the budget?

You know, taxpayers every April 15 are required by law to file their taxes,

and this Congress is supposed to come up with a budget. If you go back to 1974, which is when the Budget and Impoundment Control Act was passed, every year, the House has had at least a vote on a budget—not always on time, but at least you've always had a vote. We don't even have a budget. So we're spending time here arguing about whether the Clerk should link to the CBO site when we ought to be having a real debate on America's future and on a budget.

When I was home over this break, I talked to a lot of Oregonians who are fearful and angry about the runaway deficit spending. They understand the implications on their kids and on their grandkids. They don't believe Washington is listening, and I think this is an example of that. We're having a debate on something which, I think, the Clerk could probably do of her own volition. Certainly, the Speaker could ask her to, and I don't think anybody would object. It just doesn't make sense to me. So you don't have an appropriations bill moving. You don't have a budget coming. We can name post offices and we can honor sports teams, but we can't address the very problem that is costing us jobs in America.

I was a small business owner for nearly 22 years. The pressure from this government on the back of small business is killing jobs, and it is keeping people away from creating jobs. The high taxes, the high regulations, the uncertainty in the marketplace are costing the economy and jobs.

Mr. BRADY of Pennsylvania. I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. If the gentleman has no more speakers, I will yield myself the balance of my time.

Madam Speaker, again, the point is that there are 1,180 Web sites already linking to the CBO. If anything would add to the frustration of the American people, it would be in response to their complaint that we are spending too much, taxing too much, putting them in too much debt, and we don't even have a budget, but we're going to give them a link. Maybe Patrick Henry said, "Give me a link or give me death," or something like that. I don't know.

All I'm saying is we almost make ourselves silly here. I know that's not the intent of the gentleman, and I wouldn't suggest so, but back home, this would be considered laughable.

With that, I would ask for a "no" vote on this resolution, and I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, I heard that what we have to do is ask the Clerk.

Why are we doing this? We make laws. We are making a law here now. We are telling the Clerk. We are not only telling this Clerk. We are telling

any Clerk that we want to put a Web site on the Clerk's page for our constituents to see.

Then I hear that we're spending time arguing. We're not spending time arguing. You're spending time arguing over something that doesn't pertain to this bill. We're not spending time arguing. We would have gotten done in 5 minutes, but because you wouldn't let me speak and because you're allowed to, you're arguing, not us.

So, with that, I thank the gentleman from New York for his great contribution to transparency. Transparency, transparency, transparency. When we go a little step further, we get a rebuttal. I thank the gentleman for his sunshine—for making people see easily without looking through all of the other Web sites, rather just on the Web site of the Clerk of the House, and we're getting that. So I thank the gentleman from New York for his contribution to transparency and to sunshine in government.

I urge an "aye" vote, and I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks in debate to the Chair and not in the second person.

Ms. MCCOLLUM. Madam Speaker, I rise today in support of H. Res. 1178, which directs the Clerk of the House of Representatives to compile the cost estimates prepared by the Congressional Budget Office which are included in reports filed by committees of the House on approved legislation and post such estimates on the official public Internet site of the Office of the Clerk.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, H. Res. 1178, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BRADY of Pennsylvania. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE LIFE OF JOHN WOODEN

Ms. SHEA-PORTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1427) honoring the life of John Robert Wooden.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1427

Whereas John Robert Wooden was born on October 14, 1910, in Hall, Indiana;

Whereas John Wooden began his basketball career at Martinsville High School and helped his team win the Indiana State high school basketball title in 1927;

Whereas John Wooden later became a three-time all-American star guard at Purdue University, helped lead Purdue to the National Championship in 1932, was named the 1932 national collegiate player of the year, and received the Big Ten medal for excellence in scholarship;

Whereas John Wooden served honorably as a lieutenant in the United States Navy during World War II;

Whereas John Wooden began his collegiate coaching career in 1946 at Indiana State Teachers College (now Indiana State University), where he fought racial inequality by refusing an invitation to the 1947 National Association of Intercollegiate Basketball because an African-American player on his team would not be allowed to participate;

Whereas John Wooden became head coach at the University of California Los Angeles (UCLA) in 1948 and quickly established a record of success with his student-athletes both on and off the court that is legendary and unmatched;

Whereas John Wooden led the UCLA Bruins to 10 National Collegiate Athletic Association (NCAA) championships (including 7 in a row), 19 conference championships, 12 final four appearances, four perfect seasons, and a record 88-game winning streak from 1971 to 1974;

Whereas John Wooden was the first person elected to the Naismith Memorial Basketball Hall of Fame as both a player and as a coach;

Whereas John Wooden was foremost an educator who always stressed the importance of team play while inspiring the development of individual talent and academic excellence;

Whereas John Wooden was the personification of teamwork and good sportsmanship, and his name is synonymous with integrity;

Whereas an annual award in John Wooden's name is given to the Nation's top college men's and women's basketball player;

Whereas John Wooden won the lifelong respect of his colleagues, players, and fans for the values he lived and espoused;

Whereas John Wooden's renowned Wooden Pyramid of Success, which stresses industriousness, friendship, loyalty, cooperation, enthusiasm, self-control, alertness, initiative, intentness, condition, skill, team spirit, poise, and confidence as the building blocks for competitive greatness, is one of the most widely recognized blueprints for excellence in any pursuit;

Whereas, on July 23, 2003, John Wooden received the Presidential Medal of Freedom, the Nation's highest civilian honor recognizing exceptional meritorious service;

Whereas, on December 20, 2003, the basketball floor at UCLA's Pauley Pavilion was dedicated as "Nell and John Wooden Court"; and

Whereas John Wooden, whose death was preceded by his beloved wife Nell, is survived by his 2 children, Nancy and James, 7 grandchildren, and 13 great-grandchildren: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors John Wooden for his exceptional career as a coach, player, educator, and mentor, including his unrivaled achievements during his tenure at UCLA;

(2) pays tribute to his iconic legacy of leadership, and recognizes the respect and admiration he earned through his dedication to the betterment of others; and

(3) expresses condolences on his passing to his children, Nancy and James, his grandchildren, his great-grandchildren, and the countless players, fans, and admirers who mourn his passing.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

GENERAL LEAVE

Ms. SHEA-PORTER. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1427 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Hampshire?

There was no objection.

Ms. SHEA-PORTER. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1427, honoring the life of John Robert Wooden.

John Wooden loved basketball. As a young man in Martinsville, Indiana, starting on his high school basketball team in 1927, Wooden led his team to an Indiana State high school basketball title, marking the beginning of a basketball career brimming with great success. In college, at Purdue University, his athletic victories continued, winning All-American honors 3 years in a row, as well as a spot in the Basketball Hall of Fame. The great success on the basketball court Wooden achieved while in school set the foundation for the great athletic accomplishments he would later go on to achieve.

After being offered a spot in the NBA, Wooden turned it down, deciding rather to teach high school English and to coach high school basketball. His only break from the school setting was during World War II, when he served honorably as a lieutenant in the United States Navy.

In 1948, Wooden accepted an offer to coach the University of California team in Los Angeles, the UCLA Bruins basketball team, and he quickly established a record of success with his student athletes both on and off the court. In his first year with the team, he led the Bruins through a near perfect season, winning 22 out of 29 games. Wooden guided the team to 10 National Collegiate Athletic Association championships, seven of which were in a row. In addition, he led the Bruins to 19 conference championships, 12 Final Four appearances, four perfect seasons, and a record 88-game winning streak from 1971 to 1974.

Off the court, John Wooden was admired and respected as much as he was on the court. Foremost an educator, Wooden stressed the importance of team play while inspiring the development of individual talent and academic

excellence. The distinguished Wooden Pyramid of Success has been widely recognized as an example for the building blocks to competitiveness and excellence in any quest, not just sports. It emphasizes the skills that Wooden taught, such as friendship, loyalty, cooperation, enthusiasm, self-control, team spirit, poise, and self-confidence. In 2003, he was presented the Presidential Medal of Freedom, the highest honor given to a civilian.

John Wooden lost the love of his life, Nell Wooden, but he is survived by his two children, by his seven grandchildren, and by his 13 great-grandchildren, as well as by the millions of basketball fans who believe there will never be another coach like John Wooden in any sport, and they mourn his passing.

Madam Speaker, I would like to thank Representative WAXMAN for bringing this bill forward.

I wish to honor the legendary Coach Wooden for his immense contributions, not only to the game of basketball, but also for his exceptional career as an educator, as a mentor, and for his dedication to the betterment of others. John Wooden's lasting legacy is carried on today on basketball courts all around the country as he was loved and admired by all who play and who know the game. I wish to express my deep condolences to his family, to his friends, to his former players, and to his countless fans and admirers.

I urge my colleagues to support House Resolution 1427, and I reserve the balance of my time.

Mr. ROE of Tennessee. I yield myself such time as I may consume.

Madam Speaker, it is a great honor to be here today, as I am a huge college basketball fan, to rise in support of House Resolution 1427, honoring Coach John Robert Wooden.

Today, we honor Coach Wooden's accomplishments and leadership. Coach Wooden was born in Hall, Indiana, and he attended Purdue University, where he played on the university's basketball team and where he was the first player to be named a three-time All-American. Coach Wooden also played professionally for the team that later became the Indianapolis Jets. In 1961, he was enshrined in the Basketball Hall of Fame for his accomplishments as a player.

Coach Wooden began his teaching career at Dayton High School in Kentucky. After his service in World War II, Coach Wooden began coaching at Indiana Teachers College, now Indiana State University. In 1984, Wooden was inducted into the Indiana State University Athletic Hall of Fame. In 1948, Coach Wooden began his coaching career at UCLA. In 1 year, Coach Wooden turned the 12-13 losing team to a 22-7 winning team. John Wooden retired from UCLA and from coaching in 1975, but he left a legacy in his wake.

Coach Wooden's list of accomplishments is long and impressive. He led the UCLA men's basketball team to 10 NCAA Men's Basketball Championships, seven in consecutive years. He made the most appearances in the Final Four, the most consecutive appearances and the most victories in the Final Four. He set the record for the most consecutive wins at 88 games—amazing—and won 38 straight victories in the NCAA tournament play. He also led UCLA to eight perfect Pac-8—now Pac-10—conference season championships.

Coach John Wooden's accomplishments on the court are innumerable. Today, we honor him for his accomplishments, and it is a great privilege to be here to honor this great man. Coach Wooden was much more than a coach, for his accomplishments were much greater as a person. Coach Wooden will be much missed by his friends, by his family, by the universities in which he served, also by the numerous players, assistant coaches, ball boys, trainers, and others. Coach Wooden's life was about others and not about himself, and I think, when the good Lord sees Coach Wooden, he is going to ask him how in the world he pulled off those 88 straight wins.

I know one of the things I would like to do with my life is to leave it a little bit better than I found it, and I certainly know that Coach John Wooden left it much better than he found it. I, too, as a fan, will miss Coach—a job well done.

I reserve the balance of my time.

□ 1300

Ms. SHEA-PORTER. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker, it is with a heavy heart that I rise to honor the remarkable life and tremendous contributions of John Wooden, who passed away in Los Angeles last Friday.

I want to begin by expressing my condolences on his passing to his family and the countless people whose lives he touched.

John Wooden coached at UCLA when I was there earning my undergraduate and law school degrees. I was in my last year of law school when the Bruins had their first perfect season under Coach Wooden, a season that culminated in a championship win over Duke. Everybody on campus was thrilled. No one could have possibly imagined that this was only the beginning of a historic run that will probably never be matched.

John Wooden would go on to coach the Bruins to an unprecedented 10 NCAA championships, including an incredible seven in a row, and a record four perfect seasons, which includes an 88-game win strike, from 1971 to 1974.

The full list of records broken and accolades earned is far too long to cover here. His accomplishments have made his name synonymous with "success," and it is unlikely that anyone will ever be able to match the accomplishments that he has achieved.

Incredibly, his coaching success was never the most remarkable thing about him. What was the most remarkable was how he inspired people and motivated them to excel, on the court and off.

As soon as a game started, it was clear that he wasn't your typical coach. Absent were the outbursts of cursing so typical from other coaches. Instead, Coach Wooden led with the calmness and poise of someone who knew he had prepared his players for anything they could face.

Basketball was just a means for Coach Wooden to influence his players by instilling life lessons and the value of character. He relished the practice and the preparation far more than the games that brought him glory because they provided him the opportunity to teach. Hundreds of UCLA players attribute so much of the success in their lives to the years they spent with John Wooden. And he was most proud about that.

While Coach Wooden could never be replaced, he will be remembered and celebrated for all time because of his love of the game, his love for his players, and his love for his family.

John Wooden often said, "You can't live a perfect day until you do something for someone who will never be able to repay you." Madam Speaker, Coach Wooden lived a lot of perfect days.

Mr. ROE of Tennessee. Madam Speaker, I yield 3 minutes to the honorable gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Likewise, I rise to honor and pay respects to the life and career of the distinguished Hoosier, Coach John Wooden.

He was born October 14, 1910, in the small town of Hall, Indiana. Coach Wooden was raised on a family farm that had neither running water nor electricity, and money was often in short supply. He played basketball with his brothers in a barn using a tomato basket and a makeshift ball consisting of old rags. Later in life, he would credit his success to the hard work and discipline he learned growing up on the small family farm.

At the age of 14, his family moved to the town of Martinsville, Indiana, where he led the local high school basketball team for 3 consecutive years, winning the State championship in 1927. For his efforts, he was selected three-time All-State.

After graduating high school in 1928, John Wooden attended Purdue University, where he helped the Boilermakers as team captain to the 1932 national

championship. He was named All-Big Ten, All-Midwestern conference while at Purdue. He also was the first player ever to be named three-time consensus All-American guard.

His nickname was the “Indiana Rubber Man” for his hard play on the basketball court.

When John Wooden graduated from Purdue in 1932, he began not only then as a professional basketball player, but then he sought teaching and coaching by accepting a job as an athletic director, a basketball coach, and English teacher at Dayton High School in Dayton, Kentucky. The first year at Dayton was Coach Wooden’s only losing season as a high school coach.

In 1934, Wooden and his wife, Nellie, then moved to South Bend, Indiana, where he accepted another coaching and teaching position at South Bend Central High School. Overall, in 11 years of coaching high school, his record was an incredible 218 wins and only 42 losses.

In 1942, the United States entered World War II, and, like many others of his generation, Coach Wooden answered the call to serve his country, serving as a lieutenant in the Navy as a physical education instructor.

After completing his military service, John Wooden quickly found work at what is now known as Indiana State University. He coached basketball at the school and resumed his string of winning seasons.

In 1948, Coach Wooden then moved to UCLA that offered him the head coaching position. And the rest is history, as described by Mr. WAXMAN.

Coach Wooden will be remembered as an exceptional basketball player, an inspiring coach, and a mentor to many, many people. According to Bill Walton, UCLA’s three-time All-American center during the 1970s, “He taught us how to focus on one primary objective: Be the best in whatever endeavor you undertake. Don’t worry about the score. Don’t worry about the image. Don’t worry about the opponent. It sounds easy, but it’s actually very difficult.”

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROE of Tennessee. I yield the gentleman an additional minute.

Mr. BUYER. “It sounds easy, but it’s actually very difficult. Coach Wooden showed us how to accomplish it,” end quote.

Today, the highest award in college basketball is named the Wooden Award, which honors the Nation’s best player in both men’s and women’s college basketball.

John Wooden coached, taught, and lived with honor. He was a very special human being. And this is a Hoosier of which many of us are distinguishedly proud about. I know, California, you also love to claim him. I think all of America can claim him. He is a distinguished gentleman.

Ms. SHEA-PORTER. Madam Speaker, I continue to reserve the balance of my time.

Mr. ROE of Tennessee. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Speaker, I thank my friend for yielding. And I have to say that, with the exception of the two floor managers here, we have a Hoosier, Mr. BUYER, and of course two UCLA graduates, Mr. WAXMAN, who’s already spoken, and Mr. LEWIS, who is going to follow.

As we take this time to very appropriately remember an amazing life, someone who—as was pointed out when Mr. BUYER mentioned his birth date, October would have marked his 100th birthday. So Coach Wooden lived virtually an entire century.

And I was struck with the quote that Mr. WAXMAN reminded us of, that you’ve never lived a perfect day until you’ve done something for someone that cannot repay you. And Coach Wooden is an individual who had a humility but a great inner strength.

And one of the things that was very apparent as you watched him coach and as you saw him involve himself with students and with so many others in the community, there was that gentleness and strength of character that did belie that resolve that he had. But, at the same time, he’s someone who was able to be a real winner.

And I think it was pointed out very appropriately right after his passing when Bill Walton and Kareem Abdul Jabbar stood on the floor of the court for the team that in the not-too-distant future is going to become the NBA champion, the Los Angeles Lakers, and remembered the life of Coach Wooden.

And so I want to join with my colleagues in extending our thoughts and prayers to the family members and to all of the students who were able to benefit from the amazing life of Coach John Wooden.

Ms. SHEA-PORTER. I continue to reserve the balance of my time.

Mr. ROE of Tennessee. Madam Speaker, I yield 3 minutes to the honorable gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Madam Speaker, I too rise today to express my deep appreciation for the life and work of John Wooden, the great coach from UCLA.

The resolution, by the way, that we are discussing today was originally introduced by my colleague HENRY WAXMAN, who spoke a while ago. HENRY’s district includes UCLA within its territory. And HENRY and I have worked together for many, many years and have had in common the fact that we are both, kind of, red-hot graduates of UCLA.

We don’t agree upon everything. In fact, some would suggest we almost never agree. The reality is, though,

that HENRY and I have worked together for many, many years, and I’m very proud of the fact that he’s a close friend.

Beyond that, let me say that the House might be interested to know that HENRY and I are such fans of UCLA that he actually allowed me to name my dog Bruin. And Bruin walks to work with me every day, and, in fact, he’s over in my office watching this on the floor and will be most intrigued by the fact that people finally are recognizing John and Nell Wooden for the wonderful, wonderful contribution they’ve made to our country.

Ms. SHEA-PORTER. I continue to reserve the balance of my time.

Mr. ROE of Tennessee. Madam Speaker, I will close by saying that this country has been much better for the presence of John Wooden here and the role model that he’s applied for so many young people. And I would suggest that you go out and read his book, or books.

And one of the quotes, and I’m paraphrasing this, that struck me that he has said—I think his players would say Woodenisms—but it is: “It’s much more important what kind of individual you are than what kind of athlete you were.” And I think we all need to keep that in mind as we go forward in our day.

And I appreciate the opportunity to be able to honor Coach Wooden today, one of my heroes.

I yield back the balance of my time.

Ms. SHEA-PORTER. Madam Speaker, I would also like to point out I have a basketball player in my home, and I certainly had the biography because the man that we’re talking about, the great hero, John Robert Wooden, did indeed show Americans how to play a sport and how to play it honorably and how to play on and off the court.

I urge my colleagues to vote “yes” on this resolution.

Mr. LEWIS of California. Madam Speaker, I rise today to honor the extraordinary life of John Wooden who became an angel at age 99 on June 4, 2010. Our thoughts and prayers are with his family and friends during this difficult time.

I appreciate the efforts of my colleague, fellow UCLA graduate, and friend HENRY WAXMAN who authored this resolution honoring Coach Wooden. While HENRY and I haven’t always agreed on policy issues, I have long valued his friendship and our shared love of all things UCLA. For those who do not know just how strongly I feel about my alma mater . . . my dog happens to be named Bruin.

It is a humbling moment to rise on behalf of thousands of UCLA alumni who are proud not just to graduate from a great university but to be associated with John Wooden, the pre-eminent basketball coach for all time.

From 1964 to 1975, his Bruin teams won 10 national championships, including seven in a row. No other men’s basketball coach has won more than four. He led UCLA to four perfect seasons. No other coach has had more

than one undefeated season. Wooden's teams won with legendary players known the world over and were victorious with players whose names are remembered only by the UCLA faithful.

But Coach Wooden was so much more than statistics, championships, and career honors. He was a reminder of values both endearing and enduring during a time of great social and political upheaval. Bruins and basketball lovers could disagree over the headlines in the newspapers but could unite around the humble leadership of Coach Wooden.

It is his role as an educator where he has made his greatest mark. Wooden developed the "Pyramid of Success" a simple, yet profound, representation of the ideals that form the basis of Wooden's outlook on life and explain much of his success on and off the court. Emphasizing such traits as skill, poise, and confidence, the Pyramid of Success has helped millions be their best when their best was needed.

Wooden's maxims benefit us all. Be quick, but don't hurry. It's not how tall you are, but how tall you play. Character is what you really are; reputation is what you are perceived to be.

Wooden's supreme devotion was to his family. He married his beloved Nell, the only woman he ever dated, and wrote her love letters every month on the anniversary of her passing. When UCLA's basketball court at Pauley Pavilion was recently renamed in their honor Wooden insisted her name came first. He and his wife symbolized the very best of family life.

Coach Wooden often said "make each day your masterpiece." While he had many days that were masterpieces, the 99 years John Wooden graced us with his presence were his magnum opus.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1427 which honors the life of John Wooden, the legendary basketball coach of the UCLA Bruins, who died this past Sunday, June 6, at the age of 99.

Coach Wooden's success as a college basketball head coach is unparalleled. But his on-court success was matched by the positive impact that he had on the lives of his players. Coach Wooden was the very embodiment of what a coach should be. He was a teacher, a mentor, and a friend. As an alumnus of UCLA and a former college basketball player, I am inspired and awed by Coach Wooden's legacy and proud of his contributions to the game of basketball.

Born in 1910 in Hall, Indiana, John Wooden began his basketball career at Martinsville High School, where he helped lead his team to a state championship. He went on to star at Purdue University, where he was a three-time All-American and the 1932 national collegiate player of the year. He is the first and only person inducted into the Naismith Basketball Hall of Fame as both a player and a coach.

But John Wooden's remarkable success as a player is often overlooked because of the historic achievements of his coaching career. John Wooden began his coaching career at UCLA in 1948 and immediately established a record of success that has made him an American icon and the gold standard of college basketball coaches. Coach Wooden led

the UCLA Bruins to 10 national championships, a record no other coach in college basketball history has come close to matching. Between 1967 and 1973, Coach Wooden's Bruins won an incredible 7 consecutive national championships. No other coach has more than three. In addition, he led the Bruins to 19 conference championships, 12 Final Four appearances, 4 perfect seasons, and a remarkable 88 game winning streak, which remains the longest in history. The record 38 game NCAA tournament winning streak that his Bruins compiled in winning the first 9 national championships is surely as close to unbeatable a record as any in all of sports. The next longest winning streak is a mere 14 games, compiled by the Duke Blue Devils from 1992–94.

As a former college basketball player, I understand the long hours of hard work and intense dedication needed to achieve a single winning season. So, the monumental record of success compiled by Coach Wooden is staggering. But, as Coach Wooden would be the first to explain, his monumental achievements were the product of an intense focus on the details. Coach Wooden was famous for starting the first day of practice each season with a tutorial on how to properly put on athletic socks in order to avoid blisters. It was this outlook on the game—this understanding that attention to detail is a fundamental first step to achieving great things—that made Coach Wooden such a master.

John Wooden's success on the court was topped only by the positive effect that he had on the lives of his players. All of Coach Wooden's players will attest that, while he surely made them better basketball players, his most lasting impact on their lives was his ability to make them better people. Coach Wooden was an educator and a mentor in the truest sense. More than personal talent, he stressed the importance of loyalty, companionship, cooperation, and enthusiasm. He imparted upon his players lessons that led to life-long success.

The words of wisdom he imparted to the players he coached helped them become champions on and off the court. Who can forget these famous quotes of Coach Wooden:

"Don't confuse activity with achievement."

"Be quick but don't hurry."

"Failing to prepare is preparing to fail."

"It's what you learn after you know it all that counts."

"The main ingredient of stardom is the rest of the team."

"Things turn out best for the people who make the best of the way things turn out."

"Failure is not fatal, but failure to change might be."

"Talent is God given. Be humble. Fame is man-given. Be grateful. Conceit is self-given. Be careful."

For his contributions to the game of basketball and to the lives of so many young Americans, Coach Wooden was deservedly awarded the Presidential Medal of Freedom. Coach Wooden is an American icon who will be missed dearly, but whose legacy will continue to shine in the sports world and throughout American life.

I urge my colleagues to join me in supporting this resolution.

Mr. BERMAN. Madam Speaker, I rise to pay tribute to Coach John Wooden. As a student of the University of California, Los Angeles during Coach Wooden's tenure, I recall with nostalgia the spirit of honor and humility that he embodied. For a man with a larger-than-life reputation and unparalleled winning record, John Wooden was surprisingly modest—a trait that many would say is particularly uncommon in Los Angeles. His playing career at the high school, college, and professional levels was marked by numerous record-breaking and award-winning performances, and his coaching career was no different. He led the UCLA Bruins to an unmatched 10 National Championships in NCAA Men's Basketball and four perfect seasons, one of which was while I was a law student at UCLA. It was an incredible time to be a Bruin. Coach Wooden was the first person to be inducted to the basketball Hall of Fame as both a player and a coach, and remains one of only a handful of people to earn the dual honors.

I can't talk about John without mentioning Nell, his wife of over 50 years. Like Coach Wooden, Nellie Wooden was until her death in 1985 an integral part of the fabric of UCLA and a fixture in the crowd at the court that now bears her and her husband's names. She always wore a smile, and a game rarely started without it.

John Wooden's spirit will continue to roam the hills of Westwood by the blue Pacific shore. My colleagues and I can all take a page out of Coach Wooden's playbook when it comes to teamwork and diligence. May his memory be a blessing and his life an example to us all.

Ms. SHEA-PORTER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 1427.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1315

PROVIDING FOR CONSIDERATION OF H.R. 5072, FHA REFORM ACT OF 2010, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1424 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1424

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5072) to improve the financial safety and soundness of

the FHA mortgage insurance program. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Financial Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. It shall be in order at any time through the legislative day of June 11, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. For purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. PERLMUTTER. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1424.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. I yield myself such time as I may consume.

The rule provides for consideration of House bill 5072, the FHA Reform Act of 2010. It is a structured rule which makes in order 13 amendments. The rule waives all points of order against the bill except those arising under clause 9 and 10 of rule XXI. It further considers the amendment in the nature of a substitute from the Financial Services Committee be considered as read. Finally, the rule provides authority to the Speaker to entertain motions to suspend the rules on Thursday and Friday of this week.

Madam Speaker, H.R. 5072, the Federal Housing Administration Reform Act of 2010, provides FHA with the necessary tools to strengthen its mortgage insurance program and overall financial position. The collapse of the private sector in the wake of the financial crisis left a large void in the housing market. Banks didn't have the capital to lend, so potential home buyers were left out in the cold. FHA played a critical role in filling this void, providing a much-needed catalyst to the real estate industry, which was left reeling from the subprime debacle. This preserved hundreds of thousands of jobs in the real estate industry.

As a result of taking on a more prominent role, FHA's market share increased from about 4 percent to now more than 30 percent of total purchases, 88 percent of which are first-time home buyers.

This bill makes several necessary reforms which will make it more efficient and accountable. First, it provides FHA with the authority to raise the annual mortgage premium for new borrowers. It also provides FHA with enhanced authority when FHA finds evidence of fraud or noncompliance by a mortgagee. If a lender or underwriter is found to be violating FHA regulations when underwriting loans by making risky loans or cutting corners, the FHA can terminate that underwriter or lender's ability to lend under the program. The bill also improves FHA's risk management, and under the bill, the FHA will provide additional data which will give a clearer overview of FHA's fiscal position.

The bill we are considering here today is bipartisan and incorporates many changes sought by the Housing and Urban Development Department, industry stakeholders, and Members of Congress. It passed the Financial Services Committee by a voice vote with little opposition. Most important, the Congressional Budget Office analyzed the bill and estimates it will save \$2.5 billion over the next 5 years.

FHA plays a critical role in the marketplace, and this bill strengthens the program so that it can continue its role in a sound manner. FHA was created during the Great Depression to stimulate the economy, particularly

with regard to real estate. This purpose is equally important today, so it is crucial that we make reforms to the program that will allow it to keep up with the industry. This bill will promote responsible lending and reduce the deficit by \$2.5 billion. I look forward to the debate on this bill, which will restore greater confidence in the housing industry.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I thank the gentleman, my friend from Colorado, for giving me such time as the Republicans may have, and I yield myself such time as I may consume.

Madam Speaker, this will be the 31st time that I have handled a rule on this House floor in this Congress, and this is the 31st time that I have yet to handle an open rule. In fact, out of the over 120 rules of this Congress, we have not debated one open rule. Not one open rule this Congress.

I don't believe that closing debate, limiting amendments, and shutting Democrats and Republicans out of thoughtful ideas is a good way to run this House. And I know and you know, and I say this often, that our Speaker, Speaker PELOSI, promised when she told the American people that she would run the most open, honest, and ethical Congress, I don't think she had this in mind, and I know we didn't as Republicans; and I don't think the American people did, not to have one open rule this Congress.

I know we are getting ready to finish this Congress in a couple months. But one would think that when the Speaker spoke those words, she had something in mind other than closed rules or some modified rules. Open, honest, ethical. Not one open rule this Congress.

One thing that I do have the opportunity to say today, however, Madam Speaker, is that the call for a vote on the previous question to allow for this week's YouCut winner will be good. YouCut is the new Republican online voting tool for Americans to pick what wasteful government spending they would like to see cut every week and which should be an agenda on this floor every week.

I admire the majority for finally having a bill that saves the taxpayer money. Don't know how many times that's happened in this Congress or under this Speaker. But what I can tell you is hundreds of thousands of Americans this week have been on the YouCut site, and they came up with lots of answers. So I applaud the Democrat majority for coming up with, finally, a bill which will save taxpayers money.

Additionally, today we are here to discuss an important step in providing the Department of Housing and Urban Development, also known as HUD, with the tools it needs to supervise and monitor the single-family mortgage insurance program run through the Federal Housing Administration, known as

FHA. That's what we are here for, and I am glad that this bill is here. Saving money and running the government more efficiently, and providing the tools, is what Congress should be for.

It is necessary to understand why these changes are important. And in my opinion, my colleagues, who really work across party lines, need to do more of this kind of work of helping rather than providing more rules and regulations. The continued importance of protecting the taxpayer is primary and important to people who are paying the taxes. They want to know that there should be more work like this being done in Washington.

As the housing market collapsed over the last 2 years, private lenders have scaled back their activities, with the FHA significantly increasing its share of the single-family mortgage market from less than 5 percent to now more than 30 percent. With higher mortgage share comes increased taxpayer exposure. The elevated levels of delinquencies and foreclosures across this Nation have had a detrimental effect on the financial health of the FHA, which is why reforms in this legislation are an essential piece of fixing and addressing this problem today.

I applaud the gentleman, Mr. FRANK, and I applaud the gentlewoman, Mrs. CAPITO, for working together, for essentially bringing a huge part of Mrs. CAPITO's bill to the floor today. The taxpayers have already paid their fair share for bailouts and failed stimulus programs, resulting in record debts and record deficits. It's important to bring some stability and to recognize problems before they happen.

H.R. 5072 incorporates a majority of the provisions from my friend, Ranking Member SHELLEY MOORE CAPITO's, legislation, H.R. 4811, the FHA Safety and Soundness and Taxpayer Protection Act. This legislation from Representative CAPITO provides additional enforcement, the financial and risk assessment tools necessary to adequately administer the program, to detect fraud and abuse, and to strengthen underwriting standards and, perhaps best of all, to protect the taxpayer.

While the legislation is a step in the right direction, it is important to note that the benefits of using government subsidies to promote homeownership to be more balanced against the potential risk of insuring less creditworthiness with borrowers, and exposing the taxpayer to additional risk, is perhaps the best part of this bill. It is extremely important to have proper underwriting, and to ensure that potential home buyers have the appropriate amount of personal funds invested in the transaction to make sure that the housing market does not collapse again.

Madam Speaker, while this legislation is an important step, Congress should do more to protect the taxpayer from having to suffer the consequences

of bailouts in another government housing program.

Congressman SCOTT GARRETT of New Jersey, also on the Financial Services Committee, offered several amendments which were not made in order by the Rules Committee, and so they will not be voted on today on the floor.

□ 1330

These amendments, however, are worthy of speaking about it. They would have protected taxpayers from yet another government bailout as we were setting the rules for the future to say the Federal Government should not be in the bailout business.

My friends on the other side of the aisle once again continued to shut out not just SCOTT GARRETT but taxpayers and people who had ideas, that are called Members of Congress, and not allow a debate on commonsense solutions that save the taxpayer money.

Once again, I applaud the gentleman, Mr. FRANK, for bringing this bill to the floor, but we need more and more discussion about how we limit taxpayer exposure.

I believe that Congress and the administration must be extremely cautious and always vigilant in their oversight of this program and others to make certain that the program is adequately capitalized and is run in a safe and sound manner that protects the taxpayer from the need not only for another bailout but wasteful government spending.

Additionally, as the housing market begins to stabilize, we must begin to look for ways to decrease reliance on the Federal Government guarantees and encourage the reentry of private capital and investment in the mortgage market.

Madam Speaker, at this time I would like to yield 4 minutes to the gentleman from Virginia (Mr. CANTOR) to discuss his ideas on this bill.

Mr. CANTOR. I thank the gentleman for yielding.

Madam Speaker, recently, we found out that the national debt has surpassed \$13 trillion. That means that each American owes approximately \$42,000. I align myself with the remarks of the gentleman from Texas in applauding the gentleman from Colorado and Massachusetts in bringing this bill to the floor that actually does save taxpayer dollars for the American people. I also want to recognize the leadership of Ms. CAPITO from West Virginia, whose bill this originally was.

Here's an idea, Madam Speaker. Rather than simply talking about how shocking our dangerous level of national debt is, why don't we actually do something about it today. America is at a crossroads, and the choices we make today will determine the kind of country we will be.

The Republican Economic Recovery Working Group launched the YouCut

program to change the culture in Washington, and it's clear from news reports, Madam Speaker, that it's starting to do so. We saw the White House just last week ask each government agency to cut 5 percent from their budgets. While we applaud their intentions, House Republicans are offering a way to cut spending—not tomorrow, not next week, but right now—with YouCut.

There is no doubt that our debt situation is reaching a crisis point that demands a united, bipartisan effort to solve it. I'll be the first to raise my hand to say that Republicans have played our part in contributing to the problems in the past. But for those Americans out there struggling to pay their mortgages, does it really matter to them whose fault it was?

I come to the floor today, Madam Speaker, to urge my Democratic colleagues to join us in supporting this week's winning YouCut proposal to reform Fannie Mae and Freddie Mac, which received 45 percent of the vote on YouCut. SCOTT GARRETT and JEB HENSARLING's proposal would save \$30 billion in taxpayer money over the next decade.

The two government-sponsored enterprises have racked up a taxpayer-funded tab of \$145 billion and counting. According to the Congressional Budget Office, if we don't reform Fannie and Freddie, that price tag will only rise. There's no doubt that reforming Fannie and Freddie will be a challenging task, but taking on this kind of challenge is why our constituents gave us the privilege of serving in this House in the first place.

Mr. PERLMUTTER. Madam Speaker, I appreciate the gentleman's support of the underlying bill and the savings of \$2.5 billion and that they'd like to proceed and make some cuts to Fannie Mae and Freddie Mac over the course of the next year, and that is something that ultimately we have to address.

Under Mr. FRANK and under this Democratic Congress, we've already worked on reforms to Fannie Mae and Freddie Mac, unlike my friends on the Republican side of the aisle. And I just remind them what their chairman of the House Financial Services said about the efforts to reform and revamp Fannie Mae and Freddie Mac back when the Republicans were in charge of both the White House and this Congress.

There was an effort to reform Fannie Mae and Freddie Mac between Mr. Oxley and Mr. FRANK, but instead of getting any assistance, he fumed particularly about the White House. This was from an article in the Financial Times. It was by Mr. Oxley. This is an article written and quoted from Mr. Oxley in the Financial Times last September, September 9, 2008, where he fumes against criticism that the House didn't try to reform Fannie Mae and

Freddie Mac back a few years ago. He says, "All the hand-wringing and bed-wetting is going on without remembering how the House stepped up on this," to try to reform Fannie Mae and Freddie Mac. He said, "What did we get from the White House?" A White House that was controlled by the Republicans. "We got a one-finger salute" in trying to reform Fannie Mae and Freddie Mac.

Well, unlike under Republican leadership, we've been working on reforming Fannie Mae and Freddie Mac, and we have been looking for ways to cut costs and expenses of the United States. And one of those places we're already doing something about, which makes their suggestion looks like peanuts, and that's in Iraq.

The Republicans, under the leadership of George Bush and the Republican Congress, cut the taxes for the wealthiest 1 percent, prosecuted two wars without paying for them, left Wall Street in disarray by failing to police Wall Street. And what did we get? We got a financial meltdown and a giant debt, \$1.3 trillion, when Barack Obama took office. And now they're complaining about the costs that they left in place based on their way of running the country.

With that, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, a couple times ago when I was on the floor and we were doing the rule, we got into this debate about blaming George Bush for everything, and I would simply remind my colleague, as I did that day, I'd pin the tail on the donkey. We know who controls the spending and taxing around here.

Madam Speaker, at this time I yield 3 minutes to the favorite son from Dallas, Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, the American people understand that this Nation is facing a debt crisis. Congress, under control of our friends on the other side of the aisle, the Democrats, has seen the deficit increase almost tenfold since they took control of Congress. We know that President Obama has now submitted a budget which will double the national debt in 5 years and triple it in 10 from 2008.

Madam Speaker, I serve on the President's Fiscal Responsibility Commission, and we have recently heard testimony that when a nation's gross debt equals 90 percent of its economy—in this case, GDP—that the needle has hit the red zone, that you can lose economic growth. And, on average, history tells us you can lose 1 percentage point, a full third. The Congressional Budget Office is predicting 3 percent economic growth. It could be 2 percent.

Madam Speaker, the United States' gross debt is now at 89 percent of GDP, and the American people now know it's

either you cut or your children may one day face bankruptcy.

Spending is out of control. Our children are facing a future with fewer jobs, shrinking paychecks, smaller homes, an American Dream that is constricted and diminished. We are on the verge of being the first generation in America's history to leave the next generation with a lower standard of living.

And just this morning on the Budget Committee, Chairman Bernanke said that it is important that the Congress act today on the government-sponsored enterprises; it is important that the Congress act today on enacting a budget; it's important that the government act today to reduce the national debt that has an impact on economic growth and jobs today.

But we have no plan, at least listening to the gentleman from Colorado. If we had a plan to deal with the GSEs, it has not ended in a success that the American people recognize. We're now looking at \$147 billion of taxpayer bailout. Between the government-sponsored enterprises and the FHA, they now control approximately 95 percent of the market. More government control.

And that's why the gentleman from New Jersey, Mr. GARRETT, and I have introduced H.R. 4889, the GSE Bailout Elimination and Taxpayer Protection Act, to end this. And, instead, what we have from our other friends from the other side of the aisle is they actually exempt the government-sponsored enterprises who are at the epicenter of the financial crisis from the new legislation.

Again, it is time that we put Fannie and Freddie on a road to market competition to end the perpetual bailouts, to save taxpayers money, because it's either you cut or your children pay for it.

Mr. PERLMUTTER. Madam Speaker, I now yield 5 minutes to my friend from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. First, I want to acknowledge the praise given to the gentlewoman from West Virginia (Mrs. CAPITO), and, I would add, I was thanked, but the gentlewoman from California (Ms. WATERS) worked closely with Mrs. CAPITO to bring this bill forward.

Secondly, on the deficit, this Friday morning I will be at a meeting. The gentleman from Texas (Mr. PAUL) and I are beginning an enterprise to pull back the excessive overreach of America militarily. We are spending more money now defending Western Europe from an enemy unknown to anybody—including those in Western Europe—than we're spending on virtually any domestic program. So, yes, I welcome that, and I'll look to see where we are on that.

I support President Obama's efforts to save money in the space program.

Frankly, when people tell me that we have got a serious debt crisis but they're willing to commit hundreds of billions of dollars to send a human being to Mars so he or she can be brought back—and the President is not, I think, correct on this—then I am also skeptical.

Some of my friends in the Agricultural Committee and in the South who support sending \$147 million of American tax dollars to the Brazilian cotton farmers to offset the subsidy given to American cotton farmers, I doubt their true depth of their commitment to cutting the budget.

But let me talk about revisionist history.

The Republican Party controlled the Congress from 1995 to 2006. No legislation changing Fannie Mae and Freddie Mac went through. President Bush controlled the executive branch for 2000 to 2008. What he did—he said he wanted some reform. You've heard the former chairman, the former Republican chairman Mr. Oxley, denigrate Mr. Bush's cooperation there. But in 2004, the Bush administration ordered Fannie Mae and Freddie Mac to increase the number of mortgages they bought for people below the median income. And at the time I said I thought that was a mistake; wrong for the people who were being pushed into this, wrong for Fannie Mae and Freddie Mac, and, in fact, it led me to change my opinion.

In 2003, I didn't think Fannie Mae and Freddie Mac needed change, but George Bush converted me. He converted me when he sent them much too deeply, by his decision, into more subprime mortgages. I thought it was better to use Fannie Mae and Freddie Mac for affordable rental housing. Once that happened, I joined Mr. Oxley in 2005 in an effort to pass a bill, and I supported a bill that passed in the House.

Now, we're going to hear from some Republican Members today who say nothing was done. You know what their problem was, Madam Speaker? They couldn't get the support of their own Republicans. The Republican leadership of the Financial Services Committee today, the Republican leadership of the House today joined Mr. Oxley to be repudiated and yet it had some amendments.

But let's be very clear. The bill that passed the House in 2005, which I, by the way, ultimately voted against not because of anything to do with Fannie Mae and Freddie Mac, because of restrictions that were added by the Rules Committee in the self-executing rule to housing programs through affordable rental housing that would have, for example, kept the Catholic church from participating in that.

But on the substance of the bill you will hear that, well, there were amendments and many of us opposed those

amendments. That's true. I opposed some of those amendments. The chairman of the committee, Mr. Oxley, opposed those amendments. The Republican leader today, Mr. BOEHNER, opposed those amendments. The majority of Republicans on the Financial Services Committee today opposed those amendments. No amendment offered in either the committee or on the floor of the House by the handful of Republicans who will be here today blaming the Democrats, when the Republicans controlled the White House and the Republicans controlled the House and the Republicans controlled the Senate, the House passed the bill, and a handful of Republicans opposed it. And no amendment they offered on the floor or in committee got a majority of Republican votes. If no Democrat had voted on that bill, the outcome would have been exactly the same.

In 2007, when the Democrats took the majority, I became the chairman, and for the first time, the Congress did, in that Congress, pass a bill to reform Fannie Mae and Freddie Mac. It was held up in the Senate, unfortunately. We did it in 2007. But under that bill, Secretary of the Treasury Paulson, acting on behalf of President Bush, put Fannie Mae and Freddie Mac into conservatorship.

So when people say nothing's been done, in fact, the most drastic reform to date in the financial area came when Secretary Paulson, under authority given to him by the Democratic Congress in 2008, put Fannie Mae and Freddie Mac into conservatorship. The debts that are owed are the debts that were incurred during the period when George Bush was President and when the Republicans were unable to enact legislation to reform Fannie Mae and Freddie Mac.

□ 1345

Now, there was some here who were on the other side. I was unconvinced of the need to do that in 2003. In 2004, when the Bush administration pushed Fannie Mae and Freddie Mac more deeply into buying sub-prime mortgages, I opposed that, as I will put in the RECORD, and then joined Mr. Oxley in trying to reform it.

Fannie Mae and Freddie Mac are today in conservatorship. They got up and testified before our committee, unchallenged by any of the Republicans who were tougher in his absence—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERLMUTTER. I yield the gentleman an additional 2 minutes.

Mr. FRANK of Massachusetts. As Secretary Donovan testified, unchallenged by any of the Republicans, Fannie Mae and Freddie Mac are not now costing the taxpayers any money. The money that is owed is from the prior activity before Secretary Paulson put them into conservatorship with au-

thority that he did not get from a Republican Congress but from a Democratic Congress, and Secretary Paulson said it wasn't a perfect bill but it was a bill that he could work with.

Since then, Fannie Mae and Freddie Mac have been in conservatorship. They have already been drastically changed, and they are not costing the taxpayer moneys. Clearly, we have to take a next step, but we have consulted with the Realtors, with the home builders, with advocates for low-income housing, with virtually everyone concerned with housing, and their recommendation is, yes, keep them in conservatorship and replace them.

The Republican plan that you have heard, the plan of the minority of Republicans from 2005, abolishes them with no replacement, and so housing finance is left in a turmoil. We have Ginnie Mae, we have the FHA, we have the Federal home loan banks, we have Fannie Mae and Freddie Mac. Yes, we believe there should be a sorting out of these things, but let's again just summarize.

I have been told that it was my fault that during the Republican years in Congress we didn't pass a bill on Fannie Mae and Freddie Mac. Well, Mr. DeLay of recent memory was in charge of the House agenda then, and I have to disclaim the notion that I was secretly advising Mr. DeLay, and I'll prove that to you, Madam Speaker. If I were giving Mr. DeLay advice, I would have told him not to go on the dance show. It wouldn't have just been Fannie Mae and Freddie Mac that would have benefited; a lot would have benefited.

But we were frustrated by him. He was in charge of the housing agenda. A few Republicans wanted to change it. They were outvoted by the Republican majority. When the Democrats took office—and you can read this in Secretary Paulson's book—we cooperated with the Paulson administration. We gave them the authority to put it into conservatorship. They are now both in conservatorship, and we await the next step.

Mr. SESSIONS. Madam Speaker, I am glad the gentleman was forthright that he tried to kill the bill that passed the House, went to the Senate and died, the GSE reform bill. The gentleman did say he voted against it, and he did.

I would also remind the gentleman, today is today, and where's the budget? Where's the budget for the House to vote on? Where's the budget? Deafening silence. We should be doing the budget, the budget where the people of the United States find out what the glide path and direction should be for this country for all this spending. Deafening silence, Madam Speaker. Where's the leadership there? We were talking about a small FHA bill. How about for the United States, all the spending that's going to happen? So, once again, pin the tail on the donkey.

Madam Speaker, at this time, I yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Before I begin, I just have to respond to the chairman's remarks. You know, Mr. Chairman, I'd ask you to listen to what the gentleman from Virginia said before. We're not about at this point in time looking back. We're about looking forward. We're not about looking at pointing blame. I know you have been on the floor for Special Orders speaking for over an hour saying that you're not at fault and you come here again to say that you're not the responsible party, that nothing to do with it as far as the problems with the GSEs, Fannie Mae or Freddie Mac can be laid at your footsteps and it's all the Republicans' fault.

We're not here about trying to point blame to actions that were taken in the committee. We are not here to point blame when you said let's roll the dice and see what happens. We're not here to point blame at you to say that when you said repeatedly in the past that there's not a systemic risk with the GSEs, we're not here to bounce that. We are where the American public is, to look forward to see what we can do now with the crisis that we're in.

I rise today with a message from the American people and that they are simply tired of this pointing blame and they are tired of the hollow promises of reform from Speaker PELOSI and the Democrat majority. They are tired of hearing that Fannie Mae and Freddie Mac are projected to cost the taxpayers upwards of \$389 billion. So they're probably a little bit shocked when they hear you say that it's not going to cost the American public anything. We know that it will cost upwards, for the past actions, \$389 billion, and going forward who knows exactly what it will cost the American taxpayers.

Since taking over Fannie Mae and Freddie Mac, the two government-sponsored mortgage-backing companies, American taxpayers have spent so far \$145 billion for these two companies, and here's the important point. This is what we're trying to make here is that Congress still has not considered any proposals whatsoever to reform these companies and recoup those taxpayer dollars. We're about to go into conference, and there is nothing in the Senate or the House bills that deal with that situation.

We, on the other hand, in this YouCut proposal that's on the floor right now, would suggest that we can save the American taxpayers how much money? Up to \$30 billion. Look, I know that originally Congress put a cap of \$200 billion on it, and then the administration lifted that cap and raised it up to \$400 billion that it could cost the taxpayers, and then in the dead of night on Christmas Eve 2009,

they lifted that cap and went even further and said it's unlimited over the next 3 years what it will cost the American taxpayers to bail out Fannie and Freddie. I know that the administration did all that. I also know that it's nowhere projected or listed really honestly in the budget that we're still waiting to hear, as the gentleman from Texas just pointed out.

We know also that, as we say, there is no plan from the majority or from this administration to try to rein that in to save these \$30 billion, and that is why we come to the floor to do just that because the American taxpayers, American voters have said, through YouCut, that that is exactly what we need to do.

Professor Hal Scott from Harvard Law School noted how incomplete the financial services regulatory reform legislation is. He said this: "It doesn't address GSE reform." Fannie Mae and Freddie Mac, "which arguably is the most costly part of the entire bailout process. If you look at the money we've actually spent on the bailout, the GSEs are costing us billions." There is no solution from the White House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks in debate to the Chair and not to others in the second period.

Mr. PERLMUTTER. Madam Speaker, I would just remind the body that we're here on the FHA bill, the reform of FHA which my friends have applauded, and that's really what we're here to talk about, a savings of \$2.5 billion, more accountability from FHA, which has had to fill a vacuum in the housing market because of the loss of so many lenders who got so involved with sub-prime loans.

So I'd also say to my friend Mr. GARRETT, Madam Speaker, that I think that sometimes if you take a look at the past actions that we saw under the Republican Party and their failure to rein in Fannie Mae and Freddie Mac, rein in a Wall Street that was out of control, cut taxes and not pay for wars, that gives you an idea of what they may be doing in the future. And that's what the people of this country want to have an idea of what to expect, and looking back at the past actions, I would say, gives you a good indication.

With that, I yield 2 minutes to my friend from Texas, Ms. JACKSON LEE.

Ms. JACKSON LEE of Texas. My good friend is absolutely right. We're here today to talk about the reform of FHA and to really give relief to the borrowers who will have the ability to see the current cap on mortgage insurance premiums increase and generally give opportunity for Americans to make whole and make good on the home buyers market to get back into the market.

The sub-prime debacle, the whole foreclosure devastation, tragedy hap-

pened on the last administration's clock, the Republican administration's clock. So I wonder now when we stand here to try to help new home buyers get into the market, work with the real estate industry, and make people whole, there seems to be an opposition.

The whole GSE reform was something that could have been done under the last administration's clock, but they wanted to take a sledge hammer and axe and destroy the opportunity for individuals to be able to access the kind of moneys and resources so you could get into a home.

I support this legislation, H.R. 5072, the FHA Reform Act, because what it will do is to give Americans back their wealth again, allow them to buy homes, give them the insurance premiums that they need, and to get us back on track. This is the right direction. Let's keep going forward to help America stay strong.

Madam Speaker, I rise in strong support of H.R. 5072—"FHA Reform Act of 2010". The Chair of the Financial Services Committee, BARNEY FRANK, Chairwoman MAXINE WATERS of the Subcommittee on Housing and Community Opportunity, and the co-sponsors of this bill must be applauded for moving this important legislation to the floor. This legislation amends the National Housing Act to authorize the Secretary of Housing and Urban Development, HUD, to increase the maximum annual premium payments for mortgage insurance, and makes the charging of the premiums discretionary instead of mandatory.

The Federal Housing Administration, FHA, has its origins in the post-depression era. However, in the last several years, FHA has been a major force in breathing life into the depressed housing market. With 51 percent of African Americans homebuyers and 45 percent of Hispanic families who purchased homes in 2008, using FHA financing, FHA is far and away the leader in helping minorities purchase and maintain their homes.

Subprime mortgage loans, which were at the heart of the housing crisis, were disproportionately made to blacks and other minorities. For example, Wells Fargo loan officers described the high interest rate mortgages targeted at Black homeowners as "ghetto loans," an unacceptable and terribly offensive reference. As a result, a disproportionate number of blacks and minorities have been forced into foreclosure. In predominantly Black neighborhoods, 1 in every 8 loans dispersed by the large lender, Wells Fargo, resulted in foreclosure, while in predominantly White neighborhoods, only 1 of every 59 Wells Fargo loans resulted in foreclosure.

With the increase in foreclosures, foreclosure rescue and loan modification scams have been on the rise. The Internet has been flooded with schemes by fraudulent organizations and individuals who are charging fees for counseling services, a service that HUD provides free of charge. Some of these scams go as far as to require homeowners to sign over or transfer the deeds to their homes, and many are simply absconding with the mortgage payments that homeowners are struggling to make.

Something must be done to protect these hard working Americans, who are already facing financial distress and the potential loss of their home, from these predatory schemes. The Home Affordable Modification Program (HAMP) was implemented just over a year ago to aide homeowners in modifying their loans as opposed to turning to these fraudulent schemes. Unfortunately, the program has been unable to keep pace with the quickening pace of foreclosures.

In 2010, over 40 years since the Federal Housing Administration was established, FHA is playing an increasingly important role in stabilizing economically disadvantaged communities, while providing assistance to families across a wide-range of incomes. As John Taylor testified before the Financial Services Subcommittee Housing and Community Opportunity, "research by Dan Immergluck shows that FHA lending is more likely in communities experiencing high unemployment, smaller metropolitan areas, metropolitan areas experiencing large home price declines, and Zip codes with lower median home values. In other words, FHA lending has increased while conventional lending has decreased in communities hardest hit by the current severe recession."

Despite this, more must be done to protect home owners and enable prospective homebuyers. This reform bill is a vital step toward that end. Section 4 of this legislation authorizes the Secretary of Housing and Urban Development to terminate approval of a mortgagee to originate or underwrite single family mortgages if the mortgagee's rate of early defaults and claims is excessive. This will help to reverse the damage caused by predatory lending, and help families keep their homes. This will have a ripple effect throughout countless cities because entire neighborhoods are currently at risk of being abandoned due to foreclosures. Saving these neighborhoods will keep communities intact, and will preserve neighborhoods for revitalization that is vital to the nation's economic recovery efforts.

Section 14 of this legislation authorizes the Secretary of Housing and Urban Development to reimburse servicers of HUD-insured residential mortgages for the costs of obtaining the services of specified independent third parties, including a HUD-approved housing counseling agency, to make in-person contact, at no charge, with mortgagors whose payments are 60 or more days past due, solely to provide information regarding: (1) HUD-approved housing counseling agencies; and (2) mortgage loan modification, refinancing, and assistance programs. During these trying economic times, this HUD-approved counseling must be a vital tool for families at risk of defaulting on their mortgagees, as they decide on the best financial course of action at no cost to them.

It is my hope that this legislation will help to enable these disadvantaged groups, as well as struggling homeowners to retain their homes if they own one, or to buy homes for the first time if they do not. As Graciela Aponte of the National Council of La Raza testified before the Financial Services Subcommittee on Housing and Community Opportunity, "communities of color, low-income families, and first time homebuyers—FHA's target

market—have been disproportionately impacted by the toxic subprime mortgages on the housing market.”

Thank you, Madam Speaker. Once again, I strongly urge my colleagues to join me in supporting the FHA Reform Act of 2010, H.R. 5072. Legislation this important to the American homeowner and to our economy must be passed immediately.

Mr. SESSIONS. Madam Speaker, at this time I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I rise today on behalf of thousands of Americans who, through YouCut, have overwhelmingly asked that Congress address one of the most egregious examples of Washington's fiscal irresponsibility, the ongoing bailouts of Fannie Mae and Freddie Mac.

These two failed mortgage giants directly fueled the financial turmoil that has cost millions of Americans their jobs, their savings, and their homes. Already, bailouts of Fannie and Freddie have cost taxpayers \$145 billion, with a final tab estimated to reach over \$380 billion, more than the entire TARP bailout.

Despite these alarming facts, the Democrat overhaul proposals designed to address the financial crisis completely ignore the two most visible and costly contributors to the crisis. Madam Speaker, there are two 800-pound gorillas named Freddie and Fannie in this room. They are responsible for over \$5 trillion for outstanding liabilities, and they are now owned by the taxpayers. The American people cannot afford the risk, and they are tired of watching Congress fail to act.

Today, with the support of thousands of YouCut participants, we have an opportunity to save taxpayers \$30 billion or more by taking immediate action to reform the failed mortgage giant. I urge my colleagues to vote against the bailouts and show the American people that Congress is listening.

Mr. PERLMUTTER. I would ask the Speaker how much time I have left and how much time Mr. SESSIONS has left, and I would ask my friend how many speakers he has left.

The SPEAKER pro tempore. The gentleman from Colorado has 15 minutes remaining. The gentleman from Texas has 10½ minutes remaining.

Mr. SESSIONS. If I could answer the gentleman's question, Madam Speaker, of how many more speakers, I've got three or four more speakers.

Mr. PERLMUTTER. I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time I yield 3 minutes to the gentlewoman from Charleston, West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Speaker, I would like to thank Mr. SESSIONS from Texas and I would like to thank Mr. FRANK, the chairman of our committee, for the work that we've done on the underlying bill, the FHA reform

bill. It is an important bill, and we will be debating that and talking about that quite a bit for the next 2 days.

What I've heard over the last week when I was home for the district work period is that people are really concerned about the spending and overspending that's going on here in Washington. Folks in West Virginia are tightening their belts and making difficult decisions, but they don't see that happening here in Washington.

Right today, we have before us in the previous question vote, we're going to have an opportunity to make a cut in government that makes a lot of sense. Over 315,000 Americans have voted to perform this cut on government spending by voting to reform Fannie and Freddie. We estimate that we could save approximately \$30 billion over 10 years—that's significant—by ending some of the government conservatorship, shrinking their portfolios of Fannie and Freddie, establishing minimum capital standards, and bringing transparency to taxpayer exposure.

Since going into conservatorship—and many folks have been quoting this figure—the U.S. taxpayer has supported the GSEs to the tune of over \$145 billion.

□ 1400

As we heard from Mr. GARRETT from New Jersey, that is limitless, how far that can go.

One of the things I don't think taxpayers realize when they made this vote on YouCut was that recently the Treasury Department and the Federal Housing Finance Agency approved compensation packages for the chief executive officers of Fannie and Freddie of \$6 million each, including \$2 million incentive payments for each executive.

These compensation levels are 30 times that of a Cabinet Secretary, and they were approved for entities that are owned basically by the taxpayers and entities that have borrowed large sums from the taxpayers.

And I think by this YouCut vote what Americans are saying is, “Enough is enough.” We have heard a lot about the past and whose fault it is, quite frankly, over the last week. I didn't hear anybody wanting to cast blame; they want people to solve problems. That's what they have sent us here to Washington to do. We need to look forward to solve these problems.

So, as we all know, both Republicans and Democrats, lots of times the American people are a lot farther ahead of us in their thinking and in their commonsense solutions. And one of these is this YouCut proposal before us today, which will give us an opportunity to put their voices before us and for us to give them a sign of approval that, yes, \$30 billion from Fannie and Freddie to save government money, to also end the conservatorship of Fannie and Freddie.

That's another thing I hear in town hall meetings across the district: People don't know who Fannie or Freddie are. They are costing each American taxpayer dollars every day to the tune of over \$145 billion in total.

So, with that, I would ask that we vote “yes” on this YouCut proposal. It makes good, common sense.

Mr. PERLMUTTER. I would remind my friend from West Virginia—and I do appreciate that \$30 billion over 10 years—take a look at their proposition. It is for another bill for another day. We are dealing with FHA, which saves \$2.5 billion today.

Also, I would remind her, Madam Speaker, that, over the course of this year and last year, we started drawing down in Iraq, which was costing this country upwards of \$100 billion a year, not \$30 billion over 10 years, \$100 billion a year, not paid for by the Bush administration. So, as we draw down from 160,000 troops to some 50,000 or 40,000 troops this summer, we are going to save far more money than the Republicans and this Fannie Mae proposal project.

I yield 2 minutes to my friend from Massachusetts (Mr. FRANK) to respond to some of the things my friend from West Virginia said.

Mr. FRANK of Massachusetts. First, to underline it, under authority that the Bush administration asked for and didn't get until the Democrats took over Congress, Fannie and Freddie were put into conservatorship. That's a very drastic reform of where they were.

The \$145 billion that, regrettably, is being lost was lost before the conservatorship. We put an end to those losses. And that's the current testimony of Secretary Donovan.

And then as to compensation, I welcome my friend from West Virginia, belatedly, to the cause of limiting the compensation. Because the Committee on Financial Services put a bill out to specifically limit the compensation of the GSEs. We had general compensation limitations for TARP recipients, but we had one that would have limited GSE recipients, as well. And the gentlewoman from West Virginia voted against it, as did most of the Republicans.

So we had a general compensation restriction, and we had one for—I take it back. It was any recipients of government aid, including the GSEs and the TARP recipients. And the Republican Party voted “no.” So they are now opposed to raises which they refused to vote to block. That's the pattern.

And I stress again, Fannie and Freddie have already been drastically reformed. They are in conservatorship. That is a very significant form of limitation. They are not being run remotely the way they were in the past when the Bush administration and others pushed them into buying too many loans from low-income people. And we

do believe they need to be replaced, but in a way that does not further destabilize housing finance.

That's why the realtors and the home builders and a number of groups concerned about the deficit oppose this Republican plan simply to abolish them without replacing housing finance mechanisms. But they are currently being run in conservatorship.

And, again, I repeat, as Secretary Donovan said, unchallenged by the Republicans when he was testifying, they are not now losing the money. The losses predated the conservatorship, and the responsible thing to do was to replace them responsibly.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), former mayor of Charlotte, North Carolina, now a Member of Congress.

Mrs. MYRICK. Thank you for yielding.

Mr. Speaker, the American people get it. They understand Fannie Mae and Freddie Mac need to be reformed.

The Federal Government has spent, as you have heard over and over, \$145 billion in taxpayer dollars to prop up these two government entities. And through YouCut, the American people have voted to have shrink the portfolios of Fannie and Freddie. And, most importantly, they have demanded transparency, something that has been missing for a long time in the Federal Government relative to spending.

The Congressional Budget Office estimates that these changes will save up to 30 billion taxpayer dollars. And it's no secret, we can't keep spending money that we don't have.

The American people know this, and they have gone to YouCut to have cast hundreds of thousands of votes over the last 3 weeks to demand we cut reckless spending out of our budget.

We need to do what we were sent to D.C. to do, and that is to vote for the wishes of the people that we represent back home. And a vote to reform Fannie and Freddie is a vote to save the American people, taxpayers, \$30 billion.

Mr. PERLMUTTER. I continue to reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Wheaton, Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman for yielding.

Mr. Speaker, you know, I came here to the floor a couple of minutes ago, and I thought, "Surely, I am not going to hear and see the tired, old, symbolic show pony of George W. Bush and his administration being trotted out in this Chamber once again," but I wasn't disappointed.

It just amazes me, Mr. Speaker, at the lack of creativity and forward-thinking and problem-solving that we see animated on the other side of the aisle, that all they can do is look in

this rear-view mirror and wring their hands and moan and groan and say, "Well, it's George W. Bush's fault." I think the American public is just tired of that. I think the American public isn't persuaded by it.

I offered an amendment very straightforwardly last night—it was offered by Mr. SESSIONS of Texas in the Rules Committee—that would have said a very simple thing. It would have said, if you are running Fannie and Freddie, if you are an employee of Fannie and Freddie, new rules. And the new rule is you are not going to make any more than we pay the chairman of the Joint Chiefs of Staff.

Not particularly controversial, not particularly groundbreaking, but it makes a lot of sense. I mean, if the majority has now found this robust desire to truncate compensation, why in the world wouldn't we focus in on this area that we tend to agree with?

And, frankly, the argument that these entities are no longer losing money, I think, is not persuading the citizens of the Sixth District.

I see the chairman wants to be recognized, and I would be happy to yield to the gentleman from Massachusetts. I only have 3 minutes.

Mr. FRANK of Massachusetts. But the fact is that it's not losing money—whether it's persuasive or not, the fact is uncontested that it's not losing money. The CBO talks about past debt.

Mr. ROSKAM. You made that argument earlier, and I am going to reclaim my time. I have gone to the Mr. FRANK School of Floor Management and learned well.

Mr. Speaker, here was the opportunity for the majority to say, "We are going to focus in on this. We are not going to put up with any more nonsense of spending \$145 billion." And the price tag, let's be honest, is up to \$400 billion and rising.

We know what we need to do here, Mr. Speaker. We know when to do it. And I urge us to be like-minded in stopping this approach that the majority has and a complete failure to deal with Fannie and Freddie in a responsible way, in my view, and not support the motion.

Mr. PERLMUTTER. Mr. Speaker, sometimes you have to remind people from time to time about what happened in the past, because it's important. History is important.

I would remind my friend from Illinois, you know, that there was an effort to reform Fannie Mae and Freddie Mac when it was purchasing a lot of lousy loans that have resulted in these losses. But, instead, what did the reform, the reforming of Fannie Mae and Freddie Mac get back when you could have stopped these losses? We got the one-finger salute from the White House, a Republican White House that, for some reason or other, did not want to reform Fannie Mae and Freddie Mac.

And I have to tell you, Mr. Oxley, by giving that statement, we got a one-finger salute. When he made his statement on September 9, 2008, he described perfectly what the White House wanted to do with Fannie Mae and Freddie Mac. The White House, at that point, under the Bush administration, just, "Let's buy all these lousy loans. Let's just keep it going."

Well, that bubble burst. And the American people and the Democratic Congress and the Democratic administration are having to pick up the pieces now from that imprudent, improper approach to housing finance.

We want people to have homes that they can afford in this country. If they can't afford them, then, okay, they don't get them. The FHA bill that is before the House today provides, in a proper and prudent way, insurance for those home purchases to people who can afford and can show their ability to make these payments.

That is the purpose of the bill today. My friends on the other side want to talk about some other thing that they didn't do 3 or 4 years ago.

Mr. Speaker, I yield 30 seconds to my friend from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I just want to talk about the past that the gentleman from Illinois is so desperate to cover up.

The House voted on a bill that would have limited compensation to Fannie Mae and Freddie Mac executives a year ago. It was not on other corporations; it was on TARP recipients, Fannie Mae and Freddie Mac.

It came out of committee, it came to the floor of the House, and the gentleman voted against it. If he had helped us a year ago—it passed the House but it died in the Senate—if we had been able to get that bill through, we would have limited these.

So the gentleman over a year ago—and I know that's history and he doesn't like to talk about history, particularly when it doesn't reflect well on his argument—but he voted against that limitation.

The SPEAKER pro tempore (Mr. CUELLAR). The time of the gentleman has expired.

Mr. PERLMUTTER. I yield the gentleman 15 additional seconds.

Mr. FRANK of Massachusetts. The reason we talk about the history is very simple: Every dollar that is lost and is about to be lost was lost because there was a delay in reform.

The losses are not resulting from current operations. Secretary Donovan said that before the committee, and no Republican challenged him. We are stuck with losses that happened before we were able to put it into conservatorship by our votes and stop the bleeding.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. I would ask the Speaker how much time remains.

The SPEAKER pro tempore. The gentleman from Colorado has 9¼ minutes.

Mr. PERLMUTTER. I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank my friend for yielding.

I appreciate the revised view of history itself. For some time, my Republican colleagues have been trying to blame those of us who try to expand housing, decent housing for lower-income people, for the crisis, including Fannie Mae and Freddie Mac.

I think the record is very clear. Twelve years of Republican rule, no bill became law to change Fannie and Freddie Mac's operation. George Bush in 2004—not ancient history—expands, by his mandate, the number of low-income loans that they have to purchase, loans from low-income people.

That is why we have the debt. That is why this is relevant. The Democrats take power in 2007 and, working with Secretary Paulson, as he documents in his book—and he notes, by the way, that some Republicans were mad at him for working with us. But the result was a good bill that allowed him to put Fannie and Freddie into conservatorship. And, post-conservatorship, we have not had the problems.

□ 1415

If you abolish Fannie and Freddie tomorrow, you wouldn't save a penny because we would still have the debts that accrued when it was run previously, an unreformed Fannie and Freddie—unreformed because the Republicans wouldn't touch it, unreformed probably because President Bush pushed them into more loans. To talk about what you do in the future you have to understand the source of the problem; that's what we get in history.

So Fannie and Freddie have been drastically changed and they are in conservatorship. The question is, what do you do next? They have played an important role in housing finance. They are playing a constructive role now as opposed to the destructive role they played before. And I was slow in recognizing that; it wasn't until 2004 that I did. But in 2005, I joined many Republicans in trying to support a bill until it was hijacked from any housing purposes. By the way, the fact that I voted against the bill finally had no impact. The bill passed the House. It died in the Senate because Senate Republicans didn't like it. Senate Democrats offered the House Republican bill; that caused the end of the war.

But let's talk about going forward. Fannie Mae and Freddie Mac are now run by a conservator. Unfortunately, their salaries aren't capped because the Republicans helped sabotage a bill which we supported to cap their salaries. But it is now being run in a way that helps promote financial—and does

not have the mistakes of the past. There are not these problems. The money owed is money that results from past decisions that are no longer being taken because of the conservatorship.

The question is, what do you do going forward? The National Association of Realtors, the National Association of Home Builders, everybody involved in housing finance argues—very correctly, I think—that simply having Fannie and Freddie disappear—again, not the old Fannie and Freddie, they have disappeared, the agencies that caused us the problems no longer exist. My colleague from Illinois, with a fresh figure of speech, said they were 800-pound gorillas. Well, if they are gorillas, they are deeply chained, they are in cages, and they are being fed and are quite docile. Yes, they need to be replaced, but you need to take all of the various aspects of housing finance and figure out how to do it going forward. The Republican bill doesn't do that; that's too hard.

Railing against the mistakes of the past—and they say they don't like history? But their bill is a firm statement against the operation of Fannie Mae and Freddie Mac before it was put into conservatorship and deals, unfortunately, with debts that we are stuck with. Going forward, how do you untangle the private shareholder corporation and a public mandate to try and subsidize housing to some extent? What agency should you have? What's the role of the Federal Housing Administration and Ginnie Mae and the private sector and the secondary market entities? We need to think about that. They haven't done that. Their bill includes nothing to replace Fannie Mae and Freddie Mac. So passing their bill tomorrow—or last week—wouldn't save us anything because their current operations aren't losing money, and it wouldn't discharge us from the debts that occurred when it was being run on their watch under their rules.

We do stop the bleeding by putting them into a tough conservatorship. You can read Hank Paulson's book, and he tells you how they were going to resist that. He insisted and fired the board of directors and shareholders were substantially diminished or wiped out. And new rules, new loans are going forward that aren't the kind of bad loans that were made, and now our job is, responsibly, to try and replace it. And what you get from the Republicans is confession. They are very angry at the fact that when they were running the place in the White House and here, Fannie Mae and Freddie Mac were able to run up all those debts and they never were able to do anything to stop it. I didn't see that early on. I saw it—and in fact acted on it—quicker than many of them. We have now stopped the bad stuff and we are not incurring losses, and the question is, what do you do going forward? And

that is a harder question than my Republican colleagues are prepared to grapple with.

I thank the gentleman from Colorado.

Mr. SESSIONS. Mr. Speaker, I gather that the gentleman from Colorado is now, by shaking his head, through with other speakers, and I will go ahead and offer my close. And I thank the gentleman very much.

Mr. Speaker, I think it's interesting that we blame George Bush, and yet he never got a bill to sign. It's a pretty interesting concept when we blame the President for something that never came to his desk.

Mr. Speaker, Republicans continue to offer commonsense solutions to rein in the current spending spree by our Democratic colleagues. We, like the American people, would like to see some transparency and accountability from our elected leaders.

I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. The legislation before us today brings some stability to the currently wavering housing market; but Americans are still concerned, Mr. Speaker, about the Democratic agenda, the Democratic agenda of taxing and spending, the Democratic agenda that the three largest political items by this Speaker, NANCY PELOSI, and President Barack Obama will lose 10 million American jobs, ten million American jobs that still hang in the balance based upon the whims of this majority party.

Mr. Speaker, I think that increasing deficits, increasing spending, more taxes on business, shrinking job numbers, it's a sad day if we want to look back and blame everything on George Bush, and yet we know why this is happening. For that reason, I encourage a "no" vote on the previous question to bring some fiscal sanity and restraint to this body and a "no" vote on the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I appreciated the initial comments by Mr. SESSIONS and a number of the other Republicans about the bill that is before us—or hopefully will be before us, the FHA Reform Act of 2010, which is a bill that provides more accountability to FHA, saves money, \$2.5 billion over 5 years with FHA, and FHA has had to fill a vacuum left by a lot of the subprime lenders that made lousy loans and are now out of business. So it is a substantial agency that helps move housing in America, it is done in a prudent fashion, and the reforms in the bill make it even more prudent.

Now, my friends on the other side want to turn it into a Fannie Mae and Freddie Mac bill, but that's not what is before us. Apparently, they want to do it because they have a lot of guilt that they didn't do it 5 years ago when we could have saved this country \$100 billion or more, but it wasn't done. Even the chairman, the Republican chairman of the House Financial Services at that time, wanted to see some reforms, but the Republican Senate and the Republican administration under Mr. Bush didn't want to. And you can't be more descriptive than Mr. Oxley was when he spoke of the reception that the reforms got from the White House when he said we got a one-finger salute. I mean, that's about as descriptive as it gets. They didn't want to reform it. Now they want to reform it, and they want to forget about history.

We're here, though, on the FHA bill. We're here to help turn this economy around. You want to talk about cuts? Well, let's look at Iraq. Let's look at some other things that—there may be savings in Fannie Mae and Freddie Mac over a period of time, there are bigger savings elsewhere, and we should be looking at those things. But we've got to get this country back to work, and that's what Democrats are doing.

Under the Bush administration to January 2009, we lost 780,000 jobs in that month alone. In April of this year, we gained 290,000 jobs, a swing of well over 1 million jobs per month. We've got to get people back to work. We've got to watch spending. But we've got to get the revenue side, and we've got to get people back to work. We've got to help them with their homes. This FHA insurance bill provides a reasonable and prudent insurer to assist with the purchase and sale of homes.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1424—OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution add the following new sections:

SEC. 4. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4889) to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and the dissolution of such enterprises. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the

Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4889.

SEC. 5. Immediately upon the final disposition of H.R. 4889, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4653) to provide on-budget status to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the house shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4653.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) de-

scribes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's* "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. PERLMUTTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution

1424 will be followed by 5-minute votes on adoption of House Resolution 1424, if ordered; the motion to suspend the rules on House Resolution 989; and the motion to suspend the rules on House Resolution 1178.

The vote was taken by electronic device, and there were—yeas 230, nays 180, not voting 21, as follows:

[Roll No. 339]

YEAS—230

| | | |
|----------------|-----------------|-------------------|
| Ackerman | Gonzalez | Oberstar |
| Adler (NJ) | Gordon (TN) | Obey |
| Altire | Grayson | Oliver |
| Andrews | Green, Al | Ortiz |
| Arcuri | Green, Gene | Owens |
| Baca | Grijalva | Pallone |
| Baird | Gutierrez | Pascrell |
| Baldwin | Hall (NY) | Pastor (AZ) |
| Barrow | Halvorson | Payne |
| Bean | Hare | Perlmutter |
| Becerra | Hastings (FL) | Perriello |
| Berman | Heinrich | Peters |
| Berry | Herseth Sandlin | Peterson |
| Bishop (GA) | Higgins | Pingree (ME) |
| Bishop (NY) | Himes | Polis (CO) |
| Blumenauer | Hinchey | Price (NC) |
| Boccieri | Hinojosa | Quigley |
| Boren | Hirono | Rahall |
| Boswell | Hodes | Rangel |
| Boucher | Holden | Reyes |
| Brady (PA) | Holt | Rodriguez |
| Braley (IA) | Honda | Ross |
| Brown, Corrine | Inslee | Rothman (NJ) |
| Butterfield | Israel | Roybal-Allard |
| Capps | Jackson (IL) | Ruppersberger |
| Capuano | Jackson Lee | Rush |
| Cardoza | (TX) | Ryan (OH) |
| Carnahan | Johnson, E. B. | Salazar |
| Carney | Kagen | Sánchez, Linda T. |
| Carson (IN) | Kanjorski | Sanchez, Loretta |
| Castor (FL) | Kaptur | Sarbanes |
| Chandler | Kildee | Schakowsky |
| Childers | Kilroy | Schauer |
| Chu | Kind | Schiff |
| Clarke | Kissell | Schrader |
| Clay | Klein (FL) | Schwarz |
| Cleaver | Kosmas | Scott (VA) |
| Clyburn | Kucinich | Serrano |
| Cohen | Langevin | Sestak |
| Connolly (VA) | Larsen (WA) | Shea-Porter |
| Conyers | Larson (CT) | Sherman |
| Cooper | Lee (CA) | Shuler |
| Costa | Levin | Sires |
| Costello | Lewis (GA) | Skelton |
| Courtney | Lipinski | Slaughter |
| Critz | Loeb sack | Smith (WA) |
| Crowley | Lofgren, Zoe | Snyder |
| Cuellar | Lowey | Space |
| Cummings | Lujan | Speier |
| Dahlkemper | Lynch | Spratt |
| Davis (AL) | Maffei | Stark |
| Davis (CA) | Maloney | Stupak |
| Davis (IL) | Markey (CO) | Sutton |
| Davis (TN) | Markey (MA) | Tanner |
| DeFazio | Marshall | Teague |
| DeGette | Matheson | Thompson (CA) |
| Delahunt | Matsui | Thompson (MS) |
| DeLauro | McCarthy (NY) | Tierney |
| Deutch | McCollum | Titus |
| Dicks | McDermott | Tonko |
| Dingell | McGovern | Towns |
| Doggett | McMahon | Tsongas |
| Donnelly (IN) | McNerney | Van Hollen |
| Doyle | Meek (FL) | Velázquez |
| Driehaus | Meeks (NY) | Visclosky |
| Edwards (MD) | Melancon | Walz |
| Edwards (TX) | Michaud | Wasserman |
| Ellison | Miller (NC) | Schultz |
| Engel | Mollohan | Waters |
| Eshoo | Moore (KS) | Watt |
| Etheridge | Moore (WI) | Waxman |
| Farr | Moran (VA) | Weiner |
| Fattah | Murphy (CT) | Welch |
| Filner | Murphy (NY) | Wilson (OH) |
| Foster | Murphy, Patrick | Woolsey |
| Frank (MA) | Nadler (NY) | Wu |
| Fudge | Napolitano | |
| Garamendi | Neal (MA) | |

NAYS—180

| | | |
|-----------------|--------------------|---------------|
| Aderholt | Garrett (NJ) | Moran (KS) |
| Akin | Gerlach | Murphy, Tim |
| Alexander | Giffords | Myrick |
| Austria | Gingrey (GA) | Neugebauer |
| Bachmann | Gohmert | Nunes |
| Bachus | Goodlatte | Nye |
| Bartlett | Granger | Olson |
| Barton (TX) | Graves | Paul |
| Biggert | Griffith | Paulsen |
| Bilbray | Guthrie | Pence |
| Bilirakis | Hall (TX) | Petri |
| Bishop (UT) | Harper | Pitts |
| Blackburn | Hastings (WA) | Platts |
| Blunt | Heller | Poe (TX) |
| Boehner | Hensarling | Posey |
| Bonner | Herger | Price (GA) |
| Bono Mack | Hill | Putnam |
| Boozman | Hunter | Radanovich |
| Boustany | Issa | Rehberg |
| Brady (TX) | Jenkins | Reichert |
| Bright | Johnson (IL) | Roe (TN) |
| Broun (GA) | Johnson, Sam | Rogers (AL) |
| Brown (SC) | Jones | Rogers (KY) |
| Brown-Waite, | Jordan (OH) | Rogers (MI) |
| Ginny | King (IA) | Rohrabacher |
| Buchanan | King (NY) | Rooney |
| Burgess | Kingston | Ros-Lehtinen |
| Burton (IN) | Kirk | Roskam |
| Buyer | Kirkpatrick (AZ) | Royce |
| Camp | Kline (MN) | Ryan (WI) |
| Cantor | Kratovil | Scalise |
| Cao | Lamborn | Schmidt |
| Capito | Lance | Schock |
| Carter | Latham | Sensenbrenner |
| Cassidy | LaTourette | Sessions |
| Castle | Latta | Shadegg |
| Chaffetz | Lee (NY) | Shimkus |
| Coble | Lewis (CA) | Shuster |
| Coffman (CO) | Linder | Simpson |
| Cole | LoBiondo | Smith (NE) |
| Conaway | Lucas | Smith (NJ) |
| Crenshaw | Luetkemeyer | Smith (TX) |
| Culberson | Lummis | Stearns |
| Davis (KY) | Lungren, Daniel E. | Sullivan |
| Dent | E. | Taylor |
| Diaz-Balart, L. | Mack | Terry |
| Diaz-Balart, M. | Manzullo | Thompson (PA) |
| Djou | Marchant | Thornberry |
| Dreier | McCarthy (CA) | Tiahrt |
| Duncan | McCauley | Tiberi |
| Ehlers | McClintock | Turner |
| Emerson | McCotter | Upton |
| Fallin | McIntyre | Walden |
| Flake | McKeon | Wamp |
| Fleming | McMorris | Westmoreland |
| Forbes | Rodgers | Whitfield |
| Fortenberry | Mica | Wilson (SC) |
| Fox | Miller (FL) | Wittman |
| Franks (AZ) | Miller (MI) | Wolf |
| Frelinghuysen | Minnick | Young (AK) |
| Gallegly | Mitchell | Young (FL) |

NOT VOTING—21

| | | |
|--------------|-----------------|----------------|
| Barrett (SC) | Hoekstra | Miller, Gary |
| Berkley | Hoyer | Miller, George |
| Boyd | Inglis | Pomeroy |
| Calvert | Johnson (GA) | Richardson |
| Campbell | Kennedy | Scott (GA) |
| Ellsworth | Kilpatrick (MI) | Watson |
| Harman | McHenry | Yarmuth |

□ 1454

Messrs. DJOU, McKEON, BILBRAY, SHUSTER, BONNER, BISHOP of Utah, WHITFIELD, and BILIRAKIS changed their vote from “yea” to “nay.”

Ms. LINDA T. SANCHEZ of California changed her vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 172, not voting 20, as follows:

[Roll No. 340]

AYES—239

| | | |
|----------------|------------------|-------------------|
| Ackerman | Grayson | Neal (MA) |
| Adler (NJ) | Green, Al | Nye |
| Altire | Green, Gene | Oberstar |
| Andrews | Grijalva | Obey |
| Arcuri | Gutierrez | Oliver |
| Baca | Hall (NY) | Ortiz |
| Baird | Halvorson | Owens |
| Baldwin | Hare | Pallone |
| Barrow | Hastings (FL) | Pascrell |
| Bean | Heinrich | Pastor (AZ) |
| Becerra | Herseth Sandlin | Payne |
| Berman | Higgins | Perlmutter |
| Berry | Himes | Perriello |
| Bishop (GA) | Hinchey | Peters |
| Bishop (NY) | Hinojosa | Peterson |
| Blumenauer | Hirono | Pingree (ME) |
| Boccieri | Hodes | Polis (CO) |
| Boren | Holden | Pomeroy |
| Boswell | Holt | Price (NC) |
| Boucher | Honda | Quigley |
| Brady (PA) | Hoyer | Rahall |
| Braley (IA) | Inslee | Rangel |
| Bright | Israel | Reyes |
| Brown, Corrine | Jackson (IL) | Rodriguez |
| Butterfield | Jackson Lee | Ross |
| Capps | (TX) | Rothman (NJ) |
| Capuano | Johnson (GA) | Roybal-Allard |
| Cardoza | Johnson, E. B. | Ruppersberger |
| Carnahan | Kagen | Rush |
| Carney | Kanjorski | Ryan (OH) |
| Carson (IN) | Kaptur | Salazar |
| Castor (FL) | Kildee | Sánchez, Linda T. |
| Chandler | Kilroy | Sanchez, Loretta |
| Childers | Kind | Sarbanes |
| Chu | Kirkpatrick (AZ) | Schakowsky |
| Clarke | Kissell | Schauer |
| Clay | Klein (FL) | Schiff |
| Cleaver | Kosmas | Schrader |
| Clyburn | Kratovil | Schwartz |
| Cohen | Kucinich | Scott (GA) |
| Connolly (VA) | Langevin | Scott (VA) |
| Conyers | Larsen (WA) | Serrano |
| Cooper | Larson (CT) | Sestak |
| Costa | Lee (CA) | Shea-Porter |
| Costello | Levin | Sherman |
| Courtney | Lipinski | Sires |
| Critz | Loeb sack | Skelton |
| Crowley | Lofgren, Zoe | Slaughter |
| Cuellar | Lowey | Smith (WA) |
| Cummings | Lujan | Snyder |
| Dahlkemper | Lynch | Space |
| Davis (AL) | Maffei | Speier |
| Davis (CA) | Maloney | Spratt |
| Davis (IL) | Markey (CO) | Stark |
| Davis (TN) | Markey (MA) | Stupak |
| DeFazio | Marshall | Sutton |
| DeGette | Matheson | Tanner |
| Delahunt | Matsui | Teague |
| DeLauro | McCarthy (NY) | Thompson (CA) |
| Deutch | McCollum | Thompson (MS) |
| Dicks | McDermott | Tierney |
| Dingell | McGovern | Titus |
| Doggett | McIntyre | Tonko |
| Donnelly (IN) | McMahon | Towns |
| Doyle | McNerney | Tsongas |
| Driehaus | Meek (FL) | Van Hollen |
| Edwards (MD) | Meeks (NY) | Velázquez |
| Edwards (TX) | Melancon | Visclosky |
| Ellison | Michaud | Walz |
| Engel | Miller (NC) | Wasserman |
| Eshoo | Mollohan | Schultz |
| Etheridge | Moore (KS) | Waters |
| Farr | Moore (WI) | Watt |
| Fattah | Moran (VA) | Waxman |
| Filner | Murphy (CT) | Weiner |
| Foster | Murphy (NY) | Welch |
| Frank (MA) | Murphy, Patrick | Wilson (OH) |
| Fudge | Nadler (NY) | Woolsey |
| Garamendi | Napolitano | Wu |

NOES—172

| | | |
|-----------------|-----------------|---------------|
| Aderholt | Gerlach | Nunes |
| Akin | Gingrey (GA) | Olson |
| Alexander | Gohmert | Paul |
| Austria | Goodlatte | Paulsen |
| Bachmann | Granger | Pence |
| Bartlett | Graves | Petri |
| Barton (TX) | Griffith | Pitts |
| Biggert | Guthrie | Platts |
| Bilbray | Hall (TX) | Poe (TX) |
| Bishop (UT) | Harper | Posey |
| Blackburn | Hastings (WA) | Price (GA) |
| Blunt | Heller | Putnam |
| Boehner | Hensarling | Radanovich |
| Bonner | Herger | Rehberg |
| Bono Mack | Hill | Reichert |
| Boozman | Hunter | Roe (TN) |
| Boustany | Issa | Rogers (AL) |
| Brady (TX) | Jenkins | Rogers (KY) |
| Broun (GA) | Johnson (IL) | Rogers (MI) |
| Brown (SC) | Johnson, Sam | Rohrabacher |
| Brown-Waite, | Jones | Rooney |
| Ginny | Jordan (OH) | Ros-Lehtinen |
| Buchanan | King (IA) | Roskam |
| Burgess | King (NY) | Royce |
| Burton (IN) | Kingston | Ryan (WI) |
| Buyer | Kirk | Scalise |
| Camp | Kline (MN) | Schmidt |
| Cantor | Lamborn | Schock |
| Cao | Lance | Sensenbrenner |
| Capito | Latham | Sessions |
| Carter | LaTourette | Shadegg |
| Cassidy | Latta | Shinkus |
| Castle | Lee (NY) | Shuler |
| Chaffetz | Lewis (CA) | Shuster |
| Coble | Linder | Simpson |
| Coffman (CO) | LoBiondo | Smith (NE) |
| Cole | Lucas | Smith (NJ) |
| Conaway | Luetkemeyer | Smith (TX) |
| Crenshaw | Lummis | Stearns |
| Culberson | Lungren, Daniel | Sullivan |
| Davis (KY) | E. | Taylor |
| Dent | Mack | Terry |
| Diaz-Balart, L. | Manzullo | Thompson (PA) |
| Diaz-Balart, M. | Marchant | Thornberry |
| Djou | McCarthy (CA) | Tiahrt |
| Dreier | McCaul | Tiberi |
| Duncan | McClintock | Turner |
| Ehlers | McCotter | Upton |
| Emerson | McKeon | Walden |
| Fallin | McMorris | Wamp |
| Flake | Rodgers | Westmoreland |
| Fleming | Mica | Whitfield |
| Forbes | Miller (FL) | Wilson (SC) |
| Fortenberry | Miller (MI) | Wittman |
| Fox | Mitchell | Wolf |
| Franks (AZ) | Moran (KS) | Young (AK) |
| Frelinghuysen | Murphy, Tim | Young (FL) |
| Gallegly | Myrick | |
| Garrett (NJ) | Neugebauer | |

NOT VOTING—20

| | | |
|--------------|-----------------|--------------|
| Bachus | Ellsworth | Lewis (GA) |
| Barrett (SC) | Giffords | McHenry |
| Berkley | Harman | Miller, Gary |
| Bilirakis | Hoekstra | Richardson |
| Boyd | Inglis | Watson |
| Calvert | Kennedy | Yarmuth |
| Campbell | Kilpatrick (MI) | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1502

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 340 I was unavoidably detained. Had I been present, I would have voted “no.”

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

URGING U.S. ACTION AND INTERNATIONAL AGREEMENT ON OCEAN ACIDIFICATION

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 989) expressing the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects of ocean acidification on marine ecosystems and coastal economies, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. INSLEE) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 170, not voting 20, as follows:

[Roll No. 341]

YEAS—241

| | | |
|----------------|---------------|-----------------|
| Ackerman | Cardoza | DeFazio |
| Adler (NJ) | Carnahan | DeGette |
| Alexander | Carney | Delahunt |
| Andrews | Carson (IN) | DeLauro |
| Arcuri | Cassidy | Deutch |
| Baird | Castle | Diaz-Balart, L. |
| Baldwin | Castor (FL) | Diaz-Balart, M. |
| Barrow | Chandler | Dicks |
| Bean | Childers | Djou |
| Becerra | Chu | Doggett |
| Berman | Clarke | Donnelly (IN) |
| Berry | Clay | Doyle |
| Biggert | Cleaver | Drieaus |
| Bilbray | Clyburn | Edwards (MD) |
| Bishop (GA) | Cohen | Edwards (TX) |
| Bishop (NY) | Connolly (VA) | Ellison |
| Blumenauer | Conyers | Engel |
| Boccheri | Cooper | Eshoo |
| Bono Mack | Costa | Etheridge |
| Boren | Courtney | Farr |
| Boswell | Crenshaw | Fattah |
| Boucher | Crowley | Filner |
| Brady (PA) | Cuellar | Fortenberry |
| Braley (IA) | Cummings | Foster |
| Bright | Dahlkemper | Frank (MA) |
| Brown, Corrine | Davis (AL) | Fudge |
| Butterfield | Davis (CA) | Garamendi |
| Capps | Davis (IL) | Giffords |
| Capuano | Davis (TN) | Gonzalez |

| | | |
|------------------|----------------|------------------|
| Gordon (TN) | Maffei | Ross |
| Grayson | Maloney | Rothman (NJ) |
| Green, Al | Markey (CO) | Roybal-Allard |
| Gutierrez | Markey (MA) | Ruppersberger |
| Hall (NY) | Marshall | Rush |
| Halvorson | Matheson | Ryan (OH) |
| Hare | Matsui | Sánchez, Linda |
| Hastings (FL) | McCarthy (NY) | T. |
| Heinrich | McCollum | Sanchez, Loretta |
| Higgins | McDermott | Sarbanes |
| Hill | McGovern | Schakowsky |
| Himes | McIntyre | Schauer |
| Hinchee | McMahon | Schiff |
| Hinojosa | McNerney | Schrader |
| Hirono | Meek (FL) | Schwartz |
| Hodes | Meeks (NY) | Scott (GA) |
| Holt | Melancon | Scott (VA) |
| Honda | Michaud | Serrano |
| Hoyer | Miller (NC) | Sestak |
| Inslee | Miller, George | Shea-Porter |
| Israel | Minnick | Sherman |
| Jackson (IL) | Mitchell | Shuler |
| Jackson Lee | Moore (KS) | Sires |
| (TX) | Moore (WI) | Slaughter |
| Johnson (GA) | Moran (VA) | Smith (WA) |
| Johnson (IL) | Murphy (CT) | Snyder |
| Johnson, E. B. | Murphy (NY) | Speier |
| Jones | Nadler (NY) | Spratt |
| Kagen | Napolitano | Stark |
| Kildee | Neal (MA) | Stupak |
| Kilroy | Nye | Sutton |
| Kind | Oberstar | Teague |
| King (NY) | Obey | Thompson (CA) |
| Kirk | Olver | Thompson (MS) |
| Kirkpatrick (AZ) | Owens | Tierney |
| Kissell | Pallone | Titus |
| Klein (FL) | Pascarell | Tonko |
| Kosmas | Pastor (AZ) | Towns |
| Kratovil | Payne | Tsongas |
| Kucinich | Perlmutter | Van Hollen |
| Langevin | Perriello | Velázquez |
| Larsen (WA) | Peters | Visclosky |
| Larson (CT) | Peterson | Walz |
| Lee (CA) | Pingree (ME) | Wasserman |
| Lee (NY) | Polis (CO) | Schultz |
| Levin | Pomeroy | Watt |
| Lewis (GA) | Price (NC) | Weiner |
| Lipinski | Quigley | Welch |
| Loebach | Rangel | Wittman |
| Lofgren, Zoe | Reichert | Woolsey |
| Lowey | Richardson | Wu |
| Luján | Rodriguez | |
| Lynch | Ros-Lehtinen | |

NAYS—170

| | | |
|--------------|-----------------|-----------------|
| Aderholt | Dreier | Lamborn |
| Akin | Duncan | Lance |
| Altmire | Ehlers | Latham |
| Austria | Emerson | LaTourette |
| Baca | Fallin | Latta |
| Bachmann | Flake | Lewis (CA) |
| Bachus | Fleming | Linder |
| Bartlett | Forbes | LoBiondo |
| Bilirakis | Fox | Lucas |
| Bishop (UT) | Franks (AZ) | Luetkemeyer |
| Blackburn | Frelinghuysen | Lummis |
| Blunt | Gallegly | Lungren, Daniel |
| Boehner | Garrett (NJ) | E. |
| Bonner | Gerlach | Mack |
| Boozman | Gingrey (GA) | Manzullo |
| Boustany | Gohmert | Marchant |
| Brady (TX) | Goodlatte | McCarthy (CA) |
| Broun (GA) | Granger | McCaul |
| Brown (SC) | Graves | McClintock |
| Brown-Waite, | Green, Gene | McCotter |
| Ginny | Griffith | McKeon |
| Buchanan | Grijalva | McMorris |
| Burgess | Guthrie | Rodgers |
| Burton (IN) | Hall (TX) | Mica |
| Buyer | Harper | Miller (FL) |
| Camp | Hastings (WA) | Miller (MI) |
| Cantor | Heller | Mollohan |
| Cao | Hensarling | Moran (KS) |
| Capito | Herger | Murphy, Patrick |
| Carter | Herseth Sandlin | Murphy, Tim |
| Chaffetz | Holden | Myrick |
| Coble | Hunter | Neugebauer |
| Coffman (CO) | Issa | Nunes |
| Cole | Jenkins | Olson |
| Conaway | Johnson, Sam | Ortiz |
| Costello | Jordan (OH) | Paul |
| Critz | Kanjorski | Paulsen |
| Culberson | King (IA) | Pence |
| Davis (KY) | Kingston | Petri |
| Dent | Kline (MN) | Pitts |

| | | |
|-------------|---------------|---------------|
| Platts | Salazar | Taylor |
| Poe (TX) | Scalise | Terry |
| Posey | Schmidt | Thompson (PA) |
| Price (GA) | Schock | Thornberry |
| Putnam | Sensenbrenner | Tiahrt |
| Radanovich | Sessions | Tiberi |
| Rahall | Shadegg | Turner |
| Rehberg | Shimkus | Upton |
| Reyes | Shuster | Walden |
| Roe (TN) | Simpson | Wamp |
| Rogers (AL) | Skelton | Westmoreland |
| Rogers (KY) | Smith (NE) | Whitfield |
| Rogers (MI) | Smith (NJ) | Wilson (OH) |
| Rohrabacher | Smith (TX) | Wilson (SC) |
| Rooney | Space | Wolf |
| Roskam | Stearns | Young (AK) |
| Royce | Sullivan | Young (FL) |
| Ryan (WI) | Tanner | |

NOT VOTING—20

| | | |
|--------------|-----------------|--------------|
| Barrett (SC) | Ellsworth | McHenry |
| Barton (TX) | Harman | Miller, Gary |
| Berkley | Hoekstra | Waters |
| Boyd | Inglis | Watson |
| Calvert | Kaptur | Waxman |
| Campbell | Kennedy | Yarmuth |
| Dingell | Kilpatrick (MI) | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1511

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. POSEY. Mr. Speaker, I wish to make a parliamentary inquiry, please.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. POSEY. Mr. Speaker, I make a point of order that the bill we are about to vote on allows CBO scores to be posted on the Clerk's Web site. Would it be in order to amend the bill to also include the Nation's debt clock on the Clerk's Web site?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry, nor a point of order.

Mr. POSEY. Mr. Speaker, I think that is a legitimate question for a point of order.

The SPEAKER pro tempore. The gentleman's parliamentary inquiry is not properly stated, it is a matter for debate.

DIRECTING CLERK OF THE HOUSE TO ENSURE THAT CBO COST ESTIMATES ARE PUBLICLY AVAILABLE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1178) directing the Clerk of the House of Representatives to compile the cost estimates prepared by the Congressional Budget Office which are included in reports filed by committees of the House on approved legislation and post such estimates on the official public Internet site of the Office of the Clerk, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, as amended.

Without objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 390, nays 22, not voting 19, as follows:

[Roll No. 342]

YEAS—390

| | | |
|----------------|-----------------|------------------|
| Ackerman | Cooper | Hastings (FL) |
| Aderholt | Costa | Hastings (WA) |
| Adler (NJ) | Costello | Heinrich |
| Akin | Courtney | Heller |
| Alexander | Crenshaw | Hensarling |
| Altmire | Critz | Herge |
| Andrews | Crowley | Herseth Sandlin |
| Arcuri | Cuellar | Higgins |
| Austria | Culberson | Hill |
| Baca | Cummings | Himes |
| Bachmann | Dahlkemper | Hinchey |
| Baird | Davis (AL) | Hinojosa |
| Baldwin | Davis (CA) | Hirono |
| Barrow | Davis (IL) | Hodes |
| Bartlett | Davis (KY) | Holden |
| Barton (TX) | Davis (TN) | Holt |
| Bean | DeFazio | Honda |
| Becerra | DeGette | Hoyer |
| Berman | DeLauro | Hunter |
| Berry | Dent | Inslee |
| Biggert | Deutch | Israel |
| Bilbray | Diaz-Balart, L. | Issa |
| Bilirakis | Diaz-Balart, M. | Jackson (IL) |
| Bishop (GA) | Dicks | Jackson Lee |
| Bishop (NY) | Dingell | (TX) |
| Blackburn | Djou | Jenkins |
| Blumenauer | Doggett | Johnson (GA) |
| Blunt | Donnelly (IN) | Johnson (IL) |
| Bocciari | Doyle | Johnson, E. B. |
| Bonner | Driehaus | Jones |
| Bono Mack | Duncan | Kagen |
| Boozman | Edwards (MD) | Kanjorski |
| Boren | Edwards (TX) | Kaptur |
| Boswell | Ehlers | Kildee |
| Boucher | Ellison | Kilroy |
| Boustany | Emerson | Kind |
| Brady (PA) | Engel | King (NY) |
| Braley (IA) | Eshoo | Kingston |
| Bright | Etheridge | Kirk |
| Brown (SC) | Fallin | Kirkpatrick (AZ) |
| Brown, Corrine | Farr | Kissell |
| Brown-Waite, | Finer | Klein (FL) |
| Cao | Fleming | Kosmas |
| Capito | Forbes | Kratovil |
| Capps | Fortenberry | Kucinich |
| Capuano | Foster | Lamborn |
| Cardoza | Fox | Lance |
| Carnahan | Frank (MA) | Langevin |
| Carney | Frank (AZ) | Larsen (WA) |
| Carson (IN) | Frelinghuysen | Larson (CT) |
| Cassidy | Fudge | Latham |
| Cassidy | Gallagher | LaTourette |
| Castle | Garamendi | Latta |
| Castor (FL) | Garrett (NJ) | Lee (CA) |
| Chandler | Gerlach | Lee (NY) |
| Childers | Giffords | Levin |
| Chu | Gingrey (GA) | Lewis (GA) |
| Clarke | Gohmert | Linder |
| Clay | Gonzalez | Lipinski |
| Cleaver | Goodlatte | LoBiondo |
| Clyburn | Gordon (TN) | Loeback |
| Coffman (CO) | Granger | Lofgren, Zoe |
| Cohen | Graves | Lowey |
| Cole | Grayson | Lucas |
| Conaway | Green, Al | Luetkemeyer |
| Connolly (VA) | Green, Gene | Lujan |
| Conyers | Griffith | Lummis |
| | Grijalva | Lynch |
| | Guthrie | Mack |
| | Hall (NY) | Maffei |
| | Hall (TX) | Maloney |
| | Halvorson | Manzullo |
| | Hare | Marchant |
| | | Markey (CO) |

| | | |
|-----------------|------------------|---------------|
| Markey (MA) | Peters | Shimkus |
| Marshall | Peterson | Shuler |
| Matheson | Pingree (ME) | Shuster |
| Matsui | Pitts | Sires |
| McCarthy (CA) | Platts | Skelton |
| McCarthy (NY) | Poe (TX) | Slaughter |
| McCaul | Polis (CO) | Smith (NE) |
| McClintock | Pomeroy | Smith (NJ) |
| McCotter | Posey | Smith (TX) |
| McDermott | Price (GA) | Smith (WA) |
| McGovern | Price (NC) | Snyder |
| McIntyre | Putnam | Space |
| McKeon | Quigley | Speier |
| McMahon | Radanovich | Spratt |
| McMorris | Rahall | Stark |
| Rodgers | Rangel | Stearns |
| McNerney | Rehberg | Stupak |
| Meek (FL) | Reichert | Sullivan |
| Meeks (NY) | Reyes | Sutton |
| Melancon | Richardson | Tanner |
| Mica | Rodriguez | Taylor |
| Michaud | Roe (TN) | Teague |
| Miller (FL) | Rogers (AL) | Terry |
| Miller (MI) | Rogers (KY) | Thompson (CA) |
| Miller (NC) | Rogers (MI) | Thompson (MS) |
| Miller, George | Rohrabacher | Thompson (PA) |
| Minnick | Rooney | Thornberry |
| Mitchell | Ros-Lehtinen | Tiahrt |
| Mollohan | Roskam | Tiberi |
| Moore (KS) | Ross | Tierney |
| Moore (WI) | Rothman (NJ) | Titus |
| Moran (KS) | Roybal-Allard | Tonko |
| Moran (VA) | Royce | Towns |
| Murphy (CT) | Ruppersberger | Tsongas |
| Murphy (NY) | Rush | Turner |
| Murphy, Patrick | Ryan (OH) | Upton |
| Murphy, Tim | Ryan (WI) | Van Hollen |
| Myrick | Salazar | Velázquez |
| Nadler (NY) | Sánchez, Linda | Visclosky |
| Napolitano | T. | Walden |
| Neal (MA) | Sanchez, Loretta | Walz |
| Neugebauer | Sanbaranes | Wamp |
| Nye | Scalise | Wasserman |
| Oberstar | Schakowsky | Schultz |
| Obey | Schauer | Waters |
| Olson | Schiff | Watt |
| Oliver | Schmitt | Waxman |
| Ortiz | Schock | Weiner |
| Owens | Schrader | Welch |
| Pallone | Schwartz | Whitfield |
| Pascarella | Scott (GA) | Wilson (OH) |
| Pastor (AZ) | Scott (VA) | Wilson (SC) |
| Paul | Serrano | Wittman |
| Paulsen | Sessions | Wolf |
| Payne | Sestak | Woolsey |
| Pence | Shadegg | Wu |
| Perlmutter | Shea-Porter | Young (FL) |
| Perriello | Sherman | |

NAYS—22

| | | |
|-------------|--------------|-----------------|
| Bishop (UT) | Flake | Lungren, Daniel |
| Boehner | Harper | E. |
| Brady (TX) | Johnson, Sam | Nunes |
| Brown (GA) | Jordan (OH) | Petri |
| Carter | King (IA) | Sensenbrenner |
| Chaffetz | Kline (MN) | Simpson |
| Coble | Lewis (CA) | Westmoreland |
| Dreier | | Young (AK) |

NOT VOTING—19

| | | |
|--------------|-----------------|--------------|
| Bachus | Fattah | McCollum |
| Barrett (SC) | Gutierrez | McHenry |
| Berkley | Harman | Miller, Gary |
| Boyd | Hoekstra | Watson |
| Calvert | Inglis | Yarmuth |
| Campbell | Kennedy | |
| Ellsworth | Kilpatrick (MI) | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in the vote.

□ 1520

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Directing the Clerk of the House of Representatives to ensure that cost estimates prepared

by the Congressional Budget Office are available to the public.”.

A motion to reconsider was laid on the table.

Stated for:

Ms. MCCOLLUM. Madam Speaker, on June 9, 2010, I was detained and missed the vote on H. Res. 1178. I would have voted “yea” for this resolution.

MOTION TO INSTRUCT CONFEREES ON H.R. 4173, WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Financial Services, I move to take from the Speaker's table the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

Mr. BACHUS. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Bachus of Alabama moves that the managers on the part of the House at the conference on the disagreeing votes of the 2 Houses on the Senate amendment to the bill H.R. 4173 be instructed as follows:

(1) To disagree to the provisions contained in subtitle G of title I of the House bill.

(2) To disagree to section 202 (relating to the commencement of orderly liquidation and the appointment of the Federal Deposit Insurance Corporation as receiver) and section 210 (relating to the powers and duties of the Federal Deposit Insurance Corporation as receiver) of title II of the Senate amendment.

(3) To not record their approval of the final conference agreement (within the meaning of clause 12(a)(4) of House rule XXII) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

This motion to instruct directs the conferees to insist that this legislation end the possibility of taxpayer-funded bailouts once and for all by stipulating that bankruptcy is the only available option for liquidating a failed financial firm. The motion also requires that the

conferees and the public, by extension, have at least 72 hours to review the contents of the conference report before its final approval.

We've heard time and time again that the Democrats “resolution authority” to wind down systemically significant financial institutions ends the too-big-to-fail doctrine and protects taxpayers. That's an outrageous and false claim. Read the bills. Both the House and the Senate let the FDIC do the following: lend to a failing firm, purchase the assets of a failing firm, guarantee its obligations to creditors, take a security interest in its assets, and even sell or transfer assets that the FDIC acquired from it.

And while the House establishes a \$150 billion bailout fund to pay for the resolution of a failing firm, with an extra \$50 billion line of credit with the Treasury if the original \$150 billion is exhausted and cannot fully fund the bailout, the Senate approach is no better. The Senate would allow the FDIC to potentially provide trillions of dollars from the Treasury in order to pay off a failed firm's creditors and counterparties in the aftermath of its failure with the hopes that the funds can be recouped at some later date. But only a hope.

The Senate bill institutionalizes backdoor bailouts that have so infuriated the American people by conferring on the FDIC the exact same tools that were used to rescue the creditors of Bear Stearns, AIG, Fannie Mae, and Freddie Mac with the taxpayer price tag today of over a trillion dollars. This would continue the misguided too-big-to-fail bailouts that allowed U.S. regulators to pay Goldman Sachs and other large European banks 100 cents on the dollar at the expense of hundreds of smaller institutions and companies which were considered too insignificant or small to save or to pay.

The Democrats like to call their plan a “death panel” for large financial firms, but if you read the bill, in reality, it is nothing less than the taxpayer-funded life support to pay off the creditors of the failed institutions but not necessarily all of the creditors. They could pay some of the creditors and let others hang out to dry. We saw that with AIG and other bailouts.

And don't forget the so-called too-big-to-fail institutions have only grown larger and more dominant through the regulator-directed but taxpayer-funded bailout process, a process this legislation institutionalizes.

The better, more equitable approach to dealing with failed nonbank financial institutions—the only way to make sure taxpayers are protected from paying for Wall Street mistakes—is bankruptcy, first proposed by House Republicans. Unlike the FDIC, which can funnel unlimited amounts of taxpayer cash to a failing firm's creditors as part of a so-called resolution, a

bankruptcy court has neither the authority nor the funds to make creditors whole. Bankruptcy is an open, transparent process administered according to clear rules and settled precedent and preferences, preferences that, in this bill, could be disregarded.

By contrast, the resolution authority proposed by the Democrats would be carried out entirely behind closed doors with no guarantee of adequate stakeholder participation and protection and without a bankruptcy judge to ensure a fair and equitable outcome. The Democrats have been careful to include in their bill a provision that explicitly states that taxpayers will bear no losses from the government's exercise of resolution authority. But that promise, like the promise we heard in Fannie and Freddie, is an empty one, not worth the paper it is printed on.

You will remember, on this floor we heard the Secretary of the Treasury say, \$300 billion that will never be used. It was used, and almost another trillion dollars more was guaranteed.

The only way to ensure that the pockets of taxpayers will not again be picked by Wall Street and government bureaucrats with the help of this Congress—a coalition which sometimes I refer to as the reckless and the clueless—is to insist that failing firms be resolved through bankruptcy.

In conclusion, let me remind my colleagues that for 99.9 percent of core companies and all individuals who find themselves unable to meet their obligations or their creditors, bankruptcy—not a government bailout—is the only alternative. It ought to be the alternative for failing too-big-to-save corporations as well.

□ 1530

This motion to instruct would eliminate the two big to fail/too small to save double standard in the Democrat bill that has so infuriated the American people and makes bankruptcy the only option for the systemically significant firms, many of which created the crisis our economy and the American people face today. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have just seen an elephant stick wielded on the floor of the House. The elephant stick refers to the man who's walking around the Mall here in Washington carrying a big stick, and people say, Why do you have that big stick. He said, Well, I've got to keep away all the elephants, and the people say to him, Well, there aren't any elephants here, and he said, Right, my stick works.

My friend from Alabama is determined to prevent from happening what's not going to happen, what's not authorized in the bill. It is true that we

had bailouts, and of course, what we also have here is the latest in a series of stunning repudiations of the Bush administration by its former loyal followers. All the bailouts the gentleman mentioned, of course, happened under the administration of President Bush, and I believe President Bush's administration did the best they could with weak tools at the time to deal with the problem.

What we have are ways to avoid that from happening. There is reference to too big to fail. No institution will be too big to fail under this bill. They will fail. The question is, will their failure lead to consequences that you should have some ability to deal with.

We do model some of this after the FDIC. The FDIC, run by a very able appointee, Sheila Bair, a former aid to Senator Dole and a Republican appointed to the job by President Bush, had a major role in helping us decide how to do this, and it is to say, first of all, the institutions that get too far into debt will die.

My Republican colleagues were actually right in the wrong place earlier this year, which is better than their usual average, when they talked about death panels. We are legislating death panels this year but for financial institutions, not elderly women. We don't have them in the health care bill. We have them in the financial bill. There is no too big to fail institution.

I will say in the instruction motion some things that were done were not done as well as they should have been—that's why we go to a final conference—and to the extent that there are suggestions that some of these institutions might survive, we will clean them out. The Senate bill has some provisions I don't like, and section 202 of the Senate bill I hope to change.

On the other hand, the notion that in this very complex system that we have, with the debts that are out there, to only do bankruptcy is simplistic. By the way, if my Republican colleagues really believe that bankruptcy was the only way to deal with these institutions, they would have an amendment or would have had an amendment to do away with the dissolution authority in the FDIC. The major exception of bankruptcy right now is in the Federal Deposit Insurance Corporation. We don't have simple bankruptcy for banks. We have a method given that particular relevance in the society on how you wind them down.

So, there are many things in here that I agree with. As to the conference report being open, again here I welcome my Republican colleagues as converts to the cause of openness and interbranch negotiations. When the Republicans controlled this institution for 12 years and had the Senate for most of that time, conferences were so rare that I've had to explain to Members who came during the years of Re-

publicans how a conference works. Now they have become great advocates of an openness they never implemented themselves.

We will have a conference, which I announced was my intention last year, last fall. It will be open. Things will be presented. They will be debated. They will be subject to amendment. They will be voted on. I was asked if they were going to be televised. Now, I am not the editorial director of C-SPAN. I hope it will be covered. I hope TV will be there. I hope it will be widely covered, and I think it probably will be given the interest.

So, when they talk about a 72-hour requirement, I expect that we will beat that. The timetable I am hoping for will have this bill done in a couple of weeks, and it should be reported out, if we can work this out by a Thursday, and not come to the House until Tuesday which is more than 72 hours. One never knows whether there is going to be some emergency, what might happen. This will be a fully debated bill.

So there are aspects of the instruction report that I agree with. There are aspects with which I disagree. Of course, we have to go to the Senate. That's why instruction motions are not binding. But I do disagree with two points.

First of all, the entirely enacted allegation that this perpetuates bailouts, they have us confused with the situation that occurred in 2008. I don't blame the Bush administration for these bailouts in part because I think some of them could have been conducted more sensibly and better and with more concern for the impact on the average citizen, but they didn't have the tools. This gives them tools that first the Bush administration and now the Obama administration has asked for, not to keep institutions alive but to put them to death in a way that does not cause great perturbation in the rest of the economy. There will be no taxpayer money expended under here. That's already done. I do not doubt that years from now they will take credit for what we had already decided to do.

The instruction motion, in other words, is a mixed bag. Some parts of it I hope we will act on. The ex-ante fund we talk about of \$150 billion, recommended to us again by Chairwoman Bair of the FDIC, many of us thought that made sense. The Senate and the administration were opposed to it. It will not survive the conference. People know that. So, to that extent, that's going to disappear anyway.

But saying that you only have bankruptcy and nothing else that helps you buffer the consequences of the failure of these institutions—and failures they will be, they will be hard to fail and will be dissolved—I think is reckless.

So I plan to vote against the motion to instruct, and given that it is such a

mixed bag of things and given that it's not binding, I will predict that the outcome is likely to be very similar no matter how this goes. That is, there are some things we are going to do, some things we have to negotiate with the Senate. We haven't got the power to order. So I think this will be a useful discussion, but I will go back to just the last central point.

There will be no taxpayer funds, and there will be no institutions that are not allowed to fail. There will be an effort—and this has to be negotiated—to work with the Senate so that we do not simply say that the consequences are of no interest, and I would repeat again. Those who genuinely believe that only bankruptcy should be used have made a major concession by not applying those rules to the banking system. If only bankruptcy should be used, then where was the amendment during the process to convert the FDIC dissolution process on which this is modelled to a bankruptcy model?

I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, the question before us, with apologies to William Shakespeare, to bail out or not to bail out, that is the question. The motion to instruct by the ranking member says no more bailouts. Quite simply, it cannot be said any other way. Unfortunately, whether you're dealing with the House bill or the Senate bill, they are still identifying firms that in their view are too big to fail. Now the phrase that is used is systemically significant, systemically risky, but they are identifying firms for a specific regulatory scheme, and in the House version, as the distinguished chairman of the Financial Services Committee pointed out, is a prefunded bailout fund. In the Senate version, they drop their prefunded, but there is an infinite line of credit that the FDIC can draw upon with respect to the Treasury. Again, if you have firms, Mr. Speaker, that are too big to fail, then you are saying they can't fail. If they can't fail, then at some point you're going to bail them out.

Now, I've heard the distinguished chairman of the Financial Services Committee, the gentleman from Massachusetts, on many occasions say no taxpayer funds will be used. I heard him say it seconds earlier and I know he believes it and I know he means it, but unfortunately, the track record for him and many of his colleagues on that side of the aisle in predicting such is really not very good.

The distinguished chairman was the same one who told us he didn't believe that taxpayers would be called upon to bail out Fannie and Freddie. Well, approximately \$150 billion later, we know that Fannie and Freddie did have to be bailed out, that rolling the dice was not a good strategy.

These are the same folks who also told us that the National Flood Insurance Program would never go broke, the crop insurance program, Medicare will never go broke. We've heard it before, Mr. Speaker. To somehow believe that ultimately taxpayers were not being called upon to have to bail out these firms is asking us frankly to ignore history and to suspend disbelief. Again, it is time to end the bailouts, and the motion to instruct would do that. Too big to fail becomes a self-fulfilling prophecy. Again, in many respects, the bill ought to be renamed the Perpetual Bailout Act of 2010. It has the wrong scheme. Bankruptcy is the proper scheme.

Now, I know the chairman has told us, well, we have death panels for these financial firms. Well, what happened on Chrysler and GM on their so-called death panels? Well, we know that Washington decided to play favorites. Certain creditors were benefited at the expense of others. Unsecured creditors, particularly the UAW, United Automobile Workers, somehow they jet to the front of the line. Secured creditors, they go to the back of the line. It creates avenues for political favoritism in Washington, D.C. It will again lead to Washington picking winners and losers.

We know how this ends. We know that AIG refused to make counter parties whole. CIT was designated too big to fail. They got billions of dollars. They failed anyway but it was resolved quickly. It is time to end the bailouts. The Nation cannot afford to be on the road to bankruptcy. It is time to end the bailouts, Mr. Speaker, and it is time to approve this motion to instruct.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I would like to yield to any of my Republican colleagues who will tell me why during this process they never moved to require bankruptcy as the way of dealing with failing banks. If bankruptcy is the only way to do it, why have the Republicans never proposed that we substitute for the current FDIC proposal bankruptcy? Well, I'm used to being unanswered when I ask hard questions. I think that proves the point.

I will yield to the gentleman from Texas.

Mr. HENSARLING. Well, I would say to the distinguished chairman that depositors are very different from investors, and when we have taxpayer money specifically at risk, it calls for a different regime.

Mr. FRANK of Massachusetts. Well, the gentleman is wrong about that because, yes, depositors are different than investors and depositors are insured, but we have deposit insurance. If you on the other side generally believe this, Mr. Speaker, they would provide deposit insurance and then bank-

ruptcy. The gentleman's incorrectly answered the question. Deposit insurance takes care of the depositors, but there are other things that are done to try and reduce the cost to the government. So bankruptcy and deposit insurance has not been the method.

Mr. HENSARLING. Will the gentleman yield?

Mr. FRANK of Massachusetts. Yes.

Mr. HENSARLING. Is the distinguished chairman suggesting that we need deposit insurance for firms like Citigroup and Goldman Sachs? Is that what the gentleman is suggesting then?

Mr. FRANK of Massachusetts. I would take back my time to say that's even by the standards of this debate wholly illogical. No, I'm not remotely suggesting that. What I'm suggesting is the glaring inconsistency between saying bankruptcy is the only way you put an institution out of business and the failure to apply that to the banking business.

By the way, I don't mean to be rude but the gentleman mentioned Citicorp. There's a bank there that has deposit insurance. So maybe the gentleman wasn't aware that the bank there has deposit insurance.

□ 1545

Mr. Speaker, there is another error in the comments. This is that the bill designates institutions too big to fail as systemically important. That is misleading as stated.

In fact, the bill in the House does not designate any institution as being systemically important. The only way an institution would be designated as systemically important is if it was found to be troubled. So there would be no situation in which an institution would have that label and go out and be able to do things with it.

Under the bill that we have, only a finding that the institution is in difficulty triggers a systemic importance designation, and it is accompanied with restrictions on that institution. It is exactly the opposite of this being a badge to get more loans. It is publicly identified as a troubled institution.

The last point I would make is this. Yes, there was flood insurance, Medicare, a number of things. None of them have the language we have in this bill. This bill has very specific language banning those things because we have learned from experience.

We have learned from the experience of 2008, with all those bailouts. And, again, remember, every single bailout activity was initiated by the Bush administration. And I say that not for political purposes but to indicate the inherent difficulties here.

And it was the people in the Bush administration who first said to us, "Give us different tools. We have to be able to deal with putting these institutions out of business, but not ignore the consequences."

So, with that, Mr. Speaker, I reiterate: This bill very explicitly prevents bailouts. It designates no institution as systemically important. It says that regulators may step in when they find an institution to be troubled. And if they think that that troubled institution could cause damage, they don't just designate it, they put severe restrictions on it.

So it is exactly the opposite suggestion that some will be too big to fail. They will be on notice that they have to increase their capital, decrease their activity. And people will be told that if that institution does fail under this bill, those who have invested, et cetera, will be wiped out.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield 4 minutes to another gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this motion to instruct. I think it is a good idea that we don't have the taxpayers bailing out eternally institutions that are bankrupt.

But there is an important thing to remember, that when an economy gets out of kilter, the marketplace demands a correction of that. And that's usually called the recession. Of course, we are not discussing here today exactly how we get into the excesses, but we do. And, unfortunately, debt gets too high and mal-investment gets too excessive, and the market wants to correct this.

Now, it's essential that this excessive debt be liquidated. It can be liquidated in two different ways. It can be written off by inflationary currency and paid off with bad money, or it can be liquidated actually through the bankruptcy process.

So I am in strong support of this, but I also want to make a point here and a suggestion to the conferees that they pay attention to the provision in the House version of our bill dealing with the Federal Reserve. And that provision is called H.R. 1207, which deals with the auditing. And there is a difference between the Senate version and the House version.

So, although we are not talking about that specifically, to me it's important, not only for the issue of oversight and transparency, but there is also an opportunity for the Federal Reserve to provide bailout provisions for certain organizations, as well. We are talking about taxpayers' funds, the appropriated funds, TARP funds and others. But when we come to extending loans, in a way this very much is a bailout.

So I would like to suggest that we look at that and stand by the House provision. We do have 319 cosponsors of this provision.

Mr. FRANK of Massachusetts. If the gentleman would yield, as you know, I

was for some form of that. And I guarantee, because the Senate has acted, we will have tough auditing provisions of the Federal Reserve in the final bill.

And I do want to note to my friend from Texas that, when the Republicans offered a motion to recommit to the bill, they would have wiped out a number of things, including his audit provision. So despite the fact that my friend from Texas temporarily abandoned his audit provision to the perils of a recommitment provision, I will join with him in reviving it.

And, as he knows, we have in our bill a severe limitation on this power under section 13(3) for making these loans. What they did with AIG will no longer be possible. There will be no more loans to individual institutions.

But he has been the leader on the audit situation, and I intend to continue to work with him to make sure it is well done.

Mr. PAUL. I thank the chairman.

And I would just like to reemphasize that it is the responsibility of the Congress to commit to oversight of the Federal Reserve, something that we have been derelict in doing. I think the mood of this House and the mood of the Senate and the mood of the country is more transparency and more oversight.

The provision in the Senate version is not adequate for an audit of the Fed. So I am encouraged that we are getting more attention because, ultimately, it is necessary that we understand exactly how the business cycle comes about and how the Federal Reserve participates in this.

Because, under the circumstances of today, on what we are doing, we are prolonging our agony. And someday I would hope to see that our recessions—and now we are talking about depressions—are minimized and shortened. And I am concerned that the programs that we are working with today are prolonging those changes.

So the most important thing that we can do is make sure that we exert our responsibilities, have oversight of the Federal Reserve, commit to these audits of the Federal Reserve, and not to endorse the idea that the Federal Reserve is totally secret, can do what they want, can bail out other companies and banks and foreign governments and foreign central banks without fully knowing exactly what they are doing.

Once again, I thank the chairman of the committee for his support for auditing the Fed.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as he may consume to the chairman of the Subcommittee on Financial Institutions, the gentleman from Pennsylvania (Mr. KANJORSKI), who had a major and constructive role in this bill and was pushing for things like reform of the Volcker rule before it was popular in other quarters.

Mr. KANJORSKI. Mr. Speaker, I rise maybe to make a suggestion. I know it may drop on deaf ears, but, you know, we are about to undertake an historic event, both in this institution, the Congress of the United States, and in the United States of America, and that is to enact laws by a democratic society through their elected representatives that will cause occasions to happen that may actually save the economy of this Nation or the economy of the world.

It seems to me at this first preparation date we are awaiting the appointment of our conferees here on the House side, that we are already indicating that there will be a political flavor to this conference as opposed to an attempt by both sides of the aisle to find what is best for America and what is best for the economy of this country.

Now, I suggest, and I will concede, having worked with the chairman and Members on the other side, the ranking members and others, for these last 15 or 16 months, that this is not a perfect bill or a perfect solution. I wish it were. But I think we will all have to wait until another day of a higher order to get to perfection.

All we are trying to do here is to work in the regular order of the legal process to see if we can make certain that we don't bring down our economy or our government or the world's economy or the world governments. And that's what we are attempting to do.

Now, you know, we have all these titles, and I am probably as guilty as others, "too big to fail." And we talk about that like that's an easily definable entity. Well, in reality, it isn't.

The fact of the matter is, some things are so interconnected and intertwined and involved in our economic system that, for all intents and purposes, they would appear not to be a risky organization, but that when you examine them and you see the tentacles that they send out through our society and other organizations throughout the world, that their failure can precipitate a failure of the economic system of the world.

That's what we experienced in an organization known as AIG. You know, an organization in excess of 100,000 people, working in tens of countries around the world, had a little organization in London, England, called AIG Financial Products. Those 400 people were able to take a name, AIG, American International Insurance Group, and utilize that to get into the derivative business to the tune of \$2.8 trillion without the support of adequate assets to meet their counterparty positions.

And what happened? It started to fail to meet its counterparty positions and immediately would have put at risk most of the major banks of not only the United States but of the world.

Now, when that was happening—and that occurred after other failures in

the United States had occurred—we had several choices. We could have sat by and said, "Well, the market will cure all things." And I guess if you are a purist, that's not a bad position philosophically to take, because it is correct. I will concede to that.

But I am one of those people that favor affecting the market and taking the actions that will, in some instances, short-circuit the effects of the market when the effects of the market will be so severe on our population that it warrants such action. And that's exactly what happened at AIG.

If we had sat back and allowed that to occur and the ripple effect around the world, we would have collapsed the economy of the United States and the world, probably, some of our best economists in the world indicated, within 72 hours. We would have been in a position of no one knowing what the world's economy would have looked like.

We were called upon to take certain actions, and that was way back in September or October of 2008. And many of us came back to Washington just before our vital elections that year, and we went to work and we created something.

Can I reconstruct for you gentlemen what it was about? We didn't come back to the Obama administration. We didn't come back to a situation—

PARLIAMENTARY INQUIRY

Mr. ISSA. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mrs. HALVORSON). The gentleman will state it.

Mr. ISSA. Mr. Speaker, doesn't our House rule require that the address be made to the Speaker and not to each other?

The SPEAKER pro tempore. Members are reminded to address their remarks to the Speaker.

The Chair recognizes the gentleman from Pennsylvania.

Mr. KANJORSKI. It is certainly a pleasure to address the Speaker, and I will. I am sure we should adhere to the decorum of the House and the rules of the House, and I will definitely do that.

I wouldn't think of calling the attention of my observations to my colleagues on the other side. That could be frightful if we did that because they may have to respond to those observations. So we won't call those observations.

I was going through how we got here and why we are here. And how we got here was we met in rooms around this Capitol for a number of weeks, 2 or 3 weeks, as I recall. And the President of the United States, George W. Bush, in his last year of presidency, or in the last several years of his presidency, indicated that his Secretary of Treasury and the Chairman of the Federal Reserve were his designees to work with Congress to see what we could do to

prevent the potential meltdown or catastrophe to the world's economy. And we went to work to do that.

Now, as I recall—and I sat in some of those meetings, not all of those meetings—we would periodically tune the conference telephone to economists, Nobel Prize-winning economists around the world, of all political persuasions and philosophical positions. And, to my best recollection, there were several dozen. And to a man, or woman, not one of them disagreed that what we were facing was total meltdown and that precipitous action had to be taken.

And the precipitous action that was taken was to provide a rescue package, giving unusual, incredible authority to the executive branch of government, to be utilized by the Secretary of the Treasury, to do what we could to prevent a meltdown in the United States.

□ 1600

Now, at all times, as I recall, those eminent economists were telling us that it was their opinion that even if we did these strange and unusual activities of empowering the President and the Secretary of the Treasury to borrow monies, use monies, buy assets, do all kinds of things, the chance of success was rated at about 50/50.

As I recall, we worked for about 2 or 3 weeks crafting what originally was a three-page bill that ultimately became a 400-page bill and became known as the “rescue” bill. We brought it to the House floor, if all of you will recall, and it failed. And the day that it failed, the hour that it failed, the half hour that it failed, the New York Stock Exchange dropped 900 points. And finally, there was a realization across the country and across the world that if this rescue package was not passed, we probably were looking at the beginning of the failure of the American economic system, and we went to work to see if we could put a coalition together to get it passed, and that took another week, if I recall.

Now, we did those things in the midst of an election. We did those things with a Republican President and a Democratic Congress, and it seems we did it pretty successfully. And we didn't call it a “bailout” bill. That became a political terminology so that people could be misinformed, misdirected, and have a visceral reaction to what the Congress has done when they really didn't understand it. And what occurred? Well, that prevailed. Rather than calling it a “rescue” bill anymore, it became known as the “bailout.”

I want to correct that because I've heard that term used here at least a dozen or two dozen times. I asked the question, what did we bail out? We made extensive commitments to banks in the United States. To the best of my knowledge, all those banks have now

repaid those commitments to the Treasury or to the Federal Reserve. What was the success of that? Most of them did not fail and our economic system did not fail, in totality, so it was pretty good, but we were losing employment and falling like a rock, the economy, to the tune of, in January, when the new President of the United States was sworn into office, this Nation lost 750,000 jobs and had been losing jobs at that rate for several months before and it continued several months after. And we started to get into, as opposed to discussing economics, free market situations and legalities of how we handle this problem. We got into a political ramble that has continued to this day. I think that's what I got up to address.

If we stay on this course and this direction, the only thing that's going to happen at this conference committee—and ultimately the bills that are enacted into law and signed by the President—will be very limited-capacity pieces of legislation that will not nearly accomplish what could happen. On the other hand, I say to my friends on the other side and the Members and colleagues of this Congress, if we can put our personal prejudices, our political advantages to the side and spend the next 2½ or 3 weeks in an honest effort to get the best bill possible to reform the financial markets of the United States, and indeed the world, we can do something that is so historic in nature that we place the stability of our economy for the next 75 years as it was ably put together in the 1930s.

If we don't accomplish that, what we're going to end up with is a temporary solution to a disastrous problem, fighting a lot of silly political questions which will long disappear before most of us do from the face of the Earth, but not accomplishing anything for the American people.

So I just end this dialogue with saying this—to the gentlemen on both sides of the aisle, so I'm not charged with directing it towards one side—let's put our disagreements aside for the next 2 or 3 weeks. Let's listen to the chairman of the House committee and the ranking member. Let's listen to the chairman of the Senate committee and ranking member and the other 30 participants of this conference committee, with the commitment of doing the best we can within our powers to prevent this from happening, certainly in the near future, or potentially ever again. If we fail to do that, we will have failed our job.

Mr. BACHUS. May I inquire of the Speaker as to how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from Alabama has 16 minutes remaining, and the gentleman from Massachusetts has 7 minutes remaining.

Mr. BACHUS. Madam Speaker, I yield 4 minutes to the very able rank-

ing member of the Oversight Committee, Mrs. JUDY BIGGERT.

Mrs. BIGGERT. I thank the gentleman for yielding.

I rise in support of the motion to instruct.

Madam Speaker, taxpayers are tired of paying for the mistakes of others and fed up with bailouts. It's time for Congress to recognize that financial managers that drive their firms into insolvency should be met with bankruptcy and not bailouts.

Unfortunately, both the House and Senate financial regulatory reform bills allow the government to take over any financial business Washington bureaucrats deem as “too big to fail.” In other words, if Federal regulators like Treasury Secretary Geithner fail to do their job, then these same regulators can simply take over, dismantle, or prop up any financial institution that they choose at taxpayers' expense, and that's what I would call a bailout. That's the government picking winners and losers in the marketplace. That's the same reckless approach that caused the markets to undervalue risk, inflated the bubble, and left taxpayers to clean up the mess when it burst. And it must end.

House Republicans say “never again,” and we have developed a responsible alternative—bankruptcy. It's a fair and unbiased process, insulated from inappropriate political pressures, and removes taxpayers from the equation. During a recent hearing, Federal Reserve Bank of Kansas City President Thomas Hoenig agreed, calling enhanced bankruptcy “a process that assures everyone that the largest institutions will be dismantled if they fail.” And he continued, “I prefer a rule of law that takes away discretion from the bureaucrat or from the policy person so that in the crisis you don't have that option to bail out, so that you have to take certain steps to control, to prevent a financial meltdown.”

Madam Speaker, I couldn't agree more. Effective financial reform must end the bailouts and prevent the next financial meltdown. Bankruptcy is central to the solution. It will give certainty to the marketplace, discourage risky practices, and eliminate taxpayer liability and political interference.

The bottom line is that stronger, nimble and more coordinated regulators must do their job, exercise strong oversight, and bar excessive, risky, deceptive and fraudulent marketplace behavior. Washington shouldn't control the market; it should regulate it.

Through smarter regulation and enhanced bankruptcy rules, we can prevent the next financial meltdown. Millions of American businesses and families that work together every day to play by the rules and invest wisely deserve nothing less.

I support the motion, and I hope we will have a great conference and come

up with a bill; but I think this is an important motion to instruct to consider before that.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The gentleman from Alabama has 13 minutes remaining. The gentleman from Massachusetts has 7 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 30 seconds to say that I'm intrigued. We were talking about bankruptcy, now we have a new concept—enhanced bankruptcy. We were told earlier that it should just be plain bankruptcy like everybody else. Now, apparently, there is something special so we get enhanced bankruptcy. Maybe we will have enhanced bankruptcy explained to us. And if bankruptcy is good for everybody, why does enhanced bankruptcy need to be done here, and what is it? Is it another name for doing more than bankruptcy?

I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the ranking member of the Government Oversight Committee from California (Mr. ISSA).

Mr. ISSA. I thank the gentleman for yielding.

Mr. Speaker, 3 minutes is all I need because we're going into a process, one in which I would like to be optimistic, one in which I will have 72 hours to pore over a 2,000-page bill to see where we can make it better.

Mr. Speaker, I, too, like the gentleman from Pennsylvania, remember 2008. I remember helping lead the charge against a wholesale bailout, a slush fund for then-President Bush to pass around \$700 billion and to pass on to the next President a piece of that left over to spend it, and if you happen to get paid back, to spend it again.

Mr. Speaker, the American people are tired of endless bailouts of the select few. When the gentleman spoke of AIG, AIG still owes us \$100-plus billion we'll never see back, in spite of the fact that much of that money went outside the country.

I'm part of a Congress that saw the Bush administration make mistakes. I'm fortunate that I voted against it and I'm happy that I voted against it. As we go into this financial reform, I would hope that we remember Milton Friedman once said, Capitalism is a profit and loss system: the profits encourage risk-taking and the losses encourage prudence.

Mr. Speaker, we must have freedom to fail in this country. We cannot have "too big to fail." And more importantly, we cannot have the politicization of the process by picking and choosing people like Freddie and Fannie to get \$6 trillion worth of full-faith funding from the American people in order to guarantee what ultimately was to a great extent their fault. We went into a financial collapse because when homes became unaffordable, gimmicks were produced.

The American people watched their government create most of those gimmicks, and even today the American Government continues to fund a 3.5-percent-down form of financing as though homes will only go up in price. So I look forward to working on a bipartisan basis to get this bill right in conference.

Mr. FRANK of Massachusetts. I yield 3 minutes to the chairman of the Oversight Committee of the Financial Services Committee who has been a major force for stability in this system, the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I rise in opposition to the Republican motion to instruct but in support of the work the House and Senate Conference Committee will begin in crafting a final bill on Wall Street reform.

For most of last year, my colleagues on the House Financial Services Committee, under the outstanding leadership of Chairman FRANK, along with other committees, worked hard to produce the Wall Street Reform and Consumer Protection Act. The work was bipartisan; over 50 Republican amendments were accepted along with over 20 bipartisan amendments. This package contains ideas put forward by Democrats and Republicans, as it should, creating a better and more thoughtful bill.

While the bill is large and complex, it does some very important things: it ends "too big to fail." It ends the need for bailouts and fully protects taxpayers, and it has tough new consumer investor protections that will better protect families' retirement funds, college savings, and small business owners' financial futures from unnecessary risks by Wall Street vendors and speculators. And something we were careful to do in the House bill was to make sure this new financial oversight system would focus on the true problems that created the financial crisis and not responsible actors like most community banks and credit unions.

While the bill provides needed new oversight to the \$600 trillion derivatives market, it is well balanced, allowing farmers and small businesses in Kansas to conduct good risk management and hedge their business risks in a responsible manner.

I commend the Senate for also passing a tough financial overhaul bill last month.

The conference committee should take the best ideas from both bills and combine them into one final bill that our colleagues can support and that will finally restore our constituents' trust in our financial system. I urge my colleagues to oppose this motion to instruct that serves as a distraction to the need for a well-balanced, strong financial reform package.

□ 1615

Mr. NEUGEBAUER. It is now my pleasure to yield 2 minutes to the

ranking member of the Judiciary Committee, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. I thank my colleague from Texas for yielding me time.

Mr. Speaker, as Congress weighs the question of Wall Street reform, the answer the American people want us to give is clear: "No more bailouts." We should give that answer by passing legislation that sends any failing financial institution to bankruptcy, not to a Federal agency that might bail it out.

The Democratic Senator who guided this legislation through the Senate agrees that bankruptcy must be our primary response to failing institutions. Bankruptcy is fair. Its rules are clear. It is administered transparently by impartial courts. It has existed for generations because of one unmistakable truth: Free enterprise without the possibility of failure is free enterprise without the possibility of success.

The Senate improved the House bill by recognizing a role for bankruptcy, but it failed to give the bankruptcy courts what they need to make that role meaningful. As a result, the legislation's escape hatch from bankruptcy, one that allows agency takeovers of firms, threatens to become the first option under the bill.

When agencies take over firms, we all know that they will bail them out. Let's finish our work. Let's close every loophole that invites a bailout.

Mr. Speaker, I urge my colleagues to support this motion.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. At this time, Mr. Speaker, I yield 4 minutes to the vice ranking member of the Financial Services Committee, the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. I thank the gentleman for yielding.

I rise in support of the motion to instruct.

Mr. Speaker, the American people want financial reform. They don't want a financial reform replay. Financial regulatory reform is something we can all agree is needed, but we owe it to the taxpayers, who have picked up the tab for the endless bailouts, to get it right.

The House and Senate bills both lead us a long way from getting it done right. Both the House and Senate bills give the government permanent authority to continue these AIG bailouts of failing firms. Both bills let the government continue to pick winners and losers by deciding which financial companies will get on the too-big-to-fail list and which will benefit from government backing. As it stands right now, these bills give the very same regulators, who, by the way, failed to get the job done right in the first place, more authority and more power. These bills don't provide real reform. They

only make bailouts and government protection for failure explicit and permanent, leaving taxpayers on the hook indefinitely.

These bills reduce choices and increase the cost of credit. At a time when small businesses all across the country are having a hard time getting credit, we are going to take action now that will reduce the ability for them, leading to fewer jobs and to more unemployment in our country.

Finally, these bills fail to address the two companies that have cost the taxpayers the most: Freddie Mac and Fannie Mae. \$175 billion, to date, of the taxpayers' money is already invested in these two entities. Yet this bill fails to make any attempt at any kind of reform of these two entities.

Our motion instructs conferees to fix the biggest problems with this bill by removing all of the new and permanent bailouts. Our motion says that financial companies that fail should be allowed to fail and to use the rule of bankruptcy law, not backroom deals, which give some creditors more preference over others and which give different treatment to different creditors. Our motion says that the regulators should be held accountable, that they should not be given free rein to pick winners and losers and to decide who is too big to fail. The taxpayers want the financial regulatory system fixed, but they don't want it fixed with permanent bailouts.

Support the motion to instruct to remove the bailout provisions from this bill and insist on real protections and reforms for the taxpayers, for our financial system, and for our economy. Mr. Speaker, the American people want reform. They don't want another replay of bailouts. Support the motion.

Mr. FRANK of Massachusetts. I yield myself the balance of my time.

Mr. Speaker, I remember when the gentleman from Texas was a little less harsh on Fannie Mae and Freddie Mac when an important amendment that he offered was adopted over the objection of the Secretary of the Treasury, but we've all tended to evolve some on some of these issues.

I want to repeat the central theme here: History is one of bailouts initiated by the prior administration. Some have been supported by this Congress. Some have died by the administration on its own. This bill prevents that legally.

The gentleman from Texas who just spoke referred to the AIG bailout by the Federal Reserve or the Federal Reserve's picking one company or another. The power that the Federal Reserve has had for over 75 years to do that is repealed in this bill. The Federal Reserve is allowed, if there are solvent institutions that are liquid and have a 99 percent chance of repayment at least, to advance money based on their paper, but there can be no more

AIGs under the Federal Reserve's authority.

The gentleman said, Well, they can get on the list of too big to fail. There is no such list. There is literally no such list. This is a hard-held myth by the Republicans. What there is is this: If the regulators have been given more power to watch you and if you say the regulators have failed, well, they were a different set of regulators. The SEC today is not the SEC under the prior administration, which looked the other way at Madoff. This is a different and tougher SEC. What they do is say to an institution that's now being much more carefully monitored, You need to be reformed. You need to be restrained. You must have higher capital requirements. You must reduce the amount you are doing.

So there is a tight limitation on what these entities can do. So the privilege of being named important is—and it's not called "important." It says you're going to be subject to stricter standards. People are on notice that the authorities are worried about you, and then it says explicitly in the bill there can be no bailouts. There have been prior cases of bailouts on all sides—the Congress, the President, both parties—but they never had this language. There is no example of this explicit antibailout language being flouted, because it never existed before, so there are no too-big-to-fail institutions.

The question between us is this: When an institution that has gotten overly indebted is put out of business, as this bill requires it to be, do you simply do that and ignore the consequences or should there be some capacity in the Federal Government to look at the consequences?

Now, again, my colleagues have not applied their own logic to the FDIC, and I hope that the final speaker will explain what "enhanced bankruptcy" is. Remember, we started out being told that bankruptcy was the answer. Bankruptcy got enhanced somewhere, and we still haven't heard what that "enhanced bankruptcy" is. We insure the depositors, but that's not all. The depositors are taken care of, but then there are costs outside of the deposit, and the FDIC is told to follow the least cost method, and that will sometimes mean spending some money to wind it down in a way that diminishes the impact.

So, apparently, even my colleagues on the other side aren't quite as devoted to bankruptcy as they think. They are not prepared to put it into the FDIC proposal. It's a form of enhanced bankruptcy, and I hope, in their remaining time, they will explain it. When they offered a recommittal motion on this bill, Mr. Speaker, they didn't say, Let's fix bankruptcy or let's do this. They said, Let's kill every single form of consumer and financial reform.

The gentleman from Texas was alluding to the consumer agency. They wanted to kill an independent consumer agency. They wanted to kill a fiduciary responsibility for broker-dealers. They wanted to kill a requirement that leverage can never go more than 15-1. This is a little piece of what they are trying to do. They remain opposed. Their view is that the regulators in prior years didn't do a good job—regulators, yes, who followed the non-regulatory philosophy of the prior administration—and they have been opposed to any single form of reform. They are cloaking that in an argument that they are stopping bailouts which are already made illegal by this bill.

Now, the instruction motion has some things in it that Members should support, and it has some things that Members should not support. It is obviously done in a way that, I think, will have an ambiguous impact, and it isn't binding in any case. So what the vote is is less important than what the message is, and let's be very clear about the message: There are no bailouts allowed under this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BACHUS. Mr. Speaker, at this time I yield 3 minutes to the ranking member of the Capital Markets Subcommittee, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman for yielding.

Mr. Speaker, would that it be true that there are no more bailouts in this 1,400- or 1,500-page bill that Congress is about to be considering in conference. Would that it be true that the American taxpayer is potentially no longer on the hook, as it has been over the last year and a half under this administration and past, as far as the bailouts that are costing the taxpayers literally tens of billions of dollars. Would that it be true that we pass a piece of legislation and be able to keep in place the laws of this country for the last 200-plus years to protect private property rights and to protect the rights under the Bankruptcy Code so that investors and institutions know exactly what they are going to get when they invest in a company, more importantly, when you are a secured creditor, that that name would actually mean what it says: You are secured by the assets of the company.

We certainly saw that that was not the case in the Chrysler situation. You had a situation where the administration basically stepped in, using taxpayer dollars, and used the system of saying, We're not going to go through bankruptcy court—as Members of this side of the aisle would suggest should have occurred—but we are going to act in an extracurricular manner and allow the secured creditors to be tossed aside and the assets of the company to be

divvied up willy-nilly as the administration and others decided they would have.

Now, that's, in essence, what we will be perpetuating with this piece of legislation that's before us. What happened in that situation?

Well, in that situation, you had the unions, which basically had no interest in that company whatsoever, end up with basically a 55 percent interest in the company at the end of the day, basically a gift valued at \$4.5 billion, and Fiat was given a 20 percent stake for free to take it over. At the end of the day, the secured creditors who thought that they should have been at the front of the line, well, ended up at the end of the line. Instead of getting, maybe, 43 cents on the dollar, they ended up getting some 29 cents on the dollar and said, You should be happy about it.

Why do I bring up that case? Because, basically, at the end of the day, Mr. Speaker, we're going to be perpetuating that same sort of ability for regulators to be making those same decisions going forward. Yes, maybe they won't be able to give it to their friends again at the unions like they did in this case. Maybe they will. We're really not sure.

Yet, at the end of the day, we'll be perpetuating the ability to say to secured creditors, secured creditors, you want to make an investment in a company, thinking that you are secured and that if the company were to fail and to go into bankruptcy that you would be first in line. Guess what? That is not going to be the case.

We are going to put into statute a system to say that an unelected bureaucratic regulator is going to say, Maybe not. Not so fast, secured creditor. Not so fast, investor. We're going to put someone else ahead of you.

You know, that actually happened to real-life people in the case of the Chrysler situation where three Indiana pension funds—representing who?—policemen, firemen, what have you, thought they were secured creditors. At the end of the day, they said that they were stripped of their rights by a system that this bill will perpetuate. This is what we were trying to do.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BACHUS. I yield the gentleman 1 additional minute.

Mr. GARRETT of New Jersey. I appreciate the gentleman's yielding.

We have the idea that the "rule of law" should mean something in this country, and it has meant something for the last 200-plus years, and the Bankruptcy Code is part of that law.

You know, an article published in the UCLA Law School said, "What happened" over this last year and a half "was so outrageous and illegal that, until March of this year, 2009, nobody even conceptualized it."

The judge in that case that I was referring to commented from the bench

that the poor pension manager from Indiana, who was representing the teachers and the firemen and the like, was kind of like the gentleman in Tiananmen Square when the tanks came rolling over.

Well, Mr. Speaker, I do not want the investors in this country, whether they be firemen or policemen or other senior citizens down in Florida or in other places around the country, to feel like they did in that case. I want them to know that their rights are protected by the rule of law through the bankruptcy process and not by some politically appointed bureaucrats or regulators who can strip them of their rights. That is what Republicans stand for, and that is why we are opposed to this language in the majority's bill.

Mr. BACHUS. Mr. Speaker, may I inquire as to the time left on both sides, knowing that I have the right to close.

The SPEAKER pro tempore. The gentleman from Alabama has 3 minutes remaining. The time of the gentleman from Massachusetts has expired. The gentleman from Alabama has the right to close.

Mr. BACHUS. Mr. Speaker, we heard the gentleman from Pennsylvania say that there were really no bailouts. I think, if you submit that statement to the American people, they would tell you that there were bailouts because, in fact, there were bailouts.

The majority has made a statement on the floor of the House in defense of this bill that it has all been paid back. Well, in fact, it has not all been paid back, and I think, on further examination, Mr. Speaker, we would all have to remember the inconvenient fact that AIG still owes the American people about \$150 billion and that Freddie and Fannie not only owe hundreds of billions of dollars but that the President, back on December 25, guaranteed their obligations, which could run in the trillions.

Now, in addition to all of that, a few statements by the chairman, Mr. Speaker.

The chairman says that they have to be troubled, that instead of going through bankruptcy, they will go through this thing where you can guarantee their obligations, where you can take a security interest in them, where you can purchase their assets, where you can lend money to them. They have to be troubled.

Well, who decides that?

Well, according to the bill, the Secretary of the Treasury sits at the head of a small group. I think the Senate bill includes Ms. Elizabeth Warren, but it includes the OCC.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BACHUS. Yes, I will yield.

□ 1630

Mr. FRANK of Massachusetts. The statement that the Senate bill includes

Elizabeth Warren is breathtaking. I do not believe the Senate bill refers to Elizabeth Warren.

Mr. BACHUS. Well, I will withdraw that statement. I am glad to hear that it does not.

Now, let me ask you this. This bill, and I'm going to quote from section 210, it says that the FDIC is authorized to borrow up to 90 percent of the fair value of the failed firm's total consolidated assets. Ninety percent of the total consolidated assets.

Now, Mr. Speaker, I would ask the chairman, maybe he can give us this figure or review my figures. But the largest corporation in America, Bank of America, which would qualify under this program has total assets of \$2.34 trillion. That means that the FDIC could borrow \$2 trillion.

Now, I would ask this: Where do they borrow it from? But, more importantly, if they borrow \$2 trillion to allow Bank of America to go into this process, if they are not paid back, who pays it? And the answer is: the taxpayers, a \$2 trillion investment right there.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct will be followed by 5-minute votes on motions to suspend the rules with regard to House Resolution 1330, H.R. 5278, and H.R. 5133, if ordered.

The vote was taken by electronic device, and there were—yeas 198, nays 217, not voting 16, as follows:

[Roll No. 343]

YEAS—198

| | | |
|-------------|---------------|-----------------|
| Aderholt | Brown-Waite, | Dent |
| Akin | Ginny | Diaz-Balart, L. |
| Alexander | Buchanan | Diaz-Balart, M. |
| Austria | Burgess | Djou |
| Bachmann | Burton (IN) | Dreier |
| Bachus | Buyer | Duncan |
| Bartlett | Camp | Edwards (TX) |
| Barton (TX) | Cantor | Ehlers |
| Biggart | Cao | Emerson |
| Bliray | Capito | Fallin |
| Bilirakis | Carter | Flake |
| Bishop (UT) | Cassidy | Fleming |
| Blackburn | Castle | Forbes |
| Blunt | Chaffetz | Fortenberry |
| Boehner | Childers | Fox |
| Bonner | Coble | Franks (AZ) |
| Bono Mack | Coffman (CO) | Frelinghuysen |
| Boozman | Cole | Gallely |
| Boucher | Conaway | Garrett (NJ) |
| Boustany | Connolly (VA) | Gerlach |
| Brady (TX) | Courtney | Giffords |
| Bright | Crenshaw | Gingrey (GA) |
| Brown (GA) | Culberson | Gohmert |
| Brown (SC) | Davis (KY) | Goodlatte |

Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hodes
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant

Markey (CO)
McCarthy (CA)
McCaul
McClintock
McCotter
McIntyre
McKeon
McMorris
Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Owens
Paul
Paulsen
Pence
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Putnam
Radanovich
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

NAYS—217

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)

DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Drieaus
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)

Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (OH)
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Schradler
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Spratt
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush

Barrett (SC)
Berkley
Calvert
Campbell
Davis (TN)
Harman

Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Speier
Stark
Stupak
Sutton
Tanner

NOT VOTING—16

Higgins
Hoekstra
Inglis
Kennedy
Kilpatrick (MI)
Kosmas
McHenry
Miller, Gary
Quigley
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1702

Ms. FUDGE, Messrs. HOLDEN, CRITZ, PETERS, Ms. BEAN, Mr. FARR, Ms. RICHARDSON, Messrs. BUTTERFIELD, DONNELLY of Indiana, WILSON of Ohio, Mrs. MALONEY, Messrs. TIERNEY, CARSON of Indiana, MARSHALL, COOPER, FATTAH, ANDREWS, AL GREEN of Texas, Ms. WASSERMAN SCHULTZ, Messrs. SCOTT of Georgia, PAYNE, ROSS, BERRY, ELLISON, BISHOP of Georgia, SHERMAN, DRIEHAUS, LANGEVIN, CLYBURN, Ms. SLAUGHTER, Mr. WELCH, Ms. SUTTON, Messrs. WEINER, SCOTT of Virginia, and RUSH, and Ms. ESHOO changed their vote from “yea” to “nay.”

Messrs. SULLIVAN, RODRIGUEZ, CONNOLLY of Virginia, and BOEHNER changed their vote from “nay” to “yea.”

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WORLD OCEAN DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1330) recognizing June 8, 2010, as World Ocean Day, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. ANDREWS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 369, noes 44, not voting 18, as follows:

[Roll No. 344]

AYES—369

| | | |
|----------------|-----------------|------------------|
| Ackerman | Cuellar | Hodes |
| Aderholt | Culberson | Holden |
| Adler (NJ) | Cummings | Holt |
| Altmire | Dahlkemper | Honda |
| Andrews | Davis (AL) | Hoyer |
| Arcuri | Davis (CA) | Hunter |
| Austria | Davis (IL) | Insee |
| Baca | DeFazio | Israel |
| Bachmann | DeGette | Issa |
| Bachus | Delahunt | Jackson (IL) |
| Baird | DeLauro | Jackson Lee |
| Baldwin | Dent | (TX) |
| Barrow | Deutch | Johnson (IL) |
| Bartlett | Diaz-Balart, L. | Johnson, E. B. |
| Bean | Diaz-Balart, M. | Jones |
| Becerra | Dicks | Jordan (OH) |
| Berman | Dingell | Kagen |
| Berry | Djou | Kanjorski |
| Biggert | Doggett | Kaptur |
| Bilbray | Donnelly (IN) | Kildee |
| Bilirakis | Doyle | Kilroy |
| Bishop (GA) | Dreier | Kind |
| Bishop (NY) | Drieaus | King (NY) |
| Blumenauer | Edwards (MD) | Kingston |
| Blunt | Edwards (TX) | Kirk |
| Bocieri | Ehlers | Kirkpatrick (AZ) |
| Boehner | Ellison | Kissell |
| Bonner | Ellsworth | Klein (FL) |
| Bono Mack | Engel | Kline (MN) |
| Boozman | Eshoo | Kosmas |
| Boren | Etheridge | Kratovil |
| Boswell | Fallin | Kucinich |
| Boucher | Farr | Lance |
| Boyd | Fattah | Langevin |
| Brady (PA) | Filner | Larsen (WA) |
| Braley (IA) | Flake | Larson (CT) |
| Bright | Forbes | Latham |
| Brown (SC) | Fortenberry | LaTourette |
| Brown, Corrine | Foster | Latta |
| Brown-Waite, | Fox | Lee (CA) |
| Ginny | Frank (MA) | Lee (NY) |
| Buchanan | Frelinghuysen | Levin |
| Butterfield | Fudge | Lewis (CA) |
| Buyer | Gallegly | Lewis (GA) |
| Camp | Garamendi | Lipinski |
| Cao | Gerlach | LoBiondo |
| Capito | Giffords | Loeb sack |
| Capps | Gingrey (GA) | Lofgren, Zoe |
| Capuano | Gonzalez | Lowe |
| Cardoza | Goodlatte | Lucas |
| Carnahan | Gordon (TN) | Lujan |
| Carney | Granger | Lungren, Daniel |
| Carson (IN) | Graves | E. |
| Carter | Grayson | Lynch |
| Castle | Green, Al | Mack |
| Castor (FL) | Green, Gene | Maffei |
| Chandler | Griffith | Maloney |
| Childers | Grijalva | Manzullo |
| Chu | Guthrie | Marchant |
| Clarke | Gutierrez | Markey (CO) |
| Clay | Hall (NY) | Markey (MA) |
| Cleaver | Hall (TX) | Marshall |
| Clyburn | Halvorson | Matheson |
| Coble | Hare | Matsui |
| Cohen | Harper | McCarthy (CA) |
| Cole | Hastings (FL) | McCarthy (NY) |
| Connolly (VA) | Heinrich | McCaul |
| Conyers | Heller | McClintock |
| Cooper | Hensarling | McCollum |
| Costa | Herseth Sandlin | McCotter |
| Costello | Hill | McDermott |
| Courtney | Himes | McGovern |
| Crenshaw | Hinchey | McIntyre |
| Critz | Hinojosa | McKeon |
| Crowley | Hirono | McMahon |

| | | |
|-----------------|------------------|---------------|
| McMorris | Putnam | Smith (NJ) |
| Rodgers | Radanovich | Smith (TX) |
| McNerney | Rahall | Smith (WA) |
| Meeks (NY) | Rangel | Snyder |
| Melancon | Reichert | Space |
| Mica | Reyes | Speier |
| Michaud | Richardson | Spratt |
| Miller (FL) | Rodriguez | Stark |
| Miller (MI) | Rogers (AL) | Stearns |
| Miller (NC) | Rogers (KY) | Stupak |
| Miller, George | Rogers (MI) | Sullivan |
| Minnick | Rohrabacher | Sutton |
| Mitchell | Rooney | Tanner |
| Mollohan | Ros-Lehtinen | Taylor |
| Moore (KS) | Roskam | Teague |
| Moore (WI) | Ross | Terry |
| Moran (VA) | Rothman (NJ) | Thompson (CA) |
| Murphy (CT) | Roybal-Allard | Thompson (MS) |
| Murphy (NY) | Royce | Thompson (PA) |
| Murphy, Patrick | Ruppersberger | Thornberry |
| Murphy, Tim | Rush | Tiberi |
| Myrick | Ryan (OH) | Tierney |
| Nadler (NY) | Ryan (WI) | Titus |
| Napolitano | Salazar | Tonko |
| Neal (MA) | Sánchez, Linda | Towns |
| Nye | T. | Tsongas |
| Oberstar | Sánchez, Loretta | Turner |
| Obey | Sarbanes | Upton |
| Olson | Schakowsky | Van Hollen |
| Olver | Schauer | Velázquez |
| Ortiz | Schiff | Viscosky |
| Owens | Schmidt | Walden |
| Pallone | Schock | Walz |
| Pascarella | Schrader | Wamp |
| Pastor (AZ) | Schwartz | Wasserman |
| Paulsen | Scott (GA) | Schultz |
| Payne | Scott (VA) | Waters |
| Pence | Sensenbrenner | Watt |
| Perlmutter | Serrano | Waxman |
| Perriello | Sessions | Weiner |
| Peters | Sestak | Welch |
| Peterson | Shea-Porter | Whitfield |
| Petri | Sherman | Wilson (OH) |
| Pingree (ME) | Shuler | Wilson (SC) |
| Pitts | Shuster | Wittman |
| Platts | Simpson | Wolf |
| Polis (CO) | Sires | Woolsey |
| Pomeroy | Skelton | Wu |
| Posey | Slaughter | Yarmuth |
| Price (NC) | Smith (NE) | Young (FL) |

NOES—44

| | | |
|--------------|---------------|--------------|
| Akin | Davis (KY) | Moran (KS) |
| Alexander | Duncan | Neugebauer |
| Barton (TX) | Emerson | Nunes |
| Bishop (UT) | Fleming | Paul |
| Blackburn | Franks (AZ) | Poe (TX) |
| Boustany | Garrett (NJ) | Price (GA) |
| Brady (TX) | Hastings (WA) | Rehberg |
| Broun (GA) | Herger | Roe (TN) |
| Burgess | Jenkins | Scalise |
| Burton (IN) | Johnson, Sam | Shadegg |
| Cantor | King (IA) | Shimkus |
| Cassidy | Lamborn | Tiahrt |
| Chaffetz | Linder | Westmoreland |
| Coffman (CO) | Luetkemeyer | Young (AK) |
| Conaway | Lummis | |

NOT VOTING—18

| | | |
|--------------|--------------|-----------------|
| Barrett (SC) | Harman | Kilpatrick (MI) |
| Berkley | Higgins | McHenry |
| Calvert | Hoekstra | Meek (FL) |
| Campbell | Inglis | Miller, Gary |
| Davis (TN) | Johnson (GA) | Quigley |
| Gohmert | Kennedy | Watson |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1710

Ms. DELAURO and Mrs. SCHMIDT changed their vote from “no” to “aye.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING SECOND ANNUAL CONGRESSIONAL WOMEN'S SOFTBALL GAME

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on behalf of the bipartisan Women Members of Congress softball team, we want to once again extend an invitation to all Members, staff, and anyone listening to attend the second annual congressional women's softball game, which will occur next Wednesday night at 7 p.m. at Guy Mason Field, once again benefiting the Young Survival Coalition, which is a young women's breast cancer organization.

We really thank all of the Members and staff who came out last year. Over 400 people attended. We raised \$50,000 for the Young Survival Coalition. And this year, captained by myself and my colleague from Missouri, JO ANN EMERSON, Senator KIRSTEN GILLIBRAND, and LISA MURKOWSKI, the team members are DONNA EDWARDS, GRACE NAPOLITANO, JEAN SCHMIDT, LAURA RICHARDSON, BETSY MARKEY, BETTY SUTTON, LINDA SÁNCHEZ, SUSAN DAVIS, KATHY DAHLKEMPER, SHELLEY MOORE CAPITO, DEBBIE HALVORSON, Senator KAY HAGAN, ILEANA ROS-LEHTINEN, KATHY CASTOR, SENATOR JEANNE SHAHEEN, and NYDIA VELÁZQUEZ.

With that, I yield to my good friend from the State of Missouri.

Mrs. EMERSON. Thank you all for listening. I thought I would fill in a little more about the details of our softball game next week.

Our coaches are ED PERLMUTTER, JOE BACA, SANDY LEVIN, and JOE DONNELLY.

The team we are playing this year are the women members of the Congressional Press Corps, led by Dana Bash of CNN, Susan Milligan and Shailagh Murray of the Washington Post. Andrea Mitchell of MSNBC and Susan Mulligan of the Boston Globe will be the official announcers of the game. Michelle Fenty, the first lady of Washington, D.C., will throw out the honorary first pitch.

The Silver Slugger sponsor is the Congressional Federal Credit Union. It costs nothing to come watch us, and I want you all to know how much better we are this year than we were last year, with excellent coaching and lots more practice.

If you want to find out any more information about this very, very fun opportunity on June 16, go to www.facebook.com/congressionalsoftball2010. We encourage all of you to come out and support us on both sides of the aisle. It helps energize us. We want you to know we're pretty good this year, and we're going to win.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, before I yield back, we want to emphasize that this is a frustrating process at times, but the women of the

Congress, both the House and the Senate, not only know how to have a good time, know how to play softball, but they know how to get along and suggest that our male colleagues could take a page from our book. We look forward to seeing you at the game.

PRESIDENT RONALD W. REAGAN POST OFFICE BUILDING

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 5278) to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the “President Ronald W. Reagan Post Office Building”.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. PERLMUTTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 15, as follows:

[Roll No. 345]

AYES—416

| | | |
|-------------|----------------|-----------------|
| Ackerman | Boyd | Coffman (CO) |
| Aderholt | Brady (PA) | Cohen |
| Adler (NJ) | Brady (TX) | Cole |
| Akin | Braley (IA) | Conaway |
| Alexander | Bright | Connolly (VA) |
| Altmire | Broun (GA) | Conyers |
| Andrews | Brown (SC) | Cooper |
| Arcuri | Brown, Corrine | Costa |
| Austria | Brown-Waite, | Costello |
| Baca | Ginny | Courtney |
| Bachmann | Buchanan | Crenshaw |
| Bachus | Burgess | Critz |
| Baird | Burton (IN) | Crowley |
| Baldwin | Butterfield | Cuellar |
| Barrow | Buyer | Culberson |
| Bartlett | Camp | Cummings |
| Barton (TX) | Cantor | Dahlkemper |
| Bean | Cao | Davis (AL) |
| Becerra | Capito | Davis (CA) |
| Berman | Capps | Davis (IL) |
| Berry | Capuano | Davis (KY) |
| Biggart | Cardoza | Davis (TN) |
| Billbray | Carnahan | DeFazio |
| Bilirakis | Carney | DeGette |
| Bishop (GA) | Carson (IN) | Delahunt |
| Bishop (NY) | Carter | DeLauro |
| Bishop (UT) | Cassidy | Dent |
| Blackburn | Castle | Deutch |
| Blumenauer | Castor (FL) | Diaz-Balart, L. |
| Blunt | Chaffetz | Diaz-Balart, M. |
| Bocieri | Chandler | Dicks |
| Bonner | Childers | Dingell |
| Bono Mack | Chu | Djou |
| Boozman | Clarke | Doggett |
| Boren | Clay | Donnelly (IN) |
| Boswell | Cleaver | Doyle |
| Boucher | Clyburn | Dreier |
| Boustany | Coble | Driehaus |

| | | | | | | | | |
|------------------|-----------------|------------------|--------------|--------------|-----------------|-----------------|------------------|-----------------|
| Duncan | Lamborn | Pitts | Walz | Weiner | Wolf | Brown, Corrine | Gingrey (GA) | Markey (CO) |
| Edwards (MD) | Lance | Platts | Wamp | Welch | Woolsey | Brown-Waite, | Gohmert | Markey (MA) |
| Edwards (TX) | Langevin | Poe (TX) | Wasserman | Westmoreland | Wu | Ginny | Gonzalez | Marshall |
| Ehlers | Larsen (WA) | Polis (CO) | Schultz | Whitfield | Yarmuth | Buchanan | Goodlatte | Matheson |
| Ellison | Larson (CT) | Pomeroy | Waters | Wilson (OH) | Young (AK) | Burgess | Gordon (TN) | Matsui |
| Ellsworth | Latham | Posey | Watt | Wilson (SC) | Young (FL) | Burton (IN) | Granger | McCarthy (CA) |
| Emerson | LaTourette | Price (GA) | Waxman | Wittman | | Butterfield | Graves | McCarthy (NY) |
| Engel | Latta | Price (NC) | | | | Buyer | Grayson | McCaul |
| Eshoo | Lee (CA) | Putnam | | | | Camp | Green, Al | McClintock |
| Etheridge | Lee (NY) | Radanovich | Barrett (SC) | Harman | Kilpatrick (MI) | Cantor | Green, Gene | McCollum |
| Fallin | Levin | Rahall | Berkley | Higgins | McHenry | Cao | Griffith | McCotter |
| Farr | Lewis (CA) | Rangel | Boehner | Hoekstra | Miller, Gary | Capito | Grijalva | McDermott |
| Fattah | Lewis (GA) | Rehberg | Calvert | Inglis | Quigley | Capps | Guthrie | McGovern |
| Filner | Linder | Reichert | Campbell | Kennedy | Watson | Capuano | Gutierrez | McIntyre |
| Flake | Lipinski | Reyes | | | | Cardoza | Hall (NY) | McKeon |
| Fleming | LoBiondo | Richardson | | | | Carnahan | Hall (TX) | McMahon |
| Forbes | Loeb sack | Rodriguez | | | | Carney | Halvorson | McMorris |
| Fortenberry | Lofgren, Zoe | Roe (TN) | | | | Carson (IN) | Hare | Rodgers |
| Foster | Lowey | Rogers (AL) | | | | Carter | Harper | McNerney |
| Fox | Lucas | Rogers (KY) | | | | Cassidy | Hastings (FL) | Meek (FL) |
| Frank (MA) | Luetkemeyer | Rogers (MI) | | | | Castle | Hastings (WA) | Meeks (NY) |
| Franks (AZ) | Lujan | Rohrabacher | | | | Castor (FL) | Heinrich | Melancon |
| Frelinghuysen | Lummis | Rooney | | | | Chaffetz | Heller | Mica |
| Fudge | Lungren, Daniel | Ros-Lehtinen | | | | Chandler | Hensarling | Michaud |
| Gallegly | E. | Roskam | | | | Childers | Herger | Miller (FL) |
| Garamendi | Lynch | Ross | | | | Chu | Herseth Sandlin | Miller (MI) |
| Garrett (NJ) | Mack | Rothman (NJ) | | | | Clarke | Hill | Miller (NC) |
| Gerlach | Maffei | Roybal-Allard | | | | Clay | Himes | Miller, George |
| Giffords | Maloney | Royce | | | | Cleaver | Hinchey | Minnick |
| Gingrey (GA) | Manzullo | Ruppersberger | | | | Clyburn | Hinojosa | Mitchell |
| Gohmert | Marchant | Rush | | | | Coble | Hirono | Mollohan |
| Gonzalez | Markey (CO) | Ryan (OH) | | | | Coffman (CO) | Hodes | Moore (KS) |
| Goodlatte | Markey (MA) | Ryan (WI) | | | | Cohen | Holden | Moore (WI) |
| Gordon (TN) | Marshall | Salazar | | | | Cole | Holt | Moran (KS) |
| Granger | Matheson | Sánchez, Linda | | | | Conaway | Honda | Moran (VA) |
| Graves | Matsui | T. | | | | Connolly (VA) | Hunter | Murphy (CT) |
| Grayson | McCarthy (CA) | Sanchez, Loretta | | | | Conyers | Inslee | Murphy (NY) |
| Green, Al | McCarthy (NY) | Sarbanes | | | | Cooper | Israel | Murphy, Patrick |
| Green, Gene | McCaul | Scalise | | | | Costa | Issa | Murphy, Tim |
| Griffith | McClintock | Schakowsky | | | | Costello | Jackson (IL) | Myrick |
| Grijalva | McCollum | Schauer | | | | Courtney | Jackson Lee | Nadler (NY) |
| Guthrie | McCotter | Schiff | | | | Crenshaw | (TX) | Napolitano |
| Gutierrez | McDermott | Schmidt | | | | Critz | Jenkins | Neal (MA) |
| Hall (NY) | McGovern | Schock | | | | Crowley | Johnson (GA) | Neugebauer |
| Hall (TX) | McIntyre | Schrader | | | | Cuellar | Johnson (IL) | Nunes |
| Halvorson | McKeon | Schwartz | | | | Culberson | Johnson, E. B. | Nye |
| Hare | McMahon | Scott (GA) | | | | Cummings | Johnson, Sam | Oberstar |
| Harper | McMorris | Scott (VA) | | | | Dahlkemper | Jones | Obey |
| Hastings (FL) | Rodgers | Sensenbrenner | | | | Davis (CA) | Jordan (OH) | Olson |
| Hastings (WA) | McNerney | Serrano | | | | Davis (IL) | Kagen | Olver |
| Heinrich | Meek (FL) | Sessions | | | | Davis (KY) | Kanjorski | Ortiz |
| Heller | Meeks (NY) | Sestak | | | | Davis (TN) | Kaptur | Owens |
| Hensarling | Melancon | Shadegg | | | | DeFazio | Kildee | Pallone |
| Herger | Mica | Shea-Porter | | | | DeGette | Kilroy | Pascarell |
| Herseth Sandlin | Michaud | Sherman | | | | Delahunt | Kind | Pastor (AZ) |
| Hill | Miller (FL) | Shinkus | | | | DeLauro | King (IA) | Paul |
| Himes | Miller (MI) | Shuler | | | | Dent | King (NY) | Paulsen |
| Hinchey | Miller (NC) | Shuster | | | | Deutch | Kingston | Payne |
| Hinojosa | Miller, George | Simpson | | | | Diaz-Balart, L. | Kirkpatrick (AZ) | Pence |
| Hirono | Minnick | Sires | | | | Diaz-Balart, M. | Kissell | Perlmutter |
| Hodes | Mitchell | Skelton | | | | Dicks | Klein (FL) | Perriello |
| Holden | Mollohan | Slaughter | | | | Dingell | Kline (MN) | Peters |
| Holt | Moore (KS) | Smith (NE) | | | | Djou | Kosmas | Peterson |
| Honda | Moore (WI) | Smith (NJ) | | | | Doggett | Kratovil | Petri |
| Hoyer | Moran (KS) | Smith (TX) | | | | Donnelly (IN) | Kucinich | Pingree (ME) |
| Hunter | Moran (VA) | Smith (WA) | | | | Doyle | Lamborn | Platts |
| Inslee | Murphy (CT) | Snyder | | | | Dreier | Lance | Poe (TX) |
| Israel | Murphy (NY) | Space | | | | Driehaus | Langevin | Polis (CO) |
| Issa | Murphy, Patrick | Speier | | | | Duncan | Larsen (WA) | Pomeroy |
| Jackson (IL) | Murphy, Tim | Spratt | | | | Edwards (MD) | Larson (CT) | Posey |
| Jackson Lee | Myrick | Stark | | | | Edwards (TX) | Latham | Price (GA) |
| (TX) | Nadler (NY) | Stearns | | | | Ehlers | LaTourette | Price (NC) |
| Jenkins | Napolitano | Stupak | | | | Ellison | Latta | Putnam |
| Johnson (GA) | Neal (MA) | Sullivan | | | | Emerson | Lee (CA) | Radanovich |
| Johnson (IL) | Neugebauer | Sutton | | | | Engel | Lee (NY) | Rahall |
| Johnson, E. B. | Nunes | Tanner | | | | Eshoo | Levin | Rangel |
| Johnson, Sam | Nye | Taylor | | | | Etheridge | Lewis (CA) | Rehberg |
| Jones | Oberstar | Teague | | | | Fallin | Lewis (GA) | Reichert |
| Jordan (OH) | Obey | Terry | | | | Farr | Linder | Reyes |
| Kagen | Olson | Thompson (CA) | | | | Fattah | Lipinski | Richardson |
| Kanjorski | Oliver | Thompson (MS) | | | | Filner | LoBiondo | Rodriguez |
| Kaptur | Ortiz | Thompson (PA) | | | | Flake | Loeb sack | Roe (TN) |
| Kildee | Owens | Thornberry | | | | Fleming | Lofgren, Zoe | Rogers (AL) |
| Kilroy | Pallone | Tiahrt | | | | Forbes | Lowey | Rogers (KY) |
| Kind | Pascarell | Tiberi | | | | Fortenberry | Lucas | Rogers (MI) |
| King (IA) | Pastor (AZ) | Tierney | | | | Foster | Luetkemeyer | Rohrabacher |
| King (NY) | Paul | Titus | | | | Fox | Lujan | Rooney |
| Kingston | Paulsen | Tonko | | | | Frank (MA) | Lummis | Ros-Lehtinen |
| Kirk | Payne | Towns | | | | Franks (AZ) | Lungren, Daniel | Roskam |
| Kirkpatrick (AZ) | Pence | Tsongas | | | | Frelinghuysen | E. | Ross |
| Kissell | Perlmutter | Turner | | | | Fudge | Lynch | Rothman (NJ) |
| Klein (FL) | Perriello | Upton | | | | Gallegly | Mack | Roybal-Allard |
| Kline (MN) | Peters | Van Hollen | | | | Garamendi | Maffei | Royce |
| Kosmas | Peterson | Velázquez | | | | Garrett (NJ) | Maloney | Ruppersberger |
| Kratovil | Petri | Visclosky | | | | Gerlach | Manzullo | Rush |
| Kucinich | Pingree (ME) | Walden | | | | Giffords | Marchant | Ryan (OH) |

NOT VOTING—15

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1722

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STAFF SERGEANT FRANK T. CARVILL AND LANCE CORPORAL MICHAEL A. SCHWARZ POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 5133) to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the “Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building”.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. TONKO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 0, not voting 22, as follows:

[Roll No. 346]

AYES—409

| | | |
|------------|-------------|-------------|
| Ackerman | Bartlett | Blunt |
| Aderholt | Barton (TX) | Bocciari |
| Adler (NJ) | Bean | Bonner |
| Akin | Becerra | Bono Mack |
| Alexander | Berkley | Boozman |
| Altmire | Berman | Boren |
| Andrews | Berry | Boucher |
| Arcuri | Biggert | Boustany |
| Austria | Bilbray | Boyd |
| Baca | Bilirakis | Brady (PA) |
| Bachmann | Bishop (GA) | Brady (TX) |
| Bachus | Bishop (NY) | Braley (IA) |
| Baird | Bishop (UT) | Bright |
| Baldwin | Blackburn | Broun (GA) |
| Barrow | Blumenauer | Brown (SC) |

| | | |
|------------------|---------------|--------------|
| Ryan (WI) | Skelton | Turner |
| Salazar | Slaughter | Upton |
| Sánchez, Linda | Smith (NE) | Van Hollen |
| T. | Smith (NJ) | Velázquez |
| Sanchez, Loretta | Smith (WA) | Visclosky |
| Sarbanes | Snyder | Walden |
| Scalise | Space | Walz |
| Schakowsky | Speier | Wamp |
| Schauer | Spratt | Wasserman |
| Schiff | Stark | Schultz |
| Schmidt | Stearns | Waters |
| Schock | Stupak | Watt |
| Schrader | Sutton | Waxman |
| Schwartz | Tanner | Weiner |
| Scott (GA) | Taylor | Welch |
| Scott (VA) | Teague | Westmoreland |
| Sensenbrenner | Terry | Whitfield |
| Serrano | Thompson (CA) | Wilson (OH) |
| Sessions | Thompson (MS) | Wilson (SC) |
| Sestak | Thompson (PA) | Wittman |
| Shadegg | Thornberry | Wolf |
| Shea-Porter | Tiahrt | Woolsey |
| Sherman | Tiberi | Wu |
| Shimkus | Tierney | Yarmuth |
| Shuler | Titus | Young (AK) |
| Shuster | Tonko | Young (FL) |
| Simpson | Towns | |
| Sires | Tsongas | |

NOT VOTING—22

| | | |
|--------------|-----------------|--------------|
| Barrett (SC) | Higgins | Miller, Gary |
| Boehner | Hoekstra | Pitts |
| Boswell | Hoyer | Quigley |
| Calvert | Inglis | Smith (TX) |
| Campbell | Kennedy | Sullivan |
| Davis (AL) | Kilpatrick (MI) | Watson |
| Ellsworth | Kirk | |
| Harman | McHenry | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1729

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Madam Speaker, I was unable to attend to several votes today. Had I been present, I would have voted "nay" on the Republican Motion to Instruct Conferees on H.R. 4173; "aye" on final passage of H. Res. 1330; "aye" on final passage of H.R. 5278; and "aye" on final passage of H.R. 5133.

PERSONAL EXPLANATION

Mr. CALVERT. Madam Speaker, on June 8th I regret I was not present to vote on H.R. 1061 and H. Res. 518. Had I been present, I would have voted "yea" on both bills (rollcall Nos. 337–338). Today, had I been present, I would have voted: rollcall No. 339—"no"; rollcall No. 340—"no"; rollcall No. 341—"no"; rollcall No. 342—"aye"; rollcall No. 343—"aye"; rollcall No. 344—"aye"; rollcall No. 345—"aye"; rollcall No. 346—"aye."

APPOINTMENT OF CONFEREES ON H.R. 4173, WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

THE SPEAKER pro tempore (Mr. BRIGHT). Without objection, the Chair appoints the following conferees:

From the Committee on Financial Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. FRANK of Massachusetts, KANJORSKI, Ms. WATERS, Mrs. MALONEY, Messrs. GUTIERREZ, WATT, MEEKS of New York, MOORE of Kansas, Ms. KILROY, Messrs. PETERS, BACHUS, ROYCE, Mrs. BIGGERT, Mrs. CAPITO, Messrs. HENSARLING, and GARRETT of New Jersey.

From the Committee on Agriculture, for consideration of subtitles A and B of title I, sections 1303, 1609, 1702, 1703, title III (except sections 3301 and 3302), sections 4205(c), 4804(b)(8)(B), 5008, and 7509 of the House bill, and section 102, subtitle A of title I, sections 406, 604(h), title VII, title VIII, sections 983, 989E, 1027(j), 1088(a)(8), 1098, and 1099 of the Senate amendment, and modifications committed to conference: Messrs. PETERSON, BOSWELL, and LUCAS.

From the Committee on Energy and Commerce, for consideration of sections 3009, 3102(a)(2), 4001, 4002, 4101–4114, 4201, 4202, 4204–4210, 4301–4311, 4314, 4401–4403, 4410, 4501–4509, 4601–4606, 4815, 4901, and that portion of section 8002(a)(3) which adds a new section 313(d) to title 31, United States Code, of the House bill, and that portion of section 502(a)(3) which adds a new section 313(d) to title 31, United States Code, sections 722(e), 1001, 1002, 1011–1018, 1021–1024, 1027–1029, 1031–1034, 1036, 1037, 1041, 1042, 1048, 1051–1058, 1061–1067, 1101, and 1105 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, RUSH, and BARTON of Texas.

From the Committee on the Judiciary, for consideration of sections 1101(e)(2), 1103(e)(2), 1104(i)(5) and (i)(6), 1105(h) and (i), 1110(c) and (d), 1601, 1605, 1607, 1609, 1610, 1612(a), 3002(c)(3) and (c)(4), 3006, 3119, 3206, 4205(n), 4306(b), 4501–4509, 4603, 4804(b)(8)(A), 4901(c)(8)(D) and (e), 6003, 7203(a), 7205, 7207, 7209, 7210, 7213–7216, 7220, 7302, 7507, 7508, 9004, 9104, 9105, 9106(a), 9110(b), 9111, 9118, 9203(c), and 9403(b) of the House bill, and sections 112(b)(5)(B), 113(h), 153(f), 201, 202, 205, 208–210, 211(a) and (b), 316, 502(a)(3), 712(c), 718(b), 723(a)(3), 724(b), 725(c), 728, 731, 733, 735(b), 744, 748, 753, 763(a), (c) and (i), 764, 767, 809(f), 922, 924, 929B, 932, 991(b)(5), (c)(2)(G) and (c)(3)(H), 1023(c)(7) and (c)(8), 1024(c)(3)(B), 1027(e), 1042, 1044(a), 1046(a), 1047, 1051–1058, 1063, 1088(a)(7)(A), 1090, 1095, 1096, 1098, 1104, 1151(b), and 1156(c) of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, BERMAN, and SMITH of Texas.

From the Committee on Oversight and Government Reform, for consideration of sections 1000A, 1007, 1101(e)(3), 1203(d), 1212, 1217, 1254(c), 1609(h)(8)(B), 1611(d), 3301, 3302, 3304, 4106(b)(2) and (g)(4)(D), 4604, 4801, 4802, 5004, 7203(a), 7409, and 8002(a)(3) of the House bill, and sections 111(g), (i) and (j), 152(d)(2),

(g) and (k), 210(h)(8), 319, 322, 404, 502(a)(3), 723(a)(3), 748, 763(a), 809(g), 922(a), 988, 989B, 989C, 989D, 989E, 1013(a), 1022(c)(6), 1064, 1152, and 1159(a) and (b) of the Senate amendment, and modifications committed to conference: Messrs. TOWNS, CUMMINGS, and ISSA.

From the Committee on Small Business, for consideration of sections 1071 and 1104 of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ, Messrs. SHULER, and GRAVES.

There was no objection.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5072 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

FHA REFORM ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1424 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5072.

□ 1739

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, with Mrs. HALVORSON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from California (Ms. WATERS) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Madam Chair, I yield myself such time as I may consume.

Madam Chairwoman, I stand in strong support of H.R. 5072, the FHA Reform Act of 2010.

This bill is the product of three hearings on FHA in the past 6 months and bipartisan work with the ranking member of the Subcommittee on Housing and Community Opportunity, Congresswoman CAPITO. In fact, this bill contains most of the provisions Congresswoman CAPITO included in her bill on FHA introduced earlier this year.

Moreover, I am proud to say that this bill passed out of the Financial Services Committee on a simple voice vote back in April.

The FHA Reform Act is critical, timely, and important for households across the country. The act will enable the FHA to respond to the current housing and economic crisis and continue its mission of providing homeownership opportunities to millions of Americans.

We know that now, more than ever, preserving this mission is critical. As the private market has contracted, FHA has stepped into the void and injected much-needed credit into our mortgage system. Increasingly, it is the only option available for American homebuyers with less than a 20 percent down payment.

FHA insurance has been particularly important for minority communities, low-income families, and first-time homebuyers. The bill would provide FHA with more flexibility to adjust their annual mortgage insurance premium.

As I understand it, if FHA limits the premium increase to 0.90 percent, as Commissioner Stevens has indicated, new borrowers will see their monthly payments rise by about \$42 a month.

Now, while I am reluctant to support providing FHA with more flexibility, I believe that this provision is needed to keep FHA financially healthy. We have also taken steps to ensure that FHA requirements are not excessively onerous for homebuyers.

Secondly, this bill provides FHA with the authority to crack down on lenders that use fraud or misrepresentation or don't originate or underwrite loans in accordance with FHA guidelines. FHA has already taken steps to increase its lender enforcement activities, and the provisions included in this bill will empower them to rout out the bad actors while reserving the program for the lenders that follow the rules.

Thirdly, this bill empowers FHA to improve their internal controls that improve data tracking, risk management, and reporting to the public and to Congress. This includes improving monitoring of early defaults and claims, tracking mortgage information by loan servicers, providing FHA with the ability to contract out for additional credit risk analyses, requiring mortgagees to report to FHA when they stop buying loans from other mortgagees, and requiring a GAO study on FHA.

The bill also creates a new Deputy Assistant Secretary at FHA for risk management and regulatory affairs.

I believe the bill in front of us today is critical for ensuring a strong future for FHA, and I request my colleagues' support.

I reserve the balance of my time.

□ 1745

Mrs. CAPITO. Madam Chair, I yield myself such time as I may consume.

I would like to thank the chairwoman, Chairwoman WATERS, and the

chairman of the full committee, Chairman FRANK, and Ranking Member BACHUS for their good, hard work on this legislation.

As I am an original cosponsor of this legislation, I rise in full support of H.R. 5072, the FHA Reform Act of 2010. H.R. 5072 amends the National Housing Act to include enforcement and premium changes to the FHA single-family mortgage insurance program that will improve the insurance fund's financial condition and enhance certain enforcement tools to protect against fraudulent or poorly underwritten and insured loans.

The bill incorporates a majority of the provisions in a bill that I introduced, H.R. 4811, the FHA Safety and Soundness and Taxpayer Protection Act. H.R. 4811, my bill, went further than the proposals put forth by the administration. My legislation included some additional enforcement, fiscal and risk-assessment tools necessary to adequately administer the program, detect fraud and abuse, strengthen underwriting standards, and protect the taxpayer. I appreciate Chairman FRANK and Chairwoman WATERS' willingness to include the additional provisions that were part of my bill which I believe made H.R. 5072 a stronger bill and one that is more able to address the pressing challenges before the FHA today.

I would also like to thank Secretary Donovan of HUD and Commissioner Stevens of the FHA for testifying before our committee, and also for working with me and my staff and the majority staff to formulate what I think is a very good bill.

The FHA was established by the National Housing Act of 1934 to broaden homeownership, protect lending institutions, and stimulate the building industry. I did not realize this, but prior to the creation of FHA, home mortgages did not exceed 50 percent of the home value and did not extend past the fifth year. At the end of 5 years, mortgages had to be either paid or renegotiated. But during the Great Depression, lenders were unable or unwilling to renegotiate many of the loans that came due. Consequently, many borrowers lost their homes and lenders lost money because property values declined significantly. The FHA program was established originally to provide stability and liquidity in the market. Its creation fostered the 30-year mortgage product and led to standardized mortgage instruments.

Once again, today, FHA has played an important role in a difficult housing market. As private sector lenders have scaled back their activities during the past 2 years, the FHA has significantly increased its share of the single-family mortgage market from less than 5 percent to more than 30 percent, but increased delinquencies and foreclosures across the Nation have had a detri-

mental effect on the financial health of the FHA program. An independent actuarial report which was published on November 12, 2009 showed that the capital reserve ratio for the Mutual Mortgage Insurance Fund, the MMIF, dropped below the congressionally mandated threshold of 2 percent to a less-than-expected .53 percent, a serious red flag. The actuarial review also indicated that the economic value of the FHA declined over 75 percent from last year to \$2.73 billion. In light of these facts, it is essential that Congress and the FHA enact reforms to ensure that a bailout of FHA is not and will not be necessary.

Madam Chair, the provisions of this bill are an important step in providing HUD with the tools it needs to supervise and monitor the FHA program and adequately assess risk. As the chairwoman has said, of the many important provisions included, H.R. 5072 authorizes FHA to increase annual insurance premiums and requires indemnification by lenders for loss on loans they originate.

The program is intended to be self-funded. Proceeds from the premiums paid by the homeowners for the FHA guarantee are used to operate the program and pay losses when loans default. The ability to increase annual premiums will allow HUD the ability to raise annual premiums above the .55 percent cap, which will allow FHA to more adequately price for risk and to build up its reserve ratio which, as we know, has fallen below its congressionally mandated level. The indemnification provisions in H.R. 5072 will give HUD the ability to seek restitution against unscrupulous lenders who make loans they never should have made.

H.R. 5072 is an important and necessary bill; it gives HUD the tools it needs to raise the annual premiums so that HUD can begin the process of putting the FHA program back on the road to a program that has an adequate reserve ratio and enough capital for the program to run in a safe and sound manner.

However, let me be clear: H.R. 5072 is not a panacea. The Department and this Congress and future Congresses must be ever vigilant in our oversight of this program to make certain that the program is operated in a way that assures the taxpayer is protected.

Recent reports indicate that FHA, Fannie Mae and Freddie Mac are responsible for 100 percent of today's new mortgage originations, which means that the exposure for the taxpayer continues to grow day by day. That is why it was and still is imperative that reform of Fannie Mae and Freddie Mac be part of any attempt to fix our financial and regulatory system. Fannie and Freddie were a big part of what caused the financial collapse, and they must be part of the solution.

There are numerous issues currently being debated as part of the regulatory reform package such as risk retention, qualified mortgages, derivatives, hedge funds—and the list goes on—that could have significant implications for the future of the mortgage market as well as the direction of reform for Fannie and Freddie. H.R. 5072, the bill we are considering today, is extremely important because it provides the administration with the ability to increase the premiums which will improve FHA's current financial situation and prevent the need for any taxpayer bailouts.

I urge my colleagues to fully support H.R. 5072.

Madam Chair, I yield 3 minutes to a distinguished member of the Financial Services Committee and the Housing Subcommittee, my friend, Mr. LEE, from New York.

Mr. LEE of New York. I thank my friend from West Virginia for yielding.

I rise today in support of H.R. 5072, the FHA Reform Act of 2010. This legislation before us today clearly takes important steps towards restoring stability into our housing market.

I share the frustration that I hear, though, from my constituents in western New York who have been responsible homeowners but who are increasingly paying the price for the fraud and abuse throughout our mortgage system. No one—no business and no person—should be able to take risks without having to accept the consequences.

We've all seen the consequences of the actions taken by irresponsible lending practices, and Congress has rightfully looked at outdated mortgage structures to ensure responsible homeowners have access to safe and affordable mortgages without forcing them to pay for the irresponsibility of others.

Earlier this year, I joined my friend from New Jersey (Mr. ADLER) in introducing H.R. 3146, the 21st Century FHA Housing Act, which took much of what we have learned from past FHA shortfalls to ensure they don't happen again. I am pleased that the bill before us today does this as well and includes many of the reforms that we proposed last year. H.R. 5072 will help ensure that FHA will be a stabilizing force in the market and support responsible homeownership for first-time buyers and underserved markets.

Given that FHA is now one of the primary facilitators of mortgage financing, it is absolutely necessary that we get this reform right. FHA must have the resources it needs to effectively oversee mortgages and ensure that no bad actors are allowed to function in the marketplace.

We need a responsive, efficient, and capable FHA to help ensure that owning a home remains part of the American Dream. I believe the bill before us today will help keep that dream alive. I urge my colleagues to support its passage.

Mrs. CAPITO. Madam Chair, I would just reiterate that this bill has my support. It passed out of the committee by voice vote. I think we did a good job meeting each other halfway on certain issues that we might have had some disagreement on, and I look forward to the passage of this bill.

Madam Chair, I yield back the balance of my time.

Mr. LANGEVIN. Madam Chair, I rise in strong support of H.R. 5072, the FHA Reform Act, which will strengthen the rules and financial stability of the Federal Housing Administration's programs. H.R. 5072 will help tighten FHA underwriting standards, rebuild its capital reserves and assist in the recovery of the housing market. This measure has bipartisan support and has received numerous endorsements from housing and real estate organizations.

H.R. 5072 would empower FHA to improve its financial position by allowing the agency to adjust their premium structure for new borrowers, while still providing affordable mortgage insurance to the individuals FHA is intended to serve. This measure also provides FHA with enhanced authority to terminate FHA lenders if evidence of fraud or noncompliance is discovered. It will also improve FHA's internal reporting systems to better manage risk and provide transparent data to the public and to Congress.

Over the years, FHA has played a key role in supporting housing finance opportunities to underserved families and assisting first time homebuyers. Most recently, FHA has helped stabilize our housing market, and reform is needed to strengthen its solvency. FHA has already implemented an unprecedented number of credit policy and risk management changes to ensure its effectiveness and soundness and to protect the American taxpayer. The FHA Reform Act builds upon these necessary changes.

In my home State of Rhode Island, we were hit early and hard by the housing and economic crises. We currently have the fourth highest unemployment rate and one of the highest foreclosure rates in the country. Congress has an important role to play in helping Rhode Island families regain financial ground, and this bill is an important ingredient in stabilizing our housing market. The FHA Reform Act will ensure that responsible families have the opportunity to purchase a home, but also put into place the appropriate measures to prevent future crises. I urge all my colleagues to support this bill.

Mr. BACA. Madam Chair, I rise in strong support of H.R. 5072, the FHA Reform Act.

The failed economic policies of the Bush administration and Republican-controlled Congresses, led this country into a deep recession where we experienced serious drops in housing value and unemployment.

The economic conditions caused the FHA to dip below acceptable capital reserves numbers.

But thanks to the leadership of HUD Secretary Donovan and FHA Commissioner Stevens, FHA has continued to operate in a safe and stable manner, continuing to provide mortgage insurance to credit-worthy homeowners.

Since 1934, the FHA has played a vital role in the nation's economy helping over 37 mil-

lion Americans achieve the dream of homeownership.

FHA's role can be seen clearly today as they play a vital stabilizing role in the market and support homeownership for first-time buyers and underserved markets.

As our economy continues along the path of recovery, it is likely that the FHA will continue to play a large role in our housing market.

H.R. 5072 will make essential reforms to the FHA program, strengthening their finances, improving risk management, and rooting out the bad actors that helped cause this crisis in the first place.

The bill before us calls for an increase in FHA's authority to raise annual premiums enabling FHA to decrease entry barriers and upfront premiums.

This bill also enables the FHA to go further in the action they have already taken in increasing the FHA fund at an approximate value of \$300 million per month.

Finally this bill will also strengthen FHA's ability to ensure responsible lending activity by withdrawing from lenders that repeatedly fail to follow responsible underwriting and financial standards.

I want to thank Ms. WATERS, Ms. CAPITO, and Mr. FRANK for their leadership and hard work in bringing this bill to the floor.

I encourage my colleagues to follow the leadership of Secretary Donovan and Commissioner Stevens and vote "yes" on H.R. 5072.

Mr. CONYERS. Madam Chair, I rise in strong support of H.R. 5072, the "FHA Reform Act of 2010." This bill will make essential reforms that are needed to strengthen the financial footing of the Federal Housing Administration, which helps provide mortgage insurance to expand homeownership opportunities for thousands of Americans each year.

Passage of H.R. 5072 will enhance the FHA's authority to crack down on fraudulent lenders and those who violate their loan requirements. Clearly, the time has come for the federal government to provide much needed oversight of unscrupulous participants in the mortgage lending industry.

FHA has helped 37 million Americans buy homes since 1934, and is filling a vital role in the nation's economy by providing crucial mortgage insurance at a time when the private sector has pulled back from the mortgage market. Because of the "FHA Reform Act of 2010," FHA will be able to put itself on strong financial footing so that it can continue providing American families with the necessary financial backing to become home owners—the foundation of the American dream.

H.R. 5072 also requires the FHA to improve its internal reporting systems to better manage risk and to provide transparent data to the public and Congress. This includes better monitoring of early defaults and claims, tracking mortgage information by loan servicer, and requiring a Government Accountability Office study on FHA. These kinds of reforms will make the FHA a more efficient, cost-effective, and sustainable program in the long run, and hopefully allow more families to become homeowners.

The bill is supported by a range of organizations including the National Urban League, the National Association of Realtors, the National

Council of La Raza, the Mortgage Bankers Association, the National Community Reinvestment Coalition, and the National Association of Home Builders.

I encourage my colleagues to support the bill.

Ms. LORETTA SANCHEZ of California. Madam Chair, I rise in support of H.R. 5072, the FHA Reform Act of 2010. This legislation will, among many provisions, allow FHA to adjust its premium structure for new borrowers, while continuing to provide services to the communities it was intended to serve. Unfortunately, the economic crisis—the national housing prices decline, unemployment, and loan losses—led to the FHA's capital reserves falling below the two percent level required by law. I believe, the changes my colleagues and I will make to this program will help ensure its success in the long term, while reducing federal spending and saving taxpayers \$2.5 billion dollars over the next five years.

The FHA Reform Act of 2010 will ensure FHA continues its role as a key stabilizing force in the market and support sustainable homeownership for first-time buyers and underserved markets. That said, I believe the FHA will help keep the recovery of our country on track by playing a central role in the housing finance system for some time before it scales back to its role as private capital returns.

H.R. 5072 will also grant FHA the authority to terminate lenders' approval to originate or underwrite loans backed by FHA insurance when FHA finds evidence of fraud or non-compliance. Unfortunately, in the second half of 2009, 2,357 default notices were issued to my constituents in the cities of Anaheim, Fullerton, Garden Grove, and Santa Ana. For this reason, it's imperative that FHA is reformed, so my constituents seeking to become homeowners are afforded the opportunity to do so from a safe and trustworthy source.

This bill is important to my constituents and many other Americans struggling to keep their homes.

I urge my colleagues to support this bill.

Mr. VAN HOLLEN. Madam Chair, I want to thank Chairman FRANK and Chairwoman WATERS for their efforts in bringing this important and necessary piece of legislation to the floor today.

As a result of the economic crisis, the Federal Housing Administration had to step in to fill the void that emerged when large numbers of homeowners experienced difficulty finding private companies willing to insure their mortgages. While increasing the number of loans it insured helped the FHA put more borrowers into new homes, it also severely depleted its capital reserves—causing them to fall below congressionally mandated levels.

One of the FHA's responsibilities is to provide mortgage insurance for low-income homeowners who otherwise would have difficulty accessing insurance. By providing insurance on loans made by approved lenders, the FHA has been able to guarantee the availability of inexpensive mortgages and help approximately 37 million borrowers. To insure that FHA has the resources necessary to continue performing this important function, Congress requires the FHA to maintain capital reserves of at least 2 percent. Under the eco-

nomie strain of the past couple of years, these reserves have fallen well below that level. Even though the Department of Housing and Urban Development has taken significant administrative and regulatory steps to address the shortfall, as an added measure, the FHA has requested that Congress grant it the legislative authority to adjust its premium structure.

The bill we are voting on today provides the FHA with new authority to raise the annual premiums it receives from new borrowers with mortgages at or below 95 percent of the home's value. If this bill passes, FHA will be permitted to raise the premiums it receives on mortgage insurance to up to 1.55 percent of the loan balance. This move should enable the FHA to raise the funds it needs to restore its capital reserves to financial healthy levels—so that it can continue providing mortgage insurance to new home owners for many years to come.

Congress is committed to doing whatever it takes to get this economy going again, to get Americans back to work, to enable them to buy cars and homes and to start businesses. Our legislative efforts have taken many forms from small business tax cuts, to financial services industry reform to the measure we are considering here today.

This is important legislation that will help the economy by helping many borrowers seeking mortgage insurance. I urge my colleagues to join me in supporting this bill.

Ms. ESHOO. Madam Chair, as we work to turn the economy around it is imperative that we continue to support the Federal Housing Administration (FHA) which has played a critical role in stabilizing the nation's housing market.

It was not too long ago that we saw unscrupulous mortgage lending practices that caused hundreds of thousands of Americans to lose their homes. Thankfully, we're beginning to see a decline in foreclosures rates. In May, we saw a 3 percent decrease in rates and in April we saw a 9 percent decrease. We must ensure this declining foreclosure rate trend continues and reforming the FHA is essential in doing so.

The legislation, H.R. 5072, the FHA Reform Act, strengthens the FHA while allowing access to safe, affordable financing by responsible borrowers. The bill provides the FHA with the authority to manage annual mortgage insurance premiums. It also provides significant safeguards against dishonest lending practices that are hidden from homebuyers.

As the economy recovers, our nation's consumers are beginning to regain confidence in the housing market. We must demonstrate to these consumers that they can once again trust lenders. Providing the FHA with more authority over mortgages and lending is necessary for the recovery of not only the real estate market, but for the economy as a whole.

I regret that an obligation in my District kept me from voting for this legislation, but had I been present, I would have been proud to vote in support of the bill.

Ms. WATERS. Madam Chair, I would simply like to close by thanking Mrs. CAPITO for all of the work that she put into this legislation and the cooperation that she gave to me and her staff to my staff.

This is a good bill. The differences have been worked out between both sides of the aisle. We worked hard to make sure that we maintained FHA, but that we keep a close watch on it; that, in fact, we give it flexibility, but at the same time ensure the continuity and the consistency of FHA that should be there to provide the guarantees for our citizens that so desperately need them.

Madam Chair, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Ms. WATERS. I move that the Committee do now rise.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCHIFF) having assumed the chair, Mrs. HALVORSON, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, had come to no resolution thereon.

BP AND NOAA NEED TO BETTER MONITOR OIL BENEATH THE OCEAN'S SURFACE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, yesterday, officials admitted that a significant amount of oil may be spreading through the deep ocean in layers of highly dissolved oil. This revelation is anything but recent, except to BP.

Last month, I sent a letter, along with my colleagues in the Florida delegation, calling on the administration to examine the amounts of oil suspended in the water column below the ocean surface; yet until yesterday, officials failed to acknowledge what many in the scientific community were already saying, that underwater oil plumes are possible and that they pose a tremendous threat.

My congressional district is home to a variety of ecosystems—coral reefs, mangroves, sea grass beds, as well as countless species of fish. NOAA and BP must do a better job of examining the impact of crude oil and chemical dispersants at all depths of the ocean's surface. My constituents who rely on fishing, diving and tourism for their livelihood demand that we utilize all available resources. Get this right before the disaster becomes even worse.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the motion to instruct on H.R. 4173.

The SPEAKER pro tempore (Mrs. HALVORSON). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

□ 1800

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STANDING BY ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Last week's interdiction by the Israeli Navy of a small flotilla of ships trying to run the blockade on Hamas-controlled Gaza ignited a firestorm around the world.

Foreign commentators, who look askance at the Jewish state in the best of times, condemned the raid in the strongest of terms, attempting to cast it as another example of Israel's supposed slide toward South African-style apartheid or even fascism.

Here and in Israel, itself, the reaction reflected a deeper understanding of the broad spectrum of threats confronting Israel. The execution of the raid, itself, was criticized in some quarters, but there remains a fundamental understanding of the underlying conditions that gave rise to Israel's blockade of Gaza and a realization that those conditions persist and that, as long as Gaza remains under the control of Hamas, there can be no lasting peace between Israel and the Palestinians.

Hamas leaders and their masters in Tehran and Damascus have repeatedly refused to renounce terror, to abide by agreements signed by the Palestinian Authority and Israel and to recognize Israel's right to exist. They have used Gaza's impoverished population as human shields in their war of attrition with Israel and have subordinated their people's needs to the quest for rockets and other weapons. Two days ago, Israeli forces intercepted an armed squad of five terrorists who were wearing diving suits and who were apparently on their way to attack Israeli targets.

Madam Speaker, there can be no doubt that these are dangerous times for Israel and that America must stand by the Middle East's only democracy in its quest for peace and security.

Despite four rounds of U.N. sanctions, including today's passage of tighter finance curbs and an expanded arms embargo, Iran has not been deterred in its quest to develop nuclear weapons. While this latest round of sanctions is a welcomed step, there is

deep skepticism that President Mahmoud Ahmadinejad and the hard-line clerics who rule Iran can be dissuaded from their present course. An Iran armed with the bomb would be a catastrophe, destabilizing the Middle East and triggering an arms race in the region.

President Obama and Secretary of State Clinton have done a great service to Israel, to the greater Middle East, and to the cause of international peace and security through their efforts to forge a consensus in the Security Council, and I offer them my personal thanks. Yet, even as we applaud today's sanctions vote, we must redouble our efforts to prevent Iran from acquiring nuclear weapons, and I look forward to further diplomatic and unilateral initiatives to convince Tehran that the costs of continuing on this reckless path are greater than any perceived benefit.

Hezbollah, the Shiite militia cum political party created in Lebanon by Iran's Revolutionary Guards in 1983, has rearmed in the aftermath of the 2006 war with Israel. Its arsenal of short-range missiles has reportedly been augmented by longer range Scuds, which can reach targets throughout Israel. The Scuds, believed to be supplied by Syria, augment Hezbollah's existing stockpile of up to 40,000 rockets stored in underground bunkers in southern Lebanon.

Turkey, which had been Israel's strongest Muslim majority ally and an important mediator between Jerusalem and Arab capitals, has, in recent months, become deeply hostile to Israel. In addition to hosting the organizers of the Gaza flotilla, Turkey has said it would reduce military and trade ties, and it has put off discussions of energy projects, including natural gas and freshwater shipments. Last year, Prime Minister Erdogan accused Israel of being a greater violator of human rights than Sudan, and today, Turkey was one of only two votes against new rounds of sanctions against Iran in the Security Council.

Most worrisome in the long term is the broad-based international campaign to delegitimize Israel. University campuses have been divided by divestment campaigns. There have been academic and economic boycotts of Israel in Europe, and many Israelis are wary of traveling to several European countries.

The great majority of the world's people alive today were not born until well after World War II and did not bear witness to the Holocaust. They did not watch as thousands of Jewish refugees, desperate to start new lives in Palestine after the war, were forcibly prevented from entering the country by Britain. They did not witness the miracle of Israel's birth in 1948 and the immediate invasion of the new state by five Arab armies.

For more than six decades, this country has stood by Israel. We have admired its pluck, its ingenuity, and its dedication to democratic principles in spite of all of the threats it faces. While there has always been a strategic dimension to the U.S.-Israel alliance, the relationship has really been rooted in our shared values.

Madam Speaker, 17 years ago, on the occasion of the signing of the Oslo Accords, late Prime Minister Rabin spoke movingly of his journey.

He said, "We have come from Jerusalem, the ancient and eternal capital of the Jewish people. We have come from an anguished and grieving land. We have come from a people, a home, a family, that has not known a single year—not a single month—in which mothers have not wept for their sons. We have come to try and put an end to the hostilities so that our children and our children's children will no longer have to experience the painful cost of war, violence, and terror."

"We have come to secure their lives and to ease the sorrow and the painful memories of the past—to hope and pray for peace."

We share the prime minister's sorrow, and to the people of Israel, we say, America is with you.

PARADISE ISLAND FOR ILLEGALS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Sara Carter, at the Washington Examiner, reports the Mexican Government is opening up a satellite consular office on Catalina Island in California. It will be housed at the island's country club. Catalina Bay is a postcard picture of the lifestyles of the rich and famous, but the island has a long history of drug smuggling and human trafficking.

The consular's office is not there to help people come to the U.S. legally. Instead, the Mexican Government is giving out I.D. cards, called matricula cards, to illegals. These cards are used by illegals in the United States to get credit, to open bank accounts and—get this—to receive federally funded housing on the island.

The Mexican Government is an accomplice to the unlawful entry by these illegals. As further evidence of the willful arrogance of Mexico to violate and to ignore U.S. immigration laws, ICE officers said Mexican officials asked them to temporarily halt the enforcement of U.S. immigration laws on the island.

Isn't that special? Meanwhile, the invasion continues.

And that's just the way it is.

ISRAEL'S RIGHT TO DEFEND ITSELF

The SPEAKER pro tempore (Mr. MAFFEI). Under a previous order of the

House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, I want to talk tonight about, obviously, some of the issues that are on everybody's minds as to what happened last week with Israel.

This was a premeditated attack. It was intended to provoke a response and to purposely initiate a violent confrontation. We know that those on the flotilla had terrorist ties to Hamas and to Iran and that Israel warned the boats that they were in violation of a lawful blockade and offered them safe harbor, where all the humanitarian aid would be off-loaded and delivered to Gaza.

It is striking how quickly the world looked to blame Israel for this incident, but as the details have emerged, it has become clear that the Israeli military attempted to resolve the situation peacefully and in accordance with international law.

I fully support Israel and their right to keep its people safe. It is my sincere hope that this incident will not deter our country and the international community from the need to continue to support Israel, to recognize its right to exist, and to take the steps required to advance the peace process.

Israel is a longstanding ally and friend of the United States, and we should continue to do whatever we can to support Israel and to ensure that international challenges to its security are resolved quickly and peacefully.

These Israeli servicemembers were beaten and stabbed while trying to escort the ship to port. Those on board the ship were trying to help a recognized terrorist group, Hamas, and Iran has offered to escort future flotillas.

Iran is a threat, not just to the United States or to Israel, but to the world. It is a real threat against global safety. We cannot just sit and watch Iran stir this pot up anymore. Iran has vowed to eliminate Israel. We as the United States should stay together to make sure that Israel, the true democracy in the Middle East, has that opportunity to protect its land.

Mr. Speaker, it is always a terrible thing when there is loss of life, but it is more terrible when other democracies start to condemn another democracy. Israel has the right to protect itself and its citizens. We in the United States would have done the same thing. We in the United States have come back to protect our citizens.

Mr. Speaker, the June 1, 2010, incident involving a Turkish-sponsored flotilla and the Israeli Defense Forces was a premeditated attack, intended to provoke a response and purposely initiate a violent confrontation. We know that those on the flotilla had terrorist ties to Hamas and to Iran and that Israel warned the boats that they were in violation of a lawful blockade and offered them safe harbor, where all humanitarian aid would be off-loaded and

delivered to Gaza. It is striking how quick the world looked to blame Israel for this incident but as the details have emerged, it has become clear that the Israeli military attempted to resolve the situation peacefully and in accordance with international law.

I fully support Israel and their right to keep its people safe. It is my sincere hope that this incident will not deter our country and the international community from the need to continue to support Israel, recognize its right to exist, and take the steps required to advance the peace process. Israel is a longstanding ally and friend of the United States and we should continue to do whatever we can to support Israel and ensure that intentional challenges to its security are resolved quickly and peacefully.

These Israeli service members were beaten and stabbed while just trying to escort the ship to port. Those on board the ship were trying to help a recognized terrorist group, Hamas. And Iran has offered to escort future flotillas. Iran is a threat not just to the United States or Israel but the world and is a real threat against global safety. We cannot just sit and watch Iran.

AQUINAS BASEBALL

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I applaud the Aquinas High School baseball team for reaching their first-ever Class A State Championship series.

I am a proud graduate of St. Thomas Aquinas in Augusta, Georgia, and I played on the baseball team under Coach Denny Leonard, so I was particularly thrilled to hear of the success that they enjoyed this season.

Coach Mike Laney did a terrific job getting his team to the championship. Aquinas surpassed all expectations. They were not forecasted to make it past the second round of the tournament, so I know Coach Laney must be especially proud with the team's march to the State finals. The Fighting Irish took down Walker in a competitive three-game semifinal series and then advanced to the championship to face Wesleyan, the defending State champions.

They gave it all they had, but unfortunately, they came up a little short. Nevertheless, Aquinas has a very young team, so there is not a doubt in my mind that they will be back next year—even stronger and more competitive.

Congratulations on your hard work, accomplishments, and great season. Go, Irish.

MORATORIUM ON OFFSHORE DRILLING IS THE SECOND DISASTER IN THE GULF OF MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the moratorium on deepwater offshore drilling will prevent drilling in the Gulf of Mexico for the next 6 months or longer.

Why do we have the moratorium? What is the purpose?

When we have a plane crash, as disastrous as that might be, we don't close down the entire airline industry for 6 months—that wouldn't make sense—but now we want to close down the drilling offshore for 6 months.

What is the reason?

The 6-month moratorium on drilling will be another economic catastrophe for the United States. Six months is a long time in the drilling business. These wells can't start and stop overnight, and neither can the support industries.

Mr. Speaker, this chart right here shows the coasts of Texas and Louisiana, and on this chart, out in the Gulf of Mexico, there are about 4,000 offshore rigs. These 4,000 rigs will not be allowed to drill, based upon the administration's moratorium, for the next 6 months. All of these yellow dots represent a drilling rig that is offshore, and they go about 75 to 150 miles off the Texas-Louisiana coast, not counting those off of Mississippi and Alabama.

Some companies are already moving workers to Brazil and to the Middle East because of this absurdity of a moratorium. Texas and Louisiana will lose an estimated 20,000 to 30,000 jobs just in this industry, not counting all the related industries that are onshore. The people who supply those rigs—the food, the transportation, communications, goods and services—all of those jobs will be gone if these rigs are not allowed to drill. The longer the uncertainty continues here in America, the worse it will get, and there is no guarantee these jobs will ever come back. That is not only a threat to our economy. It is a threat to national security.

That means the United States will now import more oil from countries that don't like us—like the Middle East and Venezuela. Now China and Russia, two of our buddies, are going to drill off the coast of Cuba with Venezuela and Vietnam.

Isn't that a lovely experience?

The loss of our domestic source of oil in the Gulf of Mexico will make us further dependent on foreign oil and will increase energy costs to all Americans, and that will also increase tanker traffic bringing that oil into the Gulf of Mexico. There have been 16 large international oil spills of over 30 million gallons, and only three of those have been from offshore drilling rigs. The rest have been from oil tankers bringing oil from one place to another. So we need to put a proactive plan in

place so we can better deal with accidents in the Gulf of Mexico.

It took 9 days for the administration to make remarks about the impact of the Deepwater explosion and for DHS to declare the spill of national significance. There was no clear chain of command for who was in control of the disaster. There doesn't seem to be any plan. There should have been a plan in place immediately to respond. That's the government's responsibility. Some say it was the Coast Guard's. Others say it was the EPA's. It is still somewhat of a mystery as to who was supposed to be in charge and who was supposed to be in control of the cleanup and of the containment when the explosion occurred.

It took 37 days to attempt the top-kill procedure. Why so long? We don't know the answer yet. The majority of the pollution is a result of the delay, not of the explosion. I repeat: The majority of the pollution is the result of the delay and not of the explosion itself.

□ 1815

Now government is overreacting to the aftermath and making the economic impact worse by prohibiting the drilling of these other 4,000 wells. The moratorium could end up being a worse economic problem than the accident itself. It's the second disaster now in the Gulf of Mexico.

The EPA was created in 1970 to address industrial pollution, and they have somewhat of a history of overreacting and overregulating. And the bottom line is they are driving and have driven American manufacturing jobs to other countries. We cannot allow this to happen again with offshore drilling.

As much as we need to use all alternative sources of energy, right now our economy runs on fossil fuels, and that's not going to really change anytime soon. So we either have to import more oil or we have to allow these rigs to drill.

America doesn't yet run on windmills and moonbeams. We need a plan for future disasters, to include who is in charge of stopping the leak, who is in charge of containment of the oil spill, and who is in charge of the cleanup. As of today, there does not seem to be a comprehensive plan to implement.

And that's just the way it is.

POLITICAL PRISONERS IN CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, this morning I had the privilege of speaking by telephone with one of the most important and respected leaders of the pro-democ-

racy movement inside Cuba, Jorge Luis Garcia Perez, "Antunez," from his house in the town of Placetras in the province of Villa Clara.

I always learn when I speak to Antunez. He conveyed to me some facts that I think should be known by my colleagues.

Fact: There are not 200 political prisoners in Cuba; there are thousands of political prisoners in Cuba. As Amnesty International has recently admitted in one of its published reports, the dictatorship uses criminal penal charges and sentences for so-called crimes, such as contempt against authority and dangerousness—criminal charges to deny, to hide the status, the political status, of prisoners of conscience.

Fact: Various pro-democracy leaders and political prisoners are on hunger strikes, as we speak, in Cuba. Most well-known is the hunger strike being carried out by the peaceful pro-democracy leader Guillermo Farinas, a psychologist and journalist who demands the release of the 25 most gravely ill prisoners of conscience to their homes.

But there are others also engaged in hunger strikes at the moment, and their heroic efforts need to be known as well. Guillermo del Sol Perez, a former political prisoner, is on a hunger strike in Santa Clara. And the following current political prisoners are engaged in hunger strikes at this moment: Egberto Angel Escobedo Morales, Mario Alberto Perez Aguilera, and Ernesto Mederos Arrozaarena.

Fact: There are many political prisoners who are gravely ill and, yet, have not been included on any of the lists that have been made public—for example, Armando Sosa Fortuny and Cecilio Reinoso Sanchez.

Jorge Luis Garcia Perez, "Antunez," is a great leader and one of my heroes. Before being released from prison in 2007, he spent 17 years as a political prisoner due to his peaceful advocacy for democracy in Cuba.

He and his wife, also photographed here, Iris Perez Aguilera, have been detained, harassed, spat upon, and beaten innumerable times since his release in 2007 from prison. But Antunez never gives up. He told me this morning he has a new blog, "Ni me callo, ni me voy"—"I won't shut up, I won't leave."

I not only learn, Mr. Speaker, when I am able to speak with Antunez, I receive strength from his courage, patriotism, and devotion to the struggle for Cuba's freedom.

DESTRUCTION AND DEVASTATION IN THE FIFTH DISTRICT OF OHIO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATTA) is recognized for 5 minutes.

Mr. LATTA. Mr. Speaker, I rise today with a heavy heart to remember

the five lives of five constituents from my district who were killed this past weekend as a severe thunderstorm which produced two tornados swept across my district, leaving a trail of absolute destruction and devastation.

Mary Walters and her 4-year-old son, Hayden, in addition to Ted Kranz, Kathy Hammitt, and Bailey Bowman, all died during the storm.

On Sunday I rode with the Fulton County sheriff, and on Monday I rode with the Lake Township, Wood County chief of police to get a firsthand view of the devastation left behind by these tornados. During these visits, I spoke with many residents who survived the storms and heard them relate their miracle tales of survival.

I also want to recognize the 2010 graduating class of Lake High School in Wood County for their steadfast will and character in the wake of this deadly storm. One of the tornadoes hit Lake High School, completely destroying the school. This happened only hours before the senior class of 110 students were scheduled to hold their commencement ceremony Sunday afternoon. And, sadly, the class valedictorian, Katie Kranz, lost her father during that storm.

The true character, compassion, and strength of the people of America come through in times like these, as the surrounding communities have stepped up to help in whatever way possible during the recovery effort. The local chapter of the Red Cross and other volunteer organizations were quickly on the ground to lend their support.

The local elected officials and administrators of Wood and Fulton Counties should also be commended for their organization and leadership during these trying times. Their quick response to help those in need has held the community together during this time.

I also want to commend other communities in the area, like the city of Northwood, who helped by letting the Lake Township Police use its communications headquarters after the Lake Township Police Department was destroyed, as well as the administration building.

The city of Oregon has lent three police cruisers to the township, as well as the Wood County sheriff lending two. Why? Because the Lake Township lost six of their cars during the storm.

Yesterday I sent a letter to President Obama requesting that Wood and Fulton Counties be declared Federal disaster areas as soon as possible. This will be important for the counties so that they may have access to as many resources as possible during the recovery efforts.

This afternoon, Governor Strickland is also asking for a declaration for Federal assistance, and I thank him for it.

HONORING THE LEGACY OF COACH KENNETH CARTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY of Georgia. Mr. Speaker, after 49 years of dedicated service to the Marietta community, Coach Kenneth Carter is retiring from his position with the Physical Education and Health Department and as a tennis coach for Marietta High School.

Coach Carter has been a dedicated educator and a role model for sports teams in the Marietta school district for as long as I can remember. He has coached football, basketball, track, and, most memorably, tennis, where he had a record of 16 consecutive wins, one State championship, and nine region championships.

He received the Georgia Tennis Coach of the Year award and also was inducted with the 1985 tennis team into the Marietta High School Hall of Fame.

Prior to his career with Marietta City Schools, Ken Carter worked for the Atlanta YMCA, teaching and training children. He drove a bus back and forth from the Y, making sure that underprivileged kids had access to the facility. Coach Carter has always said that behavior is the number-one problem with youths, and the training he gave at the YMCA taught kids how to be both good athletes and good people.

It was here that Coach Carter met the Reverend Martin Luther King, Jr. King went to the YMCA often to swim, and Carter would listen to his stories about civil rights issues. Coach Carter says working with King was a source of personal inspiration and many life lessons.

Coach Carter has also been very active with his church and served as the superintendent of Sunday School for 22 years.

His dedication and selfless attitude are well-known, as Coach Carter has been recognized as the Outstanding Man of the Year, Teacher of the Year, and has also received an Outstanding Service Award.

Congratulations, Coach Carter, on your retirement, and thank you for everything you have given to Marietta's school system.

TAKING A CLOSER LOOK AT THE GAZA FLOTILLA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRBACHER) is recognized for 5 minutes.

Mr. ROHRBACHER. Mr. Speaker, recently, Israeli military personnel intercepted a flotilla of ships headed towards Gaza. The world outcry has been deafening. It has also been misplaced.

The Israelis have been portrayed as committing violence in order to pre-

vent food and humanitarian supplies from reaching women and children in the crowded Palestinian community of Gaza.

Yes, that would certainly be an outrage if that is what was going on. But the actions taken by Israel are aimed only at preventing rockets from being shot into Israel, not denying food or medicine to the Palestinians. The image in the public's mind is totally distorted. And what the world needs to do is take a closer look at what is being presented to them.

Even Al Jazeera, the most prominent Arabic TV news station, could not block out the reality of so-called activists, peace activists, who were really thugs, attacking Israeli soldiers with lead pipes and clubs. The soldiers are seen refraining from using their weapons as they watch fellow troopers being beaten into a bloody pulp and lying on the ground, their lives in danger.

Well, who first initiated violence, the violence that we are talking about, is not in question. Even Al Jazeera could not hide that fact. Yet, photos of the wounded and dead who ended up—and these were wounded and dead activists, after they had started beating to death the Israeli soldiers and, thus, force was being used in order to protect these soldiers' lives—well, only these pictures of wounded and dead so-called peace activists were highlighted in reports of this incident.

This distortion is intended to deceive the people of the world. The so-called activists created the violence that erupted when the flotilla was intercepted for inspection.

Now, apologists will simply say that those pipe-wielding thugs were justified because the Israelis should never have stopped and interdicted those ships aimed at giving humanitarian supplies to the people of Gaza. Well, why was that inspection necessary? Never stop asking that basic question. Why was it necessary for that inspection?

They weren't stopping the supplies; they were simply inspecting the cargo. Why are the Israelis insisting on inspecting the ships going to Gaza? Because Palestinian territory is being used to launch thousands of rockets and artillery at civilian communities in Israel from Gaza.

Now, the purpose of the flotilla was not to put food and humanitarian aid in the hands of the Palestinian women and children. That would have happened anyway because the Israelis, they just wanted to inspect this and then let that food and humanitarian supplies go forward.

No, that wasn't the purpose. The purpose of the flotilla was to prevent Israel from stopping the missile attacks on Israeli women and children by preventing Israel from interdicting weapons shipments into Gaza with the humanitarian aid as a cover.

No. These missile attacks from Gaza are, by anybody's definition, a terrorist attack. If the Palestinians want food and humanitarian supplies, end the rocket attacks.

□ 1830

Israel would be very happy if that happened, to let any food and humanitarian aid go into Gaza. And this is not an unreasonable demand on the part of the Israelis to at least inspect the cargoes in order to ensure that they are not being used to cover up the shipment of weapons that are being used to kill Israeli citizens. If you are launching explosive projectiles into Israel, Israel has a right to look at what you are shipping into your country to make sure you are not shipping in those items that are necessary to shoot these things into Israel and kill women and children.

So in reality, the so-called peace activists were not victims at all. They were belligerent, they were hostile, they were seeking more killing in the form of not only just killing these Israeli soldiers trying to inspect their ships, but killing more Israeli civilians through rocket attacks. They also, of course, are not just killing innocent people; they are undermining any chance for peace and reconciliation between the Palestinian people and the Israeli people.

No, those so-called peace activists were the villains in this situation, and those Israeli troopers who tried to at least inspect it to see that rockets were not being smuggled in, they were the heroes of the day. The world needs to seek truth in this issue and ignore the distorted picture they are being presented.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Williams, one of his secretaries.

THE ISRAELI BLOCKADE AND THE FLOTILLA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. WEINER) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. WEINER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the Special Order that I and Leader HOYER will be convening for the following hour.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEINER. Mr. Speaker and my colleagues, in the overnight hours of May 31, about 10 days ago, news broke that we now have become very familiar with—the previous speaker referred to it, and several of my colleagues have come to the floor this evening to talk about it—where a flotilla coming from Turkey was intercepted as part of the effort of the State of Israel to defend a blockade that was set up.

I want to spend the next hour talking a little bit about that boat and how it progressed, where it came from and why, and perhaps importantly drill into a little bit the idea of what the blockade is all about and what the history was. It is impossible to fully understand this issue only looking at it from the point of Israeli naval officers climbing on board a ship and saying, okay, I think I understand the story because I see that picture. That would no more be the truth than to watch the closing scene of Casablanca and say, okay, I understand what happened in this movie.

This was indeed a tragic thing. Anytime there is loss of life, anytime you have military officers, commandos climbing on a boat, something has broken down, something has failed. But what I don't think is fully understood, and still to this day isn't understood at capitals around the world, is who initiated this thing and why it was initiated.

Make no mistake about it, my colleagues, as Leader HOYER will be mentioning when he arrives here shortly, the condemnation that rang around the world against Israel is almost a default position in European and Arab capitals of the world. There is almost no surprise. It is also true that those very same quarters are the ones that criticize the United States at just about any opportunity. And in many of those same places you also see far too much joyous chest beating anytime something like this goes down where the United States or Israel is involved.

It was undoubtedly unfortunate that it occurred, but it didn't happen by accident. If you look at the history of this incident, it actually started not on May 31, when the sailors climbed aboard that boat, but it started on May 17, a couple of weeks earlier. What happened then? What happened then was the Israeli Government got wind of the idea that this flotilla was leaving from Cyprus, Turkey, and said, look, understand that there is a blockade around Gaza that controls what can get inside of Gaza for obvious reasons that I will go into further later. But, frankly, to stop weapons from going into Gaza, because it is weapons and missiles that have come into the Gaza Strip, which is controlled by the terrorist organization Hamas, that have been used to terrorize Israelis. Terrorize to the magnitude of about 10,000 rockets have left from Gaza since Israel left it in 2007 and Gaza was controlled by Hamas.

So they say we have an internationally recognized blockade that's been supported by both the Bush and Obama administrations to prevent ships from coming in without their having their goods inspected. So what the Israeli Government did is they reached out internationally to the sponsors of this boat and to the people on the boat and said, look, you are welcome to bring your supplies here to Gaza.

So it was on May 31 that this boat was intercepted off the coast of Gaza, but it was May 17 that Israel said, look, if you are interested in bringing humanitarian aid to Gaza, you are welcome to do it. All you have to do is bring it into Ashdod, which is right here, and we will look at the goods, make sure there is nothing dangerous in there, and then we will allow it to be escorted into Gaza via truck.

That's not an unusual occurrence. In fact, as of this morning 11,972 trucks during this period of time the blockade has been in effect have been escorted in just such a way. It's not unusual for humanitarian aid to come into Gaza. Despite much of the rhetoric we have heard from the international community, Israel facilitates it through a process.

Now, the people on those boats, this humanitarian boat that theoretically was trying to bring humanitarian aid to Gaza, said, no, we are going to take this flotilla of boats and we are going to go into the teeth of this blockade. They were reportedly warned repeatedly, and no one has disputed that. They were warned, look, a blockade is essentially a military thing.

It is the same type of thing that we used in our blockade of Cuba. It is a recognized blockade. Because if you think about it, there aren't a lot of ways—if you look at the map here, this little stretch of land is what we are talking about. It borders Israel on some sides. Egypt, which is a participant in the blockade, they support and help support the blockade that Israel has. This huge coast here has been used in the past, particularly by the nation of Iran, to import weapons in.

But instead, this humanitarian ship, which was no humanitarian ship as we later learned, this humanitarian ship, said, no, we are going to keep going. Now, I ask you, ladies and gentlemen, none of us are naval officers in this Chamber. Actually, Congressman SEXTAK is a naval officer, and I don't see him here today. But when it comes to enforcing a blockade, you don't have a lot of tools in your quiver.

Now, there are some ways that you can debilitate a boat, that you can stop its rotors from turning by essentially jamming it up from waters underneath. That was done with one, two, three, four, five of the other boats that you didn't hear about in the newspaper. But those boats were stopped using the efforts of the military in Israel to stop

them in the most peaceful way possible.

Now, if a boat is coming into a blockade and it might pose a threat to Israel or to the United States, I mean, you can very easily change the names of the country and say a boat was coming from Yemen to the United States, and it's coming in and it wants to cruise down into the East River. Of course the United States would not let that happen, and the Coast Guard would say you are going to stop right here so we can inspect what's on this boat. And if they kept going, certainly we would not say, oh, that's okay. Every step necessary would be taken to stop them.

Well, that's kind of what happened here. What effectively happened was this boat said we are not going to stop, and they said we are going to leave the Israelis with no opportunity except to board the boat. That's what created the conflict. Israel did not create the conflict. They were essentially in a defensive posture, saying this is the line, don't cross it; and we are going to give you every opportunity before you reach the line to avert this conflict. The people on the boat chose not to. They wanted this conflict. They wanted this conflict. They did not want to deliver humanitarian aid; they wanted this conflict.

Well, once the conflict was upon the Israelis, I think by just about any definition of restraint the Israelis used restraint. They climbed aboard with quite literally paint guns on their shoulders to use when they landed. The only arms that they had were sidearms for the personal protection of these guys. And when they lowered themselves down on the boat, they were set upon by these humanitarian peace activists, I say with my tongue firmly in cheek. They were set upon with knives. They were set upon with steel poles. They were set upon with bullets. There were magazines and casings on the boat that did not match any of the Israeli sidearms. It was tragic that that happened. It was sad that it happened. But it was almost entirely the decision of the people on that boat.

Now, I say almost entirely, because that boat did not just appear out of the ether. It didn't just appear out of thin air. It had an enormous amount of support by some of the worst enemies of peace in that region, and some of the worst enemies, quite literally, not only of Israel, but of the United States as well. And I mean Turkey, Iran, Hamas. These are not entities that were looking for some peaceful resolution here.

Remember, once again to reiterate, here in the Gaza Strip, when elections were held in Israel, Israel does not any longer occupy the West Bank or Gaza. They left. They left it to the Palestinian people. This part here, the West Bank, is run by the Palestinian Authority.

Many of my colleagues know Mahmoud Abbas was here in Washington today and met with the President. This is a place that's had a great deal of economic growth. There has been a reduction in the amount of violence coming out of the West Bank. There are still problems, and I still think it is outrageous we provide any aid to the West Bank or Gaza so long as Mahmoud Abbas refuses to engage in direct negotiations for peace.

But putting that aside for a moment, in this area here, not the Palestinian Authority or Fatah, but Hamas, the terrorist organization Hamas that is funded by Iran, that gets their weapons from Iran and is in a declared state of war with Israel, has said they don't support a two-state solution, they support a no-State of Israel solution.

Now, who is it that has been supporting that? Actually, it's not Egypt here. They have been working very hard to enforce the border that they have here and help to enforce the embargo. But it's basically Iran. Iran has been exporting terror here, not only here, by the way, but also up here to Hezbollah, to Nasrallah in Lebanon through their agent Syria. But that is why the blockade exists. It's not just because Israel wants conflict. Quite the opposite: it's to try to prevent essentially a war going on here with more and more rockets and more and more armaments coming on shore.

So when this embargo is enforced, it's not only protecting the people of Israel; it's protecting the United States, because this is a way that Iran wants to set up essentially what is an agent of their own in the Middle East. That's what they want.

So when the Israelis boarded the boat, they were set upon. The sailors were beaten. They were stabbed and shot, as I said. And when the dust settles, we had an opportunity, as all the world did, to see what was on that boat.

Let me tell you what the humanitarian aid was that was on that boat: 100 units of metal rods of various length—well, I am sure that was going to feed a lot of children; 200 knives of various sizes; 150 military-style and Turkish-produced self-defense vests, military-style; seven electric saws; 100 pipe wrenches; 50 wooden clubs; 20 axes; a telescopic sight for a gun; four night vision goggles; 100 diving lights; 150 head lamps; and of course boxes and boxes and boxes of propaganda and tapes, all of them in Turkish.

Now, if there was a true interest on the part of this boat of providing food or aid to the people of Gaza, I believe they had an opportunity, obviously, to go to Ashdod and drive it in. They did not want that.

So what is the correct response of the United States and the world community when confronted with these facts? Well, we have a couple of things. First

of all, we should understand that even if we are the last country on Earth that understands the facts that I have been laying out here, even if we are the last country on Earth that understands the importance of Israel's role in the region and how they are set upon in a similar way that the United States was on September 11, except the difference is they have that every day, we should stand with Israel. Even if we are the last country on Earth saying it, we should say, look, the facts are the facts here.

As much as we would like to say Turkey is a player for peace here, no, they were a player for war here. And as much as we might like to say you know what, boy, I wish everyone would just get along in that region, it's Israel who is now sitting at the bargaining table for peace and the Palestinians who are refusing to do so.

□ 1845

But I think, my colleagues, we also have to consider something else, and that is all our relationships with some of the players who are behind us. Let's consider Turkey. This would not have happened were it not for the nation of Turkey taking the role that they did. They funded the ship. They provided international cover. The Turkish Foundation for Human Rights and Freedoms and Humanitarian Relief, IHH as it's known in Turkey, has been linked to Hamas, and they helped to fund this. The Turkish Government just today voted against sanctions on Iran because, hey, this is apparently an agent, a country that they would like to be an agent for.

And for a lot of time, we kind of worship at the altar of the moderate Muslim state, the moderate Arab states that, you know what, we hope that they are there to be a fulcrum for peace, but it's not unlike a child wanting to see a unicorn. It would be great if it happened, but we have to realize the facts are the facts, and NATO membership for Turkey has to be called into question here. We have to start to say to ourselves whose side is Turkey really going to be on, because what they did here is, rather than being an instrument for peace where they could have very easily said, We're sponsoring this boat. Go to Ashdod right here and offload the humanitarian aid. Or, We're sponsoring this boat. We're not going to have cases of knives on board. We're going to have cases of baby food because we want to help the people of Gaza.

That hasn't happened. And we also have to realize something else, and then I want to yield to some of my colleagues who have joined me.

We have to realize that the default position of Europe and the Arab capitals of the world is always going to be against Israel. We can't allow that and that alone to be the determinant of

whether or not, of how our foreign policy is prosecuted. There's a terrorist state that controls Gaza right now. It's a terrorist state that, if they could, they would destroy the United States of America tomorrow, and they're starting with Israel.

The gentleman from Connecticut has been a great leader on this issue. I will be glad to yield to him.

Mr. HIMES. I thank the gentleman from New York for his eloquent treatment of the facts, and I thank him for focusing on the facts at hand.

One of the most disheartening aspects of the flotilla situation was the extent to which the facts were initially set aside by much of the world, and instead, prejudice was allowed to emerge, a prejudice against our ally, Israel. And we subsequently learned, of course, that the facts are a good deal more complicated than perhaps we were led to believe initially. As my colleague from New York points out, this was a flotilla with more than one agenda, a flotilla with a clear intention of provoking the kind of response that was ultimately provoked. And make no mistake, there's not a person in this Chamber or anywhere else that isn't saddened by the loss of life in the Mediterranean.

But I'd like to step back for a moment, away from the immediate facts that Mr. WEINER did such a good job at articulating, to some larger issues that cannot be lost in the week-to-week, the day-to-day of our relationship with the State of Israel.

The best way I can encapsulate what I'm talking about here is that Israel, for the United States, is family. We speak of a special relationship with Great Britain. We have at least a special relationship with the nation of Israel. It is a relationship of family. In some cases, very literally. In other cases, and for this Nation as a whole, we are family because we share so many values, so many of these values that are incorporated into this building, into our constitutive documents, our Judeo-Christian values, to which we owe a debt of obligation to Israel. And, of course, it is the only democracy in a very, very dangerous region. For that reason alone, we would resonate with the State of Israel. And, of course, something that is all too often forgotten, the economic ties that we have, the economic similarities, economies based on innovation and creativity.

All three of these things make Israel family, and we can't lose sight of this as the facts are outed. As investigations are undertaken, we can't lose track of that underlying fact, especially in a world where our family is at risk—and this room is full of fathers and mothers, and we know what that phrase means.

I traveled to Israel last summer, and I stood at Sderot and saw how close

and how severe the risks of Hamas, an entity dedicated to the destruction of the State of Israel, how that is not abstract. In fact, that is barely an arm's length away from the State of Israel. To the north, of course, Hezbollah, another entity, sponsored by Iran, dedicated to the eradication of the State of Israel. And, of course, Iran itself, not far away and hell bent on the creation of weapons of mass destruction and leaving absolutely no ambiguity about what it would do with those weapons of mass destruction.

I'm not saying that any of that changes the facts that my colleague from New York has laid on the table that will be investigated, that will be considered, that will probably be most interestingly and comprehensively investigated by Israel herself. But we cannot, any more than we lose loyalty to our sons and daughters, our cousins, our brothers and sisters and our spouses, forget that we are talking about family, and that when family is at risk, we lean in to our family, and we remind the world that there is a reason why Israel is part of our family—a reason of values, a reason of democracy, and the reason that we stand here today to remind the world that Israel is our family.

Mr. WEINER. I appreciate his thoughts and his leadership on this.

Just to put it in further context of the relationship between the United States and Israel, this is a tiny town of Sderot that you mentioned in your remarks. In the period of time since Gaza has been controlled by Hamas, there have been 6,066 rockets fired from that area into Sderot, 4,434 mortars. And I ask my colleagues to envision your town, envision the district that you represent, envision this city being under that type of barrage from a specific place. Do you think a blockade would be an excessive step to take? And that's why it's so important that we stand here today, and it's particularly important that Leader HOYER asked us to gather today to make these points.

And before I yield to anyone else, I want to yield to the majority leader of the House of Representatives, STENY HOYER.

Mr. HOYER. I thank my friend for yielding. I thank my friend for leading this effort at my request, and I thank those who have joined in in raising our voice to defend actions that really need no defense, actions that any nation on Earth would take if it were similarly threatened, any nation on Earth.

Mr. Speaker, in the early morning hours of Monday, May 31, Israel naval forces intercepted six ships carrying mostly Turkish demonstrators attempting to break the blockade of the Gaza Strip. There was no confusion. That's what they said they were going to do. Israel gave them notice 2 weeks prior to this that they would not allow

that to happen. So there was no confusion here about what was happening.

Five of the six ships complied with the IDF requests. The largest of them, however, the *Mavi Marmara*, refused, clearly bent on violent confrontation as it was boarded by Israeli defense forces, as they knew they would be. There was no confusion. These IDF troops were violently attacked with knives, clubs, and other weapons.

Let me remind you that in five of the six in this flotilla there was no violence. There was something in common on all of those ships. IDF forces were on all of those ships. But five of those ships, knowing full well that the blockade would not be allowed to be breached, offered no violent resistance.

At the end of the skirmish on the *Marmara*, seven members of the IDF had suffered injuries, including gunshot wounds and head trauma, and nine demonstrators, tragically, on the *Mavi Marmara* had been killed. No one wanted that result. I think not even those who were committing the violence on the IDF forces wanted that. But once violence is initiated, one cannot predict the outcome.

Those deaths are tragic. The events leading up to them deserve a full and scrupulous investigation. But this much, ladies and gentlemen, is clear. To call all the passengers of the *Mavi Marmara* nonviolent peace activists would be a victory for propaganda, not for fact. Peace activists don't launch attacks with knives and guns, and they certainly don't do so while chanting slogans calling for the death of Jews as an al Jazeera broadcast showed. Not an Israeli broadcast, but an Al-Jazeera broadcast showed the chants from those ships, from this ship, Kill the Jews.

However much we lament those nine deaths—and we do so—the fact is that the IDF was faced with an organized, violent assault and responded in self-defense, as we would expect any of our own forces to do wherever they may be sent to defend our country. Unfortunately, but not unsurprisingly, this incident has renewed international condemnation for Israel's blockade of Gaza from countries I suggest to my colleagues that would do exactly the same thing.

I cannot believe there's a country in Europe, in Asia, in Africa, in South America, or on the North American continent that would not say, If you breach this blockade that we have in place for our own security, we will confront you and stop you.

But that blockade exists for a reason: to keep weapons out of the hands of Hamas, a terrorist organization dedicated to the destruction of Israel and to random attacks on Israeli civilians.

Mr. WEINER has been pointing out the map. Probably most of us on this floor who are going to speak have been to Sderot. Some of us have been in the

gymnasium that is an armed camp where it is the only safe place for the children of Sderot to play. Some have been with me to Sderot.

The attack on Israeli civilians has continued without abatement. I don't mean that it hasn't lessened from time to time, but never has there been a time when Israelis felt that the violence was concluded, because Hamas has made it clear that it will not conclude.

Hamas is dedicated to the destruction of Israel and to random attacks on Israeli civilians. The blockade was launched with the cooperation of Israel's neighbor Egypt when Hamas staged a violent coup to expel its political rivals and seize total control of Gaza. Who were its political rivals? Palestinians. The elected leadership of the Palestinian Authority.

And the blockade could end today, my friends, if Hamas recognized Israel's right to exist—as is the principle of the United Nations—gave up its commitment to murdering civilians, and released the Israeli soldier it holds captive.

To the extent that life is hard for those in Gaza, the prime cause is the terrorist organization that keeps them hostage, holds power through violence, and monopolizes the food and humanitarian supplies that Israel allows across the border.

Indeed, ladies and gentlemen, my colleagues, pay close attention to this point. Indeed, it is Hamas, not Israel, that is currently preventing the humanitarian goods from this very flotilla from reaching the Palestinians in Gaza. Not the blockade, but Hamas.

Finally, the United States should and will resist all one-sided attempts to condemn Israel at the United Nations. The UN, a body committed by its charter to universal human rights, has for much of its history, unfortunately, been sadly fixated on singling Israel out for condemnation—the only democratic nation in that region of the world that recognizes human rights. And we see the Supreme Court of Israel saying, time after time, you cannot do that government. That is a nation of laws. Yet it has been singled out for condemnation as much more serious crimes and crises have gone unaddressed throughout the world.

The biased record extends beyond the infamous 1975 resolution equating Zionism with racism. The U.N. General Assembly has convened an emergency special session 10 times. Not, I would suggest to you, when the North Koreans killed, obviously premeditatedly, 46 individuals in their ship of South Korea in South Korean borders.

□ 1900

Six of the times that they met out of 10 have focused on one small besieged nation, Israel, while no emergency session was ever held on the Rwandan

genocide, not held on the ethnic cleansing in the Balkans, not held on the genocide in Sudan.

The 2001 U.N. World Conference Against Racism neglected racism around the world to again single out, almost exclusively, Israel and Zionism. The U.N. Human Rights Council, whose members include Saudi Arabia, China, and Cuba, has only one permanent topic on its official agenda. Now, I have mentioned three genocides that have occurred. They are not on that agenda. Israel. Even Secretary-General Kofi Annan criticized the Human Rights Council for its “disproportionate focus on violations by Israel.”

Should Israel comply with international law and the mores and values of the international community? Yes. Does it? Yes, yes, it does. And like every Nation, however, it enjoys the right to self-defense.

This troubled history is exactly why I'm skeptical that the United Nations will treat Israel justly now. What happened on *Mavi Marmara* needs a real investigation, not one colored by years of one-sided bias.

Mr. Speaker, despite what happened last Monday, the fundamentals of this conflict remain just as they were the day before. The overwhelming majority of Israelis want to live in peace with the Palestinians side-by-side in two States. So I believe do most Palestinians, but the extremism and hate of groups like Hamas stands in the way.

In my view, Mr. Speaker, there were those on those ships who sought this confrontation. Again, not for the purposes of humanitarian relief but for propaganda and for putting Israel at risk from those who wish its destruction. It is not a secret wish. It is an articulated wish. All the world knows the intent of Hamas: to destroy Israel and remove Jews from the Middle East because they say so.

Let us not be confused, Mr. Speaker. Finding a way to peace is fiercely difficult. It should not be made more difficult by those who see more propaganda value than human values and these loss of lives.

I thank my friend from New York for leading this Special Order that is so important so that our voices are heard here and around the world as it relates to our commitment to the sovereignty, security, and safety of Israel.

Mr. WEINER. Well, I thank you, and before the majority leader leaves the floor, I think on behalf of all of us in this institution, long before you were the majority leader here, it was hard to think of a Member of the United States Congress in maybe anytime in the 62-year history of Israel that has had a stronger sense of commitment to the U.S.-Israel relationship than you, whether it was leading this body in a condemnation of the Goldstone Report, a one-sided document produced by the United Nations; leading this institu-

tion in support for Israel and, in fact, for the United States during the Gaza war.

It is important, that final note that you made about who Hamas is, they are an enemy of Israel for sure, but they're also an outpost for Iran. We have something very strong in common with Israel beyond just our common sense of democracy and culture. We have the common enemy that when this boat was traveling, it was traveling essentially doing the bidding of Iran, and we have to recognize that Israel is on the front line of what is essentially a threat to us.

I want to thank you on behalf of all of us who fight all the time to keep that Israel-United States relationship close for all that you have done in leading this institution.

Mr. HOYER. I thank my friend for his comments and thank him for his leadership.

Mr. WEINER. It is also important that we recognize something else that the majority leader said about the use of human shields on that boat. There were probably some people on that boat who were completely without malice; although most of the loudest voices made it very clear that all of them that we heard seemed to want nothing more than conflict and more than having Israel wiped from the face of the Earth. But remember, when there was the war in Gaza, when there was the war in Lebanon, the one thing consistent about agents of Iran that they always do, these terrorist organizations, they're always using human shields. They're putting civilians and putting weapons in the neighborhoods of civilians all the time.

I yield to the gentleman from New York.

Mr. MAFFEI. I thank the gentleman from New York. I also thank the gentleman from Florida for his graciousness.

Mr. Speaker, I want to address exactly what the gentleman from New York (Mr. WEINER) was talking about and, that is, Iran's involvement and what we can do about it. Indeed, it has been since 2007 that Israel, along with Egypt, has instituted this blockade of the Gaza strip to stop individuals from smuggling weapons, and over the course of the blockade, as we have already talked about, Israeli defense forces have diverted numerous ships, all without incident. Nobody ever wishes for fatalities or injuries to occur during the enforcement of a blockade, but the fundamental thing to understand is that Israel has the same right to self-defense as any country.

Days before the incident, Israel notified Turkey and other governments participating that it would not allow flotillas to breach the blockade at Gaza, and as Mr. WEINER indicated at the beginning of this hour, humanitarian aid was allowed to be off-loaded in the Port of Ashdod.

I am confident that the Israeli government will conduct a full and credible investigation regarding this incident, and it is imperative that we draw on the special relationship that endures between the United States and Israel and continue to stand by our ally.

But I'm even more concerned that the media circus surrounding this incident may distract us from the real threat that Iran continues to pose, not just to Israel, not even just to its neighbors, but to the entire world, including the United States. The blockade was largely due to Iran's continued efforts to smuggle weapons, and we must keep an eye on that.

Now, in fact, the U.N. Security Council actually passed a resolution today, Resolution 1929, which imposes new sanctions against Iran because of its suspected nuclear weapon program, the Revolutionary Guard, ballistic missiles, and nuclear-related investments. The resolution does expand on three previous sanctions on Iran by strengthening and expanding existing measures and breaking ground in several new areas.

What the majority leader said about the United Nations is correct. We must always be somewhat skeptical about their resolutions. So the fact that even the United Nations is now passing this resolution should indicate a strong message about how dangerous Iran continues to be.

It is increasingly important that the United States stand with the State of Israel and impose even stronger sanctions than the U.N. has. A nuclear-capable Iran poses a major threat to the entire world. By combining a nuclear weapon with a current missile program, Tehran would be capable of targeting American troops and its allies throughout the Middle East and beyond.

Iran is one of the leading sponsors of terrorism and continues to spout anti-Semitic rhetoric regarding the State of Israel. President Obama has stated all options should remain on the table for dealing with Iran. However, currently tough sanctions that are strictly enforced remain the best option to try to persuade Iran's leaders to do away with their nuclear program.

Both Chambers of the 111th Congress have already passed Iran sanctions legislation. Currently, the conference committee has been working on reconciling these different bills. The legislation would increase pressure on Iran by restricting their ability to purchase or refine petroleum products. Despite being one of the largest producers of crude oil in the world, Iran lacks adequate refining capability to meet its own domestic needs for gasoline.

I believe only a consistent and appropriately tough sanctions policy will give the level of pressure on the current despotic State of Iran that has

any chance of persuading Iran to drop its nuclear ambitions. The refusal of Iran to accept the existence of the State of Israel helped lead to the unrest in Gaza which helped lead to this incident.

The U.N. Security Council resolution is a good step, but America has an obligation to lead and not just follow.

I really thank the gentleman from New York for his indulgence.

Mr. WEINER. I thank you. The gentleman from Florida, I would be glad to yield to you.

Mr. GRAYSON. Thank you very much.

The question that has been raised by critics of Israel for the past week is why is Israel intercepting ships on the so-called high seas, 100 miles from its own shores, and the answer can be summed up in one simple phrase: self-defense. That simple phrase explains what we saw and explains Israel's continuing need to protect itself.

Over 1,000 rockets have been fired from Gaza into the territory of Israel, 1,000 rockets. Imagine what we would do if 1,000 rockets were fired into San Diego. Imagine what we would do if 1,000 rockets were fired into Seattle or into Detroit or any other border area.

In the case of Israel, 1 million people live within rocket range of Gaza, and those 1 million people have been living through hell for years with a 15-second warning to seek shelter when a rocket attacks. And as a result of that, 13 Israelis have died, but it's inflicted huge harm on the people who live within rocket range in south Israel. One-third of all the children in south Israel suffer from post-traumatic stress syndrome. Again, imagine what we would do to stop such attacks if they were directed against us.

That's the fundamental reason why Israel feels obliged, the Israeli military feels obliged, to do what it needs to do to protect its citizens. These ships were not in any way interfered with because they were carrying humanitarian aid. The ships were interfered with for one reason and one reason only. That's because they could have been carrying missiles and rockets and things that could be made into missiles and rockets. It's a fundamental duty of the Israeli military to protect the people of Israel, just as it's a fundamental duty of our military to protect us. What they did was what they needed to do in order to ensure the safety of their own people, and honestly, in the same circumstances, we would have done the same thing.

Thank you very much.

Mr. WEINER. I would say to the gentleman, I would actually argue that the military of Israel used such restraint. I mean, frankly, there aren't too many ways to stop a boat. One of the ways is to fire upon it. They chose to put their own sailors in jeopardy; although there should have been no rea-

son to believe that they would be on a humanitarian boat. Why would anyone expect that someone aboard a humanitarian aid ship would be set upon?

You know, to some degree the media has to be on notice that there is some responsibility to report the context of this thing as well, not just the end. When you see a sailor being tossed overboard, you know, it didn't seem like a very humanitarian act, and there was a shameful display by Reuters, who recently published a photograph of the sailor, the Israeli soldier, that fell on the ground, and they cropped out the guy standing next to him with a knife to explain where all that blood came from. That knife was held by someone on this humanitarian aid ship.

No one knows these facts better than Jerrold Nadler from New York. I would be glad to yield to him at this time.

Mr. NADLER of New York. Thank you, and I thank you for organizing this Special Order.

It has been absolutely galling to watch the hypocrisy and the fury, the underserved fury directed at Israel for taking a step in its own self-defense. The so-called "Freedom flotilla," which went to break the blockade of Gaza, had to be intercepted. Israel and Egypt have been blockading Gaza. They've been blockading it not as humanitarian materials. Thousands and thousands of tons of humanitarian materials and food and supplies go through the checkpoints into Gaza every month by truck. But ships can carry anything.

Israel has stopped ships on the high seas carrying rockets to Gaza. When they were challenged and the Israeli government urged the Turks not to allow this flotilla to sail the way it was—and the Chinese by the way had this right. The Chinese press a day or two before the flotilla was intercepted printed the headline: "Turkey Challenges Israel." Not Israel challenges Turkey. Turkey challenges Israel by sending these ships knowing that the goal was to break the blockade, not to deliver humanitarian aid.

When the Israelis made clear to the people on board the ships that if you land in Ashdod we will send all the materials straight through to Gaza except for any weapons we find, Greta Berlin, the head of the organization sponsoring it, said, no, we're not interested in delivering humanitarian aid.

Mr. WEINER. If the gentleman will yield for a moment, that's right here. It's not like they were being diverted somewhere far off.

Mr. NADLER of New York. They were in armed rocket range.

Mr. WEINER. Exactly.

□ 1915

Mr. NADLER of New York. Twelve miles, to be precise. Greta Berlin said, no, the aim is to break the blockade.

Now, a lot of people, a lot of countries were saying, the President of France, "How dare they intercept ships on the high seas." "This is piracy," said Prime Minister Erdogan of Turkey.

Well, the law is very clear. If you are fighting someone—and Israel is fighting Hamas; Hamas controls the territory and has declared war on Israel and said that war will not stop until Israel is destroyed, maybe a ceasefire from time to time, but this war must continue until Israel is destroyed, as far as Hamas is concerned—then you are subject to blockade. That is a tactic of war.

And in a blockade, you can board the ship, you can, in fact, sink the ship if that's the only way to enforce the blockade, in international waters as long as it's clear that it's going to a blockaded area. And that's from the U.S. Naval Commander's Handbook.

But why was this being done? Because, we are told, they have to break the blockade. Why do they have to break the blockade? Because the overall issue is that we must end the Israeli occupation. This is the real sin. This is why so many people think that Israel is wrong: Because it must end the occupation.

People forget how the occupation started. The occupation of Gaza and the West Bank started when Israel resisted a war of aggression aimed at its extermination in 1967. But we are ignorant of history. History started 5 years ago.

Israel wants to end the occupation. Israel has offered to end the occupation, but there is a problem: Who do you give the land to?

And Israel has experience here. Israel withdrew from Lebanon in 2006, and the U.N. said, "We will send peacekeeping troops, and they will enforce Resolution 1701 to prevent the importation of rockets and arms." And what happened? There are 40,000 missiles in the possession of Hezbollah in Lebanon today because the U.N. peacekeepers stand aside. And Israel has learned that she cannot depend on the U.N. or the international community or anybody else to defend her.

Gaza Israel withdrew from in 2005 and left behind agricultural establishments and other things. What happened? Hamas took over and turned it into a rocket launching pad against Israel. Over 10,000 rockets have been launched against Israel.

Mr. WEINER. Just so everyone understands the points that Mr. NADLER is making, this piece of real estate, about the size of New Jersey, now has a terrorist agent here in Gaza in the south; a terrorist agent up here in Lebanon, governed by Hezbollah, at least about 25 percent of its government is, and Nasrallah, and Hezbollah controls this area here; and a terrorist agent of Iran right here in Syria, which once

upon a time controlled literally the mountaintop overlooking the country.

So what the gentleman is describing is terrorist, terrorist, terrorist functions, all in support of the same enemies of the United States, and that's Iran.

Mr. NADLER of New York. But Israel still wants to end the occupation. Israel wants to be left in peace. Israel offered in 2000 at Camp David, in 2001 at Taba.

And what was their offer? Israel said, "We will withdraw from the entire Gaza Strip. We will withdraw from 97 percent of the West Bank. We will give land swaps to the Palestinians to make it equivalent to 100 percent of the acreage. And we will share Jerusalem. But, in return, they have to agree that the war is over." They wouldn't agree, and they started the first intifada.

Prime Minister Olmert renewed the offer in 2008, but they will not agree to end of claims or to demilitarization. That's the real issue. If they would agree to that, if the Palestinians would agree that the West Bank cannot be used—if they gave it back, that the West Bank would not be used as a rocket launching pad, that Gaza would not be used as a rocket launching pad, that Israel could live in peace if she withdrew, that deal could be made. And it could be made; it's been offered.

And until the Palestinians are willing to live in peace and are willing to talk about it—the Palestinians, even Abbas, won't even talk to the Israelis now, only to the Americans. Until they are willing to talk and make that agreement, the occupation will continue, and it will be the fault of the Palestinians, not the Israelis.

Mr. WEINER. Well, the gentleman makes an excellent point. And the gentleman from Virginia, I know, is expert on these issues, as well. And it is important to understand that, just today, Mahmoud Abbas was in town.

And I would gladly yield to the gentleman from Virginia (Mr. NYE), who has shown remarkable leadership on these issues in his brief time in the House, to pick up on some of the points that Mr. NADLER made.

Mr. NYE. I would like to start by thanking my colleague from New York for laying out the issue very concisely tonight and for his leadership on the issue. And, as someone who has spent a significant amount of time, myself, both in Israel and in a number of the surrounding countries, I want to rise today to reaffirm the U.S.-Israeli bond of mutual defense and security.

Our friendship gives us peace of mind in knowing that we will always have each other's support in one of the most volatile regions of the world. I maintain my strong support for Israel's right to exist and to protect herself. As the lone bastion of democracy in the region, Israel is our closest ally against terrorist groups, and I am committed to seeing our friendship continue.

The recent loss of life off the coast of Gaza is distressing. However, it is troubling that many have rushed to judgment while failing to recognize the serious security challenges Israel faces every day necessitating the Gaza blockade.

As my colleague has mentioned tonight, Hamas terrorists in Gaza launch frequent rocket attacks directed at Israeli towns than too often take the lives of innocent civilians. And, as our majority leader said earlier this evening in describing a trip that I joined him on last summer, Israeli children are forced to hide in concrete bunkers in order to have a safe place to play.

Hamas makes relentless efforts to import into Gaza, through any means possible, the parts for these deadly rockets, complicating Israel's efforts to safely allow humanitarian aid to enter Gaza.

Lasting peace between the Israelis and Palestinians requires that Israel can assure the safety of its population against terrorist threats. And that is why I recently introduced and helped pass in the House H.R. 5327, the United States-Israel Missile Defense Cooperation and Support Act.

The funds authorized by the bill will allow Israel to build two Iron Dome missile defense batteries that will help protect Israeli citizens living in cities like Sderot, who have been terrorized by over 8,000 indiscriminate rocket and mortar attacks on their homes, schools, and communities.

Mr. Speaker, U.S.-Israeli cooperation on the Iron Dome system will help advance the cause of peace by supporting Israel's ability to defend civilian areas from terrorist attacks, creating the necessary space for a successful peace process.

Again, I want to thank my colleague from New York for his leadership on the issue.

Mr. WEINER. Well, I thank you.

And you are exactly right. Our cooperation with the State of Israel has never been higher, in terms of military and intelligence.

I yield to the gentlewoman from Florida, DEBBIE WASSERMAN SCHULTZ, a member of the Appropriations Committee, a powerful committee, who recently led a delegation to the Middle East which I was honored to be a part of. The House knows no stronger advocate for the U.S.-Israel relationship than she.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding. And it was an absolute pleasure to join you on the CODEL to the Middle East in January where we learned quite a bit about the progress of the peace process.

And it has been noted by a number of our colleagues this evening that we cannot allow, in spite of all the recent controversy—which is unclear to me why a country that is defending its

borders, its territory, and its people is controversial—but that we cannot allow it to take our focus off to that of a nuclear-armed Iran.

One of the things that is unbelievable to me has been the criticism and the questions that have been thrown at Israel: first, that they supposedly boarded the flotilla ships in international waters as if they somehow didn't have the right to do that. That this is a legal blockade, there isn't any disputing that. They are well within their rights and, understandably, are defending their borders and their people.

Because what country would not make sure that items coming in from a ship to an area that is run by a hostile terrorist organization would not be checked to make sure that they are the genuine humanitarian aid that the people bringing the goods in say that it is? That is simply common sense. And I would think that the citizens of any nation would expect nothing less than their government.

But the other criticism that I have heard during the week is that somehow the people of Gaza—and no one denies that there is suffering that has gone on in Gaza. The people of Gaza went through a war. They continue to be ruled by a terrorist organization, and so, as a result, they are definitely suffering.

But it is important to note that, over the last 18 months, Israel has allowed a steady flow of humanitarian aid and food to go to the people of Gaza. One million tons of humanitarian aid, to be specific, have been allowed into Gaza over the last 18 months, the equivalent of one ton of aid per man, woman, and child in food and materials living in Gaza today.

Mr. WEINER. And I would point out, that same exact offer was made to this flotilla: Come to Ashdod right here. And it wasn't made an hour before; it was made 10 days before, as soon as the word got out, even before it had left port. The nation of Turkey, who was sponsoring this, and the sponsors of the boat were told, "Listen, just go right here, and we will take a look at what you have, and then we will escort it militarily into Gaza for you."

Ms. WASSERMAN SCHULTZ. And just a few days later, an Irish ship, the *Rachel Corrie*, was offered the same thing, to take their goods. And they were also challenging the blockade, yet had a very different response and accepted the boarding and accepted travel to the port of Ashdod and had their goods offloaded.

The point is that Israel cannot be expected to stand idly by and allow for goods to be flowing unchecked without making sure that there aren't hostile intentions behind those goods.

And as Israel continues to face unjust criticism on the world stage, the United States must continue and will

continue to support our friend, ally, and partner. And I am so proud to stand with my colleagues today.

You have a tragic situation that occurred, but we cannot forget that this blockade exists because Hamas, the ruling party of Gaza, is a terrorist organization with the sworn goal to destroy the Jewish state. A blockade supported by both Israel and Egypt is a means to stop the smuggling of illegal materials and weapons to Hamas.

And I am so pleased that you have organized this special order hour this evening and look forward to continuing to stand with you.

Mr. WEINER. I thank the gentlewoman. And as someone who represents south Florida, you know that if a boat came churning towards the coast, and let's say it came from Yemen, and it had people on it who were chanting "Death to Floridians," and it wouldn't stop when the military offered it an opportunity to, we would certainly not, as Americans, expect to say, "Okay, we will just see what happens when it reaches shore." You are exactly right to point out the necessity of stopping it in international waters. That's where blockades happen.

I yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), who also understands these issues and, long before she even came to this body, was fighting to preserve the Israel-United States relationship.

Ms. SCHWARTZ. I appreciate your organizing this hour of special order and giving us the opportunity to speak about the Gaza flotilla incident and to speak in support of one of our Nation's closest allies, Israel.

While the full details of the incident aboard the lead ship that came in under the flotilla is still under investigation, it is apparent that the organizers of the flotilla intentionally sought to confront Israeli security forces and to defy the embargo of Gaza that was established by Israel and Egypt.

The organizers, the activists, as they called themselves, rejected means offered by Israel—that has been talked about tonight—to deliver the humanitarian aid used by internationally accepted organizations, including the Red Cross, repeatedly, to get that aid to Gaza.

The resulting altercation and loss of life could have been avoided had the organizers of the flotilla agreed to Israel's repeated offers for them to dock at one of their ports and allow the overland transfer of humanitarian aid to Gaza.

□ 1930

Israel has the right to defend and protect herself. The blockade of Gaza exists particularly because it needs to prevent arms being smuggled into Gaza and to protect the citizens of Israel, who have been the subject of thousands

of rocket attacks launched by Hamas since 2005. Hamas, which is recognized internationally as an enemy of Israel and as a terrorist organization, has as its mission the destruction and dissolution of the State of Israel and is continuing to be a threat to the safety and security of the residents of Israel.

The loss of life is tragic, but there is no question that the organizers of the flotilla were clearly intent on provoking a military response rather than delivering humanitarian aid; otherwise, they would have worked with Israel to transfer the supplies to Gaza.

I see there are others who want to speak. Let me just conclude by saying I am proud to stand with my colleague in support of Israel and the right that she has to defend and protect herself. We will continue to work towards peace and security for Israel, and I appreciate being here tonight.

Yet, in spite of the fact that Hamas is singularly focused on the destruction of Israel, Israel currently allows delivery of 10,000–15,000 tons of humanitarian aid a week to the people of Gaza.

The United States will continue to stand by our ally and friend Israel. And we will continue to work closely with all of our allies including Israel to suppress violent extremism around the world. We will continue to work to end hostilities in the Middle East and find a way to ensure security for the State of Israel and a future of peace for the Israeli and Palestinian people.

But, we will do so with a keen understanding of the threats against Israel and the threats against the values we share. I appreciate joining with my colleagues in standing tonight to support our valued friend, Israel and its right to defend herself and protect her people.

Mr. WEINER. I thank the gentlewoman. And I really want to apologize for interrupting you.

Perhaps the most important fighter for Israel in this institution is the chairwoman of the subcommittee, the gentlelady from New York (Mrs. LOWEY). I'm glad to recognize you.

Mrs. LOWEY. I thank the gentleman for organizing this Special Order and providing critical details of exactly what happened.

Let there be no doubt in anyone's mind: Israel has the right to defend herself and the responsibility to protect her citizens from Hamas, which denies Israel's right to exist and rains rockets down on its citizens.

While Israel reviews the flotilla incident and considers the best way to implement the Gaza blockade, we must not forget that failure to prevent weapons and other illicit materials from reaching Hamas would be a dereliction of Israel's most basic responsibility to its people. I stand firmly in support of Israel's right to self-defense, and I am committed to maintaining Israel's qualitative military edge so she can continue to defend her citizens.

As the blame-Israel-first crowd continues to attack our democratic ally,

Israel, over a host of challenges in the Middle East, I am reminded of a simple yet powerful concept: "Words matter." The inflammatory rhetoric surrounding events in the Middle East in recent weeks and months only begets more hostility and discourages efforts towards a lasting peace agreement which the people of Israel, the people of the West Bank, and the people of Gaza deserve; and these words can incite those encouraging violence against Israel.

Mr. GARRETT of New Jersey. Mr. Speaker, our allies in Israel are in the midst of an ongoing crisis. Last week, this became crystal clear when so-called "freedom activists" attacked IDF soldiers. Regrettably, nine activists were killed and several Israelis were injured.

In the aftermath of this incident, Israel has endured criticisms from Turkey, the United Nations, and the press. Even the U.S. Administration has been somewhat muted in its support of Israel's self-defense. These responses mystify me when I consider the background and reality of recent events.

Fact: Israel is at war with Hamas. Hamas, which is recognized as a terrorist organization by the United States and the European Union, still abides by a charter which calls for the destruction of the State of Israel. Furthermore, Hamas continues to espouse anti-Semitic propaganda en masse. Since 2001, thousands of rockets have been launched from Gaza into civilian-populated areas in southern Israel, indiscriminately killing and injuring innocent, unsuspecting men, women, and children. That's why I introduced legislation in 2008 which highlighted and condemned the ongoing rocket attacks. My resolution passed the House with strong bi-partisan support, but the rocket attacks have continued.

Fact: Israel is not at war with the peaceful citizens of Gaza. Israel fully withdrew its soldiers and citizens from the Gaza Strip in 2005 in the hopes of attaining peace and creating an environment conducive to negotiations with the Palestinian Authority. Last week, after Israel diverted the flotilla to the port of Ashdod for inspection, Israel proceeded to transport the humanitarian cargo to the Gaza Strip. In fact, Israel takes a proactive stance in providing humanitarian supplies to Gaza's civilians.

Fact: Israel did not violate international law by imposing a blockade on Gaza. Historically, any sovereign nation at war may impose a blockade on Gaza. The U.S. itself imposed a blockade on the Confederates during the Civil War, on Cuba during the Cold War, and on Germany and Japan during World War II. Israel is justified in its attempts to prevent radical organizations from supplying Hamas with weapons that could eventually harm Israeli civilians. To further that end, I recently introduced H. Res. 1241, which supports Israel's right to maintain and construct security fences along its borders.

Fact: The interception of the *Mavi Marmara* was not an isolated action by the Israeli Defense Forces. In recent history, Israel has peacefully diverted nine other "humanitarian" missions, inspected their cargoes, and delivered the aid to Gaza. The boarding tactics

employed last week were necessary to restrain such a large vessel.

Fact: The main mission of the flotilla was not to provide humanitarian supplies for civilians in Gaza. The six ships were sponsored in part by the IHH, an extremist Turkish organization with ties to terrorist groups such as Al-Qaeda. While the IDF peacefully boarded five of the six vessels that made up the flotilla, activists and militants aboard the sixth vessel had armed themselves with iron bars, knives, and clubs.

Fact: Hamas is not Israel's only threat. In 2002, Israel intercepted a ship in the Red Sea which was carrying 50 tons of weaponry provided by Iran. In November of last year, Israel intercepted an Iranian ship carrying hundreds of tons of weaponry to Hezbollah in Lebanon. Iran's president has repeatedly declared his hatred for Israel while continuing his pursuit of nuclear weapon development. As a member of the Iran Sanctions Conference Committee, I will continue to support prompt, strong action to deter Iran's evil ambitions.

I must ask those who condemn Israel, "Have you examined the facts?" It is crucial for the United States to stand beside Israel during these tumultuous times and I am heartened that more than a dozen senators and over 60 of my House colleagues have released statements supporting Israel. I urge the Administration, the media, and American citizens to join us in defending Israel from false assertions. Moreover, I encourage the Attorney General to prosecute any American citizen who aids Hamas. The strategic relationship between our two democratic governments must withstand the threats and actions of terrorists who seek to create a rift between our two nations.

Mr. BISHOP of Georgia. Mr. Speaker, the long-standing conflict in the Middle East unfortunately has added a new and tragic event to its history. I deeply regret the loss of life that occurred on May 31, 2010 when the Israel Defense Force intercepted the flotilla of six ships that sailed from Turkey to Gaza. Events went horribly awry when nine people died.

I want to repeat my support for the State of Israel and its right to defend itself from terrorist attacks in the strongest terms possible. Since 2005, when Israel disengaged from Gaza, over 10,000 rockets have been fired on the Jewish State, endangering the lives of thousands of civilians. Israel's naval blockade of Gaza has helped to ensure that the supply of munitions and weapons to Hamas, which has controlled the Gaza Strip since 2007, is kept to the lowest extent possible. The flotilla incident demonstrates once again that increased pressure must be placed on Hamas to recognize Israel's right to exist and to renounce terror. In addition, progress must be made in resolving the conflict between the Israelis and the Palestinians so that they can live in peace and security.

Mrs. LOWEY. Mr. Speaker, let there be no doubt in anyone's mind: Israel has the right to defend herself and the responsibility to protect her citizens from Hamas, which denies Israel's right to exist and rains rockets down on its citizens.

While Israel reviews the Gaza flotilla incident and considers the best way to implement the Gaza blockade, we must not forget that

failure to prevent weapons and other illicit materials from reaching Hamas would be a dereliction of Israel's most basic responsibility to its people. I stand firmly in support of Israel's right to self-defense and am committed to maintaining Israel's qualitative military edge so she can continue to defend her citizens.

As the 'Blame Israel First' crowd continues to attack our democratic ally Israel over a host of challenges in the Middle East, I am reminded of a simple—yet powerful—concept: words matter. The inflammatory rhetoric surrounding events in the Middle East in recent weeks and months only begets more hostility; discourages efforts toward a lasting peace agreement, which the people of Israel, the West Bank, and Gaza deserve; and can incite those encouraging violence against Israel.

The Administration focused today on humanitarian and development assistance to strengthen the Palestinian Authority so it can serve as a viable partner in peace to Israel. Abu Mazen must make clear to all the Palestinian people that their security and a prosperous future depends on rejecting Hamas, recognizing Israel and working with the international community and Israel to achieve a two state solution.

Despite the current, tense environment, some positive steps have been taken that will improve Israel's security as well as bolster U.S. national security interests.

Iran continues to be an existential threat to Israel, the region and the world, and I am pleased today's agreement by the U.N. Security Council to impose multilateral sanctions on Iran will hold the regime accountable for its reckless pursuit of nuclear weapons. I look forward to Congress finalizing strong bilateral sanctions and urge European partners and other responsible countries to do the same.

We must continue to strongly support the U.S.-Israel partnership which provides invaluable benefits to both of our countries national security.

Mr. McMAHON. Mr. Speaker, Israel is the only democracy in the Middle East, is our strong ally and true friend. Innocent Israelis endure attacks far too often.

Unfortunately, following the May 31 flotilla incident, Israel has come under assault in the media and international community once again.

This has resulted in a particularly sad time for the historically strong partnership between Israel and Turkey. As a bridge between East and West, Turkey is a source of dialogue between cultures, particularly for the Jewish people, who have lived in Turkey for more than five hundred years. This history has characterized the special relationship between these two countries since the founding of the State of Israel in 1948. For this reason, Prime Minister Erdogan's brazen rhetoric, support for the terrorist group, Hamas, and today's decision to vote against sanctions in the Security Council are misguided and thoroughly disappointing.

It is unfortunate that a leader, who once opened his country's doors to all of its neighbors, now chooses to follow the radical, fundamentalist maneuvers of groups like the IHH, instead of practicing the diplomacy for which it has been known.

Despite what Hamas supporters may be claiming now, the May 31, 2010 flotilla incident

wasn't about bringing in supplies. It was about provoking Israel, a country whose people have been subject to countless terrorist attacks from Hamas supporters in the Gaza Strip. No one should be led astray, Hamas is a terrorist organization that stands for the annihilation of Israel and should not and cannot be accepted as a legitimate voice in Gaza. And, Just as America protects its borders, Israel—and any other country—has the right to maintain and defend its own borders.

Since Israel instituted its Gaza blockade, terrorist attacks against Israeli civilians have dramatically decreased, and it is not hard to see how the Israeli government would perceive the flotilla's actions as a direct confrontation. Primarily, though, we need to remain focused on what really threatens the shared interests of all democratic countries—a nuclear armed Iran. This is why I believe it is in our country's best interest to lower tensions in the Eastern Mediterranean. Turkey has unfortunately disappointed the global community today with its vote in the UN Security Council, but the passage of the sanctions package is an overwhelming victory for the United States, Israel and the overall security of the international community.

Mr. FORBES. Mr. Speaker, over the past week and a half, in response to the regrettable loss of lives off the coast of Gaza, there has been much controversy and speculation over Israel's right to self defense. Yet we are reminded again of the situation Israeli families face every single day.

Imagine two young parents living each day going through their mental check list of how to protect their children. Is the path to the shelter clear? Do they know each other's schedules so they can find them if there is a missile strike? Do the schools have their emergency numbers? Have they taught the kids enough to react quickly in the event of a strike, but not too much to scare them?

While the kids are at school they worry about hearing sirens of an imminent attack from a neighboring territory and are always worried that it will come when they can't physically protect their children.

When this happened in America in the early 1960s these were my parents' fears. But with all of these fears they knew that the United States would do what was necessary to protect our families and our country. It would prevent the weapons from falling into the hands of people who wanted to destroy our way of life.

Like the United States during the Cuban Missile Crisis, the Israelis have blockaded the source of the threat to their homeland.

America was able to protect itself, and we must ensure that Israel has the ability to do the same.

Mr. BOREN. Mr. Speaker, in the last few weeks, the right of Israel to defend itself against threats to ensure its security has come under attack.

Last month, Israel Defense Forces intercepted a flotilla of vessels in the Mediterranean Sea manned by protestors whose aim was to provoke a response from Israel and prompt international disapproval of Israel's blockade of the Hamas-controlled Gaza Strip.

During this so-called "flotilla incident," Israeli forces boarded the ships to search for weapons. They were attacked and subsequently

used force to protect themselves. The Turkish Humanitarian Relief Foundation, which organized the flotilla, has known ties to Hamas and other terrorist groups.

Mr. Speaker, in the aftermath of this event, Israel has been unfairly and wrongly condemned for its actions. As criticism of Israel over this incident escalates, and investigations into the matter proceed, we must not forget who really is under attack—Israel.

Israel is persistently targeted for violence by Hamas and other military groups in the region. Hamas, which is officially designated by the United States as a terrorist group, is fervently avowed to the destruction of Israel.

Israel inspects cargo bound for Gaza to stem the flow of arms and explosives to Hamas and other militant organizations there who want to attack it. There is a good reason for this policy: Since Israeli forces withdrew from Gaza, Hamas has fired more than 7,000 rockets and mortar shells into Israel.

The foremost responsibility of government is to protect the safety of its citizens. Many nations—including the United States—reserve the right to confront threats to their security, sometimes preemptively to eliminate imminent danger.

Blocking the movement of weapons by sea into Gaza prevents Hamas and other militant groups from having the means to use violence against Israel to achieve their desired aims, chief among them the annihilation of Israel.

Mr. Speaker, it is imperative that members of this chamber give due attention to the circumstantial evidence and historical facts surrounding the flotilla incident.

The relationship between the United States and Israel rests firmly upon the foundation of more than half a century of history. It is grounded in mutual respect, supported by shared values, and guided by common interests.

For these reasons, we must remain resolutely committed to uphold Israel's right to self-defense.

I urge my fellow colleagues also to voice their support for Israel on this important issue.

Mr. SULLIVAN. Mr. Speaker, I rise today in support of one of the U.S.'s strongest and most steadfast allies, Israel. Since the tragic events of May 31, 2010, many have publicly questioned the right of Israel to defend herself by blockading terrorist-controlled Gaza. I believe that this blockade is a necessary measure to stop the shipment of weapons and prevent the loss of innocent lives in the region. After careful examination of the facts, I am confident Israel's right to defend herself will be sustained in the eyes of the international community.

Israel plays an intricate role in United States foreign policy and provides the United States with a staunch ally in the region. As the only free market economy and viable democracy in the Middle East, it is essential that Israel and the United States continue this mutually beneficial partnership. We should continue to support this valuable ally in their fight against terrorism and extremism.

I encourage the international community to recognize this basic right of Israel and encourage my colleagues to join me in making clear that the United States cares deeply about our friend and ally and we will not allow their right

to their own defense compromised because of the actions of Hamas extremists who seek to do them harm.

Mr. LEWIS of California. Mr. Speaker, Israel has the right and the duty to defend itself and its citizens. Part of its defense includes seeking to inspect ships run by Islamist extremist groups. These extremists were seeking to enter Hamas-controlled Gaza despite repeated requests from the Israeli government not to do so.

I am very concerned by these recent events that have occurred in the Mediterranean Sea. As we now know, on Monday, May 31, the Israel Defense Forces intercepted six ships, known as the "Free Gaza" flotilla. We have learned that this flotilla attempted to break Israel's blockade of the Hamas-controlled Gaza Strip. Although many have said that its primary aim was to deliver humanitarian aid to Gaza, it seems apparent that its main objective was to provoke Israel and disrupt the blockade. More than a million tons of humanitarian aid and medical supplies have entered Gaza through the Port of Ashdod and other already established routes. The blockade was set in place to prevent weapons from being smuggled into Gaza. Although I am deeply saddened by the loss of human life that occurred during the interception of the flotilla, I do feel that the Israeli soldiers had every right to defend their lives against a hostile group who attacked them with clubs and knives.

The United States must stand by Israel and its right to self defense.

Ms. BERKLEY. Mr. Speaker, I rise today in solidarity with the State of Israel and all peace-loving nations who seek to defend their citizens and put an end to terrorism. Unfortunately, we live in an age when those simple goals are under threat and we face enemies who will use any means at their disposal to indiscriminately kill men, women and children who stand in their way.

As the world knows, on May 31, the Israeli navy stopped a flotilla of six ships headed toward the Gaza Strip. These ships were flying under Turkish flags and claimed to be carrying tons of humanitarian aid for the people of Gaza. However, the real goal of these so-called "peace activists" was—in their own words—to break the Israeli blockade of Gaza and allow Hamas to import whatever they want to Gaza, including weapons. But these activists should remember that Hamas can end the blockade at any moment by recognizing Israel's right to exist, ending the violence and releasing Israeli soldier Gilad Shalit, who has been held by Hamas without access to the Red Cross for four years.

When the Israeli navy attempted to commandeer the boats and bring them to Israeli ports for inspection, most of the passengers aboard the boats cooperated and used only non-violent, passive resistance to impede the Israeli efforts. However, one of the boats was filled with members of an Islamist group with connections to Hamas and Hezbollah, called IHH (Insani Yardim Vakfi). These "peace activists" immediately attacked the Israeli soldiers with knives, metal bars, wrenches, clubs and rocks. The soldiers' lives were clearly at risk and they fired back to quell the fighting, killing nine.

It is important to point out that these IHH members were not serving a humanitarian

mission. If that were the case, they would have cooperated with the Israelis and the Egyptians in order to expedite the arrival of their cargo. Prior to the incident, Israel offered to have the aid delivered to an Israeli port for inspection and delivery to Gaza. There was even a similar Egyptian offer, but the activists rejected both of those offers. As the organizers themselves said, this operation was about more than just delivering aid, but rather about ending the Israeli blockade of Gaza.

I also reject the entire premise that there is any need for humanitarian supplies in Gaza. In 2009, more than 738,000 tons of food and supplies entered Gaza. The total amount of aid transferred from Israel to Gaza in 2009 increased by 180 percent, compared to the amount transferred in 2008. From January 1, 2010 through May 8, 2010, 230,690 tons of humanitarian aid was transferred from Israel into Gaza through the Israel-Gaza goods crossings. This included medical supplies, milk powder and baby food, meat, chicken, fish, grains, legumes, oil, flour, salt, sugar, fresh vegetables and dairy products as well as animal feed, hygiene products and clothes. That does not sound like a humanitarian crisis to me.

Hamas and its allies are simply using Israel's legal blockade of Gaza as a propaganda tool to undermine international support for the State of Israel. But if it weren't for this blockade, Hamas could import unlimited amounts of weaponry and rockets, which they would turn against Israeli civilians, as they have done in the past. If the naval blockade were broken, as the activists seek, every man, woman and child in Israel would be at risk from Iranian and Syrian missiles.

Unfortunately, efforts are now underway to unfairly paint Israel as the aggressor in this incident, when they were simply acting to defend their citizens. Calls are mounting for an international investigation like the biased and deeply-flawed Goldstone Report, which accused Israel of war crimes in its self-defensive Operation Cast Lead. I join Israel in rejecting these calls. Israel, a strong democracy and America's close ally, is perfectly capable of conducting a fair, credible investigation that meets international standards.

I find it even more galling that such calls are now being made, given the silence following North Korea's horrific attack on a South Korean ship that killed 46 sailors. It is time the world focused on such real threats to peace, while recognizing Israel's right to defend its civilian population against persistent terrorist threats.

I am also deeply disturbed by Turkey's recent actions and statements regarding Israel and the Palestinians. Their irresponsible support for this so-called "aid" flotilla actually sought to bolster the Hamas terrorists in Gaza who have pledged to destroy Israel at any cost. By seeking an end to the blockade, Turkey is trying to legitimize a terrorist group that targets civilians and harms any chance for peace. As I've said, Turkey—and the world—should remember that Hamas can end the blockade at any moment by recognizing Israel's right to exist, ending the violence and releasing Israeli soldier Gilad Shalit, who has been held by Hamas without access to the Red Cross for 4 years.

Meanwhile, Turkey's actions have undermined the moderate Palestinians who have been building institutions, ending corruption and cracking down on violent extremists. If there is a chance for peace in the region, it does not come from the extremist elements Turkey is supporting.

And Turkey is hardly in a position to criticize Israel. The world community should remember that Turkey has been illegally occupying the northern part of Cyprus—a sovereign nation—for over three decades, despite international calls to remove its troops. They have also steadfastly refused to recognize the Armenian Genocide and have systematically denied basic religious rights to the Greek Orthodox Patriarch in Istanbul. With their recent actions, Turkey is once again showing its true colors, as a supporter of terrorists, and not a champion of peacemaking.

Mr. Speaker, I am deeply disturbed by the recent events and fear that the world is once again blaming the victim. Israel must be allowed to defend itself—for its own sake, for ours, and for the sake of all people around the world who are under threat of terror. We must not be duped into believing that these Hamas-sympathizers are somehow acting in the name of peace. Nothing could be further from the truth. We must take a united stand for democracy, for the rule of law, and for peace.

Ms. MATSUI. Mr. Speaker, I rise today to express my support for our ally and friend Israel. Israel is a country that has always backed the United States in its efforts to combat extremism, and that has proven throughout its short history that democratic ideals can take root in the most challenging of international neighborhoods.

Mr. Speaker, I, like so many of my colleagues here in the House of Representatives and like so many of my constituents in Sacramento, believe in Israel's right to defend itself. The people of Israel deserve to live without fear of being attacked by a terrorist organization—Hamas—that refuses both to recognize Israel's right to exist and to renounce the use of violence to achieve its objectives. For a number of years, both Israel and Egypt have enforced a blockade of Gaza to keep Hamas from acquiring material to launch rockets into Israel.

The recent tragedy aboard the *Mavi Marmara* could have been avoided, and should serve as a reminder to us all that our Nation must lead the international community in efforts to forge a lasting peace in the Middle East. My heart goes out to the families of those whose lives were lost, and to those Israeli soldiers who were seriously injured.

Prior to what took place on the *Mavi Marmara*, five previous ships in the flotilla bound for Gaza were redirected without incident. These five ships were sent to an Israeli port so that the goods they were carrying could be screened for material that could be used to make weapons. Much of their cargo has since been sent to Gaza.

Israel redirected five of the flotilla ships because it has the right—and the responsibility—to prevent Hamas from acquiring materials it uses to fire rockets at Israeli towns. At the same time, Israel must continue doing what it can to ensure that the people of Gaza have access to food and supplies needed to live.

Much of the humanitarian material the flotilla was carrying will make it into the hands of innocent civilians in Gaza, just as millions of tons of humanitarian aid have been delivered to Gaza through Israel since the start of the blockade.

Mr. Speaker, what this incident demonstrates more than anything else is that a lasting Middle East peace is needed. For a peace settlement to be reached, the first step is for Hamas to meet a very simple set of preconditions established by the Quartet (the United Nations, the United States, the European Union, and Russia).

The Quartet's demands are not complicated: Hamas must join the rest of the international community by recognizing Israel's right to exist, renounce the use of violence, and abide by previous agreements between Israel and the Palestinian people. If Hamas were to do so, the Gaza blockade would end, Israel's security would improve, and peace negotiations could begin in earnest.

In the end, we should use this most recent tragedy as a catalyst to redouble our international efforts to achieve peace and security in the Middle East. Our objective must not change: we must create a peace that dismantles Hamas's terrorist infrastructure, improves the situation in Gaza, and guarantees the safety and security of innocent Israelis and Palestinians alike. The United States has been attempting to broker just such an agreement via proximity talks for months now.

Furthermore, the United States' goodwill toward the people who live in Gaza is clear. The President's announcement of a \$400 million initiative to improve Gazans' access to drinking water, create jobs, build schools, make affordable housing more accessible, and address critical health and infrastructure needs is just the kind of thing we need to change direction in the Middle East. I strongly support the President's initiative because I want the living conditions for the people of Gaza to improve just as I want living conditions for all people around the world to improve.

As an international community, we all need to examine our various approaches to achieving peace in the Middle East, to see if any calibrations can be made in our strategies that will increase the chances of success. The tragedy on the *Mavi Marmara* only underscores how urgent it is for the international system to do everything it can to protect the security of Israelis, meet the humanitarian and economic needs of the people in Gaza, and create a permanent peace in this critical part of the world.

I will continue to support Israel's right to defend itself and its citizens. At the same time, I long for the day when Israel and the Palestinians can live peacefully with one another, because that will mean that our efforts to achieve a viable peace agreement in the Middle East have been successful.

Mrs. MALONEY. Mr. Speaker, I rise to join my colleagues in expressing support for the State of Israel. Israel is a tiny country that has been under attack since its founding 62 years ago. Nonetheless, it has developed into a vigorous democracy. With a free and active press, freedom of religion, free elections and a free and independent judiciary, Israelis of all religions and nationalities enjoy rights and op-

portunities unimaginable elsewhere in the Middle East.

Israel is our strongest and most reliable friend in the Middle East. Israel is a strategic ally, helping to improve American anti-terrorism efforts, working with the US military to improve training, intelligence gathering, research and development, preparedness and protection of travel and trade.

Despite the threats against it, Israel's economy is thriving, in large part as a result of her agricultural, technological and medical innovations. Israel constitutes a fraction of 1 percent of the land mass and only 2 percent of the population of the Middle East. Nonetheless, Israel far outshines much of the world in terms of academic, scientific and technological achievement. Israel has the highest ratio of university degrees per capita in the world and produces more scientific papers and more books per capita than any other nation in the world. It is the only nation in the world that has had a net increase in the number of trees. Israel has transformed itself from an impoverished backwater to a gleaming modern nation, ranking among the very highly developed countries of the world.

The threat against Israel is growing. Hezbollah, along Israel's Northern border with Lebanon, is heavily armed with increasingly powerful weapons. Hamas, along the Gaza Strip, is vocal about its determination to destroy the Jewish State. And the Palestinian Authority in the West Bank is refusing to pursue direct talks with Israel, believing that they will get a better deal if the United States or other countries do the negotiating for them. Fatah leaders and the Abbas-controlled official media of the Palestinian authority continue to deny Israel's existence.

The recent Gaza flotilla in which armed thugs challenged Israel's blockade of the Gaza Strip makes clear that Israel is facing a clear and present danger. If the blockade is broken, weapons will flow freely into Hamas's hands. In the years preceding the blockade, Hamas launched more than 8,000 missiles at civilian targets in Israel, killing and injuring thousands. If the blockade is lifted without a peace agreement, Israel's cities and towns can expect the bombardment to resume.

Israel has to be vigilant in defense of its borders. The stated desire of Hamas and many Fatah leaders is to wipe Israel off the face of the world. When the world condemns Israel for defending its population, they are currying favor with terrorists at the expense of a democratic nation. And condemning Israel makes peace much less probable. I hope the Obama Administration will continue to make clear that Israel has no obligation to lift the blockade, and that it is Hamas and its terrorist allies who are responsible for the situation in Gaza.

Mr. Speaker, I am proud to join my colleagues in strongly expressing my support for Israel.

The SPEAKER pro tempore. The time of the gentleman has expired.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the

following title in which the concurrence of the House is requested:

S. 3473. An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

The message also announced that pursuant to Public Law 111-148, the Chair, on behalf of the Republican Leader, appoints the following individuals to serve as members of the Commission on Key National Indicators:

Dr. Wade F. Horn of Maryland (for a term of 3 years); and

Dr. Nichols N. Eberstadt of the District of Columbia (for a term of 2 years).

NOTIFICATION OF TERMINATION OF SUSPENSIONS WITH RESPECT TO ISSUANCE OF CERTAIN PERMANENT MUNITIONS EXPORT LICENSES FOR EXPORTS TO CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-120)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) (the "Act"), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902(a)(3) of the Act with respect to the issuance of permanent munitions export licenses for exports to the People's Republic of China insofar as such restrictions pertain to the LightScanner® 32 System used for gene mutation genotyping for individualized cancer treatment. License requirements remain in place for these exports and require review on a case-by-case basis by the United States Government.

BARACK OBAMA.
THE WHITE HOUSE, June 9, 2010.

THE ISRAEL BLOCKADE AND THE FLOTILLA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. LOWEY.)

Mrs. LOWEY. I thank the gentleman. I'm just going to complete my statement, and I appreciate your generosity.

The administration focused today on humanitarian and development assist-

ance to strengthen the Palestinian Authority so it can serve as a viable partner in peace to Israel. But Abu Mazen must make clear to all the Palestinian people that their security and prosperous future—and we've seen an 11 percent growth in the West Bank—depends on rejecting Hamas, recognizing Israel, and working with the international community and Israel to achieve a two-state solution.

Despite the current tense environment, some positive steps have been taken that will improve Israel's security as well as bolster U.S. national security interests. Iran continues to be an existential threat to Israel, the region, and the world. I am pleased today's agreement by the U.N. Security Council to impose multilateral sanctions on Iran will hold the regime accountable for its reckless pursuit of nuclear weapons, and I look forward to Congress finalizing strong bilateral sanctions and urge European partners and other responsible countries to do the same.

We must continue to strongly support the U.S.-Israeli partnership which provides invaluable benefits to both of our countries' national securities.

Mr. AKIN. I yield to my good friend from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman, and I will be brief. I rise in support of everything that my colleagues have said.

The U.S.-Israel relationship is a special relationship, and it's a relationship that needs to be strengthened. The United States is Israel's only true friend. In fact, when you look at the United Nations or the so-called Human Rights Council in the United Nations, it's really a kangaroo court stacked up against Israel. No wonder Israel doesn't accept what the so-called "international body" says about them, because they can never do anything right. They're always condemned no matter what they try, no matter what they do.

My colleagues have pointed out that Israel, like every other sovereign nation, has the right to defend itself, that Israel has at least twice seized large caches of arms aboard Iranian ships bound for Hamas and Hezbollah, and a blockade is an appropriate security measure when employed in the face of hostility such as that directed by Hamas against Israel.

Hamas doesn't recognize Israel's right to exist, has vowed to destroy Israel, won't abide by any agreements that have been signed by Israel and the previous Palestinian governments, and so Israel has to make sure that terrorist attacks don't come from Gaza into Israel as they have for such a long time. As my colleagues have pointed out, Israel has offered to inspect the flotillas and let all the humanitarian aid on the flotillas go to Gaza, but these people on the flotilla were obvi-

ously not interested in delivering humanitarian aid. They were interested in provoking a violent reaction from Israel.

I just want to stand in support of the U.S.-Israel relationship, a strong relationship. Israel is our best friend and ally in the Middle East. Hopefully, soon there will be a solution to the Israeli-Palestinian conflict, two states side by side living in peace and harmony, a Palestinian state and an Israeli Jewish state. That is something that we all strive to work for.

I want to thank Mr. WEINER for organizing this. I want to thank Mr. HOYER, our majority leader, for always being a stalwart. I want to thank Mr. AKIN for giving us the opportunity to speak. When it comes to Israel, this Congress is united with strong bipartisan support, and we're going to keep it that way.

Thank you.

Mr. AKIN. I thank the gentleman. I think you're articulate, and I think that that's accurate to say: there is a good bipartisan sentiment that when a small nation is trying to defend itself, we have always stood for people.

The basic principle of people being allowed to be free and have some self-determination as to how they're going to rule their own country and be free from the fear of terrorists, that's something that Americans can really agree on. I appreciate you taking time on that subject, and also my good friend from New York taking the time to organize the hour. Very good job. Thank you.

Mr. WEINER. If the gentleman would briefly yield, I, too, want to add my thanks to you. I don't know if they have C-SPAN in Israel, but sometimes it's easy in that little country to feel beset on all sides. We share the same common sense that they do, that they're victims of terror, and I want to thank you.

We disagree on a lot in this place—and you're going to spend the next hour or so pointing out some of those things—but there are some things that have broad bipartisan support, and the support of Israel is one of those things, and I want to thank you for being at the forefront of that.

Mr. AKIN. Well, thank you very much, gentleman. And thank you for the leadership you've shown tonight.

THE ECONOMY

Mr. AKIN. I would now change gears here and get on to another subject.

We're dealing with some weighty topics tonight; the previous was of course international relations, the other is closer to home, and it's really the question of the economy: the Democrats' management of the economy, what should be done with the economy, how does that affect jobs and how does that affect all of our lives. I guess it sounds like kind of a boring subject in some ways; but on the other hand, it so

much influences and affects every single person in our country that I guess we have to put up with a little bit of talk about economics just to make sure that we're not destroying our country or destroying our jobs and putting our grandchildren into debt. And so the whole topic of economics and jobs can be a little perplexing, but it doesn't have to be.

I do apologize ahead of time that I am, by training, an engineer. Someone once said that engineers shouldn't be allowed in political office perhaps because they're too logical, or whatever the reasons are. But I do think it's important to back up just a little bit to say where we are here in the economy and how we got to where we're going and what mistakes have been made.

I'm not one to want to just criticize and not offer a solution, so I'm going to try to do that. I'm going to try to draw some practical applications as we wrap up in a while as to what we should be doing, what policies should be changed, what does America have to do to pull ourselves out of the economic nosedive that we're currently in.

It's not a graveyard spiral. There were days in the early days of airplanes that when a pilot pulled his airplane up into a stall, fell over backwards, he would get into what was called a graveyard spiral. And the pilot would grab the stick of the airplane, pull it back violently to try to get the nose of the airplane to pull off from the ground and the airplane would just keep spiraling down and crash into the ground. It ruined the pilot's whole day. Our economy may be at a graveyard spiral, but there are things that we can do to prevent it from crashing, but we're going to have to do that and do it soon. So that's what I want to take a look at.

I want to back up just a little bit to the days back at this superconservative oracle, *The New York Times*. This is September 11, 2003. This is really the beginning of President Bush's Presidency, and he goes to the *New York Times*—and this is September 11, but it's not 2001, it's 2003—and it says here, this is the article: The Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago. That's interesting. President Bush was saying in 2003 that we've got to take a look at this finance industry and the overhaul of this housing finance industry. And under the plan disclosed at a congressional hearing today, a new agency would be created within the Treasury Department to assume supervision of Fannie Mae and Freddie Mac, the government-sponsored companies that are the two largest players in the mortgage lending industry. Interesting. This is way before the mortgage-backed security thing hit the fan and the whole stock market crashed

and all that sort of stuff; this is way before that.

So President Bush, he's saying, okay, let's regulate these because they're out of control. They've lost \$1 billion or something. And he thought, well, that's not pocket change. Here's the President asking for this authority, and what do we have from then in the minority? We had this from Representative FRANK, he says: These two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis. The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing. Now, people who know Freddie and Fannie know that these guys were big players here on the Hill. They had lobbyists that were terribly effective, went around and distributed a whole lot of money to a lot of people, and they didn't want anybody playing in the deal they had going.

So what happened here? Well, what happened was the House—at that time in Republican control—passed a bill to regulate Freddie and Fannie. It went to the Senate, and what do you think happened to it? Well, in those days, Republicans had a majority in the Senate, but they didn't have the 60 votes necessary for cloture, and so the bill was killed by Democrats in the Senate. Freddie and Fannie continued on their merry way, and all of a sudden, a number of years later, what other people had seen—Bush had seen years before—was going to happen, it happened, and we had this great big crisis start. Now, that was all connected with ACORN, the organization that was pushing banks to make loans that normally a bank wouldn't make because the people that the loans were going to be made to couldn't afford to pay them.

So we started going on this track of passing out loans to people that couldn't afford to pay them, and every time we sold one of those loans, somebody made some money. And what did they do with all of those bad loans? They dumped them all on Freddie and Fannie. And as you know, you just keep doing something like this, pretty soon the music is going to stop and there are going to be people without chairs. That's what happened in the savings and loan problem.

□ 1945

Now, what is going to be the solution? Well, we are going to talk a little bit about that, about where we are going with the economy and about what we need to be doing.

I am joined now in the Chamber by a good friend of mine, Dr. PAUL BROUN, from the Atlanta, Georgia area, if I recall properly—not Atlanta but, rather, some other part of Georgia.

Mr. BROUN of Georgia. The northeast corner of the State of Georgia. Athens and Augusta are my two major cities.

Mr. AKIN. I yield to the gentleman. I don't know what you think about Atlanta, so I won't say anything about that.

My good friend from Georgia, Congressman and Dr. BROUN, please join us.

Mr. BROUN of Georgia. Well, thank you, Mr. AKIN, for yielding.

I'll tell you what. I hope the American people paid attention to your explanation because it has been Democrats all along who have fought any reform of Freddie and Fannie. Freddie and Fannie are right in the middle of the cause of the financial downturn that we've seen today.

Just today, we voted on trying to name a committee of conferees from the House and the Senate to talk about financial services, and we tried to bring Freddie and Fannie into the fold, but Democrats across the board have rejected from 2003, all the way up to today, to solve the problem. When you have a fire going, you want to try and find out the source of that fire and put out the source.

I'm a medical doctor. When you have a medical problem going on, you try to find the source of that problem. If you have a cancer, you want to not just deal with the symptoms of the cancer or even of the metastasis—the spread—of the cancer, but you want to go with the primary tumor and get it out.

So Freddie and Fannie are the source of the problem, and Democrats across the board have resisted from 2003, all the way to today, the efforts the Republicans have made to try to cut out this cancer of Freddie and Fannie.

Mr. AKIN. I think what you're saying is important. You're using some doctors' analogies.

Mr. BROUN of Georgia. I'm a doctor.

Mr. AKIN. I think that's good. It paints a vivid picture, but there is a problem with Freddie and Fannie.

Mr. BROUN of Georgia. Absolutely.

Mr. AKIN. The problem with Freddie and Fannie is you don't get something for nothing. I'm an engineer. I mean, it's one of those things, if it isn't there, it isn't there. So what we're doing is we're using Freddie and Fannie to make loans to a certain number of people who can't afford to pay them. Then that means, Where is the money going to come from?

Mr. BROUN of Georgia. Taxpayers.

Mr. AKIN. That's the point.

So the deal is: Is it the job of the American public to bail out people who make irresponsible loans? How about all of the people who get loans, who make their mortgage payments, who do everything by the book, who then get hammered because somebody else didn't do it that way? That's the basic question.

Is there any sense of fairness in this? Is this a good way to run a ship? Because what we're doing is creating an incentive for people to do the wrong

thing, which is to take loans they can't afford to pay. They put more stress on their own families economically.

How is that compassionate, by the way, when you're the dad, supposedly providing for your family, and you're in danger every month of the mortgage payment, and they're going to put you and the kids and the sofa out on the front sidewalk? That's not compassionate. Yet that's what these policies on Freddie and Fannie are doing. So we need to reform Freddie and Fannie, and apparently, we're not willing to do that.

Hey, I want to jump forward just a little bit, gentleman. I want to jump forward now past Freddie and Fannie. We've got the whole trouble with Wall Street starting to melt down. We do the great big bailout of Wall Street. Then the center point of the Democrats' plan was the stimulus package. Unemployment started to go up, and the economy was dipping. They said, This is a great opportunity for us to spend money on all the things we want to spend money on. So they spent \$800 billion on the stimulus package, which is a whole lot of money, and the idea was, if we spend enough money, it will get the economy going again in spite of fixing Freddie and Fannie.

Now, what do you think about that theory that, if the government spends tons of money, it's going to somehow get the economy going? You know, a lot of people believe that idea.

I yield to my friend.

Mr. BROWN of Georgia. Well, I thank you, Mr. AKIN, for yielding.

This has been described as Keynesian economics, which means bigger government spending and more borrowing. You've got a great quote there by Henry Morgenthau, who was FDR's Treasury Secretary. During part of the Great Depression, he made this great quote, which reads, in part, that we have just as much unemployment as when we started all of this massive government spending, and an enormous debt to boot. That's exactly what we're doing.

Most American people know—not all, and it's unfortunate. Most American people know that socialism never has worked and never will work, but this is socialistic, this type of philosophy of bigger government, of central control from wherever the capital is. We saw it in the Soviet Union. It is what Stalin put up there in the Soviet Union. In fact, FDR sent his lieutenants to Russia. Back during that period of time when the Great Depression started, which was early on in the Roosevelt Presidency, he sent his lieutenants to look at what Stalin was doing because they thought this was the greatest thing in the world and that we needed to put in place that kind of policy here. That's exactly what is going on right now with our leadership. They may as well send their lieutenants back. They

should go back and look at the history of what Stalin did, and they should understand from history that it doesn't work, because it will not and cannot.

Mr. AKIN. You know, I really appreciate your jumping a little bit ahead because you anticipated where I'm going.

There have been some assumptions made by the Democrats about the economy, and the question is: Are those assumptions any good or not?

One of the things that history does tell us is we should learn something from it. Of course, FDR's Treasury Secretary, Henry Morgenthau, after trying it for 8 years, turned a recession into the Great Depression, and we consider it the greatest depression we had. What they did was they just spent tons of Federal money, but at least they spent it on concrete, like great big dams and roads and building projects. Of course, the \$800 billion that we spent wasn't spent on a lot of stuff. It was much more of just government giveaways.

We are joined by my good friend, Congresswoman LUMMIS. I would just be delighted if you could jump into our conversation here. We are focusing, really, on the economy: What assumptions have been done that are wrong? What do we need to get it fixed so as to straighten things out?

Mrs. LUMMIS. Well, thank you. I thank the gentlemen for allowing me to join you both this evening.

I thank the gentleman for his courtesy to the previous group that was talking about our policy with Israel. I thought that was appropriate to allow them to finish their remarks and to acknowledge the importance of our allies there.

One of the issues that we are going to have to address, as we address this economic downturn we are in, is the role of the Federal Government in exacerbating the problem.

As we all know, Federal employment and private-sector employment are not the same thing. A private-sector job pays for other people's jobs through taxes; whereas, a public-sector job consumes more than it pays in taxes. So it's important that we watch the relationship and the growth of Federal jobs versus the decline in private jobs.

This first chart that I have shows the Federal Government employment and how it has changed in the past number of years. I'd like to point out the years 2002, 3, 4, 5, and 6 when the Federal Government's employment was relatively flat—in fact, almost as flat as a pancake. Then we get into the Pelosi Congress, and it's going up markedly, with the year 2010 here on the end of this chart showing you that we're getting back to levels that are unprecedented since Republicans took over control of Congress in 1995.

I also want to illustrate what has happened to private-sector employment during this time period. This

chart compares private-sector employment to public-sector employment, or government employment. The red line is government employment. This more flat line of the red line illustrates, once again, those years that were relatively stable—2003, 4, 5, and 6. Then the Pelosi Congress took effect, and here the government employment begins to shoot up.

The scary part of this chart is the blue line, which is what is happening to private-sector employment. It has crested. Then from the Pelosi Congress on, it has declined dramatically, and these are the years of the Pelosi Congress. When private-sector employment plummets, the ability to pay for your family plummets. Unemployment payments go up. Of course, those are coming out of the public sector. Tax collections go down. The number of jobs, of course, declines dramatically. This is an illustration of what has happened to our economy. Unless we get this number under control, we are in trouble.

Among the things that I oppose, which the majority party here in Congress is pursuing, are tax increases on the employer class. The employer class includes those small businesses all over the country which are employing less than 50 employees who are unable to borrow money because of the constraints on capital that you addressed earlier, Mr. AKIN. All of these create the downward spiral that we are seeing. In order to get out of that spiral, we have to make dramatic changes in our tax policy, in our spending policy, and in our overall economic policy in relation to other countries and in relation to the amount of debt that we are issuing.

I yield back.

Mr. BROWN of Georgia. Will the gentlelady yield?

Mr. AKIN. I yield you time, gentleman.

Mr. BROWN of Georgia. Well, I'm sorry. I apologize, Mr. AKIN.

I just wanted to address those things that you were talking about, Mr. AKIN—the Great Depression, the government spending and that the unemployment didn't go up. As to what Mrs. LUMMIS just so very capably showed us, government jobs are going up.

During the Depression, though, as you just said, there was a lot of spending on infrastructure during that period of time. It did not take care of the unemployment. If you look at the unemployment rate during the Great Depression, it stayed relatively flat. It went up and down some, but it stayed up a bit, and then it fell way off in spite of all the big government spending and all the spending on infrastructure.

Back then, though, under the Roosevelt administration, they created the WPA and the CCC camps and things like that. They put people to work, who were on government welfare,

building all that infrastructure. Now we're paying people not to work.

Mr. AKIN. So things have changed, and it has gotten even worse, hasn't it?

Mr. BROUN of Georgia. It really has.

Mr. AKIN. Let me just jump in for a moment.

You know, the charts that you chose actually have a relationship to each other, and you alluded to the mechanics of what that connection is, which is, when the government creates a job by hiring somebody, it does create a job. The problem is it kills two other jobs in the private sector. So you think to yourself, hey, if we have unemployment, for the temporary sense, let's get the government to spend some money and hire a bunch of people, and that will take care of the problem in the short term. Maybe the economy will rebound, and then maybe the government will shrink, and more private-sector jobs will come along. Not so. What happens, in fact, is, when the government creates jobs, it spends a whole lot more money. It takes money away from the private sector, and it drives the number of private jobs down.

So what you've just shown is an illustration and an example of a failed economic policy. It's a failed economic policy, and we should have known from Henry Morgenthau that it wasn't any good and that it wasn't going to work. He said, Look. We've tried spending money. We're spending more than we've ever spent before, and it doesn't work. Now we're turning around and are doing it over again. With 8 years in the administration, we've just as much unemployment as when we started and an enormous debt to boot.

So what are we doing now? Oh, we're repeating this same foolish policy.

Here it is. Nobody really wants to look at this graph. This is the deficit under the Democrat budget. Now, I'm a Republican, and I'll admit that we spent too much money when President Bush was President, but it wasn't as bad as it could have been. People didn't know how bad it could be. Now we do. Take a look at that. The very worst year of President Bush's spending was in the Pelosi Congress here in 2008. That was his highest amount of deficit in a given year. That's one-third of what it was under Obama, the next year, and this is even more so.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. I do yield.

Mr. BROUN of Georgia. I wanted to put some perspective on 2008, too. That's when the President's chief economic adviser—I guess the Treasury Secretary—told him that the sky was falling and that we needed to pass the Toxic Asset Relief Program, or TARP, which many Republicans voted against. I didn't buy the Democratic Treasury Secretary under a Republican President because that's exactly what Hank Paulson is. He's a Wall Street insider,

a Wall Street banker. Wall Street believes in big government. That's the reason they support the Democrats. They overwhelmingly support Democrats financially.

That increase in 2008, under Bush, is principally because of the TARP bill that a lot of people didn't like. I did not vote for that. I've argued very much against it, and I have been a strong critic of the Bush administration's being big spenders, but they were pikers compared to the Pelosi Congress ever since she has been in charge.

□ 2000

And even that is just miniscule compared to what has happened just over the last 16, 17 months.

Mr. AKIN. It seems to me, gentlemen, that President Bush was Ebenezer Scrooge by comparison to what we've got here. I mean, this is runaway spending.

And this is created not just by TARP, not just by the, quote, "jobs bill" where we just dumped all kinds of money into increasing various government handouts and things. It wasn't concrete and roads; it was just government-handout kinds of things.

But this tremendous level of spending then creates the very problem which creates the unemployment, and it threatens our economy.

If you take a look at where this is going, you take a look at these numbers, and you start to put it—these seem like a lot of money. This one here is \$1.4 trillion. Well, what does \$1.4 trillion mean? Well, let's put it into context.

Here's the context right here. This is a comparison to these other countries over in Europe. This is deficit as a percent of GDP. United States, 10.3. We've got Greece at 9.4.

Now, Greece has been in the news. It's been causing a whole lot of trouble in the European Union. And its deficit as a percent of GDP is 9.4, and we're 10.3? These are not good numbers.

I think it's helpful to compare to the others. United Kingdom is a little worse off than we are. If you go debt, this is a larger term, this is going year after year after year, you see United States here is at 99, debt as a percent of GDP. And you've got Greece and Italy that are worse off than we are.

That's not a good sign when we're in third place to Greece and Italy from an economic point of view. So this rate of spending just does not work. This is a glide path.

I used the analogy of, you know, the guys, the World War I pilots that used to fly those airplanes, whatever it was that Snoopy used to fly. Many of those planes, they would get into that spiral and they would just start to head down for the Earth.

And that is what has happened, is, because of lousy economics, we are in essentially a graveyard spiral in Amer-

ica. And you, my friends, know what the solution is to fix this.

And there was a solution to the graveyard spiral. And maybe it seemed a little counterintuitive, but from a pilot's point of view, what they're supposed to do—their instinct is to pull back on the stick to pull the nose up. Instead, you had to do the counterintuitive thing, which is push the stick down. And that would stop the spiral, the plane would start diving, and when they had control, then they could pull the stick back up again.

And there's the same kind of thing in our economy, which we have to do or this economy is going to crash. And if you think 10 percent is bad for unemployment, it could get a whole lot worse.

I yield to my good friend, Congresswoman LUMMIS.

Mrs. LUMMIS. I thank the gentleman for yielding.

The chart he has up does compare the U.S. to Greece. But what is really frightening about that chart is, in 5 years, our debt to GDP will be at 112 percent, whereas right now Greece is 115 percent. In other words, in 5 years, we're going to be right where Greece is right now. And that illustrates the type of nosedive that the gentleman said we are in.

Mr. AKIN, could I ask you to put up the chart that you have there that is called "Tidal Wave of Debt"?

The chart that he's going to put up was prominently displayed on numerous occasions today in the House Budget Committee, where we heard from Dr. Ben Bernanke, the Chairman of the Federal Reserve. Multiple questions made reference to this chart. And it is the trajectory on this chart that Dr. Bernanke expressed such concern about.

If you look at the line of 2010 and follow it through the year 2046, which is the end line of that chart, you see the enormous upward spiral of our debt. This is, of course, part of the unsustainable situation that Dr. Bernanke was asking us to address. And if we do not, we will put our country in terrible financial straits.

So, we talked about a number of alternatives. One is americanroadmap.org, which is the ranking member of the Budget Committee, PAUL RYAN's proposal. It is very comprehensive. It would have a slow glide path to bring both our deficits and our debt under complete control, and do it without raising taxes, and do it without affecting the Social Security or Medicare benefits of people over age 55 or 56.

The problem is, the longer we wait, the more out of reach that type of strategy becomes because of the enormous crowding out of our budgets that will happen by interest on our national debt. Consequently, we need to address the Paul Ryan proposal sooner rather than later.

Even under the Paul Ryan scenario, when compared to our anemic economy, the budget cannot be balanced and the debt cannot be eliminated until the second half of this century. So it takes over 40 years, given that scenario, to balance the budget and eliminate the debt. However, that is the kind of slow glide path that we have to take with an economy this anemic, and in a way that does not raise taxes.

And if we learned anything from the Japanese in the 1990s, it was: You don't raise taxes during a recession. That is what slowed and retarded their growth out of their economic slump.

Mr. AKIN. That's a great point. And let's repeat that. What you just said was, you don't raise taxes during a recession.

And what we are going to talk about here tonight—there are some bad assumptions that were made that are destroying our country and that are destroying our budget, our economy, and just killing jobs in America and creating a whole lot of hardship.

But it doesn't have to be that way. There is potentially good news. But we just have to follow the principles, just like airplanes follow aerodynamics, we have to follow the principles of economics. And one of those—you just got to the bottom line—is, you've got to ease off on the taxes. And there is a logical reason for it.

Let's just take a look, though, so people understand the gravity of what we are looking at. This is who owns our debt. This debt is created because we are promising all kinds of benefits to American citizens, all kinds of promises that we are going to give them health care and we are going to give them housing and food and education and all the stuff that the Soviet Union also promised their citizens. And who is picking up the tab? A lot of foreigners are buying our debt.

Here it is. Foreign holding of American debt was 5 percent in 1970. That was when I graduated from college. Foreign holdings, 1990, 20 years later, go from 5 to 19 percent in 20 years. Now, 20 years later, in 2010, foreign holdings, 47 percent.

Is that healthy? How much longer are the Chinese and the other foreign countries going to continue to pay us money that we don't have to pay off American voters just to keep them happy? This is a glide path that will end up in a crash.

The gentlewoman, Congresswoman LUMMIS, has suggested that, even now, trying to pull this thing out is going to take a number of years. This isn't something that can be turned around overnight.

And I think this 20-year kind of pattern reflects the fact that what we are talking about is really serious here, but it still is basic economic principles.

Mrs. LUMMIS. In May of this year, we issued some Treasury bonds, and

the sale was undersubscribed, which means there were not enough countries or individuals who purchased U.S. treasuries, our debt, at the price at which they are being offered, which means that pretty soon we are going to have to raise the interest rates that we are willing to pay people who purchase our debt.

When we have to raise our interest rates, that means that we are paying more in interest on the debt every year. That crowds out private investment from our economy. That makes it more difficult for the private sector to create the jobs that were on this chart earlier. That is part of the death spiral that we have been talking about.

Mr. AKIN. I would like to yield a little time to my good friend from Georgia, please, Dr. BROUN.

Mr. BROUN of Georgia. Thank you.

And I like this cartoon that you just put up, because this just shows what is going on here, not only with our debt, with health care reform.

I call it "tax-and-trade" because it is about revenue. The President himself said it was about raising more revenue for the Federal Government. It's not about the environment at all. In fact, a lot of what the President has said, he has admitted it is not about the environment. It is about revenue and a bigger government, greater control, central planning from Washington, D.C., and then the war tax.

They are adding tax after tax, and we are expecting the Chinese to buy our debt. In other words, we are spending our children and grandchildren's future, and the credit card is being held by the Chinese.

And it is something that is totally unsustainable. And what it is going to do, long term, is our children and grandchildren are going to live at a lower standard than we live today because this is totally unsustainable, totally unsustainable.

Mr. AKIN. I think you're an optimist. I really do. I'm not so sure that our children and grandchildren will live at a lower standard quite the way you're talking about. I'm not sure that this is not going to create a more catastrophic kind of crash, where the whole credit system of the United States—if your Treasury bill is no longer any good, you have, by definition, just crashed your airplane into the ground and it's going to ruin your whole day.

You are talking about a crisis unlike anything we have seen ever in our history. That is what is potentially there. I don't think we should be overly dramatic about it, but this is really serious stuff.

And what this cartoon is trying to point out is that there are a whole series of Obama policies; every single one of them is diving the plane faster and faster toward the ground.

First of all, there was the Wall Street bailout. Then there was the stimulus

bill, which was supposed to create jobs. We saw how well that has worked. The private job creation is in the dirt, and we are creating all the jobs by hiring government bureaucrats who are paying more than the poor guys working in the private sector. That doesn't work.

And then you've got this cap-and-trade. "Cap-and-tax" is what I call it. It was passed out of the House. What a mess that is. I am an engineer by training. It is supposed to save us from global warming, but all it is, is more big government and more taxes. Fortunately, the Senate is not dumb enough to have passed it yet.

And then you've got, of course, the socialized medicine deal, which surely will break the budget unless they put in enough waiting lines for everybody and enough rationing so that it won't break the Federal budget.

So all of these policies together are creating those numbers and those graphs that we see.

Mr. BROUN of Georgia. Will the gentleman yield before you take the chart away?

Mr. AKIN. I do yield.

Mr. BROUN of Georgia. Well, there's a bull that's in that china shop that's not indicated in this cartoon, and that's the abject failure, non-stimulus bill, as I call it, which has been an abject failure. The non-stimulus bill has been an abject failure, and it's going to be a job-killer.

Everything that this administration, that this leadership in Congress today is doing is killing jobs. And it's not doing anything except for creating a bigger government and creating temporary government employees. It's creating a lot of jobs here in Washington, D.C., but they don't help my State of Georgia. They don't help New York State or California or Texas.

They are creating a bigger central government that's going to kill our freedom. And we've got to stop it.

Mr. AKIN. The thing is, you and I are not talking can tonight, we're not talking about tonight something that is speculative or based on theory. These graphs are ending in 2010. These are actual numbers. This is what has happened, and it doesn't work. It didn't work for FDR, and it's not going to work for President Obama and the Democrats. It just won't work.

That is what is happening to employment in the private sector. And the red line, of course, is government. And a whole lot of that is these census people running around and snooping on everybody and figuring out who lives in what house and everything, which, of course, makes you feel just wonderful that we're putting those kind of government jobs on instead of just killing manufacturing.

Let's get to the mechanics, though, because all of this stuff, it's not rocket science. This is basic, basic economics.

□ 2015

I just wish some of the Democrats had run lemonade stands when they were kids. They could understand some real simple kinds of economics here.

One of the things, we had a town hall meeting back in my district. I thought maybe I am getting too radical, maybe I have been here too long. You know that old folk song you have been on the job too long. So I asked them. I said, Now, if you wanted to kill jobs, what would you do? What are the job killers? You know what was the top of their list? Excessive taxation.

Now, this is a connection that you were making, gentlelady, a moment ago, between the taxes and these jobs going down. And of course part of what you use the taxes for is to pay for all these public sector jobs. So what's the connection here? Why is it that taxation just kills the economy? It's not just any taxation, but it's particularly taxation on what? On businesses. Why? Because businesses have to have money in order to add new processes, come up with new technology, new machines, a new building to do something in. They have got to have some money to do it with. And if you take it all away by taxing them, you make it so that they can't create the new jobs.

The places where jobs are created in America are largely, 80 percent of the jobs, are in corporations of 500 or fewer people, which you call medium or small size. A lot of them are just mom-and-pops with, you know, 10 people, or five people, or 20 people. That's where the jobs are created. And if you tax the people that own those small businesses, you say, hey, that guy's making \$200,000 a year, we are going to—that's what Obama said in the campaign, hey, if you are making 250,000, look out because I am going to tax you, but anybody under 250, you are okay. Of course he wasn't telling the truth, because he had that tax that they were pushing on this global warming deal where if you flipped a light switch, you would start getting taxed. But aside from that, the fact is he wanted to tax heavily the people that own these small businesses. Guess what that's going to do to employment? It's the worst thing in the world. And then there is some other points, too.

I yield to my good friend from Georgia.

Mr. BROWN of Georgia. Well, thank you, Mr. AKIN, for yielding. And you are exactly right. Not only does excessive taxation kill the ability to do all the research and development that you were just talking about, but small business can't even buy inventory. So they can't sell their goods to consumers. The consumers don't have the money to come and buy the goods and services. So it kills the economy. It's just very, very simple economics.

The thing is we are going in the wrong direction. You talked about the

energy tax that's been proposed, that NANCY PELOSI jammed through the House of Representatives here. It's what's called a regressive tax because it's going to hurt people on limited incomes and poor people the most. It's going to make their gasoline prices go up. In fact, I have heard many Democrats, many Democrats here on the floor of the House of Representatives say they would like to see gasoline at \$10 a gallon.

Now, somebody who is out working hard today trying to make a living, who is just making the house payment and paying their bills and just scraping to get by and trying to get by, if their gasoline price goes to \$10 a gallon, they are going to be just really out of economic luck, so to speak.

Mr. AKIN. How are you going to pay that mortgage payment now?

Mr. BROWN of Georgia. That's right. They can't afford their mortgage payment now, or some are just barely paying those things. And then the energy tax on their electricity when they flip on the light switch, or when their heating unit comes on, up North particularly. I, thankfully, live in the South, so we are more concerned about air conditioning.

A lot of old people in Georgia and Florida and all through the Southeast and through the Southwest are dependent upon air conditioning just to live. And if their electricity bills go sky high, as the energy tax is going to make it happen, if that ever passes, there are a lot of people that can't afford to run their air conditioning anymore. And people are actually going to have a hard time with hyperthermia is what we call it in medicine as a medical doctor, which means their body temperature is going to go up, they are going to get dehydration, and people are going to have a lot of problems. And it's going to make a greater impact on our health care system and people are going to die because of that.

But it's going to kill jobs too. And it's going to be a job killer just like the ObamaCare that's been estimated by experts to kill over 5 million jobs in this country.

Mr. AKIN. Five million?

Mr. BROWN of Georgia. Over 5 million. Five and a half million, to be exact, jobs that health care taxes. And what it's going to do, is it's going to mean that a small business man or woman who is trying to just make a living, they are not going to be able to hire new employees because of ObamaCare. We have got to repeal and replace ObamaCare. And that's just the bottom line.

Everything that this Congress has done since I have been here 3 years now, everything, and all of it has been under NANCY PELOSI's leadership, everything that this Congress has done in 3 years that I have been here is going to kill jobs, it's going to kill our econ-

omy, and it's going to be killing the future of our children and grandchildren. We have just got to stop this.

Mr. AKIN. You didn't even mention that little small detail of the government becoming the master. The government is getting so big, the government employees are making so much money it's effectively becoming not the servant, but the master.

Mr. BROWN of Georgia. Absolutely. In fact, it's going to kill our freedom also.

Mr. AKIN. I am very concerned about our discussion tonight because I am afraid somebody may be watching and they are thinking, oh, my goodness, there isn't any hope, things are terrible and bad. Yeah, we are in a big financial mess because we have been doing the wrong policies. But I want to take about 10 minutes, I want to talk about let's wipe the slate clean. Let's stop all of this foolishness and let's talk about what we do to fix it. Because we can do that. I want to go first of all to my good friend—

Mr. BROWN of Georgia. Could you yield just a half a second?

Mr. AKIN. Let's talk something positive.

Mr. BROWN of Georgia. I am going to.

Mr. AKIN. Good.

Mr. BROWN of Georgia. And I want to remind the gentleman that during our debate over ObamaCare we were accused as Republicans of being the party of no. We are the party of k-n-o-w. We know how to solve this economic downturn. We know how to create jobs. We know how to lower the costs of health care. We know how to create jobs in the private sector instead of Big Government. We know how and are fighting to save freedom and to shrink the size of government, get government out of people's way so that they can run their lives without all this government intrusion. So we are the party of k-n-o-w. And I am excited about your launching into this idea about the solutions that we have.

With that, I yield back.

Mr. AKIN. I love talking about solutions, because you know what those solutions are about? Those solutions are about freedom. And that's a good word. And that's what America has always stood for. And that's what we need to talk about for a minute. But I do want to yield to my good friend, Congresswoman LUMMIS.

Mrs. LUMMIS. The Republican Study Committee has a proposal through JIM JORDAN's subcommittee on the economy that would balance the budget in 10 years. It would cut spending in areas other than homeland security and defense, and it does not touch Social Security. I am one of those who believe that we have to protect our entitlement system by reforming it rather than by leaving it alone. But let's save that discussion for another day.

Another proposal, one that I have with Representative SAM JOHNSON of Texas, would reduce the size of the Federal employment force through attrition. In other words, every time someone vacates a position through retirement or other means, that position would go into a position pool. And only those positions that are absolutely necessary to sustain the rolls of government as contemplated by the Constitution would be reclaimed and redeployed into the Federal employment force.

There are any number of ideas. The PAUL RYAN proposal, the JIM JORDAN proposal, this proposal. JEB HENSARLING has proposals, many that are comprehensive in nature that will provide that glide path to a better economy and do it without raising taxes.

So even though you hear frequently that the Republicans are being short-sighted in the fact that they do not want to consider tax increases as part of an economic recovery plan, you are correct that most of us don't. And the reason we don't is because we know we can recover this economy without raising taxes, and raising taxes will slow our ability to recover.

I yield back to the gentleman from Missouri.

Mr. AKIN. Thank you for that insight and the wisdom that you have shared with us. This is a graph of actually what happens over time. And this is this effect I was talking about. You know, when you were flying those old-fashioned airplanes and you wanted to not drive your airplane into the dirt, what you had to do was push the stick forward, which would stop the spin. The plane would start to dive; but when you had control, you could pull the stick back. That seemed counter-intuitive.

Pilots for years would get in that graveyard spiral, and they would keep hitting the ground until this one crazy pilot said I am going to take my airplane up, I am going to put it in a graveyard spiral, and I have a solution, I believe, to pull it out of the spiral and live. So he bet his life on his solution. And he put it in the graveyard spiral, he pushed the stick forward, the plane stabilized, and then he eased the stick back, and the plane pulled out, and all the people on the ground went, whoa, that was a gutsy move.

That's a little counterintuitive. When you are out of control going down, your temptation is to jerk the stick up, which is what the Democrats are doing. They are raising taxes, making the situation worse, turning a recession into a depression. And what you have got to do is to learn from the pilots who had before you figured out how to do it. One of them, ironically, was JFK. Now, that guy's a Democrat, and they didn't learn from him. Because he was in a recession and he said less taxes, and the economy recovered.

Then a guy came along by the name of Ronald Reagan. He cut taxes like

mad. Guess what happened? Recovery of the economy. Then comes along Bush. Cuts taxes. Recovery again. I mean, we have seen it over and over. Here it is and it's counterintuitive. Why in the world if you cut taxes could the government have more revenue and get the economy going?

Well, here is what happens. And think about it a little bit like this. Say you are king for a day, Congressman BROUN, you are king for a day and you are allowed to tax loaves of bread. And you are thinking in your mind now you have been technically trained as a doctor, you are a scientific thinker, and you have got these loaves of bread, how much are you going to tax a loaf of bread? First you think, huh, maybe a penny, because no one will notice a penny tax on a loaf of bread. Then you think, yeah, but if I taxed them more, I could get more money. So you say, huh, maybe \$10. Then you think, ah, no, maybe they wouldn't pay \$10 tax. So somewhere between \$10 and a penny there is an optimum tax to tax a loaf of bread to raise money for the government.

Well, the same kind of thing goes on on a larger scale. And what this guy Laffer understood was if you drop taxes, what happens is the economy gets going. When it gets going, there are more transactions. And so even a lower tax rate will generate more revenue.

So here is what he did. This is like that airplane. He is dropping taxes here, and take a look at government revenues. Government revenues are going up and taxes are down. That seems like making water run uphill, but it's not. Because when you get the economy going, then a lower tax rate actually generates more money. And that's the solution out of this problem.

So let's talk about what is it we have to do. We have to learn, if nothing else, from the Soviet Union. The Soviet Union had the philosophy that the government is going to give you health care, the government's going to give you an education, the government's going to provide for your retirement, it's going to give you housing and food. The government's going to do all of that. And we laughed. Because we said you can't—that socialism, that communism-socialism doesn't work. And yet what are we doing here? The same thing.

We are deciding the government's going to do health care, the government's going to do your education, the government's going to do your housing, and then the food stamps. It doesn't work. So what I think we understand is the government is just going to have to get out of the business of taking care of everybody and get back in the business of just simply managing the economy, providing for the national defense, and they are going to have to push all of that decision-making down

to the State level and let the States do it. So we have to have a good breath of freedom and fresh air instead of the big Obama welfare state that we are doing.

Congressman BROUN.

Mr. BROUN of Georgia. Mr. AKIN, I am a pilot, and I want to say that you are exactly right about getting out of a death spiral. So we do push the yoke forward to stop the spin, to stop the stall, to get the airplane flying again. And that's exactly what needs to happen to our economy, by pushing the stick forward, by reducing taxes, particularly on small businesses.

I introduced my JOBS Act. My JOBS Act is an acronym for "jump start our business sector." It would cut the taxes for business for 2 years. It would suspend capital gains taxes and dividend taxes. It would cut the two lowest income tax brackets down to 10 percent and 5 percent.

So if you think about it, that would leave dollars in the hands of business, leave dollars in the hands of consumers so that they would have the money to stimulate the economy. So it's something that would stimulate the economy and start creating jobs. And that is something that needs to happen. And it is by cutting taxes instead of raising taxes.

What we see here is our leadership here in the House, the Democratic leadership, wants to raise taxes. Our President wants to raise taxes. One thing that I want to go back to is something that you talked about when the President said he was going to raise taxes on people who made \$250,000 or more, that these are rich people. The vast majority of those folks are small business men and women who are filing their sub S corporations as personal income taxes. And those are really not their individual income, but that's how much money comes into their business.

□ 2030

So they're not just wealthy people who are living lavish lives. They are men and women who are trying to make a living and create jobs and just take care of their families. So when we hear let's tax the rich, they need to pay more, actually what you're taxing people is out of jobs. You're killing the economy. You're taxing jobs. We need to lower taxes, and that's what you're fighting for.

Mr. AKIN. I really appreciate the gentleman for joining me tonight.

We, in a way, as Americans have got two choices here. One choice is the path to freedom, and the other path is the path of servitude to Big Brother government. Every solution that we've seen coming from the Democrats—now, we've seen an unusual year-and-a-half. I have been in Congress now 10 years. I've never seen a year-and-a-half like this. This is a total one-party rule. Almost every bill that passes, Democrats

all vote one way, Republicans the other, and the Democrats have such a majority, and everywhere along the line they can do whatever they want and they have. And the solution is always more taxes, more government, and more government control.

So, on the one hand, you have the world of the Big Brother government taking care of things, and you're guaranteed that you can't fail because the government will always be there to bail you out, not just as a big corporation but as an individual. You can make bad choices. The government will be there to bail you out; that's what they promise, but it doesn't work that way.

In fact, what all of human history shows us is that one of the most dangerous things to human beings is big government because big government has killed more human beings than all the wars of history combined. Just take communism alone, which is a big government theory. Just communism alone has killed more people than all the wars since the time of Christ, and so this faith in big government is a very, very unlikely thing to put your faith in.

The other choice is freedom, the bright light and the fresh air of saying go out and do the best you can; you may fall on your face but get up and try again. That's what America was always founded on, the idea that government should just protect life, liberty, and the pursuit of happiness.

My good friend, Congressman BROWN. Mr. BROWN of Georgia. Thank you.

We have 1 minute left I think, and I just want to say that helping poverty is a very simple formula. It's a good-paying job and the education to fill that job. That's another thing that we know as Republicans. We've got to create those good-paying jobs, and the way we do that is in the private sector by reducing taxes on small business men and women so that they can create new jobs. We will continue to fight for freedom.

There's a wide gulf, just like you were saying, between the philosophies of the leadership of the Democrat Party here and our leadership on our side. It is socialism on their hand. On our hand, it's freedom, personal responsibility, and accountability, and we're fighting for freedom and continue to do so.

Mr. AKIN. Freedom is a beautiful thing, but we have to realize there are a couple of things that come along with freedom. If you really want to be free, you're going to have to be responsible as well. You can't assume Big Brother government is going to do it all for you. The other thing is, if you want to be free, you have to tolerate the fact that other people near you may be successful. You have to suffer with some guy next door that's made millions of dollars and he gets to get in

a fancy motorboat and ride around and maybe you'll feel jealous and even covetous of him. But that's freedom. You have to allow people to succeed, and you have to realize that you can also make a mistake and fail but you can have the freedom to get up and try again, but at least the government won't chain you down with regulations and bureaucracy and red tape and drive you into the dirt like an airplane that's not being flown right.

I thank you very much for joining me, Congresswoman LUMMIS and Congressman BROWN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NYE). All Members are reminded to refrain from engaging in personalities toward the President.

THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes.

Mr. LATOURETTE. Mr. Speaker, thank you for the recognition. I want to thank the minority leader, Mr. BOEHNER, for granting me the privilege of speaking here this evening.

What prompted us to come forward this evening is an announcement that took place before the Memorial Day weekend by the majority in the House, the Democratic majority leader and others, that it was not anticipated that they would be producing a budget. This is my 16th year in the Congress, and I know that that has not happened in the previous 15 years that I've served here. And in checking, I'm not aware, since the Budget Act of 1974 was enacted, that the House of Representatives hasn't put forth and produced a budget.

Just like at home, the reason that a budget is important is that it allocates resources and says what you're going to spend on what and, in the case of the government, what you're going to overspend and are going to have to borrow from places like China to finance the deficit and the debt. As a matter of fact, the news reports indicate that we are projected to have a budget deficit—that's just spending more money this year than we have—of about \$1.4 trillion, which is certainly significant.

The thing about that debt, it's not money that we just have laying around or we borrow from the guy down the street. Most of it is borrowed from the financial institutions on Wall Street that we spend a lot of time bailing out and also foreign countries. China and others own a good portion of our debt as well.

So it was alarming that the announcement was made that we wouldn't be producing or the majority

would not be producing a budget. Alarming because you wonder, maybe we've been really busy here and we haven't had time to get to something as important as the budget. And then, of course, after the budget is passed, that leads to what's called the appropriations process where the Appropriations Committee gets together and determines what we're going to spend on defense, what we are going to spend on education, what we are going to spend on the environment and so forth and so on. So, until you have the budget trigger, there's no allocation to the Appropriations Committee so they can begin their work.

So it's not just a matter of not having a blueprint, not having a budget; it's a matter of them not having the spending bills in place. Although, again, we're sometimes late in delivering those, it's pretty unusual that we don't even start the process with a markup in the subcommittees of Appropriations, certainly preparing the bills for floor activity.

In thinking about it, the President of the United States, President Obama, he's also charged with delivering a budget, and I think we all know that President Obama has been pretty busy. I mean, there's a lot going on. There have been a lot of things happening since he became the President of the United States that require attention. Some have been disasters; some have been financial difficulties. We've seen Greece go bankrupt on the other side of the ocean. But even as busy as President Obama has been, he discharged his statutory obligation and delivered to Capitol Hill in a timely fashion a budget. Now, you may not be crazy about the budget. You may think that the budget spends too much as I do, the President's proposal, but at least he did what he was supposed to do and present a budget.

That caused me to sort of examine what it is that we've been doing here in the House of Representatives or, more correctly, what the majority has decided we should be doing in the House of Representatives here since the beginning of the year to determine what it is that we have been so busy doing.

It's particularly important to talk about that a little bit because the first 12 years that I served in the Congress—I happen to be a Republican—there were more Republicans in the House of Representatives than there were Democrats, and so we were the majority party and we determined what came to the floor, when it came to the floor, just like the Democratic majority does today. And we were doing such a bang-up job that in 2006 the voters replaced us and made the Democratic Party the majority party.

But one of the central themes of that campaign that the Democrats made all across the country was you need to put us in charge because the Republican

Congress is a do-nothing Congress, they're just not doing anything. And, as a matter of fact, they indicated that we weren't working full time. Now, anybody that's been here knows that that's really a specious argument, a false argument, but it sold newspapers. It looked good on the talk shows when people would say, well, we're not even working a full week. Well, you know, some of the work is done here on the floor, a lot of the work is done in committee, a lot of the work is done back in our districts, but to say that we weren't here five days a week and they were going to change all that was an interesting campaign slogan.

But just walking over here, Mr. Speaker, I got a notice from the majority leader. We've just come back from our work period back in the district for Memorial Day. We didn't have any votes on Monday. We've done something called suspensions that I'm going to talk about the last couple of days, together with a bill that I guess we'll try and finish up tomorrow. But I just got an email, courtesy of the majority leader's office so that we know what our schedule should be, that we're not going to have any votes on Friday.

So, despite the fact that the Republican majority in 2006 was labeled as the do-nothing Congress and we didn't work 5 days a week, we have accomplished a whopping 3 days of floor activity here in the House of Representatives after being at home for Memorial Day for an entire week.

I thought to myself, well, maybe we should look to see what it is we've been doing because, clearly, if we're not producing a budget—and we're going to talk a little bit about other things that haven't been occurring around here—maybe we've been preoccupied with really, really important matters that needed to be addressed.

What I found out was, as I examined it, that there have been 337 recorded votes on something known as suspensions, and, you know, Mr. Speaker, but just so the record is clear, a suspension is a noncontroversial bill where it's cleared, usually by the majority who says to the minority, We'd like to do this on suspension. Most of those things are by agreement.

The way that works, it's called a suspension because you're suspending the rules, you're not bringing a bill to the floor pursuant to the regular order. You're bringing it in a way that's debated for 40 minutes. Each side gets 20 minutes, and then there's a recorded vote if it's requested. And rather than the simple majority, it takes two-thirds of those Members present and voting to pass a suspension.

Now, the interesting thing about suspensions is that both parties file legislation that becomes suspensions, and there have been more suspensions than 337, but the 337 that have occurred since January of this year were those

that actually required a recorded vote. So, for each one of the 337 suspensions with a vote, you had 40 minutes of debate, so 40 minutes of floor time plus a 15-minute vote.

Now, to be fair, when they put a series of the suspensions in a row, not every suspension gets a 15-minute vote; some get 5-minute votes. But also, there are very few, simply, 15-minute votes around here because Members have to come from committee or their offices or wherever they happen to be to cast their votes, and so at least the first vote in the series, it's not unusual, even though the clock runs down beginning at 15 minutes, that the actual time consumed is closer to half an hour.

So, just for a rule of thumb with that sort of asterisk, so you have 337 suspensions debated for 40 minutes apiece and each one getting a 15-minute vote, and we'll do the math in a little bit, but clearly, that's a significant amount of floor time in a Congress that's really only here 3 days a week discussing non-controversial bills.

In looking at the suspensions on this side, first of all, we have named 19 post offices or public buildings. And so, in each of those instances, a Member put forward a piece of legislation—and I don't make any observation about that these weren't worthy honors to name a public building after someone or a post office after someone, but 19 times the majority has put on the floor a suspension, consumed 40 minutes of time in a debate about whether or not we should—let's see, for instance, we designated a post office called the Roy Wilson Post Office, as an example, one time this year. So that bill was called up, debated for 40 minutes, and then there was a 15-minute vote. So, all told, just shy of an hour is consumed naming a post office after Mr. Wilson, and I will tell you that if you look up the recorded vote on that, I doubt that anybody that was present that day voted against it.

□ 2045

As a matter of fact, we just named two post offices earlier this evening, one after Ronald Reagan and the second one, I believe, was after a couple of Marines. Again, both are worthy designations, but there were no "no" votes.

So you sort of say to yourself, well, okay, then why did we have to have a recorded vote? Why did we have to consume 40 minutes of debate and then consume another 15 minutes on a vote when nobody was opposed to it and everybody thought it was a good idea?

As a matter of fact, you know, Mr. Speaker, that you could call up a post office bill and say, you know, "I want the post office" in wherever this happens to be—I apologize, I don't know—"but I want this post office named after Mr. Wilson," and ask everybody to vote for it and sit down.

And then the Speaker would say, "All those in favor, say, 'Aye.'" All those opposed, "No.'" And the ayes would obviously have it because everybody thinks it's a good idea. You wouldn't have a recorded vote. And I don't know how long that took, but it was a lot less than 55 minutes.

So, 19 times we consumed 55 minutes naming either a public building or a post office in honor of somebody.

The other thing I found was, in those 337 noncontroversial bills that each require 55 minutes, on over 30 occasions, I think it's 36 occasions, we congratulated a university or a college in this country for doing something like winning the lacrosse national championship or winning the NCAA basketball tournament.

And, again, all of the young people and all of those institutions deserve recognition. And I am not indicating, for example, that the University of Virginia men's soccer team, who won the 2009 Division 1 NCAA national championship—I know that every parent, every student on that team is extremely proud of his or her son's accomplishment in doing that.

But, again, if you look up the recorded vote, which was requested by the sponsor of that legislation, nobody voted against it. And so you have to say to yourself, well, okay, then why does it take 55 minutes on over 30 separate occasions since January of this year to congratulate all of these fine activities that have occurred?

And I only brought up the colleges and universities, but, in looking at the list, I know we have congratulated—and if I was a golfer, I could tell you, but we congratulated the guy who won the Masters, we congratulated a NASCAR race driver for winning his race.

And, again, all of those are important things, and I am sure that when the bills are finally passed and signed by the President, that makes a nice memento for that school or that individual to hang on their wall.

But when you are not doing other things such as producing a budget or producing a jobs bill that actually puts people back to work in this country, you have to ask yourself, well, why are you so busy taking 55 minutes times 36 to do that?

In addition, just sort of randomly, in pulling out some of the 337 suspensions that required a vote, because the majority asked for a vote, that don't have anything to do with schools and don't have anything to do with public buildings, you find that we are all about congratulating a lot of people who are engaged in certain activities in this country.

So, H. Res. 117, one of the first ones because 117 is kind of a low number, we supported the goals and ideals of National Engineers Week. Now, again, if you look up the vote, you will find that

everybody that was here that day voted to commend the fine engineers in this country because they were having a good week.

The next one, again in the low numbers, 197, we wanted to commend the American Sail Training Association for its advancement of character building under sail and for advancement of international goodwill.

Again, worthy goals, but you have to say, when you are not attending to the business of the people of the United States through legislation that makes a difference in their lives and you are making choices about limited floor time—because, again, we are not here 5 days a week; we are here, really, on an average, about 3 days a week, even though, when campaigning to become the majority, they indicated we are going to work 5 days a week—you wonder why that takes 55 minutes when everybody votes for it.

A lot of things dealing with education: We indicated that February the 1st was going to be National School Counselor Week. We recognized National Robotics Week. And I am not really sure what that is, but I am sure, I guess, we have a week dedicated to people who make robots. The only robots I have seen are those ones on TV that battle each other all the time. But, again, that take a lot of smarts to put together a good robot.

We had a week recognizing School Social Work Week. We supported the goals and ideals of National Public Works Week. And I guess that that means, you know, like, sewers and bridges and things like that, that we felt it was necessary to take 55 minutes to say that national works are good things.

We thanked Vancouver for hosting a wonderful Winter Olympics. And, again, when that came to a vote, I don't recall anybody in the House of Representatives voting against it. Certainly, people who saw the Olympics thought that that was a very nice Olympics. The American teams did better than they normally do during a Winter Olympics.

So, again, I don't have any big difficulty with the fact that one of our colleagues sat down and drafted a resolution to do any one of these 337 things. I think the question is: Why, unless you are making it appear that you are doing something, would you consume 435 Members, all of the wonderful staff that works here, why would with you consume all that time to do these things, when, instead, you could be dealing with things that people are concerned about?

So, I am not smart enough to do the math, but just for those that may be interested, that will read the CONGRESSIONAL RECORD, if you take out your calculator and indicate 337 for the suspensions where they have required a vote, multiply it by 40 minutes, and

then also multiply 337 times 15 minutes for the votes that occurred, that will give you the amount of floor time that has been consumed with these suspensions.

For instance, we recognized the importance of manufactured and modular housing. I think that that's important. I never lived in a modular house, but if I did, I am sure that I would think that it was a good thing to honor the people that made it so that it didn't fall in on me, and we should recognize them.

But, again, why do you have to take an hour on the floor of the greatest deliberative body of the world to congratulate or recognize people who are in the modular home industry rather than dealing with other things?

And let me just talk for a minute about what those other things are. I mentioned the budget. No one around here can recall a time since the Budget Act of 1974 when the House of Representatives has not produced a budget.

Everybody at home, certainly in my part of the world in Ohio, when they sit down and figure out, you know, okay, we were sending the kids to school and it's going to cost this much, the car payment is this much, insurance is this much, you have to budget it. And if you don't budget it, you run into trouble. And then the trouble you run into is you either don't know what's going on with your finances or you spend more money than you have. And that's certainly the case with the Federal Government.

But one way that people that were here long before I got here decided that you could, sort of, track that and keep an eye on it was to produce a budget. And it also is a good tool for our constituents because there is a lot of concern about how much money is being spent in this country.

However, Americans tend to be generous people. Americans also recognize the importance of national defense. And if you said to my constituents or any constituents that, "Look, we have to spend more money than we are bringing in in tax revenues this year, but here is what we are spending it on, because you can look at our budget," then sometimes people would say, "Well, okay, I mean, borrowing money is not a good idea, but if we are going to borrow money, at least we understand that you are going to borrow it for"—for instance, there is a horrible situation going on in the Gulf of Mexico, with the oil literally gushing out of the bottom of the ocean.

And if you have seen the pictures of the wildlife and you recognize that hurricane season is about to hit the gulf and, you know, when that water gets stirred up, the damage and the oil is going to spread much further than it has today, there are a number of people who would say, "Well, okay, borrowing money is not a great idea. Maybe we would prefer that you go find cuts

someplace else to pay for it. But we understand that emergencies happen, and so if you need to spend X millions of dollars to deal with that situation and then hopefully get it repaid from BP or those responsible for the mess that has been created down there, we think that that's okay."

But without a budget, we not only deprive Members of the Congress from understanding where it is we are going fiscally, we also deprive all the people that are paying the bills, the taxpayers of the United States, from knowing how the government proposes to spend their money in the next fiscal year.

And it's a fiscal year, Mr. Speaker—and I know you know this, but I will indicate it just for the record—that the Federal Government's fiscal year goes October 1st to October the 1st. And so these things need to be in place by October 1st, both budget and the appropriations process, the spending process, or else calamitous things happen. The government shuts down, there is no predictability about how things are going to be spent, and it's a mess. And it's certainly not the preferred way of governing.

And, as a matter of fact, there are a number of statements made by gentlemen who now hold the position of majority leader or chairman of the Budget Committee who, when they were in the minority party and it was the Republicans' job to cobble together a budget and get it passed, which we always did, they indicated in words to the effect that the inability or the failure to create a budget is a failure to govern.

And, you know, words are funny things, just like when you say we should work 5 days a week and we wind up working 3 days a week, but the reason that you said we should work 5 days a week is to say that other people are bad, that can come back and bite you in the nose.

And, similarly, when you make statements like, you know, "The failure to produce a budget is a failure to govern," when you are in the criticism business rather than the governing business, and then all of a sudden the voters put you in charge, and they say, "Well, we are not even going to try to do a budget," it gets you into trouble.

You know, one of the dissatisfactions, one of the many dissatisfactions—and you are seeing it in election after election across the country—is that people think that the Federal Government has stopped listening to them and their representatives have stopped listening to them. And I happen to think one of the biggest contributors to that is this venomous partisanship that goes back and forth.

And, you know, you have to recognize that, when you are in the minority and you are making a statement that the failure to produce a budget is a failure to govern, well, sometimes, you

know, the dog catches the car. And you then are put in a position where it's your job to craft the budget. And so, what are we to think if you don't produce a budget? I think you are to think that it's a failure to govern.

And, rather than saying that, it would be my preferred path that we would work together, Republicans and Democrats. Just because a Democrat has an idea, I don't dismiss it as a bad idea because it came from a Democrat. And my Republican colleagues, a lot of them are very bright people and they have very good ideas that, if they were incorporated into some of the things that the majority was up to, perhaps we could have legislation.

And that's always been, you know, how I have tried to conduct myself in the 16 years I have been here. And the proof is sort of in the pudding. And the *National Journal*, one of the publications here on Capitol Hill, sort of looks at how Members of Congress vote. And there was an article, about a month and a half ago, that talked about who voted either for or against the clearly identified initiatives of President Obama the most.

□ 2100

And so, not untypically, the numbers were pretty high on the Republican side in opposing some of the things that President Obama is putting forward; and again, not surprisingly because the President is a Democrat, the members of the Democratic Party voted for his proposals in pretty large amounts. But I was surprised—and I think I'm probably lucky I didn't get a primary from a tea party person because that analysis showed that on 65 percent of the occasions where President Obama identified what his goal or priority was, I supported President Obama. That's a pretty high number. It wasn't the highest among Republicans, I think it was fifth or sixth, but that's what I'm talking about.

The way that things work and the way you govern is when you take the best ideas of a lot of bright people here, a lot of good-intentioned people here, and craft something that maybe you don't get everything you want—the only two people that I ever knew or do know that were right 100 percent of the time were my mother and my wife. And I know that because they both told me they were right 100 percent of the time.

So, again, you have to say to yourself, what are we doing? Why are we spending an hour times 337 honoring football teams and lacrosse teams and swimming teams and recognizing the—well, we did modular housing. Let's see, what else did we do? We honored a historic community and expressed condolences to the Chatham County Courthouse. Again, I don't know what horrible event befell the Chatham County Courthouse, but we took an hour here doing that rather than doing other things.

And so what is it that we haven't accomplished, and what is it that the American people, I think, would appreciate if we got around to it? The first I indicated—and I apologize, Mr. Speaker, my writing is bad and it looks like chicken scratch—but the first is a budget, and I think I've talked enough about the fact that we haven't produced a budget.

Another thing, 12 years I spent on the Transportation Committee around here, and every 6 years we have reauthorized something known as the Surface Transportation bill. It was called ICE-TEA in 1991, it was called TEA-21 in 1997, it was called SAFETEA-LU in 2005, and it expired last September. Now, that legislation is what funnels literally billions of dollars to the States so that they can build roads and bridges and make safety improvements and build bike lanes and a whole host of other things.

But aside from being a bill that keeps our country competitive—because it really started, even though we have a 6-year bill now, it started in 1956, I believe, with Dwight Eisenhower when he decided we should have a dedicated gasoline tax and built the national highway system. And if you think about the national highway system and what it has meant to this country in terms of commerce, it's unbelievable. Even if you go beyond commerce, you have to say to yourself, wait a minute, it's also a big item in national defense.

So you would think that that would be something we would like to take care of. As a matter of fact, the rule of thumb on the Transportation Committee was that for every \$1 billion that was expended in that legislation, it created 47,500 jobs. Republicans now are asking where is the budget, but before that we were asking where are the jobs.

The job figures, Mr. Speaker, you know, came out last week. There was an uptick in employment, but included in that uptick in employment was the fact that the government has hired 400,000 people to conduct the census. Now, anybody who is interested can go back and see how many people were hired to conduct the census in 2000. It's an important job. But 400,000 people were hired to conduct the census, counting all the people in the United States of America.

When you take out the 400,000 government jobs that were created temporarily—and again, if you're talking about jobs, a job to me is something where you can earn a wage, have health care security, have retirement, potentially, and the ability through that wage to support yourself and your family on a long-term basis. Very, very few people would consider it to be just a sweetheart job, to get a job counting people in the United States and then being done and not being employed when you're done with that.

So if you look at the jobless figures and you take out the 400,000 people that have been added to conduct the census, job unemployment in this country is stagnant. It's hovering between 9 and 10 percent. We've been joined by my good friend, Mr. McCORTER of Michigan. Michigan has been hard hit because of the auto industry. The gentleman from Michigan can tell us in a minute what that unemployment is.

But, again, by recognizing National Teachers Day and taking an hour of time to do that, we haven't gotten to the transportation bill. It's about a year overdue; it will be soon. We keep kicking the can down the road, but it's not being done. So if your question is, where are the jobs? How can the government assist? The government doesn't create jobs—unless you're a census worker. But how can we assist, sort of give the economy a boost? And under this administration we've had stimulus 1, we've had stimulus 2, we've had bailout 1, 2 and 3, son of bailout, son-in-law of bailout; and we still hover around 9 or 10 percent unemployment across the country.

What is significant about the transportation bill is that the people—although the 47,500 jobs that are created for each billion of spending are on a wide array of things—the people that cook food and serve it to highway workers in restaurants, the people in the uniform business that produce or clean uniforms for the people out building roads and bridges, the people that make the orange cones and the reflective vests—the bulk of the highway work is done by laborers and operating engineers and designed by civil engineers.

Well, their unemployment rate, the unemployment rate in the trades isn't 9 or 10 percent. Depending upon what trade you're talking about, the unemployment rate is between 27 and 40 percent. So these people who have had jobs—we're not talking about people that don't want to work or anything else—these people who have had jobs, because of the shrinking of the economy and because of Congress' failure to act on a transportation bill—which was due last September, it's not like it was last week and we just sort of skipped over it and didn't quite get there from here—it's almost a year late.

And there are really no prospects, despite the really good intentions of a guy named JIM OBERSTAR, who is the chairman, a Democrat from Minnesota, of the Transportation and Infrastructure Committee. If it was up to him, we would have had a transportation bill on time, but it's not up to him. The leadership of the House has indicated that we're just not going to do a transportation bill between now and certainly the election. And the President's Secretary of Transportation, Ray LaHood, has indicated that the administration

has decided that they want to go on an 18-month listening tour to listen to ideas about transportation and has no intention of even addressing the highway bill until March of next year.

And so at that point it's going to be 1½ years late before the bill is even hobbled together. And bills just don't all of a sudden spring up like crocuses here in the spring. There have to be some hearings and adjustments and amendments, and then it's brought to the floor for floor activity.

So when we are spending an hour times 337 doing things like, oh, I don't know, in support of National Safe Digging Week, we spent an hour on that—nobody voted against it, but in order to make it look like we were here 5 days a week, to make it look like we were doing something, we spent an hour both discussing and voting on National Safe Digging Week. Now, I don't know exactly what National Safe Digging Week is, but I think it's when you go out in your back yard and you want to put in a garden, you should call the utilities first and not stick the spade in the ground or else you're going to cut your neighbor's gas line. So I think that's National Safe Digging Week.

But regardless, again, I'm not aware of any big push by anybody that would condemn National Safe Digging Week, and I certainly have never seen a resolution around here that wanted to promote National Unsafe Digging Week. But we took an hour, we took an hour, rather than producing a budget so that we could, in an orderly fashion, figure out where we are in this country financially.

Instead of just borrowing trillions and trillions of dollars that we don't have, we could have been doing a transportation bill for a sector that, unlike the 9 or 10 percent—which is really high all by itself, and if you sort of flashback to February of 2009, the President's observation was we have to do this \$800 billion of stimulus spending because if we don't, unemployment is going to go above eight percent. Well, the economy is an unpredictable thing, and I certainly don't fault the President for—or his advisers actually, I don't think the President actually sat down and crunched the \$800 billion—but you certainly can't fault him and his advisers for thinking that was the case.

But the fact of the matter is it hasn't been the case, and unemployment has risen, cresting double digits; and now it's not getting better unless we spend more money hiring people—400,000 people—to count people in the census.

Maybe the gentleman from Michigan could just share with us briefly what the economic picture is and what's of concern to his constituents in the State of Michigan. I yield to the gentleman.

Mr. MCCOTTER. I thank the gentleman for yielding.

You bring up a very sore point for the people of Michigan: we have the highest unemployment rate in the country. We've suffered greatly in what many people believe has been our longest lasting recession. And at present, they are very concerned that not only will we not see an immediate recovery or one in the near future, but instead what we will see is another dip down into the recession with inflation following it due to, as the gentleman has pointed out, the massive borrowing by the Federal Government. This would be akin to the stagflation that Michigan experienced in the late seventies and early eighties, which was a very severe blow to our economy and to the families and the workers that rely upon a strong manufacturing base in this country.

When you talk about the budget, when you talk about the transportation bill, these are essential items of the Federal Government. Not being able to bring forward a budget, as the gentleman has rightly pointed out, leaves individuals who could make investments and who could help grow the economy to feel that the fiscal discipline and fiscal integrity in the United States is absent. This will then preclude them from stepping forward and trying to help grow the economy, to help people find jobs, especially in my home State of Michigan.

We talk about transportation, which is something that has generally been very bipartisan. This is not an ideological debate. We understand there is a Federal role. As Republicans, we know this from starting with Abraham Lincoln's support for internal improvements, and yet for whatever reason we have not seen a bill come forth.

As the gentleman has also rightly pointed out, the people of Michigan—who would be interested in such a bill, I assure you—are hearing that there will instead be a listening tour. Well, if you haven't heard them by now, they want jobs, they want the opportunities, they want to see the economy grow, and they want to see the Federal Government actually taking responsible steps to help facilitate economic growth.

I think that as we continue to go through the list of items that the gentleman has put forward, we do not criticize colleagues for voting on what's put in front of them. People have long talked about the bills or the resolutions that Congress passes. There are constituencies who like them. There are very few, as has been pointed out, very few individuals who oppose them. But if you look at it like a meal, on the blue charts that the gentleman from Ohio has put forward are what I would call the fixings, and what is on the white board that is missing is the actual meat and potatoes.

This Congress has to understand that there are families worried about their

finances, they're worried about their futures, they're worried about what next meal they will put on the table if they lose their job or if their unemployment runs out, or if we go into a double-dip recession with the prospect of stagflation.

It is up to this Congress not necessarily to say that all the fixings are irrelevant, but we should be able to put a full meal forward of legislative priorities, pass them, and help to get us out of the situation that we're in. I know that in a State with 14 percent unemployment, that would be a most welcome change to what we're experiencing now.

I yield back.

Mr. LATOURETTE. I thank the gentleman for those observations. Again, it's tough for you to see, so I just want to elevate this chart for a minute. But two of my favorites that we've spent an hour on is H. Res. 1294, expressing support for the designation of National Explosive Ordnance Disposal Day.

□ 2115

Now, I guess that means, you know, if you live next-door to a Korean War vet and if he smuggled home a couple of grenades and he has them in your basement that we are honoring the getting rid of those without blowing people up. Again, at a time when we haven't done a budget and we haven't done a transportation bill, the fact that we would spend an hour of time here coming up with honoring people who dispose of unsafe ordnances is a strange thing.

We've been joined now by my great friend from Ohio, Mr. TIBERI, of Columbus, Ohio.

You know, a lot of people point to the collapse of the subprime market and to the fact that we weren't on the ball when it came to the residential housing market. You can go back and forth. You can blame the Republicans, you can blame the Democrats, but the blame game really doesn't matter much.

The gentleman talked about a second recession. We do know that the mortgage market for a commercial property is about to explode. We have seen it. We see it coming. We know it's coming. Basically, what has occurred is because of the difficulties in the economy. Just as an example, if you were in the real estate business and if you purchased a building, an office building, and if it were fully rented—everybody pays you rent—but you bought it for \$1 million and today it's not worth \$1 million, the banks, which we've bailed out again and again and again, are now in the process of saying to the people who own those buildings, Well, wait a minute. We can't finance that for \$1 million anymore because it's only worth \$600,000. We know that that is coming. We know it.

Again, we are passing bills about the safe, you know, disposal—not even the

safe disposal of hand grenades. We're just honoring people for having a week when they dispose of hand grenades.

You know, with the last one down here, H. Res. 1301, we supported the goals and ideals of National Train Day. That's about the fifth time that I can recall since the Democrats became the majority that we have recognized National Train Day. I happen to like trains. I support trains and so forth and so on. Yet how come we spent an hour of time and 337 hours of time having bills and having votes when everybody votes for them rather than dealing with this commercial mortgage crisis? I mean, where is the bill that does that?

What you will get instead is inaction. We'll honor, you know, a couple more universities for winning a swim meet or a curling tournament, and we'll not deal with the commercial mortgage crisis. Then we're going to start the blame game all over again. We're going to say, Well, it happened on your watch. It's George Bush's fault. It's Barack Obama's fault. How about, rather than honoring trains, we take an hour of our valuable time here and we do something about a crisis that we know is coming?

I yield to my friend from Ohio for his thoughts.

Mr. TIBERI. Well, I thank the gentleman from northeastern Ohio and the Cleveland suburbs in Lake County for organizing this hour today, and I think you've really hit on some of the important points.

When you kind of go back over a year ago when the stimulus bill was passed by the majority, the Speaker said that unemployment wouldn't go above 8 percent. Boy, it would be nice to see unemployment at 8 percent in Ohio at this time, wouldn't it? It would be nice to see unemployment at 8 percent in my district. It would be nice to see 8 percent unemployment in your district. It would be nice to see unemployment even close to 8 percent nationally, and we don't see that today. In fact, as someone who has a father factoring the last time unemployment was above 8 percent, which was in the early 1980s—he lost his job and lost his pension, and we lost our health care—it's kind of *deja vu* all over again.

Rather than try to focus on those issues, we have spent a whole lot of time on issues that don't employ people, that don't make a difference in people's lives. Maybe they are important, but not as important as dealing with the nuts-and-bolts issues that you've talked about tonight.

I mean, if you can't budget, you can't govern, one man said, who is now the chairman of the Budget Committee from South Carolina. If you can't budget, you can't govern. Maybe you've already said this, but, since 1974, the House has never passed a budget. This year, the Democratic majority is not

going to pass a budget in this House of Representatives. If you can't pass a budget, you can't govern. By the way, for the 6 years that I was in the majority here, we didn't have a 78-Member majority like the Democrats do today. This is unbelievable.

I was knocking on doors in my district in central Ohio and in Columbus on Saturday. Americans are mad and they are struggling. They are scared and they are concerned. Those who have the ability to expand their businesses—and there are some employers, job creators who have the ability—are frightened. They are frightened. I don't know if you talked about this before I came. They are frightened at the prospects of higher taxes. They are frightened at the prospects of more regulation. So what are they doing? They are kind of retracting and are not doing what they could be doing, which is creating jobs, obviously.

Rather than being on the floor here to honor somebody who is going to have a courthouse named after him, which might be worthy, let's focus on these issues that you've talked about that are vitally important. We have an election in 5 months. Between now and then, nobody who I talked to in central Ohio who is a job creator, who is an entrepreneur, who is a risk-taker, is willing to take that risk based upon what they see coming out of this Congress.

So the gentleman from northeastern Ohio is correct in saying that it is not the roadmap that we need to be on to make our economy better in the greatest country in the world. We have too much debt, too many taxes, and too much spending. What we need to be doing is just the opposite of what the majority is doing today.

I yield back.

Mr. LATOURETTE. I thank the gentleman for that.

I just want to give credit to somebody who is in the Chamber with us. He can't speak because he happens to be the Speaker pro tem, the gentleman from Idaho (Mr. MINNICK), and he is presiding over the House for this Special Order.

When you talk about commercial real estate, he has got a plan. I mean, he has put together some very bright people to help avert what he sees and what everybody in this Chamber should see, if they don't see, which is that we are headed for this big fall off the cliff in commercial real estate, which will make the housing market, the residential housing crisis, really—and you're talking about millions and millions of dollars per building.

Go ahead.

Mr. TIBERI. Will the gentleman yield?

Mr. LATOURETTE. I'd be happy to.

Mr. TIBERI. Just last week, back in central Ohio, as we were home during the Memorial Day recess week, I convened a meeting—and I'm a former Re-

altor, a recovering Realtor. We had real estate folks on the commercial real estate side. We had small businesses. We had business or building managers, building owners and managers and bankers in the meeting.

To your point, they said that the commercial real estate market, if Congress doesn't deal with this issue soon, is going to make the housing meltdown look like minor league compared to what could happen on the commercial real estate side, not just in Ohio but across the country. This is happening very, very soon.

As we deal with this financial regulatory bill that is coming soon, which is in conference committee today, that could actually add to this problem by restraining credit and by creating a bigger problem with respect to access to capital. In this Congress today, with the majority, we are really heading for a disaster of epic proportions if we don't deal with this.

So I am pleased that Representative MINNICK is on the case. I am pleased that you are on the case, and I hope that some folks can get to the leadership on the Democratic side to actually do something about this before it is too late.

I yield back.

Mr. LATOURETTE. I thank the gentleman.

Here are three quick examples of things that we haven't done that could, one, make sure we don't spend more than we are supposed to and, two, that could deal with the sector of the economy workforce that is not facing 10 percent or 13 percent or 15 percent unemployment but that is facing, rather, 27 percent to 40 percent unemployment. We're not looking forward, as the current resident of the Chair, Mr. MINNICK, is, to averting another meltdown for which we will again engage in a lot of finger pointing: It's this person's fault or it's that person's fault.

The gentleman from Ohio, I know, serves on the Ways and Means Committee, and the other side of this is not just what haven't we done in terms of action, but there are a number of things that are set to expire that have to do with job creation, and I'll ask the gentleman to address some of those in just a second.

Again, referring to the list, rather than dealing with these issues or with the issues that we are going to talk about in a minute, we spent an hour here in the House of Representatives expressing the support of the week of April 18 through April 23 as National Assistant Principals Week.

Now, you know, there are a lot of things that honor teachers, school counselors, so forth and so on. I don't know what my friend's experiences were, but it was the assistant principal you would see when you went to get spanked, when I was growing up, because you were misbehaving. So I'm

trying to figure out, you know, of all of the people we honor—and I suppose I voted for it as did everybody when the roll was called; but you know, assistant principals, I'm not so sure, are up there with everybody else.

I'll yield to the gentleman from Ohio to talk a little bit about what are affectionately called the "Bush tax cuts." What we're talking about is the tax legislation that was enacted in 2001 and 2003. They are characterized by our friends on the other side of the aisle as tax breaks for filthy rich people, but maybe you could go through a few of them, and we could identify them, because I think they go from cradle to grave.

What is about to expire? People are going to pay higher rates on what?

Mr. TIBERI. Well, I thank the gentleman for yielding on this matter and for bringing this up because we've spent a lot of hours on issues right behind you that are not life-or-death issues.

Just a couple weeks ago, we spent less than an hour on an issue that deals with tax increases for people who own partnerships. Quite honestly, the way the majority sold it was we're going to tax people who are hedge fund partners. Yet the reality is, if you look at what the Congressional Budget Office said, in going back to your point about commercial real estate, the U.S. Conference of Mayors expressed grave concern about what the majority Democratic Party was doing with respect to carried interest. Real estate partnerships are the most impacted group, and we're going to take their real estate partnership and go from 15 percent to ordinary income.

So, next year, which is what you just said based upon the tax cuts expiring, the marginal rates going up, the rate increase and the payroll tax for health care, you're going to see a huge increase in people who invest in our cities, in commercial real estate. At the same time that this problem is going to occur that you've already explained, you're going to see tax increases from 15 percent to over 40 percent for some people.

What the Conference of Mayors understands, which is not exactly a conservative group in any way, shape or form, is that, if you're going to increase taxes on people who invest in our cities from 15 percent to over 40 percent, they're not going to invest in our cities. This is a huge impact, even before those tax cuts expire at the end of this year.

What will happen next year is we're going to see capital gains rates go up. We're going to see dividends go up. We're going to see marginal rates go up—close to 40 percent for the top tax group. As the gentleman from northeastern Ohio knows, before all of these tax rates go up, we have already seen 53 percent of Americans today pay Fed-

eral income tax. There are 47 percent of Americans who don't, and that is going to get worse when these tax cuts expire. So you are close to a situation where you have more people actually in the wagon than are pulling the wagon rather than people pulling the wagon than are in the wagon. This is not a good situation for America.

My mom and dad came to America for a better life, for the American Dream, for an opportunity, and that is slowly slipping away for so many people under this Democratic majority where it's class warfare every step of the way. When these tax cuts expire, it's more of that class warfare—the haves versus the have-nots—and it's a bad, bad recipe for the future of America if we continue this class warfare argument, whether it's on income, whether it's on capital gains and dividends, whether it's targeting the job creators and the entrepreneurs versus the people in America who aren't.

Mr. LATOURETTE. Well, to the gentleman's point, you mentioned a variety of tax provisions that are set to expire. I want to focus on two—interest and dividends.

So any senior citizen who is living on a fixed income, who receives his or her income as a result of investments that he or she makes and who receives interest income if he or she is invested in the stock market or in some other fund and he or she gets dividends as a result of that, currently, under the current law, what is the rate that that senior pays on his or her interest and dividends?

Mr. TIBERI. Fifteen percent.

Mr. LATOURETTE. Okay. Now, what's going to happen when the majority party indicates that it is not going to take any action?

Again, as they're not on the budget, as they're not on the transportation bill, as they're not on the commercial real estate side, when they fail to take action to extend those, the senior citizens who today are paying 15 percent on the money they earn in interest and on the money that they earn in dividends, what is their tax rate going to be?

Mr. TIBERI. The capital gains and dividend rate will go up to 20 percent, and depending on what rate they are on, that marginal rate will go up as well.

Mr. LATOURETTE. Okay. So, you know, some of my favorite discussions here are semantics, so we're going to hear that because people who raise taxes repeatedly usually don't get re-elected because people aren't real crazy about that. So we'll hear, We're not raising anybody's taxes. We're just letting this set of tax rates expire. Okay. But, you know, if I've made 100 bucks in interest and today the tax on that is \$15 and it's going to go up to at least \$20 that then I'll have to pay, I have a tough time, and I would really have a

tough time explaining to the common-sense people whom we represent in Michigan and Ohio how that is not a tax increase.

□ 2130

But, with a straight face, there are people who will come down to the well of this House and say, "We're not raising anybody's taxes. We just let these taxes expire."

And I see the discussion of taxes has once again gotten the gentleman from Michigan on his feet, and I yield to him.

Mr. MCCOTTER. I thank the gentleman for yielding on your point about how the proponents of the tax increases going up, tax rates going up, will say that they really didn't do anything, that they just simply let the tax relief expire.

This is akin to coming upon an accident scene and saying, "Well, I did not help the victim. I merely let them expire."

I yield back.

Mr. LATOURETTE. I thank you.

The Chair tells us we have about a minute and 45 seconds, and I'd just yield to my friend from Ohio for any closing observations that he has.

Mr. TIBERI. Well, I thank the gentleman.

You know, the bottom line is there are a lot of people in our State that are hurting. There are a lot of people in Ohio that would like a job. There are a lot of people in Michigan that would like a job.

Looking back over the last year, we have spent a lot of time on energy and cap-and-trade and health care and stimulus. And the bottom line is, ever since we spent that time, more and more people in Ohio and Michigan are out of work. We have record unemployment, record unemployment going back to when I was in high school back in the early 1980s, with no end in sight.

And then, on top of that, we have tax increases coming. We have spending out of control. We have spending that is higher than I've ever seen. Even the high spending that we thought we saw a couple of years ago is minor league compared to the spending today.

And Americans are getting it. And all the time that we've spent on the legislation that you've talked about that is not really important in people's lives is starting to penetrate to the American people, to Ohioans and to Michiganders, that we need to be tackling some of these tough issues.

How do you tackle these tough issues, sir, without passing a budget? And that's the bottom line.

Mr. LATOURETTE. Well, that's right.

And it's interesting, this special order, we have people from Ohio and Michigan. And at least each November we don't get along very well, but on this issue we're very united. And I

thank both of you for participating, Mr. McCOTTER and Mr. TIBERI.

And, Mr. Speaker, I yield back the balance of our time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. SCHIFF, for 5 minutes, today.
Ms. RICHARDSON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.
(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, June 16.

Mr. POE of Texas, for 5 minutes, June 16.

Mr. JONES, for 5 minutes, June 16.
Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today and June 10.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. ROHRBACHER, for 5 minutes, today.

ADJOURNMENT

Mr. LATOURETTE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Thursday, June 10, 2010, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first and second quarters of 2010 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GEORGIA, BANGLADESH, PAKISTAN, AND UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 26 AND APR. 2, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|-----------------------------|---------|-----------|----------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. David Price | 3/27 | 3/28 | Georgia | | 348.00 | | | | | | 348.00 |
| | 3/28 | 3/30 | Bangladesh | | 536.00 | | | | | | 536.00 |
| | 3/30 | 4/01 | Pakistan | | 575.00 | | | | | | 575.00 |
| | 4/01 | 4/02 | United Kingdom | | | | | | | | |
| Hon. Jeff Fortenberry | 3/27 | 3/28 | Georgia | | 348.00 | | | | | | 348.00 |
| | 3/28 | 3/30 | Bangladesh | | 536.00 | | | | | | 536.00 |
| | 3/30 | 4/01 | Pakistan | | 99.00 | | | | | | 99.00 |
| | 4/01 | 4/02 | United Kingdom | | 485.00 | | | | | | 485.00 |
| Hon. Stephen Lynch | 3/27 | 3/28 | Georgia | | 348.00 | | | | | | 348.00 |
| | 3/28 | 3/30 | Bangladesh | | 536.00 | | | | | | 536.00 |
| | 3/30 | 4/01 | Pakistan | | 640.00 | | | | | | 640.00 |
| | 4/01 | 4/02 | United Kingdom | | 485.00 | | | | | | 485.00 |
| Hon. Jim McDermott | 3/27 | 3/28 | Georgia | | 348.00 | | | | | | 348.00 |
| | 3/30 | 4/01 | Pakistan | | 640.00 | | | | | | 640.00 |
| | 4/01 | 4/02 | United Kingdom | | 485.00 | | | | | | 485.00 |
| John Lis | 3/27 | 3/28 | Georgia | | 348.00 | | | | | | 348.00 |
| | 3/28 | 3/30 | Bangladesh | | 536.00 | | | | | | 536.00 |
| | 3/30 | 4/01 | Pakistan | | 640.00 | | | | | | 640.00 |
| | 4/01 | 4/02 | United Kingdom | | 485.00 | | | | | | 485.00 |
| Rachael Leman | 3/27 | 3/28 | Georgia | | 348.00 | | | | | | 348.00 |
| | 3/28 | 3/30 | Bangladesh | | 536.00 | | | | | | 536.00 |
| | 3/30 | 4/01 | Pakistan | | 640.00 | | | | | | 640.00 |
| | 4/01 | 4/02 | United Kingdom | | 485.00 | | | | | | 485.00 |
| Asher Hildebrand | 3/27 | 3/28 | Georgia | | 348.00 | | | | | | 348.00 |
| | 3/28 | 3/30 | Bangladesh | | 536.00 | | | | | | 536.00 |
| | 3/30 | 4/01 | Pakistan | | 640.00 | | | | | | 640.00 |
| | 4/01 | 4/02 | United Kingdom | | 485.00 | | | | | | 485.00 |
| Committee total | | | | | 12,436.00 | | | | | | 12,436.00 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID E. PRICE, May 14, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED ON MAY 7, 2010

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------------|---------|-----------|-------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. David Price | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Hon. David Dreier | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Hon. Donald Payne | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Hon. Lucille Roybal-Allard | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Hon. Mazie Hirono | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Hon. Lynn Woolsey | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Hon. Bobby Rush | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Hon. Gregory Meeks | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Hon. Brad Miller | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Hon. Gwen Moore | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| John Lis | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Dave Grimaldi | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Margarita Seminario | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Brad Smith | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Asher Hildebrand | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Rachael Leman | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Deanne Samuels | 5/07 | 5/07 | Haiti | | 10.00 | | | | | | 10.00 |
| Committee total | | | | | 170.00 | | | | | | 170.00 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID E. PRICE, May 14, 2010.

BUDGETARY EFFECTS OF PAYGO
LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the

vote on passage, the attached estimate of the costs of the bill H.R. 5026, the Grid Reliability and Infrastructure De-

fense Act, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5026, THE GRID RELIABILITY AND INFRASTRUCTURE DEFENSE ACT, AS AMENDED

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | |
|---|---|------|------|------|------|------|------|------|------|------|------|-----------|-----------|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 |
| | Net Increase or Decrease (–) in the Deficit | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact ^a | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

^aH.R. 5026 would amend existing law regarding the regulation of electric power transmission facilities. Under this amended version of the bill, the Tennessee Valley Authority and Bonneville Power Administration would be exempt from certain requirements in the bill for an 11-year period beginning on the date of enactment. As a result, CBO estimates that enacting the legislation would have a negligible effect on net direct spending over the 2010–2020 period.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7814. A letter from the Acting Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Microentrepreneur Assistance Program (RIN: 0570-AA71) received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7815. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerances [EPA-HQ-OPP-2009-0268; FRL-8826-4] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7816. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Diquat Dibromide; Pesticide Tolerances [EPA-HQ-OPP-2009-0920; FRL-8827-7] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7817. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerances [EPA-HQ-OPP-2009-0273; FRL-8825-3] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7818. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prothioconazole; Pesticide Tolerances [EPA-HQ-OPP-2009-0279; FRL-8828-6] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7819. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Letter Contract Definition Schedule (DFARS Case 2007-D011) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7820. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements Thresholds (DFARS Case 2009-D040) (RIN: 0750-AG59) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7821. A letter from the Director, Defense Procurement and Acquisition Policy, De-

partment of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Limitations on Procurements with Non-Defense Agencies (DFARS Case 2009-D027) (RIN: 0750-AG67) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7822. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General David A. Deptula, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7823. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Douglas E. Lute, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7824. A letter from the Under Secretary, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7825. A communication from the President of the United States, transmitting the National Security Strategy of the United States of America; to the Committee on Armed Services.

7826. A letter from the Officer Manager, Department of Health and Human Services, transmitting the Department's final rule — Public Health Service Act, Rural Physician Training Grant Program, Definition of "Underserved Rural Community" (RIN: 0906-AA86) received May 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7827. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Florida; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standards for the Jacksonville, Tampa Bay, and Southeast Florida Areas [EPA-R04-OAR-2009-0612-200914(a); FRL-9155-3] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7828. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision [EPA-R02-OAR-2010-0131; FRL-9146-4] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7829. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of State Implementation Plan Revisions; State of North Dakota; Air Pollution Control Rules, and Interstate Transport of Pollution for the 1997 PM2.5 and 8-hour Ozone NAAQS: "Significant Contribution to Non-attainment" and "Interference with Prevention of Significant Deterioration" Requirements [EPA-R08-OAR-2009-0282; FRL-9155-6] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7830. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 8-hour Ozone NAAQS: "Significant Contribution to Non-attainment" Requirement [EPA-R08-OAR-2007-103 2; FRL-9155-5] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7831. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Transportation Conformity Regulations [EPA-R03-OAR-2010-0320; FRL-9156-2] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7832. A letter from the Chairman, National Committee on Vital and Health Statistics, transmitting the Ninth Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act (HIPAA), pursuant to Public Law 104-191, section 263 (110 Stat. 2033); to the Committee on Energy and Commerce.

7833. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-046, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7834. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-043 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7835. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-032,

certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7836. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting report pursuant to the U.S. Policy in Iraq Act, Section 1227(c) of the National Defense Authorization Act for Fiscal Year 2006 (P.L. 109-163) as amended by Section 1223 of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181) and Section 1213(c) of the National Defense Authorization Act of Fiscal Year 2009 (P.L. 110-417); to the Committee on Foreign Affairs.

7837. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period February 1, 2010 through March 31, 2010, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

7838. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

7839. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Auditor's Review of Environmental Standards Requirements Pursuant to the Compliance Unit Establishment Act of 2008", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7840. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Auditor's Review of Compliance with Certified Business Enterprises Requirements Pursuant to the Compliance Unit Establishment Act of 2008", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7841. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2010 Annual Performance Plan; to the Committee on Oversight and Government Reform.

7842. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — NARA Facility Locations and Hours [FDMS Docket NARA-10-0002] (RIN: 3095-AB66) received May 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7843. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the South Carolina Advisory Committee; to the Committee on the Judiciary.

7844. A letter from the Director, Office of National Drug Control Policy, transmitting A report on the use of HIDTA funds to investigate and prosecute organizations and individuals trafficking in methamphetamine in

the prior calendar year, pursuant to 120 Stat. 3523; to the Committee on the Judiciary.

7845. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30724; Amdt. No. 3373] received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7846. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30723; Amdt. No. 3372] received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7847. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Federal Antidegradation Policy for all Waters of the United States within the Commonwealth of Pennsylvania [EPA-HQ-OW-2007-93; FRL-9156-5] (RIN: NA2040) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7848. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates and to the Long-Term Care Hospital Prospective Payment System and Rate Year 2010 Rates; Final Fiscal Year 2010 Wage Indices and Payment Rates Implementing the Affordable Care Act [CMS-1406-N] (RIN: 0938-AQ03) received May 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

7849. A letter from the Director, Office of National Drug Control Policy, transmitting 2010 National Drug Control Strategy, pursuant to 21 U.S.C. 1504; jointly to the Committees on Armed Services, Education and Labor, Energy and Commerce, Foreign Affairs, Ways and Means, Homeland Security, the Judiciary, Natural Resources, Oversight and Government Reform, Small Business, Transportation and Infrastructure, and Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEVIN:

H.R. 5486. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; to the Committee on Ways and Means.

By Mrs. NAPOLITANO:

H.R. 5487. A bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act; to the Committee on Natural Resources.

By Mr. BACA:

H.R. 5488. A bill to require each authorized public chartering agency to publish on the Internet the financial expenditures of each

charter school that is authorized or approved by such agency and receives Department of Education funding; to the Committee on Education and Labor.

By Mr. BRIGHT:

H.R. 5489. A bill to amend section 14102(a)(1)(A) of title 40, United States Code, to provide that Bullock County, Alabama, is included in the definition of the Appalachian region for purposes of Appalachian regional development; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 5490. A bill to amend the Internal Revenue Code of 1986 to allow a credit against excise taxes with respect to distilled spirits and wine for certain distilled spirits or wine produced from domestic agricultural waste or byproducts; to the Committee on Ways and Means.

By Mr. CARNEY (for himself and Mr. PLATTS):

H.R. 5491. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for taxpayers with long-term care needs; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. CLEAVER, Mr. JACKSON of Illinois, Ms. FUDGE, Mr. GUTIERREZ, Ms. MOORE of Wisconsin, Mr. PAYNE, Mr. RANGEL, Mr. WATT, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. DELAHUNT, and Mr. HASTINGS of Florida):

H.R. 5492. A bill to permit expungement of records of certain nonviolent criminal offenses, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 5493. A bill to provide for the furnishing of statues by the District of Columbia for display in Statuary Hall in the United States Capitol; to the Committee on House Administration.

By Ms. NORTON:

H.R. 5494. A bill to direct the Director of the National Park Service and the Secretary of the Interior to transfer certain properties to the District of Columbia; to the Committee on Natural Resources.

By Mr. PAYNE (for himself and Mr. CARNAHAN):

H.R. 5495. A bill to build capacity and provide support at the leadership level for successful school turnaround efforts; to the Committee on Education and Labor.

By Mr. WILSON of Ohio:

H.R. 5496. A bill to repeal the public telecommunications facilities assistance program; to the Committee on Energy and Commerce.

By Mr. WILSON of Ohio:

H.R. 5497. A bill to amend the Internal Revenue Code of 1986 to allow an individual to designate \$3 on their income tax return to be used to reduce the public debt; to the Committee on Ways and Means.

By Ms. CLARKE (for herself, Mrs. MALONEY, Mr. NADLER of New York, Mr. MEEKS of New York, Mr. SERRANO, Mr. RANGEL, Mrs. MCCARTHY of New York, Mr. KING of New York, Mr. TONKO, Mr. TOWNS, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. VELAZQUEZ, Ms. FUDGE, Mr. ISRAEL, Mr. COHEN, Mr. HALL of New York, Mr. WEINER, Mr. HINCHEY, Mr. ENGEL, Mr. MAFFEI, Mr. CROWLEY, Mr. BISHOP of Georgia, Mr. ACKERMAN, Mr. BRALEY of Iowa, and Mr. MCMAHON):

H. Res. 1428. A resolution recognizing Brooklyn Botanic Garden on its 100th anniversary as the preeminent horticultural attraction in the borough of Brooklyn and its

longstanding commitment to environmental stewardship and education for the City of New York; to the Committee on Oversight and Government Reform.

By Mr. LATTA:

H. Res. 1429. A resolution celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 191: Mr. YOUNG of Alaska.
 H.R. 393: Mr. PLATTS.
 H.R. 413: Mr. COLE.
 H.R. 482: Mr. FRANK of Massachusetts.
 H.R. 595: Mr. CRITZ.
 H.R. 775: Mr. BLUNT, Ms. LEE of California, and Mr. TOWNS.
 H.R. 847: Mr. LOBIONDO.
 H.R. 881: Mr. AKIN, Mr. WITTMAN, and Mr. OLSON.
 H.R. 932: Mr. CRITZ.
 H.R. 988: Mrs. DAHLKEMPER and Mr. SALAZAR.
 H.R. 1021: Mr. NYE.
 H.R. 1036: Mr. PAULSEN.
 H.R. 1074: Mr. CRITZ and Mr. PERRIELLO.
 H.R. 1220: Mr. CRITZ.
 H.R. 1255: Mr. SMITH of Texas, Mrs. BLACKBURN, and Mr. WEINER.
 H.R. 1340: Mr. MORAN of Virginia.
 H.R. 1351: Mr. CHANDLER.
 H.R. 1362: Ms. MOORE of Wisconsin and Mr. NYE.
 H.R. 1556: Mr. LARSON of Connecticut.
 H.R. 1584: Mr. WALDEN and Mr. KOSMAS.
 H.R. 1770: Mr. HOLDEN.
 H.R. 1828: Mr. FRANK of Massachusetts.
 H.R. 1844: Mr. HALL of Texas.
 H.R. 1990: Mr. CRITZ.
 H.R. 2000: Mr. POSEY.
 H.R. 2067: Ms. FUDGE.
 H.R. 2189: Mr. DJOU.
 H.R. 2378: Mr. CRITZ.
 H.R. 2455: Mr. HINCHEY, Mrs. MALONEY, and Ms. DELAURO.
 H.R. 2480: Mrs. MILLER of Michigan.
 H.R. 2515: Mr. PAYNE.
 H.R. 2575: Mr. BARROW.
 H.R. 2579: Mrs. MALONEY, Ms. MOORE of Wisconsin, and Mr. PATRICK J. MURPHY of Pennsylvania.
 H.R. 2963: Mr. CRITZ.
 H.R. 3012: Mr. CRITZ.
 H.R. 3101: Ms. ESHOO.
 H.R. 3168: Ms. DEGETTE.
 H.R. 3189: Mr. HILL.
 H. R. 3359: Mr. RODRIGUEZ, Ms. CLARKE, Mr. CLEAVER, Ms. HARMAN, Mr. SNYDER, Mr. McDERMOTT, Mr. BACA, Mr. PALLONE, Mr. GUTIERREZ, Ms. EDWARDS of Maryland, Mr. FATTAH, Ms. JACKSON LEE of Texas, Mr. LARSON of Connecticut, Mrs. NAPOLITANO, Mr. JOHNSON of Georgia, and Mr. REYES.
 H.R. 3470: Mr. CONYERS.
 H.R. 3480: Mr. MORAN of Virginia.
 H.R. 3519: Mrs. KIRKPATRICK of Arizona.
 H.R. 3652: Mr. TURNER, Mr. ROGERS of Alabama, Mr. GORDON of Tennessee, Mr. SESSIONS, Mr. PETERSON, and Ms. WATERS.
 H.R. 3716: Mr. TERRY.
 H.R. 3764: Mr. SERRANO.
 H.R. 3765: Mr. BACHUS.
 H.R. 3790: Mr. SCHRADER and Mr. CRITZ.

H.R. 4038: Mrs. BLACKBURN.
 H.R. 4191: Mr. KUCINICH.
 H.R. 4195: Mr. SABLAN and Mr. CAPUANO.
 H.R. 4278: Mr. LOBIONDO, Mr. McCLINTOCK, and Mr. MINNICK.
 H.R. 4335: Ms. BALDWIN and Mr. CONYERS.
 H.R. 4347: Mr. SABLAN, Mr. COLE, Ms. RICHARDSON, and Mr. CLAY.
 H.R. 4505: Mr. BROWN of South Carolina and Mr. RODRIGUEZ.
 H.R. 4514: Mr. DAVIS of Illinois, Ms. SPEIER, Mr. BUTTERFIELD, and Mr. SABLAN.
 H.R. 4533: Mr. CAPUANO, Mr. CONNOLLY of Virginia, and Mr. MEEK of Florida.
 H.R. 4662: Mr. GRIJALVA.
 H.R. 4684: Mr. ALTMIRE, Mrs. BLACKBURN, Mr. BOUCHER, Ms. MOORE of Wisconsin, Mr. GORDON of Tennessee, and Ms. HARMAN.
 H.R. 4800: Mr. PAYNE.
 H.R. 4806: Mr. SCHIFF.
 H.R. 4813: Mr. ROGERS of Alabama.
 H.R. 4832: Mr. JOHNSON of Georgia and Ms. LEE of California.
 H.R. 4886: Ms. LORETTA SANCHEZ of California and Mr. MCGOVERN.
 H.R. 4888: Ms. SPEIER and Ms. ESHOO.
 H.R. 4914: Ms. WOOLSEY, Mr. HINCHEY, and Mr. STARK.
 H.R. 4925: Ms. KOSMAS.
 H.R. 4933: Mr. GRAYSON and Ms. SCHAKOWSKY.
 H.R. 4943: Mr. GINGREY of Georgia.
 H.R. 4947: Mr. PLATTS.
 H.R. 4993: Mr. DENT.
 H.R. 4996: Mrs. MYRICK.
 H.R. 4999: Mr. BROUN of Georgia.
 H.R. 5012: Mr. WEINER.
 H.R. 5028: Mr. KUCINICH and Mr. WEINER.
 H.R. 5029: Mr. OLSON.
 H.R. 5090: Mr. KUCINICH and Mr. THOMPSON of Mississippi.
 H.R. 5091: Ms. RICHARDSON.
 H.R. 5092: Ms. KOSMAS and Mr. SABLAN.
 H.R. 5121: Ms. DEGETTE.
 H.R. 5141: Mr. UPTON and Mr. DJOU.
 H.R. 5142: Ms. SHEA-PORTER.
 H.R. 5156: Ms. GIFFORDS.
 H.R. 5162: Mr. MILLER of Florida and Mrs. SCHMIDT.
 H.R. 5200: Ms. RICHARDSON.
 H.R. 5211: Mr. COURTNEY.
 H.R. 5218: Mr. SARBANES.
 H.R. 5226: Mr. LATOURETTE.
 H.R. 5248: Mr. WEINER.
 H.R. 5255: Mr. MCNERNEY.
 H.R. 5260: Mr. ISRAEL and Mr. ACKERMAN.
 H.R. 5268: Ms. DEGETTE and Mr. QUIGLEY.
 H.R. 5300: Ms. SUTTON and Mr. CONYERS.
 H.R. 5301: Mr. WALDEN.
 H.R. 5304: Ms. LEE of California and Mr. SCOTT of Virginia.
 H.R. 5307: Mr. NYE and Mr. LIPINSKI.
 H.R. 5308: Ms. NORTON and Mr. MEEK of Florida.
 H.R. 5312: Mrs. HALVORSON.
 H.R. 5323: Mr. STEARNS.
 H.R. 5340: Mr. HOEKSTRA, Mrs. BLACKBURN, and Mr. WESTMORELAND.
 H.R. 5355: Mr. WEINER.
 H.R. 5385: Mrs. McMORRIS RODGERS, Mr. MCGOVERN, and Mr. SABLAN.
 H.R. 5412: Mr. HODES.
 H.R. 5426: Mr. UPTON.
 H.R. 5434: Mr. MOORE of Kansas, Mr. GRIJALVA, and Mr. PLATTS.
 H.R. 5439: Mr. PATRICK J. MURPHY of Pennsylvania.
 H.R. 5441: Mr. MOORE of Kansas.
 H.R. 5449: Mr. FILNER, Mr. GRIJALVA, Mr. WEINER, and Mr. MCGOVERN.

H.R. 5476: Mr. GARAMENDI.
 H.R. 5478: Ms. KILROY.
 H. Con. Res. 18: Mr. SESSIONS.
 H. Con. Res. 110: Mr. MARSHALL.
 H. Con. Res. 122: Ms. SCHAKOWSKY.
 H. Con. Res. 200: Mr. SESSIONS.
 H. Con. Res. 219: Mr. SMITH of Nebraska.
 H. Con. Res. 259: Mr. CAPUANO, Mrs. MCCARTHY of New York, Mr. OBERSTAR, and Mr. SIRES.
 H. Con. Res. 275: Mr. PRICE of North Carolina, Ms. BALDWIN, Mr. COSTELLO, Mr. BACA, Ms. RICHARDSON, Mr. RODRIGUEZ, Mr. WAXMAN, Mr. COHEN, Mr. LEWIS of Georgia, and Mr. CASTLE.
 H. Con. Res. 279: Mr. BARTLETT, Mr. LAMBORN, Mr. NEUGEBAUER, Mr. OLSON, Mrs. BLACKBURN, Mr. FLEMING, Mrs. BACHMANN, Mr. ISSA, and Mr. AKIN.
 H. Con. Res. 280: Mr. GUTIERREZ.
 H. Con. Res. 281: Mrs. BLACKBURN.
 H. Con. Res. 283: Mr. ALTMIRE and Mr. CRITZ.
 H. Res. 22: Mr. FALEOMAVAEGA.
 H. Res. 173: Mr. DENT and Mr. PERRIELLO.
 H. Res. 333: Mr. SERRANO and Mr. HINCHEY.
 H. Res. 363: Mr. RUSH.
 H. Res. 536: Mr. HIMES.
 H. Res. 546: Mr. BUTTERFIELD, Mr. MEEK of Florida, Mr. KUCINICH, and Mr. HIMES.
 H. Res. 771: Mr. FRANK of Massachusetts.
 H. Res. 1226: Ms. BERKLEY and Mr. BURGESS.
 H. Res. 1230: Mr. BROUN of Georgia.
 H. Res. 1241: Mr. OLSON and Mr. BRADY of Texas.
 H. Res. 1322: Mr. PETRI, Ms. NORTON, and Mr. PRICE of North Carolina.
 H. Res. 1335: Mrs. MALONEY.
 H. Res. 1381: Mr. MEEK of Florida, Mr. SESTAK, and Ms. MATSUI.
 H. Res. 1393: Mr. FRANK of Massachusetts, Mr. FILNER, Ms. ZOE LOFGREN of California, and Ms. ROYBAL-ALLARD.
 H. Res. 1394: Ms. RICHARDSON and Mr. PRICE of North Carolina.
 H. Res. 1395: Mr. COBLE.
 H. Res. 1396: Ms. NORTON.
 H. Res. 1401: Mr. COURTNEY, Ms. CLARKE, Ms. MARKEY of Colorado, and Ms. SUTTON.
 H. Res. 1406: Mr. YOUNG of Alaska, Mr. McKEON, Mrs. McMORRIS RODGERS, Mr. McCLINTOCK, Mr. CASSIDY, and Mr. DUNCAN.
 H. Res. 1412: Mr. ROTHMAN of New Jersey, Mr. MCCAUL, Ms. KILROY, Mr. POE of Texas, Mr. COHEN, Mrs. MYRICK, Ms. ROS-LEHTINEN, Mr. KIRK, Mr. REHBERG, Mr. CRENSHAW, Mr. JACKSON of Illinois, and Mrs. LOWEY.
 H. Res. 1427: Mr. MCNERNEY, Mr. BECERRA, and Mr. COSTA.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY Mr. LEVIN

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 5486, the Small Business Jobs Tax Relief Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

IN RECOGNITION OF STUART ROSSMAN, OUTGOING DIRECTOR OF THE JEWISH COMMUNITY RELATIONS COUNCIL OF GREATER BOSTON

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. LYNCH. Madam Speaker, I rise today to recognize Stuart Rossman who will be stepping down on June 9, 2010 as President of the Jewish Community Relations Council of Greater Boston.

An honors graduate of the University of Michigan and Harvard Law School, Mr. Rossman has dedicated himself to working for social justice, ensuring the well-being of the State of Israel and building a strong Jewish community in the greater Boston area. As an adjunct faculty member at both the Northeastern University School of Law and at the Suffolk University Law School, he trains and educates the next generation of lawyers and legal scholars.

Throughout his legal career, during which he served in the Massachusetts Attorney General's office and in his current post with the National Consumer Law Center, a national advocacy organization for low-income consumer justice, he has stood up for those whose voices are seldom heard. Mr. Rossman has brought together partners across ethnic and religious lines to speak out for what is right.

Mr. Rossman has also been a strong supporter of Israel and of the Jewish community. During his term as Chairman of the United Jewish Appeal Young Leadership Cabinet from 1991 to 1992, he led a solidarity mission to Israel during the Persian Gulf War and led the 8th Annual UJA Young Leadership Conference in Washington, attended by the late Prime Minister Yitzhak Rabin and over 3,000 participants. In addition to his work with the Jewish Community Relations Council of Greater Boston, he has been actively involved in the Combined Jewish Philanthropies, where he has served on its Executive Committee and Board. He also served as President of the Bureau of Jewish Education, President of the Massachusetts Association of Jewish Federations and Chair of the Boston-Haifa Connection, a partnership that seeks to build economic and social bridges.

He is also is a member of the Advisory Committees for the South Area Solomon Schechter Day School and the American Society for the University of Haifa New England Region.

Madam Speaker, Stuart Rossman has spent a lifetime working for the betterment of his community and of Israel and the relationship between our two countries. It is my pleasure to join with Stuart's family, his wife Shelley and daughters Rina and Jessie, JCRC Execu-

tive Director Nancy K. Kaufman and their colleagues to recognize his achievements and to congratulate him as he concludes his tenure as President of the Jewish Community Relations Council of Greater Boston.

TRIBUTE TO MRS. DOROTHY ELIZABETH MLADINOV

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. BACA. Madam Speaker, I stand here today to honor and remember a loving wife, mother, grandmother, sister, friend and respected citizen, Mrs. Dorothy Elizabeth Mladinov.

Dot, as she was affectionately known, passed away peacefully in her home from Acute Myeloid Leukemia on May 14, 2010.

The daughter of Johan and Julia Dobias, she was born in Chicago, Illinois, on December 13, 1939.

Dot was an 11 year survivor of breast cancer. After beating the disease, she became an avid walker in support of the Susan G. Komen for the Cure Foundation.

Dot had recently retired after working 20 years as a surgery technician at the San Antonio Community Hospital of Upland, California.

Upon moving to Upland in 1968 to raise her family, she quickly became involved in local organizations such as youth sports, the PTA, and Girl Scouts.

Dot is mourned by her high school sweetheart turned husband of 49 years, Dr. Joseph Mladinov Jr.; her three children and their spouses, Joseph Mladinov III and Aries, Cyndi Mladinov and Tynan Schmidt, Chris Mladinov and Anne Kim; her 6 grandchildren Jake, Keaton, Vincent, Joseph IV, Jonco and Genevieve; two sisters, Dolores and Judy; and many nieces, nephews and friends.

In lieu of flowers, donations have been requested to be made to the Susan G. Komen for the Cure Foundation, in Dottie's name.

Let us take the time to pay tribute to this wonderful woman. The thoughts and prayers of my wife Barbara, my family, and I, are with her family at this time.

Madam Speaker, let us pay our respects to Dorothy Elizabeth Mladinov. Let us celebrate the life she lived and her positive impact on the lives of everyone she touched.

HONORING WOODBURY ROTARY CLUB VETERANS MONUMENT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the Woodbury Rotary Club and

the recent construction of the Woodbury Rotary Club Veterans Monument. The Veterans Monument recognizes veterans from the past, present, and those who will serve in the future.

Construction of the monument would not have been possible without the dedicated efforts of the Club Service Committee Chair, Herb Budd, Jr. Mr. Budd served as a Second Lieutenant in the U.S. Army National Guard. He was elected President of the rotary club in 1971 and 2005 and served as District Governor in 1989.

The Woodbury Rotary Club Veterans Monument has been an ongoing project since 2005. The monument is a ceremonial stone fixture, centrally located on the Rotary Park Memorial Walkway. Veterans of the Army, Navy, Marine Corps, Air Force, Coast Guard, Merchant Marines and Army National Guard are honored for their service during both times of war and peace. The area around the monument will be made up of bricks engraved to reflect military service of individuals in the South Jersey community.

This monument embodies the motto, "Some gave all, all gave some" by honoring those brave individuals who committed selfless acts for their country. The actions of these men and women ensured peace and freedom for American people. The monument pays tribute to those who have lost their lives in combat, those who survived, and those who will serve in the future.

Madam Speaker, the Woodbury Rotary Club should be recognized for their time and effort spent constructing a permanent tribute to our veterans.

ADAM METZGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Adam Metzger. Adam is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 59, and earning the most prestigious award of Eagle Scout.

Adam has been very active with his troop, participating in many scout activities. Over the many years Adam has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Adam and I am sure that he will continue to hold such high standards in the future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker, I proudly ask you to join me in commending Adam Metzger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

**HONORING THE ACHIEVEMENTS
AND LEADERSHIP OF P. MICHAEL SAINT**

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. DELAHUNT. Madam Speaker, I rise today to recognize P. Michael Saint of Franklin, Tennessee—the Chairman, and Chief Executive Officer of The Saint Consulting Group.

In 1983, following a long and dedicated career working in government and media, Mr. Saint founded The Saint Consulting Group. It started in a one-bedroom condominium in Hingham, Massachusetts—which is in my district—and has since blossomed into a successful international firm with offices across the United States and Europe. From its humble beginnings, his pioneering company has grown to be a recognized international leader in the field of “land use politics.”

From conferences and speeches at distinguished institutions around the world, Mr. Saint has generously shared his unique perspective and extensive professional experiences with colleagues, peers, and younger generations of philanthropists. He serves on the Board of Directors of the Association of Management Consulting Firms and is a trustee on the board of The Foundation for Excellence in Consulting and Management, and also contributes locally serving on the advisory board of the Civic Bank and Trust in Nashville and the executive board of the Nashville District Council of the Urban Land Institute. He serves on the Board of Directors of the Nashville Opera and on the Board of Trustees of the George Street Playhouse in New Brunswick, New Jersey. His active support for the Vanderbilt Children's Hospital and the Heritage Foundation of Williamson County, Tennessee, as well as innumerable other associations and charitable endeavors, has sparked hope in the hearts of children and families across the country.

In 2009, Mr. Saint added the title of ‘author’ to his impressive resume as he co-authored the groundbreaking book on land use politics, “Nimby Wars—The Politics of Land Use”.

To the people who work for and with Mr. Saint, and to the people who know him best, it is not just his entrepreneurial spirit, or his charitable work that makes him an enduring leader. It is the genuine care and compassion that he exhibits for others that will always be his legacy. Whether it was offering domestic partner benefits long before it was fashionable or a legal requirement, or fully funding family health insurance costs for all his employees, or promoting continuing education for his employees by fully funding Master of Business Arts degrees—Mike Saint has created a dynamic and innovative company, one that puts people first.

It is my honor to recognize P. Michael Saint for his innovation, his philanthropic endeavors

and, most importantly, for his exemplary leadership.

LILLIE MAE SEARCY

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. HARPER. Madam Speaker, on June 6, 2010, Lillie Mae Searcy of Natchez, Mississippi passed away at the age of 80. Born to Eliza and Charles Gaylor and married to Argenter Searcy, Searcy leaves behind an inspiring legacy that we honor here today.

A fine and caring woman, Lillie Searcy came to know Christ at a young age. Her character, strength, and her faith in the Lord provided an instrument for her desire to help those in need. Through her church she reached out to people, aiding them both physically and spiritually. Searcy did so by not only cooking for the disadvantaged at both the Stewpot Ministries and with the Southwest Mississippi Planning and Development for Senior Citizens, but also through her life and her testimony. Before cooking for Stewpot and for seniors, Searcy achieved fame as one of the best chefs in the South.

Despite her large family and many careers, she always had time to help those less fortunate than herself. Searcy was a member of the choir at each church she attended, a member of the Mother's Board, and a member of the Board of Directors for WORD. Helping others was her joy, and she was a blessing to everyone around her. Her caring temperament inspired friends and family to become involved in the community.

In addition to serving others, Lillie Searcy was a devoted and loving mother of 11. She cared for her 38 grandchildren, 28 great grandchildren, and four great-great grandchildren. The happiness of her family and of those around her was her top priority.

Lillie Searcy lived by a motto in which we should all take note. “Live your life to the fullest, don't wait for happiness to come to you, follow your passion, and create your own joy.” Searcy brightened the lives of all around her and her selflessness should serve as inspiration to us all. Let us honor Lillie Mae Searcy today.

**IN RECOGNITION OF WORLD
TRADE CENTER RESPONDER DAY**

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mrs. MALONEY. Madam Speaker, along with my colleague and good friend Congressman NADLER, I rise to recognize World Trade Center Responder Day, which will be held in lower Manhattan on the afternoon of Saturday, June 5th. World Trade Center (WTC) Responder Day is organized by the Mount Sinai World Trade Center Medical Monitoring and Treatment Program Clinical Center, the New York State AFL-CIO, and the New York City

Central Labor Council to honor the men and women who rushed to lower Manhattan to rescue and recover others following the terrorist attacks of September 11, 2001.

The collapse of the World Trade Center towers took thousands of lives in a matter of seconds and released a massive cloud of asbestos, pulverized concrete, and other poisons that sickened thousands more in the days and months after the attacks. The first responders who participated in search, rescue, and recovery operations at Ground Zero toiled in this toxic environment, often for weeks at a time. As a result of their service, many of these heroes and heroines now suffer from a host of illnesses, including severe respiratory and gastrointestinal diseases and Post-Traumatic Stress Disorder—as do many survivors of the attacks.

For many, 9/11 has receded into memory, but the nightmare of that day continues for Americans sickened as a direct result of these attacks on our country, and are not getting the help they need and deserve from the federal government. In addition to honoring their service, WTC Responder Day also serves as a reminder that we must do more to provide proper health care and compensation to first responders and survivors of the attacks who are suffering.

The federal government has a moral obligation to care for those who respond to an attack on our country, just as we did more than 65 years ago in the aftermath of the Pearl Harbor attacks. At that time, American civilians helped recover the dead and salvage what remained of our Pacific fleet. Many of these civilians also were killed, injured or made sick as a consequence of their heroic service to our nation. In passing the War Hazards Compensation Act of 1942, Congress wisely and compassionately extended health care and financial relief to civilian responders in need. It is time that this Congress did the same for those who lost their health as a result of 9/11. More than 100 colleagues serving in this House, from all across the nation, have joined with Congressman NADLER and me in a bipartisan coalition to co-sponsor the James Zadroga 9/11 Health and Compensation Act. It will provide medical monitoring for everyone who was exposed to World Trade Center toxins, treatment for anyone who is sick as a result, and compensation for economic losses by reopening the 9/11 Victim Compensation Fund.

Though WTC Responder Day is held in Manhattan, caring for the heroes of Ground Zero Americans is an issue that extends far beyond the borders of the Empire State. According to the federally-funded World Trade Center Health Registry, citizens from all 50 states and nearly every Congressional district in the country ventured to lower Manhattan to volunteer their services on or after 9/11, and now harbor serious concerns about their health. In all, more than 10,000 people enrolled in the Registry live outside the greater New York tri-state metropolitan area that also encompasses northern New Jersey and southwestern Connecticut.

New York City Mayor Michael Bloomberg has proclaimed June 5th to be World Trade Center Responders Day in the Big Apple. The organizers of Responder Day plan to make

this a recurring, nationally-recognized event, one that will continue to inspire other communities around the country to host their own Responder Day gatherings in the years to come.

Madam Speaker, Congressman NADLER and I ask that our colleagues join us in applauding the Mount Sinai World Trade Center Medical Monitoring and Treatment Program Clinical Center, the New York State AFL-CIO, and the New York City Central Labor Council for organizing World Trade Center Responder Day. We commend these fine organizations for their patriotism and dedication to caring for the heroes of 9/11.

RECOGNIZING TRAILBLAZER AND
EDUCATIONAL PIONEER MRS.
EMMA BRANDON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, it gives me immense pleasure to rise today in honor of trailblazer, educator and pioneer, Mrs. Emma Brandon.

Mrs. Brandon began teaching right out of high school in 1946 for a wage of \$36/month. She walked three miles one way to school and seven miles if weather made the road conditions to difficult to travel.

As a woman, of much wisdom and vision, Mrs. Brandon realized that education required a deep devotion and a substantial amount of hard work from both student and teacher.

Mrs. Brandon began her career at a two-room school on a dirt road next door to Beechland Church where she taught first through fourth grades. Three years later, she became principal and sole teacher at Egypt School in Russum, which was later consolidated into another school.

Mrs. Brandon understood that the task of educating is an enduring and tedious process; one that empowers and benefits individuals, communities and countries, alike.

After years of serving students in Claiborne County, as both an educator and an administrator, Mrs. Brandon earned her bachelor's degree from Alcorn State University. After completing her education at Alcorn, Mrs. Brandon returned to complete her educational career in Claiborne County, MS.

For the last 42 years, Mrs. Brandon has been educating generations of families at A.W. Watson Elementary in Port Gibson, MS where her enthusiasm for learning is abundant. She implemented programs that have strengthened the learning capabilities of her students and challenged them to think critically.

Mrs. Brandon has yielded the guiding principles of education and knowledge to all of whom she has encountered. She believes that each child can enjoy today's promises of a rewarding life if they possess a strong foundation in education.

Madam Speaker, it is with great pleasure that I ask my colleagues to rise and join me in expressing my gratitude and appreciation to Mrs. Emma Brandon of Port Gibson, Mississippi, for her many contributions to education and her dedication to its principles.

MILITARY SPOUSE APPRECIATION DAY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mrs. MYRICK. Madam Speaker, on May 7, 2010, we recognized Military Spouse Appreciation Day. On this day, I received a letter from Mrs. Anthony Massey, the wife of a diver in the United States Navy. Her letter is attached, and it very eloquently talks about the sacrifice, support and dedication provided by military spouses to our men and women in uniform.

HAVE YOU THANKED A MILITARY SPOUSE
TODAY?

In 1984, President Ronald Reagan designated the Friday before Mother's Day as Military Spouse Appreciation Day, a day set aside to recognize the many contributions and sacrifices military spouses make in support of military members and our country.

Yesterday, President Obama made this declaration:

When Americans answer the call to serve in our Armed Forces, a sacred trust is forged. Our men and women in uniform take on the duty of protecting us all, and their spouses and families also help shoulder this important responsibility. . . . At the heart of our Armed Forces, servicemembers' spouses keep our military families on track. They balance family life, military life, and their careers all while supporting other military families and giving back to their communities. . . . Today, let us honor the spouses and families who support our servicemembers and, in doing so, help defend our Nation and preserve our liberty.

For many military spouses, we have essentially no idea what it means to be a "military spouse" when we say, "I do". We, like many, simply make a pledge that day to support our loved one through good times and bad. However, it quickly becomes apparent that military life is unlike anything we have experienced. When standing at the altar, whether we know it or not, we are making a commitment to serve our country, many times forsaking our desires for a greater cause.

Rarely, will you ever see a military spouse seeking the approval of others for the hat he or she wears. Rarely, will you ever hear a military spouse ask for "Thank Yous" after he or she has kissed their loved one for the last time for 7 months (or longer). Rarely, will you ever witness a military spouse demand compensation for raising their children as a single parent while their loved one deploys for the fourth time in five years.

In just really is not our style.

When you say, "I do" to a Sailor, Marine, Soldier, Airman, or Coast Guardsman, you are immediately inducted into a special society of spouses. . . . one that is built on a legacy of those who have sacrificially dedicated their life to the service of their country. A legacy that only understood by those who have walked the walk and talked the talk. From this legacy, we are inspired, encouraged, and supported. We know many before us and along side of us have gotten through it, have overcome the challenges, and persevered when the going gets tough.

We know that there is at least one spouse who has celebrated an anniversary alone and one spouse who watched their child graduate from preschool/high school/college alone. We

know there is at least one spouse who moved from one state to another alone. We know there is at least one spouse who has given birth to their first, third, or sixth child alone.

Nevertheless, we are quick to remember that we are never alone. For me personally, Jesus is always by my side. However, for all of us, every military spouse, past or present, is standing side-by-side with us as we continue to overcome the challenges of daily life.

There is a joy like no other when your Sailor, Marine, Soldier, Airman, or Coast Guardsman comes home from deployment or training. There is an excitement that wakes you up at all hours of the night and keeps you from falling back asleep in the days leading up to their return home. There is a sense of relief as soon as they are in your arms that you have defeated the odds.

These moments make it worthwhile. That first eye-to-eye contact . . . that first embrace . . . that first kiss all remind you why you fell in love with them the first time. It is the overwhelming sense of pride you feel when you see them in uniform as they step off the plane or ship that reminds you that the hat you wear is worth it. It is that first morning that you wake up in their arms that gives you the strength to begin preparing for the next separation.

Military spouses are a breed like no other. While the United States Military has no official authority over us, they really do because they tell us when our loved one will work, when they will stand watch, when they will deploy, and to where we will move next. Their system can be archaic and rigid at times . . . but without it, our loved one's life is at risk. We grow to appreciate this rigidity. We learn to communicate in a language based on acronyms. Moreover, we learn to roll with the punches.

Before we got married, Andy told me that military life is like the tide, frequently changing on a daily basis. There are no certainties to military life other than constant change. Frequently, deployment dates move up and return dates are pushed back. Departure times become earlier and arrival times get later. To be a successful military spouse, you must be resilient because without resiliency, you crack. We are stretched to our limits and then some, with little power to change the situation.

Military spouses are woven together with the same strand of thread when we accept this responsibility with a gracious heart and sacrificial love for our Sailor, Marine, Airman, or Coast Guardsman. And for the military spouses whose loved one has paid the ultimate price in service to our country, we, as a nation, are forever indebted to them for the price they paid as a military spouse.

I write this out of the pride I have to be ND1 Massey's wife. Pride in him as a Mighty Man who serves an Awesome God first and our country second. Pride that reduces me to tears whenever I think of him.

So if you know one, thank one. While they may react humbly, chances are it will mean a great deal to them. Our Sailors, Marines, Soldiers, Airmen, and Coast Guardsmen are so frequently the ones who are thanked . . . and they should be. They are the ones that leave their families at home to fight for a cause they may not always support. However, every once in a while, when we are thanked for wearing this hat, it reassures us that we are remembered and appreciated and it encourages us to face the next challenge head on.

RECOGNIZING THE ROLE AND CONTRIBUTIONS OF THE ABILITYONE PROGRAM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. GRAVES. Madam Speaker, I rise today to recognize the participating businesses in the AbilityOne program and for the work they do providing meaningful employment to the disabled of our communities.

AbilityOne provides those who are blind or have other significant disabilities the ability and self-confidence that can come from meaningful employment. AbilityOne jobs sites provide important training to individuals with disabilities that help further integrate them into the broader community where they can earn a living alongside their non-disabled peers.

In my own district, a number of AbilityOne businesses have used the resources this program authorizes to provide employment opportunities to the blind and disabled. Each year, I have the opportunity to meet with the business owners and their workers to hear first hand how participation in this program has enriched their lives and the economic vitality of the local communities in which they are located.

In closing, I encourage all my colleagues to recognize and work with the AbilityOne program sponsors in their own districts and hope that Congress will continue to support and encourage this important employment program for the disabled.

FEDERAL REPORTING.GOV, THE FIRST CENTRALIZED REPORTING STRATEGY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise to draw the attention of my colleagues to a successful example of public-private collaboration that marks a new era of government transparency and accountability. It could not have happened without the cooperation of the private sector.

Following President Obama's commitment to let the public track every dollar spent under the economic stimulus package, administration was hard pressed to find a timely and effective way to meet the objective. Many were skeptical, and thought it would take months if not years to develop a website, standardize the information, create a website and keep the information current.

Rather than start from scratch and begin a new procurement process, the Office of Management and Budget opted to leverage an existing program and technology. This wise decision lowered the cost and enabled it to be implemented under an extremely tight timeline. In June 2009, OMB and the Recovery and Accountability and Transparency Board (RATB) selected an existing data management system used by the Environmental Protection Agency

called the Central Data Exchange or CDX for short. The great efficiency of the interagency work allowed the website, Recovery.gov, to open several weeks later in August for both the government and the public to access. The system is also flexible enough that OMB and RATB continue to guide and improve reporting requirements through a separate data collection site, FederalReporting.gov on a daily basis.

The Recovery Board and the EPA partnered with CGI Federal to develop and implement the site. CGI Federal built the site and added enhancements and still continues to validate the site's information. The tireless work and outstanding effort of this partnership led to the successful implementation of this system.

FederalReporting.gov is the first centralized reporting strategy that spans all participating federal agencies. As a result, agencies do not have to spend funds to implement independent solutions for data collection. Also, FederalReporting.gov is one of the first federal reporting systems to be entirely paperless. The success of the site proves that a paperless system does not result in a large number of non-compliant recipients but opens the door for future green government efforts.

FederalReporting.gov shows us that there are examples of successful collaboration and partnership between government agencies and the private sector that help move our country forward.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mrs. LOWEY. Madam Speaker, I regrettably missed a rollcall vote on June 8, 2010. Had I been present, I would have voted "yea" on rollcall No. 337.

PERSONAL EXPLANATION

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mrs. GIFFORDS. Madam Speaker, yesterday I was absent and missed rollcall votes 337 and 338.

Had I been present, I would have voted "aye" on rollcall 337 and "aye" on rollcall 338.

TRIBUTE TO NELDA BARTON-COLLINGS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to Nelda Barton-Collings, a business savvy Kentuckian who adopted a passion for public service through her family legacy and through her own determination, improved our region.

Nelda Barton-Collings is a pioneer for women in business and entrepreneurship in Kentucky. Nelda's career was shaped by her hard-working family. Her father spent 20 years as a county commissioner while also running the family grocery store with her mother. Her parents laid a firm foundation of strong work ethic and civic responsibility. Nelda dedicated her life to those values and became the first woman to chair the Kentucky Chamber of Commerce.

Nelda faced several challenges along her journey to success. At the age of 48, she suffered through the death of her husband and became a widow with five children. Determined to support her family, Nelda went back to college to learn more about business, entrepreneurship and healthcare. She soon joined her late husband's business partner to bring his original business dreams to life. Today, they own nursing homes, newspapers, banks and a pharmacy. Nelda's tenacity and spirit carried her through many challenging times to now see the fruits of her hard labor shared among families across the state.

For 28 years, Nelda was the Republican National Committee-Woman from Kentucky. She was the first woman from Kentucky to address the RNC and call the meeting to order. As an ambassador for our fine Commonwealth, Mrs. Barton-Collings greeted every U.S. President with her sweet southern hospitality and gave them a priceless bluegrass welcome. She made such a lasting impression, that President Ronald Reagan appointed her to the Federal Council on Aging and President George H.W. Bush appointed her to the President's Council on Rural America.

Madam Speaker, I ask my colleagues to join me in honoring Nelda Barton-Collings, a true friend to Kentucky, our great nation and a mentor to women in business and entrepreneurship.

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. THOMPSON of California. Madam Speaker, on June 8, 2010, I was unavoidably unable to cast my votes for rollcall 337 and rollcall 338 due to a delayed flight. Had I been present, I would have voted "aye."

DEDICATION OF STATUE AT MICKLEY MANTLE FIELD IN COMMERCE, OKLAHOMA

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. BOREN. Madam Speaker, my congressional district in eastern Oklahoma is home to some great American heroes. Names like Woody Guthrie, T. Boone Pickens, Will Rogers and even the late great Speaker of the House Carl Albert. But no eastern Oklahoman has a bigger claim to fame than Hall of Fame baseball player Mickey Mantle.

Madam Speaker, Mickey Mantle was born in Spavinaw, Oklahoma, the son of Elvin and Lovell Mantle—"The Mick" was named in honor of Mickey Cochrane, the Hall of Fame catcher from the Philadelphia Athletics. Later in life the Mantle family would move to the nearby town of Commerce, Oklahoma where Mickey would attend Commerce High School and go on to become an all-state athlete in basketball, football and of course baseball.

Promptly after his high school graduation, Mickey Mantle would sign a contract to play professional baseball in the New York Yankees organization. Mantle rose through the minors quickly and made his major league debut on Yankees' field in the spring of 1951. Five years later, in 1956, Mickey Mantle would win the Triple Crown, leading the majors in home runs, RBIs and batting average. In the spring of 1957, he was considered by many to be the greatest baseball player on the planet.

Mantle went on to become one of the most recognizable names in baseball history and in 1961 was the highest paid active player in the Major Leagues. He was inducted into the National Baseball Hall of Fame in 1974, and forty-one years ago this month (June) had his number "7" forever retired in Yankee lore.

In honor of their hometown hero, on the 12th of June, 2010, the citizens of eastern Oklahoma are set to commemorate one of their own, Mickey Mantle, with the dedication of a statue of the legendary player at Mickey Mantle field at Commerce High School in Commerce, Oklahoma.

Madam Speaker, Mickey Mantle's hopes, dreams, and accomplishments remind each and every one of my constituents why it's great to be an "Okie."

RECOGNIZING THE 30TH ANNIVERSARY OF SIERRA NEVADA BREWERY AND THE INSPIRATIONAL CAREER OF ITS FOUNDER KEN GROSSMAN

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. HERGER. Madam Speaker, it is with great pleasure that I rise to commend both Sierra Nevada Brewery and the inspirational career of its founder, Ken Grossman on its 30th Anniversary. Ken is an outstanding model of the modern American entrepreneurial spirit.

Thirty years ago, Ken began a modest brewing company in the town of Chico, California. Named after the beloved California Mountains, the Sierra Nevada Brewery has since matured into the tenth largest brewery in the United States.

Ken's specialty beers receive constant praise for their exceptional quality. Through the years his brews have collected an impressive array of national and international awards. His award portfolio includes gold medal recognition from competitions in Munich as well as the Great American Beer Festival in Colorado.

The Sierra Nevada Brewery, by incorporating smart and sustainable manufacturing practices, provides an excellent working exam-

ple of the ideal that economic success and environmental protection go hand in hand. Recently, the brewery expanded its solar panel facility, making it one of the largest private solar facilities in the nation. This expansion allows the brewery to produce the majority of its own energy needs. The brewery also engages in resource conservation and waste diversion through the installation of instruments that reuse the brewery's wastewater and methane gas. Additionally, his brewery has a near perfect recycling record, diverting more than 98 percent of its annual waste away from over-used landfills.

Sierra Nevada Brewery has had a tremendous impact on the local economy. With approximately \$100 million in annual sales, Sierra Nevada Brewery has been able to create over three hundred and fifty jobs. Sierra Nevada Brewery has also been generous in giving back to the community. Indeed, its donation of \$88,000 to the California State University, Chico's Paul L. Byrne Agricultural Teaching and Research Center illustrates its desire to give back to the community that has aided in its success. There is no doubt that the Second Congressional District of California is a better place because of the economic activity and good works that Sierra Nevada Brewery selflessly provides.

RECOGNIZING MARTIN LEONARD SKUTNIK

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. SPRATT. Madam Speaker, I rise to commemorate the retirement from government service of a true hero, Martin Leonard Skutnik. On June 4, 2010, Lenny retired after 30 years supporting logistics at the Congressional Budget Office, CBO. His work there—printing and distribution of literally hundreds of CBO reports, providing IT support, and handling mail and supplies—may not have been heroic in the standard sense, and Lenny Skutnik may still insist he didn't do anything special, but those who remember the Air Florida crash in Washington, DC, in 1982 know differently. On that January day when a plane crashed into the freezing Potomac River seconds after takeoff, Lenny dived from shore to save a woman who was too weakened to hold on to a helicopter's rescue line. His selfless and risky act saved Priscilla Tirado, and two weeks later President Reagan made Lenny a household name by citing his heroism during the State of the Union address.

Lenny never sought recognition of his heroism, but he received it in spades, including being awarded both the United States Coast Guard's Gold Lifesaving Medal and the Carnegie Hero's Fund Medal. The public accolades included "Lenny Skutnik Days" in Mississippi in 1982, and a unanimously passed resolution by the General Assembly of the Commonwealth of Virginia honoring his "unselfish act of bravery."

But day in and day out, Lenny downplayed his heroism in an unassuming way, continuing to provide logistics for CBO. Doug Elmendorf,

CBO's Director, publicly cited Lenny's contributions on Friday, noting that Lenny says he was proud to have been part of CBO, and that he learned a lot working there.

Lenny Skutnik exemplifies the spirit of public service, both on that fateful winter day in 1982 and every day since then through his work with others at CBO to provide budget-related materials that inform Congress and the public on key decisions. On behalf of the many people who rely on CBO's products, and as a grateful American, I would like to thank Lenny Skutnik not just for his heroism in 1982 but also for his many years of public service.

HONORING MARTIN LEONARD SKUTNIK

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. RYAN of Wisconsin. Madam Speaker, I rise today to pay tribute and to say thank you to Martin Leonard Skutnik. Lenny is retiring after 30 years of service to the Congressional Budget Office. As you know, Madam Speaker, the Budget Committee relies heavily on CBO and on the professionalism, dedication, and competence of its staff—and those are the very traits I think of when I think of Lenny Skutnik: professional, dedicated, and competent. Lenny paid perhaps one of the highest compliments an employee can pay to his employer when he said recently that he was "proud to have been a part of it [CBO]." That pride was evident in his work and the support he provided CBO in ensuring its products were printed and disseminated in a timely manner.

Lenny had a career at CBO of which he can be proud and Lenny—through his unforgettable actions on a cold day in January nearly 30 years ago—filled this nation with pride even as we watched the fate of Air Florida Flight 90 in horror. On that January 13th, which will forever be remembered by those who then lived and worked in and around Washington, DC, Lenny provided a very real face to heroism. Lenny pushed his own safety to the back of his mind, defied logic, and willingly jumped into the icy waters of the Potomac to help those in need. Lenny's humility and grace keep him from acknowledging he did anything extraordinary, yet we know differently. Lenny's actions provide inspiration to us all and provide a vivid example for us to use when describing the concept of heroism to our children.

Madam Speaker, the Congress was fortunate to have Lenny Skutnik as an employee for the last 30 years and this nation is proud to call Lenny one of its own. I wish him a long, healthy, and happy retirement. He has earned it.

HONORING LIEUTENANT COLONEL
TED EPPLÉ

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. JORDAN of Ohio. Madam Speaker, I am honored to commend to the House the outstanding contributions of Lieutenant Colonel Theodore M. "Ted" Epplé to the Army and to our nation.

Since August of 2007, Colonel Epplé has served as commander of the Joint Systems Manufacturing Center in Lima, Ohio, where so many have worked since World War II to provide cutting-edge military equipment to our armed forces. During his service in Lima, he deployed to Iraq for a year in support of the Defense Contract Management Agency's efforts there.

Throughout his military career, Colonel Epplé's dedication and valor have been recognized by his peers and superiors. Among numerous other awards and commendations, he has earned a Bronze Star, the Meritorious Service Medal, and the Joint Service Commendation Medal.

A 1988 graduate of the United States Military Academy at West Point, where he earned a Bachelor of Science degree in leadership studies, Colonel Epplé also earned a Master of Science degree from the Florida Institute of Technology. He and his wife, Barbara, are the proud parents of Ben, Matthew, and Bentley.

Madam Speaker, Colonel Epplé will relinquish command of JSMC to Lieutenant Colonel Yee Hang at a June 15 ceremony at the facility. On behalf of the people of Ohio's Fourth Congressional District, I thank him for his distinguished service in Lima these past three years. I am proud to join everyone at JSMC in wishing him and his family every success as they move to a new chapter in their lives.

COMMENDING DR. NATHAN FORD
AS RECIPIENT OF "CELEBRATE
OUR SUCCESSES" AWARD

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. ROE of Tennessee. Madam Speaker, I rise today to commend Dr. Nathan Ford, the 2010 recipient of the prestigious "Celebrate our Successes" award for his life achievements as Alumnae of the Cocke County School System.

As a member of the Education and Labor Committee, as well as a former Mayor, I welcome the opportunity to applaud those who have gone above the call to serve their community. Dr. Ford has selflessly devoted his life providing health care through his practice of Optometry, education for all ages, and his Public Service across the State of Tennessee.

Dr. Ford began his public service at age 27 being elected to Cocke County Board of Education, and has since served as Cocke County Economic Development Commission Chair-

man, Newport/Cocke County Chamber of Commerce Director, Chairman of the Cocke County Baptist Hospital Board; not to mention the four terms he spent serving as a Tennessee State Representative.

As a public figure myself, I understand the responsibilities and challenges that are presented when serving in such a position; I commend him for meeting them all with dignity and wisdom.

Dr. Ford's love of serving others, medicine and community involvement continues to this day; it is a great example to those not only in East Tennessee, but to our Country. I encourage my colleagues to join me in commending Dr. Nathan Ford for his outstanding life contributions, and his earning this honorable award.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. WILSON of South Carolina. Madam Speaker, listed below is how I would have voted if I had been present on June 8, 2010.

Roll Number 337—H.R. 1061—to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes—"aye."

Roll Number 338—H. Res. 518—honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation—"aye."

RECOGNIZING VALASSIS
COMMUNICATIONS, INC.

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. McCOTTER. Madam Speaker, today I rise to recognize Valassis Communications Inc., located in my hometown of Livonia, Michigan, upon the 25th anniversary of their Have You Seen Me? Program founded by Vince Guliano with the support of CEO Al Schultz.

For a quarter of a century, Valassis has demonstrated unwavering support and commitment to the recovery of missing children. Steadfastly dedicated to the core principles of finding missing children, raising public awareness in regard to missing children, deterring potential child abductors and insuring that no missing child is forgotten, Valassis reaches in excess of 100 million people each week. Their partnership with the National Center for Missing and Exploited Children, NCMEC, and the United States Postal Service has featured more than 2,000 missing children and has led to the recovery of over 1,200 of our most vulnerable.

On May 24, 1985, inspired by the heartbreaking story of the abduction and murder of Adam Walsh, Valassis saw a social need and became a good corporate citizen. Their Hercu-

lean effort generates 87 percent of all photographic leads given to law enforcement in missing child cases.

Madam Speaker, Valassis Communications Inc. deserves not only recognition but heartfelt gratitude for having profoundly changed the way America searches for missing and exploited children. I ask my colleagues to join me in commending Valassis for its devotion to the children and families of our community and our country.

HONORING SOMERVILLE FIRE
DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Somerville Fire Department, located in Somerset County, New Jersey, which is celebrating its 175th Anniversary.

In 1835, the Somerville Fire Department originated with the creation of the Washington Fire Company on the present day site of the Somerset County Courthouse yard. The original companies included: Union Fire Company No. 1, Jersey Blue Fire Company No. 2, Somerville Steam Fire Engine Company No. 1 and Steamer Hose Company No. 1. Today, the oldest surviving Engine Company is Engine Company No. 1 which was formed in 1878.

In 1880, several members of the Engine Company No. 1 realized that a hook and ladder truck was necessary to continue serving the community. These men resigned to form the Central Hook and Ladder Company. Eight years later, in 1888, the West End Hose Company No. 3 was organized in response to a citizen's petition for better fire protection on the west end of town. This company was formed with past members of the original Union Engine Company No. 1 and acquired their apparatus, building and grounds.

Another component of Engine Company No. 1 was a group of young firemen, known at the time as the Engine Company Cadets. After a series of differences with the older men of the company, the Cadets broke away from the paternal organization to form the Lincoln Hose Company in 1891.

By 1893, the Somerville Fire Department had placed fire boxes in eight locations around the town to better serve Somerville residents.

In 1916, the West End Hose Company received the first motor apparatus of the Somerville Fire Department. Eight years later, the Borough provided the Central Hook and Ladder Company with a motorized Seagrave truck with a booster tank and a complete set of wooden ladders. Every 20 years thereafter, the borough provided the company with new apparatus.

Then, in 1969, the West End Hose Company moved from its former headquarters on Doughty Avenue to a new firehouse on High Street. Five years later, the Lincoln Hose company erected its new headquarters on Warren Street at no cost to local taxpayers.

After the terrorist attacks of September 11, 2001, members of the Somerville Fire Department spent weeks in New York City participating in the rescue and recovery efforts.

Today, the Somerville Fire Department continues a long and proud tradition of serving its community and surrounding municipalities, when called upon, with mutual assistance.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Somerville Fire Department and its firefighters for one hundred and seventy five years of dedicated and admirable service.

**IN RECOGNITION OF LYLE FRANK
FOR HIS DISTINGUISHED SERVICE
AS CHAIRMAN OF MANHATTAN
COMMUNITY BOARD 6**

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mrs. MALONEY. Madam Speaker, I rise to acknowledge the achievements of Mr. Lyle Frank on the occasion of his retirement as Chairman of New York City's Community Board 6. A tireless and dedicated community activist and civic volunteer, Lyle Frank is a consummate New Yorker who has distinguished himself in his career in both the public and private sectors.

A respected attorney, Lyle Frank has demonstrated a remarkable commitment to serving others through his public and community service. After graduating from New York University and Brooklyn Law School, Mr. Frank began his legal career as an Assistant District Attorney in Kings County, where he presented arguments in the "Megan's Law" hearings. He continued his legal career at Callan, Koster, Brady & Brennan, LLP, and later at Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, serving as a lead attorney in New York Supreme Court trials involving personal injury. Currently a small claims arbitrator for the New York County Civil Court, he serves as Legal Counsel for the New York City Council's Committees on Parks and Recreation and on Lower Manhattan Redevelopment. Mr. Frank is also an adjunct professor at the New York University School of Continuing and Professional Studies. Most recently, he became an adjunct professor at Baruch College, where he is an advisor to students in the National Urban Fellowship Program that prepares students for leadership and management positions in government or non-profit agencies.

It is for his volunteer service as a Member and Chairman of Community Board 6 for which Mr. Frank is being honored by his fellow Board members and community residents on the evening of June 21, 2010. Community Board 6, which encompasses the East Side of Manhattan from 14th to 59th Streets along the East River, serves as the representative town meeting of the historic and nationally prominent neighborhoods that lie within its boundaries. It thus provides a voice to community residents and their concerns, running the gamut of issues from land use to traffic to sanitation and beyond. After joining the Board in 1994, Mr. Frank became a dedicated and energetic representative for his fellow citizens. His leadership abilities were recognized when he was elected Chairman of Manhattan's Community Board 6 in January of 2006. He

has just concluded four years as Chairman. Community Board 6 residents are fortunate that Lyle Frank will continue to serve their interests as a Member of the Board. Throughout all his professional and voluntary activity, Lyle Frank has fought for and secured immeasurable improvements to the quality of life of his fellow Manhattan residents.

Madam Speaker, in recognition of his tremendous contributions to the civic and public life of our nation's greatest city, I request that my colleagues join me in paying tribute to Mr. Lyle Frank, a great New Yorker and a great American. Lyle Frank's dedication to public and community serves as an inspiration to us all.

**ISRAEL'S RIGHT TO DEFEND ITS
BORDERS**

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. PLATTS. Madam Speaker, the loss of life is always regrettable, but it is wrong for members of the international community to rush to judgment against Israel with respect to the Gaza flotilla incident. Israel has a right to protect its borders and defend itself against terrorism.

The terrorist group Hamas is engaged in a war against Israel from inside Gaza. Israel unilaterally withdrew from Gaza in 2005 in the hopes of furthering peace. Instead, Hamas consolidated its power in Gaza and launched thousands of rockets and mortar shells against innocent Israeli civilians. Israel's blockade is an act of self-defense—a necessity to deny Hamas the weaponry it needs to continue in its acts of aggression.

Israel was willing to cooperate in a manner to ensure the flow of humanitarian aid to Gaza, as it has in the past. However, organizers of the flotilla appeared intent on provoking confrontation. Video has been released which indicates Israeli soldiers came under violent attack first, before the Israelis switched from using paint guns to using pistols in their own apparent self-defense.

The knee-jerk condemnation of Israel by some in the world community obscures two important facts that should never be forgotten: First, Israel is a democracy and an ally of the United States with a right to protect itself. Second, Hamas is a terrorist group that refuses to recognize the right of Israel to peaceably exist. As an investigation into the specific facts of the incident proceed, we must ensure that it is both balanced and respectful of these underlying facts.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. GERLACH. Madam Speaker, unfortunately, on Tuesday, June 8, 2010, I missed two recorded votes on the House floor. Had I

been present, I would have voted "yea" on Rollcall 337 and "yea" on Rollcall 338.

**HONORING GRADUATING HIGH
SCHOOL SENIORS FOR THEIR DE-
CISION TO SERVE THE UNITED
STATES OF AMERICA AS A MEM-
BER OF THE ARMED FORCES**

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor forty-seven high school seniors in Camden County for their commendable decision to enlist in the United States Armed Forces. Of these forty-seven, ten are with the New Jersey Army National Guard; their names are Gabriel Gonzalez-Galarza, Baruch Zepeda, Adam Knight, Carlos Watson, Kourtney Scott, Esamuel Tutt, Louis Alcantara-Narvaez, Timothy Johnson, Resheena Whittington, James Sheridan. Sixteen have joined the Marine Corps; their names are Peter Cuoco, James Baume, Robert Distefano, Ashley Fitzgibbons, Nicholas Lentz, Kyri Chandle, John McConnell, Mark Wyatt, Natasha Rodriguez, David Nguyen, Matthew Deeney, Donato Cancelli, Daehan Bong, Erick Mistretta, Pedro Aldebol, Jasmin Ramos. Three have joined the Air Force; their names are Marc Eisenmann, Jade Bates, Efrain Cardona. Five have joined the Navy; their names are Matthew Wilson, Nicole Morris, Wayne Young, Nicholas Lugo, Eric Jacot. And fourteen have joined the Army; their names are Chelsea Hunter, Erik Coates, Francis Ayala, Jacob Lambeth, Zachary Tavani, Ryan Langley, Joseph Olivo, Alexander Gonzalez, John Wilson, Elizabeth Vollmar, Matthew Kline, Matthew Lincoln, Jacob Colman II, and David Reeves. All forty-seven will also be recognized on June 2nd at "Our Community Salutes of South Jersey."

Later this month, these young men and women will join with many of their classmates in celebration of graduation. At a time when many of their peers are looking forward to pursuing vocational training or college degrees, they instead have chosen to dedicate themselves to military service in defense of our country.

Naturally, many may be anxious about the uncertainties that may await them as members of the Armed Forces. But, they should rest assured that the full support and resources of this chamber, and of the American people, are with them in whatever challenges may lie ahead.

It is thanks to the dedication of untold numbers of patriots like these forty-seven that we are able to meet here today, in the House of Representatives, and openly debate the best solutions to the many and diverse problems that confront our country. It is thanks to their sacrifices that the United States of America remains a beacon of hope and freedom in a fractious world.

Madam Speaker, their decision to serve our country will not go unrecognized. I want to personally thank these forty-seven graduating seniors for the selflessness and courage that

they have shown by volunteering to risk their lives in defense of others. We owe them, along with all those who serve our country, a deep debt of gratitude.

IN HONOR OF LIEUTENANT DAVID
CURLIN

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. ROSS. Madam Speaker, I rise today to honor the memory of a true American hero and dedicated community servant. Lieutenant David Curlin of the Pine Bluff Fire & Emergency Services Department in Arkansas. Lieutenant Curlin passed away on May 22, 2010, in Little Rock at the age of 40 from injuries sustained while fighting a fire in Pine Bluff on January 4, 2010.

Lieutenant Curlin was raised in Watson Chapel, AR, where he graduated from high school in 1988. After graduation, David joined the United States Marine Corps and served in Operation Desert Storm. Following his service in the Marine Corps David joined the Pine Bluff Fire & Emergency Services Department eventually rising to the rank of Lieutenant. Lieutenant Curlin served in Pine Bluff for 14 years while also volunteering with the Watson Chapel Volunteer Fire Department.

Lieutenant Curlin demonstrated the best of Arkansas and of America. As a Marine, he defended and served our great country with honor and pride. As a first responder, he dedicated his life and career to serving his neighbors and protecting his community. We need more heroes like Lieutenant Curlin. His presence will be deeply missed.

My deepest thoughts and prayers are with Lieutenant Curlin's wife Pamela; daughters, Tarah, Katherine and Kaylee; step-daughter, Haley; father and step-mother, George and Phyllis Curlin; mother and step-father, Rita and Joe Gronwald and his entire family during this extraordinarily difficult time.

Our nation is safer and stronger because of brave service members and first responders like Lieutenant Curlin. Today, I ask all Members of Congress to join me as we honor the life, legacy and service of Lieutenant David Curlin.

HONORING DR. FRANCES L. WHITE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor Dr. Frances L. White, a community college educator for 32 years who is retiring as the Superintendent/President of the Marin Community College District. Dr. White is a distinguished leader who is herself a community college graduate. She is a dedicated educator committed to the community college mission and to the welfare of students, particularly those in the 112 public community colleges in California.

A former full-time faculty member in the Peralta Community College District, Dr. White earned her Ph.D. in education administration from the University of California at Berkeley. As an administrator she has served in a variety of roles including President of Skyline College in San Bruno, California and Executive Vice Chancellor at City College of San Francisco. She is the recipient of many awards and recognitions, the author of scholarly publications, and has directed numerous workshops on college leadership, mentoring, and institutional effectiveness. In March, the Association of California Community College Administrators awarded her the prestigious 2010 Harry Buttner Distinguished Administrator Award.

Starting at College of Marin during a period of considerable turmoil, Dr. White is credited with working with the Board of Trustees and the Faculty to successfully stabilize a district plagued by decades of declining enrollments, crumbling classrooms, financial instability, poor community connections, and on the brink of accreditation loss. Capitalizing on her powerful personal qualities, White put a recovery plan in place and implemented a strategic direction that arrested the downward spiral and set the college on a visionary course.

A leader with considerable collaborative skills, Dr. White is a compassionate mentor, both to students and to colleagues. With her dedicated support, the Academic Senate developed and implemented Student Learning Outcomes and Program Review, essential for the institution to reestablish accreditation in good standing and what led the Academic Senate leaders to receive statewide recognition for their outstanding efforts.

Not one to shy from challenges, three weeks after taking the helm at College of Marin, the Board of Trustees passed a resolution to place a countywide facilities bond on the ballot. While most thought it would fail, under Dr. White's guidance and tireless work, the Measure C Bond was successful and received broad community support. The \$250 million bond made it possible for the College to undertake long-deferred facilities renovation and modernization creating newly designed and energy efficient, student-centered learning environments on both the Kentfield and Indian Valley campuses, which helped generate a 15% enrollment increase at Kentfield and a 135% enrollment increase at Indian Valley.

In addition to being a very competent administrator, Dr. White understands the importance of raising private funds for the College of Marin, and has been innovative in creating opportunities for friends of the college to support its mission. Launching the highly successful "President's Circle" as well as the "Education Excellence Innovation Fund," Dr. White has established an enviable budget reserve of 12 percent. The College has been very fortunate Dr. White came at a critical time and was able to initiate significant change and a notable shift in the institutional culture.

Madam Speaker, Dr. White is a gracious woman of remarkable talent and considerable commitment, and it is therefore appropriate to honor her today and to wish her well in her next endeavor. Congratulations, Fran White—you will be missed.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE FOUNDING OF TRINITY LUTHERAN CHURCH IN SPRINGFIELD, MISSOURI

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. BLUNT. Madam Speaker, I rise to pay tribute to the Trinity Lutheran congregation of Springfield, Missouri, celebrating its 100th year of service to the community and God. Trinity Lutheran is honoring this milestone with a year of special services, events and history displays.

Trinity Lutheran Church will welcome several preachers during this special year. Many who were integral to Trinity's 100-year history will honor and remember the congregation's growth, achievements and history of serving the Springfield area and bringing the word to worshipers.

Former Pastor Manny Rodriguez, who left to develop Amigos de Cristo, a mission church in Sedalia, is joining current Trinity Lutheran Pastor Bill R. Marler and Pastor Eric Tessaro to celebrate this anniversary. The pastors are encouraging the congregation to honor their history and consider long range plans to keep the spirit, message and mission of Trinity Lutheran fresh.

Like many churches 100 years ago struggling with finances, Trinity Lutheran began with a small group of households. Pastors from other congregations volunteered to minister in Springfield. Rev. A.F. Woker became the first pastor of Trinity in 1917. Soon, the congregation purchased property and constructed their first home. This building served them for three decades.

Today's well-known location of Trinity Lutheran is the result of a need to expand beyond the restrictions of its first home. As if divinely inspired, Trinity Lutheran moved into the wilderness of Greene County. This decision proved to be a blessing, placing the church in a location that would easily accommodate phenomenal growth in the 1950s and 1960s. It is still the congregation's home today.

Trinity's growth has also been guided by capable long-term pastors, each of whom were strong leaders and deeply rooted scriptural teachers. Such sound leadership and congregational support helped Trinity Lutheran create a number of new ministries, including campus ministry and a school.

Trinity Lutheran is one of Springfield's strong moral pillars, committed to the work of God and compassion for those less fortunate in our community. My hope is that Trinity Lutheran continues its heritage of strong leadership in Springfield for many centuries to come.

HONORING THE SERVICE OF
SERGEANT THOMAS L. COLLINS

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. BISHOP of New York. Madam Speaker, I rise today to commend the intellect and dedication of Sergeant Thomas L. Collins, a lifelong resident of East Hampton, New York, who received a medal and certificate of recognition from the British government for his service as a cryptologist during WWII. So secret was his work during the war, Sgt. Collins' invaluable contributions were not recognized and made public until the 1990s.

After distinguishing himself during training at Arlington Hall, the U.S. cryptography center, he was chosen to escort the Allies' most advanced code-breaking machine, the Dragon, to Britain in 1944. Sgt. Collins carried a loaded Smith & Wesson revolver at all times during his journey, a testament to the dangerous nature of his mission and the valuable cargo he guarded.

In October 1944, after landing in Scotland, he and the Dragon were transported by rail and truck to the renowned Allied cryptography center at Bletchley Park, and immediately put to use as Allied forces had their first battle on German soil, at Aachen. All told, Sgt. Collins used the Dragon to decode 143 Nazi messages. He was also instrumental in designing a successor to the original Dragon, which was credited with hastening the defeat of the Nazis by many weeks.

Madam Speaker, heroism has many faces, and the labors of dedicated code breakers hundreds of miles from the front lines saved many lives by providing our fighting forces the best intelligence available. Sgt. Collins is a living reminder of the varied contributions made by members of the Greatest Generation in defending freedom. I humbly join the British Government in honoring the wartime service of Sgt. Thomas L. Collins.

RECOGNIZING OHIO CHRISTIAN
UNIVERSITY'S GRADUATING
CLASS OF 2010

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. AUSTRIA. Madam Speaker, on behalf of the people of Ohio's Seventh Congressional District, I am honored to recognize Ohio Christian University's graduating class of 2010.

Over the past years, these students have earned academic excellence and grown both spiritually and resourcefully. It was a privilege to attend the University's ceremony and witness such an achievement, as our future leaders are sent out into the community.

Thus, with great pride, I congratulate Ohio Christian University's graduating class of 2010 for its exemplary success and wish each graduate the best in their future endeavors.

RECOGNIZING THE CHICAGO
HUMAN RHYTHM PROJECT

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. QUIGLEY. Madam Speaker, today I rise in recognition of the Chicago Human Rhythm Project's 20th anniversary. Over the last 20 years, the Chicago Human Rhythm Project's extraordinary community building efforts and celebration of American tap and percussive arts has firmly established them as one of Chicago's artistic mainstays.

Founded in 1990, the Chicago Human Rhythm Project, CHRP, has maintained community outreach as the cornerstone of its success. Most notably, CHRP has educated over 10,000 students and provided over \$250,000 in scholarships to students in need to study tap dance during the summer. CHRP has also provided a free outreach residency school program for elementary, high school, and cultural centers throughout the Chicagoland area. The cultivation of a stronger America through art is further exemplified through their participation in the "Thanks 4 Giving" shared revenue program. Since joining "Thanks 4 Giving" six years ago, CHRP has raised over \$100,000 for charity.

CHRP's dedication to community extends beyond Chicago, Illinois and the United States of America with their involvement in an ongoing cultural exchange program. This program has given CHRP the opportunity to spread American tap dance across the globe by participating in exchanges with Brazil, China, Finland, France, Germany, Japan, Switzerland, and Venezuela. As a result of their commitment to the international community, CHRP was selected to represent the United States of America at the 5th Anniversary Beijing International Contemporary Dance Festival in 2007 and the Gala de Estrellas Internacional in Caracas, Venezuela in 2008.

Madam Speaker, I want to thank the Chicago Human Rhythm Project for their continued efforts. It is through their unabashed commitment to the arts and the community at large that they have helped to perpetuate the love affair with American dance and to establish Chicago as a global fine arts destination.

HONORING SISTER ROSEMARIE
NASSIF, SSND, PhD

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor Sister Rosemarie Nassif, SSND, PhD, for her celebrated and successful 11-year tenure as Holy Names University President. On the occasion of her retirement, we recognize the quality and excellence of Sister Rosemarie's career and her talents as a dynamic and inspirational leader. During her time as president, Holy Names University has witnessed record-breaking enrollment, noted student diversity, expanded academic and

sports programming, improved facilities, increased alumni participation and overall acclaim.

Sister Rosemarie's religious calling came early in life, and at the age of 17, she entered the School Sisters of Notre Dame. During her early career back East, Sister Rosemarie gained a breadth of experience as Associate Professor of Notre Dame College, St. Louis College of Pharmacy and Co-Vicar for the Archdiocese of St. Louis, Missouri. In Baltimore, she became President of the College of Notre Dame of Maryland and later, President of the Fund for Educational Excellence before leaving that post to join Holy Names University on May 1, 1999.

With a 140-year tradition of providing educational excellence in the Bay Area, Holy Names University, HNU, is a premier, private university founded by the Sisters of the Holy Names of Jesus and Mary and co-educational since 1971. Upon Sister Rosemarie's arrival, the university entered a period of "refoundation," where she, along with faculty and leadership, assessed the university's strengths and the critical needs of their students for the 21st century. She described this process as making the best match between tradition and innovation, while stretching to meet any challenges at hand. With foresight, dedication and solid teamwork, Sister Rosemarie introduced a five-year strategic plan to the Board of Trustees, later accomplishing every goal she addressed.

She led the institution in achieving the maximum 10-year accreditation by the Western Association of Schools and Colleges, oversaw the highest and most diverse enrollment in the university's history and surpassed initial fundraising goals to raise \$5.3 million in a successful \$7 million campaign to transform the science facilities.

She added four new athletic programs, completed a New Center for Social Justice and Civic Engagement, and made campus-wide technological advances, including student information and enrollment systems, a Technology Support Center for students and a state-of-the-art video conference studio for multi-state nursing programs. Additionally, HNU added five new baccalaureate majors, four new master's programs, returned to stable financial footing and completed The Campus Master Plan through 2012.

Sister Rosemarie's accomplishments will leave an indelible mark on the HNU campus, but the legacy of her work represents so much more than tangible results. Her personal commitment to shaping a unique learning experience that explores and celebrates the beauty of differences has forever touched the lives of students, faculty, alumni, trustees and local community leaders.

Her service has empowered countless women and men from underrepresented cultures and nations throughout the world to practice civic engagement, tolerance and critical thinking. And, as President Emerita Sr., she will continue to serve students through the Frieda Mary Nassif Scholarship award, named for her mother.

On behalf of California's 9th Congressional District, I want to extend my congratulations on this important milestone. Thank you, Sister Rosemarie Nassif, for all that you do. I wish you continued success in this next chapter of life.

HONORING GARRETT WITTELS OF
FIU FOR EXTENDING HIS HIT-
TING STREAK TO 56 GAMES

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise to honor Garrett Wittels of Florida International University, FIU, who has extended his hitting streak to an astonishing 56 consecutive games.

Garrett has been a standout student-athlete since his days at Dr. Michael Krop Senior High School in Miami, Florida. While there, he made the Miami Herald's All-Miami-Dade teams from 2006 to 2008, was selected as team MVP his sophomore and senior seasons and posted a .420 average with six home runs and 29 RBI's during his senior campaign. He was recruited by the University of Miami, North Carolina State, and Louisville, but he chose to attend FIU, Miami's first and only four-year public research university. With a student body of nearly 40,000, FIU is one of the 25 largest universities in the nation.

While he began his collegiate baseball career with moderate success, he is now headlining sports pages and captivating the nation with his amazing feat. As FIU battled to stay alive in the NCAA Regionals of the College World Series, Garrett extended his hitting streak to 56-consecutive games; a streak which began on February 19, 2010. This matches the Major League Baseball record held by Yankee great and Hall of Famer, Joe DiMaggio, who hit in 56-straight games in 1941. The only other person with a longer streak in college than Garrett is the all-time Division I record holder, Robin Ventura of Oklahoma State University, who hit safely in 58-consecutive games in 1987.

Garrett helped lead FIU to the Sun Belt Conference Championship and a berth in the NCAA Regionals. Garrett had 100 hits in 2010, which set the single-season record for FIU; he was selected as the 2010 Sun Belt Conference Baseball Player of the Year; and was named to the Louisville Slugger All-American Baseball Team (first team).

While he is showing the nation that he can excel on the diamond, less attention is being focused on his achievements off of it. He has made the Academic Honor roll as he works towards his degree in Sports Management. He shows us that he is as dedicated to hitting the books as to hitting line-drives. He is a true scholar-athlete and a fine example for other young athletes to emulate.

Unfortunately, we'll have to wait till next season to see if Garrett can continue his streak. But I'd like to take the time to congratulate Garrett Wittels, his family, his teammates, and the entire FIU community, for being one step closer to baseball immortality. We all look forward to the start of FIU's 2011 baseball season and Garrett's pursuit of the record.

PERSONAL EXPLANATIONS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Ms. RICHARDSON. Madam Speaker, yesterday was primary Election Day in my state of California, which necessitated by remaining in my congressional district on Tuesday, June 8, 2010, through Wednesday morning, June 9, 2010. Consequently, I was unable to return in time for rollcall Votes 337 through 339.

I ask the RECORD to reflect that had I been present I would have voted as follows:

1. On rollcall No. 337, I would have voted "aye" (June 8) (H.R. 1061, Hoh Indian Tribe Safe Homelands Act).

2. On rollcall No. 338, I would have voted "aye" (June 8) (H. Res. 518, Honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation).

3. On rollcall No. 339, I would have voted "aye" (June 9) (Motion on Ordering the Previous Question on the Rule for H.R. 5072—FHA Reform Act of 2010 (H. Res. 1424)).

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,056,957,049,453.42.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,418,531,303,159.60 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

PERSONAL EXPLANATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. STUPAK. Madam Speaker, on Monday, May 24, 2010 and Friday, May 28, 2010, I was absent for votes due to family commitments. Had I been present, I would have voted on the following:

House rollcall vote 291—I would have voted "yes"; House rollcall vote 292—I would have voted "yes"; House rollcall vote 293—I would have voted "yes"; House rollcall vote 324—I would have voted "yes"; House rollcall vote 325—I would have voted "no"; House rollcall vote 326—I would have voted "no"; House rollcall vote 327—I would have voted "no"; House rollcall vote 328—I would have voted "no"; House rollcall vote 329—I would have voted "yes"; House rollcall vote 330—I would

have voted "yes"; House rollcall vote 331—I would have voted "no"; House rollcall vote 332—I would have voted "yes"; House rollcall vote 333—I would have voted "yes"; House rollcall vote 334—I would have voted "yes"; House rollcall vote 335—I would have voted "no"; House rollcall vote 336—I would have voted "yes."

HONORING RAUL H. CASTRO,
FORMER GOVERNOR OF ARIZONA

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. PASTOR of Arizona. Madam Speaker, while many have written of the inspirational story surrounding Raul Hector Castro, Arizona's first Hispanic Governor, it seems only fitting that in today's highly charged atmosphere of anti-immigrant sentiment, we take the occasion of Governor Castro's 93rd birthday on June 12th to examine his life as one who has surely proven the American dream is achievable. In fact, he has not only shown that dream is achievable, he has also underscored the fact that those pursuing the dream contribute mightily to the strength of our Nation.

Born in Mexico, the second youngest of 12 children raised in Arizona by an immigrant copper miner and a mother who was a well-trusted midwife, it would have been easy for him to get lost in the shuffle of such a large family that had to scratch a living from the ground to survive, but early on, he recognized the value of setting goals and not giving up until they are met. Based on that determination, he parlayed his natural athleticism and keen mind in high school into a scholarship to Arizona State Teacher's College.

While no stranger to racism and discrimination when he graduated from college and become a naturalized citizen in 1939, he still had not anticipated the rejection he would experience when applying for teaching positions because school districts were unwilling to hire an Hispanic teacher. Discouraged, but not defeated, he traveled America for several years until he landed a civil service job as a foreign-service clerk for the U.S. State Department in Sonora, Mexico. Many would have been satisfied with a secure position in the Federal Government, but he was determined to further his station in life, becoming a Spanish instructor at the University of Arizona so that he might attend the institution's law school. Passing the Arizona State Bar in 1949, he established an enviable career over the next five decades that took him from Pima County Attorney through the appointment by two United States Presidents to three ambassadorships, in addition to becoming Arizona's first Hispanic governor. Throughout this process, he never lost sight of the importance of an education and his mother's mantra that he could accomplish whatever he set his mind to. As a result, when he did accomplish more than many ever hoped for, he didn't forget the 4 miles he and his Hispanic friends had to walk to school while the buses filled with Anglo children passed them by, and he worked tirelessly to rectify these kinds of incomprehensible bigotry.

For example, as a judge he presided over a full-schedule of cases, but was particularly disturbed by the vulnerable at-risk youngsters in the juvenile court system who were being shoved under the rug by society. This inspired him to take time every Monday to check attendance records at the local high schools. In the evenings, he would visit with families of students exhibiting high rates of absenteeism in an effort to get their support in encouraging the students to stay in school and make the most of that experience. This concern for improving society continued throughout his career. Sometimes limited to simply seeing Hispanic children given equal access to the YMCA, to concentrating on improving human rights abroad while serving as an ambassador, he never lost sight of using his opportunities to make a difference.

Throughout our history it has been proven that immigrants are far more than just an inexpensive work force. They are in fact a valuable asset to this country and Raul H. Castro is an outstanding example of one such person. Therefore, in light of today's divisive view of immigration, his story should be noted as a symbol of how the United States has benefited from those who value this country so much, and that after moving here to build a better life for their families, they remain dedicated to making sure that they improve our Nation for future generations.

HONORING THE 60TH ANNIVERSARY OF SCHOOLCRAFT MEMORIAL HOSPITAL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. STUPAK. Madam Speaker, I rise to recognize Schoolcraft Memorial Hospital as it celebrates its 60th anniversary serving residents in Schoolcraft County and across Michigan's Upper Peninsula. Schoolcraft Memorial Hospital is known both for the quality of care it provides and its leadership role in keeping the community active and healthy.

Located along Lake Michigan's northern shores in Manistique, Michigan, Schoolcraft Memorial Hospital is a 25-bed progressive critical access hospital, offering comprehensive medical and surgical care, health care in 30 specialties including cardiology and neurology, a 24-hour physician staffed emergency room, a walk-in clinic, physical and occupational therapy, cardiac rehabilitation and a wide range of diagnostic services. It has also opened a number of clinics throughout Schoolcraft County, as well as a fitness center to increase access to health care services and improve health and wellness in the community and surrounding areas.

Schoolcraft Memorial Hospital's excellence has been widely recognized. The hospital received the Michigan Center for Rural Health's 2009 Michigan Rural Health Quality Improvement Award—Award for Excellence for its work to improve care processes in the treatment of heart failure and pneumonia and emergency room transfers. It also was named a 2008 "Hero for the Uninsured" by the Upper

Peninsula Health Access Coalition. These awards highlight Schoolcraft Memorial Hospital's commitment to continuously improving the care it provides and its dedication to serving the community.

However, the physicians, staff and administrators of Schoolcraft Memorial Hospital are not known to rest on their laurels. Rather, they are steadfast in looking ahead to the hospital's future growth and improvements. Whether it's the acquisition of new rehab equipment, like the "omnicycle," converting electronic medical records to email to save money and space; upgrading current facilities to include a new CT scan room, triage room and emergency room treatment room; or working towards the development and construction of a brand new replacement facility, Schoolcraft Memorial Hospital strives to provide its patients with the most positive experience and effective treatment possible.

Madam Speaker, Schoolcraft Memorial Hospital provides its patients with hometown familiarity combined with state-of-the-art services. Over the years, it has continued to innovate, grow and provide critical health care services to Schoolcraft County. Therefore, I ask Madam Speaker, that you, and the entire U.S. House of Representatives, join me in recognizing Schoolcraft Memorial Hospital on its 60th anniversary.

EASTERN RANDOLPH SOFTBALL TEAM WINS IT ALL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to extend our congratulations to the Eastern Randolph softball team for winning the North Carolina High School Athletic Association 2-A state softball championship. There is no doubt that the level of athleticism and fortitude these young women possess is without reproach.

Eastern Randolph's journey to the state title was one of a remarkable comeback. After being placed in the loser's bracket early in the competition after their first encounter with Central Davidson the team was disappointed, but even more determined. Having successfully defeated South Lenior, the Eastern Wildcats faced Central once again in the championship game.

Led by pitcher and Most Valuable Player Jessica Gordan, the Wildcats defeated the Central Spartans 9-2. After pitching three games during the tournament, Gordan tossed a three-hitter with only two walks and three strikeouts. The entire team exhibited superior athletic ability and are well-deserving of their first state title in Eastern's school history.

Team members include: Rachel Burgess, Jana Cheek, Liza Elliott, Jessica Gordon, Dallas Heaton, Kailey Hill, Olivia Millikan, Codie Rhodes, Gina Ritter, Brittainy Rush, Kayla Saliga, Kaitlyn Scheuering. The team was led by Head Coach Randall Myers and his assistants Richard Thomas, Gary Heaton and Tony Hill. Also contributing were team managers Leslie Honeycutt and Chesley Honeycutt.

Again, on behalf of the Sixth District of North Carolina, we would like to congratulate the Eastern Randolph softball team, the faculty, staff, students, and fans for an outstanding season.

COMMENDING ELKS LODGE IN FOREST GROVE, OREGON, FOR CELEBRATING FLAG DAY

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. WU. Madam Speaker, as Flag Day approaches, I rise to pay tribute to our Nation and to commend the Elks Lodge in Forest Grove, Oregon, for celebrating Flag Day in my district.

The United States flag is a hallmark of the enduring character of America. In 1818, Congress passed legislation that provided the basic design of our flag, with 13 stripes honoring the 13 original colonies and one star per state.

Throughout our history citizens have honored the flag and the principles for which it stands, but we did not have an official day honoring our flag until President Woodrow Wilson issued a presidential proclamation in 1916 establishing Flag Day. In 1949, congressional legislation designating June 14 as national Flag Day was signed into law by President Harry Truman.

I am pleased to offer my thanks and support to the Elks Lodge of Forest Grove, Oregon, which has organized a Flag Day celebration to educate the community about our flag and its history. The Order of the Elks promotes American principles of individual freedom, opportunity, and dignity, consistent with the principles that the U.S. flag represents.

I am honored to provide the Elks Lodge of Forest Grove with a flag flown over the U.S. Capitol for their celebration, and I thank them for their service to our community and Nation.

CELEBRATING THE 25TH ANNIVERSARY OF THE FRIENDS OF THE PARKS AND TRAILS OF ST. PAUL AND RAMSEY COUNTY

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Ms. MCCOLLUM. Madam Speaker, today I rise to congratulate the Friends of the Parks and Trails of St. Paul and Ramsey County, on the occasion of the 25th anniversary of the organization. Since it was established in 1985, this group has been dedicated to serving and promoting parks and green spaces in St. Paul, Minnesota, and surrounding communities.

Executive Director Peggy Lynch has been there every step of the way, first leading a group of citizens to found the organization to keep a massive high-rise development out of Hidden Fall/Crosby Regional Park in order to preserve green space for everyone in our community. The Friends of the Parks and

trails has since developed into a broad, membership-supported nonprofit group.

The Friends of the Parks has proven their commitment to St. Paul and Ramsey County parks by promoting open space preservation, protection, improvement, and development of new parks. And as a vital member of the community the Friends of the Parks have successfully laid the foundation for lasting change by working with St. Paul and Ramsey County to require no "net loss" of parkland in any deals the city or county makes, and also helped to create city and county park commissions.

Parks are essential to Minnesotans. They not only provide recreational opportunities and a connection to the natural world, they also provide employment, economic development and increase property values. For 25 years, the Friends of the Parks and Trails have been serving my community, ensuring that all Minnesotans have the opportunity to benefit from the positive resources provided by parks. This deserves our thanks, support and commendation.

Madam Speaker, please join me in rising to honor the 25th anniversary of the Friends of the Parks and Trails of St. Paul and Ramsey County, Peggy Lynch, and all its members and volunteers for their hard work and constant dedication to ensuring parks and green space are available for all to enjoy.

OSCE REPRESENTATIVE CITES THREATS TO FREE MEDIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. HASTINGS of Florida. Madam Speaker, as Co-Chairman of the Helsinki Commission, I wish to draw the attention of colleagues to the timely and informative testimony of the OSCE Representative on Freedom of the Media, Dunja Mijatovic, who testified earlier today at a Commission hearing on "Threats to Free Media in the OSCE Region." She focused on various threats to journalists and independent media outlets, including physical attacks and adoption of repressive laws on the media as well as other forms of harassment. Most troubling is the murder of journalists because of their professional activities. According to the U.S.-based Committee to Protect Journalists, 52 journalists have been killed in Russia alone since 1992, many reporting on corruption or human rights violations. Ms. Mijatovic also flagged particular concern over existing and emerging threats to freedom on the Internet and other communications technologies. She also voiced concern over the use of criminal statutes on defamation, libel and insult which are used by some OSCE countries to silence journalists or force the closure of media outlets. With respect to the situation in the United States, she urged adoption of a shield law at the federal level to create a journalists' privilege for federal proceedings. Such a provision was part of the Free Flow of Information Act of 2009, which passed the House early in the Congress and awaits consideration by the full Senate.

As one who has worked to promote democracy, human rights and the rule of law in the

56 countries that comprise the OSCE, I share many of the concerns raised by Ms. Mijatovic in her testimony and commend them to colleagues.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE REPRESENTATIVE ON FREEDOM OF THE MEDIA

(By Dunja Mijatovic)

[From the Helsinki Commission Hearing on the Threats to Free Media in the OSCE Region, June 9, 2010]

Dear Chairmen, Distinguished Commissioners, Ladies and Gentlemen,

I am honored to be invited to this hearing before the Helsinki Commission at the very beginning of my mandate. I feel privileged to speak before you today. The Helsinki Commission's welcoming statement issued on the day of my appointment is a clear manifestation of the strong support you continuously show toward the work of this unique Office, and I assure you, distinguished Commissioners, that this fact is very much appreciated.

It will be three months tomorrow since I took office as the new Representative on Freedom of the Media to the OSCE. Even though three months may sound short, it has proved more than enough to gain a deep insight, and unfortunately also voice concerns, about the decline of media freedom in many of the 56 countries that today constitute the OSCE.

Although the challenges and dangers that journalists face in our countries may differ from region to region, one sad fact holds true everywhere: The freedom to express ourselves is questioned and challenged from many sides. Some of these challenges are blatant, others concealed; some of them follow traditional methods to silence free speech and critical voices, some use new technologies to suppress and restrict the free flow of information and media pluralism; and far too many result in physical harassment and deadly violence against journalists.

Today, I would like to draw your attention to the constant struggle of so many institutions and NGOs around the world, including your Commission and my Institution, to combat and ultimately stop violence against journalists. I would also like to address several other challenges that I want to place in the center of my professional activities, each of which I intend to improve by relentlessly using the public voice I am now given at the OSCE.

Let me first start with violence against journalists.

Ever since it was created in 1997, my Office has been raising attention to the alarming increase of violent attacks against journalists. Not only is the high number of violent attacks against journalists a cause for concern. Equally alarming is the authorities' far too prevalent willingness to classify many of the murders as unrelated to the journalists' professional activities. We also see that more and more often critical speech is being punished with questionable charges brought against the journalists.

Impunity of perpetrators and the responsible authorities' passivity in investigating and failing to publicly condemn these murders breeds further violence. There are numerous cases that need to be raised over and over again. We need to continue to loudly repeat the names of these courageous individuals who lost their lives for the words they have written. I am sorry for all those whom I will not mention today; but the names that follow are on the list that I call "the Hall of

Shame" of those governments that still have not brought to justice the perpetrators of the horrifying murders that happened in their countries.

The most recent murder of a journalist in the OSCE area is the one of the Kyrgyz opposition journalist Gennady Pavlyuk (Bely Parokhod), who was killed in Kazakhstan in December last year. It gives me hope that the new Interim Government of Kyrgyzstan has announced to save no efforts to bring the perpetrators to justice, as well as those involved in the 2007 murder of Alisher Saiyosov (Siyosat).

The Russian Federation remains the OSCE participating State where most members of the media are killed. Paul Klebnikov (Forbes, Russia), Anna Politkovskaya (Novaya Gazeta), Anastasia Baburova (Novaya Gazeta), are the most reported about, but let us also remember Magomed Yevloyev (Ingushetiya), Ivan Saifonov (Kommersant), Yury Shchekochikhin (Novaya Gazeta), Igor Domnikov (Novaya Gazeta), Vladislav Listyev (ORT), Dmitry Kholodov (Moskovsky Komsomolets) and many others.

We also should not forget the brutal murders of the following journalists, some remain unresolved today:

Hrant Dink (Agos) Armenian Turkish journalist was shot in 2007 in Turkey.

Elmar Huseynov (Monitor) was murdered in 2005 in Azerbaijan.

Georgy Gongadze (Ukrainskaya Pravda) was killed in 2000 in Ukraine.

In Serbia, Slavko Curuvija (Dnevni Telegraf) was murdered in 1999, and Milan Pantic (Vecernje Novosti) was killed in 2001.

In Montenegro, Dusko Jovanovic (Dan), was shot dead in 2004.

In Croatia, Ivo Pukanic (Nacional) and his marketing director, Niko Franjic, were killed by a car bomb in 2008.

Violence against journalists equals violence against society and democracy, and it should be met with harsh condemnation and prosecution of the perpetrators. There can be no improvement without an overhaul of the very apparatus of prosecution and law enforcement, starting from the very top of the Government pyramid.

There is no true press freedom as long as journalists have to fear for their lives while performing their work. The OSCE commitments oblige all participating States to provide safety to these journalists, and I will do my best to pursue this goal with the mandate I am given and with all professional tools at my disposal.

We also observe another very worrying trend; more and more often the imprisonment of critical journalists based on political motivations including fabricated charges. Let me mention some cases:

In Azerbaijan, the prominent editor-in-chief of the now-closed independent Russian-language weekly, Realny Azerbaijan, and Azeri-language daily, Gundalik Azarbaycan, Eynulla Fatullayev was sentenced in 2007 to a cumulative eight-and-a-half years in prison on charges on defamation, incitement of ethnic hatred, terrorism and tax evasion. The European Court of Human Rights (ECtHR) found Azerbaijan in violation of Article 10 and Article 6, paragraphs 1 and 2 of the European Convention on Human Rights, so there is only one possible outcome—Fatullayev should be immediately released.

In Kazakhstan, Ramazan Yesergepov, the editor of Alma-Ata Info, is serving a three-year prison term on charges of disclosing state secrets.

Emin Milli and Adnan Hajizade, bloggers from Azerbaijan, are serving two and a half

years and two years in prison respectively since July 2009 on charges of hooliganism and infliction of light bodily injuries.

In Uzbekistan, two independent journalists, Dilmurod Saidi (a freelancer) and Solijon Abdurahmanov (Uznews), are currently serving long jail sentences (twelve-and-a-half-years and ten years) on charges of extortion and drug possession.

I will continue to raise my voice and demand the immediate release of media workers imprisoned for their critical work.

I join Chairman Cardin for commending independent journalists in the Helsinki Commission's recent statement on World Press Freedom Day. These professionals pursue truth wherever it may lead them, often at great personal risk. They indeed play a crucial and indispensable role in advancing democracy and human rights. By highlighting these murder and imprisonment cases, by no means do I intend to neglect other forms of harassment or intimidation that also have a threatening effect on journalists. Let me just recall that, with the heightened security concerns in the last decade, police and prosecutors have increasingly raided editorial offices, journalists' homes, or seized their equipment to find leaks that were perceived as security threats.

SUPPRESSION AND RESTRICTION OF INTERNET FREEDOM

Turning to the problems facing Internet freedom, we can see that new media have changed the communications and education landscape in an even more dramatic manner than did the broadcast media in the last half century. Under my mandate, the challenge has remained the same: how to safeguard or enhance pluralism and the free flow of information, both classical Helsinki obligations within the OSCE.

It was in 1998 that I read the words of Vinton G. Cerf in his article called "Truth and the Internet". It perfectly summarizes the nature of the Internet and the ways it can create freedom.

Dr. Cerf calls the Internet one of the most powerful agents of freedom: It exposes truth to those who wish to see it. But he also warns us that the power of the Internet is like a two-edged sword: it can also deliver misinformation and uncorroborated opinion with equal ease. The thoughtful and the thoughtless co-exist side by side in the Internet's electronic universe. What is to be done, asks Cerf.

His answer is to apply critical thinking. Consider the Internet as an opportunity to educate us all. We truly must think about what we see and hear, and we must evaluate and select. We must choose our guides. Furthermore, we must also teach our children to think more deeply about what they see and hear. That, more than any electronic filter, he says, will build a foundation upon which truth can stand.

Today, this foundation upon which truth could indeed so firmly stand is under continuous pressure by governments. As soon as governments realized that the Internet challenges secrecy and censorship, corruption, inefficiency and bad governing, they started imposing controls on it. In many countries and in many ways the effects are visible and they indeed threaten the potential for information to circulate freely.

The digital age offers the promise of a truly democratic culture of participation and interactivity. Realizing that promise is the challenge of our times. In the age of the borderless Internet, the protection of the right to Freedom of Expression "regardless of frontiers" takes on a new and more powerful meaning.

In an age of rapid technological change and convergence, archaic governmental controls over the media are increasingly unjust, indefensible and ultimately unsustainable. Despite progress, many challenges remain, including the lack of or poor quality of national legislation relating to freedom of information, a low level of implementation in many OSCE member states and existing political resistance.

The importance of providing free access for all people anywhere in the world can not be raised often enough in the public arena, and cannot be discussed often enough among stakeholders: civil society, media, as well as local and international authorities.

Freedom of speech is more than a choice about which media products to consume.

Media freedom and freedom of speech in the digital age also mean giving everyone—not just a small number of people who own the dominant modes of mass communication, but ordinary people, too—an opportunity to use these new technologies to participate, interact, build, route around and talk about whatever they wish—be it politics, public issues or popular culture. The Internet fundamentally affects how we live. It offers extraordinary opportunities for us to learn, trade, connect, create and also to safeguard human rights and strengthen democratic values. It allows us to hear each other, see each other and speak to each other. It can connect isolated people and help them through their personal problems.

These rights, possibilities and ideals are at the heart of the Helsinki Process and the OSCE principles and commitments that we share. We must find the best ways to spread access to the Internet, so that the whole world can benefit from what it can offer, rather than increasing the existing gaps between those who have access to information and those who do not. And to those governments who fear and distrust the openness brought along by the Internet, let me emphasize over and over again:

The way a society uses the new communications technologies and how it responds to economic, political and cultural globalization will determine the very future of that society. Restrict access to information, and your chances to develop will become restricted. Open up the channels of free communication, and your society will find ways to prosper.

I was delighted to hear Secretary of State Clinton speak about a basic freedom in her January speech on Internet freedom in the "Newseum". This freedom is the freedom to connect. Secretary Clinton rightly calls this freedom the freedom of assembly in cyber space. It allows us to come together online, and shape our society in fundamental ways. Fame or money is no longer a requisite to immensely affect our world.

My Office is rapidly developing a comprehensive strategy to identify the main problems related to Internet regulation in the 56 countries of the OSCE, and ways to address these issues. I will count on the support of the Helsinki Commission to advance the universal values that this strategy will attempt to extend to those countries where these values are still being questioned.

Let me also mention the importance to protect the freedom of other new technologies.

Only two weeks ago, my Office organized the 12th Central Asia Media Conference in Dushanbe, Tajikistan, where media professionals from all five Central Asian countries adopted a declaration on access to information and new technologies. This document

calls on OSCE governments to facilitate the freer and wider dissemination of information, including through modern information and communication technologies, so as to ensure wide access of the public to governmental information.

It also reiterates that new technologies strengthen democracy by ensuring easy access to information, and calls upon state institutions with legislative competencies to refrain from adopting new legislation that would restrict the free flow of information. And only this spring my Office published a guide to the digital switchover, to assist the many OSCE countries where the switch from analogue to digital will take place in the next five years. The aim of the guide is to help plan the digitalization process, and help ensure that it positively affects media freedom, as well as the choice and quality available to the audience.

Besides advocating the importance of good digitalization strategies, I will also use all available fora to raise attention to the alarming lack of broadcast pluralism, especially television broadcast pluralism, in many OSCE countries. As television is the main source of information in many OSCE regions, we must ensure that the laws allow for diverse, high-quality programs and objective news to easily reach every one of us. Only well-informed citizens can make good choices and further democratic values. Whether we talk about Internet regulation, inventive ways to switch to digital while preserving the dominance of a few selected broadcasters, attempts to limit access to information or broadcast pluralism, we must keep one thing in mind: No matter what governments do, in the long run, their attempts to regulate is a lost battle.

People always find ways to obtain the rights that are denied to them. History has shown this over and over again. In the short run, however, it is very clear that I will intervene with governments which try to restrict the free flow of information.

DEFAMATION

Similar to fighting violence against journalists, my Office has been campaigning since its establishment in 1997 to decriminalize defamation and libel in the entire OSCE region.

Unfortunately, in most countries, defamation is still punishable by imprisonment, which threatens the existence of critical speech in the media. This is so despite the consistent rulings of the European Court of Human Rights in Strasbourg, stating that imprisonment for speech offences, especially when committed by criticizing public figures, is a disproportionate punishment.

Let us again remind ourselves of the journalists and bloggers I have mentioned above when discussing violence against journalists. They are currently in prison because their writing was considered defamatory. Their fate reminds us all of the importance of the right to freely speak our mind.

This problem needs urgent reform not only in the new, but also in the old democracies of the OSCE. Although the obsolete criminal provisions have not been used in Western Europe for decades, their "chilling effect" remained.

Furthermore, the mere existence of these provisions has served as a justification for other states that are unwilling to stop the criminalization of journalistic errors, and instead leave these offenses solely to the civil-law domain.

Currently, defamation is a criminal offence in all but ten OSCE countries—my home country Bosnia and Herzegovina, Cyprus, Estonia, Georgia, Ireland, Moldova, Romania,

Ukraine, the United Kingdom and the United States.

Last year, three OSCE countries decriminalized defamation, which I consider to be an enormous success: Ireland, Romania and the United Kingdom; the last being the first among the Western European participating States to officially decriminalize defamation.

Some other countries, such as Armenia, are currently reforming their defamation provisions, and I hope that I can soon welcome the next country that carries out this important and very long overdue reform.

CONCLUDING REMARKS

Dear Chairmen,
Dear Commissioners,
Ladies and Gentlemen,

The above problematic areas—violence against journalists, restrictions of new media including the Internet, lack of pluralism and resistance to decriminalize defamation—are among the most urgent media freedom problems that need our attention and concentrated efforts today. However, we will also not forget about the many other fields where there is plenty of room to improve. Of course, I will not miss the excellent opportunity that we are here together today to raise your attention to the topic that my distinguished predecessor, Miklos Haraszti, has already raised with you: the establishment and the adoption of a federal shield law in the United States.

As you know, my Office has been a dedicated promoter of the federal shield law for many years. If passed, the Free Flow of Information Act would provide a stronger protection to journalists; it could ensure that imprisonments such as that of Judith Miller in 2005, and Josh Wolf in 2006, could never again take place and hinder investigative journalism. But the passage of such legislation would resonate far further than within the borders of the United States of America. It could send a very much needed signal and set a precedent to all the countries where protection of sources is still opposed by the government and is still not more than a dream for journalists.

I respectfully ask all of you, distinguished Commissioners, to continue and even increase your efforts to enable that the Free Flow of Information Act soon becomes the latest protector of media freedom in the United States.

And of course I cannot close my speech without mentioning my home country, Bosnia and Herzegovina. As you know, not only Bosnia and Herzegovina, but also most of the emerging democracies in the Balkans enjoy modern and forward-looking media legislation. We can openly say that they almost have it all when it comes to an advanced legal and regulatory framework enabling free expression to thrive. But it is not that simple. I use this moment to pose several questions: if there are good laws, then why do we still face severe problems in relation to media freedom, why do we stagnate and sometimes even move backward? Where does the problem lie? And, more importantly, how can we solve it and move ahead?

What Bosnia and Herzegovina shows us is that good laws in themselves are not enough. Without their good implementation, they are only documents filled with unrealized potential. In countries that struggle with similar problems, we must stress over and over again: without the full implementation of valid legislation, without genuine political will, without a comprehensive understanding of the media's role in a functioning democracy, without the creation of a safe environ-

ment for journalists to do their work, and without true commitment by all actors, these countries risk falling far behind international standards.

Apart from unmet expectations and disillusioned citizens, we all know that the consequences of politicized and misused media could be very serious. In conclusion, let me assure you, dear Commissioners, that I will not hesitate to openly and vigorously remind any country of their responsibilities toward implementing the OSCE commitments to the freedom of the media.

I am also asking you to use this opportunity today and send a clear message to the governments of all OSCE countries to do their utmost to fully implement their media legislation safeguarding freedom of expression. The governments have the power to create an environment in which media can perform their unique role free of pressures and threats. Without this, no democracy can flourish.

Thank you for your attention.

HONORING COLONEL EDWARD J. KERTIS FOR HIS DISTINGUISHED SERVICE TO THE RESIDENTS OF GEORGIA

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. BROWN of Georgia. Madam Speaker, I rise today to honor Col. Edward J. Kertis for a distinguished career and the outstanding help that he has been to me, my staff, and the people in my district.

Col. Kertis assumed command of the Savannah District, U.S. Army Corps of Engineers, on June 29, 2007. Since his appointment, he has been responsible for a \$4 billion military design and construction program; water resources planning, design and construction; hazardous, toxic and radiological waste cleanup; and real estate activities.

Residents of my district are especially grateful for his help with water resources management during an historic drought. As the rains finally began to return, Col. Kertis took the unprecedented step of stopping flow from Thurmond and Hartwell Dams, allowing the lakes to fill while water was flowing into the Savannah River from flooding creeks and streams. This common-sense decision provided economic relief to those communities who rely so heavily on the preservation of the beautiful lakes and parks of the upper Savannah River. But he has served his country in other ways as well.

Prior to his assignment to the Savannah District, Col. Kertis commanded the Walla Walla District, USACE, in Washington State from 2002–2004. He has also served as a platoon leader, staff officer, and battalion executive officer in the 27th Engineer Battalion; company commander in the 41st Engineer Battalion; and engineer company commander in the 1st Special Forces Operational Detachment—Delta. He was also the inaugural commander of the Northern District, Gulf Region Division, Iraq, during Operation Iraqi Freedom, where he managed construction projects in support of Coalition forces and the Iraqi government.

I ask my colleagues to join me in thanking Col. Kertis for his service to the nation and the dedication he has given his duties, and in wishing him all the best as he assumes his new assignment as Pacific Ocean Division Commander.

HONORING ROCK BRIDGE BOYS HIGH SCHOOL TENNIS TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating the Rock Bridge High School Boys Tennis Team on their outstanding season.

The young men and their coaches should be commended for all their hard work throughout the regular season and bringing home the Class 2 State Tennis Championship to their school and community.

I ask that you join me in recognizing the Rock Bridge High School Tennis Team for a job well done.

KEN GRIFFEY, JR.

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. REICHERT. Madam Speaker, I rise today in recognition of the recently retired Ken Griffey, Jr. Griffey retired last week from Major League Baseball after hitting 630 home runs, driving in 1,836 runs, and scoring 2,781 times. I won't even attempt to quantify the OOOHHHS and AAAAHS.

Griffey joined the Seattle Mariners in 1989, when I was with the King County Sheriffs Department. At times, I was assigned to provide security at many of the sporting events held at the Kingdome. At these events, I watched an assortment of professional athletes practice their trade in Seattle. When Ken Griffey, Jr., took the field, he scaled walls, hit tape-measure home runs, and rounded the bases with a smile on his face that made spectators instant fans. His career was extraordinary, his accomplishments legendary, and his impact on baseball in the Northwest may never be equaled. Griffey played with exuberance and passion and created memories for baseball fans around the world.

A lot of Mariners fans were upset with Griffey when he left the Seattle Mariners after the 1999 season. Madam Speaker, I was not one. As a father, I completely understood Griffey's desire to be close to his family and play a bigger role in raising his children—a role too many men abdicate. Plus, Madam Speaker, his departure allowed for his joyous return, beginning in 2007 when he returned to Safeco Field in Seattle as a member of the Cincinnati Reds. The homecoming crowd cheered with delight, Griffey barely contained his emotions, and everyone knew "The Kid" would one day call Seattle home again.

It's fitting that Griffey ended his career in a Seattle Mariners uniform because he deserved

to leave the game as a legend—and I believe his legend was established in Seattle. Madam Speaker, my staff and I wish Ken Griffey, his wife, and their three children the very best in the future. He changed baseball in the Northwest forever and his contribution won't be forgotten.

**HONORING THE LIFE OF FIRST
LIEUTENANT JOSEPH THEINERT**

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. BISHOP of New York. Madam Speaker, I rise today humbly and with profound sadness to mark the death of Army First Lieutenant Joseph Theinert, who was killed in action in Kandahar Province, Afghanistan on June 4th.

A resident of Sag Harbor, in my Congressional district, Lt. Theinert graduated from Shelter Island High School in 2004. He distinguished himself in athletics, was Student Council president and was crowned king of his senior prom.

Deeply affected by the September 11th attacks, Lt. Theinert earned a BA degree from the University of Albany in 2008 and was commissioned a second lieutenant in May 2008 through the Siena College Reserve Officer Training Corps program. He had been deployed for one month in Afghanistan, attached to 1st Squadron, 71st Cavalry Regiment, 1st Brigade Combat Team, 10th Mountain Division.

Lt. Theinert was leading his platoon on a mission in Kandahar Province when they came under hostile fire and were forced toward an area mined with IEDs, according to his commanding officer. He disabled one IED and started to disarm a second one when the trigger mechanism sounded; however, he was able to warn the twenty men under his command to get back before the device exploded. Lt. Theinert was the only soldier killed in the incident, and his final heroic and selfless act fulfilled the responsibility of an officer to keep his men safe and in the fight.

I offer my deepest condolences to Lt. Theinert's mother and stepfather, Chrystyna and Frank Kestler of Mattituck and Shelter Island; and to his father and stepmother, James and Cathy Theinert of Sag Harbor. I also join these closely-knit Peconic Bay communities in mourning the loss of a young citizen of enormous potential, and note with a heavy heart that two sons of the small village of Sag Harbor have made the supreme sacrifice since September 11th.

Madam Speaker, among Lt. Theinert's possessions, his family found a memory book entitled: "My Life by Joseph Theinert." I read the noble sentiments he inscribed on its inside cover into the RECORD of this House, in the hope that others may draw inspiration from them, as I have:

The years of our youth that we will never forget.

When life was simple and all we knew was love.

The people in this book is why I choose to fight.

It is for them that I am willing to lay down my life.

There is nothing glorious about war, but I will go to it to keep the people I love away from it.

9/11, Never Forget.

**HONORING CF INDUSTRIES AND
ITS PALMYRA TERMINAL EM-
PLOYEES FOR REACHING AN IM-
PRESSIVE SAFETY MILESTONE**

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize CF Industries and its Palmyra Terminal employees for reaching an impressive milestone: 15,000 consecutive safe days on the job. This is a proud achievement showing a commitment of the highest level of safety.

Employees at CF Industries' Palmyra Terminal receive ammonia by pipeline and by barge on the Mississippi River from the company's Donaldsonville nitrogen complex and ships ammonia to customers via truck. If not for the hard work of these individuals, agriculture in our area would certainly suffer. These individuals do their jobs well, and that shows through the safety they exhibit while on the job. It is with great pride that I can share this news of this achievement. The Palmyra employees have set the bar high for safety standards in their community and the 9th District of Missouri.

I am proud to represent this fine company and this terminal in Congress. Congratulations to every employee at the Palmyra Terminal on your outstanding safety record and commitment to excellence.

**COMMEMORATING THE 150TH ANNI-
VERSARY OF THE CITY OF
MANISTIQUE, MICHIGAN**

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. STUPAK. Madam Speaker, I rise to recognize the city of Manistique, Michigan on its 150th anniversary. On June 19, 2010 the residents of Manistique will celebrate this sesquicentennial anniversary along with a color guard, presentations from local, state and federal officials and entertainment for all.

Located in Michigan's Upper Peninsula, where the waves of Lake Michigan meet the currents of the Manistique River, the city's history is one of commerce, ingenuity and immense pride. The small settlement on the Manistique River had no name until 1860 when Charles Harvey built a small dam on the river to power a sawmill. Initially named Epsport, after his wife's family name of Eps, the name was changed to Manistique in 1885. The name Manistique was adapted from a Native American word for vermillion, because of the reddish tint of the river's water.

Development of the area began in 1872 when Abijah Weston bought the Chicago Lumber company and brought it to Manistique. Manistique was ideally situated to take advantage of the timber industry boom from the 1880s through the 1920s. As a lumber transfer town, timber that was cut further north was sent down the Manistique River, sorted at Manistique and then sent by boats across Lake Michigan to towns for processing. The use of water transportation was vital for the survival of the community—until 1888 when the Soo Line Railroad began to serve the Manistique area, the only way to reach the city was over water.

As the timber industry declined, limestone production and the pulp and paper mill, along with tourism following World War II, became the area's major industries.

Still standing as a testament to the vibrant history of Manistique are the 200-foot brick water tower built in 1921–22 when the municipal water system was installed and "Siphon Bridge," an engineering marvel built in 1916 which allowed the Manistique Pulp and Paper Company to maintain the river's water level several feet above the bridge's roadbed to support a "floating bridge." The East Breakwater Light at the mouth of the river guided Lake Michigan vessels with its Fourth Order Fresnel Lens at the east end of the harbor beginning in 1917. More recently, a boardwalk nearly two miles long was constructed along the shoreline offering access to East Breakwater Light, picnic grounds, a fishing pier, and a wide variety of wildlife.

Today, Manistique provides residents and visitors alike with some of the best natural surroundings the Upper Peninsula has to offer. During summer months there is hiking in the Hiawatha National Forest, swimming in Lake Michigan and canoeing down the Manistique River. Winters bring up to 71 inches of snow for cross country skiers to glide through trails around Indian Lake and snowmobilers and sledders who want to try their hand at "Thunder Bowl."

Madam Speaker, Manistique is a city rich in history and natural beauty. From the humble beginnings of a small sawmill situated on the shores of Lake Michigan the city and its residents have grown and evolved into a premier destination in Michigan's Upper Peninsula. Madam Speaker, as residents celebrate this sesquicentennial milestone, I ask that you and the entire U.S. House of Representatives join me in honoring the city of Manistique on its 150th anniversary.

**RECOGNIZING THE JACOB MILLER
TAVERN ON ITS HISTORICAL
MARKER DEDICATION**

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. AUSTRIA. Madam Speaker, on behalf of the people of Ohio's Seventh Congressional District, I am honored to recognize the Jacob Miller Tavern on the occasion of its historical marker dedication.

In 1806, this tavern, a two story hewn log structure was built by Jacob Miller. This building was recently purchased with the purpose

of restoring this building to its original condition.

Somerset is famous for their local native General Philip Sheridan. The Jacob Miller Tavern will be another landmark that Somerset will be known for.

The Historical Society of Perry County and the Perry County Historical Museum are to be commended for their many years of support for Somerset and the Somerset National Register Historic District. Thus, it is with great pride that I congratulate them on this great occasion and extend best wishes for the future.

RECOGNIZING THE DEDICATED
SERVICE OF UNITED STATES
AIRMAN LIEUTENANT COLONEL
RICKEY O. HARRINGTON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to recognize and pay tribute to Lieutenant Colonel Rickey O. Harrington, for 22 years of exceptional service and dedication to the United States Air Force.

Colonel Harrington will be retiring from active duty on September 30, 2010. He has most recently served as the Pentagon's Chief of Air Force Reserve Directorate of Personnel for the Chief Force Support and Sustainment Branch.

As a native of Itta Bena, Mississippi, Colonel Harrington entered the Air Force in 1988 as a distinguished graduate of the Reserve Officers' Training Corps at Mississippi Valley State University.

In October 1988, then Second Lieutenant Harrington began his career as a Personnel Officer in the Consolidated Base Personnel Office at Bergstrom Air Force Base, Texas.

In September of 1990 Colonel Harrington became newly promoted First Lieutenant Harrington and was deployed to Operation Desert Shield/Desert Storm as Chief, Personnel Support Contingency Operations Team at Al Minhad Air Base, United Arab Emirates providing the full scale support to nearly 3,000 airmen.

Colonel Harrington would go on after this deployment to serve in a variety of staff and leadership positions both stateside and overseas. During his career he has served as a Section Commander, Executive Officer, Squadron Commander, Inspector and Action Officer at the wing and Headquarters level. Most notably, he was on-duty as Executive Officer to the Director of Personnel Accountability at the Air Force Personnel Center responsible for running the Air Force Casualty Operations Center during the bombing of Khobar Towers where 19 brave service men lost their lives and during the airplane crash in Germany carrying then Secretary of Commerce Ron Brown. During this crisis, Colonel Harrington ensured that all levels of leadership were kept abreast of ongoing issues and ensured humane and dignified notification of next of kin while honoring the memory of those who fell in these tragedies.

He also served as the Deputy Support Group Commander at Khandahar Air Base,

Afghanistan in 2003 in support of Operation Enduring Freedom. Over the past 4 years Colonel Harrington has worked tirelessly on behalf of the Air Force Reserve as the lone active duty member on their Personnel Staff.

As the wars in Iraq and Afghanistan have led to increased use of our reserve forces, he has championed many initiatives, both in policy and in law, that have enhanced recruiting, retention, benefits and entitlements for these dedicated airmen.

His efforts have helped to sustain a viable, ready trained force capable of meeting the needs of Combatant Commanders to protect our Nation and achieve objectives of national interest.

In addition to upholding the highest standards of professional conduct as a military officer, Colonel Harrington has also labored to enhance the communities he's lived in through his affiliation with various churches, civic organizations and as a life member of Alpha Phi Alpha Fraternity, Incorporated.

Madam Speaker, I ask my Colleagues to join me in expressing our sincere thanks to Colonel Harrington and his family for their unwavering support of our country and their dedication to preserving our Nation's freedom. Congratulations, and thank you for your service.

TRIBUTE TO GARY WAUTERS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Gary Wauters of West Marshall, Iowa who is celebrating his retirement from the West Marshall Community School District.

Gary, the only art teacher in the West Marshall School District, devoted 40 years to facilitating his students' creativity in the classroom. Gary takes pride in the work his students have produced over the years, especially stained glass artwork, which was a staple in his curriculum. In his retirement, Gary plans to continue his artwork in his home studio.

I commend Gary Wauters for his dedication to the students he has taught over the years and to the West Marshall School District. Gary inspired thousands of students to embrace their creativity and the lessons he taught will influence people for ages to come. I am honored to represent Gary and his family in the United States Congress and I wish him the best of luck in his future endeavors.

COMMENDING WEBSTER CITY
SCHOOL DISTRICT RETIREES

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of sixteen exemplary teachers and staff members from the Webster City School District of Webster City, Iowa and

to express my appreciation for their dedication and commitment to these schools and their community.

Collectively these sixteen teachers and staff retirees have served the school district for 440 years. Among these notable faculty members: Linda Moenck served for 31 years, Dave Niggemeyer taught in the district for 35 years, Debra Niggemeyer as well as Gayle Olson served 32 years, Carolee Woodward taught in the Webster City Schools for 41 years, Donna Foster served for 24 years, JoAnn Robb as well as Sally Crouch served 30 years in the district, Mike Larson served 35 years, Gary Moenck has served 34 years, Faith McDowell served 12 years, Holly Riemenschneider taught for 9 years, John Kidney served the district for 39 years, Sharon Conder served 9 years in the district's food services department, Karen Draeger served for 26 years, and Nancy Spire served 21 years in the Webster City Schools.

These educators and faculty and their dedicated service underscores the value that Iowa has always placed on education. Every student who has gone to school in Iowa knows a great teacher or faculty member like this group of sixteen, and every community in the state does everything it can to make sure students have the best possible chance to succeed. Iowans know that the best way to invest in the future of our state is to invest in the education of our children.

I consider it an honor to represent these sixteen distinguished teachers and staff members of the Webster City Schools in the United States Congress, and I wish them all a long, happy and healthy retirement as they continue to serve their community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 10, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 15

9:30 a.m.

Armed Services

To hold hearings to examine the situation in Afghanistan; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

- 10 a.m.
Judiciary
To hold hearings to examine the nomination of James Michael Cole, of the District of Columbia, to be Deputy Attorney General, Department of Justice.
SD-226
- 2:30 p.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine S. 3460, to require the Secretary of Energy to provide funds to States for rebates, loans, and other incentives to eligible individuals or entities for the purchase and installation of solar energy systems for properties located in the United States, S. 3396, to amend the Energy Policy and Conservation Act to establish within the Department of Energy a Supply Star program to identify and promote practices, companies, and products that use highly efficient supply chains in a manner that conserves energy, water, and other resources, S. 3251, to improve energy efficiency and the use of renewable energy by Federal agencies, S. 679, to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, S. 3233, to amend the Atomic Energy Act of 1954 to authorize the Secretary of Energy to barter, transfer, or sell surplus uranium from the inventory of the Department of Energy, and S. 2900, to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle and simple cycle power generation systems.
SD-366
- Health, Education, Labor, and Pensions
To hold hearings to examine the health impacts of the Gulf of Mexico oil spill.
SD-430
- Homeland Security and Governmental Affairs
To hold hearings to examine protecting cyberspace as a national asset, focusing on comprehensive legislation for the 21st century.
SD-342
- Intelligence
To hold closed hearings to consider certain intelligence matters.
SH-219
- 10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of John S. Pistole, of Virginia, to be Assistant Secretary of Homeland Security.
SD-342
- 10:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Defense.
SD-192
- 2 p.m.
Aging
To hold hearings to examine the retirement challenge, focusing on making savings last a lifetime.
SD-562
- 2:30 p.m.
Appropriations
Financial Services and General Government Subcommittee
To hold an oversight hearing to examine Federal payment of interchange fees, focusing on how to save taxpayer dollars.
SD-192
- Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 3294, to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, S. 3310, to designate certain wilderness areas in the National Forest System in the State of South Dakota, and S. 3313, to withdraw certain land located in Clark County, Nevada from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.
SD-366
- 3 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine the Gulf of Mexico oil spill, focusing on ensuring a financially responsible recovery.
SD-342
- 9:30 a.m.
Armed Services
To hold hearings to examine the New Strategic Arms Reduction Treaty (START) and the implications for national security programs.
SD-106
- 2:30 p.m.
Intelligence
To hold closed hearings to consider certain intelligence matters.
SH-219
- 3:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine closing the language gap, focusing on improving the Federal government's foreign language capabilities.
SD-342
- JUNE 24
- 9:30 a.m.
Energy and Natural Resources
To hold hearings to examine S. 3452, to designate the Valles Caldera National Preserve as a unit of the National Park System.
SD-366
- JUNE 30
- 9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine farm bill reauthorization, focusing on maintaining our domestic food supply through a strong United States farm policy.
SR-328A
- JULY 1
- 9:30 a.m.
Veterans' Affairs
To hold hearings to examine veterans' claims processing, focusing on if current efforts are working.
SR-418
- JULY 21
- 9:30 a.m.
Veterans' Affairs
To hold hearings to examine improvements to the post-9/11 Government Issue (GI) Bill.
SR-418
- POSTPONEMENTS
- JUNE 17
- 10 a.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the future of the National Park System and to consider the recommendations of the National Parks Second Century Commission in its report "Advancing the National Park Idea".
SD-366
- JUNE 16
- 9:30 a.m.
Veterans' Affairs
To hold hearings to examine Veterans' Affairs health care in rural areas.
SR-418